



SPONSOR: Rep. Kowalko & Sen. Lawson  
Reps. Baumbach, Hudson, Keeley, Lynn, Paradee,  
Spiegelman, K. Williams, Wilson; Sens. Henry, Hocker,  
Walsh

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 60

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION ASSESSMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 151, Title 14 of the Delaware Code by making deletions as shown by strikethrough and  
2 insertions as shown by underline as follows:

3 § 151. State assessment system; rules and regulations.

4 ~~(k) Rules and regulations pursuant to this subchapter shall be proposed by the Secretary subject to approval by the~~  
5 ~~State Board of Education.~~

6 (k)(1) Notwithstanding any other provision in this section to the contrary, any parent or guardian of a student in  
7 any public school or charter school shall have the right to opt out of the statewide assessment. For purposes of this  
8 subsection, “the statewide assessment” means the Smarter Balanced Assessment.

9 (2) The parent or guardian must notify the student’s school in writing at least 2 school days prior to the  
10 scheduled exam. Schools shall honor any timely request and provide alternative educational activities during testing  
11 times.

12 (3) There shall be no academic or disciplinary repercussions on the student’s record for opting out of  
13 participating in the statewide assessment.

14 (4) The Department shall maintain a data system to track the student’s opt-out decisions.

15 (5) The Department shall report opt-out numbers in accountability ratings to provide context and impact on  
16 school and district ratings; however, the opt-out numbers shall not factor into the accountability ratings.

17 (6) The districts and charter schools shall notify all parents and guardians of this right no later than 15 days  
18 prior to the start of the assessment via its website and mailing. The Department shall also post a notification on its  
19 website no later than 15 days prior to the start of the assessment.

20 (7) A student having reached the age of majority shall solely possess the opt-out rights under this subsection.

21 (l) Rules and regulations pursuant to this subchapter shall be proposed by the Secretary subject to approval by the  
22 State Board of Education.

Section 2. This Act shall take effect on August 1 following its enactment into law.

SYNOPSIS

This bill creates the right for the parent or guardian of a child to opt out of the annual assessment, currently the Smarter Balanced Assessment System.