



SPONSOR: Rep. Kowalko & Sen. Lawson  
Reps. Baumbach, Keeley, Matthews, Spiegelman, K.  
Williams, Yearick; Sen. Henry

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 50

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(k), Title 14 of the Delaware Code by making deletions as shown by strike through and  
2 insertions shown by underline as follows and redesignating accordingly:

3 (k)(1) Notwithstanding any other provision in this section to the contrary, any parent or guardian of a student in  
4 any public school or charter school shall have the right to opt out of the statewide assessment.

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

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

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

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

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

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

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

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.