

Senator Ligon of the 3rd offered the following amendment:

WITHDRAWN

1 *Amend HB 659 (LC 33 6618S) by inserting after "purposes;" on line 11 the following:*

2 to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
3 elementary and secondary education, so as to enact the "Student Protection Act"; to end
4 punitive testing consequences for students related to federal, state, and locally mandated
5 standardized assessments; to provide for alternative administrations of student assessments;
6 to provide for parental and medical reasons to excuse students from participation in any
7 federal, state, and locally mandated standardized assessments; to provide for guidance on
8 how students are reported for failure to take federal, state, and locally mandated
9 standardized assessments; to provide for a short title;

10 *By inserting between lines 156 and 157 the following:*

11 **SECTION 2A.**

12 Sections 2B through 2C of this Act shall be known and may be cited as the "Student
13 Protection Act."

14 **SECTION 2B.**

15 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
16 secondary education, is amended by adding new subsections to Code Section 20-2-281,
17 relating to student assessments, to read as follows:

18 "(r) With respect to any standardized assessments developed and administered pursuant
19 to this Code section, the State Board of Education or local school system may administer
20 such assessment in a paper-and-pencil format to any student whose parent or guardian
21 requests such format and to any student 18 years of age or older who requests such format;
22 provided, however, that this shall not apply to make-up assessments.

23 (s) The State School Superintendent shall develop guidelines, approved by the State Board
24 of Education, by September 1, 2016, that identify a range of appropriate policies that may
25 be adopted by a school system when considering how students not participating in a
26 state-wide assessment will be supervised and what, if any, alternative to the assessment will
27 be provided to them during the test administration. The guidelines should prohibit a school
28 system from taking punitive action against a student, including, but not limited to, the
29 adoption of sit and stare policies, in response to a student's refusal to participate in a
30 federal, state, or locally mandated standardized assessment. The guidelines shall offer
31 positive learning opportunities for students and not be undirected free time. The guidelines

32 shall also address how and when the school system's policy will be communicated to
 33 parents, students, and school system staff. As used in this subsection, the term 'sit and
 34 stare' means any policy that requires a student whose parent or guardian has given written
 35 instructions for such student not to participate in federal, state, or locally mandated
 36 standardized assessments to remain with his or her class in the test room or in another
 37 location without any alternate instructional activity provided."

38 SECTION 2C.

39 Said chapter is further amended by adding a new Code section to read as follows:

40 "20-2-281.2.

41 (a) State mandated tests pursuant to Code Section 20-2-281 shall be mandatory for school
 42 systems to administer but optional for students, notwithstanding any other provision of law,
 43 under the following conditions:

44 (1) A parent or legal guardian submits a written request to school officials to excuse his
 45 or her child from any or all parts of the state mandated assessments administered pursuant
 46 to Code Section 20-2-281; and

47 (2) A licensed therapist's order or a physician's order has been issued to excuse a child
 48 from any or all parts of the state mandated assessments administered pursuant to Code
 49 Section 20-2-281 if the child is diagnosed with a life-threatening or serious health
 50 condition or has a disability.

51 (b) A student who is absent or otherwise unable to take any federal, state, or locally
 52 mandated assessment on the first administration or its designated make-up day or days may
 53 take the assessment on the second administration day or days or may take an alternative to
 54 the assessment as specified by the State Board of Education or the local board of education,
 55 which is appropriate for the student's grade level. Placement or promotion of these students
 56 shall follow the same procedures as students who do not achieve grade level on the first
 57 administration of the assessment; provided, however, that students who have not taken a
 58 federal, state, or locally mandated assessment due to parental refusal or medical or
 59 professional exemption shall be offered an appeals process if grade retention is based solely
 60 on the fact that the student failed to take the assessment, and teachers, principals, assistant
 61 principals, schools, and local school systems shall not be subject to any penalties due to any
 62 student's nonparticipation.

63 (c) If the rating on a school performance report is affected by the number of students
 64 excused or otherwise not taking the standardized assessments, the Department of Education
 65 shall include on the school performance report:

66 (1) An indication that the rating was affected by a federal law requirement;

67 (2) A brief explanation of the federal law requirement that affected the rating; and

68 (3) The rating the school would have received if not for the federal law requirement of
69 the 95 percent participation threshold.
70 A teacher, principal, assistant principal, school, or local school system shall not be
71 penalized for any such child who does not participate in such assessments."