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Date: (Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 148, L.D. 185, Bill, “An Act To Provide a Method for a Student To Be Excused from Standardized Testing”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 20-A MRSA §6215 is enacted to read:

§6215. Opt-out

1. Parent's or guardian's right to opt out. As long as excusing the student from the statewide standardized assessment would not make the school administrative unit out of compliance with the federal Every Student Succeeds Act, if a student's parent or guardian submits a written request to a school administrative unit to excuse the student from a statewide standardized assessment established pursuant to section 6202 and administered pursuant to this chapter, the school administrative unit shall comply with the request and excuse the student in conformance with the request.

2. School administrative unit. A school administrative unit may not penalize a student for being excused from an assessment pursuant to subsection 1 and shall inform parents and guardians of the option to excuse a student from an assessment.

3. Educators. An educator may inform a parent or guardian of the option to excuse a student from an assessment pursuant to subsection 1.

4. Report. If the provision of the federal Every Student Succeeds Act regarding required notification of the parental right to opt a child out of a statewide standardized assessment is repealed or substantially amended by federal legislation, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs informing the committee of the repeal or amendment. The committee may report out a bill to the Legislature related to the report.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment, which is the minority report of the committee, clarifies that a school administrative unit is required to excuse a student from standardized testing only if doing so would not make the school administrative unit out of compliance with the federal Every Student Succeeds Act and requires the Department of Education to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs if the opt-out provision of the federal Every Student Succeeds Act is repealed or substantially amended by federal law.

This amendment also removes from the bill the requirement that school administrative units provide students excused from the assessment with an educational activity and the requirement that the Department of Education develop a form and that the department and school administrative units post the form on their publicly accessible websites and clarifies that educators may inform students and parents of the right to opt out.

FISCAL NOTE REQUIRED
(See attached)