

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0090.02 Julie Pelegrin x2700

HOUSE BILL 16-1131

HOUSE SPONSORSHIP

Carver, Lundeen

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ACCOUNTABILITY MEASURES IN THE ELEMENTARY AND
102 SECONDARY PUBLIC EDUCATION SYSTEM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill repeals the requirement that the state participate in a consortium of states that creates a set of assessments to measure students' college and career readiness.

The bill allows the department of education (department), at the request of the state board of education (state board) and to the extent possible under the federal education law or under a federal waiver, to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

recommend to the state board state assessment options for use by local education providers. The state assessment options would have to provide a valid measurement of the level of student achievement of the state academic standards and be sufficient to support statewide accountability and comparability.

Under existing law, the department selects an assessment to administer to students in tenth grade (tenth-grade test) and a curriculum-based, achievement college entrance exam (exam) to administer to students in eleventh grade. The department is required to consider competitive bids for the tenth-grade test and the exam every 5 years. The bill repeals the requirement to reconsider competitive bids every 5 years. No later than July 1, 2021, the bill requires the state board, instead of the department, to select the tenth-grade test and the exam.

The bill allows the department to reduce the administration of state assessments if the department, at the direction of the state board, participates in a pilot assessment program authorized in the federal education law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Section 2 of article IX of the state constitution requires the
5 state to establish and maintain a "thorough and uniform system of free
6 public schools throughout the state, wherein all residents of the state,
7 between the ages of six and twenty-one years, may be educated
8 gratuitously";

9 (b) Section 1 of article IX of the state constitution creates the state
10 board of education and vests within it the "general supervision of the
11 public schools";

12 (c) A key aspect of a thorough and uniform system of public
13 schools and of the general supervision of those schools is the setting of
14 academic standards that establish what a student should know and be able
15 to do at various junctures in the student's education. These standards must
16 be aligned and build upon one another so that, as a student masters the

1 standards at each grade level, he or she achieves college and career
2 readiness by the time the student graduates from high school.

3 (d) The description of college and career readiness must be
4 aligned with the expectations of the institutions of higher education in this
5 state and the needs of business and industry in this state;

6 (e) It is therefore crucial that the state, and especially the state
7 board of education, maintain its independence in setting academic
8 standards and the descriptions of college and career readiness to ensure
9 that the students of Colorado are adequately prepared to be productive
10 citizens of Colorado and to help meet the needs of Colorado businesses
11 and contribute to the state economy; and

12 (f) It is also essential for the state to give school districts as much
13 flexibility as possible in selecting and administering assessments to
14 ensure that school districts maintain the control of instruction, including
15 control of curriculum, that is guaranteed to school districts in section 15
16 of article IX of the state constitution.

17 **SECTION 2.** In Colorado Revised Statutes, 22-7-1006, **repeal**
18 (1.5); and **add** (1.3) as follows:

19 **22-7-1006. Preschool through elementary and secondary**
20 **education - aligned assessments - adoption - revisions.** (1.3) AT THE
21 REQUEST OF THE STATE BOARD, THE DEPARTMENT OF EDUCATION SHALL
22 RECOMMEND TO THE STATE BOARD A PLAN BY WHICH THE STATE BOARD
23 MAY APPROVE AND PROVIDE TO LOCAL EDUCATION PROVIDERS STATE
24 ASSESSMENT OPTIONS FOR EACH SUBJECT AND GRADE LEVEL IN WHICH
25 STATE ASSESSMENTS ARE ADMINISTERED; EXCEPT THAT THE DEPARTMENT
26 MAY RECOMMEND THE PLAN ONLY IF IT DETERMINES THAT THE PLAN IS
27 CONSISTENT WITH THE REQUIREMENTS OF THE FEDERAL "ELEMENTARY

1 AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.,
2 AS AMENDED, OR WITH ANY WAIVERS OF THE ACT APPROVED FOR
3 COLORADO BY THE FEDERAL DEPARTMENT OF EDUCATION. THE STATE
4 ASSESSMENT OPTIONS INCLUDED IN THE PLAN MAY INCLUDE ASSESSMENTS
5 DEVELOPED BY LOCAL EDUCATION PROVIDERS. IN RECOMMENDING THE
6 PLAN, THE DEPARTMENT SHALL ENSURE THAT THE STATE ASSESSMENT
7 OPTIONS PROVIDE A VALID MEASUREMENT OF STUDENTS' ACHIEVEMENT OF
8 THE STATE ACADEMIC STANDARDS AND THAT THE STATE ASSESSMENT
9 OPTIONS ARE SUFFICIENTLY COMPARABLE TO ENSURE STATEWIDE
10 ACCOUNTABILITY AND COMPARABILITY OF PERFORMANCE.

11 ~~(1.5) Colorado shall participate as a governing board member, at~~
12 ~~least until January 1, 2014, in a consortium of states that focuses on the~~
13 ~~readiness of students for college and careers by developing a common set~~
14 ~~of assessments. On or before January 1, 2014, and on or before each~~
15 ~~January 1 thereafter, if Colorado is a governing board member of the~~
16 ~~consortium of states, the state board is strongly encouraged to conduct a~~
17 ~~fiscal and student achievement benefit analysis of Colorado remaining a~~
18 ~~governing board member of the consortium. If adopting the system of~~
19 ~~assessments that is aligned with the state standards for reading, writing,~~
20 ~~and mathematics, the state board shall rely upon assessments developed~~
21 ~~by the consortium of states.~~

22 **SECTION 3.** In Colorado Revised Statutes, 22-7-1006.3, **amend**
23 (2) (a) and (2) (b); and **add** (2.5) as follows:

24 **22-7-1006.3. State assessments - administration - rules.**
25 (2) (a) FOR ADMINISTRATION BEGINNING IN THE 2015-16 SCHOOL YEAR,
26 the department of education shall select, ~~and the state shall pay the costs~~
27 ~~of administering~~ AND BY JULY 1, 2021, THE STATE BOARD SHALL SELECT,

1 an assessment that is aligned with the state academic standards for
2 students enrolled in tenth grade and with the assessment selected pursuant
3 to paragraph (b) of this subsection (2). ~~Every five years, the department~~
4 ~~shall request competitive bids and contract for the assessment required in~~
5 ~~this paragraph (a)~~ THE STATE SHALL PAY THE COSTS OF ADMINISTERING
6 THE SELECTED ASSESSMENT. Each local education provider shall
7 administer the assessment for students enrolled in tenth grade. Each local
8 education provider shall administer the tenth-grade assessment on a
9 schedule that the department annually sets.

10 (b) FOR ADMINISTRATION BEGINNING IN THE 2015-16 SCHOOL
11 YEAR, the department of education shall select, ~~and the state shall pay the~~
12 ~~costs of administering~~ AND BY JULY 1, 2021, THE STATE BOARD SHALL
13 SELECT, an assessment that is administered throughout the United States
14 and relied upon by institutions of higher education, referred to in this
15 section as the "curriculum-based, achievement college entrance exam".
16 ~~Every five years, the department shall request competitive bids and~~
17 ~~contract for the curriculum-based, achievement college entrance exam~~
18 THE STATE SHALL PAY THE COSTS OF ADMINISTERING THE SELECTED
19 CURRICULUM-BASED COLLEGE ENTRANCE EXAM. At a minimum the
20 curriculum-based, achievement college entrance exam must test in the
21 areas of reading, writing, mathematics, and science. Each local education
22 provider shall administer the curriculum-based, achievement college
23 entrance exam for students enrolled in eleventh grade. IF THE SELECTED
24 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM INCLUDES
25 A SEPARATE WRITING PORTION, the local education provider shall
26 administer the writing portion of the curriculum-based, achievement
27 college entrance exam to each student who requests the opportunity to

1 take the writing portion. The department shall pay the costs of
2 administering the writing portion of the exam.

3 (2.5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
4 CONTRARY, IF, AT THE DIRECTION OF THE STATE BOARD, THE DEPARTMENT
5 OF EDUCATION PARTICIPATES IN AN ASSESSMENT PILOT PROGRAM AS
6 AUTHORIZED IN THE FEDERAL "ELEMENTARY AND SECONDARY
7 EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., AS AMENDED,
8 THE DEPARTMENT MAY REDUCE THE ADMINISTRATION OF THE STATE
9 ASSESSMENTS REQUIRED IN THIS SECTION IN ACCORDANCE WITH THE
10 PARAMETERS OF THE AUTHORIZED PILOT PROGRAM.

11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2016 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.