

Ballot Title Setting Board

Proposed Initiative 2003-2004 #83¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Revised Statutes concerning the elimination of statewide student testing, and, in connection therewith, eliminating the Colorado student assessment program (CSAP), academic performance ratings, excellent school awards, and certain other provisions based on performance on statewide assessments; and replacing school ratings based on statewide assessments with school classifications based on: (1) local assessments and judgments of professional educators, or (2) the percentage of students eligible for free or reduced-cost federal lunch benefits.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Revised Statutes concerning the elimination of statewide student testing, and, in connection therewith, eliminating the Colorado student assessment program (CSAP), academic performance ratings, excellent school awards, and certain other provisions based on performance on statewide assessments; and replacing school ratings based on statewide assessments with school classifications based on: (1) local assessments and judgments of professional educators, or (2) the percentage of students eligible for free or reduced-cost federal lunch benefits?

Hearing March 3, 2004:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 2:55 p.m.

¹ Unofficially captioned "Student Achievement Testing" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

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10:35 a.m. #83 final
via mail

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ELECTIONS / LICENSING
SECRETARY OF STATE

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**Proposed Initiative Measure 2003 - 2004, #83
Concerning the Colorado Student Assessment Program**

The single subject of this proposal is to eliminate CSAP assessments from the Colorado Revised Statutes.

Be it enacted by the People of the State of Colorado

SECTION 1. Repeal. Part 4 of Article 7 of Title 22, Part 3 of Article 11 of Title 22, sections 22-7-603.5 (1) (a) (V), 22-7-604, 22-7-604.5 (3), 22-7-605 (4) (b) (II) (C), (7), (8) (d), (8) (e), 22-7-611 (1) (a), 22-11-104 (2) (a) (I), 26-6.5-106 (2) (b), Colorado Revised Statutes, are repealed.

SECTION 2. 22-1-122 (1) (a), (2) (b) (III) (A), (2) (b) (III) (B), (2) (b) (IV), and (6) (a) (I) are amended to read:

22-1-122. Transportation token program - legislative declaration - eligibility - fund. (1) (a) It is the intent of the general assembly in enacting this section to improve opportunities for students to gain the knowledge and skills necessary for a successful experience in postsecondary education or as members of the work force. The general assembly finds that a student should not be compelled by the lack of transportation to remain in a school ~~that receives an overall academic performance rating of "low" or "unsatisfactory" issued pursuant to section 22-7-604 (5).~~ **WHOSE SCHOOL ACCOUNTABILITY REPORTS PURSUANT TO 22-7-605 AS AMENDED ARE BELOW OTHER SCHOOLS WITHIN THE SEVENTY-FIVE MILE RADIUS USED TO COMPARE SCHOOLS PURSUANT TO SECTION 22-7-605 (4) (c) FOR MORE THAN THREE CONSECUTIVE YEARS.** It is therefore in the best interests of the citizens of the state to make transportation tokens available to eligible students to enable them to attend a public school that is performing satisfactorily.

(2) As used in this section, unless the context otherwise requires:

(b) "Eligible student" means a student:

(III) (A) ~~Who is enrolled in a neighborhood school that received an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5), for the preceding school year; or~~ **WHO IS ENROLLED IN A NEIGHBORHOOD SCHOOL WHOSE SCHOOL ACCOUNTABILITY REPORTS PURSUANT TO 22-7-605 AS AMENDED ARE BELOW COMPARABLE NEIGHBORHOOD SCHOOLS FOR MORE THAN THREE CONSECUTIVE YEARS; OR**

(B) **Who has been in attendance elsewhere in the public school system or who is entering first grade and whose parent or legal guardian has been notified that the student has been assigned to a school ~~that has received an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5), for the preceding school year;~~ WHOSE SCHOOL ACCOUNTABILITY REPORTS PURSUANT TO 22-7-605 AS AMENDED ARE, FOR THREE CONSECUTIVE YEARS, BELOW COMPARABLE NEIGHBORHOOD SCHOOLS; and**

(IV) **Who, while enrolled in the neighborhood school ~~that received an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5);~~ WHOSE SCHOOL ACCOUNTABILITY REPORTS PURSUANT TO 22-7-605 AS**

AMENDED ARE BELOW COMPARABLE NEIGHBORHOOD SCHOOLS FOR MORE THAN THREE CONSECUTIVE YEARS, met the attendance policies of the school district of the neighborhood school, adopted pursuant to section 22-33-104 (4).

(6) (a) The department shall ensure that for each eligible student the school district of the neighborhood school shall:

(I) Timely notify the eligible student's parent or legal guardian of all options available pursuant to this section as soon as the neighborhood school receives ~~an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5),~~ ITS SCHOOL ACCOUNTABILITY REPORT PURSUANT TO 22-7-605 AS AMENDED; and

SECTION 3. 22-7-603 (1), Colorado Revised Statutes, is amended to read:

22-7-603. State data reporting system. (1) The department shall develop and implement a comprehensive data collection and reporting system for collecting and reporting performance indicators from each public school. On or before September 1, 2000, the department shall contract out for the development of the state data reporting system. The department shall award the contract based upon a competitive bid; except that the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S. shall not apply to this contract. The state data reporting system shall be designed to collect, through electronic transfer where possible, all student and public school performance data required to ascertain the degree to which public schools and school districts are meeting ~~state~~ performance standards and shall be capable of producing data for decision-making and for the comprehensive annual school accountability reports on public school and district performance. ~~pursuant to sections 22-7-604 and 22-7-605.~~ The state data reporting system shall be designed to protect the privacy of students. In addition, the state data reporting system shall be designed to include all the information and data elements needed for measuring student and school performance, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data and shall allow for the analysis of the relationship between school district and public school expenditures and effectiveness. On and after June 1, 2002, the state data reporting system shall also have the capabilities described in section 22-7-603.5 (3). Data elements collected and provided by the department, school districts, and individual public schools shall be compatible. The state data reporting system shall be managed and administered by the department. Each school district that has a unique information management system shall assure that compatibility exists between its unique system and the data elements of the state data reporting system so that all data required to be input into the state data reporting system is made available through electronic transfer and in the appropriate input format.

SECTION 4. 22-7-603.5 (1) (b) (II), (1) (d), and (2), Colorado Revised Statutes, are amended to read:

22-7-603.5. Legislative declaration - measurement of value added to academic progress. (1) (b) The general assembly further finds and declares that:

(II) Among the areas that are to be given priority for state education funding are accountable education reform, accountable programs to meet ~~state~~ academic standards, and accountability reports; and

(d) The general assembly hereby finds and declares that, for purposes of section 17 of article IX of the state constitution, the creation of a program to conduct longitudinal analyses to measure students' academic progress from one school year to the next constitutes an accountable program to meet ~~state~~ academic standards and may therefore receive funding from the state education fund created in section 17 (4) of article IX of the state constitution.

(2) As used in this section, unless the context otherwise requires, "longitudinal analysis" means the measurement of a student's academic progress from one school year to the next, as shown by ~~the student's scores on the assessments administered pursuant to section 22-7-409.~~ LOCAL ASSESSMENTS AND THE JUDGMENTS OF PROFESSIONAL EDUCATORS.

SECTION 5. 22-7-604.5 (1) (a) (VI) (A) and (1) (a) (VI) (C) are amended to read:

22-7-604.5 Alternative education campuses - criteria - application.

(1) On or before September 1, 2002, the state board shall adopt rules specifying the criteria and application process for a school to be designated an alternative education campus. Such rules shall include but need not be limited to:

(a) Criteria that a school must meet to be designated an alternative education campus, including but not limited to the following:

(VI) (A) Serving students who have severe limitations ~~that preclude appropriate administration of the assessments administered pursuant to section 22-7-409.~~ AS DETERMINED BY LOCAL ASSESSMENTS AND JUDGMENTS OF PROFESSIONAL EDUCATORS.

(C) Serving students who attend on a part-time basis and who come from other schools where such part-time students are counted in the enrollment of the other school; ~~except that the results of the assessments administered pursuant to section 22-7-409 of all part time students shall be used in calculating the academic performance and academic improvement ratings of the school for which the student is counted for enrollment purposes.~~

SECTION 6. 22-7-605 (1), (4) (b) (I), (4) (b) (II) (A), (4) (c), (8) (a), (8) (b), and (8) (f) are amended to read:

22-7-605. School accountability reports - format. (1) Starting in the academic year 2000 - 01, and for each academic year thereafter, the department shall issue an accountability report for each public school in the state. The accountability report shall be issued in an easy-to-read format and shall include the public school's overall academic performance rating. The department shall utilize ~~the methodology described in section 22-7-604 and the state data reporting system established pursuant to section 22-7-603.~~ LOCAL ASSESSMENTS AND THE JUDGMENTS OF PROFESSIONAL EDUCATORS to prepare an accountability report for every public school.

(4) **Title page.** Information described in paragraphs (a) to (d) of this subsection (4) shall appear on the front of the accountability report:

(b) **Ratings.** (I) The accountability report shall contain a heading "School Performance Summary" immediately followed in large font by the words, "Overall Academic Performance" followed directly by the rating corresponding to this category calculated pursuant ~~to section 22-7-604 for the public school.~~ TO LOCAL

ASSESSMENTS AND THE JUDGMENTS OF PROFESSIONAL EDUCATORS.

(II) (A) Immediately below the words "Overall Academic Performance" shall appear in smaller type "Academic Improvement: rating calculated pursuant to ~~section 22-7-604 (6)~~ LOCAL ASSESSMENTS AND THE JUDGMENTS OF PROFESSIONAL EDUCATORS." The rating shall be in the same size type as the words "Academic Improvement."

(c) **Comparison.** The accountability report shall contain the following subtitle, "How [name of the public school] Compares To Nearby [school level] Schools". Below this subtitle, the accountability report shall contain a list of the ten schools, whether public or private, of the same school level as the subject school that are closest geographically to the subject public school and that received an accountability report pursuant to this part 6; except that no school shall be listed if it is located more than ~~seventy-five miles from the subject public school.~~ Immediately following the name of each school shall be the overall academic performance rating for each school as calculated pursuant ~~to section 22-7-604 (5).~~ TO LOCAL ASSESSMENTS AND THE JUDGMENTS OF PROFESSIONAL EDUCATORS. The names of the ten schools and the overall academic performance ratings shall form two columns, titled "School" and "Academic". If any of the ten schools used for comparison for this paragraph (c) are from a different school district or are nonpublic schools, a footnote number shall be inserted after the name of each such school and a footnote shall follow the listing of the ten schools identifying the other school district or nonpublic schools.

(8) **School history.** (a) The accountability report shall contain a page clearly marked in large font as the "School History" page. Below the title "School History" shall appear the words "Overall Academic Performance" followed by the ratings received by the school pursuant to ~~section 22-7-604 (5)~~ LOCAL ASSESSMENTS AND THE JUDGMENTS OF PROFESSIONAL EDUCATORS in the current year, the immediately preceding year and the year before the immediately preceding year. The three ratings shall form three columns. The columns shall be labeled by the appropriate school year.

(b) Immediately below the words "Overall Academic Performance" shall appear the words "School Improvement". The words "School Improvement" shall be followed by the rating the public school received pursuant to ~~section 22-7-604 (6)~~ LOCAL ASSESSMENTS AND THE JUDGMENTS OF PROFESSIONAL EDUCATORS in the current year, the immediately preceding year, and the year before the immediately preceding year.

(f) Starting with the school accountability reports for the 2005-06 school year and each school year thereafter, if the state board deems that there are sufficient moneys received from the federal government through the federal "No Child Left Behind Act of 2001", Public Law 107-110, ~~below the charts described in paragraph (e) of this subsection (8) shall appear a report of the progress of students at the school on assessments to determine if the students' dominant language is not English.~~ A REPORT SHALL APPEAR OF THE PROGRESS OF STUDENTS AT THE SCHOOL ON ASSESSMENTS TO DETERMINE IF THE STUDENTS' DOMINANT LANGUAGE IS NOT ENGLISH. On or before July 1, 2002, the state board shall by rule specify the graphic depiction required by this paragraph (f).

SECTION 7. 22-7-609 (2) is amended to read:

22-7-609. School improvement plans. (2) The state board shall notify a local board of education ~~what school,~~ OF THE SCHOOLS, if any, in its district ~~will receive an academic performance rating of "unsatisfactory", pursuant to section 22-7-604(5), on the school accountability report being prepared for that academic year.~~ WHOSE SCHOOL ACCOUNTABILITY REPORTS PURSUANT TO 22-7-605 AS AMENDED WILL BE BELOW OTHER SCHOOLS WITHIN THE SEVENTY-FIVE MILE RADIUS USED TO COMPARE SCHOOLS PURSUANT TO SECTION 22-7-605 (4) (c) FOR MORE THAN THREE CONSECUTIVE YEARS. The state board shall notify the local board of education that it must submit a school improvement plan pursuant to this section.

SECTION 8. 22-11-104 (2) (f), (2) (g), (2) (h), and (2) (j) are amended to read:

22-11-104. Accreditation indicators.

(2) **Contents.** The accreditation indicators shall include but shall not be limited to the following:

(f) The percentage of students taking ~~statewide~~ LOCAL assessments;

(g) The percentage of students who are exempt from ~~the~~ AN assessment program;

(h) Results of ~~the~~ LOCAL assessments ~~administered pursuant to section 22-7-407;~~

(j) Results of ~~the~~ LOCAL assessments ~~administered pursuant to section 22-7-409~~ for students who have been identified as having a dominant language other than English but who have been enrolled in a public school of the state for three years or longer or have been assessed as proficient in English and, as a result are required to take ~~the~~ AN assessment in English ~~pursuant to sections 22-7-409 (1) and 22-7-409 (1.2) (d) (I) (C);~~ and

SECTION 9. 22-30.5-301 (1) is amended to read:

22-30.5-301. Legislative declaration. (1) The general assembly hereby finds that section 2 of article IX of the state constitution requires the general assembly to provide for the establishment and maintenance of a thorough and uniform system of free public schools. The state therefore has an obligation to ensure that every student has a chance to attend a school that will provide an opportunity for a quality education. If a school is not providing a thorough and adequate education, ~~as determined by the academic performance grading system established in section 22-7-604,~~ the state has an obligation to the students enrolled in that school to make changes to ensure that they have an opportunity to receive a quality education comparable to students in other public schools in the state.

SECTION 10. 26-6.5-106 (3), (4) (a) (I) (A), the introductory portion to 26-6.5-106 (6), 26-6.5-106 (6) (a) and (9) (a) are amended to read:

26-6.5-106. School-readiness child care subsidization program.

(3) **School-readiness child care subsidization program created.** On and after January 1, 2003, there is hereby created the school-readiness child care subsidization program, pursuant to which the state department of human services shall award three-year school-readiness subsidies to county departments of social services to improve the school readiness of children five years of age and younger who are enrolled in the Colorado child care assistance program or who are enrolled at a child

care facility. Moneys awarded through the program shall be used to improve the school readiness of children, five years of age and younger, cared for at such child care facilities who ultimately attend neighborhood elementary schools ~~that receive overall academic performance ratings of "low" or "unsatisfactory" pursuant to section 22-7-604, G.R.S.~~ WHOSE DEMOGRAPHICS ARE COMPRISED OF STUDENTS SEVENTY PERCENT OR MORE OF WHOM ARE ELIGIBLE FOR FREE OR REDUCED LUNCH BENEFITS PURSUANT TO THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC 1751 ET SEQ.

(4) Application for subsidies. (a) (i) Any county department seeking a subsidy from the state department pursuant to this section shall apply directly to the state department in the manner specified by rule of the state board of human services. Any county department applying for school-readiness child care subsidization shall meet the following minimum criteria:

(A) The county represented by the county department shall have within its borders one or more neighborhood elementary schools ~~that have received an overall academic performance rating of "low" or "unsatisfactory", as described in section 22-7-604, G.R.S.;~~ WHOSE DEMOGRAPHICS ARE COMPRISED OF STUDENTS SEVENTY PERCENT OR MORE OF WHOM ARE ELIGIBLE FOR FREE OR REDUCED LUNCH BENEFITS PURSUANT TO THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

(6) Pilot site agencies' school-readiness plans. Each county department seeking to apply for school-readiness child care subsidization pursuant to this section shall submit a three-year school-readiness plan, prepared by the pilot site agency within the county, to the state department that outlines strategies to improve the school-readiness of children who reside in neighborhoods with neighborhood elementary schools ~~that have received overall academic performance ratings of "low" or "unsatisfactory", pursuant to section 22-7-604, G.R.S.~~ WHOSE DEMOGRAPHICS ARE COMPRISED OF STUDENTS SEVENTY PERCENT OR MORE OF WHOM ARE ELIGIBLE FOR FREE OR REDUCED LUNCH BENEFITS PURSUANT TO THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC 1751 ET SEQ. The school-readiness plan, at a minimum, shall include:

(a) The number and location of neighborhood elementary schools ~~that have received an overall academic performance rating of "low" or "unsatisfactory", as described in section 22-7-604, G.R.S.;~~ WHOSE DEMOGRAPHICS ARE COMPRISED OF STUDENTS SEVENTY PERCENT OR MORE OF WHOM ARE ELIGIBLE FOR FREE OR REDUCED LUNCH BENEFITS PURSUANT TO THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

(9) Evaluation - report. (a) Participating county departments, in conjunction with the pilot site agencies, shall submit a twenty-four-month report on or before July 1, 2005, to the state department on the effectiveness of the school-readiness child care subsidization program at preparing low-income children, residing in communities ~~with low performing or unsatisfactory performing neighborhood elementary schools, for school.~~ WITH SCHOOLS OR ONE SCHOOL WHOSE DEMOGRAPHICS ARE COMPRISED OF STUDENTS SEVENTY PERCENT OF WHOM ARE ELIGIBLE FOR FREE OR REDUCED LUNCH BENEFITS PURSUANT TO THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ. Such reports, at a minimum, shall

address:

SECTION 11. Authority of revisor of statutes to repeal and amend the affected statutory provisions.

The revisor is hereby authorized to make the specified repeals and amendments of Title 22 Education, and Title 26 Human services Code, as appropriate. In connection with such authority, the revisor of statutes is hereby authorized to amend or delete provisions of the Colorado Revised Statutes so as to make the statutes consistent with the repeals and amendments of this proposal.

Respectfully submitted

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