

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 08-0032.03 Julie Pelegrin

HOUSE BILL 08-1357

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A BILL FOR AN ACT

101 **CONCERNING ALIGNMENT OF THE COLORADO STUDENT ASSESSMENT**
102 **PROGRAM WITH FEDERAL TESTING REQUIREMENTS FOR THE**
103 **PURPOSE OF MAKING MORE EFFECTIVE USE OF STATE MONEYS**
104 **IN IMPROVING STUDENT PERFORMANCE IN**
105 **KINDERGARTEN-THROUGH-TWELFTH-GRADE PUBLIC SCHOOLS,**
106 **AND, IN CONNECTION THEREWITH, INCREASING FUNDING FOR**
107 **THE DROPOUT PREVENTION ACTIVITY GRANT PROGRAM AND THE**
108 **TEACHER DEVELOPMENT GRANT PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

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.

HOUSE
Amended 2nd Reading
April 30, 2008

Effective July 1, 2009, amends the Colorado student assessment program to require each school district annually to administer:

- ! Statewide tests in reading and mathematics to all students enrolled in grades 3 through 8;
- ! Statewide tests in science to all students enrolled in grades 4 and 8; and
- ! The curriculum-based, achievement college entrance exam to all students in grade 11.

Instructs the department of education to apply to the federal department of education for a waiver to allow school districts in Colorado to use the curriculum-based, achievement college entrance exam as the sole, statewide assessment administered in high school. Directs the department of education to report to the education committees concerning the status of the waiver application.

Specifies that vocational activity programs that may receive grant funding through the dropout prevention activity grant program includes programs in computers and technology. Allows the dropout prevention activity grant fund to receive general fund appropriations.

Expresses the general assembly's intent that, beginning in the 2009-10 budget year, the dropout prevention activity grant fund and the teacher development fund receive additional appropriations using the savings realized from the changes in administering the Colorado student assessment program.

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

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

4 (a) In the spring semester of 1997, school districts began
5 administering standardized statewide assessments in reading and writing
6 under the statutory Colorado student assessment program ("CSAP") to
7 students enrolled in the fourth grade. Almost every year since then, the
8 CSAP assessment requirements have steadily increased to the point that,
9 since the 2005-06 school year, school districts have administered
10 standardized, statewide assessments in reading, writing, mathematics, and
11 science to all students enrolled in public schools in grades three through
12 ten and have administered the ACT college admission and placement

1 examination to all students enrolled in public schools in the eleventh
2 grade.

3 (b) The federal "No Child Left Behind Act of 2001", 20 U.S.C.
4 sec. 6301 et seq., requires states to administer a standardized, statewide
5 test in reading or language arts and in mathematics annually to all
6 students enrolled in public schools in grades three through eight and at
7 least once to students enrolled in grades ten through twelve and to
8 administer a standardized, statewide test in science at least once to
9 students enrolled in grades three through five, at least once to students
10 enrolled in grades six through nine, and at least once to students enrolled
11 in grades ten through twelve;

12 (c) Many persons consider the CSAP tests an overly expensive
13 and onerous burden on teachers and students and find that the CSAP tests
14 fail to provide to teachers or to students and their families meaningful,
15 relevant information regarding what each student knows and is able to do;

16 (d) At the high school level, many students are not invested in the
17 CSAP tests since the tests have no bearing on the students' grades or their
18 ability to graduate;

19 (e) In the area of writing, an annual written test is especially
20 inadequate to measure students' writing abilities. Writing abilities are
21 more effectively demonstrated through on-going, regular, authentic
22 assessments that require students to demonstrate a variety of writing
23 styles, such as persuasive writing, expository writing based on research,
24 and creative writing, in addition to the personal narrative style of writing
25 that is tested through the CSAP.

26 (f) There are no known studies that demonstrate that annual
27 testing, as exemplified by the CSAP tests, results in increased learning or

1 in increases in the high school graduation rate;

2 (g) In contrast, there are many studies that demonstrate that
3 increasing the availability of high-quality, before- and after-school
4 programs and increasing the level and availability of professional
5 development for teachers have significant effects in increasing students'
6 academic achievement and in increasing high school graduation rates.

7 (2) The general assembly therefore concludes that Colorado is
8 currently over-complying with federal testing requirements resulting in
9 an inefficient and wasteful use of state resources. The general assembly
10 further finds that the state's resources would be more effectively and
11 positively used by increasing appropriations to the dropout prevention
12 activity grant program to fund before- and after-school arts-based and
13 vocational activity programs created in article 27.5 of title 22, Colorado
14 Revised Statutes, and the teacher development grant program created in
15 part 7 of article 7 of title 22, Colorado Revised Statutes.

16 (3) The general assembly further finds that:

17 (a) In discussing reauthorization of the Elementary and Secondary
18 Education Act of 1964 during the 2007 congressional session, many
19 members of congress and representatives of special interest groups
20 involved in education expressed strong support for introducing a greater
21 degree of flexibility into the requirements originally enacted in the "No
22 Child Left Behind Act of 2001", 20 U.S.C. sec. 6301 et. seq.;

23 (b) The ACT college admission and placement examination is a
24 better tool than the ninth- and tenth-grade CSAP tests because it tests
25 students' knowledge of reading, writing, mathematics, and science against
26 national standards and it is accepted throughout the country by institutions
27 of higher education for determining college admissions;

1 (c) In implementing the statewide testing requirements specified
2 in the "No Child Left Behind Act of 2001", it is, therefore, in the best
3 interests of the state to use the ACT college admission and placement
4 examination as the sole test administered to students enrolled in grades
5 nine through twelve and to seek a waiver from the federal requirement
6 that each statewide assessment be aligned with the state content
7 standards.

8 **SECTION 2.** 22-7-409 (1), (1.1) (a), (1.2) (a) (I), (1.5) (a), and
9 (1.9), Colorado Revised Statutes, are amended to read:

10 **22-7-409. Colorado student assessment program - reading -**
11 **mathematics - science - curriculum-based, achievement college**
12 **entrance exam.** (1) Beginning in the spring semester ~~1997~~ 2010, the
13 department shall implement the Colorado student assessment program
14 under which the department shall administer statewide assessments
15 ~~adopted by the board pursuant to section 22-7-406~~ in the first priority
16 areas of reading, ~~writing~~, mathematics, and science. The department shall
17 administer the English versions of the state assessments and may
18 administer any assessments adopted by the board in languages other than
19 English, as may be appropriate for students whose dominant language is
20 not English; except that any student who has participated in the English
21 language proficiency program, created pursuant to section 22-24-104, for
22 more than a total of three school years shall be ineligible to take the
23 assessments in a language other than English. The statewide assessments
24 shall be administered according to the following implementation schedule
25 AS FOLLOWS:

26 (a) ~~Beginning in the spring semester 1997, and each spring~~
27 ~~semester thereafter, the department shall administer a statewide~~

1 ~~assessment in reading and writing to all students enrolled in fourth grade~~
2 ~~in public schools throughout the state.~~ THE DEPARTMENT SHALL
3 ANNUALLY ADMINISTER THE STATEWIDE ASSESSMENTS ADOPTED BY THE
4 BOARD PURSUANT TO SECTION 22-7-406 IN READING AND MATHEMATICS
5 TO ALL STUDENTS ENROLLED IN PUBLIC SCHOOLS IN GRADES THREE TO
6 EIGHT.

7 (b) ~~Beginning in the spring semester 1998, and each spring~~
8 ~~semester thereafter, the department shall administer a statewide~~
9 ~~assessment in reading to all students enrolled in the third grade in public~~
10 ~~schools throughout the state.~~ THE DEPARTMENT SHALL ANNUALLY
11 ADMINISTER THE STATEWIDE ASSESSMENT ADOPTED BY THE STATE BOARD
12 PURSUANT TO SECTION 22-7-406 IN SCIENCE TO ALL STUDENTS ENROLLED
13 IN PUBLIC SCHOOLS IN FIFTH GRADE AND ALL STUDENTS ENROLLED IN
14 PUBLIC SCHOOLS IN EIGHTH GRADE.

15 (c) ~~(f) Beginning in the fall semester 1999, the department shall~~
16 ~~administer a statewide assessment in mathematics to all students enrolled~~
17 ~~in the fifth grade in public schools throughout the state.~~ ALL STUDENTS
18 ENROLLED IN THE ELEVENTH GRADE IN PUBLIC SCHOOLS THROUGHOUT THE
19 STATE SHALL TAKE A STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT
20 COLLEGE ENTRANCE EXAMINATION AS PROVIDED IN SUBSECTION (1.5) OF
21 THIS SECTION; EXCEPT THAT, IF THE FEDERAL DEPARTMENT OF EDUCATION
22 DENIES THE WAIVER REQUESTED BY THE DEPARTMENT PURSUANT TO
23 SUBSECTION (5) OF THIS SECTION, THE DEPARTMENT SHALL ANNUALLY
24 ADMINISTER THE STATEWIDE ASSESSMENT ADOPTED BY THE STATE BOARD
25 PURSUANT TO SECTION 22-7-406 IN READING, MATHEMATICS, AND SCIENCE
26 TO ALL STUDENTS ENROLLED IN THE TENTH GRADE IN PUBLIC SCHOOLS
27 THROUGHOUT THE STATE.

1 ~~(H) Beginning in the spring semester 2001, and each spring~~
2 ~~semester thereafter, the department shall administer a statewide~~
3 ~~assessment in mathematics to all students enrolled in the fifth grade in~~
4 ~~public schools throughout the state.~~

5 ~~(d) Beginning in the spring semester 1999, and each spring~~
6 ~~semester thereafter, the department shall administer a statewide~~
7 ~~assessment in reading and writing to all students enrolled in the seventh~~
8 ~~grade in public schools throughout the state.~~

9 ~~(d.5) Beginning in the spring semester 2000, and each spring~~
10 ~~semester thereafter, the department shall administer a statewide~~
11 ~~assessment in mathematics and science to all students enrolled in the~~
12 ~~eighth grade in public schools throughout the state.~~

13 ~~(e) Beginning in the spring semester 2001, and each spring~~
14 ~~semester thereafter, the department shall administer a statewide~~
15 ~~assessment in reading to all students enrolled in the fifth, sixth, eighth,~~
16 ~~and ninth grades in public schools throughout the state and in reading,~~
17 ~~writing, and mathematics to all students enrolled in the tenth grade in~~
18 ~~public schools throughout the state.~~

19 ~~(f) Beginning in the spring semester 2002, and each spring~~
20 ~~semester thereafter, the department shall administer a statewide~~
21 ~~assessment in writing to all students enrolled in the third, fifth, sixth,~~
22 ~~eighth, and ninth grades in public schools throughout the state and in~~
23 ~~mathematics to all students enrolled in the sixth, seventh, and ninth~~
24 ~~grades in public schools throughout the state.~~

25 ~~(g) (f) If sufficient moneys are received from the federal~~
26 ~~government through the federal "No Child Left Behind Act of 2001",~~
27 ~~Public Law 107-110, to pay for the development and administration of the~~

1 assessments, beginning in the spring semester 2006 at the latest, and each
2 spring semester thereafter, the department shall administer a statewide
3 assessment first in mathematics to all students enrolled in the third and
4 fourth grades and in science to all students enrolled in the fifth and tenth
5 grades in public schools throughout the state.

6 (H) ~~The assessments described in this paragraph (g) shall only be~~
7 ~~developed or administered to the extent that federal moneys are received~~
8 ~~to pay for such development and administration. It is the intent of the~~
9 ~~general assembly that no state moneys shall be used to develop or~~
10 ~~administer the assessments described in this paragraph (g).~~

11 (1.1) (a) ~~Upon request by a school district or institute charter~~
12 ~~school, the entity responsible for developing a statewide assessment shall~~
13 ~~return to the school district or institute charter school the student~~
14 ~~responses to the essay and appropriate paragraphs from the writing~~
15 ~~portion of the statewide assessment, along with the results of all requested~~
16 ~~assessments. The school district or institute charter school making the~~
17 ~~request shall pay the entity for the actual cost of photocopying and~~
18 ~~mailing the writing portion of the statewide assessment for the exclusive~~
19 ~~and confidential use of improving an individual student's writing skills.~~

20 (1.2) (a) (I) The STATEWIDE assessments IN READING,
21 MATHEMATICS, AND SCIENCE required by subsection (1) of this section
22 shall be aligned with the model content standards adopted by the state
23 board pursuant to section 22-7-406. The assessments shall be conducted
24 during the period beginning the second Monday in March and ending on
25 the third Monday in April of each year. The department shall provide to
26 each public school results of all assessments administered, as provided in
27 subparagraph (I.5) of this paragraph (a), and align the disaggregation of

1 ~~those~~ THE results with the exclusion of scores permitted by subparagraph
2 (I) of paragraph (d) of this subsection (1.2).

3 (1.5) (a) ~~Beginning in the spring semester 2001, and~~ Each spring
4 semester, ~~thereafter~~, all students enrolled in the eleventh grade in public
5 schools throughout the state shall be required to take a standardized,
6 curriculum-based, achievement, college entrance examination selected by
7 the department, administered throughout the United States, and relied
8 upon by institutions of higher education that, at a minimum, tests in the
9 areas of reading, writing, mathematics, and science, referred to in this
10 section as the "curriculum-based, achievement college entrance exam".
11 The department shall pay all costs associated with administering the
12 curriculum-based, achievement college entrance exam.

13 (1.9) The results of the STATEWIDE assessments IN READING,
14 MATHEMATICS, AND SCIENCE required by subsection (1) of this section
15 shall be included on each student's final report card for that school year
16 and shall be part of the student's permanent academic record. The results
17 of the curriculum-based, achievement college entrance exam conducted
18 or paid for pursuant to subsection (1.5) of this section shall be included
19 on each student's transcript; except that, if the student retakes the
20 curriculum-based, achievement college entrance exam at a later time at
21 the student's expense, the student may request that the later results be
22 placed on the student's transcript instead of the results of the
23 curriculum-based, achievement college entrance exam administered or
24 paid for pursuant to subsection (1.5) of this section.

25 **SECTION 3.** 22-7-409, Colorado Revised Statutes, is amended
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27 **22-7-409. Assessments - application for waiver - repeal.**

1 (5) (a) AS SOON AS POSSIBLE FOLLOWING THE PASSAGE OF HOUSE BILL
2 08-1357, AS ENACTED AT THE SECOND REGULAR SESSION OF THE
3 SIXTY-SIXTH GENERAL ASSEMBLY, BUT NO LATER THAN THIRTY DAYS
4 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5), THE DEPARTMENT
5 SHALL SUBMIT TO THE FEDERAL DEPARTMENT OF EDUCATION AN
6 APPLICATION FOR A WAIVER TO ALLOW SCHOOL DISTRICTS IN COLORADO,
7 BEGINNING IN THE 2009-10 ACADEMIC YEAR, TO ADMINISTER THE
8 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM AS THE
9 SOLE, STATEWIDE ASSESSMENT INSTRUMENT USED FOR STUDENTS
10 ENROLLED IN GRADES NINE THROUGH TWELVE.

11 (b) AS SOON AS POSSIBLE FOLLOWING THE PASSAGE OF HOUSE
12 BILL 08-1357, AS ENACTED AT THE SECOND REGULAR SESSION OF THE
13 SIXTY-SIXTH GENERAL ASSEMBLY, THE DEPARTMENT SHALL SUBMIT TO
14 THE FEDERAL DEPARTMENT OF EDUCATION AMENDMENTS TO THE STATE
15 PLAN TO IMPLEMENT THE CHANGES TO THE COLORADO STUDENT
16 ASSESSMENT PROGRAM ENACTED IN SAID HOUSE BILL 08-1357. TO THE
17 EXTENT POSSIBLE, THE DEPARTMENT SHALL FACILITATE THE REQUIRED
18 PEER REVIEW PROCESS FOR APPROVAL OF THE AMENDMENTS TO THE STATE
19 PLAN TO ENSURE THE PROCESS IS COMPLETED WITH SUFFICIENT TIME TO
20 IMPLEMENT THE CHANGES IN THE SPRING SEMESTER OF 2010.

21 (c) NO LATER THAN JANUARY 15, 2009, THE DEPARTMENT SHALL
22 SUBMIT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE
23 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES:

24 (I) A COPY OF THE AMENDMENTS TO THE STATE PLAN, A REPORT OF
25 THE PROGRESS TO DATE OF THE PEER REVIEW PROCESS, AND AN ESTIMATE
26 OF THE DATE FOR APPROVAL OF THE AMENDMENTS TO THE STATE PLAN;
27 AND

1 **(II)** A COPY OF THE WAIVER APPLICATION AND A REPORT OF THE
2 RESPONSE RECEIVED FROM THE FEDERAL DEPARTMENT OF EDUCATION. IF
3 THE FEDERAL DEPARTMENT OF EDUCATION HAS NOT RESPONDED TO THE
4 WAIVER APPLICATION BY JANUARY 15, 2009, THE DEPARTMENT SHALL
5 REPORT THE RESPONSE TO THE EDUCATION COMMITTEES OF THE SENATE
6 AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES,
7 WITHIN THREE BUSINESS DAYS AFTER THE DEPARTMENT RECEIVES THE
8 RESPONSE.

9 **(d)** THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2010.

10 **SECTION 4.** 22-7-708, Colorado Revised Statutes, is amended
11 BY THE ADDITION OF A NEW SUBSECTION to read:

12 **22-7-708. Teacher development fund - creation.** (3) IT IS THE
13 INTENT OF THE GENERAL ASSEMBLY THAT, BEGINNING IN THE 2009-10
14 BUDGET YEAR AND FOR BUDGET YEARS THEREAFTER, THE GENERAL
15 ASSEMBLY SHALL APPROPRIATE TO THE FUND AN AMOUNT EQUAL TO
16 ONE-HALF OF THE GENERAL FUND SAVINGS REALIZED IN IMPLEMENTING
17 THE AMENDMENTS TO SECTION 22-7-409 (1) ENACTED IN HOUSE BILL
18 08-1357, AS ENACTED AT THE SECOND REGULAR SESSION OF THE
19 SIXTY-SIXTH GENERAL ASSEMBLY.

20 **SECTION 5.** 22-27.5-102 (9), Colorado Revised Statutes, is
21 amended to read:

22 **22-27.5-102. Definitions.** As used in this article, unless the
23 context otherwise requires:

24 (9) "Vocational activity program" means a before- or after-school
25 program that provides students with an opportunity to learn and develop
26 skills in a variety of vocations, including but not limited to carpentry,
27 plumbing, welding, culinary arts, floral design, COMPUTER SCIENCE AND

1 TECHNOLOGY, automotive maintenance, driver's training, and hotel and
2 restaurant management.

3 **SECTION 6.** 22-27.5-103 (2), Colorado Revised Statutes, is
4 amended to read:

5 **22-27.5-103. Dropout prevention activity grant program -**
6 **created - applications.** (2) In any year in which the department of
7 revenue notifies the department of education that moneys have been
8 designated for the fund pursuant to section 39-22-2802, C.R.S., or in
9 which the GENERAL ASSEMBLY APPROPRIATES MONEYS TO THE FUND OR
10 THE department of education receives other gifts, grants, or donations for
11 the fund, the department of education shall notify the district boards, in
12 the manner provided by rule of the state board, of the amount of money
13 to be deposited in the fund and available for grants pursuant to this
14 section. The notice may also specify the time and procedure for applying
15 for a grant from the dropout prevention activity grant program. Each
16 district board shall forward the notice to the qualified schools of the
17 school district. The department shall also post the notice on the
18 department website as notice to qualified community organizations that
19 may be interested in applying for moneys through the grant program.

20 **SECTION 7.** 22-27.5-104 (3), Colorado Revised Statutes, is
21 amended to read:

22 **22-27.5-104. Dropout prevention activity grant program -**
23 **rules - awarding grants.** (3) In each year in which moneys are
24 APPROPRIATED OR credited to the fund, the state board shall award grants
25 to applicants through the dropout prevention activity grant program. The
26 state board shall take into consideration the recommendations received
27 from the department. In addition to any criteria adopted by rule, the state

1 board in awarding grants shall apply the priority and considerations
2 specified in subsection (2) of this section. A grant awarded pursuant to
3 this article shall be valid for one year.

4 **SECTION 8.** 22-27.5-105 (1) (a), Colorado Revised Statutes, is
5 amended, and the said 22-27.5-105 is further amended BY THE
6 ADDITION OF A NEW SUBSECTION, to read:

7 **22-27.5-105. Dropout prevention activity grant fund - created**
8 **- administrative costs.** (1) (a) There is hereby created in the state
9 treasury the dropout prevention activity grant fund. The fund shall
10 consist of SUCH MONEYS AS MAY BE APPROPRIATED THERETO BY THE
11 GENERAL ASSEMBLY, moneys collected pursuant to section 39-22-2803,
12 C.R.S., and any gifts, grants, or donations received by the department for
13 the fund pursuant to subsection (2) of this section. The moneys in the
14 fund shall be subject to annual appropriation by the general assembly for
15 the direct and indirect costs associated with the implementation of the
16 dropout prevention activity grant program pursuant to this article.

17 (5) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, BEGINNING
18 IN THE 2009-10 BUDGET YEAR AND FOR BUDGET YEARS THEREAFTER, THE
19 GENERAL ASSEMBLY SHALL APPROPRIATE TO THE FUND AN AMOUNT
20 EQUAL TO ONE-HALF OF THE GENERAL FUND SAVINGS REALIZED IN
21 IMPLEMENTING THE AMENDMENTS TO SECTION 22-7-409 (1) ENACTED IN
22 HOUSE BILL 08-1357, AS ENACTED AT THE SECOND REGULAR SESSION OF
23 THE SIXTY-SIXTH GENERAL ASSEMBLY.

24 **SECTION 9. Effective date.** (1) This act shall take effect at
25 12:01 a.m. on the day following the expiration of the ninety-day period
26 after final adjournment of the general assembly that is allowed for
27 submitting a referendum petition pursuant to article V, section 1 (3) of the

1 state constitution, (August 6, 2008, if adjournment sine die is on May 7,
2 2008); except that section 2 of this act shall take effect July 1, 2009.

3 (2) However, if a referendum petition is filed against this act or
4 an item, section, or part of this act during the 90-day period after final
5 adjournment of the general assembly that is allowed for submitting a
6 referendum petition pursuant to article V, section 1 (3) of the state
7 constitution, then the act, item, section, or part, shall not take effect unless
8 approved by the people at a biennial regular general election and shall
9 take effect on the date specified in subsection (1) or on the date of the
10 official declaration of the vote thereon by proclamation of the governor,
11 whichever is later.