

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0498.01 Richard Sweetman x4333

HOUSE BILL 12-1091

HOUSE SPONSORSHIP

Solano,

SENATE SPONSORSHIP

Bacon,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REDUCING THE REQUIREMENTS OF STATEWIDE STUDENT
102 ASSESSMENTS TO NOT EXCEED FEDERAL TESTING
103 REQUIREMENTS, AND, IN CONNECTION THEREWITH, PROVIDING
104 FUNDING FOR THE COLORADO PRESCHOOL PROGRAM.

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 removes the provisions of the Colorado student assessment program that require the department of education

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.

(department) to administer statewide assessments in certain subject matters to students in certain grades. Statewide assessments administered by the department shall not exceed federal requirements for the administration of assessments of students.

The bill states that for the 2012-13 budget year and for each budget year thereafter, the general assembly intends to appropriate to the department, for the purposes of the Colorado preschool program, the general fund savings realized in implementing the provisions of the bill.

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 and declares that:

4 (a) Colorado law exceeds the standardized testing requirements
5 of the federal "No Child Left Behind Act of 2001", Public Law 107-110,
6 which require states to administer a standardized, statewide test in reading
7 or language arts and in mathematics annually to all students enrolled in
8 public schools in grades three through eight and at least once to students
9 enrolled in grades ten through twelve and to administer a standardized,
10 statewide test in science at least once to students enrolled in grades three
11 through five, at least once to students enrolled in grades six through nine,
12 and at least once to students enrolled in grades ten through twelve;

13 (b) The federal government has failed to adequately fund the
14 requirements of the federal "No Child Left Behind" mandate, placing the
15 majority of the financial burden of compliance on state and local school
16 districts. For the past decade, the Colorado general assembly has annually
17 appropriated approximately twenty-five million dollars to the
18 administration of the Colorado student assessment program, with only
19 nine million dollars of that amount consisting of federal funds. Local
20 school districts also bear much of the cost of administering the
21 assessments and preparing and compiling assessment materials.

1 (c) The failures of "No Child Left Behind" to improve academic
2 achievement and the inability of the United States Congress to pass
3 corrective action during the scheduled 2007 re-authorization of the "No
4 Child Left Behind Act" demand reflection and action on the part of the
5 general assembly.

6 (2) The general assembly further finds that:

7 (a) State education resources should be committed to intervention
8 programs that are evidence-based and that improve students' academic
9 achievement;

10 (b) Extensive research proves that providing early education
11 intervention and prevention services to young children has the greatest
12 positive impact on academic achievement;

13 (c) Investing in standardized testing has neither closed the
14 achievement gap nor decreased the dropout rate in Colorado; and

15 (d) Nearly ten thousand children who are eligible for the Colorado
16 preschool program do not receive services.

17 (3) The general assembly therefore resolves that:

18 (a) No additional state expenditures shall be allocated for the
19 expansion or development of state standardized assessments beyond those
20 assessments that are required to satisfy federal requirements;

21 (b) Applications submitted by the state department of education
22 to the United States Department of Education for the purpose of acquiring
23 waivers of specific federal requirements shall not include provisions that
24 exceed any other existing federal requirements; and

25 (c) State funding that is currently being spent on excessive
26 standardized testing shall be redirected to the provision of additional
27 Colorado preschool program slots.

1 **SECTION 2.** In Colorado Revised Statutes, 22-7-409, **amend** (1);
2 and **add** (5) as follows:

3 **22-7-409. Assessments.** (1) Beginning in the spring semester
4 ~~1997~~ 2013, the department shall implement the Colorado student
5 assessment program under which the department shall administer
6 statewide assessments ~~adopted by the board pursuant to section 22-7-406~~
7 ~~in the first priority areas of reading, writing, mathematics, and science~~
8 PURSUANT TO THIS SECTION. The department shall administer the English
9 versions of the state assessments and may administer any assessments
10 adopted by the board in languages other than English, as may be
11 appropriate for students with limited English proficiency; except that any
12 student who has participated in the English language proficiency
13 program, created pursuant to section 22-24-104, for more than a total of
14 three school years shall be ineligible to take the assessments in a language
15 other than English. ~~The statewide assessments shall be administered~~
16 ~~according to the following implementation schedule:~~

17 ~~(a) Beginning in the spring semester 1997, and each spring~~
18 ~~semester thereafter, the department shall administer a statewide~~
19 ~~assessment in reading and writing to all students enrolled in fourth grade~~
20 ~~in public schools throughout the state.~~

21 ~~(b) Beginning in the spring semester 1998, and each spring~~
22 ~~semester thereafter, the department shall administer a statewide~~
23 ~~assessment in reading to all students enrolled in the third grade in public~~
24 ~~schools throughout the state.~~

25 ~~(c) (I) Beginning in the fall semester 1999, the department shall~~
26 ~~administer a statewide assessment in mathematics to all students enrolled~~
27 ~~in the fifth grade in public schools 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) (I) 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 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
12 STATEWIDE ASSESSMENTS ADMINISTERED BY THE DEPARTMENT PURSUANT
13 TO THIS SECTION SHALL NOT EXCEED FEDERAL REQUIREMENTS FOR THE
14 ADMINISTRATION OF ASSESSMENTS OF STUDENTS, INCLUDING BUT NOT
15 LIMITED TO ANY REQUIREMENTS OF THE FEDERAL "NO CHILD LEFT
16 BEHIND ACT OF 2001", PUBLIC LAW 107-110.

17 **SECTION 3.** In Colorado Revised Statutes, **add** 22-28-115 as
18 follows:

19 **22-28-115. Appropriation of savings realized in House Bill**
20 **12-____ for the purposes of the Colorado preschool program.** IT IS
21 THE INTENT OF THE GENERAL ASSEMBLY THAT, FOR THE 2012-13 BUDGET
22 YEAR AND FOR EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY
23 SHALL APPROPRIATE TO THE DEPARTMENT FOR THE PURPOSES OF THIS
24 ARTICLE AN AMOUNT EQUAL TO THE GENERAL FUND SAVINGS REALIZED IN
25 IMPLEMENTING THE AMENDMENTS TO SECTION 22-7-409 ENACTED IN
26 HOUSE BILL 12-____, AS ENACTED IN THE 2012 REGULAR SESSION OF THE
27 GENERAL ASSEMBLY.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2012 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.