

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO
UNOFFICIAL PREAMENDED VERSION**

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

LLS NO. 15-1032.03 Julie Pelegrin x2700

SENATE BILL 15-257**SENATE SPONSORSHIP****Hill and Merrifield, Holbert, Marble, Neville T., Todd, Woods****HOUSE SPONSORSHIP****Becker J. and Singer,****Senate Committees**Education
Appropriations**House Committees****A BILL FOR AN ACT**

101 **CONCERNING ACCOUNTABILITY IN PUBLIC SCHOOLS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AND REDUCING**
103 **APPROPRIATIONS.**

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>.)

Under existing law, the state board of education (state board) must review and revise the Colorado academic standards on or before July 1, 2018, and every 6 years thereafter. The bill requires the state board to review and revise the standards on or before July 1, 2016, and every 6 years thereafter.

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.*

UNOFFICIAL PREAMENDED VERSION - S:\LLS\TEMP\PREAMENDED\257.rtf

SENATE
3rd Reading
May 1, 2015SENATE
Amended 2nd Reading
April 23, 2015

The bill restricts statewide testing to the following:

- For English language arts and mathematics, testing annually in each of grades 3 through 8 and once in grades 10 through 12, as selected by each school district, board of cooperative services that operates a public school, and charter school (local education provider);
- For science, testing annually in one elementary school grade and one middle school grade, as selected by the department of education, and one high school grade, as selected by each local education provider.

The bill continues to require students enrolled in eleventh grade to take the curriculum-based achievement exam adopted by the state board.

Each local education provider must notify the department of education (department) regarding the grade levels at which it will administer the state assessments. The bill allows each local education provider to choose to administer state assessments in English language arts and math in up to 2 additional high school grades, at the state's cost.

The bill allows a local education provider to choose to administer, in lieu of the state assessments, a battery of assessments in English language arts, mathematics, and science that are vertically aligned for grades 3 through 10. The department must reimburse the local education provider for the costs of administering the battery of assessments. The local education provider must provide to the department the results of the assessments. The department must apply to the federal government for a waiver of federal law if necessary to allow a local education provider to administer the battery of assessments in lieu of the state assessments.

The bill requires the department to administer the computerized portion of a state assessment in a format that a student can complete using paper and pencil if requested by a local education provider or a student's parent. Each local education provider must adopt a written policy to allow a parent to choose to have his or her child take the computerized portions of the state assessments using pencil and paper.

The bill allows a local education provider or group of local education providers, working with the department, to design and implement a pilot alternative accountability and assessment system (pilot system), so long as the pilot system complies with federal requirements or with the provisions of a federal waiver. If the pilot system meets federal requirements, the state board must waive any conflicting state statutory or regulatory requirements for the participating local education providers. The department must apply to the federal department of education for a waiver of federal requirements if necessary to implement a pilot system.

Under existing law, a local education provider must administer a reading assessment and a school readiness assessment to kindergarten students. The bill requires the local education provider to administer the

reading assessment within the first 90 days of the school year. If the local education provider administers the reading assessment within the first 60 days of the school year, then the local education provider is not required to administer the literacy component of the school readiness assessment.

Under the bill, if a kindergarten or first-, second-, or third-grade student's score on a state-approved literacy assessment indicates that the student may have a significant reading deficiency, the teacher must assess the student again within 60 days to determine whether the student does have a significant reading deficiency. If a student's score on a state-approved literacy assessment indicates that the student is reading at grade-level competency, then the local education provider is not required to administer the reading assessment again during the same school year. The bill requires the department to ensure that at least one of the approved reading assessments can be completed using pencil and paper.

Under existing law, each local education provider must administer a school readiness assessment to students in kindergarten and prepare an individual school readiness plan for each student. The bill requires the local education provider to administer the school readiness assessment during the first 60 days of the school year. A local education provider may choose to administer the school readiness assessment multiple times during the school year to monitor a student's progress toward school readiness. If a kindergarten student demonstrates a significant reading deficiency, the "Reading to Ensure Academic Development" (READ) plan that the local education provider creates for the student will be a component of the student's individual school readiness plan.

Under current law, each school district must ensure that at least 50% of the evaluation of the performance of licensed personnel is based on student growth. But, for the 2014-15 school year, a school district may decide what percentage, if any, to give to student academic growth in deciding a person's effectiveness rating. The bill extends for 3 additional school years the school district's ability to decide the percentage to give to student academic growth.

The bill repeals the existing statute that governs state assessments. The bill recreates the statutory provisions that relate to testing in languages other than English, testing children with disabilities, exempting from testing the children that participate in nonpublic, home-based educational programs and nonpublic schools, administering the ACT to eleventh-grade students, disseminating and using test results, allowing nonpublic schools to administer the state assessments, and appropriating moneys to fund the state assessments.

The bill repeals references to the postsecondary and workforce planning, preparation, and readiness assessments and clarifies that students' demonstration of postsecondary and workforce readiness is determined in part by scores on the state assessments administered in high school.

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

2 **SECTION 1.** In Colorado Revised Statutes, add 22-7-1006.3 and
3 22-7-1006.5 as follows:

4 **22-7-1006.3. State assessments - administration - rules.**

5 (1) (a) BEGINNING IN THE 2015-16 SCHOOL YEAR, THE DEPARTMENT OF
6 EDUCATION, IN COLLABORATION WITH LOCAL EDUCATION PROVIDERS,
7 SHALL ADMINISTER THE STATE ASSESSMENTS IN THE INSTRUCTIONAL
8 AREAS OF ENGLISH LANGUAGE ARTS, MATHEMATICS, AND SCIENCE, AS
9 ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-7-1006, AS
10 FOLLOWS:

11 (I) THE DEPARTMENT SHALL ADMINISTER A STATE ASSESSMENT IN
12 ENGLISH LANGUAGE ARTS AND A STATE ASSESSMENT IN MATHEMATICS TO
13 ALL STUDENTS ENROLLED IN GRADES THREE THROUGH NINE IN PUBLIC
14 SCHOOLS THROUGHOUT THE STATE.

15 (II) THE DEPARTMENT SHALL ADMINISTER A STATE ASSESSMENT
16 IN SCIENCE TO STUDENTS ENROLLED IN PUBLIC ELEMENTARY, MIDDLE, AND
17 HIGH SCHOOLS THROUGHOUT THE STATE. THE DEPARTMENT SHALL SELECT
18 THE SPECIFIC GRADES IN WHICH TO ADMINISTER THE STATE SCIENCE
19 ASSESSMENT, ENSURING THAT STUDENTS TAKE THE STATE SCIENCE
20 ASSESSMENT ONCE IN ELEMENTARY SCHOOL, ONCE IN MIDDLE SCHOOL,
21 AND ONCE IN HIGH SCHOOL; EXCEPT THAT THE DEPARTMENT SHALL NOT
22 ADMINISTER THE STATE SCIENCE ASSESSMENT TO STUDENTS ENROLLED IN
23 TWELFTH GRADE.

24 (b) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS
25 SECTION, THE DEPARTMENT OF EDUCATION SHALL APPLY TO THE FEDERAL
26 DEPARTMENT OF EDUCATION FOR A WAIVER OF FEDERAL STATUTORY AND

1 REGULATORY REQUIREMENTS AS MAY BE NECESSARY TO ALLOW THE
2 DEPARTMENT TO SATISFY THE FEDERAL HIGH SCHOOL ASSESSMENT
3 REQUIREMENTS BY ADMINISTERING ASSESSMENTS IN ENGLISH LANGUAGE
4 ARTS AND MATHEMATICS TO STUDENTS ENROLLED IN NINTH GRADE!

5 (c) THE DEPARTMENT OF EDUCATION, IN COLLABORATION WITH
6 LOCAL EDUCATION PROVIDERS, SHALL ADMINISTER THE STATE
7 ASSESSMENTS ON A SCHEDULE THAT THE DEPARTMENT ANNUALLY SETS!

8 (d) IF ALL OR ANY PORTION OF A STATE ASSESSMENT REQUIRES A
9 STUDENT TO USE A COMPUTER TO TAKE THE ASSESSMENT, AT THE REQUEST
10 OF A LOCAL EDUCATION PROVIDER, THE DEPARTMENT OF EDUCATION MUST
11 ADMINISTER THE PORTIONS OF THE STATE ASSESSMENT THAT REQUIRE A
12 COMPUTER IN A FORMAT THAT A STUDENT MAY COMPLETE USING PENCIL
13 AND PAPER. EACH LOCAL EDUCATION PROVIDER SHALL REPORT TO THE
14 DEPARTMENT THE NUMBER OF STUDENTS IT ENROLLS WHO WILL TAKE THE
15 STATE ASSESSMENT IN A PENCIL AND PAPER FORMAT!

16 (e) THE DEPARTMENT SHALL REVIEW AND UPDATE ASSESSMENT
17 ADMINISTRATION AND SECURITY POLICIES AS NECESSARY TO MAINTAIN
18 THE INTEGRITY OF THE ASSESSMENTS!

19 (2) (a) THE DEPARTMENT OF EDUCATION SHALL SELECT AND THE
20 STATE SHALL PAY THE COSTS OF ADMINISTERING AN ASSESSMENT THAT IS
21 ALIGNED WITH THE STATE ACADEMIC STANDARDS AND IS A PREPARATION
22 ASSESSMENT FOR THE CURRICULUM-BASED ACHIEVEMENT COLLEGE
23 ENTRANCE EXAM ADMINISTERED PURSUANT TO PARAGRAPH (b) OF THIS
24 SUBSECTION (2). EACH LOCAL EDUCATION PROVIDER SHALL ADMINISTER
25 THE ASSESSMENT FOR STUDENTS ENROLLED IN TENTH GRADE. EACH LOCAL
26 EDUCATION PROVIDER SHALL ADMINISTER THE TENTH-GRADE ASSESSMENT
27 ON A SCHEDULE THAT THE DEPARTMENT ANNUALLY SETS!

1 (b) THE DEPARTMENT OF EDUCATION SHALL SELECT AND THE
2 STATE SHALL PAY THE COSTS OF ADMINISTERING AN ASSESSMENT THAT IS
3 ADMINISTERED THROUGHOUT THE UNITED STATES AND RELIED UPON BY
4 INSTITUTIONS OF HIGHER EDUCATION, REFERRED TO IN THIS SECTION AS
5 THE "CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM". AT
6 A MINIMUM THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE
7 EXAM MUST TEST IN THE AREAS OF READING, WRITING, MATHEMATICS,
8 AND SCIENCE. EACH LOCAL EDUCATION PROVIDER SHALL ADMINISTER THE
9 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM FOR
10 STUDENTS ENROLLED IN ELEVENTH GRADE. THE LOCAL EDUCATION
11 PROVIDER SHALL ADMINISTER THE WRITING PORTION OF THE
12 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM TO EACH
13 STUDENT WHO REQUESTS THE OPPORTUNITY TO TAKE THE WRITING
14 PORTION. THE DEPARTMENT SHALL PAY THE COSTS OF ADMINISTERING THE
15 WRITING PORTION OF THE EXAM.

16 (c) (I) THE DEPARTMENT OF EDUCATION SHALL ANNUALLY
17 SCHEDULE A DAY ON WHICH THE CURRICULUM-BASED, ACHIEVEMENT
18 COLLEGE ENTRANCE EXAM IS ADMINISTERED FOR ALL ELEVENTH-GRADE
19 STUDENTS ENROLLED IN PUBLIC HIGH SCHOOLS THROUGHOUT THE STATE.

20 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
21 THIS PARAGRAPH (c), A STUDENT WHO CAN SHOW A NEED TO TAKE THE
22 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM ON AN
23 ALTERNATE DATE ON WHICH THE EXAM IS ADMINISTERED THROUGHOUT
24 THE COUNTRY MAY TAKE THE EXAM ON THAT ALTERNATE DATE, SO LONG
25 AS THE ALTERNATE DATE IS BEFORE THE DATE SCHEDULED BY THE
26 DEPARTMENT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c).
27 THE DEPARTMENT SHALL PAY ALL COSTS ASSOCIATED WITH A STUDENT

1 TAKING THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE
2 EXAM ON AN ALTERNATE DATE AS PROVIDED IN THIS SUBPARAGRAPH (II).

3 (d) THE STATE BOARD SHALL ADOPT RULES TO ENSURE THAT THE
4 REQUIREMENTS OF THE ADMINISTRATOR OF THE CURRICULUM-BASED,
5 ACHIEVEMENT COLLEGE ENTRANCE EXAM, SUCH AS A SECURE
6 ENVIRONMENT, ARE MET AND TO IDENTIFY THE LEVEL OF NEED THAT A
7 STUDENT MUST DEMONSTRATE TO TAKE THE CURRICULUM-BASED,
8 ACHIEVEMENT COLLEGE ENTRANCE EXAM ON AN ALTERNATE DATE AS
9 PROVIDED IN SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS SUBSECTION
10 (2).

11 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (b) AND
12 (c) OF THIS SUBSECTION (3), EACH STUDENT ENROLLED IN A PUBLIC
13 SCHOOL IS REQUIRED TO TAKE THE STATE ASSESSMENTS ADMINISTERED
14 PURSUANT TO SUBSECTION (1) OF THIS SECTION AT THE STUDENT'S GRADE
15 LEVEL, AS DETERMINED BY THE ENROLLING LOCAL EDUCATION PROVIDER.

16 (b) A CHILD WHO IS ENROLLED IN A NONPUBLIC SCHOOL OR
17 PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM
18 PURSUANT TO SECTION 22-33-104.5 IS NOT REQUIRED TO TAKE A STATE
19 ASSESSMENT ADMINISTERED PURSUANT TO THIS SECTION, EVEN THOUGH
20 THE CHILD MAY ALSO BE ATTENDING A PUBLIC SCHOOL FOR A PORTION OF
21 THE SCHOOL DAY AND THEREFORE INCLUDED IN THE ENROLLMENT OF A
22 LOCAL EDUCATION PROVIDER.

23 (c) A STUDENT WHO HAS AN INDIVIDUALIZED EDUCATION
24 PROGRAM AS PROVIDED IN SECTION 22-20-108, AND WHOSE
25 INDIVIDUALIZED EDUCATION PROGRAM SPECIFIES THAT THE STUDENT
26 TAKES THE STATE'S ALTERNATE ASSESSMENT FOR STUDENTS WITH
27 SIGNIFICANT COGNITIVE DISABILITIES OR ANOTHER ASSESSMENT

1 APPROVED BY RULE OF THE STATE BOARD, IS NOT REQUIRED TO TAKE THE
2 STATE ASSESSMENTS ADMINISTERED PURSUANT TO SUBSECTION (1) OF
3 THIS SECTION, BUT THE STUDENT MUST TAKE THE ALTERNATE ASSESSMENT
4 OR THE OTHER APPROVED ASSESSMENT. EACH LOCAL EDUCATION
5 PROVIDER SHALL REPORT TO THE DEPARTMENT OF EDUCATION THE
6 RESULTS OF THE ALTERNATE ASSESSMENTS OR OTHER APPROVED
7 ASSESSMENTS ADMINISTERED TO STUDENTS ENROLLED BY THE LOCAL
8 EDUCATION PROVIDER. THE DEPARTMENT SHALL AGGREGATE THE
9 RESULTS SEPARATELY FOR EACH PUBLIC SCHOOL.

10 (d) IF A STUDENT HAS AN INDIVIDUALIZED EDUCATION PROGRAM
11 AS PROVIDED IN SECTION 22-20-108 THAT SPECIFIES THAT THE STUDENT
12 TAKES THE STATE ASSESSMENT, THE _____ ENROLLING LOCAL EDUCATION
13 PROVIDER SHALL ASSESS THE STUDENT IN EACH INSTRUCTIONAL AREA FOR
14 WHICH THERE IS A STATE TEST AT THE STUDENT'S GRADE LEVEL. IF, AS
15 PART OF A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM, THE
16 STUDENT ATTENDS PART-TIME A SCHOOL OR PROGRAM AWAY FROM THE
17 SCHOOL IN WHICH THE STUDENT IS ENROLLED, THE LOCAL EDUCATION
18 PROVIDER THAT ENROLLS A STUDENT, OR THE ADMINISTRATIVE UNIT THAT
19 THE LOCAL EDUCATION PROVIDER IS A MEMBER OF, MAY DESIGNATE
20 EITHER THE SCHOOL OF RESIDENCE OR THE SCHOOL OF ATTENDANCE AS
21 THE SCHOOL TO WHICH THE DEPARTMENT OF EDUCATION MUST ASSIGN THE
22 STUDENT'S SCORES FOR PURPOSES OF MEASURING THE LEVELS OF
23 ATTAINMENT ON THE PERFORMANCE INDICATORS SPECIFIED IN SECTION
24 22-11-204, DETERMINING ACCREDITATION CATEGORIES PURSUANT TO
25 SECTION 22-11-208, AND MEASURING PUBLIC SCHOOL PERFORMANCE
26 PURSUANT TO SECTION 22-11-210. IF A STUDENT WHO HAS AN
27 INDIVIDUALIZED EDUCATION PROGRAM ATTENDS SCHOOL IN AN

1 ADMINISTRATIVE UNIT OTHER THAN THE STUDENT'S ADMINISTRATIVE UNIT
2 OF RESIDENCE, AND THERE IS A CONTRACT BETWEEN THE TWO
3 ADMINISTRATIVE UNITS, THE ADMINISTRATIVE UNITS MUST SPECIFY IN THE
4 CONTRACT THE PUBLIC SCHOOL TO WHICH THE DEPARTMENT SHALL ASSIGN
5 THE STUDENT'S SCORES FOR PURPOSES OF MEASURING THE LEVELS OF
6 ATTAINMENT ON THE PERFORMANCE INDICATORS, DETERMINING
7 ACCREDITATION CATEGORIES, AND MEASURING PUBLIC SCHOOL
8 PERFORMANCE.

9 (4) (a) (I) THE DEPARTMENT OF EDUCATION IN COLLABORATION
10 WITH LOCAL EDUCATION PROVIDERS SHALL ADMINISTER THE ENGLISH
11 VERSIONS OF THE STATE ASSESSMENTS AND MAY ADMINISTER AN
12 ASSESSMENT ADOPTED BY THE STATE BOARD IN LANGUAGES OTHER THAN
13 ENGLISH, AS MAY BE APPROPRIATE FOR ENGLISH LANGUAGE LEARNERS;
14 EXCEPT THAT A STUDENT WHO HAS PARTICIPATED IN AN ENGLISH
15 LANGUAGE PROFICIENCY PROGRAM, AS PROVIDED IN ARTICLE 24 OF THIS
16 TITLE, FOR MORE THAN A TOTAL OF THREE SCHOOL YEARS IS INELIGIBLE TO
17 TAKE THE STATE ASSESSMENTS IN A LANGUAGE OTHER THAN ENGLISH.

18 ~~(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF~~
19 ~~THIS PARAGRAPH (a) TO THE CONTRARY, A LOCAL EDUCATION PROVIDER~~
20 ~~MAY ADMINISTER AN ASSESSMENT ADOPTED BY THE STATE BOARD IN A~~
21 ~~LANGUAGE OTHER THAN ENGLISH FOR UP TO FIVE YEARS TO A STUDENT~~
22 ~~WHO IS AN ENGLISH LANGUAGE LEARNER IF ALLOWED BY A WAIVER~~
23 ~~RECEIVED FROM THE FEDERAL DEPARTMENT OF EDUCATION PURSUANT TO~~
24 ~~PARAGRAPH (c) OF THIS SUBSECTION. (4)~~

25 (b) THE STATE BOARD SHALL REVISE AS NECESSARY, AND THE
26 DEPARTMENT OF EDUCATION SHALL ADMINISTER, READING AND WRITING
27 ASSESSMENTS IN SPANISH FOR STUDENTS ENROLLED IN THE THIRD AND

1 FOURTH GRADES.

2 (c) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS
3 SECTION, THE DEPARTMENT OF EDUCATION SHALL SUBMIT TO THE
4 FEDERAL DEPARTMENT OF EDUCATION A REQUEST FOR A WAIVER OF
5 FEDERAL LAW TO ENABLE A LOCAL EDUCATION PROVIDER TO ADMINISTER
6 A STATE ASSESSMENT IN A LANGUAGE OTHER THAN ENGLISH FOR UP TO
7 FIVE SCHOOL YEARS TO A STUDENT WHO IS AN ENGLISH LANGUAGE
8 LEARNER.

9 (5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
10 THE CONTRARY, A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER, AS
11 DEFINED IN SECTION 22-24-103, AND WHO HAS BEEN ENROLLED IN A
12 SCHOOL IN THE UNITED STATES FOR FEWER THAN TWELVE MONTHS IS NOT
13 REQUIRED TO TAKE THE ENGLISH LANGUAGE ARTS ASSESSMENT REQUIRED
14 IN SUBSECTION (1) OF THIS SECTION. THE YEAR IN WHICH THE STUDENT
15 DOES NOT TAKE THE ENGLISH LANGUAGE ARTS ASSESSMENT IS INCLUDED
16 AS ONE OF THE THREE OR FIVE YEARS, AS APPLICABLE, IN WHICH THE
17 STUDENT MAY TAKE THE STATE ASSESSMENT IN HIS OR HER NATIVE
18 LANGUAGE AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

19 (b) IF ALLOWED BY FEDERAL LAW OR BY A WAIVER OF FEDERAL
20 LAW RECEIVED FROM THE FEDERAL DEPARTMENT OF EDUCATION
21 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (5), IN THE FIRST
22 TWENTY-FOUR MONTHS IN WHICH A STUDENT WHO IS AN ENGLISH
23 LANGUAGE LEARNER IS ENROLLED IN A SCHOOL IN THE UNITED STATES
24 AND TAKES THE ENGLISH LANGUAGE ARTS ASSESSMENT, THE DEPARTMENT
25 OF EDUCATION SHALL NOT INCLUDE THE STUDENT'S SCORES IN
26 CALCULATING ACHIEVEMENT OF THE PERFORMANCE INDICATORS
27 PURSUANT TO PART 2 OF ARTICLE 11 OF THIS TITLE FOR THE LOCAL

1 EDUCATION PROVIDER THAT ENROLLS THE STUDENT

2 (c) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS
3 SECTION, THE DEPARTMENT OF EDUCATION SHALL SUBMIT TO THE
4 FEDERAL DEPARTMENT OF EDUCATION A REQUEST FOR A WAIVER OF
5 FEDERAL LAW AS NECESSARY TO IMPLEMENT PARAGRAPH (b) OF THIS
6 SUBSECTION (5).

7 (6) THE DEPARTMENT OF EDUCATION, BY POLICY, MAY DETERMINE
8 WHETHER THE SCORES OF ONE OR MORE GROUPS OF STUDENTS ARE NOT
9 APPROPRIATE TO BE USED IN MEASURING THE LEVELS OF ATTAINMENT ON
10 THE PERFORMANCE INDICATORS, AS DEFINED IN SECTION 22-11-103. A
11 POLICY THAT THE DEPARTMENT ADOPTS PURSUANT TO THIS SUBSECTION
12 (6) MUST BE IN ACCORDANCE WITH THE REQUIREMENTS OF FEDERAL
13 STATUTES AND REGULATIONS.

14 (7) (a) THE DEPARTMENT OF EDUCATION SHALL PROVIDE TO EACH
15 LOCAL EDUCATION PROVIDER THE RESULTS OF ALL OF THE STATE
16 ASSESSMENTS THAT THE LOCAL EDUCATION PROVIDER ADMINISTERS AND
17 MAKE AVAILABLE TO LOCAL EDUCATION PROVIDERS THE STATE
18 ASSESSMENT DATA OF INDIVIDUAL STUDENTS THAT IS REQUIRED TO
19 MEASURE ACADEMIC PROGRESS OVER TIME. THE DEPARTMENT SHALL
20 ALIGN THE DISAGGREGATION OF STATE ASSESSMENT RESULTS WITH THE
21 EXCLUSION OF SCORES PERMITTED BY SUBSECTION (6) OF THIS SECTION.

22 (b) THE DEPARTMENT OF EDUCATION SHALL RELEASE TO THE
23 PUBLIC ONLY THOSE STATE ASSESSMENT RESULTS THAT THE DEPARTMENT
24 DEEMS VALID. THE DEPARTMENT SHALL NOT RELY ON STATE ASSESSMENT
25 RESULTS THAT THE DEPARTMENT HAS DEEMED INVALID IN PERFORMANCE
26 CALCULATIONS WHEN ASSIGNING ACCREDITATION LEVELS OR SCHOOL
27 PLAN TYPES, AS DESCRIBED IN ARTICLE 11 OF THIS TITLE, TO A LOCAL

1 EDUCATION PROVIDER. AT ANY TIME THAT THE DEPARTMENT RELEASES
2 STATE ASSESSMENT RESULTS TO THE PUBLIC, IN ADDITION TO RELEASING
3 THE RESULTS OF THE ENGLISH VERSIONS OF THE STATE ASSESSMENTS, THE
4 DEPARTMENT SHALL RELEASE THE RESULTS OF ANY STATE ASSESSMENTS
5 ADMINISTERED IN LANGUAGES OTHER THAN ENGLISH.

6 (c) AT THE REQUEST OF A LOCAL EDUCATION PROVIDER, THE
7 ENTITY THAT IS RESPONSIBLE FOR DEVELOPING A STATE ASSESSMENT
8 MUST RETURN TO THE LOCAL EDUCATION PROVIDER THE STUDENT
9 RESPONSES TO THE ESSAY PORTION AND APPROPRIATE PARAGRAPHS THAT
10 ARE RELEASED FROM THE ENGLISH LANGUAGE ARTS PORTION OF THE
11 STATE ASSESSMENT AND THE RESULTS OF ALL REQUESTED STATE
12 ASSESSMENTS. THE REQUESTING LOCAL EDUCATION PROVIDER MUST PAY
13 THE ENTITY FOR THE ACTUAL COST OF PHOTOCOPYING AND MAILING THE
14 ENGLISH LANGUAGE ARTS PORTION OF THE STATE ASSESSMENT. THE
15 REQUESTING LOCAL EDUCATION PROVIDER SHALL MAINTAIN THE
16 CONFIDENTIALITY OF ALL STATE ASSESSMENT RESULTS THAT IT RECEIVES
17 AND MAY USE THE ESSAY PORTION AND APPROPRIATE PARAGRAPHS ONLY
18 TO IMPROVE AN INDIVIDUAL STUDENT'S WRITING SKILLS.

19 (d) EACH LOCAL EDUCATION PROVIDER SHALL INCLUDE THE
20 RESULTS OF THE STATE ASSESSMENTS ADMINISTERED PURSUANT TO
21 SUBSECTION (1) OF THIS SECTION ON EACH STUDENT'S FINAL REPORT CARD
22 FOR THE APPLICABLE SCHOOL YEAR AND INCLUDE THE RESULTS IN THE
23 STUDENT'S PERMANENT ACADEMIC RECORD; EXCEPT THAT A LOCAL
24 EDUCATION PROVIDER MAY INCLUDE STATE ASSESSMENT DATA ON A
25 STUDENT'S FINAL REPORT CARD ONLY IF THE LOCAL EDUCATION PROVIDER
26 HAS SUFFICIENT TIME TO PROCESS THE STATE ASSESSMENT RESULTS AFTER
27 THEY ARE RELEASED.

1 ~~(8)(a) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT POLICIES~~
2 ~~TO ENSURE THAT APPROPRIATE PERSONNEL WITHIN EACH SCHOOL DISTRICT~~
3 ~~AND EACH INSTITUTE CHARTER SCHOOL SHARE WITH AND EXPLAIN TO THE~~
4 PARENT OR LEGAL GUARDIAN OF EACH STUDENT ENROLLED IN THE PUBLIC
5 SCHOOL THE STUDENT'S STATE ASSESSMENT RESULTS RETURNED TO
6 THE STUDENT'S PUBLIC ~~SCHOOL PURSUANT TO SUBSECTION (7) OF THIS~~
7 ~~SECTION~~

8 (b) THE DEPARTMENT OF EDUCATION SHALL CREATE, MAINTAIN,
9 AND MAKE AVAILABLE TO LOCAL EDUCATION PROVIDERS AND PARENTS OR
10 LEGAL GUARDIANS, UPON REQUEST, A LIST OF RESOURCES AND PROGRAMS
11 THAT PUBLIC SCHOOLS AND PARENTS OR LEGAL GUARDIANS MAY ACCESS
12 TO ASSIST STUDENTS IN ADDRESSING SPECIFIC LEARNING ISSUES
13 IDENTIFIED BY THE STATE ASSESSMENT RESULTS PROVIDED PURSUANT TO
14 THIS SECTION.

15 ~~(9) (a) THE DEPARTMENT OF EDUCATION SHALL PERMIT A~~
16 NONPUBLIC SCHOOL TO ADMINISTER THE STATE ASSESSMENTS REQUIRED
17 BY SUBSECTION (1) OF THIS SECTION AND SHALL PROVIDE TO THE
18 NONPUBLIC SCHOOL THE RESULTS OF ANY STATE ASSESSMENTS
19 ~~ADMINISTERED. THE NONPUBLIC SCHOOL~~ MUST PAY ALL COSTS
20 ASSOCIATED WITH ADMINISTERING AND PROVIDING RESULTS FOR THE
21 STATE ASSESSMENTS.

22 (b) A LOCAL EDUCATION PROVIDER, UPON THE REQUEST OF THE
23 PARENT OR LEGAL GUARDIAN OF A CHILD WHO IS PARTICIPATING IN A
24 NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION
25 22-33-104.5, MUST PERMIT THE CHILD TO TAKE A STATE ASSESSMENT
26 REQUIRED BY SUBSECTION (1) OF THIS SECTION AND MUST PROVIDE TO THE
27 PARENT OR LEGAL GUARDIAN OF THE CHILD THE RESULTS OF STATE

1 ASSESSMENTS ADMINISTERED. THE PARENT OR LEGAL GUARDIAN OF THE
2 CHILD MUST PAY ALL COSTS ASSOCIATED WITH ADMINISTERING AND
3 PROVIDING RESULTS FOR THE STATE ASSESSMENTS.

4 (10) FOR EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
5 APPROPRIATE MONEYS IN THE ANNUAL GENERAL APPROPRIATION ACT TO
6 THE DEPARTMENT OF EDUCATION TO FUND ADMINISTRATION OF THE STATE
7 ASSESSMENTS AS DESCRIBED IN THIS SECTION, INCLUDING
8 ADMINISTRATION OF THE TENTH-GRADE ASSESSMENT AND THE
9 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM
10 DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

11 **22-7-1006.5. Pilot program - alternative assessments.**

12 (1) THERE IS CREATED A PILOT PROGRAM TO ALLOW LOCAL EDUCATION
13 PROVIDERS TO CREATE OR SELECT ASSESSMENTS, WHICH THE LOCAL
14 EDUCATION PROVIDER MAY ADMINISTER IN LIEU OF THE STATE
15 ASSESSMENTS AFTER THE LOCAL ASSESSMENTS ARE APPROVED BY THE
16 DEPARTMENT OF EDUCATION AS PROVIDED IN SUBSECTION (4) OF THIS
17 SECTION. THE GOALS OF THE PILOT PROGRAM ARE TO REDUCE THE
18 EMPHASIS ON A SINGLE STATEWIDE ASSESSMENT BY INCORPORATING
19 LOCAL ASSESSMENTS INTO THE STATE ACCOUNTABILITY SYSTEM AND TO
20 PROVIDE MORE TIMELY AND RELEVANT DATA TO EDUCATORS TO INFORM
21 INSTRUCTION THROUGHOUT THE SCHOOL YEAR, WHILE CONTINUING TO
22 PROVIDE COMPARATIVE DATA FOR STATE ACCOUNTABILITY PURPOSES.

23 (2) (a) FOR A LOCAL EDUCATION PROVIDER TO PARTICIPATE IN THE
24 PILOT PROGRAM AS DESCRIBED IN THIS SECTION, THE LOCAL SCHOOL
25 BOARD OR OTHER GOVERNING BODY OF THE LOCAL EDUCATION PROVIDER
26 MUST FIRST ADOPT A WRITTEN RESOLUTION THAT AUTHORIZES THE LOCAL
27 EDUCATION PROVIDER TO PARTICIPATE IN THE PILOT PROGRAM.

1 (b) IF AUTHORIZED BY ITS LOCAL SCHOOL BOARD OR OTHER
2 GOVERNING BODY, A LOCAL EDUCATION PROVIDER, INDIVIDUALLY OR IN
3 COMBINATION WITH ONE OR MORE OTHER LOCAL EDUCATION PROVIDERS,
4 MAY PARTICIPATE IN THE PILOT PROGRAM BY CREATING OR SELECTING
5 ASSESSMENTS THAT MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION
6 (3) OF THIS SECTION AND ADMINISTERING THOSE ASSESSMENTS, IN
7 ADDITION TO THE STATE ASSESSMENTS REQUIRED IN SECTION 22-7-1006.3,
8 FOR AT LEAST TWO SCHOOL YEARS TO THE STUDENTS ENROLLED BY THE
9 LOCAL EDUCATION PROVIDER. AFTER ADMINISTERING THE ASSESSMENTS
10 FOR AT LEAST TWO SCHOOL YEARS, THE LOCAL EDUCATION PROVIDER
11 MUST SUBMIT TO THE DEPARTMENT OF EDUCATION THE ASSESSMENT
12 RESULTS FOR EACH YEAR IN WHICH THEY WERE ADMINISTERED AND THE
13 LOCAL EDUCATION PROVIDER'S DEMONSTRATION THAT THE RESULTS ARE
14 COMPARABLE TO THE RESULTS OBTAINED ON THE STATE ASSESSMENTS
15 ADMINISTERED IN THE SAME SCHOOL YEARS. A LOCAL EDUCATION
16 PROVIDER MAY CHOOSE TO ADMINISTER THE LOCAL ASSESSMENTS FOR
17 MORE THAN TWO SCHOOL YEARS IF NECESSARY TO OBTAIN SUFFICIENT
18 DATA TO SUBMIT TO THE DEPARTMENT.

19 (c) A LOCAL EDUCATION PROVIDER THAT PARTICIPATES IN THE
20 PILOT PROGRAM MUST:

21 (I) NOTIFY THE DEPARTMENT OF EDUCATION AT THE BEGINNING OF
22 EACH SCHOOL YEAR IN WHICH IT INTENDS TO ADMINISTER ASSESSMENTS
23 PURSUANT TO THIS SECTION AND IDENTIFY THE ASSESSMENTS THAT THE
24 LOCAL EDUCATION PROVIDER INTENDS TO ADMINISTER;

25 (II) NOTIFY THE PARENTS OF THE STUDENTS ENROLLED BY THE
26 LOCAL EDUCATION PROVIDER AT THE BEGINNING OF EACH SCHOOL YEAR
27 IN WHICH IT INTENDS TO ADMINISTER ASSESSMENTS PURSUANT TO THIS

1 SECTION THAT THE LOCAL EDUCATION PROVIDER IS CHOOSING TO
2 ADMINISTER ASSESSMENTS PURSUANT TO THIS SECTION IN ADDITION TO
3 THE STATE ASSESSMENTS REQUIRED IN SECTION 22-7-1006.3; AND

4 (III) IF THE LOCAL EDUCATION PROVIDER IS A SCHOOL DISTRICT,
5 WORK WITH THE SCHOOL DISTRICT'S PERSONNEL PERFORMANCE
6 EVALUATION COUNCIL CREATED PURSUANT TO SECTION 22-9-107 IN
7 SELECTING OR CREATING AND ADMINISTERING ASSESSMENTS PURSUANT
8 TO THIS SECTION;

9 (3) THE ASSESSMENTS THAT A LOCAL EDUCATION PROVIDER
10 CHOOSES TO ADMINISTER PURSUANT TO THIS SECTION MUST:

11 (a) ASSESS STUDENTS IN ALL OF THE SUBJECT AREAS AND AT ALL
12 OF THE GRADE LEVELS REQUIRED IN SECTION 22-7-1006.3;

13 (b) PROVIDE SUFFICIENT DATA EACH SCHOOL YEAR TO
14 DISAGGREGATE AND REPORT RESULTS FOR STUDENT GROUPS AS DEFINED
15 IN SECTION 22-11-103 (43);

16 (c) PROVIDE SUFFICIENT DATA EACH SCHOOL YEAR TO MEASURE;
17 FOR EACH STUDENT ENROLLED IN THE GRADES THAT ARE ASSESSED, THE
18 STUDENT'S PROGRESS IN MEETING THE STATE ACADEMIC STANDARDS; AND

19 (d) PROVIDE RESULTS THAT ARE COMPARABLE WITH THE STATE
20 ASSESSMENT RESULTS AND WITH THE ASSESSMENT RESULTS OBTAINED BY
21 OTHER LOCAL EDUCATION PROVIDERS ACROSS THE STATE.

22 (4) (a) AFTER A LOCAL EDUCATION PROVIDER ADMINISTERS
23 ASSESSMENTS PURSUANT TO THIS SECTION FOR AT LEAST TWO SCHOOL
24 YEARS AND SUBMITS THE ASSESSMENT RESULTS AND DEMONSTRATION OF
25 COMPARABILITY TO THE DEPARTMENT OF EDUCATION, THE DEPARTMENT
26 SHALL REVIEW AND EVALUATE THE ASSESSMENTS AND THE
27 COMPARABILITY DEMONSTRATION TO ENSURE COMPARABILITY OF THE

1 LOCAL ASSESSMENTS RESULTS, WITH THE RESULTS OBTAINED FROM THE
2 STATE ASSESSMENTS AND WITH ANY OTHER LOCAL ASSESSMENTS THAT
3 THE DEPARTMENT APPROVES PURSUANT TO THIS SUBSECTION (4). THE
4 DEPARTMENT SHALL APPROVE THE USE OF THE LOCAL ASSESSMENTS IF IT
5 FINDS THAT THE ASSESSMENTS MEET THE REQUIREMENTS SPECIFIED IN
6 SUBSECTION (3) OF THIS SECTION AND THAT THE RESULTS ARE
7 COMPARABLE WITH THE STATE ASSESSMENTS AND WITH OTHER LOCAL
8 ASSESSMENTS THAT IT APPROVES. IF THE DEPARTMENT APPROVES A LOCAL
9 ASSESSMENT PURSUANT TO THIS SECTION, ANY LOCAL EDUCATION
10 PROVIDER MAY CHOOSE TO ADMINISTER THE LOCAL ASSESSMENT IN LIEU
11 OF THE STATE ASSESSMENTS REQUIRED IN SECTION 22-7-1006.3. IF THE
12 DEPARTMENT DOES NOT APPROVE THE LOCAL ASSESSMENTS, THE LOCAL
13 EDUCATION PROVIDER MAY CHOOSE TO CONTINUE ADMINISTERING THE
14 LOCAL ASSESSMENTS IN ADDITION TO THE STATE ASSESSMENTS IN ORDER
15 TO COLLECT ADDITIONAL DATA TO SUBMIT TO THE DEPARTMENT.

16 (b) AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS
17 SECTION, THE DEPARTMENT OF EDUCATION SHALL NOTIFY THE FEDERAL
18 DEPARTMENT OF EDUCATION THAT THE STATE HAS AUTHORIZED LOCAL
19 EDUCATION PROVIDERS TO PARTICIPATE IN THE PILOT PROGRAM
20 DESCRIBED IN THIS SECTION. THE DEPARTMENT SHALL APPLY TO THE
21 FEDERAL DEPARTMENT OF EDUCATION FOR A WAIVER OF FEDERAL
22 STATUTORY AND REGULATORY REQUIREMENTS TO THE EXTENT
23 NECESSARY TO IMPLEMENT THE PILOT PROGRAM AND TO ENABLE LOCAL
24 EDUCATION PROVIDERS TO ADMINISTER APPROVED LOCAL ASSESSMENTS
25 IN LIEU OF THE STATE ASSESSMENTS AS PROVIDED IN PARAGRAPH (a) OF
26 THIS SUBSECTION (4).

27 (c) UPON THE REQUEST OF A LOCAL EDUCATION PROVIDER THAT

1 PARTICIPATES IN THE PILOT PROGRAM, THE DEPARTMENT SHALL PROVIDE
2 TECHNICAL ASSISTANCE TO THE LOCAL EDUCATION PROVIDER IN
3 SELECTING LOCAL ASSESSMENTS AND EVALUATING THE ASSESSMENT
4 RESULTS.

5 SECTION 2. In Colorado Revised Statutes, 22-7-1006, amend
6 (5); and add (1) (f) as follows:

7 22-7-1006: **Preschool through elementary and secondary**
8 **education - aligned assessments - adoption - revisions.** (1) (f) THE
9 STATE BOARD SHALL ENSURE THAT THE ASSESSMENTS ADOPTED PURSUANT
10 TO THIS SECTION ARE A COMBINATION OF CONSTRUCTED RESPONSE AND
11 SELECTED RESPONSE TASKS THAT REQUIRE THE STUDENT TO PRODUCE
12 INFORMATION OR PERFORM TASKS IN A WAY THAT THE STUDENT'S SKILLS
13 AND COMPETENCIES CAN BE MEASURED.

14 (5) Every six years after the adoption of the system of assessments
15 pursuant to paragraph (a) of subsection (1) of this section, the state board
16 shall review and adopt any appropriate revisions OR UPDATES to such THE
17 system of assessments, INCLUDING ANY ASSESSMENTS ADMINISTERED IN
18 LANGUAGES OTHER THAN ENGLISH. The state board may adopt revisions
19 to an assessment or adopt additional assessments, regardless of whether
20 it adopts any revision to the standards with which the assessment is
21 aligned. In adopting revisions to the system of assessments, the state
22 board shall ensure that the system of assessments continues to meet the
23 requirements specified in this section. THE DEPARTMENT OF EDUCATION
24 SHALL REVIEW AND UPDATE THE ADMINISTRATION AND SECURITY POLICIES
25 FOR ASSESSMENTS AS NECESSARY TO MAINTAIN THE INTEGRITY OF THE
26 ASSESSMENTS.

27 SECTION 3. In Colorado Revised Statutes, 22-7-1013, add (6),

1 (7), and (8) as follows:

2 **22-7-1013. Local education provider - preschool through**
3 **elementary and secondary education standards - adoption - academic**

4 **acceleration. (6) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT AND**
5 **IMPLEMENT A WRITTEN POLICY BY WHICH THE LOCAL EDUCATION**
6 **PROVIDER WILL DECIDE WHETHER THE STUDENTS ENROLLED BY THE LOCAL**
7 **EDUCATION PROVIDER WILL USE PENCIL AND PAPER TO COMPLETE ANY**
8 **PORTION OF A STATE ASSESSMENT ADMINISTERED PURSUANT TO SECTION**
9 **22-7-1006.3 THAT THE STUDENTS WOULD OTHERWISE COMPLETE USING A**
10 **COMPUTER. THE POLICY MUST ENSURE THAT THE LOCAL EDUCATION**
11 **PROVIDER MAKES THE DECISION IN CONSULTATION WITH PARENTS AND, IF**
12 **THE LOCAL EDUCATION PROVIDER IS A SCHOOL DISTRICT OR BOARD OF**
13 **COOPERATIVE SERVICES, THE PUBLIC SCHOOLS THAT THE LOCAL**
14 **EDUCATION PROVIDER OPERATES. THE LOCAL EDUCATION PROVIDER MAY**
15 **DECIDE THAT THE STUDENTS IN ONE OR MORE OF THE PUBLIC SCHOOLS, OR**
16 **IN ONE OR MORE OF THE CLASSROOMS OF THE PUBLIC SCHOOLS, OPERATED**
17 **BY THE LOCAL EDUCATION PROVIDER WILL USE PENCIL AND PAPER TO**
18 **COMPLETE THE COMPUTERIZED PORTIONS OF A STATE ASSESSMENT. EACH**
19 **YEAR BEFORE THE START OF FALL SEMESTER CLASSES, THE LOCAL**
20 **EDUCATION PROVIDER SHALL DISTRIBUTE COPIES OF THE POLICY TO THE**
21 **PARENTS OF STUDENTS ENROLLED IN THE LOCAL EDUCATION PROVIDER**
22 **AND POST A COPY OF THE POLICY ON THE LOCAL EDUCATION PROVIDER'S**
23 **WEB SITE.**

24 **(7) (a) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT AND**
25 **IMPLEMENT PROCEDURES BY WHICH THE LOCAL EDUCATION PROVIDER, OR**
26 **THE PUBLIC SCHOOLS THAT THE LOCAL EDUCATION PROVIDER OPERATES,**
27 **SHALL ANNUALLY DISTRIBUTE AN ASSESSMENT CALENDAR TO THE**

1 PARENTS OF STUDENTS ENROLLED BY THE LOCAL EDUCATION PROVIDER.
2 AT A MINIMUM, THE ASSESSMENT CALENDAR MUST SPECIFY THE
3 ESTIMATED HOURS EACH TESTING DAY THAT SPECIFIC CLASSES OR GRADES
4 WILL TAKE EACH ASSESSMENT AND IDENTIFY WHETHER THE ASSESSMENT
5 IS REQUIRED BY FEDERAL LAW OR STATE LAW OR SELECTED BY THE LOCAL
6 EDUCATION PROVIDER. THE PROCEDURES SHALL SPECIFY THE TIMING FOR
7 DISTRIBUTION OF THE CALENDAR AND REQUIRE THAT THE CALENDAR IS
8 DISTRIBUTED TO PARENTS AND POSTED ON THE LOCAL EDUCATION
9 PROVIDER'S WEB SITE.

10 (b) (1) IN ADDITION TO THE CALENDAR DESCRIBED IN PARAGRAPH
11 (a) OF THIS SUBSECTION (7), EACH LOCAL EDUCATION PROVIDER SHALL
12 PROVIDE WRITTEN INFORMATION TO THE PARENTS OF STUDENTS ENROLLED
13 BY THE LOCAL EDUCATION PROVIDER THAT DESCRIBES:

14 (A) THE STATE AND LOCAL ASSESSMENTS THAT THE LOCAL
15 EDUCATION PROVIDER WILL ADMINISTER DURING THE SCHOOL YEAR,
16 IDENTIFYING THE ASSESSMENTS THAT THE LOCAL EDUCATION PROVIDER
17 IS REQUIRED BY FEDERAL LAW TO ADMINISTER, ANY ADDITIONAL STATE
18 ASSESSMENTS THAT THE LOCAL EDUCATION PROVIDER IS REQUIRED BY
19 SECTION 22-7-1006.3 TO ADMINISTER, THE ASSESSMENTS THAT THE LOCAL
20 EDUCATION PROVIDER IS REQUIRED BY OTHER STATE LAW TO ADMINISTER,
21 AND THE ADDITIONAL ASSESSMENTS THAT THE LOCAL EDUCATION
22 PROVIDER CHOOSES TO ADMINISTER;

23 (B) THE ANTICIPATED CALENDAR FOR ADMINISTERING THE STATE
24 AND LOCAL ASSESSMENTS DURING THE SCHOOL YEAR; AND

25 (C) THE PURPOSES OF THE STATE ASSESSMENTS ADMINISTERED
26 PURSUANT TO SECTION 22-7-1006.3 AND ANY ADDITIONAL LOCAL
27 ASSESSMENTS THAT THE LOCAL EDUCATION PROVIDER ADMINISTERS AND

1 THE MANNER IN WHICH THE DEPARTMENT OF EDUCATION AND THE LOCAL
2 EDUCATION PROVIDER USES THE ASSESSMENT RESULTS.

3 (II) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY
4 DISTRIBUTE THE WRITTEN INFORMATION TO PARENTS AS EARLY IN THE
5 SCHOOL YEAR AS POSSIBLE AND SHALL POST THE WRITTEN INFORMATION
6 ON THE LOCAL EDUCATION PROVIDER'S WEB SITE.

7 (c) THE PROVISIONS OF THIS SUBSECTION (7) DO NOT APPLY TO
8 COURSE-SPECIFIC ASSESSMENTS THAT ARE NOT ADOPTED BY THE STATE
9 BOARD PURSUANT TO SECTION 22-7-1006 OR TO NONSTANDARDIZED
10 CLASSROOM-BASED ASSESSMENTS THAT INDIVIDUAL EDUCATORS CHOOSE
11 TO ADMINISTER TO STUDENTS.

12 (8) (a) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT AND
13 IMPLEMENT A WRITTEN POLICY AND PROCEDURE BY WHICH A STUDENT'S
14 PARENT MAY EXCUSE THE STUDENT FROM PARTICIPATING IN ONE OR MORE
15 OF THE STATE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION
16 22-7-1006.3.

17 (b) IF A PARENT EXCUSES HIS OR HER STUDENT FROM
18 PARTICIPATING IN A STATE ASSESSMENT, A LOCAL EDUCATION PROVIDER
19 SHALL NOT IMPOSE NEGATIVE CONSEQUENCES, INCLUDING PROHIBITING
20 SCHOOL ATTENDANCE, IMPOSING AN UNEXCUSED ABSENCE, OR
21 PROHIBITING PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, ON THE
22 STUDENT OR ON THE PARENT.

23 SECTION 4. In Colorado Revised Statutes, 22-7-1205, amend
24 (1) (b); and add (1) (a.5) and (1) (d) as follows:

25 22-7-1205. Reading competency - assessments - READ plan
26 creation - parental involvement. (1) (a.5) EACH LOCAL EDUCATION
27 PROVIDER IS REQUIRED TO ADMINISTER A READING ASSESSMENT TO

1 STUDENTS ENROLLED IN KINDERGARTEN DURING THE FIRST NINETY DAYS
2 OF THE SCHOOL YEAR. IF THE LOCAL EDUCATION PROVIDER ADMINISTERS
3 THE READING ASSESSMENT WITHIN THE FIRST SIXTY DAYS OF THE SCHOOL
4 YEAR, IT IS NOT REQUIRED TO ADMINISTER THE LITERACY COMPONENT OF
5 THE SCHOOL READINESS ASSESSMENT AS PROVIDED IN SECTION 22-7-1014
6 (1) (a).

7 (b) If a teacher finds, based on a student's scores on the approved
8 reading assessments, that the student may have a significant reading
9 deficiency, the teacher shall administer to the student one or more
10 diagnostic assessments WITHIN SIXTY DAYS AFTER THE PREVIOUS
11 ASSESSMENT to determine the student's specific reading skill deficiencies.
12 Each local education provider shall select from the list of approved
13 assessments adopted by rule of the state board pursuant to section
14 22-7-1209 (1) those assessments it shall use USES to determine a student's
15 specific reading skill deficiencies. A local education provider may choose
16 to use other diagnostic reading assessments in addition to but not in lieu
17 of the approved assessments.

18 (d) IF, BASED ON A STUDENT'S SCORES ON THE APPROVED READING
19 ASSESSMENTS IN A SPECIFIC SCHOOL YEAR, A TEACHER FINDS THAT A
20 STUDENT DEMONSTRATES READING COMPETENCY APPROPRIATE FOR HIS OR
21 HER GRADE LEVEL, THE LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO
22 ADMINISTER THE APPROVED INTERIM READING ASSESSMENTS TO THE
23 STUDENT FOR THE REMAINDER OF THE SPECIFIC SCHOOL YEAR.

24 **SECTION 5.** In Colorado Revised Statutes, 22-7-1209, **amend**
25 (2) (a) (II) (C) and (2) (a) (II) (D); and **add** (2) (a) (II) (E) as follows:

26 **22-7-1209. State board - rules - department - duties.**

27 (2) (a) (II) The department shall ensure that:

1 (C) Each of the recommended reading diagnostics is proven to
2 accurately identify students' specific reading skill deficiencies; and

3 (D) At least one of the recommended reading assessments for
4 kindergarten and first, second, and third grades is normed for the
5 performance of students who speak Spanish as their native language,
6 which assessment is available in both English and Spanish; AND

7 (E) THE LIST OF RECOMMENDED READING ASSESSMENTS AND
8 READING DIAGNOSTICS INCLUDES AT LEAST ONE ASSESSMENT AND ONE
9 DIAGNOSTIC THAT A STUDENT CAN COMPLETE USING PENCIL AND PAPER
10 RATHER THAN USING A COMPUTER.

11 **SECTION 6.** In Colorado Revised Statutes, 22-7-1014, **amend**
12 (1) (a) and (2) (a) as follows:

13 **22-7-1014. Preschool individualized readiness plans - school**
14 **readiness - assessments.** (1) (a) Beginning in the fall semester of 2013,
15 each local education provider that provides a preschool or kindergarten
16 program shall ensure that each student enrolled in a preschool or
17 kindergarten program operated by the local education provider receives
18 an individualized readiness plan that addresses the preschool standards or
19 kindergarten standards, as appropriate, knowledge and skill areas in
20 which a student needs assistance to make progress toward school
21 readiness. IF A STUDENT IS IDENTIFIED AS HAVING A SIGNIFICANT READING
22 DEFICIENCY AS PROVIDED IN SECTION 22-7-1205, THE LOCAL EDUCATION
23 PROVIDER SHALL INCLUDE THE STUDENT'S READ PLAN CREATED
24 PURSUANT TO SECTION 22-7-1206 AS A COMPONENT OF THE STUDENT'S
25 INDIVIDUALIZED READINESS PLAN.

26 (2) (a) Beginning with students who enter kindergarten in the fall
27 semester of 2013, each local education provider shall ensure that each

1 student enrolled in a kindergarten program operated by the local
2 education provider progresses toward demonstrating school readiness.
3 Each local education provider shall administer the school readiness
4 assessment WITHIN THE FIRST SIXTY DAYS OF THE SCHOOL YEAR to each
5 student enrolled in a kindergarten program operated by the local
6 education provider to measure each student's progress toward
7 demonstrating LEVEL OF school readiness. IF THE LOCAL EDUCATION
8 PROVIDER ADMINISTERS A READING ASSESSMENT PURSUANT TO SECTION
9 22-7-1205 (1) (a.5) WITHIN THE FIRST SIXTY DAYS OF THE SCHOOL YEAR
10 TO STUDENTS ENROLLED IN THE KINDERGARTEN PROGRAM, THE LOCAL
11 EDUCATION PROVIDER IS NOT REQUIRED TO ADMINISTER THE LITERACY
12 COMPONENT OF THE SCHOOL READINESS ASSESSMENT. THE LOCAL
13 EDUCATION PROVIDER MAY CHOOSE TO MONITOR A STUDENT'S PROGRESS
14 TOWARD DEMONSTRATING SCHOOL READINESS BY ADMINISTERING AN
15 APPROVED SCHOOL READINESS ASSESSMENT MULTIPLE TIMES OVER THE
16 COURSE OF THE SCHOOL YEAR.

17 SECTION 7. In Colorado Revised Statutes, 22-9-106, amend
18 (2.5) (b) (II) (A); and add (2.5) (c) as follows:

19 22-9-106. Local boards of education - duties - performance
20 evaluation system - compliance - rules - repeal. (2.5) (b) (II) (A) For
21 the 2014-15 academic year and every year thereafter, a local board shall
22 implement a licensed personnel evaluation system based on the quality
23 standards established pursuant to this article and rule of the state board,
24 including student academic growth; except that, for the 2014-15 academic
25 year only, a local board may determine at what percentage, if any, to
26 weigh student academic growth toward the final level of effectiveness
27 assigned to any person receiving an evaluation pursuant to this article. In

1 no instance may a local board weigh student academic growth, as used in
2 determining a final level of effectiveness, at greater than fifty percent.
3 FOR THE 2014-15 ACADEMIC YEAR, A LOCAL BOARD SHALL NOT USE THE
4 RESULTS OF THE STATE ASSESSMENTS ADMINISTERED PURSUANT TO
5 SECTION 22-7-1006.3 IN MEASURING STUDENT ACADEMIC GROWTH FOR
6 PURPOSES OF DETERMINING A PERSON'S LEVEL OF EFFECTIVENESS.

7 (c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (e) OF
8 SUBSECTION (1) OF THIS SECTION OR SUBSECTION (7) OF THIS SECTION TO
9 THE CONTRARY:

10 (I) A LOCAL BOARD MAY USE THE RESULTS OF THE STATE
11 ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 IN THE
12 2014-15 SCHOOL YEAR ONLY AS BASELINE DATA FOR MEASURING STUDENT
13 ACADEMIC GROWTH IN THE 2015-16 SCHOOL YEAR AND SCHOOL YEARS
14 THEREAFTER; AND

15 (II) A LOCAL BOARD MAY USE THE RESULTS OF STATE
16 ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 AS A
17 MEASURE OF STUDENT ACADEMIC GROWTH FOR EVALUATIONS PREPARED
18 FOR THE SCHOOL YEAR IN WHICH THE ASSESSMENTS ARE ADMINISTERED
19 ONLY IF THE LOCAL BOARD RECEIVES THE RESULTS AT LEAST TWO WEEKS
20 BEFORE THE DATE BY WHICH PROBATIONARY TEACHERS AND
21 NONPROBATIONARY TEACHERS MUST RECEIVE THE WRITTEN EVALUATION
22 REPORT AS PROVIDED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS
23 SECTION. A LOCAL BOARD MAY USE THE RESULTS OF STATE ASSESSMENTS
24 AS MEASURES OF STUDENT ACADEMIC GROWTH FOR EDUCATOR
25 EVALUATIONS AND PROFESSIONAL DEVELOPMENT IN THE SCHOOL YEAR
26 FOLLOWING THE SCHOOL YEAR IN WHICH THE ASSESSMENTS ARE
27 ADMINISTERED. IN ANY YEAR IN WHICH A LOCAL BOARD DOES NOT

1 RECEIVE THE STATE ASSESSMENT RESULTS BY TWO WEEKS BEFORE THE
2 DEADLINE FOR THE WRITTEN EVALUATION REPORTS, THE LOCAL BOARD
3 MUST USE ALTERNATE MEASURES OF STUDENT ACADEMIC GROWTH
4 INCLUDING THE RESULTS OF LOCAL ASSESSMENTS IF AVAILABLE.

5 **SECTION 8.** In Colorado Revised Statutes, 22-11-207, **amend**
6 **(4) as follows:**

7 **22-11-207. Accreditation categories - criteria - rules.**

8 **(4) (a) The state board by rule shall specify how long a school district or**
9 **the institute may remain in an accreditation category that is below**
10 **accredited; except that the state board shall not allow a school district or**
11 **the institute to remain at accredited with priority improvement plan or**
12 **below for longer than a total of five consecutive school years before**
13 **removing the school district's or the institute's accreditation as provided**
14 **in section 22-11-209.**

15 **(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF**
16 **THIS SUBSECTION (4), FOR PURPOSES OF CALCULATING WHETHER A SCHOOL**
17 **DISTRICT OR THE INSTITUTE IS ACCREDITED WITH PRIORITY IMPROVEMENT**
18 **PLAN OR BELOW FOR LONGER THAN A TOTAL OF FIVE CONSECUTIVE**
19 **SCHOOL YEARS, THE DEPARTMENT SHALL EXCLUDE THE 2015-16 SCHOOL**
20 **YEAR, DURING WHICH THE DEPARTMENT DOES NOT ASSIGN**
21 **ACCREDITATION RATINGS AS PROVIDED IN SECTION 22-11-208 (1.5), FROM**
22 **THE CALCULATION AND SHALL COUNT THE 2016-17 SCHOOL YEAR AS IF IT**
23 **WERE CONSECUTIVE TO THE 2014-15 SCHOOL YEAR.**

24 **SECTION 9.** In Colorado Revised Statutes, 22-11-208, **amend**
25 **(1.5); and add (1.7) as follows:**

26 **22-11-208. Accreditation - annual review - supports and**
27 **interventions - rules. (1.5) Notwithstanding any provision of this article,**

1 or any provision of state board rule that implements this article, to the
2 contrary, for the 2015-16 school year, the department shall NOT assign
3 accreditation ratings for school districts and the institute, based on: FOR
4 THE 2015-16 SCHOOL YEAR, EACH SCHOOL DISTRICT AND THE INSTITUTE
5 SHALL CONTINUE TO IMPLEMENT THE PLAN TYPE THAT WAS ASSIGNED FOR
6 THE PRECEDING SCHOOL YEAR. THE DEPARTMENT SHALL ASSIGN
7 ACCREDITATION RATINGS FOR SCHOOL DISTRICTS AND THE INSTITUTE FOR
8 THE 2016-17 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER.

9 (a) The accreditation rating assigned to the school district or the
10 institute for the preceding school year;

11 (b) The school district's or the institute's compliance with the
12 provisions of its accreditation contract;

13 (c) The level of participation on the statewide assessments by
14 students enrolled in the schools of the school district or in the institute
15 charter schools; and

16 (d) Valid and reliable data that meets the guidelines established
17 by the commissioner and that the school district or the institute may
18 submit to the department to demonstrate the school district's or the
19 institute's progress in improving student performance with regard to the
20 Colorado academic standards and postsecondary and workforce readiness
21 and in attaining the statewide targets for the performance indicators and
22 the school district's or the institute's performance targets for the preceding
23 school year.

24 (1.7) AS PART OF THE PRESENTATION TO THE JOINT EDUCATION
25 COMMITTEE REQUIRED BY SECTION 2-7-203, C.R.S., IN 2015, THE
26 DEPARTMENT SHALL REPORT PROGRESS IN USING THE ASSESSMENT
27 RESULTS RECEIVED PURSUANT TO SECTION 22-7-1006.3 TO CALCULATE

1 FAIRLY AND IN A TIMELY MANNER EACH SCHOOL DISTRICT'S AND THE
2 INSTITUTE'S ACHIEVEMENT OF THE PERFORMANCE INDICATORS. THE
3 DEPARTMENT SHALL RECOMMEND TO THE JOINT EDUCATION COMMITTEE
4 WHETHER THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION SHOULD
5 BE EXTENDED TO APPLY IN SUBSEQUENT SCHOOL YEARS.

6 **SECTION 10. In Colorado Revised Statutes, 22-11-210, amend**
7 **(1) (d) and (2.5); and add (2.7) as follows:**

8 **22-11-210. Public schools - annual review - plans - supports**
9 **and interventions - rules. (1) (d) (I) The state board by rule shall specify**
10 **how long a public school may implement an improvement, priority**
11 **improvement, or turnaround plan; except that the state board shall not**
12 **allow a public school to continue implementing a priority improvement**
13 **or turnaround plan for longer than a combined total of five consecutive**
14 **school years before requiring the school district or the institute to**
15 **restructure or close the public school.**

16 **(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF**
17 **THIS PARAGRAPH (d), FOR PURPOSES OF CALCULATING WHETHER A PUBLIC**
18 **SCHOOL IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR**
19 **TURNAROUND PLAN FOR LONGER THAN A COMBINED TOTAL OF FIVE**
20 **CONSECUTIVE SCHOOL YEARS, THE DEPARTMENT SHALL EXCLUDE THE**
21 **2015-16 SCHOOL YEAR, DURING WHICH THE DEPARTMENT DOES NOT**
22 **RECOMMEND SCHOOL PLANS AS PROVIDED IN SUBSECTION (2.5) OF THIS**
23 **SECTION, FROM THE CALCULATION AND SHALL COUNT THE 2016-17**
24 **SCHOOL YEAR AS IF IT WERE CONSECUTIVE TO THE 2014-15 SCHOOL YEAR.**

25 **(2.5) Notwithstanding any provision of this article, or any**
26 **provision of state board rule that implements this article, to the contrary,**
27 **for the 2015-16 school year, the department shall NOT recommend to the**

1 state board school plan types, based on: FOR THE 2015-16 SCHOOL YEAR,
2 EACH PUBLIC SCHOOL SHALL CONTINUE TO IMPLEMENT THE SCHOOL PLAN
3 TYPE THAT WAS ASSIGNED FOR THE PRECEDING SCHOOL YEAR. THE
4 DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD SCHOOL PLAN
5 TYPES FOR THE 2016-17 SCHOOL YEAR AND EACH SCHOOL YEAR
6 THEREAFTER.

7 (a) The type of school plan that the public school was required to
8 implement for the preceding school year;

9 (b) The level of participation by students enrolled in the public
10 school in the statewide assessments; and

11 (c) Valid and reliable data that meets the guidelines established by
12 the commissioner and that the school district of the public school or the
13 institute may submit to the department to demonstrate the public school's
14 progress in improving student performance with regard to the Colorado
15 academic standards and postsecondary and workforce readiness and in
16 attaining the statewide targets for the performance indicators, the school
17 district's or the institute's performance targets, and the public school's
18 performance targets for the preceding school year.

19 (2.7) AS PART OF THE PRESENTATION TO THE JOINT EDUCATION
20 COMMITTEE REQUIRED BY SECTION 2-7-203, C.R.S., IN 2015, THE
21 DEPARTMENT SHALL REPORT PROGRESS IN USING THE ASSESSMENT
22 RESULTS RECEIVED PURSUANT TO SECTION 22-7-1006.3 TO CALCULATE
23 FAIRLY AND IN A TIMELY MANNER EACH PUBLIC SCHOOL'S ACHIEVEMENT
24 OF THE PERFORMANCE INDICATORS. THE DEPARTMENT SHALL RECOMMEND
25 TO THE JOINT EDUCATION COMMITTEE WHETHER THE PROVISIONS OF
26 SUBSECTION (2.5) OF THIS SECTION SHOULD BE EXTENDED TO APPLY IN
27 SUBSEQUENT SCHOOL YEARS.