

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-0037.01 Julie Pelegrin x2700

HOUSE BILL 16-1016

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HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

(None),

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House Committees

Education  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING USING MULTIPLE MEASURES OF STUDENT ACADEMIC  
102 GROWTH.

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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 creates a grant program to assist school districts, boards of cooperative services, and charter schools (local education providers) in creating and applying multiple measures of student academic growth to measure the performance of public schools and local education providers and to measure educator effectiveness. A local education provider may apply to receive a grant by providing specified information,

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  
May 5, 2016

including a plan for building the capacity of educators and administrators concerning multiple measures of student academic growth and for developing and implementing a process for creating and applying multiple measures of student academic growth. The local education provider must also agree to an external evaluation of the success of the plan. The state board of education (state board) must adopt rules for awarding the grants. The state board, taking into account recommendations from the department of education (department), must award the grants based on the quality of an applicant's plan and an applicant's level of need. The department must contract with an entity to evaluate each grant recipient's success in creating and applying multiple measures of student academic growth.

The department must annually prepare and submit to the education committees of the general assembly a summary of the evaluations, including an evaluation of whether the multiple measures of student academic growth were effective in measuring the performance of public schools and local education providers and in measuring educator effectiveness and the likelihood of success in applying the multiple measures statewide to measure the performance of public schools and local education providers.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 16 to title  
3 22 as follows:

4 **ARTICLE 16**

5 **Multiple Measures of Student Academic Growth**

6 **22-16-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
7 FINDS THAT:

8 (a) STATE SUMMATIVE ASSESSMENTS ARE THE PRIMARY TOOL FOR  
9 MEASURING STUDENT ACADEMIC GROWTH, EVALUATING EDUCATOR  
10 EFFECTIVENESS, AND MEASURING THE PERFORMANCE OF LOCAL  
11 EDUCATION PROVIDERS AND THE STATE IN PROVIDING PUBLIC EDUCATION  
12 PROGRAMS;

13 (b) BUT STATE SUMMATIVE ASSESSMENTS DO NOT INCLUDE ALL OF  
14 THE CONTENT AREAS TAUGHT BY LOCAL EDUCATION PROVIDERS AND, IN

1 FACT, ARE USEFUL FOR MEASURING STUDENT ACHIEVEMENT AND  
2 ACADEMIC GROWTH, EDUCATOR EFFECTIVENESS, AND THE PERFORMANCE  
3 OF LOCAL EDUCATION PROVIDERS ONLY IN A SMALL MINORITY OF  
4 SUBJECTS;

5 (c) IN ADDITION, STATE SUMMATIVE ASSESSMENTS, BECAUSE THEY  
6 ARE STANDARDIZED, USUALLY MULTI-CHOICE TESTS, ARGUABLY DO NOT  
7 PROVIDE A COMPLETE MEASURE OF WHAT EACH STUDENT KNOWS OR IS  
8 ABLE TO DO. WELL-DESIGNED PERFORMANCE-BASED MEASURES MAY  
9 PROVIDE A MORE COMPREHENSIVE UNDERSTANDING OF A STUDENT'S  
10 KNOWLEDGE AND SKILLS.

11 (d) DEVELOPING MULTIPLE WAYS TO MEASURE STUDENT  
12 ACADEMIC GROWTH GIVES LOCAL EDUCATION PROVIDERS RIGOROUS,  
13 VALID, AND RELIABLE MEASURES OF STUDENT ACADEMIC GROWTH THAT  
14 SUPPLEMENT THE INFORMATION RECEIVED FROM STATE SUMMATIVE  
15 ASSESSMENTS. THESE SUPPLEMENTAL MEASURES ENABLE LOCAL  
16 EDUCATION PROVIDERS TO MORE FULLY EVALUATE THE PERFORMANCE OF  
17 PUBLIC SCHOOLS AND MORE HOLISTICALLY MEASURE EDUCATORS'  
18 INDIVIDUALLY ATTRIBUTABLE IMPACTS ON STUDENT ACHIEVEMENT AND  
19 ACADEMIC GROWTH.

20 (e) USING MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH  
21 TO CREATE A BODY OF EVIDENCE THAT MEASURES STUDENTS' KNOWLEDGE  
22 AT THE BEGINNING AND END OF THE INSTRUCTIONAL INTERVAL AND  
23 MONITORING LEARNING AND ADJUSTING INSTRUCTION THROUGHOUT THE  
24 INTERVAL PROMOTES EXCELLENT EDUCATOR PRACTICE, SUPPORTS  
25 STANDARDS-BASED EDUCATION PRACTICES, AND ESTABLISHES A  
26 FRAMEWORK FOR FORMATIVE ASSESSMENT PRACTICE, WHICH HAS BEEN  
27 SHOWN TO HAVE A POSITIVE IMPACT ON STUDENT LEARNING;

1 (f) A LOCAL EDUCATION PROVIDER'S ABILITY TO EFFECTIVELY  
2 CREATE AND USE MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH  
3 DEPENDS IN PART ON EDUCATORS' AND ADMINISTRATORS' CAPACITY TO  
4 SELECT OR DESIGN ACCURATE MEASURES AND APPROPRIATELY INTERPRET  
5 ASSESSMENT RESULTS. TO CREATE AND APPLY MULTIPLE MEASURES OF  
6 STUDENT ACADEMIC GROWTH EFFECTIVELY, LOCAL EDUCATION  
7 PROVIDERS MUST ENGAGE IN AN INTENTIONAL PROCESS OF ORGANIZED  
8 LEARNING TO DEVELOP EDUCATOR AND ADMINISTRATOR CAPACITY.

9 (g) LOCAL EDUCATION PROVIDERS ARE AT DIFFERENT STAGES IN  
10 DEVELOPING THEIR CAPACITY TO CREATE AND APPLY MULTIPLE MEASURES  
11 OF STUDENT ACADEMIC GROWTH AND CAN THEREFORE BENEFIT FROM  
12 WORKING IN PARTNERSHIPS, ESPECIALLY PARTNERSHIPS THAT INCLUDE  
13 BOTH URBAN AND RURAL LOCAL EDUCATION PROVIDERS AND LOCAL  
14 EDUCATION PROVIDERS OF VARYING STUDENT POPULATION SIZES AND  
15 DEMOGRAPHICS;

16 (h) A LOCAL EDUCATION PROVIDER MAY DEVELOP AND USE  
17 MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH TO MEASURE  
18 STUDENT ACHIEVEMENT AND ACADEMIC GROWTH, EVALUATE THE  
19 EFFECTIVENESS OF EDUCATORS THAT THE LOCAL EDUCATION PROVIDER  
20 EMPLOYS, AND MEASURE THE PERFORMANCE OF PUBLIC SCHOOLS AND OF  
21 THE LOCAL EDUCATION PROVIDER AS A WHOLE. IN ADDITION, A LOCAL  
22 EDUCATION PROVIDER MAY DEVELOP MULTIPLE MEASURES OF STUDENT  
23 ACADEMIC GROWTH WITH THE INTENT THAT OTHER LOCAL EDUCATION  
24 PROVIDERS MAY USE THEM OR THAT THE MEASURES WILL BE SUFFICIENTLY  
25 RIGOROUS, VALID, RELIABLE, AND COMPARABLE FOR USE AS PART OF  
26 STATEWIDE ACCOUNTABILITY AND ACCREDITATION.

27 (i) THE FEDERAL "EVERY STUDENT SUCCEEDS ACT", PUB.L.

1 114-95, WHICH REAUTHORIZES THE "ELEMENTARY AND SECONDARY  
2 EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., REQUIRES EACH  
3 STATE TO MEASURE THE PERFORMANCE OF LOCAL EDUCATION PROVIDERS  
4 BY USING AT LEAST ONE INDICATOR OF SCHOOL QUALITY OR STUDENT  
5 SUCCESS. THE GENERAL ASSEMBLY MAY ULTIMATELY CONSIDER USING  
6 ANY MEASURES OF STUDENT ACADEMIC GROWTH THAT ARE CREATED AS  
7 A RESULT OF THIS ARTICLE AND THAT ARE SUFFICIENTLY RIGOROUS, VALID,  
8 RELIABLE, AND COMPARABLE AS A PERFORMANCE INDICATOR OF SCHOOL  
9 QUALITY OR STUDENT SUCCESS AS REQUIRED IN THE "EVERY STUDENT  
10 SUCCEEDS ACT".

11 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS  
12 APPROPRIATE TO ESTABLISH A GRANT PROGRAM TO GIVE LOCAL  
13 EDUCATION PROVIDERS THE RESOURCES TO EFFECTIVELY CREATE AND  
14 APPLY MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH FOR THE  
15 BENEFIT OF STUDENTS, EDUCATORS, PUBLIC SCHOOLS, AND LOCAL  
16 EDUCATION PROVIDERS.

17 (3) THE GENERAL ASSEMBLY FURTHER FINDS THAT, FOR PURPOSES  
18 OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, GRANTS TO  
19 ASSIST LOCAL EDUCATION PROVIDERS IN CREATING AND APPLYING  
20 MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH WILL ASSIST LOCAL  
21 EDUCATION PROVIDERS IN IMPLEMENTING ACCOUNTABLE EDUCATION  
22 REFORM AND ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC  
23 STANDARDS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE  
24 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE  
25 STATE CONSTITUTION.

26 **22-16-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
27 CONTEXT OTHERWISE REQUIRES:

1 (1) "BOCES" MEANS A BOARD OF COOPERATIVE SERVICES  
2 CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE.

3 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
4 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

5 (3) "FUND" MEANS THE STUDENT ACADEMIC GROWTH MEASURES  
6 GRANT PROGRAM FUND CREATED IN SECTION 22-16-105.

7 (4) "GRANT PROGRAM" MEANS THE STUDENT ACADEMIC GROWTH  
8 MEASURES GRANT PROGRAM CREATED IN SECTION 22-16-103.

9 (5) "GRANTEE" MEANS A LOCAL EDUCATION PROVIDER OR  
10 PARTNERSHIP OF LOCAL EDUCATION PROVIDERS THAT RECEIVES A GRANT  
11 FROM THE GRANT PROGRAM.

12 (6) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A  
13 BOCES THAT OPERATES A PUBLIC SCHOOL, A CHARTER SCHOOL  
14 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5  
15 OF THIS TITLE, OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE  
16 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5  
17 OF THIS TITLE.

18 (7) "MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH"  
19 MEANS PERFORMANCE-BASED METHODS OF MEASURING STUDENT  
20 ACADEMIC GROWTH THAT:

21 (a) ARE BASED ON SETTING MEASURABLE GOALS OR OBJECTIVES  
22 FOR A SPECIFIC TEACHING ASSIGNMENT OR CLASS, WHICH GOALS AND  
23 OBJECTIVES ARE SET IN A PARTICIPATORY MANNER AND ALIGNED WITH  
24 THE SUBJECT MATTER TAUGHT; AND

25 (b) ENABLE EDUCATORS TO EVALUATE THE BASELINE  
26 PERFORMANCE OF STUDENTS AND THE MEASURABLE GAIN IN STUDENT  
27 PERFORMANCE DURING THE COURSE OF INSTRUCTION.

1 (8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION  
2 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

3 **22-16-103. Student academic growth measures grant program**

4 **- created - applications.** (1) THERE IS CREATED IN THE DEPARTMENT THE  
5 STUDENT ACADEMIC GROWTH MEASURES GRANT PROGRAM TO ASSIST  
6 LOCAL EDUCATION PROVIDERS IN DEVELOPING AND USING MULTIPLE  
7 MEASURES OF STUDENT ACADEMIC GROWTH AS SUPPLEMENTS TO THE  
8 STATE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3  
9 AND OTHER STANDARDIZED TESTS ADMINISTERED BY LOCAL EDUCATION  
10 PROVIDERS. A LOCAL EDUCATION PROVIDER MAY USE THE MULTIPLE  
11 MEASURES OF STUDENT ACADEMIC GROWTH TO SUPPLEMENT, BUT NOT  
12 REPLACE, STATEWIDE SUMMATIVE ASSESSMENTS. A GRANTEE MAY  
13 DEVELOP THE MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH FOR  
14 USE SOLELY BY THE GRANTEE FOR ONE OR ALL OF THE PURPOSES OF  
15 MEASURING STUDENT ACHIEVEMENT AND ACADEMIC GROWTH,  
16 EVALUATING EDUCATOR EFFECTIVENESS, EVALUATING PUBLIC SCHOOL  
17 PERFORMANCE, OR EVALUATING THE OVERALL PERFORMANCE OF A  
18 SCHOOL DISTRICT OR BOCES. IN ADDITION, A GRANTEE MAY CHOOSE TO  
19 DEVELOP THE MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH  
20 ULTIMATELY FOR USE THROUGHOUT THE STATE AS PART OF STATEWIDE  
21 ACCOUNTABILITY AND ACCREDITATION UNDER ARTICLE 11 OF THIS TITLE.

22 (2) A LOCAL EDUCATION PROVIDER, SOLELY OR IN PARTNERSHIP  
23 WITH ONE OR MORE OTHER LOCAL EDUCATION PROVIDERS, MAY APPLY TO  
24 THE DEPARTMENT TO PARTICIPATE IN THE GRANT PROGRAM IN  
25 ACCORDANCE WITH STATE BOARD RULES AND THE REQUIREMENTS OF THIS  
26 SECTION. AT A MINIMUM, EACH APPLICATION MUST INCLUDE:

27 (a) A PLAN THAT, AT A MINIMUM, DESCRIBES HOW THE APPLICANT

1 INTENDS TO:

2 (I) BUILD EDUCATOR AND ADMINISTRATIVE LEADERSHIP CAPACITY  
3 CONCERNING THE DEVELOPMENT AND USE OF MULTIPLE MEASURES OF  
4 STUDENT ACADEMIC GROWTH;

5 (II) CREATE AND IMPLEMENT A PROCESS FOR DEVELOPING AND  
6 USING MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH TO ENHANCE  
7 CLASSROOM ASSESSMENT, FORMATIVE ASSESSMENT PRACTICE, AND  
8 STANDARDS-BASED INSTRUCTION AND TO INCREASE STUDENT  
9 ACHIEVEMENT AND ACADEMIC GROWTH; AND

10 (III) USE THE RESULTS OF THE MULTIPLE MEASURES OF STUDENT  
11 ACADEMIC GROWTH, WHICH USE MAY INCLUDE, BUT NEED NOT BE LIMITED  
12 TO, MEASURING STUDENT ACHIEVEMENT AND ACADEMIC GROWTH,  
13 EVALUATING EDUCATOR EFFECTIVENESS, MEASURING THE PERFORMANCE  
14 OF A PUBLIC SCHOOL, AND MEASURING THE OVERALL PERFORMANCE OF A  
15 SCHOOL DISTRICT OR BOCES;

16 (b) A STATEMENT AS TO WHETHER THE APPLICANT INTENDS TO  
17 CREATE THE MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH WITH  
18 THE EXPECTATION THAT THEY MAY BE USED SOLELY BY THE APPLICANT,  
19 USED BY OTHER LOCAL EDUCATION PROVIDERS FOR LOCAL PURPOSES, OR  
20 USED BY THE STATE AS PART OF STATEWIDE ACCOUNTABILITY AND  
21 ACCREDITATION UNDER ARTICLE 11 OF THIS TITLE OR FOR A COMBINATION  
22 OF THESE USES; AND

23 (c) WHETHER THE APPLICANT ANTICIPATES CONTRACTING WITH A  
24 PERSON OR A PUBLIC OR PRIVATE ENTITY TO ASSIST IN DEVELOPING AND  
25 USING THE MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH.

26 (3) AN APPLICANT MUST AGREE TO:

27 (a) PARTICIPATE IN AN EXTERNAL EVALUATION OF THE MULTIPLE



1 MEASURES OF STUDENT ACADEMIC GROWTH THAT THE APPLICANT  
2 CREATES TO DETERMINE, AT A MINIMUM, THE RIGOR, VALIDITY, AND  
3 RELIABILITY OF THE MEASURES AND WHETHER THEY ARE APPROPRIATE  
4 FOR STATEWIDE USE; AND

5 (b) SUBMIT TO THE DEPARTMENT COPIES OF THE RESOURCES AND  
6 MATERIALS THE APPLICANT CREATES USING MONEY RECEIVED FROM THE  
7 GRANT PROGRAM, WHICH THE DEPARTMENT MAY MAKE AVAILABLE TO  
8 OTHER LOCAL EDUCATION PROVIDERS BASED ON THE RESULTS OF THE  
9 EVALUATION.

10 **22-16-104. Grantee selection - rules.** (1) THE DEPARTMENT  
11 SHALL REVIEW EACH APPLICATION RECEIVED PURSUANT TO SECTION  
12 22-16-103 AND RECOMMEND TO THE STATE BOARD THOSE APPLICANTS  
13 THAT SHOULD RECEIVE GRANTS AND THE AMOUNTS OF THE GRANTS.  
14 SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD SHALL  
15 AWARD THE GRANTS, TAKING INTO CONSIDERATION THE DEPARTMENT'S  
16 RECOMMENDATIONS. THE DEPARTMENT AND THE STATE BOARD SHALL  
17 BASE THEIR RECOMMENDATIONS AND GRANT AWARDS ON THE FOLLOWING  
18 CRITERIA:

19 (a) WHETHER THE APPLICANT IS A SINGLE LOCAL EDUCATION  
20 PROVIDER OR A PARTNERSHIP OF TWO OR MORE LOCAL EDUCATION  
21 PROVIDERS, GIVING HIGHER PRIORITY TO APPLICATIONS SUBMITTED BY  
22 PARTNERSHIPS AND ESPECIALLY PARTNERSHIPS THAT INCLUDE URBAN AND  
23 RURAL LOCAL EDUCATION PROVIDERS AND LOCAL EDUCATION PROVIDERS  
24 WITH VARYING STUDENT POPULATION SIZES AND DEMOGRAPHICS;

25 (b) WHETHER THE APPLICANT INTENDS THAT THE MULTIPLE  
26 MEASURES OF STUDENT ACADEMIC GROWTH THAT IT DEVELOPS WILL BE  
27 SUFFICIENTLY RIGOROUS, VALID, AND RELIABLE FOR USE BY OTHER LOCAL

1 EDUCATION PROVIDERS AND BY THE STATE AS PART OF STATEWIDE  
2 ACCOUNTABILITY AND ACCREDITATION UNDER ARTICLE 11 OF THIS TITLE,  
3 GIVING PRIORITY TO APPLICATIONS THAT ARE MOST LIKELY TO RESULT IN  
4 MEASURES THAT ARE APPROPRIATE FOR WIDESPREAD USE THROUGHOUT  
5 THE STATE;

6 (c) THE QUALITY OF THE APPLICANT'S PLAN AND THE LIKELIHOOD  
7 THAT IT WILL RESULT IN MULTIPLE MEASURES OF STUDENT ACADEMIC  
8 GROWTH THAT ARE RIGOROUS, VALID, AND RELIABLE FOR THE PURPOSES  
9 THAT THE APPLICANT IDENTIFIES IN THE APPLICATION; AND

10 (d) THE APPLICANT'S CAPACITY FOR DEVELOPING AND USING  
11 MULTIPLE MEASURES OF STUDENT ACADEMIC GROWTH THAT ARE  
12 RIGOROUS, VALID, AND RELIABLE AND WHETHER THE APPLICANT INTENDS  
13 TO CONTRACT WITH A PERSON OR ENTITY TO ASSIST IN DEVELOPING AND  
14 USING THE MEASURES.

15 (2) THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE  
16 WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE  
17 24, C.R.S., AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM,  
18 INCLUDING BUT NOT LIMITED TO RULES ESTABLISHING THE TIMELINES AND  
19 PROCEDURES APPLICABLE TO APPLYING FOR AND AWARDED GRANTS.

20 (3) A GRANTEE MAY USE A PORTION OF THE GRANT MONEY  
21 RECEIVED TO CONTRACT WITH A PERSON OR A PUBLIC OR PRIVATE ENTITY,  
22 INCLUDING THE DEPARTMENT, FOR ASSISTANCE IN DESIGNING AND USING  
23 THE MULTIPLE MEASURES OF STUDENT GROWTH IN ACCORDANCE WITH THE  
24 GRANTEE'S PLAN.

25 **22-16-105. Student academic growth measures grant program**  
26 **fund - created.** (1) THE STUDENT ACADEMIC GROWTH MEASURES GRANT  
27 PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND

1 CONSISTS OF ANY MONEY THAT THE GENERAL ASSEMBLY MAY  
2 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL  
3 CREDIT TO THE FUND ALL INTEREST AND INCOME DERIVED FROM THE  
4 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND. ANY UNEXPENDED  
5 AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A  
6 FISCAL YEAR SHALL NOT REVERT TO THE FUND FROM WHICH IT WAS  
7 APPROPRIATED OR BE TRANSFERRED TO ANOTHER FUND.

8 (2) THE MONEY APPROPRIATED OR TRANSFERRED TO THE FUND IS  
9 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES  
10 OF THIS ARTICLE. OF THE MONEY APPROPRIATED OR TRANSFERRED TO THE  
11 FUND, THE STATE BOARD AND THE DEPARTMENT MAY ANNUALLY EXPEND  
12 UP TO FIVE PERCENT OF THE AMOUNT APPROPRIATED OR TRANSFERRED TO  
13 THE FUND FOR ADMINISTRATIVE EXPENSES INCURRED IN ADMINISTERING  
14 THE GRANT PROGRAM AND UP TO TWO HUNDRED THOUSAND DOLLARS TO  
15 PAY THE COSTS INCURRED IN CONTRACTING WITH AN ENTITY AND  
16 PREPARING AN ANNUAL REPORT AS REQUIRED IN SECTION 22-16-106.

17 (3) AS PART OF ITS DECEMBER 2016 ECONOMIC AND REVENUE  
18 FORECAST, THE LEGISLATIVE COUNCIL STAFF SHALL ESTIMATE THE ENDING  
19 BALANCE OF THE STATE EDUCATION FUND FOR THE 2016-17 BUDGET YEAR.  
20 IF THE ESTIMATED ENDING BALANCE IS GREATER THAN ONE HUNDRED  
21 MILLION DOLLARS, THE STATE TREASURER, ON DECEMBER 29, 2016, SHALL  
22 TRANSFER FROM THE STATE EDUCATION FUND TO THE FUND AN AMOUNT  
23 EQUAL TO THE AMOUNT BY WHICH THE ESTIMATED ENDING BALANCE OF  
24 THE STATE EDUCATION FUND FOR THE 2016-17 BUDGET YEAR EXCEEDS  
25 ONE HUNDRED MILLION DOLLARS; EXCEPT THAT THE AMOUNT  
26 TRANSFERRED SHALL NOT EXCEED TEN MILLION DOLLARS.  
27 NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY,

1 IF THE AMOUNT TRANSFERRED TO THE FUND PURSUANT TO THIS  
2 SUBSECTION (3) IS LESS THAN FIVE HUNDRED THOUSAND DOLLARS, THE  
3 DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS  
4 ARTICLE FOR THE 2016-17 BUDGET YEAR.

5 **22-16-106. Student academic growth measures - evaluation -**  
6 **report.** (1) THE DEPARTMENT SHALL CONTRACT WITH AN ENTITY TO  
7 EVALUATE THE RIGOR, VALIDITY, AND RELIABILITY OF THE MULTIPLE  
8 MEASURES OF STUDENT ACADEMIC GROWTH THAT GRANTEEES DEVELOP  
9 AND WHETHER THE MEASURES ARE RELIABLE AND APPROPRIATE FOR USE  
10 BY OTHER LOCAL EDUCATION PROVIDERS OR FOR USE BY THE STATE AS  
11 PART OF STATEWIDE ACCOUNTABILITY AND ACCREDITATION UNDER  
12 ARTICLE 11 OF THIS TITLE.

13 (2) (a) THE DEPARTMENT SHALL ANNUALLY PREPARE A REPORT  
14 THAT SUMMARIZES THE EVALUATIONS COMPLETED PURSUANT TO  
15 SUBSECTION (1) OF THIS SECTION AND PROVIDES INFORMATION  
16 CONCERNING IMPLEMENTATION OF THE GRANT PROGRAM FOR THE  
17 PRECEDING BUDGET YEAR, INCLUDING THE GRANTEEES AND THE AMOUNTS  
18 AWARDED. THE DEPARTMENT SHALL SUBMIT THE REPORT TO THE STATE  
19 BOARD AND TO THE EDUCATION COMMITTEES OF THE HOUSE OF  
20 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

21 (b) THIS SUBSECTION (2) IS EXEMPT FROM THE PROVISIONS OF  
22 SECTION 24-1-136 (11), C.R.S., AND THE ANNUAL REPORTING  
23 REQUIREMENTS OF THIS SUBSECTION (2) ARE EFFECTIVE UNTIL CHANGED  
24 BY THE GENERAL ASSEMBLY ACTING BY BILL.

25 **SECTION 2. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August

1 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2016 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.