

NOTE: The governor signed this measure on 6/10/2016.

An Act

HOUSE BILL 16-1234

BY REPRESENTATIVE(S) Klingenschmitt and Singer, Everett, Lundeen, Wilson, Windholz, Lebsock, Leonard, Ryden, Salazar, Van Winkle, Young;
also SENATOR(S) Merrifield and Marble, Baumgardner, Carroll, Holbert, Neville T., Todd, Woods.

CONCERNING THE CONSIDERATION OF METHODS FOR SELECTING STATE ASSESSMENT ALTERNATIVES THAT MAINTAIN THE EXISTING STATE ASSESSMENT REQUIREMENTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) Valid, reliable, comparable, and rigorous state summative assessments that are aligned to the Colorado academic standards are important to maintaining a high-quality public education system in the state;

(b) Evaluating alternative summative assessments that may minimize the testing burden and provide useful student academic

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

performance data for students, parents, and educators, while upholding the concepts of reliability, comparability, rigor, and alignment, is in the best interest of Colorado's students;

(c) Determining the best path forward for Colorado students will require a thorough analysis of the existing local, state, and multi-state assessments and the cost of developing new assessments. This analysis must take into account the cost of proposed assessments, implementation needs, and feedback from students, parents, and educators concerning changes to the state summative assessments.

(d) To the extent practicable, the department of education should leverage available federal money to use to complete a thorough analysis of the existing state assessments and design a state assessment system for future use.

SECTION 2. In Colorado Revised Statutes, **add** 22-7-1006.1 as follows:

22-7-1006.1. Assessment selection - department of education - study - repeal. (1) THE DEPARTMENT OF EDUCATION SHALL INVESTIGATE AND REVIEW THE OPTIONS AVAILABLE TO THE STATE FOR SELECTING THE STATE ASSESSMENTS IN MATHEMATICS, ENGLISH LANGUAGE ARTS, SCIENCE, AND SOCIAL STUDIES, INCLUDING OPTIONS FOR ALLOWING LOCAL EDUCATION PROVIDERS TO SELECT AND ADMINISTER THEIR OWN ASSESSMENTS IN THESE SUBJECTS FOR USE IN THE STATE ACCOUNTABILITY SYSTEM. THE DEPARTMENT, AT A MINIMUM, SHALL CONSIDER:

(a) RESOURCES AVAILABLE TO THE STATE TO USE IN DESIGNING, CREATING, OR SELECTING STATE ASSESSMENTS IN THE SPECIFIED SUBJECTS AND THE APPROXIMATE, ANTICIPATED COSTS TO THE STATE OF SELECTING THE STATE ASSESSMENTS;

(b) METHODS BY WHICH LOCAL EDUCATION PROVIDERS, SOLELY OR IN GROUPS, MAY CREATE OR SELECT AND ADMINISTER ASSESSMENTS IN THE SPECIFIED SUBJECTS AND THE APPROXIMATE, ANTICIPATED COSTS TO LOCAL EDUCATION PROVIDERS OF CREATING OR SELECTING THE ASSESSMENTS;

(c) THE METHOD BY WHICH THE DEPARTMENT WOULD DETERMINE THE QUALITY OF ANY ASSESSMENTS SELECTED BY LOCAL EDUCATION

PROVIDERS, WHICH MUST INCLUDE ENSURING THAT THE ASSESSMENTS ARE VALID, RELIABLE, COMPARABLE, AND CRITERION-REFERENCED, SO THAT THE ASSESSMENTS WOULD BE SUITABLE FOR THE STATE ACCOUNTABILITY SYSTEM, AND THE COST OF DETERMINING THE QUALITY OF THE ASSESSMENTS; AND

(d) METHODS USED BY OTHER STATES IN SELECTING THE STATE ASSESSMENTS AND IN PROVIDING GREATER FLEXIBILITY TO THE SCHOOL DISTRICTS WITHIN THE STATES IN SELECTING ASSESSMENTS FOR USE IN THE STATE ACCOUNTABILITY SYSTEMS, THE STATE AND LOCAL ASSESSMENTS SELECTED, THE COSTS INCURRED BY THE OTHER STATES IN SELECTING THE STATE ASSESSMENTS AND PROVIDING FLEXIBILITY TO SCHOOL DISTRICTS, AND THE APPROXIMATE, ANTICIPATED COSTS TO COLORADO OF IMPLEMENTING THE METHODS USED IN OTHER STATES.

(2) THE DEPARTMENT OF EDUCATION SHALL REPORT THE RESULTS OF THE STUDY DESCRIBED IN SUBSECTION (1) OF THIS SECTION TO THE STATE BOARD AND TO THE JOINT EDUCATION COMMITTEES AS PART OF THE PRESENTATION REQUIRED BY SECTION 2-7-203, C.R.S., IN 2016.

(3) THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, INVESTIGATING AND REVIEWING THE OPTIONS AVAILABLE TO THE STATE FOR SELECTING STATE ASSESSMENTS IS AN IMPORTANT ELEMENT IN IMPLEMENTING ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS AND ACCOUNTABILITY REPORTING AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2017.

SECTION 3. In Colorado Revised Statutes, 22-7-1006.3, **add** (2.5) as follows:

22-7-1006.3. State assessments - administration - rules. (2.5) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2.5), THE DEPARTMENT OF EDUCATION SHALL APPLY TO THE FEDERAL DEPARTMENT OF EDUCATION FOR INNOVATIVE ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY AS AUTHORIZED IN SECTION 1201 OF TITLE I OF PART B OF THE FEDERAL "EVERY STUDENT SUCCEEDS

ACT", PUB. L. 114-95, ENACTED BY THE 114TH CONGRESS. THE COMMISSIONER OF EDUCATION SHALL NOTIFY THE CHAIRS OF THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, WHEN THE DEPARTMENT SUBMITS THE APPLICATION AND WHEN THE DEPARTMENT RECEIVES THE RESPONSE FROM THE FEDERAL DEPARTMENT OF EDUCATION GRANTING OR DENYING THE STATE DEMONSTRATION AUTHORITY.

SECTION 4. Appropriation. For the 2016-17 state fiscal year, \$39,600 is appropriated to the department of education. This appropriation is from the state education fund created in section 17 (4) (a) of article IX of the state constitution. To implement this act, the department may use this appropriation for the Colorado student assessment program.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO