

CHAPTER 129

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 97-1219

BY REPRESENTATIVES Dean, Anderson, Arrington, Kreutz, Lamborn, Lawrence, and Paschall;
also SENATOR B. Alexander.

AN ACT

CONCERNING THE CONSOLIDATION OF STATUTES RELATING TO EDUCATIONAL ACCOUNTABILITY.

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

SECTION 1. Article 7 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended, WITH THE RELOCATION OF PROVISIONS, to read:

ARTICLE 7
Educational Accountability

PART 1
LOCAL ACCOUNTABILITY PROGRAMS

22-7-101. Short title. This ~~article~~ PART 1 shall be known and may be cited as the "Educational Accountability Act of 1971".

22-7-102. Legislative declaration. (1) The general assembly declares that the purpose of this ~~article~~ PART 1 is to institute an accountability program to define and measure quality in education and thus to help the public schools of Colorado to achieve such quality and to expand the life opportunities and options of the students of this state; further, the purpose is to provide to local school boards assistance in helping their school patrons to determine the relative value of their school program as compared to its cost.

(2) The general assembly further declares that the educational accountability program developed under this ~~article~~ PART 1 should be designed to measure

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

objectively the adequacy and efficiency of the educational programs offered by the public schools. The program should begin by developing broad goals and specific performance objectives for the educational process and by identifying the activities of schools which can advance students toward these goals and objectives. The program should then develop a means for evaluating the achievements and performance of students. It is the belief of the general assembly that, in developing the evaluation mechanism, the following approaches, as a minimum, should be explored:

- (a) Means for determining whether decisions affecting the educational process are advancing or impeding student achievement;
- (b) Appropriate testing procedures to provide relevant comparative data at least in the fields of reading, language skills, and mathematical skills;
- (c) ~~The role of the department of education in assisting school districts to strengthen their educational programs;~~
- (d) Reporting to students, parents, boards of education, educators, and the general public on the educational performance of the public schools and providing data for the appraisal of such performance; and
- (e) Provision of information which could help school districts to increase their efficiency in using available financial resources.

22-7-103. State board of education - duties - sunset review of advisory committee to board. ~~(1) The state board of education shall develop a state accountability program, which:~~

- ~~(a) Describes and provides for implementation of a procedure for the continuous examination and improvement of the goals for education in this state;~~
- ~~(b) Identifies performance objectives which will lead directly to the achievement of the stated goals;~~
- ~~(c) Adopts a procedure for determining the extent to which local school districts accomplish their performance objectives. Evaluation instruments, including appropriate tests, shall be developed under the authority of this article to provide the evaluation required, but standardized tests shall not be the sole means developed to provide such evaluation.~~
- ~~(d) Recommends a procedure and timetable for the establishment of local accountability programs.~~

~~(2) The state board of education shall adopt rules and regulations for the implementation of this article.~~

~~(3) (a) There is hereby created an advisory committee to the state board of education, which shall consist of eighteen members to be selected in the manner and for the terms provided in this subsection (3). The advisory committee shall assist the state board of education in performing its duties under this article by studying the~~

~~effectiveness of the public school districts of this state and recommending improvement strategies to the state board of education. The areas of study by the state accountability committee shall be cooperatively determined at least annually by the committee and the state board of education.~~

~~(b) (I) Three of the members of the advisory committee shall be appointed by the speaker of the house of representatives, of which not more than two shall be from one of the major political parties, and three of the members of the advisory committee shall be appointed by the president of the senate, of which not more than two shall be from one of the major political parties.~~

~~(II) Five members of the advisory committee shall be appointed by the governor from among those persons who are currently serving or have served as members of boards of education in this state.~~

~~(III) Seven members of the advisory committee shall be appointed by the state board of education, three of which shall be classroom teachers, two of which shall be public school administrators, and one of which shall be a parent representative who is not employed in any way by a public school or public school district.~~

~~(4) The terms of office of members of the advisory committee shall be three years; except that of the members appointed under subsection (3) (b) (I) of this section to take office on July 1, 1971, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and one member shall be appointed for a three-year term; of the members appointed under subsection (3) (b) (II) of this section to take office on July 1, 1971, two members shall be appointed for one-year terms, one member shall be appointed for a two-year term, and two members shall be appointed for three-year terms; and of the members appointed under subsection (3) (b) (III) of this section to take office on July 1, 1971, two members shall be appointed for a one-year term, two members shall be appointed for two-year terms, and three members shall be appointed for three-year terms. Vacancies shall be filled by appointment, in the same manner as original appointments, for the unexpired term.~~

~~(5) The advisory committee shall elect a chairman from among its members. The members of the advisory committee shall receive no compensation for their services on the committee but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties on the committee.~~

~~(6) The department of education shall make available to the advisory committee such data, facilities, and personnel as are necessary for it to perform its duties.~~

~~(7) Repealed.~~

22-7-104. Local accountability programs. (1) The board of education of each school district in the state shall adopt a plan for a local accountability program designed to measure the adequacy and efficiency of educational programs offered by the district. The board shall appoint an advisory accountability committee which shall make recommendations to the board relative to the program of accountability, but it shall be the responsibility of the board to implement the provisions of this section. The areas of study by the district accountability committee and other appropriate accountability committees shall be cooperatively determined at least

annually by the committee and the board of education. The advisory accountability committee shall consist of at least one parent, one teacher, one school administrator, and a taxpayer from the district.

(2) ~~The board of education of each district shall report not later than December 31 of each year to the residents of the district, and to the state board of education, on the extent to which the district has achieved its stated goals and objectives. The report shall also contain an evaluation of educational decisions made during the previous year which have affected school services and processes.~~

(3) ~~The state board of education shall assist local boards of education in the preparation of the district goals and objectives and the procedures for measuring school district performance in reaching those goals and objectives.~~

~~22-7-105. Reports. (Repealed)~~

22-7-105. [Formerly 22-7-106.] Local advisory accountability committee - recommendations - prioritization of district expenditures. In addition to any other duties and powers provided for by law, the advisory accountability committee of each school district shall make recommendations to the board of education of such school district relative to the prioritization of expenditures of school district moneys. The board of education shall consider such recommendations made by the district accountability committee in adopting the budget of the school district for any fiscal year pursuant to article 44 of this title.

PART 2
EDUCATIONAL ACHIEVEMENT

22-7-201. [Formerly 22-53-203.] Educational achievement - powers and duties of state board. (1) The state board shall have the following powers and duties relating to educational achievement:

(a) To adopt goals and objectives for the state of Colorado concerning the improvement of the educational system, as provided in ~~section 22-53-206~~ SECTION 22-7-204;

(b) To identify areas of major educational policy concern for the operation of pilot programs, as provided in ~~section 22-53-204~~ SECTION 22-7-202;

(c) To analyze how the system of public education in Colorado might maximize the use of technology, including telecommunications, to enhance educational opportunity including but not limited to the following:

(I) A survey of school districts regarding their needs for additional telecommunication services, and the nature of the desired additional service;

(II) A survey of school districts to quantify the number of districts, and the number of students in each, which use alternative forms of educational telecommunications, including those commonly known as interactive programs;

(III) Costs of systems currently in use and those desired, including but not limited

to capital investment required, ongoing program costs, and coordination costs. This analysis shall include but not be limited to a comparison of costs of systems which are available or potentially available within Colorado and those available from sources outside Colorado.

(IV) Recommendations for future use of technology in education, including an estimate of costs as well as the number and location of children to be served;

(V) In cooperation with the public television stations in the state, an evaluation of currently available educational television services, including but not limited to the number of hours and types of programs used each week and geographical distribution of school districts which use such services;

(d) To analyze whether the educational system addresses the diverse learning needs of various student populations, including but not limited to the gifted and to students with disabilities;

(e) To recommend to the general assembly, no later than December 1, 1988, methods of implementing a program to provide financial and other incentives to school districts to achieve educational excellence, including, as a minimum, incentives for improvements in achievement as indicated by nationally accepted measures of student achievement and in graduation rates. ~~and~~

~~(f) Repealed.~~

22-7-202. [Formerly 22-53-204.] Pilot programs in areas of major educational policy concern. (1) The state board may identify areas of major educational policy concern in which it wishes to encourage school districts to conduct pilot programs. Such programs shall be conducted in order to develop recommendations and proposals for the general assembly and the department of education in addressing educational policy on a statewide basis. Areas of major educational policy concern may include, but need not be limited to:

(a) Methods of organizing small rural school districts which will increase efficiency and improve educational opportunity;

(b) Methods of utilizing new technology to improve curricular offerings in smaller school districts;

(c) Methods of decentralizing school district management in large school districts in order to improve building achievement and climate.

(2) The state board may recommend to the general assembly that moneys be made available for grants to school districts for pilot programs conducted pursuant to the provisions of this section.

22-7-203. [Formerly 22-53-205.] Achievement testing. ~~(+)~~ The state board of education shall provide ~~by rule~~ for the administration by the department of education of ~~a standardized achievement test or tests~~ STATE ASSESSMENTS to a statistically valid random sample of pupils in selected grades at a time to be specified by the state board. Test scores and other information derived from the administration of such test

or tests shall be reported to the state board and the general assembly in accordance with reporting procedures adopted by the state board.

~~(2) Repealed.~~

22-7-204. [Formerly 22-53-206.] Adoption of goals and objectives for the improvement of Colorado's educational system. (1) It shall be the responsibility of the state board to adopt goals and objectives for the state of Colorado concerning the improvement of education of children in this state. The goals and objectives shall express high but achievable aspirations and should include the following:

(a) Improved attendance of students through the provision of engaging learning opportunities;

(b) Improved scholastic achievement for individual students commensurate with individual abilities;

(c) Demonstrated student proficiencies at designated points during grades one through twelve;

(d) Improved teaching methods that will provide students with the opportunity for scholastic achievement;

(e) Improved preparation of students for the primary and secondary years;

(f) Increased parental and community support and involvement in meeting expectations of the educational system;

(g) Provision of a learning environment and staff that is responsive to the individual needs of students;

(h) Provision of a learning environment based on high expectations and challenges for students and staff; and

(i) Such other goals and objectives as the state board deems appropriate.

(2) When adopting the goals and objectives required by subsection (1) of this section, the state board shall adopt a set of goals and objectives for kindergarten and grades one through three and a set of goals and objectives for grades four through twelve.

(3) Prior to the adoption of such goals and objectives, the state board shall consider any information provided by boards of education, school administrators, teachers and teachers' associations, parents and parents' associations, and institutions of higher education related to the topics outlined in subsection (1) of this section.

(4) The statement of goals and objectives shall be adopted by the state board no later than January 1, 1989.

22-7-205. [Formerly 22-53-207.] Local goals and objectives and plans to improve educational achievement and graduation rates. (1) No later than June

15, 1989, and then no later than September 1, 1990, and September 1 of each year thereafter, the advisory accountability committee for each school building in the state shall adopt high, but achievable, goals and objectives for the improvement of education in its building, consistent with the state board's goals and objectives, and shall adopt a plan to improve educational achievement in the school and to implement methods of maximizing graduation rates from the secondary schools of the district. Each building's goals and objectives and plan shall be reviewed by the district advisory accountability committee before its submission to the board of education of the district. Procedures for the implementation of the plan shall be included in the budget submitted to the board of education pursuant to section 22-44-108.

(2) After consultation with the district advisory accountability committee and review of its recommendations, the board of education shall compile school building goals and objectives and plans and shall submit a district's high, but achievable, goals and objectives for the improvement of education in the district, consistent with the state board's goals and objectives, and a district plan to improve educational achievement and maximize graduation rates to the state board of education no later than October 1, 1989, and October 1 of each year thereafter.

(3) Each district plan shall specify how the district intends to measure educational achievement in its schools. The state board shall adopt rules and regulations for district measurements of educational achievement which will assure that measurements from various districts are capable of being compared and that data from such measurements shall be available in a consistent form from year to year. Such data shall be reported in accordance with subsection (5) of this section. Each district plan shall also provide for the measurement of graduation rates as set forth in this subsection (3). For purposes of this part 2, "graduation rate" means the percent of pupils who do not drop out of school. A pupil who leaves school before receiving a high school diploma or its equivalent is a dropout unless the school can document that the pupil has transferred to another public or private school or approved program of studies through a transcript request or through information provided by the pupil's parent or legal guardian.

(4) (a) The state board shall review the goals and objectives adopted by each district to determine whether said goals and objectives are high but achievable and whether they are consistent with the goals and objectives set by the state board. The district shall be allowed to modify its goals and objectives to meet any objections raised by the state board.

(b) The department of education shall review the plans submitted and shall verify that the plans are appropriately related to the educational needs of the schools and the district. The department shall advise the board of education of any school district whose plan needs revision, and the board shall make such revisions as the department deems necessary to accomplish the intent of subsection (1) of this section.

(5) No later than September 1, 1990, and September 1 of each year thereafter, each school building shall report to the board of education of the district, and the district shall report to the state board of education no later than October 1, 1990, and October 1 of each year thereafter, on the achievement of its goals and objectives and on its educational achievement and graduation rates, as measured according to its plan. All data required by this subsection (5) to be reported by school buildings to

the board of education of the district shall also be reported to the public. Data shall be made available in such form that building and district measurements can be compared to national norms and to statewide Colorado norms. Data concerning a specific school building shall be sent to parents of pupils in that building and shall be reported to parents disaggregated by grade.

22-7-206. [Formerly 22-53-208.] Excellent schools program - repeal.

(1) There is hereby established the excellent schools program, referred to in this section as the "program", to be administered by the department of education. The state board shall promulgate reasonable rules and regulations for the administration of this section and the program established pursuant thereto. Such rules and regulations shall include but need not be limited to:

(a) Procedures for participation in the program, including standards to qualify for participation in the program;

(b) Procedures for establishing goals to be achieved by participating schools and districts and for implementing improvement plans for achieving such goals;

(c) Criteria to determine whether or not such goals have been achieved by such schools and districts; and

(d) Procedures for providing financial awards to those schools and districts that demonstrate outstanding performance in achieving those goals.

(1.5) The program shall include among its criteria for judging school excellence the data described in ~~section 22-7-605~~ SECTION 22-7-505 (1) (a) and (1) (c).

(2) The rules and regulations for the participation of schools and districts shall include, but need not be limited to, financial awards for outstanding performance in the achievement of established goals in the following categories which the state board may choose to recognize on a regional or a statewide basis or on both a regional basis and a statewide basis:

(a) District of the year;

(b) Senior high school of the year;

(c) Junior high school of the year;

(d) Middle school of the year;

(e) Elementary school of the year.

(3) The state board shall promulgate rules and regulations for identifying outstanding school and district personnel and evaluating the relative performance of such personnel and for providing financial awards to the most outstanding of such personnel. Such rules and regulations shall include, but need not be limited to, financial awards for outstanding performance in the following categories which the state board may choose to recognize on a regional or a statewide basis or on both a regional basis and a statewide basis:

- (a) Board member of the year;
- (b) Superintendent of the year;
- (c) Administrator of the year;
- (d) Principal of the year; and
- (e) Teacher of the year.

(4) Any moneys made available to a school or district pursuant to the provisions of this section shall not supplant moneys made available to such a school or district pursuant to article 54 of this title or pursuant to the taxing authority of the district. Any moneys made available to any personnel of a school or district pursuant to the provisions of this section shall not supplant moneys made available to such personnel pursuant to a contract entered into under the provisions of the "Teacher Employment, Compensation, and Dismissal Act of 1990", article 63 of this title, or any other contract for employment entered into with a district.

(5) The department is hereby authorized to receive contributions from any source, public or private, in order to fund financial awards to schools, districts, and personnel pursuant to the program established in this section. All public and private contributions received by the department pursuant to this subsection (5) shall be transmitted to the state treasurer who shall credit the same, in addition to any appropriations made by the general assembly, to the excellent schools program fund, which is hereby created in the state treasury. Moneys in the excellent schools program fund shall be subject to appropriations by the general assembly to the department of education for purposes of making financial awards pursuant to the provisions of this section. At the end of any fiscal year, all unexpended and unencumbered moneys in the excellent schools program fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. However, in accordance with section 24-36-114, C.R.S., all interest derived from the deposit and investment of this fund shall be credited to the general fund. Any moneys credited to the excellent schools program fund shall be used exclusively for awards and may not be used to pay for the expenses of the department in administering the program established in this section.

- (6) This section is repealed, effective June 30, 1999.

22-7-207. [Formerly 22-53-209.] School building advisory committees - recommendations - prioritization of school expenditures. In addition to any other duties and powers provided for by law, the advisory accountability committee for each school building in the state shall make recommendations to the chief executive officer of the school relative to the prioritization of expenditures of school district moneys by such school. In addition, a copy of such recommendations shall be sent to the advisory accountability committee of the school district and to the board of education of such school district. The chief executive officer shall consider such recommendations made by the school building accountability committee in formulating budget requests to be presented to the board of education.

PART 3

COLORADO COMMISSION FOR
ACHIEVEMENT IN EDUCATION

22-7-301. [Formerly 22-53-301.] Commission created. (1) There is hereby created in the legislative branch the Colorado commission for achievement in education, referred to in this part 3 as the "commission", which shall consist of eleven voting members and two nonvoting members.

(2) (a) Two voting members of the commission shall be appointed by the president of the senate and one voting member of the commission shall be appointed by the minority leader of the senate, all of whom shall be members of the senate.

(b) Two voting members of the commission shall be appointed by the speaker of the house of representatives and one voting member of the commission shall be appointed by the minority leader of the house of representatives, all of whom shall be members of the house of representatives.

(c) Five voting members of the commission shall be appointed by the governor, one of whom shall be a teacher and one of whom shall be a school administrator, and consideration shall be given to school district directors, representatives of the business community, and public school parents; except that, in lieu of one member so appointed, the governor may be a voting member of the commission. No more than two members of the commission appointed pursuant to this paragraph (c) shall be from the same major political party; except that, if the governor is a member of the commission, no more than one member of the commission appointed pursuant to this paragraph (c) and the governor shall be from the same major political party.

(d) The commissioner of education and the executive director of the Colorado commission on higher education shall be ex officio nonvoting members of the commission.

(e) Commission membership shall have representation from the black and Hispanic communities.

(3) (a) Initial members of the commission shall be appointed or designated no later than November 15, 1991.

(b) The member first appointed by the president of the senate and the member first appointed by the minority leader of the senate shall be appointed for two-year terms. The remaining member appointed by the president of the senate shall be appointed for a four-year term. Thereafter, appointed members shall serve for four-year terms.

(c) The member first appointed by the speaker of the house of representatives and the member first appointed by the minority leader of the house of representatives shall be appointed for two-year terms. The remaining member appointed by the speaker of the house of representatives shall be appointed for a four-year term. Thereafter, appointed members shall serve for four-year terms.

(d) The first three members first appointed by the governor shall be appointed for two-year terms. The remaining members so appointed shall be appointed for four-year terms; except that, if the governor is a member of the commission, the

remaining member so appointed shall be appointed for a four-year term. Thereafter, appointed members shall serve for four-year terms.

(e) Vacancies on the commission shall be filled by the person or persons making the original appointment by appointment for the unexpired term. A vacancy is deemed to exist when any member appointed pursuant to paragraph (a) or (b) of subsection (2) of this section ceases to be a member of the senate or the house of representatives, as applicable.

(4) The initial meeting of the commission shall be held no later than December 2, 1991, and the commission shall thereafter meet monthly as necessary as determined by the chairman.

(5) The first chairman of the commission shall be one of the legislative members appointed by the speaker of the house of representatives, and the first vice-chairman shall be one of the legislative members appointed by the president of the senate. The chairman and vice-chairman shall alternate annually thereafter between the two houses.

(6) Members of the commission shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties and, in addition, shall receive fifty dollars per diem for each day spent in attendance at meetings of the commission.

(7) The commission may request staff services from the department of education, the legislative council staff, the office of legislative legal services, and other agencies of state government.

22-7-302. [Formerly 22-53-302.] Educational achievement - assessment - education and training system - powers and duties of commission. (1) The commission shall recommend goals, objectives, and standards for the Colorado program for achievement in education and for Colorado's education and training system of the state to be met by the year 2000. The commission shall recommend goals, objectives, and standards for:

(a) The Colorado program for achievement in education relating to the assessment of student achievement in public schools, with the consideration being given to, among other things, America's education goals to be accomplished through the America 2000 and Colorado 2000 programs, which are, by the year 2000:

(I) That all children in America will start school ready to learn;

(II) That the high school graduation rate will increase to at least ninety percent;

(III) That American students will leave grades four, eight, and twelve having demonstrated competency in challenging subject matter including English, mathematics, science, history, and geography and that every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy;

(IV) That United States students will be first in the world in science and mathematics achievement;

(V) That every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship; and

(VI) That every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning;

(b) A graduated system of educational achievement standards reflecting basic, superior, and worldwide expectations;

(c) A system of rewards; procedures and processes for improvement; and sanctions related to student achievement outcomes to be administered by the department of education;

(d) A mechanism for the assessment of student achievement in public schools, which may include, but shall not be limited to, performance examinations, problem-solving exercises, and writing samples;

(e) Early childhood education;

(f) Kindergarten through secondary school education, including goals, objectives, and standards relating to the reduction of the dropout rate and the greater involvement of parents and businesses in the education and training of children;

(g) Education at state-supported postsecondary institutions;

(h) Adult basic education that addresses the illiteracy problem among adults in this state;

(i) Continuing education and work force training for adults; and

(j) Vocational education and training for secondary school students and adults.

(2) In its performance of its duties pursuant to subsection (1) of this section, the commission shall give primary consideration to the subject matter specified in paragraphs (a), (b), (c), (d), (e), and (f) of subsection (1) of this section and secondary consideration to the subject matter specified in paragraphs (g), (h), (i), and (j) of subsection (1) of this section.

(3) In addition to recommending specific goals, objectives, and standards pursuant to subsection (1) of this section, the commission shall also recommend the following for each goal, objective, and standard:

(a) A plan for achievement of the goal, objective, and standard;

(b) An estimate of the cost, if any, associated with the achievement of the goal, objective, and standard;

(c) The date by which the goal, objective, and standard shall be achieved and interim dates by which progress toward the goal, objective, and standard shall be measured. The commission shall determine methods of assessing and evaluating progress toward the achievement of the goal, objective, and standard, as well as whether achievement is finally met.

(d) Legislative or rule and regulation changes necessary to achieve the goal, objective, and standard.

(4) In addition to its duties pursuant to subsections (1), (2), and (3) of this section, the commission shall also:

(a) Study and make recommendations regarding basic reforms in the educational system in Colorado necessary to achieve the goals, objectives, and standards of the Colorado program for achievement in education;

(b) Study and make recommendations concerning changes in the organization of education and training providers that are necessary in order to achieve the goals, objectives, and standards as well as achieve a unified education and training system in Colorado;

(c) Study and make recommendations concerning amendments to the "Public School Finance Act of 1994";

(d) Study and make recommendations regarding the "School District Organization Act of 1992" and any other potential barriers, statutory or otherwise, to the reorganization of school districts;

(e) Study and make recommendations regarding teacher preparation course requirements and practices pertaining to teacher employment and including the challenge of teaching to meet student needs in a changing society;

(f) Study and make recommendations concerning the utilization of and possible modifications to any existing system for educational accountability or educational achievement in order to achieve the goals and objectives of the Colorado program for achievement in education, including but not limited to a review of existing statutes regarding educational accountability and educational achievement; and

(g) Study and make recommendations regarding education-related social and environmental conditions pertaining to educational achievement.

~~(5) (Deleted by amendment, L. 94, p. 820, § 43, effective April 27, 1994.)~~

~~(6)~~ (5) For purposes of performing its duties pursuant to subsections (1), (2), (3), and (4) of this section, the commission shall coordinate its efforts with any other board, commission, or public entity created pursuant to law which concerns the subject matter of any duty of the commission, including, but not limited to, the Colorado 2000 communities initiative steering committee.

22-7-303. [Formerly 22-53-303.] Appointment of task forces - recommendations. (1) The standards and assessment task force of the Colorado

2000 program shall constitute a task force to develop and make recommendations to the commission.

(2) In order to perform its powers and duties specified in ~~section 22-53-302~~ SECTION 22-7-302 (1) to (4), the chairman of the commission may, from time to time and with the approval of the members of the commission by majority vote, establish additional task forces to develop and make recommendations regarding the specific powers and duties of the commission as may be designated by said chairman to be within the scope of such task force. Any task force established by the chairman of the commission pursuant to this subsection (2) shall consist of members who shall be appointed by the chairman after consultation with the members of the commission; except that the chairman must appoint at least one member of the commission to each task force.

(3) Members of any task force shall not be compensated for their services.

(4) Any task force established by the chairman of the commission pursuant to subsection (2) of this section shall meet as necessary and shall make written recommendations, if any, to the commission at such time or times as the chairman specifies so that such recommendations may be included in reports of the commission made pursuant to ~~section 22-53-304~~ SECTION 22-7-304.

(5) Task forces appointed pursuant to subsection (2) of this section shall coordinate, to the fullest extent possible, with Colorado 2000 committees and task forces as may be appropriate to the scope of such task forces.

22-7-304. [Formerly 22-53-304.] Recommendations of commission to general assembly. (1) The commission shall submit a written report to the general assembly, the governor, the state board of education, and the Colorado commission on higher education no later than January 1, 1993. The report shall include the commission's recommended goals, objectives, and standards for the Colorado program for achievement in education relating to the assessment of student achievement in public schools and for Colorado's education and training system, plus the additional information concerning the goals, objectives, and standards required by ~~section 22-53-302(3)~~ SECTION 22-7-302 (3), and any recommendations made pursuant to the authority granted the commission in ~~section 22-53-302(4)~~ SECTION 22-7-302 (4). Legislative changes recommended by the commission shall be treated as bills recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly. Rule and regulation changes recommended by the commission shall be submitted to the state board of education. Consideration of the report's recommendations shall begin as soon as practicable following its submission and shall be coordinated and monitored by the commission.

(2) Following submission of the report on January 1, 1993, the commission shall make a report annually to the governor and the general assembly concerning recommendations for revisions to the goals, objectives, and standards and the time frames for achieving those goals, objectives, and standards. The commission shall continue to make recommendations pursuant to ~~section 22-53-302(4)~~ SECTION 22-7-302 (4) concerning the Colorado program for achievement in education, the organization of education and training providers, and amendments to the "Public

School Finance Act of 1994".

(3) The commission shall submit annually to the governor and the general assembly a spending priority list which makes recommendations concerning the expenditure of state moneys currently available to fund Colorado's education and training system. The commission shall also make annual recommendations concerning the amount of moneys that may be necessary in order to achieve the goals, objectives, and standards recommended for the Colorado program for achievement in education and for the organization of education and training providers.

22-7-304.5. [Formerly 22-53-304.5.] Study of graduate education and research. (1) The commission shall review and may recommend legislation concerning the role of graduate education and research in Colorado. In considering the needs of the state in the area of graduate research and education, the commission shall include, but is not limited to, the following areas:

- (a) The role of graduate research and education in statewide economic development;
- (b) The role of graduate education at each authorized institution;
- (c) The role of graduate students in teaching at institutions of higher education;
- (d) Recruitment of graduate students;
- (e) Funding of graduate education;
- (f) State funding of graduate research; and
- (g) The state's role in purchasing applied research.

(2) Any legislation recommended by the commission pursuant to this section shall be treated as bills recommended by an interim legislative council committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly.

22-7-305. [Formerly 22-53-305.] Repeal of part. This part 3 is repealed, effective July 1, 2000.

PART 4 EDUCATION REFORM

22-7-401. [Formerly 22-53-401.] Legislative declaration. The general assembly hereby finds and declares that, because children can learn at higher levels than are currently required of them, it is the obligation of the general assembly, the department of education, school districts, educators, and parents to provide children with schools that reflect high expectations and create conditions where these expectations can be met. Through a shared sense of accountability and a cooperative spirit among state government, school districts, educators, parents, business persons, and the community, school districts and educators can develop and teach to high standards which will enable students to achieve the highest level of knowledge and skills. The

general assembly further declares that this system of standards-based education will serve as an anchor for education reform, with the focus of education including not just what teachers teach, but what students learn. In addition, standards-based education will advance equity, will promote assessment of student learning, and will reinforce accountability. The general assembly therefore charges school districts with the responsibility to develop content standards, programs of instruction, and assessments that reflect the highest possible expectations. The general assembly further declares that the ultimate goal of this part 4 is to ensure that Colorado's schools have standards which will enable today's students of all cultural backgrounds to compete in a world economy in the twenty-first century.

22-7-402. [Formerly 22-53-402.] Definitions. As used in this part 4, unless the context otherwise requires:

(1) "Assessments" means the methods used to collect evidence of what a student knows or is able to do.

(2) "Board" means the state board of education.

(3) "Commission" means the Colorado commission for achievement in education created in ~~section 22-53-301~~ SECTION 22-7-301.

(4) "Content standard" means a compilation of specific statements of what a student should know or be able to do relative to a particular academic area.

(5) "Council" means the state standards and assessments development and implementation council.

(6) "Department" means the department of education.

(7) "District" means any public school district organized under the laws of Colorado, except a junior college district.

(8) "District board" means the board of education of a school district.

(8.5) "Exceptional students" means those students defined in section 22-20-103 (1.5) as children with disabilities and students defined in section 22-20-103 (3.7) as gifted children.

(9) "Performance level" means the level of achievement by a student on an assessment relative to a content standard. The acceptable performance level recommended by the council, pursuant to ~~section 22-53-405 (2)~~ SECTION 22-7-405 (2), and adopted by the board, pursuant to ~~section 22-53-406 (3)~~ SECTION 22-7-406 (3), and the acceptable performance level adopted by any district, pursuant to ~~section 22-53-407 (2)~~ SECTION 22-7-407 (2), shall mean the student has the subject matter knowledge and analytical skills necessary to succeed at subsequent grade levels. For graduating students, such acceptable performance level shall mean the student has the subject matter knowledge and analytical skills that all high school graduates should have for democratic citizenship, responsible adulthood, postsecondary education, and productive careers.

(10) "Programs of instruction" means a description of the educational experiences and curriculum which will enable students to achieve content standards.

(11) "Standards-based education" means a system of instruction focused on student learning of content standards. This system aligns programs of instruction and assessments with the content standards. The implementation of "standards-based education" shall not require districts to abandon the use of Carnegie units, to abandon a letter grade system, to adopt outcome-based methods of teaching, or to use student portfolios in place of assessments. In addition, implementation of "standards-based education" shall not require changes in current class schedules and does not encourage block scheduling or other experimental methods of class scheduling.

22-7-403. [Formerly 22-53-403.] Commitment to equity and excellence.

(1) All activities undertaken pursuant to this part 4 shall reflect a strong commitment to equity and excellence on the part of the council, the department, the board, and districts. The council, in the development and recommendation of state model content standards, state assessments, and model professional educator development materials and pilot programs pursuant to ~~section 22-53-405~~ SECTION 22-7-405, the board in the adoption of the state model content standards and state assessments pursuant to ~~section 22-53-406~~ SECTION 22-7-406, and districts in the adoption of content standards and implementation plans pursuant to ~~section 22-53-407~~ SECTION 22-7-407 shall consciously avoid gender or cultural bias and shall actively address the needs of systems and methods for the education of exceptional students.

(2) Every resident of the state six years of age or older but under twenty-two years of age has a fundamental right to a free public education that assures that such resident shall have the opportunity to achieve the content standards adopted pursuant to this part 4 at a performance level which is sufficient to allow such resident to become an effective citizen of Colorado and the United States, a productive member of the labor force, and a successful lifelong learner.

22-7-404. [Formerly 22-53-404.] State standards and assessments development and implementation council - creation - membership. (1)(a) There is hereby created, within the department of education, the state standards and assessments development and implementation council which shall consist of nine members appointed by the governor with the consent of the senate. Members of the council shall be residents of Colorado and shall be appointed for terms of three years; except that, of the members first appointed, three members shall serve for terms of one year, three members shall serve for terms of two years, and three members shall serve for terms of three years. No person shall be appointed to serve more than two consecutive three-year terms.

(b) Members of the council shall include experts in the areas of curriculum, student learning, instruction, assessments, and professional educator development. Members of the council shall represent all areas of the state, including urban and rural areas and large and small districts and shall represent the ethnic and cultural diversity and gender balance of the state. At least one council member shall be a resident of the western slope and at least one council member shall have expertise in addressing the needs of exceptional students.

(2) Any member of the council may be removed at any time for cause by the

governor. If any member of the council vacates the office, a vacancy on the council shall exist and the governor shall fill such vacancy by appointment for the remainder of such vacating member's term.

(3) Members of the council shall be reimbursed by the department for their actual and necessary expenses incurred in the performance of their duties pursuant to this part 4. For the 1993-94 and 1994-95 fiscal years, the department shall allocate the moneys normally allocated to fund statewide testing pursuant to ~~section 22-53-205~~ SECTION 22-7-203 to fund any costs incurred by the council pursuant to this subsection (3) and pursuant to ~~section 22-53-405~~ SECTION 22-7-405 and to fund any pilot professional educator development programs developed by the council pursuant to ~~section 22-53-405 (1) (d) (II)~~ SECTION 22-7-405 (1) (d) (III).

(4) The department shall provide such office space, equipment, and staff services to the council as may be necessary for the council to carry out its powers and duties as set forth in this part 4. In addition, the council may request assistance as necessary from any other state agency.

22-7-405. [Formerly 22-53-405.] Powers and duties of the state standards and assessments development and implementation council. (1) (a) On or before April 1, 1995, the council shall develop and recommend to the board for adoption first priority state model content standards in the areas of reading, writing, mathematics, science, history, and geography. As a second priority, the council shall develop and recommend to the board for adoption state model content standards in the areas of art, music, physical education, foreign languages, economics, and civics.

(b) In developing such state model content standards, the council shall heavily utilize and rely upon the expertise of district personnel and other education experts.

(c) In developing state model content standards, the council, in collaboration with the commission, shall, following appropriate public notice, hold a series of at least six public meetings throughout the state at which it shall hear testimony regarding such state model content standards. The council shall also specifically seek recommendations from and shall work in cooperation with districts, educators, parents, students, representatives from postsecondary education, business persons, members of the general community who are representative of the cultural diversity of the state, AND the standards and assessments task force appointed by the commission. ~~and the state advisory accountability committee created in section 22-7-103 (3).~~ In addition, in developing the state model content standards, the council shall consider national content standards, such as those adopted by the national council of teachers of mathematics, the national council for geographic education and the national geographic society, and the national science foundation, the national academy of science, and the national science teachers association, and content standards adopted in other states.

(d) In recommending state model content standards for adoption by the board, the council shall also recommend to the board, the commission, the joint budget committee, and the house and senate education committees a plan for the implementation of standards-based education which shall include, but shall not be limited to, the following:

(I) Proposed timelines for districts to adopt first and second priority content standards and implementation plans and to begin assessing students pursuant to the provisions of ~~section 22-53-407~~ SECTION 22-7-407;

(II) A summary of the fiscal impact of the implementation of standards-based education at the state and local levels and proposed funding amounts and sources, including additional funding and the reallocation of existing funds, as necessary for the implementation of standards-based education pursuant to this part 4 at both the state and district levels; and

(III) Proposed model professional educator development materials and programs and pilot professional educator development programs for use by districts at their discretion.

(2) Following adoption of the state model content standards by the board pursuant to ~~section 22-53-406 (1)~~ SECTION 22-7-406 (1), the council shall develop and recommend to the board state assessments that are aligned with the state model content standards and that, following adoption by the board, shall be administered statewide by the department at the fourth grade, eighth grade, and eleventh grade levels pursuant to the provisions of ~~section 22-53-409~~ SECTION 22-7-409. The council shall also recommend an acceptable performance level on each such state assessment. Such performance level shall be continuously reexamined.

(3) The council may, at its discretion, contract with any district or consortium of districts or with any individual, group, or corporation with expertise in education for the development of state model content standards and state assessments. Any such contract shall be subject to approval by the board.

(4) Following adoption of the state model content standards and state assessments by the board, the council shall review and recommend to the board revisions of the state model content standards, the state assessments, and the model professional educator development materials, programs, and pilot programs as necessary to maintain the maximum effectiveness of the state model content standards, state assessment standards, and recommended model professional educator development materials, programs, and pilot programs. In preparing any recommended revisions, the council shall seek recommendations from and shall work in cooperation with educators, parents, students, business persons, AND members of the general community who are representative of the cultural diversity of the state. ~~and the state advisory accountability committee created pursuant to section 22-7-103 (3).~~

22-7-406. [Formerly 22-53-406.] Adoption of state model content standards, state assessments, and timelines - resource bank. (1) (a) On or before September 15, 1995, the board, after careful consideration of the recommendations of the council and in consultation with the commission, shall adopt first priority state model content standards in the areas of reading, writing, mathematics, science, history, and geography. As a second priority, the board, after careful consideration of the recommendations of the council and in consultation with the commission, shall adopt state model content standards in the areas of art, music, physical education, foreign languages, economics, and civics.

(b) Following adoption of the state model content standards pursuant to paragraph

(a) of this subsection (1), the board, after careful consideration of the recommendations of the council and in consultation with the commission, shall adopt revised state model content standards and revised state assessments as necessary to maintain the effectiveness of such state model content standards and state assessments.

(2) On or before September 15, 1995, the board, after careful consideration of the recommendations of the council and in consultation with the commission and the joint budget committee, shall adopt timelines:

(a) Specifying the time by which districts shall adopt first and second priority content standards and implementation plans pursuant to the provisions of ~~section 22-53-407~~ SECTION 22-7-407; and

(b) Specifying the time by which districts shall begin to assess students. The timeline shall require student assessments to be administered as follows: In the first year, assessments shall be administered to students in the fourth grade level; in the second year, assessments shall be administered to students in the fourth and eighth grade levels; in the third year and in each year thereafter, assessments shall be administered to students in the fourth, eighth, and eleventh grade levels.

(3) On or before June 1, 1996, the board, after careful consideration of the recommendations of the council, shall adopt state assessments which are aligned with the state model content standards and shall specify an acceptable performance level on each such state assessment. Such performance level shall be continuously reexamined. In addition, the board may, at its discretion, adopt additional performance levels.

(4) The board, the commission, and the joint budget committee may, with written comments, refer any recommendations received pursuant to ~~section 22-53-405~~ SECTION 22-7-405 back to the council for further review.

(5) The board shall establish a resource bank which shall include the state model content standards. In addition, the resource bank shall include national model standards, model programs of instruction, model assessments, and model materials for professional educator development which are collected from districts, from national organizations, and from other states for use as examples by districts at their discretion. All items included in the resource bank shall explicitly address systems and methods for the education of exceptional students. Any model assessments included in the resource bank shall include all normal format modifications that are used for exceptional students. Resource bank materials shall be available for use on or before June 1, 1995.

22-7-407. [Formerly 22-53-407.] Adoption of content standards by districts.

(1) In accordance with timelines adopted by the board pursuant to ~~section 22-53-406~~ (2) SECTION 22-7-406 (2), but not later than January 1, 1997, each district shall adopt first priority content standards in the areas of reading, writing, mathematics, science, history, and geography which meet or exceed the state model content standards adopted pursuant to ~~section 22-53-406~~ (1) SECTION 22-7-406 (1). In accordance with timelines adopted by the state board, districts shall also adopt second priority content standards in the areas of art, music, physical education, foreign languages,

economics, and civics. Content standards may be adopted for each grade level or may be adopted for groupings of grade levels. In adopting content standards, each district shall seek input from and shall work in cooperation with educators, parents, students, business persons, members of the general community who are representative of the cultural diversity of the district, and the district's advisory accountability committee created pursuant to section 22-7-104.

(2) Following adoption of content standards pursuant to this section, the district shall develop a plan for:

(a) Revising curriculum and programs of instruction to align them with adopted content standards and to ensure that each student will have the educational experiences needed to achieve the adopted content standards;

(b) Developing assessments which will adequately measure each student's progress toward and achievement of the adopted content standards, including specification of an acceptable performance level. Such performance level shall be continuously reexamined.

(c) Administering assessments developed pursuant to paragraph (b) of this subsection (2) to students at the fourth, eighth, and eleventh grade levels and, at the district's discretion, at other grade levels;

(d) Addressing the different learning styles and needs of students of various backgrounds and abilities and eliminating barriers to equity which exist within public schools within the district; and

(e) Providing professional educator development in standards-based education.

(3) The plan adopted pursuant to subsection (2) of this section shall specifically address the education of exceptional students. In addition, such plan shall adopt timelines for the implementation of standards-based education pursuant to this part 4.

(4) Following adoption of content standards pursuant to this section, each district shall review and revise such content standards as necessary to maintain maximum effectiveness. In revising such content standards, each district shall seek recommendations from and shall work in cooperation with educators, parents, students, business persons, members of the general community who are representative of the cultural diversity of the district, and the district's advisory accountability committee created pursuant to section 22-7-104.

(5) Following adoption of content standards, each school district shall, through written materials and public meetings, inform parents of students enrolled in such district of the application and effect of such content standards and standards-based education, including how students' progress in achieving content standards will be measured and how parents will be informed of such progress. Such information shall also be provided to the district advisory accountability committee and the building advisory accountability committees within such district.

(6) Any individual education program which is developed for a student with

disabilities pursuant to section 22-20-108 (4) shall specify whether such student shall achieve the district's adopted standards or whether such student shall achieve individualized standards which would indicate the student has met the requirements of such student's individual education program.

22-7-408. [Formerly 22-53-408.] Temporary waiver of regulatory requirements. (1) The board shall temporarily waive those regulatory requirements which are imposed on districts which it determines are appropriate for waiver, including but not limited to all statewide testing requirements, in order to allow districts to concentrate their energies and resources on the development of content standards, programs of instruction, assessments, and programs for professional educator development in standards-based education as required by this part 4. Such waiver shall apply for all districts and shall be in place as long as is deemed necessary by the board.

(2) On or before February 1, 1994, the department shall submit to the education committees of the house of representatives and the senate a list of the activities of the department and the regulatory requirements which it recommends be reduced or eliminated to allow for the implementation of this part 4 within existing resources. It is the intent of the general assembly that other activities of lesser priority be reduced or eliminated in order to implement this part 4 within the existing resources of the department. Any legislation which may be necessary to implement such list shall be considered during the second regular session of the Fifty-ninth general assembly.

22-7-409. [Formerly 22-53-409.] Assessments. (1) (a) Beginning September 1, 1996, the department shall implement a Colorado student assessment program under which it shall administer statewide assessments, adopted by the board pursuant to ~~section 22-53-406~~ SECTION 22-7-406, in the first priority areas of reading, writing, mathematics, science, history, and geography on a stratified, random sampling basis to provide accurate and detailed information to the people of Colorado on student academic achievement and to corroborate the quality of the results provided by district assessments. At a minimum, the department shall base the sampling strata on district size. Following adoption of state model content standards in the second priority areas of art, music, physical education, foreign languages, economics, and civics, such areas shall be included in the Colorado student assessment program. The timetable for administering such assessments shall be established by the board. In the first year, statewide assessments shall be administered in grade four. In the second year, statewide assessments shall be administered in grades four and eight. In the third year and in each year thereafter, statewide assessments shall be administered in grades four, eight, and eleven. The initial statewide assessment at each grade level shall be considered a baseline assessment.

(b) The general assembly hereby recognizes the importance of administering assessments at the fourth grade level to ensure at an early stage that each student is attaining the knowledge and mastering the skills necessary to successfully complete such student's educational career.

(2) Participation in the Colorado student assessment program shall be required of all schools selected for the statewide samples. Every school shall participate in the Colorado student assessment program at least once every three years to provide

corroboration of state and district assessment results.

(3) In accordance with timelines adopted by the board pursuant to ~~section 22-53-406(2)~~ SECTION 22-7-406 (2) but beginning not later than January 1, 1998, each district shall administer assessments adopted pursuant to the district plan required under ~~section 22-53-407(2)~~ SECTION 22-7-407 (2) in the first priority areas of reading, writing, mathematics, science, history, and geography to students at the fourth, eighth, and eleventh grade levels. Following adoption of content standards in the second priority areas of art, music, physical education, foreign languages, economics, and civics, such areas shall be included in the district assessments at the fourth, eighth, and eleventh grade levels. Results of such assessments shall be reported to the department pursuant to paragraph (b) of subsection (4) of this section. Nothing in this subsection (3) shall prevent districts from administering assessments at levels other than the fourth, eighth, and eleventh grade levels.

(4) (a) The department shall prepare an annual report of the results of statewide assessments which shall be delivered to the council, to the board, to the commission, to the education committees of the house of representatives and the senate, to the district accountability committees, and to the districts and which shall be available to the public. The first report shall be available on or before January 1, 1998. Such report shall include the percentage of students achieving each of the performance levels specified by the board and shall be reported for the state as a whole as well as by gender, race, separate disabling condition, and ethnicity of students and by district and district size.

(b) In accordance with timelines adopted by the board pursuant to ~~section 22-53-406(2)~~ SECTION 22-7-406 (2) but beginning not later than January 1, 1999, the annual report prepared by the department shall also contain assessment results reported by each district that specify the percentage of students achieving each of the performance levels specified by the district in the district plan adopted pursuant to ~~section 22-53-407(2)~~ SECTION 22-7-407 (2) on each of the district content standards as measured by assessments adopted by the district. Such results shall be reported for the district as a whole as well as by gender, race, separate disabling condition, and ethnicity of students in accordance with a standard reporting format established by the board. In addition, at the fourth grade, eighth grade, and eleventh grade levels, each district shall submit a comparison of the district assessment results and the state assessment results in a standard reporting format established by the board if students in such district participated in the Colorado student assessment program for that year. In addition, such comparison shall include information establishing the validity and reliability of the district assessments and their internal comparability as well as their comparability to the state assessments.

(c) Each district shall, to the extent possible, use the results of the district assessments administered pursuant to this section and the information included in the annual report to diagnose the learning needs of individual students, to provide feedback to students related to their progress toward attaining higher performance levels on district content standards, and to revise its programs of instruction and assessments, as necessary, to assist those students needing additional academic support in attaining higher performance levels.

22-7-410. [Formerly 22-53-410.] Annual public meeting. The commission shall

hold an annual public meeting in conjunction with the board, the council, and the department to discuss the effectiveness of standards-based education as implemented by this part 4 and the annual report of assessments prepared by the department pursuant to ~~section 22-53-409~~ SECTION 22-7-409. Notice of such meeting shall be posted in every public school in the state no later than thirty days prior to such meeting. Members of the general public shall have opportunity to present testimony at such hearing regarding the annual report and the effectiveness of standards-based education as implemented by the districts, the board, and the department.

PART 5
COLORADO BASIC LITERACY ACT

22-7-501. [Formerly 22-53-601.] Short title. This ~~part 6~~ PART 5 shall be known and may be cited as the "Colorado Basic Literacy Act".

22-7-502. [Formerly 22-53-602.] Legislative declaration. The general assembly hereby finds and declares that all pupils can succeed in school if they have the basic skills in reading and writing that are appropriate for their grade levels. The general assembly further finds and declares that, for success in school, reading is the most important skill, closely followed by writing and mathematics. Accordingly, it is the obligation of the general assembly, the department of education, school districts, schools, educators, and parents or legal guardians to provide pupils with the literacy skills essential for success in school and life. It is the intent of the general assembly that, after completion of the third grade, no pupil may be placed at a grade level or other level of schooling that requires literacy skills not yet acquired by the pupil.

22-7-503. [Formerly 22-53-603.] Definitions. As used in this ~~part 6~~ PART 5, unless the context otherwise requires:

- (1) "Individual literacy plan" means an individual literacy plan formulated for a pupil pursuant to ~~section 22-53-604 (3)~~ SECTION 22-7-504 (3).
- (2) "School district" means a school district organized pursuant to law.
- (3) "State board" means the state board of education.

22-7-504. [Formerly 22-53-604.] Pupil assessments - individual literacy plans.
 (1) The state board shall determine the satisfactory reading readiness level for kindergarten pupils and literacy and reading comprehension levels for pupils in first, second, and third grades. No later than December 1, 1997, the state board shall, after consultation with the state standards and assessments development and implementation council created in ~~section 22-53-404~~ SECTION 22-7-404, approve and identify to each school district instruments for assessing the reading readiness of each pupil in kindergarten and the literacy and reading comprehension level of each pupil in first, second, or third grade. The state board shall promulgate rules to permit exceptions to the retention of pupils in third grade pursuant to paragraph (a) of subsection (5) of this section in cases that have special circumstances.

(2) Using the assessment instruments approved and identified by the state board pursuant to subsection (1) of this section, and beginning no later than the 1998-99 school year, each school district shall annually assess the reading readiness or

literacy and reading comprehension level of each pupil enrolled in kindergarten or first, second, or third grade. The assessment may be done in conjunction with assessments of the pupil's performance on the reading content standard pursuant to part 4 of this article.

(3) If a pupil's reading readiness or literacy and reading comprehension, as measured by the assessment, is below the level established by the state board for pupils at that grade, the pupil's parents or legal guardian and teacher and the school administration shall formulate an individual literacy plan for the pupil. For compliance with this section, a literacy plan may be incorporated into the individual education plan for special education students. The plan shall include, but need not be limited to, the following:

(a) Sufficient in-school instructional time for the development of the pupil's reading readiness or literacy and reading comprehension skills;

(b) An agreement by the pupil's parents or legal guardian to implement a home reading program to support and coordinate with the school; and

(c) If necessary, placement of the pupil in a summer reading tutorial program.

(4) The school district shall reassess each pupil's progress in the individual literacy plan each semester. The plan shall continue until the pupil is reading at or above grade level.

(5) (a) In no case shall a school district permit a pupil to pass from the third grade to the fourth grade for reading classes unless the pupil is assessed as reading at or above the reading comprehension level established by the state board.

(b) Paragraph (a) of this subsection (5) does not apply to children with disabilities, as defined in section 22-20-103 (1.5), when the disability is a substantial cause for a pupil's inability to read and comprehend at grade level.

(c) Notwithstanding the provisions of paragraph (a) of this subsection (5), a school district may allow a pupil to pass from the third grade to the fourth grade under rules promulgated by the state board pursuant to subsection (1) of this section.

(6) The resource bank, created pursuant to ~~section 22-53-406 (5)~~ SECTION 22-7-406 (5), shall include in its model programs of instruction reading readiness, literacy, and reading comprehension programs collected from school districts and organizations in the state and throughout the nation that have been proven to be successful. A school district may request technical assistance from the state board and the department of education in selecting and adapting a literacy program in the resource bank for use in the school district.

22-7-505. [Formerly 22-53-605.] School district responsibilities and incentives. (1) Each school district shall annually report to the department of education:

(a) The number and percentage of pupils enrolled in the third grade in the school district who read at or above the third grade level;

(b) The number and percentage of pupils enrolled in the school district who have an individual literacy plan;

(c) The number and percentage of pupils enrolled in the school district who have increased their literacy and reading comprehension levels by two or more grades during one year of instruction.

SECTION 2. 22-2-106 (2) (b), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-2-106. State board - duties. (2) (b) The state board shall withhold its accreditation of any school district under paragraph (c) of subsection (1) of this section if it determines that the school district has not adopted content standards and a plan for implementation pursuant to the provisions of ~~section 22-53-407~~ SECTION 22-7-407.

SECTION 3. 22-2-117 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-2-117. Additional power - state board - waiver of requirements - repeal. (1) Upon application of the board of education of any school district, a majority of the appropriate accountability committee, a majority of the affected certified administrators, and a majority of the teachers of the affected school or district concurring therein, the state board may waive any requirements imposed by this title subject to standards providing for educational achievement, and enhancement of educational opportunity, giving due regard to the costs of providing such services or by rule and regulation promulgated by the state board for such school district, or portion thereof, which, in its discretion, it deems necessary to accomplish the purposes of ~~sections 22-53-203 to 22-53-208~~ SECTIONS 22-7-201 TO 22-7-206 relating to educational achievement. The burden of proof shall be on such school district to demonstrate that the waiver requested, if granted, would result in the accomplishment of the purposes of said sections.

SECTION 4. 22-5-103 (2.5), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-5-103. Definitions. As used in this article, unless the context otherwise requires:

(2.5) "Colorado commission for achievement in education" means the "Colorado commission for achievement in education" created pursuant to ~~section 22-53-301 (1)~~ SECTION 22-7-301 (1).

SECTION 5. 22-5-115 (4), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-5-115. Financing boards of cooperative services. (4) For budget years commencing on or after July 1, 1996, the amount received by any board of cooperative services pursuant to this section shall be used to fund professional educator development in standards-based education pursuant to the plan adopted by each school district pursuant to ~~section 22-53-407 (2)~~ SECTION 22-7-407 (2) in each

school district which is a member of such board and in any nonmember school district which chooses to participate in a professional educator development program with any board of cooperative services.

SECTION 6. 22-30.5-204 (1), Colorado Revised Statutes, 1995 Repl. Vol., as amended, is amended to read:

22-30.5-204. Charter school districts - creation - requirements. (1) Beginning with the 1997-98 school year, the state board shall initiate a pilot program to test the effectiveness of charter school districts. As part of this pilot program, the state board may approve up to five school districts in the state to operate as charter school districts; except that the state board shall approve only those applications that meet the qualifications specified in section 22-30.5-205. To be approved as a charter school district, the local board of education shall submit an application to the state board as prescribed in section 22-30.5-205. Any school district that is approved to operate as a charter school district shall operate under the provisions of its charter and shall be subject to the provisions of this part 2, PART 4 OF ARTICLE 7, AND articles 20, 30, 31, 36, and 40 to 43, ~~part 4 of article 53, and articles 54, and 60 to 64~~ of this title and the reporting requirements contained in ~~sections~~ SECTIONS 22-7-205, 22-33-105, AND 22-44-105 (4), ~~and 22-53-207~~, and shall not otherwise be subject to state statutes or regulations concerning school districts except as may be provided in the charter or in this part 2.

SECTION 7. 22-32-109 (1) (aa), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(aa) To adopt content standards and a plan for implementation of such content standards pursuant to the provisions of ~~section 22-53-407~~ SECTION 22-7-407;

SECTION 8. 22-32-110 (3.5) (b), Colorado Revised Statutes, 1995 Repl. Vol., is repealed as follows:

~~**22-32-110. Board of education - specific powers.** (3.5) (b) Reports submitted for individual school buildings shall be compiled into a summary for the school district which shall be submitted as a part of the annual report to the state board of education. The summary shall be in a form prescribed by the state board.~~

SECTION 9. 22-44-203 (2), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-44-203. Adoption and compatibility of handbook. (2) The financial policies and procedures handbook so adopted shall be compatible with the provisions of the "Educational Accountability Act of 1971", PART 1 OF article 7 of this title, but shall be limited primarily to the relating of budgeted and actual costs to designated programs.

SECTION 10. 22-60.5-203 (2) (j), Colorado Revised Statutes, 1995 Repl. Vol.,

is amended to read:

22-60.5-203. Assessment of professional competencies. (2) The following list of areas of knowledge is a guideline to be used by the state board of education and shall not be construed as inclusive or prescriptive:

(j) Knowledge and application of standards-based education pursuant to part 4 of ~~article 53~~ ARTICLE 7 of this title.

SECTION 11. 22-60.5-303 (2) (h), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-60.5-303. Assessment of professional competencies. (2) The following list of areas of knowledge is a guideline to be used by the state board of education and shall not be construed as inclusive or prescriptive:

(h) Knowledge and application of standards-based education pursuant to part 4 of ~~article 53~~ ARTICLE 7 of this title.

SECTION 12. 22-60.5-308 (2) (h), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-60.5-308. Assessment of professional competencies. (2) The following list of areas of knowledge is a guideline to be used by the state board of education and shall not be construed as inclusive or prescriptive:

(h) Knowledge and application of standards-based education pursuant to part 4 of ~~article 53~~ ARTICLE 7 of this title.

SECTION 13. 23-1-119 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

23-1-119. Commission directive - transition between K-12 education system and postsecondary education system. (1) The general assembly hereby finds and declares that, in order for students to succeed at state-supported institutions of higher education, the Colorado public system of elementary and secondary education must have provided such students with the skills and abilities necessary to make the transition to the postsecondary system. The general assembly further recognizes that the establishment of goals and standards for providing such skills and abilities is the prerogative of the elementary and secondary public education system. The general assembly recognizes that, in establishing such goals and standards, the elementary and secondary education system should be in communication with the postsecondary education system regarding the skills and abilities that are needed to succeed in higher education. It is therefore the intent of the general assembly that the commission, in consultation with the Colorado commission for achievement in education created pursuant to ~~section 22-53-301~~ SECTION 22-7-301, C.R.S., and the state board of education and appropriate school district boards, adopt necessary policies and procedures to facilitate the transition for students between the two systems.

SECTION 14. 23-1-121, Colorado Revised Statutes, 1995 Repl. Vol., is amended

to read:

23-1-121. Commission directive - education in standards-based education.

The general assembly hereby finds and declares that, in order to implement standards-based education in the public schools of this state pursuant to part 4 of ~~article 53~~ ARTICLE 7 of title 22, C.R.S., state-supported institutions of higher education must ensure that persons who are preparing to enter the education profession learn to practice their profession in accordance with the principles of standards-based education, as defined in ~~section 22-53-402 (11)~~ SECTION 22-7-402 (11), C.R.S. It is therefore the intent of the general assembly that, in consultation with the Colorado commission for achievement in education created pursuant to ~~section 22-53-301~~ SECTION 22-7-301, C.R.S., the state board of education, the state standards and assessments adoption and implementation council created pursuant to ~~section 22-53-404~~ SECTION 22-7-404, C.R.S., and appropriate school district boards of education, the commission adopt the necessary policies and procedures to ensure that institutions of higher education include the precepts of standards-based education, as outlined in part 4 of ~~article 53~~ ARTICLE 7 of title 22, C.R.S., in the curriculum for persons who are preparing to enter the teaching profession. Such policies and procedures shall not limit the authority of the state board of education to evaluate and approve the programs of teacher preparation offered at Colorado institutions of higher education pursuant to section 22-2-109, C.R.S.

SECTION 15. 23-1-122 (2) (a) (I), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

23-1-122. Commission directive - separately funded policy areas. (2) (a) For the 1994-95 fiscal year, additional appropriations may be available, through a competitive grant process, to governing boards which have in place or establish programs or services which coordinate the delivery of education to students in kindergarten through twelfth grade with the delivery of education to students in institutions of higher education. Such programs or services shall fall within the following parameters:

(I) Programs for the development and implementation of content standards for undergraduate education which are consistent with the content standards developed for kindergarten through twelfth grade pursuant to part 4 of ~~article 53~~ ARTICLE 7 of title 22, C.R.S.;

SECTION 16. Repeal. Article 53 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., as amended, is repealed.

SECTION 17. Repeal. If House Bill 97-1253 becomes law, then part 3 of article 7 of title 22, Colorado Revised Statutes, as amended, is repealed.

SECTION 18. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to section 1 (3) of article V of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 24, 1997