

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 17-0455.01 Julie Pelegrin x2700

**SENATE BILL 17-101**

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**SENATE SPONSORSHIP**

**Todd**, Merrifield, Kagan, Kerr

**HOUSE SPONSORSHIP**

**Carver**,

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**Senate Committees**

Education

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE STATE ASSESSMENTS ADMINISTERED IN PUBLIC**  
102     **SCHOOLS.**

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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://leg.colorado.gov>.)*

The bill repeals the requirement that Colorado participate in a consortium of states that develops a set of assessments and the requirement that the state use the assessments that the consortium develops.

Under existing law, each local education provider must administer the state assessments in math and English language arts to ninth-grade

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.*

students and must administer a state-selected assessment to tenth-grade students. Under the bill, each local education provider decides whether to administer to ninth-grade students the state assessments in English language arts and math for ninth-grade students or one of the 2 assessments selected by the department of education (department) for tenth-grade students.

Under existing law, the department must select an assessment for students enrolled in tenth grade that is aligned with the standardized, curriculum-based, achievement college entrance exam (exam) that the department must select for students enrolled in eleventh grade. The bill requires the department to select 2 tenth-grade assessments and 2 exams. Each local education provider must decide which assessment and which exam to administer. The state will pay the costs of administering the assessments and exams.

The bill directs the department and the state board of education to provide the greatest flexibility possible under federal law to local education providers in selecting and administering state assessments.

The bill requires each local education provider to review with each student and his or her parent the results of the ninth-grade and tenth-grade assessments and the eleventh-grade exam and the effect the results may have on the student's individual career and academic plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-7-1006, **repeal**  
3 (1.5) as follows:

4 **22-7-1006. Preschool through elementary and secondary**  
5 **education - aligned assessments - adoption - revisions.** (1.5) Colorado  
6 ~~shall participate as a governing board member, at least until January 1,~~  
7 ~~2014, in a consortium of states that focuses on the readiness of students~~  
8 ~~for college and careers by developing a common set of assessments. On~~  
9 ~~or before January 1, 2014, and on or before each January 1 thereafter, if~~  
10 ~~Colorado is a governing board member of the consortium of states, the~~  
11 ~~state board is strongly encouraged to conduct a fiscal and student~~  
12 ~~achievement benefit analysis of Colorado remaining a governing board~~  
13 ~~member of the consortium. If adopting the system of assessments that is~~

1 aligned with the state standards for reading, writing, and mathematics, the  
2 state board shall rely upon assessments developed by the consortium of  
3 states.

4 **SECTION 2.** In Colorado Revised Statutes, 22-7-1006.3, **amend**  
5 (1)(a)(I), (2), (2.5), (8)(a), and (10); and **repeal** (1)(b) as follows:

6 **22-7-1006.3. State assessments - administration - rules.**

7 (1) (a) Beginning in the 2015-16 school year, the department of  
8 education, in collaboration with local education providers, shall  
9 administer the state assessments in the instructional areas of English  
10 language arts, mathematics, science, and social studies, as adopted by the  
11 state board pursuant to section 22-7-1006, as follows:

12 (I) The department shall administer a state assessment in English  
13 language arts and a state assessment in mathematics to all students  
14 enrolled in grades three through ~~nine~~ EIGHT in public schools throughout  
15 the state;

16 (b) ~~As soon as practicable after May 20, 2015, the department of~~  
17 ~~education shall apply to the federal department of education for a waiver~~  
18 ~~of federal statutory and regulatory requirements as may be necessary to~~  
19 ~~allow the department to satisfy the federal high school assessment~~  
20 ~~requirements by administering assessments in English language arts and~~  
21 ~~mathematics to students enrolled in ninth grade.~~

22 (2) (a) (I) The department of education shall select ~~and the state~~  
23 ~~shall pay the costs of administering an assessment that is~~ TWO  
24 ASSESSMENTS THAT ARE NATIONALLY AVAILABLE AND ARE aligned with  
25 the state academic standards for students enrolled in tenth grade and with  
26 the ~~assessment~~ ASSESSMENTS selected pursuant to ~~paragraph (b) of this~~  
27 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION. Every five years, the

1 department shall request competitive bids and contract for the ~~assessment~~  
2 ASSESSMENTS required in this ~~paragraph (a)~~ SUBSECTION (2)(a)(I).

3 (II) EACH LOCAL EDUCATION PROVIDER SHALL DETERMINE  
4 WHETHER TO ADMINISTER THE STATE ASSESSMENTS IN ENGLISH  
5 LANGUAGE ARTS AND MATHEMATICS OR ONE OF THE TWO SELECTED  
6 ASSESSMENTS ANNUALLY TO STUDENTS ENROLLED IN NINTH GRADE. THE  
7 STATE SHALL PAY THE COSTS OF ADMINISTERING THE STATE ASSESSMENTS  
8 AND THE SELECTED ASSESSMENTS. EACH LOCAL EDUCATION PROVIDER  
9 SHALL ADMINISTER THE STATE ASSESSMENTS OR ONE OF THE SELECTED  
10 ASSESSMENTS TO NINTH-GRADE STUDENTS ON A SCHEDULE THAT THE  
11 DEPARTMENT ANNUALLY SETS.

12 (III) Each local education provider shall DETERMINE WHICH OF  
13 THE TWO SELECTED ASSESSMENTS TO ANNUALLY administer ~~the~~  
14 ~~assessment for~~ TO students enrolled in tenth grade. THE STATE SHALL PAY  
15 THE COSTS OF ADMINISTERING THE SELECTED ASSESSMENT. Each local  
16 education provider shall administer the ~~tenth-grade assessment~~ SELECTED  
17 ASSESSMENT on a schedule that the department annually sets.

18 (b) The department of education shall select ~~and the state shall pay~~  
19 ~~the costs of administering an assessment that is~~ TWO ASSESSMENTS THAT  
20 ARE administered throughout the United States and relied upon by  
21 institutions of higher education, referred to in this section as ~~the~~ A  
22 "curriculum-based, achievement college entrance exam". Every five  
23 years, the department shall request competitive bids and contract for the  
24 TWO curriculum-based, achievement college entrance ~~exam~~ EXAMS. At a  
25 minimum, the curriculum-based, achievement college entrance ~~exam~~  
26 EXAMS must test in the areas of reading, writing, AND mathematics and,  
27 IF AVAILABLE, science. Each local education provider shall administer the

1 ~~curriculum-based achievement college entrance exam for students~~  
2 ~~enrolled in eleventh grade~~ DETERMINE WHICH OF THE TWO SELECTED  
3 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAMS TO  
4 ADMINISTER ANNUALLY TO STUDENTS ENROLLED IN ELEVENTH GRADE.  
5 THE STATE SHALL PAY THE COSTS OF ADMINISTERING THE EXAMS. The  
6 local education provider shall administer the writing portion of the  
7 curriculum-based, achievement college entrance ~~exam~~ EXAMS to each  
8 student who requests the opportunity to take the writing portion. The  
9 department shall pay the costs of administering the writing portion of the  
10 ~~exam~~ EXAMS. ADMINISTRATION OF THE CURRICULUM-BASED,  
11 ACHIEVEMENT COLLEGE ENTRANCE EXAMS SATISFIES THE FEDERAL  
12 REQUIREMENT THAT THE STATE MUST ADMINISTER AN ASSESSMENT IN  
13 MATHEMATICS AND IN ENGLISH LANGUAGE ARTS TO STUDENTS ENROLLED  
14 IN GRADES NINE THROUGH TWELVE.

15 (c) (I) The department of education shall annually schedule a day  
16 on which the EACH curriculum-based, achievement college entrance exam  
17 is administered for ~~all~~ eleventh-grade students enrolled in public high  
18 schools throughout the state.

19 (II) Notwithstanding the provisions of ~~subparagraph (I) of this~~  
20 ~~paragraph (c)~~ SUBSECTION (2)(c)(I) OF THIS SECTION, a student who can  
21 show a need to take ~~the~~ A curriculum-based, achievement college  
22 entrance exam on an alternate date on which the exam is administered  
23 throughout the country may take the exam on that alternate date, so long  
24 as the alternate date is before the date scheduled by the department  
25 pursuant to ~~subparagraph (I) of this paragraph (c)~~ SUBSECTION (2)(c)(I)  
26 OF THIS SECTION. The department shall pay all costs associated with a  
27 student taking the curriculum-based, achievement college entrance exam

1 on an alternate date as provided in this ~~subparagraph (H)~~ SUBSECTION  
2 (2)(c)(II).

3 (d) The state board shall adopt rules to ensure that the  
4 requirements of the ~~administrator~~ ADMINISTRATORS of the  
5 curriculum-based, achievement college entrance ~~exam~~ EXAMS, such as a  
6 secure environment, are met and to identify the level of need that a  
7 student must demonstrate to take ~~the~~ A curriculum-based, achievement  
8 college entrance exam on an alternate date as provided in ~~subparagraph~~  
9 ~~(H) of paragraph (c) of this subsection (2)~~ SUBSECTION (2)(c)(II) OF THIS  
10 SECTION.

11 (2.5) (a) As soon as practicable after June 10, 2016, the  
12 department of education shall apply to the federal department of  
13 education for innovative assessment and accountability demonstration  
14 authority as authorized in section 1201 of Title I of part B of the federal  
15 "Every Student Succeeds Act", Pub.L. 114-95, enacted by the 114th  
16 Congress. The commissioner of education shall notify the chairs of the  
17 education committees of the house of representatives and the senate, or  
18 any successor committees, when the department submits the application  
19 and when the department receives the response from the federal  
20 department of education granting or denying the state demonstration  
21 authority.

22 (b) REGARDLESS OF WHETHER THE STATE PARTICIPATES IN THE  
23 INNOVATIVE ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION  
24 AUTHORITY, THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF  
25 EDUCATION SHALL PROVIDE THE GREATEST DEGREE OF FLEXIBILITY  
26 POSSIBLE UNDER FEDERAL LAW TO LOCAL EDUCATION PROVIDERS IN  
27 SELECTING AND PARTICIPATING IN THE STATE ASSESSMENTS.

1           (8)(a) Each local education provider shall adopt policies to ensure  
2 that appropriate personnel within each school district and each institute  
3 charter school share with and explain to the parent or legal guardian of  
4 each student enrolled in the school district or the institute charter school  
5 the student's state assessment results returned to the student's public  
6 school pursuant to subsection (7) of this section. EACH LOCALE EDUCATION  
7 PROVIDER SHALL ENSURE THAT APPROPRIATE PERSONNEL DISCUSS WITH  
8 EACH STUDENT AND THE STUDENT'S PARENT THE RESULTS THAT THE  
9 STUDENT ACHIEVES ON THE ASSESSMENTS TAKEN PURSUANT TO THIS  
10 SECTION IN NINTH AND TENTH GRADES AND THE CURRICULUM-BASED,  
11 ACHIEVEMENT COLLEGE ENTRANCE EXAM TAKEN IN ELEVENTH GRADE  
12 AND THE EFFECT THAT THE RESULTS MAY HAVE ON THE STUDENT'S  
13 INDIVIDUAL CAREER AND ACADEMIC PLAN CREATED PURSUANT TO  
14 SECTION 22-32-109 (1)(oo) OR 22-30.5-525.

15           (10) For each fiscal year, the general assembly shall appropriate  
16 ~~moneys~~ MONEY in the annual general appropriation act to the department  
17 of education to fund administration of the state assessments as described  
18 in this section, including administration of the NINTH-GRADE AND  
19 tenth-grade ~~assessment~~ SELECTED ASSESSMENTS and the  
20 curriculum-based, achievement college entrance ~~exam~~ EXAMS described  
21 in subsection (2) of this section.

22           **SECTION 3.** In Colorado Revised Statutes, 22-11-103, **amend**  
23 the introductory portion; and **add** (30.5) as follows:

24           **22-11-103. Definitions.** As used in this ~~article~~ ARTICLE 11, unless  
25 the context otherwise requires:

26           (30.5) "STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT  
27 COLLEGE ENTRANCE EXAMINATION" MEANS THE STANDARDIZED,

1 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM OUT OF  
2 THE TWO SELECTED BY THE DEPARTMENT PURSUANT TO SECTION  
3 22-7-1006.3 THAT A LOCAL EDUCATION PROVIDER CHOOSES TO  
4 ADMINISTER.

5 **SECTION 4. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2018 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.