

CHAPTER 226

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 02-1306

BY REPRESENTATIVE(S) Spence, Boyd, Cadman, Cloer, Coleman, Groff, King, Lawrence, Lee, Marshall, Romanoff, Spradley, Stafford, Weddig, and Williams S.;
also SENATOR(S) Windels and Phillips.

AN ACT

CONCERNING PROGRAMS RELATED TO THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001".

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

SECTION 1. 22-7-409 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-7-409. Assessments - repeal. (1) Beginning in the spring semester 1997, the department shall implement the Colorado student assessment program under which the department shall administer statewide assessments adopted by the board pursuant to section 22-7-406 in the first priority areas of reading, writing, mathematics, and science. The department shall administer the English versions of the state assessments and may administer any assessments adopted by the board in languages other than English, as may be appropriate for students whose dominant language is not English; except that any student who has participated in the English language proficiency program, created pursuant to section 22-24-104, for more than a total of three school years shall be ineligible to take the assessments in a language other than English. The statewide assessments shall be administered according to the following implementation schedule:

(g) (I) IF SUFFICIENT MONEYS ARE RECEIVED FROM THE FEDERAL GOVERNMENT THROUGH THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, TO PAY FOR THE DEVELOPMENT AND ADMINISTRATION OF THE ASSESSMENTS, BEGINNING IN THE SPRING SEMESTER 2006 AT THE LATEST, AND EACH SPRING SEMESTER THEREAFTER, THE DEPARTMENT SHALL ADMINISTER A STATEWIDE ASSESSMENT FIRST IN MATHEMATICS TO ALL STUDENTS ENROLLED IN THE THIRD AND FOURTH GRADES AND IN SCIENCE TO ALL STUDENTS ENROLLED IN THE FIFTH AND TENTH GRADES IN PUBLIC SCHOOLS THROUGHOUT THE STATE.

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

(II) THE ASSESSMENTS DESCRIBED IN THIS PARAGRAPH (g) SHALL ONLY BE DEVELOPED OR ADMINISTERED TO THE EXTENT THAT FEDERAL MONEYS ARE RECEIVED TO PAY FOR SUCH DEVELOPMENT AND ADMINISTRATION. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO STATE MONEYS SHALL BE USED TO DEVELOP OR ADMINISTER THE ASSESSMENTS DESCRIBED IN THIS PARAGRAPH (g).

SECTION 2. 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 article V, section 1 (3) 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: May 30, 2002