

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0699.01 Julie Pelegrin x2700

HOUSE BILL 14-1202

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HOUSE SPONSORSHIP

Scott,

SENATE SPONSORSHIP

(None),

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House Committees

Education  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ACCOUNTABILITY REQUIREMENTS FOR SCHOOL  
102 DISTRICTS FOR WHICH THE STATE BOARD OF EDUCATION  
103 WAIVES STATEWIDE TESTING REQUIREMENTS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Under current law, each school district is required to administer statewide assessments in various subjects in each of grades 3 through 11 (statewide testing requirements), and the state board of education (state board) cannot waive this requirement. The bill directs the state board to

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.*

waive most of the statewide testing requirements for a school district that submits a school district assessment plan that meets specified requirements. A school district that receives a waiver must publish its assessment results on the school district web site and submit the results to the department of education (department) for publishing on the department web site that reports the academic performance of all school districts and public schools. If a school district that receives a waiver fails to meet statewide targets for academic performance for 3 consecutive school years, the state board must modify the school district's waiver to require the school district to administer the statewide assessments in the subjects in which it failed to meet the statewide targets; except that a single student cannot be required to take more than one statewide assessment in a school year. The parent of a student who is enrolled in a school district that receives a waiver may excuse his or her child from participating in any standardized assessments, including a statewide assessment. The department cannot penalize a school district, and a school district cannot penalize the student or the student's teacher, if a parent excuses his or her child from testing.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 22-7-409.1 as  
3 follows:

4           **22-7-409.1. Assessments - waiver - school district assessments**  
5 **plan.** (1) USING THE PROCEDURES SPECIFIED IN SECTION 22-2-117, A  
6 SCHOOL DISTRICT MAY APPLY TO THE BOARD FOR A WAIVER OF THE  
7 STATEWIDE ASSESSMENT REQUIREMENTS SPECIFIED IN SECTION 22-7-409;  
8 EXCEPT THAT THE BOARD SHALL NOT WAIVE THE REQUIREMENTS TO  
9 ADMINISTER THE FOLLOWING ASSESSMENTS:

10           (a) THE THIRD-, EIGHTH-, AND TENTH-GRADE ADMINISTRATIONS OF  
11 THE STATEWIDE ASSESSMENTS IN ENGLISH LANGUAGE ARTS DEVELOPED  
12 BY THE CONSORTIA OF STATES KNOWN AS THE PARTNERSHIP FOR  
13 ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS, IF THE BOARD  
14 ADOPTS THE ASSESSMENTS;

15           (b) THE THIRD- AND EIGHTH-GRADE ADMINISTRATION OF THE

1 STATEWIDE ASSESSMENTS IN MATHEMATICS AND THE STATEWIDE  
2 ASSESSMENT OF ALGEBRA II OR MATH III, DEVELOPED BY THE CONSORTIA  
3 OF STATES KNOWN AS THE PARTNERSHIP FOR ASSESSMENT FOR READINESS  
4 FOR COLLEGE AND CAREERS, IF THE BOARD ADOPTS THE ASSESSMENTS;  
5 AND

6 (c) THE ELEVENTH-GRADE ADMINISTRATION OF THE  
7 CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION  
8 REQUIRED IN SECTION 22-7-409 (1.5).

9 (2) A SCHOOL DISTRICT THAT APPLIES FOR A WAIVER PURSUANT TO  
10 THIS SECTION MUST SUBMIT AN ASSESSMENT PLAN THAT APPLIES TO ALL  
11 STUDENTS ENROLLED IN THE SCHOOL DISTRICT AND INCLUDES LOCALLY  
12 DEVELOPED OR PURCHASED, HIGH-QUALITY ASSESSMENTS THAT ALIGN  
13 WITH THE ACADEMIC CONTENT STANDARDS ADOPTED BY THE SCHOOL  
14 DISTRICT. THE BOARD SHALL GRANT THE REQUEST FOR A WAIVER IF THE  
15 SCHOOL DISTRICT'S ASSESSMENT PLAN MEETS THE FOLLOWING  
16 REQUIREMENTS:

17 (a) THE PLAN INCLUDES AND ASSESSES ALL OF THE SCHOOL  
18 DISTRICT'S ACADEMIC CONTENT STANDARDS ADOPTED PURSUANT TO  
19 SECTION 22-7-1013, WHICH STANDARDS MEET OR EXCEED THE STATE  
20 ACADEMIC CONTENT STANDARDS;

21 (b) THE PLAN REQUIRES ADMINISTRATION OF ASSESSMENTS THAT  
22 REPLICATE AUTHENTIC, REAL-WORLD CONTEXTS THAT ARE RELEVANT TO  
23 STUDENTS AT EACH GRADE LEVEL, INCLUDES RIGOROUS SCORING  
24 CRITERIA, IS FAIR AND UNBIASED, AND PROVIDES OPPORTUNITIES FOR  
25 LEARNING;

26 (c) THE PLAN REQUIRES DIRECT EVIDENCE OF STUDENT  
27 PERFORMANCE THAT MEASURES RIGOROUS CONCEPTUAL MASTERY AND

1 HIGHER-ORDER THINKING; AND

2 (d) THE PLAN REQUIRES SCHOOL DISTRICT PERSONNEL TO PROVIDE  
3 QUALITY, DESCRIPTIVE FEEDBACK TO STUDENTS AND PARENTS  
4 THROUGHOUT THE ASSESSMENT PROCESS TO ENABLE PARENTS AND  
5 STUDENTS TO TRACK STUDENTS' PROGRESS IN OVERALL LEARNING AND  
6 MASTERY OF THE SCHOOL DISTRICT'S ACADEMIC CONTENT STANDARDS.

7 (3) A SCHOOL DISTRICT THAT RECEIVES A WAIVER PURSUANT TO  
8 THIS SECTION MUST PUBLISH ON THE SCHOOL DISTRICT WEB SITE  
9 AGGREGATED DISTRICT ASSESSMENT RESULTS AND ASSESSMENT RESULTS  
10 DISAGGREGATED BY SCHOOL AND BY STUDENT GROUP, AS DEFINED IN  
11 SECTION 22-11-103 (34); EXCEPT THAT THE SCHOOL DISTRICT SHALL NOT  
12 PUBLICIZE RESULTS FOR A STUDENT GROUP OF FEWER THAN TWENTY  
13 STUDENTS. THE SCHOOL DISTRICT SHALL REPORT THE AGGREGATED AND  
14 DISAGGREGATED ASSESSMENT RESULTS TO THE DEPARTMENT IN A FORMAT  
15 THAT THE DEPARTMENT CAN POST TO THE DATA PORTAL MAINTAINED  
16 PURSUANT TO SECTION 22-11-502.

17 (4) IF THE RESULTS ON STATEWIDE AND LOCAL ASSESSMENTS FOR  
18 A SCHOOL DISTRICT THAT RECEIVES A WAIVER PURSUANT TO THIS SECTION  
19 DEMONSTRATE THREE CONSECUTIVE SCHOOL YEARS OF INADEQUATE  
20 STUDENT ACADEMIC PERFORMANCE AS DETERMINED BY THE SCHOOL  
21 DISTRICT'S LEVEL OF ACHIEVEMENT OF THE STATE AND LOCAL TARGETS  
22 FOR PERFORMANCE ON THE ASSESSMENTS, THE BOARD SHALL MODIFY THE  
23 SCHOOL DISTRICT'S WAIVER TO REQUIRE THE SCHOOL DISTRICT TO  
24 ADMINISTER THE STATEWIDE ASSESSMENTS AS PROVIDED IN SECTION  
25 22-7-409 IN THOSE SUBJECTS IN WHICH THE SCHOOL DISTRICT HAS FAILED  
26 TO MEET THE TARGETS; EXCEPT THAT THE BOARD SHALL NOT REQUIRE THE  
27 SCHOOL DISTRICT TO ADMINISTER MORE THAN ONE STATEWIDE

1 ASSESSMENT PER SCHOOL YEAR TO EACH STUDENT.

2 (5) NOTWITHSTANDING ANY PROVISION OF LAW OR STATE BOARD  
3 RULE TO THE CONTRARY, THE PARENT OF A STUDENT WHO IS ENROLLED IN  
4 A SCHOOL DISTRICT THAT IS OPERATING UNDER A WAIVER OR MODIFIED  
5 WAIVER RECEIVED PURSUANT TO THIS SECTION MAY EXCUSE HIS OR HER  
6 CHILD FROM PARTICIPATING IN A STANDARDIZED ASSESSMENT, INCLUDING  
7 A STATEWIDE ASSESSMENT, ADMINISTERED BY THE SCHOOL DISTRICT BY  
8 SUBMITTING A WRITTEN REQUEST TO THE SCHOOL THAT THE CHILD  
9 ATTENDS. THE DEPARTMENT SHALL NOT PENALIZE THE SCHOOL OR THE  
10 SCHOOL DISTRICT THROUGH THE PERFORMANCE REVIEW AND  
11 ACCREDITATION PROCESS BASED ON A PARENT'S CHOICE TO EXCUSE HIS OR  
12 HER CHILD FROM PARTICIPATING IN A STANDARDIZED ASSESSMENT. THE  
13 SCHOOL DISTRICT SHALL NOT PENALIZE A STUDENT OR A STUDENT'S  
14 TEACHER, THROUGH THE EDUCATOR EVALUATION PROCESS, BASED ON A  
15 PARENT'S CHOICE TO EXCUSE HIS OR HER CHILD FROM PARTICIPATING IN A  
16 STANDARDIZED ASSESSMENT.

17 **SECTION 2.** In Colorado Revised Statutes, 22-2-117, **amend**  
18 (1.5) as follows:

19 **22-2-117. Additional power - state board - waiver of**  
20 **requirements - rules.** (1.5) Notwithstanding any provision of this  
21 section or any other provision of law:

22 (a) The state board shall not waive requirements contained in  
23 article 11 of this title or ~~sections 22-7-409~~, SECTIONS 22-32-105,  
24 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), 22-32-146, and  
25 22-33-104 (4);

26 (b) THE STATE BOARD MAY WAIVE THE REQUIREMENTS CONTAINED  
27 IN SECTION 22-7-409 ONLY AS PROVIDED IN SECTION 22-7-409.1.

1           **SECTION 3. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly (August  
4 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a  
5 referendum petition is filed pursuant to section 1 (3) of article V of the  
6 state constitution against this act or an item, section, or part of this act  
7 within such period, then the act, item, section, or part will not take effect  
8 unless approved by the people at the general election to be held in  
9 November 2014 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.