

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 16-0874.02 Julie Pelegrin x2700

**HOUSE BILL 16-1234**

**HOUSE SPONSORSHIP**

**Klingenschmitt and Singer**, Everett, Lundeen, Wilson, Windholz

**SENATE SPONSORSHIP**

**Merrifield and Marble**,

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**House Committees**

Education  
Appropriations

**Senate Committees**

Finance  
Appropriations

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**A BILL FOR AN ACT**

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

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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>.)*

The bill directs the department of education (department) to investigate methods for and costs of creating or selecting state assessments in the subjects of mathematics, English language arts,

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.*

SENATE  
3rd Reading Unamended  
May 6, 2016

SENATE  
2nd Reading Unamended  
May 5, 2016

HOUSE  
3rd Reading Unamended  
May 4, 2016

HOUSE  
Amended 2nd Reading  
May 3, 2016

science, and social studies, including the methods and costs to allow local education providers to create or select assessments in these subjects and to enable the state to use the locally selected assessments as part of the state accountability system. The department must report the results of its investigation to the state board of education and to the education committees of the general assembly.

The bill requires the department to apply to the federal department of education for innovative assessment and accountability demonstration authority.

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

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

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

8 (b) Evaluating alternative summative assessments that may  
9 minimize the testing burden and provide useful student academic  
10 performance data for students, parents, and educators, while upholding  
11 the concepts of reliability, comparability, rigor, and alignment, is in the  
12 best interest of Colorado's students;

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

19 (d) To the extent practicable, the department of education should  
20 leverage available federal money to use to complete a thorough analysis

1 of the existing state assessments and design a state assessment system for  
2 future use.

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

5 **22-7-1006.1. Assessment selection - department of education**

6 **- study - repeal.** (1) THE DEPARTMENT OF EDUCATION SHALL  
7 INVESTIGATE AND REVIEW THE OPTIONS AVAILABLE TO THE STATE FOR  
8 SELECTING THE STATE ASSESSMENTS IN MATHEMATICS, ENGLISH  
9 LANGUAGE ARTS, SCIENCE, AND SOCIAL STUDIES, INCLUDING OPTIONS FOR  
10 ALLOWING LOCAL EDUCATION PROVIDERS TO SELECT AND ADMINISTER  
11 THEIR OWN ASSESSMENTS IN THESE SUBJECTS FOR USE IN THE STATE  
12 ACCOUNTABILITY SYSTEM. THE DEPARTMENT, AT A MINIMUM, SHALL  
13 CONSIDER:

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

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

23 (c) THE METHOD BY WHICH THE DEPARTMENT WOULD DETERMINE  
24 THE QUALITY OF ANY ASSESSMENTS SELECTED BY LOCAL EDUCATION  
25 PROVIDERS, WHICH MUST INCLUDE ENSURING THAT THE ASSESSMENTS ARE  
26 VALID, RELIABLE, COMPARABLE, AND CRITERION-REFERENCED, SO THAT  
27 THE ASSESSMENTS WOULD BE SUITABLE FOR THE STATE ACCOUNTABILITY

1 SYSTEM, AND THE COST OF DETERMINING THE QUALITY OF THE  
2 ASSESSMENTS; AND

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

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

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

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

24 **SECTION 3.** In Colorado Revised Statutes, 22-7-1006.3, **add**  
25 (2.5) as follows:

26 **22-7-1006.3. State assessments - administration - rules.**

27 (2.5) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS

1 SUBSECTION (2.5), THE DEPARTMENT OF EDUCATION SHALL APPLY TO THE  
2 FEDERAL DEPARTMENT OF EDUCATION FOR INNOVATIVE ASSESSMENT AND  
3 ACCOUNTABILITY DEMONSTRATION AUTHORITY AS AUTHORIZED IN  
4 SECTION 1201 OF TITLE I OF PART B OF THE FEDERAL "EVERY STUDENT  
5 SUCCEEDS ACT", PUB. L. 114-95, ENACTED BY THE 114TH CONGRESS. THE  
6 COMMISSIONER OF EDUCATION SHALL NOTIFY THE CHAIRS OF THE  
7 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
8 SENATE, OR ANY SUCCESSOR COMMITTEES, WHEN THE DEPARTMENT  
9 SUBMITS THE APPLICATION AND WHEN THE DEPARTMENT RECEIVES THE  
10 RESPONSE FROM THE FEDERAL DEPARTMENT OF EDUCATION GRANTING OR  
11 DENYING THE STATE DEMONSTRATION AUTHORITY.

12 **SECTION 4. Appropriation.** For the 2016-17 state fiscal year,  
13 \$39,600 is appropriated to the department of education. This  
14 appropriation is from the state education fund created in section 17 (4) (a)  
15 of article IX of the state constitution. To implement this act, the  
16 department may use this appropriation for the Colorado student  
17 assessment program.

18 **SECTION 5. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.