Second Regular Session Sixty-eighth General Assembly STATE OF COLORADO

DRAFT 10.27.11

BILL B

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LLS NO. 12-0208.01 Julie Pelegrin x2700

SENATE BILL

SENATE SPONSORSHIP

King K. and Bacon,

HOUSE SPONSORSHIP

Massey and Holbert,

SHORT TITLE: "Basic Skillis Testing In high School"

	A BILL FOR AN ACT
101	CONCERNING THE USE OF ASSESSMENT RESULTS FOR STUDENTS
102	ENROLLED IN GRADES NINE THROUGH TWELVE TO ASSIST
103	STUDENTS IN GRADUATING FROM HIGH SCHOOL WITHOUT
104	NEEDING SUBSEQUENT REMEDIAL EDUCATIONAL SERVICES.

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.)

Educational Success Task Force. The general assembly recognizes the federal high school testing requirements; recognizes that

most states have adopted the common core state standards in mathematics and English language arts; and states its intent and expectation that ACT, Inc., will reconfigure the ACT to align with the common core state standards and thereby enable the states to administer the ACT as the statewide high school assessment that meets the federal high school testing requirements.

The bill clarifies that each public school, including each charter school, will assist each student and his or her parent in creating and maintaining an individual career and academic plan (ICAP) no later than ninth grade. The school will work with the student to use the ICAP to guide course selections and performance expectations with the goal of ensuring the student demonstrates postsecondary and workforce readiness upon graduation at a level that enables the student to progress toward his or her postsecondary goals, as identified in the ICAP, without needing remedial educational services.

Starting in the 2012-13 school year, each public school, including each charter school, that includes grades 9 through 12 will administer to students in those grades the basic skills placement or assessments tests (basic skills tests) that are used by the community colleges for first-time freshman students, except the schools need not administer the tests to students with disabilities who take the alternative statewide assessments. The school district or charter school will receive state funding to pay for one administration per student of all of the basic skills test units. If indicated by the student's scores, the school will create an intervention plan for the student to ensure that the student receives the classes and other educational services necessary for the student to demonstrate postsecondary and workforce readiness at graduation at a level that allows the student to advance toward his or her identified postsecondary goals without needing remedial educational services. The school, the student, and the student's parents may agree to concurrently enroll the student in basic skills courses at an institution of higher education if the student is in twelfth grade.

Each student's ICAP will include the student's scores on the basic skills tests and the student's intervention plan, if any.

When adopting the criteria for endorsed high school diplomas, the state board of education and the Colorado commission on higher education will establish the criteria for demonstrating postsecondary and workforce readiness at various levels that reflect the postsecondary education options available to students. Because the criteria for issuing endorsed high school diplomas are not yet adopted, the bill changes the beginning date on which schools and school districts will be held accountable for the number of students who receive endorsed high school diplomas.

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

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

- (a) To comply with federal requirements, the state must assess students' achievement of the state standards in mathematics, English language arts, and science during grade ten, eleven, or twelve using an assessment that is aligned with the state standards;
- (b) The state administers a statewide assessment in mathematics, reading, writing, and science to students enrolled in tenth grade, which assessment is aligned with the content standards adopted by the state board. This assessment is necessary for the state to meet the federal high school testing requirements and costs the state over one million dollars per year to administer.
- (c) The state also administers the ACT to all students enrolled in eleventh grade. While the ACT includes questions in the areas of mathematics, English language arts, and science, it is not comprehensive enough nor sufficiently aligned with the Colorado standards to meet the federal high school testing requirements. However, the ACT is of great value to students who are planning to continue into postsecondary education because it is considered by most postsecondary institutions in making admissions decisions. The ACT also costs the state over one million dollars per year to administer.
- (d) The state could save significant amounts by administering only the ACT as the statewide assessment for students in grades ten, eleven, and twelve. However, augmenting the ACT with additional questions so that it is sufficiently aligned with Colorado's standards to satisfy the federal high school testing requirements would cost several million

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2	(e) Colorado is participating with the common core state standards
3	initiative, which has developed standards in the areas of mathematics and
4	English language arts, and the state board of education recently adopted
5	the common core state standards for mathematics and English language
6	arts as Colorado's state model content standards in these subjects. So far,
7	the common core state standards have been adopted by forty-seven other
8	states.
9	(f) Because the trend among the majority of states is to adopt the
10	common core state standards and all states are required by federal law to
11	administer an assessment during grades ten through twelve that is aligned
12	with each state's standards, it is the intent and expectation of the general
13	assembly that ACT, Inc., will soon reconfigure the ACT to align with the
14	common core state standards at a sufficient level to enable the states,
15	including Colorado, to administer the ACT as a means of complying with
16	the federal high school testing requirements without having to pay several
17	million dollars to augment the test.
18	SECTION 2. In Colorado Revised Statutes, 22-32-109, amend
19	(1) (nn); and add (1) (00) as follows:
20	22-32-109. Board of education - specific duties. (1) In addition
21	to any other duty required to be performed by law, each board of
22	education shall have and perform the following specific duties:
23	(nn) To ensure that each student who enrolls in the sixth grade in
24	a public school of the school district, including but not limited to a district
25	charter school, on the day of enrollment is registered with the

state-provided, free on-line college planning and preparation resource,

commonly referred to as "CollegeInColorado.org". The school district,

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the department of education, and the department of higher education shall collaborate to monitor the implementation of this paragraph (nn) and to ensure optimal interactivity between the various data bases and student record systems employed by school districts and college in Colorado. Each public school shall assist each student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan no later than the beginning of ninth grade but may assist the student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan in any grade prior to ninth grade.

- (00) (I) TO ADOPT POLICIES TO REQUIRE EACH SCHOOL OF THE SCHOOL DISTRICT, INCLUDING THE CHARTER SCHOOLS, TO ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, REFERRED TO IN THIS PARAGRAPH (00) AS AN "ICAP", NO LATER THAN THE BEGINNING OF NINTH GRADE. THE BOARD OF EDUCATION MAY REQUIRE THE SCHOOLS OF THE SCHOOL DISTRICT TO ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S ICAP IN ANY GRADE PRIOR TO NINTH GRADE. EACH STUDENT'S ICAP SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN SECTION 22-2-136 AND THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SAID SECTION.
- (II) THE BOARD OF EDUCATION SHALL FURTHER REQUIRE EACH SCHOOL OF THE SCHOOL DISTRICT TO ASSIST EACH STUDENT WHO IS ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE PLAN EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH

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- 1 TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND
- 2 CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT
- 3 TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR
- 4 TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS
- 5 THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY
- 6 EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL
- 7 SERVICES OR COURSES.
- 8 SECTION 3. In Colorado Revised Statutes, 22-32-109.5, add (4)
- 9 as follows:
- 10 22-32-109.5. Board of education - specific duties - testing 11 requirements - basic skills placement or assessment tests -12 intervention plans. (4) (a) EACH SCHOOL DISTRICT SHALL ADMINISTER 13 TO ALL STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE IN THE 14 SCHOOLS OF THE SCHOOL DISTRICT, INCLUDING CHARTER SCHOOLS, THE 15 BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED 16 TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO 17 SECTION 23-1-113, C.R.S.; EXCEPT THAT THE SCHOOL DISTRICT NEED NOT ADMINISTER THE TESTS TO A STUDENT WITH DISABILITIES IF THE 18 19 STUDENT'S INDIVIDUALIZED EDUCATION PLAN INDICATES HE OR SHE 20 SHOULD RECEIVE THE ALTERNATIVE STATEWIDE ASSESSMENT IN 21 ACCORDANCE WITH GUIDELINES ISSUED BY THE DEPARTMENT OF 22 EDUCATION. THE SCHOOL DISTRICT MAY ADMINISTER THE TESTS TO A 23 STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE 24 STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT 25 THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH 26 SCHOOL DISTRICT TO OFFSET THE COSTS INCURRED IN ADMINISTERING 27 EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS

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- 1 ENROLLED IN THOSE GRADES. THE SCHOOL DISTRICTS SHALL BEGIN
- 2 ADMINISTERING THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS NO
- 3 LATER THAN THE 2012-13 SCHOOL YEAR.
- 4 (b) EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN
- 5 SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC
- 6 SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS
- 7 OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND
- 8 WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A
- 9 STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE
- 10 TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR
- 11 TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL
- WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL
- 13 GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE
- 14 NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THAT THE
- 15 STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND
- 16 WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH
- 17 SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY
- 18 EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER
- 19 INDIVIDUAL CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL
- 20 EDUCATIONAL SERVICES. IF APPROPRIATE, THE SCHOOL, THE STUDENT,
- 21 AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO
- 22 ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN
- 23 INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT
- 24 ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE
- 25 STUDENT IS ENROLLED IN TWELFTH GRADE.
- 26 **SECTION 4.** In Colorado Revised Statutes, add 22-30.5-523 and
- 27 22-30.5-524 as follows:

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1	22-30.5-523. Individual career and academic plans. (1) EACH
2	INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT AND HIS OR HER
3	PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S
4	INDIVIDUAL CAREER AND ACADEMIC PLAN, REFERRED TO IN THIS SECTION
5	AS AN "ICAP", NO LATER THAN THE BEGINNING OF NINTH GRADE BUT MAY
6	ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO
7	DEVELOP AND MAINTAIN THE STUDENT'S ICAP IN ANY GRADE PRIOR TO
8	NINTH GRADE. EACH STUDENT'S ICAP SHALL COMPLY WITH THE
9	REQUIREMENTS SPECIFIED IN SECTION 22-2-136 AND THE RULES
10	PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SAID
11	SECTION.
12	(2) EACH INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH
13	STUDENT WHO IS ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE
14	PLAN EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND
15	PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH
16	TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND
17	CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT
18	TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR
19	TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS
20	THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY
21	EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL
22	SERVICES OR COURSES.
23	22-30.5-524. Basic skills placement or assessment tests -
24	intervention plans. (1) EACH INSTITUTE CHARTER SCHOOL THAT
25	INCLUDES ANY OF GRADES NINE THROUGH TWELVE SHALL ADMINISTER TO
26	ALL STUDENTS ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT
27	OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED

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- 1 FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, 2 C.R.S.; EXCEPT THAT THE INSTITUTE CHARTER SCHOOL NEED NOT 3 ADMINISTER THE TESTS TO A STUDENT WITH DISABILITIES IF THE 4 STUDENT'S INDIVIDUALIZED EDUCATION PLAN INDICATES HE OR SHE 5 SHOULD RECEIVE THE ALTERNATIVE STATEWIDE ASSESSMENT IN 6 ACCORDANCE WITH GUIDELINES ISSUED BY THE DEPARTMENT. THE 7 INSTITUTE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A STUDENT 8 AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT 9 IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE 10 DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH 11 INSTITUTE CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN 12 ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE 13 HE OR SHE IS ENROLLED IN THOSE GRADES. THE INSTITUTE CHARTER 14 SCHOOLS SHALL BEGIN ADMINISTERING THE BASIC SKILLS PLACEMENT OR 15 ASSESSMENT TESTS NO LATER THAN THE 2012-13 SCHOOL YEAR. 16
 - (2) EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE

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1	READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO
2	BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION
3	OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL
4	CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL
5	EDUCATIONAL SERVICES. IF APPROPRIATE, THE SCHOOL, THE STUDENT,
6	AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO
7	ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN
8	INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT
9	ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE
10	STUDENT IS ENROLLED IN TWELFTH GRADE.
11	SECTION 5. In Colorado Revised Statutes, 22-30.5-505, amend
12	(3) (f) as follows:
13	22-30.5-505. State charter school institute - institute board -
14	appointment - powers and duties - rules. (3) The mission of the
15	institute board shall be to foster high-quality public school choices
16	offered through institute charter schools, including particularly schools
17	that are focused on closing the achievement gap for at-risk students. In
18	discharging its duties pursuant to this part 5, the institute shall:
19	(f) Ensure that each student who enrolls in the sixth grade in an
20	institute charter school, on the day of enrollment, is registered with the
21	state-provided, free on-line college planning and preparation resource.

institute charter school shall assist each student and his or her parent or

commonly referred to as "CollegeInColorado.org". The institute, the

department, and the department of higher education shall collaborate to

monitor the implementation of this paragraph (f) and to ensure optimal

interactivity between the various data bases and student record systems

employed by institute charter schools and college in Colorado. Each

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1	legal guardian to develop and maintain the student's individual career and
2	academic plan no later than the beginning of ninth grade but may assist
3	the student and his or her parent or legal guardian to develop and
4	maintain the student's individual career and academic plan in any grade
5	prior to ninth grade.
6	SECTION 6. In Colorado Revised Statutes, 22-2-136, amend (2)
7	(a) as follows:
8	22-2-136. Additional duty - state board - individual career and
9	academic plans - standards - rules. (2) In establishing the standards for
10	individual career and academic plans, the state board shall ensure, at a
11	minimum, that:
12	(a) Each individual career and academic plan includes a career
13	planning and guidance component and a portfolio that reflects, at a
14	minimum:
15	(I) The student's efforts in exploring careers, including interest
16	surveys that the student completes;
17	(II) The student's academic progress, including the courses taken,
18	any rededication or credit recovery, and any concurrent enrollment credits
19	earned;
20	(III) THE STUDENT'S SCORES ON THE BASIC SKILLS PLACEMENT OR
21	ASSESSMENT TESTS ADMINISTERED PURSUANT TO SECTION 22-30.5-524 OR
22	22-32-109.5 (4), ANY INTERVENTION PLAN CREATED FOR THE STUDENT
23	PURSUANT TO SAID SECTIONS, AND THE STUDENT'S PROGRESS IN MEETING
24	THE INTERVENTION PLAN;
25	(II.5) (IV) The student's progress in visual arts and performing
26	arts courses;
27	(HH) (V) The student's experiences in contextual and service

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1	learning;
2	(IV) (VI) The student's college applications and resume, as they
3	are prepared and submitted; and
4	(V) (VII) The student's postsecondary studies as the student
5	progresses;
6	SECTION 7. In Colorado Revised Statutes, 22-7-1009, amend
7	(1) as follows:
8	22-7-1009. Diploma endorsements - adoption - revisions.
9	(1) On or before July 1, 2011, or as soon thereafter as fiscally practicable,
10	the state board shall adopt criteria that a local school board, BOCES, or
11	institute charter high school may apply if the local school board, BOCES,
12	or institute charter high school chooses to endorse high school diplomas
13	to indicate that students have achieved postsecondary and workforce
14	readiness. The criteria shall include, but need not be limited to, the
15	required minimum level of postsecondary and workforce readiness that
16	a student must achieve to receive a readiness endorsement on his or her
17	diploma from the local school board, BOCES, or institute charter high
18	school, BASED ON WHETHER THE STUDENT INTENDS TO PURSUE A CAREER
19	AND TECHNICAL EDUCATION CERTIFICATE; ENROLLMENT IN AN OPEN,
20	MODIFIED OPEN, OR MODERATELY SELECTIVE INSTITUTION OF HIGHER
21	EDUCATION; OR ENROLLMENT IN A SELECTIVE INSTITUTION OF HIGHER
22	EDUCATION. In identifying the required minimum level of postsecondary
23	and workforce readiness, the state board shall ensure that the minimum
24	level of postsecondary and workforce readiness reflects the expectations
25	for postsecondary and workforce readiness that are applied nationally and

SECTION 8. In Colorado Revised Statutes, 22-11-204, amend

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internationally.

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1	(4)	(b)	(II)	as	follows:
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22-11-204. Performance indicators - measures. (4) T
department shall determine the level of attainment of each public hi
school, each school district, the institute, and the state as a whole on t
postsecondary and workforce readiness indicator by using, at a minimu
the following measures:

- (b) For each school district and the institute, the department shall calculate:
- (II) Beginning with the 2011-12 school year FIRST SCHOOL YEAR FOR WHICH CRITERIA ARE ADOPTED PURSUANT TO SECTION 22-7-1009 (1) FOR AWARDING DIPLOMAS THAT ARE ENDORSED FOR POSTSECONDARY AND WORKFORCE READINESS and for each school year thereafter, the overall percentage of all students graduating from the district public high schools or from the institute charter high schools who receive diplomas that are endorsed for postsecondary and workforce readiness as described in section 22-7-1009 (1) and the percentage who receive diplomas that are endorsed for exemplary demonstration of postsecondary and workforce readiness as described in section 22-7-1009 (2); and

SECTION 9. Act subject to petition - 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 (August 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in

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- November 2012 and shall take effect on the date of the official
- 2 declaration of the vote thereon by the governor.

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