

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. M11-0863.01 Amanda King

SJM11-004

SENATE SPONSORSHIP

Brophy, Carroll

HOUSE SPONSORSHIP

Solano and Massey, Sonnenberg, Kagan, Miklosi

Senate Committees
Education

House Committees

SENATE JOINT MEMORIAL 11-004

101 **MEMORIALIZING CONGRESS TO REPEAL THE PROVISIONS OF THE**
102 **FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001" WHEN**
103 **REAUTHORIZING THE FEDERAL "ELEMENTARY AND SECONDARY**
104 **EDUCATION ACT OF 1965".**

1 WHEREAS, The citizens of Colorado have the greatest interest in
2 ensuring the success of Colorado's elementary and secondary public
3 education system; and

4 WHEREAS, The citizens of Colorado understand and are familiar
5 with Colorado's elementary and secondary public education system,
6 including its strengths and areas needing improvement to support
7 economic viability, resilient communities, and an effective and efficient
8 government; and

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.

1 WHEREAS, The Colorado Constitution provides that Colorado's
2 178 school districts are governed by locally elected school boards, the
3 Colorado Department of Education, the State Board of Education, and the
4 General Assembly; and

5 WHEREAS, There is no evidence to support the belief that
6 increasing federal oversight, as required by the federal "No Child Left
7 Behind Act of 2001", 20 U.S.C. sec. 6301 et seq., as amended, which was
8 signed into law on January 8, 2002, has improved school quality or
9 narrowed the achievement gap; and

10 WHEREAS, The costs associated with complying with the
11 requirements of, and the federal reporting mandates related to, the federal
12 "No Child Left Behind Act of 2001" exceed the amount of federal funds
13 provided to public schools, and the on-going economic challenges facing
14 the state continue to force drastic cuts in all areas of the state budget,
15 including funding for public education; and

16 WHEREAS, The National Assessment of Educational Progress
17 (NAEP) provides a reliable benchmark for comparing student
18 achievement on test scores in a variety of subject areas and remains an
19 efficient and effective common metric, providing a national
20 representation of students' scores and state-to-state comparisons; and

21 WHEREAS, Federal law requires states to participate in NAEP's
22 fourth- and eighth-grade reading and mathematics assessments in order
23 to receive Title I funds; and

24 WHEREAS, The federal "No Child Left Behind Act of 2001"
25 creates redundancies and inefficiencies in the elementary and secondary
26 public education system, increases costs to both the state and local
27 governments, arguably exceeds the limits of Congress's authority, and has
28 been shown to be ineffective in improving the education of students; now,
29 therefore,

30 *Be It Resolved by the Senate of the Sixty-eighth General Assembly*
31 *of the State of Colorado, the House of Representatives concurring herein:*

32 That we, the members of the Colorado General Assembly, find
33 that, due to the immediate fiscal challenges facing the state's elementary
34 and secondary public education system, it is in the best interests of the
35 citizens of Colorado for the state, rather than the federal government, to

1 exercise responsibility for Colorado's public schools and Colorado's
2 students;

3 That we encourage Congress to reduce the number of federal
4 mandates and amount of federal oversight of public education, allowing
5 for more state and local control of the public school systems; and

6 That, with this Joint Memorial, Colorado is not refusing to comply
7 with the federal "No Child Left Behind Act of 2001"; rather we
8 encourage Congress, in reauthorizing the federal "Elementary and
9 Secondary Education Act of 1965", 20 U.S.C. sec. 6301 et seq., which
10 has been overdue for reauthorization since 2007, to revert to the initial
11 intention behind the Act, using the NAEP assessment as the national
12 indicator for student achievement, and to completely repeal the provisions
13 enacted as part of the federal "No Child Left Behind Act of 2001" as soon
14 as practicable.

15 *Be It Further Resolved*, That copies of this Joint Memorial be sent
16 to the Majority Leader of the United States Senate; the Speaker of the
17 United States House of Representatives; each member of Colorado's
18 Congressional delegation; each member of the United States Senate
19 Committee on Health, Education, Labor, and Pensions; each member of
20 the United States House Education and the Workforce Committee; and
21 the governor of each state of the United States.