

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 08-0274.01 Julie Pelegrin

HOUSE BILL 08-1186

HOUSE SPONSORSHIP

Solano,

SENATE SPONSORSHIP

Windels,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXCEPTION OF CERTAIN STUDENTS' SCORES FROM**
102 **CALCULATIONS OF A SCHOOL'S ACADEMIC PERFORMANCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Excepts from the calculations of a school's academic performance ratings and from determining a school district's accreditation the Colorado student assessment the scores of students who are absent on the days assessments are administered under the Colorado student assessment program ("CSAPs") and students' scores that are invalidated as a result of a failure to administer the assessment pursuant to the department of education's guidelines. Prohibits a school district or a public school from

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.

HOUSE
Am ended 2nd Reading
February 15, 2008

penalizing a student who is absent on the days the CSAPs are administered.

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

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

4 (a) In 2000, the general assembly enacted section 22-7-604,
5 Colorado Revised Statutes, pursuant to which the department of education
6 annually calculates academic performance ratings for each public school
7 based on the scores attained by students enrolled in the school on the
8 Colorado student assessment program tests;

9 (b) The formula for calculating the academic performance ratings
10 includes weighting the students' scores based on the proficiency level
11 reflected by each score;

12 (c) If a student is absent for one of the Colorado student
13 assessment program tests, and does not subsequently make up the test,
14 that student is assigned a zero score, which falls at the proficiency level
15 of "unsatisfactory", which receives a weighting of -0.5;

16 (d) Further, if a teacher inadvertently fails to follow the
17 department of education's guidelines in administering the test, all of the
18 students in the class receive a zero score, again increasing the percentage
19 of scores for that school that receive a weighting of -0.5;

20 (e) Thus, the formula for calculating academic performance
21 ratings unfairly penalizes a school for each student who misses one of the
22 Colorado student assessment program tests or for an inadvertent error in
23 administering a test, regardless of why the student did not take the test
24 and regardless of the student's actual knowledge level with respect to the
25 subject matter;

1 (f) Parental choice in education has been a guiding tenet in
2 education policy in this state for several years and is a core value of the
3 statewide system of public education in Colorado;

4 (g) Parents are in the best position to decide what is best and
5 appropriate for their children's education, whether the decision pertains
6 to the educational setting in which the child should be placed, the
7 educational services the child should receive, or whether the child should
8 participate in statewide testing;

9 (h) While federal law requires schools to encourage universal
10 participation in the Colorado student assessment program tests, the state
11 must recognize and honor a parent's choice with regard to whether the
12 parent's child participates in the tests.

13 (2) The general assembly concludes, therefore, that a school's
14 overall academic performance rating should be an authentic reflection of
15 what the students in the school know and are able to demonstrate. In
16 calculating an overall academic performance rating, a school should not
17 be punished for students who are absent due to a parent's refusal to allow
18 his or her child to participate in the testing and a school should not be
19 punished because of an inadvertent failure to follow departmental
20 guidelines in administering the test.

21 **SECTION 2.** 22-7-409 (1.2) (d) (I) (B), Colorado Revised
22 Statutes, is amended, and the said 22-7-409 (1.2) (d) (I) is further
23 amended BY THE ADDITION OF THE FOLLOWING NEW
24 SUB-SUBPARAGRAPHS, to read:

25 **22-7-409. Assessments.** (1.2) (d) (I) Every student enrolled in a
26 public school shall be required to take the assessments administered
27 pursuant to subsection (1) of this section at the grade level in which the

1 student is enrolled, as determined by the school district; except that the
2 students described in sub-subparagraph (A) of this subparagraph (I) shall
3 be required only to take the assessments required by said
4 sub-subparagraph. However, the scores of the following students shall
5 not be used by the state for purposes of calculating school academic
6 performance ratings pursuant to section 22-7-604 or for accreditation
7 pursuant to article 11 of this title:

8 (B) Any student who transfers into the school after October 1 of
9 the school year in which the assessment is administered; ~~and~~

10 (D) ANY STUDENT WHO IS ABSENT FROM SCHOOL ON THE DAYS ON
11 WHICH THE ASSESSMENTS ARE ADMINISTERED DUE TO A PARENT'S REFUSAL
12 TO ALLOW THE STUDENT TO PARTICIPATE IN THE ASSESSMENT; AND

13 (E) ANY STUDENT WHOSE SCORE IS INVALIDATED AS A RESULT OF
14 AN INADVERTENT FAILURE TO ADMINISTER THE ASSESSMENT PURSUANT TO
15 THE DEPARTMENT'S GUIDELINES.

16 **SECTION 3.** 22-7-409 (1.2) (d), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18 **22-7-409. Assessments.** (1.2) (d) (I.4) NOTWITHSTANDING THE
19 PROVISIONS OF SUB-SUBPARAGRAPH (D) OF SUBPARAGRAPH (I) OF THIS
20 PARAGRAPH (d), THE PROVISIONS OF SAID SUB-SUBPARAGRAPH (D) SHALL
21 NOT BE EFFECTIVE FOR ANY SCHOOL IN ANY ACADEMIC YEAR IN WHICH
22 THE DEPARTMENT DETERMINES THAT THE TOTAL RATE OF PARTICIPATION
23 IN CSAP ASSESSMENTS STATEWIDE WAS LESS THAN NINETY-SEVEN
24 PERCENT OF THE TOTAL NUMBER OF STUDENTS REQUIRED TO TAKE THE
25 CSAP ASSESSMENTS STATEWIDE.

26 **SECTION 4.** Article 32 of title 22, Colorado Revised Statutes, is
27 amended BY THE ADDITION OF A NEW SECTION to read:

1 **22-32-138. Colorado student assessment program - student**
2 **participation - no penalty.** (1) A SCHOOL DISTRICT OR A PUBLIC SCHOOL
3 SHALL NOT PENALIZE A STUDENT WHO IS ABSENT DURING THE
4 ADMINISTRATION OF AN ASSESSMENT ADMINISTERED PURSUANT TO
5 SECTION 22-7-409. FOR PURPOSES OF THIS SECTION, A PENALTY SHALL
6 INCLUDE, BUT NEED NOT BE LIMITED TO:

7 (a) WITHHOLDING OF CREDITS TOWARD GRADUATION OR DENYING
8 A STUDENT THE ABILITY TO GRADUATE OR RECEIVE A DIPLOMA;

9 (b) DENYING A STUDENT THE OPPORTUNITY TO PARTICIPATE IN AN
10 EDUCATIONAL PROGRAM OR AN EXTRACURRICULAR ACTIVITY; OR

11 (c) DENYING A STUDENT THE ABILITY TO ADVANCE TO A
12 SUBSEQUENT GRADE LEVEL.

13 (2) THE PROVISIONS OF THIS SECTION SHALL NOT BE INTERPRETED
14 TO PROHIBIT A SCHOOL DISTRICT FROM ENFORCING COMPULSORY
15 ATTENDANCE REQUIREMENTS AS PROVIDED IN THE SCHOOL DISTRICT
16 ATTENDANCE POLICY ADOPTED PURSUANT TO ARTICLE 33 OF THIS TITLE.

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