

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 08-0274.01 Julie Pelegrin

HOUSE BILL 08-1186

HOUSE SPONSORSHIP

Solano,

SENATE SPONSORSHIP

Windels,

House Committees
Education

Senate Committees
Education

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.

SENATE
3rd Reading Unam ended
March 27, 2008

SENATE
Am ended 2nd Reading
March 26, 2008

HOUSE
3rd Reading Unam ended
February 18, 2008

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. Thus, if a school's overall academic
21 performance rating is reduced due to student absences or an inadvertent
22 error in administering the test, the school should have the opportunity to
23 explain the rating to the parents of students enrolled in the school.

24 _____
25 **SECTION 2. 22-7-604, Colorado Revised Statutes, is amended**
26 **BY THE ADDITION OF A NEW SUBSECTION to read:**

27 **22-7-604. Academic performance - academic growth of**

1 students - rating - designation and methodology. (9) (a) FOLLOWING
2 THE CALCULATION OF A PUBLIC SCHOOL'S OVERALL ACADEMIC GROWTH
3 RATING PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL DETERMINE
4 WHETHER THE PUBLIC SCHOOL WOULD HAVE RECEIVED A HIGHER RATING
5 IF THE CALCULATIONS HAD NOT INCLUDED ONE OR MORE OF THE
6 FOLLOWING GROUPS:

7 (I) STUDENTS WHO WERE ABSENT ON THE DAYS THE ASSESSMENTS
8 WERE ADMINISTERED AND WHO DID NOT TAKE THE ASSESSMENTS AT A
9 LATER DATE;

10 (II) STUDENTS WHO DID NOT COMPLETE ONE OR MORE OF THE
11 ASSESSMENTS; OR

12 (III) STUDENTS WHOSE SCORES WERE INVALIDATED BECAUSE OF
13 AN INADVERTENT FAILURE TO ADMINISTER THE ASSESSMENT PURSUANT TO
14 THE DEPARTMENT'S GUIDELINES.

15 (b) THE DEPARTMENT SHALL NOTIFY A PUBLIC SCHOOL IF IT
16 DETERMINES THAT THE PUBLIC SCHOOL WOULD HAVE RECEIVED A HIGHER
17 ACADEMIC PERFORMANCE RATING IF ONE OR MORE OF THE GROUPS
18 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (9) HAD NOT BEEN
19 INCLUDED IN CALCULATING THE PUBLIC SCHOOL'S ACADEMIC
20 PERFORMANCE RATING.

21 (c) THE SCHOOL DISTRICT OF A PUBLIC SCHOOL, A DISTRICT
22 CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL THAT RECEIVES A
23 NOTIFICATION PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (9) MAY,
24 AT ITS OWN EXPENSE, CHOOSE TO DISTRIBUTE WITH THE PUBLIC SCHOOL'S
25 ACCOUNTABILITY REPORT AN EXPLANATION OF HOW THE LOWER
26 ACADEMIC PERFORMANCE RATING WAS CALCULATED AND THE RATING THE
27 PUBLIC SCHOOL WOULD HAVE RECEIVED IF THE CALCULATIONS HAD NOT

1 INCLUDED ONE OR MORE OF THE GROUPS SPECIFIED IN PARAGRAPH (a) OF
2 THIS SUBSECTION (9). AN EXPLANATION INCLUDED PURSUANT TO THIS
3 PARAGRAPH (c) SHALL NOT BE DEEMED TO REFUTE THE RATINGS OR
4 STATEMENTS MADE IN THE SCHOOL ACCOUNTABILITY REPORT.

5 **SECTION 3.** Article 32 of title 22, Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW SECTION to read:

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

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

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

17 (c) DENYING A STUDENT THE ABILITY TO ADVANCE TO A
18 SUBSEQUENT GRADE LEVEL.

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

23 **SECTION 4. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.