

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0513.01 Jerry Barry

**HOUSE BILL 07-1048**

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**House Committees**  
Education

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**A BILL FOR AN ACT**

101 **CONCERNING LONGITUDINAL ANALYSIS OF STUDENT ASSESSMENTS.**

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**Bill Summary**

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

Directs the governor to appoint and the department of education ("department") to convene a new technical advisory panel ("panel") to assist the department and the state board of education in developing a longitudinal growth model to measure the academic growth of students. Establishes requirements and a timeline for development and implementation of the model. Requires the department to calculate adequate longitudinal growth for each student and each school by July 1 of each year.

Directs the panel to develop a new method to identify schools that

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.*

demonstrate the highest rate of academic growth for purposes of the governor's distinguished improvement awards.

Repeals the requirement that a portion of the in-year cost recovery from the use of unique student identifiers be used to fund the calculation of academic growth of students.

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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 hereby finds and declares that:

4 (a) Since 1997, the general assembly has directed the department  
5 of education to develop the tools and expertise necessary to perform  
6 longitudinal analysis of student assessment results and to provide  
7 diagnostic information to assist school districts, schools, teachers, and  
8 parents in improving students' academic achievement and closing the  
9 achievement gap;

10 (b) The general assembly has demonstrated a high interest in  
11 longitudinal analysis of student assessment results based on legislation  
12 passed and appropriations made annually since 2001. ■■■ ■■■

13 (c) The general assembly has appropriated close to \$2 million  
14 since 2001 to the department of education for longitudinal growth, but the  
15 department has only spent a little over \$730,000. The general assembly  
16 has appropriated \$600,000 over the last three fiscal years, but the  
17 department has only expended \$68,588. For fiscal year 2005-06, the  
18 department reverted \$129,814 of the general fund moneys appropriated  
19 for longitudinal analysis. In addition, the full-time equivalent employees  
20 appropriated for the department have not been fully utilized.

21 (d) Colorado has the opportunity to apply by February 2007 to the  
22 United States department of education for flexibility in incorporating  
23 longitudinal growth models in the determination of adequate yearly

1 progress under the requirements of the federal "No Child Left Behind Act  
2 of 2001", Pub.L. 107-110;

3 (e) While it is acknowledged that the department of education's  
4 inability to spend resources is in part due to the off-budget funding  
5 mechanism that makes it difficult to expend dollars until halfway through  
6 the fiscal year.

7 (f) House Bill 07- \_\_\_\_ can be implemented using the existing  
8 resources and full-time equivalent employees appropriated to the  
9 department of education for fiscal year 2006-07 for development and  
10 implementation of a longitudinal growth model.

11 **SECTION 2.** 22-7-604.3, Colorado Revised Statutes, is amended  
12 to read:

13 **22-7-604.3. Academic growth calculation - model -**  
14 **rule-making.** (1) **Legislative declaration.** (a) The general assembly  
15 hereby finds, determines, and declares that:

16 (I) In 1993, the general assembly adopted House Bill 93-1313,  
17 establishing state model content standards in several areas, including  
18 reading, writing, and mathematics, and directing school districts to adopt  
19 district standards in these areas;

20 (II) The state model content standards were designed to measure  
21 what each child should know and be able to do at various levels of  
22 development in the child's academic career;

23 (III) In 1997, Colorado began implementing the Colorado student  
24 assessment program to measure whether students were successfully  
25 meeting the state model content standards;

26 (III.5) SINCE 1997, THE GENERAL ASSEMBLY HAS DIRECTED THE  
27 DEPARTMENT TO DEVELOP THE TOOLS AND EXPERTISE NECESSARY TO

1 PERFORM LONGITUDINAL ANALYSIS OF STUDENT ASSESSMENT RESULTS,  
2 AND TO PROVIDE INFORMATION TO ASSIST SCHOOL DISTRICTS, SCHOOLS,  
3 TEACHERS, AND PARENTS IN IMPROVING STUDENTS' ACADEMIC  
4 ACHIEVEMENT AND CLOSING THE ACHIEVEMENT GAP. HOWEVER, DESPITE  
5 THE PROVISION OF STATE FUNDING AND CLEAR STATUTORY DIRECTION BY  
6 THE GENERAL ASSEMBLY, THE DEPARTMENT HAS NOT YET TAKEN THE  
7 STEPS NECESSARY TO MAKE LONGITUDINAL DATA USEFUL TO STUDENTS,  
8 PARENTS, TEACHERS, OR ADMINISTRATORS AT THE SCHOOL LEVEL.

9 (IV) A next step in ~~implementing content standards in education~~  
10 ~~is to identify how much academic growth is required to meet each level~~  
11 ~~of content standard and to measure whether students are achieving this~~  
12 ~~growth~~ MEASURING STUDENT PROGRESS IN MEETING THE STATE MODEL  
13 CONTENT STANDARDS IS TO INCORPORATE A LONGITUDINAL GROWTH  
14 COMPONENT THAT INDICATES HOW MANY AND WHICH STUDENTS MAKE AT  
15 LEAST A YEAR'S ACADEMIC GROWTH IN A YEAR'S TIME, WHILE ALSO  
16 IDENTIFYING HOW MANY AND WHICH STUDENTS ARE ON PACE TO BE  
17 PARTIALLY PROFICIENT, PROFICIENT, OR ADVANCED, DEPENDING ON THE  
18 STUDENTS' STARTING LEVELS, WITHIN THE NEXT THREE YEARS;

19 (IV.3) THIS INFORMATION ON THE LONGITUDINAL GROWTH OF  
20 STUDENTS SHOULD BE THE CORNERSTONE OF THE STATE'S EDUCATIONAL  
21 ACCOUNTABILITY SYSTEM;

22 (IV.7) SCHOOLS AND THE PUBLIC WILL BE BEST SERVED BY A  
23 SCHOOL ACCOUNTABILITY SYSTEM THAT IS BASED ON LONGITUDINAL  
24 GROWTH, PROVIDES CONSISTENT INFORMATION, AND ENCOURAGES AND  
25 SUPPORTS TEACHERS IN MEETING THE NEEDS OF ALL STUDENTS;

26 (V) The goal for most students, no matter where a student starts,  
27 is to achieve yearly academic growth sufficient to perform at least at the

1 proficiency level of "proficient" in reading, writing, and mathematics by  
2 the time the student completes grade ten. In the case of students who  
3 have not yet completed grade ten but who are performing at the  
4 proficiency level of "proficient" or "advanced" in reading, writing, or  
5 mathematics on CSAP assessments administered at their respective  
6 grades, the goal for such students is to advance from year to year in a way  
7 that maintains or improves upon their proficiency level performance.

8 (V.3) A LONGITUDINAL GROWTH COMPONENT THAT HAS  
9 UNIVERSAL PROFICIENCY FOR STUDENTS AS ITS AIM IS CRITICAL TO A  
10 SCHOOL ACCOUNTABILITY SYSTEM BECAUSE IT ARTICULATES A  
11 MEANINGFUL GOAL FOR EACH STUDENT REGARDLESS OF THE CURRENT  
12 LEVEL OF PERFORMANCE FOR THAT STUDENT;

13 (V.5) A LONGITUDINAL GROWTH COMPONENT SHOULD MEASURE  
14 GROWTH TOWARD A STANDARD AND DETERMINE THE AMOUNT OF GROWTH  
15 A STUDENT IS MAKING TOWARD PARTIALLY PROFICIENT, PROFICIENT, AND  
16 ADVANCED PERFORMANCE. OTHER CHARACTERISTICS OF A HIGH-QUALITY  
17 LONGITUDINAL GROWTH COMPONENT SHOULD INCLUDE:

18 (A) IDENTIFYING HOW MANY AND WHICH STUDENTS WHO ARE NOT  
19 YET PROFICIENT ARE ON PACE TO BECOME PROFICIENT;

20 (B) IDENTIFYING HOW MANY AND WHICH STUDENTS WHO ARE  
21 PROFICIENT ARE ON PACE TO REMAIN PROFICIENT; AND

22 (C) IDENTIFYING HOW MANY AND WHICH STUDENTS WHO ARE  
23 ALREADY PROFICIENT OR ADVANCED ARE ON PACE TO MOVE UP ON THE  
24 ADVANCED END OF THE ACHIEVEMENT DISTRIBUTION.

25 (V.7) ANOTHER ASPECT OF A HIGH-QUALITY LONGITUDINAL  
26 GROWTH COMPONENT WILL BE THE ABILITY TO PROVIDE RELIABLE, VALID,  
27 AND MEANINGFUL RESULTS TO EXTERNAL STAKEHOLDERS TO ENABLE

1 THEM TO JUDGE ACADEMIC IMPROVEMENT AND HOLD THE EDUCATIONAL  
2 SYSTEM ACCOUNTABLE;

3 (VI) WITH A LONGITUDINAL GROWTH MODEL IN PLACE, the  
4 numeric CSAP scores received by each student in successive school years  
5 ~~can be used to provide a diagnostic measure that~~ will indicate the  
6 student's degree of academic growth over time;

7 (VII) Measuring each student's academic growth over time will  
8 provide necessary ~~diagnostic~~ information to assist parents, teachers,  
9 schools, and school districts in identifying students who need additional  
10 assistance and will help to close the learning gap that sometimes exists  
11 among students in the same classrooms;

12 (VIII) The ~~diagnostic~~ measurement of student academic growth  
13 over time should be based upon all available individual scores for the  
14 student on statewide assessments administered to the student through the  
15 years; and

16 (IX) The ~~diagnostic~~ methodology of calculating student academic  
17 growth over time should be capable of accommodating the inclusion of  
18 all students, including students for whom sparse data is available.

19 (b) The general assembly further finds and declares that:

20 (I) Efforts to improve student academic growth should emphasize  
21 closing achievement gaps;

22 (II) A true longitudinal measure is required that tracks individual  
23 students from one grade level in the first year to the next higher grade  
24 level in the following year and that accommodates students retained in  
25 grade;

26 (III) Only students who were enrolled in a school by October 1 of  
27 the school year should have their academic growth included in the

1 school's overall academic growth rating for that school year in the school  
2 accountability report;

3 (IV) An academic growth measurement should account for the  
4 influence of artificially high- or low-scoring students and regression  
5 toward the mean;

6 (V) Credit should be given for students who maintain their  
7 performance at the advanced level of proficiency, even if their scale  
8 scores decline, to recognize the substantial amount of learning required  
9 to maintain that level of performance and to avoid penalizing schools  
10 with large numbers of advanced-level students whose scores might  
11 decline slightly due to measurement error;

12 (V.5) AN ACADEMIC GROWTH MEASUREMENT WILL SET THE  
13 PROPER TENSION BY FOCUSING ATTENTION ON ALL STUDENTS. AN  
14 ACADEMIC GROWTH MEASUREMENT WILL NOT ONLY DEFINE WHAT  
15 CONSTITUTES A YEAR'S ACADEMIC GROWTH IN A YEAR'S TIME BUT IT WILL  
16 IDENTIFY HOW MANY AND WHICH STUDENTS MAKE A YEAR'S ACADEMIC  
17 GROWTH IN A YEAR'S TIME, WHILE ALSO PROVIDING USEFUL INFORMATION  
18 ON EACH STUDENT WITH RESPECT TO THE PROVISIONS OF SUBPARAGRAPH  
19 (V.5) OF PARAGRAPH (a) OF THIS SUBSECTION (1).

20 (VI) An academic growth measurement should ~~measure~~ GAUGE  
21 each student's progress toward performing at the proficiency level of  
22 "advanced" or "proficient";

23 (VII) An academic growth measurement should measure the  
24 performance over time of students assigned to specific classrooms and  
25 teachers; and

26 (VIII) Teachers should be able to identify individual students who  
27 are not making sufficient progress and to use the ~~diagnostic~~ properties of

1 CSAP's objectives to plan instructional strategies for improvement.

2 (c) Therefore, it is the intent of the general assembly to adopt  
3 legislation to implement a process for ~~diagnostically~~ measuring student  
4 academic growth and to include a longitudinal student academic growth  
5 measurement on the school accountability report that will:

6 (I) Create a cooperative atmosphere among students, parents,  
7 teachers, school district administrators, the department of education, and  
8 the state board of education; and

9 (II) Promote the highest possible academic achievement FOR ALL  
10 STUDENTS, INCLUDING MOVING STUDENTS FROM UNSATISFACTORY TO  
11 PARTIALLY PROFICIENT, PARTIALLY PROFICIENT TO PROFICIENT, AND  
12 PROFICIENT TO ADVANCED, AND ENSURING STUDENTS WHO SCORE  
13 ADVANCED CONTINUE TO SCORE ADVANCED.

14 (2) **Development of model - technical advisory panel.**

15 (a) Within fifteen days after ~~June 3, 2004~~ RECEIPT OF THE  
16 RECOMMENDATIONS OF THE TECHNICAL ADVISORY PANEL PURSUANT TO  
17 SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (2), the  
18 department shall choose ~~a~~ AN EXPERIENCED public or private entity, ~~to~~  
19 ~~develop~~, WITH A STRONG NATIONAL REPUTATION, TO REVISE THE  
20 LONGITUDINAL GROWTH MODEL DEVELOPED PRIOR TO JANUARY 1, 2007,  
21 PURSUANT TO SUBSECTION (3) OF THIS SECTION TO ENSURE THAT IT IS  
22 APPROPRIATE FOR DESIGNATING LONGITUDINAL GROWTH ACHIEVEMENT  
23 FOR INDIVIDUAL SCHOOLS AND THAT IT CONSIDERS STATE LONGITUDINAL  
24 GROWTH MODELS APPROVED BY THE UNITED STATES DEPARTMENT OF  
25 EDUCATION. No later than ~~June 15, 2004~~ a SIXTY DAYS AFTER BEING  
26 CHOSEN, THE CONTRACTOR SHALL ADAPT AN EXISTING mixed-effects  
27 statistical model FOR USE IN COLORADO to ~~diagnostically~~ calculate

1 students' annual academic growth and to calculate annually the amount  
2 of each student's and each school's academic growth in reading, writing,  
3 and mathematics over the periods between the administration of the  
4 CSAP assessments, which calculation shall be based on students' CSAP  
5 scores.

6 (a.5) THE CONTRACTOR CHOSEN PURSUANT TO PARAGRAPH (a) OF  
7 THIS SUBSECTION (2) SHALL UTILIZE A MODEL IN THE PUBLIC DOMAIN THAT  
8 IS NOT PROPRIETARY AND IS FULLY AND ACCURATELY EXPLAINED,  
9 INCLUDING THE GENERATION OF ALL RESULTS, IN A PUBLISHED DOCUMENT  
10 THAT IS AVAILABLE TO THE PUBLIC. THE MODEL THAT THE CONTRACTOR  
11 GENERATES SHALL BE ONE THAT CAN BE REPLICATED BY ANY  
12 INDEPENDENT STATISTICIAN. INCLUDED IN THE SCOPE OF WORK FOR THE  
13 CONTRACTOR SHALL BE THE EXTENSION OF THE LONGITUDINAL GROWTH  
14 CALCULATION DEVELOPED PURSUANT TO THIS SECTION TO THE SCHOOL  
15 LEVEL WITH THE INTENT THAT IT BE THE BASIS FOR ALL ACADEMIC  
16 ACCOUNTABILITY.

17 (b) (I) No later than ~~June 15, 2004~~ FIFTEEN DAYS AFTER THE  
18 EFFECTIVE DATE OF HOUSE BILL 07-\_\_\_\_, the GOVERNOR SHALL APPOINT  
19 AND THE department shall convene a technical advisory panel that  
20 ~~includes~~ SHALL INCLUDE STATE AND NATIONAL experts on the  
21 measurement of longitudinal growth for accountability purposes. ALL  
22 MEETINGS OF the technical advisory panel shall be open.

23 (II) AT IT'S FIRST MEETING, THE TECHNICAL ADVISORY PANEL  
24 SHALL RECOMMEND TO THE DEPARTMENT ONE OR MORE CONTRACTORS TO  
25 ADAPT A STATISTICAL MODEL PURSUANT TO PARAGRAPH (a) OF THIS  
26 SUBSECTION (2). THE TECHNICAL ADVISORY PANEL SHALL review the  
27 proposed model developed pursuant to paragraph (a) of this subsection

1 (2) for ~~diagnostically~~ calculating the annual academic growth of students  
2 AND SCHOOLS. The model, at a minimum, shall specify the standard error  
3 of measurement and shall specify the stringency of the confidence  
4 interval used to determine whether the annual change in test scores can  
5 be attributable to chance due either to measurement error or to regression  
6 to the mean. In reviewing the model, the TECHNICAL advisory panel shall  
7 consider recent national studies of different methodologies and VARIOUS  
8 models for measuring longitudinal growth, INCLUDING LONGITUDINAL  
9 GROWTH MODELS THAT THE UNITED STATES DEPARTMENT OF EDUCATION  
10 HAS APPROVED FOR USE BY STATES AS PART OF STATE PLANS TO MEET THE  
11 ADEQUATE YEARLY PROGRESS REQUIREMENTS OF THE FEDERAL "NO  
12 CHILD LEFT BEHIND ACT OF 2001", PUB.L. 107-110.

13 (c) No later than ~~July 1, 2004~~ THIRTY DAYS AFTER THE ADAPTION  
14 OF THE MODEL PURSUANT TO THIS SUBSECTION (2), the TECHNICAL  
15 ADVISORY panel convened pursuant to paragraph (b) of this subsection (2)  
16 shall submit its written ~~comments or~~ FINDINGS AND recommendations  
17 CONCERNING THE LONGITUDINAL GROWTH MODEL to the department, the  
18 state board, the education committees of the senate and the house of  
19 representatives, OR ANY SUCCESSOR COMMITTEES, and the governor. THE  
20 DEPARTMENT SHALL MAKE THE FINDINGS AND RECOMMENDATIONS  
21 ELECTRONICALLY AVAILABLE TO THE PUBLIC AND SHALL PROMPTLY  
22 NOTIFY PERSONS WHO REQUEST NOTICE OF WHEN AND WHERE TO OBTAIN  
23 THE ELECTRONIC COPIES OF THE FINDINGS AND RECOMMENDATIONS.

24 (d) The department shall convene the panel described in paragraph  
25 (b) of this subsection (2) within existing appropriations.

26 (3) **Academic growth calculation model.** (a) On or before  
27 ~~August 15, 2004~~ THIRTY DAYS AFTER THE RECEIPT OF THE

1 RECOMMENDATIONS OF THE TECHNICAL ADVISORY PANEL PURSUANT TO  
2 PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, the state board shall  
3 consider the model developed pursuant to subsection (2) of this section  
4 and ~~reviewed by~~ THE FINDINGS AND RECOMMENDATIONS OF the technical  
5 advisory panel and shall adopt by EMERGENCY rule a mixed-effects  
6 statistical model used to ~~diagnostically~~ calculate ~~students'~~ THE annual  
7 academic growth OF STUDENTS AND SCHOOLS that shall be a scientifically  
8 rigorous statistical model available in the public domain. AFTER THE  
9 PROMULGATION OF THE EMERGENCY RULE, THE STATE BOARD SHALL  
10 PROMULGATE PERMANENT RULES ON ADOPTING THE STATISTICAL MODEL.  
11 The state board may adopt a hierarchical linear model as the statistical  
12 model OR SOME VARIATION OF SUCH A MODEL.

13 (b) The state board, in adopting the statistical model described in  
14 paragraph (a) of this subsection (3), shall ensure that the model:

15 (I) Reflects best practices, as acknowledged in the scientific  
16 literature, in measuring longitudinal growth with high precision;

17 (II) To the greatest extent possible, uses a methodology that will  
18 serve the ~~diagnostic~~ purposes of SCHOOLS AND school districts; ~~and~~  
19 ~~schools;~~

20 (III) Is capable of measuring how much progress a student is  
21 making toward performing at the proficiency level of "PARTIALLY  
22 PROFICIENT", "proficient", or "advanced" on CSAP assessments;

23 (III.5) IS CAPABLE OF GAUGING HOW SUCCESSFUL EACH STUDENT  
24 WILL BE IN MAKING ONE YEAR'S ACADEMIC GROWTH IN ONE YEAR'S TIME;

25 (IV) Provides results that are meaningful, reliable, and valid,  
26 given their intended purposes, to enable parents, teachers, and  
27 administrators to identify individual students or groups of students who

1 ARE AND are not making sufficient academic growth;

2 (IV.5) RECOGNIZES IMPROVEMENT OF STUDENTS WHOSE SCALE  
3 SCORES INCREASE EVEN IF THEY DO NOT INCREASE TO A HIGHER CSAP  
4 PERFORMANCE LEVEL;

5 (V) Uses individual student scores from CSAP assessments;

6 (VI) Is described in a publicly available document that ~~describes~~  
7 SETS FORTH the mathematical equations used in the statistical model and  
8 that ~~describes~~ FULLY AND ACCURATELY EXPLAINS the methods used to  
9 complete the records for students with incomplete data; and

10 (VII) Is capable of treating the analysis and reporting of data  
11 electronically AND PRODUCES STUDENT- AND SCHOOL-LEVEL REPORTS  
12 THAT MAY BE DELIVERED ON OR BEFORE ~~SEPTEMBER 15, 2007~~, AND ON OR  
13 BEFORE ~~SEPTEMBER 15~~ OF EACH YEAR THEREAFTER.

14 (4) **Adequate academic growth.** (a) No later than ~~September 15,~~  
15 ~~2004~~ ~~AUGUST 15, 2007~~, AND NO LATER THAN ~~AUGUST 15~~ EACH YEAR  
16 THEREAFTER, the department shall calculate what constitutes ~~sufficient~~  
17 ADEQUATE LONGITUDINAL academic growth for each student for each  
18 school year. The department shall formulate the calculation in such a way  
19 that ~~sufficient~~ ADEQUATE LONGITUDINAL academic growth means:

20 (I) A student is progressing ~~sufficiently~~ ADEQUATELY to perform  
21 in reading, writing, and mathematics at increasing levels of proficiency,  
22 projected at grade levels determined by the department, in consultation  
23 with the technical advisory panel, with the goal of performance at least  
24 at the proficiency level of "proficient" before completing grade ten; and

25 (II) For a student who is performing at the proficiency level of  
26 "advanced", the student is progressing from year to year in a way that  
27 maintains or improves upon the student's proficiency level performance.

1 (b) The department shall use data available for longitudinal  
2 analysis to review and revise the calculation of academic growth as  
3 necessary.

4 (5) **Academic growth information - rule-making.**

5 (a) Beginning in the ~~2004-05~~ 2007-08 school year, the department shall  
6 provide to each school district in the state ~~diagnostic~~ academic growth  
7 information for each student enrolled in the school district and for each  
8 public school in each school district, based on the CSAP assessment  
9 results for the preceding school years.

10 (b) Beginning in the ~~2004-05~~ 2007-08 school year, the department  
11 shall provide to each charter school in the state ~~diagnostic~~ academic  
12 growth information for each student enrolled in the charter school, based  
13 on the CSAP assessment results for the preceding school years. The  
14 department shall ensure that data provided to a charter school pursuant to  
15 this paragraph (b) include only the data for students enrolled in the charter  
16 school.

17 (b.5) THE ACADEMIC GROWTH INFORMATION REQUIRED BY  
18 PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (5) SHALL INCLUDE  
19 INFORMATION ON WHETHER EACH STUDENT MADE AT LEAST ONE YEAR'S  
20 ACADEMIC GROWTH IN ONE YEAR'S TIME AND WHETHER THE AMOUNT OF  
21 ACADEMIC GROWTH IS ADEQUATE FOR THE STUDENT TO REACH A  
22 PERFORMANCE LEVEL OF PROFICIENT WITHIN THREE YEARS OR BY GRADE  
23 TEN, WHICHEVER COMES SOONER. FOR STUDENTS WHO ARE ALREADY  
24 PROFICIENT, THE ACADEMIC GROWTH INFORMATION SHALL SPECIFY  
25 WHETHER THE STUDENT IS ON PACE TO REMAIN PROFICIENT OR WHETHER  
26 THE STUDENT IS ON PACE TO MOVE INTO THE UPPER RANGE OF THE  
27 ACHIEVEMENT DISTRIBUTION; EXCEPT THAT A DIFFERENT INTERVAL MAY

1 BE SELECTED BY THE DEPARTMENT IF RECOMMENDED BY THE TECHNICAL  
2 ADVISORY PANEL.

3 (c) Repealed.

4 (d) ~~The state board shall promulgate rules establishing the~~  
5 ~~procedures by and time frames in which the department shall provide the~~  
6 ~~diagnostic academic growth information to school districts and to charter~~  
7 ~~schools pursuant to this subsection (5). The department may provide the~~  
8 ~~diagnostic academic growth information in an electronic format.~~

9 (e) The department and school districts shall maintain the  
10 confidentiality of each student's CSAP scores consistent with the federal  
11 "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec.  
12 1232g, and all federal regulations and applicable guidelines adopted in  
13 accordance therewith.

14 (f) The ~~diagnostic~~ diagnostic academic growth information provided by the  
15 department shall be included in each student's individual student record  
16 maintained by the school district in which the student is enrolled.

17 (g) The general assembly hereby finds that preparation and  
18 provision of ~~diagnostic~~ diagnostic academic growth information constitutes  
19 accountable education reform and may therefore be funded from moneys  
20 in the state education fund created in section 17 (4) of article IX of the  
21 state constitution.

22 (h) The department shall provide technical assistance and training  
23 to school districts and charter schools to assist school district and charter  
24 school personnel in interpreting and using the ~~diagnostic~~ diagnostic academic  
25 growth information provided pursuant to this subsection (5). The costs  
26 of providing technical assistance and training pursuant to this paragraph  
27 (h) shall be paid BY THE DEPARTMENT within existing appropriations for

1 implementation of this section.

2 (6) **Rule-making.** The state board is authorized to promulgate  
3 any rules necessary to calculate annual ~~diagnostic~~ LONGITUDINAL  
4 academic growth.

5 (7) **Academic growth information - research.** The department,  
6 upon request, shall make available to qualified researchers the entire  
7 longitudinally linked dataset created pursuant to this section and used for  
8 generating ~~diagnostic~~ ACADEMIC growth information and for awarding the  
9 governor's distinguished improvement awards. For purposes of this  
10 subsection (7), qualified researchers shall include, but need not be limited  
11 to, institutions of higher education, school districts, and public policy  
12 research and advocacy organizations. The department shall provide the  
13 information in a format that allows it to be linked with other publicly  
14 available data in the state and shall include all available data regarding  
15 student demographics, the state's school identification numbers, and  
16 student-level performance data, while protecting the privacy of individual  
17 students in a manner consistent with the federal "Family Educational  
18 Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, and all federal  
19 regulations and applicable guidelines adopted in accordance therewith.

20 **SECTION 3.** 22-11-305 (1), Colorado Revised Statutes, is  
21 amended to read:

22 **22-11-305. Governor's distinguished improvement awards -**  
23 **repeal.** (1) (a) The state board shall annually present financial awards  
24 to the public schools in the state demonstrating the highest rate of student  
25 academic growth. The technical advisory panel convened pursuant to  
26 section 22-7-604.3 (2) (b) shall recommend to the state board and the  
27 state board shall establish by rule the method by which to identify schools

1 that demonstrate the highest rate of student academic growth in a school  
2 year toward state standards for proficiency. The technical advisory panel  
3 shall take school size into account in preparing its recommendations.

4 (b) (I) AS SOON AS PRACTICABLE AFTER THE ADOPTION OF THE  
5 MIXED-EFFECTS STATISTICAL MODEL PURSUANT TO 22-7-604.3 (3) (a), THE  
6 TECHNICAL ADVISORY PANEL SHALL RECOMMEND TO THE STATE BOARD  
7 AND THE STATE BOARD SHALL BY RULE ESTABLISH A NEW METHOD TO  
8 IDENTIFY SCHOOLS THAT DEMONSTRATE THE HIGHEST RATE OF ACADEMIC  
9 GROWTH BASED UPON THE MIXED-EFFECTS STATISTICAL MODEL. SUBJECT  
10 TO AVAILABLE APPROPRIATIONS, UNTIL THE ADOPTION OF RULES  
11 PURSUANT TO THIS SUBPARAGRAPH (I), THE DEPARTMENT SHALL  
12 CONTINUE TO PRESENT HONORARY OR FINANCIAL AWARDS PURSUANT TO  
13 THIS SECTION UNDER THE RULES EXISTING AS OF JANUARY 1, 2007.

14 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2009.

15 **SECTION 4. Repeal.** 22-54-114 (2.5), Colorado Revised  
16 Statutes, is repealed as follows:

17 **22-54-114. State public school fund.** (2.5) ~~The general~~  
18 ~~assembly finds that implementation of section 22-7-603.5, including~~  
19 ~~implementation of rules to uniquely identify individual students, has~~  
20 ~~resulted in more accurate determinations of pupil enrollment and a~~  
21 ~~savings in the amount required to fund the state's share of total program~~  
22 ~~funding for school districts and institute charter schools. For the 2003-04~~  
23 ~~budget year and budget years thereafter, the department of education shall~~  
24 ~~allocate a portion of the amount of the in-year cost recovery occurring as~~  
25 ~~a result of the use of unique student identifiers to fund implementation of~~  
26 ~~section 22-7-604.3, concerning the calculation of academic growth of~~  
27 ~~students for diagnostic purposes. The amount allocated for the~~

1 ~~implementation of section 22-7-604.3 shall not exceed two hundred~~  
2 ~~thousand dollars in any budget year.~~

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