

## CHAPTER 359

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 04-1433**

BY REPRESENTATIVE(S) King, Spence, Boyd, Carroll, Frangas, Garcia, Harvey, Hefley, Hodge, Hoppe, Jahn, Johnson R., Lee, Madden, Marshall, May M., Merrifield, Paccione, Plant, Rhodes, Rippy, Romanoff, Rose, Salazar, Stafford, Vigil, Welker, Williams S., Coleman, Crane, Pommer, and Weddig;  
also SENATOR(S) Grossman, Evans, Groff, Hanna, Hillman, Isgar, Jones, Keller, May R., McElhany, Sandoval, Tupa, Veiga, and Windels.

**AN ACT****CONCERNING THE LONGITUDINAL MEASUREMENT OF STUDENT ACADEMIC GROWTH.**

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

**SECTION 1.** Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-7-604.3. Diagnostic academic growth calculation - model - rule-making.**

(1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(I) IN 1993, THE GENERAL ASSEMBLY ADOPTED HOUSE BILL 93-1313, ESTABLISHING STATE MODEL CONTENT STANDARDS IN SEVERAL AREAS, INCLUDING READING, WRITING, AND MATHEMATICS, AND DIRECTING SCHOOL DISTRICTS TO ADOPT DISTRICT STANDARDS IN THESE AREAS;

(II) THE STATE MODEL CONTENT STANDARDS WERE DESIGNED TO MEASURE WHAT EACH CHILD SHOULD KNOW AND BE ABLE TO DO AT VARIOUS LEVELS OF DEVELOPMENT IN THE CHILD'S ACADEMIC CAREER;

(III) IN 1997, COLORADO BEGAN IMPLEMENTING THE COLORADO STUDENT ASSESSMENT PROGRAM TO MEASURE WHETHER STUDENTS WERE SUCCESSFULLY MEETING THE STATE MODEL CONTENT STANDARDS;

(IV) A NEXT STEP IN IMPLEMENTING CONTENT STANDARDS IN EDUCATION IS TO IDENTIFY HOW MUCH ACADEMIC GROWTH IS REQUIRED TO MEET EACH LEVEL OF

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

CONTENT STANDARD AND TO MEASURE WHETHER STUDENTS ARE ACHIEVING THIS GROWTH;

(V) THE GOAL FOR MOST STUDENTS, NO MATTER WHERE A STUDENT STARTS, IS TO ACHIEVE YEARLY ACADEMIC GROWTH SUFFICIENT TO PERFORM AT LEAST AT THE PROFICIENCY LEVEL OF "PROFICIENT" IN READING, WRITING, AND MATHEMATICS BY THE TIME THE STUDENT COMPLETES GRADE TEN. IN THE CASE OF STUDENTS WHO HAVE NOT YET COMPLETED GRADE TEN BUT WHO ARE PERFORMING AT THE PROFICIENCY LEVEL OF "PROFICIENT" OR "ADVANCED" IN READING, WRITING, OR MATHEMATICS ON CSAP ASSESSMENTS ADMINISTERED AT THEIR RESPECTIVE GRADES, THE GOAL FOR SUCH STUDENTS IS TO ADVANCE FROM YEAR TO YEAR IN A WAY THAT MAINTAINS OR IMPROVES UPON THEIR PROFICIENCY LEVEL PERFORMANCE.

(VI) THE NUMERIC CSAP SCORES RECEIVED BY EACH STUDENT IN SUCCESSIVE SCHOOL YEARS CAN BE USED TO PROVIDE A DIAGNOSTIC MEASURE THAT WILL INDICATE THE STUDENT'S DEGREE OF ACADEMIC GROWTH OVER TIME;

(VII) MEASURING EACH STUDENT'S ACADEMIC GROWTH OVER TIME WILL PROVIDE NECESSARY DIAGNOSTIC INFORMATION TO ASSIST PARENTS, TEACHERS, SCHOOLS, AND SCHOOL DISTRICTS IN IDENTIFYING STUDENTS WHO NEED ADDITIONAL ASSISTANCE AND WILL HELP TO CLOSE THE LEARNING GAP THAT SOMETIMES EXISTS AMONG STUDENTS IN THE SAME CLASSROOMS;

(VIII) THE DIAGNOSTIC MEASUREMENT OF STUDENT ACADEMIC GROWTH OVER TIME SHOULD BE BASED UPON ALL AVAILABLE INDIVIDUAL SCORES FOR THE STUDENT ON STATEWIDE ASSESSMENTS ADMINISTERED TO THE STUDENT THROUGH THE YEARS; AND

(IX) THE DIAGNOSTIC METHODOLOGY OF CALCULATING STUDENT ACADEMIC GROWTH OVER TIME SHOULD BE CAPABLE OF ACCOMMODATING THE INCLUSION OF ALL STUDENTS, INCLUDING STUDENTS FOR WHOM SPARSE DATA IS AVAILABLE.

(b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(I) EFFORTS TO IMPROVE STUDENT ACADEMIC GROWTH SHOULD EMPHASIZE CLOSING ACHIEVEMENT GAPS;

(II) A TRUE LONGITUDINAL MEASURE IS REQUIRED THAT TRACKS INDIVIDUAL STUDENTS FROM ONE GRADE LEVEL IN THE FIRST YEAR TO THE NEXT HIGHER GRADE LEVEL IN THE FOLLOWING YEAR AND THAT ACCOMMODATES STUDENTS RETAINED IN GRADE;

(III) ONLY STUDENTS WHO WERE ENROLLED IN A SCHOOL BY OCTOBER 1 OF THE SCHOOL YEAR SHOULD HAVE THEIR ACADEMIC GROWTH INCLUDED IN THE SCHOOL'S OVERALL ACADEMIC GROWTH RATING FOR THAT SCHOOL YEAR IN THE SCHOOL ACCOUNTABILITY REPORT;

(IV) AN ACADEMIC GROWTH MEASUREMENT SHOULD ACCOUNT FOR THE INFLUENCE OF ARTIFICIALLY HIGH- OR LOW-SCORING STUDENTS AND REGRESSION TOWARD THE MEAN;

(V) CREDIT SHOULD BE GIVEN FOR STUDENTS WHO MAINTAIN THEIR PERFORMANCE AT THE ADVANCED LEVEL OF PROFICIENCY, EVEN IF THEIR SCALE SCORES DECLINE, TO RECOGNIZE THE SUBSTANTIAL AMOUNT OF LEARNING REQUIRED TO MAINTAIN THAT LEVEL OF PERFORMANCE AND TO AVOID PENALIZING SCHOOLS WITH LARGE NUMBERS OF ADVANCED-LEVEL STUDENTS WHOSE SCORES MIGHT DECLINE SLIGHTLY DUE TO MEASUREMENT ERROR;

(VI) AN ACADEMIC GROWTH MEASUREMENT SHOULD MEASURE EACH STUDENT'S PROGRESS TOWARD PERFORMING AT THE PROFICIENCY LEVEL OF "ADVANCED" OR "PROFICIENT";

(VII) AN ACADEMIC GROWTH MEASUREMENT SHOULD MEASURE THE PERFORMANCE OVER TIME OF STUDENTS ASSIGNED TO SPECIFIC CLASSROOMS AND TEACHERS; AND

(VIII) TEACHERS SHOULD BE ABLE TO IDENTIFY INDIVIDUAL STUDENTS WHO ARE NOT MAKING SUFFICIENT PROGRESS AND TO USE THE DIAGNOSTIC PROPERTIES OF CSAP'S OBJECTIVES TO PLAN INSTRUCTIONAL STRATEGIES FOR IMPROVEMENT.

(c) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ADOPT LEGISLATION TO IMPLEMENT A PROCESS FOR DIAGNOSTICALLY MEASURING STUDENT ACADEMIC GROWTH AND TO INCLUDE A LONGITUDINAL STUDENT ACADEMIC GROWTH MEASUREMENT ON THE SCHOOL ACCOUNTABILITY REPORT THAT WILL:

(I) CREATE A COOPERATIVE ATMOSPHERE AMONG STUDENTS, PARENTS, TEACHERS, SCHOOL DISTRICT ADMINISTRATORS, THE DEPARTMENT OF EDUCATION, AND THE STATE BOARD OF EDUCATION; AND

(II) PROMOTE THE HIGHEST POSSIBLE ACADEMIC ACHIEVEMENT.

**(2) Development of model - technical advisory panel.** (a) WITHIN FIFTEEN DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL CHOOSE A PUBLIC OR PRIVATE ENTITY TO DEVELOP, NO LATER THAN JUNE 15, 2004, A MIXED-EFFECTS STATISTICAL MODEL TO DIAGNOSTICALLY CALCULATE STUDENTS' ANNUAL ACADEMIC GROWTH AND TO CALCULATE ANNUALLY THE AMOUNT OF EACH STUDENT'S AND EACH SCHOOL'S ACADEMIC GROWTH IN READING, WRITING, AND MATHEMATICS OVER THE PERIODS BETWEEN THE ADMINISTRATION OF THE CSAP ASSESSMENTS, WHICH CALCULATION SHALL BE BASED ON STUDENTS' CSAP SCORES.

(b) NO LATER THAN JUNE 15, 2004, THE DEPARTMENT SHALL CONVENE A TECHNICAL ADVISORY PANEL THAT INCLUDES EXPERTS ON THE MEASUREMENT OF LONGITUDINAL GROWTH FOR ACCOUNTABILITY PURPOSES. THE TECHNICAL ADVISORY PANEL SHALL REVIEW THE PROPOSED MODEL DEVELOPED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) FOR DIAGNOSTICALLY CALCULATING THE ANNUAL ACADEMIC GROWTH OF STUDENTS. THE MODEL, AT A MINIMUM, SHALL SPECIFY THE STANDARD ERROR OF MEASUREMENT AND SHALL SPECIFY THE STRINGENCY OF THE CONFIDENCE INTERVAL USED TO DETERMINE WHETHER THE ANNUAL CHANGE IN TEST SCORES CAN BE ATTRIBUTABLE TO CHANCE DUE EITHER TO MEASUREMENT ERROR OR TO REGRESSION TO THE MEAN. IN REVIEWING THE MODEL, THE ADVISORY PANEL SHALL CONSIDER RECENT NATIONAL STUDIES OF DIFFERENT METHODOLOGIES AND MODELS FOR MEASURING LONGITUDINAL GROWTH.

(c) NO LATER THAN JULY 1, 2004, THE PANEL CONVENED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) SHALL SUBMIT ITS WRITTEN COMMENTS OR RECOMMENDATIONS TO THE DEPARTMENT, THE STATE BOARD, THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR.

(d) THE DEPARTMENT SHALL CONVENE THE PANEL DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2) WITHIN EXISTING APPROPRIATIONS.

(3) **Diagnostic academic growth calculation model.** (a) ON OR BEFORE AUGUST 15, 2004, THE STATE BOARD SHALL CONSIDER THE MODEL DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND REVIEWED BY THE TECHNICAL ADVISORY PANEL AND SHALL ADOPT BY RULE A MIXED-EFFECTS STATISTICAL MODEL USED TO DIAGNOSTICALLY CALCULATE STUDENTS' ANNUAL ACADEMIC GROWTH THAT SHALL BE A SCIENTIFICALLY RIGOROUS STATISTICAL MODEL AVAILABLE IN THE PUBLIC DOMAIN. THE STATE BOARD MAY ADOPT A HIERARCHICAL LINEAR MODEL AS THE STATISTICAL MODEL.

(b) THE STATE BOARD, IN ADOPTING THE STATISTICAL MODEL DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), SHALL ENSURE THAT THE MODEL:

(I) REFLECTS BEST PRACTICES, AS ACKNOWLEDGED IN THE SCIENTIFIC LITERATURE, IN MEASURING LONGITUDINAL GROWTH WITH HIGH PRECISION;

(II) TO THE GREATEST EXTENT POSSIBLE, USES A METHODOLOGY THAT WILL SERVE THE DIAGNOSTIC PURPOSES OF SCHOOL DISTRICTS AND SCHOOLS;

(III) IS CAPABLE OF MEASURING HOW MUCH PROGRESS A STUDENT IS MAKING TOWARD PERFORMING AT THE PROFICIENCY LEVEL OF "PROFICIENT" OR "ADVANCED" ON CSAP ASSESSMENTS;

(IV) PROVIDES RESULTS THAT ARE MEANINGFUL, RELIABLE, AND VALID, GIVEN THEIR INTENDED PURPOSES, TO ENABLE PARENTS, TEACHERS, AND ADMINISTRATORS TO IDENTIFY INDIVIDUAL STUDENTS OR GROUPS OF STUDENTS WHO ARE NOT MAKING SUFFICIENT ACADEMIC GROWTH;

(V) USES INDIVIDUAL STUDENT SCORES FROM CSAP ASSESSMENTS;

(VI) IS DESCRIBED IN A PUBLICLY AVAILABLE DOCUMENT THAT DESCRIBES THE MATHEMATICAL EQUATIONS USED IN THE STATISTICAL MODEL AND THAT DESCRIBES THE METHODS USED TO COMPLETE THE RECORDS FOR STUDENTS WITH INCOMPLETE DATA; AND

(VII) IS CAPABLE OF TREATING THE ANALYSIS AND REPORTING OF DATA ELECTRONICALLY.

(4) **Sufficient academic growth.** (a) NO LATER THAN SEPTEMBER 15, 2004, THE DEPARTMENT SHALL CALCULATE WHAT CONSTITUTES SUFFICIENT ACADEMIC GROWTH FOR EACH STUDENT FOR EACH SCHOOL YEAR. THE DEPARTMENT SHALL FORMULATE THE CALCULATION IN SUCH A WAY THAT SUFFICIENT ACADEMIC GROWTH MEANS:

(I) A STUDENT IS PROGRESSING SUFFICIENTLY TO PERFORM AT LEAST AT THE PROFICIENCY LEVEL OF "PROFICIENT" IN READING, WRITING, AND MATHEMATICS BEFORE COMPLETING GRADE TEN; AND

(II) FOR A STUDENT WHO IS PERFORMING AT THE PROFICIENCY LEVEL OF "ADVANCED", THE STUDENT IS PROGRESSING FROM YEAR TO YEAR IN A WAY THAT MAINTAINS OR IMPROVES UPON THE STUDENT'S PROFICIENCY LEVEL PERFORMANCE.

(b) THE DEPARTMENT SHALL USE DATA AVAILABLE FOR LONGITUDINAL ANALYSIS TO REVIEW AND REVISE THE CALCULATION OF ACADEMIC GROWTH AS NECESSARY.

**(5) Diagnostic academic growth information - rule-making.** (a) BEGINNING IN THE 2004-05 SCHOOL YEAR, THE DEPARTMENT SHALL PROVIDE TO EACH SCHOOL DISTRICT IN THE STATE DIAGNOSTIC ACADEMIC GROWTH INFORMATION FOR EACH STUDENT ENROLLED IN THE SCHOOL DISTRICT AND FOR EACH PUBLIC SCHOOL IN EACH SCHOOL DISTRICT, BASED ON THE CSAP ASSESSMENT RESULTS FOR THE PRECEDING SCHOOL YEARS.

(b) BEGINNING IN THE 2004-05 SCHOOL YEAR, THE DEPARTMENT SHALL PROVIDE TO EACH CHARTER SCHOOL IN THE STATE DIAGNOSTIC ACADEMIC GROWTH INFORMATION FOR EACH STUDENT ENROLLED IN THE CHARTER SCHOOL, BASED ON THE CSAP ASSESSMENT RESULTS FOR THE PRECEDING SCHOOL YEARS. THE DEPARTMENT SHALL ENSURE THAT DATA PROVIDED TO A CHARTER SCHOOL PURSUANT TO THIS PARAGRAPH (b) INCLUDE ONLY THE DATA FOR STUDENTS ENROLLED IN THE CHARTER SCHOOL.

(c) BEGINNING IN THE 2004-05 SCHOOL YEAR, THE DEPARTMENT SHALL PROVIDE TO EACH SCHOOL DISTRICT IN THE STATE DIAGNOSTIC ACADEMIC GROWTH INFORMATION FOR EACH STUDENT RESIDING IN THE SCHOOL DISTRICT WHO IS AN ELIGIBLE CHILD RECEIVING ASSISTANCE TO ATTEND A PARTICIPATING NONPUBLIC SCHOOL PURSUANT TO ARTICLE 56 OF THIS TITLE. THE INFORMATION SHALL BE BASED ON THE CSAP ASSESSMENT RESULTS FOR THE PRECEDING SCHOOL YEARS. THE SCHOOL DISTRICT SHALL PROVIDE SUCH INFORMATION TO THE ELIGIBLE CHILD THROUGH THE PARTICIPATING NONPUBLIC SCHOOL IN WHICH THE ELIGIBLE CHILD IS ENROLLED.

(d) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING THE PROCEDURES BY AND TIME FRAMES IN WHICH THE DEPARTMENT SHALL PROVIDE THE DIAGNOSTIC ACADEMIC GROWTH INFORMATION TO SCHOOL DISTRICTS AND TO CHARTER SCHOOLS PURSUANT TO THIS SUBSECTION (5). THE DEPARTMENT MAY PROVIDE THE DIAGNOSTIC ACADEMIC GROWTH INFORMATION IN AN ELECTRONIC FORMAT.

(e) THE DEPARTMENT AND SCHOOL DISTRICTS SHALL MAINTAIN THE CONFIDENTIALITY OF EACH STUDENT'S CSAP SCORES CONSISTENT WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AND ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED IN ACCORDANCE THEREWITH.

(f) THE DIAGNOSTIC ACADEMIC GROWTH INFORMATION PROVIDED BY THE DEPARTMENT SHALL BE INCLUDED IN EACH STUDENT'S INDIVIDUAL STUDENT RECORD MAINTAINED BY THE SCHOOL DISTRICT IN WHICH THE STUDENT IS ENROLLED.

(g) THE GENERAL ASSEMBLY HEREBY FINDS THAT PREPARATION AND PROVISION OF DIAGNOSTIC ACADEMIC GROWTH INFORMATION CONSTITUTES ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE BE FUNDED FROM MONEYS IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(6) **Rule-making.** THE STATE BOARD IS AUTHORIZED TO PROMULGATE ANY RULES NECESSARY TO CALCULATE ANNUAL DIAGNOSTIC ACADEMIC GROWTH.

**SECTION 2. Repeal.** 22-7-603.7, Colorado Revised Statutes, is repealed.

**SECTION 3.** 22-7-604 (6), Colorado Revised Statutes, is amended to read:

**22-7-604. Academic performance - academic growth of students - rating - designation and methodology. (6) Academic growth of students measurement.**

(a) Beginning with the ~~2001-02~~ 2003-04 school year, the department shall annually assign a rating for academic ~~improvement~~ GROWTH OF STUDENTS to each public school of "significant improvement", "improvement", "stable", "decline", or "significant decline". The academic ~~improvement~~ GROWTH OF STUDENTS rating shall be based upon the ~~change in the school's standardized, weighted total score calculated pursuant to subsection (5) of this section; except that, for any year in which CSAP assessments are administered in the current year that were not administered in the previous year, the department shall calculate an alternate standardized, weighted total score, using the methodology specified in subsection (5) of this section, for the current year and for the previous year using only results from the assessments administered in both years and base the academic improvement rating on such alternate standardized, weighted total score~~ PROPORTION OF STUDENTS WHO MAKE CSAP SCALE SCORE GAINS.

(b) ~~For each public school, the department shall assign an academic improvement rating as follows:~~ EVERY CSAP SCALE SCORE OF A STUDENT WHO WAS ENROLLED IN THE PUBLIC SCHOOL BY OCTOBER 1 OF THE SCHOOL YEAR FOR WHICH THE SCHOOL IS BEING RATED AND WHO HAS A CSAP SCALE SCORE FOR THE PRECEDING YEAR FROM ANY SCHOOL IN THE SAME ACADEMIC AREA SHALL BE USED TO CALCULATE THE SCHOOL'S ACADEMIC GROWTH OF STUDENTS RATING. THESE QUALIFIED SCALE SCORES WILL BE COUNTED IN ONE OF THREE CATEGORIES: "GAIN", "STABLE", OR "LOSS".

(f) ~~An academic improvement rating of "significant improvement" shall be assigned to each public school that shows an improvement of 0.5 of a point or greater from the standard deviation over the immediately preceding year's standardized, weighted total score;~~

(H) ~~An academic improvement rating of "improvement" shall be assigned to each public school that shows an improvement of less than 0.5 of a point but 0.3 of a point or greater from the standard deviation over the immediately preceding year's standardized, weighted total score;~~

(HH) ~~An academic improvement rating of "stable" shall be assigned to each public school that shows an improvement of less than 0.3 of a point from the standard deviation over the immediately preceding year's standardized, weighted total score or that shows a decline of less than -0.3 of a point from the standard deviation over~~

~~the immediately preceding year's standardized, weighted total score;~~

~~(IV) An academic improvement rating of "decline" shall be assigned to each public school that shows a decline of -0.3 of a point or more but less than -0.5 of a point from the standard deviation over the immediately preceding year's standardized, weighted total score; and~~

~~(V) An academic improvement rating of "significant decline" shall be assigned to each public school that shows a decline of -0.5 of a point or more from the standard deviation over the immediately preceding year's standardized, weighted total score.~~

(c) (I) IF A STUDENT'S CSAP SCALE SCORE IN AN ACADEMIC AREA IS HIGHER THAN HIS OR HER CSAP SCALE SCORE IN THAT ACADEMIC AREA IN THE PRECEDING YEAR, HIS OR HER SCORE IS COUNTED IN THE GAIN CATEGORY. IF A STUDENT'S CSAP SCALE SCORE IN AN ACADEMIC AREA IS THE SAME AS HIS OR HER CSAP SCALE SCORE IN THAT ACADEMIC AREA IN THE PRECEDING YEAR, HIS OR HER SCORE IS COUNTED IN THE STABLE CATEGORY. IF A STUDENT'S CSAP SCALE SCORE IN AN ACADEMIC AREA IS LOWER THAN HIS OR HER CSAP SCALE SCORE IN THAT ACADEMIC AREA IN THE PRECEDING YEAR, HIS OR HER SCORE IS COUNTED IN THE LOSS CATEGORY.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) TO THE CONTRARY, IF A STUDENT'S CSAP SCALE SCORE IN AN ACADEMIC AREA IS "ADVANCED", AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, AND THE STUDENT'S CSAP SCALE SCORE IN THE ACADEMIC AREA IN THE PRECEDING YEAR WAS "ADVANCED", HIS OR HER SCORE IS COUNTED IN THE GAIN CATEGORY IF IT IS HIGHER THAN THE PRECEDING YEAR'S SCORE, AND IN THE STABLE CATEGORY IF THE SCORE IS THE SAME OR LOWER THAN THE PRECEDING YEAR'S SCORE.

(III) THE DEPARTMENT SHALL ESTABLISH A TABLE THAT ALIGNS THE CSAP SCALE SCORES WITHIN EACH ACADEMIC AREA ACROSS GRADE LEVELS TO DETERMINE THE EQUIVALENT CSAP SCALE SCORE FOR THE PRIOR GRADE LEVEL. CSAP SCALE SCORES FOR SUCCESSIVE GRADE LEVELS ARE EQUIVALENT IF THEY REPRESENT THE SAME CUMULATIVE PROPORTION OF STUDENTS IN EACH GRADE LEVEL. CALCULATIONS TO DETERMINE THE EQUIVALENT CSAP SCALE SCORE FOR THE PRIOR GRADE LEVEL IN EACH ACADEMIC AREA SHALL BE BASED ON DATA FROM THE FIRST YEAR IN WHICH CSAP SCALE SCORES WERE RECORDED BY THE DEPARTMENT. THE DEPARTMENT MAY REVISE THE TABLE THAT ALIGNS CSAP SCALE SCORES ACROSS GRADE LEVELS WHEN CSAP SCALE SCORES ARE REVISED.

(IV) FOR PURPOSES OF THIS PARAGRAPH (c), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "HIGHER" MEANS A STUDENT'S CSAP SCALE SCORE IS AT LEAST ONE STANDARD ERROR OF MEASUREMENT UNIT ABOVE THE EQUIVALENT CSAP SCALE SCORE FOR THE PRIOR GRADE LEVEL;

(B) "SAME" MEANS A STUDENT'S CSAP SCALE SCORE IS LESS THAN ONE STANDARD ERROR OF MEASUREMENT UNIT ABOVE THE EQUIVALENT CSAP SCALE SCORE FOR THE PRIOR GRADE LEVEL, BUT NOT MORE THAN ONE STANDARD ERROR OF MEASUREMENT UNIT BELOW THE EQUIVALENT CSAP SCALE SCORE FOR THE PRIOR GRADE LEVEL; AND

(C) "LOWER" MEANS A STUDENT'S CSAP SCALE SCORE IS MORE THAN ONE STANDARD ERROR OF MEASUREMENT UNIT LOWER THAN THE EQUIVALENT CSAP SCALE SCORE FOR THE PRIOR GRADE LEVEL.

(d) THE TOTAL NUMBER OF SCORES IN THE "GAIN", "STABLE", AND "LOSS" CATEGORIES SHALL EACH BE DIVIDED BY THE TOTAL NUMBER OF QUALIFIED SCALE SCORES. THE RESULTING PERCENTAGE OF SCORES IN THE "LOSS" CATEGORY SHALL BE SUBTRACTED FROM THE PERCENTAGE OF SCORES IN THE "GAIN" CATEGORY. IF THE RESULTING DIFFERENCE IS:

(I) 10.00% OR GREATER, THE DEPARTMENT SHALL ASSIGN AN ACADEMIC IMPROVEMENT RATING OF "SIGNIFICANT IMPROVEMENT" TO THE PUBLIC SCHOOL;

(II) 5.01% TO 9.99%, THE DEPARTMENT SHALL ASSIGN AN ACADEMIC IMPROVEMENT RATING OF "IMPROVEMENT" TO THE PUBLIC SCHOOL;

(III) -5.00% TO 5.00%, THE DEPARTMENT SHALL ASSIGN AN ACADEMIC IMPROVEMENT RATING OF "STABLE" TO THE PUBLIC SCHOOL;

(IV) -5.01% TO -9.99%, THE DEPARTMENT SHALL ASSIGN AN ACADEMIC IMPROVEMENT RATING OF "DECLINE" TO THE PUBLIC SCHOOL;

(V) -10.00% OR LOWER, THE DEPARTMENT SHALL ASSIGN AN ACADEMIC IMPROVEMENT RATING OF "SIGNIFICANT DECLINE" TO THE PUBLIC SCHOOL.

(e) THE DEPARTMENT SHALL ACCOUNT FOR CSAP MEASUREMENT ERROR, MAY ADJUST THE DEFINITION OF "STABLE" STUDENTS FOR ACCURACY, AND MAY IMPLEMENT TECHNICAL ADJUSTMENTS TO ENSURE THAT THE ACADEMIC GROWTH MEASUREMENT USES A VALID LONGITUDINAL METHODOLOGY.

**SECTION 4.** 22-7-605 (4) (b) (II) (A), (4) (b) (II) (C), and (5) (e) (II), Colorado Revised Statutes, are amended to read:

**22-7-605. School accountability reports - format.** (4) **Title page.** Information described in paragraphs (a) to (d) of this subsection (4) shall appear on the front of the accountability report:

(b) **Ratings.** (II) (A) FOR THE 2003-04 SCHOOL YEAR AND FOR EACH SCHOOL YEAR THEREAFTER, immediately below the words "Overall Academic Performance" shall appear in ~~smaller~~ SAME SIZE type "Academic ~~Improvement: rating calculated pursuant to section 22-7-604 (6)~~". ~~The rating shall be in the same size type as the words "Academic Improvement~~ GROWTH OF STUDENTS" FOLLOWED DIRECTLY BY THE RATING CORRESPONDING TO THIS CATEGORY CALCULATED PURSUANT TO SECTION 22-7-604 (6) FOR THE PUBLIC SCHOOL.

(C) FOR THE 2003-04 SCHOOL YEAR AND FOR EACH SCHOOL YEAR THEREAFTER, if the school qualifies for an award pursuant to part 3 of article 11 of this title, immediately below the words "Academic ~~Improvement~~ GROWTH OF STUDENTS" shall appear the words: "Winner of a John Irwin School of Excellence Award for the [year - year] school year." or "Winner of a Governor's Distinguished Improvement Award for the [year - year] school year.", whichever is appropriate.

(5) **Safety and school environment.** The accountability report shall contain a page clearly marked as the "Safety and School Environment" page containing the following:

(e) **Ratings description.** Directly below the information contained in paragraph (d) of this subsection (5) shall appear a chart containing the following two columns:

(II) The second column shall be entitled "~~school improvement~~ ACADEMIC GROWTH OF STUDENTS ratings" in bold font and capital letters. Immediately following this title shall be the following words listed in a column, each preceded by a bullet point: "Significant Improvement"; "Improvement"; "Stable"; "Decline"; and "Significant Decline".

**SECTION 5.** 22-7-605 (8) (a), Colorado Revised Statutes, as repealed and reenacted by House Bill 04-1217, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

**22-7-605. School accountability reports - format. (8) Parental questions.** (a) The accountability report shall contain a page clearly marked in large font as the "Questions Parents Should Ask" page. Below the title "Questions Parents Should Ask" shall appear the words "Based upon your child's school's Overall Academic Performance Rating of [insert the applicable rating] and its Academic ~~Improvement~~ GROWTH OF STUDENTS Rating of [insert the applicable rating], here are some questions you may want to ask your school about student achievement:

**SECTION 6.** 22-11-301 (1), Colorado Revised Statutes, is amended to read:

**22-11-301. Colorado school awards program - created - rules.** (1) There is hereby established the Colorado school awards program, referred to in this part 3 as the "program", to be administered by the department. The state board shall promulgate reasonable rules for the administration of this part 3 and the program. Such rules shall include but need not be limited to procedures for transmitting the financial awards to schools that demonstrate outstanding performance or ~~improvement~~ ACADEMIC GROWTH OF STUDENTS as indicated by the ~~academic performance~~ ratings issued to public schools pursuant to section 22-7-604.

**SECTION 7.** 22-11-302 (1) and (3), Colorado Revised Statutes, are amended to read:

**22-11-302. Colorado school awards program - John Irwin schools of excellence awards.** (1) The state board shall annually present financial awards to the highest performing ~~and to the most improved~~ public schools in the state based on the academic performance ratings pursuant to section 22-7-604.

(3) ~~(a) Of the moneys available for awards pursuant to this part 3, two-thirds shall be awarded pursuant to this subsection (3).~~

~~(b) Of the moneys available for awards pursuant to this subsection (3), awards shall first be made to schools that in the previous school year received an academic performance rating of "low" or "unsatisfactory" pursuant to section 22-7-604(5) and that received an academic improvement rating of "significant improvement", pursuant~~

to section 22-7-604 (6).

~~(c) After the awards have been issued pursuant to paragraph (b) of this subsection (3), any moneys remaining for awards pursuant to this subsection (3) shall be awarded to the public schools whose overall standardized, weighted total score for academic performance improved the most as compared to the previous school year; except that to be eligible for an award pursuant to this paragraph (c), a school must be in the top eight percent of all public schools with regard to improvement in overall standardized, weighted total scores as compared to the previous school year and the school must not have received an award pursuant to paragraph (b) of this subsection (3).~~

~~(d) Awards issued pursuant to this subsection (3) shall be known as the "governor's distinguished improvement awards".~~

**SECTION 8.** 22-11-303 (1), Colorado Revised Statutes, is amended to read:

**22-11-303. Colorado school awards program - distribution of award.**

(1) Any award presented by the state board pursuant to ~~section 22-11-302~~ THIS PART 3 shall be spent or distributed for use within the public school as the principal of the public school, after consultation with the school advisory council for the public school, deems appropriate.

**SECTION 9.** Part 3 of article 11 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-11-305. Governor's distinguished improvement awards.** (1) THE STATE BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO THE PUBLIC SCHOOLS IN THE STATE DEMONSTRATING THE HIGHEST DEGREE OF ACADEMIC GROWTH OF STUDENTS BASED ON THE MIXED-EFFECTS STATISTICAL MODEL USED TO CALCULATE ACADEMIC GROWTH OF STUDENTS FOR DIAGNOSTIC PURPOSES PURSUANT TO SECTION 22-7-604.3. THE STATE BOARD SHALL PRESENT THE AWARDS TO THE SCHOOLS WITH HIGH PERCENTAGES OF STUDENTS:

(a) WHO ACHIEVE ACADEMIC GROWTH AT A RATE SUFFICIENT TO REACH PROFICIENCY BY GRADE TEN; OR

(b) WHO MAINTAIN OR ENHANCE THEIR ACHIEVEMENT IF THE STUDENTS HAVE ALREADY REACHED THE PROFICIENCY LEVEL OF "ADVANCED".

(2) (a) THE STATE BOARD SHALL PRESENT THE AWARDS TO SCHOOLS IN EACH OF THE FOLLOWING CATEGORIES:

(I) SCHOOLS THAT RECEIVED AN ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY" PURSUANT TO SECTION 22-7-604 (5) FOR THE PREVIOUS SCHOOL YEAR, IF ANY;

(II) SCHOOLS THAT RECEIVED AN ACADEMIC PERFORMANCE RATING OF "LOW" PURSUANT TO SECTION 22-7-604 (5) FOR THE PREVIOUS SCHOOL YEAR, IF ANY;

(III) SCHOOLS THAT RECEIVED AN ACADEMIC PERFORMANCE RATING OF "AVERAGE"

PURSUANT TO SECTION 22-7-604 (5) FOR THE PREVIOUS SCHOOL YEAR, IF ANY;

(IV) SCHOOLS THAT RECEIVED AN ACADEMIC PERFORMANCE RATING OF "HIGH" PURSUANT TO SECTION 22-7-604 (5) FOR THE PREVIOUS SCHOOL YEAR, IF ANY; AND

(V) SCHOOLS THAT RECEIVED AN ACADEMIC PERFORMANCE RATING OF "EXCELLENT" PURSUANT TO SECTION 22-7-604 (5) FOR THE PREVIOUS SCHOOL YEAR, IF ANY.

(b) THE STATE BOARD SHALL ANNUALLY DETERMINE THE NUMBER OF SCHOOLS IN EACH CATEGORY DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) THAT WILL RECEIVE AWARDS PURSUANT TO THIS SECTION.

(3) OF THE MONEYS AVAILABLE FOR AWARDS PURSUANT TO THIS PART 3, TWO-THIRDS SHALL BE AWARDED PURSUANT TO THIS SECTION.

(4) AWARDS ISSUED PURSUANT TO THIS SECTION SHALL BE KNOWN AS "GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARDS".

**SECTION 10.** 22-7-602 (8), Colorado Revised Statutes, is amended to read:

**22-7-602. Definitions.** As used in this part 6, unless the context otherwise requires:

(8) "School level" means the level of a public school as either elementary, middle, or high school. Schools that cover grades one through five or one through six shall be considered elementary schools. Schools that cover grades six through eight or seven through nine shall be considered middle schools. Schools that cover grades nine through twelve or ten through twelve shall be considered high schools. Schools that cover other combinations of grades shall be considered elementary, middle, or high school as determined by the state board by rule; except that, if a school covers two or three complete school levels, as defined in this subsection (8), it shall be considered as two or three separate schools for purposes of assigning ~~of~~ academic performance and ~~improvement~~ ACADEMIC GROWTH OF STUDENTS ratings pursuant to section 22-7-604 and issuing school accountability reports pursuant to section 22-7-605.

**SECTION 11.** 22-7-603 (1), Colorado Revised Statutes, is amended to read:

**22-7-603. State data reporting system.** (1) The department shall develop and implement a comprehensive data collection and reporting system for collecting and reporting performance indicators from each public school. On or before September 1, 2000, the department shall contract out for the development of the state data reporting system. The department shall award the contract based upon a competitive bid; except that the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S., shall not apply to this contract. The state data reporting system shall be designed to collect, through electronic transfer where possible, all student and public school performance data required to ascertain the degree to which public schools and school districts are meeting state performance standards and shall be capable of producing data for decision-making and for the comprehensive annual school accountability reports on public school and district performance pursuant to ~~sections~~

~~22-7-604 and 22-7-605~~ SECTIONS 22-7-604, 22-7-604.3, AND 22-7-605. The state data reporting system shall be designed to protect the privacy of students. In addition, the state data reporting system shall be designed to include all the information and data elements needed for measuring student and school performance, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data and shall allow for the analysis of the relationship between school district and public school expenditures and effectiveness. On and after June 1, 2002, the state data reporting system shall also have the capabilities described in section 22-7-603.5 (3). Data elements collected and provided by the department, school districts, and individual public schools shall be compatible. The state data reporting system shall be managed and administered by the department. Each school district that has a unique information management system shall assure that compatibility exists between its unique system and the data elements of the state data reporting system so that all data required to be input into the state data reporting system is made available through electronic transfer and in the appropriate input format.

**SECTION 12.** 22-7-609.6, Colorado Revised Statutes, is amended to read:

**22-7-609.6. School improvement - appropriations.** On and after July 1, 2003, the general assembly may appropriate such moneys as are available to assist school districts in improving the academic ~~improvement~~ GROWTH of STUDENTS IN schools that ~~received an academic improvement rating of "unsatisfactory"~~ ARE IN THE ACADEMIC GROWTH OF STUDENTS CATEGORY OF "SIGNIFICANT DECLINE". In addition, the department of education may allocate any moneys received pursuant to the federal "No Child Left Behind Act of 2001", ~~Public Law 107-110~~ 20 U.S.C. SEC. 6301 ET SEQ., for such purpose.

**SECTION 13.** 22-54-114 (2.5), Colorado Revised Statutes, is amended to read:

**22-54-114. State public school fund.** (2.5) The general assembly finds that implementation of section 22-7-603.5, including implementation of rules to uniquely identify individual students, has resulted in more accurate determinations of pupil enrollment and a savings in the amount required to fund the state's share of total program funding for school districts. For the 2003-04 budget year and budget years thereafter, the department of education shall allocate a portion of the amount of the in-year cost recovery occurring as a result of the use of unique student identifiers to fund implementation of ~~the academic growth pilot program and the academic growth program pursuant to section 22-7-603-7~~ SECTION 22-7-604.3, CONCERNING THE CALCULATION OF ACADEMIC GROWTH OF STUDENTS FOR DIAGNOSTIC PURPOSES. The amount allocated ~~to the academic growth pilot program and the academic growth program pursuant to this subsection (2.5)~~ FOR THE IMPLEMENTATION OF SECTION 22-7-604.3 shall not exceed two hundred thousand dollars in any budget year.

**SECTION 14.** 18-1.3-407 (3.4) (c), Colorado Revised Statutes, is amended to read:

**18-1.3-407. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - repeal.** (3.4) In addition to the powers granted to the department of corrections in subsection (3.3) of this section, the department of corrections may:

(c) Contract with any public or private entity, including but not limited to a school district, for provision or certification of educational services. Offenders receiving educational services or diplomas from a school district under an agreement entered into pursuant to this paragraph (c) shall not be included in computing the school district's student performance on statewide assessments pursuant to section 22-7-409, C.R.S., or the school district's overall academic performance rating or ~~school improvement~~ ACADEMIC GROWTH OF STUDENTS rating pursuant to part 6 of article 7 of title 22, C.R.S.

**SECTION 15. Effective date.** This act shall take effect upon passage; except that section 22-7-604.3 (5) (c) shall only take effect if any injunction that bars the enforcement of the Colorado Opportunity Contract Pilot Program, established by House Bill 03-1160 as enacted by the First Regular Session of the Sixty-fourth General Assembly, is vacated.

**SECTION 16. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 2004