

CHAPTER 141

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 05-1246

BY REPRESENTATIVE(S) Solano, Paccione, Benefield, Pommer, Borodkin, Boyd, Carroll M., Carroll T., Cerbo, Coleman, Curry, Green, Hodge, Lindstrom, Madden, Marshall, Merrifield, Plant, Riesberg, Todd, Vigil, Berens, Crane, Frangas, Hoppe, May M., Ragsdale, and Stengel;
also SENATOR(S) Williams, Bacon, Groff, Hanna, Keller, Shaffer, Tochtrop, Tupa, and Windels.

AN ACT**CONCERNING ASSESSMENTS FOR STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS.**

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

SECTION 1. 22-7-409 (1.2) (d) (II), Colorado Revised Statutes, is amended to read:

22-7-409. Assessments. (1.2) (d) (II) Any student with a disability who is not eligible for the CSAP-A or other approved assessment but who has an individual educational program pursuant to section 22-20-108 shall be assessed in each CSAP area at the grade level in which the student is enrolled. IF, AS PART OF A STUDENT'S INDIVIDUAL EDUCATIONAL PROGRAM, A STUDENT ATTENDS PART-TIME A SCHOOL OR PROGRAM AWAY FROM THE SCHOOL IN WHICH THE STUDENT IS ENROLLED, THE SCHOOL DISTRICT IN WHICH A STUDENT IS ENROLLED, OR, IN THE CASE OF A BOARD OF COOPERATIVE SERVICES, THE ADMINISTRATIVE UNIT, MAY DESIGNATE EITHER THE SCHOOL OF RESIDENCY OR THE SCHOOL OF ATTENDANCE AS THE SCHOOL TO WHICH THE SCORES OF THE STUDENT WILL BE ASSIGNED TO CALCULATE SCHOOL ACADEMIC PERFORMANCE RATINGS.

SECTION 2. 22-7-604.5 (3), Colorado Revised Statutes, is amended to read:

22-7-604.5. Alternative education campuses - criteria - application - rule-making. (3) (a) Except as excluded pursuant to section 22-7-409, the results of the assessments administered pursuant to section 22-7-409 for all part-time students attending a school or a program that is designated an alternative education campus pursuant to this section shall be included in the academic performance and

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

academic improvement ratings assigned pursuant to section 22-7-604 for the school to which the student is assigned for enrollment purposes.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), FOR A PART-TIME STUDENT WITH AN INDIVIDUAL EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-20-108, THE SCHOOL DISTRICT IN WHICH THE STUDENT IS ENROLLED, OR, IN THE CASE OF A BOARD OF COOPERATIVE SERVICES, THE ADMINISTRATIVE UNIT, MAY DESIGNATE EITHER THE SCHOOL OF RESIDENCY OR THE SCHOOL OF ATTENDANCE AS THE SCHOOL TO WHICH THE STUDENT'S SCORES SHALL BE ASSIGNED TO CALCULATE ACADEMIC PERFORMANCE RATINGS.

SECTION 3. Part 4 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-413. Student assessments - study - students with individual education programs - report - repeal. (1) THE DEPARTMENT, IN CONJUNCTION WITH THE STUDY COMMITTEE APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, SHALL CONDUCT A STUDY OF THE ADMINISTRATION OF ASSESSMENTS FOR STUDENTS WITH AN INDIVIDUAL EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-20-108 WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT. THE STUDY SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, AN EXAMINATION AND EVALUATION OF:

(a) THE EFFECT OF THE ADMINISTRATION OF ASSESSMENTS ON STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT, INCLUDING BUT NOT LIMITED TO THE EFFECT ON STUDENTS WHO ARE DEEMED UNABLE TO COMPLETE THE ASSESSMENT;

(b) WHETHER, FOR STUDENTS WITH AN INDIVIDUAL EDUCATION PROGRAM WHO ARE NOT ELIGIBLE FOR THE CSAP-A ASSESSMENT, IT WOULD BE APPROPRIATE TO DESIGNATE IN A STUDENT'S INDIVIDUAL EDUCATIONAL PROGRAM THE GRADE OR GRADES OF THE CSAP ASSESSMENTS THAT THE STUDENT SHOULD BE ADMINISTERED.

(c) THE NEED FOR SCHOOL DISTRICTS TO BE HELD ACCOUNTABLE FOR TEACHING STATE CONTENT STANDARDS TO STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT;

(d) THE EFFECT OF BOTH INCLUDING AND NOT INCLUDING THE SCORES OF STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT IN THE CALCULATIONS OF SCHOOL PERFORMANCE RATINGS PURSUANT TO SECTION 22-7-604;

(e) A SURVEY OF THE TYPES OF ASSESSMENTS USED BY OTHER STATES IN ASSESSING STUDENTS WHO ARE COMPARABLE TO STUDENTS IN THIS STATE WHO HAVE INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT, WHETHER OTHER STATES USE THOSE ASSESSMENT SCORES IN CALCULATING SCHOOL PERFORMANCE RATINGS, WHETHER THE ASSESSMENTS ALIGN WITH THE STATE MODEL CONTENT STANDARDS ADOPTED PURSUANT TO SECTION 22-7-406, AND WHETHER THE ASSESSMENTS HAVE BEEN, OR WOULD LIKELY BE, APPROVED BY THE FEDERAL DEPARTMENT OF EDUCATION; AND

(f) FEDERAL CONSTITUTIONAL, LEGAL, AND REGULATORY ISSUES SURROUNDING

THE ASSESSMENT OF STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT AND HOW FEDERAL FUNDING OF PUBLIC SCHOOLS MAY BE IMPACTED BY ADMINISTERING SUCH ASSESSMENTS.

(2) (a) THERE IS HEREBY CREATED A STUDY COMMITTEE TO WORK WITH THE DEPARTMENT IN CONDUCTING THE STUDY REQUIRED BY THIS SECTION. THE STUDY COMMITTEE SHALL CONSIST OF MEMBERS APPOINTED AS PROVIDED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2). NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307 (3) AND (5), C.R.S., ALL MEMBERS OF THE STUDY COMMITTEE, INCLUDING LEGISLATIVE MEMBERS, SHALL SERVE WITHOUT COMPENSATION, INCLUDING PER DIEM AND COMPENSATION FOR EXPENSES.

(b) SIX MEMBERS OF THE STUDY COMMITTEE SHALL BE APPOINTED ON OR BEFORE AUGUST 1, 2005, AS FOLLOWS:

(I) TWO REPRESENTATIVES WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY, ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(II) TWO SENATORS WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY, ONE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(III) TWO MEMBERS APPOINTED BY THE GOVERNOR WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY, ONE OF WHOM SHALL BE THE PARENT OF A STUDENT WITH AN INDIVIDUAL EDUCATIONAL PROGRAM WHO IS NOT ELIGIBLE TO TAKE THE CSAP-A ENROLLED IN A GRADE BETWEEN KINDERGARTEN AND EIGHTH GRADE, AND ONE OF WHOM SHALL BE THE PARENT OF A STUDENT WITH AN INDIVIDUAL EDUCATIONAL PROGRAM WHO IS NOT ELIGIBLE TO TAKE THE CSAP-A ENROLLED IN A GRADE BETWEEN NINTH AND TWELFTH GRADES.

(c) ON OR BEFORE AUGUST 1, 2005, THE STATE BOARD SHALL APPOINT EIGHT MEMBERS OF THE STUDY COMMITTEE. NO MORE THAN FOUR OF THE MEMBERS APPOINTED BY THE STATE BOARD SHALL BE FROM THE SAME POLITICAL PARTY. THE MEMBERS SHALL BE APPOINTED AS FOLLOWS:

(I) ONE MEMBER WHO IS A REPRESENTATIVE OF A COMMUNITY-BASED ORGANIZATION THAT FOCUSES ON STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS;

(II) ONE MEMBER WHO IS A REPRESENTATIVE OF AN ASSOCIATION OF EDUCATORS WHO WORK WITH STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS;

(III) ONE MEMBER WHO IS EMPLOYED BY AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE AND WHO SPECIALIZES IN RESEARCH REGARDING STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS;

(IV) ONE MEMBER WHO IS A MEMBER OF A SCHOOL DISTRICT BOARD OF EDUCATION IN A SCHOOL DISTRICT THAT ENROLLS A SIGNIFICANT NUMBER OF STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS;

(V) ONE MEMBER WHO IS EMPLOYED AS A SCHOOL ADMINISTRATOR IN A SCHOOL DISTRICT THAT ENROLLS A SIGNIFICANT NUMBER OF STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS;

(VI) ONE MEMBER WHO IS A MEMBER OF A STATEWIDE ASSOCIATION OF SCHOOL EXECUTIVES AND WHO IS AN EXPERT IN ASSESSMENTS;

(VII) ONE MEMBER WHO IS A CLASSROOM TEACHER WHO SPENDS A SIGNIFICANT AMOUNT OF TIME TEACHING STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS;
AND

(VIII) ONE MEMBER WHO IS A REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION AND WHO IS AN EXPERT IN THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", P.L. 107-110.

(3) NO LATER THAN DECEMBER 31, 2005, THE DEPARTMENT SHALL PRESENT ITS FINDINGS REGARDING THE ASSESSMENT OF STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A IN A REPORT TO THE STATE BOARD OF EDUCATION AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(4) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE IMPLEMENTATION OF THE STUDY OF ASSESSMENTS ADMINISTERED TO STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2006.

SECTION 4. 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.

Became Law: May 10, 2005