

CHAPTER 2

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 07-1048

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 also SENATOR(S) Windels, Bacon, Boyd, Fitz-Gerald, Gordon, Groff, Harvey, Isgar, Keller, Mitchell S., Morse, Penry, Romer, Sandoval, Schultheis, Schwartz, Shaffer, Tapia, Tochtrop, Tupa, Veiga, Ward, Wiens, and Williams.

AN ACT**CONCERNING LONGITUDINAL ANALYSIS OF STUDENT ASSESSMENTS.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

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

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

(c) Colorado has the opportunity to apply by February 2007 to the United States department of education for flexibility in incorporating longitudinal growth models in the determination of adequate yearly progress under the requirements of the federal "No Child Left Behind Act of 2001", Pub.L. 107-110;

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

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

(e) House Bill 07-1048 can be implemented using the existing resources and full-time equivalent employees appropriated to the department of education for fiscal year 2006-07 for development and implementation of a longitudinal growth model.

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

22-7-604.3. 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;

(III.5) SINCE 1997, THE GENERAL ASSEMBLY HAS DIRECTED THE DEPARTMENT TO DEVELOP THE TOOLS AND EXPERTISE NECESSARY TO PERFORM LONGITUDINAL ANALYSIS OF STUDENT ASSESSMENT RESULTS, AND TO PROVIDE INFORMATION TO ASSIST SCHOOL DISTRICTS, SCHOOLS, TEACHERS, AND PARENTS IN IMPROVING STUDENTS' ACADEMIC ACHIEVEMENT AND CLOSING THE ACHIEVEMENT GAP. HOWEVER, DESPITE THE PROVISION OF STATE FUNDING AND CLEAR STATUTORY DIRECTION BY THE GENERAL ASSEMBLY, THE DEPARTMENT HAS NOT YET TAKEN THE STEPS NECESSARY TO MAKE LONGITUDINAL DATA USEFUL TO STUDENTS, PARENTS, TEACHERS, OR ADMINISTRATORS AT THE SCHOOL LEVEL.

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

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

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

(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.

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

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

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

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

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

(V.7) ANOTHER ASPECT OF A HIGH-QUALITY LONGITUDINAL GROWTH COMPONENT WILL BE THE ABILITY TO PROVIDE RELIABLE, VALID, AND MEANINGFUL RESULTS TO EXTERNAL STAKEHOLDERS TO ENABLE THEM TO JUDGE ACADEMIC IMPROVEMENT AND HOLD THE EDUCATIONAL SYSTEM ACCOUNTABLE;

(VI) WITH A LONGITUDINAL GROWTH MODEL IN PLACE, 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;

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

(VI) An academic growth measurement should ~~measure~~ GAUGE 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 FOR ALL STUDENTS, INCLUDING MOVING STUDENTS FROM UNSATISFACTORY TO PARTIALLY PROFICIENT, PARTIALLY PROFICIENT TO PROFICIENT, AND PROFICIENT TO ADVANCED, AND ENSURING STUDENTS WHO SCORE ADVANCED CONTINUE TO SCORE ADVANCED.

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

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

(b) (I) No later than ~~June 15, 2004~~ FIFTEEN DAYS AFTER THE EFFECTIVE DATE OF HOUSE BILL 07-1048, the GOVERNOR SHALL APPOINT AND THE department shall convene a technical advisory panel that ~~includes~~ SHALL INCLUDE STATE AND NATIONAL experts on the measurement of longitudinal growth for accountability purposes. ALL MEETINGS OF the technical advisory panel shall be open.

(II) AT IT'S FIRST MEETING, THE TECHNICAL ADVISORY PANEL SHALL RECOMMEND TO THE DEPARTMENT ONE OR MORE CONTRACTORS TO ADAPT A STATISTICAL MODEL PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2). 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 AND SCHOOLS. 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 TECHNICAL advisory panel shall consider recent national studies of different methodologies and VARIOUS models for measuring longitudinal growth, INCLUDING LONGITUDINAL GROWTH MODELS THAT THE UNITED STATES DEPARTMENT OF EDUCATION HAS APPROVED FOR USE BY STATES AS PART OF STATE PLANS TO MEET

THE ADEQUATE YEARLY PROGRESS REQUIREMENTS OF THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUB.L. 107-110.

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

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

(3) Academic growth calculation model. (a) On or before ~~August 15, 2004~~ THIRTY DAYS AFTER THE RECEIPT OF THE RECOMMENDATIONS OF THE TECHNICAL ADVISORY PANEL PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, the state board shall consider the model developed pursuant to subsection (2) of this section and ~~reviewed by~~ THE FINDINGS AND RECOMMENDATIONS OF the technical advisory panel and shall adopt by EMERGENCY rule a mixed-effects statistical model used to ~~diagnostically~~ calculate ~~students'~~ THE annual academic growth OF STUDENTS AND SCHOOLS that shall be a scientifically rigorous statistical model available in the public domain. AFTER THE PROMULGATION OF THE EMERGENCY RULE, THE STATE BOARD SHALL PROMULGATE PERMANENT RULES ON ADOPTING THE STATISTICAL MODEL. The state board may adopt a hierarchical linear model as the statistical model OR SOME VARIATION OF SUCH A 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 SCHOOLS AND school districts; ~~and schools;~~

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

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

(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 AND are not making sufficient academic growth;

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

(V) Uses individual student scores from CSAP assessments;

(VI) Is described in a publicly available document that ~~describes~~ SETS FORTH the mathematical equations used in the statistical model and that ~~describes~~ FULLY AND ACCURATELY EXPLAINS 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 AND PRODUCES STUDENT- AND SCHOOL-LEVEL REPORTS THAT MAY BE DELIVERED ON OR BEFORE SEPTEMBER 15, 2007, AND ON OR BEFORE SEPTEMBER 15 OF EACH YEAR THEREAFTER.

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

(I) A student is progressing ~~sufficiently~~ ADEQUATELY to perform in reading, writing, and mathematics at increasing levels of proficiency, projected at grade levels determined by the department, in consultation with the technical advisory panel, with the goal of performance at least at the proficiency level of "proficient" 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) **Academic growth information - rule-making.** (a) Beginning in the ~~2004-05~~ 2007-08 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~~ 2007-08 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.

(b.5) THE ACADEMIC GROWTH INFORMATION REQUIRED BY PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (5) SHALL INCLUDE INFORMATION ON WHETHER EACH STUDENT MADE AT LEAST ONE YEAR'S ACADEMIC GROWTH IN ONE YEAR'S TIME AND

WHETHER THE AMOUNT OF ACADEMIC GROWTH IS ADEQUATE FOR THE STUDENT TO REACH A PERFORMANCE LEVEL OF PROFICIENT WITHIN THREE YEARS OR BY GRADE TEN, WHICHEVER COMES SOONER. FOR STUDENTS WHO ARE ALREADY PROFICIENT, THE ACADEMIC GROWTH INFORMATION SHALL SPECIFY WHETHER THE STUDENT IS ON PACE TO REMAIN PROFICIENT OR WHETHER THE STUDENT IS ON PACE TO MOVE INTO THE UPPER RANGE OF THE ACHIEVEMENT DISTRIBUTION; EXCEPT THAT A DIFFERENT INTERVAL MAY BE SELECTED BY THE DEPARTMENT IF RECOMMENDED BY THE TECHNICAL ADVISORY PANEL.

(c) Repealed.

~~(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.

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

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

(7) **Academic growth information - research.** The department, upon request, shall make available to qualified researchers the entire longitudinally linked dataset created pursuant to this section and used for generating ~~diagnostic~~ ACADEMIC growth information and for awarding the governor's distinguished improvement awards. For purposes of this subsection (7), qualified researchers shall include, but need not be limited to, institutions of higher education, school districts, and public policy research and advocacy organizations. The department shall provide the information in a format that allows it to be linked with other publicly available data in the state and shall include all available data regarding student demographics, the state's school identification numbers, and student-level performance data, while

protecting the privacy of individual students in a manner 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.

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

22-11-305. Governor's distinguished improvement awards - repeal.

(1) (a) The state board shall annually present financial awards to the public schools in the state demonstrating the highest rate of student academic growth. The technical advisory panel convened pursuant to section 22-7-604.3 (2) (b) shall recommend to the state board and the state board shall establish by rule the method by which to identify schools that demonstrate the highest rate of student academic growth in a school year toward state standards for proficiency. The technical advisory panel shall take school size into account in preparing its recommendations.

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

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

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

~~**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 and institute charter schools. 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 section 22-7-604.3, concerning the calculation of academic growth of students for diagnostic purposes. The amount allocated for the implementation of section 22-7-604.3 shall not exceed two hundred thousand dollars in any budget year.~~

SECTION 5. 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: February 6, 2007