



COLORADO DEPARTMENT *of* EDUCATION

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Robert K. Hammond
Commissioner of Education

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Dear Superintendents,

The state assessment season is already upon us. The Colorado student assessments, including TCAP (Transitional Colorado Assessment Program), CoAlt (Colorado Alternate Assessment), and CMAS (Colorado Measures of Academic Success), are set to begin over the next few months. In response to requests from District Assessment Coordinators, the Assessment Unit is again sending out information regarding Colorado laws and rules governing student participation in state assessments.

Misconception 1: Parents may “opt out” their child(ren) from participating in the state assessment program.

Clarification: Per Colorado law [22-7-409(1.2)(d)(I)(A)], as part of the school and district accountability system, every student enrolled in a public school is required to take the state assessments. There is nothing in this section of the law allowing parent’s choice regarding this testing. Some have suggested that State Law [22-1-123 (5) (a)] gives parents an “opt out” from state assessments because it states, “Schools (etc.)... shall obtain the written consent of a student’s parent or legal guardian prior to the student being given any survey, analysis, or evaluation...” However, this law only pertains to certain types of sensitive, personal student information such as political affiliations, illegal behavior, and family income that are specifically listed in the statute. The state assessments are *not* among the surveys, analyses or evaluations referenced in this statute. In fact, as of 2012, the statute [22-1-123 (5) (b)] explicitly excludes state assessments: “except that the requirement of written consent does not apply to a student’s participation in an assessment administered pursuant to section 22-7-407 or 22-7-409...”

Misconception 2: Schools and districts are not penalized when parents refuse to allow their child(ren) to be assessed.

Clarification: Lack of participation is represented in the accreditation system as reflected in the Performance Frameworks. Schools and districts not meeting the participation requirements drop one full category on the Performance Frameworks.

Misconception 3: Parental refusals have no negative impact on students as a group.

Clarification: The accuracy of all of the accountability data is impacted when students do not participate due to parental refusal. This data is publicly displayed and also is utilized to make policy decisions at the state, district and school levels. Obviously, the more accurately the data reflects the true performance of the students, the better informed policy makers are when high stakes decisions are being made. We entrust our schools with the great responsibility of educating our children. State assessments give us a common tool to use when we are looking at how well schools and districts are preparing students for the world of college or work. It is useful for Colorado’s citizens to be able to look at the performance of our public schools using common and fair tools given under the same conditions in every school. It is an important method of looking at all our schools and districts in a comparable way.

Misconception 4: Parental refusals have no negative impact on their individual child(ren).

Clarification: State assessments do not try to measure all the learning students engage in throughout the year – but they are very reliable annual measures of student achievement in the assessed content area. Students who do not participate are not provided with this information. In addition, students who do not participate in state testing reading, writing, and math do not get growth projections, which can be an important gauge of whether or not the student is on track for being college and career ready. As an example, performance on state assessments provides a good prediction of each student’s probable ACT scores.

Misconception 5: Schools are obligated to provide alternate learning activities during testing times.

Clarification: Since all students are required to take state assessments (see **Misconception 1**, above), schools are not obligated or required to provide alternate activities.

Misconception 6: Parents of English learners may “opt out” their child(ren) from participating in English language proficiency testing.

Clarification: While some parents may refuse English language support services, the district is still obligated to provide English language development instructional strategies to develop students’ English language skills and to report language growth capacity for all English learner students on an annual basis. This is required under Title III of the No Child Left Behind legislation (Public Law 107-110) and Section 22-24-105 of the English Language Proficiency Act. Therefore, even if a parent refuses English language development services, the district still must annually assess the English language proficiency of the student.

As always, we appreciate your commitment to administering the state assessments appropriately.

Respectfully,



Joyce K. Zurkowski
Executive Director
Assessment Unit