

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 20-0547.01 Julie Pelegrin x2700

**HOUSE BILL 20-1295**

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**HOUSE SPONSORSHIP**

**Bird and Wilson**, Arndt, Benavidez, Cutter, Froelich, Gonzales-Gutierrez, Kipp, Mullica, Sirota, Young

**SENATE SPONSORSHIP**

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**House Committees**  
Education

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**A BILL FOR AN ACT**

101      **CONCERNING A PERFORMANCE AUDIT OF THE STATEWIDE SYSTEMS**  
102              **USED TO MEASURE THE PERFORMANCE OF THE ELEMENTARY**  
103              **AND SECONDARY PUBLIC EDUCATION SYSTEM OF THE STATE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill directs the state auditor to contract with a public or private entity to conduct a performance audit of the statewide public education accountability and accreditation systems. The bill specifies the issues that the performance audit must address. By October 1, 2021, and following release by the legislative audit committee, the final report of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

performance audit must be submitted to the commissioner of education, the state board of education, and the education committees of the general assembly.

The bill specifies the authority of the state auditor to access records and information held by public schools, school districts, and the state charter school institute.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add 2-3-126** as  
3 follows:

4           **2-3-126. Audit of accountability and accreditation systems -**  
5 **report - legislative declaration - definitions - repeal.** (1) (a) THE

6 GENERAL ASSEMBLY FINDS THAT:

7           (I) IN THE DECADE SINCE THE "EDUCATION ACCOUNTABILITY ACT  
8 OF 2009", ARTICLE 11 OF TITLE 22, WAS IMPLEMENTED, THERE HAVE BEEN  
9 MANY CHANGES IN THE ACCREDITATION SYSTEM, INCLUDING CHANGES IN  
10 THE PERFORMANCE INDICATORS AND HOW THEY ARE MEASURED, CHANGES  
11 IN THE COLORADO GROWTH MODEL AND HOW IT IS APPLIED, AND CHANGES  
12 IN THE STATEWIDE TARGETS FOR PERFORMANCE SET BY THE STATE BOARD  
13 OF EDUCATION;

14           (II) SINCE THE "PRESCHOOL TO POSTSECONDARY EDUCATION  
15 ALIGNMENT ACT", PART 10 OF ARTICLE 7 OF TITLE 22, WAS PASSED AND  
16 IMPLEMENTED BEGINNING IN 2008, THE ACCOUNTABILITY SYSTEM FOR  
17 SCHOOLS AND SCHOOL DISTRICTS HAS ALSO CHANGED SIGNIFICANTLY,  
18 INCLUDING CHANGES REGARDING THE STATE ACADEMIC STANDARDS, THE  
19 NUMBER OF AND TIMING FOR ADMINISTERING STATEWIDE ASSESSMENTS,  
20 THE STATEWIDE ASSESSMENTS ADMINISTERED IN GRADES NINE THROUGH  
21 TWELVE, POSTSECONDARY AND WORKFORCE READINESS PROGRAMS, AND  
22 DIPLOMA ENDORSEMENTS; AND

1 (III) WITH THE PASSAGE OF THE "EVERY STUDENT SUCCEEDS  
2 ACT", 20 U.S.C. SEC. 6301 ET SEQ., IN DECEMBER OF 2015, THE FEDERAL  
3 GOVERNMENT MADE SIGNIFICANT CHANGES IN THE ACCOUNTABILITY  
4 REQUIREMENTS FOR STATE EDUCATIONAL SYSTEMS.

5 (b) DUE TO THE CHANGES DESCRIBED IN SUBSECTION (1)(a) OF  
6 THIS SECTION AND THE INSIGHTS GAINED THROUGH IMPLEMENTATION OF  
7 THE ACCOUNTABILITY AND ACCREDITATION SYSTEMS OVER THE PAST TEN  
8 YEARS, THE GENERAL ASSEMBLY FINDS THAT IT IS APPROPRIATE TO OBTAIN  
9 AN INDEPENDENT PERFORMANCE AUDIT OF THE ACCOUNTABILITY AND  
10 ACCREDITATION SYSTEMS. THE OBJECTIVE OF THE AUDIT IS TO DETERMINE  
11 WHETHER THE ACCOUNTABILITY AND ACCREDITATION SYSTEMS ARE  
12 MEETING THE GOALS ESTABLISHED IN SECTIONS 22-7-1002 AND 22-11-102,  
13 WHETHER THE SYSTEMS ARE COMPLEMENTARY AND INTERACT  
14 APPROPRIATELY AND EFFECTIVELY, AND, MORE GENERALLY, WHETHER  
15 THE ACCOUNTABILITY AND ACCREDITATION SYSTEMS ARE COMPETENTLY  
16 MEASURING THE MOST IMPORTANT ASPECTS OF THE EDUCATION SYSTEM  
17 TO PROVIDE AN ACCURATE, CREDIBLE, AND COMPARABLE ASSESSMENT OF  
18 THE QUALITY OF THE PUBLIC EDUCATION SYSTEM THROUGHOUT THE  
19 STATE.

20 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
21 REQUIRES:

22 (a) "ACCOUNTABILITY SYSTEM" MEANS THE SYSTEM OF  
23 STANDARDS AND ASSESSMENTS DESCRIBED IN PART 10 OF ARTICLE 7 OF  
24 TITLE 22 AND AS IMPLEMENTED BY RULES ADOPTED BY THE STATE BOARD  
25 OF EDUCATION.

26 (b) "ACCREDITATION SYSTEM" MEANS THE SYSTEM FOR  
27 ACCREDITING SCHOOLS AND SCHOOL DISTRICTS DESCRIBED IN ARTICLE 11

1 OF TITLE 22 AND AS IMPLEMENTED BY RULES ADOPTED BY THE STATE  
2 BOARD OF EDUCATION.

3 (3) NO LATER THAN OCTOBER 1, 2020, THE STATE AUDITOR SHALL  
4 CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT A  
5 PERFORMANCE AUDIT OF THE STATEWIDE IMPLEMENTATION OF THE  
6 ACCOUNTABILITY SYSTEM AND THE ACCREDITATION SYSTEM. THE STATE  
7 AUDITOR SHALL ENSURE THAT THE SELECTED ENTITY HAS THE NECESSARY  
8 EXPERTISE AND IS COMPETENT TO EVALUATE THE EFFICACY OF THE  
9 ACCOUNTABILITY AND ACCREDITATION SYSTEMS AND WHETHER THE  
10 SYSTEMS ARE IMPLEMENTED STATEWIDE IN ACCORDANCE WITH THE  
11 REQUIREMENTS SPECIFIED IN STATUTE AND RULE. AT A MINIMUM, THE  
12 PERFORMANCE AUDIT MUST ADDRESS:

13 (a) THE EFFECTIVENESS OF THE ACCREDITATION SYSTEM IN  
14 OBJECTIVELY EVALUATING THE PERFORMANCE OF THE THOROUGH AND  
15 UNIFORM STATEWIDE SYSTEM OF PUBLIC EDUCATION FOR ALL GROUPS OF  
16 STUDENTS AT THE STATE, SCHOOL DISTRICT, AND INDIVIDUAL PUBLIC  
17 SCHOOL LEVELS, AND IN REWARDING SUCCESS AND PROVIDING SUPPORT  
18 FOR IMPROVEMENT AT EACH LEVEL;

19 (b) WHETHER THE COLORADO GROWTH MODEL CONTINUES TO  
20 MEET THE REQUIREMENTS SPECIFIED IN SECTION 22-11-202 (1)(b);

21 (c) WHETHER THE ACCREDITATION SYSTEM MAINTAINS INTEGRITY  
22 IN IMPLEMENTATION SUCH THAT THE REQUIREMENTS FOR MOVING FROM  
23 ONE LEVEL OF PERFORMANCE TO THE NEXT REMAIN CONSISTENT OVER  
24 TIME;

25 (d) THE EFFECTIVENESS OF THE ACCOUNTABILITY SYSTEM IN  
26 CREATING A SEAMLESS SYSTEM OF STANDARDS, EXPECTATIONS, AND  
27 ASSESSMENTS FROM PRESCHOOL THROUGH POSTSECONDARY AND

1 WORKFORCE READINESS AND IN EFFECTIVELY AND CREDIBLY MEASURING  
2 STUDENTS' ACHIEVEMENT OF THE COLORADO MEASURES OF ACADEMIC  
3 SUCCESS AND STUDENTS' ACHIEVEMENT OF OTHER ACADEMIC STANDARDS  
4 ADOPTED BY LOCAL EDUCATION PROVIDERS;

5 (e) CHANGES THAT HAVE BEEN MADE TO THE ACCOUNTABILITY  
6 AND ACCREDITATION SYSTEMS SINCE THEY WERE ESTABLISHED IN  
7 STATUTE;

8 (f) THE INTERACTION BETWEEN THE ACCOUNTABILITY SYSTEM  
9 AND THE ACCREDITATION SYSTEM, INCLUDING THE CORRELATIONS AND  
10 DIFFERENCES BETWEEN THE TWO SYSTEMS AND ANY CONFLICTS THAT  
11 ARISE IN IMPLEMENTING THE TWO SYSTEMS; AND

12 (g) WHETHER THE ACCREDITATION AND ACCOUNTABILITY  
13 SYSTEMS PROVIDE A CREDIBLE BASIS FOR COMPARISON BETWEEN AND  
14 AMONG PUBLIC SCHOOLS AND BETWEEN AND AMONG SCHOOL DISTRICTS  
15 AND THE STATE CHARTER SCHOOL INSTITUTE.

16 (4) THE STATE AUDITOR SHALL ENSURE THE PERFORMANCE AUDIT  
17 IS COMPLETED NO LATER THAN OCTOBER 1, 2021. NOTWITHSTANDING ANY  
18 OTHER PROVISION OF LAW TO THE CONTRARY, FOR PURPOSES OF THE AUDIT  
19 DESCRIBED IN THIS SECTION ONLY, THE STATE AUDITOR IS AUTHORIZED TO  
20 ACCESS ALL OF THE BOOKS, ACCOUNTS, REPORTS, VOUCHERS, OR OTHER  
21 RECORDS OR INFORMATION HELD BY A PUBLIC SCHOOL OR SCHOOL  
22 DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE, INCLUDING RECORDS  
23 OR INFORMATION REQUIRED TO BE KEPT CONFIDENTIAL OR EXEMPT FROM  
24 PUBLIC DISCLOSURE UPON SUBPOENA, SEARCH WARRANT, DISCOVERY  
25 PROCEEDINGS, OR OTHERWISE. AFTER THE AUDIT REPORT IS RELEASED BY  
26 THE LEGISLATIVE AUDIT COMMITTEE, THE STATE AUDITOR SHALL SUBMIT  
27 THE AUDIT REPORT TO THE COMMISSIONER OF EDUCATION, THE STATE

1 BOARD OF EDUCATION, AND THE EDUCATION COMMITTEES OF THE HOUSE  
2 OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.  
3 THE FINAL AUDIT REPORT MUST INCLUDE THE AUDIT FINDINGS AND  
4 RECOMMENDATIONS FOR IMPROVING THE INTERACTION, EFFECTIVENESS,  
5 AND CREDIBILITY OF THE ACCOUNTABILITY AND ACCREDITATION SYSTEMS.

6 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

7 **SECTION 2.** In Colorado Revised Statutes, 2-3-103.7, **amend** (1)  
8 as follows:

9 **2-3-103.7. Disclosure of reports before filing.** (1) Any state  
10 employee or other individual acting in an oversight role as a member of  
11 a committee, board, or commission, or any employee or other individual  
12 acting in an oversight role with respect to any audit conducted pursuant  
13 to sections 2-3-120, 2-3-123, **2-3-126**, 10-22-105 (4)(c), and 25.5-10-209  
14 (4), who willfully and knowingly discloses the contents of any report  
15 prepared by or at the direction of the state auditor's office prior to the  
16 release of such report by a majority vote of the committee as provided in  
17 section 2-3-103 (2) is guilty of a misdemeanor and, upon conviction  
18 thereof, shall be punished by a fine of not more than five hundred dollars.

19 **SECTION 3.** In Colorado Revised Statutes, 2-3-107, **amend**  
20 (2)(a)(I) introductory portion, (2)(a)(I)(C), and (2)(a)(I)(D); and **add**  
21 (2)(a)(I)(E) as follows:

22 **2-3-107. Authority to subpoena witnesses - access to records.**

23 (2) (a) (I) Notwithstanding any provision of law to the contrary, the state  
24 auditor or his or her designated representative ~~shall~~ IS AUTHORIZED TO  
25 have access at all times, except as provided by sections 39-1-116,  
26 39-4-103, and 39-5-120, to all of the books, accounts, reports, vouchers,  
27 or other records or information in any department, institution, or agency,

1 including but not limited to records or information required to be kept  
2 confidential or exempt from public disclosure upon subpoena, search  
3 warrant, discovery proceedings, or otherwise. The authority of the state  
4 auditor or his or her designated representative to access at all times the  
5 books, accounts, reports, vouchers, or other records or information in  
6 accordance with this subsection (2)(a) also extends to any fiscal or  
7 performance audit the state auditor or his or her designated representative  
8 conducts of:

9 (C) The health benefit exchange created in section 10-22-104 in  
10 accordance with section 10-22-105 (4)(c); and

11 (D) Community-centered boards in accordance with section  
12 25.5-10-209 (4); AND

13 (E) THE STATEWIDE IMPLEMENTATION OF THE PUBLIC EDUCATION  
14 ACCOUNTABILITY SYSTEM AND THE ACCREDITATION SYSTEM IN  
15 ACCORDANCE WITH SECTION 2-3-126.

16 **SECTION 4. Act subject to petition - effective date.** This act  
17 takes effect at 12:01 a.m. on the day following the expiration of the  
18 ninety-day period after final adjournment of the general assembly (August  
19 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
20 referendum petition is filed pursuant to section 1 (3) of article V of the  
21 state constitution against this act or an item, section, or part of this act  
22 within such period, then the act, item, section, or part will not take effect  
23 unless approved by the people at the general election to be held in  
24 November 2020 and, in such case, will take effect on the date of the  
25 official declaration of the vote thereon by the governor.