

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0575.01 Julie Pelegrin x2700

SENATE BILL 21-013

SENATE SPONSORSHIP

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Senate Committees
Education

House Committees
Education

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADDRESS STUDENT LEARNING LOSS**
102 **OCcurring AS A RESULT OF THE COVID-19 PANDEMIC.**

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 department of education (department) to identify educational products, strategies, and services that have demonstrated effectiveness in identifying and reversing student learning loss that has been caused by the suspension of in-person learning. The department must create and maintain a resource bank of examples of educational products, explanations of and instructions for implementing

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.*

HOUSE
3rd Reading Unamended
April 27, 2021

HOUSE
Amended 2nd Reading
April 26, 2021

SENATE
3rd Reading Unamended
March 25, 2021

SENATE
Amended 2nd Reading
March 24, 2021

strategies and educational services, and models of professional development programs related to using the products and implementing the strategies and services. The department must also provide information concerning public or private nonprofit entities that school districts, boards of cooperative services, and charter schools may work with in providing student support. The bill also directs the department, to the extent possible within existing resources, to provide technical assistance to school districts and charter schools upon request.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 22-2-146** as
3 follows:

4 **22-2-146. Department of education - COVID-19-related**
5 **education loss - strategies - resources - report - legislative declaration.**

6 (1) THE GENERAL ASSEMBLY FINDS THAT:

7 (a) DUE TO THE PUBLIC HEALTH RISKS OF THE COVID-19
8 PANDEMIC, THE PUBLIC SCHOOLS IN COLORADO HAVE HAD TO CEASE
9 IN-PERSON INSTRUCTION FOR REPEATED AND EXTENDED PERIODS OF TIME
10 DURING THE 2019-20 AND 2020-21 SCHOOL YEARS;

11 (b) RESEARCH SUGGESTS THAT THESE PERIODS OF REMOTE
12 LEARNING, AS WELL AS TRAUMA EXPERIENCED BY STUDENTS AS A RESULT
13 OF THE PANDEMIC, HAVE HAD DETRIMENTAL EFFECTS ON STUDENTS'
14 ABILITY TO LEARN AND GROW ACADEMICALLY AND ON THEIR ABILITY
15 EVEN TO RETAIN THE LEVEL OF LEARNING THAT THEY HAD PREVIOUSLY
16 ACHIEVED;

17 (c) THESE NEGATIVE EFFECTS HAVE HAD AN EVEN GREATER
18 IMPACT ON STUDENTS OF COLOR, LOW-INCOME STUDENTS, AND STUDENTS
19 WITH DISABILITIES, WHO ARE EXPECTED TO EXPERIENCE A SIGNIFICANTLY
20 GREATER LOSS OF LEARNING, THEREBY EXACERBATING THE ACADEMIC
21 ACHIEVEMENT GAPS THAT EXISTED BEFORE THE PANDEMIC;

1 (d) THE SCHOOL DISTRICTS AND PUBLIC SCHOOLS OF THE STATE
2 WILL FACE SIGNIFICANT CHALLENGES IN TRYING TO COMPENSATE FOR
3 THESE LEARNING LOSSES AND IN HELPING ALL STUDENTS TO OVERCOME
4 THE LEARNING LOSSES THEY HAVE EXPERIENCED AND ADVANCE TO
5 GRADE-LEVEL OR HIGHER ACADEMIC ACHIEVEMENT;

6 (e) THERE ARE INDICATIONS THAT TUTORING SERVICES, PROGRAMS
7 THAT EXTEND THE SCHOOL DAY OR THE SCHOOL YEAR, AND SUMMER
8 SCHOOL PROGRAMS MAY BE SUCCESSFUL IN HELPING STUDENTS,
9 ESPECIALLY LOW-INCOME STUDENTS, STUDENTS OF COLOR, AND STUDENTS
10 WITH DISABILITIES, TO OVERCOME LEARNING LOSS AND CLOSE THE
11 ACHIEVEMENT GAP;

12 (f) THERE ARE OTHER INNOVATIVE STRATEGIES THAT SOME PUBLIC
13 SCHOOLS AND SCHOOL DISTRICTS HAVE BEEN IMPLEMENTING TO ADDRESS
14 LEARNING LOSS, INCLUDING HOME VISITATION PROGRAMS THROUGH
15 WHICH TEACHERS VISIT THEIR STUDENTS' HOMES TO ASSIST THE STUDENTS
16 AND THE PARENTS IN EFFORTS TO OVERCOME LEARNING LOSS; AND

17 (g) THE DEPARTMENT OF EDUCATION CAN PLAY A CRUCIAL ROLE
18 IN SUPPORTING SCHOOL DISTRICTS AND PUBLIC SCHOOLS BY IDENTIFYING
19 BEST PRACTICES FOR ADDRESSING THESE LEARNING LOSSES AND
20 EFFECTIVE STRATEGIES FOR BOOSTING STUDENT LEARNING AND CLOSING
21 ACHIEVEMENT GAPS AND BY PROVIDING A RESOURCE BANK OF MODEL
22 MATERIALS AND STRATEGIES SPECIFICALLY DESIGNED TO ADDRESS
23 LEARNING RECOVERY FOR ALL STUDENTS.

24 (1.5) (a) THE GENERAL ASSEMBLY FURTHER FINDS THAT ON
25 MARCH 11, 2021, PRESIDENT BIDEN SIGNED H.R. 1319, THE "AMERICAN
26 RESCUE PLAN ACT OF 2021", INTO LAW. IN PART, THE ACT PROVIDES
27 APPROXIMATELY \$122.7 BILLION IN SUPPLEMENTAL MONEY TO THE

1 ELEMENTARY AND SECONDARY EMERGENCY EDUCATION RELIEF FUND FOR
2 DISTRIBUTION TO STATES. APPROXIMATELY \$1.166 BILLION OF THAT
3 AMOUNT IS EXPECTED TO BE DISTRIBUTED TO COLORADO, OF WHICH AT
4 LEAST \$1.05 BILLION MUST BE DISTRIBUTED TO LOCAL EDUCATION
5 PROVIDERS AND \$116.6 MILLION WILL BE RETAINED BY THE STATE
6 DEPARTMENT OF EDUCATION. THE ACT REQUIRES THE DEPARTMENT TO
7 USE APPROXIMATELY \$58 MILLION TO ADDRESS LEARNING RECOVERY,
8 APPROXIMATELY \$11.6 MILLION FOR AFTER-SCHOOL ACTIVITIES, AND
9 APPROXIMATELY \$11.6 MILLION FOR SUMMER LEARNING PROGRAMS.

10 (b) THE DEPARTMENT IS STRONGLY ENCOURAGED TO USE AS MUCH
11 AS POSSIBLE OF THE AMOUNT OF FEDERAL MONEY THAT THE DEPARTMENT
12 RECEIVES UNDER THE "AMERICAN RESCUE PLAN ACT OF 2021" TO FUND
13 PROGRAMS TO ADDRESS LEARNING RECOVERY, WHICH MAY INCLUDE
14 INTENSIVE TUTORING PROGRAMS, EXTENDED-DAY LEARNING PROGRAMS,
15 SUPPLEMENTAL ONLINE COURSES, SUMMER LEARNING PROGRAMS, AND
16 OTHER PROGRAMS THAT ARE IDENTIFIED BY LOCAL EDUCATION PROVIDERS
17 OR HAVE DEMONSTRATED SUCCESS IN EFFECTIVELY ADDRESSING
18 LEARNING RECOVERY. THE DEPARTMENT IS SPECIFICALLY ENCOURAGED
19 TO USE A PORTION OF THE FEDERAL MONEY TO ASSIST LOCAL EDUCATION
20 PROVIDERS IN ACCESSING SUPPLEMENTAL ONLINE LEARNING RECOVERY
21 COURSES FOR STUDENTS ENROLLED IN KINDERGARTEN THROUGH TWELFTH
22 GRADE, AS DESCRIBED IN SECTION 22-5-119 (11).

23 (2) (a) BY THE FALL SEMESTER OF THE 2021-22 SCHOOL YEAR AND
24 CONTINUING THEREAFTER, THE DEPARTMENT SHALL IDENTIFY
25 EDUCATIONAL PRODUCTS, STRATEGIES, AND SERVICES THAT HAVE
26 DEMONSTRATED EFFECTIVENESS IN IDENTIFYING AND REVERSING STUDENT
27 LEARNING LOSS, INCLUDING THOSE PRODUCTS, STRATEGIES, AND SERVICES

1 THAT ARE SPECIFICALLY DESIGNED TO ADDRESS LEARNING LOSS
2 EXPERIENCED BY STUDENTS OF COLOR, LOW-INCOME STUDENTS, AND
3 STUDENTS WITH DISABILITIES. THE DEPARTMENT SHALL CREATE AND
4 MAINTAIN A RESOURCE BANK OF EXAMPLES OF THESE PRODUCTS,
5 EXPLANATIONS OF AND INSTRUCTIONS FOR IMPLEMENTING THESE
6 STRATEGIES AND SERVICES, AND MODELS OF PROFESSIONAL DEVELOPMENT
7 PROGRAMS RELATED TO USING THE PRODUCTS AND IMPLEMENTING THE
8 STRATEGIES AND SERVICES. THE DEPARTMENT SHALL ENSURE THAT THE
9 RESOURCE BANK INCLUDES PRODUCTS, STRATEGIES, AND SERVICES AND
10 MODELS OF PROFESSIONAL DEVELOPMENT PROGRAMS THAT TAKE INTO
11 ACCOUNT THE CIRCUMSTANCES OF, AND ARE APPROPRIATE FOR
12 IMPLEMENTATION BY, RURAL AND SMALL RURAL SCHOOL DISTRICTS AND
13 CHARTER SCHOOLS LOCATED WITHIN RURAL AND SMALL RURAL SCHOOL
14 DISTRICTS.

15 (b) THE DEPARTMENT SHALL INCLUDE IN THE RESOURCE BANK
16 INFORMATION CONCERNING PUBLIC AND PRIVATE NONPROFIT ENTITIES
17 THAT MAY PARTNER WITH SCHOOL DISTRICTS, BOARDS OF COOPERATIVE
18 SERVICES, AND CHARTER SCHOOLS TO PROVIDE PERSONNEL OR OTHER
19 RESOURCES TO ASSIST IN IMPLEMENTING STRATEGIES TO OVERCOME
20 LEARNING LOSS.

21 (c) SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, AND
22 CHARTER SCHOOLS MAY SUBMIT TO THE DEPARTMENT DESCRIPTIONS AND
23 EXPLANATIONS OF STRATEGIES, SERVICES, AND PROGRAMS THAT THEY
24 HAVE IMPLEMENTED, WITH EVIDENCE DEMONSTRATING THE POSITIVE
25 EFFECTS ACHIEVED THROUGH IMPLEMENTING THE STRATEGIES, SERVICES,
26 AND PROGRAMS. THE DEPARTMENT SHALL INCLUDE THE SUBMITTED
27 EXAMPLES IN THE RESOURCE BANK.

1 (d) THE RESOURCE BANK MUST BE AVAILABLE FOR REVIEW BY
2 SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, AND CHARTER
3 SCHOOLS. TO THE GREATEST EXTENT POSSIBLE WITHIN EXISTING
4 RESOURCES, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE,
5 UPON REQUEST, TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS IN
6 IDENTIFYING AND IMPLEMENTING STRATEGIES TO ADDRESS STUDENT
7 LEARNING LOSS.

8 (3) THE DEPARTMENT SHALL CREATE A REPORT SPECIFYING THE
9 PURPOSES FOR WHICH THE DEPARTMENT USED THE FEDERAL MONEY
10 RECEIVED PURSUANT TO THE FEDERAL "CORONAVIRUS AID, RELIEF AND
11 ECONOMIC SECURITY ACT", PUB.L.116-136; THE "CORONAVIRUS
12 RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2021",
13 PUB.L.116-260; AND THE "AMERICAN RESCUE PLAN ACT OF 2021",
14 PUB.L.117-2. AT A MINIMUM, THE REPORT MUST IDENTIFY THE TOTAL
15 AMOUNT THAT THE DEPARTMENT RECEIVED AND WAS AUTHORIZED TO
16 SPEND AT THE STATE LEVEL UNDER EACH ACT, THE PURPOSES FOR WHICH
17 THE DEPARTMENT SPENT THE AMOUNTS RECEIVED, THE SPECIFIC AMOUNT
18 ALLOTTED TO EACH PURPOSE, AND ANY DATA THE DEPARTMENT MAY
19 HAVE CONCERNING THE RESULTS ACHIEVED IN USING THE MONEY FOR
20 EACH PURPOSE. ON OR BEFORE DECEMBER 1, 2021, AND ON OR BEFORE
21 DECEMBER 1 EACH YEAR THEREAFTER THROUGH DECEMBER 1, 2024, THE
22 DEPARTMENT SHALL SUBMIT THE REPORT TO THE EDUCATION COMMITTEES
23 OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR
24 COMMITTEES, AND POST THE REPORT ON THE DEPARTMENT'S WEBSITE. THE
25 DEPARTMENT SHALL ALSO PRESENT THE REPORT AS PART OF THE
26 DEPARTMENT'S HEARING HELD EACH JANUARY PURSUANT TO SECTION
27 2-7-203, STARTING IN 2022 AND CONTINUING THROUGH 2025.

1 SECTION 2. In Colorado Revised Statutes, 22-5-119, add (11)
2 as follows:

3 22-5-119. Statewide supplemental online and blended learning
4 program - contract - legislative declaration - definitions.

5 (11) (a) BEGINNING IN THE SUMMER OF 2021 AND CONTINUING
6 THROUGHOUT THE 2021-22 SCHOOL YEAR, IN ADDITION TO ADMINISTERING
7 THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING
8 PROGRAM IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION, THE
9 ADMINISTERING BOCES SHALL PRIORITIZE ENTERING INTO PARTNERSHIPS
10 WITH LOCAL PUBLIC EDUCATION AGENCIES FOR DELIVERY OF
11 SUPPLEMENTAL ONLINE LEARNING RECOVERY COURSES FOR STUDENTS
12 ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE. THE
13 ADMINISTERING BOCES AND LOCAL PUBLIC EDUCATION AGENCIES SHALL,
14 TO THE EXTENT PRACTICABLE, PARTNER WITH NONPROFIT ENTITIES AND
15 COMMUNITY-BASED ORGANIZATIONS TO EXPAND THE AVAILABILITY OF,
16 AND STUDENTS' ACCESS TO, SUPPLEMENTAL ONLINE LEARNING RECOVERY
17 COURSES. LOCAL PUBLIC EDUCATION AGENCIES ARE ENCOURAGED TO
18 IDENTIFY THE STUDENTS WHO ARE MOST IN NEED OF LEARNING RECOVERY
19 COURSES AS A RESULT OF THE EFFECTS OF THE COVID-19 PANDEMIC AND
20 TO PRIORITIZE THESE STUDENTS TO RECEIVE SUPPLEMENTAL ONLINE
21 PROGRAMMING TO SUPPORT LEARNING RECOVERY.

22 (b) THE ADMINISTERING BOCES SHALL COMMUNICATE TO ALL
23 LOCAL PUBLIC EDUCATION AGENCIES, AND THE LOCAL PUBLIC EDUCATION
24 AGENCIES SHALL COMMUNICATE TO THE PARENTS OF STUDENTS ENROLLED
25 BY THE LOCAL PUBLIC EDUCATION AGENCIES, THE AVAILABILITY OF
26 SUPPLEMENTAL ONLINE EDUCATION COURSES THROUGH THE
27 ADMINISTERING BOCES, INCLUDING THE AVAILABILITY OF LEARNING

1 RECOVERY COURSES, THE TYPES OF COURSES THAT ARE AVAILABLE FOR
2 LEARNING RECOVERY AND OTHER PURPOSES, THE MANNER IN WHICH
3 STUDENTS MAY ENROLL IN THESE COURSES THROUGH THE LOCAL PUBLIC
4 EDUCATION AGENCY, AND THE BENEFITS TO STUDENTS WHO
5 SUCCESSFULLY COMPLETE THE COURSES. AT A MINIMUM, THE LOCAL
6 PUBLIC EDUCATION AGENCY SHALL PROVIDE THE INFORMATION THROUGH
7 THE DIGITAL MEANS NORMALLY USED FOR COMMUNICATING WITH
8 PARENTS AND SHALL ENSURE, TO THE EXTENT PRACTICABLE, THAT THE
9 INFORMATION IS AVAILABLE IN LANGUAGES THAT STUDENTS' PARENTS
10 UNDERSTAND.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.