A BILL FOR AN ACT
CONCERNING SUSPENDING REQUIRED STATEWIDE ASSESSMENTS FOR
SELECTED GRADE LEVELS FOR THE 2020-21 SCHOOL YEAR.

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 suspends the administration of state assessments, contingent on receiving a waiver of federal law from the federal department of education, for the following instructional areas and grade levels for the 2020-21 school year:

- Science for students enrolled in grades 5, 8, and 11;
- Math for students enrolled in grades 3, 5, and 7; and
English language arts for students enrolled in grades 4, 6, and 8.

For the 2020-21 school year, the bill suspends administration of the social studies assessment for students enrolled in elementary and middle school.

The bill allows the parent of a student enrolled in a grade for which administration of the English language arts or math assessment is suspended to request through the local education provider in which the student is enrolled that the student participate in the English language arts assessment or the math assessment.

The bill prohibits a school district from using student academic growth measures or student performance measures when evaluating licensed personnel for the 2020-21 school year.

The bill requires a school or school district or the state charter school institute to implement the performance plan type that was assigned in the preceding school year. The bill also requires the department of education, in determining the number of school years that a school or school district or the institute is on performance watch or subject to 2-year review, to exclude the plan types for the 2020-21 and 2021-22 school years and count the plan type for the 2022-23 school year as if it were consecutive to the 2019-20 school year.

If required to implement a priority improvement or turnaround plan during the 2020-21 school year on the basis of its plan type for the 2019-20 school year, the bill allows a school or school district or the institute to request a plan type for the 2021-22 school year that reflects its level of attainment based on an alternative body of evidence.

For the 2020-21 and 2021-22 school years, the bill suspends the requirement that the department determine annually the level of attainment for public schools, school districts, the institute, and institute charter schools based on performance indicators.

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

SECTION 1. In Colorado Revised Statutes, 22-7-1006.3, add (11) as follows:

22-7-1006.3. State assessments - administration - rules - repeal. (11) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (1)(a)(I), (1)(a)(II), AND (3)(c) OF THIS SECTION, IF ALLOWED BY FEDERAL LAW OR BY A WAIVER OF FEDERAL LAW RECEIVED FROM THE FEDERAL DEPARTMENT OF EDUCATION PURSUANT TO SUBSECTION (11)(b) OF THIS
SECTION, THE DEPARTMENT OF EDUCATION, FOR THE 2020-21 SCHOOL YEAR, SHALL:

(I) Suspend the administration of the English language arts state assessment required in subsection (1)(a)(I) of this section for students enrolled in grades four, six, and eight; except that the parent of a student enrolled in one of said grades may request through the local education provider in which the student is enrolled that the student participate in the English language arts assessment;

(II) Suspend the administration of the mathematics state assessment required in subsection (1)(a)(I) of this section for students enrolled in grades three, five, and seven; except that the parent of a student enrolled in one of said grades may request through the local education provider in which the student is enrolled that the student participate in the mathematics assessment; and

(III) Suspend the administration of the science state assessment required in subsection (1)(a)(II) of this section.

(b) As soon as practicable, the Department of Education shall submit to the Federal Department of Education a request for a waiver of Federal law as necessary to implement subsection (11)(a) of this section, even if the Federal Department of Education does not invite waivers to suspend the administration of state assessments.

(c) Notwithstanding the provisions of subsections (1)(a)(III) and (3)(c) of this section, the Department of Education shall suspend the administration of the social studies state
ASSESSMENT REQUIRED IN SUBSECTION (1)(a)(III) OF THIS SECTION FOR THE 2020-21 SCHOOL YEAR.

(d) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 2. In Colorado Revised Statutes, 22-9-106, add (9) as follows:


(9) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 9 OR ANY PROVISION OF STATE BOARD RULE THAT IMPLEMENTS THIS ARTICLE 9 TO THE CONTRARY, FOR THE 2020-21 SCHOOL YEAR, EVALUATION RATINGS FOR LICENSED PERSONNEL MUST NOT INCLUDE CONSIDERATION OF STUDENT ACADEMIC GROWTH.Measures OR OTHER STUDENT PERFORMANCE MEASURES.

(b) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 3. In Colorado Revised Statutes, 22-11-204, amend (8) as follows:

22-11-204. Performance indicators - measures - repeal.

(8) (a) Notwithstanding the provisions of this section to the contrary, as a result of the suspension of normal in-person learning in Colorado schools due to the presence of COVID-19 in the state, the department is not required to determine for the 2019-20 school year AND 2020-21 SCHOOL YEARS the level of attainment of each public school, each school district, the institute, and the state as a whole on the performance indicators described in this section.

(b) This subsection (8) is repealed, effective July 1, 2022.

SECTION 4. In Colorado Revised Statutes, 22-7-604.5, add (2.5)(e) as follows:
22-7-604.5. Alternative education campuses - criteria - application - rule-making - definition - repeal.

(2.5) (e) (I) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2.5)(a) OF THIS SECTION, FOR THE 2021-22 SCHOOL YEAR, THE DEPARTMENT SHALL NOT REVIEW THE PERFORMANCE OF EACH ALTERNATIVE EDUCATION CAMPUS BASED ON THE CRITERIA SPECIFIED IN STATE BOARD RULE NOR RECOMMEND TO THE COMMISSIONER OF EDUCATION, AS DESCRIBED IN SECTION 22-11-210, REGARDING WHETHER THE ALTERNATIVE EDUCATION CAMPUS SHALL ADOPT A PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN. FOR THE 2021-22 SCHOOL YEAR, EACH ALTERNATIVE EDUCATION CAMPUS SHALL CONTINUE TO IMPLEMENT THE SCHOOL PLAN TYPE THAT WAS ASSIGNED FOR THE PRECEDING SCHOOL YEAR.

(II) IF REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN DURING THE 2020-21 SCHOOL YEAR ON THE BASIS OF ITS PLAN TYPE FOR THE PRECEDING SCHOOL YEAR, AN ALTERNATIVE EDUCATION CAMPUS MAY REQUEST A PLAN TYPE FOR THE 2021-22 SCHOOL YEAR THAT REFLECTS ITS LEVEL OF ATTAINMENT BASED ON AN ALTERNATIVE BODY OF EVIDENCE AS DESCRIBED IN SECTION 22-11-210 (2.6)(b).

(III) THIS SUBSECTION (2.5)(e) IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 5. In Colorado Revised Statutes, 22-11-207, add (4)(c) as follows:

22-11-207. Accreditation categories - criteria - rules.

(4) (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION OR SECTION 22-11-209 (3.5), THE DEPARTMENT SHALL EXCLUDE
CONSIDERATION OF THE SCHOOL DISTRICT'S OR INSTITUTE'S ACCREDITATION RATING FOR THE 2020-21 AND 2021-22 SCHOOL YEARS FROM CALCULATING CONSECUTIVE YEARS FOR PURPOSES OF SUBSECTION (4)(a) OF THIS SECTION AND SECTION 22-11-209 (3.5) AND SHALL COUNT THE SCHOOL DISTRICT'S OR INSTITUTE'S ACCREDITATION RATING FOR THE 2022-23 SCHOOL YEAR AS IF IT WERE CONSECUTIVE TO THE 2019-20 SCHOOL YEAR.

SECTION 6. In Colorado Revised Statutes, 22-11-208, amend (1.6) as follows:

22-11-208. Accreditation - annual review - supports and interventions - rules. (1.6) (a) Notwithstanding any provision of this article 11 or any provision of state board rule that implements this article 11 to the contrary, for the 2020-21 school year AND 2021-22 SCHOOL YEARS, the department shall not assign accreditation ratings for school districts and the institute. For the 2020-21 school year AND 2021-22 SCHOOL YEARS, each school district and the institute shall continue to implement the plan type for the accreditation rating assigned for the preceding school year.

(b) (I) Notwithstanding the provisions of subsection (1.6)(a) of this section, if required to implement a priority improvement or turnaround plan during the 2020-21 SCHOOL YEAR ON THE BASIS OF ITS ACCREDITATION RATING FOR THE 2019-20 SCHOOL YEAR, A SCHOOL DISTRICT OR THE INSTITUTE MAY SUBMIT A REQUEST TO THE DEPARTMENT FOR AN ACCREDITATION RATING AND PLAN TYPE FOR THE 2021-22 SCHOOL YEAR THAT REFLECTS ITS LEVEL OF ATTAINMENT BASED ON AN ALTERNATIVE BODY OF EVIDENCE, WHICH MAY INCLUDE STATE AND LOCAL ASSESSMENT DATA. THE STATE BOARD MAY

-6- HB21-1161
PROMULGATE RULES FOR IMPLEMENTING THIS SUBSECTION (1.6)(b), INCLUDING BUT NOT LIMITED TO:

(A) THE TIME FRAMES AND PROCESS FOR A SCHOOL DISTRICT OR THE INSTITUTE TO MAKE A REQUEST TO THE DEPARTMENT;

(B) THE STANDARDS TO DETERMINE WHETHER A REQUEST WILL BE GRANTED, INCLUDING THE MINIMUM STANDARDS THAT MUST BE ADDRESSED BY THE ALTERNATIVE BODY OF EVIDENCE;

(C) INPUT FROM THE STATE REVIEW PANEL;

(D) THE CONTENT OF THE ACCREDITATION CONTRACTS AND PLANS BASED UPON THE STATE BOARD'S DETERMINATION OF WHETHER TO ASSIGN A HIGHER ACCREDITATION RATING; AND

(E) THE PROVISION OF ADDITIONAL SUPPORTS AND GRANTS NECESSARY TO IMPLEMENT THIS SUBSECTION (1.6)(b)(I).

(II) A CHANGE IN A SCHOOL DISTRICT'S OR THE INSTITUTE'S ACCREDITATION RATING FOR THE 2021-22 SCHOOL YEAR PURSUANT TO SUBSECTION (1.6)(b)(I) OF THIS SECTION DOES NOT AFFECT THE TIME-BASED CALCULATIONS REQUIRED IN SECTIONS 22-11-207 (4)(a) AND 22-11-209 (3.5).

SECTION 7. In Colorado Revised Statutes, 22-11-210, amend (2.6); and add (1)(d)(III) as follows:

SCHOOL YEAR AS IF IT WERE CONSECUTIVE TO THE 2019-20 SCHOOL YEAR.

(2.6) (a) Notwithstanding any provision of this article 11 or any provision of state board rule that implements this article 11 to the contrary, for the 2020-21 school year AND 2021-22 SCHOOL YEARS, the department shall not recommend to the state board school plan types. For the 2020-21 school year AND 2021-22 SCHOOL YEARS, each public school shall continue to implement the school plan type that was assigned for the preceding school year.

(b) (I) Notwithstanding the provisions of subsection (2.6)(a) of this section, if a public school is required to implement a priority improvement or turnaround plan during the 2020-21 school year on the basis of its 2019-20 plan type, the school district, for a school of the school district, or the institute, for an institute charter school, may submit a request to the department for a plan type for the 2021-22 school year that reflects its level of attainment based on an alternative body of evidence, which may include state and local assessment data. The state board may promulgate rules for implementing this subsection (2.6)(b), including but not limited to:

(A) The time frames and process for a school district or the institute to make a request to the department;

(B) The standards to determine whether a request will be granted, including the minimum standards that must be addressed by the alternative body of evidence;

(C) Input from the state review panel;

(D) The content of the accreditation contracts and plans based upon the state board's determination of whether to assign
A DIFFERENT PLAN TYPE; AND

(E) THE PROVISION OF ADDITIONAL SUPPORTS AND GRANTS NECESSARY TO IMPLEMENT THIS SUBSECTION (2.6)(b)(I).

(II) A CHANGE IN A PUBLIC SCHOOL'S PLAN TYPE FOR THE 2021-22 SCHOOL YEAR PURSUANT TO SUBSECTION (2.6)(b)(I) OF THIS SECTION DOES NOT AFFECT THE TIME-BASED CALCULATIONS REQUIRED IN SUBSECTIONS (1)(d)(I) AND (5.5) OF THIS SECTION.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.