HOUSE BILL 21-1161

A BILL FOR AN ACT

CONCERNING SUSPENDING REQUIRED STATEWIDE ASSESSMENTS FOR SELECTED GRADE LEVELS FOR THE 2020-21 SCHOOL YEAR, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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.

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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:

22-9-106. Local boards of education - duties - performance 
evaluation system - compliance - rules - repeal.
(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 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:

SECTION AND SHALL COUNT THE SCHOOL'S PLAN TYPE FOR THE 2022-23 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. Appropriation to the department of education for the fiscal year beginning July 1, 2020.** In Session Laws of Colorado 2020, section 2 of chapter 326, (HB 20-1360), *amend* Part III (1)(C) and the affected totals, as the affected totals are amended by section 4 of SB 21-053, as follows:

Section 2. Appropriation.

### PART III

**DEPARTMENT OF EDUCATION**

#### (1) MANAGEMENT AND ADMINISTRATION

##### (C) Assessments and Data Analyses

- **Statewide Assessment**
  - Program: $32,550,495
  - Assessments and Data Analyses
    - Longitudinal Analyses of Student Assessment Results: $765,973, 467,973, 298,000
    - (4.1 FTE)
  - Federal Funds: 7,186,635, 5,0 FTE
  - 7,186,635 (1)

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\(^a\) This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

\(^b\) Of this amount, $6,921,362 contains an (I) notation.

\(^c\) Of this amount, $20,100,000 contains an (I) notation.

\(^d\) This amount contains an (I) notation.
SECTION 9. 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.