

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0544.02 Brita Darling x2241

HOUSE BILL 18-1222

---

HOUSE SPONSORSHIP

Becker J.,

SENATE SPONSORSHIP

(None),

---

House Committees

Education

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING THE SYSTEMATIC REVIEW OF EDUCATION PROGRAMS  
102 ENACTED BY THE GENERAL ASSEMBLY FOR THE PRESCHOOL  
103 THROUGH SECONDARY PUBLIC EDUCATION SYSTEM.

---

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 requires the state auditor, in consultation with the commissioner of education (commissioner), to establish a process for the systematic review by the state auditor of education programs enacted by the legislature and implemented over a number of years (program review) and to determine a schedule of program reviews. The state auditor shall

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.

present the program review process and annual schedule of education programs to be reviewed to the state board of education.

The bill includes criteria that the state auditor, in consultation with the commissioner, shall consider in developing the program review process. Once designed, the state auditor shall conduct program reviews, considering review criteria specified in the bill.

The state auditor shall submit its report to the education committees of the general assembly and shall present a program review, if requested. The program review shall be posted on the office of the state auditor's website and the department of education's website.

The state auditor is authorized to request information and data relating to the program review from local education providers.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-3-125 as  
3 follows:

4 **2-3-125. Review of education programs - process - reports -**  
5 **legislative declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY  
6 FINDS THAT:

7 (I) THE OFFICE OF THE STATE AUDITOR FUNCTIONS AS A  
8 NONPARTISAN RESOURCE TO THE GENERAL ASSEMBLY FOR PURPOSES OF  
9 PROVIDING OBJECTIVE ASSESSMENTS OF THE OPERATION AND  
10 IMPLEMENTATION OF STATE PROGRAMS;

11 (II) OVER THE PAST FIFTEEN YEARS, THE GENERAL ASSEMBLY HAS  
12 ENACTED SEVERAL EDUCATION PROGRAMS THAT WERE INTENDED TO  
13 POSITIVELY IMPACT EDUCATIONAL PERFORMANCE AND STUDENT  
14 OUTCOMES FOR ALL STUDENTS IN COLORADO'S PUBLIC SCHOOLS;

15 (III) THESE EDUCATION PROGRAMS REQUIRE SIGNIFICANT STATE  
16 FUNDING AND BURDEN THE TIME AND FINANCIAL RESOURCES OF LOCAL  
17 SCHOOL DISTRICTS AND THE DEPARTMENT OF EDUCATION;

18 (IV) IN SOME CASES, NEW EDUCATION PROGRAMS ARE LAYERED  
19 ON TOP OF EXISTING STATUTORY DUTIES WHOSE CONTINUED

1 IMPLEMENTATION MAY BE INEFFICIENT AND WASTEFUL BOTH OF  
2 ADMINISTRATIVE RESOURCES AND INSTRUCTIONAL TIME;

3 (V) WHILE THE GENERAL ASSEMBLY ANNUALLY APPROPRIATES  
4 MONEY TO THE DEPARTMENT OF EDUCATION TO ADMINISTER A MULTITUDE  
5 OF EDUCATION PROGRAMS THAT IMPACT THE LIVES OF HUNDREDS OF  
6 THOUSANDS OF STUDENTS AND EDUCATORS IN COLORADO, THERE IS NO  
7 PERIODIC PERFORMANCE REVIEW OF EITHER THE EDUCATION PROGRAMS  
8 OR THEIR IMPLEMENTATION AT THE STATE OR LOCAL LEVEL;

9 (VI) SYSTEMATIC STATE AUDITS OF MAJOR EDUCATION PROGRAMS  
10 WITHIN THE DEPARTMENT OF EDUCATION WOULD ENHANCE THE ABILITY  
11 OF THE GENERAL ASSEMBLY TO MAKE INFORMED DECISIONS REGARDING  
12 FUTURE EDUCATION POLICY AND LEGISLATION; AND

13 (VII) A PERFORMANCE AUDIT OF EDUCATION PROGRAMS SHOULD  
14 FOCUS ON COST EFFICIENCY, THE ACHIEVEMENT OF LEGISLATIVE INTENT,  
15 IMPROVING THE EFFECTIVENESS OF EDUCATION PROGRAMS, ENSURING  
16 TRANSPARENCY IN GOVERNMENT, AND ASSESSING WHETHER THESE  
17 PROGRAMS NEED TO BE REVISED OVER TIME TO MEET THE CHANGING  
18 NEEDS OF COLORADO STUDENTS.

19 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT A  
20 SYSTEMATIC REVIEW OF EDUCATION PROGRAMS ENACTED BY THE  
21 GENERAL ASSEMBLY PROVIDES THE GENERAL ASSEMBLY WITH A TOOL TO  
22 EVALUATE WHETHER THE PROGRAMS AND THEIR IMPLEMENTATION  
23 CONTINUE TO SERVE THE NEEDS OF COLORADO'S PUBLIC PRESCHOOL  
24 THROUGH SECONDARY SCHOOL STUDENTS.

25 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
26 REQUIRES:

27 (a) "COMMISSIONER OF EDUCATION" MEANS THE OFFICE OF THE

1 COMMISSIONER OF EDUCATION CREATED AND EXISTING PURSUANT TO  
2 SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

3 (b) "DEPARTMENT OF EDUCATION" MEANS THE DEPARTMENT OF  
4 EDUCATION CREATED IN SECTION 24-1-115.

5 (c) "EDUCATION PROGRAM" MEANS AN EDUCATION PROGRAM OR  
6 POLICY ENACTED BY THE GENERAL ASSEMBLY THAT HAS BEEN  
7 IMPLEMENTED FOR AT LEAST SIX YEARS FOLLOWING ITS EFFECTIVE DATE.  
8 "EDUCATION PROGRAM" DOES NOT INCLUDE AN EDUCATION PROGRAM OR  
9 POLICY ENACTED IN RESPONSE TO FEDERAL LAW AND FOR WHICH FEDERAL  
10 LAW DICTATES THE MANNER IN WHICH THE PROGRAM OR POLICY IS  
11 IMPLEMENTED.

12 (d) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT; A  
13 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART  
14 1 OF ARTICLE 30.5 OF THIS TITLE 22; THE STATE CHARTER SCHOOL  
15 INSTITUTE; A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER  
16 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE  
17 22; A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING  
18 PURSUANT TO ARTICLE 5 OF THIS TITLE 22; OR AN ENTITY CONTRACTED  
19 WITH A LOCAL EDUCATION PROVIDER TO ADMINISTER OR IMPLEMENT AN  
20 EDUCATION PROGRAM BEING REVIEWED PURSUANT TO THIS SECTION.

21 (e) "PROGRAM REVIEW" MEANS AN ANALYSIS AND EVALUATION OF  
22 AN EDUCATION PROGRAM TO DETERMINE WHETHER THE PROGRAM IS  
23 MEETING THE OBJECTIVES AND INTENDED OUTCOMES OF THE EDUCATION  
24 PROGRAM AS ENACTED BY THE GENERAL ASSEMBLY AND MAY INCLUDE A  
25 PERFORMANCE AND FISCAL AUDIT OF THE PROGRAM.

26 (f) "STATE AUDITOR" MEANS THE STATE AUDITOR OR HIS OR HER  
27 DESIGNEE.

1 (g) "STATE BOARD OF EDUCATION" MEANS THE STATE BOARD OF  
2 EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE  
3 IX OF THE STATE CONSTITUTION.

4 (3) ON OR BEFORE JANUARY 1, 2019, THE STATE AUDITOR, IN  
5 CONSULTATION WITH THE COMMISSIONER OF EDUCATION, SHALL DESIGN  
6 A PROGRAM REVIEW PROCESS FOR THE SYSTEMATIC REVIEW OF EDUCATION  
7 PROGRAMS ENACTED BY THE GENERAL ASSEMBLY AND IMPLEMENTED FOR  
8 AT LEAST SIX YEARS AND SHALL PRESENT THE PROGRAM REVIEW PROCESS  
9 TO THE STATE BOARD OF EDUCATION.

10 (4) (a) ON OR BEFORE A DATE SPECIFIED IN THE PROGRAM REVIEW  
11 PROCESS, THE STATE AUDITOR SHALL PRESENT TO THE STATE BOARD OF  
12 EDUCATION A SCHEDULE OF PROGRAM REVIEWS FOR THE UPCOMING  
13 PROGRAM REVIEW CYCLE, INCLUDING THE SCOPE OF THE PROGRAM  
14 REVIEWS.

15 (b) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE AUDITOR  
16 SHALL ANNUALLY CONDUCT OR CAUSE TO BE CONDUCTED PROGRAM  
17 REVIEWS IN ACCORDANCE WITH THE PROGRAM REVIEW PROCESS AND  
18 SHALL PREPARE AND SUBMIT A REPORT OF ITS FINDINGS AND  
19 RECOMMENDATIONS AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

20 (5) ONCE THE STATE AUDITOR'S REPORT IS RELEASED BY THE  
21 LEGISLATIVE AUDIT COMMITTEE PURSUANT TO SECTION 2-3-103 (2), AND,  
22 NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (9), THE STATE  
23 AUDITOR SHALL DELIVER A COPY OF ITS REPORT CONCERNING EACH  
24 COMPLETED PROGRAM REVIEW TO THE EDUCATION COMMITTEES OF THE  
25 HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR ANY SUCCESSOR  
26 COMMITTEES, AND SHALL POST THE REPORT ON THE OFFICE OF THE STATE  
27 AUDITOR'S WEBSITE. THE COMMISSIONER OF EDUCATION SHALL ALSO POST

1 THE REPORT ON THE DEPARTMENT OF EDUCATION'S WEBSITE. IF  
2 REQUESTED BY A COMMITTEE OF THE GENERAL ASSEMBLY, THE STATE  
3 AUDITOR SHALL PRESENT ITS REPORT TO THE REQUESTING COMMITTEE.  
4 THE DEPARTMENT OF EDUCATION SHALL PRESENT THE PROGRAM REVIEW  
5 PROCESS AND THE LIST OF PROGRAM REVIEWS FOR THE UPCOMING  
6 CALENDAR YEAR TO THE JOINT EDUCATION COMMITTEE OF THE HOUSE OF  
7 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEE, AT  
8 ITS MEETING THAT IS HELD EACH YEAR DURING THE INTERIM PRIOR TO THE  
9 LEGISLATIVE SESSION, AS REQUIRED PURSUANT TO SECTION 2-7-203.

10 (6) IN DESIGNING THE PROGRAM REVIEW PROCESS, THE STATE  
11 AUDITOR, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION,  
12 SHALL CONSIDER, AT A MINIMUM:

13 (a) THE ESTIMATED LENGTH OF TIME TO COMPLETION OF A  
14 PROGRAM REVIEW;

15 (b) THE SCOPE OF THE PROGRAM REVIEW AND WHETHER DIFFERING  
16 LEVELS OF REVIEW SHOULD BE ESTABLISHED BASED UPON THE NATURE,  
17 SIZE, OR COST OF THE EDUCATION PROGRAM;

18 (c) STAFF TIME AND RESOURCES OF THE STATE AUDITOR'S OFFICE  
19 AND THE DEPARTMENT OF EDUCATION THAT MAY BE REQUIRED TO  
20 IMPLEMENT THE PROGRAM REVIEW PROCESS;

21 (d) THE NECESSARY EVALUATOR EXPERTISE AND EVALUATION  
22 METHODOLOGY APPROPRIATE FOR THE REVIEW OF EDUCATION PROGRAMS;

23 (e) THE COLLECTION, MANAGEMENT, AND STORAGE OF DATA  
24 NECESSARY FOR PROGRAM REVIEWS INCLUDING THE PROCESS FOR  
25 ENSURING COMPLIANCE WITH ALL STATE AND FEDERAL LAWS RELATING TO  
26 EDUCATION DATA AND RECORDS, AS WELL AS CONSIDERATION OF THE  
27 STATE AND LOCAL RESOURCES REQUIRED TO PRODUCE AND TRANSMIT

1 REQUESTED DATA; AND

2 (f) MINIMIZING THE IMPACT OF A PROGRAM REVIEW PROCESS ON  
3 EDUCATION PROVIDERS, ADMINISTRATORS, AND EDUCATOR  
4 INSTRUCTIONAL TIME AND RESOURCES.

5 (7) AT A MINIMUM, A PROGRAM REVIEW CONDUCTED BY THE  
6 STATE AUDITOR MUST:

7 (a) EVALUATE THE EDUCATION PROGRAM'S EFFECTIVENESS IN  
8 MEETING THE STATED GOALS OF THE PROGRAM AND DESCRIBE HOW  
9 EFFECTIVENESS WAS MEASURED;

10 (b) DESCRIBE AND EVALUATE EXPECTED AND ACTUAL EDUCATION  
11 PROGRAM OUTCOMES, INCLUDING UNEXPECTED OR UNINTENDED  
12 OUTCOMES, IF ANY;

13 (c) EVALUATE THE EDUCATION PROGRAM'S IMPACT ON STUDENT  
14 OR SCHOOL DISTRICT PERFORMANCE MEASURES;

15 (d) EVALUATE THE COST TO SCHOOL DISTRICTS OR LOCAL  
16 EDUCATION PROVIDERS AND TO THE DEPARTMENT OF EDUCATION OR  
17 OTHER STATE AGENCIES IN IMPLEMENTING THE EDUCATION PROGRAM;

18 (e) EVALUATE THE IMPACT OF THE EDUCATION PROGRAM ON  
19 INSTRUCTIONAL TIME AND THE CLASSROOM SETTING;

20 (f) EVALUATE THE IMPACT OF THE EDUCATION PROGRAM ON  
21 PARENT AND COMMUNITY ENGAGEMENT; AND

22 (g) INCLUDE RECOMMENDATIONS RELATING TO INCREASING  
23 EFFICIENCY IN THE DESIGN AND IMPLEMENTATION OF THE EDUCATION  
24 PROGRAM AND FOR INCREASING PROGRAM EFFECTIVENESS IN ACHIEVING  
25 STATED GOALS AND OUTCOMES.

26 (8) IN DETERMINING THE SCHEDULE AND SCOPE OF UPCOMING  
27 PROGRAM REVIEWS, THE STATE AUDITOR, IN CONSULTATION WITH THE

1 COMMISSIONER OF EDUCATION, MAY CONSIDER THE FOLLOWING FACTORS:

2 (a) THE SUBJECT OR PURPOSE OF THE EDUCATION PROGRAMS AND  
3 THE BENEFIT OF REVIEWING EDUCATION PROGRAMS IN CONTEXT WITH  
4 OTHER EDUCATION PROGRAMS ENACTED TO MEET THE SAME GOALS OR  
5 ACHIEVE THE SAME OUTCOMES;

6 (b) THE ENTITY OR ENTITIES ADMINISTERING THE EDUCATION  
7 PROGRAM;

8 (c) THE STATE COSTS ASSOCIATED WITH IMPLEMENTING THE  
9 EDUCATION PROGRAM;

10 (d) THE LENGTH OF TIME THE EDUCATION PROGRAM HAS BEEN  
11 IMPLEMENTED, AND WHETHER THERE ARE EXISTING EVALUATIONS OF THE  
12 EDUCATION PROGRAM;

13 (e) THE DATA AND INFORMATION NECESSARY FOR THE PROGRAM  
14 REVIEW, WHETHER QUALITY DATA EXISTS OR WOULD NEED TO BE  
15 COLLECTED, AND THE DESIRE TO MINIMIZE THE TIME AND RESOURCE  
16 IMPACT ON EDUCATORS AND ADMINISTRATORS RELATING TO DATA  
17 COLLECTION AND TRANSMISSION;

18 (f) THE IMPACT OF THE IMPLEMENTATION OF THE EDUCATION  
19 PROGRAM ON EDUCATOR TIME AND RESOURCES AND CLASSROOM SETTING;

20 AND

21 (g) THE OVERALL IMPORTANCE OF THE EDUCATION PROGRAM AND  
22 THE IMPACT ON STUDENT LEARNING IF THE EDUCATION PROGRAM IS NOT  
23 ACHIEVING THE PROGRAM'S GOALS OR EXPECTED OUTCOMES.

24 (9) A LOCAL EDUCATION PROVIDER MUST PROVIDE ANY  
25 REQUESTED INFORMATION, ANALYSIS, OR DATA, IF AVAILABLE AND UNDER  
26 THE CONTROL OF THE LOCAL EDUCATION PROVIDER, AS REQUESTED BY THE  
27 STATE AUDITOR. IF THE REQUEST INCLUDES CONFIDENTIAL INFORMATION,



1 THE INFORMATION MUST REMAIN CONFIDENTIAL IN THE POSSESSION OF  
2 THE STATE AUDITOR.

3 **SECTION 2.** In Colorado Revised Statutes, 22-2-112, **add** (1)(t)  
4 as follows:

5 **22-2-112. Commissioner - duties.** (1) Subject to the supervision  
6 of the state board, the commissioner has the following duties:

7 (t) TO CONSULT WITH THE STATE AUDITOR CONCERNING THE  
8 PROGRAM REVIEW PROCESS AND THE SCHEDULE OF EDUCATION PROGRAMS  
9 TO BE REVIEWED BY THE STATE AUDITOR PURSUANT TO SECTION 2-3-125.

10 **SECTION 3. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2018 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.