

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

**INTRODUCED**

LLS NO. 21-0838.01 Alana Rosen x2606

**HOUSE BILL 21-1161**

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**A BILL FOR AN ACT**

101      **CONCERNING SUSPENDING REQUIRED STATEWIDE ASSESSMENTS FOR**  
102      **SELECTED GRADE LEVELS FOR THE 2020-21 SCHOOL YEAR.**

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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 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

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.*

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

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

4           **22-7-1006.3. State assessments - administration - rules -**  
5 **repeal.** (11) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS  
6 (1)(a)(I), (1)(a)(II), AND (3)(c) OF THIS SECTION, IF ALLOWED BY FEDERAL  
7 LAW OR BY A WAIVER OF FEDERAL LAW RECEIVED FROM THE FEDERAL  
8 DEPARTMENT OF EDUCATION PURSUANT TO SUBSECTION (11)(b) OF THIS

1 SECTION, THE DEPARTMENT OF EDUCATION, FOR THE 2020-21 SCHOOL  
2 YEAR, SHALL:

3 (I) SUSPEND THE ADMINISTRATION OF THE ENGLISH LANGUAGE  
4 ARTS STATE ASSESSMENT REQUIRED IN SUBSECTION (1)(a)(I) OF THIS  
5 SECTION FOR STUDENTS ENROLLED IN GRADES FOUR, SIX, AND EIGHT;  
6 EXCEPT THAT THE PARENT OF A STUDENT ENROLLED IN ONE OF SAID  
7 GRADES MAY REQUEST THROUGH THE LOCAL EDUCATION PROVIDER IN  
8 WHICH THE STUDENT IS ENROLLED THAT THE STUDENT PARTICIPATE IN THE  
9 ENGLISH LANGUAGE ARTS ASSESSMENT;

10 (II) SUSPEND THE ADMINISTRATION OF THE MATHEMATICS STATE  
11 ASSESSMENT REQUIRED IN SUBSECTION (1)(a)(I) OF THIS SECTION FOR  
12 STUDENTS ENROLLED IN GRADES THREE, FIVE, AND SEVEN; EXCEPT THAT  
13 THE PARENT OF A STUDENT ENROLLED IN ONE OF SAID GRADES MAY  
14 REQUEST THROUGH THE LOCAL EDUCATION PROVIDER IN WHICH THE  
15 STUDENT IS ENROLLED THAT THE STUDENT PARTICIPATE IN THE  
16 MATHEMATICS ASSESSMENT; AND

17 (III) SUSPEND THE ADMINISTRATION OF THE SCIENCE STATE  
18 ASSESSMENT REQUIRED IN SUBSECTION (1)(a)(II) OF THIS SECTION.

19 (b) AS SOON AS PRACTICABLE, THE DEPARTMENT OF EDUCATION  
20 SHALL SUBMIT TO THE FEDERAL DEPARTMENT OF EDUCATION A REQUEST  
21 FOR A WAIVER OF FEDERAL LAW AS NECESSARY TO IMPLEMENT  
22 SUBSECTION (11)(a) OF THIS SECTION, EVEN IF THE FEDERAL DEPARTMENT  
23 OF EDUCATION DOES NOT INVITE WAIVERS TO SUSPEND THE  
24 ADMINISTRATION OF STATE ASSESSMENTS.

25 (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS  
26 (1)(a)(III) AND (3)(c) OF THIS SECTION, THE DEPARTMENT OF EDUCATION  
27 SHALL SUSPEND THE ADMINISTRATION OF THE SOCIAL STUDIES STATE

1 ASSESSMENT REQUIRED IN SUBSECTION (1)(a)(III) OF THIS SECTION FOR  
2 THE 2020-21 SCHOOL YEAR.

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

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

6 **22-9-106. Local boards of education - duties - performance**  
7 **evaluation system - compliance - rules - repeal.**

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

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

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

17 **22-11-204. Performance indicators - measures - repeal.**

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

25 (b) This subsection (8) is repealed, effective July 1, ~~2021~~ 2022.

26 **SECTION 4.** In Colorado Revised Statutes, 22-7-604.5, **add**  
27 (2.5)(e) as follows:



1 CONSIDERATION OF THE SCHOOL DISTRICT'S OR INSTITUTE'S  
2 ACCREDITATION RATING FOR THE 2020-21 AND 2021-22 SCHOOL YEARS  
3 FROM CALCULATING CONSECUTIVE YEARS FOR PURPOSES OF SUBSECTION  
4 (4)(a) OF THIS SECTION AND SECTION 22-11-209 (3.5) AND SHALL COUNT  
5 THE SCHOOL DISTRICT'S OR INSTITUTE'S ACCREDITATION RATING FOR THE  
6 2022-23 SCHOOL YEAR AS IF IT WERE CONSECUTIVE TO THE 2019-20  
7 SCHOOL YEAR.

8 **SECTION 6.** In Colorado Revised Statutes, 22-11-208, **amend**  
9 (1.6) as follows:

10 **22-11-208. Accreditation - annual review - supports and**  
11 **interventions - rules.** (1.6) (a) Notwithstanding any provision of this  
12 article 11 or any provision of state board rule that implements this article  
13 11 to the contrary, for the 2020-21 ~~school year~~ AND 2021-22 SCHOOL  
14 YEARS, the department shall not assign accreditation ratings for school  
15 districts and the institute. For the 2020-21 ~~school year~~ AND 2021-22  
16 SCHOOL YEARS, each school district and the institute shall continue to  
17 implement the plan type for the accreditation rating assigned for the  
18 preceding school year.

19 (b) (I) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION  
20 (1.6)(a) OF THIS SECTION, IF REQUIRED TO IMPLEMENT A PRIORITY  
21 IMPROVEMENT OR TURNAROUND PLAN DURING THE 2020-21 SCHOOL YEAR  
22 ON THE BASIS OF ITS ACCREDITATION RATING FOR THE 2019-20 SCHOOL  
23 YEAR, A SCHOOL DISTRICT OR THE INSTITUTE MAY SUBMIT A REQUEST TO  
24 THE DEPARTMENT FOR AN ACCREDITATION RATING AND PLAN TYPE FOR  
25 THE 2021-22 SCHOOL YEAR THAT REFLECTS ITS LEVEL OF ATTAINMENT  
26 BASED ON AN ALTERNATIVE BODY OF EVIDENCE, WHICH MAY INCLUDE  
27 STATE AND LOCAL ASSESSMENT DATA. THE STATE BOARD MAY

1 PROMULGATE RULES FOR IMPLEMENTING THIS SUBSECTION (1.6)(b),  
2 INCLUDING BUT NOT LIMITED TO:

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

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

8 (C) INPUT FROM THE STATE REVIEW PANEL;

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

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

14 (II) A CHANGE IN A SCHOOL DISTRICT'S OR THE INSTITUTE'S  
15 ACCREDITATION RATING FOR THE 2021-22 SCHOOL YEAR PURSUANT TO  
16 SUBSECTION (1.6)(b)(I) OF THIS SECTION DOES NOT AFFECT THE  
17 TIME-BASED CALCULATIONS REQUIRED IN SECTIONS 22-11-207 (4)(a) AND  
18 22-11-209 (3.5).

19 **SECTION 7.** In Colorado Revised Statutes, 22-11-210, **amend**  
20 (2.6); and **add** (1)(d)(III) as follows:

21 **22-11-210. Public schools - annual review - plans - supports**  
22 **and interventions - rules.** (1) (d) (III) NOTWITHSTANDING THE  
23 PROVISIONS OF SUBSECTION (1)(d)(I) OF THIS SECTION, THE DEPARTMENT  
24 SHALL EXCLUDE THE CONSIDERATION OF THE SCHOOL'S PLAN TYPE  
25 ASSIGNED FOR THE 2020-21 AND 2021-22 SCHOOL YEARS FROM THE  
26 CALCULATIONS REQUIRED IN SUBSECTIONS (1)(d)(I) AND (5.5) OF THIS  
27 SECTION AND SHALL COUNT THE SCHOOL'S PLAN TYPE FOR THE 2022-23

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

2 (2.6) (a) Notwithstanding any provision of this article 11 or any  
3 provision of state board rule that implements this article 11 to the  
4 contrary, for the 2020-21 ~~school year~~ AND 2021-22 SCHOOL YEARS, the  
5 department shall not recommend to the state board school plan types. For  
6 the 2020-21 ~~school year~~ AND 2021-22 SCHOOL YEARS, each public school  
7 shall continue to implement the school plan type that was assigned for the  
8 preceding school year.

9 (b) (I) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION  
10 (2.6)(a) OF THIS SECTION, IF A PUBLIC SCHOOL IS REQUIRED TO IMPLEMENT  
11 A PRIORITY IMPROVEMENT OR TURNAROUND PLAN DURING THE 2020-21  
12 SCHOOL YEAR ON THE BASIS OF ITS 2019-20 PLAN TYPE, THE SCHOOL  
13 DISTRICT, FOR A SCHOOL OF THE SCHOOL DISTRICT, OR THE INSTITUTE, FOR  
14 AN INSTITUTE CHARTER SCHOOL, MAY SUBMIT A REQUEST TO THE  
15 DEPARTMENT FOR A PLAN TYPE FOR THE 2021-22 SCHOOL YEAR THAT  
16 REFLECTS ITS LEVEL OF ATTAINMENT BASED ON AN ALTERNATIVE BODY OF  
17 EVIDENCE, WHICH MAY INCLUDE STATE AND LOCAL ASSESSMENT DATA..  
18 THE STATE BOARD MAY PROMULGATE RULES FOR IMPLEMENTING THIS  
19 SUBSECTION (2.6)(b), INCLUDING BUT NOT LIMITED TO:

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

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

25 (C) INPUT FROM THE STATE REVIEW PANEL;

26 (D) THE CONTENT OF THE ACCREDITATION CONTRACTS AND PLANS  
27 BASED UPON THE STATE BOARD'S DETERMINATION OF WHETHER TO ASSIGN



1 A DIFFERENT PLAN TYPE; AND

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

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

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