

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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, AND,**
103 **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;

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
Amended 2nd Reading
March 8, 2021

- 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.

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

1 DEPARTMENT OF EDUCATION PURSUANT TO SUBSECTION (11)(b) OF THIS
2 SECTION, THE DEPARTMENT OF EDUCATION, FOR THE 2020-21 SCHOOL
3 YEAR, SHALL:

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

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

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

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

26 (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS
27 (1)(a)(III) AND (3)(c) OF THIS SECTION, THE DEPARTMENT OF EDUCATION

1 SHALL SUSPEND THE ADMINISTRATION OF THE SOCIAL STUDIES STATE
2 ASSESSMENT REQUIRED IN SUBSECTION (1)(a)(III) OF THIS SECTION FOR
3 THE 2020-21 SCHOOL YEAR.

4 (d) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JULY 1, 2022.

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

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

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

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

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

18 **22-11-204. Performance indicators - measures - repeal.**

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

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

27 **SECTION 4.** In Colorado Revised Statutes, 22-7-604.5, **add**

1 (2.5)(e) as follows:

2 **22-7-604.5. Alternative education campuses - criteria -**
3 **application - rule-making - definition - repeal.**

4 (2.5) (e) (I) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2.5)(a)
5 OF THIS SECTION, FOR THE 2021-22 SCHOOL YEAR, THE DEPARTMENT
6 SHALL NOT REVIEW THE PERFORMANCE OF EACH ALTERNATIVE EDUCATION
7 CAMPUS BASED ON THE CRITERIA SPECIFIED IN STATE BOARD RULE NOR
8 RECOMMEND TO THE COMMISSIONER OF EDUCATION, AS DESCRIBED IN
9 SECTION 22-11-210, REGARDING WHETHER THE ALTERNATIVE EDUCATION
10 CAMPUS SHALL ADOPT A PERFORMANCE, IMPROVEMENT, PRIORITY
11 IMPROVEMENT, OR TURNAROUND PLAN. FOR THE 2021-22 SCHOOL YEAR,
12 EACH ALTERNATIVE EDUCATION CAMPUS SHALL CONTINUE TO IMPLEMENT
13 THE SCHOOL PLAN TYPE THAT WAS ASSIGNED FOR THE PRECEDING SCHOOL
14 YEAR.

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

22 (III) THIS SUBSECTION (2.5)(e) IS REPEALED, EFFECTIVE JULY 1,
23 2022.

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

26 **22-11-207. Accreditation categories - criteria - rules.**

27 (4)(c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(a) OF THIS

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

9 **SECTION 6.** In Colorado Revised Statutes, 22-11-208, **amend**
10 (1.6) as follows:

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

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

1 STATE AND LOCAL ASSESSMENT DATA. THE STATE BOARD MAY
2 PROMULGATE RULES FOR IMPLEMENTING THIS SUBSECTION (1.6)(b),
3 INCLUDING BUT NOT LIMITED TO:

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

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

9 (C) INPUT FROM THE STATE REVIEW PANEL;

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

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

15 (II) A CHANGE IN A SCHOOL DISTRICT'S OR THE INSTITUTE'S
16 ACCREDITATION RATING FOR THE 2021-22 SCHOOL YEAR PURSUANT TO
17 SUBSECTION (1.6)(b)(I) OF THIS SECTION DOES NOT AFFECT THE
18 TIME-BASED CALCULATIONS REQUIRED IN SECTIONS 22-11-207 (4)(a) AND
19 22-11-209 (3.5).

20 **SECTION 7.** In Colorado Revised Statutes, 22-11-210, **amend**
21 (2.6); and **add** (1)(d)(III) as follows:

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

1 SECTION AND SHALL COUNT THE SCHOOL'S PLAN TYPE FOR THE 2022-23
2 SCHOOL YEAR AS IF IT WERE CONSECUTIVE TO THE 2019-20 SCHOOL YEAR.

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

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

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

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

26 (C) INPUT FROM THE STATE REVIEW PANEL;

27 (D) THE CONTENT OF THE ACCREDITATION CONTRACTS AND PLANS

1 BASED UPON THE STATE BOARD'S DETERMINATION OF WHETHER TO ASSIGN
2 A DIFFERENT PLAN TYPE; AND

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

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

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

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	33,300,495			26,113,860 ^d		7,186,635(I) ^o
	32,550,495			25,363,860 ^d		
				(5.0 FTE)		(12.5 FTE)
Longitudinal Analyses of						
Student Assessment Results	765,973		467,973	298,000 ^d		
			(4.1 FTE)			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Basic Skills Placement or						
2	Assessment Tests	50,000			50,000 ^d		
3	Preschool to Postsecondary						
4	Education Alignment	672,672	37,309		635,363 ^d		
5			(0.5 FTE)		(3.5 FTE)		
6	Educator Effectiveness						
7	Unit Administration	2,011,257	1,874,519		136,738 ^d		
8			(11.5 FTE)		(1.0 FTE)		
9	Accountability and						
10	Improvement Planning	1,784,651	1,234,319				550,332(I)
11			(4.6 FTE)				(6.8 FTE)
12		<u>38,585,048</u>					
13		37,835,048					
14							
15							

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	TOTALS PART III						
2	(EDUCATION)	\$6,369,290,636	\$4,609,072,951	\$84,491,394 ^a	\$1,015,987,081 ^b	\$40,151,896 ^c	\$619,587,314 ^d
3		<u>\$6,368,540,636</u>			<u>\$1,015,237,081^b</u>		
4							

^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.

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