

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

INTRODUCED

LLS NO. 21-0581.02 Julie Pelegrin x2700

HOUSE BILL 21-1294

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A BILL FOR AN ACT

101 **CONCERNING AN EVALUATION OF THE STATEWIDE SYSTEMS USED TO**
102 **MEASURE THE PERFORMANCE OF THE ELEMENTARY AND**
103 **SECONDARY PUBLIC EDUCATION SYSTEM OF THE STATE.**

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 directs the state auditor to contract with a public or private entity (contractor) to conduct a performance audit of the statewide system of standards and assessments and the statewide education accountability system. The bill specifies the issues that the performance audit must address. By November 15, 2022, and following release by the legislative

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.

audit committee, the final report of the performance audit must be submitted to the commissioner of education, the state board of education, and the education committees of the general assembly.

The bill specifies the authority of the state auditor and the contractor to access nonfinancial records and information held by the department of education or held by public schools, school districts, boards of cooperative services, and the state charter school institute, if the records and information are not available from the department.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-3-126 as
3 follows:

4 **2-3-126. Audit of statewide education accountability systems**
5 **- report - legislative declaration - definitions - repeal.** (1) (a) THE

6 GENERAL ASSEMBLY FINDS THAT:

7 (I) COLORADO ADOPTED THE STATEWIDE SYSTEM OF STANDARDS
8 AND ASSESSMENTS IN 2008 AND THE STATEWIDE EDUCATION
9 ACCOUNTABILITY SYSTEM IN 2009 TO COMPLY WITH FEDERAL STATEWIDE
10 TESTING REQUIREMENTS, GAUGE THE SUCCESS OF PUBLIC SCHOOLS IN
11 EDUCATING STUDENTS, AND IDENTIFY AREAS IN WHICH THE STATE, THE
12 DEPARTMENT OF EDUCATION, PUBLIC SCHOOLS, SCHOOL DISTRICTS,
13 BOARDS OF COOPERATIVE SERVICES, AND THE STATE CHARTER SCHOOL
14 INSTITUTE COULD BETTER SUPPORT STUDENTS, TEACHERS, AND FAMILIES
15 IN MEETING THEIR CHILDREN'S EDUCATIONAL NEEDS;

16 (II) THE REQUIREMENTS OF THE STATEWIDE SYSTEM OF
17 STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION
18 ACCOUNTABILITY SYSTEM CURRENTLY EXCEED THE FEDERAL TESTING
19 REQUIREMENTS AND HAVE UNDERGONE SEVERAL SIGNIFICANT
20 MODIFICATIONS OVER THE PAST DECADE, CAUSING POLICYMAKERS TO
21 QUESTION WHETHER THE SYSTEMS STILL ALIGN WITH THE GENERAL

1 ASSEMBLY'S ORIGINAL INTENT IN ADOPTING THE SYSTEMS;

2 (III) THE GENERAL ASSEMBLY DESIRES TO REVIEW THE STATEWIDE
3 SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE
4 EDUCATION ACCOUNTABILITY SYSTEM TO ENSURE THAT THEY DO NOT
5 CONTAIN INSTITUTIONAL OR CULTURAL BIASES BASED ON RACE,
6 ETHNICITY, RELIGION, SEX, SEXUAL ORIENTATION, NATIONALITY,
7 DISABILITY, AGE, OR ECONOMIC STATUS; AND TO ENSURE THAT THE
8 SYSTEMS PROVIDE AN ACCURATE, CREDIBLE, AND COMPARABLE
9 ASSESSMENT OF THE DELIVERY OF PUBLIC EDUCATION THROUGHOUT THE
10 STATE;

11 (IV) THE GENERAL ASSEMBLY ACKNOWLEDGES ITS
12 CONSTITUTIONAL OBLIGATION TO ESTABLISH AND MAINTAIN A THOROUGH
13 AND UNIFORM SYSTEM OF PUBLIC EDUCATION IN THE STATE, AND THE
14 GENERAL ASSEMBLY AND DEPARTMENT OF EDUCATION ARE CONSTANTLY
15 LOOKING FOR WAYS TO IMPROVE COLORADO'S SYSTEM OF PUBLIC
16 EDUCATION AND BETTER SERVE ITS RESIDENTS; AND

17 (V) A THOROUGH, INDEPENDENT, THIRD-PARTY REVIEW OF THE
18 EXISTING STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
19 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM WILL PROVIDE
20 VALUABLE INFORMATION ABOUT THE EFFICACY OF THE STATE'S CURRENT
21 SYSTEMS, INCLUDING AREAS IN WHICH THE SYSTEMS MAY BE IMPROVED,
22 AND HELP TO IDENTIFY AND INFORM THE ALLOCATION OF RESOURCES TO
23 MEET THE INCREASED NEEDS AT THE STATE AND LOCAL LEVELS, TO
24 ADVANCE PUBLIC EDUCATION IN COLORADO.

25 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
26 APPROPRIATE TO OBTAIN AN INDEPENDENT PERFORMANCE AUDIT OF THE
27 STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE

1 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM. THE OBJECTIVE OF THE
2 AUDIT IS TO DETERMINE WHETHER THE CURRENT SYSTEMS:

3 (I) MEET THE GOALS AND INTENTIONS OF THE GENERAL ASSEMBLY
4 AS STATED IN THE LEGISLATIVE DECLARATIONS SET FORTH IN SECTIONS
5 22-7-1002 AND 22-11-102;

6 (II) CONTAIN INSTITUTIONAL OR CULTURAL BIASES BASED ON
7 RACE, ETHNICITY, RELIGION, SEX, SEXUAL ORIENTATION, NATIONALITY,
8 DISABILITY, AGE, OR ECONOMIC STATUS; AND

9 (III) PROVIDE AN ACCURATE, CREDIBLE, AND COMPARABLE
10 ASSESSMENT OF PUBLIC EDUCATION THROUGHOUT THE STATE.

11 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES:

13 (a) "CONTRACTOR" MEANS A PUBLIC OR PRIVATE ENTITY SELECTED
14 BY THE STATE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE
15 STATEWIDE IMPLEMENTATION OF THE STATEWIDE SYSTEM OF STANDARDS
16 AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY
17 SYSTEM.

18 (b) "STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM" MEANS
19 THE SYSTEM FOR ACCREDITING SCHOOLS AND SCHOOL DISTRICTS
20 DESCRIBED IN ARTICLE 11 OF TITLE 22 AND AS IMPLEMENTED BY RULES
21 ADOPTED BY THE STATE BOARD OF EDUCATION.

22 (c) "STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS"
23 MEANS THE SYSTEM OF STANDARDS AND ASSESSMENTS DESCRIBED IN PART
24 10 OF ARTICLE 7 OF TITLE 22 AND AS IMPLEMENTED BY RULES ADOPTED BY
25 THE STATE BOARD OF EDUCATION.

26 (3) NO LATER THAN OCTOBER 1, 2021, THE STATE AUDITOR,
27 THROUGH A COMPETITIVE BIDDING PROCESS, SHALL SELECT AND

1 CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT A
2 PERFORMANCE AUDIT OF THE STATEWIDE IMPLEMENTATION OF THE
3 STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
4 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM. THE STATE AUDITOR
5 SHALL MAKE EVERY EFFORT TO ENSURE THAT THE CONTRACTOR IS
6 INDEPENDENT AND IMPARTIAL. THE STATE AUDITOR SHALL ALSO ENSURE
7 THAT THE CONTRACTOR HAS THE NECESSARY EXPERTISE AND IS
8 COMPETENT TO EVALUATE THE EFFICACY OF THE STATEWIDE SYSTEM OF
9 STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION
10 ACCOUNTABILITY SYSTEM AND WHETHER THE SYSTEMS ARE IMPLEMENTED
11 STATEWIDE IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN
12 FEDERAL AND STATE STATUTE AND RULE. AT A MINIMUM, THE
13 PERFORMANCE AUDIT MUST ADDRESS:

14 (a) THE EFFECTIVENESS OF THE STATEWIDE EDUCATION
15 ACCOUNTABILITY SYSTEM IN OBJECTIVELY MEASURING THE PERFORMANCE
16 OF PUBLIC SCHOOLS AND SCHOOL DISTRICTS IN DELIVERING A STATEWIDE
17 SYSTEM OF THOROUGH AND UNIFORM PUBLIC EDUCATION FOR ALL GROUPS
18 OF STUDENTS;

19 (b) WHETHER AND TO WHAT EXTENT THE STATEWIDE EDUCATION
20 ACCOUNTABILITY SYSTEM EFFECTIVELY IDENTIFIES SUCCESS AND DRIVES
21 EFFECTIVE SUPPORT FOR IMPROVEMENT AT EACH LEVEL OF THE
22 STATEWIDE SYSTEM OF PUBLIC EDUCATION;

23 (c) WHETHER AND TO WHAT EXTENT THE DATA GENERATED BY
24 THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
25 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM ARE USED IN PRACTICE
26 BY SCHOOL DISTRICTS TO MEASURE THE EFFECTIVENESS OF CLASSROOM
27 INSTRUCTION AND SCHOOL LEADERSHIP WITHIN A SCHOOL;

1 (d) WHETHER AND TO WHAT EXTENT THE FOLLOWING, OR OTHER,
2 COMPONENTS OF THE STATEWIDE SYSTEM OF STANDARDS AND
3 ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM
4 MAINTAIN INSTITUTIONAL OR CULTURAL BIASES BASED ON STUDENTS' OR
5 THEIR FAMILIES' RACE, ETHNICITY, RELIGION, SEX, SEXUAL ORIENTATION,
6 NATIONALITY, DISABILITY, AGE, OR ECONOMIC STATUS:

7 (I) ACADEMIC ACHIEVEMENT AS MEASURED BY THE SCORES ON
8 STATE ASSESSMENTS;

9 (II) ACADEMIC GROWTH AS MEASURED BY THE COLORADO
10 GROWTH MODEL ADOPTED PURSUANT TO SECTION 22-11-202; AND

11 (III) POSTSECONDARY AND WORKFORCE READINESS AS MEASURED
12 BY GRADUATION RATES, DROPOUT RATES, SCORES ON STANDARDIZED
13 COLLEGE ENTRANCE EXAMS, AND MATRICULATION INTO COLLEGE OR
14 CAREER CERTIFICATE PROGRAMS;

15 (e) WHETHER AND TO WHAT EXTENT INTERVENTIONS
16 IMPLEMENTED UNDER THE STATEWIDE EDUCATION ACCOUNTABILITY
17 SYSTEM ARE EFFECTIVE IN SUPPORTING AND IMPROVING OUTCOMES FOR
18 SCHOOLS THAT SERVE PREDOMINANTLY LOW-INCOME STUDENTS,
19 STUDENTS OF COLOR, OR STUDENTS WITH DISABILITIES, INCLUDING
20 INTERVENTIONS THAT FOCUS PRIMARILY ON INCREASING STUDENTS'
21 PERFORMANCE ON STATEWIDE STANDARDIZED TESTS IN LIEU OF OTHER
22 NON-TESTING-RELATED COURSES AND ACTIVITIES WITHIN A SCHOOL;

23 (f) WHETHER AND TO WHAT EXTENT INTERVENTIONS, INCLUDING
24 INTERVENTIONS IDENTIFIED BY THE STATEWIDE EDUCATION
25 ACCOUNTABILITY SYSTEM, EFFECTIVELY SUPPORT STUDENTS WHO ARE IN
26 POVERTY OR STUDENTS WITH DISABILITIES AND SCHOOLS AND SCHOOL
27 DISTRICTS SERVING HIGH PERCENTAGES OF STUDENTS IN POVERTY OR

1 STUDENTS WITH DISABILITIES;

2 (g) WHETHER AND TO WHAT EXTENT THE OUTCOMES IDENTIFIED
3 AND MEASURED BY THE STATEWIDE SYSTEM OF STANDARDS AND
4 ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM
5 REFLECT INEQUITIES AND CORRELATE TO THE LEVEL OF POVERTY PRESENT
6 WITHIN, AND CONCENTRATION OF STUDENTS WITH DISABILITIES WITHIN,
7 THE STUDENT POPULATIONS ENROLLED IN THE PUBLIC SCHOOLS, SCHOOL
8 DISTRICTS, AND BOARDS OF COOPERATIVE SERVICES;

9 (h) WHETHER AND TO WHAT EXTENT LOW-INCOME STUDENTS AND
10 STUDENTS WITH DISABILITIES ENROLLED IN PUBLIC SCHOOLS, SCHOOL
11 DISTRICTS, AND BOARDS OF COOPERATIVE SERVICES ARE GIVEN ACCESS TO
12 LEARNING OPPORTUNITIES THAT WILL ALLOW THEM TO ACHIEVE THE SAME
13 LEVELS OF ATTAINMENT THAT THEIR HIGHER-INCOME PEERS ACHIEVE ON
14 THE PRESCHOOL THROUGH ELEMENTARY AND SECONDARY EDUCATION
15 STANDARDS ADOPTED PURSUANT TO SECTION 22-7-1005;

16 (i) WHETHER AND TO WHAT EXTENT, IN RESPONSE TO THE
17 STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
18 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM, SCHOOL DISTRICTS
19 SHIFT EDUCATIONAL RESOURCES AND INTERVENTIONS TO STUDENTS WHO
20 ARE CLOSE TO ACHIEVING GRADE-LEVEL SCORES OR MODIFY THEIR
21 INSTRUCTIONAL PRACTICES AND TARGET PARTICULAR COHORTS OF
22 STUDENTS;

23 (j) WHETHER AND TO WHAT EXTENT VARIATIONS IN THE SIZE OF
24 STUDENT POPULATIONS HAVE A DISPROPORTIONATE IMPACT ON THE
25 ACCURACY AND COMPARABILITY OF RESULTS ACHIEVED THROUGH THE
26 STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
27 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM;

1 (k) WHETHER AND TO WHAT EXTENT THE OUTCOMES MEASURED
2 BY THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
3 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM ACCURATELY
4 CORRELATE TO A SCHOOL'S EFFECTIVENESS IN HELPING STUDENTS
5 DEVELOP THE SKILLS AND CAPACITIES THAT ARE RELEVANT TO FAMILIES
6 AND EMPLOYERS, INCLUDING BUT NOT LIMITED TO INNOVATION,
7 ACADEMIC RIGOR, CAREER AND TECHNICAL EDUCATION, AND WORKFORCE
8 READINESS AND ESSENTIAL SKILLS;

9 (l) WHETHER AND TO WHAT EXTENT PARTICIPATION RATES ON
10 STATEWIDE STANDARDIZED TESTS AFFECT THE RESULTS ACHIEVED
11 THROUGH THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND
12 THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM;

13 (m) WHETHER THE COLORADO GROWTH MODEL CONTINUES TO
14 MEET THE REQUIREMENTS SPECIFIED IN SECTION 22-11-202 (1)(b);

15 (n) WHETHER THE STATEWIDE SYSTEM OF STANDARDS AND
16 ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM
17 PROVIDE A CREDIBLE BASIS FOR COMPARISON BETWEEN AND AMONG
18 PUBLIC SCHOOLS AND BETWEEN AND AMONG SCHOOL DISTRICTS, BOARDS
19 OF COOPERATIVE SERVICES, AND THE STATE CHARTER SCHOOL INSTITUTE;

20 (o) WHETHER AND TO WHAT EXTENT INFORMATION REGARDING
21 ASSESSMENTS AND ACCOUNTABILITY IS ACCESSIBLE TO EDUCATORS,
22 PARENTS, AND FAMILIES, AND COMMUNICATED IN A LANGUAGE PARENTS
23 AND FAMILIES CAN UNDERSTAND, WITH CLEAR GUIDANCE ON ACTIONS TO
24 SUPPORT STUDENT LEARNING; AND

25 (p) WHETHER AND TO WHAT EXTENT THE STATEWIDE SYSTEM OF
26 STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION
27 ACCOUNTABILITY SYSTEM IDENTIFY SCHOOLS AND SCHOOL DISTRICTS

1 THAT ARE STRUGGLING TO SERVE GROUPS OF STUDENTS, INCLUDING
2 GROUPS BASED ON RACE, ETHNICITY, RELIGION, SEX, SEXUAL
3 ORIENTATION, NATIONALITY, DISABILITY, AGE, AND ECONOMIC STATUS,
4 AND WHETHER INTERVENTIONS TO SERVE THE STUDENTS IN THESE GROUPS
5 ARE SUCCESSFUL IN INCREASING ACADEMIC ACHIEVEMENT FOR THE
6 STUDENTS IN THESE GROUPS.

7 (4) (a) THE STATE AUDITOR SHALL ENSURE THE PERFORMANCE
8 AUDIT IS COMPLETED NO LATER THAN NOVEMBER 15, 2022. TO LIMIT THE
9 COST OF THE AUDIT, THE CONTRACTOR SHALL OBTAIN THE INFORMATION
10 REQUIRED FOR THE AUDIT FROM THE DEPARTMENT OF EDUCATION TO THE
11 GREATEST EXTENT POSSIBLE, WHICH MAY INCLUDE OBTAINING
12 INFORMATION FROM PREVIOUS STUDIES OR EVALUATIONS FOR WHICH THE
13 DEPARTMENT PREVIOUSLY CONTRACTED. THE CONTRACTOR MAY REQUEST
14 INFORMATION DIRECTLY FROM A PUBLIC SCHOOL, SCHOOL DISTRICT, OR
15 BOARD OF COOPERATIVE SERVICES OR THE STATE CHARTER SCHOOL
16 INSTITUTE ONLY IF THE INFORMATION IS NOT AVAILABLE FROM THE
17 DEPARTMENT. IF DEEMED USEFUL, THE AUDITOR MAY HOLD FOCUS GROUPS
18 WITH VARIOUS EDUCATION STAKEHOLDERS TO OBTAIN INPUT ON THE
19 ISSUES ADDRESSED IN THE AUDIT.

20 (b) FOR PURPOSES OF CONDUCTING THE AUDIT DESCRIBED IN THIS
21 SECTION, THE DEPARTMENT OF EDUCATION SHALL DESIGNATE THE STATE
22 AUDITOR AND THE CONTRACTOR AS "SCHOOL OFFICIALS" WITH
23 "LEGITIMATE EDUCATIONAL INTERESTS" IN THE DEPARTMENT'S
24 EDUCATIONAL RECORDS, AS THOSE TERMS ARE DEFINED IN THE FEDERAL
25 "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C.
26 SEC. 1232g, AND THE FEDERAL REGULATIONS ADOPTED TO IMPLEMENT
27 THE ACT, REFERRED TO IN THIS SUBSECTION (4)(b) AS "FERPA". THE

1 STATE AUDITOR AND THE CONTRACTOR SHALL COMPLY WITH THE
2 LIMITATIONS AND REQUIREMENTS IMPOSED ON SCHOOL OFFICIALS IN
3 FERPA IN CONDUCTING THE AUDIT.

4 (c) NOTWITHSTANDING ANY PROVISION OF FEDERAL OR STATE
5 LAW, OTHER THAN LAWS THAT PROTECT THE PRIVACY OF STUDENT
6 INFORMATION, TO THE CONTRARY, FOR PURPOSES OF THE AUDIT
7 DESCRIBED IN THIS SECTION ONLY, THE STATE AUDITOR AND THE
8 CONTRACTOR ARE AUTHORIZED TO ACCESS FROM THE DEPARTMENT OF
9 EDUCATION ALL OF THE NONFINANCIAL BOOKS, ACCOUNTS, REPORTS,
10 VOUCHERS, OR OTHER RECORDS OR INFORMATION SUBMITTED TO THE
11 DEPARTMENT BY A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF
12 COOPERATIVE SERVICES OR THE STATE CHARTER SCHOOL INSTITUTE,
13 INCLUDING RECORDS OR INFORMATION REQUIRED TO BE KEPT
14 CONFIDENTIAL OR EXEMPT FROM PUBLIC DISCLOSURE UPON SUBPOENA,
15 SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE. IF ANY
16 NONFINANCIAL BOOKS, ACCOUNTS, REPORTS, VOUCHERS, OR OTHER
17 RECORDS OR INFORMATION THAT ARE REQUIRED TO COMPLETE THE AUDIT
18 ARE NOT AVAILABLE FROM THE DEPARTMENT OF EDUCATION, THE STATE
19 AUDITOR AND THE CONTRACTOR ARE AUTHORIZED TO ACCESS SAID BOOKS,
20 ACCOUNTS, REPORTS, VOUCHERS, OR OTHER RECORDS OR INFORMATION
21 FROM A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE
22 SERVICES OR THE STATE CHARTER SCHOOL INSTITUTE, INCLUDING
23 RECORDS OR INFORMATION REQUIRED TO BE KEPT CONFIDENTIAL OR
24 EXEMPT FROM PUBLIC DISCLOSURE UPON SUBPOENA, SEARCH WARRANT,
25 DISCOVERY PROCEEDINGS, OR OTHERWISE. IN ACCESSING AND USING
26 INFORMATION FOR THE AUDIT, THE STATE AUDITOR AND THE CONTRACTOR
27 SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS THAT PROTECT THE

1 PRIVACY OF STUDENT INFORMATION.

2 (d) IN PREPARING THE AUDIT, THE CONTRACTOR MAY CONSULT
3 WITH THE TECHNICAL ADVISORY PANEL APPOINTED PURSUANT TO SECTION
4 22-11-202 (2)(a) REGARDING DATA USED FOR CALCULATING
5 LONGITUDINAL ACADEMIC GROWTH AND FOR DETERMINING THE
6 PERFORMANCE PLANS THAT SCHOOLS, SCHOOL DISTRICTS, BOARDS OF
7 COOPERATIVE SERVICES, AND THE STATE CHARTER SCHOOL INSTITUTE
8 IMPLEMENT.

9 (e) THE LEGISLATIVE AUDIT COMMITTEE SHALL REVIEW AND
10 RELEASE THE AUDIT REPORT AT THE FIRST COMMITTEE HEARING HELD ON
11 OR AFTER NOVEMBER 15, 2022. AFTER THE AUDIT REPORT IS RELEASED,
12 THE STATE AUDITOR AND THE CONTRACTOR SHALL SUBMIT THE AUDIT
13 REPORT TO THE COMMISSIONER OF EDUCATION, THE STATE BOARD OF
14 EDUCATION, AND THE EDUCATION COMMITTEES OF THE HOUSE OF
15 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
16 THE STATE BOARD AND THE EDUCATION COMMITTEES, JOINTLY OR
17 INDIVIDUALLY, MAY HOLD A HEARING TO REVIEW THE AUDIT REPORT.
18 UPON THE REQUEST OF THE STATE BOARD OR THE EDUCATION
19 COMMITTEES, WHICHEVER IS APPROPRIATE, THE STATE AUDITOR AND THE
20 CONTRACTOR SHALL ATTEND THE HEARING AND PRESENT THE AUDIT
21 REPORT. THE LEGISLATIVE AUDIT COMMITTEE AND THE TECHNICAL
22 ADVISORY PANEL SHALL NOT, WITHOUT THE CONSENT OF THE
23 CONTRACTOR, MAKE CHANGES TO THE AUDIT AFTER THE CONTRACTOR
24 COMPLETES THE AUDIT.

25 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

26 **SECTION 2.** In Colorado Revised Statutes, 2-3-103.7, **amend** (1)
27 as follows:

1 **2-3-103.7. Disclosure of reports before filing.** (1) Any state
2 employee or other individual acting in an oversight role as a member of
3 a committee, board, or commission, or any employee or other individual
4 acting in an oversight role with respect to any audit conducted pursuant
5 to sections 2-3-120, 2-3-123, **2-3-126**, 10-22-105 (4)(c), and 25.5-10-209
6 (4), who willfully and knowingly discloses the contents of any report
7 prepared by or at the direction of the state auditor's office prior to the
8 release of such report by a majority vote of the committee as provided in
9 section 2-3-103 (2) is guilty of a misdemeanor and, upon conviction
10 thereof, shall be punished by a fine of not more than five hundred dollars.

11 **SECTION 3.** In Colorado Revised Statutes, 2-3-107, **amend**
12 (2)(a)(I) introductory portion, (2)(a)(I)(C), and (2)(a)(I)(D); and **add**
13 (2)(a)(I)(E) as follows:

14 **2-3-107. Authority to subpoena witnesses - access to records.**

15 (2) (a) (I) Notwithstanding any provision of law to the contrary, the state
16 auditor or his or her designated representative ~~shall~~ IS AUTHORIZED TO
17 have access at all times, except as provided by sections 39-1-116,
18 39-4-103, and 39-5-120, to all of the books, accounts, reports, vouchers,
19 or other records or information in any department, institution, or agency,
20 including but not limited to records or information required to be kept
21 confidential or exempt from public disclosure upon subpoena, search
22 warrant, discovery proceedings, or otherwise. The authority of the state
23 auditor or his or her designated representative to access at all times the
24 books, accounts, reports, vouchers, or other records or information in
25 accordance with this subsection (2)(a) also extends to any fiscal or
26 performance audit the state auditor or his or her designated representative
27 conducts of:

1 (C) The health benefit exchange created in section 10-22-104 in
2 accordance with section 10-22-105 (4)(c); and

3 (D) Community-centered boards in accordance with section
4 25.5-10-209 (4); AND

5 (E) THE STATEWIDE IMPLEMENTATION OF THE STATEWIDE SYSTEM
6 OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION
7 ACCOUNTABILITY SYSTEM IN ACCORDANCE WITH SECTION 2-3-126;
8 EXCEPT THAT, FOR PURPOSES OF SAID AUDIT, THE STATE AUDITOR OR HIS
9 OR HER DESIGNATED REPRESENTATIVE SHALL NOT HAVE ACCESS TO THE
10 FINANCIAL RECORDS, INCLUDING BOOKS, ACCOUNTS, AND VOUCHERS, OF
11 A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE
12 SERVICES OR OF THE STATE CHARTER SCHOOL INSTITUTE.

13 **SECTION 4. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety.