

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 21-1294

BY REPRESENTATIVE(S) Bird and Gonzales-Gutierrez, Duran, Amabile, Bacon, Benavidez, Bennett, Caraveo, Cutter, Froelich, Hooton, Jackson, Kennedy, Kipp, McCormick, Ortiz, Sirota, Snyder, Weissman, Woodrow, Young, Boesenecker, Esgar, Exum, Gray, Herod, McLachlan, Michaelson Jenet, Ricks, Titone, Jodeh, McCluskie;  
also SENATOR(S) Rodriguez, Buckner, Gonzales, Moreno, Pettersen, Story, Zenzinger, Garcia.

CONCERNING AN EVALUATION OF THE STATEWIDE SYSTEMS USED TO MEASURE THE PERFORMANCE OF THE ELEMENTARY AND SECONDARY PUBLIC EDUCATION SYSTEM OF THE STATE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, **add 2-3-127** as follows:

**2-3-127. Audit of statewide education accountability systems - report - legislative declaration - definitions - repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(I) IN THE 2018-19 SCHOOL YEAR, STATEWIDE ASSESSMENT DATA SHOWS CONSIDERABLE ACHIEVEMENT GAPS AS MEASURED BY ASSESSMENT SCORES FOR COLORADO STUDENTS. THE ASSESSMENT SCORES ON THE STATEWIDE ASSESSMENT IN ENGLISH LANGUAGE ARTS DEMONSTRATED THAT APPROXIMATELY FORTY-FIVE PERCENT OF ALL COLORADO STUDENTS WERE PERFORMING AT GRADE LEVEL, WHILE APPROXIMATELY THIRTY PERCENT OF LATINO OR BLACK STUDENTS AND APPROXIMATELY TWENTY-EIGHT PERCENT OF LOW-INCOME STUDENTS WERE PERFORMING AT GRADE LEVEL. SIMILARLY, THE ASSESSMENT SCORES ON THE STATEWIDE ASSESSMENT IN MATHEMATICS DEMONSTRATED THAT APPROXIMATELY THIRTY-FIVE PERCENT OF ALL STUDENTS WERE PERFORMING AT GRADE LEVEL, WHILE APPROXIMATELY EIGHTEEN PERCENT OF LATINO OR BLACK STUDENTS AND APPROXIMATELY EIGHTEEN PERCENT OF LOW-INCOME STUDENTS WERE PERFORMING AT GRADE LEVEL.

(II) HOWEVER, IN COLORADO THERE ARE ALSO EXAMPLES OF SCHOOLS AND SCHOOL DISTRICTS IN WHICH A HIGH PERCENTAGE OF LOW-INCOME STUDENTS AND STUDENTS OF COLOR BREAK WITH THESE TRENDS AND MEET OR EXCEED GRADE-LEVEL EXPECTATIONS ON STATEWIDE ASSESSMENTS; AND

(III) IN 1965, CONGRESS PASSED THE "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., TO ADDRESS PERSISTENT INEQUITIES FOR HISTORICALLY UNDERSERVED STUDENTS. RESEARCH SHOWS THAT DISPARITIES IN ACADEMIC ACHIEVEMENT ARE OFTEN CAUSED BY DISPARITIES IN OPPORTUNITIES, SUCH AS THE INEQUITABLE DISTRIBUTION OF FUNDING, PRESCHOOL ACCESS, ADVANCED COURSE WORK, HIGHLY EFFECTIVE TEACHERS, AND WRAPAROUND SERVICES. RESEARCH ALSO SHOWS THAT LATINO AND BLACK STUDENTS ARE MORE LIKELY TO HAVE LESS-EXPERIENCED AND LOWER-PAID TEACHERS AS A RESULT OF A GAP IN FUNDING AND MORE LIKELY TO BE DISCIPLINED MORE HARSHLY IN SCHOOL.

(b) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

(I) COLORADO ADOPTED THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS IN 2008 AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM IN 2009 TO COMPLY WITH FEDERAL STATEWIDE TESTING REQUIREMENTS, GAUGE THE SUCCESS OF PUBLIC SCHOOLS IN EDUCATING STUDENTS, AND IDENTIFY AREAS IN WHICH THE STATE, THE

DEPARTMENT OF EDUCATION, PUBLIC SCHOOLS, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, AND THE STATE CHARTER SCHOOL INSTITUTE COULD BETTER SUPPORT STUDENTS, TEACHERS, AND FAMILIES IN MEETING THEIR CHILDREN'S EDUCATIONAL NEEDS;

(II) THE REQUIREMENTS OF THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM CURRENTLY EXCEED THE FEDERAL TESTING REQUIREMENTS AND HAVE UNDERGONE SEVERAL SIGNIFICANT MODIFICATIONS OVER THE PAST DECADE, CAUSING POLICYMAKERS TO QUESTION WHETHER THE SYSTEMS STILL ALIGN WITH THE GENERAL ASSEMBLY'S ORIGINAL INTENT IN ADOPTING THE SYSTEMS;

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

(IV) ONE OF THE MAIN GOALS OF THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM IS TO IDENTIFY THE AREAS IN WHICH SCHOOLS AND SCHOOL DISTRICTS ARE STRUGGLING, DUE TO SEVERAL FACTORS, TO BEST SERVE THEIR STUDENTS AND ENSURE THAT THOSE SCHOOLS AND SCHOOL DISTRICT ARE ABLE TO BEST SERVE THEIR STUDENTS;

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

(VI) A THOROUGH, INDEPENDENT, THIRD-PARTY REVIEW OF THE EXISTING STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM WILL PROVIDE VALUABLE INFORMATION ABOUT THE EFFICACY OF THE STATE'S CURRENT SYSTEMS,

INCLUDING AREAS IN WHICH THE SYSTEMS MAY BE IMPROVED, AND HELP TO IDENTIFY AND INFORM THE ALLOCATION OF RESOURCES TO MEET THE INCREASED NEEDS AT THE STATE AND LOCAL LEVELS, TO ADVANCE PUBLIC EDUCATION IN COLORADO.

(c) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS APPROPRIATE TO OBTAIN AN INDEPENDENT PERFORMANCE AUDIT OF THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM. THE OBJECTIVE OF THE AUDIT IS TO DETERMINE WHETHER THE CURRENT SYSTEMS:

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

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

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

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

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

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

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

(3) NO LATER THAN OCTOBER 1, 2021, THE STATE AUDITOR, THROUGH A COMPETITIVE BIDDING PROCESS, SHALL SELECT AND CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT A PERFORMANCE AUDIT OF THE STATEWIDE IMPLEMENTATION OF THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM. THE STATE AUDITOR SHALL MAKE EVERY EFFORT TO ENSURE THAT THE CONTRACTOR IS INDEPENDENT AND IMPARTIAL. THE STATE AUDITOR SHALL ALSO ENSURE THAT THE CONTRACTOR HAS THE NECESSARY EXPERTISE AND IS COMPETENT TO EVALUATE THE EFFICACY OF THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM AND WHETHER THE SYSTEMS ARE IMPLEMENTED STATEWIDE IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN FEDERAL AND STATE STATUTE AND RULE. AT A MINIMUM, THE PERFORMANCE AUDIT MUST ADDRESS:

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

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

(c) WHETHER AND TO WHAT EXTENT UNINTENDED BARRIERS OR OBSTACLES EXIST THAT INADVERTENTLY IMPACT THE PERFORMANCE OF STUDENTS FROM DIFFERENT RACIAL, ETHNIC, SOCIOECONOMIC, OR DISABILITY COMMUNITIES, AS MEASURED BY THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM, INCLUDING HOW THESE SYSTEMS ARE IMPLEMENTED BY SCHOOLS AND SCHOOL DISTRICTS;

(d) WHETHER AND TO WHAT EXTENT INTERVENTIONS IMPLEMENTED UNDER THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM ARE EFFECTIVE IN SUPPORTING AND IMPROVING OUTCOMES FOR SCHOOLS THAT SERVE PREDOMINANTLY LOW-INCOME STUDENTS, STUDENTS OF COLOR, OR STUDENTS WITH DISABILITIES, INCLUDING INTERVENTIONS THAT FOCUS PRIMARILY ON INCREASING STUDENTS' PERFORMANCE ON STATEWIDE

STANDARDIZED TESTS IN LIEU OF OTHER NON-TESTING-RELATED COURSES AND ACTIVITIES WITHIN A SCHOOL;

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

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

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

(h) WHETHER, TO WHAT EXTENT, AND HOW, IN RESPONSE TO THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM, SCHOOL DISTRICTS SHIFT EDUCATIONAL RESOURCES AND INTERVENTIONS, CHANGE THEIR INSTRUCTIONAL PRACTICES, AND TARGET ASSISTANCE TO STUDENTS WHO ARE CLOSE TO ACHIEVING GRADE-LEVEL SCORES OR MODIFY THEIR INSTRUCTIONAL PRACTICES AND TARGET PARTICULAR COHORTS OF STUDENTS;

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

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

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

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

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

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

(o) WHETHER AND TO WHAT EXTENT THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM IDENTIFY SCHOOLS AND SCHOOL DISTRICTS THAT ARE NOT MEETING THE ACADEMIC NEEDS OF UNDER-REPRESENTED GROUPS OF STUDENTS, INCLUDING GROUPS BASED ON RACE, ETHNICITY, RELIGION, SEX, SEXUAL ORIENTATION, NATIONALITY, DISABILITY, AGE, AND ECONOMIC STATUS, AND WHETHER INTERVENTIONS TO SERVE THE STUDENTS IN THESE GROUPS ARE SUCCESSFUL IN INCREASING ACADEMIC ACHIEVEMENT FOR THE STUDENTS IN THESE GROUPS.

(4)(a) THE STATE AUDITOR SHALL ENSURE THE PERFORMANCE AUDIT

IS COMPLETED NO LATER THAN NOVEMBER 15, 2022. TO LIMIT THE COST OF THE AUDIT, THE CONTRACTOR SHALL OBTAIN THE INFORMATION REQUIRED FOR THE AUDIT FROM THE DEPARTMENT OF EDUCATION TO THE GREATEST EXTENT POSSIBLE, WHICH MAY INCLUDE OBTAINING INFORMATION FROM PREVIOUS STUDIES OR EVALUATIONS FOR WHICH THE DEPARTMENT PREVIOUSLY CONTRACTED. THE CONTRACTOR MAY REQUEST INFORMATION DIRECTLY FROM A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES OR THE STATE CHARTER SCHOOL INSTITUTE ONLY IF THE INFORMATION IS NOT AVAILABLE FROM THE DEPARTMENT. IF DEEMED USEFUL, THE AUDITOR MAY HOLD FOCUS GROUPS WITH VARIOUS EDUCATION STAKEHOLDERS TO OBTAIN INPUT ON THE ISSUES ADDRESSED IN THE AUDIT.

(b) NO LATER THAN JANUARY 15, 2022, THE STATE AUDITOR, THE CONTRACTOR, AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A DATA SHARING AGREEMENT FOR AUDIT PURPOSES IN A FORM CONSISTENT WITH 34 C.F.R. 99.35(a)(3) AND IN COMPLIANCE WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232G, AS AMENDED.

(c) NOTWITHSTANDING ANY PROVISION OF FEDERAL OR STATE LAW, OTHER THAN LAWS THAT PROTECT THE PRIVACY OF STUDENT INFORMATION, TO THE CONTRARY, FOR PURPOSES OF THE AUDIT DESCRIBED IN THIS SECTION ONLY, THE STATE AUDITOR AND THE CONTRACTOR ARE AUTHORIZED TO ACCESS FROM THE DEPARTMENT OF EDUCATION ALL OF THE NONFINANCIAL BOOKS, ACCOUNTS, REPORTS, VOUCHERS, OR OTHER RECORDS OR INFORMATION SUBMITTED TO THE DEPARTMENT BY A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES OR THE STATE CHARTER SCHOOL INSTITUTE, INCLUDING RECORDS OR INFORMATION REQUIRED TO BE KEPT CONFIDENTIAL OR EXEMPT FROM PUBLIC DISCLOSURE UPON SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE. IF ANY NONFINANCIAL BOOKS, ACCOUNTS, REPORTS, VOUCHERS, OR OTHER RECORDS OR INFORMATION THAT ARE REQUIRED TO COMPLETE THE AUDIT ARE NOT AVAILABLE FROM THE DEPARTMENT OF EDUCATION AND ARE NOT AVAILABLE FROM OTHER SOURCES AS DETERMINED BY THE STATE AUDITOR'S AND CONTRACTOR'S GOOD FAITH EFFORTS TO OBTAIN THEM FROM OTHER SOURCES, THE STATE AUDITOR AND THE CONTRACTOR ARE AUTHORIZED TO ACCESS SAID BOOKS, ACCOUNTS, REPORTS, VOUCHERS, OR OTHER RECORDS OR INFORMATION FROM A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES OR THE STATE CHARTER SCHOOL INSTITUTE, INCLUDING RECORDS OR INFORMATION REQUIRED TO BE



KEPT CONFIDENTIAL OR EXEMPT FROM PUBLIC DISCLOSURE UPON SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE. IN ACCESSING AND USING INFORMATION FOR THE AUDIT, THE STATE AUDITOR AND THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS THAT PROTECT THE PRIVACY OF STUDENT INFORMATION.

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

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

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

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

**2-3-103.7. Disclosure of reports before filing.** (1) Any state employee or other individual acting in an oversight role as a member of a committee, board, or commission, or any employee or other individual acting in an oversight role with respect to any audit conducted pursuant to sections 2-3-120, 2-3-123, **2-3-127**, 10-22-105 (4)(c), and 25.5-10-209 (4), who willfully and knowingly discloses the contents of any report prepared

by or at the direction of the state auditor's office prior to the release of such report by a majority vote of the committee as provided in section 2-3-103 (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.

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

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

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

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

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

(F) THE STATEWIDE IMPLEMENTATION OF THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM IN ACCORDANCE WITH SECTION 2-3-127; EXCEPT THAT, FOR PURPOSES OF SAID AUDIT, THE STATE AUDITOR OR HIS OR HER DESIGNATED REPRESENTATIVE SHALL NOT HAVE ACCESS TO THE FINANCIAL RECORDS, INCLUDING BOOKS, ACCOUNTS, AND VOUCHERS, OF A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES OR OF THE STATE CHARTER SCHOOL INSTITUTE.

**SECTION 4. Appropriation.** (1) For the 2021-22 state fiscal year, \$300,000 is appropriated to the legislative department for use by the office

of the state auditor. This appropriation is from the general fund. To implement this act, the office of the state auditor may use this appropriation for the audit of statewide education accountability systems.

(2) For the 2021-22 state fiscal year, \$52,000 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for information technology services.

**SECTION 5. 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.

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Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

\_\_\_\_\_  
Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

\_\_\_\_\_  
Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

\_\_\_\_\_  
Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

\_\_\_\_\_  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO