

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

REVISED

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

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, AND, IN**
104 **CONNECTION THEREWITH, MAKING 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 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

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.

SENATE
Amended 2nd Reading
June 3, 2021

HOUSE
3rd Reading Unamended
May 24, 2021

HOUSE
Amended 2nd Reading
May 21, 2021

system. The bill specifies the issues that the performance audit must address. By November 15, 2022, and following release by the legislative 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 (1) IN THE 2018-19 SCHOOL YEAR, STATEWIDE ASSESSMENT DATA
8 SHOWS CONSIDERABLE ACHIEVEMENT GAPS AS MEASURED BY ASSESSMENT
9 SCORES FOR COLORADO STUDENTS. THE ASSESSMENT SCORES ON THE
10 STATEWIDE ASSESSMENT IN ENGLISH LANGUAGE ARTS DEMONSTRATED
11 THAT APPROXIMATELY FORTY-FIVE PERCENT OF ALL COLORADO STUDENTS
12 WERE PERFORMING AT GRADE LEVEL, WHILE APPROXIMATELY THIRTY
13 PERCENT OF LATINO OR BLACK STUDENTS AND APPROXIMATELY
14 TWENTY-EIGHT PERCENT OF LOW-INCOME STUDENTS WERE PERFORMING
15 AT GRADE LEVEL. SIMILARLY, THE ASSESSMENT SCORES ON THE
16 STATEWIDE ASSESSMENT IN MATHEMATICS DEMONSTRATED THAT
17 APPROXIMATELY THIRTY-FIVE PERCENT OF ALL STUDENTS WERE
18 PERFORMING AT GRADE LEVEL, WHILE APPROXIMATELY EIGHTEEN
19 PERCENT OF LATINO OR BLACK STUDENTS AND APPROXIMATELY EIGHTEEN
20 PERCENT OF LOW-INCOME STUDENTS WERE PERFORMING AT GRADE LEVEL.

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

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

17 (b) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

18 (I) COLORADO ADOPTED THE STATEWIDE SYSTEM OF STANDARDS
19 AND ASSESSMENTS IN 2008 AND THE STATEWIDE EDUCATION
20 ACCOUNTABILITY SYSTEM IN 2009 TO COMPLY WITH FEDERAL STATEWIDE
21 TESTING REQUIREMENTS, GAUGE THE SUCCESS OF PUBLIC SCHOOLS IN
22 EDUCATING STUDENTS, AND IDENTIFY AREAS IN WHICH THE STATE, THE
23 DEPARTMENT OF EDUCATION, PUBLIC SCHOOLS, SCHOOL DISTRICTS,
24 BOARDS OF COOPERATIVE SERVICES, AND THE STATE CHARTER SCHOOL
25 INSTITUTE COULD BETTER SUPPORT STUDENTS, TEACHERS, AND FAMILIES
26 IN MEETING THEIR CHILDREN'S EDUCATIONAL NEEDS;

27 (II) THE REQUIREMENTS OF THE STATEWIDE SYSTEM OF

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

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

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

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

1 (VI) A THOROUGH, INDEPENDENT, THIRD-PARTY REVIEW OF THE
2 EXISTING STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
3 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM WILL PROVIDE
4 VALUABLE INFORMATION ABOUT THE EFFICACY OF THE STATE'S CURRENT
5 SYSTEMS, INCLUDING AREAS IN WHICH THE SYSTEMS MAY BE IMPROVED,
6 AND HELP TO IDENTIFY AND INFORM THE ALLOCATION OF RESOURCES TO
7 MEET THE INCREASED NEEDS AT THE STATE AND LOCAL LEVELS, TO
8 ADVANCE PUBLIC EDUCATION IN COLORADO.

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

14 (I) MEET THE GOALS AND INTENTIONS OF THE GENERAL ASSEMBLY
15 AS STATED IN THE LEGISLATIVE DECLARATIONS SET FORTH IN SECTIONS
16 22-7-1002 AND 22-11-102;

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

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

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

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

1 SYSTEM.

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

6 (c) "STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS"
7 MEANS THE SYSTEM OF STANDARDS AND ASSESSMENTS DESCRIBED IN PART
8 10 OF ARTICLE 7 OF TITLE 22 AND AS IMPLEMENTED BY RULES ADOPTED BY
9 THE STATE BOARD OF EDUCATION.

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

25 (a) THE EFFECTIVENESS OF THE STATEWIDE EDUCATION
26 ACCOUNTABILITY SYSTEM IN OBJECTIVELY MEASURING THE PERFORMANCE
27 OF PUBLIC SCHOOLS AND SCHOOL DISTRICTS IN DELIVERING A STATEWIDE

1 SYSTEM OF THOROUGH AND UNIFORM PUBLIC EDUCATION FOR ALL GROUPS
2 OF STUDENTS;

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

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

15 (d) 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 (e) 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 (f) 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 (g) 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 (h) WHETHER, TO WHAT EXTENT, AND HOW, 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, CHANGE THEIR
20 INSTRUCTIONAL PRACTICES, AND TARGET ASSISTANCE TO STUDENTS WHO
21 ARE CLOSE TO ACHIEVING GRADE-LEVEL SCORES OR MODIFY THEIR
22 INSTRUCTIONAL PRACTICES AND TARGET PARTICULAR COHORTS OF
23 STUDENTS;

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

1 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM;

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

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

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

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

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

26 (o) WHETHER AND TO WHAT EXTENT THE STATEWIDE SYSTEM OF
27 STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION

1 ACCOUNTABILITY SYSTEM IDENTIFY SCHOOLS AND SCHOOL DISTRICTS
2 THAT ARE NOT MEETING THE ACADEMIC NEEDS OF UNDER-REPRESENTED
3 GROUPS OF STUDENTS, INCLUDING GROUPS BASED ON RACE, ETHNICITY,
4 RELIGION, SEX, SEXUAL ORIENTATION, NATIONALITY, DISABILITY, AGE,
5 AND ECONOMIC STATUS, AND WHETHER INTERVENTIONS TO SERVE THE
6 STUDENTS IN THESE GROUPS ARE SUCCESSFUL IN INCREASING ACADEMIC
7 ACHIEVEMENT FOR THE STUDENTS IN THESE GROUPS.

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

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

27 (c) NOTWITHSTANDING ANY PROVISION OF FEDERAL OR STATE

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

27 (d) IN PREPARING THE AUDIT, THE CONTRACTOR MAY CONSULT

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

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

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

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

26 **2-3-103.7. Disclosure of reports before filing.** (1) Any state
27 employee or other individual acting in an oversight role as a member of

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

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

12 **2-3-107. Authority to subpoena witnesses - access to records.**

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

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

1 (D) Community-centered boards in accordance with section
2 25.5-10-209 (4); AND

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

11 **SECTION 4. Appropriation.** (1) For the 2021-22 state fiscal
12 year, \$300,000 is appropriated to the legislative department for use by the
13 office of the state auditor. This appropriation is from the general fund. To
14 implement this act, the office of the state auditor may use this
15 appropriation for the audit of statewide education accountability systems.

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

20 **SECTION 5. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.