A BILL FOR AN ACT

Concerning measures to develop innovative educational assessments that support deeper learning.

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 requires the department of education (department) to cap standardized summative assessments administered to the minimum extent possible, if requested by the local education provider.

The bill requires the department to apply for a federal waiver for federal assessment requirements.

The bill requires the department to support, through various
means, local education providers and schools to innovate new assessments.

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

SECTION 1. In Colorado Revised Statutes, add 22-7-1020, 22-7-1021, 22-7-1022, and 22-7-1023 as follows:

22-7-1020. Colorado assessment plan for deeper learning - legislative declaration. (1) The general assembly finds:

(a) A performance audit of the statewide education accountability systems, including the statewide system of standards and assessments, was conducted pursuant to section 2-3-127;

(b) The performance audit revealed inequities in Colorado's elementary and secondary education system;

(c) The performance audit did not reach a conclusion regarding whether the statewide education assessment and accountability system effectively addresses inequities or simply identifies inequities;

(d) The performance audit did not evaluate the educational impact of the frequency and nature of the statewide assessments;

(e) The people of Colorado desire to devise an accountability and assessment system that encourages deeper student learning that is connected to rich curricula, reflects statewide education standards pursuant to this article 7, and evaluates student learning accordingly;

(f) The people of Colorado desire to devise local accountability and assessment systems that are connected to
STATEWIDE EDUCATION STANDARDS BUT REFLECT TEACHER INPUT AND
DESIGN AND REFLECT COMMUNITY INPUT AND DESIRES;

(g) THE PEOPLE OF COLORADO DESIRE TO DEVELOP LOCAL
ASSESSMENT AND ACCOUNTABILITY SYSTEMS THAT REFLECT A MORE
COMPLETE PICTURE OF EACH STUDENT THAN IS DETERMINED BY
STANDARDIZED TESTS, REPRESENT AN INNOVATIVE AND LESS PUNITIVE
APPROACH TO ASSESSMENT AND ACCOUNTABILITY, AND VALUE THE
INVESTMENT MADE BY TEACHERS, SCHOOL LEADERS, AND LOCAL SCHOOL
BOARDS TO PROVIDE RELEVANT, PERSONAL, AND JOYFUL LEARNING
OPPORTUNITIES FOR EACH STUDENT;

(h) THE PEOPLE OF COLORADO ENVISION A FUTURE IN WHICH
COMMUNITIES DEVELOP AND IMPLEMENT THEIR VISION FOR STUDENT
SUCCESS AND COMMUNITY PROSPERITY. LOCAL ASSESSMENT AND
ACCOUNTABILITY SYSTEMS CAN HELP TO ACKNOWLEDGE STUDENTS,
SCHOOLS, AND COMMUNITIES IN THEIR FULL CONTEXT AND PROMOTE THE
VALUE OF A FULL RANGE OF ASSETS AND CAPABILITIES. THE STATE
SHOULD CULTIVATE AND HONOR LOCAL VISIONS FOR SUCCESS, LOCAL
PROCESSES FOR SELF-IMPROVEMENT, AND PROMOTE MEANINGFUL
COLLABORATION BETWEEN COMMUNITIES IN THEIR PROCESSES.

(i) THE PEOPLE OF COLORADO DESIRE TO DEVELOP LOCAL
ASSESSMENT AND ACCOUNTABILITY SYSTEMS THAT EQUITABLY
ENCOURAGE AND EVALUATE STUDENT LEARNING AND ALLOW STUDENTS,
REGARDLESS OF THEIR DEMOGRAPHICS OR EXPERIENCES, TO
DEMONSTRATE THEIR TALENTS, CAPABILITIES, AND PROGRESS.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES IT NECESSARY
TO ENCOURAGE AND SUPPORT THE DEVELOPMENT AND IMPLEMENTATION
OF LOCAL ASSESSMENT AND ACCOUNTABILITY SYSTEMS TO FACILITATE
THESE PRINCIPLES AND TO REMOVE BARRIERS IMPOSED BY EXCESSIVE
MANDATORY STANDARDIZED TESTING THAT HINDER THE DEVELOPMENT
AND IMPLEMENTATION OF PRODUCTIVE ACCOUNTABILITY AND BENEFICIAL
ASSESSMENTS.

22-7-1021. Definitions. As used in sections 22-7-1020, 22-7-1022, and 22-7-1023, unless the context otherwise requires:

(1) "Competency and mastery-based education" means the
establishment of skills and content knowledge that students
are expected to develop and learn, and the evaluation of
whether students have mastered those competencies through
demonstration and performance.

(2) "Local education provider" means a school district, a
charter school authorized by a school district pursuant to part
1 of article 30.5 of this title 22, a charter school authorized by
the state charter school institute pursuant to part 5 of article
30.5 of this title 22, or a board of cooperative services created
and operating pursuant to article 5 of this title 22 that
operates one or more public schools.

(3) "Performance-based assessments" means assessments
that require the completion of a task by applying knowledge,
explaining processes and methodologies in problem solving,
explaining phenomenon, answering questions or forming
hypotheses, conducting inquiries, or creating an original work.

(4) "Summative assessment" means an assessment that
measures learning, demonstrated by knowledge and skills,
accumulated by students through a course of study over a
semester or more.
22-7-1022. Cap administration of standardized summative assessments - federal waiver. (1) As permitted by federal law, the Department of Education shall ensure standardized summative assessments are administered to the minimum extent practicable while still appropriately and effectively assessing the academic achievement of students, if requested by a local education provider.

(2) Pursuant to 20 U.S.C. Sec. 7861, the Department of Education shall, if necessary, apply to the federal Department of Education for a waiver of state assessment requirements pursuant to 20 U.S.C. Sec. 6311. The application may be for a strategic waiver that proposes a shortened assessment, a sampling model of assessment, a matrix sampling model of assessment, or any other strategy identified by the Department of Education to accomplish the goals described in Section 22-7-1020.

22-7-1023. Development of local assessments.

(1) (a) Notwithstanding any state law to the contrary, the Department of Education shall encourage, support, and facilitate the development of formative and summative assessments, and assessment and accountability systems for elementary and secondary schools by local education providers.

(b) On or before June 30, 2024, the Department of Education shall produce a plan articulating how it will perform its duty pursuant to subsection (1)(a) of this section.

(2) Notwithstanding any state law to the contrary, the
DEPARTMENT OF EDUCATION SHALL CULTIVATE AND SCALE PROVEN LOCAL
INNOVATIONS IN ASSESSMENT AND ACCOUNTABILITY SYSTEMS TOWARD
A COMPETENCY AND MASTERY-BASED EDUCATION MODEL WITH
ASSOCIATED STATEWIDE ASSESSMENT AND ACCOUNTABILITY SYSTEMS.

(3) NOTWITHSTANDING ANY STATE LAW TO THE CONTRARY, THE
DEPARTMENT OF EDUCATION SHALL ENCOURAGE AND SUPPORT LOCAL
EDUCATION PROVIDERS IN DEVELOPING ASSESSMENTS AND ASSESSMENT
SYSTEMS THAT ARE:

(a) AUTHENTIC TO STUDENT DISCIPLINE-SPECIFIC LEARNING,
EXPERIENCE, AND THE DEMONSTRATION OF PERFORMANCE-BASED
LEARNING;

(b) RELATED TO CURRICULUM TAUGHT IN THE SCHOOL;

(c) EVALUATED AND GRADED IN A MANNER THAT PROVIDES THE
STUDENT WITH MEANINGFUL FEEDBACK THAT CAN BE USED FOR ACADEMIC
IMPROVEMENT;

(d) DEVELOPED BY TEACHERS IN CONSULTATION WITH SCHOOL
ADMINISTRATORS AND THE COMMUNITY; AND

(e) AVAILABLE FOR DEMONSTRATION AND COMMUNITY
INSPECTION.

(4)(a) ASSESSMENTS AND ASSESSMENT SYSTEMS DEVELOPED BY
LOCAL EDUCATION PROVIDERS MUST BE DEVELOPED BY TEACHERS,
SCHOOL ADMINISTRATORS, DISTRICT ADMINISTRATORS, AND THE
COMMUNITY, INCLUDING PARENTS AND STUDENTS, WORKING
INDIVIDUALLY, IN GRADE TEAMS, AND IN DISCIPLINE TEAMS.

(b) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO SUPPORT
COMMUNITIES OF ASSESSMENT PRACTICE AND PROVIDE SUFFICIENT TIME
AND RESOURCES TO ACCOMPLISH THE GOALS OF INNOVATING A LOCAL
(c) Local education providers may implement existing performance-based tasks and assessments as a part of their overall system of assessment and accountability.

(5) To encourage and support local education providers in developing assessments and assessment systems, notwithstanding any state law to the contrary, the Department of Education shall, on or before June 30, 2026:

(a) (I) In the first application cycle after July 1, 2023, apply for a federal Department of Education competitive grant for state assessments, for the purpose of providing state support to local communities in developing and implementing performance-based tasks and assessments. The Department of Education shall model its application after applications of previous grant recipients. If the Department of Education receives the grant, it shall accept and expend the grant for the purposes of this section.

(II) Seek, accept, and expend federal resources for the purpose of supporting a pilot network of schools and local education providers, as described in subsection (5)(b) of this section, that use performance-based assessments as the primary method to demonstrate student learning and accomplishment. The goal is for the pilot schools and local education providers to become the basis of a statewide system of assessment and accountability systems that meet federal requirements while honoring local innovations in competency and mastery-based education.
(b) Create and support a pilot network of local education providers and schools that shall develop and implement effective performance-based learning and assessment models, and implement a process to research, develop, implement, and scale the assessment and accountability systems statewide. The department of education must create a pilot network that is demographically and geographically diverse.

(c) Support local education providers and schools in forming communities of assessment practice across schools and school districts in which ideas and innovation are exchanged, and innovative practice is critiqued and supported;

(d) Create and maintain a statewide resource bank of materials, tasks, and assessments developed by local education providers and schools in their innovations;

(e) Create and facilitate professional development opportunities statewide, including demonstrations of effective teaching and performance-based assessment practices from members of the pilot network;

(f) Support local education providers with rubric development and standard setting that support assessment and accountability systems, including supporting rubric design, conducting reliability exercises to ensure scoring commonality, and engaging in an iterative process of setting benchmarks for various competencies and skill mastery;

(g) Partner with universities and research institutions to study and support performance-based assessments and their use for the purposes of accountability;
(h) **WITH LOCAL EDUCATION PROVIDERS AND THEIR COMMUNITIES,**

DEVELOP CRITERIA FOR COMPETENCY AND MASTERY IN CORE AREAS THAT
SECONDARY SCHOOL STUDENTS MUST ATTAIN AND ARE EFFECTIVELY
DEMONSTRATED THROUGH PERFORMANCE-BASED ASSESSMENTS; AND

(i) **DEVELOP A MODEL THAT ACHIEVES VERTICAL COHERENCE**
BETWEEN LOCAL AND STATE SYSTEMS THROUGH THE IMPLEMENTATION OF
A GOVERNANCE STRUCTURE THAT SUPPORTS THE CO-CREATION OF A
LOCAL AND STATE ACCOUNTABILITY SYSTEM.

(6) **THE REQUIREMENTS OF THIS SECTION ARE NOT CONTINGENT**
UPON THE RECEIPT OF FEDERAL FUNDS PURSUANT TO SUBSECTION (5)(a)
OF THIS SECTION.

(7) **NOTHING IN THIS SECTION CONCERNING THE DEVELOPMENT OR**
USE OF A NEW LOCAL AND STATE ASSESSMENT AND SYSTEM OF
ASSESSMENTS MUST CONFLICT WITH OR REPLACE ANY EXISTING FEDERAL
OR STATE LAWS OR REQUIREMENTS CONCERNING ASSESSMENTS.

**SECTION 2. 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.