HOUSE BILL 21-1161

BY REPRESENTATIVE(S) Sirota and McLachlan, Amabile, Bacon, Benavidez, Bernett, Bird, Caraveo, Froelich, Hooton, Jodeh, Kennedy, Kipp, McCluskie, McCormick, Michaelson Jenet, Roberts, Snyder, Weissman, Woodrow, Young, Arndt, Cutter, Esgar, Exum, Garnett, Gonzales-Gutierrez, Jackson, Lontine, Ricks, Titone, Valdez A., Valdez D.; also SENATOR(S) Zenzinger and Coram, Buckner, Cooke, Bridges, Coleman, Danielson, Donovan, Fenberg, Garcia, Ginal, Gonzales, Hansen, Hisey, Holbert, Jaquez Lewis, Lee, Moreno, Pettersen, Rodriguez, Scott, Simpson, Sonnenberg, Story, Winter.

CONCERNING SUSPENDING REQUIRED STATEWIDE ASSESSMENTS FOR SELECTED GRADE LEVELS FOR THE 2020-21 SCHOOL YEAR, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 22-7-1006.3, **add** (11) as follows:

22-7-1006.3. State assessments - administration - rules - repeal. (11) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (1)(a)(I), (1)(a)(II), AND (3)(c) OF THIS SECTION, IF ALLOWED BY FEDERAL LAW OR BY

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.

A WAIVER OF FEDERAL LAW RECEIVED FROM THE FEDERAL DEPARTMENT OF EDUCATION PURSUANT TO SUBSECTION (11)(b) OF THIS SECTION, THE DEPARTMENT OF EDUCATION, FOR THE 2020-21 SCHOOL YEAR, SHALL:

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

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

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

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

(c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (1)(a)(III) AND (3)(c) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL SUSPEND THE ADMINISTRATION OF THE SOCIAL STUDIES STATE ASSESSMENT REQUIRED IN SUBSECTION (1)(a)(III) OF THIS SECTION FOR THE 2020-21 SCHOOL YEAR.

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

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

22-9-106. Local boards of education - duties - performance evaluation system - compliance - rules - repeal. (9) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 9 OR ANY PROVISION OF STATE BOARD RULE THAT IMPLEMENTS THIS ARTICLE 9 TO THE CONTRARY, FOR THE 2020-21 SCHOOL YEAR, EVALUATION RATINGS FOR LICENSED PERSONNEL MUST NOT INCLUDE CONSIDERATION OF STUDENT ACADEMIC GROWTH MEASURES OR OTHER STUDENT PERFORMANCE MEASURES.

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

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

22-11-204. Performance indicators - measures - repeal. (8) (a) Notwithstanding the provisions of this section to the contrary, as a result of the suspension of normal in-person learning in Colorado schools due to the presence of COVID-19 in the state, the department is not required to determine for the 2019-20 ~~school year~~ AND 2020-21 SCHOOL YEARS the level of attainment of each public school, each school district, the institute, and the state as a whole on the performance indicators described in this section.

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

SECTION 4. In Colorado Revised Statutes, 22-7-604.5, **add** (2.5)(e) as follows:

22-7-604.5. Alternative education campuses - criteria - application - rule-making - definition - repeal. (2.5) (e) (I) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2.5)(a) OF THIS SECTION, FOR THE 2021-22 SCHOOL YEAR, THE DEPARTMENT SHALL NOT REVIEW THE PERFORMANCE OF EACH ALTERNATIVE EDUCATION CAMPUS BASED ON THE CRITERIA SPECIFIED IN STATE BOARD RULE NOR RECOMMEND TO THE COMMISSIONER OF EDUCATION, AS DESCRIBED IN SECTION 22-11-210, REGARDING WHETHER THE ALTERNATIVE EDUCATION CAMPUS SHALL ADOPT A PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN. FOR THE 2021-22 SCHOOL YEAR, EACH ALTERNATIVE EDUCATION CAMPUS SHALL CONTINUE TO IMPLEMENT THE SCHOOL PLAN TYPE THAT WAS ASSIGNED FOR THE PRECEDING SCHOOL YEAR.

(II) 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 PRECEDING SCHOOL YEAR, AN ALTERNATIVE EDUCATION CAMPUS MAY REQUEST A PLAN TYPE FOR THE 2021-22 SCHOOL YEAR THAT REFLECTS ITS LEVEL OF ATTAINMENT BASED ON AN ALTERNATIVE BODY OF EVIDENCE AS DESCRIBED IN SECTION 22-11-210 (2.6)(b).

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

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

22-11-207. Accreditation categories - criteria - rules. (4) (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION OR SECTION 22-11-209 (3.5), THE DEPARTMENT SHALL EXCLUDE CONSIDERATION OF THE SCHOOL DISTRICT'S OR INSTITUTE'S ACCREDITATION RATING FOR THE 2020-21 AND 2021-22 SCHOOL YEARS FROM CALCULATING CONSECUTIVE YEARS FOR PURPOSES OF SUBSECTION (4)(a) OF THIS SECTION AND SECTION 22-11-209 (3.5) AND SHALL COUNT THE SCHOOL DISTRICT'S OR INSTITUTE'S ACCREDITATION RATING FOR THE 2022-23 SCHOOL YEAR AS IF IT WERE CONSECUTIVE TO THE 2019-20 SCHOOL YEAR.

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

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

(b) (I) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1.6)(a) OF THIS SECTION, IF REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN DURING THE 2020-21 SCHOOL YEAR ON THE BASIS OF ITS ACCREDITATION RATING FOR THE 2019-20 SCHOOL YEAR, A SCHOOL DISTRICT OR THE INSTITUTE MAY SUBMIT A REQUEST TO THE DEPARTMENT

FOR AN ACCREDITATION RATING AND PLAN TYPE FOR THE 2021-22 SCHOOL YEAR THAT REFLECTS ITS LEVEL OF ATTAINMENT BASED ON AN ALTERNATIVE BODY OF EVIDENCE, WHICH MAY INCLUDE STATE AND LOCAL ASSESSMENT DATA. THE STATE BOARD MAY PROMULGATE RULES FOR IMPLEMENTING THIS SUBSECTION (1.6)(b), INCLUDING BUT NOT LIMITED TO:

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

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

(C) INPUT FROM THE STATE REVIEW PANEL;

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

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

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

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

22-11-210. Public schools - annual review - plans - supports and interventions - rules. (1) (d) (III) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(d)(I) OF THIS SECTION, THE DEPARTMENT SHALL EXCLUDE THE CONSIDERATION OF THE SCHOOL'S PLAN TYPE ASSIGNED FOR THE 2020-21 AND 2021-22 SCHOOL YEARS FROM THE CALCULATIONS REQUIRED IN SUBSECTIONS (1)(d)(I) AND (5.5) OF THIS SECTION AND SHALL COUNT THE SCHOOL'S PLAN TYPE FOR THE 2022-23 SCHOOL YEAR AS IF IT WERE CONSECUTIVE TO THE 2019-20 SCHOOL YEAR.

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

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

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

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

(C) INPUT FROM THE STATE REVIEW PANEL;

(D) THE CONTENT OF THE ACCREDITATION CONTRACTS AND PLANS BASED UPON THE STATE BOARD'S DETERMINATION OF WHETHER TO ASSIGN A DIFFERENT PLAN TYPE; AND

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

(II) A CHANGE IN A PUBLIC SCHOOL'S PLAN TYPE FOR THE 2021-22 SCHOOL YEAR PURSUANT TO SUBSECTION (2.6)(b)(I) OF THIS SECTION DOES NOT AFFECT THE TIME-BASED CALCULATIONS REQUIRED IN 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~~ 32,550,495			~~26,113,860~~[d] 25,363,860[d] (5.0 FTE)	7,186,635(I)° (12.5 FTE)
Longitudinal Analyses of Student Assessment Results	765,973	467,973 (4.1 FTE)		298,000[d]	
Basic Skills Placement or Assessment Tests	50,000			50,000[d]	
Preschool to Postsecondary Education Alignment	672,672	37,309 (0.5 FTE)		635,363[d] (3.5 FTE)	
Educator Effectiveness Unit Administration	2,011,257	1,874,519 (11.5 FTE)		136,738[d] (1.0 FTE)	
Accountability and Improvement Planning	1,784,651	1,234,319 (4.6 FTE)			550,332(I) (6.8 FTE)
	~~38,585,048~~ 37,835,048				

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
TOTALS PART III (EDUCATION)		~~$6,369,290,636~~ $6,368,540,636	$4,609,072,951	$84,491,394[a]	~~$1,015,987,081~~[b] $1,015,237,081[b]	$40,151,896[c]	$619,587,314[d]

[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.

SECTION 9. 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.

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 March 16, 2021 at 4:13 pm
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO