

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0737.02 Jacob Baus x2173

HOUSE BILL 23-1239

HOUSE SPONSORSHIP

Hamrick and Bacon,

SENATE SPONSORSHIP

Marchman and Kolker,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO DEVELOP INNOVATIVE EDUCATIONAL
102 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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

means, local education providers and schools to innovate new assessments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-7-1020,
3 22-7-1021, 22-7-1022, and 22-7-1023 as follows:

4 **22-7-1020. Colorado assessment plan for deeper learning -**
5 **legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS:

6 (a) A PERFORMANCE AUDIT OF THE STATEWIDE EDUCATION
7 ACCOUNTABILITY SYSTEMS, INCLUDING THE STATEWIDE SYSTEM OF
8 STANDARDS AND ASSESSMENTS, WAS CONDUCTED PURSUANT TO SECTION
9 2-3-127;

10 (b) THE PERFORMANCE AUDIT REVEALED INEQUITIES IN
11 COLORADO'S ELEMENTARY AND SECONDARY EDUCATION SYSTEM;

12 (c) THE PERFORMANCE AUDIT DID NOT REACH A CONCLUSION
13 REGARDING WHETHER THE STATEWIDE EDUCATION ASSESSMENT AND
14 ACCOUNTABILITY SYSTEM EFFECTIVELY ADDRESSES INEQUITIES OR SIMPLY
15 IDENTIFIES INEQUITIES;

16 (d) THE PERFORMANCE AUDIT DID NOT EVALUATE THE
17 EDUCATIONAL IMPACT OF THE FREQUENCY AND NATURE OF THE
18 STATEWIDE ASSESSMENTS;

19 (e) THE PEOPLE OF COLORADO DESIRE TO DEVISE AN
20 ACCOUNTABILITY AND ASSESSMENT SYSTEM THAT ENCOURAGES DEEPER
21 STUDENT LEARNING THAT IS CONNECTED TO RICH CURRICULA, REFLECTS
22 STATEWIDE EDUCATION STANDARDS PURSUANT TO THIS ARTICLE 7, AND
23 EVALUATES STUDENT LEARNING ACCORDINGLY;

24 (f) THE PEOPLE OF COLORADO DESIRE TO DEVISE LOCAL
25 ACCOUNTABILITY AND ASSESSMENT SYSTEMS THAT ARE CONNECTED TO

1 STATEWIDE EDUCATION STANDARDS BUT REFLECT TEACHER INPUT AND
2 DESIGN AND REFLECT COMMUNITY INPUT AND DESIRES;

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

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

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

25 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES IT NECESSARY
26 TO ENCOURAGE AND SUPPORT THE DEVELOPMENT AND IMPLEMENTATION
27 OF LOCAL ASSESSMENT AND ACCOUNTABILITY SYSTEMS TO FACILITATE

1 THESE PRINCIPLES AND TO REMOVE BARRIERS IMPOSED BY EXCESSIVE
2 MANDATORY STANDARDIZED TESTING THAT HINDER THE DEVELOPMENT
3 AND IMPLEMENTATION OF PRODUCTIVE ACCOUNTABILITY AND BENEFICIAL
4 ASSESSMENTS.

5 **22-7-1021. Definitions.** AS USED IN SECTIONS 22-7-1020,
6 22-7-1022, AND 22-7-1023, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (1) "COMPETENCY AND MASTERY-BASED EDUCATION" MEANS THE
8 ESTABLISHMENT OF SKILLS AND CONTENT KNOWLEDGE THAT STUDENTS
9 ARE EXPECTED TO DEVELOP AND LEARN, AND THE EVALUATION OF
10 WHETHER STUDENTS HAVE MASTERED THOSE COMPETENCIES THROUGH
11 DEMONSTRATION AND PERFORMANCE.

12 (2) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
13 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
14 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
15 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
16 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED
17 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
18 OPERATES ONE OR MORE PUBLIC SCHOOLS.

19 (3) "PERFORMANCE-BASED ASSESSMENTS" MEANS ASSESSMENTS
20 THAT REQUIRE THE COMPLETION OF A TASK BY APPLYING KNOWLEDGE,
21 EXPLAINING PROCESSES AND METHODOLOGIES IN PROBLEM SOLVING,
22 EXPLAINING PHENOMENON, ANSWERING QUESTIONS OR FORMING
23 HYPOTHESES, CONDUCTING INQUIRIES, OR CREATING AN ORIGINAL WORK.

24 (4) "SUMMATIVE ASSESSMENT" MEANS AN ASSESSMENT THAT
25 MEASURES LEARNING, DEMONSTRATED BY KNOWLEDGE AND SKILLS,
26 ACCUMULATED BY STUDENTS THROUGH A COURSE OF STUDY OVER A
27 SEMESTER OR MORE.

1 **22-7-1022. Cap administration of standardized summative**
2 **assessments - federal waiver.** (1) AS PERMITTED BY FEDERAL LAW, THE
3 DEPARTMENT OF EDUCATION SHALL ENSURE STANDARDIZED SUMMATIVE
4 ASSESSMENTS ARE ADMINISTERED TO THE MINIMUM EXTENT PRACTICABLE
5 WHILE STILL APPROPRIATELY AND EFFECTIVELY ASSESSING THE ACADEMIC
6 ACHIEVEMENT OF STUDENTS, IF REQUESTED BY A LOCAL EDUCATION
7 PROVIDER.

8 (2) PURSUANT TO 20 U.S.C. SEC. 7861, THE DEPARTMENT OF
9 EDUCATION SHALL, IF NECESSARY, APPLY TO THE FEDERAL DEPARTMENT
10 OF EDUCATION FOR A WAIVER OF STATE ASSESSMENT REQUIREMENTS
11 PURSUANT TO 20 U.S.C. SEC. 6311. THE APPLICATION MAY BE FOR A
12 STRATEGIC WAIVER THAT PROPOSES A SHORTENED ASSESSMENT, A
13 SAMPLING MODEL OF ASSESSMENT, A MATRIX SAMPLING MODEL OF
14 ASSESSMENT, OR ANY OTHER STRATEGY IDENTIFIED BY THE DEPARTMENT
15 OF EDUCATION TO ACCOMPLISH THE GOALS DESCRIBED IN SECTION
16 22-7-1020.

17 **22-7-1023. Development of local assessments.**
18 (1) (a) NOTWITHSTANDING ANY STATE LAW TO THE CONTRARY, THE
19 DEPARTMENT OF EDUCATION SHALL ENCOURAGE, SUPPORT, AND
20 FACILITATE THE DEVELOPMENT OF FORMATIVE AND SUMMATIVE
21 ASSESSMENTS, AND ASSESSMENT AND ACCOUNTABILITY SYSTEMS FOR
22 ELEMENTARY AND SECONDARY SCHOOLS BY LOCAL EDUCATION
23 PROVIDERS.

24 (b) ON OR BEFORE JUNE 30, 2024, THE DEPARTMENT OF
25 EDUCATION SHALL PRODUCE A PLAN ARTICULATING HOW IT WILL PERFORM
26 ITS DUTY PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

27 (2) NOTWITHSTANDING ANY STATE LAW TO THE CONTRARY, THE

1 DEPARTMENT OF EDUCATION SHALL CULTIVATE AND SCALE PROVEN LOCAL
2 INNOVATIONS IN ASSESSMENT AND ACCOUNTABILITY SYSTEMS TOWARD
3 A COMPETENCY AND MASTERY-BASED EDUCATION MODEL WITH
4 ASSOCIATED STATEWIDE ASSESSMENT AND ACCOUNTABILITY SYSTEMS.

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

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

12 (b) RELATED TO CURRICULUM TAUGHT IN THE SCHOOL;

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

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

18 (e) AVAILABLE FOR DEMONSTRATION AND COMMUNITY
19 INSPECTION.

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

25 (b) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO SUPPORT
26 COMMUNITIES OF ASSESSMENT PRACTICE AND PROVIDE SUFFICIENT TIME
27 AND RESOURCES TO ACCOMPLISH THE GOALS OF INNOVATING A LOCAL

1 ASSESSMENT AND ASSESSMENT SYSTEM.

2 (c) LOCAL EDUCATION PROVIDERS MAY IMPLEMENT EXISTING
3 PERFORMANCE-BASED TASKS AND ASSESSMENTS AS A PART OF THEIR
4 OVERALL SYSTEM OF ASSESSMENT AND ACCOUNTABILITY.

5 (5) TO ENCOURAGE AND SUPPORT LOCAL EDUCATION PROVIDERS
6 IN DEVELOPING ASSESSMENTS AND ASSESSMENT SYSTEMS,
7 NOTWITHSTANDING ANY STATE LAW TO THE CONTRARY, THE DEPARTMENT
8 OF EDUCATION SHALL, ON OR BEFORE JUNE 30, 2026:

9 (a) (I) IN THE FIRST APPLICATION CYCLE AFTER JULY 1, 2023,
10 APPLY FOR A FEDERAL DEPARTMENT OF EDUCATION COMPETITIVE GRANT
11 FOR STATE ASSESSMENTS, FOR THE PURPOSE OF PROVIDING STATE SUPPORT
12 TO LOCAL COMMUNITIES IN DEVELOPING AND IMPLEMENTING
13 PERFORMANCE-BASED TASKS AND ASSESSMENTS. THE DEPARTMENT OF
14 EDUCATION SHALL MODEL ITS APPLICATION AFTER APPLICATIONS OF
15 PREVIOUS GRANT RECIPIENTS. IF THE DEPARTMENT OF EDUCATION
16 RECEIVES THE GRANT, IT SHALL ACCEPT AND EXPEND THE GRANT FOR THE
17 PURPOSES OF THIS SECTION.

18 (II) SEEK, ACCEPT, AND EXPEND FEDERAL RESOURCES FOR THE
19 PURPOSE OF SUPPORTING A PILOT NETWORK OF SCHOOLS AND LOCAL
20 EDUCATION PROVIDERS, AS DESCRIBED IN SUBSECTION (5)(b) OF THIS
21 SECTION, THAT USE PERFORMANCE-BASED ASSESSMENTS AS THE PRIMARY
22 METHOD TO DEMONSTRATE STUDENT LEARNING AND ACCOMPLISHMENT.
23 THE GOAL IS FOR THE PILOT SCHOOLS AND LOCAL EDUCATION PROVIDERS
24 TO BECOME THE BASIS OF A STATEWIDE SYSTEM OF ASSESSMENT AND
25 ACCOUNTABILITY SYSTEMS THAT MEET FEDERAL REQUIREMENTS WHILE
26 HONORING LOCAL INNOVATIONS IN COMPETENCY AND MASTERY-BASED
27 EDUCATION.

1 (b) CREATE AND SUPPORT A PILOT NETWORK OF LOCAL EDUCATION
2 PROVIDERS AND SCHOOLS THAT SHALL DEVELOP AND IMPLEMENT
3 EFFECTIVE PERFORMANCE-BASED LEARNING AND ASSESSMENT MODELS,
4 AND IMPLEMENT A PROCESS TO RESEARCH, DEVELOP, IMPLEMENT, AND
5 SCALE THE ASSESSMENT AND ACCOUNTABILITY SYSTEMS STATEWIDE. THE
6 DEPARTMENT OF EDUCATION MUST CREATE A PILOT NETWORK THAT IS
7 DEMOGRAPHICALLY AND GEOGRAPHICALLY DIVERSE.

8 (c) SUPPORT LOCAL EDUCATION PROVIDERS AND SCHOOLS IN
9 FORMING COMMUNITIES OF ASSESSMENT PRACTICE ACROSS SCHOOLS AND
10 SCHOOL DISTRICTS IN WHICH IDEAS AND INNOVATION ARE EXCHANGED,
11 AND INNOVATIVE PRACTICE IS CRITIQUED AND SUPPORTED;

12 (d) CREATE AND MAINTAIN A STATEWIDE RESOURCE BANK OF
13 MATERIALS, TASKS, AND ASSESSMENTS DEVELOPED BY LOCAL EDUCATION
14 PROVIDERS AND SCHOOLS IN THEIR INNOVATIONS;

15 (e) CREATE AND FACILITATE PROFESSIONAL DEVELOPMENT
16 OPPORTUNITIES STATEWIDE, INCLUDING DEMONSTRATIONS OF EFFECTIVE
17 TEACHING AND PERFORMANCE-BASED ASSESSMENT PRACTICES FROM
18 MEMBERS OF THE PILOT NETWORK;

19 (f) SUPPORT LOCAL EDUCATION PROVIDERS WITH RUBRIC
20 DEVELOPMENT AND STANDARD SETTING THAT SUPPORT ASSESSMENT AND
21 ACCOUNTABILITY SYSTEMS, INCLUDING SUPPORTING RUBRIC DESIGN,
22 CONDUCTING RELIABILITY EXERCISES TO ENSURE SCORING COMMONALITY,
23 AND ENGAGING IN AN ITERATIVE PROCESS OF SETTING BENCHMARKS FOR
24 VARIOUS COMPETENCIES AND SKILL MASTERY;

25 (g) PARTNER WITH UNIVERSITIES AND RESEARCH INSTITUTIONS TO
26 STUDY AND SUPPORT PERFORMANCE-BASED ASSESSMENTS AND THEIR USE
27 FOR THE PURPOSES OF ACCOUNTABILITY;

1 (h) WITH LOCAL EDUCATION PROVIDERS AND THEIR COMMUNITIES,
2 DEVELOP CRITERIA FOR COMPETENCY AND MASTERY IN CORE AREAS THAT
3 SECONDARY SCHOOL STUDENTS MUST ATTAIN AND ARE EFFECTIVELY
4 DEMONSTRATED THROUGH PERFORMANCE-BASED ASSESSMENTS; AND

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

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

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

16 **SECTION 2. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.