

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0741.01 Jacob Baus x2173

SENATE BILL 26-068

SENATE SPONSORSHIP

Kolker and Pelton B.,

HOUSE SPONSORSHIP

Hamrick and Garcia Sander,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO MODIFY THE ADMINISTRATION OF**
102 **EDUCATION ASSESSMENTS.**

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 to:

- Ensure that standardized summative assessments are administered to students to the minimum extent possible; and
- Apply for a federal waiver for federal assessment requirements, if necessary.

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.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The Colorado Measures of Academic Success assessments
5 place an undue burden on students and educators across the state;

6 (b) According to the department of education, each student in
7 grades 3 through 8 spends up to eleven hours each year completing these
8 statewide assessments;

9 (c) The amount of time required to administer statewide
10 assessments does not include additional instructional time lost to test
11 preparation, educator training, make-up testing, or modified school
12 schedules, which disrupt multiple weeks of academic instruction for
13 students and staff;

14 (d) Statewide assessments are administered to satisfy federal
15 requirements. Federal law permits flexibility in the state's assessments to
16 meet those requirements.

17 (e) Colorado administers more statewide testing than is required
18 under federal law;

19 (f) Statewide assessments are summative in nature and intended
20 to produce comparable data for accountability, but the delayed return of
21 results limits the ability of educators to use that data to inform instruction
22 for the tested students;

23 (g) In addition to statewide assessments, students in Colorado
24 complete multiple other locally administered assessments;

25 (h) Locally administered assessments typically return results
26 quicker and provide educators with timely data that can be used to

- 1 support instruction and student mastery of the assessed subjects;
2 (i) Reducing statewide assessments would return meaningful
3 instructional time to students and educators and allow greater reliance on
4 timely, actionable assessment data already collected by local education
5 providers;
6 (j) Furthermore, reducing the length of statewide assessments
7 provides a cost savings to the state, which spends approximately \$20
8 million annually to develop and administer statewide assessments; and
9 (k) It is necessary to convene a working group to develop
10 recommendations to reduce the amount of time required for statewide
11 assessments used to satisfy federal requirements.

12 **SECTION 2. In Colorado Revised Statutes, add 22-7-1006.2 as**
13 **follows:**

14 **22-7-1006.2. State assessments modifications - working group**
15 **- report - definitions - repeal.**

16 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

18 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
19 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

20 (b) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
21 COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL BASED ON THE
22 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
23 SCHOOL DISTRICT FROM THE NEAREST LARGE URBANIZED AREA.

24 (c) "SMALL RURAL SCHOOL DISTRICT" MEANS A RURAL SCHOOL
25 DISTRICT THAT ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED
26 STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

27 (d) "WORKING GROUP" MEANS THE STATE ASSESSMENTS

1 MODIFICATIONS WORKING GROUP CREATED AND EXISTING PURSUANT TO
2 SUBSECTION (2) OF THIS SECTION.

3 (2) (a) THERE IS CREATED THE STATE ASSESSMENTS
4 MODIFICATIONS WORKING GROUP.

5 (b) THE WORKING GROUP IS:

6 (I) THE FOLLOWING MEMBERS, APPOINTED BY THE CHAIR OF THE
7 SENATE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE:

8 (A) TWO INDIVIDUALS, EACH OF WHOM IS EITHER A TEACHER
9 EMPLOYED BY OR AN EMPLOYEE OF A SCHOOL DISTRICT, APPOINTED WITH
10 THE ADVICE OF A STATEWIDE ASSOCIATION THAT REPRESENTS
11 EDUCATORS;

12 (B) A RURAL SCHOOL DISTRICT ADMINISTRATOR, APPOINTED WITH
13 THE ADVICE OF A STATEWIDE ASSOCIATION THAT REPRESENTS RURAL
14 SCHOOLS;

15 (C) A SUPERINTENDENT, EMPLOYED BY A SCHOOL DISTRICT THAT
16 IS NOT A RURAL SCHOOL DISTRICT OR SMALL RURAL SCHOOL DISTRICT,
17 APPOINTED WITH THE ADVICE OF A STATEWIDE ASSOCIATION THAT
18 REPRESENTS SCHOOL EXECUTIVES;

19 (D) A DIRECTOR OF A LOCAL BOARD OF EDUCATION, APPOINTED
20 WITH THE ADVICE OF A STATEWIDE ASSOCIATION THAT REPRESENTS
21 SCHOOL DISTRICT BOARDS OF EDUCATION; AND

22 (E) A CHARTER SCHOOL TEACHER, APPOINTED WITH THE ADVICE
23 OF A STATEWIDE ASSOCIATION THAT ADVOCATES FOR CHARTER SCHOOLS;
24 AND

25 (II) THE FOLLOWING MEMBERS, APPOINTED BY THE CHAIR OF THE
26 HOUSE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE:

27 (A) TWO INDIVIDUALS, EACH OF WHOM IS EITHER A TEACHER

1 EMPLOYED BY OR AN EMPLOYEE OF A SCHOOL DISTRICT, APPOINTED WITH
2 THE ADVICE OF A STATEWIDE ASSOCIATION THAT REPRESENTS
3 EDUCATORS;

4 (B) A SMALL RURAL SCHOOL DISTRICT ADMINISTRATOR,
5 APPOINTED WITH THE ADVICE OF A STATEWIDE ASSOCIATION THAT
6 REPRESENTS RURAL SCHOOLS;

7 (C) A SCHOOL ADMINISTRATOR WHO IS EMPLOYED BY A SCHOOL
8 DISTRICT THAT IS NOT A RURAL SCHOOL DISTRICT OR SMALL RURAL
9 SCHOOL DISTRICT, APPOINTED WITH THE ADVICE OF A STATEWIDE
10 ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;

11 (D) A DIRECTOR OF A LOCAL BOARD OF EDUCATION, APPOINTED
12 WITH THE ADVICE OF A STATEWIDE ASSOCIATION THAT REPRESENTS
13 SCHOOL DISTRICT BOARDS OF EDUCATION; AND

14 (E) A CHARTER SCHOOL ADMINISTRATOR, APPOINTED WITH THE
15 ADVICE OF A STATEWIDE ASSOCIATION THAT ADVOCATES FOR CHARTER
16 SCHOOLS.

17 (c) THE APPOINTING AUTHORITIES SHALL MAKE THEIR
18 APPOINTMENTS TO THE WORKING GROUP ON OR BEFORE AUGUST 1, 2026.

19 (d) THE COMMISSIONER SHALL APPOINT AN EMPLOYEE OF THE
20 DEPARTMENT TO SERVE AS A CONSULTANT TO THE WORKING GROUP IN
21 DEVELOPING THE RECOMMENDATIONS AND BEST PRACTICES REQUIRED TO
22 BE MADE PURSUANT TO SUBSECTION (4) OF THIS SECTION.

23 (3) THE WORKING GROUP SHALL HOLD ITS FIRST MEETING NO
24 LATER THAN SEPTEMBER 1, 2026. AT THE FIRST MEETING, THE WORKING
25 GROUP SHALL SELECT FROM AMONG ITS MEMBERS A PERSON TO SERVE AS
26 CHAIR OF THE WORKING GROUP. THE WORKING GROUP SHALL MEET AT THE
27 CALL OF THE CHAIR AS OFTEN AS NECESSARY TO COMPLETE ITS DUTIES.

1 THE MEMBERS OF THE WORKING GROUP MAY PARTICIPATE IN MEETINGS
2 ELECTRONICALLY.

3 (4) THE WORKING GROUP SHALL INVESTIGATE OPTIONS AVAILABLE
4 TO THE STATE FOR, AND MAKE FINDINGS RELATED TO, REDUCING THE TIME
5 DEDICATED TO ADMINISTERING STATE ASSESSMENTS IN ENGLISH
6 LANGUAGE ARTS, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES IN
7 GRADES THREE THROUGH EIGHT, ADMINISTERED PURSUANT TO SECTION
8 22-7-1006.3 (1), SO THAT:

9 (a) STATE ASSESSMENTS ARE ADMINISTERED TO THE MINIMUM
10 EXTENT REQUIRED TO COMPLY WITH STATE AND FEDERAL LAW, INCLUDING
11 THE FEDERAL "EVERY STUDENT SUCCEEDS ACT", 20 U.S.C. SEC. 6301 ET
12 SEQ., AND ITS IMPLEMENTING REGULATIONS; AND

13 (b) THE TIME DEDICATED TO STATE ASSESSMENTS IN GRADES
14 THREE THROUGH EIGHT ALIGNS WITH THE TIME SPENT ON STATE
15 ASSESSMENTS IN HIGH SCHOOL, TO THE EXTENT PRACTICABLE.

16 (5) ON OR BEFORE DECEMBER 1, 2026, THE WORKING GROUP
17 SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE
18 OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,
19 AND TO THE COMMISSIONER OF EDUCATION CONCERNING ITS FINDINGS
20 CONDUCTED PURSUANT TO SUBSECTION (4) OF THIS SECTION, AND MAKE
21 RECOMMENDATIONS AND BEST PRACTICES CONCERNING THE WORKING
22 GROUP'S FINDINGS DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

23 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

24 SECTION 3. In Colorado Revised Statutes, 22-7-1013, amend
25 (6) as follows:

26 22-7-1013. Local education provider - preschool through
27 elementary and secondary education standards - adoption - academic

1 **acceleration - definition.**

2 (6) Each local education provider shall adopt and implement a
3 written policy by which the local education provider will decide whether
4 the students enrolled by the local education provider will use pencil and
5 paper to complete any portion of a state assessment administered pursuant
6 to section 22-7-1006.3 (1)(a) that the students would otherwise complete
7 using a computer. The policy must ensure that the local education
8 provider makes the decision in consultation with parents and, if the local
9 education provider is a school district or board of cooperative services,
10 the public schools that the local education provider operates. The local
11 education provider may decide that the students in one or more of the
12 public schools, or in one or more of the classrooms of the public schools,
13 operated by the local education provider will use pencil and paper to
14 complete the computerized portions of a state assessment. Each year
15 before the start of fall semester classes, the local education provider shall
16 distribute copies of the policy to the parents of students enrolled in the
17 local education provider and post a copy of the policy on the local
18 education provider's website. THE LOCAL EDUCATION PROVIDER SHALL
19 BEAR THE COST OF ADMINISTERING ANY PORTION OF A STATE ASSESSMENT
20 DESCRIBED IN SECTION 22-7-1006.3 (1)(a) THAT IS CONDUCTED BY PENCIL
21 AND PAPER IN ACCORDANCE WITH THE LOCAL EDUCATION PROVIDER'S
22 POLICY ADOPTED PURSUANT TO THIS SUBSECTION (6) THAT THE STUDENTS
23 WOULD OTHERWISE COMPLETE USING A COMPUTER.

24 **SECTION 4. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.