

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

**PREAMENDED**

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

LLS NO. 21-0575.01 Julie Pelegrin x2700

**SENATE BILL 21-013**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO ADDRESS STUDENT LEARNING LOSS**  
102 **OCcurring AS A RESULT OF THE COVID-19 PANDEMIC.**

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**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 department of education (department) to identify educational products, strategies, and services that have demonstrated effectiveness in identifying and reversing student learning loss that has been caused by the suspension of in-person learning. The department must create and maintain a resource bank of examples of educational products, explanations of and instructions for implementing

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  
3rd Reading Unamended  
March 25, 2021

SENATE  
Amended 2nd Reading  
March 24, 2021

strategies and educational services, and models of professional development programs related to using the products and implementing the strategies and services. The department must also provide information concerning public or private nonprofit entities that school districts, boards of cooperative services, and charter schools may work with in providing student support. The bill also directs the department, to the extent possible within existing resources, to provide technical assistance to school districts and charter schools upon request.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 22-2-146 as  
3 follows:

4           **22-2-146. Department of education - COVID-19-related**  
5 **education loss - strategies - resources - report - legislative declaration.**

6 (1) THE GENERAL ASSEMBLY FINDS THAT:

7           (a) DUE TO THE PUBLIC HEALTH RISKS OF THE COVID-19  
8 PANDEMIC, THE PUBLIC SCHOOLS IN COLORADO HAVE HAD TO CEASE  
9 IN-PERSON INSTRUCTION FOR REPEATED AND EXTENDED PERIODS OF TIME  
10 DURING THE 2019-20 AND 2020-21 SCHOOL YEARS;

11           (b) RESEARCH SUGGESTS THAT THESE PERIODS OF        REMOTE  
12 LEARNING, AS WELL AS TRAUMA EXPERIENCED BY STUDENTS AS A RESULT  
13 OF THE PANDEMIC, HAVE HAD DETRIMENTAL EFFECTS ON STUDENTS'  
14 ABILITY TO LEARN AND GROW ACADEMICALLY AND ON THEIR ABILITY  
15 EVEN TO RETAIN THE LEVEL OF LEARNING THAT THEY HAD PREVIOUSLY  
16 ACHIEVED;

17           (c) THESE NEGATIVE EFFECTS HAVE HAD AN EVEN GREATER  
18 IMPACT ON STUDENTS OF COLOR, LOW-INCOME STUDENTS, AND STUDENTS  
19 WITH DISABILITIES, WHO ARE EXPECTED TO EXPERIENCE A SIGNIFICANTLY  
20 GREATER LOSS OF LEARNING, THEREBY EXACERBATING THE ACADEMIC  
21 ACHIEVEMENT GAPS THAT EXISTED BEFORE THE PANDEMIC;

1 (d) THE SCHOOL DISTRICTS AND PUBLIC SCHOOLS OF THE STATE  
2 WILL FACE SIGNIFICANT CHALLENGES IN TRYING TO COMPENSATE FOR  
3 THESE LEARNING LOSSES AND IN HELPING ALL STUDENTS TO OVERCOME  
4 THE LEARNING LOSSES THEY HAVE EXPERIENCED AND ADVANCE TO  
5 GRADE-LEVEL OR HIGHER ACADEMIC ACHIEVEMENT;

6 (e) THERE ARE INDICATIONS THAT TUTORING SERVICES, PROGRAMS  
7 THAT EXTEND THE SCHOOL DAY OR THE SCHOOL YEAR, AND SUMMER  
8 SCHOOL PROGRAMS MAY BE SUCCESSFUL IN HELPING STUDENTS,  
9 ESPECIALLY LOW-INCOME STUDENTS, STUDENTS OF COLOR, AND STUDENTS  
10 WITH DISABILITIES, TO OVERCOME LEARNING LOSS AND CLOSE THE  
11 ACHIEVEMENT GAP;

12 (f) THERE ARE OTHER INNOVATIVE STRATEGIES THAT SOME PUBLIC  
13 SCHOOLS AND SCHOOL DISTRICTS HAVE BEEN IMPLEMENTING TO ADDRESS  
14 LEARNING LOSS, INCLUDING HOME VISITATION PROGRAMS THROUGH  
15 WHICH TEACHERS VISIT THEIR STUDENTS' HOMES TO ASSIST THE STUDENTS  
16 AND THE PARENTS IN EFFORTS TO OVERCOME LEARNING LOSS; AND

17 (g) THE DEPARTMENT OF EDUCATION CAN PLAY A CRUCIAL ROLE  
18 IN SUPPORTING SCHOOL DISTRICTS AND PUBLIC SCHOOLS BY IDENTIFYING  
19 BEST PRACTICES FOR ADDRESSING THESE LEARNING LOSSES AND  
20 EFFECTIVE STRATEGIES FOR BOOSTING STUDENT LEARNING AND CLOSING  
21 ACHIEVEMENT GAPS AND BY PROVIDING A RESOURCE BANK OF MODEL  
22 MATERIALS AND STRATEGIES SPECIFICALLY DESIGNED TO ADDRESS  
23 LEARNING RECOVERY FOR ALL STUDENTS.

24 (1.5) (a) THE GENERAL ASSEMBLY FURTHER FINDS THAT ON  
25 MARCH 11, 2021, PRESIDENT BIDEN SIGNED H.R. 1319, THE "AMERICAN  
26 RESCUE PLAN ACT OF 2021", INTO LAW. IN PART, THE ACT PROVIDES  
27 APPROXIMATELY \$122.7 BILLION IN SUPPLEMENTAL MONEY TO THE

1 ELEMENTARY AND SECONDARY EMERGENCY EDUCATION RELIEF FUND FOR  
2 DISTRIBUTION TO STATES. APPROXIMATELY \$1.166 BILLION OF THAT  
3 AMOUNT IS EXPECTED TO BE DISTRIBUTED TO COLORADO, OF WHICH AT  
4 LEAST \$1.05 BILLION MUST BE DISTRIBUTED TO LOCAL EDUCATION  
5 PROVIDERS AND \$116.6 MILLION WILL BE RETAINED BY THE STATE  
6 DEPARTMENT OF EDUCATION. THE ACT REQUIRES THE DEPARTMENT TO  
7 USE APPROXIMATELY \$58 MILLION TO ADDRESS LEARNING RECOVERY,  
8 APPROXIMATELY \$11.6 MILLION FOR AFTER-SCHOOL ACTIVITIES, AND  
9 APPROXIMATELY \$11.6 MILLION FOR SUMMER LEARNING PROGRAMS.

10 (b) THE DEPARTMENT IS STRONGLY ENCOURAGED TO USE AS MUCH  
11 AS POSSIBLE OF THE AMOUNT OF FEDERAL MONEY THAT THE DEPARTMENT  
12 RECEIVES UNDER THE "AMERICAN RESCUE PLAN ACT OF 2021" TO FUND  
13 PROGRAMS TO ADDRESS LEARNING RECOVERY, WHICH MAY INCLUDE  
14 INTENSIVE TUTORING PROGRAMS, EXTENDED-DAY LEARNING PROGRAMS,  
15 SUPPLEMENTAL ONLINE COURSES, SUMMER LEARNING PROGRAMS, AND  
16 OTHER PROGRAMS THAT ARE IDENTIFIED BY LOCAL EDUCATION PROVIDERS  
17 OR HAVE DEMONSTRATED SUCCESS IN EFFECTIVELY ADDRESSING  
18 LEARNING RECOVERY. THE DEPARTMENT IS SPECIFICALLY ENCOURAGED  
19 TO USE A PORTION OF THE FEDERAL MONEY TO ASSIST LOCAL EDUCATION  
20 PROVIDERS IN ACCESSING SUPPLEMENTAL ONLINE LEARNING RECOVERY  
21 COURSES FOR STUDENTS ENROLLED IN KINDERGARTEN THROUGH TWELFTH  
22 GRADE, AS DESCRIBED IN SECTION 22-5-119 (11).

23 (2) (a) BY THE FALL SEMESTER OF THE 2021-22 SCHOOL YEAR AND  
24 CONTINUING THEREAFTER, THE DEPARTMENT SHALL IDENTIFY  
25 EDUCATIONAL PRODUCTS, STRATEGIES, AND SERVICES THAT HAVE  
26 DEMONSTRATED EFFECTIVENESS IN IDENTIFYING AND REVERSING STUDENT  
27 LEARNING LOSS, INCLUDING THOSE PRODUCTS, STRATEGIES, AND SERVICES

1 THAT ARE SPECIFICALLY DESIGNED TO ADDRESS LEARNING LOSS  
2 EXPERIENCED BY STUDENTS OF COLOR, LOW-INCOME STUDENTS, AND  
3 STUDENTS WITH DISABILITIES. THE DEPARTMENT SHALL CREATE AND  
4 MAINTAIN A RESOURCE BANK OF EXAMPLES OF THESE PRODUCTS,  
5 EXPLANATIONS OF AND INSTRUCTIONS FOR IMPLEMENTING THESE  
6 STRATEGIES AND SERVICES, AND MODELS OF PROFESSIONAL DEVELOPMENT  
7 PROGRAMS RELATED TO USING THE PRODUCTS AND IMPLEMENTING THE  
8 STRATEGIES AND SERVICES. THE DEPARTMENT SHALL ENSURE THAT THE  
9 RESOURCE BANK INCLUDES PRODUCTS, STRATEGIES, AND SERVICES AND  
10 MODELS OF PROFESSIONAL DEVELOPMENT PROGRAMS THAT TAKE INTO  
11 ACCOUNT THE CIRCUMSTANCES OF, AND ARE APPROPRIATE FOR  
12 IMPLEMENTATION BY, RURAL AND SMALL RURAL SCHOOL DISTRICTS AND  
13 CHARTER SCHOOLS LOCATED WITHIN RURAL AND SMALL RURAL SCHOOL  
14 DISTRICTS.

15 (b) THE DEPARTMENT SHALL INCLUDE IN THE RESOURCE BANK  
16 INFORMATION CONCERNING PUBLIC AND PRIVATE NONPROFIT ENTITIES  
17 THAT MAY PARTNER WITH SCHOOL DISTRICTS, BOARDS OF COOPERATIVE  
18 SERVICES, AND CHARTER SCHOOLS TO PROVIDE PERSONNEL OR OTHER  
19 RESOURCES TO ASSIST IN IMPLEMENTING STRATEGIES TO OVERCOME  
20 LEARNING LOSS.

21 (c) SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, AND  
22 CHARTER SCHOOLS MAY SUBMIT TO THE DEPARTMENT DESCRIPTIONS AND  
23 EXPLANATIONS OF STRATEGIES, SERVICES, AND PROGRAMS THAT THEY  
24 HAVE IMPLEMENTED, WITH EVIDENCE DEMONSTRATING THE POSITIVE  
25 EFFECTS ACHIEVED THROUGH IMPLEMENTING THE STRATEGIES, SERVICES,  
26 AND PROGRAMS. THE DEPARTMENT SHALL INCLUDE THE SUBMITTED  
27 EXAMPLES IN THE RESOURCE BANK.

1           (d) THE RESOURCE BANK MUST BE AVAILABLE FOR REVIEW BY  
2 SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, AND CHARTER  
3 SCHOOLS. TO THE GREATEST EXTENT POSSIBLE WITHIN EXISTING  
4 RESOURCES, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE,  
5 UPON REQUEST, TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS IN  
6 IDENTIFYING AND IMPLEMENTING STRATEGIES TO ADDRESS STUDENT  
7 LEARNING LOSS.

8           (3) THE DEPARTMENT SHALL CREATE A REPORT SPECIFYING THE  
9 PURPOSES FOR WHICH THE DEPARTMENT USED THE FEDERAL MONEY  
10 RECEIVED PURSUANT TO THE FEDERAL "CORONAVIRUS AID, RELIEF AND  
11 ECONOMIC SECURITY ACT", PUB.L.116-136; THE "CORONAVIRUS  
12 RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2021",  
13 PUB.L.116-260; AND THE "AMERICAN RESCUE PLAN ACT OF 2021",  
14 PUB.L.117-2. AT A MINIMUM, THE REPORT MUST IDENTIFY THE TOTAL  
15 AMOUNT THAT THE DEPARTMENT RECEIVED AND WAS AUTHORIZED TO  
16 SPEND AT THE STATE LEVEL UNDER EACH ACT, THE PURPOSES FOR WHICH  
17 THE DEPARTMENT SPENT THE AMOUNTS RECEIVED, THE SPECIFIC AMOUNT  
18 ALLOTTED TO EACH PURPOSE, AND ANY DATA THE DEPARTMENT MAY  
19 HAVE CONCERNING THE RESULTS ACHIEVED IN USING THE MONEY FOR  
20 EACH PURPOSE. ON OR BEFORE DECEMBER 1, 2021, AND ON OR BEFORE  
21 DECEMBER 1 EACH YEAR THEREAFTER THROUGH DECEMBER 1, 2024, THE  
22 DEPARTMENT SHALL SUBMIT THE REPORT TO THE EDUCATION COMMITTEES  
23 OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR  
24 COMMITTEES, AND POST THE REPORT ON THE DEPARTMENT'S WEBSITE. THE  
25 DEPARTMENT SHALL ALSO PRESENT THE REPORT AS PART OF THE  
26 DEPARTMENT'S HEARING HELD EACH JANUARY PURSUANT TO SECTION  
27 2-7-203, STARTING IN 2022 AND CONTINUING THROUGH 2025.

1            **SECTION 2.** In Colorado Revised Statutes, 22-5-119, **add** (11)  
2 as follows:

3            **22-5-119. Statewide supplemental online and blended learning**  
4 **program - contract - legislative declaration - definitions.**

5 (11) (a) BEGINNING IN THE SUMMER OF 2021 AND CONTINUING  
6 THROUGHOUT THE 2021-22 SCHOOL YEAR, IN ADDITION TO ADMINISTERING  
7 THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING  
8 PROGRAM IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION, THE  
9 ADMINISTERING BOCES SHALL PRIORITIZE ENTERING INTO PARTNERSHIPS  
10 WITH LOCAL PUBLIC EDUCATION AGENCIES FOR DELIVERY OF  
11 SUPPLEMENTAL ONLINE LEARNING RECOVERY COURSES FOR STUDENTS  
12 ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE. THE  
13 ADMINISTERING BOCES AND LOCAL PUBLIC EDUCATION AGENCIES SHALL,  
14 TO THE EXTENT PRACTICABLE, PARTNER WITH NONPROFIT ENTITIES AND  
15 COMMUNITY-BASED ORGANIZATIONS TO EXPAND THE AVAILABILITY OF,  
16 AND STUDENTS' ACCESS TO, SUPPLEMENTAL ONLINE LEARNING RECOVERY  
17 COURSES. LOCAL PUBLIC EDUCATION AGENCIES ARE ENCOURAGED TO  
18 IDENTIFY THE STUDENTS WHO ARE MOST IN NEED OF LEARNING RECOVERY  
19 COURSES AS A RESULT OF THE EFFECTS OF THE COVID-19 PANDEMIC AND  
20 TO PRIORITIZE THESE STUDENTS TO RECEIVE SUPPLEMENTAL ONLINE  
21 PROGRAMMING TO SUPPORT LEARNING RECOVERY.

22            (b) THE ADMINISTERING BOCES SHALL COMMUNICATE TO ALL  
23 LOCAL PUBLIC EDUCATION AGENCIES, AND THE LOCAL PUBLIC EDUCATION  
24 AGENCIES SHALL COMMUNICATE TO THE PARENTS OF STUDENTS ENROLLED  
25 BY THE LOCAL PUBLIC EDUCATION AGENCIES, THE AVAILABILITY OF  
26 SUPPLEMENTAL ONLINE EDUCATION COURSES THROUGH THE  
27 ADMINISTERING BOCES, INCLUDING THE AVAILABILITY OF LEARNING

1 RECOVERY COURSES, THE TYPES OF COURSES THAT ARE AVAILABLE FOR  
2 LEARNING RECOVERY AND OTHER PURPOSES, THE MANNER IN WHICH  
3 STUDENTS MAY ENROLL IN THESE COURSES THROUGH THE LOCAL PUBLIC  
4 EDUCATION AGENCY, AND THE BENEFITS TO STUDENTS WHO  
5 SUCCESSFULLY COMPLETE THE COURSES. AT A MINIMUM, THE LOCAL  
6 PUBLIC EDUCATION AGENCY SHALL PROVIDE THE INFORMATION THROUGH  
7 THE DIGITAL MEANS NORMALLY USED FOR COMMUNICATING WITH  
8 PARENTS AND SHALL ENSURE, TO THE EXTENT PRACTICABLE, THAT THE  
9 INFORMATION IS AVAILABLE IN LANGUAGES THAT STUDENTS' PARENTS  
10 UNDERSTAND.

11           **SECTION 3. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, or safety.