

**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. 21-0581.02 Julie Pelegrin x2700

HOUSE BILL 21-1294

HOUSE SPONSORSHIP

Bird and Gonzales-Gutierrez, Duran, Amabile, Arndt, Bacon, Benavidez, Bernett, Caraveo, Cutter, Froelich, Hooton, Jackson, Kennedy, Kipp, McCormick, Ortiz, Sirota, Snyder, Weissman, Woodrow, Young

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A BILL FOR AN ACT

101 **CONCERNING AN EVALUATION OF THE STATEWIDE SYSTEMS USED TO**
102 **MEASURE THE PERFORMANCE OF THE ELEMENTARY AND**
103 **SECONDARY PUBLIC EDUCATION SYSTEM OF THE STATE, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 state auditor to contract with a public or private entity (contractor) to conduct a performance audit of the statewide system of standards and assessments and the statewide education accountability

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.

system. The bill specifies the issues that the performance audit must address. By November 15, 2022, and following release by the legislative audit committee, the final report of the performance audit must be submitted to the commissioner of education, the state board of education, and the education committees of the general assembly.

The bill specifies the authority of the state auditor and the contractor to access nonfinancial records and information held by the department of education or held by public schools, school districts, boards of cooperative services, and the state charter school institute, if the records and information are not available from the department.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-3-126 as
3 follows:

4 **2-3-126. Audit of statewide education accountability systems**
5 **- report - legislative declaration - definitions - repeal.** (1) (a) THE

6 GENERAL ASSEMBLY FINDS THAT:

7 (I) COLORADO ADOPTED THE STATEWIDE SYSTEM OF STANDARDS
8 AND ASSESSMENTS IN 2008 AND THE STATEWIDE EDUCATION
9 ACCOUNTABILITY SYSTEM IN 2009 TO COMPLY WITH FEDERAL STATEWIDE
10 TESTING REQUIREMENTS, GAUGE THE SUCCESS OF PUBLIC SCHOOLS IN
11 EDUCATING STUDENTS, AND IDENTIFY AREAS IN WHICH THE STATE, THE
12 DEPARTMENT OF EDUCATION, PUBLIC SCHOOLS, SCHOOL DISTRICTS,
13 BOARDS OF COOPERATIVE SERVICES, AND THE STATE CHARTER SCHOOL
14 INSTITUTE COULD BETTER SUPPORT STUDENTS, TEACHERS, AND FAMILIES
15 IN MEETING THEIR CHILDREN'S EDUCATIONAL NEEDS;

16 (II) THE REQUIREMENTS OF THE STATEWIDE SYSTEM OF
17 STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION
18 ACCOUNTABILITY SYSTEM CURRENTLY EXCEED THE FEDERAL TESTING
19 REQUIREMENTS AND HAVE UNDERGONE SEVERAL SIGNIFICANT
20 MODIFICATIONS OVER THE PAST DECADE, CAUSING POLICYMAKERS TO

1 QUESTION WHETHER THE SYSTEMS STILL ALIGN WITH THE GENERAL
2 ASSEMBLY'S ORIGINAL INTENT IN ADOPTING THE SYSTEMS;

3 (III) THE GENERAL ASSEMBLY DESIRES TO REVIEW THE STATEWIDE
4 SYSTEM OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE
5 EDUCATION ACCOUNTABILITY SYSTEM TO ENSURE THAT THEY DO NOT
6 CONTAIN INSTITUTIONAL OR CULTURAL BIASES BASED ON RACE,
7 ETHNICITY, RELIGION, SEX, SEXUAL ORIENTATION, NATIONALITY,
8 DISABILITY, AGE, OR ECONOMIC STATUS; AND TO ENSURE THAT THE
9 SYSTEMS PROVIDE AN ACCURATE, CREDIBLE, AND COMPARABLE
10 ASSESSMENT OF THE DELIVERY OF PUBLIC EDUCATION THROUGHOUT THE
11 STATE;

12 (IV) THE GENERAL ASSEMBLY ACKNOWLEDGES ITS
13 CONSTITUTIONAL OBLIGATION TO ESTABLISH AND MAINTAIN A THOROUGH
14 AND UNIFORM SYSTEM OF PUBLIC EDUCATION IN THE STATE, AND THE
15 GENERAL ASSEMBLY AND DEPARTMENT OF EDUCATION ARE CONSTANTLY
16 LOOKING FOR WAYS TO IMPROVE COLORADO'S SYSTEM OF PUBLIC
17 EDUCATION AND BETTER SERVE ITS RESIDENTS; AND

18 (V) A THOROUGH, INDEPENDENT, THIRD-PARTY REVIEW OF THE
19 EXISTING STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
20 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM WILL PROVIDE
21 VALUABLE INFORMATION ABOUT THE EFFICACY OF THE STATE'S CURRENT
22 SYSTEMS, INCLUDING AREAS IN WHICH THE SYSTEMS MAY BE IMPROVED,
23 AND HELP TO IDENTIFY AND INFORM THE ALLOCATION OF RESOURCES TO
24 MEET THE INCREASED NEEDS AT THE STATE AND LOCAL LEVELS, TO
25 ADVANCE PUBLIC EDUCATION IN COLORADO.

26 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
27 APPROPRIATE TO OBTAIN AN INDEPENDENT PERFORMANCE AUDIT OF THE

1 STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
2 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM. THE OBJECTIVE OF THE
3 AUDIT IS TO DETERMINE WHETHER THE CURRENT SYSTEMS:

4 (I) MEET THE GOALS AND INTENTIONS OF THE GENERAL ASSEMBLY
5 AS STATED IN THE LEGISLATIVE DECLARATIONS SET FORTH IN SECTIONS
6 22-7-1002 AND 22-11-102;

7 (II) CONTAIN INSTITUTIONAL OR CULTURAL BIASES BASED ON
8 RACE, ETHNICITY, RELIGION, SEX, SEXUAL ORIENTATION, NATIONALITY,
9 DISABILITY, AGE, OR ECONOMIC STATUS; AND

10 (III) PROVIDE AN ACCURATE, CREDIBLE, AND COMPARABLE
11 ASSESSMENT OF PUBLIC EDUCATION THROUGHOUT THE STATE.

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "CONTRACTOR" MEANS A PUBLIC OR PRIVATE ENTITY SELECTED
15 BY THE STATE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE
16 STATEWIDE IMPLEMENTATION OF THE STATEWIDE SYSTEM OF STANDARDS
17 AND ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY
18 SYSTEM.

19 (b) "STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM" MEANS
20 THE SYSTEM FOR ACCREDITING SCHOOLS AND SCHOOL DISTRICTS
21 DESCRIBED IN ARTICLE 11 OF TITLE 22 AND AS IMPLEMENTED BY RULES
22 ADOPTED BY THE STATE BOARD OF EDUCATION.


23 (c) "STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS"
24 MEANS THE SYSTEM OF STANDARDS AND ASSESSMENTS DESCRIBED IN PART
25 10 OF ARTICLE 7 OF TITLE 22 AND AS IMPLEMENTED BY RULES ADOPTED BY
26 THE STATE BOARD OF EDUCATION.

27 (3) NO LATER THAN OCTOBER 1, 2021, THE STATE AUDITOR,

1 THROUGH A COMPETITIVE BIDDING PROCESS, SHALL SELECT AND
2 CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT A
3 PERFORMANCE AUDIT OF THE STATEWIDE IMPLEMENTATION OF THE
4 STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
5 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM. THE STATE AUDITOR
6 SHALL MAKE EVERY EFFORT TO ENSURE THAT THE CONTRACTOR IS
7 INDEPENDENT AND IMPARTIAL. THE STATE AUDITOR SHALL ALSO ENSURE
8 THAT THE CONTRACTOR HAS THE NECESSARY EXPERTISE AND IS
9 COMPETENT TO EVALUATE THE EFFICACY OF THE STATEWIDE SYSTEM OF
10 STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION
11 ACCOUNTABILITY SYSTEM AND WHETHER THE SYSTEMS ARE IMPLEMENTED
12 STATEWIDE IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN
13 FEDERAL AND STATE STATUTE AND RULE. AT A MINIMUM, THE
14 PERFORMANCE AUDIT MUST ADDRESS:

15 (a) THE EFFECTIVENESS OF THE STATEWIDE EDUCATION
16 ACCOUNTABILITY SYSTEM IN OBJECTIVELY MEASURING THE PERFORMANCE
17 OF PUBLIC SCHOOLS AND SCHOOL DISTRICTS IN DELIVERING A STATEWIDE
18 SYSTEM OF THOROUGH AND UNIFORM PUBLIC EDUCATION FOR ALL GROUPS
19 OF STUDENTS;

20 (b) WHETHER AND TO WHAT EXTENT THE STATEWIDE EDUCATION
21 ACCOUNTABILITY SYSTEM EFFECTIVELY IDENTIFIES SUCCESS AND DRIVES
22 EFFECTIVE SUPPORT FOR IMPROVEMENT AT EACH LEVEL OF THE
23 STATEWIDE SYSTEM OF PUBLIC EDUCATION;

24 
25 (c) WHETHER AND TO WHAT EXTENT UNINTENDED BARRIERS OR
26 OBSTACLES EXIST THAT INADVERTENTLY IMPACT THE PERFORMANCE OF
27 STUDENTS FROM DIFFERENT RACIAL, ETHNIC, SOCIOECONOMIC, OR

1 DISABILITY COMMUNITIES, AS MEASURED BY THE STATEWIDE SYSTEM OF
2 STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION
3 ACCOUNTABILITY SYSTEM, INCLUDING HOW THESE SYSTEMS ARE
4 IMPLEMENTED BY SCHOOLS AND SCHOOL DISTRICTS;

5 (d) WHETHER AND TO WHAT EXTENT INTERVENTIONS
6 IMPLEMENTED UNDER THE STATEWIDE EDUCATION ACCOUNTABILITY
7 SYSTEM ARE EFFECTIVE IN SUPPORTING AND IMPROVING OUTCOMES FOR
8 SCHOOLS THAT SERVE PREDOMINANTLY LOW-INCOME STUDENTS,
9 STUDENTS OF COLOR, OR STUDENTS WITH DISABILITIES, INCLUDING
10 INTERVENTIONS THAT FOCUS PRIMARILY ON INCREASING STUDENTS'
11 PERFORMANCE ON STATEWIDE STANDARDIZED TESTS IN LIEU OF OTHER
12 NON-TESTING-RELATED COURSES AND ACTIVITIES WITHIN A SCHOOL;

13 (e) WHETHER AND TO WHAT EXTENT INTERVENTIONS, INCLUDING
14 INTERVENTIONS IDENTIFIED BY THE STATEWIDE EDUCATION
15 ACCOUNTABILITY SYSTEM, EFFECTIVELY SUPPORT STUDENTS WHO ARE IN
16 POVERTY OR STUDENTS WITH DISABILITIES AND SCHOOLS AND SCHOOL
17 DISTRICTS SERVING HIGH PERCENTAGES OF STUDENTS IN POVERTY OR
18 STUDENTS WITH DISABILITIES;

19 (f) WHETHER AND TO WHAT EXTENT THE OUTCOMES IDENTIFIED
20 AND MEASURED BY THE STATEWIDE SYSTEM OF STANDARDS AND
21 ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM
22 REFLECT INEQUITIES AND CORRELATE TO THE LEVEL OF POVERTY PRESENT
23 WITHIN, AND CONCENTRATION OF STUDENTS WITH DISABILITIES WITHIN,
24 THE STUDENT POPULATIONS ENROLLED IN THE PUBLIC SCHOOLS, SCHOOL
25 DISTRICTS, AND BOARDS OF COOPERATIVE SERVICES;

26 (g) WHETHER AND TO WHAT EXTENT LOW-INCOME STUDENTS AND
27 STUDENTS WITH DISABILITIES ENROLLED IN PUBLIC SCHOOLS, SCHOOL

1 DISTRICTS, AND BOARDS OF COOPERATIVE SERVICES ARE GIVEN ACCESS TO
2 LEARNING OPPORTUNITIES THAT WILL ALLOW THEM TO ACHIEVE THE SAME
3 LEVELS OF ATTAINMENT THAT THEIR HIGHER-INCOME PEERS ACHIEVE ON
4 THE PRESCHOOL THROUGH ELEMENTARY AND SECONDARY EDUCATION
5 STANDARDS ADOPTED PURSUANT TO SECTION 22-7-1005;

6 (h) WHETHER, TO WHAT EXTENT, AND HOW, IN RESPONSE TO THE
7 STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
8 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM, SCHOOL DISTRICTS
9 SHIFT EDUCATIONAL RESOURCES AND INTERVENTIONS, CHANGE THEIR
10 INSTRUCTIONAL PRACTICES, AND TARGET ASSISTANCE TO STUDENTS WHO
11 ARE CLOSE TO ACHIEVING GRADE-LEVEL SCORES OR MODIFY THEIR
12 INSTRUCTIONAL PRACTICES AND TARGET PARTICULAR COHORTS OF
13 STUDENTS;

14 (i) WHETHER AND TO WHAT EXTENT VARIATIONS IN THE SIZE OF
15 STUDENT POPULATIONS HAVE A DISPROPORTIONATE IMPACT ON THE
16 ACCURACY AND COMPARABILITY OF RESULTS ACHIEVED THROUGH THE
17 STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
18 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM;

19 (j) WHETHER AND TO WHAT EXTENT THE OUTCOMES MEASURED BY
20 THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND THE
21 STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM ACCURATELY
22 CORRELATE TO A SCHOOL'S EFFECTIVENESS IN HELPING STUDENTS
23 DEVELOP THE SKILLS AND CAPACITIES THAT ARE RELEVANT TO FAMILIES
24 AND EMPLOYERS, INCLUDING BUT NOT LIMITED TO INNOVATION,
25 ACADEMIC RIGOR, CAREER AND TECHNICAL EDUCATION, AND WORKFORCE
26 READINESS AND ESSENTIAL SKILLS;

27 (k) WHETHER AND TO WHAT EXTENT PARTICIPATION RATES ON

1 STATEWIDE STANDARDIZED TESTS AFFECT THE RESULTS ACHIEVED
2 THROUGH THE STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS AND
3 THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM;

4 (l) WHETHER THE COLORADO GROWTH MODEL CONTINUES TO
5 MEET THE REQUIREMENTS SPECIFIED IN SECTION 22-11-202 (1)(b);

6 (m) WHETHER THE STATEWIDE SYSTEM OF STANDARDS AND
7 ASSESSMENTS AND THE STATEWIDE EDUCATION ACCOUNTABILITY SYSTEM
8 PROVIDE A CREDIBLE BASIS FOR COMPARISON BETWEEN AND AMONG
9 PUBLIC SCHOOLS AND BETWEEN AND AMONG SCHOOL DISTRICTS, BOARDS
10 OF COOPERATIVE SERVICES, AND THE STATE CHARTER SCHOOL INSTITUTE;

11 (n) WHETHER AND TO WHAT EXTENT INFORMATION REGARDING
12 ASSESSMENTS AND ACCOUNTABILITY IS ACCESSIBLE TO EDUCATORS,
13 PARENTS, AND FAMILIES, AND COMMUNICATED IN A LANGUAGE PARENTS
14 AND FAMILIES CAN UNDERSTAND, WITH CLEAR GUIDANCE ON ACTIONS TO
15 SUPPORT STUDENT LEARNING; AND

16 (o) WHETHER AND TO WHAT EXTENT THE STATEWIDE SYSTEM OF
17 STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION
18 ACCOUNTABILITY SYSTEM IDENTIFY SCHOOLS AND SCHOOL DISTRICTS
19 THAT ARE NOT MEETING THE ACADEMIC NEEDS OF UNDER-REPRESENTED
20 GROUPS OF STUDENTS, INCLUDING GROUPS BASED ON RACE, ETHNICITY,
21 RELIGION, SEX, SEXUAL ORIENTATION, NATIONALITY, DISABILITY, AGE,
22 AND ECONOMIC STATUS, AND WHETHER INTERVENTIONS TO SERVE THE
23 STUDENTS IN THESE GROUPS ARE SUCCESSFUL IN INCREASING ACADEMIC
24 ACHIEVEMENT FOR THE STUDENTS IN THESE GROUPS.

25 (4) (a) THE STATE AUDITOR SHALL ENSURE THE PERFORMANCE
26 AUDIT IS COMPLETED NO LATER THAN NOVEMBER 15, 2022. TO LIMIT THE
27 COST OF THE AUDIT, THE CONTRACTOR SHALL OBTAIN THE INFORMATION

1 REQUIRED FOR THE AUDIT FROM THE DEPARTMENT OF EDUCATION TO THE
2 GREATEST EXTENT POSSIBLE, WHICH MAY INCLUDE OBTAINING
3 INFORMATION FROM PREVIOUS STUDIES OR EVALUATIONS FOR WHICH THE
4 DEPARTMENT PREVIOUSLY CONTRACTED. THE CONTRACTOR MAY REQUEST
5 INFORMATION DIRECTLY FROM A PUBLIC SCHOOL, SCHOOL DISTRICT, OR
6 BOARD OF COOPERATIVE SERVICES OR THE STATE CHARTER SCHOOL
7 INSTITUTE ONLY IF THE INFORMATION IS NOT AVAILABLE FROM THE
8 DEPARTMENT. IF DEEMED USEFUL, THE AUDITOR MAY HOLD FOCUS GROUPS
9 WITH VARIOUS EDUCATION STAKEHOLDERS TO OBTAIN INPUT ON THE
10 ISSUES ADDRESSED IN THE AUDIT.

11 (b) NO LATER THAN JANUARY 15, 2022, THE STATE AUDITOR, THE
12 CONTRACTOR, AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO
13 A DATA SHARING AGREEMENT FOR AUDIT PURPOSES IN A FORM
14 CONSISTENT WITH 34 C.F.R. 99.35(a)(3) AND IN COMPLIANCE WITH THE
15 FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20
16 U.S.C. SEC. 1232G, AS AMENDED.

17 (c) NOTWITHSTANDING ANY PROVISION OF FEDERAL OR STATE
18 LAW, OTHER THAN LAWS THAT PROTECT THE PRIVACY OF STUDENT
19 INFORMATION, TO THE CONTRARY, FOR PURPOSES OF THE AUDIT
20 DESCRIBED IN THIS SECTION ONLY, THE STATE AUDITOR AND THE
21 CONTRACTOR ARE AUTHORIZED TO ACCESS FROM THE DEPARTMENT OF
22 EDUCATION ALL OF THE NONFINANCIAL BOOKS, ACCOUNTS, REPORTS,
23 VOUCHERS, OR OTHER RECORDS OR INFORMATION SUBMITTED TO THE
24 DEPARTMENT BY A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF
25 COOPERATIVE SERVICES OR THE STATE CHARTER SCHOOL INSTITUTE,
26 INCLUDING RECORDS OR INFORMATION REQUIRED TO BE KEPT
27 CONFIDENTIAL OR EXEMPT FROM PUBLIC DISCLOSURE UPON SUBPOENA,

1 SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE. IF ANY
2 NONFINANCIAL BOOKS, ACCOUNTS, REPORTS, VOUCHERS, OR OTHER
3 RECORDS OR INFORMATION THAT ARE REQUIRED TO COMPLETE THE AUDIT
4 ARE NOT AVAILABLE FROM THE DEPARTMENT OF EDUCATION AND ARE NOT
5 AVAILABLE FROM OTHER SOURCES AS DETERMINED BY THE STATE
6 AUDITOR'S AND CONTRACTOR'S GOOD FAITH EFFORTS TO OBTAIN THEM
7 FROM OTHER SOURCES, THE STATE AUDITOR AND THE CONTRACTOR ARE
8 AUTHORIZED TO ACCESS SAID BOOKS, ACCOUNTS, REPORTS, VOUCHERS, OR
9 OTHER RECORDS OR INFORMATION FROM A PUBLIC SCHOOL, SCHOOL
10 DISTRICT, OR BOARD OF COOPERATIVE SERVICES OR THE STATE CHARTER
11 SCHOOL INSTITUTE, INCLUDING RECORDS OR INFORMATION REQUIRED TO
12 BE KEPT CONFIDENTIAL OR EXEMPT FROM PUBLIC DISCLOSURE UPON
13 SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE.
14 IN ACCESSING AND USING INFORMATION FOR THE AUDIT, THE STATE
15 AUDITOR AND THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL AND
16 STATE LAWS THAT PROTECT THE PRIVACY OF STUDENT INFORMATION.

17 (d) IN PREPARING THE AUDIT, THE CONTRACTOR MAY CONSULT
18 WITH THE TECHNICAL ADVISORY PANEL APPOINTED PURSUANT TO SECTION
19 22-11-202 (2)(a) REGARDING DATA USED FOR CALCULATING
20 LONGITUDINAL ACADEMIC GROWTH AND FOR DETERMINING THE
21 PERFORMANCE PLANS THAT SCHOOLS, SCHOOL DISTRICTS, BOARDS OF
22 COOPERATIVE SERVICES, AND THE STATE CHARTER SCHOOL INSTITUTE
23 IMPLEMENT.

24 (e) THE LEGISLATIVE AUDIT COMMITTEE SHALL REVIEW AND
25 RELEASE THE AUDIT REPORT AT THE FIRST COMMITTEE HEARING HELD ON
26 OR AFTER NOVEMBER 15, 2022. AFTER THE AUDIT REPORT IS RELEASED,
27 THE STATE AUDITOR AND THE CONTRACTOR SHALL SUBMIT THE AUDIT

1 REPORT TO THE COMMISSIONER OF EDUCATION, THE STATE BOARD OF
2 EDUCATION, AND THE EDUCATION COMMITTEES OF THE HOUSE OF
3 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
4 THE STATE BOARD AND THE EDUCATION COMMITTEES, JOINTLY OR
5 INDIVIDUALLY, MAY HOLD A HEARING TO REVIEW THE AUDIT REPORT.
6 UPON THE REQUEST OF THE STATE BOARD OR THE EDUCATION
7 COMMITTEES, WHICHEVER IS APPROPRIATE, THE STATE AUDITOR AND THE
8 CONTRACTOR SHALL ATTEND THE HEARING AND PRESENT THE AUDIT
9 REPORT. THE LEGISLATIVE AUDIT COMMITTEE AND THE TECHNICAL
10 ADVISORY PANEL SHALL NOT, WITHOUT THE CONSENT OF THE
11 CONTRACTOR, MAKE CHANGES TO THE AUDIT AFTER THE CONTRACTOR
12 COMPLETES THE AUDIT.

13 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

14 **SECTION 2.** In Colorado Revised Statutes, 2-3-103.7, **amend** (1)
15 as follows:

16 **2-3-103.7. Disclosure of reports before filing.** (1) Any state
17 employee or other individual acting in an oversight role as a member of
18 a committee, board, or commission, or any employee or other individual
19 acting in an oversight role with respect to any audit conducted pursuant
20 to sections 2-3-120, 2-3-123, ~~2-3-126~~, 10-22-105 (4)(c), and 25.5-10-209
21 (4), who willfully and knowingly discloses the contents of any report
22 prepared by or at the direction of the state auditor's office prior to the
23 release of such report by a majority vote of the committee as provided in
24 section 2-3-103 (2) is guilty of a misdemeanor and, upon conviction
25 thereof, shall be punished by a fine of not more than five hundred dollars.

26 **SECTION 3.** In Colorado Revised Statutes, 2-3-107, **amend**
27 (2)(a)(I) introductory portion, (2)(a)(I)(C), and (2)(a)(I)(D); and **add**

1 (2)(a)(I)(E) as follows:

2 **2-3-107. Authority to subpoena witnesses - access to records.**

3 (2) (a) (I) Notwithstanding any provision of law to the contrary, the state
4 auditor or his or her designated representative ~~shall~~ IS AUTHORIZED TO
5 have access at all times, except as provided by sections 39-1-116,
6 39-4-103, and 39-5-120, to all of the books, accounts, reports, vouchers,
7 or other records or information in any department, institution, or agency,
8 including but not limited to records or information required to be kept
9 confidential or exempt from public disclosure upon subpoena, search
10 warrant, discovery proceedings, or otherwise. The authority of the state
11 auditor or his or her designated representative to access at all times the
12 books, accounts, reports, vouchers, or other records or information in
13 accordance with this subsection (2)(a) also extends to any fiscal or
14 performance audit the state auditor or his or her designated representative
15 conducts of:

16 (C) The health benefit exchange created in section 10-22-104 in
17 accordance with section 10-22-105 (4)(c); ~~and~~

18 (D) Community-centered boards in accordance with section
19 25.5-10-209 (4); AND

20 (E) THE STATEWIDE IMPLEMENTATION OF THE STATEWIDE SYSTEM
21 OF STANDARDS AND ASSESSMENTS AND THE STATEWIDE EDUCATION
22 ACCOUNTABILITY SYSTEM IN ACCORDANCE WITH SECTION 2-3-126;
23 EXCEPT THAT, FOR PURPOSES OF SAID AUDIT, THE STATE AUDITOR OR HIS
24 OR HER DESIGNATED REPRESENTATIVE SHALL NOT HAVE ACCESS TO THE
25 FINANCIAL RECORDS, INCLUDING BOOKS, ACCOUNTS, AND VOUCHERS, OF
26 A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE
27 SERVICES OR OF THE STATE CHARTER SCHOOL INSTITUTE.

1 **SECTION 4. Appropriation.** (1) For the 2021-22 state fiscal
2 year, \$300,000 is appropriated to the legislative department for use by the
3 office of the state auditor. This appropriation is from the general fund. To
4 implement this act, the office of the state auditor may use this
5 appropriation for the audit of statewide education accountability systems.

6 (2) For the 2021-22 state fiscal year, \$52,000 is appropriated to
7 the department of education. This appropriation is from the general fund.
8 To implement this act, the department may use this appropriation for
9 information technology services.

10 **SECTION 5. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.