

CHAPTER 132

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 21-013

BY SENATOR(S) Fields, Bridges, Buckner, Cooke, Donovan, Ginal, Gonzales, Hansen, Jaquez Lewis, Lee, Moreno, Pettersen, Priola, Sonnenberg, Winter, Zenzinger, Garcia;
 also REPRESENTATIVE(S) Bacon and Froelich, Amabile, Bernett, Bird, Caraveo, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, McCormick, McLachlan, Michaelson Jenet, Ricks, Snyder, Valdez A., Valdez D., Weissman, Woodrow, Young, Garnett.

AN ACT**CONCERNING MEASURES TO ADDRESS STUDENT LEARNING LOSS OCCURRING AS A RESULT OF THE COVID-19 PANDEMIC.**

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

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

22-2-146. Department of education - COVID-19-related education loss - strategies - resources - report - legislative declaration. (1) **THE GENERAL ASSEMBLY FINDS THAT:**

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

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

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

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PANDEMIC;

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

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

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

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

(1.5) (a) THE GENERAL ASSEMBLY FURTHER FINDS THAT ON MARCH 11, 2021, PRESIDENT BIDEN SIGNED H.R. 1319, THE "AMERICAN RESCUE PLAN ACT OF 2021", INTO LAW. IN PART, THE ACT PROVIDES APPROXIMATELY \$122.7 BILLION IN SUPPLEMENTAL MONEY TO THE ELEMENTARY AND SECONDARY EMERGENCY EDUCATION RELIEF FUND FOR DISTRIBUTION TO STATES. APPROXIMATELY \$1.166 BILLION OF THAT AMOUNT IS EXPECTED TO BE DISTRIBUTED TO COLORADO, OF WHICH AT LEAST \$1.05 BILLION MUST BE DISTRIBUTED TO LOCAL EDUCATION PROVIDERS AND \$116.6 MILLION WILL BE RETAINED BY THE STATE DEPARTMENT OF EDUCATION. THE ACT REQUIRES THE DEPARTMENT TO USE APPROXIMATELY \$58 MILLION TO ADDRESS LEARNING RECOVERY, APPROXIMATELY \$11.6 MILLION FOR AFTER-SCHOOL ACTIVITIES, AND APPROXIMATELY \$11.6 MILLION FOR SUMMER LEARNING PROGRAMS.

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

AS DESCRIBED IN SECTION 22-5-119 (11).

(2) (a) BY THE FALL SEMESTER OF THE 2021-22 SCHOOL YEAR AND CONTINUING THEREAFTER, THE DEPARTMENT SHALL IDENTIFY EDUCATIONAL PRODUCTS, STRATEGIES, AND SERVICES THAT HAVE DEMONSTRATED EFFECTIVENESS IN IDENTIFYING AND REVERSING STUDENT LEARNING LOSS, INCLUDING THOSE PRODUCTS, STRATEGIES, AND SERVICES THAT ARE SPECIFICALLY DESIGNED TO ADDRESS LEARNING LOSS EXPERIENCED BY STUDENTS OF COLOR, LOW-INCOME STUDENTS, AND STUDENTS WITH DISABILITIES. THE DEPARTMENT SHALL CREATE AND MAINTAIN A RESOURCE BANK OF EXAMPLES OF THESE PRODUCTS, EXPLANATIONS OF AND INSTRUCTIONS FOR IMPLEMENTING THESE STRATEGIES AND SERVICES, AND MODELS OF PROFESSIONAL DEVELOPMENT PROGRAMS RELATED TO USING THE PRODUCTS AND IMPLEMENTING THE STRATEGIES AND SERVICES. THE DEPARTMENT SHALL ENSURE THAT THE RESOURCE BANK INCLUDES PRODUCTS, STRATEGIES, AND SERVICES AND MODELS OF PROFESSIONAL DEVELOPMENT PROGRAMS THAT TAKE INTO ACCOUNT THE CIRCUMSTANCES OF, AND ARE APPROPRIATE FOR IMPLEMENTATION BY, RURAL AND SMALL RURAL SCHOOL DISTRICTS AND CHARTER SCHOOLS LOCATED WITHIN RURAL AND SMALL RURAL SCHOOL DISTRICTS.

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

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

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

(3) THE DEPARTMENT SHALL CREATE A REPORT SPECIFYING THE PURPOSES FOR WHICH THE DEPARTMENT USED THE FEDERAL MONEY RECEIVED PURSUANT TO THE FEDERAL "CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT", PUB.L.116-136; THE "CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2021", PUB.L.116-260; AND THE "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L.117-2. AT A MINIMUM, THE REPORT MUST IDENTIFY THE TOTAL AMOUNT THAT THE DEPARTMENT RECEIVED AND WAS AUTHORIZED TO SPEND AT THE STATE LEVEL UNDER EACH ACT, THE PURPOSES FOR WHICH THE DEPARTMENT SPENT THE AMOUNTS RECEIVED, THE SPECIFIC AMOUNT ALLOTTED TO EACH PURPOSE, AND ANY DATA THE DEPARTMENT MAY HAVE CONCERNING THE RESULTS ACHIEVED IN USING THE MONEY FOR EACH PURPOSE. ON OR BEFORE DECEMBER 1, 2021, AND ON OR BEFORE DECEMBER 1 EACH YEAR THEREAFTER THROUGH DECEMBER 1, 2024,

THE DEPARTMENT SHALL SUBMIT THE REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, AND POST THE REPORT ON THE DEPARTMENT'S WEBSITE. THE DEPARTMENT SHALL ALSO PRESENT THE REPORT AS PART OF THE DEPARTMENT'S HEARING HELD EACH JANUARY PURSUANT TO SECTION 2-7-203, STARTING IN 2022 AND CONTINUING THROUGH 2025.

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

22-5-119. Statewide supplemental online and blended learning program - contract - legislative declaration - definitions. (11) (a) BEGINNING IN THE SUMMER OF 2021 AND CONTINUING THROUGHOUT THE 2021-22 SCHOOL YEAR, IN ADDITION TO ADMINISTERING THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING PROGRAM IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION, THE ADMINISTERING BOCES SHALL PRIORITIZE ENTERING INTO PARTNERSHIPS WITH LOCAL PUBLIC EDUCATION AGENCIES FOR DELIVERY OF SUPPLEMENTAL ONLINE LEARNING RECOVERY COURSES FOR STUDENTS ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE. THE ADMINISTERING BOCES AND LOCAL PUBLIC EDUCATION AGENCIES SHALL, TO THE EXTENT PRACTICABLE, PARTNER WITH NONPROFIT ENTITIES AND COMMUNITY-BASED ORGANIZATIONS TO EXPAND THE AVAILABILITY OF, AND STUDENTS' ACCESS TO, SUPPLEMENTAL ONLINE LEARNING RECOVERY COURSES. LOCAL PUBLIC EDUCATION AGENCIES ARE ENCOURAGED TO IDENTIFY THE STUDENTS WHO ARE MOST IN NEED OF LEARNING RECOVERY COURSES AS A RESULT OF THE EFFECTS OF THE COVID-19 PANDEMIC AND TO PRIORITIZE THESE STUDENTS TO RECEIVE SUPPLEMENTAL ONLINE PROGRAMMING TO SUPPORT LEARNING RECOVERY.

(b) THE ADMINISTERING BOCES SHALL COMMUNICATE TO ALL LOCAL PUBLIC EDUCATION AGENCIES, AND THE LOCAL PUBLIC EDUCATION AGENCIES SHALL COMMUNICATE TO THE PARENTS OF STUDENTS ENROLLED BY THE LOCAL PUBLIC EDUCATION AGENCIES, THE AVAILABILITY OF SUPPLEMENTAL ONLINE EDUCATION COURSES THROUGH THE ADMINISTERING BOCES, INCLUDING THE AVAILABILITY OF LEARNING RECOVERY COURSES, THE TYPES OF COURSES THAT ARE AVAILABLE FOR LEARNING RECOVERY AND OTHER PURPOSES, THE MANNER IN WHICH STUDENTS MAY ENROLL IN THESE COURSES THROUGH THE LOCAL PUBLIC EDUCATION AGENCY, AND THE BENEFITS TO STUDENTS WHO SUCCESSFULLY COMPLETE THE COURSES. AT A MINIMUM, THE LOCAL PUBLIC EDUCATION AGENCY SHALL PROVIDE THE INFORMATION THROUGH THE DIGITAL MEANS NORMALLY USED FOR COMMUNICATING WITH PARENTS AND SHALL ENSURE, TO THE EXTENT PRACTICABLE, THAT THE INFORMATION IS AVAILABLE IN LANGUAGES THAT STUDENTS' PARENTS UNDERSTAND.

SECTION 3. 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.

Approved: May 13, 2021