

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 11, 2019

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB19-199 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and
2 substitute:
3 "SECTION 1. In Colorado Revised Statutes, 22-7-1202, **add**
4 (1.5) as follows:
5 **22-7-1202. Legislative declaration.** (1.5) (a) THE GENERAL
6 ASSEMBLY FURTHER FINDS THAT:
7 (I) READING IS A CRITICAL SKILL THAT EVERY CHILD MUST
8 DEVELOP EARLY IN THE CHILD'S EDUCATIONAL CAREER TO BE SUCCESSFUL;
9 (II) RESEARCH SHOWS THAT READING INSTRUCTION THAT IS
10 FOCUSED AROUND THE FOUNDATIONAL READING SKILLS OF PHONEMIC
11 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY
12 INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS HIGHLY
13 EFFECTIVE IN TEACHING YOUNG CHILDREN TO READ;
14 (III) SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION
15 GRANTS TO THE ELECTED BOARD OF EDUCATION IN EACH SCHOOL DISTRICT
16 THE AUTHORITY TO HAVE CONTROL OF INSTRUCTION IN THE PUBLIC
17 SCHOOLS OF THE SCHOOL DISTRICT, AND SECTION 16 OF ARTICLE IX OF THE
18 STATE CONSTITUTION PROHIBITS THE GENERAL ASSEMBLY AND THE STATE
19 BOARD OF EDUCATION FROM PRESCRIBING THE TEXTBOOKS TO BE USED IN
20 PUBLIC SCHOOLS;
21 (IV) HOWEVER, SECTION 2 OF ARTICLE IX OF THE STATE
22 CONSTITUTION REQUIRES THE GENERAL ASSEMBLY TO PROVIDE FOR THE
23 ESTABLISHMENT AND MAINTENANCE OF A THOROUGH AND UNIFORM
24 SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE, AND SECTION
25 1 OF ARTICLE IX OF THE STATE CONSTITUTION VESTS THE GENERAL
26 SUPERVISION OF THE PUBLIC SCHOOLS OF THE STATE IN THE STATE BOARD
27 OF EDUCATION;

1 (V) IN INTERPRETING THESE CONSTITUTIONAL PROVISIONS, THE
2 COLORADO SUPREME COURT HAS FOUND THAT, BECAUSE THEY ARE
3 COMPETING INTERESTS, NONE ARE ABSOLUTE; THESE INTERESTS MUST BE
4 BALANCED TO IDENTIFY THE CONTOURS OF THE RESPONSIBILITY ASSIGNED
5 TO EACH ENTITY; AND

6 (VI) IT IS THE GENERAL ASSEMBLY THAT INITIALLY STRIKES THIS
7 BALANCE.

8 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT ENSURING
9 THAT EACH CHILD HAS ACCESS THROUGH THE PUBLIC SCHOOLS TO
10 EVIDENCE-BASED READING INSTRUCTION THAT IS FOCUSED ON
11 DEVELOPING THE FOUNDATIONAL READING SKILLS OF PHONEMIC
12 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY
13 INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS A SIGNIFICANT
14 COMPONENT OF ENSURING THAT THE SYSTEM OF FREE PUBLIC SCHOOLS
15 THROUGHOUT THE STATE IS THOROUGH AND UNIFORM. IN EXERCISING ITS
16 AUTHORITY OF GENERAL SUPERVISION OF THE PUBLIC SCHOOLS OF THE
17 STATE, IT IS APPROPRIATE THAT THE STATE BOARD OF EDUCATION,
18 SUPPORTED BY THE DEPARTMENT OF EDUCATION, HOLD LOCAL EDUCATION
19 PROVIDERS ACCOUNTABLE FOR DEMONSTRATING THAT THE READING
20 INSTRUCTION THEY PROVIDE IS FOCUSED ON THESE FIVE FOUNDATIONAL
21 READING SKILLS. AND, IN MAINTAINING CONTROL OF THE INSTRUCTION IN
22 THE CLASSROOMS OF THE PUBLIC SCHOOLS OF THEIR RESPECTIVE SCHOOL
23 DISTRICTS, IT IS APPROPRIATE THAT EACH SCHOOL DISTRICT BOARD OF
24 EDUCATION SELECT THE CORE READING INSTRUCTIONAL PROGRAMS AND
25 READING INTERVENTIONS TO BE USED IN THOSE PUBLIC SCHOOLS, SO LONG
26 AS THEY ARE FOCUSED ON PHONEMIC AWARENESS, PHONICS, VOCABULARY
27 DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING
28 COMPREHENSION TO ENSURE THAT THE STUDENTS EDUCATED IN THE
29 PUBLIC SCHOOLS THROUGHOUT THE STATE CONSISTENTLY RECEIVE
30 EVIDENCE-BASED INSTRUCTION THAT IS PROVEN TO EFFECTIVELY TEACH
31 CHILDREN TO READ.

32 **SECTION 2.** In Colorado Revised Statutes, 22-7-1203, **amend**
33 **(9); repeal (12); and add (7.5)** as follows:

34 **22-7-1203. Definitions.** As used in this part 12, unless the context
35 otherwise requires:

36 (7.5) "MULTI-TIERED SYSTEMS OF SUPPORTS" MEANS A SYSTEMIC
37 PREVENTIVE APPROACH THAT ADDRESSES THE ACADEMIC AND
38 SOCIAL-EMOTIONAL NEEDS OF ALL STUDENTS AT THE UNIVERSAL,
39 TARGETED, AND INTENSIVE LEVELS. THROUGH THE MULTI-TIERED
40 SYSTEMS OF SUPPORTS, A TEACHER PROVIDES HIGH-QUALITY,
41 SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTION AND
42 INTERVENTION THAT IS MATCHED TO STUDENT NEEDS; USES A METHOD OF

1 MONITORING PROGRESS FREQUENTLY TO INFORM DECISIONS ABOUT
2 INSTRUCTION AND GOALS; AND APPLIES THE STUDENT'S RESPONSE DATA
3 TO IMPORTANT EDUCATIONAL DECISIONS.

4 (9) "Per-pupil intervention ~~moneys~~ MONEY" means the ~~moneys~~
5 MONEY calculated and distributed to local education providers pursuant
6 to ~~section 22-7-1210(5)~~ SECTION 22-7-1210.5.

7 (12) "~~Response to intervention framework~~" means a systemic
8 ~~preventive approach that addresses the academic and social-emotional~~
9 ~~needs of all students at the universal, targeted, and intensive levels.~~
10 ~~Through the response to intervention framework, a teacher provides~~
11 ~~high-quality, scientifically based or evidence-based instruction and~~
12 ~~intervention that is matched to student needs; uses a method of~~
13 ~~monitoring progress frequently to inform decisions about instruction and~~
14 ~~goals; and applies the student's response data to important educational~~
15 ~~decisions.~~

16 **SECTION 3.** In Colorado Revised Statutes, **amend** 22-7-1204 as
17 follows:

18 **22-7-1204. Early literacy education.** Each local education
19 provider that enrolls students in kindergarten or first, second, or third
20 grade shall provide to the students enrolled in said grades the instructional
21 programming and services necessary to ensure to the greatest extent
22 possible that students, as they progress through kindergarten, first,
23 second, and third grade, develop the necessary reading skills to enable
24 them to master the academic standards and expectations applicable to the
25 fourth-grade curriculum and beyond. THE INSTRUCTIONAL PROGRAMMING
26 AND SERVICES FOR TEACHING STUDENTS TO READ MUST BE EVIDENCE
27 BASED AND SCIENTIFICALLY BASED AND MUST FOCUS ON READING
28 COMPETENCY IN THE AREAS OF PHONEMIC AWARENESS, PHONICS,
29 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,
30 AND READING COMPREHENSION.

31 **SECTION 4.** In Colorado Revised Statutes, 22-7-1206, **amend**
32 (2), (5) introductory portion, and (5)(c) as follows:

33 **22-7-1206. Reading to ensure academic development plan -**
34 **contents - implementation.** (2) (a) If a student's reading skills are below
35 grade-level expectations, as adopted by the state board, but the student
36 does not have a significant reading deficiency, the local education
37 provider shall ensure that the student receives appropriate interventions
38 through the ~~response to intervention framework~~ MULTI-TIERED SYSTEMS
39 OF SUPPORTS or a comparable intervention system implemented by the
40 local education provider. AT A MINIMUM, THE LOCAL EDUCATION
41 PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES EDUCATIONAL
42 SERVICES IN A DAILY LITERACY BLOCK FOR THE LENGTH OF TIME

1 IDENTIFIED AS EFFECTIVE IN RESEARCH RELATING TO BEST PRACTICES IN
2 TEACHING READING.

3 (b) If a student has a significant reading deficiency, the student's
4 READ plan ~~shall~~ MUST include the intervention instruction that the local
5 education provider provides through the ~~response to intervention~~
6 ~~framework~~ MULTI-TIERED SYSTEMS OF SUPPORTS or a comparable
7 intervention system implemented by the local education provider.

8 (5) Each READ plan ~~shall~~ MUST include, at a minimum:

9 (c) The type of additional instructional services and interventions
10 the student will receive in reading. AT A MINIMUM, THE LOCAL
11 EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES
12 EDUCATIONAL SERVICES IN A DAILY LITERACY BLOCK FOR THE LENGTH OF
13 TIME IDENTIFIED AS EFFECTIVE IN RESEARCH RELATING TO BEST PRACTICES
14 IN TEACHING READING.

15 **SECTION 5.** In Colorado Revised Statutes, 22-7-1208, **add** (5),
16 (6), and (7) as follows:

17 **22-7-1208. Local education providers - procedures - plans -**
18 **training.** (5) (a) BEGINNING WITH THE PLANS ADOPTED FOR THE 2020-21
19 SCHOOL YEAR, THE PLAN THAT A LOCAL EDUCATION PROVIDER MUST
20 ADOPT BASED ON ITS ACCREDITATION CATEGORY PURSUANT TO SECTION
21 22-11-208 OR AS REQUIRED PURSUANT TO SECTION 22-11-210,
22 WHICHEVER IS APPLICABLE, MUST INCLUDE THE FOLLOWING INFORMATION
23 CONCERNING IMPLEMENTATION OF THIS PART 12 AS IT APPLIES TO EACH OF
24 THE SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER:

25 (I) THE CORE AND SUPPLEMENTAL READING CURRICULUM USED AT
26 EACH GRADE LEVEL, INCLUDING KINDERGARTEN FOR EACH SCHOOL THAT
27 INCLUDES A KINDERGARTEN EDUCATIONAL PROGRAM. THE CORE AND
28 SUPPLEMENTAL READING CURRICULUM MUST BE DESIGNED AROUND
29 TEACHING THE FOUNDATIONAL READING SKILLS OF PHONEMIC
30 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY
31 INCLUDING ORAL SKILLS, AND READING COMPREHENSION.

32 (II) THE TARGETED, EVIDENCE-BASED OR SCIENTIFICALLY BASED
33 CORE AND SUPPLEMENTAL READING INSTRUCTIONAL PROGRAMS AND
34 INTERVENTION READING INSTRUCTION, SERVICES, AND OTHER SUPPORTS,
35 INCLUDING THOSE AVAILABLE THROUGH THE MULTI-TIERED SYSTEMS OF
36 SUPPORTS OR A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY
37 THE LOCAL EDUCATION PROVIDER, THAT EACH SCHOOL PROVIDES TO
38 STUDENTS WHO ARE IDENTIFIED AS HAVING A SIGNIFICANT READING
39 DEFICIENCY OR AS READING BELOW GRADE LEVEL;

40 (III) THE ASSESSMENTS THAT EACH SCHOOL USES AT EACH GRADE
41 LEVEL TO MEET THE REQUIREMENTS SPECIFIED IN SECTION 22-7-1205 (1);
42 AND

1 (IV) IF THE LOCAL EDUCATION PROVIDER RECEIVES AND USES
2 PER-PUPIL INTERVENTION MONEY OR MONEY RECEIVED THROUGH THE
3 EARLY LITERACY GRANT PROGRAM FOR PROFESSIONAL DEVELOPMENT, THE
4 LOCAL EDUCATION PROVIDER'S PLAN FOR PROVIDING THE PROFESSIONAL
5 DEVELOPMENT, WHICH DEVELOPMENT MUST BE TARGETED, EVIDENCE
6 BASED OR SCIENTIFICALLY BASED, AND ALIGNED WITH THE INSTRUCTION,
7 SERVICES, AND OTHER SUPPORTS PROVIDED TO STUDENTS WHO ARE
8 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR AS
9 READING BELOW GRADE LEVEL.

10 (b) IF A LOCAL EDUCATION PROVIDER IS AUTHORIZED PURSUANT
11 TO SECTION 22-11-303 (4) OR 22-11-403 (5) TO ADOPT AND SUBMIT A PLAN
12 EVERY TWO YEARS, THE LOCAL EDUCATION PROVIDER SHALL SUBMIT TO
13 THE DEPARTMENT THE INFORMATION DESCRIBED IN SUBSECTION (5)(a) OF
14 THIS SECTION ANNUALLY.

15 (6) (a) BY THE BEGINNING OF THE 2021-22 SCHOOL YEAR AND
16 CONTINUING FOR EACH SCHOOL YEAR THEREAFTER, EACH LOCAL
17 EDUCATION PROVIDER THAT RECEIVES PER-PUPIL INTERVENTION MONEY
18 OR A GRANT THROUGH THE EARLY LITERACY GRANT PROGRAM IN ANY
19 BUDGET YEAR STARTING WITH THE 2019-20 BUDGET YEAR SHALL ENSURE
20 THAT EACH TEACHER EMPLOYED TO TEACH KINDERGARTEN OR ANY OF
21 GRADES ONE THROUGH THREE SUCCESSFULLY COMPLETES OR HAS
22 SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING IN TEACHING
23 READING. TO COMPLY WITH THIS SUBSECTION (6)(a), A LOCAL EDUCATION
24 PROVIDER MUST SUBMIT EVIDENCE, AS DESCRIBED IN SUBSECTION (6)(b)
25 OF THIS SECTION, THAT EACH TEACHER EMPLOYED TO TEACH
26 KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE HAS
27 SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING IN TEACHING
28 READING THAT IS:

29 (I) INCLUDED AS A COURSE IN AN APPROVED PROGRAM OF
30 PREPARATION, AS DEFINED IN SECTION 22-60.5-103 (8), OR AN
31 ALTERNATIVE TEACHER PROGRAM, AS DEFINED IN SECTION 22-60.5-103
32 (5);

33 (II) INCLUDED AS A COURSE IN A POST-GRADUATE DEGREE
34 PROGRAM IN TEACHING READING OR LITERACY;

35 (III) PROVIDED BY THE DEPARTMENT OR INCLUDED ON THE
36 ADVISORY LIST OF PROFESSIONAL DEVELOPMENT PROGRAMS PROVIDED BY
37 THE DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(c); OR

38 (IV) PROVIDED BY A LOCAL EDUCATION PROVIDER OR IS
39 APPROPRIATE FOR LICENSE RENEWAL PURSUANT TO SECTION 22-60.5-110
40 (3).

41 (b) A TEACHER IS DEEMED TO HAVE SUCCESSFULLY COMPLETED
42 EVIDENCE-BASED TRAINING IN TEACHING READING IF THE LOCAL

1 EDUCATION PROVIDER SUBMITS TO THE DEPARTMENT EVIDENCE THAT THE
2 TEACHER PASSED AN END-OF-COURSE ASSESSMENT OF LEARNING AT THE
3 COMPLETION OF THE EVIDENCE-BASED TRAINING.

4 (c) AT THE REQUEST OF A LOCAL EDUCATION PROVIDER, THE
5 DEPARTMENT SHALL PROVIDE, AT NO COST TO THE LOCAL EDUCATION
6 PROVIDER, EVIDENCE-BASED TRAINING IN TEACHING READING TO ONE OR
7 MORE OF THE TEACHERS EMPLOYED BY THE LOCAL EDUCATION PROVIDER
8 TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE.

9 (d) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (6)(a) OF
10 THIS SECTION, A LOCAL EDUCATION PROVIDER THAT IS NOT IN COMPLIANCE
11 WITH THE REQUIREMENTS OF THIS SUBSECTION (6) AS OF THE BEGINNING
12 OF THE 2021-22 SCHOOL YEAR OR FOR A SUBSEQUENT SCHOOL YEAR MAY
13 REQUEST A ONE-YEAR EXTENSION FROM THE DEPARTMENT BASED ON A
14 DEMONSTRATION OF GOOD CAUSE FOR INABILITY TO COMPLY.

15 (e) A LOCAL EDUCATION PROVIDER IS STRONGLY ENCOURAGED TO
16 MAKE EVIDENCE-BASED TRAINING IN TEACHING READING AVAILABLE TO
17 PARENTS AND MEMBERS OF THE COMMUNITY IN ORDER TO EFFECTIVELY
18 PARTNER WITH THEM IN TEACHING EARLY-GRADE READING.

19 (7) EACH LOCAL EDUCATION PROVIDER IS STRONGLY ENCOURAGED
20 TO PARTNER WITH ADJACENT PUBLIC LIBRARIES TO ENHANCE THE
21 INSTRUCTIONAL PROGRAMMING AND SERVICES IN LITERACY PROVIDED BY
22 THE LOCAL EDUCATION PROVIDER AND TO PROVIDE ACCESS FOR STUDENTS
23 AND THEIR PARENTS TO READING MATERIALS FOR OUT-OF-SCHOOL
24 LITERACY DEVELOPMENT.

25 **SECTION 6.** In Colorado Revised Statutes, 22-7-1209, **amend**
26 (2)(a)(I), (2)(b), (2)(c), (3) introductory portion, and (6); and **add** (1)(d.5),
27 (7), and (8) as follows:

28 **22-7-1209. State board - rules - department - duties.** (1) The
29 state board shall promulgate rules in accordance with the "State
30 Administrative Procedure Act", article 4 of title 24, as necessary to
31 implement the provisions of this part 12, which rules must include, but
32 need not be limited to:

33 (d.5) THE TIME FRAMES AND PROCEDURES FOR SUBMITTING
34 INFORMATION CONCERNING THE USE OF PER-PUPIL INTERVENTION MONEY;

35 (2) (a) (I) Using the procedure developed pursuant to subsection
36 (3) of this section, the department shall review and recommend to the
37 state board reading assessments, including interim, summative, and
38 diagnostic assessments, for kindergarten and first, second, and third
39 grades that, at a minimum, meet the criteria specified in ~~subsection~~
40 ~~(1)(a)(II)~~ SUBSECTION (2)(a)(II) of this section. Following action by the
41 state board to approve reading assessments pursuant to subsection (1)(b)
42 of this section, the department shall create a list of the approved reading

1 assessments for kindergarten and first, second, and third grades for use by
2 local education providers. The department shall update the list of
3 approved reading assessments on or before July 1, 2019, and every four
4 years thereafter as necessary. The department shall work with the
5 approved assessment publishers to better align, to the extent practicable,
6 the minimum reading competency levels for third grade, which are based
7 on the scores attained on the approved assessments, with the preschool
8 through elementary and secondary education standards for third-grade
9 reading adopted pursuant to section 22-7-1005.

10 (b) Using the procedure developed pursuant to subsection (3) of
11 this section, the department shall create an advisory list of evidence-based
12 or scientifically based instructional programming in reading AND
13 SUPPORTING TECHNOLOGIES, INCLUDING SOFTWARE, FOR ASSESSING AND
14 MONITORING STUDENT PROGRESS that local education providers are
15 encouraged to use, which programming is AND TECHNOLOGY, INCLUDING
16 SOFTWARE, ARE aligned with the recommended reading assessments,
17 including the assessment required in subsection (2)(a)(II)(D) of this
18 section. The advisory list may include only programming AND
19 TECHNOLOGY, INCLUDING SOFTWARE, that, at a minimum:

20 (I) ~~Has~~ HAVE been proven to accelerate student progress in
21 attaining reading competency;

22 (II) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, provides
23 explicit and systematic skill development in the areas of phonemic
24 awareness, phonics, vocabulary development, reading fluency including
25 oral skills, and reading comprehension;

26 (II.5) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, is
27 evidence based or scientifically based and is aligned with the preschool
28 through elementary and secondary education standards for reading
29 adopted by the state board pursuant to section 22-7-1005;

30 (III) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, includes
31 evidence-based or scientifically based and reliable assessments;

32 (IV) ~~Provides~~ PROVIDE initial and ongoing analysis of the
33 student's progress in attaining reading competency; and

34 (V) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, includes
35 texts on core academic content to assist the student in maintaining or
36 meeting grade-appropriate proficiency levels in academic subjects in
37 addition to reading.

38 (c) Using the procedure developed pursuant to subsection (3) of
39 this section, the department shall create an advisory list of RIGOROUS
40 professional development programs that are related to addressing
41 significant reading deficiencies and to applying intervention instruction
42 and strategies, in addition to programs related to teaching general literacy,

1 that local education providers are encouraged to use. THE DEPARTMENT
2 SHALL INCLUDE ON THE ADVISORY LIST PROFESSIONAL DEVELOPMENT
3 PROGRAMS THAT ARE AVAILABLE ONLINE. THE DEPARTMENT SHALL
4 ENSURE THAT EACH PROFESSIONAL DEVELOPMENT PROGRAM INCLUDED ON
5 THE ADVISORY LIST IS:

6 (I) FOCUSED ON OR ALIGNS WITH THE SCIENCE OF READING,
7 INCLUDING TEACHING IN THE AREAS OF PHONEMIC AWARENESS, PHONICS,
8 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,
9 AND READING COMPREHENSION; AND

10 (II) INCLUDES RIGOROUS EVALUATIONS OF LEARNING
11 THROUGHOUT AND AT THE END OF THE COURSE THAT A PERSON TAKING
12 THE COURSE MUST PASS TO SUCCESSFULLY COMPLETE THE COURSE.

13 (3) The department shall develop and implement a procedure for
14 identifying the reading assessments it recommends to the state board for
15 the approved list of reading assessments described in subsection (2)(a) of
16 this section and for creating the advisory lists of instructional
17 programming and professional development programs described in
18 ~~subsections (2)(b), (2)(c), and (2)(d)~~ SUBSECTIONS (2)(b) AND (2)(c) of
19 this section. At a minimum, the procedure must include:

20 (6) The department, upon request, may provide technical
21 assistance to a local education provider in implementing the provisions
22 of this part 12; EXCEPT THAT, IF A LOCAL EDUCATION PROVIDER IS
23 ACCREDITED WITH TURNAROUND PLAN PURSUANT TO SECTION 22-11-208
24 OR REQUIRED TO ADOPT A TURNAROUND PLAN PURSUANT TO SECTION
25 22-11-210, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO
26 THE LOCAL EDUCATION PROVIDER IN IMPLEMENTING THE PROVISIONS OF
27 THIS PART 12.

28 (7) BEGINNING IN THE 2019-20 BUDGET YEAR, THE DEPARTMENT
29 SHALL CONTRACT WITH AN ENTITY TO DEVELOP AND IMPLEMENT A PUBLIC
30 INFORMATION CAMPAIGN TO EMPHASIZE THE IMPORTANCE OF LEARNING
31 TO READ BY THIRD GRADE AND TO HIGHLIGHT THE LOCAL EDUCATION
32 PROVIDERS THAT ARE ACHIEVING HIGH PERCENTAGES OF THIRD-GRADE
33 STUDENTS WHO DEMONSTRATE READING COMPETENCY. THE PUBLIC
34 INFORMATION CAMPAIGN MUST BE DISSEMINATED STATEWIDE AND MUST
35 EMPHASIZE THE IMPORTANT ROLES THAT EDUCATORS AND PARENTS HAVE
36 IN TEACHING CHILDREN TO READ AND IN PROVIDING A SCHOOL AND HOME
37 ENVIRONMENT THAT PROMOTES READING. THE DEPARTMENT IS
38 ENCOURAGED TO WORK WITH THE PUBLIC AND PRIVATE LIBRARY AGENCIES
39 THROUGHOUT THE STATE IN DEVELOPING AND IMPLEMENTING THE PUBLIC
40 INFORMATION CAMPAIGN.

41 (8) (a) BY OCTOBER 1, 2019, THE DEPARTMENT SHALL ISSUE A
42 REQUEST FOR PROPOSALS TO CONTRACT WITH AN ENTITY TO ACT AS AN

1 INDEPENDENT EVALUATOR TO PROVIDE INDEPENDENT EVALUATIONS OF
2 THE USE OF PER-PUPIL INTERVENTION MONEY AND MONEY RECEIVED
3 THROUGH THE EARLY LITERACY GRANT PROGRAM BY LOCAL EDUCATION
4 PROVIDERS AND TO CONDUCT A MULTI-YEAR EVALUATION TO DETERMINE
5 WHETHER THE STUDENT OUTCOMES ACHIEVED BY LOCAL EDUCATION
6 PROVIDERS IN IMPLEMENTING THIS PART 12 MEET THE GOALS OF THIS PART
7 12 AS DESCRIBED IN SECTION 22-7-1202 (2) AND (3)(a).

8 (b) THE COMMISSIONER OF EDUCATION SHALL DIRECT THE PROCESS
9 FOR REVIEWING THE PROPOSALS RECEIVED AND FOR SELECTING THE
10 ENTITY IN ACCORDANCE WITH THE PROCUREMENT LAWS APPLICABLE TO
11 THE DEPARTMENT. IN SELECTING THE ENTITY, THE COMMISSIONER SHALL
12 ENSURE THAT:

13 (I) THE SELECTED ENTITY DEMONSTRATES THE ABILITY AND
14 CAPACITY TO SUCCESSFULLY COMPLETE THE EVALUATION AS DESCRIBED
15 IN SUBSECTION (8)(c) OF THIS SECTION WITHIN THE SPECIFIED TIME FRAME;

16 (II) THE SELECTED ENTITY HAS EXPERTISE IN REVIEWING AND
17 UNDERSTANDING THE COMPONENTS OF HIGH-QUALITY, EFFECTIVE
18 READING CURRICULA, EDUCATION PROGRAMS, INSTRUCTION, STRATEGIES,
19 AND INTERVENTIONS;

20 (III) THE SELECTED ENTITY HAS EXPERTISE IN REVIEWING THE
21 IMPLEMENTATION OF ENGLISH LANGUAGE DEVELOPMENT PROGRAMS,
22 ESPECIALLY WITH REGARD TO TEACHING READING; AND

23 (IV) THE SELECTED ENTITY HAS EXPERTISE IN UNDERSTANDING
24 MEASUREMENTS OF STUDENT LEARNING AND ACADEMIC GROWTH.

25 (c) THE MULTI-YEAR EVALUATION OF THE IMPLEMENTATION OF
26 THIS PART 12 MUST INCLUDE:

27 (I) REVIEW OF THE APPROVED READING ASSESSMENTS AND THE
28 ITEMS INCLUDED ON THE ADVISORY LISTS OF INSTRUCTIONAL
29 PROGRAMMING IN READING AND SUPPORTING TECHNOLOGIES AND OF
30 PROFESSIONAL DEVELOPMENT PROGRAMS TO ENSURE THAT THEY MEET
31 THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND A
32 REVIEW OF THE PROCESSES BY WHICH THE DEPARTMENT IDENTIFIES
33 ASSESSMENTS, INSTRUCTIONAL PROGRAMMING IN READING, AND
34 PROFESSIONAL DEVELOPMENT PROGRAMS FOR INCLUSION ON THE LISTS;

35 (II) EVALUATION OF THE EFFECTIVENESS OF THE PROCESSES,
36 PROCEDURES, METHODS, AND STRATEGIES THAT LOCAL EDUCATION
37 PROVIDERS USE TO IMPLEMENT THE REQUIREMENTS OF THIS PART 12,
38 INCLUDING AN INVENTORY TO ESTABLISH A BASELINE INDICATION OF THE
39 TEACHING METHODS, STRATEGIES, AND MATERIALS USED BY LOCAL
40 EDUCATION PROVIDERS TO TEACH READING IN KINDERGARTEN AND
41 GRADES ONE THROUGH THREE;

42 (III) MEASUREMENT OF THE RESULTS ATTAINED THAT INDICATE

1 THE DEGREE TO WHICH THE GOALS OF THIS PART 12 HAVE BEEN MET,
2 INCLUDING, AT A MINIMUM:

3 (A) THE NUMBER OF STUDENTS ANNUALLY IDENTIFIED AS HAVING
4 SIGNIFICANT READING DEFICIENCIES, INCLUDING THOSE INITIALLY
5 IDENTIFIED AND THOSE WHO WERE IDENTIFIED IN A PREVIOUS SCHOOL
6 YEAR;

7 (B) WHETHER STUDENTS IDENTIFIED AS HAVING SIGNIFICANT
8 READING DEFICIENCIES DEMONSTRATE SIGNIFICANT ANNUAL GROWTH IN
9 READING OVER MULTIPLE YEARS AND AN INDICATION OF THE AMOUNT OF
10 GROWTH ATTAINED ANNUALLY;

11 (C) WHETHER STUDENTS IDENTIFIED AS HAVING SIGNIFICANT
12 READING DEFICIENCIES DEMONSTRATE GRADE-LEVEL READING
13 COMPETENCY BY COMPLETION OF THIRD GRADE OR BY COMPLETION OF A
14 LATER GRADE;

15 (D) THE NUMBER OF STUDENTS ANNUALLY IDENTIFIED AS READING
16 BELOW GRADE LEVEL; AND

17 (E) WHETHER THE STUDENTS IDENTIFIED AS READING BELOW
18 GRADE LEVEL DEMONSTRATE SIGNIFICANT GROWTH IN READING TO THE
19 EXTENT THAT THEY ARE READING AT GRADE LEVEL BY COMPLETION OF
20 THIRD GRADE OR BY COMPLETION OF A LATER GRADE, AND AN INDICATION
21 OF THE AMOUNT OF GROWTH ATTAINED ANNUALLY;

22 (IV) ESTABLISHMENT OF A BASELINE INDICATION OF THE LEVEL
23 AND QUALITY OF PRE-SERVICE AND IN-SERVICE TRAINING IN TEACHING
24 READING RECEIVED BY EACH EDUCATOR WHO IS EMPLOYED IN A PUBLIC
25 SCHOOL TO TEACH KINDERGARTEN OR ONE OF GRADES ONE THROUGH
26 THREE; AND

27 (V) EVALUATION OF THE DEGREE TO WHICH LOCAL EDUCATION
28 PROVIDERS EFFECTIVELY WORK WITH PARENTS AND MEMBERS OF THE
29 COMMUNITY TO CREATE PARTNERSHIPS FOR PROVIDING AND
30 ENCOURAGING READING INSTRUCTION FOR STUDENTS ENROLLED IN
31 KINDERGARTEN AND GRADES ONE THROUGH THREE.

32 (d) IN COMPLETING THE MULTI-YEAR EVALUATION, THE
33 INDEPENDENT EVALUATOR SHALL TAKE INTO ACCOUNT STUDENT MOBILITY
34 WITHIN, AND THE STUDENT DEMOGRAPHICS OF, EACH LOCAL EDUCATION
35 PROVIDER, INCLUDING AT THE SCHOOL-BUILDING LEVEL. THE
36 INDEPENDENT EVALUATOR SHALL WORK DIRECTLY WITH THE
37 DEPARTMENT, LOCAL EDUCATION PROVIDERS, AND PARENTS AND
38 COMMUNITY MEMBERS IN COMPLETING THE EVALUATION.

39 (e) THE INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO
40 THIS SUBSECTION (8) SHALL COMPLETE THE EVALUATION OF THE
41 IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SUBSECTION (8)(c) OF
42 THIS SECTION BY JULY 1, 2021. THE DEPARTMENT SHALL INCLUDE A

1 REPORT OF THE EVALUATION IN THE HEARING BEFORE THE JOINT
2 EDUCATION COMMITTEE HELD PURSUANT TO SECTION 2-7-203 IN
3 NOVEMBER OR DECEMBER 2021. THE INDEPENDENT EVALUATOR SHALL
4 CONTINUE EVALUATIONS OF THE GROWTH IN READING ACHIEVED BY
5 LOCAL EDUCATION PROVIDERS' USE OF PER-PUPIL INTERVENTION MONEY
6 AND MONEY RECEIVED THROUGH THE EARLY LITERACY GRANT PROGRAM.

7 **SECTION 7.** In Colorado Revised Statutes, 22-7-1210, **amend**
8 **(4)(b)(IV); repeal (5) and (6); and add (4)(c) and (4)(d) as follows:**

9 **22-7-1210. Early literacy fund - created - repeal.** (4) The
10 money in the fund is subject to annual appropriation by the general
11 assembly to the department. The department shall annually expend the
12 money in the fund as follows:

13 (b) Beginning in the 2013-14 budget year and for budget years
14 thereafter:

15 (IV) The department shall allocate the remaining money annually
16 credited to the fund, as provided in the annual general appropriations bill,
17 to the local education providers as per-pupil intervention money
18 calculated pursuant to subsection (5) of this section, AS IT EXISTED PRIOR
19 TO THE EFFECTIVE DATE OF SUBSECTION (4)(c) OF THIS SECTION.

20 (c) (I) IN ADDITION TO THE ALLOCATIONS DESCRIBED IN
21 SUBSECTION (4)(b) OF THIS SECTION, FOR THE 2019-20 BUDGET YEAR, THE
22 DEPARTMENT SHALL EXPEND:

23 (A) UP TO FIVE HUNDRED THOUSAND DOLLARS TO IMPLEMENT THE
24 PUBLIC INFORMATION CAMPAIGN TO PROMOTE READING DESCRIBED IN
25 SECTION 22-7-1209 (7); AND

26 (B) NO MORE THAN TWO MILLION DOLLARS TO CONTRACT WITH A
27 QUALIFIED ENTITY AS AN INDEPENDENT EVALUATOR TO EVALUATE THE
28 IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SECTION 22-7-1209
29 (8).

30 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(b)(II)
31 AND (4)(b)(IV) OF THIS SECTION, FOR THE 2019-20 BUDGET YEAR, OF THE
32 AMOUNT THAT REMAINS AFTER THE ALLOCATIONS DESCRIBED IN
33 SUBSECTIONS (4)(b)(I), (4)(b)(III), AND (4)(c)(I) OF THIS SECTION, AS
34 PROVIDED IN THE ANNUAL GENERAL APPROPRIATIONS BILL, THE
35 DEPARTMENT SHALL USE TEN PERCENT FOR GRANTS AWARDED THROUGH
36 THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION 22-7-1211,
37 WHICH IS IN ADDITION TO THE AMOUNT DESCRIBED IN SUBSECTION
38 (4)(b)(II) OF THIS SECTION, AND ALLOCATE NINETY PERCENT TO LOCAL
39 EDUCATION PROVIDERS AS PER-PUPIL INTERVENTION MONEY AS PROVIDED
40 IN SECTION 22-7-1210.5.

41 (III) SUBSECTION (4)(b) OF THIS SECTION AND THIS SUBSECTION
42 (4)(c) ARE REPEALED, EFFECTIVE JULY 1, 2020.

1 (d) BEGINNING IN THE 2020-21 BUDGET YEAR AND FOR BUDGET
2 YEARS THEREAFTER, THE DEPARTMENT MAY USE UP TO ONE PERCENT OF
3 THE MONEY ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE
4 COSTS OF ADMINISTERING THIS PART 12, AND THE DEPARTMENT SHALL
5 USE:

6 (I) UP TO FIVE HUNDRED THOUSAND DOLLARS, AS PROVIDED IN THE
7 ANNUAL GENERAL APPROPRIATIONS BILL, TO IMPLEMENT THE PUBLIC
8 INFORMATION CAMPAIGN TO PROMOTE READING DESCRIBED IN SECTION
9 22-7-1209 (7);

10 (II) UP TO TWO MILLION DOLLARS, AS PROVIDED IN THE ANNUAL
11 GENERAL APPROPRIATIONS BILL, TO CONTRACT WITH A QUALIFIED ENTITY
12 AS AN INDEPENDENT EVALUATOR TO EVALUATE THE IMPLEMENTATION OF
13 THIS PART 12 AS DESCRIBED IN SECTION 22-7-1209 (8);

14 (III) AT LEAST FOUR MILLION DOLLARS, AS PROVIDED IN THE
15 ANNUAL GENERAL APPROPRIATIONS BILL, FOR GRANTS AWARDED
16 THROUGH THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION
17 22-7-1211; AND

18 (IV) OF THE REMAINING AMOUNT CREDITED TO THE FUND, THE
19 AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS BILL FOR
20 THE EARLY LITERACY GRANT PROGRAM, WHICH IS IN ADDITION TO THE
21 AMOUNT SPECIFIED IN SUBSECTION (4)(d)(III) OF THIS SECTION, AND THE
22 AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS BILL FOR
23 ALLOCATION TO LOCAL EDUCATION PROVIDERS AS PER-PUPIL
24 INTERVENTION MONEY AS PROVIDED IN SECTION 22-7-1210.5.

25 (5) (a) (I) ~~The department shall allocate the per-pupil intervention~~
26 ~~moneys to the local education providers as required in subparagraph (IV)~~
27 ~~of paragraph (b) of subsection (4) of this section by first dividing the~~
28 ~~amount of moneys available by the total number of students enrolled in~~
29 ~~kindergarten and first, second, and third grades in public schools in the~~
30 ~~state who were identified as having significant reading deficiencies and~~
31 ~~received instructional services pursuant to READ plans in the budget year~~
32 ~~preceding the year in which the moneys are allocated. The department~~
33 ~~shall then allocate to each local education provider an amount equal to~~
34 ~~said per-pupil amount multiplied by the number of students enrolled in~~
35 ~~kindergarten and first, second, and third grades in public schools operated~~
36 ~~by the local education provider who were identified as having significant~~
37 ~~reading deficiencies and received instructional services pursuant to~~
38 ~~READ plans in the budget year preceding the year in which the moneys~~
39 ~~are allocated.~~

40 (H) ~~Repealed.~~

41 (b) ~~A local education provider may use the per-pupil intervention~~
42 ~~money only as follows:~~

1 ~~(I) To provide full-day kindergarten services to students enrolled~~
2 ~~in one or more of the public schools operated by the local education~~
3 ~~provider;~~
4 ~~(H) To operate a summer school literacy program as described in~~
5 ~~section 22-7-1212;~~
6 ~~(HH) To purchase tutoring services in reading for students who are~~
7 ~~receiving instructional services pursuant to READ plans;~~
8 ~~(HH.5) (Deleted by amendment, L. 2018.)~~
9 ~~(IV) To provide other targeted, scientifically based or~~
10 ~~evidence-based intervention services to students who are receiving~~
11 ~~instructional services pursuant to READ plans, which services are~~
12 ~~approved by the department;~~
13 ~~(V) For a local education provider that is a small rural school~~
14 ~~district as defined in section 22-7-1211 (4)(a), to purchase from a board~~
15 ~~of cooperative services the services of a literacy specialist to provide~~
16 ~~educator professional development in literacy and other support in~~
17 ~~implementing the requirements of this part 12; or~~
18 ~~(VI) To provide professional development programming to~~
19 ~~support educators in teaching literacy; except that a local education~~
20 ~~provider may not use more than fifteen percent of the per-pupil~~
21 ~~intervention money received in a budget year for this purpose.~~
22 ~~Professional development programming authorized in this subsection~~
23 ~~(5)(b)(VI) may include literacy coaches who provide job-embedded,~~
24 ~~ongoing professional development to support~~
25 ~~kindergarten-through-third-grade teacher competence in the~~
26 ~~evidence-based or scientifically based teaching of phonemic awareness;~~
27 ~~phonics; vocabulary development; reading fluency, including oral skills;~~
28 ~~and reading comprehension.~~
29 ~~(c) Each budget year, prior to receiving per-pupil intervention~~
30 ~~money, each local education provider shall submit to the department, for~~
31 ~~informational purposes, an explanation of the manner in which it will use~~
32 ~~the money in the coming budget year and the number of students for~~
33 ~~which the local education provider may receive per-pupil intervention~~
34 ~~money. If the local education provider intends to provide a service~~
35 ~~described in subsection (5)(b)(IV) of this section, the department shall~~
36 ~~review the service and provide the per-pupil intervention money for the~~
37 ~~service only if the service meets the requirements specified in subsection~~
38 ~~(5)(b)(IV) of this section. Upon the request of the department, a local~~
39 ~~education provider shall provide specific expenditure information to the~~
40 ~~department that specifies the manner in which the local education~~
41 ~~provider spent the per-pupil intervention money it received in a budget~~
42 ~~year.~~

1 ~~(d) In using the per-pupil intervention moneys allocated pursuant to this subsection (5), each local education provider shall ensure that some type of intervention, as described in paragraph (b) of this subsection (5), is available to each student who is identified as having a significant reading deficiency and who is enrolled in kindergarten or first, second, or third grade in a school operated by the local education provider.~~

2 ~~(6) Each local education provider shall ensure that the per-pupil intervention money it receives in each budget year is used to improve the reading competency of students enrolled in kindergarten and grades one through three and does not replace other money that would otherwise be used for this purpose.~~

3 **SECTION 8.** In Colorado Revised Statutes, **add 22-7-1210.5** as follows:

4 **22-7-1210.5. Per-pupil intervention money - uses - distribution**

5 **- monitoring.** (1) TO DISTRIBUTE THE MONEY APPROPRIATED PURSUANT TO SECTION 22-7-1210 (4) FOR PER-PUPIL INTERVENTION MONEY, THE DEPARTMENT SHALL ANNUALLY CALCULATE THE PER-PUPIL AMOUNT BY DIVIDING THE AMOUNT OF MONEY AVAILABLE BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS IN THE STATE WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEY IS DISTRIBUTED. SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A LOCAL EDUCATION PROVIDER MAY RECEIVE PER-PUPIL INTERVENTION MONEY IN AN AMOUNT EQUAL TO THE CALCULATED PER-PUPIL AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEY IS DISTRIBUTED.

6 (2) BEFORE THE BEGINNING OF EACH BUDGET YEAR, TO RECEIVE A DISTRIBUTION OF PER-PUPIL INTERVENTION MONEY, A LOCAL EDUCATION PROVIDER MUST SUBMIT TO THE DEPARTMENT BY THE DATE SPECIFIED BY STATE BOARD RULE:

7 (a) THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEY IS DISTRIBUTED; AND

1 (b) A BUDGET, INCLUDING A NARRATIVE EXPLANATION, FOR THE
2 USE OF THE PER-PUPIL INTERVENTION MONEY IN ACCORDANCE WITH THE
3 USES DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

4 (3) (a) AT THE BEGINNING OF EACH BUDGET YEAR, THE
5 DEPARTMENT SHALL DISTRIBUTE TO A LOCAL EDUCATION PROVIDER THAT
6 MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3)(b) OF THIS
7 SECTION THE AMOUNT OF PER-PUPIL INTERVENTION MONEY CALCULATED
8 FOR THE LOCAL EDUCATION PROVIDER PURSUANT TO SUBSECTION (1) OF
9 THIS SECTION FOR THE APPLICABLE BUDGET YEAR.

10 (b) TO RECEIVE PER-PUPIL INTERVENTION MONEY IN A BUDGET
11 YEAR, A LOCAL EDUCATION PROVIDER MUST MEET THE FOLLOWING
12 REQUIREMENTS:

13 (I) THE LOCAL EDUCATION PROVIDER MUST SUBMIT THE
14 INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND IN
15 SECTION 22-7-1213 (2);

16 (II) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS
17 THEREAFTER, THE LOCAL EDUCATION PROVIDER MUST SUBMIT EVIDENCE
18 THAT IT IS IN COMPLIANCE WITH THE TEACHER TRAINING REQUIREMENTS
19 SPECIFIED IN SECTION 22-7-1208 (6);

20 (III) THE DEPARTMENT MUST APPROVE THE LOCAL EDUCATION
21 PROVIDER'S PROPOSED USE OF THE PER-PUPIL INTERVENTION MONEY AS
22 BEING IN COMPLIANCE WITH THE REQUIREMENTS IN SUBSECTION (4) OF
23 THIS SECTION;

24 (IV) FOR THE PRECEDING BUDGET YEAR, THE LOCAL EDUCATION
25 PROVIDER MUST HAVE USED THE MONEY FOR ONE OR MORE OF THE
26 PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION; EXCEPT THAT
27 THE PROVISIONS OF THIS SUBSECTION (3)(a)(III) DO NOT APPLY IF THE
28 LOCAL EDUCATION PROVIDER DID NOT RECEIVE A DISTRIBUTION OF
29 PER-PUPIL INTERVENTION MONEY IN THE PRECEDING BUDGET YEAR; AND

30 (V) IF THE LOCAL EDUCATION PROVIDER IS EXPECTING TO USE THE
31 PER-PUPIL INTERVENTION MONEY FOR TARGETED INTERVENTION SERVICES
32 AS DESCRIBED IN SUBSECTION (4)(d) OF THIS SECTION, THE DEPARTMENT
33 REVIEWED AND APPROVED THE SERVICES. THE DEPARTMENT SHALL NOT
34 APPROVE SERVICES THAT HAVE NOT BEEN IMPLEMENTED AND PROVEN TO
35 BE SUCCESSFUL WITH A STUDENT POPULATION AND UNDER
36 CIRCUMSTANCES THAT ARE COMPARABLE TO THOSE OF THE LOCAL
37 EDUCATION PROVIDER OR THAT ARE NOT SUPPORTED BY VALID RESEARCH
38 THAT SUGGESTS THE SERVICES WILL BE EFFECTIVE WITH THE STUDENT
39 POPULATION SERVED BY, AND UNDER THE CIRCUMSTANCES OF, THE LOCAL
40 EDUCATION PROVIDER.

41 (c) THROUGHOUT THE BUDGET YEAR, THE DEPARTMENT SHALL
42 MONITOR AND, IF DEEMED NECESSARY BY THE DEPARTMENT, AUDIT EACH

1 LOCAL EDUCATION PROVIDER'S USE OF THE PER-PUPIL INTERVENTION
2 MONEY IT RECEIVES. THE DEPARTMENT MAY CONDUCT SITE VISITS TO THE
3 EXTENT DEEMED NECESSARY TO ADEQUATELY MONITOR A LOCAL
4 EDUCATION PROVIDER'S USE OF PER-PUPIL INTERVENTION MONEY. EACH
5 LOCAL EDUCATION PROVIDER SHALL PROVIDE, UPON REQUEST BY THE
6 DEPARTMENT, INFORMATION NECESSARY FOR THE DEPARTMENT TO
7 COMPLY WITH THIS SUBSECTION (3)(c).

8 (4) A LOCAL EDUCATION PROVIDER MAY USE THE PER-PUPIL
9 INTERVENTION MONEY ONLY AS FOLLOWS:

10 (a) TO OPERATE A SUMMER SCHOOL LITERACY PROGRAM AS
11 DESCRIBED IN SECTION 22-7-1212;

12 (b) TO PURCHASE CORE READING INSTRUCTIONAL PROGRAMS THAT
13 ARE INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL PROGRAMMING
14 IN READING AND SUPPORTING TECHNOLOGIES DEVELOPED BY THE
15 DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(b);

16 (c) TO PURCHASE TUTORING SERVICES THAT FOCUS ON INCREASING
17 STUDENTS' FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS,
18 PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING
19 ORAL SKILLS, AND READING COMPREHENSION FOR STUDENTS WHO ARE
20 RECEIVING INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS;

21 (d) TO PROVIDE OTHER TARGETED, EVIDENCE-BASED OR
22 SCIENTIFICALLY BASED INTERVENTION SERVICES TO STUDENTS WHO ARE
23 RECEIVING INSTRUCTIONAL SERVICES, WHICH MAY INCLUDE SERVICES
24 PROVIDED BY A READING INTERVENTIONIST, PURSUANT TO READ PLANS,
25 WHICH SERVICES ARE APPROVED BY THE DEPARTMENT;

26 (e) TO PROVIDE TECHNOLOGY, INCLUDING SOFTWARE, WHICH IS
27 INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL PROGRAMMING IN
28 READING AND SUPPORTING TECHNOLOGIES PURSUANT TO SECTION
29 22-7-1209 (2)(b), TO ASSIST IN ASSESSING AND MONITORING STUDENT
30 PROGRESS TOWARD READING COMPETENCY, WHICH MAY INCLUDE
31 PROVIDING PROFESSIONAL DEVELOPMENT IN THE EFFECTIVE USE OF THE
32 TECHNOLOGY OR SOFTWARE;

33 (f) TO PURCHASE FROM A BOARD OF COOPERATIVE SERVICES THE
34 SERVICES OF A READING SPECIALIST OR READING INTERVENTIONIST WHO
35 IS TRAINED IN THE SCIENCE OF READING AND IN TEACHING THE
36 FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS,
37 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,
38 AND READING COMPREHENSION TO PROVIDE EDUCATOR PROFESSIONAL
39 DEVELOPMENT IN TEACHING READING AND OTHER SUPPORT IN
40 IMPLEMENTING THE REQUIREMENTS OF THIS PART 12; OR

41 (g) TO PROVIDE PROFESSIONAL DEVELOPMENT PROGRAMMING TO
42 SUPPORT EDUCATORS IN TEACHING READING. PROFESSIONAL

1 DEVELOPMENT PROGRAMMING AUTHORIZED IN THIS SUBSECTION (4)(g)
2 MAY INCLUDE HIRING A READING COACH WHO IS TRAINED IN TEACHING
3 THE FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS,
4 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,
5 AND READING COMPREHENSION TO PROVIDE JOB-EMBEDDED, ONGOING
6 P R O F E S S I O N A L D E V E L O P M E N T T O S U P P O R T
7 KINDERGARTEN-THROUGH-THIRD-GRADE TEACHER COMPETENCE IN
8 TEACHING PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,
9 READING FLUENCY INCLUDING ORAL SKILLS, AND READING
10 COMPREHENSION. A LOCAL EDUCATION PROVIDER THAT HAS NOT FULLY
11 COMPLIED WITH SECTION 22-7-1208 (6) IS STRONGLY ENCOURAGED TO USE
12 PER-PUPIL INTERVENTION MONEY TO ENSURE THAT ALL TEACHERS
13 EMPLOYED BY THE LOCAL EDUCATION PROVIDER TO TEACH
14 KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE SUCCESSFULLY
15 COMPLETE EVIDENCE-BASED TRAINING IN TEACHING READING BEFORE
16 USING THE MONEY FOR OTHER AUTHORIZED PURPOSES.

17 (5) IN USING THE PER-PUPIL INTERVENTION MONEY DISTRIBUTED
18 PURSUANT TO THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL
19 ENSURE THAT SOME TYPE OF INTERVENTION, AS DESCRIBED IN SUBSECTION
20 (4) OF THIS SECTION, IS AVAILABLE TO EACH STUDENT WHO IS IDENTIFIED
21 AS HAVING A SIGNIFICANT READING DEFICIENCY AND WHO IS ENROLLED IN
22 KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE IN A SCHOOL
23 OPERATED BY THE LOCAL EDUCATION PROVIDER.

24 (6) (a) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT
25 THE PER-PUPIL INTERVENTION MONEY IT RECEIVES IN EACH BUDGET YEAR
26 IS USED TO IMPROVE THE READING COMPETENCY OF STUDENTS ENROLLED
27 IN KINDERGARTEN AND GRADES ONE THROUGH THREE WHO ARE
28 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR RECEIVE
29 INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS AND DOES NOT
30 REPLACE OTHER MONEY THAT WOULD OTHERWISE BE USED FOR THIS
31 PURPOSE.

32 (b) A LOCAL EDUCATION PROVIDER MAY RETAIN UP TO FIFTEEN
33 PERCENT OF THE AMOUNT OF PER-PUPIL INTERVENTION MONEY IT
34 RECEIVES IN A BUDGET YEAR FOR USE IN ACCORDANCE WITH THIS SECTION
35 IN THE NEXT BUDGET YEAR. IF A LOCAL EDUCATION PROVIDER RETAINS
36 MORE THAN THE AMOUNT AUTHORIZED IN THIS SUBSECTION (6)(b), THE
37 DEPARTMENT SHALL REDUCE THE AMOUNT OF PER-PUPIL INTERVENTION
38 MONEY THAT THE LOCAL EDUCATION PROVIDER IS ELIGIBLE TO RECEIVE IN
39 THE NEXT BUDGET YEAR BY THE EXCESS RETENTION AMOUNT.

40 **SECTION 9.** In Colorado Revised Statutes, 22-7-1211, **amend**
41 (1), (2)(a), (2)(b), (3) introductory portion, (3)(a), and (3)(b); and **add**
42 (2)(b.3), (2)(b.5), and (3.5) as follows:

1 **22-7-1211. Early literacy grant program - created -**
2 **definitions.** (1) (a) There is created in the department the early literacy
3 grant program to provide money to local education providers to
4 implement literacy support and intervention instruction programs,
5 including but not limited to related professional development programs,
6 to assist students in kindergarten and first, second, and third grades to
7 achieve reading competency. THE STATE BOARD MAY AWARD A GRANT TO
8 AN APPLYING LOCAL EDUCATION PROVIDER THAT IS A SCHOOL DISTRICT ON
9 A DISTRICT-WIDE BASIS OR TO INDIVIDUAL SCHOOLS OF THE SCHOOL
10 DISTRICT. A LOCAL EDUCATION PROVIDER MAY APPLY INDIVIDUALLY OR
11 AS PART OF A GROUP OF LOCAL EDUCATION PROVIDERS. The state board by
12 rule shall establish the application timelines and the information to be
13 included in each grant application. THE STATE BOARD SHALL NOT, AS A
14 CONDITION OF APPLYING FOR OR RECEIVING A GRANT, RESTRICT AN
15 APPLICANT'S ABILITY TO USE ANY OF THE ASSESSMENTS INCLUDED ON THE
16 APPROVED LIST OF ASSESSMENTS ADOPTED PURSUANT TO SECTION
17 22-7-1209 (1)(b).

18 (b) In adopting rules, the state board shall ensure that a local
19 education provider that is a rural school district or a small rural school
20 district, or a district charter school or an institute charter school that is
21 located within the boundaries of a rural school district or small rural
22 school district, may submit a simplified grant application. ~~A local~~
23 ~~education provider may apply individually or as part of a group of local~~
24 ~~education providers.~~ A rural school district that is a member of a board of
25 cooperative services may seek assistance in writing the grant application
26 from the board of cooperative services. A board of cooperative services
27 may apply for a grant to provide instructional support in literacy for small
28 rural school districts that are members of the board of cooperative
29 services.

30 (2) The department shall review each grant application received
31 and recommend to the state board whether to award the grant and the
32 duration and amount of each grant. In making recommendations, the
33 department shall consider the following factors:

34 (a) The percentage of kindergarten and first-, second-, and
35 third-grade students enrolled by the applying local education provider or
36 group of local education providers who have significant reading
37 deficiencies AND THE PERCENTAGE OF KINDERGARTEN AND FIRST-,
38 SECOND-, AND THIRD-GRADE STUDENTS WHO DO NOT HAVE SIGNIFICANT
39 READING DEFICIENCIES BUT WHO ARE NOT MEETING THE GRADE-LEVEL
40 EXPECTATIONS IN READING ADOPTED BY THE STATE BOARD;

41 (b) The instructional program that the applying local education
42 provider or group of local education providers plans to implement using

1 the grant ~~moneys~~ MONEY and whether it is an evidence-based program
2 that is proven to be successful in other public schools in ~~the country~~
3 COLORADO OR IN OTHER STATES;

4 (b.3) WHETHER THE LOCAL EDUCATION PROVIDER OR GROUP OF
5 LOCAL EDUCATION PROVIDERS EMPLOYS READING COACHES OR PLANS TO
6 USE ALL OR A PORTION OF THE GRANT MONEY TO EMPLOY READING
7 COACHES;

8 (b.5) THE DEGREE TO WHICH THE INSTRUCTIONAL PROGRAM
9 INCORPORATES THE EFFECTIVE USE OF TECHNOLOGY, INCLUDING
10 SOFTWARE, TO ASSIST IN ASSESSING AND MONITORING STUDENT PROGRESS
11 TOWARD READING COMPETENCY;

12 (3) Based on the recommendations of the department, the state
13 board shall award grants to applying local education providers or groups
14 of local education providers, which grants are paid from money in the
15 early literacy fund created in section 22-7-1210. Of the money allocated
16 for the early literacy grant program pursuant to ~~section 22-7-1210~~
17 ~~(4)(b)(H)~~ SECTION 22-7-1210 (4), the state board shall annually:

18 (a) Award up to ten percent to applicants that have previously
19 received a grant to fund school-wide literacy initiatives THAT HAVE
20 RESULTED IN SIGNIFICANT STUDENT ACADEMIC GROWTH TOWARD READING
21 COMPETENCY, AS DETERMINED BY AN INDEPENDENT EVALUATOR AS
22 PROVIDED IN SECTION 22-7-1209 (8), and that are requesting an additional
23 year of funding to assist the local education provider in sustainability
24 planning for the initiatives, including the continuing use of literacy
25 coaches;

26 (b) Award up to fifteen percent to fund professional development
27 initiatives for local education providers that are already implementing
28 evidence-based or scientifically based universal instruction and
29 interventions THAT ARE RESULTING IN SIGNIFICANT STUDENT ACADEMIC
30 GROWTH TOWARD READING COMPETENCY, AS DETERMINED BY AN
31 INDEPENDENT EVALUATOR AS PROVIDED IN SECTION 22-7-1209 (8); and

32 (3.5) (a) UPON COMPLETION OF THE TERM OF A GRANT, IF AN
33 INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8),
34 DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT
35 MONEY HAS RESULTED IN SIGNIFICANT STUDENT ACADEMIC GROWTH
36 TOWARD READING COMPETENCY, AND IF THE LOCAL EDUCATION PROVIDER
37 REQUESTS AN EXTENSION OF THE GRANT, THE STATE BOARD SHALL
38 EXTEND THE GRANT FOR A PERIOD RECOMMENDED BY THE DEPARTMENT.
39 THE STATE BOARD SHALL INCREASE THE AMOUNT OF THE GRANT IF
40 NECESSARY TO ENABLE THE LOCAL EDUCATION PROVIDER TO EXPAND OR
41 ENHANCE IMPLEMENTATION OF THE INSTRUCTIONAL PROGRAM.

42 (b) UPON COMPLETION OF THE TERM OF A GRANT, IF AN

1 INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8),
2 DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT
3 MONEY HAS NOT RESULTED IN SIGNIFICANT ACADEMIC STUDENT GROWTH
4 TOWARD READING COMPETENCY, THE STATE BOARD SHALL NOT EXTEND
5 OR RENEW THE GRANT.

6 **SECTION 10.** In Colorado Revised Statutes, 22-7-1213, **amend**
7 (2); and **add** (1.5) as follows:

8 **22-7-1213. Reporting requirements.** (1.5) EACH LOCAL
9 EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT AND TO THE
10 INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO SECTION
11 22-7-1209 (8) ANY INFORMATION REQUIRED BY THE DEPARTMENT OR THE
12 INDEPENDENT EVALUATOR TO COMPLETE THE EVALUATION DESCRIBED IN
13 SECTION 22-7-1209 (8).

14 (2) Each local education provider that receives an early literacy
15 grant pursuant to section 22-7-1211 or per-pupil intervention ~~moneys~~
16 MONEY shall, at the conclusion of each budget year in which it receives
17 the grant or per-pupil intervention ~~moneys~~ MONEY, submit to the
18 department information describing:

19 (a) ~~The instructional programs, full-day kindergarten program,~~
20 ~~summer school literacy program, tutoring services, or other intervention~~
21 ~~services~~ IN DETAIL, THE SPECIFIC EXPENDITURES for which the local
22 education provider used the grant or per-pupil intervention ~~moneys~~
23 MONEY;

24 (a.5) IF THE LOCAL EDUCATION PROVIDER PURCHASED
25 INSTRUCTIONAL PROGRAMMING IN READING USING GRANT OR PER-PUPIL
26 INTERVENTION MONEY, THE SCORES ATTAINED BY STUDENTS ENROLLED
27 IN KINDERGARTEN THROUGH THIRD GRADE ON THE INTERIM READING
28 ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1205;

29 (b) The number and grade levels of students who participated in
30 each of the types of programs or services provided; and

31 (c) The progress made by participating students in achieving
32 reading competency.

33 **SECTION 11. Safety clause.** The general assembly hereby finds,
34 determines, and declares that this act is necessary for the immediate
35 preservation of the public peace, health, and safety."

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