

CHAPTER 389

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 17-1160

BY REPRESENTATIVE(S) Hamner and Wilson, Becker K., Benavidez, Bridges, Buckner, Esgar, Exum, Garnett, Herod, Jackson, Kennedy, Lontine, McLachlan, Melton, Mitsch Bush, Pettersen, Rosenthal, Salazar, Sias, Valdez, Winter, Young, Duran, Danielson, Gray, Hooton, Kraft-Tharp, Michaelson Jenet;
also SENATOR(S) Priola and Fields, Aguilar, Court, Fenberg, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Moreno, Tate, Todd, Zenzinger.

AN ACT

CONCERNING AUTHORIZING A LOCAL EDUCATION PROVIDER TO DETERMINE THE LANGUAGE IN WHICH A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER TAKES READING ASSESSMENTS IN KINDERGARTEN THROUGH THIRD GRADE.

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

SECTION 1. In Colorado Revised Statutes, 22-7-1202, **add** (3) as follows:

22-7-1202. Legislative declaration. (3) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

(a) THE PURPOSE OF THIS PART 12 IS TO PROVIDE STUDENTS WITH THE NECESSARY SUPPORTS THEY NEED TO BE ABLE TO READ WITH PROFICIENCY BY THIRD GRADE SO THAT THEIR ACADEMIC GROWTH AND ACHIEVEMENT IS NOT HINDERED BY LOW LITERACY SKILLS IN FOURTH GRADE AND BEYOND;

(b) IT IS A PRIORITY IN THE PUBLIC SCHOOLS OF COLORADO TO PROVIDE HIGH-QUALITY INSTRUCTION THAT ENABLES EACH STUDENT TO ATTAIN PROFICIENCY IN ENGLISH, REGARDLESS OF THE STUDENT'S NATIVE LANGUAGE;

(c) RESEARCH DEMONSTRATES THAT A PERSON WHO HAS STRONG READING SKILLS IN ONE LANGUAGE WILL MORE EASILY LEARN AND BECOME LITERATE IN A SECOND LANGUAGE; AND

(d) WHILE THE "COLORADO READ ACT", PART 12 OF ARTICLE 7 OF THIS TITLE 22, IS NOT DESIGNED TO MEASURE OR SUPPORT A STUDENT'S ACQUISITION OF ENGLISH

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AS A SECOND LANGUAGE, ENSURING THAT A STUDENT HAS STRONG READING SKILLS IN HIS OR HER NATIVE LANGUAGE BY THIRD GRADE WILL HELP TO ENSURE THAT THE STUDENT WILL ATTAIN PROFICIENCY IN ENGLISH MORE QUICKLY.

SECTION 2. In Colorado Revised Statutes, 22-7-1205, **add** (1)(a.7) as follows:

22-7-1205. Reading competency - assessments - READ plan creation - parental involvement. (1) (a.7) (I) THE LOCAL EDUCATION PROVIDER SHALL DETERMINE WHETHER A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER, AS DEFINED IN SECTION 22-24-103, AND WHOSE NATIVE LANGUAGE IS SPANISH, TAKES THE READING ASSESSMENTS IN ENGLISH OR IN SPANISH. IF THE STUDENT TAKES THE READING ASSESSMENTS IN SPANISH, THE LOCAL EDUCATION PROVIDER MAY ALSO ADMINISTER A READING ASSESSMENT IN ENGLISH TO THE STUDENT AT THE REQUEST OF THE STUDENT'S PARENT. IF THE STATE BOARD ADOPTS A LIST OF APPROVED READING ASSESSMENTS PURSUANT TO SECTION 22-7-1209 THAT INCLUDES ASSESSMENTS IN LANGUAGES OTHER THAN ENGLISH OR SPANISH, THE LOCAL EDUCATION PROVIDER SHALL DETERMINE WHETHER A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER AND WHOSE NATIVE LANGUAGE IS NOT SPANISH TAKES THE READING ASSESSMENTS IN ENGLISH OR IN THE STUDENT'S NATIVE LANGUAGE IF THERE IS AN APPROVED READING ASSESSMENT IN THE STUDENT'S NATIVE LANGUAGE. IF THE STUDENT TAKES THE READING ASSESSMENTS IN THE STUDENT'S NATIVE LANGUAGE, THE LOCAL EDUCATION PROVIDER MAY ALSO ADMINISTER A READING ASSESSMENT IN ENGLISH TO THE STUDENT AT THE REQUEST OF THE STUDENT'S PARENT. IF THE LOCAL EDUCATION PROVIDER DECIDES THAT A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER MUST TAKE THE READING ASSESSMENTS IN A LANGUAGE OTHER THAN ENGLISH, THE LOCAL EDUCATION PROVIDER SHALL DETERMINE, AND COMMUNICATE TO THE STUDENT'S PARENT IN A LANGUAGE THE PARENT UNDERSTANDS, IF POSSIBLE, THE LEVEL OF ENGLISH LANGUAGE PROFICIENCY AT WHICH THE STUDENT MUST TAKE AT LEAST ONE OF THE READING ASSESSMENTS IN ENGLISH, AS PROVIDED IN SUBSECTION (1)(a.7)(II) OF THIS SECTION. IF THE STUDENT HAS A SIGNIFICANT READING DEFICIENCY, THE LOCAL EDUCATION PROVIDER MAY COMMUNICATE THE INFORMATION SPECIFIED IN THIS SUBSECTION (1)(a.7) TO THE STUDENT'S PARENT WITH THE INFORMATION REQUIRED IN SUBSECTION (2) OF THIS SECTION.

(II) IN DETERMINING WHETHER A STUDENT MUST TAKE THE READING ASSESSMENTS IN A LANGUAGE OTHER THAN ENGLISH AS REQUIRED IN SUBSECTION (1)(a.7)(I) OF THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL REVIEW THE STUDENT'S SCORE ON THE MOST RECENT ANNUAL ASSESSMENT ADMINISTERED PURSUANT TO THE LOCAL EDUCATION PROVIDER'S ENGLISH LANGUAGE PROFICIENCY PROGRAM, AS REQUIRED IN ARTICLE 24 OF THIS TITLE 22. IF THE STUDENT SCORES WITHIN THE RANGE THAT THE LOCAL EDUCATION PROVIDER DETERMINES DEMONSTRATES PARTIAL PROFICIENCY IN ENGLISH OR HIGHER, THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT ANNUALLY TAKES AT LEAST ONE OF THE READING ASSESSMENTS REQUIRED IN THIS SUBSECTION (1) IN ENGLISH.

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, and safety.

Approved: June 6, 2017