

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0292.01 Julie Pelegrin x2700

HOUSE BILL 19-1134

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A BILL FOR AN ACT

101 **CONCERNING RESEARCHING EFFECTIVE METHODS FOR ASSISTING**
102 **EARLY-GRADE STUDENTS WITH DYSLEXIA, AND, IN CONNECTION**
103 **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 commissioner of education (commissioner) to convene a working group to analyze state and national data and practices concerning identification and support of students with dyslexia and to recommend dyslexia screening tools and processes, a statewide plan for identifying and supporting students with dyslexia, and educator training

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
2nd Reading Unamended
April 26, 2019

HOUSE
3rd Reading Unamended
April 16, 2019

HOUSE
Amended 2nd Reading
April 12, 2019

1 ASSEMBLY, RECOGNIZING THE OBLIGATION OF THE STATE OF COLORADO
2 TO PROVIDE EDUCATIONAL OPPORTUNITIES TO ALL CHILDREN THAT WILL
3 ENABLE THEM TO LEAD FULFILLING AND PRODUCTIVE LIVES, FINDS THAT
4 IT IS NECESSARY TO CREATE A WORKING GROUP OF PARENTS AND
5 EDUCATIONAL EXPERTS TO REVIEW THE WORK OF EDUCATIONAL EXPERTS
6 AND LOCAL EDUCATION PROVIDERS IN COLORADO AND IN OTHER STATES
7 IN THE AREA OF IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR
8 STUDENTS WITH DYSLEXIA AND TO USE THEIR FINDINGS TO INFORM FUTURE
9 EFFORTS BY THE STATE AND LOCAL EDUCATION PROVIDERS TO IDENTIFY
10 AND EFFECTIVELY SUPPORT STUDENTS WITH DYSLEXIA.

11 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT A PILOT
12 PROGRAM THROUGH WHICH THE DEPARTMENT OF EDUCATION WORKS WITH
13 A GROUP OF VOLUNTEER LOCAL EDUCATION PROVIDERS TO USE EARLY
14 LITERACY ASSESSMENT RESULTS TO IDENTIFY MARKERS OF DYSLEXIA AND
15 PROVIDE SUPPORT TO YOUNG STUDENTS WHO MAY DEMONSTRATE THE
16 EARLY MARKERS FOR DYSLEXIA WILL STRENGTHEN THE ABILITY OF LOCAL
17 EDUCATION PROVIDERS THROUGHOUT THE STATE TO IDENTIFY AND
18 EFFECTIVELY SUPPORT STUDENTS WITH DYSLEXIA.

19 **22-20.5-102. Definitions.** AS USED IN THIS ARTICLE 20.5, UNLESS
20 THE CONTEXT OTHERWISE REQUIRES:

21 (1) "COMMISSIONER OF EDUCATION" OR "COMMISSIONER" MEANS
22 THE OFFICE OF THE COMMISSIONER OF EDUCATION CREATED AND EXISTING
23 PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

24 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
25 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

26 (3) "DYSLEXIA" MEANS A SPECIFIC LEARNING DISABILITY THAT IS
27 NEUROBIOLOGICAL IN ORIGIN AND CHARACTERIZED BY DIFFICULTIES WITH

1 ACCURATE AND FLUENT WORD RECOGNITION AND BY POOR SPELLING AND
2 DECODING ABILITIES, WHICH DIFFICULTIES TYPICALLY RESULT FROM A
3 DEFICIT IN THE PHONOLOGICAL COMPONENT OF LANGUAGE THAT IS OFTEN
4 UNEXPECTED IN RELATION TO OTHER COGNITIVE ABILITIES AND THE
5 PROVISION OF EFFECTIVE CLASSROOM INSTRUCTION. THE SECONDARY
6 CONSEQUENCES OF DYSLEXIA MAY INCLUDE PROBLEMS IN READING
7 COMPREHENSION AND REDUCED READING EXPERIENCE THAT MAY IMPEDE
8 GROWTH OF VOCABULARY AND BACKGROUND KNOWLEDGE.

9 (4) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
10 BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF
11 THIS TITLE 22 THAT OPERATES A PUBLIC SCHOOL, A CHARTER SCHOOL
12 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5
13 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE
14 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
15 THIS TITLE 22, OR THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED
16 IN SECTION 22-30.5-503.

17 (5) "PILOT PROGRAM" MEANS THE PILOT PROGRAM TO IDENTIFY
18 MARKERS OF DYSLEXIA AND ENABLE EFFECTIVE INTERVENTIONS
19 OPERATED PURSUANT TO SECTION 22-20.5-104.

20 (6) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
21 COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE
22 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
23 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

24 (7) "SMALL RURAL SCHOOL DISTRICT" MEANS A RURAL SCHOOL
25 DISTRICT THAT ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN
26 KINDERGARTEN THROUGH TWELFTH GRADE.

27 (8) "WORKING GROUP" MEANS THE WORKING GROUP FOR

1 IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR STUDENTS WITH
2 DYSLEXIA CONVENED BY THE COMMISSIONER PURSUANT TO SECTION
3 22-20.5-103.

4 **22-20.5-103. Working group for identification of and**
5 **educational support for students with dyslexia - convened - duties -**

6 **report - repeal.** (1) THE COMMISSIONER OF EDUCATION SHALL CONVENE
7 A WORKING GROUP FOR IDENTIFICATION OF AND EDUCATIONAL SUPPORT
8 FOR STUDENTS WITH DYSLEXIA TO REVIEW DATA CONCERNING THE
9 IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR STUDENTS WITH
10 DYSLEXIA AND EFFORTS IN COLORADO AND OTHER STATES TO IMPROVE
11 EDUCATIONAL OUTCOMES FOR STUDENTS WITH DYSLEXIA. IN CONVENING
12 THE WORKING GROUP, THE COMMISSIONER SHALL APPOINT THE FOLLOWING
13 MEMBERS:

- 14 (a) A PARENT OF A CHILD WHO IS IDENTIFIED AS HAVING DYSLEXIA;
- 15 (b) A PARENT OF A CHILD WHO IS IDENTIFIED AS HAVING DYSLEXIA
16 AND A DISABILITY;
- 17 (c) A SCHOOL DISTRICT LITERACY SPECIALIST;
- 18 (d) A SCHOOL DISTRICT DIRECTOR OF SPECIAL EDUCATION;
- 19 (e) A STATE OR NATIONAL LITERACY EXPERT;
- 20 (f) A STATE OR NATIONAL DYSLEXIA EXPERT;
- 21 (g) TWO ELEMENTARY GRADE TEACHERS, ONE OF WHOM TEACHES
22 IN A RURAL SCHOOL DISTRICT OR A SMALL RURAL SCHOOL DISTRICT;
- 23 (h) A PRINCIPAL WHO IS EMPLOYED AT AN ELEMENTARY SCHOOL
24 IN A RURAL SCHOOL DISTRICT OR AN EMPLOYEE OF A BOARD OF
25 COOPERATIVE SERVICES, CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE
26 22, WHO HAS EXPERTISE AS A LITERACY SPECIALIST; ■
- 27 (i) A FACULTY MEMBER OF AN INSTITUTION OF HIGHER EDUCATION

1 WHO TEACHES IN AN APPROVED EDUCATOR PREPARATION PROGRAM FOR
2 ELEMENTARY GRADE TEACHERS; AND

3 (j) A MEMBER OF THE LOCAL CHAPTER OF AN INTERNATIONAL
4 DYSLEXIA ASSOCIATION.

5 (2) THE WORKING GROUP SHALL:

6 (a) ANALYZE CURRENT NATIONAL AND STATEWIDE DATA RELATED
7 TO STUDENTS IDENTIFIED AS HAVING DYSLEXIA, INCLUDING BUT NOT
8 LIMITED TO IDENTIFICATION RATES AND ACHIEVEMENT RATES;

9 (b) ANALYZE THE IMPLEMENTATION AND DEMONSTRATED
10 EFFECTIVENESS IN OTHER STATES OF STATEWIDE LEGISLATION FOR
11 DYSLEXIA SCREENING, EDUCATOR TRAINING, AND OTHER
12 DYSLEXIA-RELATED LAWS;

13 (c) IDENTIFY AND RECOMMEND APPROPRIATE DYSLEXIA
14 SCREENING TOOLS AND PROCESSES AS WELL AS COMPREHENSIVE
15 ASSESSMENTS THAT ADDRESS THE RECOGNIZED CHALLENGES OF
16 DYSLEXIA, INCLUDING PHONOLOGICAL PROCESSING, PHONEMIC
17 AWARENESS, AND DECODING AND ENCODING SKILLS;

18 (d) IDENTIFY AND RECOMMEND A STATEWIDE PLAN FOR
19 SUPPORTING STUDENTS WHO ARE IDENTIFIED AS HAVING DYSLEXIA,
20 INCLUDING SPECIFIC INTERVENTION STRUCTURES AND THEIR COMPONENTS,
21 WHICH MUST INCLUDE EVIDENCE-BASED INTERVENTIONS,
22 PROGRESS-MONITORING SYSTEMS, AND DATA-COLLECTION SYSTEMS. THE
23 RECOMMENDATIONS FOR A STATEWIDE PLAN MUST CONSIDER LEGAL
24 REQUIREMENTS INCLUDED IN THE "COLORADO READ ACT", PART 12 OF
25 ARTICLE 7 OF THIS TITLE 22, AND ITS IMPLEMENTING RULES; THE
26 "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS
27 TITLE 22, AND ITS IMPLEMENTING RULES; THE FEDERAL "INDIVIDUALS

1 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
2 AMENDED, AND ITS IMPLEMENTING REGULATIONS; AND SECTION 504 OF
3 THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET
4 SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS.

5 (e) IDENTIFY AND RECOMMEND COMPONENTS OF DYSLEXIA
6 AWARENESS TRAINING FOR COLORADO EDUCATORS, INCLUDING THE
7 CONTENT, TARGET AUDIENCE, TIME FRAME FOR TRAINING, AND PROJECTED
8 COST;

9 (f) IDENTIFY AND RECOMMEND EDUCATOR TRAINING FOR IN-STATE
10 APPROVED PROGRAMS OF PREPARATION FOR TEACHERS AND ALTERNATIVE
11 TEACHER PROGRAMS AND RECOMMENDED TRAINING FOR CURRENT
12 EDUCATORS, BASED ON EFFECTIVE PRACTICES IN OTHER STATES, AS WELL
13 AS RECOMMENDATIONS FROM STATE AND NATIONAL ORGANIZATIONS
14 FOCUSING ON LITERACY. THE RECOMMENDATIONS CONCERNING
15 EDUCATOR TRAINING MAY INCLUDE THE CONTENT, TARGET AUDIENCE,
16 TIME FRAME FOR TRAINING, AND PROJECTED COST.

17 (g) PROVIDE RECOMMENDATIONS TO THE DEPARTMENT
18 CONCERNING THE DESIGN AND IMPLEMENTATION OF THE PILOT PROGRAM.

19 (3) IN COMPLETING THE DUTIES DESCRIBED IN SUBSECTIONS (2)(c)
20 TO (2)(g) OF THIS SECTION, THE WORKING GROUP SHALL ANALYZE AND
21 INTEGRATE, AS APPROPRIATE, THE WORK AND RECOMMENDATIONS OF
22 OTHER PREVIOUS AND ONGOING STATE INITIATIVES RELATED TO
23 IMPROVING THE IDENTIFICATION AND SUPPORT OF STUDENTS WHO HAVE
24 DYSLEXIA.

25 (4) THE WORKING GROUP SHALL SUBMIT A PROGRESS REPORT TO
26 THE COMMISSIONER BY DECEMBER 31, 2019, WHICH MUST INCLUDE A
27 SUMMARY OF THE PROGRESS THE WORKING GROUP IS MAKING REGARDING

1 THE ITEMS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND MAY
2 INCLUDE PRELIMINARY POLICY RECOMMENDATIONS. BY JULY 1, 2020, AND
3 BY JULY 1 EACH YEAR THEREAFTER, THE WORKING GROUP SHALL SUBMIT
4 TO THE COMMISSIONER A REPORT OF ITS POLICY RECOMMENDATIONS WITH
5 REGARD TO THE ITEMS DESCRIBED IN SUBSECTION (2) OF THIS SECTION. ON
6 OR BEFORE FEBRUARY 1, 2021, AND ON OR BEFORE FEBRUARY 1 EACH
7 YEAR THEREAFTER, THE COMMISSIONER SHALL SUBMIT THE REPORT, WITH
8 ANY RECOMMENDATIONS FOR LEGISLATION, TO THE STATE BOARD OF
9 EDUCATION AND THE EDUCATION COMMITTEES OF THE HOUSE OF
10 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
11 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
12 THE REQUIREMENT TO SUBMIT THE REPORT SPECIFIED IN THIS SUBSECTION
13 (4) CONTINUES INDEFINITELY.

14 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.
15 BEFORE THE REPEAL, THE WORKING GROUP IS SCHEDULED FOR REVIEW IN
16 ACCORDANCE WITH SECTION 2-3-1203.

17
18 **22-20.5-104. Pilot program - dyslexia markers - effective**
19 **interventions - created - evaluation report - repeal.** (1) BEGINNING IN
20 THE 2020-21 SCHOOL YEAR, THE DEPARTMENT SHALL IMPLEMENT A PILOT
21 PROGRAM TO DEVELOP AND PILOT SCREENING AND IDENTIFICATION
22 PROCESSES AND INTERVENTION STRATEGIES FOR EARLY IDENTIFICATION
23 OF AND SUPPORT FOR STUDENTS ENROLLED IN KINDERGARTEN THROUGH
24 THIRD GRADE WHO MAY HAVE DYSLEXIA. THE DEPARTMENT SHALL
25 CONSULT WITH THE WORKING GROUP CONCERNING THE DESIGN AND
26 IMPLEMENTATION OF THE PILOT PROGRAM. THE DEPARTMENT SHALL
27 PROVIDE INFORMATION CONCERNING THE PILOT PROGRAM TO LOCAL

1 EDUCATION PROVIDERS THROUGHOUT THE STATE AND SELECT UP TO FIVE
2 LOCAL EDUCATION PROVIDERS WHO VOLUNTEER TO PARTICIPATE IN THE
3 PILOT PROGRAM. IN SELECTING THE PARTICIPATING LOCAL EDUCATION
4 PROVIDERS, THE DEPARTMENT SHALL ENSURE TO THE EXTENT
5 PRACTICABLE THAT THE AFFECTED STUDENT POPULATIONS ARE
6 REPRESENTATIVE OF THE DEMOGRAPHIC DIVERSITY WITHIN THE STATE
7 AND THAT THE LOCAL EDUCATION PROVIDERS ARE LOCATED THROUGHOUT
8 THE STATE. THE LOCAL EDUCATION PROVIDERS THAT PARTICIPATE IN THE
9 PILOT PROGRAM WILL WORK WITH THE DEPARTMENT TO USE THE RESULTS
10 OBTAINED FROM ASSESSMENTS ADMINISTERED PURSUANT TO THE
11 "COLORADO READ ACT", PART 12 OF ARTICLE 7 OF THIS TITLE 22, IN A
12 RESEARCH-BASED PROCESS TO IDENTIFY MARKERS OF DYSLEXIA AND
13 PROVIDE SUPPORT FOR YOUNG READERS WHO MAY EXHIBIT THE MARKERS
14 FOR DYSLEXIA.

15 (2) IN IMPLEMENTING THE PILOT PROGRAM, THE DEPARTMENT
16 SHALL:

17 (a) PROVIDE TARGETED SUPPORT FOR EDUCATORS EMPLOYED BY
18 THE PARTICIPATING LOCAL EDUCATION PROVIDERS IN UNDERSTANDING
19 THE UNIQUE NEEDS OF YOUNG STUDENTS WHO ARE AT RISK FOR READING
20 DELAYS RELATED TO DYSLEXIA;

21 (b) ASSIST THE PARTICIPATING LOCAL EDUCATION PROVIDERS IN
22 IMPLEMENTING A DYSLEXIA IDENTIFICATION PROCESS THAT USES THE
23 READ ACT INTERIM ASSESSMENT AS A SCREENING TOOL AND USES A
24 RESEARCH-BASED IDENTIFICATION PROCESS TO USE THE RESULTS OF THE
25 ASSESSMENTS TO IDENTIFY THE PRESENCE OF DYSLEXIA; AND

26 (c) SUPPORT THE PARTICIPATING LOCAL EDUCATION PROVIDERS IN
27 PAIRING ASSESSMENT PROCESSES WITH IMPLEMENTATION OF

1 RESEARCH-BASED INSTRUCTIONAL AND INTERVENTION STRATEGIES TO
2 PROVIDE TIMELY AND APPROPRIATE SUPPORT FOR STUDENTS AT RISK FOR
3 IDENTIFICATION OF DYSLEXIA.

4 (3) AT THE END OF THE 2021-22 SCHOOL YEAR, THE DEPARTMENT
5 SHALL EVALUATE THE IMPLEMENTATION OF THE PILOT PROGRAM AND THE
6 EFFECTIVENESS OF THE STRATEGIES IN IDENTIFYING AND SUPPORTING
7 MORE STUDENTS IN THE PARTICIPATING LOCAL EDUCATION PROVIDERS
8 THAN WERE IDENTIFIED AND SUPPORTED IN NONPARTICIPATING LOCAL
9 EDUCATION PROVIDERS. BASED ON THE EVALUATION, THE DEPARTMENT
10 SHALL REFINE THE RESOURCES FOR TECHNICAL SUPPORT, IDENTIFICATION,
11 AND INTERVENTIONS, AS NECESSARY, AND DISSEMINATE THE RESOURCES
12 TO ALL LOCAL EDUCATION PROVIDERS IN THE STATE. UPON REQUEST, THE
13 DEPARTMENT SHALL ALSO PROVIDE THE TECHNICAL SUPPORT NECESSARY
14 TO EFFECTIVELY USE THE RESOURCES.

15 (4) ON OR BEFORE DECEMBER 31, 2022, THE DEPARTMENT SHALL
16 SUBMIT TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE
17 SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
18 COMMITTEES, A REPORT CONCERNING THE IMPLEMENTATION AND
19 EVALUATION OF THE PILOT PROGRAM. THE DEPARTMENT MAY INCLUDE IN
20 THE REPORT ANY RECOMMENDATIONS FOR LEGISLATION THAT THE
21 DEPARTMENT DEEMS NECESSARY BASED ON THE EVALUATION OF THE
22 PILOT PROGRAM.

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

24 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add** (20)
25 as follows:

26 **2-3-1203. Sunset review of advisory committees - legislative**
27 **declaration - definition - repeal.** (20) (a) THE FOLLOWING STATUTORY

1 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL
2 REPEAL ON SEPTEMBER 1, 2029:

3 (I) THE WORKING GROUP FOR IDENTIFICATION OF AND
4 EDUCATIONAL SUPPORT FOR STUDENTS WITH DYSLEXIA CREATED IN
5 SECTION 22-20.5-103.

6 (b) THIS SUBSECTION (20) IS REPEALED, EFFECTIVE SEPTEMBER 1,
7 2031.

8 **SECTION 3. Appropriation.** (1) For the 2019-20 state fiscal
9 year, \$106,196 is appropriated to the department of education. This
10 appropriation is from the general fund. To implement this act, the
11 department may use this appropriation as follows:

12 (a) \$94,676 for the working group for identification of and
13 educational support for students with dyslexia; and

14 (b) \$11,520 for the dyslexia markers pilot program.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.