

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0962.01 Julie Pelegrin x2700

**SENATE BILL 19-199**

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**SENATE SPONSORSHIP**

**Todd and Rankin,**

**HOUSE SPONSORSHIP**

**McCluskie and Wilson,**

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**Senate Committees**

Education  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO SUPPORT EFFECTIVE IMPLEMENTATION OF**  
102            **THE "COLORADO READING TO ENSURE ACADEMIC**  
103            **DEVELOPMENT ACT" FOR ALL STUDENTS WHO RECEIVE**  
104            **SERVICES PURSUANT TO READ PLANS.**

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**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 makes several changes concerning implementation of the "Colorado Reading to Ensure Academic Development Act" (READ act) by school districts, charter schools, and boards of cooperative services

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.

that operate schools (local education providers) as follows:

- ! Requiring that instructional programming and services for teaching reading be focused on the areas of phonemic awareness, phonics, vocabulary development, reading fluency including oral skills, and reading comprehension (foundational reading skills);
- ! Directing each local education provider to adopt a reading education program plan for each of the schools operated by the local education provider, specifying the minimum contents of each plan, directing the local education provider to report to the department of education (department), and directing the department to monitor implementation of the plan;
- ! Specifying that students with significant reading deficiencies (SRD) and students who read below grade level must receive a specified minimum amount of educator-assisted reading time each day;
- ! Requiring each local education provider to annually post online for public access information concerning the percentage of students who are identified as having SRD, the percentage of students who are not identified as having SRD but are reading below grade level, and the amount and use of money that the local education provider receives as per-pupil intervention money and through the early literacy grant program.

The bill directs the department to develop and implement a public information campaign to emphasize the importance of learning to read by third grade and to highlight the local education providers that achieve high percentages of third-grade students who are reading at grade level. The bill directs the department to contract with one or more entities to independently evaluate whether a local education provider's use of per-pupil intervention money or early literacy grant program money results in students making measurable progress toward reading competency.

The bill changes the distribution of money appropriated from the early literacy fund by reducing the amount distributed as per-pupil intervention money, increasing the amount distributed through the early literacy grant fund, and adding distributions to pay for the public information campaign and the reading certification program.

The bill changes the procedure for distributing the per-pupil intervention money by:

- ! Requiring a local education provider to provide information and meet certain requirements in order to receive the money;
- ! Authorizing the department to monitor and, if necessary,

- ! audit the use of the money throughout the budget year;
- ! Expanding the allowable uses of the per-pupil intervention money to include purchasing core reading instructional programs and purchasing technology, including software, to assist in assessing and monitoring student progress; and
- ! Capping the amount of per-pupil intervention money that a local education provider may retain from year to year.

The bill amends the early literacy grant program to provide that, if the department, at the completion of a grant, determines that the program implemented with the grant money was successful in moving students toward reading competency, the state board of education must automatically renew the grant and increase the grant amount if necessary to enable the grant recipient to expand the program.

The bill requires a local education provider to report the scores attained by students on the interim reading assessments if the local education provider uses per-pupil intervention money to purchase instructional programming in reading.

The bill directs the department to create a reading certification program that is focused on the foundational reading skills and must include 3 tiers: Paraprofessional certification; educator certification; and reading coach certification. Each local education provider must obtain reading certifications for their educators at the educator or reading coach level and may obtain reading certifications at the paraprofessional level for other employees and for parents, upper-grade students, and other community members who request training through the local education provider. The reading certifications are free to local education providers and the persons obtaining the certification.

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

2 **SECTION 1. In Colorado Revised Statutes, 22-7-1202, add (1.5)**

3 **as follows:**

4 **22-7-1202. Legislative declaration. (1.5) (a) THE GENERAL**

5 **ASSEMBLY FURTHER FINDS THAT:**

6 **(I) READING IS A CRITICAL SKILL THAT EVERY CHILD MUST**  
7 **DEVELOPEARLY IN THE CHILD'S EDUCATIONAL CAREER TO BE SUCCESSFUL;**

8 **(II) RESEARCH SHOWS THAT READING INSTRUCTION THAT IS**  
9 **FOCUSED AROUND THE FOUNDATIONAL READING SKILLS OF PHONEMIC**  
10 **AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY**

1 INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS HIGHLY  
2 EFFECTIVE IN TEACHING YOUNG CHILDREN TO READ;

3 (III) SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION  
4 GRANTS TO THE ELECTED BOARD OF EDUCATION IN EACH SCHOOL DISTRICT  
5 THE AUTHORITY TO HAVE CONTROL OF INSTRUCTION IN THE PUBLIC  
6 SCHOOLS OF THE SCHOOL DISTRICT, AND SECTION 16 OF ARTICLE IX OF THE  
7 STATE CONSTITUTION PROHIBITS THE GENERAL ASSEMBLY AND THE STATE  
8 BOARD OF EDUCATION FROM PRESCRIBING THE TEXTBOOKS TO BE USED IN  
9 PUBLIC SCHOOLS;

10 (IV) HOWEVER, SECTION 2 OF ARTICLE IX OF THE STATE  
11 CONSTITUTION REQUIRES THE GENERAL ASSEMBLY TO PROVIDE FOR THE  
12 ESTABLISHMENT AND MAINTENANCE OF A THOROUGH AND UNIFORM  
13 SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE, AND SECTION  
14 1 OF ARTICLE IX OF THE STATE CONSTITUTION VESTS THE GENERAL  
15 SUPERVISION OF THE PUBLIC SCHOOLS OF THE STATE IN THE STATE BOARD  
16 OF EDUCATION;

17 (V) IN INTERPRETING THESE CONSTITUTIONAL PROVISIONS, THE  
18 COLORADO SUPREME COURT HAS FOUND THAT, BECAUSE THEY ARE  
19 COMPETING INTERESTS, NONE ARE ABSOLUTE; THESE INTERESTS MUST BE  
20 BALANCED TO IDENTIFY THE CONTOURS OF THE RESPONSIBILITY ASSIGNED  
21 TO EACH ENTITY; AND

22 (VI) IT IS THE GENERAL ASSEMBLY THAT INITIALLY STRIKES THIS  
23 BALANCE.

24 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT ENSURING  
25 THAT EACH CHILD HAS ACCESS THROUGH THE PUBLIC SCHOOLS TO  
26 EVIDENCE-BASED READING INSTRUCTION THAT IS FOCUSED ON  
27 DEVELOPING THE FOUNDATIONAL READING SKILLS OF PHONEMIC

1 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY  
2 INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS A SIGNIFICANT  
3 COMPONENT OF ENSURING THAT THE SYSTEM OF FREE PUBLIC SCHOOLS  
4 THROUGHOUT THE STATE IS THOROUGH AND UNIFORM. IN EXERCISING ITS  
5 AUTHORITY OF GENERAL SUPERVISION OF THE PUBLIC SCHOOLS OF THE  
6 STATE, IT IS APPROPRIATE THAT THE STATE BOARD OF EDUCATION,  
7 SUPPORTED BY THE DEPARTMENT OF EDUCATION, HOLD LOCAL EDUCATION  
8 PROVIDERS ACCOUNTABLE FOR DEMONSTRATING THAT THE READING  
9 INSTRUCTION THEY PROVIDE IS FOCUSED ON THESE FIVE FOUNDATIONAL  
10 READING SKILLS. AND, IN MAINTAINING CONTROL OF THE INSTRUCTION IN  
11 THE CLASSROOMS OF THE PUBLIC SCHOOLS OF THEIR RESPECTIVE SCHOOL  
12 DISTRICTS, IT IS APPROPRIATE THAT EACH SCHOOL DISTRICT BOARD OF  
13 EDUCATION SELECT THE CORE READING INSTRUCTIONAL PROGRAMS AND  
14 READING INTERVENTIONS TO BE USED IN THOSE PUBLIC SCHOOLS, SO LONG  
15 AS THEY ARE FOCUSED ON PHONEMIC AWARENESS, PHONICS, VOCABULARY  
16 DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING  
17 COMPREHENSION TO ENSURE THAT THE STUDENTS EDUCATED IN THE  
18 PUBLIC SCHOOLS THROUGHOUT THE STATE CONSISTENTLY RECEIVE  
19 EVIDENCE-BASED INSTRUCTION THAT IS PROVEN TO EFFECTIVELY TEACH  
20 CHILDREN TO READ.

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

23 **22-7-1203. Definitions.** As used in this part 12, unless the context  
24 **otherwise requires:**

25 **(7.5) "MULTI-TIERED SYSTEMS OF SUPPORTS" MEANS A SYSTEMIC**  
26 **PREVENTIVE APPROACH THAT ADDRESSES THE ACADEMIC AND**  
27 **SOCIAL-EMOTIONAL NEEDS OF ALL STUDENTS AT THE UNIVERSAL,**

1 TARGETED, AND INTENSIVE LEVELS. THROUGH THE MULTI-TIERED  
2 SYSTEMS OF SUPPORTS, A TEACHER PROVIDES HIGH-QUALITY,  
3 SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTION AND  
4 INTERVENTION THAT IS MATCHED TO STUDENT NEEDS; USES A METHOD OF  
5 MONITORING PROGRESS FREQUENTLY TO INFORM DECISIONS ABOUT  
6 INSTRUCTION AND GOALS; AND APPLIES THE STUDENT'S RESPONSE DATA  
7 TO IMPORTANT EDUCATIONAL DECISIONS.

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

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

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

22 **22-7-1204. Early literacy education.** Each local education  
23 provider that enrolls students in kindergarten or first, second, or third  
24 grade shall provide to the students enrolled in said grades the instructional  
25 programming and services necessary to ensure to the greatest extent  
26 possible that students, as they progress through kindergarten, first,  
27 second, and third grade, develop the necessary reading skills to enable

1 them to master the academic standards and expectations applicable to the  
2 fourth-grade curriculum and beyond. THE INSTRUCTIONAL PROGRAMMING  
3 AND SERVICES FOR TEACHING STUDENTS TO READ MUST BE EVIDENCE  
4 BASED AND SCIENTIFICALLY BASED AND MUST FOCUS ON READING  
5 COMPETENCY IN THE AREAS OF PHONEMIC AWARENESS, PHONICS,  
6 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,  
7 AND READING COMPREHENSION.

8 **SECTION 4. In Colorado Revised Statutes, 22-7-1206, amend**  
9 **(2), (5) introductory portion, and (5)(c) as follows:**

10 **22-7-1206. Reading to ensure academic development plan -**  
11 **contents - implementation.** (a) If a student's reading skills are below  
12 grade-level expectations, as adopted by the state board, but the student  
13 does not have a significant reading deficiency, the local education  
14 provider shall ensure that the student receives appropriate interventions  
15 through the ~~response to intervention framework~~ MULTI-TIERED SYSTEMS  
16 OF SUPPORTS or a comparable intervention system implemented by the  
17 local education provider. AT A MINIMUM, THE LOCAL EDUCATION  
18 PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES EDUCATIONAL  
19 SERVICES IN A DAILY LITERACY BLOCK FOR THE LENGTH OF TIME  
20 IDENTIFIED AS EFFECTIVE IN RESEARCH RELATING TO BEST PRACTICES IN  
21 TEACHING READING.

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

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

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

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

9           **22-7-1208. Local education providers - procedures - plans -**  
10 **training.** (5) (a) BEGINNING WITH THE PLANS ADOPTED FOR THE 2020-21  
11 SCHOOL YEAR, THE PLAN THAT A LOCAL EDUCATION PROVIDER MUST  
12 ADOPT BASED ON ITS ACCREDITATION CATEGORY PURSUANT TO SECTION  
13 22-11-208 OR AS REQUIRED PURSUANT TO SECTION 22-11-210,  
14 WHICHEVER IS APPLICABLE, MUST INCLUDE THE FOLLOWING INFORMATION  
15 CONCERNING IMPLEMENTATION OF THIS PART 12 AS IT APPLIES TO EACH OF  
16 THE SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER:

17           (I) THE CORE AND SUPPLEMENTAL READING CURRICULUM USED AT  
18 EACH GRADE LEVEL, INCLUDING KINDERGARTEN FOR EACH SCHOOL THAT  
19 INCLUDES A KINDERGARTEN EDUCATIONAL PROGRAM. THE CORE AND  
20 SUPPLEMENTAL READING CURRICULUM MUST BE DESIGNED AROUND  
21 TEACHING THE FOUNDATIONAL READING SKILLS OF PHONEMIC  
22 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY  
23 INCLUDING ORAL SKILLS, AND READING COMPREHENSION.

24           (II) THE TARGETED, EVIDENCE-BASED OR SCIENTIFICALLY BASED  
25 CORE AND SUPPLEMENTAL READING INSTRUCTIONAL PROGRAMS AND  
26 INTERVENTION READING INSTRUCTION, SERVICES, AND OTHER SUPPORTS,  
27 INCLUDING THOSE AVAILABLE THROUGH THE MULTI-TIERED SYSTEMS OF



1 SUPPORTS OR A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY  
2 THE LOCAL EDUCATION PROVIDER, THAT EACH SCHOOL PROVIDES TO  
3 STUDENTS WHO ARE IDENTIFIED AS HAVING A SIGNIFICANT READING  
4 DEFICIENCY OR AS READING BELOW GRADE LEVEL;

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

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

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

22 (6) (a) BY THE BEGINNING OF THE 2021-22 SCHOOL YEAR AND  
23 CONTINUING FOR EACH SCHOOL YEAR THEREAFTER, EACH LOCAL  
24 EDUCATION PROVIDER THAT RECEIVES PER-PUPIL INTERVENTION MONEY  
25 OR A GRANT THROUGH THE EARLY LITERACY GRANT PROGRAM IN ANY  
26 BUDGET YEAR STARTING WITH THE 2019-20 BUDGET YEAR SHALL ENSURE  
27 THAT EACH TEACHER EMPLOYED TO TEACH KINDERGARTEN OR ANY OF

1 GRADES ONE THROUGH THREE SUCCESSFULLY COMPLETES OR HAS  
2 SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING IN TEACHING  
3 READING. TO COMPLY WITH THIS SUBSECTION (6)(a), A LOCAL EDUCATION  
4 PROVIDER MUST SUBMIT EVIDENCE, AS DESCRIBED IN SUBSECTION (6)(b)  
5 OF THIS SECTION, THAT EACH TEACHER EMPLOYED TO TEACH  
6 KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE HAS  
7 SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING IN TEACHING  
8 READING THAT IS:

9 (I) INCLUDED AS A COURSE IN AN APPROVED PROGRAM OF  
10 PREPARATION, AS DEFINED IN SECTION 22-60.5-103 (8), OR AN  
11 ALTERNATIVE TEACHER PROGRAM, AS DEFINED IN SECTION 22-60.5-103  
12 (5);

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

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

18 (IV) PROVIDED BY A LOCAL EDUCATION PROVIDER OR IS  
19 APPROPRIATE FOR LICENSE RENEWAL PURSUANT TO SECTION 22-60.5-110  
20 (3).

21 (b) A TEACHER IS DEEMED TO HAVE SUCCESSFULLY COMPLETED  
22 EVIDENCE-BASED TRAINING IN TEACHING READING IF THE LOCAL  
23 EDUCATION PROVIDER SUBMITS TO THE DEPARTMENT EVIDENCE THAT THE  
24 TEACHER PASSED AN END-OF-COURSE ASSESSMENT OF LEARNING AT THE  
25 COMPLETION OF THE EVIDENCE-BASED TRAINING.

26 (c) AT THE REQUEST OF A LOCAL EDUCATION PROVIDER, THE  
27 DEPARTMENT SHALL PROVIDE, AT NO COST TO THE LOCAL EDUCATION

1 PROVIDER, EVIDENCE-BASED TRAINING IN TEACHING READING TO ONE OR  
2 MORE OF THE TEACHERS EMPLOYED BY THE LOCAL EDUCATION PROVIDER  
3 TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE.

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

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

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

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

23 **22-7-1209. State board - rules - department - duties.** (1) The  
24 state board shall promulgate rules in accordance with the "State  
25 Administrative Procedure Act", article 4 of title 24, as necessary to  
26 implement the provisions of this part 12, which rules must include, but  
27 need not be limited to:

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

3           (2) (a) (I) Using the procedure developed pursuant to subsection  
4 (3) of this section, the department shall review and recommend to the  
5 state board reading assessments, including interim, summative, and  
6 diagnostic assessments, for kindergarten and first, second, and third  
7 grades that, at a minimum, meet the criteria specified in subsection  
8 ~~(1)(a)(H)~~ SUBSECTION (2)(a)(II) of this section. Following action by the  
9 state board to approve reading assessments pursuant to subsection (1)(b)  
10 of this section, the department shall create a list of the approved reading  
11 assessments for kindergarten and first, second, and third grades for use by  
12 local education providers. The department shall update the list of  
13 approved reading assessments on or before July 1, 2019, and every four  
14 years thereafter as necessary. The department shall work with the  
15 approved assessment publishers to better align, to the extent practicable,  
16 the minimum reading competency levels for third grade, which are based  
17 on the scores attained on the approved assessments, with the preschool  
18 through elementary and secondary education standards for third-grade  
19 reading adopted pursuant to section 22-7-1005.

20           (b) Using the procedure developed pursuant to subsection (3) of  
21 this section, the department shall create an advisory list of evidence-based  
22 or scientifically based instructional programming in reading AND  
23 SUPPORTING TECHNOLOGIES, INCLUDING SOFTWARE, FOR ASSESSING AND  
24 MONITORING STUDENT PROGRESS that local education providers are  
25 encouraged to use, which programming is AND TECHNOLOGY, INCLUDING  
26 SOFTWARE, ARE aligned with the recommended reading assessments,  
27 including the assessment required in subsection (2)(a)(II)(D) of this

1 section. The advisory list may include only programming AND  
2 TECHNOLOGY, INCLUDING SOFTWARE, that, at a minimum:

3 (I) Has HAVE been proven to accelerate student progress in  
4 attaining reading competency;

5 (II) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, provides  
6 explicit and systematic skill development in the areas of phonemic  
7 awareness, phonics, vocabulary development, reading fluency including  
8 oral skills, and reading comprehension;

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

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

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

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

21 (c) Using the procedure developed pursuant to subsection (3) of  
22 this section, the department shall create an advisory list of RIGOROUS  
23 professional development programs that are related to addressing  
24 significant reading deficiencies and to applying intervention instruction  
25 and strategies, in addition to programs related to teaching general literacy,  
26 that local education providers are encouraged to use. THE DEPARTMENT  
27 SHALL INCLUDE ON THE ADVISORY LIST PROFESSIONAL DEVELOPMENT

1 PROGRAMS THAT ARE AVAILABLE ONLINE. THE DEPARTMENT SHALL  
2 ENSURE THAT EACH PROFESSIONAL DEVELOPMENT PROGRAM INCLUDED ON  
3 THE ADVISORY LIST IS:

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

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

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

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

26 (7) BEGINNING IN THE 2019-20 BUDGET YEAR, THE DEPARTMENT  
27 SHALL CONTRACT WITH AN ENTITY TO DEVELOP AND IMPLEMENT A PUBLIC

1 INFORMATION CAMPAIGN TO EMPHASIZE THE IMPORTANCE OF LEARNING  
2 TO READ BY THIRD GRADE AND TO HIGHLIGHT THE LOCAL EDUCATION  
3 PROVIDERS THAT ARE ACHIEVING HIGH PERCENTAGES OF THIRD-GRADE  
4 STUDENTS WHO DEMONSTRATE READING COMPETENCY. THE PUBLIC  
5 INFORMATION CAMPAIGN MUST BE DISSEMINATED STATEWIDE AND MUST  
6 EMPHASIZE THE IMPORTANT ROLES THAT EDUCATORS AND PARENTS HAVE  
7 IN TEACHING CHILDREN TO READ AND IN PROVIDING A SCHOOL AND HOME  
8 ENVIRONMENT THAT PROMOTES READING. THE DEPARTMENT IS  
9 ENCOURAGED TO WORK WITH THE PUBLIC AND PRIVATE LIBRARY AGENCIES  
10 THROUGHOUT THE STATE IN DEVELOPING AND IMPLEMENTING THE PUBLIC  
11 INFORMATION CAMPAIGN.

12 (8) (a) BY OCTOBER 1, 2019, THE DEPARTMENT SHALL ISSUE A  
13 REQUEST FOR PROPOSALS TO CONTRACT WITH AN ENTITY TO ACT AS AN  
14 INDEPENDENT EVALUATOR TO PROVIDE INDEPENDENT EVALUATIONS OF  
15 THE USE OF PER-PUPIL INTERVENTION MONEY AND MONEY RECEIVED  
16 THROUGH THE EARLY LITERACY GRANT PROGRAM BY LOCAL EDUCATION  
17 PROVIDERS AND TO CONDUCT A MULTI-YEAR EVALUATION TO DETERMINE  
18 WHETHER THE STUDENT OUTCOMES ACHIEVED BY LOCAL EDUCATION  
19 PROVIDERS IN IMPLEMENTING THIS PART 12 MEET THE GOALS OF THIS PART  
20 12 AS DESCRIBED IN SECTION 22-7-1202 (2) AND (3)(a).

21 (b) THE COMMISSIONER OF EDUCATION SHALL DIRECT THE PROCESS  
22 FOR REVIEWING THE PROPOSALS RECEIVED AND FOR SELECTING THE  
23 ENTITY IN ACCORDANCE WITH THE PROCUREMENT LAWS APPLICABLE TO  
24 THE DEPARTMENT. IN SELECTING THE ENTITY, THE COMMISSIONER SHALL  
25 ENSURE THAT:

26 (I) THE SELECTED ENTITY DEMONSTRATES THE ABILITY AND  
27 CAPACITY TO SUCCESSFULLY COMPLETE THE EVALUATION AS DESCRIBED

1 INSUBSECTION (8)(c) OF THIS SECTION WITHIN THE SPECIFIED TIME FRAME:

2 (II) THE SELECTED ENTITY HAS EXPERTISE IN REVIEWING AND  
3 UNDERSTANDING THE COMPONENTS OF HIGH-QUALITY, EFFECTIVE  
4 READING CURRICULA, EDUCATION PROGRAMS, INSTRUCTION, STRATEGIES,  
5 AND INTERVENTIONS;

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

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

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

13 (I) REVIEW OF THE APPROVED READING ASSESSMENTS AND THE  
14 ITEMS INCLUDED ON THE ADVISORY LISTS OF INSTRUCTIONAL  
15 PROGRAMMING IN READING AND SUPPORTING TECHNOLOGIES AND OF  
16 PROFESSIONAL DEVELOPMENT PROGRAMS TO ENSURE THAT THEY MEET  
17 THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND A  
18 REVIEW OF THE PROCESSES BY WHICH THE DEPARTMENT IDENTIFIES  
19 ASSESSMENTS, INSTRUCTIONAL PROGRAMMING IN READING, AND  
20 PROFESSIONAL DEVELOPMENT PROGRAMS FOR INCLUSION ON THE LISTS;

21 (II) EVALUATION OF THE EFFECTIVENESS OF THE PROCESSES,  
22 PROCEDURES, METHODS, AND STRATEGIES THAT LOCAL EDUCATION  
23 PROVIDERS USE TO IMPLEMENT THE REQUIREMENTS OF THIS PART 12,  
24 INCLUDING AN INVENTORY TO ESTABLISH A BASELINE INDICATION OF THE  
25 TEACHING METHODS, STRATEGIES, AND MATERIALS USED BY LOCAL  
26 EDUCATION PROVIDERS TO TEACH READING IN KINDERGARTEN AND  
27 GRADES ONE THROUGH THREE;



1           (III) MEASUREMENT OF THE RESULTS ATTAINED THAT INDICATE  
2 THE DEGREE TO WHICH THE GOALS OF THIS PART 12 HAVE BEEN MET,  
3 INCLUDING, AT A MINIMUM:

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

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

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

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

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

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

1           (V) EVALUATION OF THE DEGREE TO WHICH LOCAL EDUCATION  
2 PROVIDERS EFFECTIVELY WORK WITH PARENTS AND MEMBERS OF THE  
3 COMMUNITY TO CREATE PARTNERSHIPS FOR PROVIDING AND  
4 ENCOURAGING READING INSTRUCTION FOR STUDENTS ENROLLED IN  
5 KINDERGARTEN AND GRADES ONE THROUGH THREE.

6           (d) IN COMPLETING THE MULTI-YEAR EVALUATION, THE  
7 INDEPENDENT EVALUATOR SHALL TAKE INTO ACCOUNT STUDENT MOBILITY  
8 WITHIN, AND THE STUDENT DEMOGRAPHICS OF, EACH LOCAL EDUCATION  
9 PROVIDER, INCLUDING AT THE SCHOOL-BUILDING LEVEL. THE  
10 INDEPENDENT EVALUATOR SHALL WORK DIRECTLY WITH THE  
11 DEPARTMENT, LOCAL EDUCATION PROVIDERS, AND PARENTS AND  
12 COMMUNITY MEMBERS IN COMPLETING THE EVALUATION.

13           (e) THE INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO  
14 THIS SUBSECTION (8) SHALL COMPLETE THE EVALUATION OF THE  
15 IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SUBSECTION (8)(c) OF  
16 THIS SECTION BY JULY 1, 2021. THE DEPARTMENT SHALL INCLUDE A  
17 REPORT OF THE EVALUATION IN THE HEARING BEFORE THE JOINT  
18 EDUCATION COMMITTEE HELD PURSUANT TO SECTION 2-7-203 IN  
19 NOVEMBER OR DECEMBER 2021. THE INDEPENDENT EVALUATOR SHALL  
20 CONTINUE EVALUATIONS OF THE GROWTH IN READING ACHIEVED BY  
21 LOCAL EDUCATION PROVIDERS' USE OF PER-PUPIL INTERVENTION MONEY  
22 AND MONEY RECEIVED THROUGH THE EARLY LITERACY GRANT PROGRAM.

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

25           **22-7-1210. Early literacy fund - created - repeal.** (4) The  
26 money in the fund is subject to annual appropriation by the general  
27 assembly to the department. The department shall annually expend the

1 money in the fund as follows:

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

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

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

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

15 (B) NO MORE THAN TWO MILLION DOLLARS TO CONTRACT WITH A  
16 QUALIFIED ENTITY AS AN INDEPENDENT EVALUATOR TO EVALUATE THE  
17 IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SECTION 22-7-1209  
18 (8).

19 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(b)(II)  
20 AND (4)(b)(IV) OF THIS SECTION, FOR THE 2019-20 BUDGET YEAR, OF THE  
21 AMOUNT THAT REMAINS AFTER THE ALLOCATIONS DESCRIBED IN  
22 SUBSECTIONS (4)(b)(I), (4)(b)(III), AND (4)(c)(I) OF THIS SECTION, AS  
23 PROVIDED IN THE ANNUAL GENERAL APPROPRIATIONS BILL, THE  
24 DEPARTMENT SHALL USE TEN PERCENT FOR GRANTS AWARDED THROUGH  
25 THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION 22-7-1211,  
26 WHICH IS IN ADDITION TO THE AMOUNT DESCRIBED IN SUBSECTION  
27 (4)(b)(II) OF THIS SECTION, AND ALLOCATE NINETY PERCENT TO LOCAL

1 EDUCATION PROVIDERS AS PER-PUPIL INTERVENTION MONEY AS PROVIDED  
2 IN SECTION 22-7-1210.5.

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

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

10 (I) UP TO FIVE HUNDRED THOUSAND DOLLARS, AS PROVIDED IN THE  
11 ANNUAL GENERAL APPROPRIATIONS BILL, TO IMPLEMENT THE PUBLIC  
12 INFORMATION CAMPAIGN TO PROMOTE READING DESCRIBED IN SECTION  
13 22-7-1209 (7):

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

18 (III) AT LEAST FOUR MILLION DOLLARS, AS PROVIDED IN THE  
19 ANNUAL GENERAL APPROPRIATIONS BILL, FOR GRANTS AWARDED  
20 THROUGH THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION  
21 22-7-1211; AND

22 (IV) OF THE REMAINING AMOUNT CREDITED TO THE FUND, THE  
23 AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS BILL FOR  
24 THE EARLY LITERACY GRANT PROGRAM, WHICH IS IN ADDITION TO THE  
25 AMOUNT SPECIFIED IN SUBSECTION (4)(d)(III) OF THIS SECTION, AND THE  
26 AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS BILL FOR  
27 ALLOCATION TO LOCAL EDUCATION PROVIDERS AS PER-PUPIL

1 INTERVENTION MONEY AS PROVIDED IN SECTION 22-7-1210.5.

2 (5) (a) (I) The department shall allocate the per-pupil intervention  
3 moneys to the local education providers as required in subparagraph (IV)  
4 of paragraph (b) of subsection (4) of this section by first dividing the  
5 amount of moneys available by the total number of students enrolled in  
6 kindergarten and first, second, and third grades in public schools in the  
7 state who were identified as having significant reading deficiencies and  
8 received instructional services pursuant to READ plans in the budget year  
9 preceding the year in which the moneys are allocated. The department  
10 shall then allocate to each local education provider an amount equal to  
11 said per-pupil amount multiplied by the number of students enrolled in  
12 kindergarten and first, second, and third grades in public schools operated  
13 by the local education provider who were identified as having significant  
14 reading deficiencies and received instructional services pursuant to  
15 READ plans in the budget year preceding the year in which the moneys  
16 are allocated.

17 (II) Repealed.

18 (b) A local education provider may use the per-pupil intervention  
19 money only as follows:

20 (I) To provide full-day kindergarten services to students enrolled  
21 in one or more of the public schools operated by the local education  
22 provider;

23 (II) To operate a summer school literacy program as described in  
24 section 22-7-1212;

25 (III) To purchase tutoring services in reading for students who are  
26 receiving instructional services pursuant to READ plans;

27 (III.5) (Deleted by amendment, L. 2018.)

1 ~~(IV) To provide other targeted, scientifically based or~~  
2 ~~evidence-based intervention services to students who are receiving~~  
3 ~~instructional services pursuant to READ plans, which services are~~  
4 ~~approved by the department;~~

5 ~~(V) For a local education provider that is a small rural school~~  
6 ~~district as defined in section 22-7-1211 (4)(a), to purchase from a board~~  
7 ~~of cooperative services the services of a literacy specialist to provide~~  
8 ~~educator professional development in literacy and other support in~~  
9 ~~implementing the requirements of this part 12; or~~

10 ~~(VI) To provide professional development programming to~~  
11 ~~support educators in teaching literacy; except that a local education~~  
12 ~~provider may not use more than fifteen percent of the per-pupil~~  
13 ~~intervention money received in a budget year for this purpose.~~  
14 ~~Professional development programming authorized in this subsection~~  
15 ~~(5)(b)(VI) may include literacy coaches who provide job-embedded,~~  
16 ~~ongoing professional development to support~~  
17 ~~kindergarten-through-third-grade teacher competence in the~~  
18 ~~evidence-based or scientifically based teaching of phonemic awareness;~~  
19 ~~phonics; vocabulary development; reading fluency, including oral skills;~~  
20 ~~and reading comprehension.~~

21 ~~(c) Each budget year, prior to receiving per-pupil intervention~~  
22 ~~money, each local education provider shall submit to the department, for~~  
23 ~~informational purposes, an explanation of the manner in which it will use~~  
24 ~~the money in the coming budget year and the number of students for~~  
25 ~~which the local education provider may receive per-pupil intervention~~  
26 ~~money. If the local education provider intends to provide a service~~  
27 ~~described in subsection (5)(b)(IV) of this section, the department shall~~

1 review the service and provide the per-pupil intervention money for the  
2 service only if the service meets the requirements specified in subsection  
3 (5)(b)(IV) of this section. Upon the request of the department, a local  
4 education provider shall provide specific expenditure information to the  
5 department that specifies the manner in which the local education  
6 provider spent the per-pupil intervention money it received in a budget  
7 year.

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

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

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

21 **22-7-1210.5. Per-pupil intervention money - uses - distribution**  
22 **- monitoring.** (1) **TO DISTRIBUTE THE MONEY APPROPRIATED PURSUANT**  
23 **TO SECTION 22-7-1210 (4) FOR PER-PUPIL INTERVENTION MONEY, THE**  
24 **DEPARTMENT SHALL ANNUALLY CALCULATE THE PER-PUPIL AMOUNT BY**  
25 **DIVIDING THE AMOUNT OF MONEY AVAILABLE BY THE TOTAL NUMBER OF**  
26 **STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD**  
27 **GRADES IN PUBLIC SCHOOLS IN THE STATE WHO WERE IDENTIFIED AS**

1 HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED  
2 INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET  
3 YEAR PRECEDING THE YEAR IN WHICH THE MONEY IS DISTRIBUTED.  
4 SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A LOCAL EDUCATION  
5 PROVIDER MAY RECEIVE PER-PUPIL INTERVENTION MONEY IN AN AMOUNT  
6 EQUAL TO THE CALCULATED PER-PUPIL AMOUNT MULTIPLIED BY THE  
7 NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND,  
8 AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL  
9 EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT  
10 READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES  
11 PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR  
12 IN WHICH THE MONEY IS DISTRIBUTED.

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

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

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

26 (3) (a) AT THE BEGINNING OF EACH BUDGET YEAR, THE  
27 DEPARTMENT SHALL DISTRIBUTE TO A LOCAL EDUCATION PROVIDER THAT



1 MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3)(b) OF THIS  
2 SECTION THE AMOUNT OF PER-PUPIL INTERVENTION MONEY CALCULATED  
3 FOR THE LOCAL EDUCATION PROVIDER PURSUANT TO SUBSECTION (1) OF  
4 THIS SECTION FOR THE APPLICABLE BUDGET YEAR.

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

8 (I) THE LOCAL EDUCATION PROVIDER MUST SUBMIT THE  
9 INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND IN  
10 SECTION 22-7-1213 (2):

11 (II) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS  
12 THEREAFTER, THE LOCAL EDUCATION PROVIDER MUST SUBMIT EVIDENCE  
13 THAT IT IS IN COMPLIANCE WITH THE TEACHER TRAINING REQUIREMENTS  
14 SPECIFIED IN SECTION 22-7-1208 (6):

15 (III) THE DEPARTMENT MUST APPROVE THE LOCAL EDUCATION  
16 PROVIDER'S PROPOSED USE OF THE PER-PUPIL INTERVENTION MONEY AS  
17 BEING IN COMPLIANCE WITH THE REQUIREMENTS IN SUBSECTION (4) OF  
18 THIS SECTION;

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

25 (V) IF THE LOCAL EDUCATION PROVIDER IS EXPECTING TO USE THE  
26 PER-PUPIL INTERVENTION MONEY FOR TARGETED INTERVENTION SERVICES  
27 AS DESCRIBED IN SUBSECTION (4)(d) OF THIS SECTION, THE DEPARTMENT

1 REVIEWED AND APPROVED THE SERVICES. THE DEPARTMENT SHALL NOT  
2 APPROVE SERVICES THAT HAVE NOT BEEN IMPLEMENTED AND PROVEN TO  
3 BE SUCCESSFUL WITH A STUDENT POPULATION AND UNDER  
4 CIRCUMSTANCES THAT ARE COMPARABLE TO THOSE OF THE LOCAL  
5 EDUCATION PROVIDER OR THAT ARE NOT SUPPORTED BY VALID RESEARCH  
6 THAT SUGGESTS THE SERVICES WILL BE EFFECTIVE WITH THE STUDENT  
7 POPULATION SERVED BY, AND UNDER THE CIRCUMSTANCES OF, THE LOCAL  
8 EDUCATION PROVIDER.

9 (c) THROUGHOUT THE BUDGET YEAR, THE DEPARTMENT SHALL  
10 MONITOR AND, IF DEEMED NECESSARY BY THE DEPARTMENT, AUDIT EACH  
11 LOCAL EDUCATION PROVIDER'S USE OF THE PER-PUPIL INTERVENTION  
12 MONEY IT RECEIVES. THE DEPARTMENT MAY CONDUCT SITE VISITS TO THE  
13 EXTENT DEEMED NECESSARY TO ADEQUATELY MONITOR A LOCAL  
14 EDUCATION PROVIDER'S USE OF PER-PUPIL INTERVENTION MONEY. EACH  
15 LOCAL EDUCATION PROVIDER SHALL PROVIDE, UPON REQUEST BY THE  
16 DEPARTMENT, INFORMATION NECESSARY FOR THE DEPARTMENT TO  
17 COMPLY WITH THIS SUBSECTION (3)(c).

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

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

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

26 (c) TO PURCHASE TUTORING SERVICES THAT FOCUS ON INCREASING  
27 STUDENTS' FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS.

1 PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING  
2 ORAL SKILLS, AND READING COMPREHENSION FOR STUDENTS WHO ARE  
3 RECEIVING INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS;

4 (d) TO PROVIDE OTHER TARGETED, EVIDENCE-BASED OR  
5 SCIENTIFICALLY BASED INTERVENTION SERVICES TO STUDENTS WHO ARE  
6 RECEIVING INSTRUCTIONAL SERVICES, WHICH MAY INCLUDE SERVICES  
7 PROVIDED BY A READING INTERVENTIONIST, PURSUANT TO READ PLANS,  
8 WHICH SERVICES ARE APPROVED BY THE DEPARTMENT;

9 (e) TO PROVIDE TECHNOLOGY, INCLUDING SOFTWARE, WHICH IS  
10 INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL PROGRAMMING IN  
11 READING AND SUPPORTING TECHNOLOGIES PURSUANT TO SECTION  
12 22-7-1209 (2)(b), TO ASSIST IN ASSESSING AND MONITORING STUDENT  
13 PROGRESS TOWARD READING COMPETENCY, WHICH MAY INCLUDE  
14 PROVIDING PROFESSIONAL DEVELOPMENT IN THE EFFECTIVE USE OF THE  
15 TECHNOLOGY OR SOFTWARE;

16 (f) TO PURCHASE FROM A BOARD OF COOPERATIVE SERVICES THE  
17 SERVICES OF A READING SPECIALIST OR READING INTERVENTIONIST WHO  
18 IS TRAINED IN THE SCIENCE OF READING AND IN TEACHING THE  
19 FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS,  
20 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,  
21 AND READING COMPREHENSION TO PROVIDE EDUCATOR PROFESSIONAL  
22 DEVELOPMENT IN TEACHING READING AND OTHER SUPPORT IN  
23 IMPLEMENTING THE REQUIREMENTS OF THIS PART 12; OR

24 (g) TO PROVIDE PROFESSIONAL DEVELOPMENT PROGRAMMING TO  
25 SUPPORT EDUCATORS IN TEACHING READING. PROFESSIONAL  
26 DEVELOPMENT PROGRAMMING AUTHORIZED IN THIS SUBSECTION (4)(g)  
27 MAY INCLUDE HIRING A READING COACH WHO IS TRAINED IN TEACHING

1 THE FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS,  
2 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,  
3 AND READING COMPREHENSION TO PROVIDE JOB-EMBEDDED, ONGOING  
4 PROFESSIONAL DEVELOPMENT TO SUPPORT  
5 KINDERGARTEN-THROUGH-THIRD-GRADE TEACHER COMPETENCE IN  
6 TEACHING PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,  
7 READING FLUENCY INCLUDING ORAL SKILLS, AND READING  
8 COMPREHENSION. A LOCAL EDUCATION PROVIDER THAT HAS NOT FULLY  
9 COMPLIED WITH SECTION 22-7-1208 (6) IS STRONGLY ENCOURAGED TO USE  
10 PER-PUPIL INTERVENTION MONEY TO ENSURE THAT ALL TEACHERS  
11 EMPLOYED BY THE LOCAL EDUCATION PROVIDER TO TEACH  
12 KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE SUCCESSFULLY  
13 COMPLETE EVIDENCE-BASED TRAINING IN TEACHING READING BEFORE  
14 USING THE MONEY FOR OTHER AUTHORIZED PURPOSES.

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

22 (6) (a) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT  
23 THE PER-PUPIL INTERVENTION MONEY IT RECEIVES IN EACH BUDGET YEAR  
24 IS USED TO IMPROVE THE READING COMPETENCY OF STUDENTS ENROLLED  
25 IN KINDERGARTEN AND GRADES ONE THROUGH THREE WHO ARE  
26 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR RECEIVE  
27 INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS AND DOES NOT

1 REPLACE OTHER MONEY THAT WOULD OTHERWISE BE USED FOR THIS  
2 PURPOSE.

3 (b) A LOCAL EDUCATION PROVIDER MAY RETAIN UP TO FIFTEEN  
4 PERCENT OF THE AMOUNT OF PER-PUPIL INTERVENTION MONEY IT  
5 RECEIVES IN A BUDGET YEAR FOR USE IN ACCORDANCE WITH THIS SECTION  
6 IN THE NEXT BUDGET YEAR. IF A LOCAL EDUCATION PROVIDER RETAINS  
7 MORE THAN THE AMOUNT AUTHORIZED IN THIS SUBSECTION (6)(b), THE  
8 DEPARTMENT SHALL REDUCE THE AMOUNT OF PER-PUPIL INTERVENTION  
9 MONEY THAT THE LOCAL EDUCATION PROVIDER IS ELIGIBLE TO RECEIVE IN  
10 THE NEXT BUDGET YEAR BY THE EXCESS RETENTION AMOUNT.

11 **SECTION 9.** In Colorado Revised Statutes, 22-7-1211, **amend**  
12 (1), (2)(a), (2)(b), (3) introductory portion, (3)(a), and (3)(b); and **add**  
13 (2)(b.3), (2)(b.5), and (3.5) as follows:

14 **22-7-1211. Early literacy grant program - created -**  
15 **definitions.** (1) (a) There is created in the department the early literacy  
16 grant program to provide money to local education providers to  
17 implement literacy support and intervention instruction programs,  
18 including but not limited to related professional development programs,  
19 to assist students in kindergarten and first, second, and third grades to  
20 achieve reading competency. THE STATE BOARD MAY AWARD A GRANT TO  
21 AN APPLYING LOCAL EDUCATION PROVIDER THAT IS A SCHOOL DISTRICT ON  
22 A DISTRICT-WIDE BASIS OR TO INDIVIDUAL SCHOOLS OF THE SCHOOL  
23 DISTRICT. A LOCAL EDUCATION PROVIDER MAY APPLY INDIVIDUALLY OR  
24 AS PART OF A GROUP OF LOCAL EDUCATION PROVIDERS. The state board by  
25 rule shall establish the application timelines and the information to be  
26 included in each grant application. THE STATE BOARD SHALL NOT, AS A  
27 CONDITION OF APPLYING FOR OR RECEIVING A GRANT, RESTRICT AN

1 APPLICANT'S ABILITY TO USE ANY OF THE ASSESSMENTS INCLUDED ON THE  
2 APPROVED LIST OF ASSESSMENTS ADOPTED PURSUANT TO SECTION  
3 22-7-1209 (1)(b).

4 (b) In adopting rules, the state board shall ensure that a local  
5 education provider that is a rural school district or a small rural school  
6 district, or a district charter school or an institute charter school that is  
7 located within the boundaries of a rural school district or small rural  
8 school district, may submit a simplified grant application. A local  
9 education provider may apply individually or as part of a group of local  
10 education providers. A rural school district that is a member of a board of  
11 cooperative services may seek assistance in writing the grant application  
12 from the board of cooperative services. A board of cooperative services  
13 may apply for a grant to provide instructional support in literacy for small  
14 rural school districts that are members of the board of cooperative  
15 services.

16 (2) The department shall review each grant application received  
17 and recommend to the state board whether to award the grant and the  
18 duration and amount of each grant. In making recommendations, the  
19 department shall consider the following factors:

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

27 (b) The instructional program that the applying local education

1 provider or group of local education providers plans to implement using  
2 the grant moneys MONEY and whether it is an evidence-based program  
3 that is proven to be successful in other public schools in the country  
4 COLORADO OR IN OTHER STATES:

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

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

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

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

27 (b) Award up to fifteen percent to fund professional development

1 initiatives for local education providers that are already implementing  
2 evidence-based or scientifically based universal instruction and  
3 interventions THAT ARE RESULTING IN SIGNIFICANT STUDENT ACADEMIC  
4 GROWTH TOWARD READING COMPETENCY, AS DETERMINED BY AN  
5 INDEPENDENT EVALUATOR AS PROVIDED IN SECTION 22-7-1209 (8); and

6 (3.5) (a) UPON COMPLETION OF THE TERM OF A GRANT, IF AN  
7 INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8),  
8 DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT  
9 MONEY HAS RESULTED IN SIGNIFICANT STUDENT ACADEMIC GROWTH  
10 TOWARD READING COMPETENCY, AND IF THE LOCAL EDUCATION PROVIDER  
11 REQUESTS AN EXTENSION OF THE GRANT, THE STATE BOARD SHALL  
12 EXTEND THE GRANT FOR A PERIOD RECOMMENDED BY THE DEPARTMENT.  
13 THE STATE BOARD SHALL INCREASE THE AMOUNT OF THE GRANT IF  
14 NECESSARY TO ENABLE THE LOCAL EDUCATION PROVIDER TO EXPAND OR  
15 ENHANCE IMPLEMENTATION OF THE INSTRUCTIONAL PROGRAM.

16 (b) UPON COMPLETION OF THE TERM OF A GRANT, IF AN  
17 INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8),  
18 DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT  
19 MONEY HAS NOT RESULTED IN SIGNIFICANT ACADEMIC STUDENT GROWTH  
20 TOWARD READING COMPETENCY, THE STATE BOARD SHALL NOT EXTEND  
21 OR RENEW THE GRANT.

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

24 **22-7-1213. Reporting requirements.** (1.5) EACH LOCAL  
25 EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT AND TO THE  
26 INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO SECTION  
27 22-7-1209 (8) ANY INFORMATION REQUIRED BY THE DEPARTMENT OR THE



1 INDEPENDENT EVALUATOR TO COMPLETE THE EVALUATION DESCRIBED IN  
2 SECTION 22-7-1209 (8).

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

8 (a) The instructional programs, full-day kindergarten program,  
9 summer school literacy program, tutoring services, or other intervention  
10 services IN DETAIL, THE SPECIFIC EXPENDITURES for which the local  
11 education provider used the grant or per-pupil intervention moneys  
12 MONEY;

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

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

20 (c) The progress made by participating students in achieving  
21 reading competency.

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