

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

REVISED

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

LLS NO. 17-0785.01 Julie Pelegrin x2700

HOUSE BILL 17-1160

HOUSE SPONSORSHIP

Hamner and Wilson,

SENATE SPONSORSHIP

Priola and Fields,

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

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

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 specifies that, if a student enrolled in kindergarten or one of grades one through 3 is an English language learner, the school district or charter school in which the student is enrolled will decide whether the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 11, 2017

HOUSE
3rd Reading Unamended
March 3, 2017

HOUSE
Amended 2nd Reading
March 2, 2017

student takes the reading assessments in English or in the student's native language if there is an approved assessment available in the student's native language. If the student takes the assessments in his or her native language, the school district or charter school may also administer the assessments in English if requested by the student's parent. If a student who is an English language learner takes the reading assessments in his or her native language, the school district or charter school must determine the level of English proficiency at which the student will take the reading assessments in English and communicate that proficiency level to the student's parent.

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

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

4 **22-7-1202. Legislative declaration.** (3) THE GENERAL ASSEMBLY
5 FURTHER FINDS THAT:

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

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

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

18 (d) WHILE THE "COLORADO READ ACT", PART 12 OF ARTICLE 7
19 OF THIS TITLE 22, IS NOT DESIGNED TO MEASURE OR SUPPORT A STUDENT'S
20 ACQUISITION OF ENGLISH AS A SECOND LANGUAGE, ENSURING THAT A

1 STUDENT HAS STRONG READING SKILLS IN HIS OR HER NATIVE LANGUAGE
2 BY THIRD GRADE WILL HELP TO ENSURE THAT THE STUDENT WILL ATTAIN
3 PROFICIENCY IN ENGLISH MORE QUICKLY.

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

6 **22-7-1205. Reading competency - assessments - READ plan**
7 **creation - parental involvement.** (1) (a.7) (I) THE LOCAL EDUCATION
8 PROVIDER SHALL DETERMINE WHETHER A STUDENT WHO IS AN ENGLISH
9 LANGUAGE LEARNER, AS DEFINED IN SECTION 22-24-103, AND WHOSE
10 NATIVE LANGUAGE IS SPANISH, TAKES THE READING ASSESSMENTS IN
11 ENGLISH OR IN SPANISH. IF THE STUDENT TAKES THE READING
12 ASSESSMENTS IN SPANISH, THE LOCAL EDUCATION PROVIDER MAY ALSO
13 ADMINISTER A READING ASSESSMENT IN ENGLISH TO THE STUDENT AT THE
14 REQUEST OF THE STUDENT'S PARENT. IF THE STATE BOARD ADOPTS A LIST
15 OF APPROVED READING ASSESSMENTS PURSUANT TO SECTION 22-7-1209
16 THAT INCLUDES ASSESSMENTS IN LANGUAGES OTHER THAN ENGLISH OR
17 SPANISH, THE LOCAL EDUCATION PROVIDER SHALL DETERMINE WHETHER
18 A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER AND WHOSE NATIVE
19 LANGUAGE IS NOT SPANISH TAKES THE READING ASSESSMENTS IN ENGLISH
20 OR IN THE STUDENT'S NATIVE LANGUAGE IF THERE IS AN APPROVED
21 READING ASSESSMENT IN THE STUDENT'S NATIVE LANGUAGE. IF THE
22 STUDENT TAKES THE READING ASSESSMENTS IN THE STUDENT'S NATIVE
23 LANGUAGE, THE LOCAL EDUCATION PROVIDER MAY ALSO ADMINISTER A
24 READING ASSESSMENT IN ENGLISH TO THE STUDENT AT THE REQUEST OF
25 THE STUDENT'S PARENT. IF THE LOCAL EDUCATION PROVIDER DECIDES
26 THAT A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER MUST TAKE
27 THE READING ASSESSMENTS IN A LANGUAGE OTHER THAN ENGLISH, THE

1 LOCAL EDUCATION PROVIDER SHALL DETERMINE, AND COMMUNICATE TO
2 THE STUDENT'S PARENT IN A LANGUAGE THE PARENT UNDERSTANDS, IF
3 POSSIBLE, THE LEVEL OF ENGLISH LANGUAGE PROFICIENCY AT WHICH THE
4 STUDENT MUST TAKE AT LEAST ONE OF THE READING ASSESSMENTS IN
5 ENGLISH, AS PROVIDED IN SUBSECTION (1)(a.7)(II) OF THIS SUBSECTION
6 (1)(a.7). IF THE STUDENT HAS A SIGNIFICANT READING DEFICIENCY, THE
7 LOCAL EDUCATION PROVIDER MAY COMMUNICATE THE INFORMATION
8 SPECIFIED IN THIS SUBSECTION (1)(a.7) TO THE STUDENT'S PARENT WITH
9 THE INFORMATION REQUIRED IN SUBSECTION (2) OF THIS SECTION.

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

22 **SECTION 3. 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.