

**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. 19-0566.01 Conrad Imel x2313

SENATE BILL 19-059

SENATE SPONSORSHIP

Moreno, Bridges, Cooke, Court, Donovan, Fenberg, Fields, Garcia, Ginal, Gonzales, Lundeen, Pettersen, Priola, Rankin, Rodriguez, Story, Tate, Todd, Winter, Woodward, Zenzinger

HOUSE SPONSORSHIP

Buckner,

Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING CREATION OF AN AUTOMATIC ENROLLMENT IN**
102 **ADVANCED COURSES GRANT PROGRAM IN THE DEPARTMENT OF**
103 **EDUCATION, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **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 establishes the automatic enrollment in advanced courses grant program (grant program) in the department of education (department) to provide funding for school districts that automatically

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.

HOUSE
Amended 2nd Reading
April 23, 2019

SENATE
3rd Reading Unamended
April 15, 2019

SENATE
Amended 2nd Reading
April 12, 2019

enroll certain students in advanced courses.

In order to be eligible for the grant program, a school district must automatically enroll students who are in ninth grade or higher in an advanced course in a subject related to one in which the student demonstrated proficiency on the prior year's statewide assessment. Eligible school districts are encouraged to automatically enroll eligible fourth- through eighth-grade students in advanced courses as well. School districts are required to permit parents to remove their children from automatically enrolled classes and may permit parents to exempt their children from any automatic enrollment.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) All students deserve the opportunity to learn higher-level
5 content;

6 (b) Students who have access to a rigorous curriculum perform
7 better across multiple measures, including graduating high school and
8 completing higher education;

9 (c) Traditionally, disadvantaged minorities and low-income
10 students of all racial and ethnic backgrounds who perform well in school
11 do not enroll in advanced classes at the same rate as their peers,
12 regardless of preparedness;

13 (d) High school graduation guidelines adopted by the Colorado
14 state board of education require students to demonstrate competency in
15 math and English scores to graduate, which can include achieving a
16 sufficient score on an advanced placement or international baccalaureate
17 exam; and

18 (e) A school's or school district's course placement policies and
19 decisions impact a student's opportunity to reach his or her full academic
20 potential.

1 ORGANIZED UNDER THE LAWS OF COLORADO. "SCHOOL DISTRICT" DOES
2 NOT INCLUDE A LOCAL COLLEGE DISTRICT.

3 (8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
4 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
5 STATE CONSTITUTION.

6 **22-95.5-202. Automatic enrollment in advanced courses grant**
7 **program - creation - rules.** (1) THERE IS CREATED IN THE DEPARTMENT
8 THE AUTOMATIC ENROLLMENT IN ADVANCED COURSES GRANT PROGRAM
9 TO INCREASE THE NUMBER OF STUDENTS ENROLLED IN ADVANCED
10 COURSES FOR SUBJECTS IN WHICH THE STUDENT HAS DEMONSTRATED
11 PROFICIENCY.

12 (2) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN
13 ACCORDANCE WITH STATE BOARD RULES. THE DEPARTMENT SHALL:

14 (a) NOTIFY LOCAL EDUCATION PROVIDERS OF THE GRANT
15 PROGRAM, INCLUDING APPLICATION DEADLINES, TWICE WITHIN THE THREE
16 MONTHS BEFORE THE FIRST APPLICATION DEADLINE AFTER THE CREATION
17 OF THE GRANT PROGRAM, AND ONCE ANNUALLY THEREAFTER;

18 (b) ACCEPT AND REVIEW GRANT APPLICATIONS;

19 (c) DETERMINE THE AMOUNT, IN ACCORDANCE WITH STATE BOARD
20 RULES AND BASED ON AVAILABLE APPROPRIATIONS, THAT WILL BE
21 AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER; AND

22 (d) AWARD A GRANT TO EACH ELIGIBLE LOCAL EDUCATION
23 PROVIDER THAT HAS SUBMITTED AN APPLICATION.

24 (3) (a) PURSUANT TO ARTICLE 4 OF TITLE 24, THE STATE BOARD
25 SHALL PROMULGATE RULES TO IMPLEMENT THE GRANT PROGRAM,
26 INCLUDING RULES RELATING TO:

27 (I) THE APPLICATION PROCESS, INCLUDING DEADLINES;

1 (II) THE FORMULA FOR DETERMINING THE AMOUNT OF THE GRANT
2 AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER;

3 (III) DEADLINES FOR THE DEPARTMENT TO AWARD GRANTS; AND

4 (IV) A PROCESS FOR VERIFYING THAT LOCAL EDUCATION
5 PROVIDERS THAT HAVE RECEIVED AN AWARD ARE COMPLYING WITH THE
6 REQUIREMENTS OF THE GRANT PROGRAM.

7 (b) WHEN PROMULGATING RULES FOR DETERMINING THE AMOUNT
8 OF THE GRANT AWARD PURSUANT TO SUBSECTION (3)(a)(II) OF THIS
9 SECTION, THE STATE BOARD SHALL INCLUDE THE FOLLOWING FACTORS:

10 (I) THE COSTS ASSOCIATED WITH A LOCAL EDUCATION PROVIDER
11 IMPLEMENTING ITS PLAN SUBMITTED WITH ITS APPLICATION;

12 (II) THE NUMBER OF GRADE LEVELS IN WHICH THE LOCAL
13 EDUCATION PROVIDER AUTOMATICALLY ENROLLS STUDENTS IN ADVANCED
14 COURSES; AND

15 (III) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN
16 ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER.

17 (c) IN PROMULGATING RULES PURSUANT TO THIS PART 2, THE
18 STATE BOARD SHALL ENSURE THAT A RURAL SCHOOL DISTRICT MAY
19 SUBMIT A SIMPLIFIED GRANT APPLICATION.

20 **22-95.5-203. Eligibility - application - use of grant money -**
21 **report.** (1) (a) A LOCAL EDUCATION PROVIDER MAY APPLY FOR A GRANT
22 PURSUANT TO THIS SECTION; EXCEPT THAT, WHEN A SCHOOL DISTRICT
23 SUBMITS AN APPLICATION AND IS ELIGIBLE FOR A GRANT PURSUANT TO
24 THIS PART 2, A SCHOOL OPERATING WITHIN THAT DISTRICT MAY NOT
25 SUBMIT AN APPLICATION.

26 (b) AN APPLICATION FROM AN INDIVIDUAL SCHOOL MUST BE
27 SUBMITTED BY THE CHIEF ADMINISTRATIVE OFFICER OF THE SCHOOL AND,

1 IF THE SCHOOL IS NOT A CHARTER SCHOOL, THE SCHOOL MUST NOTIFY THE
2 SUPERINTENDENT OF THE SCHOOL DISTRICT OF THE APPLICATION.

3 (2) (a) A LOCAL EDUCATION PROVIDER IS ELIGIBLE FOR THE GRANT
4 PROGRAM IF THE LOCAL EDUCATION PROVIDER AUTOMATICALLY ENROLLS
5 EACH STUDENT ENTERING THE NINTH GRADE OR HIGHER IN AN ADVANCED
6 COURSE BASED ON ANY OF THE FOLLOWING CRITERIA:

7 (I) THE STUDENT ACHIEVED A SCORE THAT IS EQUIVALENT TO, OR
8 EXCEEDS, DEMONSTRATING PROFICIENCY ON THE STATE ASSESSMENT
9 THAT WAS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 FOR THE
10 PRECEDING ACADEMIC YEAR, REFERRED TO IN THIS SECTION AS AN
11 "ELIGIBLE SCORE", AS FOLLOWS:

12 (A) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT
13 RELATED TO MATHEMATICS MUST BE AUTOMATICALLY ENROLLED IN
14 ADVANCED COURSES IN MATHEMATICS;

15 (B) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN SUBJECTS
16 RELATING TO READING AND WRITING MUST BE ENROLLED IN ADVANCED
17 COURSES IN ENGLISH, SOCIAL STUDIES, HUMANITIES, OR OTHER RELATED
18 SUBJECTS; AND

19 (C) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT
20 RELATED TO SCIENCE OR SOCIAL STUDIES MUST BE AUTOMATICALLY
21 ENROLLED IN ADVANCED COURSES IN SCIENCE OR SOCIAL STUDIES; OR

22 (II) ANY OTHER MEASURE, APPLIED TO ALL STUDENTS ENROLLED
23 IN A LOCAL EDUCATION PROVIDER, THAT, IN THE JUDGMENT OF THE LOCAL
24 EDUCATION PROVIDER, IS AN INDICATOR THAT A STUDENT DEMONSTRATES
25 THE ABILITY TO SUCCEED IN AN ADVANCED COURSE.

26 (b) (I) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO
27 AUTOMATICALLY ENROLL EACH STUDENT ENTERING THE FOURTH

1 THROUGH EIGHTH GRADE IN ADVANCED COURSES AS DESCRIBED IN THIS
2 SECTION.

3 (II) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO USE
4 AUTOMATIC ENROLLMENT FOR COURSES IN SUBJECTS NOT LISTED IN THIS
5 SECTION.

6 (c) A LOCAL EDUCATION PROVIDER SHALL PERMIT A PARENT OF A
7 STUDENT TO REMOVE THE STUDENT FROM AN ADVANCED COURSE IN
8 WHICH THE STUDENT HAS BEEN AUTOMATICALLY ENROLLED. A LOCAL
9 EDUCATION PROVIDER MAY PERMIT A PARENT OF A STUDENT TO EXEMPT
10 THE STUDENT FROM ANY AUTOMATIC ENROLLMENT IN ADVANCED
11 COURSES.

12 (3) IN AN APPLICATION SUBMITTED PURSUANT TO THIS PART 2, A
13 LOCAL EDUCATION PROVIDER SHALL INCLUDE THE FOLLOWING:

14 (a) A DESCRIPTION OF THE LOCAL EDUCATION PROVIDER'S
15 EXISTING ADVANCED COURSES AND ANY PLANNED ADVANCED COURSES,
16 INCLUDING COURSES THAT MAY BE IMPLEMENTED WITH MONEY RECEIVED
17 FROM THE GRANT PROGRAM;

18 (b) THE LOCAL EDUCATION PROVIDER'S PLAN FOR AUTOMATICALLY
19 ENROLLING STUDENTS INTO ADVANCED COURSES;

20 (c) A DESCRIPTION OF HOW THE LOCAL EDUCATION PROVIDER WILL
21 USE ANY GRANT AWARDED CONSISTENT WITH THE REQUIREMENTS OF
22 SUBSECTION (4) OF THIS SECTION; AND

23 (d) ANY OTHER INFORMATION REQUIRED BY STATE BOARD RULE.

24 (4) A LOCAL EDUCATION PROVIDER THAT IS AWARDED A GRANT
25 PURSUANT TO THIS PART 2 MAY USE THE GRANT MONEY FOR ANY OF THE
26 FOLLOWING:

27 (a) EXPANDING THE NUMBER OF ADVANCED COURSES OFFERED IN

1 THE LOCAL EDUCATION PROVIDER, INCLUDING THE USE OF TECHNOLOGY
2 TO INCREASE THE NUMBER OF ADVANCED COURSES OFFERED;

3 (b) INCENTIVIZING TEACHERS TO TEACH ADVANCED COURSES,
4 INCLUDING TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT IN
5 AREAS RELATING TO ADVANCED COURSE INSTRUCTION;

6 (c) DEVELOPING ADVANCED COURSE CURRICULUM; OR

7 (d) EXPANDING PARENT AND STUDENT ENGAGEMENT WITH THE
8 LOCAL EDUCATION PROVIDER AS IT RELATES TO ADVANCED COURSE
9 AVAILABILITY AND ENROLLMENT AND STUDENT SUCCESS IN ADVANCED
10 COURSES.

11 (5) A LOCAL EDUCATION PROVIDER THAT IS AWARDED A GRANT
12 PURSUANT TO THIS PART 2 MAY NOT USE THE GRANT MONEY FOR THE
13 PURPOSE OF HIRING NEW TEACHERS.

14 (6) A LOCAL EDUCATION PROVIDER THAT RECEIVES AN AWARD
15 FROM THE GRANT PROGRAM MUST SUBMIT AN ANNUAL REPORT TO THE
16 DEPARTMENT THAT INCLUDES THE FOLLOWING INFORMATION:

17 (a) THE NUMBER OF STUDENTS ENROLLED IN ADVANCED COURSES;

18 (b) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN
19 ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER; AND

20 (c) DEMOGRAPHIC INFORMATION OF STUDENTS AUTOMATICALLY
21 ENROLLED IN ADVANCED COURSES, INCLUDING BUT NOT LIMITED TO AGE,
22 ETHNICITY, RACIAL, AND SOCIOECONOMIC INFORMATION.

23 **22-95.5-204. Department of education reporting requirements.**

24 IN ITS ANNUAL REPORT BEFORE THE HOUSE AND SENATE COMMITTEES OF
25 REFERENCE PURSUANT TO SECTION 2-7-203, THE DEPARTMENT SHALL
26 INCLUDE INFORMATION DESCRIBING THE GRANTS AWARDED THROUGH THE
27 GRANT PROGRAM DURING THE PRECEDING YEAR.

1 **SECTION 3.** In Colorado Revised Statutes, 22-95.5-101, **amend**
2 the introductory portion as follows:

3 **22-95.5-101. Definitions.** As used in this ~~article 95.5~~ PART 1,
4 unless the context otherwise requires:

5 **SECTION 4. Appropriation.** For the 2019-20 state fiscal year,
6 \$250,000 is appropriated to the department of education. This
7 appropriation is from the general fund and is based on an assumption that
8 the department will require an additional 0.3 FTE. To implement this act,
9 the department may use this appropriation for the automatic enrollment
10 in advanced courses grant program.

11 **SECTION 5. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2020 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.