

## CHAPTER 249

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 21-1234**

BY REPRESENTATIVE(S) Tipper and Bradfield, Larson, McLachlan, Young, Bacon, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Titone, Valdez D., Van Beber, Weissman, Woodrow, Garnett; also SENATOR(S) Moreno and Rankin, Bridges, Buckner, Coram, Danielson, Donovan, Fenberg, Fields, Ginal, Gonzales, Hansen, Hisey, Kirkmeyer, Lee, Lundeen, Pettersen, Priola, Rodriguez, Simpson, Smallwood, Sonnenberg, Story, Winter, Woodward, Zenzinger, Garcia.

**AN ACT**

**CONCERNING REDUCING STUDENT LEARNING LOSS THROUGH THE CREATION OF HIGH-IMPACT TUTORING PROGRAMS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** article 105 to title 22 as follows:

**ARTICLE 105**  
**Colorado High-impact Tutoring Program**

**22-105-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) SIGNIFICANT INTERRUPTIONS TO IN-PERSON LEARNING DUE TO THE COVID-19 PANDEMIC HAVE LED TO POTENTIALLY DEVASTATING AND LONG-LASTING NEGATIVE IMPACTS ON STUDENT ACHIEVEMENT, IMPACTING EVERY PART OF COLORADO SOCIETY;

(b) THESE NEGATIVE IMPACTS ON STUDENT ACHIEVEMENT ARE NOT EQUAL; STUDENTS FURTHEST FROM PRIVILEGE ARE AT RISK OF FALLING BEHIND THE MOST;

(c) RESEARCH SUGGESTS THAT WHILE ALL STUDENTS MAY FALL BEHIND AS MUCH AS SEVEN MONTHS BECAUSE OF INTERRUPTIONS TO IN-PERSON LEARNING DUE TO THE COVID-19 PANDEMIC, STUDENTS WHO IDENTIFY AS BLACK, LATINO, OR LOWER INCOME MAY FALL BEHIND AS MUCH AS TEN MONTHS, EXACERBATING ALREADY ENTRENCHED INEQUITIES;

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(d) RESPONDING TO LEARNING LOSS AND THE WIDENING OF OPPORTUNITY GAPS COULD BE THE GREATEST CHALLENGE OUR STATE FACES OVER THE NEXT FEW YEARS, AND THE STATE HAS AN URGENT AND IMMEDIATE NEED TO PROVIDE ADDITIONAL SUPPORT TO ENSURE STUDENTS ARE WELL PREPARED FOR THE FUTURE;

(e) WITH SCARCE RESOURCES, IT IS IMPERATIVE TO KNOW WHICH ACADEMIC INTERVENTIONS YIELD THE BEST RESULTS FOR STUDENTS SO THAT RESOURCES ARE DEPLOYED JUDICIOUSLY AND EFFECTIVELY;

(f) WHILE THERE ARE MANY INTERVENTIONS THAT HAVE A POSITIVE IMPACT ON STUDENT ACHIEVEMENT, ONE INTERVENTION, BACKED BY A STRONG BODY OF RESEARCH, HAS CONSISTENTLY BEEN SHOWN TO BE THE MOST EFFECTIVE IN EVERY GRADE, FROM KINDERGARTEN THROUGH TWELFTH GRADE;

(g) STUDIES HAVE CONSISTENTLY SHOWN, IN MULTIPLE DIVERSE SETTINGS, THAT "HIGH-IMPACT TUTORING", ALSO REFERRED TO AS "HIGH-DOSAGE TUTORING", HAS MADE SIGNIFICANT POSITIVE IMPACT ON STUDENTS FROM ALL BACKGROUNDS, BUT ESPECIALLY STUDENTS FURTHEST FROM OPPORTUNITY; AND

(h) WHEN SUCH TUTORING IS IMPLEMENTED, STUDENTS AVERAGE MORE THAN FOUR MONTHS OF ADDITIONAL LEARNING IN ELEMENTARY LITERACY, THEREBY STRENGTHENING VITAL EARLY READING AND WRITING SKILLS, AND ALMOST TEN MONTHS OF ADDITIONAL LEARNING IN HIGH SCHOOL MATH.

(2) THEREFORE, LOCAL EDUCATION PROVIDERS SHOULD BE INCENTIVIZED TO IMPLEMENT HIGH-IMPACT TUTORING AS ONE OF THE INTERVENTIONS SCHOOLS HAVE ACCESS TO AS THEY CREATE PLANS TO RECOVER FROM LEARNING LOSS OR UNFINISHED LEARNING THAT HAS TAKEN PLACE BECAUSE OF THE PANDEMIC.

**22-105-102. Definitions.** AS USED IN THIS ARTICLE 105, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

(2) "LOCAL EDUCATION PROVIDER" MEANS:

(a) A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22;

(b) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22;

(c) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22;

(d) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22;

(e) AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1); OR

(f) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND DESCRIBED IN SECTION

22-80-102.

(3) "PROGRAM" OR "HIGH-IMPACT TUTORING PROGRAM" MEANS THE COLORADO HIGH-IMPACT TUTORING PROGRAM CREATED IN SECTION 22-105-103.

(4) "PROGRAM PLAN" MEANS THE LOCAL EDUCATION PROVIDER'S PROGRAM PLAN SUBMITTED PURSUANT TO SECTION 22-105-104.

**22-105-103. Colorado high-impact tutoring program - created - rules.**

(1) THERE IS CREATED IN THE DEPARTMENT THE COLORADO HIGH-IMPACT TUTORING PROGRAM TO PROVIDE GRANTS TO LOCAL EDUCATION PROVIDERS TO IMPLEMENT HIGH-IMPACT TUTORING PROGRAMS PRIORITIZING LOW-INCOME OR UNDERSERVED STUDENTS TO ADDRESS STUDENT LEARNING LOSS OR UNFINISHED LEARNING RESULTING FROM THE COVID-19 PANDEMIC. A LOCAL EDUCATION PROVIDER OR GROUP OF PROVIDERS MAY APPLY FOR A GRANT.

(2)(a) A LOCAL EDUCATION PROVIDER AWARDED A GRANT SHALL USE THE GRANT MONEY TO IMPLEMENT A HIGH-IMPACT TUTORING PROGRAM THAT IS SUBSTANTIALLY CONSISTENT WITH THE LOCAL EDUCATION PROVIDER'S PROGRAM PLAN SUBMITTED TO THE DEPARTMENT PURSUANT TO SECTION 22-105-104. EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, AND TO THE EXTENT PRACTICABLE, TO RECEIVE A GRANT UNDER THIS PROGRAM, A LOCAL EDUCATION PROVIDER'S PROGRAM PLAN MUST ADDRESS THE FOLLOWING ELEMENTS OF RESEARCH-BASED, HIGH-QUALITY, HIGH-IMPACT TUTORING PROGRAMS:

(I) TUTORING IS PROVIDED IN GROUPS OF FOUR OR FEWER STUDENTS;

(II) THE SAME TUTOR TUTORS THE GROUP OF STUDENTS THROUGHOUT THE SCHOOL YEAR;

(III) TUTORING IS PROVIDED A MINIMUM OF THREE TIMES PER WEEK;

(IV) TUTORING IS IMPLEMENTED THROUGHOUT THE SCHOOL DAY, NOT AS A BEFORE- OR AFTER-SCHOOL PROGRAM, AND IS SUPPLEMENTAL TO CORE ACADEMIC INSTRUCTION AND NOT A REPLACEMENT FOR SUCH INSTRUCTION;

(V) HIGH-QUALITY TRAINED TUTORS PROVIDE THE TUTORING, INCLUDING TEACHERS, PARAPROFESSIONALS, COMMUNITY PROVIDERS, AMERICORPS MEMBERS, AND OTHER INDIVIDUALS WHO HAVE RECEIVED TRAINING;

(VI) THE PROGRAM USES A HIGH-QUALITY CURRICULUM THAT IS ALIGNED WITH ACADEMIC STANDARDS AND MAY BE PROVIDED BY THE LOCAL EDUCATION PROVIDER; AND

(VII) TUTORING IS DATA-DRIVEN, WITH INTERIM ASSESSMENTS TO MONITOR STUDENT PROGRESS.

(b) THE STUDENT BENEFITS ASSOCIATED WITH HIGH-IMPACT TUTORING ARE GREATER WHEN THE PROGRAM PLAN CONTAINS ALL OF THE ELEMENTS SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION. HOWEVER, IF A LOCAL EDUCATION PROVIDER'S PROGRAM PLAN IS NOT CONSISTENT WITH ALL OF THE ELEMENTS SET FORTH IN

SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL EDUCATION PROVIDER SHALL INCLUDE IN ITS APPLICATION SUBMITTED PURSUANT TO SECTION 22-105-104 THE REASON FOR THE MODIFICATION OR OMISSION OF PROGRAM ELEMENTS AND HOW THE LOCAL EDUCATION PROVIDER INTENDS TO ACHIEVE THE SAME DESIRED STUDENT OUTCOMES THROUGH ITS HIGH-IMPACT TUTORING PROGRAM.

(c) SCHOOLS IMPLEMENTING HIGH-IMPACT TUTORING ARE ENCOURAGED TO THINK CREATIVELY ABOUT SEAT TIME AND SCHEDULING SO THAT STUDENTS HAVE CONSISTENT ACCESS TO NON-CORE-ACADEMIC INSTRUCTION.

(3) (a) THE DEPARTMENT SHALL DETERMINE ALLOWABLE USES FOR GRANT MONEY, WHICH USES MAY INCLUDE BUT NEED NOT BE LIMITED TO HIRING OR CONTRACTING FOR TUTORS OR PROVIDING STIPENDS OR OTHER INCENTIVES TO PARAPROFESSIONALS, RETIRED TEACHERS, AMERICORPS MEMBERS, AND COMMUNITY ORGANIZATIONS TO ENSURE TUTORING CAPACITY; DEVELOPING CURRICULUM AND RELATED SUPPLIES; COVERING COSTS ASSOCIATED WITH RENTING OR PURCHASING PHYSICAL SPACE FOR TUTORING; AND COVERING ADMINISTRATIVE EXPENSES. A LOCAL EDUCATION PROVIDER MAY MAKE A REQUEST TO THE DEPARTMENT TO USE GRANT MONEY FOR PURPOSES OTHER THAN THOSE SPECIFIED BY THE DEPARTMENT IF THE PROPOSED USE OF THE GRANT MONEY INCREASES THE EFFECTIVENESS OF THE HIGH-IMPACT TUTORING PROGRAM.

(b) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO OFFER TUTORS AND OTHER PROFESSIONALS OFFERING TUTORING SERVICES INFORMATION ABOUT POTENTIAL PATHWAYS INTO THE TEACHING PROFESSION FOR THE DISTRICT, INCLUDING LEARN AND EARN STRATEGIES IN WHICH THE TUTOR WORKS TOWARD EDUCATOR CERTIFICATION WHILE PROVIDING HIGH-IMPACT TUTORING SERVICES.

(c) LOCAL EDUCATION PROVIDERS, TUTORS, AND OTHER PROFESSIONALS OFFERING TUTORING SERVICES SHALL COMPLY WITH ALL STATE AND FEDERAL LAWS RELATING TO HEALTH, SAFETY, AND ANTIDISCRIMINATION, INCLUDING BUT NOT LIMITED TO TITLES VI AND VII OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", PUB.L. 88-352, AS AMENDED; THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 1201 ET SEQ., AS AMENDED; SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 794, AS AMENDED; AND TITLE IX OF THE FEDERAL "EDUCATION AMENDMENTS OF 1972", 20 U.S.C. SECS. 1681 TO 1688, AS AMENDED.

(4) THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE PROGRAM IN ACCORDANCE WITH THIS ARTICLE 105. PURSUANT TO ARTICLE 4 OF TITLE 24, THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE PROGRAM.

**22-105-104. Program application - criteria - awards.** (1) TO RECEIVE A GRANT, A LOCAL EDUCATION PROVIDER SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN THE MANNER DETERMINED BY THE DEPARTMENT. THE LOCAL EDUCATION PROVIDER SHALL DEMONSTRATE NEED FOR SUPPORT THROUGH THE GRANT PROGRAM, AS DETERMINED BY THE DEPARTMENT, WHICH NEED MAY INCLUDE SERVING A HIGH PERCENTAGE OF LOW-INCOME OR UNDERSERVED STUDENTS, OR SERVING STUDENTS IN A RURAL SCHOOL DISTRICT THAT CANNOT IMPLEMENT A HIGH-IMPACT TUTORING PROGRAM WITHOUT FINANCIAL SUPPORT.

(2) A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS MAY APPLY JOINTLY FOR THE GRANT. AT A MINIMUM, AN APPLICATION MUST INCLUDE THE LOCAL EDUCATION PROVIDER'S HIGH-IMPACT TUTORING PROGRAM PLAN THAT INCLUDES THE FOLLOWING INFORMATION:

(a) HOW THE LOCAL EDUCATION PROVIDER'S PROGRAM PLAN ADDRESSES THE ELEMENTS OF A HIGH-IMPACT TUTORING PROGRAM AS DESCRIBED IN SECTION 22-105-103 AND HOW IT MODIFIES OR OMITTS ELEMENTS AND THE REASON FOR THE MODIFICATIONS OR OMISSIONS;

(b) HOW STUDENTS WILL BE IDENTIFIED FOR PARTICIPATION IN THE PROGRAM;

(c) HOW MANY STUDENTS ARE EXPECTED TO BE SERVED THROUGH THE PROGRAM;

(d) THE PROJECTED COST OF IMPLEMENTING THE PROGRAM;

(e) HOW STUDENT ACADEMIC PROGRESS AND OTHER PROGRAM OUTCOMES WILL BE MEASURED;

(f) WHETHER THE LOCAL EDUCATION PROVIDER WILL CREATE ITS OWN PROGRAM AND WHETHER IT WILL PARTNER WITH EXISTING TUTORING PROVIDERS FOR IMPLEMENTATION OR TUTOR CAPACITY AND TRAINING;

(g) WHICH ACADEMIC SUBJECTS WILL BE THE FOCUS OF THE PROGRAM;

(h) WHO THE LOCAL EDUCATION PROVIDER WILL RECRUIT TO BE TUTORS AND HOW THOSE TUTORS WILL BE RECRUITED AND SUPPORTED;

(i) HOW TUTORING WILL BE DELIVERED AND HOW THE DELIVERY WILL ACCOMMODATE REMOTE LEARNING;

(j) WHETHER TUTORS WILL FOLLOW A SPECIFIC CURRICULUM; AND

(k) HOW TUTORING WILL BE INCORPORATED INTO THE SCHOOL DAY.

(3) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION, AND THE COMMISSIONER OF EDUCATION SHALL AWARD GRANTS AFTER CONSIDERING THE ALIGNMENT OF THE LOCAL EDUCATION PROVIDER'S PROGRAM PLAN WITH THE ELEMENTS OF A HIGH-IMPACT TUTORING PROGRAM AS DESCRIBED IN SECTION 22-105-103 (2), THE NUMBER OF STUDENTS PROJECTED TO BE SERVED AND WHETHER THOSE STUDENTS ARE LOW-INCOME OR UNDERSERVED STUDENTS, THE NEEDS OF A RURAL LOCAL EDUCATION PROVIDER FOR FINANCIAL OR TECHNICAL SUPPORT TO IMPLEMENT A HIGH-IMPACT TUTORING PROGRAM, THE COST OF IMPLEMENTING THE LOCAL EDUCATION PROVIDER'S HIGH-IMPACT TUTORING PROGRAM, THE AMOUNT OF AVAILABLE MONEY FOR PROGRAM GRANTS, AND ANY OTHER CRITERIA DETERMINED BY THE COMMISSIONER. THE COMMISSIONER SHALL DETERMINE THE AMOUNT AND DURATION OF GRANTS. THE GOAL OF THE GRANT AWARDS IS TO SERVE AS MANY STUDENTS AS POSSIBLE THROUGH HIGH-IMPACT TUTORING PROGRAMS, INCLUDING LOW-INCOME AND UNDERSERVED STUDENTS AND STUDENTS IN RURAL AREAS, WHILE ENSURING THAT GRANT MONEY IS AWARDED TO HIGH-IMPACT TUTORING PROGRAMS THAT ARE LIKELY TO ACHIEVE POSITIVE

## STUDENT OUTCOMES.

(4) SUBJECT TO AVAILABLE MONEY TO AWARD PROGRAM GRANTS, THE DEPARTMENT SHALL AWARD AND DISTRIBUTE PROGRAM GRANTS AS PROVIDED IN THIS ARTICLE 105.

**22-105-105. Reporting requirements.** (1) ON OR BEFORE REPORTING DEADLINES ESTABLISHED BY THE DEPARTMENT, IN EACH YEAR IN WHICH A LOCAL EDUCATION PROVIDER OR GROUP OF PROVIDERS RECEIVES A GRANT PURSUANT TO THE PROGRAM, THE PROVIDER OR PROVIDERS SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT INCLUDES THE INFORMATION REQUIRED BY THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF STUDENTS WHO PARTICIPATED IN THE HIGH-IMPACT TUTORING PROGRAM AND NONIDENTIFYING INFORMATION, INCLUDING DEMOGRAPHIC INFORMATION, RELATING TO THOSE STUDENTS;

(b) ANY ADJUSTMENTS MADE TO THE LOCAL EDUCATION PROVIDER'S PROGRAM PLAN AND THE REASON ADJUSTMENTS WERE MADE;

(c) HOW THE LOCAL EDUCATION PROVIDER MAINTAINED CONSISTENT ACCESS FOR PARTICIPATING STUDENTS TO NON-CORE-ACADEMIC INSTRUCTION;

(d) HOW PROGRAM GRANTS WERE USED BY THE LOCAL EDUCATION PROVIDER AND A SUMMARY OF OTHER RESOURCES USED, IF ANY, TO PROVIDE HIGH-IMPACT TUTORING BEYOND THE RESOURCES PROVIDED THROUGH THE PROGRAM;

(e) THE ACADEMIC ACHIEVEMENT RESULTS OR OTHER CRITERIA USED TO PLACE STUDENTS IN THE HIGH-IMPACT TUTORING PROGRAM;

(f) THE IMPACT OR STUDENT OUTCOMES ASSOCIATED WITH THE LOCAL EDUCATION PROVIDER'S HIGH-IMPACT TUTORING PROGRAM; AND

(g) WHETHER THE LOCAL EDUCATION PROVIDER'S HIGH-IMPACT TUTORING PROGRAM WILL CONTINUE IN THE FOLLOWING FISCAL YEAR AND, IF NOT, THE REASON THE TUTORING PROGRAM WILL NOT CONTINUE.

(2) ON OR BEFORE NOVEMBER 1, 2022, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER THAT A HIGH-IMPACT TUTORING PROGRAM IS IMPLEMENTED PURSUANT TO THIS ARTICLE 105, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE PROGRAM, INCLUDING, AT A MINIMUM, THE GRANTS AWARDED, THE PARTICIPATING LOCAL EDUCATION PROVIDERS, THE DURATION OF THE PROGRAM, AND A SUMMARY OF THE INFORMATION PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION CONCERNING THE HIGH-IMPACT TUTORING PROGRAMS IMPLEMENTED BY THE LOCAL EDUCATION PROVIDERS AND OF AVAILABLE STUDENT OUTCOMES.

(3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE INDEFINITELY.

**22-105-106. Funding for grant program.** (1) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY TO FUND GRANTS FOR HIGH-IMPACT TUTORING PROGRAMS PURSUANT TO THIS ARTICLE 105.

(2) THE DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THE PROGRAM IF THERE IS INSUFFICIENT MONEY FOR PROGRAM GRANTS.

**22-105-107. Repeal of article.** THIS ARTICLE 105 IS REPEALED, EFFECTIVE JULY 1, 2026.

**SECTION 2. Appropriation.** For the 2021-22 state fiscal year, \$4,981,720 is appropriated to the department of education. This appropriation is from the general fund and is based on an assumption that the department will require an additional 1.1 FTE. To implement this act, the department may use this appropriation for the Colorado high-impact tutoring program.

**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, or safety.

Approved: June 16, 2021