

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0243.01 Julie Pelegrin x2700

HOUSE BILL 13-1211

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HOUSE SPONSORSHIP

Buckner and Navarro, Duran

SENATE SPONSORSHIP

(None),

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House Committees

Education  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ENGLISH LANGUAGE PROFICIENCY PROGRAMS IN PUBLIC  
102 SCHOOLS.

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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://www.leg.state.co.us/billsummaries.>)*

The bill repeals and reenacts the existing English Language Proficiency Act (ELPA). Under the existing ELPA, funding for a student with limited English proficiency is limited to 2 years, and funds are allocated to school districts, the state charter school institute, and facility schools based on students' levels of English proficiency.

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.*

The new ELPA uses the term "English language learner" (ELL) rather than "student with limited English proficiency" and uses the term "local education provider", which includes a school district, the state charter school institute, or a facility school. Under the new ELPA, the time for funding expands to 7 years, and each ELL is funded at the same level. The funding allocation is based on certification of the number of ELLs that a local education provider enrolls.

Each local education provider must:

- ! Use the ELPA moneys it receives only to pay for the English language proficiency program;
- ! Identify and assess ELLs;
- ! Report to the department of education (department) the number of ELLs, the number of non-English languages spoken by ELLs, and the number of ELLs who speak each language;
- ! Provide an English language proficiency program that meets specific requirements for each ELL;
- ! Submit to the department a budget for the ELPA moneys the local education provider receives;
- ! Report its use of ELPA moneys; and
- ! Provide assurances that the local education provider is complying with state and federal laws.

The department must:

- ! Identify the English language proficiency assessments that local education providers will use to identify ELLs, which may be the same assessments used under existing law;
- ! Annually review the statewide levels of proficiency on the statewide assessments for the ELLs who are required to take the statewide assessment;
- ! Identify accommodations that a local education provider must allow on statewide assessments;
- ! Monitor, based on the proficiency levels achieved by the local education provider's ELLs, all aspects of each local education provider's implementation of its English language proficiency program;
- ! Identify which students are appropriately counted as ELLs and appropriately allocate the ELPA moneys to local education providers;
- ! Disaggregate and report academic performance data for ELLs; and
- ! Review the ELPA budgets received from local education providers.

The state board of education (state board) is directed to adopt rules as necessary to implement the ELPA, but the existing rules remain in effect to the extent they continue to be appropriate. The state board may

adopt measures that are specific to the English language proficiency assessments, which measures the department must use to determine a local education provider's level of achievement in meeting the English language development and academic achievement goals for ELLs. In monitoring the local education providers' implementation of the new ELPA, the department cannot require the local education providers to submit data that they already submit under existing federal or state statutes or rules.

The bill allows the department to expend a percentage of the annual ELPA appropriation for administrative costs and allocates a percentage of the annual ELPA appropriation to fund the English language proficiency act excellence awards program. The department makes awards by identifying the local education providers that achieve the highest academic achievement with regard to ELLs and the greatest percentage of ELLs who successfully transition out of the English language proficiency program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** article 24 of title 22 as follows:

4 **ARTICLE 24**

5 **English Language Proficiency Act**

6 **22-24-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
7 BE CITED AS THE "ENGLISH LANGUAGE PROFICIENCY ACT".

8 **22-24-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
9 FINDS THAT:

10 (a) THERE IS A SUBSTANTIAL NUMBER OF STUDENTS IN COLORADO  
11 WHO ARE ENGLISH LANGUAGE LEARNERS;

12 (b) LOCAL EDUCATION PROVIDERS MUST PROVIDE  
13 EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR  
14 ENGLISH LANGUAGE LEARNERS TO ENABLE THEM TO DEVELOP AND  
15 ACQUIRE ENGLISH LANGUAGE PROFICIENCY WHILE THEY ALSO HAVE  
16 ACCESS TO AND SUPPORT FOR ACHIEVEMENT IN GRADE-LEVEL ACADEMIC

1       CONTENT;

2               (c) TO IMPROVE THE EDUCATIONAL AND CAREER OPPORTUNITIES  
3       FOR EVERY STUDENT IN COLORADO, THE STATE MUST ENSURE SUPPORT  
4       FOR LOCAL EDUCATION PROVIDERS TO ESTABLISH EVIDENCE-BASED  
5       ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

6               (d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE  
7       ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE  
8       DEVELOPMENT AND IN PROVIDING ACCESS AND SUPPORT FOR  
9       ACHIEVEMENT IN GRADE-LEVEL ACADEMIC CONTENT FOR ENGLISH  
10       LANGUAGE LEARNERS;

11              (e) THE STATE MUST DEVELOP AN EDUCATOR WORKFORCE THAT  
12       CAN SUPPORT THE EDUCATIONAL APPROACH AND GOALS OF LOCAL  
13       EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE  
14       LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT  
15       GRADUATION;

16              (f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO  
17       LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE  
18       LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT  
19       GRADUATION;

20              (g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF  
21       EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE  
22       THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11  
23       OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES  
24       MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE  
25       DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH  
26       LANGUAGE LEARNERS; AND

27              (h) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF

1 EDUCATION MUST RECOGNIZE LOCAL EDUCATION PROVIDERS WHO  
2 PROVIDE EFFECTIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS BY  
3 AWARDING GRANTS THROUGH A COMPETITIVE PROGRAM THAT IS  
4 SUPPORTED WITH ANNUAL APPROPRIATIONS.

5 **22-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
6 CONTEXT OTHERWISE REQUIRES:

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

8 (2) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND  
9 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF  
10 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE  
11 5 OF THIS TITLE.

12 (3) "ENGLISH LANGUAGE LEARNER" MEANS A STUDENT WHO IS  
13 LINGUISTICALLY DIVERSE AND WHO IS IDENTIFIED PURSUANT TO SECTION  
14 22-24-105 (3) (a) AS HAVING A LEVEL OF ENGLISH LANGUAGE  
15 PROFICIENCY THAT REQUIRES LANGUAGE SUPPORT TO ACHIEVE  
16 STANDARDS IN GRADE-LEVEL CONTENT IN ENGLISH.

17 (4) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A  
18 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS  
19 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH  
20 LANGUAGE LEARNER WHILE ALSO PROVIDING THE STUDENT ACCESS TO  
21 GRADE-LEVEL ACADEMIC CONTENT TO SUPPORT THE STUDENT'S ACADEMIC  
22 ACHIEVEMENT. AN ENGLISH LANGUAGE PROFICIENCY PROGRAM MUST  
23 INCLUDE THE REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (1).

24 (5) "EVIDENCE BASED" MEANS THE INSTRUCTION OR ITEM  
25 DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE  
26 THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED  
27 A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO

1 ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY,  
2 AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE  
3 LEARNERS.

4 (6) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS  
5 DEFINED IN SECTION 22-2-402 (1).

6 (7) "LOCAL EDUCATION PROVIDER" MEANS A DISTRICT, THE STATE  
7 CHARTER SCHOOL INSTITUTE, OR A FACILITY SCHOOL.

8 (8) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE  
9 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE  
10 30.5 OF THIS TITLE.

11 **22-24-104. English language proficiency program established**

12 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE  
13 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN  
14 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY  
15 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND  
16 GRADES ONE THROUGH TWELVE.

17 (2) (a) A STUDENT WHO IS IDENTIFIED FOR INCLUSION IN AN  
18 ENGLISH LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING  
19 PURSUANT TO THIS ARTICLE FOR UP TO A TOTAL OF SEVEN BUDGET YEARS  
20 REGARDLESS OF WHETHER THE STUDENT TRANSFERS ENROLLMENT AMONG  
21 LOCAL EDUCATION PROVIDERS DURING THE SEVEN YEARS. THE SEVEN  
22 BUDGET YEARS IN WHICH A STUDENT RECEIVES FUNDING PURSUANT TO  
23 THIS SECTION ARE NOT REQUIRED TO BE CONSECUTIVE IF A STUDENT EXITS  
24 AN ENGLISH LANGUAGE PROFICIENCY PROGRAM PURSUANT TO SECTION  
25 22-24-105 (1) (f) AND IS SUBSEQUENTLY RE-IDENTIFIED FOR INCLUSION IN  
26 AN ENGLISH LANGUAGE PROFICIENCY PROGRAM. A STUDENT IS NOT  
27 ELIGIBLE FOR FUNDING IN ANY SCHOOL YEAR IN WHICH THE STUDENT DOES

1 NOT RECEIVE EDUCATIONAL SERVICES THROUGH AN ENGLISH LANGUAGE  
2 PROFICIENCY PROGRAM. THE DEPARTMENT SHALL ALLOCATE STATE  
3 MONEYS PURSUANT TO THIS ARTICLE ON THE STUDENT'S BEHALF TO THE  
4 LOCAL EDUCATION PROVIDER THAT ENROLLS THE STUDENT.

5 (b) IF A STUDENT WAS IDENTIFIED FOR INCLUSION IN AN ENGLISH  
6 LANGUAGE PROFICIENCY PROGRAM BEFORE THE EFFECTIVE DATE OF THIS  
7 ARTICLE AND RECEIVED STATE FUNDING PURSUANT TO THIS ARTICLE AS IT  
8 EXISTED BEFORE THE EFFECTIVE DATE OF THIS ARTICLE, THE DEPARTMENT  
9 MUST INCLUDE THE BUDGET YEARS FOR WHICH THE STUDENT RECEIVED  
10 FUNDING BEFORE THE EFFECTIVE DATE OF THIS ARTICLE IN CALCULATING  
11 THE SEVEN-YEAR LIMIT ON FUNDING FOR THE STUDENT.

12 (3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
13 MONEYS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS ARTICLE  
14 AS FOLLOWS:

15 (a) THE DEPARTMENT MAY RETAIN AND EXPEND UP TO FIVE  
16 PERCENT OF THE MONEYS ANNUALLY APPROPRIATED TO OFFSET THE COSTS  
17 INCURRED IN ADMINISTERING THIS ARTICLE;

18 (b) THE DEPARTMENT, THROUGH THE ENGLISH LANGUAGE  
19 PROFICIENCY ACT COMPETITIVE GRANT PROGRAM CREATED IN SECTION  
20 22-24-107 SHALL AWARD FIVE PERCENT OF THE MONEYS ANNUALLY  
21 APPROPRIATED; AND

22 (c) THE DEPARTMENT SHALL ALLOCATE THE REMAINING NINETY  
23 PERCENT OF THE MONEYS ANNUALLY APPROPRIATED TO LOCAL  
24 EDUCATION PROVIDERS ON A PER-STUDENT BASIS USING THE NUMBER OF  
25 ENGLISH LANGUAGE LEARNERS CERTIFIED PURSUANT TO SECTION  
26 22-24-106, SUBJECT TO THE TIME LIMIT SPECIFIED IN SUBSECTION (2) OF  
27 THIS SECTION.

1           (4) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE THE  
2 ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE  
3 LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OPERATED BY THE  
4 LOCAL EDUCATION PROVIDER; EXCEPT THAT LOCAL EDUCATION  
5 PROVIDERS MAY COOPERATE IN CARRYING OUT THE PROVISIONS OF THIS  
6 ARTICLE.

7           (5) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION  
8 PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS  
9 ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE  
10 PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS  
11 ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF  
12 THESE PROGRAMS SHALL RECEIVE MONEYS PURSUANT TO THIS ARTICLE  
13 ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS  
14 ENROLLED IN THE PROGRAMS.

15           **22-24-105. Local education provider - powers and duties.**

16           (1) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH  
17 LANGUAGE PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE  
18 LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL  
19 EDUCATION PROVIDER. THE ENGLISH LANGUAGE PROFICIENCY PROGRAM  
20 MUST INCLUDE:

21           (a) AN EDUCATIONAL APPROACH THAT INCLUDES ACADEMIC  
22 GOALS FOR THE PROGRAM;

23           (b) A PROCESS TO IDENTIFY ENGLISH LANGUAGE LEARNERS THAT  
24 INCLUDES THE DEPARTMENT-APPROVED ASSESSMENT FOR IDENTIFICATION;

25           (c) ENGLISH-LANGUAGE ASSESSMENT AND CONTENT ASSESSMENT  
26 OF ENGLISH LANGUAGE LEARNERS;

27           (d) EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY



1 INSTRUCTIONAL PROGRAMS;

2 (e) A PROCESS BY WHICH AN ENGLISH LANGUAGE LEARNER, BASED  
3 ON A BODY OF EVIDENCE THAT MAY INCLUDE ASSESSMENTS AND OTHER  
4 EVIDENCE THAT DEMONSTRATES THE ENGLISH LANGUAGE LEARNER'S  
5 ACADEMIC PERFORMANCE, ACADEMIC GROWTH, ENGLISH LANGUAGE  
6 PROFICIENCY, AND ENGLISH LANGUAGE GROWTH, MAY EXIT THE PROGRAM  
7 AND A PROCESS BY WHICH A STUDENT WHO HAS EXITED THE PROGRAM  
8 MAY BE RE-IDENTIFIED AS AN ENGLISH LANGUAGE LEARNER;

9 (f) A PROCESS FOR PROGRAM EVALUATION, REVIEW, AND  
10 IMPROVEMENT.

11 (2) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT ANY  
12 MONEYS RECEIVED PURSUANT TO SECTION 22-24-104 (3) (c) ARE USED TO  
13 IMPLEMENT ONE OR MORE OF THE REQUIRED COMPONENTS OF THE  
14 ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE LOCAL EDUCATION  
15 PROVIDER ADMINISTERS.

16 (3) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTIONS (1) AND  
17 (2) OF THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL:

18 (a) IDENTIFY ENGLISH LEARNERS WHO ARE ENROLLED IN THE  
19 PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER USING THE  
20 STATE-APPROVED ASSESSMENT FOR ENGLISH LANGUAGE PROFICIENCY;

21 (b) ANNUALLY ASSESS THE ENGLISH LANGUAGE PROFICIENCY OF  
22 ENGLISH LANGUAGE LEARNERS USING THE ENGLISH LANGUAGE  
23 PROFICIENCY ASSESSMENT IDENTIFIED BY THE DEPARTMENT PURSUANT TO  
24 SECTION 22-24-106 (1) (a);

25 (c) ANNUALLY REPORT AND CERTIFY TO THE DEPARTMENT:

26 (I) THE NUMBER OF ENGLISH LANGUAGE LEARNERS ENROLLED IN  
27 THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER;

1 (II) THE NUMBER OF NON-ENGLISH LANGUAGES THAT ARE  
2 CERTIFIED AS ENGLISH LANGUAGE LEARNERS' PRIMARY LANGUAGES; AND

3 (III) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO SPEAK  
4 EACH NON-ENGLISH LANGUAGE AS THEIR PRIMARY LANGUAGE;

5 (d) FOR EACH BUDGET YEAR, SUBMIT TO THE DEPARTMENT A  
6 BUDGET SPECIFYING HOW THE LOCAL EDUCATION PROVIDER WILL USE THE  
7 MONEYS RECEIVED;

8 (e) AT THE END OF EACH BUDGET YEAR, SUBMIT TO THE  
9 DEPARTMENT AN EXPLANATION OF THE LOCAL EDUCATION PROVIDER'S  
10 EXPENDITURES IN PROVIDING THE ENGLISH LANGUAGE PROFICIENCY  
11 PROGRAM DURING THE BUDGET YEAR; AND

12 (f) ANNUALLY PROVIDE TO THE DEPARTMENT THE FOLLOWING  
13 ASSURANCES:

14 (I) THE LOCAL EDUCATION PROVIDER IS USING THE MONEYS  
15 RECEIVED PURSUANT TO SECTION 22-24-104 (3) (c) TO IMPLEMENT ONE OR  
16 MORE OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM COMPONENTS  
17 SPECIFIED IN SUBSECTION (1) OF THIS SECTION;

18 (II) THE LOCAL EDUCATION PROVIDER ADMINISTERS AN ENGLISH  
19 LANGUAGE PROFICIENCY PROGRAM THAT MEETS THE REQUIREMENTS  
20 SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO MEET THE LINGUISTIC  
21 AND ACADEMIC NEEDS OF THE ENGLISH LANGUAGE LEARNERS WHO ARE  
22 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER;  
23 AND

24 (III) THE ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE  
25 LOCAL EDUCATION PROVIDER OPERATES COMPLIES WITH THE APPLICABLE  
26 STATE AND FEDERAL LAWS.

27 **22-24-106. Department of education - powers - duties - state**

1 **board of education - rules.** (1) THE DEPARTMENT SHALL:

2 (a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS  
3 THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS  
4 WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY  
5 PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE PRIOR TO THE  
6 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;

7 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY  
8 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION  
9 22-7-1206 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED  
10 TO TAKE THE STATEWIDE ASSESSMENT;

11 (c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A  
12 LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN  
13 WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE  
14 ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING  
15 ASSESSMENTS PURSUANT TO SECTION 22-7-409 OR 22-7-1006;

16 (d) ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND  
17 ASSESSING ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING,  
18 IMPLEMENTING, AND EVALUATING ENGLISH LANGUAGE PROFICIENCY  
19 PROGRAMS;

20 (e) COMPREHENSIVELY MONITOR THE DEVELOPMENT,  
21 IMPLEMENTATION, AND EVALUATION OF EACH LOCAL EDUCATION  
22 PROVIDER'S ENGLISH LANGUAGE PROFICIENCY PROGRAM BASED ON THE  
23 PERFORMANCE OF THE ENGLISH LANGUAGE LEARNERS WHO ARE  
24 ENROLLED BY THE LOCAL EDUCATION PROVIDER. THE DEPARTMENT MUST  
25 MONITOR AT A MINIMUM:

26 (I) THE LOCAL EDUCATION PROVIDER'S EDUCATIONAL APPROACH,  
27 INCLUDING GOALS, OF EACH ENGLISH LANGUAGE PROFICIENCY PROGRAM;

1 (II) THE PROCESS THE LOCAL EDUCATION PROVIDER USES TO  
2 IDENTIFY ENGLISH LANGUAGE LEARNERS;

3 (III) EACH LOCAL EDUCATION PROVIDER'S ANNUAL ASSESSMENT  
4 OF ENGLISH LANGUAGE LEARNERS;

5 (IV) THE ENGLISH LANGUAGE PROFICIENCY PROGRAM TO ENSURE  
6 IT IS EVIDENCE-BASED;

7 (V) THE PROCESS THE LOCAL EDUCATION PROVIDER USES FOR  
8 EXITING STUDENTS FROM THE ENGLISH LANGUAGE PROFICIENCY PROGRAM  
9 AND REDESIGNATING STUDENTS FOR THE PROGRAM;

10 (VI) THE LOCAL EDUCATION PROVIDER'S EVALUATION, REVIEW,  
11 AND IMPROVEMENT OF ITS ENGLISH LANGUAGE PROFICIENCY PROGRAM;

12 (VII) THE VALIDITY OF THE LOCAL EDUCATION PROVIDER'S  
13 ASSURANCES REQUIRED IN SECTION 22-24-105 (3) (f); AND

14 (VIII) THE LOCAL EDUCATION PROVIDER'S EXPENDITURES OF  
15 MONEYS RECEIVED PURSUANT TO SECTION 22-24-104 (3) (c);

16 (f) IDENTIFY, BASED ON THE CERTIFICATIONS RECEIVED FROM  
17 LOCAL EDUCATION PROVIDERS, THE STUDENTS WHO ARE COUNTED AS  
18 ENGLISH LANGUAGE LEARNERS FOR PURPOSES OF CALCULATING EACH  
19 LOCAL EDUCATION PROVIDER'S ALLOCATION OF MONEYS PURSUANT TO  
20 SECTION 22-24-104 (3) (c);

21 (g) ANNUALLY ALLOCATE THE MONEYS APPROPRIATED FOR  
22 IMPLEMENTATION OF THIS ARTICLE, INCLUDING ALLOCATING THE MONEYS  
23 SPECIFIED IN SECTION 22-24-104 (3) (c) ON A PER-PUPIL BASIS, USING THE  
24 NUMBER OF ENGLISH LANGUAGE LEARNERS IDENTIFIED PURSUANT TO  
25 PARAGRAPH (e) OF THIS SUBSECTION (1) AND PARTICIPATING IN THE  
26 ENGLISH LANGUAGE PROFICIENCY PROGRAM;

27 (h) REVIEW THE BUDGETS RECEIVED FROM LOCAL EDUCATION

1 PROVIDERS PURSUANT TO SECTION 22-24-105 (3) (d);

2 (i) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE  
3 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006  
4 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC  
5 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS AS PROVIDED IN PART 5  
6 OF ARTICLE 11 OF THIS TITLE; AND

7 (j) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT  
8 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107.

9 (2) IN MONITORING EACH LOCAL EDUCATION PROVIDER'S ENGLISH  
10 LANGUAGE PROFICIENCY PROGRAM AND OTHERWISE IMPLEMENTING THE  
11 PROVISIONS OF THIS ARTICLE, THE DEPARTMENT SHALL NOT REQUIRE  
12 LOCAL EDUCATION PROVIDERS TO SUBMIT REPORTS OR OTHERWISE  
13 PROVIDE DATA THAT IS REQUIRED BY OR THAT THE DEPARTMENT  
14 COLLECTS UNDER OTHER STATE OR FEDERAL DATA COLLECTION OR  
15 REPORTING STATUTORY OR REGULATORY REQUIREMENTS.

16 (3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT  
17 THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND  
18 REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER SAID  
19 DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE  
20 TO BE APPROPRIATE, AND THE STATE BOARD SHALL PROMULGATE  
21 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE  
22 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO  
23 IMPLEMENT THIS ARTICLE. THE STATE BOARD BY RULE MAY IDENTIFY  
24 MEASURES THAT ARE SPECIFIC TO THE ENGLISH LANGUAGE PROFICIENCY  
25 ASSESSMENT, WHICH MEASURES THE DEPARTMENT MUST USE TO  
26 DETERMINE A LOCAL EDUCATION PROVIDER'S LEVEL OF ACHIEVEMENT IN  
27 MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC

1 ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS.

2 **22-24-107. English language proficiency act excellence award**

3 **program - rules.** (1) THERE IS CREATED IN THE DEPARTMENT THE  
4 ENGLISH LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM TO  
5 AWARD GRANTS TO LOCAL EDUCATION PROVIDERS THAT ACHIEVE THE  
6 HIGHEST ACADEMIC GROWTH AMONG ENGLISH LANGUAGE LEARNERS AND  
7 SUCCESSFULLY TRANSITION THE HIGHEST PERCENTAGES OF ENGLISH  
8 LANGUAGE LEARNERS OUT OF THE ENGLISH LANGUAGE PROFICIENCY  
9 PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE PROGRAM BY  
10 ANNUALLY IDENTIFYING, BASED ON RULES OF THE STATE BOARD, THE  
11 LOCAL EDUCATION PROVIDERS THAT QUALIFY FOR GRANTS AND  
12 DISTRIBUTING THE MONEYS DESCRIBED IN SECTION 22-24-104 (3) (b). THE  
13 STATE BOARD BY RULE SHALL SET THE GRANT AMOUNT BASED ON THE SIZE  
14 OF THE LOCAL EDUCATION PROVIDERS THAT QUALIFY FOR GRANTS AND  
15 THE CONCENTRATION OF ENGLISH LANGUAGE LEARNERS ENROLLED BY  
16 THE LOCAL EDUCATION PROVIDERS AS A PERCENTAGE OF THE TOTAL  
17 STUDENT ENROLLMENT. THE DEPARTMENT SHALL DISTRIBUTE THE  
18 MONEYS IN ACCORDANCE WITH THE RULES TO THE LOCAL EDUCATION  
19 PROVIDERS THAT QUALIFY FOR THE GRANTS.

20 (2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE  
21 THE CRITERIA OR MEASURES THAT THE DEPARTMENT APPLIES TO IDENTIFY  
22 THE LOCAL EDUCATION PROVIDERS THAT ACHIEVE THE HIGHEST  
23 ACADEMIC GROWTH AMONG ENGLISH LANGUAGE LEARNERS AND THAT  
24 SUCCESSFULLY TRANSITION THE HIGHEST PERCENTAGES OF ENGLISH  
25 LANGUAGE LEARNERS OUT OF THE ENGLISH LANGUAGE PROFICIENCY  
26 PROGRAM.

27 (3) (a) EACH LOCAL EDUCATION PROVIDER THAT RECEIVES A

1 GRANT PURSUANT TO THIS SECTION, AT THE CONCLUSION OF EACH SCHOOL  
2 YEAR FOR WHICH IT RECEIVES A GRANT, SHALL SUBMIT TO THE  
3 DEPARTMENT:

4 (I) A DATA ANALYSIS AND SUMMARY OF THE LOCAL EDUCATION  
5 PROVIDER'S ENGLISH LANGUAGE PROFICIENCY PROGRAM; AND

6 (II) A REPORT OF THE LOCAL EDUCATION PROVIDER'S USE OF THE  
7 GRANT MONEYS RECEIVED.

8 (b) THE DEPARTMENT SHALL MAKE THE INFORMATION RECEIVED  
9 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) AVAILABLE  
10 THROUGH THE DATA PORTAL OPERATED PURSUANT TO SECTION 22-11-502.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.