

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 12-0004.03 Julie Pelegrin x2700

HOUSE BILL 12-1238

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A BILL FOR AN ACT

101 **CONCERNING LITERACY EDUCATION FOR STUDENTS ENROLLED IN**
102 **KINDERGARTEN THROUGH THIRD GRADE, AND, IN CONNECTION**
103 **THEREWITH, CREATING THE "COLORADO EARLY LITERACY**
104 **ACT" AND MAKING AND REDUCING APPROPRIATIONS.**

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 "Colorado Basic Literacy Act", renaming it the "Colorado Early Literacy Act". Each school district,

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.

HOUSE
Am ended 2nd Reading
March 20, 2012

charter school, and board of cooperative services (local education provider) that enrolls students in kindergarten or first, second, or third grade (early grades) must provide instructional programs and support in reading to ensure that, by the time a student finishes third grade, the student's reading skills are high enough to enable the student to master the standards and expectations for fourth grade and beyond.

The state board of education (state board) will promulgate rules that establish the grade-level reading competency skill level and the minimum reading competency skill level for each of the early grades. The department of education (department) will assemble, with input from local education providers, a resource bank of approved reading assessments that local education providers will use to measure students' reading skills and diagnose students' reading skill deficiencies. The resource bank will also contain recommended instructional programming in reading that meets specified criteria and recommended professional development programs. The department must have the resource bank available by July 1, 2013, and will continue to review assessments, instructional programming, and professional development programs and add appropriate items to the resource bank.

Beginning with the 2013-14 school year, each local education provider will begin assessing students in each of the early grades and diagnosing students' specific reading skill deficiencies. If a student's reading skills are below grade level but above the minimum reading competency skill level for the student's grade level, the student has a reading deficiency. If a student's reading skills are below the minimum reading competency skill level, the student has a significant reading deficiency.

If a student has a reading deficiency or a significant reading deficiency, the student's teacher will notify the student's parent and invite the parent to participate with the teacher in creating a reading to ensure academic development plan (READ plan) for the student. For students who have a significant reading deficiency, the notice will also specify that, if the student still has a significant reading deficiency at the end of the school year, state law recommends that the student not advance to the next grade level, and the teacher and parent and potentially other personnel of the local education provider will decide whether the student will advance. In addition to the written notice, the teacher will meet with, or make 3 documented attempts to meet with, the parent. The teacher will create the student's READ plan as soon as possible, with input from the parent unless the parent does not attend the meeting.

A student's READ plan must include a description of the student's specific reading skill deficiencies, a discussion of the likely consequences to the student of not achieving reading competency, the specific intervention instruction the teacher will use to help the student progress, and the specific strategies the parent is encouraged to use at home to help

the student progress. The READ plan and documentation supporting the READ plan and the student's progress in implementing the plan will be included in the student's permanent academic record. The student's READ plan will include intervention instruction provided through the response to intervention framework. If the student is identified as having a disability, the local education provider will integrate into the student's individualized education program (IEP), as appropriate, the intervention instruction to address the student's reading issues. The state board may adopt rules to further clarify the use of READ plans for students with disabilities. The teacher will continue to implement and update the READ plan until the student achieves reading competency.

If, at the end of a school year, a student has a significant reading deficiency, the statute recommends that the student does not advance to the next grade level. The student's teacher will send the student's parent written notice that the teacher, the parent, and other personnel from the local education provider must meet to decide whether the student will advance. After sending the notice, the teacher will schedule, or make 3 documented attempts to schedule, the meeting. If the parent does not attend a meeting, the teacher and personnel from the local education provider will decide whether the student will advance.

If there is a meeting, the student's parent and teacher and personnel from the local education provider will decide, based on the student's body of evidence, whether the student will advance to the next grade level. The teacher and the other personnel will again explain the likely consequences to the student if he or she does not achieve reading competency. If the student is finishing third grade and the parent, teacher, and other personnel decide the student will advance to fourth grade even though the student has a significant reading deficiency, the decision is subject to approval by the superintendent of the school district, if the student is enrolled in a public school of a school district other than a charter school, or by the school principal, if the student is enrolled in a charter school or a school operated by a board of cooperative services. If the superintendent or principal does not approve the decision, the student will not advance to fourth grade. The local education provider will ensure that the parent and the superintendent or principal receive written notice of the decisions made concerning whether the student advances and that the written notice is included in the student's academic record. The local education provider will remove the notice from the student's academic record when the student achieves reading competency.

A student is not subject to a decision about whether to advance to the next grade level if the student enrolled in kindergarten before the 2013-14 school year; has an IEP and is eligible to take the alternative statewide assessment; is an English language learner, and the student's significant reading deficiency is due primarily to language; or has already been in the same grade for 2 years.

1 FINDS THAT:

2 (a) ALL STUDENTS CAN SUCCEED IN SCHOOL IF THEY HAVE THE
3 FOUNDATIONAL SKILLS NECESSARY FOR ACADEMIC SUCCESS. WHILE
4 FOUNDATIONAL SKILLS GO BEYOND ACADEMIC SKILLS TO INCLUDE SUCH
5 SKILLS AS SOCIAL COMPETENCE AND SELF-DISCIPLINE, THEY MUST ALSO
6 INCLUDE THE ABILITY TO READ, UNDERSTAND, INTERPRET, AND APPLY
7 INFORMATION.

8 (b) COLORADO HAS PRIORITIZED EARLY LEARNING THROUGH ITS
9 INVESTMENTS IN THE COLORADO PRESCHOOL PROGRAM, ESTABLISHED IN
10 1988, AND FULL-DAY KINDERGARTEN, AND THE GENERAL ASSEMBLY
11 RECOGNIZES THAT THESE INVESTMENTS CAN BEST BE LEVERAGED BY
12 ADOPTING POLICIES THAT SUPPORT A CONTINUUM OF LEARNING FROM
13 PRESCHOOL THROUGH THIRD GRADE AND BEYOND;

14 (c) IT IS MORE COST-EFFECTIVE TO INVEST IN EFFECTIVE EARLY
15 LITERACY EDUCATION RATHER THAN TO ABSORB COSTS FOR REMEDIATION
16 IN MIDDLE SCHOOL, HIGH SCHOOL, AND BEYOND;

17 (d) A COMPREHENSIVE APPROACH TO EARLY LITERACY EDUCATION
18 CAN IMPROVE STUDENT ACHIEVEMENT, REDUCE THE NEED FOR COSTLY
19 SPECIAL EDUCATION SERVICES, AND PRODUCE A BETTER EDUCATED, MORE
20 SKILLED, AND MORE COMPETITIVE WORKFORCE; ■

21 (e) AN IMPORTANT PARTNERSHIP BETWEEN A PARENT AND CHILD
22 BEGINS BEFORE THE CHILD ENTERS KINDERGARTEN, WHEN THE PARENT
23 HELPS THE CHILD DEVELOP RICH LINGUISTIC EXPERIENCES, INCLUDING
24 LISTENING COMPREHENSION AND SPEAKING, THAT HELP FORM THE
25 FOUNDATION FOR READING AND WRITING, WHICH ARE THE MAIN VEHICLES
26 FOR CONTENT ACQUISITION; AND

27 (f) THE GREATEST IMPACT FOR ENSURING STUDENT SUCCESS LIES

1 WITH THE TEACHER IN THE CLASSROOM, SO IT IS PARAMOUNT THAT
2 TEACHERS AND ADMINISTRATORS MUST RECEIVE THE RESOURCES THEY
3 NEED, INCLUDING VALID ASSESSMENTS, INSTRUCTIONAL PROGRAMMING
4 THAT IS PROVEN TO BE EFFECTIVE, AND TRAINING AND PROFESSIONAL
5 DEVELOPMENT PROGRAMS, TO EFFECTIVELY TEACH THE SCIENCE OF
6 READING, ASSESS STUDENTS' ACHIEVEMENT, AND ENABLE EACH STUDENT
7 TO ATTAIN READING COMPETENCY.

8 (2) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY THAT
9 EACH LOCAL EDUCATION PROVIDER THAT ENROLLS STUDENTS IN
10 KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE WILL WORK CLOSELY
11 WITH THE TEACHERS AND PARENTS OF THESE STUDENTS TO PROVIDE THE
12 STUDENTS THE INSTRUCTIONAL PROGRAMMING, INTERVENTION
13 INSTRUCTION, AND SUPPORT, IN SCHOOL AND AT HOME, NECESSARY TO
14 ENSURE THAT STUDENTS, BY THE COMPLETION OF THIRD GRADE, CAN
15 DEMONSTRATE A LEVEL OF COMPETENCY IN READING SKILLS THAT IS
16 NECESSARY TO SUPPORT THEM IN ACHIEVING THE ACADEMIC STANDARDS
17 AND EXPECTATIONS APPLICABLE TO THE FOURTH-GRADE CURRICULUM. IT
18 IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT, IF A STUDENT'S
19 READING SKILLS AT THE END OF KINDERGARTEN, FIRST, SECOND, OR THIRD
20 GRADE ARE BELOW THE MINIMUM LEVEL FOR READING COMPETENCY
21 ESTABLISHED BY THE STATE BOARD FOR THAT GRADE, THE STUDENT'S
22 PARENT AND TEACHER AND OTHER PERSONNEL FROM THE STUDENT'S
23 SCHOOL OR SCHOOL DISTRICT WILL DECIDE WHETHER THE STUDENT,
24 DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS LIKELY TO BE
25 ABLE TO MAINTAIN ACADEMIC PROGRESS IF THE STUDENT ADVANCES TO
26 THE NEXT GRADE LEVEL AND, THEREFORE, WHETHER THE STUDENT
27 SHOULD ADVANCE TO THE NEXT GRADE LEVEL.

1 **22-7-503. Definitions.** AS USED IN THIS PART 5, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "BODY OF EVIDENCE" MEANS A COLLECTION OF INFORMATION
4 ABOUT A STUDENT'S ACADEMIC PERFORMANCE WHICH, WHEN CONSIDERED
5 IN ITS ENTIRETY, DOCUMENTS THE LEVEL OF A STUDENT'S ACADEMIC
6 PERFORMANCE. A BODY OF EVIDENCE, AT A MINIMUM, SHALL INCLUDE
7 SCORES ON FORMATIVE OR INTERIM ASSESSMENTS AND WORK THAT A
8 STUDENT INDEPENDENTLY PRODUCES IN A CLASSROOM, INCLUDING BUT
9 NOT LIMITED TO THE SCHOOL READINESS ASSESSMENTS ADOPTED
10 PURSUANT TO SECTION 22-7-1004 (2) (a). A BODY OF EVIDENCE MAY
11 INCLUDE SCORES ON SUMMATIVE ASSESSMENTS IF A LOCAL EDUCATION
12 PROVIDER DECIDES THAT SUMMATIVE ASSESSMENTS ARE APPROPRIATE
13 AND USEFUL IN MEASURING STUDENTS' LITERACY SKILLS.

14 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
15 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

16 (3) "DISTRICT CHARTER SCHOOL" MEANS A CHARTER SCHOOL
17 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5
18 OF THIS TITLE.

19 (4) "INSTITUTE CHARTER SCHOOL" MEANS A CHARTER SCHOOL
20 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
21 PART 5 OF ARTICLE 30.5 OF THIS TITLE.

22 (5) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
23 BOARD OF COOPERATIVE SERVICES, A DISTRICT CHARTER SCHOOL, OR AN
24 INSTITUTE CHARTER SCHOOL.

25 (6) "MASTER SETTLEMENT AGREEMENT" MEANS THE MASTER
26 SETTLEMENT AGREEMENT, THE SMOKELESS TOBACCO MASTER
27 SETTLEMENT AGREEMENT, AND THE CONSENT DECREE APPROVED AND

1 ENTERED BY THE COURT IN THE CASE DENOMINATED *STATE OF COLORADO,*
2 *EX REL. GALE A. NORTON, ATTORNEY GENERAL V. R.J. REYNOLDS TOBACCO*
3 *CO.; AMERICAN TOBACCO CO., INC.; BROWN & WILLIAMSON TOBACCO*
4 *CORP.; LIGGETT & MYERS, INC.; LORILLARD TOBACCO CO., INC.; PHILIP*
5 *MORRIS, INC.; UNITED STATES TOBACCO CO.; B.A.T. INDUSTRIES, P.L.C.;*
6 *THE COUNCIL FOR TOBACCO RESEARCH--U.S.A., INC.; AND TOBACCO*
7 *INSTITUTE, INC.,* CASE No. 97 CV 3432, IN THE DISTRICT COURT FOR THE
8 CITY AND COUNTY OF DENVER.

9 (7) "PARENT" MEANS A STUDENT'S BIOLOGICAL OR ADOPTIVE
10 PARENT, FOSTER PARENT, OR LEGAL GUARDIAN.

11 (8) "READING COMPETENCY" MEANS A STUDENT CAN READ,
12 INTERPRET, AND COMPREHEND WRITTEN MATERIALS THAT ARE
13 APPROPRIATE TO THE STUDENT'S GRADE LEVEL.

14 (9) "READING DEFICIENCY" MEANS THAT A STUDENT
15 DEMONSTRATES READING COMPETENCY AT LEVELS THAT ARE ABOVE THE
16 MINIMUM SKILL LEVELS FOR READING COMPETENCY IN THE AREAS OF
17 PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING
18 FLUENCY, INCLUDING ORAL SKILLS, AND READING COMPREHENSION
19 ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION 22-7-510 FOR
20 THE STUDENT'S GRADE LEVEL BUT CANNOT DEMONSTRATE GRADE-LEVEL
21 READING COMPETENCY AT THE SKILL LEVELS IN THE AREAS OF PHONEMIC
22 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY,
23 INCLUDING ORAL SKILLS, AND READING COMPREHENSION ESTABLISHED BY
24 THE STATE BOARD PURSUANT TO SECTION 22-7-510 FOR THE STUDENT'S
25 GRADE LEVEL.

26 (10) "READING TO ENSURE ACADEMIC DEVELOPMENT PLAN" OR
27 "READ PLAN" MEANS AN INTERVENTION PLAN CREATED PURSUANT TO

1 SECTION 22-7-506 TO REMEDIATE A STUDENT'S READING DEFICIENCY OR
2 SIGNIFICANT READING DEFICIENCY.

3 [REDACTED]
4 (11) "RESPONSE TO INTERVENTION FRAMEWORK" MEANS A
5 SYSTEMIC PREVENTIVE APPROACH THAT ADDRESSES THE ACADEMIC AND
6 SOCIAL-EMOTIONAL NEEDS OF ALL STUDENTS AT THE UNIVERSAL,
7 TARGETED, AND INTENSIVE LEVELS. THROUGH THE RESPONSE TO
8 INTERVENTION FRAMEWORK, A TEACHER PROVIDES HIGH-QUALITY,
9 SCIENTIFICALLY BASED INSTRUCTION AND INTERVENTION THAT IS
10 MATCHED TO STUDENT NEEDS; USES A METHOD OF MONITORING PROGRESS
11 FREQUENTLY TO INFORM DECISIONS ABOUT INSTRUCTION AND GOALS; AND
12 APPLIES THE STUDENT'S RESPONSE DATA TO IMPORTANT EDUCATIONAL
13 DECISIONS.

14 (12) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, OTHER THAN
15 A JUNIOR COLLEGE DISTRICT, ORGANIZED AND EXISTING PURSUANT TO
16 LAW.

17 (13) "SCIENTIFICALLY BASED" MEANS THAT THE INSTRUCTION OR
18 ITEM DESCRIBED IS BASED ON RESEARCH THAT APPLIES RIGOROUS,
19 SYSTEMATIC, AND OBJECTIVE PROCEDURES TO OBTAIN VALID KNOWLEDGE
20 THAT IS RELEVANT TO READING DEVELOPMENT, READING INSTRUCTION,
21 AND READING DIFFICULTIES.

22 (14) "SIGNIFICANT READING DEFICIENCY" MEANS THAT A STUDENT
23 CANNOT DEMONSTRATE READING COMPETENCY AT THE MINIMUM SKILL
24 LEVELS FOR READING COMPETENCY IN THE AREAS OF PHONEMIC
25 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY,
26 INCLUDING ORAL SKILLS, AND READING COMPREHENSION ESTABLISHED BY
27 THE STATE BOARD PURSUANT TO SECTION 22-7-510 FOR THE STUDENT'S

1 **GRADE LEVEL.**

2 (15) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
3 CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE
4 CONSTITUTION.

5 (16) "TEACHER" MEANS THE EDUCATOR WHO IS THE MAIN
6 INSTRUCTOR FOR A CLASS OF STUDENTS OR AN EDUCATOR WHO PROVIDES
7 SPECIFIC LITERACY INSTRUCTION TO SELECTED STUDENTS.

8 **22-7-504. Early literacy education.** EACH LOCAL EDUCATION
9 PROVIDER THAT ENROLLS STUDENTS IN KINDERGARTEN OR FIRST, SECOND,
10 OR THIRD GRADE SHALL PROVIDE TO THE STUDENTS ENROLLED IN SAID
11 GRADES THE INSTRUCTIONAL PROGRAMMING AND SERVICES NECESSARY
12 TO ENSURE THAT STUDENTS, AS THEY PROGRESS THROUGH
13 KINDERGARTEN, FIRST, SECOND, AND THIRD GRADE, DEVELOP THE
14 NECESSARY READING SKILLS TO ENABLE THEM TO MASTER THE ACADEMIC
15 STANDARDS AND EXPECTATIONS APPLICABLE TO THE FOURTH-GRADE
16 CURRICULUM AND BEYOND.

17 **22-7-505. Reading competency - assessments - notice to**
18 **parents.** (1) (a) BEGINNING **NO LATER THAN** THE 2013-14 SCHOOL YEAR,
19 EACH LOCAL EDUCATION PROVIDER THAT ENROLLS STUDENTS IN
20 KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE SHALL ENSURE THAT
21 TEACHERS MEASURE EACH STUDENT'S READING COMPETENCY USING
22 MULTIPLE FORMATIVE AND INTERIM READING ASSESSMENTS THROUGHOUT
23 THE SCHOOL YEAR. A LOCAL EDUCATION PROVIDER MAY ALSO
24 ADMINISTER A SUMMATIVE ASSESSMENT TO MEASURE STUDENTS' READING
25 COMPETENCY AT THE CONCLUSION OF KINDERGARTEN, FIRST, AND SECOND
26 GRADES. EACH LOCAL EDUCATION PROVIDER SHALL SELECT **FROM THE LIST**
27 **OF APPROVED ASSESSMENTS ADOPTED BY RULE OF THE STATE BOARD**

1 PURSUANT TO SECTION 22-7-510(1) THOSE ASSESSMENTS IT SHALL USE TO
2 MEASURE A STUDENT'S READING COMPETENCY. A LOCAL EDUCATION
3 PROVIDER MAY CHOOSE TO USE OTHER READING ASSESSMENTS IN
4 ADDITION TO THE APPROVED ASSESSMENTS. ■

5 (b) IF A TEACHER FINDS, BASED ON A STUDENT'S SCORES ON THE
6 APPROVED READING ASSESSMENTS, THAT THE STUDENT MAY HAVE A
7 READING DEFICIENCY OR A SIGNIFICANT READING DEFICIENCY, THE
8 TEACHER SHALL ADMINISTER TO THE STUDENT ONE OR MORE DIAGNOSTIC
9 ASSESSMENTS TO DETERMINE THE STUDENT'S SPECIFIC READING SKILL
10 DEFICIENCIES. EACH LOCAL EDUCATION PROVIDER SHALL SELECT FROM
11 THE LIST OF APPROVED ASSESSMENTS ADOPTED BY RULE OF THE STATE
12 BOARD PURSUANT TO SECTION 22-7-510(1) THOSE ASSESSMENTS IT SHALL
13 USE TO DETERMINE A STUDENT'S SPECIFIC READING SKILL DEFICIENCIES. A
14 LOCAL EDUCATION PROVIDER MAY CHOOSE TO USE OTHER DIAGNOSTIC
15 READING ASSESSMENTS IN ADDITION TO THE APPROVED ASSESSMENTS. ■

16 (2) (a) UPON FINDING THAT A STUDENT HAS A READING
17 DEFICIENCY OR A SIGNIFICANT READING DEFICIENCY, THE LOCAL
18 EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES A
19 READ PLAN, AS DESCRIBED IN SECTION 22-7-506, AND THAT THE
20 STUDENT'S PARENT RECEIVES WRITTEN NOTICE THAT:

21 (I) THE STATE'S GOAL IS FOR ALL CHILDREN IN COLORADO TO
22 GRADUATE FROM HIGH SCHOOL HAVING ATTAINED SKILL LEVELS THAT
23 ADEQUATELY PREPARE THEM FOR POSTSECONDARY STUDIES OR FOR THE
24 WORKFORCE, AND RESEARCH DEMONSTRATES THAT ACHIEVING READING
25 COMPETENCY BY THIRD GRADE IS A CRITICAL MILESTONE IN ACHIEVING
26 THIS GOAL;

27 (II) THE STUDENT HAS A READING DEFICIENCY OR A SIGNIFICANT

1 READING DEFICIENCY, WHICHEVER IS APPLICABLE, AND THE NOTICE SHALL
2 DESCRIBE IN PLAIN LANGUAGE WHAT A READING DEFICIENCY IS OR WHAT
3 A SIGNIFICANT READING DEFICIENCY IS, WHICHEVER IS APPLICABLE, AND
4 THE BASIS FOR CONCLUDING THE STUDENT HAS A READING DEFICIENCY OR
5 A SIGNIFICANT READING DEFICIENCY, WHICHEVER IS APPLICABLE;

6 (III) IF THE STUDENT ENTERS FOURTH GRADE WITHOUT ACHIEVING
7 READING COMPETENCY, HE OR SHE IS SIGNIFICANTLY MORE LIKELY TO
8 FALL BEHIND IN ALL SUBJECT AREAS BEGINNING IN FOURTH GRADE AND
9 CONTINUING IN LATER GRADES. IF THE STUDENT'S READING SKILL
10 DEFICIENCIES ARE NOT REMEDIATED, IT IS LIKELY THAT THE STUDENT WILL
11 NOT HAVE THE SKILLS NECESSARY TO COMPLETE THE COURSE WORK
12 REQUIRED TO GRADUATE FROM HIGH SCHOOL.

13 (IV) READING SKILLS ARE CRITICAL TO SUCCESS IN SCHOOL.
14 UNDER STATE LAW, THE STUDENT QUALIFIES FOR AND THE LOCAL
15 EDUCATION PROVIDER IS REQUIRED TO PROVIDE TARGETED,
16 SCIENTIFICALLY BASED INTERVENTIONS TO REMEDIATE THE STUDENT'S
17 SPECIFIC, DIAGNOSED READING SKILL DEFICIENCIES, WHICH
18 INTERVENTIONS ARE DESIGNED TO ENABLE THE STUDENT TO ACHIEVE
19 READING COMPETENCY AND ATTAIN THE SKILLS NECESSARY TO ACHIEVE
20 THE STATE'S ACADEMIC ACHIEVEMENT GOALS;

21 (V) THE STUDENT'S TEACHER WILL CREATE A READ PLAN FOR THE
22 STUDENT THAT INCLUDES TARGETED, SCIENTIFICALLY BASED
23 INTERVENTION INSTRUCTION TO ADDRESS AND REMEDIATE THE STUDENT'S
24 SPECIFIC, DIAGNOSED READING SKILL DEFICIENCIES; AND

25 (VI) THE PARENT PLAYS AN IMPORTANT ROLE IN SUPPORTING THE
26 STUDENT'S EFFORTS TO ACHIEVE READING COMPETENCY, THE PARENT IS
27 STRONGLY ENCOURAGED TO WORK WITH THE STUDENT'S TEACHER IN

1 CREATING THE READ PLAN, AND THE READ PLAN WILL INCLUDE
2 STRATEGIES THE PARENT IS ENCOURAGED TO USE AT HOME TO SUPPORT
3 THE STUDENT'S READING SUCCESS.

4 (b) IF THE NOTICE DESCRIBED IN PARAGRAPH (a) OF THIS
5 SUBSECTION (2) APPLIES TO A STUDENT WHO IS IDENTIFIED AS HAVING A
6 SIGNIFICANT READING DEFICIENCY, THE NOTICE SHALL ALSO STATE THAT,
7 IF THE STUDENT'S READING SKILLS AT THE END OF THE SCHOOL YEAR ARE
8 BELOW THE MINIMUM LEVEL FOR READING COMPETENCY ESTABLISHED BY
9 THE STATE BOARD FOR THE STUDENT'S GRADE LEVEL, STATE LAW
10 RECOMMENDS THAT THE STUDENT ADVANCE TO THE NEXT GRADE LEVEL
11 ONLY IF THE STUDENT, DESPITE THE SIGNIFICANT READING DEFICIENCY, IS
12 LIKELY TO BE ABLE TO MAINTAIN ACADEMIC PROGRESS AT THE NEXT
13 GRADE LEVEL, AND THE PARENT AND THE LOCAL EDUCATION PROVIDER
14 SHALL TOGETHER DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE
15 NEXT GRADE LEVEL.

16 (c) IN ADDITION TO THE INFORMATION SPECIFIED IN PARAGRAPHS
17 (a) AND (b) OF THIS SUBSECTION (2), THE LOCAL EDUCATION PROVIDER IS
18 ENCOURAGED TO INCLUDE INFORMATION CONCERNING RESOURCES THAT
19 ARE AVAILABLE THROUGH THE LOCAL EDUCATION PROVIDER OR THROUGH
20 OTHER ENTITIES WITHIN THE COMMUNITY THAT MAY SUPPORT THE
21 STUDENT IN ACHIEVING READING COMPETENCY.

22 (d) IN ADDITION TO THE WRITTEN NOTICE DESCRIBED IN
23 PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2), THE STUDENT'S
24 TEACHER SHALL MEET WITH, OR MAKE TWO DOCUMENTED ATTEMPTS TO
25 MEET WITH, THE STUDENT'S PARENT TO DISCUSS THE CONTENTS OF THE
26 WRITTEN NOTICE AND CREATE THE STUDENT'S READ PLAN. IF THE PARENT
27 DOES NOT PARTICIPATE IN CREATING THE READ PLAN, THE TEACHER

1 SHALL CREATE THE READ PLAN AS PROVIDED IN SECTION 22-7-506, AND
2 THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE PARENT
3 RECEIVES A COPY OF THE READ PLAN WITH A CLEAR, WRITTEN
4 EXPLANATION OF THE STRATEGIES THAT THE PARENT IS ENCOURAGED TO
5 APPLY IN ASSISTING THE STUDENT IN ACHIEVING READING COMPETENCY.

6 (e) THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE
7 PARENT OF EACH STUDENT WHO HAS A READ PLAN RECEIVES ONGOING,
8 REGULAR UPDATES FROM THE STUDENT'S TEACHER, WHICH MAY OCCUR
9 THROUGH EXISTING METHODS OF COMMUNICATION, CONCERNING THE
10 RESULTS OF THE INTERVENTION INSTRUCTION DESCRIBED IN THE PLAN AND
11 THE STUDENT'S PROGRESS IN ACHIEVING READING COMPETENCY. THE
12 STUDENT'S TEACHER IS ENCOURAGED TO COMMUNICATE WITH THE PARENT
13 CONCERNING THE PARENT'S PROGRESS IN IMPLEMENTING THE HOME
14 READING STRATEGIES IDENTIFIED IN THE STUDENT'S READ PLAN.

15 **22-7-506. Reading to ensure academic development plan -**
16 **contents - implementation.** (1) (a) A TEACHER, AND OTHER SKILLED
17 SCHOOL PROFESSIONALS THAT THE LOCAL EDUCATION PROVIDER MAY
18 CHOOSE TO SELECT, SHALL CREATE A READ PLAN FOR EACH STUDENT
19 WHO HAS A READING DEFICIENCY OR A SIGNIFICANT READING DEFICIENCY.
20 THE TEACHER AND ANY OTHER PERSONNEL SHALL CREATE THE PLAN IN
21 COLLABORATION WITH THE STUDENT'S PARENT, IF POSSIBLE, AND AS SOON
22 AS POSSIBLE AFTER THE STUDENT'S READING DEFICIENCY OR SIGNIFICANT
23 READING DEFICIENCY IS IDENTIFIED. THE STUDENT, THE STUDENT'S
24 TEACHER, AND THE STUDENT'S PARENT SHALL CONTINUE IMPLEMENTING
25 THE STUDENT'S READ PLAN UNTIL THE STUDENT DEMONSTRATES
26 READING COMPETENCY. THE STUDENT'S TEACHER SHALL REVIEW THE
27 STUDENT'S READ PLAN AT LEAST ANNUALLY AND UPDATE OR REVISE THE

1 READ PLAN AS APPROPRIATE TO FACILITATE THE STUDENT'S PROGRESS IN
2 DEMONSTRATING READING COMPETENCY.

3 (b) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A
4 STUDENT'S CURRENT READ PLAN, ANY EARLIER VERSIONS OF THE READ
5 PLAN, AND ANY SUPPORTING DOCUMENTATION FOR THE PLAN AND THE
6 BODY OF EVIDENCE THAT DEMONSTRATES A STUDENT'S PROGRESS IN
7 IMPLEMENTING THE PLAN ARE INCLUDED IN THE STUDENT'S PERMANENT
8 ACADEMIC RECORD AND ARE TRANSFERRED IF THE STUDENT
9 SUBSEQUENTLY ENROLLS IN ANOTHER SCHOOL.

10 (c) IF A STUDENT IS IDENTIFIED AS HAVING A READING DEFICIENCY
11 OR A SIGNIFICANT READING DEFICIENCY, THE STUDENT'S READ PLAN
12 SHALL INCLUDE THE INTERVENTION INSTRUCTION THAT THE LOCAL
13 EDUCATION PROVIDER PROVIDES THROUGH THE RESPONSE TO
14 INTERVENTION FRAMEWORK.

15 (d) NOTWITHSTANDING ANY PROVISION OF THIS PART 5 TO THE
16 CONTRARY, IF A STUDENT IS IDENTIFIED AS HAVING A DISABILITY THAT
17 IMPACTS THE STUDENT'S PROGRESS IN DEVELOPING READING SKILLS, THE
18 LOCAL EDUCATION PROVIDER SHALL, AS APPROPRIATE, INTEGRATE INTO
19 THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM CREATED
20 PURSUANT TO SECTION 22-20-108 INTERVENTION INSTRUCTION AND
21 STRATEGIES TO ADDRESS THE STUDENT'S READING ISSUES IN LIEU OF A
22 READ PLAN.

23 (2) EACH READ PLAN SHALL INCLUDE, AT A MINIMUM:

24 (a) THE STUDENT'S SPECIFIC, DIAGNOSED READING SKILL
25 DEFICIENCIES THAT NEED TO BE REMEDIATED IN ORDER FOR THE STUDENT
26 TO ATTAIN READING COMPETENCY;

27 (b) THE GOALS AND BENCHMARKS FOR THE STUDENT'S GROWTH IN

1 ATTAINING READING COMPETENCY;

2 (c) THE AMOUNT OF ADDITIONAL INSTRUCTION TIME THE STUDENT
3 WILL RECEIVE IN READING;

4 (d) THE SCIENTIFICALLY BASED READING INSTRUCTIONAL
5 PROGRAMMING THE TEACHER WILL USE TO PROVIDE TO THE STUDENT
6 DAILY READING APPROACHES, STRATEGIES, INTERVENTIONS, AND
7 INSTRUCTION, WHICH PROGRAMS THE LOCAL EDUCATION PROVIDER MAY
8 CHOOSE TO SELECT FROM AMONG THOSE INCLUDED ON THE ADVISORY LIST
9 PREPARED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-510;

10 (e) THE MANNER IN WHICH THE LOCAL EDUCATION PROVIDER WILL
11 MONITOR AND EVALUATE THE STUDENT'S PROGRESS;

12 (f) THE STRATEGIES THE STUDENT'S PARENT IS ENCOURAGED TO
13 USE IN ASSISTING THE STUDENT TO ACHIEVE READING COMPETENCY; AND

14 (g) ANY ADDITIONAL SERVICES THE TEACHER DEEMS AVAILABLE
15 AND APPROPRIATE TO ACCELERATE THE STUDENT'S READING SKILL
16 DEVELOPMENT.

17 (3) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A
18 TEACHER CONTINUES TO REVISE AND IMPLEMENT A STUDENT'S READ
19 PLAN UNTIL THE STUDENT ATTAINS READING COMPETENCY, REGARDLESS
20 OF THE STUDENT'S GRADE LEVEL AND REGARDLESS OF WHETHER THE
21 STUDENT WAS ENROLLED WITH THE LOCAL EDUCATION PROVIDER WHEN
22 THE READ PLAN WAS ORIGINALLY CREATED OR THE STUDENT
23 TRANSFERRED ENROLLMENT TO THE LOCAL EDUCATION PROVIDER AFTER
24 THE READ PLAN WAS CREATED.

25 (4) THE LOCAL EDUCATION PROVIDER SHALL PROVIDE TO THE
26 STUDENT'S PARENT A COPY OF THE STUDENT'S READ PLAN WITH A
27 WRITTEN EXPLANATION OF THE SCIENTIFICALLY BASED READING

1 INSTRUCTIONAL PROGRAMMING AND OTHER READING-RELATED SERVICES
2 THE STUDENT WILL RECEIVE AND THE STRATEGIES THE STUDENT'S PARENT
3 IS ENCOURAGED TO USE IN ASSISTING THE STUDENT TO ACHIEVE READING
4 COMPETENCY. AT THE PARENT'S REQUEST, THE LOCAL EDUCATION
5 PROVIDER SHALL ALSO PROVIDE TO THE PARENT A VERBAL EXPLANATION
6 OF THE ELEMENTS OF THE READ PLAN.

7 **22-7-507. Advancement - decision - additional services.** (1) IF,
8 WITHIN FORTY-FIVE DAYS BEFORE THE END OF ANY SCHOOL YEAR PRIOR
9 TO A STUDENT'S FOURTH-GRADE YEAR, A TEACHER FINDS THAT A STUDENT
10 HAS A SIGNIFICANT READING DEFICIENCY, THE TEACHER SHALL PROVIDE
11 TO THE STUDENT'S PARENT THE WRITTEN NOTICE DESCRIBED IN
12 SUBSECTION (2) OF THIS SECTION; EXCEPT THAT THE PROVISIONS OF THIS
13 SECTION SHALL NOT APPLY IF:

14 (a) THE STUDENT ENROLLED IN KINDERGARTEN BEFORE THE
15 2013-14 SCHOOL YEAR;

16 (b) THE STUDENT IS A STUDENT WITH A DISABILITY WHO IS
17 ELIGIBLE TO TAKE THE ALTERNATIVE STATEWIDE ASSESSMENT, OR THE
18 STUDENT IS IDENTIFIED AS HAVING A DISABILITY THAT SUBSTANTIALLY
19 IMPACTS THE STUDENT'S PROGRESS IN DEVELOPING READING SKILLS,
20 RESULTING IN THE STUDENT'S SIGNIFICANT READING DEFICIENCY;

21 (c) THE STUDENT IS A STUDENT WITH LIMITED ENGLISH
22 PROFICIENCY, AS DEFINED IN SECTION 22-24-103, AND THE STUDENT'S
23 SIGNIFICANT READING DEFICIENCY IS DUE PRIMARILY TO THE STUDENT'S
24 LANGUAGE SKILLS; OR

25 (d) THE STUDENT IS COMPLETING THE SECOND SCHOOL YEAR AT
26 THE SAME GRADE LEVEL.

27 (2) THE WRITTEN NOTICE THAT A TEACHER PROVIDES TO A PARENT

1 PURSUANT TO SUBSECTION (1) OF THIS SECTION AT A MINIMUM SHALL
2 STATE THAT:

3 (a) STATE LAW RECOMMENDS THAT THE STUDENT ADVANCE TO
4 THE NEXT GRADE LEVEL ONLY IF THE STUDENT, DESPITE THE SIGNIFICANT
5 READING DEFICIENCY, IS LIKELY TO BE ABLE TO MAINTAIN ACADEMIC
6 PROGRESS AT THE NEXT GRADE LEVEL;

7 (b) THE TEACHER, THE STUDENT'S PARENT, AND ANY OTHER
8 PERSONNEL SELECTED BY THE LOCAL EDUCATION PROVIDER, ARE
9 REQUIRED BY STATE LAW TO MEET AND JOINTLY DETERMINE, BASED ON
10 THE STUDENT'S BODY OF EVIDENCE, WHETHER THE STUDENT WILL
11 ADVANCE TO THE NEXT GRADE LEVEL IN THE NEXT SCHOOL YEAR;

12 (c) PERSONNEL FROM THE STUDENT'S SCHOOL WILL WORK WITH
13 THE PARENT TO SCHEDULE A DATE, TIME, AND PLACE FOR THE MEETING;
14 AND

15 (d) IF THE PARENT DOES NOT ATTEND THE MEETING, THE TEACHER
16 AND PERSONNEL OF THE LOCAL EDUCATION PROVIDER WILL DECIDE
17 WHETHER THE STUDENT WILL PROGRESS TO THE NEXT GRADE LEVEL IN THE
18 NEXT SCHOOL YEAR.

19 (3) (a) AFTER SENDING THE WRITTEN NOTICE, PERSONNEL FROM
20 THE STUDENT'S SCHOOL SHALL CONTACT THE PARENT TO SCHEDULE THE
21 MEETING TO DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE NEXT
22 GRADE LEVEL. IF, AFTER MAKING THREE DOCUMENTED ATTEMPTS TO
23 SCHEDULE THE MEETING WITH THE PARENT, PERSONNEL FROM THE
24 STUDENT'S SCHOOL ARE UNABLE TO SCHEDULE THE MEETING, OR IF THE
25 PARENT DOES NOT ATTEND THE SCHEDULED MEETING, THE TEACHER AND
26 PERSONNEL SELECTED BY THE LOCAL EDUCATION PROVIDER SHALL
27 DECIDE, BASED ON THE STUDENT'S BODY OF EVIDENCE, WHETHER THE

1 STUDENT WILL ADVANCE TO THE NEXT GRADE LEVEL FOR THE NEXT
2 SCHOOL YEAR.

3 (b) AT THE MEETING REQUIRED BY THIS SECTION, THE TEACHER
4 AND ANY OTHER PERSONNEL SELECTED BY THE LOCAL EDUCATION
5 PROVIDER SHALL:

6 (I) EXPLAIN TO THE PARENT THAT, DUE TO THE STUDENT'S
7 SIGNIFICANT READING DEFICIENCY, STATE LAW RECOMMENDS THAT THE
8 STUDENT ADVANCE TO THE NEXT GRADE LEVEL ONLY IF THE STUDENT,
9 DESPITE THE SIGNIFICANT READING DEFICIENCY, IS LIKELY TO BE ABLE TO
10 MAINTAIN ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL; AND

11 (II) DISCUSS THE IMPORTANCE OF ACHIEVING READING
12 COMPETENCY BY THE END OF THIRD GRADE, BECAUSE STUDENTS WHO
13 ACHIEVE READING COMPETENCY BY THE END OF THIRD GRADE ARE MORE
14 LIKELY TO GRADUATE FROM HIGH SCHOOL AND ATTAIN A POSTSECONDARY
15 CREDENTIAL.

16 (c) AFTER DISCUSSING THE STUDENT'S BODY OF EVIDENCE, THE
17 LIKELIHOOD THAT THE STUDENT, DESPITE THE SIGNIFICANT READING
18 DEFICIENCY, WILL BE ABLE TO MAINTAIN ACADEMIC PROGRESS AT THE
19 NEXT GRADE LEVEL, THE INCREASED LEVEL OF INTERVENTION
20 INSTRUCTION THE STUDENT WILL RECEIVE IF HE OR SHE DOES NOT
21 ADVANCE TO THE NEXT GRADE LEVEL, AND THE POTENTIAL EFFECTS ON
22 THE STUDENT IF HE OR SHE DOES NOT ADVANCE TO THE NEXT GRADE
23 LEVEL, THE TEACHER, THE PARENT, AND THE OTHER PERSONNEL SHALL
24 DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE
25 LEVEL.

26 (d) AS SOON AS POSSIBLE AFTER THE DECISION IS MADE PURSUANT
27 TO PARAGRAPH (a) OF THIS SUBSECTION (3) OR THE MEETING IS HELD

1 PURSUANT TO PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (3), THE
2 TEACHER OR THE PERSONNEL SELECTED BY THE LOCAL EDUCATION
3 PROVIDER SHALL PROVIDE TO THE PARENT WRITTEN NOTICE AS TO
4 WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE LEVEL IN THE
5 NEXT SCHOOL YEAR AND THE BASIS FOR THE DECISION. THE TEACHER OR
6 PERSONNEL SHALL ALSO PROVIDE A COPY OF THE WRITTEN NOTICE TO THE
7 SCHOOL DISTRICT SUPERINTENDENT, IF THE STUDENT IS ENROLLED IN A
8 PUBLIC SCHOOL OF A SCHOOL DISTRICT THAT IS NOT A CHARTER SCHOOL,
9 OR TO THE SCHOOL PRINCIPAL, IF THE STUDENT IS ENROLLED IN A DISTRICT
10 CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR A PUBLIC SCHOOL
11 OPERATED BY A BOARD OF COOPERATIVE SERVICES. THE LOCAL
12 EDUCATION PROVIDER SHALL INCLUDE THE WRITTEN NOTICE IN THE
13 STUDENT'S PERMANENT ACADEMIC RECORD AND SHALL REMOVE THE
14 WRITTEN NOTICE FROM THE STUDENT'S PERMANENT ACADEMIC RECORD
15 WHEN THE STUDENT ACHIEVES READING COMPETENCY.

16 (4) IF A STUDENT IS COMPLETING THIRD GRADE AND, AT THE
17 MEETING REQUIRED BY THIS SECTION, THE STUDENT'S TEACHER AND
18 PARENT AND ANY OTHER PERSONNEL AT THE MEETING DECIDE THAT THE
19 STUDENT WILL ADVANCE TO FOURTH GRADE EVEN THOUGH THE STUDENT
20 HAS A SIGNIFICANT READING DEFICIENCY, THE DECISION TO ADVANCE THE
21 STUDENT IS SUBJECT TO APPROVAL OF THE SCHOOL DISTRICT
22 SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, IF THE STUDENT
23 IS ENROLLED IN A PUBLIC SCHOOL OF A SCHOOL DISTRICT THAT IS NOT A
24 CHARTER SCHOOL, OR SUBJECT TO APPROVAL OF THE SCHOOL PRINCIPAL,
25 IF THE STUDENT IS ENROLLED IN A DISTRICT CHARTER SCHOOL, AN
26 INSTITUTE CHARTER SCHOOL, OR A PUBLIC SCHOOL OPERATED BY A BOARD
27 OF COOPERATIVE SERVICES. IF THE SUPERINTENDENT, OR HIS OR HER

1 DESIGNEE, OR THE PRINCIPAL, WHICHEVER IS APPLICABLE, DOES NOT
2 APPROVE THE DECISION TO ADVANCE THE STUDENT, THE STUDENT SHALL
3 NOT ADVANCE TO FOURTH GRADE IN THE NEXT SCHOOL YEAR. AS SOON AS
4 POSSIBLE, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE WRITTEN
5 NOTICE TO THE PARENT CONCERNING THE DECISION OF THE
6 SUPERINTENDENT OR DESIGNEE OR THE PRINCIPAL AND THE BASIS FOR THE
7 DECISION. THE LOCAL EDUCATION PROVIDER SHALL INCLUDE THE WRITTEN
8 NOTICE IN THE STUDENT'S PERMANENT ACADEMIC RECORD AND SHALL
9 REMOVE THE WRITTEN NOTICE FROM THE STUDENT'S PERMANENT
10 ACADEMIC RECORD WHEN THE STUDENT ACHIEVES READING COMPETENCY.

11 (5) IF A STUDENT DOES NOT ADVANCE BASED ON A DECISION MADE
12 PURSUANT TO THIS SECTION:

13 (a) THE STUDENT'S TEACHER SHALL REVISE THE STUDENT'S READ
14 PLAN TO INCLUDE ADDITIONAL, MORE RIGOROUS STRATEGIES AND
15 INTERVENTION INSTRUCTION TO ASSIST THE STUDENT TO ATTAIN READING
16 COMPETENCY, INCLUDING INCREASED DAILY TIME IN SCHOOL FOR READING
17 INSTRUCTION;

18 (b) THE PRINCIPAL OF THE SCHOOL IN WHICH THE STUDENT IS
19 ENROLLED SHALL ENSURE THAT THE STUDENT RECEIVES READING
20 INSTRUCTION IN CONJUNCTION WITH AND SUPPORTED THROUGH THE
21 OTHER SUBJECTS IN WHICH THE STUDENT RECEIVES INSTRUCTION DURING
22 THE SCHOOL DAY; ■

23 (c) IF PRACTICABLE, THE LOCAL EDUCATION PROVIDER SHALL
24 ENSURE THAT THE STUDENT RECEIVES READING INSTRUCTION FROM A
25 TEACHER WHO IS IDENTIFIED AS EFFECTIVE OR HIGHLY EFFECTIVE IN HIS OR
26 HER MOST RECENT PERFORMANCE EVALUATION; AND

27 (d) THE LOCAL EDUCATION PROVIDER, WITH THE APPROVAL OF THE

1 STUDENT'S PARENT, MAY PROVIDE TO THE STUDENT MENTAL HEALTH
2 SUPPORT FROM THE SCHOOL PSYCHOLOGIST, SCHOOL SOCIAL WORKER, OR
3 SCHOOL COUNSELOR.

4 (6) THE PROVISIONS OF THIS SECTION SPECIFY THE
5 CIRCUMSTANCES UNDER WHICH A LOCAL EDUCATION PROVIDER, IN
6 COLLABORATION WITH A STUDENT'S TEACHER AND PARENT, ARE REQUIRED
7 TO DECIDE WHETHER A STUDENT WHO HAS A SIGNIFICANT READING
8 DEFICIENCY SHOULD ADVANCE TO THE NEXT GRADE LEVEL. THE
9 PROVISIONS OF THIS PART 5 DO NOT LIMIT THE ABILITY OF A LOCAL
10 EDUCATION PROVIDER TO DECIDE, IN ACCORDANCE WITH POLICIES AND
11 PROCEDURES OF THE LOCAL EDUCATION PROVIDER, THAT A STUDENT AT
12 ANY GRADE LEVEL SHOULD NOT ADVANCE TO THE NEXT GRADE LEVEL FOR
13 ANY REASON DEEMED SUFFICIENT BY THE LOCAL EDUCATION PROVIDER.

14 **22-7-508. Reporting requirements.** (1) EACH LOCAL EDUCATION
15 PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT INFORMATION
16 NECESSARY TO DETERMINE:

17 (a) THE PREVALENCE OF READING DEFICIENCIES AND SIGNIFICANT
18 READING DEFICIENCIES AMONG STUDENTS IN KINDERGARTEN AND FIRST
19 THROUGH THIRD GRADES;

20 (b) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
21 DEFICIENCY AND WHO ADVANCE TO THE NEXT GRADE LEVEL ATTAIN
22 READING COMPETENCY AND, IF SO, AT WHAT GRADE LEVEL;

23 (c) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
24 DEFICIENCY AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL
25 ATTAIN READING COMPETENCY WITHIN THE SCHOOL YEAR DURING WHICH
26 THEY DO NOT ADVANCE;

27 (d) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING

1 DEFICIENCY AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL
2 ATTAIN READING COMPETENCY AT A LOWER GRADE LEVEL THAN
3 STUDENTS WHO DO ADVANCE; AND

4 (e) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
5 DEFICIENCY CONTINUE TO ADVANCE TO THE NEXT GRADE LEVEL DESPITE
6 HAVING A CONTINUING SIGNIFICANT READING DEFICIENCY AND THE
7 DEGREE TO WHICH LOCAL EDUCATION PROVIDERS ARE RECOMMENDING
8 THAT SAID STUDENTS DO NOT ADVANCE.

9 (2) THE DEPARTMENT SHALL ANALYZE THE INFORMATION
10 RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND PREPARE
11 AN ANNUAL REPORT THAT, AT A MINIMUM, MAKES THE DETERMINATIONS
12 DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE DEPARTMENT SHALL
13 SUBMIT THE REPORT TO THE STATE BOARD, THE GOVERNOR, AND THE
14 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
15 SENATE, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT SHALL ALSO
16 POST THE REPORT ON ITS WEB SITE FOR PUBLIC REVIEW.

17 **22-7-509. Local education providers - procedures.** (1) EACH
18 LOCAL EDUCATION PROVIDER SHALL ADOPT THE PROCEDURES NECESSARY
19 TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS PART 5. IN
20 ADOPTING PROCEDURES, A LOCAL EDUCATION PROVIDER SHALL COMPLY
21 WITH AND MAY EXCEED THE REQUIREMENTS OF THIS PART 5. PROCEDURES
22 MAY INCLUDE, BUT NEED NOT BE LIMITED TO, PROCEDURES FOR:

23 (a) CREATING A READ PLAN AND THE CONTENTS OF A READ
24 PLAN;

25 (b) EFFECTIVELY COMMUNICATING WITH PARENTS CONCERNING
26 THE CREATION, CONTENTS, AND IMPLEMENTATION OF READ PLANS; AND

27 (c) DETERMINING WHETHER A STUDENT WHO HAS A SIGNIFICANT

1 READING DEFICIENCY WILL ADVANCE TO THE NEXT GRADE LEVEL.

2 (2) EACH LOCAL EDUCATION PROVIDER IS ENCOURAGED TO REPORT
3 TO THE DEPARTMENT THE STRATEGIES AND INTERVENTION INSTRUCTION
4 THAT THE LOCAL EDUCATION PROVIDER FINDS EFFECTIVE IN ASSISTING
5 STUDENTS TO ATTAIN READING COMPETENCY AND TO PROVIDE COPIES OF
6 EFFECTIVE MATERIALS TO THE DEPARTMENT TO ASSIST THE DEPARTMENT
7 IN SHARING WITH LOCAL EDUCATION PROVIDERS BEST PRACTICES IN
8 ASSISTING STUDENTS TO ATTAIN READING COMPETENCY.

9 (3) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO PROVIDE
10 PARENTS OPPORTUNITIES TO PARTICIPATE IN PARENT READING WORKSHOPS
11 THROUGHOUT THE SCHOOL YEAR TO ASSIST PARENTS IN DEVELOPING THEIR
12 OWN READING SKILLS AND IN DEVELOPING THE SKILLS NECESSARY TO
13 ASSIST THEIR CHILDREN IN READING.

14 **22-7-510. State board - rules - department - duties.** (1) THE
15 STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH THE
16 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
17 C.R.S., AS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS PART 5,
18 WHICH RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

19 (a) THE GRADE-LEVEL READING COMPETENCY SKILL LEVELS IN THE
20 AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,
21 READING FLUENCY, INCLUDING ORAL SKILLS, AND READING
22 COMPREHENSION FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD
23 GRADES;

24 (b) THE MINIMUM READING COMPETENCY SKILL LEVELS IN THE
25 AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,
26 READING FLUENCY, INCLUDING ORAL SKILLS, AND READING
27 COMPREHENSION FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD

1 GRADES. THE STATE BOARD SHALL BASE THE MINIMUM SKILL LEVELS FOR
2 SECOND AND THIRD GRADES PRIMARILY ON SCORES ATTAINED ON THE
3 ASSESSMENTS APPROVED BY THE STATE BOARD PURSUANT TO PARAGRAPH
4 (c) OF THIS SUBSECTION (1). THE STATE BOARD SHALL DESCRIBE THE
5 MINIMUM SKILL LEVELS FOR STUDENTS AS THEY COMPLETE
6 KINDERGARTEN AND FIRST GRADE USING MATRICES OF APPROPRIATE
7 INDICATORS, WHICH INDICATORS MAY INCLUDE MEASURES OF STUDENTS'
8 SOCIAL AND EMOTIONAL DEVELOPMENT, PHYSICAL DEVELOPMENT,
9 LANGUAGE AND COMPREHENSION DEVELOPMENT, AND COGNITION AND
10 GENERAL KNOWLEDGE.

11 (c) THE LIST OF APPROVED READING ASSESSMENTS, BASED ON THE
12 RECOMMENDATIONS OF THE DEPARTMENT, THAT LOCAL EDUCATION
13 PROVIDERS MAY USE TO MEET THE REQUIREMENTS SPECIFIED IN SECTION
14 22-7-505;

15 (d) RULES FOR APPROVING ONE OR MORE INDEPENDENT
16 THIRD-PARTY EVALUATORS TO REVIEW READING ASSESSMENTS FOR
17 INCLUSION ON THE APPROVED LIST OF ASSESSMENTS AND TO REVIEW
18 INSTRUCTIONAL PROGRAMMING AND PROFESSIONAL DEVELOPMENT
19 PROGRAMS FOR INCLUSION ON THE ADVISORY LISTS CREATED BY THE
20 DEPARTMENT PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION;

21 (e) RULES TO PROVIDE NOTICE, A HEARING, AND AN APPEALS
22 PROCESS FOR PUBLISHERS WHO SUBMIT MATERIALS FOR INCLUSION ON THE
23 LIST OF APPROVED ASSESSMENTS AND THE ADVISORY LISTS OF
24 INSTRUCTIONAL PROGRAMMING AND PROFESSIONAL DEVELOPMENT
25 PROGRAMS;

26 (f) THE TIME FRAMES AND PROCEDURES FOR REPORTING
27 INFORMATION CONCERNING STUDENTS' READING SKILLS AS DESCRIBED IN

1 SECTION 22-7-508; AND

2 (g) RULES FOR IMPLEMENTING THE EARLY LITERACY GRANT
3 PROGRAM PURSUANT TO SECTION 22-7-511.

4 [REDACTED] [REDACTED]

5 (2) (a) (I) USING THE PROCEDURE DEVELOPED PURSUANT TO
6 SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW AND
7 RECOMMEND TO THE STATE BOARD READING ASSESSMENTS, INCLUDING
8 INTERIM, FORMATIVE, SUMMATIVE, AND DIAGNOSTIC ASSESSMENTS, FOR
9 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES THAT, AT A
10 MINIMUM, MEET THE CRITERIA SPECIFIED IN SUBPARAGRAPH (II) OF THIS
11 PARAGRAPH (a). FOLLOWING ACTION BY THE STATE BOARD TO APPROVE
12 READING ASSESSMENTS PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1)
13 OF THIS SECTION, THE DEPARTMENT SHALL CREATE A LIST OF THE
14 APPROVED READING ASSESSMENTS FOR KINDERGARTEN AND FIRST,
15 SECOND, AND THIRD GRADES FOR USE BY LOCAL EDUCATION PROVIDERS.

16 (II) THE DEPARTMENT SHALL ENSURE THAT:

17 (A) EACH OF THE RECOMMENDED READING ASSESSMENTS IS
18 PROVEN TO EFFECTIVELY AND ACCURATELY MEASURE STUDENTS' READING
19 SKILLS IN THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY
20 DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND
21 READING COMPREHENSION;

22 (B) EACH OF THE RECOMMENDED READING DIAGNOSTICS IS
23 PROVEN TO ACCURATELY IDENTIFY STUDENTS' SPECIFIC READING SKILL
24 DEFICIENCIES; AND

25 (C) AT LEAST ONE OF THE RECOMMENDED READING ASSESSMENTS
26 FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IS NORMED
27 FOR THE PERFORMANCE OF STUDENTS WHO SPEAK SPANISH AS THEIR

1 NATIVE LANGUAGE, WHICH ASSESSMENT IS AVAILABLE IN BOTH ENGLISH
2 AND SPANISH.

3 (b) USING THE PROCEDURE DEVELOPED PURSUANT TO SUBSECTION
4 (3) OF THIS SECTION, THE DEPARTMENT SHALL CREATE AN ADVISORY LIST
5 OF SCIENTIFICALLY BASED INSTRUCTIONAL PROGRAMMING IN READING
6 THAT LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO USE. THE
7 ADVISORY LIST SHALL INCLUDE ONLY PROGRAMMING THAT, AT A
8 MINIMUM:

9 (I) HAS BEEN PROVEN TO ACCELERATE STUDENT PROGRESS IN
10 ATTAINING READING COMPETENCY;

11 (II) PROVIDES EXPLICIT AND SYSTEMATIC SKILL DEVELOPMENT IN
12 THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY
13 DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND
14 READING COMPREHENSION;

15 (III) INCLUDES SCIENTIFICALLY BASED AND RELIABLE
16 ASSESSMENTS;

17 (IV) PROVIDES INITIAL AND ONGOING ANALYSIS OF THE STUDENT'S
18 PROGRESS IN ATTAINING READING COMPETENCY; AND

19 (V) INCLUDES TEXTS ON CORE ACADEMIC CONTENT TO ASSIST THE
20 STUDENT IN MAINTAINING OR MEETING GRADE-APPROPRIATE PROFICIENCY
21 LEVELS IN ACADEMIC SUBJECTS IN ADDITION TO READING.

22 (c) USING THE PROCEDURE DEVELOPED PURSUANT TO SUBSECTION
23 (3) OF THIS SECTION, THE DEPARTMENT SHALL CREATE AN ADVISORY LIST
24 OF PROFESSIONAL DEVELOPMENT PROGRAMS THAT ARE RELATED TO
25 ADDRESSING READING DEFICIENCIES AND SIGNIFICANT READING
26 DEFICIENCIES AND TO APPLYING INTERVENTION INSTRUCTION AND
27 STRATEGIES, IN ADDITION TO PROGRAMS RELATED TO TEACHING GENERAL

1 LITERACY, THAT LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO USE.

2 (d) THE DEPARTMENT SHALL MAKE THE APPROVED LIST OF
3 ASSESSMENTS AND THE ADVISORY LISTS OF INSTRUCTIONAL
4 PROGRAMMING AND PROFESSIONAL DEVELOPMENT PROGRAMS AVAILABLE
5 ON THE DEPARTMENT WEB SITE ON OR BEFORE JULY 1, 2013. THE
6 DEPARTMENT IS NOT REQUIRED TO PROVIDE COPIES OF ANY READING
7 ASSESSMENTS, INSTRUCTIONAL PROGRAMMING, OR PROFESSIONAL
8 DEVELOPMENT PROGRAMS THAT ARE INCLUDED ON THE LISTS. IF THE
9 DEPARTMENT DOES PROVIDE COPIES OF ANY MATERIALS THAT IT ACQUIRES
10 BY PURCHASE OF A LICENSE FOR USE BY LOCAL EDUCATION PROVIDERS,
11 SAID MATERIALS MAY BE USED ONLY IN ACCORDANCE WITH THE LICENSE.

12 (e) EACH LOCAL EDUCATION PROVIDER SHALL SELECT FROM THE
13 LIST OF APPROVED READING ASSESSMENTS THOSE READING ASSESSMENTS
14 THAT IT WILL ADMINISTER TO STUDENTS IN KINDERGARTEN AND FIRST,
15 SECOND, AND THIRD GRADES. EACH LOCAL EDUCATION PROVIDER IS
16 ENCOURAGED TO USE THE INSTRUCTIONAL PROGRAMMING IN READING
17 AND PROFESSIONAL DEVELOPMENT PROGRAMS INCLUDED ON THE
18 ADVISORY LISTS. THE DEPARTMENT AND EACH LOCAL EDUCATION
19 PROVIDER, IN USING THE ASSESSMENTS, INSTRUCTIONAL PROGRAMMING
20 IN READING, AND PROFESSIONAL DEVELOPMENT PROGRAMS THAT ARE
21 INCLUDED ON THE LISTS SHALL COMPLY WITH THE FEDERAL COPYRIGHT
22 LAWS, 17 U.S.C. SEC. 101 ET SEQ.

23 (3) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A
24 PROCEDURE FOR IDENTIFYING THE READING ASSESSMENTS IT
25 RECOMMENDS TO THE STATE BOARD FOR THE APPROVED LIST OF READING
26 ASSESSMENTS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS
27 SECTION AND FOR CREATING THE ADVISORY LISTS OF INSTRUCTIONAL

1 PROGRAMMING AND PROFESSIONAL DEVELOPMENT PROGRAMS DESCRIBED
2 IN PARAGRAPHS (b) AND (c) OF SUBSECTION (2) OF THIS SECTION. AT A
3 MINIMUM, THE PROCEDURE SHALL INCLUDE:

4 (a) PERIODICALLY SOLICITING THROUGH PUBLIC NOTICE,
5 ACCEPTING, AND PROMPTLY REVIEWING ASSESSMENTS, INSTRUCTIONAL
6 PROGRAMMING, AND PROFESSIONAL DEVELOPMENT PROGRAMS FROM EACH
7 LOCAL EDUCATION PROVIDER AND FROM PUBLISHERS;

8 (b) EVALUATING THE ASSESSMENTS, INSTRUCTIONAL
9 PROGRAMMING, AND PROFESSIONAL DEVELOPMENT PROGRAMS THAT THE
10 DEPARTMENT IDENTIFIES OR RECEIVES, WHICH EVALUATION IS BASED ON
11 THE CRITERIA SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND ANY
12 ADDITIONAL CRITERIA THE STATE BOARD MAY ADOPT BY RULE. THE
13 DEPARTMENT MAY CONTRACT WITH AN INDEPENDENT, THIRD-PARTY
14 EVALUATOR APPROVED BY THE STATE BOARD TO EVALUATE THE
15 MATERIALS. THE DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD
16 THE READING ASSESSMENTS THAT MEET THE REQUIREMENTS SPECIFIED IN
17 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

18 (c) PERIODICALLY REVIEWING THE LIST OF APPROVED
19 ASSESSMENTS AND THE ADVISORY LISTS TO UPDATE THE LISTS AND ADD
20 ADDITIONAL ITEMS, WHEN APPROPRIATE; AND

21 (d) PUBLISHING ON THE DEPARTMENT'S WEBSITE THE INITIAL AND
22 UPDATED APPROVED LIST OF READING ASSESSMENTS AND ADVISORY LISTS
23 OF INSTRUCTIONAL PROGRAMMING AND PROFESSIONAL DEVELOPMENT
24 PROGRAMS.

25 (4) THE DEPARTMENT SHALL SPECIFY THE INFORMATION THAT
26 LOCAL EDUCATION PROVIDERS SHALL SUBMIT PURSUANT TO SECTION
27 22-7-508 AND SHALL ANALYZE THE INFORMATION AS NECESSARY TO MAKE

1 THE DETERMINATIONS SPECIFIED IN SECTION 22-7-508. IF ANOTHER RULE
2 OR STATUTE REQUIRES LOCAL EDUCATION PROVIDERS TO SUBMIT ANY
3 PORTION OF THE SPECIFIED INFORMATION, THE DEPARTMENT SHALL NOT
4 REQUIRE LOCAL EDUCATION PROVIDERS TO RESUBMIT THE INFORMATION,
5 BUT SHALL APPLY THE INFORMATION RECEIVED PURSUANT TO THE OTHER
6 RULE OR STATUTE IN PREPARING THE ANALYSIS REQUIRED IN SECTION
7 22-7-508.

8 (5) THE DEPARTMENT SHALL MAKE AVAILABLE TO LOCAL
9 EDUCATION PROVIDERS ANY INFORMATION AND MATERIALS IT RECEIVES
10 PURSUANT TO SECTION 22-7-509 (2) CONCERNING STRATEGIES AND
11 INTERVENTION INSTRUCTION THAT LOCAL EDUCATION PROVIDERS FIND
12 EFFECTIVE IN ASSISTING STUDENTS TO ACHIEVE READING COMPETENCY,
13 INCLUDING COPIES OF ANY EFFECTIVE MATERIALS THAT THE DEPARTMENT
14 RECEIVES.

15 (6) THE DEPARTMENT, UPON REQUEST, MAY PROVIDE TECHNICAL
16 ASSISTANCE TO A LOCAL EDUCATION PROVIDER IN IMPLEMENTING THE
17 PROVISIONS OF THIS PART 5.

18 **22-7-511. Early literacy grant program - early literacy fund**
19 **- rules - report.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE
20 EARLY LITERACY GRANT PROGRAM TO PROVIDE MONEYS TO LOCAL
21 EDUCATION PROVIDERS TO IMPLEMENT LITERACY SUPPORT AND
22 INTERVENTION INSTRUCTION PROGRAMS, INCLUDING BUT NOT LIMITED TO
23 RELATED PROFESSIONAL DEVELOPMENT PROGRAMS, TO ASSIST STUDENTS
24 IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES TO ACHIEVE
25 READING COMPETENCY. THE STATE BOARD BY RULE SHALL ESTABLISH THE
26 APPLICATION TIMELINES AND THE INFORMATION TO BE INCLUDED IN EACH
27 GRANT APPLICATION. A LOCAL EDUCATION PROVIDER MAY APPLY

1 INDIVIDUALLY OR AS PART OF A GROUP OF LOCAL EDUCATION PROVIDERS.

2 UPON THE REQUEST OF A RURAL SCHOOL DISTRICT, THE DEPARTMENT

3 SHALL ASSIST THE SCHOOL DISTRICT IN WRITING THE GRANT APPLICATION.

4 THE DEPARTMENT SHALL REVIEW EACH GRANT APPLICATION RECEIVED

5 AND RECOMMEND TO THE STATE BOARD WHETHER TO AWARD THE GRANT

6 AND THE DURATION AND AMOUNT OF EACH GRANT. IN MAKING

7 RECOMMENDATIONS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING

8 FACTORS:

9 (a) THE PERCENTAGE OF KINDERGARTEN AND FIRST-, SECOND-,
10 AND THIRD-GRADE PUPILS ENROLLED BY THE APPLYING LOCAL EDUCATION
11 PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS WHO HAVE
12 READING DEFICIENCIES OR SIGNIFICANT READING DEFICIENCIES;

13 (b) THE INSTRUCTIONAL PROGRAM THAT THE APPLYING LOCAL
14 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS PLANS
15 TO IMPLEMENT USING THE GRANT MONEYS AND WHETHER IT IS BASED ON
16 A RESEARCH MODEL THAT IS PROVEN TO BE SUCCESSFUL IN OTHER PUBLIC
17 SCHOOLS IN THE COUNTRY;

18 (c) THE COST OF THE INSTRUCTIONAL PROGRAM THAT THE
19 APPLYING LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION
20 PROVIDERS PLANS TO IMPLEMENT USING THE GRANT MONEYS; AND

21 (d) ANY ADDITIONAL FACTORS THE STATE BOARD MAY REQUIRE BY
22 RULE.

23 (2) BASED ON THE RECOMMENDATIONS OF THE DEPARTMENT, THE
24 STATE BOARD SHALL AWARD GRANTS TO APPLYING LOCAL EDUCATION
25 PROVIDERS OR GROUPS OF LOCAL EDUCATION PROVIDERS, WHICH GRANTS
26 ARE PAID FROM MONEYS IN THE EARLY LITERACY FUND CREATED IN
27 SUBSECTION (3) OF THIS SECTION.

1 (3) (a) THE EARLY LITERACY FUND IS HEREBY CREATED IN THE
2 STATE TREASURY AND IS REFERRED TO IN THIS SUBSECTION (3) AS THE
3 "FUND". THE FUND SHALL CONSIST OF:

4 (I) ANY MONEYS REMAINING IN THE READ-TO-ACHIEVE CASH FUND
5 AS OF JUNE 30, 2012;

6 (II) MONEYS TRANSFERRED TO THE FUND PURSUANT TO
7 PARAGRAPH (c) OF THIS SUBSECTION (3); AND

8 (III) ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY MAY
9 APPROPRIATE OR TRANSFER TO THE FUND.

10 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
11 NOT EXPENDED FOR THE PURPOSES SPECIFIED IN PARAGRAPH (d) OF THIS
12 SUBSECTION (3) AS PROVIDED BY LAW. THE STATE TREASURER SHALL
13 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND
14 DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY AMOUNT REMAINING
15 IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND
16 AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
17 TO ANY OTHER FUND.

18 (c) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (1)
19 (h) AND (5), C.R.S., BEGINNING WITH THE 2012-13 FISCAL YEAR, AND FOR
20 EACH FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS
21 PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, THE STATE
22 TREASURER SHALL ANNUALLY TRANSFER TO THE FUND FIVE PERCENT OF
23 THE AMOUNT OF MONEYS RECEIVED BY THE STATE IN ACCORDANCE WITH
24 THE MASTER SETTLEMENT AGREEMENT, OTHER THAN ATTORNEY FEES AND
25 COSTS, FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT THE AMOUNT SO
26 TRANSFERRED TO THE FUND IN ANY FISCAL YEAR SHALL NOT EXCEED
27 EIGHT MILLION DOLLARS. THE STATE TREASURER SHALL TRANSFER THE

1 AMOUNT SPECIFIED IN THIS PARAGRAPH (c) FROM MONEYS CREDITED TO
2 THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION
3 24-22-115, C.R.S.

4 (d) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
5 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT. THE
6 DEPARTMENT SHALL ANNUALLY EXPEND THE MONEYS IN THE FUND IN
7 ACCORDANCE WITH THE FOLLOWING PRIORITIES:

8 (I) THE DEPARTMENT SHALL FIRST USE UP TO ONE MILLION
9 DOLLARS TO PROVIDE LITERACY SUPPORT ON A REGIONAL BASIS TO LOCAL
10 EDUCATION PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE
11 REQUIREMENTS OF THIS PART 5;

12 (II) THE DEPARTMENT SHALL NEXT USE UP TO TWO PERCENT OF
13 THE AMOUNT ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE
14 COSTS INCURRED IN ADMINISTERING THE EARLY LITERACY GRANT
15 PROGRAM;

16 (III) THE DEPARTMENT SHALL NEXT USE AT LEAST THREE MILLION
17 DOLLARS TO PAY GRANTS AWARDED THROUGH THE EARLY LITERACY
18 GRANT PROGRAM;

19 (IV) THE DEPARTMENT SHALL NEXT USE THE MONEYS IN THE FUND
20 TO REIMBURSE SCHOOL DISTRICTS FOR EDUCATIONAL SERVICES PROVIDED
21 PURSUANT TO SECTION 22-32-141 TO JUVENILES HELD IN JAILS OR OTHER
22 FACILITIES FOR THE DETENTION OF ADULT OFFENDERS; AND

23 (V) THE DEPARTMENT SHALL USE SIXTY PERCENT OF THE
24 REMAINING MONEYS IN THE FUND TO REIMBURSE LOCAL EDUCATION
25 PROVIDERS FOR ALL OR A PORTION OF THE COSTS INCURRED IN
26 ADMINISTERING THE READING ASSESSMENTS PURSUANT TO SECTION
27 22-7-505. IN ADDITION TO THE AMOUNT SPECIFIED IN SUBPARAGRAPH (III)

1 OF THIS PARAGRAPH (d), THE DEPARTMENT SHALL USE FORTY PERCENT OF
2 THE REMAINING MONEYS IN THE FUND TO PAY GRANTS AWARDED
3 THROUGH THE EARLY LITERACY GRANT PROGRAM.

4 (4) THE DEPARTMENT, AS PART OF THE REPORT REQUIRED IN
5 SECTION 2-7-203, C.R.S., SHALL ANNUALLY PROVIDE TO THE GENERAL
6 ASSEMBLY INFORMATION CONCERNING:

7 (a) THE ALLOCATION OF THE MONEYS IN THE EARLY LITERACY
8 FUND, INCLUDING THE AMOUNT USED TO PAY GRANTS THROUGH THE
9 EARLY LITERACY GRANT PROGRAM, THE AMOUNT USED TO PROVIDE
10 LITERACY SUPPORT TO LOCAL EDUCATION PROVIDERS, AND THE AMOUNT
11 EXPENDED IN ADMINISTRATIVE COSTS;

12 (b) THE INSTRUCTIONAL PROGRAMS THAT LOCAL EDUCATION
13 PROVIDERS IMPLEMENTED USING THE GRANTS AWARDED THROUGH THE
14 EARLY LITERACY GRANT PROGRAM AND THE PROGRESS MADE IN
15 ACHIEVING READING COMPETENCY BY THE STUDENTS WHO PARTICIPATED
16 IN THE INSTRUCTIONAL PROGRAMS; AND

17 (c) THE FORM AND TYPES OF THE LITERACY SUPPORT PROVIDED TO
18 LOCAL EDUCATION PROVIDERS PURSUANT TO SUBPARAGRAPH (II) OF
19 PARAGRAPH (d) OF SUBSECTION (3) OF THIS SECTION.

20 (5) ANY GRANTS AWARDED FROM THE READ-TO-ACHIEVE CASH
21 FUND PURSUANT TO PART 9 OF THIS ARTICLE AS IT EXISTED PRIOR TO JULY
22 1, 2012, AND NOT FULLY DISTRIBUTED AS OF JUNE 30, 2012, REMAIN IN
23 EFFECT FOR THE 2012-13 FISCAL YEAR AND ARE PAYABLE FROM MONEYS
24 APPROPRIATED TO THE EARLY LITERACY FUND FOR THE 2012-13 FISCAL
25 YEAR; EXCEPT THAT ANY PORTION OF ANY OF SAID GRANTS THAT THE
26 GRANTEE IS REQUIRED TO USE IN PAYMENT FOR DEPARTMENT
27 CONSULTANTS IS RESCINDED, EFFECTIVE JULY 1, 2012.

1 **SECTION 2.** In Colorado Revised Statutes, 22-11-204, **amend**
2 (1) (a) (II), (3), (5) (a) (I) (E), (5) (a) (I) (F), (5) (a) (II), (5) (b) (I) (E), (5)
3 (b) (I) (F), (5) (b) (II), (5) (c) (I) (E), (5) (c) (I) (F), and (5) (c) (II); and
4 **add** (5) (a) (I) (G), (5) (b) (I) (G), and (5) (c) (I) (G) as follows:

5 **22-11-204. Performance indicators - measures.** (1) (a) The
6 department shall annually determine the level of attainment of each public
7 school, each school district, the institute, and the state as a whole on each
8 of the following performance indicators:

9 (II) Student achievement levels IN EARLY-GRADE READING
10 ASSESSMENTS AND on the statewide assessments, based on the measures
11 specified in subsection (3) of this section; and

12 (3) The department shall determine the level of attainment of each
13 public school, each school district, the institute, and the state as a whole
14 on the performance indicator that concerns student achievement levels IN
15 EARLY-GRADE READING ASSESSMENTS AND on the statewide assessments
16 by using the following measures:

17 (a) For each student enrolled in a public school in the state, the
18 department shall determine the student's achievement level in the subjects
19 included in the statewide assessments, as demonstrated by the score
20 achieved by the student on the statewide assessments. The state board
21 shall specify the score ranges that constitute each of the achievement
22 levels.

23 (b) (I) For each public school, the department shall calculate the
24 percentage of students enrolled in the public school at each grade level
25 who score at each of the achievement levels on the statewide assessments
26 in each of the subjects included in the statewide assessments.

27 (II) IN ADDITION TO THE CALCULATION SPECIFIED IN

1 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), FOR EACH PUBLIC SCHOOL
2 THAT INCLUDES KINDERGARTEN OR ANY OF GRADES ONE THROUGH FOUR,
3 THE DEPARTMENT SHALL CALCULATE THE PERCENTAGE OF THE STUDENTS:

4 (A) ENROLLED IN KINDERGARTEN THROUGH THIRD GRADE WHO
5 WERE IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY, AS
6 DEFINED IN SECTION 22-7-503 (14), IN THE PRIOR SCHOOL YEAR AND WHO
7 ARE NO LONGER IDENTIFIED AS HAVING A SIGNIFICANT READING
8 DEFICIENCY AT THE END OF THE CURRENT SCHOOL YEAR. THE
9 DEPARTMENT SHALL EXCLUDE FROM THE CALCULATION THE STUDENTS
10 DESCRIBED IN SECTION 22-7-507 (1) (b) AND (1) (c).

11 (B) ENROLLED IN THIRD GRADE WHO WERE IDENTIFIED AS HAVING
12 A SIGNIFICANT READING DEFICIENCY, AS DEFINED IN SECTION 22-7-503
13 (14), IN ANY PRIOR SCHOOL YEAR AND WHO ARE NO LONGER IDENTIFIED AS
14 HAVING A SIGNIFICANT READING DEFICIENCY AT THE END OF THIRD GRADE.
15 THE DEPARTMENT SHALL EXCLUDE FROM THE CALCULATION THE
16 STUDENTS DESCRIBED IN SECTION 22-7-507 (1) (b) AND (1) (c).

17 (C) ENROLLED IN FOURTH GRADE WHO WERE IDENTIFIED AS
18 HAVING A SIGNIFICANT READING DEFICIENCY, AS DEFINED IN SECTION
19 22-7-503 (14), IN THE PRIOR SCHOOL YEAR AND WHO ARE NO LONGER
20 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY AT THE END
21 OF FOURTH GRADE. THE DEPARTMENT SHALL EXCLUDE FROM THE
22 CALCULATION THE STUDENTS DESCRIBED IN SECTION 22-7-507 (1) (b) AND
23 (1) (c).

24 (c) For each school district and the institute, the department shall
25 calculate:

26 (I) The percentage of all students enrolled in the district public
27 schools or in the institute charter schools who score at each of the

1 achievement levels in the subjects included in the statewide assessments;

2 AND

3 (II) THE PERCENTAGE OF THE STUDENTS:

4 (A) ENROLLED IN KINDERGARTEN THROUGH THIRD GRADE WHO
5 WERE IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY, AS
6 DEFINED IN SECTION 22-7-503 (14), IN THE PRIOR SCHOOL YEAR AND WHO
7 ARE NO LONGER IDENTIFIED AS HAVING A SIGNIFICANT READING
8 DEFICIENCY AT THE END OF THE CURRENT SCHOOL YEAR. THE
9 DEPARTMENT SHALL EXCLUDE FROM THE CALCULATION THE STUDENTS
10 DESCRIBED IN SECTION 22-7-507 (1) (b) AND (1) (c).

11 (B) ENROLLED IN THIRD GRADE WHO WERE IDENTIFIED AS HAVING
12 A SIGNIFICANT READING DEFICIENCY, AS DEFINED IN SECTION 22-7-503
13 (14), IN ANY PRIOR SCHOOL YEAR AND WHO ARE NO LONGER IDENTIFIED AS
14 HAVING A SIGNIFICANT READING DEFICIENCY AT THE END OF THIRD GRADE.
15 THE DEPARTMENT SHALL EXCLUDE FROM THE CALCULATION THE
16 STUDENTS DESCRIBED IN SECTION 22-7-507 (1) (b) AND (1) (c).

17 (C) ENROLLED IN FOURTH GRADE WHO WERE IDENTIFIED AS
18 HAVING A SIGNIFICANT READING DEFICIENCY, AS DEFINED IN SECTION
19 22-7-503 (14), IN THE PRIOR SCHOOL YEAR AND WHO ARE NO LONGER
20 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY AT THE END
21 OF FOURTH GRADE. THE DEPARTMENT SHALL EXCLUDE FROM THE
22 CALCULATION THE STUDENTS DESCRIBED IN SECTION 22-7-507 (1) (b) AND
23 (1) (c).

24 (d) For the state, the department shall calculate:

25 (I) The percentage of all students enrolled in the public schools in
26 the state who score at each of the achievement levels in the subjects
27 included in the statewide assessments; AND

1 (II) THE PERCENTAGE OF THE STUDENTS:

2 (A) ENROLLED IN KINDERGARTEN THROUGH THIRD GRADE WHO
3 WERE IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY, AS
4 DEFINED IN SECTION 22-7-503 (14), IN THE PRIOR SCHOOL YEAR AND WHO
5 ARE NO LONGER IDENTIFIED AS HAVING A SIGNIFICANT READING
6 DEFICIENCY AT THE END OF THE CURRENT SCHOOL YEAR. THE
7 DEPARTMENT SHALL EXCLUDE FROM THE CALCULATION THE STUDENTS
8 DESCRIBED IN SECTION 22-7-507 (1) (b) AND (1) (c).

9 (B) ENROLLED IN THIRD GRADE WHO WERE IDENTIFIED AS HAVING
10 A SIGNIFICANT READING DEFICIENCY, AS DEFINED IN SECTION 22-7-503
11 (14), IN ANY PRIOR SCHOOL YEAR AND WHO ARE NO LONGER IDENTIFIED AS
12 HAVING A SIGNIFICANT READING DEFICIENCY AT THE END OF THIRD GRADE.
13 THE DEPARTMENT SHALL EXCLUDE FROM THE CALCULATION THE
14 STUDENTS DESCRIBED IN SECTION 22-7-507 (1) (b) AND (1) (c).

15 (C) ENROLLED IN FOURTH GRADE WHO WERE IDENTIFIED AS
16 HAVING A SIGNIFICANT READING DEFICIENCY, AS DEFINED IN SECTION
17 22-7-503 (14), IN THE PRIOR SCHOOL YEAR AND WHO ARE NO LONGER
18 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY AT THE END
19 OF FOURTH GRADE. THE DEPARTMENT SHALL EXCLUDE FROM THE
20 CALCULATION THE STUDENTS DESCRIBED IN SECTION 22-7-507 (1) (b) AND
21 (1) (c).

22 (5) The department shall determine the level of attainment of each
23 public school, each school district, the institute, and the state as a whole
24 on the performance indicator that concerns the progress made in closing
25 the achievement and growth gaps by using the following measures:

26 (a) (I) For each public school, the department shall disaggregate
27 by student group:

1 (E) The percentage of students enrolled in the public school at
2 each grade level who score at each of the achievement levels in each of
3 the subjects included in the statewide assessments; ~~and~~

4 (F) For each public high school, the percentage of students
5 enrolled in the eleventh grade in the public high school who score at each
6 achievement level of the standardized, curriculum-based, achievement,
7 college entrance examination or the percentages of students enrolled in
8 each of the grade levels included in the public high school who score at
9 each achievement level on the postsecondary and workforce readiness
10 assessments administered by the public high school; the percentages of
11 students graduating from the public high school who receive a diploma
12 that includes a postsecondary and workforce readiness endorsement or an
13 endorsement for exemplary demonstration of postsecondary and
14 workforce readiness; and the graduation and dropout rates; AND

15 (G) FOR EACH PUBLIC SCHOOL THAT INCLUDES KINDERGARTEN OR
16 ANY OF GRADES ONE THROUGH FOUR, THE PERCENTAGE OF STUDENTS
17 ENROLLED IN KINDERGARTEN THROUGH THIRD GRADE WHO WERE
18 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY, AS DEFINED
19 IN SECTION 22-7-503 (14), IN THE PRIOR SCHOOL YEAR AND WHO ARE NO
20 LONGER IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY AT
21 THE END OF THE CURRENT SCHOOL YEAR; THE PERCENTAGE OF STUDENTS
22 ENROLLED IN THIRD GRADE WHO WERE IDENTIFIED AS HAVING A
23 SIGNIFICANT READING DEFICIENCY, AS DEFINED IN SECTION 22-7-503 (14),
24 IN ANY PRIOR SCHOOL YEAR AND WHO ARE NO LONGER IDENTIFIED AS
25 HAVING A SIGNIFICANT READING DEFICIENCY AT THE END OF THIRD GRADE;
26 AND THE PERCENTAGE OF STUDENTS ENROLLED IN FOURTH GRADE WHO
27 WERE IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY, AS

1 DEFINED IN SECTION 22-7-503 (14), IN THE PRIOR SCHOOL YEAR AND WHO
2 ARE NO LONGER IDENTIFIED AS HAVING A SIGNIFICANT READING
3 DEFICIENCY AT THE END OF FOURTH GRADE. THE DEPARTMENT SHALL
4 EXCLUDE FROM THE CALCULATIONS DESCRIBED IN THIS
5 SUB-SUBPARAGRAPH (G) THE STUDENTS DESCRIBED IN SECTION 22-7-507
6 (1) (b) AND (1) (c).

7 (II) The department shall compare the percentages and assessment
8 achievement levels across student groups to determine the progress made
9 by the public school in increasing over time each student group's
10 longitudinal academic growth, academic achievement, EARLY-GRADE
11 READING SKILLS, postsecondary and workforce readiness, and graduation
12 rate, and in decreasing each student group's dropout rate, especially for
13 those student groups who are underperforming in comparison to other
14 groups.

15 (b) (I) For each school district and the institute, the department
16 shall disaggregate by student group:

17 (E) The percentage of students enrolled in the district public
18 schools or in the institute charter schools at each grade level who score
19 at each of the achievement levels in each of the subjects included in the
20 statewide assessments; ~~and~~

21 (F) The overall percentage of students enrolled in the eleventh
22 grade in the district public high schools or the institute charter high
23 schools who score at each achievement level of the standardized,
24 curriculum-based, achievement, college entrance examination or the
25 percentages of students enrolled in each of the grade levels included in
26 the public high schools who score at each achievement level on the
27 postsecondary and workforce readiness assessments administered by the

1 public high schools; the overall percentages of students graduating from
2 the district public high schools, or the institute charter high schools, who
3 receive a diploma that includes a postsecondary and workforce readiness
4 endorsement or an endorsement for exemplary demonstration of
5 postsecondary and workforce readiness; and the overall graduation and
6 dropout rates for the district public high schools or the institute charter
7 high schools; AND

8 (G) THE PERCENTAGE OF STUDENTS ENROLLED IN KINDERGARTEN
9 THROUGH THIRD GRADE WHO WERE IDENTIFIED AS HAVING A SIGNIFICANT
10 READING DEFICIENCY, AS DEFINED IN SECTION 22-7-503 (14), IN THE PRIOR
11 SCHOOL YEAR AND WHO ARE NO LONGER IDENTIFIED AS HAVING A
12 SIGNIFICANT READING DEFICIENCY AT THE END OF THE CURRENT SCHOOL
13 YEAR; THE PERCENTAGE OF STUDENTS ENROLLED IN THIRD GRADE WHO
14 WERE IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY, AS
15 DEFINED IN SECTION 22-7-503 (14), IN ANY PRIOR SCHOOL YEAR AND WHO
16 ARE NO LONGER IDENTIFIED AS HAVING A SIGNIFICANT READING
17 DEFICIENCY AT THE END OF THIRD GRADE; AND THE PERCENTAGE OF
18 STUDENTS ENROLLED IN FOURTH GRADE WHO WERE IDENTIFIED AS HAVING
19 A SIGNIFICANT READING DEFICIENCY, AS DEFINED IN SECTION 22-7-503
20 (14), IN THE PRIOR SCHOOL YEAR AND WHO ARE NO LONGER IDENTIFIED AS
21 HAVING A SIGNIFICANT READING DEFICIENCY AT THE END OF FOURTH
22 GRADE. THE DEPARTMENT SHALL EXCLUDE FROM THE CALCULATIONS
23 DESCRIBED IN THIS SUB-SUBPARAGRAPH (G) THE STUDENTS DESCRIBED IN
24 SECTION 22-7-507 (1) (b) AND (1) (c).

25 (II) The department shall compare the percentages and assessment
26 achievement levels across student groups to determine the progress made
27 by the district public schools or the institute charter schools in increasing

1 over time each student group's longitudinal academic growth, academic
2 achievement, EARLY-GRADE READING SKILLS, postsecondary and
3 workforce readiness, and graduation rate, and in decreasing each student
4 group's dropout rate, especially for those student groups who are
5 underperforming in comparison to other groups.

6 (c) (I) For the state, the department shall disaggregate by student
7 group:

8 (E) The percentage of students enrolled in the public schools in
9 the state at each grade level who score at each of the achievement levels
10 in each of the subjects included in the statewide assessments; and

11 (F) The percentage of students enrolled in the eleventh grade in
12 the public high schools in the state who score at each achievement level
13 of the standardized, curriculum-based, achievement, college entrance
14 examination or the percentages of students enrolled in each of the grade
15 levels included in the public high schools in the state who score at each
16 achievement level on the postsecondary and workforce readiness
17 assessments administered by the public high schools; the overall
18 percentages of students graduating from the public high schools in the
19 state who receive diplomas that include postsecondary and workforce
20 readiness endorsements or endorsements for exemplary demonstration of
21 postsecondary and workforce readiness; and the overall graduation and
22 dropout rates for the public high schools in the state; AND

23 (G) THE PERCENTAGE OF STUDENTS ENROLLED IN KINDERGARTEN
24 THROUGH THIRD GRADE WHO WERE IDENTIFIED AS HAVING A SIGNIFICANT
25 READING DEFICIENCY, AS DEFINED IN SECTION 22-7-503 (14), IN THE PRIOR
26 SCHOOL YEAR AND WHO ARE NO LONGER IDENTIFIED AS HAVING A
27 SIGNIFICANT READING DEFICIENCY AT THE END OF THE CURRENT SCHOOL

1 YEAR; THE PERCENTAGE OF STUDENTS ENROLLED IN THIRD GRADE WHO
2 WERE IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY, AS
3 DEFINED IN SECTION 22-7-503 (14), IN ANY PRIOR SCHOOL YEAR AND WHO
4 ARE NO LONGER IDENTIFIED AS HAVING A SIGNIFICANT READING
5 DEFICIENCY AT THE END OF THIRD GRADE; AND THE PERCENTAGE OF
6 STUDENTS ENROLLED IN FOURTH GRADE WHO WERE IDENTIFIED AS HAVING
7 A SIGNIFICANT READING DEFICIENCY, AS DEFINED IN SECTION 22-7-503
8 (14), IN THE PRIOR SCHOOL YEAR AND WHO ARE NO LONGER IDENTIFIED AS
9 HAVING A SIGNIFICANT READING DEFICIENCY AT THE END OF FOURTH
10 GRADE. THE DEPARTMENT SHALL EXCLUDE FROM THE CALCULATIONS
11 DESCRIBED IN THIS SUB-SUBPARAGRAPH (G) THE STUDENTS DESCRIBED IN
12 SECTION 22-7-507 (1) (b) AND (1) (c).

13 (II) The department shall compare the percentages and assessment
14 achievement levels across student groups to determine the progress made
15 by the public schools in the state in increasing over time each student
16 group's longitudinal academic growth, academic achievement,
17 EARLY-GRADE READING SKILLS, postsecondary and workforce readiness,
18 and graduation rate, and in decreasing each student group's dropout rate,
19 especially those student groups who are underperforming in comparison
20 to other groups.

21 [REDACTED]

22 **SECTION 3.** In Colorado Revised Statutes, 22-7-908, **amend** (1)
23 as follows:

24 **22-7-908. Read-to-achieve cash fund - created.** (1) There is
25 hereby established in the state treasury the read-to-achieve cash fund,
26 referred to in this section as the "cash fund". The cash fund shall consist
27 of moneys transferred thereto pursuant to subsection (3) of this section

1 and any other moneys that may be made available by the general
2 assembly. Subject to appropriation by the general assembly, moneys in
3 the cash fund shall be used to provide grants pursuant to this part 9 and
4 for reimbursements to school districts for educational services provided
5 pursuant to section 22-32-141 to juveniles held in jails or other facilities
6 for the detention of adult offenders. Any moneys not provided as grants
7 may be invested by the state treasurer as provided in section 24-36-113,
8 C.R.S. All interest derived from the deposit and investment of moneys in
9 the cash fund shall be credited to the cash fund. Any amount remaining
10 in the cash fund at the end of any fiscal year shall remain in the cash fund
11 and shall not be credited or transferred to the general fund or to any other
12 fund; EXCEPT THAT ANY MONEYS REMAINING IN THE CASH FUND AS OF
13 JUNE 30, 2012, ARE TRANSFERRED TO THE EARLY LITERACY FUND
14 CREATED IN SECTION 22-7-511.

15 **SECTION 4.** In Colorado Revised Statutes, **amend** 22-7-909 as
16 follows:

17 **22-7-909. Repeal of part.** (1) This part 9 is repealed, effective
18 ~~July 1, 2014~~ JULY 1, 2012.

19 ~~(2) Prior to said repeal, the read-to-achieve board appointed~~
20 ~~pursuant to section 22-7-904 shall be reviewed as provided for in~~
21 NOTWITHSTANDING THE PROVISIONS OF section 2-3-1203, C.R.S., THE
22 READ-TO-ACHIEVE BOARD APPOINTED PURSUANT TO SECTION 22-7-904
23 SHALL NOT BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

24 **SECTION 5.** In Colorado Revised Statutes, 2-3-1203, **repeal** (3)
25 (aa) (IV) as follows:

26 **2-3-1203. Sunset review of advisory committees.** (3) The
27 following dates are the dates for which the statutory authorization for the

1 designated advisory committees is scheduled for repeal:

2 (aa) July 1, 2014:

3 (IV) ~~The read-to-achieve board, created pursuant to section~~
4 ~~22-7-904, C.R.S.;~~

5 **SECTION 6.** In Colorado Revised Statutes, 22-7-613, **repeal** (1)
6 (b) as follows:

7 **22-7-613. Closing the achievement gap cash fund - creation.**

8 (1) (b) ~~On July 1, 2009, the state treasurer, pursuant to section 22-7-908~~
9 ~~(4) (a), shall transfer from the read-to-achieve cash fund created in~~
10 ~~section 22-7-908 to the closing the achievement gap cash fund the amount~~
11 ~~of one million seven hundred fifty thousand dollars for the purposes of~~
12 ~~implementing section 22-7-611.~~

13 **SECTION 7.** In Colorado Revised Statutes, 22-11-605, **repeal** (3)
14 as follows:

15 **22-11-605. School awards program fund - creation -**

16 **contributions.** (3) ~~On July 1, 2009, the state treasurer, pursuant to~~
17 ~~section 22-7-908 (4) (b), shall transfer from the read-to-achieve cash fund~~
18 ~~created in section 22-7-908 to the school awards program fund the~~
19 ~~amount of two hundred fifty thousand dollars to be awarded pursuant to~~
20 ~~section 22-11-603.5 as "Centers of Excellence Awards".~~

21 **SECTION 8.** In Colorado Revised Statutes, 24-75-217, **repeal** (3)
22 (c) as follows:

23 **24-75-217. Restoration of funds transferred to augment the**
24 **general fund for the 2001-02 fiscal year.** (3) The funds that shall be
25 restored pursuant to subsection (1) of this section include:

26 (c) ~~The read-to-achieve cash fund created in section 22-7-908 (1);~~
27 ~~C.R.S.;~~

1 **SECTION 9.** In Colorado Revised Statutes, 24-75-1104.5,
2 **amend** (1) (h) and (3) as follows:

3 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

4 (1) Except as otherwise provided in subsection (5) of this section, for the
5 2004-05 fiscal year and for each fiscal year thereafter, the following
6 programs, services, or funds shall receive the following specified amounts
7 from the settlement moneys received by the state in the preceding fiscal
8 year; except that fifteen million four hundred thousand dollars of strategic
9 contribution fund moneys and, for the 2010-11 fiscal year and for each
10 fiscal year thereafter only, the lesser of sixty-five million dollars of other
11 settlement moneys or all other settlement moneys shall be allocated in
12 each fiscal year in which they are received by the state and except that, of
13 the other settlement moneys received by the state in the 2009-10 fiscal
14 year, the lesser of sixty-five million dollars or all of such moneys shall be
15 transferred to the general fund on June 30, 2010, and shall not be
16 allocated:

17 (h) ~~The read-to-achieve grant program created in part 9 of article~~
18 ~~7 of title 22, C.R.S. EARLY LITERACY FUND CREATED IN SECTION~~
19 ~~22-7-511, C.R.S., shall receive five percent of the total amount of~~
20 ~~settlement moneys annually received by the state, not to exceed eight~~
21 ~~million dollars in any fiscal year, as provided in said section; except that,~~
22 ~~for the 2004-05 fiscal year, the read-to-achieve grant program shall~~
23 ~~receive nineteen percent of the total amount of settlement moneys~~
24 ~~received, not to exceed nineteen million dollars.~~

25 (3) Notwithstanding the provisions of subsections (1) and (1.5) of
26 this section, for purposes of ~~sections 22-7-908(3)~~ SECTIONS 22-7-511 (3),
27 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2) (c),

1 25-23-104 (2), 25-31-107 (2) (d) (I), 25.5-6-805 (2), 25.5-8-105 (3),
2 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys
3 received and allocated by the state pursuant to said subsections (1) and
4 (1.5) during the same fiscal year shall be deemed to be moneys received
5 for or during the preceding fiscal year.

6 **SECTION 10.** In Colorado Revised Statutes, 24-77-104.5, repeal
7 (3) (a) (VII) as follows:

8 **24-77-104.5. General fund exempt account - appropriations to**
9 **critical needs fund - specification of uses for health care and**
10 **education - definitions.** (3) (a) Funding for preschool through twelfth
11 grade education, as used in subparagraph (II) of paragraph (b) of
12 subsection (1) of this section, shall be limited to funding for:

13 (VII) ~~Read-to-achieve programs;~~

14 **SECTION 11. Appropriation.** (1) In addition to any other
15 appropriation, there is hereby appropriated, out of any moneys in the early
16 literacy fund created in section 22-7-511 (3), Colorado Revised Statutes,
17 not otherwise appropriated, to the department of education, for the fiscal
18 year beginning July 1, 2012, the sum of \$5,291,943 and 9.8 FTE, or so
19 much thereof as may be necessary, for allocation to the assistance to
20 public schools division for reading and literacy programs related to the
21 implementation of this act.

22 (2) In addition to any other appropriation, there is hereby
23 appropriated, out of any moneys in the early literacy fund created in
24 section 22-7-511 (3), Colorado Revised Statutes, not otherwise
25 appropriated, to the department of education, for the fiscal year beginning
26 July 1, 2012, the sum of \$20,046 and 0.2 FTE, or so much thereof as may
27 be necessary, for allocation to the public school finance division for

1 administrative expenses related to district per pupil reimbursements for
2 juveniles held in jail.

3 (3) In addition to any other appropriation, there is hereby
4 appropriated, out of any moneys in the early literacy fund created in
5 section 22-7-511 (3), Colorado Revised Statutes, not otherwise
6 appropriated, to the department of education, for the fiscal year beginning
7 July 1, 2012, the sum of \$100,000, or so much thereof as may be
8 necessary, for allocation to the public school finance division for district
9 per pupil reimbursements for juveniles held in jail.

10 **SECTION 12. Appropriation - adjustments in 2012 long bill.**

11 (1) For the implementation of this act, appropriations made in the annual
12 general appropriation act to the department of education for the fiscal
13 year beginning July 1, 2012, are adjusted as follows:

14 (a) The cash funds appropriation for public school finance
15 administration is decreased by \$20,046 and 0.2 FTE. Said sum is from the
16 read-to-achieve cash fund created in section 22-7-908 (1), Colorado
17 Revised Statutes.

18 (b) The cash funds appropriation for district per pupil
19 reimbursements for juveniles held in jail is decreased by \$100,000. Said
20 sum is from the read-to-achieve cash fund created in section 22-7-908 (1),
21 Colorado Revised Statutes.

22 (c) The cash funds appropriation for the read-to-achieve grant
23 program is decreased by \$5,242,516 and 1.0 FTE. Said sum is from the
24 read-to-achieve cash fund created in section 22-7-908 (1), Colorado
25 Revised Statutes.

26 **SECTION 13. Effective date.** This act takes effect July 1, 2012.

27 **SECTION 14. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.