

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.

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.

A student who does not advance to the next grade level must receive increased reading intervention instruction and supports to improve his or her reading competency during the year in which he or she does not advance.

Each local education provider will annually report to the department data that enables the department to determine whether students who receive READ plans achieve reading competency, how long it takes for them to do so, and whether prohibiting a student from advancing to the next grade level has a positive effect on the student's reading skill level. The department will report its analysis of the data to the state board, the governor, and the general assembly and will make it available on the department's web site.

The department will administer an early literacy grant program to provide money to applying local education providers to implement literacy support and intervention instruction programs to assist students in kindergarten and first through third grades to achieve reading competency. The grant program is funded through the early literacy fund, which consists of moneys previously appropriated to the read-to-achieve cash fund. The department is also directed to use a portion of the moneys in the fund to provide technical support to local education providers on a regional basis to assist them in implementing the early grade literacy requirements. The read-to-achieve fund and program are repealed.

Under current law, accreditation of school districts and public schools is based on 4 performance indicators. The data and processes for measuring attainment of those indicators are specified in statute. The bill adds 3 additional measures for 2 of the performance indicators to measure student success in achieving reading competency during the early grades.

The state board does not have authority to waive any of the provisions of the "Colorado Early Literacy Act" for a local education provider.

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,** part 5 of article 7 of title 22 as follows:

4 PART 5

5 COLORADO EARLY LITERACY ACT

6 **22-7-501. Short title.** THIS PART 5 IS KNOWN AND MAY BE CITED
7 AS THE "COLORADO EARLY LITERACY ACT".

8 **22-7-502. Legislative declaration.** (1) THE GENERAL ASSEMBLY

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 WILL
22 NOT ADVANCE TO THE NEXT GRADE LEVEL.

23 **22-7-503. Definitions.** AS USED IN THIS PART 5, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "BODY OF EVIDENCE" MEANS A COLLECTION OF INFORMATION
26 ABOUT A STUDENT'S ACADEMIC PERFORMANCE WHICH, WHEN CONSIDERED
27 IN ITS ENTIRETY, DOCUMENTS THE LEVEL OF A STUDENT'S ACADEMIC

1 PERFORMANCE. A BODY OF EVIDENCE, AT A MINIMUM, SHALL INCLUDE
2 SCORES ON FORMATIVE OR INTERIM ASSESSMENTS AND WORK THAT A
3 STUDENT INDEPENDENTLY PRODUCES IN A CLASSROOM, INCLUDING BUT
4 NOT LIMITED TO THE SCHOOL READINESS ASSESSMENTS ADOPTED
5 PURSUANT TO SECTION 22-7-1004 (2) (a). A BODY OF EVIDENCE MAY
6 INCLUDE SCORES ON SUMMATIVE ASSESSMENTS IF A LOCAL EDUCATION
7 PROVIDER DECIDES THAT SUMMATIVE ASSESSMENTS ARE APPROPRIATE
8 AND USEFUL IN MEASURING STUDENTS' LITERACY SKILLS.

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

11 (3) "DISTRICT CHARTER SCHOOL" MEANS A CHARTER SCHOOL
12 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5
13 OF THIS TITLE.

14 (4) "INSTITUTE CHARTER SCHOOL" MEANS A CHARTER SCHOOL
15 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
16 PART 5 OF ARTICLE 30.5 OF THIS TITLE.

17 (5) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
18 BOARD OF COOPERATIVE SERVICES, A DISTRICT CHARTER SCHOOL, OR AN
19 INSTITUTE CHARTER SCHOOL.

20 (6) "MASTER SETTLEMENT AGREEMENT" MEANS THE MASTER
21 SETTLEMENT AGREEMENT, THE SMOKELESS TOBACCO MASTER
22 SETTLEMENT AGREEMENT, AND THE CONSENT DECREE APPROVED AND
23 ENTERED BY THE COURT IN THE CASE DENOMINATED *STATE OF COLORADO,*
24 *EX REL. GALE A. NORTON, ATTORNEY GENERAL V. R.J. REYNOLDS TOBACCO*
25 *CO.; AMERICAN TOBACCO CO., INC.; BROWN & WILLIAMSON TOBACCO*
26 *CORP.; LIGGETT & MYERS, INC.; LORILLARD TOBACCO CO., INC.; PHILIP*
27 *MORRIS, INC.; UNITED STATES TOBACCO CO.; B.A.T. INDUSTRIES, P.L.C.;*

1 *THE COUNCIL FOR TOBACCO RESEARCH--U.S.A., INC.; AND TOBACCO*
2 *INSTITUTE, INC., CASE No. 97 CV 3432, IN THE DISTRICT COURT FOR THE*
3 CITY AND COUNTY OF DENVER.

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

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

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

21 (10) "READING TO ENSURE ACADEMIC DEVELOPMENT PLAN" OR
22 "READ PLAN" MEANS AN INTERVENTION PLAN CREATED PURSUANT TO
23 SECTION 22-7-506 TO REMEDIATE A STUDENT'S READING DEFICIENCY OR
24 SIGNIFICANT READING DEFICIENCY.

25 (11) "RESOURCE BANK" MEANS A LIST OF ITEMS THAT INCLUDE, AT
26 A MINIMUM, THE READING ASSESSMENTS APPROVED BY THE STATE BOARD
27 PURSUANT TO SECTION 22-7-510 (1), INSTRUCTIONAL PROGRAMMING IN

1 READING, AND PROFESSIONAL DEVELOPMENT PROGRAMS, IDENTIFIED
2 BY THE DEPARTMENT PURSUANT TO SECTION 22-7-510 (2).

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

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

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

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

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

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

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

16 **22-7-505. Reading competency - assessments - notice to**
17 **parents.** (1) (a) BEGINNING NOLATER THAN THE 2013-14 SCHOOL YEAR,
18 EACH LOCAL EDUCATION PROVIDER THAT ENROLLS STUDENTS IN
19 KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE SHALL ENSURE THAT
20 TEACHERS MEASURE EACH STUDENT'S READING COMPETENCY USING
21 MULTIPLE FORMATIVE AND INTERIM READING ASSESSMENTS THROUGHOUT
22 THE SCHOOL YEAR. A LOCAL EDUCATION PROVIDER MAY ALSO
23 ADMINISTER A SUMMATIVE ASSESSMENT TO MEASURE STUDENTS' READING
24 COMPETENCY AT THE CONCLUSION OF KINDERGARTEN, FIRST, AND SECOND
25 GRADES. EACH LOCAL EDUCATION PROVIDER SHALL SELECT FROM AMONG
26 THE APPROVED ASSESSMENTS INCLUDED IN THE RESOURCE BANK THOSE
27 ASSESSMENTS IT SHALL USE TO MEASURE A STUDENT'S READING

1 COMPETENCY. A LOCAL EDUCATION PROVIDER MAY CHOOSE TO USE OTHER
2 READING ASSESSMENTS IN ADDITION TO THE APPROVED ASSESSMENTS.

3 (b) IF A TEACHER FINDS, BASED ON A STUDENT'S SCORES ON THE
4 APPROVED READING ASSESSMENTS, THAT THE STUDENT MAY HAVE A
5 READING DEFICIENCY OR A SIGNIFICANT READING DEFICIENCY, THE
6 TEACHER SHALL ADMINISTER TO THE STUDENT ONE OR MORE DIAGNOSTIC
7 ASSESSMENTS TO DETERMINE THE STUDENT'S SPECIFIC READING SKILL
8 DEFICIENCIES. EACH LOCAL EDUCATION PROVIDER SHALL SELECT FROM
9 AMONG THE APPROVED ASSESSMENTS INCLUDED IN THE RESOURCE BANK
10 THOSE ASSESSMENTS IT SHALL USE TO DETERMINE A STUDENT'S SPECIFIC
11 READING SKILL DEFICIENCIES. A LOCAL EDUCATION PROVIDER MAY
12 CHOOSE TO USE OTHER DIAGNOSTIC READING ASSESSMENTS IN ADDITION
13 TO THE APPROVED ASSESSMENTS.

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

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

25 (II) THE STUDENT HAS A READING DEFICIENCY OR A SIGNIFICANT
26 READING DEFICIENCY, WHICHEVER IS APPLICABLE, AND THE NOTICE SHALL
27 DESCRIBE IN PLAIN LANGUAGE WHAT A READING DEFICIENCY IS OR WHAT

1 A SIGNIFICANT READING DEFICIENCY IS, WHICHEVER IS APPLICABLE, AND
2 THE BASIS FOR CONCLUDING THE STUDENT HAS A READING DEFICIENCY OR
3 A SIGNIFICANT READING DEFICIENCY, WHICHEVER IS APPLICABLE;

4 (III) STUDENTS WHO DO NOT ACHIEVE READING COMPETENCY BY
5 THE END OF THIRD GRADE ARE SIGNIFICANTLY LESS LIKELY TO GRADUATE
6 FROM HIGH SCHOOL AND, IF THEY DO GRADUATE FROM HIGH SCHOOL, ARE
7 SIGNIFICANTLY LESS LIKELY TO CONTINUE INTO POSTSECONDARY
8 EDUCATION OR TO ATTAIN ANY FORM OF POSTSECONDARY CREDENTIAL;

9 (IV) THE STUDENT'S TEACHER WILL CREATE A READ PLAN FOR
10 THE STUDENT THAT INCLUDES TARGETED, SCIENTIFICALLY BASED
11 INTERVENTION INSTRUCTION TO ADDRESS AND REMEDIATE THE STUDENT'S
12 SPECIFIC, DIAGNOSED READING SKILL DEFICIENCIES; AND

13 (V) THE PARENT PLAYS AN IMPORTANT ROLE IN SUPPORTING THE
14 STUDENT'S EFFORTS TO ACHIEVE READING COMPETENCY, THE PARENT IS
15 STRONGLY ENCOURAGED TO WORK WITH THE STUDENT'S TEACHER IN
16 CREATING THE READ PLAN, AND THE READ PLAN WILL INCLUDE
17 STRATEGIES THE PARENT IS ENCOURAGED TO USE AT HOME TO SUPPORT
18 THE STUDENT'S READING SUCCESS.

19 (b) IF THE NOTICE DESCRIBED IN PARAGRAPH (a) OF THIS
20 SUBSECTION (2) APPLIES TO A STUDENT WHO IS IDENTIFIED AS HAVING A
21 SIGNIFICANT READING DEFICIENCY, THE NOTICE SHALL ALSO STATE THAT,
22 IF THE STUDENT'S READING SKILLS AT THE END OF THE SCHOOL YEAR ARE
23 BELOW THE MINIMUM LEVEL FOR READING COMPETENCY ESTABLISHED BY
24 THE STATE BOARD FOR THE STUDENT'S GRADE LEVEL, STATE LAW
25 RECOMMENDS THAT THE STUDENT NOT ADVANCE TO THE NEXT GRADE
26 LEVEL, AND THE PARENT AND THE LOCAL EDUCATION PROVIDER SHALL
27 TOGETHER DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE NEXT

1 GRADE LEVEL.

2 (c) IN ADDITION TO THE WRITTEN NOTICE DESCRIBED IN
3 PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2), THE STUDENT'S
4 TEACHER SHALL MEET WITH, OR MAKE TWO DOCUMENTED ATTEMPTS TO
5 MEET WITH, THE STUDENT'S PARENT TO DISCUSS THE CONTENTS OF THE
6 WRITTEN NOTICE AND CREATE THE STUDENT'S READ PLAN. IF THE PARENT
7 DOES NOT PARTICIPATE IN CREATING THE READ PLAN, THE TEACHER
8 SHALL CREATE THE READ PLAN AS PROVIDED IN SECTION 22-7-506, AND
9 THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE PARENT
10 RECEIVES A COPY OF THE READ PLAN WITH A CLEAR, WRITTEN
11 EXPLANATION OF THE STRATEGIES THAT THE PARENT IS ENCOURAGED TO
12 APPLY IN ASSISTING THE STUDENT IN ACHIEVING READING COMPETENCY.

13 (d) THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE
14 PARENT OF EACH STUDENT WHO HAS A READ PLAN RECEIVES ONGOING,
15 REGULAR UPDATES FROM THE STUDENT'S TEACHER, WHICH MAY OCCUR
16 THROUGH EXISTING METHODS OF COMMUNICATION, CONCERNING THE
17 RESULTS OF THE INTERVENTION INSTRUCTION DESCRIBED IN THE PLAN AND
18 THE STUDENT'S PROGRESS IN ACHIEVING READING COMPETENCY. THE
19 STUDENT'S TEACHER IS ENCOURAGED TO COMMUNICATE WITH THE PARENT
20 CONCERNING THE PARENT'S PROGRESS IN IMPLEMENTING THE HOME
21 READING STRATEGIES IDENTIFIED IN THE STUDENT'S READ PLAN.

22 **22-7-506. Reading to ensure academic development plan -**
23 **contents - implementation.** (1) (a) A TEACHER, AND OTHER SKILLED
24 SCHOOL PROFESSIONALS THAT THE LOCAL EDUCATION PROVIDER MAY
25 CHOOSE TO SELECT, SHALL CREATE A READ PLAN FOR EACH STUDENT
26 WHO HAS A READING DEFICIENCY OR A SIGNIFICANT READING DEFICIENCY.
27 THE TEACHER AND ANY OTHER PERSONNEL SHALL CREATE THE PLAN IN

1 COLLABORATION WITH THE STUDENT'S PARENT, IF POSSIBLE, AND AS SOON
2 AS POSSIBLE AFTER THE STUDENT'S READING DEFICIENCY OR SIGNIFICANT
3 READING DEFICIENCY IS IDENTIFIED. THE STUDENT, THE STUDENT'S
4 TEACHER, AND THE STUDENT'S PARENT SHALL CONTINUE IMPLEMENTING
5 THE STUDENT'S READ PLAN UNTIL THE STUDENT DEMONSTRATES
6 READING COMPETENCY. THE STUDENT'S TEACHER SHALL REVIEW THE
7 STUDENT'S READ PLAN AT LEAST ANNUALLY AND UPDATE OR REVISE THE
8 READ PLAN AS APPROPRIATE TO FACILITATE THE STUDENT'S PROGRESS IN
9 DEMONSTRATING READING COMPETENCY.

10 (b) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A
11 STUDENT'S CURRENT READ PLAN, ANY EARLIER VERSIONS OF THE READ
12 PLAN, AND ANY SUPPORTING DOCUMENTATION FOR THE PLAN AND THE
13 BODY OF EVIDENCE THAT DEMONSTRATES A STUDENT'S PROGRESS IN
14 IMPLEMENTING THE PLAN ARE INCLUDED IN THE STUDENT'S PERMANENT
15 ACADEMIC RECORD AND ARE TRANSFERRED IF THE STUDENT
16 SUBSEQUENTLY ENROLLS IN ANOTHER SCHOOL.

17 (c) IF A STUDENT IS IDENTIFIED AS HAVING A READING DEFICIENCY
18 OR A SIGNIFICANT READING DEFICIENCY, THE STUDENT'S READ PLAN
19 SHALL INCLUDE THE INTERVENTION INSTRUCTION THAT THE LOCAL
20 EDUCATION PROVIDER PROVIDES THROUGH THE RESPONSE TO
21 INTERVENTION FRAMEWORK.

22 (d) NOTWITHSTANDING ANY PROVISION OF THIS PART 5 TO THE
23 CONTRARY, IF A STUDENT IS IDENTIFIED AS HAVING A DISABILITY THAT
24 IMPACTS THE STUDENT'S PROGRESS IN DEVELOPING READING SKILLS, THE
25 LOCAL EDUCATION PROVIDER SHALL, AS APPROPRIATE, INTEGRATE INTO
26 THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM CREATED
27 PURSUANT TO SECTION 22-20-108 INTERVENTION INSTRUCTION AND

1 STRATEGIES TO ADDRESS THE STUDENT'S READING ISSUES IN LIEU OF A
2 READ PLAN.

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

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

7 (b) THE GOALS AND BENCHMARKS FOR THE STUDENT'S GROWTH IN
8 ATTAINING READING COMPETENCY;

9 (c) THE AMOUNT OF ADDITIONAL INSTRUCTION TIME THE STUDENT
10 WILL RECEIVE IN READING;

11 (d) THE SCIENTIFICALLY BASED READING INSTRUCTIONAL
12 PROGRAMMING THE TEACHER WILL USE TO PROVIDE TO THE STUDENT
13 DAILY READING APPROACHES, STRATEGIES, INTERVENTIONS, AND
14 INSTRUCTION, WHICH PROGRAMS THE LOCAL EDUCATION PROVIDER MAY
15 CHOOSE TO SELECT FROM AMONG THOSE INCLUDED IN THE RESOURCE
16 BANK;

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

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

21 (g) ANY ADDITIONAL SERVICES THE TEACHER DEEMS AVAILABLE
22 AND APPROPRIATE TO ACCELERATE THE STUDENT'S READING SKILL
23 DEVELOPMENT.

24 (3) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A
25 TEACHER CONTINUES TO REVISE AND IMPLEMENT A STUDENT'S READ
26 PLAN UNTIL THE STUDENT ATTAINS READING COMPETENCY, REGARDLESS
27 OF THE STUDENT'S GRADE LEVEL AND REGARDLESS OF WHETHER THE

1 STUDENT WAS ENROLLED WITH THE LOCAL EDUCATION PROVIDER WHEN
2 THE READ PLAN WAS ORIGINALLY CREATED OR THE STUDENT
3 TRANSFERRED ENROLLMENT TO THE LOCAL EDUCATION PROVIDER AFTER
4 THE READ PLAN WAS CREATED.

5 **22-7-507. Advancement - decision - additional services.** (1) IF,
6 WITHIN FORTY-FIVE DAYS BEFORE THE END OF ANY SCHOOL YEAR PRIOR
7 TO A STUDENT'S FOURTH-GRADE YEAR, A TEACHER FINDS THAT A STUDENT
8 HAS A SIGNIFICANT READING DEFICIENCY, THE TEACHER SHALL PROVIDE
9 TO THE STUDENT'S PARENT THE WRITTEN NOTICE DESCRIBED IN
10 SUBSECTION (2) OF THIS SECTION; EXCEPT THAT THE PROVISIONS OF THIS
11 SECTION SHALL NOT APPLY IF:

12 (a) THE STUDENT ENROLLED IN KINDERGARTEN BEFORE THE
13 2013-14 SCHOOL YEAR;

14 (b) THE STUDENT IS A STUDENT WITH A DISABILITY WHO IS
15 ELIGIBLE TO TAKE THE ALTERNATIVE STATEWIDE ASSESSMENT;

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

20 (d) THE STUDENT IS COMPLETING THE SECOND SCHOOL YEAR AT
21 THE SAME GRADE LEVEL.

22 (2) THE WRITTEN NOTICE THAT A TEACHER PROVIDES TO A PARENT
23 PURSUANT TO SUBSECTION (1) OF THIS SECTION AT A MINIMUM SHALL
24 STATE THAT:

25 (a) STATE LAW RECOMMENDS THAT THE STUDENT NOT ADVANCE
26 TO THE NEXT GRADE LEVEL IN THE NEXT SCHOOL YEAR BECAUSE OF THE
27 STUDENT'S SIGNIFICANT READING DEFICIENCY;

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

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

9 (d) IF THE PARENT DOES NOT ATTEND THE MEETING, THE TEACHER
10 AND PERSONNEL OF THE LOCAL EDUCATION PROVIDER WILL DECIDE
11 WHETHER THE STUDENT WILL PROGRESS TO THE NEXT GRADE LEVEL IN THE
12 NEXT SCHOOL YEAR.

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

24 (b) AT THE MEETING REQUIRED BY THIS SECTION, THE TEACHER
25 AND ANY OTHER PERSONNEL SELECTED BY THE LOCAL EDUCATION
26 PROVIDER SHALL:

27 (I) EXPLAIN TO THE PARENT THAT, DUE TO THE STUDENT'S

1 SIGNIFICANT READING DEFICIENCY, STATE LAW RECOMMENDS THAT THE
2 STUDENT DOES NOT ADVANCE TO THE NEXT GRADE LEVEL; AND

3 (II) DISCUSS THE IMPORTANCE OF ACHIEVING READING
4 COMPETENCY BY THE END OF THIRD GRADE, BECAUSE STUDENTS WHO
5 ACHIEVE READING COMPETENCY BY THE END OF THIRD GRADE ARE MORE
6 LIKELY TO GRADUATE FROM HIGH SCHOOL AND ATTAIN A POSTSECONDARY
7 CREDENTIAL.

8 (c) AFTER DISCUSSING THE STUDENT'S BODY OF EVIDENCE, THE
9 INCREASED LEVEL OF INTERVENTION INSTRUCTION THE STUDENT WILL
10 RECEIVE IF HE OR SHE DOES NOT ADVANCE TO THE NEXT GRADE LEVEL,
11 AND THE POTENTIAL EFFECTS ON THE STUDENT IF HE OR SHE DOES NOT
12 ADVANCE TO THE NEXT GRADE LEVEL, THE TEACHER, THE PARENT, AND
13 THE OTHER PERSONNEL SHALL DECIDE WHETHER THE STUDENT WILL
14 ADVANCE TO THE NEXT GRADE LEVEL.

15 (d) AS SOON AS POSSIBLE AFTER THE DECISION IS MADE PURSUANT
16 TO PARAGRAPH (a) OF THIS SUBSECTION (3) OR THE MEETING IS HELD
17 PURSUANT TO PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (3), THE
18 TEACHER OR THE PERSONNEL SELECTED BY THE LOCAL EDUCATION
19 PROVIDER SHALL PROVIDE TO THE PARENT WRITTEN NOTICE AS TO
20 WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE LEVEL IN THE
21 NEXT SCHOOL YEAR AND THE BASIS FOR THE DECISION. THE TEACHER OR
22 PERSONNEL SHALL ALSO PROVIDE A COPY OF THE WRITTEN NOTICE TO THE
23 SCHOOL DISTRICT SUPERINTENDENT, IF THE STUDENT IS ENROLLED IN A
24 PUBLIC SCHOOL OF A SCHOOL DISTRICT THAT IS NOT A CHARTER SCHOOL,
25 OR TO THE SCHOOL PRINCIPAL, IF THE STUDENT IS ENROLLED IN A DISTRICT
26 CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR A PUBLIC SCHOOL
27 OPERATED BY A BOARD OF COOPERATIVE SERVICES. THE LOCAL

1 EDUCATION PROVIDER SHALL INCLUDE THE WRITTEN NOTICE IN THE
2 STUDENT'S PERMANENT ACADEMIC RECORD AND SHALL REMOVE THE
3 WRITTEN NOTICE FROM THE STUDENT'S PERMANENT ACADEMIC RECORD
4 WHEN THE STUDENT ACHIEVES READING COMPETENCY.

5 (4) IF A STUDENT IS COMPLETING THIRD GRADE AND, AT THE
6 MEETING REQUIRED BY THIS SECTION, THE STUDENT'S TEACHER AND
7 PARENT AND ANY OTHER PERSONNEL AT THE MEETING DECIDE THAT THE
8 STUDENT WILL ADVANCE TO FOURTH GRADE EVEN THOUGH THE STUDENT
9 HAS A SIGNIFICANT READING DEFICIENCY, THE DECISION TO ADVANCE THE
10 STUDENT IS SUBJECT TO APPROVAL OF THE SCHOOL DISTRICT
11 SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, IF THE STUDENT
12 IS ENROLLED IN A PUBLIC SCHOOL OF A SCHOOL DISTRICT THAT IS NOT A
13 CHARTER SCHOOL, OR SUBJECT TO APPROVAL OF THE SCHOOL PRINCIPAL,
14 IF THE STUDENT IS ENROLLED IN A DISTRICT CHARTER SCHOOL, AN
15 INSTITUTE CHARTER SCHOOL, OR A PUBLIC SCHOOL OPERATED BY A BOARD
16 OF COOPERATIVE SERVICES. IF THE SUPERINTENDENT, OR HIS OR HER
17 DESIGNEE, OR THE PRINCIPAL, WHICHEVER IS APPLICABLE, DOES NOT
18 APPROVE THE DECISION TO ADVANCE THE STUDENT, THE STUDENT SHALL
19 NOT ADVANCE TO FOURTH GRADE IN THE NEXT SCHOOL YEAR. AS SOON AS
20 POSSIBLE, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE WRITTEN
21 NOTICE TO THE PARENT CONCERNING THE DECISION OF THE
22 SUPERINTENDENT OR DESIGNEE OR THE PRINCIPAL AND THE BASIS FOR THE
23 DECISION. THE LOCAL EDUCATION PROVIDER SHALL INCLUDE THE WRITTEN
24 NOTICE IN THE STUDENT'S PERMANENT ACADEMIC RECORD AND SHALL
25 REMOVE THE WRITTEN NOTICE FROM THE STUDENT'S PERMANENT
26 ACADEMIC RECORD WHEN THE STUDENT ACHIEVES READING COMPETENCY.

27 (5) IF A STUDENT DOES NOT ADVANCE BASED ON A DECISION MADE

1 PURSUANT TO THIS SECTION:

2 (a) THE STUDENT'S TEACHER SHALL REVISE THE STUDENT'S READ
3 PLAN TO INCLUDE ADDITIONAL, MORE RIGOROUS STRATEGIES AND
4 INTERVENTION INSTRUCTION TO ASSIST THE STUDENT TO ATTAIN READING
5 COMPETENCY, INCLUDING INCREASED DAILY TIME IN SCHOOL FOR READING
6 INSTRUCTION;

7 (b) THE PRINCIPAL OF THE SCHOOL IN WHICH THE STUDENT IS
8 ENROLLED SHALL ENSURE THAT THE STUDENT RECEIVES READING
9 INSTRUCTION IN CONJUNCTION WITH AND SUPPORTED THROUGH THE
10 OTHER SUBJECTS IN WHICH THE STUDENT RECEIVES INSTRUCTION DURING
11 THE SCHOOL DAY;

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

16 (d) THE LOCAL EDUCATION PROVIDER, WITH THE APPROVAL OF THE
17 STUDENT'S PARENT, MAY PROVIDE TO THE STUDENT MENTAL HEALTH
18 SUPPORT FROM THE SCHOOL PSYCHOLOGIST, SCHOOL SOCIAL WORKER, OR
19 SCHOOL COUNSELOR.

20 (6) THE PROVISIONS OF THIS SECTION SPECIFY THE
21 CIRCUMSTANCES UNDER WHICH A LOCAL EDUCATION PROVIDER, IN
22 COLLABORATION WITH A STUDENT'S TEACHER AND PARENT, ARE REQUIRED
23 TO DECIDE WHETHER A STUDENT WHO HAS A SIGNIFICANT READING
24 DEFICIENCY SHOULD ADVANCE TO THE NEXT GRADE LEVEL. THE
25 PROVISIONS OF THIS PART 5 DO NOT LIMIT THE ABILITY OF A LOCAL
26 EDUCATION PROVIDER TO DECIDE, IN ACCORDANCE WITH POLICIES AND
27 PROCEDURES OF THE LOCAL EDUCATION PROVIDER, THAT A STUDENT AT

1 ANY GRADE LEVEL SHOULD NOT ADVANCE TO THE NEXT GRADE LEVEL FOR
2 ANY REASON DEEMED SUFFICIENT BY THE LOCAL EDUCATION PROVIDER.

3 **22-7-508. Reporting requirements.** (1) EACH LOCAL EDUCATION
4 PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT INFORMATION
5 NECESSARY TO DETERMINE:

6 (a) THE PREVALENCE OF READING DEFICIENCIES AND SIGNIFICANT
7 READING DEFICIENCIES AMONG STUDENTS IN KINDERGARTEN AND FIRST
8 THROUGH THIRD GRADES;

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

12 (c) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
13 DEFICIENCY AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL
14 ATTAIN READING COMPETENCY WITHIN THE SCHOOL YEAR DURING WHICH
15 THEY DO NOT ADVANCE;

16 (d) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
17 DEFICIENCY AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL
18 ATTAIN READING COMPETENCY AT A LOWER GRADE LEVEL THAN
19 STUDENTS WHO DO ADVANCE; AND

20 (e) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
21 DEFICIENCY CONTINUE TO ADVANCE TO THE NEXT GRADE LEVEL DESPITE
22 HAVING A CONTINUING SIGNIFICANT READING DEFICIENCY AND THE
23 DEGREE TO WHICH LOCAL EDUCATION PROVIDERS ARE RECOMMENDING
24 THAT SAID STUDENTS DO NOT ADVANCE.

25 (2) THE DEPARTMENT SHALL ANALYZE THE INFORMATION
26 RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND PREPARE
27 AN ANNUAL REPORT THAT, AT A MINIMUM, MAKES THE DETERMINATIONS

1 DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE DEPARTMENT SHALL
2 SUBMIT THE REPORT TO THE STATE BOARD, THE GOVERNOR, AND THE
3 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
4 SENATE, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT SHALL ALSO
5 POST THE REPORT ON ITS WEB SITE FOR PUBLIC REVIEW.

6 **22-7-509. Local education providers - procedures.** (1) EACH
7 LOCAL EDUCATION PROVIDER SHALL ADOPT THE PROCEDURES NECESSARY
8 TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS PART 5. IN
9 ADOPTING PROCEDURES, A LOCAL EDUCATION PROVIDER SHALL COMPLY
10 WITH AND MAY EXCEED THE REQUIREMENTS OF THIS PART 5. PROCEDURES
11 MAY INCLUDE, BUT NEED NOT BE LIMITED TO, PROCEDURES FOR:

12 (a) CREATING A READ PLAN AND THE CONTENTS OF A READ
13 PLAN;

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

16 (c) DETERMINING WHETHER A STUDENT WHO HAS A SIGNIFICANT
17 READING DEFICIENCY WILL ADVANCE TO THE NEXT GRADE LEVEL.

18 (2) EACH LOCAL EDUCATION PROVIDER IS ENCOURAGED TO REPORT
19 TO THE DEPARTMENT THE STRATEGIES AND INTERVENTION INSTRUCTION
20 THAT THE LOCAL EDUCATION PROVIDER FINDS EFFECTIVE IN ASSISTING
21 STUDENTS TO ATTAIN READING COMPETENCY AND TO PROVIDE COPIES OF
22 EFFECTIVE MATERIALS TO THE DEPARTMENT TO ASSIST THE DEPARTMENT
23 IN SHARING WITH LOCAL EDUCATION PROVIDERS BEST PRACTICES IN
24 ASSISTING STUDENTS TO ATTAIN READING COMPETENCY.

25 (3) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO PROVIDE
26 PARENTS OPPORTUNITIES TO PARTICIPATE IN PARENT READING WORKSHOPS
27 THROUGHOUT THE SCHOOL YEAR TO ASSIST PARENTS IN DEVELOPING THEIR

1 OWN READING SKILLS AND IN DEVELOPING THE SKILLS NECESSARY TO
2 ASSIST THEIR CHILDREN IN READING.

3 **22-7-510. State board - rules - department - duties.** (1) THE
4 STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH THE
5 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
6 C.R.S., AS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS PART 5,
7 WHICH RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

8 (a) THE GRADE-LEVEL READING COMPETENCY SKILL LEVELS IN THE
9 AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,
10 READING FLUENCY, INCLUDING ORAL SKILLS, AND READING
11 COMPREHENSION FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD
12 GRADES;

13 (b) THE MINIMUM READING COMPETENCY SKILL LEVELS IN THE
14 AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,
15 READING FLUENCY, INCLUDING ORAL SKILLS, AND READING
16 COMPREHENSION FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD
17 GRADES. THE STATE BOARD SHALL BASE THE MINIMUM SKILL LEVELS FOR
18 SECOND AND THIRD GRADES PRIMARILY ON SCORES ATTAINED ON THE
19 ASSESSMENTS APPROVED BY THE STATE BOARD PURSUANT TO PARAGRAPH

20 (c) OF THIS SUBSECTION (1). THE STATE BOARD SHALL DESCRIBE THE
21 MINIMUM SKILL LEVELS FOR STUDENTS AS THEY COMPLETE
22 KINDERGARTEN AND FIRST GRADE USING MATRICES OF APPROPRIATE
23 INDICATORS, WHICH INDICATORS MAY INCLUDE MEASURES OF STUDENTS'
24 SOCIAL AND EMOTIONAL DEVELOPMENT, PHYSICAL DEVELOPMENT,
25 LANGUAGE AND COMPREHENSION DEVELOPMENT, AND COGNITION AND
26 GENERAL KNOWLEDGE.

27 (c) THE APPROVED READING ASSESSMENTS, BASED ON THE

1 RECOMMENDATIONS OF THE DEPARTMENT, THAT LOCAL EDUCATION
2 PROVIDERS MAY USE TO MEET THE REQUIREMENTS SPECIFIED IN SECTION
3 22-7-505;

4 (d) THE TIME FRAMES AND PROCEDURES FOR REPORTING
5 INFORMATION CONCERNING STUDENTS' READING SKILLS AS DESCRIBED IN
6 SECTION 22-7-508; AND

7 (e) RULES FOR IMPLEMENTING THE EARLY LITERACY GRANT
8 PROGRAM PURSUANT TO SECTION 22-7-511.

9 (2) (a) THE DEPARTMENT SHALL REVIEW THE READING
10 ASSESSMENTS, INCLUDING INTERIM, FORMATIVE, SUMMATIVE, AND
11 DIAGNOSTIC ASSESSMENTS, THAT ARE AVAILABLE AND SHALL
12 RECOMMEND TO THE STATE BOARD READING ASSESSMENTS FOR APPROVAL
13 PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION. THE
14 DEPARTMENT SHALL DEVELOP A COMPREHENSIVE RESOURCE BANK OF THE
15 READING ASSESSMENTS FOR KINDERGARTEN, FIRST, SECOND, AND THIRD
16 GRADES THAT THE STATE BOARD APPROVES FOR USE BY LOCAL EDUCATION
17 PROVIDERS. IN RECOMMENDING READING ASSESSMENTS TO THE STATE
18 BOARD, THE DEPARTMENT SHALL ENSURE THAT:

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

24 (II) EACH OF THE RECOMMENDED READING DIAGNOSTICS IS
25 PROVEN TO ACCURATELY IDENTIFY STUDENTS' SPECIFIC READING SKILL
26 DEFICIENCIES; AND

27 (III) AT LEAST ONE OF THE RECOMMENDED READING ASSESSMENTS

1 IS NORMED FOR THE PERFORMANCE OF STUDENTS WHO SPEAK SPANISH AS
2 THEIR NATIVE LANGUAGE, WHICH ASSESSMENT IS AVAILABLE IN BOTH
3 ENGLISH AND SPANISH.

4 (b) THE DEPARTMENT SHALL REVIEW THE SCIENTIFICALLY BASED
5 INSTRUCTIONAL PROGRAMMING IN READING THAT IS AVAILABLE AND
6 INCLUDE IN THE RESOURCE BANK RECOMMENDED INSTRUCTIONAL
7 PROGRAMMING IN READING FOR USE BY LOCAL EDUCATION PROVIDERS.
8 THE RESOURCE BANK SHALL INCLUDE ONLY PROGRAMMING THAT, AT A
9 MINIMUM:

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

12 (II) PROVIDES EXPLICIT AND SYSTEMATIC SKILL DEVELOPMENT IN
13 PHONEMIC AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING
14 FLUENCY, INCLUDING ORAL SKILLS; AND 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) THE DEPARTMENT SHALL REVIEW THE PROFESSIONAL
23 DEVELOPMENT PROGRAMS THAT ARE RELATED TO ADDRESSING READING
24 DEFICIENCIES AND SIGNIFICANT READING DEFICIENCIES AND TO APPLYING
25 INTERVENTION INSTRUCTION AND STRATEGIES, IN ADDITION TO PROGRAMS
26 RELATED TO TEACHING GENERAL LITERACY, AND INCLUDE IN THE
27 RESOURCE BANK RECOMMENDED PROFESSIONAL DEVELOPMENT PROGRAMS

1 FOR USE BY LOCAL EDUCATION PROVIDERS.

2 (d) IN CREATING AND MAINTAINING THE RESOURCE BANK, THE
3 DEPARTMENT SHALL SOLICIT AND ACCEPT FROM EACH LOCAL EDUCATION
4 PROVIDER ASSESSMENTS, INSTRUCTIONAL PROGRAMMING IN READING,
5 AND PROFESSIONAL DEVELOPMENT PROGRAMS TO INCLUDE IN THE
6 RESOURCE BANK. THE DEPARTMENT SHALL PROMPTLY REVIEW EACH ITEM
7 SUBMITTED AND, IF IT IS A READING ASSESSMENT, RECOMMEND IT TO THE
8 STATE BOARD FOR APPROVAL IF THE ASSESSMENT MEETS THE
9 REQUIREMENTS SPECIFIED IN THIS SUBSECTION (2) OR, IF IT IS
10 INSTRUCTIONAL PROGRAMMING IN READING OR PROFESSIONAL
11 DEVELOPMENT PROGRAMS, INCLUDE IT IN THE RESOURCE BANK IF THE
12 ITEM MEETS THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (2).

13 (e) THE RESOURCE BANK, AT A MINIMUM, SHALL CONSIST OF A LIST
14 OF APPROVED ASSESSMENTS AND RECOMMENDED INSTRUCTIONAL
15 PROGRAMMING IN READING AND PROFESSIONAL DEVELOPMENT PROGRAMS
16 AND MAY INCLUDE COPIES OF THE ASSESSMENTS, INSTRUCTIONAL
17 PROGRAMMING, AND PROFESSIONAL DEVELOPMENT PROGRAMS TO THE
18 EXTENT THEY ARE AVAILABLE TO THE DEPARTMENT, AND FOR USE BY
19 LOCAL EDUCATION PROVIDERS, AT NO COST. THE DEPARTMENT IS NOT
20 REQUIRED TO INCLUDE IN THE RESOURCE BANK COPIES OF ANY
21 ASSESSMENTS, INSTRUCTIONAL PROGRAMMING, OR PROFESSIONAL
22 DEVELOPMENT PROGRAMS FOR WHICH IT IS REQUIRED TO PAY A LICENSE
23 OR OTHER USE FEE, ALTHOUGH SAID ITEMS MAY BE INCLUDED ON THE LIST.
24 ANY ASSESSMENTS, INSTRUCTIONAL PROGRAMMING, OR PROFESSIONAL
25 DEVELOPMENT PROGRAMS THAT THE DEPARTMENT ACQUIRES PURSUANT
26 TO A LICENSE AND DEPOSITS IN THE RESOURCE BANK MAY BE USED ONLY
27 IN ACCORDANCE WITH THE LICENSE.

1 (f) ON OR BEFORE JULY 1, 2013, THE DEPARTMENT SHALL MAKE
2 THE RESOURCE BANK AVAILABLE FOR USE BY LOCAL EDUCATION
3 PROVIDERS AND NOTIFY LOCAL EDUCATION PROVIDERS THAT THE
4 RESOURCE BANK IS AVAILABLE. THE DEPARTMENT SHALL CONTINUE TO
5 REVIEW NEW ASSESSMENTS, INSTRUCTIONAL PROGRAMMING IN READING,
6 AND PROFESSIONAL DEVELOPMENT PROGRAMS AS THEY BECOME
7 AVAILABLE OR AS SUBMITTED BY LOCAL EDUCATION PROVIDERS,
8 RECOMMEND READING ASSESSMENTS TO THE STATE BOARD FOR APPROVAL
9 IF THE ASSESSMENTS MEET THE REQUIREMENTS SPECIFIED IN THIS
10 SUBSECTION (2), AND ADD TO THE RESOURCE BANK THE INSTRUCTIONAL
11 PROGRAMMING IN READING AND PROFESSIONAL DEVELOPMENT PROGRAMS
12 THAT MEET THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (2).

13 (g) EACH LOCAL EDUCATION PROVIDER SHALL SELECT FROM
14 AMONG THE APPROVED READING ASSESSMENTS THOSE READING
15 ASSESSMENTS THAT IT WILL ADMINISTER TO STUDENTS IN KINDERGARTEN
16 AND FIRST AND SECOND GRADES. EACH LOCAL EDUCATION PROVIDER IS
17 ENCOURAGED TO USE THE INSTRUCTIONAL PROGRAMMING IN READING
18 AND PROFESSIONAL DEVELOPMENT PROGRAMS INCLUDED IN THE
19 RESOURCE BANK. THE DEPARTMENT AND EACH LOCAL EDUCATION
20 PROVIDER, IN USING THE MATERIALS, TEST ITEMS, ASSESSMENTS,
21 INSTRUCTIONAL PROGRAMMING IN READING, OR PROFESSIONAL
22 DEVELOPMENT PROGRAMS THAT ARE INCLUDED IN OR DISTRIBUTED FROM
23 THE RESOURCE BANK, SHALL COMPLY WITH THE FEDERAL COPYRIGHT
24 LAWS, 17 U.S.C. SEC. 101 ET SEQ.

25 (3) 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 (4) 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 (5) 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 THE DEPARTMENT SHALL REVIEW EACH GRANT APPLICATION RECEIVED
3 AND RECOMMEND TO THE STATE BOARD WHETHER TO AWARD THE GRANT
4 AND THE DURATION AND AMOUNT OF EACH GRANT. IN MAKING
5 RECOMMENDATIONS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING
6 FACTORS:

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

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

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

19 (d) ANY ADDITIONAL FACTORS THE STATE BOARD MAY REQUIRE BY
20 RULE.

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

26 (3) (a) THE EARLY LITERACY FUND IS HEREBY CREATED IN THE
27 STATE TREASURY AND IS REFERRED TO IN THIS SUBSECTION (3) AS THE

1 "FUND". THE FUND SHALL CONSIST OF:

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

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

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

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

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

1 24-22-115, C.R.S.

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

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

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

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

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

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

1 THROUGH THE EARLY LITERACY GRANT PROGRAM.

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

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

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

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

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

26 **SECTION 2.** In Colorado Revised Statutes, 22-11-204, **amend**
27 (1) (a) (II), (3), (5) (a) (I) (E), (5) (a) (I) (F), (5) (a) (II), (5) (b) (I) (E), (5)

1 (b) (I) (F), (5) (b) (II), (5) (c) (I) (E), (5) (c) (I) (F), and (5) (c) (II); and
2 **add** (5) (a) (I) (G), (5) (b) (I) (G), and (5) (c) (I) (G) as follows:

3 **22-11-204. Performance indicators - measures.** (1) (a) The
4 department shall annually determine the level of attainment of each public
5 school, each school district, the institute, and the state as a whole on each
6 of the following performance indicators:

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

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

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

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

25 (II) IN ADDITION TO THE CALCULATION SPECIFIED IN
26 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), FOR EACH PUBLIC SCHOOL
27 THAT INCLUDES KINDERGARTEN OR ANY OF GRADES ONE THROUGH FOUR,

1 THE DEPARTMENT SHALL CALCULATE 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 (c) For each school district and the institute, the department shall
23 calculate:

24 (I) The percentage of all students enrolled in the district public
25 schools or in the institute charter schools who score at each of the
26 achievement levels in the subjects included in the statewide assessments;

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

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

26 (II) THE PERCENTAGE OF THE STUDENTS:

27 (A) ENROLLED IN KINDERGARTEN THROUGH THIRD GRADE WHO

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

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

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

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

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

26 (E) The percentage of students enrolled in the public school at
27 each grade level who score at each of the achievement levels in each of

1 the subjects included in the statewide assessments; and

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

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

1 DEFICIENCY AT THE END OF FOURTH GRADE. THE DEPARTMENT SHALL
2 EXCLUDE FROM THE CALCULATIONS DESCRIBED IN THIS
3 SUB-SUBPARAGRAPH (G) THE STUDENTS DESCRIBED IN SECTION 22-7-507
4 (1) (b) AND (1) (c).

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

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

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

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

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

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

23 (II) The department shall compare the percentages and assessment
24 achievement levels across student groups to determine the progress made
25 by the district public schools or the institute charter schools in increasing
26 over time each student group's longitudinal academic growth, academic
27 achievement, EARLY-GRADE READING SKILLS, postsecondary and

1 workforce readiness, and graduation rate, and in decreasing each student
2 group's dropout rate, especially for those student groups who are
3 underperforming in comparison to other groups.

4 (c) (I) For the state, the department shall disaggregate by student
5 group:

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

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

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

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

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

19 
20 **SECTION 3.** In Colorado Revised Statutes, 22-7-908, **amend** (1)
21 as follows:

22 **22-7-908. Read-to-achieve cash fund - created.** (1) There is
23 hereby established in the state treasury the read-to-achieve cash fund,
24 referred to in this section as the "cash fund". The cash fund shall consist
25 of moneys transferred thereto pursuant to subsection (3) of this section
26 and any other moneys that may be made available by the general
27 assembly. Subject to appropriation by the general assembly, moneys in

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

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

15 **22-7-909. Repeal of part.** (1) This part 9 is repealed, effective
16 ~~July 1, 2014~~ JULY 1, 2012.

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

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

24 **2-3-1203. Sunset review of advisory committees.** (3) The
25 following dates are the dates for which the statutory authorization for the
26 designated advisory committees is scheduled for repeal:

27 (aa) July 1, 2014:

1 (IV) ~~The read-to-achieve board, created pursuant to section~~
2 ~~22-7-904, C.R.S.;~~

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

5 **22-7-613. Closing the achievement gap cash fund - creation.**

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

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

13 **22-11-605. School awards program fund - creation -**

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

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

21 **24-75-217. Restoration of funds transferred to augment the**
22 **general fund for the 2001-02 fiscal year.** (3) The funds that shall be
23 restored pursuant to subsection (1) of this section include:

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

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

1 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

2 (1) Except as otherwise provided in subsection (5) of this section, for the
3 2004-05 fiscal year and for each fiscal year thereafter, the following
4 programs, services, or funds shall receive the following specified amounts
5 from the settlement moneys received by the state in the preceding fiscal
6 year; except that fifteen million four hundred thousand dollars of strategic
7 contribution fund moneys and, for the 2010-11 fiscal year and for each
8 fiscal year thereafter only, the lesser of sixty-five million dollars of other
9 settlement moneys or all other settlement moneys shall be allocated in
10 each fiscal year in which they are received by the state and except that, of
11 the other settlement moneys received by the state in the 2009-10 fiscal
12 year, the lesser of sixty-five million dollars or all of such moneys shall be
13 transferred to the general fund on June 30, 2010, and shall not be
14 allocated:

15 (h) ~~The read-to-achieve grant program created in part 9 of article~~
16 ~~7 of title 22, C.R.S.~~ EARLY LITERACY FUND CREATED IN SECTION
17 22-7-511, C.R.S., shall receive five percent of the total amount of
18 settlement moneys annually received by the state, not to exceed eight
19 million dollars in any fiscal year, as provided in said section; ~~except that,~~
20 ~~for the 2004-05 fiscal year, the read-to-achieve grant program shall~~
21 ~~receive nineteen percent of the total amount of settlement moneys~~
22 ~~received, not to exceed nineteen million dollars.~~

23 (3) Notwithstanding the provisions of subsections (1) and (1.5) of
24 this section, for purposes of ~~sections 22-7-908(3)~~ SECTIONS 22-7-511 (3),
25 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2) (c),
26 25-23-104 (2), 25-31-107 (2) (d) (I), 25.5-6-805 (2), 25.5-8-105 (3),
27 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys

1 received and allocated by the state pursuant to said subsections (1) and
2 (1.5) during the same fiscal year shall be deemed to be moneys received
3 for or during the preceding fiscal year.

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

6 **24-77-104.5. General fund exempt account - appropriations to**
7 **critical needs fund - specification of uses for health care and**
8 **education - definitions.** (3) (a) Funding for preschool through twelfth
9 grade education, as used in subparagraph (II) of paragraph (b) of
10 subsection (1) of this section, shall be limited to funding for:

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

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

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

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

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

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

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

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

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

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

25 **SECTION 14. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.