

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0004.03 Julie Pelegrin x2700

HOUSE BILL 12-1238

HOUSE SPONSORSHIP

Massey and Hamner, Fields, Pabon, Priola, Casso, Gerou, Lee, Murray, Pace, Sonnenberg, Swerdfeger

SENATE SPONSORSHIP

Johnston and Spence, Bacon, Giron, Jahn, Newell

House Committees
Education

Senate Committees

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".**

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; AND

21 (e) TEACHERS AND ADMINISTRATORS MUST RECEIVE THE
22 RESOURCES THEY NEED, INCLUDING VALID ASSESSMENTS, INSTRUCTIONAL
23 PROGRAMMING THAT IS PROVEN TO BE EFFECTIVE, AND TRAINING AND
24 PROFESSIONAL DEVELOPMENT PROGRAMS, TO EFFECTIVELY TEACH THE
25 SCIENCE OF READING, ASSESS STUDENTS' ACHIEVEMENT, AND ENABLE
26 EACH STUDENT TO ATTAIN READING COMPETENCY.

27 (2) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY THAT

1 EACH LOCAL EDUCATION PROVIDER THAT ENROLLS STUDENTS IN
2 KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE WILL WORK CLOSELY
3 WITH THE TEACHERS AND PARENTS OF THESE STUDENTS TO PROVIDE THE
4 STUDENTS THE INSTRUCTIONAL PROGRAMMING, INTERVENTION
5 INSTRUCTION, AND SUPPORT, IN SCHOOL AND AT HOME, NECESSARY TO
6 ENSURE THAT STUDENTS, BY THE COMPLETION OF THIRD GRADE, CAN
7 DEMONSTRATE A LEVEL OF COMPETENCY IN READING SKILLS THAT IS
8 NECESSARY TO SUPPORT THEM IN MASTERING THE ACADEMIC STANDARDS
9 AND EXPECTATIONS APPLICABLE TO THE FOURTH-GRADE CURRICULUM. IT
10 IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT, IF A STUDENT'S
11 READING SKILLS AT THE END OF KINDERGARTEN, FIRST, SECOND, OR THIRD
12 GRADE ARE BELOW THE MINIMUM LEVEL FOR READING COMPETENCY
13 ESTABLISHED BY THE STATE BOARD FOR THAT GRADE, THE STUDENT WILL
14 NOT ADVANCE TO THE NEXT GRADE LEVEL.

15 **22-7-503. Definitions.** AS USED IN THIS PART 5, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "BODY OF EVIDENCE" MEANS A COLLECTION OF INFORMATION
18 ABOUT A STUDENT'S ACADEMIC PERFORMANCE WHICH, WHEN CONSIDERED
19 IN ITS ENTIRETY, DOCUMENTS THE LEVEL OF A STUDENT'S ACADEMIC
20 PERFORMANCE. A BODY OF EVIDENCE, AT A MINIMUM, SHALL INCLUDE
21 SCORES ON FORMATIVE OR INTERIM ASSESSMENTS AND WORK THAT A
22 STUDENT INDEPENDENTLY PRODUCES IN A CLASSROOM. A BODY OF
23 EVIDENCE MAY INCLUDE SCORES ON SUMMATIVE ASSESSMENTS IF A LOCAL
24 EDUCATION PROVIDER DECIDES THAT SUMMATIVE ASSESSMENTS ARE
25 APPROPRIATE AND USEFUL IN MEASURING STUDENTS' LITERACY SKILLS.

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

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

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

7 (5) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
8 BOARD OF COOPERATIVE SERVICES, A DISTRICT CHARTER SCHOOL, OR AN
9 INSTITUTE CHARTER SCHOOL.

10 (6) "MASTER SETTLEMENT AGREEMENT" MEANS THE MASTER
11 SETTLEMENT AGREEMENT, THE SMOKELESS TOBACCO MASTER
12 SETTLEMENT AGREEMENT, AND THE CONSENT DECREE APPROVED AND
13 ENTERED BY THE COURT IN THE CASE DENOMINATED *STATE OF COLORADO,*
14 *EX REL. GALE A. NORTON, ATTORNEY GENERAL V. R.J. REYNOLDS TOBACCO*
15 *Co.; AMERICAN TOBACCO Co., INC.; BROWN & WILLIAMSON TOBACCO*
16 *CORP.; LIGGETT & MYERS, INC.; LORILLARD TOBACCO Co., INC.; PHILIP*
17 *MORRIS, INC.; UNITED STATES TOBACCO Co.; B.A.T. INDUSTRIES, P.L.C.;*
18 *THE COUNCIL FOR TOBACCO RESEARCH--U.S.A., INC.; AND TOBACCO*
19 *INSTITUTE, INC.,* CASE No. 97 CV 3432, IN THE DISTRICT COURT FOR THE
20 CITY AND COUNTY OF DENVER.

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

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

26 (9) "READING DEFICIENCY" MEANS THAT A STUDENT
27 DEMONSTRATES READING COMPETENCY AT A LEVEL THAT IS ABOVE THE

1 MINIMUM SKILL LEVEL FOR READING COMPETENCY ESTABLISHED BY THE
2 STATE BOARD PURSUANT TO SECTION 22-7-510 FOR THE STUDENT'S GRADE
3 LEVEL BUT CANNOT DEMONSTRATE GRADE-LEVEL READING COMPETENCY
4 AT THE SKILL LEVEL ESTABLISHED BY THE STATE BOARD PURSUANT TO
5 SECTION 22-7-510 FOR THE STUDENT'S GRADE LEVEL.

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

10 (11) "RESOURCE BANK" MEANS A COLLECTION OF ITEMS THAT
11 INCLUDE, AT A MINIMUM, READING ASSESSMENTS, INSTRUCTIONAL
12 PROGRAMMING IN READING, AND PROFESSIONAL DEVELOPMENT
13 PROGRAMS, IDENTIFIED AND ASSEMBLED BY THE DEPARTMENT PURSUANT
14 TO SECTION 22-7-510 (2).

15 (12) "RESPONSE TO INTERVENTION FRAMEWORK" MEANS A
16 SYSTEMIC PREVENTIVE APPROACH THAT ADDRESSES THE ACADEMIC AND
17 SOCIAL-EMOTIONAL NEEDS OF ALL STUDENTS AT THE UNIVERSAL,
18 TARGETED, AND INTENSIVE LEVELS. THROUGH THE RESPONSE TO
19 INTERVENTION FRAMEWORK, A TEACHER PROVIDES HIGH-QUALITY,
20 EVIDENCE-BASED INSTRUCTION AND INTERVENTION THAT IS MATCHED TO
21 STUDENT NEEDS; USES A METHOD OF MONITORING PROGRESS FREQUENTLY
22 TO INFORM DECISIONS ABOUT INSTRUCTION AND GOALS; AND APPLIES THE
23 STUDENT'S RESPONSE DATA TO IMPORTANT EDUCATIONAL DECISIONS.

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

27 (14) "SIGNIFICANT READING DEFICIENCY" MEANS THAT A STUDENT

1 CANNOT DEMONSTRATE READING COMPETENCY AT THE MINIMUM SKILL
2 LEVEL FOR READING COMPETENCY FOR THE STUDENT'S GRADE LEVEL, AS
3 ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION 22-7-510.

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

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

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

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

1 LOCAL EDUCATION PROVIDER SHALL SELECT THE ASSESSMENTS TO BE
2 USED FROM AMONG THOSE INCLUDED IN THE RESOURCE BANK.

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

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

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

22 (II) THE STUDENT HAS A READING DEFICIENCY OR A SIGNIFICANT
23 READING DEFICIENCY, WHICHEVER IS APPLICABLE, AND THE NOTICE SHALL
24 DESCRIBE IN PLAIN LANGUAGE WHAT A READING DEFICIENCY IS OR WHAT
25 A SIGNIFICANT READING DEFICIENCY IS, WHICHEVER IS APPLICABLE, AND
26 THE BASIS FOR CONCLUDING THE STUDENT HAS A READING DEFICIENCY OR
27 A SIGNIFICANT READING DEFICIENCY, WHICHEVER IS APPLICABLE;

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

6 (IV) THE STUDENT'S TEACHER WILL CREATE A **READ** PLAN FOR
7 THE STUDENT THAT INCLUDES TARGETED INTERVENTION INSTRUCTION TO
8 ADDRESS AND REMEDIATE THE STUDENT'S SPECIFIC, DIAGNOSED READING
9 SKILL DEFICIENCIES; AND

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

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

26 (c) IN ADDITION TO THE WRITTEN NOTICE DESCRIBED IN
27 PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2), THE STUDENT'S

1 TEACHER SHALL MEET WITH, OR MAKE THREE DOCUMENTED ATTEMPTS TO
2 MEET WITH, THE STUDENT'S PARENT TO DISCUSS THE CONTENTS OF THE
3 WRITTEN NOTICE AND CREATE THE STUDENT'S READ PLAN. IF THE PARENT
4 DOES NOT PARTICIPATE IN CREATING THE READ PLAN, THE TEACHER
5 SHALL CREATE THE READ PLAN AS PROVIDED IN SECTION 22-7-506, AND
6 THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE PARENT
7 RECEIVES A COPY OF THE READ PLAN WITH A CLEAR, WRITTEN
8 EXPLANATION OF THE STRATEGIES THAT THE PARENT IS ENCOURAGED TO
9 APPLY IN ASSISTING THE STUDENT IN ACHIEVING READING COMPETENCY.

10 (d) THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE
11 PARENT OF EACH STUDENT WHO HAS A READ PLAN RECEIVES ONGOING,
12 REGULAR UPDATES FROM THE STUDENT'S TEACHER CONCERNING THE
13 RESULTS OF THE INTERVENTION INSTRUCTION DESCRIBED IN THE PLAN AND
14 THE STUDENT'S PROGRESS IN ACHIEVING READING COMPETENCY. THE
15 STUDENT'S TEACHER IS ENCOURAGED TO COMMUNICATE WITH THE PARENT
16 CONCERNING THE PARENT'S PROGRESS IN IMPLEMENTING THE HOME
17 READING STRATEGIES IDENTIFIED IN THE STUDENT'S READ PLAN.

18 **22-7-506. Reading to ensure academic development plan -**
19 **contents - implementation.** (1) (a) A TEACHER, AND OTHER SKILLED
20 SCHOOL PROFESSIONALS THAT THE LOCAL EDUCATION PROVIDER MAY
21 CHOOSE TO SELECT, SHALL CREATE A READING TO ENSURE ACADEMIC
22 DEVELOPMENT PLAN FOR EACH STUDENT WHO HAS A READING DEFICIENCY
23 OR A SIGNIFICANT READING DEFICIENCY. THE TEACHER AND ANY OTHER
24 PERSONNEL SHALL CREATE THE PLAN IN COLLABORATION WITH THE
25 STUDENT'S PARENT, IF POSSIBLE, AND AS SOON AS POSSIBLE AFTER THE
26 STUDENT'S READING DEFICIENCY OR SIGNIFICANT READING DEFICIENCY IS
27 IDENTIFIED. THE STUDENT, THE STUDENT'S TEACHER, AND THE STUDENT'S

1 PARENT SHALL CONTINUE IMPLEMENTING THE STUDENT'S READ PLAN
2 UNTIL THE STUDENT DEMONSTRATES READING COMPETENCY. THE
3 STUDENT'S TEACHER SHALL REVIEW THE STUDENT'S READ PLAN AT LEAST
4 ANNUALLY AND UPDATE OR REVISE THE READ PLAN AS APPROPRIATE TO
5 FACILITATE THE STUDENT'S PROGRESS IN DEMONSTRATING READING
6 COMPETENCY.

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

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

19 (d) NOTWITHSTANDING ANY PROVISION OF THIS PART 5 TO THE
20 CONTRARY, IF A STUDENT IS IDENTIFIED AS HAVING A DISABILITY OR
21 NEEDING MODIFICATIONS THAT IMPACT THE STUDENT'S PROGRESS IN
22 DEVELOPING READING SKILLS, THE LOCAL EDUCATION PROVIDER SHALL,
23 AS APPROPRIATE, INTEGRATE INTO THE STUDENT'S INDIVIDUALIZED
24 EDUCATION PROGRAM CREATED PURSUANT TO SECTION 22-20-108
25 INTERVENTION INSTRUCTION AND STRATEGIES TO ADDRESS THE STUDENT'S
26 READING ISSUES. THE STATE BOARD SHALL ADOPT RULES AS NECESSARY
27 TO CLARIFY THE INTERACTION AND COORDINATION OF READ PLANS,

1 INDIVIDUALIZED EDUCATION PROGRAMS, AND OTHER PLANS FOR
2 MODIFICATIONS FOR CHILDREN WITH DISABILITIES REQUIRED BY FEDERAL
3 LAW.

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

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

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

10 (c) THE EVIDENCE-BASED INTERVENTION INSTRUCTION AND
11 STRATEGIES THE TEACHER WILL USE IN ASSISTING THE STUDENT;

12 (d) THE EVIDENCE-BASED READING INSTRUCTIONAL
13 PROGRAMMING THE TEACHER WILL USE TO PROVIDE TO THE STUDENT
14 DAILY READING INSTRUCTION, WHICH PROGRAMS THE LOCAL EDUCATION
15 PROVIDER MAY CHOOSE TO SELECT FROM AMONG THOSE INCLUDED IN THE
16 RESOURCE 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 THIRTY DAYS BEFORE THE END OF ANY SCHOOL YEAR PRIOR TO A
7 STUDENT'S FOURTH-GRADE YEAR, A TEACHER FINDS THAT A STUDENT HAS
8 A SIGNIFICANT READING DEFICIENCY, THE TEACHER SHALL PROVIDE TO
9 THE STUDENT'S PARENT THE WRITTEN NOTICE DESCRIBED IN SUBSECTION
10 (2) OF THIS SECTION; EXCEPT THAT THE PROVISIONS OF THIS SECTION
11 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) THE TEACHER WILL WORK WITH THE PARENT TO SCHEDULE A
7 DATE, TIME, AND PLACE FOR THE MEETING; AND

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

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

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

25 (I) EXPLAIN TO THE PARENT THAT, DUE TO THE STUDENT'S
26 SIGNIFICANT READING DEFICIENCY, STATE LAW RECOMMENDS THAT THE
27 STUDENT DOES NOT ADVANCE TO THE NEXT GRADE LEVEL; AND

1 (II) DISCUSS THE LIKELY CONSEQUENCES TO THE STUDENT IF HE OR
2 SHE DOES NOT ACHIEVE READING COMPETENCY BY THE END OF THIRD
3 GRADE, INCLUDING THE INCREASED PROBABILITY THAT THE STUDENT WILL
4 NOT GRADUATE FROM HIGH SCHOOL AND WILL NOT ATTAIN A
5 POSTSECONDARY CREDENTIAL AND THE LIKELY EFFECT ON THE STUDENT'S
6 EARNING POTENTIAL.

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

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

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

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

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

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

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

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

15 (6) THE PROVISIONS OF THIS PART 5 DO NOT LIMIT THE ABILITY OF
16 A LOCAL EDUCATION PROVIDER TO DECIDE, IN ACCORDANCE WITH POLICIES
17 AND PROCEDURES OF THE LOCAL EDUCATION PROVIDER, THAT A STUDENT
18 SHOULD NOT ADVANCE TO THE NEXT GRADE LEVEL FOR REASONS OTHER
19 THAN A SIGNIFICANT READING DEFICIENCY.

20 **22-7-508. Reporting requirements.** (1) EACH LOCAL EDUCATION
21 PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT INFORMATION
22 NECESSARY TO DETERMINE:

23 (a) THE PREVALENCE OF READING DEFICIENCIES AND SIGNIFICANT
24 READING DEFICIENCIES AMONG STUDENTS IN KINDERGARTEN AND FIRST
25 THROUGH THIRD GRADES;

26 (b) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
27 DEFICIENCY AND WHO ADVANCE TO THE NEXT GRADE LEVEL ATTAIN

1 READING COMPETENCY AND, IF SO, AT WHAT GRADE LEVEL;

2 (c) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
3 DEFICIENCY AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL
4 ATTAIN READING COMPETENCY WITHIN THE SCHOOL YEAR DURING WHICH
5 THEY DO NOT ADVANCE;

6 (d) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
7 DEFICIENCY AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL
8 ATTAIN READING COMPETENCY AT A LOWER GRADE LEVEL THAN
9 STUDENTS WHO DO ADVANCE; AND

10 (e) WHETHER STUDENTS WHO HAVE A SIGNIFICANT READING
11 DEFICIENCY CONTINUE TO ADVANCE TO THE NEXT GRADE LEVEL DESPITE
12 HAVING A CONTINUING SIGNIFICANT READING DEFICIENCY AND THE
13 DEGREE TO WHICH LOCAL EDUCATION PROVIDERS ARE RECOMMENDING
14 THAT SAID STUDENTS DO NOT ADVANCE.

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

23 **22-7-509. Local education providers - procedures.** (1) EACH
24 LOCAL EDUCATION PROVIDER SHALL ADOPT THE PROCEDURES NECESSARY
25 TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS PART 5. IN
26 ADOPTING PROCEDURES, A LOCAL EDUCATION PROVIDER SHALL COMPLY
27 WITH AND MAY EXCEED THE REQUIREMENTS OF THIS PART 5. PROCEDURES

1 MAY INCLUDE, BUT NEED NOT BE LIMITED TO, PROCEDURES FOR:

2 (a) CREATING A READ PLAN AND THE CONTENTS OF A READ
3 PLAN;

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

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

8 (2) EACH LOCAL EDUCATION PROVIDER IS ENCOURAGED TO REPORT
9 TO THE DEPARTMENT THE STRATEGIES AND INTERVENTION INSTRUCTION
10 THAT THE LOCAL EDUCATION PROVIDER FINDS EFFECTIVE IN ASSISTING
11 STUDENTS TO ATTAIN READING COMPETENCY AND TO PROVIDE COPIES OF
12 EFFECTIVE MATERIALS TO THE DEPARTMENT TO ASSIST THE DEPARTMENT
13 IN SHARING WITH LOCAL EDUCATION PROVIDERS BEST PRACTICES IN
14 ASSISTING STUDENTS TO ATTAIN READING COMPETENCY.

15 (3) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO PROVIDE
16 PARENTS OPPORTUNITIES TO PARTICIPATE IN PARENT READING WORKSHOPS
17 THROUGHOUT THE SCHOOL YEAR TO ASSIST PARENTS IN DEVELOPING THEIR
18 OWN READING SKILLS AND IN DEVELOPING THE SKILLS NECESSARY TO
19 ASSIST THEIR CHILDREN IN READING.

20 **22-7-510. State board - rules - department - duties.** (1) THE
21 STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH THE
22 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
23 C.R.S., AS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS PART 5,
24 WHICH RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

25 (a) THE GRADE-LEVEL READING COMPETENCY SKILL LEVELS FOR
26 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES;

27 (b) THE MINIMUM SKILL LEVELS FOR READING COMPETENCY FOR

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

12 (c) CLARIFICATION OF THE INTERACTION AND COORDINATION OF
13 READ PLANS, INDIVIDUALIZED EDUCATION PROGRAMS, AND OTHER PLANS
14 FOR MODIFICATIONS FOR CHILDREN WITH DISABILITIES;

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

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

20 (2) (a) THE DEPARTMENT SHALL REVIEW THE READING
21 ASSESSMENTS, INCLUDING INTERIM, FORMATIVE, SUMMATIVE, AND
22 DIAGNOSTIC ASSESSMENTS, THAT ARE AVAILABLE AND SHALL DEVELOP A
23 COMPREHENSIVE RESOURCE BANK OF APPROVED READING ASSESSMENTS
24 FOR KINDERGARTEN, FIRST, SECOND, AND THIRD GRADES FOR USE BY
25 LOCAL EDUCATION PROVIDERS. THE DEPARTMENT SHALL ENSURE THAT:

26 (I) EACH OF THE APPROVED READING ASSESSMENTS IS PROVEN TO
27 EFFECTIVELY AND ACCURATELY MEASURE STUDENTS' READING SKILLS IN

1 THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY, FLUENCY,
2 AND COMPREHENSION; AND

3 (II) EACH OF THE APPROVED READING DIAGNOSTICS IS PROVEN TO
4 ACCURATELY IDENTIFY STUDENTS' SPECIFIC READING SKILL DEFICIENCIES.

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

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

13 (II) PROVIDES EXPLICIT AND SYSTEMATIC SKILL DEVELOPMENT IN
14 PHONEMIC AWARENESS, PHONICS, FLUENCY, VOCABULARY, AND
15 COMPREHENSION;

16 (III) INCLUDES EVIDENCE-BASED AND RELIABLE 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 FROM LOCAL EDUCATION PROVIDERS
4 ASSESSMENTS, INSTRUCTIONAL PROGRAMMING IN READING, AND
5 PROFESSIONAL DEVELOPMENT PROGRAMS TO INCLUDE IN THE RESOURCE
6 BANK. THE DEPARTMENT SHALL REVIEW EACH ITEM SUBMITTED AND
7 INCLUDE IT IN THE RESOURCE BANK IF THE ITEM MEETS THE
8 REQUIREMENTS SPECIFIED IN THIS SUBSECTION (2).

9 (e) THE RESOURCE BANK, AT A MINIMUM, SHALL CONSIST OF A LIST
10 OF APPROVED ASSESSMENTS AND RECOMMENDED INSTRUCTIONAL
11 PROGRAMMING IN READING AND PROFESSIONAL DEVELOPMENT PROGRAMS
12 AND SHALL INCLUDE COPIES OF THE ASSESSMENTS, INSTRUCTIONAL
13 PROGRAMMING, AND PROFESSIONAL DEVELOPMENT PROGRAMS TO THE
14 EXTENT THEY ARE AVAILABLE TO THE DEPARTMENT, AND FOR USE BY
15 LOCAL EDUCATION PROVIDERS, AT NO COST. THE DEPARTMENT IS NOT
16 REQUIRED TO INCLUDE IN THE RESOURCE BANK COPIES OF ANY
17 ASSESSMENTS, INSTRUCTIONAL PROGRAMMING, OR PROFESSIONAL
18 DEVELOPMENT PROGRAMS FOR WHICH IT IS REQUIRED TO PAY A LICENSE
19 OR OTHER USE FEE, ALTHOUGH SAID ITEMS MAY BE INCLUDED ON THE LIST.

20 (f) ON OR BEFORE JULY 1, 2013, THE DEPARTMENT SHALL MAKE
21 THE RESOURCE BANK AVAILABLE FOR USE BY LOCAL EDUCATION
22 PROVIDERS AND NOTIFY LOCAL EDUCATION PROVIDERS THAT THE
23 RESOURCE BANK IS AVAILABLE. THE DEPARTMENT SHALL CONTINUE TO
24 REVIEW NEW ASSESSMENTS, INSTRUCTIONAL PROGRAMMING IN READING,
25 AND PROFESSIONAL DEVELOPMENT PROGRAMS AS THEY BECOME
26 AVAILABLE OR AS SUBMITTED BY LOCAL EDUCATION PROVIDERS AND ADD
27 TO THE RESOURCE BANK THOSE ITEMS THAT MEET THE REQUIREMENTS

1 SPECIFIED IN THIS SUBSECTION (2).

2 (3) THE DEPARTMENT SHALL SPECIFY THE INFORMATION THAT
3 LOCAL EDUCATION PROVIDERS SHALL SUBMIT PURSUANT TO SECTION
4 22-7-508 AND SHALL ANALYZE THE INFORMATION AS NECESSARY TO MAKE
5 THE DETERMINATIONS SPECIFIED IN SECTION 22-7-508. IF ANOTHER RULE
6 OR STATUTE REQUIRES LOCAL EDUCATION PROVIDERS TO SUBMIT ANY
7 PORTION OF THE SPECIFIED INFORMATION, THE DEPARTMENT SHALL NOT
8 REQUIRE LOCAL EDUCATION PROVIDERS TO RESUBMIT THE INFORMATION,
9 BUT SHALL APPLY THE INFORMATION RECEIVED PURSUANT TO THE OTHER
10 RULE OR STATUTE IN PREPARING THE ANALYSIS REQUIRED IN SECTION
11 22-7-508.

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

19 (5) THE DEPARTMENT, UPON REQUEST, MAY PROVIDE TECHNICAL
20 ASSISTANCE TO A LOCAL EDUCATION PROVIDER IN IMPLEMENTING THE
21 PROVISIONS OF THIS PART 5.

22 **22-7-511. Early literacy grant program - early literacy fund**
23 **- rules - report.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE
24 EARLY LITERACY GRANT PROGRAM TO PROVIDE MONEYS TO LOCAL
25 EDUCATION PROVIDERS TO IMPLEMENT LITERACY SUPPORT AND
26 INTERVENTION INSTRUCTION PROGRAMS TO ASSIST STUDENTS IN
27 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES TO ACHIEVE

1 READING COMPETENCY. THE STATE BOARD BY RULE SHALL ESTABLISH THE
2 APPLICATION TIMELINES AND THE INFORMATION TO BE INCLUDED IN EACH
3 GRANT APPLICATION. A LOCAL EDUCATION PROVIDER MAY APPLY
4 INDIVIDUALLY OR AS PART OF A GROUP OF LOCAL EDUCATION PROVIDERS.
5 THE DEPARTMENT SHALL REVIEW EACH GRANT APPLICATION RECEIVED
6 AND RECOMMEND TO THE STATE BOARD WHETHER TO AWARD THE GRANT
7 AND THE DURATION AND AMOUNT OF EACH GRANT. IN MAKING
8 RECOMMENDATIONS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING
9 FACTORS:

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

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

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

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

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

1 SUBSECTION (3) OF THIS SECTION.

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

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

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

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

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

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

1 EIGHT MILLION DOLLARS. THE STATE TREASURER SHALL TRANSFER THE
2 AMOUNT SPECIFIED IN THIS PARAGRAPH (c) FROM MONEYS CREDITED TO
3 THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION
4 24-22-115, C.R.S.

5 (d) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
6 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT TO:

7 (I) PAY THE GRANTS AWARDED THROUGH THE EARLY LITERACY
8 GRANT PROGRAM;

9 (II) PROVIDE LITERACY SUPPORT ON A REGIONAL BASIS TO LOCAL
10 EDUCATION PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE
11 REQUIREMENTS OF THIS PART 5. THE DEPARTMENT SHALL ANNUALLY USE
12 UP TO TWENTY-FIVE PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED
13 FROM THE FUND, BUT NOT MORE THAN ONE MILLION DOLLARS IN ANY
14 FISCAL YEAR, FOR THE PURPOSES SPECIFIED IN THIS SUBPARAGRAPH (II).

15 (III) REIMBURSE SCHOOL DISTRICTS FOR EDUCATIONAL SERVICES
16 PROVIDED PURSUANT TO SECTION 22-32-141 TO JUVENILES HELD IN JAILS
17 OR OTHER FACILITIES FOR THE DETENTION OF ADULT OFFENDERS; AND

18 (IV) OFFSET THE COSTS INCURRED IN ADMINISTERING THE EARLY
19 LITERACY GRANT PROGRAM. THE AMOUNT EXPENDED BY THE
20 DEPARTMENT PURSUANT TO THIS SUBPARAGRAPH (IV) SHALL NOT EXCEED
21 IN ANY FISCAL YEAR TWO PERCENT OF THE AMOUNT ANNUALLY
22 APPROPRIATED FROM THE FUND IN THE APPLICABLE FISCAL YEAR.

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

26 (a) THE ALLOCATION OF THE MONEYS IN THE EARLY LITERACY
27 FUND, INCLUDING THE AMOUNT USED TO PAY GRANTS THROUGH THE

1 EARLY LITERACY GRANT PROGRAM, THE AMOUNT USED TO PROVIDE
2 LITERACY SUPPORT TO LOCAL EDUCATION PROVIDERS, AND THE AMOUNT
3 EXPENDED IN ADMINISTRATIVE COSTS;

4 (b) THE INSTRUCTIONAL PROGRAMS THAT LOCAL EDUCATION
5 PROVIDERS IMPLEMENTED USING THE GRANTS AWARDED THROUGH THE
6 EARLY LITERACY GRANT PROGRAM AND THE PROGRESS MADE IN
7 ACHIEVING READING COMPETENCY BY THE STUDENTS WHO PARTICIPATED
8 IN THE INSTRUCTIONAL PROGRAMS; AND

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

12 (5) ANY GRANTS AWARDED FROM THE READ-TO-ACHIEVE CASH
13 FUND PURSUANT TO PART 9 OF THIS ARTICLE AS IT EXISTED PRIOR TO JULY
14 1, 2012, AND NOT FULLY DISTRIBUTED AS OF JUNE 30, 2012, REMAIN IN
15 EFFECT FOR THE 2012-13 FISCAL YEAR AND ARE PAYABLE FROM MONEYS
16 APPROPRIATED TO THE EARLY LITERACY FUND FOR THE 2012-13 FISCAL
17 YEAR; EXCEPT THAT ANY PORTION OF ANY OF SAID GRANTS THAT THE
18 GRANTEE IS REQUIRED TO USE IN PAYMENT FOR DEPARTMENT
19 CONSULTANTS IS RESCINDED, EFFECTIVE JULY 1, 2012.

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

24 **22-11-204. Performance indicators - measures.** (1) (a) The
25 department shall annually determine the level of attainment of each public
26 school, each school district, the institute, and the state as a whole on each
27 of the following performance indicators:

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

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

9 (a) For each student enrolled in a public school in the state, the
10 department shall determine the student's achievement level in the subjects
11 included in the statewide assessments, as demonstrated by the score
12 achieved by the student on the statewide assessments. The state board
13 shall specify the score ranges that constitute each of the achievement
14 levels.

15 (b) (I) For each public school, the department shall calculate the
16 percentage of students enrolled in the public school at each grade level
17 who score at each of the achievement levels on the statewide assessments
18 in each of the subjects included in the statewide assessments.

19 (II) IN ADDITION TO THE CALCULATION SPECIFIED IN
20 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), FOR EACH PUBLIC SCHOOL
21 THAT INCLUDES KINDERGARTEN OR ANY OF GRADES ONE THROUGH FOUR,
22 THE DEPARTMENT SHALL CALCULATE THE PERCENTAGE OF THE STUDENTS:

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

1 DEPARTMENT SHALL EXCLUDE FROM THE CALCULATION THE STUDENTS
2 DESCRIBED IN SECTION 22-7-507 (1) (b) AND (1) (c).

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

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

16 (c) For each school district and the institute, the department shall
17 calculate:

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

21 AND

22 (II) THE PERCENTAGE OF THE STUDENTS:

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

1 DEPARTMENT SHALL EXCLUDE FROM THE CALCULATION THE STUDENTS
2 DESCRIBED IN SECTION 22-7-507 (1) (b) AND (1) (c).

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

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

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

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

20 (II) THE PERCENTAGE OF THE STUDENTS:

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

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

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

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

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

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

23 (F) For each public high school, the percentage of students
24 enrolled in the eleventh grade in the public high school who score at each
25 achievement level of the standardized, curriculum-based, achievement,
26 college entrance examination or the percentages of students enrolled in
27 each of the grade levels included in the public high school who score at

1 each achievement level on the postsecondary and workforce readiness
2 assessments administered by the public high school; the percentages of
3 students graduating from the public high school who receive a diploma
4 that includes a postsecondary and workforce readiness endorsement or an
5 endorsement for exemplary demonstration of postsecondary and
6 workforce readiness; and the graduation and dropout rates; AND

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

26 (II) The department shall compare the percentages and assessment
27 achievement levels across student groups to determine the progress made

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

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

9 (E) The percentage of students enrolled in the district public
10 schools or in the institute charter schools at each grade level who score
11 at each of the achievement levels in each of the subjects included in the
12 statewide assessments; ~~and~~

13 (F) The overall percentage of students enrolled in the eleventh
14 grade in the district public high schools or the institute charter high
15 schools who score at each achievement level of the standardized,
16 curriculum-based, achievement, college entrance examination or the
17 percentages of students enrolled in each of the grade levels included in
18 the public high schools who score at each achievement level on the
19 postsecondary and workforce readiness assessments administered by the
20 public high schools; the overall percentages of students graduating from
21 the district public high schools, or the institute charter high schools, who
22 receive a diploma that includes a postsecondary and workforce readiness
23 endorsement or an endorsement for exemplary demonstration of
24 postsecondary and workforce readiness; and the overall graduation and
25 dropout rates for the district public high schools or the institute charter
26 high schools; AND

27 (G) THE PERCENTAGE OF STUDENTS ENROLLED IN KINDERGARTEN

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

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

25 (c) (I) For the state, the department shall disaggregate by student
26 group:

27 (E) The percentage of students enrolled in the public schools in

1 the state at each grade level who score at each of the achievement levels
2 in each of the subjects included in the statewide assessments; and

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

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

1 HAVING A SIGNIFICANT READING DEFICIENCY AT THE END OF FOURTH
2 GRADE. THE DEPARTMENT SHALL EXCLUDE FROM THE CALCULATIONS
3 DESCRIBED IN THIS SUB-SUBPARAGRAPH (G) THE STUDENTS DESCRIBED IN
4 SECTION 22-7-507 (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 schools in the state in increasing over time each student
8 group's longitudinal academic growth, academic achievement,
9 EARLY-GRADE READING SKILLS, postsecondary and workforce readiness,
10 and graduation rate, and in decreasing each student group's dropout rate,
11 especially those student groups who are underperforming in comparison
12 to other groups.

13 **SECTION 3.** In Colorado Revised Statutes, 22-2-117, **amend** (1)
14 (b) (IV) and (1) (b) (V); and **add** (1) (b) (VI) as follows:

15 **22-2-117. Additional power - state board - waiver of**
16 **requirements - rules.** (1) (b) The state board shall not waive any of the
17 requirements specified in any of the following statutory provisions:

18 (IV) Any provision of this title that relates to fingerprinting and
19 criminal history record checks of educators and school personnel; ~~or~~

20 (V) The "Children's Internet Protection Act", article 87 of this
21 title; OR

22 (VI) THE "COLORADO EARLY LITERACY ACT", PART 5 OF ARTICLE
23 7 OF THIS TITLE.

24 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-104, **amend**
25 (6) (a) and (6) (b) as follows:

26 **22-30.5-104. Charter school - requirements - authority.**

27 (6) (a) Pursuant to contract, a charter school may operate free from

1 specified school district policies and free from state rules, as provided in
2 paragraph (b) of this subsection (6). Pursuant to contract, a local board of
3 education may waive locally imposed school district requirements,
4 without seeking approval of the state board; except that a charter school
5 shall not, by contract or otherwise, operate free of the requirements
6 contained in the "Public School Finance Act of 1994", article 54 of this
7 title; THE REQUIREMENTS SPECIFIED IN THE "COLORADO EARLY LITERACY
8 ACT", PART 5 OF ARTICLE 7 OF THIS TITLE; the requirements specified in
9 part 4 of article 11 of this title concerning school accountability
10 committees; or the requirements contained in the "Children's Internet
11 Protection Act", article 87 of this title.

12 (b) The state board shall promulgate rules identifying state statutes
13 and state rules that are automatically waived for all charter schools. A
14 school district, on behalf of a charter school, may apply to the state board
15 for a waiver of a state statute or state rule that is not automatically waived
16 for charter schools by rule. Notwithstanding any provision of this
17 subsection (6) to the contrary, the state board may not waive any statute
18 or rule relating to school accountability committees as described in
19 section 22-11-401; ANY STATUTE OR RULE RELATING TO THE "COLORADO
20 EARLY LITERACY ACT", PART 5 OF ARTICLE 7 OF THIS TITLE; any statute
21 or rule relating to the assessments required to be administered pursuant
22 to section 22-7-409; any statute or rule necessary to prepare the school
23 performance reports pursuant to part 5 of article 11 of this title; any
24 statute or rule necessary to implement the provisions of the "Public
25 School Finance Act of 1994", article 54 of this title; or any statute or rule
26 relating to the "Children's Internet Protection Act", article 87 of this title.

27 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-507, **amend**

1 (7) as follows:

2 **22-30.5-507. Institute charter school - requirements -**
3 **authority.** (7) Pursuant to the charter contract, an institute charter school
4 may operate free from specified statutes and state board rules. The state
5 board may waive state statutory requirements or rules promulgated by the
6 state board; except that the state board may not waive any statute or rule
7 relating to school accountability committees as described in section
8 22-11-401, ANY STATUTE OR RULE RELATING TO THE "COLORADO EARLY
9 LITERACY ACT", PART 5 OF ARTICLE 7 OF THIS TITLE, any state statute or
10 rule relating to the assessments required to be administered pursuant to
11 section 22-7-409, any state statute or rule necessary to prepare the school
12 performance reports pursuant to part 5 of article 11 of this title, or any
13 statute or rule necessary to implement the provisions of the "Public
14 School Finance Act of 1994", article 54 of this title, or any state statute
15 or rule relating to the "Children's Internet Protection Act", article 87 of
16 this title. Any waiver of state statute or state board rule made pursuant to
17 this subsection (7) shall be for the term of the contract for which the
18 waiver is made. A request for a waiver may be submitted to the institute
19 as a part of the application for an institute charter school.

20 **SECTION 6.** 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 7.** 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 8.** 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 9.** 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 10.** In Colorado Revised Statutes, 22-11-605, **repeal**
12 (3) 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 11.** In Colorado Revised Statutes, 24-75-217, **repeal**
20 (3) (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 12.** 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 13.** 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 14. Effective date.** This act takes effect July 1, 2012.

13 **SECTION 15. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.