

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 12-0004.03 Julie Pelegrin x2700

**HOUSE BILL 12-1238**

**HOUSE SPONSORSHIP**

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Education  
Appropriations

**Senate Committees**

State, Veterans & Military Affairs  
Appropriations

**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.*

SENATE  
3rd Reading Unamended  
May 4, 2012

SENATE  
Amended 2nd Reading  
May 3, 2012

HOUSE  
3rd Reading Unamended  
March 21, 2012

HOUSE  
Amended 2nd Reading  
March 20, 2012

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

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

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

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

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

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

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

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

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

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 22-7-508** as  
3 follows:

4 **22-7-508. Repeal of part.** THIS PART 5 IS REPEALED, EFFECTIVE  
5 JULY 1, 2013.

6 **SECTION 2.** In Colorado Revised Statutes, **add part 12** of article  
7 7 of title 22 as follows:

8 **PART 12**

1 COLORADO READ ACT

2 22-7-1201. Short title. THIS PART 12 IS KNOWN AND MAY BE  
3 CITED AS THE "COLORADO READING TO ENSURE ACADEMIC  
4 DEVELOPMENT ACT" OR "COLORADO READ ACT"

5 22-7-1202. Legislative declaration. (1) THE GENERAL ASSEMBLY  
6 FINDS THAT:

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

13 (b) COLORADO HAS PRIORITIZED EARLY LEARNING THROUGH ITS  
14 INVESTMENTS IN THE COLORADO PRESCHOOL PROGRAM, ESTABLISHED IN  
15 1988, AND FULL-DAY KINDERGARTEN, AND THE GENERAL ASSEMBLY  
16 RECOGNIZES THAT THESE INVESTMENTS CAN BEST BE LEVERAGED BY  
17 ADOPTING POLICIES THAT SUPPORT A CONTINUUM OF LEARNING FROM  
18 PRESCHOOL THROUGH THIRD GRADE AND BEYOND;

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

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

26 (e) AN IMPORTANT PARTNERSHIP BETWEEN A PARENT AND CHILD  
27 BEGINS BEFORE THE CHILD ENTERS KINDERGARTEN, WHEN THE PARENT

1 HELPS THE CHILD DEVELOP RICH LINGUISTIC EXPERIENCES, INCLUDING  
2 LISTENING COMPREHENSION AND SPEAKING, THAT HELP FORM THE  
3 FOUNDATION FOR READING AND WRITING, WHICH ARE THE MAIN VEHICLES  
4 FOR CONTENT ACQUISITION; ==

5 (f) THE GREATEST IMPACT FOR ENSURING STUDENT SUCCESS LIES  
6 IN A PRODUCTIVE COLLABORATION AMONG PARENTS, TEACHERS, AND  
7 SCHOOLS IN PROVIDING A CHILD'S EDUCATION, SO IT IS PARAMOUNT THAT  
8 PARENTS ARE INFORMED ABOUT THE STATUS OF THEIR CHILDREN'S  
9 EDUCATIONAL PROGRESS AND THAT TEACHERS AND SCHOOLS RECEIVE THE  
10 FINANCIAL RESOURCES AND OTHER RESOURCES AND SUPPORT THEY NEED,  
11 INCLUDING VALID ASSESSMENTS, INSTRUCTIONAL PROGRAMMING THAT IS  
12 PROVEN TO BE EFFECTIVE, AND TRAINING AND PROFESSIONAL  
13 DEVELOPMENT PROGRAMS, TO EFFECTIVELY TEACH THE SCIENCE OF  
14 READING, ASSESS STUDENTS' ACHIEVEMENT, AND ENABLE EACH STUDENT  
15 TO ACHIEVE THE GRADE LEVEL EXPECTATIONS FOR READING; AND

16 (g) THE STATE RECOGNIZES THAT THE PROVISIONS OF THIS PART 12  
17 ARE NOT A COMPREHENSIVE SOLUTION TO ENSURING THAT ALL STUDENTS  
18 GRADUATE FROM HIGH SCHOOL READY TO ENTER THE WORKFORCE OR  
19 POSTSECONDARY EDUCATION, BUT THEY ASSIST LOCAL EDUCATION  
20 PROVIDERS IN SETTING A SOLID FOUNDATION FOR STUDENTS' ACADEMIC  
21 SUCCESS AND WILL REQUIRE THE ONGOING COMMITMENT OF FINANCIAL  
22 AND OTHER RESOURCES FROM BOTH THE STATE AND LOCAL LEVELS.

23 (2) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY THAT  
24 EACH LOCAL EDUCATION PROVIDER THAT ENROLLS STUDENTS IN  
25 KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE WILL WORK CLOSELY  
26 WITH THE PARENTS AND TEACHERS OF THESE STUDENTS TO PROVIDE THE  
27 STUDENTS THE INSTRUCTIONAL PROGRAMMING, INTERVENTION

1 INSTRUCTION, AND SUPPORT, AT HOME AND IN SCHOOL, NECESSARY TO  
2 ENSURE THAT STUDENTS, BY THE COMPLETION OF THIRD GRADE, CAN  
3 DEMONSTRATE A LEVEL OF COMPETENCY IN READING SKILLS THAT IS  
4 NECESSARY TO SUPPORT THEM IN ACHIEVING THE ACADEMIC STANDARDS  
5 AND EXPECTATIONS APPLICABLE TO THE FOURTH-GRADE CURRICULUM. IT  
6 IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT EACH LOCAL  
7 EDUCATION PROVIDER ADOPT A POLICY WHEREBY, IF A STUDENT HAS A  
8 SIGNIFICANT READING DEFICIENCY AT THE END OF ANY SCHOOL YEAR  
9 PRIOR TO FOURTH GRADE, THE STUDENT'S PARENT AND TEACHER AND  
10 OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER DECIDE WHETHER  
11 THE STUDENT SHOULD OR SHOULD NOT ADVANCE TO THE NEXT GRADE  
12 LEVEL BASED ON WHETHER THE STUDENT, DESPITE HAVING A SIGNIFICANT  
13 READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE ACADEMIC  
14 PROGRESS AT THE NEXT GRADE LEVEL.

15 **22-7-1203. Definitions.** AS USED IN THIS PART 12, 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, INCLUDING BUT  
23 NOT LIMITED TO THE SCHOOL READINESS ASSESSMENTS ADOPTED  
24 PURSUANT TO SECTION 22-7-1004 (2) (a). A BODY OF EVIDENCE MAY  
25 INCLUDE SCORES ON SUMMATIVE ASSESSMENTS IF A LOCAL EDUCATION  
26 PROVIDER DECIDES THAT SUMMATIVE ASSESSMENTS ARE APPROPRIATE  
27 AND USEFUL IN MEASURING STUDENTS' LITERACY SKILLS.

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

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

6           (4) "EVIDENCE BASED" MEANS THE INSTRUCTION OR ITEM  
7           DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE  
8           AND HAS DEMONSTRATED A RECORD OF SUCCESS IN ADEQUATELY  
9           INCREASING STUDENTS' READING COMPETENCY IN THE AREAS OF  
10           PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING  
11           FLUENCY, INCLUDING ORAL SKILLS, AND READING COMPREHENSION.

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

15           (6) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A  
16           BOARD OF COOPERATIVE SERVICES, A DISTRICT CHARTER SCHOOL, OR AN  
17           INSTITUTE CHARTER SCHOOL.

18           (7) "MASTER SETTLEMENT AGREEMENT" MEANS THE MASTER  
19           SETTLEMENT AGREEMENT, THE SMOKELESS TOBACCO MASTER  
20           SETTLEMENT AGREEMENT, AND THE CONSENT DECREE APPROVED AND  
21           ENTERED BY THE COURT IN THE CASE DENOMINATED *STATE OF COLORADO,*  
22           *EX REL. GALE A. NORTON, ATTORNEY GENERAL V. R.J. REYNOLDS TOBACCO*  
23           *Co.; AMERICAN TOBACCO Co., INC.; BROWN & WILLIAMSON TOBACCO*  
24           *CORP.; LIGGETT & MYERS, INC.; LORILLARD TOBACCO Co., INC.; PHILIP*  
25           *MORRIS, INC.; UNITED STATES TOBACCO Co.; B.A.T. INDUSTRIES, P.L.C.;*  
26           *THE COUNCIL FOR TOBACCO RESEARCH--U.S.A., INC.; AND TOBACCO*  
27           *INSTITUTE, INC., CASE No. 97 CV 3432, IN THE DISTRICT COURT FOR THE*



1 CITY AND COUNTY OF DENVER.


2 (8) (a) "PARENT" MEANS A STUDENT'S BIOLOGICAL OR ADOPTIVE  
3 PARENT, STEPARENT, FOSTER PARENT, OR LEGAL GUARDIAN.

4 (b) AS PROVIDED IN SECTION 2-4-102, C.R.S., THE SINGULAR USE  
5 OF "PARENT" INCLUDES THE PLURAL, AND LOCAL EDUCATION PROVIDERS  
6 SHALL, TO THE EXTENT PRACTICABLE, INVOLVE BOTH OF A STUDENT'S  
7 PARENTS, AS DEFINED IN THIS SUBSECTION (8), IN IMPLEMENTING THE  
8 PROVISIONS OF THIS PART 12.

9 (9) "PER-PUPIL INTERVENTION MONEYS" MEANS THE MONEYS  
10 CALCULATED AND DISTRIBUTED TO LOCAL EDUCATION PROVIDERS  
11 PURSUANT TO SECTION 22-7-1210 (5).

12 (10) "READING COMPETENCY" MEANS A STUDENT MEETS THE  
13 GRADE LEVEL EXPECTATIONS IN READING ADOPTED BY THE STATE BOARD.

14 (11) "READING TO ENSURE ACADEMIC DEVELOPMENT PLAN" OR  
15 "READ PLAN" MEANS AN INTERVENTION PLAN CREATED PURSUANT TO  
16 SECTION 22-7-1206 TO REMEDIATE A STUDENT'S \_\_ SIGNIFICANT READING  
17 DEFICIENCY.

18 

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

1 TO IMPORTANT EDUCATIONAL DECISIONS.

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

5 (14) "SCIENTIFICALLY BASED" MEANS THAT THE INSTRUCTION OR  
6 ITEM DESCRIBED IS BASED ON RESEARCH THAT APPLIES RIGOROUS,  
7 SYSTEMATIC, AND OBJECTIVE PROCEDURES TO OBTAIN VALID KNOWLEDGE  
8 THAT IS RELEVANT TO READING DEVELOPMENT, READING INSTRUCTION,  
9 AND READING DIFFICULTIES.

10 (15) "SIGNIFICANT READING DEFICIENCY" MEANS THAT A STUDENT  
11 DOES NOT MEET THE MINIMUM SKILL LEVELS FOR READING COMPETENCY  
12 IN THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY  
13 DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND  
14 READING COMPREHENSION ESTABLISHED BY THE STATE BOARD PURSUANT  
15 TO SECTION 22-7-1209 FOR THE STUDENT'S GRADE LEVEL.

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

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

22 22-7-1204. Early literacy education. EACH LOCAL EDUCATION  
23 PROVIDER THAT ENROLLS STUDENTS IN KINDERGARTEN OR FIRST, SECOND,  
24 OR THIRD GRADE SHALL PROVIDE TO THE STUDENTS ENROLLED IN SAID  
25 GRADES THE INSTRUCTIONAL PROGRAMMING AND SERVICES NECESSARY  
26 TO ENSURE TO THE GREATEST EXTENT POSSIBLE THAT STUDENTS, AS THEY  
27 PROGRESS THROUGH KINDERGARTEN, FIRST, SECOND, AND THIRD GRADE,

1 DEVELOP THE NECESSARY READING SKILLS TO ENABLE THEM TO MASTER  
2 THE ACADEMIC STANDARDS AND EXPECTATIONS APPLICABLE TO THE  
3 FOURTH-GRADE CURRICULUM AND BEYOND.

4 **22-7-1205. Reading competency - assessments - READ plan**  
5 **creation - parental involvement.** (1) (a) EACH \_\_\_ LOCAL EDUCATION  
6 PROVIDER THAT ENROLLS STUDENTS IN KINDERGARTEN OR FIRST, SECOND,  
7 OR THIRD GRADE SHALL ENSURE THAT TEACHERS MEASURE EACH  
8 STUDENT'S READING COMPETENCY USING INTERIM READING ASSESSMENTS  
9 AT LEAST ONCE DURING THE SPRING SEMESTER OF THE 2012-13 SCHOOL  
10 YEAR AND THROUGHOUT THE YEAR IN SUBSEQUENT SCHOOL YEARS. \_\_\_ A  
11 LOCAL EDUCATION PROVIDER MAY ALSO ADMINISTER A SUMMATIVE  
12 ASSESSMENT TO MEASURE STUDENTS' READING COMPETENCY AT THE  
13 CONCLUSION OF KINDERGARTEN, FIRST, AND SECOND GRADES. EACH  
14 LOCAL EDUCATION PROVIDER SHALL SELECT FROM THE LIST OF APPROVED  
15 ASSESSMENTS ADOPTED BY RULE OF THE STATE BOARD PURSUANT TO  
16 SECTION 22-7-1209 (1) THOSE ASSESSMENTS IT SHALL USE TO MEASURE A  
17 STUDENT'S READING COMPETENCY. A LOCAL EDUCATION PROVIDER MAY  
18 CHOOSE TO USE OTHER READING ASSESSMENTS IN ADDITION TO BUT NOT  
19 IN LIEU OF THE APPROVED ASSESSMENTS. █

20 (b) IF A TEACHER FINDS, BASED ON A STUDENT'S SCORES ON THE  
21 APPROVED READING ASSESSMENTS, THAT THE STUDENT MAY HAVE A \_\_\_  
22 SIGNIFICANT READING DEFICIENCY, THE TEACHER SHALL ADMINISTER TO  
23 THE STUDENT ONE OR MORE DIAGNOSTIC ASSESSMENTS TO DETERMINE THE  
24 STUDENT'S SPECIFIC READING SKILL DEFICIENCIES. EACH LOCAL  
25 EDUCATION PROVIDER SHALL SELECT FROM THE LIST OF APPROVED  
26 ASSESSMENTS ADOPTED BY RULE OF THE STATE BOARD PURSUANT TO  
27 SECTION 22-7-1209 (1) THOSE ASSESSMENTS IT SHALL USE TO DETERMINE

1 A STUDENT'S SPECIFIC READING SKILL DEFICIENCIES. A LOCAL EDUCATION  
2 PROVIDER MAY CHOOSE TO USE OTHER DIAGNOSTIC READING  
3 ASSESSMENTS IN ADDITION TO BUT NOT IN LIEU OF THE APPROVED  
4 ASSESSMENTS.

5 (c) BEGINNING WITH THE 2012-13 SCHOOL YEAR, EACH LOCAL  
6 EDUCATION PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT  
7 THE STATE-ASSIGNED STUDENT IDENTIFIER FOR EACH STUDENT WHO IS  
8 IDENTIFIED PURSUANT TO THIS SUBSECTION (1) AS HAVING A SIGNIFICANT  
9 READING DEFICIENCY.

10 (2) (a) BEGINNING NO LATER THAN THE 2013-14 SCHOOL YEAR,  
11 UPON FINDING THAT A STUDENT HAS \_\_\_\_\_ A SIGNIFICANT READING  
12 DEFICIENCY, THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE  
13 STUDENT RECEIVES A READ PLAN, AS DESCRIBED IN SECTION 22-7-1206.  
14 THE TEACHER AND ANY OTHER SKILLED SCHOOL PROFESSIONALS THE  
15 LOCAL EDUCATION PROVIDER MAY CHOOSE TO SELECT SHALL, IF POSSIBLE,  
16 MEET WITH THE STUDENT'S PARENT TO COMMUNICATE AND DISCUSS THE  
17 INFORMATION SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2) AND  
18 JOINTLY CREATE THE STUDENT'S READ PLAN. UPON COMPLETION OF THE  
19 MEETING OR AS SOON AS POSSIBLE THEREAFTER, THE TEACHER OR OTHER  
20 PERSONNEL OF THE LOCAL EDUCATION PROVIDER SHALL GIVE THE PARENT  
21 A WRITTEN EXPLANATION OF THE INFORMATION SPECIFIED IN PARAGRAPH  
22 (b) OF THIS SUBSECTION (2) AND A COPY OF THE STUDENT'S READ PLAN.  
23 TO THE EXTENT PRACTICABLE, THE TEACHER AND OTHER PERSONNEL  
24 SHALL COMMUNICATE WITH THE PARENT, ORALLY AND IN WRITING, IN A  
25 LANGUAGE THE PARENT UNDERSTANDS.

26 (b) THE TEACHER AND THE OTHER PERSONNEL SHALL  
27 COMMUNICATE AND DISCUSS WITH THE PARENT THE FOLLOWING

1 INFORMATION:

2 (I) THE STATE'S GOAL IS FOR ALL CHILDREN IN COLORADO TO  
3 GRADUATE FROM HIGH SCHOOL HAVING ATTAINED SKILL LEVELS THAT  
4 ADEQUATELY PREPARE THEM FOR POSTSECONDARY STUDIES OR FOR THE  
5 WORKFORCE, AND RESEARCH DEMONSTRATES THAT ACHIEVING READING  
6 COMPETENCY BY THIRD GRADE IS A CRITICAL MILESTONE IN ACHIEVING  
7 THIS GOAL;

8 (II) THE NATURE OF THE STUDENT'S SIGNIFICANT READING  
9 DEFICIENCY, INCLUDING A CLEAR EXPLANATION OF WHAT THE SIGNIFICANT  
10 READING DEFICIENCY IS AND THE BASIS UPON WHICH THE TEACHER  
11 IDENTIFIED THE SIGNIFICANT READING DEFICIENCY; \_\_\_

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

19 (IV) READING SKILLS ARE CRITICAL TO SUCCESS IN SCHOOL.  
20 UNDER STATE LAW, THE STUDENT QUALIFIES FOR AND THE LOCAL  
21 EDUCATION PROVIDER IS REQUIRED TO PROVIDE TARGETED,  
22 SCIENTIFICALLY BASED OR EVIDENCE-BASED INTERVENTIONS TO  
23 REMEDIATE THE STUDENT'S SPECIFIC, DIAGNOSED READING SKILL  
24 DEFICIENCIES, WHICH INTERVENTIONS ARE DESIGNED TO ENABLE THE  
25 STUDENT TO ACHIEVE READING COMPETENCY AND ATTAIN THE SKILLS  
26 NECESSARY TO ACHIEVE THE STATE'S ACADEMIC ACHIEVEMENT GOALS;

27 (V) THE STUDENT'S READ PLAN WILL INCLUDE TARGETED,

1 SCIENTIFICALLY BASED OR EVIDENCE-BASED INTERVENTION INSTRUCTION  
2 TO ADDRESS AND REMEDIATE THE STUDENT'S SPECIFIC, DIAGNOSED  
3 READING SKILL DEFICIENCIES;    

4 (VI) THE PARENT PLAYS A CENTRAL ROLE IN SUPPORTING THE  
5 STUDENT'S EFFORTS TO ACHIEVE READING COMPETENCY, THE PARENT IS  
6 STRONGLY ENCOURAGED TO WORK WITH THE STUDENT'S TEACHER IN  
7 IMPLEMENTING THE READ PLAN, AND, TO SUPPLEMENT THE  
8 INTERVENTION INSTRUCTION THE STUDENT RECEIVES IN SCHOOL, THE  
9 READ PLAN WILL INCLUDE STRATEGIES THE PARENT IS ENCOURAGED TO  
10 USE AT HOME TO SUPPORT THE STUDENT'S READING SUCCESS; AND

11 (VII) THERE ARE SERIOUS IMPLICATIONS TO A STUDENT ENTERING  
12 FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND,  
13 THEREFORE, IF THE STUDENT CONTINUES TO HAVE A SIGNIFICANT READING  
14 DEFICIENCY AT THE END OF THE SCHOOL YEAR, UNDER STATE LAW, THE  
15 PARENT, THE STUDENT'S TEACHER, AND OTHER PERSONNEL OF THE LOCAL  
16 EDUCATION PROVIDER ARE REQUIRED TO MEET AND CONSIDER RETENTION  
17 AS AN INTERVENTION STRATEGY AND DETERMINE WHETHER THE STUDENT,  
18 DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO  
19 MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL.

20 (c) IN ADDITION TO THE INFORMATION SPECIFIED IN     PARAGRAPH  
21 (b) OF THIS SUBSECTION (2), THE TEACHER AND THE OTHER PERSONNEL OF  
22 THE LOCAL EDUCATION PROVIDER ARE ENCOURAGED TO COMMUNICATE  
23 AND DISCUSS INFORMATION CONCERNING RESOURCES THAT ARE  
24 AVAILABLE THROUGH THE LOCAL EDUCATION PROVIDER OR THROUGH  
25 OTHER ENTITIES WITHIN THE COMMUNITY THAT MAY SUPPORT THE  
26 STUDENT IN ACHIEVING READING COMPETENCY.

27 (3) (a) IF, AFTER MAKING DOCUMENTED ATTEMPTS, THE TEACHER

1 IS UNABLE TO MEET WITH THE STUDENT'S PARENT TO CREATE THE READ  
2 PLAN, THE TEACHER AND ANY OTHER SKILLED SCHOOL PROFESSIONALS  
3 THE LOCAL EDUCATION PROVIDER MAY CHOOSE TO SELECT SHALL CREATE  
4 THE STUDENT'S READ PLAN AND ENSURE THAT THE STUDENT'S PARENT  
5 RECEIVES THE FOLLOWING INFORMATION IN A LANGUAGE THE PARENT  
6 UNDERSTANDS, IF PRACTICABLE:

7 (I) A WRITTEN COPY OF THE READ PLAN WITH A CLEAR, WRITTEN  
8 EXPLANATION OF THE SCIENTIFICALLY BASED OR EVIDENCE-BASED  
9 READING INSTRUCTIONAL PROGRAMMING AND OTHER READING-RELATED  
10 SERVICES THE STUDENT WILL RECEIVE UNDER THE PLAN AND THE  
11 STRATEGIES THAT THE PARENT IS ENCOURAGED TO APPLY IN ASSISTING  
12 THE STUDENT IN ACHIEVING READING COMPETENCY; AND

13 (II) A WRITTEN EXPLANATION OF THE INFORMATION SPECIFIED IN  
14 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

15 (b) AT A PARENT'S REQUEST, THE TEACHER AND ANY OTHER  
16 SKILLED SCHOOL PROFESSIONALS THE LOCAL EDUCATION PROVIDER MAY  
17 CHOOSE TO SELECT SHALL MEET WITH THE PARENT TO PROVIDE A VERBAL  
18 EXPLANATION OF THE ELEMENTS OF THE READ PLAN. \_\_\_

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

1 EXTENT PRACTICABLE, THE TEACHER SHALL COMMUNICATE WITH THE  
2 PARENT IN A LANGUAGE THE PARENT UNDERSTANDS.

3 **22-7-1206. Reading to ensure academic development plan -**  
4 **contents - implementation.** (1) (a) A TEACHER, AND OTHER SKILLED  
5 SCHOOL PROFESSIONALS THAT THE LOCAL EDUCATION PROVIDER MAY  
6 CHOOSE TO SELECT, SHALL CREATE A READ PLAN FOR EACH STUDENT  
7 WHO HAS    A SIGNIFICANT READING DEFICIENCY. THE TEACHER AND ANY  
8 OTHER PERSONNEL SHALL CREATE THE PLAN IN COLLABORATION WITH THE  
9 STUDENT'S PARENT, IF POSSIBLE, AND AS SOON AS POSSIBLE AFTER THE  
10 STUDENT'S    SIGNIFICANT READING DEFICIENCY IS IDENTIFIED. THE  
11 STUDENT, THE STUDENT'S TEACHER, AND THE STUDENT'S PARENT SHALL  
12 CONTINUE IMPLEMENTING THE STUDENT'S READ PLAN UNTIL THE  
13 STUDENT DEMONSTRATES READING COMPETENCY. THE STUDENT'S  
14 TEACHER SHALL REVIEW THE STUDENT'S READ PLAN AT LEAST ANNUALLY  
15 AND UPDATE OR REVISE THE READ PLAN AS APPROPRIATE TO FACILITATE  
16 THE STUDENT'S PROGRESS IN DEMONSTRATING READING COMPETENCY.

17 (b) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A  
18 STUDENT'S CURRENT READ PLAN, ANY EARLIER VERSIONS OF THE READ  
19 PLAN, AND ANY SUPPORTING DOCUMENTATION FOR THE PLAN AND THE  
20 BODY OF EVIDENCE THAT DEMONSTRATES A STUDENT'S PROGRESS IN  
21 IMPLEMENTING THE PLAN ARE INCLUDED IN THE STUDENT'S PERMANENT  
22 ACADEMIC RECORD AND ARE TRANSFERRED IF THE STUDENT  
23 SUBSEQUENTLY ENROLLS IN ANOTHER SCHOOL.

24 (2) (a) IF A STUDENT'S READING SKILLS ARE BELOW GRADE LEVEL  
25 EXPECTATIONS, AS ADOPTED BY THE STATE BOARD, BUT THE STUDENT  
26 DOES NOT HAVE A SIGNIFICANT READING DEFICIENCY, THE LOCAL  
27 EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES



1 APPROPRIATE INTERVENTIONS THROUGH THE RESPONSE TO INTERVENTION  
2 FRAMEWORK OR A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY  
3 THE LOCAL EDUCATION PROVIDER.

4 (b) IF A STUDENT HAS A SIGNIFICANT READING DEFICIENCY, THE  
5 STUDENT'S READ PLAN SHALL INCLUDE THE INTERVENTION INSTRUCTION  
6 THAT THE LOCAL EDUCATION PROVIDER PROVIDES THROUGH THE  
7 RESPONSE TO INTERVENTION FRAMEWORK OR A COMPARABLE  
8 INTERVENTION SYSTEM IMPLEMENTED BY THE LOCAL EDUCATION  
9 PROVIDER.

10 (3) NOTWITHSTANDING ANY PROVISION OF THIS PART 12 TO THE  
11 CONTRARY, IF A STUDENT IS IDENTIFIED AS HAVING A DISABILITY THAT  
12 IMPACTS THE STUDENT'S PROGRESS IN DEVELOPING READING SKILLS, THE  
13 LOCAL EDUCATION PROVIDER SHALL, AS APPROPRIATE, INTEGRATE INTO  
14 THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM CREATED  
15 PURSUANT TO SECTION 22-20-108 INTERVENTION INSTRUCTION AND  
16 STRATEGIES TO ADDRESS THE STUDENT'S READING ISSUES IN LIEU OF A  
17 READ PLAN.

18 (4) IF A STUDENT ENROLLED IN KINDERGARTEN IS IDENTIFIED AS  
19 HAVING A SIGNIFICANT READING DEFICIENCY, THE LOCAL EDUCATION  
20 PROVIDER SHALL CREATE THE STUDENT'S READ PLAN AS A COMPONENT  
21 OF THE STUDENT'S INDIVIDUALIZED READINESS PLAN CREATED PURSUANT  
22 TO SECTION 22-7-1014.

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

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

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

1       ATTAINING READING COMPETENCY;

2               (c) THE TYPE OF ADDITIONAL INSTRUCTIONAL SERVICES AND  
3       INTERVENTIONS THE STUDENT WILL RECEIVE IN READING;

4               (d) THE SCIENTIFICALLY BASED OR EVIDENCE-BASED READING  
5       INSTRUCTIONAL PROGRAMMING THE TEACHER WILL USE TO PROVIDE TO  
6       THE STUDENT DAILY READING APPROACHES, STRATEGIES, INTERVENTIONS,  
7       AND INSTRUCTION, WHICH PROGRAMS AT A MINIMUM SHALL ADDRESS THE  
8       AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,  
9       READING FLUENCY, INCLUDING ORAL SKILLS, AND READING  
10       COMPREHENSION. THE LOCAL EDUCATION PROVIDER MAY CHOOSE TO  
11       SELECT THE PROGRAMS FROM AMONG THOSE INCLUDED ON THE ADVISORY  
12       LIST PREPARED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-1209;

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

15              (f) THE STRATEGIES THE STUDENT'S PARENT IS ENCOURAGED TO  
16       USE IN ASSISTING THE STUDENT TO ACHIEVE READING COMPETENCY THAT  
17       ARE DESIGNED TO SUPPLEMENT THE PROGRAMMING DESCRIBED IN  
18       PARAGRAPH (d) OF THIS SUBSECTION (5); AND

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

22              (6) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A  
23       TEACHER CONTINUES TO REVISE AND IMPLEMENT A STUDENT'S READ  
24       PLAN UNTIL THE STUDENT ATTAINS READING COMPETENCY, REGARDLESS  
25       OF THE STUDENT'S GRADE LEVEL AND REGARDLESS OF WHETHER THE  
26       STUDENT WAS ENROLLED WITH THE LOCAL EDUCATION PROVIDER WHEN  
27       THE READ PLAN WAS ORIGINALLY CREATED OR THE STUDENT

1 TRANSFERRED ENROLLMENT TO THE LOCAL EDUCATION PROVIDER AFTER  
2 THE READ PLAN WAS CREATED.

3 (7) (a) IF A STUDENT IS IDENTIFIED AS HAVING A SIGNIFICANT  
4 READING DEFICIENCY FOR A SECOND OR SUBSEQUENT CONSECUTIVE  
5 SCHOOL YEAR, THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT, IN  
6 THE SECOND OR SUBSEQUENT CONSECUTIVE SCHOOL YEAR:

7 (I) THE STUDENT'S TEACHER REVISES THE STUDENT'S READ PLAN  
8 TO INCLUDE ADDITIONAL, MORE RIGOROUS STRATEGIES AND  
9 INTERVENTION INSTRUCTION TO ASSIST THE STUDENT IN ATTAINING  
10 READING COMPETENCY, INCLUDING INCREASED DAILY TIME IN SCHOOL FOR  
11 READING INSTRUCTION;

12 (II) THE PRINCIPAL OF THE SCHOOL IN WHICH THE STUDENT IS  
13 ENROLLED ENSURES THAT THE STUDENT RECEIVES READING INSTRUCTION  
14 IN CONJUNCTION WITH AND SUPPORTED THROUGH THE OTHER SUBJECTS IN  
15 WHICH THE STUDENT RECEIVES INSTRUCTION DURING THE SCHOOL DAY;  
16 AND

17 (III) IF PRACTICABLE, THE STUDENT RECEIVES READING  
18 INSTRUCTION FROM A TEACHER WHO IS IDENTIFIED AS EFFECTIVE OR  
19 HIGHLY EFFECTIVE IN HIS OR HER MOST RECENT PERFORMANCE  
20 EVALUATION AND HAS EXPERTISE IN TEACHING READING.

21 (b) IN ADDITION, WITH THE APPROVAL OF THE STUDENT'S PARENT,  
22 THE LOCAL EDUCATION PROVIDER MAY PROVIDE TO THE STUDENT MENTAL  
23 HEALTH SUPPORT FROM THE SCHOOL PSYCHOLOGIST, SCHOOL SOCIAL  
24 WORKER, OR SCHOOL COUNSELOR.

25 **22-7-1207. Advancement - decision - parental involvement.**

26 (1) BEGINNING NO LATER THAN THE 2013-14 SCHOOL YEAR, IF, WITHIN  
27 FORTY-FIVE DAYS BEFORE THE END OF ANY SCHOOL YEAR PRIOR TO A

1 STUDENT'S FOURTH-GRADE YEAR, A TEACHER FINDS THAT A STUDENT HAS  
2 A SIGNIFICANT READING DEFICIENCY, PERSONNEL OF THE LOCAL  
3 EDUCATION PROVIDER SHALL PROVIDE TO THE STUDENT'S PARENT THE  
4 WRITTEN NOTICE DESCRIBED IN SUBSECTION (2) OF THIS SECTION; EXCEPT  
5 THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY IF:

6                   
7           (a) THE STUDENT IS A STUDENT WITH A DISABILITY WHO IS  
8 ELIGIBLE TO TAKE THE ALTERNATIVE STATEWIDE ASSESSMENT, OR THE  
9 STUDENT IS IDENTIFIED AS HAVING A DISABILITY THAT SUBSTANTIALLY  
10 IMPACTS THE STUDENT'S PROGRESS IN DEVELOPING READING SKILLS,  
11 RESULTING IN THE STUDENT'S SIGNIFICANT READING DEFICIENCY;

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

16           (c) THE STUDENT IS COMPLETING THE SECOND SCHOOL YEAR AT  
17 THE SAME GRADE LEVEL.

18           (2) THE WRITTEN NOTICE THAT THE PERSONNEL PROVIDES TO A  
19 PARENT PURSUANT TO SUBSECTION (1) OF THIS SECTION AT A MINIMUM  
20 SHALL STATE THAT:

21           (a) THERE ARE SERIOUS IMPLICATIONS TO A STUDENT ENTERING  
22 FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND,  
23 THEREFORE, UNDER STATE LAW, THE PARENT, THE STUDENT'S TEACHER,  
24 AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE  
25 REQUIRED TO MEET AND CONSIDER RETENTION AS AN INTERVENTION  
26 STRATEGY AND DETERMINE WHETHER THE STUDENT, DESPITE HAVING A  
27 SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE

1 ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL;

2 (b) PERSONNEL OF THE STUDENT'S SCHOOL WILL WORK WITH THE  
3 PARENT TO SCHEDULE A DATE, TIME, AND PLACE FOR THE MEETING; AND

4 (c) IF THE PARENT DOES NOT ATTEND THE MEETING, THE TEACHER  
5 AND PERSONNEL OF THE LOCAL EDUCATION PROVIDER WILL DECIDE  
6 WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE LEVEL IN THE  
7 NEXT SCHOOL YEAR.

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

18 (4) (a) AT THE MEETING REQUIRED BY THIS SECTION, THE TEACHER  
19 AND ANY OTHER PERSONNEL SELECTED BY THE LOCAL EDUCATION  
20 PROVIDER SHALL, AT A MINIMUM, COMMUNICATE TO AND DISCUSS WITH  
21 THE PARENT THE FOLLOWING INFORMATION:

22 (I) THAT THERE ARE SERIOUS IMPLICATIONS TO A STUDENT  
23 ENTERING FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND,  
24 THEREFORE, UNDER STATE LAW, THE PARENT, THE STUDENT'S TEACHER,  
25 AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE  
26 REQUIRED TO MEET AND CONSIDER RETENTION AS AN INTERVENTION  
27 STRATEGY AND DETERMINE WHETHER THE STUDENT, DESPITE HAVING A

1 SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE  
2 ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL;

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

8 (III) THE STUDENT'S BODY OF EVIDENCE AND THE LIKELIHOOD  
9 THAT THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY,  
10 WILL BE ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT  
11 GRADE LEVEL;

12 (IV) THE INCREASED LEVEL OF INTERVENTION INSTRUCTION THE  
13 STUDENT WILL RECEIVE IN THE NEXT SCHOOL YEAR REGARDLESS OF  
14 WHETHER THE STUDENT ADVANCES TO THE NEXT GRADE LEVEL; AND

15 (V) THE POTENTIAL EFFECTS ON THE STUDENT IF HE OR SHE DOES  
16 NOT ADVANCE TO THE NEXT GRADE LEVEL.

17 (b) AFTER DISCUSSING THE ISSUES SPECIFIED IN PARAGRAPH (a) OF  
18 THIS SUBSECTION (4), THE PARENT, THE TEACHER, AND THE OTHER  
19 PERSONNEL SHALL DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE  
20 NEXT GRADE LEVEL IN THE NEXT SCHOOL YEAR. IF THE PARENT, TEACHER,  
21 AND OTHER PERSONNEL ARE NOT IN AGREEMENT, THE PARENT SHALL  
22 DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE  
23 LEVEL UNLESS OTHERWISE SPECIFIED IN THE POLICY ADOPTED BY THE  
24 LOCAL EDUCATION PROVIDER.

25 (5) AS SOON AS POSSIBLE AFTER THE DECISION IS MADE PURSUANT  
26 TO SUBSECTION (3) OF THIS SECTION OR AT THE CONCLUSION OF THE  
27 MEETING DESCRIBED IN SUBSECTION (4) OF THIS SECTION, THE PERSONNEL

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

14 (6) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b)  
15 SUBSECTION (4) OF THIS SECTION TO THE CONTRARY, BEGINNING WITH THE  
16 2016-17 SCHOOL YEAR, IF A STUDENT IS COMPLETING THIRD GRADE AND  
17 THE STUDENT'S TEACHER AND OTHER PERSONNEL DECIDE PURSUANT TO  
18 SUBSECTION (3) OF THIS SECTION OR THE STUDENT'S PARENT DECIDES  
19 PURSUANT TO SUBSECTION (4) OF THIS SECTION THAT THE STUDENT WILL  
20 ADVANCE TO FOURTH GRADE EVEN THOUGH THE STUDENT HAS A  
21 SIGNIFICANT READING DEFICIENCY, THE DECISION TO ADVANCE THE  
22 STUDENT IS SUBJECT TO APPROVAL OF THE SCHOOL DISTRICT  
23 SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, IF THE STUDENT  
24 IS ENROLLED IN A PUBLIC SCHOOL OF A SCHOOL DISTRICT THAT IS NOT A  
25 CHARTER SCHOOL, OR SUBJECT TO APPROVAL OF THE SCHOOL PRINCIPAL,  
26 IF THE STUDENT IS ENROLLED IN A DISTRICT CHARTER SCHOOL, AN  
27 INSTITUTE CHARTER SCHOOL, OR A PUBLIC SCHOOL OPERATED BY A BOARD

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

12 == ==  
13 (7) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT, TO  
14 THE EXTENT PRACTICABLE, ALL OF THE ORAL AND WRITTEN  
15 COMMUNICATIONS TO A PARENT THAT ARE REQUIRED IN THIS SECTION ARE  
16 DELIVERED IN A LANGUAGE THE PARENT UNDERSTANDS.

17 (8) THE PROVISIONS OF THIS SECTION SPECIFY THE  
18 CIRCUMSTANCES UNDER WHICH A LOCAL EDUCATION PROVIDER, IN  
19 COLLABORATION WITH A STUDENT'S TEACHER AND PARENT, IS REQUIRED  
20 TO DECIDE WHETHER A STUDENT WHO HAS A SIGNIFICANT READING  
21 DEFICIENCY SHOULD ADVANCE TO THE NEXT GRADE LEVEL. THE  
22 PROVISIONS OF THIS PART 12 DO NOT LIMIT THE ABILITY OF A LOCAL  
23 EDUCATION PROVIDER TO DECIDE, IN ACCORDANCE WITH POLICIES AND  
24 PROCEDURES OF THE LOCAL EDUCATION PROVIDER, THAT A STUDENT AT  
25 ANY GRADE LEVEL SHOULD NOT ADVANCE TO THE NEXT GRADE LEVEL FOR  
26 ANY REASON DEEMED SUFFICIENT BY THE LOCAL EDUCATION PROVIDER.

27 == ==



1           **22-7-1208. Local education providers - procedures.** (1) EACH  
2 LOCAL EDUCATION PROVIDER SHALL ADOPT THE PROCEDURES NECESSARY  
3 TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS PART 12. IN  
4 ADOPTING PROCEDURES, A LOCAL EDUCATION PROVIDER SHALL COMPLY  
5 WITH AND MAY EXCEED THE REQUIREMENTS OF THIS PART 12.  
6 PROCEDURES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, PROCEDURES  
7 FOR:

- 8           (a) CREATING A READ PLAN AND THE CONTENTS OF A READ  
9 PLAN;
- 10           (b) EFFECTIVELY COMMUNICATING WITH PARENTS CONCERNING  
11 THE CREATION, CONTENTS, AND IMPLEMENTATION OF READ PLANS; AND
- 12           (c) DETERMINING WHETHER A STUDENT WHO HAS A SIGNIFICANT  
13 READING DEFICIENCY WILL ADVANCE TO THE NEXT GRADE LEVEL.

14           **(2) A LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO START A**  
15 **READ PLAN OR CONVERT AN INDIVIDUAL LITERACY PLAN TO A READ**  
16 **PLAN FOR A STUDENT WHO IS ENROLLED IN FOURTH GRADE OR HIGHER AS**  
17 **OF THE 2013-14 SCHOOL YEAR.**

18           **(3)** 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           **(4)** 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 **22-7-1209. 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 12,  
7 WHICH RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

8 ==

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

16 (b) OF THIS SUBSECTION (1). THE STATE BOARD SHALL DESCRIBE THE  
17 MINIMUM SKILL LEVELS FOR STUDENTS AS THEY COMPLETE  
18 KINDERGARTEN AND FIRST GRADE USING MATRICES OF APPROPRIATE  
19 INDICATORS, WHICH INDICATORS MAY INCLUDE MEASURES OF STUDENTS'  
20 SOCIAL AND EMOTIONAL DEVELOPMENT, PHYSICAL DEVELOPMENT,  
21 LANGUAGE AND COMPREHENSION DEVELOPMENT, AND COGNITION AND  
22 GENERAL KNOWLEDGE. THE STATE BOARD SHALL ADOPT THE RULES  
23 DESCRIBED IN THIS PARAGRAPH (a) BY MARCH 31, 2013.

24 (b) THE LIST OF APPROVED READING ASSESSMENTS, BASED ON THE  
25 RECOMMENDATIONS OF THE DEPARTMENT, THAT LOCAL EDUCATION  
26 PROVIDERS MAY USE TO MEET THE REQUIREMENTS SPECIFIED IN SECTION  
27 22-7-1205. THE STATE BOARD SHALL ADOPT THE LIST OF APPROVED

1 READING ASSESSMENTS BY MARCH 31, 2013.

2 (c) RULES FOR APPROVING ONE OR MORE INDEPENDENT  
3 THIRD-PARTY EVALUATORS TO REVIEW READING ASSESSMENTS FOR  
4 INCLUSION ON THE APPROVED LIST OF ASSESSMENTS AND TO REVIEW  
5 INSTRUCTIONAL PROGRAMMING AND PROFESSIONAL DEVELOPMENT  
6 PROGRAMS FOR INCLUSION ON THE ADVISORY LISTS CREATED BY THE  
7 DEPARTMENT PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION;

8 (d) RULES TO PROVIDE NOTICE AND AN APPEALS PROCESS, WHICH  
9 MAY BE A PROCESS FOR WRITTEN APPEALS, FOR PUBLISHERS WHO SUBMIT  
10 MATERIALS FOR INCLUSION ON THE LIST OF APPROVED ASSESSMENTS AND  
11 THE ADVISORY LISTS OF INSTRUCTIONAL PROGRAMMING AND  
12 PROFESSIONAL DEVELOPMENT PROGRAMS;

13 (e) THE TIME FRAMES AND PROCEDURES FOR REPORTING  
14 INFORMATION CONCERNING STUDENTS' READING SKILLS AS DESCRIBED IN  
15 SECTION 22-7-1213; AND

16 (f) RULES FOR IMPLEMENTING THE EARLY LITERACY GRANT  
17 PROGRAM PURSUANT TO SECTION 22-7-1211.

18 [REDACTED]

19 (2) (a) (I) USING THE PROCEDURE DEVELOPED PURSUANT TO  
20 SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW AND  
21 RECOMMEND TO THE STATE BOARD READING ASSESSMENTS, INCLUDING  
22 INTERIM, \_\_\_\_\_ SUMMATIVE, AND DIAGNOSTIC ASSESSMENTS, FOR  
23 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES THAT, AT A  
24 MINIMUM, MEET THE CRITERIA SPECIFIED IN SUBPARAGRAPH (II) OF THIS  
25 PARAGRAPH (a). FOLLOWING ACTION BY THE STATE BOARD TO APPROVE  
26 READING ASSESSMENTS PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1)  
27 OF THIS SECTION, THE DEPARTMENT SHALL CREATE A LIST OF THE

1 APPROVED READING ASSESSMENTS FOR KINDERGARTEN AND FIRST,  
2 SECOND, AND THIRD GRADES FOR USE BY LOCAL EDUCATION PROVIDERS.

3 (II) THE DEPARTMENT SHALL ENSURE THAT:

4 (A) EACH OF THE RECOMMENDED READING ASSESSMENTS IS  
5 SCIENTIFICALLY BASED; EXCEPT THAT THE DEPARTMENT MAY  
6 RECOMMEND AND THE STATE BOARD MAY, UNTIL JULY 1, 2016, INCLUDE  
7 ON THE APPROVED LIST OF ASSESSMENTS ANY READING ASSESSMENT  
8 APPROVED BY THE STATE BOARD PRIOR TO JULY 1, 2012, REGARDLESS OF  
9 WHETHER IT IS SCIENTIFICALLY BASED;

10 (B) EACH OF THE RECOMMENDED READING ASSESSMENTS IS VALID  
11 AND RELIABLE AND PROVEN TO EFFECTIVELY AND ACCURATELY MEASURE  
12 STUDENTS' READING SKILLS IN THE AREAS OF PHONEMIC AWARENESS;  
13 PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY, INCLUDING  
14 ORAL SKILLS; AND READING COMPREHENSION;

15 (C) EACH OF THE RECOMMENDED READING DIAGNOSTICS IS  
16 PROVEN TO ACCURATELY IDENTIFY STUDENTS' SPECIFIC READING SKILL  
17 DEFICIENCIES; AND

18 (D) AT LEAST ONE OF THE RECOMMENDED READING ASSESSMENTS  
19 FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IS NORMED  
20 FOR THE PERFORMANCE OF STUDENTS WHO SPEAK SPANISH AS THEIR  
21 NATIVE LANGUAGE, WHICH ASSESSMENT IS AVAILABLE IN BOTH ENGLISH  
22 AND SPANISH.

23 (b) USING THE PROCEDURE DEVELOPED PURSUANT TO SUBSECTION  
24 (3) OF THIS SECTION, THE DEPARTMENT SHALL CREATE AN ADVISORY LIST  
25 OF SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTIONAL  
26 PROGRAMMING IN READING THAT LOCAL EDUCATION PROVIDERS ARE  
27 ENCOURAGED TO USE. THE ADVISORY LIST SHALL INCLUDE ONLY

1 PROGRAMMING THAT, AT A MINIMUM:

2 (I) HAS BEEN PROVEN TO ACCELERATE STUDENT PROGRESS IN  
3 ATTAINING READING COMPETENCY;

4 (II) PROVIDES EXPLICIT AND SYSTEMATIC SKILL DEVELOPMENT IN  
5 THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY  
6 DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND  
7 READING COMPREHENSION;

8 (III) INCLUDES SCIENTIFICALLY BASED AND RELIABLE  
9 ASSESSMENTS;

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

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

15 (c) USING THE PROCEDURE DEVELOPED PURSUANT TO SUBSECTION  
16 (3) OF THIS SECTION, THE DEPARTMENT SHALL CREATE AN ADVISORY LIST  
17 OF PROFESSIONAL DEVELOPMENT PROGRAMS THAT ARE RELATED TO  
18 ADDRESSING      SIGNIFICANT READING DEFICIENCIES AND TO APPLYING  
19 INTERVENTION INSTRUCTION AND STRATEGIES, IN ADDITION TO PROGRAMS  
20 RELATED TO TEACHING GENERAL LITERACY, THAT LOCAL EDUCATION  
21 PROVIDERS ARE ENCOURAGED TO USE.

22 (d) THE DEPARTMENT SHALL MAKE THE APPROVED LIST OF  
23 ASSESSMENTS AVAILABLE ON THE DEPARTMENT WEB SITE ON OR BEFORE  
24 APRIL 1, 2013, AND THE ADVISORY LISTS OF INSTRUCTIONAL  
25 PROGRAMMING AND PROFESSIONAL DEVELOPMENT PROGRAMS AVAILABLE  
26 ON THE DEPARTMENT WEB SITE ON OR BEFORE JULY 1, 2013. THE  
27 DEPARTMENT IS NOT REQUIRED TO PROVIDE COPIES OF ANY READING

1 ASSESSMENTS, INSTRUCTIONAL PROGRAMMING, OR PROFESSIONAL  
2 DEVELOPMENT PROGRAMS THAT ARE INCLUDED ON THE LISTS. IF THE  
3 DEPARTMENT DOES PROVIDE COPIES OF ANY MATERIALS THAT IT ACQUIRES  
4 BY PURCHASE OF A LICENSE FOR USE BY LOCAL EDUCATION PROVIDERS,  
5 SAID MATERIALS MAY BE USED ONLY IN ACCORDANCE WITH THE LICENSE.

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

17 (3) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A  
18 PROCEDURE FOR IDENTIFYING THE READING ASSESSMENTS IT  
19 RECOMMENDS TO THE STATE BOARD FOR THE APPROVED LIST OF READING  
20 ASSESSMENTS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS  
21 SECTION AND FOR CREATING THE ADVISORY LISTS OF INSTRUCTIONAL  
22 PROGRAMMING AND PROFESSIONAL DEVELOPMENT PROGRAMS DESCRIBED  
23 IN PARAGRAPHS (b) AND (c) OF SUBSECTION (2) OF THIS SECTION. AT A  
24 MINIMUM, THE PROCEDURE SHALL INCLUDE:

25 (a) PERIODICALLY SOLICITING THROUGH PUBLIC NOTICE,  
26 ACCEPTING, AND PROMPTLY REVIEWING ASSESSMENTS, INSTRUCTIONAL  
27 PROGRAMMING, AND PROFESSIONAL DEVELOPMENT PROGRAMS FROM EACH

1 LOCAL EDUCATION PROVIDER AND FROM PUBLISHERS;

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

12 (c) PERIODICALLY REVIEWING THE LIST OF APPROVED  
13 ASSESSMENTS AND THE ADVISORY LISTS TO UPDATE THE LISTS AND ADD  
14 ADDITIONAL ITEMS, WHEN APPROPRIATE; AND

15 (d) PUBLISHING ON THE DEPARTMENT'S WEBSITE THE INITIAL AND  
16 UPDATED APPROVED LIST OF READING ASSESSMENTS AND ADVISORY LISTS  
17 OF INSTRUCTIONAL PROGRAMMING AND PROFESSIONAL DEVELOPMENT  
18 PROGRAMS.

19 (4) THE DEPARTMENT SHALL SPECIFY THE INFORMATION THAT  
20 LOCAL EDUCATION PROVIDERS SHALL SUBMIT PURSUANT TO SECTION  
21 22-7-1213 AND SHALL ANALYZE THE INFORMATION AS NECESSARY TO  
22 MAKE THE DETERMINATIONS SPECIFIED IN SECTION 22-7-1213. IF ANOTHER  
23 RULE OR STATUTE REQUIRES LOCAL EDUCATION PROVIDERS TO SUBMIT  
24 ANY PORTION OF THE SPECIFIED INFORMATION, THE DEPARTMENT SHALL  
25 NOT REQUIRE LOCAL EDUCATION PROVIDERS TO RESUBMIT THE  
26 INFORMATION, BUT SHALL APPLY THE INFORMATION RECEIVED PURSUANT  
27 TO THE OTHER RULE OR STATUTE IN PREPARING THE ANALYSIS REQUIRED

1 IN SECTION 22-7-1213.

2 (5) THE DEPARTMENT SHALL MAKE AVAILABLE TO LOCAL  
3 EDUCATION PROVIDERS ANY INFORMATION AND MATERIALS IT RECEIVES  
4 PURSUANT TO SECTION 22-7-1208 (3) CONCERNING STRATEGIES AND  
5 INTERVENTION INSTRUCTION THAT LOCAL EDUCATION PROVIDERS FIND  
6 EFFECTIVE IN ASSISTING STUDENTS TO ACHIEVE READING COMPETENCY,  
7 INCLUDING COPIES OF ANY EFFECTIVE MATERIALS THAT THE DEPARTMENT  
8 RECEIVES.

9 (6) THE DEPARTMENT, UPON REQUEST, MAY PROVIDE TECHNICAL  
10 ASSISTANCE TO A LOCAL EDUCATION PROVIDER IN IMPLEMENTING THE  
11 PROVISIONS OF THIS PART 12.

12

13 22-7-1210. Early literacy fund - created - repeal. (1) THE  
14 EARLY LITERACY FUND IS HEREBY CREATED IN THE STATE TREASURY AND  
15 IS REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST  
16 OF:

17 (a) ANY MONEYS REMAINING IN THE READ-TO-ACHIEVE CASH FUND  
18 AS OF JUNE 30, 2012;

19 (b) MONEYS TRANSFERRED TO THE FUND PURSUANT TO  
20 SUBSECTION (3) OF THIS SECTION;

21 (c) MONEYS TRANSFERRED TO THE FUND PURSUANT TO SECTION  
22 22-41-102 (3) (c); AND

23 (d) ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY MAY  
24 APPROPRIATE OR TRANSFER TO THE FUND.

25 (2) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND  
26 NOT EXPENDED FOR THE PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS  
27 SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL



1 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF  
2 MONEYS IN THE FUND TO THE FUND. ANY AMOUNT REMAINING IN THE  
3 FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND  
4 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO  
5 ANY OTHER FUND.

6 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (1)  
7 (h) AND (5), C.R.S., BEGINNING WITH THE 2012-13 FISCAL YEAR, AND FOR  
8 EACH FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS  
9 PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, THE STATE  
10 TREASURER SHALL ANNUALLY TRANSFER TO THE FUND FIVE PERCENT OF  
11 THE AMOUNT OF MONEYS RECEIVED BY THE STATE IN ACCORDANCE WITH  
12 THE MASTER SETTLEMENT AGREEMENT, OTHER THAN ATTORNEY FEES AND  
13 COSTS, FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT THE AMOUNT SO  
14 TRANSFERRED TO THE FUND IN ANY FISCAL YEAR SHALL NOT EXCEED  
15 EIGHT MILLION DOLLARS. THE STATE TREASURER SHALL TRANSFER THE  
16 AMOUNT SPECIFIED IN THIS SUBSECTION (3) FROM MONEYS CREDITED TO  
17 THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION  
18 24-22-115, C.R.S.

19 (4) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL  
20 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT. THE  
21 DEPARTMENT SHALL ANNUALLY EXPEND THE MONEYS IN THE FUND AS  
22 FOLLOWS:

23 (a) (I) FOR THE 2012-13 BUDGET YEAR:

24 (A) THE DEPARTMENT SHALL USE THE MONEYS IN THE FUND TO  
25 PAY THE GRANTS THAT WERE AWARDED FROM THE READ-TO-ACHIEVE  
26 CASH FUND PURSUANT TO PART 9 OF THIS ARTICLE AS IT EXISTED PRIOR TO  
27 JULY 1, 2012, AND ARE NOT FULLY DISTRIBUTED AS OF JUNE 30, 2012;

1 EXCEPT THAT ANY PORTION OF ANY OF SAID GRANTS THAT THE GRANTEE  
2 IS REQUIRED TO USE IN PAYMENT FOR DEPARTMENT CONSULTANTS IS  
3 RESCINDED, EFFECTIVE JULY 1, 2012; AND

4 (B) THE DEPARTMENT MAY USE ANY AMOUNT REMAINING AFTER  
5 THE PAYMENTS DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS  
6 SUBPARAGRAPH (I) TO PROVIDE LITERACY SUPPORT ON A REGIONAL BASIS  
7 TO LOCAL EDUCATION PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE  
8 REQUIREMENTS OF THIS PART 12.

9 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2013.

10 (b) BEGINNING IN THE 2013-14 BUDGET YEAR AND FOR BUDGET  
11 YEARS THEREAFTER:

12 (I) THE DEPARTMENT SHALL USE ONE MILLION DOLLARS TO  
13 PROVIDE LITERACY SUPPORT IN THE FORM OF PROFESSIONAL  
14 DEVELOPMENT DELIVERED BY EXPERTS IN LITERACY ON A REGIONAL BASIS  
15 TO LOCAL EDUCATION PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE  
16 REQUIREMENTS OF THIS PART 12;

17 (II) THE DEPARTMENT SHALL USE FOUR MILLION DOLLARS FOR  
18 GRANTS AWARDED THROUGH THE EARLY LITERACY GRANT PROGRAM  
19 CREATED IN SECTION 22-7-1211;

20 (III) THE DEPARTMENT MAY USE UP TO ONE PERCENT OF THE  
21 MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS  
22 OF ADMINISTERING THIS PART 12; AND

23 (IV) THE DEPARTMENT SHALL ALLOCATE THE REMAINING MONEYS  
24 ANNUALLY CREDITED TO THE FUND TO THE LOCAL EDUCATION PROVIDERS  
25 AS PER-PUPIL INTERVENTION MONEYS CALCULATED PURSUANT TO  
26 SUBSECTION (5) OF THIS SECTION.

27 (5) (a) (I) THE DEPARTMENT SHALL ALLOCATE THE PER-PUPIL

1 INTERVENTION MONEYS TO THE LOCAL EDUCATION PROVIDERS AS  
2 REQUIRED IN SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF SUBSECTION (4)  
3 OF THIS SECTION BY FIRST DIVIDING THE AMOUNT OF MONEYS AVAILABLE  
4 BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND  
5 FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS IN THE STATE WHO  
6 WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND  
7 RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE  
8 BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEYS ARE  
9 ALLOCATED. THE DEPARTMENT SHALL THEN ALLOCATE TO EACH LOCAL  
10 EDUCATION PROVIDER AN AMOUNT EQUAL TO SAID PER-PUPIL AMOUNT  
11 MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN  
12 AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY  
13 THE LOCAL EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING  
14 SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL  
15 SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING  
16 THE YEAR IN WHICH THE MONEYS ARE ALLOCATED.

17 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH  
18 (I) OF THIS PARAGRAPH (a), FOR THE 2013-14 BUDGET YEAR, THE  
19 DEPARTMENT SHALL ALLOCATE THE PER-PUPIL INTERVENTION MONEYS TO  
20 THE LOCAL EDUCATION PROVIDERS AS REQUIRED IN SUBPARAGRAPH (IV)  
21 OF PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION BY FIRST DIVIDING  
22 THE AMOUNT OF MONEYS AVAILABLE BY THE TOTAL NUMBER OF STUDENTS  
23 ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN  
24 PUBLIC SCHOOLS IN THE STATE WHO ARE IDENTIFIED AS HAVING  
25 SIGNIFICANT READING DEFICIENCIES IN THE 2012-13 BUDGET YEAR. THE  
26 DEPARTMENT SHALL THEN ALLOCATE TO EACH LOCAL EDUCATION  
27 PROVIDER AN AMOUNT EQUAL TO SAID PER-PUPIL AMOUNT MULTIPLIED BY

1 THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST,  
2 SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL  
3 EDUCATION PROVIDER WHO ARE IDENTIFIED AS HAVING SIGNIFICANT  
4 READING DEFICIENCIES IN THE 2012-13 BUDGET YEAR.

5 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,  
6 2014.

7 (b) A LOCAL EDUCATION PROVIDER MAY USE THE PER-PUPIL  
8 INTERVENTION MONEYS ONLY AS FOLLOWS:

9 (I) TO PROVIDE FULL-DAY KINDERGARTEN SERVICES TO STUDENTS  
10 ENROLLED IN ONE OR MORE OF THE PUBLIC SCHOOLS OPERATED BY THE  
11 LOCAL EDUCATION PROVIDER;

12 (II) TO OPERATE A SUMMER SCHOOL LITERACY PROGRAM AS  
13 DESCRIBED IN SECTION 22-7-1212;

14 (III) TO PURCHASE TUTORING SERVICES IN READING FOR STUDENTS  
15 WITH SIGNIFICANT READING DEFICIENCIES; OR

16 (IV) TO PROVIDE OTHER TARGETED, SCIENTIFICALLY BASED OR  
17 EVIDENCE-BASED INTERVENTION SERVICES TO STUDENTS WITH  
18 SIGNIFICANT READING DEFICIENCIES, WHICH SERVICES ARE APPROVED BY  
19 THE DEPARTMENT.

20 (c) EACH BUDGET YEAR, PRIOR TO RECEIVING PER-PUPIL  
21 INTERVENTION MONEYS, EACH LOCAL EDUCATION PROVIDER SHALL  
22 SUBMIT TO THE DEPARTMENT, FOR INFORMATIONAL PURPOSES, AN  
23 EXPLANATION OF THE MANNER IN WHICH IT WILL USE THE MONEYS IN THE  
24 COMING BUDGET YEAR AND THE NUMBER OF STUDENTS FOR WHICH THE  
25 LOCAL EDUCATION PROVIDER MAY RECEIVE PER-PUPIL INTERVENTION  
26 MONEYS. IF THE LOCAL EDUCATION PROVIDER INTENDS TO PROVIDE A  
27 SERVICE DESCRIBED IN SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF THIS

1 SUBSECTION (5), THE DEPARTMENT SHALL REVIEW THE SERVICE AND  
2 PROVIDE THE PER-PUPIL INTERVENTION MONEYS FOR THE SERVICE ONLY  
3 IF THE SERVICE MEETS THE REQUIREMENTS SPECIFIED IN SAID  
4 SUBPARAGRAPH (IV).

5 (d) IN USING THE PER-PUPIL INTERVENTION MONEYS ALLOCATED  
6 PURSUANT TO THIS SUBSECTION (5), EACH LOCAL EDUCATION PROVIDER  
7 SHALL ENSURE THAT SOME TYPE OF INTERVENTION, AS DESCRIBED IN  
8 PARAGRAPH (b) OF THIS SUBSECTION (5), IS AVAILABLE TO EACH STUDENT  
9 WHO IS IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY AND  
10 WHO IS ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE  
11 IN A SCHOOL OPERATED BY THE LOCAL EDUCATION PROVIDER.

12 **22-7-1211. Early literacy grant program - created.** (1) THERE  
13 IS HEREBY CREATED IN THE DEPARTMENT THE EARLY LITERACY GRANT  
14 PROGRAM TO PROVIDE MONEYS TO LOCAL EDUCATION PROVIDERS TO  
15 IMPLEMENT LITERACY SUPPORT AND INTERVENTION INSTRUCTION  
16 PROGRAMS, INCLUDING BUT NOT LIMITED TO RELATED PROFESSIONAL  
17 DEVELOPMENT PROGRAMS, TO ASSIST STUDENTS IN KINDERGARTEN AND  
18 FIRST, SECOND, AND THIRD GRADES TO ACHIEVE READING COMPETENCY.  
19 THE STATE BOARD BY RULE SHALL ESTABLISH THE APPLICATION TIMELINES  
20 AND THE INFORMATION TO BE INCLUDED IN EACH GRANT APPLICATION. A  
21 LOCAL EDUCATION PROVIDER MAY APPLY INDIVIDUALLY OR AS PART OF A  
22 GROUP OF LOCAL EDUCATION PROVIDERS. A RURAL SCHOOL DISTRICT  
23 THAT IS A MEMBER OF A BOARD OF COOPERATIVE SERVICES MAY SEEK  
24 ASSISTANCE IN WRITING THE GRANT APPLICATION FROM THE BOARD OF  
25 COOPERATIVE SERVICES.

26 (2) THE DEPARTMENT SHALL REVIEW EACH GRANT APPLICATION  
27 RECEIVED AND RECOMMEND TO THE STATE BOARD WHETHER TO AWARD

1 THE GRANT AND THE DURATION AND AMOUNT OF EACH GRANT. IN MAKING  
2 RECOMMENDATIONS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING  
3 FACTORS:

4 (a) THE PERCENTAGE OF KINDERGARTEN AND FIRST-, SECOND-,  
5 AND THIRD-GRADE STUDENTS ENROLLED BY THE APPLYING LOCAL  
6 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS WHO  
7 HAVE SIGNIFICANT READING DEFICIENCIES;

8 (b) THE INSTRUCTIONAL PROGRAM THAT THE APPLYING LOCAL  
9 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS PLANS  
10 TO IMPLEMENT USING THE GRANT MONEYS AND WHETHER IT IS AN  
11 EVIDENCE-BASED PROGRAM THAT IS PROVEN TO BE SUCCESSFUL IN OTHER  
12 PUBLIC SCHOOLS IN THE COUNTRY;

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

16 (d) ANY ADDITIONAL FACTORS THE STATE BOARD MAY REQUIRE BY  
17 RULE.

18 (3) BASED ON THE RECOMMENDATIONS OF THE DEPARTMENT, THE  
19 STATE BOARD SHALL AWARD GRANTS TO APPLYING LOCAL EDUCATION  
20 PROVIDERS OR GROUPS OF LOCAL EDUCATION PROVIDERS, WHICH GRANTS  
21 ARE PAID FROM MONEYS IN THE EARLY LITERACY FUND CREATED IN  
22 SECTION 22-7-1210.

23 **22-7-1212. Summer school literacy programs.** (1) A LOCAL  
24 EDUCATION PROVIDER MAY CHOOSE TO USE PER-PUPIL INTERVENTION  
25 MONEYS TO PROVIDE AN EVIDENCE-BASED SUMMER SCHOOL LITERACY  
26 PROGRAM TO ASSIST STUDENTS WHO ARE ENROLLED IN KINDERGARTEN OR  
27 FIRST, SECOND, OR THIRD GRADE AND WHO HAVE SIGNIFICANT READING

1 DEFICIENCIES TO ACHIEVE READING COMPETENCY. A LOCAL EDUCATION  
2 PROVIDER MAY ALLOW STUDENTS WHO ARE BELOW GRADE LEVEL  
3 EXPECTATIONS IN READING, BUT WHO DO NOT HAVE SIGNIFICANT READING  
4 DEFICIENCIES, TO PARTICIPATE IN A SUMMER SCHOOL LITERACY PROGRAM  
5 OPERATED PURSUANT TO THIS SECTION IF CAPACITY REMAINS AFTER  
6 SERVING ALL OF THE STUDENTS WITH SIGNIFICANT READING DEFICIENCIES  
7 WHO CHOOSE TO PARTICIPATE.

8 (2) A LOCAL EDUCATION PROVIDER THAT INTENDS TO USE  
9 PER-PUPIL INTERVENTION MONEYS TO OPERATE A SUMMER SCHOOL  
10 LITERACY PROGRAM SHALL ANNUALLY PROVIDE TO THE DEPARTMENT  
11 INFORMATION CONCERNING THE SUMMER SCHOOL LITERACY PROGRAM  
12 THE LOCAL EDUCATION PROVIDER INTENDS TO OPERATE. THE LOCAL  
13 EDUCATION PROVIDER SHALL ENSURE THAT THE PROGRAM:

14 (a) SERVES ONLY STUDENTS ENROLLED IN KINDERGARTEN OR  
15 FIRST, SECOND, OR THIRD GRADE WHO HAVE SIGNIFICANT READING  
16 DEFICIENCIES, EXCEPT AS SPECIFICALLY ALLOWED IN SUBSECTION (1) OF  
17 THIS SECTION FOR STUDENTS WHO ARE BELOW GRADE LEVEL  
18 EXPECTATIONS IN READING; AND

19 (b) USES SCIENTIFICALLY BASED OR EVIDENCE-BASED  
20 INSTRUCTIONAL PROGRAMMING IN READING THAT:

21 (I) HAS BEEN PROVEN TO ACCELERATE STUDENT PROGRESS IN  
22 ATTAINING READING COMPETENCY;

23 (II) PROVIDES EXPLICIT AND SYSTEMATIC SKILL DEVELOPMENT IN  
24 THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY  
25 DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND  
26 READING COMPREHENSION;

27 (III) INCLUDES SCIENTIFICALLY BASED AND RELIABLE

1 ASSESSMENTS; AND

2 (IV) PROVIDES INITIAL AND ON-GOING ANALYSIS OF THE  
3 STUDENT'S PROGRESS IN ATTAINING READING COMPETENCY.

4 22-7-1213. Reporting requirements. (1) EACH LOCAL  
5 EDUCATION PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT  
6 INFORMATION NECESSARY TO DETERMINE:

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

9 (b) WHETHER STUDENTS WHO HAVE SIGNIFICANT READING  
10 DEFICIENCIES 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 SIGNIFICANT READING  
13 DEFICIENCIES 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 SIGNIFICANT READING  
17 DEFICIENCIES 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 SIGNIFICANT READING  
21 DEFICIENCIES 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) EACH LOCAL EDUCATION PROVIDER THAT RECEIVES AN EARLY  
26 LITERACY GRANT PURSUANT TO SECTION 22-7-1211 OR PER-PUPIL  
27 INTERVENTION MONEYS SHALL, AT THE CONCLUSION OF EACH BUDGET



1 YEAR IN WHICH IT RECEIVES THE GRANT OR PER-PUPIL INTERVENTION  
2 MONEYS, SUBMIT TO THE DEPARTMENT INFORMATION DESCRIBING:

3 (a) THE INSTRUCTIONAL PROGRAMS, FULL-DAY KINDERGARTEN  
4 PROGRAM, SUMMER SCHOOL LITERACY PROGRAM, TUTORING SERVICES, OR  
5 OTHER INTERVENTION SERVICES FOR WHICH THE LOCAL EDUCATION  
6 PROVIDER USED THE GRANT OR PER-PUPIL INTERVENTION MONEYS;

7 (b) THE NUMBER AND GRADE LEVELS OF STUDENTS WHO  
8 PARTICIPATED IN EACH OF THE TYPES OF PROGRAMS OR SERVICES  
9 PROVIDED; AND

10 (c) THE PROGRESS MADE BY PARTICIPATING STUDENTS IN  
11 ACHIEVING READING COMPETENCY.

12 (3) (a) THE DEPARTMENT SHALL ANNUALLY ANALYZE THE  
13 INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION  
14 AND MAKE THE DETERMINATIONS DESCRIBED IN SUBSECTION (1) OF THIS  
15 SECTION.

16 (b) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE STATE  
17 BOARD, THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF  
18 THE HOUSE OF REPRESENTATIVES, AND THE EDUCATION COMMITTEES OF  
19 THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR  
20 COMMITTEES, AND SHALL POST ON THE DEPARTMENT WEB SITE A REPORT  
21 THAT SUMMARIZES:

22 (I) THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF  
23 THIS SECTION AND THE DETERMINATIONS MADE BY THE DEPARTMENT  
24 BASED ON THE INFORMATION;

25 (II) THE IMPLEMENTATION OF THE EARLY LITERACY GRANT  
26 PROGRAM IN THE PRECEDING BUDGET YEAR, INCLUDING THE NUMBER OF  
27 GRANTS, THE LOCAL EDUCATION PROVIDERS THAT RECEIVED GRANTS, AND

1 THE AMOUNT OF EACH GRANT; AND  
2 (III) THE INFORMATION RECEIVED BY THE DEPARTMENT PURSUANT  
3 TO SUBSECTION (2) OF THIS SECTION.

4 (c) THE DEPARTMENT MAY PROVIDE THE REPORT DESCRIBED IN  
5 PARAGRAPH (b) OF THIS SUBSECTION (3) TO COMMITTEES OF THE GENERAL  
6 ASSEMBLY IN CONJUNCTION WITH THE REPORT REQUIRED IN SECTION  
7 2-7-203, C.R.S.

8 (4) THE INFORMATION PROVIDED IN THE REPORT DESCRIBED IN  
9 THIS SECTION IS INTENDED TO ASSIST THE DEPARTMENT, THE STATE  
10 BOARD, THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE PUBLIC IN  
11 MONITORING THE IMPLEMENTATION OF AND IDENTIFYING THE RESULTS  
12 ACHIEVED IN IMPLEMENTING THIS PART 12.

13 **SECTION 3.** In Colorado Revised Statutes, 22-11-202, **add** (2)  
14 (c) as follows:

15 **22-11-202. Colorado growth model - technical advisory panel**  
16 **- rules.** (2) (c) THE DEPARTMENT AND THE STATE BOARD SHALL CONSULT  
17 WITH THE TECHNICAL ADVISORY PANEL CONCERNING:

18 (I) THE SCORES ON THE KINDERGARTEN AND FIRST, SECOND, AND  
19 THIRD GRADE READING ASSESSMENTS APPROVED PURSUANT TO SECTION  
20 22-7-1209 (1) (b) THAT WILL IDENTIFY, AS REQUIRED IN SECTION  
21 22-7-1209 (1) (a), THE MINIMUM READING COMPETENCY SKILL LEVELS IN  
22 THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY  
23 DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND  
24 READING COMPREHENSION FOR KINDERGARTEN AND FIRST, SECOND, AND  
25 THIRD GRADES;

26 (II) THE AMOUNT OF ADDITIONAL CREDIT TOWARD  
27 ACCREDITATION THAT EACH LOCAL EDUCATION PROVIDER MAY RECEIVE

1 PURSUANT TO SECTION 22-11-204 (3) (b); AND

2 (III) METHODS OF INCLUDING IN THE ACCREDITATION PROCESS  
3 CONSIDERATION OF STUDENT PROGRESS IN ATTAINING READING  
4 COMPETENCY, AS DEFINED IN SECTION 22-7-1203 (10), IN KINDERGARTEN  
5 AND FIRST AND SECOND GRADE.

6 **SECTION 4.** In Colorado Revised Statutes, 22-11-204, **amend**  
7 (3) as follows:

8 **22-11-204. Performance indicators - measures.** (3) (a) The  
9 department shall determine the level of attainment of each public school,  
10 each school district, the institute, and the state as a whole on the  
11 performance indicator that concerns student achievement levels on the  
12 statewide assessments by using the following measures:

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

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

23 (c) (III) For each school district and the institute, the department  
24 shall calculate 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 (d) (IV) For the state, the department shall calculate the

1 percentage of all students enrolled in the public schools in the state who  
2 score at each of the achievement levels in the subjects included in the  
3 statewide assessments.

4 (b) BEGINNING IN THE 2013-14 SCHOOL YEAR, IN DETERMINING  
5 THE LEVEL OF ATTAINMENT OF A PUBLIC SCHOOL THAT INCLUDES THIRD  
6 AND FOURTH GRADES, A SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE  
7 AS A WHOLE ON THE PERFORMANCE INDICATOR THAT CONCERNS STUDENT  
8 ACHIEVEMENT LEVELS, THE DEPARTMENT SHALL CALCULATE THE  
9 PERCENTAGES OF STUDENTS ENROLLED IN THIRD AND FOURTH GRADES IN  
10 THE PUBLIC SCHOOL, THE SCHOOL DISTRICT, ALL INSTITUTE CHARTER  
11 SCHOOLS, AND THE STATE AS A WHOLE WHO WERE AT ONE TIME IDENTIFIED  
12 AS HAVING A SIGNIFICANT READING DEFICIENCY PURSUANT TO SECTION  
13 22-7-1205 AND WHO SCORE PARTIALLY PROFICIENT, PROFICIENT, OR  
14 ADVANCED ON THE STATEWIDE READING ASSESSMENT IN THIRD OR  
15 FOURTH GRADE. THE STATE BOARD SHALL ADOPT RULES BY WHICH A  
16 PUBLIC SCHOOL, A SCHOOL DISTRICT, AND THE INSTITUTE RECEIVE  
17 ADDITIONAL CREDIT TOWARD THEIR ACCREDITATION RATINGS USING THE  
18 PERCENTAGES CALCULATED PURSUANT TO THIS PARAGRAPH (b), WHICH  
19 ADDITIONAL CREDIT IS INCREASED BASED ON THE LEVEL OF  
20 PERFORMANCE.

21 **SECTION 5. In Colorado Revised Statutes, 22-11-303, add (3)**  
22 **(a.5) as follows:**

23 **22-11-303. Accredited or accredited with distinction -**  
24 **performance plan - school district or institute - contents - adoption.**

25 **(3) A district or institute performance plan shall be designed to raise the**  
26 **academic performance of students enrolled in the school district or in the**  
27 **institute charter schools and to ensure that the school district or the**

1 institute, following the next annual accreditation review, attains a higher  
2 accreditation category or remains in the same accreditation category if the  
3 school district or institute is accredited with distinction. At a minimum,  
4 each district and institute performance plan shall:

5 (a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE  
6 NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND,  
7 AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205  
8 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET, REAFFIRM, OR  
9 REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE  
10 SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE  
11 INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN  
12 IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING  
13 DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE  
14 LEVEL EXPECTATIONS IN READING;

15 **SECTION 6.** In Colorado Revised Statutes, 22-11-304, **add** (3)  
16 (a.5) as follows:

17 **22-11-304. Accredited with improvement plan - school district**  
18 **or institute - plan contents - adoption.** (3) A district improvement plan  
19 or an institute improvement plan shall be designed to ensure that the  
20 school district or the institute improves its performance to the extent that,  
21 following completion of its next annual accreditation review, the school  
22 district or the institute attains a higher accreditation category. At a  
23 minimum, a district improvement plan or an institute improvement plan  
24 shall:

25 (a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE  
26 NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND,  
27 AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205

1 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS  
2 APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL  
3 DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE,  
4 INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING  
5 THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES  
6 AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL  
7 EXPECTATIONS IN READING;

8 **SECTION 7. In Colorado Revised Statutes, 22-11-305, add (3)**  
9 **(a.5) as follows:**

10 **22-11-305. Accredited with priority improvement plan - school**  
11 **district or institute - plan contents - adoption. (3) A district priority**  
12 **improvement plan or an institute priority improvement plan shall be**  
13 **designed to ensure that the school district or the institute improves its**  
14 **performance to the extent that, following completion of its next annual**  
15 **accreditation review, the school district or the institute attains a higher**  
16 **accreditation category. At a minimum, a district priority improvement**  
17 **plan or an institute priority improvement plan shall:**

18 **(a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE**  
19 **NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND,**  
20 **AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205**  
21 **AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS**  
22 **APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL**  
23 **DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE,**  
24 **INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING**  
25 **THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES**  
26 **AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL**  
27 **EXPECTATIONS IN READING;**

1            **SECTION 8. In Colorado Revised Statutes, 22-11-306, add (3)**  
2            (a.5) as follows:

3            **22-11-306. Accredited with turnaround plan - school district**  
4            **or institute - plan content - adoption. (3) A district turnaround plan or**  
5            **an institute turnaround plan shall be designed to ensure that the school**  
6            **district or the institute improves its performance to the extent that,**  
7            **following completion of its next annual accreditation review, the school**  
8            **district or the institute attains a higher accreditation category. At a**  
9            **minimum, a district turnaround plan or an institute turnaround plan shall:**

10            (a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE  
11            NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND,  
12            AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205  
13            AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS  
14            APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL  
15            DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE,  
16            INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING  
17            THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES  
18            AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL  
19            EXPECTATIONS IN READING;

20            **SECTION 9. In Colorado Revised Statutes, 22-11-403, add (3)**  
21            (a.5) as follows:

22            **22-11-403. School performance plan - contents. (3) A school**  
23            **performance plan shall be designed to raise the academic performance of**  
24            **students enrolled in the public school and to ensure that the public school,**  
25            **following the next annual performance review, attains a higher**  
26            **accreditation category or remains in the same accreditation category if the**  
27            **public school is already accredited by the school district or the institute**

1 at the highest level. At a minimum, each school performance plan shall:

2 (a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN  
3 AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE  
4 USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN  
5 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE  
6 IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT  
7 READING DEFICIENCIES AND SET, REAFFIRM, OR REVISE, AS APPROPRIATE,  
8 AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL  
9 ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT  
10 READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES  
11 GRADE LEVEL EXPECTATIONS IN READING;

12 **SECTION 10.** In Colorado Revised Statutes, 22-11-404, **add** (3)  
13 (a.5) as follows:

14 **22-11-404. School improvement plan - contents.** (3) A school  
15 improvement plan shall be designed to raise the academic performance  
16 of students enrolled in the public school and to ensure that the public  
17 school, following the next annual performance review, attains a higher  
18 accreditation category. At a minimum, each school improvement plan  
19 shall:

20 (a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN  
21 AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE  
22 USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN  
23 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE  
24 IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT  
25 READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS  
26 BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN  
27 REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING



1 DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE  
2 LEVEL EXPECTATIONS IN READING;

3 **SECTION 11.** In Colorado Revised Statutes, 22-11-405, add (4)  
4 (a.5) as follows:

5 **22-11-405. School priority improvement plan - contents.** (4) A  
6 school priority improvement plan shall be designed to ensure that the  
7 public school improves its performance to the extent that, following  
8 completion of the public school's next annual performance review, the  
9 public school attains a higher accreditation category. At a minimum, a  
10 school priority improvement plan shall:

11 (a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN  
12 AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE  
13 USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN  
14 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE  
15 IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT  
16 READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS  
17 BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN  
18 REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING  
19 DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE  
20 LEVEL EXPECTATIONS IN READING;

21 **SECTION 12.** In Colorado Revised Statutes, 22-11-406, add (3)  
22 (a.5) as follows:

23 **22-11-406. School turnaround plan - contents.** (3) A school  
24 turnaround plan shall be designed to ensure that the public school  
25 improves its performance to the extent that, following completion of the  
26 public school's next annual performance review, the public school attains  
27 a higher accreditation category. At a minimum, a school turnaround plan

1 shall:

2 (a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN  
3 AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE  
4 USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN  
5 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE  
6 IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT  
7 READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS  
8 BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN  
9 REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING  
10 DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE  
11 LEVEL EXPECTATIONS IN READING;

12 **SECTION 13.** In Colorado Revised Statutes, 22-41-102, amend  
13 (3) (a); and add (3) (c) as follows:

14 **22-41-102. Fund inviolate.** (3) (a) Except as provided in  
15 paragraph (b) of this subsection (3), for the 2010-11 state fiscal year and  
16 each state fiscal year thereafter, the first eleven million dollars of any  
17 interest or income earned on the investment of the moneys in the public  
18 school fund shall be credited to the state public school fund created in  
19 section 22-54-114 for distribution as provided by law. PRIOR TO THE  
20 2013-14 STATE FISCAL YEAR, any amount of such interest and income  
21 earned on the investment of the moneys in the state public school fund in  
22 excess of eleven million dollars, other than interest and income credited  
23 to the public school capital construction assistance fund, created in  
24 section 22-43.7-104 (1), pursuant to section 22-43.7-104 (2) (b) (I), shall  
25 remain in the fund and shall become part of the principal of the fund.

26 (c) FOR THE 2013-14 STATE FISCAL YEAR AND FOR EACH STATE  
27 FISCAL YEAR THEREAFTER, ANY AMOUNT OF INTEREST OR INCOME EARNED

1 ON THE INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND IN EXCESS  
2 OF ELEVEN MILLION DOLLARS, OTHER THAN INTEREST AND INCOME  
3 CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE  
4 FUND, CREATED IN SECTION 22-43.7-104 (1), PURSUANT TO SECTION  
5 22-43.7-104(2) (b) (I), SHALL BE CREDITED TO THE EARLY LITERACY FUND  
6 CREATED IN SECTION 22-7-1210; EXCEPT THAT THE AMOUNT CREDITED TO  
7 THE EARLY LITERACY FUND PURSUANT TO THIS PARAGRAPH (C) SHALL NOT  
8 EXCEED SIXTEEN MILLION DOLLARS IN ANY STATE FISCAL YEAR.

9 **SECTION 14.** In Colorado Revised Statutes, 22-54-103, **amend**  
10 (10) (b) (I) introductory portion as follows:

11 **22-54-103. Definitions - repeal.** As used in this article, unless the  
12 context otherwise requires:

13 (10) (b) (I) A pupil enrolled in a kindergarten educational program  
14 pursuant to section 22-32-119 (1) shall be counted as not more than a  
15 half-day pupil; EXCEPT THAT, IF THE PUPIL DOES NOT ADVANCE TO FIRST  
16 GRADE, PURSUANT TO SECTION 22-7-1207, AFTER COMPLETING ONE YEAR  
17 OF ENROLLMENT IN A KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPIL  
18 SHALL BE COUNTED AS A FULL-DAY PUPIL FOR THE SECOND YEAR IN WHICH  
19 HE OR SHE IS ENROLLED IN THE KINDERGARTEN EDUCATIONAL PROGRAM.

20 For the 2005-06 budget year and each budget year thereafter, a district  
21 shall count and receive funding only for pupils enrolled in a kindergarten  
22 educational program who are:

23 

24 **SECTION 15.** In Colorado Revised Statutes, 22-7-908, **amend**  
25 (1) as follows:

26 **22-7-908. Read-to-achieve cash fund - created.** (1) There is  
27 hereby established in the state treasury the read-to-achieve cash fund,

1 referred to in this section as the "cash fund". The cash fund shall consist  
2 of moneys transferred thereto pursuant to subsection (3) of this section  
3 and any other moneys that may be made available by the general  
4 assembly. Subject to appropriation by the general assembly, moneys in  
5 the cash fund shall be used to provide grants pursuant to this part 9 and  
6 for reimbursements to school districts for educational services provided  
7 pursuant to section 22-32-141 to juveniles held in jails or other facilities  
8 for the detention of adult offenders. Any moneys not provided as grants  
9 may be invested by the state treasurer as provided in section 24-36-113,  
10 C.R.S. All interest derived from the deposit and investment of moneys in  
11 the cash fund shall be credited to the cash fund. Any amount remaining  
12 in the cash fund at the end of any fiscal year shall remain in the cash fund  
13 and shall not be credited or transferred to the general fund or to any other  
14 fund; EXCEPT THAT ANY MONEYS REMAINING IN THE CASH FUND AS OF  
15 JUNE 30, 2012, ARE TRANSFERRED TO THE EARLY LITERACY FUND  
16 CREATED IN SECTION 22-7-1210.

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

19 **22-7-909. Repeal of part.** (1) This part 9 is repealed, effective  
20 ~~July 1, 2014~~ JULY 1, 2012.

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

26 **SECTION 17**. In Colorado Revised Statutes, 2-3-1203, **repeal** (3)  
27 (aa) (IV) as follows:

1           **2-3-1203. Sunset review of advisory committees.** (3) The  
2 following dates are the dates for which the statutory authorization for the  
3 designated advisory committees is scheduled for repeal:

4           (aa) July 1, 2014:

5           (IV) ~~The read-to-achieve board, created pursuant to section~~  
6 ~~22-7-904, C.R.S.;~~

7           **SECTION 18.** In Colorado Revised Statutes, 22-7-613, **repeal** (1)  
8 (b) as follows:

9           **22-7-613. Closing the achievement gap cash fund - creation.**

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

15           **SECTION 19.** In Colorado Revised Statutes, 22-11-605, **repeal**  
16 (3) as follows:

17           **22-11-605. School awards program fund - creation -**

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

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

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

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

3 **SECTION 21.** In Colorado Revised Statutes, 24-75-1104.5,  
4 **amend** (1) (h) and (3) as follows:

5 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

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

19 (h) ~~The read-to-achieve grant program created in part 9 of article~~  
20 ~~7 of title 22, C.R.S. EARLY LITERACY FUND CREATED IN SECTION~~  
21 ~~22-7-1210, C.R.S., shall receive five percent of the total amount of~~  
22 ~~settlement moneys annually received by the state, not to exceed eight~~  
23 ~~million dollars in any fiscal year, as provided in said section; except that,~~  
24 ~~for the 2004-05 fiscal year, the read-to-achieve grant program shall~~  
25 ~~receive nineteen percent of the total amount of settlement moneys~~  
26 ~~received, not to exceed nineteen million dollars.~~

27 (3) Notwithstanding the provisions of subsections (1) and (1.5) of

1 this section, for purposes of ~~sections 22-7-908 (3)~~ SECTIONS 22-7-1210  
2 (3), 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2)  
3 (c), 25-23-104 (2), 25-31-107 (2) (d) (I), 25.5-6-805 (2), 25.5-8-105 (3),  
4 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys  
5 received and allocated by the state pursuant to said subsections (1) and  
6 (1.5) during the same fiscal year shall be deemed to be moneys received  
7 for or during the preceding fiscal year.

8 **SECTION 22.** In Colorado Revised Statutes, 24-77-104.5, repeal  
9 (3) (a) (VII) as follows:

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

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

16 **SECTION 23.** In Colorado Revised Statutes, 22-54-104.2, **add**  
17 (3) as follows:

18 **22-54-104.2. Legislative declaration.** (3) THE GENERAL  
19 ASSEMBLY FURTHER FINDS AND DECLARES THAT, FOR PURPOSES OF  
20 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE  
21 REQUIREMENT THAT SCHOOL DISTRICTS PROVIDE EDUCATIONAL SERVICES  
22 TO JUVENILES PURSUANT TO SECTION 22-32-141 AND THAT THE SCHOOL  
23 DISTRICTS RECEIVE REIMBURSEMENT FOR PROVIDING THE SERVICES  
24 PURSUANT TO SECTION 22-54-114 (4) (b), IS PART OF PROVIDING  
25 ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS AND  
26 MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND  
27 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

1           **SECTION 24. Appropriation.** (1) In addition to any other  
2 appropriation, there is hereby appropriated, out of any moneys in the early  
3 literacy fund created in section 22-7-1210, Colorado Revised Statutes, not  
4 otherwise appropriated, to the department of education, for the fiscal year  
5 beginning July 1, 2012, the sum of \$5,411,989 and 9.8 FTE, or so much  
6 thereof as may be necessary, for allocation to the assistance to public  
7 schools division, reading and literacy programs, for the implementation  
8 of section 22-7-1210 (4), Colorado Revised Statutes.

9           (2) In addition to any other appropriation, there is hereby  
10 appropriated, out of any moneys in the state education fund created in  
11 section 17 (4) (a) of article IX of the state constitution, not otherwise  
12 appropriated, to the department of education, for the fiscal year beginning  
13 July 1, 2012, the sum of \$20,418 and 0.2 FTE, or so much thereof as may  
14 be necessary, for allocation to the public school finance division for  
15 administrative expenses related to district per pupil reimbursements for  
16 juveniles held in jail.

17           (3) In addition to any other appropriation, there is hereby  
18 appropriated, out of any moneys in the state education fund created in  
19 section 17 (4) (a) of article IX of the state constitution, not otherwise  
20 appropriated, to the department of education, for the fiscal year beginning  
21 July 1, 2012, the sum of \$100,000, or so much thereof as may be  
22 necessary, for allocation to the public school finance division for district  
23 per pupil reimbursements for juveniles held in jail.

24           **SECTION 25. Appropriation - adjustments in 2012 long bill.**  
25 (1) For the implementation of this act, appropriations made in the annual  
26 general appropriation act to the department of education for the fiscal  
27 year beginning July 1, 2012, are adjusted as follows:



1           (a) The cash funds appropriation for public school finance  
2           administration is decreased by \$20,418 and 0.2 FTE. Said sum is from the  
3           read-to-achieve cash fund created in section 22-7-908 (1), Colorado  
4           Revised Statutes.

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

9                   
10           (c) The cash funds appropriation for the read-to-achieve grant  
11           program is decreased by \$5,242,516 and 1.0 FTE. Said sum is from the  
12           read-to-achieve cash fund created in section 22-7-908 (1), Colorado  
13           Revised Statutes.

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

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