

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 12, 2012  
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB12-1238 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 5, line 20, strike "AND".
- 2 Page 5, after line 20 insert:
  - 3 "(e) AN IMPORTANT PARTNERSHIP BETWEEN A PARENT AND CHILD
  - 4 BEGINS BEFORE THE CHILD ENTERS KINDERGARTEN, WHEN THE PARENT
  - 5 HELPS THE CHILD DEVELOP RICH LINGUISTIC EXPERIENCES, INCLUDING
  - 6 LISTENING COMPREHENSION AND SPEAKING, THAT HELP FORM THE
  - 7 FOUNDATION FOR READING AND WRITING, WHICH ARE THE MAIN VEHICLES
  - 8 FOR CONTENT ACQUISITION; AND".
- 9 Reletter succeeding paragraph accordingly.
- 10 Page 5, line 21, strike "TEACHERS" and substitute "THE GREATEST IMPACT
- 11 FOR ENSURING STUDENT SUCCESS LIES WITH THE TEACHER IN THE
- 12 CLASSROOM, SO IT IS PARAMOUNT THAT TEACHERS".
- 13 Page 6, line 8, strike "MASTERING" and substitute "ACHIEVING".
- 14 Page 6, line 22, strike "CLASSROOM." and substitute "CLASSROOM,
- 15 INCLUDING BUT NOT LIMITED TO THE SCHOOL READINESS ASSESSMENTS
- 16 ADOPTED PURSUANT TO SECTION 22-7-1004 (2) (a)".
- 17 Page 7, line 27, strike "A LEVEL THAT IS" and substitute "LEVELS THAT
- 18 ARE".

- 1 Page 8, line 1, strike "LEVEL FOR READING COMPETENCY" and substitute  
2 "LEVELS FOR READING COMPETENCY IN THE AREAS OF PHONEMIC  
3 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY,  
4 INCLUDING ORAL SKILLS, AND READING COMPREHENSION".
- 5 Page 8, line 4, strike "LEVEL" and substitute "LEVELS IN THE AREAS OF  
6 PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING  
7 FLUENCY, INCLUDING ORAL SKILLS, AND READING COMPREHENSION".
- 8 Page 8, line 10, strike "COLLECTION" and substitute "LIST".
- 9 Page 8, line 11, strike "READING ASSESSMENTS," and substitute "THE  
10 READING ASSESSMENTS APPROVED BY THE STATE BOARD PURSUANT TO  
11 SECTION 22-7-510 (1),".
- 12 Page 8, line 13, strike "AND ASSEMBLED".
- 13 Page 8, line 20, strike "EVIDENCE-BASED" and substitute "SCIENTIFICALLY  
14 BASED".
- 15 Page 8, after line 26:  
16 "(14) "SCIENTIFICALLY BASED" MEANS THAT THE INSTRUCTION OR  
17 ITEM DESCRIBED IS BASED ON RESEARCH THAT APPLIES RIGOROUS,  
18 SYSTEMATIC, AND OBJECTIVE PROCEDURES TO OBTAIN VALID KNOWLEDGE  
19 THAT IS RELEVANT TO READING DEVELOPMENT, READING INSTRUCTION,  
20 AND READING DIFFICULTIES."
- 21 Renumber succeeding subsections accordingly.
- 22 Page 9, strike lines 2 and 3 and substitute "LEVELS FOR READING  
23 COMPETENCY IN THE AREAS OF PHONEMIC AWARENESS, PHONICS,  
24 VOCABULARY DEVELOPMENT, READING FLUENCY, INCLUDING ORAL  
25 SKILLS, AND READING COMPREHENSION ESTABLISHED BY THE STATE  
26 BOARD PURSUANT TO SECTION 22-7-510 FOR THE STUDENT'S GRADE  
27 LEVEL."
- 28 Page 9, line 20, strike "IN" and substitute "NO LATER THAN".
- 29 Page 10, line 1, strike "THE ASSESSMENTS TO BE" and substitute "FROM  
30 AMONG THE APPROVED ASSESSMENTS INCLUDED IN THE RESOURCE BANK

- 1 THOSE ASSESSMENTS IT SHALL USE TO MEASURE A STUDENT'S READING  
2 COMPETENCY. A LOCAL EDUCATION PROVIDER MAY CHOOSE TO USE OTHER  
3 READING ASSESSMENTS IN ADDITION TO THE APPROVED ASSESSMENTS."
- 4 Page 10, strike line 2.
- 5 Page 10, line 4, before "READING" insert "APPROVED".
- 6 Page 10, line 8, strike "THE DIAGNOSTIC" and substitute "FROM AMONG  
7 THE APPROVED ASSESSMENTS INCLUDED IN THE RESOURCE BANK THOSE  
8 ASSESSMENTS IT SHALL USE TO DETERMINE A STUDENT'S SPECIFIC READING  
9 SKILL DEFICIENCIES. A LOCAL EDUCATION PROVIDER MAY CHOOSE TO USE  
10 OTHER DIAGNOSTIC READING ASSESSMENTS IN ADDITION TO THE  
11 APPROVED ASSESSMENTS."
- 12 Page 10, strike lines 9 and 10.
- 13 Page 11, line 7, strike "TARGETED" and substitute "TARGETED,  
14 SCIENTIFICALLY BASED".
- 15 Page 12, line 1, strike "THREE" and substitute "TWO".
- 16 Page 12, line 12, strike "TEACHER" and substitute "TEACHER, WHICH MAY  
17 OCCUR THROUGH EXISTING METHODS OF COMMUNICATION,".
- 18 Page 12, line 21, strike "READING TO ENSURE ACADEMIC" and substitute  
19 "READ".
- 20 Page 12, line 22, strike "DEVELOPMENT".
- 21 Page 13, line 20, strike "OR".
- 22 Page 13, line 21, strike "NEEDING MODIFICATIONS THAT IMPACT" and  
23 substitute "THAT IMPACTS".
- 24 Page 13, strike lines 26 and 27 and substitute "READING ISSUES IN LIEU OF  
25 A READ PLAN."
- 26 Page 14, strike lines 1 through 3.
- 27 Page 14, strike lines 10 and 11 and substitute:

- 1           "(c) THE AMOUNT OF ADDITIONAL INSTRUCTION TIME THE  
2 STUDENT WILL RECEIVE IN READING;"
- 3 Page 14, line 12, strike "EVIDENCE-BASED" and substitute  
4 "SCIENTIFICALLY BASED".
- 5 Page 14, line 14, after "READING" insert "APPROACHES, STRATEGIES,  
6 INTERVENTIONS, AND".
- 7 Page 15, line 6, strike "THIRTY" and substitute "FORTY-FIVE".
- 8 Page 16, line 6, strike "THE TEACHER" and substitute "PERSONNEL FROM  
9 THE STUDENT'S SCHOOL".
- 10 Page 16, line 12, strike "THE TEACHER" and substitute "PERSONNEL FROM  
11 THE STUDENT'S SCHOOL".
- 12 Page 16, line 16, strike "THE TEACHER IS" and substitute "PERSONNEL  
13 FROM THE STUDENT'S SCHOOL ARE".
- 14 Page 17, strike lines 1 through 6 and substitute:  
15           "(II) DISCUSS THE IMPORTANCE OF ACHIEVING READING  
16 COMPETENCY BY THE END OF THIRD GRADE, BECAUSE STUDENTS WHO  
17 ACHIEVE READING COMPETENCY BY THE END OF THIRD GRADE ARE MORE  
18 LIKELY TO GRADUATE FROM HIGH SCHOOL AND ATTAIN A POSTSECONDARY  
19 CREDENTIAL."
- 20 Page 19, line 10, strike "AND".
- 21 Page 19, line 14, strike "EVALUATION." and substitute "EVALUATION;  
22 AND".
- 23 Page 19, after line 14 insert:  
24           "(d) THE LOCAL EDUCATION PROVIDER, WITH THE APPROVAL OF  
25 THE STUDENT'S PARENT, MAY PROVIDE TO THE STUDENT MENTAL HEALTH  
26 SUPPORT FROM THE SCHOOL PSYCHOLOGIST, SCHOOL SOCIAL WORKER, OR  
27 SCHOOL COUNSELOR."
- 28 Page 19, line 15, before the first "THE" insert "THE PROVISIONS OF THIS  
29 SECTION SPECIFY THE CIRCUMSTANCES UNDER WHICH A LOCAL EDUCATION  
30 PROVIDER, IN COLLABORATION WITH A STUDENT'S TEACHER AND PARENT,

- 1 ARE REQUIRED TO DECIDE WHETHER A STUDENT WHO HAS A SIGNIFICANT  
2 READING DEFICIENCY SHOULD ADVANCE TO THE NEXT GRADE LEVEL."
- 3 Page 19, strike lines 18 and 19 and substitute "AT ANY GRADE LEVEL  
4 SHOULD NOT ADVANCE TO THE NEXT GRADE LEVEL FOR ANY REASON  
5 DEEMED SUFFICIENT BY THE LOCAL EDUCATION PROVIDER."
- 6 Page 21, line 25, after "LEVELS" insert "IN THE AREAS OF PHONEMIC  
7 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY,  
8 INCLUDING ORAL SKILLS, AND READING COMPREHENSION".
- 9 Page 21, strike line 27 and substitute:  
10 "(b) THE MINIMUM READING COMPETENCY SKILL LEVELS IN THE  
11 AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,  
12 READING FLUENCY, INCLUDING ORAL SKILLS, AND READING  
13 COMPREHENSION FOR".
- 14 Page 22, strike line 4 and substitute "APPROVED BY THE STATE BOARD  
15 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (1)".
- 16 Page 22, line 5, strike "SECTION".
- 17 Page 22, strike lines 12 through 14 and substitute:  
18 "(c) THE APPROVED READING ASSESSMENTS, BASED ON THE  
19 RECOMMENDATIONS OF THE DEPARTMENT, THAT LOCAL EDUCATION  
20 PROVIDERS MAY USE TO MEET THE REQUIREMENTS SPECIFIED IN SECTION  
21 22-7-505;".
- 22 Page 22, line 22, after "SHALL" insert "RECOMMEND TO THE STATE BOARD  
23 READING ASSESSMENTS FOR APPROVAL PURSUANT TO PARAGRAPH (c) OF  
24 SUBSECTION (1) OF THIS SECTION. THE DEPARTMENT SHALL".
- 25 Page 22, line 23, strike "APPROVED" and substitute "THE".
- 26 Page 22, line 24, after "GRADES" insert "THAT THE STATE BOARD  
27 APPROVES".
- 28 Page 22, line 25, strike "THE" and substitute "IN RECOMMENDING  
29 READING ASSESSMENTS TO THE STATE BOARD, THE".
- 30 Page 22, line 26, strike "APPROVED" and substitute "RECOMMENDED".

- 1 Page 23, strike lines 1 and 2 and substitute "THE AREAS OF PHONEMIC  
2 AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY,  
3 INCLUDING ORAL SKILLS; AND READING COMPREHENSION;".
- 4 Page 23, line 3, strike "APPROVED" and substitute "RECOMMENDED".
- 5 Page 23, line 4, strike "DEFICIENCIES." and substitute "DEFICIENCIES;  
6 AND".
- 7 Page 23, after line 4 insert:  
8 "(III) AT LEAST ONE OF THE RECOMMENDED READING  
9 ASSESSMENTS IS NORMED FOR THE PERFORMANCE OF STUDENTS WHO  
10 SPEAK SPANISH AS THEIR NATIVE LANGUAGE, WHICH ASSESSMENT IS  
11 AVAILABLE IN BOTH ENGLISH AND SPANISH."
- 12 Page 23, line 5, strike "EVIDENCE-BASED" and substitute "SCIENTIFICALLY  
13 BASED".
- 14 Page 23, strike line 14 and substitute "PHONEMIC AWARENESS; PHONICS;  
15 VOCABULARY DEVELOPMENT; READING FLUENCY, INCLUDING ORAL  
16 SKILLS; AND READING".
- 17 Page 23, line 16, strike "EVIDENCE-BASED" and substitute  
18 "SCIENTIFICALLY BASED".
- 19 Page 24, line 3, strike "FROM" and substitute "AND ACCEPT FROM EACH"  
20 and strike "PROVIDERS" and substitute "PROVIDER".
- 21 Page 24, line 6, after "SHALL" insert "PROMPTLY" and strike "AND" and  
22 substitute "AND, IF IT IS A READING ASSESSMENT, RECOMMEND IT TO THE  
23 STATE BOARD FOR APPROVAL IF THE ASSESSMENT MEETS THE  
24 REQUIREMENTS SPECIFIED IN THIS SUBSECTION (2) OR, IF IT IS  
25 INSTRUCTIONAL PROGRAMMING IN READING OR PROFESSIONAL  
26 DEVELOPMENT PROGRAMS,".
- 27 Page 24, line 12, strike "SHALL" and substitute "MAY".
- 28 Page 24, line 19, after the period add "ANY ASSESSMENTS,  
29 INSTRUCTIONAL PROGRAMMING, OR PROFESSIONAL DEVELOPMENT  
30 PROGRAMS THAT THE DEPARTMENT ACQUIRES PURSUANT TO A LICENSE  
31 AND DEPOSITS IN THE RESOURCE BANK MAY BE USED ONLY IN

1 ACCORDANCE WITH THE LICENSE."

2 Page 24, line 26, strike "PROVIDERS" and substitute "PROVIDERS,  
3 RECOMMEND READING ASSESSMENTS TO THE STATE BOARD FOR APPROVAL  
4 IF THE ASSESSMENTS MEET THE REQUIREMENTS SPECIFIED IN THIS  
5 SUBSECTION (2),".

6 Page 24, line 27, strike "THOSE ITEMS" and substitute "THE  
7 INSTRUCTIONAL PROGRAMMING IN READING AND PROFESSIONAL  
8 DEVELOPMENT PROGRAMS".

9 Page 25, after line 1 insert:

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

22 Page 25, line 26, strike "PROGRAMS" and substitute "PROGRAMS,  
23 INCLUDING BUT NOT LIMITED TO RELATED PROFESSIONAL DEVELOPMENT  
24 PROGRAMS,".

25 Page 26, line 10, strike "NUMBER" and substitute "PERCENTAGE".

26 Page 28, strike lines 6 through 22 and substitute "APPROPRIATION BY THE  
27 GENERAL ASSEMBLY TO THE DEPARTMENT. THE DEPARTMENT SHALL  
28 ANNUALLY EXPEND THE MONEYS IN THE FUND IN ACCORDANCE WITH THE  
29 FOLLOWING PRIORITIES:

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

34 (II) THE DEPARTMENT SHALL NEXT USE UP TO TWO PERCENT OF  
35 THE AMOUNT ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE

1 COSTS INCURRED IN ADMINISTERING THE EARLY LITERACY GRANT  
2 PROGRAM;

3 (III) THE DEPARTMENT SHALL NEXT USE AT LEAST THREE MILLION  
4 DOLLARS TO PAY GRANTS AWARDED THROUGH THE EARLY LITERACY  
5 GRANT PROGRAM; AND

6 (IV) THE DEPARTMENT SHALL USE SIXTY PERCENT OF THE  
7 REMAINING MONEYS IN THE FUND TO REIMBURSE LOCAL EDUCATION  
8 PROVIDERS FOR ALL OR A PORTION OF THE COSTS INCURRED IN  
9 ADMINISTERING THE READING ASSESSMENTS PURSUANT TO SECTION  
10 22-7-505. IN ADDITION TO THE AMOUNT SPECIFIED IN SUBPARAGRAPH (III)  
11 OF THIS PARAGRAPH (d), THE DEPARTMENT SHALL USE FORTY PERCENT OF  
12 THE REMAINING MONEYS IN THE FUND TO PAY GRANTS AWARDED  
13 THROUGH THE EARLY LITERACY GRANT PROGRAM."

14 Page 38, strike lines 13 through 27.

15 Strike page 39.

16 Page 40, strike lines 1 through 19.

17 Renumber succeeding sections accordingly.

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