

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 07-192

BY SENATOR(S) Bacon, Penry, Spence, Tupa, Williams, Windels, Boyd, and Shaffer;
also REPRESENTATIVE(S) Benefield, Borodkin, Casso, Gagliardi, Labuda, Massey, McFadyen, Peniston, Pommer, Solano, Stafford, Summers, and Todd.

CONCERNING THE READ-TO-ACHIEVE BOARD, AND, IN CONNECTION THEREWITH, CONTINUING THE READ-TO-ACHIEVE BOARD FOR SEVEN YEARS.

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

SECTION 1. Article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 9 READ-TO-ACHIEVE GRANT PROGRAM

22-7-901. Definitions. AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) "ELIGIBLE APPLICANT" MEANS AN ELIGIBLE PUBLIC SCHOOL THAT APPLIES FOR A GRANT PURSUANT TO THIS PART 9 OR A COLLABORATIVE GROUP OF ELIGIBLE PUBLIC SCHOOLS APPLYING JOINTLY FOR A GRANT PURSUANT TO THIS PART 9.

(3) "ELIGIBLE PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL AS THOSE SCHOOLS ARE DESCRIBED IN ARTICLE 30.5 OF THIS TITLE, THAT IS DETERMINED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-903 TO BE ELIGIBLE TO APPLY FOR GRANTS PURSUANT TO THIS PART 9.

(4) "PROGRAM" MEANS THE READ-TO-ACHIEVE GRANT PROGRAM CREATED IN SECTION 22-7-902.

(5) "READ-TO-ACHIEVE ASSESSMENT" MEANS AN INSTRUMENT THAT IS APPROVED AND IDENTIFIED BY THE STATE BOARD PURSUANT TO SECTION 22-7-504 (1) BY WHICH A SCHOOL DISTRICT MAY ASSESS THE READING READINESS OR THE LITERACY AND READING COMPREHENSION LEVELS OF INDIVIDUAL STUDENTS, WHICH INSTRUMENT IS DESIGNATED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-7-906 (1) (e).

(6) "STATE ASSESSMENT" MEANS A STATEWIDE ASSESSMENT ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-7-406 AND ADMINISTERED BY THE DEPARTMENT AS DESCRIBED IN SECTION 22-7-409.

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

22-7-902. Read-to-achieve grant program created. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF EDUCATION THE READ-TO-ACHIEVE GRANT PROGRAM. UNDER THE PROGRAM, AN ELIGIBLE APPLICANT MAY APPLY FOR A GRANT TO FUND INTENSIVE READING PROGRAMS FOR PUPILS WHOSE READING READINESS OR LITERACY AND READING COMPREHENSION SKILLS ARE BELOW THE LEVEL ESTABLISHED BY THE STATE BOARD FOR PUPILS AT EACH OF THE FOLLOWING GRADE LEVELS:

(a) KINDERGARTEN PUPILS;

(b) FIRST-, SECOND-, AND THIRD-GRADE PUPILS; AND

(c) PUPILS BETWEEN THE THIRD AND FOURTH GRADES.

22-7-903. Determination of eligible schools. ON AN ANNUAL BASIS TO BE DETERMINED BY THE READ-TO-ACHIEVE BOARD, THE DEPARTMENT SHALL PREPARE AND SUBMIT TO THE BOARD A LIST OF ALL ELIGIBLE PUBLIC SCHOOLS. IN DETERMINING WHETHER A PUBLIC SCHOOL IS ELIGIBLE, THE DEPARTMENT SHALL APPLY THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-7-906 (1) (a). THE DEPARTMENT SHALL PUBLISH THE LIST ON THE DEPARTMENT'S WEBSITE.

22-7-904. Read-to-achieve board - created. (1) THERE IS HEREBY CREATED THE READ-TO-ACHIEVE BOARD, WHICH SHALL CONSIST OF ELEVEN MEMBERS, NO MORE THAN SIX OF WHOM ARE FROM THE SAME POLITICAL PARTY, AS FOLLOWS:

(a) THE COMMISSIONER OF EDUCATION OR HIS OR HER DESIGNEE;

(b) ONE MEMBER OF THE STATE BOARD SELECTED BY THE STATE BOARD;

(c) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF THE SENATE;

(d) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(e) SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE, AS FOLLOWS:

(I) TWO MEMBERS WHO ARE KINDERGARTEN OR FIRST-, SECOND-, OR THIRD-GRADE ELEMENTARY SCHOOL TEACHERS, ONE OF WHOM WORKS IN A RURAL SCHOOL DISTRICT;

(II) ONE MEMBER WHO IS AN ELEMENTARY SCHOOL PRINCIPAL;

(III) ONE MEMBER WITH KNOWLEDGE OF AND EXPERIENCE IN PUBLIC EDUCATION IN ELEMENTARY GRADES;

(IV) ONE MEMBER WHO IS A PERSON WITH KNOWLEDGE OF THE BEST PRACTICES IN READING AND READING INSTRUCTION; AND

(V) TWO MEMBERS, EACH OF WHOM IS, AT THE TIME OF APPOINTMENT, A PARENT OF A CHILD WHO IS ENROLLED IN A PUBLIC SCHOOL.

(2) (a) THE APPOINTED MEMBERS OF THE READ-TO-ACHIEVE BOARD SHALL SERVE TERMS OF THREE YEARS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, THE GOVERNOR SHALL SELECT THREE WHO SHALL SERVE TERMS OF TWO YEARS. THE GOVERNOR SHALL NOT APPOINT A PERSON TO SERVE MORE THAN TWO CONSECUTIVE THREE-YEAR TERMS.

(b) AN APPOINTING AUTHORITY MAY REMOVE ANY READ-TO-ACHIEVE BOARD MEMBER APPOINTED BY THE APPOINTING AUTHORITY FOR ANY CAUSE THAT RENDERS THE MEMBER INCAPABLE OF DISCHARGING OR UNFIT TO DISCHARGE THE DUTIES OF THE OFFICE, INCLUDING NEGLIGENCE OF DUTY. ACTIONS CONSTITUTING NEGLIGENCE OF DUTY SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FAILURE OF A BOARD MEMBER TO ATTEND THREE CONSECUTIVE MEETINGS OR AT LEAST THREE-FOURTHS OF THE MEETINGS OF THE BOARD IN A CALENDAR YEAR. WHENEVER A VACANCY ON THE READ-TO-ACHIEVE BOARD EXISTS, THE APPOINTING AUTHORITY FOR THE VACANT POSITION SHALL APPOINT A MEMBER FOR THE REMAINING PORTION OF THE UNEXPIRED TERM CREATED BY THE VACANCY.

(3) THE MEMBERS OF THE READ-TO-ACHIEVE BOARD SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE REIMBURSED FROM MONEYS IN THE READ-TO-ACHIEVE CASH FUND CREATED IN SECTION 22-7-908 FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

22-7-905. Read-to-achieve board - duties - grant process.

(1) THE READ-TO-ACHIEVE BOARD SHALL SOLICIT AND REVIEW APPLICATIONS ONLY FROM ELIGIBLE APPLICANTS FOR GRANTS PURSUANT TO THIS SECTION. THE READ-TO-ACHIEVE BOARD MAY AWARD GRANTS PURSUANT TO THIS SECTION FOR PERIODS OF ONE TO THREE YEARS. EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE THE TYPE OF PROGRAM TO BE PROVIDED BY THE ELIGIBLE APPLICANT TO ENHANCE THE READING READINESS OR LITERACY AND READING COMPREHENSION SKILLS OF KINDERGARTEN PUPILS AND FIRST-, SECOND-, AND THIRD-GRADE PUPILS AT

THE SCHOOL. EACH GRANT AWARDED SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED ON SUCH PROGRAMS. SUCH PROGRAMS MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) READING ACADEMIES OPERATED AS SCHOOLS WITHIN SCHOOLS FOR INTENSIVE READING INSTRUCTION;

(b) AFTER-SCHOOL LITERACY PROGRAMS;

(c) SUMMER SCHOOL CLINICS;

(d) ONE-ON-ONE OR GROUP TUTORING SERVICES;

(e) EXTENDED-DAY READING PROGRAMS.

(2) ANY INTENSIVE LITERACY PROGRAM FUNDED THROUGH THE PROGRAM FOR FOURTH-GRADE PUPILS MAY BE OFFERED ONLY BETWEEN THIRD AND FOURTH GRADE AND SHALL BE DESIGNED TO RAISE THE PARTICIPATING PUPILS' LITERACY AND READING COMPREHENSION SKILLS TO AT LEAST THE PROFICIENCY LEVEL ON THE THIRD-GRADE READ-TO-ACHIEVE ASSESSMENT PRIOR TO BEGINNING FOURTH-GRADE CLASSES IN THE FALL SEMESTER.

(3) THE READ-TO-ACHIEVE BOARD SHALL SELECT THOSE ELIGIBLE APPLICANTS THAT WILL RECEIVE GRANTS PURSUANT TO THIS SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING THE ELIGIBLE APPLICANTS, THE READ-TO-ACHIEVE BOARD, AT A MINIMUM, SHALL TAKE INTO ACCOUNT THE FOLLOWING CRITERIA:

(a) THE NUMBER OF KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE PUPILS ENROLLED AT THE ELIGIBLE APPLICANT'S SCHOOL WHOSE READING READINESS OR LITERACY AND READING COMPREHENSION SKILLS ARE BELOW GRADE LEVEL;

(b) WHETHER THE PROPOSED PROGRAM IS BASED ON A RESEARCH MODEL THAT HAS BEEN PROVEN TO BE SUCCESSFUL IN OTHER PUBLIC SCHOOLS IN THE NATION; AND

(c) THE COST OF THE PROGRAM.

(4) THE READ-TO-ACHIEVE BOARD ANNUALLY SHALL SUBMIT TO THE DEPARTMENT A LIST OF GRANT RECIPIENTS AND THE AMOUNT TO BE AWARDED TO EACH GRANT RECIPIENT BY A DATE SPECIFIED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-7-906 (1) (g). IN SELECTING GRANT RECIPIENTS, THE READ-TO-ACHIEVE BOARD, TO THE EXTENT POSSIBLE, SHALL ENSURE THAT GRANTS ARE AWARDED TO ELIGIBLE APPLICANTS IN A VARIETY OF GEOGRAPHIC AREAS OF THE STATE.

(5) (a) IF A GRANT RECIPIENT RECEIVES A GRANT PURSUANT TO THIS SECTION FOR MORE THAN ONE YEAR, THE GRANT RECIPIENT SHALL BE ELIGIBLE FOR MONEYS IN THE SECOND OR THIRD YEAR OF THE GRANT ONLY IF THE GRANT RECIPIENT MEETS THE GOALS ESTABLISHED IN ITS APPLICATION INCLUDING THE DEMONSTRATION THAT AT LEAST SIXTY-FIVE PERCENT OF THE PUPILS WHO COMPLETED A ONE-YEAR INSTRUCTIONAL CYCLE OF THE INTENSIVE READING PROGRAM IN THE PRIOR YEAR REACHED THEIR ACHIEVEMENT GOALS OR OTHERWISE DEMONSTRATED THAT THEY ARE ON PACE TO ACHIEVE GRADE LEVEL PROFICIENCY ON THE STATE ASSESSMENT IN READING FOR THEIR GRADE LEVEL.

(b) A GRANT RECIPIENT THAT HAS PREVIOUSLY RECEIVED A GRANT PURSUANT TO THIS SECTION SHALL BE ELIGIBLE FOR SUBSEQUENT GRANTS ONLY IF IT IS ABLE TO DEMONSTRATE THAT AT LEAST SIXTY-FIVE PERCENT OF THE PUPILS WHO COMPLETED A ONE-YEAR INSTRUCTIONAL CYCLE OF THE INTENSIVE LITERACY PROGRAM IN THE PRIOR YEAR REACHED THEIR ACHIEVEMENT GOALS OR OTHERWISE DEMONSTRATED THAT THEY ARE ON PACE TO ACHIEVE GRADE LEVEL PROFICIENCY ON THE STATE ASSESSMENT IN READING FOR THEIR GRADE LEVEL. IN AWARDING SUBSEQUENT GRANTS, THE READ-TO-ACHIEVE BOARD SHALL ALSO CONSIDER THE CRITERIA SET FORTH IN SUBSECTION (3) OF THIS SECTION AND ANY OTHER CRITERIA ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-7-906 (1) (c).

(6) EACH GRANT RECIPIENT THAT RECEIVES A GRANT PURSUANT TO THE PROGRAM SHALL USE THE READ-TO-ACHIEVE ASSESSMENT TO DEMONSTRATE THAT THE PUPILS ENROLLED IN THE INTENSIVE LITERACY PROGRAMS FUNDED BY THE GRANT WERE READING, AT THE TIME OF ENROLLMENT, BELOW GRADE LEVEL FOR KINDERGARTEN PUPILS AND FIRST-, SECOND-, AND THIRD-GRADE PUPILS.

22-7-906. Rules. (1) THE STATE BOARD SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS PART 9, INCLUDING BUT NOT LIMITED TO:

(a) CRITERIA THE DEPARTMENT SHALL APPLY IN DETERMINING WHETHER A PUBLIC SCHOOL IS AN ELIGIBLE PUBLIC SCHOOL THAT MAY APPLY INDIVIDUALLY OR AS PART OF A COLLABORATIVE GROUP OF ELIGIBLE PUBLIC SCHOOLS APPLYING JOINTLY FOR A GRANT PURSUANT TO THIS PART 9;

(b) APPLICATION PROCEDURES BY WHICH AN ELIGIBLE APPLICANT MAY APPLY FOR GRANTS PURSUANT TO THIS PART 9;

(c) ANY CRITERIA, IN ADDITION TO THOSE SPECIFIED IN SECTION 22-7-905 (3), FOR SELECTING THE ELIGIBLE APPLICANTS THAT SHALL RECEIVE GRANTS AND THE CRITERIA FOR DETERMINING THE AMOUNTS TO BE GRANTED TO THE SELECTED ELIGIBLE APPLICANTS;

(d) PROCEDURES FOR REVIEWING THE EFFECTIVENESS OF THE INTENSIVE LITERACY PROGRAMS OPERATED BY THE ELIGIBLE APPLICANTS THAT RECEIVE GRANTS PURSUANT TO THIS PART 9;

(e) THE DESIGNATION OF A VALID, RELIABLE READ-TO-ACHIEVE ASSESSMENT FOR SCHOOLS TO USE IN ASSESSING STUDENTS' READING PROFICIENCY;

(f) THE DESIGNATION OF A DATE BY WHICH THE READ-TO-ACHIEVE BOARD SHALL ANNUALLY SUBMIT TO THE DEPARTMENT A LIST OF GRANT RECIPIENTS AND THE AMOUNT TO BE AWARDED TO EACH GRANT RECIPIENT PURSUANT TO SECTION 22-7-905 (4); AND

(g) A METHOD FOR TRACKING THE PROGRESS OF STUDENTS WHO MOVE FROM ONE SCHOOL TO ANOTHER SCHOOL WITHIN THE STATE WHILE PARTICIPATING IN READ-TO-ACHIEVE PROGRAMS.

22-7-907. Reports. (1) ON OR BEFORE NOVEMBER 30, 2007, AND ON OR BEFORE NOVEMBER 30 EACH YEAR THEREAFTER, THE READ-TO-ACHIEVE BOARD SHALL REPORT TO THE GOVERNOR AND TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE EFFECTIVENESS OF THE PROGRAMS ADMINISTERED PURSUANT TO THIS PART 9. THE REPORT SHALL INCLUDE BUT IS NOT LIMITED TO:

(a) THE NUMBER OF GRANT RECIPIENTS THAT RECEIVED GRANTS UNDER THE PROGRAMS AND THE AVERAGE AMOUNT OF THE GRANTS;

(b) THE NUMBER OF PUPILS ENROLLED IN INTENSIVE LITERACY PROGRAMS FUNDED BY THE PROGRAM, THE NUMBER OF PUPILS ENROLLED WHO IMPROVED THEIR READING SKILLS TO PROFICIENT ON THE READ-TO-ACHIEVE ASSESSMENT IN READING FOR THEIR GRADE LEVEL IN THE YEAR AFTER STARTING THE INTENSIVE LITERACY PROGRAM, AND THE PERCENTAGE OF PUPILS WHO ACHIEVED PROFICIENCY ON THE READ-TO-ACHIEVE ASSESSMENT FOR READING FOR THEIR GRADE LEVEL IN BOTH THE YEAR AFTER STARTING THE INTENSIVE LITERACY PROGRAM AND THE FOLLOWING YEAR; AND

(c) WHETHER ANY STATUTORY CHANGES ARE RECOMMENDED, INCLUDING BUT NOT LIMITED TO THE APPROPRIATENESS OF THE REQUIREMENTS IN SECTION 22-7-905 (5).

22-7-908. Read-to-achieve cash fund created. (1) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE READ-TO-ACHIEVE CASH FUND, REFERRED TO IN THIS SECTION AS THE "CASH FUND". THE CASH FUND SHALL CONSIST OF MONEYS TRANSFERRED THERETO PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE BY THE GENERAL ASSEMBLY. SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, MONEYS IN THE CASH FUND SHALL BE USED TO PROVIDE GRANTS TO SCHOOLS PURSUANT TO THIS PART 9 AND TO THE READING ASSISTANCE GRANT PROGRAM CREATED PURSUANT TO SECTION 22-88-102. ANY MONEYS NOT PROVIDED AS GRANTS TO SCHOOLS MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE CASH FUND SHALL BE CREDITED TO THE CASH FUND. ANY AMOUNT REMAINING IN THE CASH FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE CASH FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER FUND.

(2) NO MORE THAN THREE PERCENT OF THE MONEYS APPROPRIATED FROM THE CASH FUND MAY BE USED FOR THE EXPENSES INCURRED BY THE READ-TO-ACHIEVE BOARD IN ADMINISTERING THIS PART 9. IF THE READ-TO-ACHIEVE BOARD IS UNABLE TO ADMINISTER THIS PROGRAM WITH AUTHORIZED PERSONNEL, THE READ-TO-ACHIEVE BOARD MAY CONTRACT WITH PRIVATE SOURCES FOR SUCH SERVICES.

(3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (1) (h), C.R.S., BEGINNING WITH THE 2007-08 FISCAL YEAR, AND FOR EACH

FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, THE STATE TREASURER SHALL ANNUALLY TRANSFER TO THE CASH FUND FIVE PERCENT OF THE AMOUNT OF MONEYS RECEIVED BY THE STATE IN ACCORDANCE WITH THE MASTER SETTLEMENT AGREEMENT, OTHER THAN ATTORNEY FEES AND COSTS, FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT THE AMOUNT SO TRANSFERRED TO THE CASH FUND IN ANY FISCAL YEAR SHALL NOT EXCEED EIGHT MILLION DOLLARS. THE STATE TREASURER SHALL TRANSFER THE AMOUNT SPECIFIED IN THIS PARAGRAPH (b) FROM MONEYS CREDITED TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115, C.R.S.

22-7-909. Repeal. (1) THIS PART 9 IS REPEALED, EFFECTIVE JULY 1, 2014.

(2) PRIOR TO SAID REPEAL, THE READ-TO-ACHIEVE BOARD APPOINTED PURSUANT TO SECTION 22-7-904 SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

SECTION 2. Repeal. 24-34-104 (38) (f), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (38) The following agencies, functions, or both, shall terminate on July 1, 2007:

(f) ~~The read-to-achieve board, created pursuant to section 22-7-506, C.R.S.;~~

SECTION 3. 2-3-1203 (3) (aa), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(aa) July 1, 2014:

(IV) THE READ-TO-ACHIEVE BOARD, CREATED PURSUANT TO SECTION 22-7-904, C.R.S.

SECTION 4. The introductory portion to 22-7-504 (3), Colorado Revised Statutes, is amended to read:

22-7-504. Pupil assessments - individual literacy plans. (3) If a pupil's reading readiness or literacy and reading comprehension, as measured by the assessment, is below the level established by the state board for pupils at that grade, the pupil's parents or legal guardian and teacher and the school administration shall formulate an individual literacy plan for the pupil or, if the pupil is eligible, enroll the pupil in an intensive literacy program funded through the read-to-achieve program pursuant to ~~section 22-7-506~~ PART 9 OF THIS ARTICLE. For compliance with this section, a literacy plan may be incorporated into the individual education plan for special education students. The plan shall include, but need not be limited to, the following:

SECTION 5. 22-7-505 (1) (b), Colorado Revised Statutes, is amended to read:

22-7-505. School district responsibilities and incentives. (1) Each school district shall annually report to the department of education:

(b) The number and percentage of pupils enrolled in the school district who have an individual literacy plan or are enrolled in an intensive literacy program funded through the read-to-achieve program created in ~~section 22-7-506~~ PART 9 OF THIS ARTICLE;

SECTION 6. 22-7-507 (1) (a), Colorado Revised Statutes, is amended to read:

22-7-507. Learning improvement grants - programs - fund. (1) (a) There is hereby created in the department of education the learning improvement grant program, referred to in this section as the "program". The read-to-achieve board, created in ~~section 22-7-506~~ SECTION 22-7-904 and referred to in this section as the "board", shall establish criteria for awarding grants under the program. On and after July 1, 2001, the board, is hereby authorized to award learning improvement grants to schools or a collaborative group of schools for programs to enhance the READING READINESS OR literacy and reading comprehension skills of early elementary school students.

SECTION 7. 24-75-217 (3) (c), Colorado Revised Statutes, is amended to read:

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

(c) The read-to-achieve cash fund created in ~~section 22-7-506(4)(a)~~ ~~(f)~~ SECTION 22-7-908 (1), C.R.S.;

SECTION 8. 24-75-1104.5 (1) (h), Colorado Revised Statutes, is amended to read:

24-75-1104.5. Use of settlement moneys - programs. (1) For the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive the following specified amounts from the settlement moneys received by the state in the preceding fiscal year:

(h) The read-to-achieve grant program created in ~~section 22-7-506~~ PART 9 OF ARTICLE 7 OF TITLE 22, C.R.S., shall receive five percent of the total amount of settlement moneys annually received by the state, not to exceed eight million dollars in any fiscal year, as provided in said section; except that, for the 2004-05 fiscal year, the read-to-achieve grant program shall receive nineteen percent of the total amount of settlement moneys received, not to exceed nineteen million dollars.

SECTION 9. 22-88-104, Colorado Revised Statutes, is amended to read:

22-88-104. Reading assistance grant program fund - creation. There is hereby created in the state treasury the reading assistance grant program fund to provide for the payment of grants awarded pursuant to this article. The fund shall consist of such moneys as may be appropriated thereto by the general assembly from the read-to-achieve cash fund created pursuant to ~~section 22-7-506(4)~~ SECTION 22-7-908 (1) and any moneys received by the department pursuant to section 22-88-102 (5). The moneys in the fund shall be continuously appropriated to the department for the purposes specified in this article; except that the grants awarded by the state board may not result in payment of an aggregate amount of more than one

hundred thousand dollars to grant recipients in any fiscal year. The department may expend up to one percent of the moneys appropriated to the fund to offset the documented costs incurred in implementing the grant program. Any moneys in the fund not expended for the purpose of this article may be invested by the state treasurer as provided by law. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

SECTION 10. Repeal. 22-2-124 (9) (a) (I) and 22-7-506, Colorado Revised Statutes, are repealed.

SECTION 11. Appropriation - adjustments to the 2007 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2007, shall be adjusted as follows: The appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the read-to-achieve grant program, is increased by 1.0 FTE.

SECTION 12. Safety clause. The general assembly hereby finds,

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

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO