First Regular Session Sixty-eighth General Assembly STATE OF COLORADO

PREAMENDED

This Unofficial Version Includes Committee Amendments Not Yet Adopted on Second Reading SENATE BILL 11-111

LLS NO. 11-0095.03 Julie Pelegrin

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A BILL FOR AN ACT

101 CONCERNING CREATION OF A TASK FORCE TO ADDRESS THE PROVISION
 102 OF EDUCATIONAL SERVICES TO SUPPORT STUDENTS' ACADEMIC

103 SUCCESS.

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 creates the educational success task force (task force). The task force will include legislative members appointed by leadership in the senate and the house of representatives and members from the education sector appointed jointly by the state board of education (state board) and the Colorado commission on higher education (commission). In addition to members of the general assembly, the task force will consist of experts in education, especially in intervention strategies and remedial education, parents, teachers, and other representatives of school districts, public schools, and institutions of higher education.

The task force will review the junctures within a student's academic career at which intervention education services are critical to the student's success; best practices and strategies for providing intervention education services at the elementary and secondary education levels and remedial education at the postsecondary level; the use of the individual career and academic plans; alternative strategies to social promotion; and potential changes to rules, guidelines, and statutes to improve the use of intervention education services to ensure students graduate from high school, demonstrating postsecondary and workforce readiness, and to improve remedial education at the postsecondary level. In fulfilling its duties, the task force will work with the education leadership council created by the governor.

The task force will submit a first report of its findings and recommendations to the state board and the commission by July 1, 2012, and may submit a second report prior to July 1, 2013. The state board and the commission will publish the reports on their respective web sites and publicize the reports to the school districts, public schools, and institutions of higher education in the state. The task force will report to the education committees prior to March 1 in both the 2012 and the 2013 regular legislative sessions.

The task force is repealed, effective July 1, 2013.

1	Be it enacted by the General Assembly of the State of Colorado:
2	SECTION 1. Article 7 of title 22, Colorado Revised Statutes, is
3	amended BY THE ADDITION OF A NEW PART to read:
4	PART 11
5	EDUCATIONAL SUCCESS TASK FORCE
6	22-7-1101. Legislative declaration. (1) THE GENERAL
7	ASSEMBLY HEREBY FINDS THAT:
8	(a) Studies indicate there are several significant
9	
/	TRANSITION POINTS IN A STUDENT'S EDUCATIONAL CAREER AT WHICH IT IS

GRADE LEVEL OR HIGHER. A STUDENT WHO IS NOT PERFORMING AT GRADE
 LEVEL AT THESE POINTS IS MORE LIKELY TO CONTINUE TO EXPERIENCE
 ACADEMIC DIFFICULTIES AND IS LESS LIKELY TO DEMONSTRATE
 POSTSECONDARY AND WORKFORCE READINESS WHEN HE OR SHE
 GRADUATES FROM HIGH SCHOOL, IF THE STUDENT GRADUATES FROM HIGH
 SCHOOL AT ALL.

7 (b) DATA COLLECTED IN THE POSTSECONDARY EDUCATION SYSTEM
8 SHOWS THAT A STUDENT WHO GRADUATES FROM HIGH SCHOOL AND
9 ENTERS POSTSECONDARY EDUCATION IN NEED OF REMEDIATION WILL TAKE
10 SIGNIFICANTLY LONGER TO COMPLETE HIS OR HER DEGREE, IF THE
11 STUDENT COMPLETES A DEGREE AT ALL;

12 (c) MORE THAN FIFTY-TWO PERCENT OF THE FIRST-TIME,
13 DEGREE-SEEKING STUDENTS WHO ENROLLED IN A COMMUNITY COLLEGE
14 IN THE 2008-09 ACADEMIC YEAR REQUIRED REMEDIATION IN AT LEAST ONE
15 SUBJECT;

(d) DATA COLLECTED OVER TIME SHOWS THAT, OF THE STUDENTS
ENROLLED IN A REMEDIAL COURSE, FORTY TO FIFTY PERCENT WILL NOT
COMPLETE THE COURSE AND ONLY TWENTY-NINE PERCENT WILL
ULTIMATELY EARN A BACHELOR'S DEGREE. THIS LEADS TO THE
CONCLUSION THAT, OVERALL, A STUDENT WHO PLACES INTO
DEVELOPMENTAL EDUCATION HAS ONLY A THIRTEEN PERCENT CHANCE OF
EVENTUALLY RECEIVING A BACHELOR'S DEGREE.

(e) IF A STUDENT WHO IS PERFORMING BELOW EXPECTATIONS
ACADEMICALLY AT THE SIGNIFICANT TRANSITION POINTS IN HIS OR
EDUCATIONAL CAREER RECEIVES ADDITIONAL ASSISTANCE, ESPECIALLY AT
THE EARLIER TRANSITION POINTS, THE STUDENT IS MORE LIKELY TO CATCH
UP TO WHERE HE OR SHE NEEDS TO BE AND TO CONTINUE TO BE

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ACADEMICALLY SUCCESSFUL THROUGH HIGH SCHOOL AND
 POSTSECONDARY EDUCATION;

3 (f) THERE IS A GREAT DEAL OF DATA AVAILABLE CONCERNING 4 SUCCESSFUL STRATEGIES FOR IDENTIFYING AND REMEDIATING STUDENTS 5 AT THESE SIGNIFICANT TRANSITION POINTS THAT, IF COLLECTED AND MADE 6 MORE ACCESSIBLE, COULD ASSIST SCHOOL DISTRICTS, SCHOOLS, AND 7 INSTITUTIONS OF HIGHER EDUCATION IN ENSURING THAT THEY IDENTIFY 8 STUDENTS WHO NEED ADDITIONAL EDUCATION SERVICES AND ASSISTANCE 9 AND THAT THEY PROVIDE THOSE SERVICES AT THE APPROPRIATE 10 JUNCTURES.

11 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE 12 BEST INTERESTS OF THE STATE PUBLIC EDUCATION SYSTEM AND THE 13 STUDENTS OF THE STATE TO CREATE A TASK FORCE TO REVIEW THE 14 RELEVANT DATA AND STUDIES AND RECOMMEND TO SCHOOL DISTRICTS, 15 SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION BEST PRACTICES AND 16 STRATEGIES FOR IDENTIFYING AND ASSISTING STUDENTS TO ENSURE THAT 17 THEY ARE SUCCESSFUL THROUGHOUT THEIR ACADEMIC CAREERS AND 18 DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS WHEN THEY 19 GRADUATE FROM HIGH SCHOOL. THE TASK FORCE SHALL ALSO 20 RECOMMEND TO THE GENERAL ASSEMBLY, THE STATE BOARD OF 21 EDUCATION, AND THE COLORADO COMMISSION ON HIGHER EDUCATION 22 CHANGES TO STATUTES, RULES, OR GUIDELINES THAT MAY STRENGTHEN 23 THE ABILITY OF SCHOOL DISTRICTS, SCHOOLS, AND INSTITUTIONS OF 24 HIGHER EDUCATION TO IDENTIFY AND ASSIST STUDENTS IN ACHIEVING 25 ACADEMIC SUCCESS AND DEMONSTRATING POSTSECONDARY AND 26 WORKFORCE READINESS.

27 **22-7-1102. Definitions.** As used in this part 11 unless the

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1 CONTEXT OTHERWISE REQUIRES:

2 (1) "COMMISSION" MEANS THE COLORADO COMMISSION ON
3 HIGHER EDUCATION ESTABLISHED IN SECTION 23-1-102, C.R.S.

4 (2) "INDIVIDUAL CAREER AND ACADEMIC PLAN" OR "ICAP" MEANS
5 THE PLAN DESCRIBED IN SECTION 22-2-136 AND REQUIRED PURSUANT TO
6 SECTIONS 22-30.5-505 (3) (f) AND 22-32-109 (1) (nn) NO LATER THAN
7 NINTH GRADE FOR EACH STUDENT ENROLLED IN A PUBLIC SCHOOL IN THE
8 STATE.

9 (3) "INTERVENTION EDUCATION SERVICES" MEANS EDUCATIONAL 10 SERVICES AND SUPPORT PROVIDED TO A STUDENT TO ACCELERATE THE 11 STUDENT'S LEARNING AND ASSIST THE STUDENT IN ACHIEVING THE LEVEL 12 OF ACADEMIC PERFORMANCE THAT IS APPROPRIATE FOR HIS OR HER GRADE 13 LEVEL.

14 (4) "POSTSECONDARY AND WORKFORCE READINESS" MEANS THE
15 LEVEL OF ACADEMIC ACHIEVEMENT DESCRIBED BY THE STATE BOARD AND
16 THE COMMISSION PURSUANT TO SECTION 22-7-1008.

17 (5) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION18 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

19 (6) "TASK FORCE" MEANS THE EDUCATIONAL SUCCESS TASK FORCE
20 CREATED IN SECTION 22-7-1103.

21 22-7-1103. Educational success task force - created 22 membership. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF
23 EDUCATION THE EDUCATIONAL SUCCESS TASK FORCE TO STUDY AND
24 REVIEW THE DATA ON INTERVENTION EDUCATION SERVICES IN
25 ELEMENTARY AND SECONDARY EDUCATION AND REMEDIAL EDUCATION IN
26 POSTSECONDARY EDUCATION, TO RECOMMEND BEST PRACTICES AND
27 STRATEGIES TO SCHOOL DISTRICTS AND PUBLIC SCHOOLS, AND TO

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RECOMMEND STATUTORY AND REGULATORY CHANGES, AS IT DEEMS
 APPROPRIATE, TO THE GENERAL ASSEMBLY, THE STATE BOARD, AND THE
 COMMISSION.

4 (2) (a) THE STATE BOARD AND THE COMMISSION SHALL JOINTLY 5 APPOINT MEMBERS OF THE TASK FORCE IN SUCH NUMBERS AS THEY DEEM 6 APPROPRIATE. THE MEMBERSHIP OF THE TASK FORCE SHALL INCLUDE 7 PERSONS WHO HAVE EXPERIENCE IN INTERVENTION EDUCATION SERVICES 8 AND REMEDIAL EDUCATION AS RESEARCHERS, PRACTITIONERS, AND 9 PARENTS OF STUDENTS WHO HAVE RECEIVED OR MAY RECEIVE 10 INTERVENTION EDUCATION SERVICES OR REMEDIAL EDUCATION. AT A 11 MINIMUM, THE STATE BOARD AND THE COMMISSION SHALL APPOINT TO 12 THE TASK FORCE:

(I) PERSONS WHO ARE EXPERTS IN ONE OR MORE OF THE AREAS OF
EARLY CHILDHOOD EDUCATION; ELEMENTARY AND SECONDARY
EDUCATION; CHILDHOOD AND ADOLESCENT LEARNING THEORY;
CURRICULUM DEVELOPMENT, ESPECIALLY WITH REGARD TO INTERVENTION
EDUCATION SERVICES AND PROGRAMS AND INTERVENTION STRATEGIES;
AND POSTSECONDARY EDUCATION, ESPECIALLY WITH REGARD TO
REMEDIATION PROGRAMS AND STRATEGIES;

20 (II) PARENTS OF STUDENTS ENROLLED IN PUBLIC SCHOOLS IN THE
 21 <u>STATE, INCLUDING PARENTS WHO SERVE ON THE COLORADO STATE</u>
 22 <u>ADVISORY COUNCIL FOR PARENT INVOLVEMENT IN EDUCATION CREATED</u>
 23 <u>IN SECTION 22-7-303;</u>
 24 (III) FOR PARENT PA

24 (III) ELEMENTARY AND SECONDARY TEACHERS FROM URBAN AND
 25 RURAL SCHOOL DISTRICTS OR PUBLIC SCHOOLS;

26 (IV) REPRESENTATIVES OF URBAN AND RURAL SCHOOL DISTRICTS;
 27 (V) PERSONS WHO ASSIST STUDENTS, INCLUDING STUDENTS WITH

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1 DISABILITIES, IN PLANNING FOR POSTSECONDARY EDUCATION, WHICH 2 PERSONS MAY INCLUDE BUT NEED NOT BE LIMITED TO A PERSON FROM THE 3 DEPARTMENT OF EDUCATION WHO SPECIALIZES IN PROGRAMS AND 4 SERVICES FOR EXCEPTIONAL STUDENTS; PERSONS WITH EXPERTISE IN 5 CREATING AND MAINTAINING INDIVIDUAL CAREER AND ACADEMIC PLANS; 6 HIGH SCHOOL COUNSELORS; REPRESENTATIVES FROM PRECOLLEGIATE 7 PREPARATION PROGRAMS; ADMISSIONS OFFICERS FOR POSTSECONDARY 8 INSTITUTIONS; AND DISABILITY COORDINATORS FOR POSTSECONDARY 9 INSTITUTIONS; 10 (VI) REPRESENTATIVES OF INSTITUTIONS OF HIGHER EDUCATION, 11 INCLUDING AT A MINIMUM REPRESENTATIVES OF AREA VOCATIONAL 12 SCHOOLS, JUNIOR COLLEGES, TWO-YEAR INSTITUTIONS, FOUR-YEAR 13 INSTITUTIONS, AND THE RESEARCH UNIVERSITIES; 14 (VII) MEMBERS OF THE BUSINESS COMMUNITY; AND 15 (VIII) REPRESENTATIVES FROM BIPARTISAN OR NONPARTISAN 16 NONPROFIT ORGANIZATIONS THAT STUDY OR ADVOCATE IN EDUCATION 17 ISSUES. 18 (b) IN ADDITION TO THE MEMBERS APPOINTED PURSUANT TO 19 PARAGRAPH (a) OF THIS SUBSECTION (2), THE TASK FORCE SHALL INCLUDE 20 THE FOLLOWING LEGISLATIVE MEMBERS: 21 (\mathbf{I}) THREE MEMBERS FROM THE SENATE. TWO OF WHOM ARE 22 APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM IS 23 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND 24 (II) THREE MEMBERS FROM THE HOUSE OF REPRESENTATIVES, TWO 25 OF WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF 26 REPRESENTATIVES AND ONE OF WHOM IS APPOINTED BY THE MINORITY 27 LEADER OF THE HOUSE OF REPRESENTATIVES.

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(3) (a) THE APPOINTING AUTHORITIES SHALL MAKE THE
 APPOINTMENTS TO THE TASK FORCE NO LATER THAN <u>AUGUST</u> 1, 2011.
 THE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION
 AND WITHOUT REIMBURSEMENT FOR EXPENSES.

5 (b) IN <u>APPOINTING MEMBERS OF THE TASK FORCE, THE STATE</u> 6 BOARD AND THE COMMISSION MAY APPOINT INDIVIDUAL PERSONS TO 7 SATISFY THE CRITERIA IN MORE THAN ONE OF SUBPARAGRAPHS (I) TO 8 (VIII) OF PARAGRAPH (a). THE MEMBERS OF THE TASK FORCE SHALL 9 SERVE AT THE PLEASURE OF THEIR RESPECTIVE APPOINTING AUTHORITIES. 10 (c) THE STATE BOARD AND THE COMMISSION SHALL JOINTLY 11 APPOINT UP TO THREE MEMBERS OF THE TASK FORCE TO SERVE AS CHAIR 12 OR CO-CHAIRS OF THE TASK FORCE. IF THE STATE BOARD AND THE 13 COMMISSION APPOINT CO-CHAIRS, THE PERSONS APPOINTED SHALL BE 14 REPRESENTATIVE OF THE VARIOUS INTERESTS SERVING ON THE TASK 15 FORCE. THE TASK FORCE SHALL HOLD ITS FIRST MEETING NO LATER THAN SEPTEMBER 1, 2011, AND SHALL SUBSEQUENTLY MEET AT THE CALL OF 16 17 THE CHAIR OR CO-CHAIRS AS OFTEN AS NECESSARY TO CARRY OUT ITS 18 DUTIES. 19 (d) THE CHAIR OR CO-CHAIRS OF THE TASK FORCE MAY APPOINT 20 SUBCOMMITTEES OF THE TASK FORCE AS NECESSARY TO COMPLETE THE 21 DUTIES OF THE TASK FORCE. IN ADDITION TO TASK FORCE MEMBERS, A 22 SUBCOMMITTEE MAY INCLUDE PERSONS SELECTED BY THE CHAIR OR 23 CO-CHAIRS BUT WHO ARE NOT APPOINTED MEMBERS OF THE TASK FORCE. 24 (4) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF 25 HIGHER EDUCATION MAY PROVIDE STAFF SUPPORT TO THE TASK FORCE AS

26 NECESSARY AND PRACTICABLE WITHIN EXISTING APPROPRIATIONS.

27 **22-7-1104.** Education success task force - duties - reports.

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(1) IN ADDITION TO ANY OTHER DUTIES SPECIFIED IN THIS PART 11, THE
 TASK FORCE SHALL HAVE THE FOLLOWING DUTIES:

3 (a) TO IDENTIFY THE JUNCTURES WITHIN A STUDENT'S ACADEMIC
4 CAREER AT WHICH GRADE-LEVEL ACADEMIC PERFORMANCE, OR HIGHER,
5 IS CRITICAL TO A STUDENT'S CONTINUED ACADEMIC PROGRESS AND TO
6 ENSURING THE STUDENT CAN DEMONSTRATE POSTSECONDARY AND
7 WORKFORCE READINESS NO LATER THAN HIGH SCHOOL GRADUATION;

8 (b) TO REVIEW THE DATA AND RESEARCH ON INTERVENTION 9 EDUCATION SERVICES AND REMEDIAL EDUCATION AND IDENTIFY BEST 10 PRACTICES AND STRATEGIES FOR IDENTIFYING STUDENTS IN NEED OF 11 INTERVENTION EDUCATION SERVICES, FOR PROVIDING INTERVENTION 12 EDUCATION SERVICES AT THE APPROPRIATE JUNCTURES IN THE 13 ELEMENTARY AND SECONDARY EDUCATION LEVELS, AND FOR PROVIDING 14 REMEDIAL EDUCATION AT THE POSTSECONDARY EDUCATION LEVEL. BEST 15 PRACTICES AND STRATEGIES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, 16 RECOMMENDATIONS REGARDING CURRICULUM, METHODS OF DELIVERING 17 INTERVENTION EDUCATION SERVICES AT THE ELEMENTARY AND 18 SECONDARY EDUCATION LEVELS, PROFESSIONAL DEVELOPMENT, AND 19 METHODS OF DELIVERING REMEDIAL EDUCATION SERVICES IN 20 POSTSECONDARY EDUCATION, INCLUDING THE USE OF DIAGNOSTIC 21 PLACEMENT TESTING, THE USE OF MODULARIZED, SHORTER-TERM 22 COURSES, ELECTRONIC DELIVERY OF COURSE WORK, AND TUTORING;

(c) TO REVIEW THE USE OF STUDENTS' INDIVIDUAL CAREER AND
ACADEMIC PLANS AND MAKE RECOMMENDATIONS FOR DIAGNOSTICALLY
USING A STUDENT'S ASSESSMENT RESULTS IN CREATING AND MAINTAINING
THE STUDENT'S ICAP AND FOR INCLUDING INTERVENTION STRATEGIES,
WHERE APPROPRIATE, IN A STUDENT'S ICAP;

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(d) TO REVIEW THE PRACTICE OF SOCIAL PROMOTION IN THE PUBLIC
 SCHOOLS OF THE STATE AND RECOMMEND ALTERNATIVE STRATEGIES FOR
 ENSURING STUDENTS ARE MAKING SUFFICIENT ACADEMIC PROGRESS TO
 DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS NO LATER
 THAN HIGH SCHOOL GRADUATION; AND

6 (e) TO REVIEW STATE STATUTES, STATE BOARD RULES, AND THE 7 GUIDELINES ADOPTED BY THE COMMISSION AND RECOMMEND ANY 8 APPROPRIATE CHANGES TO ASSIST SCHOOL DISTRICTS AND PUBLIC 9 SCHOOLS IN PROVIDING INTERVENTION EDUCATION SERVICES TO HELP 10 ENSURE THAT STUDENTS DEMONSTRATE POSTSECONDARY AND 11 WORKFORCE READINESS NO LATER THAN HIGH SCHOOL GRADUATION AND 12 TO ASSIST INSTITUTIONS OF HIGHER EDUCATION IN PROVIDING REMEDIAL 13 EDUCATION.

(2) IN FULFILLING ITS DUTIES, THE TASK FORCE SHALL SEEK INPUT
FROM AND COLLABORATE WITH THE EDUCATION LEADERSHIP COUNCIL
CREATED BY THE GOVERNOR IN EXECUTIVE ORDER B 2010-010.

17 (3) (a) ON OR BEFORE JULY 1, 2012, THE TASK FORCE SHALL 18 SUBMIT TO THE STATE BOARD AND THE COMMISSION A FIRST REPORT OF ITS 19 FINDINGS AND RECOMMENDATIONS WITH REGARD TO THE CRITICAL 20 JUNCTURES FOR ENSURING STUDENTS' ACADEMIC PROGRESS, BEST 21 PRACTICES AND STRATEGIES FOR PROVIDING INTERVENTION EDUCATION 22 SERVICES AND REMEDIAL EDUCATION SERVICES, THE USE OF ICAPS, AND 23 ALTERNATIVE STRATEGIES TO SOCIAL PROMOTION. THE REPORT MAY ALSO 24 INCLUDE ANY RECOMMENDATIONS REGARDING CHANGES TO STATE BOARD 25 RULES OR COMMISSION GUIDELINES. IF THE TASK FORCE MAKES 26 ADDITIONAL FINDINGS OR RECOMMENDATIONS FOLLOWING SUBMISSION OF 27 THE FIRST REPORT, IT SHALL SUBMIT A SECOND REPORT TO THE STATE 1 BOARD AND THE COMMISSION PRIOR TO JULY 1, 2013.

2 (b) THE STATE BOARD AND THE COMMISSION SHALL ENSURE THAT 3 THE FIRST REPORT AND THE SECOND REPORT, IF ANY, ARE PUBLISHED ON 4 THEIR RESPECTIVE WEB SITES AND PUBLICIZED TO THE SCHOOL DISTRICTS, 5 PUBLIC SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION IN THE STATE. 6 (4) DURING THE 2012 REGULAR LEGISLATIVE SESSION, NO LATER 7 THAN JANUARY 31, 2012, AND DURING THE 2013 REGULAR LEGISLATIVE 8 SESSION, NO LATER THAN JANUARY 31, 2013, ONE OR MORE 9 REPRESENTATIVES OF THE TASK FORCE SHALL MEET WITH THE EDUCATION 10 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR 11 ANY SUCCESSOR COMMITTEES, IN A JOINT MEETING TO REPORT PROGRESS 12 IN FULFILLING THE DUTIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION. 13 IF THE TASK FORCE HAS FORMULATED RECOMMENDATIONS FOR 14 STATUTORY CHANGES, IT SHALL SUBMIT THEM TO THE EDUCATION 15 COMMITTEES AT THESE MEETINGS. 16 **22-7-1105. Repeal of part.** THIS PART 11 IS REPEALED, EFFECTIVE 17 JULY 1, 2013. NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-1203, 18 C.R.S., THE TASK FORCE SHALL NOT BE SUBJECT TO REVIEW PRIOR TO 19 REPEAL.

20 SECTION 2. Safety clause. The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.

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