

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0004.03 Julie Pelegrin x2700

**HOUSE BILL 12-1238**

**HOUSE SPONSORSHIP**

**Massey and Hamner,** Fields, Pabon, Priola, Casso, Gerou, Lee, Murray, Pace,  
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**House Committees**

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.*

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 CANNOT DEMONSTRATE READING COMPETENCY AT THE MINIMUM SKILL  
12 LEVELS FOR READING COMPETENCY IN THE AREAS OF PHONEMIC  
13 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY,  
14 INCLUDING ORAL SKILLS, AND READING COMPREHENSION ESTABLISHED BY  
15 THE STATE BOARD PURSUANT TO SECTION 22-7-1209 FOR THE STUDENT'S  
16 GRADE LEVEL.

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

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

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

1       PROGRESS THROUGH KINDERGARTEN, FIRST, SECOND, AND THIRD GRADE,  
2       DEVELOP THE NECESSARY READING SKILLS TO ENABLE THEM TO MASTER  
3       THE ACADEMIC STANDARDS AND EXPECTATIONS APPLICABLE TO THE  
4       FOURTH-GRADE CURRICULUM AND BEYOND.

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

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

1 SECTION 22-7-1209 (1) THOSE ASSESSMENTS IT SHALL USE TO DETERMINE  
2 A STUDENT'S SPECIFIC READING SKILL DEFICIENCIES. A LOCAL EDUCATION  
3 PROVIDER MAY CHOOSE TO USE OTHER DIAGNOSTIC READING  
4 ASSESSMENTS IN ADDITION TO BUT NOT IN LIEU OF THE APPROVED  
5 ASSESSMENTS.

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

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

24 (b) THE TEACHER AND THE OTHER PERSONNEL SHALL  
25 COMMUNICATE AND DISCUSS WITH THE PARENT THE FOLLOWING  
26 INFORMATION:

27 (I) THE STATE'S GOAL IS FOR ALL CHILDREN IN COLORADO TO

1 GRADUATE FROM HIGH SCHOOL HAVING ATTAINED SKILL LEVELS THAT  
2 ADEQUATELY PREPARE THEM FOR POSTSECONDARY STUDIES OR FOR THE  
3 WORKFORCE, AND RESEARCH DEMONSTRATES THAT ACHIEVING READING  
4 COMPETENCY BY THIRD GRADE IS A CRITICAL MILESTONE IN ACHIEVING  
5 THIS GOAL;

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

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

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

25 (V) THE STUDENT'S READ PLAN WILL INCLUDE TARGETED,  
26 SCIENTIFICALLY BASED OR EVIDENCE-BASED INTERVENTION INSTRUCTION  
27 TO ADDRESS AND REMEDIATE THE STUDENT'S SPECIFIC, DIAGNOSED

1 READING SKILL DEFICIENCIES;     

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

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

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

25 (3) (a) IF, AFTER MAKING DOCUMENTED ATTEMPTS, THE TEACHER  
26 IS UNABLE TO MEET WITH THE STUDENT'S PARENT TO CREATE THE READ  
27 PLAN, THE TEACHER AND ANY OTHER SKILLED SCHOOL PROFESSIONALS

1 THE LOCAL EDUCATION PROVIDER MAY CHOOSE TO SELECT SHALL CREATE  
2 THE STUDENT'S READ PLAN AND ENSURE THAT THE STUDENT'S PARENT  
3 RECEIVES:

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

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

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

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

25 **22-7-1206. Reading to ensure academic development plan -**  
26 **contents - implementation.** (1) (a) A TEACHER, AND OTHER SKILLED  
27 SCHOOL PROFESSIONALS THAT THE LOCAL EDUCATION PROVIDER MAY

1 CHOOSE TO SELECT, SHALL CREATE A READ PLAN FOR EACH STUDENT  
2 WHO HAS A SIGNIFICANT READING DEFICIENCY. THE TEACHER AND ANY  
3 OTHER PERSONNEL SHALL CREATE THE PLAN IN COLLABORATION WITH THE  
4 STUDENT'S PARENT, IF POSSIBLE, AND AS SOON AS POSSIBLE AFTER THE  
5 STUDENT'S SIGNIFICANT READING DEFICIENCY IS IDENTIFIED. THE  
6 STUDENT, THE STUDENT'S TEACHER, AND THE STUDENT'S PARENT SHALL  
7 CONTINUE IMPLEMENTING THE STUDENT'S READ PLAN UNTIL THE  
8 STUDENT DEMONSTRATES READING COMPETENCY. THE STUDENT'S  
9 TEACHER SHALL REVIEW THE STUDENT'S READ PLAN AT LEAST ANNUALLY  
10 AND UPDATE OR REVISE THE READ PLAN AS APPROPRIATE TO FACILITATE  
11 THE STUDENT'S PROGRESS IN DEMONSTRATING READING COMPETENCY.

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

19 (2) (a) IF A STUDENT'S READING SKILLS ARE BELOW GRADE LEVEL  
20 EXPECTATIONS, AS ADOPTED BY THE STATE BOARD, BUT THE STUDENT  
21 DOES NOT HAVE A SIGNIFICANT READING DEFICIENCY, THE LOCAL  
22 EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES  
23 APPROPRIATE INTERVENTIONS THROUGH THE RESPONSE TO INTERVENTION  
24 FRAMEWORK OR A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY  
25 THE LOCAL EDUCATION PROVIDER.

26 (b) IF A STUDENT HAS A SIGNIFICANT READING DEFICIENCY, THE  
27 STUDENT'S READ PLAN SHALL INCLUDE THE INTERVENTION INSTRUCTION



1 THAT THE LOCAL EDUCATION PROVIDER PROVIDES THROUGH THE  
2 RESPONSE TO INTERVENTION FRAMEWORK OR A COMPARABLE  
3 INTERVENTION SYSTEM IMPLEMENTED BY THE LOCAL EDUCATION  
4 PROVIDER.

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

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

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

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

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

24 (c) THE TYPE OF ADDITIONAL INSTRUCTIONAL SERVICES AND  
25 INTERVENTIONS THAT STUDENTS WILL RECEIVE IN READING;

26 (d) THE SCIENTIFICALLY BASED OR EVIDENCE-BASED READING  
27 INSTRUCTIONAL PROGRAMMING THE TEACHER WILL USE TO PROVIDE TO

1 THE STUDENT DAILY READING APPROACHES, STRATEGIES, INTERVENTIONS,  
2 AND INSTRUCTION, WHICH PROGRAMS AT A MINIMUM SHALL ADDRESS THE  
3 AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,  
4 READING FLUENCY, INCLUDING ORAL SKILLS, AND READING  
5 COMPREHENSION. THE LOCAL EDUCATION PROVIDER MAY CHOOSE TO  
6 SELECT THE PROGRAMS FROM AMONG THOSE INCLUDED ON THE ADVISORY  
7 LIST PREPARED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-1209;

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

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

14 (g) ANY ADDITIONAL SERVICES THE TEACHER DEEMS AVAILABLE  
15 AND APPROPRIATE TO ACCELERATE THE STUDENT'S READING SKILL  
16 DEVELOPMENT.

17 (6) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A  
18 TEACHER CONTINUES TO REVISE AND IMPLEMENT A STUDENT'S READ  
19 PLAN UNTIL THE STUDENT ATTAINS READING COMPETENCY, REGARDLESS  
20 OF THE STUDENT'S GRADE LEVEL AND REGARDLESS OF WHETHER THE  
21 STUDENT WAS ENROLLED WITH THE LOCAL EDUCATION PROVIDER WHEN  
22 THE READ PLAN WAS ORIGINALLY CREATED OR THE STUDENT  
23 TRANSFERRED ENROLLMENT TO THE LOCAL EDUCATION PROVIDER AFTER  
24 THE READ PLAN WAS CREATED.

25 (7) (a) IF A STUDENT IS IDENTIFIED AS HAVING A SIGNIFICANT  
26 READING DEFICIENCY FOR A SECOND OR SUBSEQUENT CONSECUTIVE  
27 SCHOOL YEAR, THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT, IN

1 THE SECOND OR SUBSEQUENT CONSECUTIVE SCHOOL YEAR:

2 (I) THE STUDENT'S TEACHER REVISES THE STUDENT'S READ PLAN  
3 TO INCLUDE ADDITIONAL, MORE RIGOROUS STRATEGIES AND  
4 INTERVENTION INSTRUCTION TO ASSIST THE STUDENT IN ATTAINING  
5 READING COMPETENCY, INCLUDING INCREASED DAILY TIME IN SCHOOL FOR  
6 READING INSTRUCTION;

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

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

16 (b) IN ADDITION, WITH THE APPROVAL OF THE STUDENT'S PARENT,  
17 THE LOCAL EDUCATION PROVIDER MAY PROVIDE TO THE STUDENT MENTAL  
18 HEALTH SUPPORT FROM THE SCHOOL PSYCHOLOGIST, SCHOOL SOCIAL  
19 WORKER, OR SCHOOL COUNSELOR.

20 **22-7-1207. Advancement - decision - parental involvement.**

21 (1) BEGINNING NO LATER THAN THE 2013-14 SCHOOL YEAR, IF, WITHIN  
22 FORTY-FIVE DAYS BEFORE THE END OF ANY SCHOOL YEAR PRIOR TO A  
23 STUDENT'S FOURTH-GRADE YEAR, A TEACHER FINDS THAT A STUDENT HAS  
24 A SIGNIFICANT READING DEFICIENCY, PERSONNEL OF THE LOCAL  
25 EDUCATION PROVIDER SHALL PROVIDE TO THE STUDENT'S PARENT THE  
26 WRITTEN NOTICE DESCRIBED IN SUBSECTION (2) OF THIS SECTION; EXCEPT  
27 THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY IF:

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

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

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

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

THERE ARE SERIOUS IMPLICATIONS TO A STUDENT ENTERING FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND, THEREFORE, UNDER STATE LAW, THE PARENT, THE STUDENT'S TEACHER, AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE REQUIRED TO MEET AND CONSIDER RETENTION AS AN INTERVENTION STRATEGY AND DETERMINE WHETHER THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL;

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

(c) IF THE PARENT DOES NOT ATTEND THE MEETING, THE TEACHER AND PERSONNEL OF THE LOCAL EDUCATION PROVIDER WILL DECIDE

1 WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE LEVEL IN THE  
2 NEXT SCHOOL YEAR.

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

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

17 (I) THAT THERE ARE SERIOUS IMPLICATIONS TO A STUDENT  
18 ENTERING FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND,  
19 THEREFORE, UNDER STATE LAW, THE PARENT, THE STUDENT'S TEACHER,  
20 AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE  
21 REQUIRED TO MEET AND CONSIDER RETENTION AS AN INTERVENTION  
22 STRATEGY AND DETERMINE WHETHER THE STUDENT, DESPITE HAVING A  
23 SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE  
24 ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL;

25 (II) THE IMPORTANCE OF ACHIEVING READING COMPETENCY BY  
26 THE END OF THIRD GRADE, BECAUSE STUDENTS WHO ACHIEVE READING  
27 COMPETENCY BY THE END OF THIRD GRADE ARE MORE LIKELY TO

1 GRADUATE FROM HIGH SCHOOL AND ATTAIN A POSTSECONDARY  
2 CREDENTIAL;

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

7 (IV) THE INCREASED LEVEL OF INTERVENTION INSTRUCTION THE  
8 STUDENT WILL RECEIVE IN THE NEXT SCHOOL YEAR REGARDLESS OF  
9 WHETHER THE STUDENT ADVANCES TO THE NEXT GRADE LEVEL; AND

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

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

20 (5) AS SOON AS POSSIBLE AFTER THE DECISION IS MADE PURSUANT  
21 TO SUBSECTION (3) OF THIS SECTION OR AT THE CONCLUSION OF THE  
22 MEETING DESCRIBED IN SUBSECTION (4) OF THIS SECTION, THE PERSONNEL  
23 OF THE LOCAL EDUCATION PROVIDER SHALL PROVIDE TO THE PARENT A  
24 WRITTEN STATEMENT THAT THE STUDENT WILL OR WILL NOT ADVANCE TO  
25 THE NEXT GRADE LEVEL IN THE NEXT SCHOOL YEAR AND THE BASIS FOR  
26 THE DECISION. THE PERSONNEL SHALL ALSO PROVIDE A COPY OF THE  
27 STATEMENT TO THE \_\_\_\_\_ SCHOOL DISTRICT SUPERINTENDENT, IF THE

1 STUDENT IS ENROLLED IN A PUBLIC SCHOOL OF A SCHOOL DISTRICT THAT  
2 IS NOT A CHARTER SCHOOL, OR TO THE SCHOOL PRINCIPAL, IF THE STUDENT  
3 IS ENROLLED IN A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER  
4 SCHOOL, OR A PUBLIC SCHOOL OPERATED BY A BOARD OF COOPERATIVE  
5 SERVICES. THE LOCAL EDUCATION PROVIDER SHALL INCLUDE THE  
6 STATEMENT IN THE STUDENT'S PERMANENT ACADEMIC RECORD AND SHALL  
7 REMOVE THE STATEMENT FROM THE STUDENT'S PERMANENT ACADEMIC  
8 RECORD WHEN THE STUDENT ACHIEVES READING COMPETENCY.

9 (6) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b)  
10 SUBSECTION (4) OF THIS SECTION TO THE CONTRARY, BEGINNING WITH THE  
11 2016-17 SCHOOL YEAR, IF A STUDENT IS COMPLETING THIRD GRADE AND  
12 THE STUDENT'S TEACHER AND OTHER PERSONNEL DECIDE PURSUANT TO  
13 SUBSECTION (3) OF THIS SECTION OR THE STUDENT'S PARENT DECIDES  
14 PURSUANT TO SUBSECTION (4) OF THIS SECTION THAT THE STUDENT WILL  
15 ADVANCE TO FOURTH GRADE EVEN THOUGH THE STUDENT HAS A  
16 SIGNIFICANT READING DEFICIENCY, THE DECISION TO ADVANCE THE  
17 STUDENT IS SUBJECT TO APPROVAL OF THE SCHOOL DISTRICT  
18 SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, IF THE STUDENT  
19 IS ENROLLED IN A PUBLIC SCHOOL OF A SCHOOL DISTRICT THAT IS NOT A  
20 CHARTER SCHOOL, OR SUBJECT TO APPROVAL OF THE SCHOOL PRINCIPAL,  
21 IF THE STUDENT IS ENROLLED IN A DISTRICT CHARTER SCHOOL, AN  
22 INSTITUTE CHARTER SCHOOL, OR A PUBLIC SCHOOL OPERATED BY A BOARD  
23 OF COOPERATIVE SERVICES. IF THE SUPERINTENDENT, OR HIS OR HER  
24 DESIGNEE, OR THE PRINCIPAL, WHICHEVER IS APPLICABLE, DOES NOT  
25 APPROVE THE DECISION TO ADVANCE THE STUDENT, THE STUDENT SHALL  
26 NOT ADVANCE TO FOURTH GRADE IN THE NEXT SCHOOL YEAR. AS SOON AS  
27 POSSIBLE, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE A WRITTEN

1 STATEMENT \_\_\_\_\_ TO THE PARENT CONCERNING THE DECISION OF THE  
2 SUPERINTENDENT OR DESIGNEE OR THE PRINCIPAL AND THE BASIS FOR THE  
3 DECISION. THE LOCAL EDUCATION PROVIDER SHALL INCLUDE THE  
4 STATEMENT \_\_\_\_\_ IN THE STUDENT'S PERMANENT ACADEMIC RECORD AND  
5 SHALL REMOVE THE STATEMENT FROM THE STUDENT'S PERMANENT  
6 ACADEMIC RECORD WHEN THE STUDENT ACHIEVES READING COMPETENCY.

7 \_\_\_\_\_  
8 (7) THE PROVISIONS OF THIS SECTION SPECIFY THE  
9 CIRCUMSTANCES UNDER WHICH A LOCAL EDUCATION PROVIDER, IN  
10 COLLABORATION WITH A STUDENT'S TEACHER AND PARENT, IS REQUIRED  
11 TO DECIDE WHETHER A STUDENT WHO HAS A SIGNIFICANT READING  
12 DEFICIENCY SHOULD ADVANCE TO THE NEXT GRADE LEVEL. THE  
13 PROVISIONS OF THIS PART 12 DO NOT LIMIT THE ABILITY OF A LOCAL  
14 EDUCATION PROVIDER TO DECIDE, IN ACCORDANCE WITH POLICIES AND  
15 PROCEDURES OF THE LOCAL EDUCATION PROVIDER, THAT A STUDENT AT  
16 ANY GRADE LEVEL SHOULD NOT ADVANCE TO THE NEXT GRADE LEVEL FOR  
17 ANY REASON DEEMED SUFFICIENT BY THE LOCAL EDUCATION PROVIDER.

18 \_\_\_\_\_  
19 **22-7-1208. Local education providers - procedures.** (1) EACH  
20 LOCAL EDUCATION PROVIDER SHALL ADOPT THE PROCEDURES NECESSARY  
21 TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS PART 12. IN  
22 ADOPTING PROCEDURES, A LOCAL EDUCATION PROVIDER SHALL COMPLY  
23 WITH AND MAY EXCEED THE REQUIREMENTS OF THIS PART 12.  
24 PROCEDURES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, PROCEDURES  
25 FOR:  
26 (a) CREATING A READ PLAN AND THE CONTENTS OF A READ  
27 PLAN;



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

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

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

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

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

21 22-7-1209. State board - rules - department - duties. (1) THE  
22 STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH THE  
23 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,  
24 C.R.S., AS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS PART 12,  
25 WHICH RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

26 ==  
27 (a) THE MINIMUM READING COMPETENCY SKILL LEVELS IN THE

1 AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,  
2 READING FLUENCY, INCLUDING ORAL SKILLS, AND READING  
3 COMPREHENSION FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD  
4 GRADES. THE STATE BOARD SHALL BASE THE MINIMUM SKILL LEVELS FOR  
5 SECOND AND THIRD GRADES PRIMARILY ON SCORES ATTAINED ON THE  
6 ASSESSMENTS APPROVED BY THE STATE BOARD PURSUANT TO PARAGRAPH  
7 (b) OF THIS SUBSECTION (1). THE STATE BOARD SHALL DESCRIBE THE  
8 MINIMUM SKILL LEVELS FOR STUDENTS AS THEY COMPLETE  
9 KINDERGARTEN AND FIRST GRADE USING MATRICES OF APPROPRIATE  
10 INDICATORS, WHICH INDICATORS MAY INCLUDE MEASURES OF STUDENTS'  
11 SOCIAL AND EMOTIONAL DEVELOPMENT, PHYSICAL DEVELOPMENT,  
12 LANGUAGE AND COMPREHENSION DEVELOPMENT, AND COGNITION AND  
13 GENERAL KNOWLEDGE. THE STATE BOARD SHALL ADOPT THE RULES  
14 DESCRIBED IN THIS PARAGRAPH (a) BY MARCH 31, 2013

15 (b) THE LIST OF APPROVED READING ASSESSMENTS, BASED ON THE  
16 RECOMMENDATIONS OF THE DEPARTMENT, THAT LOCAL EDUCATION  
17 PROVIDERS MAY USE TO MEET THE REQUIREMENTS SPECIFIED IN SECTION  
18 22-7-1205. THE STATE BOARD SHALL ADOPT THE LIST OF APPROVED  
19 READING ASSESSMENTS BY MARCH 31, 2013

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

26 (d) RULES TO PROVIDE NOTICE OF THE ASSESSMENTS INCLUDED ON  
27 THE APPROVED LIST OF ASSESSMENTS AND A PROCESS BY WHICH

1 PUBLISHERS WHO SUBMIT MATERIALS FOR INCLUSION ON THE LIST MAY  
2 REQUEST RECONSIDERATION;

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

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

8 [REDACTED]

9 (2) (a) (I) USING THE PROCEDURE DEVELOPED PURSUANT TO  
10 SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW AND  
11 RECOMMEND TO THE STATE BOARD READING ASSESSMENTS, INCLUDING  
12 INTERIM, \_\_\_\_\_ SUMMATIVE, AND DIAGNOSTIC ASSESSMENTS, FOR  
13 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES THAT, AT A  
14 MINIMUM, MEET THE CRITERIA SPECIFIED IN SUBPARAGRAPH (II) OF THIS  
15 PARAGRAPH (a). FOLLOWING ACTION BY THE STATE BOARD TO APPROVE  
16 READING ASSESSMENTS PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1)  
17 OF THIS SECTION, THE DEPARTMENT SHALL CREATE A LIST OF THE  
18 APPROVED READING ASSESSMENTS FOR KINDERGARTEN AND FIRST,  
19 SECOND, AND THIRD GRADES FOR USE BY LOCAL EDUCATION PROVIDERS.

20 (II) THE DEPARTMENT SHALL ENSURE THAT:

21 (A) EACH OF THE RECOMMENDED READING ASSESSMENTS IS  
22 SCIENTIFICALLY BASED; EXCEPT THAT THE DEPARTMENT MAY  
23 RECOMMEND AND THE STATE BOARD MAY, UNTIL JULY 1, 2016, INCLUDE  
24 ON THE APPROVED LIST OF ASSESSMENTS ANY READING ASSESSMENT  
25 APPROVED BY THE STATE BOARD PRIOR TO JULY 1, 2012, REGARDLESS OF  
26 WHETHER IT IS SCIENTIFICALLY BASED;

27 (B) EACH OF THE RECOMMENDED READING ASSESSMENTS IS

1 PROVEN TO EFFECTIVELY AND ACCURATELY MEASURE STUDENTS' READING  
2 SKILLS IN THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY  
3 DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND  
4 READING COMPREHENSION;

5 (C) EACH OF THE RECOMMENDED READING DIAGNOSTICS IS  
6 PROVEN TO ACCURATELY IDENTIFY STUDENTS' SPECIFIC READING SKILL  
7 DEFICIENCIES; AND

8 (D) AT LEAST ONE OF THE RECOMMENDED READING ASSESSMENTS  
9 FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IS NORMED  
10 FOR THE PERFORMANCE OF STUDENTS WHO SPEAK SPANISH AS THEIR  
11 NATIVE LANGUAGE, WHICH ASSESSMENT IS AVAILABLE IN BOTH ENGLISH  
12 AND SPANISH.

13 (b) USING THE PROCEDURE DEVELOPED PURSUANT TO SUBSECTION  
14 (3) OF THIS SECTION, THE DEPARTMENT SHALL CREATE AN ADVISORY LIST  
15 OF SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTIONAL  
16 PROGRAMMING IN READING THAT LOCAL EDUCATION PROVIDERS ARE  
17 ENCOURAGED TO USE. THE ADVISORY LIST SHALL INCLUDE ONLY  
18 PROGRAMMING THAT, AT A MINIMUM:

19 (I) HAS BEEN PROVEN TO ACCELERATE STUDENT PROGRESS IN  
20 ATTAINING READING COMPETENCY;

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

25 (III) INCLUDES SCIENTIFICALLY BASED AND RELIABLE  
26 ASSESSMENTS;

27 (IV) PROVIDES INITIAL AND ONGOING ANALYSIS OF THE STUDENT'S

1 PROGRESS IN ATTAINING READING COMPETENCY; AND

2 (V) INCLUDES TEXTS ON CORE ACADEMIC CONTENT TO ASSIST THE

3 STUDENT IN MAINTAINING OR MEETING GRADE-APPROPRIATE PROFICIENCY

4 LEVELS IN ACADEMIC SUBJECTS IN ADDITION TO READING.

5 (c) USING THE PROCEDURE DEVELOPED PURSUANT TO SUBSECTION

6 (3) OF THIS SECTION, THE DEPARTMENT SHALL CREATE AN ADVISORY LIST

7 OF PROFESSIONAL DEVELOPMENT PROGRAMS THAT ARE RELATED TO

8 ADDRESSING   SIGNIFICANT READING DEFICIENCIES AND TO APPLYING

9 INTERVENTION INSTRUCTION AND STRATEGIES, IN ADDITION TO PROGRAMS

10 RELATED TO TEACHING GENERAL LITERACY, THAT LOCAL EDUCATION

11 PROVIDERS ARE ENCOURAGED TO USE.

12 (d) THE DEPARTMENT SHALL MAKE THE APPROVED LIST OF

13 ASSESSMENTS AVAILABLE ON THE DEPARTMENT WEB SITE ON OR BEFORE

14 APRIL 1, 2013, AND THE ADVISORY LISTS OF INSTRUCTIONAL

15 PROGRAMMING AND PROFESSIONAL DEVELOPMENT PROGRAMS AVAILABLE

16 ON THE DEPARTMENT WEB SITE ON OR BEFORE JULY 1, 2013. THE

17 DEPARTMENT IS NOT REQUIRED TO PROVIDE COPIES OF ANY READING

18 ASSESSMENTS, INSTRUCTIONAL PROGRAMMING, OR PROFESSIONAL

19 DEVELOPMENT PROGRAMS THAT ARE INCLUDED ON THE LISTS. IF THE

20 DEPARTMENT DOES PROVIDE COPIES OF ANY MATERIALS THAT IT ACQUIRES

21 BY PURCHASE OF A LICENSE FOR USE BY LOCAL EDUCATION PROVIDERS,

22 SAID MATERIALS MAY BE USED ONLY IN ACCORDANCE WITH THE LICENSE.

23 (e) EACH LOCAL EDUCATION PROVIDER SHALL SELECT FROM THE

24 LIST OF APPROVED READING ASSESSMENTS THOSE READING ASSESSMENTS

25 THAT IT WILL ADMINISTER TO STUDENTS IN KINDERGARTEN AND FIRST,

26 SECOND, AND THIRD GRADES. EACH LOCAL EDUCATION PROVIDER IS

27 ENCOURAGED TO USE THE INSTRUCTIONAL PROGRAMMING IN READING

1 AND PROFESSIONAL DEVELOPMENT PROGRAMS INCLUDED ON THE  
2 ADVISORY LISTS. THE DEPARTMENT AND EACH LOCAL EDUCATION  
3 PROVIDER, IN USING THE ASSESSMENTS, INSTRUCTIONAL PROGRAMMING  
4 IN READING, AND PROFESSIONAL DEVELOPMENT PROGRAMS THAT ARE  
5 INCLUDED ON THE LISTS SHALL COMPLY WITH THE FEDERAL COPYRIGHT  
6 LAWS, 17 U.S.C. SEC. 101 ET SEQ.

7 (3) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A  
8 PROCEDURE FOR IDENTIFYING THE READING ASSESSMENTS IT  
9 RECOMMENDS TO THE STATE BOARD FOR THE APPROVED LIST OF READING  
10 ASSESSMENTS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS  
11 SECTION AND FOR CREATING THE ADVISORY LISTS OF INSTRUCTIONAL  
12 PROGRAMMING AND PROFESSIONAL DEVELOPMENT PROGRAMS DESCRIBED  
13 IN PARAGRAPHS (b) AND (c) OF SUBSECTION (2) OF THIS SECTION. AT A  
14 MINIMUM, THE PROCEDURE SHALL INCLUDE:

15 (a) PERIODICALLY SOLICITING THROUGH PUBLIC NOTICE,  
16 ACCEPTING, AND PROMPTLY REVIEWING ASSESSMENTS, INSTRUCTIONAL  
17 PROGRAMMING, AND PROFESSIONAL DEVELOPMENT PROGRAMS FROM EACH  
18 LOCAL EDUCATION PROVIDER AND FROM PUBLISHERS;

19 (b) EVALUATING THE ASSESSMENTS, INSTRUCTIONAL  
20 PROGRAMMING, AND PROFESSIONAL DEVELOPMENT PROGRAMS THAT THE  
21 DEPARTMENT IDENTIFIES OR RECEIVES, WHICH EVALUATION IS BASED ON  
22 THE CRITERIA SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND ANY  
23 ADDITIONAL CRITERIA THE STATE BOARD MAY ADOPT BY RULE. THE  
24 DEPARTMENT MAY CONTRACT WITH AN INDEPENDENT, THIRD-PARTY  
25 EVALUATOR APPROVED BY THE STATE BOARD TO EVALUATE THE  
26 MATERIALS. THE DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD  
27 THE READING ASSESSMENTS THAT MEET THE REQUIREMENTS SPECIFIED IN

1 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

2 (c) PERIODICALLY REVIEWING THE LIST OF APPROVED  
3 ASSESSMENTS AND THE ADVISORY LISTS TO UPDATE THE LISTS AND ADD  
4 ADDITIONAL ITEMS, WHEN APPROPRIATE; AND

5 (d) PUBLISHING ON THE DEPARTMENT'S WEBSITE THE INITIAL AND  
6 UPDATED APPROVED LIST OF READING ASSESSMENTS AND ADVISORY LISTS  
7 OF INSTRUCTIONAL PROGRAMMING AND PROFESSIONAL DEVELOPMENT  
8 PROGRAMS.

9 (4) THE DEPARTMENT SHALL SPECIFY THE INFORMATION THAT  
10 LOCAL EDUCATION PROVIDERS SHALL SUBMIT PURSUANT TO SECTION  
11 22-7-1213 AND SHALL ANALYZE THE INFORMATION AS NECESSARY TO  
12 MAKE THE DETERMINATIONS SPECIFIED IN SECTION 22-7-1213. IF ANOTHER  
13 RULE OR STATUTE REQUIRES LOCAL EDUCATION PROVIDERS TO SUBMIT  
14 ANY PORTION OF THE SPECIFIED INFORMATION, THE DEPARTMENT SHALL  
15 NOT REQUIRE LOCAL EDUCATION PROVIDERS TO RESUBMIT THE  
16 INFORMATION, BUT SHALL APPLY THE INFORMATION RECEIVED PURSUANT  
17 TO THE OTHER RULE OR STATUTE IN PREPARING THE ANALYSIS REQUIRED  
18 IN SECTION 22-7-1213.

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

26 (6) THE DEPARTMENT, UPON REQUEST, MAY PROVIDE TECHNICAL  
27 ASSISTANCE TO A LOCAL EDUCATION PROVIDER IN IMPLEMENTING THE

1 PROVISIONS OF THIS PART 12.

2

3 22-7-1210. Early literacy fund - created - repeal. (1) THE  
4 EARLY LITERACY FUND IS HEREBY CREATED IN THE STATE TREASURY AND  
5 IS REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST  
6 OF:

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

9 (b) MONEYS TRANSFERRED TO THE FUND PURSUANT TO  
10 SUBSECTION (3) OF THIS SECTION;

11 (c) MONEYS TRANSFERRED TO THE FUND PURSUANT TO SECTION  
12 22-41-102 (3) (c); AND

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

15 (2) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND  
16 NOT EXPENDED FOR THE PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS  
17 SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL  
18 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF  
19 MONEYS IN THE FUND TO THE FUND. ANY AMOUNT REMAINING IN THE  
20 FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND  
21 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO  
22 ANY OTHER FUND.

23 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (1)  
24 (h) AND (5), C.R.S., BEGINNING WITH THE 2012-13 FISCAL YEAR, AND FOR  
25 EACH FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS  
26 PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, THE STATE  
27 TREASURER SHALL ANNUALLY TRANSFER TO THE FUND FIVE PERCENT OF



1 THE AMOUNT OF MONEYS RECEIVED BY THE STATE IN ACCORDANCE WITH  
2 THE MASTER SETTLEMENT AGREEMENT, OTHER THAN ATTORNEY FEES AND  
3 COSTS, FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT THE AMOUNT SO  
4 TRANSFERRED TO THE FUND IN ANY FISCAL YEAR SHALL NOT EXCEED  
5 EIGHT MILLION DOLLARS. THE STATE TREASURER SHALL TRANSFER THE  
6 AMOUNT SPECIFIED IN THIS SUBSECTION (3) FROM MONEYS CREDITED TO  
7 THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION  
8 24-22-115, C.R.S.

9 (4) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL  
10 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT. THE  
11 DEPARTMENT SHALL ANNUALLY EXPEND THE MONEYS IN THE FUND AS  
12 FOLLOWS:

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

14 (A) THE DEPARTMENT SHALL USE THE MONEYS IN THE FUND TO  
15 PAY THE GRANTS THAT WERE AWARDED FROM THE READ-TO-ACHIEVE  
16 CASH FUND PURSUANT TO PART 9 OF THIS ARTICLE AS IT EXISTED PRIOR TO  
17 JULY 1, 2012, AND ARE NOT FULLY DISTRIBUTED AS OF JUNE 30, 2012;  
18 EXCEPT THAT ANY PORTION OF ANY OF SAID GRANTS THAT THE GRANTEE  
19 IS REQUIRED TO USE IN PAYMENT FOR DEPARTMENT CONSULTANTS IS  
20 RESCINDED, EFFECTIVE JULY 1, 2012; AND

21 (B) THE DEPARTMENT MAY USE ANY AMOUNT REMAINING AFTER  
22 THE PAYMENTS DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS  
23 SUBPARAGRAPH (I) TO PROVIDE LITERACY SUPPORT ON A REGIONAL BASIS  
24 TO LOCAL EDUCATION PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE  
25 REQUIREMENTS OF THIS PART 12.

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

27 (b) BEGINNING IN THE 2013-14 BUDGET YEAR AND FOR BUDGET

1 YEARS THEREAFTER:

2 (I) THE DEPARTMENT SHALL USE ONE MILLION DOLLARS TO  
3 PROVIDE LITERACY SUPPORT ON A REGIONAL BASIS TO LOCAL EDUCATION  
4 PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE REQUIREMENTS OF THIS  
5 PART 12;

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

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

12 (IV) THE DEPARTMENT SHALL ALLOCATE THE REMAINING MONEYS  
13 ANNUALLY CREDITED TO THE FUND TO THE LOCAL EDUCATION PROVIDERS  
14 AS PER-PUPIL INTERVENTION MONEYS CALCULATED PURSUANT TO  
15 SUBSECTION (5) OF THIS SECTION.

16 (5) (a) (I) THE DEPARTMENT SHALL ALLOCATE THE PER-PUPIL  
17 INTERVENTION MONEYS TO THE LOCAL EDUCATION PROVIDERS AS  
18 REQUIRED IN PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION BY FIRST  
19 DIVIDING THE AMOUNT OF MONEYS AVAILABLE BY THE TOTAL NUMBER OF  
20 STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD  
21 GRADES IN PUBLIC SCHOOLS IN THE STATE WHO WERE IDENTIFIED AS  
22 HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED  
23 INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET  
24 YEAR PRECEDING THE YEAR IN WHICH THE MONEYS ARE ALLOCATED. THE  
25 DEPARTMENT SHALL THEN ALLOCATE TO EACH LOCAL EDUCATION  
26 PROVIDER AN AMOUNT EQUAL TO SAID PER-PUPIL AMOUNT MULTIPLIED BY  
27 THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST,

1 SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL  
2 EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT  
3 READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES  
4 PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR  
5 IN WHICH THE MONEYS ARE ALLOCATED.

6 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH  
7 (I) OF THIS PARAGRAPH (a), FOR THE 2013-14 BUDGET YEAR, THE  
8 DEPARTMENT SHALL ALLOCATE THE PER-PUPIL INTERVENTION MONEYS TO  
9 THE LOCAL EDUCATION PROVIDERS AS REQUIRED IN PARAGRAPH (d) OF  
10 SUBSECTION (4) OF THIS SECTION BY FIRST DIVIDING THE AMOUNT OF  
11 MONEYS AVAILABLE BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN  
12 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC  
13 SCHOOLS IN THE STATE WHO ARE IDENTIFIED AS HAVING SIGNIFICANT  
14 READING DEFICIENCIES IN THE 2012-13 BUDGET YEAR. THE DEPARTMENT  
15 SHALL THEN ALLOCATE TO EACH LOCAL EDUCATION PROVIDER AN  
16 AMOUNT EQUAL TO SAID PER-PUPIL AMOUNT MULTIPLIED BY THE NUMBER  
17 OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND  
18 THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION  
19 PROVIDER WHO ARE IDENTIFIED AS HAVING SIGNIFICANT READING  
20 DEFICIENCIES IN THE 2012-13 BUDGET YEAR.

21 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,  
22 2014.

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

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

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

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

5           (IV) TO PROVIDE OTHER TARGETED, SCIENTIFICALLY BASED OR  
6           EVIDENCE-BASED INTERVENTION SERVICES TO STUDENTS WITH  
7           SIGNIFICANT READING DEFICIENCIES, WHICH SERVICES ARE APPROVED BY  
8           THE DEPARTMENT.

9           (c) EACH BUDGET YEAR, PRIOR TO RECEIVING PER-PUPIL  
10          INTERVENTION MONEYS, EACH LOCAL EDUCATION PROVIDER SHALL  
11          SUBMIT TO THE DEPARTMENT, FOR INFORMATIONAL PURPOSES, AN  
12          EXPLANATION OF THE MANNER IN WHICH IT WILL USE THE MONEYS IN THE  
13          COMING BUDGET YEAR AND THE NUMBER OF STUDENTS FOR WHICH THE  
14          LOCAL EDUCATION PROVIDER MAY RECEIVE PER-PUPIL INTERVENTION  
15          MONEYS. IF THE LOCAL EDUCATION PROVIDER INTENDS TO PROVIDE A  
16          SERVICE DESCRIBED IN SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF THIS  
17          SUBSECTION (5), THE DEPARTMENT SHALL REVIEW THE SERVICE AND  
18          PROVIDE THE PER-PUPIL INTERVENTION MONEYS FOR THE SERVICE ONLY  
19          IF THE SERVICE MEETS THE REQUIREMENTS SPECIFIED IN SAID  
20          SUBPARAGRAPH (IV).

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

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

15           (2) THE DEPARTMENT SHALL REVIEW EACH GRANT APPLICATION  
16 RECEIVED AND RECOMMEND TO THE STATE BOARD WHETHER TO AWARD  
17 THE GRANT AND THE DURATION AND AMOUNT OF EACH GRANT. IN MAKING  
18 RECOMMENDATIONS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING  
19 FACTORS:

20           (a) THE PERCENTAGE OF KINDERGARTEN AND FIRST-, SECOND-,  
21 AND THIRD-GRADE STUDENTS ENROLLED BY THE APPLYING LOCAL  
22 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS WHO  
23 HAVE SIGNIFICANT READING DEFICIENCIES OR, FOR THE 2012-13 BUDGET  
24 YEAR ONLY, WHO HAVE INDIVIDUAL LITERACY PLANS;

25           (b) THE INSTRUCTIONAL PROGRAM THAT THE APPLYING LOCAL  
26 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS PLANS  
27 TO IMPLEMENT USING THE GRANT MONEYS AND WHETHER IT IS AN

1 EVIDENCE-BASED PROGRAM THAT IS PROVEN TO BE SUCCESSFUL IN OTHER  
2 PUBLIC SCHOOLS IN THE COUNTRY;

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

6 (d) ANY ADDITIONAL FACTORS THE STATE BOARD MAY REQUIRE BY  
7 RULE.

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

13 **22-7-1212. Summer school literacy programs.** (1) A LOCAL  
14 EDUCATION PROVIDER MAY CHOOSE TO USE PER-PUPIL INTERVENTION  
15 MONEYS TO PROVIDE AN EVIDENCE-BASED SUMMER SCHOOL LITERACY  
16 PROGRAM TO ASSIST STUDENTS WHO ARE ENROLLED IN KINDERGARTEN OR  
17 FIRST, SECOND, OR THIRD GRADE AND WHO HAVE SIGNIFICANT READING  
18 DEFICIENCIES TO ACHIEVE READING COMPETENCY. A LOCAL EDUCATION  
19 PROVIDER MAY ALLOW STUDENTS WHO ARE BELOW GRADE LEVEL  
20 EXPECTATIONS IN READING, BUT WHO DO NOT HAVE SIGNIFICANT READING  
21 DEFICIENCIES, TO PARTICIPATE IN A SUMMER SCHOOL LITERACY PROGRAM  
22 OPERATED PURSUANT TO THIS SECTION IF CAPACITY REMAINS AFTER  
23 SERVING ALL OF THE STUDENTS WITH SIGNIFICANT READING DEFICIENCIES  
24 WHO CHOOSE TO PARTICIPATE.

25 (2) A LOCAL EDUCATION PROVIDER THAT INTENDS TO USE  
26 PER-PUPIL INTERVENTION MONEYS TO OPERATE A SUMMER SCHOOL  
27 LITERACY PROGRAM SHALL ANNUALLY PROVIDE TO THE DEPARTMENT

1 INFORMATION CONCERNING THE SUMMER SCHOOL LITERACY PROGRAM  
2 THE LOCAL EDUCATION PROVIDER INTENDS TO OPERATE. THE LOCAL  
3 EDUCATION PROVIDER SHALL ENSURE THAT THE PROGRAM:

4 (a) SERVES ONLY STUDENTS ENROLLED IN KINDERGARTEN OR  
5 FIRST, SECOND, OR THIRD GRADE WHO HAVE SIGNIFICANT READING  
6 DEFICIENCIES, EXCEPT AS SPECIFICALLY ALLOWED IN SUBSECTION (1) OF  
7 THIS SECTION FOR STUDENTS WHO ARE BELOW GRADE LEVEL  
8 EXPECTATIONS IN READING; AND

9 (b) USES SCIENTIFICALLY BASED OR EVIDENCE-BASED  
10 INSTRUCTIONAL PROGRAMMING IN READING THAT:

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

13 (II) PROVIDES EXPLICIT AND SYSTEMATIC SKILL DEVELOPMENT IN  
14 THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY  
15 DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND  
16 READING COMPREHENSION;

17 (III) INCLUDES SCIENTIFICALLY BASED AND RELIABLE  
18 ASSESSMENTS; AND

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

21 **22-7-1213. Reporting requirements. (1) EACH LOCAL**  
22 **EDUCATION PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT**  
23 **INFORMATION NECESSARY TO DETERMINE:**

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

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

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

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

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

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

15 (2) EACH LOCAL EDUCATION PROVIDER THAT RECEIVES AN EARLY  
16 LITERACY GRANT PURSUANT TO SECTION 22-7-1211 OR PER-PUPIL  
17 INTERVENTION MONEYS SHALL, AT THE CONCLUSION OF EACH BUDGET  
18 YEAR IN WHICH IT RECEIVES THE GRANT OR PER-PUPIL INTERVENTION  
19 MONEYS, SUBMIT TO THE DEPARTMENT INFORMATION DESCRIBING:

20 (a) THE INSTRUCTIONAL PROGRAMS, FULL-DAY KINDERGARTEN  
21 PROGRAM, SUMMER SCHOOL LITERACY PROGRAM, TUTORING SERVICES, OR  
22 OTHER INTERVENTION SERVICES FOR WHICH THE LOCAL EDUCATION  
23 PROVIDER USED THE GRANT OR PER-PUPIL INTERVENTION MONEYS;

24 (b) THE NUMBER AND GRADE LEVELS OF STUDENTS WHO  
25 PARTICIPATED IN EACH OF THE TYPES OF PROGRAMS OR SERVICES  
26 PROVIDED; AND

27 (c) THE PROGRESS MADE BY PARTICIPATING STUDENTS IN



1 ACHIEVING READING COMPETENCY.

2 (3) (a) THE DEPARTMENT SHALL ANNUALLY ANALYZE THE  
3 INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION  
4 AND MAKE THE DETERMINATIONS DESCRIBED IN SUBSECTION (1) OF THIS  
5 SECTION.

6 (b) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE STATE  
7 BOARD, THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF  
8 THE HOUSE OF REPRESENTATIVES, AND THE EDUCATION COMMITTEES OF  
9 THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR  
10 COMMITTEES, AND SHALL POST ON THE DEPARTMENT WEB SITE A REPORT  
11 THAT SUMMARIZES:

12 (I) THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF  
13 THIS SECTION AND THE DETERMINATIONS MADE BY THE DEPARTMENT  
14 BASED ON THE INFORMATION;

15 (II) THE IMPLEMENTATION OF THE EARLY LITERACY GRANT  
16 PROGRAM IN THE PRECEDING BUDGET YEAR, INCLUDING THE NUMBER OF  
17 GRANTS, THE LOCAL EDUCATION PROVIDERS THAT RECEIVED GRANTS, AND  
18 THE AMOUNT OF EACH GRANT; AND

19 (III) THE INFORMATION RECEIVED BY THE DEPARTMENT PURSUANT  
20 TO SUBSECTION (2) OF THIS SECTION.

21 (c) THE DEPARTMENT MAY PROVIDE THE REPORT DESCRIBED IN  
22 PARAGRAPH (b) OF THIS SUBSECTION (3) TO COMMITTEES OF THE GENERAL  
23 ASSEMBLY IN CONJUNCTION WITH THE REPORT REQUIRED IN SECTION  
24 2-7-203, C.R.S.

25 (4) THE INFORMATION PROVIDED IN THE REPORT DESCRIBED IN  
26 THIS SECTION IS INTENDED TO ASSIST THE DEPARTMENT, THE STATE  
27 BOARD, THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE PUBLIC IN

1 MONITORING THE IMPLEMENTATION OF AND IDENTIFYING THE RESULTS  
2 ACHIEVED IN IMPLEMENTING THIS PART 12.

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

5 **22-11-202. Colorado growth model - technical advisory panel**  
6 **- rules. (2) (c) THE DEPARTMENT AND THE STATE BOARD SHALL CONSULT**  
7 **WITH THE TECHNICAL ADVISORY PANEL CONCERNING:**

8 **(I) THE SCORES ON THE KINDERGARTEN AND FIRST, SECOND, AND**  
9 **THIRD GRADE READING ASSESSMENTS APPROVED PURSUANT TO SECTION**  
10 **22-7-1209 (1) (b) THAT WILL IDENTIFY, AS REQUIRED IN SECTION**  
11 **22-7-1209 (1) (a), THE MINIMUM READING COMPETENCY SKILL LEVELS IN**  
12 **THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY**  
13 **DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND**  
14 **READING COMPREHENSION FOR KINDERGARTEN AND FIRST, SECOND, AND**  
15 **THIRD GRADES;**

16 **(II) THE AMOUNT OF ADDITIONAL CREDIT TOWARD**  
17 **ACCREDITATION THAT EACH LOCAL EDUCATION PROVIDER MAY RECEIVE**  
18 **PURSUANT TO SECTION 22-11-204 (3) (b); AND**

19 **(III) METHODS OF INCLUDING IN THE ACCREDITATION PROCESS**  
20 **CONSIDERATION OF STUDENT PROGRESS IN ATTAINING READING**  
21 **COMPETENCY, AS DEFINED IN SECTION 22-7-1203 (10), IN KINDERGARTEN**  
22 **AND FIRST AND SECOND GRADE.**

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

25 **22-11-204. Performance indicators - measures. (3) (a) The**  
26 **department shall determine the level of attainment of each public school,**  
27 **each school district, the institute, and the state as a whole on the**

1 performance indicator that concerns student achievement levels on the  
2 statewide assessments by using the following measures:

3 (a) (I) For each student enrolled in a public school in the state, the  
4 department shall determine the student's achievement level in the subjects  
5 included in the statewide assessments, as demonstrated by the score  
6 achieved by the student on the statewide assessments. The state board  
7 shall specify the score ranges that constitute each of the achievement  
8 levels.

9 (b) (II) For each public school, the department shall calculate the  
10 percentage of students enrolled in the public school at each grade level  
11 who score at each of the achievement levels on the statewide assessments  
12 in each of the subjects included in the statewide assessments.

13 (c) (III) For each school district and the institute, the department  
14 shall calculate the percentage of all students enrolled in the district public  
15 schools or in the institute charter schools who score at each of the  
16 achievement levels in the subjects included in the statewide assessments.

17 (d) (IV) For the state, the department shall calculate the  
18 percentage of all students enrolled in the public schools in the state who  
19 score at each of the achievement levels in the subjects included in the  
20 statewide assessments.

21 (b) BEGINNING IN THE 2013-14 SCHOOL YEAR, IN DETERMINING  
22 THE LEVEL OF ATTAINMENT OF A PUBLIC SCHOOL THAT INCLUDES THIRD  
23 AND FOURTH GRADES, A SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE  
24 AS A WHOLE ON THE PERFORMANCE INDICATOR THAT CONCERNS STUDENT  
25 ACHIEVEMENT LEVELS, THE DEPARTMENT SHALL CALCULATE THE  
26 PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL IN THIRD  
27 AND FOURTH GRADES WHO WERE AT ONE TIME IDENTIFIED AS HAVING A

1 SIGNIFICANT READING DEFICIENCY PURSUANT TO SECTION 22-7-1205 AND  
2 WHO SCORE PARTIALLY PROFICIENT, PROFICIENT, OR ADVANCED ON THE  
3 STATEWIDE READING ASSESSMENT IN THIRD OR FOURTH GRADE. THE  
4 STATE BOARD SHALL ADOPT RULES BY WHICH A PUBLIC SCHOOL, A SCHOOL  
5 DISTRICT, AND THE INSTITUTE RECEIVE ADDITIONAL CREDIT TOWARD  
6 THEIR ACCREDITATION RATINGS USING THE PERCENTAGES CALCULATED  
7 PURSUANT TO THIS PARAGRAPH (b), WHICH ADDITIONAL CREDIT IS  
8 INCREASED BASED ON THE LEVEL OF PERFORMANCE.

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

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

13 (3) A district or institute performance plan shall be designed to raise the  
14 academic performance of students enrolled in the school district or in the  
15 institute charter schools and to ensure that the school district or the  
16 institute, following the next annual accreditation review, attains a higher  
17 accreditation category or remains in the same accreditation category if the  
18 school district or institute is accredited with distinction. At a minimum,  
19 each district and institute performance plan shall:

20 (a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE  
21 NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND,  
22 AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205  
23 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET, REAFFIRM, OR  
24 REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE  
25 SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE  
26 INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN  
27 IN 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 6.** In Colorado Revised Statutes, 22-11-304, **add** (3)  
4 (a.5) as follows:

5 **22-11-304. Accredited with improvement plan - school district**  
6 **or institute - plan contents - adoption.** (3) A district improvement plan  
7 or an institute improvement plan shall be designed to ensure that the  
8 school district or the institute improves its performance to the extent that,  
9 following completion of its next annual accreditation review, the school  
10 district or the institute attains a higher accreditation category. At a  
11 minimum, a district improvement plan or an institute improvement plan  
12 shall:

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

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

25 **22-11-305. Accredited with priority improvement plan - school**  
26 **district or institute - plan contents - adoption.** (3) A district priority  
27 improvement plan or an institute priority improvement plan shall be

1 designed to ensure that the school district or the institute improves its  
2 performance to the extent that, following completion of its next annual  
3 accreditation review, the school district or the institute attains a higher  
4 accreditation category. At a minimum, a district priority improvement  
5 plan or an institute priority improvement plan shall:

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

16 **SECTION 8. In Colorado Revised Statutes, 22-11-306, add (3)**

17 (a.5) as follows:

18 **22-11-306. Accredited with turnaround plan - school district**  
19 **or institute - plan content - adoption. (3) A district turnaround plan or**  
20 **an institute turnaround plan shall be designed to ensure that the school**  
21 **district or the institute improves its performance to the extent that,**  
22 **following completion of its next annual accreditation review, the school**  
23 **district or the institute attains a higher accreditation category. At a**  
24 **minimum, a district turnaround plan or an institute turnaround plan 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 9.** In Colorado Revised Statutes, 22-11-403, **add** (3)  
9 (a.5) as follows:

10 **22-11-403. School performance plan - contents.** (3) A school  
11 performance plan shall be designed to raise the academic performance of  
12 students enrolled in the public school and to ensure that the public school,  
13 following the next annual performance review, attains a higher  
14 accreditation category or remains in the same accreditation category if the  
15 public school is already accredited by the school district or the institute  
16 at the highest level. At a minimum, each school performance plan shall:

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

27 **SECTION 10.** In Colorado Revised Statutes, 22-11-404, **add** (3)

1 (a.5) as follows:

2 **22-11-404. School improvement plan - contents.** (3) A school  
3 improvement plan shall be designed to raise the academic performance  
4 of students enrolled in the public school and to ensure that the public  
5 school, following the next annual performance review, attains a higher  
6 accreditation category. At a minimum, each school improvement plan  
7 shall:

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

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

20 **22-11-405. School priority improvement plan - contents.** (4) A  
21 school priority improvement plan shall be designed to ensure that the  
22 public school improves its performance to the extent that, following  
23 completion of the public school's next annual performance review, the  
24 public school attains a higher accreditation category. At a minimum, a  
25 school priority improvement plan shall:

26 (a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN  
27 AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE



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

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

11 **22-11-406. School turnaround plan - contents. (3) A school**  
12 **turnaround plan shall be designed to ensure that the public school**  
13 **improves its performance to the extent that, following completion of the**  
14 **public school's next annual performance review, the public school attains**  
15 **a higher accreditation category. At a minimum, a school turnaround plan**  
16 **shall:**

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

27 **SECTION 13. In Colorado Revised Statutes, 22-41-102, amend**

1 (3) (a); and add (3) (c) as follows:

2 **22-41-102. Fund inviolate.** (3) (a) Except as provided in  
3 paragraph (b) of this subsection (3), for the 2010-11 state fiscal year and  
4 each state fiscal year thereafter, the first eleven million dollars of any  
5 interest or income earned on the investment of the moneys in the public  
6 school fund shall be credited to the state public school fund created in  
7 section 22-54-114 for distribution as provided by law. PRIOR TO THE  
8 2013-14 STATE FISCAL YEAR, any amount of such interest and income  
9 earned on the investment of the moneys in the state public school fund in  
10 excess of eleven million dollars, other than interest and income credited  
11 to the public school capital construction assistance fund, created in  
12 section 22-43.7-104 (1), pursuant to section 22-43.7-104 (2) (b) (I), shall  
13 remain in the fund and shall become part of the principal of the fund.

14 (c) FOR THE 2013-14 STATE FISCAL YEAR AND FOR EACH STATE  
15 FISCAL YEAR THEREAFTER, ANY AMOUNT OF INTEREST OR INCOME EARNED  
16 ON THE INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND IN EXCESS  
17 OF ELEVEN MILLION DOLLARS, OTHER THAN INTEREST AND INCOME  
18 CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE  
19 FUND, CREATED IN SECTION 22-43.7-104 (1), PURSUANT TO SECTION  
20 22-43.7-104 (2) (b) (I), SHALL BE CREDITED TO THE EARLY LITERACY FUND  
21 CREATED IN SECTION 22-7-1210.

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

24 **22-54-103. Definitions - repeal.** As used in this article, unless the  
25 context otherwise requires:

26 (10) (b) (I) A pupil enrolled in a kindergarten educational program  
27 pursuant to section 22-32-119 (1) shall be counted as not more than a

1 half-day pupil; EXCEPT THAT, IF THE PUPIL DOES NOT ADVANCE TO FIRST  
2 GRADE, PURSUANT TO SECTION 22-7-1207, AFTER COMPLETING ONE YEAR  
3 OF ENROLLMENT IN A KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPIL  
4 SHALL BE COUNTED AS A FULL-DAY PUPIL FOR THE SECOND YEAR IN WHICH  
5 HE OR SHE IS ENROLLED IN THE KINDERGARTEN EDUCATIONAL PROGRAM.  
6 For the 2005-06 budget year and each budget year thereafter, a district  
7 shall count and receive funding only for pupils enrolled in a kindergarten  
8 educational program who are:

9 

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

12 **22-7-908. Read-to-achieve cash fund - created.** (1) There is  
13 hereby established in the state treasury the read-to-achieve cash fund,  
14 referred to in this section as the "cash fund". The cash fund shall consist  
15 of moneys transferred thereto pursuant to subsection (3) of this section  
16 and any other moneys that may be made available by the general  
17 assembly. Subject to appropriation by the general assembly, moneys in  
18 the cash fund shall be used to provide grants pursuant to this part 9 and  
19 for reimbursements to school districts for educational services provided  
20 pursuant to section 22-32-141 to juveniles held in jails or other facilities  
21 for the detention of adult offenders. Any moneys not provided as grants  
22 may be invested by the state treasurer as provided in section 24-36-113,  
23 C.R.S. All interest derived from the deposit and investment of moneys in  
24 the cash fund shall be credited to the cash fund. Any amount remaining  
25 in the cash fund at the end of any fiscal year shall remain in the cash fund  
26 and shall not be credited or transferred to the general fund or to any other  
27 fund; EXCEPT THAT ANY MONEYS REMAINING IN THE CASH FUND AS OF

1 JUNE 30, 2012, ARE TRANSFERRED TO THE EARLY LITERACY FUND  
2 CREATED IN SECTION 22-7-1210.

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

5 **22-7-909. Repeal of part.** (1) This part 9 is repealed, effective  
6 ~~July 1, 2014~~ JULY 1, 2012.

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

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

14 **2-3-1203. Sunset review of advisory committees.** (3) The  
15 following dates are the dates for which the statutory authorization for the  
16 designated advisory committees is scheduled for repeal:

17 (aa) July 1, 2014:

18 (IV) ~~The read-to-achieve board, created pursuant to section~~  
19 ~~22-7-904, C.R.S.;~~

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

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

23 (1) (b) ~~On July 1, 2009, the state treasurer, pursuant to section 22-7-908~~

24 (4) (a), ~~shall transfer from the read-to-achieve cash fund created in~~  
25 ~~section 22-7-908 to the closing the achievement gap cash fund the amount~~  
26 ~~of one million seven hundred fifty thousand dollars for the purposes of~~  
27 ~~implementing section 22-7-611.~~

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

3           **22-11-605. School awards program fund - creation -**  
4 **contributions.** (3) ~~On July 1, 2009, the state treasurer, pursuant to~~  
5 ~~section 22-7-908 (4) (b), shall transfer from the read-to-achieve cash fund~~  
6 ~~created in section 22-7-908 to the school awards program fund the~~  
7 ~~amount of two hundred fifty thousand dollars to be awarded pursuant to~~  
8 ~~section 22-11-603.5 as "Centers of Excellence Awards".~~

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

11           **24-75-217. Restoration of funds transferred to augment the**  
12 **general fund for the 2001-02 fiscal year.** (3) The funds that shall be  
13 restored pursuant to subsection (1) of this section include:

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

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

18           **24-75-1104.5. Use of settlement moneys - programs - repeal.**  
19 (1) Except as otherwise provided in subsection (5) of this section, for the  
20 2004-05 fiscal year and for each fiscal year thereafter, the following  
21 programs, services, or funds shall receive the following specified amounts  
22 from the settlement moneys received by the state in the preceding fiscal  
23 year; except that fifteen million four hundred thousand dollars of strategic  
24 contribution fund moneys and, for the 2010-11 fiscal year and for each  
25 fiscal year thereafter only, the lesser of sixty-five million dollars of other  
26 settlement moneys or all other settlement moneys shall be allocated in  
27 each fiscal year in which they are received by the state and except that, of

1 the other settlement moneys received by the state in the 2009-10 fiscal  
2 year, the lesser of sixty-five million dollars or all of such moneys shall be  
3 transferred to the general fund on June 30, 2010, and shall not be  
4 allocated:

5 (h) ~~The read-to-achieve grant program created in part 9 of article~~  
6 ~~7 of title 22, C.R.S.~~ EARLY LITERACY FUND CREATED IN SECTION  
7 22-7-1210, C.R.S., shall receive five percent of the total amount of  
8 settlement moneys annually received by the state, not to exceed eight  
9 million dollars in any fiscal year, as provided in said section; ~~except that,~~  
10 ~~for the 2004-05 fiscal year, the read-to-achieve grant program shall~~  
11 ~~receive nineteen percent of the total amount of settlement moneys~~  
12 ~~received, not to exceed nineteen million dollars.~~

13 (3) Notwithstanding the provisions of subsections (1) and (1.5) of  
14 this section, for purposes of ~~sections 22-7-908 (3)~~ SECTIONS 22-7-1210  
15 (3), 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2)  
16 (c), 25-23-104 (2), 25-31-107 (2) (d) (I), 25.5-6-805 (2), 25.5-8-105 (3),  
17 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys  
18 received and allocated by the state pursuant to said subsections (1) and  
19 (1.5) during the same fiscal year shall be deemed to be moneys received  
20 for or during the preceding fiscal year.

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

23 **24-77-104.5. General fund exempt account - appropriations to**  
24 **critical needs fund - specification of uses for health care and**  
25 **education - definitions.** (3) (a) Funding for preschool through twelfth  
26 grade education, as used in subparagraph (II) of paragraph (b) of  
27 subsection (1) of this section, shall be limited to funding for:

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

2 **SECTION 23. Appropriation.**        In addition to any other  
3 appropriation, there is hereby appropriated, out of any moneys in the early  
4 literacy fund created in section 22-7-1210, Colorado Revised Statutes, not  
5 otherwise appropriated, to the department of education, for the fiscal year  
6 beginning July 1, 2012, the sum of \$5,291,943 and 9.8 FTE, or so much  
7 thereof as may be necessary, for allocation pursuant to section 22-7-1210  
8 (4), Colorado Revised Statutes.              

9 **SECTION 24. Appropriation - adjustments in 2012 long bill.**

10 (1) For the implementation of this act, appropriations made in the annual  
11 general appropriation act to the department of education for the fiscal  
12 year beginning July 1, 2012, are adjusted as follows:

13       

14 **(a)** The cash funds appropriation for the read-to-achieve grant  
15 program is decreased by \$5,242,516 and 1.0 FTE. Said sum is from the  
16 read-to-achieve cash fund created in section 22-7-908 (1), Colorado  
17 Revised Statutes.

18 **SECTION 25. Effective date.** This act takes effect July 1, 2012.

19 **SECTION 26. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.