

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

May 3, 2012  
Date

Committee on Education.

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

HB12-1345 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend page 10, after line 14 insert:

2 "SECTION 7. In Colorado Revised Statutes, add 22-2-140 as  
3 follows:

4 **22-2-140. Early literacy assessment tool - request for**  
5 **proposals - software - hardware - training - distribution - legislative**  
6 **declaration.** (1) (a) BY OCTOBER 1, 2012, THE DEPARTMENT SHALL ISSUE  
7 A REQUEST FOR PROPOSALS FOR THE PURCHASE OF AN EARLY LITERACY  
8 ASSESSMENT TOOL THAT TEACHERS MAY USE TO OBTAIN REAL-TIME  
9 ASSESSMENTS OF THE READING SKILL LEVELS OF STUDENTS ENROLLED IN  
10 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES AND, BASED ON  
11 THE ASSESSMENT RESULTS, GENERATE INTERVENTION PLANS AND  
12 MATERIALS.

13 (b) AT A MINIMUM, THE REQUEST FOR PROPOSALS SHALL INCLUDE  
14 THE PURCHASE OF:

15 (I) SOFTWARE THAT, AT A MINIMUM:

16 (A) PROVIDES INDIVIDUALIZED ASSESSMENTS WITH IMMEDIATE  
17 RESULTS;

18 (B) STORES AND ANALYZES ASSESSMENTS RESULTS, RECOMMENDS  
19 ACTIVITIES THAT ARE ALIGNED WITH THE ASSESSMENT RESULTS, AND  
20 ASSISTS IN TRACKING STUDENT PERFORMANCE AND IDENTIFYING  
21 STRATEGIES TO IMPROVE STUDENT PERFORMANCE;

22 (C) PROVIDES STUDENT GROUPING RECOMMENDATIONS BASED ON  
23 THE ASSESSMENT SCORES AND PROVIDES PROPOSED LESSON PLANS ON A

1 SHORT-TERM CYCLE; AND  
2 (D) ASSISTS IN GENERATING AND POPULATING INDIVIDUALIZED  
3 PLANS TO IMPROVE STUDENTS' READING SKILLS;  
4 (II) MOBILE DEVICES FOR USE WITH THE SOFTWARE; AND  
5 (III) TRAINING IN USING THE SOFTWARE AND MOBILE DEVICES FOR  
6 TEACHERS OR OTHER PERSONNEL SELECTED BY EACH LOCAL EDUCATION  
7 PROVIDER.  
8 (c) THE REQUEST FOR PROPOSALS SHALL INCLUDE THE PURCHASE  
9 OF A SUFFICIENT NUMBER OF MOBILE DEVICES AND SOFTWARE LICENSES  
10 FOR EACH LOCAL EDUCATION PROVIDER IN THE STATE TO USE THE EARLY  
11 LITERACY ASSESSMENT TOOL IN ALL OF ITS KINDERGARTEN AND FIRST-,  
12 SECOND-, AND THIRD-GRADE CLASSES.  
13 (2) THE DEPARTMENT SHALL SELECT FROM AMONG THE RESPONSES  
14 RECEIVED AND ENTER INTO A CONTRACT FOR THE PURCHASE OF MOBILE  
15 DEVICES, SOFTWARE, AND TRAINING NO LATER THAN MARCH 1, 2013.  
16 (3) AS SOON AS PRACTICABLE AFTER ENTERING INTO THE  
17 CONTRACT, THE DEPARTMENT SHALL NOTIFY THE LOCAL EDUCATION  
18 PROVIDERS AND PROVIDE INFORMATION EXPLAINING THE SOFTWARE  
19 PURCHASED; THE MOBILE DEVICES PURCHASED, INCLUDING THE NUMBER  
20 AVAILABLE TO EACH LOCAL EDUCATION PROVIDER; AND THE  
21 AVAILABILITY OF TRAINING IN THE USE OF THE SOFTWARE AND MOBILE  
22 DEVICES, INCLUDING DATES, TIMES, AND LOCATIONS. THE DEPARTMENT  
23 SHALL ENSURE THAT TRAINING IS COMPLETED IN SUFFICIENT TIME TO  
24 ALLOW EACH LOCAL EDUCATION PROVIDER TO BEGIN USING THE EARLY  
25 LITERACY ASSESSMENT TOOL BY THE BEGINNING OF THE 2013-14 SCHOOL  
26 YEAR.  
27 (4) BY JULY 1, 2013, THE DEPARTMENT, UPON REQUEST, SHALL  
28 PROVIDE TO EACH LOCAL EDUCATION PROVIDER AN ADEQUATE NUMBER  
29 OF MOBILE DEVICES AND SOFTWARE LICENSES TO ENABLE THE LOCAL  
30 EDUCATION PROVIDER TO USE THE EARLY LITERACY ASSESSMENT TOOL IN  
31 ALL OF ITS KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE  
32 CLASSES.  
33 (5) AS USED IN THIS SECTION, "LOCAL EDUCATION PROVIDER"  
34 MEANS A SCHOOL DISTRICT; A CHARTER SCHOOL THAT ENROLLS STUDENTS  
35 IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES; AND A PUBLIC  
36 SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES THAT ENROLLS  
37 STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES.  
38 (6) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, FOR  
39 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,  
40 PURCHASING AN EARLY LITERACY ASSESSMENT TOOL AS DESCRIBED IN  
41 THIS SECTION FOR THE USE OF LOCAL EDUCATION PROVIDERS IS AN

1 IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND MAY  
2 THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND  
3 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

4 **SECTION 8.** In Colorado Revised Statutes, **add 22-30.5-112.2**  
5 as follows:

6 **22-30.5-112.2. Charter schools - at-risk supplemental aid -**  
7 **definitions - legislative declaration.** (1) AS USED IN THIS SECTION,  
8 UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 (a) "ADJUSTED DISTRICT PER PUPIL REVENUES" HAS THE SAME  
10 MEANING AS DEFINED IN SECTION 22-30.5-112.1 (1) (a).

11 (b) "ASCENT PROGRAM" MEANS THE ACCELERATING STUDENTS  
12 THROUGH CONCURRENT ENROLLMENT PROGRAM CREATED IN SECTION  
13 22-35-108.

14 (c) "AT-RISK PUPILS" HAS THE SAME MEANING AS DEFINED IN  
15 SECTION 22-54-103 (1.5).

16 (d) "DISTRICT PER PUPIL REVENUES" HAS THE SAME MEANING AS  
17 DEFINED IN SECTION 22-30.5-112 (2) (a.5) (II).

18 (e) "QUALIFYING SCHOOL DISTRICT" HAS THE SAME MEANING AS  
19 DEFINED IN SECTION 22-30.5-112.1.

20 (2) (a) FOR THE 2012-13 BUDGET YEAR, THE GENERAL ASSEMBLY  
21 SHALL APPROPRIATE TO THE DEPARTMENT OF EDUCATION FOR  
22 ALLOCATION TO SCHOOL DISTRICTS THE AMOUNT CALCULATED FOR  
23 AT-RISK SUPPLEMENTAL AID FOR THOSE SCHOOL DISTRICTS AND DISTRICT  
24 CHARTER SCHOOLS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2).  
25 THE AT-RISK SUPPLEMENTAL AID IS ADDITIONAL FUNDING AND DOES NOT  
26 SUPPLANT ANY OTHER FUNDING PROVIDED PURSUANT TO THIS ARTICLE.

27 (b) (I) EACH QUALIFYING SCHOOL DISTRICT SHALL RECEIVE  
28 AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK PUPILS IN A  
29 DISTRICT CHARTER SCHOOL AUTHORIZED BY THE QUALIFYING SCHOOL  
30 DISTRICT PRIOR TO JULY 1, 2004, IS LESS THAN THE PERCENTAGE OF  
31 AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF  
32 THE SCHOOL DISTRICT'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO THE  
33 DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF DISTRICT PER PUPIL  
34 REVENUES AND ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL  
35 REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL,  
36 NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT  
37 PROGRAM.

38 (II) EACH DISTRICT CHARTER SCHOOL IN A QUALIFYING SCHOOL  
39 DISTRICT THAT WAS INITIALLY AUTHORIZED PRIOR TO JULY 1, 2004, SHALL  
40 RECEIVE AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK  
41 STUDENTS IN THE DISTRICT CHARTER SCHOOL EXCEEDS THE PERCENTAGE

1 OF AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF  
2 THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS EQUAL  
3 TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF ADJUSTED  
4 DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF DISTRICT  
5 PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER  
6 SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE  
7 ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH ONE  
8 HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK  
9 SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

10 (III) EACH DISTRICT CHARTER SCHOOL IN A SCHOOL DISTRICT THAT  
11 IS NOT A QUALIFYING DISTRICT AND WHOSE PERCENTAGE OF AT-RISK  
12 PUPILS EXCEEDS THE PERCENTAGE OF AT-RISK PUPILS IN THE CHARTERING  
13 SCHOOL DISTRICT SHALL RECEIVE AT-RISK SUPPLEMENTAL AID. THE  
14 AMOUNT OF THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID  
15 IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF  
16 ADJUSTED DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF  
17 DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT  
18 CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED  
19 IN THE ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH  
20 ONE HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK  
21 SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

22 (3) IF THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION IS  
23 INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK  
24 SUPPLEMENTAL AID CALCULATED PURSUANT TO PARAGRAPH (b) OF  
25 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL  
26 ALLOCATE THE AT-RISK SUPPLEMENTAL AID PROPORTIONATELY.

27 (4) DURING THE FIRST REGULAR SESSION OF THE SIXTY-NINTH  
28 GENERAL ASSEMBLY, THE EDUCATION COMMITTEES OF THE HOUSE OF  
29 REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR  
30 COMMITTEES, SHALL REVIEW THE PROVISIONS FOR AT-RISK FUNDING  
31 PURSUANT TO ARTICLE 54 OF THIS TITLE, THE NEGATIVE FACTOR REQUIRED  
32 PURSUANT TO SECTION 22-54-104 (5) (g), AND THE IMPACT THAT THE  
33 NEGATIVE FACTOR HAS HAD ON AT-RISK FUNDING.

34 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-513, **add**  
35 (4.5) as follows:

36 **22-30.5-513. Institute charter schools - definitions - funding -**  
37 **at-risk supplemental aid - legislative declaration.** (4.5) (a) FOR THE  
38 2012-13 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO  
39 THE CHARTER SCHOOL INSTITUTE THE AMOUNT CALCULATED FOR AT-RISK  
40 SUPPLEMENTAL AID PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION  
41 (4.5) FOR EACH INSTITUTE CHARTER SCHOOL WHOSE PERCENTAGE OF

1 AT-RISK PUPILS IS LESS THAN THE PERCENTAGE OF AT-RISK PUPILS IN THE  
2 ACCOUNTING DISTRICT. AT-RISK SUPPLEMENTAL AID IS ADDITIONAL  
3 FUNDING AND DOES NOT SUPPLANT ANY OTHER FUNDING ALLOCATED  
4 PURSUANT TO THIS SECTION. THE CHARTER SCHOOL INSTITUTE SHALL PASS  
5 THROUGH ONE HUNDRED PERCENT OF AN INSTITUTE CHARTER SCHOOL'S  
6 AT-RISK SUPPLEMENTAL AID TO THE INSTITUTE CHARTER SCHOOL.

7 (b) THE INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID  
8 IS EQUAL TO ONE-HALF OF THE DIFFERENCE BETWEEN ONE HUNDRED  
9 PERCENT OF THE ACCOUNTING DISTRICT'S PER PUPIL REVENUES AND ONE  
10 HUNDRED PERCENT OF THE ACCOUNTING DISTRICT'S ADJUSTED PER PUPIL  
11 REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL,  
12 NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT  
13 PROGRAM.

14 (c) FOR PURPOSES OF THIS SUBSECTION (4.5), UNLESS THE  
15 CONTEXT OTHERWISE REQUIRES, "ACCOUNTING DISTRICT'S PER PUPIL  
16 REVENUES" HAS THE SAME MEANING AS THE TERM "DISTRICT PER PUPIL  
17 REVENUES" DEFINED IN SECTION 22-30.5-112.

18 (d) IF THE APPROPRIATION TO THE CHARTER SCHOOL INSTITUTE IS  
19 INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK  
20 SUPPLEMENTAL AID CALCULATED PURSUANT TO THIS SUBSECTION (4.5),  
21 THE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE THE AT-RISK  
22 SUPPLEMENTAL AID PROPORTIONATELY.

23 (e) DURING THE FIRST REGULAR SESSION OF THE SIXTY-NINTH  
24 GENERAL ASSEMBLY, THE EDUCATION COMMITTEES OF THE HOUSE OF  
25 REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR  
26 COMMITTEES, SHALL REVIEW THE PROVISIONS FOR AT-RISK FUNDING  
27 PURSUANT TO ARTICLE 54 OF THIS TITLE, THE NEGATIVE FACTOR REQUIRED  
28 PURSUANT TO SECTION 22-54-104 (5) (g), AND THE IMPACT THAT THE  
29 NEGATIVE FACTOR HAS HAD ON AT-RISK FUNDING.

30 **SECTION 10.** In Colorado Revised Statutes, 22-54-114 , **add** (4)  
31 (c) as follows:

32 **22-54-114. State public school fund.** (4) (c) FOR THE 2012-13  
33 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THE AMOUNT  
34 CALCULATED FOR AT-RISK SUPPLEMENTAL AID PURSUANT TO SECTIONS  
35 22-30.5-112.2 AND 22-30.5-513, UP TO THREE MILLION EIGHT HUNDRED  
36 THIRTY-NINE THOUSAND SIX HUNDRED TWENTY-SEVEN DOLLARS, FROM  
37 ANY AMOUNTS RECOVERED BY THE DEPARTMENT OF EDUCATION DURING  
38 THE APPLICABLE BUDGET YEAR WHERE THE DEPARTMENT HAS RECEIVED  
39 PAYMENTS FROM SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS IN  
40 EXCESS OF THREE MILLION DOLLARS."

- 1 Renumber succeeding sections accordingly.
- 2 Page 11, line 11, after "**Appropriation.**" insert "(1)".
- 3 Page 11, after line 17 insert:

4           "(2) In addition to any other appropriation, there is hereby  
5 appropriated, out of audit recoveries credited to the state public school  
6 fund pursuant to section 22-54-114 (4), not otherwise appropriated, to the  
7 department of education, for the fiscal year beginning July 1, 2012, the  
8 sum of \$3,839,627, or so much thereof as may be necessary, for allocation  
9 to the public school finance unit for the payment of at-risk supplemental  
10 aid to school districts, district charter schools, and institute charter  
11 schools pursuant to sections 22-30.5-112.2 and 22-30.5-513, Colorado  
12 Revised Statutes."

\*\* \*\*\* \*\* \*\*\* \*\*