

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 13-0243.01 Julie Pelegrin x2700

**HOUSE BILL 13-1211**

---

**HOUSE SPONSORSHIP**

**Buckner and Navarro,** Duran

**SENATE SPONSORSHIP**

**Kerr and Roberts,**

---

**House Committees**

Education  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING ENGLISH LANGUAGE PROFICIENCY PROGRAMS IN PUBLIC**  
102             **SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN**  
103             **APPROPRIATION.**

---

**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 English Language Proficiency Act (ELPA). Under the existing ELPA, funding for a student with limited English proficiency is limited to 2 years, and funds are allocated to school districts, the state charter school institute, and facility

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  
Amended 2nd Reading  
April 12, 2013

schools based on students' levels of English proficiency.

The new ELPA uses the term "English language learner" (ELL) rather than "student with limited English proficiency" and uses the term "local education provider", which includes a school district, the state charter school institute, or a facility school. Under the new ELPA, the time for funding expands to 7 years, and each ELL is funded at the same level. The funding allocation is based on certification of the number of ELLs that a local education provider enrolls.

Each local education provider must:

- ! Use the ELPA moneys it receives only to pay for the English language proficiency program;
- ! Identify and assess ELLs;
- ! Report to the department of education (department) the number of ELLs, the number of non-English languages spoken by ELLs, and the number of ELLs who speak each language;
- ! Provide an English language proficiency program that meets specific requirements for each ELL;
- ! Submit to the department a budget for the ELPA moneys the local education provider receives;
- ! Report its use of ELPA moneys; and
- ! Provide assurances that the local education provider is complying with state and federal laws.

The department must:

- ! Identify the English language proficiency assessments that local education providers will use to identify ELLs, which may be the same assessments used under existing law;
- ! Annually review the statewide levels of proficiency on the statewide assessments for the ELLs who are required to take the statewide assessment;
- ! Identify accommodations that a local education provider must allow on statewide assessments;
- ! Monitor, based on the proficiency levels achieved by the local education provider's ELLs, all aspects of each local education provider's implementation of its English language proficiency program;
- ! Identify which students are appropriately counted as ELLs and appropriately allocate the ELPA moneys to local education providers;
- ! Disaggregate and report academic performance data for ELLs; and
- ! Review the ELPA budgets received from local education providers.

The state board of education (state board) is directed to adopt rules as necessary to implement the ELPA, but the existing rules remain in

effect to the extent they continue to be appropriate. The state board may adopt measures that are specific to the English language proficiency assessments, which measures the department must use to determine a local education provider's level of achievement in meeting the English language development and academic achievement goals for ELLs. In monitoring the local education providers' implementation of the new ELPA, the department cannot require the local education providers to submit data that they already submit under existing federal or state statutes or rules.

The bill allows the department to expend a percentage of the annual ELPA appropriation for administrative costs and allocates a percentage of the annual ELPA appropriation to fund the English language proficiency act excellence awards program. The department makes awards by identifying the local education providers that achieve the highest academic achievement with regard to ELLs and the greatest percentage of ELLs who successfully transition out of the English language proficiency program.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** article 24 of title 22 as follows:

4 **ARTICLE 24**

5 **English Language Proficiency Act**

6 **22-24-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
7 BE CITED AS THE "ENGLISH LANGUAGE PROFICIENCY ACT".

8 **22-24-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
9 FINDS THAT:

10 (a) THERE IS A SUBSTANTIAL NUMBER OF STUDENTS IN COLORADO  
11 WHO ARE ENGLISH LANGUAGE LEARNERS;

12 (b) LOCAL EDUCATION PROVIDERS MUST PROVIDE  
13 EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR  
14 ENGLISH LANGUAGE LEARNERS TO ENABLE THEM TO DEVELOP AND  
15 ACQUIRE ENGLISH LANGUAGE PROFICIENCY WHILE THEY ALSO HAVE  
16 ACCESS TO AND SUPPORT FOR ACHIEVEMENT IN GRADE-LEVEL ACADEMIC

1     CONTENT;

2             (c) TO IMPROVE THE EDUCATIONAL AND CAREER OPPORTUNITIES  
3     FOR EVERY STUDENT IN COLORADO, THE STATE MUST ENSURE SUPPORT  
4     FOR LOCAL EDUCATION PROVIDERS TO ESTABLISH EVIDENCE-BASED  
5     ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

6             (d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE  
7     ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE  
8     DEVELOPMENT AND IN PROVIDING ACCESS AND SUPPORT FOR  
9     ACHIEVEMENT IN GRADE-LEVEL ACADEMIC CONTENT FOR ENGLISH  
10    LANGUAGE LEARNERS;

11            (e) THE STATE MUST DEVELOP AN EDUCATOR WORKFORCE THAT  
12    CAN SUPPORT THE EDUCATIONAL APPROACH AND GOALS OF LOCAL  
13    EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE  
14    LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT  
15    GRADUATION;

16            (f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO  
17    LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE  
18    LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT  
19    GRADUATION;

20            (g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF  
21    EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE  
22    THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11  
23    OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES  
24    MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE  
25    DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH  
26    LANGUAGE LEARNERS; AND

27            (h) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF

1 EDUCATION MUST RECOGNIZE LOCAL EDUCATION PROVIDERS WHO  
2 PROVIDE EFFECTIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS BY  
3 AWARDING GRANTS THROUGH A COMPETITIVE PROGRAM THAT IS  
4 SUPPORTED WITH ANNUAL APPROPRIATIONS.

5 **22-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

8 (2) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND  
9 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF  
10 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE  
11 5 OF THIS TITLE.

12 (3) "ENGLISH LANGUAGE LEARNER" MEANS A STUDENT WHO IS  
13 LINGUISTICALLY DIVERSE AND WHO IS IDENTIFIED PURSUANT TO SECTION  
14 22-24-105 (3) (a) AS HAVING A LEVEL OF ENGLISH LANGUAGE  
15 PROFICIENCY THAT REQUIRES LANGUAGE SUPPORT TO ACHIEVE  
16 STANDARDS IN GRADE-LEVEL CONTENT IN ENGLISH.

17 (4) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A  
18 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS  
19 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH  
20 LANGUAGE LEARNER WHILE ALSO PROVIDING THE STUDENT ACCESS TO  
21 GRADE-LEVEL ACADEMIC CONTENT TO SUPPORT THE STUDENT'S ACADEMIC  
22 ACHIEVEMENT. AN ENGLISH LANGUAGE PROFICIENCY PROGRAM MUST  
23 INCLUDE THE REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (1).

24 (5) "EVIDENCE BASED" MEANS THE INSTRUCTION OR ITEM  
25 DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE  
26 THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED  
27 A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO

1 ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY,  
2 AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE  
3 LEARNERS.

4 (6) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS  
5 DEFINED IN SECTION 22-2-402 (1).

6 (7) "LOCAL EDUCATION PROVIDER" MEANS A DISTRICT, THE STATE  
7 CHARTER SCHOOL INSTITUTE, OR A FACILITY SCHOOL.

8 (8) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE  
9 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE  
10 30.5 OF THIS TITLE.

11 **22-24-104. English language proficiency program established**

12 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE  
13 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN  
14 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY  
15 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND  
16 GRADES ONE THROUGH TWELVE.

17 (2) (a) A STUDENT WHO IS IDENTIFIED FOR INCLUSION IN AN  
18 ENGLISH LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING  
19 PURSUANT TO THIS SECTION FOR UP TO A TOTAL OF FIVE BUDGET YEARS  
20 REGARDLESS OF WHETHER THE STUDENT TRANSFERS ENROLLMENT AMONG  
21 LOCAL EDUCATION PROVIDERS DURING THE FIVE YEARS. THE FIVE BUDGET  
22 YEARS IN WHICH A STUDENT RECEIVES FUNDING PURSUANT TO THIS  
23 SECTION ARE NOT REQUIRED TO BE CONSECUTIVE IF A STUDENT EXITS AN  
24 ENGLISH LANGUAGE PROFICIENCY PROGRAM PURSUANT TO SECTION  
25 22-24-105 (1) (e) AND IS SUBSEQUENTLY RE-IDENTIFIED FOR INCLUSION IN  
26 AN ENGLISH LANGUAGE PROFICIENCY PROGRAM. A STUDENT IS NOT  
27 ELIGIBLE FOR FUNDING IN A SCHOOL YEAR IN WHICH THE STUDENT DOES

1 NOT RECEIVE EDUCATIONAL SUPPORT THROUGH AN ENGLISH LANGUAGE  
2 PROFICIENCY PROGRAM. THE DEPARTMENT SHALL ALLOCATE STATE  
3 MONEYS PURSUANT TO THIS SECTION ON THE STUDENT'S BEHALF TO THE  
4 LOCAL EDUCATION PROVIDER THAT ENROLLS THE STUDENT.

5 (b) IF A STUDENT WAS IDENTIFIED FOR INCLUSION IN AN ENGLISH  
6 LANGUAGE PROFICIENCY PROGRAM BEFORE THE EFFECTIVE DATE OF THE  
7 REPEAL AND REENACTMENT OF THIS ARTICLE AND RECEIVED STATE  
8 FUNDING PURSUANT TO THIS ARTICLE AS IT EXISTED BEFORE THE  
9 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE, THE  
10 DEPARTMENT MUST INCLUDE THE BUDGET YEARS FOR WHICH THE STUDENT  
11 RECEIVED FUNDING BEFORE THE EFFECTIVE DATE OF THE REPEAL AND  
12 REENACTMENT OF THIS ARTICLE IN CALCULATING THE FIVE-YEAR LIMIT ON  
13 FUNDING FOR THE STUDENT.

14 (3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
15 MONEYS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS  
16 SECTION. THE DEPARTMENT SHALL ALLOCATE THE MONEYS ANNUALLY  
17 APPROPRIATED TO LOCAL EDUCATION PROVIDERS ON A PER-PUPIL BASIS  
18 USING THE NUMBER OF ENGLISH LANGUAGE LEARNERS CERTIFIED  
19 PURSUANT TO SECTION 22-24-105, SUBJECT TO THE TIME LIMIT SPECIFIED  
20 IN SUBSECTION (2) OF THIS SECTION.

21 (4) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE ENGLISH  
22 LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS  
23 WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OPERATED BY THE LOCAL  
24 EDUCATION PROVIDER; EXCEPT THAT LOCAL EDUCATION PROVIDERS MAY  
25 COOPERATE IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

26 (5) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION  
27 PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS

1 ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE  
2 PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS  
3 ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF  
4 THESE PROGRAMS SHALL RECEIVE MONEYS PURSUANT TO THIS ARTICLE  
5 ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS  
6 ENROLLED IN THE PROGRAMS.

7 **22-24-105. Local education provider - powers and duties.**

8 (1) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH  
9 LANGUAGE PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE  
10 LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL  
11 EDUCATION PROVIDER. THE ENGLISH LANGUAGE PROFICIENCY PROGRAM  
12 MUST INCLUDE:

13 (a) AN EDUCATIONAL APPROACH THAT INCLUDES ACADEMIC  
14 GOALS FOR THE PROGRAM;

15 (b) A PROCESS TO IDENTIFY ENGLISH LANGUAGE LEARNERS THAT  
16 INCLUDES THE DEPARTMENT-APPROVED ASSESSMENT FOR IDENTIFICATION;

17 (c) ENGLISH-LANGUAGE ASSESSMENT AND CONTENT ASSESSMENT  
18 OF ENGLISH LANGUAGE LEARNERS;

19 (d) EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY  
20 INSTRUCTIONAL PROGRAMS;

21 (e) A PROCESS BY WHICH AN ENGLISH LANGUAGE LEARNER, BASED  
22 ON A BODY OF EVIDENCE THAT MUST INCLUDE STATE-MANDATED ENGLISH  
23 LANGUAGE PROFICIENCY AND ACADEMIC ASSESSMENTS AND MAY INCLUDE  
24 OTHER EVIDENCE THAT DEMONSTRATES THE ENGLISH LANGUAGE  
25 LEARNER'S ACADEMIC PERFORMANCE, ACADEMIC GROWTH, ENGLISH  
26 LANGUAGE PROFICIENCY, AND ENGLISH LANGUAGE GROWTH, MAY EXIT  
27 THE PROGRAM AND A PROCESS BY WHICH A STUDENT WHO HAS EXITED THE



1 PROGRAM MAY BE RE-IDENTIFIED AS AN ENGLISH LANGUAGE LEARNER;  
2 AND

3 (f) A PROCESS FOR PROGRAM EVALUATION, REVIEW, AND  
4 IMPROVEMENT.

5 (2) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT ANY  
6 MONEYS RECEIVED PURSUANT TO SECTION 22-24-104 (3) ARE USED TO  
7 IMPLEMENT ONE OR MORE OF THE REQUIRED COMPONENTS OF THE  
8 ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE LOCAL EDUCATION  
9 PROVIDER ADMINISTERS.

10 (3) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTIONS (1) AND  
11 (2) OF THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL:

12 (a) IDENTIFY ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED  
13 IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER USING THE  
14 STATE-APPROVED ASSESSMENT FOR ENGLISH LANGUAGE PROFICIENCY;

15 (b) ANNUALLY ASSESS THE ENGLISH LANGUAGE PROFICIENCY OF  
16 ENGLISH LANGUAGE LEARNERS USING THE ENGLISH LANGUAGE  
17 PROFICIENCY ASSESSMENT IDENTIFIED BY THE DEPARTMENT PURSUANT TO  
18 SECTION 22-24-106 (1) (a);

19 (c) ANNUALLY REPORT AND CERTIFY TO THE DEPARTMENT:

20 (I) THE NUMBER OF ENGLISH LANGUAGE LEARNERS ENROLLED IN  
21 THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER AND ELIGIBLE  
22 FOR FUNDING PURSUANT TO SECTION 22-24-104 (2);

23 (II) THE NUMBER OF NON-ENGLISH LANGUAGES THAT ARE  
24 CERTIFIED AS ENGLISH LANGUAGE LEARNERS' PRIMARY LANGUAGES; AND

25 (III) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO SPEAK  
26 EACH NON-ENGLISH LANGUAGE AS THEIR PRIMARY LANGUAGE;

27 (d) FOR EACH BUDGET YEAR, SUBMIT TO THE DEPARTMENT A

1 BUDGET SPECIFYING HOW THE LOCAL EDUCATION PROVIDER WILL USE THE  
2 MONEYS RECEIVED;

3 (e) AT THE END OF EACH BUDGET YEAR, SUBMIT TO THE  
4 DEPARTMENT AN EXPLANATION OF THE LOCAL EDUCATION PROVIDER'S  
5 EXPENDITURES IN PROVIDING THE ENGLISH LANGUAGE PROFICIENCY  
6 PROGRAM DURING THE BUDGET YEAR; AND

7 (f) ANNUALLY PROVIDE TO THE DEPARTMENT THE FOLLOWING  
8 ASSURANCES:

9 (I) THE LOCAL EDUCATION PROVIDER IS USING THE MONEYS  
10 RECEIVED PURSUANT TO SECTION 22-24-104 (3) TO IMPLEMENT ONE OR  
11 MORE OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM COMPONENTS  
12 SPECIFIED IN SUBSECTION (1) OF THIS SECTION;

13 (II) THE LOCAL EDUCATION PROVIDER ADMINISTERS AN ENGLISH  
14 LANGUAGE PROFICIENCY PROGRAM THAT MEETS THE REQUIREMENTS  
15 SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO MEET THE LINGUISTIC  
16 AND ACADEMIC NEEDS OF THE ENGLISH LANGUAGE LEARNERS WHO ARE  
17 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER;  
18 AND

19 (III) THE ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE  
20 LOCAL EDUCATION PROVIDER OPERATES COMPLIES WITH THE APPLICABLE  
21 STATE AND FEDERAL LAWS.

22 **22-24-106. Department of education - powers - duties - state**  
23 **board of education - rules.** (1) THE DEPARTMENT SHALL:

24 (a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS  
25 THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS  
26 WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY  
27 PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE PRIOR TO THE

1 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;

2 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY  
3 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION  
4 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED  
5 TO TAKE THE STATEWIDE ASSESSMENT;

6 (c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A  
7 LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN  
8 WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE  
9 ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING  
10 ASSESSMENTS PURSUANT TO SECTION 22-7-409 OR 22-7-1006;

11 (d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE  
12 TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING  
13 ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND  
14 EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

15 (e) COMPREHENSIVELY MONITOR THE DEVELOPMENT,  
16 IMPLEMENTATION, AND EVALUATION OF EACH LOCAL EDUCATION  
17 PROVIDER'S ENGLISH LANGUAGE PROFICIENCY PROGRAM BASED ON THE  
18 PERFORMANCE OF THE ENGLISH LANGUAGE LEARNERS WHO ARE  
19 ENROLLED BY THE LOCAL EDUCATION PROVIDER. THE DEPARTMENT MUST  
20 MONITOR AT A MINIMUM:

21 (I) THE LOCAL EDUCATION PROVIDER'S EDUCATIONAL APPROACH,  
22 INCLUDING GOALS, WITH REGARD TO EACH ENGLISH LANGUAGE  
23 PROFICIENCY PROGRAM;

24 (II) THE PROCESS THE LOCAL EDUCATION PROVIDER USES TO  
25 IDENTIFY ENGLISH LANGUAGE LEARNERS;

26 (III) EACH LOCAL EDUCATION PROVIDER'S ANNUAL ASSESSMENT  
27 OF ENGLISH LANGUAGE LEARNERS;

1 (IV) THE LOCAL EDUCATION PROVIDER'S ENGLISH LANGUAGE  
2 PROFICIENCY PROGRAM TO ENSURE IT IS EVIDENCE-BASED;

3 (V) THE PROCESS THE LOCAL EDUCATION PROVIDER USES FOR  
4 EXITING STUDENTS FROM THE ENGLISH LANGUAGE PROFICIENCY PROGRAM  
5 AND RE-IDENTIFYING STUDENTS FOR THE PROGRAM;

6 (VI) THE LOCAL EDUCATION PROVIDER'S EVALUATION, REVIEW,  
7 AND IMPROVEMENT OF ITS ENGLISH LANGUAGE PROFICIENCY PROGRAM;

8 (VII) THE VALIDITY OF THE LOCAL EDUCATION PROVIDER'S  
9 ASSURANCES REQUIRED IN SECTION 22-24-105 (3) (f); AND

10 (VIII) THE LOCAL EDUCATION PROVIDER'S EXPENDITURES OF  
11 MONEYS RECEIVED PURSUANT TO SECTION 22-24-104 (3);

12 (f) IDENTIFY, BASED ON THE CERTIFICATIONS RECEIVED FROM  
13 LOCAL EDUCATION PROVIDERS, THE STUDENTS WHO ARE COUNTED AS  
14 ENGLISH LANGUAGE LEARNERS FOR PURPOSES OF CALCULATING EACH  
15 LOCAL EDUCATION PROVIDER'S ALLOCATION OF MONEYS PURSUANT TO  
16 SECTION 22-24-104 (3);

17 (g) ANNUALLY ALLOCATE THE MONEYS APPROPRIATED FOR  
18 IMPLEMENTATION OF THIS ARTICLE, INCLUDING ALLOCATING THE MONEYS  
19 SPECIFIED IN SECTION 22-24-104 (3) ON A PER-PUPIL BASIS, USING THE  
20 NUMBER OF ENGLISH LANGUAGE LEARNERS IDENTIFIED PURSUANT TO  
21 PARAGRAPH (f) OF THIS SUBSECTION (1) AND PARTICIPATING IN THE  
22 ENGLISH LANGUAGE PROFICIENCY PROGRAM;

23 (h) REVIEW THE BUDGETS RECEIVED FROM LOCAL EDUCATION  
24 PROVIDERS PURSUANT TO SECTION 22-24-105 (3) (d);

25 (i) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE  
26 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006  
27 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC

1 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS AS PROVIDED IN PART 5  
2 OF ARTICLE 11 OF THIS TITLE; AND

3 (j) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT  
4 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107 AND THE  
5 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM CREATED  
6 IN SECTION 22-24-108.

7 (2) IN MONITORING EACH LOCAL EDUCATION PROVIDER'S ENGLISH  
8 LANGUAGE PROFICIENCY PROGRAM AND IN OTHERWISE IMPLEMENTING THE  
9 PROVISIONS OF THIS ARTICLE, THE DEPARTMENT SHALL NOT REQUIRE  
10 LOCAL EDUCATION PROVIDERS TO SUBMIT REPORTS OR OTHERWISE  
11 PROVIDE DATA THAT IS REQUIRED BY OR THAT THE DEPARTMENT  
12 COLLECTS UNDER OTHER STATE OR FEDERAL DATA-COLLECTION OR  
13 REPORTING STATUTORY OR REGULATORY REQUIREMENTS.

14 (3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT  
15 THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND  
16 REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER THAT  
17 DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE  
18 TO BE APPROPRIATE, AND THE STATE BOARD SHALL PROMULGATE  
19 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE  
20 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO  
21 IMPLEMENT THIS ARTICLE. THE STATE BOARD BY RULE MAY IDENTIFY  
22 MEASURES THAT ARE SPECIFIC TO THE ENGLISH LANGUAGE PROFICIENCY  
23 ASSESSMENT, WHICH MEASURES THE DEPARTMENT MUST USE TO  
24 DETERMINE A LOCAL EDUCATION PROVIDER'S LEVEL OF ACHIEVEMENT IN  
25 MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC  
26 ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS.

27 **22-24-107. English language proficiency act excellence award**

1 **program - excellence award fund - created - rules - legislative**

2 **declaration.** (1) THERE IS CREATED IN THE DEPARTMENT THE ENGLISH  
3 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM TO AWARD  
4 GRANTS TO LOCAL EDUCATION PROVIDERS THAT ACHIEVE THE HIGHEST  
5 ENGLISH LANGUAGE AND ACADEMIC GROWTH AMONG ENGLISH LANGUAGE  
6 LEARNERS AND THE HIGHEST ACADEMIC ACHIEVEMENT FOR ENGLISH  
7 LANGUAGE LEARNERS WHO TRANSITION OUT OF THE ENGLISH LANGUAGE  
8 PROFICIENCY PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE  
9 PROGRAM BY ANNUALLY IDENTIFYING, BASED ON RULES OF THE STATE  
10 BOARD, THE LOCAL EDUCATION PROVIDERS THAT QUALIFY FOR GRANTS  
11 AND DISTRIBUTING THE MONEYS APPROPRIATED TO THE EXCELLENCE  
12 AWARDS FUND CREATED IN SUBSECTION (4) OF THIS SECTION. THE STATE  
13 BOARD BY RULE SHALL SET THE GRANT AMOUNT BASED ON THE STUDENT  
14 ENROLLMENT OF THE LOCAL EDUCATION PROVIDERS THAT QUALIFY FOR  
15 GRANTS AND THE CONCENTRATION OF ENGLISH LANGUAGE LEARNERS  
16 ENROLLED BY THE LOCAL EDUCATION PROVIDERS AS A PERCENTAGE OF  
17 THE TOTAL STUDENT ENROLLMENT. SUBJECT TO AVAILABLE  
18 APPROPRIATIONS, THE DEPARTMENT SHALL DISTRIBUTE THE MONEYS IN  
19 ACCORDANCE WITH THE RULES TO THE LOCAL EDUCATION PROVIDERS  
20 THAT QUALIFY FOR THE GRANTS.

21 (2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE  
22 THE CRITERIA OR MEASURES THAT THE DEPARTMENT MUST APPLY TO  
23 IDENTIFY THE LOCAL EDUCATION PROVIDERS THAT ACHIEVE THE HIGHEST  
24 ENGLISH LANGUAGE AND ACADEMIC GROWTH AMONG ENGLISH LANGUAGE  
25 LEARNERS AND THAT ACHIEVE THE HIGHEST ACADEMIC ACHIEVEMENT FOR  
26 ENGLISH LANGUAGE LEARNERS WHO TRANSITION OUT OF THE ENGLISH  
27 LANGUAGE PROFICIENCY PROGRAM.

1 (3) (a) EACH LOCAL EDUCATION PROVIDER THAT RECEIVES A  
2 GRANT PURSUANT TO THIS SECTION, AT THE CONCLUSION OF EACH SCHOOL  
3 YEAR FOR WHICH IT RECEIVES A GRANT, MUST SUBMIT TO THE  
4 DEPARTMENT:

5 (I) A DATA ANALYSIS AND SUMMARY OF THE LOCAL EDUCATION  
6 PROVIDER'S ENGLISH LANGUAGE PROFICIENCY PROGRAM; AND

7 (II) A REPORT OF THE LOCAL EDUCATION PROVIDER'S USE OF THE  
8 GRANT MONEYS RECEIVED.

9 (b) THE DEPARTMENT SHALL PROVIDE THE INFORMATION RECEIVED  
10 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) TO LOCAL  
11 EDUCATION PROVIDERS AND SHALL MAKE THE INFORMATION AVAILABLE  
12 TO THE PUBLIC THROUGH THE DATA PORTAL OPERATED PURSUANT TO  
13 SECTION 22-11-502.

14 (4) (a) THERE IS CREATED IN THE STATE TREASURY THE  
15 EXCELLENCE AWARDS FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE  
16 "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY  
17 APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO  
18 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE  
19 DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AS  
20 PROVIDED IN THIS SECTION. THE DEPARTMENT MAY EXPEND UP TO TWO  
21 AND FIVE-TENTHS PERCENT OF THE MONEYS ANNUALLY APPROPRIATED  
22 FROM THE FUND TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THIS  
23 SECTION.

24 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND  
25 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.  
26 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED  
27 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE

1 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN  
2 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND  
3 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR  
4 ANOTHER FUND.

5 (5) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF  
6 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH  
7 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM IS AN  
8 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE  
9 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS  
10 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX  
11 OF THE STATE CONSTITUTION.

12 **22-24-108. Professional development and student support**  
13 **program - created - professional development and student support**

14 **fund - rules.** (1) THERE IS CREATED IN THE DEPARTMENT THE  
15 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM,  
16 REFERRED TO IN THIS SECTION AS THE "SUPPORT PROGRAM", TO PROVIDE  
17 MONEYS TO LOCAL EDUCATION PROVIDERS TO:

18 (a) OFFSET THE COSTS INCURRED IN COMPLYING WITH THE  
19 REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (3);

20 (b) PROVIDE EFFECTIVE PROFESSIONAL DEVELOPMENT ACTIVITIES  
21 RELATED TO TEACHING ENGLISH LANGUAGE LEARNERS FOR ALL  
22 EDUCATORS WHO MAY WORK WITH ENGLISH LANGUAGE LEARNERS IN THE  
23 CLASSROOM; AND

24 (c) EXPAND PROGRAMS TO ASSIST STUDENTS WHO, AT ANY TIME,  
25 HAVE BEEN IDENTIFIED AS ENGLISH LANGUAGE LEARNERS IN ACHIEVING  
26 GREATER CONTENT PROFICIENCY.

27 (2) THE DEPARTMENT SHALL ANNUALLY CALCULATE THE AMOUNT



1 OF SUPPORT PROGRAM MONEYS EACH LOCAL EDUCATION PROVIDER  
2 RECEIVES PURSUANT TO THIS SECTION AS THE SAME PERCENTAGE OF THE  
3 TOTAL AMOUNT ANNUALLY APPROPRIATED TO THE PROFESSIONAL  
4 DEVELOPMENT AND STUDENT SUPPORT FUND THAT THE NUMBER OF  
5 ENGLISH LANGUAGE LEARNERS ENROLLED IN THE LOCAL EDUCATION  
6 PROVIDER BEARS TO THE TOTAL NUMBER OF ENGLISH LANGUAGE  
7 LEARNERS ENROLLED IN LOCAL EDUCATION PROVIDERS STATEWIDE. THE  
8 DEPARTMENT SHALL DISTRIBUTE TO EACH LOCAL EDUCATION PROVIDER  
9 THE AMOUNT CALCULATED PURSUANT TO THIS SUBSECTION (2) FROM THE  
10 MONEYS APPROPRIATED TO THE PROFESSIONAL DEVELOPMENT AND  
11 STUDENT SUPPORT FUND.

12 (3) (a) THERE IS CREATED IN THE STATE TREASURY THE  
13 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT FUND, REFERRED TO  
14 IN THIS SUBSECTION (3) AS THE "FUND", CONSISTING OF SUCH MONEYS AS  
15 THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS  
16 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
17 ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION  
18 PROVIDERS AS PROVIDED IN THIS SECTION. THE DEPARTMENT MAY EXPEND  
19 UP TO TWO AND FIVE-TENTHS PERCENT OF THE MONEYS ANNUALLY  
20 APPROPRIATED FROM THE FUND TO OFFSET THE COSTS INCURRED IN  
21 IMPLEMENTING THIS SECTION.

22 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND  
23 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.  
24 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED  
25 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE  
26 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN  
27 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND

1 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR  
2 ANOTHER FUND.

3 (4) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF  
4 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE  
5 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM IS AN  
6 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE  
7 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS  
8 IN THE STATE EDUCATION FUND CREATED IN SECTION 17(4) OF ARTICLE IX  
9 OF THE STATE CONSTITUTION.

10 **SECTION 2. Appropriation.** (1) In addition to any other  
11 appropriation, there is hereby appropriated, out of any moneys in the state  
12 education fund created in section 17 (4) (a) of article IX of the state  
13 constitution, not otherwise appropriated, to the department of education,  
14 for the fiscal year beginning July 1, 2013, the sum of \$3,090, or so much  
15 thereof as may be necessary, for the purchase of legal services.

16 (2) In addition to any other appropriation, there is hereby  
17 appropriated to the department of law, for the fiscal year beginning July  
18 1, 2013, the sum of \$3,090, or so much thereof as may be necessary, for  
19 the provision of legal services for the department of education related to  
20 the implementation of this act. Said sum is from reappropriated funds  
21 received from the department of education out of the appropriation made  
22 in subsection (1) of this section.

23 (3) In addition to any other appropriation, there is hereby  
24 appropriated, out of any moneys in the state education fund created in  
25 section 17 (4) (a) of article IX of the state constitution, not otherwise  
26 appropriated, to the department of education, for the fiscal year beginning  
27 July 1, 2013, the sum of \$479,144 and 6.0 FTE, or so much thereof as

1 may be necessary, for the implementation of this act as follows:

2 (a) \$424,426 and 6.0 FTE for personal services; and

3 (b) \$54,718 for operating expenses and other expenses.

4 (4) In addition to any other appropriation, for the fiscal year  
5 beginning July 1, 2013, there is hereby appropriated, out of any moneys  
6 in the state education fund created in section 17 (4) (a) of article IX of the  
7 state constitution, not otherwise appropriated, to the department of  
8 education to be credited to the excellence awards fund created in section  
9 22-24-107 (4) (a), Colorado Revised Statutes, the sum of \$250,000, to be  
10 used for purposes consistent with the creation of the fund.

11 (5) In addition to any other appropriation, there is hereby  
12 appropriated, out of the excellence awards fund, to the department of  
13 education, for the fiscal year beginning July 1, 2013, the sum of  
14 \$250,000, or so much thereof as may be necessary, for allocation to grant  
15 programs, distributions, and other assistance for awards to local education  
16 providers pursuant to section 22-24-107, Colorado Revised Statutes.

17 (6) In addition to any other appropriation, for the fiscal year  
18 beginning July 1, 2013, there is hereby appropriated, out of any moneys  
19 in the state education fund created in section 17 (4) (a) of article IX of the  
20 state constitution, not otherwise appropriated, to the department of  
21 education to be credited to the professional development and student  
22 support fund created in section 22-24-108 (3) (a), Colorado Revised  
23 Statutes, the sum of \$6,267,766, to be used for purposes consistent with  
24 the creation of the fund.

25 (7) In addition to any other appropriation, there is hereby  
26 appropriated, out of the professional development and student support  
27 fund, to the department of education, for the fiscal year beginning July 1,

1 2013, the sum of \$6,267,766, or so much thereof as may be necessary, for  
2 allocation to grant programs, distributions, and other assistance for  
3 distribution to local education providers pursuant to section 22-24-108,  
4 Colorado Revised Statutes.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.