

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

March 27, 2013

Committee on Education.

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

HB13-1211 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

5 **ARTICLE 24**

6 **English Language Proficiency Act**

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

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

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

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

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

23 (d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE
24 ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE
25 DEVELOPMENT AND IN PROVIDING ACCESS AND SUPPORT FOR

1 ACHIEVEMENT IN GRADE-LEVEL ACADEMIC CONTENT FOR ENGLISH
2 LANGUAGE LEARNERS;

3 (e) THE STATE MUST DEVELOP AN EDUCATOR WORKFORCE THAT
4 CAN SUPPORT THE EDUCATIONAL APPROACH AND GOALS OF LOCAL
5 EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE
6 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT
7 GRADUATION;

8 (f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO
9 LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE
10 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT
11 GRADUATION;

12 (g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
13 EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE
14 THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11
15 OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES
16 MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE
17 DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH
18 LANGUAGE LEARNERS; AND

19 (h) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
20 EDUCATION MUST RECOGNIZE LOCAL EDUCATION PROVIDERS WHO
21 PROVIDE EFFECTIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS BY
22 AWARDING GRANTS THROUGH A COMPETITIVE PROGRAM THAT IS
23 SUPPORTED WITH ANNUAL APPROPRIATIONS.

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

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

27 (2) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND
28 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF
29 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE
30 5 OF THIS TITLE.

31 (3) "ENGLISH LANGUAGE LEARNER" MEANS A STUDENT WHO IS
32 LINGUISTICALLY DIVERSE AND WHO IS IDENTIFIED PURSUANT TO SECTION
33 22-24-105 (3) (a) AS HAVING A LEVEL OF ENGLISH LANGUAGE
34 PROFICIENCY THAT REQUIRES LANGUAGE SUPPORT TO ACHIEVE
35 STANDARDS IN GRADE-LEVEL CONTENT IN ENGLISH.

36 (4) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A
37 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS
38 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH
39 LANGUAGE LEARNER WHILE ALSO PROVIDING THE STUDENT ACCESS TO
40 GRADE-LEVEL ACADEMIC CONTENT TO SUPPORT THE STUDENT'S ACADEMIC
41 ACHIEVEMENT. AN ENGLISH LANGUAGE PROFICIENCY PROGRAM MUST
42 INCLUDE THE REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (1).

1 (5) "EVIDENCE BASED" MEANS THE INSTRUCTION OR ITEM
2 DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE
3 THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED
4 A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO
5 ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY,
6 AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE
7 LEARNERS.

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

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

12 (8) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE
13 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE
14 30.5 OF THIS TITLE.

15 **22-24-104. English language proficiency program established**
16 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE
17 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN
18 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY
19 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND
20 GRADES ONE THROUGH TWELVE.

21 (2) (a) A STUDENT WHO IS IDENTIFIED FOR INCLUSION IN AN
22 ENGLISH LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING
23 PURSUANT TO THIS SECTION FOR UP TO A TOTAL OF FIVE BUDGET YEARS
24 REGARDLESS OF WHETHER THE STUDENT TRANSFERS ENROLLMENT AMONG
25 LOCAL EDUCATION PROVIDERS DURING THE FIVE YEARS. THE FIVE BUDGET
26 YEARS IN WHICH A STUDENT RECEIVES FUNDING PURSUANT TO THIS
27 SECTION ARE NOT REQUIRED TO BE CONSECUTIVE IF A STUDENT EXITS AN
28 ENGLISH LANGUAGE PROFICIENCY PROGRAM PURSUANT TO SECTION
29 22-24-105 (1) (f) AND IS SUBSEQUENTLY RE-IDENTIFIED FOR INCLUSION IN
30 AN ENGLISH LANGUAGE PROFICIENCY PROGRAM. A STUDENT IS NOT
31 ELIGIBLE FOR FUNDING IN A SCHOOL YEAR IN WHICH THE STUDENT DOES
32 NOT RECEIVE EDUCATIONAL SUPPORT THROUGH AN ENGLISH LANGUAGE
33 PROFICIENCY PROGRAM. THE DEPARTMENT SHALL ALLOCATE STATE
34 MONEYS PURSUANT TO THIS SECTION ON THE STUDENT'S BEHALF TO THE
35 LOCAL EDUCATION PROVIDER THAT ENROLLS THE STUDENT.

36 (b) IF A STUDENT WAS IDENTIFIED FOR INCLUSION IN AN ENGLISH
37 LANGUAGE PROFICIENCY PROGRAM BEFORE THE EFFECTIVE DATE OF THE
38 REPEAL AND REENACTMENT OF THIS ARTICLE AND RECEIVED STATE
39 FUNDING PURSUANT TO THIS ARTICLE AS IT EXISTED BEFORE THE
40 EFFECTIVE DATE OF THIS ARTICLE, THE DEPARTMENT MUST INCLUDE THE
41 BUDGET YEARS FOR WHICH THE STUDENT RECEIVED FUNDING BEFORE THE

1 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE IN
2 CALCULATING THE FIVE-YEAR LIMIT ON FUNDING FOR THE STUDENT.

3 (3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
4 MONEYS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS
5 SECTION. THE DEPARTMENT SHALL ALLOCATE THE MONEYS ANNUALLY
6 APPROPRIATED TO LOCAL EDUCATION PROVIDERS ON A PER-PUPIL BASIS
7 USING THE NUMBER OF ENGLISH LANGUAGE LEARNERS CERTIFIED
8 PURSUANT TO SECTION 22-24-105, SUBJECT TO THE TIME LIMIT SPECIFIED
9 IN SUBSECTION (2) OF THIS SECTION.

10 (4) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE ENGLISH
11 LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS
12 WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OPERATED BY THE LOCAL
13 EDUCATION PROVIDER; EXCEPT THAT LOCAL EDUCATION PROVIDERS MAY
14 COOPERATE IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

15 (5) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION
16 PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS
17 ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE
18 PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS
19 ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF
20 THESE PROGRAMS SHALL RECEIVE MONEYS PURSUANT TO THIS ARTICLE
21 ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS
22 ENROLLED IN THE PROGRAMS.

23 **22-24-105. Local education provider - powers and duties.**

24 (1) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH
25 LANGUAGE PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE
26 LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL
27 EDUCATION PROVIDER. THE ENGLISH LANGUAGE PROFICIENCY PROGRAM
28 MUST INCLUDE:

29 (a) AN EDUCATIONAL APPROACH THAT INCLUDES ACADEMIC
30 GOALS FOR THE PROGRAM;

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

33 (c) ENGLISH-LANGUAGE ASSESSMENT AND CONTENT ASSESSMENT
34 OF ENGLISH LANGUAGE LEARNERS;

35 (d) EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY
36 INSTRUCTIONAL PROGRAMS;

37 (e) A PROCESS BY WHICH AN ENGLISH LANGUAGE LEARNER, BASED
38 ON A BODY OF EVIDENCE THAT MUST INCLUDE STATE-MANDATED ENGLISH
39 LANGUAGE PROFICIENCY AND ACADEMIC ASSESSMENTS AND MAY INCLUDE
40 OTHER EVIDENCE THAT DEMONSTRATES THE ENGLISH LANGUAGE
41 LEARNER'S ACADEMIC PERFORMANCE, ACADEMIC GROWTH, ENGLISH
42 LANGUAGE PROFICIENCY, AND ENGLISH LANGUAGE GROWTH, MAY EXIT

1 THE PROGRAM AND A PROCESS BY WHICH A STUDENT WHO HAS EXITED THE
2 PROGRAM MAY BE RE-IDENTIFIED AS AN ENGLISH LANGUAGE LEARNER;
3 AND
4 (f) A PROCESS FOR PROGRAM EVALUATION, REVIEW, AND
5 IMPROVEMENT.
6 (2) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT ANY
7 MONEYS RECEIVED PURSUANT TO SECTION 22-24-104 (3) ARE USED TO
8 IMPLEMENT ONE OR MORE OF THE REQUIRED COMPONENTS OF THE
9 ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE LOCAL EDUCATION
10 PROVIDER ADMINISTERS.
11 (3) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTIONS (1) AND
12 (2) OF THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL:
13 (a) IDENTIFY ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED
14 IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER USING THE
15 STATE-APPROVED ASSESSMENT FOR ENGLISH LANGUAGE PROFICIENCY;
16 (b) ANNUALLY ASSESS THE ENGLISH LANGUAGE PROFICIENCY OF
17 ENGLISH LANGUAGE LEARNERS USING THE ENGLISH LANGUAGE
18 PROFICIENCY ASSESSMENT IDENTIFIED BY THE DEPARTMENT PURSUANT TO
19 SECTION 22-24-106 (1) (a);
20 (c) ANNUALLY REPORT AND CERTIFY TO THE DEPARTMENT:
21 (I) THE NUMBER OF ENGLISH LANGUAGE LEARNERS ENROLLED IN
22 THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER AND ELIGIBLE
23 FOR FUNDING PURSUANT TO SECTION 22-24-104 (2);
24 (II) THE NUMBER OF NON-ENGLISH LANGUAGES THAT ARE
25 CERTIFIED AS ENGLISH LANGUAGE LEARNERS' PRIMARY LANGUAGES; AND
26 (III) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO SPEAK
27 EACH NON-ENGLISH LANGUAGE AS THEIR PRIMARY LANGUAGE;
28 (d) FOR EACH BUDGET YEAR, SUBMIT TO THE DEPARTMENT A
29 BUDGET SPECIFYING HOW THE LOCAL EDUCATION PROVIDER WILL USE THE
30 MONEYS RECEIVED;
31 (e) AT THE END OF EACH BUDGET YEAR, SUBMIT TO THE
32 DEPARTMENT AN EXPLANATION OF THE LOCAL EDUCATION PROVIDER'S
33 EXPENDITURES IN PROVIDING THE ENGLISH LANGUAGE PROFICIENCY
34 PROGRAM DURING THE BUDGET YEAR; AND
35 (f) ANNUALLY PROVIDE TO THE DEPARTMENT THE FOLLOWING
36 ASSURANCES:
37 (I) THE LOCAL EDUCATION PROVIDER IS USING THE MONEYS
38 RECEIVED PURSUANT TO SECTION 22-24-104 (3) TO IMPLEMENT ONE OR
39 MORE OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM COMPONENTS
40 SPECIFIED IN SUBSECTION (1) OF THIS SECTION;
41 (II) THE LOCAL EDUCATION PROVIDER ADMINISTERS AN ENGLISH
42 LANGUAGE PROFICIENCY PROGRAM THAT MEETS THE REQUIREMENTS

1 SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO MEET THE LINGUISTIC
2 AND ACADEMIC NEEDS OF THE ENGLISH LANGUAGE LEARNERS WHO ARE
3 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER;
4 AND

5 (III) THE ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE
6 LOCAL EDUCATION PROVIDER OPERATES COMPLIES WITH THE APPLICABLE
7 STATE AND FEDERAL LAWS.

8 **22-24-106. Department of education - powers - duties - state**
9 **board of education - rules.** (1) THE DEPARTMENT SHALL:

10 (a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS
11 THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS
12 WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY
13 PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE PRIOR TO THE
14 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;

15 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY
16 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION
17 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED
18 TO TAKE THE STATEWIDE ASSESSMENT;

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

24 (d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE
25 TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING
26 ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND
27 EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

28 (e) COMPREHENSIVELY MONITOR THE DEVELOPMENT,
29 IMPLEMENTATION, AND EVALUATION OF EACH LOCAL EDUCATION
30 PROVIDER'S ENGLISH LANGUAGE PROFICIENCY PROGRAM BASED ON THE
31 PERFORMANCE OF THE ENGLISH LANGUAGE LEARNERS WHO ARE
32 ENROLLED BY THE LOCAL EDUCATION PROVIDER. THE DEPARTMENT MUST
33 MONITOR AT A MINIMUM:

34 (I) THE LOCAL EDUCATION PROVIDER'S EDUCATIONAL APPROACH,
35 INCLUDING GOALS, OF EACH ENGLISH LANGUAGE PROFICIENCY PROGRAM;

36 (II) THE PROCESS THE LOCAL EDUCATION PROVIDER USES TO
37 IDENTIFY ENGLISH LANGUAGE LEARNERS;

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

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

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

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

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

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

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

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

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

23 (i) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE
24 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006
25 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC
26 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS AS PROVIDED IN PART 5
27 OF ARTICLE 11 OF THIS TITLE; AND

28 (j) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT
29 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107 AND THE
30 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM CREATED
31 IN SECTION 22-24-108.

32 (2) IN MONITORING EACH LOCAL EDUCATION PROVIDER'S ENGLISH
33 LANGUAGE PROFICIENCY PROGRAM AND IN OTHERWISE IMPLEMENTING THE
34 PROVISIONS OF THIS ARTICLE, THE DEPARTMENT SHALL NOT REQUIRE
35 LOCAL EDUCATION PROVIDERS TO SUBMIT REPORTS OR OTHERWISE
36 PROVIDE DATA THAT IS REQUIRED BY OR THAT THE DEPARTMENT
37 COLLECTS UNDER OTHER STATE OR FEDERAL DATA-COLLECTION OR
38 REPORTING STATUTORY OR REGULATORY REQUIREMENTS.

39 (3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT
40 THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND
41 REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER THAT

1 DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE
2 TO BE APPROPRIATE, AND THE STATE BOARD SHALL PROMULGATE
3 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
4 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO
5 IMPLEMENT THIS ARTICLE. THE STATE BOARD BY RULE MAY IDENTIFY
6 MEASURES THAT ARE SPECIFIC TO THE ENGLISH LANGUAGE PROFICIENCY
7 ASSESSMENT, WHICH MEASURES THE DEPARTMENT MUST USE TO
8 DETERMINE A LOCAL EDUCATION PROVIDER'S LEVEL OF ACHIEVEMENT IN
9 MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC
10 ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS.

11 **22-24-107. English language proficiency act excellence award**
12 **program - excellence award fund - created - rules - legislative**
13 **declaration.**

14 (1) THERE IS CREATED IN THE DEPARTMENT THE ENGLISH
15 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM TO AWARD
16 GRANTS TO LOCAL EDUCATION PROVIDERS THAT ACHIEVE THE HIGHEST
17 ENGLISH LANGUAGE AND ACADEMIC GROWTH AMONG ENGLISH LANGUAGE
18 LEARNERS AND THE HIGHEST ACADEMIC ACHIEVEMENT FOR ENGLISH
19 LANGUAGE LEARNERS WHO TRANSITION OUT OF THE ENGLISH LANGUAGE
20 PROFICIENCY PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE
21 PROGRAM BY ANNUALLY IDENTIFYING, BASED ON RULES OF THE STATE
22 BOARD, THE LOCAL EDUCATION PROVIDERS THAT QUALIFY FOR GRANTS
23 AND DISTRIBUTING THE MONEYS APPROPRIATED TO THE EXCELLENCE
24 AWARDS FUND CREATED IN SUBSECTION (4) OF THIS SECTION. THE STATE
25 BOARD BY RULE SHALL SET THE GRANT AMOUNT BASED ON THE STUDENT
26 ENROLLMENT OF THE LOCAL EDUCATION PROVIDERS THAT QUALIFY FOR
27 GRANTS AND THE CONCENTRATION OF ENGLISH LANGUAGE LEARNERS
28 ENROLLED BY THE LOCAL EDUCATION PROVIDERS AS A PERCENTAGE OF
29 THE TOTAL STUDENT ENROLLMENT. SUBJECT TO AVAILABLE
30 APPROPRIATIONS, THE DEPARTMENT SHALL DISTRIBUTE THE MONEYS IN
31 ACCORDANCE WITH THE RULES TO THE LOCAL EDUCATION PROVIDERS
32 THAT QUALIFY FOR THE GRANTS.

33 (2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE
34 THE CRITERIA OR MEASURES THAT THE DEPARTMENT MUST APPLY TO
35 IDENTIFY THE LOCAL EDUCATION PROVIDERS THAT ACHIEVE THE HIGHEST
36 ENGLISH LANGUAGE AND ACADEMIC GROWTH AMONG ENGLISH LANGUAGE
37 LEARNERS AND THAT ACHIEVE THE HIGHEST ACADEMIC ACHIEVEMENT FOR
38 ENGLISH LANGUAGE LEARNERS WHO TRANSITION OUT OF THE ENGLISH
39 LANGUAGE PROFICIENCY PROGRAM.

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

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

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

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

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

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

28 (5) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF
29 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH
30 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM IS AN
31 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE
32 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS
33 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
34 OF THE STATE CONSTITUTION.

35 **22-24-108. Professional development and student support**
36 **program - created - professional development and student support**
37 **fund - rules - repeal.** (1) THERE IS CREATED IN THE DEPARTMENT THE
38 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM,
39 REFERRED TO IN THIS SECTION AS THE "SUPPORT PROGRAM", TO PROVIDE
40 MONEYS TO LOCAL EDUCATION PROVIDERS TO:

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

1 (b) PROVIDE EFFECTIVE PROFESSIONAL DEVELOPMENT ACTIVITIES
2 RELATED TO TEACHING ENGLISH LANGUAGE LEARNERS FOR ALL
3 EDUCATORS WHO MAY WORK WITH ENGLISH LANGUAGE LEARNERS IN THE
4 CLASSROOM; AND

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

8 (2) THE DEPARTMENT SHALL ANNUALLY CALCULATE THE AMOUNT
9 OF SUPPORT PROGRAM MONEYS EACH LOCAL EDUCATION PROVIDER
10 RECEIVES PURSUANT TO THIS SECTION AS THE SAME PERCENTAGE OF THE
11 TOTAL AMOUNT ANNUALLY APPROPRIATED TO THE PROFESSIONAL
12 DEVELOPMENT AND STUDENT SUPPORT FUND THAT THE NUMBER OF
13 ENGLISH LANGUAGE LEARNERS ENROLLED IN THE LOCAL EDUCATION
14 PROVIDER BEARS TO THE TOTAL NUMBER OF ENGLISH LANGUAGE
15 LEARNERS ENROLLED IN LOCAL EDUCATION PROVIDERS STATEWIDE. THE
16 DEPARTMENT SHALL DISTRIBUTE TO EACH LOCAL EDUCATION PROVIDER
17 THE AMOUNT CALCULATED PURSUANT TO THIS SUBSECTION (2) FROM THE
18 MONEYS APPROPRIATED TO THE PROFESSIONAL DEVELOPMENT AND
19 STUDENT SUPPORT FUND.

20 (3) (a) THERE IS CREATED IN THE STATE TREASURY THE
21 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT FUND, REFERRED TO
22 IN THIS SUBSECTION (3) AS THE "FUND", CONSISTING OF SUCH MONEYS AS
23 THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS
24 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
25 ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION
26 PROVIDERS AS PROVIDED IN THIS SECTION. THE DEPARTMENT MAY EXPEND
27 UP TO TWO AND FIVE-TENTHS PERCENT OF THE MONEYS ANNUALLY
28 APPROPRIATED FROM THE FUND TO OFFSET THE COSTS INCURRED IN
29 IMPLEMENTING THIS SECTION.

30 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
31 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
32 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
33 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
34 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
35 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND
36 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
37 ANOTHER FUND.

38 (4) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF
39 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE
40 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM IS AN
41 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE
42 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS

1 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
2 OF THE STATE CONSTITUTION.

3 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015, BUT ONLY
4 IF SENATE BILL 13-213 IS ENACTED AND BECOMES LAW.

5 **SECTION 2. 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."

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