

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 8, 2014
Date

Committee on Appropriations.

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

HB14-1298 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 7, strike line 14 and 15 and substitute "NINE
2 HUNDRED TWENTY-NINE MILLION SEVEN HUNDRED NINE THOUSAND FIVE
3 HUNDRED EIGHTY-TWO DOLLARS (\$5,929,709,582); except that the".

4 Page 11, before line 9, insert:

5 "SECTION 8. In Colorado Revised Statutes, **repeal and reenact,**
6 **with amendments,** article 24 of title 22 as follows:

7 **ARTICLE 24**
8 **English Language Proficiency Act**
9 **22-24-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
10 BE CITED AS THE "ENGLISH LANGUAGE PROFICIENCY ACT".

11 **22-24-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
12 FINDS THAT:

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

15 (b) LOCAL EDUCATION PROVIDERS MUST PROVIDE
16 EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR
17 ENGLISH LANGUAGE LEARNERS TO ENABLE THEM TO DEVELOP AND
18 ACQUIRE ENGLISH LANGUAGE PROFICIENCY WHILE ACHIEVING AND
19 MAINTAINING GRADE-LEVEL PERFORMANCE IN ACADEMIC CONTENT
20 AREAS;

21 (c) TO IMPROVE THE EDUCATIONAL AND CAREER OPPORTUNITIES
22 FOR EVERY STUDENT IN COLORADO, THE STATE MUST ENSURE SUPPORT

1 FOR LOCAL EDUCATION PROVIDERS TO ESTABLISH EVIDENCE-BASED
2 ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

3 (d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE
4 ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE
5 DEVELOPMENT AND IN ENABLING ENGLISH LANGUAGE LEARNERS TO
6 ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC
7 CONTENT AREAS;

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

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

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

24 (h) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
25 EDUCATION MUST RECOGNIZE LOCAL EDUCATION PROVIDERS WHO
26 PROVIDE EFFECTIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS BY
27 AWARDING GRANTS THROUGH A COMPETITIVE PROGRAM THAT IS
28 SUPPORTED WITH ANNUAL APPROPRIATIONS.

29 **22-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
30 CONTEXT OTHERWISE REQUIRES:

31 (1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
32 BY A DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE OR AN
33 INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
34 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

35 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

36 (3) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND
37 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF
38 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE
39 5 OF THIS TITLE.

40 (4) "ENGLISH LANGUAGE LEARNER" MEANS A STUDENT WHO IS
41 LINGUISTICALLY DIVERSE AND WHO IS IDENTIFIED PURSUANT TO SECTION

1 22-24-105 (2) AS HAVING A LEVEL OF ENGLISH LANGUAGE PROFICIENCY
2 THAT REQUIRES LANGUAGE SUPPORT TO ACHIEVE STANDARDS IN
3 GRADE-LEVEL CONTENT IN ENGLISH.

4 (5) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A
5 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS
6 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH
7 LANGUAGE LEARNER WHILE ENABLING THE ENGLISH LANGUAGE LEARNER
8 TO ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC
9 CONTENT AREAS.

10 (6) "EVIDENCE-BASED" MEANS THE INSTRUCTION OR ITEM
11 DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE
12 THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED
13 A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO
14 ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY,
15 AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE
16 LEARNERS.

17 (7) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS
18 DEFINED IN SECTION 22-2-402 (1).

19 (8) "LOCAL EDUCATION PROVIDER" MEANS A DISTRICT, THE STATE
20 CHARTER SCHOOL INSTITUTE, OR A FACILITY SCHOOL.

21 (9) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE
22 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE
23 30.5 OF THIS TITLE.

24 **22-24-104. English language proficiency program established**
25 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE
26 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN
27 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY
28 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND
29 GRADES ONE THROUGH TWELVE.

30 (2) (a) A STUDENT WHO IS IDENTIFIED FOR INCLUSION IN AN
31 ENGLISH LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING
32 PURSUANT TO THIS SECTION FOR UP TO A TOTAL OF FIVE BUDGET YEARS
33 REGARDLESS OF WHETHER THE STUDENT TRANSFERS ENROLLMENT AMONG
34 LOCAL EDUCATION PROVIDERS DURING THE FIVE YEARS. THE FIVE BUDGET
35 YEARS IN WHICH A STUDENT RECEIVES FUNDING PURSUANT TO THIS
36 SECTION ARE NOT REQUIRED TO BE CONSECUTIVE IF A STUDENT EXITS AN
37 ENGLISH LANGUAGE PROFICIENCY PROGRAM AND IS SUBSEQUENTLY
38 RE-IDENTIFIED FOR INCLUSION IN AN ENGLISH LANGUAGE PROFICIENCY
39 PROGRAM. A STUDENT IS NOT ELIGIBLE FOR FUNDING IN A SCHOOL YEAR
40 IN WHICH THE STUDENT DOES NOT RECEIVE EDUCATIONAL SUPPORT
41 THROUGH AN ENGLISH LANGUAGE PROFICIENCY PROGRAM. THE

1 DEPARTMENT SHALL ALLOCATE STATE MONEYS PURSUANT TO THIS
2 SECTION ON THE STUDENT'S BEHALF TO THE LOCAL EDUCATION PROVIDER
3 THAT ENROLLS THE STUDENT.

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

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

20 (b) (I) THE DEPARTMENT SHALL DISTRIBUTE SEVENTY-FIVE
21 PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED TO THE DEPARTMENT
22 PURSUANT TO THIS SUBSECTION (3) TO LOCAL EDUCATION PROVIDERS TO
23 PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS WHO:

24 (A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT
25 COMPREHEND OR SPEAK ENGLISH; AND

26 (B) COMPREHEND OR SPEAK SOME ENGLISH BUT WHOSE PRIMARY
27 COMPREHENSION OR SPEECH IS IN A LANGUAGE OTHER THAN ENGLISH.

28 (II) A STUDENT SHALL NOT BE FUNDED PURSUANT TO THIS
29 PARAGRAPH (b) FOR MORE THAN FOUR HUNDRED DOLLARS PER YEAR OR
30 AN AMOUNT EQUAL TO TWENTY PERCENT OF THE STATE AVERAGE PER
31 PUPIL REVENUES, AS DEFINED IN SECTION 22-54-103 (12), FOR THE
32 PRECEDING BUDGET YEAR AS DETERMINED BY THE DEPARTMENT,
33 WHICHEVER IS GREATER.

34 (c) (I) THE DEPARTMENT SHALL DISTRIBUTE THE REMAINDER OF
35 THE AMOUNT ANNUALLY APPROPRIATED PURSUANT TO THIS SUBSECTION
36 (3) TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES TO ENGLISH
37 LANGUAGE LEARNERS WHO COMPREHEND AND SPEAK ENGLISH AND ONE
38 OR MORE OTHER LANGUAGES BUT WHOSE ENGLISH LANGUAGE
39 DEVELOPMENT AND COMPREHENSION IS:

40 (A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE
41 LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A

1 NATIONALLY STANDARDIZED TEST; OR
2 (B) BELOW THE ACCEPTABLE PROFICIENCY LEVEL BASED ON THE
3 ASSESSMENTS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION
4 22-24-106 (1) (a).
5 (II) A STUDENT SHALL NOT BE FUNDED PURSUANT TO THIS
6 PARAGRAPH (c) FOR MORE THAN TWO HUNDRED DOLLARS PER YEAR OR AN
7 AMOUNT EQUAL TO TEN PERCENT OF THE STATE AVERAGE PER PUPIL
8 REVENUES, AS DEFINED IN SECTION 22-54-103 (12), FOR THE PRECEDING
9 BUDGET YEAR AS DETERMINED BY THE DEPARTMENT, WHICHEVER IS
10 GREATER.
11 (4) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE ENGLISH
12 LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS
13 WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OPERATED BY THE LOCAL
14 EDUCATION PROVIDER; EXCEPT THAT LOCAL EDUCATION PROVIDERS MAY
15 COOPERATE IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.
16 (5) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION
17 PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS
18 ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE
19 PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS
20 ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF
21 THESE PROGRAMS SHALL RECEIVE MONEYS PURSUANT TO THIS ARTICLE
22 ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS
23 ENROLLED IN THE PROGRAMS.
24 **22-24-105. Local education provider - duties.** (1) EACH LOCAL
25 EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH LANGUAGE
26 PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE LEARNERS WHO ARE
27 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER.
28 (2) EACH LOCAL EDUCATION PROVIDER SHALL IDENTIFY ENGLISH
29 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE
30 LOCAL EDUCATION PROVIDER USING THE STATE-APPROVED ASSESSMENT
31 FOR ENGLISH LANGUAGE PROFICIENCY. THE LOCAL EDUCATION PROVIDER
32 SHALL ANNUALLY CERTIFY TO THE DEPARTMENT THE NUMBER OF ENGLISH
33 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE
34 LOCAL EDUCATION PROVIDER AND ARE ELIGIBLE FOR FUNDING PURSUANT
35 TO SECTION 22-24-104 (2).
36 (3) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT
37 TO THE DEPARTMENT THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO
38 EXIT THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.
39 **22-24-106. Department of education - powers - duties - state**
40 **board of education - rules.** (1) THE DEPARTMENT SHALL:
41 (a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS

1 THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS
2 WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY
3 PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE PRIOR TO THE
4 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;
5 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY
6 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION
7 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED
8 TO TAKE THE STATEWIDE ASSESSMENT;
9 (c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A
10 LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN
11 WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE
12 ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING
13 ASSESSMENTS PURSUANT TO SECTION 22-7-409 OR 22-7-1006;
14 (d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE
15 TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING
16 ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND
17 EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;
18 (e) IDENTIFY, BASED ON THE CERTIFICATIONS RECEIVED FROM
19 LOCAL EDUCATION PROVIDERS, THE STUDENTS WHO ARE COUNTED AS
20 ENGLISH LANGUAGE LEARNERS FOR PURPOSES OF CALCULATING EACH
21 LOCAL EDUCATION PROVIDER'S ALLOCATION OF MONEYS PURSUANT TO
22 SECTION 22-24-104 (3);
23 (f) ANNUALLY ALLOCATE THE MONEYS APPROPRIATED FOR
24 IMPLEMENTATION OF THIS ARTICLE, INCLUDING ALLOCATING THE MONEYS
25 SPECIFIED IN SECTION 22-24-104 (3) ON A PER-PUPIL BASIS, USING THE
26 NUMBER OF ENGLISH LANGUAGE LEARNERS IDENTIFIED PURSUANT TO
27 PARAGRAPH (e) OF THIS SUBSECTION (1) AND PARTICIPATING IN THE
28 ENGLISH LANGUAGE PROFICIENCY PROGRAM;
29 (g) FOR EACH LOCAL EDUCATION PROVIDER, MONITOR AND REPORT
30 THROUGH THE DATA PORTAL OPERATED PURSUANT TO SECTION 22-11-502,
31 THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO EXIT THE ENGLISH
32 LANGUAGE PROFICIENCY PROGRAM, THE LENGTH OF TIME ENGLISH
33 LANGUAGE LEARNERS REMAIN IN THE ENGLISH LANGUAGE PROFICIENCY
34 PROGRAM, AND THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO
35 REENTER THE ENGLISH LANGUAGE PROFICIENCY PROGRAM;
36 (h) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE
37 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006
38 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC
39 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS, WHILE THEY ARE
40 RECEIVING SERVICES THROUGH THE ENGLISH LANGUAGE PROFICIENCY
41 PROGRAM AND AFTER THEY EXIT THE ENGLISH LANGUAGE PROFICIENCY

1 PROGRAM THROUGH HIGH SCHOOL GRADUATION, AS PROVIDED IN PART 5
2 OF ARTICLE 11 OF THIS TITLE; AND

3 (i) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT
4 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107.

5 (2) IN IMPLEMENTING THE PROVISIONS OF THIS ARTICLE, THE
6 DEPARTMENT SHALL NOT REQUIRE LOCAL EDUCATION PROVIDERS TO
7 SUBMIT REPORTS OR OTHERWISE PROVIDE DATA THAT IS REQUIRED BY OR
8 THAT THE DEPARTMENT COLLECTS UNDER OTHER STATE OR FEDERAL
9 DATA-COLLECTION OR REPORTING STATUTORY OR REGULATORY
10 REQUIREMENTS.

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

24 **22-24-107. English language proficiency act excellence award**
25 **program - excellence awards fund - created - rules - legislative**
26 **declaration.** (1) THERE IS CREATED IN THE DEPARTMENT THE ENGLISH
27 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM TO AWARD
28 GRANTS TO LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT
29 ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH
30 AMONG ENGLISH LANGUAGE LEARNERS AND THE HIGHEST ACADEMIC
31 ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO TRANSITION OUT
32 OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM. THE DEPARTMENT
33 SHALL ADMINISTER THE PROGRAM BY ANNUALLY IDENTIFYING, BASED ON
34 RULES OF THE STATE BOARD, THE LOCAL EDUCATION PROVIDERS AND
35 CHARTER SCHOOLS THAT QUALIFY FOR GRANTS AND DISTRIBUTING THE
36 MONEYS APPROPRIATED TO THE EXCELLENCE AWARDS FUND CREATED IN
37 SUBSECTION (4) OF THIS SECTION. THE STATE BOARD BY RULE SHALL SET
38 THE GRANT AMOUNT BASED ON THE STUDENT ENROLLMENT OF THE LOCAL
39 EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR
40 GRANTS AND THE CONCENTRATION OF ENGLISH LANGUAGE LEARNERS
41 ENROLLED BY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS

1 AS A PERCENTAGE OF THE TOTAL STUDENT ENROLLMENT. SUBJECT TO
2 AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL DISTRIBUTE THE
3 MONEYS IN ACCORDANCE WITH THE RULES TO THE LOCAL EDUCATION
4 PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR THE GRANTS.

5 (2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE
6 THE CRITERIA OR MEASURES THAT THE DEPARTMENT MUST APPLY TO
7 IDENTIFY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT
8 ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH
9 AMONG ENGLISH LANGUAGE LEARNERS AND THAT ACHIEVE THE HIGHEST
10 ACADEMIC ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO
11 TRANSITION OUT OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

12 (3) (a) EACH LOCAL EDUCATION PROVIDER AND CHARTER SCHOOL
13 THAT RECEIVES A GRANT PURSUANT TO THIS SECTION, AT THE CONCLUSION
14 OF EACH SCHOOL YEAR FOR WHICH IT RECEIVES A GRANT, MUST SUBMIT TO
15 THE DEPARTMENT:

16 (I) A DATA ANALYSIS AND SUMMARY OF THE LOCAL EDUCATION
17 PROVIDER'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE PROFICIENCY
18 PROGRAM; AND

19 (II) A REPORT OF THE LOCAL EDUCATION PROVIDER'S OR CHARTER
20 SCHOOL'S USE OF THE GRANT MONEYS RECEIVED.

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

26 (4) (a) THERE IS CREATED IN THE STATE TREASURY THE
27 EXCELLENCE AWARDS FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE
28 "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY
29 APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO
30 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
31 DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AND
32 CHARTER SCHOOLS AS PROVIDED IN THIS SECTION.

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

41 (5) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF

1 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH
2 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM IS AN
3 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE
4 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS
5 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
6 OF THE STATE CONSTITUTION."

7 Renumber succeeding sections accordingly.

8 Page 11, after line 16 insert:

9 "(b) The cash funds appropriation from the state education fund
10 created in section 17 (4) (a) of article IX of the state constitution, for
11 public school finance administration, is increased by \$63,607 and 0.7
12 FTE.

13 (c) The cash funds appropriation from the state education fund
14 created in section 17 (4) (a) of article IX of the state constitution, for the
15 English language proficiency program, is increased by \$30,000,000.

16 (2) For the implementation of this act, the general fund
17 appropriation made in the annual general appropriation act to the
18 controlled maintenance trust fund created in section 24-75-302.5 (2) (a),
19 Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is
20 decreased by \$68,084.

21 **SECTION 9. Appropriation - adjustments to 2014 long bill.**

22 (1) For the implementation of this act, appropriations made in the annual
23 general appropriation act to the department of education for the fiscal
24 year beginning July 1, 2014, are adjusted as follows:

25 (a) The cash funds appropriation from the state education fund
26 created in section 17 (4) (a) of article IX of the state constitution, for the
27 state share of districts' total program funding, is increased by \$16,996,593
28 to support additional Colorado preschool program participants authorized
29 in section 22-28-104.3 (2) (a) (II), Colorado Revised Statutes.

30 **SECTION 10. Appropriation - adjustments to 2014 long bill.**

31 (1) For the implementation of this act, appropriations made in the annual
32 general appropriation act to the department of education for the fiscal
33 year beginning July 1, 2014, are adjusted as follows:

34 (a) The cash funds appropriation from the state education fund
35 created in section 17 (4) (a) of article IX of the state constitution, for the
36 state share of districts' total program funding, is increased by \$18,485,659
37 to support additional Colorado preschool program participants authorized
38 in section 22-28-104.3 (2) (a) (II), Colorado Revised Statutes.

1 **SECTION 11. Appropriation.** (1) In addition to any other
2 appropriation, for the fiscal year beginning July 1, 2014, there is hereby
3 appropriated, out of any moneys in the state education fund created in
4 section 17(4) of article IX of the Colorado constitution not otherwise
5 appropriated, to the excellence awards fund created in section 22-24-107
6 (4), Colorado Revised Statutes, the sum of \$500,000, and said sum, or so
7 much thereof as may be necessary, is further appropriated to the
8 department of education, for the implementation of the English language
9 proficiency act excellence award program created in section 22-24-107,
10 Colorado Revised Statutes.

11 (2) In addition to any other appropriation, there is hereby
12 appropriated, out of any moneys in the general fund, not otherwise
13 appropriated, to the department of human services, for the fiscal year
14 beginning July 1, 2014, the sum of \$68,084 and 1.1 FTE, or so much
15 thereof as may be necessary, to be allocated to the division of early care
16 and learning for child care licensing and administration activities."

17 Renumber succeeding sections accordingly.

18 Page 11, line 19, strike "Section 3 of this act takes" and substitute
19 "Sections 3 and 9 of this act take".

20 Page 11, line 21, strike "Section 4 of this act takes" and substitute
21 "Sections 4 and 10 of this act take".

22 Page 11, line 22, strike "section 4 of this act takes" and substitute
23 "sections 4 and 10 of this act take".

24 Page 1, line 102, strike "AN APPROPRIATION." and substitute "AND
25 **REDUCING APPROPRIATIONS.**".

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