

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0023.01 Jane Ritter

HOUSE BILL 06-1004

HOUSE SPONSORSHIP

Green,

SENATE SPONSORSHIP

Windels,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A GRANT PROGRAM TO PROVIDE
102 FUNDING FOR ORGANIZATIONS THAT SUPPLY ACCESSIBLE
103 EDUCATIONAL MATERIALS FOR STUDENTS WITH PRINT
104 DISABILITIES, AND MAKING AN APPROPRIATION THEREFOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the educational materials for the blind and dyslexic grant program ("grant program") to provide grants to nonprofit organizations that provide school districts with accessible educational materials for students who, because of a learning disability, visual impairment, or other

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.

physical disability, have difficulty reading the printed word. Directs the state board of education ("state board") to promulgate rules to implement the grant program.

Defines the information an applicant must provide when seeking a grant under the grant program. Defines the criteria the department of education ("department") and state board shall use in making recommendations and awarding a grant to an applicant.

Creates the educational materials for the blind and dyslexic grant program fund to provide for the payment of grants awarded.

Requires each nonprofit organization that receives a grant under the grant program to submit annually to the department a summary report on the use of the grant moneys received. Directs the department to provide a summary report of all grants made annually to the governor and education committees of the senate and house of representatives.

Makes an appropriation.

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

2 **SECTION 1.** Title 22, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 88**

5 **Audio Textbooks**

6 **22-88-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
9 CREATED IN SECTION 24-1-115, C.R.S.

10 (2) "FUND" MEANS THE EDUCATIONAL MATERIALS FOR THE BLIND
11 AND DYSLEXIC GRANT PROGRAM FUND CREATED IN SECTION 22-88-104.

12 (3) "GRANT PROGRAM" MEANS THE EDUCATIONAL MATERIALS FOR
13 THE BLIND AND DYSLEXIC GRANT PROGRAM CREATED IN SECTION
14 22-88-102.

15 (4) "NONPROFIT ORGANIZATION" MEANS A NONPROFIT OR
16 NOT-FOR-PROFIT ORGANIZATION RECOGNIZED BY THE FEDERAL INTERNAL
17 REVENUE SERVICE.

1 (5) "PRINT DISABILITY" MEANS A DOCUMENTED DISABILITY
2 AFFECTING A PERSON'S ABILITY TO READ STANDARD PRINT, INCLUDING BUT
3 NOT LIMITED TO A LEARNING DISABILITY, VISUAL IMPAIRMENT, OR OTHER
4 PHYSICAL DISABILITY.

5 (6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
6 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

7 (7) "STUDENT" MEANS A PUBLIC SCHOOL STUDENT ENROLLED IN
8 KINDERGARTEN THROUGH TWELFTH GRADE.

9 **22-88-102. Educational materials for the blind and dyslexic**

10 **grant program - creation - rules.** (1) THERE IS HEREBY CREATED THE
11 EDUCATIONAL MATERIALS FOR THE BLIND AND DYSLEXIC GRANT PROGRAM
12 TO PROVIDE GRANTS TO NONPROFIT ORGANIZATIONS THAT PROVIDE
13 SCHOOL DISTRICTS WITH ACCESSIBLE EDUCATIONAL MATERIALS FOR
14 STUDENTS WITH PRINT DISABILITIES. THE GRANT PROGRAM SHALL BE
15 DESIGNED TO ASSIST NONPROFIT ORGANIZATIONS IN THE DEVELOPMENT
16 AND DISTRIBUTION OF COMPREHENSIVE MATERIALS AND EQUIPMENT THAT
17 HELP A STUDENT WITH A PRINT DISABILITY TO EFFECTIVELY ACCESS THE
18 WRITTEN WORD, ESPECIALLY IN THE AREAS OF READING, WRITING,
19 MATHEMATICS, AND SCIENCE. THE MATERIALS AND EQUIPMENT SHALL
20 INCLUDE, BUT NEED NOT BE LIMITED TO, DIGITAL AUDIO BOOKS,
21 FOUR-SIDED TAPES, SPECIALIZED EQUIPMENT, READING SOFTWARE, AND
22 OTHER TECHNOLOGY TO ASSIST A STUDENT WITH A PRINT DISABILITY.

23 (2) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM,
24 AND THE STATE BOARD SHALL AWARD GRANTS AS PROVIDED IN THIS
25 ARTICLE, SUBJECT TO AVAILABLE APPROPRIATIONS. GRANTS SHALL BE
26 PAID OUT OF THE EDUCATIONAL MATERIALS FOR THE BLIND AND DYSLEXIC
27 GRANT PROGRAM FUND, CREATED PURSUANT TO SECTION 22-88-104.

1 (3) THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE
2 WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THE GRANT PROGRAM
3 IN ACCORDANCE WITH THIS ARTICLE, INCLUDING BUT NOT LIMITED TO
4 RULES SPECIFYING TIME FRAMES FOR SUBMITTING GRANT PROGRAM
5 APPLICATIONS, THE FORM OF THE GRANT PROGRAM APPLICATION, CRITERIA
6 FOR AWARDING A GRANT, TIME FRAMES FOR DISTRIBUTION OF THE GRANT
7 MONEYS, AND REPORTING REQUIREMENTS FOR A NONPROFIT
8 ORGANIZATION THAT RECEIVES A GRANT.

9 (4) THE DEPARTMENT SHALL SOLICIT AND MAY RECEIVE SUCH
10 PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS AS MAY BE
11 AVAILABLE TO FUND THE GRANT PROGRAM. ANY MONEYS RECEIVED
12 SHALL BE TRANSFERRED TO THE STATE TREASURER FOR DEPOSIT IN THE
13 FUND.

14 **22-88-103. Recording for educational materials for the blind**
15 **and dyslexic grant program - application - criteria.** (1) A NONPROFIT
16 ORGANIZATION THAT SEEKS A GRANT PURSUANT TO THIS ARTICLE SHALL
17 SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH
18 RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION
19 22-88-102 (3). THE APPLICATION SHALL DESCRIBE THE NONPROFIT
20 ORGANIZATION'S PROPOSED PLAN TO PROVIDE ACCESSIBLE EDUCATIONAL
21 MATERIALS TO STUDENTS WITH PRINT DISABILITIES AND SHALL INCLUDE
22 THE FOLLOWING INFORMATION:

23 (a) THE NUMBER OF SCHOOL DISTRICTS TO WHICH THE NONPROFIT
24 ORGANIZATION PROVIDES ACCESSIBLE EDUCATIONAL MATERIALS AT THE
25 TIME OF APPLICATION, THE APPROXIMATE NUMBER OF STUDENTS WITH
26 PRINT DISABILITIES IN THOSE SCHOOL DISTRICTS, AND THE ESTIMATED
27 NUMBER OF SCHOOL DISTRICTS AND STUDENTS THE NONPROFIT

1 ORGANIZATION EXPECTS TO SERVE IF AWARDED A GRANT;

2 (b) THE GRADE LEVELS OF THE STUDENTS WHO WOULD RECEIVE
3 ACCESSIBLE EDUCATIONAL MATERIALS FROM THE NONPROFIT
4 ORGANIZATION IF AWARDED A GRANT;

5 (c) A DESCRIPTION OF THE ACCESSIBLE EDUCATIONAL MATERIALS
6 THE NONPROFIT ORGANIZATION WILL PROVIDE IF AWARDED A GRANT;

7 (d) A DESCRIPTION OF THE METHOD USED BY THE SCHOOL
8 DISTRICTS TO WHICH THE NONPROFIT ORGANIZATION PROVIDES
9 ACCESSIBLE EDUCATIONAL MATERIALS TO MEASURE A STUDENT'S
10 ACADEMIC PERFORMANCE, INCLUDING THE METHOD USED TO DETERMINE
11 WHETHER A STUDENT WITH A PRINT DISABILITY IS PERFORMING AT, BELOW,
12 OR ABOVE GRADE LEVEL AND THE METHOD, IF ANY, USED TO DETERMINE
13 SUCH A STUDENT'S ACADEMIC PROGRESS OVER TIME;

14 (e) AN ITEMIZATION OF THE COSTS OF THE NONPROFIT
15 ORGANIZATION'S PROPOSED PLAN TO PROVIDE ACCESSIBLE EDUCATIONAL
16 MATERIALS AND OF OTHER SOURCES OF FUNDING RECEIVED BY THE
17 NONPROFIT ORGANIZATION AND USED TO PROVIDE SUCH ACCESSIBLE
18 EDUCATIONAL MATERIALS;

19 (f) A DETAILED DESCRIPTION OF HOW THE NONPROFIT
20 ORGANIZATION WILL IMPLEMENT ITS PLAN TO PROVIDE ACCESSIBLE
21 EDUCATIONAL MATERIALS, INCLUDING BUT NOT LIMITED TO A TIME FRAME
22 FOR DISTRIBUTION OF ACCESSIBLE EDUCATIONAL MATERIALS TO SCHOOL
23 DISTRICTS;

24 (g) A DESCRIPTION OF THE GOALS AND OBJECTIVES THAT THE
25 NONPROFIT ORGANIZATION EXPECTS TO ACHIEVE AS A RESULT OF
26 RECEIVING THE GRANT AND THE METHOD BY WHICH THE NONPROFIT
27 ORGANIZATION WILL MEASURE ACHIEVEMENT OF THE GOALS AND

1 OBJECTIVES; AND

2 (h) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE
3 STATE BOARD.

4 (2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED
5 FROM NONPROFIT ORGANIZATIONS PURSUANT TO THIS SECTION AND SHALL
6 MAKE RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE
7 AWARDING OF GRANTS AND THE AMOUNTS OF THE GRANTS. THE STATE
8 BOARD SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE
9 DEPARTMENT AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL
10 AWARD ANNUALLY GRANTS TO NONPROFIT ORGANIZATIONS IN AMOUNTS
11 SPECIFIED BY THE STATE BOARD. IN RECOMMENDING AND AWARDING
12 GRANTS PURSUANT TO THIS ARTICLE, THE DEPARTMENT AND THE STATE
13 BOARD SHALL, AT A MINIMUM:

14 (a) CONSIDER THE GEOGRAPHIC LOCATION OF THE NONPROFIT
15 ORGANIZATION AND, TO THE EXTENT POSSIBLE, ENSURE THAT GRANT
16 MONEYS ARE AWARDED TO NONPROFIT ORGANIZATIONS WITH A PRESENCE
17 THROUGHOUT THE STATE; AND

18 (b) AWARD GRANTS TO NONPROFIT ORGANIZATIONS THAT ARE
19 IMPLEMENTING PROGRAMS TO DEVELOP AND DISTRIBUTE ACCESSIBLE
20 EDUCATIONAL MATERIALS THAT WILL ASSIST STUDENTS WITH PRINT
21 DISABILITIES TO IMPROVE THEIR PROFICIENCY IN THE AREAS OF READING,
22 WRITING, MATHEMATICS, AND SCIENCE.

23 **22-88-104. Educational materials for the blind and dyslexic**
24 **grant program fund - creation.** THERE IS HEREBY CREATED IN THE
25 STATE TREASURY THE EDUCATIONAL MATERIALS FOR THE BLIND AND
26 DYSLEXIC GRANT PROGRAM FUND TO PROVIDE FOR THE PAYMENT OF
27 GRANTS AWARDED PURSUANT TO THIS ARTICLE. THE FUND SHALL CONSIST

1 OF SUCH MONEYS AS MAY BE APPROPRIATED THERETO FROM THE STATE
2 GENERAL FUND AND ANY MONEYS RECEIVED BY THE DEPARTMENT
3 PURSUANT TO SECTION 22-88-102 (4). THE MONEYS IN THE FUND SHALL
4 BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO
5 THE DEPARTMENT FOR THE PURPOSES SPECIFIED IN THIS ARTICLE. THE
6 DEPARTMENT MAY EXPEND UP TO TWO PERCENT OF THE MONEYS
7 APPROPRIATED ANNUALLY FROM THE FUND TO OFFSET THE DOCUMENTED
8 COSTS INCURRED IN IMPLEMENTING THE GRANT PROGRAM. ANY MONEYS
9 IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE
10 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST
11 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND
12 SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL
13 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN
14 THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
15 FUND OR ANY OTHER FUND.

16 **22-88-105. Reporting requirements.** (1) ON OR BEFORE
17 OCTOBER 1, 2007, AND ON OR BEFORE OCTOBER 1 EACH YEAR
18 THEREAFTER, A NONPROFIT ORGANIZATION THAT RECEIVES A GRANT
19 PURSUANT TO THIS ARTICLE SHALL SUBMIT A REPORT TO THE DEPARTMENT
20 AFTER THE COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE
21 NONPROFIT ORGANIZATION RECEIVES A GRANT PURSUANT TO THIS
22 ARTICLE. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

23 (a) THE NUMBER OF SCHOOL DISTRICTS THAT RECEIVED
24 ACCESSIBLE EDUCATIONAL MATERIALS FOR STUDENTS WITH PRINT
25 DISABILITIES FROM THE NONPROFIT ORGANIZATION AS A RESULT OF THE
26 GRANT AND THE NUMBER OF STUDENTS THAT RECEIVED SUCH MATERIALS
27 FROM A SCHOOL DISTRICT;

1 (b) A DESCRIPTION OF THE TYPE AND QUANTITY OF ACCESSIBLE
2 EDUCATIONAL MATERIALS DEVELOPED AND DISTRIBUTED TO THE SCHOOL
3 DISTRICTS BY THE NONPROFIT ORGANIZATION;

4 (c) THE LEVELS OF PERFORMANCE IN READING, WRITING,
5 MATHEMATICS, AND SCIENCE DEMONSTRATED BY THE STUDENTS THAT
6 RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS THROUGH THE GRANT
7 PROGRAM, BOTH BEFORE PARTICIPATION IN THE GRANT PROGRAM AND
8 DURING THE SCHOOL YEAR FOLLOWING PARTICIPATION IN THE GRANT
9 PROGRAM; AND

10 (d) SUCH OTHER INFORMATION AS THE STATE BOARD MAY REQUIRE
11 BY RULE TO ASSESS THE EFFECTIVENESS OF THE NONPROFIT
12 ORGANIZATION'S PLAN TO PROVIDE ACCESSIBLE EDUCATIONAL MATERIALS
13 AND OF THE GRANT PROGRAM.

14 (2) ON OR BEFORE JANUARY 1, 2008, AND ON OR BEFORE JANUARY
15 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE
16 GOVERNOR AND THE EDUCATION COMMITTEES OF THE SENATE AND THE
17 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, A
18 REPORT ON THE EDUCATIONAL MATERIALS FOR THE BLIND AND DYSLEXIC
19 GRANT PROGRAM. THE REPORT SHALL INCLUDE THE FOLLOWING
20 INFORMATION:

21 (a) A LIST OF GRANT RECIPIENTS AND THE YEAR IN WHICH EACH
22 GRANT WAS AWARDED;

23 (b) A COMPILATION AND SUMMARY OF THE NUMBER OF SCHOOL
24 DISTRICTS AND THE NUMBER OF STUDENTS WITH PRINT DISABILITIES WHO
25 RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS FROM A GRANT
26 RECIPIENT PURSUANT TO THIS ARTICLE; AND

27 (c) SUCH ADDITIONAL INFORMATION CONCERNING THE

1 IMPLEMENTATION AND EFFECTIVENESS OF THE GRANT PROGRAM AS MAY
2 BE DEEMED BENEFICIAL BY THE STATE BOARD, INCLUDING BUT NOT
3 LIMITED TO ANY RECOMMENDATIONS FOR CHANGES IN THE GRANT
4 PROGRAM.

5 **SECTION 2. Appropriation.** (1) In addition to any other
6 appropriation, there is hereby appropriated, out of any moneys in the
7 general fund not otherwise appropriated, to the educational materials for
8 the blind and dyslexic grant program fund created pursuant to section
9 22-88-104, Colorado Revised Statutes, for the fiscal year beginning July
10 1, 2006, the sum of three hundred thousand dollars (\$300,000) for the
11 implementation of this act.

12 (2) In addition to any other appropriation, there is hereby
13 appropriated, out of any moneys in the educational materials for the blind
14 and dyslexic grant program created pursuant to section 22-88-102,
15 Colorado Revised Statutes, not otherwise appropriated, to the department
16 of education, for the fiscal year beginning July 1, 2006, the sum of three
17 hundred thousand dollars (\$300,000), or so much thereof as may be
18 necessary, for the implementation of this act.

19 **SECTION 3. 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.