

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 06-0023.01 Jane Ritter

HOUSE BILL 06-1004

HOUSE SPONSORSHIP

Green,

SENATE SPONSORSHIP

Windels,

House Committees

Education
Appropriations

Senate Committees

Education
Appropriations

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.*

SENATE
3rd Reading Unamended
May 3, 2006

SENATE
Amended 2nd Reading
May 2, 2006

HOUSE
3rd Reading Unamended
April 4, 2006

HOUSE
Amended 2nd Reading
April 3, 2006

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) "ELIGIBLE FACILITY" MEANS A FACILITY APPROVED BY THE
11 STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-107 (1) (p) TO
12 RECEIVE REIMBURSEMENT FOR THE PROVISION OF EDUCATIONAL SERVICES
13 TO CHILDREN WITH DISABILITIES PLACED OUTSIDE OF THEIR DISTRICTS OF
14 RESIDENCE BUT WITHIN COLORADO.

15 (3) "FUND" MEANS THE READING ASSISTANCE GRANT PROGRAM
16 FUND CREATED IN SECTION 22-88-104.

17 (4) "GRANT PROGRAM" MEANS THE READING ASSISTANCE GRANT

1 PROGRAM CREATED IN SECTION 22-88-102.

2 (5) "ORGANIZATION" MEANS A NONPROFIT OR NOT-FOR-PROFIT
3 ORGANIZATION THAT IS OPERATING PURSUANT TO 26 U.S.C. SEC. 501 (c)
4 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

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 WITH A PRINT DISABILITY" MEANS A STUDENT
8 ENROLLED IN KINDERGARTEN OR ONE OF GRADES ONE THROUGH TWELVE,
9 INCLUDING IN AN ELIGIBLE FACILITY, WHO EXPERIENCES DIFFICULTIES IN
10 ACHIEVING THE STATE MODEL CONTENT STANDARDS ADOPTED PURSUANT
11 TO SECTION 22-7-406, AND FOR WHOM THE STUDENT'S SCHOOL DISTRICT
12 DOES NOT RECEIVE STATE OR FEDERAL MONEYS FOR SPECIAL EDUCATION
13 SERVICES, EITHER DIRECTLY FROM THE DEPARTMENT OR THROUGH AN
14 ADMINISTRATIVE UNIT.

15 **22-88-102. Reading assistance grant program - creation -**
16 **rules.** (1) THERE IS HEREBY CREATED THE READING ASSISTANCE GRANT
17 PROGRAM TO PROVIDE GRANTS TO ORGANIZATIONS THAT PROVIDE AND
18 DISTRIBUTE TO SCHOOL DISTRICTS AND ELIGIBLE FACILITIES ACCESSIBLE
19 EDUCATIONAL MATERIALS FOR STUDENTS WITH PRINT DISABILITIES. THE
20 GRANT PROGRAM SHALL BE DESIGNED TO ASSIST ORGANIZATIONS IN THE
21 DEVELOPMENT AND DISTRIBUTION OF COMPREHENSIVE MATERIALS AND
22 EQUIPMENT THAT HELP A STUDENT WITH A PRINT DISABILITY EFFECTIVELY
23 ACCESS THE WRITTEN WORD, ESPECIALLY IN THE AREAS OF READING,
24 WRITING, MATHEMATICS, AND SCIENCE. THE MATERIALS AND EQUIPMENT
25 MAY INCLUDE DIGITAL AUDIO BOOKS, FOUR-SIDED TAPES, DIGITAL
26 AUDIO PLAYBACK DEVICES, READING SOFTWARE, AND OTHER
27 TECHNOLOGY TO ASSIST A STUDENT WITH A PRINT DISABILITY.

1 (2) TO BE ELIGIBLE TO APPLY FOR A GRANT UNDER THE GRANT
2 PROGRAM, AN ORGANIZATION SHALL:

3 (a) HAVE A PRESENCE THROUGHOUT THE STATE;

4 (b) HAVE KNOWLEDGE OF ASSISTIVE TECHNOLOGY NEEDS
5 THROUGHOUT THE STATE;

6 (c) HAVE A STATEWIDE INFRASTRUCTURE FOR STAFFING,
7 EQUIPMENT, TRAINING, AND OTHER SERVICES; AND

8 (d) HAVE THE ABILITY TO DISTRIBUTE ASSISTIVE TECHNOLOGY
9 EQUIPMENT AND OTHER SERVICES THROUGH A STATEWIDE LOAN BANK
10 TARGETED TOWARD STUDENTS WITH PRINT DISABILITIES.

11 (3) (a) THE DEPARTMENT SHALL ADMINISTER THE GRANT
12 PROGRAM. THE DEPARTMENT SHALL SOLICIT AND REVIEW APPLICATIONS
13 FOR GRANTS PURSUANT TO THIS SECTION. SUBJECT TO AVAILABLE
14 APPROPRIATIONS, BEGINNING IN FISCAL YEAR 2006-07, THE STATE BOARD
15 SHALL AWARD GRANTS FOR TERMS OF ONE TO THREE YEARS AS PROVIDED
16 IN THIS ARTICLE. GRANTS SHALL BE PAID OUT OF THE READING
17 ASSISTANCE GRANT PROGRAM FUND, CREATED PURSUANT TO SECTION
18 22-88-104. IN AWARDING THE GRANT, THE STATE BOARD SHALL SPECIFY
19 THE AMOUNT AND TERM OF THE GRANT.

20 (b) (I) IF AN ORGANIZATION IS AWARDED A GRANT PURSUANT TO
21 THIS ARTICLE FOR MORE THAN ONE YEAR, THE ORGANIZATION SHALL BE
22 ELIGIBLE FOR MONEYS IN THE SUCCESSIVE YEARS OF THE GRANT ONLY IF
23 THE ORGANIZATION CONTINUES TO MEET THE GOALS ESTABLISHED IN ITS
24 APPLICATION.

25 (II) AN ORGANIZATION THAT HAS PREVIOUSLY RECEIVED A GRANT
26 PURSUANT TO THIS ARTICLE SHALL BE ELIGIBLE FOR SUBSEQUENT GRANTS
27 ONLY IF IT CONTINUES TO MEET THE CRITERIA SET FORTH IN SUBSECTION

1 (2) OF THIS SECTION AND IS ABLE TO DEMONSTRATE CONTINUED
2 IMPROVEMENT IN READING SKILLS BY THE STUDENTS WITH PRINT
3 DISABILITIES WHO HAVE RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS
4 THROUGH THE GRANT PROGRAM.

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

13 (5) THE DEPARTMENT SHALL SOLICIT AND MAY RECEIVE SUCH
14 PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS AS MAY BE
15 AVAILABLE TO FUND THE GRANT PROGRAM. ANY MONEYS RECEIVED
16 SHALL BE TRANSFERRED TO THE STATE TREASURER FOR DEPOSIT IN THE
17 FUND.

18 **22-88-103. Reading assistance grant program - application -**
19 **criteria.** (1) AN ORGANIZATION THAT SEEKS A GRANT PURSUANT TO THIS
20 ARTICLE SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN
21 ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD
22 PURSUANT TO SECTION 22-88-102(3). THE APPLICATION SHALL DESCRIBE
23 THE ORGANIZATION'S PROPOSED PLAN TO PROVIDE AND DISTRIBUTE
24 ACCESSIBLE EDUCATIONAL MATERIALS TO STUDENTS WITH PRINT
25 DISABILITIES AND SHALL INCLUDE THE FOLLOWING INFORMATION:

26 (a) THE NUMBER OF SCHOOL DISTRICTS AND ELIGIBLE FACILITIES
27 TO WHICH THE ORGANIZATION PROVIDES ACCESSIBLE EDUCATIONAL

1 MATERIALS AT THE TIME OF APPLICATION, AND THE ESTIMATED NUMBER
2 OF SCHOOL DISTRICTS, ELIGIBLE FACILITIES, AND STUDENTS WITH PRINT
3 DISABILITIES THE ORGANIZATION EXPECTS TO SERVE IF AWARDED A
4 GRANT;

5 (b) THE GRADE LEVELS OF THE STUDENTS WITH PRINT DISABILITIES
6 WHO WOULD RECEIVE ACCESSIBLE EDUCATIONAL MATERIALS FROM THE
7 ORGANIZATION IF AWARDED A GRANT;

8 (c) A DESCRIPTION OF THE ACCESSIBLE EDUCATIONAL MATERIALS
9 THE ORGANIZATION WILL PROVIDE AND DISTRIBUTE IF AWARDED A GRANT;

10 (d) A DESCRIPTION OF THE METHODS USED BY THE ORGANIZATION
11 TO MEASURE THE ACADEMIC PERFORMANCE OF A STUDENT WITH A PRINT
12 DISABILITY, INCLUDING THE METHODS USED TO DETERMINE WHETHER A
13 STUDENT WITH A PRINT DISABILITY IS PERFORMING AT, BELOW, OR ABOVE
14 GRADE LEVEL AND THE METHODS, IF ANY, USED TO DETERMINE THE
15 STUDENT'S ACADEMIC PROGRESS OVER TIME;

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

21 (f) A DETAILED DESCRIPTION OF HOW THE ORGANIZATION WILL
22 IMPLEMENT ITS PLAN TO PROVIDE AND DISTRIBUTE ACCESSIBLE
23 EDUCATIONAL MATERIALS, INCLUDING BUT NOT LIMITED TO A TIME FRAME
24 FOR DISTRIBUTION OF ACCESSIBLE EDUCATIONAL MATERIALS TO SCHOOL
25 DISTRICTS AND ELIGIBLE FACILITIES;

26 (g) A DESCRIPTION OF THE GOALS AND OBJECTIVES THAT THE
27 ORGANIZATION EXPECTS TO ACHIEVE AS A RESULT OF RECEIVING THE

1 GRANT AND THE METHOD BY WHICH THE ORGANIZATION WILL MEASURE
2 ACHIEVEMENT OF THE GOALS AND OBJECTIVES; AND

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

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

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

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

24 **22-88-104. Reading assistance grant program fund - creation.**

25 THERE IS HEREBY CREATED IN THE STATE TREASURY THE READING
26 ASSISTANCE 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 BY THE GENERAL
2 ASSEMBLY FROM THE READ-TO-ACHIEVE CASH FUND CREATED PURSUANT
3 TO SECTION 22-7-506 (4) AND ANY MONEYS RECEIVED BY THE
4 DEPARTMENT PURSUANT TO SECTION 22-88-102 (5). THE MONEYS IN THE
5 FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR
6 THE PURPOSES SPECIFIED IN THIS ARTICLE; EXCEPT THAT THE GRANTS
7 AWARDED BY THE STATE BOARD MAY NOT RESULT IN PAYMENT OF AN
8 AGGREGATE AMOUNT OF MORE THAN ONE HUNDRED THOUSAND DOLLARS
9 TO GRANT RECIPIENTS IN ANY FISCAL YEAR. THE DEPARTMENT MAY
10 EXPEND UP TO ONE PERCENT OF THE MONEYS APPROPRIATED TO THE FUND
11 TO OFFSET THE DOCUMENTED COSTS INCURRED IN IMPLEMENTING THE
12 GRANT PROGRAM. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE
13 PURPOSE OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS
14 PROVIDED BY LAW. ALL INTEREST DERIVED FROM THE DEPOSIT AND
15 INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
16 AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED
17 MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE
18 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

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

26 (a) THE NUMBER OF SCHOOL DISTRICTS AND ELIGIBLE FACILITIES
27 THAT RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS FOR STUDENTS

1 WITH PRINT DISABILITIES FROM THE ORGANIZATION AS A RESULT OF THE
2 GRANT AND THE NUMBER OF STUDENTS WITH PRINT DISABILITIES WHO
3 RECEIVED SUCH MATERIALS FROM A SCHOOL DISTRICT OR AN ELIGIBLE
4 FACILITY;

5 (b) THE LEVELS OF PERFORMANCE IN READING, WRITING,
6 MATHEMATICS, AND SCIENCE DEMONSTRATED BY THE STUDENTS WITH
7 PRINT DISABILITIES WHO RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS
8 THROUGH THE GRANT PROGRAM, BOTH BEFORE PARTICIPATION IN THE
9 GRANT PROGRAM AND DURING THE SCHOOL YEAR FOLLOWING
10 PARTICIPATION IN THE GRANT PROGRAM. THE ORGANIZATION SHALL USE
11 AS MEASUREMENT TOOLS THE ASSESSMENT INSTRUMENTS APPROVED AND
12 IDENTIFIED BY THE STATE BOARD PURSUANT TO SECTION 22-7-504 (1) AND
13 UTILIZED BY EACH SCHOOL DISTRICT TO ASSESS ANNUALLY THE READING
14 READINESS OR LITERACY AND READING COMPREHENSION LEVEL OF EACH
15 PUPIL ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE,
16 AND THE COLORADO STUDENT ASSESSMENT PROGRAM SCORES FOR EACH
17 PUPIL ENROLLED IN FOURTH THROUGH TWELFTH GRADE.

18 (c) A DESCRIPTION OF THE TYPE AND QUANTITY OF ACCESSIBLE
19 EDUCATIONAL MATERIALS PRODUCED, DEVELOPED, AND DISTRIBUTED TO
20 THE SCHOOL DISTRICTS AND ELIGIBLE FACILITIES BY THE ORGANIZATION;

21 (d) SUCH OTHER INFORMATION AS THE STATE BOARD MAY REQUIRE
22 BY RULE TO ASSESS THE EFFECTIVENESS OF THE ORGANIZATION'S PLAN TO
23 PROVIDE AND DISTRIBUTE ACCESSIBLE EDUCATIONAL MATERIALS AND THE
24 EFFECTIVENESS OF THE GRANT PROGRAM.

25 (2) ON OR BEFORE JANUARY 1, 2008, AND ON OR BEFORE JANUARY
26 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE
27 GOVERNOR AND THE EDUCATION COMMITTEES OF THE SENATE AND THE

1 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT
2 ON THE READING ASSISTANCE GRANT PROGRAM. THE REPORT SHALL
3 INCLUDE THE FOLLOWING INFORMATION:

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

6 (b) A COMPILATION AND SUMMARY OF THE NUMBER OF SCHOOL
7 DISTRICTS AND ELIGIBLE FACILITIES AND THE NUMBER OF STUDENTS WITH
8 PRINT DISABILITIES WHO RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS
9 FROM A GRANT RECIPIENT PURSUANT TO THIS ARTICLE; AND

10 (c) SUCH ADDITIONAL INFORMATION CONCERNING THE
11 IMPLEMENTATION AND EFFECTIVENESS OF THE GRANT PROGRAM AS MAY
12 BE DEEMED BENEFICIAL BY THE STATE BOARD, INCLUDING BUT NOT
13 LIMITED TO ANY RECOMMENDATIONS FOR CHANGES TO THE GRANT
14 PROGRAM.

15 **22-88-106. Repeal of article.** THIS ARTICLE IS REPEALED,
16 EFFECTIVE JULY 1, 2009.

17 **SECTION 2.** 22-7-506 (4) (a) (I), Colorado Revised Statutes, is
18 amended to read:

19 **22-7-506. Read-to-achieve grant program - board created -**
20 **fund - repeal.** (4) (a) (I) There is hereby established in the state treasury
21 the read-to-achieve cash fund, referred to in this section as the "cash
22 fund". The cash fund shall consist of moneys appropriated thereto
23 pursuant to paragraph (b) of this subsection (4) and any other moneys that
24 may be made available by the general assembly. Subject to appropriation
25 by the general assembly, moneys in the cash fund shall be used to provide
26 grants to schools pursuant to this section AND TO THE READING
27 ASSISTANCE GRANT PROGRAM CREATED PURSUANT TO SECTION 22-88-102.

1 Any moneys not provided as grants to schools may be invested by the
2 state treasurer as provided in section 24-36-113, C.R.S. All interest
3 derived from the deposit and investment of moneys in the cash fund shall
4 be credited to the cash fund. Any amount remaining in the cash fund at
5 the end of any fiscal year shall remain in the cash fund and shall not be
6 credited or transferred to the general fund or to any other fund.

7 **SECTION 3. Appropriation.** For the fiscal year beginning July
8 1, 2006, there is hereby appropriated, out of any moneys in the
9 read-to-achieve cash fund created pursuant to section 22-7-506 (4),
10 Colorado Revised Statutes, not otherwise appropriated, to the reading
11 assistance grant program fund created pursuant to section 22-88-104,
12 Colorado Revised Statutes, the sum of three hundred thousand dollars
13 (\$300,000) for the implementation of this act.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.