

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 06-0023.01 Jane Ritter

**HOUSE BILL 06-1004**

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**HOUSE SPONSORSHIP**

**Green,**

**SENATE SPONSORSHIP**

**Windels,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**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.**

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**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.

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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 THREE,  
9 INCLUDING IN AN ELIGIBLE FACILITY, WHO HAS AN INDIVIDUAL LITERACY  
10 PLAN PURSUANT TO SECTION 22-7-504.

11 **22-88-102. Reading assistance grant program - creation -**

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

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

26 (a) HAVE A PRESENCE THROUGHOUT THE STATE;

27 (b) HAVE KNOWLEDGE OF ASSISTIVE TECHNOLOGY NEEDS

1 THROUGHOUT THE STATE; AND

2 (c) HAVE A STATEWIDE INFRASTRUCTURE FOR STAFFING,  
3 EQUIPMENT, TRAINING, AND OTHER SERVICES.

4 (3) (a) THE DEPARTMENT SHALL ADMINISTER THE GRANT  
5 PROGRAM. THE DEPARTMENT SHALL SOLICIT AND REVIEW APPLICATIONS  
6 FOR GRANTS PURSUANT TO THIS SECTION. SUBJECT TO AVAILABLE  
7 APPROPRIATIONS, BEGINNING IN FISCAL YEAR 2007-08, THE STATE BOARD  
8 SHALL AWARD GRANTS FOR TERMS OF ONE TO FIVE YEARS AS PROVIDED IN  
9 THIS ARTICLE. GRANTS SHALL BE PAID OUT OF THE READING ASSISTANCE  
10 GRANT PROGRAM FUND, CREATED PURSUANT TO SECTION 22-88-104. IN  
11 AWARDING THE GRANT, THE STATE BOARD SHALL SPECIFY THE AMOUNT  
12 AND TERM OF THE GRANT.

13 (b) (I) IF AN ORGANIZATION IS AWARDED A GRANT PURSUANT TO  
14 THIS ARTICLE FOR MORE THAN ONE YEAR, THE ORGANIZATION SHALL BE  
15 ELIGIBLE FOR MONEYS IN THE SUCCESSIVE YEARS OF THE GRANT ONLY IF  
16 THE ORGANIZATION CONTINUES TO MEET THE GOALS ESTABLISHED IN ITS  
17 APPLICATION.

18 (II) AN ORGANIZATION THAT HAS PREVIOUSLY RECEIVED A GRANT  
19 PURSUANT TO THIS ARTICLE SHALL BE ELIGIBLE FOR SUBSEQUENT GRANTS  
20 ONLY IF IT CONTINUES TO MEET THE CRITERIA SET FORTH IN SUBSECTION  
21 (2) OF THIS SECTION AND IS ABLE TO DEMONSTRATE CONTINUED  
22 IMPROVEMENT IN READING SKILLS BY THE STUDENTS WITH PRINT  
23 DISABILITIES WHO HAVE RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS  
24 THROUGH THE GRANT PROGRAM.

25 (4) THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE  
26 WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THE GRANT PROGRAM  
27 IN ACCORDANCE WITH THIS ARTICLE, INCLUDING BUT NOT LIMITED TO

1 RULES SPECIFYING TIME FRAMES FOR SUBMITTING GRANT PROGRAM  
2 APPLICATIONS, THE FORM OF THE GRANT PROGRAM APPLICATION, CRITERIA  
3 FOR AWARDING A GRANT, TIME FRAMES FOR DISTRIBUTION OF THE GRANT  
4 MONEYS, AND REPORTING REQUIREMENTS FOR AN ORGANIZATION THAT  
5 RECEIVES A GRANT.

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

11 **22-88-103. Reading assistance grant program - application -**  
12 **criteria.** (1) AN ORGANIZATION THAT SEEKS A GRANT PURSUANT TO THIS  
13 ARTICLE SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN  
14 ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD  
15 PURSUANT TO SECTION 22-88-102 (3). THE APPLICATION SHALL DESCRIBE  
16 THE ORGANIZATION'S PROPOSED PLAN TO PROVIDE AND DISTRIBUTE  
17 ACCESSIBLE EDUCATIONAL MATERIALS TO STUDENTS WITH PRINT  
18 DISABILITIES AND SHALL INCLUDE THE FOLLOWING INFORMATION:

19 (a) THE NUMBER OF SCHOOL DISTRICTS AND ELIGIBLE FACILITIES  
20 TO WHICH THE ORGANIZATION PROVIDES ACCESSIBLE EDUCATIONAL  
21 MATERIALS AT THE TIME OF APPLICATION, AND THE ESTIMATED NUMBER  
22 OF SCHOOL DISTRICTS, ELIGIBLE FACILITIES, AND STUDENTS WITH PRINT  
23 DISABILITIES THE ORGANIZATION EXPECTS TO SERVE IF AWARDED A  
24 GRANT;

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

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

3 (d) A DESCRIPTION OF THE METHODS USED BY THE ORGANIZATION  
4 TO MEASURE THE ACADEMIC PERFORMANCE OF A STUDENT WITH A PRINT  
5 DISABILITY, INCLUDING THE METHODS USED TO DETERMINE WHETHER A  
6 STUDENT WITH A PRINT DISABILITY IS PERFORMING AT, BELOW, OR ABOVE  
7 GRADE LEVEL AND THE METHODS, IF ANY, USED TO DETERMINE THE  
8 STUDENT'S ACADEMIC PROGRESS OVER TIME;

9 (e) AN ITEMIZATION OF THE COSTS OF THE ORGANIZATION'S  
10 PROPOSED PLAN TO PROVIDE AND DISTRIBUTE ACCESSIBLE EDUCATIONAL  
11 MATERIALS AND OF OTHER SOURCES OF FUNDING RECEIVED BY THE  
12 ORGANIZATION AND USED TO PROVIDE AND DISTRIBUTE THE ACCESSIBLE  
13 EDUCATIONAL MATERIALS;

14 (f) A DETAILED DESCRIPTION OF HOW THE ORGANIZATION WILL  
15 IMPLEMENT ITS PLAN TO PROVIDE AND DISTRIBUTE ACCESSIBLE  
16 EDUCATIONAL MATERIALS, INCLUDING BUT NOT LIMITED TO A TIME FRAME  
17 FOR DISTRIBUTION OF ACCESSIBLE EDUCATIONAL MATERIALS TO SCHOOL  
18 DISTRICTS AND ELIGIBLE FACILITIES;

19 (g) A DESCRIPTION OF THE GOALS AND OBJECTIVES THAT THE  
20 ORGANIZATION EXPECTS TO ACHIEVE AS A RESULT OF RECEIVING THE  
21 GRANT AND THE METHOD BY WHICH THE ORGANIZATION WILL MEASURE  
22 ACHIEVEMENT OF THE GOALS AND OBJECTIVES; AND

23 (h) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE  
24 STATE BOARD.

25 (2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED  
26 FROM ORGANIZATIONS PURSUANT TO THIS SECTION AND SHALL MAKE  
27 RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE AWARDING

1 OF GRANTS AND THE AMOUNTS AND TERMS OF THE GRANTS. THE STATE  
2 BOARD SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE  
3 DEPARTMENT AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL  
4 ANNUALLY AWARD GRANTS TO ORGANIZATIONS IN AMOUNTS AND FOR  
5 TERMS SPECIFIED BY THE STATE BOARD. IN RECOMMENDING AND  
6 AWARDING GRANTS PURSUANT TO THIS ARTICLE, THE DEPARTMENT AND  
7 THE STATE BOARD SHALL, AT A MINIMUM:

8 (a) CONSIDER THE GEOGRAPHIC LOCATION OF THE ORGANIZATIONS  
9 AND, TO THE EXTENT POSSIBLE, ENSURE THAT GRANT MONEYS ARE  
10 AWARDED TO ORGANIZATIONS WITH A PRESENCE THROUGHOUT THE STATE;  
11 AND

12 (b) AWARD GRANTS TO ORGANIZATIONS THAT ARE IMPLEMENTING  
13 PROGRAMS TO PRODUCE, DEVELOP, AND DISTRIBUTE ACCESSIBLE  
14 EDUCATIONAL MATERIALS THAT WILL ASSIST STUDENTS WITH PRINT  
15 DISABILITIES IN IMPROVING THEIR PROFICIENCY IN THE AREAS OF READING,  
16 WRITING, MATHEMATICS, AND SCIENCE.

17 **22-88-104. Reading assistance grant program fund - creation.**

18 THERE IS HEREBY CREATED IN THE STATE TREASURY THE READING  
19 ASSISTANCE GRANT PROGRAM FUND TO PROVIDE FOR THE PAYMENT OF  
20 GRANTS AWARDED PURSUANT TO THIS ARTICLE. THE FUND SHALL CONSIST  
21 OF SUCH MONEYS AS MAY BE APPROPRIATED THERETO BY THE GENERAL  
22 ASSEMBLY FROM THE READ-TO-ACHIEVE CASH FUND CREATED PURSUANT  
23 TO SECTION 22-7-506 (4) AND ANY MONEYS RECEIVED BY THE  
24 DEPARTMENT PURSUANT TO SECTION 22-88-102 (5). THE MONEYS IN THE  
25 FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR  
26 THE PURPOSES SPECIFIED IN THIS ARTICLE; EXCEPT THAT THE GRANTS  
27 AWARDED BY THE STATE BOARD MAY NOT RESULT IN PAYMENT OF AN

1 AGGREGATE AMOUNT OF MORE THAN SIXTY THOUSAND DOLLARS TO  
2 GRANT RECIPIENTS IN ANY FISCAL YEAR. THE DEPARTMENT MAY EXPEND  
3 UP TO ONE PERCENT OF THE MONEYS APPROPRIATED TO THE FUND TO  
4 OFFSET THE DOCUMENTED COSTS INCURRED IN IMPLEMENTING THE GRANT  
5 PROGRAM. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE  
6 OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS  
7 PROVIDED BY LAW. ALL INTEREST DERIVED FROM THE DEPOSIT AND  
8 INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.  
9 AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED  
10 MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE  
11 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

12 **22-88-105. Reporting requirements.** (1) ON OR BEFORE  
13 OCTOBER 1, 2008, AND ON OR BEFORE OCTOBER 1 EACH YEAR  
14 THEREAFTER, AN ORGANIZATION THAT RECEIVES A GRANT PURSUANT TO  
15 THIS ARTICLE SHALL SUBMIT A REPORT TO THE DEPARTMENT AFTER THE  
16 COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE ORGANIZATION  
17 RECEIVES A GRANT PURSUANT TO THIS ARTICLE. THE REPORT SHALL  
18 INCLUDE THE FOLLOWING INFORMATION:

19 (a) THE NUMBER OF SCHOOL DISTRICTS AND ELIGIBLE FACILITIES  
20 THAT RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS FOR STUDENTS  
21 WITH PRINT DISABILITIES FROM THE ORGANIZATION AS A RESULT OF THE  
22 GRANT AND THE NUMBER OF STUDENTS WITH PRINT DISABILITIES WHO  
23 RECEIVED SUCH MATERIALS FROM A SCHOOL DISTRICT OR AN ELIGIBLE  
24 FACILITY;

25 (b) THE LEVELS OF PERFORMANCE IN READING, WRITING,  
26 MATHEMATICS, AND SCIENCE DEMONSTRATED BY THE STUDENTS WITH  
27 PRINT DISABILITIES WHO RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS



1 THROUGH THE GRANT PROGRAM, BOTH BEFORE PARTICIPATION IN THE  
2 GRANT PROGRAM AND DURING THE SCHOOL YEAR FOLLOWING  
3 PARTICIPATION IN THE GRANT PROGRAM. THE ORGANIZATION SHALL USE  
4 AS MEASUREMENT TOOLS THE ASSESSMENT INSTRUMENTS APPROVED AND  
5 IDENTIFIED BY THE STATE BOARD PURSUANT TO SECTION 22-7-504 (1) AND  
6 UTILIZED BY EACH SCHOOL DISTRICT TO ASSESS ANNUALLY THE READING  
7 READINESS OR LITERACY AND READING COMPREHENSION LEVEL OF EACH  
8 PUPIL ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE,  
9 AND THE COLORADO STUDENT ASSESSMENT PROGRAM SCORES FOR EACH  
10 PUPIL ENROLLED IN FOURTH THROUGH TWELFTH GRADE.

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

14 (d) SUCH OTHER INFORMATION AS THE STATE BOARD MAY REQUIRE  
15 BY RULE TO ASSESS THE EFFECTIVENESS OF THE ORGANIZATION'S PLAN TO  
16 PROVIDE AND DISTRIBUTE ACCESSIBLE EDUCATIONAL MATERIALS AND THE  
17 EFFECTIVENESS OF THE GRANT PROGRAM.

18 (2) ON OR BEFORE JANUARY 1, 2009, AND ON OR BEFORE JANUARY  
19 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE  
20 GOVERNOR AND THE EDUCATION COMMITTEES OF THE SENATE AND THE  
21 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT  
22 ON THE READING ASSISTANCE GRANT PROGRAM. THE REPORT SHALL  
23 INCLUDE THE FOLLOWING INFORMATION:

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

26 (b) A COMPILATION AND SUMMARY OF THE NUMBER OF SCHOOL  
27 DISTRICTS AND ELIGIBLE FACILITIES AND THE NUMBER OF STUDENTS WITH

1 PRINT DISABILITIES WHO RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS  
2 FROM A GRANT RECIPIENT PURSUANT TO THIS ARTICLE; AND

3 (c) SUCH ADDITIONAL INFORMATION CONCERNING THE  
4 IMPLEMENTATION AND EFFECTIVENESS OF THE GRANT PROGRAM AS MAY  
5 BE DEEMED BENEFICIAL BY THE STATE BOARD, INCLUDING BUT NOT  
6 LIMITED TO ANY RECOMMENDATIONS FOR CHANGES TO THE GRANT  
7 PROGRAM.

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

10 **22-7-506. Read-to-achieve grant program - board created -**  
11 **fund - repeal.** (4) (a) (I) There is hereby established in the state treasury  
12 the read-to-achieve cash fund, referred to in this section as the "cash  
13 fund". The cash fund shall consist of moneys appropriated thereto  
14 pursuant to paragraph (b) of this subsection (4) and any other moneys that  
15 may be made available by the general assembly. Subject to appropriation  
16 by the general assembly, moneys in the cash fund shall be used to provide  
17 grants to schools pursuant to this section AND TO THE READING  
18 ASSISTANCE GRANT PROGRAM CREATED PURSUANT TO SECTION 22-88-102.  
19 Any moneys not provided as grants to schools may be invested by the  
20 state treasurer as provided in section 24-36-113, C.R.S. All interest  
21 derived from the deposit and investment of moneys in the cash fund shall  
22 be credited to the cash fund. Any amount remaining in the cash fund at  
23 the end of any fiscal year shall remain in the cash fund and shall not be  
24 credited or transferred to the general fund or to any other fund.

25 **SECTION 3. Appropriation.** For the fiscal year beginning July  
26 1, 2007, there is hereby appropriated, out of any moneys in the  
27 read-to-achieve cash fund created pursuant to section 22-7-506 (4),

1 Colorado Revised Statutes, not otherwise appropriated, to the reading  
2 assistance grant program fund created pursuant to section 22-88-104,  
3 Colorado Revised Statutes, the sum of three hundred thousand dollars  
4 (\$300,000) for the implementation of this act.

5 **SECTION 4. 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.