

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 2, 2006
Date

Committee on Education.

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

HB06-1004 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 the following:

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

5 **ARTICLE 88**
6 **Audio Textbooks**

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

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

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

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

18 (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
28 THROUGHOUT THE STATE; AND

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

31 (3) (a) THE DEPARTMENT SHALL ADMINISTER THE GRANT
32 PROGRAM. THE DEPARTMENT SHALL SOLICIT AND REVIEW APPLICATIONS
33 FOR GRANTS PURSUANT TO THIS SECTION. SUBJECT TO AVAILABLE

1 APPROPRIATIONS, BEGINNING IN FISCAL YEAR 2007-08, THE STATE BOARD
2 SHALL AWARD GRANTS FOR TERMS OF ONE TO FIVE YEARS AS PROVIDED IN
3 THIS ARTICLE. GRANTS SHALL BE PAID OUT OF THE READING ASSISTANCE
4 GRANT PROGRAM FUND, CREATED PURSUANT TO SECTION 22-88-104. IN
5 AWARDING THE GRANT, THE STATE BOARD SHALL SPECIFY THE AMOUNT
6 AND TERM OF THE GRANT.

7 (b) (I) IF AN ORGANIZATION IS AWARDED A GRANT PURSUANT TO
8 THIS ARTICLE FOR MORE THAN ONE YEAR, THE ORGANIZATION SHALL BE
9 ELIGIBLE FOR MONEYS IN THE SUCCESSIVE YEARS OF THE GRANT ONLY IF
10 THE ORGANIZATION CONTINUES TO MEET THE GOALS ESTABLISHED IN ITS
11 APPLICATION.

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

19 (4) THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE
20 WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THE GRANT PROGRAM
21 IN ACCORDANCE WITH THIS ARTICLE, INCLUDING BUT NOT LIMITED TO
22 RULES SPECIFYING TIME FRAMES FOR SUBMITTING GRANT PROGRAM
23 APPLICATIONS, THE FORM OF THE GRANT PROGRAM APPLICATION, CRITERIA
24 FOR AWARDING A GRANT, TIME FRAMES FOR DISTRIBUTION OF THE GRANT
25 MONEYS, AND REPORTING REQUIREMENTS FOR AN ORGANIZATION THAT
26 RECEIVES A GRANT.

27 (5) THE DEPARTMENT SHALL SOLICIT AND MAY RECEIVE SUCH
28 PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS AS MAY BE
29 AVAILABLE TO FUND THE GRANT PROGRAM. ANY MONEYS RECEIVED
30 SHALL BE TRANSFERRED TO THE STATE TREASURER FOR DEPOSIT IN THE
31 FUND.

32 **22-88-103. Reading assistance grant program - application -**
33 **criteria.** (1) AN ORGANIZATION THAT SEEKS A GRANT PURSUANT TO THIS
34 ARTICLE SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN
35 ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD
36 PURSUANT TO SECTION 22-88-102 (3). THE APPLICATION SHALL DESCRIBE
37 THE ORGANIZATION'S PROPOSED PLAN TO PROVIDE AND DISTRIBUTE

1 ACCESSIBLE EDUCATIONAL MATERIALS TO STUDENTS WITH PRINT
2 DISABILITIES AND SHALL INCLUDE THE FOLLOWING INFORMATION:

3 (a) THE NUMBER OF SCHOOL DISTRICTS AND ELIGIBLE FACILITIES
4 TO WHICH THE ORGANIZATION PROVIDES ACCESSIBLE EDUCATIONAL
5 MATERIALS AT THE TIME OF APPLICATION, AND THE ESTIMATED NUMBER
6 OF SCHOOL DISTRICTS, ELIGIBLE FACILITIES, AND STUDENTS WITH PRINT
7 DISABILITIES THE ORGANIZATION EXPECTS TO SERVE IF AWARDED A
8 GRANT;

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

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

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

20 (e) AN ITEMIZATION OF THE COSTS OF THE ORGANIZATION'S
21 PROPOSED PLAN TO PROVIDE AND DISTRIBUTE ACCESSIBLE EDUCATIONAL
22 MATERIALS AND OF OTHER SOURCES OF FUNDING RECEIVED BY THE
23 ORGANIZATION AND USED TO PROVIDE AND DISTRIBUTE THE ACCESSIBLE
24 EDUCATIONAL MATERIALS;

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

30 (g) A DESCRIPTION OF THE GOALS AND OBJECTIVES THAT THE
31 ORGANIZATION EXPECTS TO ACHIEVE AS A RESULT OF RECEIVING THE
32 GRANT AND THE METHOD BY WHICH THE ORGANIZATION WILL MEASURE
33 ACHIEVEMENT OF THE GOALS AND OBJECTIVES; AND

34 (h) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE

1 STATE BOARD.

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

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

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

21 **22-88-104. Reading assistance grant program fund - creation.**
22 THERE IS HEREBY CREATED IN THE STATE TREASURY THE READING
23 ASSISTANCE GRANT PROGRAM FUND TO PROVIDE FOR THE PAYMENT OF
24 GRANTS AWARDED PURSUANT TO THIS ARTICLE. THE FUND SHALL CONSIST
25 OF SUCH MONEYS AS MAY BE APPROPRIATED THERETO BY THE GENERAL
26 ASSEMBLY FROM THE READ-TO-ACHIEVE CASH FUND CREATED PURSUANT
27 TO SECTION 22-7-506 (4) AND ANY MONEYS RECEIVED BY THE
28 DEPARTMENT PURSUANT TO SECTION 22-88-102 (5). THE MONEYS IN THE
29 FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR
30 THE PURPOSES SPECIFIED IN THIS ARTICLE; EXCEPT THAT THE GRANTS
31 AWARDED BY THE STATE BOARD MAY NOT RESULT IN PAYMENT OF AN
32 AGGREGATE AMOUNT OF MORE THAN SIXTY THOUSAND DOLLARS TO
33 GRANT RECIPIENTS IN ANY FISCAL YEAR. THE DEPARTMENT MAY EXPEND
34 UP TO ONE PERCENT OF THE MONEYS APPROPRIATED TO THE FUND TO
35 OFFSET THE DOCUMENTED COSTS INCURRED IN IMPLEMENTING THE GRANT
36 PROGRAM. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE
37 OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS
38 PROVIDED BY LAW. ALL INTEREST DERIVED FROM THE DEPOSIT AND

1 INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
2 AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED
3 MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE
4 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

5 **22-88-105. Reporting requirements.** (1) ON OR BEFORE
6 OCTOBER 1, 2008, AND ON OR BEFORE OCTOBER 1 EACH YEAR
7 THEREAFTER, AN ORGANIZATION THAT RECEIVES A GRANT PURSUANT TO
8 THIS ARTICLE SHALL SUBMIT A REPORT TO THE DEPARTMENT AFTER THE
9 COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE ORGANIZATION
10 RECEIVES A GRANT PURSUANT TO THIS ARTICLE. THE REPORT SHALL
11 INCLUDE THE FOLLOWING INFORMATION:

12 (a) THE NUMBER OF SCHOOL DISTRICTS AND ELIGIBLE FACILITIES
13 THAT RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS FOR STUDENTS
14 WITH PRINT DISABILITIES FROM THE ORGANIZATION AS A RESULT OF THE
15 GRANT AND THE NUMBER OF STUDENTS WITH PRINT DISABILITIES WHO
16 RECEIVED SUCH MATERIALS FROM A SCHOOL DISTRICT OR AN ELIGIBLE
17 FACILITY;

18 (b) THE LEVELS OF PERFORMANCE IN READING, WRITING,
19 MATHEMATICS, AND SCIENCE DEMONSTRATED BY THE STUDENTS WITH
20 PRINT DISABILITIES WHO RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS
21 THROUGH THE GRANT PROGRAM, BOTH BEFORE PARTICIPATION IN THE
22 GRANT PROGRAM AND DURING THE SCHOOL YEAR FOLLOWING
23 PARTICIPATION IN THE GRANT PROGRAM. THE ORGANIZATION SHALL USE
24 AS MEASUREMENT TOOLS THE ASSESSMENT INSTRUMENTS APPROVED AND
25 IDENTIFIED BY THE STATE BOARD PURSUANT TO SECTION 22-7-504 (1) AND
26 UTILIZED BY EACH SCHOOL DISTRICT TO ASSESS ANNUALLY THE READING
27 READINESS OR LITERACY AND READING COMPREHENSION LEVEL OF EACH
28 PUPIL ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE,
29 AND THE COLORADO STUDENT ASSESSMENT PROGRAM SCORES FOR EACH
30 PUPIL ENROLLED IN FOURTH THROUGH TWELFTH GRADE.

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

34 (d) SUCH OTHER INFORMATION AS THE STATE BOARD MAY REQUIRE
35 BY RULE TO ASSESS THE EFFECTIVENESS OF THE ORGANIZATION'S PLAN TO
36 PROVIDE AND DISTRIBUTE ACCESSIBLE EDUCATIONAL MATERIALS AND THE
37 EFFECTIVENESS OF THE GRANT PROGRAM.

1 (2) ON OR BEFORE JANUARY 1, 2009, AND ON OR BEFORE JANUARY
2 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE
3 GOVERNOR AND THE EDUCATION COMMITTEES OF THE SENATE AND THE
4 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT
5 ON THE READING ASSISTANCE GRANT PROGRAM. THE REPORT SHALL
6 INCLUDE THE FOLLOWING INFORMATION:

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

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

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

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

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

35 **SECTION 3. Appropriation.** For the fiscal year beginning July
36 1, 2007, there is hereby appropriated, out of any moneys in the

1 read-to-achieve cash fund created pursuant to section 22-7-506 (4),
2 Colorado Revised Statutes, not otherwise appropriated, to the reading
3 assistance grant program fund created pursuant to section 22-88-104,
4 Colorado Revised Statutes, the sum of three hundred thousand dollars
5 (\$300,000) for the implementation of this act.

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

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