

SENATE COMMITTEE OF REFERENCE AMENDMENT
Committee on Education.

SB19-199 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 22-7-1202, **add**
4 (1.5) as follows:

5 **22-7-1202. Legislative declaration.** (1.5) (a) THE GENERAL
6 ASSEMBLY FURTHER FINDS THAT:

7 (I) READING IS A CRITICAL SKILL THAT EVERY CHILD MUST
8 DEVELOP EARLY IN THE CHILD'S EDUCATIONAL CAREER TO BE SUCCESSFUL;

9 (II) RESEARCH SHOWS THAT READING INSTRUCTION THAT IS
10 FOCUSED AROUND THE FOUNDATIONAL READING SKILLS OF PHONEMIC
11 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY
12 INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS HIGHLY
13 EFFECTIVE IN TEACHING YOUNG CHILDREN TO READ;

14 (III) SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION
15 GRANTS TO THE ELECTED BOARD OF EDUCATION IN EACH SCHOOL DISTRICT
16 THE AUTHORITY TO HAVE CONTROL OF INSTRUCTION IN THE PUBLIC
17 SCHOOLS OF THE SCHOOL DISTRICT, AND SECTION 16 OF ARTICLE IX OF THE
18 STATE CONSTITUTION PROHIBITS THE GENERAL ASSEMBLY AND THE STATE
19 BOARD OF EDUCATION FROM PRESCRIBING THE TEXTBOOKS TO BE USED IN
20 PUBLIC SCHOOLS;

21 (IV) HOWEVER, SECTION 2 OF ARTICLE IX OF THE STATE
22 CONSTITUTION REQUIRES THE GENERAL ASSEMBLY TO PROVIDE FOR THE
23 ESTABLISHMENT AND MAINTENANCE OF A THOROUGH AND UNIFORM
24 SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE, AND SECTION
25 1 OF ARTICLE IX OF THE STATE CONSTITUTION VESTS THE GENERAL
26 SUPERVISION OF THE PUBLIC SCHOOLS OF THE STATE IN THE STATE BOARD
27 OF EDUCATION;

28 (V) IN INTERPRETING THESE CONSTITUTIONAL PROVISIONS, THE
29 COLORADO SUPREME COURT HAS FOUND THAT, BECAUSE THEY ARE
30 COMPETING INTERESTS, NONE ARE ABSOLUTE; THESE INTERESTS MUST BE
31 BALANCED TO IDENTIFY THE CONTOURS OF THE RESPONSIBILITY ASSIGNED
32 TO EACH ENTITY; AND

33 (VI) IT IS THE GENERAL ASSEMBLY THAT INITIALLY STRIKES THIS
34 BALANCE.

35 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT ENSURING
36 THAT EACH CHILD HAS ACCESS THROUGH THE PUBLIC SCHOOLS TO
37 EVIDENCE-BASED READING INSTRUCTION THAT IS FOCUSED ON
38 DEVELOPING THE FOUNDATIONAL READING SKILLS OF PHONEMIC
39 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY
40 INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS A SIGNIFICANT
41 COMPONENT OF ENSURING THAT THE SYSTEM OF FREE PUBLIC SCHOOLS

1 THROUGHOUT THE STATE IS THOROUGH AND UNIFORM. IN EXERCISING ITS
2 AUTHORITY OF GENERAL SUPERVISION OF THE PUBLIC SCHOOLS OF THE
3 STATE, IT IS APPROPRIATE THAT THE STATE BOARD OF EDUCATION,
4 SUPPORTED BY THE DEPARTMENT OF EDUCATION, HOLD LOCAL EDUCATION
5 PROVIDERS ACCOUNTABLE FOR DEMONSTRATING THAT THE READING
6 INSTRUCTION THEY PROVIDE IS FOCUSED ON THESE FIVE FOUNDATIONAL
7 READING SKILLS. AND, IN MAINTAINING CONTROL OF THE INSTRUCTION IN
8 THE CLASSROOMS OF THE PUBLIC SCHOOLS OF THEIR RESPECTIVE SCHOOL
9 DISTRICTS, IT IS APPROPRIATE THAT EACH SCHOOL DISTRICT BOARD OF
10 EDUCATION SELECT THE CORE READING INSTRUCTIONAL PROGRAMS AND
11 READING INTERVENTIONS TO BE USED IN THOSE PUBLIC SCHOOLS, SO LONG
12 AS THEY ARE FOCUSED ON PHONEMIC AWARENESS, PHONICS, VOCABULARY
13 DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING
14 COMPREHENSION TO ENSURE THAT THE STUDENTS EDUCATED IN THE
15 PUBLIC SCHOOLS THROUGHOUT THE STATE CONSISTENTLY RECEIVE
16 EVIDENCE-BASED INSTRUCTION THAT IS PROVEN TO EFFECTIVELY TEACH
17 CHILDREN TO READ.

18 **SECTION 2.** In Colorado Revised Statutes, 22-7-1203, **amend**
19 **(9); repeal (12); and add (7.5)** as follows:

20 **22-7-1203. Definitions.** As used in this part 12, unless the context
21 otherwise requires:

22 (7.5) "MULTI-TIERED SYSTEMS OF SUPPORTS" MEANS A SYSTEMIC
23 PREVENTIVE APPROACH THAT ADDRESSES THE ACADEMIC AND
24 SOCIAL-EMOTIONAL NEEDS OF ALL STUDENTS AT THE UNIVERSAL,
25 TARGETED, AND INTENSIVE LEVELS. THROUGH THE MULTI-TIERED
26 SYSTEMS OF SUPPORTS, A TEACHER PROVIDES HIGH-QUALITY,
27 SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTION AND
28 INTERVENTION THAT IS MATCHED TO STUDENT NEEDS; USES A METHOD OF
29 MONITORING PROGRESS FREQUENTLY TO INFORM DECISIONS ABOUT
30 INSTRUCTION AND GOALS; AND APPLIES THE STUDENT'S RESPONSE DATA
31 TO IMPORTANT EDUCATIONAL DECISIONS.

32 (9) "Per-pupil intervention ~~money~~ MONEY" means the ~~money~~
33 MONEY calculated and distributed to local education providers pursuant
34 to ~~section 22-7-1210 (5)~~ SECTION 22-7-1210.5.

35 (12) "~~Response to intervention framework~~" means a systemic
36 preventive approach that addresses the academic and social-emotional
37 needs of all students at the universal, targeted, and intensive levels.
38 Through the ~~response to intervention framework~~, a teacher provides
39 high-quality, scientifically based or evidence-based instruction and
40 intervention that is matched to student needs; uses a method of
41 monitoring progress frequently to inform decisions about instruction and
42 goals; and applies the student's response data to important educational
43 decisions.

1 **SECTION 3.** In Colorado Revised Statutes, amend 22-7-1204 as
2 follows:

3 **22-7-1204. Early literacy education.** Each local education
4 provider that enrolls students in kindergarten or first, second, or third
5 grade shall provide to the students enrolled in said grades the instructional
6 programming and services necessary to ensure to the greatest extent
7 possible that students, as they progress through kindergarten, first,
8 second, and third grade, develop the necessary reading skills to enable
9 them to master the academic standards and expectations applicable to the
10 fourth-grade curriculum and beyond. THE INSTRUCTIONAL PROGRAMMING
11 AND SERVICES FOR TEACHING STUDENTS TO READ MUST BE EVIDENCE
12 BASED AND SCIENTIFICALLY BASED AND MUST FOCUS ON READING
13 COMPETENCY IN THE AREAS OF PHONEMIC AWARENESS, PHONICS,
14 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,
15 AND READING COMPREHENSION.

16 **SECTION 4.** In Colorado Revised Statutes, 22-7-1206, **amend**
17 (2), (5) introductory portion, and (5)(c) as follows:

18 **22-7-1206. Reading to ensure academic development plan -**
19 **contents - implementation.** (2) (a) If a student's reading skills are below
20 grade-level expectations, as adopted by the state board, but the student
21 does not have a significant reading deficiency, the local education
22 provider shall ensure that the student receives appropriate interventions
23 through the **response to intervention framework** **MULTI-TIERED SYSTEMS**
24 **OF SUPPORTS** or a comparable intervention system implemented by the
25 local education provider. AT A MINIMUM, THE LOCAL EDUCATION
26 PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES EDUCATIONAL
27 SERVICES IN A DAILY LITERACY BLOCK FOR THE LENGTH OF TIME
28 IDENTIFIED AS EFFECTIVE IN RESEARCH RELATING TO BEST PRACTICES IN
29 TEACHING READING.

30 (b) If a student has a significant reading deficiency, the student's
31 READ plan ~~shall~~ MUST include the intervention instruction that the local
32 education provider provides through the ~~response to intervention~~
33 ~~framework~~ MULTI-TIERED SYSTEMS OF SUPPORTS or a comparable
34 intervention system implemented by the local education provider.

35 (5) Each READ plan shall MUST include, at a minimum:

36 (c) The type of additional instructional services and interventions
37 the student will receive in reading. At a minimum, the local
38 education provider shall ensure that the student receives
39 educational services in a daily literacy block for the length of
40 time identified as effective in research relating to best practices
41 in teaching reading.

42 **SECTION 5.** In Colorado Revised Statutes, 22-7-1208, **add** (5),
43 (6), and (7) as follows:

22-7-1208. Local education providers - procedures - plans - training. (5) (a) BEGINNING WITH THE PLANS ADOPTED FOR THE 2020-21 SCHOOL YEAR, THE PLAN THAT A LOCAL EDUCATION PROVIDER MUST ADOPT BASED ON ITS ACCREDITATION CATEGORY PURSUANT TO SECTION 22-11-208 OR AS REQUIRED PURSUANT TO SECTION 22-11-210, WHICHEVER IS APPLICABLE, MUST INCLUDE THE FOLLOWING INFORMATION CONCERNING IMPLEMENTATION OF THIS PART 12 AS IT APPLIES TO EACH OF THE SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER:

9 (I) THE CORE AND SUPPLEMENTAL READING CURRICULUM USED AT
10 EACH GRADE LEVEL, INCLUDING KINDERGARTEN FOR EACH SCHOOL THAT
11 INCLUDES A KINDERGARTEN EDUCATIONAL PROGRAM. THE CORE AND
12 SUPPLEMENTAL READING CURRICULUM MUST BE DESIGNED AROUND
13 TEACHING THE FOUNDATIONAL READING SKILLS OF PHONEMIC
14 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY
15 INCLUDING ORAL SKILLS, AND READING COMPREHENSION.

16 (II) THE TARGETED, EVIDENCE-BASED OR SCIENTIFICALLY BASED
17 CORE AND SUPPLEMENTAL READING INSTRUCTIONAL PROGRAMS AND
18 INTERVENTION READING INSTRUCTION, SERVICES, AND OTHER SUPPORTS,
19 INCLUDING THOSE AVAILABLE THROUGH THE MULTI-TIERED SYSTEMS OF
20 SUPPORTS OR A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY
21 THE LOCAL EDUCATION PROVIDER, THAT EACH SCHOOL PROVIDES TO
22 STUDENTS WHO ARE IDENTIFIED AS HAVING A SIGNIFICANT READING
23 DEFICIENCY OR AS READING BELOW GRADE LEVEL;

(III) THE ASSESSMENTS THAT EACH SCHOOL USES AT EACH GRADE LEVEL TO MEET THE REQUIREMENTS SPECIFIED IN SECTION 22-7-1205 (1); AND

27 (IV) IF THE LOCAL EDUCATION PROVIDER USES PER-PUPIL
28 INTERVENTION MONEY OR MONEY RECEIVED THROUGH THE EARLY
29 LITERACY GRANT PROGRAM FOR PROFESSIONAL DEVELOPMENT, THE LOCAL
30 EDUCATION PROVIDER'S PLAN FOR PROVIDING THE PROFESSIONAL
31 DEVELOPMENT, WHICH DEVELOPMENT MUST BE TARGETED, EVIDENCE
32 BASED OR SCIENTIFICALLY BASED, AND ALIGNED WITH THE INSTRUCTION,
33 SERVICES, AND OTHER SUPPORTS PROVIDED TO STUDENTS WHO ARE
34 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR AS
35 READING BELOW GRADE LEVEL.

41 (6) (a) BY THE BEGINNING OF THE 2021-22 SCHOOL YEAR, EACH
42 LOCAL EDUCATION PROVIDER SHALL ENSURE THAT EACH TEACHER
43 EMPLOYED TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH

1 THREE SUCCESSFULLY COMPLETES OR HAS SUCCESSFULLY COMPLETED
2 EVIDENCE-BASED TRAINING IN TEACHING READING. TO COMPLY WITH THIS
3 SUBSECTION (6)(a), A LOCAL EDUCATION PROVIDER MUST SUBMIT
4 EVIDENCE, AS DESCRIBED IN SUBSECTION (6)(b) OF THIS SECTION, THAT
5 EACH TEACHER EMPLOYED TO TEACH KINDERGARTEN OR ANY OF GRADES
6 ONE THROUGH THREE HAS SUCCESSFULLY COMPLETED EVIDENCE-BASED
7 TRAINING IN TEACHING READING THAT IS:

8 (I) INCLUDED AS A COURSE IN AN APPROVED PROGRAM OF
9 PREPARATION, AS DEFINED IN SECTION 22-60.5-103 (8), OR AN
10 ALTERNATIVE TEACHER PROGRAM, AS DEFINED IN SECTION 22-60.5-103
11 (5);

12 (II) INCLUDED AS A COURSE IN A POST-GRADUATE DEGREE
13 PROGRAM IN TEACHING READING OR LITERACY; OR

14 (III) PROVIDED BY THE DEPARTMENT OR INCLUDED ON THE
15 ADVISORY LIST OF PROFESSIONAL DEVELOPMENT PROGRAMS PROVIDED BY
16 THE DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(c).

17 (b) A TEACHER IS DEEMED TO HAVE SUCCESSFULLY COMPLETED
18 EVIDENCE-BASED TRAINING IN TEACHING READING IF THE LOCAL
19 EDUCATION PROVIDER SUBMITS TO THE DEPARTMENT EVIDENCE THAT THE
20 TEACHER PASSED AN END-OF-COURSE ASSESSMENT OF LEARNING AT THE
21 COMPLETION OF THE EVIDENCE-BASED TRAINING.

22 (c) AT THE REQUEST OF A LOCAL EDUCATION PROVIDER, THE
23 DEPARTMENT SHALL PROVIDE, AT NO COST TO THE LOCAL EDUCATION
24 PROVIDER, EVIDENCE-BASED TRAINING IN TEACHING READING TO ONE OR
25 MORE OF THE TEACHERS EMPLOYED BY THE LOCAL EDUCATION PROVIDER
26 TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE.

27 (d) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (6)(a) OF
28 THIS SECTION, A LOCAL EDUCATION PROVIDER THAT IS NOT IN COMPLIANCE
29 WITH THE REQUIREMENTS OF THIS SUBSECTION (6) AS OF THE BEGINNING
30 OF THE 2021-22 SCHOOL YEAR MAY REQUEST A ONE-YEAR EXTENSION
31 FROM THE DEPARTMENT BASED ON A DEMONSTRATION OF GOOD CAUSE
32 FOR INABILITY TO COMPLY.

33 (e) A LOCAL EDUCATION PROVIDER IS STRONGLY ENCOURAGED TO
34 MAKE EVIDENCE-BASED TRAINING IN TEACHING READING AVAILABLE TO
35 PARENTS AND MEMBERS OF THE COMMUNITY IN ORDER TO EFFECTIVELY
36 PARTNER WITH THEM IN TEACHING EARLY-GRADE READING.

37 (7) EACH LOCAL EDUCATION PROVIDER IS STRONGLY ENCOURAGED
38 TO PARTNER WITH ADJACENT PUBLIC LIBRARIES TO ENHANCE THE
39 INSTRUCTIONAL PROGRAMMING AND SERVICES IN LITERACY PROVIDED BY
40 THE LOCAL EDUCATION PROVIDER AND TO PROVIDE ACCESS FOR STUDENTS
41 AND THEIR PARENTS TO READING MATERIALS FOR OUT-OF-SCHOOL
42 LITERACY DEVELOPMENT.

43 **SECTION 6.** In Colorado Revised Statutes, 22-7-1209, **amend**

1 (2)(a)(I), (2)(b), (2)(c), (3) introductory portion, and (6); and **add** (1)(d.5),
2 (7), and (8) as follows:

3 **22-7-1209. State board - rules - department - duties.** (1) The
4 state board shall promulgate rules in accordance with the "State
5 Administrative Procedure Act", article 4 of title 24, as necessary to
6 implement the provisions of this part 12, which rules must include, but
7 need not be limited to:

8 (d.5) THE TIME FRAMES AND PROCEDURES FOR SUBMITTING
9 INFORMATION CONCERNING THE USE OF PER-PUPIL INTERVENTION MONEY;

10 (2) (a) (I) Using the procedure developed pursuant to subsection
11 (3) of this section, the department shall review and recommend to the
12 state board reading assessments, including interim, summative, and
13 diagnostic assessments, for kindergarten and first, second, and third
14 grades that, at a minimum, meet the criteria specified in ~~subsection~~
15 (1)(a)(II) ~~SUBSECTION~~ (2)(a)(II) of this section. Following action by the
16 state board to approve reading assessments pursuant to subsection (1)(b)
17 of this section, the department shall create a list of the approved reading
18 assessments for kindergarten and first, second, and third grades for use by
19 local education providers. The department shall update the list of
20 approved reading assessments on or before July 1, 2019, and every four
21 years thereafter as necessary. The department shall work with the
22 approved assessment publishers to better align, to the extent practicable,
23 the minimum reading competency levels for third grade, which are based
24 on the scores attained on the approved assessments, with the preschool
25 through elementary and secondary education standards for third-grade
26 reading adopted pursuant to section 22-7-1005.

27 (b) Using the procedure developed pursuant to subsection (3) of
28 this section, the department shall create an advisory list of evidence-based
29 or scientifically based instructional programming in reading AND
30 SUPPORTING TECHNOLOGIES, INCLUDING SOFTWARE, FOR ASSESSING AND
31 MONITORING STUDENT PROGRESS that local education providers are
32 encouraged to use, which programming ~~is~~ AND TECHNOLOGY, INCLUDING
33 SOFTWARE, ARE aligned with the recommended reading assessments,
34 including the assessment required in subsection (2)(a)(II)(D) of this
35 section. The advisory list may include only programming AND
36 TECHNOLOGY, INCLUDING SOFTWARE, that, at a minimum:

37 (I) ~~Has~~ HAVE been proven to accelerate student progress in
38 attaining reading competency;

39 (II) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, provides
40 explicit and systematic skill development in the areas of phonemic
41 awareness, phonics, vocabulary development, reading fluency including
42 oral skills, and reading comprehension;

43 (II.5) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, is

1 evidence based or scientifically based and is aligned with the preschool
2 through elementary and secondary education standards for reading
3 adopted by the state board pursuant to section 22-7-1005;

4 (III) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, includes
5 evidence-based or scientifically based and reliable assessments;

6 (IV) ~~Provides~~ PROVIDE initial and ongoing analysis of the
7 student's progress in attaining reading competency; and

8 (V) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, includes
9 texts on core academic content to assist the student in maintaining or
10 meeting grade-appropriate proficiency levels in academic subjects in
11 addition to reading.

12 (c) Using the procedure developed pursuant to subsection (3) of
13 this section, the department shall create an advisory list of RIGOROUS
14 professional development programs that are related to addressing
15 significant reading deficiencies and to applying intervention instruction
16 and strategies, in addition to programs related to teaching general literacy,
17 that local education providers are encouraged to use. THE DEPARTMENT
18 SHALL INCLUDE ON THE ADVISORY LIST PROFESSIONAL DEVELOPMENT
19 PROGRAMS THAT ARE AVAILABLE ONLINE. THE DEPARTMENT SHALL
20 ENSURE THAT EACH PROFESSIONAL DEVELOPMENT PROGRAM INCLUDED ON
21 THE ADVISORY LIST IS:

22 (I) FOCUSED ON OR ALIGNS WITH THE SCIENCE OF READING,
23 INCLUDING TEACHING IN THE AREAS OF PHONEMIC AWARENESS, PHONICS,
24 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,
25 AND READING COMPREHENSION; AND

26 (II) INCLUDES RIGOROUS EVALUATIONS OF LEARNING
27 THROUGHOUT AND AT THE END OF THE COURSE THAT A PERSON TAKING
28 THE COURSE MUST PASS TO SUCCESSFULLY COMPLETE THE COURSE.

29 (3) The department shall develop and implement a procedure for
30 identifying the reading assessments it recommends to the state board for
31 the approved list of reading assessments described in subsection (2)(a) of
32 this section and for creating the advisory lists of instructional
33 programming and professional development programs described in
34 subsections (2)(b), (2)(c), and (2)(d) SUBSECTIONS (2)(b) AND (2)(c) of
35 this section. At a minimum, the procedure must include:

36 (6) The department, upon request, may provide technical
37 assistance to a local education provider in implementing the provisions
38 of this part 12; EXCEPT THAT, IF A LOCAL EDUCATION PROVIDER IS
39 ACCREDITED WITH TURNAROUND PLAN PURSUANT TO SECTION 22-11-208
40 OR REQUIRED TO ADOPT A TURNAROUND PLAN PURSUANT TO SECTION
41 22-11-210, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO
42 THE LOCAL EDUCATION PROVIDER IN IMPLEMENTING THE PROVISIONS OF
43 THIS PART 12.

14 (8) (a) BY OCTOBER 1, 2019, THE DEPARTMENT SHALL ISSUE A
15 REQUEST FOR PROPOSALS TO CONTRACT WITH AN ENTITY TO ACT AS AN
16 INDEPENDENT EVALUATOR TO PROVIDE INDEPENDENT EVALUATIONS OF
17 THE USE OF PER-PUPIL INTERVENTION MONEY AND MONEY RECEIVED
18 THROUGH THE EARLY LITERACY GRANT PROGRAM BY LOCAL EDUCATION
19 PROVIDERS AND TO CONDUCT A MULTI-YEAR EVALUATION TO DETERMINE
20 WHETHER THE STUDENT OUTCOMES ACHIEVED BY LOCAL EDUCATION
21 PROVIDERS IN IMPLEMENTING THIS PART 12 MEET THE GOALS OF THIS PART
22 12 AS DESCRIBED IN SECTION 22-7-1202 (2) AND (3)(a).

23 (b) THE COMMISSIONER OF EDUCATION SHALL DIRECT THE PROCESS
24 FOR REVIEWING THE PROPOSALS RECEIVED AND FOR SELECTING THE
25 ENTITY IN ACCORDANCE WITH THE PROCUREMENT LAWS APPLICABLE TO
26 THE DEPARTMENT. IN SELECTING THE ENTITY, THE COMMISSIONER SHALL
27 ENSURE THAT:

28 (I) THE SELECTED ENTITY DEMONSTRATES THE ABILITY AND
29 CAPACITY TO SUCCESSFULLY COMPLETE THE EVALUATION AS DESCRIBED
30 IN SUBSECTION (8)(C) OF THIS SECTION WITHIN THE SPECIFIED TIME FRAME;

31 (II) THE SELECTED ENTITY HAS EXPERTISE IN REVIEWING AND
32 UNDERSTANDING THE COMPONENTS OF HIGH-QUALITY, EFFECTIVE
33 READING CURRICULA, EDUCATION PROGRAMS, INSTRUCTION, STRATEGIES,
34 AND INTERVENTIONS:

35 (III) THE SELECTED ENTITY HAS EXPERTISE IN REVIEWING THE
36 IMPLEMENTATION OF ENGLISH LANGUAGE DEVELOPMENT PROGRAMS,
37 ESPECIALLY WITH REGARD TO TEACHING READING; AND

38 (IV) THE SELECTED ENTITY HAS EXPERTISE IN UNDERSTANDING
39 MEASUREMENTS OF STUDENT LEARNING AND ACADEMIC GROWTH.

40 (c) THE MULTI-YEAR EVALUATION OF THE IMPLEMENTATION OF
41 THIS PART 12 MUST INCLUDE:

42 (I) EVALUATION OF THE EFFECTIVENESS OF THE PROCESSES,
43 PROCEDURES, METHODS, AND STRATEGIES THAT LOCAL EDUCATION

1 PROVIDERS USE TO IMPLEMENT THE REQUIREMENTS OF THIS PART 12,
2 INCLUDING AN INVENTORY TO ESTABLISH A BASELINE INDICATION OF THE
3 TEACHING METHODS, STRATEGIES, AND MATERIALS USED BY LOCAL
4 EDUCATION PROVIDERS TO TEACH READING IN KINDERGARTEN AND
5 GRADES ONE THROUGH THREE;

6 (II) MEASUREMENT OF THE RESULTS ATTAINED THAT INDICATE
7 THE DEGREE TO WHICH THE GOALS OF THIS PART 12 HAVE BEEN MET,
8 INCLUDING, AT A MINIMUM:

9 (A) THE NUMBER OF STUDENTS ANNUALLY IDENTIFIED AS HAVING
10 SIGNIFICANT READING DEFICIENCIES, INCLUDING THOSE INITIALLY
11 IDENTIFIED AND THOSE WHO WERE IDENTIFIED IN A PREVIOUS SCHOOL
12 YEAR;

13 (B) WHETHER STUDENTS IDENTIFIED AS HAVING SIGNIFICANT
14 READING DEFICIENCIES DEMONSTRATE SIGNIFICANT ANNUAL GROWTH IN
15 READING OVER MULTIPLE YEARS AND AN INDICATION OF THE AMOUNT OF
16 GROWTH ATTAINED ANNUALLY;

17 (C) WHETHER STUDENTS IDENTIFIED AS HAVING SIGNIFICANT
18 READING DEFICIENCIES DEMONSTRATE GRADE-LEVEL READING
19 COMPETENCY BY COMPLETION OF THIRD GRADE OR BY COMPLETION OF A
20 LATER GRADE;

21 (D) THE NUMBER OF STUDENTS ANNUALLY IDENTIFIED AS READING
22 BELOW GRADE LEVEL; AND

23 (E) WHETHER THE STUDENTS IDENTIFIED AS READING BELOW
24 GRADE LEVEL DEMONSTRATE SIGNIFICANT GROWTH IN READING TO THE
25 EXTENT THAT THEY ARE READING AT GRADE LEVEL BY COMPLETION OF
26 THIRD GRADE OR BY COMPLETION OF A LATER GRADE, AND AN INDICATION
27 OF THE AMOUNT OF GROWTH ATTAINED ANNUALLY;

28 (III) ESTABLISHMENT OF A BASELINE INDICATION OF THE LEVEL
29 AND QUALITY OF PRE-SERVICE AND IN-SERVICE TRAINING IN TEACHING
30 READING RECEIVED BY EACH EDUCATOR WHO IS EMPLOYED IN A PUBLIC
31 SCHOOL TO TEACH KINDERGARTEN OR ONE OF GRADES ONE THROUGH
32 THREE; AND

33 (IV) EVALUATION OF THE DEGREE TO WHICH LOCAL EDUCATION
34 PROVIDERS EFFECTIVELY WORK WITH PARENTS AND MEMBERS OF THE
35 COMMUNITY TO CREATE PARTNERSHIPS FOR PROVIDING AND
36 ENCOURAGING READING INSTRUCTION FOR STUDENTS ENROLLED IN
37 KINDERGARTEN AND GRADES ONE THROUGH THREE.

38 (d) IN COMPLETING THE MULTI-YEAR EVALUATION, THE
39 INDEPENDENT EVALUATOR SHALL TAKE INTO ACCOUNT STUDENT MOBILITY
40 WITHIN, AND THE STUDENT DEMOGRAPHICS OF, EACH LOCAL EDUCATION
41 PROVIDER, INCLUDING AT THE SCHOOL-BUILDING LEVEL. THE
42 INDEPENDENT EVALUATOR SHALL WORK DIRECTLY WITH THE
43 DEPARTMENT, LOCAL EDUCATION PROVIDERS, AND PARENTS AND

1 COMMUNITY MEMBERS IN COMPLETING THE EVALUATION.

2 (e) THE INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO
3 THIS SUBSECTION (8) SHALL COMPLETE THE EVALUATION OF THE
4 IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SUBSECTION (8)(C) OF
5 THIS SECTION BY JULY 1, 2021. THE DEPARTMENT SHALL INCLUDE A
6 REPORT OF THE EVALUATION IN THE HEARING BEFORE THE JOINT
7 EDUCATION COMMITTEE HELD PURSUANT TO SECTION 2-7-203 IN
8 NOVEMBER OR DECEMBER 2021. THE INDEPENDENT EVALUATOR SHALL
9 CONTINUE EVALUATIONS OF THE GROWTH IN READING ACHIEVED BY
10 LOCAL EDUCATION PROVIDERS' USE OF PER-PUPIL INTERVENTION MONEY
11 AND MONEY RECEIVED THROUGH THE EARLY LITERACY GRANT PROGRAM.

12 **SECTION 7.** In Colorado Revised Statutes, 22-7-1210, **amend**
13 (4)(b)(IV); **repeal** (5) and (6); and **add** (4)(c) and (4)(d) as follows:

14 **22-7-1210. Early literacy fund - created - repeal.** (4) The
15 money in the fund is subject to annual appropriation by the general
16 assembly to the department. The department shall annually expend the
17 money in the fund as follows:

18 (b) Beginning in the 2013-14 budget year and for budget years
19 thereafter:

20 (IV) The department shall allocate the remaining money annually
21 credited to the fund, as provided in the annual general appropriations bill,
22 to the local education providers as per-pupil intervention money
23 calculated pursuant to subsection (5) of this section, AS IT EXISTED PRIOR
24 TO THE EFFECTIVE DATE OF SUBSECTION (4)(C) OF THIS SECTION.

25 (c) (I) IN ADDITION TO THE ALLOCATIONS DESCRIBED IN
26 SUBSECTION (4)(B) OF THIS SECTION, FOR THE 2019-20 BUDGET YEAR, THE
27 DEPARTMENT SHALL EXPEND:

28 (A) UP TO FIVE HUNDRED THOUSAND DOLLARS TO IMPLEMENT THE
29 PUBLIC INFORMATION CAMPAIGN TO PROMOTE READING DESCRIBED IN
30 SECTION 22-7-1209 (7); AND

31 (B) NO MORE THAN TWO MILLION DOLLARS TO CONTRACT WITH A
32 QUALIFIED ENTITY AS AN INDEPENDENT EVALUATOR TO EVALUATE THE
33 IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SECTION 22-7-1209
34 (8).

35 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(B)(II)
36 AND (4)(B)(IV) OF THIS SECTION, FOR THE 2019-20 BUDGET YEAR, OF THE
37 AMOUNT THAT REMAINS AFTER THE ALLOCATIONS DESCRIBED IN
38 SUBSECTIONS (4)(B)(I), (4)(B)(III), AND (4)(C)(I) OF THIS SECTION, AS
39 PROVIDED IN THE ANNUAL GENERAL APPROPRIATIONS BILL, THE
40 DEPARTMENT SHALL USE TEN PERCENT FOR GRANTS AWARDED THROUGH
41 THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION 22-7-1211,
42 WHICH IS IN ADDITION TO THE AMOUNT DESCRIBED IN SUBSECTION
43 (4)(B)(II) OF THIS SECTION, AND ALLOCATE NINETY PERCENT TO LOCAL

1 EDUCATION PROVIDERS AS PER-PUPIL INTERVENTION MONEY AS PROVIDED
2 IN SECTION 22-7-1210.5.

3 (III) SUBSECTION (4)(b) OF THIS SECTION AND THIS SUBSECTION
4 (4)(c) ARE REPEALED, EFFECTIVE JULY 1, 2020.

5 (d) BEGINNING IN THE 2020-21 BUDGET YEAR AND FOR BUDGET
6 YEARS THEREAFTER, THE DEPARTMENT MAY USE UP TO ONE PERCENT OF
7 THE MONEY ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE
8 COSTS OF ADMINISTERING THIS PART 12, AND THE DEPARTMENT SHALL
9 USE:

10 (I) UP TO FIVE HUNDRED THOUSAND DOLLARS, AS PROVIDED IN THE
11 ANNUAL GENERAL APPROPRIATIONS BILL, TO IMPLEMENT THE PUBLIC
12 INFORMATION CAMPAIGN TO PROMOTE READING DESCRIBED IN SECTION
13 22-7-1209 (7);

14 (II) UP TO TWO MILLION DOLLARS, AS PROVIDED IN THE ANNUAL
15 GENERAL APPROPRIATIONS BILL, TO CONTRACT WITH A QUALIFIED ENTITY
16 AS AN INDEPENDENT EVALUATOR TO EVALUATE THE IMPLEMENTATION OF
17 THIS PART 12 AS DESCRIBED IN SECTION 22-7-1209 (8);

18 (III) AT LEAST FOUR MILLION DOLLARS, AS PROVIDED IN THE
19 ANNUAL GENERAL APPROPRIATIONS BILL, FOR GRANTS AWARDED
20 THROUGH THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION
21 22-7-1211; AND

22 (IV) OF THE REMAINING AMOUNT CREDITED TO THE FUND, THE
23 AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS BILL FOR
24 THE EARLY LITERACY GRANT PROGRAM, WHICH IS IN ADDITION TO THE
25 AMOUNT SPECIFIED IN SUBSECTION (4)(d)(III) OF THIS SECTION, AND THE
26 AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS BILL FOR
27 ALLOCATION TO LOCAL EDUCATION PROVIDERS AS PER-PUPIL
28 INTERVENTION MONEY AS PROVIDED IN SECTION 22-7-1210.5.

29 (5) (a) (I) The department shall allocate the per-pupil intervention
30 moneys to the local education providers as required in subparagraph (IV)
31 of paragraph (b) of subsection (4) of this section by first dividing the
32 amount of moneys available by the total number of students enrolled in
33 kindergarten and first, second, and third grades in public schools in the
34 state who were identified as having significant reading deficiencies and
35 received instructional services pursuant to READ plans in the budget year
36 preceding the year in which the moneys are allocated. The department
37 shall then allocate to each local education provider an amount equal to
38 said per-pupil amount multiplied by the number of students enrolled in
39 kindergarten and first, second, and third grades in public schools operated
40 by the local education provider who were identified as having significant
41 reading deficiencies and received instructional services pursuant to
42 READ plans in the budget year preceding the year in which the moneys
43 are allocated.

(H) ~~Repealed.~~

(b) A local education provider may use the per-pupil intervention money only as follows:

(H) To operate a summer school literacy program as described in section 22-7-1212;

9 (III) To purchase tutoring services in reading for students who are
10 receiving instructional services pursuant to READ plans;

11 ~~(III.5) (Deleted by amendment, L. 2018.)~~

12 (IV) To provide other targeted, scientifically based or
13 evidence-based intervention services to students who are receiving
14 instructional services pursuant to READ plans, which services are
15 approved by the department;

16 (V) For a local education provider that is a small rural school
17 district as defined in section 22-7-1211 (4)(a), to purchase from a board
18 of cooperative services the services of a literacy specialist to provide
19 educator professional development in literacy and other support in
20 implementing the requirements of this part 12; or

21 (VI) To provide professional development programming to
22 support educators in teaching literacy; except that a local education
23 provider may not use more than fifteen percent of the per-pupil
24 intervention money received in a budget year for this purpose.
25 Professional development programming authorized in this subsection
26 (5)(b)(VI) may include literacy coaches who provide job-embedded,
27 ongoing professional development to support
28 kindergarten-through-third-grade teacher competence in the
29 evidence-based or scientifically based teaching of phonemic awareness;
30 phonics; vocabulary development; reading fluency, including oral skills;
31 and reading comprehension.

32 (c) Each budget year, prior to receiving per-pupil intervention
33 money, each local education provider shall submit to the department, for
34 informational purposes, an explanation of the manner in which it will use
35 the money in the coming budget year and the number of students for
36 which the local education provider may receive per-pupil intervention
37 money. If the local education provider intends to provide a service
38 described in subsection (5)(b)(IV) of this section, the department shall
39 review the service and provide the per-pupil intervention money for the
40 service only if the service meets the requirements specified in subsection
41 (5)(b)(IV) of this section. Upon the request of the department, a local
42 education provider shall provide specific expenditure information to the
43 department that specifies the manner in which the local education

1 provider spent the per-pupil intervention money it received in a budget
2 year.

3 (d) In using the per-pupil intervention moneys allocated pursuant
4 to this subsection (5), each local education provider shall ensure that
5 some type of intervention, as described in paragraph (b) of this subsection
6 (5), is available to each student who is identified as having a significant
7 reading deficiency and who is enrolled in kindergarten or first, second, or
8 third grade in a school operated by the local education provider.

9 (6) Each local education provider shall ensure that the per-pupil
10 intervention money it receives in each budget year is used to improve the
11 reading competency of students enrolled in kindergarten and grades one
12 through three and does not replace other money that would otherwise be
13 used for this purpose.

14 **SECTION 8.** In Colorado Revised Statutes, **add** 22-7-1210.5 as
15 follows:

16 **22-7-1210.5. Per-pupil intervention money - uses - distribution
- monitoring.** (1) TO DISTRIBUTE THE MONEY APPROPRIATED PURSUANT
17 TO SECTION 22-7-1210 (4) FOR PER-PUPIL INTERVENTION MONEY, THE
18 DEPARTMENT SHALL ANNUALLY CALCULATE THE PER-PUPIL AMOUNT BY
19 DIVIDING THE AMOUNT OF MONEY AVAILABLE BY THE TOTAL NUMBER OF
20 STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD
21 GRADES IN PUBLIC SCHOOLS IN THE STATE WHO WERE IDENTIFIED AS
22 HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED
23 INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET
24 YEAR PRECEDING THE YEAR IN WHICH THE MONEY IS DISTRIBUTED.
25 SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A LOCAL EDUCATION
26 PROVIDER MAY RECEIVE PER-PUPIL INTERVENTION MONEY IN AN AMOUNT
27 EQUAL TO THE CALCULATED PER-PUPIL AMOUNT MULTIPLIED BY THE
28 NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND,
29 AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL
30 EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT
31 READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES
32 PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR
33 IN WHICH THE MONEY IS DISTRIBUTED.

34 (2) BEFORE THE BEGINNING OF EACH BUDGET YEAR, TO RECEIVE
35 A DISTRIBUTION OF PER-PUPIL INTERVENTION MONEY, A LOCAL EDUCATION
36 PROVIDER MUST SUBMIT TO THE DEPARTMENT BY THE DATE SPECIFIED BY
37 STATE BOARD RULE:

38 (a) THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND
39 FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE
40 LOCAL EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING
41 SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL
42 SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING

1 THE YEAR IN WHICH THE MONEY IS DISTRIBUTED; AND
2 (b) A BUDGET, INCLUDING A NARRATIVE EXPLANATION, FOR THE
3 USE OF THE PER-PUPIL INTERVENTION MONEY IN ACCORDANCE WITH THE
4 USES DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

5 (3) (a) AT THE BEGINNING OF EACH BUDGET YEAR, THE
6 DEPARTMENT SHALL DISTRIBUTE TO A LOCAL EDUCATION PROVIDER THAT
7 MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3)(b) OF THIS
8 SECTION THE AMOUNT OF PER-PUPIL INTERVENTION MONEY CALCULATED
9 FOR THE LOCAL EDUCATION PROVIDER PURSUANT TO SUBSECTION (1) OF
10 THIS SECTION FOR THE APPLICABLE BUDGET YEAR.

11 (b) TO RECEIVE PER-PUPIL INTERVENTION MONEY IN A BUDGET
12 YEAR, A LOCAL EDUCATION PROVIDER MUST MEET THE FOLLOWING
13 REQUIREMENTS:

14 (I) THE LOCAL EDUCATION PROVIDER MUST SUBMIT THE
15 INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND IN
16 SECTION 22-7-1213 (2);

17 (II) THE DEPARTMENT MUST APPROVE THE LOCAL EDUCATION
18 PROVIDER'S PROPOSED USE OF THE PER-PUPIL INTERVENTION MONEY AS
19 BEING IN COMPLIANCE WITH THE REQUIREMENTS IN SUBSECTION (4) OF
20 THIS SECTION;

21 (III) FOR THE PRECEDING BUDGET YEAR, THE LOCAL EDUCATION
22 PROVIDER MUST HAVE USED THE MONEY FOR ONE OR MORE OF THE
23 PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION; EXCEPT THAT
24 THE PROVISIONS OF THIS SUBSECTION (3)(a)(III) DO NOT APPLY IF THE
25 LOCAL EDUCATION PROVIDER DID NOT RECEIVE A DISTRIBUTION OF
26 PER-PUPIL INTERVENTION MONEY IN THE PRECEDING BUDGET YEAR; AND

27 (IV) IF THE LOCAL EDUCATION PROVIDER IS EXPECTING TO USE THE
28 PER-PUPIL INTERVENTION MONEY FOR TARGETED INTERVENTION SERVICES
29 AS DESCRIBED IN SUBSECTION (4)(d) OF THIS SECTION, THE DEPARTMENT
30 REVIEWED AND APPROVED THE SERVICES. THE DEPARTMENT SHALL NOT
31 APPROVE SERVICES THAT HAVE NOT BEEN IMPLEMENTED AND PROVEN TO
32 BE SUCCESSFUL WITH A STUDENT POPULATION AND UNDER
33 CIRCUMSTANCES THAT ARE COMPARABLE TO THOSE OF THE LOCAL
34 EDUCATION PROVIDER OR THAT ARE NOT SUPPORTED BY VALID RESEARCH
35 THAT SUGGESTS THE SERVICES WILL BE EFFECTIVE WITH THE STUDENT
36 POPULATION SERVED BY, AND UNDER THE CIRCUMSTANCES OF, THE LOCAL
37 EDUCATION PROVIDER.

38 (c) THROUGHOUT THE BUDGET YEAR, THE DEPARTMENT SHALL
39 MONITOR AND, IF DEEMED NECESSARY BY THE DEPARTMENT, AUDIT EACH
40 LOCAL EDUCATION PROVIDER'S USE OF THE PER-PUPIL INTERVENTION
41 MONEY IT RECEIVES. THE DEPARTMENT MAY CONDUCT SITE VISITS TO THE
42 EXTENT DEEMED NECESSARY TO ADEQUATELY MONITOR A LOCAL
43 EDUCATION PROVIDER'S USE OF PER-PUPIL INTERVENTION MONEY. EACH

1 LOCAL EDUCATION PROVIDER SHALL PROVIDE, UPON REQUEST BY THE
2 DEPARTMENT, INFORMATION NECESSARY FOR THE DEPARTMENT TO
3 COMPLY WITH THIS SUBSECTION (3)(c).

4 (4) A LOCAL EDUCATION PROVIDER MAY USE THE PER-PUPIL
5 INTERVENTION MONEY ONLY AS FOLLOWS:

6 (a) TO OPERATE A SUMMER SCHOOL LITERACY PROGRAM AS
7 DESCRIBED IN SECTION 22-7-1212;

8 (b) TO PURCHASE CORE READING INSTRUCTIONAL PROGRAMS THAT
9 ARE INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL PROGRAMMING
10 IN READING AND SUPPORTING TECHNOLOGIES DEVELOPED BY THE
11 DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(b);

12 (c) TO PURCHASE TUTORING SERVICES THAT FOCUS ON INCREASING
13 STUDENTS' FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS,
14 PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING
15 ORAL SKILLS, AND READING COMPREHENSION FOR STUDENTS WHO ARE
16 RECEIVING INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS;

17 (d) TO PROVIDE OTHER TARGETED, EVIDENCE-BASED OR
18 SCIENTIFICALLY BASED INTERVENTION SERVICES TO STUDENTS WHO ARE
19 RECEIVING INSTRUCTIONAL SERVICES, WHICH MAY INCLUDE SERVICES
20 PROVIDED BY A READING INTERVENTIONIST, PURSUANT TO READ PLANS,
21 WHICH SERVICES ARE APPROVED BY THE DEPARTMENT;

22 (e) TO PROVIDE TECHNOLOGY, INCLUDING SOFTWARE, WHICH IS
23 INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL PROGRAMMING IN
24 READING AND SUPPORTING TECHNOLOGIES PURSUANT TO SECTION
25 22-7-1209 (2)(b), TO ASSIST IN ASSESSING AND MONITORING STUDENT
26 PROGRESS TOWARD READING COMPETENCY, WHICH MAY INCLUDE
27 PROVIDING PROFESSIONAL DEVELOPMENT IN THE EFFECTIVE USE OF THE
28 TECHNOLOGY OR SOFTWARE;

29 (f) FOR A LOCAL EDUCATION PROVIDER THAT IS A SMALL RURAL
30 SCHOOL DISTRICT AS DEFINED IN SECTION 22-7-1211 (4)(b), TO PURCHASE
31 FROM A BOARD OF COOPERATIVE SERVICES THE SERVICES OF A READING
32 SPECIALIST OR READING INTERVENTIONIST WHO IS TRAINED IN THE
33 SCIENCE OF READING AND IN TEACHING THE FOUNDATIONAL READING
34 SKILLS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,
35 READING FLUENCY INCLUDING ORAL SKILLS, AND READING
36 COMPREHENSION TO PROVIDE EDUCATOR PROFESSIONAL DEVELOPMENT IN
37 TEACHING READING AND OTHER SUPPORT IN IMPLEMENTING THE
38 REQUIREMENTS OF THIS PART 12; OR

39 (g) TO PROVIDE PROFESSIONAL DEVELOPMENT PROGRAMMING TO
40 SUPPORT EDUCATORS IN TEACHING READING. PROFESSIONAL
41 DEVELOPMENT PROGRAMMING AUTHORIZED IN THIS SUBSECTION (4)(g)
42 MAY INCLUDE HIRING A READING COACH WHO IS TRAINED IN TEACHING
43 THE FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS,

1 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,
2 AND READING COMPREHENSION TO PROVIDE JOB-EMBEDDED, ONGOING
3 PROFESSIONAL DEVELOPMENT TO SUPPORT
4 KINDERGARTEN-THROUGH-THIRD-GRADE TEACHER COMPETENCE IN
5 TEACHING PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,
6 READING FLUENCY INCLUDING ORAL SKILLS, AND READING
7 COMPREHENSION. A LOCAL EDUCATION PROVIDER THAT HAS NOT FULLY
8 COMPLIED WITH SECTION 22-7-1208(6) IS STRONGLY ENCOURAGED TO USE
9 PER-PUPIL INTERVENTION MONEY TO ENSURE THAT ALL TEACHERS
10 EMPLOYED BY THE LOCAL EDUCATION PROVIDER TO TEACH
11 KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE SUCCESSFULLY
12 COMPLETE EVIDENCE-BASED TRAINING IN TEACHING READING BEFORE
13 USING THE MONEY FOR OTHER AUTHORIZED PURPOSES.

14 (5) IN USING THE PER-PUPIL INTERVENTION MONEY DISTRIBUTED
15 PURSUANT TO THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL
16 ENSURE THAT SOME TYPE OF INTERVENTION, AS DESCRIBED IN SUBSECTION
17 (4) OF THIS SECTION, IS AVAILABLE TO EACH STUDENT WHO IS IDENTIFIED
18 AS HAVING A SIGNIFICANT READING DEFICIENCY AND WHO IS ENROLLED IN
19 KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE IN A SCHOOL
20 OPERATED BY THE LOCAL EDUCATION PROVIDER.

21 (6) (a) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT
22 THE PER-PUPIL INTERVENTION MONEY IT RECEIVES IN EACH BUDGET YEAR
23 IS USED TO IMPROVE THE READING COMPETENCY OF STUDENTS ENROLLED
24 IN KINDERGARTEN AND GRADES ONE THROUGH THREE WHO ARE
25 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR RECEIVE
26 INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS AND DOES NOT
27 REPLACE OTHER MONEY THAT WOULD OTHERWISE BE USED FOR THIS
28 PURPOSE.

29 (b) A LOCAL EDUCATION PROVIDER MAY RETAIN UP TO FIFTEEN
30 PERCENT OF THE AMOUNT OF PER-PUPIL INTERVENTION MONEY IT
31 RECEIVES IN A BUDGET YEAR FOR USE IN ACCORDANCE WITH THIS SECTION
32 IN THE NEXT BUDGET YEAR. IF A LOCAL EDUCATION PROVIDER RETAINS
33 MORE THAN THE AMOUNT AUTHORIZED IN THIS SUBSECTION (6)(b), THE
34 DEPARTMENT SHALL REDUCE THE AMOUNT OF PER-PUPIL INTERVENTION
35 MONEY THAT THE LOCAL EDUCATION PROVIDER IS ELIGIBLE TO RECEIVE IN
36 THE NEXT BUDGET YEAR BY THE EXCESS RETENTION AMOUNT.

37 **SECTION 9.** In Colorado Revised Statutes, 22-7-1211, **amend**
38 (1), (2)(a), (2)(b), (3) introductory portion, (3)(a), and (3)(b); and **add**
39 (2)(b.3), (2)(b.5), and (3.5) as follows:

40 **22-7-1211. Early literacy grant program - created -**
41 **definitions.** (1) (a) There is created in the department the early literacy
42 grant program to provide money to local education providers to
43 implement literacy support and intervention instruction programs,

1 including but not limited to related professional development programs,
2 to assist students in kindergarten and first, second, and third grades to
3 achieve reading competency. THE STATE BOARD MAY AWARD A GRANT TO
4 AN APPLYING LOCAL EDUCATION PROVIDER THAT IS A SCHOOL DISTRICT ON
5 A DISTRICT-WIDE BASIS OR TO INDIVIDUAL SCHOOLS OF THE SCHOOL
6 DISTRICT. A LOCAL EDUCATION PROVIDER MAY APPLY INDIVIDUALLY OR
7 AS PART OF A GROUP OF LOCAL EDUCATION PROVIDERS. The state board by
8 rule shall establish the application timelines and the information to be
9 included in each grant application. THE STATE BOARD SHALL NOT, AS A
10 CONDITION OF APPLYING FOR OR RECEIVING A GRANT, RESTRICT AN
11 APPLICANT'S ABILITY TO USE ANY OF THE ASSESSMENTS INCLUDED ON THE
12 APPROVED LIST OF ASSESSMENTS ADOPTED PURSUANT TO SECTION
13 22-7-1209 (1)(b).

14 (b) In adopting rules, the state board shall ensure that a local
15 education provider that is a rural school district or a small rural school
16 district, or a district charter school or an institute charter school that is
17 located within the boundaries of a rural school district or small rural
18 school district, may submit a simplified grant application. ~~A local~~
~~education provider may apply individually or as part of a group of local~~
~~education providers.~~ A rural school district that is a member of a board of
21 cooperative services may seek assistance in writing the grant application
22 from the board of cooperative services. A board of cooperative services
23 may apply for a grant to provide instructional support in literacy for small
24 rural school districts that are members of the board of cooperative
25 services.

26 (2) The department shall review each grant application received
27 and recommend to the state board whether to award the grant and the
28 duration and amount of each grant. In making recommendations, the
29 department shall consider the following factors:

30 (a) The percentage of kindergarten and first-, second-, and
31 third-grade students enrolled by the applying local education provider or
32 group of local education providers who have significant reading
33 deficiencies ~~AND THE PERCENTAGE OF KINDERGARTEN AND FIRST-,~~
~~SECOND-, AND THIRD-GRADE STUDENTS WHO DO NOT HAVE SIGNIFICANT~~
~~READING DEFICIENCIES BUT WHO ARE NOT MEETING THE GRADE-LEVEL~~
~~EXPECTATIONS IN READING ADOPTED BY THE STATE BOARD;~~

37 (b) The instructional program that the applying local education
38 provider or group of local education providers plans to implement using
39 the grant ~~money~~ MONEY and whether it is an evidence-based program
40 that is proven to be successful in other public schools in ~~the country~~
41 COLORADO OR IN OTHER STATES;

42 (b.3) WHETHER THE LOCAL EDUCATION PROVIDER OR GROUP OF
43 LOCAL EDUCATION PROVIDERS EMPLOYS READING COACHES OR PLANS TO

1 USE ALL OR A PORTION OF THE GRANT MONEY TO EMPLOY READING
2 COACHES;

3 (b.5) THE DEGREE TO WHICH THE INSTRUCTIONAL PROGRAM
4 INCORPORATES THE EFFECTIVE USE OF TECHNOLOGY, INCLUDING
5 SOFTWARE, TO ASSIST IN ASSESSING AND MONITORING STUDENT PROGRESS
6 TOWARD READING COMPETENCY;

7 (3) Based on the recommendations of the department, the state
8 board shall award grants to applying local education providers or groups
9 of local education providers, which grants are paid from money in the
10 early literacy fund created in section 22-7-1210. Of the money allocated
11 for the early literacy grant program pursuant to ~~seection 22-7-1210~~
12 (4)(b)(H) SECTION 22-7-1210 (4), the state board shall annually:

13 (a) Award up to ten percent to applicants that have previously
14 received a grant to fund school-wide literacy initiatives THAT HAVE
15 RESULTED IN SIGNIFICANT STUDENT ACADEMIC GROWTH TOWARD READING
16 COMPETENCY, AS DETERMINED BY AN INDEPENDENT EVALUATOR AS
17 PROVIDED IN SECTION 22-7-1209(8), and that are requesting an additional
18 year of funding to assist the local education provider in sustainability
19 planning for the initiatives, including the continuing use of literacy
20 coaches;

21 (b) Award up to fifteen percent to fund professional development
22 initiatives for local education providers that are already implementing
23 evidence-based or scientifically based universal instruction and
24 interventions THAT ARE RESULTING IN SIGNIFICANT STUDENT ACADEMIC
25 GROWTH TOWARD READING COMPETENCY, AS DETERMINED BY AN
26 INDEPENDENT EVALUATOR AS PROVIDED IN SECTION 22-7-1209 (8); and

27 (3.5) (a) UPON COMPLETION OF THE TERM OF A GRANT, IF AN
28 INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8),
29 DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT
30 MONEY HAS RESULTED IN SIGNIFICANT STUDENT ACADEMIC GROWTH
31 TOWARD READING COMPETENCY, AND IF THE LOCAL EDUCATION PROVIDER
32 REQUESTS AN EXTENSION OF THE GRANT, THE STATE BOARD SHALL
33 EXTEND THE GRANT FOR A PERIOD RECOMMENDED BY THE DEPARTMENT.
34 THE STATE BOARD SHALL INCREASE THE AMOUNT OF THE GRANT IF
35 NECESSARY TO ENABLE THE LOCAL EDUCATION PROVIDER TO EXPAND OR
36 ENHANCE IMPLEMENTATION OF THE INSTRUCTIONAL PROGRAM.

37 (b) UPON COMPLETION OF THE TERM OF A GRANT, IF AN
38 INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8),
39 DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT
40 MONEY HAS NOT RESULTED IN SIGNIFICANT ACADEMIC STUDENT GROWTH
41 TOWARD READING COMPETENCY, THE STATE BOARD SHALL NOT EXTEND
42 OR RENEW THE GRANT.

43 **SECTION 10.** In Colorado Revised Statutes, 22-7-1213, amend

1 (2); and **add** (1.5) as follows:

2 **22-7-1213. Reporting requirements.** (1.5) EACH LOCAL
3 EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT AND TO THE
4 INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO SECTION
5 22-7-1209 (8) ANY INFORMATION REQUIRED BY THE DEPARTMENT OR THE
6 INDEPENDENT EVALUATOR TO COMPLETE THE EVALUATION DESCRIBED IN
7 SECTION 22-7-1209 (8).

8 (2) Each local education provider that receives an early literacy
9 grant pursuant to section 22-7-1211 or per-pupil intervention ~~moneys~~
10 MONEY shall, at the conclusion of each budget year in which it receives
11 the grant or per-pupil intervention ~~moneys~~ MONEY, submit to the
12 department information describing:

13 (a) ~~The instructional programs, full-day kindergarten program, summer school literacy program, tutoring services, or other intervention services~~ IN DETAIL, THE SPECIFIC EXPENDITURES for which the local
14 education provider used the grant or per-pupil intervention ~~moneys~~
15 MONEY;

16 (a.5) IF THE LOCAL EDUCATION PROVIDER PURCHASED
17 INSTRUCTIONAL PROGRAMMING IN READING USING GRANT OR PER-PUPIL
18 INTERVENTION MONEY, THE SCORES ATTAINED BY STUDENTS ENROLLED
19 IN KINDERGARTEN THROUGH THIRD GRADE ON THE INTERIM READING
20 ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1205;

21 (b) The number and grade levels of students who participated in
22 each of the types of programs or services provided; and

23 (c) The progress made by participating students in achieving
24 reading competency.

25 **SECTION 11.** In Colorado Revised Statutes, 22-7-1214, **add**
26 (1.5) as follows:

27 **22-7-1214. READ plan evaluation working group - created -**
28 **report - repeal.** (1.5) IN REVIEWING THE CREATION AND USE OF READ
29 PLANS, THE WORKING GROUP SHALL ALSO CONSIDER AND MAKE
30 RECOMMENDATIONS CONCERNING THE TYPE AND LEVEL OF SUPPORT AND
31 PROFESSIONAL DEVELOPMENT THAT TEACHERS REQUIRE TO EFFECTIVELY
32 CREATE AND IMPLEMENT READ PLANS.

33 **SECTION 12. Safety clause.** The general assembly hereby finds,
34 determines, and declares that this act is necessary for the immediate
35 preservation of the public peace, health, and safety.".

*** * * * *