

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 18-0061.02 Julie Pelegrin x2700

HOUSE BILL 18-1393

HOUSE SPONSORSHIP

Hamner and Exum,

SENATE SPONSORSHIP

Gardner,

House Committees

Education

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 CONCERNING MEASURES TO SUPPORT EFFECTIVE IMPLEMENTATION OF
102 THE "COLORADO READING TO ENSURE ACADEMIC
103 DEVELOPMENT ACT" FOR ALL STUDENTS WHO RECEIVE
104 SERVICES PURSUANT TO READ PLANS, AND, IN CONNECTION
105 THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under existing law, the state board of education (state board) is required to adopt an approved list of reading assessments, and the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 3, 2018

HOUSE
3rd Reading Unamended
April 27, 2018

HOUSE
Amended 2nd Reading
April 26, 2018

department of education (department) is required to adopt advisory lists of literacy programming and professional development in literacy. With regard to the list of approved assessments and the advisory lists, the bill:

- ! Clarifies that the assessments and literacy programming must be evidence-based or scientifically based and must be aligned with the state academic standards;
- ! Directs the state board and the department to review the approved list of assessments every 4 years and the advisory lists of literacy programming and professional development programs every 2 years;
- ! Requires the process for appealing the materials placed on the assessment list or the advisory lists to include appeals by school districts, boards of cooperative services, and charter schools (local education providers) and directs the department to consider certain materials provided by appellants; and
- ! Requires the department to ensure that the process for reviewing and adding assessments to the approved list and materials to the advisory lists must include consultation with local education providers and be transparent.

The existing statutes specify the portion of the early literacy fund that the department must distribute as grants through the early literacy grant program. The bill allows for an increase in the amount distributed through the early literacy grant program.

Under existing law, each local education provider that enrolls one or more students who have a significant reading deficiency receives an amount of per-pupil intervention money to provide services to improve students' literacy. The bill directs the department to distribute 75% of the total amount appropriated for per-pupil intervention money to local education providers based on the number of kindergarten-through-third-grade students who have significant reading deficiencies and 25% of the total amount to local education providers based on the number of kindergarten-through-third-grade students who were once identified as having significant reading deficiencies and are receiving services through reading-to-ensure-academic-development (READ) plans.

The bill requires a local education provider, upon the request of the department, to provide specific information explaining how the local education provider spent the per-pupil intervention money it received. The bill expands the purposes for which a local education provider may use the per-pupil intervention money and requires the local education provider to use the money for early-grade reading initiatives rather than replacing money received from other sources.

The bill directs the state board, in adopting rules for applying for grants through the early literacy grant program, to ensure that rural school

districts and small rural school districts can submit simplified grant applications. The bill directs the state board to award specified percentages of the total amount allocated for the grant program to applications to fund certain types of programs.

The bill directs the commissioner of education (commissioner), by September 1, 2018, to convene a working group to review the creation and use of READ plans by local education providers and to recommend any necessary regulatory or implementation changes to continue and improve the use and effectiveness of READ plans. The commissioner must submit a report of the findings and recommendations to the state board and the education committees of the general assembly by February 1, 2020.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-7-1209, **amend**
3 (1) introductory portion, (1)(a), (1)(b), (1)(d), (2)(a)(I), (2)(a)(II)(A),
4 (2)(b) introductory portion, (2)(b)(III), (2)(d), (3) introductory portion,
5 (3)(a), and (3)(c); and **add** (2)(b)(II.5) and (3.5) as follows:

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

11 (a) The minimum reading competency skill levels in the areas of
12 phonemic awareness, phonics, vocabulary development, reading fluency,
13 including oral skills, and reading comprehension for kindergarten and
14 first, second, and third grades. The state board shall base the minimum
15 skill levels for second and third grades primarily on scores attained on the
16 assessments approved by the state board pursuant to ~~paragraph (b) of this~~
17 ~~subsection (1)~~ **SUBSECTION (1)(b) OF THIS SECTION.** The state board shall
18 describe the minimum skill levels for students as they complete
19 kindergarten and first grade using matrices of appropriate indicators,

1 which indicators may include measures of students' social and emotional
2 development, physical development, language and comprehension
3 development, and cognition and general knowledge. The state board shall
4 adopt the rules described in this ~~paragraph (a)~~ SUBSECTION (1)(a) by
5 March 31, 2013. THE STATE BOARD SHALL REVIEW THE MINIMUM
6 READING COMPETENCY SKILL LEVELS ON OR BEFORE JULY 1, 2019, AND
7 EVERY FOUR YEARS THEREAFTER AND UPDATE THEM AS NECESSARY.

8 (b) The list of approved EVIDENCE-BASED OR SCIENTIFICALLY
9 BASED reading assessments, based on the recommendations of the
10 department, that local education providers may use to meet the
11 requirements specified in section 22-7-1205. The state board shall adopt
12 the list of approved reading assessments by March 31, 2013. THE STATE
13 BOARD SHALL REVIEW THE LIST OF APPROVED READING ASSESSMENTS, ON
14 OR BEFORE JULY 1, 2019, AND EVERY FOUR YEARS THEREAFTER AND
15 UPDATE THE LIST AS NECESSARY.

16 (d) Rules to provide notice and an appeals process, which may be
17 a process for written appeals, for publishers AND LOCAL EDUCATION
18 PROVIDERS who submit materials for inclusion on the list of approved
19 assessments and the advisory lists of instructional programming, and
20 professional development programs. ON APPEAL, THE DEPARTMENT AND
21 THE STATE BOARD MUST, AT A MINIMUM, CONSIDER ANY FINDINGS THAT
22 AN APPELLANT MAY SUBMIT FROM A NATIONALLY RECOGNIZED,
23 EVIDENCE-BASED INFORMATION CLEARINGHOUSE THAT DEMONSTRATE
24 THAT A PROGRAM HAS ACHIEVED POSITIVE RESULTS FOR A SUBSTANTIALLY
25 SIMILAR POPULATION OF STUDENTS WHO ARE IDENTIFIED AS HAVING
26 SIGNIFICANT READING DEFICIENCIES.

27 (2) (a) (I) Using the procedure developed pursuant to subsection

1 (3) of this section, the department shall review and recommend to the
2 state board reading assessments, including interim, summative, and
3 diagnostic assessments, for kindergarten and first, second, and third
4 grades that, at a minimum, meet the criteria specified in ~~subparagraph (H)~~
5 ~~of this paragraph (a)~~ SUBSECTION (1)(a)(II) OF THIS SECTION. Following
6 action by the state board to approve reading assessments pursuant to
7 ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section, the
8 department shall create a list of the approved reading assessments for
9 kindergarten and first, second, and third grades for use by local education
10 providers. THE DEPARTMENT SHALL UPDATE THE LIST OF APPROVED
11 READING ASSESSMENTS, ON OR BEFORE JULY 1, 2019, AND EVERY FOUR
12 YEARS THEREAFTER AS NECESSARY. THE DEPARTMENT SHALL WORK WITH
13 THE APPROVED ASSESSMENT PUBLISHERS TO BETTER ALIGN, TO THE
14 EXTENT PRACTICABLE, THE MINIMUM READING COMPETENCY LEVELS FOR
15 THIRD GRADE, WHICH ARE BASED ON THE SCORES ATTAINED ON THE
16 APPROVED ASSESSMENTS, WITH THE PRESCHOOL THROUGH ELEMENTARY
17 AND SECONDARY EDUCATION STANDARDS FOR THIRD-GRADE READING
18 ADOPTED PURSUANT TO SECTION 22-7-1005.

19 (II) The department shall ensure that:

20 (A) Each of the recommended reading assessments is
21 EVIDENCE-BASED OR scientifically based ~~except that the department may~~
22 ~~recommend and the state board may, until July 1, 2016, include on the~~
23 ~~approved list of assessments any reading assessment approved by the state~~
24 ~~board prior to July 1, 2012, regardless of whether it is scientifically based~~
25 AND IS ALIGNED WITH THE PRESCHOOL THROUGH ELEMENTARY AND
26 SECONDARY EDUCATION STANDARDS FOR READING ADOPTED BY THE
27 STATE BOARD PURSUANT TO SECTION 22-7-1005;

1 (b) Using the procedure developed pursuant to subsection (3) of
2 this section, the department shall create an advisory list of ~~scientifically~~
3 ~~based~~ or evidence-based OR SCIENTIFICALLY BASED instructional
4 programming in reading that local education providers are encouraged to
5 use, WHICH PROGRAMMING IS ALIGNED WITH THE RECOMMENDED READING
6 ASSESSMENTS, INCLUDING THE ASSESSMENT REQUIRED IN SUBSECTION
7 (2)(a)(II)(D) OF THIS SECTION. The advisory list ~~shall~~ MAY include only
8 programming that, at a minimum:

9 (II.5) IS EVIDENCE-BASED OR SCIENTIFICALLY BASED AND IS
10 ALIGNED WITH THE PRESCHOOL THROUGH ELEMENTARY AND SECONDARY
11 EDUCATION STANDARDS FOR READING ADOPTED BY THE STATE BOARD
12 PURSUANT TO SECTION 22-7-1005;

13 (III) Includes EVIDENCE-BASED OR scientifically based and reliable
14 assessments;

15 (d) The department shall make the approved list of assessments
16 ~~available on the department website on or before April 1, 2013~~, and the
17 advisory lists of instructional programming and professional development
18 programs, AND SUBSEQUENT UPDATED LISTS, available on the department
19 website. ~~on or before July 1, 2013~~. The department is not required to
20 provide copies of any reading assessments, instructional programming,
21 or professional development programs that are included on the lists. If the
22 department does provide copies of any materials that it acquires by
23 purchase of a license for use by local education providers, ~~said~~ THE
24 materials may be used only in accordance with the license.

25 (3) The department shall develop and implement a procedure for
26 identifying the reading assessments it recommends to the state board for
27 the approved list of reading assessments described in ~~paragraph (a)~~ of

1 ~~subsection (2)~~ SUBSECTION (2)(a) of this section and for creating the
2 advisory lists of instructional programming, and professional
3 development programs described in ~~paragraphs (b) and (c) of subsection~~
4 ~~(2)~~ SUBSECTIONS (2)(b), (2)(c), AND (2)(d) of this section. At a minimum,
5 the procedure shall MUST include:

6 (a) ~~Periodically~~ Soliciting through public notice, accepting, and
7 promptly reviewing assessments, instructional programming, and
8 professional development programs from each local education provider
9 and from publishers;

10 (c) ~~Periodically~~ Reviewing the list of approved assessments AT
11 LEAST EVERY FOUR YEARS and the advisory lists AT LEAST EVERY TWO
12 YEARS to update the lists and add additional items, when appropriate. ~~and~~
13 IN REVIEWING AND UPDATING THE LIST OF APPROVED ASSESSMENTS AND
14 THE ADVISORY LISTS, THE DEPARTMENT SHALL, AT A MINIMUM, COMPLY
15 WITH THE PROCEDURES DESCRIBED IN SUBSECTIONS (3)(a) AND (3)(b) OF
16 THIS SECTION.

17 (3.5) IN DESIGNING AND PERIODICALLY UPDATING THE PROCEDURE
18 AND THE RUBRIC OF CRITERIA FOR REVIEWING ASSESSMENTS AND
19 MATERIALS AND CREATING THE ADVISORY LISTS, THE DEPARTMENT SHALL
20 CONSULT WITH LOCAL EDUCATION PROVIDERS, INCLUDING THOSE WITH
21 HIGH ENROLLMENTS OF STUDENTS WHO ARE ENGLISH LANGUAGE
22 LEARNERS AS DEFINED IN SECTION 22-24-103, AND WITH THIRD-PARTY
23 EXPERTS AS NECESSARY. THE DEPARTMENT SHALL ENSURE THAT THE
24 PROCEDURE FOR REVIEWING THE ASSESSMENTS AND MATERIALS AND
25 CREATING THE ADVISORY LISTS IS INCLUSIVE AND TRANSPARENT.

26 **SECTION 2.** In Colorado Revised Statutes, 22-7-1210, **amend**
27 (4) introductory portion, (4)(b), [REDACTED] (5)(b), and (5)(c); and **add** (6) as

1 follows:

2 **22-7-1210. Early literacy fund - created.** (4) The ~~moneys~~
3 MONEY in the fund ~~are~~ IS subject to annual appropriation by the general
4 assembly to the department. The department shall annually expend the
5 ~~moneys~~ MONEY in the fund as follows:

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

8 (I) The department shall use one million dollars, AS PROVIDED IN
9 THE ANNUAL GENERAL APPROPRIATIONS BILL, to provide literacy support
10 in the form of professional development delivered by experts in literacy
11 on a regional basis to local education providers to assist them in
12 implementing the requirements of this part 12;

13 (II) The department shall use AT LEAST four million dollars, AS
14 PROVIDED IN THE ANNUAL GENERAL APPROPRIATIONS BILL, for grants
15 awarded through the early literacy grant program created in section
16 22-7-1211;

17 (III) The department may use up to one percent of the ~~moneys~~
18 MONEY annually appropriated from the fund, AS PROVIDED IN THE
19 ANNUAL GENERAL APPROPRIATIONS BILL, to offset the costs of
20 administering this part 12; and

21 (IV) The department shall allocate the remaining ~~moneys~~ MONEY
22 annually credited to the fund, AS PROVIDED IN THE ANNUAL GENERAL
23 APPROPRIATIONS BILL, to the local education providers as per-pupil
24 intervention ~~moneys~~ MONEY calculated pursuant to subsection (5) of this
25 section.

26 

27 (b) A local education provider may use the per-pupil intervention

1 money only as follows:

2 (I) To provide full-day kindergarten services to students enrolled
3 in one or more of the public schools operated by the local education
4 provider;

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

7 (III) To purchase tutoring services in reading for students ~~with~~
8 ~~significant reading deficiencies~~ WHO ARE RECEIVING INSTRUCTIONAL
9 SERVICES PURSUANT TO READ PLANS;

10 (III.5) ~~For a local education provider that is a small rural school~~
11 ~~district as defined in section 22-7-1211, to purchase from a board of~~
12 ~~cooperative services the services of a literacy specialist to provide~~
13 ~~educator professional development in literacy and other support in~~
14 ~~implementing the requirements of this part 12; or~~

15 ~~■ ■~~

16 (IV) To provide other targeted, scientifically based or
17 evidence-based intervention services to students ~~with significant reading~~
18 ~~deficiencies~~ WHO ARE RECEIVING INSTRUCTIONAL SERVICES PURSUANT TO
19 READ PLANS, which services are approved by the department;

20 (V) FOR A LOCAL EDUCATION PROVIDER THAT IS A SMALL RURAL
21 SCHOOL DISTRICT AS DEFINED IN SECTION 22-7-1211 (4)(a), TO PURCHASE
22 FROM A BOARD OF COOPERATIVE SERVICES THE SERVICES OF A LITERACY
23 SPECIALIST TO PROVIDE EDUCATOR PROFESSIONAL DEVELOPMENT IN
24 LITERACY AND OTHER SUPPORT IN IMPLEMENTING THE REQUIREMENTS OF
25 THIS PART 12; OR

26 (VI) TO PROVIDE PROFESSIONAL DEVELOPMENT PROGRAMMING TO
27 SUPPORT EDUCATORS IN TEACHING LITERACY; EXCEPT THAT A LOCAL

1 EDUCATION PROVIDER MAY NOT USE MORE THAN FIFTEEN PERCENT OF THE
2 PER-PUPIL INTERVENTION MONEY RECEIVED IN A BUDGET YEAR FOR THIS
3 PURPOSE. PROFESSIONAL DEVELOPMENT PROGRAMMING AUTHORIZED IN
4 THIS SUBSECTION (5)(b)(VI) MAY INCLUDE LITERACY COACHES WHO
5 PROVIDE JOB-EMBEDDED, ONGOING PROFESSIONAL DEVELOPMENT TO
6 SUPPORT KINDERGARTEN-THROUGH-THIRD-GRADE TEACHER COMPETENCE
7 IN THE EVIDENCE-BASED OR SCIENTIFICALLY BASED TEACHING OF
8 PHONEMIC AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING
9 FLUENCY, INCLUDING ORAL SKILLS; AND READING COMPREHENSION.

10 (c) Each budget year, prior to receiving per-pupil intervention
11 ~~moneys~~ MONEY, each local education provider shall submit to the
12 department, for informational purposes, an explanation of the manner in
13 which it will use the ~~moneys~~ MONEY in the coming budget year and the
14 number of students for which the local education provider may receive
15 per-pupil intervention ~~moneys~~ MONEY. If the local education provider
16 intends to provide a service described in ~~subparagraph (IV) of paragraph~~
17 ~~(b) of this subsection (5)~~ SUBSECTION (5)(b)(IV) OF THIS SECTION, the
18 department shall review the service and provide the per-pupil intervention
19 ~~moneys~~ MONEY for the service only if the service meets the requirements
20 specified in ~~said subparagraph (IV)~~ SUBSECTION (5)(b)(IV) OF THIS
21 SECTION. UPON THE REQUEST OF THE DEPARTMENT, A LOCAL EDUCATION
22 PROVIDER SHALL PROVIDE SPECIFIC EXPENDITURE INFORMATION TO THE
23 DEPARTMENT THAT SPECIFIES THE MANNER IN WHICH THE LOCAL
24 EDUCATION PROVIDER SPENT THE PER-PUPIL INTERVENTION MONEY IT
25 RECEIVED IN A BUDGET YEAR.

26 (6) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE
27 PER-PUPIL INTERVENTION MONEY IT RECEIVES IN EACH BUDGET YEAR IS

1 USED TO IMPROVE THE READING COMPETENCY OF STUDENTS ENROLLED IN
2 KINDERGARTEN AND GRADES ONE THROUGH THREE AND DOES NOT
3 REPLACE OTHER MONEY THAT WOULD OTHERWISE BE USED FOR THIS
4 PURPOSE.

5 **SECTION 3.** In Colorado Revised Statutes, 22-7-1211, **amend**
6 (1), (3), and (4) as follows:

7 **22-7-1211. Early literacy grant program - created -**
8 **definitions.** (1) There is hereby created in the department the early
9 literacy grant program to provide money to local education providers to
10 implement literacy support and intervention instruction programs,
11 including but not limited to related professional development programs,
12 to assist students in kindergarten and first, second, and third grades to
13 achieve reading competency. The state board by rule shall establish the
14 application timelines and the information to be included in each grant
15 application. IN ADOPTING RULES, THE STATE BOARD SHALL ENSURE THAT
16 A LOCAL EDUCATION PROVIDER THAT IS A RURAL SCHOOL DISTRICT OR A
17 SMALL RURAL SCHOOL DISTRICT, OR A DISTRICT CHARTER SCHOOL OR AN
18 INSTITUTE CHARTER SCHOOL THAT IS LOCATED WITHIN THE BOUNDARIES
19 OF A RURAL SCHOOL DISTRICT OR SMALL RURAL SCHOOL DISTRICT, MAY
20 SUBMIT A SIMPLIFIED GRANT APPLICATION. A local education provider
21 may apply individually or as part of a group of local education providers.
22 A rural school district that is a member of a board of cooperative services
23 may seek assistance in writing the grant application from the board of
24 cooperative services. A board of cooperative services may apply for a
25 grant to provide instructional support in literacy for small rural school
26 districts that are members of the board of cooperative services.

27 (3) Based on the recommendations of the department, the state

1 board shall award grants to applying local education providers or groups
2 of local education providers, which grants are paid from ~~moneys~~ MONEY
3 in the early literacy fund created in section 22-7-1210. OF THE MONEY
4 ALLOCATED FOR THE EARLY LITERACY GRANT PROGRAM PURSUANT TO
5 SECTION 22-7-1210 (4)(b)(II), THE STATE BOARD SHALL ANNUALLY:

6 (a) AWARD UP TO TEN PERCENT TO APPLICANTS THAT HAVE
7 PREVIOUSLY RECEIVED A GRANT TO FUND SCHOOL-WIDE LITERACY
8 INITIATIVES AND THAT ARE REQUESTING AN ADDITIONAL YEAR OF
9 FUNDING TO ASSIST THE LOCAL EDUCATION PROVIDER IN SUSTAINABILITY
10 PLANNING FOR THE INITIATIVES, INCLUDING THE CONTINUING USE OF
11 LITERACY COACHES;

12 (b) AWARD UP TO FIFTEEN PERCENT TO FUND PROFESSIONAL
13 DEVELOPMENT INITIATIVES FOR LOCAL EDUCATION PROVIDERS THAT ARE
14 ALREADY IMPLEMENTING EVIDENCE-BASED OR SCIENTIFICALLY BASED
15 UNIVERSAL INSTRUCTION AND INTERVENTIONS; AND

16 (c) AWARD THE REMAINDER TO APPLICANTS THAT REQUEST
17 FUNDING FOR OTHER EVIDENCE-BASED OR SCIENTIFICALLY BASED
18 LITERACY SUPPORT AND INTERVENTION INSTRUCTION PROGRAMS TO
19 ASSIST STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD
20 GRADES TO ACHIEVE READING COMPETENCY.

21 (4) For purposes of this section:

22 (a) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
23 COLORADO THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL,
24 BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE
25 DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE,
26 URBANIZED AREA.

27 (b) "Small rural school district" means a RURAL school district in

1 Colorado that the department of education determines is rural, based on
2 the geographic size of the school district and the distance of the school
3 district from the nearest large, urbanized area, and that enrolls fewer than
4 one thousand two hundred students in kindergarten through twelfth grade.

5 **SECTION 4.** In Colorado Revised Statutes, **amend 22-7-1212** as
6 follows:

7 **22-7-1212. Summer school literacy programs.** (1) A local
8 education provider may choose to use per-pupil intervention ~~moneys~~
9 MONEY to provide an evidence-based OR SCIENTIFICALLY BASED summer
10 school literacy program to assist students who are enrolled in
11 kindergarten or first, second, or third grade and who have significant
12 reading deficiencies to achieve reading competency. A local education
13 provider may allow students who are below grade-level expectations in
14 reading, but who do not have significant reading deficiencies, to
15 participate in a summer school literacy program operated pursuant to this
16 section if capacity remains after serving all of the students with
17 significant reading deficiencies who choose to participate.

18 (2) A local education provider that intends to use per-pupil
19 intervention ~~moneys~~ MONEY to operate a summer school literacy program
20 shall annually provide to the department information concerning the
21 summer school literacy program the local education provider intends to
22 operate, WHICH DEMONSTRATES THAT THE SUMMER SCHOOL LITERACY
23 PROGRAM MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS
24 SECTION.

25 (3) The local education provider shall ensure that the program:

26 (a) Serves only students enrolled in kindergarten or first, second,
27 or third grade who have significant reading deficiencies, except as

1 specifically allowed in subsection (1) of this section for students who are
2 below grade-level expectations in reading; and

3 (b) Uses scientifically based or evidence-based instructional
4 programming in reading that:

5 (I) Has been proven to accelerate student progress in attaining
6 reading competency;

7 (II) Provides explicit and systematic skill development in the areas
8 of phonemic awareness; phonics; vocabulary development; reading
9 fluency, including oral skills; and reading comprehension;

10 (III) Includes scientifically based and reliable assessments; and

11 (IV) Provides initial and ongoing analysis of the student's progress
12 in attaining reading competency.

13 **SECTION 5.** In Colorado Revised Statutes, **add** 22-7-1214 as
14 follows:

15 **22-7-1214. READ plan evaluation working group - created -**
16 **report - repeal.** (1) NO LATER THAN SEPTEMBER 1, 2018, THE
17 COMMISSIONER OF EDUCATION SHALL CONVENE A WORKING GROUP TO
18 REVIEW THE CREATION AND USE OF READ PLANS, INCLUDING THE EXTENT
19 OF PARENT INVOLVEMENT, BY LOCAL EDUCATION PROVIDERS AND TO
20 RECOMMEND ANY NECESSARY REGULATORY OR IMPLEMENTATION
21 CHANGES, INCLUDING RECOMMENDATIONS CONCERNING THE
22 DEPARTMENT'S LEVEL OF TECHNICAL ASSISTANCE AND COMMUNICATION
23 TO LOCAL EDUCATION PROVIDERS, TO CONTINUE AND IMPROVE THE USE
24 AND EFFECTIVENESS OF INDIVIDUAL READ PLANS AND TO REDUCE
25 UNNECESSARY DUPLICATION IN PROCESSES. BECAUSE INDIVIDUAL READ
26 PLANS ARE CRITICAL TO EFFECTIVELY IMPLEMENTING THIS PART 12 AND
27 ACHIEVING THE GOALS SPECIFIED IN SECTION 22-7-1202, THE WORKING

1 GROUP SHALL NEITHER CONSIDER NOR RECOMMEND REPEALING THE
2 REQUIREMENT FOR INDIVIDUAL READ PLANS. THE COMMISSIONER SHALL
3 ENSURE THAT THE MEMBERSHIP OF THE WORKING GROUP, AT A MINIMUM,
4 REPRESENTS THE INTERESTS AND PERSPECTIVES OF LOCAL EDUCATION
5 PROVIDERS, EDUCATORS, PARENTS, AND STUDENTS THROUGHOUT THE
6 STATE. TO THE EXTENT PROFESSIONALS WITH EXPERTISE IN
7 EVIDENCE-BASED AND SCIENTIFICALLY BASED LITERACY PRACTICES AND
8 EXPERTS IN BILINGUAL LITERACY ARE AVAILABLE TO ASSIST THE WORKING
9 GROUP WITHOUT COMPENSATION, THE COMMISSIONER MAY INCLUDE THE
10 EXPERTS IN THE WORKING GROUP.

11 (2) NO LATER THAN FEBRUARY 1, 2020, THE COMMISSIONER SHALL
12 SUBMIT TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE
13 HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
14 COMMITTEES, A REPORT OF THE WORKING GROUP'S FINDINGS AND
15 RECOMMENDATIONS.

16 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

17 **SECTION 6. Appropriation.** For the 2018-19 state fiscal year,
18 \$1,000,000 is appropriated to the department of education. This
19 appropriation is from the marijuana tax cash fund created in section
20 39-28.8-501 (1), C.R.S. To implement this act, the department may use
21 this appropriation for the early literacy competitive grant program.

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