

An Act

HOUSE BILL 19-1134

BY REPRESENTATIVE(S) Buckner and Wilson, Arndt, Beckman, Benavidez, Bird, Buentello, Caraveo, Carver, Catlin, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Garnett, Geitner, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Humphrey, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Landgraf, Liston, Lontine, McCluskie, McKean, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Sandridge, Singer, Sirota, Snyder, Sullivan, Titone, Valdez A., Valdez D., Weissman, Will, Becker;
also SENATOR(S) Todd, Bridges, Crowder, Donovan, Fenberg, Fields, Ginal, Holbert, Lee, Moreno, Pettersen, Rodriguez, Story, Tate, Williams A., Winter, Woodward, Zenzinger, Garcia.

CONCERNING RESEARCHING EFFECTIVE METHODS FOR ASSISTING EARLY-GRADE STUDENTS WITH DYSLEXIA, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 20.5 to title 22 as follows:

ARTICLE 20.5 **Education of Children with Dyslexia**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

22-20.5-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT VARIOUS EDUCATIONAL ADVOCACY GROUPS, INCLUDING PARENTS OF CHILDREN IDENTIFIED AS HAVING DYSLEXIA, HAVE VOICED CONCERNS RELATED TO THE ADEQUACY AND EFFECTIVENESS OF THE METHODS AND TOOLS FOR IDENTIFYING STUDENTS WHO HAVE DYSLEXIA AND THE ADEQUACY OF THE EDUCATIONAL SUPPORTS FOR THESE STUDENTS. WHILE THERE HAVE BEEN VARIOUS EFFORTS AT BOTH THE STATE AND SCHOOL DISTRICT LEVELS TO ADDRESS THE ISSUES RELATED TO EFFECTIVE IDENTIFICATION AND SUPPORT FOR STUDENTS WITH DYSLEXIA, THESE EFFORTS HAVE NOT RESULTED IN SIGNIFICANT PROGRESS IN EDUCATING THESE STUDENTS. THEREFORE, THE GENERAL ASSEMBLY, RECOGNIZING THE OBLIGATION OF THE STATE OF COLORADO TO PROVIDE EDUCATIONAL OPPORTUNITIES TO ALL CHILDREN THAT WILL ENABLE THEM TO LEAD FULFILLING AND PRODUCTIVE LIVES, FINDS THAT IT IS NECESSARY TO CREATE A WORKING GROUP OF PARENTS AND EDUCATIONAL EXPERTS TO REVIEW THE WORK OF EDUCATIONAL EXPERTS AND LOCAL EDUCATION PROVIDERS IN COLORADO AND IN OTHER STATES IN THE AREA OF IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR STUDENTS WITH DYSLEXIA AND TO USE THEIR FINDINGS TO INFORM FUTURE EFFORTS BY THE STATE AND LOCAL EDUCATION PROVIDERS TO IDENTIFY AND EFFECTIVELY SUPPORT STUDENTS WITH DYSLEXIA.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT A PILOT PROGRAM THROUGH WHICH THE DEPARTMENT OF EDUCATION WORKS WITH A GROUP OF VOLUNTEER LOCAL EDUCATION PROVIDERS TO USE EARLY LITERACY ASSESSMENT RESULTS TO IDENTIFY MARKERS OF DYSLEXIA AND PROVIDE SUPPORT TO YOUNG STUDENTS WHO MAY DEMONSTRATE THE EARLY MARKERS FOR DYSLEXIA WILL STRENGTHEN THE ABILITY OF LOCAL EDUCATION PROVIDERS THROUGHOUT THE STATE TO IDENTIFY AND EFFECTIVELY SUPPORT STUDENTS WITH DYSLEXIA.

22-20.5-102. Definitions. AS USED IN THIS ARTICLE 20.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSIONER OF EDUCATION" OR "COMMISSIONER" MEANS THE OFFICE OF THE COMMISSIONER OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION

CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

(3) "DYSLEXIA" MEANS A SPECIFIC LEARNING DISABILITY THAT IS NEUROBIOLOGICAL IN ORIGIN AND CHARACTERIZED BY DIFFICULTIES WITH ACCURATE AND FLUENT WORD RECOGNITION AND BY POOR SPELLING AND DECODING ABILITIES, WHICH DIFFICULTIES TYPICALLY RESULT FROM A DEFICIT IN THE PHONOLOGICAL COMPONENT OF LANGUAGE THAT IS OFTEN UNEXPECTED IN RELATION TO OTHER COGNITIVE ABILITIES AND THE PROVISION OF EFFECTIVE CLASSROOM INSTRUCTION. THE SECONDARY CONSEQUENCES OF DYSLEXIA MAY INCLUDE PROBLEMS IN READING COMPREHENSION AND REDUCED READING EXPERIENCE THAT MAY IMPEDE GROWTH OF VOCABULARY AND BACKGROUND KNOWLEDGE.

(4) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES A PUBLIC SCHOOL, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION 22-30.5-503.

(5) "PILOT PROGRAM" MEANS THE PILOT PROGRAM TO IDENTIFY MARKERS OF DYSLEXIA AND ENABLE EFFECTIVE INTERVENTIONS OPERATED PURSUANT TO SECTION 22-20.5-104.

(6) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

(7) "SMALL RURAL SCHOOL DISTRICT" MEANS A RURAL SCHOOL DISTRICT THAT ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

(8) "WORKING GROUP" MEANS THE WORKING GROUP FOR IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR STUDENTS WITH DYSLEXIA CONVENED BY THE COMMISSIONER PURSUANT TO SECTION 22-20.5-103.

22-20.5-103. Working group for identification of and educational support for students with dyslexia - convened - duties - report - repeal. (1) THE COMMISSIONER OF EDUCATION SHALL CONVENE A WORKING GROUP FOR IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR STUDENTS WITH DYSLEXIA TO REVIEW DATA CONCERNING THE IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR STUDENTS WITH DYSLEXIA AND EFFORTS IN COLORADO AND OTHER STATES TO IMPROVE EDUCATIONAL OUTCOMES FOR STUDENTS WITH DYSLEXIA. IN CONVENING THE WORKING GROUP, THE COMMISSIONER SHALL APPOINT THE FOLLOWING MEMBERS:

- (a) A PARENT OF A CHILD WHO IS IDENTIFIED AS HAVING DYSLEXIA;
- (b) A PARENT OF A CHILD WHO IS IDENTIFIED AS HAVING DYSLEXIA AND A DISABILITY;
- (c) A SCHOOL DISTRICT LITERACY SPECIALIST;
- (d) A SCHOOL DISTRICT DIRECTOR OF SPECIAL EDUCATION;
- (e) A STATE OR NATIONAL LITERACY EXPERT;
- (f) A STATE OR NATIONAL DYSLEXIA EXPERT;
- (g) TWO ELEMENTARY GRADE TEACHERS, ONE OF WHOM TEACHES IN A RURAL SCHOOL DISTRICT OR A SMALL RURAL SCHOOL DISTRICT;
- (h) A PRINCIPAL WHO IS EMPLOYED AT AN ELEMENTARY SCHOOL IN A RURAL SCHOOL DISTRICT OR AN EMPLOYEE OF A BOARD OF COOPERATIVE SERVICES, CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22, WHO HAS EXPERTISE AS A LITERACY SPECIALIST;
- (i) A FACULTY MEMBER OF AN INSTITUTION OF HIGHER EDUCATION WHO TEACHES IN AN APPROVED EDUCATOR PREPARATION PROGRAM FOR ELEMENTARY GRADE TEACHERS; AND
- (j) A MEMBER OF THE LOCAL CHAPTER OF AN INTERNATIONAL DYSLEXIA ASSOCIATION.

(2) THE WORKING GROUP SHALL:

(a) ANALYZE CURRENT NATIONAL AND STATEWIDE DATA RELATED TO STUDENTS IDENTIFIED AS HAVING DYSLEXIA, INCLUDING BUT NOT LIMITED TO IDENTIFICATION RATES AND ACHIEVEMENT RATES;

(b) ANALYZE THE IMPLEMENTATION AND DEMONSTRATED EFFECTIVENESS IN OTHER STATES OF STATEWIDE LEGISLATION FOR DYSLEXIA SCREENING, EDUCATOR TRAINING, AND OTHER DYSLEXIA-RELATED LAWS;

(c) IDENTIFY AND RECOMMEND APPROPRIATE DYSLEXIA SCREENING TOOLS AND PROCESSES AS WELL AS COMPREHENSIVE ASSESSMENTS THAT ADDRESS THE RECOGNIZED CHALLENGES OF DYSLEXIA, INCLUDING PHONOLOGICAL PROCESSING, PHONEMIC AWARENESS, AND DECODING AND ENCODING SKILLS;

(d) IDENTIFY AND RECOMMEND A STATEWIDE PLAN FOR SUPPORTING STUDENTS WHO ARE IDENTIFIED AS HAVING DYSLEXIA, INCLUDING SPECIFIC INTERVENTION STRUCTURES AND THEIR COMPONENTS, WHICH MUST INCLUDE EVIDENCE-BASED INTERVENTIONS, PROGRESS-MONITORING SYSTEMS, AND DATA-COLLECTION SYSTEMS. THE RECOMMENDATIONS FOR A STATEWIDE PLAN MUST CONSIDER LEGAL REQUIREMENTS INCLUDED IN THE "COLORADO READ ACT", PART 12 OF ARTICLE 7 OF THIS TITLE 22, AND ITS IMPLEMENTING RULES; THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, AND ITS IMPLEMENTING RULES; THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; AND SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS.

(e) IDENTIFY AND RECOMMEND COMPONENTS OF DYSLEXIA AWARENESS TRAINING FOR COLORADO EDUCATORS, INCLUDING THE CONTENT, TARGET AUDIENCE, TIME FRAME FOR TRAINING, AND PROJECTED COST;

(f) IDENTIFY AND RECOMMEND EDUCATOR TRAINING FOR IN-STATE APPROVED PROGRAMS OF PREPARATION FOR TEACHERS AND ALTERNATIVE TEACHER PROGRAMS AND RECOMMENDED TRAINING FOR CURRENT EDUCATORS, BASED ON EFFECTIVE PRACTICES IN OTHER STATES, AS WELL AS RECOMMENDATIONS FROM STATE AND NATIONAL ORGANIZATIONS FOCUSING ON LITERACY. THE RECOMMENDATIONS CONCERNING EDUCATOR TRAINING MAY INCLUDE THE CONTENT, TARGET AUDIENCE, TIME FRAME FOR TRAINING,

AND PROJECTED COST.

(g) PROVIDE RECOMMENDATIONS TO THE DEPARTMENT CONCERNING THE DESIGN AND IMPLEMENTATION OF THE PILOT PROGRAM.

(3) IN COMPLETING THE DUTIES DESCRIBED IN SUBSECTIONS (2)(c) TO (2)(g) OF THIS SECTION, THE WORKING GROUP SHALL ANALYZE AND INTEGRATE, AS APPROPRIATE, THE WORK AND RECOMMENDATIONS OF OTHER PREVIOUS AND ONGOING STATE INITIATIVES RELATED TO IMPROVING THE IDENTIFICATION AND SUPPORT OF STUDENTS WHO HAVE DYSLEXIA.

(4) THE WORKING GROUP SHALL SUBMIT A PROGRESS REPORT TO THE COMMISSIONER BY DECEMBER 31, 2019, WHICH MUST INCLUDE A SUMMARY OF THE PROGRESS THE WORKING GROUP IS MAKING REGARDING THE ITEMS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND MAY INCLUDE PRELIMINARY POLICY RECOMMENDATIONS. BY JULY 1, 2020, AND BY JULY 1 EACH YEAR THEREAFTER, THE WORKING GROUP SHALL SUBMIT TO THE COMMISSIONER A REPORT OF ITS POLICY RECOMMENDATIONS WITH REGARD TO THE ITEMS DESCRIBED IN SUBSECTION (2) OF THIS SECTION. ON OR BEFORE FEBRUARY 1, 2021, AND ON OR BEFORE FEBRUARY 1 EACH YEAR THEREAFTER, THE COMMISSIONER SHALL SUBMIT THE REPORT, WITH ANY RECOMMENDATIONS FOR LEGISLATION, TO THE STATE BOARD OF EDUCATION AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT SPECIFIED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL, THE WORKING GROUP IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

22-20.5-104. Pilot program - dyslexia markers - effective interventions - created - evaluation report - repeal. (1) BEGINNING IN THE 2020-21 SCHOOL YEAR, THE DEPARTMENT SHALL IMPLEMENT A PILOT PROGRAM TO DEVELOP AND PILOT SCREENING AND IDENTIFICATION PROCESSES AND INTERVENTION STRATEGIES FOR EARLY IDENTIFICATION OF AND SUPPORT FOR STUDENTS ENROLLED IN KINDERGARTEN THROUGH THIRD GRADE WHO MAY HAVE DYSLEXIA. THE DEPARTMENT SHALL CONSULT WITH THE WORKING GROUP CONCERNING THE DESIGN AND IMPLEMENTATION OF

THE PILOT PROGRAM. THE DEPARTMENT SHALL PROVIDE INFORMATION CONCERNING THE PILOT PROGRAM TO LOCAL EDUCATION PROVIDERS THROUGHOUT THE STATE AND SELECT UP TO FIVE LOCAL EDUCATION PROVIDERS WHO VOLUNTEER TO PARTICIPATE IN THE PILOT PROGRAM. IN SELECTING THE PARTICIPATING LOCAL EDUCATION PROVIDERS, THE DEPARTMENT SHALL ENSURE TO THE EXTENT PRACTICABLE THAT THE AFFECTED STUDENT POPULATIONS ARE REPRESENTATIVE OF THE DEMOGRAPHIC DIVERSITY WITHIN THE STATE AND THAT THE LOCAL EDUCATION PROVIDERS ARE LOCATED THROUGHOUT THE STATE. THE LOCAL EDUCATION PROVIDERS THAT PARTICIPATE IN THE PILOT PROGRAM WILL WORK WITH THE DEPARTMENT TO USE THE RESULTS OBTAINED FROM ASSESSMENTS ADMINISTERED PURSUANT TO THE "COLORADO READ ACT", PART 12 OF ARTICLE 7 OF THIS TITLE 22, IN A RESEARCH-BASED PROCESS TO IDENTIFY MARKERS OF DYSLEXIA AND PROVIDE SUPPORT FOR YOUNG READERS WHO MAY EXHIBIT THE MARKERS FOR DYSLEXIA.

(2) IN IMPLEMENTING THE PILOT PROGRAM, THE DEPARTMENT SHALL:

(a) PROVIDE TARGETED SUPPORT FOR EDUCATORS EMPLOYED BY THE PARTICIPATING LOCAL EDUCATION PROVIDERS IN UNDERSTANDING THE UNIQUE NEEDS OF YOUNG STUDENTS WHO ARE AT RISK FOR READING DELAYS RELATED TO DYSLEXIA;

(b) ASSIST THE PARTICIPATING LOCAL EDUCATION PROVIDERS IN IMPLEMENTING A DYSLEXIA IDENTIFICATION PROCESS THAT USES THE READ ACT INTERIM ASSESSMENT AS A SCREENING TOOL AND USES A RESEARCH-BASED IDENTIFICATION PROCESS TO USE THE RESULTS OF THE ASSESSMENTS TO IDENTIFY THE PRESENCE OF DYSLEXIA; AND

(c) SUPPORT THE PARTICIPATING LOCAL EDUCATION PROVIDERS IN PAIRING ASSESSMENT PROCESSES WITH IMPLEMENTATION OF RESEARCH-BASED INSTRUCTIONAL AND INTERVENTION STRATEGIES TO PROVIDE TIMELY AND APPROPRIATE SUPPORT FOR STUDENTS AT RISK FOR IDENTIFICATION OF DYSLEXIA.

(3) AT THE END OF THE 2021-22 SCHOOL YEAR, THE DEPARTMENT SHALL EVALUATE THE IMPLEMENTATION OF THE PILOT PROGRAM AND THE EFFECTIVENESS OF THE STRATEGIES IN IDENTIFYING AND SUPPORTING MORE STUDENTS IN THE PARTICIPATING LOCAL EDUCATION PROVIDERS THAN WERE IDENTIFIED AND SUPPORTED IN NONPARTICIPATING LOCAL EDUCATION

PROVIDERS. BASED ON THE EVALUATION, THE DEPARTMENT SHALL REFINE THE RESOURCES FOR TECHNICAL SUPPORT, IDENTIFICATION, AND INTERVENTIONS, AS NECESSARY, AND DISSEMINATE THE RESOURCES TO ALL LOCAL EDUCATION PROVIDERS IN THE STATE. UPON REQUEST, THE DEPARTMENT SHALL ALSO PROVIDE THE TECHNICAL SUPPORT NECESSARY TO EFFECTIVELY USE THE RESOURCES.

(4) ON OR BEFORE DECEMBER 31, 2022, THE DEPARTMENT SHALL SUBMIT TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING THE IMPLEMENTATION AND EVALUATION OF THE PILOT PROGRAM. THE DEPARTMENT MAY INCLUDE IN THE REPORT ANY RECOMMENDATIONS FOR LEGISLATION THAT THE DEPARTMENT DEEMS NECESSARY BASED ON THE EVALUATION OF THE PILOT PROGRAM.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 2. In Colorado Revised Statutes, 2-3-1203, **add** (20) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (20) (a) THE FOLLOWING STATUTORY AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL REPEAL ON SEPTEMBER 1, 2029:

(III) THE WORKING GROUP FOR IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR STUDENTS WITH DYSLEXIA CREATED IN SECTION 22-20.5-103.

(b) THIS SUBSECTION (20) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.

SECTION 3. Appropriation. (1) For the 2019-20 state fiscal year, \$106,196 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$94,676 for the working group for identification of and educational support for students with dyslexia; and

(b) \$11,520 for the dyslexia markers pilot program.

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

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO