

CHAPTER 271

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 06-1004

BY REPRESENTATIVE(S) Green, Borodkin, Frangas, Larson, Madden, McGihon, Merrifield, Ragsdale, and Todd;
also SENATOR(S) Windels, Bacon, Isgar, Keller, Sandoval, Shaffer, Tapia, Tupa, Veiga, and Williams.

AN ACT

**CONCERNING THE CREATION OF A GRANT PROGRAM TO PROVIDE FUNDING FOR ORGANIZATIONS THAT
SUPPLY ACCESSIBLE EDUCATIONAL MATERIALS FOR STUDENTS WITH PRINT DISABILITIES, AND
MAKING AN APPROPRIATION THEREFOR.**

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

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

ARTICLE 88
Audio Textbooks

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

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

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

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

(4) "GRANT PROGRAM" MEANS THE READING ASSISTANCE GRANT PROGRAM CREATED IN SECTION 22-88-102.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(5) "ORGANIZATION" MEANS A NONPROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT IS OPERATING PURSUANT TO 26 U.S.C. SEC. 501 (c) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

(6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(7) "STUDENT WITH A PRINT DISABILITY" MEANS A STUDENT ENROLLED IN KINDERGARTEN OR ONE OF GRADES ONE THROUGH TWELVE, INCLUDING IN AN ELIGIBLE FACILITY, WHO EXPERIENCES DIFFICULTIES IN ACHIEVING THE STATE MODEL CONTENT STANDARDS ADOPTED PURSUANT TO SECTION 22-7-406, AND FOR WHOM THE STUDENT'S SCHOOL DISTRICT DOES NOT RECEIVE STATE OR FEDERAL MONEYS FOR SPECIAL EDUCATION SERVICES, EITHER DIRECTLY FROM THE DEPARTMENT OR THROUGH AN ADMINISTRATIVE UNIT.

22-88-102. Reading assistance grant program - creation - rules. (1) THERE IS HEREBY CREATED THE READING ASSISTANCE GRANT PROGRAM TO PROVIDE GRANTS TO ORGANIZATIONS THAT PROVIDE AND DISTRIBUTE TO SCHOOL DISTRICTS AND ELIGIBLE FACILITIES ACCESSIBLE EDUCATIONAL MATERIALS FOR STUDENTS WITH PRINT DISABILITIES. THE GRANT PROGRAM SHALL BE DESIGNED TO ASSIST ORGANIZATIONS IN THE DEVELOPMENT AND DISTRIBUTION OF COMPREHENSIVE MATERIALS AND EQUIPMENT THAT HELP A STUDENT WITH A PRINT DISABILITY EFFECTIVELY ACCESS THE WRITTEN WORD, ESPECIALLY IN THE AREAS OF READING, WRITING, MATHEMATICS, AND SCIENCE. THE MATERIALS AND EQUIPMENT MAY INCLUDE DIGITAL AUDIO BOOKS, FOUR-SIDED TAPES, DIGITAL AUDIO PLAYBACK DEVICES, READING SOFTWARE, AND OTHER TECHNOLOGY TO ASSIST A STUDENT WITH A PRINT DISABILITY.

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

(a) HAVE A PRESENCE THROUGHOUT THE STATE;

(b) HAVE KNOWLEDGE OF ASSISTIVE TECHNOLOGY NEEDS THROUGHOUT THE STATE;

(c) HAVE A STATEWIDE INFRASTRUCTURE FOR STAFFING, EQUIPMENT, TRAINING, AND OTHER SERVICES; AND

(d) HAVE THE ABILITY TO DISTRIBUTE ASSISTIVE TECHNOLOGY EQUIPMENT AND OTHER SERVICES THROUGH A STATEWIDE LOAN BANK TARGETED TOWARD STUDENTS WITH PRINT DISABILITIES.

(3) (a) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM. THE DEPARTMENT SHALL SOLICIT AND REVIEW APPLICATIONS FOR GRANTS PURSUANT TO THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN FISCAL YEAR 2006-07, THE STATE BOARD SHALL AWARD GRANTS FOR TERMS OF ONE TO THREE YEARS AS PROVIDED IN THIS ARTICLE. GRANTS SHALL BE PAID OUT OF THE READING ASSISTANCE GRANT PROGRAM FUND, CREATED PURSUANT TO SECTION 22-88-104. IN AWARDING THE GRANT, THE STATE BOARD SHALL SPECIFY THE AMOUNT AND TERM OF THE GRANT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22-88-104. Reading assistance grant program fund - creation. THERE IS HEREBY CREATED IN THE STATE TREASURY THE READING ASSISTANCE GRANT PROGRAM FUND TO PROVIDE FOR THE PAYMENT OF GRANTS AWARDED PURSUANT TO THIS ARTICLE. THE FUND SHALL CONSIST OF SUCH MONEYS AS MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY FROM THE READ-TO-ACHIEVE CASH FUND CREATED PURSUANT TO SECTION 22-7-506 (4) AND ANY MONEYS RECEIVED BY THE DEPARTMENT PURSUANT TO SECTION 22-88-102 (5). THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES SPECIFIED IN THIS ARTICLE; EXCEPT THAT THE GRANTS AWARDED BY THE STATE BOARD MAY NOT RESULT IN PAYMENT OF AN AGGREGATE AMOUNT OF MORE THAN ONE HUNDRED THOUSAND DOLLARS TO GRANT RECIPIENTS IN ANY FISCAL YEAR. THE DEPARTMENT MAY EXPEND UP TO ONE PERCENT OF THE MONEYS APPROPRIATED TO THE FUND TO OFFSET THE DOCUMENTED COSTS INCURRED IN IMPLEMENTING THE GRANT PROGRAM. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS

PROVIDED BY LAW. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

22-88-105. Reporting requirements. (1) ON OR BEFORE OCTOBER 1, 2007, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER, AN ORGANIZATION THAT RECEIVES A GRANT PURSUANT TO THIS ARTICLE SHALL SUBMIT A REPORT TO THE DEPARTMENT AFTER THE COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE ORGANIZATION RECEIVES A GRANT PURSUANT TO THIS ARTICLE. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

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

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

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

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

(2) ON OR BEFORE JANUARY 1, 2008, AND ON OR BEFORE JANUARY 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT ON THE READING ASSISTANCE GRANT PROGRAM. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

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

(b) A COMPILATION AND SUMMARY OF THE NUMBER OF SCHOOL DISTRICTS AND

ELIGIBLE FACILITIES AND THE NUMBER OF STUDENTS WITH PRINT DISABILITIES WHO RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS FROM A GRANT RECIPIENT PURSUANT TO THIS ARTICLE; AND

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

22-88-106. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2009.

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

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

SECTION 3. Appropriation. For the fiscal year beginning July 1, 2006, there is hereby appropriated, out of any moneys in the read-to-achieve cash fund created pursuant to section 22-7-506 (4), Colorado Revised Statutes, not otherwise appropriated, to the reading assistance grant program fund created pursuant to section 22-88-104, Colorado Revised Statutes, the sum of three hundred thousand dollars (\$300,000) for the implementation of this act.

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.

Approved: May 26, 2006