

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0061.02 Julie Pelegrin x2700

HOUSE BILL 18-1393

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

Gardner,

House Committees
Education

Senate Committees

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.

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 department of education (department) is required to adopt advisory lists

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.

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), (5)(a)(I), (5)(b), and (5)(c); and **add** (6)

1 as 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 (5) (a) (I) The department shall allocate the per-pupil intervention
27 ~~moneys~~ MONEY to the local education providers as required in

1 ~~subparagraph (IV) of paragraph (b) of subsection (4)~~ SUBSECTION
2 (4)(b)(IV) of this section ~~by first dividing~~ AS FOLLOWS:

3 (A) THE DEPARTMENT SHALL DIVIDE SEVENTY-FIVE PERCENT OF
4 the amount of ~~moneys~~ MONEY available by the total number of students
5 enrolled in kindergarten and first, second, and third grades in public
6 schools in the state who were identified as having significant reading
7 deficiencies and received instructional services pursuant to READ plans
8 in the budget year preceding the year in which the ~~moneys are~~ MONEY IS
9 allocated. The department shall ~~then~~ allocate to each local education
10 provider an amount equal to said per-pupil amount multiplied by the
11 number of students enrolled in kindergarten and first, second, and third
12 grades in public schools operated by the local education provider who
13 were identified as having significant reading deficiencies and received
14 instructional services pursuant to READ plans in the budget year
15 preceding the year in which the ~~moneys are~~ MONEY IS allocated.

16 (B) THE DEPARTMENT SHALL DIVIDE TWENTY-FIVE PERCENT OF
17 THE AMOUNT OF MONEY AVAILABLE BY THE TOTAL NUMBER OF STUDENTS
18 ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN
19 PUBLIC SCHOOLS IN THE STATE WHO WERE ONCE IDENTIFIED AS HAVING A
20 SIGNIFICANT READING DEFICIENCY AND WERE RECEIVING INSTRUCTIONAL
21 SERVICES PURSUANT TO READ PLANS BUT DID NOT MEET GRADE-LEVEL
22 EXPECTATIONS IN READING IN THE BUDGET YEAR PRECEDING THE YEAR IN
23 WHICH THE MONEY IS ALLOCATED. THE DEPARTMENT SHALL ALLOCATE TO
24 EACH LOCAL EDUCATION PROVIDER AN AMOUNT EQUAL TO THE PER-PUPIL
25 AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN
26 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC
27 SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER WHO WERE

1 ONCE IDENTIFIED AS RECEIVING INSTRUCTIONAL SERVICES PURSUANT TO
2 READ PLANS BUT DID NOT MEET GRADE-LEVEL EXPECTATIONS IN
3 READING IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE
4 MONEY IS ALLOCATED.

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

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

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

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

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

20 (IV) TO PURCHASE EVIDENCE-BASED OR SCIENTIFICALLY BASED
21 CORE INSTRUCTIONAL PROGRAMMING IN READING, WHICH PROGRAMMING
22 MUST BE INCLUDED ON THE ADVISORY LIST PREPARED BY THE
23 DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(b). A LOCAL
24 EDUCATION PROVIDER MAY NOT USE PER-PUPIL INTERVENTION MONEY FOR
25 THIS PURPOSE MORE OFTEN THAN ONCE EVERY FIVE YEARS UNLESS THE
26 LOCAL EDUCATION PROVIDER IS REQUIRED TO PURCHASE NEW CORE
27 INSTRUCTIONAL PROGRAMMING BECAUSE THE CORE INSTRUCTIONAL

1 PROGRAMMING IT PREVIOUSLY PURCHASED IS REMOVED FROM THE
2 ADVISORY LIST.

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

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

13 (VII) TO PROVIDE PROFESSIONAL DEVELOPMENT PROGRAMMING,
14 WHICH MUST BE INCLUDED ON THE ADVISORY LIST PREPARED BY THE
15 DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(c), TO SUPPORT
16 EDUCATORS IN TEACHING LITERACY; EXCEPT THAT A LOCAL EDUCATION
17 PROVIDER MAY NOT USE MORE THAN FIFTEEN PERCENT OF THE PER-PUPIL
18 INTERVENTION MONEY RECEIVED IN A BUDGET YEAR FOR THIS PURPOSE.
19 PROFESSIONAL DEVELOPMENT PROGRAMMING AUTHORIZED IN THIS
20 SUBSECTION (5)(b)(VII) MAY INCLUDE LITERACY COACHES WHO PROVIDE
21 JOB-EMBEDDED, ONGOING PROFESSIONAL DEVELOPMENT TO SUPPORT
22 KINDERGARTEN-THROUGH-THIRD-GRADE TEACHER COMPETENCE IN THE
23 EVIDENCE-BASED OR SCIENTIFICALLY BASED TEACHING OF PHONEMIC
24 AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY,
25 INCLUDING ORAL SKILLS; AND READING COMPREHENSION.

26 (c) Each budget year, prior to receiving per-pupil intervention
27 ~~moneys~~ MONEY, each local education provider shall submit to the

1 department, for informational purposes, an explanation of the manner in
2 which it will use the ~~moneys~~ MONEY in the coming budget year and the
3 number of students for which the local education provider may receive
4 per-pupil intervention ~~moneys~~ MONEY. If the local education provider
5 intends to provide a service described in ~~subparagraph (IV) of paragraph~~
6 ~~(b) of this subsection (5)~~ SUBSECTION (5)(b)(V) OF THIS SECTION, the
7 department shall review the service and provide the per-pupil intervention
8 ~~moneys~~ MONEY for the service only if the service meets the requirements
9 specified in ~~said subparagraph (IV)~~ SUBSECTION (5)(b)(V) OF THIS
10 SECTION. UPON THE REQUEST OF THE DEPARTMENT, A LOCAL EDUCATION
11 PROVIDER SHALL PROVIDE SPECIFIC EXPENDITURE INFORMATION TO THE
12 DEPARTMENT THAT SPECIFIES THE MANNER IN WHICH THE LOCAL
13 EDUCATION PROVIDER SPENT THE PER-PUPIL INTERVENTION MONEY IT
14 RECEIVED IN A BUDGET YEAR.

15 (6) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE
16 PER-PUPIL INTERVENTION MONEY IT RECEIVES IN EACH BUDGET YEAR IS
17 USED TO IMPROVE THE READING COMPETENCY OF STUDENTS ENROLLED IN
18 KINDERGARTEN AND GRADES ONE THROUGH THREE AND DOES NOT
19 REPLACE OTHER MONEY THAT WOULD OTHERWISE BE USED FOR THIS
20 PURPOSE.

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

23 **22-7-1211. Early literacy grant program - created -**
24 **definitions.** (1) There is ~~hereby~~ created in the department the early
25 literacy grant program to provide money to local education providers to
26 implement literacy support and intervention instruction programs,
27 including but not limited to related professional development programs,

1 to assist students in kindergarten and first, second, and third grades to
2 achieve reading competency. The state board by rule shall establish the
3 application timelines and the information to be included in each grant
4 application. IN ADOPTING RULES, THE STATE BOARD SHALL ENSURE THAT
5 A LOCAL EDUCATION PROVIDER THAT IS A RURAL SCHOOL DISTRICT OR A
6 SMALL RURAL SCHOOL DISTRICT MAY SUBMIT A SIMPLIFIED GRANT
7 APPLICATION. A local education provider may apply individually or as
8 part of a group of local education providers. A rural school district that
9 is a member of a board of cooperative services may seek assistance in
10 writing the grant application from the board of cooperative services. A
11 board of cooperative services may apply for a grant to provide
12 instructional support in literacy for small rural school districts that are
13 members of the board of cooperative services.

14 (3) Based on the recommendations of the department, the state
15 board shall award grants to applying local education providers or groups
16 of local education providers, which grants are paid from ~~moneys~~ MONEY
17 in the early literacy fund created in section 22-7-1210. OF THE MONEY
18 ALLOCATED FOR THE EARLY LITERACY GRANT PROGRAM PURSUANT TO
19 SECTION 22-7-1210 (4)(b)(II), THE STATE BOARD SHALL ANNUALLY:

20 (a) AWARD UP TO TEN PERCENT TO APPLICANTS THAT HAVE
21 PREVIOUSLY RECEIVED A GRANT TO FUND SCHOOL-WIDE LITERACY
22 INITIATIVES AND THAT ARE REQUESTING AN ADDITIONAL YEAR OF
23 FUNDING TO ASSIST THE LOCAL EDUCATION PROVIDER IN SUSTAINABILITY
24 PLANNING FOR THE INITIATIVES, INCLUDING THE CONTINUING USE OF
25 LITERACY COACHES;

26 (b) AWARD UP TO FIFTEEN PERCENT TO FUND PROFESSIONAL
27 DEVELOPMENT INITIATIVES FOR LOCAL EDUCATION PROVIDERS THAT ARE

1 ALREADY IMPLEMENTING EVIDENCE-BASED OR SCIENTIFICALLY BASED
2 UNIVERSAL INSTRUCTION AND INTERVENTIONS; AND

3 (c) AWARD THE REMAINDER TO APPLICANTS THAT REQUEST
4 FUNDING FOR OTHER EVIDENCE-BASED OR SCIENTIFICALLY BASED
5 LITERACY SUPPORT AND INTERVENTION INSTRUCTION PROGRAMS TO
6 ASSIST STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD
7 GRADES TO ACHIEVE READING COMPETENCY.

8 (4) For purposes of this section:

9 (a) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
10 COLORADO THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL,
11 BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE
12 DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE,
13 URBANIZED AREA.

14 (b) "Small rural school district" means a RURAL school district ~~in~~
15 ~~Colorado that the department of education determines is rural, based on~~
16 ~~the geographic size of the school district and the distance of the school~~
17 ~~district from the nearest large, urbanized area, and that enrolls fewer than~~
18 one thousand two hundred students in kindergarten through twelfth grade.

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

21 **22-7-1212. Summer school literacy programs.** (1) A local
22 education provider may choose to use per-pupil intervention ~~moneys~~
23 MONEY to provide an evidence-based OR SCIENTIFICALLY BASED summer
24 school literacy program to assist students who are enrolled in
25 kindergarten or first, second, or third grade and who have significant
26 reading deficiencies to achieve reading competency. A local education
27 provider may allow students who are below grade-level expectations in

1 reading, but who do not have significant reading deficiencies, to
2 participate in a summer school literacy program operated pursuant to this
3 section if capacity remains after serving all of the students with
4 significant reading deficiencies who choose to participate.

5 (2) A local education provider that intends to use per-pupil
6 intervention ~~moneys~~ MONEY to operate a summer school literacy program
7 shall annually provide to the department information concerning the
8 summer school literacy program the local education provider intends to
9 operate, WHICH DEMONSTRATES THAT THE SUMMER SCHOOL LITERACY
10 PROGRAM MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS
11 SECTION.

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

13 (a) Serves only students enrolled in kindergarten or first, second,
14 or third grade who have significant reading deficiencies, except as
15 specifically allowed in subsection (1) of this section for students who are
16 below grade-level expectations in reading; and

17 (b) Uses scientifically based or evidence-based instructional
18 programming in reading that:

19 (I) Has been proven to accelerate student progress in attaining
20 reading competency;

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

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

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

27 **SECTION 5.** In Colorado Revised Statutes, **add** 22-7-1214 as

1 follows:

2 **22-7-1214. READ plan evaluation working group - created -**
3 **report - repeal.** (1) NO LATER THAN SEPTEMBER 1, 2018, THE
4 COMMISSIONER OF EDUCATION SHALL CONVENE A WORKING GROUP TO
5 REVIEW THE CREATION AND USE OF READ PLANS, INCLUDING THE EXTENT
6 OF PARENT INVOLVEMENT, BY LOCAL EDUCATION PROVIDERS AND TO
7 RECOMMEND ANY NECESSARY REGULATORY OR IMPLEMENTATION
8 CHANGES, INCLUDING RECOMMENDATIONS CONCERNING THE
9 DEPARTMENT'S LEVEL OF TECHNICAL ASSISTANCE AND COMMUNICATION
10 TO LOCAL EDUCATION PROVIDERS, TO CONTINUE AND IMPROVE THE USE
11 AND EFFECTIVENESS OF INDIVIDUAL READ PLANS AND TO REDUCE
12 UNNECESSARY DUPLICATION IN PROCESSES. BECAUSE INDIVIDUAL READ
13 PLANS ARE CRITICAL TO EFFECTIVELY IMPLEMENTING THIS PART 12 AND
14 ACHIEVING THE GOALS SPECIFIED IN SECTION 22-7-1202, THE WORKING
15 GROUP SHALL NEITHER CONSIDER NOR RECOMMEND REPEALING THE
16 REQUIREMENT FOR INDIVIDUAL READ PLANS. THE COMMISSIONER SHALL
17 ENSURE THAT THE MEMBERSHIP OF THE WORKING GROUP, AT A MINIMUM,
18 REPRESENTS THE INTERESTS AND PERSPECTIVES OF LOCAL EDUCATION
19 PROVIDERS, EDUCATORS, PARENTS, AND STUDENTS THROUGHOUT THE
20 STATE. TO THE EXTENT PROFESSIONALS WITH EXPERTISE IN
21 EVIDENCE-BASED AND SCIENTIFICALLY BASED LITERACY PRACTICES AND
22 EXPERTS IN BILINGUAL LITERACY ARE AVAILABLE TO ASSIST THE WORKING
23 GROUP WITHOUT COMPENSATION, THE COMMISSIONER MAY INCLUDE THE
24 EXPERTS IN THE WORKING GROUP.

25 (2) NO LATER THAN FEBRUARY 1, 2020, THE COMMISSIONER SHALL
26 SUBMIT TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE
27 HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR

1 COMMITTEES, A REPORT OF THE WORKING GROUP'S FINDINGS AND
2 RECOMMENDATIONS.

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

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