

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 19-0566.01 Conrad Imel x2313

SENATE BILL 19-059

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

Buckner,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF AN AUTOMATIC ENROLLMENT IN**
102 **ADVANCED COURSES GRANT PROGRAM IN THE DEPARTMENT OF**
103 **EDUCATION, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **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>.)

The bill establishes the automatic enrollment in advanced courses grant program (grant program) in the department of education (department) to provide funding for school districts that automatically

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
April 12, 2019

enroll certain students in advanced courses.

In order to be eligible for the grant program, a school district must automatically enroll students who are in ninth grade or higher in an advanced course in a subject related to one in which the student demonstrated proficiency on the prior year's statewide assessment. Eligible school districts are encouraged to automatically enroll eligible fourth- through eighth-grade students in advanced courses as well. School districts are required to permit parents to remove their children from automatically enrolled classes and may permit parents to exempt their children from any automatic enrollment.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) All students deserve the opportunity to learn higher-level
5 content;

6 (b) Students who have access to a rigorous curriculum perform
7 better across multiple measures, including graduating high school and
8 completing higher education;

9 (c) Traditionally, disadvantaged minorities and low-income
10 students of all racial and ethnic backgrounds who perform well in school
11 do not enroll in advanced classes at the same rate as their peers,
12 regardless of preparedness;

13 (d) High school graduation guidelines adopted by the Colorado
14 state board of education require students to demonstrate competency in
15 math and English scores to graduate, which can include achieving a
16 sufficient score on an advanced placement or international baccalaureate
17 exam; and

18 (e) A school's or school district's course placement policies and
19 decisions impact a student's opportunity to reach his or her full academic
20 potential.

1 **SECTION 2.** In Colorado Revised Statutes, **add** part 2 to article
2 95.5 of title 22 as follows:

3 PART 2

4 AUTOMATIC ENROLLMENT IN ADVANCED COURSES

5 GRANT PROGRAM

6 **22-95.5-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "ADVANCED COURSE" MEANS AN ADVANCED COURSE OF STUDY
9 IN ANY SUBJECT, INCLUDING AN ADVANCED PLACEMENT COURSE; AN
10 INTERNATIONAL BACCALAUREATE COURSE; OR A COURSE DESIGNATED BY
11 A SCHOOL DISTRICT AS AN HONORS, GIFTED, OR ACCELERATED COURSE.

12 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
13 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

14
15 (3) "GRANT PROGRAM" MEANS THE AUTOMATIC ENROLLMENT IN
16 ADVANCED COURSES GRANT PROGRAM CREATED IN SECTION 22-95.5-202.

17 (4) "LOCAL EDUCATION PROVIDER" MEANS A PUBLIC SCHOOL AS
18 DESCRIBED IN SECTION 22-1-101, A SCHOOL DISTRICT, OR A BOARD OF
19 COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE
20 22.

21 (5) "PARENT" MEANS A STUDENT'S BIOLOGICAL PARENT, ADOPTIVE
22 PARENT, OR LEGAL GUARDIAN.

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

27 (7) "SCHOOL DISTRICT" MEANS ANY PUBLIC SCHOOL DISTRICT

1 ORGANIZED UNDER THE LAWS OF COLORADO. "SCHOOL DISTRICT" DOES
2 NOT INCLUDE A LOCAL COLLEGE DISTRICT.

3 (8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
4 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
5 STATE CONSTITUTION.

6 **22-95.5-202. Automatic enrollment in advanced courses grant**
7 **program - creation - rules.** (1) THERE IS CREATED IN THE DEPARTMENT
8 THE AUTOMATIC ENROLLMENT IN ADVANCED COURSES GRANT PROGRAM
9 TO INCREASE THE NUMBER OF STUDENTS ENROLLED IN ADVANCED
10 COURSES FOR SUBJECTS IN WHICH THE STUDENT HAS DEMONSTRATED
11 PROFICIENCY.

12 (2) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN
13 ACCORDANCE WITH STATE BOARD RULES. THE DEPARTMENT SHALL:

14 (a) ACCEPT AND REVIEW GRANT APPLICATIONS;

15 (b) DETERMINE THE AMOUNT, IN ACCORDANCE WITH STATE BOARD
16 RULES AND BASED ON AVAILABLE APPROPRIATIONS, THAT WILL BE
17 AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER; AND

18 (c) AWARD A GRANT TO EACH ELIGIBLE LOCAL EDUCATION
19 PROVIDER THAT HAS SUBMITTED AN APPLICATION.

20 (3) (a) PURSUANT TO ARTICLE 4 OF TITLE 24, THE STATE BOARD
21 SHALL PROMULGATE RULES TO IMPLEMENT THE GRANT PROGRAM,
22 INCLUDING RULES RELATING TO:

23 (I) THE APPLICATION PROCESS, INCLUDING DEADLINES;

24 (II) THE FORMULA FOR DETERMINING THE AMOUNT OF THE GRANT
25 AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER;

26 (III) DEADLINES FOR THE DEPARTMENT TO AWARD GRANTS; AND

27 (IV) A PROCESS FOR VERIFYING THAT LOCAL EDUCATION

1 PROVIDERS THAT HAVE RECEIVED AN AWARD ARE COMPLYING WITH THE
2 REQUIREMENTS OF THE GRANT PROGRAM.

3 (b) WHEN PROMULGATING RULES FOR DETERMINING THE AMOUNT
4 OF THE GRANT AWARD PURSUANT TO SUBSECTION (3)(a)(II) OF THIS
5 SECTION, THE STATE BOARD SHALL INCLUDE THE FOLLOWING FACTORS:

6 (I) THE COSTS ASSOCIATED WITH A LOCAL EDUCATION PROVIDER
7 IMPLEMENTING ITS PLAN SUBMITTED WITH ITS APPLICATION;

8 (II) THE NUMBER OF GRADE LEVELS IN WHICH THE LOCAL
9 EDUCATION PROVIDER AUTOMATICALLY ENROLLS STUDENTS IN ADVANCED
10 COURSES; AND

11 (III) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN
12 ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER.

13 (c) IN PROMULGATING RULES PURSUANT TO THIS PART 2, THE
14 STATE BOARD SHALL ENSURE THAT A RURAL SCHOOL DISTRICT MAY
15 SUBMIT A SIMPLIFIED GRANT APPLICATION.

16 **22-95.5-203. Eligibility - application - use of grant money -**
17 **report.** (1) (a) A LOCAL EDUCATION PROVIDER MAY APPLY FOR A GRANT
18 PURSUANT TO THIS SECTION; EXCEPT THAT, WHEN A SCHOOL DISTRICT
19 SUBMITS AN APPLICATION AND IS ELIGIBLE FOR A GRANT PURSUANT TO
20 THIS PART 2, A SCHOOL OPERATING WITHIN THAT DISTRICT MAY NOT
21 SUBMIT AN APPLICATION.

22 (b) AN APPLICATION FROM AN INDIVIDUAL SCHOOL MUST BE
23 SUBMITTED BY THE CHIEF ADMINISTRATIVE OFFICER OF THE SCHOOL AND,
24 IF THE SCHOOL IS NOT A CHARTER SCHOOL, THE SCHOOL MUST NOTIFY THE
25 SUPERINTENDENT OF THE SCHOOL DISTRICT OF THE APPLICATION.

26 (2) (a) A LOCAL EDUCATION PROVIDER IS ELIGIBLE FOR THE GRANT
27 PROGRAM IF THE LOCAL EDUCATION PROVIDER AUTOMATICALLY ENROLLS

1 EACH STUDENT ENTERING THE NINTH GRADE OR HIGHER IN AN ADVANCED
2 COURSE BASED ON ANY OF THE FOLLOWING CRITERIA:

3 (I) THE STUDENT ACHIEVED A SCORE THAT IS EQUIVALENT TO, OR
4 EXCEEDS, DEMONSTRATING PROFICIENCY ON THE STATE ASSESSMENT
5 THAT WAS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 FOR THE
6 PRECEDING ACADEMIC YEAR, REFERRED TO IN THIS SECTION AS AN
7 "ELIGIBLE SCORE", AS FOLLOWS:

8 (A) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT
9 RELATED TO MATHEMATICS MUST BE AUTOMATICALLY ENROLLED IN
10 ADVANCED COURSES IN MATHEMATICS;

11 (B) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN SUBJECTS
12 RELATING TO READING AND WRITING MUST BE ENROLLED IN ADVANCED
13 COURSES IN ENGLISH, SOCIAL STUDIES, HUMANITIES, OR OTHER RELATED
14 SUBJECTS; AND

15 (C) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT
16 RELATED TO SCIENCE OR SOCIAL STUDIES MUST BE AUTOMATICALLY
17 ENROLLED IN ADVANCED COURSES IN SCIENCE OR SOCIAL STUDIES; OR

18 (II) ANY OTHER MEASURE, APPLIED TO ALL STUDENTS ENROLLED
19 IN A LOCAL EDUCATION PROVIDER, THAT, IN THE JUDGMENT OF THE LOCAL
20 EDUCATION PROVIDER, IS AN INDICATOR THAT A STUDENT DEMONSTRATES
21 THE ABILITY TO SUCCEED IN AN ADVANCED COURSE.

22 (b) (I) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO
23 AUTOMATICALLY ENROLL EACH STUDENT ENTERING THE FOURTH
24 THROUGH EIGHTH GRADE IN ADVANCED COURSES AS DESCRIBED IN THIS
25 SECTION.

26 (II) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO USE
27 AUTOMATIC ENROLLMENT FOR COURSES IN SUBJECTS NOT LISTED IN THIS

1 SECTION.

2 (c) A LOCAL EDUCATION PROVIDER SHALL PERMIT A PARENT OF A
3 STUDENT TO REMOVE THE STUDENT FROM AN ADVANCED COURSE IN
4 WHICH THE STUDENT HAS BEEN AUTOMATICALLY ENROLLED. A LOCAL
5 EDUCATION PROVIDER MAY PERMIT A PARENT OF A STUDENT TO EXEMPT
6 THE STUDENT FROM ANY AUTOMATIC ENROLLMENT IN ADVANCED
7 COURSES.

8 (3) IN AN APPLICATION SUBMITTED PURSUANT TO THIS PART 2, A
9 LOCAL EDUCATION PROVIDER SHALL INCLUDE THE FOLLOWING:

10 (a) A DESCRIPTION OF THE LOCAL EDUCATION PROVIDER'S
11 EXISTING ADVANCED COURSES AND ANY PLANNED ADVANCED COURSES,
12 INCLUDING COURSES THAT MAY BE IMPLEMENTED WITH MONEY RECEIVED
13 FROM THE GRANT PROGRAM;

14 (b) THE LOCAL EDUCATION PROVIDER'S PLAN FOR AUTOMATICALLY
15 ENROLLING STUDENTS INTO ADVANCED COURSES;

16 (c) A DESCRIPTION OF HOW THE LOCAL EDUCATION PROVIDER WILL
17 USE ANY GRANT AWARDED CONSISTENT WITH THE REQUIREMENTS OF
18 SUBSECTION (4) OF THIS SECTION; AND

19 (d) ANY OTHER INFORMATION REQUIRED BY STATE BOARD RULE.

20 (4) A LOCAL EDUCATION PROVIDER THAT IS AWARDED A GRANT
21 PURSUANT TO THIS PART 2 MAY USE THE GRANT MONEY FOR ANY OF THE
22 FOLLOWING:

23 (a) EXPANDING THE NUMBER OF ADVANCED COURSES OFFERED IN
24 THE LOCAL EDUCATION PROVIDER, INCLUDING THE USE OF TECHNOLOGY
25 TO INCREASE THE NUMBER OF ADVANCED COURSES OFFERED;

26 (b) INCENTIVIZING TEACHERS TO TEACH ADVANCED COURSES,
27 INCLUDING TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT IN

1 AREAS RELATING TO ADVANCED COURSE INSTRUCTION;
2 (c) DEVELOPING ADVANCED COURSE CURRICULUM; OR
3 (d) EXPANDING PARENT AND STUDENT ENGAGEMENT WITH THE
4 LOCAL EDUCATION PROVIDER AS IT RELATES TO ADVANCED COURSE
5 AVAILABILITY AND ENROLLMENT AND STUDENT SUCCESS IN ADVANCED
6 COURSES.

7 (5) A LOCAL EDUCATION PROVIDER THAT RECEIVES AN AWARD
8 FROM THE GRANT PROGRAM MUST SUBMIT AN ANNUAL REPORT TO THE
9 DEPARTMENT THAT INCLUDES THE FOLLOWING INFORMATION:

10 (a) THE NUMBER OF STUDENTS ENROLLED IN ADVANCED COURSES;

11 (b) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN
12 ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER; AND

13 (c) DEMOGRAPHIC INFORMATION OF STUDENTS AUTOMATICALLY
14 ENROLLED IN ADVANCED COURSES, INCLUDING BUT NOT LIMITED TO AGE,
15 ETHNICITY, RACIAL, AND SOCIOECONOMIC INFORMATION.

16 **22-95.5-204. Department of education reporting requirements.**
17 IN ITS ANNUAL REPORT BEFORE THE HOUSE AND SENATE COMMITTEES OF
18 REFERENCE PURSUANT TO SECTION 2-7-203, THE DEPARTMENT SHALL
19 INCLUDE INFORMATION DESCRIBING THE GRANTS AWARDED THROUGH THE
20 GRANT PROGRAM DURING THE PRECEDING YEAR.

21 **SECTION 3.** In Colorado Revised Statutes, 22-95.5-101, **amend**
22 the introductory portion as follows:

23 **22-95.5-101. Definitions.** As used in this ~~article 95.5~~ PART 1,
24 unless the context otherwise requires:

25 **SECTION 4. Appropriation.** For the 2019-20 state fiscal year,
26 \$250,000 is appropriated to the department of education. This
27 appropriation is from the general fund and is based on an assumption that

1 the department will require an additional 0.3 FTE. To implement this act,
2 the department may use this appropriation for the automatic enrollment
3 in advanced courses grant program.

4 **SECTION 5. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2020 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.