

CHAPTER 108

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 96-1139

BY REPRESENTATIVES Anderson, Berry, Dean, Epps, Hagedorn, Kerns, Lamborn, Lamm, Leyba, Nichol, Schwarz, Sullivan, and Swenson;
also SENATORS Meiklejohn, Johnson, Norton, R. Powers, Tanner, Tebedo, and Wham.

AN ACT

CONCERNING THE LITERACY SKILLS OF PUPILS IN KINDERGARTEN THROUGH THE THIRD GRADE.

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

SECTION 1. Article 53 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW PART to read:

**PART 6
COLORADO BASIC LITERACY ACT**

22-53-601. Short title. THIS PART 6 SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO BASIC LITERACY ACT".

22-53-602. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT ALL PUPILS CAN SUCCEED IN SCHOOL IF THEY HAVE THE BASIC SKILLS IN READING AND WRITING THAT ARE APPROPRIATE FOR THEIR GRADE LEVELS. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT, FOR SUCCESS IN SCHOOL, READING IS THE MOST IMPORTANT SKILL, CLOSELY FOLLOWED BY WRITING AND MATHEMATICS. ACCORDINGLY, IT IS THE OBLIGATION OF THE GENERAL ASSEMBLY, THE DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS, SCHOOLS, EDUCATORS, AND PARENTS OR LEGAL GUARDIAN\$ TO PROVIDE PUPILS WITH THE LITERACY SKILLS ESSENTIAL FOR SUCCESS IN SCHOOL AND LIFE. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, AFTER COMPLETION OF THE THIRD GRADE, NO PUPIL MAY BE PLACED AT A GRADE LEVEL OR OTHER LEVEL OF SCHOOLING THAT REQUIRES LITERACY SKILLS NOT YET ACQUIRED BY THE PUPIL.

22-53-603. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT

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

OTHERWISE REQUIRES:

(1) "INDIVIDUAL LITERACY PLAN" MEANS AN INDIVIDUAL LITERACY PLAN FORMULATED FOR A PUPIL PURSUANT TO SECTION 22-53-604 (3).

(2) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED PURSUANT TO LAW.

(3) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.

22-53-604. Pupil assessments - individual literacy plans. (1) THE STATE BOARD SHALL DETERMINE THE SATISFACTORY READING READINESS LEVEL FOR KINDERGARTEN PUPILS AND LITERACY AND READING COMPREHENSION LEVELS FOR PUPILS IN FIRST, SECOND, AND THIRD GRADES. NO LATER THAN DECEMBER 1, 1997, THE STATE BOARD SHALL, AFTER CONSULTATION WITH THE STATE STANDARDS AND ASSESSMENTS DEVELOPMENT AND IMPLEMENTATION COUNCIL CREATED IN SECTION 22-53-404, APPROVE AND IDENTIFY TO EACH SCHOOL DISTRICT INSTRUMENTS FOR ASSESSING THE READING READINESS OF EACH PUPIL IN KINDERGARTEN AND THE LITERACY AND READING COMPREHENSION LEVEL OF EACH PUPIL IN FIRST, SECOND, OR THIRD GRADE. THE STATE BOARD SHALL PROMULGATE RULES TO PERMIT EXCEPTIONS TO THE RETENTION OF PUPILS IN THIRD GRADE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION IN CASES THAT HAVE SPECIAL CIRCUMSTANCES.

(2) USING THE ASSESSMENT INSTRUMENTS APPROVED AND IDENTIFIED BY THE STATE BOARD PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND BEGINNING NO LATER THAN THE 1998-99 SCHOOL YEAR, EACH SCHOOL DISTRICT SHALL ANNUALLY ASSESS THE READING READINESS OR LITERACY AND READING COMPREHENSION LEVEL OF EACH PUPIL ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE. THE ASSESSMENT MAY BE DONE IN CONJUNCTION WITH ASSESSMENTS OF THE PUPIL'S PERFORMANCE ON THE READING CONTENT STANDARD PURSUANT TO PART 4 OF THIS ARTICLE.

(3) IF A PUPIL'S READING READINESS OR LITERACY AND READING COMPREHENSION, AS MEASURED BY THE ASSESSMENT, IS BELOW THE LEVEL ESTABLISHED BY THE STATE BOARD FOR PUPILS AT THAT GRADE, THE PUPIL'S PARENTS OR LEGAL GUARDIAN AND TEACHER AND THE SCHOOL ADMINISTRATION SHALL FORMULATE AN INDIVIDUAL LITERACY PLAN FOR THE PUPIL. FOR COMPLIANCE WITH THIS SECTION, A LITERACY PLAN MAY BE INCORPORATED INTO THE INDIVIDUAL EDUCATION PLAN FOR SPECIAL EDUCATION STUDENTS. THE PLAN SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) SUFFICIENT IN-SCHOOL INSTRUCTIONAL TIME FOR THE DEVELOPMENT OF THE PUPIL'S READING READINESS OR LITERACY AND READING COMPREHENSION SKILLS;

(b) AN AGREEMENT BY THE PUPIL'S PARENTS OR LEGAL GUARDIAN TO IMPLEMENT A HOME READING PROGRAM TO SUPPORT AND COORDINATE WITH THE SCHOOL; AND

(c) IF NECESSARY, PLACEMENT OF THE PUPIL IN A SUMMER READING TUTORIAL PROGRAM.

(4) THE SCHOOL DISTRICT SHALL REASSESS EACH PUPIL'S PROGRESS IN THE INDIVIDUAL LITERACY PLAN EACH SEMESTER. THE PLAN SHALL CONTINUE UNTIL THE

PUPIL IS READING AT OR ABOVE GRADE LEVEL.

(5) (a) IN NO CASE SHALL A SCHOOL DISTRICT PERMIT A PUPIL TO PASS FROM THE THIRD GRADE TO THE FOURTH GRADE FOR READING CLASSES UNLESS THE PUPIL IS ASSESSED AS READING AT OR ABOVE THE READING COMPREHENSION LEVEL ESTABLISHED BY THE STATE BOARD.

(b) PARAGRAPH (a) OF THIS SUBSECTION (5) DOES NOT APPLY TO CHILDREN WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103 (1.5), WHEN THE DISABILITY IS A SUBSTANTIAL CAUSE FOR A PUPIL'S INABILITY TO READ AND COMPREHEND AT GRADE LEVEL.

(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), A SCHOOL DISTRICT MAY ALLOW A PUPIL TO PASS FROM THE THIRD GRADE TO THE FOURTH GRADE UNDER RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(6) THE RESOURCE BANK, CREATED PURSUANT TO SECTION 22-53-406 (5), SHALL INCLUDE IN ITS MODEL PROGRAMS OF INSTRUCTION READING READINESS, LITERACY, AND READING COMPREHENSION PROGRAMS COLLECTED FROM SCHOOL DISTRICTS AND ORGANIZATIONS IN THE STATE AND THROUGHOUT THE NATION THAT HAVE BEEN PROVEN TO BE SUCCESSFUL. A SCHOOL DISTRICT MAY REQUEST TECHNICAL ASSISTANCE FROM THE STATE BOARD AND THE DEPARTMENT OF EDUCATION IN SELECTING AND ADAPTING A LITERACY PROGRAM IN THE RESOURCE BANK FOR USE IN THE SCHOOL DISTRICT.

22-53-605. School district responsibilities and incentives. (1) EACH SCHOOL DISTRICT SHALL ANNUALLY REPORT TO THE DEPARTMENT OF EDUCATION:

(a) THE NUMBER AND PERCENTAGE OF PUPILS ENROLLED IN THE THIRD GRADE IN THE SCHOOL DISTRICT WHO READ AT OR ABOVE THE THIRD GRADE LEVEL;

(b) THE NUMBER AND PERCENTAGE OF PUPILS ENROLLED IN THE SCHOOL DISTRICT WHO HAVE AN INDIVIDUAL LITERACY PLAN;

(c) THE NUMBER AND PERCENTAGE OF PUPILS ENROLLED IN THE SCHOOL DISTRICT WHO HAVE INCREASED THEIR LITERACY AND READING COMPREHENSION LEVELS BY TWO OR MORE GRADES DURING ONE YEAR OF INSTRUCTION.

SECTION 2. 22-53-208, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-53-208. Excellent schools program - repeal. (1.5) THE PROGRAM SHALL INCLUDE AMONG ITS CRITERIA FOR JUDGING SCHOOL EXCELLENCE THE DATA DESCRIBED IN SECTION 22-53-605 (1) (a) AND (1) (c).

SECTION 3. 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: April 22, 1996