

## CHAPTER 224

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 02-1303**

BY REPRESENTATIVE(S) Coleman, Dean, Hefley, Kester, Mace, Sanchez, Bacon, Borodkin, Boyd, Cloer, Garcia, Groff, Hodge, Jahn, Madden, Marshall, Plant, Ragsdale, Rippey, Romanoff, Snook, Spence, Stafford, Tochtrop, Vigil, Weddig, Williams S., and Williams T.;  
also SENATOR(S) Evans, Takis, Epps, Fitz-Gerald, Hanna, Linkhart, Matsunaka, Pascoe, Phillips, and Windels.

**AN ACT****CONCERNING THE ESTABLISHMENT OF A FAMILY LITERACY EDUCATION GRANT PROGRAM.**

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

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

(a) Parental education level is a key indicator of children's academic performance, and that a significant number of Colorado adults with less than a high school education are parents of pre-school and school-age children;

(b) Family literacy is an effective strategy in closing the achievement gap by providing impoverished, low-income, minority, or underachieving parents with an opportunity to increase their children's school readiness and academic success as well as contributing to family well being, stability, and self-sufficiency;

(c) A significant number of Colorado communities have no family literacy services, and the state currently provides no dedicated fiscal support for family literacy; and

(d) Family literacy benefits Colorado employers by improving the basic academic skills of employees and at-risk adults with children, including unemployed, underemployed, or impoverished adults.

**SECTION 2.** Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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

**22-2-122. Family literacy education grant program - rulemaking - repeal.**

(1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO FAMILY LITERACY ACT OF 2002".

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADULT LITERACY EDUCATION" MEANS AN EDUCATIONAL PROGRAM DESIGNED TO PROVIDE BASIC ACADEMIC SKILLS AND TRAINING IN MATHEMATICS, WRITING, READING, AND LANGUAGE, AND MAY INCLUDE ENGLISH LITERACY INSTRUCTION.

(b) "COMPETENCE IN THE ENGLISH LANGUAGE" MEANS ENGLISH LANGUAGE COMPREHENSION, SPEAKING, READING, AND WRITING SKILLS.

(c) "ELIGIBLE ADULT" MEANS A PERSON WHO MEETS THE FOLLOWING CRITERIA:

(I) IS AT LEAST SIXTEEN YEARS OF AGE;

(II) IS NOT ENROLLED IN A PUBLIC OR PRIVATE SECONDARY OR POSTSECONDARY SCHOOL; AND

(III) (A) LACKS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; OR

(B) IS IN NEED OF ENGLISH LANGUAGE INSTRUCTION; OR

(C) LACKS SUFFICIENT MASTERY OF BASIC EDUCATIONAL SKILLS NECESSARY TO ENABLE THE PERSON TO FUNCTION EFFECTIVELY AS A PARTNER IN THE EDUCATIONAL DEVELOPMENT OF HIS OR HER CHILDREN.

(d) "ELIGIBLE PARENT" MEANS AN ELIGIBLE ADULT WHO HAS ONE OR MORE CHILDREN IN NEED OF FAMILY LITERACY EDUCATION, AND WHO CAN CERTIFY TO THE DEPARTMENT OF EDUCATION THAT EACH SAID CHILD IS ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL IN THE STATE. "ELIGIBLE PARENT" INCLUDES A LEGAL GUARDIAN, GRANDPARENT, STEPPARENT, AUNT, UNCLE, SIBLING, OR OTHER PERSON WITH WHOM THE CHILD LIVES ON A FULL-TIME BASIS OR WHO HAS BEEN DESIGNATED BY A PARENT, LEGAL GUARDIAN, OR COURT-APPOINTED ADULT TO ACT IN PLACE OF THE PARENT.

(e) "ENGLISH LITERACY" MEANS INSTRUCTION THAT IS DESIGNED TO ASSIST INDIVIDUALS OF LIMITED ENGLISH PROFICIENCY TO ACHIEVE COMPETENCE IN THE ENGLISH LANGUAGE, THUS ALLOWING THEM TO UNDERSTAND AND NAVIGATE GOVERNMENTAL, EDUCATIONAL, AND WORKPLACE SYSTEMS.

(f) "FAMILY LITERACY EDUCATION" MEANS SERVICES THAT ARE OF SUFFICIENT INTENSITY AND DURATION TO MAKE SUSTAINABLE CHANGES IN A FAMILY AND THAT INTEGRATE ALL OF THE FOLLOWING:

(I) INTERACTIVE LITERACY ACTIVITIES BETWEEN AN ELIGIBLE PARENT AND HIS OR HER CHILD;

(II) TRAINING OF AN ELIGIBLE PARENT TO BE THE PRIMARY TEACHER FOR HIS OR HER CHILD AND TO BE A FULL PARTNER IN THE EDUCATION OF HIS OR HER CHILD;

(III) PARENT LITERACY TRAINING THAT LEADS TO ECONOMIC SELF-SUFFICIENCY;  
AND

(IV) AGE-APPROPRIATE EDUCATION TO PREPARE PARTICIPATING CHILDREN FOR SUCCESS IN SCHOOL.

(g) "INTERGENERATIONAL SERVICES" MEANS ACTIVITIES THAT LINK ADULT LITERACY PROGRAMS TO HOME AND SCHOOL SETTINGS THAT ARE OF SUFFICIENT INTENSITY AND DURATION TO PROMOTE LITERACY DEVELOPMENT IN THE FAMILY.

(h) "LITERACY" MEANS AN INDIVIDUAL'S ABILITY TO READ, WRITE, AND SPEAK ENGLISH AND TO COMPUTE AND SOLVE PROBLEMS AT LEVELS OF PROFICIENCY NECESSARY TO FUNCTION ON THE JOB AND IN SOCIETY IN ORDER TO ACHIEVE ONE'S GOALS AND TO DEVELOP ONE'S KNOWLEDGE AND POTENTIAL.

(i) "LOCAL EDUCATION PROVIDER" MEANS AN INSTITUTION OR ORGANIZATION WHICH MAY BE ANY OF THE FOLLOWING:

(I) AN EDUCATIONAL ENTITY RECOGNIZED BY THE DEPARTMENT AS PROVIDING APPROPRIATE AND EFFECTIVE FAMILY LITERACY EDUCATION PROGRAMS;

(II) A COMMUNITY COLLEGE;

(III) A COMMUNITY-BASED ORGANIZATION OF DEMONSTRATED EFFECTIVENESS;

(IV) A LIBRARY;

(V) A LITERACY COUNCIL OR OTHER LITERACY INSTITUTE;

(VI) A SCHOOL DISTRICT OR LOCAL EDUCATIONAL AGENCY;

(VII) A NONPROFIT AGENCY;

(VIII) A NONPROFIT INSTITUTION, OTHER THAN ONE DESCRIBED IN THIS PARAGRAPH (i), HAVING THE ABILITY TO PROVIDE LITERACY SERVICES TO FAMILIES AND ADULTS;

(IX) A BUSINESS OR BUSINESS ASSOCIATION, OTHER THAN ONE DESCRIBED IN THIS PARAGRAPH (i), HAVING THE ABILITY TO PROVIDE LITERACY SERVICES TO FAMILIES AND ADULTS EITHER ON-SITE OR OFF-SITE;

(X) A VOLUNTEER LITERACY ORGANIZATION OF DEMONSTRATED EFFECTIVENESS;

(XI) A WORK FORCE BOARD, AS DEFINED IN SECTION 8-71-203, C.R.S., THAT OVERSEES A WORK FORCE INVESTMENT PROGRAM DESCRIBED IN THE "COLORADO WORK FORCE INVESTMENT ACT", PART 2 OF ARTICLE 71 OF TITLE 8, C.R.S.;

(XII) A ONE-STOP PARTNER, AS DESCRIBED IN SECTION 8-71-216, C.R.S., UNDER THE "COLORADO WORK FORCE INVESTMENT ACT", PART 2 OF ARTICLE 71 OF TITLE 8, C.R.S.;

(XIII) A CONSORTIA OF ENTITIES DESCRIBED IN THIS PARAGRAPH (i).

(j) "SUPPORT SERVICES" MEANS THOSE SERVICES NECESSARY TO ENABLE ELIGIBLE PARENTS AND THEIR CHILDREN AND OTHER ELIGIBLE ADULTS TO PARTICIPATE IN AND BENEFIT FROM A FAMILY LITERACY OR AN ADULT LITERACY EDUCATION PROGRAM.

(3) THERE SHALL BE ESTABLISHED WITHIN THE DEPARTMENT THE FAMILY LITERACY EDUCATION GRANT PROGRAM. LOCAL EDUCATION PROVIDERS MAY APPLY TO THE DEPARTMENT FOR GRANTS TO PROVIDE THE FOLLOWING SERVICES:

(a) FAMILY LITERACY EDUCATION FOR ELIGIBLE PARENTS AND THEIR CHILDREN;

(b) ADULT LITERACY EDUCATION FOR ELIGIBLE ADULTS, INCLUDING BUT NOT LIMITED TO INTERGENERATIONAL SERVICES; AND

(c) ENGLISH LANGUAGE LITERACY EDUCATION FOR ADULTS NEEDING ENGLISH LANGUAGE INSTRUCTION, INCLUDING BUT NOT LIMITED TO INTERGENERATIONAL SERVICES.

(4) GRANT RECIPIENTS MAY USE THE FUNDS AWARDED PURSUANT TO THIS SECTION FOR THE FOLLOWING ACTIVITIES:

(a) TRAINING FOR PAID AND VOLUNTEER INSTRUCTORS OF FAMILY LITERACY AND ADULT LITERACY EDUCATION;

(b) STAFFING LITERACY EDUCATION PROGRAMS BY PROVIDING SALARIES, WAGES, BENEFITS, BOOKS, AND OTHER INSTRUCTIONAL MATERIALS;

(c) ADMINISTERING FAMILY LITERACY EDUCATION PROGRAMS;

(d) PROVIDING SUPPORT SERVICES NECESSARY TO ENABLE INDIVIDUALS TO PARTICIPATE IN AND BENEFIT FROM THE FAMILY LITERACY EDUCATION GRANT PROGRAM; AND

(e) OUTREACH ACTIVITIES TO ENROLL ELIGIBLE PARENTS AND THEIR CHILDREN AND TO RECRUIT VOLUNTEER TUTORS TO SUPPORT INSTRUCTORS.

(5) THE STATE BOARD SHALL ADOPT SUCH PROCEDURES, RULES, AND FORMS AS MAY BE NECESSARY TO IMPLEMENT THE FAMILY LITERACY EDUCATION GRANT PROGRAM. APPLICATIONS SHALL BE MADE TO THE DEPARTMENT IN SUCH FORM AND AT SUCH TIME AS THE STATE BOARD MAY PRESCRIBE. GRANT MONEYS RECEIVED UNDER THE FAMILY LITERACY EDUCATION GRANT PROGRAM MAY BE USED IN CONJUNCTION WITH FUNDS RECEIVED FROM ANY OTHER PUBLIC OR PRIVATE SOURCE.

(6) THE STATE BOARD SHALL CONSIDER, AT A MINIMUM, THE FOLLOWING FACTORS WHEN EVALUATING APPLICATIONS FOR GRANTS THROUGH THE FAMILY LITERACY EDUCATION GRANT PROGRAM:

(a) THE PERCENTAGE OF CHILDREN IN THE SCHOOLS IN THE AREAS TO BE SERVED WHOSE PARENTS LACK A HIGH SCHOOL DIPLOMA;

(b) THE PERCENTAGE OF ELIGIBLE ADULTS EXPECTED TO BE ENROLLED IN FAMILY LITERACY OR ADULT LITERACY EDUCATION PROGRAMS FUNDED BY THE GRANT WHO ARE MEMBERS OF MINORITY GROUPS;

(c) THE PERCENTAGE OF ELIGIBLE ADULTS IN ANY LOCAL AREA TO BE SERVED USING GRANT MONEYS WHO DO NOT HAVE CERTIFICATES OF GRADUATION FROM A SECONDARY SCHOOL AND WHO ARE NOT CURRENTLY ENROLLED IN FAMILY LITERACY OR ADULT LITERACY EDUCATION PROGRAMS;

(d) THE PERCENTAGE OF ELIGIBLE PARENTS WITH LIMITED ENGLISH SKILLS; AND

(e) (I) THE PERCENTAGE OF ELIGIBLE PARENTS AND THEIR CHILDREN EXPECTED TO BE ENROLLED IN FAMILY LITERACY OR ADULT LITERACY PROGRAMS FUNDED BY THE GRANT WHO ARE RECEIVING EITHER STATE OR FEDERAL PUBLIC ASSISTANCE; OR

(II) THE PERCENTAGE OF ELIGIBLE PARENTS IN THE AREA TO BE SERVED WHO ARE UNEMPLOYED WORKERS.

(7) (a) THE DEPARTMENT MAY AUDIT THE RECORDS AND ACCOUNTS OF FAMILY LITERACY EDUCATION PROVIDERS RELATING TO GRANTS AWARDED PURSUANT TO THIS SECTION. A LOCAL EDUCATION PROVIDER SHALL MAKE THE RECORDS AND ACCOUNTS AVAILABLE TO THE DEPARTMENT UPON REQUEST.

(b) UPON COMPLETION OF ANY FAMILY LITERACY EDUCATION PROGRAM FUNDED, IN PART, BY A GRANT AWARDED PURSUANT TO THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL REPORT TO THE DEPARTMENT THE SAME INFORMATION ON THE STATE-FUNDED PROGRAM AS IS REQUIRED TO BE REPORTED BY TITLE II OF THE FEDERAL "WORKFORCE INVESTMENT ACT OF 1998", AS AMENDED, 20 U.S.C. SEC. 9201 ET SEC., FOR FEDERALLY FUNDED PROGRAMS, ALONG WITH DATA CONCERNING THE CHILDREN'S EDUCATION COMPONENT. THE DEPARTMENT MAY REQUEST SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED BY RULE OF THE STATE BOARD.

(c) ON OR BEFORE JANUARY 15, 2003, AND ON OR BEFORE JANUARY 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL PROVIDE AN ANNUAL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, WHICH DESCRIBES STATE-ADMINISTERED FAMILY LITERACY EDUCATION ACTIVITIES FOR THE PRIOR FISCAL YEAR. LOCAL EDUCATION PROVIDERS HAVING FAMILY LITERACY AND ADULT LITERACY EDUCATION PROGRAMS THAT RECEIVE GRANT MONEYS PURSUANT TO THIS SECTION SHALL ASSIST THE DEPARTMENT IN THE DEVELOPMENT OF THE REPORT. THE REPORT SHALL ADDRESS THE RESPONSIBILITIES OF STATE AND LOCAL AGENCIES AND SHALL DESCRIBE MEASURES TAKEN TO PROVIDE A COORDINATED AND COMPREHENSIVE SERVICE DELIVERY SYSTEM.

(8) (a) THE DEPARTMENT IS AUTHORIZED TO RECEIVE AND EXPEND GIFTS, DONATIONS, OR GRANTS OF ANY KIND FROM ANY PUBLIC OR PRIVATE ENTITY TO CARRY OUT THE PURPOSES OF THIS SECTION, SUBJECT TO THE TERMS AND CONDITIONS UNDER WHICH GIVEN; EXCEPT THAT NO GIFT, DONATION, OR GRANT SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED THERETO REQUIRE THE USE OR EXPENDITURE THEREOF IN A MANNER CONTRARY TO LAW.

(b) ANY GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT TO PARAGRAPH (a)

OF THIS SUBSECTION (8) SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE FAMILY LITERACY EDUCATION FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FAMILY LITERACY EDUCATION FUND SHALL CONSIST OF ANY MONEYS CREDITED THERETO PURSUANT TO THIS SUBSECTION (8) AND ANY MONEYS THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE MONEYS IN THE FAMILY LITERACY EDUCATION FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FAMILY LITERACY EDUCATION FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(9) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND MONEYS BE APPROPRIATED FOR THE PURPOSES OF IMPLEMENTING THIS SECTION.

(b) (I) IF SUFFICIENT MONEYS HAVE NOT BEEN CREDITED TO THE FAMILY LITERACY EDUCATION FUND PURSUANT TO SUBSECTION (8) OF THIS SECTION PRIOR TO DECEMBER 1, 2002, THE STATE TREASURER SHALL IMMEDIATELY PROVIDE NOTIFICATION OF SUCH FACT TO THE DEPARTMENT AND THE REVISOR OF STATUTES.

(II) THIS SECTION IS REPEALED UPON RECEIPT BY THE REVISOR OF STATUTES OF THE NOTIFICATION DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

**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: May 30, 2002