

## CHAPTER 202

---

**EDUCATION - PUBLIC SCHOOLS**


---

**SENATE BILL 11-111**

BY SENATOR(S) King K., Heath, Johnston, Nicholson, Renfroe, Spence, Aguilar, Jahn, Lambert, Schwartz, White, Williams S., Bacon;  
 also REPRESENTATIVE(S) Massey, Fields, Fischer, Hamner, Jones, Labuda, Lee, Nikkel, Pace, Schafer S., Solano, Stephens, Todd, Vigil, Wilson.

**AN ACT**

**CONCERNING CREATION OF A TASK FORCE TO ADDRESS THE PROVISION OF EDUCATIONAL SERVICES TO SUPPORT STUDENTS' ACADEMIC SUCCESS.**

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

**SECTION 1.** Article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 11  
 EDUCATIONAL SUCCESS TASK FORCE**

**22-7-1101. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) STUDIES INDICATE THERE ARE SEVERAL SIGNIFICANT TRANSITION POINTS IN A STUDENT'S EDUCATIONAL CAREER AT WHICH IT IS ESPECIALLY IMPORTANT TO ENSURE THAT THE STUDENT IS PERFORMING AT GRADE LEVEL OR HIGHER. A STUDENT WHO IS NOT PERFORMING AT GRADE LEVEL AT THESE POINTS IS MORE LIKELY TO CONTINUE TO EXPERIENCE ACADEMIC DIFFICULTIES AND IS LESS LIKELY TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS WHEN HE OR SHE GRADUATES FROM HIGH SCHOOL, IF THE STUDENT GRADUATES FROM HIGH SCHOOL AT ALL.

(b) DATA COLLECTED IN THE POSTSECONDARY EDUCATION SYSTEM SHOWS THAT A STUDENT WHO GRADUATES FROM HIGH SCHOOL AND ENTERS POSTSECONDARY EDUCATION IN NEED OF REMEDIATION WILL TAKE SIGNIFICANTLY LONGER TO COMPLETE HIS OR HER DEGREE, IF THE STUDENT COMPLETES A DEGREE AT ALL;

---

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

(c) MORE THAN FIFTY-TWO PERCENT OF THE FIRST-TIME, DEGREE-SEEKING STUDENTS WHO ENROLLED IN A COMMUNITY COLLEGE IN THE 2008-09 ACADEMIC YEAR REQUIRED REMEDIATION IN AT LEAST ONE SUBJECT;

(d) DATA COLLECTED OVER TIME SHOWS THAT, OF THE STUDENTS ENROLLED IN A REMEDIAL COURSE, FORTY TO FIFTY PERCENT WILL NOT COMPLETE THE COURSE AND ONLY TWENTY-NINE PERCENT WILL ULTIMATELY EARN A BACHELOR'S DEGREE. THIS LEADS TO THE CONCLUSION THAT, OVERALL, A STUDENT WHO PLACES INTO REMEDIAL EDUCATION HAS ONLY A THIRTEEN PERCENT CHANCE OF EVENTUALLY RECEIVING A BACHELOR'S DEGREE.

(e) STUDIES SHOW THAT CHILDREN WHO RECEIVE HIGH-QUALITY, EARLY-CHILDHOOD EDUCATION SERVICES, INCLUDING FULL-DAY PRESCHOOL AND FULL-DAY KINDERGARTEN, ACHIEVE GREATER ACADEMIC SUCCESS IN LATER GRADES, ARE LESS LIKELY TO NEED INTERVENTION EDUCATION SERVICES DURING THE ELEMENTARY AND SECONDARY GRADES, AND ARE LESS LIKELY TO PLACE INTO REMEDIAL EDUCATION UPON ENTERING POSTSECONDARY GRADES;

(f) IF A STUDENT WHO IS PERFORMING BELOW EXPECTATIONS ACADEMICALLY AT THE SIGNIFICANT TRANSITION POINTS IN HIS OR EDUCATIONAL CAREER RECEIVES ADDITIONAL ASSISTANCE, ESPECIALLY AT THE EARLIER TRANSITION POINTS, THE STUDENT IS MORE LIKELY TO CATCH UP TO WHERE HE OR SHE NEEDS TO BE AND TO CONTINUE TO BE ACADEMICALLY SUCCESSFUL THROUGH HIGH SCHOOL AND POSTSECONDARY EDUCATION;

(g) THERE IS A GREAT DEAL OF DATA AVAILABLE CONCERNING SUCCESSFUL STRATEGIES FOR IDENTIFYING AND REMEDIATING STUDENTS AT THESE SIGNIFICANT TRANSITION POINTS THAT, IF COLLECTED AND MADE MORE ACCESSIBLE, COULD ASSIST SCHOOL DISTRICTS, SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION IN ENSURING THAT THEY IDENTIFY STUDENTS WHO NEED ADDITIONAL EDUCATION SERVICES AND ASSISTANCE AND THAT THEY PROVIDE THOSE SERVICES AT THE APPROPRIATE JUNCTURES.

(2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE BEST INTERESTS OF THE STATE PUBLIC EDUCATION SYSTEM AND THE STUDENTS OF THE STATE TO CREATE A TASK FORCE TO REVIEW THE RELEVANT DATA AND STUDIES AND RECOMMEND TO SCHOOL DISTRICTS, SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION BEST PRACTICES AND STRATEGIES FOR IDENTIFYING AND ASSISTING STUDENTS TO ENSURE THAT THEY ARE SUCCESSFUL THROUGHOUT THEIR ACADEMIC CAREERS AND DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS WHEN THEY GRADUATE FROM HIGH SCHOOL. THE TASK FORCE SHALL ALSO RECOMMEND TO THE GENERAL ASSEMBLY, THE STATE BOARD OF EDUCATION, AND THE COLORADO COMMISSION ON HIGHER EDUCATION CHANGES TO STATUTES, RULES, OR GUIDELINES THAT MAY STRENGTHEN THE ABILITY OF SCHOOL DISTRICTS, SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION TO IDENTIFY AND ASSIST STUDENTS IN ACHIEVING ACADEMIC SUCCESS AND DEMONSTRATING POSTSECONDARY AND WORKFORCE READINESS.

**22-7-1102. Definitions.** AS USED IN THIS PART 11 UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION ESTABLISHED IN SECTION 23-1-102, C.R.S.

(2) "INDIVIDUAL CAREER AND ACADEMIC PLAN" OR "ICAP" MEANS THE PLAN DESCRIBED IN SECTION 22-2-136 AND REQUIRED PURSUANT TO SECTIONS 22-30.5-505 (3) (f) AND 22-32-109 (1) (nn) NO LATER THAN NINTH GRADE FOR EACH STUDENT ENROLLED IN A PUBLIC SCHOOL IN THE STATE.

(3) "INTERVENTION EDUCATION SERVICES" MEANS EDUCATIONAL SERVICES AND SUPPORT PROVIDED TO A STUDENT TO ACCELERATE THE STUDENT'S LEARNING AND ASSIST THE STUDENT IN ACHIEVING THE LEVEL OF ACADEMIC PERFORMANCE THAT IS APPROPRIATE FOR HIS OR HER GRADE LEVEL.

(4) "POSTSECONDARY AND WORKFORCE READINESS" MEANS THE LEVEL OF ACADEMIC ACHIEVEMENT DESCRIBED BY THE STATE BOARD AND THE COMMISSION PURSUANT TO SECTION 22-7-1008.

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

(6) "TASK FORCE" MEANS THE EDUCATIONAL SUCCESS TASK FORCE CREATED IN SECTION 22-7-1103.

**22-7-1103. Educational success task force - created - membership.**

(1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF EDUCATION THE EDUCATIONAL SUCCESS TASK FORCE TO STUDY AND REVIEW THE DATA ON INTERVENTION EDUCATION SERVICES IN ELEMENTARY AND SECONDARY EDUCATION AND REMEDIAL EDUCATION IN POSTSECONDARY EDUCATION, TO RECOMMEND BEST PRACTICES AND STRATEGIES TO SCHOOL DISTRICTS AND PUBLIC SCHOOLS, AND TO RECOMMEND STATUTORY AND REGULATORY CHANGES, AS IT DEEMS APPROPRIATE, TO THE GENERAL ASSEMBLY, THE STATE BOARD, AND THE COMMISSION.

(2) (a) THE STATE BOARD AND THE COMMISSION SHALL JOINTLY APPOINT MEMBERS OF THE TASK FORCE IN SUCH NUMBERS AS THEY DEEM APPROPRIATE. THE MEMBERSHIP OF THE TASK FORCE SHALL INCLUDE PERSONS WHO HAVE EXPERIENCE IN INTERVENTION EDUCATION SERVICES AND REMEDIAL EDUCATION AS RESEARCHERS, PRACTITIONERS, AND PARENTS OF STUDENTS WHO HAVE RECEIVED OR MAY RECEIVE INTERVENTION EDUCATION SERVICES OR REMEDIAL EDUCATION. AT A MINIMUM, THE STATE BOARD AND THE COMMISSION SHALL APPOINT TO THE TASK FORCE:

(I) PERSONS WHO ARE EXPERTS IN ONE OR MORE OF THE AREAS OF EARLY CHILDHOOD EDUCATION; ELEMENTARY AND SECONDARY EDUCATION; CHILDHOOD AND ADOLESCENT LEARNING THEORY; CURRICULUM DEVELOPMENT, ESPECIALLY WITH REGARD TO INTERVENTION EDUCATION SERVICES AND PROGRAMS AND INTERVENTION STRATEGIES; AND POSTSECONDARY EDUCATION, ESPECIALLY WITH REGARD TO REMEDIATION PROGRAMS AND STRATEGIES;

(II) PARENTS OF STUDENTS ENROLLED IN PUBLIC SCHOOLS IN THE STATE, INCLUDING PARENTS WHO SERVE ON THE COLORADO STATE ADVISORY COUNCIL FOR PARENT INVOLVEMENT IN EDUCATION CREATED IN SECTION 22-7-303;

(III) MEMBERS OF THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED IN SECTION 24-44.7-102, C.R.S., WHO HAVE EXPERTISE IN EARLY CHILDHOOD DEVELOPMENT AND EDUCATION;

(IV) ELEMENTARY AND SECONDARY TEACHERS FROM URBAN AND RURAL SCHOOL DISTRICTS OR PUBLIC SCHOOLS;

(V) REPRESENTATIVES OF URBAN AND RURAL SCHOOL DISTRICTS;

(VI) PERSONS WHO ASSIST STUDENTS, INCLUDING STUDENTS WITH DISABILITIES, IN PLANNING FOR POSTSECONDARY EDUCATION, WHICH PERSONS MAY INCLUDE BUT NEED NOT BE LIMITED TO PERSONS WHO SPECIALIZE IN PROGRAMS AND SERVICES FOR EXCEPTIONAL STUDENTS; PERSONS WITH EXPERTISE IN CREATING AND MAINTAINING INDIVIDUAL CAREER AND ACADEMIC PLANS; HIGH SCHOOL COUNSELORS; REPRESENTATIVES FROM PRECOLLEGIATE PREPARATION PROGRAMS; REPRESENTATIVES FROM CAREER AND TECHNICAL EDUCATION PROGRAMS; ADMISSIONS OFFICERS FOR POSTSECONDARY INSTITUTIONS; AND DISABILITY COORDINATORS FOR POSTSECONDARY INSTITUTIONS;

(VII) REPRESENTATIVES OF INSTITUTIONS OF HIGHER EDUCATION, INCLUDING AT A MINIMUM REPRESENTATIVES OF AREA VOCATIONAL SCHOOLS, JUNIOR COLLEGES, TWO-YEAR INSTITUTIONS, FOUR-YEAR INSTITUTIONS, AND THE RESEARCH UNIVERSITIES;

(VIII) MEMBERS OF THE BUSINESS COMMUNITY; AND

(IX) REPRESENTATIVES FROM BIPARTISAN OR NONPARTISAN NONPROFIT ORGANIZATIONS THAT STUDY OR ADVOCATE IN EDUCATION ISSUES.

(b) IN ADDITION TO THE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE TASK FORCE SHALL INCLUDE THE FOLLOWING LEGISLATIVE MEMBERS:

(I) THREE MEMBERS FROM THE SENATE, TWO OF WHOM ARE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM IS APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(II) THREE MEMBERS FROM THE HOUSE OF REPRESENTATIVES, TWO OF WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE OF WHOM IS APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(3) (a) THE APPOINTING AUTHORITIES SHALL MAKE THE APPOINTMENTS TO THE TASK FORCE NO LATER THAN AUGUST 1, 2011. THE NONLEGISLATIVE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(b) IN APPOINTING MEMBERS OF THE TASK FORCE, THE STATE BOARD AND THE COMMISSION MAY APPOINT INDIVIDUAL PERSONS TO SATISFY THE CRITERIA IN MORE THAN ONE OF SUBPARAGRAPHS (I) TO (VIII) OF PARAGRAPH (a). THE MEMBERS OF THE TASK FORCE SHALL SERVE AT THE PLEASURE OF THEIR RESPECTIVE APPOINTING AUTHORITIES.

(c) THE STATE BOARD AND THE COMMISSION SHALL JOINTLY APPOINT UP TO THREE MEMBERS OF THE TASK FORCE TO SERVE AS CHAIR OR CO-CHAIRS OF THE TASK FORCE. IF THE STATE BOARD AND THE COMMISSION APPOINT CO-CHAIRS, THE PERSONS APPOINTED SHALL BE REPRESENTATIVE OF THE VARIOUS INTERESTS SERVING ON THE TASK FORCE. THE TASK FORCE SHALL HOLD ITS FIRST MEETING NO LATER THAN SEPTEMBER 1, 2011, AND SHALL SUBSEQUENTLY MEET AT THE CALL OF THE CHAIR OR CO-CHAIRS AS OFTEN AS NECESSARY TO CARRY OUT ITS DUTIES.

(d) THE CHAIR OR CO-CHAIRS OF THE TASK FORCE MAY APPOINT SUBCOMMITTEES OF THE TASK FORCE AS NECESSARY TO COMPLETE THE DUTIES OF THE TASK FORCE. IN ADDITION TO TASK FORCE MEMBERS, A SUBCOMMITTEE MAY INCLUDE PERSONS SELECTED BY THE CHAIR OR CO-CHAIRS BUT WHO ARE NOT APPOINTED MEMBERS OF THE TASK FORCE.

(4) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HIGHER EDUCATION MAY PROVIDE STAFF SUPPORT TO THE TASK FORCE AS NECESSARY AND PRACTICABLE WITHIN EXISTING APPROPRIATIONS. THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE.

**22-7-1104. Education success task force - duties - reports.** (1) IN ADDITION TO ANY OTHER DUTIES SPECIFIED IN THIS PART 11, THE TASK FORCE SHALL HAVE THE FOLLOWING DUTIES:

(a) TO IDENTIFY THE JUNCTURES WITHIN A STUDENT'S ACADEMIC CAREER AT WHICH GRADE-LEVEL ACADEMIC PERFORMANCE, OR HIGHER, IS CRITICAL TO A STUDENT'S CONTINUED ACADEMIC PROGRESS AND TO ENSURING THE STUDENT CAN DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS NO LATER THAN HIGH SCHOOL GRADUATION;

(b) TO REVIEW THE DATA AND RESEARCH ON INTERVENTION EDUCATION SERVICES AND REMEDIAL EDUCATION AND IDENTIFY BEST PRACTICES AND STRATEGIES FOR IDENTIFYING STUDENTS IN NEED OF INTERVENTION EDUCATION SERVICES, FOR PROVIDING INTERVENTION EDUCATION SERVICES AT THE APPROPRIATE JUNCTURES IN THE ELEMENTARY AND SECONDARY EDUCATION LEVELS, AND FOR PROVIDING REMEDIAL EDUCATION AT THE POSTSECONDARY EDUCATION LEVEL. BEST PRACTICES AND STRATEGIES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, RECOMMENDATIONS REGARDING CURRICULUM, METHODS OF DELIVERING INTERVENTION EDUCATION SERVICES AT THE ELEMENTARY AND SECONDARY EDUCATION LEVELS, PROFESSIONAL DEVELOPMENT, AND METHODS OF DELIVERING REMEDIAL EDUCATION SERVICES IN POSTSECONDARY EDUCATION, INCLUDING THE USE OF DIAGNOSTIC PLACEMENT TESTING, THE USE OF MODULARIZED, SHORTER-TERM COURSES, ELECTRONIC DELIVERY OF COURSE WORK, AND TUTORING;

(c) TO REVIEW THE USE OF STUDENTS' INDIVIDUAL CAREER AND ACADEMIC PLANS AND MAKE RECOMMENDATIONS FOR DIAGNOSTICALLY USING A STUDENT'S ASSESSMENT RESULTS IN CREATING AND MAINTAINING THE STUDENT'S ICAP AND FOR INCLUDING INTERVENTION STRATEGIES, WHERE APPROPRIATE, IN A STUDENT'S ICAP;

(d) TO REVIEW THE PRACTICE OF SOCIAL PROMOTION IN THE PUBLIC SCHOOLS OF

THE STATE AND RECOMMEND ALTERNATIVE STRATEGIES FOR ENSURING STUDENTS ARE MAKING SUFFICIENT ACADEMIC PROGRESS TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS NO LATER THAN HIGH SCHOOL GRADUATION; AND

(e) TO REVIEW STATE STATUTES, STATE BOARD RULES, AND THE GUIDELINES ADOPTED BY THE COMMISSION AND RECOMMEND ANY APPROPRIATE CHANGES TO ASSIST SCHOOL DISTRICTS AND PUBLIC SCHOOLS IN PROVIDING INTERVENTION EDUCATION SERVICES TO HELP ENSURE THAT STUDENTS DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS NO LATER THAN HIGH SCHOOL GRADUATION AND TO ASSIST INSTITUTIONS OF HIGHER EDUCATION IN PROVIDING REMEDIAL EDUCATION.

(2) IN FULFILLING ITS DUTIES, THE TASK FORCE SHALL WORK WITH THE EDUCATION LEADERSHIP COUNCIL CREATED BY THE GOVERNOR IN EXECUTIVE ORDER B 2010-010. THE TASK FORCE SHALL CONSULT WITH THE EDUCATION LEADERSHIP COUNCIL IN SETTING ITS MEETING AGENDAS, ORGANIZING ITS WORK PLAN, AND PREPARING ITS REPORTS. IN ADDITION TO THE DUTIES SPECIFIED IN THIS SECTION, THE TASK FORCE MAY RESPOND TO REQUESTS FROM THE EDUCATION LEADERSHIP COUNCIL FOR INFORMATION, FINDINGS, AND REPORTS ON TOPICS IDENTIFIED BY THE EDUCATION LEADERSHIP COUNCIL THAT ARE COMPLEMENTARY TO THE TOPICS SPECIFIED IN THIS SECTION.

(3) (a) ON OR BEFORE JULY 1, 2012, THE TASK FORCE SHALL SUBMIT TO THE STATE BOARD AND THE COMMISSION A FIRST REPORT OF ITS FINDINGS AND RECOMMENDATIONS WITH REGARD TO THE CRITICAL JUNCTURES FOR ENSURING STUDENTS' ACADEMIC PROGRESS, BEST PRACTICES AND STRATEGIES FOR PROVIDING INTERVENTION EDUCATION SERVICES AND REMEDIAL EDUCATION SERVICES, THE USE OF ICAPs, AND ALTERNATIVE STRATEGIES TO SOCIAL PROMOTION. THE REPORT MAY ALSO INCLUDE ANY RECOMMENDATIONS REGARDING CHANGES TO STATE BOARD RULES OR COMMISSION GUIDELINES. IF THE TASK FORCE MAKES ADDITIONAL FINDINGS OR RECOMMENDATIONS FOLLOWING SUBMISSION OF THE FIRST REPORT, IT SHALL SUBMIT A SECOND REPORT TO THE STATE BOARD AND THE COMMISSION PRIOR TO JULY 1, 2013.

(b) THE STATE BOARD AND THE COMMISSION SHALL ENSURE THAT THE FIRST REPORT AND THE SECOND REPORT, IF ANY, ARE PUBLISHED ON THEIR RESPECTIVE WEB SITES AND PUBLICIZED TO THE SCHOOL DISTRICTS, PUBLIC SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION IN THE STATE.

(4) THE TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS FOR LEGISLATION TO THE LEGISLATIVE COUNCIL IN ACCORDANCE WITH JOINT RULE 24 (b) (1) (D) OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND SHALL BE SUBJECT TO THE LIMITATIONS ON BILLS SPECIFIED IN SAID JOINT RULE. ANY RECOMMENDATIONS FOR LEGISLATION REQUIRE THE APPROVAL OF A MAJORITY OF THE LEGISLATIVE MEMBERS OF THE TASK FORCE.

(5) DURING THE 2012 REGULAR LEGISLATIVE SESSION, NO LATER THAN JANUARY 31, 2012, AND DURING THE 2013 REGULAR LEGISLATIVE SESSION, NO LATER THAN JANUARY 31, 2013, ONE OR MORE REPRESENTATIVES OF THE TASK FORCE SHALL MEET WITH THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, IN A JOINT MEETING TO REPORT

PROGRESS IN FULFILLING THE DUTIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

**22-7-1105. Repeal of part.** THIS PART 11 IS REPEALED, EFFECTIVE JULY 1, 2013. NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-1203, C.R.S., THE TASK FORCE SHALL NOT BE SUBJECT TO REVIEW PRIOR TO REPEAL.

**SECTION 2. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**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 23, 2011