

SB199\_L.003

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.SB19-199 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 22-7-1202, add  
4 (1.5) as follows:

5 22-7-1202. **Legislative declaration.** (1.5) (a) THE GENERAL  
6 ASSEMBLY FURTHER FINDS THAT:

7 (I) READING IS A CRITICAL SKILL THAT EVERY CHILD MUST  
8 DEVELOP EARLY IN THE CHILD'S EDUCATIONAL CAREER TO BE SUCCESSFUL;

9 (II) RESEARCH SHOWS THAT READING INSTRUCTION THAT IS  
10 FOCUSED AROUND THE FOUNDATIONAL READING SKILLS OF PHONEMIC  
11 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY  
12 INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS HIGHLY  
13 EFFECTIVE IN TEACHING YOUNG CHILDREN TO READ;

14 (III) SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION  
15 GRANTS TO THE ELECTED BOARD OF EDUCATION IN EACH SCHOOL DISTRICT  
16 THE AUTHORITY TO HAVE CONTROL OF INSTRUCTION IN THE PUBLIC  
17 SCHOOLS OF THE SCHOOL DISTRICT, AND SECTION 16 OF ARTICLE IX OF THE  
18 STATE CONSTITUTION PROHIBITS THE GENERAL ASSEMBLY AND THE STATE  
19 BOARD OF EDUCATION FROM PRESCRIBING THE TEXTBOOKS TO BE USED IN  
20 PUBLIC SCHOOLS;

21 (IV) HOWEVER, SECTION 2 OF ARTICLE IX OF THE STATE  
22 CONSTITUTION REQUIRES THE GENERAL ASSEMBLY TO PROVIDE FOR THE  
23 ESTABLISHMENT AND MAINTENANCE OF A THOROUGH AND UNIFORM  
24 SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE, AND SECTION  
25 1 OF ARTICLE IX OF THE STATE CONSTITUTION VESTS THE GENERAL  
26 SUPERVISION OF THE PUBLIC SCHOOLS OF THE STATE IN THE STATE BOARD  
27 OF EDUCATION;

28 (V) IN INTERPRETING THESE CONSTITUTIONAL PROVISIONS, THE  
29 COLORADO SUPREME COURT HAS FOUND THAT, BECAUSE THEY ARE  
30 COMPETING INTERESTS, NONE ARE ABSOLUTE; THESE INTERESTS MUST BE  
31 BALANCED TO IDENTIFY THE CONTOURS OF THE RESPONSIBILITY ASSIGNED  
32 TO EACH ENTITY; AND

33 (VI) IT IS THE GENERAL ASSEMBLY THAT INITIALLY STRIKES THIS  
34 BALANCE.

35 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT ENSURING  
36 THAT EACH CHILD HAS ACCESS THROUGH THE PUBLIC SCHOOLS TO  
37 EVIDENCE-BASED READING INSTRUCTION THAT IS FOCUSED ON  
38 DEVELOPING THE FOUNDATIONAL READING SKILLS OF PHONEMIC  
39 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY  
40 INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS A SIGNIFICANT  
41 COMPONENT OF ENSURING THAT THE SYSTEM OF FREE PUBLIC SCHOOLS

1 THROUGHOUT THE STATE IS THOROUGH AND UNIFORM. IN EXERCISING ITS  
2 AUTHORITY OF GENERAL SUPERVISION OF THE PUBLIC SCHOOLS OF THE  
3 STATE, IT IS APPROPRIATE THAT THE STATE BOARD OF EDUCATION,  
4 SUPPORTED BY THE DEPARTMENT OF EDUCATION, HOLD LOCAL EDUCATION  
5 PROVIDERS ACCOUNTABLE FOR DEMONSTRATING THAT THE READING  
6 INSTRUCTION THEY PROVIDE IS FOCUSED ON THESE FIVE FOUNDATIONAL  
7 READING SKILLS. AND, IN MAINTAINING CONTROL OF THE INSTRUCTION IN  
8 THE CLASSROOMS OF THE PUBLIC SCHOOLS OF THEIR RESPECTIVE SCHOOL  
9 DISTRICTS, IT IS APPROPRIATE THAT EACH SCHOOL DISTRICT BOARD OF  
10 EDUCATION SELECT THE CORE READING INSTRUCTIONAL PROGRAMS AND  
11 READING INTERVENTIONS TO BE USED IN THOSE PUBLIC SCHOOLS, SO LONG  
12 AS THEY ARE FOCUSED ON PHONEMIC AWARENESS, PHONICS, VOCABULARY  
13 DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING  
14 COMPREHENSION TO ENSURE THAT THE STUDENTS EDUCATED IN THE  
15 PUBLIC SCHOOLS THROUGHOUT THE STATE CONSISTENTLY RECEIVE  
16 EVIDENCE-BASED INSTRUCTION THAT IS PROVEN TO EFFECTIVELY TEACH  
17 CHILDREN TO READ.

18 **SECTION 2.** In Colorado Revised Statutes, 22-7-1203, **amend**  
19 **(9); repeal (12); and add (7.5)** as follows:

20 **22-7-1203. Definitions.** As used in this part 12, unless the context  
21 otherwise requires:

22 (7.5) "MULTI-TIERED SYSTEMS OF SUPPORTS" MEANS A SYSTEMIC  
23 PREVENTIVE APPROACH THAT ADDRESSES THE ACADEMIC AND  
24 SOCIAL-EMOTIONAL NEEDS OF ALL STUDENTS AT THE UNIVERSAL,  
25 TARGETED, AND INTENSIVE LEVELS. THROUGH THE MULTI-TIERED  
26 SYSTEMS OF SUPPORTS, A TEACHER PROVIDES HIGH-QUALITY,  
27 SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTION AND  
28 INTERVENTION THAT IS MATCHED TO STUDENT NEEDS; USES A METHOD OF  
29 MONITORING PROGRESS FREQUENTLY TO INFORM DECISIONS ABOUT  
30 INSTRUCTION AND GOALS; AND APPLIES THE STUDENT'S RESPONSE DATA  
31 TO IMPORTANT EDUCATIONAL DECISIONS.

32 (9) "Per-pupil intervention moneys MONEY" means the moneys  
33 MONEY calculated and distributed to local education providers pursuant  
34 to ~~section 22-7-1210 (5)~~ SECTION 22-7-1210.5.

35 ~~(12) "Response to intervention framework" means a systemic~~  
36 ~~preventive approach that addresses the academic and social-emotional~~  
37 ~~needs of all students at the universal, targeted, and intensive levels.~~  
38 ~~Through the response to intervention framework, a teacher provides~~  
39 ~~high-quality, scientifically based or evidence-based instruction and~~  
40 ~~intervention that is matched to student needs; uses a method of~~  
41 ~~monitoring progress frequently to inform decisions about instruction and~~  
42 ~~goals; and applies the student's response data to important educational~~  
43 ~~decisions.~~

1           **SECTION 3.** In Colorado Revised Statutes, amend 22-7-1204 as  
2 follows:

3           **22-7-1204. Early literacy education.** Each local education  
4 provider that enrolls students in kindergarten or first, second, or third  
5 grade shall provide to the students enrolled in said grades the instructional  
6 programming and services necessary to ensure to the greatest extent  
7 possible that students, as they progress through kindergarten, first,  
8 second, and third grade, develop the necessary reading skills to enable  
9 them to master the academic standards and expectations applicable to the  
10 fourth-grade curriculum and beyond. THE INSTRUCTIONAL PROGRAMMING  
11 AND SERVICES FOR TEACHING STUDENTS TO READ MUST BE EVIDENCE  
12 BASED AND SCIENTIFICALLY BASED AND MUST FOCUS ON READING  
13 COMPETENCY IN THE AREAS OF PHONEMIC AWARENESS, PHONICS,  
14 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,  
15 AND READING COMPREHENSION.

16           **SECTION 4.** In Colorado Revised Statutes, 22-7-1206, amend  
17 (2), (5) introductory portion, and (5)(c) as follows:

18           **22-7-1206. Reading to ensure academic development plan -**  
19 **contents - implementation.** (2) (a) If a student's reading skills are below  
20 grade-level expectations, as adopted by the state board, but the student  
21 does not have a significant reading deficiency, the local education  
22 provider shall ensure that the student receives appropriate interventions  
23 through the ~~response to intervention framework~~ MULTI-TIERED SYSTEMS  
24 OF SUPPORTS or a comparable intervention system implemented by the  
25 local education provider. AT A MINIMUM, THE LOCAL EDUCATION  
26 PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES EDUCATIONAL  
27 SERVICES IN A DAILY LITERACY BLOCK FOR THE LENGTH OF TIME  
28 IDENTIFIED AS EFFECTIVE IN RESEARCH RELATING TO BEST PRACTICES IN  
29 TEACHING READING.

30           (b) If a student has a significant reading deficiency, the student's  
31 READ plan shall MUST include the intervention instruction that the local  
32 education provider provides through the ~~response to intervention~~  
33 ~~framework~~ MULTI-TIERED SYSTEMS OF SUPPORTS or a comparable  
34 intervention system implemented by the local education provider.

35           (5) Each READ plan shall MUST include, at a minimum:

36           (c) The type of additional instructional services and interventions  
37 the student will receive in reading. AT A MINIMUM, THE LOCAL  
38 EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES  
39 EDUCATIONAL SERVICES IN A DAILY LITERACY BLOCK FOR THE LENGTH OF  
40 TIME IDENTIFIED AS EFFECTIVE IN RESEARCH RELATING TO BEST PRACTICES  
41 IN TEACHING READING.

42           **SECTION 5.** In Colorado Revised Statutes, 22-7-1208, add (5),  
43 (6), and (7) as follows:

1           **22-7-1208. Local education providers - procedures - plans -**  
2 **training.** (5) (a) BEGINNING WITH THE PLANS ADOPTED FOR THE 2020-21  
3 SCHOOL YEAR, THE PLAN THAT A LOCAL EDUCATION PROVIDER MUST  
4 ADOPT BASED ON ITS ACCREDITATION CATEGORY PURSUANT TO SECTION  
5 22-11-208 OR AS REQUIRED PURSUANT TO SECTION 22-11-210,  
6 WHICHEVER IS APPLICABLE, MUST INCLUDE THE FOLLOWING INFORMATION  
7 CONCERNING IMPLEMENTATION OF THIS PART 12 AS IT APPLIES TO EACH OF  
8 THE SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER:

9           (I) THE CORE AND SUPPLEMENTAL READING CURRICULUM USED AT  
10 EACH GRADE LEVEL, INCLUDING KINDERGARTEN FOR EACH SCHOOL THAT  
11 INCLUDES A KINDERGARTEN EDUCATIONAL PROGRAM. THE CORE AND  
12 SUPPLEMENTAL READING CURRICULUM MUST BE DESIGNED AROUND  
13 TEACHING THE FOUNDATIONAL READING SKILLS OF PHONEMIC  
14 AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY  
15 INCLUDING ORAL SKILLS, AND READING COMPREHENSION.

16           (II) THE TARGETED, EVIDENCE-BASED OR SCIENTIFICALLY BASED  
17 CORE AND SUPPLEMENTAL READING INSTRUCTIONAL PROGRAMS AND  
18 INTERVENTION READING INSTRUCTION, SERVICES, AND OTHER SUPPORTS,  
19 INCLUDING THOSE AVAILABLE THROUGH THE MULTI-TIERED SYSTEMS OF  
20 SUPPORTS OR A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY  
21 THE LOCAL EDUCATION PROVIDER, THAT EACH SCHOOL PROVIDES TO  
22 STUDENTS WHO ARE IDENTIFIED AS HAVING A SIGNIFICANT READING  
23 DEFICIENCY OR AS READING BELOW GRADE LEVEL;

24           (III) THE ASSESSMENTS THAT EACH SCHOOL USES AT EACH GRADE  
25 LEVEL TO MEET THE REQUIREMENTS SPECIFIED IN SECTION 22-7-1205 (1);  
26 AND

27           (IV) IF THE LOCAL EDUCATION PROVIDER USES PER-PUPIL  
28 INTERVENTION MONEY OR MONEY RECEIVED THROUGH THE EARLY  
29 LITERACY GRANT PROGRAM FOR PROFESSIONAL DEVELOPMENT, THE LOCAL  
30 EDUCATION PROVIDER'S PLAN FOR PROVIDING THE PROFESSIONAL  
31 DEVELOPMENT, WHICH DEVELOPMENT MUST BE TARGETED, EVIDENCE  
32 BASED OR SCIENTIFICALLY BASED, AND ALIGNED WITH THE INSTRUCTION,  
33 SERVICES, AND OTHER SUPPORTS PROVIDED TO STUDENTS WHO ARE  
34 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR AS  
35 READING BELOW GRADE LEVEL.

36           (b) IF A LOCAL EDUCATION PROVIDER IS AUTHORIZED PURSUANT  
37 TO SECTION 22-11-303 (4) OR 22-11-403 (5) TO ADOPT AND SUBMIT A PLAN  
38 EVERY TWO YEARS, THE LOCAL EDUCATION PROVIDER SHALL SUBMIT TO  
39 THE DEPARTMENT THE INFORMATION DESCRIBED IN SUBSECTION (5)(a) OF  
40 THIS SECTION ANNUALLY.

41           (6) (a) BY THE BEGINNING OF THE 2021-22 SCHOOL YEAR, EACH  
42 LOCAL EDUCATION PROVIDER SHALL ENSURE THAT EACH TEACHER  
43 EMPLOYED TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH

1 THREE SUCCESSFULLY COMPLETES OR HAS SUCCESSFULLY COMPLETED  
2 EVIDENCE-BASED TRAINING IN TEACHING READING. TO COMPLY WITH THIS  
3 SUBSECTION (6)(a), A LOCAL EDUCATION PROVIDER MUST SUBMIT  
4 EVIDENCE, AS DESCRIBED IN SUBSECTION (6)(b) OF THIS SECTION, THAT  
5 EACH TEACHER EMPLOYED TO TEACH KINDERGARTEN OR ANY OF GRADES  
6 ONE THROUGH THREE HAS SUCCESSFULLY COMPLETED EVIDENCE-BASED  
7 TRAINING IN TEACHING READING THAT IS:

8 (I) INCLUDED AS A COURSE IN AN APPROVED PROGRAM OF  
9 PREPARATION, AS DEFINED IN SECTION 22-60.5-103 (8), OR AN  
10 ALTERNATIVE TEACHER PROGRAM, AS DEFINED IN SECTION 22-60.5-103  
11 (5);

12 (II) INCLUDED AS A COURSE IN A POST-GRADUATE DEGREE  
13 PROGRAM IN TEACHING READING OR LITERACY; OR

14 (III) PROVIDED BY THE DEPARTMENT OR INCLUDED ON THE  
15 ADVISORY LIST OF PROFESSIONAL DEVELOPMENT PROGRAMS PROVIDED BY  
16 THE DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(c).

17 (b) A TEACHER IS DEEMED TO HAVE SUCCESSFULLY COMPLETED  
18 EVIDENCE-BASED TRAINING IN TEACHING READING IF THE LOCAL  
19 EDUCATION PROVIDER SUBMITS TO THE DEPARTMENT EVIDENCE THAT THE  
20 TEACHER PASSED AN END-OF-COURSE ASSESSMENT OF LEARNING AT THE  
21 COMPLETION OF THE EVIDENCE-BASED TRAINING.

22 (c) AT THE REQUEST OF A LOCAL EDUCATION PROVIDER, THE  
23 DEPARTMENT SHALL PROVIDE, AT NO COST TO THE LOCAL EDUCATION  
24 PROVIDER, EVIDENCE-BASED TRAINING IN TEACHING READING TO ONE OR  
25 MORE OF THE TEACHERS EMPLOYED BY THE LOCAL EDUCATION PROVIDER  
26 TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE.

27 (d) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (6)(a) OF  
28 THIS SECTION, A LOCAL EDUCATION PROVIDER THAT IS NOT IN COMPLIANCE  
29 WITH THE REQUIREMENTS OF THIS SUBSECTION (6) AS OF THE BEGINNING  
30 OF THE 2021-22 SCHOOL YEAR MAY REQUEST A ONE-YEAR EXTENSION  
31 FROM THE DEPARTMENT BASED ON A DEMONSTRATION OF GOOD CAUSE  
32 FOR INABILITY TO COMPLY.

33 (e) A LOCAL EDUCATION PROVIDER IS STRONGLY ENCOURAGED TO  
34 MAKE EVIDENCE-BASED TRAINING IN TEACHING READING AVAILABLE TO  
35 PARENTS AND MEMBERS OF THE COMMUNITY IN ORDER TO EFFECTIVELY  
36 PARTNER WITH THEM IN TEACHING EARLY-GRADE READING.

37 (7) EACH LOCAL EDUCATION PROVIDER IS STRONGLY ENCOURAGED  
38 TO PARTNER WITH ADJACENT PUBLIC LIBRARIES TO ENHANCE THE  
39 INSTRUCTIONAL PROGRAMMING AND SERVICES IN LITERACY PROVIDED BY  
40 THE LOCAL EDUCATION PROVIDER AND TO PROVIDE ACCESS FOR STUDENTS  
41 AND THEIR PARENTS TO READING MATERIALS FOR OUT-OF-SCHOOL  
42 LITERACY DEVELOPMENT.

43 **SECTION 6.** In Colorado Revised Statutes, 22-7-1209, amend

1 (2)(a)(I), (2)(b), (2)(c), (3) introductory portion, and (6); and add (1)(d.5),  
2 (7), and (8) as follows:

3 **22-7-1209. State board - rules - department - duties.** (1) The  
4 state board shall promulgate rules in accordance with the "State  
5 Administrative Procedure Act", article 4 of title 24, as necessary to  
6 implement the provisions of this part 12, which rules must include, but  
7 need not be limited to:

8 (d.5) THE TIME FRAMES AND PROCEDURES FOR SUBMITTING  
9 INFORMATION CONCERNING THE USE OF PER-PUPIL INTERVENTION MONEY;

10 (2) (a) (I) Using the procedure developed pursuant to subsection  
11 (3) of this section, the department shall review and recommend to the  
12 state board reading assessments, including interim, summative, and  
13 diagnostic assessments, for kindergarten and first, second, and third  
14 grades that, at a minimum, meet the criteria specified in ~~subsection~~  
15 ~~(1)(a)(H)~~ SUBSECTION (2)(a)(II) of this section. Following action by the  
16 state board to approve reading assessments pursuant to subsection (1)(b)  
17 of this section, the department shall create a list of the approved reading  
18 assessments for kindergarten and first, second, and third grades for use by  
19 local education providers. The department shall update the list of  
20 approved reading assessments on or before July 1, 2019, and every four  
21 years thereafter as necessary. The department shall work with the  
22 approved assessment publishers to better align, to the extent practicable,  
23 the minimum reading competency levels for third grade, which are based  
24 on the scores attained on the approved assessments, with the preschool  
25 through elementary and secondary education standards for third-grade  
26 reading adopted pursuant to section 22-7-1005.

27 (b) Using the procedure developed pursuant to subsection (3) of  
28 this section, the department shall create an advisory list of evidence-based  
29 or scientifically based instructional programming in reading AND  
30 SUPPORTING TECHNOLOGIES, INCLUDING SOFTWARE, FOR ASSESSING AND  
31 MONITORING STUDENT PROGRESS that local education providers are  
32 encouraged to use, which programming is AND TECHNOLOGY, INCLUDING  
33 SOFTWARE, ARE aligned with the recommended reading assessments,  
34 including the assessment required in subsection (2)(a)(II)(D) of this  
35 section. The advisory list may include only programming AND  
36 TECHNOLOGY, INCLUDING SOFTWARE, that, at a minimum:

37 (I) Has HAVE been proven to accelerate student progress in  
38 attaining reading competency;

39 (II) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, provides  
40 explicit and systematic skill development in the areas of phonemic  
41 awareness, phonics, vocabulary development, reading fluency including  
42 oral skills, and reading comprehension;

43 (II.5) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, is

1 evidence based or scientifically based and is aligned with the preschool  
2 through elementary and secondary education standards for reading  
3 adopted by the state board pursuant to section 22-7-1005;

4 (III) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, includes  
5 evidence-based or scientifically based and reliable assessments;

6 (IV) Provides PROVIDE initial and ongoing analysis of the  
7 student's progress in attaining reading competency; and

8 (V) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, includes  
9 texts on core academic content to assist the student in maintaining or  
10 meeting grade-appropriate proficiency levels in academic subjects in  
11 addition to reading.

12 (c) Using the procedure developed pursuant to subsection (3) of  
13 this section, the department shall create an advisory list of RIGOROUS  
14 professional development programs that are related to addressing  
15 significant reading deficiencies and to applying intervention instruction  
16 and strategies, in addition to programs related to teaching general literacy,  
17 that local education providers are encouraged to use. THE DEPARTMENT  
18 SHALL INCLUDE ON THE ADVISORY LIST PROFESSIONAL DEVELOPMENT  
19 PROGRAMS THAT ARE AVAILABLE ONLINE. THE DEPARTMENT SHALL  
20 ENSURE THAT EACH PROFESSIONAL DEVELOPMENT PROGRAM INCLUDED ON  
21 THE ADVISORY LIST IS:

22 (I) FOCUSED ON OR ALIGNS WITH THE SCIENCE OF READING,  
23 INCLUDING TEACHING IN THE AREAS OF PHONEMIC AWARENESS, PHONICS,  
24 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,  
25 AND READING COMPREHENSION; AND

26 (II) INCLUDES RIGOROUS EVALUATIONS OF LEARNING  
27 THROUGHOUT AND AT THE END OF THE COURSE THAT A PERSON TAKING  
28 THE COURSE MUST PASS TO SUCCESSFULLY COMPLETE THE COURSE.

29 (3) The department shall develop and implement a procedure for  
30 identifying the reading assessments it recommends to the state board for  
31 the approved list of reading assessments described in subsection (2)(a) of  
32 this section and for creating the advisory lists of instructional  
33 programming and professional development programs described in  
34 subsections (2)(b), (2)(c), and (2)(d) SUBSECTIONS (2)(b) AND (2)(c) of  
35 this section. At a minimum, the procedure must include:

36 (6) The department, upon request, may provide technical  
37 assistance to a local education provider in implementing the provisions  
38 of this part 12; EXCEPT THAT, IF A LOCAL EDUCATION PROVIDER IS  
39 ACCREDITED WITH TURNAROUND PLAN PURSUANT TO SECTION 22-11-208  
40 OR REQUIRED TO ADOPT A TURNAROUND PLAN PURSUANT TO SECTION  
41 22-11-210, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO  
42 THE LOCAL EDUCATION PROVIDER IN IMPLEMENTING THE PROVISIONS OF  
43 THIS PART 12.

1 (7) BEGINNING IN THE 2019-20 BUDGET YEAR, THE DEPARTMENT  
2 SHALL CONTRACT WITH AN ENTITY TO DEVELOP AND IMPLEMENT A PUBLIC  
3 INFORMATION CAMPAIGN TO EMPHASIZE THE IMPORTANCE OF LEARNING  
4 TO READ BY THIRD GRADE AND TO HIGHLIGHT THE LOCAL EDUCATION  
5 PROVIDERS THAT ARE ACHIEVING HIGH PERCENTAGES OF THIRD-GRADE  
6 STUDENTS WHO DEMONSTRATE READING COMPETENCY. THE PUBLIC  
7 INFORMATION CAMPAIGN MUST BE DISSEMINATED STATEWIDE AND MUST  
8 EMPHASIZE THE IMPORTANT ROLES THAT EDUCATORS AND PARENTS HAVE  
9 IN TEACHING CHILDREN TO READ AND IN PROVIDING A SCHOOL AND HOME  
10 ENVIRONMENT THAT PROMOTES READING. THE DEPARTMENT IS  
11 ENCOURAGED TO WORK WITH THE PUBLIC AND PRIVATE LIBRARY AGENCIES  
12 THROUGHOUT THE STATE IN DEVELOPING AND IMPLEMENTING THE PUBLIC  
13 INFORMATION CAMPAIGN.

14 (8) (a) BY OCTOBER 1, 2019, THE DEPARTMENT SHALL ISSUE A  
15 REQUEST FOR PROPOSALS TO CONTRACT WITH AN ENTITY TO ACT AS AN  
16 INDEPENDENT EVALUATOR TO PROVIDE INDEPENDENT EVALUATIONS OF  
17 THE USE OF PER-PUPIL INTERVENTION MONEY AND MONEY RECEIVED  
18 THROUGH THE EARLY LITERACY GRANT PROGRAM BY LOCAL EDUCATION  
19 PROVIDERS AND TO CONDUCT A MULTI-YEAR EVALUATION TO DETERMINE  
20 WHETHER THE STUDENT OUTCOMES ACHIEVED BY LOCAL EDUCATION  
21 PROVIDERS IN IMPLEMENTING THIS PART 12 MEET THE GOALS OF THIS PART  
22 12 AS DESCRIBED IN SECTION 22-7-1202 (2) AND (3)(a).

23 (b) THE COMMISSIONER OF EDUCATION SHALL DIRECT THE PROCESS  
24 FOR REVIEWING THE PROPOSALS RECEIVED AND FOR SELECTING THE  
25 ENTITY IN ACCORDANCE WITH THE PROCUREMENT LAWS APPLICABLE TO  
26 THE DEPARTMENT. IN SELECTING THE ENTITY, THE COMMISSIONER SHALL  
27 ENSURE THAT:

28 (I) THE SELECTED ENTITY DEMONSTRATES THE ABILITY AND  
29 CAPACITY TO SUCCESSFULLY COMPLETE THE EVALUATION AS DESCRIBED  
30 IN SUBSECTION (8)(c) OF THIS SECTION WITHIN THE SPECIFIED TIME FRAME;

31 (II) THE SELECTED ENTITY HAS EXPERTISE IN REVIEWING AND  
32 UNDERSTANDING THE COMPONENTS OF HIGH-QUALITY, EFFECTIVE  
33 READING CURRICULA, EDUCATION PROGRAMS, INSTRUCTION, STRATEGIES,  
34 AND INTERVENTIONS;

35 (III) THE SELECTED ENTITY HAS EXPERTISE IN REVIEWING THE  
36 IMPLEMENTATION OF ENGLISH LANGUAGE DEVELOPMENT PROGRAMS,  
37 ESPECIALLY WITH REGARD TO TEACHING READING; AND

38 (IV) THE SELECTED ENTITY HAS EXPERTISE IN UNDERSTANDING  
39 MEASUREMENTS OF STUDENT LEARNING AND ACADEMIC GROWTH.

40 (c) THE MULTI-YEAR EVALUATION OF THE IMPLEMENTATION OF  
41 THIS PART 12 MUST INCLUDE:

42 (I) EVALUATION OF THE EFFECTIVENESS OF THE PROCESSES,  
43 PROCEDURES, METHODS, AND STRATEGIES THAT LOCAL EDUCATION

1 PROVIDERS USE TO IMPLEMENT THE REQUIREMENTS OF THIS PART 12,  
2 INCLUDING AN INVENTORY TO ESTABLISH A BASELINE INDICATION OF THE  
3 TEACHING METHODS, STRATEGIES, AND MATERIALS USED BY LOCAL  
4 EDUCATION PROVIDERS TO TEACH READING IN KINDERGARTEN AND  
5 GRADES ONE THROUGH THREE;  
6 (II) MEASUREMENT OF THE RESULTS ATTAINED THAT INDICATE  
7 THE DEGREE TO WHICH THE GOALS OF THIS PART 12 HAVE BEEN MET,  
8 INCLUDING, AT A MINIMUM:  
9 (A) THE NUMBER OF STUDENTS ANNUALLY IDENTIFIED AS HAVING  
10 SIGNIFICANT READING DEFICIENCIES, INCLUDING THOSE INITIALLY  
11 IDENTIFIED AND THOSE WHO WERE IDENTIFIED IN A PREVIOUS SCHOOL  
12 YEAR;  
13 (B) WHETHER STUDENTS IDENTIFIED AS HAVING SIGNIFICANT  
14 READING DEFICIENCIES DEMONSTRATE SIGNIFICANT ANNUAL GROWTH IN  
15 READING OVER MULTIPLE YEARS AND AN INDICATION OF THE AMOUNT OF  
16 GROWTH ATTAINED ANNUALLY;  
17 (C) WHETHER STUDENTS IDENTIFIED AS HAVING SIGNIFICANT  
18 READING DEFICIENCIES DEMONSTRATE GRADE-LEVEL READING  
19 COMPETENCY BY COMPLETION OF THIRD GRADE OR BY COMPLETION OF A  
20 LATER GRADE;  
21 (D) THE NUMBER OF STUDENTS ANNUALLY IDENTIFIED AS READING  
22 BELOW GRADE LEVEL; AND  
23 (E) WHETHER THE STUDENTS IDENTIFIED AS READING BELOW  
24 GRADE LEVEL DEMONSTRATE SIGNIFICANT GROWTH IN READING TO THE  
25 EXTENT THAT THEY ARE READING AT GRADE LEVEL BY COMPLETION OF  
26 THIRD GRADE OR BY COMPLETION OF A LATER GRADE, AND AN INDICATION  
27 OF THE AMOUNT OF GROWTH ATTAINED ANNUALLY;  
28 (III) ESTABLISHMENT OF A BASELINE INDICATION OF THE LEVEL  
29 AND QUALITY OF PRE-SERVICE AND IN-SERVICE TRAINING IN TEACHING  
30 READING RECEIVED BY EACH EDUCATOR WHO IS EMPLOYED IN A PUBLIC  
31 SCHOOL TO TEACH KINDERGARTEN OR ONE OF GRADES ONE THROUGH  
32 THREE; AND  
33 (IV) EVALUATION OF THE DEGREE TO WHICH LOCAL EDUCATION  
34 PROVIDERS EFFECTIVELY WORK WITH PARENTS AND MEMBERS OF THE  
35 COMMUNITY TO CREATE PARTNERSHIPS FOR PROVIDING AND  
36 ENCOURAGING READING INSTRUCTION FOR STUDENTS ENROLLED IN  
37 KINDERGARTEN AND GRADES ONE THROUGH THREE.  
38 (d) IN COMPLETING THE MULTI-YEAR EVALUATION, THE  
39 INDEPENDENT EVALUATOR SHALL TAKE INTO ACCOUNT STUDENT MOBILITY  
40 WITHIN, AND THE STUDENT DEMOGRAPHICS OF, EACH LOCAL EDUCATION  
41 PROVIDER, INCLUDING AT THE SCHOOL-BUILDING LEVEL. THE  
42 INDEPENDENT EVALUATOR SHALL WORK DIRECTLY WITH THE  
43 DEPARTMENT, LOCAL EDUCATION PROVIDERS, AND PARENTS AND

1 COMMUNITY MEMBERS IN COMPLETING THE EVALUATION.

2 (e) THE INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO  
3 THIS SUBSECTION (8) SHALL COMPLETE THE EVALUATION OF THE  
4 IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SUBSECTION (8)(c) OF  
5 THIS SECTION BY JULY 1, 2021. THE DEPARTMENT SHALL INCLUDE A  
6 REPORT OF THE EVALUATION IN THE HEARING BEFORE THE JOINT  
7 EDUCATION COMMITTEE HELD PURSUANT TO SECTION 2-7-203 IN  
8 NOVEMBER OR DECEMBER 2021. THE INDEPENDENT EVALUATOR SHALL  
9 CONTINUE EVALUATIONS OF THE GROWTH IN READING ACHIEVED BY  
10 LOCAL EDUCATION PROVIDERS' USE OF PER-PUPIL INTERVENTION MONEY  
11 AND MONEY RECEIVED THROUGH THE EARLY LITERACY GRANT PROGRAM.

12 **SECTION 7.** In Colorado Revised Statutes, 22-7-1210, **amend**  
13 **(4)(b)(IV); repeal (5) and (6); and add (4)(c) and (4)(d) as follows:**

14 **22-7-1210. Early literacy fund - created - repeal.** (4) The  
15 money in the fund is subject to annual appropriation by the general  
16 assembly to the department. The department shall annually expend the  
17 money in the fund as follows:

18 (b) Beginning in the 2013-14 budget year and for budget years  
19 thereafter:

20 (IV) The department shall allocate the remaining money annually  
21 credited to the fund, as provided in the annual general appropriations bill,  
22 to the local education providers as per-pupil intervention money  
23 calculated pursuant to subsection (5) of this section, AS IT EXISTED PRIOR  
24 TO THE EFFECTIVE DATE OF SUBSECTION (4)(c) OF THIS SECTION.

25 (c) (I) IN ADDITION TO THE ALLOCATIONS DESCRIBED IN  
26 SUBSECTION (4)(b) OF THIS SECTION, FOR THE 2019-20 BUDGET YEAR, THE  
27 DEPARTMENT SHALL EXPEND:

28 (A) UP TO FIVE HUNDRED THOUSAND DOLLARS TO IMPLEMENT THE  
29 PUBLIC INFORMATION CAMPAIGN TO PROMOTE READING DESCRIBED IN  
30 SECTION 22-7-1209 (7); AND

31 (B) NO MORE THAN TWO MILLION DOLLARS TO CONTRACT WITH A  
32 QUALIFIED ENTITY AS AN INDEPENDENT EVALUATOR TO EVALUATE THE  
33 IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SECTION 22-7-1209  
34 (8).

35 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(b)(II)  
36 AND (4)(b)(IV) OF THIS SECTION, FOR THE 2019-20 BUDGET YEAR, OF THE  
37 AMOUNT THAT REMAINS AFTER THE ALLOCATIONS DESCRIBED IN  
38 SUBSECTIONS (4)(b)(I), (4)(b)(III), AND (4)(c)(I) OF THIS SECTION, AS  
39 PROVIDED IN THE ANNUAL GENERAL APPROPRIATIONS BILL, THE  
40 DEPARTMENT SHALL USE TEN PERCENT FOR GRANTS AWARDED THROUGH  
41 THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION 22-7-1211,  
42 WHICH IS IN ADDITION TO THE AMOUNT DESCRIBED IN SUBSECTION  
43 (4)(b)(II) OF THIS SECTION, AND ALLOCATE NINETY PERCENT TO LOCAL

1 EDUCATION PROVIDERS AS PER-PUPIL INTERVENTION MONEY AS PROVIDED  
2 IN SECTION 22-7-1210.5.

3 (III) SUBSECTION (4)(b) OF THIS SECTION AND THIS SUBSECTION  
4 (4)(c) ARE REPEALED, EFFECTIVE JULY 1, 2020.

5 (d) BEGINNING IN THE 2020-21 BUDGET YEAR AND FOR BUDGET  
6 YEARS THEREAFTER, THE DEPARTMENT MAY USE UP TO ONE PERCENT OF  
7 THE MONEY ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE  
8 COSTS OF ADMINISTERING THIS PART 12, AND THE DEPARTMENT SHALL  
9 USE:

10 (I) UP TO FIVE HUNDRED THOUSAND DOLLARS, AS PROVIDED IN THE  
11 ANNUAL GENERAL APPROPRIATIONS BILL, TO IMPLEMENT THE PUBLIC  
12 INFORMATION CAMPAIGN TO PROMOTE READING DESCRIBED IN SECTION  
13 22-7-1209 (7);

14 (II) UP TO TWO MILLION DOLLARS, AS PROVIDED IN THE ANNUAL  
15 GENERAL APPROPRIATIONS BILL, TO CONTRACT WITH A QUALIFIED ENTITY  
16 AS AN INDEPENDENT EVALUATOR TO EVALUATE THE IMPLEMENTATION OF  
17 THIS PART 12 AS DESCRIBED IN SECTION 22-7-1209 (8);

18 (III) AT LEAST FOUR MILLION DOLLARS, AS PROVIDED IN THE  
19 ANNUAL GENERAL APPROPRIATIONS BILL, FOR GRANTS AWARDED  
20 THROUGH THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION  
21 22-7-1211; AND

22 (IV) OF THE REMAINING AMOUNT CREDITED TO THE FUND, THE  
23 AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS BILL FOR  
24 THE EARLY LITERACY GRANT PROGRAM, WHICH IS IN ADDITION TO THE  
25 AMOUNT SPECIFIED IN SUBSECTION (4)(d)(III) OF THIS SECTION, AND THE  
26 AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS BILL FOR  
27 ALLOCATION TO LOCAL EDUCATION PROVIDERS AS PER-PUPIL  
28 INTERVENTION MONEY AS PROVIDED IN SECTION 22-7-1210.5.

29 ~~(5) (a) (i) The department shall allocate the per-pupil intervention~~  
30 ~~moneys to the local education providers as required in subparagraph (iv)~~  
31 ~~of paragraph (b) of subsection (4) of this section by first dividing the~~  
32 ~~amount of moneys available by the total number of students enrolled in~~  
33 ~~kindergarten and first, second, and third grades in public schools in the~~  
34 ~~state who were identified as having significant reading deficiencies and~~  
35 ~~received instructional services pursuant to READ plans in the budget year~~  
36 ~~preceding the year in which the moneys are allocated. The department~~  
37 ~~shall then allocate to each local education provider an amount equal to~~  
38 ~~said per-pupil amount multiplied by the number of students enrolled in~~  
39 ~~kindergarten and first, second, and third grades in public schools operated~~  
40 ~~by the local education provider who were identified as having significant~~  
41 ~~reading deficiencies and received instructional services pursuant to~~  
42 ~~READ plans in the budget year preceding the year in which the moneys~~  
43 ~~are allocated.~~

1                   ~~(II) Repeated:~~  
2                   ~~(b) A local education provider may use the per-pupil intervention~~  
3                   ~~money only as follows:~~  
4                   ~~(I) To provide full-day kindergarten services to students enrolled~~  
5                   ~~in one or more of the public schools operated by the local education~~  
6                   ~~provider;~~  
7                   ~~(II) To operate a summer school literacy program as described in~~  
8                   ~~section 22-7-1212;~~  
9                   ~~(III) To purchase tutoring services in reading for students who are~~  
10                  ~~receiving instructional services pursuant to READ plans;~~  
11                  ~~(III.5) (Deleted by amendment, L. 2018.)~~  
12                  ~~(IV) To provide other targeted, scientifically based or~~  
13                  ~~evidence-based intervention services to students who are receiving~~  
14                  ~~instructional services pursuant to READ plans, which services are~~  
15                  ~~approved by the department;~~  
16                  ~~(V) For a local education provider that is a small rural school~~  
17                  ~~district as defined in section 22-7-1211 (4)(a); to purchase from a board~~  
18                  ~~of cooperative services the services of a literacy specialist to provide~~  
19                  ~~educator professional development in literacy and other support in~~  
20                  ~~implementing the requirements of this part 12; or~~  
21                  ~~(VI) To provide professional development programming to~~  
22                  ~~support educators in teaching literacy; except that a local education~~  
23                  ~~provider may not use more than fifteen percent of the per-pupil~~  
24                  ~~intervention money received in a budget year for this purpose.~~  
25                  ~~Professional development programming authorized in this subsection~~  
26                  ~~(5)(b)(VI) may include literacy coaches who provide job-embedded;~~  
27                  ~~ongoing professional development to support~~  
28                  ~~kindergarten-through-third-grade teacher competence in the~~  
29                  ~~evidence-based or scientifically based teaching of phonemic awareness;~~  
30                  ~~phonics; vocabulary development; reading fluency; including oral skills;~~  
31                  ~~and reading comprehension:~~  
32                  ~~(c) Each budget year, prior to receiving per-pupil intervention~~  
33                  ~~money, each local education provider shall submit to the department, for~~  
34                  ~~informational purposes, an explanation of the manner in which it will use~~  
35                  ~~the money in the coming budget year and the number of students for~~  
36                  ~~which the local education provider may receive per-pupil intervention~~  
37                  ~~money. If the local education provider intends to provide a service~~  
38                  ~~described in subsection (5)(b)(IV) of this section, the department shall~~  
39                  ~~review the service and provide the per-pupil intervention money for the~~  
40                  ~~service only if the service meets the requirements specified in subsection~~  
41                  ~~(5)(b)(IV) of this section. Upon the request of the department, a local~~  
42                  ~~education provider shall provide specific expenditure information to the~~  
43                  ~~department that specifies the manner in which the local education~~

1 provider spent the per-pupil intervention money it received in a budget  
2 year.

3 (d) In using the per-pupil intervention moneys allocated pursuant  
4 to this subsection (5), each local education provider shall ensure that  
5 some type of intervention, as described in paragraph (b) of this subsection  
6 (5), is available to each student who is identified as having a significant  
7 reading deficiency and who is enrolled in kindergarten or first, second, or  
8 third grade in a school operated by the local education provider.

9 (6) Each local education provider shall ensure that the per-pupil  
10 intervention money it receives in each budget year is used to improve the  
11 reading competency of students enrolled in kindergarten and grades one  
12 through three and does not replace other money that would otherwise be  
13 used for this purpose.

14 **SECTION 8.** In Colorado Revised Statutes, add 22-7-1210.5 as  
15 follows:

16 **22-7-1210.5. Per-pupil intervention money - uses - distribution**  
17 **- monitoring.** (1) TO DISTRIBUTE THE MONEY APPROPRIATED PURSUANT  
18 TO SECTION 22-7-1210 (4) FOR PER-PUPIL INTERVENTION MONEY, THE  
19 DEPARTMENT SHALL ANNUALLY CALCULATE THE PER-PUPIL AMOUNT BY  
20 DIVIDING THE AMOUNT OF MONEY AVAILABLE BY THE TOTAL NUMBER OF  
21 STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD  
22 GRADES IN PUBLIC SCHOOLS IN THE STATE WHO WERE IDENTIFIED AS  
23 HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED  
24 INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET  
25 YEAR PRECEDING THE YEAR IN WHICH THE MONEY IS DISTRIBUTED.  
26 SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A LOCAL EDUCATION  
27 PROVIDER MAY RECEIVE PER-PUPIL INTERVENTION MONEY IN AN AMOUNT  
28 EQUAL TO THE CALCULATED PER-PUPIL AMOUNT MULTIPLIED BY THE  
29 NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND,  
30 AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL  
31 EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT  
32 READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES  
33 PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR  
34 IN WHICH THE MONEY IS DISTRIBUTED.

35 (2) BEFORE THE BEGINNING OF EACH BUDGET YEAR, TO RECEIVE  
36 A DISTRIBUTION OF PER-PUPIL INTERVENTION MONEY, A LOCAL EDUCATION  
37 PROVIDER MUST SUBMIT TO THE DEPARTMENT BY THE DATE SPECIFIED BY  
38 STATE BOARD RULE:

39 (a) THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND  
40 FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE  
41 LOCAL EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING  
42 SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL  
43 SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING

1 THE YEAR IN WHICH THE MONEY IS DISTRIBUTED; AND  
2 (b) A BUDGET, INCLUDING A NARRATIVE EXPLANATION, FOR THE  
3 USE OF THE PER-PUPIL INTERVENTION MONEY IN ACCORDANCE WITH THE  
4 USES DESCRIBED IN SUBSECTION (4) OF THIS SECTION.  
5 (3) (a) AT THE BEGINNING OF EACH BUDGET YEAR, THE  
6 DEPARTMENT SHALL DISTRIBUTE TO A LOCAL EDUCATION PROVIDER THAT  
7 MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3)(b) OF THIS  
8 SECTION THE AMOUNT OF PER-PUPIL INTERVENTION MONEY CALCULATED  
9 FOR THE LOCAL EDUCATION PROVIDER PURSUANT TO SUBSECTION (1) OF  
10 THIS SECTION FOR THE APPLICABLE BUDGET YEAR.  
11 (b) TO RECEIVE PER-PUPIL INTERVENTION MONEY IN A BUDGET  
12 YEAR, A LOCAL EDUCATION PROVIDER MUST MEET THE FOLLOWING  
13 REQUIREMENTS:  
14 (I) THE LOCAL EDUCATION PROVIDER MUST SUBMIT THE  
15 INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND IN  
16 SECTION 22-7-1213 (2);  
17 (II) THE DEPARTMENT MUST APPROVE THE LOCAL EDUCATION  
18 PROVIDER'S PROPOSED USE OF THE PER-PUPIL INTERVENTION MONEY AS  
19 BEING IN COMPLIANCE WITH THE REQUIREMENTS IN SUBSECTION (4) OF  
20 THIS SECTION;  
21 (III) FOR THE PRECEDING BUDGET YEAR, THE LOCAL EDUCATION  
22 PROVIDER MUST HAVE USED THE MONEY FOR ONE OR MORE OF THE  
23 PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION; EXCEPT THAT  
24 THE PROVISIONS OF THIS SUBSECTION (3)(a)(III) DO NOT APPLY IF THE  
25 LOCAL EDUCATION PROVIDER DID NOT RECEIVE A DISTRIBUTION OF  
26 PER-PUPIL INTERVENTION MONEY IN THE PRECEDING BUDGET YEAR; AND  
27 (IV) IF THE LOCAL EDUCATION PROVIDER IS EXPECTING TO USE THE  
28 PER-PUPIL INTERVENTION MONEY FOR TARGETED INTERVENTION SERVICES  
29 AS DESCRIBED IN SUBSECTION (4)(d) OF THIS SECTION, THE DEPARTMENT  
30 REVIEWED AND APPROVED THE SERVICES. THE DEPARTMENT SHALL NOT  
31 APPROVE SERVICES THAT HAVE NOT BEEN IMPLEMENTED AND PROVEN TO  
32 BE SUCCESSFUL WITH A STUDENT POPULATION AND UNDER  
33 CIRCUMSTANCES THAT ARE COMPARABLE TO THOSE OF THE LOCAL  
34 EDUCATION PROVIDER OR THAT ARE NOT SUPPORTED BY VALID RESEARCH  
35 THAT SUGGESTS THE SERVICES WILL BE EFFECTIVE WITH THE STUDENT  
36 POPULATION SERVED BY, AND UNDER THE CIRCUMSTANCES OF, THE LOCAL  
37 EDUCATION PROVIDER.  
38 (c) THROUGHOUT THE BUDGET YEAR, THE DEPARTMENT SHALL  
39 MONITOR AND, IF DEEMED NECESSARY BY THE DEPARTMENT, AUDIT EACH  
40 LOCAL EDUCATION PROVIDER'S USE OF THE PER-PUPIL INTERVENTION  
41 MONEY IT RECEIVES. THE DEPARTMENT MAY CONDUCT SITE VISITS TO THE  
42 EXTENT DEEMED NECESSARY TO ADEQUATELY MONITOR A LOCAL  
43 EDUCATION PROVIDER'S USE OF PER-PUPIL INTERVENTION MONEY. EACH

1 LOCAL EDUCATION PROVIDER SHALL PROVIDE, UPON REQUEST BY THE  
2 DEPARTMENT, INFORMATION NECESSARY FOR THE DEPARTMENT TO  
3 COMPLY WITH THIS SUBSECTION (3)(c).

4 (4) A LOCAL EDUCATION PROVIDER MAY USE THE PER-PUPIL  
5 INTERVENTION MONEY ONLY AS FOLLOWS:

6 (a) TO OPERATE A SUMMER SCHOOL LITERACY PROGRAM AS  
7 DESCRIBED IN SECTION 22-7-1212;

8 (b) TO PURCHASE CORE READING INSTRUCTIONAL PROGRAMS THAT  
9 ARE INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL PROGRAMMING  
10 IN READING AND SUPPORTING TECHNOLOGIES DEVELOPED BY THE  
11 DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(b);

12 (c) TO PURCHASE TUTORING SERVICES THAT FOCUS ON INCREASING  
13 STUDENTS' FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS,  
14 PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING  
15 ORAL SKILLS, AND READING COMPREHENSION FOR STUDENTS WHO ARE  
16 RECEIVING INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS;

17 (d) TO PROVIDE OTHER TARGETED, EVIDENCE-BASED OR  
18 SCIENTIFICALLY BASED INTERVENTION SERVICES TO STUDENTS WHO ARE  
19 RECEIVING INSTRUCTIONAL SERVICES, WHICH MAY INCLUDE SERVICES  
20 PROVIDED BY A READING INTERVENTIONIST, PURSUANT TO READ PLANS,  
21 WHICH SERVICES ARE APPROVED BY THE DEPARTMENT;

22 (e) TO PROVIDE TECHNOLOGY, INCLUDING SOFTWARE, WHICH IS  
23 INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL PROGRAMMING IN  
24 READING AND SUPPORTING TECHNOLOGIES PURSUANT TO SECTION  
25 22-7-1209 (2)(b), TO ASSIST IN ASSESSING AND MONITORING STUDENT  
26 PROGRESS TOWARD READING COMPETENCY, WHICH MAY INCLUDE  
27 PROVIDING PROFESSIONAL DEVELOPMENT IN THE EFFECTIVE USE OF THE  
28 TECHNOLOGY OR SOFTWARE;

29 (f) FOR A LOCAL EDUCATION PROVIDER THAT IS A SMALL RURAL  
30 SCHOOL DISTRICT AS DEFINED IN SECTION 22-7-1211 (4)(b), TO PURCHASE  
31 FROM A BOARD OF COOPERATIVE SERVICES THE SERVICES OF A READING  
32 SPECIALIST OR READING INTERVENTIONIST WHO IS TRAINED IN THE  
33 SCIENCE OF READING AND IN TEACHING THE FOUNDATIONAL READING  
34 SKILLS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,  
35 READING FLUENCY INCLUDING ORAL SKILLS, AND READING  
36 COMPREHENSION TO PROVIDE EDUCATOR PROFESSIONAL DEVELOPMENT IN  
37 TEACHING READING AND OTHER SUPPORT IN IMPLEMENTING THE  
38 REQUIREMENTS OF THIS PART 12; OR

39 (g) TO PROVIDE PROFESSIONAL DEVELOPMENT PROGRAMMING TO  
40 SUPPORT EDUCATORS IN TEACHING READING. PROFESSIONAL  
41 DEVELOPMENT PROGRAMMING AUTHORIZED IN THIS SUBSECTION (4)(g)  
42 MAY INCLUDE HIRING A READING COACH WHO IS TRAINED IN TEACHING  
43 THE FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS,

1 VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS,  
2 AND READING COMPREHENSION TO PROVIDE JOB-EMBEDDED, ONGOING  
3 PROFESSIONAL DEVELOPMENT TO SUPPORT  
4 KINDERGARTEN-THROUGH-THIRD-GRADE TEACHER COMPETENCE IN  
5 TEACHING PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT,  
6 READING FLUENCY INCLUDING ORAL SKILLS, AND READING  
7 COMPREHENSION. A LOCAL EDUCATION PROVIDER THAT HAS NOT FULLY  
8 COMPLIED WITH SECTION 22-7-1208 (6) IS STRONGLY ENCOURAGED TO USE  
9 PER-PUPIL INTERVENTION MONEY TO ENSURE THAT ALL TEACHERS  
10 EMPLOYED BY THE LOCAL EDUCATION PROVIDER TO TEACH  
11 KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE SUCCESSFULLY  
12 COMPLETE EVIDENCE-BASED TRAINING IN TEACHING READING BEFORE  
13 USING THE MONEY FOR OTHER AUTHORIZED PURPOSES.

14 (5) IN USING THE PER-PUPIL INTERVENTION MONEY DISTRIBUTED  
15 PURSUANT TO THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL  
16 ENSURE THAT SOME TYPE OF INTERVENTION, AS DESCRIBED IN SUBSECTION  
17 (4) OF THIS SECTION, IS AVAILABLE TO EACH STUDENT WHO IS IDENTIFIED  
18 AS HAVING A SIGNIFICANT READING DEFICIENCY AND WHO IS ENROLLED IN  
19 KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE IN A SCHOOL  
20 OPERATED BY THE LOCAL EDUCATION PROVIDER.

21 (6) (a) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT  
22 THE PER-PUPIL INTERVENTION MONEY IT RECEIVES IN EACH BUDGET YEAR  
23 IS USED TO IMPROVE THE READING COMPETENCY OF STUDENTS ENROLLED  
24 IN KINDERGARTEN AND GRADES ONE THROUGH THREE WHO ARE  
25 IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR RECEIVE  
26 INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS AND DOES NOT  
27 REPLACE OTHER MONEY THAT WOULD OTHERWISE BE USED FOR THIS  
28 PURPOSE.

29 (b) A LOCAL EDUCATION PROVIDER MAY RETAIN UP TO FIFTEEN  
30 PERCENT OF THE AMOUNT OF PER-PUPIL INTERVENTION MONEY IT  
31 RECEIVES IN A BUDGET YEAR FOR USE IN ACCORDANCE WITH THIS SECTION  
32 IN THE NEXT BUDGET YEAR. IF A LOCAL EDUCATION PROVIDER RETAINS  
33 MORE THAN THE AMOUNT AUTHORIZED IN THIS SUBSECTION (6)(b), THE  
34 DEPARTMENT SHALL REDUCE THE AMOUNT OF PER-PUPIL INTERVENTION  
35 MONEY THAT THE LOCAL EDUCATION PROVIDER IS ELIGIBLE TO RECEIVE IN  
36 THE NEXT BUDGET YEAR BY THE EXCESS RETENTION AMOUNT.

37 **SECTION 9.** In Colorado Revised Statutes, 22-7-1211, **amend**  
38 (1), (2)(a), (2)(b), (3) introductory portion, (3)(a), and (3)(b); and **add**  
39 (2)(b.3), (2)(b.5), and (3.5) as follows:

40 **22-7-1211. Early literacy grant program - created -**  
41 **definitions.** (1) (a) There is created in the department the early literacy  
42 grant program to provide money to local education providers to  
43 implement literacy support and intervention instruction programs,

1 including but not limited to related professional development programs,  
2 to assist students in kindergarten and first, second, and third grades to  
3 achieve reading competency. THE STATE BOARD MAY AWARD A GRANT TO  
4 AN APPLYING LOCAL EDUCATION PROVIDER THAT IS A SCHOOL DISTRICT ON  
5 A DISTRICT-WIDE BASIS OR TO INDIVIDUAL SCHOOLS OF THE SCHOOL  
6 DISTRICT. A LOCAL EDUCATION PROVIDER MAY APPLY INDIVIDUALLY OR  
7 AS PART OF A GROUP OF LOCAL EDUCATION PROVIDERS. The state board by  
8 rule shall establish the application timelines and the information to be  
9 included in each grant application. THE STATE BOARD SHALL NOT, AS A  
10 CONDITION OF APPLYING FOR OR RECEIVING A GRANT, RESTRICT AN  
11 APPLICANT'S ABILITY TO USE ANY OF THE ASSESSMENTS INCLUDED ON THE  
12 APPROVED LIST OF ASSESSMENTS ADOPTED PURSUANT TO SECTION  
13 22-7-1209 (1)(b).

14 (b) In adopting rules, the state board shall ensure that a local  
15 education provider that is a rural school district or a small rural school  
16 district, or a district charter school or an institute charter school that is  
17 located within the boundaries of a rural school district or small rural  
18 school district, may submit a simplified grant application. ~~A local~~  
19 ~~education provider may apply individually or as part of a group of local~~  
20 ~~education providers:~~ A rural school district that is a member of a board of  
21 cooperative services may seek assistance in writing the grant application  
22 from the board of cooperative services. A board of cooperative services  
23 may apply for a grant to provide instructional support in literacy for small  
24 rural school districts that are members of the board of cooperative  
25 services.

26 (2) The department shall review each grant application received  
27 and recommend to the state board whether to award the grant and the  
28 duration and amount of each grant. In making recommendations, the  
29 department shall consider the following factors:

30 (a) The percentage of kindergarten and first-, second-, and  
31 third-grade students enrolled by the applying local education provider or  
32 group of local education providers who have significant reading  
33 deficiencies AND THE PERCENTAGE OF KINDERGARTEN AND FIRST-,  
34 SECOND-, AND THIRD-GRADE STUDENTS WHO DO NOT HAVE SIGNIFICANT  
35 READING DEFICIENCIES BUT WHO ARE NOT MEETING THE GRADE-LEVEL  
36 EXPECTATIONS IN READING ADOPTED BY THE STATE BOARD;

37 (b) The instructional program that the applying local education  
38 provider or group of local education providers plans to implement using  
39 the grant moneys MONEY and whether it is an evidence-based program  
40 that is proven to be successful in other public schools in ~~the country~~  
41 COLORADO OR IN OTHER STATES;

42 (b.3) WHETHER THE LOCAL EDUCATION PROVIDER OR GROUP OF  
43 LOCAL EDUCATION PROVIDERS EMPLOYS READING COACHES OR PLANS TO

1 USE ALL OR A PORTION OF THE GRANT MONEY TO EMPLOY READING  
2 COACHES;

3 (b.5) THE DEGREE TO WHICH THE INSTRUCTIONAL PROGRAM  
4 INCORPORATES THE EFFECTIVE USE OF TECHNOLOGY, INCLUDING  
5 SOFTWARE, TO ASSIST IN ASSESSING AND MONITORING STUDENT PROGRESS  
6 TOWARD READING COMPETENCY;

7 (3) Based on the recommendations of the department, the state  
8 board shall award grants to applying local education providers or groups  
9 of local education providers, which grants are paid from money in the  
10 early literacy fund created in section 22-7-1210. Of the money allocated  
11 for the early literacy grant program pursuant to ~~section 22-7-1210~~  
12 ~~(4)(b)(H)~~ SECTION 22-7-1210 (4), the state board shall annually:

13 (a) Award up to ten percent to applicants that have previously  
14 received a grant to fund school-wide literacy initiatives THAT HAVE  
15 RESULTED IN SIGNIFICANT STUDENT ACADEMIC GROWTH TOWARD READING  
16 COMPETENCY, AS DETERMINED BY AN INDEPENDENT EVALUATOR AS  
17 PROVIDED IN SECTION 22-7-1209 (8), and that are requesting an additional  
18 year of funding to assist the local education provider in sustainability  
19 planning for the initiatives, including the continuing use of literacy  
20 coaches;

21 (b) Award up to fifteen percent to fund professional development  
22 initiatives for local education providers that are already implementing  
23 evidence-based or scientifically based universal instruction and  
24 interventions THAT ARE RESULTING IN SIGNIFICANT STUDENT ACADEMIC  
25 GROWTH TOWARD READING COMPETENCY, AS DETERMINED BY AN  
26 INDEPENDENT EVALUATOR AS PROVIDED IN SECTION 22-7-1209 (8); and

27 (3.5) (a) UPON COMPLETION OF THE TERM OF A GRANT, IF AN  
28 INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8),  
29 DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT  
30 MONEY HAS RESULTED IN SIGNIFICANT STUDENT ACADEMIC GROWTH  
31 TOWARD READING COMPETENCY, AND IF THE LOCAL EDUCATION PROVIDER  
32 REQUESTS AN EXTENSION OF THE GRANT, THE STATE BOARD SHALL  
33 EXTEND THE GRANT FOR A PERIOD RECOMMENDED BY THE DEPARTMENT.  
34 THE STATE BOARD SHALL INCREASE THE AMOUNT OF THE GRANT IF  
35 NECESSARY TO ENABLE THE LOCAL EDUCATION PROVIDER TO EXPAND OR  
36 ENHANCE IMPLEMENTATION OF THE INSTRUCTIONAL PROGRAM.

37 (b) UPON COMPLETION OF THE TERM OF A GRANT, IF AN  
38 INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8),  
39 DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT  
40 MONEY HAS NOT RESULTED IN SIGNIFICANT ACADEMIC STUDENT GROWTH  
41 TOWARD READING COMPETENCY, THE STATE BOARD SHALL NOT EXTEND  
42 OR RENEW THE GRANT.

43 **SECTION 10.** In Colorado Revised Statutes, 22-7-1213, **amend**

1 (2); and add (1.5) as follows:

2 **22-7-1213. Reporting requirements.** (1.5) EACH LOCAL  
3 EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT AND TO THE  
4 INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO SECTION  
5 22-7-1209 (8) ANY INFORMATION REQUIRED BY THE DEPARTMENT OR THE  
6 INDEPENDENT EVALUATOR TO COMPLETE THE EVALUATION DESCRIBED IN  
7 SECTION 22-7-1209 (8).

8 (2) Each local education provider that receives an early literacy  
9 grant pursuant to section 22-7-1211 or per-pupil intervention moneys  
10 MONEY shall, at the conclusion of each budget year in which it receives  
11 the grant or per-pupil intervention moneys MONEY, submit to the  
12 department information describing:

13 (a) ~~The instructional programs, full-day kindergarten program,~~  
14 ~~summer school literacy program, tutoring services, or other intervention~~  
15 ~~services~~ IN DETAIL, THE SPECIFIC EXPENDITURES for which the local  
16 education provider used the grant or per-pupil intervention moneys  
17 MONEY;

18 (a.5) IF THE LOCAL EDUCATION PROVIDER PURCHASED  
19 INSTRUCTIONAL PROGRAMMING IN READING USING GRANT OR PER-PUPIL  
20 INTERVENTION MONEY, THE SCORES ATTAINED BY STUDENTS ENROLLED  
21 IN KINDERGARTEN THROUGH THIRD GRADE ON THE INTERIM READING  
22 ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1205;

23 (b) The number and grade levels of students who participated in  
24 each of the types of programs or services provided; and

25 (c) The progress made by participating students in achieving  
26 reading competency.

27 **SECTION 11.** In Colorado Revised Statutes, 22-7-1214, add  
28 (1.5) as follows:

29 **22-7-1214. READ plan evaluation working group - created -**  
30 **report - repeal.** (1.5) IN REVIEWING THE CREATION AND USE OF READ  
31 PLANS, THE WORKING GROUP SHALL ALSO CONSIDER AND MAKE  
32 RECOMMENDATIONS CONCERNING THE TYPE AND LEVEL OF SUPPORT AND  
33 PROFESSIONAL DEVELOPMENT THAT TEACHERS REQUIRE TO EFFECTIVELY  
34 CREATE AND IMPLEMENT READ PLANS.

35 **SECTION 12. Safety clause.** The general assembly hereby finds,  
36 determines, and declares that this act is necessary for the immediate  
37 preservation of the public peace, health, and safety."

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