

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0643.01 Brita Darling x2241

**HOUSE BILL 21-1234**

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**HOUSE SPONSORSHIP**

**Tipper and Bradfield, Larson, McLachlan, Young**

**SENATE SPONSORSHIP**

**Moreno and Rankin,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING REDUCING STUDENT LEARNING LOSS THROUGH THE**  
102       **CREATION OF HIGH-IMPACT TUTORING PROGRAMS, AND, IN**  
103       **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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 creates the Colorado high-impact tutoring program (program) to provide grant funding to local education providers, as defined in the bill, to create high-impact tutoring programs (tutoring programs) to address student learning loss and unfinished learning due to the presence of the COVID-19 pandemic in Colorado. A local education

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.*

provider or group of providers may apply to the department of education (department) for a grant.

To receive a grant, a local education provider shall apply to the department and shall demonstrate need, as determined by the department, which may include serving low-income or underserved students.

The application must also include the local education provider's plan for its tutoring program (program plan), which must include the elements of a tutoring program and must detail how the local education provider will implement the program plan.

The department shall review grant applications, and the commissioner of education (commissioner) shall award grants. In awarding grants, the commissioner shall consider the alignment of the local education provider's program plan with the requirements of the tutoring program, the number of students projected to be served, the needs of a rural local education provider for financial or technical support to implement a tutoring program, the cost of implementing the local education provider's tutoring program, the amount of available money for program grants, and any other criteria determined by the commissioner. The state board of education may promulgate rules necessary to implement the program.

In each year in which a grant is awarded, the bill requires a local education provider receiving a grant to report to the department information concerning the implementation of the tutoring program, including student outcomes. The department shall also report annually to the education committees of the general assembly, summarizing local education providers' tutoring programs and student outcomes.

The department is not required to implement the program if there is insufficient money to award program grants.

The bill repeals the program after 5 years.

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

2             **SECTION 1.** In Colorado Revised Statutes, **add** article 104 to  
3 title 22 as follows:

4                             **ARTICLE 104**

5                             **Colorado High-impact Tutoring Program**

6             **22-104-101. Legislative declaration.** (1) THE GENERAL  
7 ASSEMBLY FINDS THAT:

8             (a) SIGNIFICANT INTERRUPTIONS TO IN-PERSON LEARNING DUE TO

1 THE COVID-19 PANDEMIC HAVE LED TO POTENTIALLY DEVASTATING AND  
2 LONG-LASTING NEGATIVE IMPACTS ON STUDENT ACHIEVEMENT,  
3 IMPACTING EVERY PART OF COLORADO SOCIETY;

4 (b) THESE NEGATIVE IMPACTS ON STUDENT ACHIEVEMENT ARE NOT  
5 EQUAL; STUDENTS FURTHEST FROM PRIVILEGE ARE AT RISK OF FALLING  
6 BEHIND THE MOST;

7 (c) RESEARCH SUGGESTS THAT WHILE ALL STUDENTS MAY FALL  
8 BEHIND AS MUCH AS SEVEN MONTHS BECAUSE OF INTERRUPTIONS TO  
9 IN-PERSON LEARNING DUE TO THE COVID-19 PANDEMIC, STUDENTS WHO  
10 IDENTIFY AS BLACK, LATINO, OR LOWER INCOME MAY FALL BEHIND AS  
11 MUCH AS TEN MONTHS, EXACERBATING ALREADY ENTRENCHED  
12 INEQUITIES;

13 (d) RESPONDING TO LEARNING LOSS AND THE WIDENING OF  
14 OPPORTUNITY GAPS COULD BE THE GREATEST CHALLENGE OUR STATE  
15 FACES OVER THE NEXT FEW YEARS, AND THE STATE HAS AN URGENT AND  
16 IMMEDIATE NEED TO PROVIDE ADDITIONAL SUPPORT TO ENSURE STUDENTS  
17 ARE WELL PREPARED FOR THE FUTURE;

18 (e) WITH SCARCE RESOURCES, IT IS IMPERATIVE TO KNOW WHICH  
19 ACADEMIC INTERVENTIONS YIELD THE BEST RESULTS FOR STUDENTS SO  
20 THAT RESOURCES ARE DEPLOYED JUDICIOUSLY AND EFFECTIVELY;

21 (f) WHILE THERE ARE MANY INTERVENTIONS THAT HAVE A  
22 POSITIVE IMPACT ON STUDENT ACHIEVEMENT, ONE INTERVENTION,  
23 BACKED BY A STRONG BODY OF RESEARCH, HAS CONSISTENTLY BEEN  
24 SHOWN TO BE THE MOST EFFECTIVE IN EVERY GRADE, FROM  
25 KINDERGARTEN THROUGH TWELFTH GRADE;

26 (g) STUDIES HAVE CONSISTENTLY SHOWN, IN MULTIPLE DIVERSE  
27 SETTINGS, THAT "HIGH-IMPACT TUTORING", ALSO REFERRED TO AS

1 "HIGH-DOSAGE TUTORING", HAS MADE SIGNIFICANT POSITIVE IMPACT ON  
2 STUDENTS FROM ALL BACKGROUNDS, BUT ESPECIALLY STUDENTS  
3 FURTHEST FROM OPPORTUNITY; AND

4 (h) WHEN SUCH TUTORING IS IMPLEMENTED, STUDENTS AVERAGE  
5 MORE THAN FOUR MONTHS OF ADDITIONAL LEARNING IN ELEMENTARY  
6 LITERACY, THEREBY STRENGTHENING VITAL EARLY READING AND WRITING  
7 SKILLS, AND ALMOST TEN MONTHS OF ADDITIONAL LEARNING IN HIGH  
8 SCHOOL MATH.

9 (2) THEREFORE, LOCAL EDUCATION PROVIDERS SHOULD BE  
10 INCENTIVIZED TO IMPLEMENT HIGH-IMPACT TUTORING AS ONE OF THE  
11 INTERVENTIONS SCHOOLS HAVE ACCESS TO AS THEY CREATE PLANS TO  
12 RECOVER FROM LEARNING LOSS OR UNFINISHED LEARNING THAT HAS  
13 TAKEN PLACE BECAUSE OF THE PANDEMIC.

14 **22-104-102. Definitions.** AS USED IN THIS ARTICLE 104, UNLESS  
15 THE CONTEXT OTHERWISE REQUIRES:

16 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

17 (2) "LOCAL EDUCATION PROVIDER" MEANS:

18 (a) A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF  
19 THIS TITLE 22;

20 (b) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO  
21 ARTICLE 5 OF THIS TITLE 22;

22 (c) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT  
23 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22;

24 (d) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE  
25 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF  
26 THIS TITLE 22; 

27 (e) AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION

1 22-2-402 (1); OR

2 (f) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND  
3 DESCRIBED IN SECTION 22-80-102.

4 (3) "PROGRAM" OR "HIGH-IMPACT TUTORING PROGRAM" MEANS  
5 THE COLORADO HIGH-IMPACT TUTORING PROGRAM CREATED IN SECTION  
6 22-104-103.

7 (4) "PROGRAM PLAN" MEANS THE LOCAL EDUCATION PROVIDER'S  
8 PROGRAM PLAN SUBMITTED PURSUANT TO SECTION 22-104-104.

9 **22-104-103. Colorado high-impact tutoring program - created**  
10 **- rules.** (1) THERE IS CREATED IN THE DEPARTMENT THE COLORADO  
11 HIGH-IMPACT TUTORING PROGRAM TO PROVIDE GRANTS TO LOCAL  
12 EDUCATION PROVIDERS TO IMPLEMENT HIGH-IMPACT TUTORING PROGRAMS  
13 PRIORITIZING LOW-INCOME OR UNDERSERVED STUDENTS TO ADDRESS  
14 STUDENT LEARNING LOSS OR UNFINISHED LEARNING RESULTING FROM THE  
15 COVID-19 PANDEMIC. A LOCAL EDUCATION PROVIDER OR GROUP OF  
16 PROVIDERS MAY APPLY FOR A GRANT.

17 (2) (a) A LOCAL EDUCATION PROVIDER AWARDED A GRANT SHALL  
18 USE THE GRANT MONEY TO IMPLEMENT A HIGH-IMPACT TUTORING  
19 PROGRAM THAT IS SUBSTANTIALLY CONSISTENT WITH THE LOCAL  
20 EDUCATION PROVIDER'S PROGRAM PLAN SUBMITTED TO THE DEPARTMENT  
21 PURSUANT TO SECTION 22-104-104. EXCEPT AS PROVIDED IN SUBSECTION  
22 (2)(b) OF THIS SECTION, AND TO THE EXTENT PRACTICABLE, TO RECEIVE A  
23 GRANT UNDER THIS PROGRAM, A LOCAL EDUCATION PROVIDER'S PROGRAM  
24 PLAN MUST ADDRESS THE FOLLOWING ELEMENTS OF RESEARCH-BASED,  
25 HIGH-QUALITY, HIGH-IMPACT TUTORING PROGRAMS:

26 (I) TUTORING IS PROVIDED IN GROUPS OF FOUR OR FEWER  
27 STUDENTS;

5 (IV) TUTORING IS IMPLEMENTED THROUGHOUT THE SCHOOL DAY,  
6 NOT AS A BEFORE- OR AFTER-SCHOOL PROGRAM, AND IS SUPPLEMENTAL TO  
7 CORE ACADEMIC INSTRUCTION AND NOT A REPLACEMENT FOR SUCH  
8 INSTRUCTION;

13 (VI) THE PROGRAM USES A HIGH-QUALITY CURRICULUM THAT IS  
14 ALIGNED WITH ACADEMIC STANDARDS AND MAY BE PROVIDED BY THE  
15 LOCAL EDUCATION PROVIDER; AND

(VII) TUTORING IS DATA-DRIVEN, WITH INTERIM ASSESSMENTS TO MONITOR STUDENT PROGRESS.

18 (b) THE STUDENT BENEFITS ASSOCIATED WITH HIGH-IMPACT  
19 TUTORING ARE GREATER WHEN THE PROGRAM PLAN CONTAINS ALL OF THE  
20 ELEMENTS SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION. HOWEVER,  
21 IF A LOCAL EDUCATION PROVIDER'S PROGRAM PLAN IS NOT CONSISTENT  
22 WITH ALL OF THE ELEMENTS SET FORTH IN SUBSECTION (2)(a) OF THIS  
23 SECTION, THE LOCAL EDUCATION PROVIDER SHALL INCLUDE IN ITS  
24 APPLICATION SUBMITTED PURSUANT TO SECTION 22-104-104 THE REASON  
25 FOR THE MODIFICATION OR OMISSION OF PROGRAM ELEMENTS AND HOW  
26 THE LOCAL EDUCATION PROVIDER INTENDS TO ACHIEVE THE SAME DESIRED  
27 STUDENT OUTCOMES THROUGH ITS HIGH-IMPACT TUTORING PROGRAM.

1 (c) SCHOOLS IMPLEMENTING HIGH-IMPACT TUTORING ARE  
2 ENCOURAGED TO THINK CREATIVELY ABOUT SEAT TIME AND SCHEDULING  
3 SO THAT STUDENTS HAVE CONSISTENT ACCESS TO NON-CORE-ACADEMIC  
4 INSTRUCTION.

17 (b) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO OFFER  
18 TUTORS AND OTHER PROFESSIONALS OFFERING TUTORING SERVICES  
19 INFORMATION ABOUT POTENTIAL PATHWAYS INTO THE TEACHING  
20 PROFESSION FOR THE DISTRICT, INCLUDING LEARN AND EARN STRATEGIES  
21 IN WHICH THE TUTOR WORKS TOWARD EDUCATOR CERTIFICATION WHILE  
22 PROVIDING HIGH-IMPACT TUTORING SERVICES.

23 (c) LOCAL EDUCATION PROVIDERS, TUTORS, AND OTHER  
24 PROFESSIONALS OFFERING TUTORING SERVICES SHALL COMPLY WITH ALL  
25 STATE AND FEDERAL LAWS RELATING TO HEALTH, SAFETY, AND  
26 ANTIDISCRIMINATION, INCLUDING BUT NOT LIMITED TO TITLES VI AND VII  
27 OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", PUBL. 88-352, AS

1 AMENDED; THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42  
2 U.S.C. SEC. 1201 ET SEQ., AS AMENDED; SECTION 504 OF THE  
3 FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 794, AS  
4 AMENDED; AND TITLE IX OF THE FEDERAL "EDUCATION AMENDMENTS OF  
5 1972", 20 U.S.C. SECS. 1681 TO 1688, AS AMENDED.

6 (4) THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE  
7 PROGRAM IN ACCORDANCE WITH THIS ARTICLE 104. PURSUANT TO ARTICLE  
8 4 OF TITLE 24, THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES  
9 AS NECESSARY TO IMPLEMENT THE PROGRAM.

10 **22-104-104. Program application - criteria - awards.** (1) To  
11 RECEIVE A GRANT, A LOCAL EDUCATION PROVIDER SHALL SUBMIT AN  
12 APPLICATION TO THE DEPARTMENT IN THE MANNER DETERMINED BY THE  
13 DEPARTMENT. THE LOCAL EDUCATION PROVIDER SHALL DEMONSTRATE  
14 NEED FOR SUPPORT THROUGH THE GRANT PROGRAM, AS DETERMINED BY  
15 THE DEPARTMENT, WHICH NEED MAY INCLUDE SERVING A HIGH  
16 PERCENTAGE OF LOW-INCOME OR UNDERSERVED STUDENTS, OR SERVING  
17 STUDENTS IN A RURAL SCHOOL DISTRICT THAT CANNOT IMPLEMENT A  
18 HIGH-IMPACT TUTORING PROGRAM WITHOUT FINANCIAL SUPPORT.

19 (2) A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL  
20 EDUCATION PROVIDERS MAY APPLY JOINTLY FOR THE GRANT. AT A  
21 MINIMUM, AN APPLICATION MUST INCLUDE THE LOCAL EDUCATION  
22 PROVIDER'S HIGH-IMPACT TUTORING PROGRAM PLAN THAT INCLUDES THE  
23 FOLLOWING INFORMATION:

24 (a) HOW THE LOCAL EDUCATION PROVIDER'S PROGRAM PLAN  
25 ADDRESSES THE ELEMENTS OF A HIGH-IMPACT TUTORING PROGRAM AS  
26 DESCRIBED IN SECTION 22-104-103 AND HOW IT MODIFIES OR OMITS  
27 ELEMENTS AND THE REASON FOR THE MODIFICATIONS OR OMISSIONS;

3 (c) HOW MANY STUDENTS ARE EXPECTED TO BE SERVED THROUGH  
4 THE PROGRAM;

5 (d) THE PROJECTED COST OF IMPLEMENTING THE PROGRAM;

6 (e) HOW STUDENT ACADEMIC PROGRESS AND OTHER PROGRAM  
7 OUTCOMES WILL BE MEASURED;

8 (f) WHETHER THE LOCAL EDUCATION PROVIDER WILL CREATE ITS  
9 OWN PROGRAM AND WHETHER IT WILL PARTNER WITH EXISTING TUTORING  
10 PROVIDERS FOR IMPLEMENTATION OR TUTOR CAPACITY AND TRAINING;

11 (g) WHICH ACADEMIC SUBJECTS WILL BE THE FOCUS OF THE  
12 PROGRAM;

13 (h) WHO THE LOCAL EDUCATION PROVIDER WILL RECRUIT TO BE  
14 TUTORS AND HOW THOSE TUTORS WILL BE RECRUITED AND SUPPORTED;

15 (i) HOW TUTORING WILL BE DELIVERED AND HOW THE DELIVERY  
16 WILL ACCOMMODATE REMOTE LEARNING;

17 (j) WHETHER TUTORS WILL FOLLOW A SPECIFIC CURRICULUM; AND  
18 (k) HOW TUTORING WILL BE INCORPORATED INTO THE SCHOOL  
19 DAY.

1 TECHNICAL SUPPORT TO IMPLEMENT A HIGH-IMPACT TUTORING PROGRAM,  
2 THE COST OF IMPLEMENTING THE LOCAL EDUCATION PROVIDER'S  
3 HIGH-IMPACT TUTORING PROGRAM, THE AMOUNT OF AVAILABLE MONEY  
4 FOR PROGRAM GRANTS, AND ANY OTHER CRITERIA DETERMINED BY THE  
5 COMMISSIONER. THE COMMISSIONER SHALL DETERMINE THE AMOUNT AND  
6 DURATION OF GRANTS. THE GOAL OF THE GRANT AWARDS IS TO SERVE AS  
7 MANY STUDENTS AS POSSIBLE THROUGH HIGH-IMPACT TUTORING  
8 PROGRAMS, INCLUDING LOW-INCOME AND UNDERSERVED STUDENTS AND  
9 STUDENTS IN RURAL AREAS, WHILE ENSURING THAT GRANT MONEY IS  
10 AWARDED TO HIGH-IMPACT TUTORING PROGRAMS THAT ARE LIKELY TO  
11 ACHIEVE POSITIVE STUDENT OUTCOMES.

12 (4) SUBJECT TO AVAILABLE MONEY TO AWARD PROGRAM GRANTS,  
13 THE DEPARTMENT SHALL AWARD AND DISTRIBUTE PROGRAM GRANTS AS  
14 PROVIDED IN THIS ARTICLE 104.

15 **22-104-105. Reporting requirements.** (1) ON OR BEFORE  
16 REPORTING DEADLINES ESTABLISHED BY THE DEPARTMENT, IN EACH YEAR  
17 IN WHICH A LOCAL EDUCATION PROVIDER OR GROUP OF PROVIDERS  
18 RECEIVES A GRANT PURSUANT TO THE PROGRAM, THE PROVIDER OR  
19 PROVIDERS SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT INCLUDES  
20 THE INFORMATION REQUIRED BY THE DEPARTMENT. AT A MINIMUM, THE  
21 REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

22 (a) THE NUMBER OF STUDENTS WHO PARTICIPATED IN THE  
23 HIGH-IMPACT TUTORING PROGRAM AND NONIDENTIFYING INFORMATION,  
24 INCLUDING DEMOGRAPHIC INFORMATION, RELATING TO THOSE STUDENTS;  
25 (b) ANY ADJUSTMENTS MADE TO THE LOCAL EDUCATION  
26 PROVIDER'S PROGRAM PLAN AND THE REASON ADJUSTMENTS WERE MADE;  
27 (c) HOW THE LOCAL EDUCATION PROVIDER MAINTAINED

1 CONSISTENT ACCESS FOR PARTICIPATING STUDENTS TO  
2 NON-CORE-ACADEMIC INSTRUCTION;

3 (d) HOW PROGRAM GRANTS WERE USED BY THE LOCAL EDUCATION  
4 PROVIDER AND A SUMMARY OF OTHER RESOURCES USED, IF ANY, TO  
5 PROVIDE HIGH-IMPACT TUTORING BEYOND THE RESOURCES PROVIDED  
6 THROUGH THE PROGRAM;

7 (e) THE ACADEMIC ACHIEVEMENT RESULTS OR OTHER CRITERIA  
8 USED TO PLACE STUDENTS IN THE HIGH-IMPACT TUTORING PROGRAM;

9 (f) THE IMPACT OR STUDENT OUTCOMES ASSOCIATED WITH THE  
10 LOCAL EDUCATION PROVIDER'S HIGH-IMPACT TUTORING PROGRAM; AND

11 (g) WHETHER THE LOCAL EDUCATION PROVIDER'S HIGH-IMPACT  
12 TUTORING PROGRAM WILL CONTINUE IN THE FOLLOWING FISCAL YEAR  
13 AND, IF NOT, THE REASON THE TUTORING PROGRAM WILL NOT CONTINUE.

14 (2) ON OR BEFORE NOVEMBER 1, 2022, AND ON OR BEFORE  
15 NOVEMBER 1 EACH YEAR THEREAFTER THAT A HIGH-IMPACT TUTORING  
16 PROGRAM IS IMPLEMENTED PURSUANT TO THIS ARTICLE 104, THE  
17 DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT TO THE EDUCATION  
18 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR  
19 ANY SUCCESSOR COMMITTEES, CONCERNING THE PROGRAM, INCLUDING,  
20 AT A MINIMUM, THE GRANTS AWARDED, THE PARTICIPATING LOCAL  
21 EDUCATION PROVIDERS, THE DURATION OF THE PROGRAM, AND A  
22 SUMMARY OF THE INFORMATION PROVIDED PURSUANT TO SUBSECTION (1)  
23 OF THIS SECTION CONCERNING THE HIGH-IMPACT TUTORING PROGRAMS  
24 IMPLEMENTED BY THE LOCAL EDUCATION PROVIDERS AND OF AVAILABLE  
25 STUDENT OUTCOMES.

26 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
27 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE

1 INDEFINITELY.

2 **22-104-106. Funding for grant program.** (1) THE GENERAL  
3 ASSEMBLY MAY APPROPRIATE MONEY TO FUND GRANTS FOR HIGH-IMPACT  
4 TUTORING PROGRAMS PURSUANT TO THIS ARTICLE 104.

5 (2) THE DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THE  
6 PROGRAM IF THERE IS INSUFFICIENT MONEY FOR PROGRAM GRANTS.

7 **22-104-107. Repeal of article.** THIS ARTICLE 104 IS REPEALED,  
8 EFFECTIVE JULY 1, 2026.

9 **SECTION 2. Appropriation.** For the 2021-22 state fiscal year,  
10 \$4,981,720 is appropriated to the department of education. This  
11 appropriation is from the general fund and is based on an assumption that  
12 the department will require an additional 1.1 FTE. To implement this act,  
13 the department may use this appropriation for the Colorado high-impact  
14 tutoring program.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, or safety.