# First Regular Session Seventy-second General Assembly STATE OF COLORADO

# **REREVISED**

This Version Includes All Amendments Adopted in the Second House

LLS NO. 19-0292.01 Julie Pelegrin x2700

**HOUSE BILL 19-1134** 

#### HOUSE SPONSORSHIP

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**House Committees** 

**Senate Committees** 

Education Appropriations

Education Appropriations

### A BILL FOR AN ACT

101	CONCERNING RESEARCHING EFFECTIVE METHODS FOR ASSISTING
102	EARLY-GRADE STUDENTS WITH DYSLEXIA, AND, IN CONNECTION
103	THEREWITH, MAKING AN APPROPRIATION.

### **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 <a href="http://leg.colorado.gov">http://leg.colorado.gov</a>.)

The bill directs the commissioner of education (commissioner) to convene a working group to analyze state and national data and practices concerning identification and support of students with dyslexia and to recommend dyslexia screening tools and processes, a statewide plan for identifying and supporting students with dyslexia, and educator training

SENATE 3rd Reading Unamended April 27, 2019

SENATE 2nd Reading Unamended April 26, 2019

> HOUSE 3rd Reading Unamended April 16, 2019

HOUSE Amended 2nd Reading April 12, 2019

Shading denotes HOUSE amendment. <u>Double underlining denotes SENATE amendment.</u>

Capital letters or bold & italic numbers indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

in recognizing and providing interventions for students with dyslexia. The working group must submit a report of its recommendations to the commissioner, and the commissioner must submit the report to the state board of education and the education committees of the general assembly.

The bill directs the department of education (department) to establish a pilot program to assist school districts, boards of cooperative services, and charter schools (local education providers) in using READ act assessments to screen for dyslexia and in providing interventions for students who are identified as having dyslexia. At the completion of the pilot program, the department must evaluate the effectiveness of the screening and interventions, refine the resources used, and disseminate the resources used to all local education providers in the state. The department must also provide technical assistance in implementing the resources at the request of a local education provider.

The bill directs the commissioner to provide a dyslexia specialist to support the working group and the pilot program and to develop training materials related to dyslexia.

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

**SECTION 1.** In Colorado Revised Statutes, **add** article 20.5 to title 22 as follows:

4 ARTICLE 20.5

## **Education of Children with Dyslexia**

22-20.5-101. Legislative declaration. (1) The General assembly finds that various educational advocacy groups, including parents of children identified as having dyslexia, have voiced concerns related to the adequacy and effectiveness of the methods and tools for identifying students who have dyslexia and the adequacy of the educational supports for these students. While there have been various efforts at both the state and school district levels to address the issues related to effective identification and support for students with dyslexia, these efforts have not resulted in significant progress in educating these students. Therefore, the general

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1	ASSEMBLY, RECOGNIZING THE OBLIGATION OF THE STATE OF COLORADO
2	TO PROVIDE EDUCATIONAL OPPORTUNITIES TO ALL CHILDREN THAT WILL
3	ENABLE THEM TO LEAD FULFILLING AND PRODUCTIVE LIVES, FINDS THAT
4	IT IS NECESSARY TO CREATE A WORKING GROUP OF PARENTS AND
5	EDUCATIONAL EXPERTS TO REVIEW THE WORK OF EDUCATIONAL EXPERTS
6	AND LOCAL EDUCATION PROVIDERS IN COLORADO AND IN OTHER STATES
7	IN THE AREA OF IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR
8	STUDENTS WITH DYSLEXIA AND TO USE THEIR FINDINGS TO INFORM FUTURE
9	EFFORTS BY THE STATE AND LOCAL EDUCATION PROVIDERS TO IDENTIFY
10	AND EFFECTIVELY SUPPORT STUDENTS WITH DYSLEXIA.
11	(2) The general assembly further finds that a pilot
12	PROGRAM THROUGH WHICH THE DEPARTMENT OF EDUCATION WORKS WITH
13	A GROUP OF VOLUNTEER LOCAL EDUCATION PROVIDERS TO USE EARLY
14	LITERACY ASSESSMENT RESULTS TO IDENTIFY MARKERS OF DYSLEXIA AND
15	PROVIDE SUPPORT TO YOUNG STUDENTS WHO MAY DEMONSTRATE THE
16	EARLY MARKERS FOR DYSLEXIA WILL STRENGTHEN THE ABILITY OF LOCAL
17	EDUCATION PROVIDERS THROUGHOUT THE STATE TO IDENTIFY AND
18	EFFECTIVELY SUPPORT STUDENTS WITH DYSLEXIA.
19	<b>22-20.5-102. Definitions.</b> AS USED IN THIS ARTICLE 20.5, UNLESS
20	THE CONTEXT OTHERWISE REQUIRES:
21	(1) "COMMISSIONER OF EDUCATION" OR "COMMISSIONER" MEANS
22	THE OFFICE OF THE COMMISSIONER OF EDUCATION CREATED AND EXISTING
23	PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.
24	(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
25	CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.
26	(3) "DYSLEXIA" MEANS A SPECIFIC LEARNING DISABILITY THAT IS
27	NEUROBIOLOGICAL IN ORIGIN AND CHARACTERIZED BY DIFFICULTIES WITH

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1	ACCURATE AND FLUENT WORD RECOGNITION AND BY POOR SPELLING AND
2	DECODING ABILITIES, WHICH DIFFICULTIES TYPICALLY RESULT FROM A
3	DEFICIT IN THE PHONOLOGICAL COMPONENT OF LANGUAGE THAT IS OFTEN
4	UNEXPECTED IN RELATION TO OTHER COGNITIVE ABILITIES AND THE
5	PROVISION OF EFFECTIVE CLASSROOM INSTRUCTION. THE SECONDARY
6	CONSEQUENCES OF DYSLEXIA MAY INCLUDE PROBLEMS IN READING
7	COMPREHENSION AND REDUCED READING EXPERIENCE THAT MAY IMPEDE
8	GROWTH OF VOCABULARY AND BACKGROUND KNOWLEDGE.
9	(4) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
10	BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF
11	THIS TITLE 22 THAT OPERATES A PUBLIC SCHOOL, A CHARTER SCHOOL
12	${\tt AUTHORIZEDBYASCHOOLDISTRICTPURSUANTTOPART1OFARTICLE30.5}$
13	OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE
14	Charter school institute pursuant to part 5 of article $30.5$ of
15	THIS TITLE 22, OR THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED
16	IN SECTION 22-30.5-503.
17	(5) "PILOT PROGRAM" MEANS THE PILOT PROGRAM TO IDENTIFY
18	MARKERS OF DYSLEXIA AND ENABLE EFFECTIVE INTERVENTIONS
19	OPERATED PURSUANT TO SECTION 22-20.5-104.
20	(6) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
21	COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE
22	GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE

- GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.
- (7) "SMALL RURAL SCHOOL DISTRICT" MEANS A RURAL SCHOOL 24 25 DISTRICT THAT ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN 26 KINDERGARTEN THROUGH TWELFTH GRADE.

23

"WORKING GROUP" MEANS THE WORKING GROUP FOR 27 (8)

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1	IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR STUDENTS WITH
2	DYSLEXIA CONVENED BY THE COMMISSIONER PURSUANT TO SECTION
3	22-20.5-103.
4	22-20.5-103. Working group for identification of and
5	educational support for students with dyslexia - convened - duties -
6	report - repeal. (1) THE COMMISSIONER OF EDUCATION SHALL CONVENE
7	A WORKING GROUP FOR IDENTIFICATION OF AND EDUCATIONAL SUPPORT
8	FOR STUDENTS WITH DYSLEXIA TO REVIEW DATA CONCERNING THE
9	IDENTIFICATION OF AND EDUCATIONAL SUPPORT FOR STUDENTS WITH
10	DYSLEXIA AND EFFORTS IN COLORADO AND OTHER STATES TO IMPROVE
11	EDUCATIONAL OUTCOMES FOR STUDENTS WITH DYSLEXIA. IN CONVENING
12	THE WORKING GROUP, THE COMMISSIONER SHALL APPOINT THE FOLLOWING
13	MEMBERS:
14	(a) A PARENT OF A CHILD WHO IS IDENTIFIED AS HAVING DYSLEXIA;
15	(b) A PARENT OF A CHILD WHO IS IDENTIFIED AS HAVING DYSLEXIA
16	AND A DISABILITY;
17	(c) A SCHOOL DISTRICT LITERACY SPECIALIST;
18	(d) A SCHOOL DISTRICT DIRECTOR OF SPECIAL EDUCATION;
19	(e) A STATE OR NATIONAL LITERACY EXPERT;
20	(f) A STATE OR NATIONAL DYSLEXIA EXPERT;
21	(g) TWO ELEMENTARY GRADE TEACHERS, ONE OF WHOM TEACHES
22	IN A RURAL SCHOOL DISTRICT OR A SMALL RURAL SCHOOL DISTRICT;
23	(h) A PRINCIPAL WHO IS EMPLOYED AT AN ELEMENTARY SCHOOL
24	IN A RURAL SCHOOL DISTRICT OR AN EMPLOYEE OF A BOARD OF
25	COOPERATIVE SERVICES, CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE
26	22, WHO HAS EXPERTISE AS A LITERACY SPECIALIST;
2.7	(i) A FACULTY MEMBER OF AN INSTITUTION OF HIGHER EDUCATION

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2	ELEMENTARY GRADE TEACHERS; AND
3	(j) A MEMBER OF THE LOCAL CHAPTER OF AN INTERNATIONAL
4	DYSLEXIA ASSOCIATION.
5	(2) THE WORKING GROUP SHALL:
6	(a) ANALYZE CURRENT NATIONAL AND STATEWIDE DATA RELATED
7	TO STUDENTS IDENTIFIED AS HAVING DYSLEXIA, INCLUDING BUT NOT
8	LIMITED TO IDENTIFICATION RATES AND ACHIEVEMENT RATES;
9	(b) ANALYZE THE IMPLEMENTATION AND DEMONSTRATED
10	EFFECTIVENESS IN OTHER STATES OF STATEWIDE LEGISLATION FOR
11	DYSLEXIA SCREENING, EDUCATOR TRAINING, AND OTHER
12	DYSLEXIA-RELATED LAWS;
13	(c) IDENTIFY AND RECOMMEND APPROPRIATE DYSLEXIA
14	SCREENING TOOLS AND PROCESSES AS WELL AS COMPREHENSIVE
15	ASSESSMENTS THAT ADDRESS THE RECOGNIZED CHALLENGES OF
16	DYSLEXIA, INCLUDING PHONOLOGICAL PROCESSING, PHONEMIC
17	AWARENESS, AND DECODING AND ENCODING SKILLS;
18	(d) IDENTIFY AND RECOMMEND A STATEWIDE PLAN FOR
19	SUPPORTING STUDENTS WHO ARE IDENTIFIED AS HAVING DYSLEXIA,
20	INCLUDING SPECIFIC INTERVENTION STRUCTURES AND THEIR COMPONENTS,
21	WHICH MUST INCLUDE EVIDENCE-BASED INTERVENTIONS,
22	PROGRESS-MONITORING SYSTEMS, AND DATA-COLLECTION SYSTEMS. THE
23	RECOMMENDATIONS FOR A STATEWIDE PLAN MUST CONSIDER LEGAL
24	REQUIREMENTS INCLUDED IN THE "COLORADO READ ACT", PART 12 OF
25	ARTICLE 7 OF THIS TITLE 22, AND ITS IMPLEMENTING RULES; THE
26	"EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS
27	TITLE 22, AND ITS IMPLEMENTING RULES; THE FEDERAL "INDIVIDUALS

WHO TEACHES IN AN APPROVED EDUCATOR PREPARATION PROGRAM FOR

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1	WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
2	AMENDED, AND ITS IMPLEMENTING REGULATIONS; AND SECTION 504 OF
3	THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET
4	SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS.
5	(e) IDENTIFY AND RECOMMEND COMPONENTS OF DYSLEXIA
6	AWARENESS TRAINING FOR COLORADO EDUCATORS, INCLUDING THE
7	CONTENT, TARGET AUDIENCE, TIME FRAME FOR TRAINING, AND PROJECTED
8	COST;
9	$(f)\ IDENTIFY\ AND\ RECOMMEND\ EDUCATOR\ TRAINING\ FOR\ IN-STATE$
10	APPROVED PROGRAMS OF PREPARATION FOR TEACHERS AND ALTERNATIVE
11	TEACHER PROGRAMS AND RECOMMENDED TRAINING FOR CURRENT
12	EDUCATORS, BASED ON EFFECTIVE PRACTICES IN OTHER STATES, AS WELL
13	AS RECOMMENDATIONS FROM STATE AND NATIONAL ORGANIZATIONS
14	FOCUSING ON LITERACY. THE RECOMMENDATIONS CONCERNING
15	EDUCATOR TRAINING MAY INCLUDE THE CONTENT, TARGET AUDIENCE,
16	TIME FRAME FOR TRAINING, AND PROJECTED COST.
17	(g) Provide recommendations to the department
18	CONCERNING THE DESIGN AND IMPLEMENTATION OF THE PILOT PROGRAM.
19	(3) IN COMPLETING THE DUTIES DESCRIBED IN SUBSECTIONS (2)(c)
20	TO (2)(g) OF THIS SECTION, THE WORKING GROUP SHALL ANALYZE AND
21	INTEGRATE, AS APPROPRIATE, THE WORK AND RECOMMENDATIONS OF
22	OTHER PREVIOUS AND ONGOING STATE INITIATIVES RELATED TO
23	IMPROVING THE IDENTIFICATION AND SUPPORT OF STUDENTS WHO HAVE
24	DYSLEXIA.
25	(4) THE WORKING GROUP SHALL SUBMIT A PROGRESS REPORT TO
26	THE COMMISSIONER BY $\overline{D}$ ECEMBER $\overline{31}$ , $\overline{2019}$ , which must include a
27	SUMMARY OF THE PROGRESS THE WORKING GROUP IS MAKING REGARDING

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2	INCLUDE PRELIMINARY POLICY RECOMMENDATIONS. BY JULY 1, 2020, AND
3	BY JULY 1 EACH YEAR THEREAFTER, THE WORKING GROUP SHALL SUBMIT
4	TO THE COMMISSIONER A REPORT OF ITS POLICY RECOMMENDATIONS WITH
5	REGARD TO THE ITEMS DESCRIBED IN SUBSECTION (2) OF THIS SECTION. ON
6	OR BEFORE FEBRUARY 1, 2021, AND ON OR BEFORE FEBRUARY 1 EACH
7	YEAR THEREAFTER, THE COMMISSIONER SHALL SUBMIT THE REPORT, WITH
8	ANY RECOMMENDATIONS FOR LEGISLATION, TO THE STATE BOARD OF
9	EDUCATION AND THE EDUCATION COMMITTEES OF THE HOUSE OF
10	REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
11	NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
12	THE REQUIREMENT TO SUBMIT THE REPORT SPECIFIED IN THIS SUBSECTION
13	(4) CONTINUES INDEFINITELY.
14	(5) This section is repealed, effective September 1, 2029.
15	BEFORE THE REPEAL, THE WORKING GROUP IS SCHEDULED FOR REVIEW IN
16	ACCORDANCE WITH SECTION 2-3-1203.
17	
18	22-20.5-104. Pilot program - dyslexia markers - effective
19	interventions - created - evaluation report - repeal. (1) BEGINNING IN
20	THE 2020-21 SCHOOL YEAR, THE DEPARTMENT SHALL IMPLEMENT A PILOT
21	PROGRAM TO DEVELOP AND PILOT SCREENING AND IDENTIFICATION
22	PROCESSES AND INTERVENTION STRATEGIES FOR EARLY IDENTIFICATION
23	OF AND SUPPORT FOR STUDENTS ENROLLED IN KINDERGARTEN THROUGH
24	THIRD GRADE WHO MAY HAVE DYSLEXIA. THE DEPARTMENT SHALL
25	CONSULT WITH THE WORKING GROUP CONCERNING THE DESIGN AND
26	IMPLEMENTATION OF THE PILOT PROGRAM. THE DEPARTMENT SHALL
27	PROVIDE INFORMATION CONCERNING THE PILOT PROGRAM TO LOCAL

THE ITEMS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND MAY

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1	EDUCATION PROVIDERS THROUGHOUT THE STATE AND SELECT UP TO FIVE
2	LOCAL EDUCATION PROVIDERS WHO VOLUNTEER TO PARTICIPATE IN THE
3	PILOT PROGRAM. IN SELECTING THE PARTICIPATING LOCAL EDUCATION
4	PROVIDERS, THE DEPARTMENT SHALL ENSURE TO THE EXTENT
5	PRACTICABLE THAT THE AFFECTED STUDENT POPULATIONS ARE
6	REPRESENTATIVE OF THE DEMOGRAPHIC DIVERSITY WITHIN THE STATE
7	AND THAT THE LOCAL EDUCATION PROVIDERS ARE LOCATED THROUGHOUT
8	THE STATE. THE LOCAL EDUCATION PROVIDERS THAT PARTICIPATE IN THE
9	PILOT PROGRAM WILL WORK WITH THE DEPARTMENT TO USE THE RESULTS
10	OBTAINED FROM ASSESSMENTS ADMINISTERED PURSUANT TO THE
11	"COLORADO READ ACT", PART 12 OF ARTICLE 7 OF THIS TITLE 22, IN A
12	RESEARCH-BASED PROCESS TO IDENTIFY MARKERS OF DYSLEXIA AND
13	PROVIDE SUPPORT FOR YOUNG READERS WHO MAY EXHIBIT THE MARKERS
14	FOR DYSLEXIA.
15	(2) IN IMPLEMENTING THE PILOT PROGRAM, THE DEPARTMENT
16	SHALL:
17	(a) PROVIDE TARGETED SUPPORT FOR EDUCATORS EMPLOYED BY
18	THE PARTICIPATING LOCAL EDUCATION PROVIDERS IN UNDERSTANDING
19	THE UNIQUE NEEDS OF YOUNG STUDENTS WHO ARE AT RISK FOR READING
20	DELAYS RELATED TO DYSLEXIA;
21	(b) ASSIST THE PARTICIPATING LOCAL EDUCATION PROVIDERS IN
22	IMPLEMENTING A DYSLEXIA IDENTIFICATION PROCESS THAT USES THE
23	READ ACT INTERIM ASSESSMENT AS A SCREENING TOOL AND USES A
24	RESEARCH-BASED IDENTIFICATION PROCESS TO USE THE RESULTS OF THE
25	ASSESSMENTS TO IDENTIFY THE PRESENCE OF DYSLEXIA; AND
26	(c) SUPPORT THE PARTICIPATING LOCAL EDUCATION PROVIDERS IN
27	PAIRING ASSESSMENT PROCESSES WITH IMPLEMENTATION OF

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1	RESEARCH-BASED INSTRUCTIONAL AND INTERVENTION STRATEGIES TO
2	PROVIDE TIMELY AND APPROPRIATE SUPPORT FOR STUDENTS AT RISK FOR
3	IDENTIFICATION OF DYSLEXIA.
4	(3) At the end of the $2021-22$ school year, the department
5	SHALL EVALUATE THE IMPLEMENTATION OF THE PILOT PROGRAM AND THE
6	EFFECTIVENESS OF THE STRATEGIES IN IDENTIFYING AND SUPPORTING
7	MORE STUDENTS IN THE PARTICIPATING LOCAL EDUCATION PROVIDERS
8	THAN WERE IDENTIFIED AND SUPPORTED IN NONPARTICIPATING LOCAL
9	EDUCATION PROVIDERS. BASED ON THE EVALUATION, THE DEPARTMENT
10	SHALL REFINE THE RESOURCES FOR TECHNICAL SUPPORT, IDENTIFICATION,
11	AND INTERVENTIONS, AS NECESSARY, AND DISSEMINATE THE RESOURCES
12	TO ALL LOCAL EDUCATION PROVIDERS IN THE STATE. UPON REQUEST, THE
13	DEPARTMENT SHALL ALSO PROVIDE THE TECHNICAL SUPPORT NECESSARY
14	TO EFFECTIVELY USE THE RESOURCES.
15	(4) On or before December 31, 2022, the department shall
16	SUBMIT TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE
17	SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
18	COMMITTEES, A REPORT CONCERNING THE IMPLEMENTATION AND
19	EVALUATION OF THE PILOT PROGRAM. THE DEPARTMENT MAY INCLUDE IN
20	THE REPORT ANY RECOMMENDATIONS FOR LEGISLATION THAT THE
21	DEPARTMENT DEEMS NECESSARY BASED ON THE EVALUATION OF THE
22	PILOT PROGRAM.
23	(5) This section is repealed, effective July 1, 2023.
24	SECTION 2. In Colorado Revised Statutes, 2-3-1203, add (20)
25	as follows:
26	2-3-1203. Sunset review of advisory committees - legislative
27	declaration - definition - repeal. (20) (a) THE FOLLOWING STATUTORY

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AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL
REPEAL ON SEPTEMBER 1, 2029:
(I) THE WORKING GROUP FOR IDENTIFICATION OF ANI
EDUCATIONAL SUPPORT FOR STUDENTS WITH DYSLEXIA CREATED IN
SECTION 22-20.5-103.
(b) This subsection (20) is repealed, effective September 1
2031.
<b>SECTION 3.</b> Appropriation. (1) For the 2019-20 state fisca
year, \$106,196 is appropriated to the department of education. This
appropriation is from the general fund. To implement this act, the
department may use this appropriation as follows:
(a) \$94,676 for the working group for identification of and
educational support for students with dyslexia; and
(b) \$11,520 for the dyslexia markers pilot program.
<b>SECTION 4.</b> 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.

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