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Senate Committees	**House Committees**
Education	Education
Appropriations	Appropriations

A BILL FOR AN ACT

101   **CONCERNING CREATION OF AN AUTOMATIC ENROLLMENT IN**
102   **ADVANCED COURSES GRANT PROGRAM IN THE DEPARTMENT OF**
103   **EDUCATION, AND, IN CONNECTION THEREWITH, MAKING AN**
104   **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 http://leg.colorado.gov.)

The bill establishes the automatic enrollment in advanced courses grant program (grant program) in the department of education (department) to provide funding for school districts that automatically

HOUSE
Amended 3rd Reading
April 24, 2019

HOUSE
Amended 2nd Reading
April 23, 2019

SENATE
3rd Reading Unamended
April 15, 2019

SENATE
Amended 2nd Reading
April 12, 2019

enroll certain students in advanced courses.

In order to be eligible for the grant program, a school district must automatically enroll students who are in ninth grade or higher in an advanced course in a subject related to one in which the student demonstrated proficiency on the prior year's statewide assessment. Eligible school districts are encouraged to automatically enroll eligible fourth- through eighth-grade students in advanced courses as well. School districts are required to permit parents to remove their children from automatically enrolled classes and may permit parents to exempt their children from any automatic enrollment.

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

2   **SECTION 1. Legislative declaration.** (1) The general assembly

3   hereby finds and declares that:

4   (a) All students deserve the opportunity to learn higher-level

5   content;

6   (b) Students who have access to a rigorous curriculum perform

7   better across multiple measures, including graduating high school and

8   completing higher education;

9   (c) Traditionally, disadvantaged minorities and low-income

10   students of all racial and ethnic backgrounds who perform well in school

11   do not enroll in advanced classes at the same rate as their peers,

12   regardless of preparedness;

13   (d) High school graduation guidelines adopted by the Colorado

14   state board of education require students to demonstrate competency in

15   math and English scores to graduate, which can include achieving a

16   sufficient score on an advanced placement or international baccalaureate

17   exam; and

18   (e) A school's or school district's course placement policies and

19   decisions impact a student's opportunity to reach his or her full academic

20   potential.

1   **SECTION 2.** In Colorado Revised Statutes, **add** part 2 to article

2   95.5 of title 22 as follows:

3   PART 2

4   JOHN W. BUCKNER AUTOMATIC ENROLLMENT IN

5   ADVANCED COURSES

6   GRANT PROGRAM

7   **22-95.5-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE

8   CONTEXT OTHERWISE REQUIRES:

9   (1) "ADVANCED COURSE" MEANS AN ADVANCED COURSE OF STUDY

10   IN ANY SUBJECT, INCLUDING AN ADVANCED PLACEMENT COURSE; AN

11   INTERNATIONAL BACCALAUREATE COURSE; OR A COURSE DESIGNATED BY

12   A SCHOOL DISTRICT AS AN HONORS, GIFTED, OR ACCELERATED COURSE.

13   (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION

14   CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

15

16   (3) "GRANT PROGRAM" MEANS THE JOHN W. BUCKNER

17   AUTOMATIC ENROLLMENT IN ADVANCED COURSES GRANT PROGRAM

18   CREATED IN SECTION 22-95.5-202.

19   (4) "LOCAL EDUCATION PROVIDER" MEANS A PUBLIC SCHOOL AS

20   DESCRIBED IN SECTION 22-1-101, A SCHOOL DISTRICT, OR A BOARD OF

21   COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE

22   22.

23   (5) "PARENT" MEANS A STUDENT'S BIOLOGICAL PARENT, ADOPTIVE

24   PARENT, OR LEGAL GUARDIAN.

25   (6) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN

26   COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE

27   GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE

1 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

2 (7) "SCHOOL DISTRICT" MEANS ANY PUBLIC SCHOOL DISTRICT

3 ORGANIZED UNDER THE LAWS OF COLORADO. "SCHOOL DISTRICT" DOES

4 NOT INCLUDE A LOCAL COLLEGE DISTRICT.

5 (8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION

6 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE

7 STATE CONSTITUTION.

8 **22-95.5-202. John W. Buckner automatic enrollment in**

9 **advanced courses grant program - creation - rules.** (1) THERE IS

10 CREATED IN THE DEPARTMENT THE JOHN W. BUCKNER AUTOMATIC

11 ENROLLMENT IN ADVANCED COURSES GRANT PROGRAM TO INCREASE THE

12 NUMBER OF STUDENTS ENROLLED IN ADVANCED COURSES FOR SUBJECTS

13 IN WHICH THE STUDENT HAS DEMONSTRATED PROFICIENCY.

14 (2) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN

15 ACCORDANCE WITH STATE BOARD RULES. THE DEPARTMENT SHALL:

16 (a) NOTIFY LOCAL EDUCATION PROVIDERS OF THE GRANT

17 PROGRAM, INCLUDING APPLICATION DEADLINES, TWICE WITHIN THE THREE

18 MONTHS BEFORE THE FIRST APPLICATION DEADLINE AFTER THE CREATION

19 OF THE GRANT PROGRAM, AND ONCE ANNUALLY THEREAFTER;

20 (b) ACCEPT AND REVIEW GRANT APPLICATIONS;

21 (c) DETERMINE THE AMOUNT, IN ACCORDANCE WITH STATE BOARD

22 RULES AND BASED ON AVAILABLE APPROPRIATIONS, THAT WILL BE

23 AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER; AND

24 (d) AWARD A GRANT TO EACH ELIGIBLE LOCAL EDUCATION

25 PROVIDER THAT HAS SUBMITTED AN APPLICATION.

26 (3) (a) PURSUANT TO ARTICLE 4 OF TITLE 24, THE STATE BOARD

27 SHALL PROMULGATE RULES TO IMPLEMENT THE GRANT PROGRAM,

1 INCLUDING RULES RELATING TO:

2 (I) THE APPLICATION PROCESS, INCLUDING DEADLINES;

3 (II) THE FORMULA FOR DETERMINING THE AMOUNT OF THE GRANT

4 AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER;

5 (III) DEADLINES FOR THE DEPARTMENT TO AWARD GRANTS; AND

6 (IV) A PROCESS FOR VERIFYING THAT LOCAL EDUCATION

7 PROVIDERS THAT HAVE RECEIVED AN AWARD ARE COMPLYING WITH THE

8 REQUIREMENTS OF THE GRANT PROGRAM.

9 (b) WHEN PROMULGATING RULES FOR DETERMINING THE AMOUNT

10 OF THE GRANT AWARD PURSUANT TO SUBSECTION (3)(a)(II) OF THIS

11 SECTION, THE STATE BOARD SHALL INCLUDE THE FOLLOWING FACTORS:

12 (I) THE COSTS ASSOCIATED WITH A LOCAL EDUCATION PROVIDER

13 IMPLEMENTING ITS PLAN SUBMITTED WITH ITS APPLICATION;

14 (II) THE NUMBER OF GRADE LEVELS IN WHICH THE LOCAL

15 EDUCATION PROVIDER AUTOMATICALLY ENROLLS STUDENTS IN ADVANCED

16 COURSES; AND

17 (III) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN

18 ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER.

19 (c) IN PROMULGATING RULES PURSUANT TO THIS PART 2, THE

20 STATE BOARD SHALL ENSURE THAT A RURAL SCHOOL DISTRICT MAY

21 SUBMIT A SIMPLIFIED GRANT APPLICATION.

22 **22-95.5-203. Eligibility - application - use of grant money -**

23 **report.** (1) (a) A LOCAL EDUCATION PROVIDER MAY APPLY FOR A GRANT

24 PURSUANT TO THIS SECTION; EXCEPT THAT, WHEN A SCHOOL DISTRICT

25 SUBMITS AN APPLICATION AND IS ELIGIBLE FOR A GRANT PURSUANT TO

26 THIS PART 2, A SCHOOL OPERATING WITHIN THAT DISTRICT MAY NOT

27 SUBMIT AN APPLICATION.

1   (b) AN APPLICATION FROM AN INDIVIDUAL SCHOOL MUST BE

2 SUBMITTED BY THE CHIEF ADMINISTRATIVE OFFICER OF THE SCHOOL AND,

3 IF THE SCHOOL IS NOT A CHARTER SCHOOL, THE SCHOOL MUST NOTIFY THE

4 SUPERINTENDENT OF THE SCHOOL DISTRICT OF THE APPLICATION.

5   (2) (a) A LOCAL EDUCATION PROVIDER IS ELIGIBLE FOR THE GRANT

6 PROGRAM IF THE LOCAL EDUCATION PROVIDER AUTOMATICALLY ENROLLS

7 EACH STUDENT ENTERING THE NINTH GRADE OR HIGHER IN AN ADVANCED

8 COURSE BASED ON ANY OF THE FOLLOWING CRITERIA:

9   (I) THE STUDENT ACHIEVED A SCORE THAT IS EQUIVALENT TO, OR

10 EXCEEDS, DEMONSTRATING PROFICIENCY ON THE STATE ASSESSMENT

11 THAT WAS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 FOR THE

12 PRECEDING ACADEMIC YEAR, REFERRED TO IN THIS SECTION AS AN

13 "ELIGIBLE SCORE", AS FOLLOWS:

14   (A) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT

15 RELATED TO MATHEMATICS MUST BE AUTOMATICALLY ENROLLED IN

16 ADVANCED COURSES IN MATHEMATICS;

17   (B) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN SUBJECTS

18 RELATING TO READING AND WRITING MUST BE ENROLLED IN ADVANCED

19 COURSES IN ENGLISH, SOCIAL STUDIES, HUMANITIES, OR OTHER RELATED

20 SUBJECTS; AND

21   (C) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT

22 RELATED TO SCIENCE OR SOCIAL STUDIES MUST BE AUTOMATICALLY

23 ENROLLED IN ADVANCED COURSES IN SCIENCE OR SOCIAL STUDIES; OR

24   (II) ANY OTHER MEASURE, APPLIED TO ALL STUDENTS ENROLLED

25 IN A LOCAL EDUCATION PROVIDER, THAT, IN THE JUDGMENT OF THE LOCAL

26 EDUCATION PROVIDER, IS AN INDICATOR THAT A STUDENT DEMONSTRATES

27 THE ABILITY TO SUCCEED IN AN ADVANCED COURSE.

1   (b) (I) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO

2   AUTOMATICALLY ENROLL EACH STUDENT ENTERING THE FOURTH

3   THROUGH EIGHTH GRADE IN ADVANCED COURSES AS DESCRIBED IN THIS

4   SECTION.

5   (II) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO USE

6   AUTOMATIC ENROLLMENT FOR COURSES IN SUBJECTS NOT LISTED IN THIS

7   SECTION.

8   (c) A LOCAL EDUCATION PROVIDER SHALL PERMIT A PARENT OF A

9   STUDENT TO REMOVE THE STUDENT FROM AN ADVANCED COURSE IN

10   WHICH THE STUDENT HAS BEEN AUTOMATICALLY ENROLLED. A LOCAL

11   EDUCATION PROVIDER MAY PERMIT A PARENT OF A STUDENT TO EXEMPT

12   THE STUDENT FROM ANY AUTOMATIC ENROLLMENT IN ADVANCED

13   COURSES.

14   (3) IN AN APPLICATION SUBMITTED PURSUANT TO THIS PART 2, A

15   LOCAL EDUCATION PROVIDER SHALL INCLUDE THE FOLLOWING:

16   (a) A DESCRIPTION OF THE LOCAL EDUCATION PROVIDER'S

17   EXISTING ADVANCED COURSES AND ANY PLANNED ADVANCED COURSES,

18   INCLUDING COURSES THAT MAY BE IMPLEMENTED WITH MONEY RECEIVED

19   FROM THE GRANT PROGRAM;

20   (b) THE LOCAL EDUCATION PROVIDER'S PLAN FOR AUTOMATICALLY

21   ENROLLING STUDENTS INTO ADVANCED COURSES;

22   (c) A DESCRIPTION OF HOW THE LOCAL EDUCATION PROVIDER WILL

23   USE ANY GRANT AWARDED CONSISTENT WITH THE REQUIREMENTS OF

24   SUBSECTION (4) OF THIS SECTION; AND

25   (d) ANY OTHER INFORMATION REQUIRED BY STATE BOARD RULE.

26   (4) A LOCAL EDUCATION PROVIDER THAT IS AWARDED A GRANT

27   PURSUANT TO THIS PART 2 MAY USE THE GRANT MONEY FOR ANY OF THE

1   FOLLOWING:

2   (a) EXPANDING THE NUMBER OF ADVANCED COURSES OFFERED IN

3   THE LOCAL EDUCATION PROVIDER, INCLUDING THE USE OF TECHNOLOGY

4   TO INCREASE THE NUMBER OF ADVANCED COURSES OFFERED;

5   (b) INCENTIVIZING TEACHERS TO TEACH ADVANCED COURSES,

6   INCLUDING TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT IN

7   AREAS RELATING TO ADVANCED COURSE INSTRUCTION;

8   (c) DEVELOPING ADVANCED COURSE CURRICULUM; OR

9   (d) EXPANDING PARENT AND STUDENT ENGAGEMENT WITH THE

10   LOCAL EDUCATION PROVIDER AS IT RELATES TO ADVANCED COURSE

11   AVAILABILITY AND ENROLLMENT AND STUDENT SUCCESS IN ADVANCED

12   COURSES.

13   (5) A LOCAL EDUCATION PROVIDER THAT IS AWARDED A GRANT

14   PURSUANT TO THIS PART 2 MAY NOT USE THE GRANT MONEY FOR THE

15   PURPOSE OF HIRING NEW TEACHERS.

16   (6) A LOCAL EDUCATION PROVIDER THAT RECEIVES AN AWARD

17   FROM THE GRANT PROGRAM MUST SUBMIT AN ANNUAL REPORT TO THE

18   DEPARTMENT THAT INCLUDES THE FOLLOWING INFORMATION:

19   (a) THE NUMBER OF STUDENTS ENROLLED IN ADVANCED COURSES;

20   (b) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN

21   ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER; AND

22   (c) DEMOGRAPHIC INFORMATION OF STUDENTS AUTOMATICALLY

23   ENROLLED IN ADVANCED COURSES, INCLUDING BUT NOT LIMITED TO AGE,

24   ETHNICITY, RACIAL, AND SOCIOECONOMIC INFORMATION.

25   **22-95.5-204. Department of education reporting requirements.**

26   IN ITS ANNUAL REPORT BEFORE THE HOUSE AND SENATE COMMITTEES OF

27   REFERENCE PURSUANT TO SECTION 2-7-203, THE DEPARTMENT SHALL

1   INCLUDE INFORMATION DESCRIBING THE GRANTS AWARDED THROUGH THE

2   GRANT PROGRAM DURING THE PRECEDING YEAR.

3   **SECTION 3.** In Colorado Revised Statutes, 22-95.5-101, **amend**

4   the introductory portion as follows:

5   **22-95.5-101. Definitions.** As used in this ~~article 95.5~~ PART 1,

6   unless the context otherwise requires:

7   **SECTION 4. Appropriation.** For the 2019-20 state fiscal year,

8    $250,000 is appropriated to the department of education. This

9   appropriation is from the general fund and is based on an assumption that

10   the department will require an additional 0.3 FTE. To implement this act,

11   the department may use this appropriation for the John W. Buckner

12   automatic enrollment in advanced courses grant program.

13   **SECTION 5. Act subject to petition - effective date.** This act

14   takes effect at 12:01 a.m. on the day following the expiration of the

15   ninety-day period after final adjournment of the general assembly (August

16   2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

17   referendum petition is filed pursuant to section 1 (3) of article V of the

18   state constitution against this act or an item, section, or part of this act

19   within such period, then the act, item, section, or part will not take effect

20   unless approved by the people at the general election to be held in

21   November 2020 and, in such case, will take effect on the date of the

22   official declaration of the vote thereon by the governor.