

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0574.01 Julie Pelegrin x2700

HOUSE BILL 21-1029

HOUSE SPONSORSHIP

Geitner,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZING LOCAL EDUCATION PROVIDERS TO USE**
102 **PER-PUPIL INTERVENTION MONEY TO PURCHASE CORE READING**
103 **INSTRUCTIONAL PROGRAMS THAT ARE NOT INCLUDED ON THE**
104 **ADVISORY LIST CREATED BY THE DEPARTMENT OF EDUCATION.**

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>.)

Under current law, a school district, charter school, or board of cooperative services (local education provider) may use per-pupil intervention money received pursuant to the "Colorado READ Act" to

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.

purchase core reading instructional programs (programs) that are on an advisory list of programs created by the department of education (department).

The bill authorizes a local education provider to use per-pupil intervention money to purchase programs that are not on the advisory list but that the local education provider determines meet the criteria for placement on the list. After the local education provider has used the programs for 2 school years, the department must review the programs and the results achieved and determine whether the programs are effective in improving students' reading competency.

If the programs are effective, the department must place the programs on the advisory list. If the programs are not effective, a local education provider may not subsequently use per-pupil intervention money to purchase the programs.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) In 2012, the general assembly enacted the "Colorado Reading
5 to Ensure Academic Development Act" or "Colorado READ Act", part
6 12 of article 7 of title 22, Colorado Revised Statutes. Among other things,
7 the "Colorado READ Act" requires local education providers to test
8 students annually in kindergarten and grades one through three to
9 measure students' levels of reading competency and identify students who
10 have a significant reading deficiency.

11 (b) Based on information available from the Colorado department
12 of education, in 2013, 42,479 students, or 16.3 percent of all
13 kindergarten-through-third-grade students tested, were identified as
14 having a significant reading deficiency. Although the number and
15 percentage have varied somewhat over the years, in 2017, the most recent
16 year for which data are available, the number of students identified as
17 having a significant reading deficiency had decreased slightly to 40,533

1 students, or 15.7 percent of the students tested.

2 (c) Student progress in literacy may also be measured by looking
3 at the results for the third-grade English language arts and literacy state
4 assessment administered pursuant to section 22-7-1006.3 (1), Colorado
5 Revised Statutes. Based on data available from the department of
6 education, the results of the 2019 assessments demonstrate that, in the
7 overall third-grade student population in the state, only 41.3 percent of
8 students met or exceeded expectations. When these assessment scores are
9 disaggregated by student group, the data show that:

10 (I) For the male third-grade student population, only 37.8 percent
11 met or exceeded expectations;

12 (II) For the female third-grade student population, only 44.6
13 percent met or exceeded expectations;

14 (III) For the Black third-grade student population, only 25.4
15 percent met or exceeded expectations;

16 (IV) For the Hispanic third-grade student population, only 25.6
17 percent met or exceeded expectations; and

18 (V) For the White third-grade student population, only 51.2
19 percent met or exceeded expectations.

20 (d) Further, the department of education has preliminary reading
21 assessment data from the 2020 fall semester that indicates a significant
22 level of reading loss for students in first grade, with 44 percent of
23 students performing significantly below grade level in reading in 2020
24 compared to 28 percent in 2019. The data also demonstrates a less
25 dramatic, but still concerning, reading loss for students in kindergarten
26 and second and third grade.

27 (e) Based on the available data, implementation of the "Colorado

1 READ Act" so far has not significantly improved students' levels of
2 reading competency. One factor that may be contributing to this lack of
3 improvement is the restrictions on local education providers in selecting
4 core reading instructional programs. Under existing law, a local education
5 provider may use per-pupil intervention money to purchase only those
6 core reading instructional programs that are included on the list of
7 programs recommended by the department of education.

8 (2) The general assembly finds that the lack of progress in
9 reducing the incidence of significant reading deficiencies among students
10 enrolled in kindergarten and grades one through three may be due in part
11 to restrictions that limit the options available to local education providers
12 when using state money to purchase core reading instructional programs.
13 The general assembly further finds that it is therefore appropriate to
14 authorize a local education provider to use per-pupil intervention money
15 to purchase core reading instructional programs selected solely by the
16 local education provider. Granting greater freedom to local education
17 providers to use state money to identify, purchase, and use instructional
18 programming may result in the identification of more effective
19 instructional programs, the use of which will more significantly improve
20 students' levels of reading competency.

21 **SECTION 2.** In Colorado Revised Statutes, 22-7-1210.5, **amend**
22 (4)(b) and (5) as follows:

23 **22-7-1210.5. Per-pupil intervention money - uses - distribution**
24 **- monitoring - repeal.** (4) A local education provider may use the
25 per-pupil intervention money only as follows:

26 (b) To purchase core reading instructional programs that are
27 included on the advisory list of instructional programming in reading and

1 supporting technologies developed by the department pursuant to section
2 22-7-1209 (2)(b); EXCEPT THAT, IN ACCORDANCE WITH SUBSECTION (5)(b)
3 OF THIS SECTION, A LOCAL EDUCATION PROVIDER MAY USE THE PER-PUPIL
4 INTERVENTION MONEY TO PURCHASE CORE READING INSTRUCTIONAL
5 PROGRAMS THAT ARE NOT INCLUDED ON THE ADVISORY LIST;

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

12 (b) A LOCAL EDUCATION PROVIDER MAY USE PER-PUPIL
13 INTERVENTION MONEY TO PURCHASE CORE READING INSTRUCTIONAL
14 PROGRAMS THAT THE LOCAL EDUCATION PROVIDER DETERMINES MEET THE
15 CRITERIA SPECIFIED IN SECTION 22-7-1209 (2)(b), EVEN THOUGH THE
16 PROGRAMS ARE NOT INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL
17 PROGRAMMING IN READING AND SUPPORTING TECHNOLOGIES CREATED
18 PURSUANT TO SECTION 22-7-1209 (2)(b). BEFORE PURCHASING THE CORE
19 READING INSTRUCTIONAL PROGRAMS, THE LOCAL EDUCATION PROVIDER
20 SHALL NOTIFY THE DEPARTMENT AND PROVIDE A DESCRIPTION OF THE
21 PROGRAMS. AFTER THE LOCAL EDUCATION PROVIDER HAS USED THE CORE
22 READING INSTRUCTIONAL PROGRAMS FOR TWO FULL SCHOOL YEARS, THE
23 DEPARTMENT SHALL REVIEW THE PROGRAMS AND THE RESULTS ACHIEVED
24 BY THE LOCAL EDUCATION PROVIDER. IF THE DEPARTMENT DETERMINES
25 THAT THE CORE READING INSTRUCTIONAL PROGRAMS EFFECTIVELY HELP
26 STUDENTS TO ATTAIN READING COMPETENCY, THE DEPARTMENT SHALL
27 INCLUDE THE PROGRAMS ON THE ADVISORY LIST CREATED IN SECTION

1 22-7-1209 (2)(b). IF THE DEPARTMENT DETERMINES THAT THE CORE
2 READING INSTRUCTIONAL PROGRAMS ARE NOT EFFECTIVE, A LOCAL
3 EDUCATION PROVIDER MAY NOT SUBSEQUENTLY USE PER-PUPIL
4 INTERVENTION MONEY TO PURCHASE THE PROGRAMS.

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