PREAMENDED

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

SENATE BILL 19-059

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

Buckner,

Senate Committees	House Committees
Education	
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.

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 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.

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.

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

95.5 of title 22 as follows:

PART 2

AUTOMATIC ENROLLMENT IN ADVANCED COURSES

GRANT PROGRAM

22-95.5-201. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADVANCED COURSE" MEANS AN ADVANCED COURSE OF STUDY IN ANY SUBJECT, INCLUDING AN ADVANCED PLACEMENT COURSE; AN INTERNATIONAL BACCALAUREATE COURSE; OR A COURSE DESIGNATED BY A SCHOOL DISTRICT AS AN HONORS, GIFTED, OR ACCELERATED COURSE.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

(3) "GRANT PROGRAM" MEANS THE AUTOMATIC ENROLLMENT IN ADVANCED COURSES GRANT PROGRAM CREATED IN SECTION 22-95.5-202.

(4) "LOCAL EDUCATION PROVIDER" MEANS A PUBLIC SCHOOL AS DESCRIBED IN SECTION 22-1-101, A SCHOOL DISTRICT, OR A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22.

(5) "PARENT" MEANS A STUDENT'S BIOLOGICAL PARENT, ADOPTIVE PARENT, OR LEGAL GUARDIAN.

(6) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

(7) "SCHOOL DISTRICT" MEANS ANY PUBLIC SCHOOL DISTRICT ORGANIZED UNDER THE LAWS OF COLORADO. "SCHOOL DISTRICT" DOES

1 NOT INCLUDE A LOCAL COLLEGE DISTRICT.

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

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

4 STATE CONSTITUTION.

5 **22-95.5-202. Automatic enrollment in advanced courses grant**

6 **program - creation - rules.** (1) THERE IS CREATED IN THE DEPARTMENT

7 THE AUTOMATIC ENROLLMENT IN ADVANCED COURSES GRANT PROGRAM

8 TO INCREASE THE NUMBER OF STUDENTS ENROLLED IN ADVANCED

9 COURSES FOR SUBJECTS IN WHICH THE STUDENT HAS DEMONSTRATED

10 PROFICIENCY.

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

12 ACCORDANCE WITH STATE BOARD RULES. THE DEPARTMENT SHALL:

13 (a) ACCEPT AND REVIEW GRANT APPLICATIONS;

14 (b) DETERMINE THE AMOUNT, IN ACCORDANCE WITH STATE BOARD

15 RULES AND BASED ON AVAILABLE APPROPRIATIONS, THAT WILL BE

16 AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER; AND

17 (c) AWARD A GRANT TO EACH ELIGIBLE LOCAL EDUCATION

18 PROVIDER THAT HAS SUBMITTED AN APPLICATION.

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

20 SHALL PROMULGATE RULES TO IMPLEMENT THE GRANT PROGRAM,

21 INCLUDING RULES RELATING TO:

22 (I) THE APPLICATION PROCESS, INCLUDING DEADLINES;

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

24 AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER;

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

26 (IV) A PROCESS FOR VERIFYING THAT LOCAL EDUCATION

27 PROVIDERS THAT HAVE RECEIVED AN AWARD ARE COMPLYING WITH THE

1   REQUIREMENTS OF THE GRANT PROGRAM.

2   (b) WHEN PROMULGATING RULES FOR DETERMINING THE AMOUNT

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

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

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

6   IMPLEMENTING ITS PLAN SUBMITTED WITH ITS APPLICATION;

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

8   EDUCATION PROVIDER AUTOMATICALLY ENROLLS STUDENTS IN ADVANCED

9   COURSES; AND

10   (III) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN

11   ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER.

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

13   STATE BOARD SHALL ENSURE THAT A RURAL SCHOOL DISTRICT MAY

14   SUBMIT A SIMPLIFIED GRANT APPLICATION.

15   **22-95.5-203. Eligibility - application - use of grant money -**

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

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

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

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

20   SUBMIT AN APPLICATION.

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

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

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

24   SUPERINTENDENT OF THE SCHOOL DISTRICT OF THE APPLICATION.

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

26   PROGRAM IF THE LOCAL EDUCATION PROVIDER AUTOMATICALLY ENROLLS

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

COURSE BASED ON ANY OF THE FOLLOWING CRITERIA:

(I) THE STUDENT ACHIEVED A SCORE THAT IS EQUIVALENT TO, OR EXCEEDS, DEMONSTRATING PROFICIENCY ON THE STATE ASSESSMENT THAT WAS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 FOR THE PRECEDING ACADEMIC YEAR, REFERRED TO IN THIS SECTION AS AN "ELIGIBLE SCORE", AS FOLLOWS:

(A) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT RELATED TO MATHEMATICS MUST BE AUTOMATICALLY ENROLLED IN ADVANCED COURSES IN MATHEMATICS;

(B) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN SUBJECTS RELATING TO READING AND WRITING MUST BE ENROLLED IN ADVANCED COURSES IN ENGLISH, SOCIAL STUDIES, HUMANITIES, OR OTHER RELATED SUBJECTS; AND

(C) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT RELATED TO SCIENCE OR SOCIAL STUDIES MUST BE AUTOMATICALLY ENROLLED IN ADVANCED COURSES IN SCIENCE OR SOCIAL STUDIES; OR

(II) ANY OTHER MEASURE, APPLIED TO ALL STUDENTS ENROLLED IN A LOCAL EDUCATION PROVIDER, THAT, IN THE JUDGMENT OF THE LOCAL EDUCATION PROVIDER, IS AN INDICATOR THAT A STUDENT DEMONSTRATES THE ABILITY TO SUCCEED IN AN ADVANCED COURSE.

(b) (I) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO AUTOMATICALLY ENROLL EACH STUDENT ENTERING THE FOURTH THROUGH EIGHTH GRADE IN ADVANCED COURSES AS DESCRIBED IN THIS SECTION.

(II) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO USE AUTOMATIC ENROLLMENT FOR COURSES IN SUBJECTS NOT LISTED IN THIS SECTION.

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

2 STUDENT TO REMOVE THE STUDENT FROM AN ADVANCED COURSE IN

3 WHICH THE STUDENT HAS BEEN AUTOMATICALLY ENROLLED. A LOCAL

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

5 THE STUDENT FROM ANY AUTOMATIC ENROLLMENT IN ADVANCED

6 COURSES.

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

8 LOCAL EDUCATION PROVIDER SHALL INCLUDE THE FOLLOWING:

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

10 EXISTING ADVANCED COURSES AND ANY PLANNED ADVANCED COURSES,

11 INCLUDING COURSES THAT MAY BE IMPLEMENTED WITH MONEY RECEIVED

12 FROM THE GRANT PROGRAM;

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

14 ENROLLING STUDENTS INTO ADVANCED COURSES;

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

16 USE ANY GRANT AWARDED CONSISTENT WITH THE REQUIREMENTS OF

17 SUBSECTION (4) OF THIS SECTION; AND

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

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

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

21 FOLLOWING:

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

23 THE LOCAL EDUCATION PROVIDER, INCLUDING THE USE OF TECHNOLOGY

24 TO INCREASE THE NUMBER OF ADVANCED COURSES OFFERED;

25   (b) INCENTIVIZING TEACHERS TO TEACH ADVANCED COURSES,

26 INCLUDING TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT IN

27 AREAS RELATING TO ADVANCED COURSE INSTRUCTION;

1 (c) DEVELOPING ADVANCED COURSE CURRICULUM; OR

2 (d) EXPANDING PARENT AND STUDENT ENGAGEMENT WITH THE

3 LOCAL EDUCATION PROVIDER AS IT RELATES TO ADVANCED COURSE

4 AVAILABILITY AND ENROLLMENT AND STUDENT SUCCESS IN ADVANCED

5 COURSES.

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

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

8 DEPARTMENT THAT INCLUDES THE FOLLOWING INFORMATION:

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

10 (b) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN

11 ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER; AND

12 (c) DEMOGRAPHIC INFORMATION OF STUDENTS AUTOMATICALLY

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

14 ETHNICITY, RACIAL, AND SOCIOECONOMIC INFORMATION.

15 **22-95.5-204. Department of education reporting requirements.**

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

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

18 INCLUDE INFORMATION DESCRIBING THE GRANTS AWARDED THROUGH THE

19 GRANT PROGRAM DURING THE PRECEDING YEAR.

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

21 the introductory portion as follows:

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

23 unless the context otherwise requires:

24 **SECTION 4. Act subject to petition - effective date.** This act

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

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

27 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

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

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

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

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

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

6   official declaration of the vote thereon by the governor.