

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0325.01 Julie Pelegrin x2700

HOUSE BILL 14-1167

HOUSE SPONSORSHIP

Navarro,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ENGLISH LANGUAGE PROFICIENCY PROGRAMS IN PUBLIC
102 SCHOOLS.

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://www.leg.state.co.us/billsummaries>.)

The bill repeals and reenacts the existing English Language Proficiency Act (ELPA). Under the existing ELPA, funding for a student with limited English proficiency is limited to 2 years, and funds are allocated to school districts, the state charter school institute, and facility schools based on students' levels of English proficiency.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The new ELPA uses the term "English language learner" (ELL) rather than "student with limited English proficiency" and uses the term "local education provider", which includes a school district, the state charter school institute, or a facility school. Under the new ELPA, the time for funding expands to 5 years, and each ELL is funded at the same level. The funding allocation is based on certification of the number of ELLs that a local education provider enrolls.

Each local education provider must:

- ! Use the ELPA moneys it receives only to pay for the English language proficiency program;
- ! Identify and assess ELLs;
- ! Report to the department of education (department) the number of ELLs, the number of non-English languages spoken by ELLs, and the number of ELLs who speak each language;
- ! Provide for each ELL an English language proficiency program that meets specific requirements;
- ! Submit to the department a budget for the ELPA moneys the local education provider receives;
- ! Report its use of ELPA moneys; and
- ! Provide assurances that the local education provider is complying with state and federal laws.

The department must:

- ! Identify the English language proficiency assessments that local education providers will use to identify ELLs, which may be the same assessments used under existing law;
- ! Annually review the statewide levels of proficiency on the statewide assessments for the ELLs who are required to take the statewide assessment;
- ! Identify accommodations that a local education provider must allow on statewide assessments;
- ! Monitor, based on the proficiency levels achieved by the local education provider's ELLs, all aspects of each local education provider's implementation of its English language proficiency program;
- ! Identify which students are appropriately counted as ELLs and appropriately allocate the ELPA moneys to local education providers;
- ! Disaggregate and report academic performance data for ELLs; and
- ! Review the ELPA budgets received from local education providers.

The state board of education (state board) must adopt rules as necessary to implement the ELPA, but the existing rules remain in effect to the extent they continue to be appropriate. The state board may adopt

measures that are specific to the English language proficiency assessments, which measures the department must use to determine a local education provider's level of achievement in meeting the English language development and academic achievement goals for ELLs. In monitoring the local education providers' implementation of the new ELPA, the department cannot require the local education providers to submit data that they already submit under existing federal or state statutes or rules.

The bill creates the English language proficiency act excellence awards program (excellence awards program). The department makes awards by identifying the local education providers that achieve the highest English language and academic growth with regard to ELLs and the highest academic achievement for ELLs who successfully transition out of the English language proficiency program. The excellence awards program may be funded with state education fund moneys.

The bill creates the professional development and student support program (support program) to provide moneys to local education providers to: offset the costs incurred in meeting the ELPA reporting requirements; provide professional development activities for all educators who may work with ELLs; and expand programs to help students who are or have been identified as ELLs in achieving greater content proficiency. The department distributes the support program moneys to local education providers based on the percentage of the statewide number of ELLs that each local education provider enrolls. The support program may be funded with state education fund moneys.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** article 24 of title 22 as follows:

4 **ARTICLE 24**

5 **English Language Proficiency Act**

6 **22-24-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
7 BE CITED AS THE "ENGLISH LANGUAGE PROFICIENCY ACT".

8 **22-24-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 FINDS THAT:

10 (a) THERE IS A SUBSTANTIAL NUMBER OF STUDENTS IN COLORADO
11 WHO ARE ENGLISH LANGUAGE LEARNERS;

1 (b) LOCAL EDUCATION PROVIDERS MUST PROVIDE
2 EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR
3 ENGLISH LANGUAGE LEARNERS TO ENABLE THEM TO DEVELOP AND
4 ACQUIRE ENGLISH LANGUAGE PROFICIENCY WHILE THEY ALSO HAVE
5 ACCESS TO AND SUPPORT FOR ACHIEVEMENT IN GRADE-LEVEL ACADEMIC
6 CONTENT;

7 (c) TO IMPROVE THE EDUCATIONAL AND CAREER OPPORTUNITIES
8 FOR EVERY STUDENT IN COLORADO, THE STATE MUST ENSURE SUPPORT
9 FOR LOCAL EDUCATION PROVIDERS TO ESTABLISH EVIDENCE-BASED
10 ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

11 (d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE
12 ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE
13 DEVELOPMENT AND IN PROVIDING ACCESS AND SUPPORT FOR
14 ACHIEVEMENT IN GRADE-LEVEL ACADEMIC CONTENT FOR ENGLISH
15 LANGUAGE LEARNERS;

16 (e) THE STATE MUST DEVELOP AN EDUCATOR WORKFORCE THAT
17 CAN SUPPORT THE EDUCATIONAL APPROACH AND GOALS OF LOCAL
18 EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE
19 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT
20 GRADUATION;

21 (f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO
22 LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE
23 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT
24 GRADUATION;

25 (g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
26 EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE
27 THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11

1 OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES
2 MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE
3 DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH
4 LANGUAGE LEARNERS; AND

5 (h) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
6 EDUCATION MUST RECOGNIZE LOCAL EDUCATION PROVIDERS WHO
7 PROVIDE EFFECTIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS BY
8 AWARDING GRANTS THROUGH A COMPETITIVE PROGRAM THAT IS
9 SUPPORTED WITH ANNUAL APPROPRIATIONS.

10 **22-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

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

13 (2) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND
14 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF
15 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE
16 5 OF THIS TITLE.

17 (3) "ENGLISH LANGUAGE LEARNER" MEANS A STUDENT WHO IS
18 LINGUISTICALLY DIVERSE AND WHO IS IDENTIFIED PURSUANT TO SECTION
19 22-24-105 (3) (a) AS HAVING A LEVEL OF ENGLISH LANGUAGE
20 PROFICIENCY THAT REQUIRES LANGUAGE SUPPORT TO ACHIEVE
21 STANDARDS IN GRADE-LEVEL CONTENT IN ENGLISH.

22 (4) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A
23 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS
24 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH
25 LANGUAGE LEARNER WHILE ALSO PROVIDING THE STUDENT ACCESS TO
26 GRADE-LEVEL ACADEMIC CONTENT TO SUPPORT THE STUDENT'S ACADEMIC
27 ACHIEVEMENT. AN ENGLISH LANGUAGE PROFICIENCY PROGRAM MUST

1 INCLUDE THE REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (1).

2 (5) "EVIDENCE-BASED" MEANS THE INSTRUCTION OR ITEM
3 DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE
4 THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED
5 A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO
6 ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY,
7 AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE
8 LEARNERS.

9 (6) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS
10 DEFINED IN SECTION 22-2-402 (1).

11 (7) "LOCAL EDUCATION PROVIDER" MEANS A DISTRICT, THE STATE
12 CHARTER SCHOOL INSTITUTE, OR A FACILITY SCHOOL.

13 (8) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE
14 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE
15 30.5 OF THIS TITLE.

16 **22-24-104. English language proficiency program established**
17 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE
18 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN
19 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY
20 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND
21 GRADES ONE THROUGH TWELVE.

22 (2) (a) A STUDENT IDENTIFIED FOR INCLUSION IN AN ENGLISH
23 LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING PURSUANT TO
24 THIS SECTION FOR UP TO A TOTAL OF FIVE BUDGET YEARS REGARDLESS OF
25 WHETHER THE STUDENT TRANSFERS ENROLLMENT AMONG LOCAL
26 EDUCATION PROVIDERS DURING THE FIVE YEARS. THE FIVE BUDGET YEARS
27 IN WHICH A STUDENT RECEIVES FUNDING PURSUANT TO THIS SECTION ARE

1 NOT REQUIRED TO BE CONSECUTIVE IF A STUDENT EXITS AN ENGLISH
2 LANGUAGE PROFICIENCY PROGRAM PURSUANT TO SECTION 22-24-105 (1)
3 (e) AND IS SUBSEQUENTLY RE-IDENTIFIED FOR INCLUSION IN AN ENGLISH
4 LANGUAGE PROFICIENCY PROGRAM. A STUDENT IS NOT ELIGIBLE FOR
5 FUNDING IN A SCHOOL YEAR IN WHICH THE STUDENT DOES NOT RECEIVE
6 EDUCATIONAL SUPPORT THROUGH AN ENGLISH LANGUAGE PROFICIENCY
7 PROGRAM. THE DEPARTMENT SHALL ALLOCATE STATE MONEYS PURSUANT
8 TO THIS SECTION ON THE STUDENT'S BEHALF TO THE LOCAL EDUCATION
9 PROVIDER THAT ENROLLS THE STUDENT.

10 (b) IF A STUDENT WAS IDENTIFIED FOR INCLUSION IN AN ENGLISH
11 LANGUAGE PROFICIENCY PROGRAM AND RECEIVED STATE FUNDING
12 PURSUANT TO THIS ARTICLE AS IT EXISTED BEFORE THE EFFECTIVE DATE
13 OF THE REPEAL AND REENACTMENT OF THIS ARTICLE, THE DEPARTMENT
14 MUST INCLUDE THE BUDGET YEARS FOR WHICH THE STUDENT RECEIVED
15 FUNDING BEFORE THE EFFECTIVE DATE OF THE REPEAL AND REENACTMENT
16 OF THIS ARTICLE IN CALCULATING THE FIVE-YEAR LIMIT ON FUNDING FOR
17 THE STUDENT.

18 (3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
19 MONEYS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS
20 SECTION. THE DEPARTMENT SHALL ALLOCATE THE MONEYS ANNUALLY
21 APPROPRIATED TO LOCAL EDUCATION PROVIDERS ON A PER-PUPIL BASIS
22 USING THE NUMBER OF ENGLISH LANGUAGE LEARNERS CERTIFIED
23 PURSUANT TO SECTION 22-24-105, SUBJECT TO THE TIME LIMIT SPECIFIED
24 IN SUBSECTION (2) OF THIS SECTION.

25 (4) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION
26 PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS
27 ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE

1 PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS
2 ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF
3 THESE PROGRAMS MAY RECEIVE MONEYS PURSUANT TO THIS ARTICLE
4 ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS
5 ENROLLED IN THE PROGRAMS.

6 **22-24-105. Local education provider - powers and duties.**

7 (1) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH
8 LANGUAGE PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE
9 LEARNERS ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION
10 PROVIDER; EXCEPT THAT LOCAL EDUCATION PROVIDERS MAY COOPERATE
11 IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE. THE ENGLISH
12 LANGUAGE PROFICIENCY PROGRAM MUST INCLUDE:

13 (a) AN EDUCATIONAL APPROACH THAT INCLUDES ACADEMIC
14 GOALS FOR THE PROGRAM;

15 (b) A PROCESS TO IDENTIFY ENGLISH LANGUAGE LEARNERS THAT
16 INCLUDES THE DEPARTMENT-APPROVED ASSESSMENT FOR IDENTIFICATION;

17 (c) ENGLISH-LANGUAGE ASSESSMENT AND CONTENT ASSESSMENT
18 OF ENGLISH LANGUAGE LEARNERS;

19 (d) EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY
20 INSTRUCTIONAL PROGRAMS;

21 (e) A PROCESS BY WHICH AN ENGLISH LANGUAGE LEARNER, BASED
22 ON A BODY OF EVIDENCE THAT MUST INCLUDE STATE-MANDATED ENGLISH
23 LANGUAGE PROFICIENCY AND ACADEMIC ASSESSMENTS AND MAY INCLUDE
24 OTHER EVIDENCE THAT DEMONSTRATES THE ENGLISH LANGUAGE
25 LEARNER'S ACADEMIC PERFORMANCE, ACADEMIC GROWTH, ENGLISH
26 LANGUAGE PROFICIENCY, AND ENGLISH LANGUAGE GROWTH, MAY EXIT
27 THE PROGRAM AND A PROCESS BY WHICH A STUDENT WHO HAS EXITED THE

1 PROGRAM MAY BE RE-IDENTIFIED AS AN ENGLISH LANGUAGE LEARNER;
2 AND

3 (f) A PROCESS FOR PROGRAM EVALUATION, REVIEW, AND
4 IMPROVEMENT.

5 (2) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT ANY
6 MONEYS RECEIVED PURSUANT TO SECTION 22-24-104 (3) ARE USED TO
7 IMPLEMENT ONE OR MORE OF THE REQUIRED COMPONENTS OF THE
8 ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE LOCAL EDUCATION
9 PROVIDER ADMINISTERS.

10 (3) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTIONS (1) AND
11 (2) OF THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL:

12 (a) IDENTIFY ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED
13 IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER USING THE
14 STATE-APPROVED ASSESSMENT FOR ENGLISH LANGUAGE PROFICIENCY;

15 (b) ANNUALLY ASSESS THE ENGLISH LANGUAGE PROFICIENCY OF
16 ENGLISH LANGUAGE LEARNERS USING THE ENGLISH LANGUAGE
17 PROFICIENCY ASSESSMENT IDENTIFIED BY THE DEPARTMENT PURSUANT TO
18 SECTION 22-24-106 (1) (a);

19 (c) ANNUALLY REPORT AND CERTIFY TO THE DEPARTMENT:

20 (I) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO ARE
21 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER
22 AND ELIGIBLE FOR FUNDING PURSUANT TO SECTION 22-24-104 (2);

23 (II) THE NUMBER OF NON-ENGLISH LANGUAGES THAT ARE
24 CERTIFIED AS ENGLISH LANGUAGE LEARNERS' PRIMARY LANGUAGES; AND

25 (III) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO SPEAK
26 EACH NON-ENGLISH LANGUAGE AS THEIR PRIMARY LANGUAGE;

27 (d) FOR EACH BUDGET YEAR, SUBMIT TO THE DEPARTMENT A

1 BUDGET SPECIFYING HOW THE LOCAL EDUCATION PROVIDER WILL USE THE
2 MONEYS RECEIVED;

3 (e) AT THE END OF EACH BUDGET YEAR, SUBMIT TO THE
4 DEPARTMENT AN EXPLANATION OF THE LOCAL EDUCATION PROVIDER'S
5 EXPENDITURES IN PROVIDING THE ENGLISH LANGUAGE PROFICIENCY
6 PROGRAM DURING THE BUDGET YEAR; AND

7 (f) ANNUALLY PROVIDE TO THE DEPARTMENT THE FOLLOWING
8 ASSURANCES:

9 (I) THE LOCAL EDUCATION PROVIDER IS USING THE MONEYS
10 RECEIVED PURSUANT TO SECTION 22-24-104 (3) TO IMPLEMENT ONE OR
11 MORE OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM COMPONENTS
12 SPECIFIED IN SUBSECTION (1) OF THIS SECTION;

13 (II) THE LOCAL EDUCATION PROVIDER ADMINISTERS AN ENGLISH
14 LANGUAGE PROFICIENCY PROGRAM THAT COMPLIES WITH THE
15 REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO MEET
16 THE LINGUISTIC AND ACADEMIC NEEDS OF THE ENGLISH LANGUAGE
17 LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL
18 EDUCATION PROVIDER; AND

19 (III) THE ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE
20 LOCAL EDUCATION PROVIDER OPERATES COMPLIES WITH APPLICABLE
21 STATE AND FEDERAL LAWS.

22 **22-24-106. Department of education - powers - duties - state**
23 **board of education - rules.** (1) THE DEPARTMENT SHALL:

24 (a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS
25 THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS
26 WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY
27 PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE BEFORE THE

1 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;

2 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY
3 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION
4 22-7-409 OR 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO
5 ARE REQUIRED TO TAKE THE STATEWIDE ASSESSMENT;

6 (c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A
7 LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN
8 WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE
9 ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING
10 ASSESSMENTS PURSUANT TO SECTION 22-7-409 OR 22-7-1006;

11 (d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE
12 TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING
13 ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND
14 EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

15 (e) COMPREHENSIVELY MONITOR THE DEVELOPMENT,
16 IMPLEMENTATION, AND EVALUATION OF EACH LOCAL EDUCATION
17 PROVIDER'S ENGLISH LANGUAGE PROFICIENCY PROGRAM BASED ON THE
18 PERFORMANCE OF THE ENGLISH LANGUAGE LEARNERS WHO ARE
19 ENROLLED BY THE LOCAL EDUCATION PROVIDER. THE DEPARTMENT MUST
20 MONITOR AT A MINIMUM:

21 (I) THE LOCAL EDUCATION PROVIDER'S EDUCATIONAL APPROACH,
22 INCLUDING GOALS, WITH REGARD TO EACH ENGLISH LANGUAGE
23 PROFICIENCY PROGRAM;

24 (II) THE PROCESS THE LOCAL EDUCATION PROVIDER USES TO
25 IDENTIFY ENGLISH LANGUAGE LEARNERS;

26 (III) EACH LOCAL EDUCATION PROVIDER'S ANNUAL ASSESSMENT
27 OF ENGLISH LANGUAGE LEARNERS;

1 (IV) THE LOCAL EDUCATION PROVIDER'S ENGLISH LANGUAGE
2 PROFICIENCY PROGRAM TO ENSURE IT IS EVIDENCE-BASED;

3 (V) THE PROCESS THE LOCAL EDUCATION PROVIDER USES FOR
4 EXITING STUDENTS FROM THE ENGLISH LANGUAGE PROFICIENCY PROGRAM
5 AND RE-IDENTIFYING STUDENTS FOR THE PROGRAM;

6 (VI) THE LOCAL EDUCATION PROVIDER'S EVALUATION, REVIEW,
7 AND IMPROVEMENT OF ITS ENGLISH LANGUAGE PROFICIENCY PROGRAM;

8 (VII) THE VALIDITY OF THE LOCAL EDUCATION PROVIDER'S
9 ASSURANCES REQUIRED IN SECTION 22-24-105 (3) (f); AND

10 (VIII) THE LOCAL EDUCATION PROVIDER'S EXPENDITURES OF
11 MONEYS RECEIVED PURSUANT TO SECTION 22-24-104 (3);

12 (f) IDENTIFY, BASED ON THE CERTIFICATIONS RECEIVED FROM
13 LOCAL EDUCATION PROVIDERS, THE STUDENTS WHO ARE COUNTED AS
14 ENGLISH LANGUAGE LEARNERS FOR PURPOSES OF CALCULATING EACH
15 LOCAL EDUCATION PROVIDER'S ALLOCATION OF MONEYS PURSUANT TO
16 SECTION 22-24-104 (3);

17 (g) ANNUALLY ALLOCATE THE MONEYS APPROPRIATED FOR
18 IMPLEMENTATION OF THIS ARTICLE, INCLUDING ALLOCATING THE MONEYS
19 SPECIFIED IN SECTION 22-24-104 (3) ON A PER-PUPIL BASIS, USING THE
20 NUMBER OF ENGLISH LANGUAGE LEARNERS IDENTIFIED PURSUANT TO
21 PARAGRAPH (f) OF THIS SUBSECTION (1) AND PARTICIPATING IN THE
22 ENGLISH LANGUAGE PROFICIENCY PROGRAM;

23 (h) REVIEW THE BUDGETS RECEIVED FROM LOCAL EDUCATION
24 PROVIDERS PURSUANT TO SECTION 22-24-105 (3) (d);

25 (i) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE
26 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006
27 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC

1 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS AS PROVIDED IN PART 5
2 OF ARTICLE 11 OF THIS TITLE; AND

3 (j) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT
4 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107 AND THE
5 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM CREATED
6 IN SECTION 22-24-108.

7 (2) IN MONITORING EACH LOCAL EDUCATION PROVIDER'S ENGLISH
8 LANGUAGE PROFICIENCY PROGRAM AND IN OTHERWISE IMPLEMENTING THE
9 PROVISIONS OF THIS ARTICLE, THE DEPARTMENT SHALL NOT REQUIRE
10 LOCAL EDUCATION PROVIDERS TO SUBMIT REPORTS OR OTHERWISE
11 PROVIDE DATA THAT ARE REQUIRED BY OR THAT THE DEPARTMENT
12 COLLECTS UNDER OTHER STATE OR FEDERAL DATA-COLLECTION OR
13 REPORTING STATUTORY OR REGULATORY REQUIREMENTS.

14 (3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT
15 THIS ARTICLE BEFORE THE EFFECTIVE DATE OF THE REPEAL AND
16 REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER THAT
17 DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE
18 TO BE APPROPRIATE, AND THE STATE BOARD SHALL PROMULGATE
19 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
20 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO
21 IMPLEMENT THIS ARTICLE. THE STATE BOARD BY RULE MAY IDENTIFY
22 MEASURES THAT ARE SPECIFIC TO THE ENGLISH LANGUAGE PROFICIENCY
23 ASSESSMENT, WHICH MEASURES THE DEPARTMENT MUST USE TO
24 DETERMINE A LOCAL EDUCATION PROVIDER'S LEVEL OF ACHIEVEMENT IN
25 MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC
26 ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS.

27 **22-24-107. English language proficiency act excellence award**

1 **program - excellence award fund - created - rules - legislative**

2 **declaration.** (1) THERE IS CREATED IN THE DEPARTMENT THE ENGLISH
3 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM TO AWARD
4 GRANTS TO LOCAL EDUCATION PROVIDERS THAT ACHIEVE THE HIGHEST
5 ENGLISH LANGUAGE AND ACADEMIC GROWTH AMONG ENGLISH LANGUAGE
6 LEARNERS AND THE HIGHEST ACADEMIC ACHIEVEMENT FOR ENGLISH
7 LANGUAGE LEARNERS WHO TRANSITION OUT OF THE ENGLISH LANGUAGE
8 PROFICIENCY PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE
9 PROGRAM BY ANNUALLY IDENTIFYING, BASED ON RULES OF THE STATE
10 BOARD, THE LOCAL EDUCATION PROVIDERS THAT QUALIFY FOR GRANTS
11 AND DISTRIBUTING THE MONEYS APPROPRIATED TO THE EXCELLENCE
12 AWARDS FUND CREATED IN SUBSECTION (4) OF THIS SECTION. THE STATE
13 BOARD BY RULE SHALL SET THE GRANT AMOUNT BASED ON THE STUDENT
14 ENROLLMENT OF THE LOCAL EDUCATION PROVIDERS THAT QUALIFY FOR
15 GRANTS AND THE CONCENTRATION OF ENGLISH LANGUAGE LEARNERS
16 ENROLLED BY THE LOCAL EDUCATION PROVIDERS AS A PERCENTAGE OF
17 THE TOTAL STUDENT ENROLLMENT. SUBJECT TO AVAILABLE
18 APPROPRIATIONS, THE DEPARTMENT SHALL DISTRIBUTE THE MONEYS IN
19 ACCORDANCE WITH THE RULES TO THE LOCAL EDUCATION PROVIDERS
20 THAT QUALIFY FOR THE GRANTS.

21 (2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE
22 THE CRITERIA OR MEASURES THAT THE DEPARTMENT MUST APPLY TO
23 IDENTIFY THE LOCAL EDUCATION PROVIDERS THAT ACHIEVE THE HIGHEST
24 ENGLISH LANGUAGE AND ACADEMIC GROWTH AMONG ENGLISH LANGUAGE
25 LEARNERS AND THAT ACHIEVE THE HIGHEST ACADEMIC ACHIEVEMENT FOR
26 ENGLISH LANGUAGE LEARNERS WHO TRANSITION OUT OF THE ENGLISH
27 LANGUAGE PROFICIENCY PROGRAM.

1 (3) (a) EACH LOCAL EDUCATION PROVIDER THAT RECEIVES A
2 GRANT PURSUANT TO THIS SECTION, AT THE CONCLUSION OF EACH SCHOOL
3 YEAR FOR WHICH IT RECEIVES A GRANT, MUST SUBMIT TO THE
4 DEPARTMENT:

5 (I) A DATA ANALYSIS AND SUMMARY OF THE LOCAL EDUCATION
6 PROVIDER'S ENGLISH LANGUAGE PROFICIENCY PROGRAM; AND

7 (II) A REPORT OF THE LOCAL EDUCATION PROVIDER'S USE OF THE
8 GRANT MONEYS RECEIVED.

9 (b) THE DEPARTMENT SHALL PROVIDE THE INFORMATION RECEIVED
10 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) TO LOCAL
11 EDUCATION PROVIDERS AND SHALL MAKE THE INFORMATION AVAILABLE
12 TO THE PUBLIC THROUGH THE DATA PORTAL OPERATED PURSUANT TO
13 SECTION 22-11-502.

14 (4) (a) THERE IS CREATED IN THE STATE TREASURY THE
15 EXCELLENCE AWARDS FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE
16 "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY
17 APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO
18 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
19 DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AS
20 PROVIDED IN THIS SECTION. THE DEPARTMENT MAY EXPEND UP TO TWO
21 AND FIVE-TENTHS PERCENT OF THE MONEYS ANNUALLY APPROPRIATED
22 FROM THE FUND TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THIS
23 SECTION.

24 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
25 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
26 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
27 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE

1 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
2 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND
3 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
4 ANOTHER FUND.

5 (5) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF
6 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH
7 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM IS AN
8 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE
9 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS
10 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
11 OF THE STATE CONSTITUTION.

12 **22-24-108. Professional development and student support**
13 **program - created - professional development and student support**
14 **fund - rules.** (1) THERE IS CREATED IN THE DEPARTMENT THE
15 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM,
16 REFERRED TO IN THIS SECTION AS THE "SUPPORT PROGRAM", TO PROVIDE
17 MONEYS TO LOCAL EDUCATION PROVIDERS TO:

18 (a) OFFSET THE COSTS INCURRED IN COMPLYING WITH THE
19 REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (3);

20 (b) PROVIDE EFFECTIVE PROFESSIONAL DEVELOPMENT ACTIVITIES
21 RELATED TO TEACHING ENGLISH LANGUAGE LEARNERS FOR ALL
22 EDUCATORS WHO MAY WORK WITH ENGLISH LANGUAGE LEARNERS IN THE
23 CLASSROOM; AND

24 (c) EXPAND PROGRAMS TO ASSIST STUDENTS WHO, AT ANY TIME,
25 HAVE BEEN IDENTIFIED AS ENGLISH LANGUAGE LEARNERS IN ACHIEVING
26 GREATER CONTENT PROFICIENCY.

27 (2) THE DEPARTMENT SHALL ANNUALLY CALCULATE THE AMOUNT

1 OF SUPPORT PROGRAM MONEYS EACH LOCAL EDUCATION PROVIDER
2 RECEIVES PURSUANT TO THIS SECTION AS THE SAME PERCENTAGE OF THE
3 TOTAL AMOUNT ANNUALLY APPROPRIATED TO THE PROFESSIONAL
4 DEVELOPMENT AND STUDENT SUPPORT FUND THAT THE NUMBER OF
5 ENGLISH LANGUAGE LEARNERS ENROLLED IN THE LOCAL EDUCATION
6 PROVIDER BEARS TO THE TOTAL NUMBER OF ENGLISH LANGUAGE
7 LEARNERS ENROLLED IN LOCAL EDUCATION PROVIDERS STATEWIDE. THE
8 DEPARTMENT SHALL DISTRIBUTE TO EACH LOCAL EDUCATION PROVIDER
9 THE AMOUNT CALCULATED PURSUANT TO THIS SUBSECTION (2) FROM THE
10 MONEYS APPROPRIATED TO THE PROFESSIONAL DEVELOPMENT AND
11 STUDENT SUPPORT FUND.

12 (3) (a) THERE IS CREATED IN THE STATE TREASURY THE
13 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT FUND, REFERRED TO
14 IN THIS SUBSECTION (3) AS THE "FUND", CONSISTING OF SUCH MONEYS AS
15 THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS
16 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
17 ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION
18 PROVIDERS AS PROVIDED IN THIS SECTION. THE DEPARTMENT MAY EXPEND
19 UP TO TWO AND FIVE-TENTHS PERCENT OF THE MONEYS ANNUALLY
20 APPROPRIATED FROM THE FUND TO OFFSET THE COSTS INCURRED IN
21 IMPLEMENTING THIS SECTION.

22 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
23 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
24 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
25 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
26 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
27 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND

1 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
2 ANOTHER FUND.

3 (4) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF
4 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE
5 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM IS AN
6 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE
7 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS
8 IN THE STATE EDUCATION FUND CREATED IN SECTION 17(4) OF ARTICLE IX
9 OF THE STATE CONSTITUTION.

10 **SECTION 2.** In Colorado Revised Statutes, 22-7-305, **amend** (1)
11 (b) (I) (B) as follows:

12 **22-7-305. Parent involvement in education grant program -**
13 **creation - rules - fund - reports.** (1) (b) The school district of a public
14 school, or a board of cooperative services or regional service council that
15 operates a public school, that seeks a grant through the parent
16 involvement grant program shall apply on behalf of the public school;
17 except that, if the public school is a charter school, the public school may
18 apply on its own behalf. To be eligible to receive a grant, a public school
19 shall meet one or more of the following criteria:

20 (I) A significant percentage, as defined by rule of the state board,
21 of the students enrolled in the public school for the three academic years
22 immediately preceding application were:

23 (B) ~~Students with limited English proficiency~~ ENGLISH LANGUAGE
24 LEARNERS, as defined in section ~~22-24-103(4)~~ 22-24-103 (3);

25 **SECTION 3.** In Colorado Revised Statutes, 22-7-409, **amend** (1)
26 introductory portion as follows:

27 **22-7-409. Assessments - repeal.** (1) Beginning in the spring

1 semester of 1997, the department shall implement the Colorado student
2 assessment program under which the department shall administer
3 statewide assessments adopted by the board pursuant to section 22-7-406
4 in the first priority areas of reading, writing, mathematics, and science.
5 The department shall administer the English versions of the state
6 assessments and may administer any assessments adopted by the board in
7 languages other than English, as may be appropriate for ~~students with~~
8 ~~limited English proficiency~~ ENGLISH LANGUAGE LEARNERS; except that
9 any student who has participated in the English language proficiency
10 program, created pursuant to section 22-24-104, for more than a total of
11 three school years shall be ineligible to take the assessments in a language
12 other than English. The statewide assessments shall be administered as
13 follows:

14 **SECTION 4.** In Colorado Revised Statutes, 22-7-1016, **amend**
15 (5) (a) as follows:

16 **22-7-1016. Postsecondary and workforce planning,**
17 **preparation, and readiness assessments - transcripts.**

18 (5) (a) Beginning in the 2012-13 academic year, if ~~a student with limited~~
19 ~~English proficiency~~ AN ENGLISH LANGUAGE LEARNER, as defined in
20 section ~~22-24-103 (4)~~ 22-24-103 (3), is enrolled in eleventh or twelfth
21 grade and the student has not demonstrated attainment of the standard for
22 English language competency and has not demonstrated postsecondary
23 and workforce readiness, the local education provider with which the
24 student is enrolled shall provide to the student additional services and
25 supports as necessary to assist the student in attaining the standard.

26 **SECTION 5.** In Colorado Revised Statutes, 22-7-1207, **amend**
27 (1) (b) as follows:

1 **22-7-1207. Advancement - decision - parental involvement.**

2 (1) Beginning no later than the 2013-14 school year, if, within forty-five
3 days before the end of any school year prior to a student's fourth-grade
4 year, a teacher finds that a student has a significant reading deficiency,
5 personnel of the local education provider shall provide to the student's
6 parent the written notice described in subsection (2) of this section;
7 except that the provisions of this section shall not apply if:

8 (b) The student is ~~a student with limited English proficiency~~ AN
9 ENGLISH LANGUAGE LEARNER, as defined in section 22-24-103, and the
10 student's significant reading deficiency is due primarily to the student's
11 language skills; or

12 **SECTION 6.** In Colorado Revised Statutes, 22-11-301, **amend**
13 (3) (c) as follows:

14 **22-11-301. School district accountability committees - creation**
15 **- membership.** (3) If a local school board appoints the members of the
16 school district accountability committee, the local school board, to the
17 extent practicable, shall ensure that the parents who are appointed reflect
18 the student populations that are significantly represented within the
19 school district. Said student populations may include, but need not be
20 limited to:

21 (c) Students ~~with limited English proficiency~~ WHO ARE ENGLISH
22 LANGUAGE LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3);

23 **SECTION 7.** In Colorado Revised Statutes, 22-11-401, **amend**
24 (1) (d) (III) as follows:

25 **22-11-401. School accountability committee - creation -**
26 **qualifications - elections.** (1) (d) If the local school board or the institute
27 determines that the members of a school accountability committee should

1 be appointed, the appointing authority shall, to the extent practicable,
2 appoint persons to serve on the school accountability committee who
3 reflect the student populations that are significantly represented within the
4 school. If the local school board or the institute determines that persons
5 shall be elected to serve on the school accountability committee, the
6 school principal shall encourage persons who reflect the student
7 populations that are significantly represented within the school to seek
8 election to the committee. Said student populations may include, but need
9 not be limited to:

10 (III) Students ~~with limited English proficiency~~ WHO ARE ENGLISH
11 LANGUAGE LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3);

12 **SECTION 8.** In Colorado Revised Statutes, 22-54-103, **amend**
13 (1.5) (a) (V) introductory portion and (1.5) (b) (IV) introductory portion
14 as follows:

15 **22-54-103. Definitions.** As used in this article, unless the context
16 otherwise requires:

17 (1.5) (a) "At-risk pupils" means:

18 (V) For the 2005-06 budget year and budget years thereafter, the
19 number of district pupils ~~with limited English proficiency~~ WHO ARE
20 ENGLISH LANGUAGE LEARNERS plus the greater of:

21 (b) For purposes of this subsection (1.5):

22 (IV) "District pupils ~~with limited English proficiency~~ WHO ARE
23 ENGLISH LANGUAGE LEARNERS" means the number of pupils included in
24 the district pupil enrollment for the preceding budget year who were not
25 eligible for free lunch pursuant to the provisions of the federal "National
26 School Lunch Act", 42 U.S.C. sec. 1751 et seq., and who are ~~students~~
27 ~~with limited English proficiency~~ ENGLISH LANGUAGE LEARNERS, as

1 defined in section ~~22-24-103 (4)~~ 22-24-103 (3), and:

2 **SECTION 9.** In Colorado Revised Statutes, 22-54-104.2, **amend**
3 (1) as follows:

4 **22-54-104.2. Legislative declaration.** (1) The general assembly
5 hereby finds and declares that, for purposes of section 17 of article IX of
6 the state constitution, the expansion of the definition of "at-risk pupils",
7 as defined in section 22-54-103 (1.5) (a) (V), to include district pupils
8 ~~with limited English proficiency~~ WHO ARE ENGLISH LANGUAGE
9 LEARNERS, as defined in section 22-54-103 (1.5) (b) (IV), the increase in
10 the at-risk factor pursuant to section 22-54-104 (5) (f) (II) for districts
11 whose percentage of at-risk pupils is greater than the statewide average
12 percentage of at-risk pupils and whose funded pupil count is greater than
13 fifty thousand, the requirement that districts that receive at-risk funding
14 spend a portion of their at-risk funding on implementation of the district's
15 English language proficiency program pursuant to section 22-54-105 (3)
16 (b) (I) and the increase in the at-risk factor from 11.2% to 12% for the
17 2005-06 budget year and each budget year thereafter pursuant to section
18 22-54-104 (2) (b) (II) (A) and (5) (f) are important elements of
19 accountable programs to meet state academic standards and may therefore
20 receive funding from the state education fund created in section 17 (4) of
21 article IX of the state constitution.

22 **SECTION 10.** In Colorado Revised Statutes, 22-32.5-105,
23 **amend** (1) (c) as follows:

24 **22-32.5-105. Suggested innovations.** (1) In considering or
25 creating an innovation plan or a plan for creating an innovation school
26 zone, each local school board is strongly encouraged to consider
27 innovations in the following areas:

1 (c) Provision of services, including but not limited to special
2 education services; services for gifted and talented students; services for
3 ~~students with limited English proficiency~~ ENGLISH LANGUAGE LEARNERS;
4 educational services for students at risk of academic failure, expulsion,
5 or dropping out; and support services provided by the department of
6 human services or county social services agencies;

7 **SECTION 11. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.