

HB1211\_L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.

HB13-1211 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

5 **ARTICLE 24**

6 **English Language Proficiency Act**

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

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

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

13 (b) LOCAL EDUCATION PROVIDERS MUST PROVIDE  
14 EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR  
15 ENGLISH LANGUAGE LEARNERS TO ENABLE THEM TO DEVELOP AND  
16 ACQUIRE ENGLISH LANGUAGE PROFICIENCY WHILE THEY ALSO HAVE  
17 ACCESS TO AND SUPPORT FOR ACHIEVEMENT IN GRADE-LEVEL ACADEMIC  
18 CONTENT;

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

23 (d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE  
24 ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE  
25 DEVELOPMENT AND IN PROVIDING ACCESS AND SUPPORT FOR  
26 ACHIEVEMENT IN GRADE-LEVEL ACADEMIC CONTENT FOR ENGLISH  
27 LANGUAGE LEARNERS;

28 (e) THE STATE MUST DEVELOP AN EDUCATOR WORKFORCE THAT  
29 CAN SUPPORT THE EDUCATIONAL APPROACH AND GOALS OF LOCAL  
30 EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE  
31 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT  
32 GRADUATION;

33 (f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO  
34 LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE  
35 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT  
36 GRADUATION;

37 (g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF



1 EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE  
2 THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11  
3 OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES  
4 MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE  
5 DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH  
6 LANGUAGE LEARNERS; AND

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

12 **22-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
13 CONTEXT OTHERWISE REQUIRES:

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

15 (2) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND  
16 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF  
17 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE  
18 5 OF THIS TITLE.

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

24 (4) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A  
25 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS  
26 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH  
27 LANGUAGE LEARNER WHILE ALSO PROVIDING THE STUDENT ACCESS TO  
28 GRADE-LEVEL ACADEMIC CONTENT TO SUPPORT THE STUDENT'S ACADEMIC  
29 ACHIEVEMENT. AN ENGLISH LANGUAGE PROFICIENCY PROGRAM MUST  
30 INCLUDE THE REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (1).

31 (5) "EVIDENCE BASED" MEANS THE INSTRUCTION OR ITEM  
32 DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE  
33 THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED  
34 A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO  
35 ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY,  
36 AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE  
37 LEARNERS.

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

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



1 (8) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE  
2 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE  
3 30.5 OF THIS TITLE.

4 **22-24-104. English language proficiency program established**  
5 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE  
6 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN  
7 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY  
8 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND  
9 GRADES ONE THROUGH TWELVE.

10 (2) (a) A STUDENT WHO IS IDENTIFIED FOR INCLUSION IN AN  
11 ENGLISH LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING  
12 PURSUANT TO THIS SECTION FOR UP TO A TOTAL OF FIVE BUDGET YEARS  
13 REGARDLESS OF WHETHER THE STUDENT TRANSFERS ENROLLMENT AMONG  
14 LOCAL EDUCATION PROVIDERS DURING THE FIVE YEARS. THE FIVE BUDGET  
15 YEARS IN WHICH A STUDENT RECEIVES FUNDING PURSUANT TO THIS  
16 SECTION ARE NOT REQUIRED TO BE CONSECUTIVE IF A STUDENT EXITS AN  
17 ENGLISH LANGUAGE PROFICIENCY PROGRAM PURSUANT TO SECTION  
18 22-24-105 (1) (f) AND IS SUBSEQUENTLY RE-IDENTIFIED FOR INCLUSION IN  
19 AN ENGLISH LANGUAGE PROFICIENCY PROGRAM. A STUDENT IS NOT  
20 ELIGIBLE FOR FUNDING IN A SCHOOL YEAR IN WHICH THE STUDENT DOES  
21 NOT RECEIVE EDUCATIONAL SUPPORT THROUGH AN ENGLISH LANGUAGE  
22 PROFICIENCY PROGRAM. THE DEPARTMENT SHALL ALLOCATE STATE  
23 MONEYS PURSUANT TO THIS SECTION ON THE STUDENT'S BEHALF TO THE  
24 LOCAL EDUCATION PROVIDER THAT ENROLLS THE STUDENT.

25 (b) IF A STUDENT WAS IDENTIFIED FOR INCLUSION IN AN ENGLISH  
26 LANGUAGE PROFICIENCY PROGRAM BEFORE THE EFFECTIVE DATE OF THE  
27 REPEAL AND REENACTMENT OF THIS ARTICLE AND RECEIVED STATE  
28 FUNDING PURSUANT TO THIS ARTICLE AS IT EXISTED BEFORE THE  
29 EFFECTIVE DATE OF THIS ARTICLE, THE DEPARTMENT MUST INCLUDE THE  
30 BUDGET YEARS FOR WHICH THE STUDENT RECEIVED FUNDING BEFORE THE  
31 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE IN  
32 CALCULATING THE FIVE-YEAR LIMIT ON FUNDING FOR THE STUDENT.

33 (3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
34 MONEYS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS  
35 SECTION. THE DEPARTMENT SHALL ALLOCATE THE MONEYS ANNUALLY  
36 APPROPRIATED TO LOCAL EDUCATION PROVIDERS ON A PER-PUPIL BASIS  
37 USING THE NUMBER OF ENGLISH LANGUAGE LEARNERS CERTIFIED  
38 PURSUANT TO SECTION 22-24-105, SUBJECT TO THE TIME LIMIT SPECIFIED  
39 IN SUBSECTION (2) OF THIS SECTION.

40 (4) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE ENGLISH  
41 LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS



1 WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OPERATED BY THE LOCAL  
2 EDUCATION PROVIDER; EXCEPT THAT LOCAL EDUCATION PROVIDERS MAY  
3 COOPERATE IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

4 (5) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION  
5 PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS  
6 ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE  
7 PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS  
8 ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF  
9 THESE PROGRAMS SHALL RECEIVE MONEYS PURSUANT TO THIS ARTICLE  
10 ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS  
11 ENROLLED IN THE PROGRAMS.

12 **22-24-105. Local education provider - powers and duties.**

13 (1) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH  
14 LANGUAGE PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE  
15 LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL  
16 EDUCATION PROVIDER. THE ENGLISH LANGUAGE PROFICIENCY PROGRAM  
17 MUST INCLUDE:

18 (a) AN EDUCATIONAL APPROACH THAT INCLUDES ACADEMIC  
19 GOALS FOR THE PROGRAM;

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

22 (c) ENGLISH-LANGUAGE ASSESSMENT AND CONTENT ASSESSMENT  
23 OF ENGLISH LANGUAGE LEARNERS;

24 (d) EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY  
25 INSTRUCTIONAL PROGRAMS;

26 (e) A PROCESS BY WHICH AN ENGLISH LANGUAGE LEARNER, BASED  
27 ON A BODY OF EVIDENCE THAT MUST INCLUDE STATE-MANDATED ENGLISH  
28 LANGUAGE PROFICIENCY AND ACADEMIC ASSESSMENTS AND MAY INCLUDE  
29 OTHER EVIDENCE THAT DEMONSTRATES THE ENGLISH LANGUAGE  
30 LEARNER'S ACADEMIC PERFORMANCE, ACADEMIC GROWTH, ENGLISH  
31 LANGUAGE PROFICIENCY, AND ENGLISH LANGUAGE GROWTH, MAY EXIT  
32 THE PROGRAM AND A PROCESS BY WHICH A STUDENT WHO HAS EXITED THE  
33 PROGRAM MAY BE RE-IDENTIFIED AS AN ENGLISH LANGUAGE LEARNER;  
34 AND

35 (f) A PROCESS FOR PROGRAM EVALUATION, REVIEW, AND  
36 IMPROVEMENT.

37 (2) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT ANY  
38 MONEYS RECEIVED PURSUANT TO SECTION 22-24-104 (3) ARE USED TO  
39 IMPLEMENT ONE OR MORE OF THE REQUIRED COMPONENTS OF THE  
40 ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE LOCAL EDUCATION  
41 PROVIDER ADMINISTERS.



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

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

6 (b) ANNUALLY ASSESS THE ENGLISH LANGUAGE PROFICIENCY OF  
7 ENGLISH LANGUAGE LEARNERS USING THE ENGLISH LANGUAGE  
8 PROFICIENCY ASSESSMENT IDENTIFIED BY THE DEPARTMENT PURSUANT TO  
9 SECTION 22-24-106 (1) (a);

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

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

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

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

18 (d) FOR EACH BUDGET YEAR, SUBMIT TO THE DEPARTMENT A  
19 BUDGET SPECIFYING HOW THE LOCAL EDUCATION PROVIDER WILL USE THE  
20 MONEYS RECEIVED;

21 (e) AT THE END OF EACH BUDGET YEAR, SUBMIT TO THE  
22 DEPARTMENT AN EXPLANATION OF THE LOCAL EDUCATION PROVIDER'S  
23 EXPENDITURES IN PROVIDING THE ENGLISH LANGUAGE PROFICIENCY  
24 PROGRAM DURING THE BUDGET YEAR; AND

25 (f) ANNUALLY PROVIDE TO THE DEPARTMENT THE FOLLOWING  
26 ASSURANCES:

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

31 (II) THE LOCAL EDUCATION PROVIDER ADMINISTERS AN ENGLISH  
32 LANGUAGE PROFICIENCY PROGRAM THAT MEETS THE REQUIREMENTS  
33 SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO MEET THE LINGUISTIC  
34 AND ACADEMIC NEEDS OF THE ENGLISH LANGUAGE LEARNERS WHO ARE  
35 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER;  
36 AND

37 (III) THE ENGLISH LANGUAGE PROFICIENCY PROGRAM THAT THE  
38 LOCAL EDUCATION PROVIDER OPERATES COMPLIES WITH THE APPLICABLE  
39 STATE AND FEDERAL LAWS.

40 **22-24-106. Department of education - powers - duties - state**  
41 **board of education - rules.** (1) THE DEPARTMENT SHALL:

1 (a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS  
2 THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS  
3 WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY  
4 PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE PRIOR TO THE  
5 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;  
6 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY  
7 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION  
8 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED  
9 TO TAKE THE STATEWIDE ASSESSMENT;  
10 (c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A  
11 LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN  
12 WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE  
13 ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING  
14 ASSESSMENTS PURSUANT TO SECTION 22-7-409 OR 22-7-1006;  
15 (d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE  
16 TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING  
17 ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND  
18 EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;  
19 (e) COMPREHENSIVELY MONITOR THE DEVELOPMENT,  
20 IMPLEMENTATION, AND EVALUATION OF EACH LOCAL EDUCATION  
21 PROVIDER'S ENGLISH LANGUAGE PROFICIENCY PROGRAM BASED ON THE  
22 PERFORMANCE OF THE ENGLISH LANGUAGE LEARNERS WHO ARE  
23 ENROLLED BY THE LOCAL EDUCATION PROVIDER. THE DEPARTMENT MUST  
24 MONITOR AT A MINIMUM:  
25 (I) THE LOCAL EDUCATION PROVIDER'S EDUCATIONAL APPROACH,  
26 INCLUDING GOALS, OF EACH ENGLISH LANGUAGE PROFICIENCY PROGRAM;  
27 (II) THE PROCESS THE LOCAL EDUCATION PROVIDER USES TO  
28 IDENTIFY ENGLISH LANGUAGE LEARNERS;  
29 (III) EACH LOCAL EDUCATION PROVIDER'S ANNUAL ASSESSMENT  
30 OF ENGLISH LANGUAGE LEARNERS;  
31 (IV) THE LOCAL EDUCATION PROVIDER'S ENGLISH LANGUAGE  
32 PROFICIENCY PROGRAM TO ENSURE IT IS EVIDENCE-BASED;  
33 (V) THE PROCESS THE LOCAL EDUCATION PROVIDER USES FOR  
34 EXITING STUDENTS FROM THE ENGLISH LANGUAGE PROFICIENCY PROGRAM  
35 AND RE-IDENTIFYING STUDENTS FOR THE PROGRAM;  
36 (VI) THE LOCAL EDUCATION PROVIDER'S EVALUATION, REVIEW,  
37 AND IMPROVEMENT OF ITS ENGLISH LANGUAGE PROFICIENCY PROGRAM;  
38 (VII) THE VALIDITY OF THE LOCAL EDUCATION PROVIDER'S  
39 ASSURANCES REQUIRED IN SECTION 22-24-105 (3) (f); AND  
40 (VIII) THE LOCAL EDUCATION PROVIDER'S EXPENDITURES OF  
41 MONEYS RECEIVED PURSUANT TO SECTION 22-24-104 (3);



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

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

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

14 (i) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE  
15 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006  
16 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC  
17 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS AS PROVIDED IN PART 5  
18 OF ARTICLE 11 OF THIS TITLE; AND

19 (j) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT  
20 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107 AND THE  
21 ENGLISH LANGUAGE SUPPORT GRANT PROGRAM CREATED IN SECTION  
22 22-24-108.

23 (2) IN MONITORING EACH LOCAL EDUCATION PROVIDER'S ENGLISH  
24 LANGUAGE PROFICIENCY PROGRAM AND IN OTHERWISE IMPLEMENTING THE  
25 PROVISIONS OF THIS ARTICLE, THE DEPARTMENT SHALL NOT REQUIRE  
26 LOCAL EDUCATION PROVIDERS TO SUBMIT REPORTS OR OTHERWISE  
27 PROVIDE DATA THAT IS REQUIRED BY OR THAT THE DEPARTMENT  
28 COLLECTS UNDER OTHER STATE OR FEDERAL DATA-COLLECTION OR  
29 REPORTING STATUTORY OR REGULATORY REQUIREMENTS.

30 (3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT  
31 THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND  
32 REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER THAT  
33 DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE  
34 TO BE APPROPRIATE, AND THE STATE BOARD SHALL PROMULGATE  
35 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE  
36 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO  
37 IMPLEMENT THIS ARTICLE. THE STATE BOARD BY RULE MAY IDENTIFY  
38 MEASURES THAT ARE SPECIFIC TO THE ENGLISH LANGUAGE PROFICIENCY  
39 ASSESSMENT, WHICH MEASURES THE DEPARTMENT MUST USE TO  
40 DETERMINE A LOCAL EDUCATION PROVIDER'S LEVEL OF ACHIEVEMENT IN  
41 MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC

1 ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS.

2 **22-24-107. English language proficiency act excellence award**  
3 **program - excellence award fund - created - rules - legislative**

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

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

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

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

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

38 (b) THE DEPARTMENT SHALL PROVIDE THE INFORMATION RECEIVED  
39 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) TO LOCAL  
40 EDUCATION PROVIDERS AND SHALL MAKE THE INFORMATION AVAILABLE  
41 TO THE PUBLIC THROUGH THE DATA PORTAL OPERATED PURSUANT TO



1 SECTION 22-11-502.

2 (4) (a) THERE IS CREATED IN THE STATE TREASURY THE  
3 EXCELLENCE AWARDS FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE  
4 "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY  
5 APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO  
6 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE  
7 DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AS  
8 PROVIDED IN THIS SECTION. THE DEPARTMENT MAY EXPEND UP TO TWO  
9 AND FIVE-TENTHS PERCENT OF THE MONEYS ANNUALLY APPROPRIATED  
10 FROM THE FUND TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THIS  
11 SECTION.

12 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND  
13 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.  
14 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED  
15 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE  
16 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN  
17 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND  
18 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR  
19 ANOTHER FUND.

20 (5) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF  
21 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH  
22 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM IS AN  
23 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE  
24 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS  
25 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX  
26 OF THE STATE CONSTITUTION.

27 **22-24-108. English language support program - created -**  
28 **English language support fund - rules - repeal.** (1) THERE IS CREATED  
29 IN THE DEPARTMENT THE ENGLISH LANGUAGE SUPPORT PROGRAM,  
30 REFERRED TO IN THIS SECTION AS THE "SUPPORT PROGRAM", TO PROVIDE  
31 MONEYS TO LOCAL EDUCATION PROVIDERS TO:

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

34 (b) PROVIDE EFFECTIVE PROFESSIONAL DEVELOPMENT ACTIVITIES  
35 RELATED TO TEACHING ENGLISH LANGUAGE LEARNERS FOR ALL  
36 EDUCATORS WHO MAY WORK WITH ENGLISH LANGUAGE LEARNERS IN THE  
37 CLASSROOM; AND

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

41 (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 ENGLISH LANGUAGE  
4 SUPPORT FUND THAT THE NUMBER OF ENGLISH LANGUAGE LEARNERS  
5 ENROLLED IN THE LOCAL EDUCATION PROVIDER BEARS TO THE TOTAL  
6 NUMBER OF ENGLISH LANGUAGE LEARNERS ENROLLED IN LOCAL  
7 EDUCATION PROVIDERS STATEWIDE. THE DEPARTMENT SHALL DISTRIBUTE  
8 TO EACH LOCAL EDUCATION PROVIDER THE AMOUNT CALCULATED  
9 PURSUANT TO THIS SUBSECTION (2) FROM THE MONEYS APPROPRIATED TO  
10 THE ENGLISH LANGUAGE SUPPORT FUND.

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

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

29 (4) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF  
30 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH  
31 LANGUAGE SUPPORT GRANT PROGRAM IS AN IMPORTANT COMPONENT OF  
32 AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND,  
33 THEREFORE, MAY BE FUNDED FROM MONEYS IN THE STATE EDUCATION  
34 FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE  
35 CONSTITUTION.

36 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015, BUT ONLY  
37 IF SENATE BILL 13-213 IS ENACTED AND BECOMES LAW.

38 **SECTION 2. Safety clause.** The general assembly hereby finds,  
39 determines, and declares that this act is necessary for the immediate  
40 preservation of the public peace, health, and safety."

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