

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0784.01 Julie Pelegrin

SENATE BILL 11-158

SENATE SPONSORSHIP

Steadman, Hodge, Lambert

HOUSE SPONSORSHIP

Gerou, Becker, Ferrandino

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE READ-TO-ACHIEVE PROGRAM.**

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>.)

2010-2011 Budget Balancing Bill. The bill repeals the read-to-achieve program, effective July 1, 2011. The tobacco settlement moneys previously allocated to the read-to-achieve cash fund will be allocated to the state general fund. The moneys previously paid from the read-to-achieve cash fund to reimburse school districts for educational services provided to juveniles held in jails will be appropriated from the general fund for the 2011-12 fiscal year.

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 bill makes conforming amendments.

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

2 **SECTION 1.** 22-7-909, Colorado Revised Statutes, is amended
3 to read:

4 **22-7-909. Repeal of part.** (1) This part 9 is repealed, effective
5 July 1, ~~2014~~ 2011.

6 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-1203,
7 C.R.S., THE READ-TO-ACHIEVE BOARD SHALL NOT BE REVIEWED prior to
8 said repeal. ~~the read-to-achieve board appointed pursuant to section~~
9 ~~22-7-904 shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

10 (3) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-7-908 (1),
11 THE STATE TREASURER SHALL TRANSFER TO THE STATE GENERAL FUND
12 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE
13 READ-TO-ACHIEVE CASH FUND AS OF JUNE 30, 2011.

14 **SECTION 2.** 24-75-1101, Colorado Revised Statutes, is amended
15 to read:

16 **24-75-1101. Legislative declaration.** The general assembly
17 hereby finds and declares that, pursuant to the master settlement
18 agreement between several states, including Colorado, and certain
19 tobacco companies, the state will receive substantial moneys for several
20 years, and that such moneys may be reduced based on several factors,
21 such as decreased sales of tobacco products. The general assembly
22 further finds that such moneys will enable Colorado to enact tobacco use
23 prevention, education, and cessation programs AND related health
24 programs ~~and literacy programs~~ and that such programs must involve
25 cost-effective programs at the state and local levels. For such purposes,

1 the policies in this part 11 shall apply to all moneys received by the state
2 from the master settlement agreement.

3 **SECTION 3. Repeal.** 24-75-1103 (8), Colorado Revised
4 Statutes, is repealed as follows:

5 **24-75-1103. Policy on use of tobacco settlement funds.** (8) ~~A~~
6 ~~portion of the settlement moneys shall be invested in improving the~~
7 ~~literacy of Colorado's children through reading programs implemented by~~
8 ~~public schools throughout the state.~~

9 **SECTION 4.** 24-75-1104.5 (1) (h) and (3), Colorado Revised
10 Statutes, are amended to read:

11 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

12 (1) Except as otherwise provided in subsection (5) of this section, for the
13 2004-05 fiscal year and for each fiscal year thereafter, the following
14 programs, services, or funds shall receive the following specified amounts
15 from the settlement moneys received by the state in the preceding fiscal
16 year; except that fifteen million four hundred thousand dollars of strategic
17 contribution fund moneys and, for the 2010-11 fiscal year and for each
18 fiscal year thereafter only, the lesser of sixty-five million dollars of other
19 settlement moneys or all other settlement moneys shall be allocated in
20 each fiscal year in which they are received by the state and except that, of
21 the other settlement moneys received by the state in the 2009-10 fiscal
22 year, the lesser of sixty-five million dollars or all of such moneys shall be
23 transferred to the general fund on June 30, 2010, and shall not be
24 allocated:

25 (h) ~~The read-to-achieve grant program created in part 9 of article~~
26 ~~7 of title 22, C.R.S., STATE GENERAL FUND shall receive five percent of~~
27 the total amount of settlement moneys annually received by the state, not

1 to exceed eight million dollars in any fiscal year, as provided in said
2 section. ~~except that, for the 2004-05 fiscal year, the read-to-achieve grant~~
3 ~~program shall receive nineteen percent of the total amount of settlement~~
4 ~~moneys received, not to exceed nineteen million dollars.~~

5 (3) Notwithstanding the provisions of subsections (1) and (1.5) of
6 this section, for purposes of sections ~~22-7-908 (3)~~, 23-20-136 (3.5) (a),
7 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2) (c), 25-23-104 (2),
8 25-31-107 (2) (d) (I), 25.5-3-207 (3), 25.5-6-805 (2), 25.5-8-105 (3),
9 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys
10 received and allocated by the state pursuant to said subsections (1) and
11 (1.5) during the same fiscal year shall be deemed to be moneys received
12 for or during the preceding fiscal year.

13 **SECTION 5. Repeal.** 2-3-1203 (3) (aa) (IV), Colorado Revised
14 Statutes, is repealed as follows:

15 **2-3-1203. Sunset review of advisory committees.** (3) The
16 following dates are the dates for which the statutory authorization for the
17 designated advisory committees is scheduled for repeal:

18 (aa) July 1, 2014:
19 (IV) ~~The read-to-achieve board, created pursuant to section~~
20 ~~22-7-904, C.R.S.;~~

21 **SECTION 6.** The introductory portion to 22-7-504 (3), Colorado
22 Revised Statutes, is amended to read:

23 **22-7-504. Pupil assessments - individual literacy plans.** (3) If
24 a pupil's reading readiness or literacy and reading comprehension, as
25 measured by the assessment, is below the level established by the state
26 board for pupils at that grade, the pupil's parents or legal guardian and
27 teacher and the school administration shall formulate an individual

1 literacy plan for the pupil or, if the pupil is eligible, enroll the pupil in an
2 intensive literacy program. ~~funded through the read-to-achieve program~~
3 ~~pursuant to part 9 of this article.~~ For compliance with this section, a
4 literacy plan may be incorporated into the individualized education
5 programs for special education students. The plan shall include, but need
6 not be limited to, the following:

7 **SECTION 7.** 22-7-507 (1) (a), Colorado Revised Statutes, is
8 amended to read:

9 **22-7-507. Learning improvement grants - programs - fund.**
10 (1) (a) There is hereby created in the department of education the
11 learning improvement grant program, referred to in this section as the
12 "program". ~~The read-to-achieve board, created in section 22-7-904 and~~
13 ~~referred to in this section as the "board",~~ STATE BOARD, BY RULE, shall
14 establish criteria for awarding grants under the program. ~~On and after~~
15 ~~July 1, 2001,~~ The STATE board is hereby authorized to award learning
16 improvement grants to schools or a collaborative group of schools for
17 programs to enhance the reading readiness or literacy and reading
18 comprehension skills of early elementary school students.

19 **SECTION 8. Repeal.** 22-7-613 (1) (b), Colorado Revised
20 Statutes, is repealed as follows:

21 **22-7-613. Closing the achievement gap cash fund - creation.**
22 (1) (b) ~~On July 1, 2009, the state treasurer, pursuant to section 22-7-908~~
23 ~~(4) (a), shall transfer from the read-to-achieve cash fund created in~~
24 ~~section 22-7-908 to the closing the achievement gap cash fund the amount~~
25 ~~of one million seven hundred fifty thousand dollars for the purposes of~~
26 ~~implementing section 22-7-611.~~

27 **SECTION 9. Repeal.** 22-11-605 (3), Colorado Revised Statutes,

1 is repealed as follows:

2 **22-11-605. School awards program fund - creation -**
3 **contributions.** (3) ~~On July 1, 2009, the state treasurer, pursuant to~~
4 ~~section 22-7-908 (4) (b), shall transfer from the read-to-achieve cash fund~~
5 ~~created in section 22-7-908 to the school awards program fund the~~
6 ~~amount of two hundred fifty thousand dollars to be awarded pursuant to~~
7 ~~section 22-11-603.5 as "Centers of Excellence Awards".~~

8 **SECTION 10. Repeal.** 24-75-217 (3) (c), Colorado Revised
9 Statutes, is repealed as follows:

10 **24-75-217. Restoration of funds transferred to augment the**
11 **general fund for the 2001-02 fiscal year.** (3) The funds that shall be
12 restored pursuant to subsection (1) of this section include:

13 (c) ~~The read-to-achieve cash fund created in section 22-7-908 (1),~~
14 ~~C.R.S.;~~

15 **SECTION 11. Repeal.** 24-77-104.5 (3) (a) (VII), Colorado
16 Revised Statutes, is repealed as follows:

17 **24-77-104.5. General fund exempt account - appropriations to**
18 **critical needs fund - specification of uses for health care and**
19 **education - definitions.** (3) (a) Funding for preschool through twelfth
20 grade education, as used in subparagraph (II) of paragraph (b) of
21 subsection (1) of this section, shall be limited to funding for:

22 (VII) ~~Read-to-achieve programs;~~

23 **SECTION 12. Effective date.** This act shall take effect upon
24 passage; except that sections 2 through 11 of this act shall take effect July
25 1, 2011.

26 **SECTION 13. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.