

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1161.01 Brita Darling x2241

HOUSE BILL 20-1418

HOUSE SPONSORSHIP

Becker,

SENATE SPONSORSHIP

Todd,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN
102 CONNECTION THEREWITH, MAKING AND REDUCING
103 APPROPRIATIONS.

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>.)

Section 1 of the bill is a nonstatutory legislative declaration.

Section 2 of the bill:

! Increases the statewide base per pupil funding for the 2020-21 budget year by \$132.08 to account for inflation of 1.9% for a new statewide base per pupil funding of

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.

\$7,083.61;

- ! Sets the minimum statewide district total program funding amount for the 2020-21 budget year and removes the requirement for the dollar amount of the budget stabilization factor to remain the same as during the 2019-20 budget year.

Section 3 of the bill makes changes to budget procedures for school districts, charter schools, and local college districts for the 2020-21 fiscal year as follows:

- ! Under current law, a proposed school district budget must be submitted to the local board of education 30 days prior to July 1, the beginning of the budget year. The bill requires the proposed budget to be submitted on or before June 23, 2020.
- ! Under current law, the notice of proposed budget must be published within 10 days after submitting the budget. The bill requires publication of the notice not later than June 25, 2020. Notice of the budget shall be posted for at least 2 business days.

Sections 4 and 5 of the bill repeal the following required statutory appropriations for the 2020-21 budget year:

- ! \$250,000 for the school counselor corps grant program to assist students and families with completing state and federal financial aid forms; and
- ! \$250,000 for the computer science education grant program to increase enrollment or participation of traditionally underrepresented students in computer science education.

Sections 6 and 7 of the bill:

- ! Reduce the state fiscal year (FY) 2020-21 appropriation from the public school capital construction assistance fund (assistance fund) for "Building Excellent Schools Today Act" program cash grants for public school capital construction from \$160 million to \$25 million;
- ! Transfer \$100 million from the assistance fund to the state public school fund on July 1, 2020; and
- ! For FY 2020-21, divert revenue above the first \$40 million received from the state retail marijuana excise tax from the assistance fund to the state public school fund.

Sections 8 through 12 of the bill suspend the implementation of the K-5 social and emotional health pilot program and make conforming changes to the dates for selecting pilot program participants, the pilot program coordinator, maintenance of effort requirements for the pilot districts, and the initial and final pilot program evaluations. The department of education (department) shall implement the pilot program subject to available appropriations or gifts, grants, or donations for the

3-year term of the pilot program.

The bill removes any requirement that the general assembly appropriate money for the pilot program for the 2020-21 state fiscal year but authorizes the general assembly to appropriate marijuana tax cash fund money for the pilot program in the future. The department may accept and expend gifts, grants, or donations for the pilot program. The bill extends the repeal date of the program by 10 years to allow for future implementation of the pilot program.

Sections 13 through 17 of the bill repeal the grow your own educator program.

Current law repeals the advanced placement incentives pilot program on July 1, 2021. **Section 18** of the bill repeals the pilot program on July 1, 2020.

Sections 19 and 20 of the bill require the state treasurer to make the following transfers to the state education fund on July 1, 2020:

- ! \$3.5 million from the early literacy fund; and
- ! \$11,831 from the Colorado teacher of the year fund.

Sections 21 through 23 of the bill repeal the school cardiopulmonary resuscitation and automated external defibrillator training fund and the closing the achievement gap cash fund, which are inactive; requires the state treasurer to transfer all unexpended and unencumbered money in each of those funds to the state education fund; and makes conforming amendments.

Sections 24 through 27 of the bill require the state treasurer to transfer all unexpended and unencumbered money credited to each of the following funds to the state education fund:

- ! The great teachers and leaders fund on July 1, 2020;
- ! The nonpublic school fingerprint fund, as it existed prior to its repeal in 2006, on July 1, 2020;
- ! The student re-engagement grant program fund, as it existed prior to its repeal in 2019, on July 1, 2020;
- ! The retaining teachers fund on July 1, 2020; and
- ! The full-day kindergarten facility capital construction fund on June 30, 2020.

Section 28 of the bill requires the state treasurer to transfer any unexpended and unencumbered principal of the high-cost special education trust fund to the state public school fund on July 1, 2020.

Section 29 of the bill transfers \$2.5 million from the marijuana tax cash fund to the state public school fund, on July 1, 2020.

Sections 30 through 32 of the bill delay certain provisions of the local school food purchasing program by one year, including delaying:

- ! The start of reimbursements to October 2021;
- ! The first report to on or before December 1, 2022; and
- ! The repeal of the program to January 1, 2024.

Sections 33 through 38 of the bill reset the total program mill levy

for the 2020 property tax year for each school district as follows:

- ! If the school district has obtained voter approval to keep revenue that exceeds the constitutional limit, the lesser of: 27 mills; the number of mills necessary to fully fund the school district's total program; or the number of mills the school district would have levied in the preceding property tax year but for unauthorized reductions in the school district's mill levy after the school district received voter approval to retain excess revenue; or
- ! If the school district has not obtained voter approval to keep revenue that exceeds the constitutional limit, the lesser of: 27 mills; the number of mills levied in the preceding property tax year; or the number of mills that generates an amount of revenue that does not exceed the constitutional limit.

For the 2021 property tax year and each property tax year thereafter, each school district must levy the lesser of:

- ! 27 mills;
- ! The number of mills levied in the preceding property tax year;
- ! The number of mills necessary to fully fund the school district's total program; or
- ! If the school district has not obtained voter approval to keep revenue that exceeds the constitutional limit, the number of mills that generates an amount of revenue that does not exceed the constitutional limit.

In a property tax year in which a school district is required to levy more mills than it levied for the 2019 property tax year, the school district board of education must approve a tax credit in the amount of the increase in the number of mills. The amount of revenue attributable to the number of mills for which there is a tax credit is not included in calculating the school district's state share.

Under the "Building Excellent Schools Today Act", the state may enter into lease-purchase agreements for public school facility capital construction projects subject to the limitation that the maximum total annual amount of lease payments payable under the terms of the agreements does not exceed \$110 million. **Section 39** of the bill increases the maximum total annual amount of lease payments to \$125 million for FY2020-21 and for each state fiscal year thereafter and appropriates \$15 million from the public school capital construction assistance fund to the department for FY2020-21 to provide the additional spending authority needed to make the additional lease payments.

Section 40 of the bill requires the department, for the 2020-21 budget year only, to use student enrollment numbers for the 2018-19 budget year in calculating a local education provider's per-pupil

intervention money under the READ Act.

Section 41 of the bill clarifies that students enrolled part-time in a kindergarten program are counted for school formula funding as .58 of a full-day pupil.

Section 42 of the bill authorizes 5-year-old first graders to receive full school finance formula funding.

Section 43 of the bill requires the commissioner of education (commissioner) to convene education stakeholders to review the impact of the cancellation of assessments, accountability, accreditation, and educator evaluations for the 2019-20 school year and whether future modifications are needed for the accountability, accreditation, and educator evaluation systems as a result of, and in response to, the COVID-19 pandemic and possible further disruptions.

Section 44 of the bill authorizes the commissioner to expend appropriations to correct the underpayment of state funding to a school district, board of cooperative services, the state charter school institute, or to a group care facility or home due to errors in information certified to the department of education for the determination of state funding.

Sections 45 through 47 of the bill remove the requirement that the department determine the level of attainment on performance indicators achieved by each public school, each school district, the state charter school institute, and the state as a whole for the 2019-20 school year.

In addition, the department shall not assign accreditation ratings for school districts or the state charter school institute, and shall not recommend improvement plans for public schools, for the 2020-21 school year. A school district, the state charter school institute, and schools shall continue to implement the plan type that was assigned for the 2019-20 school year.

Section 48 of the bill extends the June 1 deadline for written notice of contract nonrenewal to June 26, 2020, for probationary teachers employed by a school district on a full-time basis during the 2019-20 school year, so long as the recommendation for contract nonrenewal is for reasons relating to budgetary shortfalls.

The bill makes and reduces appropriations.

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) In early March 2020, Colorado confirmed the first positive test
5 for COVID-19 in the state, and since then, the number of confirmed cases

1 and deaths in the state caused by COVID-19 has continued to climb;

2 (b) Due to the community spread of the virus, the governor issued
3 executive order D 2020 007, ordering all public and private elementary
4 and secondary schools in Colorado to suspend normal in-person
5 instruction beginning March 23, 2020. Executive order D 2020 074
6 extended the suspension of in-person instruction until the end of the
7 2019-20 school year.

8 (c) The tremendous challenge of shifting from in-person
9 instruction to distance learning for the remainder of the school year has
10 placed significant financial and other burdens on the public school
11 system;

12 (d) In addition to other responses to this public health emergency,
13 schools have had to adapt lesson plans for remote delivery, provide or
14 acquire laptops and other technology for educators and students, clean
15 and sanitize schools, distribute school lunches to low-income students,
16 and continue to effectively serve the needs of at-risk students, English
17 language learners, and students with special education needs; and

18 (e) When school starts again in the fall of 2020, schools will have
19 to bear significant costs to redesign school spaces to facilitate social
20 distancing and make adjustments to the delivery of education, possibly
21 implementing hybrid models of in-person learning and distance learning.

22 (2)(a) In addition, the general assembly finds that, recognizing the
23 impact of COVID-19 and the challenges ahead for schools, the federal
24 government has provided relief funding to Colorado through the
25 "Coronavirus Aid, Relief, and Economic Security Act of 2020" ("CARES
26 Act"), Pub.L. 116-136, 134 Stat. 281 (2020), which funding may be used
27 as permitted under the "CARES Act" and related United States treasury

1 guidelines, and includes:

2 (I) One hundred twenty-one million dollars from the Elementary
3 and Secondary School Emergency Relief (ESSER) Fund;

4 (II) Five hundred ten million dollars from the Coronavirus Relief
5 Fund, allocated by the governor to the Colorado department of education
6 for expenditures of Colorado public schools in responding to the public
7 health emergency; and

8 (III) Thirty-seven million dollars from the Coronavirus Relief
9 Fund, allocated by the governor to the Colorado department of education
10 for Colorado public school expenditures incurred to respond to
11 second-order effects of the COVID-19 emergency, in particular the
12 increased number of at-risk students due to the COVID-19-driven
13 recession.

14 (b) The governor has directed that Colorado schools shall use
15 federal money in accordance with federal law to, among other things,
16 facilitate distance learning and social distancing for in-person contact
17 hours, mitigate lost learning, provide additional resources and supports
18 to respond to the unexpected increase in at-risk students due to the
19 COVID-19 emergency, and provide economic support in connection with
20 the COVID-19 emergency to stimulate the economy by supporting
21 Colorado's workforce through free instructional hours for the
22 kindergarten through twelfth grade education system.

23 (3) (a) The general assembly further finds and declares that:

24 (I) Colorado faces significant costs associated with responding to
25 the public health emergency across both the public and private sectors;

26 (II) The unprecedented loss of personal and corporate income tax
27 and sales tax revenue due to the COVID-19-driven recession is projected

1 to contribute to general fund revenue declining by over twenty percent for
2 the 2020-21 state fiscal year from the prior year;

3 (III) State revenue and employment are also negatively impacted
4 by the decline in the oil and gas industry due to global actions of oil
5 producers; and

6 (IV) While federal money is available to mitigate eligible
7 COVID-19-related expenditures for public schools, the state may not use
8 federal money to backfill reductions in school finance formula funding.

9 (b) Therefore, the general assembly finds and declares that,
10 despite using all available state resources and sources of funding to
11 mitigate the impact of the unprecedented public health emergency and the
12 COVID-19-related recession on the public education system, Colorado
13 must make a significant reduction to total program funding for public
14 schools for the 2020-21 budget year.

15 **SECTION 2.** In Colorado Revised Statutes, 22-54-104, **amend**
16 **as amended by House Bill 20-1260** (5)(g)(I)(J); and **add** (5)(a)(XXVII)
17 and (5)(g)(I)(K) as follows:

18 **22-54-104. District total program - definitions.** (5) For
19 purposes of the formulas used in this section:

20 (a) (XXVII) FOR THE 2020-21 BUDGET YEAR, THE STATEWIDE
21 BASE PER PUPIL FUNDING IS \$7,083.61, WHICH IS AN AMOUNT EQUAL TO
22 \$6,951.53, SUPPLEMENTED BY \$132.08 TO ACCOUNT FOR INFLATION.

23 (g) (I) For the 2010-11 budget year and each budget year
24 thereafter, the general assembly determines that stabilization of the state
25 budget requires a reduction in the amount of the annual appropriation to
26 fund the state's share of total program funding for all districts and the
27 funding for institute charter schools. The department of education shall

1 implement the reduction in total program funding through the application
2 of a budget stabilization factor as provided in this subsection (5)(g)(I).
3 For the 2010-11 budget year and each budget year thereafter, the
4 department of education and the staff of the legislative council shall
5 determine, based on budget projections, the amount of such reduction to
6 ensure the following:

7 (J) That, for the 2019-20 budget year, the sum of the total program
8 funding for all districts, including the funding for institute charter
9 schools, after application of the budget stabilization factor, is not less than
10 seven billion six hundred three million nine hundred seven thousand nine
11 hundred seventy-seven dollars (\$7,603,907,977); except that the
12 department of education and the staff of the legislative council shall make
13 mid-year revisions to replace projections with actual figures, including
14 but not limited to actual pupil enrollment, assessed valuations, and
15 specific ownership tax revenue from the prior year, to determine any
16 necessary changes in the amount of the reduction to maintain a total
17 program funding amount for the applicable budget year that is consistent
18 with this subsection (5)(g)(I)(J). ~~For the 2020-21 budget year, the~~
19 ~~difference between calculated statewide total program funding and actual~~
20 ~~statewide total program funding must not exceed the difference between~~
21 ~~calculated statewide total program funding and actual statewide total~~
22 ~~program funding for the 2019-20 budget year.~~

23 (K) THAT, FOR THE 2020-21 BUDGET YEAR, THE SUM OF THE TOTAL
24 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR
25 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET
26 STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION TWO HUNDRED
27 NINETEEN MILLION THREE HUNDRED SIXTY-SIX THOUSAND FOUR HUNDRED

1 FORTY-FOUR DOLLARS (\$7,219,366,444); EXCEPT THAT THE DEPARTMENT
2 OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE
3 MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES,
4 INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED
5 VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR
6 YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE
7 REDUCTION TO MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE
8 APPLICABLE BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION
9 (5)(g)(I)(K). FOR THE 2021-22 BUDGET YEAR, THE DIFFERENCE BETWEEN
10 CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL
11 STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE DIFFERENCE
12 BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND
13 ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE 2020-21 BUDGET
14 YEAR.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 22-44-103.7 as
16 follows:

17 **22-44-103.7. Budget provisions for the 2020-21 budget year -**
18 **repeal.** (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
19 CONTRARY, FOR THE 2020-21 BUDGET YEAR:

20 (a) A BOARD OF EDUCATION SHALL PREPARE AND SUBMIT A
21 PROPOSED BUDGET IN ACCORDANCE WITH SECTION 22-44-108 NOT LATER
22 THAN JUNE 23, 2020;

23 (b) AFTER SUBMISSION OF A PROPOSED BUDGET, BUT NOT LATER
24 THAN JUNE 25, 2020, THE BOARD OF EDUCATION SHALL PUBLISH A NOTICE
25 OF PROPOSED SCHOOL BUDGET. THE NOTICE MUST BE PUBLISHED IN A
26 NEWSPAPER HAVING GENERAL CIRCULATION IN THE SCHOOL DISTRICT AT
27 LEAST ONCE PRIOR TO THE DATE SPECIFIED IN THE NOTICE FOR

1 CONSIDERATION OF THE PROPOSED SCHOOL BUDGET. IF THERE IS NO
2 NEWSPAPER HAVING GENERAL CIRCULATION IN THE SCHOOL DISTRICT, OR
3 THE NOTICE CANNOT BE PUBLISHED IN THE NEWSPAPER PRIOR TO THE DATE
4 SPECIFIED IN THE NOTICE FOR CONSIDERATION OF THE BUDGET, THE
5 SECRETARY OF THE BOARD OF EDUCATION SHALL CAUSE THE NOTICE TO BE
6 POSTED FOR AT LEAST TWO BUSINESS DAYS IN THE ADMINISTRATIVE
7 OFFICES OF THE DISTRICT AND IN TWO OTHER PUBLIC PLACES IN THE
8 DISTRICT PRIOR TO THE DATE SPECIFIED IN THE NOTICE FOR
9 CONSIDERATION OF THE BUDGET.

10 (c) THE PROVISIONS OF SECTION 22-44-104 APPLY IF A BOARD OF
11 EDUCATION DOES NOT ADOPT A BUDGET AND AN APPROPRIATION
12 RESOLUTION BY JUNE 30, 2020. AFTER THE ADOPTION OF THE BUDGET,
13 THE BOARD MAY REVIEW AND CHANGE THE BUDGET PURSUANT TO
14 SECTION 22-44-110 (5).

15 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

16 **SECTION 4.** In Colorado Revised Statutes, 22-91-104, **amend**
17 (5)(b)(I) introductory portion as follows:

18 **22-91-104. School counselor corps grant program - application**
19 **- criteria - grant awards - rules - repeal.** (5) (b) (I) In addition to the
20 amount appropriated pursuant to subsection (5)(a) of this section, the
21 general assembly shall appropriate two hundred fifty thousand dollars
22 each year for the 2019-20 ~~2020-21~~, and 2021-22 fiscal years, from the
23 general fund to the state board. The state board shall distribute the
24 appropriation to the education providers that receive a grant for the
25 following purposes:

26 **SECTION 5.** In Colorado Revised Statutes, 22-97-203, **amend**
27 (6) as follows:

1 **22-97-203. Computer science education grant program -**
2 **creation - rules - legislative declaration.** (6) The general assembly shall
3 appropriate two hundred fifty thousand dollars each year for the ~~2020-21~~,
4 2021-22 and 2022-23 fiscal years from the general fund to the
5 department. The department shall distribute the money to the education
6 providers that receive a grant.

7 **SECTION 6.** In Colorado Revised Statutes, 22-43.7-104, **amend**
8 (2)(d) and (3); and **add** (2)(f) as follows:

9 **22-43.7-104. Public school capital construction assistance fund**
10 **- creation - crediting of money to fund - use of fund - emergency**
11 **reserve - creation - reserve account - creation and use.** (2) (d) For the
12 state fiscal year commencing July 1, 2018, the state treasurer, as provided
13 in section 39-28.8-305 (1)(a), shall credit to the assistance fund the
14 greater of the first forty million dollars received and collected from the
15 excise tax on retail marijuana imposed pursuant to part 3 of article 28.8
16 of title 39 or ninety percent of the money received and collected from the
17 tax. For the state fiscal year commencing July 1, 2019, and for each state
18 fiscal year thereafter EXCEPT FOR THE STATE FISCAL YEAR COMMENCING
19 JULY 1, 2020, the state treasurer, as provided in section 39-28.8-305
20 (1)(a), shall annually credit to the assistance fund all of the money
21 received and collected from the excise tax on retail marijuana imposed
22 pursuant to part 3 of article 28.8 of title 39. FOR THE STATE FISCAL YEAR
23 COMMENCING JULY 1, 2020, THE STATE TREASURER, AS PROVIDED IN
24 SECTION 39-28.8-305 (1)(a), SHALL CREDIT TO THE ASSISTANCE FUND THE
25 LESSER OF THE FIRST FORTY MILLION DOLLARS RECEIVED AND COLLECTED
26 FROM THE EXCISE TAX ON RETAIL MARIJUANA IMPOSED PURSUANT TO PART
27 3 OF ARTICLE 28.8 OF TITLE 39 OR ALL OF THE MONEY RECEIVED AND

1 COLLECTED FROM THE TAX. For state fiscal years commencing before July
2 1, 2019, the state treasurer shall credit twelve and five-tenths percent of
3 the amount annually credited pursuant to this subsection (2)(d) to the
4 charter school facilities assistance account, which account is created
5 within the assistance fund. For each state fiscal year commencing on or
6 after July 1, 2019, the state treasurer shall credit to the charter school
7 facilities assistance account a percentage of the amount credited pursuant
8 to this subsection (2)(d) that is equal to the percentage of pupil
9 enrollment, as defined in section 22-54-103 (10), statewide represented
10 by pupils who were enrolled in charter schools for the prior school year.
11 The department of education shall notify the state treasurer of the
12 applicable percentage no later than June 1 of the immediately preceding
13 fiscal year.

14 (f) ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ONE
15 HUNDRED MILLION DOLLARS FROM THE ASSISTANCE FUND TO THE STATE
16 PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1).

17 (3) Subject to annual appropriation, the department may expend
18 ~~moneys~~ MONEY in the assistance fund for the purposes of paying the
19 direct and indirect administrative costs, including but not limited to the
20 costs of conducting or contracting for the financial assistance priority
21 assessment required by section 22-43.7-108 (1), incurred by the division,
22 the board, and the department in exercising their powers and duties
23 pursuant to this ~~article~~ ARTICLE 43.7, providing financial assistance,
24 making payments required by section 22-43.7-114, and paying any
25 transaction costs necessarily incurred in connection with the provision of
26 financial assistance as authorized by this ~~article~~ ARTICLE 43.7. For state
27 fiscal year 2020-21, the general assembly shall appropriate ~~one hundred~~

1 ~~sixty~~ TWENTY-FIVE million dollars from the assistance fund for use by the
2 board in providing financial assistance in the form of matching cash
3 grants only.

4 **SECTION 7.** In Colorado Revised Statutes, 39-28.8-305, **amend**
5 (1)(a)(III); and **add** (1)(a)(IV) as follows:

6 **39-28.8-305. Distribution of tax collected - repeal.** (1) All
7 money received and collected in payment of the tax imposed by this part
8 3 shall be transmitted to the state treasurer, who shall distribute the money
9 as follows:

10 (a) (III) For the state fiscal year commencing July 1, 2019, and for
11 each state fiscal year thereafter EXCEPT FOR THE STATE FISCAL YEAR
12 COMMENCING JULY 1, 2020, all of the money received and collected
13 annually shall be transferred to the public school capital construction
14 assistance fund created by article 43.7 of title 22 or to any successor fund
15 dedicated to a similar purpose.

16 (IV) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2020, THE
17 LESSER OF THE FIRST FORTY MILLION DOLLARS RECEIVED AND COLLECTED
18 OR ALL OF THE MONEY RECEIVED AND COLLECTED SHALL BE TRANSFERRED
19 TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND
20 CREATED BY ARTICLE 43.7 OF TITLE 22 OR TO ANY SUCCESSOR FUND
21 DEDICATED TO A SIMILAR PURPOSE AND THE REMAINDER OF THE MONEY
22 RECEIVED AND COLLECTED SHALL BE TRANSFERRED TO THE STATE PUBLIC
23 SCHOOL FUND CREATED IN SECTION 22-54-114 (1).

24 **SECTION 8.** In Colorado Revised Statutes, 22-102-104, **amend**
25 (1) and (2)(a) as follows:

26 **22-102-104. K-5 social and emotional health pilot program -**
27 **creation - selection of pilot schools - rules.** (1) There is created the K-5

1 social and emotional health pilot program in the department to determine
2 the impact of dedicated school mental health professionals in
3 kindergarten through fifth grade in elementary schools that have
4 high-poverty, high-need students. The pilot program is implemented
5 within the selected pilot schools and administered by the department
6 ~~Operation of the pilot program begins in the 2020-21 school year and~~
7 ~~continues through the conclusion of the 2022-23 school year, unless the~~
8 ~~repeal of the pilot program is~~ AS A PILOT PROGRAM FOR THREE
9 CONSECUTIVE SCHOOL YEARS, UNLESS extended by the general assembly.
10 SUBJECT TO AVAILABLE APPROPRIATIONS OR GIFTS, GRANTS, OR
11 DONATIONS FOR THE THREE-YEAR TERM OF THE PILOT PROGRAM, pursuant
12 to section 22-102-106, the department shall employ or contract with a
13 pilot program coordinator and contract for preliminary and final program
14 evaluations of the pilot program. The department shall promulgate any
15 rules necessary for the administration of the pilot program.

16 (2) (a) SUBJECT TO AVAILABLE APPROPRIATIONS OR GIFTS,
17 GRANTS, OR DONATIONS FOR THE THREE-YEAR TERM OF THE PILOT
18 PROGRAM, no later than January 15 ~~2020~~ IMMEDIATELY PRECEDING THE
19 FIRST IMPLEMENTATION YEAR, the department shall select up to ten pilot
20 schools to participate in the pilot program. If available appropriations and
21 gifts, grants, or donations are insufficient to fully fund the pilot program,
22 the department may select fewer than ten pilot schools to participate in
23 the pilot program. The department shall select pilot schools that exhibit
24 the characteristics set forth in subsection (2)(b) of this section and that are
25 appropriate test schools to evaluate the impact and effectiveness of the
26 pilot program. The pilot schools must demonstrate a willingness to
27 participate in the pilot program and to collect the data and information

1 necessary for the evaluation of the pilot program.

2 **SECTION 9.** In Colorado Revised Statutes, 22-102-105, **amend**
3 (3) as follows:

4 **22-102-105. Implementation of pilot program.** (3) For purposes
5 of ~~implementing this pilot program, the general assembly shall~~
6 ~~appropriate to the department for distribution to the pilot schools, or to~~
7 ~~the governing body for the pilot school, the amount of money necessary~~
8 ~~for the pilot schools to employ or contract with the number of additional~~
9 ~~school mental health professionals necessary to implement the pilot~~
10 ~~program, as described in subsection (1) of this section.~~ Throughout the
11 duration of the pilot program, the pilot school must employ or contract
12 with, at the pilot school's expense, the same number of school mental
13 health professionals employed by or contracted with the pilot school
14 during the ~~2019-20~~ school year IMMEDIATELY PRECEDING THE FIRST YEAR
15 OF IMPLEMENTATION OF THE PILOT PROGRAM so that ~~the appropriation to~~
16 ~~the pilot school~~ ADDITIONAL MONEY for the pilot program supplements,
17 but does not supplant, the pilot school's existing expenditures for school
18 mental health professional positions prior to the operation of the pilot
19 program.

20 **SECTION 10.** In Colorado Revised Statutes, 22-102-106, **amend**
21 (2)(a) as follows:

22 **22-102-106. Pilot program coordinator - evaluation of pilot**
23 **program - student impacts and outcomes.** (2) (a) The department shall
24 select a professional program evaluator to complete a preliminary
25 evaluation of the pilot program on or before ~~September 1, 2022,~~
26 SEPTEMBER 1 OF THE SECOND FULL SCHOOL YEAR OF IMPLEMENTATION OF
27 THE PILOT PROGRAM and a final evaluation of the pilot program to be

1 completed on or before ~~September 1, 2023~~ SEPTEMBER 1 IMMEDIATELY
2 FOLLOWING THE CONCLUSION OF THE FINAL SCHOOL YEAR OF THE PILOT
3 PROGRAM. SUBJECT TO AVAILABLE APPROPRIATIONS OR GIFTS, GRANTS, OR
4 DONATIONS FOR THE THREE-YEAR TERM OF THE PILOT PROGRAM, the
5 department shall contract with the evaluator IN THE SCHOOL YEAR prior to
6 the implementation of the pilot program in the pilot schools ~~during the~~
7 ~~2020-21 school year~~ to create a process for the collection and
8 transmission of data and information to the evaluator to ensure that the
9 evaluator has the data and information necessary to complete the
10 preliminary and final reports concerning the impact and outcomes of the
11 pilot program. The pilot program evaluator, in conjunction with the
12 department, shall select a group of control schools that have school
13 characteristics and student demographics similar to those of the pilot
14 schools to serve as a control group for purposes of evaluating the impacts
15 and outcomes of the pilot program on participating students and pilot
16 schools. Data collected for pilot schools and control group schools must
17 include data from school climate and healthy schools surveys for any
18 grade in which such surveys have been created.

19 **SECTION 11.** In Colorado Revised Statutes, 22-102-107, **amend**
20 (1) as follows:

21 **22-102-107. Appropriations for this article - gifts, grants, or**
22 **donations.** (1) ~~For the 2019-20 and 2020-21 state fiscal years,~~ The
23 general assembly may appropriate money from the marijuana tax cash
24 fund, created in section 39-28.8-501, to the department to be used for the
25 pilot program established in this article 102. ~~except that the appropriation~~
26 ~~from the marijuana tax cash fund for the 2020-21 state fiscal year shall~~
27 ~~not exceed two million five hundred thousand dollars, with the remaining~~

1 ~~pilot program funding from gifts, grants, or donations~~ THE DEPARTMENT
2 MAY ACCEPT AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE
3 OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE 102.

4 **SECTION 12.** In Colorado Revised Statutes, **amend** 22-102-108
5 as follows:

6 **22-102-108. Repeal of article.** This article 102 is repealed,
7 effective July 1, ~~2023~~ 2033.

8 **SECTION 13.** In Colorado Revised Statutes, **repeal**
9 22-60.5-208.5.

10 **SECTION 14.** In Colorado Revised Statutes, 22-60.5-201,
11 **amend** (1)(a.5)(I)(B) and (1)(b)(I)(B) as follows:

12 **22-60.5-201. Types of teacher licenses issued - term - rules.**

13 (1) The department is designated as the sole agency authorized to issue
14 the following teacher licenses to persons of good moral character:

15 (a.5) **Teacher of record license.** (I) The department shall issue
16 a teacher of record license to an applicant who:

17 (B) Is enrolled ~~in a grow your own educator program pursuant to~~
18 ~~section 22-60.5-208.5, or in a one- or two-year teacher of record program~~
19 ~~pursuant to section 22-60.5-208.7; and~~

20 (b) **Initial teacher license.** (I) Except as otherwise provided in
21 subsection (1)(b)(II) of this section, the department, in its discretion, may
22 issue an initial teacher license to any applicant who:

23 (B) Has completed an approved program of preparation for
24 teachers OR a one-year or two-year alternative teacher program; ~~or a grow~~
25 ~~your own educator program established pursuant to section~~
26 ~~22-60.5-208.5;~~

27 **SECTION 15.** In Colorado Revised Statutes, 23-18-202, **repeal**

1 (2)(b)(III) as follows:

2 **23-18-202. College opportunity fund - appropriations -**
3 **payment of stipends - reimbursement - report.** (2) (b) (III) ~~If the~~
4 ~~student is enrolled in a grow your own educator program pursuant to~~
5 ~~section 22-60.5-208.5, and the school district or charter school receives~~
6 ~~a grant pursuant to section 22-60.5-208.5 (6), the school district or charter~~
7 ~~school that employs the student as a teacher of record as described in~~
8 ~~section 22-60.5-201 (1)(a.5) during the teaching portion of the grow your~~
9 ~~own educator program is responsible for paying the student's share of~~
10 ~~total in-state tuition, not to exceed thirty-six credit hours, less any amount~~
11 ~~received in federal and state financial aid.~~

12 **SECTION 16.** In Colorado Revised Statutes, 23-78-105, **amend**
13 (3) as follows:

14 **23-78-105. Teacher mentor grant program - created -**
15 **standards - report.** (3) The department of higher education and the
16 department of education, in collaboration, shall work with the deans of
17 the schools of education in Colorado institutions of higher education, or
18 their designees, persons who implement alternative teacher programs,
19 local education providers, teachers, and other interested parties to identify
20 best practice standards and guidelines for teacher mentoring. The
21 department of higher education shall adopt the standards and guidelines
22 and make them available to local education providers and educator
23 preparation programs by January 1, 2020, and shall review and update the
24 standards as necessary. A teacher residency program, ~~that is operating~~
25 ~~pursuant to article 60.3 of title 22, OR a teaching fellowship program, that~~
26 ~~is operating pursuant to part 3 of this article 78, or a grow your own~~
27 ~~educator program that is operating pursuant to section 22-60.5-208.5 and~~

1 that provides mentoring for teacher candidates that meets the standards
2 adopted pursuant to this subsection (3) may apply to receive a grant
3 through the teacher mentor grant program, subject to the requirements
4 specified in this section.

5 **SECTION 17.** In Colorado Revised Statutes, 24-34-104, **repeal**
6 (24)(a)(IX) as follows:

7 **24-34-104. General assembly review of regulatory agencies**
8 **and functions for repeal, continuation, or reestablishment - legislative**
9 **declaration - repeal.** (24) (a) The following agencies, functions, or both,
10 are scheduled for repeal on September 1, 2023:

11 (IX) ~~The grow your own educator program, authorized pursuant~~
12 ~~to section 22-60.5-208.5;~~

13 **SECTION 18.** In Colorado Revised Statutes, **amend** 22-95-105
14 as follows:

15 **22-95-105. Repeal of article.** This article 95 is repealed, effective
16 July 1, ~~2021~~ 2020.

17 **SECTION 19.** In Colorado Revised Statutes, 22-7-1210, **add** (7)
18 as follows:

19 **22-7-1210. Early literacy fund - created - repeal.**

20 (7) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
21 CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER
22 THREE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE FUND TO
23 THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
24 OF THE STATE CONSTITUTION.

25 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2021.

26 **SECTION 20.** In Colorado Revised Statutes, 22-61.5-105, **add**
27 (4) as follows:

1 **22-61.5-105. Colorado teacher of the year fund - created -**
2 **legislative declaration - repeal.** (4) (a) NOTWITHSTANDING ANY
3 PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2020, THE
4 STATE TREASURER SHALL TRANSFER ELEVEN THOUSAND EIGHT HUNDRED
5 THIRTY ONE DOLLARS FROM THE FUND TO THE STATE EDUCATION FUND
6 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

7 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2021.

8 **SECTION 21.** In Colorado Revised Statutes, 22-1-129, **amend**
9 (4) and (5); **repeal** (1)(b); and **add** (6) as follows:

10 **22-1-129. Instruction in cardiopulmonary resuscitation and**
11 **the use of automated external defibrillators - grants - definitions -**
12 **rules - repeal.** (1) As used in this section, unless the context otherwise
13 requires:

14 (b) ~~"Fund" means the school cardiopulmonary resuscitation and~~
15 ~~automated external defibrillator training fund created in subsection (5) of~~
16 ~~this section.~~

17 (4) Notwithstanding any other provision of this section to the
18 contrary, the department shall not award ~~any~~ grants pursuant to this
19 section unless the department determines that ~~there are sufficient moneys~~
20 ~~in the fund~~ IT HAS RECEIVED SUFFICIENT MONEY THROUGH
21 APPROPRIATIONS OR GIFTS, GRANTS, AND DONATIONS to implement the
22 program.

23 (5) (a) ~~There is created in the state treasury the school~~
24 ~~cardiopulmonary resuscitation and automated external defibrillator~~
25 ~~training fund. The fund consists of:~~

26 (1) ~~Two hundred fifty thousand dollars, which the state treasurer~~
27 ~~shall transfer from the general fund to the fund on August 6, 2014;~~

1 ~~(H) Any other moneys that the general assembly appropriates to~~
2 ~~it; and~~

3 ~~(HH) Any gifts, grants, or donations credited to the fund pursuant~~
4 ~~to paragraph (b) of this subsection (5).~~

5 ~~(b) The department may seek, accept, and expend gifts, grants, or~~
6 ~~donations from private or public sources for the purposes of this section;~~
7 ~~except that the department may not accept a gift, grant, or donation that~~
8 ~~is subject to conditions that are inconsistent with this section or any other~~
9 ~~law of the state. The department shall transmit all private and public~~
10 ~~moneys received through gifts, grants, or donations to the state treasurer,~~
11 ~~who shall credit the same to the fund. Nothing in this section requires the~~
12 ~~department to solicit moneys MONEY for purposes of implementing this~~
13 ~~section.~~

14 ~~(c) The moneys in the fund are subject to annual appropriation by~~
15 ~~the general assembly to the department for the purpose of awarding grants~~
16 ~~allowed by this section and for the department's reasonable and necessary~~
17 ~~administrative expenses associated with implementation of this section.~~
18 ~~The department's administrative expenses for a fiscal year shall not~~
19 ~~exceed two percent of the money transferred or appropriated to the fund~~
20 ~~in the fiscal year.~~

21 ~~(d) The state treasurer may invest any moneys in the fund not~~
22 ~~expended for the purpose of this section as provided by law. The state~~
23 ~~treasurer shall credit all interest and income derived from the investment~~
24 ~~and deposit of moneys in the fund to the fund. Any unexpended and~~
25 ~~unencumbered moneys remaining in the fund at the end of a fiscal year~~
26 ~~shall not be credited or transferred to the general fund or another fund.~~

27 (6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO

1 THE CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER
2 ALL UNEXPENDED AND UNENCUMBERED STATE MONEY IN THE SCHOOL
3 CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL
4 DEFIBRILLATOR TRAINING FUND TO THE STATE EDUCATION FUND CREATED
5 IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

6 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2021.

7 **SECTION 22.** In Colorado Revised Statutes, 22-7-613, **repeal**
8 (1)(a) and (2); and **add** (3) and (4) as follows:

9 **22-7-613. Closing the achievement gap cash fund - creation -**
10 **repeal.** (1) (a) ~~The department is authorized to seek and accept gifts,~~
11 ~~grants, and donations from private or public sources for the purposes of~~
12 ~~implementing section 22-7-611. All private and public funds received~~
13 ~~through gifts, grants, or donations shall be transmitted to the state~~
14 ~~treasurer, who shall credit the same to the closing the achievement gap~~
15 ~~cash fund, which fund is hereby created and referred to in this section as~~
16 ~~the "fund". The moneys in the fund shall be continuously appropriated to~~
17 ~~the department.~~

18 (2) ~~All interest and income derived from the investment and~~
19 ~~deposit of moneys in the fund shall remain in the fund. Any unexpended~~
20 ~~and unencumbered moneys remaining in the fund at the end of a fiscal~~
21 ~~year shall remain in the fund and shall not be credited or transferred to the~~
22 ~~general fund or another fund.~~

23 (3) ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ALL
24 UNEXPENDED AND UNENCUMBERED STATE MONEY IN THE CLOSING THE
25 ACHIEVEMENT GAP CASH FUND TO THE STATE EDUCATION FUND CREATED
26 IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

27 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

1 **SECTION 23.** In Colorado Revised Statutes, 22-7-611, **amend**
2 (6); and **add** (8) as follows:

3 **22-7-611. Closing the achievement gap program - strategies -**
4 **assistance - criteria - rule-making.** (6) Subject to available
5 appropriations OR GIFTS, GRANTS, AND DONATIONS, and upon the request
6 of a participating eligible district or eligible school, the department shall
7 provide assistance through the program to the participating eligible
8 district or eligible school. The assistance may consist of, but is not limited
9 to, information, personnel, and program and technical support.

10 (8) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
11 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
12 PURPOSES OF THIS SECTION.

13 **SECTION 24.** In Colorado Revised Statutes, 22-9-105.7, **add** (5)
14 as follows:

15 **22-9-105.7. Great teachers and leaders fund - created - gifts,**
16 **grants, and donations - legislative declaration - repeal.**

17 (5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
18 CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ALL
19 UNEXPENDED AND UNENCUMBERED STATE MONEY IN THE GREAT
20 TEACHERS AND LEADERS FUND TO THE STATE EDUCATION FUND CREATED
21 IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

22 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2021.

23 **SECTION 25.** In Colorado Revised Statutes, 24-75-220, **add** (6)
24 as follows:

25 **24-75-220. State education fund - transfers - surplus -**
26 **legislative declaration - repeal.** (6) (a) NOTWITHSTANDING ANY
27 PROVISION OF LAW TO THE CONTRARY, ON JULY 1, 2020, THE STATE

1 TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED
2 STATE MONEY CREDITED TO THE NONPUBLIC SCHOOL FINGERPRINT FUND,
3 AS IT EXISTED PRIOR TO ITS REPEAL IN 2006, TO THE STATE EDUCATION
4 FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE
5 CONSTITUTION.

6 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
7 CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ALL
8 UNEXPENDED AND UNENCUMBERED STATE MONEY CREDITED TO THE
9 STUDENT RE-ENGAGEMENT GRANT PROGRAM FUND, AS IT EXISTED PRIOR
10 TO ITS REPEAL IN 2019, TO THE STATE EDUCATION FUND CREATED IN
11 SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

12 (c) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2021.

13 **SECTION 26.** In Colorado Revised Statutes, 22-98-104, **add**
14 (3.5) as follows:

15 **22-98-104. Retaining teachers fund - created - repeal.**

16 (3.5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
17 CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ALL
18 UNEXPENDED AND UNENCUMBERED STATE MONEY IN THE RETAINING
19 TEACHERS FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17
20 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

21 (b) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JULY 1, 2021.

22 **SECTION 27.** In Colorado Revised Statutes, 22-43.7-201,
23 **amend** (4)(c) as follows:

24 **22-43.7-201. Full-day kindergarten facility capital**
25 **construction fund - creation - grants - definitions.** (4) (c) The amount
26 of the grant to be provided to each applicant pursuant to subsection (4)(b)
27 of this section is determined by the following formula:

1 The lesser of \$25,000,000 x the applicant share percentage
2 or the amount actually applied for by the applicant.
3 On July 1, 2020, the state treasurer shall transfer ~~from the fund to the~~
4 ~~assistance fund any portion of the twenty-five million dollars previously~~
5 ~~transferred from the assistance fund to the fund as required by subsection~~
6 ~~(4)(b) of this section that is not distributed to applicants as formula-based~~
7 ~~grants during the 2019-20 budget year~~ ALL UNEXPENDED AND
8 UNENCUMBERED STATE MONEY IN THE FULL-DAY KINDERGARTEN FACILITY
9 CAPITAL CONSTRUCTION FUND TO THE STATE EDUCATION FUND CREATED
10 IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

11 **SECTION 28.** In Colorado Revised Statutes, 22-20-114.7, **add**
12 (2)(g) as follows:

13 **22-20-114.7. High-cost special education trust fund - creation**
14 **- grants - eligibility - legislative declaration - definition - annual**
15 **report - repeal.** (2) (g) NOTWITHSTANDING ANY PROVISION OF THIS
16 SUBSECTION (2) TO THE CONTRARY, ON JULY 1, 2020, THE STATE
17 TREASURER SHALL TRANSFER THE AMOUNT OF ANY UNEXPENDED AND
18 UNENCUMBERED TRUST FUND PRINCIPAL TO THE STATE PUBLIC SCHOOL
19 FUND CREATED IN SECTION 22-54-114.

20 **SECTION 29.** In Colorado Revised Statutes, 39-28.8-501, **add**
21 (4.6) as follows:

22 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
23 **- legislative declaration - repeal.** (4.6) (a) ON JULY 1, 2020, THE STATE
24 TREASURER SHALL TRANSFER TWO MILLION FIVE HUNDRED THOUSAND
25 DOLLARS FROM THE FUND TO THE STATE PUBLIC SCHOOL FUND CREATED
26 IN SECTION 22-54-114.

27 (b) THIS SUBSECTION (4.6) IS REPEALED, EFFECTIVE JULY 1, 2021.

1 **SECTION 30.** In Colorado Revised Statutes, 22-100-102, **amend**
2 **as amended by House Bill 20-1300** (2)(b)(I) and (3)(a)(I) as follows:

3 **22-100-102. Local school food purchasing program - creation**
4 **- rules - report - repeal.** (2) (b) (I) (A) The department shall select
5 participating providers that, in the previous year for which numbers are
6 available, the total number of lunches provided by all participating
7 providers was ten million or fewer, and no participating provider may
8 have provided more than two million one hundred fifty thousand school
9 lunches in the previous year.

10 (B) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
11 CONTRARY, ONLY THE PARTICIPATING PROVIDERS SELECTED ON OR BEFORE
12 MARCH 1, 2020, SHALL PARTICIPATE IN THE LOCAL SCHOOL FOOD
13 PURCHASING PROGRAM FOR THE 2021-22 BUDGET YEAR. THIS SUBSECTION
14 (2)(b)(I)(B) IS REPEALED, EFFECTIVE JULY 1, 2022.

15 (3) (a) (I) In October ~~2020~~ 2021 and each October thereafter, the
16 department shall reimburse each participating provider participating in the
17 school food purchasing program as of the previous December 1 five cents
18 for every school lunch that the participating provider provided in the
19 previous school year; except that a participating provider shall not be
20 reimbursed for the amount of value-added processed products that
21 exceeds twenty-five percent of the total of the Colorado grown, raised, or
22 processed products it purchased.

23 **SECTION 31.** In Colorado Revised Statutes, 22-100-104, **amend**
24 (1) introductory portion as follows:

25 **22-100-104. Evaluation - report.** (1) On or before December 1,
26 ~~2021~~ 2022, and on or before December 1 of each year thereafter, the
27 department shall submit a report to the education committees of the house

1 of representatives and the senate, the rural affairs and agriculture
2 committee of the house of representatives, and the agriculture and natural
3 resources committee of the senate, or any successor committees, on the
4 effect of the school food purchasing program on the amount of Colorado
5 grown, raised, or processed products purchased by participating
6 providers, including:

7 **SECTION 32.** In Colorado Revised Statutes, **amend** 22-100-105
8 as follows:

9 **22-100-105. Repeal of article.** This article 100 is repealed,
10 effective January 1, ~~2023~~ 2024.

11 **SECTION 33.** In Colorado Revised Statutes, 22-54-106, **amend**
12 (1)(a)(I), (2)(a) introductory portion, (3), and (6); and **add** (1)(a)(III) and
13 (2.1) as follows:

14 **22-54-106. Local and state shares of district total program -**
15 **definition - repeal.** (1) (a) (I) FOR PROPERTY TAX YEARS BEFORE THE
16 2020 PROPERTY TAX YEAR, every district shall levy the number of mills
17 determined pursuant to ~~paragraph (a) of subsection (2) of this section~~
18 SUBSECTION (2)(a) OF THIS SECTION, and the amount of property tax
19 revenue ~~which the~~ THAT A district is entitled to receive from the levy,
20 assuming one hundred percent collection, along with the amount of
21 specific ownership tax revenue paid to the district, as defined in section
22 22-54-103 (11), ~~shall be~~ IS the district's share of its total program.

23 (III) FOR THE 2020 PROPERTY TAX YEAR AND PROPERTY TAX
24 YEARS THEREAFTER, EACH DISTRICT SHALL LEVY THE NUMBER OF MILLS
25 DETERMINED PURSUANT TO SUBSECTION (2.1) OF THIS SECTION. THE
26 AMOUNT OF PROPERTY TAX REVENUE THAT A DISTRICT IS ENTITLED TO
27 RECEIVE FROM THE LEVY, LESS THE AMOUNT OF REVENUE ATTRIBUTABLE

1 TO THE PROPERTY TAX CREDIT DESCRIBED IN SUBSECTION (2.1)(d) OF THIS
2 SECTION, ASSUMING ONE HUNDRED PERCENT COLLECTION, ALONG WITH
3 THE AMOUNT OF SPECIFIC OWNERSHIP TAX REVENUE PAID TO THE DISTRICT
4 IS THE DISTRICT'S SHARE OF ITS TOTAL PROGRAM.

5 (2) (a) Except as provided in ~~paragraph (c) of this subsection (2)~~,
6 SUBSECTION (2)(c) OF THIS SECTION for reorganized districts, for the 2007
7 property tax year and property tax years thereafter THROUGH THE 2019
8 PROPERTY TAX YEAR, each district shall levy the lesser of:

9 (2.1) (a) THE GENERAL ASSEMBLY FINDS THAT, FOR PROPERTY TAX
10 YEARS 1994 THROUGH 2006, SUBSECTION (2)(a)(III) OF THIS SECTION, AS
11 IT EXISTED BEFORE MAY 9, 2007, WAS WRONGLY INTERPRETED AND
12 APPLIED TO REDUCE SEVERAL DISTRICTS' PROPERTY TAX MILL LEVIES TO
13 THE NUMBER OF MILLS THAT A DISTRICT COULD LEVY UNDER THE
14 PROPERTY TAX REVENUE LIMITATION IMPOSED BY SECTION 20 OF ARTICLE
15 X OF THE STATE CONSTITUTION, EVEN THOUGH THE DISTRICT HAD
16 OBTAINED VOTER APPROVAL TO RETAIN AND SPEND REVENUE IN EXCESS
17 OF THAT PROPERTY TAX REVENUE LIMITATION. THE GENERAL ASSEMBLY
18 FINDS, THEREFORE, THAT THE REDUCTIONS IN DISTRICT MILL LEVIES FOR
19 PROPERTY TAX YEARS 1994 THROUGH 2006 WERE NOT AUTHORIZED BY
20 STATUTE AND ARE VOID FOR PURPOSES OF DETERMINING A DISTRICT'S
21 CORRECT MILL LEVY PURSUANT TO THIS SUBSECTION (2.1) FOR THE 2020
22 PROPERTY TAX YEAR AND PROPERTY TAX YEARS THEREAFTER, AND THE
23 DETERMINATION AND LEVY OF THE CORRECT NUMBER OF MILLS THAT A
24 DISTRICT IS REQUIRED TO LEVY PURSUANT TO THIS SUBSECTION (2.1) DOES
25 NOT REQUIRE ACTION BY THE DISTRICT OTHER THAN TO CERTIFY THE MILL
26 LEVY.

27 (b) FOR THE 2020 PROPERTY TAX YEAR, EXCEPT AS OTHERWISE

1 PROVIDED IN SUBSECTION (2.1)(e) OF THIS SECTION FOR REORGANIZED
2 DISTRICTS:

3 (I) A DISTRICT THAT HAS OBTAINED VOTER APPROVAL TO RETAIN
4 AND SPEND REVENUE IN EXCESS OF THE PROPERTY TAX REVENUE
5 LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF
6 THE STATE CONSTITUTION SHALL LEVY THE LESSER OF:

7 (A) TWENTY-SEVEN MILLS;

8 (B) THE NUMBER OF MILLS THAT THE DISTRICT WOULD HAVE BEEN
9 REQUIRED TO LEVY UNDER SUBSECTION (2)(a) OF THIS SECTION FOR THE
10 2020 PROPERTY TAX YEAR IF NOT FOR THE UNAUTHORIZED REDUCTIONS
11 IN THE DISTRICT'S MILL LEVY IN PROPERTY TAX YEARS FOLLOWING THE
12 PROPERTY TAX YEAR IN WHICH THE DISTRICT OBTAINED VOTER APPROVAL
13 TO RETAIN AND SPEND REVENUE IN EXCESS OF THE PROPERTY TAX
14 REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF
15 ARTICLE X OF THE STATE CONSTITUTION, WHICH REDUCTIONS RESULTED
16 FROM THE UNAUTHORIZED APPLICATION OF SUBSECTION (2)(a)(III) OF THIS
17 SECTION AS IT EXISTED BEFORE MAY 9, 2007; OR

18 (C) THE NUMBER OF MILLS THAT WILL GENERATE PROPERTY TAX
19 REVENUE IN AN AMOUNT EQUAL TO THE DISTRICT'S TOTAL PROGRAM FOR
20 THE APPLICABLE BUDGET YEAR MINUS THE AMOUNT OF SPECIFIC
21 OWNERSHIP TAX REVENUE PAID TO THE DISTRICT. REGARDLESS OF THE
22 APPLICABILITY OF SECTION 22-54-104 (5)(g), FOR THE PURPOSES OF THIS
23 SUBSECTION (2.1)(b)(I)(C), A DISTRICT'S TOTAL PROGRAM IS THE AMOUNT
24 CALCULATED PURSUANT TO SECTION 22-54-104 (2).

25 (II) A DISTRICT THAT HAS NOT OBTAINED VOTER APPROVAL TO
26 RETAIN AND SPEND REVENUE IN EXCESS OF THE PROPERTY TAX REVENUE
27 LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF

1 THE STATE CONSTITUTION SHALL LEVY THE LESSER OF:

2 (A) TWENTY-SEVEN MILLS;

3 (B) THE NUMBER OF MILLS THE DISTRICT LEVIED IN THE PRECEDING
4 PROPERTY TAX YEAR; OR

5 (C) THE NUMBER OF MILLS THAT THE DISTRICT MAY LEVY UNDER
6 THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY
7 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. IN CALCULATING
8 LOCAL GROWTH FOR PURPOSES OF DETERMINING THE PROPERTY TAX
9 REVENUE LIMITATION IMPOSED ON A DISTRICT BY SECTION 20 OF ARTICLE
10 X OF THE STATE CONSTITUTION, A DISTRICT'S STUDENT ENROLLMENT IS
11 THE DISTRICT'S FUNDED PUPIL COUNT.

12 (c) FOR THE 2021 PROPERTY TAX YEAR AND EACH PROPERTY TAX
13 YEAR THEREAFTER, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
14 (2.1)(e) OF THIS SECTION FOR REORGANIZED DISTRICTS, EACH DISTRICT
15 SHALL LEVY THE LESSER OF:

16 (I) THE NUMBER OF MILLS THAT WILL GENERATE PROPERTY TAX
17 REVENUE IN AN AMOUNT EQUAL TO THE DISTRICT'S TOTAL PROGRAM FOR
18 THE APPLICABLE BUDGET YEAR MINUS THE AMOUNT OF SPECIFIC
19 OWNERSHIP TAX REVENUE PAID TO THE DISTRICT. REGARDLESS OF THE
20 APPLICABILITY OF SECTION 22-54-104 (5)(g), FOR THE PURPOSES OF THIS
21 SUBSECTION (2.1)(c)(I), A DISTRICT'S TOTAL PROGRAM IS THE AMOUNT
22 CALCULATED PURSUANT TO SECTION 22-54-104 (2).

23 (II) FOR A DISTRICT THAT HAS NOT OBTAINED VOTER APPROVAL TO
24 RETAIN AND SPEND REVENUE IN EXCESS OF THE PROPERTY TAX REVENUE
25 LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF
26 THE STATE CONSTITUTION, THE NUMBER OF MILLS THAT THE DISTRICT MAY
27 LEVY UNDER THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE

1 DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. IN
2 CALCULATING LOCAL GROWTH FOR PURPOSES OF DETERMINING THE
3 PROPERTY TAX REVENUE LIMITATION IMPOSED ON A DISTRICT BY SECTION
4 20 OF ARTICLE X OF THE STATE CONSTITUTION, A DISTRICT'S STUDENT
5 ENROLLMENT IS THE DISTRICT'S FUNDED PUPIL COUNT.

6 (III) THE NUMBER OF MILLS LEVIED IN THE PRECEDING PROPERTY
7 TAX YEAR; OR

8 (IV) TWENTY-SEVEN MILLS.

9 (d) IN A PROPERTY TAX YEAR IN WHICH A DISTRICT, PURSUANT TO
10 THIS SUBSECTION (2.1), IS REQUIRED TO LEVY A GREATER NUMBER OF
11 MILLS THAN IT LEVIED IN THE 2019 PROPERTY TAX YEAR, THE DISTRICT
12 BOARD OF EDUCATION BY RESOLUTION SHALL GRANT A TEMPORARY
13 PROPERTY TAX CREDIT EQUAL TO THE NUMBER OF MILLS LEVIED IN THE
14 APPLICABLE PROPERTY TAX YEAR THAT EXCEEDS THE NUMBER OF MILLS
15 LEVIED IN THE 2019 PROPERTY TAX YEAR.

16 (e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
17 SUBSECTION (2.1) TO THE CONTRARY, FOR THE 2020 PROPERTY TAX YEAR
18 AND EACH PROPERTY TAX YEAR THEREAFTER, IF THERE IS A
19 REORGANIZATION PURSUANT TO ARTICLE 30 OF THIS TITLE 22 THAT
20 RESULTS IN THE CREATION OF A NEW DISTRICT, THEN IN THE FIRST YEAR OF
21 OPERATION THE NEW DISTRICT SHALL LEVY THE LESSER OF:

22 (I) TWENTY-SEVEN MILLS; OR

23 (II) THE NUMBER OF MILLS THAT WILL GENERATE PROPERTY TAX
24 REVENUE IN AN AMOUNT EQUAL TO THE DISTRICT'S TOTAL PROGRAM FOR
25 THE FIRST YEAR OF OPERATION MINUS THE AMOUNT OF SPECIFIC
26 OWNERSHIP TAX REVENUE PAID TO THE DISTRICT. REGARDLESS OF THE
27 APPLICABILITY OF SECTION 22-54-104 (5)(g), FOR THE PURPOSES OF THIS

1 SUBSECTION (2.1)(e)(II), THE DISTRICT'S TOTAL PROGRAM IS THE AMOUNT
2 CALCULATED PURSUANT TO SECTION 22-54-104 (2).

3 (3) The property tax revenue ~~which~~ a district is entitled to receive
4 from the levy made pursuant to ~~subsection (2)~~ SUBSECTION (2) OR (2.1) of
5 this section for the 1994 property tax year and property tax years
6 thereafter ~~shall~~ MUST be used to fund the district's share of its total
7 program for the budget year beginning on July 1 of such property tax
8 year, and the total amount of such revenue, ~~shall be~~ LESS THE AMOUNT OF
9 REVENUE THAT WOULD BE ATTRIBUTABLE TO ANY MILL LEVY TAX CREDIT
10 GRANTED PURSUANT TO SUBSECTION (2.1)(d) OF THIS SECTION, IS
11 considered to be collected during such budget year for purposes of
12 determining the state's share of the district's total program.

13 (6) If a district does not certify at least the mill levy required by
14 ~~subsection (2)~~ SUBSECTION (2) OR (2.1) of this section, the department
15 shall determine what the state's percentage share of the district's total
16 program would have been had the district certified the required mill levy.
17 The department of education shall reduce the district's state aid in an
18 amount ~~which~~ THAT will result in the state's percentage share of the
19 district's total program remaining the same as if the district had certified
20 the required mill levy.

21 **SECTION 34.** In Colorado Revised Statutes, 22-30-114, **amend**
22 (1) introductory portion and (1)(j) as follows:

23 **22-30-114. Requirements for plan of organization.** (1) The
24 plan of organization ~~shall~~ MUST include, but ~~shall~~ NEED not be limited to,
25 consideration of the following:

26 (j) If the plan of organization results in the creation of a new
27 school district, the estimated maximum increase in the mill levy to be

1 imposed on property included within the new district considering the
2 factors enumerated in ~~section 22-54-106 (2)(c)~~ SECTION 22-54-106 (2)(c)
3 OR (2.1)(e), WHICHEVER IS APPLICABLE. If the plan of organization results
4 in the detachment and annexation of territory between existing school
5 districts, the plan of organization ~~shall~~ MUST include the mill levy of the
6 annexing district that will be imposed on the affected territory.

7 **SECTION 35.** In Colorado Revised Statutes, 22-32-108.5,
8 **amend** (2)(a) as follows:

9 **22-32-108.5. Board of education - distribution of additional**
10 **mill levy revenue - definitions - legislative declaration.** (2) As used in
11 this section, unless the context otherwise requires:

12 (a) "Additional mill levy revenue" means the amount of property
13 tax revenue that a school district collects from mills that are authorized
14 by voters before, on, or after June 2, 2017, and that a school district levies
15 in addition to the school district's total program mill levy established in
16 ~~section 22-54-106 (2)~~ SECTION 22-54-106 (2) OR (2.1), WHICHEVER IS
17 APPLICABLE, not including mills that a school district may levy for
18 purposes of incurring or repaying bonded indebtedness or for paying
19 amounts due pursuant to installment sales agreements or lease purchase
20 agreements entered into as of June 2, 2017, for which additional mill levy
21 revenue was contractually committed as of June 2, 2017.

22 **SECTION 36.** In Colorado Revised Statutes, 22-45-103, **amend**
23 (1)(k) as follows:

24 **22-45-103. Funds.** (1) The following funds are created for each
25 school district for purposes specified in this article 45:

26 (k) **Total program reserve fund.** A school district shall deposit
27 the property tax revenues that it collects from a tax levy imposed pursuant

1 to section 22-54-107 (5) in the total program reserve fund of the district.
2 The district may expend money from the total program reserve fund only
3 to offset the amount of a reduction in the district's state share caused by
4 application of the budget stabilization factor pursuant to section
5 22-54-104 (5)(g); except that, in a budget year in which the school district
6 levies for its total program the number of mills calculated pursuant to
7 ~~section 22-54-106 (2)(a)(H)~~ SECTION 22-54-106 (2)(a)(II), (2.1)(b)(I)(C)
8 OR (2.1)(c)(I), WHICHEVER IS APPLICABLE, if the balance of the total
9 program reserve fund exceeds an amount equal to the district's total
10 program for that budget year multiplied by the budget stabilization factor
11 calculated pursuant to section 22-54-104 (5)(g) for that budget year, the
12 district may expend the amount of the excess balance. Any money
13 remaining in the fund at the end of a fiscal year must remain in the fund
14 and may be used in future years only as provided in this subsection (1)(k).

15 **SECTION 37.** In Colorado Revised Statutes, 22-54-104, **amend**
16 (5)(g)(IV) and (5)(g)(V) as follows:

17 **22-54-104. District total program - definitions.** (5) For
18 purposes of the formulas used in this section:

19 (g) (IV) For the 2010-11 budget year, and each budget year
20 thereafter, the total program funding for a district that levies the number
21 of mills calculated pursuant to ~~section 22-54-106 (2)(a)(H)~~ shall be
22 SECTION 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), OR (2.1)(c)(I), WHICHEVER
23 IS APPLICABLE, IS the amount calculated pursuant to subsection (2) of this
24 section for the applicable budget year. Any such district shall use the
25 revenues generated by the number of mills that the district levies pursuant
26 to ~~section 22-54-106 (2)(a)(H)~~ SECTION 22-54-106 (2)(a)(II),
27 (2.1)(b)(I)(C), OR (2.1)(c)(I), WHICHEVER IS APPLICABLE, to replace any

1 categorical program support funds that the district would otherwise be
2 eligible to receive from the state; except that the amount of categorical
3 program support funds that the district is required to replace ~~shall~~ MUST
4 not exceed an amount equal to the district's reduction amount. The
5 department shall use the amount of categorical program support funds
6 replaced by property tax revenue pursuant to this ~~subparagraph (IV)~~
7 SUBSECTION (5)(g)(IV) to make payments of categorical program support
8 funds to eligible districts as specified in section 22-54-107 (4).

9 (V) For the 2010-11 budget year and each budget year thereafter,
10 if a district levies the number of mills calculated pursuant to ~~section~~
11 ~~22-54-106 (2)(a)(I)~~ SECTION 22-54-106 (2)(a)(I), (2.1)(b)(I)(A),
12 (2.1)(b)(I)(B), OR (2.1)(b)(II), OR (2.1)(c)(II), (2.1)(c)(III), OR (2.1)(c)(IV),
13 WHICHEVER IS APPLICABLE, and the district's reduction amount exceeds
14 the district's state share of total program funding, such district's total
15 program funding ~~shall be~~ IS the amount calculated pursuant to subsection
16 (2) of this section for the applicable budget year, minus the district's state
17 aid. Any such district shall use the revenues generated by the number of
18 mills that the district levies pursuant to ~~section 22-54-106 (2)(a)(I)~~
19 SECTION 22-54-106 (2)(a)(I), (2.1)(b)(I)(A), (2.1)(b)(I)(B), OR (2.1)(b)(II),
20 OR (2.1)(c)(II), (2.1)(c)(III), OR (2.1)(c)(IV), WHICHEVER IS APPLICABLE,
21 to replace any categorical program support funds that the district would
22 otherwise be eligible to receive from the state; except that the amount of
23 categorical program support funds that the district is required to replace
24 ~~shall~~ MUST not exceed an amount equal to the remainder of the district's
25 reduction amount after the reduction to the district's total program has
26 been applied pursuant to this ~~subparagraph (V)~~ SUBSECTION (5)(g)(V).
27 The department of education shall use the amount of categorical program

1 support funds replaced by property tax revenue pursuant to this
2 ~~subparagraph (V)~~ SUBSECTION (5)(g)(V) to make payments of categorical
3 program support funds to eligible districts as specified in section
4 22-54-107 (4).

5 **SECTION 38.** In Colorado Revised Statutes, 22-54-107, **amend**
6 (1) and (5) as follows:

7 **22-54-107. Buy-out of categorical programs - total program**
8 **reserve fund levy.** (1) (a) If a district levies the number of mills
9 calculated pursuant to section 22-54-106 (2)(a)(II) FOR PROPERTY TAX
10 YEARS BEFORE THE 2020 PROPERTY TAX YEAR, OR THE NUMBER OF MILLS
11 CALCULATED PURSUANT TO SECTION 22-54-106 (2.1)(c)(I) FOR THE 2021
12 PROPERTY TAX YEAR AND PROPERTY TAX YEARS THEREAFTER, the district
13 shall make an additional levy to generate property tax revenue in an
14 amount equal to the amount of categorical support funds; except that the
15 total of the two levies cannot exceed the lesser of the district's levy for the
16 immediately preceding year, the district's allowable levy under the
17 property tax revenue limitation imposed on the district by section 20 of
18 article X of the state constitution if the district has not obtained voter
19 approval to retain and spend revenues in excess of such property tax
20 revenue limitation, or twenty-seven mills.

21 (b) IF A DISTRICT LEVIES THE NUMBER OF MILLS CALCULATED
22 PURSUANT TO SECTION 22-54-106 (2.1)(b)(I)(C) FOR THE 2020 PROPERTY
23 TAX YEAR, THE DISTRICT SHALL MAKE AN ADDITIONAL LEVY TO GENERATE
24 PROPERTY TAX REVENUE IN AN AMOUNT EQUAL TO THE AMOUNT OF
25 CATEGORICAL SUPPORT FUNDS; EXCEPT THAT THE TOTAL OF THE TWO
26 LEVIES CANNOT EXCEED THE LESSER OF TWENTY-SEVEN MILLS OR THE
27 NUMBER OF MILLS DESCRIBED IN SECTION 22-54-106 (2.1)(b)(I)(B).

1 (5) For the 2016-17 budget year and each budget year thereafter,
2 if a district levies the number of mills calculated pursuant to ~~section~~
3 ~~22-54-106 (2)(a)(H)~~ SECTION 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), OR
4 (2.1)(c)(I), WHICHEVER IS APPLICABLE, and the additional mill levy
5 described in subsection (1) of this section for categorical support funds,
6 and the combined total of the two levies is less than the number of mills
7 that the district levied in the preceding budget year, the district, in
8 addition to the two levies, shall assess a number of mills equal to the
9 difference between the combined total of the two levies and the number
10 of mills levied in the preceding budget year. The district shall deposit the
11 property tax revenue collected from the mills levied pursuant to this
12 subsection (5) in the total program reserve fund created in section
13 22-45-103 (1)(k).

14 **SECTION 39.** In Colorado Revised Statutes, 22-43.7-110,
15 **amend** (2)(a)(VIII) as follows:

16 **22-43.7-110. Financial assistance - grants - lease-purchase**
17 **agreements.** (2) Subject to the following requirements and limitations,
18 the board may also instruct the state treasurer to enter into lease-purchase
19 agreements on behalf of the state to provide financial assistance to
20 applicants by financing public school facility capital construction projects
21 for which the state board has recommended and the capital development
22 committee has authorized the provision of financial assistance that
23 involves a lease-purchase agreement pursuant to section 22-43.7-109 (7):

24 (a) Subject to the limitation specified in subsection (2)(b) of this
25 section, the maximum total amount of annual lease payments payable by
26 the state during any fiscal year under the terms of all outstanding
27 lease-purchase agreements entered into by the state treasurer as instructed

1 by the board pursuant to this subsection (2) is:

2 (VIII) One hundred ~~ten~~ TWENTY-FIVE million dollars for the
3 2020-21 fiscal year and for each fiscal year thereafter.

4 **SECTION 40.** In Colorado Revised Statutes, 22-7-1210.5,
5 **amend** (1) as follows:

6 **22-7-1210.5. Per-pupil intervention money - uses - distribution**
7 **- monitoring - repeal.** (1) (a) To distribute the money appropriated
8 pursuant to section 22-7-1210 (4) for per-pupil intervention money, the
9 department shall annually calculate the per-pupil amount by dividing the
10 amount of money available by the total number of students enrolled in
11 kindergarten and first, second, and third grades in public schools in the
12 state who were identified as having significant reading deficiencies and
13 received instructional services pursuant to READ plans in the budget year
14 preceding the year in which the money is distributed. Subject to the
15 requirements of this section, a local education provider may receive
16 per-pupil intervention money in an amount equal to the calculated
17 per-pupil amount multiplied by the number of students enrolled in
18 kindergarten and first, second, and third grades in public schools operated
19 by the local education provider who were identified as having significant
20 reading deficiencies and received instructional services pursuant to
21 READ plans in the budget year preceding the year in which the money is
22 distributed.

23 (b) (I) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO
24 THE CONTRARY, FOR THE 2020-21 BUDGET YEAR, IN DISTRIBUTING THE
25 MONEY APPROPRIATED PURSUANT TO SECTION 22-7-1210 (4) FOR
26 PER-PUPIL INTERVENTION MONEY, THE DEPARTMENT SHALL CALCULATE
27 THE PER-PUPIL AMOUNT FOR A LOCAL EDUCATION PROVIDER USING

1 STUDENT ENROLLMENT NUMBERS CALCULATED FOR THE LOCAL
2 EDUCATION PROVIDER FOR THE 2018-19 BUDGET YEAR.

3 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JULY 1, 2021.

4 **SECTION 41.** In Colorado Revised Statutes, 22-54-103, **amend**
5 (15) as follows:

6 **22-54-103. Definitions.** As used in this article 54, unless the
7 context otherwise requires:

8 (15) "Supplemental kindergarten enrollment" means the number
9 calculated by subtracting five-tenths from the full-day kindergarten factor
10 for the applicable budget year and then multiplying that number by the
11 number of pupils in the district who are enrolled PART-TIME in a ~~half-day~~
12 kindergarten educational program for the applicable budget year. For the
13 purposes of this subsection (15), the full-day kindergarten factor for the
14 2008-09 budget year and each budget year thereafter is fifty-eight
15 hundredths of a full-day pupil.

16 **SECTION 42.** In Colorado Revised Statutes, 22-54-103, **repeal**
17 (10)(a)(IV) as follows:

18 **22-54-103. Definitions.** As used in this article 54, unless the
19 context otherwise requires:

20 (10) (a) (IV) ~~(A) Except as provided in sub-subparagraph (B) of~~
21 ~~this subparagraph (IV), for purposes of determining pupil enrollment in~~
22 ~~first grade for the 2006-07 budget year and each budget year thereafter,~~
23 ~~a district shall count and receive funding only for pupils enrolled in first~~
24 ~~grade who are six years old on or before October 1 of the applicable~~
25 ~~budget year.~~

26 ~~(B) For purposes of determining pupil enrollment in first grade for~~
27 ~~the 2007-08 budget year and each budget year thereafter, in addition to~~

1 ~~the pupils counted pursuant to sub-subparagraph (A) of this subparagraph~~
2 ~~(IV), a district may count and receive funding for a pupil who is enrolled~~
3 ~~in first grade who is at least five years old on or before October 1 of the~~
4 ~~applicable budget year if the pupil attended at least one hundred twenty~~
5 ~~days of kindergarten in a state other than Colorado. A district may also~~
6 ~~receive funding for a pupil who is five years old and who has been~~
7 ~~identified by the district or an administrative unit as a highly advanced~~
8 ~~gifted child for whom early access to first grade is appropriate, as~~
9 ~~provided in section 22-20-204.5.~~

10 **SECTION 43.** In Colorado Revised Statutes, 22-2-112, **add** (7)
11 as follows:

12 **22-2-112. Commissioner - duties - report - legislative**
13 **declaration - repeal.** (7) (a) ON OR BEFORE SEPTEMBER 15, 2020, THE
14 COMMISSIONER SHALL CONVENE A STAKEHOLDER GROUP TO:

15 (I) REVIEW THE IMPACT OF THE COVID-19 PANDEMIC AND THE
16 RESULTING DISRUPTION OF THE 2019-20 SCHOOL YEAR, INCLUDING
17 STUDENT TRANSITION TO REMOTE LEARNING AND THE CANCELLATION OF
18 THE STATE ASSESSMENTS, ACCOUNTABILITY, ACCREDITATION, AND
19 EDUCATOR EVALUATION SYSTEMS FOR THE 2019-20 SCHOOL YEAR;

20 (II) DISCUSS HOW THE CANCELLATION OF STATE ASSESSMENTS
21 WILL IMPACT ACCOUNTABILITY, ACCREDITATION, AND EDUCATOR
22 EVALUATIONS DURING THE 2020-21 SCHOOL YEAR AND WHETHER FUTURE
23 MODIFICATIONS ARE NEEDED REGARDING THE ACCOUNTABILITY,
24 ACCREDITATION, AND EDUCATOR EVALUATION SYSTEMS AS A RESULT OF,
25 AND IN RESPONSE TO, THE COVID-19 PANDEMIC AND POSSIBLE FURTHER
26 DISRUPTIONS; AND

27 (III) MAKE RECOMMENDATIONS REGARDING WHETHER AND HOW

1 TO PROCEED WITH STATE ASSESSMENTS, ACCOUNTABILITY,
2 ACCREDITATION, AND EDUCATOR EVALUATIONS DURING THE 2020-21
3 SCHOOL YEAR AND HOW THE SYSTEMS CAN CONTINUE TO EFFECTIVELY
4 MEASURE STUDENT ACHIEVEMENT AND GROWTH AND PROVIDE AN
5 ACCURATE, CREDIBLE, AND COMPARABLE ASSESSMENT OF THE QUALITY OF
6 THE PUBLIC EDUCATION SYSTEM THROUGHOUT THE STATE FOLLOWING THE
7 COVID-19 PANDEMIC.

8 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2021.

9 **SECTION 44.** In Colorado Revised Statutes, 22-2-113, **amend**
10 (1)(i); and **add** (1)(j) as follows:

11 **22-2-113. Commissioner - powers.** (1) Subject to the
12 supervision of the state board, the commissioner has the following
13 powers:

14 (i) To issue emergency orders concerning a charter school
15 pursuant to section 22-30.5-703; AND

16 (j) SUBJECT TO AVAILABLE APPROPRIATIONS, TO EXPEND
17 APPROPRIATIONS TO CORRECT AN UNDERPAYMENT OF STATE FUNDING TO
18 A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, AS DEFINED IN
19 SECTION 22-5-103, THE STATE CHARTER SCHOOL INSTITUTE, OR A GROUP
20 CARE FACILITY OR HOME WHEN A CERTIFICATION TO THE DEPARTMENT BY
21 THE SCHOOL DISTRICT, BOARD, INSTITUTE, FACILITY, OR HOME, FOR THE
22 DETERMINATION OF STATE FUNDING BY THE DEPARTMENT, INCLUDES AN
23 ERROR IN THE INFORMATION SUBMITTED TO THE DEPARTMENT.

24 **SECTION 45.** In Colorado Revised Statutes, 22-11-204, **add** (8)
25 as follows:

26 **22-11-204. Performance indicators - measures - repeal.**

27 (8) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE

1 CONTRARY, AS A RESULT OF THE SUSPENSION OF NORMAL IN-PERSON
2 LEARNING IN COLORADO SCHOOLS DUE TO THE PRESENCE OF COVID-19
3 IN THE STATE, THE DEPARTMENT IS NOT REQUIRED TO DETERMINE FOR THE
4 2019-20 SCHOOL YEAR THE LEVEL OF ATTAINMENT OF EACH PUBLIC
5 SCHOOL, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A
6 WHOLE ON THE PERFORMANCE INDICATORS DESCRIBED IN THIS SECTION.

7 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2021.

8 **SECTION 46.** In Colorado Revised Statutes, 22-11-208, **add**
9 (1.6) as follows:

10 **22-11-208. Accreditation - annual review - supports and**
11 **interventions - rules.** (1.6) NOTWITHSTANDING ANY PROVISION OF THIS
12 ARTICLE 11, OR ANY PROVISION OF STATE BOARD RULE THAT IMPLEMENTS
13 THIS ARTICLE 11, TO THE CONTRARY, FOR THE 2020-21 SCHOOL YEAR, THE
14 DEPARTMENT SHALL NOT ASSIGN ACCREDITATION RATINGS FOR SCHOOL
15 DISTRICTS AND THE INSTITUTE. FOR THE 2020-21 SCHOOL YEAR, EACH
16 SCHOOL DISTRICT AND THE INSTITUTE SHALL CONTINUE TO IMPLEMENT
17 THE PLAN TYPE FOR THE ACCREDITATION RATING ASSIGNED FOR THE
18 PRECEDING SCHOOL YEAR.

19 **SECTION 47.** In Colorado Revised Statutes, 22-11-210, **add**
20 (2.6) as follows:

21 **22-11-210. Public schools - annual review - plans - supports**
22 **and interventions - rules.** (2.6) NOTWITHSTANDING ANY PROVISION OF
23 THIS ARTICLE 11, OR ANY PROVISION OF STATE BOARD RULE THAT
24 IMPLEMENTS THIS ARTICLE 11, TO THE CONTRARY, FOR THE 2020-21
25 SCHOOL YEAR, THE DEPARTMENT SHALL NOT RECOMMEND TO THE STATE
26 BOARD SCHOOL PLAN TYPES. FOR THE 2020-21 SCHOOL YEAR, EACH
27 PUBLIC SCHOOL SHALL CONTINUE TO IMPLEMENT THE SCHOOL PLAN TYPE

1 THAT WAS ASSIGNED FOR THE PRECEDING SCHOOL YEAR.

2 **SECTION 48.** In Colorado Revised Statutes, 22-63-203, **add**
3 (3.5) as follows:

4 **22-63-203. Probationary teachers - renewal and nonrenewal**
5 **of employment contract - repeal.** (3.5) (a) NOTWITHSTANDING THE
6 PROVISIONS OF THIS SECTION TO THE CONTRARY, THE JUNE 1 DEADLINE
7 FOR WRITTEN NOTICE OF CONTRACT NONRENEWAL SET FORTH IN
8 SUBSECTION (3) OF THIS SECTION IS EXTENDED TO JUNE 26, 2020, FOR
9 PROBATIONARY TEACHERS EMPLOYED BY A SCHOOL DISTRICT ON A
10 FULL-TIME BASIS DURING THE 2019-20 SCHOOL YEAR, SO LONG AS THE
11 RECOMMENDATION FOR CONTRACT NONRENEWAL MADE PURSUANT TO
12 SUBSECTION (4) OF THIS SECTION IS FOR REASONS RELATING TO
13 BUDGETARY SHORTFALLS. THE JUNE 1 DEADLINE FOR WRITTEN NOTICE SET
14 FORTH IN SUBSECTION (3) OF THIS SECTION IS STILL APPLICABLE TO ANY
15 NONRENEWAL OF PROBATIONARY STAFF THAT IS NOT DIRECTLY RELATED
16 TO BUDGETARY SHORTFALLS. FOR PURPOSES OF THIS SUBSECTION (3.5), A
17 BUDGETARY SHORTFALL REFERS TO A REDUCTION IN STATE EDUCATION
18 FUNDING THAT WAS NOT ANTICIPATED BEFORE MARCH 30, 2020.

19 (b) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JULY 1, 2021.

20 **SECTION 49. Appropriation.** For the 2020-21 state fiscal year,
21 \$15,000,000 is appropriated to the department of education. This
22 appropriation is from the public school capital construction assistance
23 fund created in section 22-43.7-104, C.R.S. To implement this act, the
24 department may use this appropriation for public school capital
25 construction assistance board lease payments.

26 **SECTION 50. Appropriation - adjustments to 2020 long bill.**

27 (1) To implement this act, appropriations made in the annual general

1 appropriation act for the 2020-21 state fiscal year to the department of
2 education are adjusted as follows:

3 (a) The general fund appropriation for local school food
4 purchasing programs is decreased by \$675,255, and the related FTE is
5 decreased by 0.4 FTE;

6 (b) The general fund appropriation for the counselor corps grant
7 program is decreased by \$250,000;

8 (c) The general fund appropriation for computer science education
9 grants is decreased by \$250,000;

10 (d) The general fund appropriation for the grow your own
11 educator program is decreased by \$22,933, and the related FTE is
12 decreased by 0.3 FTE;

13 (e) The cash funds appropriation from the public school capital
14 construction assistance fund created in section 22-43.7-104 (1), C.R.S.,
15 for public school capital construction assistance board - cash grants is
16 decreased by \$100,000,000;

17 (f) The cash funds appropriation from the marijuana tax cash fund
18 created in section 39-28.8-501 (1), C.R.S., for the K-5 social and
19 emotional health program is decreased by \$2,500,000, and the related
20 FTE is decreased by 1.0 FTE;

21 (g) The cash funds appropriation from the retaining teachers fund
22 created in section 22-98-104 (1), C.R.S., for the retaining teachers grant
23 program is decreased by \$2,500,000, and the related FTE is decreased by
24 1.0 FTE; and

25 (h) The cash funds appropriation from the state education fund
26 created in section 17 (4)(a) of article IX of the state constitution for the
27 advanced placement incentives pilot program is decreased by \$262,763,

1 and the related FTE is decreased by 0.3 FTE.

2 **SECTION 51. Appropriation - adjustments to 2020 long bill.**

3 (1) To implement this act, appropriations made in the annual general
4 appropriation act for the 2020-21 state fiscal year to the department of
5 education are adjusted as follows:

6 (a) The general fund appropriation for the state share of districts'
7 total program funding is decreased by \$721,579,451;

8 (b) The appropriation for the state share of districts' total program
9 funding is increased by \$109,464,187, which consists of \$6,664,187 from
10 the state education fund created in section 17 (4)(a) of article IX of the
11 state constitution and \$102,800,000 from the state public school fund
12 created in section 22-54-114 (1), C.R.S.

13 **SECTION 52. Appropriation to the department of education**
14 **for the fiscal year beginning July 1, 2020.** In section 2 of House Bill
15 20-1360, amend Part III (2)(A) Footnote 8, as follows:

16 Section 2. **Appropriation.**

17 8 Department of Education, Assistance to Public Schools, Public
18 School Finance, State Share of Districts' Total Program Funding --
19 Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this footnote
20 is to specify what portion of this appropriation is intended to be available
21 for the Accelerating Students Through Concurrent Enrollment (ASCENT)
22 Program for FY 2020-21. It is the General Assembly's intent that the
23 Department of Education be authorized to utilize up to ~~\$3,978,000~~
24 \$3,655,000 of this appropriation to fund qualified students designated as
25 ASCENT Program participants. This amount is calculated based on an
26 estimated 500 FTE participants funded at a rate of ~~\$7,956~~ \$7,330 per FTE
27 pursuant to Section 22-54-104 (4.7), C.R.S.

1 **SECTION 53. Appropriation.** For the 2020-21 state fiscal year,
2 \$2,200,000 is appropriated to the department of education. This
3 appropriation is from the state public school fund created in section
4 22-54-114 (1), C.R.S. To implement this act, the department may use this
5 appropriation for audit recoveries and payments made pursuant to section
6 22-2-113 (1)(j), C.R.S.

7 **SECTION 54. Federal funds.** (1) For the 2019-20 state fiscal
8 year, the general assembly anticipates that, in accordance with executive
9 order D 2020 070, the department of education will receive \$510,000,000
10 in federal funds from the coronavirus relief fund for distribution to local
11 education providers for expenditures associated with actions to facilitate
12 compliance with COVID-19-related public health measures. This figure
13 is subject to the "(I)" notation as defined in the annual general
14 appropriation act for the same fiscal year.

15 (2) For the 2019-20 state fiscal year, the general assembly
16 anticipates that the department of education will receive \$120,993,782 in
17 federal funds from the elementary and secondary school emergency fund
18 for distribution to local education agencies to address the impact
19 COVID-19 has had and continues to have on elementary and secondary
20 schools. This figure is subject to the "(I)" notation as defined in the
21 annual general appropriation act for the same fiscal year.

22 (3) For the 2020-21 state fiscal year, the general assembly
23 anticipates that, in accordance with executive order D 2020 070, the
24 department of education will receive \$37,000,000 in federal funds from
25 the coronavirus relief fund for distribution to local education providers
26 for expenditures to respond to second-order effects of the COVID-19
27 emergency, in particular the increased number of at-risk pupils due to the

1 COVID-19-driven recession. This figure is subject to the "(I)" notation
2 as defined in the annual general appropriation act for the same fiscal year.

3 **SECTION 55. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.