

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0467.01 Julie Pelegrin x2700

SENATE BILL 21-037

SENATE SPONSORSHIP

Lundeen,

HOUSE SPONSORSHIP

(None),

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING FINANCIAL SUPPORT FOR PARENTS TO PROVIDE
102 EDUCATIONAL ASSISTANCE FOR STUDENTS WHO ARE SUBJECT TO
103 REQUIRED PERIODS OF REMOTE LEARNING DURING A SCHOOL
104 YEAR, AND, IN CONNECTION THEREWITH, REQUIRING CERTAIN
105 EDUCATION PROVIDERS TO OPERATE STUDENT EQUITY
106 EDUCATION FUNDING PROGRAMS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires each school district and institute charter school

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.

that is closed to in-person instruction for a total of 30 or more school days during a school year (education provider) to establish and operate a student equity education funding program (program) for the next school year, which provides money to parents of eligible students for the purchase of educational services and supplies for the eligible student. An eligible student who participates in a program is deemed to be enrolled by the education provider that operates the program, although the eligible student may not receive educational services from the education provider. The eligible student's participation in educational services purchased using money from the program is deemed to meet the compulsory education requirements.

The education provider must provide information to the public concerning the program it operates, including the manner in which a parent may apply to participate in the program. The bill establishes eligibility requirements that a student must meet to participate in a program and requirements for program applications.

For each eligible student who participates in a program, the student's parent receives an amount equal to the state share of the education provider's per pupil revenue for the applicable school year. The parent must report to the education provider how the parent spends the money received and provide receipts. The education provider is required to audit a representative sample of the parents of eligible students who participate in the education provider's program to ensure that the eligible students met the eligibility requirements and the parents used the money for authorized purposes.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 56.5 to
3 title 22 as follows:

4 **ARTICLE 56.5**

5 **Student Equity Education Funding Programs**

6 **22-56.5-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY FINDS THAT:

8 (a) ON MARCH 10, 2020, THE GOVERNOR OF COLORADO DECLARED
9 A STATE PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC;

10 (b) BEGINNING MARCH 23, 2020, AND CONTINUING THROUGH THE
11 END OF THE 2019-20 SCHOOL YEAR, THE GOVERNOR ORDERED ALL

1 SCHOOLS IN THE STATE SERVING PRESCHOOL, KINDERGARTEN, OR ANY OF
2 GRADES ONE THROUGH TWELVE TO SUSPEND NORMAL IN-PERSON
3 INSTRUCTION;

4 (c) ALTHOUGH THE SCHOOL DISTRICTS AND INSTITUTE CHARTER
5 SCHOOLS OF THE STATE DID ALL THEY COULD TO PROVIDE VIABLE ONLINE
6 AND OTHER REMOTE LEARNING OPTIONS FOR STUDENTS, THE BURDEN FELL
7 TO PARENTS IN MOST CASES TO ASSIST THEIR CHILDREN IN PARTICIPATING
8 IN REMOTE LEARNING. IN SOME CASES, PARENTS WORKED TOGETHER TO
9 POOL THEIR RESOURCES AND CREATE STUDENT LEARNING GROUPS. IN
10 OTHER CASES, PARENTS WERE FORCED TO PAY FOR EXTENDED DAY CARE
11 SERVICES AND TUTORING SERVICES TO HELP ENSURE THAT THEIR
12 CHILDREN CONTINUED TO LEARN THROUGH THE END OF THE SCHOOL YEAR.

13 (d) GENERALLY, THE SCHOOL DISTRICTS AND INSTITUTE CHARTER
14 SCHOOLS OF THE STATE WERE ABLE TO RETURN TO VARYING LEVELS OF
15 IN-PERSON INSTRUCTION WITH THE START OF THE 2020-21 SCHOOL YEAR.
16 BY NOVEMBER, HOWEVER, MOST SCHOOL DISTRICTS AND INSTITUTE
17 CHARTER SCHOOLS HAD AGAIN SUSPENDED IN-PERSON INSTRUCTION DUE
18 TO SURGING NUMBERS OF COVID-19 INFECTIONS. IN NOVEMBER AND
19 DECEMBER, PARENTS WERE AGAIN FORCED TO SUPPORT THEIR CHILDREN'S
20 EFFORTS TO PARTICIPATE IN SCHOOL REMOTELY.

21 (e) IT IS LIKELY THAT DURING THE SECOND HALF OF THE 2020-21
22 SCHOOL YEAR, SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS WILL
23 AGAIN BE FORCED TO SUSPEND IN-PERSON INSTRUCTION FOR THE SAFETY
24 OF THEIR STUDENTS, FACULTY, AND EMPLOYEES;

25 (f) IN TRYING TO ENSURE THAT THEIR CHILDREN WERE ABLE TO
26 MAINTAIN A STEADY LEVEL OF LEARNING THROUGHOUT THE 2020-21
27 SCHOOL YEAR, IT IS LIKELY THAT SOME PARENTS HAVE CHOSEN NOT TO

1 ENROLL THEIR CHILDREN IN SCHOOL DISTRICTS OR INSTITUTE CHARTER
2 SCHOOLS AND HAVE INSTEAD INVESTED IN EDUCATIONAL SERVICES,
3 INCLUDING ADDITIONAL CURRICULUM, TUTORING SERVICES, AND OTHER
4 FORMS OF ONLINE OR IN-PERSON PERSONAL EDUCATIONAL SERVICES;

5 (g) OTHER PARENTS HAVE ENROLLED THEIR CHILDREN IN PUBLIC
6 SCHOOL, BUT HAVE HAD TO MAKE SIMILAR INVESTMENTS TO HELP ENSURE
7 THAT THEIR CHILDREN CONTINUE TO LEARN DURING THE RECURRING
8 PERIODS OF ENFORCED REMOTE LEARNING;

9 (h) THOSE PARENTS WHO HAVE IDENTIFIED AND PURCHASED
10 EDUCATIONAL SERVICES THAT HAVE SUCCESSFULLY KEPT THEIR CHILDREN
11 ON A STEADY PATH OF LEARNING AND ACADEMIC GROWTH MAY CHOOSE
12 TO CONTINUE THESE SERVICES INTO THE 2021-22 SCHOOL YEAR RATHER
13 THAN EXPOSE THEIR CHILDREN TO ANY UNPREDICTABLE PUBLIC HEALTH
14 RISKS AND EDUCATIONAL INCONSISTENCIES THAT MAY PERSIST INTO THE
15 2021-22 SCHOOL YEAR;

16 (i) WHILE THE LIKELIHOOD THAT SCHOOL DISTRICTS AND
17 INSTITUTE CHARTER SCHOOLS WILL BE REQUIRED TO CLOSE TO IN-PERSON
18 INSTRUCTION IN SUBSEQUENT SCHOOL YEARS MAY BE SIGNIFICANTLY
19 REDUCED, THE POSSIBILITY REMAINS THAT, DUE TO UNFORESEEN
20 CIRCUMSTANCES, SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS
21 MAY CONTINUE IN SUBSEQUENT SCHOOL YEARS TO BE FORCED TO
22 MANDATE REMOTE LEARNING FOR HEALTH AND SAFETY REASONS; AND

23 (j) PARENTS WHO ARE MORE AFFLUENT ARE LIKELY TO BE ABLE TO
24 PURCHASE EDUCATIONAL SERVICES TO SUPPORT THEIR CHILDREN'S
25 CONSISTENT LEARNING AND ENSURE THAT THEIR CHILDREN DO NOT FALL
26 BEHIND BECAUSE OF PERIODS OF ENFORCED REMOTE EDUCATION. PARENTS
27 WHO ARE IN A LOWER SOCIOECONOMIC DEMOGRAPHIC, HOWEVER, OFTEN

1 DO NOT HAVE THE MEANS TO PURCHASE EDUCATIONAL SERVICES FOR
2 THEIR CHILDREN, AND THESE CHILDREN ARE MORE LIKELY TO FALL BEHIND
3 IN THEIR LEARNING. THIS INEQUITABLE ACCESS TO EDUCATIONAL
4 OPPORTUNITIES INCREASES THE LEARNING GAP THAT ALREADY EXISTS
5 BETWEEN STUDENTS FROM AFFLUENT HOUSEHOLDS AND THOSE FROM
6 LOWER-INCOME HOUSEHOLDS AND EXACERBATES THE OPPORTUNITY GAP
7 CURRENTLY PRESENT IN SOCIETY.

8 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
9 NECESSARY TO MAKE STATE FINANCIAL SUPPORT AVAILABLE TO PARENTS
10 TO PURCHASE EDUCATIONAL SERVICES AND OPPORTUNITIES FOR THEIR
11 CHILDREN, THEREBY EMPOWERING THESE PARENTS TO PROVIDE THE LEVEL
12 OF EDUCATIONAL STABILITY AND SUPPORT THEY DETERMINE IS REQUIRED
13 FOR THEIR CHILDREN'S ACADEMIC SUCCESS.

14 **22-56.5-102. Definitions.** AS USED IN THIS ARTICLE 56.5, UNLESS
15 THE CONTEXT OTHERWISE REQUIRES:

16 (1) "ACCOUNTING DISTRICT" HAS THE SAME MEANING AS
17 PROVIDED IN SECTION 22-54-103.

18 (2) "APPLICABLE SCHOOL YEAR" MEANS THE SCHOOL YEAR IN
19 WHICH AN ELIGIBLE STUDENT PARTICIPATES IN A STUDENT EQUITY
20 EDUCATION FUNDING PROGRAM.

21 (3) "EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT OR AN
22 INSTITUTE CHARTER SCHOOL THAT IS REQUIRED TO ESTABLISH A STUDENT
23 EQUITY EDUCATION FUNDING PROGRAM PURSUANT TO THIS ARTICLE 56.5.

24 (4) "ELIGIBLE STUDENT" MEANS A STUDENT WHO MEETS THE
25 ELIGIBILITY REQUIREMENTS SPECIFIED IN SECTION 22-56.5-104 (1).

26 (5) "INSTITUTE CHARTER SCHOOL" MEANS AN INSTITUTE CHARTER
27 SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE

1 PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22.

2 (6) "PARENT" MEANS A STUDENT'S BIOLOGICAL OR ADOPTIVE
3 PARENT OR THE STUDENT'S LEGAL GUARDIAN OR LEGAL CUSTODIAN.

4 (7) "PER PUPIL REVENUE" MEANS:

5 (a) FOR A SCHOOL DISTRICT, THE SCHOOL DISTRICT'S TOTAL
6 PROGRAM CALCULATED PURSUANT TO SECTION 22-54-104 FOR THE
7 APPLICABLE SCHOOL YEAR DIVIDED BY THE SCHOOL DISTRICT'S FUNDED
8 PUPIL COUNT, AS DEFINED IN SECTION 22-54-103, FOR THE APPLICABLE
9 SCHOOL YEAR; AND

10 (b) FOR AN INSTITUTE CHARTER SCHOOL, THE TOTAL PROGRAM OF
11 THE INSTITUTE CHARTER SCHOOL'S ACCOUNTING DISTRICT CALCULATED
12 PURSUANT TO SECTION 22-54-104 FOR THE APPLICABLE SCHOOL YEAR
13 DIVIDED BY THE ACCOUNTING DISTRICT'S FUNDED PUPIL COUNT, AS
14 DEFINED IN SECTION 22-54-103, FOR THE APPLICABLE SCHOOL YEAR.

15 (8) "PROGRAM" MEANS A STUDENT EQUITY EDUCATION FUNDING
16 PROGRAM IMPLEMENTED BY A SCHOOL DISTRICT OR INSTITUTE CHARTER
17 SCHOOL PURSUANT TO THIS ARTICLE 56.5.

18 (9) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
19 AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A LOCAL
20 COLLEGE DISTRICT.

21 (10) "STATE-SHARE PORTION" MEANS:

22 (a) FOR A SCHOOL DISTRICT, THE PORTION OF THE SCHOOL
23 DISTRICT'S PER PUPIL REVENUE THAT IS FUNDED BY THE SCHOOL DISTRICT'S
24 STATE SHARE CALCULATED PURSUANT TO SECTION 22-54-106; AND

25 (b) FOR AN INSTITUTE CHARTER SCHOOL, AN AMOUNT EQUAL TO
26 THE PORTION OF THE PER PUPIL REVENUE OF THE INSTITUTE CHARTER
27 SCHOOL'S ACCOUNTING DISTRICT THAT IS FUNDED BY THE ACCOUNTING

1 DISTRICT'S STATE SHARE CALCULATED PURSUANT TO SECTION 22-54-106.

2 **22-56.5-103. Student equity education funding programs -**
3 **education providers - duties.** (1) (a) FOR THE 2021-22 SCHOOL YEAR
4 AND EACH SCHOOL YEAR THEREAFTER, THE SCHOOL DISTRICT BOARD OF
5 EDUCATION OF EACH SCHOOL DISTRICT THAT CLOSED ONE OR MORE
6 SCHOOLS OF THE SCHOOL DISTRICT TO IN-PERSON INSTRUCTION FOR A
7 TOTAL OF THIRTY OR MORE SCHOOL DAYS DURING THE IMMEDIATELY
8 PRECEDING SCHOOL YEAR SHALL ESTABLISH, AND THE SCHOOL DISTRICT
9 SHALL IMPLEMENT, A STUDENT EQUITY EDUCATION FUNDING PROGRAM AS
10 DESCRIBED IN THIS ARTICLE 56.5. FOR THE 2021-22 SCHOOL YEAR AND
11 EACH SCHOOL YEAR THEREAFTER, THE GOVERNING BOARD OF EACH
12 INSTITUTE CHARTER SCHOOL THAT CLOSED TO IN-PERSON INSTRUCTION
13 FOR A TOTAL OF THIRTY OR MORE SCHOOL DAYS DURING THE
14 IMMEDIATELY PRECEDING SCHOOL YEAR SHALL ESTABLISH, AND THE
15 INSTITUTE CHARTER SCHOOL SHALL IMPLEMENT, A STUDENT EQUITY
16 EDUCATION FUNDING PROGRAM AS DESCRIBED IN THIS ARTICLE 56.5.

17 (b) THE PURPOSE OF A STUDENT EQUITY EDUCATION FUNDING
18 PROGRAM IS TO PROVIDE MONEY TO THE PARENT OF AN ELIGIBLE STUDENT
19 THAT THE PARENT MAY USE TO PURCHASE EDUCATIONAL SERVICES OR
20 SUPPLIES FOR THE ELIGIBLE STUDENT. NO LATER THAN JUNE 1, 2021, AND
21 NO LATER THAN JUNE 1 OF EACH YEAR THEREAFTER, EACH EDUCATION
22 PROVIDER SHALL INFORM THE PARENTS OF STUDENTS ENROLLED, OR
23 EXPECTED TO BE ENROLLED, BY THE EDUCATION PROVIDER FOR THE
24 UPCOMING SCHOOL YEAR OF THE EXISTENCE OF AND OPPORTUNITY TO
25 APPLY FOR THE EDUCATION PROVIDER'S STUDENT EQUITY EDUCATION
26 FUNDING PROGRAM AND POST IN AN EASILY ACCESSIBLE LOCATION ON ITS
27 WEBSITE INFORMATION CONCERNING THE PROGRAM, WHICH MUST

1 INCLUDE:

2 (I) THE NAME OF AND CONTACT INFORMATION FOR AN EMPLOYEE
3 OF THE EDUCATION PROVIDER WHO IS THE CONTACT PERSON FOR
4 QUESTIONS AND INFORMATION CONCERNING THE PROGRAM;

5 (II) THE STUDENT ELIGIBILITY REQUIREMENTS, AS DESCRIBED IN
6 SECTION 22-56.5-104 (1), TO PARTICIPATE IN THE PROGRAM;

7 (III) THE MANNER IN WHICH A PARENT MAY ELECTRONICALLY
8 ACCESS, COMPLETE, AND SUBMIT AN APPLICATION, AS DESCRIBED IN
9 SECTION 22-56.5-104 (2), TO PARTICIPATE IN THE PROGRAM;

10 (IV) AS PROVIDED IN SECTION 22-56.5-104 (3), THE AMOUNT OF
11 MONEY AVAILABLE TO THE PARENT FOR EACH OF THE PARENT'S ELIGIBLE
12 STUDENTS WHO PARTICIPATE IN THE PROGRAM AND AN EXPLANATION OF
13 THE MANNER IN WHICH THE MONEY WILL BE DISTRIBUTED IN ACCORDANCE
14 WITH SAID SECTION; AND

15 (V) A DESCRIPTION OF THE PURPOSES, AS SPECIFIED IN SECTION
16 22-56.5-104 (4), FOR WHICH A PARENT MAY SPEND THE MONEY RECEIVED
17 THROUGH THE PROGRAM AND, AS DESCRIBED IN SAID SECTION, THE
18 MANNER IN WHICH THE PARENT MUST REPORT TO THE EDUCATION
19 PROVIDER HOW THE MONEY IS USED.

20 (2) THE PARENT OF AN ELIGIBLE STUDENT WHO PARTICIPATES IN
21 A STUDENT EQUITY EDUCATION FUNDING PROGRAM MAY CHOOSE THAT
22 THE STUDENT DOES NOT RECEIVE EDUCATIONAL SERVICES FROM THE
23 EDUCATION PROVIDER THAT OPERATES THE PROGRAM, BUT THE ELIGIBLE
24 STUDENT IS DEEMED TO BE ENROLLED BY THE EDUCATION PROVIDER FOR
25 PURPOSES OF DETERMINING THE EDUCATION PROVIDER'S PUPIL
26 ENROLLMENT, AS DEFINED IN SECTION 22-54-103, FOR THE APPLICABLE
27 SCHOOL YEAR. NOTWITHSTANDING ANY PROVISION OF SECTION 22-33-104

1 TO THE CONTRARY, AN ELIGIBLE STUDENT WHO PARTICIPATES SOLELY IN
2 EDUCATIONAL SERVICES PURCHASED USING PROGRAM MONEY IS DEEMED
3 TO MEET THE COMPULSORY EDUCATION REQUIREMENTS FOR THE
4 APPLICABLE SCHOOL YEAR.

5 (3) AN ELIGIBLE STUDENT WHO PARTICIPATES IN A STUDENT
6 EQUITY EDUCATION FUNDING PROGRAM IS REQUIRED TO PARTICIPATE IN
7 THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION
8 22-7-1006.3 FOR THE APPLICABLE SCHOOL YEAR TO THE SAME EXTENT
9 THAT OTHER STUDENTS ARE REQUIRED TO PARTICIPATE IN THE STATEWIDE
10 ASSESSMENTS. NOTWITHSTANDING ANY PROVISION OF LAW TO THE
11 CONTRARY, THE DEPARTMENT OF EDUCATION AND THE EDUCATION
12 PROVIDER SHALL NOT INCLUDE THE SCORES ACHIEVED BY SAID ELIGIBLE
13 STUDENTS ON THE STATEWIDE ASSESSMENTS ADMINISTERED FOR THE
14 APPLICABLE SCHOOL YEAR IN DETERMINING THE EDUCATION PROVIDER'S
15 ACCREDITATION RATING OR REQUIRED PERFORMANCE PLAN, AS
16 APPLICABLE.

17 **22-56.5-104. Student equity education funding programs -**
18 **eligibility - application - reporting.** (1) A STUDENT IS ELIGIBLE TO
19 PARTICIPATE IN AN EDUCATION PROVIDER'S STUDENT EQUITY EDUCATION
20 FUNDING PROGRAM IF:

21 (a) (I) THE STUDENT WAS ENROLLED FOR THE SCHOOL YEAR
22 IMMEDIATELY PRECEDING THE APPLICABLE SCHOOL YEAR BY THE
23 EDUCATION PROVIDER THAT PROVIDES THE PROGRAM; OR

24 (II) THE STUDENT WAS NOT ENROLLED FOR THE SCHOOL YEAR
25 THAT IMMEDIATELY PRECEDES THE APPLICABLE SCHOOL YEAR IN A PUBLIC
26 OR PRIVATE SCHOOL, BUT, DURING THE IMMEDIATELY PRECEDING AND
27 APPLICABLE SCHOOL YEARS, THE STUDENT RESIDES WITHIN THE

1 GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT THAT PROVIDES THE
2 PROGRAM; AND

3 (b) (I) IF THE STUDENT WAS ENROLLED IN A PUBLIC SCHOOL FOR
4 THE SCHOOL YEAR THAT IMMEDIATELY PRECEDES THE APPLICABLE
5 SCHOOL YEAR, THE PUBLIC SCHOOL WAS CLOSED TO IN-PERSON LEARNING
6 FOR A TOTAL OF THIRTY OR MORE SCHOOL DAYS DURING THE SCHOOL
7 YEAR; OR

8 (II) IF THE STUDENT WAS NOT ENROLLED IN A PUBLIC SCHOOL FOR
9 THE SCHOOL YEAR THAT IMMEDIATELY PRECEDES THE APPLICABLE
10 SCHOOL YEAR, ONE OR MORE OF THE SCHOOLS OF THE SCHOOL DISTRICT IN
11 WHICH THE STUDENT RESIDED DURING SAID SCHOOL YEAR WERE CLOSED
12 FOR A TOTAL OF THIRTY OR MORE SCHOOL DAYS DURING THE SAID SCHOOL
13 YEAR.

14 (2) THE PARENT OF A STUDENT MAY APPLY FOR A STUDENT TO
15 PARTICIPATE IN A STUDENT EQUITY EDUCATION FUNDING PROGRAM BY
16 SUBMITTING AN APPLICATION TO THE EDUCATION PROVIDER IN WHICH THE
17 STUDENT WILL BE ENROLLED FOR THE APPLICABLE SCHOOL YEAR. THE
18 PARENT MUST SUBMIT THE APPLICATION IN THE MANNER DESCRIBED BY
19 THE EDUCATION PROVIDER IN THE INFORMATION PROVIDED PURSUANT TO
20 SECTION 22-56.5-103 (1)(b)(III) NO LATER THAN JUNE 15 IMMEDIATELY
21 PRIOR TO THE APPLICABLE SCHOOL YEAR. THE APPLICATION AT A MINIMUM
22 MUST INCLUDE:

23 (a) AFFIRMATION ON PENALTY OF PERJURY THAT THE STUDENT
24 MEETS THE ELIGIBILITY REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF
25 THIS SECTION;

26 (b) A DESCRIPTION OF THE EDUCATIONAL SERVICES, IF ANY, THAT
27 THE PARENT PURCHASED OR OTHERWISE PROVIDED FOR THE STUDENT

1 DURING THE SCHOOL YEAR IMMEDIATELY PRECEDING THE APPLICABLE
2 SCHOOL YEAR IN ADDITION TO OR IN LIEU OF EDUCATIONAL SERVICES
3 PROVIDED BY A PUBLIC SCHOOL; AND

4 (c) A DESCRIPTION OF THE EDUCATIONAL SERVICES THAT THE
5 PARENT INTENDS TO PURCHASE OR OTHERWISE PROVIDE FOR THE STUDENT
6 DURING THE APPLICABLE SCHOOL YEAR USING MONEY RECEIVED THROUGH
7 THE PROGRAM.

8 (3) EACH EDUCATION PROVIDER SHALL REVIEW EACH APPLICATION
9 RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND, IF THE
10 STUDENT MEETS THE ELIGIBILITY REQUIREMENTS SPECIFIED IN SUBSECTION
11 (1) OF THIS SECTION, SHALL INCLUDE THE ELIGIBLE STUDENT IN THE
12 EDUCATION PROVIDER'S STUDENT EQUITY EDUCATION FUNDING PROGRAM.
13 THE EDUCATION PROVIDER SHALL PAY TO EACH PARENT, FOR EACH OF THE
14 PARENT'S ELIGIBLE STUDENTS WHO PARTICIPATE IN THE EDUCATION
15 PROVIDER'S PROGRAM, A TOTAL AMOUNT EQUAL TO THE STATE-SHARE
16 PORTION OF THE EDUCATION PROVIDER'S PER PUPIL REVENUE FOR THE
17 APPLICABLE SCHOOL YEAR. THE EDUCATION PROVIDER SHALL PAY THE
18 MONEY IN TWELVE APPROXIMATELY EQUAL MONTHLY CASH PAYMENTS
19 BEGINNING IN JULY OF THE APPLICABLE SCHOOL YEAR.

20 (4) A PARENT WHO RECEIVES MONEY FOR AN ELIGIBLE STUDENT
21 THROUGH A STUDENT EQUITY EDUCATION FUNDING PROGRAM SHALL USE
22 THE MONEY FOR PURPOSES OF THE ELIGIBLE STUDENT'S EDUCATION, WHICH
23 MAY INCLUDE PURCHASING CURRICULUM FOR USE IN A NONPUBLIC
24 HOME-BASED EDUCATIONAL PROGRAM, AS DEFINED IN SECTION
25 22-33-104.5 (2), OR PURCHASING EDUCATIONAL SERVICES FOR THE
26 ELIGIBLE STUDENT FROM AN INDIVIDUAL OR A PRIVATE SCHOOL. THE
27 PARENT MUST ELECTRONICALLY SUBMIT TO THE EDUCATION PROVIDER

1 QUARTERLY REPORTS CONCERNING HOW THE PARENT USES THE MONEY,
2 INCLUDING RECEIPTS FOR PURCHASES MADE USING THE MONEY.

3 **22-56.5-105. Audit.** NO LATER THAN NOVEMBER 1, 2022, AND NO
4 LATER THAN NOVEMBER 1 OF EACH YEAR THEREAFTER THAT FOLLOWS A
5 SCHOOL YEAR IN WHICH AN EDUCATION PROVIDER OPERATES A PROGRAM,
6 THE EDUCATION PROVIDER SHALL AUDIT A REPRESENTATIVE SAMPLE OF
7 THE PARENTS WHO RECEIVED MONEY FOR ELIGIBLE STUDENTS THROUGH
8 THE STUDENT EQUITY EDUCATION FUNDING PROGRAM TO ENSURE THAT
9 SAID ELIGIBLE STUDENTS MET THE REQUIREMENTS SPECIFIED IN SECTION
10 22-56.5-104 (1) AND THE PARENTS SPENT THE MONEY FOR PURPOSES OF
11 THE ELIGIBLE STUDENTS' EDUCATION AS REQUIRED IN SECTION
12 22-56.5-104 (4). IF THE AUDIT PROVIDES EVIDENCE THAT AN ELIGIBLE
13 STUDENT WHOSE PARENT RECEIVED MONEY THROUGH A PROGRAM DID NOT
14 MEET THE REQUIREMENTS SPECIFIED IN SECTION 22-56.5-104 (1) OR THAT
15 THE PARENT SPENT ALL OR ANY PORTION OF THE AMOUNT RECEIVED FOR
16 PURPOSES THAT WERE NOT RELATED TO THE ELIGIBLE STUDENT'S
17 EDUCATION, THE EDUCATION PROVIDER SHALL COMMENCE LEGAL ACTION
18 TO RECOVER THE AMOUNT ILLEGALLY DISTRIBUTED OR SPENT.

19 **SECTION 2. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.