

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0710.01 Jacob Baus x2173

HOUSE BILL 22-1207

HOUSE SPONSORSHIP

Woog,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A PROGRAM TO ENABLE STUDENTS
102 ENROLLED IN A LOW-PERFORMING SCHOOL DISTRICT TO PURSUE
103 OTHER EDUCATIONAL OPPORTUNITIES.

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 identifies a school district that is on performance watch as a chronically low-performing school district.

The bill requires a chronically low-performing school district to establish a parent choice program to create accounts for the parents of students who reside within the school district and are enrolled in the

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.

school district. The school district must deposit into each account an amount equal to the per-pupil amount of the school district's state share of total program and the per-pupil share of categorical funding for the eligible student. The school district may deposit into each account an amount equal to the school district's local share of total program.

A parent may withdraw money from the account for eligible expenses related to education.

A chronically low-performing school district is required to maintain the parent choice program until the school district achieves an accreditation rating of accredited or higher. However, the chronically low-performing school district is required to maintain all accounts in existence from when the school district was chronically low-performing until all accounts are closed.

A chronically low-performing school district must adopt certain procedures for the parent choice program.

If a parent misuses money provided into the account twice within a school year, the chronically low-performing school district will stop depositing money into the account. A parent may appeal the decision.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 22-11-209.5** as
3 follows:

4 **22-11-209.5. Low-performing school district - parent choice**
5 **program - flexibility - rules - definitions.** (1) AS USED IN THIS SECTION,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "ACCOUNT" MEANS A PARENT CHOICE ACCOUNT DESCRIBED IN
8 SUBSECTION (2)(a) OF THIS SECTION.

9 (b) "CHRONICALLY LOW-PERFORMING" MEANS A SCHOOL DISTRICT
10 THAT IS ON PERFORMANCE WATCH.

11 (c) "ELIGIBLE EXPENSE" MEANS:

12 (I) COSTS ASSOCIATED WITH ENROLLMENT AND ATTENDANCE IN
13 A PUBLIC SCHOOL, INCLUDING AN ONLINE PUBLIC SCHOOL, OF A SCHOOL
14 DISTRICT OTHER THAN THE CHRONICALLY LOW-PERFORMING SCHOOL
15 DISTRICT, SO LONG AS THE OTHER SCHOOL DISTRICT HAS A HIGHER

1 ACCREDITATION RATING THAN THE CHRONICALLY LOW-PERFORMING
2 SCHOOL DISTRICT AND THE PUBLIC SCHOOL IN WHICH THE STUDENT
3 ENROLLS IS OPERATING UNDER AN IMPROVEMENT PLAN OR A
4 PERFORMANCE PLAN PURSUANT TO SECTION 22-11-210;

5 (II) COSTS ASSOCIATED WITH ENROLLMENT AND ATTENDANCE IN
6 AN INSTITUTE CHARTER SCHOOL, SO LONG AS THE INSTITUTE HAS A HIGHER
7 ACCREDITATION RATING THAN THE CHRONICALLY LOW-PERFORMING
8 SCHOOL DISTRICT AND THE INSTITUTE CHARTER SCHOOL IS OPERATING
9 UNDER AN IMPROVEMENT PLAN OR A PERFORMANCE PLAN PURSUANT TO
10 SECTION 22-11-210;

11 (III) TUITION OR FEES AT A NONPUBLIC ELEMENTARY, MIDDLE, OR
12 HIGH SCHOOL, INCLUDING A NONPUBLIC ONLINE SCHOOL, IN COLORADO;

13 (IV) COSTS INCURRED IN PROVIDING A NONPUBLIC HOME-BASED
14 EDUCATION PROGRAM, AS DEFINED IN SECTION 22-33-104.5;

15 (V) COSTS OR FEES FOR TUTORING BY AN APPROVED
16 SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER, AS DESCRIBED IN
17 SECTION 22-2-129;

18 (VI) INSTRUCTIONAL MATERIALS, INCLUDING DEVICES THAT
19 ALLOW A STUDENT TO ACCESS INSTRUCTION OR INSTRUCTIONAL CONTENT;

20 AND

21 (VII) TRANSPORTATION TO AND FROM SCHOOL.

22 (d) "PER-PUPIL AMOUNT OF THE SCHOOL DISTRICT'S LOCAL SHARE"
23 MEANS AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S LOCAL SHARE OF
24 TOTAL PROGRAM FUNDING AS DESCRIBED IN SECTION 22-54-106 FOR THE
25 APPLICABLE BUDGET YEAR, DIVIDED BY THE SCHOOL DISTRICT'S FUNDED
26 PUPIL COUNT, AS DEFINED IN SECTION 22-54-103, FOR THE APPLICABLE
27 BUDGET YEAR.

1 (e) "PER-PUPIL AMOUNT OF THE SCHOOL DISTRICT'S STATE SHARE"
2 MEANS AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S STATE SHARE OF
3 TOTAL PROGRAM FUNDING AS DESCRIBED IN SECTION 22-54-106 FOR THE
4 APPLICABLE BUDGET YEAR, DIVIDED BY THE SCHOOL DISTRICT'S FUNDED
5 PUPIL COUNT, AS DEFINED IN SECTION 22-54-103, FOR THE APPLICABLE
6 BUDGET YEAR.

7 (f) "PER-PUPIL CATEGORICAL FUNDING" MEANS THE AMOUNT OF
8 FUNDING THAT A SCHOOL DISTRICT RECEIVES FOR A CATEGORICAL
9 PROGRAM, AS DEFINED IN SECTION 22-55-102, IN A BUDGET YEAR, DIVIDED
10 BY THE NUMBER OF STUDENTS ENROLLED BY THE SCHOOL DISTRICT WHO
11 ARE ELIGIBLE TO RECEIVE SERVICES THROUGH THAT CATEGORICAL
12 PROGRAM IN THE BUDGET YEAR. FOR PURPOSES OF CALCULATING
13 PER-PUPIL CATEGORICAL FUNDING FOR THE ENGLISH LANGUAGE
14 PROFICIENCY PROGRAM, A SCHOOL DISTRICT SHALL INCLUDE THE AMOUNT
15 IT RECEIVES THROUGH THE PROFESSIONAL DEVELOPMENT AND STUDENT
16 SUPPORT PROGRAM CREATED IN SECTION 22-24-108.

17 (2) (a) FOR THE SCHOOL YEAR THAT STARTS ON JULY 1 AFTER A
18 SCHOOL DISTRICT IS IDENTIFIED AS CHRONICALLY LOW-PERFORMING, THE
19 SCHOOL DISTRICT SHALL ESTABLISH A PARENT CHOICE PROGRAM FOR THE
20 PARENTS OF STUDENTS WHO RESIDE WITHIN THE BOUNDARIES OF THE
21 SCHOOL DISTRICT AND ARE ENROLLED IN THE SCHOOL DISTRICT. THE
22 SCHOOL DISTRICT SHALL ESTABLISH A PARENT CHOICE ACCOUNT FOR THE
23 PARENT OF EACH STUDENT WHO RESIDES WITHIN AND IS ENROLLED IN THE
24 SCHOOL DISTRICT AND DEPOSIT INTO THE ACCOUNT AN AMOUNT EQUAL TO
25 THE PER-PUPIL AMOUNT OF THE SCHOOL DISTRICT'S STATE SHARE FOR
26 EACH APPLICABLE BUDGET YEAR AND AN AMOUNT EQUAL TO THE
27 PER-PUPIL CATEGORICAL FUNDING FOR EACH CATEGORICAL PROGRAM IN

1 WHICH THE STUDENT IS ELIGIBLE TO PARTICIPATE. IN ADDITION, THE
2 SCHOOL DISTRICT MAY DEPOSIT INTO EACH ACCOUNT AN AMOUNT EQUAL
3 TO THE PER-PUPIL AMOUNT OF THE SCHOOL DISTRICT'S LOCAL SHARE FOR
4 EACH APPLICABLE BUDGET YEAR. THE SCHOOL DISTRICT SHALL DEPOSIT
5 THE MONEY IN EACH ACCOUNT AS IT IS RECEIVED FROM THE DEPARTMENT
6 OR FROM THE COUNTY TREASURER, AS APPLICABLE. A PARENT MAY
7 WITHDRAW MONEY FROM THE ACCOUNT FOR USE ONLY IN PURCHASING
8 ELIGIBLE EXPENSES.

9 (b) (I) A CHRONICALLY LOW-PERFORMING SCHOOL DISTRICT SHALL
10 MAINTAIN THE PARENT CHOICE PROGRAM AS DESCRIBED IN THIS SECTION.
11 THE SCHOOL DISTRICT SHALL DEPOSIT THE AMOUNTS DESCRIBED IN
12 SUBSECTION (2)(a) OF THIS SECTION IN THE ACCOUNTS UNTIL THE SCHOOL
13 DISTRICT ACHIEVES AN ACCREDITATION RATING OF ACCREDITED OR
14 HIGHER; EXCEPT THAT THE SCHOOL DISTRICT IS NOT REQUIRED TO DEPOSIT
15 MONEY INTO THE ACCOUNT OF A PARENT FOR ANY MONTH DURING THE
16 BUDGET YEAR IN WHICH THE PARENT ENROLLS THE PARENT'S STUDENT IN
17 A PUBLIC SCHOOL OF THE SCHOOL DISTRICT.

18 (II) NOTWITHSTANDING SUBSECTION (2)(b)(I) OF THIS SECTION,
19 THE SCHOOL DISTRICT SHALL MAINTAIN ALL ACCOUNTS IN EXISTENCE
20 FROM WHEN THE SCHOOL DISTRICT WAS CHRONICALLY LOW-PERFORMING
21 UNTIL ALL ACCOUNTS ARE ALL CLOSED BECAUSE THE PARENT OR STUDENT
22 IS NO LONGER ELIGIBLE, THE PARENT CLOSSES THE ACCOUNT, THE STUDENT
23 GRADUATES FROM HIGH SCHOOL, OR THE SCHOOL DISTRICT STOPS
24 DEPOSITING MONEY IN THE ACCOUNT BECAUSE THE PARENT MISUSED
25 MONEY IN THE ACCOUNT.

26 (3) (a) NO LATER THAN MARCH 1 OF THE SCHOOL YEAR IN WHICH
27 A SCHOOL DISTRICT IS IDENTIFIED AS CHRONICALLY LOW-PERFORMING,

1 THE SCHOOL DISTRICT SHALL NOTIFY THE PARENTS OF THE STUDENTS WHO
2 RESIDE WITHIN AND ARE ENROLLED IN THE SCHOOL DISTRICT THAT THEY
3 ARE ELIGIBLE TO PARTICIPATE IN THE PARENT CHOICE PROGRAM. THE
4 NOTICE, AT A MINIMUM, MUST:

5 (I) DESCRIBE THE ACCOUNTS AND HOW A PARENT MAY USE THE
6 MONEY DEPOSITED IN THE ACCOUNT;

7 (II) SPECIFY THE DATE BY WHICH THE PARENT MUST NOTIFY THE
8 SCHOOL DISTRICT THAT THE PARENT'S CHILD WILL ENROLL IN THE SCHOOL
9 DISTRICT FOR THE COMING BUDGET YEAR AND THE INFORMATION THE
10 PARENT MUST PROVIDE FOR CREATION OF AN ACCOUNT;

11 (III) INFORM THE PARENT THAT THE PARENT MAY CHOOSE TO
12 ENROLL THE CHILD IN A SCHOOL OF THE SCHOOL DISTRICT FOR ALL OR ANY
13 PORTION OF THE BUDGET YEAR, IN WHICH CASE THE SCHOOL DISTRICT WILL
14 NOT DEPOSIT MONEY INTO THE ACCOUNT FOR ANY MONTH IN WHICH THE
15 CHILD IS ENROLLED IN A PUBLIC SCHOOL OF THE SCHOOL DISTRICT;

16 (IV) INFORM THE PARENT THAT THE PARENT MAY REMOVE THE
17 PARENT'S CHILD FROM A PUBLIC SCHOOL OF THE SCHOOL DISTRICT DURING
18 THE BUDGET YEAR, WHILE MAINTAINING ENROLLMENT IN THE SCHOOL
19 DISTRICT, BY NOTIFYING THE SCHOOL DISTRICT AND THAT THE SCHOOL
20 DISTRICT SHALL BEGIN DEPOSITING MONEY INTO THE ACCOUNT IN THE
21 MONTH FOLLOWING THE MONTH IN WHICH THE PARENT GIVES NOTICE; AND

22 (V) PROVIDE AN ESTIMATE OF THE AMOUNT THAT THE SCHOOL
23 DISTRICT WILL DEPOSIT INTO EACH PARENT CHOICE ACCOUNT FOR THE
24 COMING BUDGET YEAR.

25 (b) A PARENT WHO RESIDES WITHIN THE SCHOOL DISTRICT AND
26 CHOOSES TO ENROLL THE PARENT'S CHILD AS A STUDENT IN THE SCHOOL
27 DISTRICT MUST NOTIFY THE SCHOOL DISTRICT BY A DATE SPECIFIED BY THE

1 SCHOOL DISTRICT AND PROVIDE THE INFORMATION NECESSARY FOR THE
2 ACCOUNTING SYSTEM, INCLUDING WHETHER THE PARENT INTENDS TO
3 ENROLL THE PARENT'S CHILD IN A PUBLIC SCHOOL OF THE SCHOOL
4 DISTRICT.

5 (c) THE BOARD OF EDUCATION FOR EACH SCHOOL DISTRICT THAT
6 IS REQUIRED TO MAINTAIN A PARENT CHOICE PROGRAM PURSUANT TO THIS
7 SECTION SHALL ESTABLISH PROCEDURES FOR IMPLEMENTING THE
8 PROGRAM, WHICH MUST, AT A MINIMUM, INCLUDE:

9 (I) THE ANNUAL DATE AND PROCEDURE BY WHICH A PARENT MUST
10 NOTIFY THE SCHOOL DISTRICT THAT THE PARENT IS ENROLLING THE
11 PARENT'S STUDENT IN THE SCHOOL DISTRICT AND THE INFORMATION THAT
12 THE PARENT MUST PROVIDE;

13 (II) THE PROCEDURE FOR MAINTAINING AN ACCOUNT FOR EACH
14 PARENT, INCLUDING THE PROCESS BY WHICH A PARENT MAY WITHDRAW
15 MONEY FROM THE ACCOUNT TO USE FOR ELIGIBLE EXPENSES; AND

16 (III) THE PROCEDURE BY WHICH A PARENT MUST REPORT TO THE
17 SCHOOL DISTRICT THE USE OF MONEY WITHDRAWN FROM THE ACCOUNT,
18 WHICH, AT A MINIMUM, MUST INCLUDE SUBMITTING RECEIPTS MONTHLY
19 FOR THE ELIGIBLE EXPENSES PURCHASED.

20 (d) IF A PARENT CHOOSES TO WITHDRAW THE PARENT'S CHILD
21 FROM ENROLLMENT IN THE SCHOOL DISTRICT BEFORE THE END OF A
22 SCHOOL YEAR, THE SCHOOL DISTRICT SHALL CEASE DEPOSITING MONEY
23 INTO THE ACCOUNT AS OF THE DATE OF WITHDRAWAL.

24 (e) IF, BASED ON THE ACCOUNTING PROCEDURES, A SCHOOL
25 DISTRICT DETERMINES THAT A PARENT HAS MISUSED MONEY DEPOSITED
26 INTO THE ACCOUNT, THE SCHOOL DISTRICT SHALL NOTIFY THE PARENT OF
27 THE MISUSE AND REQUIRE THE PARENT TO REIMBURSE THE AMOUNT OF

1 MISUSED MONEY TO THE SCHOOL DISTRICT. IF THE PARENT MISUSES
2 MONEY DEPOSITED TO THE ACCOUNT TWICE IN ONE SCHOOL YEAR, THE
3 SCHOOL DISTRICT SHALL STOP DEPOSITING MONEY INTO THE ACCOUNT AND
4 NOTIFY THE PARENT THAT THE PARENT MAY ENROLL THE STUDENT IN ONE
5 OF THE SCHOOLS OF THE SCHOOL DISTRICT FOR THE REMAINDER OF THE
6 SCHOOL YEAR. IF A PARENT DISPUTES A SCHOOL DISTRICT'S
7 DETERMINATION OF MISUSE OF MONEY, THE PARENT MAY APPEAL THE
8 DETERMINATION TO THE LOCAL SCHOOL BOARD. IF THE PARENT IS NOT
9 SATISFIED WITH THE DECISION OF THE LOCAL SCHOOL BOARD, THE PARENT
10 MAY APPEAL THE DECISION TO THE STATE BOARD AS PROVIDED IN
11 SUBSECTION (5) OF THIS SECTION.

12 (4) A SCHOOL DISTRICT THAT IS REQUIRED TO OPERATE A PARENT
13 CHOICE PROGRAM PURSUANT TO THIS SECTION IS SUBJECT TO THE
14 ACCOUNTABILITY REQUIREMENTS SPECIFIED IN THIS ARTICLE 11 AND
15 SHALL ENSURE THAT THE STATE ASSESSMENTS DESCRIBED IN SECTION
16 22-7-1006.3 ARE ADMINISTERED AS PROVIDED IN SAID SECTION TO THE
17 STUDENTS WHO ARE ENROLLED IN THE SCHOOL DISTRICT, REGARDLESS OF
18 WHETHER A STUDENT IS ATTENDING A SCHOOL OF THE SCHOOL DISTRICT.
19 THE DEPARTMENT SHALL APPLY THE SCORES ACHIEVED BY THE STUDENTS
20 WHO ARE ENROLLED IN THE SCHOOL DISTRICT AND OTHER DATA
21 ATTRIBUTABLE TO STUDENTS ENROLLED IN THE SCHOOL DISTRICT AS
22 NECESSARY TO MEASURE THE SCHOOL DISTRICT'S LEVEL OF ATTAINMENT
23 OF THE PERFORMANCE INDICATORS AND ACCREDIT THE SCHOOL DISTRICT
24 AS PROVIDED IN THIS ARTICLE 11.

25 (5) A PARENT MAY APPEAL THE DECISION OF THE LOCAL SCHOOL
26 BOARD CONCERNING THE ALLEGED MISUSE OF MONEY DEPOSITED INTO THE
27 ACCOUNT BY FILING NOTICE OF APPEAL WITH THE STATE BOARD WITHIN

1 THIRTY DAYS AFTER RECEIVING THE DECISION OF THE LOCAL SCHOOL
2 BOARD. THE PARENT SHALL SUBMIT A COPY OF THE NOTICE OF APPEAL TO
3 THE LOCAL SCHOOL BOARD AT THE SAME TIME THE PARENT FILES THE
4 NOTICE WITH THE STATE BOARD. THE STATE BOARD SHALL PROVIDE THE
5 OPPORTUNITY TO THE PARENT AND THE LOCAL SCHOOL BOARD TO PROVIDE
6 DOCUMENTS AND TESTIMONY CONCERNING THE APPEAL AND SHALL
7 DETERMINE WHETHER TO UPHOLD OR REVERSE THE DECISION OF THE
8 LOCAL SCHOOL BOARD WITHIN FORTY-FIVE DAYS AFTER RECEIVING THE
9 NOTICE OF APPEAL. THE STATE BOARD MAY ADOPT RULES AS NECESSARY
10 TO IMPLEMENT THIS SUBSECTION (5).

11 (6) NOTWITHSTANDING ANY PROVISION OF THIS TITLE 22 TO THE
12 CONTRARY, IF A PARENT WHO IS PARTICIPATING IN THE PARENT CHOICE
13 PROGRAM CHOOSES TO ENROLL THE PARENT'S CHILD IN A PUBLIC SCHOOL
14 OF A SCHOOL DISTRICT OTHER THAN THE CHRONICALLY LOW-PERFORMING
15 SCHOOL OR IN AN INSTITUTE CHARTER SCHOOL, THE RECEIVING SCHOOL
16 DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL,
17 WHICHEVER IS APPLICABLE, MAY REQUIRE THE PARENT TO PAY TUITION IN
18 AN AMOUNT NOT TO EXCEED THE AMOUNT DEPOSITED IN THE PARENT'S
19 CHOICE ACCOUNT PURSUANT TO THIS SECTION.

20 (7) THIS SECTION APPLIES TO A SCHOOL DISTRICT THAT IS
21 IDENTIFIED AS CHRONICALLY LOW-PERFORMING, REGARDLESS OF ANY
22 ACTION DESCRIBED IN THIS PART 2 THAT THE STATE BOARD MAY TAKE
23 WITH REGARD TO THE SCHOOL DISTRICT.

24 **SECTION 2.** In Colorado Revised Statutes, 22-54-103, **add**
25 (10)(a)(VI) as follows:

26 **22-54-103. Definitions.** As used in this article 54, unless the
27 context otherwise requires:

1 (10) (a) (VI) FOR THE 2022-23 BUDGET YEAR AND EACH BUDGET
2 YEAR THEREAFTER, FOR A DISTRICT THAT IS REQUIRED TO IMPLEMENT A
3 PARENT CHOICE PROGRAM PURSUANT TO SECTION 22-11-209.5, "PUPIL
4 ENROLLMENT" INCLUDES EACH PUPIL WHO IS ENROLLED IN THE SCHOOL
5 DISTRICT AS OF THE PUPIL ENROLLMENT COUNT DAY, REGARDLESS OF
6 WHETHER THE PUPIL ATTENDS A SCHOOL OF THE SCHOOL DISTRICT OR USES
7 MONEY DEPOSITED TO THE STUDENT'S PARENT CHOICE ACCOUNT TO
8 PURCHASE ELIGIBLE EXPENSES.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.