

CHAPTER 94

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 24-1389

BY REPRESENTATIVE(S) Sirota and Taggart, Bird, Amabile, Bacon, Brown, Clifford, Daugherty, Duran, English, Epps, Froelich, Garcia, Hamrick, Hernandez, Herod, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Martinez, Marvin, Mauro, McCormick, McLachlan, Ortiz, Parenti, Ricks, Rutinel, Story, Titone, Velasco, Weissman, Willford, Woodrow, Young, McCluskie;
also SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Coleman, Cutter, Exum, Gonzales, Hinrichsen, Michaelson Jenet, Priola, Rodriguez, Fenberg.

AN ACT

CONCERNING PROVIDING FUNDING TO SCHOOLS IN THE 2023-24 BUDGET YEAR FOR INCREASES IN PUPIL ENROLLMENT AFTER THE 2023-24 BUDGET YEAR PUPIL ENROLLMENT COUNT DAY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) A federal government directive requires that states provide a uniform public education that ensures equitable access to educational opportunities for all students, regardless of background or location. The directive's goal is to promote consistency in educational standards, curriculum, and resources across the states in order to foster a level field for all students.

(b) During the 2024 legislative session, the general assembly accounted for the mid-year adjustment in school funding for the 2023-24 budget year, resulting in a decrease of \$23,964,790 to the state share of total program funding, which amount remained in the state education fund;

(c) Pursuant to section 22-54-103 (10.5), Colorado Revised Statutes, the annual pupil enrollment count day generally occurs on October 1 of each budget year. The annual pupil enrollment count day is when school districts and institute charter schools count their students, and that count affects the funding amount that a school district or institute charter school receives for the budget year.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(d) Between October 1, 2023, and February 29, 2024, Colorado experienced an unprecedented influx of new arrival students enrolling in schools across the state;

(e) The influx of new arrival students highlights the critical need for increased funding. This sudden influx has strained existing school infrastructure and staffing, led to overcrowded classrooms, stretched resources, and increased complexity to the student learning environment. Schools are scrambling to accommodate the influx.

(f) New arrival students face unique challenges, including language barriers, cultural adjustments, and various academic backgrounds. These unique challenges require specialized resources and support services.

(2) Therefore, the general assembly declares that additional funding is essential to provide the services necessary to address the needs of new arrival students and to ensure that existing students enrolled in Colorado schools have access to the teachers, support staff, class sizes, and facilities necessary to learn without compromising educational outcomes and student well-being.

SECTION 2. In Colorado Revised Statutes, **add 22-54-147** as follows:

22-54-147. New arrival students funding - 2023-24 budget year - legislative declaration - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "NEW ARRIVAL STUDENT" MEANS A STUDENT WHO MOVED FROM ANOTHER COUNTRY TO COLORADO, DIRECTLY OR INDIRECTLY; WHO HAS BEEN IN THE UNITED STATES FOR LESS THAN ONE YEAR; WHO IS NOT PROFICIENT IN ENGLISH OR HAS LIMITED ENGLISH PROFICIENCY; AND WHOSE ENROLLMENT IN A COLORADO PUBLIC SCHOOL IS THE STUDENT'S FIRST SCHOOL ENROLLMENT IN THE UNITED STATES.

(b) "TOTAL NET STUDENT POPULATION" MEANS THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S STUDENT POPULATION, DETERMINED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(c) "TOTAL NEW ARRIVAL STUDENT POPULATION" MEANS THE TOTAL NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 29, 2024, WHO ENROLLED IN A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL AFTER THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24 BUDGET YEAR, DETERMINED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(2) (a) FOR THE 2023-24 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-FOUR MILLION DOLLARS FROM THE STATE EDUCATION FUND TO THE DEPARTMENT OF EDUCATION TO PROVIDE ONE-TIME FUNDING FOR SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS THAT ENROLLED NEW ARRIVAL STUDENTS.

(b) A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL IS ONLY REQUIRED TO PERFORM THE REQUIREMENTS PURSUANT TO THIS SECTION IF THE SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL IS REQUESTING FUNDING PURSUANT TO THIS SECTION.

(c) THE DEPARTMENT OF EDUCATION SHALL RETAIN AND SPEND NO MORE THAN FIFTY THOUSAND DOLLARS FROM THE MONEY APPROPRIATED FROM THE STATE EDUCATION FUND PURSUANT TO THIS SECTION TO OFFSET DIRECT AND INDIRECT ADMINISTRATIVE COSTS INCURRED IN PERFORMING THE DEPARTMENT OF EDUCATION'S DUTIES PURSUANT TO THIS SECTION.

(d) THE GENERAL ASSEMBLY DECLARES THAT FOR THE PURPOSES OF SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION, PROVIDING FUNDING TO DISTRICTS AND INSTITUTE CHARTER SCHOOLS THAT ENROLLED NEW ARRIVAL STUDENTS IS ACCOUNTABLE EDUCATION REFORM AND AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS, AND THEREFORE DISTRICTS AND INSTITUTE CHARTER SCHOOLS MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION FOR THIS PURPOSE.

(3) TO DETERMINE THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S TOTAL NEW ARRIVAL STUDENT POPULATION, THE DEPARTMENT OF EDUCATION SHALL CALCULATE THE SUM OF:

(a) A SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 9, 2024, WHO ENROLLED AFTER THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24 BUDGET YEAR, DETERMINED BY DATA COLLECTED PURSUANT TO SECTION 22-24-106 (1)(a); AND

(b) A SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 29, 2024, WHO ENROLLED AFTER FEBRUARY 9, 2024, FOR THE 2023-24 BUDGET YEAR, DETERMINED BY AN ATTESTATION OF THE TOTAL NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 29, 2024, WHO ENROLLED AFTER FEBRUARY 9, 2024, FOR THE 2023-24 BUDGET YEAR ACCOMPANIED BY A SIGNED STATEMENT SUBMITTED TO THE DEPARTMENT OF EDUCATION BY THE SCHOOL DISTRICT'S SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, OR THE CHAIR OF THE INSTITUTE CHARTER SCHOOL'S GOVERNING BOARD OR THE CHAIR'S DESIGNEE, AFFIRMING THAT THE DATA PROVIDED IS ACCURATE TO THE BEST OF THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S KNOWLEDGE.

(4) TO DETERMINE THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S TOTAL NET STUDENT POPULATION, THE DEPARTMENT OF EDUCATION SHALL CALCULATE THE DIFFERENCE BETWEEN:

(a) A SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL NUMBER OF ENROLLED PUPILS AS OF FEBRUARY 29, 2024, DETERMINED BY AN ATTESTATION OF THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL NUMBER OF ENROLLED PUPILS AS OF FEBRUARY 29, 2024, ACCOMPANIED BY A SIGNED STATEMENT SUBMITTED TO THE DEPARTMENT OF EDUCATION BY THE SCHOOL DISTRICT'S SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, OR THE CHAIR OF THE INSTITUTE CHARTER SCHOOL'S GOVERNING BOARD OR THE CHAIR'S DESIGNEE, AFFIRMING THAT THE DATA PROVIDED IS ACCURATE TO THE BEST OF THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S KNOWLEDGE; AND

(b) THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE 2023-24 BUDGET YEAR ON THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24 BUDGET YEAR.

(5)(a) REGARDLESS OF WHETHER A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL RECEIVES MONEY PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO EACH SCHOOL DISTRICT REQUESTING FUNDING PURSUANT TO THIS SECTION, OR TO THE STATE CHARTER SCHOOL INSTITUTE FOR THE STATE CHARTER SCHOOL INSTITUTE TO DISTRIBUTE TO INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING PURSUANT TO THIS SECTION:

(I) FIFTEEN THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS ONE OR MORE BUT NO MORE THAN FIVE;

(II) THIRTY THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS SIX OR MORE BUT NO MORE THAN TEN;

(III) SEVENTY-FIVE THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS ELEVEN OR MORE BUT NO MORE THAN THIRTY;

(IV) ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS THIRTY-ONE OR MORE BUT NO MORE THAN FIFTY;

(V) TWO HUNDRED THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS FIFTY-ONE OR MORE BUT NO MORE THAN ONE HUNDRED;

(VI) FOUR HUNDRED THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS ONE HUNDRED ONE OR MORE BUT NO MORE THAN TWO HUNDRED;

(VII) FIVE HUNDRED FIFTY THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS TWO HUNDRED ONE OR MORE BUT NO MORE THAN FIVE HUNDRED; OR

(VIII) SEVEN HUNDRED FIFTY THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS FIVE HUNDRED ONE OR MORE.

(b)(I) FOR EACH SCHOOL DISTRICT AND EACH INSTITUTE CHARTER SCHOOL THAT

IS REQUESTING FUNDING PURSUANT TO THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO THE SCHOOL DISTRICT, OR TO THE STATE CHARTER SCHOOL INSTITUTE FOR THE STATE CHARTER SCHOOL INSTITUTE TO DISTRIBUTE TO THE INSTITUTE CHARTER SCHOOL, AN AMOUNT EQUAL TO FOUR THOUSAND FIVE HUNDRED DOLLARS MULTIPLIED BY THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL NET STUDENT POPULATION OR TOTAL NEW ARRIVAL STUDENT POPULATION, WHICHEVER IS LESSER.

(II) (A) IF THE AMOUNT APPROPRIATED PURSUANT TO THIS SECTION IS INSUFFICIENT TO FULLY FUND THE DISTRIBUTIONS PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL REDUCE THE AMOUNT OF EACH SCHOOL DISTRICT'S OR EACH INSTITUTE CHARTER SCHOOL'S DISTRIBUTIONS PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION BY A PROPORTIONATE PERCENTAGE OF THE AMOUNT REQUIRED TO FULLY FUND THE DISTRIBUTIONS PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION.

(B) IF THERE IS AN AMOUNT REMAINING FROM THE AMOUNT APPROPRIATED PURSUANT TO THIS SECTION AFTER CALCULATING THE AMOUNT THAT EACH SCHOOL DISTRICT AND EACH INSTITUTE CHARTER SCHOOL REQUESTING FUNDING WILL RECEIVE PURSUANT TO THIS SUBSECTION (5), THE DEPARTMENT OF EDUCATION SHALL INCREASE THE AMOUNT OF EACH SCHOOL DISTRICT'S OR EACH INSTITUTE CHARTER SCHOOL'S DISTRIBUTION IN SUBSECTION (5)(b)(I) OF THIS SECTION BY A PROPORTIONATE PERCENTAGE OF THE AMOUNT REMAINING, SO THAT THE TOTAL AMOUNT APPROPRIATED PURSUANT TO THIS SECTION IS EXPENDED.

(c) NOTWITHSTANDING SECTION 22-2-306, THE DEPARTMENT OF EDUCATION IS NOT REQUIRED TO PROVIDE ADVANCE NOTICE REQUIREMENTS TO A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL IN IMPLEMENTING THIS SECTION.

(6) (a) THE DEPARTMENT OF EDUCATION SHALL ENSURE THAT A SCHOOL DISTRICT'S OR AN INSTITUTE CHARTER SCHOOL'S TOTAL NEW ARRIVAL STUDENT POPULATION DOES NOT INCLUDE STUDENTS WHO WERE PREVIOUSLY INCLUDED IN THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE 2023-24 BUDGET YEAR ON THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24 BUDGET YEAR.

(b)(I) ON OR BEFORE A DATE DETERMINED BY THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF EDUCATION SHALL PROVIDE TO EACH DISTRICT AND INSTITUTE CHARTER SCHOOL A PRELIMINARY AMOUNT TO BE DISTRIBUTED, DETERMINED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(II) ON OR BEFORE A DATE DETERMINED BY THE DEPARTMENT OF EDUCATION, A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL MAY PROVIDE EVIDENCE TO THE DEPARTMENT OF EDUCATION THAT SUPPORTS A DIFFERENT AMOUNT TO BE DISTRIBUTED FROM THE DEPARTMENT OF EDUCATION'S PRELIMINARY AMOUNT TO BE DISTRIBUTED DETERMINED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(III) NO LATER THAN MAY 1, 2024, THE DEPARTMENT OF EDUCATION SHALL FINALIZE THE AMOUNT TO BE DISTRIBUTED TO EACH SCHOOL DISTRICT AND INSTITUTE CHARTER SCHOOL AND NOTIFY EACH SCHOOL DISTRICT AND INSTITUTE CHARTER SCHOOL OF THAT AMOUNT.

(IV) NO LATER THAN MAY 31, 2024, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO EACH SCHOOL DISTRICT, AND TO THE STATE CHARTER SCHOOL INSTITUTE FOR THE STATE CHARTER SCHOOL INSTITUTE TO DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL, THE AMOUNT DETERMINED PURSUANT TO THIS SECTION.

(7) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO REVIEW THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S USE OF FUNDING PROVIDED PURSUANT TO THIS SECTION, BUT A PAYMENT IS NOT SUBJECT TO AUDIT REQUIREMENTS PURSUANT TO SECTION 22-2-113 (1)(f).

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

SECTION 3. Appropriation. For the 2023-24 state fiscal year, \$24,000,000 is appropriated to the department of education. This appropriation is from the state education fund created in section 17 (4)(a) of article IX of the state constitution. To implement this act, the department may use this appropriation for new arrival students funding pursuant to section 22-54-147, C.R.S.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: April 18, 2024