

1 Amend Appropriations Committee Report, dated April 27, 2019, page 1,  
2 line 9, strike "CONSTITUTION."." and substitute "CONSTITUTION.

3 **SECTION 7.** In Colorado Revised Statutes, **add** article 99 to title  
4 22 as follows:

5 **ARTICLE 99**

6 **Health and Wellness Through Comprehensive  
7 Quality Physical Education Instruction Pilot Program**

8 **22-99-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY

9 FINDS THAT:

10 (a) WHILE ENSURING COGNITIVE DEVELOPMENT AND STRONG  
11 ACADEMIC OUTCOMES FOR COLORADO'S STUDENTS IS OF PARAMOUNT  
12 IMPORTANCE, FOCUS MUST ALSO BE PLACED ON THE WHOLE STUDENT,  
13 INCLUDING THEIR PHYSICAL, PSYCHOLOGICAL, AND SOCIAL HEALTH AND  
14 DEVELOPMENT;

15 (b) NOT ONLY DOES PHYSICAL EDUCATION INSTRUCTION REDUCE  
16 CHILDHOOD OBESITY AND FOSTER A LIFETIME COMMITMENT TO PHYSICAL  
17 ACTIVITY AND HEALTHY LIFESTYLES, BUT A 2007 STUDY BY THE INSTITUTE  
18 OF MEDICINE FOUND THAT PHYSICAL ACTIVITY ALSO HAS A POSITIVE  
19 IMPACT ON COGNITIVE ABILITY AND BRAIN DEVELOPMENT, INSOMNIA,  
20 DEPRESSION, ANXIETY, AND AVOIDING TOBACCO USE;

21 (c) ACCORDING TO THE UNITED STATES DEPARTMENT OF DEFENSE,  
22 IN 2018, OBESITY WAS ONE OF THE TOP REASONS WHY SEVENTY-ONE  
23 PERCENT OF AMERICANS AGES SEVENTEEN TO TWENTY-FOUR DID NOT  
24 MEET THE MILITARY'S PHYSICAL REQUIREMENTS FOR MILITARY SERVICE;

25 (d) RECENT RESEARCH HAS DEMONSTRATED THAT THERE IS A  
26 POSITIVE RELATIONSHIP BETWEEN FREQUENCY OF PHYSICAL EDUCATION  
27 AND ACADEMIC ACHIEVEMENT;

28 (e) IN ADDITION, INCREASED TIME DEVOTED TO PHYSICAL  
29 EDUCATION HAS BEEN DEMONSTRATED TO LEAD TO POSITIVE  
30 DEVELOPMENT OF SOCIAL SKILLS, SOCIAL BEHAVIORS, SELF-ESTEEM,  
31 PRO-SCHOOL ATTITUDES, AND IMPROVED MENTAL HEALTH;

32 (f) FURTHER, CHILDREN WHO HAVE PHYSICAL EDUCATION  
33 INSTRUCTION ARE TWO AND ONE-HALF TIMES MORE LIKELY TO BE ACTIVE  
34 ADULTS;

35 (g) QUALITY PHYSICAL EDUCATION STRENGTHENS THE WHOLE  
36 CHILD THROUGH MOVEMENT COMPETENCY, COGNITIVE DEVELOPMENT,  
37 AND SOCIAL-EMOTIONAL WELLNESS TO ACHIEVE LIFELONG HEALTH  
38 BENEFITS; AND

39 (h) IN 2016, A COALITION OF COLORADO-BASED HEALTH AND  
40 WELLNESS ORGANIZATIONS AND EDUCATORS DRAFTED A MODEL PHYSICAL  
41 EDUCATION POLICY BASED ON RESEARCH AND BEST PRACTICES FOR

1 VOLUNTARY ADOPTION BY SCHOOL AND SCHOOL DISTRICTS.

2 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS  
3 IMPORTANT TO THE HEALTH AND WELL-BEING OF COLORADO'S CHILDREN  
4 AND YOUTH TO ENSURE COMPETENT AND COMPREHENSIVE QUALITY  
5 PHYSICAL EDUCATION INSTRUCTION IN COLORADO SCHOOLS THROUGH THE  
6 CREATION OF A PILOT PROGRAM FOR COMPREHENSIVE QUALITY PHYSICAL  
7 EDUCATION INSTRUCTION BASED ON THE MODEL PHYSICAL EDUCATION  
8 POLICY AND THROUGH THE SUBSEQUENT EVALUATION OF THE PILOT  
9 PROGRAM'S IMPACT ON PARTICIPATING CHILDREN AND YOUTH.

10 **22-99-102. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE  
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "APPLICANT" MEANS A COLORADO SCHOOL OR SCHOOL  
13 DISTRICT APPLYING TO PARTICIPATE IN THE PILOT PROGRAM.

14 (2) "COMPREHENSIVE QUALITY PHYSICAL EDUCATION" MEANS THE  
15 PROGRAM OF COMPREHENSIVE QUALITY PHYSICAL EDUCATION  
16 INSTRUCTION DESCRIBED IN SECTION 22-99-103 (5).

17 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
18 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

19 (4) "ELIGIBLE SCHOOL OR SCHOOL DISTRICT" MEANS AN  
20 ELEMENTARY OR MIDDLE SCHOOL OR THE ELEMENTARY AND MIDDLE  
21 SCHOOLS OF A SCHOOL DISTRICT.

22 (5) "PILOT PROGRAM" MEANS THE HEALTH AND WELLNESS  
23 THROUGH COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION  
24 PILOT PROGRAM CREATED IN THIS ARTICLE 99.

25 (6) "SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT  
26 AUTHORIZED BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION,  
27 A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO  
28 PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL  
29 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO  
30 PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A SCHOOL OPERATED BY A  
31 BOARD OF COOPERATIVE SERVICES PURSUANT TO ARTICLE 5 OF THIS TITLE  
32 22.

33 (7) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT AUTHORIZED  
34 BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION.

35 (8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION  
36 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE  
37 STATE CONSTITUTION.

38 **22-99-103. Pilot program - creation - qualifying instruction -**  
39 **application - award of grants - report.** (1) THERE IS CREATED IN THE  
40 DEPARTMENT THE HEALTH AND WELLNESS THROUGH COMPREHENSIVE  
41 QUALITY PHYSICAL EDUCATION INSTRUCTION PILOT PROGRAM FOR THE  
42 PURPOSE OF AWARDING GRANTS TO ELIGIBLE SCHOOLS OR SCHOOL  
43 DISTRICTS TO IMPLEMENT A PROGRAM OF COMPREHENSIVE QUALITY

1 PHYSICAL EDUCATION INSTRUCTION, AS DESCRIBED IN SUBSECTION (5) OF  
2 THIS SECTION. A SCHOOL OR SCHOOL DISTRICT AWARDED A GRANT  
3 PURSUANT TO THIS SECTION SHALL ONLY USE THE GRANT MONEY TO  
4 ADDRESS A RESOURCE NEED IN ITS CURRENT PHYSICAL EDUCATION  
5 PROGRAM THAT CREATES A BARRIER TO IMPLEMENTING A PROGRAM OF  
6 COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION, AS  
7 DESCRIBED IN SUBSECTION (5) OF THIS SECTION. A SCHOOL OR SCHOOL  
8 DISTRICT AWARDED A PILOT PROGRAM GRANT SHALL USE THE MONEY TO  
9 SUPPLEMENT, NOT SUPPLANT, EXISTING SCHOOL OR SCHOOL DISTRICT  
10 RESOURCES USED FOR PHYSICAL EDUCATION PROGRAMS.

11 (2) AN ELIGIBLE SCHOOL OR SCHOOL DISTRICT MAY APPLY FOR A  
12 THREE-YEAR PILOT PROGRAM GRANT. THE GRANT APPLICATION MUST  
13 INCLUDE ALL GRADE LEVELS SERVED IN THE ELIGIBLE SCHOOL OR ELIGIBLE  
14 SCHOOLS OF THE SCHOOL DISTRICT. AN APPLICATION FROM AN INDIVIDUAL  
15 SCHOOL MUST BE SUBMITTED BY THE CHIEF ADMINISTRATIVE OFFICER OF  
16 THE SCHOOL AND, IF THE SCHOOL IS NOT A CHARTER SCHOOL, APPROVED  
17 BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT.

18 (3) SUBJECT TO AVAILABLE APPROPRIATIONS, PILOT PROGRAM  
19 GRANTS ARE THREE-YEAR GRANTS, RENEWABLE ANNUALLY, THAT COVER  
20 THE 2020-21 ACADEMIC YEAR THROUGH THE 2022-23 ACADEMIC YEAR.  
21 THE DEPARTMENT SHALL EVALUATE ALL COMPLETE PILOT PROGRAM  
22 GRANT APPLICATIONS RECEIVED BY DECEMBER 1, 2019, AND SHALL MAKE  
23 RECOMMENDATIONS TO THE STATE BOARD FOR THE AWARD OF PILOT  
24 PROGRAM GRANTS TO UP TO FIFTEEN ELIGIBLE SCHOOLS OR SCHOOL  
25 DISTRICTS FOR A TOTAL AMOUNT AWARDED ANNUALLY OF NO MORE THAN  
26 THREE MILLION DOLLARS, INCLUDING DEPARTMENT ADMINISTRATIVE  
27 EXPENSES. THE STATE BOARD SHALL AWARD THE INITIAL PILOT PROGRAM  
28 GRANTS NO LATER THAN FEBRUARY 29, 2020, TO ALLOW FOR A PLANNING  
29 PERIOD FOR GRANT RECIPIENTS PRIOR TO THE IMPLEMENTATION OF THE  
30 REQUIRED PILOT PROGRAM COMPONENTS DURING THE 2020-21 ACADEMIC  
31 YEAR.

32 (4) IN AWARDING PILOT PROGRAM GRANTS TO ELIGIBLE SCHOOLS  
33 OR SCHOOL DISTRICTS, THE STATE BOARD SHALL CONSIDER, AMONG OTHER  
34 AWARD CRITERIA:

35 (a) BARRIERS TO IMPLEMENTING A COMPREHENSIVE QUALITY  
36 PHYSICAL EDUCATION INSTRUCTION PROGRAM IN THE ELIGIBLE SCHOOL OR  
37 SCHOOL DISTRICT, INCLUDING BUT NOT LIMITED TO:

38 (I) LACK OF RESOURCES;  
39 (II) LACK OF APPROPRIATE EQUIPMENT;  
40 (III) DIFFICULTY RETAINING STAFF;  
41 (IV) THE EXISTENCE OF A FOUR-DAY SCHOOL WEEK; AND  
42 (V) LACK OF LOCAL SCHOOL MILL LEVY OVERRIDE FUNDING TO  
43 SUPPLEMENT SCHOOL TOTAL PROGRAM FUNDING;

(b) THE ABILITY OF THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT TO IMPLEMENT ALL COMPONENTS OF THE PILOT PROGRAM AND WHETHER A PILOT PROGRAM GRANT WILL ENABLE THE SCHOOL OR SCHOOL DISTRICT TO ADDRESS A RESOURCE NEED NECESSARY TO PROVIDE COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION;

(c) THE AMOUNT OF GRANT MONEY NEEDED FOR THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT TO IMPLEMENT THE PILOT PROGRAM WITHOUT SUPPLANTING EXISTING RESOURCES AND A PRELIMINARY DRAFT OF THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT'S THREE-YEAR COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION ACTION PLAN, AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION, IF AVAILABLE, OR A STATEMENT OF HOW THE SCHOOL OR SCHOOL DISTRICT INTENDS TO USE THE THREE-YEAR GRANT;

(d) THE REQUIREMENT THAT AT LEAST THIRTY PERCENT OF THE GRANTS ARE AWARDED TO ELIGIBLE SCHOOLS OR SCHOOL DISTRICTS RECEIVING FEDERAL MONEY FOR PROGRAMS UNDER TITLE I, PART A OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., AS AMENDED;

(e) THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT'S GEOGRAPHIC LOCATION AND THE DESIRABILITY OF CREATING, TO THE EXTENT POSSIBLE, AN EVEN DISTRIBUTION OF RURAL, URBAN, AND SUBURBAN SCHOOLS, AS WELL AS ELEMENTARY AND MIDDLE SCHOOLS, TO ENSURE ADEQUATE SAMPLE AND DIVERSITY FOR PURPOSES OF THE PILOT PROGRAM EVALUATION: AND

(f) A PRELIMINARY DRAFT OF THE SCHOOL OR SCHOOL DISTRICT'S THREE-YEAR COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION ACTION PLAN.

(5) A SCHOOL OR SCHOOL DISTRICT AWARDED A PILOT PROGRAM GRANT SHALL USE THE GRANT TO IMPLEMENT A COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION PROGRAM THAT INCLUDES, AT A MINIMUM, ALL OF THE FOLLOWING COMPONENTS:

(a) (I) THIRTY MINUTES DAILY OR ONE HUNDRED FIFTY MINUTES PER WEEK OF PHYSICAL EDUCATION INSTRUCTION FOR ALL STUDENTS IN KINDERGARTEN THROUGH FIFTH GRADE, NOT INCLUDING RECESS TIME OR PHYSICAL ACTIVITY BREAKS:

(II) FORTY-FIVE MINUTES DAILY OR TWO HUNDRED TWENTY-FIVE MINUTES PER WEEK FOR ALL STUDENTS IN SIXTH THROUGH EIGHTH GRADE, NOT INCLUDING RECESS TIME OR PHYSICAL ACTIVITY BREAKS;

(III) A CLASS SIZE FOR PHYSICAL EDUCATION INSTRUCTION THAT IS COMPARABLE TO THE CLASS SIZE FOR ACADEMIC SUBJECTS;

**(IV) SAFE, CLEAN, AND WELL-MAINTAINED INDOOR AND OUTDOOR SPACES FOR PHYSICAL EDUCATION INSTRUCTION AND PHYSICAL ACTIVITY, AND EQUIPMENT AND FACILITIES THAT SUPPORT PHYSICAL EDUCATION**

1       INSTRUCTION;

2           (V) CURRICULUM THAT MEETS COLORADO'S PHYSICAL EDUCATION

3       STANDARDS AT EACH COVERED GRADE LEVEL;

4           (VI) MODERATE TO VIGOROUS PHYSICAL ACTIVITY FOR AT LEAST

5       HALF OF THE PHYSICAL EDUCATION CLASS TIME;

6           (VII) REGULAR ASSESSMENT OF PHYSICAL EDUCATION LEARNING

7       OBJECTIVES, INCLUDING FORMATIVE AND SUMMATIVE ASSESSMENTS AND

8       A MEASURE FOR STUDENT GROWTH;

9           (VIII) STUDENT PROGRESS MONITORING, INCLUDING STUDENT

10      SURVEYS OF PHYSICAL ACTIVITY, NUTRITION, SLEEP HABITS, AND

11      PERCEPTIONS OF PHYSICAL EDUCATION INSTRUCTION;

12           (IX) PHYSICAL EDUCATION INSTRUCTOR AND CLASSROOM

13      TEACHERS SURVEYS OF STUDENT OUTCOMES OR CHANGES IN STUDENT

14      BEHAVIOR ATTRIBUTED TO THE PILOT PROGRAM;

15           (X) A PROHIBITION AGAINST REMOVAL OF A STUDENT FROM THE

16      PHYSICAL EDUCATION PROGRAM FOR ACADEMIC REASONS OR AS A FORM

17      OF PUNISHMENT; AND

18           (XI) A PROHIBITION AGAINST EXEMPTING STUDENTS FROM

19      PHYSICAL EDUCATION INSTRUCTION; EXCEPT THAT A PARENT OR

20      GUARDIAN MAY EXCUSE A STUDENT FROM PARTICIPATION FOR A LIMITED

21      PERIOD OF TIME OR LIMITED PORTION OF THE INSTRUCTION FOR RELIGIOUS

22      OBSERVANCES OR DUE TO RELIGIOUS PROHIBITIONS. A STUDENT MAY BE

23      EXCUSED FROM THE PHYSICAL ACTIVITY COMPONENT OF THE INSTRUCTION

24      IF THE STUDENT IS INJURED OR HAS A PHYSICAL OR EMOTIONAL CONDITION

25      THAT PREVENTS PARTICIPATION. IN THOSE CIRCUMSTANCES, MODIFIED

26      PHYSICAL ACTIVITIES MAY BE PROVIDED. IN ACCORDANCE WITH THE

27      FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT

28      ACT", 42 U.S.C. SEC. 1400, ET. SEQ., AS AMENDED, ALL STUDENTS SHALL

29      RECEIVE EQUAL-QUALITY PHYSICAL EDUCATION;

30           (b) LICENSED EDUCATORS WITH A PHYSICAL EDUCATION

31      ENDORSEMENT, OR, IF EMPLOYED BY A SCHOOL THAT DOES NOT REQUIRE

32      TEACHER LICENSING FOR EMPLOYMENT, A PROGRAM OF PROFESSIONAL

33      DEVELOPMENT THAT ENABLES THE PHYSICAL EDUCATION INSTRUCTOR TO

34      BECOME PROFICIENT IN TEACHING COMPREHENSIVE QUALITY PHYSICAL

35      EDUCATION IN ACCORDANCE WITH THE PILOT PROGRAM REQUIREMENTS

36      AND PHYSICAL EDUCATION ENDORSEMENT STANDARDS; AND

37           (c) A MANDATORY PROFESSIONAL DEVELOPMENT PROGRAM FOR

38      INSTRUCTORS THAT INCLUDES AT LEAST FIFTEEN HOURS OF INSTRUCTION

39      EACH YEAR, WHICH INSTRUCTION MUST ADDRESS APPROPRIATE PRACTICES

40      IN PROVIDING COMPREHENSIVE QUALITY PHYSICAL EDUCATION,

41      INCLUDING EMERGING TECHNOLOGIES, MODEL PHYSICAL EDUCATION

42      PROGRAMS, AND IMPROVEMENT IN PHYSICAL EDUCATION TEACHING

43      METHODS.

1 (6) EACH SCHOOL AWARDED A PILOT PROGRAM GRANT AND EACH  
2 SCHOOL DISTRICT AWARDED A PILOT PROGRAM GRANT SHALL PREPARE A  
3 THREE-YEAR COMPREHENSIVE QUALITY PHYSICAL EDUCATION  
4 INSTRUCTION ACTION PLAN THAT INCLUDES CLASS SCHEDULES, PHYSICAL  
5 EDUCATION CURRICULUM, PHYSICAL EDUCATION TEACHER  
6 QUALIFICATIONS, A PROFESSIONAL DEVELOPMENT PLAN, AND SAMPLE  
7 PHYSICAL EDUCATION ASSESSMENTS AND ASSESSMENT RUBRICS.

8                   (7) THE DEPARTMENT SHALL PROVIDE EACH SCHOOL AWARDED A  
9 GRANT WITH THE FOLLOWING SUPPORT, IF AVAILABLE AND RELEVANT:

10 (a) STANDARDS-BASED PHYSICAL EDUCATION CURRICULUM;  
11 (b) A LIST OF APPROVED INSTRUCTIONAL RESOURCES AND THE  
12 PROCESS FOR APPROVAL FOR NEW AND INNOVATIVE INSTRUCTIONAL  
13 RESOURCES;

14 (c) SAMPLES OF APPROVED FORMATIVE AND SUMMATIVE  
15 ASSESSMENTS AND THE PROCESS FOR APPROVAL OF NEW ASSESSMENTS;

16 (d) SAMPLES OF APPROVED PHYSICAL EDUCATION INSTRUCTOR  
17 ASSESSMENT RUBRICS;

18 (e) CRITERIA TO ASSESS STUDENT AND INSTRUCTOR GROWTH IN  
19 PHYSICAL EDUCATION;

20 (f) RESOURCES RELATING TO PROFESSIONAL DEVELOPMENT FOR  
21 PHYSICAL EDUCATION INSTRUCTORS; AND

22 (g) SCHOOL DISTRICT-APPROPRIATE PRACTICES FOR PHYSICAL  
23 EDUCATION INSTRUCTORS TO USE IN PHYSICAL EDUCATION CLASSES.

(8) PILOT PROGRAM GRANT RECIPIENTS SHALL NOTIFY PARENTS OF STUDENTS IN PARTICIPATING SCHOOLS OF THE GRANT AWARD AND PILOT PROGRAM GOALS AND REQUIREMENTS AND THE OPPORTUNITIES FOR PARENTS TO PARTICIPATE AND PROVIDE FEEDBACK REGARDING THE PILOT PROGRAM AND ITS IMPLEMENTATION WITHIN THEIR STUDENT'S SCHOOL.

29 (9) THE DEPARTMENT SHALL ENCOURAGE PILOT PROGRAM GRANT  
30 RECIPIENTS TO SHARE BEST PRACTICES AND TO COLLABORATE DURING THE  
31 IMPLEMENTATION PLANNING PROCESS AND THROUGHOUT THE DURATION  
32 OF THE PILOT PROGRAM. GRANT RECIPIENTS ARE ALSO ENCOURAGED TO  
33 PROVIDE EDUCATION AND TRAINING TO SCHOOL ADMINISTRATORS  
34 REGARDING THE IMPORTANCE OF COMPREHENSIVE QUALITY PHYSICAL  
35 EDUCATION INSTRUCTION AND THE NECESSARY COMPONENTS OF A  
36 COMPREHENSIVE QUALITY PHYSICAL EDUCATION PROGRAM IN THE  
37 SCHOOL.

38 (10) IF A GRANT RECIPIENT IS SUBSTANTIALLY OUT OF COMPLIANCE  
39 WITH SIGNIFICANT REQUIREMENTS OF THE PILOT PROGRAM, AFTER  
40 PROVIDING AS MUCH NOTICE AS IS PRACTICABLE, THE STATE BOARD MAY  
41 DECLINE TO RENEW A RECIPIENT'S PILOT PROGRAM GRANT FOR THE  
42 SECOND OR THIRD ACADEMIC YEAR.

43 (11) PARTICIPATING PILOT PROGRAM SCHOOLS AND SCHOOL

1 DISTRICTS SHALL PROVIDE DATA AND INFORMATION TO THE DEPARTMENT  
2 AND TO THE PROGRAM EVALUATOR DESCRIBED IN SECTION 22-99-104 FOR  
3 PURPOSES OF REPORTING ON THE IMPLEMENTATION AND EVALUATION OF  
4 THE PILOT PROGRAM.

5 (12) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136  
6 (11)(a)(I) TO THE CONTRARY, THE DEPARTMENT SHALL REPORT TO THE  
7 EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF  
8 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AT THE ANNUAL  
9 MEETING OF LEGISLATIVE COMMITTEES OF REFERENCE CONDUCTED  
10 DURING THE LEGISLATIVE INTERIM PURSUANT TO SECTION 2-7-203,  
11 CONCERNING GRANTS AWARDED PURSUANT TO THE PILOT PROGRAM.

12 **22-99-104. Pilot program evaluation.** (1) SUBJECT TO  
13 AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL ISSUE A REQUEST  
14 FOR PROPOSALS FOR A PROGRAM EVALUATION OF THE PILOT PROGRAM TO  
15 BE COMPLETED NO LATER THAN OCTOBER 1, 2023. THE COST OF THE  
16 PROGRAM EVALUATION MUST NOT EXCEED ONE HUNDRED EIGHTY  
17 THOUSAND DOLLARS FOR THE DURATION OF THE PILOT PROGRAM THROUGH  
18 COMPLETION OF THE PROGRAM EVALUATION. THE CONTRACT MUST  
19 INCLUDE DATA COLLECTION ON AN ONGOING BASIS WITH BASELINE,  
20 FORMATIVE DATA COLLECTION THROUGHOUT THE PILOT PROGRAM PERIOD  
21 AND A POST-DATA COLLECTION ANALYSIS. IN AWARDING THE CONTRACT  
22 FOR THE PROGRAM EVALUATION, FIRST PRIORITY SHALL BE GIVEN TO A  
23 PROPOSAL FROM A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION  
24 IN COLORADO THAT OFFERS A KINDERGARTEN THROUGH TWELFTH GRADE  
25 PHYSICAL EDUCATION LICENSURE PROGRAM.

26 (2) (a) THE DEPARTMENT SHALL CONTRACT WITH THE PROGRAM  
27 EVALUATOR AT THE COMMENCEMENT OF THE PILOT PROGRAM, IF  
28 POSSIBLE, SO THAT THE PILOT PROGRAM EVALUATOR CAN DEVELOP THE  
29 NECESSARY DATA COLLECTION PRACTICES PRIOR TO IMPLEMENTATION OF  
30 THE OPERATION OF THE PILOT PROGRAM IN SCHOOLS. AT A MINIMUM, THE  
31 PILOT PROGRAM EVALUATOR SHALL DEVELOP THE NECESSARY DATA  
32 COLLECTION PRACTICES TO ENSURE THAT THE PROGRAM EVALUATION CAN  
33 ASSESS PILOT PROGRAM IMPACTS, INCLUDING BUT NOT LIMITED TO:

34 (I) OBJECTIVE MEASURES OF STUDENT BEHAVIOR RESULTING FROM  
35 IMPLEMENTATION OF THE PILOT PROGRAM, WHICH MEASURES MAY  
36 DEMONSTRATE CHANGES IN STUDENT DISCIPLINARY REFERRALS,  
37 ATTENDANCE, AND ACADEMIC ACHIEVEMENT, AMONG OTHER BEHAVIORS;  
38 AND

39 (II) OBJECTIVE MEASURES OF CHANGES TO STUDENT HEALTH AND  
40 WELL-BEING, WHICH MEASURES MAY DEMONSTRATE STUDENT PHYSICAL  
41 FITNESS, AS WELL AS BROADER MEASURES OF STUDENT HEALTH AND  
42 WELL-BEING, INCLUDING CHANGES IN MENTAL HEALTH OR SUBSTANCE  
43 USE.

8 (c) FOR PURPOSES OF PROGRAM EVALUATION, THE PROGRAM  
9 EVALUATOR SHALL WORK WITH PILOT PROGRAM RECIPIENTS TO IDENTIFY  
10 AND DETERMINE COLLECTION PRACTICES FOR NECESSARY DATA FROM  
11 INITIAL IMPLEMENTATION OF THE PILOT PROGRAM THROUGH COMPLETION  
12 OF THE FINAL PILOT PROGRAM EVALUATION. NECESSARY DATA COLLECTED  
13 BY PILOT PROGRAM PARTICIPANTS MUST INCLUDE, BUT IS NOT LIMITED TO,  
14 STUDENT DEMOGRAPHICS, MEASURES OF STUDENT POVERTY, AND ENGLISH  
15 LANGUAGE LEARNER STATUS. THE PROGRAM EVALUATOR SHALL NOT  
16 RELEASE STUDENT IDENTIFYING INFORMATION AND SHALL COMPLY WITH  
17 STATE AND FEDERAL LAW RELATING TO STUDENT DATA PRIVACY.

18                   **22-99-105. Appropriation.** FOR THE 2019-20 STATE FISCAL YEAR,  
19 THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE MILLION ONE HUNDRED  
20 THOUSAND DOLLARS FROM THE MARIJUANA TAX CASH FUND, CREATED IN  
21 SECTION 39-28.8-501, TO THE DEPARTMENT TO IMPLEMENT THE PILOT  
22 PROGRAM. ANY MONEY APPROPRIATED FOR THE PILOT PROGRAM  
23 PURSUANT TO THIS SECTION THAT IS NOT EXPENDED PRIOR TO JULY 1,  
24 2020, IS FURTHER APPROPRIATED TO THE DEPARTMENT FOR THE 2020-21  
25 THROUGH 2023-24 STATE FISCAL YEARS FOR THE SAME PURPOSE.

26                   **22-99-106. Repeal of article.** THIS ARTICLE 99 IS REPEALED,  
27                   EFFECTIVE JULY 1, 2024.

**SECTION 8.** In Colorado Revised Statutes, 39-28.8-501, **amend** (2)(b)(IV)(N); and **add** (2)(b)(IV)(P) as follows:

**39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration.** (2) (b) (IV) Subject to the limitation in subsection (5) of this section, the general assembly may annually appropriate any money in the fund for any fiscal year following the fiscal year in which it was received by the state for the following purposes:

35 (N) For housing, rental assistance, and supportive services,  
36 including reentry services, pursuant to section 24-32-721; and

37 (P) FOR COMPREHENSIVE QUALITY PHYSICAL EDUCATION  
38 INSTRUCTION PURSUANT TO ARTICLE 99 OF TITLE 22.".

39

40 Page 1 of the report, line 12, strike "11." and substitute "14.".

41 Page 1 of the report, line 17, strike "12." and substitute "15.".

1 Page 1 of the report, after line 22 insert:

2       **"SECTION 13. Appropriation.** For the 2019-20 state fiscal year,  
3 \$1,100,000 is appropriated to the department of education. This  
4 appropriation is from the marijuana tax cash fund created in section  
5 39-28.8-501 (1), C.R.S., and is based on an assumption that the  
6 department will require an additional 0.7 FTE. To implement this act, the  
7 department may use this appropriation for the health and wellness through  
8 comprehensive quality physical education instruction pilot program.".

9 Page 2 of the report, line 6, strike "law."." and substitute "law.

10       (4) Sections 7, 8, and 13 of this act take effect only if House Bill  
11 19-1161 does not become law.".".

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