Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB21-268 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 4, strike lines 23 through 25 and substitute "STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION NINE HUNDRED EIGHTY-EIGHT MILLION FIVE HUNDRED TWENTY-SEVEN THOUSAND SEVEN HUNDRED ELEVEN DOLLARS ($7,988,527,711); EXCEPT THAT THE DEPARTMENT OF".

Page 15, strike lines 13 through 27.

Strike page 16.

Page 17, strike lines 1 through 25.

Renumber succeeding sections accordingly.

Page 32, after line 25 insert: "SECTION 25. In Colorado Revised Statutes, 22-35-114, add (2.5) as follows:


(2.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

CORONAVIRUS STATE FISCAL RECOVERY FUND TO BE USED FOR CERTAIN SPECIFIED PURPOSES, INCLUDING "TO RESPOND TO THE PUBLIC HEALTH EMERGENCY WITH RESPECT TO THE CORONAVIRUS DISEASE 2019 (COVID-19) OR ITS NEGATIVE ECONOMIC IMPACTS, INCLUDING ASSISTANCE TO HOUSEHOLDS, SMALL BUSINESSES, AND NONPROFITS, OR AID TO IMPACTED INDUSTRIES SUCH AS TOURISM, TRAVEL, AND HOSPITALITY";

(II) UNDER THE AUTHORITY GRANTED PURSUANT TO SECTION 6028 (f) OF THE ARPA, THE SECRETARY OF THE UNITED STATES TREASURY ADOPTED REGULATIONS PROVIDING FURTHER GUIDANCE TO STATES REGARDING THE AUTHORIZED USES OF THE MONEY ALLOCATED TO STATES FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO RESPOND TO THE PUBLIC HEALTH EMERGENCY OR ITS NEGATIVE ECONOMIC IMPACTS, WHICH INCLUDE:

(A) PROVIDING ASSISTANCE TO UNEMPLOYED WORKERS, INCLUDING JOB TRAINING FOR INDIVIDUALS WHO WANT TO AND ARE AVAILABLE FOR WORK;

(B) PROVIDING AID TO IMPACTED INDUSTRIES TO RESPOND TO THE NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY; AND

(C) PROVIDING PROGRAMS, SERVICES, OR OTHER ASSISTANCE FOR POPULATIONS DISPROPORTIONATELY IMPACTED BY THE COVID-19 PUBLIC HEALTH EMERGENCY, SUCH AS PROGRAMS OR SERVICES THAT ADDRESS OR MITIGATE THE IMPACTS OF THE PUBLIC HEALTH EMERGENCY ON EDUCATION;

(III) COLORADO'S ECONOMIC RECOVERY FROM THE COVID-19 PUBLIC HEALTH EMERGENCY REQUIRE A SKILLED WORKFORCE WHICH CAN BE STRENGTHENED THROUGH STUDENTS COMPLETING ACADEMIC AND CAREER AND TECHNICAL EDUCATION COURSES AND PROGRAMS, INCLUDING INDUSTRY CREDENTIALS, AND BY SUPPORTING THE EDUCATOR WORKFORCE IN ATTAINING THE CREDENTIALS NECESSARY TO PARTICIPATE IN CONCURRENT ENROLLMENT PARTNERSHIPS BETWEEN LOCAL EDUCATION PROVIDERS AND INSTITUTIONS OF HIGHER EDUCATION;

(IV) STUDENTS FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF COLOR, AND FIRST-GENERATION STUDENTS FACE INCREASED CHALLENGES DUE TO THE COVID-19 PANDEMIC AND THE LOSS OF STUDENT AND HOUSEHOLD INCOME IN PAYING FOR THE COSTS ASSOCIATED WITH OBTAINING WORKFORCE SKILLS AND IN COMPLETING ACADEMIC AND CAREER AND TECHNICAL EDUCATION COURSES AND PROGRAMS, INCLUDING INDUSTRY CREDENTIALS; AND

(V) WITHOUT ACCESS TO LOW-COST ACADEMIC AND CAREER AND
TECHNICAL EDUCATION COURSES AND PROGRAMS TO MITIGATE THE IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY ON STUDENTS FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF COLOR, AND FIRST-GENERATION STUDENTS, THESE STUDENTS MAY FACE LONG-TERM, NEGATIVE EDUCATIONAL AND ECONOMIC IMPACTS FROM THE COVID-19 PUBLIC HEALTH EMERGENCY.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT APPROPRIATING A PORTION OF THE FEDERAL MONEY FOR THE CONCURRENT ENROLLMENT EXPANSION AND INNOVATION GRANT PROGRAM CREATED IN THIS SECTION WILL PROVIDE THE KIND OF ASSISTANCE FOR WHICH COLORADO WILL RECEIVE MONEY FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND AND THEREFORE IS AN APPROPRIATE AND LAWFUL USE OF THE MONEY TRANSFERRED TO COLORADO UNDER THE "AMERICAN RESCUE PLAN ACT OF 2021".

(c) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 2026."

SECTION 26. In Colorado Revised Statutes, 22-54-138, add (2.5) as follows:


(2.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) ON MARCH 11, 2021, THE FEDERAL GOVERNMENT ENACTED THE "AMERICAN RESCUE PLAN ACT OF 2021" (ARPA), PUB.L. 117-2, AS THE ACT MAY BE SUBSEQUENTLY AMENDED, PURSUANT TO WHICH COLORADO WILL RECEIVE $3,828,761,790 FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO BE USED FOR CERTAIN SPECIFIED PURPOSES, INCLUDING "TO RESPOND TO THE PUBLIC HEALTH EMERGENCY WITH RESPECT TO THE CORONAVIRUS DISEASE 2019 (COVID-19) OR ITS NEGATIVE ECONOMIC IMPACTS, INCLUDING ASSISTANCE TO HOUSEHOLDS, SMALL BUSINESSES, AND NONPROFITS, OR AID TO IMPACTED INDUSTRIES SUCH AS TOURISM, TRAVEL, AND HOSPITALITY";

(II) UNDER THE AUTHORITY GRANTED PURSUANT TO SECTION 602 (f) OF THE ARPA, THE SECRETARY OF THE UNITED STATES TREASURY ADOPTED REGULATIONS PROVIDING FURTHER GUIDANCE TO STATES REGARDING THE AUTHORIZED USES OF THE MONEY ALLOCATED TO STATES FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO RESPOND TO THE PUBLIC HEALTH EMERGENCY OR ITS NEGATIVE ECONOMIC IMPACTS, WHICH INCLUDE:

(A) PROVIDING ASSISTANCE TO UNEMPLOYED WORKERS, INCLUDING JOB TRAINING FOR INDIVIDUALS WHO WANT TO AND ARE AVAILABLE FOR WORK;
(B) PROVIDING AID TO IMPACTED INDUSTRIES TO RESPOND TO THE
NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PUBLIC HEALTH
EMERGENCY; AND

(C) PROVIDING PROGRAMS, SERVICES, OR OTHER ASSISTANCE FOR
POPULATIONS DISPROPORTIONATELY IMPACTED BY THE COVID-19 PUBLIC
HEALTH EMERGENCY, SUCH AS PROGRAMS OR SERVICES THAT ADDRESS OR
MITIGATE THE IMPACTS OF THE PUBLIC HEALTH EMERGENCY ON
EDUCATION;

(III) COLORADO’S RECOVERY FROM THE COVID-19 PUBLIC
HEALTH EMERGENCY REQUIRES PROGRAMS THAT SUPPORT A SKILLED
WORKFORCE AND THAT MITIGATE THE LONG-TERM, NEGATIVE IMPACTS ON
EDUCATIONAL AND ECONOMIC OUTCOMES FOR STUDENTS;

(IV) STUDENTS FROM LOW-INCOME COMMUNITIES, STUDENTS
FROM COMMUNITIES OF COLOR, AND FIRST-GENERATION STUDENTS FACE
INCREASED CHALLENGES DUE TO THE COVID-19 PANDEMIC AND THE LOSS
OF STUDENT AND HOUSEHOLD INCOME AND DISRUPTED LEARNING; AND

(V) BY INCENTIVIZING SCHOOL DISTRICTS AND CHARTER SCHOOLS
TO INCREASE THE PARTICIPATION OF STUDENTS IN QUALIFIED
INDUSTRY-CREDENTIAL PROGRAMS, QUALIFIED INTERNSHIPS, RESIDENCY,
CONSTRUCTION-INDUSTRY PRE-APPRENTICESHIP OR APPRENTICESHIP
PROGRAMS, AND ADVANCED PLACEMENT PROGRAMS FOR COLLEGE CREDIT,
SCHOOL DISTRICTS AND CHARTER SCHOOLS HELP MITIGATE THE
LONG-TERM, NEGATIVE IMPACTS FROM THE COVID-19 PUBLIC HEALTH
EMERGENCY ON EDUCATIONAL AND ECONOMIC OUTCOMES FOR STUDENTS
FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF
COLOR, AND FIRST-GENERATION STUDENTS.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
APPROPRIATING A PORTION OF THE FEDERAL MONEY FOR THE CAREER
DEVELOPMENT SUCCESS PROGRAM CREATED IN THIS SECTION WILL
PROVIDE THE KIND OF ASSISTANCE FOR WHICH COLORADO WILL RECEIVE
MONEY FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND
AND THEREFORE IS AN APPROPRIATE AND LAWFUL USE OF THE MONEY
TRANSFERRED TO COLORADO UNDER THE "AMERICAN RESCUE PLAN ACT
OF 2021".

(c) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 2026.”.

Renumber succeeding sections accordingly.

Page 32, before line 26 insert:

"SECTION 24. In Colorado Revised Statutes, 22-54-102, add (5)
as follows:

*SB268_H_APP.005*
22-54-102. Legislative declaration - statewide applicability - intergovernmental agreements. (5) (a) The general assembly finds that, due to the COVID-19 pandemic beginning during the 2019-20 school year, Colorado’s public education system has faced significant disruptions to the delivery of classroom instruction, student learning, and access to critically necessary nutritional, health, and social-emotional support services. Therefore, the general assembly finds that:

(I) A world-class public education is critical to meeting the workforce demands for Colorado’s economy;

(II) The changing realities of Colorado’s post-pandemic economy demand that students be agile learners able to continuously learn, adapt, and shift into new roles by developing critical thinking, collaboration, and problem-solving skills; and

(III) The needs of the state require that all students, including those who are underserved or face significant challenges in meeting Colorado’s graduation guidelines, complete high school career and college ready.

(b) To provide each child in this state with a high-quality public education, the general assembly declares that Colorado’s public school finance formula must be redesigned and modernized to:

(I) Prioritize equity, focusing on individual student needs by increasing the funding for students who are economically disadvantaged and students who are English language learners; and

(II) Address the inequities in school district funding that arise from the dramatic differences in local property wealth and mill levy overrides.

(c) Further, the general assembly declares that, because English language learner funding will now be included in the school finance formula, it is appropriate to fund this inclusion by redirecting to the state share of total program the amount previously appropriated for the professional development and student support program created in section 22-24-108. The general assembly further declares that the remaining costs of the school finance formula changes are offset by the savings to the state share of total program that occur as a result of correcting the unauthorized reductions in district property tax mill levies as provided in section 22-54-106 (2.1).
SECTION 25. In Colorado Revised Statutes, 22-54-103, amend (1.5) and (10)(f); and add (6.5) as follows:

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

(1.5) (a) "At-risk pupils" means:
(I) to (IV) Repealed.
(V) For the 2005-06 budget year and budget years thereafter through the 2020-21 budget year, the number of district pupils who are English language learners plus the greater of:
(A) The number of district pupils eligible for free lunch; or
(B) The number of pupils calculated in accordance with the following formula:
District percentage of pupils eligible for free lunch x
District pupil enrollment.
(VI) For the 2021-22 budget year and budget years thereafter, the greater of:
(A) The number of district pupils eligible for free or reduced-price lunch; or
(B) The number of pupils calculated in accordance with the following formula:
District percentage of pupils eligible for free or reduced-price lunch x District pupil enrollment.
(b) For purposes of subsection (1.5)(a)(V) of this section:
(I) "District percentage of pupils eligible for free lunch" means the district pupils eligible for free lunch in grades one through eight divided by the district pupil enrollment in grades one through eight.
(II) "District pupil enrollment" means the pupil enrollment of the district, as determined in accordance with subsection (10) of this section, minus the number of pupils enrolled in the Colorado preschool program pursuant to article 28 of this title and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title.
(III) "District pupils eligible for free lunch" means the number of pupils included in the district pupil enrollment who are eligible for free lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.
(IV) "District pupils who are English language learners" means the number of pupils included in the district pupil enrollment for the preceding budget year who were not eligible for free lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., and who are English language learners,
as defined in section 22-24-103 (4), and:

(A) Whose scores were not included in calculating school academic performance grades as provided in section 22-7-1006.3; or
(B) Who took an assessment administered pursuant to section 22-7-1006.3 in a language other than English.

(c) FOR PURPOSES OF SUBSECTION (1.5)(a)(VI) OF THIS SECTION:

(I) "DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH" MEANS THE DISTRICT PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH IN GRADES ONE THROUGH EIGHT DIVIDED BY THE DISTRICT PUPIL ENROLLMENT IN GRADES ONE THROUGH EIGHT.

(II) "DISTRICT PUPIL ENROLLMENT" MEANS THE PUPIL ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION, MINUS THE NUMBER OF PUPILS ENROLLED IN THE COLORADO PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF THIS TITLE 22 AND THE NUMBER OF THREE-YEAR-OLD OR FOUR-YEAR-OLD PUPILS WITH DISABILITIES RECEIVING EDUCATIONAL PROGRAMS PURSUANT TO ARTICLE 20 OF THIS TITLE 22.

(III) "DISTRICT PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH" MEANS THE NUMBER OF PUPILS INCLUDED IN THE DISTRICT PUPIL ENROLLMENT WHO ARE ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

(c) (d) For purposes of this subsection (1.5), at-risk pupils shall be counted in the same manner as pupils are counted pursuant to subsection (10) of this section.

(6.5) "ENGLISH LANGUAGE LEARNER PUPILS" MEANS THE NUMBER OF DISTRICT PUPILS WHO ARE ENGLISH LANGUAGE LEARNERS, AS DEFINED IN SECTION 22-24-103 (4), AND FOR WHOM THE DISTRICT RECEIVED FUNDING PURSUANT TO SECTION 22-24-104 (3)(b)(I).

(10) (f) In certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify the number of pupils enrolled in kindergarten through twelfth grade, specifying those who are enrolled as full-time pupils and those who are enrolled as less than full-time pupils; the number of expelled pupils receiving educational services pursuant to section 22-33-203; the number of pupils enrolled in the district's preschool program; the number of pupils receiving educational programs under the "Exceptional Children's Educational Act", article 20 of this title 22; and the number of at-risk pupils; AND THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS.

SECTION 26. In Colorado Revised Statutes, 22-54-104, amend (2)(a)(IX) introductory portion, (2)(b) introductory portion, (2)(b)(II),
(3.5) introductory portion, and (3.5)(d)(III); and add (2)(a)(X),
(3.5)(d)(IV), and (4.3) as follows:

22-54-104. District total program - definitions.

(2) (a) (IX) Except as otherwise provided in this subsection (2),
paragraph (g) of subsection (5) or subsection (6) SUBSECTION (5)(g) of
this section, or section 22-54-104.3, a district's total program for the
2009-10 budget year and budget years thereafter shall be
THROUGH THE
2020-21 budget year is the greater of the following:

(X) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2),
SUBSECTION (5)(g) OF THIS SECTION, OR SECTION 22-54-104.3, A
DISTRICT'S TOTAL PROGRAM FOR THE 2021-22 BUDGET YEAR AND BUDGET
YEARS THEREAFTER IS THE GREATER OF THE FOLLOWING:

(A) (DISTRICT PER PUPIL FUNDING x (DISTRICT FUNDED PUPIL
COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT EXTENDED HIGH
SCHOOL PUPIL ENROLLMENT)) + DISTRICT AT-RISK FUNDING + DISTRICT
ENGLISH LANGUAGE LEARNER FUNDING + DISTRICT ONLINE FUNDING +
DISTRICT EXTENDED HIGH SCHOOL FUNDING; or

(B) (MINIMUM PER PUPIL FUNDING x (DISTRICT FUNDED PUPIL
COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT EXTENDED HIGH
SCHOOL PUPIL ENROLLMENT)) + DISTRICT ONLINE FUNDING + DISTRICT
EXTENDED HIGH SCHOOL FUNDING.

(b) If the district percentage of at-risk pupils is greater than the
statewide average percentage of at-risk pupils and the district's funded
pupil count is greater than four hundred fifty-nine, the district's total
program shall be is the lesser of:

(II) (A) FOR THE 2009-10 BUDGET YEAR THROUGH THE 2020-21
BUDGET YEAR, the district's total program as calculated by: Adding the
amount determined by multiplying the district's per pupil funding by four
hundred fifty-nine to the amount determined by multiplying 12% of the
district's per pupil funding by the district's at-risk pupils; then dividing the
sum of those two amounts by four hundred fifty-nine; then multiplying
the resulting amount by the district's funded pupil count minus the
district's online pupil enrollment; and then adding the district's online
funding.

(A.5) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS
THEREAFTER, THE DISTRICT'S TOTAL PROGRAM AS CALCULATED BY:
ADDING THE AMOUNT DETERMINED BY MULTIPLYING THE DISTRICT'S PER
PUPIL FUNDING BY FOUR HUNDRED FIFTY-NINE TO THE AMOUNT
DETERMINED BY MULTIPLYING 12% OF THE DISTRICT'S PER PUPIL FUNDING
BY THE DISTRICT'S AT-RISK PUPILS AND THE AMOUNT DETERMINED BY
MULTIPLYING 8% OF THE DISTRICT'S PER PUPIL FUNDING BY THE DISTRICT'S
ENGLISH LANGUAGE LEARNER PUPILS; THEN DIVIDING THE SUM OF THOSE
THREE AMOUNTS BY FOUR HUNDRED FIFTY-NINE; THEN MULTIPLYING THE
RESULTING AMOUNT BY THE DISTRICT’S FUNDED PUPIL COUNT MINUS THE
DISTRICT’S ONLINE PUPIL ENROLLMENT AND MINUS THE DISTRICT’S
EXTENDED HIGH SCHOOL PUPIL ENROLLMENT; AND THEN ADDING THE
DISTRICT’S ONLINE FUNDING AND ADDING THE DISTRICT’S EXTENDED HIGH
SCHOOL FUNDING.

(B) For purposes of sub-subparagraph (A) of this subparagraph
(II) subsections (2)(b)(II)(A) and (2)(b)(II)(A.5) of this section only,
a district’s per pupil funding shall be calculated by establishing the
district’s per pupil funding in accordance with subsection (3) of this
section except using the size factor for a district with a funded pupil count
of four hundred fifty-nine and not the district’s actual size factor.

(3) Minimum per pupil funding shall be
(d) (III) (A) As used in this subsection (3), for the 2009-10
budget year and budget years thereafter
through the 2020-21 budget year, "minimum per pupil funding base" means the total of the
calculation specified in sub-subparagraph (B) of this subparagraph (III)
subsection (3.5)(d)(III)(B) of this section for all districts for the
budget year divided by the statewide funded pupil count minus the
statewide online pupil enrollment and minus the statewide extended high
school pupil enrollment, for said budget year.

(B) The following calculation shall be used for the purpose of
determining the minimum per pupil funding base pursuant to this
subparagraph (III) subsection (3.5)(d)(III):
(District per pupil funding x (District funded pupil count -
District online pupil enrollment - District extended high
school pupil enrollment)) + District at-risk funding.

(IV) (A) As used in this subsection (3), for the 2021-22
budget year and budget years thereafter, "minimum per pupil
funding base" means the total of the calculation specified in
subsection (3.5)(d)(IV)(B) of this section for all districts for the
budget year divided by the statewide funded pupil count minus the
statewide online pupil enrollment and minus the statewide
extended high school pupil enrollment, for the applicable
budget year.

(B) The following calculation is used to determine the
minimum per pupil funding base pursuant to this subsection
(3.5)(d)(IV):
(District per pupil funding x (District funded pupil
count - District online pupil enrollment - District
EXTENDED HIGH SCHOOL PUPIL ENROLLMENT) + DISTRICT AT-RISK FUNDING + DISTRICT ENGLISH LANGUAGE LEARNER FUNDING.

(4.3) A DISTRICT'S ENGLISH LANGUAGE LEARNER FUNDING FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS THEREAFTER IS DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

\[(\text{DISTRICT PER PUPIL FUNDING} \times 8\%) \times \text{ENGLISH LANGUAGE LEARNER PUPILS}.
\]

SECTION 27. In Colorado Revised Statutes, 22-54-112, add (5) as follows:

22-54-112. Reports to the state board. (5) On or before November 10, 2021, and on or before November 10 of each year thereafter, in certifying the pupil enrollment pursuant to subsection (2) of this section, the secretary of the board of education of each district and the secretary of the state charter school institute board shall specify the number of English language learner pupils.

SECTION 28. In Colorado Revised Statutes, 22-54-104.2, add (4) as follows:

22-54-104.2. Legislative declaration. (4) The General Assembly finds and declares that, for purposes of section 17 of article IX of the state constitution, the expansion of the definition of "at-risk pupils", as defined in section 22-54-103 (1.5)(a)(VI), to include district pupils eligible for reduced-price lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., and the addition of English language learner funding pursuant to section 22-54-104 (4.3) are important elements of accountable programs to meet state academic standards and may therefore receive funding from the state education fund created in section 17 (4) of article IX of the state constitution.

SECTION 29. In Colorado Revised Statutes, 22-30.5-112.1, amend (1)(a)(I)(A); and add (1)(j.2), (1)(j.4), and (1)(j.6) as follows:


(1) As used in this section, unless the context otherwise requires:

(a) (I) "Adjusted district per pupil revenues" means the greater of:

(A) The qualifying school district's per pupil funding plus the qualifying school district's at-risk per pupil funding plus the qualifying school district's English language learner per pupil funding; or

(j.2) "ENGLISH LANGUAGE LEARNER FUNDING" MEANS THE
AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FORMULA DESCRIBED IN SECTION 22-54-104 (4.3).

(j.4) "ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING" MEANS THE AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

(1) (A) "ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER FUNDING" MEANS THE AMOUNT OF FUNDING FOR ENGLISH LANGUAGE LEARNER PUPILS IN THE ACCOUNTING DISTRICT DETERMINED IN ACCORDANCE WITH THE FORMULA DESCRIBED IN SECTION 22-54-104 (4.3).

(d.2) "ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER PUPIL FUNDING" MEANS THE AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

(1) "ENGLISH LANGUAGE LEARNER PUPILS" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-54-103 (6.5).

SECTION 30. In Colorado Revised Statutes, 22-30.5-513, amend (1)(b)(I)(A); and add (d.2), (d.4), and (i.5) as follows:

22-30.5-513. Institute charter schools - funding - at-risk supplemental aid - legislative declaration - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

(A) "ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER FUNDING" MEANS THE AMOUNT OF FUNDING FOR ENGLISH LANGUAGE LEARNER PUPILS IN THE ACCOUNTING DISTRICT DETERMINED IN ACCORDANCE WITH THE FORMULA DESCRIBED IN SECTION 22-54-104 (4.3).

(d.4) "ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING" MEANS THE AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

(1) "ENGLISH LANGUAGE LEARNER PUPILS" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-54-103 (6.5).".

Renumber succeeding sections accordingly.
SECTION 31. Appropriation. For the 2021-22 state fiscal year, $505,743,696 is appropriated to the department of education. This appropriation consists of $478,743,696 from the general fund and $27,000,000 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 the state share of districts' total program funding.

SECTION 33. Appropriation - adjustments to 2021 long bill. To implement this act, the cash funds appropriation from the state education fund created in section 17 (4)(a) of article IX of the state constitution made in the annual general appropriation act for the 2021-22 state fiscal year to the department of education for the English language learners professional development and student support program is decreased by $27,000,000.

SECTION 35. Appropriation. (1) For the 2021-22 state fiscal year, $3,500,000 is appropriated to the department of education. This appropriation is from the workers, employers, and workforce centers cash fund created in section 24-75-231, C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund.
implement this act, the department may use this appropriation as follows:

(a) $1,750,000 for the concurrent enrollment expansion and
innovation grant program; and

(b) $1,750,000 for the career development success program.

SECTION 36. Appropriation. For the 2021-22 state fiscal year, $410,221 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the Colorado imagination library program."

Renumber succeeding section accordingly.

** *** *** *** **