

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

June 2, 2021

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:

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

6 Page 15, strike lines 13 through 27.

7 Strike page 16.

8 Page 17, strike lines 1 through 25.

9 Renumber succeeding sections accordingly.

10 Page 32, after line 25 insert:

11 "SECTION 25. In Colorado Revised Statutes, 22-35-114, add
12 (2.5) as follows:

13 **22-35-114. Concurrent enrollment expansion and innovation**
14 **grant program - created - report - rules - legislative declaration.**

15 (2.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

16 (I) ON MARCH 11, 2021, THE FEDERAL GOVERNMENT ENACTED
17 THE "AMERICAN RESCUE PLAN ACT OF 2021" (ARPA), PUB.L. 117-2, AS
18 THE ACT MAY BE SUBSEQUENTLY AMENDED, PURSUANT TO WHICH
19 COLORADO WILL RECEIVE \$3,828,761,790 FROM THE FEDERAL

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

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

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

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

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

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

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

41 (V) WITHOUT ACCESS TO LOW-COST ACADEMIC AND CAREER AND



1 TECHNICAL EDUCATION COURSES AND PROGRAMS TO MITIGATE THE
2 IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY ON STUDENTS
3 FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF
4 COLOR, AND FIRST-GENERATION STUDENTS, THESE STUDENTS MAY FACE
5 LONG-TERM, NEGATIVE EDUCATIONAL AND ECONOMIC IMPACTS FROM THE
6 COVID-19 PUBLIC HEALTH EMERGENCY.

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

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

16 **SECTION 26.** In Colorado Revised Statutes, 22-54-138, **add**
17 (2.5) as follows:

18 **22-54-138. Career development success program - created -**
19 **funding - report - legislative declaration - definitions - repeal.**

20 (2.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

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

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



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

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

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

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

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

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

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

36 Renumber succeeding sections accordingly.

37 Page 32, before line 26 insert:

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



1 **22-54-102. Legislative declaration - statewide applicability -**
2 **intergovernmental agreements.** (5) (a) THE GENERAL ASSEMBLY FINDS
3 THAT, DUE TO THE COVID-19 PANDEMIC BEGINNING DURING THE 2019-20
4 SCHOOL YEAR, COLORADO'S PUBLIC EDUCATION SYSTEM HAS FACED
5 SIGNIFICANT DISRUPTIONS TO THE DELIVERY OF CLASSROOM INSTRUCTION,
6 STUDENT LEARNING, AND ACCESS TO CRITICALLY NECESSARY
7 NUTRITIONAL, HEALTH, AND SOCIAL-EMOTIONAL SUPPORT SERVICES.
8 THEREFORE, THE GENERAL ASSEMBLY FINDS THAT:
9 (I) A WORLD-CLASS PUBLIC EDUCATION IS CRITICAL TO MEETING
10 THE WORKFORCE DEMANDS FOR COLORADO'S ECONOMY;
11 (II) THE CHANGING REALITIES OF COLORADO'S POST-PANDEMIC
12 ECONOMY DEMAND THAT STUDENTS BE AGILE LEARNERS ABLE TO
13 CONTINUOUSLY LEARN, ADAPT, AND SHIFT INTO NEW ROLES BY
14 DEVELOPING CRITICAL THINKING, COLLABORATION, AND
15 PROBLEM-SOLVING SKILLS; AND
16 (III) THE NEEDS OF THE STATE REQUIRE THAT ALL STUDENTS,
17 INCLUDING THOSE WHO ARE UNDERSERVED OR FACE SIGNIFICANT
18 CHALLENGES IN MEETING COLORADO'S GRADUATION GUIDELINES,
19 COMPLETE HIGH SCHOOL CAREER AND COLLEGE READY.
20 (b) TO PROVIDE EACH CHILD IN THIS STATE WITH A HIGH-QUALITY
21 PUBLIC EDUCATION, THE GENERAL ASSEMBLY DECLARES THAT
22 COLORADO'S PUBLIC SCHOOL FINANCE FORMULA MUST BE REDESIGNED
23 AND MODERNIZED TO:
24 (I) PRIORITIZE EQUITY, FOCUSING ON INDIVIDUAL STUDENT NEEDS
25 BY INCREASING THE FUNDING FOR STUDENTS WHO ARE ECONOMICALLY
26 DISADVANTAGED AND STUDENTS WHO ARE ENGLISH LANGUAGE
27 LEARNERS; AND
28 (II) ADDRESS THE INEQUITIES IN SCHOOL DISTRICT FUNDING THAT
29 ARISE FROM THE DRAMATIC DIFFERENCES IN LOCAL PROPERTY WEALTH
30 AND MILL LEVY OVERRIDES.
31 (c) FURTHER, THE GENERAL ASSEMBLY DECLARES THAT, BECAUSE
32 ENGLISH LANGUAGE LEARNER FUNDING WILL NOW BE INCLUDED IN THE
33 SCHOOL FINANCE FORMULA, IT IS APPROPRIATE TO FUND THIS INCLUSION
34 BY REDIRECTING TO THE STATE SHARE OF TOTAL PROGRAM THE AMOUNT
35 PREVIOUSLY APPROPRIATED FOR THE PROFESSIONAL DEVELOPMENT AND
36 STUDENT SUPPORT PROGRAM CREATED IN SECTION 22-24-108. THE
37 GENERAL ASSEMBLY FURTHER DECLARES THAT THE REMAINING COSTS OF
38 THE SCHOOL FINANCE FORMULA CHANGES ARE OFFSET BY THE SAVINGS TO
39 THE STATE SHARE OF TOTAL PROGRAM THAT OCCUR AS A RESULT OF
40 CORRECTING THE UNAUTHORIZED REDUCTIONS IN DISTRICT PROPERTY TAX
41 MILL LEVIES AS PROVIDED IN SECTION 22-54-106 (2.1).



1 **SECTION 25.** In Colorado Revised Statutes, 22-54-103, **amend**
2 (1.5) and (10)(f); and **add** (6.5) as follows:

3 **22-54-103. Definitions.** As used in this article 54, unless the
4 context otherwise requires:

5 (1.5) (a) "At-risk pupils" means:

6 (I) to (IV) Repealed.

7 (V) For the 2005-06 budget year ~~and budget years thereafter~~
8 THROUGH THE 2020-21 BUDGET YEAR, the number of district pupils who
9 are English language learners plus the greater of:

10 (A) The number of district pupils eligible for free lunch; or

11 (B) The number of pupils calculated in accordance with the
12 following formula:

13 District percentage of pupils eligible for free lunch x

14 District pupil enrollment.

15 (VI) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS
16 THEREAFTER, THE GREATER OF:

17 (A) THE NUMBER OF DISTRICT PUPILS ELIGIBLE FOR FREE OR
18 REDUCED-PRICE LUNCH; OR

19 (B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH
20 THE FOLLOWING FORMULA:

21 DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE OR

22 REDUCED-PRICE LUNCH x DISTRICT PUPIL ENROLLMENT.

23 (b) For purposes of SUBSECTION (1.5)(a)(V) OF THIS SECTION:

24 (I) "District percentage of pupils eligible for free lunch" means the
25 district pupils eligible for free lunch in grades one through eight divided
26 by the district pupil enrollment in grades one through eight.

27 (II) "District pupil enrollment" means the pupil enrollment of the
28 district, as determined in accordance with subsection (10) of this section,
29 minus the number of pupils enrolled in the Colorado preschool program
30 pursuant to article 28 of this ~~title~~ TITLE 22 and the number of
31 three-year-old or four-year-old pupils with disabilities receiving
32 educational programs pursuant to article 20 of this ~~title~~ TITLE 22.

33 (III) "District pupils eligible for free lunch" means the number of
34 pupils included in the district pupil enrollment who are eligible for free
35 lunch pursuant to the provisions of the federal "Richard B. Russell
36 National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

37 (IV) "District pupils who are English language learners" means
38 the number of pupils included in the district pupil enrollment for the
39 preceding budget year who were not eligible for free lunch pursuant to the
40 provisions of the federal "Richard B. Russell National School Lunch
41 Act", 42 U.S.C. sec. 1751 et seq., and who are English language learners,



1 as defined in section 22-24-103 (4), and:
2 (A) Whose scores were not included in calculating school
3 academic performance grades as provided in section 22-7-1006.3; or
4 (B) Who took an assessment administered pursuant to section
5 22-7-1006.3 in a language other than English.
6 (c) FOR PURPOSES OF SUBSECTION (1.5)(a)(VI) OF THIS SECTION:
7 (I) "DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE OR
8 REDUCED-PRICE LUNCH" MEANS THE DISTRICT PUPILS ELIGIBLE FOR FREE
9 OR REDUCED-PRICE LUNCH IN GRADES ONE THROUGH EIGHT DIVIDED BY
10 THE DISTRICT PUPIL ENROLLMENT IN GRADES ONE THROUGH EIGHT.
11 (II) "DISTRICT PUPIL ENROLLMENT" MEANS THE PUPIL
12 ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH
13 SUBSECTION (10) OF THIS SECTION, MINUS THE NUMBER OF PUPILS
14 ENROLLED IN THE COLORADO PRESCHOOL PROGRAM PURSUANT TO
15 ARTICLE 28 OF THIS TITLE 22 AND THE NUMBER OF THREE-YEAR-OLD OR
16 FOUR-YEAR-OLD PUPILS WITH DISABILITIES RECEIVING EDUCATIONAL
17 PROGRAMS PURSUANT TO ARTICLE 20 OF THIS TITLE 22.
18 (III) "DISTRICT PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE
19 LUNCH" MEANS THE NUMBER OF PUPILS INCLUDED IN THE DISTRICT PUPIL
20 ENROLLMENT WHO ARE ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH
21 PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL
22 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.
23 (d) For purposes of this subsection (1.5), at-risk pupils ~~shall be~~
24 ARE counted in the same manner as pupils are counted pursuant to
25 subsection (10) of this section.
26 (6.5) "ENGLISH LANGUAGE LEARNER PUPILS" MEANS THE NUMBER
27 OF DISTRICT PUPILS WHO ARE ENGLISH LANGUAGE LEARNERS, AS DEFINED
28 IN SECTION 22-24-103 (4), AND FOR WHOM THE DISTRICT RECEIVED
29 FUNDING PURSUANT TO SECTION 22-24-104 (3)(b)(I).
30 (10) (f) In certifying the district's pupil enrollment to the state
31 board pursuant to the provisions of section 22-54-112, the district shall
32 specify the number of pupils enrolled in kindergarten through twelfth
33 grade, specifying those who are enrolled as full-time pupils and those
34 who are enrolled as less than full-time pupils; the number of expelled
35 pupils receiving educational services pursuant to section 22-33-203; the
36 number of pupils enrolled in the district's preschool program; the number
37 of pupils receiving educational programs under the "Exceptional
38 Children's Educational Act", article 20 of this title 22; ~~and~~ the number of
39 at-risk pupils; AND THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS.
40 **SECTION 26.** In Colorado Revised Statutes, 22-54-104, **amend**
41 (2)(a)(IX) introductory portion, (2)(b) introductory portion, (2)(b)(II),



1 (3.5) introductory portion, and (3.5)(d)(III); and add (2)(a)(X),
2 (3.5)(d)(IV), and (4.3) as follows:

3 **22-54-104. District total program - definitions.**

4 (2) (a) (IX) Except as otherwise provided in this subsection (2),
5 ~~paragraph (g) of subsection (5) or subsection (6)~~ SUBSECTION (5)(g) of
6 this section, or section 22-54-104.3, a district's total program for the
7 2009-10 budget year ~~and budget years thereafter shall be~~ THROUGH THE
8 2020-21 BUDGET YEAR IS the greater of the following:

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

13 (A) (DISTRICT PER PUPIL FUNDING x (DISTRICT FUNDED PUPIL
14 COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT EXTENDED HIGH
15 SCHOOL PUPIL ENROLLMENT)) + DISTRICT AT-RISK FUNDING + DISTRICT
16 ENGLISH LANGUAGE LEARNER FUNDING + DISTRICT ONLINE FUNDING +
17 DISTRICT EXTENDED HIGH SCHOOL FUNDING; OR

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

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

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

35 (A.5) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS
36 THEREAFTER, THE DISTRICT'S TOTAL PROGRAM AS CALCULATED BY:
37 ADDING THE AMOUNT DETERMINED BY MULTIPLYING THE DISTRICT'S PER
38 PUPIL FUNDING BY FOUR HUNDRED FIFTY-NINE TO THE AMOUNT
39 DETERMINED BY MULTIPLYING 12% OF THE DISTRICT'S PER PUPIL FUNDING
40 BY THE DISTRICT'S AT-RISK PUPILS AND THE AMOUNT DETERMINED BY
41 MULTIPLYING 8% OF THE DISTRICT'S PER PUPIL FUNDING BY THE DISTRICT'S



1 ENGLISH LANGUAGE LEARNER PUPILS; THEN DIVIDING THE SUM OF THOSE
2 THREE AMOUNTS BY FOUR HUNDRED FIFTY-NINE; THEN MULTIPLYING THE
3 RESULTING AMOUNT BY THE DISTRICT'S FUNDED PUPIL COUNT MINUS THE
4 DISTRICT'S ONLINE PUPIL ENROLLMENT AND MINUS THE DISTRICT'S
5 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT; AND THEN ADDING THE
6 DISTRICT'S ONLINE FUNDING AND ADDING THE DISTRICT'S EXTENDED HIGH
7 SCHOOL FUNDING.

8 (B) For purposes of ~~sub-subparagraph (A) of this subparagraph~~
9 ~~(H)~~ SUBSECTIONS (2)(b)(II)(A) AND (2)(b)(II)(A.5) OF THIS SECTION only,
10 a district's per pupil funding ~~shall be~~ IS calculated by establishing the
11 district's per pupil funding in accordance with subsection (3) of this
12 section except using the size factor for a district with a funded pupil count
13 of four hundred fifty-nine and not the district's actual size factor.

14 (3.5) Minimum per pupil funding ~~shall be~~ IS:

15 (d) (III) (A) As used in this subsection (3.5), for the 2009-10
16 budget year ~~and budget years thereafter~~ THROUGH THE 2020-21 BUDGET
17 YEAR, "minimum per pupil funding base" means the total of the
18 calculation specified in ~~sub-subparagraph (B) of this subparagraph (H)~~
19 SUBSECTION (3.5)(d)(III)(B) OF THIS SECTION for all districts for the
20 budget year divided by the statewide funded pupil count minus the
21 statewide online pupil enrollment and minus the statewide extended high
22 school pupil enrollment, for said budget year.

23 (B) The following calculation ~~shall be~~ IS used for the purpose of
24 determining the minimum per pupil funding base pursuant to this
25 ~~subparagraph (H)~~ SUBSECTION (3.5)(d)(III):

26 (District per pupil funding x (District funded pupil count -
27 District online pupil enrollment - District extended high
28 school pupil enrollment)) + District at-risk funding.

29 (IV) (A) AS USED IN THIS SUBSECTION (3.5), FOR THE 2021-22
30 BUDGET YEAR AND BUDGET YEARS THEREAFTER, "MINIMUM PER PUPIL
31 FUNDING BASE" MEANS THE TOTAL OF THE CALCULATION SPECIFIED IN
32 SUBSECTION (3.5)(d)(IV)(B) OF THIS SECTION FOR ALL DISTRICTS FOR THE
33 BUDGET YEAR DIVIDED BY THE STATEWIDE FUNDED PUPIL COUNT MINUS
34 THE STATEWIDE ONLINE PUPIL ENROLLMENT AND MINUS THE STATEWIDE
35 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT, FOR THE APPLICABLE
36 BUDGET YEAR.

37 (B) THE FOLLOWING CALCULATION IS USED TO DETERMINE THE
38 MINIMUM PER PUPIL FUNDING BASE PURSUANT TO THIS SUBSECTION
39 (3.5)(d)(IV):

40 (DISTRICT PER PUPIL FUNDING x (DISTRICT FUNDED PUPIL
41 COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT



1 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT)) + DISTRICT
2 AT-RISK FUNDING + DISTRICT ENGLISH LANGUAGE LEARNER
3 FUNDING.

4 (4.3) A DISTRICT'S ENGLISH LANGUAGE LEARNER FUNDING FOR
5 THE 2021-22 BUDGET YEAR AND BUDGET YEARS THEREAFTER IS
6 DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

7 (DISTRICT PER PUPIL FUNDING x 8%) x ENGLISH LANGUAGE
8 LEARNER PUPILS.

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

11 **22-54-112. Reports to the state board.** (5) ON OR BEFORE
12 NOVEMBER 10, 2021, AND ON OR BEFORE NOVEMBER 10 OF EACH YEAR
13 THEREAFTER, IN CERTIFYING THE PUPIL ENROLLMENT PURSUANT TO
14 SUBSECTION (2) OF THIS SECTION, THE SECRETARY OF THE BOARD OF
15 EDUCATION OF EACH DISTRICT AND THE SECRETARY OF THE STATE
16 CHARTER SCHOOL INSTITUTE BOARD SHALL SPECIFY THE NUMBER OF
17 ENGLISH LANGUAGE LEARNER PUPILS.

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

20 **22-54-104.2. Legislative declaration.** (4) THE GENERAL
21 ASSEMBLY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF
22 ARTICLE IX OF THE STATE CONSTITUTION, THE EXPANSION OF THE
23 DEFINITION OF "AT-RISK PUPILS", AS DEFINED IN SECTION 22-54-103
24 (1.5)(a)(VI), TO INCLUDE DISTRICT PUPILS ELIGIBLE FOR REDUCED-PRICE
25 LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B.
26 RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.,
27 AND THE ADDITION OF ENGLISH LANGUAGE LEARNER FUNDING PURSUANT
28 TO SECTION 22-54-104(4.3) ARE IMPORTANT ELEMENTS OF ACCOUNTABLE
29 PROGRAMS TO MEET STATE ACADEMIC STANDARDS AND MAY THEREFORE
30 RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION
31 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

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

34 **22-30.5-112.1. Charter schools - exclusive jurisdiction districts**
35 **- authorized on or after July 1, 2004 - financing - definitions - repeal.**

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

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

38 (A) The qualifying school district's per pupil funding plus the
39 qualifying school district's at-risk per pupil funding PLUS THE QUALIFYING
40 SCHOOL DISTRICT'S ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING; or

41 (j.2) "ENGLISH LANGUAGE LEARNER FUNDING" MEANS THE



1 AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FORMULA
2 DESCRIBED IN SECTION 22-54-104 (4.3).

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

6 (THE QUALIFYING SCHOOL DISTRICT'S ENGLISH LANGUAGE
7 LEARNER FUNDING DIVIDED BY THE QUALIFYING SCHOOL
8 DISTRICT'S FUNDED PUPIL COUNT) x (THE DISTRICT CHARTER
9 SCHOOL'S PERCENTAGE OF ENGLISH LANGUAGE LEARNER
10 PUPILS DIVIDED BY THE QUALIFYING SCHOOL DISTRICT'S
11 PERCENTAGE OF ENGLISH LANGUAGE LEARNER PUPILS)

12 (j.6) "ENGLISH LANGUAGE LEARNER PUPILS" HAS THE SAME
13 MEANING AS PROVIDED IN SECTION 22-54-103 (6.5).

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

16 **22-30.5-513. Institute charter schools - funding - at-risk**
17 **supplemental aid - legislative declaration - definitions - repeal.** (1) As
18 used in this section, unless the context otherwise requires:

19 (b) (I) "Accounting district's adjusted per pupil revenues" means
20 the greater of:

21 (A) The accounting district's per pupil funding plus the accounting
22 district's at-risk per pupil funding PLUS THE ACCOUNTING DISTRICT'S
23 ENGLISH LANGUAGE LEARNER FUNDING; or

24 (d.2) "ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER
25 FUNDING" MEANS THE AMOUNT OF FUNDING FOR ENGLISH LANGUAGE
26 LEARNER PUPILS IN THE ACCOUNTING DISTRICT DETERMINED IN
27 ACCORDANCE WITH THE FORMULA DESCRIBED IN SECTION 22-54-104 (4.3).

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

31 (THE ACCOUNTING DISTRICT'S ENGLISH LANGUAGE
32 LEARNER FUNDING DIVIDED BY THE ACCOUNTING DISTRICT'S
33 FUNDED PUPIL COUNT) x (THE INSTITUTE CHARTER
34 SCHOOL'S PERCENTAGE OF ENGLISH LANGUAGE LEARNER
35 PUPILS DIVIDED BY THE ACCOUNTING DISTRICT'S
36 PERCENTAGE OF ENGLISH LANGUAGE LEARNER PUPILS).

37 (i.5) "ENGLISH LANGUAGE LEARNER PUPILS" HAS THE SAME
38 MEANING AS PROVIDED IN SECTION 22-54-103 (6.5).".

39

40 Renumber succeeding sections accordingly.



1 Page 32, strike lines 26 and 27 and substitute:

2 **"SECTION 31. Appropriation.** For the 2021-22 state fiscal year,
3 \$505,743,696 is appropriated to the department of education. This
4 appropriation consists of \$478,743,696 from the general fund and
5 \$27,000,000 from the state education fund created in section 17 (4)(a) of
6 article IX of the state constitution. To implement this act, the department
7 may use this appropriation for the state share of districts' total program
8 funding."

9 Page 33, strike lines 1 through 3.

10 Page 33, line 15, strike "\$4,060,500" and substitute "\$4,065,000".

11 Page 33, line 17, strike "\$8,121" and substitute "\$8,130".

12 Page 33, after line 18 insert:

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

20 Renumber succeeding sections accordingly.

21 Page 33, strike lines 24 through 27.

22 Page 34, strike lines 1 and 2.

23 Renumber succeeding sections accordingly.

24 Page 35, after line 17 insert:

25 **"SECTION 35. Appropriation.** (1) For the 2021-22 state fiscal
26 year, \$3,500,000 is appropriated to the department of education. This
27 appropriation is from the workers, employers, and workforce centers cash
28 fund created in section 24-75-231, C.R.S., and of money the state
29 received from the federal coronavirus state fiscal recovery fund. To



1 implement this act, the department may use this appropriation as follows:

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

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

5 **SECTION 36. Appropriation.** For the 2021-22 state fiscal year,
6 \$410,221 is appropriated to the department of education. This
7 appropriation is from the general fund. To implement this act, the
8 department may use this appropriation for the Colorado imagination
9 library program."

10 Renumber succeeding section accordingly.

** ** ** ** **

