

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0246.01 Brita Darling x2241

HOUSE BILL 19-1161

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE HEALTH AND WELLNESS**
102 **THROUGH COMPREHENSIVE QUALITY PHYSICAL EDUCATION**
103 **INSTRUCTION PILOT PROGRAM, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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 creates the health and wellness through comprehensive quality physical education instruction pilot program (pilot program) in the department of education (department).

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.

HOUSE
3rd Reading Unamended
April 27, 2019

HOUSE
Amended 2nd Reading
April 26, 2019

1 IMPORTANCE, FOCUS MUST ALSO BE PLACED ON THE WHOLE STUDENT,
2 INCLUDING THEIR PHYSICAL, PSYCHOLOGICAL, AND SOCIAL HEALTH AND
3 DEVELOPMENT;

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

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

14 (d) RECENT RESEARCH HAS DEMONSTRATED THAT THERE IS A
15 POSITIVE RELATIONSHIP BETWEEN FREQUENCY OF PHYSICAL EDUCATION
16 AND ACADEMIC ACHIEVEMENT;

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

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

24 (g) QUALITY PHYSICAL EDUCATION STRENGTHENS THE WHOLE
25 CHILD THROUGH MOVEMENT COMPETENCY, COGNITIVE DEVELOPMENT,
26 AND SOCIAL-EMOTIONAL WELLNESS TO ACHIEVE LIFELONG HEALTH
27 BENEFITS; AND

1 (h) IN 2016, A COALITION OF COLORADO-BASED HEALTH AND
2 WELLNESS ORGANIZATIONS AND EDUCATORS DRAFTED A MODEL PHYSICAL
3 EDUCATION POLICY BASED ON RESEARCH AND BEST PRACTICES FOR
4 VOLUNTARY ADOPTION BY SCHOOL AND SCHOOL DISTRICTS.

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

13 **22-99-102. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

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

17 (2) "COMPREHENSIVE QUALITY PHYSICAL EDUCATION" MEANS THE
18 PROGRAM OF COMPREHENSIVE QUALITY PHYSICAL EDUCATION
19 INSTRUCTION DESCRIBED IN SECTION 22-99-103 (5).

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

22 (4) "ELIGIBLE SCHOOL OR SCHOOL DISTRICT" MEANS AN
23 ELEMENTARY OR MIDDLE SCHOOL OR THE ELEMENTARY AND MIDDLE
24 SCHOOLS OF A SCHOOL DISTRICT.

25 (5) "PILOT PROGRAM" MEANS THE HEALTH AND WELLNESS
26 THROUGH COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION
27 PILOT PROGRAM CREATED IN THIS ARTICLE 99.

1 (6) "SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT
2 AUTHORIZED BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION,
3 A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO
4 PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL
5 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
6 PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A SCHOOL OPERATED BY A
7 BOARD OF COOPERATIVE SERVICES PURSUANT TO ARTICLE 5 OF THIS TITLE
8 22.

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

11 (8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
12 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
13 STATE CONSTITUTION.

14 **22-99-103. Pilot program - creation - qualifying instruction -**
15 **application - award of grants - report.** (1) THERE IS CREATED IN THE
16 DEPARTMENT THE HEALTH AND WELLNESS THROUGH COMPREHENSIVE
17 QUALITY PHYSICAL EDUCATION INSTRUCTION PILOT PROGRAM FOR THE
18 PURPOSE OF AWARDING GRANTS TO ELIGIBLE SCHOOLS OR SCHOOL
19 DISTRICTS TO IMPLEMENT A PROGRAM OF COMPREHENSIVE QUALITY
20 PHYSICAL EDUCATION INSTRUCTION, AS DESCRIBED IN SUBSECTION (5) OF
21 THIS SECTION. A SCHOOL OR SCHOOL DISTRICT AWARDED A GRANT
22 PURSUANT TO THIS SECTION SHALL ONLY USE THE GRANT MONEY TO
23 ADDRESS A RESOURCE NEED IN ITS CURRENT PHYSICAL EDUCATION
24 PROGRAM THAT CREATES A BARRIER TO IMPLEMENTING A PROGRAM OF
25 COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION, AS
26 DESCRIBED IN SUBSECTION (5) OF THIS SECTION. A SCHOOL OR SCHOOL
27 DISTRICT AWARDED A PILOT PROGRAM GRANT SHALL USE THE MONEY TO

1 SUPPLEMENT, NOT SUPPLANT, EXISTING SCHOOL OR SCHOOL DISTRICT
2 RESOURCES USED FOR PHYSICAL EDUCATION PROGRAMS.

3 (2) AN ELIGIBLE SCHOOL OR SCHOOL DISTRICT MAY APPLY FOR A
4 THREE-YEAR PILOT PROGRAM GRANT. THE GRANT APPLICATION MUST
5 INCLUDE ALL GRADE LEVELS SERVED IN THE ELIGIBLE SCHOOL OR ELIGIBLE
6 SCHOOLS OF THE SCHOOL DISTRICT. AN APPLICATION FROM AN INDIVIDUAL
7 SCHOOL MUST BE SUBMITTED BY THE CHIEF ADMINISTRATIVE OFFICER OF
8 THE SCHOOL AND, IF THE SCHOOL IS NOT A CHARTER SCHOOL, APPROVED
9 BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT.

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

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

27 (a) BARRIERS TO IMPLEMENTING A COMPREHENSIVE QUALITY

1 PHYSICAL EDUCATION INSTRUCTION PROGRAM IN THE ELIGIBLE SCHOOL OR
2 SCHOOL DISTRICT, INCLUDING BUT NOT LIMITED TO:

- 3 (I) LACK OF RESOURCES;
- 4 (II) LACK OF APPROPRIATE EQUIPMENT;
- 5 (III) DIFFICULTY RETAINING STAFF;
- 6 (IV) THE EXISTENCE OF A FOUR-DAY SCHOOL WEEK; AND
- 7 (V) LACK OF LOCAL SCHOOL MILL LEVY OVERRIDE FUNDING TO
8 SUPPLEMENT SCHOOL TOTAL PROGRAM FUNDING;

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

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

22 (d) THE REQUIREMENT THAT AT LEAST THIRTY PERCENT OF THE
23 GRANTS ARE AWARDED TO ELIGIBLE SCHOOLS OR SCHOOL DISTRICTS
24 RECEIVING FEDERAL MONEY FOR PROGRAMS UNDER TITLE I, PART A OF
25 THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965",
26 20 U.S.C. SEC. 6301 ET SEQ., AS AMENDED;

27 (e) THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT'S GEOGRAPHIC

1 LOCATION AND THE DESIRABILITY OF CREATING, TO THE EXTENT POSSIBLE,
2 AN EVEN DISTRIBUTION OF RURAL, URBAN, AND SUBURBAN SCHOOLS, AS
3 WELL AS ELEMENTARY AND MIDDLE SCHOOLS, TO ENSURE ADEQUATE
4 SAMPLE AND DIVERSITY FOR PURPOSES OF THE PILOT PROGRAM
5 EVALUATION; AND

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

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

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

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

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

22 (IV) SAFE, CLEAN, AND WELL-MAINTAINED INDOOR AND OUTDOOR
23 SPACES FOR PHYSICAL EDUCATION INSTRUCTION AND PHYSICAL ACTIVITY,
24 AND EQUIPMENT AND FACILITIES THAT SUPPORT PHYSICAL EDUCATION
25 INSTRUCTION;

26 (V) CURRICULUM THAT MEETS COLORADO'S PHYSICAL EDUCATION
27 STANDARDS AT EACH COVERED GRADE LEVEL;

1 (VI) MODERATE TO VIGOROUS PHYSICAL ACTIVITY FOR AT LEAST
2 HALF OF THE PHYSICAL EDUCATION CLASS TIME;

3 (VII) REGULAR ASSESSMENT OF PHYSICAL EDUCATION LEARNING
4 OBJECTIVES, INCLUDING FORMATIVE AND SUMMATIVE ASSESSMENTS AND
5 A MEASURE FOR STUDENT GROWTH;

6 (VIII) STUDENT PROGRESS MONITORING, INCLUDING STUDENT
7 SURVEYS OF PHYSICAL ACTIVITY, NUTRITION, SLEEP HABITS, AND
8 PERCEPTIONS OF PHYSICAL EDUCATION INSTRUCTION;

9 (IX) PHYSICAL EDUCATION INSTRUCTOR AND CLASSROOM
10 TEACHERS SURVEYS OF STUDENT OUTCOMES OR CHANGES IN STUDENT
11 BEHAVIOR ATTRIBUTED TO THE PILOT PROGRAM;

12 (X) A PROHIBITION AGAINST REMOVAL OF A STUDENT FROM THE
13 PHYSICAL EDUCATION PROGRAM FOR ACADEMIC REASONS OR AS A FORM
14 OF PUNISHMENT; AND

15 (XI) A PROHIBITION AGAINST EXEMPTING STUDENTS FROM
16 PHYSICAL EDUCATION INSTRUCTION; EXCEPT THAT A PARENT OR
17 GUARDIAN MAY EXCUSE A STUDENT FROM PARTICIPATION FOR A LIMITED
18 PERIOD OF TIME OR LIMITED PORTION OF THE INSTRUCTION FOR RELIGIOUS
19 OBSERVANCES OR DUE TO RELIGIONS PROHIBITIONS. A STUDENT MAY BE
20 EXCUSED FROM THE PHYSICAL ACTIVITY COMPONENT OF THE INSTRUCTION
21 IF THE STUDENT IS INJURED OR HAS A PHYSICAL OR EMOTIONAL CONDITION
22 THAT PREVENTS PARTICIPATION. IN THOSE CIRCUMSTANCES, MODIFIED
23 PHYSICAL ACTIVITIES MAY BE PROVIDED. IN ACCORDANCE WITH THE
24 FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT
25 ACT", 42 U.S.C. SEC. 1400, ET. SEQ., AS AMENDED, ALL STUDENTS SHALL
26 RECEIVE EQUAL-QUALITY PHYSICAL EDUCATION;

27 (b) LICENSED EDUCATORS WITH A PHYSICAL EDUCATION

1 ENDORSEMENT, OR, IF EMPLOYED BY A SCHOOL THAT DOES NOT REQUIRE
2 TEACHER LICENSING FOR EMPLOYMENT, A PROGRAM OF PROFESSIONAL
3 DEVELOPMENT THAT ENABLES THE PHYSICAL EDUCATION INSTRUCTOR TO
4 BECOME PROFICIENT IN TEACHING COMPREHENSIVE QUALITY PHYSICAL
5 EDUCATION IN ACCORDANCE WITH THE PILOT PROGRAM REQUIREMENTS
6 AND PHYSICAL EDUCATION ENDORSEMENT STANDARDS; AND

7 (c) A MANDATORY PROFESSIONAL DEVELOPMENT PROGRAM FOR
8 INSTRUCTORS THAT INCLUDES AT LEAST FIFTEEN HOURS OF INSTRUCTION
9 EACH YEAR, WHICH INSTRUCTION MUST ADDRESS APPROPRIATE PRACTICES
10 IN PROVIDING COMPREHENSIVE QUALITY PHYSICAL EDUCATION,
11 INCLUDING EMERGING TECHNOLOGIES, MODEL PHYSICAL EDUCATION
12 PROGRAMS, AND IMPROVEMENT IN PHYSICAL EDUCATION TEACHING
13 METHODS.

14 (6) EACH SCHOOL AWARDED A PILOT PROGRAM GRANT AND EACH
15 SCHOOL DISTRICT AWARDED A PILOT PROGRAM GRANT SHALL PREPARE A
16 THREE-YEAR COMPREHENSIVE QUALITY PHYSICAL EDUCATION
17 INSTRUCTION ACTION PLAN THAT INCLUDES CLASS SCHEDULES, PHYSICAL
18 EDUCATION CURRICULUM, PHYSICAL EDUCATION TEACHER
19 QUALIFICATIONS, A PROFESSIONAL DEVELOPMENT PLAN, AND SAMPLE
20 PHYSICAL EDUCATION ASSESSMENTS AND ASSESSMENT RUBRICS. ■ ■

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

- 23 (a) STANDARDS-BASED PHYSICAL EDUCATION CURRICULUM;
- 24 (b) A LIST OF APPROVED INSTRUCTIONAL RESOURCES AND THE
25 PROCESS FOR APPROVAL FOR NEW AND INNOVATIVE INSTRUCTIONAL
26 RESOURCES;
- 27 (c) SAMPLES OF APPROVED FORMATIVE AND SUMMATIVE

1 ASSESSMENTS AND THE PROCESS FOR APPROVAL OF NEW ASSESSMENTS;

2 (d) SAMPLES OF APPROVED PHYSICAL EDUCATION INSTRUCTOR
3 ASSESSMENT RUBRICS;

4 (e) CRITERIA TO ASSESS STUDENT AND INSTRUCTOR GROWTH IN
5 PHYSICAL EDUCATION;

6 (f) RESOURCES RELATING TO PROFESSIONAL DEVELOPMENT FOR
7 PHYSICAL EDUCATION INSTRUCTORS; AND

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

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

15 (9) THE DEPARTMENT SHALL ENCOURAGE PILOT PROGRAM GRANT
16 RECIPIENTS TO SHARE BEST PRACTICES AND TO COLLABORATE DURING THE
17 IMPLEMENTATION PLANNING PROCESS AND THROUGHOUT THE DURATION
18 OF THE PILOT PROGRAM. GRANT RECIPIENTS ARE ALSO ENCOURAGED TO
19 PROVIDE EDUCATION AND TRAINING TO SCHOOL ADMINISTRATORS
20 REGARDING THE IMPORTANCE OF COMPREHENSIVE QUALITY PHYSICAL
21 EDUCATION INSTRUCTION AND THE NECESSARY COMPONENTS OF A
22 COMPREHENSIVE QUALITY PHYSICAL EDUCATION PROGRAM IN THE
23 SCHOOL.

24 (10) IF A GRANT RECIPIENT IS SUBSTANTIALLY OUT OF COMPLIANCE
25 WITH SIGNIFICANT REQUIREMENTS OF THE PILOT PROGRAM, AFTER
26 PROVIDING AS MUCH NOTICE AS IS PRACTICABLE, THE STATE BOARD MAY
27 DECLINE TO RENEW A RECIPIENT'S PILOT PROGRAM GRANT FOR THE

1 SECOND OR THIRD ACADEMIC YEAR.

2 (11) PARTICIPATING PILOT PROGRAM SCHOOLS AND SCHOOL
3 DISTRICTS SHALL PROVIDE DATA AND INFORMATION TO THE DEPARTMENT
4 AND TO THE PROGRAM EVALUATOR DESCRIBED IN SECTION 22-99-104 FOR
5 PURPOSES OF REPORTING ON THE IMPLEMENTATION AND EVALUATION OF
6 THE PILOT PROGRAM.

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

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

1 (2) (a) THE DEPARTMENT SHALL CONTRACT WITH THE PROGRAM
2 EVALUATOR AT THE COMMENCEMENT OF THE PILOT PROGRAM, IF
3 POSSIBLE, SO THAT THE PILOT PROGRAM EVALUATOR CAN DEVELOP THE
4 NECESSARY DATA COLLECTION PRACTICES PRIOR TO IMPLEMENTATION OF
5 THE OPERATION OF THE PILOT PROGRAM IN SCHOOLS . AT A MINIMUM, THE
6 PILOT PROGRAM EVALUATOR SHALL DEVELOP THE NECESSARY DATA
7 COLLECTION PRACTICES TO ENSURE THAT THE PROGRAM EVALUATION CAN
8 ASSESS PILOT PROGRAM IMPACTS, INCLUDING BUT NOT LIMITED TO:

9 (I) OBJECTIVE MEASURES OF STUDENT BEHAVIOR RESULTING FROM
10 IMPLEMENTATION OF THE PILOT PROGRAM, WHICH MEASURES MAY
11 DEMONSTRATE CHANGES IN STUDENT DISCIPLINARY REFERRALS,
12 ATTENDANCE, AND ACADEMIC ACHIEVEMENT, AMONG OTHER BEHAVIORS;
13 AND

14 (II) OBJECTIVE MEASURES OF CHANGES TO STUDENT HEALTH AND
15 WELL-BEING, WHICH MEASURES MAY DEMONSTRATE STUDENT PHYSICAL
16 FITNESS, AS WELL AS BROADER MEASURES OF STUDENT HEALTH AND
17 WELL-BEING, INCLUDING CHANGES IN MENTAL HEALTH OR SUBSTANCE
18 USE.

19 (b) THE PROGRAM EVALUATOR SHALL CONDUCT A STUDENT AND
20 INSTRUCTOR PERCEPTION SURVEY AND INTERVIEWS TO DETERMINE THE
21 VALUE OF THE PILOT PROGRAM EXPERIENCE TO STUDENTS AND TO
22 PHYSICAL EDUCATION INSTRUCTORS AND CLASSROOM INSTRUCTORS AND
23 SHALL ALSO REVIEW STUDENT AND INSTRUCTOR FORMATIVE AND
24 SUMMATIVE ASSESSMENTS TO DETERMINE THE IMPACT OF THE PILOT
25 PROGRAM.

26 (c) FOR PURPOSES OF PROGRAM EVALUATION, THE PROGRAM
27 EVALUATOR SHALL WORK WITH PILOT PROGRAM RECIPIENTS TO IDENTIFY

1 AND DETERMINE COLLECTION PRACTICES FOR NECESSARY DATA FROM
2 INITIAL IMPLEMENTATION OF THE PILOT PROGRAM THROUGH COMPLETION
3 OF THE FINAL PILOT PROGRAM EVALUATION. NECESSARY DATA COLLECTED
4 BY PILOT PROGRAM PARTICIPANTS MUST INCLUDE, BUT IS NOT LIMITED TO,
5 STUDENT DEMOGRAPHICS, MEASURES OF STUDENT POVERTY, AND ENGLISH
6 LANGUAGE LEARNER STATUS. THE PROGRAM EVALUATOR SHALL NOT
7 RELEASE STUDENT IDENTIFYING INFORMATION AND SHALL COMPLY WITH
8 STATE AND FEDERAL LAW RELATING TO STUDENT DATA PRIVACY.

9 **22-99-105. Appropriation.** FOR THE 2019-20 STATE FISCAL YEAR,
10 THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE MILLION ONE HUNDRED
11 THOUSAND DOLLARS FROM THE MARIJUANA TAX CASH FUND, CREATED IN
12 SECTION 39-28.8-501, TO THE DEPARTMENT TO IMPLEMENT THE PILOT
13 PROGRAM. ANY MONEY APPROPRIATED FOR THE PILOT PROGRAM
14 PURSUANT TO THIS SECTION THAT IS NOT EXPENDED PRIOR TO JULY 1,
15 2020, IS FURTHER APPROPRIATED TO THE DEPARTMENT FOR THE 2020-21
16 THROUGH 2023-24 STATE FISCAL YEARS FOR THE SAME PURPOSE.

17 **22-99-106. Repeal of article.** THIS ARTICLE 99 IS REPEALED,
18 EFFECTIVE JULY 1, 2024.

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

21 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
22 **- legislative declaration.** (2) (b) (IV) Subject to the limitation in
23 subsection (5) of this section, the general assembly may annually
24 appropriate any money in the fund for any fiscal year following the fiscal
25 year in which it was received by the state for the following purposes:

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

1 (P) FOR COMPREHENSIVE QUALITY PHYSICAL EDUCATION
2 INSTRUCTION PURSUANT TO ARTICLE 99 OF TITLE 22.

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

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.