

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0246.01 Brita Darling x2241

**HOUSE BILL 19-1161**

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**HOUSE SPONSORSHIP**

**Buckner and Wilson,**

**SENATE SPONSORSHIP**

**Todd and Priola,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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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.**

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**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.*



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 UP TO FIFTEEN ELIGIBLE SCHOOLS OR SCHOOL DISTRICTS  
17 FOR A TOTAL AMOUNT AWARDED ANNUALLY OF NO MORE THAN THREE  
18 MILLION DOLLARS, INCLUDING DEPARTMENT ADMINISTRATIVE EXPENSES.  
19 THE STATE BOARD SHALL AWARD THE INITIAL PILOT PROGRAM GRANTS NO  
20 LATER THAN FEBRUARY 29, 2020, TO ALLOW FOR A PLANNING PERIOD FOR  
21 GRANT RECIPIENTS PRIOR TO THE IMPLEMENTATION OF THE REQUIRED  
22 PILOT PROGRAM COMPONENTS DURING THE 2020-21 ACADEMIC YEAR.

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

26 (a) BARRIERS TO IMPLEMENTING A COMPREHENSIVE QUALITY  
27 PHYSICAL EDUCATION INSTRUCTION PROGRAM IN THE ELIGIBLE SCHOOL OR

1 SCHOOL DISTRICT, INCLUDING BUT NOT LIMITED TO:

2 (I) LACK OF RESOURCES;

3 (II) LACK OF APPROPRIATE EQUIPMENT;

4 (III) DIFFICULTY RETAINING STAFF;

5 (IV) THE EXISTENCE OF A FOUR-DAY SCHOOL WEEK; AND

6 (V) LACK OF LOCAL SCHOOL MILL LEVY OVERRIDE FUNDING TO  
7 SUPPLEMENT SCHOOL TOTAL PROGRAM FUNDING;

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

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

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

26 (e) THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT'S GEOGRAPHIC  
27 LOCATION AND THE DESIRABILITY OF CREATING, TO THE EXTENT POSSIBLE,

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

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

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

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

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

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

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

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

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



1 HALF OF THE PHYSICAL EDUCATION CLASS TIME;

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

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

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

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

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

26 (b) LICENSED EDUCATORS WITH A PHYSICAL EDUCATION  
27 ENDORSEMENT, OR, IF EMPLOYED BY A SCHOOL THAT DOES NOT REQUIRE

1 TEACHER LICENSING FOR EMPLOYMENT, A PROGRAM OF PROFESSIONAL  
2 DEVELOPMENT THAT ENABLES THE PHYSICAL EDUCATION INSTRUCTOR TO  
3 BECOME PROFICIENT IN TEACHING COMPREHENSIVE QUALITY PHYSICAL  
4 EDUCATION IN ACCORDANCE WITH THE PILOT PROGRAM REQUIREMENTS  
5 AND PHYSICAL EDUCATION ENDORSEMENT STANDARDS; AND

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

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

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

22 (a) STANDARDS-BASED PHYSICAL EDUCATION CURRICULUM;

23 (b) A LIST OF APPROVED INSTRUCTIONAL RESOURCES AND THE  
24 PROCESS FOR APPROVAL FOR NEW AND INNOVATIVE INSTRUCTIONAL  
25 RESOURCES;

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

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

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

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

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

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

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

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

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

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

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

27           (2) (a) THE DEPARTMENT SHALL CONTRACT WITH THE PROGRAM

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

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

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

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

25 (c) FOR PURPOSES OF PROGRAM EVALUATION, THE PROGRAM  
26 EVALUATOR SHALL WORK WITH PILOT PROGRAM RECIPIENTS TO IDENTIFY  
27 AND DETERMINE COLLECTION PRACTICES FOR NECESSARY DATA FROM

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

8 **22-99-105. Appropriation.** FOR THE 2019-20 STATE FISCAL YEAR,  
9 THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE MILLION ONE HUNDRED  
10 THOUSAND DOLLARS FROM THE MARIJUANA TAX CASH FUND, CREATED IN  
11 SECTION 39-28.8-501, TO THE DEPARTMENT TO IMPLEMENT THE PILOT  
12 PROGRAM. ANY MONEY APPROPRIATED FOR THE PILOT PROGRAM  
13 PURSUANT TO THIS SECTION THAT IS NOT EXPENDED PRIOR TO JULY 1,  
14 2020, IS FURTHER APPROPRIATED TO THE DEPARTMENT FOR THE 2020-21  
15 THROUGH 2023-24 STATE FISCAL YEARS FOR THE SAME PURPOSE.

16 **22-99-106. Repeal of article.** THIS ARTICLE 99 IS REPEALED,  
17 EFFECTIVE JULY 1, 2024.

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

20 **39-28.8-501. Marijuana tax cash fund - creation - distribution**  
21 **- legislative declaration.** (2) (b) (IV) Subject to the limitation in  
22 subsection (5) of this section, the general assembly may annually  
23 appropriate any money in the fund for any fiscal year following the fiscal  
24 year in which it was received by the state for the following purposes:

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

27 (P) FOR COMPREHENSIVE QUALITY PHYSICAL EDUCATION

1 INSTRUCTION PURSUANT TO ARTICLE 99 OF TITLE 22.

2 **SECTION 3. 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 **SECTION 4. Safety clause.** The general assembly hereby finds,  
10 determines, and declares that this act is necessary for the immediate  
11 preservation of the public peace, health, and safety.