

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-1036.01 Brita Darling x2241

SENATE BILL 19-246

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN**
102 **CONNECTION 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>.)

Section 1 of the bill increases the statewide base per pupil funding for the 2019-20 budget year by \$182.76 to account for inflation, for a new statewide base per pupil funding of \$6,951.53.

Section 2 sets the minimum district total program funding for the 2019-20 budget year. The district total program funding reflects a \$102 million reduction in the dollar amount of the budget stabilization factor

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
Amended 2nd Reading
May 1, 2019

SENATE
3rd Reading Unamended
April 24, 2019

SENATE
Amended 2nd Reading
April 23, 2019

over the prior budget year.

Section 3 amends the professional development and student support program (program) for English language learners and educators who work with English language learners to distribute money appropriated for the program's services and educator professional development activities proportionately, based on the level of English language proficiency of the students served by the program.

Section 4, for the 2019-20 budget year, distributes \$25 million on a per pupil basis to large rural school districts and small rural school districts, including district charter schools and each institute charter school whose accounting district is a large or small rural school district. Large rural school districts share 55% of the appropriation, and small rural school districts share 45% of the appropriation. The bill bases the distribution on a school district's funded pupil count for the 2018-19 budget year. The bill specifies the intended uses of the money.

Section 5 distributes \$5 million to school districts, including district charter schools and the state charter school institute schools, to address behavioral health issues in schools. Each school district and the state charter school institute receive an initial allocation of \$20,000. The remaining appropriation is then distributed on a per pupil basis to the school district and state charter school institute based on the school district's total funded pupil count for the 2018-19 budget year and the total student enrollment in institute charter schools for the 2018-19 budget year.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-54-104, **add**
3 (5)(a)(XXVI) as follows:

4 **22-54-104. District total program - definitions.** (5) For
5 purposes of the formulas used in this section:

6 (a) (XXVI) FOR THE 2019-20 BUDGET YEAR, THE STATEWIDE BASE
7 PER PUPIL FUNDING IS \$6,951.53, WHICH IS AN AMOUNT EQUAL TO
8 \$6,768.77, SUPPLEMENTED BY \$182.76 TO ACCOUNT FOR INFLATION.

9 **SECTION 2.** In Colorado Revised Statutes, 22-54-104, **add**
10 (5)(g)(I)(J) as follows:

11 **22-54-104. District total program - definitions.** (5) For

1 purposes of the formulas used in this section:

2 (g) (I) For the 2010-11 budget year and each budget year
3 thereafter, the general assembly determines that stabilization of the state
4 budget requires a reduction in the amount of the annual appropriation to
5 fund the state's share of total program funding for all districts and the
6 funding for institute charter schools. The department of education shall
7 implement the reduction in total program funding through the application
8 of a budget stabilization factor as provided in this subsection (5)(g)(I).
9 For the 2010-11 budget year and each budget year thereafter, the
10 department of education and the staff of the legislative council shall
11 determine, based on budget projections, the amount of such reduction to
12 ensure the following:

13 (J) THAT, FOR THE 2019-20 BUDGET YEAR, THE SUM OF THE TOTAL
14 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR
15 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET
16 STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION THREE
17 HUNDRED EIGHTY-NINE MILLION EIGHT HUNDRED EIGHTEEN THOUSAND
18 FIVE HUNDRED TWENTY-SIX DOLLARS (\$7,389,818,526); EXCEPT THAT THE
19 DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL
20 SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH
21 ACTUAL FIGURES, INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL
22 ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC OWNERSHIP TAX
23 REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY NECESSARY
24 CHANGES IN THE AMOUNT OF THE REDUCTION TO MAINTAIN A TOTAL
25 PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR THAT IS
26 CONSISTENT WITH THIS SUBSECTION (5)(g)(I)(J). FOR THE 2020-21
27 BUDGET YEAR, THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL

1 PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING
2 MUST NOT EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE
3 TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM
4 FUNDING FOR THE 2019-20 BUDGET YEAR.

5 **SECTION 3.** In Colorado Revised Statutes, 22-24-108, **amend**
6 (2)(a)(I) and (2)(a)(II) introductory portion as follows:

7 **22-24-108. Professional development and student support**
8 **program - created - rules.** (2) (a) The department shall distribute the
9 amount that the general assembly annually appropriates for the support
10 program as follows:

11 (I) ~~Seventy-five percent~~ A PORTION of the amount annually
12 appropriated to local education providers to provide services to English
13 language learners, and professional development activities for educators
14 who work with English language learners, BASED ON THE PERCENTAGE OF
15 CERTIFIED ENGLISH LANGUAGE LEARNERS who:

16 (A) Speak a language other than English and do not comprehend
17 or speak English; ~~and~~

18 (B) Comprehend or speak some English but whose primary
19 comprehension or speech is in a language other than English; and

20 (C) ARE ELIGIBLE FOR FUNDING PURSUANT TO THE TIME LIMIT
21 SPECIFIED IN SECTION 22-24-104 (2); AND

22 (II) The ~~remainder~~ REMAINING PORTION of the amount annually
23 appropriated to local education providers to provide services to, and to
24 provide professional development activities for educators who work with,
25 English language learners who comprehend and speak English and one
26 or more other languages but whose English language development and
27 comprehension is:

1 **SECTION 4.** In Colorado Revised Statutes, **add** 22-54-141 as
2 follows:

3 **22-54-141. Additional funding for rural schools - 2019-20**
4 **budget year - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS
5 THE CONTEXT OTHERWISE REQUIRES:

6 (a) "ELIGIBLE INSTITUTE CHARTER SCHOOL" MEANS AN INSTITUTE
7 CHARTER SCHOOL THAT HAS A SMALL RURAL DISTRICT OR A LARGE RURAL
8 DISTRICT AS ITS ACCOUNTING DISTRICT.

9 (b) "LARGE RURAL DISTRICT" MEANS A DISTRICT THAT THE
10 DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON
11 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE
12 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A
13 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF AT LEAST ONE
14 THOUSAND BUT FEWER THAN SIX THOUSAND FIVE HUNDRED PUPILS IN
15 KINDERGARTEN THROUGH TWELFTH GRADE.

16 (c) "PER PUPIL DISTRIBUTION AMOUNT" MEANS:

17 (I) FOR A LARGE RURAL DISTRICT, AN AMOUNT EQUAL TO TWENTY
18 MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN
19 SUBSECTION (2)(a)(I) OF THIS SECTION AND THEN DIVIDED BY THE SUM OF
20 THE TOTAL FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF ALL
21 LARGE RURAL DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE
22 2018-19 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS
23 THAT HAVE A LARGE RURAL DISTRICT AS THE ACCOUNTING DISTRICT; OR

24 (II) FOR A SMALL RURAL DISTRICT, AN AMOUNT EQUAL TO TWENTY
25 MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN
26 SUBSECTION (2)(a)(II) OF THIS SECTION AND THEN DIVIDED BY THE SUM OF
27 THE TOTAL FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF ALL

1 SMALL RURAL DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE
2 2018-19 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS
3 THAT HAVE A SMALL RURAL DISTRICT AS THE ACCOUNTING DISTRICT.

4 (d) "SMALL RURAL DISTRICT" MEANS A DISTRICT THAT THE
5 DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON
6 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE
7 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A
8 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF FEWER THAN
9 ONE THOUSAND PUPILS IN KINDERGARTEN THROUGH TWELFTH GRADE.

10 (2) (a) FOR THE 2019-20 BUDGET YEAR, THE GENERAL ASSEMBLY
11 SHALL APPROPRIATE TWENTY MILLION DOLLARS TO THE DEPARTMENT OF
12 EDUCATION TO PROVIDE ADDITIONAL FUNDING FOR LARGE RURAL
13 DISTRICTS, SMALL RURAL DISTRICTS, AND INSTITUTE CHARTER SCHOOLS.
14 THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE:

15 (I) FIFTY-FIVE PERCENT OF THE MONEY APPROPRIATED TO LARGE
16 RURAL DISTRICTS AND TO ELIGIBLE INSTITUTE CHARTER SCHOOLS AS
17 PROVIDED IN THIS SECTION; AND

18 (II) FORTY-FIVE PERCENT OF THE MONEY APPROPRIATED TO SMALL
19 RURAL DISTRICTS AND TO ELIGIBLE INSTITUTE CHARTER SCHOOLS AS
20 PROVIDED IN THIS SECTION.

21 (b) LARGE RURAL DISTRICTS, SMALL RURAL DISTRICTS, DISTRICT
22 CHARTER SCHOOLS, AND ELIGIBLE INSTITUTE CHARTER SCHOOLS THAT
23 RECEIVE MONEY PURSUANT TO THIS SECTION MAY USE THE MONEY ONLY
24 FOR NONRECURRING EXPENSES FOR THE PURPOSE OF IMPROVING STUDENT
25 LEARNING AND THE EDUCATIONAL ENVIRONMENT, INCLUDING BUT NOT
26 LIMITED TO INITIATIVES THAT HELP ATTRACT EDUCATOR EMPLOYEES,
27 INITIATIVES TO IMPROVE EDUCATOR TRAINING, INITIATIVES TO RETAIN

1 EDUCATORS, LOAN FORGIVENESS FOR EDUCATORS AND STAFF, AND
2 TECHNOLOGY.

3 (3) (a) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO
4 EACH LARGE RURAL DISTRICT AND EACH SMALL RURAL DISTRICT AN
5 AMOUNT EQUAL TO THE APPLICABLE PER PUPIL DISTRIBUTION AMOUNT
6 MULTIPLIED BY THE LARGE RURAL DISTRICT'S OR SMALL RURAL DISTRICT'S
7 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR.

8 (b) EACH LARGE RURAL DISTRICT AND EACH SMALL RURAL
9 DISTRICT THAT IS THE AUTHORIZER FOR A CHARTER SCHOOL SHALL
10 DISTRIBUTE TO THE CHARTER SCHOOL ONE HUNDRED PERCENT OF AN
11 AMOUNT EQUAL TO THE AMOUNT RECEIVED PURSUANT TO SUBSECTION
12 (3)(a) OF THIS SECTION DIVIDED BY THE FUNDED PUPIL COUNT OF THE
13 LARGE RURAL DISTRICT OR SMALL RURAL DISTRICT FOR THE 2018-19
14 BUDGET YEAR AND THEN MULTIPLIED BY THE NUMBER OF STUDENTS
15 ENROLLED IN THE CHARTER SCHOOL FOR THE 2018-19 BUDGET YEAR.

16 (4) THE DEPARTMENT OF EDUCATION SHALL CALCULATE FOR EACH
17 ELIGIBLE INSTITUTE CHARTER SCHOOL AND DISTRIBUTE TO THE STATE
18 CHARTER SCHOOL INSTITUTE AN AMOUNT EQUAL TO THE APPLICABLE PER
19 PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS
20 ENROLLED IN THE ELIGIBLE INSTITUTE CHARTER SCHOOL FOR THE 2018-19
21 BUDGET YEAR. THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE
22 TO EACH ELIGIBLE INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT
23 OF THE AMOUNT RECEIVED FOR THE ELIGIBLE INSTITUTE CHARTER SCHOOL
24 PURSUANT TO THIS SUBSECTION (4).

25 (5) EACH DISTRICT AND CHARTER SCHOOL RECEIVING MONEY
26 PURSUANT TO THIS SECTION SHALL REPORT, IN DETAIL, TO THE
27 DEPARTMENT OF EDUCATION, BY A DATE DETERMINED BY THE

1 DEPARTMENT:

2 (a) THE SPECIFIC EXPENDITURES FOR WHICH THE DISTRICT AND
3 CHARTER SCHOOL USED THE MONEY RECEIVED PURSUANT TO THIS
4 SECTION; AND

5 (b) HOW SUCH NONRECURRING EXPENDITURES ARE RELATED TO
6 IMPROVING STUDENT LEARNING AND THE EDUCATIONAL ENVIRONMENT.

7 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

8

9 SECTION 5. In Colorado Revised Statutes, 22-20-114, amend

10 (1)(c)(III) as follows:

11 22-20-114. Funding of programs - legislative declaration.

12 (1) Subject to the provisions of subsection (3) of this section, for the
13 2005-06 budget year and each budget year thereafter, the total amount
14 appropriated to the department for the payment of costs incurred by
15 administrative units for the provision of special education programs shall
16 be distributed to each administrative unit that provides educational
17 services for children with disabilities as follows:

18 (c) (III) (A) For the 2013-14 budget year and each budget year
19 thereafter, in addition to any amount that is available pursuant to
20 subparagraph (I) of this paragraph (c) SUBSECTION (1)(c)(I) OF THIS
21 SECTION, the general assembly shall appropriate twenty million dollars
22 from the state education fund to the department for the purposes of this
23 paragraph (c) SUBSECTION (1)(c).

24 (B) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR
25 THEREAFTER, IN ADDITION TO ANY AMOUNT THAT IS AVAILABLE PURSUANT
26 TO SUBSECTIONS (1)(c)(I) and (1)(c)(III)(A) OF THIS SECTION, THE
27 GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-TWO MILLION

1 DOLLARS, WHICH AMOUNT MAY BE APPROPRIATED FROM THE STATE
2 EDUCATION FUND OR THE GENERAL FUND OR AS AMOUNTS FROM BOTH
3 FUNDS, TO THE DEPARTMENT FOR THE PURPOSES OF THIS SUBSECTION
4 (1)(c).

5 (B) (C) The general assembly hereby finds and declares that, for
6 the purposes of section 17 of article IX of the state constitution, providing
7 additional moneys MONEY to children with one or more disabilities, as
8 described in subparagraph (H) of this paragraph (c) SUBSECTION (1)(c)(II)
9 OF THIS SECTION, for a percentage of such children receiving special
10 education services from an administrative unit is a program for
11 accountable education reform and may therefore receive funding from the
12 state education fund created in section 17 (4) of article IX of the state
13 constitution.

14 **SECTION 6.** In Colorado Revised Statutes, 24-75-220, **add** (5)
15 as follows:

16 **24-75-220. State education fund - transfers - surplus -**
17 **legislative declaration.** (5) ON JULY 1, 2019, THE STATE TREASURER
18 SHALL TRANSFER FORTY MILLION THREE HUNDRED TWENTY-SIX
19 THOUSAND EIGHT HUNDRED NINETY-SIX DOLLARS (\$40,326,896) FROM
20 THE GENERAL FUND TO THE STATE EDUCATION FUND CREATED IN SECTION
21 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

22 **SECTION 7.** In Colorado Revised Statutes, **add** 22-14-109.5 as
23 follows:

24 **22-14-109.5. Ninth grade success grant program - created -**
25 **criteria - use of grant money - report - rules - definitions - repeal.**

26 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
2 BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS
3 TITLE 22 OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
4 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
5 THIS TITLE 22.

6 (b) "PROGRAM" MEANS THE NINTH GRADE SUCCESS GRANT
7 PROGRAM CREATED IN THIS SECTION.

8 (c) "SMALL RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT
9 IN COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL BASED ON
10 THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
11 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
12 ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN KINDERGARTEN
13 THROUGH TWELFTH GRADE.

14 (d) "STUDENT GROUP" HAS THE SAME MEANING AS PROVIDED IN
15 SECTION 22-11-103.

16 (e) "SUCCESS TEAM" MEANS A CROSS-DISCIPLINARY TEAM OF
17 NINTH-GRADE TEACHERS AND SUPPORT STAFF AS DESCRIBED IN
18 SUBSECTION (5) OF THIS SECTION.

19 (2) (a) THERE IS CREATED IN THE DEPARTMENT THE NINTH GRADE
20 SUCCESS GRANT PROGRAM TO PROVIDE FUNDING TO LOCAL EDUCATION
21 PROVIDERS AND CHARTER SCHOOLS TO IMPLEMENT A NINTH GRADE
22 SUCCESS PROGRAM, AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION, TO
23 ASSIST STUDENTS ENROLLED IN NINTH GRADE TO DEVELOP THE SKILLS
24 THEY NEED TO SUCCESSFULLY PERSIST TO HIGH SCHOOL GRADUATION AND
25 SUCCEED IN THEIR EDUCATION AND PROFESSIONAL CAREERS.

26 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
27 CONTRARY, AN ALTERNATIVE EDUCATION CAMPUS DESIGNATED PURSUANT

1 TO SECTION 22-7-604.5 MAY NOT APPLY FOR OR RECEIVE MONEY OR
2 SERVICES THROUGH A GRANT AWARDED PURSUANT TO THIS SECTION.

3 (3) (a) A LOCAL EDUCATION PROVIDER OR CHARTER SCHOOL THAT
4 SERVES STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE AND
5 THAT CHOOSES TO APPLY FOR A GRANT THROUGH THE PROGRAM MUST
6 SUBMIT A GRANT APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH
7 RULES ADOPTED BY THE STATE BOARD. A LOCAL EDUCATION PROVIDER OR
8 CHARTER SCHOOL THAT IS SELECTED TO RECEIVE A GRANT MUST, AS A
9 CONDITION OF ACCEPTING THE GRANT, PROVIDE A GRANT MATCH, WHICH
10 MAY INCLUDE IN-KIND CONTRIBUTIONS, IN AN AMOUNT SET BY THE STATE
11 BOARD, WHICH AMOUNT MUST NOT EXCEED:

12 (I) FIFTEEN PERCENT OF THE GRANT AMOUNT FOR A LOCAL
13 EDUCATION PROVIDER THAT IS A SMALL RURAL SCHOOL DISTRICT OR FOR
14 A CHARTER SCHOOL; AND

15 (II) TWENTY-FIVE PERCENT OF THE GRANT AMOUNT FOR ALL
16 OTHER LOCAL EDUCATION PROVIDERS.

17 (b) A GRANT APPLICATION AT A MINIMUM MUST INCLUDE:

18 (I) THE APPLICANT'S FOUR-YEAR GRADUATION RATE FOR THE
19 THREE PRECEDING SCHOOL YEARS;

20 (II) WHETHER THE APPLICANT HAS A DATA SYSTEM THAT ALLOWS
21 SCHOOL LEADERS AND TEACHERS REAL-TIME ACCESS TO INTEGRATED
22 DATA CONCERNING A STUDENT'S BEHAVIOR, ATTENDANCE, AND GRADES
23 AND ALLOWS COMPARISON OF THE DATA ACROSS DEMOGRAPHIC
24 CATEGORIES AND STUDENT GROUPS;

25 (III) FOR A LOCAL EDUCATION PROVIDER, DESIGNATION OF THE
26 SCHOOLS IN WHICH THE LOCAL EDUCATION PROVIDER WILL USE THE GRANT
27 MONEY TO IMPLEMENT NINTH GRADE SUCCESS TEAMS;

1 (IV) INDICATION OF THE APPLICANT'S ABILITY TO PROVIDE THE
2 REQUIRED GRANT MATCH AND ANY TYPE AND VALUE OF IN-KIND
3 CONTRIBUTION THAT THE APPLICANT MAY PROVIDE; AND

4 (V) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE
5 STATE BOARD THAT ASSISTS THE DEPARTMENT IN DETERMINING THE
6 LIKELIHOOD THAT, IN IMPLEMENTING THE SUCCESS TEAMS, THE APPLICANT
7 WILL BE SUCCESSFUL IN IMPROVING THE SUCCESS OF STUDENTS ENROLLED
8 IN NINTH GRADE.

9 (4) THE DEPARTMENT SHALL REVIEW EACH OF THE APPLICATIONS
10 RECEIVED PURSUANT TO THIS SECTION AND RECOMMEND TO THE STATE
11 BOARD APPLICANTS TO RECEIVE GRANTS AND THE AMOUNT, DURATION,
12 AND GRANT MATCH AMOUNT OF EACH RECOMMENDED GRANT. BEGINNING
13 IN THE 2019-20 BUDGET YEAR, THE STATE BOARD, SUBJECT TO AVAILABLE
14 APPROPRIATIONS, SHALL AWARD THE GRANTS, TAKING INTO
15 CONSIDERATION THE RECOMMENDATIONS OF THE DEPARTMENT. IN
16 AWARDING A GRANT, THE STATE BOARD SHALL SPECIFY THE AMOUNT AND
17 DURATION OF THE GRANT AND THE AMOUNT OF THE GRANT MATCH,
18 INCLUDING ANY TYPE OF IN-KIND CONTRIBUTION, THAT THE GRANT
19 RECIPIENT MUST PROVIDE. THE DEPARTMENT AND THE STATE BOARD IN
20 RECOMMENDING AND AWARDING GRANTS SHALL PRIORITIZE APPLICANTS
21 THAT HAVE A FOUR-YEAR GRADUATION RATE THAT, OVER THE PRECEDING
22 THREE SCHOOL YEARS, HAS CONSISTENTLY RANKED WITHIN THE LOWEST
23 TWENTY PERCENT OF THE FOUR-YEAR GRADUATION RATES FOR PUBLIC
24 HIGH SCHOOLS IN THE STATE. TO THE EXTENT PRACTICABLE, THE STATE
25 BOARD SHALL ALSO ENSURE THAT THE GRANT RECIPIENTS VARY IN
26 STUDENT POPULATION SIZE AND ARE LOCATED IN URBAN, SUBURBAN, AND
27 RURAL AREAS THROUGHOUT THE STATE.

1 (5) A LOCAL EDUCATION PROVIDER OR CHARTER SCHOOL THAT
2 RECEIVES A GRANT THROUGH THE PROGRAM MUST USE THE GRANT MONEY
3 TO IMPLEMENT A NINTH GRADE SUCCESS PROGRAM THAT, AT A MINIMUM,
4 MUST INCLUDE THE FOLLOWING ELEMENTS:

5 (a) (I) CREATING AND IMPLEMENTING A CROSS-DISCIPLINARY
6 SUCCESS TEAM OF NINTH-GRADE TEACHERS AND SUPPORT STAFF, WHICH
7 MUST INCLUDE AT LEAST ONE SCHOOL COUNSELOR, SCHOOL MENTAL
8 HEALTH PROFESSIONAL, OR SCHOOL SOCIAL WORKER. TO THE EXTENT
9 PRACTICABLE, A SUCCESS TEAM MUST INCLUDE ALL OF THE NINTH-GRADE
10 TEACHERS WHO TEACH CORE COURSES, AS DEFINED IN SECTION
11 22-11-503.5. THE LOCAL EDUCATION PROVIDER OR CHARTER SCHOOL
12 SHALL DESIGNATE A MEMBER OF THE SUCCESS TEAM TO SERVE AS THE
13 SUCCESS TEAM LEADER AND REDUCE THE TEAM LEADER'S WORKLOAD TO
14 A LEVEL THAT ALLOWS THE TEAM LEADER SUFFICIENT TIME TO COMPLETE
15 THE LEADERSHIP DUTIES, WHICH INCLUDE TEAM LOGISTICS, PREPARING
16 TEAM MEETING AGENDAS, AND FACILITATING TEAM MEETINGS.

17 (II) THE SUCCESS TEAM MUST MEET AT LEAST EVERY TWO WEEKS,
18 TO THE EXTENT PRACTICABLE, THROUGHOUT THE SCHOOL YEAR TO
19 COLLABORATE ON IDENTIFYING AND IMPLEMENTING STRATEGIES TO
20 IMPROVE OUTCOMES FOR NINTH-GRADE STUDENTS WHO ARE FOUND TO BE
21 AT RISK OF DROPPING OUT OF SCHOOL BEFORE GRADUATION AND TO
22 ADDRESS SYSTEMS-LEVEL BARRIERS TO SUCCESS FOR ALL NINTH-GRADE
23 STUDENTS. THE STRATEGIES MUST BE INFORMED BY DATA CONCERNING,
24 AT A MINIMUM, NINTH-GRADE STUDENTS' BEHAVIOR, ATTENDANCE, AND
25 GRADES ACROSS DEMOGRAPHIC CATEGORIES AND STUDENT GROUPS. THE
26 LOCAL EDUCATION PROVIDER OR CHARTER SCHOOL SHALL ALLOW SUCCESS
27 TEAM MEMBERS TIME DURING THE WORK DAY FOR PLANNING AND

1 COLLABORATION OR PROVIDE INCENTIVES TO MEET OUTSIDE OF THE WORK
2 DAY.

3 (b) ORGANIZING THE SCHOOL STAFF TO ENSURE THAT, TO THE
4 EXTENT PRACTICABLE, THE NINTH-GRADE CLASSES ARE TAUGHT BY A
5 SINGLE GROUP OF TEACHERS WHO TEACH ONLY OR MOSTLY NINTH-GRADE
6 CLASSES;

7 (c) IMPLEMENTING A DATA SYSTEM THAT PROVIDES REAL-TIME
8 ACCESS TO INTEGRATED DATA CONCERNING A STUDENT'S BEHAVIOR,
9 ATTENDANCE, AND GRADES AND PROVIDES THE ABILITY TO COMPARE THE
10 DATA ACROSS DEMOGRAPHIC CATEGORIES AND STUDENT GROUPS;

11 (d) IDENTIFYING AND PRIORITIZING SERVICES FOR NINTH-GRADE
12 STUDENTS WHO ARE AT RISK OF ACADEMIC FAILURE IN NINTH GRADE;

13 (e) PROVIDING INSTRUCTIONAL SUPPORT FOR NINTH-GRADE
14 STUDENTS INCLUDING ATTENDANCE SUPPORT, CONTENT-SPECIFIC
15 ACADEMIC INTERVENTIONS, TUTORING, COURSE-COMPLETION PROGRAMS,
16 SOCIAL-EMOTIONAL LEARNING, AND TRAUMA-INFORMED INSTRUCTION;

17 (f) ENSURING THAT SCHOOL LEADERSHIP, GUIDANCE COUNSELORS,
18 AND KEY MEMBERS OF THE SUCCESS TEAM RECEIVE AND REVIEW DATA ON
19 ALL INCOMING NINTH-GRADE STUDENTS AND PLAN COURSE WORK AND
20 SUPPORTS FOR THE STUDENTS BASED ON THE DATA RECEIVED;

21 (g) ENSURING THAT ALL NINTH-GRADE TEACHERS RECEIVE DATA
22 CONCERNING THE INCOMING NINTH-GRADE STUDENTS BEFORE THE START
23 OF THE SCHOOL YEAR AND RECEIVE PROFESSIONAL DEVELOPMENT
24 CONCERNING HOW TO USE THE DATA TO INFORM INSTRUCTION FOR THE
25 STUDENTS. TO THE EXTENT POSSIBLE, THE LOCAL EDUCATION PROVIDER
26 OR CHARTER SCHOOL SHALL ENSURE THAT MIDDLE SCHOOL TEACHERS
27 PROVIDE INFORMATION TO NINTH-GRADE TEACHERS CONCERNING THE

1 INCOMING NINTH-GRADE STUDENTS.

2 (h) PROVIDING SUMMER ORIENTATION FOR INCOMING
3 NINTH-GRADE STUDENTS AND THEIR PARENTS TO INTRODUCE STUDENTS TO
4 THE BEHAVIORAL AND ACADEMIC EXPECTATIONS OF HIGH SCHOOL; AND

5 (i) EVALUATING WITH RIGOR THE IMPACT OF THE INTERVENTIONS
6 PROVIDED THROUGH THE NINTH GRADE SUCCESS PROGRAM ON STUDENT
7 ATTENDANCE, BEHAVIOR, COURSE COMPLETION, ACADEMIC RESULTS,
8 DISCIPLINE RATES, TEACHER SURVEYS, STUDENT SURVEYS, DROPOUT
9 RATES, AND GRADUATION RATES AS THE INFORMATION BECOMES
10 AVAILABLE FOR NINTH-GRADE STUDENTS WHO RECEIVE INTERVENTIONS
11 THROUGH THE PROGRAM.

12 (6) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE
13 MONEY TO THE DEPARTMENT TO IMPLEMENT THE PROGRAM, INCLUDING
14 MONEY FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION
15 39-28.8-501. IN ADDITION, THE DEPARTMENT MAY ACCEPT AND EXPEND
16 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
17 THE PURPOSES OF THE PROGRAM; EXCEPT THAT THE DEPARTMENT MAY
18 NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS
19 THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE
20 STATE.

21 (7) (a) EACH LOCAL EDUCATION PROVIDER AND CHARTER SCHOOL
22 THAT RECEIVES A GRANT THROUGH THE PROGRAM SHALL SUBMIT TO THE
23 DEPARTMENT, IN ACCORDANCE WITH THE REPORTING TIMELINES SPECIFIED
24 IN RULES OF THE STATE BOARD, INFORMATION CONCERNING THE
25 IMPLEMENTATION OF THE NINTH GRADE SUCCESS PROGRAM AND THE
26 EVALUATION OF THE IMPACT, AS DESCRIBED IN SUBSECTION (5)(i) OF THIS
27 SECTION, IN TOTAL AND DISAGGREGATED BY STUDENT GROUP. THE

1 DEPARTMENT SHALL SPECIFY THE INFORMATION TO BE REPORTED TO
2 ENABLE THE DEPARTMENT TO PREPARE THE REPORT REQUIRED IN
3 SUBSECTION (7)(b) OF THIS SECTION.

4 (b) ON OR BEFORE MARCH 15, 2022, AND ON OR BEFORE MARCH
5 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL PREPARE AND
6 SUBMIT TO THE STATE BOARD AND TO THE EDUCATION COMMITTEES OF
7 THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
8 COMMITTEES, A REPORT OF THE NINTH GRADE SUCCESS PROGRAMS
9 IMPLEMENTED USING GRANTS RECEIVED THROUGH THE PROGRAM. AT A
10 MINIMUM, THE REPORT SHALL:

11 (I) SPECIFY THE GRANT RECIPIENTS AND THE AMOUNT AND
12 DURATION OF THE GRANTS AWARDED;

13 (II) DESCRIBE THE NINTH GRADE SUCCESS PROGRAMS THAT ARE
14 IMPLEMENTED USING THE GRANT MONEY; AND

15 (III) PROVIDE A SUMMARY OF THE EVALUATIONS OF THE IMPACT
16 OF THE INTERVENTIONS PROVIDED THROUGH THE NINTH GRADE SUCCESS
17 PROGRAMS, AS DESCRIBED IN SUBSECTION (5)(i) OF THIS SECTION, IN
18 TOTAL AND DISAGGREGATED BY STUDENT GROUP.

19 (c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
20 (11)(a)(I), THE REPORT REQUIRED IN SUBSECTION (7)(b) OF THIS SECTION
21 CONTINUES INDEFINITELY.

22 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

23 **SECTION 8.** In Colorado Revised Statutes, 22-14-109, **amend**
24 **(1); and repeal and reenact, with amendments, (4) as follows:**

25 **22-14-109. Student re-engagement grant program - rules -**
26 **application - grants - report.** (1) There is hereby created within the
27 department the student re-engagement grant program to provide grant

1 ~~moneys~~ MONEY to local education providers to use in providing
2 educational services and supports to students to maintain student
3 engagement and support student re-engagement in high school. Subject
4 to available appropriations, the state board shall award student
5 re-engagement grants to local education providers from ~~moneys~~ MONEY
6 appropriated from the student re-engagement grant program fund created
7 in PURSUANT TO subsection (4) of this section.

8 (4) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE
9 MONEY TO THE DEPARTMENT TO IMPLEMENT THE STUDENT
10 RE-ENGAGEMENT GRANT PROGRAM CREATED IN THIS SECTION, INCLUDING
11 MONEY FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION
12 39-28.8-501. IN ADDITION, THE DEPARTMENT MAY ACCEPT AND EXPEND
13 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
14 THE PURPOSES OF THE PROGRAM; EXCEPT THAT THE DEPARTMENT MAY
15 NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS
16 THAT ARE INCONSISTENT WITH THIS ARTICLE 14 OR ANY OTHER LAW OF
17 THE STATE.

18 **SECTION 9.** In Colorado Revised Statutes, 22-14-110, **amend**
19 (1) introductory portion and (1)(b); and **add** (1)(b.5) as follows:

20 **22-14-110. State board - rules.** (1) The state board shall
21 promulgate pursuant to the "State Administrative Procedure Act", article
22 4 of title 24, ~~C.R.S.~~, such rules as may be necessary to implement the
23 provisions of this ~~article~~ ARTICLE 14. At a minimum, ~~said rules shall~~ THE
24 RULES MUST include:

25 (b) The rules required pursuant to section 22-14-109 for the
26 student re-engagement grant program; **and**

27 (b.5) THE RULES REQUIRED PURSUANT TO SECTION 22-14-109.5

1 FOR THE NINTH GRADE SUCCESS GRANT PROGRAM; AND

2 **SECTION 10.** In Colorado Revised Statutes, **add** article 99 to
3 title 22 as follows:

4 **ARTICLE 99**

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

7 **22-99-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 FINDS THAT:

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

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

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

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

27 (e) IN ADDITION, INCREASED TIME DEVOTED TO PHYSICAL

1 EDUCATION HAS BEEN DEMONSTRATED TO LEAD TO POSITIVE
2 DEVELOPMENT OF SOCIAL SKILLS, SOCIAL BEHAVIORS, SELF-ESTEEM,
3 PRO-SCHOOL ATTITUDES, AND IMPROVED MENTAL HEALTH;

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

7 (g) QUALITY PHYSICAL EDUCATION STRENGTHENS THE WHOLE
8 CHILD THROUGH MOVEMENT COMPETENCY, COGNITIVE DEVELOPMENT,
9 AND SOCIAL-EMOTIONAL WELLNESS TO ACHIEVE LIFELONG HEALTH
10 BENEFITS; AND

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

15 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
16 IMPORTANT TO THE HEALTH AND WELL-BEING OF COLORADO'S CHILDREN
17 AND YOUTH TO ENSURE COMPETENT AND COMPREHENSIVE QUALITY
18 PHYSICAL EDUCATION INSTRUCTION IN COLORADO SCHOOLS THROUGH THE
19 CREATION OF A PILOT PROGRAM FOR COMPREHENSIVE QUALITY PHYSICAL
20 EDUCATION INSTRUCTION BASED ON THE MODEL PHYSICAL EDUCATION
21 POLICY AND THROUGH THE SUBSEQUENT EVALUATION OF THE PILOT
22 PROGRAM'S IMPACT ON PARTICIPATING CHILDREN AND YOUTH.

23 **22-99-102. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

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

27 (2) "COMPREHENSIVE QUALITY PHYSICAL EDUCATION" MEANS THE

1 PROGRAM OF COMPREHENSIVE QUALITY PHYSICAL EDUCATION
2 INSTRUCTION DESCRIBED IN SECTION 22-99-103 (5).

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

5 (4) "ELIGIBLE SCHOOL OR SCHOOL DISTRICT" MEANS AN
6 ELEMENTARY OR MIDDLE SCHOOL OR THE ELEMENTARY AND MIDDLE
7 SCHOOLS OF A SCHOOL DISTRICT.

8 (5) "PILOT PROGRAM" MEANS THE HEALTH AND WELLNESS
9 THROUGH COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION
10 PILOT PROGRAM CREATED IN THIS ARTICLE 99.

11 (6) "SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT
12 AUTHORIZED BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION,
13 A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO
14 PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL
15 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
16 PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A SCHOOL OPERATED BY A
17 BOARD OF COOPERATIVE SERVICES PURSUANT TO ARTICLE 5 OF THIS TITLE
18 22.

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

21 (8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
22 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
23 STATE CONSTITUTION.

24 **22-99-103. Pilot program - creation - qualifying instruction -**
25 **application - award of grants - report.** (1) THERE IS CREATED IN THE
26 DEPARTMENT THE HEALTH AND WELLNESS THROUGH COMPREHENSIVE
27 QUALITY PHYSICAL EDUCATION INSTRUCTION PILOT PROGRAM FOR THE

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

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

20 (3) SUBJECT TO AVAILABLE APPROPRIATIONS, PILOT PROGRAM
21 GRANTS ARE THREE-YEAR GRANTS, RENEWABLE ANNUALLY, THAT COVER
22 THE 2020-21 ACADEMIC YEAR THROUGH THE 2022-23 ACADEMIC YEAR.
23 THE DEPARTMENT SHALL EVALUATE ALL COMPLETE PILOT PROGRAM
24 GRANT APPLICATIONS RECEIVED BY DECEMBER 1, 2019, AND SHALL MAKE
25 RECOMMENDATIONS TO THE STATE BOARD FOR THE AWARD OF PILOT
26 PROGRAM GRANTS TO UP TO FIFTEEN ELIGIBLE SCHOOLS OR SCHOOL
27 DISTRICTS FOR A TOTAL AMOUNT AWARDED ANNUALLY OF NO MORE THAN

1 THREE MILLION DOLLARS, INCLUDING DEPARTMENT ADMINISTRATIVE
2 EXPENSES. THE STATE BOARD SHALL AWARD THE INITIAL PILOT PROGRAM
3 GRANTS NO LATER THAN FEBRUARY 29, 2020, TO ALLOW FOR A PLANNING
4 PERIOD FOR GRANT RECIPIENTS PRIOR TO THE IMPLEMENTATION OF THE
5 REQUIRED PILOT PROGRAM COMPONENTS DURING THE 2020-21 ACADEMIC
6 YEAR.

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

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

13 (I) LACK OF RESOURCES;

14 (II) LACK OF APPROPRIATE EQUIPMENT;

15 (III) DIFFICULTY RETAINING STAFF;

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

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

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

24 (c) THE AMOUNT OF GRANT MONEY NEEDED FOR THE ELIGIBLE
25 SCHOOL OR SCHOOL DISTRICT TO IMPLEMENT THE PILOT PROGRAM
26 WITHOUT SUPPLANTING EXISTING RESOURCES AND A PRELIMINARY DRAFT
27 OF THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT'S THREE-YEAR

1 COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION ACTION
2 PLAN, AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION, IF AVAILABLE,
3 OR A STATEMENT OF HOW THE SCHOOL OR SCHOOL DISTRICT INTENDS TO
4 USE THE THREE-YEAR GRANT;

5 (d) THE REQUIREMENT THAT AT LEAST THIRTY PERCENT OF THE
6 GRANTS ARE AWARDED TO ELIGIBLE SCHOOLS OR SCHOOL DISTRICTS
7 RECEIVING FEDERAL MONEY FOR PROGRAMS UNDER TITLE I, PART A OF
8 THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965",
9 20 U.S.C. SEC. 6301 ET SEQ., AS AMENDED;

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

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

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

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

27 (II) FORTY-FIVE MINUTES DAILY OR TWO HUNDRED TWENTY-FIVE

- 1 MINUTES PER WEEK FOR ALL STUDENTS IN SIXTH THROUGH EIGHTH GRADE,
2 NOT INCLUDING RECESS TIME OR PHYSICAL ACTIVITY BREAKS;
- 3 (III) A CLASS SIZE FOR PHYSICAL EDUCATION INSTRUCTION THAT
4 IS COMPARABLE TO THE CLASS SIZE FOR ACADEMIC SUBJECTS;
- 5 (IV) SAFE, CLEAN, AND WELL-MAINTAINED INDOOR AND OUTDOOR
6 SPACES FOR PHYSICAL EDUCATION INSTRUCTION AND PHYSICAL ACTIVITY,
7 AND EQUIPMENT AND FACILITIES THAT SUPPORT PHYSICAL EDUCATION
8 INSTRUCTION;
- 9 (V) CURRICULUM THAT MEETS COLORADO'S PHYSICAL EDUCATION
10 STANDARDS AT EACH COVERED GRADE LEVEL;
- 11 (VI) MODERATE TO VIGOROUS PHYSICAL ACTIVITY FOR AT LEAST
12 HALF OF THE PHYSICAL EDUCATION CLASS TIME;
- 13 (VII) REGULAR ASSESSMENT OF PHYSICAL EDUCATION LEARNING
14 OBJECTIVES, INCLUDING FORMATIVE AND SUMMATIVE ASSESSMENTS AND
15 A MEASURE FOR STUDENT GROWTH;
- 16 (VIII) STUDENT PROGRESS MONITORING, INCLUDING STUDENT
17 SURVEYS OF PHYSICAL ACTIVITY, NUTRITION, SLEEP HABITS, AND
18 PERCEPTIONS OF PHYSICAL EDUCATION INSTRUCTION;
- 19 (IX) PHYSICAL EDUCATION INSTRUCTOR AND CLASSROOM
20 TEACHERS SURVEYS OF STUDENT OUTCOMES OR CHANGES IN STUDENT
21 BEHAVIOR ATTRIBUTED TO THE PILOT PROGRAM;
- 22 (X) A PROHIBITION AGAINST REMOVAL OF A STUDENT FROM THE
23 PHYSICAL EDUCATION PROGRAM FOR ACADEMIC REASONS OR AS A FORM
24 OF PUNISHMENT; AND
- 25 (XI) A PROHIBITION AGAINST EXEMPTING STUDENTS FROM
26 PHYSICAL EDUCATION INSTRUCTION; EXCEPT THAT A PARENT OR
27 GUARDIAN MAY EXCUSE A STUDENT FROM PARTICIPATION FOR A LIMITED

1 PERIOD OF TIME OR LIMITED PORTION OF THE INSTRUCTION FOR RELIGIOUS
2 OBSERVANCES OR DUE TO RELIGIONS PROHIBITIONS. A STUDENT MAY BE
3 EXCUSED FROM THE PHYSICAL ACTIVITY COMPONENT OF THE INSTRUCTION
4 IF THE STUDENT IS INJURED OR HAS A PHYSICAL OR EMOTIONAL CONDITION
5 THAT PREVENTS PARTICIPATION. IN THOSE CIRCUMSTANCES, MODIFIED
6 PHYSICAL ACTIVITIES MAY BE PROVIDED. IN ACCORDANCE WITH THE
7 FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT
8 ACT", 42 U.S.C. SEC. 1400, ET. SEQ., AS AMENDED, ALL STUDENTS SHALL
9 RECEIVE EQUAL-QUALITY PHYSICAL EDUCATION;

10 (b) LICENSED EDUCATORS WITH A PHYSICAL EDUCATION
11 ENDORSEMENT, OR, IF EMPLOYED BY A SCHOOL THAT DOES NOT REQUIRE
12 TEACHER LICENSING FOR EMPLOYMENT, A PROGRAM OF PROFESSIONAL
13 DEVELOPMENT THAT ENABLES THE PHYSICAL EDUCATION INSTRUCTOR TO
14 BECOME PROFICIENT IN TEACHING COMPREHENSIVE QUALITY PHYSICAL
15 EDUCATION IN ACCORDANCE WITH THE PILOT PROGRAM REQUIREMENTS
16 AND PHYSICAL EDUCATION ENDORSEMENT STANDARDS; AND

17 (c) A MANDATORY PROFESSIONAL DEVELOPMENT PROGRAM FOR
18 INSTRUCTORS THAT INCLUDES AT LEAST FIFTEEN HOURS OF INSTRUCTION
19 EACH YEAR, WHICH INSTRUCTION MUST ADDRESS APPROPRIATE PRACTICES
20 IN PROVIDING COMPREHENSIVE QUALITY PHYSICAL EDUCATION,
21 INCLUDING EMERGING TECHNOLOGIES, MODEL PHYSICAL EDUCATION
22 PROGRAMS, AND IMPROVEMENT IN PHYSICAL EDUCATION TEACHING
23 METHODS.

24 (6) EACH SCHOOL AWARDED A PILOT PROGRAM GRANT AND EACH
25 SCHOOL DISTRICT AWARDED A PILOT PROGRAM GRANT SHALL PREPARE A
26 THREE-YEAR COMPREHENSIVE QUALITY PHYSICAL EDUCATION
27 INSTRUCTION ACTION PLAN THAT INCLUDES CLASS SCHEDULES, PHYSICAL

1 EDUCATION CURRICULUM, PHYSICAL EDUCATION TEACHER
2 QUALIFICATIONS, A PROFESSIONAL DEVELOPMENT PLAN, AND SAMPLE
3 PHYSICAL EDUCATION ASSESSMENTS AND ASSESSMENT RUBRICS.

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

6 (a) STANDARDS-BASED PHYSICAL EDUCATION CURRICULUM;

7 (b) A LIST OF APPROVED INSTRUCTIONAL RESOURCES AND THE
8 PROCESS FOR APPROVAL FOR NEW AND INNOVATIVE INSTRUCTIONAL
9 RESOURCES;

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

12 (d) SAMPLES OF APPROVED PHYSICAL EDUCATION INSTRUCTOR
13 ASSESSMENT RUBRICS;

14 (e) CRITERIA TO ASSESS STUDENT AND INSTRUCTOR GROWTH IN
15 PHYSICAL EDUCATION;

16 (f) RESOURCES RELATING TO PROFESSIONAL DEVELOPMENT FOR
17 PHYSICAL EDUCATION INSTRUCTORS; AND

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

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

25 (9) THE DEPARTMENT SHALL ENCOURAGE PILOT PROGRAM GRANT
26 RECIPIENTS TO SHARE BEST PRACTICES AND TO COLLABORATE DURING THE
27 IMPLEMENTATION PLANNING PROCESS AND THROUGHOUT THE DURATION

1 OF THE PILOT PROGRAM. GRANT RECIPIENTS ARE ALSO ENCOURAGED TO
2 PROVIDE EDUCATION AND TRAINING TO SCHOOL ADMINISTRATORS
3 REGARDING THE IMPORTANCE OF COMPREHENSIVE QUALITY PHYSICAL
4 EDUCATION INSTRUCTION AND THE NECESSARY COMPONENTS OF A
5 COMPREHENSIVE QUALITY PHYSICAL EDUCATION PROGRAM IN THE
6 SCHOOL.

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

12 (11) PARTICIPATING PILOT PROGRAM SCHOOLS AND SCHOOL
13 DISTRICTS SHALL PROVIDE DATA AND INFORMATION TO THE DEPARTMENT
14 AND TO THE PROGRAM EVALUATOR DESCRIBED IN SECTION 22-99-104 FOR
15 PURPOSES OF REPORTING ON THE IMPLEMENTATION AND EVALUATION OF
16 THE PILOT PROGRAM.

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

24 **22-99-104. Pilot program evaluation.** (1) SUBJECT TO
25 AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL ISSUE A REQUEST
26 FOR PROPOSALS FOR A PROGRAM EVALUATION OF THE PILOT PROGRAM TO
27 BE COMPLETED NO LATER THAN OCTOBER 1, 2023. THE COST OF THE

1 PROGRAM EVALUATION MUST NOT EXCEED ONE HUNDRED EIGHTY
2 THOUSAND DOLLARS FOR THE DURATION OF THE PILOT PROGRAM THROUGH
3 COMPLETION OF THE PROGRAM EVALUATION. THE CONTRACT MUST
4 INCLUDE DATA COLLECTION ON AN ONGOING BASIS WITH BASELINE,
5 FORMATIVE DATA COLLECTION THROUGHOUT THE PILOT PROGRAM PERIOD
6 AND A POST-DATA COLLECTION ANALYSIS. IN AWARDING THE CONTRACT
7 FOR THE PROGRAM EVALUATION, FIRST PRIORITY SHALL BE GIVEN TO A
8 PROPOSAL FROM A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION
9 IN COLORADO THAT OFFERS A KINDERGARTEN THROUGH TWELFTH GRADE
10 PHYSICAL EDUCATION LICENSURE PROGRAM.

11 (2) (a) THE DEPARTMENT SHALL CONTRACT WITH THE PROGRAM
12 EVALUATOR AT THE COMMENCEMENT OF THE PILOT PROGRAM, IF
13 POSSIBLE, SO THAT THE PILOT PROGRAM EVALUATOR CAN DEVELOP THE
14 NECESSARY DATA COLLECTION PRACTICES PRIOR TO IMPLEMENTATION OF
15 THE OPERATION OF THE PILOT PROGRAM IN SCHOOLS . AT A MINIMUM, THE
16 PILOT PROGRAM EVALUATOR SHALL DEVELOP THE NECESSARY DATA
17 COLLECTION PRACTICES TO ENSURE THAT THE PROGRAM EVALUATION CAN
18 ASSESS PILOT PROGRAM IMPACTS, INCLUDING BUT NOT LIMITED TO:

19 (I) OBJECTIVE MEASURES OF STUDENT BEHAVIOR RESULTING FROM
20 IMPLEMENTATION OF THE PILOT PROGRAM, WHICH MEASURES MAY
21 DEMONSTRATE CHANGES IN STUDENT DISCIPLINARY REFERRALS,
22 ATTENDANCE, AND ACADEMIC ACHIEVEMENT, AMONG OTHER BEHAVIORS;
23 AND

24 (II) OBJECTIVE MEASURES OF CHANGES TO STUDENT HEALTH AND
25 WELL-BEING, WHICH MEASURES MAY DEMONSTRATE STUDENT PHYSICAL
26 FITNESS, AS WELL AS BROADER MEASURES OF STUDENT HEALTH AND
27 WELL-BEING, INCLUDING CHANGES IN MENTAL HEALTH OR SUBSTANCE

1 USE.

2 (b) THE PROGRAM EVALUATOR SHALL CONDUCT A STUDENT AND
3 INSTRUCTOR PERCEPTION SURVEY AND INTERVIEWS TO DETERMINE THE
4 VALUE OF THE PILOT PROGRAM EXPERIENCE TO STUDENTS AND TO
5 PHYSICAL EDUCATION INSTRUCTORS AND CLASSROOM INSTRUCTORS AND
6 SHALL ALSO REVIEW STUDENT AND INSTRUCTOR FORMATIVE AND
7 SUMMATIVE ASSESSMENTS TO DETERMINE THE IMPACT OF THE PILOT
8 PROGRAM.

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

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

27 **22-99-106. Repeal of article.** THIS ARTICLE 99 IS REPEALED,

1 EFFECTIVE JULY 1, 2024.

2 SECTION 11. In Colorado Revised Statutes, 39-28.8-501,
3 amend (2)(b)(IV)(N); and add (2)(b)(IV)(P) as follows:

4 39-28.8-501. Marijuana tax cash fund - creation - distribution
5 - legislative declaration. (2) (b) (IV) Subject to the limitation in
6 subsection (5) of this section, the general assembly may annually
7 appropriate any money in the fund for any fiscal year following the fiscal
8 year in which it was received by the state for the following purposes:

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

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

13 SECTION 12. Appropriation. For the 2019-20 state fiscal year,
14 \$22,000,000 is appropriated to the department of education. This
15 appropriation is from the general fund. To implement this act, the
16 department may use this appropriation for special education programs for
17 children with disabilities.

18 SECTION 13. Appropriation - adjustments to 2019 long bill.
19 To implement this act, the general fund appropriation made in the annual
20 general appropriation act for the 2019-20 state fiscal year to the
21 department of education for the state share of districts' total program
22 funding is decreased by \$7,633,721.

23 SECTION 14. Appropriation to the department of education
24 for the fiscal year beginning July 1, 2019. In section 2 of Senate Bill
25 19-207, amend Part III (2)(A) Footnote 5, as follows:

26 Section 2. Appropriation.

27 5 Department of Education, Assistance to Public Schools, Public

1 School Finance, State Share of Districts' Total Program Funding
2 -- Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this
3 footnote is to specify what portion of this appropriation is intended
4 to be available for the Accelerating Students Through Concurrent
5 Enrollment (ASCENT) Program for FY 2019-20. It is the General
6 Assembly's intent that the Department of Education be authorized
7 to utilize up to ~~\$3,836,500~~ \$3,888,000 of this appropriation to
8 fund qualified students designated as ASCENT Program
9 participants. This amount is calculated based on an estimated 500
10 FTE participants funded at a rate of ~~\$7,673~~ \$7,776 per FTE
11 pursuant to Section 22-54-104 (4.7), C.R.S.

12 **SECTION 15. Appropriation.** For the 2019-20 state fiscal year,
13 \$20,000,000 is appropriated to the department of education. This
14 appropriation is from the general fund. To implement this act, the
15 department may use this appropriation for additional funding for rural
16 schools authorized in section 22-54-141, C.R.S.

17 **SECTION 16. Appropriation.** For the 2019-20 state fiscal year,
18 \$2,509,623 is appropriated to the department of education. This
19 appropriation is from the general fund. To implement this act, the
20 department may use this appropriation for the state share of districts' total
21 program funding.

22 **SECTION 17. Appropriation.** For the 2019-20 state fiscal year,
23 \$125,495 is appropriated to the department of education. This
24 appropriation is from the state education fund created in section 17 (4)(a)
25 of article IX of the state constitution. To implement this act, the
26 department may use this appropriation for hold-harmless full-day
27 kindergarten funding.

1 **SECTION 18. Appropriation.** For the 2019-20 state fiscal year,
2 \$800,000 is appropriated to the department of education. This
3 appropriation is from the general fund and is based on an assumption that
4 the department will require an additional 0.6 FTE. To implement this act,
5 the department may use this appropriation for the ninth grade success
6 grant program.

7 **SECTION 19. Appropriation.** For the 2019-20 state fiscal year,
8 \$1,100,000 is appropriated to the department of education. This
9 appropriation is from the marijuana tax cash fund created in section
10 39-28.8-501 (1), C.R.S., and is based on an assumption that the
11 department will require an additional 0.7 FTE. To implement this act, the
12 department may use this appropriation for the health and wellness through
13 comprehensive quality physical education instruction pilot program.

14 **SECTION 20. Effective date.** (1) Except as otherwise provided
15 in this section, this act takes effect upon passage.

16 (2) Section 14 of this act takes effect only if House Bill 19-1262
17 becomes law.

18 (3) Section 15 of this act takes effect only if House Bill 19-1262
19 does not become law.

20 (4) Sections 7, 8, 9, and 16 of this act take effect only if House
21 Bill 19-1276 does not become law.

22 (5) Sections 7, 8, and 13 of this act take effect only if House Bill
23 19-1161 does not become law.

24 **SECTION 21. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.