



Legislative  
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**HB 19-1161**

# FINAL FISCAL NOTE

**Drafting Number:** LLS 19-0246  
**Prime Sponsors:** Rep. Buckner; Wilson  
Sen. Todd; Priola

**Date:** July 16, 2019  
**Bill Status:** Deemed Lost  
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**Bill Topic:** COMPREHENSIVE PHYSICAL EDUCATION INSTRUCTION PILOT

**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> School District

The bill creates a grant program in the Colorado Department of Education to support physical education instruction in public schools. The bill increases expenditures for the duration of the pilot program, from FY 2019-20 through FY 2022-23.

**Appropriation Summary:** For FY 2019-20, the bill includes an appropriation of \$1.1 million, to be spent through FY 2023-24.

**Fiscal Note Status:** This fiscal note reflects the reengrossed bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Table 1  
State Fiscal Impacts Under HB 19-1161**

		FY 2019-20	FY 2020-21
<b>Revenue</b>		-	-
<b>Expenditures</b>	Cash Funds	\$106,995	\$993,005
	Centrally Appropriated	\$9,017	\$13,373
	<b>Total</b>	<b>\$116,012</b>	<b>\$1,006,378</b>
	<b>Total FTE</b>	<b>0.7 FTE</b>	<b>1.0 FTE</b>
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

## Summary of Legislation

The bill creates the Health and Wellness Through Comprehensive Quality Physical Education Instruction Pilot Program in the Colorado Department of Education (CDE). The program will award three-year grants to eligible schools or school districts to implement a program of comprehensive physical education instruction. Pilot program grants may cover the academic years 2020-21 through 2022-23. Grantees may use awards to address a resource need in a current physical education program that creates a barrier to implementing a comprehensive quality program. Grant awards must supplement and not supplant existing resources.

The CDE must evaluate all grant applications received by December 1, 2019, and make recommendations to the State Board of Education for awards. The program may support up to 15 grantees and total no more than \$3.0 million in state appropriations. At least 30 percent of grants must be awarded to schools or districts receiving federal Title I support. The bill sets additional evaluative criteria for the SBE to consider when making awards. Initial awards must be made no later than February 29, 2020, to allow for a planning period for grantees prior to the implementation of required pilot program components during the 2020-21 school year.

Schools or districts receiving a grant must ensure the physical education program includes various components, including a minimum amount of time spent for physical education at different grade levels, limited class sizes, appropriate indoor and outdoor spaces for instruction, adherence to state standards, and licensed instructors among other required components. Grantees must prepare a three-year comprehensive instruction plan, including class schedules, physical education curriculum, teacher qualifications, a professional development plan, and sample assessments and evaluative rubrics.

The CDE must provide each school with the relevant supports, including standards-based curriculum, approved instructional resources, samples of summative and formative assessments for use in physical education programs, and resources for professional development.

The CDE must also issue a request for proposals and select a program evaluator to complete an evaluation of the program no later than October 1, 2023. The cost of the evaluator may not exceed \$180,000 for the duration of the pilot program. The bill sets parameters for program evaluation, including a requirement that the evaluator conduct a student and instructor perception survey and interviews to help determine the value of the pilot program.

The pilot program is repealed July 1, 2024.

## State Expenditures

The bill increases state expenditures by \$116,012 and 0.7 FTE in FY 2019-20, and by about \$1.0 million and 1.0 FTE in FY 2020-21 through FY 2022-23. Personal services and grant expenses continue through FY 2022-23. Expenditures are displayed in Table 2 and discussed below.

**Table 2  
Expenditures Under HB 19-1161**

	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Department of Education</b>		
Personal Services	\$41,627	\$64,873
Operating and Capital Outlay	\$5,368	\$950
Program Evaluation	\$60,000	\$60,000
Physical Education Grants	-	\$867,182
Centrally Appropriated Costs*	\$9,017	\$13,373
FTE – Personal Services	0.6 FTE	1.0 FTE
<b>Total Cost</b>	<b>\$116,012</b>	<b>\$1,006,378</b>
<b>Total FTE</b>	<b>0.6 FTE</b>	<b>1.0 FTE</b>

\* Centrally appropriated costs are not included in the bill's appropriation.

**Personal services.** Beginning in FY 2019-20, the CDE requires new staff to design, implement, and manage the pilot program, determine learning objectives and evaluative criteria, select and manage the program evaluator, and work with the SBE to oversee the application, review and grant support process. Staff will provide technical assistance to grant recipients, help develop standards-based curriculum and instructional resources, and deliver professional development on an ongoing basis. Personal service expenses are prorated in FY 2019-20 for the General Fund pay date shift.

**Program evaluation.** The CDE will contract with an outside vendor with experience evaluating education programs to design and coordinate evaluation services for the pilot program, conduct interviews, and implement a student and instructor perception survey. Total appropriations may not exceed \$180,000 over the duration of the pilot. This fiscal note estimates \$60,000 annually for three fiscal years.

**Physical education grants.** Grants to LEPs are the largest cost component of the bill. The bill includes a FY 2019-20 appropriation of \$1,100,000 that may also be used in future fiscal years. After administrative expenses in FY 2019-20 and FY 2020-21, approximately \$867,000 will be available for grants. Grants are made to LEPs for a three-year period, through FY 2022-23. Actual grant amounts will be determined by the CDE.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$9,017 in FY 2019-20, and \$13,373 in FY 2020-21.

### **School District**

School districts and schools receiving grants will have additional revenue to support implementing physical education programs meeting the pilot criteria, and increased workload to implement grant projects and participate in program evaluation.

## **Effective Date**

The bill was deemed lost in the Senate on May 4, 2019.

## **State Appropriations**

For FY 2019-20, the bill includes an appropriation of \$1,100,000 and 0.7 FTE from the Marijuana Tax Cash Fund to the Colorado Department of Education.

## **State and Local Government Contacts**

Education