

CHAPTER 151

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 19-246

BY SENATOR(S) Todd and Lundeen, Bridges, Cooke, Coram, Court, Crowder, Fields, Foote, Gardner, Ginal, Gonzales, Hill, Hisey, Lee, Marble, Moreno, Pettersen, Rodriguez, Sonnenberg, Story, Tate, Williams A., Winter, Woodward, Zenzinger, Garcia; also REPRESENTATIVE(S) McLachlan and Wilson, Arndt, Beckman, Benavidez, Bird, Bockenfeld, Buck, Buckner, Buentello, Caraveo, Catlin, Coleman, Cutter, Duran, Esgar, Froelich, Galindo, Garnett, Geitner, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Landgraf, Lewis, Lontine, McCluskie, McKean, Melton, Michaelson Jenet, Mullica, Pelton, Roberts, Saine, Sandridge, Singer, Sirota, Snyder, Soper, Sullivan, Tipper, Titone, Valdez A., Valdez D., Van Winkle, Weissman, Will, Williams D., Becker.

AN ACT

CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

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

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

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

(g) (I) For the 2010-11 budget year and each budget year thereafter, the general assembly determines that stabilization of the state budget requires a reduction in the amount of the annual appropriation to fund the state's share of total program funding

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

for all districts and the funding for institute charter schools. The department of education shall implement the reduction in total program funding through the application of a budget stabilization factor as provided in this subsection (5)(g)(I). For the 2010-11 budget year and each budget year thereafter, the department of education and the staff of the legislative council shall determine, based on budget projections, the amount of such reduction to ensure the following:

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

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

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

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

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

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

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

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

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

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

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

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

(c) "PER PUPIL DISTRIBUTION AMOUNT" MEANS:

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

(II) FOR A SMALL RURAL DISTRICT, AN AMOUNT EQUAL TO TWENTY MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN SUBSECTION (2)(a)(II) OF THIS SECTION AND THEN DIVIDED BY THE SUM OF THE TOTAL FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF ALL SMALL RURAL DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE 2018-19 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS THAT HAVE A SMALL RURAL DISTRICT AS THE ACCOUNTING DISTRICT.

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

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

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

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

(b) LARGE RURAL DISTRICTS, SMALL RURAL DISTRICTS, DISTRICT CHARTER SCHOOLS, AND ELIGIBLE INSTITUTE CHARTER SCHOOLS THAT RECEIVE MONEY PURSUANT TO THIS SECTION MAY USE THE MONEY ONLY FOR NONRECURRING EXPENSES FOR THE PURPOSE OF IMPROVING STUDENT LEARNING AND THE EDUCATIONAL ENVIRONMENT, INCLUDING BUT NOT LIMITED TO INITIATIVES THAT HELP ATTRACT EDUCATOR EMPLOYEES, INITIATIVES TO IMPROVE EDUCATOR TRAINING, INITIATIVES TO RETAIN EDUCATORS, LOAN FORGIVENESS FOR EDUCATORS AND STAFF, AND TECHNOLOGY.

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

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

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

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

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

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

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

SECTION 5. In Colorado Revised Statutes, 22-20-114, **amend** (1)(c)(III) as follows:

22-20-114. Funding of programs - legislative declaration. (1) Subject to the provisions of subsection (3) of this section, for the 2005-06 budget year and each budget year thereafter, the total amount appropriated to the department for the payment of costs incurred by administrative units for the provision of special education programs shall be distributed to each administrative unit that provides educational services for children with disabilities as follows:

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

(B) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, IN ADDITION TO ANY AMOUNT THAT IS AVAILABLE PURSUANT TO SUBSECTIONS (1)(c)(I) and (1)(c)(III)(A) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-TWO MILLION DOLLARS, WHICH AMOUNT MAY BE APPROPRIATED FROM THE STATE EDUCATION FUND OR THE GENERAL FUND OR AS AMOUNTS FROM BOTH FUNDS, TO THE DEPARTMENT FOR THE PURPOSES OF THIS SUBSECTION (1)(c).

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

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

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

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

22-14-109.5. Ninth grade success grant program - created - criteria - use of grant money - report - rules - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, AN ALTERNATIVE EDUCATION CAMPUS DESIGNATED PURSUANT TO SECTION 22-7-604.5 MAY NOT APPLY FOR OR RECEIVE MONEY OR SERVICES THROUGH A GRANT AWARDED PURSUANT TO THIS SECTION.

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

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

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

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

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

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

(III) FOR A LOCAL EDUCATION PROVIDER, DESIGNATION OF THE SCHOOLS IN WHICH THE LOCAL EDUCATION PROVIDER WILL USE THE GRANT MONEY TO

IMPLEMENT NINTH GRADE SUCCESS TEAMS;

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

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

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

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

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

(II) THE SUCCESS TEAM MUST MEET AT LEAST EVERY TWO WEEKS, TO THE EXTENT PRACTICABLE, THROUGHOUT THE SCHOOL YEAR TO COLLABORATE ON IDENTIFYING AND IMPLEMENTING STRATEGIES TO IMPROVE OUTCOMES FOR NINTH-GRADE STUDENTS WHO ARE FOUND TO BE AT RISK OF DROPPING OUT OF SCHOOL BEFORE GRADUATION AND TO ADDRESS SYSTEMS-LEVEL BARRIERS TO SUCCESS FOR ALL

NINTH-GRADE STUDENTS. THE STRATEGIES MUST BE INFORMED BY DATA CONCERNING, AT A MINIMUM, NINTH-GRADE STUDENTS' BEHAVIOR, ATTENDANCE, AND GRADES ACROSS DEMOGRAPHIC CATEGORIES AND STUDENT GROUPS. THE LOCAL EDUCATION PROVIDER OR CHARTER SCHOOL SHALL ALLOW SUCCESS TEAM MEMBERS TIME DURING THE WORK DAY FOR PLANNING AND COLLABORATION OR PROVIDE INCENTIVES TO MEET OUTSIDE OF THE WORK DAY.

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

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

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

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

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

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

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

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

(6) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEY TO THE DEPARTMENT TO IMPLEMENT THE PROGRAM, INCLUDING MONEY FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501. IN ADDITION, THE

DEPARTMENT MAY ACCEPT AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THE PROGRAM; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE.

(7)(a) EACH LOCAL EDUCATION PROVIDER AND CHARTER SCHOOL THAT RECEIVES A GRANT THROUGH THE PROGRAM SHALL SUBMIT TO THE DEPARTMENT, IN ACCORDANCE WITH THE REPORTING TIMELINES SPECIFIED IN RULES OF THE STATE BOARD, INFORMATION CONCERNING THE IMPLEMENTATION OF THE NINTH GRADE SUCCESS PROGRAM AND THE EVALUATION OF THE IMPACT, AS DESCRIBED IN SUBSECTION (5)(i) OF THIS SECTION, IN TOTAL AND DISAGGREGATED BY STUDENT GROUP. THE DEPARTMENT SHALL SPECIFY THE INFORMATION TO BE REPORTED TO ENABLE THE DEPARTMENT TO PREPARE THE REPORT REQUIRED IN SUBSECTION (7)(b) OF THIS SECTION.

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

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

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

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

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

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

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

22-14-109. Student re-engagement grant program - rules - application - grants - report. (1) There is hereby created within the department the student re-engagement grant program to provide grant ~~moneys~~ MONEY to local education providers to use in providing educational services and supports to students to maintain student engagement and support student re-engagement in high school. Subject to available appropriations, the state board shall award student re-engagement grants to local education providers from ~~moneys~~ MONEY appropriated ~~from the student re-engagement grant program fund created in~~ PURSUANT TO subsection (4) of this section.

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

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

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

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

(b.5) THE RULES REQUIRED PURSUANT TO SECTION 22-14-109.5 FOR THE NINTH GRADE SUCCESS GRANT PROGRAM; AND

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

ARTICLE 99
Health and Wellness Through Comprehensive
Quality Physical Education Instruction Pilot Program

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22-99-103. Pilot program - creation - qualifying instruction - application - award of grants - report. (1) THERE IS CREATED IN THE DEPARTMENT THE HEALTH AND WELLNESS THROUGH COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION PILOT PROGRAM FOR THE PURPOSE OF AWARDING GRANTS TO ELIGIBLE SCHOOLS OR SCHOOL DISTRICTS TO IMPLEMENT A PROGRAM OF COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION, AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION. A SCHOOL OR SCHOOL DISTRICT AWARDED A GRANT PURSUANT TO THIS SECTION SHALL ONLY USE THE GRANT MONEY TO ADDRESS A RESOURCE NEED IN ITS CURRENT PHYSICAL EDUCATION PROGRAM THAT CREATES A BARRIER TO IMPLEMENTING A PROGRAM OF COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION, AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION. A SCHOOL OR SCHOOL DISTRICT AWARDED A PILOT PROGRAM GRANT SHALL USE THE MONEY TO SUPPLEMENT, NOT SUPPLANT, EXISTING SCHOOL OR SCHOOL DISTRICT RESOURCES USED FOR PHYSICAL EDUCATION PROGRAMS.

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

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

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

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

(I) LACK OF RESOURCES;

(II) LACK OF APPROPRIATE EQUIPMENT;

(III) DIFFICULTY RETAINING STAFF;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) STANDARDS-BASED PHYSICAL EDUCATION CURRICULUM;

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

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

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

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

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

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

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

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

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

(11) PARTICIPATING PILOT PROGRAM SCHOOLS AND SCHOOL DISTRICTS SHALL PROVIDE DATA AND INFORMATION TO THE DEPARTMENT AND TO THE PROGRAM

EVALUATOR DESCRIBED IN SECTION 22-99-104 FOR PURPOSES OF REPORTING ON THE IMPLEMENTATION AND EVALUATION OF THE PILOT PROGRAM.

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

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

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

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

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

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

(c) FOR PURPOSES OF PROGRAM EVALUATION, THE PROGRAM EVALUATOR SHALL WORK WITH PILOT PROGRAM RECIPIENTS TO IDENTIFY AND DETERMINE COLLECTION

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

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

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

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

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

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

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

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

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

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

Section 2. **Appropriation.**

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

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

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

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

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

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

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

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

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

(3) Section 17 of this act takes effect only if House Bill 19-1262 does not become law.

(4) Sections 7, 8, 9, and 18 of this act take effect only if House Bill 19-1276 does not become law.

(5) Sections 10, 11, and 19 of this act take effect only if House Bill 19-1161 does not become law.

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

Approved: May 10, 2019