

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

REREVISED

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

LLS NO. 21-0999.02 Brita Darling x2241

SENATE BILL 21-268

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Senate Committees

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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 2021-22 budget year by \$141.67 to account for inflation of 2% for a new statewide base per pupil funding amount of \$7,225.28; and
- Sets the minimum statewide district total program funding

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 3rd Reading
June 3, 2021

HOUSE
Amended 2nd Reading
June 2, 2021

SENATE
3rd Reading Unamended
May 17, 2021

SENATE
Amended 2nd Reading
May 14, 2021

amount for the 2021-22 budget year and requires the dollar amount of the budget stabilization factor to remain the same for the 2022-23 budget year.

Section 2 of the bill authorizes the state board of education (state board) to take action against an educator license, certificate, endorsement, or authorization if the educator is convicted of an offense under the laws of another state, the United States, or any territory subject to the jurisdiction of the United States, the elements of which are substantially similar to a felony drug offense described in part 4 of article 18 of title 18, Colorado Revised Statutes.

Section 3 of the bill extends to 18 months the length of the accreditation contract entered into between the state board and each school district board of education (local school board) and the state charter school institute for the 2021-22 school year.

Sections 4 and 5 of the bill extend by one month the deadline for a local school board to certify to the state board mileage for reimbursement from the public school transportation fund and for the state board to certify to the state treasurer the amount of reimbursements from the public school transportation fund.

Section 6 of the bill changes the period of time in which the department of education (department) may establish an alternative pupil count day to within 45 school days after the first school day.

Section 7 of the bill allows local education providers to carry forward more than 15% of the per-pupil intervention money received pursuant to the "READ Act" for the 2020-21 budget year for use in the 2021-22 budget year.

Sections 8 and 9 of the bill adjust the amount of additional funding authorized in Senate Bill 21-053 that is available to school districts that fully fund total program with local revenue.

Sections 10 and 11 of the bill authorizes a school district that operated a district preschool program under the "Colorado Preschool Program Act" in the 2019-20 school year with a waiver to serve children under 3 years of age to continue in subsequent school years to use the same number of preschool positions to serve children under 3 years of age who have multiple significant family risk factors.

Section 12 of the bill extends the budget deadlines for the 2021-22 budget year for school districts and local college districts.

Section 13 of the bill makes permanent statutory provisions that allow school district charter schools that convert to institute charter schools or institute charter schools that convert to school district charter schools to continue to receive funding for at-risk students using the funding formulas that applied to the charter schools prior to the conversion.

Sections 14 of the bill requires the state board to review and accept or reject a local school board's proposed revisions to an existing

innovation school or innovation zone plan. The state board's determination must be based on serving the best interests of students, families, and the community.

Section 15 of the bill removes the cap on appropriations for the school counselor corps grant program.

Section 16 of the bill requires a board of cooperative services (BOCES) that intends to locate or operate a BOCES school within the geographic boundaries of a school district that is not a member of the BOCES during the 2021-22 school year to obtain written permission from the school district in which the school will be operated or located. The requirement for written consent does not apply to a BOCES school that is operating prior to the effective date of the bill.

Section 17 of the bill provides additional funding for at-risk students for the 2021-22 budget year to school districts, district charter schools, and institute charter schools. The amount of funding is based on the number of pupils for the 2020-21 budget year who were English language learners, as defined in the bill, and the number of pupils who were eligible for reduced-price lunch. The department must distribute the amount of additional funding for at-risk students to each school district and institute charter school. Each school district that authorizes a charter school must distribute to the charter school the per pupil distribution amount for the eligible pupils enrolled in the charter school.

Section 18 of the bill appropriates \$478,743,696 of general fund money to the department for the state share of districts' total program funding.

Section 19 of the bill authorizes the use of appropriations for the Accelerating Students Through Concurrent Enrollment (ASCENT) program for the 2021-22 budget year.

Section 20 of the bill appropriates \$400,000 from the state public school fund for school finance audit payments.

Section 21 of the bill appropriates \$77,408,881 to the department from the state education fund for additional funding for at-risk students for the 2021-22 budget year.

Section 22 of the bill appropriates \$2,000,000 from the state education fund for the school counselor corps grant program.

Section 23 of the bill appropriates \$1,706,537 from the general fund to the department to restore funding to the following grant programs that had appropriations reduced or eliminated for the 2020-21 fiscal year:

- \$800,000 and 0.6 FTE for the ninth grade success program;
- \$375,807 for the school leadership program;
- \$280,730 for the accelerated college opportunity exam fee grant program; and
- \$250,000 and 0.3 FTE for the John W. Buckner automatic enrollment in advanced placement courses grant program.

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)(XXVIII) and (5)(g)(I)(L) as follows:

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

6 (a) (XXVIII) FOR THE 2021-22 BUDGET YEAR, THE STATEWIDE
7 BASE PER PUPIL FUNDING IS \$7,225.28, WHICH IS AN AMOUNT EQUAL TO
8 \$7,083.61, SUPPLEMENTED BY \$141.67 TO ACCOUNT FOR INFLATION.

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

20 (L) THAT, FOR THE 2021-22 BUDGET YEAR, THE SUM OF THE TOTAL
21 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR
22 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET
23 STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION NINE HUNDRED
24 EIGHTY-EIGHT MILLION FIVE HUNDRED TWENTY-SEVEN THOUSAND SEVEN
25 HUNDRED ELEVEN DOLLARS (\$7,988,527,711); EXCEPT THAT THE
26 DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL

1 SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH
2 ACTUAL FIGURES, INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL
3 ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC OWNERSHIP TAX
4 REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY NECESSARY
5 CHANGES IN THE AMOUNT OF THE REDUCTION TO MAINTAIN A TOTAL
6 PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR THAT IS
7 CONSISTENT WITH THIS SUBSECTION (5)(g)(I)(L). FOR THE 2022-23
8 BUDGET YEAR, THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL
9 PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING
10 MUST NOT EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE
11 TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM
12 FUNDING FOR THE 2021-22 BUDGET YEAR.

13 **SECTION 2.** In Colorado Revised Statutes, 22-60.5-107, **amend**
14 (2.6) as follows:

15 **22-60.5-107. Grounds for denying, annulling, suspending, or**
16 **revoking license, certificate, endorsement, or authorization -**
17 **definition.** (2.6) (a) In addition to the offenses described in subsection
18 (2.5) of this section, the state board of education shall deny, annul,
19 suspend, or revoke a license, certificate, endorsement, or authorization if
20 the applicant for or holder of the license, certificate, endorsement, or
21 authorization is convicted of a felony drug offense described in part 4 of
22 article 18 of title 18, ~~C.R.S.~~, committed on or after August 25, 2012, OR
23 IS CONVICTED OF AN OFFENSE UNDER THE LAWS OF ANOTHER STATE, THE
24 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE
25 UNITED STATES, COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS
26 SUBSECTION (2.6)(a), AS AMENDED, THE ELEMENTS OF WHICH ARE
27 SUBSTANTIALLY SIMILAR TO A FELONY DRUG OFFENSE DESCRIBED IN PART

1 4 OF ARTICLE 18 OF TITLE 18. The requirement that the state board of
2 education deny, annul, suspend, or revoke a license, certificate,
3 endorsement, or authorization shall only apply for a period of five years
4 following the date the offense was committed.

5 (b) ~~Nothing in~~ This subsection (2.6) ~~shall~~ DOES NOT limit the
6 authority of the state board of education to deny, annul, suspend, or
7 revoke a license, certificate, endorsement, or authorization if the applicant
8 or holder is convicted of a felony drug offense described in part 4 of
9 article 18 of title 18, ~~C.R.S.~~, committed prior to August 25, 2012, OR IS
10 CONVICTED OF AN OFFENSE UNDER THE LAWS OF ANOTHER STATE, THE
11 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE
12 UNITED STATES, COMMITTED PRIOR TO THE EFFECTIVE DATE OF THIS
13 SUBSECTION (2.6), AS AMENDED, THE ELEMENTS OF WHICH ARE
14 SUBSTANTIALLY SIMILAR TO A FELONY DRUG OFFENSE DESCRIBED IN PART
15 4 OF ARTICLE 18 OF TITLE 18.

16 (c) ~~For purposes of~~ AS USED IN this subsection (2.6), "convicted"
17 or "conviction" means a conviction by a jury verdict or by entry of a
18 verdict or acceptance of a guilty plea or a plea of nolo contendere by a
19 court.

20 **SECTION 3.** In Colorado Revised Statutes, 22-11-206, **add** (5)
21 as follows:

22 **22-11-206. Accreditation of school districts and institute -**
23 **contracts - rules - repeal.** (5) (a) NOTWITHSTANDING THE PROVISIONS
24 OF SUBSECTION (2) OF THIS SECTION OR SECTION 22-11-208 TO THE
25 CONTRARY, THE ACCREDITATION CONTRACT THAT THE STATE BOARD
26 ENTERS INTO WITH EACH LOCAL SCHOOL BOARD AND WITH THE INSTITUTE
27 AT THE BEGINNING OF THE 2021-22 SCHOOL YEAR SHALL HAVE A TERM OF

1 EIGHTEEN MONTHS.

2 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2023.

3 **SECTION 4.** In Colorado Revised Statutes, 22-51-105, **amend**
4 (1) as follows:

5 **22-51-105. Certifications by school boards, governing boards,**
6 **and facility schools - rules.** (1) On or before ~~August~~ SEPTEMBER 15 of
7 each year, the school board of each school district entitled to and desiring
8 reimbursement under this article 51, the state charter school institute
9 board, and each facility school entitled to and desiring reimbursement
10 under this article 51 shall certify to the state board of education, on forms
11 provided by the commissioner of education, any information the board
12 deems necessary to determine the reimbursement entitlement of the
13 district, the institute, or the facility school. The information includes, but
14 is not limited to, the total amount of the school district's, institute's, or
15 facility school's current operating expenditures for pupil transportation
16 during the preceding entitlement period, the total number of miles
17 traveled and the total number of pupils transported on the pupil
18 enrollment count day, as defined in section 22-54-103 (10.5), during the
19 preceding entitlement period by vehicles operated by or for the school
20 district, the institute, or the facility school in providing pupil
21 transportation, and the transportation route descriptions in effect on the
22 pupil enrollment count day.

23 **SECTION 5.** In Colorado Revised Statutes, 22-51-106, **amend**
24 (1)(a) as follows:

25 **22-51-106. Certification to and payment by state treasurer -**
26 **deficiency in fund.** (1) (a) On or before ~~October~~ NOVEMBER 15 of each
27 year, the commissioner of education shall certify to the state treasurer the

1 amount of the advance reimbursement entitlement of each school district,
2 the state charter school institute, and each facility school for the current
3 entitlement period and the amount of the final reimbursement entitlement
4 of each school district, the institute, and each facility school for the
5 preceding entitlement period. The state treasurer shall thereupon pay from
6 the public school transportation fund directly to the treasurer of each
7 school district ~~which~~ THAT has elected under the law to withdraw its
8 funds from the custody of the county treasurer, directly to the treasurer of
9 the state charter school institute, and directly to the treasurer of each
10 facility school the amount certified as the total reimbursement entitlement
11 of the school district, the institute, or the facility school; and, for all other
12 school districts, the state treasurer shall pay to the county treasurer of the
13 county in which each school district has its headquarters the amount
14 certified as the total reimbursement entitlement of each district, and the
15 county treasurer shall forthwith credit to the general fund of each district
16 in the county the amount certified therefor.

17 **SECTION 6.** In Colorado Revised Statutes, 22-54-103, **amend**
18 (10.5)(a)(III) as follows:

19 **22-54-103. Definitions.** As used in this article 54, unless the
20 context otherwise requires:

21 (10.5) (a) "Pupil enrollment count day" means October 1 of each
22 year; except that:

23 (III) The department of education is authorized to establish
24 alternative dates for determining pupil enrollment in appropriate
25 circumstances, including, but not limited to, when schools are on a
26 year-round schedule pursuant to section 22-32-109 (1)(n) and pupils will
27 be on authorized breaks on October 1 within the applicable budget year;

1 except that such alternative dates shall be set not more than forty-five
2 ~~calendar~~ SCHOOL days after the first school day ~~occurring after October~~
3 ~~†~~ OF THE APPLICABLE SCHOOL YEAR.

4 **SECTION 7.** In Colorado Revised Statutes, 22-7-1210.5, **amend**
5 (6)(b) as follows:

6 **22-7-1210.5. Per-pupil intervention money - uses - distribution**
7 **- monitoring - repeal.** (6) (b) (I) A local education provider may retain
8 up to fifteen percent of the amount of per-pupil intervention money it
9 receives in a budget year for use in accordance with this section in the
10 next budget year. If a local education provider retains more than the
11 amount authorized in this subsection (6)(b), the department shall reduce
12 the amount of per-pupil intervention money that the local education
13 provider is eligible to receive in the next budget year by the excess
14 retention amount.

15 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
16 (6)(b)(I) OF THIS SECTION, A LOCAL EDUCATION PROVIDER MAY RETAIN
17 MORE THAN FIFTEEN PERCENT OF THE AMOUNT OF PER-PUPIL
18 INTERVENTION MONEY RECEIVED IN THE 2020-21 BUDGET YEAR FOR USE
19 IN ACCORDANCE WITH THIS SECTION IN THE 2021-22 BUDGET YEAR.

20 (B) THIS SUBSECTION (6)(b)(II) IS REPEALED, EFFECTIVE JULY 1,
21 2022.

22 **SECTION 8.** In Colorado Revised Statutes, 22-45-103, **amend**
23 (1)(k) as follows:

24 **22-45-103. Funds - repeal.** (1) The following funds are created
25 for each school district for purposes specified in this article 45.

26 (k) **Total program reserve fund.** (I) A school district shall
27 deposit the property tax revenues that it collects from a tax levy imposed

1 pursuant to section 22-54-107 (5) in the total program reserve fund of the
2 district. The district may expend money from the total program reserve
3 fund only to offset the amount of a reduction in the district's state share
4 caused by application of the budget stabilization factor pursuant to section
5 22-54-104 (5)(g); except that, in a budget year in which the school district
6 levies for its total program the number of mills calculated pursuant to
7 section 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), or (2.1)(c)(I), whichever is
8 applicable, if the balance of the total program reserve fund exceeds an
9 amount equal to the district's total program for that budget year multiplied
10 by the budget stabilization factor calculated pursuant to section 22-54-104
11 (5)(g) for that budget year, the district may expend the amount of the
12 excess balance. Any money remaining in the fund at the end of a fiscal
13 year must remain in the fund and may be used in future years only as
14 provided in this subsection (1)(k).

15 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
16 (1)(k)(I) OF THIS SECTION TO THE CONTRARY, FOR THE 2020-21 BUDGET
17 YEAR, A DISTRICT MAY EXPEND MONEY FROM THE TOTAL PROGRAM
18 RESERVE FUND TO ENSURE THAT THE DISTRICT'S TOTAL PROGRAM FUNDING
19 FOR THE 2020-21 BUDGET YEAR MEETS THE CONDITIONS SET FORTH IN
20 SECTION 22-54-143 (3)(a) AND (3)(b) AS ADDED BY SENATE BILL 21-053,
21 ENACTED IN 2021.

22 (B) THIS SUBSECTION (1)(k)(II) IS REPEALED, EFFECTIVE JULY 1,
23 2022.

24 **SECTION 9.** In Colorado Revised Statutes, 22-54-143, **amend**
25 **as added by Senate Bill 21-053** (4) as follows:

26 **22-54-143. Additional funding - 2020-21 budget year -**
27 **definitions - repeal.** (4) If a district's state share of total program funding

1 pursuant to section 22-54-106, before application of the budget
2 stabilization factor pursuant to section 22-54-104 (5)(g), was estimated
3 during the 2020 legislative session to be less than one-half of one percent
4 of the district's total program funding for the 2020-21 budget year, the
5 department of education, in determining the district's total program
6 funding for the 2020-21 budget year for purposes of subsection (3) of this
7 section, shall include the balance, as of ~~the effective date of Senate Bill~~
8 ~~21-053~~ JULY 1, 2020, of the district's total program reserve fund
9 established pursuant to section 22-45-103 (1)(k).

10 **SECTION 10.** In Colorado Revised Statutes, 22-28-106, **amend**
11 (1)(a) introductory portion and (1)(a)(I) as follows:

12 **22-28-106. Eligibility of children for participation in district**
13 **preschool program.** (1) (a) The state board shall establish, by rule,
14 criteria for each school district to use in determining which children in the
15 school district ~~shall be~~ ARE eligible for participation in the district
16 preschool program, subject to the following requirements:

17 (I) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(B) OF THIS
18 SECTION, a child who is three, four, or five years old and meets the criteria
19 specified in ~~subparagraphs (II) to (IV) of this paragraph (a)~~ SUBSECTIONS
20 (1)(a)(II) TO (1)(a)(IV) OF THIS SECTION and any other criteria established
21 by rule may participate in the district preschool program.

22 (B) A SCHOOL DISTRICT THAT OPERATED A DISTRICT PRESCHOOL
23 PROGRAM IN THE 2019-20 SCHOOL YEAR WITH A WAIVER TO SERVE
24 CHILDREN UNDER THREE YEARS OF AGE MAY CONTINUE IN SUBSEQUENT
25 SCHOOL YEARS TO USE THE SAME NUMBER OF PRESCHOOL POSITIONS USED
26 FOR CHILDREN UNDER THREE YEARS OF AGE IN THE 2019-20 SCHOOL YEAR
27 TO PROVIDE PRESCHOOL SERVICES TO CHILDREN UNDER THREE YEARS OF

1 AGE WHO HAVE MULTIPLE SIGNIFICANT FAMILY RISK FACTORS.

2 **SECTION 11.** In Colorado Revised Statutes, 22-54-103, **amend**
3 (9.5)(b)(I) as follows:

4 **22-54-103. Definitions.** As used in this article 54, unless the
5 context otherwise requires:

6 (9.5) (b) For purposes of determining preschool program
7 enrollment for the 2008-09 budget year and each budget year thereafter,
8 a district shall count and receive funding only for:

9 (I) Pupils enrolled in a district preschool program pursuant to
10 section 22-28-104 who are three years old as of October 1 of the
11 applicable budget year; EXCEPT THAT, SUBJECT TO THE LIMITATIONS
12 SPECIFIED IN SECTION 22-28-106 (1)(a)(I)(B), A DISTRICT PRESCHOOL
13 PROGRAM MAY COUNT PUPILS WHO ARE UNDER THREE YEARS OF AGE AS
14 OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR; and

15 **SECTION 12.** In Colorado Revised Statutes, **amend** 22-44-103.7
16 as follows:

17 **22-44-103.7. Budget provisions for the 2021-22 budget year -**
18 **repeal.** (1) Notwithstanding any provision of law to the contrary, for the
19 ~~2020-21~~ 2021-22 budget year:

20 (a) A board of education shall prepare and submit a proposed
21 budget in accordance with section 22-44-108 not later than June 23, ~~2020~~
22 2021;

23 (b) After submission of a proposed budget, but not later than June
24 25, ~~2020~~ 2021, the board of education shall publish a notice of proposed
25 school budget. The notice must be published in a newspaper having
26 general circulation in the school district at least once prior to the date
27 specified in the notice for consideration of the proposed school budget.

1 If there is no newspaper having general circulation in the school district,
2 or the notice cannot be published in the newspaper prior to the date
3 specified in the notice for consideration of the budget, the secretary of the
4 board of education shall cause the notice to be posted for at least two
5 business days in the administrative offices of the district and in two other
6 public places in the district prior to the date specified in the notice for
7 consideration of the budget.

8 (c) The provisions of section 22-44-104 apply if a board of
9 education does not adopt a budget and an appropriation resolution by June
10 30, ~~2020~~ 2021. After the adoption of the budget, the board may review
11 and change the budget pursuant to section 22-44-110 (5).

12 (2) This section is repealed, effective July 1, ~~2021~~ 2022.

13 **SECTION 13.** In Colorado Revised Statutes, **repeal** 22-30.5-112
14 (11)(b), 22-30.5-112.1 (7)(b), 22-30.5-112.2 (4)(b), 22-30.5-504
15 (10)(d)(II), 22-30.5-510 (1)(a.7)(II), and 22-30.5-513 (5.5)(b).

16 **SECTION 14.** In Colorado Revised Statutes, 22-32.5-110, **add**
17 **(3) as follows:**

18 **22-32.5-110. District of innovation - review of innovation**
19 **schools and innovation school zones - repeal.**

20 **(3) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE**
21 **CONTRARY, A LOCAL SCHOOL BOARD:**

22 **(I) SHALL NOT REVIEW AN EXISTING INNOVATION SCHOOL,**
23 **INNOVATION SCHOOL ZONE, OR A PUBLIC SCHOOL INCLUDED IN AN**
24 **INNOVATION SCHOOL ZONE OR MAKE ANY REVISIONS TO AN EXISTING**
25 **INNOVATION SCHOOL PLAN OR INNOVATION SCHOOL ZONE PLAN PURSUANT**
26 **TO THIS SECTION DURING THE 2021-22 SCHOOL YEAR; AND**

27 **(II) SHALL NOT MAKE REVISIONS TO AN EXISTING INNOVATION**

1 SCHOOL OR INNOVATION SCHOOL ZONE PLAN THAT HAVE NOT BEEN
2 APPROVED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (3).

3 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2022.

4

5 SECTION 15. In Colorado Revised Statutes, 22-91-104, amend
6 (5)(a) as follows:

7 22-91-104. School counselor corps grant program - application
8 - criteria - grant awards - rules - repeal. (5) (a) Subject to available
9 appropriations, ~~but not to exceed ten million dollars annually~~, the state
10 board shall award grants to applying education providers pursuant to this
11 section. The state board shall base the grant awards on the department's
12 recommendations. Each grant has a term of four years beginning in the
13 2014-15 budget year. In making a grant award, the state board shall
14 specify the amount of each grant.

15 SECTION 16. In Colorado Revised Statutes, 22-5-111, add (4)
16 as follows:

17 22-5-111. Buildings and facilities - repeal.
18 (4) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 5 TO THE
19 CONTRARY, DURING THE 2021-22 STATE FISCAL YEAR, BEFORE
20 AUTHORIZING A FULL-TIME SCHOOL OR AN ADDITIONAL LOCATION OF AN
21 EXISTING SCHOOL THAT IS PHYSICALLY LOCATED WITHIN THE GEOGRAPHIC
22 BOUNDARIES OF A SCHOOL DISTRICT THAT IS NOT A MEMBER OF THE BOARD
23 OF COOPERATIVE SERVICES, A BOARD OF COOPERATIVE SERVICES MUST
24 OBTAIN WRITTEN CONSENT FROM SUCH SCHOOL DISTRICT.

25 (b) THE REQUIREMENT FOR WRITTEN CONSENT SET FORTH IN
26 SUBSECTION (4)(a) OF THIS SECTION DOES NOT APPLY TO A SCHOOL
27 AUTHORIZED OR OPERATING PRIOR TO THE EFFECTIVE DATE OF THIS

1 SUBSECTION (4), SO LONG AS THE SCHOOL CONTINUES TO OPERATE FOR
2 THE 2021-22 SCHOOL YEAR.

3 (c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2022.

4 ■ ■ ■

5 SECTION 17. In Colorado Revised Statutes, amend 22-33-201.5
6 as follows:

7 22-33-201.5. Definitions. For purposes of AS USED IN this part 2,
8 unless the context otherwise requires:

9 (1) "BEHAVIORAL MANAGEMENT PLAN" MEANS AN ACTION PLAN
10 TO ADDRESS BEHAVIORAL, ATTENDANCE, AND TRUANCY ISSUES,
11 INCLUDING APPROPRIATE SERVICES AND SUPPORTS THAT ARE DEVELOPED
12 IN COORDINATION WITH STUDENTS, PARENTS, AND SCHOOL PERSONNEL.

13 (2) "CHRONIC ABSENTEEISM" MEANS A STUDENT IS ABSENT FOR
14 ANY REASON, EXCUSED OR UNEXCUSED, TEN PERCENT OR MORE OF THE
15 DAYS FOR WHICH THE STUDENT IS ENROLLED IN A PUBLIC SCHOOL DURING
16 THE SCHOOL YEAR.

17 ~~(1)~~ (3) "Educational services" means any of the following types
18 of services to provide instruction in the academic areas of reading,
19 writing, mathematics, science, and social studies TO MEET STATE
20 ACADEMIC STANDARDS, REDUCE COURSE FAILURE, AND INCREASE
21 POSTSECONDARY AND WORKFORCE READINESS:

22 (a) Tutoring services, COURSE REMEDIATION, CREDIT RECOVERY,
23 AND SUPPLEMENTAL EDUCATION SERVICES;

24 (b) Alternative educational programs; AND

25 (c) Career and technical education programs, WORK-BASED
26 LEARNING OPPORTUNITIES, AND CONCURRENT ENROLLMENT.

27 ~~(2)~~ (4) "Facility school" means an approved facility school as

1 defined in section 22-2-402 (1).

2 SECTION 18. In Colorado Revised Statutes, amend 22-33-202
3 as follows:

4 22-33-202. Identification of at-risk students - attendance issues
5 - disproportionate discipline practices. (1) Each school district shall
6 adopt policies to identify students IN PRE-KINDERGARTEN THROUGH
7 TWELFTH GRADE who are at risk of suspension or expulsion from school.
8 Students identified may include those who are truant, who have been or
9 are likely to be declared habitually truant, or who are likely to be declared
10 habitually disruptive DROPPING OUT OF SCHOOL DUE TO CHRONIC
11 ABSENTEEISM AND DISCIPLINARY ACTIONS, INCLUDING CLASSROOM
12 REMOVAL, SUSPENSION, AND EXPULSION. The school district shall provide
13 students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are
14 identified as at risk of suspension or expulsion DROPPING OUT OF SCHOOL
15 DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS with a plan to
16 provide the necessary support services to help them avoid expulsion
17 REMAIN IN SCHOOL. The school district shall work with the student's
18 parent or guardian in providing the services and may provide the services
19 through agreements with appropriate local governmental agencies,
20 appropriate state agencies, community-based organizations, and
21 institutions of higher education entered into pursuant to section
22 22-33-204. The failure of the school district to identify a student for
23 participation in an expulsion-prevention program or the failure of such
24 program to remediate a student's behavior shall not be grounds to prevent
25 school personnel from proceeding with appropriate disciplinary measures
26 or used in any way as a defense in an expulsion proceeding.

27 (2) IN PROVIDING NECESSARY SUPPORT SERVICES PURSUANT TO

1 SUBSECTION (1) OF THIS SECTION, each school district may provide
2 ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTION, AND educational
3 services to students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE
4 who are identified as at risk of suspension or expulsion from school
5 DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR
6 DISCIPLINARY ACTIONS, INCLUDING CLASSROOM REMOVAL, SUSPENSION,
7 AND EXPULSION. Any school district that provides ATTENDANCE
8 SUPPORTS, BEHAVIOR INTERVENTION, OR educational services to students
9 IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are at risk of
10 suspension or expulsion DROPPING OUT OF SCHOOL DUE TO CHRONIC
11 ABSENTEEISM OR DISCIPLINARY ACTIONS may apply for moneys MONEY
12 through the expelled and at-risk student services grant program
13 established in section 22-33-205 to assist in providing such ATTENDANCE
14 SUPPORTS, BEHAVIOR INTERVENTION, AND educational services.

15 **SECTION 19.** In Colorado Revised Statutes, 22-33-203, amend
16 (2) and (4) as follows:

17 **22-33-203. Educational alternatives for expelled students.**
18 (2) (a) Except as otherwise provided in paragraph (b) of this subsection
19 (2) SUBSECTION (2)(b) OF THIS SECTION, upon request of a student or the
20 student's parent or guardian, the school district shall provide, for any
21 student who is expelled from the school district, any educational services
22 that are deemed appropriate for the student by the school district. The
23 educational services provided must be designed to enable the student to
24 return to the school in which he or she was enrolled prior to expulsion, to
25 successfully complete the high school equivalency examination, or to
26 enroll in a nonpublic nonparochial school or in an alternative school,
27 including but not limited to a charter school. or a pilot school established

1 pursuant to article 38 of this title. The expelling school district shall
2 determine the amount of credit the student must receive toward
3 graduation for the educational services provided pursuant to this section.

4 (b) The educational services provided pursuant to this section are
5 designed to provide a second chance for the student to succeed in
6 achieving an education. While receiving educational services, a student
7 may be suspended or expelled pursuant to the conduct and discipline code
8 of the school district providing the educational services and the
9 provisions of part 1 of this article ARTICLE 33. Except as required by
10 federal law, the expelling school district is not required to provide
11 educational services to any student who is suspended or expelled while
12 receiving educational services pursuant to this section until the period of
13 the suspension or expulsion is completed.

14 (c)(I) Educational services provided pursuant to this section shall
15 be provided by the expelling school district; except that the expelling
16 school district may provide educational services either directly or in
17 cooperation PURSUANT TO AN AGREEMENT with one or more other school
18 districts, boards of cooperative services, charter schools, OR nonpublic
19 nonparochial schools. or pilot schools established pursuant to article 38
20 of this title under contract with the expelling school district. Any program
21 of educational services provided by a nonpublic nonparochial school shall
22 be IS subject to approval by the state board of education pursuant to
23 section 22-2-107.

24 (II) Educational services may be provided by the school district
25 through agreements entered into pursuant to section 22-33-204. The
26 expelling school district need not provide the educational services on
27 school district property. Any expelled student receiving educational

1 services shall be included in the expelling school district's pupil
2 enrollment as defined in section 22-54-103 (10).

3 (d) If an expelled student is receiving educational services
4 delivered by a school district other than the expelling school district, by
5 a charter school in a school district other than the expelling school
6 district, by a board of cooperative services, OR by a nonpublic
7 nonparochial school, or by a pilot school pursuant to an agreement
8 entered into pursuant to subparagraph (f) of paragraph (c) of this
9 subsection (2) SUBSECTION (2)(c)(I) OF THIS SECTION, the expelling school
10 district shall transfer ninety-five percent of the district per-pupil revenues,
11 as defined in section 22-30.5-112 (2)(a.5)(II) to the school district, charter
12 school, nonpublic nonparochial school, OR board of cooperative services
13 or pilot school that is providing educational services, reduced in
14 proportion to the amount of time remaining in the school year at the time
15 the student begins receiving educational services.

16 (e) Any school district, charter school, nonpublic nonparochial
17 school, OR board of cooperative services or pilot school that is providing
18 educational services to expelled students pursuant to this subsection (2)
19 may apply for moneys MONEY through the expelled student services grant
20 program established in section 22-33-205 to assist in providing
21 educational services.

22 (4) In addition to the educational services required under this
23 section, a student who is at risk of suspension or expulsion OF DROPPING
24 OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS
25 or has been suspended or expelled, or the student's parent or guardian,
26 may request any of the services provided by the school district through an
27 agreement entered into pursuant to section 22-33-204, and the school

1 district may provide such services.

2 **SECTION 20.** In Colorado Revised Statutes, 22-33-204, amend
3 (1) and (3); and add (1.5) as follows:

4 **22-33-204. Services for at-risk students - agreements with**
5 **state agencies and community organizations.** (1) Each school district,
6 regardless of the number of students expelled by the district, may enter
7 into agreements with appropriate local governmental agencies and, to the
8 extent necessary, with the managing state agencies, including the
9 department of human services and the department of public health and
10 environment; with community-based nonprofit and faith-based
11 organizations; with nonpublic ~~nonparochial~~ schools; with the department
12 of military and veterans affairs and with public and private institutions of
13 higher education to work with the student's parent or guardian to provide
14 services to any student IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE,
15 or the student's family, who is identified as being at risk of suspension or
16 expulsion or who has been suspended or expelled OF DROPPING OUT OF
17 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS. Any
18 services provided pursuant to an agreement with a nonpublic
19 ~~nonparochial~~ school are subject to approval by the state board of
20 education pursuant to section 22-2-107. Services provided through such
21 agreements may include, but are not limited to:

22 (a) ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTIONS, AND
23 educational services required to be provided ~~under~~ PURSUANT TO section
24 22-33-203 (2) and any educational services provided to at-risk students
25 ~~identified~~ STUDENTS WHO ARE IDENTIFIED AS AT RISK OF DROPPING OUT OF
26 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS
27 pursuant to section 22-33-202;

1 (b) Counseling services;
2 (c) Substance use disorder treatment programs;
3 (d) Family preservation services;
4 (e) and (f) (Deleted by amendment, L. 98, p. 570, § 3, effective
5 April 30, 1998.)

6 (e) RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION
7 22-32-144; AND

8 (f) ALTERNATIVES TO SUSPENSION SYSTEMS AND SUPPORTS.

9 (1.5) EACH SCHOOL DISTRICT, REGARDLESS OF THE NUMBER OF
10 STUDENTS EXPELLED BY THE DISTRICT, MAY ENTER INTO AGREEMENTS
11 WITH APPROPRIATE LOCAL GOVERNMENT AGENCIES AND, TO THE EXTENT
12 NECESSARY, WITH THE MANAGING STATE AGENCIES AS DESCRIBED IN
13 SUBSECTION (1) OF THIS SECTION TO PROVIDE SERVICES AND TECHNICAL
14 ASSISTANCE TO EMPLOYEES TO SUPPORT STUDENTS WHO ARE IDENTIFIED
15 AS AT RISK OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM
16 OR DISCIPLINARY ACTIONS. SERVICES AND TECHNICAL ASSISTANCE
17 PROVIDED THROUGH SUCH AGREEMENTS MAY INCLUDE, BUT ARE NOT
18 LIMITED TO:

19 (a) ATTENDANCE, DISCIPLINE, AND GRADING POLICIES AND
20 PRACTICE REVIEW;

21 (b) TRAINING IN BEHAVIOR INTERVENTIONS AND CLASSROOM
22 MANAGEMENT; AND

23 (c) EQUITY, DIVERSITY, AND INCLUSION TRAINING, INCLUDING
24 ANTI-BIAS TRAINING.

25 (3) Each school district shall use a portion of its per-pupil
26 revenues to provide services under agreements entered into pursuant to
27 this section for each student who is at risk of suspension or expulsion or

1 who is suspended or expelled FOR STUDENTS IN PRE-KINDERGARTEN
2 THROUGH TWELFTH GRADE AT RISK OF DROPPING OUT OF SCHOOL DUE TO
3 CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION TO IMPLEMENT THE
4 SUPPORTS AND SERVICES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.
5 In addition, the school district may use federal moneys, moneys MONEY,
6 MONEY received from any other state appropriation, and moneys MONEY
7 received from any other public or private grant to provide said services.

8 **SECTION 21.** In Colorado Revised Statutes, amend 22-33-205
9 as follows:

10 **22-33-205. Services for expelled and at-risk students - grants**
11 **- criteria.** (1) (a) There is hereby established in the department of
12 education the expelled and at-risk student services grant program, referred
13 to in this section as the "program". The program shall provide PROVIDES
14 grants to school districts, to charter schools, to alternative schools within
15 school districts, to nonpublic nonparochial schools, to boards of
16 cooperative services, AND to facility schools and to pilot schools
17 established pursuant to article 38 of this title to assist them in providing
18 educational services, and other services provided pursuant to section
19 22-33-204; to expelled students pursuant to section 22-33-203 (2); to
20 students at risk of expulsion STUDENTS WHO ARE IDENTIFIED AS AT RISK
21 OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR
22 DISCIPLINARY ACTION as identified pursuant to section 22-33-202 (1); and
23 to truant students PURSUANT TO SECTIONS 22-33-107 (3) AND 22-33-108
24 (5). NONPUBLIC SCHOOLS MAY APPLY FOR A GRANT PURSUANT TO THIS
25 SECTION ONLY TO FUND EDUCATIONAL SERVICES THAT HAVE BEEN
26 APPROVED BY THE STATE BOARD PURSUANT TO SECTION 22-2-107.

27 (b) In addition to school districts, charter schools, alternative

1 schools within school districts, nonpublic, nonparochial schools, boards
2 of cooperative services, facility schools, and pilot schools, the department
3 of military and veterans affairs may apply for a grant pursuant to the
4 provisions of this section to assist the department with a program to
5 provide educational services to expelled students; except that nonpublic,
6 nonparochial schools may only apply for a grant pursuant to the
7 provisions of this section to fund educational services that have been
8 approved by the state board pursuant to section 22-2-107. The department
9 shall follow application procedures established by the department of
10 education pursuant to subsection (2) of this section. The department of
11 education shall determine whether to award a grant to the department of
12 military and veterans affairs and the amount of the grant.

13 (c) Grants awarded pursuant to this section shall be paid for out
14 of any moneys MONEY appropriated to the department of education for
15 implementation of the program.

16 (2) (a) The state board by rule shall establish application
17 procedures by which a school district, a charter school, an alternative
18 school within a school district, a nonpublic nonparochial school, a board
19 of cooperative services, a facility school or a pilot school may annually
20 apply for a grant under the program. At a minimum, the application shall
21 include a plan for provision of educational services, including the type of
22 educational services to be provided, the estimated cost of providing such
23 educational services, and the criteria that will be used to evaluate the
24 effectiveness of the educational services provided. THE STATE BOARD
25 SHALL ADOPT RULES PURSUANT TO THE "STATE ADMINISTRATIVE
26 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, FOR THE IMPLEMENTATION OF
27 THE PROGRAM, INCLUDING, BUT NOT LIMITED TO, RULES REGARDING:

1 (a) THE APPLICATION TIMELINE AND PROCEDURES BY WHICH A
2 SCHOOL DISTRICT, A CHARTER SCHOOL, AN ALTERNATIVE SCHOOL WITHIN
3 A SCHOOL DISTRICT, A NONPUBLIC SCHOOL, A BOARD OF COOPERATIVE
4 SERVICES, OR A FACILITY SCHOOL MAY ANNUALLY APPLY FOR A GRANT
5 UNDER THE PROGRAM;

6 (b) THE GRANT APPLICATION REQUIREMENTS, WHICH AT A
7 MINIMUM MUST INCLUDE:

8 (I) A PLAN TO PROVIDE EDUCATIONAL SERVICES, ATTENDANCE
9 SUPPORTS, AND BEHAVIOR INTERVENTIONS. THE PLAN MUST ADDRESS:

10 (A) DISPROPORTIONATE DISCIPLINE PRACTICES, CHRONIC
11 ABSENTEEISM, AND ALTERNATIVES TO SUSPENSION AND EXPULSION; AND

12 (B) EFFECTIVE ATTENDANCE AND DISCIPLINE SYSTEMS, WHICH
13 MAY INCLUDE MULTI-TIERED SYSTEMS OF SUPPORT, POSITIVE BEHAVIOR
14 INTERVENTION MODELS, AND RESTORATIVE JUSTICE PRACTICES AS
15 DESCRIBED IN SECTION 22-32-144;

16 (II) A DESCRIPTION OF THE SUPPORTS AND SERVICES TO BE
17 PROVIDED, INCLUDING THE NUMBER OF STUDENTS SERVED AND HOW THE
18 EFFECTIVENESS OF THE SUPPORTS AND SERVICES WILL BE DETERMINED
19 AND MEASURED; AND

20 (III) THE TRAINING AND TECHNICAL ASSISTANCE PROVIDED TO
21 ENSURE THE EFFECTIVE IMPLEMENTATION OF SUPPORTS, SERVICES, AND
22 PROGRAMMING, WHICH MAY INCLUDE EQUITY, DIVERSITY, AND INCLUSION
23 TRAINING;

24 (b) (c) The state board shall CRITERIA to determine which of the
25 applicants shall receive grants and the amount of each grant. In awarding
26 grants, the state board shall consider the following criteria:

27 (I) The costs incurred by the applicant in providing educational

1 services to expelled or at-risk students pursuant to the provisions of this
2 part 2 during the school year preceding the school year for which the
3 grant is requested; THE QUALITY OF STUDENT SUPPORTS AND SERVICES
4 PROVIDED UNDER THE PLAN AND THE LIKELIHOOD THAT THE PLAN WILL
5 ACHIEVE ITS INTENDED RESULTS, INCLUDING:
6 (A) INCREASING ACADEMIC SUCCESS;
7 (B) REDUCING CHRONIC ABSENTEEISM;
8 (C) DECREASING CONDUCT AND DISCIPLINE CODE VIOLATIONS;
9 (D) INCREASING AGE-APPROPRIATE AND DEVELOPMENTALLY
10 APPROPRIATE DISCIPLINE METHODS; AND
11 (E) INCREASING STUDENT AND FAMILY ENGAGEMENT;
12 (II) (Deleted by amendment, L. 98, p. 570, § 4, effective April 30,
13 1998.)
14 (III) The number of expelled, at-risk, or truant CHRONICALLY
15 ABSENT students who are receiving ATTENDANCE AND BEHAVIOR
16 INTERVENTIONS AND educational services through the applicant under
17 agreements entered into pursuant to the provisions of this part 2 during
18 the school year preceding the year for which the grant is requested;
19 (IV) The quality of educational services to be provided by the
20 applicant under the plan;
21 (V) The cost-effectiveness of the educational services to be
22 provided under the plan, INCLUDING THE AMOUNT OF FUNDING REQUESTED
23 BY THE APPLICANT IN RELATION TO THE COST OF THE SUPPORTS AND
24 SERVICES TO BE PROVIDED UNDER THE PLAN;
25 (VI) The amount of funding received by the applicant in relation
26 to the cost of the educational services provided under the plan; and THE
27 COST-EFFECTIVENESS AND QUALITY OF THE SERVICES DESCRIBED IN

1 SECTION 22-33-204 (1.5) TO BE PROVIDED BY THE APPLICANT UNDER THE
2 PLAN TO EMPLOYEES WHO SUPPORT STUDENTS AT RISK OF DROPPING OUT
3 OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION;

4 (VII) If the applicant is seeking to renew a grant or has been
5 awarded a grant pursuant to this section in the previous five years, the
6 demonstrated effectiveness of the educational services funded by the
7 previous grant OF SERVICES FUNDED BY THE PREVIOUS GRANT; AND

8 (VIII) THE NEED FOR SERVICES IN RURAL, SUBURBAN, AND URBAN
9 COMMUNITIES.

10 (3) The state board shall annually award at least forty-five percent
11 of any moneys appropriated for the program to applicants that provide
12 educational services to students from more than one school district and
13 at least one-half of any increase in the appropriation for the program for
14 the 2009-10 fiscal year to applicants that provide services and supports
15 that are designed to reduce the number of truancy cases requiring court
16 involvement and that also reflect the best interests of students and
17 families. The services and supports shall include, but need not be limited
18 to, alternatives to guardian ad litem representation in truancy proceedings.

19 (4) The department of education is authorized to retain up to one
20 percent of any money appropriated for the program for the purpose of
21 annually evaluating the program. The department of education is
22 authorized and encouraged to retain up to an additional two percent of
23 any money appropriated for the program for the purpose of partnering
24 with organizations or agencies that provide services and supports that are
25 designed to reduce the number of truancy cases requiring court
26 involvement and that also reflect the best interests of students and
27 families. The services and supports shall include, but need not be limited

1 to, alternatives to guardian ad litem representation in truancy proceedings.
2 Notwithstanding section 24-1-136 (11)(a)(I), on or before January 1,
3 2006, and on or before January 1 each year thereafter, the department of
4 education shall report to the education committees of the house of
5 representatives and the senate, or any successor committees, the
6 evaluation findings on the outcomes and the effectiveness of the program
7 related to school attendance, attachment, and achievement. The report
8 shall also include specific information on the efficacy of services and
9 supports that provide alternatives to court involvement and guardian ad
10 litem representation in truancy proceedings. AT A MINIMUM, THE REPORT
11 MUST INCLUDE:

12 (a) SPECIFIC INFORMATION ON THE EFFICACY OF SERVICES AND
13 SUPPORTS TO REDUCE TRUANCY COURT REFERRALS AND PROVIDE
14 ALTERNATIVES TO TRUANCY COURT INVOLVEMENT;

15 (b) THE EFFECTIVENESS OF PROGRAM-RELATED ATTENDANCE,
16 SUPPORTIVE SCHOOL DISCIPLINE, AND STUDENT ACHIEVEMENT, WHICH
17 INCLUDE:

18 (I) ACADEMIC MEASURES, SUCH AS REDUCTION IN COURSE
19 FAILURE, INCREASE IN GRADE POINT AVERAGE, AND ACCRUAL FOR CREDITS
20 AT THE HIGH SCHOOL LEVEL;

21 (II) ATTENDANCE MEASURES, SUCH AS INCREASED ATTENDANCE
22 RATES AND REDUCTIONS IN CHRONIC ABSENTEEISM;

23 (III) BEHAVIOR AND DISCIPLINE MEASURES, SUCH AS A DECLINE IN
24 CLASSROOM REMOVAL, SUSPENSIONS, AND EXPULSION; A DECREASE IN
25 EXCLUSIONARY DISCIPLINE ACTIONS; AND A REDUCTION IN REFERRALS TO
26 LAW ENFORCEMENT, ARRESTS, AND TICKETING;

27 (IV) STUDENT ENGAGEMENT MEASURES, SUCH AS STUDENT AND

1 PARENT ENGAGEMENT WITH THE SERVICES PROVIDED IN THE PLAN,
2 PARTICIPATION IN PROGRAMS AND ACTIVITIES, AND THE NUMBER OF
3 STUDENTS AND FAMILIES SERVED BY GRANT-FUNDED SERVICES;

4 (V) EFFICACY OF SERVICES AND SUPPORTS THAT ADDRESS
5 DISPROPORTIONATE DISCIPLINE RATES AND THE CREATION OF
6 AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE DISCIPLINE
7 SYSTEMS; AND

8 (VI) EFFECTIVENESS OF TRAINING AND TECHNICAL ASSISTANCE
9 PROVIDED BY THE GRANT FUNDS.

10 **SECTION 22.** In Colorado Revised Statutes, 24-90-120, amend
11 (2) introductory portion, (2)(c), and (4)(a); and add (2)(e), (2)(f), and (6)
12 as follows:

13 **24-90-120. Colorado imagination library program - creation**
14 **- request for proposal - state librarian duties - report - legislative**
15 **declaration - definitions.** (2) Subject to available appropriations NO
16 LATER THAN DECEMBER 31, 2021, the state librarian in the department of
17 education shall contract with a Colorado nonprofit organization for the
18 creation and operation of the Colorado imagination library program. The
19 contractor shall:

20 (c) Develop, promote, and coordinate a public awareness
21 campaign to make donors aware of the opportunity to donate to the
22 affiliate program and IN COORDINATION WITH THE DEPARTMENT OF
23 EDUCATION TO ENSURE ALIGNMENT WITH THE "COLORADO READ ACT",
24 PART 12 OF ARTICLE 7 OF TITLE 22, INCLUDING ANY PUBLIC AWARENESS
25 CAMPAIGN FOR THE "COLORADO READ ACT", AND TO make the public
26 aware of the opportunity to register eligible children to receive FREE
27 books through the program; and

1 (e) PROVIDE FOR A HIGH-QUALITY INDEPENDENT EVALUATION OF
2 THE IMPACT OF THE PROGRAM ON CHILD AND FAMILY OUTCOMES,
3 INCLUDING CHILD LITERACY AND PARENT AND FAMILY ENGAGEMENT; AND

4 (f) ESTABLISH A DISTRESSED AFFILIATE FUND USING GIFTS,
5 GRANTS, OR DONATIONS TO HELP COUNTY-BASED AFFILIATE PROGRAMS
6 THAT HAVE FINANCIAL DIFFICULTY MEETING THE COUNTY-BASED
7 AFFILIATE PROGRAMS' FUNDING REQUIREMENTS.

8 (4) (a) The contractor, in operating the program pursuant to
9 subsection (2) of this section, shall pay to the national nonprofit
10 foundation fifty percent of the statewide cost to provide FREE books to
11 eligible children enrolled in the program, as determined by the national
12 nonprofit foundation. THE GENERAL ASSEMBLY SHALL ANNUALLY
13 APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF
14 EDUCATION FOR THE STATE LIBRARIAN TO DISTRIBUTE TO THE
15 CONTRACTOR FOR THE STATE'S SHARE OF THE COST TO PROVIDE THE
16 BOOKS.

17 (6) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE
18 FULL FUNDING BY 2026 FOR ANY ELIGIBLE CHILD WHO WANTS PARTICIPATE
19 IN THE PROGRAM.

20 (b) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
21 ASSEMBLY SHALL APPROPRIATE NINE HUNDRED SEVEN THOUSAND ONE
22 HUNDRED FORTY DOLLARS FOR THE COLORADO IMAGINATION LIBRARY
23 AND SHALL INCREASE THE APPROPRIATION IN SUBSEQUENT FISCAL YEARS
24 AS NECESSARY TO MEET THE INTENTION OF THE GENERAL ASSEMBLY SET
25 FORTH IN SUBSECTION (6)(a) OF THIS SECTION.

26 (c) TWENTY PERCENT OF MONEY APPROPRIATED FOR THE 2021-22
27 STATE FISCAL YEAR, AND TEN PERCENT OF MONEY APPROPRIATED FOR THE

1 2022-23 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, MAY BE USED
2 FOR THE CONTRACTOR OPERATING THE PROGRAM FOR DUTIES SET FORTH
3 IN SUBSECTIONS (2)(a) TO (2)(f) OF THIS SECTION.

4 **SECTION 23.** In Colorado Revised Statutes, 24-6-402, amend
5 (2)(c)(IV) as follows:

6 **24-6-402. Meetings - open to public - legislative declaration -**
7 **definitions.** (2) (c) (IV) For purposes of this section, "local public body"
8 includes municipalities, counties, school boards DISTRICTS, and special
9 districts.

10 **SECTION 24.** In Colorado Revised Statutes, 22-35-114, add
11 (2.5) as follows:

12 **22-35-114. Concurrent enrollment expansion and innovation**
13 **grant program - created - report - rules - legislative declaration.**

14 **(2.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

15 **(I) ON MARCH 11, 2021, THE FEDERAL GOVERNMENT ENACTED**
16 **THE "AMERICAN RESCUE PLAN ACT OF 2021" (ARPA), PUB.L. 117-2, AS**
17 **THE ACT MAY BE SUBSEQUENTLY AMENDED, PURSUANT TO WHICH**
18 **COLORADO WILL RECEIVE \$3,828,761,790 FROM THE FEDERAL**
19 **CORONAVIRUS STATE FISCAL RECOVERY FUND TO BE USED FOR CERTAIN**
20 **SPECIFIED PURPOSES, INCLUDING "TO RESPOND TO THE PUBLIC HEALTH**
21 **EMERGENCY WITH RESPECT TO THE CORONAVIRUS DISEASE 2019**
22 **(COVID-19) OR ITS NEGATIVE ECONOMIC IMPACTS, INCLUDING**
23 **ASSISTANCE TO HOUSEHOLDS, SMALL BUSINESSES, AND NONPROFITS, OR**
24 **AID TO IMPACTED INDUSTRIES SUCH AS TOURISM, TRAVEL, AND**
25 **HOSPITALITY";**

26 **(II) UNDER THE AUTHORITY GRANTED PURSUANT TO SECTION 602**
27 **(f) OF THE ARPA, THE SECRETARY OF THE UNITED STATES TREASURY**

1 ADOPTED REGULATIONS PROVIDING FURTHER GUIDANCE TO STATES
2 REGARDING THE AUTHORIZED USES OF THE MONEY ALLOCATED TO STATES
3 FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO
4 RESPOND TO THE PUBLIC HEALTH EMERGENCY OR ITS NEGATIVE ECONOMIC
5 IMPACTS, WHICH INCLUDE:

6 (A) PROVIDING ASSISTANCE TO UNEMPLOYED WORKERS,
7 INCLUDING JOB TRAINING FOR INDIVIDUALS WHO WANT TO AND ARE
8 AVAILABLE FOR WORK;

9 (B) PROVIDING AID TO IMPACTED INDUSTRIES TO RESPOND TO THE
10 NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PUBLIC HEALTH
11 EMERGENCY; AND

12 (C) PROVIDING PROGRAMS, SERVICES, OR OTHER ASSISTANCE FOR
13 POPULATIONS DISPROPORTIONATELY IMPACTED BY THE COVID-19 PUBLIC
14 HEALTH EMERGENCY, SUCH AS PROGRAMS OR SERVICES THAT ADDRESS OR
15 MITIGATE THE IMPACTS OF THE PUBLIC HEALTH EMERGENCY ON
16 EDUCATION;

17 (III) COLORADO'S ECONOMIC RECOVERY FROM THE COVID-19
18 PUBLIC HEALTH EMERGENCY REQUIRES A SKILLED WORKFORCE WHICH CAN
19 BE STRENGTHENED THROUGH STUDENTS COMPLETING ACADEMIC AND
20 CAREER AND TECHNICAL EDUCATION COURSES AND PROGRAMS,
21 INCLUDING INDUSTRY CREDENTIALS, AND BY SUPPORTING THE EDUCATOR
22 WORKFORCE IN ATTAINING THE CREDENTIALS NECESSARY TO PARTICIPATE
23 IN CONCURRENT ENROLLMENT PARTNERSHIPS BETWEEN LOCAL EDUCATION
24 PROVIDERS AND INSTITUTIONS OF HIGHER EDUCATION;

25 (IV) STUDENTS FROM LOW-INCOME COMMUNITIES, STUDENTS
26 FROM COMMUNITIES OF COLOR, AND FIRST-GENERATION STUDENTS FACE
27 INCREASED CHALLENGES DUE TO THE COVID-19 PANDEMIC AND THE LOSS

1 OF STUDENT AND HOUSEHOLD INCOME IN PAYING FOR THE COSTS
2 ASSOCIATED WITH OBTAINING WORKFORCE SKILLS AND IN COMPLETING
3 ACADEMIC AND CAREER AND TECHNICAL EDUCATION COURSES AND
4 PROGRAMS, INCLUDING INDUSTRY CREDENTIALS; AND

5 (V) WITHOUT ACCESS TO LOW-COST ACADEMIC AND CAREER AND
6 TECHNICAL EDUCATION COURSES AND PROGRAMS TO MITIGATE THE
7 IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY ON STUDENTS
8 FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF
9 COLOR, AND FIRST-GENERATION STUDENTS, THESE STUDENTS MAY FACE
10 LONG-TERM, NEGATIVE EDUCATIONAL AND ECONOMIC IMPACTS FROM THE
11 COVID-19 PUBLIC HEALTH EMERGENCY.

12 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
13 APPROPRIATING A PORTION OF THE FEDERAL MONEY FOR THE CONCURRENT
14 ENROLLMENT EXPANSION AND INNOVATION GRANT PROGRAM CREATED IN
15 THIS SECTION WILL PROVIDE THE KIND OF ASSISTANCE FOR WHICH
16 COLORADO WILL RECEIVE MONEY FROM THE FEDERAL CORONAVIRUS
17 STATE FISCAL RECOVERY FUND AND THEREFORE IS AN APPROPRIATE AND
18 LAWFUL USE OF THE MONEY TRANSFERRED TO COLORADO UNDER THE
19 "AMERICAN RESCUE PLAN ACT OF 2021".

20 (c) This subsection (2.5) is repealed, effective July 1, 2026.

21 **SECTION 25.** In Colorado Revised Statutes, 22-54-138, add
22 (2.5) as follows:

23 **22-54-138. Career development success program - created -**
24 **funding - report - legislative declaration - definitions - repeal.**

25 (2.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

26 (I) ON MARCH 11, 2021, THE FEDERAL GOVERNMENT ENACTED
27 THE "AMERICAN RESCUE PLAN ACT OF 2021" (ARPA), PUB.L. 117-2, AS

1 THE ACT MAY BE SUBSEQUENTLY AMENDED, PURSUANT TO WHICH
2 COLORADO WILL RECEIVE \$3,828,761,790 FROM THE FEDERAL
3 CORONAVIRUS STATE FISCAL RECOVERY FUND TO BE USED FOR CERTAIN
4 SPECIFIED PURPOSES, INCLUDING "TO RESPOND TO THE PUBLIC HEALTH
5 EMERGENCY WITH RESPECT TO THE CORONAVIRUS DISEASE 2019
6 (COVID-19) OR ITS NEGATIVE ECONOMIC IMPACTS, INCLUDING
7 ASSISTANCE TO HOUSEHOLDS, SMALL BUSINESSES, AND NONPROFITS, OR
8 AID TO IMPACTED INDUSTRIES SUCH AS TOURISM, TRAVEL, AND
9 HOSPITALITY";

10 (II) UNDER THE AUTHORITY GRANTED PURSUANT TO SECTION 602
11 (f) OF THE ARPA, THE SECRETARY OF THE UNITED STATES TREASURY
12 ADOPTED REGULATIONS PROVIDING FURTHER GUIDANCE TO STATES
13 REGARDING THE AUTHORIZED USES OF THE MONEY ALLOCATED TO STATES
14 FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO
15 RESPOND TO THE PUBLIC HEALTH EMERGENCY OR ITS NEGATIVE ECONOMIC
16 IMPACTS, WHICH INCLUDE:

17 (A) PROVIDING ASSISTANCE TO UNEMPLOYED WORKERS,
18 INCLUDING JOB TRAINING FOR INDIVIDUALS WHO WANT TO AND ARE
19 AVAILABLE FOR WORK;

20 (B) PROVIDING AID TO IMPACTED INDUSTRIES TO RESPOND TO THE
21 NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PUBLIC HEALTH
22 EMERGENCY; AND

23 (C) PROVIDING PROGRAMS, SERVICES, OR OTHER ASSISTANCE FOR
24 POPULATIONS DISPROPORTIONATELY IMPACTED BY THE COVID-19 PUBLIC
25 HEALTH EMERGENCY, SUCH AS PROGRAMS OR SERVICES THAT ADDRESS OR
26 MITIGATE THE IMPACTS OF THE PUBLIC HEALTH EMERGENCY ON
27 EDUCATION;

1 (III) COLORADO'S RECOVERY FROM THE COVID-19 PUBLIC
2 HEALTH EMERGENCY REQUIRES PROGRAMS THAT SUPPORT A SKILLED
3 WORKFORCE AND THAT MITIGATE THE LONG-TERM, NEGATIVE IMPACTS ON
4 EDUCATIONAL AND ECONOMIC OUTCOMES FOR STUDENTS;

5 (IV) STUDENTS FROM LOW-INCOME COMMUNITIES, STUDENTS
6 FROM COMMUNITIES OF COLOR, AND FIRST-GENERATION STUDENTS FACE
7 INCREASED CHALLENGES DUE TO THE COVID-19 PANDEMIC AND THE LOSS
8 OF STUDENT AND HOUSEHOLD INCOME AND DISRUPTED LEARNING; AND

9 (V) BY INCENTIVIZING SCHOOL DISTRICTS AND CHARTER SCHOOLS
10 TO INCREASE THE PARTICIPATION OF STUDENTS IN QUALIFIED
11 INDUSTRY-CREDENTIAL PROGRAMS, QUALIFIED INTERNSHIPS, RESIDENCY,
12 CONSTRUCTION-INDUSTRY PRE-APPRENTICESHIP OR APPRENTICESHIP
13 PROGRAMS, AND ADVANCED PLACEMENT PROGRAMS FOR COLLEGE CREDIT,
14 SCHOOL DISTRICTS AND CHARTER SCHOOLS HELP MITIGATE THE
15 LONG-TERM, NEGATIVE IMPACTS FROM THE COVID-19 PUBLIC HEALTH
16 EMERGENCY ON EDUCATIONAL AND ECONOMIC OUTCOMES FOR STUDENTS
17 FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF
18 COLOR, AND FIRST-GENERATION STUDENTS.

19 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
20 APPROPRIATING A PORTION OF THE FEDERAL MONEY FOR THE CAREER
21 DEVELOPMENT SUCCESS PROGRAM CREATED IN THIS SECTION WILL
22 PROVIDE THE KIND OF ASSISTANCE FOR WHICH COLORADO WILL RECEIVE
23 MONEY FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND
24 AND THEREFORE IS AN APPROPRIATE AND LAWFUL USE OF THE MONEY
25 TRANSFERRED TO COLORADO UNDER THE "AMERICAN RESCUE PLAN ACT
26 OF 2021".

27 (c) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 2026.

1 **SECTION 26.** In Colorado Revised Statutes, 22-54-102, **add** (5)
2 as follows:

3 **22-54-102. Legislative declaration - statewide applicability -**
4 **intergovernmental agreements.** (5) (a) THE GENERAL ASSEMBLY FINDS
5 THAT, DUE TO THE COVID-19 PANDEMIC BEGINNING DURING THE 2019-20
6 SCHOOL YEAR, COLORADO'S PUBLIC EDUCATION SYSTEM HAS FACED
7 SIGNIFICANT DISRUPTIONS TO THE DELIVERY OF CLASSROOM INSTRUCTION,
8 STUDENT LEARNING, AND ACCESS TO CRITICALLY NECESSARY
9 NUTRITIONAL, HEALTH, AND SOCIAL-EMOTIONAL SUPPORT SERVICES.
10 THEREFORE, THE GENERAL ASSEMBLY FINDS THAT:

11 (I) A WORLD-CLASS PUBLIC EDUCATION IS CRITICAL TO MEETING
12 THE WORKFORCE DEMANDS FOR COLORADO'S ECONOMY;

13 (II) THE CHANGING REALITIES OF COLORADO'S POST-PANDEMIC
14 ECONOMY DEMAND THAT STUDENTS BE AGILE LEARNERS ABLE TO
15 CONTINUOUSLY LEARN, ADAPT, AND SHIFT INTO NEW ROLES BY
16 DEVELOPING CRITICAL THINKING, COLLABORATION, AND
17 PROBLEM-SOLVING SKILLS; AND

18 (III) THE NEEDS OF THE STATE REQUIRE THAT ALL STUDENTS,
19 INCLUDING THOSE WHO ARE UNDERSERVED OR FACE SIGNIFICANT
20 CHALLENGES IN MEETING COLORADO'S GRADUATION GUIDELINES,
21 COMPLETE HIGH SCHOOL CAREER AND COLLEGE READY.

22 (b) TO PROVIDE EACH CHILD IN THIS STATE WITH A HIGH-QUALITY
23 PUBLIC EDUCATION, THE GENERAL ASSEMBLY DECLARES THAT
24 COLORADO'S PUBLIC SCHOOL FINANCE FORMULA MUST BE REDESIGNED
25 AND MODERNIZED TO:

26 (I) PRIORITIZE EQUITY, FOCUSING ON INDIVIDUAL STUDENT NEEDS
27 BY INCREASING THE FUNDING FOR STUDENTS WHO ARE ECONOMICALLY

1 DISADVANTAGED AND STUDENTS WHO ARE ENGLISH LANGUAGE
2 LEARNERS; AND

3 (II) ADDRESS THE INEQUITIES IN SCHOOL DISTRICT FUNDING THAT
4 ARISE FROM THE DRAMATIC DIFFERENCES IN LOCAL PROPERTY WEALTH
5 AND MILL LEVY OVERRIDES.

6 (c) FURTHER, THE GENERAL ASSEMBLY DECLARES THAT, BECAUSE
7 ENGLISH LANGUAGE LEARNER FUNDING WILL NOW BE INCLUDED IN THE
8 SCHOOL FINANCE FORMULA, IT IS APPROPRIATE TO FUND THIS INCLUSION
9 BY REDIRECTING TO THE STATE SHARE OF TOTAL PROGRAM THE AMOUNT
10 PREVIOUSLY APPROPRIATED FOR THE PROFESSIONAL DEVELOPMENT AND
11 STUDENT SUPPORT PROGRAM CREATED IN SECTION 22-24-108. THE
12 GENERAL ASSEMBLY FURTHER DECLARES THAT THE REMAINING COSTS OF
13 THE SCHOOL FINANCE FORMULA CHANGES ARE OFFSET BY THE SAVINGS TO
14 THE STATE SHARE OF TOTAL PROGRAM THAT OCCUR AS A RESULT OF
15 CORRECTING THE UNAUTHORIZED REDUCTIONS IN DISTRICT PROPERTY TAX
16 MILL LEVIES AS PROVIDED IN SECTION 22-54-106 (2.1).

17 **SECTION 27.** In Colorado Revised Statutes, 22-54-103, **amend**
18 (1.5) and (10)(f); and **add** (6.5) as follows:

19 **22-54-103. Definitions.** As used in this article 54, unless the
20 context otherwise requires:

21 (1.5) (a) "At-risk pupils" means:

22 (I) to (IV) Repealed.

23 (V) For the 2005-06 budget year ~~and budget years thereafter~~
24 THROUGH THE 2020-21 BUDGET YEAR, the number of district pupils who
25 are English language learners plus the greater of:

26 (A) The number of district pupils eligible for free lunch; or

27 (B) The number of pupils calculated in accordance with the

1 following formula:

2 District percentage of pupils eligible for free lunch x
3 District pupil enrollment.

4 (VI) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS
5 THEREAFTER, THE GREATER OF:

6 (A) THE NUMBER OF DISTRICT PUPILS ELIGIBLE FOR FREE OR
7 REDUCED-PRICE LUNCH; OR

8 (B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH
9 THE FOLLOWING FORMULA:

10 DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE OR
11 REDUCED-PRICE LUNCH x DISTRICT PUPIL ENROLLMENT.

12 (b) For purposes of SUBSECTION (1.5)(a)(V) OF THIS SECTION:

13 (I) "District percentage of pupils eligible for free lunch" means the
14 district pupils eligible for free lunch in grades one through eight divided
15 by the district pupil enrollment in grades one through eight.

16 (II) "District pupil enrollment" means the pupil enrollment of the
17 district, as determined in accordance with subsection (10) of this section,
18 minus the number of pupils enrolled in the Colorado preschool program
19 pursuant to article 28 of this ~~title~~ TITLE 22 and the number of
20 three-year-old or four-year-old pupils with disabilities receiving
21 educational programs pursuant to article 20 of this ~~title~~ TITLE 22.

22 (III) "District pupils eligible for free lunch" means the number of
23 pupils included in the district pupil enrollment who are eligible for free
24 lunch pursuant to the provisions of the federal "Richard B. Russell
25 National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

26 (IV) "District pupils who are English language learners" means
27 the number of pupils included in the district pupil enrollment for the

1 preceding budget year who were not eligible for free lunch pursuant to the
2 provisions of the federal "Richard B. Russell National School Lunch
3 Act", 42 U.S.C. sec. 1751 et seq., and who are English language learners,
4 as defined in section 22-24-103 (4), and:

5 (A) Whose scores were not included in calculating school
6 academic performance grades as provided in section 22-7-1006.3; or

7 (B) Who took an assessment administered pursuant to section
8 22-7-1006.3 in a language other than English.

9 (c) FOR PURPOSES OF SUBSECTION (1.5)(a)(VI) OF THIS SECTION:

10 (I) "DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE OR
11 REDUCED-PRICE LUNCH" MEANS THE DISTRICT PUPILS ELIGIBLE FOR FREE
12 OR REDUCED-PRICE LUNCH IN GRADES ONE THROUGH EIGHT DIVIDED BY
13 THE DISTRICT PUPIL ENROLLMENT IN GRADES ONE THROUGH EIGHT.

14 (II) "DISTRICT PUPIL ENROLLMENT" MEANS THE PUPIL
15 ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH
16 SUBSECTION (10) OF THIS SECTION, MINUS THE NUMBER OF PUPILS
17 ENROLLED IN THE COLORADO PRESCHOOL PROGRAM PURSUANT TO
18 ARTICLE 28 OF THIS TITLE 22 AND THE NUMBER OF THREE-YEAR-OLD OR
19 FOUR-YEAR-OLD PUPILS WITH DISABILITIES RECEIVING EDUCATIONAL
20 PROGRAMS PURSUANT TO ARTICLE 20 OF THIS TITLE 22.

21 (III) "DISTRICT PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE
22 LUNCH" MEANS THE NUMBER OF PUPILS INCLUDED IN THE DISTRICT PUPIL
23 ENROLLMENT WHO ARE ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH
24 PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL
25 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

26 (e) (d) For purposes of this subsection (1.5), at-risk pupils shall be
27 ARE counted in the same manner as pupils are counted pursuant to

1 subsection (10) of this section.

2 (6.5) "ENGLISH LANGUAGE LEARNER PUPILS" MEANS THE NUMBER
3 OF DISTRICT PUPILS WHO ARE ENGLISH LANGUAGE LEARNERS, AS DEFINED
4 IN SECTION 22-24-103 (4), AND FOR WHOM THE DISTRICT RECEIVED
5 FUNDING PURSUANT TO SECTION 22-24-104 (3)(b)(I).

6 (10) (f) In certifying the district's pupil enrollment to the state
7 board pursuant to the provisions of section 22-54-112, the district shall
8 specify the number of pupils enrolled in kindergarten through twelfth
9 grade, specifying those who are enrolled as full-time pupils and those
10 who are enrolled as less than full-time pupils; the number of expelled
11 pupils receiving educational services pursuant to section 22-33-203; the
12 number of pupils enrolled in the district's preschool program; the number
13 of pupils receiving educational programs under the "Exceptional
14 Children's Educational Act", article 20 of this title 22; and the number of
15 at-risk pupils; AND THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS.

16 **SECTION 28.** In Colorado Revised Statutes, 22-54-104, **amend**
17 (2)(a)(IX) introductory portion, (2)(b) introductory portion, (2)(b)(II),
18 (3.5) introductory portion, and (3.5)(d)(III); and **add** (2)(a)(X),
19 (3.5)(d)(IV), and (4.3) as follows:

20 **22-54-104. District total program - definitions.**
21 (2) (a) (IX) Except as otherwise provided in this subsection (2),
22 ~~paragraph (g) of subsection (5) or subsection (6)~~ SUBSECTION (5)(g) of
23 this section, or section 22-54-104.3, a district's total program for the
24 2009-10 budget year ~~and budget years thereafter shall be~~ THROUGH THE
25 2020-21 BUDGET YEAR IS the greater of the following:

26 (X) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2),
27 SUBSECTION (5)(g) OF THIS SECTION, OR SECTION 22-54-104.3, A

1 DISTRICT'S TOTAL PROGRAM FOR THE 2021-22 BUDGET YEAR AND BUDGET
2 YEARS THEREAFTER IS THE GREATER OF THE FOLLOWING:

3 (A) (DISTRICT PER PUPIL FUNDING x (DISTRICT FUNDED PUPIL
4 COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT EXTENDED HIGH
5 SCHOOL PUPIL ENROLLMENT)) + DISTRICT AT-RISK FUNDING + DISTRICT
6 ENGLISH LANGUAGE LEARNER FUNDING + DISTRICT ONLINE FUNDING +
7 DISTRICT EXTENDED HIGH SCHOOL FUNDING; OR

8 (B) (MINIMUM PER PUPIL FUNDING x (DISTRICT FUNDED PUPIL
9 COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT EXTENDED HIGH
10 SCHOOL PUPIL ENROLLMENT)) + DISTRICT ONLINE FUNDING + DISTRICT
11 EXTENDED HIGH SCHOOL FUNDING.

12 (b) If the district percentage of at-risk pupils is greater than the
13 statewide average percentage of at-risk pupils and the district's funded
14 pupil count is greater than four hundred fifty-nine, the district's total
15 program shall be IS the lesser of:

16 (II) (A) FOR THE 2009-10 BUDGET YEAR THROUGH THE 2020-21
17 BUDGET YEAR, the district's total program as calculated by: Adding the
18 amount determined by multiplying the district's per pupil funding by four
19 hundred fifty-nine to the amount determined by multiplying 12% of the
20 district's per pupil funding by the district's at-risk pupils; then dividing the
21 sum of those two amounts by four hundred fifty-nine; then multiplying
22 the resulting amount by the district's funded pupil count minus the
23 district's online pupil enrollment; and then adding the district's online
24 funding.

25 (A.5) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS
26 THEREAFTER, THE DISTRICT'S TOTAL PROGRAM AS CALCULATED BY:
27 ADDING THE AMOUNT DETERMINED BY MULTIPLYING THE DISTRICT'S PER

1 PUPIL FUNDING BY FOUR HUNDRED FIFTY-NINE TO THE AMOUNT
2 DETERMINED BY MULTIPLYING 12% OF THE DISTRICT'S PER PUPIL FUNDING
3 BY THE DISTRICT'S AT-RISK PUPILS AND THE AMOUNT DETERMINED BY
4 MULTIPLYING 8% OF THE DISTRICT'S PER PUPIL FUNDING BY THE DISTRICT'S
5 ENGLISH LANGUAGE LEARNER PUPILS; THEN DIVIDING THE SUM OF THOSE
6 THREE AMOUNTS BY FOUR HUNDRED FIFTY-NINE; THEN MULTIPLYING THE
7 RESULTING AMOUNT BY THE DISTRICT'S FUNDED PUPIL COUNT MINUS THE
8 DISTRICT'S ONLINE PUPIL ENROLLMENT AND MINUS THE DISTRICT'S
9 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT; AND THEN ADDING THE
10 DISTRICT'S ONLINE FUNDING AND ADDING THE DISTRICT'S EXTENDED HIGH
11 SCHOOL FUNDING.

12 (B) For purposes of ~~sub-subparagraph (A) of this subparagraph~~
13 ~~(H)~~ SUBSECTIONS (2)(b)(II)(A) AND (2)(b)(II)(A.5) OF THIS SECTION only,
14 a district's per pupil funding shall be IS calculated by establishing the
15 district's per pupil funding in accordance with subsection (3) of this
16 section except using the size factor for a district with a funded pupil count
17 of four hundred fifty-nine and not the district's actual size factor.

18 (3.5) Minimum per pupil funding shall be IS:

19 (d) (III) (A) As used in this subsection (3.5), for the 2009-10
20 budget year ~~and budget years thereafter~~ THROUGH THE 2020-21 BUDGET
21 YEAR, "minimum per pupil funding base" means the total of the
22 calculation specified in ~~sub-subparagraph (B) of this subparagraph (H)~~
23 SUBSECTION (3.5)(d)(III)(B) OF THIS SECTION for all districts for the
24 budget year divided by the statewide funded pupil count minus the
25 statewide online pupil enrollment and minus the statewide extended high
26 school pupil enrollment, for said budget year.

27 (B) The following calculation shall be IS used for the purpose of

1 determining the minimum per pupil funding base pursuant to this
2 subparagraph (HH) SUBSECTION (3.5)(d)(III):

3 (District per pupil funding x (District funded pupil count -
4 District online pupil enrollment - District extended high
5 school pupil enrollment)) + District at-risk funding.

6 (IV) (A) AS USED IN THIS SUBSECTION (3.5), FOR THE 2021-22
7 BUDGET YEAR AND BUDGET YEARS THEREAFTER, "MINIMUM PER PUPIL
8 FUNDING BASE" MEANS THE TOTAL OF THE CALCULATION SPECIFIED IN
9 SUBSECTION (3.5)(d)(IV)(B) OF THIS SECTION FOR ALL DISTRICTS FOR THE
10 BUDGET YEAR DIVIDED BY THE STATEWIDE FUNDED PUPIL COUNT MINUS
11 THE STATEWIDE ONLINE PUPIL ENROLLMENT AND MINUS THE STATEWIDE
12 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT, FOR THE APPLICABLE
13 BUDGET YEAR.

14 (B) THE FOLLOWING CALCULATION IS USED TO DETERMINE THE
15 MINIMUM PER PUPIL FUNDING BASE PURSUANT TO THIS SUBSECTION
16 (3.5)(d)(IV):

17 (DISTRICT PER PUPIL FUNDING x (DISTRICT FUNDED PUPIL
18 COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT
19 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT)) + DISTRICT
20 AT-RISK FUNDING + DISTRICT ENGLISH LANGUAGE LEARNER
21 FUNDING.

22 (4.3) A DISTRICT'S ENGLISH LANGUAGE LEARNER FUNDING FOR
23 THE 2021-22 BUDGET YEAR AND BUDGET YEARS THEREAFTER IS
24 DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

25 (DISTRICT PER PUPIL FUNDING x 8%) x ENGLISH LANGUAGE
26 LEARNER PUPILS.

27 **SECTION 29.** In Colorado Revised Statutes, 22-54-112, add (5)

1 as follows:

2 **22-54-112. Reports to the state board.** (5) ON OR BEFORE
3 NOVEMBER 10, 2021, AND ON OR BEFORE NOVEMBER 10 OF EACH YEAR
4 THEREAFTER, IN CERTIFYING THE PUPIL ENROLLMENT PURSUANT TO
5 SUBSECTION (2) OF THIS SECTION, THE SECRETARY OF THE BOARD OF
6 EDUCATION OF EACH DISTRICT AND THE SECRETARY OF THE STATE
7 CHARTER SCHOOL INSTITUTE BOARD SHALL SPECIFY THE NUMBER OF
8 ENGLISH LANGUAGE LEARNER PUPILS.

9 **SECTION 30.** In Colorado Revised Statutes, 22-54-104.2, **add**
10 (4) as follows:

11 **22-54-104.2. Legislative declaration.** (4) THE GENERAL
12 ASSEMBLY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF
13 ARTICLE IX OF THE STATE CONSTITUTION, THE EXPANSION OF THE
14 DEFINITION OF "AT-RISK PUPILS", AS DEFINED IN SECTION 22-54-103
15 (1.5)(a)(VI), TO INCLUDE DISTRICT PUPILS ELIGIBLE FOR REDUCED-PRICE
16 LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B.
17 RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.,
18 AND THE ADDITION OF ENGLISH LANGUAGE LEARNER FUNDING PURSUANT
19 TO SECTION 22-54-104(4.3) ARE IMPORTANT ELEMENTS OF ACCOUNTABLE
20 PROGRAMS TO MEET STATE ACADEMIC STANDARDS AND MAY THEREFORE
21 RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION
22 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

23 **SECTION 31.** In Colorado Revised Statutes, 22-30.5-112.1,
24 **amend** (1)(a)(I)(A); and **add** (1)(j.2), (1)(j.4), and (1)(j.6) as follows:

25 **22-30.5-112.1. Charter schools - exclusive jurisdiction districts**
26 **- authorized on or after July 1, 2004 - financing - definitions - repeal.**

27 (1) As used in this section, unless the context otherwise requires:

1 (a) (I) "Adjusted district per pupil revenues" means the greater of:

2 (A) The qualifying school district's per pupil funding plus the
3 qualifying school district's at-risk per pupil funding PLUS THE QUALIFYING
4 SCHOOL DISTRICT'S ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING; or

5 (j.2) "ENGLISH LANGUAGE LEARNER FUNDING" MEANS THE
6 AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FORMULA
7 DESCRIBED IN SECTION 22-54-104 (4.3).

8 (j.4) "ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING" MEANS
9 THE AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE
10 FOLLOWING FORMULA:

11 (THE QUALIFYING SCHOOL DISTRICT'S ENGLISH LANGUAGE
12 LEARNER FUNDING DIVIDED BY THE QUALIFYING SCHOOL
13 DISTRICT'S FUNDED PUPIL COUNT) x (THE DISTRICT CHARTER
14 SCHOOL'S PERCENTAGE OF ENGLISH LANGUAGE LEARNER
15 PUPILS DIVIDED BY THE QUALIFYING SCHOOL DISTRICT'S
16 PERCENTAGE OF ENGLISH LANGUAGE LEARNER PUPILS)

17 (j.6) "ENGLISH LANGUAGE LEARNER PUPILS" HAS THE SAME
18 MEANING AS PROVIDED IN SECTION 22-54-103 (6.5).

19 **SECTION 32.** In Colorado Revised Statutes, 22-30.5-513,
20 **amend** (1)(b)(I)(A); and **add** (d.2), (d.4), and (i.5) as follows:

21 **22-30.5-513. Institute charter schools - funding - at-risk**
22 **supplemental aid - legislative declaration - definitions - repeal.** (1) As
23 used in this section, unless the context otherwise requires:

24 (b) (I) "Accounting district's adjusted per pupil revenues" means
25 the greater of:

26 (A) The accounting district's per pupil funding plus the accounting
27 district's at-risk per pupil funding PLUS THE ACCOUNTING DISTRICT'S

1 ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING; or
2 (d.2) "ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER
3 FUNDING" MEANS THE AMOUNT OF FUNDING FOR ENGLISH LANGUAGE
4 LEARNER PUPILS IN THE ACCOUNTING DISTRICT DETERMINED IN
5 ACCORDANCE WITH THE FORMULA DESCRIBED IN SECTION 22-54-104 (4.3).
6 (d.4) "ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER PER
7 PUPIL FUNDING" MEANS THE AMOUNT OF FUNDING DETERMINED IN
8 ACCORDANCE WITH THE FOLLOWING FORMULA:
9 (THE ACCOUNTING DISTRICT'S ENGLISH LANGUAGE
10 LEARNER FUNDING DIVIDED BY THE ACCOUNTING DISTRICT'S
11 FUNDED PUPIL COUNT) x (THE INSTITUTE CHARTER
12 SCHOOL'S PERCENTAGE OF ENGLISH LANGUAGE LEARNER
13 PUPILS DIVIDED BY THE ACCOUNTING DISTRICT'S
14 PERCENTAGE OF ENGLISH LANGUAGE LEARNER PUPILS).
15 (i.5) "ENGLISH LANGUAGE LEARNER PUPILS" HAS THE SAME
16 MEANING AS PROVIDED IN SECTION 22-54-103 (6.5).

17 **SECTION 33. Appropriation.** For the 2021-22 state fiscal year,
18 \$505,743,696 is appropriated to the department of education. This
19 appropriation consists of \$478,743,696 from the general fund and
20 \$27,000,000 from the state education fund created in section 17 (4)(a) of
21 article IX of the state constitution. To implement this act, the department
22 may use this appropriation for the state share of districts' total program
23 funding.

24 **SECTION 34. Appropriation to the department of education**
25 **for the fiscal year beginning July 1, 2021.** Section 2 of SB 21-205,
26 **amend** Part III (2)(A) Footnote 7, as follows:

27 Section 2. **Appropriation.**

1 7 Department of Education, Assistance to Public Schools, Public
2 School Finance, State Share of Districts' Total Program Funding --
3 Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this footnote
4 is to specify what portion of this appropriation is intended to be available
5 for the Accelerating Students Through Concurrent Enrollment (ASCENT)
6 Program for FY 2021-22. It is the General Assembly's intent that the
7 Department of Education be authorized to utilize up to ~~\$3,812,185~~
8 \$4,065,000 of this appropriation to fund qualified students designated as
9 ASCENT Program participants. This amount is calculated based on an
10 estimated 500 FTE participants funded at a rate of ~~\$7,624~~ \$8,130 per FTE
11 pursuant to Section 22-54-104 (4.7), C.R.S.

12 **SECTION 35. Appropriation - adjustments to 2021 long bill.**

13 To implement this act, the cash funds appropriation from the state
14 education fund created in section 17 (4)(a) of article IX of the state
15 constitution made in the annual general appropriation act for the 2021-22
16 state fiscal year to the department of education for the English language
17 learners professional development and student support program is
18 decreased by \$27,000,000.

19 **SECTION 36. Appropriation.** For the 2021-22 state fiscal year,
20 \$400,000 is appropriated to the department of education. This
21 appropriation is from the state public school fund created in section
22 22-54-114 (1), C.R.S. To implement this act, the department may use this
23 appropriation for school finance audit payments.

24 ■ ■

25 **SECTION 37. Appropriation.** For the 2021-22 state fiscal year,
26 \$2,000,000 is appropriated to the department of education. This
27 appropriation is from the state education fund created in section 17 (4)(a)

1 of article IX of the state constitution. To implement this act, the
2 department may use this appropriation for the school counselor corps
3 grant program.

4 **SECTION 38. Appropriation.** (1) For the 2021-22 state fiscal
5 year, \$2,200,444 is appropriated to the department of education. This
6 appropriation is from the general fund. To implement this act, the
7 department may use this appropriation as follows:

8 (a) \$800,000 for the ninth grade success program, which amount
9 is based on an assumption that the department will require an additional
10 0.6 FTE;

11 (b) \$375,807 for the school leadership pilot program;

12 (c) \$280,730 for the accelerated college opportunity exam fee
13 grant program;

14 (d) \$250,000 for the John W. Buckner automatic enrollment in
15 advanced courses grant program, which amount is based on an
16 assumption that the department will require an additional 0.3 FTE; and

17 (e) \$493,907 for the local accountability systems grant program,
18 which amount is based on an assumption that the department will require
19 an additional 0.4 FTE.

20 **SECTION 39. Appropriation.** (1) For the 2021-22 state fiscal
21 year, \$5,500,000 is appropriated to the department of education. This
22 appropriation is from the marijuana tax cash fund created in section
23 39-28.8-501 (1), C.R.S. To implement this act, the department may use
24 this appropriation as follows:

25 (a) \$2,500,000 for the K-5 social and emotional health pilot
26 program, which amount is based on an assumption that the department
27 will require an additional 1.0 FTE; and

1 (b) \$3,000,000 for the behavioral health care professional
2 matching grant program.

3 **SECTION 40. Appropriation.** (1) For the 2021-22 state fiscal
4 year, \$2,000,000 is appropriated to the mill levy equalization fund created
5 in section 22-30.5-513.1 (2)(a), C.R.S. This appropriation is from the
6 general fund. The department of education is responsible for the
7 accounting related to this appropriation.

8 (2) For the 2021-22 state fiscal year, \$2,000,000 is appropriated
9 to the department of education. This appropriation is from reappropriated
10 funds in the mill levy equalization fund under subsection (1) of this
11 section. To implement this act, the department may use the appropriation
12 for CSI mill levy equalization.

13 **SECTION 41. Appropriation.** (1) For the 2021-22 state fiscal
14 year, \$3,500,000 is appropriated to the department of education. This
15 appropriation is from the workers, employers, and workforce centers cash
16 fund created in section 24-75-231, C.R.S., and of money the state
17 received from the federal coronavirus state fiscal recovery fund. To
18 implement this act, the department may use this appropriation as follows:

19 (a) \$1,750,000 for the concurrent enrollment expansion and
20 innovation grant program; and

21 (b) \$1,750,000 for the career development success program.

22 **SECTION 42. Appropriation.** For the 2021-22 state fiscal year,
23 \$410,221 is appropriated to the department of education. This
24 appropriation is from the general fund. To implement this act, the
25 department may use this appropriation for the Colorado imagination
26 library program.

27 **SECTION 43. Effective date.** This act takes effect upon passage;

1 except that sections 24, 25, and 41 of this act take effect only if House
2 Bill 21-1264 is enacted and becomes law

3 **SECTION 44. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.