

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

PREAMENDED

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

LLS NO. 21-0999.02 Brita Darling x2241

SENATE BILL 21-268

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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.

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 EIGHT HUNDRED
24 SEVENTY MILLION TWENTY-SEVEN THOUSAND NINE HUNDRED SIXTY-FIVE
25 DOLLARS (\$7,870,027,965); EXCEPT THAT THE DEPARTMENT OF
26 EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE

1 MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES,
2 INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED
3 VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR
4 YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE
5 REDUCTION TO MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE
6 APPLICABLE BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION
7 (5)(g)(I)(L). FOR THE 2022-23 BUDGET YEAR, THE DIFFERENCE BETWEEN
8 CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL
9 STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE DIFFERENCE
10 BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND
11 ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE 2021-22 BUDGET
12 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 **SECTION 17.** In Colorado Revised Statutes, **add** 22-54-143 as
5 follows:

6 **22-54-143. Additional funding for eligible at-risk students for**
7 **the 2021-22 budget year - legislative declaration - definitions - repeal.**

8 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

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

14 (b) "DISTRICT PUPIL ENROLLMENT" HAS THE SAME MEANING AS
15 DEFINED IN SECTION 22-54-103 (1.5)(b)(II).

16 (c) "ELIGIBLE PUPIL COUNT" MEANS:

17 (I) FOR A DISTRICT, THE NUMBER OF PUPILS INCLUDED IN THE
18 DISTRICT PUPIL ENROLLMENT FOR THE 2020-21 BUDGET YEAR WHO ARE
19 ENGLISH LANGUAGE LEARNERS PLUS THE GREATER OF:

20 (A) THE NUMBER OF PUPILS WHO ARE ELIGIBLE FOR
21 REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL
22 "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC.
23 1751 ET SEQ., AS AMENDED; OR

24 (B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH
25 THE FOLLOWING FORMULA:

26 DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR
27 REDUCED-PRICE LUNCH x DISTRICT PUPIL ENROLLMENT.

1 (II) FOR A DISTRICT CHARTER SCHOOL AND AN INSTITUTE CHARTER
2 SCHOOL, THE NUMBER OF PUPILS INCLUDED IN THE CHARTER SCHOOL'S
3 PUPIL ENROLLMENT FOR THE 2020-21 BUDGET YEAR WHO ARE ENGLISH
4 LANGUAGE LEARNERS PLUS THE NUMBER OF PUPILS WHO ARE ELIGIBLE FOR
5 REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL
6 "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC.
7 1751 ET SEQ., AS AMENDED.

8 (d) "ENGLISH LANGUAGE LEARNER" MEANS AN ENGLISH
9 LANGUAGE LEARNER AS DEFINED IN SECTION 22-24-103 (4) WHOSE SCORES
10 WERE NOT INCLUDED IN CALCULATING SCHOOL ACADEMIC PERFORMANCE
11 GRADES AS PROVIDED IN SECTION 22-7-1006.3 OR WHO TOOK AN
12 ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 IN A
13 LANGUAGE OTHER THAN ENGLISH.

14 (e) "PER PUPIL DISTRIBUTION AMOUNT" MEANS THE AMOUNT
15 APPROPRIATED FOR PURPOSES OF THIS SECTION DIVIDED BY THE SUM OF
16 THE ELIGIBLE PUPIL COUNT FOR ALL DISTRICTS AND ALL INSTITUTE
17 CHARTER SCHOOLS.

18 (2)(a) SUBJECT TO AVAILABLE APPROPRIATIONS, FOR THE 2021-22
19 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL:

20 (I) DISTRIBUTE TO EACH DISTRICT AN AMOUNT EQUAL TO THE PER
21 PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE ELIGIBLE PUPIL COUNT
22 FOR THE DISTRICT; AND

23 (II) CALCULATE FOR EACH INSTITUTE CHARTER SCHOOL AND
24 DISTRIBUTE TO THE STATE CHARTER SCHOOL INSTITUTE AN AMOUNT
25 EQUAL TO THE PER PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE
26 ELIGIBLE PUPIL COUNT FOR EACH INSTITUTE CHARTER SCHOOL. THE STATE
27 CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO EACH INSTITUTE

1 CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT RECEIVED FOR
2 THE INSTITUTE CHARTER SCHOOL PURSUANT TO THIS SECTION.

3 (b) EACH DISTRICT THAT IS THE AUTHORIZER FOR A CHARTER
4 SCHOOL SHALL CALCULATE FOR THE CHARTER SCHOOL AN AMOUNT EQUAL
5 TO THE PER PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE CHARTER
6 SCHOOL'S ELIGIBLE PUPIL COUNT. THE DISTRICT SHALL DISTRIBUTE TO
7 EACH CHARTER SCHOOL ONE HUNDRED PERCENT OF THE PER PUPIL
8 DISTRIBUTION AMOUNT CALCULATED PURSUANT TO THIS SUBSECTION
9 (2)(b).

10 (3) THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF
11 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ADDITIONAL
12 FUNDING FOR AT-RISK STUDENTS FOR THE 2021-22 BUDGET YEAR IS FOR
13 MEETING STATE ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE
14 FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)
15 OF ARTICLE IX OF THE STATE CONSTITUTION.

16 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

17 **SECTION 18. In Colorado Revised Statutes, amend 22-33-201.5**
18 **as follows:**

19 **22-33-201.5. Definitions. For purposes of AS USED IN this part 2,**
20 **unless the context otherwise requires:**

21 (1) **"BEHAVIORAL MANAGEMENT PLAN" MEANS AN ACTION PLAN**
22 **TO ADDRESS BEHAVIORAL, ATTENDANCE, AND TRUANCY ISSUES,**
23 **INCLUDING APPROPRIATE SERVICES AND SUPPORTS THAT ARE DEVELOPED**
24 **IN COORDINATION WITH STUDENTS, PARENTS, AND SCHOOL PERSONNEL.**

25 (2) **"CHRONIC ABSENTEEISM" MEANS A STUDENT IS ABSENT FOR**
26 **ANY REASON, EXCUSED OR UNEXCUSED, TEN PERCENT OR MORE OF THE**
27 **DAYS FOR WHICH THE STUDENT IS ENROLLED IN A PUBLIC SCHOOL DURING**

1 THE SCHOOL YEAR.

2 (1) (3) "Educational services" means any of the following types
3 of services to provide instruction in the academic areas of reading,
4 writing, mathematics, science, and social studies TO MEET STATE
5 ACADEMIC STANDARDS, REDUCE COURSE FAILURE, AND INCREASE
6 POSTSECONDARY AND WORKFORCE READINESS:

7 (a) Tutoring services, COURSE REMEDIATION, CREDIT RECOVERY,
8 AND SUPPLEMENTAL EDUCATION SERVICES;

9 (b) Alternative educational programs; AND

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

12 (2) (4) "Facility school" means an approved facility school as
13 defined in section 22-2-402 (1).

14 **SECTION 19. In Colorado Revised Statutes, amend 22-33-202**
15 as follows:

16 **22-33-202. Identification of at-risk students - attendance issues**
17 **- disproportionate discipline practices. (1) Each school district shall**
18 **adopt policies to identify students IN PRE-KINDERGARTEN THROUGH**
19 **TWELFTH GRADE who are at risk of suspension or expulsion from school.**
20 **Students identified may include those who are truant, who have been or**
21 **are likely to be declared habitually truant, or who are likely to be declared**
22 **habitually disruptive DROPPING OUT OF SCHOOL DUE TO CHRONIC**
23 **ABSENTEEISM AND DISCIPLINARY ACTIONS, INCLUDING CLASSROOM**
24 **REMOVAL, SUSPENSION, AND EXPULSION. The school district shall provide**
25 **students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are**
26 **identified as at risk of suspension or expulsion DROPPING OUT OF SCHOOL**
27 **DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS with a plan to**

1 provide the necessary support services to help them avoid expulsion
2 REMAIN IN SCHOOL. The school district shall work with the student's
3 parent or guardian in providing the services and may provide the services
4 through agreements with appropriate local governmental agencies,
5 appropriate state agencies, community-based organizations, and
6 institutions of higher education entered into pursuant to section
7 22-33-204. The failure of the school district to identify a student for
8 participation in an expulsion-prevention program or the failure of such
9 program to remediate a student's behavior shall not be grounds to prevent
10 school personnel from proceeding with appropriate disciplinary measures
11 or used in any way as a defense in an expulsion proceeding.

12 (2) IN PROVIDING NECESSARY SUPPORT SERVICES PURSUANT TO
13 SUBSECTION (1) OF THIS SECTION, each school district may provide
14 ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTION, AND educational
15 services to students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE
16 who are identified as at risk of suspension or expulsion from school
17 DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR
18 DISCIPLINARY ACTIONS, INCLUDING CLASSROOM REMOVAL, SUSPENSION,
19 AND EXPULSION. Any school district that provides ATTENDANCE
20 SUPPORTS, BEHAVIOR INTERVENTION, OR educational services to students
21 IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are at risk of
22 suspension or expulsion DROPPING OUT OF SCHOOL DUE TO CHRONIC
23 ABSENTEEISM OR DISCIPLINARY ACTIONS may apply for moneys MONEY
24 through the expelled and at-risk student services grant program
25 established in section 22-33-205 to assist in providing such ATTENDANCE
26 SUPPORTS, BEHAVIOR INTERVENTION, AND educational services.

27 **SECTION 20. In Colorado Revised Statutes, 22-33-203, amend**

1 (2) and (4) as follows:

2 **22-33-203. Educational alternatives for expelled students.**

3 (2) (a) Except as otherwise provided in paragraph (b) of this subsection
4 (2) SUBSECTION (2)(b) OF THIS SECTION, upon request of a student or the
5 student's parent or guardian, the school district shall provide, for any
6 student who is expelled from the school district, any educational services
7 that are deemed appropriate for the student by the school district. The
8 educational services provided must be designed to enable the student to
9 return to the school in which he or she was enrolled prior to expulsion, to
10 successfully complete the high school equivalency examination, or to
11 enroll in a nonpublic nonparochial school or in an alternative school,
12 including but not limited to a charter school. or a pilot school established
13 pursuant to article 38 of this title. The expelling school district shall
14 determine the amount of credit the student must receive toward
15 graduation for the educational services provided pursuant to this section.

16 (b) The educational services provided pursuant to this section are
17 designed to provide a second chance for the student to succeed in
18 achieving an education. While receiving educational services, a student
19 may be suspended or expelled pursuant to the conduct and discipline code
20 of the school district providing the educational services and the
21 provisions of part 1 of this article ARTICLE 33. Except as required by
22 federal law, the expelling school district is not required to provide
23 educational services to any student who is suspended or expelled while
24 receiving educational services pursuant to this section until the period of
25 the suspension or expulsion is completed.

26 (c) (I) Educational services provided pursuant to this section shall
27 be provided by the expelling school district; except that the expelling

1 school district may provide educational services either directly or in
2 cooperation PURSUANT TO AN AGREEMENT with one or more other school
3 districts, boards of cooperative services, charter schools, OR nonpublic
4 nonparochial schools. or pilot schools established pursuant to article 38
5 of this title under contract with the expelling school district. Any program
6 of educational services provided by a nonpublic nonparochial school shall
7 be IS subject to approval by the state board of education pursuant to
8 section 22-2-107.

9 (II) Educational services may be provided by the school district
10 through agreements entered into pursuant to section 22-33-204. The
11 expelling school district need not provide the educational services on
12 school district property. Any expelled student receiving educational
13 services shall be included in the expelling school district's pupil
14 enrollment as defined in section 22-54-103 (10).

15 (d) If an expelled student is receiving educational services
16 delivered by a school district other than the expelling school district, by
17 a charter school in a school district other than the expelling school
18 district, by a board of cooperative services, OR by a nonpublic
19 nonparochial school, or by a pilot school pursuant to an agreement
20 entered into pursuant to subparagraph (I) of paragraph (c) of this
21 subsection (2) SUBSECTION (2)(c)(I) OF THIS SECTION, the expelling school
22 district shall transfer ninety-five percent of the district per-pupil revenues,
23 as defined in section 22-30.5-112 (2)(a.5)(II) to the school district, charter
24 school, nonpublic nonparochial school, OR board of cooperative services
25 or pilot school that is providing educational services, reduced in
26 proportion to the amount of time remaining in the school year at the time
27 the student begins receiving educational services.

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

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

14 **SECTION 21.** In Colorado Revised Statutes, 22-33-204, amend
15 (1) and (3); and add (1.5) as follows:

16 **22-33-204. Services for at-risk students - agreements with**
17 **state agencies and community organizations.** (1) Each school district,
18 regardless of the number of students expelled by the district, may enter
19 into agreements with appropriate local governmental agencies and, to the
20 extent necessary, with the managing state agencies, including the
21 department of human services and the department of public health and
22 environment; with community-based nonprofit and faith-based
23 organizations; with nonpublic nonparochial schools; with the department
24 of military and veterans affairs and with public and private institutions of
25 higher education to work with the student's parent or guardian to provide
26 services to any student IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE,
27 or the student's family, who is identified as being at risk of suspension or

1 expulsion or who has been suspended or expelled OF DROPPING OUT OF
2 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS. Any
3 services provided pursuant to an agreement with a nonpublic
4 nonparochial school are subject to approval by the state board of
5 education pursuant to section 22-2-107. Services provided through such
6 agreements may include, but are not limited to:

7 (a) ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTIONS, AND
8 educational services required to be provided under PURSUANT TO section
9 22-33-203 (2) and any educational services provided to at-risk students
10 identified STUDENTS WHO ARE IDENTIFIED AS AT RISK OF DROPPING OUT OF
11 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS
12 pursuant to section 22-33-202;

13 (b) Counseling services;

14 (c) Substance use disorder treatment programs;

15 (d) Family preservation services;

16 (e) and (f) (Deleted by amendment, L. 98, p. 570, § 3, effective
17 April 30, 1998.)

18 (e) RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION
19 22-32-144; AND

20 (f) ALTERNATIVES TO SUSPENSION SYSTEMS AND SUPPORTS.

21 (1.5) EACH SCHOOL DISTRICT, REGARDLESS OF THE NUMBER OF
22 STUDENTS EXPELLED BY THE DISTRICT, MAY ENTER INTO AGREEMENTS
23 WITH APPROPRIATE LOCAL GOVERNMENT AGENCIES AND, TO THE EXTENT
24 NECESSARY, WITH THE MANAGING STATE AGENCIES AS DESCRIBED IN
25 SUBSECTION (1) OF THIS SECTION TO PROVIDE SERVICES AND TECHNICAL
26 ASSISTANCE TO EMPLOYEES TO SUPPORT STUDENTS WHO ARE IDENTIFIED
27 AS AT RISK OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM

1 OR DISCIPLINARY ACTIONS. SERVICES AND TECHNICAL ASSISTANCE
2 PROVIDED THROUGH SUCH AGREEMENTS MAY INCLUDE, BUT ARE NOT
3 LIMITED TO:

4 (a) ATTENDANCE, DISCIPLINE, AND GRADING POLICIES AND
5 PRACTICE REVIEW;

6 (b) TRAINING IN BEHAVIOR INTERVENTIONS AND CLASSROOM
7 MANAGEMENT; AND

8 (c) EQUITY, DIVERSITY, AND INCLUSION TRAINING, INCLUDING
9 ANTI-BIAS TRAINING.

10 (3) Each school district shall use a portion of its per-pupil
11 revenues to provide services under agreements entered into pursuant to
12 this section for each student who is at risk of suspension or expulsion or
13 who is suspended or expelled FOR STUDENTS IN PRE-KINDERGARTEN
14 THROUGH TWELFTH GRADE AT RISK OF DROPPING OUT OF SCHOOL DUE TO
15 CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION TO IMPLEMENT THE
16 SUPPORTS AND SERVICES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.
17 In addition, the school district may use federal ~~moneys, moneys~~ MONEY,
18 MONEY received from any other state appropriation, and ~~moneys~~ MONEY
19 received from any other public or private grant to provide said services.

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

22 **22-33-205. Services for expelled and at-risk students - grants**
23 **- criteria.** (1) (a) There is ~~hereby~~ established in the department of
24 education the expelled and at-risk student services grant program, referred
25 to in this section as the "program". The program ~~shall provide~~ PROVIDES
26 grants to school districts, to charter schools, to alternative schools within
27 school districts, to nonpublic ~~nonparochial~~ schools, to boards of

1 cooperative services, AND to facility schools and to pilot schools
2 established pursuant to article 38 of this title to assist them in providing
3 educational services, and other services provided pursuant to section
4 22-33-204; to expelled students pursuant to section 22-33-203 (2); to
5 students at risk of expulsion STUDENTS WHO ARE IDENTIFIED AS AT RISK
6 OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR
7 DISCIPLINARY ACTION as identified pursuant to section 22-33-202 (1); and
8 to truant students PURSUANT TO SECTIONS 22-33-107 (3) AND 22-33-108
9 (5). NONPUBLIC SCHOOLS MAY APPLY FOR A GRANT PURSUANT TO THIS
10 SECTION ONLY TO FUND EDUCATIONAL SERVICES THAT HAVE BEEN
11 APPROVED BY THE STATE BOARD PURSUANT TO SECTION 22-2-107.

12 (b) In addition to school districts, charter schools, alternative
13 schools within school districts, nonpublic, nonparochial schools, boards
14 of cooperative services, facility schools, and pilot schools, the department
15 of military and veterans affairs may apply for a grant pursuant to the
16 provisions of this section to assist the department with a program to
17 provide educational services to expelled students; except that nonpublic,
18 nonparochial schools may only apply for a grant pursuant to the
19 provisions of this section to fund educational services that have been
20 approved by the state board pursuant to section 22-2-107. The department
21 shall follow application procedures established by the department of
22 education pursuant to subsection (2) of this section. The department of
23 education shall determine whether to award a grant to the department of
24 military and veterans affairs and the amount of the grant.

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

1 ~~(2) (a) The state board by rule shall establish application~~
2 ~~procedures by which a school district, a charter school, an alternative~~
3 ~~school within a school district, a nonpublic nonparochial school, a board~~
4 ~~of cooperative services, a facility school or a pilot school may annually~~
5 ~~apply for a grant under the program. At a minimum, the application shall~~
6 ~~include a plan for provision of educational services, including the type of~~
7 ~~educational services to be provided, the estimated cost of providing such~~
8 ~~educational services, and the criteria that will be used to evaluate the~~
9 ~~effectiveness of the educational services provided. THE STATE BOARD~~
10 ~~SHALL ADOPT RULES PURSUANT TO THE "STATE ADMINISTRATIVE~~
11 ~~PROCEDURE ACT", ARTICLE 4 OF TITLE 24, FOR THE IMPLEMENTATION OF~~
12 ~~THE PROGRAM, INCLUDING, BUT NOT LIMITED TO, RULES REGARDING:~~

13 ~~(a) THE APPLICATION TIMELINE AND PROCEDURES BY WHICH A~~
14 ~~SCHOOL DISTRICT, A CHARTER SCHOOL, AN ALTERNATIVE SCHOOL WITHIN~~
15 ~~A SCHOOL DISTRICT, A NONPUBLIC SCHOOL, A BOARD OF COOPERATIVE~~
16 ~~SERVICES, OR A FACILITY SCHOOL MAY ANNUALLY APPLY FOR A GRANT~~
17 ~~UNDER THE PROGRAM;~~

18 ~~(b) THE GRANT APPLICATION REQUIREMENTS, WHICH AT A~~
19 ~~MINIMUM MUST INCLUDE:~~

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

22 ~~(A) DISPROPORTIONATE DISCIPLINE PRACTICES, CHRONIC~~
23 ~~ABSENTEEISM, AND ALTERNATIVES TO SUSPENSION AND EXPULSION; AND~~

24 ~~(B) EFFECTIVE ATTENDANCE AND DISCIPLINE SYSTEMS, WHICH~~
25 ~~MAY INCLUDE MULTI-TIERED SYSTEMS OF SUPPORT, POSITIVE BEHAVIOR~~
26 ~~INTERVENTION MODELS, AND RESTORATIVE JUSTICE PRACTICES AS~~
27 ~~DESCRIBED IN SECTION 22-32-144;~~

1 (II) A DESCRIPTION OF THE SUPPORTS AND SERVICES TO BE
2 PROVIDED, INCLUDING THE NUMBER OF STUDENTS SERVED AND HOW THE
3 EFFECTIVENESS OF THE SUPPORTS AND SERVICES WILL BE DETERMINED
4 AND MEASURED; AND

5 (III) THE TRAINING AND TECHNICAL ASSISTANCE PROVIDED TO
6 ENSURE THE EFFECTIVE IMPLEMENTATION OF SUPPORTS, SERVICES, AND
7 PROGRAMMING, WHICH MAY INCLUDE EQUITY, DIVERSITY, AND INCLUSION
8 TRAINING;

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

12 (I) The costs incurred by the applicant in providing educational
13 services to expelled or at-risk students pursuant to the provisions of this
14 part 2 during the school year preceding the school year for which the
15 grant is requested; THE QUALITY OF STUDENT SUPPORTS AND SERVICES
16 PROVIDED UNDER THE PLAN AND THE LIKELIHOOD THAT THE PLAN WILL
17 ACHIEVE ITS INTENDED RESULTS, INCLUDING:

18 (A) INCREASING ACADEMIC SUCCESS;

19 (B) REDUCING CHRONIC ABSENTEEISM;

20 (C) DECREASING CONDUCT AND DISCIPLINE CODE VIOLATIONS;

21 (D) INCREASING AGE-APPROPRIATE AND DEVELOPMENTALLY
22 APPROPRIATE DISCIPLINE METHODS; AND

23 (E) INCREASING STUDENT AND FAMILY ENGAGEMENT;

24 (II) (Deleted by amendment, L. 98, p. 570, § 4, effective April 30,
25 1998.)

26 (III) The number of expelled, at-risk, or truant CHRONICALLY
27 ABSENT students who are receiving ATTENDANCE AND BEHAVIOR

1 INTERVENTIONS AND educational services through the applicant under
2 agreements entered into pursuant to the provisions of this part 2 during
3 the school year preceding the year for which the grant is requested;

4 (IV) The quality of educational services to be provided by the
5 applicant under the plan;

6 (V) The cost-effectiveness of the educational services to be
7 provided under the plan, INCLUDING THE AMOUNT OF FUNDING REQUESTED
8 BY THE APPLICANT IN RELATION TO THE COST OF THE SUPPORTS AND
9 SERVICES TO BE PROVIDED UNDER THE PLAN;

10 (VI) The amount of funding received by the applicant in relation
11 to the cost of the educational services provided under the plan; and THE
12 COST-EFFECTIVENESS AND QUALITY OF THE SERVICES DESCRIBED IN
13 SECTION 22-33-204 (1.5) TO BE PROVIDED BY THE APPLICANT UNDER THE
14 PLAN TO EMPLOYEES WHO SUPPORT STUDENTS AT RISK OF DROPPING OUT
15 OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION;

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

20 (VIII) THE NEED FOR SERVICES IN RURAL, SUBURBAN, AND URBAN
21 COMMUNITIES.

22 (3) The state board shall annually award at least forty-five percent
23 of any moneys appropriated for the program to applicants that provide
24 educational services to students from more than one school district and
25 at least one-half of any increase in the appropriation for the program for
26 the 2009-10 fiscal year to applicants that provide services and supports
27 that are designed to reduce the number of truancy cases requiring court

1 involvement and that also reflect the best interests of students and
2 families. The services and supports shall include, but need not be limited
3 to, alternatives to guardian ad litem representation in truancy proceedings.

4 (4) The department of education is authorized to retain up to one
5 percent of any money appropriated for the program for the purpose of
6 annually evaluating the program. The department of education is
7 authorized and encouraged to retain up to an additional two percent of
8 any money appropriated for the program for the purpose of partnering
9 with organizations or agencies that provide services and supports that are
10 designed to reduce the number of truancy cases requiring court
11 involvement and that also reflect the best interests of students and
12 families. The services and supports shall include, but need not be limited
13 to, alternatives to guardian ad litem representation in truancy proceedings.

14 Notwithstanding section 24-1-136 (11)(a)(I), on or before January 1,
15 2006, and on or before January 1 each year thereafter, the department of
16 education shall report to the education committees of the house of
17 representatives and the senate, or any successor committees, the
18 evaluation findings on the outcomes and the effectiveness of the program
19 related to school attendance, attachment, and achievement. The report
20 shall also include specific information on the efficacy of services and
21 supports that provide alternatives to court involvement and guardian ad
22 litem representation in truancy proceedings. AT A MINIMUM, THE REPORT
23 MUST INCLUDE:

24 (a) SPECIFIC INFORMATION ON THE EFFICACY OF SERVICES AND
25 SUPPORTS TO REDUCE TRUANCY COURT REFERRALS AND PROVIDE
26 ALTERNATIVES TO TRUANCY COURT INVOLVEMENT;

27 (b) THE EFFECTIVENESS OF PROGRAM-RELATED ATTENDANCE,

1 SUPPORTIVE SCHOOL DISCIPLINE, AND STUDENT ACHIEVEMENT, WHICH
2 INCLUDE:

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

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

8 (III) BEHAVIOR AND DISCIPLINE MEASURES, SUCH AS A DECLINE IN
9 CLASSROOM REMOVAL, SUSPENSIONS, AND EXPULSION; A DECREASE IN
10 EXCLUSIONARY DISCIPLINE ACTIONS; AND A REDUCTION IN REFERRALS TO
11 LAW ENFORCEMENT, ARRESTS, AND TICKETING;

12 (IV) STUDENT ENGAGEMENT MEASURES, SUCH AS STUDENT AND
13 PARENT ENGAGEMENT WITH THE SERVICES PROVIDED IN THE PLAN,
14 PARTICIPATION IN PROGRAMS AND ACTIVITIES, AND THE NUMBER OF
15 STUDENTS AND FAMILIES SERVED BY GRANT-FUNDED SERVICES;

16 (V) EFFICACY OF SERVICES AND SUPPORTS THAT ADDRESS
17 DISPROPORTIONATE DISCIPLINE RATES AND THE CREATION OF
18 AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE DISCIPLINE
19 SYSTEMS; AND

20 (VI) EFFECTIVENESS OF TRAINING AND TECHNICAL ASSISTANCE
21 PROVIDED BY THE GRANT FUNDS.

22 **SECTION 23. In Colorado Revised Statutes, 24-90-120, amend**
23 **(2) introductory portion, (2)(c), and (4)(a); and add (2)(e), (2)(f), and (6)**
24 **as follows:**

25 **24-90-120. Colorado imagination library program - creation**
26 **- request for proposal - state librarian duties - report - legislative**
27 **declaration - definitions. (2) Subject to available appropriations NO**

1 LATER THAN DECEMBER 31, 2021, the state librarian in the department of
2 education shall contract with a Colorado nonprofit organization for the
3 creation and operation of the Colorado imagination library program. The
4 contractor shall:

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

13 (e) PROVIDE FOR A HIGH-QUALITY INDEPENDENT EVALUATION OF
14 THE IMPACT OF THE PROGRAM ON CHILD AND FAMILY OUTCOMES,
15 INCLUDING CHILDLITERACY AND PARENT AND FAMILY ENGAGEMENT; AND

16 (f) ESTABLISH A DISTRESSED AFFILIATE FUND USING GIFTS,
17 GRANTS, OR DONATIONS TO HELP COUNTY-BASED AFFILIATE PROGRAMS
18 THAT HAVE FINANCIAL DIFFICULTY MEETING THE COUNTY-BASED
19 AFFILIATE PROGRAMS' FUNDING REQUIREMENTS.

20 (4) (a) The contractor, in operating the program pursuant to
21 subsection (2) of this section, shall pay to the national nonprofit
22 foundation fifty percent of the statewide cost to provide FREE books to
23 eligible children enrolled in the program, as determined by the national
24 nonprofit foundation. THE GENERAL ASSEMBLY SHALL ANNUALLY
25 APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF
26 EDUCATION FOR THE STATE LIBRARIAN TO DISTRIBUTE TO THE
27 CONTRACTOR FOR THE STATE'S SHARE OF THE COST TO PROVIDE THE

1 BOOKS.

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

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

11 (c) TWENTY PERCENT OF MONEY APPROPRIATED FOR THE 2021-22
12 STATE FISCAL YEAR, AND TEN PERCENT OF MONEY APPROPRIATED FOR THE
13 2022-23 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, MAY BE USED
14 FOR THE CONTRACTOR OPERATING THE PROGRAM FOR DUTIES SET FORTH
15 IN SUBSECTIONS (2)(a) TO (2)(f) OF THIS SECTION.

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

18 **24-6-402. Meetings - open to public - legislative declaration -**
19 **definitions.** (2) (c) (IV) For purposes of this section, "local public body"
20 **includes municipalities, counties, school boards DISTRICTS, and special**
21 **districts.**

22 **SECTION 25. Appropriation.** For the 2021-22 state fiscal year,
23 \$478,743,696 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 state share of districts' total
26 program funding.

27 **SECTION 26. Appropriation to the department of education**

1 **for the fiscal year beginning July 1, 2021.** Section 2 of SB 21-205,
2 **amend** Part III (2)(A) Footnote 7, as follows:

3 Section 2. **Appropriation.**

4 7 Department of Education, Assistance to Public Schools, Public
5 School Finance, State Share of Districts' Total Program Funding --
6 Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this footnote
7 is to specify what portion of this appropriation is intended to be available
8 for the Accelerating Students Through Concurrent Enrollment (ASCENT)
9 Program for FY 2021-22. It is the General Assembly's intent that the
10 Department of Education be authorized to utilize up to ~~\$3,812,185~~
11 \$4,060,500 of this appropriation to fund qualified students designated as
12 ASCENT Program participants. This amount is calculated based on an
13 estimated 500 FTE participants funded at a rate of ~~\$7,624~~ \$8,121 per FTE
14 pursuant to Section 22-54-104 (4.7), C.R.S.

15 **SECTION 27. Appropriation.** For the 2021-22 state fiscal year,
16 \$400,000 is appropriated to the department of education. This
17 appropriation is from the state public school fund created in section
18 22-54-114 (1), C.R.S. To implement this act, the department may use this
19 appropriation for school finance audit payments.

20 **SECTION 28. Appropriation.** For the 2021-22 state fiscal year,
21 \$77,408,881 is appropriated to the department of education. This
22 appropriation is from the state education fund created in section 17 (4)(a)
23 of article IX of the state constitution. To implement this act, the
24 department may use this appropriation for additional funding for at-risk
25 students for the 2021-22 state fiscal year.

26 **SECTION 29. Appropriation.** For the 2021-22 state fiscal year,
27 \$2,000,000 is appropriated to the department of education. This

1 appropriation is from the state education fund created in section 17 (4)(a)
2 of article IX of the state constitution. To implement this act, the
3 department may use this appropriation for the school counselor corps
4 grant program.

5 **SECTION 30. Appropriation.** (1) For the 2021-22 state fiscal
6 year, \$2,200,444 is appropriated to the department of education. This
7 appropriation is from the general fund. To implement this act, the
8 department may use this appropriation as follows:

9 (a) \$800,000 for the ninth grade success program, which amount
10 is based on an assumption that the department will require an additional
11 0.6 FTE;

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

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

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

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

21 **SECTION 31. Appropriation.** (1) For the 2021-22 state fiscal
22 year, \$5,500,000 is appropriated to the department of education. This
23 appropriation is from the marijuana tax cash fund created in section
24 39-28.8-501 (1), C.R.S. To implement this act, the department may use
25 this appropriation as follows:

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

1 will require an additional 1.0 FTE; and

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

4 **SECTION 32. Appropriation.** (1) For the 2021-22 state fiscal
5 year, \$2,000,000 is appropriated to the mill levy equalization fund created
6 in section 22-30.5-513.1 (2)(a), C.R.S. This appropriation is from the
7 general fund. The department of education is responsible for the
8 accounting related to this appropriation.

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

14 **SECTION 33. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.