

CHAPTER 210

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 21-1259

BY REPRESENTATIVE(S) Bacon, Amabile, Bernett, Duran, Esgar, Exum, Froelich, Gray, Herod, Hooton, Jackson, Kipp, Lontine, McCluskie, McCormick, McLachlan, Pelton, Sandridge, Valdez D., Garnett, Young;
 also SENATOR(S) Fields and Sonnenberg, Bridges, Buckner, Cooke, Coram, Danielson, Donovan, Fenberg, Gardner, Ginal, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Lundeen, Moreno, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood, Story, Winter, Woodward, Garcia.

AN ACT

CONCERNING THE PROCESS FOR FUNDING LOCAL EDUCATION PROVIDERS FOR EXTENDED LEARNING OPPORTUNITIES TO ADDRESS DISRUPTED LEARNING.

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

SECTION 1. In Colorado Revised Statutes, **add 22-2-122.5** as follows:

22-2-122.5. COVID-19 learning impacts - extended learning opportunities - funding - combined application, reporting, and evaluation process - rules - legislative declaration - definitions - repeal. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) ONGOING GAPS IN LEARNING OPPORTUNITIES FOR STUDENTS, INCLUDING OPPORTUNITIES FOR UNDERSERVED STUDENTS AND COMMUNITIES, AND DISRUPTED LEARNING HAVE ACCELERATED DUE TO THE UNPRECEDENTED CHANGES TO THE STUDENT LEARNING ENVIRONMENT AND ACCESS TO EDUCATION DUE TO THE PRESENCE OF THE COVID-19 VIRUS IN COLORADO;

(b) PURSUANT TO STATE AND FEDERAL LAW, THERE MAY BE A VARIETY OF PROGRAMS AND FUNDING AVAILABLE TO LOCAL EDUCATION PROVIDERS TO ADDRESS THESE LEARNING IMPACTS THROUGH EXTENDED LEARNING OPPORTUNITIES. HOWEVER, NOT ALL LOCAL EDUCATION PROVIDERS HAVE THE NECESSARY RESOURCES, WHETHER TIME, STAFF, OR EXPERTISE, TO NAVIGATE VARIOUS FUNDING OPPORTUNITIES.

(c) BECAUSE LOCAL EDUCATION PROVIDERS IN COMMUNITIES ACROSS THE STATE

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

MAY HAVE DIFFERENT NEEDS WITH RESPECT TO ADDRESSING COVID-19 LEARNING IMPACTS, AND BECAUSE THE FUNDING AVAILABLE TO ADDRESS LEARNING IMPACTS MAY BE TIED TO DIFFERENT GOALS AND OBJECTIVES, IT IS MORE EFFICIENT AND A BETTER USE OF THE RESOURCES OF BOTH THE DEPARTMENT AND LOCAL EDUCATION PROVIDERS TO CREATE A STREAMLINED PROCESS FOR LOCAL EDUCATION PROVIDERS TO ACCESS FUNDING FOR EXTENDED LEARNING OPPORTUNITIES BASED ON THE SPECIFIC NEEDS OF THE LOCAL EDUCATION PROVIDER;

(d) RATHER THAN COMPLETING MULTIPLE APPLICATIONS WITH DIFFERENT DEADLINES, THE DEPARTMENT HAS THE ABILITY TO CREATE A NEEDS-BASED APPROACH TO THE AWARD OF GRANTS AND OTHER SOURCES OF FUNDING, CREATING A ROBUST PROCESS OF MATCHING A LOCAL EDUCATION PROVIDER'S NEEDS WITH THE EXTENDED LEARNING OPPORTUNITIES THAT MEET THOSE NEEDS; AND

(e) THE COMBINED ADMINISTRATION OF GRANT PROGRAMS AND OTHER FUNDING SOURCES ALLOWS FOR MORE EFFICIENT REPORTING ON THE USE AND THE IMPACT OF THE FUNDING, AS WELL AS THE OPPORTUNITY, WITH SUFFICIENT APPROPRIATIONS, TO CONDUCT MORE ROBUST EVALUATIONS OF THE OUTCOMES AND OVERALL EFFECTIVENESS OF THE EXTENDED LEARNING OPPORTUNITIES IMPLEMENTED AT THE LOCAL LEVEL. THE DEPARTMENT OF EDUCATION IS UNIQUELY POSITIONED TO USE THE DATA COLLECTED LOCALLY TO SHARE BEST PRACTICES STATEWIDE FOR THE EFFECTIVE IMPLEMENTATION OF EXTENDED LEARNING OPPORTUNITIES THAT LEAD TO ACADEMIC GAINS ACROSS STUDENT DEMOGRAPHIC GROUPS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EXTENDED LEARNING OPPORTUNITIES" MEANS A PROGRAM OR METHOD OF ACADEMIC SUPPORT BEYOND STANDARD PROGRAMMING OR SCHOOL PRACTICE THAT TAKES PLACE EITHER OUTSIDE OF NORMAL SCHOOL HOURS OR OUTSIDE OF THE REGULAR SCHOOL PROGRAM. "EXTENDED LEARNING OPPORTUNITIES" INCLUDE SUPPLEMENTAL PROGRAMMING THAT ALLOWS A LOCAL EDUCATION PROVIDER TO PROVIDE SUPPLEMENTAL EDUCATION TARGETED AT OPPORTUNITY GAPS AND RECOVERING FROM DISRUPTED LEARNING DUE TO THE PRESENCE OF COVID-19 IN THE STATE. EXAMPLES OF "EXTENDED LEARNING OPPORTUNITIES" INCLUDE BUT ARE NOT LIMITED TO SUMMER SCHOOL PROGRAMMING, EXTENDED SCHOOL DAYS OR EXTENDED SCHOOL WEEKS, HIGH-IMPACT TUTORING, CREATIVE ENRICHMENT TIED TO ACADEMIC GAINS, SOCIAL-EMOTIONAL SUPPORTS, AND ADDITIONAL MENTAL HEALTH SUPPORTS TIED TO ACADEMIC SUCCESS. "EXTENDED LEARNING OPPORTUNITIES" DO NOT INCLUDE AN EDUCATION VOUCHER, SCHOLARSHIP, OR SAVINGS ACCOUNT.

(b) "LOCAL EDUCATION PROVIDER" MEANS:

(I) A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22;

(II) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22;

(III) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22;

(IV) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22; AND

(V) ANY OTHER PROVIDER OF PUBLIC PRESCHOOL THROUGH SECONDARY SCHOOL EDUCATION IN THE STATE THAT IS ELIGIBLE TO RECEIVE GRANTS OR OTHER FUNDING ADMINISTERED BY THE DEPARTMENT PURSUANT TO THIS SECTION, REGARDLESS OF THE SOURCE, TO ADDRESS LEARNING IMPACTS RESULTING FROM THE PRESENCE OF THE COVID-19 VIRUS IN THE STATE.

(3) TO THE EXTENT POSSIBLE, THE DEPARTMENT SHALL STREAMLINE THE APPLICATION PROCESS AND OTHER REQUIREMENTS FOR VARIOUS EXTENDED LEARNING OPPORTUNITIES THAT ADDRESS LEARNING IMPACTS RESULTING FROM THE PRESENCE OF THE COVID-19 VIRUS IN THE STATE. THE DEPARTMENT IS AUTHORIZED TO:

(a) CREATE A SINGLE, COMBINED APPLICATION FOR LOCAL EDUCATION PROVIDERS TO APPLY FOR GRANT PROGRAMS OR OTHER SOURCES OF FUNDING, REGARDLESS OF THE FUNDING SOURCE, FOR EXTENDED LEARNING OPPORTUNITIES THAT ADDRESS THE NEEDS OF THE LOCAL EDUCATION PROVIDER AND FOR WHICH THE LOCAL EDUCATION PROVIDER IS ELIGIBLE, AND, TO THE EXTENT POSSIBLE, TO ALIGN THE APPLICATION PROCESS AND DEADLINES;

(b) IDENTIFY ONE OR MORE EXTENDED LEARNING OPPORTUNITIES AND FUNDING SOURCES THAT MATCH THE NEEDS IDENTIFIED BY THE LOCAL EDUCATION PROVIDER;

(c) CREATE STREAMLINED DATA COLLECTION AND COMMON REPORTING REQUIREMENTS FOR LOCAL EDUCATION PROVIDERS FOR EXTENDED LEARNING OPPORTUNITIES ADMINISTERED PURSUANT TO THIS SECTION THAT REDUCE BURDENS ON LOCAL EDUCATION PROVIDERS, MINIMIZING THE NEED FOR A LOCAL EDUCATION PROVIDER TO PROVIDE THE SAME INFORMATION MORE THAN ONE TIME OR TO PROVIDE INFORMATION THAT HAS PREVIOUSLY BEEN PROVIDED TO THE DEPARTMENT, WITH REPORTING DEADLINES TO THE DEPARTMENT THAT FACILITATE THE DEPARTMENT'S REPORTING PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION;

(d) STREAMLINE ANNUAL REPORTING BY THE DEPARTMENT TO THE GOVERNOR AND EXECUTIVE BRANCH AGENCIES AND TO THE GENERAL ASSEMBLY CONCERNING EXTENDED LEARNING OPPORTUNITIES ADMINISTERED PURSUANT TO THIS SECTION, ALLOWING COMBINED REPORTS AND COMMON DEADLINES, WITH REPORTING COMMENCING BY OR BEFORE THE DEPARTMENT'S ANNUAL PRESENTATION TO THE LEGISLATIVE COMMITTEE OF REFERENCE IN JANUARY 2023, PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", CREATED IN PART 2 OF ARTICLE 7 OF TITLE 2; AND

(e) SUBJECT TO AVAILABLE FUNDING FOR THE EVALUATION OF ONE OR MORE EXTENDED LEARNING OPPORTUNITIES, CREATE COMMON DATA COLLECTION AND EVALUATION CRITERIA AND METRICS FOR ALL EXTENDED LEARNING OPPORTUNITIES BEING EVALUATED.

(4) THE SINGLE, COMBINED APPLICATION TO APPLY FOR FUNDING FOR EXTENDED LEARNING OPPORTUNITIES PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, REGARDLESS OF THE FUNDING SOURCE, MUST INCLUDE, AT A MINIMUM:

(a) THE LOCAL EDUCATION PROVIDER'S PLAN TO UTILIZE THE FUNDING TO IMPLEMENT EXTENDED LEARNING OPPORTUNITIES, INCLUDING THE TYPE OF EXTENDED LEARNING OPPORTUNITY, THE NUMBER OF STUDENTS TO BE SERVED, THE ESTIMATED COST OF IMPLEMENTING THE EXTENDED LEARNING OPPORTUNITY, AND WHETHER THE LOCAL EDUCATION PROVIDER WILL CONTRACT WITH ANY THIRD-PARTY EXTENDED LEARNING OPPORTUNITY PROVIDER, AND, IF SO, THE NAME OF THE PROPOSED PROVIDER AND THE AMOUNT OF THE PROPOSED CONTRACT;

(b) A DESCRIPTION OF THE LOCAL EDUCATION PROVIDER'S INTERNAL PROGRESS-MONITORING AND REPORTING SYSTEM, AS DESCRIBED IN SUBSECTION (7) OF THIS SECTION;

(c) THE LOCAL EDUCATION PROVIDER'S TIME FRAME FOR IMPLEMENTING THE EXTENDED LEARNING OPPORTUNITY; AND

(d) A DESCRIPTION OF THE LOCAL EDUCATION PROVIDER'S STAFF AND FAMILY ENGAGEMENT EFFORTS TO DETERMINE THE COMMUNITY-INFORMED EXTENDED LEARNING OPPORTUNITY THAT BEST MEETS THE NEEDS OF THE LOCAL EDUCATION PROVIDER.

(5) THE STREAMLINED DATA COLLECTION AND COMMON REPORTING REQUIREMENTS FOR LOCAL EDUCATION PROVIDERS PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION ARE SUBJECT TO THE DEPARTMENT'S DATA PRIVACY AND SUPPRESSION POLICIES THAT ARE ALIGNED TO THE "STUDENT DATA TRANSPARENCY AND SECURITY ACT", ARTICLE 16 OF THIS TITLE 22, AND THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g. THE STREAMLINED DATA COLLECTION AND COMMON REPORTING REQUIREMENTS MUST INCLUDE, AT A MINIMUM:

(a) A DESCRIPTION OF THE EXTENDED LEARNING OPPORTUNITY AND ITS IMPLEMENTATION BY THE LOCAL EDUCATION PROVIDER RECEIVING FUNDING;

(b) WHETHER THE LOCAL EDUCATION PROVIDER CONTRACTED WITH A THIRD-PARTY EXTENDED LEARNING OPPORTUNITY PROVIDER, AND, IF SO, THE NAME OF THE PROVIDER AND THE AMOUNT OF THE CONTRACT;

(c) DATA CONCERNING THE NUMBER OF STUDENTS SERVED BY THE LOCAL EDUCATION PROVIDER AS A RESULT OF THE FUNDING AND DEMOGRAPHIC INFORMATION FOR STUDENTS SERVED; AND

(d) DATA AND INFORMATION CONCERNING STUDENT ACADEMIC OUTCOMES, AS DEFINED BY THE LOCAL EDUCATION PROVIDER AS PART OF THE APPLICATION, THAT ARE ASSOCIATED WITH THE IMPLEMENTATION AND MONITORING OF THE EXTENDED LEARNING OPPORTUNITY.

(6) THE DEPARTMENT'S REPORTING TO THE GENERAL ASSEMBLY PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION MUST INCLUDE, AT A MINIMUM, A SUMMARY OF THE REPORTS SUBMITTED BY LOCAL EDUCATION PROVIDERS PURSUANT TO SUBSECTION (5) OF THIS SECTION, DATA AND INFORMATION RELEVANT TO STUDENT OUTCOMES RESULTING FROM THE IMPLEMENTATION OF THE EXTENDED LEARNING OPPORTUNITY, AND THE OVERALL EFFECTIVENESS OF THE EXTENDED LEARNING

OPPORTUNITY. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE DEPARTMENT'S ANNUAL REPORTING TO THE GENERAL ASSEMBLY PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION CONTINUES SO LONG AS EXTENDED LEARNING OPPORTUNITIES ARE ADMINISTERED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

(7) A LOCAL EDUCATION PROVIDER RECEIVING FUNDING TO IMPLEMENT AN EXTENDED LEARNING OPPORTUNITY SHALL ESTABLISH AN INTERNAL PROGRESS-MONITORING SYSTEM TO MONITOR PROGRESS USING FAMILY- AND COMMUNITY-INFORMED PRACTICES TO MEASURE THE EFFECTIVENESS OF THE EXTENDED LEARNING OPPORTUNITY THROUGH STUDENT EDUCATIONAL GAINS. THE INTERNAL PROGRESS-MONITORING SYSTEM MUST ALLOW FOR REPORTING ON SPECIFIC STUDENT DEMOGRAPHIC CATEGORIES, ALLOWING THE SHARING OF BEST PRACTICES ACROSS STUDENT DEMOGRAPHICS AND ACROSS THE STATE.

(8) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE DEPARTMENT SHALL ENSURE THAT ELIGIBILITY REQUIREMENTS, APPLICATION REQUIREMENTS, ALLOWABLE USES OF FUNDING, DATA COLLECTION AND REPORTING, AND ANY OTHER REQUIREMENTS SPECIFIC TO THE EXTENDED LEARNING OPPORTUNITY OR FUNDING SOURCE ARE MET FOR ALL EXTENDED LEARNING OPPORTUNITIES AND RELATED GRANT PROGRAMS ADMINISTERED PURSUANT TO THIS SECTION.

(b) THE DEPARTMENT SHALL RESERVE A PROPORTIONATE SHARE OF THE MONEY AVAILABLE FOR STATE-FUNDED GRANTS FOR EXTENDED LEARNING OPPORTUNITIES FOR RURAL LOCAL EDUCATION PROVIDERS, AS DETERMINED BY THE DEPARTMENT, AND IS ENCOURAGED TO RESERVE A PROPORTIONATE SHARE OF FEDERAL FUNDING FOR IMPLEMENTATION OF EXTENDED LEARNING OPPORTUNITIES BY RURAL LOCAL EDUCATION PROVIDERS.

(9) IF REQUIRED BY LAW AND SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL EVALUATE ONE OR MORE EXTENDED LEARNING OPPORTUNITIES IMPLEMENTED ACROSS LOCAL EDUCATION PROVIDERS USING A COMMON SET OF EVALUATION CRITERIA AND METRICS.

(10) THE STATE BOARD MAY ADOPT ANY RULES NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(11) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEY TO THE DEPARTMENT FOR THE IMPLEMENTATION OF STATE-FUNDED EXTENDED LEARNING OPPORTUNITIES BY LOCAL EDUCATION PROVIDERS.

(12) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2021