

## CHAPTER 237

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 22-1390**

BY REPRESENTATIVE(S) McCluskie and McLachlan, Amabile, Bacon, Bennett, Bird, Boesenecker, Caraveo, Cutter, Daugherty, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Sirota, Snyder, Titone, Valdez A., Valdez D., Weissman, Young, Garnett, Kennedy; also SENATOR(S) Zenzinger and Lundeen, Bridges, Buckner, Coleman, Cooke, Donovan, Fields, Gardner, Ginal, Gonzales, Hansen, Hinrichsen, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Lee, Liston, Moreno, Pettersen, Scott, Simpson, Sonnenberg, Story, Winter, Woodward, Fenberg.

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

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

**SECTION 1. Legislative declaration.** (1) The general assembly finds and declares that:

(a) The annual total program funding of Colorado's schools is a collaborative effort between school districts and the state;

(b) In recent years, the stabilization of the state budget has required a reduction in the amount of the annual appropriation to fund the state's share of total program funding for all school districts and institute charter schools. This reduction is commonly referred to as the "budget stabilization factor".

(c) The school districts' share of total program funding is primarily derived from nonresidential and residential property tax revenue. Colorado's current economic conditions, which are driving significant increases in property values, are generally increasing the school districts' share of total program funding and consequently decreasing the state's share of total program funding.

(d) The current economic conditions have also increased the amount of revenue available to the state for the 2022-23 budget year, allowing the state to significantly increase the amount of appropriation for the state's share of total program funding

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

for school districts and institute charter schools, thereby mitigating the impact of the budget stabilization factor; and

(e) There is, however, a great deal of uncertainty concerning the continuity and longevity of these current economic conditions and whether high property values and increased revenue will continue.

(2) Therefore, the general assembly declares that it is committed to continuing the efforts to reduce the budget stabilization factor in subsequent budget years to the degree possible, subject to the continuing high levels of property values and changing economic conditions.

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

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

(a) (XXIX) FOR THE 2022-23 BUDGET YEAR, THE STATEWIDE BASE PER PUPIL FUNDING IS \$7,478.16, WHICH IS AN AMOUNT EQUAL TO \$7,225.28, SUPPLEMENTED BY \$252.88 TO ACCOUNT FOR INFLATION.

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

(M) THAT, FOR THE 2022-23 BUDGET YEAR, THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET STABILIZATION FACTOR, IS NOT LESS THAN EIGHT BILLION FOUR HUNDRED TWENTY-TWO MILLION TWO HUNDRED SIXTEEN THOUSAND ONE HUNDRED FIFTY-NINE DOLLARS (\$8,422,216,159); EXCEPT THAT THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES, INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE REDUCTION TO MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION (5)(g)(I)(M). FOR THE 2023-24 BUDGET YEAR, THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE 2022-23 BUDGET YEAR.

**SECTION 3.** In Colorado Revised Statutes, 22-1-133, **add** (6) as follows:

**22-1-133. Prohibition on use of American Indian mascots - exemptions - definitions.** (6) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE CONTRARY, A PUBLIC SCHOOL IN THE STATE IS PROHIBITED FROM USING AN AMERICAN INDIAN MASCOT ONE YEAR AFTER NOTIFICATION BY THE COMMISSION, IN COORDINATION WITH THE DEPARTMENT OF EDUCATION, IF:

(I) THE PUBLIC SCHOOL WAS IN EXISTENCE AND USING AN AMERICAN INDIAN MASCOT AS OF JUNE 28, 2021;

(II) THE PUBLIC SCHOOL DOES NOT MEET THE CRITERIA FOR AN EXEMPTION AS OUTLINED IN SUBSECTION (2)(b) OF THIS SECTION;

(III) THE PUBLIC SCHOOL WAS NOT IDENTIFIED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION; AND

(IV) THE SCHOOL DISTRICT OF THE PUBLIC SCHOOL OR, IN THE CASE OF AN INSTITUTE CHARTER SCHOOL, THE STATE CHARTER SCHOOL INSTITUTE IS FIRST NOTIFIED ON OR AFTER MAY 1, 2022, BY THE COMMISSION, IN COORDINATION WITH THE DEPARTMENT OF EDUCATION, THAT IT IS USING AN AMERICAN INDIAN MASCOT IN VIOLATION OF SUBSECTION (2) OF THIS SECTION.

(b) WHEN A PUBLIC SCHOOL DESCRIBED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION DISCONTINUES ITS USE OF AN AMERICAN INDIAN MASCOT PRIOR TO THE ONE-YEAR DEADLINE AFTER NOTIFICATION BY THE COMMISSION, IN COORDINATION WITH THE DEPARTMENT OF EDUCATION, THE PUBLIC SCHOOL SHALL NOTIFY ITS SCHOOL DISTRICT OR, IN THE CASE OF AN INSTITUTE CHARTER SCHOOL, THE STATE CHARTER SCHOOL INSTITUTE, THE COMMISSION, AND THE DEPARTMENT OF EDUCATION, OF THE DISCONTINUATION.

(c) FOR EACH MONTH DURING WHICH A PUBLIC SCHOOL DESCRIBED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION USES AN AMERICAN INDIAN MASCOT AFTER THE ONE-YEAR DEADLINE AFTER NOTIFICATION BY THE COMMISSION, IN COORDINATION WITH THE DEPARTMENT OF EDUCATION, THE SCHOOL DISTRICT OF THE PUBLIC SCHOOL OR, IN THE CASE OF AN INSTITUTE CHARTER SCHOOL, THE STATE CHARTER SCHOOL INSTITUTE, SHALL PAY A FINE OF TWENTY-FIVE THOUSAND DOLLARS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY RECEIVED TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

**SECTION 4.** In Colorado Revised Statutes, 22-5-111, **amend** (4) as follows:

**22-5-111. Buildings and facilities - repeal.** (4) (a) Notwithstanding any provision of this article 5 to the contrary, ~~during the 2021-22 state fiscal year~~ FROM JULY 1, 2021, THROUGH DECEMBER 31, 2022, before authorizing a full-time school or an additional location of an existing school that is physically located within the geographic boundaries of a school district that is not a member of the board of cooperative services, a board of cooperative services must obtain written consent from such school district.

(b) The requirement for written consent set forth in subsection (4)(a) of this section does not apply to a school authorized or operating prior to June 11, 2021,

so long as the school continues to operate ~~for the 2021-22 school year~~ THROUGH DECEMBER 31, 2022.

(c) This subsection (4) is repealed, effective July 1, ~~2022~~ 2023.

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

**22-7-1210.5. Per-pupil intervention money - uses - distribution - monitoring - repeal.** (6) (b) (II) (A) Notwithstanding the provisions of subsection (6)(b)(I) of this section, a local education provider may retain more than fifteen percent of the amount of per-pupil intervention money received in the 2020-21 ~~budget year~~ AND 2021-22 BUDGET YEARS for use in accordance with this section in the 2021-22 AND 2022-23 ~~budget year~~ YEARS, RESPECTIVELY.

(B) This subsection (6)(b)(II) is repealed, effective July 1, ~~2022~~ 2023.

**SECTION 6.** In Colorado Revised Statutes, 22-11-703, **amend** (5)(b) as follows:

**22-11-703. Local accountability system - grant program established - repeal.** (5) (b) (I) The amount of a grant awarded pursuant to this section must be at least twenty-five thousand dollars per budget year but must not exceed fifty thousand dollars per budget year for a grant awarded to a single local education provider and must not exceed seventy-five thousand dollars per budget year for a grant awarded to a group of local education providers. The department shall distribute the amount of each grant over three budget years.

(II) (A) NOTWITHSTANDING ANY PROVISIONS OF SUBSECTION (5)(b)(I) OF THIS SECTION TO THE CONTRARY, AS A RESULT OF THE SUSPENSION OF FUNDING FOR THE LOCAL ACCOUNTABILITY SYSTEM GRANT PROGRAM DURING THE 2020-21 BUDGET YEAR, THE 2020-21 BUDGET YEAR IS NOT INCLUDED IN DETERMINING THE THREE BUDGET YEARS FOR GRANT DISTRIBUTION.

(B) THIS SUBSECTION (5)(b)(II) IS REPEALED, EFFECTIVE JULY 1, 2024.

**SECTION 7.** In Colorado Revised Statutes, 22-11-705, **amend** (5)(a) as follows:

**22-11-705. Local accountability systems - report.** (5) (a) (I) In the third year of the grant program, the department shall contract with an external evaluator, which may be a state institution of higher education, to prepare a summary evaluation report of the implementation of the local accountability systems that receive grants. The evaluation must, at a minimum, include an evaluation of the success of each local accountability system in evaluating student success and the processes for ensuring a cycle of continuous improvement within the public schools of the participating local education providers. At the annual meeting held pursuant to subsection (1) of this section at the end of the first year of the grant program, the department, participating local education providers, and the accountability system partners shall identify the goals, tools, and measures to be addressed by the summary evaluation report. The data used for the summary evaluation report must include qualitative and quantitative measures.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (5)(a)(I) OF THIS SECTION TO THE CONTRARY, AS A RESULT OF THE SUSPENSION OF FUNDING FOR THE LOCAL ACCOUNTABILITY SYSTEM GRANT PROGRAM DURING THE 2020-21 BUDGET YEAR, THE 2020-21 BUDGET YEAR IS NOT CONSIDERED A GRANT PROGRAM YEAR FOR PURPOSES OF DETERMINING THE THIRD YEAR OF THE GRANT PROGRAM.

**SECTION 8.** In Colorado Revised Statutes, 22-20.5-104, **amend** (3), (4), and (5) as follows:

**22-20.5-104. Pilot program - dyslexia markers - effective interventions - created - evaluation report - repeal.** (3) At the end of the ~~2021-22~~ 2022-23 school year, the department shall evaluate the implementation of the pilot program and the effectiveness of the strategies in identifying and supporting more students in the participating local education providers than were identified and supported in nonparticipating local education providers. Based on the evaluation, the department shall refine the resources for technical support, identification, and interventions, as necessary, and disseminate the resources to all local education providers in the state. Upon request, the department shall also provide the technical support necessary to effectively use the resources.

(4) On or before December 31, ~~2022~~ 2023, the department shall submit to the state board of education and the education committees of the senate and the house of representatives, or any successor committees, a report concerning the implementation and evaluation of the pilot program. The department may include in the report any recommendations for legislation that the department deems necessary based on the evaluation of the pilot program.

(5) This section is repealed, effective July 1, ~~2023~~ 2024.

**SECTION 9.** In Colorado Revised Statutes, 22-36-101, **amend** (2)(a) as follows:

**22-36-101. Choice of programs and schools within school districts.** (2) (a) Every school district shall adopt such policies and procedures as are reasonable and necessary to implement the provisions of subsection (1) of this section, including, but not limited to, timelines for application to and acceptance in any program or school ~~which~~ THAT may provide for enrollment of the student on or before the pupil enrollment count day, and, while adopting policies and procedures, the school district shall consider adopting a policy establishing that an applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends a public school that is required to implement a turnaround plan pursuant to section 22-11-406 or that is subject to restructuring pursuant to section 22-11-210 shall have priority over any other applicant for enrollment purposes. IF A SCHOOL DISTRICT PERMITS A STUDENT WHOSE PARENT OR GUARDIAN IS A RESIDENT OF THE STATE BUT NOT A RESIDENT OF THE DISTRICT TO ATTEND SCHOOL IN THE DISTRICT, THE SCHOOL DISTRICT SHALL NOT REQUIRE THE PARENT, GUARDIAN, OR STUDENT TO PAY TUITION TO ATTEND SCHOOL IN THE DISTRICT, REGARDLESS OF WHEN DURING THE SCHOOL YEAR, OR UNDER WHAT CIRCUMSTANCES, THE STUDENT ENROLLS IN OR ATTENDS SCHOOL IN THE DISTRICT.

**SECTION 10.** In Colorado Revised Statutes, 22-54-117, **add** (1)(a)(IX) as follows:

**22-54-117. Contingency reserve - fund - repeal.** (1) (a) For the 2007-08 fiscal year and fiscal years thereafter, the general assembly shall annually determine the amount to appropriate to the contingency reserve fund, which is hereby created in the state treasury. In deciding the amount to appropriate to the contingency reserve fund, the general assembly may take into consideration any recommendations made by the department of education, but nothing in this section obligates the general assembly to provide supplemental assistance to all districts that are found to be in need or to fully fund the total amount of such need. The state board may approve and order payments from the contingency reserve fund for supplemental assistance to districts determined to be in need as the result of any or all of the following circumstances:

(IX) (A) FOR THE 2021-22, 2022-23, AND 2023-24 BUDGET YEARS, UNUSUAL FINANCIAL BURDEN CAUSED BY THE WITHHOLDING OF LOCAL PROPERTY TAXES PURSUANT TO SECTION 29-1-606 (5) FOR A RURAL OR SMALL RURAL SCHOOL DISTRICT, AS DEFINED IN SECTION 22-7-1211 (4), BECAUSE OF A DELAY IN FILING THE AUDIT REPORT DUE TO EXTRAORDINARY PROBLEMS THAT COULD NOT HAVE BEEN REASONABLY FORESEEN OR PREVENTED BY THE RURAL OR SMALL RURAL SCHOOL DISTRICT.

(B) THIS SUBSECTION (1)(a)(IX) IS REPEALED, EFFECTIVE JULY 1, 2026.

**SECTION 11.** In Colorado Revised Statutes, 22-54-119, **add** (4) as follows:

**22-54-119. General provisions.** (4) THE DEPARTMENT OF EDUCATION SHALL ISSUE A SEPARATE SCHOOL CODE TO THE FOLLOWING PROGRAMS:

(a) THE APEX HOMESCHOOL PROGRAM IN ST. VRAIN VALLEY SCHOOL DISTRICT RE-1J;

(b) THE OPTIONS SCHOOL IN AURORA PUBLIC SCHOOLS; AND

(c) ANY SIMILAR STUDENT ENRICHMENT PROGRAM APPROVED FOR A NEW CODE BY THE DEPARTMENT OF EDUCATION ON OR AFTER MAY 21, 2022.

**SECTION 12.** In Colorado Revised Statutes, 22-60.3-204, **amend** (1)(b) as follows:

**22-60.3-204. Program eligibility - financial assistance - funding.** (1) (b) As a condition of receiving financial assistance through the program, an applicant must agree to teach for a period of three years in a rural or small rural school district OR IN AN EDUCATOR SHORTAGE AREA, AS DETERMINED BY THE STATE BOARD OF EDUCATION. If an applicant does not fulfill the service condition of the program, the applicant shall repay the awarded financial assistance to the department in accordance with the rules promulgated by the state board.

**SECTION 13.** In Colorado Revised Statutes, 22-94-102, **amend** (2)(f) as follows:

**22-94-102. Contract to create quality teacher recruitment program.** (2) In awarding a contract pursuant to subsection (1) of this section, the department shall

take into consideration the number of districts in which the vendor will place licensed teachers, the number of licensed teachers that the vendor will place, and the potential number of children who will be taught by the licensed teachers. The department shall ensure that it awards the contract to one or more vendors that satisfy the following criteria:

(f) The vendor commits to matching no less than one hundred percent of any ~~moneys~~ MONEY that the department pays through a contract entered into pursuant to subsection (1) of this section. A vendor that responds to the department's solicitation for a contract issued pursuant to subsection (1) of this section shall provide written documentation from one or more private or corporate donors, OR ONE OR MORE SCHOOL DISTRICTS OR OTHER LOCAL GOVERNMENTS, that pledge to make gifts, grants, ~~or~~ donations, OR OTHER PLEDGES OF MONEY, WHICH MAY INCLUDE IMPACT INCOME, SUCCESS PAYMENTS, AND SPONSORSHIP AND EVENT INCOME, BUT SHALL NOT INCLUDE MONEY RECEIVED FROM PROGRAM PARTICIPANTS, to the vendor that, in total, equal at least the amount that the department has specified will be available for the purposes of a contract pursuant to subsection (1) of this section for the applicable fiscal year. The written documentation must also include the date by which the vendor will receive the gifts, grants, ~~or~~ donations, OR OTHER MONEY to be used in furtherance of the requirements of this ~~article~~ ARTICLE 94.

**SECTION 14.** In Colorado Revised Statutes, 22-100-102, **amend** (5)(b) as follows:

**22-100-102. Local school food purchasing program - creation - report - rules - repeal.** (5) (b) The department is authorized to monitor the school food purchasing program to ensure program integrity. ~~and to annually reallocate money among participating providers to maximize the amount of the money given.~~

**SECTION 15.** In Colorado Revised Statutes, 22-102-103, **amend** (4), (7), and (8) as follows:

**22-102-103. Definitions.** As used in this article 102, unless the context otherwise requires:

(4) "School counselor" means a ~~counselor holding a master's degree in educational counseling and a professional special services license in Colorado~~ PERSON WITH A TEMPORARY EDUCATOR ELIGIBILITY AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111 (5) WHO IS WORKING TO ATTAIN A SPECIAL SERVICES PROVIDER LICENSE FOR SCHOOL COUNSELING, OR A LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS TITLE 22 with an endorsement in school counseling, including but not limited to the completion of course work in the areas of academic and social-emotional development; assessment for social and emotional concerns, including suicide prevention and intervention; crisis intervention; social-emotional prevention programs, including character education and violence prevention; mental health; protective factors for at-risk students; and career awareness, exploration, and planning.

(7) "School psychologist" means a ~~school psychologist holding a master's degree and a professional special services license in Colorado~~ PERSON WITH A TEMPORARY

EDUCATOR ELIGIBILITY AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111 (5) WHO IS WORKING TO ATTAIN A SPECIAL SERVICES PROVIDER LICENSE AS A SCHOOL PSYCHOLOGIST, OR A LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS TITLE 22 with a school psychologist endorsement.

(8) "School social worker" means a ~~social worker holding a master's degree and a professional special services license in Colorado~~ PERSON WITH A TEMPORARY EDUCATOR ELIGIBILITY AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111 (5) WHO IS WORKING TO ATTAIN A SPECIAL SERVICES PROVIDER LICENSE AS A SCHOOL SOCIAL WORKER, OR A LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS TITLE 22 with an endorsement in school social work, including but not limited to the completion of course work in the areas of school and special education law, including content covering functional behavior assessment and the development of behavior intervention plans.

**SECTION 16.** In Colorado Revised Statutes, 22-102-104, **amend** (1) and (2)(a) as follows:

**22-102-104. K-5 social and emotional health pilot program - creation - selection of pilot schools - rules.** (1) There is created the K-5 social and emotional health pilot program in the department to determine the impact of dedicated school mental health professionals in kindergarten through fifth grade in elementary schools that have high-poverty, high-need students. The pilot program is implemented within the selected pilot schools and administered by the department as a pilot program for ~~three consecutive~~ FOUR school years, unless extended by the general assembly. Subject to available appropriations or gifts, grants, or donations for the ~~three-year~~ FOUR-YEAR term of the pilot program, pursuant to section 22-102-106, the department shall employ or contract with a pilot program coordinator and contract for preliminary and final program evaluations of the pilot program. The ~~department~~ STATE BOARD OF EDUCATION shall promulgate any rules necessary for the administration of the pilot program.

(2) (a) Subject to available appropriations or gifts, grants, or donations for the ~~three-year~~ FOUR-YEAR term of the pilot program, no later than January 15 immediately preceding the first implementation year, the department shall select up to ten pilot schools to participate in the pilot program. If available appropriations and gifts, grants, or donations are insufficient to fully fund the pilot program, the department may select fewer than ten pilot schools to participate in the pilot program. The department shall select pilot schools that exhibit the characteristics set forth in subsection (2)(b) of this section and that are appropriate test schools to evaluate the impact and effectiveness of the pilot program. The pilot schools must demonstrate a willingness to participate in the pilot program and to collect the data and information necessary for the evaluation of the pilot program.

**SECTION 17.** In Colorado Revised Statutes, 22-102-105, **amend** (4)(a) as follows:

**22-102-105. Implementation of pilot program.** (4) (a) In implementing the pilot program, the school mental health professionals shall work as a team, with each professional providing services to students and offering training and resources to school faculty and administrators ~~that~~ WHO are authorized under the school



mental health professional's ~~special services~~ AUTHORIZATION OR THE PROFESSIONAL'S license and endorsement.

**SECTION 18.** In Colorado Revised Statutes, 22-102-106, **amend** (2)(a) as follows:

**22-102-106. Pilot program coordinator - evaluation of pilot program - student impacts and outcomes.** (2) (a) The department shall select a professional program evaluator to complete a preliminary evaluation of the pilot program on or before September 1 of the second full school year of implementation of the pilot program and a final evaluation of the pilot program to be completed on or before September 1 immediately following the conclusion of the final school year of the pilot program. Subject to available appropriations or gifts, grants, or donations for the ~~three-year~~ FOUR-YEAR term of the pilot program, the department shall contract with the evaluator in the school year prior to the implementation of the pilot program in the pilot schools to create a process for the collection and transmission of data and information to the evaluator to ensure that the evaluator has the data and information necessary to complete the preliminary and final reports concerning the impact and outcomes of the pilot program. The pilot program evaluator, in conjunction with the department, shall select a group of control schools that have school characteristics and student demographics similar to those of the pilot schools to serve as a control group for purposes of evaluating the impacts and outcomes of the pilot program on participating students and pilot schools. Data collected for pilot schools and control group schools must include data from school climate and healthy schools surveys for any grade in which such surveys have been created.

**SECTION 19.** In Colorado Revised Statutes, 24-90-120, **amend** (4)(a) and (6)(c) as follows:

**24-90-120. Colorado imagination library program - creation - request for proposal - state librarian duties - report - legislative declaration - definitions.** (4) (a) The contractor, in operating the program pursuant to subsection (2) of this section, shall pay to the national nonprofit foundation ~~fifty percent~~ of the statewide cost to provide free books to eligible children enrolled in the program, as determined by the national nonprofit foundation. The general assembly shall annually appropriate money from the general fund to the department of education for the state librarian to distribute to the contractor for the state's FIFTY PERCENT share of the cost to provide the books.

(6) (c) Twenty percent of money appropriated for the 2021-22 state fiscal year, ~~and ten percent of money appropriated for the 2022-23 fiscal year~~ and each fiscal year thereafter, may be used for the contractor operating the program for duties set forth in subsections (2)(a) to (2)(f) of this section.

**SECTION 20.** In Colorado Revised Statutes, **amend** 22-35-108 as follows:

**22-35-108. Accelerating students through concurrent enrollment program - objectives - non-tuition expenses - rules.** (1) (a) There is ~~hereby~~ established the accelerating students through concurrent enrollment program, ~~Beginning in the 2010-11 school year, the department shall administer the ASCENT program pursuant to the provisions of this section and guidelines established by the board~~

~~pursuant to subsection (4) of this section.~~ WHICH IS AVAILABLE TO ALL QUALIFIED STUDENTS WHO ARE DESIGNATED BY THEIR ENROLLING LOCAL EDUCATION PROVIDERS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. The objectives of the ASCENT program are to:

- (I) Increase the percentage of students who participate in postsecondary education, especially among low-income and traditionally underserved populations;
- (II) Decrease the number of students who do not complete high school;
- (III) Decrease the amount of time that is required for a student to complete a postsecondary degree or certificate;
- (IV) Reduce state expenditures for public education; and
- (V) Increase the number of educational pathways available to students.

(b) Notwithstanding any ~~other~~ provision of this ~~article~~ ARTICLE 35 TO THE CONTRARY, a qualified student who is designated by ~~the department~~ A LOCAL EDUCATION PROVIDER to be an ASCENT program participant pursuant to subsection (2) of this section may concurrently enroll in postsecondary courses, including academic courses and career and technical education courses, in the year directly following the year in which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth grade of ~~a~~ THE local education provider.

~~(2) (a) Subject to available appropriations, the department may designate as an ASCENT program participant any qualified student who~~ A LOCAL EDUCATION PROVIDER MAY DESIGNATE A QUALIFIED STUDENT AS AN ASCENT PROGRAM PARTICIPANT IF THE QUALIFIED STUDENT:

- (I) Has completed or is on schedule to complete at least ~~twelve~~ NINE credit hours of postsecondary course work prior to the completion of ~~his or her~~ THE QUALIFIED STUDENT'S twelfth-grade year;
- (II) Is not in need of a developmental education course;
- ~~(III) Has been selected for participation in the ASCENT program by his or her high school principal or equivalent school administrator;~~
- ~~(IV)~~ (III) Has been accepted into a postsecondary degree program at an institution of higher education; AND
- ~~(V) Has satisfied any other selection criteria established by guidelines established by the board pursuant to subsection (4) of this section; and~~
- ~~(VI)~~ (IV) Has not been designated AS an ASCENT program participant in ~~any~~ A prior year.

~~(b) Repealed.~~

~~(c) (i) Repealed.~~

~~(H)~~ (b) EACH LOCAL EDUCATION PROVIDER THAT DESIGNATES QUALIFIED STUDENTS TO PARTICIPATE IN THE ASCENT PROGRAM SHALL, AS PROVIDED BY STATE BOARD RULE, REPORT TO THE DEPARTMENT THE ESTIMATED NUMBER OF ASCENT PROGRAM PARTICIPANTS THAT THE LOCAL EDUCATION PROVIDER WILL ENROLL FOR THE FOLLOWING SCHOOL YEAR. The department, as part of its annual budget request to the general assembly, shall report the ESTIMATED total number of potential ASCENT program participants for the following school year.

~~(III) Repealed.~~

~~(IV) The department shall not designate a greater number of ASCENT program participants for a school year than the number of participants that the general assembly approves for funding in the annual general appropriation act for the applicable budget year.~~

(3) (a) The local education provider of a qualified student who is designated by the department as an ASCENT program participant may include the student A LOCAL EDUCATION PROVIDER MAY INCLUDE EACH QUALIFIED STUDENT WHOM THE LOCAL EDUCATION PROVIDER DESIGNATES TO PARTICIPATE IN THE ASCENT PROGRAM PURSUANT TO THIS SECTION in the district's funded pupil count, or, in the case of a QUALIFIED student enrolled in an institute charter school, in the FUNDED PUPIL COUNT OF THE school's accounting district, as provided in section 22-54-103 (7).

~~(b) A local education provider that receives extended high school funding, as described in section 22-54-104 (4.7), in a budget year for ASCENT program participants may expend the funding on behalf of ASCENT program participants who enroll in an institution of higher education during that budget year and on behalf of ASCENT program participants who, by May 1 of that budget year, are admitted to an institution of higher education to participate in the ASCENT program during the next budget year.~~

~~(c) The local education provider shall certify to the department by May 10 of each year the list of ASCENT program participants who are admitted to an institution of higher education to participate in the ASCENT program during the next budget year. At the end of the budget year in which the local education provider receives the extended high school funding for ASCENT program participants, the local education provider shall remit to the department any remaining amount of the funding that the local education provider is not using for an ASCENT program participant who is included on the certified list.~~

(4) The board shall establish guidelines AS NECESSARY for the administration of the ASCENT program. including but not limited to selection criteria that the department may use pursuant to subparagraph (V) of paragraph (a) of subsection (2) of this section to designate qualified students as ASCENT program participants.

(5) For the purposes of part 5 of article 11 of this title 22 concerning school accountability reports, the department shall include ASCENT program participants in the reporting requirements, regardless of whether an ASCENT program participant has completed ~~his or her~~ THE PARTICIPANT'S graduation requirements.

~~(6)(a) Repealed.~~

~~(b) (6) For purposes of applying the provisions of article 11 of this title 22 concerning school accountability and reporting graduation rates, a qualified student who is an ASCENT program participant shall MUST be counted in the enrolling school district's or institute charter school's graduation rate in the school year in which the student completes the school district's or institute charter school's minimum high school graduation requirements. The state board of education shall promulgate rules for schools and school districts to follow in satisfying state and federal reporting requirements concerning the enrollment status of ASCENT program participants. To the extent practicable, the rules must ensure that schools and school districts are not adversely affected in calculating and reporting the completion of high school graduation requirements by qualified students who have been designated by the department LOCAL EDUCATION PROVIDERS as ASCENT program participants. The rules must include, at a minimum, reporting requirements relating to:~~

~~(F) (a) The provisions of article 7 of this title 22 concerning educational accountability; and~~

~~(H) (b) The provisions of article 11 of this title 22 concerning educational accreditation.~~

**SECTION 21.** In Colorado Revised Statutes, 22-35-105, **repeal** (4) as follows:

~~**22-35-105. Financial provisions - payment of tuition.** (4) (a) Before paying the tuition for a course in which a qualified student concurrently enrolls, the local education provider in which the qualified student is enrolled shall require the qualified student and his or her parent or legal guardian to sign a document requiring repayment of the amount of tuition paid by the local education provider for the course on the qualified student's behalf if the qualified student does not complete the course for any reason without the consent of the principal of the student's high school.~~

~~(b) If a qualified student concurrently enrolled in a course for whom a local education provider pays tuition does not complete the course for any reason without the consent of the principal of the high school in which the qualified student is enrolled, the qualified student or the qualified student's parent or legal guardian shall reimburse the local education provider, as provided in the document signed pursuant to paragraph (a) of this subsection (4), for the amount of tuition paid by the local education provider for the course.~~

~~(c) A local education provider may adopt a policy that requires a qualified student and his or her parent or legal guardian to sign a document prior to the student's concurrent enrollment in a course, which document commits the student or his or her parent or legal guardian to reimburse the local education provider for the tuition paid by the local education provider for the course in the event that the student receives a failing grade in the course.~~

**SECTION 22.** In Colorado Revised Statutes, 22-35-103, **amend** (6)(a) as follows:

**22-35-103. Definitions.** As used in this article 35, unless the context otherwise requires:

(6) (a) "Concurrent enrollment" means the simultaneous enrollment of a qualified student in a local education provider and in one or more postsecondary courses, including academic or career and technical education courses, which may include course work related to apprenticeship programs or internship programs, at an institution of higher education pursuant to the provisions of this article 35, at no tuition cost to the qualified student or the qualified student's parent or legal guardian. ~~except as provided in section 22-35-105 (4)(c).~~ As provided in section 22-35-104 (5) and (6)(b)(II), upon successfully completing a concurrent enrollment postsecondary course, the qualified student must receive credit that applies to completion of high school graduation requirements and postsecondary credit that applies toward completion of developmental education courses, applies toward earning a certificate or degree awarded through an approved postsecondary career and technical education program, is approved by the department of higher education for transfer from a two-year institution to a four-year institution in satisfaction of prerequisite courses for a specific major, is approved for statewide transfer pursuant to section 23-1-125, or is part of a statewide degree transfer agreement pursuant to section 23-1-108 (7)(a).

**SECTION 23.** In Colorado Revised Statutes, 22-35-107, **amend** (6) introductory portion, (6)(c), and (6)(d) as follows:

**22-35-107. Concurrent enrollment advisory board - created - membership - duties - reports - repeal.** (6) The board ~~shall have~~ HAS the following duties:

(c) Making recommendations as necessary to the general assembly, the state board, and the commission concerning the improvement or updating of state policies relating to concurrent enrollment programs, including but not limited to recommendations of policies that will allow every local education provider in the state to have adequate resources to enter into at least one cooperative agreement; ~~and recommendations of a funding allocation model, to be approved by the state board on or before July 1, 2013, in the event that the number of qualified students identified by local education providers exceeds available appropriations pursuant to section 22-35-108 (2);~~

(d) On or before ~~December 1, 2010~~ DECEMBER 1, 2022, considering and making recommendations to the state board and the education committees of the house of representatives and senate, or any successor committees, regarding the feasibility of a waiver process whereby a LOCAL EDUCATION PROVIDER, ON BEHALF OF A qualified student, could apply to the department for a waiver of certain provisions of section 22-35-108, which waiver would allow the LOCAL EDUCATION PROVIDER TO DESIGNATE THE student ~~to be designated by the department~~ as an ASCENT program participant in the second year following the year in which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth grade of a THE local education provider so long as ~~he or she~~ THE QUALIFYING STUDENT:

(I) Was so designated in the year directly following the year in which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth grade of a THE local education provider;

(II) Requires fifteen or fewer credit hours of postsecondary course work to achieve a postsecondary credential; and

(III) Is eligible for free or ~~reduced-cost~~ REDUCED-PRICE lunch pursuant to the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.;

**SECTION 24.** In Colorado Revised Statutes, 22-35-112, **amend** (2) introductory portion and (2)(g) as follows:

**22-35-112. Reports.** (2) ~~On or before February 1, 2011, and on or before February 1 each year thereafter through 2016, and on or before April 1, 2017, and on or before April 1 each year thereafter, ON OR BEFORE APRIL 1, 2022, AND ON OR BEFORE MAY 1 EACH YEAR THEREAFTER,~~ the department and the department of higher education shall collaborate to prepare and submit to the education committees of the senate and house of representatives, or any successor committees, a report concerning the concurrent enrollment of qualified students in postsecondary courses, including academic courses and career and technical education courses, and courses related to apprenticeship programs and internship programs. The report must include, but need not be limited to:

(g) ~~FOR THE PREVIOUS SCHOOL YEAR, the total number of qualified students designated by the department as ASCENT or TREP program participants in the previous school year~~ THAT LOCAL EDUCATION PROVIDERS DESIGNATED AS ASCENT PROGRAM PARTICIPANTS AND THE TOTAL NUMBER OF QUALIFIED STUDENTS THE DEPARTMENT DESIGNATED AS PARTICIPANTS IN THE TEACHER RECRUITMENT EDUCATION AND PREPARATION PROGRAM;

**SECTION 25.** In Colorado Revised Statutes, 22-35-113, **amend** (1)(f) as follows:

**22-35-113. Concurrent enrollment - website.** (1) By July 1, 2020, the department of education and the department of higher education, with advice from the state board, shall make available to the public a concurrent enrollment website to provide information to students, parents, and legal guardians concerning concurrent enrollment options and requirements. The departments must ensure that the website is clear, easy to navigate, and generally user-friendly. In addition, the website must at a minimum:

(f) Provide information concerning the payment of the costs of concurrent enrollment, including tuition, which is not chargeable to the student or the student's parent or legal guardian, ~~except as provided in section 22-35-105 (4)(c);~~ fees and books, which may be chargeable to the student or the student's parent or legal guardian, and transportation;

**SECTION 26.** In Colorado Revised Statutes, 22-54-112, **amend** (2)(c) as follows:

**22-54-112. Reports to the state board.** (2) (c) On or before November 10 of each year, the secretary of the state charter school institute board shall certify to the state board the pupil enrollment, ~~and~~ the online pupil enrollment, ~~AND THE~~

EXTENDED HIGH SCHOOL PUPIL ENROLLMENT of each institute charter school taken in the preceding October.

**SECTION 27.** In Colorado Revised Statutes, 22-54-114, **amend** (4)(a) as follows:

**22-54-114. State public school fund.** (4) (a) For the 1997-98 fiscal year and fiscal years thereafter, the net amount recovered by the department of education during the applicable fiscal year, pursuant to school district and institute charter school audits, as overpayments made to school districts and institute charter schools ~~and any amount remitted by a school district or institute charter school pursuant to section 22-35-108 (3)(c);~~ that would otherwise be transmitted to the state treasurer for deposit in the general fund shall instead be transmitted to the state treasurer for deposit in the state public school fund. The amount shall be available for appropriation to the department of education in subsequent fiscal years.

**SECTION 28.** In Colorado Revised Statutes, 23-18-202, **amend** (5)(c)(III) as follows:

**23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement - report.** (5) (c) (III) For an eligible undergraduate student who has completed one or more college courses while enrolled in high school pursuant to the "Concurrent Enrollment Programs Act", article 35 of title 22, or while ~~designated by the department of education~~ as an ASCENT program participant pursuant to section 22-35-108 or as a TREP program participant pursuant to section 22-35-108.5, or while enrolled in a pathways in technology early college high school pursuant to article 35.3 of title 22, all college-level credit hours earned by the student while so enrolled count against the lifetime limitation described in subsection (5)(c)(I) of this section; except that credit hours earned from enrollment in a developmental education course, as defined in section 23-1-113 (11)(b), do not count against the lifetime limitation.

**SECTION 29.** In Colorado Revised Statutes, 24-75-220, **add** (8) as follows:

**24-75-220. State education fund - transfers - surplus - legislative declaration.** (8) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER THREE HUNDRED MILLION DOLLARS FROM THE GENERAL FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

**SECTION 30.** In Colorado Revised Statutes, 22-7-1006.3, **amend** (1)(d) as follows:

**22-7-1006.3. State assessments - administration - rules - repeal.** (1) (d) If all or any portion of a state assessment ADMINISTERED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION requires a student to use a computer to take the assessment, at the request of a local education provider, the department of education must administer the portions of the state assessment that require a computer in a format that a student may complete using pencil and paper. Each local education provider shall report to the department the number of students it enrolls who will take the state assessment in a pencil-and-paper format.

**SECTION 31.** In Colorado Revised Statutes, 22-7-1013, **amend** (6) as follows:

**22-7-1013. Local education provider - preschool through elementary and secondary education standards - adoption - academic acceleration.** (6) Each local education provider shall adopt and implement a written policy by which the local education provider will decide whether the students enrolled by the local education provider will use pencil and paper to complete any portion of a state assessment administered pursuant to ~~section 22-7-1006.3~~ SECTION 22-7-1006.3 (1)(a) that the students would otherwise complete using a computer. The policy must ensure that the local education provider makes the decision in consultation with parents and, if the local education provider is a school district or board of cooperative services, the public schools that the local education provider operates. The local education provider may decide that the students in one or more of the public schools, or in one or more of the classrooms of the public schools, operated by the local education provider will use pencil and paper to complete the computerized portions of a state assessment. Each year before the start of fall semester classes, the local education provider shall distribute copies of the policy to the parents of students enrolled in the local education provider and post a copy of the policy on the local education provider's website.

**SECTION 32. Appropriation.** For the 2022-23 state fiscal year, \$100,000 is appropriated to the department of education. This appropriation is from the general fund. The department may use this appropriation for contracting with an external evaluator to perform the evaluation of local accountability systems required pursuant to section 22-11-705 (5), C.R.S.

**SECTION 33. Appropriation.** For the 2022-23 state fiscal year, \$184,125,900 is appropriated to the department of education. This appropriation consists of \$2,101,985 from the general fund and \$182,023,915 from the state education fund created in section 17 (4)(a) of article IX of the state constitution. To implement this act, the department may use this appropriation for the state share of districts' total program funding.

**SECTION 34. Appropriation.** (1) For the 2022-23 state fiscal year, \$1,000,000 is appropriated to the mill levy equalization fund created in section 22-30.5-513.1 (2)(a), C.R.S. This appropriation is from the general fund. The department of education is responsible for the accounting related to this appropriation.

(2) For the 2022-23 state fiscal year, \$1,000,000 is appropriated to the department of education. This appropriation is from reappropriated funds in the mill levy equalization fund under subsection (1) of this section. To implement this act, the department may use the appropriation for CSI mill levy equalization.

**SECTION 35. Appropriation to the department of education for the fiscal year beginning July 1, 2022.** Section 2 of HB 22-1329, **amend** Part IV (2)(A) Footnote 8, as follows:

Section 2. **Appropriation.**

8 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding



-- Pursuant to Section ~~22-35-108 (2)(a) and~~ 22-35-108.5 (2)(b)(II), C.R.S., the purpose of this footnote is to specify what portion of this appropriation is intended to be available for ~~the Accelerating Students Through Concurrent Enrollment (ASCENT) Program and~~ the Teacher Recruitment Education and Preparation (TREP) Program for FY 2022-23. It is the General Assembly's intent that the Department of Education be authorized to utilize up to ~~\$4,249,000 of this appropriation to fund qualified students designated as ASCENT Program participants and~~ \$1,699,600 \$1,737,200 of this appropriation to fund qualified students designated as TREP Program participants. This amount is calculated based on an estimated ~~500 FTE participants and~~ 200 FTE TREP Program participants funded at a rate of ~~\$8,498~~ \$8,686 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

**SECTION 36. Appropriation.** (1) For the 2022-23 state fiscal year, \$196,086 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

- (a) \$127,973 for the dyslexia markers pilot program;
- (b) \$43,113 for college and career readiness, which amount is based on an assumption that the department will require an additional 0.5 FTE; and
- (c) \$25,000 for information technology services.

**SECTION 37. 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: May 26, 2022