

CHAPTER 109

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 10-151

BY SENATOR(S) White, Keller, Tapia, Kopp, Penry, Romer, Steadman;
also REPRESENTATIVE(S) Pommer, Ferrandino, Lambert.

AN ACT

CONCERNING THE REPEAL OF THE COLORADO COMPREHENSIVE HEALTH FUND.

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

SECTION 1. 22-25-105 (3), Colorado Revised Statutes, is amended to read:

22-25-105. Review of local comprehensive health education programs and local student wellness programs - allocation of funds by the state board of education. (3) (a) The state board of education shall establish a review and prioritization process for the allocation of available funds to school districts, boards of cooperative services, and facility schools based upon applications submitted to the department of education and giving due consideration to the guidelines developed pursuant to section 22-25-104 (3) (a). Funding may be made available to districts or facility schools to implement portions of a comprehensive health education program or portions of a local student wellness program that are coordinated with health education, according to the needs of the individual school district or facility school. Pursuant to the review and prioritization process, the state board of education shall allocate available funds to the applying school districts, boards of cooperative services, and facility schools based on whether the state board of education finds that a school district, a board of cooperative services, or a facility school has planned or developed a local comprehensive health education program or a local school wellness program that will serve the objectives of this article. Funding for local comprehensive health education programs and local school wellness programs may include, but shall not be limited to, the implementation of training programs, in-service education institutes, and curriculum development programs for staff who shall instruct in comprehensive health education or for staff who shall instruct in or otherwise provide services through student wellness programs that are coordinated with health education. The state board of education

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

shall not allocate funds to school districts, boards of cooperative services, or facility schools pursuant to the provisions of this subsection (3) until the department determines the amount of money that will be available for allocation. ~~from the Colorado comprehensive health education fund.~~

(b) If SUFFICIENT moneys are not available ~~in the Colorado comprehensive health education fund sufficient~~ to fund programs in every school district, the department may establish pilot programs for school districts that express an interest in developing or expanding a local comprehensive health education program or one or more components of a local student wellness program, ~~that~~ WHICH COMPONENTS include and are coordinated with health education, and in which DISTRICTS there is a need for a program.

(c) ~~(I) Notwithstanding any provision of this section to the contrary, in any budget year in which the amount of moneys available in the Colorado comprehensive health education fund, created in section 22-25-109, is equal to or less than the amount available for the 2007-08 budget year, the state board shall not allocate moneys to a local student wellness program.~~

~~(II) In any budget year in which the amount of moneys available in the Colorado comprehensive health education fund exceeds the amount available for the 2007-08 budget year, the total amount of moneys that the state board may allocate to local student wellness programs shall not exceed the difference between the amount available in the fund in the applicable budget year and the amount available in the fund in the 2007-08 budget year.~~

SECTION 2. 22-25-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-25-109. Colorado comprehensive health education fund - creation - acceptance of funds - repeal. (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010. ANY MONEY REMAINING IN THE COLORADO COMPREHENSIVE HEALTH EDUCATION FUND ON JULY 1, 2010, SHALL BE CREDITED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114.

SECTION 3. 22-54-114 (3) (a), Colorado Revised Statutes, is amended to read:

22-54-114. State public school fund. (3) (a) ~~Fifty percent of~~ Any unexpended balance of moneys appropriated by the general assembly in the state public school fund at the end of each fiscal year shall ~~be transferred to the Colorado comprehensive health education fund created in section 22-25-109.~~ The remaining ~~fifty percent and any balances derived from other sources shall remain in said~~ THE state public school fund and become available for distribution during the following fiscal year.

SECTION 4. Specified effective date. Sections 1 and 3 of this act shall take effect July 1, 2010, and the remainder of this act shall take effect upon passage.

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

Approved: April 15, 2010