

CHAPTER 244

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 14-1298

BY REPRESENTATIVE(S) Hamner and Buckner, Court, Duran, Exum, Fields, Fischer, Ginal, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, May, McCann, McLachlan, Melton, Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Rosenthal, Salazar, Schafer, Tyler, Williams, Young, Ferrandino, Garcia, Kagan, Lee, Ryden, Vigil;
also SENATOR(S) Kerr and Steadman, Aguilar, Guzman, Heath, Johnston, Jones, Kefalas, Newell, Nicholson, Tochtrop, Todd, Ulibarri, Zenzinger, Carroll.

AN ACT

CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, 22-54-104, **add** (5) (a) (XXI) as follows:

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

(a) (XXI) FOR THE 2014-15 BUDGET YEAR, THE STATEWIDE BASE PER PUPIL FUNDING IS \$6,121, WHICH IS AN AMOUNT EQUAL TO \$5,954.28, SUPPLEMENTED BY \$166.72 TO ACCOUNT FOR INFLATION.

SECTION 2. In Colorado Revised Statutes, 22-54-104, **amend** (5) (c) (II) (B.1), (5) (c) (II) (C), and (5) (c) (III) (A); and **add** (5) (c) (II.5) as follows:

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

(c) (II) (B.1) Except as provided in subparagraph (IV) of this paragraph (c), for the 2000-01 budget year and budget years thereafter THROUGH THE 2013-14 BUDGET YEAR, a district's cost of living factor ~~shall be~~ is the district's cost of living factor for the prior budget year, but, if the percentage change in the district's cost of living amount from the previous cost of living study to the current cost of living study is

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

greater than the percent increase in the income level used in the cost of living study, a district's cost of living factor shall be determined by dividing the percentage change in the district's cost of living amount from the previous cost of living study to the current cost of living study by the percent increase in the income level used in the cost of living study, dividing said amount by one thousand and rounding to the nearest one-thousandth of one percent, and adding the result obtained to the district's cost of living factor for the prior budget year.

(C) For purposes of this subparagraph (II) AND SUBPARAGRAPH (II.5) OF THIS PARAGRAPH (c), a district's cost of living amount refers to the values as adjusted for district labor pool areas.

(II.5) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c), FOR THE 2014-15 BUDGET YEAR AND BUDGET YEARS THEREAFTER, A DISTRICT'S COST OF LIVING FACTOR IS THE DISTRICT'S COST OF LIVING FACTOR FOR THE PRIOR BUDGET YEAR; EXCEPT THAT:

(A) IF THE PERCENT INCREASE IN THE INCOME LEVEL USED IN THE COST OF LIVING STUDY IS ONE PERCENT OR LESS AND IF THE PERCENTAGE CHANGE IN THE DISTRICT'S COST OF LIVING AMOUNT FROM THE PREVIOUS COST OF LIVING STUDY TO THE CURRENT COST OF LIVING STUDY IS GREATER THAN ONE PERCENT, A DISTRICT'S COST OF LIVING FACTOR IS DETERMINED BY DIVIDING THE PERCENTAGE CHANGE IN THE DISTRICT'S COST OF LIVING AMOUNT FROM THE PREVIOUS COST OF LIVING STUDY TO THE CURRENT COST OF LIVING STUDY BY ONE PERCENT, DIVIDING SAID AMOUNT BY ONE THOUSAND AND ROUNDING TO THE NEAREST THOUSANDTH OF ONE PERCENT AND ADDING THE RESULT OBTAINED TO THE DISTRICT'S COST OF LIVING FACTOR FOR THE PRIOR BUDGET YEAR; OR

(B) IF THE PERCENT INCREASE IN THE INCOME LEVEL USED IN THE COST OF LIVING STUDY IS MORE THAN ONE PERCENT AND IF THE PERCENTAGE CHANGE IN THE DISTRICT'S COST OF LIVING AMOUNT FROM THE PREVIOUS COST OF LIVING STUDY TO THE CURRENT COST OF LIVING STUDY IS GREATER THAN THE PERCENT INCREASE IN THE INCOME LEVEL USED IN THE COST OF LIVING STUDY, A DISTRICT'S COST OF LIVING FACTOR IS DETERMINED BY DIVIDING THE PERCENTAGE CHANGE IN THE DISTRICT'S COST OF LIVING AMOUNT FROM THE PREVIOUS COST OF LIVING STUDY TO THE CURRENT COST OF LIVING STUDY BY THE PERCENT INCREASE IN THE INCOME LEVEL USED IN THE COST OF LIVING STUDY, DIVIDING SAID AMOUNT BY ONE THOUSAND AND ROUNDING TO THE NEAREST THOUSANDTH OF ONE PERCENT AND ADDING THE RESULT OBTAINED TO THE DISTRICT'S COST OF LIVING FACTOR FOR THE PRIOR BUDGET YEAR.

(III) (A) Based upon the cost of living analysis conducted pursuant to the SB 93-87 setting category study, the staff of the legislative council shall certify the cost of living factor for each district to the department of education no later than ten days following April 27, 1994. Such cost of living factors shall be effective for the 1994-95 budget year and the budget year thereafter. The cost of living factor for each district shall be certified to the department by the staff of the legislative council for each two-year period thereafter based upon a new cost of living analysis. The certification shall be made no later than April 15 of the applicable year and shall be effective for the budget year beginning on July 1 of such year and the budget year thereafter. IF THE INCOME LEVEL USED IN A COST OF LIVING ANALYSIS DOES NOT INCREASE ABOVE THE INCOME LEVEL USED IN THE PREVIOUS COST OF LIVING

ANALYSIS, THE COST OF LIVING FACTOR FOR EACH DISTRICT REMAINS THE SAME AS THE COST OF LIVING FACTOR DERIVED FROM THE PREVIOUS COST OF LIVING ANALYSIS.

SECTION 3. In Colorado Revised Statutes, 22-54-104, **amend** (5) (g) (I) (E) as follows:

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

(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 negative factor as provided in this paragraph (g). 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:

(E) That, for the 2014-15 budget year, ~~and each budget year thereafter,~~ the sum of the total program funding for all districts, including the funding for institute charter schools, after application of the negative factor, is not less than ~~the sum of the total program funding for all districts, including the funding for institute charter schools, after the application of the negative factor for the immediately preceding budget year, adjusted by the amount necessary to adjust the state average per pupil revenues for the applicable budget year by the rate of inflation, as defined in section 22-55-102 (7), for the calendar year ending in the immediately preceding school district budget year~~ FIVE BILLION SEVEN HUNDRED SEVENTY-FIVE MILLION ONE HUNDRED FORTY-THREE THOUSAND FORTY-TWO DOLLARS (\$5,775,143,042); 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 sub-subparagraph (E). FOR THE 2015-16 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 2014-15 BUDGET YEAR.

SECTION 4. In Colorado Revised Statutes, 22-54-104, **amend as amended by House Bill 14-1292** (5) (g) (I) (E) as follows:

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

(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 negative factor as provided in this paragraph (g). 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:

(E) That, for the 2014-15 budget year, the sum of the total program funding for all districts, including the funding for institute charter schools, after application of the negative factor, is not less than ~~five billion nine hundred eleven million one hundred nine thousand two hundred sixty-seven dollars (\$5,911,109,267)~~ FIVE BILLION NINE HUNDRED TWENTY-NINE MILLION SEVEN HUNDRED NINE THOUSAND FIVE HUNDREDEIGHTY-TWO DOLLARS (\$5,929,709,582); 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 sub-subparagraph (E). FOR THE 2015-16 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 2014-15 BUDGET YEAR.

SECTION 5. In Colorado Revised Statutes, 22-54-104, **add** (5) (g) (VII) as follows:

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

(g) (VII) AS USED IN THIS PARAGRAPH (g), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "ACTUAL STATEWIDE TOTAL PROGRAM FUNDING" MEANS THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, AS CALCULATED PURSUANT TO SUBSECTION (2) OF THIS SECTION, AFTER APPLICATION OF THE NEGATIVE FACTOR PURSUANT TO THIS PARAGRAPH (g).

(B) "CALCULATED STATEWIDE TOTAL PROGRAM FUNDING" MEANS THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, AS CALCULATED PURSUANT TO SUBSECTION (2) OF THIS SECTION, BEFORE APPLICATION OF THE NEGATIVE FACTOR PURSUANT TO THIS PARAGRAPH (g).

SECTION 6. In Colorado Revised Statutes, 22-28-104.3, **amend** (1) as follows:

22-28-104.3. Early childhood at-risk enhancement (ECARE).
(1) (a) Notwithstanding the number of children who may annually participate in the Colorado preschool program pursuant to section 22-28-104 (2) (a):

(I) For the 2013-14 budget year, ~~and each budget year thereafter~~, an additional

three thousand two hundred children may ~~annually~~ participate in the Colorado preschool program, for a total of twenty-three thousand three hundred sixty children who may ~~annually~~ participate in the Colorado preschool program FOR THE 2013-14 BUDGET YEAR.

(II) FOR THE 2014-15 BUDGET YEAR, AND EACH BUDGET YEAR THEREAFTER, AN ADDITIONAL FIVE THOUSAND CHILDREN MAY ANNUALLY PARTICIPATE IN THE COLORADO PRESCHOOL PROGRAM, FOR A TOTAL OF TWENTY-EIGHT THOUSAND THREE HUNDRED SIXTY CHILDREN WHO MAY ANNUALLY PARTICIPATE IN THE COLORADO PRESCHOOL PROGRAM.

(b) The department shall allocate the authority to enroll the additional children in the same manner provided in section 22-28-104; except that the provisions of section 22-28-104 (2) (b) do not apply.

SECTION 7. In Colorado Revised Statutes, **add** 22-2-134.5 as follows:

22-2-134.5. Early childhood education programs - quality rating system - report. (1) THE DEPARTMENT OF EDUCATION, WORKING WITH THE DEPARTMENT OF HUMAN SERVICES, SHALL PRODUCE A JOINTLY AUTHORED REPORT CONCERNING THE STATUS OF IMPLEMENTING THE QUALITY RATING AND IMPROVEMENT SYSTEM FOR SCHOOL DISTRICT AND CHARTER SCHOOL EARLY CHILDHOOD EDUCATION PROGRAMS. THE REPORT MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) THE TIMELINE FOR IMPLEMENTING THE QUALITY RATING AND IMPROVEMENT SYSTEM WITH REGARD TO SCHOOL DISTRICT AND CHARTER SCHOOL EARLY CHILDHOOD EDUCATION PROGRAMS; AND

(b) THE PLAN FOR COORDINATING THE REQUIREMENTS OF THE QUALITY RATING IMPROVEMENT SYSTEM WITH THE OTHER STATUTORY REQUIREMENTS IMPOSED ON SCHOOL DISTRICTS AND CHARTER SCHOOLS, INCLUDING BUT NOT LIMITED TO REQUIREMENTS FOR EDUCATING CHILDREN WITH DISABILITIES AS PROVIDED IN ARTICLE 20 OF THIS TITLE AND FEDERAL LAW, REQUIREMENTS FOR IMPLEMENTING EDUCATOR PERFORMANCE EVALUATIONS SPECIFIED IN ARTICLE 9 OF THIS TITLE, AND REQUIREMENTS THAT APPLY TO THE COLORADO PRESCHOOL PROGRAM SPECIFIED IN ARTICLE 28 OF THIS TITLE.

(2) THE DEPARTMENT OF EDUCATION SHALL SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION AT THE HEARING OF THE JOINT EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEE, THAT IS HELD IN NOVEMBER OR DECEMBER OF 2014, AS REQUIRED IN SECTION 2-7-203, C.R.S.

SECTION 8. In Colorado Revised Statutes, 22-42-104, **amend** (1) introductory portion, (1.3) introductory portion, and (1.5); and **add** (1.6) as follows:

22-42-104. Limit of bonded indebtedness. (1) Except as provided in subsections (1.3), ~~and~~ (1.4), AND (1.6) of this section, ~~a school district shall have a~~ THE limit of ON bonded indebtedness of A SCHOOL DISTRICT IS the greater of the following:

(1.3) Notwithstanding the provisions of paragraph (a) of subsection (1) of this section and except as provided in subsection (1.4) of this section, the limit on bonded indebtedness of a school district ~~shall be~~ is the greater of the limit determined pursuant to paragraph (b) of subsection (1) of this section or twenty-five percent of the latest valuation for assessment of the taxable property in ~~such~~ THE district, as certified by the county assessor to the board of county commissioners, for any bonded indebtedness approved at any election held on or after July 1, 1994, BUT BEFORE JULY 1, 2014, if the commissioner of education or the commissioner's designee certifies that for each of the preceding three fiscal years, or for three consecutive fiscal years that include the fiscal year in which the certification is made, the pupil enrollment or the funded pupil count of the district as of the pupil enrollment count day, whichever is applicable, has increased:

(1.5) The debt limit provided in subsection (1.3) OR (1.6) of this section ~~shall apply~~ APPLIES to a district only as long as the conditions of subsection (1.3) OR (1.6) of this section are met. In ~~any~~ A year in which the conditions of said subsection (1.3) OR (1.6) are not met, the debt limit ~~shall be~~ IS the limit set forth in subsection (1) of this section; except that the validity of bonded indebtedness incurred in any year in which the debt limit in said subsection (1.3) ~~applied shall not be~~ OR (1.6) APPLIES IS NOT affected by a subsequent reduction in the district's debt limit.

(1.6) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND EXCEPT AS PROVIDED IN SUBSECTION (1.4) OF THIS SECTION, THE LIMIT ON BONDED INDEBTEDNESS OF A SCHOOL DISTRICT IS THE GREATER OF THE LIMIT DETERMINED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION OR TWENTY-FIVE PERCENT OF THE LATEST VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY IN THE DISTRICT, AS CERTIFIED BY THE COUNTY ASSESSOR TO THE BOARD OF COUNTY COMMISSIONERS, FOR BONDED INDEBTEDNESS APPROVED AT AN ELECTION HELD ON OR AFTER JULY 1, 2014, IF THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER'S DESIGNEE CERTIFIES THAT:

(a) FOR A DISTRICT THAT HAS A PUPIL ENROLLMENT OR FUNDED PUPIL COUNT, WHICHEVER IS APPLICABLE, OF ONE THOUSAND PUPILS OR MORE, THE AVERAGE OF THE ANNUAL PERCENTAGE INCREASES IN THE DISTRICT'S PUPIL ENROLLMENT OR FUNDED PUPIL COUNT AS OF THE PUPIL ENROLLMENT COUNT DAY FOR THE THREE PRECEDING FISCAL YEARS OR THE FIVE PRECEDING FISCAL YEARS, WHICHEVER IS HIGHER, IS AT LEAST TWO AND ONE-HALF PERCENT;

(b) FOR A DISTRICT THAT HAS A PUPIL ENROLLMENT OR FUNDED PUPIL COUNT, WHICHEVER IS APPLICABLE, OF FEWER THAN ONE THOUSAND PUPILS, THE AVERAGE OF THE ANNUAL INCREASES IN THE DISTRICT'S PUPIL ENROLLMENT OR FUNDED PUPIL COUNT AS OF THE PUPIL ENROLLMENT COUNT DAY FOR THE THREE PRECEDING FISCAL YEARS OR THE FIVE PRECEDING FISCAL YEARS, WHICHEVER IS HIGHER, IS AT LEAST TWENTY-FIVE PUPILS.

SECTION 9. In Colorado Revised Statutes, 22-2-134, **add** (5) as follows:

22-2-134. Unique student identifier - early childhood education - rules.

(5) THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF ARTICLE IX OF THE STATE CONSTITUTION, COOPERATION IN ASSIGNING UNIQUE STUDENT IDENTIFIERS TO STUDENTS WHO RECEIVE STATE-SUBSIDIZED OR FEDERALLY-SUBSIDIZED EARLY

CHILDHOOD EDUCATION SERVICES IS AN IMPORTANT ELEMENT IN IMPLEMENTING ACCOUNTABILITY REPORTING AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 10. In Colorado Revised Statutes, 22-30.5-112.1, **amend** (1) (a) as follows:

22-30.5-112.1. Charter schools - definitions - exclusive jurisdiction districts - authorized on or after July 1, 2004 - financing. (1) As used in this section, unless the context otherwise requires:

(a) (I) "Adjusted district per pupil revenues" means THE GREATER OF:

(A) The qualifying school district's per pupil funding plus the qualifying school district's at-risk per pupil funding; OR

(B) MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d).

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, IN A BUDGET YEAR IN WHICH A QUALIFYING SCHOOL DISTRICT RECEIVES MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d), "ADJUSTED DISTRICT PER PUPIL REVENUES" MEANS MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d).

SECTION 11. In Colorado Revised Statutes, 22-30.5-513, **amend** (1) (b) as follows:

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

(b) (I) "Accounting district's adjusted per pupil revenues" means THE GREATER OF:

(A) The accounting district's per pupil funding plus the accounting district's at-risk per pupil funding; OR

(B) MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d).

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) TO THE CONTRARY, IN A BUDGET YEAR IN WHICH AN ACCOUNTING DISTRICT RECEIVES MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d), "ACCOUNTING DISTRICT'S ADJUSTED PER PUPIL REVENUES" MEANS MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d).

SECTION 12. In Colorado Revised Statutes, 22-61.5-105, **add** (1) (a.5) and (3)

as follows:

22-61.5-105. Colorado teacher of the year fund - created - legislative declaration. (1) (a.5) IN ADDITION TO ANY MONEYS CREDITED TO THE FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), BEGINNING IN THE 2014-15 BUDGET YEAR AND IN EACH BUDGET YEAR THEREAFTER, THE STATE TREASURER SHALL ANNUALLY TRANSFER FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION TO THE FUND TWENTY-FOUR THOUSAND EIGHT HUNDRED DOLLARS.

(3) THE GENERAL ASSEMBLY HEREBY DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE COLORADO TEACHER OF THE YEAR PROGRAM IS AN IMPORTANT ELEMENT IN PROVIDING PERFORMANCE INCENTIVES FOR TEACHERS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 13. In Colorado Revised Statutes, **repeal and reenact, with amendments,** article 24 of title 22 as follows:

ARTICLE 24
English Language Proficiency Act

22-24-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "ENGLISH LANGUAGE PROFICIENCY ACT".

22-24-102. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) THERE IS A SUBSTANTIAL NUMBER OF STUDENTS IN COLORADO WHO ARE ENGLISH LANGUAGE LEARNERS;

(b) LOCAL EDUCATION PROVIDERS MUST PROVIDE EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS TO ENABLE THEM TO DEVELOP AND ACQUIRE ENGLISH LANGUAGE PROFICIENCY WHILE ACHIEVING AND MAINTAINING GRADE-LEVEL PERFORMANCE IN ACADEMIC CONTENT AREAS;

(c) TO IMPROVE THE EDUCATIONAL AND CAREER OPPORTUNITIES FOR EVERY STUDENT IN COLORADO, THE STATE MUST ENSURE SUPPORT FOR LOCAL EDUCATION PROVIDERS TO ESTABLISH EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

(d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE DEVELOPMENT AND IN ENABLING ENGLISH LANGUAGE LEARNERS TO ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC CONTENT AREAS;

(e) THE STATE MUST DEVELOP AN EDUCATOR WORKFORCE THAT CAN SUPPORT THE EDUCATIONAL APPROACH AND GOALS OF LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT GRADUATION;

(f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT GRADUATION;

(g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11 OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS; AND

(h) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION MUST RECOGNIZE LOCAL EDUCATION PROVIDERS WHO PROVIDE EFFECTIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS BY AWARDING GRANTS THROUGH A COMPETITIVE PROGRAM THAT IS SUPPORTED WITH ANNUAL APPROPRIATIONS.

22-24-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED BY A DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

(3) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE 5 OF THIS TITLE.

(4) "ENGLISH LANGUAGE LEARNER" MEANS A STUDENT WHO IS LINGUISTICALLY DIVERSE AND WHO IS IDENTIFIED PURSUANT TO SECTION 22-24-105 (2) AS HAVING A LEVEL OF ENGLISH LANGUAGE PROFICIENCY THAT REQUIRES LANGUAGE SUPPORT TO ACHIEVE STANDARDS IN GRADE-LEVEL CONTENT IN ENGLISH.

(5) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH LANGUAGE LEARNER WHILE ENABLING THE ENGLISH LANGUAGE LEARNER TO ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC CONTENT AREAS.

(6) "EVIDENCE-BASED" MEANS THE INSTRUCTION OR ITEM DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY, AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE LEARNERS.

(7) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

(8) "LOCAL EDUCATION PROVIDER" MEANS A DISTRICT, THE STATE CHARTER SCHOOL INSTITUTE, OR A FACILITY SCHOOL.

(9) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

22-24-104. English language proficiency program established - funding.

(1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND GRADES ONE THROUGH TWELVE.

(2)(a) A STUDENT WHO IS IDENTIFIED FOR INCLUSION IN AN ENGLISH LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING PURSUANT TO THIS SECTION FOR UP TO A TOTAL OF FIVE BUDGET YEARS REGARDLESS OF WHETHER THE STUDENT TRANSFERS ENROLLMENT AMONG LOCAL EDUCATION PROVIDERS DURING THE FIVE YEARS. THE FIVE BUDGET YEARS IN WHICH A STUDENT RECEIVES FUNDING PURSUANT TO THIS SECTION ARE NOT REQUIRED TO BE CONSECUTIVE IF A STUDENT EXITS AN ENGLISH LANGUAGE PROFICIENCY PROGRAM AND IS SUBSEQUENTLY RE-IDENTIFIED FOR INCLUSION IN AN ENGLISH LANGUAGE PROFICIENCY PROGRAM. A STUDENT IS NOT ELIGIBLE FOR FUNDING IN A SCHOOL YEAR IN WHICH THE STUDENT DOES NOT RECEIVE EDUCATIONAL SUPPORT THROUGH AN ENGLISH LANGUAGE PROFICIENCY PROGRAM. THE DEPARTMENT SHALL ALLOCATE STATE MONEYS PURSUANT TO THIS SECTION ON THE STUDENT'S BEHALF TO THE LOCAL EDUCATION PROVIDER THAT ENROLLS THE STUDENT.

(b) IF A STUDENT WAS IDENTIFIED FOR INCLUSION IN AN ENGLISH LANGUAGE PROFICIENCY PROGRAM BEFORE THE EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE AND RECEIVED STATE FUNDING PURSUANT TO THIS ARTICLE AS IT EXISTED BEFORE THE EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE, THE DEPARTMENT MUST INCLUDE THE BUDGET YEARS FOR WHICH THE STUDENT RECEIVED FUNDING BEFORE THE EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE IN CALCULATING THE FIVE-YEAR LIMIT ON FUNDING FOR THE STUDENT.

(3)(a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEYS TO THE DEPARTMENT TO IMPLEMENT THIS SECTION. THE DEPARTMENT SHALL ALLOCATE THE MONEYS ANNUALLY APPROPRIATED TO LOCAL EDUCATION PROVIDERS ON A PER-PUPIL BASIS USING THE NUMBER OF ENGLISH LANGUAGE LEARNERS CERTIFIED PURSUANT TO SECTION 22-24-105, SUBJECT TO THE TIME LIMIT SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

(b) (I) THE DEPARTMENT SHALL DISTRIBUTE SEVENTY-FIVE PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED TO THE DEPARTMENT PURSUANT TO THIS SUBSECTION (3) TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS WHO:

(A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT COMPREHEND OR SPEAK ENGLISH; AND

(B) COMPREHEND OR SPEAK SOME ENGLISH BUT WHOSE PRIMARY

COMPREHENSION OR SPEECH IS IN A LANGUAGE OTHER THAN ENGLISH.

(II) A STUDENT SHALL NOT BE FUNDED PURSUANT TO THIS PARAGRAPH (b) FOR MORE THAN FOUR HUNDRED DOLLARS PER YEAR OR AN AMOUNT EQUAL TO TWENTY PERCENT OF THE STATE AVERAGE PER PUPIL REVENUES, AS DEFINED IN SECTION 22-54-103 (12), FOR THE PRECEDING BUDGET YEAR AS DETERMINED BY THE DEPARTMENT, WHICHEVER IS GREATER.

(c) (I) THE DEPARTMENT SHALL DISTRIBUTE THE REMAINDER OF THE AMOUNT ANNUALLY APPROPRIATED PURSUANT TO THIS SUBSECTION (3) TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS WHO COMPREHEND AND SPEAK ENGLISH AND ONE OR MORE OTHER LANGUAGES BUT WHOSE ENGLISH LANGUAGE DEVELOPMENT AND COMPREHENSION IS:

(A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A NATIONALLY STANDARDIZED TEST; OR

(B) BELOW THE ACCEPTABLE PROFICIENCY LEVEL BASED ON THE ASSESSMENTS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 22-24-106 (1) (a).

(II) A STUDENT SHALL NOT BE FUNDED PURSUANT TO THIS PARAGRAPH (c) FOR MORE THAN TWO HUNDRED DOLLARS PER YEAR OR AN AMOUNT EQUAL TO TEN PERCENT OF THE STATE AVERAGE PER PUPIL REVENUES, AS DEFINED IN SECTION 22-54-103 (12), FOR THE PRECEDING BUDGET YEAR AS DETERMINED BY THE DEPARTMENT, WHICHEVER IS GREATER.

(4) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER; EXCEPT THAT LOCAL EDUCATION PROVIDERS MAY COOPERATE IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

(5) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF THESE PROGRAMS SHALL RECEIVE MONEYS PURSUANT TO THIS ARTICLE ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS ENROLLED IN THE PROGRAMS.

22-24-105. Local education provider - duties. (1) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH LANGUAGE PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER.

(2) EACH LOCAL EDUCATION PROVIDER SHALL IDENTIFY ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER USING THE STATE-APPROVED ASSESSMENT FOR ENGLISH LANGUAGE PROFICIENCY. THE LOCAL EDUCATION PROVIDER SHALL ANNUALLY CERTIFY TO THE DEPARTMENT THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED

IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER AND ARE ELIGIBLE FOR FUNDING PURSUANT TO SECTION 22-24-104 (2).

(3) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO EXIT THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

22-24-106. Department of education - powers - duties - state board of education - rules. (1) THE DEPARTMENT SHALL:

(a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;

(b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED TO TAKE THE STATEWIDE ASSESSMENT;

(c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING ASSESSMENTS PURSUANT TO SECTION 22-7-409 OR 22-7-1006;

(d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

(e) IDENTIFY, BASED ON THE CERTIFICATIONS RECEIVED FROM LOCAL EDUCATION PROVIDERS, THE STUDENTS WHO ARE COUNTED AS ENGLISH LANGUAGE LEARNERS FOR PURPOSES OF CALCULATING EACH LOCAL EDUCATION PROVIDER'S ALLOCATION OF MONEYS PURSUANT TO SECTION 22-24-104 (3);

(f) ANNUALLY ALLOCATE THE MONEYS APPROPRIATED FOR IMPLEMENTATION OF THIS ARTICLE, INCLUDING ALLOCATING THE MONEYS SPECIFIED IN SECTION 22-24-104 (3) ON A PER-PUPIL BASIS, USING THE NUMBER OF ENGLISH LANGUAGE LEARNERS IDENTIFIED PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (1) AND PARTICIPATING IN THE ENGLISH LANGUAGE PROFICIENCY PROGRAM;

(g) FOR EACH LOCAL EDUCATION PROVIDER, MONITOR AND REPORT THROUGH THE DATA PORTAL OPERATED PURSUANT TO SECTION 22-11-502, THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO EXIT THE ENGLISH LANGUAGE PROFICIENCY PROGRAM, THE LENGTH OF TIME ENGLISH LANGUAGE LEARNERS REMAIN IN THE ENGLISH LANGUAGE PROFICIENCY PROGRAM, AND THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO REENTER THE ENGLISH LANGUAGE PROFICIENCY PROGRAM;

(h) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS, WHILE THEY ARE RECEIVING SERVICES THROUGH THE ENGLISH LANGUAGE PROFICIENCY PROGRAM AND AFTER THEY EXIT THE ENGLISH LANGUAGE PROFICIENCY PROGRAM THROUGH HIGH SCHOOL GRADUATION, AS PROVIDED IN PART 5 OF ARTICLE 11 OF THIS TITLE; AND

(i) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107 AND THE PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM CREATED IN SECTION 22-24-108.

(2) IN IMPLEMENTING THE PROVISIONS OF THIS ARTICLE, THE DEPARTMENT SHALL NOT REQUIRE LOCAL EDUCATION PROVIDERS TO SUBMIT REPORTS OR OTHERWISE PROVIDE DATA THAT IS REQUIRED BY OR THAT THE DEPARTMENT COLLECTS UNDER OTHER STATE OR FEDERAL DATA-COLLECTION OR REPORTING STATUTORY OR REGULATORY REQUIREMENTS.

(3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER THAT DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE TO BE APPROPRIATE, AND THE STATE BOARD SHALL PROMULGATE PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THIS ARTICLE. THE STATE BOARD BY RULE MAY IDENTIFY MEASURES THAT ARE SPECIFIC TO THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENT, WHICH MEASURES THE DEPARTMENT MUST USE TO DETERMINE A LOCAL EDUCATION PROVIDER'S LEVEL OF ACHIEVEMENT IN MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS.

22-24-107. English language proficiency act excellence award program - excellence awards fund - created - rules - legislative declaration. (1) THERE IS CREATED IN THE DEPARTMENT THE ENGLISH LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM TO AWARD GRANTS TO LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH AMONG ENGLISH LANGUAGE LEARNERS AND THE HIGHEST ACADEMIC ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO TRANSITION OUT OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE PROGRAM BY ANNUALLY IDENTIFYING, BASED ON RULES OF THE STATE BOARD, THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR GRANTS AND DISTRIBUTING THE MONEYS APPROPRIATED TO THE EXCELLENCE AWARDS FUND CREATED IN SUBSECTION (4) OF THIS SECTION. THE STATE BOARD BY RULE SHALL SET THE GRANT AMOUNT BASED ON THE STUDENT ENROLLMENT OF THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR GRANTS AND THE CONCENTRATION OF ENGLISH LANGUAGE LEARNERS ENROLLED BY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS AS A PERCENTAGE OF THE TOTAL STUDENT ENROLLMENT. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL DISTRIBUTE THE MONEYS IN ACCORDANCE WITH THE RULES TO THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR THE GRANTS.

(2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE THE CRITERIA OR MEASURES THAT THE DEPARTMENT MUST APPLY TO IDENTIFY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH AMONG ENGLISH LANGUAGE LEARNERS AND THAT ACHIEVE THE HIGHEST ACADEMIC ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO TRANSITION OUT OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

(3)(a) EACH LOCAL EDUCATION PROVIDER AND CHARTER SCHOOL THAT RECEIVES A GRANT PURSUANT TO THIS SECTION, AT THE CONCLUSION OF EACH SCHOOL YEAR FOR WHICH IT RECEIVES A GRANT, MUST SUBMIT TO THE DEPARTMENT:

(I) A DATA ANALYSIS AND SUMMARY OF THE LOCAL EDUCATION PROVIDER'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE PROFICIENCY PROGRAM; AND

(II) A REPORT OF THE LOCAL EDUCATION PROVIDER'S OR CHARTER SCHOOL'S USE OF THE GRANT MONEYS RECEIVED.

(b) THE DEPARTMENT SHALL PROVIDE THE INFORMATION RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) TO LOCAL EDUCATION PROVIDERS AND SHALL MAKE THE INFORMATION AVAILABLE TO THE PUBLIC THROUGH THE DATA PORTAL OPERATED PURSUANT TO SECTION 22-11-502.

(4) (a) THERE IS CREATED IN THE STATE TREASURY THE EXCELLENCE AWARDS FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS AS PROVIDED IN THIS SECTION.

(b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(5) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM IS AN IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

22-24-108. Professional development and student support program - created - professional development and student support fund - rules. (1) THERE IS CREATED IN THE DEPARTMENT THE PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM, REFERRED TO IN THIS SECTION AS THE "SUPPORT PROGRAM", TO PROVIDE MONEYS TO LOCAL EDUCATION PROVIDERS TO:

(a) OFFSET THE COSTS INCURRED IN COMPLYING WITH THE REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (3);

(b) PROVIDE EFFECTIVE PROFESSIONAL DEVELOPMENT ACTIVITIES RELATED TO TEACHING ENGLISH LANGUAGE LEARNERS FOR ALL EDUCATORS WHO MAY WORK WITH ENGLISH LANGUAGE LEARNERS IN THE CLASSROOM; AND

(c) EXPAND PROGRAMS TO ASSIST STUDENTS WHO, AT ANY TIME, HAVE BEEN IDENTIFIED AS ENGLISH LANGUAGE LEARNERS IN ACHIEVING GREATER CONTENT PROFICIENCY.

(2)(a) THE DEPARTMENT SHALL DISTRIBUTE THE AMOUNT APPROPRIATED FOR THE SUPPORT PROGRAM AS FOLLOWS:

(I) SEVENTY-FIVE PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED FROM THE FUND TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS, AND PROFESSIONAL DEVELOPMENT ACTIVITIES FOR EDUCATORS WHO WORK WITH ENGLISH LANGUAGE LEARNERS, WHO:

(A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT COMPREHEND OR SPEAK ENGLISH; AND

(B) COMPREHEND OR SPEAK SOME ENGLISH BUT WHOSE PRIMARY COMPREHENSION OR SPEECH IS IN A LANGUAGE OTHER THAN ENGLISH; AND

(II) THE REMAINDER OF THE AMOUNT ANNUALLY APPROPRIATED FROM THE FUND TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES TO, AND TO PROVIDE PROFESSIONAL DEVELOPMENT ACTIVITIES FOR EDUCATORS WHO WORK WITH, ENGLISH LANGUAGE LEARNERS WHO COMPREHEND AND SPEAK ENGLISH AND ONE OR MORE OTHER LANGUAGES BUT WHOSE ENGLISH LANGUAGE DEVELOPMENT AND COMPREHENSION IS:

(A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A NATIONALLY STANDARDIZED TEST; OR

(B) BELOW THE ACCEPTABLE PROFICIENCY LEVEL BASED ON THE ASSESSMENTS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 22-24-106 (1) (a).

(b) EACH DISTRICT SHALL ANNUALLY DISTRIBUTE TO EACH CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT THAT THE DISTRICT RECEIVES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) ON BEHALF OF THE ENGLISH LANGUAGE LEARNERS ENROLLED IN EACH CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR. THE MONEYS A DISTRICT DISTRIBUTES TO CHARTER SCHOOLS PURSUANT TO THIS PARAGRAPH (b) ARE IN ADDITION TO THE MONEYS THE DISTRICT DISTRIBUTES PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE.

(c) THE STATE CHARTER SCHOOL INSTITUTE SHALL ANNUALLY DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT THAT THE STATE CHARTER SCHOOL INSTITUTE RECEIVES ON BEHALF OF THE ENGLISH LANGUAGE LEARNERS ENROLLED IN EACH INSTITUTE CHARTER SCHOOL FOR THE

APPLICABLE BUDGET YEAR. THE MONEYS THE STATE CHARTER SCHOOL INSTITUTE DISTRIBUTES TO INSTITUTE CHARTER SCHOOLS PURSUANT TO THIS PARAGRAPH (c) ARE IN ADDITION TO THE MONEYS THE INSTITUTE DISTRIBUTES PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

(3) (a) THERE IS CREATED IN THE STATE TREASURY THE PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT FUND, REFERRED TO IN THIS SUBSECTION (3) AS THE "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AS PROVIDED IN THIS SECTION.

(b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(4) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM IS AN IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 14. In Colorado Revised Statutes, 22-7-305, **amend** (1) (b) (I) (B) as follows:

22-7-305. Parent involvement in education grant program - creation - rules - fund - reports. (1) (b) The school district of a public school, or a board of cooperative services or regional service council that operates a public school, that seeks a grant through the parent involvement grant program shall apply on behalf of the public school; except that, if the public school is a charter school, the public school may apply on its own behalf. To be eligible to receive a grant, a public school shall meet one or more of the following criteria:

(I) A significant percentage, as defined by rule of the state board, of the students enrolled in the public school for the three academic years immediately preceding application were:

(B) ~~Students with limited English proficiency~~ ENGLISH LANGUAGE LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3);

SECTION 15. In Colorado Revised Statutes, 22-7-409, **amend** (1) introductory portion as follows:

22-7-409. Assessments - repeal. (1) Beginning in the spring semester of 1997, the department shall implement the Colorado student assessment program under which the department shall administer statewide assessments adopted by the board

pursuant to section 22-7-406 in the first priority areas of reading, writing, mathematics, and science. The department shall administer the English versions of the state assessments and may administer any assessments adopted by the board in languages other than English, as may be appropriate for ~~students with limited English proficiency~~ ENGLISH LANGUAGE LEARNERS; except that any student who has participated in the English language proficiency program, created pursuant to section 22-24-104, for more than a total of three school years shall be ineligible to take the assessments in a language other than English. The statewide assessments shall be administered as follows:

SECTION 16. In Colorado Revised Statutes, 22-7-1016, **amend** (5) (a) as follows:

22-7-1016. Postsecondary and workforce planning, preparation, and readiness assessments - transcripts. (5) (a) Beginning in the 2012-13 academic year, if a ~~student with limited English proficiency~~ AN ENGLISH LANGUAGE LEARNER, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3), is enrolled in eleventh or twelfth grade and the student has not demonstrated attainment of the standard for English language competency and has not demonstrated postsecondary and workforce readiness, the local education provider with which the student is enrolled shall provide to the student additional services and supports as necessary to assist the student in attaining the standard.

SECTION 17. In Colorado Revised Statutes, 22-7-1207, **amend** (1) (b) as follows:

22-7-1207. Advancement - decision - parental involvement. (1) Beginning no later than the 2013-14 school year, if, within forty-five days before the end of any school year prior to a student's fourth-grade year, a teacher finds that a student has a significant reading deficiency, personnel of the local education provider shall provide to the student's parent the written notice described in subsection (2) of this section; except that the provisions of this section shall not apply if:

(b) The student is a ~~student with limited English proficiency~~ AN ENGLISH LANGUAGE LEARNER, as defined in section 22-24-103, and the student's significant reading deficiency is due primarily to the student's language skills; or

SECTION 18. In Colorado Revised Statutes, 22-11-301, **amend** (3) (c) as follows:

22-11-301. School district accountability committees - creation - membership. (3) If a local school board appoints the members of the school district accountability committee, the local school board, to the extent practicable, shall ensure that the parents who are appointed reflect the student populations that are significantly represented within the school district. Said student populations may include, but need not be limited to:

(c) Students ~~with limited English proficiency~~ WHO ARE ENGLISH LANGUAGE LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3);

SECTION 19. In Colorado Revised Statutes, 22-11-401, **amend** (1) (d) (III) as

follows:

22-11-401. School accountability committee - creation - qualifications - elections. (1) (d) If the local school board or the institute determines that the members of a school accountability committee should be appointed, the appointing authority shall, to the extent practicable, appoint persons to serve on the school accountability committee who reflect the student populations that are significantly represented within the school. If the local school board or the institute determines that persons shall be elected to serve on the school accountability committee, the school principal shall encourage persons who reflect the student populations that are significantly represented within the school to seek election to the committee. Said student populations may include, but need not be limited to:

(III) Students ~~with limited English proficiency~~ WHO ARE ENGLISH LANGUAGE LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3);

SECTION 20. In Colorado Revised Statutes, 22-54-103, **amend** (1.5) (a) (V) introductory portion and (1.5) (b) (IV) introductory portion as follows:

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

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

(V) For the 2005-06 budget year and budget years thereafter, the number of district pupils ~~with limited English proficiency~~ WHO ARE ENGLISH LANGUAGE LEARNERS plus the greater of:

(b) For purposes of this subsection (1.5):

(IV) "District pupils ~~with limited English proficiency~~ WHO ARE ENGLISH LANGUAGE LEARNERS" means the number of pupils included in the district pupil enrollment for the preceding budget year who were not eligible for free lunch pursuant to the provisions of the federal "National School Lunch Act", 42 U.S.C. sec. 1751 et seq., and who are ~~students with limited English proficiency~~ ENGLISH LANGUAGE LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3), and:

SECTION 21. In Colorado Revised Statutes, 22-54-104.2, **amend** (1) as follows:

22-54-104.2. Legislative declaration. (1) The general assembly hereby finds and declares that, for purposes of section 17 of article IX of the state constitution, the expansion of the definition of "at-risk pupils", as defined in section 22-54-103 (1.5) (a) (V), to include district pupils ~~with limited English proficiency~~ WHO ARE ENGLISH LANGUAGE LEARNERS, as defined in section 22-54-103 (1.5) (b) (IV), the increase in the at-risk factor pursuant to section 22-54-104 (5) (f) (II) for districts whose percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and whose funded pupil count is greater than fifty thousand, the requirement that districts that receive at-risk funding spend a portion of their at-risk funding on implementation of the district's English language proficiency program pursuant to section 22-54-105 (3) (b) (I) and the increase in the at-risk factor from 11.2% to 12% for the 2005-06 budget year and each budget year thereafter pursuant

to section 22-54-104 (2) (b) (II) (A) and (5) (f) are important elements of accountable programs to meet state academic standards and may therefore receive funding from the state education fund created in section 17 (4) of article IX of the state constitution.

SECTION 22. In Colorado Revised Statutes, 22-32.5-105, **amend** (1) (c) as follows:

22-32.5-105. Suggested innovations. (1) In considering or creating an innovation plan or a plan for creating an innovation school zone, each local school board is strongly encouraged to consider innovations in the following areas:

(c) Provision of services, including but not limited to special education services; services for gifted and talented students; services for ~~students with limited English proficiency~~ ENGLISH LANGUAGE LEARNERS; educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the department of human services or county social services agencies;

SECTION 23. In Senate Bill 14-112, **amend** section 2 as follows:

Section 2. **Applicability.** This act applies ~~for fiscal years commencing~~ TO AWARDS OF FINANCIAL ASSISTANCE AWARDED on or after July 1, 2014.

SECTION 24. In Colorado Revised Statutes, 22-30.5-515.5, **amend** (1) (c) as follows:

22-30.5-515.5. Institute charter school assistance fund - created - grants - loans - rules. (1) (c) Except as otherwise provided in paragraph (d) of this subsection (1), the balance of unexpended and unencumbered moneys in the fund at the end of a budget year must not exceed seven hundred fifty thousand dollars. ~~If ANY AMOUNT OF unexpended and unencumbered moneys remaining in the fund at the end of a budget year exceed~~ THAT EXCEEDS seven hundred fifty thousand dollars or the limit set pursuant to paragraph (d) of this subsection (1), IS CONTINUOUSLY APPROPRIATED TO the institute, AND THE INSTITUTE shall allocate the excess amount to the institute charter schools on a per-pupil basis by dividing the excess amount by the total pupil enrollment of the institute charter schools for the applicable budget year. The state treasurer shall ensure that any unexpended and unencumbered moneys that are in the fund at the end of a budget year up to seven hundred fifty thousand dollars or the limit set pursuant to paragraph (d) of this subsection (1) remain in the fund and are not credited or transferred to the general fund or another fund.

SECTION 25. In Colorado Revised Statutes, 22-7-1210, **amend as amended by House Bill 14-1292** (1) (d) (I) as follows:

22-7-1210. Early literacy fund - created - repeal. (1) The early literacy fund is hereby created in the state treasury and is referred to in this section as the "fund". The fund shall consist of:

(d) (I) For the 2013-14 budget year, an amount equal to sixteen million dollars from the state education fund, and for the 2014-15 budget year, and each budget

year thereafter, an amount equal to ~~thirty-six~~ THIRTY-FOUR million dollars from the state education fund. On July 1, 2013, and on July 1 each year thereafter, the state treasurer shall transfer the appropriate amount from the state education fund to the early literacy fund.

SECTION 26. In House Bill 14-1292, section 21, **amend** (2) as follows:

Section 21. **Appropriation - adjustments to 2014 long bill.** (2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the early literacy fund created in section 22-7-1210 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2014, the sum of ~~\$20,000,000~~ \$18,000,000, or so much thereof as may be necessary, to be allocated to the early literacy program for early literacy program per pupil intervention funding. Said sum is from moneys transferred from the state education fund created in section 17 (4) (a) of article IX of the state constitution pursuant to section 22-7-1210 (1) (d) (I), Colorado Revised Statutes.

SECTION 27. In Senate Bill 14-150, **amend** section 5 as follows:

Section 5. **Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2014, the sum of ~~\$5,000,000~~ \$3,000,000 and 1.0 FTE, or so much thereof as may be necessary, for allocation to the school counselor corps grant program for the implementation of this act.

SECTION 28. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The cash funds appropriation from the state education fund created in section 17 (4) (a) of article IX of the state constitution, for the state share of districts' total program funding, is decreased by \$30,384,050.

(b) The cash funds appropriation from the state public school fund created in section 22-54-114 (1), Colorado Revised Statutes, for the state share of districts' total program funding, is increased by \$30,384,050, which amount is from federal mineral leasing revenues transferred to the state public school fund pursuant to sections 22-54-114 (1) and 34-63-102, Colorado Revised Statutes.

SECTION 29. Appropriation - adjustments to the 2014 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The cash funds appropriation from the state education fund created in section 17 (4) (a) of article IX of the state constitution, for the BOCES funding per section 22-5-122, Colorado Revised Statutes, is increased by \$2,000,000.

(b) The cash funds appropriation from the state education fund created in section 17 (4) (a) of article IX of the state constitution, for English language learners technical assistance, is increased by \$53,228 and 0.5 FTE.

(c) The cash funds appropriation from the state education fund created in section 17 (4) (a) of article IX of the state constitution, for public school finance administration, is increased by \$63,607 and 0.7 FTE.

(2) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$68,084.

SECTION 30. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The cash funds appropriation from the state education fund created in section 17 (4) (a) of article IX of the state constitution, for the state share of districts' total program funding, is increased by \$16,996,593 to support additional Colorado preschool program participants authorized in section 22-28-104.3 (2) (a) (II), Colorado Revised Statutes.

SECTION 31. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The cash funds appropriation from the state education fund created in section 17 (4) (a) of article IX of the state constitution, for the state share of districts' total program funding, is increased by \$18,585,660 to support additional Colorado preschool program participants authorized in section 22-28-104.3 (2) (a) (II), Colorado Revised Statutes.

SECTION 32. Appropriation. (1) In addition to any other appropriation, for the fiscal year beginning July 1, 2014, there is hereby appropriated, out of any moneys in the state education fund created in section 17(4) of article IX of the Colorado constitution not otherwise appropriated, to the excellence awards fund created in section 22-24-107 (4), Colorado Revised Statutes, the sum of \$500,000, and said sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of the English language proficiency act excellence award program created in section 22-24-107, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$68,084 and 1.1 FTE, or so much thereof as may be necessary, to be allocated to the division of early care and learning for child care licensing and administration activities.

(3) In addition to any other appropriation, for the fiscal year beginning July 1, 2014, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the Colorado constitution not otherwise appropriated, to the department of education, the sum of \$298,000, or so much thereof as may be necessary, to implement the requirements specified in section 22-2-134, Colorado Revised Statutes.

(4) In addition to any other appropriation, for the fiscal year beginning July 1, 2014, there is hereby appropriated, out of any moneys in the state education fund created in section 17(4) of article IX of the Colorado constitution not otherwise appropriated, to the professional development and student support fund created in section 22-24-108 (3), Colorado Revised Statutes, the sum of \$27,000,000, and said sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of the professional development and student support program created in section 22-24-108, Colorado Revised Statutes.

SECTION 33. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Sections 3 and 30 of this act take effect only if House Bill 14-1292 does not become law.

(3) Sections 4 and 31 of this act take effect only if House Bill 14-1292 becomes law, in which case sections 4 and 31 of this act take effect on the effective date of this act or of House Bill 14-1292, whichever is later.

(4) Sections 25 and 26 of this act take effect only if House Bill 14-1292 becomes law, in which case sections 25 and 26 of this act take effect on the effective date of this act or of House Bill 14-1292, whichever is later.

(5) Section 27 of this act takes effect only if Senate Bill 14-150 becomes law, in which case section 27 of this act takes effect on the effective date of this act or of Senate Bill 14-150, whichever is later.

SECTION 34. 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: May 21, 2014