

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0640.01 Jacob Baus x2173

SENATE BILL 20-111

SENATE SPONSORSHIP

Hisey,

HOUSE SPONSORSHIP

Soper,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A SCHOOL TRANSPORTATION GRANT
102 PROGRAM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the school transportation grant program (grant program) in the department of education (department) to provide grant awards to public schools or school districts to increase transportation services to students.

The state board of education is required to promulgate rules necessary for the implementation of the grant program.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The department shall award grants subject to available appropriations.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 103 to
3 title 22 as follows:

4 **ARTICLE 103**

5 **School Transportation Grant Program**

6 **22-103-101. Definitions.** AS USED IN THIS ARTICLE 103, UNLESS
7 THE CONTEXT OTHERWISE REQUIRES:

8 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
9 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

10 (2) "GRANT PROGRAM" MEANS THE SCHOOL TRANSPORTATION
11 GRANT PROGRAM CREATED AND EXISTING PURSUANT TO SECTION
12 22-103-102.

13 (3) "PUBLIC SCHOOL" HAS THE SAME MEANING AS PROVIDED IN
14 SECTION 22-1-101 AND INCLUDES A CHARTER SCHOOL AUTHORIZED BY A
15 SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22
16 OR BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF
17 ARTICLE 30.5 OF THIS TITLE 22.

18 (4) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT AUTHORIZED
19 BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION AND
20 ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22. "SCHOOL
21 DISTRICT" ALSO INCLUDES A BOARD OF COOPERATIVE SERVICES CREATED
22 PURSUANT TO ARTICLE 5 OF THIS TITLE 22 IF IT IS OPERATING A PUBLIC
23 SCHOOL.

24 (5) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
25 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE

1 STATE CONSTITUTION.

2 **22-103-102. School transportation grant program - creation**

3 - **rules.** (1) THERE IS CREATED IN THE DEPARTMENT THE SCHOOL
4 TRANSPORTATION GRANT PROGRAM TO PROVIDE GRANT AWARDS TO
5 PUBLIC SCHOOLS OR SCHOOL DISTRICTS TO INCREASE AVAILABLE
6 TRANSPORTATION SERVICES TO STUDENTS FOR TRANSPORTATION TO AND
7 FROM THE PUBLIC SCHOOL THEY ATTEND, A SCHOOL-SPONSORED ACTIVITY,
8 OR IN AN EMERGENCY.

9 (2) GRANT RECIPIENTS SHALL USE THE MONEY RECEIVED THROUGH
10 THE GRANT PROGRAM FOR ANY EXPENSE RELATED TO INCREASING
11 AVAILABLE TRANSPORTATION SERVICES TO PUBLIC SCHOOL OR SCHOOL
12 DISTRICT STUDENTS.

13 (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
14 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD ONE-TIME
15 GRANTS AS PROVIDED IN THIS ARTICLE 103. GRANTS ARE PAID OUT OF
16 MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM, AS
17 PROVIDED IN SECTION 22-103-105.

18 (4) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN
19 ACCORDANCE WITH THIS ARTICLE 103. THE STATE BOARD SHALL
20 PROMULGATE RULES AS REQUIRED IN THIS SUBSECTION (4) AND SUCH
21 ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE GRANT
22 PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME FRAMES
23 FOR APPLYING FOR A GRANT, THE FORM OF THE GRANT PROGRAM
24 APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTING GRANT PROGRAM
25 MONEY.

26 **22-103-103. School transportation grant program - application**

27 - **criteria - awards.** (1) (a) TO RECEIVE A GRANT, A PUBLIC SCHOOL OR

1 SCHOOL DISTRICT SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN
2 ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD. AT A
3 MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING
4 INFORMATION:

5 (I) THE TOTAL NUMBER OF STUDENTS ENROLLED IN THE PUBLIC
6 SCHOOL OR SCHOOL DISTRICT;

7 (II) THE TOTAL NUMBER OF STUDENTS ENROLLED IN THE PUBLIC
8 SCHOOL OR SCHOOL DISTRICT WHO ARE ELIGIBLE FOR FREE OR
9 REDUCED-COST LUNCH PURSUANT TO THE FEDERAL "RICHARD B. RUSSELL
10 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

11 (III) WHETHER THE PUBLIC SCHOOL OR SCHOOL DISTRICT
12 CURRENTLY PROVIDES TRANSPORTATION SERVICES, AND, IF SO, WHAT
13 PERCENTAGE OF THE ENROLLED STUDENT POPULATION IS BEING SERVED BY
14 THE TRANSPORTATION SERVICES; AND

15 (IV) WHETHER THE PUBLIC SCHOOL OR SCHOOL DISTRICT IMPOSES
16 A TRANSPORTATION FEE ON STUDENTS OR STUDENTS' PARENTS OR LEGAL
17 GUARDIANS, AND, IF SO, WHAT PERCENTAGE OF THE ENROLLED STUDENT
18 POPULATION IS IMPOSED A TRANSPORTATION FEE.

19 (b) NOTWITHSTANDING SUBSECTION (1)(a)(II) OF THIS SECTION, IF
20 THE DEMOGRAPHIC CATEGORY DESCRIBED IN SUBSECTION (1)(a)(II) OF
21 THIS SECTION CONTAINS FIVE OR FEWER STUDENTS, THAT NUMBER MUST
22 BE WITHHELD ON THE APPLICATION IN ORDER TO PROTECT THE IDENTITY
23 OF THOSE STUDENTS.

24 (2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED
25 PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE DEPARTMENT
26 SHALL PRIORITIZE A PUBLIC SCHOOL OR SCHOOL DISTRICT THAT
27 DEMONSTRATES A HIGH PERCENTAGE OF STUDENTS WHO ARE ELIGIBLE FOR

1 FREE OR REDUCED-COST LUNCH PURSUANT TO THE FEDERAL "RICHARD B.
2 RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.,
3 AND ADDITIONALLY PRIORITIZE, IN THE FOLLOWING ORDER, A PUBLIC
4 SCHOOL OR SCHOOL DISTRICT THAT:

5 (a) DOES NOT PROVIDE TRANSPORTATION SERVICES TO STUDENTS;

6 (b) WANTS TO INCREASE TRANSPORTATION SERVICES TO MORE
7 STUDENTS; AND

8 (c) WANTS TO ELIMINATE A TRANSPORTATION FEE IMPOSED ON
9 STUDENTS OR STUDENTS' PARENTS OR LEGAL GUARDIANS.

10 (3) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE
11 OCTOBER 1 OF EACH YEAR, THE DEPARTMENT SHALL SELECT THE GRANT
12 RECIPIENTS AND THE AMOUNT OF EACH GRANT AWARD.

13 **22-103-104. Reporting requirements.** (1) ON OR BEFORE
14 OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER 1 EACH YEAR
15 THEREAFTER, EACH PUBLIC SCHOOL OR SCHOOL DISTRICT THAT RECEIVES
16 A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE
17 DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE
18 FOLLOWING INFORMATION:

19 (a) IN DETAIL, THE SPECIFIC EXPENDITURES FOR WHICH THE PUBLIC
20 SCHOOL OR SCHOOL DISTRICT USED THE GRANT MONEY;

21 (b) THE NUMBER OF STUDENTS WHO WERE SERVED AS A RESULT OF
22 THE SPECIFIC EXPENDITURES FOR WHICH THE PUBLIC SCHOOL OR SCHOOL
23 DISTRICT USED THE GRANT AWARD; AND

24 (c) THE NUMBER OF STUDENTS WHO RECEIVED A PUBLIC
25 TRANSPORTATION PASS AS A RESULT OF THE SPECIFIC EXPENDITURES FOR
26 WHICH THE PUBLIC SCHOOL OR SCHOOL DISTRICT USED THE AWARD, IF
27 APPLICABLE.

1 (2) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE JANUARY
2 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A
3 SUMMARIZED REPORT TO THE EDUCATION COMMITTEES OF THE SENATE
4 AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.
5 AT A MINIMUM, THE REPORT MUST SUMMARIZE THE INFORMATION
6 RECEIVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS
7 SECTION. THE DEPARTMENT SHALL ALSO POST THE REPORT TO ITS
8 WEBSITE.

9 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
10 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE
11 INDEFINITELY.

12 **22-103-105. Funding for grant program - cash fund - creation.**

13 (1) THE SCHOOL TRANSPORTATION GRANT PROGRAM CASH FUND,
14 REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE
15 STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND
16 PURSUANT TO SECTION 24-75-224 AND ANY MONEY APPROPRIATED TO THE
17 FUND BY THE GENERAL ASSEMBLY.

18 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
19 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
20 FUND TO THE GENERAL FUND.

21 (3) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND
22 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL
23 YEAR TO THE GENERAL FUND.

24 (4) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
25 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR
26 THE GRANT PROGRAM, CREATED AND EXISTING PURSUANT TO SECTION
27 22-103-102.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 24-75-224 as
2 follows:

3 **24-75-224. Transfer of general fund surplus to school**
4 **transportation grant program.** ON JULY 1, 2021, AND ON JULY 1 OF THE
5 SUBSEQUENT FISCAL YEARS, THE STATE TREASURER SHALL TRANSFER TO
6 THE SCHOOL TRANSPORTATION GRANT PROGRAM CASH FUND CREATED IN
7 SECTION 22-103-105 THE GENERAL FUND SURPLUS OR FIVE MILLION
8 DOLLARS, WHICHEVER IS LESS, DESIGNATED IN ACCORDANCE WITH
9 SECTION 24-75-201 (1), WHICH REPRESENTS THE UNRESTRICTED GENERAL
10 FUND BALANCE AFTER THE APPLICABLE AMOUNT OF RESERVE REQUIRED
11 PURSUANT TO SECTION 24-75-201.1 (1)(d).

12 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **amend**
13 (5)(oo) and (5)(pp); and **add** (5)(qq) as follows:

14 **24-75-402. Cash funds - limit on uncommitted reserves -**
15 **reduction in the amount of fees - exclusions - repeal.**
16 (5) Notwithstanding any provision of this section to the contrary, the
17 following cash funds are excluded from the limitations specified in this
18 section:

19 (oo) The justice center cash fund created in section 13-32-101
20 (7)(a); ~~and~~

21 (pp) The justice center maintenance fund created in section
22 13-32-101 (7)(d); AND

23 (qq) THE SCHOOL TRANSPORTATION GRANT PROGRAM CASH FUND
24 CREATED IN SECTION 22-103-105.

25 **SECTION 4. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2020 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.