

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1016.01 Jacob Baus x2173

HOUSE BILL 22-1390

HOUSE SPONSORSHIP

McCluskie and McLachlan,

SENATE SPONSORSHIP

Zenzinger,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN
102 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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>.)

Section 1 of the bill finds that current economic conditions have increased the amount of revenue available to the state for the 2022-23 budget year, allowing the state to increase the amount of appropriation for the state's share of total program funding for school districts and institute charter schools, thereby mitigating the impact of the budget stabilization factor. Additionally, it finds there is uncertainty concerning the continuity

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.

and longevity of these current economic conditions and the reliability of continuing high property values and increased revenue.

Section 2 of the bill:

- Increases the statewide base per pupil funding for the 2022-23 budget year by \$252.88, to account for inflation of 3.5%, to a new statewide base per pupil funding amount of \$7,478.16; and
- Sets the total program funding for the 2022-23 budget year for all school districts and institute charter schools after application of the budget stabilization factor to not less than \$8,420,114,162.

Section 3 of the bill permits a public school one additional year to discontinue the prohibited use of an American Indian mascot if the public school was first notified of the prohibited use on or after January 1, 2022.

Section 4 of the bill extends by one year the requirement for a board of cooperative services (BOCES) to obtain written permission from the school district in which a school operates or is located if the BOCES intends to authorize the school and the school is physically located within the geographic boundaries of a school district that is not a member of the BOCES.

Section 5 of the bill extends by one year the ability for local education providers to carry forward more than 15% of per-pupil intervention money received pursuant to the "Colorado READ Act".

Sections 6 and 7 of the bill extend by one year the local accountability system grant program and the requirement that the department of education (department) contract with an external evaluator to evaluate the implementation of the local accountability systems. The bill makes an appropriation for this evaluation.

Section 8 of the bill extends by one year the completion of the pilot program to develop and use screening and identification processes and intervention strategies for early identification of and support for students enrolled in kindergarten through third grade who may have dyslexia.

Section 9 of the bill states that, 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 of the bill authorizes financial assistance through the educator recruitment and retention program to be used for applicants agreeing to teach for 3 years in educator shortage areas in the state.

Section 11 of the bill permits a vendor that contracts with the department to develop a quality teacher recruitment program, and commits to satisfying the requirement to match 100% of the money paid

by the department for the contract through gifts, grants, or donations from private donors, to also accept gifts, grants and donations from school districts.

Section 12 of the bill removes the department's authority to annually reallocate money among participating schools under the local school food purchasing program.

Sections 13 to 16 of the bill extend by one year the K-5 social and emotional health pilot program and amend the requirements for school mental health professionals participating in the pilot program.

Section 17 of the bill permits 20% of the money appropriated for the Colorado imagination library program to be used by the contractor for operating costs.

Section 18 of the bill requires the state auditor to grant an extension of the time to meet auditing requirements for the 2021-22 budget year for rural and small rural school districts that can demonstrate difficulty in retaining an auditor, in lieu of prohibiting the release of tax revenue for the school districts.

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

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

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

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

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

1 (d) The current economic conditions have also increased the
2 amount of revenue available to the state for the 2022-23 budget year,
3 allowing the state to significantly increase the amount of appropriation for
4 the state's share of total program funding for school districts and institute
5 charter schools, thereby mitigating the impact of the budget stabilization
6 factor; and

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

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

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

16 **22-54-104. District total program - definitions.** (5) For
17 purposes of the formulas used in this section:

18 (a) (XXIX) FOR THE 2022-23 BUDGET YEAR, THE STATEWIDE BASE
19 PER PUPIL FUNDING IS \$7,478.16, WHICH IS AN AMOUNT EQUAL TO
20 \$7,225.28, SUPPLEMENTED BY \$252.88 TO ACCOUNT FOR INFLATION.

21 (g) (I) For the 2010-11 budget year and each budget year
22 thereafter, the general assembly determines that stabilization of the state
23 budget requires a reduction in the amount of the annual appropriation to
24 fund the state's share of total program funding for all districts and the
25 funding for institute charter schools. The department of education shall
26 implement the reduction in total program funding through the application
27 of a budget stabilization factor as provided in this subsection (5)(g)(I).

1 For the 2010-11 budget year and each budget year thereafter, the
2 department of education and the staff of the legislative council shall
3 determine, based on budget projections, the amount of such reduction to
4 ensure the following:

5 (M) THAT, FOR THE 2022-23 BUDGET YEAR, THE SUM OF THE
6 TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING
7 FOR INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET
8 STABILIZATION FACTOR, IS NOT LESS THAN EIGHT BILLION FOUR HUNDRED
9 TWENTY MILLION ONE HUNDRED FOURTEEN THOUSAND ONE HUNDRED
10 SIXTY-TWO DOLLARS (\$8,420,114,162); EXCEPT THAT THE DEPARTMENT
11 OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE
12 MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES,
13 INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED
14 VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR
15 YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE
16 REDUCTION TO MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE
17 APPLICABLE BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION
18 (5)(g)(I)(M). FOR THE 2023-24 BUDGET YEAR, THE DIFFERENCE BETWEEN
19 CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL
20 STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE DIFFERENCE
21 BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND
22 ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE 2022-23 BUDGET
23 YEAR.

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

26 **22-1-133. Prohibition on use of American Indian mascots -**
27 **exemptions - definitions.** (6) (a) NOTWITHSTANDING THE PROVISIONS OF

1 THIS SECTION TO THE CONTRARY, A PUBLIC SCHOOL IN THE STATE IS
2 PROHIBITED FROM USING AN AMERICAN INDIAN MASCOT ON OR AFTER
3 JUNE 1, 2023, IF:

4 (I) THE PUBLIC SCHOOL IS USING AN AMERICAN INDIAN MASCOT;

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

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

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

15 (b) WHEN A PUBLIC SCHOOL DESCRIBED PURSUANT TO SUBSECTION
16 (6)(a) OF THIS SECTION DISCONTINUES ITS USE OF AN AMERICAN INDIAN
17 MASCOT PRIOR TO JUNE 1, 2023, THE PUBLIC SCHOOL SHALL NOTIFY ITS
18 SCHOOL DISTRICT OR, IN THE CASE OF AN INSTITUTE CHARTER SCHOOL, THE
19 STATE CHARTER SCHOOL INSTITUTE, THE COMMISSION, AND THE
20 DEPARTMENT OF EDUCATION, OF THE DISCONTINUATION.

21 (c) FOR EACH MONTH DURING WHICH A PUBLIC SCHOOL DESCRIBED
22 PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION USES AN AMERICAN
23 INDIAN MASCOT AFTER JUNE 1, 2023, THE SCHOOL DISTRICT OF THE PUBLIC
24 SCHOOL OR, IN THE CASE OF AN INSTITUTE CHARTER SCHOOL, THE STATE
25 CHARTER SCHOOL INSTITUTE, SHALL PAY A FINE OF TWENTY-FIVE
26 THOUSAND DOLLARS TO THE STATE TREASURER, WHO SHALL CREDIT THE
27 MONEY RECEIVED TO THE STATE EDUCATION FUND CREATED IN SECTION

1 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

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

4 **22-5-111. Buildings and facilities - repeal.**

5 (4) (a) Notwithstanding any provision of this article 5 to the contrary,
6 during the 2021-22 AND 2022-23 state fiscal ~~year~~ YEARS, before
7 authorizing a full-time school or an additional location of an existing
8 school that is physically located within the geographic boundaries of a
9 school district that is not a member of the board of cooperative services,
10 a board of cooperative services must obtain written consent from such
11 school district.

12 (b) The requirement for written consent set forth in subsection
13 (4)(a) of this section does not apply to a school authorized or operating
14 prior to June 11, 2021, so long as the school continues to operate for the
15 2021-22 AND 2022-23 school ~~year~~ YEARS.

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

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

19 **22-7-1210.5. Per-pupil intervention money - uses - distribution**
20 **- monitoring - repeal.** (6) (b) (II) (A) Notwithstanding the provisions of
21 subsection (6)(b)(I) of this section, a local education provider may retain
22 more than fifteen percent of the amount of per-pupil intervention money
23 received in the 2020-21 ~~budget year~~ AND 2021-22 BUDGET YEARS for use
24 in accordance with this section in the 2021-22 AND 2022-23 budget ~~year~~
25 YEARS, RESPECTIVELY.

26 (B) This subsection (6)(b)(II) is repealed, effective July 1, ~~2022~~
27 2023.

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

3 **22-11-703. Local accountability system - grant program**
4 **established - repeal.** (5) (b) (I) The amount of a grant awarded pursuant
5 to this section must be at least twenty-five thousand dollars per budget
6 year but must not exceed fifty thousand dollars per budget year for a grant
7 awarded to a single local education provider and must not exceed
8 seventy-five thousand dollars per budget year for a grant awarded to a
9 group of local education providers. The department shall distribute the
10 amount of each grant over three budget years.

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

17 (B) THIS SUBSECTION (5)(b)(II) IS REPEALED, EFFECTIVE JULY 1,
18 2024.

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

21 **22-11-705. Local accountability systems - report.** (5) (a) (I) In
22 the third year of the grant program, the department shall contract with an
23 external evaluator, which may be a state institution of higher education,
24 to prepare a summary evaluation report of the implementation of the local
25 accountability systems that receive grants. The evaluation must, at a
26 minimum, include an evaluation of the success of each local
27 accountability system in evaluating student success and the processes for

1 ensuring a cycle of continuous improvement within the public schools of
2 the participating local education providers. At the annual meeting held
3 pursuant to subsection (1) of this section at the end of the first year of the
4 grant program, the department, participating local education providers,
5 and the accountability system partners shall identify the goals, tools, and
6 measures to be addressed by the summary evaluation report. The data
7 used for the summary evaluation report must include qualitative and
8 quantitative measures.

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

15 **SECTION 8.** In Colorado Revised Statutes, 22-20.5-104, **amend**
16 (3), (4), and (5) as follows:

17 **22-20.5-104. Pilot program - dyslexia markers - effective**
18 **interventions - created - evaluation report - repeal.** (3) At the end of
19 the ~~2021-22~~ 2022-23 school year, the department shall evaluate the
20 implementation of the pilot program and the effectiveness of the
21 strategies in identifying and supporting more students in the participating
22 local education providers than were identified and supported in
23 nonparticipating local education providers. Based on the evaluation, the
24 department shall refine the resources for technical support, identification,
25 and interventions, as necessary, and disseminate the resources to all local
26 education providers in the state. Upon request, the department shall also
27 provide the technical support necessary to effectively use the resources.

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

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

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

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

1 REGARDLESS OF WHEN DURING THE SCHOOL YEAR, OR UNDER WHAT
2 CIRCUMSTANCES, THE STUDENT ENROLLS IN OR ATTENDS SCHOOL IN THE
3 DISTRICT.

4 **SECTION 10.** In Colorado Revised Statutes, 22-60.3-204,
5 **amend** (1)(b) as follows:

6 **22-60.3-204. Program eligibility - financial assistance -**
7 **funding.** (1)(b) As a condition of receiving financial assistance through
8 the program, an applicant must agree to teach for a period of three years
9 in a rural or small rural school district OR IN AN EDUCATOR SHORTAGE
10 AREA, AS DETERMINED BY THE STATE BOARD OF EDUCATION. If an
11 applicant does not fulfill the service condition of the program, the
12 applicant shall repay the awarded financial assistance to the department
13 in accordance with the rules promulgated by the state board.

14 **SECTION 11.** In Colorado Revised Statutes, 22-94-102, **amend**
15 (2)(f) as follows:

16 **22-94-102. Contract to create quality teacher recruitment**
17 **program.** (2) In awarding a contract pursuant to subsection (1) of this
18 section, the department shall take into consideration the number of
19 districts in which the vendor will place licensed teachers, the number of
20 licensed teachers that the vendor will place, and the potential number of
21 children who will be taught by the licensed teachers. The department shall
22 ensure that it awards the contract to one or more vendors that satisfy the
23 following criteria:

24 (f) The vendor commits to matching no less than one hundred
25 percent of any ~~moneys~~ MONEY that the department pays through a
26 contract entered into pursuant to subsection (1) of this section. A vendor
27 that responds to the department's solicitation for a contract issued

1 pursuant to subsection (1) of this section shall provide written
2 documentation from one or more private or corporate donors OR SCHOOL
3 DISTRICTS that pledge to make gifts, grants, or donations, to the vendor
4 that, in total, equal at least the amount that the department has specified
5 will be available for the purposes of a contract pursuant to subsection (1)
6 of this section for the applicable fiscal year. The written documentation
7 must also include the date by which the vendor will receive the gifts,
8 grants, or donations to be used in furtherance of the requirements of this
9 ~~article~~ ARTICLE 94.

10 **SECTION 12.** In Colorado Revised Statutes, 22-100-102, **amend**
11 (5)(b) as follows:

12 **22-100-102. Local school food purchasing program - creation**
13 **- report - rules - repeal.** (5) (b) The department is authorized to monitor
14 the school food purchasing program to ensure program integrity. ~~and to~~
15 ~~annually reallocate money among participating providers to maximize the~~
16 ~~amount of the money given.~~

17 **SECTION 13.** In Colorado Revised Statutes, 22-102-103, **amend**
18 (4), (7), and (8) as follows:

19 **22-102-103. Definitions.** As used in this article 102, unless the
20 context otherwise requires:

21 (4) "School counselor" means a ~~counselor holding a master's~~
22 ~~degree in educational counseling and a professional special services~~
23 ~~license in Colorado~~ PERSON WITH A TEMPORARY EDUCATOR ELIGIBILITY
24 AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111 (5) WHO IS
25 WORKING TO ATTAIN A SPECIAL SERVICES PROVIDER LICENSE FOR SCHOOL
26 COUNSELING, OR A LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS
27 TITLE 22 with an endorsement in school counseling, including but not

1 limited to the completion of course work in the areas of academic and
2 social-emotional development; assessment for social and emotional
3 concerns, including suicide prevention and intervention; crisis
4 intervention; social-emotional prevention programs, including character
5 education and violence prevention; mental health; protective factors for
6 at-risk students; and career awareness, exploration, and planning.

7 (7) "School psychologist" means a ~~school psychologist holding a~~
8 ~~master's degree and a professional special services license in Colorado~~
9 PERSON WITH A TEMPORARY EDUCATOR ELIGIBILITY AUTHORIZATION
10 ISSUED PURSUANT TO SECTION 22-60.5-111 (5) WHO IS WORKING TO
11 ATTAIN A SPECIAL SERVICES PROVIDER LICENSE AS A SCHOOL
12 PSYCHOLOGIST, OR A LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS
13 TITLE 22 with a school psychologist endorsement.

14 (8) "School social worker" means a ~~social worker holding a~~
15 ~~master's degree and a professional special services license in Colorado~~
16 PERSON WITH A TEMPORARY EDUCATOR ELIGIBILITY AUTHORIZATION
17 ISSUED PURSUANT TO SECTION 22-60.5-111 (5) WHO IS WORKING TO
18 ATTAIN A SPECIAL SERVICES PROVIDER LICENSE AS A SCHOOL SOCIAL
19 WORKER, OR A LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS TITLE
20 22 with an endorsement in school social work, including but not limited
21 to the completion of course work in the areas of school and special
22 education law, including content covering functional behavior assessment
23 and the development of behavior intervention plans.

24 **SECTION 14.** In Colorado Revised Statutes, 22-102-104, **amend**
25 (1) and (2)(a) as follows:

26 **22-102-104. K-5 social and emotional health pilot program -**
27 **creation - selection of pilot schools - rules.** (1) There is created the K-5

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

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

27 **SECTION 15.** In Colorado Revised Statutes, 22-102-105, **amend**

1 (4)(a) as follows:

2 **22-102-105. Implementation of pilot program.** (4) (a) In
3 implementing the pilot program, the school mental health professionals
4 shall work as a team, with each professional providing services to
5 students and offering training and resources to school faculty and
6 administrators ~~that~~ WHO are authorized under the school mental health
7 professional's ~~special services~~ AUTHORIZATION OR THE PROFESSIONAL'S
8 license and endorsement.

9 **SECTION 16.** In Colorado Revised Statutes, 22-102-106, **amend**
10 (2)(a) as follows:

11 **22-102-106. Pilot program coordinator - evaluation of pilot**
12 **program - student impacts and outcomes.** (2) (a) The department shall
13 select a professional program evaluator to complete a preliminary
14 evaluation of the pilot program on or before September 1 of the second
15 full school year of implementation of the pilot program and a final
16 evaluation of the pilot program to be completed on or before September
17 1 immediately following the conclusion of the final school year of the
18 pilot program. Subject to available appropriations or gifts, grants, or
19 donations for the ~~three-year~~ FOUR-YEAR term of the pilot program, the
20 department shall contract with the evaluator in the school year prior to the
21 implementation of the pilot program in the pilot schools to create a
22 process for the collection and transmission of data and information to the
23 evaluator to ensure that the evaluator has the data and information
24 necessary to complete the preliminary and final reports concerning the
25 impact and outcomes of the pilot program. The pilot program evaluator,
26 in conjunction with the department, shall select a group of control schools
27 that have school characteristics and student demographics similar to those

1 of the pilot schools to serve as a control group for purposes of evaluating
2 the impacts and outcomes of the pilot program on participating students
3 and pilot schools. Data collected for pilot schools and control group
4 schools must include data from school climate and healthy schools
5 surveys for any grade in which such surveys have been created.

6 **SECTION 17.** In Colorado Revised Statutes, 24-90-120, **amend**
7 (4)(a) and (6)(c) as follows:

8 **24-90-120. Colorado imagination library program - creation**
9 **- request for proposal - state librarian duties - report - legislative**
10 **declaration - definitions.** (4) (a) The contractor, in operating the
11 program pursuant to subsection (2) of this section, shall pay to the
12 national nonprofit foundation ~~fifty percent~~ of the statewide cost to
13 provide free books to eligible children enrolled in the program, as
14 determined by the national nonprofit foundation. The general assembly
15 shall annually appropriate money from the general fund to the department
16 of education for the state librarian to distribute to the contractor for the
17 state's FIFTY PERCENT share of the cost to provide the books AND OPERATE
18 THE PROGRAM.

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

24 **SECTION 18.** In Colorado Revised Statutes, 29-1-606, **add** (9)
25 as follows:

26 **29-1-606. Submission of reports - repeal.**
27 (9) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE

1 CONTRARY, FOR A SCHOOL DISTRICT'S 2021-22 BUDGET YEAR, THE STATE
2 AUDITOR SHALL NOT AUTHORIZE THE COUNTY TREASURER TO PROHIBIT
3 THE RELEASE OF MONEY GENERATED BY THE SCHOOL DISTRICT PURSUANT
4 TO SUBSECTION (5)(b)(I) OF THIS SECTION, BUT SHALL GRANT THE SCHOOL
5 DISTRICT AN ADDITIONAL EXTENSION OF TWELVE MONTHS TO COMPLETE
6 THE AUDIT AND SUBMIT THE AUDIT REPORT, IF THE SCHOOL DISTRICT:

7 (I) IS A RURAL SCHOOL DISTRICT OR SMALL RURAL SCHOOL
8 DISTRICT, AS DEFINED IN SECTION 22-7-1211 (4);

9 (II) HAS EXHAUSTED ALL AVAILABLE EXTENSIONS PERMITTED BY
10 THIS SECTION; AND

11 (III) DEMONSTRATES TO THE STATE AUDITOR IT WAS UNABLE TO
12 RETAIN AN AUDITOR TO COMPLETE THE AUDITING REQUIREMENTS
13 PURSUANT TO THIS PART 6.

14 (b) IF THE SCHOOL DISTRICT DOES NOT COMPLETE THE AUDIT AND
15 SUBMIT THE AUDIT REPORT WITHIN THE ADDITIONAL EXTENSION PROVIDED
16 PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION, THE STATE AUDITOR
17 SHALL MAKE OR CAUSE SUCH AUDIT TO BE MADE, PURSUANT TO
18 SUBSECTION (5)(b)(II) OF THIS SECTION.

19 (c) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2024.

20 **SECTION 19. Appropriation.** For the 2022-23 state fiscal year,
21 \$100,000 is appropriated to the department of education. This
22 appropriation is from the general fund. The department may use this
23 appropriation for contracting with an external evaluator to perform the
24 evaluation of local accountability systems required pursuant to section
25 22-11-705 (5), C.R.S.

26 **SECTION 20. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.