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CHAPTER 197

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 20-1418

BY REPRESENTATIVE(S) Becker, Bird, Buckner, Buentello, Cutter, Duran, Esgar, Hooton, Jaquez Lewis, Kipp, Lontine, McCluskie, Michaelson Jenet, Mullica, Snyder, Valdez A., Valdez D., Kennedy;
also SENATOR(S) Todd, Fenberg, Fields, Ginal, Gonzales, Hansen, Lee, Moreno, Rodriguez, Story, Williams A., Winter.

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

(a) In early March 2020, Colorado confirmed the first positive test for COVID-19 in the state, and since then, the number of confirmed cases and deaths in the state caused by COVID-19 has continued to climb;

(b) Due to the community spread of the virus, the governor issued executive order D 2020 007, ordering all public and private elementary and secondary schools in Colorado to suspend normal in-person instruction beginning March 23, 2020. Executive order D 2020 074 extended the suspension of in-person instruction until the end of the 2019-20 school year.

(c) The tremendous challenge of shifting from in-person instruction to distance learning for the remainder of the school year has placed significant financial and other burdens on the public school system;

(d) In addition to other responses to this public health emergency, schools have had to adapt lesson plans for remote delivery, provide or acquire laptops and other technology for educators and students, clean and sanitize schools, distribute school lunches to low-income students, and continue to effectively serve the needs of at-risk students, English language learners, and students with special education needs; and

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

(e) When school starts again in the fall of 2020, schools will have to bear significant costs to redesign school spaces to facilitate social distancing and make adjustments to the delivery of education, possibly implementing hybrid models of in-person learning and distance learning.

(2) (a) In addition, the general assembly finds that, recognizing the impact of COVID-19 and the challenges ahead for schools, the federal government has provided relief funding to Colorado through the "Coronavirus Aid, Relief, and Economic Security Act of 2020" ("CARES Act"), Pub.L. 116-136, 134 Stat. 281 (2020), which funding may be used as permitted under the "CARES Act" and related United States treasury guidelines, and includes:

(I) One hundred twenty-one million dollars from the Elementary and Secondary School Emergency Relief (ESSER) Fund;

(II) Five hundred ten million dollars from the Coronavirus Relief Fund, allocated by the governor to the Colorado department of education for expenditures of Colorado public schools in responding to the public health emergency; and

(III) Thirty-seven million dollars from the Coronavirus Relief Fund, allocated by the governor to the Colorado department of education for Colorado public school expenditures incurred to respond to second-order effects of the COVID-19 emergency, in particular the increased number of at-risk students due to the COVID-19-driven recession.

(b) The governor has directed that Colorado schools shall use federal money in accordance with federal law to, among other things, facilitate distance learning and social distancing for in-person contact hours, mitigate lost learning, provide additional resources and supports to respond to the unexpected increase in at-risk students due to the COVID-19 emergency, and provide economic support in connection with the COVID-19 emergency to stimulate the economy by supporting Colorado's workforce through free instructional hours for the kindergarten through twelfth grade education system.

(3) (a) The general assembly further finds and declares that:

(I) Colorado faces significant costs associated with responding to the public health emergency across both the public and private sectors;

(II) The unprecedented loss of personal and corporate income tax and sales tax revenue due to the COVID-19-driven recession is projected to contribute to general fund revenue declining by over twenty percent for the 2020-21 state fiscal year from the prior year;

(III) State revenue and employment are also negatively impacted by the decline in the oil and gas industry due to global actions of oil producers; and

(IV) While federal money is available to mitigate eligible COVID-19-related expenditures for public schools, the state may not use federal money to backfill reductions in school finance formula funding.

(b) Therefore, the general assembly finds and declares that, despite using all available state resources and sources of funding to mitigate the impact of the unprecedented public health emergency and the COVID-19-related recession on the public education system, Colorado must make a significant reduction to total program funding for public schools for the 2020-21 budget year.

SECTION 2. In Colorado Revised Statutes, 22-54-104, **amend as amended by House Bill 20-1260** (5)(g)(I)(J); and **add** (5)(a)(XXVII) and (5)(g)(I)(K) as follows:

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

(a) (XXVII) FOR THE 2020-21 BUDGET YEAR, THE STATEWIDE BASE PER PUPIL FUNDING IS \$7,083.61, WHICH IS AN AMOUNT EQUAL TO \$6,951.53, SUPPLEMENTED BY \$132.08 TO ACCOUNT FOR INFLATION.

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

(J) That, for the 2019-20 budget year, the sum of the total program funding for all districts, including the funding for institute charter schools, after application of the budget stabilization factor, is not less than seven billion six hundred three million nine hundred seven thousand nine hundred seventy-seven dollars (\$7,603,907,977); except that the department of education and the staff of the legislative council shall make mid-year revisions to replace projections with actual figures, including but not limited to actual pupil enrollment, assessed valuations, and specific ownership tax revenue from the prior year, to determine any necessary changes in the amount of the reduction to maintain a total program funding amount for the applicable budget year that is consistent with this subsection (5)(g)(I)(J). ~~For the 2020-21 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 2019-20 budget year.~~

(K) THAT, FOR THE 2020-21 BUDGET YEAR, THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION TWO HUNDRED THIRTY MILLION FOUR HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED NINETY-ONE DOLLARS (\$7,230,448,891); EXCEPT THAT THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES, INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE REDUCTION TO

MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION (5)(g)(I)(K). FOR THE 2021-22 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 2020-21 BUDGET YEAR.

SECTION 3. In Colorado Revised Statutes, **add 22-44-103.7** as follows:

22-44-103.7. Budget provisions for the 2020-21 budget year - repeal.

(1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR THE 2020-21 BUDGET YEAR:

(a) A BOARD OF EDUCATION SHALL PREPARE AND SUBMIT A PROPOSED BUDGET IN ACCORDANCE WITH SECTION 22-44-108 NOT LATER THAN JUNE 23, 2020;

(b) AFTER SUBMISSION OF A PROPOSED BUDGET, BUT NOT LATER THAN JUNE 25, 2020, THE BOARD OF EDUCATION SHALL PUBLISH A NOTICE OF PROPOSED SCHOOL BUDGET. THE NOTICE MUST BE PUBLISHED IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE SCHOOL DISTRICT AT LEAST ONCE PRIOR TO THE DATE SPECIFIED IN THE NOTICE FOR CONSIDERATION OF THE PROPOSED SCHOOL BUDGET. IF THERE IS NO NEWSPAPER HAVING GENERAL CIRCULATION IN THE SCHOOL DISTRICT, OR THE NOTICE CANNOT BE PUBLISHED IN THE NEWSPAPER PRIOR TO THE DATE SPECIFIED IN THE NOTICE FOR CONSIDERATION OF THE BUDGET, THE SECRETARY OF THE BOARD OF EDUCATION SHALL CAUSE THE NOTICE TO BE POSTED FOR AT LEAST TWO BUSINESS DAYS IN THE ADMINISTRATIVE OFFICES OF THE DISTRICT AND IN TWO OTHER PUBLIC PLACES IN THE DISTRICT PRIOR TO THE DATE SPECIFIED IN THE NOTICE FOR CONSIDERATION OF THE BUDGET.

(c) THE PROVISIONS OF SECTION 22-44-104 APPLY IF A BOARD OF EDUCATION DOES NOT ADOPT A BUDGET AND AN APPROPRIATION RESOLUTION BY JUNE 30, 2020. AFTER THE ADOPTION OF THE BUDGET, THE BOARD MAY REVIEW AND CHANGE THE BUDGET PURSUANT TO SECTION 22-44-110 (5).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 4. In Colorado Revised Statutes, 22-91-104, **amend (5)(b)(I)** introductory portion as follows:

22-91-104. School counselor corps grant program - application - criteria - grant awards - rules - repeal. (5) (b) (I) In addition to the amount appropriated pursuant to subsection (5)(a) of this section, the general assembly shall appropriate two hundred fifty thousand dollars each year for the 2019-20 ~~2020-21~~, and 2021-22 fiscal years, from the general fund to the state board. The state board shall distribute the appropriation to the education providers that receive a grant for the following purposes:

SECTION 5. In Colorado Revised Statutes, 22-97-203, **amend (6)** as follows:

22-97-203. Computer science education grant program - creation - rules - legislative declaration. (6) The general assembly shall appropriate two hundred

fifty thousand dollars each year for the ~~2020-21~~, 2021-22 and 2022-23 fiscal years from the general fund to the department. The department shall distribute the money to the education providers that receive a grant.

SECTION 6. In Colorado Revised Statutes, 22-43.7-104, **amend** (2)(d) and (3); and **add** (2)(f) as follows:

22-43.7-104. Public school capital construction assistance fund - creation - crediting of money to fund - use of fund - emergency reserve - creation - reserve account - creation and use. (2) (d) For the state fiscal year commencing July 1, 2018, the state treasurer, as provided in section 39-28.8-305 (1)(a), shall credit to the assistance fund the greater of the first forty million dollars received and collected from the excise tax on retail marijuana imposed pursuant to part 3 of article 28.8 of title 39 or ninety percent of the money received and collected from the tax. For the state fiscal year commencing July 1, 2019, and for each state fiscal year thereafter EXCEPT FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2020, the state treasurer, as provided in section 39-28.8-305 (1)(a), shall annually credit to the assistance fund all of the money received and collected from the excise tax on retail marijuana imposed pursuant to part 3 of article 28.8 of title 39. FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2020, THE STATE TREASURER, AS PROVIDED IN SECTION 39-28.8-305 (1)(a), SHALL CREDIT TO THE ASSISTANCE FUND THE LESSER OF THE FIRST FORTY MILLION DOLLARS RECEIVED AND COLLECTED FROM THE EXCISE TAX ON RETAIL MARIJUANA IMPOSED PURSUANT TO PART 3 OF ARTICLE 28.8 OF TITLE 39 OR ALL OF THE MONEY RECEIVED AND COLLECTED FROM THE TAX. For state fiscal years commencing before July 1, 2019, the state treasurer shall credit twelve and five-tenths percent of the amount annually credited pursuant to this subsection (2)(d) to the charter school facilities assistance account, which account is created within the assistance fund. For each state fiscal year commencing on or after July 1, 2019, the state treasurer shall credit to the charter school facilities assistance account a percentage of the amount credited pursuant to this subsection (2)(d) that is equal to the percentage of pupil enrollment, as defined in section 22-54-103 (10), statewide represented by pupils who were enrolled in charter schools for the prior school year. The department of education shall notify the state treasurer of the applicable percentage no later than June 1 of the immediately preceding fiscal year.

(f) ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED MILLION DOLLARS FROM THE ASSISTANCE FUND TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1).

(3) Subject to annual appropriation, the department may expend ~~moneys~~ MONEY in the assistance fund for the purposes of paying the direct and indirect administrative costs, including but not limited to the costs of conducting or contracting for the financial assistance priority assessment required by section 22-43.7-108 (1), incurred by the division, the board, and the department in exercising their powers and duties pursuant to this ~~article~~ ARTICLE 43.7, providing financial assistance, making payments required by section 22-43.7-114, and paying any transaction costs necessarily incurred in connection with the provision of financial assistance as authorized by this ~~article~~ ARTICLE 43.7. For state fiscal year 2020-21, the general assembly shall appropriate ~~one hundred sixty~~ SIXTY million dollars from the assistance fund for use by the board in providing financial assistance in the form of matching cash grants only.

SECTION 7. In Colorado Revised Statutes, 39-28.8-305, **amend** (1)(a)(III); and **add** (1)(a)(IV) as follows:

39-28.8-305. Distribution of tax collected - repeal. (1) All money received and collected in payment of the tax imposed by this part 3 shall be transmitted to the state treasurer, who shall distribute the money as follows:

(a) (III) For the state fiscal year commencing July 1, 2019, and for each state fiscal year thereafter EXCEPT FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2020, all of the money received and collected annually shall be transferred to the public school capital construction assistance fund created by article 43.7 of title 22 or to any successor fund dedicated to a similar purpose.

(IV) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2020, THE LESSER OF THE FIRST FORTY MILLION DOLLARS RECEIVED AND COLLECTED OR ALL OF THE MONEY RECEIVED AND COLLECTED SHALL BE TRANSFERRED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED BY ARTICLE 43.7 OF TITLE 22 OR TO ANY SUCCESSOR FUND DEDICATED TO A SIMILAR PURPOSE AND THE REMAINDER OF THE MONEY RECEIVED AND COLLECTED SHALL BE TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1).

SECTION 8. In Colorado Revised Statutes, 22-102-104, **amend** (1) and (2)(a) as follows:

22-102-104. K-5 social and emotional health pilot program - creation - selection of pilot schools - rules. (1) There is created the K-5 social and emotional health pilot program in the department to determine the impact of dedicated school mental health professionals in kindergarten through fifth grade in elementary schools that have high-poverty, high-need students. The pilot program is implemented within the selected pilot schools and administered by the department ~~Operation of the pilot program begins in the 2020-21 school year and continues through the conclusion of the 2022-23 school year, unless the repeal of the pilot program is~~ AS A PILOT PROGRAM FOR THREE CONSECUTIVE SCHOOL YEARS, UNLESS extended by the general assembly. SUBJECT TO AVAILABLE APPROPRIATIONS OR GIFTS, GRANTS, OR DONATIONS FOR THE THREE-YEAR TERM OF THE PILOT PROGRAM, pursuant to section 22-102-106, the department shall employ or contract with a pilot program coordinator and contract for preliminary and final program evaluations of the pilot program. The department shall promulgate any rules necessary for the administration of the pilot program.

(2) (a) SUBJECT TO AVAILABLE APPROPRIATIONS OR GIFTS, GRANTS, OR DONATIONS FOR THE THREE-YEAR TERM OF THE PILOT PROGRAM, no later than January 15 ~~2020~~ IMMEDIATELY PRECEDING THE FIRST IMPLEMENTATION YEAR, the department shall select up to ten pilot schools to participate in the pilot program. If available appropriations and gifts, grants, or donations are insufficient to fully fund the pilot program, the department may select fewer than ten pilot schools to participate in the pilot program. The department shall select pilot schools that exhibit the characteristics set forth in subsection (2)(b) of this section and that are appropriate test schools to evaluate the impact and effectiveness of the pilot program. The pilot schools must demonstrate a willingness to participate in the pilot program and to collect the data and information necessary for the evaluation of the

pilot program.

SECTION 9. In Colorado Revised Statutes, 22-102-105, **amend** (3) as follows:

22-102-105. Implementation of pilot program. (3) ~~For purposes of implementing this pilot program, the general assembly shall appropriate to the department for distribution to the pilot schools, or to the governing body for the pilot school, the amount of money necessary for the pilot schools to employ or contract with the number of additional school mental health professionals necessary to implement the pilot program, as described in subsection (1) of this section. Throughout the duration of the pilot program, the pilot school must employ or contract with, at the pilot school's expense, the same number of school mental health professionals employed by or contracted with the pilot school during the 2019-20 school year IMMEDIATELY PRECEDING THE FIRST YEAR OF IMPLEMENTATION OF THE PILOT PROGRAM so that the appropriation to the pilot school~~ ADDITIONAL MONEY for the pilot program supplements, but does not supplant, the pilot school's existing expenditures for school mental health professional positions prior to the operation of the pilot program.

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

22-102-106. Pilot program coordinator - evaluation of pilot program - student impacts and outcomes. (2) (a) The department shall select a professional program evaluator to complete a preliminary evaluation of the pilot program on or before ~~September 1, 2022~~, SEPTEMBER 1 OF THE SECOND FULL SCHOOL YEAR OF IMPLEMENTATION OF THE PILOT PROGRAM and a final evaluation of the pilot program to be completed on or before ~~September 1, 2023~~ SEPTEMBER 1 IMMEDIATELY FOLLOWING THE CONCLUSION OF THE FINAL SCHOOL YEAR OF THE PILOT PROGRAM. SUBJECT TO AVAILABLE APPROPRIATIONS OR GIFTS, GRANTS, OR DONATIONS FOR THE THREE-YEAR TERM OF THE PILOT PROGRAM, the department shall contract with the evaluator IN THE SCHOOL YEAR prior to the implementation of the pilot program in the pilot schools ~~during the 2020-21 school year~~ to create a process for the collection and transmission of data and information to the evaluator to ensure that the evaluator has the data and information necessary to complete the preliminary and final reports concerning the impact and outcomes of the pilot program. The pilot program evaluator, in conjunction with the department, shall select a group of control schools that have school characteristics and student demographics similar to those of the pilot schools to serve as a control group for purposes of evaluating the impacts and outcomes of the pilot program on participating students and pilot schools. Data collected for pilot schools and control group schools must include data from school climate and healthy schools surveys for any grade in which such surveys have been created.

SECTION 11. In Colorado Revised Statutes, 22-102-107, **amend** (1) as follows:

22-102-107. Appropriations for this article - gifts, grants, or donations. (1) ~~For the 2019-20 and 2020-21 state fiscal years,~~ The general assembly may appropriate money from the marijuana tax cash fund, created in section 39-28.8-501, to the department to be used for the pilot program established in this article 102. ~~except that the appropriation from the marijuana tax cash fund for the~~

~~2020-21 state fiscal year shall not exceed two million five hundred thousand dollars, with the remaining pilot program funding from gifts, grants, or donations~~ THE DEPARTMENT MAY ACCEPT AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE 102.

SECTION 12. In Colorado Revised Statutes, **amend** 22-102-108 as follows:

22-102-108. Repeal of article. This article 102 is repealed, effective July 1, ~~2023~~ 2033.

SECTION 13. In Colorado Revised Statutes, **repeal** 22-60.5-208.5.

SECTION 14. In Colorado Revised Statutes, 22-60.5-201, **amend** (1)(a.5)(I)(B) and (1)(b)(I)(B) as follows:

22-60.5-201. Types of teacher licenses issued - term - rules. (1) The department is designated as the sole agency authorized to issue the following teacher licenses to persons of good moral character:

(a.5) **Teacher of record license.** (I) The department shall issue a teacher of record license to an applicant who:

(B) Is enrolled in ~~a grow your own educator program pursuant to section 22-60.5-208.5, or~~ in a one- or two-year teacher of record program pursuant to section 22-60.5-208.7; and

(b) **Initial teacher license.** (I) Except as otherwise provided in subsection (1)(b)(II) of this section, the department, in its discretion, may issue an initial teacher license to any applicant who:

(B) Has completed an approved program of preparation for teachers ~~OR a one-year or two-year alternative teacher program; or a grow your own educator program established pursuant to section 22-60.5-208.5;~~

SECTION 15. In Colorado Revised Statutes, 23-18-202, **repeal** (2)(b)(III) as follows:

23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement - report. (2) (b) (III) ~~If the student is enrolled in a grow your own educator program pursuant to section 22-60.5-208.5, and the school district or charter school receives a grant pursuant to section 22-60.5-208.5 (6), the school district or charter school that employs the student as a teacher of record as described in section 22-60.5-201 (1)(a.5) during the teaching portion of the grow your own educator program is responsible for paying the student's share of total in-state tuition, not to exceed thirty-six credit hours, less any amount received in federal and state financial aid.~~

SECTION 16. In Colorado Revised Statutes, 23-78-105, **amend** (3) as follows:

23-78-105. Teacher mentor grant program - created - standards - report. (3) The department of higher education and the department of education, in

collaboration, shall work with the deans of the schools of education in Colorado institutions of higher education, or their designees, persons who implement alternative teacher programs, local education providers, teachers, and other interested parties to identify best practice standards and guidelines for teacher mentoring. The department of higher education shall adopt the standards and guidelines and make them available to local education providers and educator preparation programs by January 1, 2020, and shall review and update the standards as necessary. A teacher residency program, ~~that is operating pursuant to article 60.3 of title 22, OR a teaching fellowship program, that is operating pursuant to part 3 of this article 78, or a grow your own educator program that is operating pursuant to section 22-60.5-208.5~~ and that provides mentoring for teacher candidates that meets the standards adopted pursuant to this subsection (3) may apply to receive a grant through the teacher mentor grant program, subject to the requirements specified in this section.

SECTION 17. In Colorado Revised Statutes, 24-34-104, **repeal** (24)(a)(IX) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (24) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2023:

(IX) ~~The grow your own educator program, authorized pursuant to section 22-60.5-208.5;~~

SECTION 18. In Colorado Revised Statutes, **amend** 22-95-105 as follows:

22-95-105. Repeal of article. This article 95 is repealed, effective July 1, ~~2021~~ 2020.

SECTION 19. In Colorado Revised Statutes, 22-7-1210, **add** (7) as follows:

22-7-1210. Early literacy fund - created - repeal. (7) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER THREE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 20. In Colorado Revised Statutes, 22-61.5-105, **add** (4) as follows:

22-61.5-105. Colorado teacher of the year fund - created - legislative declaration - repeal. (4) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ELEVEN THOUSAND EIGHT HUNDRED THIRTY ONE DOLLARS FROM THE FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 21. In Colorado Revised Statutes, 22-1-129, **amend** (4) and (5); **repeal** (1)(b); and **add** (6) as follows:

22-1-129. Instruction in cardiopulmonary resuscitation and the use of automated external defibrillators - grants - definitions - rules - repeal. (1) As used in this section, unless the context otherwise requires:

(b) ~~"Fund" means the school cardiopulmonary resuscitation and automated external defibrillator training fund created in subsection (5) of this section.~~

(4) Notwithstanding any other provision of this section to the contrary, the department shall not award ~~any~~ grants pursuant to this section unless the department determines that ~~there are sufficient moneys in the fund~~ IT HAS RECEIVED SUFFICIENT MONEY THROUGH APPROPRIATIONS OR GIFTS, GRANTS, AND DONATIONS to implement the program.

(5) (a) ~~There is created in the state treasury the school cardiopulmonary resuscitation and automated external defibrillator training fund. The fund consists of:~~

(I) ~~Two hundred fifty thousand dollars, which the state treasurer shall transfer from the general fund to the fund on August 6, 2014;~~

(II) ~~Any other moneys that the general assembly appropriates to it; and~~

(III) ~~Any gifts, grants, or donations credited to the fund pursuant to paragraph (b) of this subsection (5).~~

(b) ~~The department may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this section; except that the department may not accept a gift, grant, or donation that is subject to conditions that are inconsistent with this section or any other law of the state. The department shall transmit all private and public moneys received through gifts, grants, or donations to the state treasurer, who shall credit the same to the fund. Nothing in this section requires the department to solicit moneys~~ MONEY for purposes of implementing this section.

(c) ~~The moneys in the fund are subject to annual appropriation by the general assembly to the department for the purpose of awarding grants allowed by this section and for the department's reasonable and necessary administrative expenses associated with implementation of this section. The department's administrative expenses for a fiscal year shall not exceed two percent of the money transferred or appropriated to the fund in the fiscal year.~~

(d) ~~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 shall not be credited or transferred to the general fund or another fund.~~

(6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED STATE MONEY IN THE SCHOOL CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR TRAINING FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 22. In Colorado Revised Statutes, 22-7-613, **repeal** (1)(a) and (2); and **add** (3) and (4) as follows:

22-7-613. Closing the achievement gap cash fund - creation - repeal.

(1) (a) ~~The department is authorized to seek and accept gifts, grants, and donations from private or public sources for the purposes of implementing section 22-7-611. All private and public funds received through gifts, grants, or donations shall be transmitted to the state treasurer, who shall credit the same to the closing the achievement gap cash fund, which fund is hereby created and referred to in this section as the "fund". The moneys in the fund shall be continuously appropriated to the department.~~

(2) ~~All interest and income derived from the investment and deposit of moneys in the fund shall remain in the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.~~

(3) ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED STATE MONEY IN THE CLOSING THE ACHIEVEMENT GAP CASH FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 23. In Colorado Revised Statutes, 22-7-611, **amend** (6); and **add** (8) as follows:

22-7-611. Closing the achievement gap program - strategies - assistance - criteria - rule-making. (6) Subject to available appropriations OR GIFTS, GRANTS, AND DONATIONS, and upon the request of a participating eligible district or eligible school, the department shall provide assistance through the program to the participating eligible district or eligible school. The assistance may consist of, but is not limited to, information, personnel, and program and technical support.

(8) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION.

SECTION 24. In Colorado Revised Statutes, 22-9-105.7, **add** (5) as follows:

22-9-105.7. Great teachers and leaders fund - created - gifts, grants, and donations - legislative declaration - repeal. (5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2020, THE STATE

TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED STATE MONEY IN THE GREAT TEACHERS AND LEADERS FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 25. In Colorado Revised Statutes, 24-75-220, **add** (7) as follows:

24-75-220. State education fund - transfers - surplus - legislative declaration - repeal. (7) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED STATE MONEY CREDITED TO THE NONPUBLIC SCHOOL FINGERPRINT FUND, AS IT EXISTED PRIOR TO ITS REPEAL IN 2006, TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED STATE MONEY CREDITED TO THE STUDENT RE-ENGAGEMENT GRANT PROGRAM FUND, AS IT EXISTED PRIOR TO ITS REPEAL IN 2019, TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 26. In Colorado Revised Statutes, 22-98-104, **add** (3.5) as follows:

22-98-104. Retaining teachers fund - created - repeal. (3.5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED STATE MONEY IN THE RETAINING TEACHERS FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 27. In Colorado Revised Statutes, 22-43.7-201, **amend** (4)(c) as follows:

22-43.7-201. Full-day kindergarten facility capital construction fund - creation - grants - definitions. (4) (c) The amount of the grant to be provided to each applicant pursuant to subsection (4)(b) of this section is determined by the following formula:

The lesser of \$25,000,000 x the applicant share percentage or the amount actually applied for by the applicant.

On July 1, 2020, the state treasurer shall transfer ~~from the fund to the assistance fund any portion of the twenty-five million dollars previously transferred from the assistance fund to the fund as required by subsection (4)(b) of this section that is not distributed to applicants as formula-based grants during the 2019-20 budget year~~ ALL UNEXPENDED AND UNENCUMBERED STATE MONEY IN THE FULL-DAY

KINDERGARTEN FACILITY CAPITAL CONSTRUCTION FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 28. In Colorado Revised Statutes, 22-20-114.7, **add** (2)(g) as follows:

22-20-114.7. High-cost special education trust fund - creation - grants - eligibility - legislative declaration - definition - annual report - repeal. (2) (g) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (2) TO THE CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER THE AMOUNT OF ANY UNEXPENDED AND UNENCUMBERED TRUST FUND PRINCIPAL TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114.

SECTION 29. In Colorado Revised Statutes, 39-28.8-501, **add** (4.6) as follows:

39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration - repeal. (4.6) (a) ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE FUND TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114.

(b) THIS SUBSECTION (4.6) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 30. In Colorado Revised Statutes, 22-100-102, **amend as amended by House Bill 20-1300** (2)(b)(I) and (3)(a)(I) as follows:

22-100-102. Local school food purchasing program - creation - rules - report - repeal. (2) (b) (I) (A) The department shall select participating providers that, in the previous year for which numbers are available, the total number of lunches provided by all participating providers was ten million or fewer, and no participating provider may have provided more than two million one hundred fifty thousand school lunches in the previous year.

(B) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ONLY THE PARTICIPATING PROVIDERS SELECTED ON OR BEFORE MARCH 1, 2020, SHALL PARTICIPATE IN THE LOCAL SCHOOL FOOD PURCHASING PROGRAM FOR THE 2021-22 BUDGET YEAR. THIS SUBSECTION (2)(b)(I)(B) IS REPEALED, EFFECTIVE JULY 1, 2022.

(3) (a) (I) In October ~~2020~~ 2021 and each October thereafter, the department shall reimburse each participating provider participating in the school food purchasing program as of the previous December 1 five cents for every school lunch that the participating provider provided in the previous school year; except that a participating provider shall not be reimbursed for the amount of value-added processed products that exceeds twenty-five percent of the total of the Colorado grown, raised, or processed products it purchased.

SECTION 31. In Colorado Revised Statutes, 22-100-104, **amend** (1) introductory portion as follows:

22-100-104. Evaluation - report. (1) On or before December 1, ~~2021~~ 2022, and on or before December 1 of each year thereafter, the department shall submit a report to the education committees of the house of representatives and the senate,

the rural affairs and agriculture committee of the house of representatives, and the agriculture and natural resources committee of the senate, or any successor committees, on the effect of the school food purchasing program on the amount of Colorado grown, raised, or processed products purchased by participating providers, including:

SECTION 32. In Colorado Revised Statutes, **amend** 22-100-105 as follows:

22-100-105. Repeal of article. This article 100 is repealed, effective January 1, 2023 2024.

SECTION 33. In Colorado Revised Statutes, 22-54-106, **amend** (1)(a)(I), (2)(a) introductory portion, (3), and (6); and **add** (1)(a)(III) and (2.1) as follows:

22-54-106. Local and state shares of district total program - definition - repeal. (1) (a) (I) FOR PROPERTY TAX YEARS BEFORE THE 2020 PROPERTY TAX YEAR, every district shall levy the number of mills determined pursuant to ~~paragraph (a) of subsection (2) of this section~~ ~~SUBSECTION (2)(a) OF THIS SECTION,~~ and the amount of property tax revenue ~~which the~~ THAT A district is entitled to receive from the levy, assuming one hundred percent collection, along with the amount of specific ownership tax revenue paid to the district, as defined in section 22-54-103 (11), ~~shall be~~ IS the district's share of its total program.

(III) FOR THE 2020 PROPERTY TAX YEAR AND PROPERTY TAX YEARS THEREAFTER, EACH DISTRICT SHALL LEVY THE NUMBER OF MILLS DETERMINED PURSUANT TO SUBSECTION (2.1) OF THIS SECTION. THE AMOUNT OF PROPERTY TAX REVENUE THAT A DISTRICT IS ENTITLED TO RECEIVE FROM THE LEVY, LESS THE AMOUNT OF REVENUE ATTRIBUTABLE TO THE PROPERTY TAX CREDIT DESCRIBED IN SUBSECTION (2.1)(d) OF THIS SECTION, ASSUMING ONE HUNDRED PERCENT COLLECTION, ALONG WITH THE AMOUNT OF SPECIFIC OWNERSHIP TAX REVENUE PAID TO THE DISTRICT IS THE DISTRICT'S SHARE OF ITS TOTAL PROGRAM.

(2) (a) Except as provided in ~~paragraph (c) of this subsection (2),~~ SUBSECTION (2)(c) OF THIS SECTION for reorganized districts, for the 2007 property tax year and property tax years thereafter THROUGH THE 2019 PROPERTY TAX YEAR, each district shall levy the lesser of:

(2.1) (a) THE GENERAL ASSEMBLY FINDS THAT, FOR PROPERTY TAX YEARS 1994 THROUGH 2006, SUBSECTION (2)(a)(III) OF THIS SECTION, AS IT EXISTED BEFORE MAY 9, 2007, WAS WRONGLY INTERPRETED AND APPLIED TO REDUCE SEVERAL DISTRICTS' PROPERTY TAX MILL LEVIES TO THE NUMBER OF MILLS THAT A DISTRICT COULD LEVY UNDER THE PROPERTY TAX REVENUE LIMITATION IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, EVEN THOUGH THE DISTRICT HAD OBTAINED VOTER APPROVAL TO RETAIN AND SPEND REVENUE IN EXCESS OF THAT PROPERTY TAX REVENUE LIMITATION. THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT THE REDUCTIONS IN DISTRICT MILL LEVIES FOR PROPERTY TAX YEARS 1994 THROUGH 2006 WERE NOT AUTHORIZED BY STATUTE AND ARE VOID FOR PURPOSES OF DETERMINING A DISTRICT'S CORRECT MILL LEVY PURSUANT TO THIS SUBSECTION (2.1) FOR THE 2020 PROPERTY TAX YEAR AND PROPERTY TAX YEARS THEREAFTER, AND THE DETERMINATION AND LEVY OF THE CORRECT NUMBER OF MILLS THAT A DISTRICT IS REQUIRED TO LEVY PURSUANT TO THIS SUBSECTION (2.1) DOES NOT

REQUIRE ACTION BY THE DISTRICT OTHER THAN TO CERTIFY THE MILL LEVY.

(b) FOR THE 2020 PROPERTY TAX YEAR, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.1)(e) OF THIS SECTION FOR REORGANIZED DISTRICTS:

(I) A DISTRICT THAT HAS OBTAINED VOTER APPROVAL TO RETAIN AND SPEND REVENUE IN EXCESS OF THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SHALL LEVY THE LESSER OF:

(A) TWENTY-SEVEN MILLS;

(B) THE NUMBER OF MILLS THAT THE DISTRICT WOULD HAVE BEEN REQUIRED TO LEVY UNDER SUBSECTION (2)(a) OF THIS SECTION FOR THE 2020 PROPERTY TAX YEAR IF NOT FOR THE UNAUTHORIZED REDUCTIONS IN THE DISTRICT'S MILL LEVY IN PROPERTY TAX YEARS FOLLOWING THE PROPERTY TAX YEAR IN WHICH THE DISTRICT OBTAINED VOTER APPROVAL TO RETAIN AND SPEND REVENUE IN EXCESS OF THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, WHICH REDUCTIONS RESULTED FROM THE UNAUTHORIZED APPLICATION OF SUBSECTION (2)(a)(III) OF THIS SECTION AS IT EXISTED BEFORE MAY 9, 2007; OR

(C) THE NUMBER OF MILLS THAT WILL GENERATE PROPERTY TAX REVENUE IN AN AMOUNT EQUAL TO THE DISTRICT'S TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR MINUS THE AMOUNT OF SPECIFIC OWNERSHIP TAX REVENUE PAID TO THE DISTRICT. REGARDLESS OF THE APPLICABILITY OF SECTION 22-54-104 (5)(g), FOR THE PURPOSES OF THIS SUBSECTION (2.1)(b)(I)(C), A DISTRICT'S TOTAL PROGRAM IS THE AMOUNT CALCULATED PURSUANT TO SECTION 22-54-104 (2).

(II) A DISTRICT THAT HAS NOT OBTAINED VOTER APPROVAL TO RETAIN AND SPEND REVENUE IN EXCESS OF THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SHALL LEVY THE LESSER OF:

(A) TWENTY-SEVEN MILLS;

(B) THE NUMBER OF MILLS THE DISTRICT LEVIED IN THE PRECEDING PROPERTY TAX YEAR; OR

(C) THE NUMBER OF MILLS THAT THE DISTRICT MAY LEVY UNDER THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. IN CALCULATING LOCAL GROWTH FOR PURPOSES OF DETERMINING THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON A DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, A DISTRICT'S STUDENT ENROLLMENT IS THE DISTRICT'S FUNDED PUPIL COUNT.

(c) FOR THE 2021 PROPERTY TAX YEAR AND EACH PROPERTY TAX YEAR THEREAFTER, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.1)(e) OF THIS SECTION FOR REORGANIZED DISTRICTS, EACH DISTRICT SHALL LEVY THE LESSER OF:

(I) THE NUMBER OF MILLS THAT WILL GENERATE PROPERTY TAX REVENUE IN AN

AMOUNT EQUAL TO THE DISTRICT'S TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR MINUS THE AMOUNT OF SPECIFIC OWNERSHIP TAX REVENUE PAID TO THE DISTRICT. REGARDLESS OF THE APPLICABILITY OF SECTION 22-54-104 (5)(g), FOR THE PURPOSES OF THIS SUBSECTION (2.1)(c)(I), A DISTRICT'S TOTAL PROGRAM IS THE AMOUNT CALCULATED PURSUANT TO SECTION 22-54-104 (2).

(II) FOR A DISTRICT THAT HAS NOT OBTAINED VOTER APPROVAL TO RETAIN AND SPEND REVENUE IN EXCESS OF THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE NUMBER OF MILLS THAT THE DISTRICT MAY LEVY UNDER THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. IN CALCULATING LOCAL GROWTH FOR PURPOSES OF DETERMINING THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON A DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, A DISTRICT'S STUDENT ENROLLMENT IS THE DISTRICT'S FUNDED PUPIL COUNT.

(III) THE NUMBER OF MILLS LEVIED IN THE PRECEDING PROPERTY TAX YEAR; OR

(IV) TWENTY-SEVEN MILLS.

(d) IN A PROPERTY TAX YEAR IN WHICH A DISTRICT, PURSUANT TO THIS SUBSECTION (2.1), IS REQUIRED TO LEVY A GREATER NUMBER OF MILLS THAN IT LEVIED IN THE 2019 PROPERTY TAX YEAR, THE DISTRICT BOARD OF EDUCATION BY RESOLUTION SHALL GRANT A TEMPORARY PROPERTY TAX CREDIT EQUAL TO THE NUMBER OF MILLS LEVIED IN THE APPLICABLE PROPERTY TAX YEAR THAT EXCEEDS THE NUMBER OF MILLS LEVIED IN THE 2019 PROPERTY TAX YEAR.

(e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (2.1) TO THE CONTRARY, FOR THE 2020 PROPERTY TAX YEAR AND EACH PROPERTY TAX YEAR THEREAFTER, IF THERE IS A REORGANIZATION PURSUANT TO ARTICLE 30 OF THIS TITLE 22 THAT RESULTS IN THE CREATION OF A NEW DISTRICT, THEN IN THE FIRST YEAR OF OPERATION THE NEW DISTRICT SHALL LEVY THE LESSER OF:

(I) TWENTY-SEVEN MILLS; OR

(II) THE NUMBER OF MILLS THAT WILL GENERATE PROPERTY TAX REVENUE IN AN AMOUNT EQUAL TO THE DISTRICT'S TOTAL PROGRAM FOR THE FIRST YEAR OF OPERATION MINUS THE AMOUNT OF SPECIFIC OWNERSHIP TAX REVENUE PAID TO THE DISTRICT. REGARDLESS OF THE APPLICABILITY OF SECTION 22-54-104 (5)(g), FOR THE PURPOSES OF THIS SUBSECTION (2.1)(e)(II), THE DISTRICT'S TOTAL PROGRAM IS THE AMOUNT CALCULATED PURSUANT TO SECTION 22-54-104 (2).

(3) The property tax revenue ~~which~~ a district is entitled to receive from the levy made pursuant to ~~subsection (2)~~ SUBSECTION (2) OR (2.1) of this section for the 1994 property tax year and property tax years thereafter ~~shall~~ MUST be used to fund the district's share of its total program for the budget year beginning on July 1 of such property tax year, and the total amount of such revenue, ~~shall be~~ LESS THE AMOUNT OF REVENUE THAT WOULD BE ATTRIBUTABLE TO ANY MILL LEVY TAX CREDIT GRANTED PURSUANT TO SUBSECTION (2.1)(d) OF THIS SECTION, IS considered to be collected during such budget year for purposes of determining the state's share of the district's total program.

(6) If a district does not certify at least the mill levy required by ~~subsection (2)~~ SUBSECTION (2) OR (2.1) of this section, the department shall determine what the state's percentage share of the district's total program would have been had the district certified the required mill levy. The department of education shall reduce the district's state aid in an amount ~~which~~ THAT will result in the state's percentage share of the district's total program remaining the same as if the district had certified the required mill levy.

SECTION 34. In Colorado Revised Statutes, 22-30-114, **amend** (1) introductory portion and (1)(j) as follows:

22-30-114. Requirements for plan of organization. (1) The plan of organization ~~shall~~ MUST include, but ~~shall~~ NEED not be limited to, consideration of the following:

(j) If the plan of organization results in the creation of a new school district, the estimated maximum increase in the mill levy to be imposed on property included within the new district considering the factors enumerated in ~~section 22-54-106 (2)(c)~~ SECTION 22-54-106 (2)(c) OR (2.1)(e), WHICHEVER IS APPLICABLE. If the plan of organization results in the detachment and annexation of territory between existing school districts, the plan of organization ~~shall~~ MUST include the mill levy of the annexing district that will be imposed on the affected territory.

SECTION 35. In Colorado Revised Statutes, 22-32-108.5, **amend** (2)(a) as follows:

22-32-108.5. Board of education - distribution of additional mill levy revenue - definitions - legislative declaration. (2) As used in this section, unless the context otherwise requires:

(a) "Additional mill levy revenue" means the amount of property tax revenue that a school district collects from mills that are authorized by voters before, on, or after June 2, 2017, and that a school district levies in addition to the school district's total program mill levy established in ~~section 22-54-106 (2)~~ SECTION 22-54-106 (2) OR (2.1), WHICHEVER IS APPLICABLE, not including mills that a school district may levy for purposes of incurring or repaying bonded indebtedness or for paying amounts due pursuant to installment sales agreements or lease purchase agreements entered into as of June 2, 2017, for which additional mill levy revenue was contractually committed as of June 2, 2017.

SECTION 36. In Colorado Revised Statutes, 22-45-103, **amend** (1)(k) as follows:

22-45-103. Funds. (1) The following funds are created for each school district for purposes specified in this article 45:

(k) **Total program reserve fund.** A school district shall deposit the property tax revenues that it collects from a tax levy imposed pursuant to section 22-54-107 (5) in the total program reserve fund of the district. The district may expend money from the total program reserve fund only to offset the amount of a reduction in the district's state share caused by application of the budget stabilization factor pursuant

to section 22-54-104 (5)(g); except that, in a budget year in which the school district levies for its total program the number of mills calculated pursuant to ~~section 22-54-106 (2)(a)(II)~~ SECTION 22-54-106 (2)(a)(II), (2.1)(b)(I)(C) OR (2.1)(c)(I), WHICHEVER IS APPLICABLE, if the balance of the total program reserve fund exceeds an amount equal to the district's total program for that budget year multiplied by the budget stabilization factor calculated pursuant to section 22-54-104 (5)(g) for that budget year, the district may expend the amount of the excess balance. Any money remaining in the fund at the end of a fiscal year must remain in the fund and may be used in future years only as provided in this subsection (1)(k).

SECTION 37. In Colorado Revised Statutes, 22-54-104, **amend** (5)(g)(IV) and (5)(g)(V) as follows:

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

(g) (IV) For the 2010-11 budget year, and each budget year thereafter, the total program funding for a district that levies the number of mills calculated pursuant to ~~section 22-54-106 (2)(a)(II)~~ SECTION 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), OR (2.1)(c)(I), WHICHEVER IS APPLICABLE, IS the amount calculated pursuant to subsection (2) of this section for the applicable budget year. Any such district shall use the revenues generated by the number of mills that the district levies pursuant to ~~section 22-54-106 (2)(a)(II)~~ SECTION 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), OR (2.1)(c)(I), WHICHEVER IS APPLICABLE, to replace any categorical program support funds that the district would otherwise be eligible to receive from the state; except that the amount of categorical program support funds that the district is required to replace ~~shall~~ MUST not exceed an amount equal to the district's reduction amount. The department shall use the amount of categorical program support funds replaced by property tax revenue pursuant to this ~~subparagraph (IV)~~ SUBSECTION (5)(g)(IV) to make payments of categorical program support funds to eligible districts as specified in section 22-54-107 (4).

(V) For the 2010-11 budget year and each budget year thereafter, if a district levies the number of mills calculated pursuant to ~~section 22-54-106 (2)(a)(I)~~ SECTION 22-54-106 (2)(a)(I), (2.1)(b)(I)(A), (2.1)(b)(I)(B), OR (2.1)(b)(II), OR (2.1)(c)(II), (2.1)(c)(III), OR (2.1)(c)(IV), WHICHEVER IS APPLICABLE, and the district's reduction amount exceeds the district's state share of total program funding, such district's total program funding ~~shall be~~ is the amount calculated pursuant to subsection (2) of this section for the applicable budget year, minus the district's state aid. Any such district shall use the revenues generated by the number of mills that the district levies pursuant to ~~section 22-54-106 (2)(a)(I)~~ SECTION 22-54-106 (2)(a)(I), (2.1)(b)(I)(A), (2.1)(b)(I)(B), OR (2.1)(b)(II), OR (2.1)(c)(II), (2.1)(c)(III), OR (2.1)(c)(IV), WHICHEVER IS APPLICABLE, to replace any categorical program support funds that the district would otherwise be eligible to receive from the state; except that the amount of categorical program support funds that the district is required to replace ~~shall~~ MUST not exceed an amount equal to the remainder of the district's reduction amount after the reduction to the district's total program has been applied pursuant to this ~~subparagraph (V)~~ SUBSECTION (5)(g)(V). The department of education shall use the amount of categorical program support funds replaced by property tax revenue pursuant to this ~~subparagraph (V)~~ SUBSECTION (5)(g)(V) to make payments of categorical program support funds to eligible districts as

specified in section 22-54-107 (4).

SECTION 38. In Colorado Revised Statutes, 22-54-107, **amend** (1) and (5) as follows:

22-54-107. Buy-out of categorical programs - total program reserve fund levy. (1) (a) If a district levies the number of mills calculated pursuant to section 22-54-106 (2)(a)(II) FOR PROPERTY TAX YEARS BEFORE THE 2020 PROPERTY TAX YEAR, OR THE NUMBER OF MILLS CALCULATED PURSUANT TO SECTION 22-54-106 (2.1)(c)(I) FOR THE 2021 PROPERTY TAX YEAR AND PROPERTY TAX YEARS THEREAFTER, the district shall make an additional levy to generate property tax revenue in an amount equal to the amount of categorical support funds; except that the total of the two levies cannot exceed the lesser of the district's levy for the immediately preceding year, the district's allowable levy under the property tax revenue limitation imposed on the district by section 20 of article X of the state constitution if the district has not obtained voter approval to retain and spend revenues in excess of such property tax revenue limitation, or twenty-seven mills.

(b) IF A DISTRICT LEVIES THE NUMBER OF MILLS CALCULATED PURSUANT TO SECTION 22-54-106 (2.1)(b)(I)(C) FOR THE 2020 PROPERTY TAX YEAR, THE DISTRICT SHALL MAKE AN ADDITIONAL LEVY TO GENERATE PROPERTY TAX REVENUE IN AN AMOUNT EQUAL TO THE AMOUNT OF CATEGORICAL SUPPORT FUNDS; EXCEPT THAT THE TOTAL OF THE TWO LEVIES CANNOT EXCEED THE LESSER OF TWENTY-SEVEN MILLS OR THE NUMBER OF MILLS DESCRIBED IN SECTION 22-54-106 (2.1)(b)(I)(B).

(5) For the 2016-17 budget year and each budget year thereafter, if a district levies the number of mills calculated pursuant to ~~section 22-54-106 (2)(a)(II)~~ SECTION 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), OR (2.1)(c)(I), WHICHEVER IS APPLICABLE, and the additional mill levy described in subsection (1) of this section for categorical support funds, and the combined total of the two levies is less than the number of mills that the district levied in the preceding budget year, the district, in addition to the two levies, shall assess a number of mills equal to the difference between the combined total of the two levies and the number of mills levied in the preceding budget year. The district shall deposit the property tax revenue collected from the mills levied pursuant to this subsection (5) in the total program reserve fund created in section 22-45-103 (1)(k).

SECTION 39. In Colorado Revised Statutes, 22-43.7-110, **amend** (2)(a)(VIII) as follows:

22-43.7-110. Financial assistance - grants - lease-purchase agreements.

(2) Subject to the following requirements and limitations, the board may also instruct the state treasurer to enter into lease-purchase agreements on behalf of the state to provide financial assistance to applicants by financing public school facility capital construction projects for which the state board has recommended and the capital development committee has authorized the provision of financial assistance that involves a lease-purchase agreement pursuant to section 22-43.7-109 (7):

(a) Subject to the limitation specified in subsection (2)(b) of this section, the maximum total amount of annual lease payments payable by the state during any fiscal year under the terms of all outstanding lease-purchase agreements entered into

by the state treasurer as instructed by the board pursuant to this subsection (2) is:

(VIII) One hundred ~~ten~~ TWENTY-FIVE million dollars for the 2020-21 fiscal year and for each fiscal year thereafter.

SECTION 40. In Colorado Revised Statutes, 22-7-1210.5, **amend** (1) as follows:

22-7-1210.5. Per-pupil intervention money - uses - distribution - monitoring - repeal. (1) (a) To distribute the money appropriated pursuant to section 22-7-1210 (4) for per-pupil intervention money, the department shall annually calculate the per-pupil amount by dividing the amount of money available by the total number of students enrolled in kindergarten and first, second, and third grades in public schools in the state who were identified as having significant reading deficiencies and received instructional services pursuant to READ plans in the budget year preceding the year in which the money is distributed. Subject to the requirements of this section, a local education provider may receive per-pupil intervention money in an amount equal to the calculated per-pupil amount multiplied by the number of students enrolled in kindergarten and first, second, and third grades in public schools operated by the local education provider who were identified as having significant reading deficiencies and received instructional services pursuant to READ plans in the budget year preceding the year in which the money is distributed.

(b) (I) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE CONTRARY, FOR THE 2020-21 BUDGET YEAR, IN DISTRIBUTING THE MONEY APPROPRIATED PURSUANT TO SECTION 22-7-1210 (4) FOR PER-PUPIL INTERVENTION MONEY, THE DEPARTMENT SHALL CALCULATE THE PER-PUPIL AMOUNT FOR A LOCAL EDUCATION PROVIDER USING STUDENT ENROLLMENT NUMBERS CALCULATED FOR THE LOCAL EDUCATION PROVIDER FOR THE 2018-19 BUDGET YEAR.

(II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 41. In Colorado Revised Statutes, 22-54-103, **amend** (15) as follows:

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

(15) "Supplemental kindergarten enrollment" means the number calculated by subtracting five-tenths from the full-day kindergarten factor for the applicable budget year and then multiplying that number by the number of pupils in the district who are enrolled PART-TIME in a ~~half-day~~ kindergarten educational program for the applicable budget year. For the purposes of this subsection (15), the full-day kindergarten factor for the 2008-09 budget year and each budget year thereafter is fifty-eight hundredths of a full-day pupil.

SECTION 42. In Colorado Revised Statutes, 22-54-103, **repeal** (10)(a)(IV) as follows:

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

~~(10) (a) (IV) (A) Except as provided in sub-subparagraph (B) of this subparagraph (IV), for purposes of determining pupil enrollment in first grade for the 2006-07 budget year and each budget year thereafter, a district shall count and receive funding only for pupils enrolled in first grade who are six years old on or before October 1 of the applicable budget year.~~

~~(B) For purposes of determining pupil enrollment in first grade for the 2007-08 budget year and each budget year thereafter, in addition to the pupils counted pursuant to sub-subparagraph (A) of this subparagraph (IV), a district may count and receive funding for a pupil who is enrolled in first grade who is at least five years old on or before October 1 of the applicable budget year if the pupil attended at least one hundred twenty days of kindergarten in a state other than Colorado. A district may also receive funding for a pupil who is five years old and who has been identified by the district or an administrative unit as a highly advanced gifted child for whom early access to first grade is appropriate, as provided in section 22-20-204.5.~~

SECTION 43. In Colorado Revised Statutes, 22-2-112, **add** (7) as follows:

22-2-112. Commissioner - duties - report - legislative declaration - repeal.

(7) (a) ON OR BEFORE SEPTEMBER 15, 2020, THE COMMISSIONER SHALL CONVENE A STAKEHOLDER GROUP TO:

(I) REVIEW THE IMPACT OF THE COVID-19 PANDEMIC AND THE RESULTING DISRUPTION OF THE 2019-20 SCHOOL YEAR, INCLUDING STUDENT TRANSITION TO REMOTE LEARNING AND THE CANCELLATION OF THE STATE ASSESSMENTS, ACCOUNTABILITY, ACCREDITATION, AND EDUCATOR EVALUATION SYSTEMS FOR THE 2019-20 SCHOOL YEAR;

(II) DISCUSS HOW THE CANCELLATION OF STATE ASSESSMENTS WILL IMPACT ACCOUNTABILITY, ACCREDITATION, AND EDUCATOR EVALUATIONS DURING THE 2020-21 SCHOOL YEAR AND WHETHER FUTURE MODIFICATIONS ARE NEEDED REGARDING THE ACCOUNTABILITY, ACCREDITATION, AND EDUCATOR EVALUATION SYSTEMS AS A RESULT OF, AND IN RESPONSE TO, THE COVID-19 PANDEMIC AND POSSIBLE FURTHER DISRUPTIONS; AND

(III) MAKE RECOMMENDATIONS REGARDING WHETHER AND HOW TO PROCEED WITH STATE ASSESSMENTS, ACCOUNTABILITY, ACCREDITATION, AND EDUCATOR EVALUATIONS DURING THE 2020-21 SCHOOL YEAR AND HOW THE SYSTEMS CAN CONTINUE TO EFFECTIVELY MEASURE STUDENT ACHIEVEMENT AND GROWTH AND PROVIDE AN ACCURATE, CREDIBLE, AND COMPARABLE ASSESSMENT OF THE QUALITY OF THE PUBLIC EDUCATION SYSTEM THROUGHOUT THE STATE FOLLOWING THE COVID-19 PANDEMIC.

(b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 44. In Colorado Revised Statutes, 22-2-113, **amend** (1)(i); and **add** (1)(j) as follows:

22-2-113. Commissioner - powers. (1) Subject to the supervision of the state board, the commissioner has the following powers:

(i) To issue emergency orders concerning a charter school pursuant to section 22-30.5-703; AND

(j) SUBJECT TO AVAILABLE APPROPRIATIONS, TO EXPEND APPROPRIATIONS TO CORRECT AN UNDERPAYMENT OF STATE FUNDING TO A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION 22-5-103, THE STATE CHARTER SCHOOL INSTITUTE, OR A GROUP CARE FACILITY OR HOME WHEN A CERTIFICATION TO THE DEPARTMENT BY THE SCHOOL DISTRICT, BOARD, INSTITUTE, FACILITY, OR HOME, FOR THE DETERMINATION OF STATE FUNDING BY THE DEPARTMENT, INCLUDES AN ERROR IN THE INFORMATION SUBMITTED TO THE DEPARTMENT.

SECTION 45. In Colorado Revised Statutes, 22-11-204, **add** (8) as follows:

22-11-204. Performance indicators - measures - repeal.

(8) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE CONTRARY, AS A RESULT OF THE SUSPENSION OF NORMAL IN-PERSON LEARNING IN COLORADO SCHOOLS DUE TO THE PRESENCE OF COVID-19 IN THE STATE, THE DEPARTMENT IS NOT REQUIRED TO DETERMINE FOR THE 2019-20 SCHOOL YEAR THE LEVEL OF ATTAINMENT OF EACH PUBLIC SCHOOL, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE ON THE PERFORMANCE INDICATORS DESCRIBED IN THIS SECTION.

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 46. In Colorado Revised Statutes, 22-11-208, **add** (1.6) as follows:

22-11-208. Accreditation - annual review - supports and interventions - rules. (1.6) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 11, OR ANY PROVISION OF STATE BOARD RULE THAT IMPLEMENTS THIS ARTICLE 11, TO THE CONTRARY, FOR THE 2020-21 SCHOOL YEAR, THE DEPARTMENT SHALL NOT ASSIGN ACCREDITATION RATINGS FOR SCHOOL DISTRICTS AND THE INSTITUTE. FOR THE 2020-21 SCHOOL YEAR, EACH SCHOOL DISTRICT AND THE INSTITUTE SHALL CONTINUE TO IMPLEMENT THE PLAN TYPE FOR THE ACCREDITATION RATING ASSIGNED FOR THE PRECEDING SCHOOL YEAR.

SECTION 47. In Colorado Revised Statutes, 22-11-210, **add** (2.6) as follows:

22-11-210. Public schools - annual review - plans - supports and interventions - rules. (2.6) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 11, OR ANY PROVISION OF STATE BOARD RULE THAT IMPLEMENTS THIS ARTICLE 11, TO THE CONTRARY, FOR THE 2020-21 SCHOOL YEAR, THE DEPARTMENT SHALL NOT RECOMMEND TO THE STATE BOARD SCHOOL PLAN TYPES. FOR THE 2020-21 SCHOOL YEAR, EACH PUBLIC SCHOOL SHALL CONTINUE TO IMPLEMENT THE SCHOOL PLAN TYPE THAT WAS ASSIGNED FOR THE PRECEDING SCHOOL YEAR.

SECTION 48. In Colorado Revised Statutes, 22-63-203, **add** (3.5) as follows:

22-63-203. Probationary teachers - renewal and nonrenewal of employment contract - repeal. (3.5) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE CONTRARY, THE JUNE 1 DEADLINE FOR WRITTEN NOTICE OF CONTRACT NONRENEWAL SET FORTH IN SUBSECTION (3) OF THIS SECTION IS EXTENDED TO JUNE

26, 2020, FOR PROBATIONARY TEACHERS EMPLOYED BY A SCHOOL DISTRICT ON A FULL-TIME BASIS DURING THE 2019-20 SCHOOL YEAR, SO LONG AS THE RECOMMENDATION FOR CONTRACT NONRENEWAL MADE PURSUANT TO SUBSECTION (4) OF THIS SECTION IS FOR REASONS RELATING TO BUDGETARY SHORTFALLS. THE JUNE 1 DEADLINE FOR WRITTEN NOTICE SET FORTH IN SUBSECTION (3) OF THIS SECTION IS STILL APPLICABLE TO ANY NONRENEWAL OF PROBATIONARY STAFF THAT IS NOT DIRECTLY RELATED TO BUDGETARY SHORTFALLS. FOR PURPOSES OF THIS SUBSECTION (3.5), A BUDGETARY SHORTFALL REFERS TO A REDUCTION IN STATE EDUCATION FUNDING THAT WAS NOT ANTICIPATED BEFORE MARCH 30, 2020.

(b) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 49. In Colorado Revised Statutes, 36-1-116, **amend** (1)(a)(II)(A); and **add** (1)(a)(II)(C) and (1)(c)(III) as follows:

36-1-116. Disposition of rentals, royalties, and timber sale proceeds.

(1) (a) (II) (A) Except as provided in ~~sub-subparagraph (B) of this subparagraph (II)~~ SUBSECTIONS (1)(a)(II)(B) AND (1)(a)(II)(C) OF THIS SECTION, for the 2010-11 state fiscal year and each state fiscal year thereafter, the proceeds received by the state for the sale of timber on public school lands, lease payments and rental payments for said lands, rental payments for the use and occupation of the surface of said lands, and rentals or lease payments for sand, gravel, clay, stone, coal, oil, gas, geothermal resources, gold, silver, or other minerals on said lands other than proceeds, rentals, and payments allocated to the state land board trust administration fund pursuant to section 36-1-145 (3) or credited to the public school capital construction assistance fund created in section 22-43.7-104 (1), ~~C.R.S.~~; pursuant to section 22-43.7-104 (2)(b)(I), ~~C.R.S.~~, shall be credited to the permanent school fund and shall become part of the principal of the permanent school fund.

(C) FOR THE 2020-21 STATE FISCAL YEAR, ALL PROCEEDS RECEIVED BY THE STATE FOR THE SALE OF TIMBER ON PUBLIC SCHOOL LANDS, LEASE PAYMENTS AND RENTAL PAYMENTS FOR SAID LANDS, RENTAL PAYMENTS FOR THE USE AND OCCUPATION OF THE SURFACE OF SAID LANDS, AND RENTALS OR LEASE PAYMENTS FOR SAND, GRAVEL, CLAY, STONE, COAL, OIL, GAS, GEOTHERMAL RESOURCES, GOLD, SILVER, OR OTHER MINERALS ON SAID LANDS OTHER THAN PROCEEDS, RENTALS, AND PAYMENTS ALLOCATED TO THE STATE LAND BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3) OR CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104(1), PURSUANT TO SECTION 22-43.7-104 (2)(b)(I), SHALL BE TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114.

(c) (III) FOR THE 2020-21 STATE FISCAL YEAR, ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON PUBLIC SCHOOL LANDS NOT ALLOCATED TO THE STATE LAND BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3), NOT CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104(1), PURSUANT TO SECTION 22-43.7-104 (2)(b)(I), AND NOT CREDITED AS SPECIFIED IN SUBSECTION (1)(b)(II) OF THIS SECTION, SHALL BE TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114.

SECTION 50. Appropriation. For the 2020-21 state fiscal year, \$15,000,000

is appropriated to the department of education. This appropriation is from the public school capital construction assistance fund created in section 22-43.7-104, C.R.S. To implement this act, the department may use this appropriation for public school capital construction assistance board lease payments.

SECTION 51. Appropriation - adjustments to 2020 long bill. (1) To implement this act, appropriations made in the annual general appropriation act for the 2020-21 state fiscal year to the department of education are adjusted as follows:

(a) The general fund appropriation for local school food purchasing programs is decreased by \$675,255, and the related FTE is decreased by 0.4 FTE;

(b) The general fund appropriation for the counselor corps grant program is decreased by \$250,000;

(c) The general fund appropriation for computer science education grants is decreased by \$250,000;

(d) The general fund appropriation for the grow your own educator program is decreased by \$22,933, and the related FTE is decreased by 0.3 FTE;

(e) The cash funds appropriation from the public school capital construction assistance fund created in section 22-43.7-104 (1), C.R.S., for public school capital construction assistance board - cash grants is decreased by \$100,000,000;

(f) The cash funds appropriation from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., for the K-5 social and emotional health program is decreased by \$2,500,000, and the related FTE is decreased by 1.0 FTE;

(g) The cash funds appropriation from the retaining teachers fund created in section 22-98-104 (1), C.R.S., for the retaining teachers grant program is decreased by \$2,500,000, and the related FTE is decreased by 1.0 FTE; and

(h) The cash funds appropriation from the state education fund created in section 17 (4)(a) of article IX of the state constitution for the advanced placement incentives pilot program is decreased by \$262,763, and the related FTE is decreased by 0.3 FTE.

SECTION 52. Appropriation - adjustments to 2020 long bill. (1) To implement this act, appropriations made in the annual general appropriation act for the 2020-21 state fiscal year to the department of education are adjusted as follows:

(a) The general fund appropriation for the state share of districts' total program funding is decreased by \$721,579,451;

(b) The appropriation for the state share of districts' total program funding is increased by \$120,464,187, which consists of \$7,664,187 from the state education fund created in section 17 (4)(a) of article IX of the state constitution and \$112,800,000 from the state public school fund created in section 22-54-114 (1), C.R.S.

SECTION 53. Appropriation to the department of education for the fiscal year beginning July 1, 2020. In section 2 of House Bill 20-1360, amend Part III (2)(A) Footnote 8, as follows:

Section 2. Appropriation.

8 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this footnote is to specify what portion of this appropriation is intended to be available for the Accelerating Students Through Concurrent Enrollment (ASCENT) Program for FY 2020-21. It is the General Assembly's intent that the Department of Education be authorized to utilize up to ~~\$3,978,000~~ \$3,655,000 of this appropriation to fund qualified students designated as ASCENT Program participants. This amount is calculated based on an estimated 500 FTE participants funded at a rate of ~~\$7,956~~ \$7,330 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

SECTION 54. Appropriation. For the 2020-21 state fiscal year, \$2,200,000 is appropriated to the department of education. This appropriation is from the state public school fund created in section 22-54-114 (1), C.R.S. To implement this act, the department may use this appropriation for audit recoveries and payments made pursuant to section 22-2-113 (1)(j), C.R.S.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

SECTION 55. Appropriation to the department of education for the fiscal year beginning July 1, 2019. In Session Laws of Colorado 2019, section 2 of chapter 454, (SB 19-207), **amend** Part III (2)(C)(4), and the affected totals, as Part III (2)(C)(4) and the affected totals are amended by section 9 of HB 20-1360, and as the affected totals are amended by section 3 SB 20-1260, and as the affected totals are amended by section 1 of SB 20-1244, as follows:

Section 2. **Appropriation.**

**PART III
DEPARTMENT OF EDUCATION**

(2) ASSISTANCE TO PUBLIC SCHOOLS

(C) Grant Programs, Distributions, and Other Assistance

(4) Professional Development and Instructional Support

Content Specialists	493,506		493,506 ^b
			(5.0 FTE)
School Bullying Prevention and Education Cash Fund	2,000,000		2,000,000 ^c
Office of Dropout Prevention and Student Reengagement	3,022,489	1,018,210	2,004,279 ^c
		(1.3 FTE)	(0.9 FTE)

Stipends for Nationally Board Certified Teachers	2,103,256		2,103,256 ^b	
Grow Your Own Educator Program	22,933	22,933 (0.3 FTE)		
Quality Teacher Recruitment Program	1,040,000 40,000		1,040,000^b 40,000 ^b	
Retaining Teachers Fund	3,000,000	3,000,000		
Retaining Teachers Grant Program	2,500,000		1,000,000(I) ⁱ (1.0 FTE)	1,500,000(I) ⁱ
Career Counseling Professional Development	1,000,000	1,000,000		
Transfer to the Department of Higher Education for Rural Teacher Recruitment, Retention, and Professional Development	240,000		240,000 ^b	
English Language Learners Technical Assistance	396,185	341,055 (4.5 FTE)	55,130 ^b (0.5 FTE)	
English Language Proficiency Act Excellence Award Program	500,000		500,000 ^b	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
English Language Learners Professional Development and Student Support Program	27,000,000				27,000,000 ^b		
Advanced Placement Incentives Pilot Program	261,666				261,666 ^b (0.3 FTE)		
School Transformation Grant Program	4,317,145		2,314,027 (1.8 FTE)		2,003,118 ^b (1.2 FTE)		
Computer Science Education Grants for Teachers	1,048,600				1,048,600 ^b (0.4 FTE)		
Advanced Placement Exam Fee Grant Program	560,583		560,583 (0.4 FTE)				
Educator Perception	<u>75,000</u>		75,000				
	49,581,363						
	48,581,363						

^a This amount shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S., from interest and income earned on the investment of money in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3)(g), C.R.S.

^b These amounts shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

^c These amounts shall be from the Start Smart Nutrition Program Fund created in Section 22-82.7-105 (1), C.R.S., including \$900,000 reappropriated funds from General Fund money appropriated to the Start Smart Nutrition Program Fund line item in FY 2019-20 and \$250,000 cash funds from Start Smart Nutrition Program Fund reserves.

^d This amount shall be from Medicaid funds transferred from the Department of Health Care Policy and Financing from the Transfer to Department of Education for Public School Health Services Administration line item in the Executive Director's Office.

^e These amounts shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

^f These amounts shall be from the Public School Capital Construction Assistance Fund created in Section 22-43.7-104 (1), C.R.S.

^g Of this amount, \$20,000,000 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution, and \$8,000,000 shall be from the Charter School Facilities Assistance Account, an account within the Public School Capital Construction Assistance Fund, created in Section 22-43.7-104 (2)(d), C.R.S. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

^h Of this amount, \$5,378,678 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., and \$865,254 shall be from the Early Literacy Fund created in Section 22-7-1210 (1), C.R.S., from money transferred from the State Education Fund pursuant to Section 22-7-1210 (1)(d)(I), C.R.S.

ⁱ These amounts shall be from the Retaining Teachers Fund created in Section 22-98-104 (1), C.R.S., including \$1,500,000 reappropriated funds from General Fund money appropriated to the Retaining Teachers Fund line item in FY 2019-20 and \$1,000,000 cash funds from Retaining Teachers Fund reserves. Appropriations from the Retaining Teachers Fund are shown for informational purposes only because the Retaining Teachers Fund is continuously appropriated to the Department pursuant to Section 22-98-104 (3), C.R.S.

^j This amount shall be transferred from the Facility School Funding line item appropriation in the Assistance to Public Schools section of this department.

^k This amount shall be from various grants and donations.

^l This amount shall be transferred from the Department of Human Services from the Division of Early Care and Learning.

^m This amount shall be from the Contingency Reserve Fund created in Section 22-54-117 (1)(a), C.R.S.

ⁿ This amount shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S., from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Sections 22-54-114 (1) and 34-63-102, C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
TOTALS PART III (EDUCATION)	\$5,853,435,493	\$3,675,872,712	\$523,323,333 ^a	\$992,991,721^b	\$42,327,029 ^c	\$618,920,698 ^d
	<u>\$5,852,435,493</u>			<u>\$991,991,721^b</u>		

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

^b Of this amount, \$5,262,144 contains an (I) notation.

^c Of this amount, \$21,600,000 contains an (I) notation.

^d This amount contains an (I) notation.

SECTION 56. Federal funds. (1) For the 2019-20 state fiscal year, the general assembly anticipates that, in accordance with executive order D 2020 070, the department of education will receive \$510,000,000 in federal funds from the coronavirus relief fund for distribution to local education providers for expenditures associated with actions to facilitate compliance with COVID-19-related public health measures. This figure is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year.

(2) For the 2020-21 state fiscal year, the general assembly anticipates that the department of education will receive \$120,993,782 in federal funds from the elementary and secondary school emergency fund for distribution to local education agencies to address the impact COVID-19 has had and continues to have on elementary and secondary schools. This figure is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year.

(3) For the 2020-21 state fiscal year, the general assembly anticipates that, in accordance with executive order D 2020 070, the department of education will receive \$37,000,000 in federal funds from the coronavirus relief fund for distribution to local education providers for expenditures to respond to second-order effects of the COVID-19 emergency, in particular the increased number of at-risk pupils due to the COVID-19-driven recession. This figure is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year.

SECTION 57. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 30, 2020