

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 21-0999.02 Brita Darling x2241

**SENATE BILL 21-268**

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**SENATE SPONSORSHIP**

**Zenzinger and Lundeen,**

**HOUSE SPONSORSHIP**

**McLachlan and McCluskie,**

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**Senate Committees**

Education  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

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

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**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:

- Increases the statewide base per pupil funding for the 2021-22 budget year by \$141.67 to account for inflation of 2% for a new statewide base per pupil funding amount of \$7,225.28; and
- Sets the minimum statewide district total program funding

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.*

SENATE  
Amended 2nd Reading  
May 14, 2021

amount for the 2021-22 budget year and requires the dollar amount of the budget stabilization factor to remain the same for the 2022-23 budget year.

**Section 2** of the bill authorizes the state board of education (state board) to take action against an educator license, certificate, endorsement, or authorization if the educator is convicted of an offense under the laws of another state, the United States, or any territory subject to the jurisdiction of the United States, the elements of which are substantially similar to a felony drug offense described in part 4 of article 18 of title 18, Colorado Revised Statutes.

**Section 3** of the bill extends to 18 months the length of the accreditation contract entered into between the state board and each school district board of education (local school board) and the state charter school institute for the 2021-22 school year.

**Sections 4 and 5** of the bill extend by one month the deadline for a local school board to certify to the state board mileage for reimbursement from the public school transportation fund and for the state board to certify to the state treasurer the amount of reimbursements from the public school transportation fund.

**Section 6** of the bill changes the period of time in which the department of education (department) may establish an alternative pupil count day to within 45 school days after the first school day.

**Section 7** of the bill allows local education providers to carry forward more than 15% of the per-pupil intervention money received pursuant to the "READ Act" for the 2020-21 budget year for use in the 2021-22 budget year.

**Sections 8 and 9** of the bill adjust the amount of additional funding authorized in Senate Bill 21-053 that is available to school districts that fully fund total program with local revenue.

**Sections 10 and 11** of the bill authorizes a school district that operated a district preschool program under the "Colorado Preschool Program Act" in the 2019-20 school year with a waiver to serve children under 3 years of age to continue in subsequent school years to use the same number of preschool positions to serve children under 3 years of age who have multiple significant family risk factors.

**Section 12** of the bill extends the budget deadlines for the 2021-22 budget year for school districts and local college districts.

**Section 13** of the bill makes permanent statutory provisions that allow school district charter schools that convert to institute charter schools or institute charter schools that convert to school district charter schools to continue to receive funding for at-risk students using the funding formulas that applied to the charter schools prior to the conversion.

**Sections 14** of the bill requires the state board to review and accept or reject a local school board's proposed revisions to an existing

innovation school or innovation zone plan. The state board's determination must be based on serving the best interests of students, families, and the community.

**Section 15** of the bill removes the cap on appropriations for the school counselor corps grant program.

**Section 16** of the bill requires a board of cooperative services (BOCES) that intends to locate or operate a BOCES school within the geographic boundaries of a school district that is not a member of the BOCES during the 2021-22 school year to obtain written permission from the school district in which the school will be operated or located. The requirement for written consent does not apply to a BOCES school that is operating prior to the effective date of the bill.

**Section 17** of the bill provides additional funding for at-risk students for the 2021-22 budget year to school districts, district charter schools, and institute charter schools. The amount of funding is based on the number of pupils for the 2020-21 budget year who were English language learners, as defined in the bill, and the number of pupils who were eligible for reduced-price lunch. The department must distribute the amount of additional funding for at-risk students to each school district and institute charter school. Each school district that authorizes a charter school must distribute to the charter school the per pupil distribution amount for the eligible pupils enrolled in the charter school.

**Section 18** of the bill appropriates \$478,743,696 of general fund money to the department for the state share of districts' total program funding.

**Section 19** of the bill authorizes the use of appropriations for the Accelerating Students Through Concurrent Enrollment (ASCENT) program for the 2021-22 budget year.

**Section 20** of the bill appropriates \$400,000 from the state public school fund for school finance audit payments.

**Section 21** of the bill appropriates \$77,408,881 to the department from the state education fund for additional funding for at-risk students for the 2021-22 budget year.

**Section 22** of the bill appropriates \$2,000,000 from the state education fund for the school counselor corps grant program.

**Section 23** of the bill appropriates \$1,706,537 from the general fund to the department to restore funding to the following grant programs that had appropriations reduced or eliminated for the 2020-21 fiscal year:

- \$800,000 and 0.6 FTE for the ninth grade success program;
- \$375,807 for the school leadership program;
- \$280,730 for the accelerated college opportunity exam fee grant program; and
- \$250,000 and 0.3 FTE for the John W. Buckner automatic enrollment in advanced placement courses grant program.

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

2           **SECTION 1.** In Colorado Revised Statutes, 22-54-104, **add**  
3 (5)(a)(XXVIII) and (5)(g)(I)(L) as follows:

4           **22-54-104. District total program - definitions.** (5) For  
5 purposes of the formulas used in this section:

6           (a) (XXVIII) FOR THE 2021-22 BUDGET YEAR, THE STATEWIDE  
7 BASE PER PUPIL FUNDING IS \$7,225.28, WHICH IS AN AMOUNT EQUAL TO  
8 \$7,083.61, SUPPLEMENTED BY \$141.67 TO ACCOUNT FOR INFLATION.

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

20           (L) THAT, FOR THE 2021-22 BUDGET YEAR, THE SUM OF THE TOTAL  
21 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR  
22 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET  
23 STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION EIGHT HUNDRED  
24 SEVENTY MILLION TWENTY-SEVEN THOUSAND NINE HUNDRED SIXTY-FIVE  
25 DOLLARS (\$7,870,027,965); EXCEPT THAT THE DEPARTMENT OF  
26 EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE

1 MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES,  
2 INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED  
3 VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR  
4 YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE  
5 REDUCTION TO MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE  
6 APPLICABLE BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION  
7 (5)(g)(I)(L). FOR THE 2022-23 BUDGET YEAR, THE DIFFERENCE BETWEEN  
8 CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL  
9 STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE DIFFERENCE  
10 BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND  
11 ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE 2021-22 BUDGET  
12 YEAR.

13 **SECTION 2.** In Colorado Revised Statutes, 22-60.5-107, **amend**  
14 (2.6) as follows:

15 **22-60.5-107. Grounds for denying, annulling, suspending, or**  
16 **revoking license, certificate, endorsement, or authorization -**  
17 **definition.** (2.6) (a) In addition to the offenses described in subsection  
18 (2.5) of this section, the state board of education shall deny, annul,  
19 suspend, or revoke a license, certificate, endorsement, or authorization if  
20 the applicant for or holder of the license, certificate, endorsement, or  
21 authorization is convicted of a felony drug offense described in part 4 of  
22 article 18 of title 18, ~~C.R.S.~~, committed on or after August 25, 2012, OR  
23 IS CONVICTED OF AN OFFENSE UNDER THE LAWS OF ANOTHER STATE, THE  
24 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE  
25 UNITED STATES, COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS  
26 SUBSECTION (2.6)(a), AS AMENDED, THE ELEMENTS OF WHICH ARE  
27 SUBSTANTIALLY SIMILAR TO A FELONY DRUG OFFENSE DESCRIBED IN PART

1 4 OF ARTICLE 18 OF TITLE 18. The requirement that the state board of  
2 education deny, annul, suspend, or revoke a license, certificate,  
3 endorsement, or authorization shall only apply for a period of five years  
4 following the date the offense was committed.

5 (b) ~~Nothing in~~ This subsection (2.6) ~~shall~~ DOES NOT limit the  
6 authority of the state board of education to deny, annul, suspend, or  
7 revoke a license, certificate, endorsement, or authorization if the applicant  
8 or holder is convicted of a felony drug offense described in part 4 of  
9 article 18 of title 18, ~~C.R.S.~~, committed prior to August 25, 2012, OR IS  
10 CONVICTED OF AN OFFENSE UNDER THE LAWS OF ANOTHER STATE, THE  
11 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE  
12 UNITED STATES, COMMITTED PRIOR TO THE EFFECTIVE DATE OF THIS  
13 SUBSECTION (2.6), AS AMENDED, THE ELEMENTS OF WHICH ARE  
14 SUBSTANTIALLY SIMILAR TO A FELONY DRUG OFFENSE DESCRIBED IN PART  
15 4 OF ARTICLE 18 OF TITLE 18.

16 (c) ~~For purposes of~~ AS USED IN this subsection (2.6), "convicted"  
17 or "conviction" means a conviction by a jury verdict or by entry of a  
18 verdict or acceptance of a guilty plea or a plea of nolo contendere by a  
19 court.

20 **SECTION 3.** In Colorado Revised Statutes, 22-11-206, **add** (5)  
21 as follows:

22 **22-11-206. Accreditation of school districts and institute -**  
23 **contracts - rules - repeal.** (5) (a) NOTWITHSTANDING THE PROVISIONS  
24 OF SUBSECTION (2) OF THIS SECTION OR SECTION 22-11-208 TO THE  
25 CONTRARY, THE ACCREDITATION CONTRACT THAT THE STATE BOARD  
26 ENTERS INTO WITH EACH LOCAL SCHOOL BOARD AND WITH THE INSTITUTE  
27 AT THE BEGINNING OF THE 2021-22 SCHOOL YEAR SHALL HAVE A TERM OF

1 EIGHTEEN MONTHS.

2 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2023.

3 **SECTION 4.** In Colorado Revised Statutes, 22-51-105, **amend**  
4 (1) as follows:

5 **22-51-105. Certifications by school boards, governing boards,**  
6 **and facility schools - rules.** (1) On or before ~~August~~ SEPTEMBER 15 of  
7 each year, the school board of each school district entitled to and desiring  
8 reimbursement under this article 51, the state charter school institute  
9 board, and each facility school entitled to and desiring reimbursement  
10 under this article 51 shall certify to the state board of education, on forms  
11 provided by the commissioner of education, any information the board  
12 deems necessary to determine the reimbursement entitlement of the  
13 district, the institute, or the facility school. The information includes, but  
14 is not limited to, the total amount of the school district's, institute's, or  
15 facility school's current operating expenditures for pupil transportation  
16 during the preceding entitlement period, the total number of miles  
17 traveled and the total number of pupils transported on the pupil  
18 enrollment count day, as defined in section 22-54-103 (10.5), during the  
19 preceding entitlement period by vehicles operated by or for the school  
20 district, the institute, or the facility school in providing pupil  
21 transportation, and the transportation route descriptions in effect on the  
22 pupil enrollment count day.

23 **SECTION 5.** In Colorado Revised Statutes, 22-51-106, **amend**  
24 (1)(a) as follows:

25 **22-51-106. Certification to and payment by state treasurer -**  
26 **deficiency in fund.** (1) (a) On or before ~~October~~ NOVEMBER 15 of each  
27 year, the commissioner of education shall certify to the state treasurer the

1 amount of the advance reimbursement entitlement of each school district,  
2 the state charter school institute, and each facility school for the current  
3 entitlement period and the amount of the final reimbursement entitlement  
4 of each school district, the institute, and each facility school for the  
5 preceding entitlement period. The state treasurer shall thereupon pay from  
6 the public school transportation fund directly to the treasurer of each  
7 school district ~~which~~ THAT has elected under the law to withdraw its  
8 funds from the custody of the county treasurer, directly to the treasurer of  
9 the state charter school institute, and directly to the treasurer of each  
10 facility school the amount certified as the total reimbursement entitlement  
11 of the school district, the institute, or the facility school; and, for all other  
12 school districts, the state treasurer shall pay to the county treasurer of the  
13 county in which each school district has its headquarters the amount  
14 certified as the total reimbursement entitlement of each district, and the  
15 county treasurer shall forthwith credit to the general fund of each district  
16 in the county the amount certified therefor.

17 **SECTION 6.** In Colorado Revised Statutes, 22-54-103, **amend**  
18 (10.5)(a)(III) as follows:

19 **22-54-103. Definitions.** As used in this article 54, unless the  
20 context otherwise requires:

21 (10.5) (a) "Pupil enrollment count day" means October 1 of each  
22 year; except that:

23 (III) The department of education is authorized to establish  
24 alternative dates for determining pupil enrollment in appropriate  
25 circumstances, including, but not limited to, when schools are on a  
26 year-round schedule pursuant to section 22-32-109 (1)(n) and pupils will  
27 be on authorized breaks on October 1 within the applicable budget year;



1 except that such alternative dates shall be set not more than forty-five  
2 ~~calendar~~ SCHOOL days after the first school day ~~occurring after October~~  
3 ~~†~~ OF THE APPLICABLE SCHOOL YEAR.

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

6 **22-7-1210.5. Per-pupil intervention money - uses - distribution**  
7 **- monitoring - repeal.** (6) (b) (I) A local education provider may retain  
8 up to fifteen percent of the amount of per-pupil intervention money it  
9 receives in a budget year for use in accordance with this section in the  
10 next budget year. If a local education provider retains more than the  
11 amount authorized in this subsection (6)(b), the department shall reduce  
12 the amount of per-pupil intervention money that the local education  
13 provider is eligible to receive in the next budget year by the excess  
14 retention amount.

15 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION  
16 (6)(b)(I) OF THIS SECTION, A LOCAL EDUCATION PROVIDER MAY RETAIN  
17 MORE THAN FIFTEEN PERCENT OF THE AMOUNT OF PER-PUPIL  
18 INTERVENTION MONEY RECEIVED IN THE 2020-21 BUDGET YEAR FOR USE  
19 IN ACCORDANCE WITH THIS SECTION IN THE 2021-22 BUDGET YEAR.

20 (B) THIS SUBSECTION (6)(b)(II) IS REPEALED, EFFECTIVE JULY 1,  
21 2022.

22 **SECTION 8.** In Colorado Revised Statutes, 22-45-103, **amend**  
23 (1)(k) as follows:

24 **22-45-103. Funds - repeal.** (1) The following funds are created  
25 for each school district for purposes specified in this article 45.

26 (k) **Total program reserve fund.** (I) A school district shall  
27 deposit the property tax revenues that it collects from a tax levy imposed

1 pursuant to section 22-54-107 (5) in the total program reserve fund of the  
2 district. The district may expend money from the total program reserve  
3 fund only to offset the amount of a reduction in the district's state share  
4 caused by application of the budget stabilization factor pursuant to section  
5 22-54-104 (5)(g); except that, in a budget year in which the school district  
6 levies for its total program the number of mills calculated pursuant to  
7 section 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), or (2.1)(c)(I), whichever is  
8 applicable, if the balance of the total program reserve fund exceeds an  
9 amount equal to the district's total program for that budget year multiplied  
10 by the budget stabilization factor calculated pursuant to section 22-54-104  
11 (5)(g) for that budget year, the district may expend the amount of the  
12 excess balance. Any money remaining in the fund at the end of a fiscal  
13 year must remain in the fund and may be used in future years only as  
14 provided in this subsection (1)(k).

15 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION  
16 (1)(k)(I) OF THIS SECTION TO THE CONTRARY, FOR THE 2020-21 BUDGET  
17 YEAR, A DISTRICT MAY EXPEND MONEY FROM THE TOTAL PROGRAM  
18 RESERVE FUND TO ENSURE THAT THE DISTRICT'S TOTAL PROGRAM FUNDING  
19 FOR THE 2020-21 BUDGET YEAR MEETS THE CONDITIONS SET FORTH IN  
20 SECTION 22-54-143 (3)(a) AND (3)(b) AS ADDED BY SENATE BILL 21-053,  
21 ENACTED IN 2021.

22 (B) THIS SUBSECTION (1)(k)(II) IS REPEALED, EFFECTIVE JULY 1,  
23 2022.

24 **SECTION 9.** In Colorado Revised Statutes, 22-54-143, **amend**  
25 **as added by Senate Bill 21-053** (4) as follows:

26 **22-54-143. Additional funding - 2020-21 budget year -**  
27 **definitions - repeal.** (4) If a district's state share of total program funding

1 pursuant to section 22-54-106, before application of the budget  
2 stabilization factor pursuant to section 22-54-104 (5)(g), was estimated  
3 during the 2020 legislative session to be less than one-half of one percent  
4 of the district's total program funding for the 2020-21 budget year, the  
5 department of education, in determining the district's total program  
6 funding for the 2020-21 budget year for purposes of subsection (3) of this  
7 section, shall include the balance, as of ~~the effective date of Senate Bill~~  
8 ~~21-053~~ JULY 1, 2020, of the district's total program reserve fund  
9 established pursuant to section 22-45-103 (1)(k).

10 **SECTION 10.** In Colorado Revised Statutes, 22-28-106, **amend**  
11 (1)(a) introductory portion and (1)(a)(I) as follows:

12 **22-28-106. Eligibility of children for participation in district**  
13 **preschool program.** (1) (a) The state board shall establish, by rule,  
14 criteria for each school district to use in determining which children in the  
15 school district ~~shall be~~ ARE eligible for participation in the district  
16 preschool program, subject to the following requirements:

17 (I) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(B) OF THIS  
18 SECTION, a child who is three, four, or five years old and meets the criteria  
19 specified in ~~subparagraphs (II) to (IV) of this paragraph (a)~~ SUBSECTIONS  
20 (1)(a)(II) TO (1)(a)(IV) OF THIS SECTION and any other criteria established  
21 by rule may participate in the district preschool program.

22 (B) A SCHOOL DISTRICT THAT OPERATED A DISTRICT PRESCHOOL  
23 PROGRAM IN THE 2019-20 SCHOOL YEAR WITH A WAIVER TO SERVE  
24 CHILDREN UNDER THREE YEARS OF AGE MAY CONTINUE IN SUBSEQUENT  
25 SCHOOL YEARS TO USE THE SAME NUMBER OF PRESCHOOL POSITIONS USED  
26 FOR CHILDREN UNDER THREE YEARS OF AGE IN THE 2019-20 SCHOOL YEAR  
27 TO PROVIDE PRESCHOOL SERVICES TO CHILDREN UNDER THREE YEARS OF

1 AGE WHO HAVE MULTIPLE SIGNIFICANT FAMILY RISK FACTORS.

2 **SECTION 11.** In Colorado Revised Statutes, 22-54-103, **amend**  
3 (9.5)(b)(I) as follows:

4 **22-54-103. Definitions.** As used in this article 54, unless the  
5 context otherwise requires:

6 (9.5) (b) For purposes of determining preschool program  
7 enrollment for the 2008-09 budget year and each budget year thereafter,  
8 a district shall count and receive funding only for:

9 (I) Pupils enrolled in a district preschool program pursuant to  
10 section 22-28-104 who are three years old as of October 1 of the  
11 applicable budget year; EXCEPT THAT, SUBJECT TO THE LIMITATIONS  
12 SPECIFIED IN SECTION 22-28-106 (1)(a)(I)(B), A DISTRICT PRESCHOOL  
13 PROGRAM MAY COUNT PUPILS WHO ARE UNDER THREE YEARS OF AGE AS  
14 OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR; and

15 **SECTION 12.** In Colorado Revised Statutes, **amend** 22-44-103.7  
16 as follows:

17 **22-44-103.7. Budget provisions for the 2021-22 budget year -**  
18 **repeal.** (1) Notwithstanding any provision of law to the contrary, for the  
19 ~~2020-21~~ 2021-22 budget year:

20 (a) A board of education shall prepare and submit a proposed  
21 budget in accordance with section 22-44-108 not later than June 23, ~~2020~~  
22 2021;

23 (b) After submission of a proposed budget, but not later than June  
24 25, ~~2020~~ 2021, the board of education shall publish a notice of proposed  
25 school budget. The notice must be published in a newspaper having  
26 general circulation in the school district at least once prior to the date  
27 specified in the notice for consideration of the proposed school budget.

1 If there is no newspaper having general circulation in the school district,  
2 or the notice cannot be published in the newspaper prior to the date  
3 specified in the notice for consideration of the budget, the secretary of the  
4 board of education shall cause the notice to be posted for at least two  
5 business days in the administrative offices of the district and in two other  
6 public places in the district prior to the date specified in the notice for  
7 consideration of the budget.

8 (c) The provisions of section 22-44-104 apply if a board of  
9 education does not adopt a budget and an appropriation resolution by June  
10 30, ~~2020~~ 2021. After the adoption of the budget, the board may review  
11 and change the budget pursuant to section 22-44-110 (5).

12 (2) This section is repealed, effective July 1, ~~2021~~ 2022.

13 **SECTION 13.** In Colorado Revised Statutes, **repeal** 22-30.5-112  
14 (11)(b), 22-30.5-112.1 (7)(b), 22-30.5-112.2 (4)(b), 22-30.5-504  
15 (10)(d)(II), 22-30.5-510 (1)(a.7)(II), and 22-30.5-513 (5.5)(b).

16 **SECTION 14.** In Colorado Revised Statutes, 22-32.5-110,  
17 **amend** (1) as follows:

18 **22-32.5-110. District of innovation - review of innovation**  
19 **schools and innovation school zones.** (1) Three years after the local  
20 school board of a district of innovation approves an innovation plan or a  
21 plan for creating an innovation school zone, and every three years  
22 thereafter, the local school board shall review the level of performance of  
23 the innovation school and each public school included in the innovation  
24 school zone and determine whether the innovation school or innovation  
25 school zone is achieving or making adequate progress toward achieving  
26 the academic performance results identified in the school's or zone's  
27 innovation plan. The local school board, in collaboration with the

1 innovation school or the innovation school zone, may revise the  
2 innovation plan, including but not limited to revising the identification of  
3 the provisions of the collective bargaining agreement that need to be  
4 waived to implement the innovations, as necessary to improve or continue  
5 to improve academic performance at the innovation school or innovation  
6 school zone. Any revisions to the innovation plan shall require the  
7 consent of a majority of the teachers and a majority of the administrators  
8 employed at and a majority of the school accountability committee for  
9 each affected public school. THE STATE BOARD SHALL REVIEW AND  
10 ACCEPT OR REJECT A LOCAL SCHOOL BOARD'S PROPOSED REVISIONS TO AN  
11 EXISTING INNOVATION SCHOOL OR INNOVATION ZONE PLAN. THE STATE  
12 BOARD'S DETERMINATION MUST BE BASED ON SERVING THE BEST  
13 INTERESTS OF STUDENTS, FAMILIES, AND THE COMMUNITY.

14 **SECTION 15.** In Colorado Revised Statutes, 22-91-104, **amend**  
15 (5)(a) as follows:

16 **22-91-104. School counselor corps grant program - application**  
17 **- criteria - grant awards - rules - repeal.** (5) (a) Subject to available  
18 appropriations, ~~but not to exceed ten million dollars annually,~~ the state  
19 board shall award grants to applying education providers pursuant to this  
20 section. The state board shall base the grant awards on the department's  
21 recommendations. Each grant has a term of four years beginning in the  
22 2014-15 budget year. In making a grant award, the state board shall  
23 specify the amount of each grant.

24 **SECTION 16.** In Colorado Revised Statutes, 22-5-111, **add** (4)  
25 as follows:

26 **22-5-111. Buildings and facilities - repeal.**  
27 (4) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 5 TO THE

1 CONTRARY, DURING THE 2021-22 STATE FISCAL YEAR, BEFORE  
2 AUTHORIZING A FULL-TIME SCHOOL OR AN ADDITIONAL LOCATION OF AN  
3 EXISTING SCHOOL THAT IS PHYSICALLY LOCATED WITHIN THE GEOGRAPHIC  
4 BOUNDARIES OF A SCHOOL DISTRICT THAT IS NOT A MEMBER OF THE BOARD  
5 OF COOPERATIVE SERVICES, A BOARD OF COOPERATIVE SERVICES MUST  
6 OBTAIN WRITTEN CONSENT FROM SUCH SCHOOL DISTRICT.

7 (b) THE REQUIREMENT FOR WRITTEN CONSENT SET FORTH IN  
8 SUBSECTION (4)(a) OF THIS SECTION DOES NOT APPLY TO A SCHOOL  
9 AUTHORIZED OR OPERATING PRIOR TO THE EFFECTIVE DATE OF THIS  
10 SUBSECTION (4), SO LONG AS THE SCHOOL CONTINUES TO OPERATE FOR  
11 THE 2021-22 SCHOOL YEAR.

12 (c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2022.

13 **SECTION 17.** In Colorado Revised Statutes, **add** 22-54-143 as  
14 follows:

15 **22-54-143. Additional funding for eligible at-risk students for**  
16 **the 2021-22 budget year - legislative declaration - definitions - repeal.**

17 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
18 REQUIRES:

19 (a) "DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR  
20 REDUCED-PRICE LUNCH" MEANS THE NUMBER OF DISTRICT PUPILS ELIGIBLE  
21 FOR REDUCED-PRICE LUNCH IN GRADES ONE THROUGH EIGHT DIVIDED BY  
22 THE DISTRICT PUPIL ENROLLMENT IN GRADES ONE THROUGH EIGHT.

23 (b) "DISTRICT PUPIL ENROLLMENT" HAS THE SAME MEANING AS  
24 DEFINED IN SECTION 22-54-103 (1.5)(b)(II).

25 (c) "ELIGIBLE PUPIL COUNT" MEANS:

26 (I) FOR A DISTRICT, THE NUMBER OF PUPILS INCLUDED IN THE  
27 DISTRICT PUPIL ENROLLMENT FOR THE 2020-21 BUDGET YEAR WHO ARE

1 ENGLISH LANGUAGE LEARNERS PLUS THE GREATER OF:

2 (A) THE NUMBER OF PUPILS WHO ARE ELIGIBLE FOR  
3 REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL  
4 "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC.  
5 1751 ET SEQ., AS AMENDED; OR

6 (B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH  
7 THE FOLLOWING FORMULA:

8 DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR  
9 REDUCED-PRICE LUNCH x DISTRICT PUPIL ENROLLMENT.

10 (II) FOR A DISTRICT CHARTER SCHOOL AND AN INSTITUTE CHARTER  
11 SCHOOL, THE NUMBER OF PUPILS INCLUDED IN THE CHARTER SCHOOL'S  
12 PUPIL ENROLLMENT FOR THE 2020-21 BUDGET YEAR WHO ARE ENGLISH  
13 LANGUAGE LEARNERS PLUS THE NUMBER OF PUPILS WHO ARE ELIGIBLE FOR  
14 REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL  
15 "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC.  
16 1751 ET SEQ., AS AMENDED.

17 (d) "ENGLISH LANGUAGE LEARNER" MEANS AN ENGLISH  
18 LANGUAGE LEARNER AS DEFINED IN SECTION 22-24-103 (4) WHOSE SCORES  
19 WERE NOT INCLUDED IN CALCULATING SCHOOL ACADEMIC PERFORMANCE  
20 GRADES AS PROVIDED IN SECTION 22-7-1006.3 OR WHO TOOK AN  
21 ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 IN A  
22 LANGUAGE OTHER THAN ENGLISH.

23 (e) "PER PUPIL DISTRIBUTION AMOUNT" MEANS THE AMOUNT  
24 APPROPRIATED FOR PURPOSES OF THIS SECTION DIVIDED BY THE SUM OF  
25 THE ELIGIBLE PUPIL COUNT FOR ALL DISTRICTS AND ALL INSTITUTE  
26 CHARTER SCHOOLS.

27 (2)(a) SUBJECT TO AVAILABLE APPROPRIATIONS, FOR THE 2021-22



1 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL:

2 (I) DISTRIBUTE TO EACH DISTRICT AN AMOUNT EQUAL TO THE PER  
3 PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE ELIGIBLE PUPIL COUNT  
4 FOR THE DISTRICT; AND

5 (II) CALCULATE FOR EACH INSTITUTE CHARTER SCHOOL AND  
6 DISTRIBUTE TO THE STATE CHARTER SCHOOL INSTITUTE AN AMOUNT  
7 EQUAL TO THE PER PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE  
8 ELIGIBLE PUPIL COUNT FOR EACH INSTITUTE CHARTER SCHOOL. THE STATE  
9 CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO EACH INSTITUTE  
10 CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT RECEIVED FOR  
11 THE INSTITUTE CHARTER SCHOOL PURSUANT TO THIS SECTION.

12 (b) EACH DISTRICT THAT IS THE AUTHORIZER FOR A CHARTER  
13 SCHOOL SHALL CALCULATE FOR THE CHARTER SCHOOL AN AMOUNT EQUAL  
14 TO THE PER PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE CHARTER  
15 SCHOOL'S ELIGIBLE PUPIL COUNT. THE DISTRICT SHALL DISTRIBUTE TO  
16 EACH CHARTER SCHOOL ONE HUNDRED PERCENT OF THE PER PUPIL  
17 DISTRIBUTION AMOUNT CALCULATED PURSUANT TO THIS SUBSECTION  
18 (2)(b).

19 (3) THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF  
20 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ADDITIONAL  
21 FUNDING FOR AT-RISK STUDENTS FOR THE 2021-22 BUDGET YEAR IS FOR  
22 MEETING STATE ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE  
23 FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)  
24 OF ARTICLE IX OF THE STATE CONSTITUTION.

25 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

26 **SECTION 18. In Colorado Revised Statutes, amend 22-33-201.5**  
27 **as follows:**

1            22-33-201.5. Definitions. For purposes of AS USED IN this part 2,  
2            unless the context otherwise requires:

3            (1) "BEHAVIORAL MANAGEMENT PLAN" MEANS AN ACTION PLAN  
4            TO ADDRESS BEHAVIORAL, ATTENDANCE, AND TRUANCY ISSUES,  
5            INCLUDING APPROPRIATE SERVICES AND SUPPORTS THAT ARE DEVELOPED  
6            IN COORDINATION WITH STUDENTS, PARENTS, AND SCHOOL PERSONNEL.

7            (2) "CHRONIC ABSENTEEISM" MEANS A STUDENT IS ABSENT FOR  
8            ANY REASON, EXCUSED OR UNEXCUSED, TEN PERCENT OR MORE OF THE  
9            DAYS FOR WHICH THE STUDENT IS ENROLLED IN A PUBLIC SCHOOL DURING  
10           THE SCHOOL YEAR.

11           ~~(1)~~ (3) "Educational services" means any of the following types  
12           of services to provide instruction in the academic areas of reading,  
13           writing, mathematics, science, and social studies TO MEET STATE  
14           ACADEMIC STANDARDS, REDUCE COURSE FAILURE, AND INCREASE  
15           POSTSECONDARY AND WORKFORCE READINESS:

16           (a) Tutoring services, COURSE REMEDIATION, CREDIT RECOVERY,  
17           AND SUPPLEMENTAL EDUCATION SERVICES;

18           (b) Alternative educational programs; AND

19           (c) Career and technical education programs, WORK-BASED  
20           LEARNING OPPORTUNITIES, AND CONCURRENT ENROLLMENT.

21           ~~(2)~~ (4) "Facility school" means an approved facility school as  
22           defined in section 22-2-402 (1).

23           SECTION 19. In Colorado Revised Statutes, amend 22-33-202  
24           as follows:

25           22-33-202. Identification of at-risk students - attendance issues  
26           - disproportionate discipline practices. (1) Each school district shall  
27           adopt policies to identify students IN PRE-KINDERGARTEN THROUGH

1 TWELFTH GRADE who are at risk of suspension or expulsion from school.  
2 Students identified may include those who are truant, who have been or  
3 are likely to be declared habitually truant, or who are likely to be declared  
4 habitually disruptive DROPPING OUT OF SCHOOL DUE TO CHRONIC  
5 ABSENTEEISM AND DISCIPLINARY ACTIONS, INCLUDING CLASSROOM  
6 REMOVAL, SUSPENSION, AND EXPULSION. The school district shall provide  
7 students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are  
8 identified as at risk of suspension or expulsion DROPPING OUT OF SCHOOL  
9 DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS with a plan to  
10 provide the necessary support services to help them avoid expulsion  
11 REMAIN IN SCHOOL. The school district shall work with the student's  
12 parent or guardian in providing the services and may provide the services  
13 through agreements with appropriate local governmental agencies,  
14 appropriate state agencies, community-based organizations, and  
15 institutions of higher education entered into pursuant to section  
16 22-33-204. The failure of the school district to identify a student for  
17 participation in an expulsion-prevention program or the failure of such  
18 program to remediate a student's behavior shall not be grounds to prevent  
19 school personnel from proceeding with appropriate disciplinary measures  
20 or used in any way as a defense in an expulsion proceeding.

21 (2) Each school district may provide ATTENDANCE SUPPORTS,  
22 BEHAVIOR INTERVENTION, AND educational services to students IN  
23 PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are identified as at  
24 risk of suspension or expulsion from school DROPPING OUT OF SCHOOL  
25 DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS, INCLUDING  
26 CLASSROOM REMOVAL, SUSPENSION, AND EXPULSION. Any school district  
27 that provides educational services to students IN PRE-KINDERGARTEN

1 THROUGH TWELFTH GRADE who are at risk of suspension or expulsion  
2 DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR  
3 DISCIPLINARY ACTIONS may apply for moneys MONEY through the  
4 expelled and at-risk student services grant program established in section  
5 22-33-205 to assist in providing such ATTENDANCE SUPPORTS, BEHAVIOR  
6 INTERVENTION, AND educational services.

7 **SECTION 20.** In Colorado Revised Statutes, 22-33-203, amend  
8 (2) and (4) as follows:

9 **22-33-203. Educational alternatives for expelled students.**

10 (2) (a) Except as otherwise provided in paragraph (b) of this subsection  
11 (2) SUBSECTION (2)(b) OF THIS SECTION, upon request of a student or the  
12 student's parent or guardian, the school district shall provide, for any  
13 student who is expelled from the school district, any educational services  
14 that are deemed appropriate for the student by the school district. The  
15 educational services provided must be designed to enable the student to  
16 return to the school in which he or she was enrolled prior to expulsion, to  
17 successfully complete the high school equivalency examination, or to  
18 enroll in a nonpublic nonparochial school or in an alternative school,  
19 including but not limited to a charter school. or a pilot school established  
20 pursuant to article 38 of this title. The expelling school district shall  
21 determine the amount of credit the student must receive toward  
22 graduation for the educational services provided pursuant to this section.

23 (b) The educational services provided pursuant to this section are  
24 designed to provide a second chance for the student to succeed in  
25 achieving an education. While receiving educational services, a student  
26 may be suspended or expelled pursuant to the conduct and discipline code  
27 of the school district providing the educational services and the

1 provisions of part 1 of this ~~article~~ ARTICLE 33. Except as required by  
2 federal law, the expelling school district is not required to provide  
3 educational services to any student who is suspended or expelled while  
4 receiving educational services pursuant to this section until the period of  
5 the suspension or expulsion is completed.

6 (c)(I) Educational services provided pursuant to this section shall  
7 be provided by the expelling school district; except that the expelling  
8 school district may provide educational services either directly or in  
9 cooperation with one or more other school districts, boards of cooperative  
10 services, charter schools, OR nonpublic ~~nonparochial~~ schools or pilot  
11 schools established pursuant to article 38 of this title under contract with  
12 the expelling school district. Any program of educational services  
13 provided by a nonpublic ~~nonparochial~~ school shall be IS subject to  
14 approval by the state board of education pursuant to section 22-2-107.

15 (II) Educational services may be provided by the school district  
16 through agreements entered into pursuant to section 22-33-204. The  
17 expelling school district need not provide the educational services on  
18 school district property. Any expelled student receiving educational  
19 services shall be included in the expelling school district's pupil  
20 enrollment as defined in section 22-54-103 (10).

21 (d) If an expelled student is receiving educational services  
22 delivered by a school district other than the expelling school district, by  
23 a charter school in a school district other than the expelling school  
24 district, by a board of cooperative services, OR by a nonpublic  
25 ~~nonparochial~~ school, or by a pilot school pursuant to an agreement  
26 entered into pursuant to subparagraph (I) of paragraph (c) of this  
27 subsection (2) the expelling school district shall transfer ninety-five

1 percent of the district per-pupil revenues, as defined in section  
2 22-30.5-112 (2)(a.5)(II) to the school district, charter school, nonpublic  
3 nonparochial school, OR board of cooperative services or pilot school that  
4 is providing educational services, reduced in proportion to the amount of  
5 time remaining in the school year at the time the student begins receiving  
6 educational services.

7 (e) Any school district, charter school, nonpublic nonparochial  
8 school, OR board of cooperative services or pilot school that is providing  
9 educational services to expelled students pursuant to this subsection (2)  
10 may apply for moneys MONEY through the expelled student services grant  
11 program established in section 22-33-205 to assist in providing  
12 educational services.

13 (4) In addition to the educational services required under this  
14 section, a student who is at risk of suspension or expulsion OF DROPPING  
15 OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS  
16 or has been suspended or expelled, or the student's parent or guardian,  
17 may request any of the services provided by the school district through an  
18 agreement entered into pursuant to section 22-33-204, and the school  
19 district may provide such services.

20 **SECTION 21.** In Colorado Revised Statutes, 22-33-204, amend  
21 (1) and (3); and add (1.5) as follows:

22 **22-33-204. Services for at-risk students - agreements with**  
23 **state agencies and community organizations.** (1) Each school district,  
24 regardless of the number of students expelled by the district, may enter  
25 into agreements with appropriate local governmental agencies and, to the  
26 extent necessary, with the managing state agencies, including the  
27 department of human services and the department of public health and

1 environment; with community-based nonprofit and faith-based  
2 organizations; with nonpublic nonparochial schools; with the department  
3 of military and veterans affairs and with public and private institutions of  
4 higher education to work with the student's parent or guardian to provide  
5 services to any student IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE,  
6 or the student's family, who is identified as being at risk of suspension or  
7 expulsion or who has been suspended or expelled OF DROPPING OUT OF  
8 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS. Any  
9 services provided pursuant to an agreement with a nonpublic  
10 nonparochial school are subject to approval by the state board of  
11 education pursuant to section 22-2-107. Services provided through such  
12 agreements may include, but are not limited to:

13 (a) ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTIONS, AND  
14 educational services required to be provided under PURSUANT TO section  
15 22-33-203 (2) and any educational services provided to at-risk students  
16 identified STUDENTS WHO ARE IDENTIFIED AS AT RISK OF DROPPING OUT OF  
17 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS  
18 pursuant to section 22-33-202;

19 (b) Counseling services;

20 (c) Substance use disorder treatment programs;

21 (d) Family preservation services;

22 (e) and (f) (Deleted by amendment, L. 98, p. 570, § 3, effective  
23 April 30, 1998.)

24 (e) RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION  
25 22-32-144; AND

26 (f) ALTERNATIVES TO SUSPENSION SYSTEMS AND SUPPORTS.

27 (1.5) EACH SCHOOL DISTRICT, REGARDLESS OF THE NUMBER OF

1 STUDENTS EXPELLED BY THE DISTRICT, MAY ENTER INTO AGREEMENTS  
2 WITH APPROPRIATE LOCAL GOVERNMENT AGENCIES AND, TO THE EXTENT  
3 NECESSARY, WITH THE MANAGING STATE AGENCIES AS DESCRIBED IN  
4 SUBSECTION (1) OF THIS SECTION TO PROVIDE SERVICES AND TECHNICAL  
5 ASSISTANCE TO EMPLOYEES TO SUPPORT STUDENTS WHO ARE IDENTIFIED  
6 AS AT RISK OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM  
7 OR DISCIPLINARY ACTIONS. SERVICES AND TECHNICAL ASSISTANCE  
8 PROVIDED THROUGH SUCH AGREEMENTS MAY INCLUDE, BUT ARE NOT  
9 LIMITED TO:

10 (a) ATTENDANCE, DISCIPLINE, AND GRADING POLICIES AND  
11 PRACTICE REVIEW;

12 (b) TRAINING IN BEHAVIOR INTERVENTIONS AND CLASSROOM  
13 MANAGEMENT; AND

14 (c) EQUITY, DIVERSITY, AND INCLUSION TRAINING, INCLUDING  
15 ANTI-BIAS TRAINING.

16 (3) Each school district shall use a portion of its per-pupil  
17 revenues to provide services under agreements entered into pursuant to  
18 this section for each student who is at risk of suspension or expulsion or  
19 who is suspended or expelled FOR STUDENTS IN PRE-KINDERGARTEN  
20 THROUGH TWELFTH GRADE AT RISK OF DROPPING OUT OF SCHOOL DUE TO  
21 CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION TO IMPLEMENT THE  
22 SUPPORTS AND SERVICES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

23 In addition, the school district may use federal ~~moneys, moneys~~ MONEY,  
24 MONEY received from any other state appropriation, and ~~moneys~~ MONEY  
25 received from any other public or private grant to provide said services.

26 **SECTION 22.** In Colorado Revised Statutes, **amend 22-33-205**  
27 as follows:



1           22-33-205. Services for expelled and at-risk students - grants  
2 - criteria. (1) (a) There is hereby established in the department of  
3 education the expelled and at-risk student services grant program, referred  
4 to in this section as the "program". The program shall provide PROVIDES  
5 grants to school districts, to charter schools, to alternative schools within  
6 school districts, to nonpublic nonparochial schools, to boards of  
7 cooperative services, AND to facility schools and to pilot schools  
8 established pursuant to article 38 of this title to assist them in providing  
9 educational services, and other services provided pursuant to section  
10 22-33-204; to expelled students pursuant to section 22-33-203 (2); to  
11 students at risk of expulsion STUDENTS WHO ARE IDENTIFIED AS AT RISK  
12 OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR  
13 DISCIPLINARY ACTION as identified pursuant to section 22-33-202 (1); and  
14 to truant students PURSUANT TO SECTIONS 22-33-107 (3) AND 22-33-108  
15 (5). NONPUBLIC SCHOOLS MAY APPLY FOR A GRANT PURSUANT TO THIS  
16 SECTION ONLY TO FUND EDUCATIONAL SERVICES THAT HAVE BEEN  
17 APPROVED BY THE STATE BOARD PURSUANT TO SECTION 22-2-107.

18           (b) In addition to school districts, charter schools, alternative  
19 schools within school districts, nonpublic, nonparochial schools, boards  
20 of cooperative services, facility schools, and pilot schools, the department  
21 of military and veterans affairs may apply for a grant pursuant to the  
22 provisions of this section to assist the department with a program to  
23 provide educational services to expelled students; except that nonpublic,  
24 nonparochial schools may only apply for a grant pursuant to the  
25 provisions of this section to fund educational services that have been  
26 approved by the state board pursuant to section 22-2-107. The department  
27 shall follow application procedures established by the department of

1 education pursuant to subsection (2) of this section. The department of  
2 education shall determine whether to award a grant to the department of  
3 military and veterans affairs and the amount of the grant.

4 (c) Grants awarded pursuant to this section shall be paid for out  
5 of any moneys MONEY appropriated to the department of education for  
6 implementation of the program.

7 (2) (a) The state board by rule shall establish application  
8 procedures by which a school district, a charter school, an alternative  
9 school within a school district, a nonpublic nonparochial school, a board  
10 of cooperative services, a facility school or a pilot school may annually  
11 apply for a grant under the program. At a minimum, the application shall  
12 include a plan for provision of educational services, including the type of  
13 educational services to be provided, the estimated cost of providing such  
14 educational services, and the criteria that will be used to evaluate the  
15 effectiveness of the educational services provided. THE STATE BOARD  
16 SHALL ADOPT RULES PURSUANT TO THE "STATE ADMINISTRATIVE  
17 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, FOR THE IMPLEMENTATION OF  
18 THE PROGRAM, INCLUDING, BUT NOT LIMITED TO, RULES REGARDING:

19 (a) THE APPLICATION TIMELINE AND PROCEDURES BY WHICH A  
20 SCHOOL DISTRICT, A CHARTER SCHOOL, AN ALTERNATIVE SCHOOL WITHIN  
21 A SCHOOL DISTRICT, A NONPUBLIC SCHOOL, A BOARD OF COOPERATIVE  
22 SERVICES, OR A FACILITY SCHOOL MAY ANNUALLY APPLY FOR A GRANT  
23 UNDER THE PROGRAM;

24 (b) THE GRANT APPLICATION REQUIREMENTS, WHICH AT A  
25 MINIMUM MUST INCLUDE:

26 (I) A PLAN TO PROVIDE EDUCATIONAL SERVICES, ATTENDANCE  
27 SUPPORTS, AND BEHAVIOR INTERVENTIONS. THE PLAN MUST ADDRESS:

1           (A) DISPROPORTIONATE DISCIPLINE PRACTICES, CHRONIC  
2           ABSENTEEISM, AND ALTERNATIVES TO SUSPENSION AND EXPULSION; AND

3           (B) EFFECTIVE ATTENDANCE AND DISCIPLINE SYSTEMS, WHICH  
4           MAY INCLUDE MULTI-TIERED SYSTEMS OF SUPPORT, POSITIVE BEHAVIOR  
5           INTERVENTION MODELS, AND RESTORATIVE JUSTICE PRACTICES AS  
6           DESCRIBED IN SECTION 22-32-144;

7           (II) A DESCRIPTION OF THE SUPPORTS AND SERVICES TO BE  
8           PROVIDED, INCLUDING THE NUMBER OF STUDENTS SERVED AND HOW THE  
9           EFFECTIVENESS OF THE SUPPORTS AND SERVICES WILL BE DETERMINED  
10          AND MEASURED; AND

11          (III) THE TRAINING AND TECHNICAL ASSISTANCE PROVIDED TO  
12          ENSURE THE EFFECTIVE IMPLEMENTATION OF SUPPORTS, SERVICES, AND  
13          PROGRAMMING, WHICH MAY INCLUDE EQUITY, DIVERSITY, AND INCLUSION  
14          TRAINING;

15          ~~(b) (c)~~ The state board shall CRITERIA to determine which of the  
16          applicants shall receive grants and the amount of each grant. In awarding  
17          grants, the state board shall consider the following criteria:

18          (I) The costs incurred by the applicant in providing educational  
19          services to expelled or at-risk students pursuant to the provisions of this  
20          part 2 during the school year preceding the school year for which the  
21          grant is requested; THE QUALITY OF STUDENT SUPPORTS AND SERVICES  
22          PROVIDED UNDER THE PLAN AND THE LIKELIHOOD THAT THE PLAN WILL  
23          ACHIEVE ITS INTENDED RESULTS, INCLUDING:

24                (A) INCREASING ACADEMIC SUCCESS;

25                (B) REDUCING CHRONIC ABSENTEEISM;

26                (C) DECREASING CONDUCT AND DISCIPLINE CODE VIOLATIONS;

27                (D) INCREASING AGE-APPROPRIATE AND DEVELOPMENTALLY

1 APPROPRIATE DISCIPLINE METHODS; AND  
2 (E) INCREASING STUDENT AND FAMILY ENGAGEMENT;  
3 (II) (Deleted by amendment, L. 98, p. 570, § 4, effective April 30,  
4 1998.)  
5 (III) The number of expelled, at-risk, or ~~truant~~ CHRONICALLY  
6 ABSENT students who are receiving ATTENDANCE AND BEHAVIOR  
7 INTERVENTIONS AND educational services through the applicant under  
8 agreements entered into pursuant to the provisions of this part 2 during  
9 the school year preceding the year for which the grant is requested;  
10 (IV) The quality of educational services to be provided by the  
11 applicant under the plan;  
12 (V) The cost-effectiveness of the educational services to be  
13 provided under the plan, INCLUDING THE AMOUNT OF FUNDING REQUESTED  
14 BY THE APPLICANT IN RELATION TO THE COST OF THE SUPPORTS AND  
15 SERVICES TO BE PROVIDED UNDER THE PLAN;  
16 (VI) The amount of funding received by the applicant in relation  
17 to the cost of the educational services provided under the plan THE  
18 COST-EFFECTIVENESS AND QUALITY OF THE SERVICES DESCRIBED IN  
19 SECTION 22-33-204 (1.5) TO BE PROVIDED BY THE APPLICANT UNDER THE  
20 PLAN TO EMPLOYEES WHO SUPPORT STUDENTS AT RISK OF DROPPING OUT  
21 OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION; and  
22 (VII) If the applicant is seeking to renew a grant or has been  
23 awarded a grant pursuant to this section in the previous five years, the  
24 demonstrated effectiveness of the educational services funded by the  
25 previous grant OF SERVICES FUNDED BY THE PREVIOUS GRANT.  
26 (3) The state board shall annually award at least forty-five percent  
27 of any moneys appropriated for the program to applicants that provide

1 educational services to students from more than one school district and  
2 at least one-half of any increase in the appropriation for the program for  
3 the 2009-10 fiscal year to applicants that provide services and supports  
4 that are designed to reduce the number of truancy cases requiring court  
5 involvement and that also reflect the best interests of students and  
6 families. The services and supports shall include, but need not be limited  
7 to, alternatives to guardian ad litem representation in truancy proceedings.

8 (4) The department of education is authorized to retain up to one  
9 percent of any money appropriated for the program for the purpose of  
10 annually evaluating the program. The department of education is  
11 authorized and encouraged to retain up to an additional two percent of  
12 any money appropriated for the program for the purpose of partnering  
13 with organizations or agencies that provide services and supports that are  
14 designed to reduce the number of truancy cases requiring court  
15 involvement and that also reflect the best interests of students and  
16 families. The services and supports shall include, but need not be limited  
17 to, alternatives to guardian ad litem representation in truancy proceedings.  
18 Notwithstanding section 24-1-136 (11)(a)(I), on or before January 1,  
19 2006, and on or before January 1 each year thereafter, the department of  
20 education shall report to the education committees of the house of  
21 representatives and the senate, or any successor committees, the  
22 evaluation findings on the outcomes and the effectiveness of the program  
23 related to school attendance, attachment, and achievement. The report  
24 shall also include specific information on the efficacy of services and  
25 supports that provide alternatives to court involvement and guardian ad  
26 litem representation in truancy proceedings. AT A MINIMUM, THE REPORT  
27 MUST INCLUDE:

1           (a) SPECIFIC INFORMATION ON THE EFFICACY OF SERVICES AND  
2           SUPPORTS TO REDUCE TRUANCY COURT REFERRALS AND PROVIDE  
3           ALTERNATIVES TO TRUANCY COURT INVOLVEMENT;

4           (b) THE EFFECTIVENESS OF PROGRAM-RELATED ATTENDANCE,  
5           SUPPORTIVE SCHOOL DISCIPLINE, AND STUDENT ACHIEVEMENT, WHICH  
6           INCLUDE:

7           (I) ACADEMIC MEASURES, SUCH AS REDUCTION IN COURSE  
8           FAILURE, INCREASE IN GRADE POINT AVERAGE, AND ACCRUAL FOR CREDITS  
9           AT THE HIGH SCHOOL LEVEL;

10           (II) ATTENDANCE MEASURES, SUCH AS INCREASED ATTENDANCE  
11           RATES AND REDUCTIONS IN CHRONIC ABSENTEEISM;

12           (III) BEHAVIOR AND DISCIPLINE MEASURES, SUCH AS A DECLINE IN  
13           CLASSROOM REMOVAL, SUSPENSIONS, AND EXPULSION; A DECREASE IN  
14           EXCLUSIONARY DISCIPLINE ACTIONS; AND A REDUCTION IN REFERRALS TO  
15           LAW ENFORCEMENT, ARRESTS, AND TICKETING;

16           (IV) STUDENT ENGAGEMENT MEASURES, SUCH AS STUDENT AND  
17           PARENT ENGAGEMENT WITH THE SERVICES PROVIDED IN THE PLAN,  
18           PARTICIPATION IN PROGRAMS AND ACTIVITIES, AND THE NUMBER OF  
19           STUDENTS AND FAMILIES SERVED BY GRANT-FUNDED SERVICES;

20           (V) EFFICACY OF SERVICES AND SUPPORTS THAT ADDRESS  
21           DISPROPORTIONATE DISCIPLINE RATES AND THE CREATION OF  
22           AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE DISCIPLINE  
23           SYSTEMS; AND

24           (VI) EFFECTIVENESS OF TRAINING AND TECHNICAL ASSISTANCE  
25           PROVIDED BY THE GRANT FUNDS.

26           **SECTION 23. In Colorado Revised Statutes, 24-90-120, amend**  
27           **(2) introductory portion, (2)(c), and (4)(a); and add (2)(e), (2)(f), and (6)**

1 as follows:

2 24-90-120. Colorado imagination library program - creation  
3 - request for proposal - state librarian duties - report - legislative  
4 declaration - definitions. (2) Subject to available appropriations NO  
5 LATER THAN DECEMBER 31, 2021, the state librarian in the department of  
6 education shall contract with a Colorado nonprofit organization for the  
7 creation and operation of the Colorado imagination library program. The  
8 contractor shall:

9 (c) Develop, promote, and coordinate a public awareness  
10 campaign to make donors aware of the opportunity to donate to the  
11 affiliate program and IN COORDINATION WITH THE DEPARTMENT OF  
12 EDUCATION TO ENSURE ALIGNMENT WITH THE "COLORADO READ ACT",  
13 PART 12 OF ARTICLE 7 OF TITLE 22, INCLUDING ANY PUBLIC AWARENESS  
14 CAMPAIGN FOR THE "COLORADO READ ACT", AND TO make the public  
15 aware of the opportunity to register eligible children to receive FREE  
16 books through the program; and

17 (e) PROVIDE FOR A HIGH-QUALITY INDEPENDENT EVALUATION OF  
18 THE IMPACT OF THE PROGRAM ON CHILD AND FAMILY OUTCOMES,  
19 INCLUDING CHILDLITERACY AND PARENT AND FAMILY ENGAGEMENT; AND

20 (f) ESTABLISH A DISTRESSED AFFILIATE FUND USING GIFTS,  
21 GRANTS, OR DONATIONS TO HELP COUNTY-BASED AFFILIATE PROGRAMS  
22 THAT HAVE FINANCIAL DIFFICULTY MEETING THE COUNTY-BASED  
23 AFFILIATE PROGRAMS' FUNDING REQUIREMENTS.

24 (4) (a) The contractor, in operating the program pursuant to  
25 subsection (2) of this section, shall pay to the national nonprofit  
26 foundation fifty percent of the statewide cost to provide FREE books to  
27 eligible children enrolled in the program, as determined by the national

1 nonprofit foundation. THE GENERAL ASSEMBLY SHALL ANNUALLY  
2 APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF  
3 EDUCATION FOR THE STATE LIBRARIAN TO DISTRIBUTE TO THE  
4 CONTRACTOR FOR THE STATE'S SHARE OF THE COST TO PROVIDE THE  
5 BOOKS.

6 (6) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE  
7 FULL FUNDING BY 2026 FOR ANY ELIGIBLE CHILD WHO WANTS PARTICIPATE  
8 IN THE PROGRAM.

9 (b) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
10 ASSEMBLY SHALL APPROPRIATE NINE HUNDRED SEVEN THOUSAND ONE  
11 HUNDRED FORTY DOLLARS FOR THE COLORADO IMAGINATION LIBRARY  
12 AND SHALL INCREASE THE APPROPRIATION IN SUBSEQUENT FISCAL YEARS  
13 AS NECESSARY TO MEET THE INTENTION OF THE GENERAL ASSEMBLY SET  
14 FORTH IN SUBSECTION (6)(a) OF THIS SECTION.

15 (c) TWENTY PERCENT OF MONEY APPROPRIATED FOR THE 2021-22  
16 STATE FISCAL YEAR, AND TEN PERCENT OF MONEY APPROPRIATED FOR THE  
17 2022-23 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, MAY BE USED  
18 FOR THE CONTRACTOR OPERATING THE PROGRAM FOR DUTIES SET FORTH  
19 IN SUBSECTIONS (2)(a) TO (2)(f) OF THIS SECTION.

20 **SECTION 24.** In Colorado Revised Statutes, 24-6-402, **amend**  
21 **(2)(c)(IV)** as follows:

22 **24-6-402. Meetings - open to public - legislative declaration -**  
23 **definitions.** (2) (c) (IV) For purposes of this section, "local public body"  
24 **includes municipalities, counties, school boards DISTRICTS, and special**  
25 **districts.**

26 **SECTION 25. Appropriation.** For the 2021-22 state fiscal year,  
27 \$478,743,696 is appropriated to the department of education. This



1 appropriation is from the general fund. To implement this act, the  
2 department may use this appropriation for the state share of districts' total  
3 program funding.

4 **SECTION 26. Appropriation to the department of education**  
5 **for the fiscal year beginning July 1, 2021.** Section 2 of SB 21-205,  
6 **amend** Part III (2)(A) Footnote 7, as follows:

7 Section 2. **Appropriation.**

8 7 Department of Education, Assistance to Public Schools, Public  
9 School Finance, State Share of Districts' Total Program Funding --  
10 Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this footnote  
11 is to specify what portion of this appropriation is intended to be available  
12 for the Accelerating Students Through Concurrent Enrollment (ASCENT)  
13 Program for FY 2021-22. It is the General Assembly's intent that the  
14 Department of Education be authorized to utilize up to ~~\$3,812,185~~  
15 \$4,060,500 of this appropriation to fund qualified students designated as  
16 ASCENT Program participants. This amount is calculated based on an  
17 estimated 500 FTE participants funded at a rate of ~~\$7,624~~ \$8,121 per FTE  
18 pursuant to Section 22-54-104 (4.7), C.R.S.

19 **SECTION 27. Appropriation.** For the 2021-22 state fiscal year,  
20 \$400,000 is appropriated to the department of education. This  
21 appropriation is from the state public school fund created in section  
22 22-54-114 (1), C.R.S. To implement this act, the department may use this  
23 appropriation for school finance audit payments.

24 **SECTION 28. Appropriation.** For the 2021-22 state fiscal year,  
25 \$77,408,881 is appropriated to the department of education. This  
26 appropriation is from the state education fund created in section 17 (4)(a)  
27 of article IX of the state constitution. To implement this act, the

1 department may use this appropriation for additional funding for at-risk  
2 students for the 2021-22 state fiscal year.

3 **SECTION 29. Appropriation.** For the 2021-22 state fiscal year,  
4 \$2,000,000 is appropriated to the department of education. This  
5 appropriation is from the state education fund created in section 17 (4)(a)  
6 of article IX of the state constitution. To implement this act, the  
7 department may use this appropriation for the school counselor corps  
8 grant program.

9 **SECTION 30. Appropriation.** (1) For the 2021-22 state fiscal  
10 year, \$2,200,444 is appropriated to the department of education. This  
11 appropriation is from the general fund. To implement this act, the  
12 department may use this appropriation as follows:

13 (a) \$800,000 for the ninth grade success program, which amount  
14 is based on an assumption that the department will require an additional  
15 0.6 FTE;

16 (b) \$375,807 for the school leadership pilot program;

17 (c) \$280,730 for the accelerated college opportunity exam fee  
18 grant program;     

19 (d) \$250,000 for the John W. Buckner automatic enrollment in  
20 advanced courses grant program, which amount is based on an  
21 assumption that the department will require an additional 0.3 FTE; and

22 (e) \$493,907 for the local accountability systems grant program,  
23 which amount is based on an assumption that the department will require  
24 an additional 0.4 FTE.

25 **SECTION 31. Appropriation.** (1) For the 2021-22 state fiscal  
26 year, \$5,500,000 is appropriated to the department of education. This  
27 appropriation is from the marijuana tax cash fund created in section

1 39-28.8-501 (1), C.R.S. To implement this act, the department may use  
2 this appropriation as follows:

3 (a) \$2,500,000 for the K-5 social and emotional health pilot  
4 program, which amount is based on an assumption that the department  
5 will require an additional 1.0 FTE; and

6 (b) \$3,000,000 for the behavioral health care professional  
7 matching grant program.

8 **SECTION 32. Appropriation.** (1) For the 2021-22 state fiscal  
9 year, \$2,000,000 is appropriated to the mill levy equalization fund created  
10 in section 22-30.5-513.1 (2)(a), C.R.S. This appropriation is from the  
11 general fund. The department of education is responsible for the  
12 accounting related to this appropriation.

13 (2) For the 2021-22 state fiscal year, \$2,000,000 is appropriated  
14 to the department of education. This appropriation is from reappropriated  
15 funds in the mill levy equalization fund under subsection (1) of this  
16 section. To implement this act, the department may use the appropriation  
17 for CSI mill levy equalization.

18 **SECTION 33. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety.