

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-1016.01 Jacob Baus x2173

HOUSE BILL 22-1390

HOUSE SPONSORSHIP

McCluskie and McLachlan,

SENATE SPONSORSHIP

Zenzinger,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

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

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

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

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

Section 2 of the bill:

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

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

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

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

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

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

Section 9 of the bill states that, if a school district permits a student whose parent or guardian is a resident of the state but not a resident of the district to attend school in the district, the school district shall not require the parent, guardian, or student to pay tuition to attend school in the district, regardless of when during the school year, or under what circumstances, the student enrolls in or attends school in the district.

Section 10 of the bill authorizes financial assistance through the educator recruitment and retention program to be used for applicants agreeing to teach for 3 years in educator shortage areas in the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (4) (a) Notwithstanding any provision of this article 5 to the contrary,
6 ~~during the 2021-22 state fiscal year~~ FROM JULY 1, 2021, THROUGH
7 DECEMBER 31, 2022, before authorizing a full-time school or an
8 additional location of an existing school that is physically located within
9 the geographic boundaries of a school district that is not a member of the
10 board of cooperative services, a board of cooperative services must obtain
11 written consent from such school district.

12 (b) The requirement for written consent set forth in subsection
13 (4)(a) of this section does not apply to a school authorized or operating
14 prior to June 11, 2021, so long as the school continues to operate ~~for the~~
15 ~~2021-22 school year~~ THROUGH DECEMBER 31, 2022.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **SECTION 9.** In Colorado Revised Statutes, 22-33-104.5, **amend**
10 **(6)(a)** as follows:

11 **22-33-104.5. Home-based education - legislative declaration -**
12 **guidelines - definitions.** (6) (a) (I) If a child is participating in a
13 nonpublic home-based educational program but also attending a public
14 school OR PUBLIC PROGRAM for a portion of the school day, the school
15 district of the ~~public school shall be~~ IS entitled to count such child in
16 accordance with the provisions of section 22-54-103 (10) for purposes of
17 determining pupil enrollment under the "Public School Finance Act of
18 1994", article 54 of this ~~title~~ TITLE 22.

19 (II) THE DEPARTMENT OF EDUCATION SHALL, UPON REQUEST OF A
20 SCHOOL DISTRICT, ASSIGN A SEPARATE SCHOOL CODE TO A PROGRAM
21 OFFERED THROUGH A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF
22 COOPERATIVE SERVICES, DESIGNED TO PROVIDE ENRICHMENT SUPPORTS
23 AND SERVICES TO STUDENTS PARTICIPATING IN NONPUBLIC HOME-BASED
24 EDUCATIONAL PROGRAMS. SUCH PROGRAMS ARE COMMONLY REFERRED
25 TO AS HOMESCHOOL PROGRAMS OR HOMESCHOOL ENRICHMENT
26 PROGRAMS. THE PURPOSE OF PROVIDING A SEPARATE SCHOOL CODE IS TO
27 FACILITATE THE AUTONOMY OF HOMESCHOOL FAMILIES AND TO EMPOWER

1 THEM TO ACCESS ADDITIONAL OPPORTUNITIES, SUPPORTS, AND RESOURCES
2 FOR THEIR CHILDREN.

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

5 **22-36-101. Choice of programs and schools within school**
6 **districts.** (2) (a) Every school district shall adopt such policies and
7 procedures as are reasonable and necessary to implement the provisions
8 of subsection (1) of this section, including, but not limited to, timelines
9 for application to and acceptance in any program or school ~~which~~ THAT
10 may provide for enrollment of the student on or before the pupil
11 enrollment count day, and, while adopting policies and procedures, the
12 school district shall consider adopting a policy establishing that an
13 applicant with a proficiency rating of unsatisfactory in one or more
14 academic areas who attends a public school that is required to implement
15 a turnaround plan pursuant to section 22-11-406 or that is subject to
16 restructuring pursuant to section 22-11-210 shall have priority over any
17 other applicant for enrollment purposes. IF A SCHOOL DISTRICT PERMITS
18 A STUDENT WHOSE PARENT OR GUARDIAN IS A RESIDENT OF THE STATE BUT
19 NOT A RESIDENT OF THE DISTRICT TO ATTEND SCHOOL IN THE DISTRICT,
20 THE SCHOOL DISTRICT SHALL NOT REQUIRE THE PARENT, GUARDIAN, OR
21 STUDENT TO PAY TUITION TO ATTEND SCHOOL IN THE DISTRICT,
22 REGARDLESS OF WHEN DURING THE SCHOOL YEAR, OR UNDER WHAT
23 CIRCUMSTANCES, THE STUDENT ENROLLS IN OR ATTENDS SCHOOL IN THE
24 DISTRICT.

25 **SECTION 11.** In Colorado Revised Statutes, 22-60.3-204,
26 **amend** (1)(b) as follows:

27 **22-60.3-204. Program eligibility - financial assistance -**

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

8 **SECTION 12.** In Colorado Revised Statutes, 22-94-102, **amend**
9 (2)(f) as follows:

10 **22-94-102. Contract to create quality teacher recruitment**
11 **program.** (2) In awarding a contract pursuant to subsection (1) of this
12 section, the department shall take into consideration the number of
13 districts in which the vendor will place licensed teachers, the number of
14 licensed teachers that the vendor will place, and the potential number of
15 children who will be taught by the licensed teachers. The department shall
16 ensure that it awards the contract to one or more vendors that satisfy the
17 following criteria:

18 (f) The vendor commits to matching no less than one hundred
19 percent of any ~~moneys~~ MONEY that the department pays through a
20 contract entered into pursuant to subsection (1) of this section. A vendor
21 that responds to the department's solicitation for a contract issued
22 pursuant to subsection (1) of this section shall provide written
23 documentation from one or more private or corporate donors, OR ONE OR
24 MORE SCHOOL DISTRICTS OR OTHER LOCAL GOVERNMENTS, that pledge to
25 make gifts, grants, ~~or~~ donations, OR OTHER PLEDGES OF MONEY, WHICH
26 MAY INCLUDE IMPACT INCOME, SUCCESS PAYMENTS, AND SPONSORSHIP
27 AND EVENT INCOME, BUT SHALL NOT INCLUDE MONEY RECEIVED FROM

1 PROGRAM PARTICIPANTS, to the vendor that, in total, equal at least the
2 amount that the department has specified will be available for the
3 purposes of a contract pursuant to subsection (1) of this section for the
4 applicable fiscal year. The written documentation must also include the
5 date by which the vendor will receive the gifts, grants, or donations, OR
6 OTHER MONEY to be used in furtherance of the requirements of this article
7 ARTICLE 94.

8 SECTION 13. In Colorado Revised Statutes, 22-100-102, amend
9 (5)(b) as follows:

10 22-100-102. Local school food purchasing program - creation
11 - report - rules - repeal. (5) (b) The department is authorized to monitor
12 the school food purchasing program to ensure program integrity. and to
13 annually reallocate money among participating providers to maximize the
14 amount of the money given.

15 SECTION 14. In Colorado Revised Statutes, 22-102-103, amend
16 (4), (7), and (8) as follows:

17 22-102-103. Definitions. As used in this article 102, unless the
18 context otherwise requires:

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

1 concerns, including suicide prevention and intervention; crisis
2 intervention; social-emotional prevention programs, including character
3 education and violence prevention; mental health; protective factors for
4 at-risk students; and career awareness, exploration, and planning.

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

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

22 **SECTION 15.** In Colorado Revised Statutes, 22-102-104, **amend**
23 (1) and (2)(a) as follows:

24 **22-102-104. K-5 social and emotional health pilot program -**
25 **creation - selection of pilot schools - rules.** (1) There is created the K-5
26 social and emotional health pilot program in the department to determine
27 the impact of dedicated school mental health professionals in

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

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

25 **SECTION 16.** In Colorado Revised Statutes, 22-102-105, **amend**
26 (4)(a) as follows:

27 **22-102-105. Implementation of pilot program.** (4) (a) In

1 implementing the pilot program, the school mental health professionals
2 shall work as a team, with each professional providing services to
3 students and offering training and resources to school faculty and
4 administrators ~~that~~ WHO are authorized under the school mental health
5 professional's ~~special services~~ AUTHORIZATION OR THE PROFESSIONAL'S
6 license and endorsement.

7 **SECTION 17.** In Colorado Revised Statutes, 22-102-106, **amend**
8 (2)(a) as follows:

9 **22-102-106. Pilot program coordinator - evaluation of pilot**
10 **program - student impacts and outcomes.** (2) (a) The department shall
11 select a professional program evaluator to complete a preliminary
12 evaluation of the pilot program on or before September 1 of the second
13 full school year of implementation of the pilot program and a final
14 evaluation of the pilot program to be completed on or before September
15 1 immediately following the conclusion of the final school year of the
16 pilot program. Subject to available appropriations or gifts, grants, or
17 donations for the ~~three-year~~ FOUR-YEAR term of the pilot program, the
18 department shall contract with the evaluator in the school year prior to the
19 implementation of the pilot program in the pilot schools to create a
20 process for the collection and transmission of data and information to the
21 evaluator to ensure that the evaluator has the data and information
22 necessary to complete the preliminary and final reports concerning the
23 impact and outcomes of the pilot program. The pilot program evaluator,
24 in conjunction with the department, shall select a group of control schools
25 that have school characteristics and student demographics similar to those
26 of the pilot schools to serve as a control group for purposes of evaluating
27 the impacts and outcomes of the pilot program on participating students

1 and pilot schools. Data collected for pilot schools and control group
2 schools must include data from school climate and healthy schools
3 surveys for any grade in which such surveys have been created.

4 **SECTION 18.** In Colorado Revised Statutes, 24-90-120, **amend**
5 (4)(a) and (6)(c) as follows:

6 **24-90-120. Colorado imagination library program - creation**
7 **- request for proposal - state librarian duties - report - legislative**
8 **declaration - definitions.** (4) (a) The contractor, in operating the
9 program pursuant to subsection (2) of this section, shall pay to the
10 national nonprofit foundation ~~fifty percent~~ of the statewide cost to
11 provide free books to eligible children enrolled in the program, as
12 determined by the national nonprofit foundation. The general assembly
13 shall annually appropriate money from the general fund to the department
14 of education for the state librarian to distribute to the contractor for the
15 state's FIFTY PERCENT share of the cost to provide the books AND OPERATE
16 THE PROGRAM.

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

22 **SECTION 19.** In Colorado Revised Statutes, 29-1-606, **add** (9)
23 as follows:

24 **29-1-606. Submission of reports - repeal.**
25 (9) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE
26 CONTRARY, FOR A SCHOOL DISTRICT'S 2021-22 BUDGET YEAR, THE STATE
27 AUDITOR SHALL NOT AUTHORIZE THE COUNTY TREASURER TO PROHIBIT

1 THE RELEASE OF MONEY GENERATED BY THE SCHOOL DISTRICT PURSUANT
2 TO SUBSECTION (5)(b)(I) OF THIS SECTION, BUT SHALL GRANT THE SCHOOL
3 DISTRICT AN ADDITIONAL EXTENSION OF TWELVE MONTHS TO COMPLETE
4 THE AUDIT AND SUBMIT THE AUDIT REPORT, IF THE SCHOOL DISTRICT:

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

7 (II) HAS EXHAUSTED ALL AVAILABLE EXTENSIONS PERMITTED BY
8 THIS SECTION; AND

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

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

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

18 **SECTION 20.** In Colorado Revised Statutes, **amend 22-35-108**
19 **as follows:**

20 **22-35-108. Accelerating students through concurrent**
21 **enrollment program - objectives - non-tuition expenses - rules.**

22 (1) (a) There is hereby established the accelerating students through
23 concurrent enrollment program, ~~Beginning in the 2010-11 school year,~~
24 ~~the department shall administer the ASCENT program pursuant to the~~
25 ~~provisions of this section and guidelines established by the board pursuant~~
26 ~~to subsection (4) of this section.~~ WHICH IS AVAILABLE TO ALL QUALIFIED
27 STUDENTS WHO ARE DESIGNATED BY THEIR ENROLLING LOCAL EDUCATION

1 PROVIDERS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. The
2 objectives of the ASCENT program are to:

3 (I) Increase the percentage of students who participate in
4 postsecondary education, especially among low-income and traditionally
5 underserved populations;

6 (II) Decrease the number of students who do not complete high
7 school;

8 (III) Decrease the amount of time that is required for a student to
9 complete a postsecondary degree or certificate;

10 (IV) Reduce state expenditures for public education; and

11 (V) Increase the number of educational pathways available to
12 students.

13 (b) Notwithstanding any ~~other~~ provision of this ~~article~~ ARTICLE 35
14 TO THE CONTRARY, a qualified student who is designated by ~~the~~
15 ~~department~~ A LOCAL EDUCATION PROVIDER to be an ASCENT program
16 participant pursuant to subsection (2) of this section may concurrently
17 enroll in postsecondary courses, including academic courses and career
18 and technical education courses, in the year directly following the year in
19 which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth
20 grade of ~~a~~ THE local education provider.

21 (2) (a) ~~Subject to available appropriations, the department may~~
22 ~~designate as an ASCENT program participant any qualified student who~~
23 A LOCAL EDUCATION PROVIDER MAY DESIGNATE A QUALIFIED STUDENT AS
24 AN ASCENT PROGRAM PARTICIPANT IF THE QUALIFIED STUDENT:

25 (I) Has completed or is on schedule to complete at least ~~twelve~~
26 NINE credit hours of postsecondary course work prior to the completion
27 of ~~his or her~~ THE QUALIFIED STUDENT'S twelfth-grade year;

1 (II) Is not in need of a developmental education course;
2 (III) Has been selected for participation in the ASCENT program
3 by his or her high school principal or equivalent school administrator;
4 (IV) (III) Has been accepted into a postsecondary degree program
5 at an institution of higher education; AND
6 (V) Has satisfied any other selection criteria established by
7 guidelines established by the board pursuant to subsection (4) of this
8 section; and
9 (VI) (IV) Has not been designated AS an ASCENT program
10 participant in any A prior year.

11 (b) Repealed.

12 (c) (I) Repealed.

13 (H) (b) EACH LOCAL EDUCATION PROVIDER THAT DESIGNATES
14 QUALIFIED STUDENTS TO PARTICIPATE IN THE ASCENT PROGRAM SHALL,
15 AS PROVIDED BY STATE BOARD RULE, REPORT TO THE DEPARTMENT THE
16 ESTIMATED NUMBER OF ASCENT PROGRAM PARTICIPANTS THAT THE
17 LOCAL EDUCATION PROVIDER WILL ENROLL FOR THE FOLLOWING SCHOOL
18 YEAR. The department, as part of its annual budget request to the general
19 assembly, shall report the ESTIMATED total number of potential ASCENT
20 program participants for the following school year.

21 (III) Repealed.

22 (IV) The department shall not designate a greater number of
23 ASCENT program participants for a school year than the number of
24 participants that the general assembly approves for funding in the annual
25 general appropriation act for the applicable budget year.

26 (3) (a) The local education provider of a qualified student who is
27 designated by the department as an ASCENT program participant may

1 ~~include the student~~ A LOCAL EDUCATION PROVIDER MAY INCLUDE EACH
2 QUALIFIED STUDENT WHOM THE LOCAL EDUCATION PROVIDER DESIGNATES
3 TO PARTICIPATE IN THE ASCENT PROGRAM PURSUANT TO THIS SECTION
4 in the district's funded pupil count, or, in the case of a QUALIFIED student
5 enrolled in an institute charter school, in the FUNDED PUPIL COUNT OF THE
6 school's accounting district, as provided in section 22-54-103 (7).

7 (b) ~~A local education provider that receives extended high school~~
8 ~~funding, as described in section 22-54-104 (4.7), in a budget year for~~
9 ~~ASCENT program participants may expend the funding on behalf of~~
10 ~~ASCENT program participants who enroll in an institution of higher~~
11 ~~education during that budget year and on behalf of ASCENT program~~
12 ~~participants who, by May 1 of that budget year, are admitted to an~~
13 ~~institution of higher education to participate in the ASCENT program~~
14 ~~during the next budget year.~~

15 (c) ~~The local education provider shall certify to the department by~~
16 ~~May 10 of each year the list of ASCENT program participants who are~~
17 ~~admitted to an institution of higher education to participate in the~~
18 ~~ASCENT program during the next budget year. At the end of the budget~~
19 ~~year in which the local education provider receives the extended high~~
20 ~~school funding for ASCENT program participants, the local education~~
21 ~~provider shall remit to the department any remaining amount of the~~
22 ~~funding that the local education provider is not using for an ASCENT~~
23 ~~program participant who is included on the certified list.~~

24 (4) The board shall establish guidelines AS NECESSARY for the
25 administration of the ASCENT program. ~~including but not limited to~~
26 ~~selection criteria that the department may use pursuant to subparagraph~~
27 ~~(V) of paragraph (a) of subsection (2) of this section to designate~~

1 ~~qualified students as ASCENT program participants.~~

2 (5) For the purposes of part 5 of article 11 of this title 22
3 concerning school accountability reports, the department shall include
4 ASCENT program participants in the reporting requirements, regardless
5 of whether an ASCENT program participant has completed ~~his or her~~ THE
6 PARTICIPANT'S graduation requirements.

7 ~~(6)(a) Repealed.~~

8 ~~(b)~~ (6) For purposes of applying the provisions of article 11 of this
9 title 22 concerning school accountability and reporting graduation rates,
10 a qualified student who is an ASCENT program participant ~~shall~~ MUST
11 be counted in the enrolling school district's or institute charter school's
12 graduation rate in the school year in which the student completes the
13 school district's or institute charter school's minimum high school
14 graduation requirements. The state board of ~~education~~ shall promulgate
15 rules for schools and school districts to follow in satisfying state and
16 federal reporting requirements concerning the enrollment status of
17 ASCENT program participants. To the extent practicable, the rules must
18 ensure that schools and school districts are not adversely affected in
19 calculating and reporting the completion of high school graduation
20 requirements by qualified students who have been designated by ~~the~~
21 ~~department~~ LOCAL EDUCATION PROVIDERS as ASCENT program
22 participants. The rules must include, at a minimum, reporting
23 requirements relating to:

24 ~~(H)~~ (a) The provisions of article 7 of this title 22 concerning
25 educational accountability; and

26 ~~(H)~~ (b) The provisions of article 11 of this title 22 concerning
27 educational accreditation.

1 **SECTION 21.** In Colorado Revised Statutes, 22-35-105, **repeal**
2 (4) as follows:

3 **22-35-105. Financial provisions - payment of tuition.**

4 ~~(4) (a) Before paying the tuition for a course in which a qualified student~~
5 ~~concurrently enrolls, the local education provider in which the qualified~~
6 ~~student is enrolled shall require the qualified student and his or her parent~~
7 ~~or legal guardian to sign a document requiring repayment of the amount~~
8 ~~of tuition paid by the local education provider for the course on the~~
9 ~~qualified student's behalf if the qualified student does not complete the~~
10 ~~course for any reason without the consent of the principal of the student's~~
11 ~~high school.~~

12 ~~(b) If a qualified student concurrently enrolled in a course for~~
13 ~~whom a local education provider pays tuition does not complete the~~
14 ~~course for any reason without the consent of the principal of the high~~
15 ~~school in which the qualified student is enrolled, the qualified student or~~
16 ~~the qualified student's parent or legal guardian shall reimburse the local~~
17 ~~education provider, as provided in the document signed pursuant to~~
18 ~~paragraph (a) of this subsection (4), for the amount of tuition paid by the~~
19 ~~local education provider for the course.~~

20 ~~(c) A local education provider may adopt a policy that requires a~~
21 ~~qualified student and his or her parent or legal guardian to sign a~~
22 ~~document prior to the student's concurrent enrollment in a course, which~~
23 ~~document commits the student or his or her parent or legal guardian to~~
24 ~~reimburse the local education provider for the tuition paid by the local~~
25 ~~education provider for the course in the event that the student receives a~~
26 ~~failing grade in the course.~~

27 **SECTION 22.** In Colorado Revised Statutes, 22-35-103, **amend**

1 (6)(a) as follows:

2 **22-35-103. Definitions.** As used in this article 35, unless the
3 context otherwise requires:

4 (6) (a) "Concurrent enrollment" means the simultaneous
5 enrollment of a qualified student in a local education provider and in one
6 or more postsecondary courses, including academic or career and
7 technical education courses, which may include course work related to
8 apprenticeship programs or internship programs, at an institution of
9 higher education pursuant to the provisions of this article 35, at no tuition
10 cost to the qualified student or the qualified student's parent or legal
11 guardian. ~~except as provided in section 22-35-105 (4)(c).~~ As provided in
12 section 22-35-104 (5) and (6)(b)(II), upon successfully completing a
13 concurrent enrollment postsecondary course, the qualified student must
14 receive credit that applies to completion of high school graduation
15 requirements and postsecondary credit that applies toward completion of
16 developmental education courses, applies toward earning a certificate or
17 degree awarded through an approved postsecondary career and technical
18 education program, is approved by the department of higher education for
19 transfer from a two-year institution to a four-year institution in
20 satisfaction of prerequisite courses for a specific major, is approved for
21 statewide transfer pursuant to section 23-1-125, or is part of a statewide
22 degree transfer agreement pursuant to section 23-1-108 (7)(a).

23 **SECTION 23.** In Colorado Revised Statutes, 22-35-107, **amend**
24 (6) introductory portion, (6)(c), and (6)(d) as follows:

25 **22-35-107. Concurrent enrollment advisory board - created -**
26 **membership - duties - reports - repeal.** (6) The board ~~shall have~~ HAS
27 the following duties:

1 (c) Making recommendations as necessary to the general
2 assembly, the state board, and the commission concerning the
3 improvement or updating of state policies relating to concurrent
4 enrollment programs, including but not limited to recommendations of
5 policies that will allow every local education provider in the state to have
6 adequate resources to enter into at least one cooperative agreement; and
7 ~~recommendations of a funding allocation model, to be approved by the~~
8 ~~state board on or before July 1, 2013, in the event that the number of~~
9 ~~qualified students identified by local education providers exceeds~~
10 ~~available appropriations pursuant to section 22-35-108 (2);~~

11 (d) On or before ~~December 1, 2010~~ DECEMBER 1, 2022,
12 considering and making recommendations to the state board and the
13 education committees of the house of representatives and senate, or any
14 successor committees, regarding the feasibility of a waiver process
15 whereby a LOCAL EDUCATION PROVIDER, ON BEHALF OF A qualified
16 student, could apply to the department for a waiver of certain provisions
17 of section 22-35-108, which waiver would allow the LOCAL EDUCATION
18 PROVIDER TO DESIGNATE THE student ~~to be designated by the department~~
19 as an ASCENT program participant in the second year following the year
20 in which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth
21 grade of a THE local education provider so long as ~~he or she~~ THE
22 QUALIFYING STUDENT:

23 (I) Was so designated in the year directly following the year in
24 which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth
25 grade of a THE local education provider;

26 (II) Requires fifteen or fewer credit hours of postsecondary course
27 work to achieve a postsecondary credential; and

1 (III) Is eligible for free or ~~reduced-cost~~ REDUCED-PRICE lunch
2 pursuant to the federal "Richard B. Russell National School Lunch Act",
3 42 U.S.C. sec. 1751 et seq.;

4 **SECTION 24.** In Colorado Revised Statutes, 22-35-112, **amend**
5 (2)(g) as follows:

6 **22-35-112. Reports.** (2) On or before February 1, 2011, and on
7 or before February 1 each year thereafter through 2016, and on or before
8 April 1, 2017, and on or before April 1 each year thereafter, the
9 department and the department of higher education shall collaborate to
10 prepare and submit to the education committees of the senate and house
11 of representatives, or any successor committees, a report concerning the
12 concurrent enrollment of qualified students in postsecondary courses,
13 including academic courses and career and technical education courses,
14 and courses related to apprenticeship programs and internship programs.
15 The report must include, but need not be limited to:

16 (g) ~~FOR THE PREVIOUS SCHOOL YEAR, the total number of qualified~~
17 ~~students designated by the department as ASCENT or TREP program~~
18 ~~participants in the previous school year~~ THAT LOCAL EDUCATION
19 PROVIDERS DESIGNATED AS ASCENT PROGRAM PARTICIPANTS AND THE
20 TOTAL NUMBER OF QUALIFIED STUDENTS THE DEPARTMENT DESIGNATED
21 AS PARTICIPANTS IN THE TEACHER RECRUITMENT EDUCATION AND
22 PREPARATION PROGRAM;

23 **SECTION 25.** In Colorado Revised Statutes, 22-35-113, **amend**
24 (1)(f) as follows:

25 **22-35-113. Concurrent enrollment - website.** (1) By July 1,
26 2020, the department of education and the department of higher
27 education, with advice from the state board, shall make available to the

1 public a concurrent enrollment website to provide information to students,
2 parents, and legal guardians concerning concurrent enrollment options
3 and requirements. The departments must ensure that the website is clear,
4 easy to navigate, and generally user-friendly. In addition, the website
5 must at a minimum:

6 (f) Provide information concerning the payment of the costs of
7 concurrent enrollment, including tuition, which is not chargeable to the
8 student or the student's parent or legal guardian, ~~except as provided in~~
9 ~~section 22-35-105 (4)(c)~~, fees and books, which may be chargeable to the
10 student or the student's parent or legal guardian, and transportation;

11 **SECTION 26.** In Colorado Revised Statutes, 22-54-114, **amend**
12 **(4)(a)** as follows:

13 **22-54-114. State public school fund.** (4) (a) For the 1997-98
14 fiscal year and fiscal years thereafter, the net amount recovered by the
15 department of education during the applicable fiscal year, pursuant to
16 school district and institute charter school audits, as overpayments made
17 to school districts and institute charter schools ~~and any amount remitted~~
18 ~~by a school district or institute charter school pursuant to section~~
19 ~~22-35-108 (3)(c)~~, that would otherwise be transmitted to the state
20 treasurer for deposit in the general fund shall instead be transmitted to the
21 state treasurer for deposit in the state public school fund. The amount
22 shall be available for appropriation to the department of education in
23 subsequent fiscal years.

24 **SECTION 27.** In Colorado Revised Statutes, 23-18-202, **amend**
25 **(5)(c)(III)** as follows:

26 **23-18-202. College opportunity fund - appropriations -**
27 **payment of stipends - reimbursement - report.** (5) (c) (III) For an

1 eligible undergraduate student who has completed one or more college
2 courses while enrolled in high school pursuant to the "Concurrent
3 Enrollment Programs Act", article 35 of title 22, or while designated by
4 the department of education as an ASCENT program participant pursuant
5 to section 22-35-108 or as a TREP program participant pursuant to
6 section 22-35-108.5, or while enrolled in a pathways in technology early
7 college high school pursuant to article 35.3 of title 22, all college-level
8 credit hours earned by the student while so enrolled count against the
9 lifetime limitation described in subsection (5)(c)(I) of this section; except
10 that credit hours earned from enrollment in a developmental education
11 course, as defined in section 23-1-113 (11)(b), do not count against the
12 lifetime limitation.

13 **SECTION 28.** In Colorado Revised Statutes, 24-75-220, **add** (8)
14 as follows:

15 **24-75-220. State education fund - transfers - surplus -**
16 **legislative declaration.** (8) ON JULY 1, 2022, THE STATE TREASURER
17 SHALL TRANSFER THREE HUNDRED MILLION DOLLARS FROM THE GENERAL
18 FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF
19 ARTICLE IX OF THE STATE CONSTITUTION.

20 **SECTION 29. Appropriation.** For the 2022-23 state fiscal year,
21 \$100,000 is appropriated to the department of education. This
22 appropriation is from the general fund. The department may use this
23 appropriation for contracting with an external evaluator to perform the
24 evaluation of local accountability systems required pursuant to section
25 22-11-705 (5), C.R.S.

26 **SECTION 30. Safety clause.** The general assembly hereby finds,

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