

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

**REVISED**

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

LLS NO. 22-1016.01 Jacob Baus x2173

**HOUSE BILL 22-1390**

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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 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.*

SENATE  
Amended 2nd Reading  
May 5, 2022

HOUSE  
3rd Reading Unamended  
April 27, 2022

HOUSE  
Amended 2nd Reading  
April 26, 2022

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.

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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-TWO MILLION TWO HUNDRED SIXTEEN THOUSAND ONE HUNDRED  
10 FIFTY-NINE DOLLARS (\$8,422,216,159); 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 ONE YEAR AFTER  
3 NOTIFICATION BY THE COMMISSION, IN COORDINATION WITH THE  
4 DEPARTMENT OF EDUCATION, IF:

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

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

8 (III) THE PUBLIC SCHOOL WAS NOT IDENTIFIED PURSUANT TO  
9 SUBSECTION (4)(a) OF THIS SECTION.

10 (b) WHEN A PUBLIC SCHOOL DESCRIBED PURSUANT TO SUBSECTION  
11 (6)(a) OF THIS SECTION DISCONTINUES ITS USE OF AN AMERICAN INDIAN  
12 MASCOT PRIOR TO THE ONE-YEAR DEADLINE AFTER NOTIFICATION BY THE  
13 COMMISSION, IN COORDINATION WITH THE DEPARTMENT OF EDUCATION,  
14 THE PUBLIC SCHOOL SHALL NOTIFY ITS SCHOOL DISTRICT OR, IN THE CASE  
15 OF AN INSTITUTE CHARTER SCHOOL, THE STATE CHARTER SCHOOL  
16 INSTITUTE, THE COMMISSION, AND THE DEPARTMENT OF EDUCATION, OF  
17 THE DISCONTINUATION.

18 (c) FOR EACH MONTH DURING WHICH A PUBLIC SCHOOL DESCRIBED  
19 PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION USES AN AMERICAN  
20 INDIAN MASCOT AFTER THE ONE-YEAR DEADLINE AFTER NOTIFICATION BY  
21 THE COMMISSION, IN COORDINATION WITH THE DEPARTMENT OF  
22 EDUCATION, THE SCHOOL DISTRICT OF THE PUBLIC SCHOOL OR, IN THE  
23 CASE OF AN INSTITUTE CHARTER SCHOOL, THE STATE CHARTER SCHOOL  
24 INSTITUTE, SHALL PAY A FINE OF TWENTY-FIVE THOUSAND DOLLARS TO  
25 THE STATE TREASURER, WHO SHALL CREDIT THE MONEY RECEIVED TO THE  
26 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF  
27 THE STATE CONSTITUTION.

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

3           **22-5-111. Buildings and facilities - repeal.**

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

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

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

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

18           **22-7-1210.5. Per-pupil intervention money - uses - distribution**  
19 **- monitoring - repeal.** (6) (b) (II) (A) Notwithstanding the provisions of  
20 subsection (6)(b)(I) of this section, a local education provider may retain  
21 more than fifteen percent of the amount of per-pupil intervention money  
22 received in the 2020-21 ~~budget year~~ AND 2021-22 BUDGET YEARS for use  
23 in accordance with this section in the 2021-22 AND 2022-23 ~~budget year~~  
24 YEARS, RESPECTIVELY.

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

27           **SECTION 6.** In Colorado Revised Statutes, 22-11-703, **amend**

1 (5)(b) as follows:

2 **22-11-703. Local accountability system - grant program**

3 **established - repeal.** (5) (b) (I) The amount of a grant awarded pursuant

4 to this section must be at least twenty-five thousand dollars per budget

5 year but must not exceed fifty thousand dollars per budget year for a grant

6 awarded to a single local education provider and must not exceed

7 seventy-five thousand dollars per budget year for a grant awarded to a

8 group of local education providers. The department shall distribute the

9 amount of each grant over three budget years.

10 (II) (A) NOTWITHSTANDING ANY PROVISIONS OF SUBSECTION

11 (5)(b)(I) OF THIS SECTION TO THE CONTRARY, AS A RESULT OF THE

12 SUSPENSION OF FUNDING FOR THE LOCAL ACCOUNTABILITY SYSTEM GRANT

13 PROGRAM DURING THE 2020-21 BUDGET YEAR, THE 2020-21 BUDGET YEAR

14 IS NOT INCLUDED IN DETERMINING THE THREE BUDGET YEARS FOR GRANT

15 DISTRIBUTION.

16 (B) THIS SUBSECTION (5)(b)(II) IS REPEALED, EFFECTIVE JULY 1,

17 2024.

18 **SECTION 7.** In Colorado Revised Statutes, 22-11-705, **amend**

19 (5)(a) as follows:

20 **22-11-705. Local accountability systems - report.** (5) (a) (I) In

21 the third year of the grant program, the department shall contract with an

22 external evaluator, which may be a state institution of higher education,

23 to prepare a summary evaluation report of the implementation of the local

24 accountability systems that receive grants. The evaluation must, at a

25 minimum, include an evaluation of the success of each local

26 accountability system in evaluating student success and the processes for

27 ensuring a cycle of continuous improvement within the public schools of



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

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

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

16 **22-20.5-104. Pilot program - dyslexia markers - effective**  
17 **interventions - created - evaluation report - repeal.** (3) At the end of  
18 the ~~2021-22~~ 2022-23 school year, the department shall evaluate the  
19 implementation of the pilot program and the effectiveness of the  
20 strategies in identifying and supporting more students in the participating  
21 local education providers than were identified and supported in  
22 nonparticipating local education providers. Based on the evaluation, the  
23 department shall refine the resources for technical support, identification,  
24 and interventions, as necessary, and disseminate the resources to all local  
25 education providers in the state. Upon request, the department shall also  
26 provide the technical support necessary to effectively use the resources.

27 (4) On or before December 31, ~~2022~~ 2023, the department shall

1 submit to the state board of education and the education committees of  
2 the senate and the house of representatives, or any successor committees,  
3 a report concerning the implementation and evaluation of the pilot  
4 program. The department may include in the report any recommendations  
5 for legislation that the department deems necessary based on the  
6 evaluation of the pilot program.

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

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

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

1 CIRCUMSTANCES, THE STUDENT ENROLLS IN OR ATTENDS SCHOOL IN THE  
2 DISTRICT.

3 **SECTION 10.** In Colorado Revised Statutes, 22-54-117, **add**  
4 **(1)(a)(IX)** as follows:

5 **22-54-117. Contingency reserve - fund - repeal.** (1) (a) For the  
6 2007-08 fiscal year and fiscal years thereafter, the general assembly shall  
7 annually determine the amount to appropriate to the contingency reserve  
8 fund, which is hereby created in the state treasury. In deciding the amount  
9 to appropriate to the contingency reserve fund, the general assembly may  
10 take into consideration any recommendations made by the department of  
11 education, but nothing in this section obligates the general assembly to  
12 provide supplemental assistance to all districts that are found to be in  
13 need or to fully fund the total amount of such need. The state board may  
14 approve and order payments from the contingency reserve fund for  
15 supplemental assistance to districts determined to be in need as the result  
16 of any or all of the following circumstances:

17 (IX) (A) FOR THE 2021-22, 2022-23, AND 2023-24 BUDGET YEARS,  
18 UNUSUAL FINANCIAL BURDEN CAUSED BY THE WITHHOLDING OF LOCAL  
19 PROPERTY TAXES PURSUANT TO SECTION 29-1-606 (5) FOR A RURAL OR  
20 SMALL RURAL SCHOOL DISTRICT, AS DEFINED IN SECTION 22-7-1211 (4),  
21 BECAUSE OF A DELAY IN FILING THE AUDIT REPORT DUE TO  
22 EXTRAORDINARY PROBLEMS THAT COULD NOT HAVE BEEN REASONABLY  
23 FORESEEN OR PREVENTED BY THE RURAL OR SMALL RURAL SCHOOL  
24 DISTRICT.

25 (B) THIS SUBSECTION (1)(a)(IX) IS REPEALED, EFFECTIVE JULY 1,  
26 2026.

27 **SECTION 11.** In Colorado Revised Statutes, 22-54-119, **add (4)**

1 as follows:

2 22-54-119. General provisions. (4) THE DEPARTMENT OF  
3 EDUCATION SHALL ISSUE A SEPARATE SCHOOL CODE TO THE FOLLOWING  
4 PROGRAMS:

5 (a) THE APEX HOMESCHOOL PROGRAM IN ST. VRAIN VALLEY  
6 SCHOOL DISTRICT RE-1J;

7 (b) THE OPTIONS SCHOOL IN AURORA PUBLIC SCHOOLS; AND

8 (c) ANY SIMILAR STUDENT ENRICHMENT PROGRAM APPROVED FOR  
9 A NEW CODE BY THE DEPARTMENT OF EDUCATION ON OR AFTER MAY 21,  
10 2022.

11 **SECTION 12.** In Colorado Revised Statutes, 22-60.3-204,  
12 **amend** (1)(b) as follows:

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

21 **SECTION 13.** In Colorado Revised Statutes, 22-94-102, **amend**  
22 (2)(f) as follows:

23 **22-94-102. Contract to create quality teacher recruitment**  
24 **program.** (2) In awarding a contract pursuant to subsection (1) of this  
25 section, the department shall take into consideration the number of  
26 districts in which the vendor will place licensed teachers, the number of  
27 licensed teachers that the vendor will place, and the potential number of

1 children who will be taught by the licensed teachers. The department shall  
2 ensure that it awards the contract to one or more vendors that satisfy the  
3 following criteria:

4 (f) The vendor commits to matching no less than one hundred  
5 percent of any ~~moneys~~ MONEY that the department pays through a  
6 contract entered into pursuant to subsection (1) of this section. A vendor  
7 that responds to the department's solicitation for a contract issued  
8 pursuant to subsection (1) of this section shall provide written  
9 documentation from one or more private or corporate donors, OR ONE OR  
10 MORE SCHOOL DISTRICTS OR OTHER LOCAL GOVERNMENTS, that pledge to  
11 make gifts, grants, ~~or~~ donations, OR OTHER PLEDGES OF MONEY, WHICH  
12 MAY INCLUDE IMPACT INCOME, SUCCESS PAYMENTS, AND SPONSORSHIP  
13 AND EVENT INCOME, BUT SHALL NOT INCLUDE MONEY RECEIVED FROM  
14 PROGRAM PARTICIPANTS, to the vendor that, in total, equal at least the  
15 amount that the department has specified will be available for the  
16 purposes of a contract pursuant to subsection (1) of this section for the  
17 applicable fiscal year. The written documentation must also include the  
18 date by which the vendor will receive the gifts, grants, ~~or~~ donations, OR  
19 OTHER MONEY to be used in furtherance of the requirements of this ~~article~~  
20 ARTICLE 94.

21 **SECTION 14.** In Colorado Revised Statutes, 22-100-102, **amend**  
22 (5)(b) as follows:

23 **22-100-102. Local school food purchasing program - creation**  
24 **- report - rules - repeal.** (5) (b) The department is authorized to monitor  
25 the school food purchasing program to ensure program integrity. ~~and to~~  
26 ~~annually reallocate money among participating providers to maximize the~~  
27 ~~amount of the money given.~~

1           **SECTION 15.** In Colorado Revised Statutes, 22-102-103, **amend**  
2 (4), (7), and (8) as follows:

3           **22-102-103. Definitions.** As used in this article 102, unless the  
4 context otherwise requires:

5           (4) "School counselor" means a ~~counselor holding a master's~~  
6 ~~degree in educational counseling and a professional special services~~  
7 ~~license in Colorado~~ PERSON WITH A TEMPORARY EDUCATOR ELIGIBILITY  
8 AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111 (5) WHO IS  
9 WORKING TO ATTAIN A SPECIAL SERVICES PROVIDER LICENSE FOR SCHOOL  
10 COUNSELING, OR A LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS  
11 TITLE 22 with an endorsement in school counseling, including but not  
12 limited to the completion of course work in the areas of academic and  
13 social-emotional development; assessment for social and emotional  
14 concerns, including suicide prevention and intervention; crisis  
15 intervention; social-emotional prevention programs, including character  
16 education and violence prevention; mental health; protective factors for  
17 at-risk students; and career awareness, exploration, and planning.

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

25           (8) "School social worker" means a ~~social worker holding a~~  
26 ~~master's degree and a professional special services license in Colorado~~  
27 PERSON WITH A TEMPORARY EDUCATOR ELIGIBILITY AUTHORIZATION

1 ISSUED PURSUANT TO SECTION 22-60.5-111 (5) WHO IS WORKING TO  
2 ATTAIN A SPECIAL SERVICES PROVIDER LICENSE AS A SCHOOL SOCIAL  
3 WORKER, OR A LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS TITLE  
4 22 with an endorsement in school social work, including but not limited  
5 to the completion of course work in the areas of school and special  
6 education law, including content covering functional behavior assessment  
7 and the development of behavior intervention plans.

8 **SECTION 16.** In Colorado Revised Statutes, 22-102-104, **amend**  
9 (1) and (2)(a) as follows:

10 **22-102-104. K-5 social and emotional health pilot program -**  
11 **creation - selection of pilot schools - rules.** (1) There is created the K-5  
12 social and emotional health pilot program in the department to determine  
13 the impact of dedicated school mental health professionals in  
14 kindergarten through fifth grade in elementary schools that have  
15 high-poverty, high-need students. The pilot program is implemented  
16 within the selected pilot schools and administered by the department as  
17 a pilot program for ~~three consecutive~~ FOUR school years, unless extended  
18 by the general assembly. Subject to available appropriations or gifts,  
19 grants, or donations for the ~~three-year~~ FOUR-YEAR term of the pilot  
20 program, pursuant to section 22-102-106, the department shall employ or  
21 contract with a pilot program coordinator and contract for preliminary and  
22 final program evaluations of the pilot program. The ~~department~~ STATE  
23 BOARD OF EDUCATION shall promulgate any rules necessary for the  
24 administration of the pilot program.

25 (2) (a) Subject to available appropriations or gifts, grants, or  
26 donations for the ~~three-year~~ FOUR-YEAR term of the pilot program, no  
27 later than January 15 immediately preceding the first implementation

1 year, the department shall select up to ten pilot schools to participate in  
2 the pilot program. If available appropriations and gifts, grants, or  
3 donations are insufficient to fully fund the pilot program, the department  
4 may select fewer than ten pilot schools to participate in the pilot program.  
5 The department shall select pilot schools that exhibit the characteristics  
6 set forth in subsection (2)(b) of this section and that are appropriate test  
7 schools to evaluate the impact and effectiveness of the pilot program. The  
8 pilot schools must demonstrate a willingness to participate in the pilot  
9 program and to collect the data and information necessary for the  
10 evaluation of the pilot program.

11 **SECTION 17.** In Colorado Revised Statutes, 22-102-105, **amend**  
12 (4)(a) as follows:

13 **22-102-105. Implementation of pilot program.** (4) (a) In  
14 implementing the pilot program, the school mental health professionals  
15 shall work as a team, with each professional providing services to  
16 students and offering training and resources to school faculty and  
17 administrators ~~that~~ WHO are authorized under the school mental health  
18 professional's ~~special services~~ AUTHORIZATION OR THE PROFESSIONAL'S  
19 license and endorsement.

20 **SECTION 18.** In Colorado Revised Statutes, 22-102-106, **amend**  
21 (2)(a) as follows:

22 **22-102-106. Pilot program coordinator - evaluation of pilot**  
23 **program - student impacts and outcomes.** (2) (a) The department shall  
24 select a professional program evaluator to complete a preliminary  
25 evaluation of the pilot program on or before September 1 of the second  
26 full school year of implementation of the pilot program and a final  
27 evaluation of the pilot program to be completed on or before September



1 immediately following the conclusion of the final school year of the  
2 pilot program. Subject to available appropriations or gifts, grants, or  
3 donations for the ~~three-year~~ FOUR-YEAR term of the pilot program, the  
4 department shall contract with the evaluator in the school year prior to the  
5 implementation of the pilot program in the pilot schools to create a  
6 process for the collection and transmission of data and information to the  
7 evaluator to ensure that the evaluator has the data and information  
8 necessary to complete the preliminary and final reports concerning the  
9 impact and outcomes of the pilot program. The pilot program evaluator,  
10 in conjunction with the department, shall select a group of control schools  
11 that have school characteristics and student demographics similar to those  
12 of the pilot schools to serve as a control group for purposes of evaluating  
13 the impacts and outcomes of the pilot program on participating students  
14 and pilot schools. Data collected for pilot schools and control group  
15 schools must include data from school climate and healthy schools  
16 surveys for any grade in which such surveys have been created.

17 **SECTION 19.** In Colorado Revised Statutes, 24-90-120, **amend**  
18 (4)(a) and (6)(c) as follows:

19 **24-90-120. Colorado imagination library program - creation**  
20 **- request for proposal - state librarian duties - report - legislative**  
21 **declaration - definitions.** (4) (a) The contractor, in operating the  
22 program pursuant to subsection (2) of this section, shall pay to the  
23 national nonprofit foundation ~~fifty percent~~ of the statewide cost to  
24 provide free books to eligible children enrolled in the program, as  
25 determined by the national nonprofit foundation. The general assembly  
26 shall annually appropriate money from the general fund to the department  
27 of education for the state librarian to distribute to the contractor for the

1 state's FIFTY PERCENT share of the cost to provide the books. ==

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

7 == ==

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

10 **22-35-108. Accelerating students through concurrent**  
11 **enrollment program - objectives - non-tuition expenses - rules.**

12 (1) (a) There is hereby established the accelerating students through  
13 concurrent enrollment program, ~~Beginning in the 2010-11 school year,~~  
14 ~~the department shall administer the ASCENT program pursuant to the~~  
15 ~~provisions of this section and guidelines established by the board pursuant~~  
16 ~~to subsection (4) of this section.~~ WHICH IS AVAILABLE TO ALL QUALIFIED  
17 STUDENTS WHO ARE DESIGNATED BY THEIR ENROLLING LOCAL EDUCATION  
18 PROVIDERS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. The  
19 objectives of the ASCENT program are to:

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

23 (II) Decrease the number of students who do not complete high  
24 school;

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

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

1 (V) Increase the number of educational pathways available to  
2 students.

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

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

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

18 (II) Is not in need of a developmental education course;

19 ~~(III) Has been selected for participation in the ASCENT program~~  
20 ~~by his or her high school principal or equivalent school administrator;~~

21 ~~(IV) (III) Has been accepted into a postsecondary degree program~~  
22 ~~at an institution of higher education; AND~~

23 ~~(V) Has satisfied any other selection criteria established by~~  
24 ~~guidelines established by the board pursuant to subsection (4) of this~~  
25 ~~section; and~~

26 ~~(VI) (IV) Has not been designated AS an ASCENT program~~  
27 ~~participant in any A prior year.~~

1 ~~(b) Repealed.~~

2 ~~(c) (I) Repealed.~~

3 ~~(H) (b) EACH LOCAL EDUCATION PROVIDER THAT DESIGNATES~~  
4 ~~QUALIFIED STUDENTS TO PARTICIPATE IN THE ASCENT PROGRAM SHALL,~~  
5 ~~AS PROVIDED BY STATE BOARD RULE, REPORT TO THE DEPARTMENT THE~~  
6 ~~ESTIMATED NUMBER OF ASCENT PROGRAM PARTICIPANTS THAT THE~~  
7 ~~LOCAL EDUCATION PROVIDER WILL ENROLL FOR THE FOLLOWING SCHOOL~~  
8 ~~YEAR. The department, as part of its annual budget request to the general~~  
9 ~~assembly, shall report the ESTIMATED total number of potential ASCENT~~  
10 ~~program participants for the following school year.~~

11 ~~(HH) Repealed.~~

12 ~~(IV) The department shall not designate a greater number of~~  
13 ~~ASCENT program participants for a school year than the number of~~  
14 ~~participants that the general assembly approves for funding in the annual~~  
15 ~~general appropriation act for the applicable budget year.~~

16 (3) (a) ~~The local education provider of a qualified student who is~~  
17 ~~designated by the department as an ASCENT program participant may~~  
18 ~~include the student~~ A LOCAL EDUCATION PROVIDER MAY INCLUDE EACH  
19 QUALIFIED STUDENT WHOM THE LOCAL EDUCATION PROVIDER DESIGNATES  
20 TO PARTICIPATE IN THE ASCENT PROGRAM PURSUANT TO THIS SECTION  
21 in the district's funded pupil count, or, in the case of a QUALIFIED student  
22 enrolled in an institute charter school, in the FUNDED PUPIL COUNT OF THE  
23 school's accounting district, as provided in section 22-54-103 (7).

24 (b) ~~A local education provider that receives extended high school~~  
25 ~~funding, as described in section 22-54-104 (4.7), in a budget year for~~  
26 ~~ASCENT program participants may expend the funding on behalf of~~  
27 ~~ASCENT program participants who enroll in an institution of higher~~

1 education during that budget year and on behalf of ASCENT program  
2 participants who, by May 1 of that budget year, are admitted to an  
3 institution of higher education to participate in the ASCENT program  
4 during the next budget year.

5 (c) The local education provider shall certify to the department by  
6 May 10 of each year the list of ASCENT program participants who are  
7 admitted to an institution of higher education to participate in the  
8 ASCENT program during the next budget year. At the end of the budget  
9 year in which the local education provider receives the extended high  
10 school funding for ASCENT program participants, the local education  
11 provider shall remit to the department any remaining amount of the  
12 funding that the local education provider is not using for an ASCENT  
13 program participant who is included on the certified list.

14 (4) The board shall establish guidelines AS NECESSARY for the  
15 administration of the ASCENT program. including but not limited to  
16 selection criteria that the department may use pursuant to subparagraph  
17 (V) of paragraph (a) of subsection (2) of this section to designate  
18 qualified students as ASCENT program participants.

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

24 (6)(a) Repealed.

25 (b) (6) For purposes of applying the provisions of article 11 of this  
26 title 22 concerning school accountability and reporting graduation rates,  
27 a qualified student who is an ASCENT program participant shall MUST

1 be counted in the enrolling school district's or institute charter school's  
2 graduation rate in the school year in which the student completes the  
3 school district's or institute charter school's minimum high school  
4 graduation requirements. The state board of education shall promulgate  
5 rules for schools and school districts to follow in satisfying state and  
6 federal reporting requirements concerning the enrollment status of  
7 ASCENT program participants. To the extent practicable, the rules must  
8 ensure that schools and school districts are not adversely affected in  
9 calculating and reporting the completion of high school graduation  
10 requirements by qualified students who have been designated by the  
11 department LOCAL EDUCATION PROVIDERS as ASCENT program  
12 participants. The rules must include, at a minimum, reporting  
13 requirements relating to:

14 (H) (a) The provisions of article 7 of this title 22 concerning  
15 educational accountability; and

16 (H) (b) The provisions of article 11 of this title 22 concerning  
17 educational accreditation.

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

20 **22-35-105. Financial provisions - payment of tuition.**

21 ~~(4) (a) Before paying the tuition for a course in which a qualified student~~  
22 ~~concurrently enrolls, the local education provider in which the qualified~~  
23 ~~student is enrolled shall require the qualified student and his or her parent~~  
24 ~~or legal guardian to sign a document requiring repayment of the amount~~  
25 ~~of tuition paid by the local education provider for the course on the~~  
26 ~~qualified student's behalf if the qualified student does not complete the~~  
27 ~~course for any reason without the consent of the principal of the student's~~

1 high school.

2 (b) If a qualified student concurrently enrolled in a course for  
3 whom a local education provider pays tuition does not complete the  
4 course for any reason without the consent of the principal of the high  
5 school in which the qualified student is enrolled, the qualified student or  
6 the qualified student's parent or legal guardian shall reimburse the local  
7 education provider, as provided in the document signed pursuant to  
8 paragraph (a) of this subsection (4), for the amount of tuition paid by the  
9 local education provider for the course.

10 (c) A local education provider may adopt a policy that requires a  
11 qualified student and his or her parent or legal guardian to sign a  
12 document prior to the student's concurrent enrollment in a course, which  
13 document commits the student or his or her parent or legal guardian to  
14 reimburse the local education provider for the tuition paid by the local  
15 education provider for the course in the event that the student receives a  
16 failing grade in the course.

17 **SECTION 22.** In Colorado Revised Statutes, 22-35-103, amend  
18 (6)(a) as follows:

19 **22-35-103. Definitions.** As used in this article 35, unless the  
20 context otherwise requires:

21 (6) (a) "Concurrent enrollment" means the simultaneous  
22 enrollment of a qualified student in a local education provider and in one  
23 or more postsecondary courses, including academic or career and  
24 technical education courses, which may include course work related to  
25 apprenticeship programs or internship programs, at an institution of  
26 higher education pursuant to the provisions of this article 35, at no tuition  
27 cost to the qualified student or the qualified student's parent or legal

1 guardian. ~~except as provided in section 22-35-105 (4)(c).~~ As provided in  
2 section 22-35-104 (5) and (6)(b)(II), upon successfully completing a  
3 concurrent enrollment postsecondary course, the qualified student must  
4 receive credit that applies to completion of high school graduation  
5 requirements and postsecondary credit that applies toward completion of  
6 developmental education courses, applies toward earning a certificate or  
7 degree awarded through an approved postsecondary career and technical  
8 education program, is approved by the department of higher education for  
9 transfer from a two-year institution to a four-year institution in  
10 satisfaction of prerequisite courses for a specific major, is approved for  
11 statewide transfer pursuant to section 23-1-125, or is part of a statewide  
12 degree transfer agreement pursuant to section 23-1-108 (7)(a).

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

15 **22-35-107. Concurrent enrollment advisory board - created -**  
16 **membership - duties - reports - repeal.** (6) The board ~~shall have~~ HAS  
17 the following duties:

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



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

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

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

18 (III) Is eligible for free or ~~reduced-cost~~ REDUCED-PRICE lunch  
19 pursuant to the federal "Richard B. Russell National School Lunch Act",  
20 42 U.S.C. sec. 1751 et seq.;

21 **SECTION 24.** In Colorado Revised Statutes, 22-35-112, **amend**  
22 (2) introductory portion and (2)(g) as follows:

23 **22-35-112. Reports.** (2) ~~On or before February 1, 2011, and on~~  
24 ~~or before February 1 each year thereafter through 2016, and on or before~~  
25 ~~April 1, 2017, and on or before April 1 each year thereafter,~~ ON OR  
26 BEFORE APRIL 1, 2022, AND ON OR BEFORE MAY 1 EACH YEAR  
27 THEREAFTER, the department and the department of higher education shall

1 collaborate to prepare and submit to the education committees of the  
2 senate and house of representatives, or any successor committees, a report  
3 concerning the concurrent enrollment of qualified students in  
4 postsecondary courses, including academic courses and career and  
5 technical education courses, and courses related to apprenticeship  
6 programs and internship programs. The report must include, but need not  
7 be limited to:

8 (g) FOR THE PREVIOUS SCHOOL YEAR, the total number of qualified  
9 students ~~designated by the department as ASCENT or TREP program~~  
10 ~~participants in the previous school year~~ THAT LOCAL EDUCATION  
11 PROVIDERS DESIGNATED AS ASCENT PROGRAM PARTICIPANTS AND THE  
12 TOTAL NUMBER OF QUALIFIED STUDENTS THE DEPARTMENT DESIGNATED  
13 AS PARTICIPANTS IN THE TEACHER RECRUITMENT EDUCATION AND  
14 PREPARATION PROGRAM;

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

17 **22-35-113. Concurrent enrollment - website.** (1) By July 1,  
18 2020, the department of education and the department of higher  
19 education, with advice from the state board, shall make available to the  
20 public a concurrent enrollment website to provide information to students,  
21 parents, and legal guardians concerning concurrent enrollment options  
22 and requirements. The departments must ensure that the website is clear,  
23 easy to navigate, and generally user-friendly. In addition, the website  
24 must at a minimum:

25 (f) Provide information concerning the payment of the costs of  
26 concurrent enrollment, including tuition, which is not chargeable to the  
27 student or the student's parent or legal guardian, ~~except as provided in~~

1 ~~section 22-35-105 (4)(c)~~, fees and books, which may be chargeable to the  
2 student or the student's parent or legal guardian, and transportation;

3 **SECTION 26.** In Colorado Revised Statutes, 22-54-112, **amend**  
4 (2)(c) as follows:

5 **22-54-112. Reports to the state board.** (2) (c) On or before  
6 November 10 of each year, the secretary of the state charter school  
7 institute board shall certify to the state board the pupil enrollment, ~~and the~~  
8 ~~online pupil enrollment, AND THE EXTENDED HIGH SCHOOL PUPIL~~  
9 ~~ENROLLMENT~~ of each institute charter school taken in the preceding  
10 October.

11 **SECTION 27.** 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 28.** 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 29.** 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 30.** In Colorado Revised Statutes, 22-7-1006.3,  
21 **amend** (1)(d) as follows:

22 **22-7-1006.3. State assessments - administration - rules -**  
23 **repeal.** (1) (d) If all or any portion of a state assessment ADMINISTERED  
24 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION requires a student to  
25 use a computer to take the assessment, at the request of a local education  
26 provider, the department of education must administer the portions of the  
27 state assessment that require a computer in a format that a student may

1 complete using pencil and paper. Each local education provider shall  
2 report to the department the number of students it enrolls who will take  
3 the state assessment in a pencil-and-paper format.

4 **SECTION 31.** In Colorado Revised Statutes, 22-7-1013, amend  
5 (6) as follows:

6 **22-7-1013. Local education provider - preschool through**  
7 **elementary and secondary education standards - adoption - academic**  
8 **acceleration.** (6) Each local education provider shall adopt and  
9 implement a written policy by which the local education provider will  
10 decide whether the students enrolled by the local education provider will  
11 use pencil and paper to complete any portion of a state assessment  
12 administered pursuant to ~~section 22-7-1006.3~~ SECTION 22-7-1006.3 (1)(a)  
13 that the students would otherwise complete using a computer. The policy  
14 must ensure that the local education provider makes the decision in  
15 consultation with parents and, if the local education provider is a school  
16 district or board of cooperative services, the public schools that the local  
17 education provider operates. The local education provider may decide that  
18 the students in one or more of the public schools, or in one or more of the  
19 classrooms of the public schools, operated by the local education provider  
20 will use pencil and paper to complete the computerized portions of a state  
21 assessment. Each year before the start of fall semester classes, the local  
22 education provider shall distribute copies of the policy to the parents of  
23 students enrolled in the local education provider and post a copy of the  
24 policy on the local education provider's website.

25 **SECTION 32. Appropriation.** For the 2022-23 state fiscal year,  
26 \$100,000 is appropriated to the department of education. This  
27 appropriation is from the general fund. The department may use this

1 appropriation for contracting with an external evaluator to perform the  
2 evaluation of local accountability systems required pursuant to section  
3 22-11-705 (5), C.R.S.

4 **SECTION 33. Appropriation.** For the 2022-23 state fiscal year,  
5 \$184,125,900 is appropriated to the department of education. This  
6 appropriation consists of \$2,101,985 from the general fund and  
7 \$182,023,915 from the state education fund created in section 17 (4)(a)  
8 of article IX of the state constitution. To implement this act, the  
9 department may use this appropriation for the state share of districts' total  
10 program funding.

11 **SECTION 34. Appropriation.** (1) For the 2022-23 state fiscal  
12 year, \$1,000,000 is appropriated to the mill levy equalization fund created  
13 in section 22-30.5-513.1 (2)(a), C.R.S. This appropriation is from the  
14 general fund. The department of education is responsible for the  
15 accounting related to this appropriation.

16 (2) For the 2022-23 state fiscal year, \$1,000,000 is appropriated  
17 to the department of education. This appropriation is from reappropriated  
18 funds in the mill levy equalization fund under subsection (1) of this  
19 section. To implement this act, the department may use the appropriation  
20 for CSI mill levy equalization.

21 **SECTION 35. Appropriation to the department of education**  
22 **for the fiscal year beginning July 1, 2022.** Section 2 of HB 21-1329,  
23 **amend** Part IV (2)(A) Footnote 8, as follows:

24 Section 2. **Appropriation.**  
25 8 Department of Education, Assistance to Public Schools, Public  
26 School Finance, State Share of Districts' Total Program Funding --  
27 Pursuant to Section 22-35-108 (2)(a) and 22-35-108.5 (2)(b)(II), C.R.S.,

1 the purpose of this footnote is to specify what portion of this  
2 appropriation is intended to be available for the Accelerating Students  
3 Through Concurrent Enrollment (ASCENT) Program and the Teacher  
4 Recruitment Education and Preparation (TREP) Program for FY 2022-23.  
5 It is the General Assembly's intent that the Department of Education be  
6 authorized to utilize up to \$4,249,000 of this appropriation to fund  
7 qualified students designated as ASCENT Program participants and  
8 \$1,699,600 \$1,737,200 of this appropriation to fund qualified students  
9 designated as TREP Program participants. This amount is calculated  
10 based on an estimated 500 FTE participants and 200 FTE TREP Program  
11 participants funded at a rate of \$8,498 \$8,686 per FTE pursuant to  
12 Section 22-54-104 (4.7), C.R.S.

13 **SECTION 36. Appropriation.** (1) For the 2022-23 state fiscal  
14 year, \$196,086 is appropriated to the department of education. This  
15 appropriation is from the general fund. To implement this act, the  
16 department may use this appropriation as follows:

- 17 (a) \$127,973 for the dyslexia markers pilot program;
- 18 (b) \$43,113 for college and career readiness, which amount is  
19 based on an assumption that the department will require an additional 0.5  
20 FTE; and
- 21 (c) \$25,000 for information technology services.

22 **SECTION 37. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.