

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

REREVISED

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

LLS NO. 24-1023.09 Jacob Baus x2173

HOUSE BILL 24-1389

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House Committees
Appropriations

Senate Committees
Appropriations

SENATE
3rd Reading Unamended
April 5, 2024

A BILL FOR AN ACT

101 **CONCERNING PROVIDING FUNDING TO SCHOOLS IN THE 2023-24**
102 **BUDGET YEAR FOR INCREASES IN PUPIL ENROLLMENT AFTER THE**
103 **2023-24 BUDGET YEAR PUPIL ENROLLMENT COUNT DAY, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

SENATE
2nd Reading Unamended
April 4, 2024

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/>.)

HOUSE
3rd Reading Unamended
April 1, 2024

Joint Budget Committee. For the 2023-24 budget year, the bill appropriates \$24 million from the state education fund to the department of education (department) to distribute one-time funding to school

HOUSE
2nd Reading Unamended
March 28, 2024

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

districts and institute charter schools that enrolled new arrival students after the 2023-24 pupil enrollment count day.

The bill provides to each school district and each institute charter school that requests funding pursuant to the bill:

- An amount determined by a tiered schedule that is based on the total number of new arrival students who enrolled in the school district or institute charter schools after the 2023-24 pupil enrollment count day; and
- \$4,500 for each student who is in the school district's or institute charter schools' total net student population; except that, if the amount appropriated is insufficient to meet the demand, the department is required to proportionately reduce the \$4,500 amount.

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

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

4 (a) A federal government directive requires that states provide a
5 uniform public education that ensures equitable access to educational
6 opportunities for all students, regardless of background or location. The
7 directive's goal is to promote consistency in educational standards,
8 curriculum, and resources across the states in order to foster a level field
9 for all students.

10 (b) During the 2024 legislative session, the general assembly
11 accounted for the mid-year adjustment in school funding for the 2023-24
12 budget year, resulting in a decrease of \$23,964,790 to the state share of
13 total program funding, which amount remained in the state education
14 fund;

15 (c) Pursuant to section 22-54-103 (10.5), Colorado Revised
16 Statutes, the annual pupil enrollment count day generally occurs on
17 October 1 of each budget year. The annual pupil enrollment count day is
18 when school districts and institute charter schools count their students,

1 and that count affects the funding amount that a school district or institute
2 charter school receives for the budget year.

3 (d) Between October 1, 2023, and February 29, 2024, Colorado
4 experienced an unprecedented influx of new arrival students enrolling in
5 schools across the state;

6 (e) The influx of new arrival students highlights the critical need
7 for increased funding. This sudden influx has strained existing school
8 infrastructure and staffing, led to overcrowded classrooms, stretched
9 resources, and increased complexity to the student learning environment.
10 Schools are scrambling to accommodate the influx.

11 (f) New arrival students face unique challenges, including
12 language barriers, cultural adjustments, and various academic
13 backgrounds. These unique challenges require specialized resources and
14 support services.

15 (2) Therefore, the general assembly declares that additional
16 funding is essential to provide the services necessary to address the needs
17 of new arrival students and to ensure that existing students enrolled in
18 Colorado schools have access to the teachers, support staff, class sizes,
19 and facilities necessary to learn without compromising educational
20 outcomes and student well-being.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 22-54-147 as
22 follows:

23 **22-54-147. New arrival students funding - 2023-24 budget year**
24 **- legislative declaration - definitions - repeal.** (1) AS USED IN THIS
25 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

26 (a) "NEW ARRIVAL STUDENT" MEANS A STUDENT WHO MOVED
27 FROM ANOTHER COUNTRY TO COLORADO, DIRECTLY OR INDIRECTLY; WHO

1 HAS BEEN IN THE UNITED STATES FOR LESS THAN ONE YEAR; WHO IS NOT
2 PROFICIENT IN ENGLISH OR HAS LIMITED ENGLISH PROFICIENCY; AND
3 WHOSE ENROLLMENT IN A COLORADO PUBLIC SCHOOL IS THE STUDENT'S
4 FIRST SCHOOL ENROLLMENT IN THE UNITED STATES.

5 (b) "TOTAL NET STUDENT POPULATION" MEANS THE SCHOOL
6 DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S STUDENT POPULATION,
7 DETERMINED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

8 (c) "TOTAL NEW ARRIVAL STUDENT POPULATION" MEANS THE
9 TOTAL NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 29, 2024,
10 WHO ENROLLED IN A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL
11 AFTER THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24 BUDGET
12 YEAR, DETERMINED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

13 (2) (a) FOR THE 2023-24 BUDGET YEAR, THE GENERAL ASSEMBLY
14 SHALL APPROPRIATE TWENTY-FOUR MILLION DOLLARS FROM THE STATE
15 EDUCATION FUND TO THE DEPARTMENT OF EDUCATION TO PROVIDE
16 ONE-TIME FUNDING FOR SCHOOL DISTRICTS AND INSTITUTE CHARTER
17 SCHOOLS THAT ENROLLED NEW ARRIVAL STUDENTS.

18 (b) A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL IS
19 ONLY REQUIRED TO PERFORM THE REQUIREMENTS PURSUANT TO THIS
20 SECTION IF THE SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL IS
21 REQUESTING FUNDING PURSUANT TO THIS SECTION.

22 (c) THE DEPARTMENT OF EDUCATION SHALL RETAIN AND SPEND NO
23 MORE THAN FIFTY THOUSAND DOLLARS FROM THE MONEY APPROPRIATED
24 FROM THE STATE EDUCATION FUND PURSUANT TO THIS SECTION TO OFFSET
25 DIRECT AND INDIRECT ADMINISTRATIVE COSTS INCURRED IN PERFORMING
26 THE DEPARTMENT OF EDUCATION'S DUTIES PURSUANT TO THIS SECTION.

27 (d) THE GENERAL ASSEMBLY DECLARES THAT FOR THE PURPOSES

1 OF SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION, PROVIDING
2 FUNDING TO DISTRICTS AND INSTITUTE CHARTER SCHOOLS THAT ENROLLED
3 NEW ARRIVAL STUDENTS IS ACCOUNTABLE EDUCATION REFORM AND AN
4 ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS, AND
5 THEREFORE DISTRICTS AND INSTITUTE CHARTER SCHOOLS MAY RECEIVE
6 FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)
7 OF ARTICLE IX OF THE STATE CONSTITUTION FOR THIS PURPOSE.

8 (3) TO DETERMINE THE SCHOOL DISTRICT'S OR THE INSTITUTE
9 CHARTER SCHOOL'S TOTAL NEW ARRIVAL STUDENT POPULATION, THE
10 DEPARTMENT OF EDUCATION SHALL CALCULATE THE SUM OF:

11 (a) A SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL
12 NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 9, 2024, WHO
13 ENROLLED AFTER THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24
14 BUDGET YEAR, DETERMINED BY DATA COLLECTED PURSUANT TO SECTION
15 22-24-106 (1)(a); AND

16 (b) A SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL
17 NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 29, 2024, WHO
18 ENROLLED AFTER FEBRUARY 9, 2024, FOR THE 2023-24 BUDGET YEAR,
19 DETERMINED BY AN ATTESTATION OF THE TOTAL NUMBER OF NEW
20 ARRIVAL STUDENTS AS OF FEBRUARY 29, 2024, WHO ENROLLED AFTER
21 FEBRUARY 9, 2024, FOR THE 2023-24 BUDGET YEAR ACCOMPANIED BY A
22 SIGNED STATEMENT SUBMITTED TO THE DEPARTMENT OF EDUCATION BY
23 THE SCHOOL DISTRICT'S SUPERINTENDENT OR THE SUPERINTENDENT'S
24 DESIGNEE, OR THE CHAIR OF THE INSTITUTE CHARTER SCHOOL'S
25 GOVERNING BOARD OR THE CHAIR'S DESIGNEE, AFFIRMING THAT THE DATA
26 PROVIDED IS ACCURATE TO THE BEST OF THE SCHOOL DISTRICT'S OR
27 INSTITUTE CHARTER SCHOOL'S KNOWLEDGE.

1 (4) TO DETERMINE THE SCHOOL DISTRICT'S OR THE INSTITUTE
2 CHARTER SCHOOL'S TOTAL NET STUDENT POPULATION, THE DEPARTMENT
3 OF EDUCATION SHALL CALCULATE THE DIFFERENCE BETWEEN:

4 (a) A SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL
5 NUMBER OF ENROLLED PUPILS AS OF FEBRUARY 29, 2024, DETERMINED BY
6 AN ATTESTATION OF THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER
7 SCHOOL'S TOTAL NUMBER OF ENROLLED PUPILS AS OF FEBRUARY 29, 2024,
8 ACCOMPANIED BY A SIGNED STATEMENT SUBMITTED TO THE DEPARTMENT
9 OF EDUCATION BY THE SCHOOL DISTRICT'S SUPERINTENDENT OR THE
10 SUPERINTENDENT'S DESIGNEE, OR THE CHAIR OF THE INSTITUTE CHARTER
11 SCHOOL'S GOVERNING BOARD OR THE CHAIR'S DESIGNEE, AFFIRMING THAT
12 THE DATA PROVIDED IS ACCURATE TO THE BEST OF THE SCHOOL DISTRICT'S
13 OR INSTITUTE CHARTER SCHOOL'S KNOWLEDGE; AND

14 (b) THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S
15 PUPIL ENROLLMENT FOR THE 2023-24 BUDGET YEAR ON THE PUPIL
16 ENROLLMENT COUNT DAY FOR THE 2023-24 BUDGET YEAR.

17 (5) (a) REGARDLESS OF WHETHER A SCHOOL DISTRICT OR AN
18 INSTITUTE CHARTER SCHOOL RECEIVES MONEY PURSUANT TO SUBSECTION
19 (5)(b) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL
20 DISTRIBUTE TO EACH SCHOOL DISTRICT REQUESTING FUNDING PURSUANT
21 TO THIS SECTION, OR TO THE STATE CHARTER SCHOOL INSTITUTE FOR THE
22 STATE CHARTER SCHOOL INSTITUTE TO DISTRIBUTE TO INSTITUTE CHARTER
23 SCHOOLS REQUESTING FUNDING PURSUANT TO THIS SECTION:

24 (I) FIFTEEN THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL
25 STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING
26 FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE
27 INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS ONE OR MORE BUT

1 NO MORE THAN FIVE;

2 (II) THIRTY THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL
3 STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING
4 FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE
5 INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS SIX OR MORE BUT
6 NO MORE THAN TEN;

7 (III) SEVENTY-FIVE THOUSAND DOLLARS, IF THE TOTAL NEW
8 ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS
9 REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON
10 BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS
11 ELEVEN OR MORE BUT NO MORE THAN THIRTY;

12 (IV) ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS, IF THE
13 TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT
14 THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE
15 ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING,
16 IS THIRTY-ONE OR MORE BUT NO MORE THAN FIFTY;

17 (V) TWO HUNDRED THOUSAND DOLLARS, IF THE TOTAL NEW
18 ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS
19 REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON
20 BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS
21 FIFTY-ONE OR MORE BUT NO MORE THAN ONE HUNDRED;

22 (VI) FOUR HUNDRED THOUSAND DOLLARS, IF THE TOTAL NEW
23 ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS
24 REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON
25 BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS
26 ONE HUNDRED ONE OR MORE BUT NO MORE THAN TWO HUNDRED;

27 (VII) FIVE HUNDRED FIFTY THOUSAND DOLLARS, IF THE TOTAL

1 NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS
2 REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON
3 BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS
4 TWO HUNDRED ONE OR MORE BUT NO MORE THAN FIVE HUNDRED; OR

5 (VIII) SEVEN HUNDRED FIFTY THOUSAND DOLLARS, IF THE TOTAL
6 NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS
7 REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON
8 BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS
9 FIVE HUNDRED ONE OR MORE.

10 (b) (I) FOR EACH SCHOOL DISTRICT AND EACH INSTITUTE CHARTER
11 SCHOOL THAT IS REQUESTING FUNDING PURSUANT TO THIS SECTION, THE
12 DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO THE SCHOOL DISTRICT,
13 OR TO THE STATE CHARTER SCHOOL INSTITUTE FOR THE STATE CHARTER
14 SCHOOL INSTITUTE TO DISTRIBUTE TO THE INSTITUTE CHARTER SCHOOL,
15 AN AMOUNT EQUAL TO FOUR THOUSAND FIVE HUNDRED DOLLARS
16 MULTIPLIED BY THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S
17 TOTAL NET STUDENT POPULATION OR TOTAL NEW ARRIVAL STUDENT
18 POPULATION, WHICHEVER IS LESSER.

19 (II) (A) IF THE AMOUNT APPROPRIATED PURSUANT TO THIS
20 SECTION IS INSUFFICIENT TO FULLY FUND THE DISTRIBUTIONS PURSUANT
21 TO SUBSECTION (5)(b)(I) OF THIS SECTION, THE DEPARTMENT OF
22 EDUCATION SHALL REDUCE THE AMOUNT OF EACH SCHOOL DISTRICT'S OR
23 EACH INSTITUTE CHARTER SCHOOL'S DISTRIBUTIONS PURSUANT TO
24 SUBSECTION (5)(b)(I) OF THIS SECTION BY A PROPORTIONATE PERCENTAGE
25 OF THE AMOUNT REQUIRED TO FULLY FUND THE DISTRIBUTIONS PURSUANT
26 TO SUBSECTION (5)(b)(I) OF THIS SECTION.

27 (B) IF THERE IS AN AMOUNT REMAINING FROM THE AMOUNT

1 APPROPRIATED PURSUANT TO THIS SECTION AFTER CALCULATING THE
2 AMOUNT THAT EACH SCHOOL DISTRICT AND EACH INSTITUTE CHARTER
3 SCHOOL REQUESTING FUNDING WILL RECEIVE PURSUANT TO THIS
4 SUBSECTION (5), THE DEPARTMENT OF EDUCATION SHALL INCREASE THE
5 AMOUNT OF EACH SCHOOL DISTRICT'S OR EACH INSTITUTE CHARTER
6 SCHOOL'S DISTRIBUTION IN SUBSECTION (5)(b)(I) OF THIS SECTION BY A
7 PROPORTIONATE PERCENTAGE OF THE AMOUNT REMAINING, SO THAT THE
8 TOTAL AMOUNT APPROPRIATED PURSUANT TO THIS SECTION IS EXPENDED.

9 (c) NOTWITHSTANDING SECTION 22-2-306, THE DEPARTMENT OF
10 EDUCATION IS NOT REQUIRED TO PROVIDE ADVANCE NOTICE
11 REQUIREMENTS TO A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL
12 IN IMPLEMENTING THIS SECTION.

13 (6) (a) THE DEPARTMENT OF EDUCATION SHALL ENSURE THAT A
14 SCHOOL DISTRICT'S OR AN INSTITUTE CHARTER SCHOOL'S TOTAL NEW
15 ARRIVAL STUDENT POPULATION DOES NOT INCLUDE STUDENTS WHO WERE
16 PREVIOUSLY INCLUDED IN THE SCHOOL DISTRICT'S OR THE INSTITUTE
17 CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE 2023-24 BUDGET YEAR
18 ON THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24 BUDGET YEAR.

19 (b) (I) ON OR BEFORE A DATE DETERMINED BY THE DEPARTMENT
20 OF EDUCATION, THE DEPARTMENT OF EDUCATION SHALL PROVIDE TO EACH
21 DISTRICT AND INSTITUTE CHARTER SCHOOL A PRELIMINARY AMOUNT TO
22 BE DISTRIBUTED, DETERMINED PURSUANT TO SUBSECTION (5) OF THIS
23 SECTION.

24 (II) ON OR BEFORE A DATE DETERMINED BY THE DEPARTMENT OF
25 EDUCATION, A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL MAY
26 PROVIDE EVIDENCE TO THE DEPARTMENT OF EDUCATION THAT SUPPORTS
27 A DIFFERENT AMOUNT TO BE DISTRIBUTED FROM THE DEPARTMENT OF

1 EDUCATION'S PRELIMINARY AMOUNT TO BE DISTRIBUTED DETERMINED
2 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

3 (III) NO LATER THAN MAY 1, 2024, THE DEPARTMENT OF
4 EDUCATION SHALL FINALIZE THE AMOUNT TO BE DISTRIBUTED TO EACH
5 SCHOOL DISTRICT AND INSTITUTE CHARTER SCHOOL AND NOTIFY EACH
6 SCHOOL DISTRICT AND INSTITUTE CHARTER SCHOOL OF THAT AMOUNT.

7 (IV) NO LATER THAN MAY 31, 2024, THE DEPARTMENT OF
8 EDUCATION SHALL DISTRIBUTE TO EACH SCHOOL DISTRICT, AND TO THE
9 STATE CHARTER SCHOOL INSTITUTE FOR THE STATE CHARTER SCHOOL
10 INSTITUTE TO DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL, THE
11 AMOUNT DETERMINED PURSUANT TO THIS SECTION.

12 (7) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO REVIEW
13 THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S USE OF
14 FUNDING PROVIDED PURSUANT TO THIS SECTION, BUT A PAYMENT IS NOT
15 SUBJECT TO AUDIT REQUIREMENTS PURSUANT TO SECTION 22-2-113 (1)(f).

16 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

17 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,
18 \$24,000,000 is appropriated to the department of education. This
19 appropriation is from the state education fund created in section 17 (4)(a)
20 of article IX of the state constitution. To implement this act, the
21 department may use this appropriation for new arrival students funding
22 pursuant to section 22-54-147, C.R.S.

23 **SECTION 4. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.