

MEMORANDUM



JOINT
BUDGET
COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE February 28, 2024
SUBJECT Potential Legislation Packet 7

This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

POTENTIAL LEGISLATION

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Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REDRAFT
2/25/24

Double underlining
denotes changes from
prior draft

DRAFT

LLS NO. 24-1023.02 Jacob Baus x2173

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: School Funding 2023-24 for New Arrival Students

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 DATE, AND,**
104 **IN 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/>.)

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

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words 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 requires the district or institute charter school to use the funding to provide:

- An education, English language proficiency services, and transitional services to new arrival students; and
- Resources to educate and support new arrival students.

The bill provides to each district and each institute charter school \$3,500 for each new arrival student, determined by 2 formulas; except that, if the amount appropriated is insufficient to meet the demand, the department is required to proportionately reduce the amount distributed.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-54-147 as
3 follows:

4 **22-54-147. New arrival students funding - 2023-24 budget year**
5 **- legislative declaration - definition - repeal.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "NEW ARRIVAL
7 STUDENT" MEANS A STUDENT WHO MOVED FROM ANOTHER COUNTRY TO
8 COLORADO, DIRECTLY OR INDIRECTLY; WHO IS NOT PROFICIENT IN
9 ENGLISH OR HAS LIMITED ENGLISH PROFICIENCY; AND WHOSE
10 ENROLLMENT IN A COLORADO PUBLIC SCHOOL IS THE STUDENT'S FIRST
11 SCHOOL ENROLLMENT IN THE UNITED STATES.

12 (2) (a) FOR THE 2023-24 BUDGET YEAR, THE GENERAL ASSEMBLY
13 SHALL APPROPRIATE TWENTY-FOUR MILLION DOLLARS FROM THE STATE
14 EDUCATION FUND TO THE DEPARTMENT OF EDUCATION TO PROVIDE
15 ONE-TIME FUNDING FOR SCHOOL DISTRICTS AND INSTITUTE CHARTER
16 SCHOOLS THAT ENROLLED NEW ARRIVAL STUDENTS. THE SCHOOL DISTRICT
17 OR THE INSTITUTE CHARTER SCHOOL SHALL USE THE FUNDING PROVIDED
18 PURSUANT TO THIS SECTION TO PROVIDE TO NEW ARRIVAL STUDENTS A
19 PUBLIC EDUCATION, ENGLISH LANGUAGE PROFICIENCY EDUCATION AND

1 RELATED SERVICES, AND TRANSITIONAL SERVICES, AND TO PROVIDE THE
2 SCHOOL DISTRICT OR THE INSTITUTE CHARTER SCHOOL WITH RESOURCES
3 TO EDUCATE AND SUPPORT NEW ARRIVAL STUDENTS.

4 (b) A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL IS NOT
5 REQUIRED TO REQUEST FUNDING OR PERFORM THE REQUIREMENTS
6 NECESSARY TO RECEIVE FUNDING PURSUANT TO THIS SECTION.

7 (c) THE DEPARTMENT OF EDUCATION MAY RETAIN AND SPEND NO
8 MORE THAN FIFTY THOUSAND DOLLARS FROM THE MONEY APPROPRIATED
9 FROM THE STATE EDUCATION FUND PURSUANT TO THIS SECTION TO OFFSET
10 DIRECT AND INDIRECT ADMINISTRATIVE COSTS INCURRED IN PERFORMING
11 THE DEPARTMENT OF EDUCATION'S DUTIES PURSUANT TO THIS SECTION.

12 (d) THE GENERAL ASSEMBLY DECLARES THAT FOR THE PURPOSES
13 OF SECTION 17(4) OF ARTICLE IX OF THE STATE CONSTITUTION, PROVIDING
14 FUNDING TO DISTRICTS AND INSTITUTE CHARTER SCHOOLS TO PROVIDE TO
15 NEW ARRIVAL STUDENTS A PUBLIC EDUCATION, ENGLISH LANGUAGE
16 PROFICIENCY EDUCATION AND RELATED SERVICES, AND TRANSITIONAL
17 SERVICES, AND TO PROVIDE THE SCHOOL DISTRICT OR THE INSTITUTE
18 CHARTER SCHOOL WITH RESOURCES TO EDUCATE AND SUPPORT NEW
19 ARRIVAL STUDENTS, IS ACCOUNTABLE EDUCATION REFORM AND AN
20 ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS, AND
21 THEREFORE DISTRICTS AND INSTITUTE CHARTER SCHOOLS MAY RECEIVE
22 FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)
23 OF ARTICLE IX OF THE STATE CONSTITUTION FOR THIS PURPOSE.

24 (3) (a) (I) FOR EACH SCHOOL DISTRICT AND EACH INSTITUTE
25 CHARTER SCHOOL, THE DEPARTMENT OF EDUCATION SHALL CALCULATE
26 FOR THAT SCHOOL DISTRICT OR THAT INSTITUTE CHARTER SCHOOL:

27 (A) (THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S

1 TOTAL NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 9, 2024 WHO
2 ENROLLED AFTER THE PUPIL ENROLLMENT COUNT DATE FOR THE 2023-24
3 BUDGET YEAR) - (THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER
4 SCHOOL'S AVERAGE NUMBER OF NEW ARRIVAL STUDENTS FOR THE SIX
5 IMMEDIATELY PRECEDING BUDGET YEARS).

6 (B) (THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S
7 TOTAL PUPIL ENROLLMENT AS OF FEBRUARY 9, 2024, RATHER THAN THE
8 PUPIL ENROLLMENT COUNT DATE FOR THE 2023-24 BUDGET YEAR) - (THE
9 SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S PUPIL
10 ENROLLMENT FOR THE 2023-24 BUDGET YEAR).

11 (II) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO THE
12 SCHOOL DISTRICT, OR TO THE CHARTER SCHOOL INSTITUTE FOR THE
13 CHARTER SCHOOL INSTITUTE TO DISTRIBUTE TO THE INSTITUTE CHARTER
14 SCHOOL, AN AMOUNT EQUAL TO THREE THOUSAND FIVE HUNDRED
15 DOLLARS MULTIPLIED BY AN AMOUNT EQUAL TO A NET INCREASE
16 DETERMINED BY THE RESULT OF SUBSECTION (3)(a)(I)(A); EXCEPT THAT
17 IF THE AMOUNT IN SUBSECTION (3)(a)(I)(A) OF THIS SECTION IS GREATER
18 THAN THE AMOUNT IN SUBSECTION (3)(a)(I)(B) THEN THE SCHOOL
19 DISTRICT OR CHARTER SCHOOL INSTITUTE RECEIVES AN AMOUNT EQUAL
20 TO THREE THOUSAND FIVE HUNDRED DOLLARS MULTIPLIED BY AN AMOUNT
21 EQUAL TO THE NET INCREASE DETERMINED BY THE RESULT OF SUBSECTION
22 (3)(a)(I)(B).

23 (b) IF THE AMOUNT APPROPRIATED PURSUANT TO THIS SECTION IS
24 INSUFFICIENT TO FULLY FUND THE DISTRIBUTIONS CALCULATED PURSUANT
25 TO SUBSECTION (3)(a) OF THIS SECTION, THE DEPARTMENT OF EDUCATION
26 SHALL REDUCE THE AMOUNT OF EACH SCHOOL DISTRICT'S OR EACH
27 INSTITUTE CHARTER SCHOOL'S DISTRIBUTION BY A PROPORTIONATE

1 PERCENTAGE OF THE AMOUNT REQUIRED TO FULLY FUND THE
2 DISTRIBUTIONS CALCULATED PURSUANT TO THIS SECTION.

3 (c) (I) FOR THE PURPOSE OF DETERMINING THE SCHOOL DISTRICT'S
4 OR THE INSTITUTE CHARTER SCHOOL'S TOTAL NUMBER OF NEW ARRIVAL
5 STUDENTS AS OF FEBRUARY 9, 2024 WHO ENROLLED AFTER THE PUPIL
6 ENROLLMENT COUNT DATE FOR THE 2023-24 BUDGET YEAR PURSUANT TO
7 SUBSECTION (3)(a)(I) OF THIS SECTION, THE SCHOOL DISTRICT OR THE
8 INSTITUTE CHARTER SCHOOL SHALL USE DATA COLLECTED PURSUANT TO
9 SECTION 22-24-106 (1)(a).

10 (II) FOR THE PURPOSE OF DETERMINING THE SCHOOL DISTRICT'S OR
11 THE INSTITUTE CHARTER SCHOOL'S AVERAGE NUMBER OF NEW ARRIVAL
12 STUDENTS FOR THE SIX IMMEDIATELY PRECEDING BUDGET YEARS
13 PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION, THE DEPARTMENT
14 OF EDUCATION SHALL USE DATA FROM THE DEPARTMENT OF EDUCATION'S
15 END OF YEAR DATA COLLECTION FROM THE APPLICABLE BUDGET YEAR.

16 (III) (A) FOR THE PURPOSE OF DETERMINING THE SCHOOL
17 DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S TOTAL PUPIL
18 ENROLLMENT AS OF FEBRUARY 9, 2024, RATHER THAN THE PUPIL
19 ENROLLMENT COUNT DATE FOR THE 2023-24 BUDGET YEAR PURSUANT TO
20 SUBSECTION (3)(a)(I) OF THIS SECTION, THE DEPARTMENT OF EDUCATION
21 SHALL USE THE NUMBER CERTIFIED BY THE SCHOOL DISTRICT OR THE
22 INSTITUTE CHARTER SCHOOL.

23 (B) A SCHOOL DISTRICT OR THE INSTITUTE CHARTER SCHOOL THAT
24 SUBMITS DATA PURSUANT TO THIS SUBSECTION (3)(c)(III) SHALL ALSO
25 SUBMIT TO THE DEPARTMENT OF EDUCATION A SIGNED STATEMENT BY THE
26 SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, OR THE CHAIR OF
27 THE INSTITUTE CHARTER SCHOOL'S GOVERNING BOARD OR THE CHAIR'S

1 DESIGNEE, VERIFYING THAT THE DATA PROVIDED IS ACCURATE TO THE
2 BEST OF THEIR KNOWLEDGE.

3 (IV) FOR THE PURPOSE OF DETERMINING THE SCHOOL DISTRICT'S
4 OR THE INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE
5 2023-24 BUDGET YEAR PURSUANT TO SUBSECTION (3)(a)(I) OF THIS
6 SECTION, THE DEPARTMENT OF EDUCATION SHALL USE DATA CERTIFIED
7 PURSUANT TO SECTION 22-54-112 (2)(a).

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

12 (4) (a) ON OR BEFORE THE DATE DETERMINED BY THE
13 DEPARTMENT OF EDUCATION, IN ORDER TO RECEIVE FUNDING PURSUANT
14 TO THIS SECTION, A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL
15 SHALL SUBMIT THE INFORMATION THAT IT IS REQUIRED TO PROVIDE
16 PURSUANT TO SUBSECTION (3)(a) TO DEPARTMENT OF EDUCATION. THE
17 DEPARTMENT OF EDUCATION SHALL ENSURE THAT THE NUMBER OF THE
18 SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S NEW ARRIVAL
19 STUDENTS AS OF FEBRUARY 9, 2024 WHO ENROLLED AFTER THE PUPIL
20 ENROLLMENT COUNT DATE FOR THE 2023-24 BUDGET YEAR DOES NOT
21 INCLUDE STUDENTS WHO WERE PREVIOUSLY INCLUDED IN THE SCHOOL
22 DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
23 THE 2023-24 BUDGET YEAR.

24 (b) (I) ON OR BEFORE THE DATE DETERMINED BY THE DEPARTMENT
25 OF EDUCATION, THE DEPARTMENT OF EDUCATION SHALL PROVIDE TO EACH
26 DISTRICT A PRELIMINARY CALCULATION, DETERMINED PURSUANT TO
27 SUBSECTION (3)(a) OF THIS SECTION.

1 (II) ON OR BEFORE THE DATE DETERMINED BY THE DEPARTMENT
2 OF EDUCATION, A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL
3 MAY PROVIDE EVIDENCE TO THE DEPARTMENT OF EDUCATION THAT
4 SUPPORTS A DIFFERENT CALCULATION FROM THE DEPARTMENT OF
5 EDUCATION'S PRELIMINARY CALCULATION.

6 (III) ON OR BEFORE THE DATE DETERMINED BY THE DEPARTMENT
7 OF EDUCATION, THE DEPARTMENT OF EDUCATION SHALL FINALIZE THE
8 AMOUNT TO BE DISTRIBUTED TO EACH SCHOOL DISTRICT AND INSTITUTE
9 CHARTER SCHOOL.

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

13 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

14 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
15 \$24,000,000 is appropriated to the department of education. This
16 appropriation is from the state education fund created in section 17 (4)(a)
17 of article IX of the state constitution. To implement this act, the
18 department may use this appropriation for new arrival students funding
19 pursuant to section 22-54-147, C.R.S.

20 **SECTION 3. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee
FROM Emily Hansen, JBC Staff (303-866-4961)
DATE February 28, 2024
SUBJECT Potential Legislation to Create the School-Based Mental Health Support Program

The Committee requested that staff provide additional information for potential legislation related to a legislative placeholder in the Governor's January Letter. The placeholder includes \$2.5 million ARPA funds to support a nonprofit grant in the BHA to provide resources, professional development, and ongoing coaching for educators to deliver evidence-based mental health services in schools. ARPA funds originate from unspecified reversions and reductions from existing ARPA funded programs.

The bill has been drafted but does not currently have a sponsor. The Committee has not discussed or approved the topic as a Committee bill, but the current draft is attached for consideration. The draft creates the School-Based Mental Health Support Program in the BHA with the purpose of providing training, resources, and implementation and sustainment support for the existing public school workforce. The program would contract with an external provider to provide evidence-based mental health services for students. The draft specifies that the program emphasizes supporting rural schools and students who do not have equitable access to mental health care.

Under the draft, the BHA is required to contract with an external provider by August 1, 2024 to implement the program for the 2025-26 school year. The BHA is required to establish a plan to evaluate the efficacy of the program across different school types and determine a funding disbursement schedule in collaboration with the provider. The BHA must select a provider that meets the following criteria:

- 1 The provider does not have licensing agreements that prohibit the use of curricula or resources that a school district already uses or intends to use in the future.
- 2 The provider has been subject to external, third-party evaluations that indicate efficacy amount several different school types and with several different student sub-populations.
- 3 The provider is able to provide high-quality training, resources, and implementation and sustainment support across all three tiers of the multi-tiered systems of support, including classroom-based mental wellness and resiliency skills for students, cognitive behavioral skill-building and mindfulness skill-building for anxiety or depression for youth who demonstrate an additional need for mental health support, and resources and training to manage suicide risk and coordinate care among families, schools, and external providers.
- 4 In consideration of local control, the provider can flexibility partner with districts to decide which tiers from the multi-tiered system to implement.
- 5 The provider uses evidence-based mental health practices that have been subject to external evaluation, randomized control trials, and peer review.

In addition to the evaluation criteria, priority must be given to providers who:

- 1 Are not-for-profit.
- 2 Incur one-time costs and do not require recurring or additional expenses beyond the first year.

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- 3 Have a demonstrated history of partnerships with community or hospital-based providers to assist public schools in implementing mental health supports for students, and have demonstrated history of funding internal and external evaluations of the efficacy of the external provider's program in partnership with institutions of higher education or organizations that have similar skills in quantitative and qualitative evaluation.

The bill further requires the BHA to collaborate with an external provider by September 1, 2024 to determine the cost of implementing the program in at least 400 public schools by the start of the 2027-28 school year. Finally, **the bill includes a statutory requirement that the General Assembly appropriate \$2.5 million General Fund** to the Department of Human Services in FY 2024-25 to administer the program. The BHA is authorized to use up to \$100,000 of that amount to administer the grant application. The draft includes a program repeal date of July 1, 2028.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
2/26/24

DRAFT

LLS NO. 24-0334.01 Chelsea Princell x4335

SENATE BILL

SENATE SPONSORSHIP

Michaelson Jenet,

HOUSE SPONSORSHIP

(None),

BILL TOPIC: School-based Mental Health Support Program

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE SCHOOL-BASED MENTAL HEALTH
102 SUPPORT PROGRAM.

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>.)

The bill creates the school-based mental health support program (program) in the behavioral health administration (BHA) to provide high-quality training, resources, and implementation and sustainment support for the existing public school educator workforce to provide evidence-based mental health services to students through a contract with an external provider. The program emphasizes supporting schools in rural

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

areas and schools with students who do not have equitable access to mental health care.

No later than August 1, 2024, the bill requires the BHA to contract with an external provider to implement the program no later than the start of the 2025-26 school year.

No later than September 1, 2024, the bill requires the BHA to collaborate with an external provider to determine the cost of implementing the program in at least 400 public schools by the start of the 2027-28 school year.

The bill requires the general assembly to appropriate \$2.5 million from the general fund to the department of human services for use by the BHA to administer the program. The bill allows the BHA to use up to \$100,000 of the funds to select the external provider.

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

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

(a) Young people are experiencing historic levels of mental distress, with suicide reported as the second leading cause of death among youth ages 10 to 24 in 2021, and there are consistently disproportionate rates of suicide among youth in rural areas, youth of color, and other underserved youth. In 2021, Colorado health-care practitioners also declared a state of emergency for youth mental health.

(b) Public schools are a natural congregation point and de facto provider of mental health services for many young people, but public schools are often under-resourced and under-equipped to provide high-quality, evidence-based mental health support;

(c) While hiring additional mental health practitioners is crucial, Colorado must also better utilize the expertise and relationships of the existing educator workforce currently providing mental health support to youth;

(d) Educators and school-based mental health professionals have

1 high rates of attrition because they often do not receive sufficient training
2 and resources to provide suitable care to youth who need mental health
3 support, and, as a result, public schools are often unable to provide
4 adequate mental health support;

5 (e) With the implementation of the sixth through twelfth grade
6 mental health screening program, public schools must be equipped with
7 the appropriate resources to help youth who are in need of mental health
8 support but who are either unable to access, or have exhausted, available
9 resources and external support services and need additional school-based
10 services;

11 (f) In order to better equip the existing public school workforce
12 with evidence-based practices, increase educator efficacy, and reduce
13 burnout, educators must be supported and trained in how to promote
14 mental wellness for youth; provide cognitive behavioral skill-building and
15 mindfulness skill-building for youth who demonstrate additional need for
16 mental health support; provide resources to manage suicide risk; and
17 coordinate care among families, schools, and external providers for youth
18 who have suicidal ideation; and

19 (g) Colorado's rapidly growing youth mental health crisis impacts
20 the state's health-care and education systems and therefore requires a
21 state-funded public health response.

22 (2) (a) Therefore, the general assembly declares that assisting
23 public schools in implementing and sustaining mental health multi-tiered
24 systems of mental health support would greatly benefit Colorado youth.

25 (b) To assist public schools, the general assembly intends to scale
26 a school-based mental health support program to 400 schools by the
27 2027-28 school year.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 27-50-804 as
2 follows:

3 **27-50-804. School-based mental health support program -**
4 **appropriation - definitions - repeal.** (1) AS USED IN THIS SECTION,
5 UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "COGNITIVE BEHAVIORAL SKILL-BUILDING" MEANS A
7 THEORETICAL FRAMEWORK UNDERLYING A SET OF SKILLS THAT MAY BE
8 TAUGHT TO HELP AN INDIVIDUAL IMPROVE EMOTIONAL DIFFICULTIES
9 RANGING FROM MILD WORRY OR DISAPPOINTMENT TO SEVERE DEPRESSION,
10 ANXIETY, OR OTHER MENTAL ILLNESSES.

11 (b) "EVIDENCE-BASED" MEANS PRACTICES, INTERVENTIONS, OR
12 PROGRAMS THAT ARE SUPPORTED BY EXTENSIVE EMPIRICAL DATA,
13 INCLUDING RANDOMIZED CONTROLLED TRIALS, SUPPORTING THEIR
14 EFFICACY FOR THEIR INTENDED PURPOSE.

15 (c) "HIGH-QUALITY TRAINING" MEANS IN-PERSON OR VIRTUAL
16 TRAINING THAT INCLUDES CONTENT ON THEORY, RATIONALE, AND
17 CONCRETE SKILLS; LEVERAGES DEMONSTRATIONS AND SKILLS PRACTICE
18 WITH FEEDBACK; IS GROUNDED IN THE FIELD OF IMPLEMENTATION
19 SCIENCE; AND TAKES INTO ACCOUNT THE CLINICAL AND ENVIRONMENTAL
20 BARRIERS TO IMPLEMENTATION.

21 (d) "IMPLEMENTATION AND SUSTAINMENT SUPPORT" MEANS
22 PROVIDING IN-PERSON OR VIRTUAL COACHING TO ASSIST PUBLIC SCHOOLS
23 IN PLANNING, EXECUTING, AND REFLECTING, AND IN BUILDING SYSTEMS TO
24 EMBED, PROGRAM PRACTICES IN SCHOOL OPERATIONS, PREFERABLY IN
25 PARTNERSHIP WITH COMMUNITY-BASED OR HOSPITAL-BASED LICENSED
26 MENTAL HEALTH PROVIDERS.

27 (e) "MINDFULNESS" MEANS A FRAMEWORK AND SET OF PRACTICES

1 FOR HELPING AN INDIVIDUAL IMPROVE AWARENESS OF THE INDIVIDUAL'S
2 OWN THOUGHTS, EMOTIONS, PHYSICAL FEELINGS, AND BEHAVIORS TO
3 INCREASE THE INDIVIDUAL'S RESILIENCY IN RESPONSE TO COMMON LIFE
4 EVENTS.

5 (f) "MULTI-TIERED SYSTEMS OF SUPPORT" MEANS A FRAMEWORK
6 FOR ENHANCING THE IMPLEMENTATION OF EVIDENCE-BASED PRACTICES TO
7 ACHIEVE POSITIVE OUTCOMES FOR EVERY STUDENT BY ORGANIZING THE
8 EFFORTS OF EDUCATORS WITHIN SYSTEMS TO BE MORE EFFECTIVE.

9 (g) "PROGRAM" MEANS THE SCHOOL-BASED MENTAL HEALTH
10 SUPPORT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

11 (2) THERE IS CREATED IN THE BEHAVIORAL HEALTH
12 ADMINISTRATION THE SCHOOL-BASED MENTAL HEALTH SUPPORT PROGRAM
13 TO PROVIDE HIGH-QUALITY TRAINING, RESOURCES, AND IMPLEMENTATION
14 AND SUSTAINMENT SUPPORT FOR THE EXISTING PUBLIC SCHOOL EDUCATOR
15 WORKFORCE TO PROVIDE EVIDENCE-BASED MENTAL HEALTH SERVICES FOR
16 STUDENTS THROUGH A CONTRACT WITH AN EXTERNAL PROVIDER. THE
17 PROGRAM SHALL EMPHASIZE SUPPORTING SCHOOLS IN RURAL AREAS AND
18 SCHOOLS WITH STUDENTS WHO DO NOT HAVE EQUITABLE ACCESS TO
19 MENTAL HEALTH CARE.

20 (3) (a) NO LATER THAN AUGUST 1, 2024, THE BHA SHALL
21 CONTRACT WITH AN EXTERNAL PROVIDER TO IMPLEMENT THE PROGRAM
22 NO LATER THAN THE START OF THE 2025-26 SCHOOL YEAR.

23 (b) IN CONTRACTING WITH AN EXTERNAL PROVIDER, THE BHA
24 SHALL:

25 (I) ESTABLISH A TIMELINE THAT THE EXTERNAL PROVIDER SHALL
26 FOLLOW IN IMPLEMENTING THE PROGRAM;

27 (II) ESTABLISH A PLAN TO EVALUATE THE EFFICACY OF THE

1 PROGRAM ACROSS SCHOOL TYPES AND STUDENT POPULATIONS; AND

2 (III) DETERMINE, IN CONSULTATION WITH THE EXTERNAL
3 PROVIDER, PERIODIC DATES ON WHICH TO PROVIDE FUNDING TO THE
4 EXTERNAL PROVIDER IN ORDER FOR THE EXTERNAL PROVIDER TO MAKE
5 NECESSARY PURCHASES AND INVESTMENTS TO IMPLEMENT THE PROGRAM.

6 (4) (a) AN INTERESTED EXTERNAL PROVIDER MUST APPLY FOR THE
7 CONTRACT IN THE MANNER PRESCRIBED BY THE BHA.

8 (b) THE BHA SHALL SELECT AN EXTERNAL PROVIDER THAT:

9 (I) DOES NOT HAVE LICENSING AGREEMENTS THAT PROHIBIT THE
10 USE OF CURRICULA OR RESOURCES THAT A SCHOOL DISTRICT ALREADY
11 USES OR INTENDS TO USE IN THE FUTURE; AND

12 (II) HAS BEEN SUBJECT TO EXTERNAL, THIRD-PARTY EVALUATIONS
13 THAT INDICATE ITS EFFICACY AMONG SEVERAL DIFFERENT SCHOOL TYPES
14 AND WITH SEVERAL DIFFERENT STUDENT SUBPOPULATIONS.

15 (c) WHEN SELECTING AN EXTERNAL PROVIDER, THE BHA SHALL
16 CONSIDER WHETHER AN APPLICANT IS ABLE TO:

17 (I) PROVIDE HIGH-QUALITY TRAINING, RESOURCES, AND
18 IMPLEMENTATION AND SUSTAINMENT SUPPORT ACROSS ALL THREE TIERS
19 OF THE MULTI-TIERED SYSTEMS OF SUPPORT, WHICH INCLUDE:

20 (A) CLASSROOM-BASED MENTAL WELLNESS AND RESILIENCY
21 SKILLS FOR STUDENTS;

22 (B) COGNITIVE BEHAVIORAL SKILL-BUILDING AND MINDFULNESS
23 SKILL-BUILDING FOR ANXIETY OR DEPRESSION FOR YOUTH WHO
24 DEMONSTRATE AN ADDITIONAL NEED FOR MENTAL HEALTH SUPPORT; AND

25 (C) RESOURCES AND TRAINING TO MANAGE SUICIDE RISK AND
26 COORDINATE CARE AMONG FAMILIES, SCHOOLS, AND EXTERNAL
27 PROVIDERS FOR YOUTH WHO ARE AT RISK OF SUICIDE; AND

1 (II) IN CONSIDERATION OF LOCAL CONTROL, FLEXIBLY PARTNER
2 WITH SCHOOL DISTRICTS TO ENABLE SCHOOL DISTRICTS TO DECIDE WHICH
3 TIERS FROM AMONG THE MENTAL HEALTH MULTI-TIERED SYSTEMS OF
4 SUPPORT TO IMPLEMENT; AND

5 (III) USE EVIDENCE-BASED MENTAL HEALTH PRACTICES THAT
6 HAVE BEEN SUBJECT TO EXTERNAL EVALUATION, RANDOMIZED
7 CONTROLLED TRIALS, AND PEER REVIEW.

8 (5) IN SELECTING THE EXTERNAL PROVIDER, THE BHA SHALL
9 PRIORITIZE APPLICANTS THAT:

10 (a) ARE A NOT-FOR-PROFIT ENTITY;

11 (b) INCUR ONE-TIME COSTS AND DO NOT REQUIRE RECURRING OR
12 ADDITIONAL EXPENSES PAID FOR BY THE BHA BEYOND THE FIRST YEAR OF
13 IMPLEMENTATION;

14 (c) HAVE A DEMONSTRATED HISTORY OF PARTNERSHIPS, AND A
15 CLEAR STRATEGY FOR BUILDING FUTURE PARTNERSHIPS, WITH COMMUNITY
16 OR HOSPITAL-BASED PROVIDERS TO ASSIST PUBLIC SCHOOLS IN
17 IMPLEMENTING MENTAL HEALTH SUPPORTS FOR STUDENTS; AND

18 (d) HAVE A DEMONSTRATED HISTORY OF FUNDING INTERNAL AND
19 EXTERNAL EVALUATIONS OF THE EFFICACY OF THE EXTERNAL PROVIDER'S
20 PROGRAM IN PARTNERSHIP WITH INSTITUTIONS OF HIGHER EDUCATION OR
21 ORGANIZATIONS THAT HAVE SIMILAR SKILLS IN CONDUCTING RANDOMIZED
22 CONTROLLED TRIALS AND OTHER QUANTITATIVE AND QUALITATIVE
23 EVALUATION TECHNIQUES.

24 (6) NO LATER THAN SEPTEMBER 1, 2024, THE BHA SHALL
25 COLLABORATE WITH THE EXTERNAL PROVIDER SELECTED PURSUANT TO
26 SUBSECTION (5) OF THIS SECTION TO DETERMINE THE COST OF
27 IMPLEMENTING THE PROGRAM IN AT LEAST FOUR HUNDRED PUBLIC

1 SCHOOLS BY THE START OF THE 2027-28 SCHOOL YEAR.

2 (7) (a) FOR THE 2024-25 STATE FISCAL YEAR, THE GENERAL
3 ASSEMBLY SHALL APPROPRIATE TWO MILLION FIVE HUNDRED THOUSAND
4 DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF HUMAN
5 SERVICES FOR USE BY THE BHA TO ADMINISTER THE PROGRAM.

6 (b) THE BHA MAY USE UP TO ONE HUNDRED THOUSAND DOLLARS
7 OF THE TOTAL APPROPRIATION TO ADMINISTER THE APPLICATION AND
8 SELECTION PROCESS DESCRIBED IN SUBSECTIONS (4) AND (5) OF THIS
9 SECTION.

10 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

11 **SECTION 3. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee
FROM Abby Magnus, JBC Staff (303-866-2149)
DATE February 28, 2024
SUBJECT Office of Just Transition Annual Appropriations

R6 OFFICE OF JUST TRANSITION FUNDING AND DATE ALIGNMENT

On February 7, the Committee approved staff recommendation to make the following administrative changes to the Office including: removing existing expenditure deadlines in statute; ensuring consistency in the purposes of the program as outlined across previous legislation; and letting the Just Transition Cash Fund revert back to General Fund after FY 2029-2030. Additionally, the Committee approved annual ongoing appropriations of:

- \$5.0 million to the Coal Transition Community Assistance line item from the Just Transition Cash Fund created in section 8-83-504(1), C.R.S; and
- \$5.0 million to the Coal Transition Worker Assistance line item from the Coal Transition Workforce Assistance Program Account of the Just Transition Cash Fund created in section 8-83-504.5(1).

After speaking with the Department, staff is recommending changing the above appropriations in the Long Bill to:

- \$10.0 million to the Coal Transition Community Assistance line item from the Just Transition Cash Fund created in section 8-83-504(1), C.R.S;
- \$5.0 million to the Coal Transition Worker Assistance line item from the Coal Transition Workforce Assistance Program Account of the Just Transition Cash Fund created in section 8-83-504.5(1); and
- Adding A footnote denoting roll-forward spending authority on these appropriations through FY 2026-27.

Staff is recommending these changes in order to address the Office's concerns that encumbered amounts that have been granted out are able to distributed. The Office states that grants for communities in particular are large and take multiple years for grantees to expend. For this reason staff has increased the recommended appropriation and included roll-forward authority to ensure no lapse in contracted funding occurs.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
2/23/24

DRAFT

LLS NO. 24-1029.01 Josh Schultz x5486

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Changes to Just Transition Office

A BILL FOR AN ACT

101 **CONCERNING ADMINISTRATIVE CHANGES TO THE JUST TRANSITION**
102 **OFFICE IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.**

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/>.)

The bill relocates the just transition office (office) from the division of employment and training in the department of labor and employment to the office of the executive director of the department of labor and employment. The bill changes the deadline for the office to expend money in the just transition cash fund (fund) from state fiscal year 2023-24 to state fiscal year 2029-30. Any unexpended money in the fund

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

at the end of state fiscal year 2029-30, including unexpended money in the coal transition workforce assistance program account in the fund, shall be transferred to the general fund.

The bill modifies the types of programs that the office supports using money from the fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-83-502, **amend** (7);
3 and **add** (5.5) as follows:

4 **8-83-502. Definitions.** As used in this part 5, unless the context
5 otherwise requires:

6 (5.5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
7 THE DEPARTMENT OF LABOR AND EMPLOYMENT.

8 (7) "Just transition plan" means the plan, in draft or final form,
9 prepared by the just transition advisory committee as outlined in section
10 8-83-503 (6) and submitted by the director as outlined in section 8-83-503
11 (4), OR ANY SUBSEQUENT VERSION OF THE PLAN DEVELOPED THROUGH A
12 SIMILAR PROCESS.

13 **SECTION 2.** In Colorado Revised Statutes, 8-83-503, **amend** (1),
14 (2), and (4) introductory portion as follows:

15 **8-83-503. Just transition office - advisory committee - repeal.**

16 (1) ~~There is hereby created within the division a~~ THE just transition office
17 IS CREATED IN THE OFFICE OF THE EXECUTIVE DIRECTOR. The JUST
18 TRANSITION office ~~shall exercise~~ IS A **TYPE 2** ENTITY, AS DEFINED IN
19 SECTION 24-1-105, AND EXERCISES its powers and ~~perform~~ PERFORMS its
20 duties and functions under the department ~~as if the office were transferred~~
21 ~~to the department by a type 2 transfer as defined in section 24-1-105 OF~~
22 LABOR AND EMPLOYMENT.

23 (2) ~~The director of the division~~ EXECUTIVE DIRECTOR shall appoint

1 the director of the office. The director shall manage the operations of the
2 office.

3 (4) Based on the draft just transition plan recommended by the
4 advisory committee pursuant to subsection (6) of this section, and with
5 the approval of the executive director of the department and the executive
6 director of the department of local affairs, on or before December 31,
7 2020, the director shall submit to the governor and the general assembly
8 a ~~final~~ just transition plan for Colorado. This ~~final~~ plan must include, at
9 a minimum:

10 **SECTION 3.** In Colorado Revised Statutes, 8-83-504, **amend** (1),
11 (4)(a)(II), and (4)(b)(III); and **repeal** (4)(a)(III) as follows:

12 **8-83-504. Just transition cash fund - transfer from general**
13 **fund - transfer from account - definition.** (1) ~~There is hereby created~~
14 ~~in the state treasury the just transition cash fund~~ THE JUST TRANSITION
15 CASH FUND IS CREATED IN THE STATE TREASURY. The fund consists of
16 money credited to the fund in accordance with section 39-29-108 (2)(d)
17 and any other money that the general assembly may appropriate or
18 transfer to the fund. The state treasurer shall credit all interest and income
19 derived from the deposit and investment of money in the fund to the fund.
20 Subject to annual appropriation by the general assembly, the office may
21 expend money from the fund and the department may expend money from
22 the coal transition workforce assistance program account of the fund
23 created in section 8-83-504.5 (1) for purposes specified in this part 5,
24 including paying for the office's direct and indirect costs in administering
25 this part 5. Any unexpended and unencumbered money in the fund at the
26 end of any fiscal year remains in the fund and shall not be credited or
27 transferred to the general fund; EXCEPT THAT AT THE END OF STATE FISCAL

1 YEAR 2029-30, ANY UNEXPENDED AND UNENCUMBERED MONEY SHALL BE
2 TRANSFERRED TO THE GENERAL FUND.

3 (4) (a) (II) Subject to annual appropriation by the general
4 assembly, the office shall expend the money transferred to the fund
5 pursuant to this subsection (4)(a) to implement the ~~final~~ just transition
6 plan for Colorado prepared as required by section 8-83-503 (4), ~~and~~ to
7 provide supplemental funding for existing state programs that the office
8 identifies as the most effective vehicles for targeted investment in coal
9 transition communities, AND TO PROVIDE GRANTS AND OTHER SUPPORT
10 DIRECTLY TO COAL TRANSITION COMMUNITIES AND OTHER ELIGIBLE
11 ENTITIES. ~~In providing such supplemental funding~~ EXPENDING MONEY
12 FROM THE FUND, the office shall place a heavy emphasis on investment in
13 tier one transition communities and shall support programs that:

14 (A) Support targeted economic development, INCLUDING
15 EXPANSION ASSISTANCE FOR EXISTING LOCAL BUSINESSES, PROGRAMS
16 EXPANDING PRIVATE FINANCIAL INVESTMENT, AND SITE SELECTOR AND
17 TECHNICAL ASSISTANCE ENGAGEMENTS;

18 (B) Assist with regional capacity for coordination of economic
19 development programs and worker assistance programs;

20 (C) Support infrastructure projects and workforce development
21 programs; or

22 (D) Are consistent with the goals and strategies outlined in the
23 ~~final~~ just transition plan.

24 (III) ~~For purposes of the money transferred to the fund pursuant~~
25 ~~to subsection (4)(a)(I)(C) of this section, the office shall use the money~~
26 ~~to support targeted economic development for the following:~~

27 (A) ~~Expansion assistance for existing local businesses;~~

1 ~~(B) Expanding private financial investment; and~~

2 ~~(C) Site selector and technical assistance engagements.~~

3 (b) In addition to the requirements set forth in subsection (4)(a) of
4 this section, the office shall expend money transferred to the fund
5 pursuant to subsection (4)(a) of this section in accordance with the
6 following requirements and limitations:

7 (III) ~~(A)~~ The office shall expend OR ENCUMBER the money
8 transferred to the fund pursuant to ~~subsections (4)(a)(I)(A) and~~
9 ~~(4)(a)(I)(B)~~ of this section by the close of state fiscal year ~~2023-24~~
10 2029-30.

11 ~~(B) The office shall expend the money transferred to the fund~~
12 ~~pursuant to subsection (4)(a)(I)(C) of this section by the close of state~~
13 ~~fiscal year 2025-26.~~

14 **SECTION 4.** In Colorado Revised Statutes, 8-83-504.5, **amend**
15 (1)(a)(III) and (1)(f); and **repeal** (1)(a)(IV) as follows:

16 **8-83-504.5. Additional coal transition workforce assistance**
17 **program funding - coal transition workforce assistance program**
18 **account.** (1) (a) (III) Subject to annual appropriation by the general
19 assembly, the department shall expend money from the account for coal
20 transition workforce assistance programs that directly assist coal
21 transition workers ~~or their family members, and other~~ OR MEMBERS OF
22 THEIR FAMILIES RESIDING IN THE SAME household, ~~members~~ INCLUDING
23 COAL TRANSITION WORKERS OR MEMBERS OF THEIR FAMILIES RESIDING IN
24 THE SAME HOUSEHOLD WHO ARE MEMBERS OF A DISPROPORTIONATELY
25 IMPACTED COMMUNITY, including programs that:

26 (A) Establish or expand existing apprenticeship programs, the
27 training capacity of such programs, and the placement of coal transition

1 workers into such programs, prioritizing programs that are recognized as
2 registered apprenticeship programs by the department or a state
3 apprenticeship agency recognized by the United States department of
4 labor;

5 (B) Aid implementation of the ~~final~~ just transition plan;

6 (C) Provide tuition ~~reimbursement~~ ASSISTANCE;

7 (D) Provide job search assistance;

8 (E) Provide ~~individualized financial and transition~~ CAREER
9 planning SERVICES AND FINANCIAL COUNSELING;

10 (F) SUPPORT CHILD CARE ASSISTANCE;

11 (G) SUPPORT HOUSING ASSISTANCE;

12 (H) SUPPORT HEALTH CARE AND BEHAVIORAL HEALTH
13 ASSISTANCE;

14 (I) SUPPORT RETIREMENT ASSISTANCE;

15 (J) PROVIDE BUSINESS START-UP ASSISTANCE;

16 ~~(F)~~ (K) Provide other services authorized by the federal
17 "Workforce Innovation and Opportunity Act", Pub.L. 113-128, such as
18 on-the-job training, subsidized employment, and other strategies that aid
19 in the implementation of individual transition plans; OR

20 ~~(G) Support family members or other household members of coal~~
21 ~~transition workers; or~~

22 ~~(H)~~ (L) Test innovative coal transition work support programs
23 through a pilot program. The department is encouraged to limit any pilot
24 program to no more than forty total participants who are coal transition
25 workers, coal transition worker family members, coal transition worker
26 households, or a combination of coal transition workers, family members,
27 and households.

1 ~~(IV) For purposes of the money transferred to the account~~
2 ~~pursuant to subsection (1)(a)(H)(B) of this section, the office shall use the~~
3 ~~money for the following purposes that directly assist coal transition~~
4 ~~workers, their family members, and other household members, including~~
5 ~~coal transition workers, their family members, and their household~~
6 ~~members who are members of a disproportionately impacted community:~~

7 ~~(A) Tuition assistance and apprenticeships;~~

8 ~~(B) Expanded child care assistance;~~

9 ~~(C) Career planning services;~~

10 ~~(D) Financial counseling; and~~

11 ~~(E) Housing assistance.~~

12 (f) Any unexpended and unencumbered money in the account at
13 the end of any fiscal year remains in the account and shall not be credited
14 or transferred to the general fund; EXCEPT THAT AT THE END OF STATE
15 FISCAL YEAR 2029-30, ANY UNEXPENDED AND UNENCUMBERED MONEY
16 SHALL BE TRANSFERRED TO THE GENERAL FUND.

17 **SECTION 5. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.