

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0347.01 Nicole Myers x4326

SENATE BILL 13-260

SENATE SPONSORSHIP

Hudak and Steadman,

HOUSE SPONSORSHIP

Hamner,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

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

Bill Summary

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

The bill amends the "Public School Finance Act of 1994" (act) to modify the funding for public schools from preschool through the twelfth grade for the 2013-14 budget year, and, in some circumstances, for budget years thereafter, as follows:

Statewide base per pupil funding: For the 2013-14 budget year,

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

the statewide base per pupil funding is increased to \$5,954.28 to account for a 1.9% inflation rate.

Funded pupil count: Currently, a district's funded pupil count is calculated by adding the district's on-line pupil enrollment, preschool program enrollment, supplemental kindergarten enrollment, and accelerating students through concurrent enrollment (ASCENT) program pupil enrollment, all for the applicable budget year, and the greater of the district's pupil enrollment for the current budget year or an average of the district's pupil enrollment for the current budget year and the 2, 3, or 4 immediately preceding budget years.

In addition, the bill specifies that, notwithstanding the calculation for determining funded pupil count, for the 2013-14 budget year and each budget year thereafter, a district's funded pupil count will not be less than 50 pupils.

Negative factor: During the 2010 and 2011 legislative sessions, the general assembly amended the act for the 2010-11 budget year and budget years thereafter to reduce the amount of the annual appropriation to fund the state's share of total program funding for all school districts and the funding for institute charter schools (total program funding) to assist in stabilizing the state budget. The general assembly accomplished the reduction to each district through a calculation that resulted in a factor, called the negative factor, to be applied to each district's total program funding amount in the applicable budget year.

For the 2013-14 budget year, the general assembly has determined that application of the negative factor to total program funding is necessary, but without an additional reduction in the amount of the annual appropriation to fund the state's share of total program funding. For the 2013-14 budget year, the bill increases the total program funding amount by a specified amount compared with the amount currently required in law to account for increases in student enrollment.

Charter school at-risk supplemental aid: Currently, certain qualified school districts, district charter schools, and institute charter schools receive at-risk supplemental aid (aid) in addition to the at-risk funding received pursuant to the act. A portion of the funding for the aid comes from the amount recovered by the department of education (department) from school district and charter school audits. The bill eliminates this funding source for the aid and funds the aid from the state public school fund.

Charter school capital construction: Currently, \$6 million from the state education fund is annually appropriated for capital construction costs for all eligible districts and for all eligible institute charter schools. For the 2013-14 budget year only, the appropriation from the state education fund for charter school capital construction costs is increased to \$7 million.

In addition to the changes to the act, the bill modifies other

provisions related to funding for public schools as follows:

"READ Act" funding: During the 2012 legislative session, the general assembly enacted the "READ Act" and specified that, for the 2013-14 state fiscal year and for each state fiscal year thereafter, any interest or income, up to \$16 million, earned on the investment of moneys in the public school fund in excess of \$11 million, other than interest and income credited to the public school capital construction assistance fund, shall be transferred to the early literacy fund to be used for purposes of the "READ Act".

The bill eliminates the provision that authorizes the early literacy fund to receive a transfer from the public school fund and, for the 2013-14 budget year and each budget year thereafter, requires the state treasurer to annually transfer \$16 million from the state education fund to the early literacy fund for purposes of the "READ Act".

Educator effectiveness: The great teachers and leaders fund was created to accept moneys to be used for the implementation of the state council for educator effectiveness. For the 2013-14 fiscal year, the bill requires the state treasurer to transfer \$200,000 to the great teachers and leaders fund from the state education fund.

"Tier B" special education funding: "Tier B" special education funding is \$6,000 per child with one or more specific disabilities described in law. The department determines the percentage of children for which a district receives such funding based on the amount remaining from the appropriation for special education funding after several other special education funding requirements have been met. For the 2013-14 budget year and each budget year thereafter, the appropriation for special education is increased by \$20 million and is required to be used for "Tier B" special education funding.

Colorado preschool program: The Colorado preschool program (CPP) serves children from ages 3 to 5 who lack overall learning readiness due to one or more factors specified in law. For the 2013-14 budget year and each budget year thereafter, the bill increases the number of children who may participate in CPP by 3,200 for a total of 23,360 children who may participate in CPP statewide. The bill allows school districts to serve the total number of additional children eligible to participate in CPP pursuant to the bill with either a half-day or full-day of preschool through the CPP or through a full-day of kindergarten through preexisting school district full-day kindergarten programs.

Expanding quality incentive program: The bill creates, in the department and within the CPP, the expanding quality incentive program (program). Through the program, an eligible school district may apply to the department for a grant to obtain a school-readiness quality rating for the district's preschool program and, based on the quality rating that the district's preschool program achieves, receive a quality improvement grant that the district must use to enhance the quality of the district's

preschool program.

Once every 2 years, school districts, based on the recommendation of the school district's preschool program advisory council, may apply to the department to participate in the program. A school district is eligible to participate in the program only if it has established a preschool program through the CPP that is in compliance with the requirements of the CPP and is licensed by the department of human services. School districts that contract out all or any portion of the school district's preschool program to a head start or child care agency must allow the head start or child care agency to participate in the program.

A classroom that is rated with zero, one, or 2 stars will receive a quality improvement grant for 2 years to be used in furtherance of the district's quality improvement plan generated by the quality improvement rating.

Each district that participates in the program must report specified information to the department after the second year in which the district receives the quality improvement grant. In addition, the department must include certain information about the program in its annual report to the general assembly regarding the CPP. The state board of education must promulgate rules to implement and operate the program.

Public school fund: The bill eliminates the requirement that up to \$16 million from the interest or income earned on the public school fund be used for the "READ Act" and increases the amount of interest or income earned on the investment of the moneys in the public school fund that shall be credited to the state public school fund for distribution as provided by law from \$11 million to \$16 million.

"BEST Act": The bill excludes from the definition of "public school lands income" the income received from bonus payments between July 1, 2012, and June 30, 2016, under the terms of the oil and gas development lease for the Lowry Range property entered into in March 2012.

Quality teacher recruitment: The bill requires the department to contract at least one organization (vendors) to create a quality teacher recruitment program (recruitment program) for the state to recruit, select, train, and retain highly qualified teachers to teach in schools and school districts in Colorado that can demonstrate historic difficulty in recruiting and retaining highly qualified teachers. The department must select a vendor that:

- ! Commits to working with one or more districts in the state for at least 2 years to recruit highly qualified teachers;
- ! Has a documented history of recruiting, training, and retaining highly qualified teachers in areas of Colorado or in other states that have had historic difficulty in recruiting and retaining highly qualified teachers;
- ! Commits to hiring only teachers who are highly qualified

pursuant to the United States department of education guidelines;

- ! Can demonstrate that the teachers it has worked with in the past achieve high academic growth from their students based on state achievement data or independent studies;
- ! Has a documented history of providing professional development for educators; and
- ! Commits to matching 100% of any moneys paid to the vendor through the contract.

The bill requires a vendor that enters into a contract with the department to operate a recruitment program to submit a report to the department that includes specified data and performance metrics from the prior school year. In addition, the department must contract with a third party to evaluate the recruitment program and to submit a report to the department regarding the progress of the vendor based on the same specified data and performance metrics.

Nationally board certified teachers: The department is required to award an annual stipend to a teacher or principal who is employed to teach in a school district, a program operated by a board of cooperative services, a district charter school, or an institute charter school, and who holds a certification from the national board for professional teaching or principal standards. The bill increases the appropriation from the state education fund for the stipends by \$1,339,200.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-54-104, **add** (5)

3 (a) (XX) as follows:

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

6 (a) (XX) FOR THE 2013-14 BUDGET YEAR, THE STATEWIDE BASE
7 PER PUPIL FUNDING IS \$5,954.28, WHICH IS AN AMOUNT EQUAL TO
8 \$5,843.26, SUPPLEMENTED BY \$111.02 TO ACCOUNT FOR INFLATION.

9 **SECTION 2.** In Colorado Revised Statutes, 22-54-103, **amend**
10 (7) (e) (I) introductory portion; and **add** (7) (f) as follows:

11 **22-54-103. Definitions.** As used in this article, unless the context
12 otherwise requires:

1 (7) "Funded pupil count" means:

2 (e) (I) For budget years commencing on and after July 1, 2009,
3 BUT PRIOR TO JULY 1, 2013, the district's on-line pupil enrollment for the
4 applicable budget year plus the district's preschool program enrollment
5 for the applicable budget year plus the district's supplemental
6 kindergarten enrollment for the applicable budget year plus the district's
7 ASCENT program pupil enrollment for the applicable budget year, plus
8 the greater of:

9 (f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,
10 2013, THE DISTRICT'S ON-LINE PUPIL ENROLLMENT FOR THE APPLICABLE
11 BUDGET YEAR, PLUS THE DISTRICT'S PRESCHOOL PROGRAM ENROLLMENT
12 FOR THE APPLICABLE BUDGET YEAR, PLUS THE DISTRICT'S SUPPLEMENTAL
13 KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR, PLUS
14 THE DISTRICT'S ASCENT PROGRAM PUPIL ENROLLMENT FOR THE
15 APPLICABLE BUDGET YEAR, PLUS THE GREATER OF:

16 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
17 BUDGET YEAR; OR

18 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
19 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
20 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

21 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
22 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
23 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

24 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
25 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
26 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

27 (E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE

1 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
2 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

3 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
4 CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f),
5 A DISTRICT'S FUNDED PUPIL COUNT SHALL INCLUDE THE CERTIFIED PUPIL
6 ENROLLMENT AND ON-LINE PUPIL ENROLLMENT OF EACH OPERATING
7 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING
8 DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE
9 CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL
10 ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO
11 CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION
12 22-54-104.

13 (III) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
14 FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE
15 CONSTITUTION, AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE
16 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
17 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO
18 SUB-SUBPARAGRAPH (E) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) IS
19 A PROGRAM FOR ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE
20 RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION
21 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

22 (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
23 CONTRARY, FOR THE PURPOSES OF THIS PARAGRAPH (f), A DISTRICT'S PUPIL
24 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S PUPIL
25 ENROLLMENT FOR ANY PRECEDING BUDGET YEAR SHALL NOT INCLUDE ANY
26 PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS
27 ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY

1 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER
2 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE
3 ORIGINAL AUTHORIZING DISTRICT.

4 (V) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (f) TO
5 THE CONTRARY, FOR THE 2013-14 BUDGET YEAR AND EACH BUDGET YEAR
6 THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A DISTRICT'S
7 FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS SUBSECTION (7)
8 FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE DISTRICT'S FUNDED
9 PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

10 **SECTION 3.** In Colorado Revised Statutes, 22-54-104, **amend**
11 **as added by Senate Bill 13-108** (5) (g) (I) (D); and **add** (5) (g) (I) (E) as
12 follows:

13 **22-54-104. District total program.** (5) For purposes of the
14 formulas used in this section:

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

25 (D) That, for the 2013-14 budget year, and each budget year
26 thereafter, the sum of the total program funding for all districts, including
27 the funding for institute charter schools, after application of the negative

1 factor, is not less than ~~the sum of the total program funding for all~~
2 ~~districts, including the funding for institute charter schools, after the~~
3 ~~application of the negative factor for the immediately preceding budget~~
4 ~~year, adjusted by the amount necessary to adjust the state average per~~
5 ~~pupil revenues for the applicable budget year by the rate of inflation, as~~
6 ~~defined in section 22-55-102 (7), for the calendar year ending in the~~
7 ~~immediately preceding school district budget year _____~~; except that the
8 department of education and the staff of the legislative council shall make
9 mid-year revisions to replace projections with actual figures including,
10 but not limited to, actual pupil enrollment, assessed valuations, and
11 specific ownership tax revenue from the prior year, to determine any
12 necessary changes in the amount of the reduction to maintain a total
13 program funding amount for the applicable budget year that is consistent
14 with this sub-subparagraph (D).

15 (E) THAT, FOR THE 2014-15 BUDGET YEAR, AND EACH BUDGET
16 YEAR THEREAFTER, THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL
17 DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS,
18 AFTER APPLICATION OF THE NEGATIVE FACTOR, IS NOT LESS THAN THE SUM
19 OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE
20 FUNDING FOR INSTITUTE CHARTER SCHOOLS, AFTER THE APPLICATION OF
21 THE NEGATIVE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR,
22 ADJUSTED BY THE AMOUNT NECESSARY TO ADJUST THE STATE AVERAGE
23 PER PUPIL REVENUES FOR THE APPLICABLE BUDGET YEAR BY THE RATE OF
24 INFLATION, AS DEFINED IN SECTION 22-55-102 (7), FOR THE CALENDAR
25 YEAR ENDING IN THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET
26 YEAR; EXCEPT THAT THE DEPARTMENT OF EDUCATION AND THE STAFF OF
27 THE LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR REVISIONS TO REPLACE

1 PROJECTIONS WITH ACTUAL FIGURES INCLUDING, BUT NOT LIMITED TO,
2 ACTUAL PUPIL ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC
3 OWNERSHIP TAX REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY
4 NECESSARY CHANGES IN THE AMOUNT OF THE REDUCTION TO MAINTAIN A
5 TOTAL PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR
6 THAT IS CONSISTENT WITH THIS SUB-SUBPARAGRAPH (E).

7 **SECTION 4.** In Colorado Revised Statutes, 22-54-114, **amend**
8 (4) (c) as follows:

9 **22-54-114. State public school fund.** (4) (c) For the 2012-13
10 budget year ~~and each budget year thereafter~~, the general assembly shall
11 appropriate the amount calculated for at-risk supplemental aid pursuant
12 to sections 22-30.5-112.2 and 22-30.5-513, up to three million eight
13 hundred thirty-nine thousand six hundred twenty-seven dollars, from any
14 amounts recovered and received by the department of education during
15 the applicable budget year.

16 **SECTION 5.** In Colorado Revised Statutes, 22-54-124, **amend**
17 (3) (a) (III) (A) as follows:

18 **22-54-124. State aid for charter schools - use of state education**
19 **fund moneys - definitions.** (3) (a) (III) (A) The total amount of state
20 education fund moneys to be appropriated for all eligible districts and for
21 all eligible institute charter schools for the 2003-04 through 2011-12
22 budget years shall be an amount equal to five million dollars; except that,
23 for the 2006-07 budget year, an additional two million eight hundred
24 thousand dollars shall be appropriated from the state education fund and
25 shall be used for the purposes of this section, and for the 2008-09 budget
26 year, an additional one hundred thirty-five thousand dollars shall be
27 appropriated from the state education fund and shall be distributed

1 pursuant to section 22-54-133, as said section existed prior to its repeal
2 in 2010. The total amount of state education fund moneys to be
3 appropriated for all eligible districts and for all eligible institute charter
4 schools for the 2012-13 budget year and each budget year thereafter is six
5 million dollars; EXCEPT THAT, FOR THE 2013-14 BUDGET YEAR, AN
6 ADDITIONAL ONE MILLION DOLLARS SHALL BE APPROPRIATED FROM THE
7 STATE EDUCATION FUND AND SHALL BE USED FOR THE PURPOSES OF THIS
8 SECTION.

9 **SECTION 6.** In Colorado Revised Statutes, 22-7-1210, **amend**
10 (1) (d); **repeal** (1) (c); and **add** (1) (e) as follows:

11 **22-7-1210. Early literacy fund - created - repeal.** (1) The early
12 literacy fund is hereby created in the state treasury and is referred to in
13 this section as the "fund". The fund shall consist of:

14 (c) ~~Moneys transferred to the fund pursuant to section 22-41-102~~
15 ~~(3)(c); and~~

16 (d) (I) ~~Any other moneys that the general assembly may~~
17 ~~appropriate or transfer to the fund~~ FOR THE 2013-14 BUDGET YEAR AND
18 EACH BUDGET YEAR THEREAFTER, AN AMOUNT EQUAL TO SIXTEEN
19 MILLION DOLLARS FROM THE STATE EDUCATION FUND. THE STATE
20 TREASURER SHALL ANNUALLY TRANSFER SAID AMOUNT FROM THE STATE
21 EDUCATION FUND TO THE EARLY LITERACY FUND.

22 (II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT,
23 FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE
24 CONSTITUTION, PROVIDING STUDENTS ENROLLED IN KINDERGARTEN, FIRST,
25 SECOND, OR THIRD GRADE WITH THE INSTRUCTIONAL PROGRAMMING,
26 INTERVENTION INSTRUCTION, AND SUPPORT NECESSARY TO ENSURE THAT
27 STUDENTS, BY THE COMPLETION OF THIRD GRADE, CAN DEMONSTRATE A

1 LEVEL OF COMPETENCY IN READING SKILLS THAT IS NECESSARY TO
2 SUPPORT THEM IN ACHIEVING THE ACADEMIC STANDARDS AND
3 EXPECTATIONS APPLICABLE TO THE FOURTH-GRADE CURRICULUM IS A
4 PROGRAM FOR ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE
5 RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION
6 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

7 (e) ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY MAY
8 APPROPRIATE OR TRANSFER TO THE FUND.

9 **SECTION 7.** In Colorado Revised Statutes, 22-9-105.7, **amend**
10 (3) as follows:

11 **22-9-105.7. Great teachers and leaders fund - created - gifts,**
12 **grants, and donations.** (3) (a) For fiscal years 2010-11 and 2011-12, if
13 two hundred fifty thousand dollars is not credited to the fund through
14 federal grants on or before September 30, 2010, the commissioner shall
15 notify the state treasurer of the difference. As provided for in section
16 22-54-117 (1) (g), upon receipt of such notice, the state treasurer shall
17 transfer to the fund the amount of the difference out of the contingency
18 reserve fund, created pursuant to section 22-54-117 for the
19 implementation of section 22-9-105.5. If there is an insufficient amount
20 in the contingency reserve fund, the state treasurer shall transfer to the
21 fund any remaining amount of the difference from the state education
22 fund, created in section 17 (4) of article IX of the state constitution for the
23 implementation of section 22-9-105.5.

24 (b) (I) FOR FISCAL YEAR 2013-14, THE STATE TREASURER SHALL
25 TRANSFER TWO HUNDRED THOUSAND DOLLARS TO THE FUND FROM THE
26 STATE EDUCATION FUND.

27 (II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT,

1 FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE
2 CONSTITUTION, THE IMPLEMENTATION OF THE STATE COUNCIL FOR
3 EDUCATOR EFFECTIVENESS IS A PROGRAM FOR ACCOUNTABLE EDUCATION
4 REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE
5 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE
6 STATE CONSTITUTION.

7 **SECTION 8.** In Colorado Revised Statutes, 22-20-114, **amend**
8 (1) (c) (I); and **add** (1) (c) (III) as follows:

9 **22-20-114. Funding of programs.** (1) Subject to the provisions
10 of subsection (3) of this section, for the 2005-06 budget year and each
11 budget year thereafter, the total amount appropriated to the department for
12 the payment of costs incurred by administrative units for the provision of
13 special education programs shall be distributed to each administrative unit
14 that provides educational services for children with disabilities as follows:

15 (c) (I) If any amount of the total annual appropriation remains
16 after the distributions specified in paragraphs (a), (a.5), and (b) of this
17 subsection (1) have been made, and after the distribution of the portion
18 of the total annual appropriation designated for high cost grants pursuant
19 to subsection (2) of this section has been made, six thousand dollars per
20 child with one or more disabilities, as described in subparagraph (II) of
21 this paragraph (c), for a percentage of such children receiving special
22 education services from the administrative unit. The department shall
23 annually determine the percentage of such children for which an
24 administrative unit may receive additional funding pursuant to this
25 paragraph (c) based on the amount of the remaining appropriation, THE
26 MONEYS AVAILABLE PURSUANT TO SUB-PARAGRAPH (III) OF THIS
27 PARAGRAPH (c), and the per-pupil amount of six thousand dollars.

1 (III) (A) FOR THE 2013-14 BUDGET YEAR AND EACH BUDGET YEAR
2 THEREAFTER, IN ADDITION TO ANY AMOUNT THAT IS AVAILABLE PURSUANT
3 TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE GENERAL ASSEMBLY
4 SHALL APPROPRIATE TWENTY MILLION DOLLARS FROM THE STATE
5 EDUCATION FUND TO THE DEPARTMENT FOR THE PURPOSES OF THIS
6 PARAGRAPH (c).

7 (B) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT,
8 FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE
9 CONSTITUTION, PROVIDING ADDITIONAL MONEYS TO CHILDREN WITH ONE
10 OR MORE DISABILITIES, AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS
11 PARAGRAPH (c), FOR A PERCENTAGE OF SUCH CHILDREN RECEIVING
12 SPECIAL EDUCATION SERVICES FROM AN ADMINISTRATIVE UNIT IS A
13 PROGRAM FOR ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE
14 RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION
15 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

16 **SECTION 9.** In Colorado Revised Statutes, **add** 22-28-104.3 as
17 follows:

18 **22-28-104.3. Early childhood at-risk enhancement.**

19 (1) NOTWITHSTANDING THE NUMBER OF CHILDREN WHO MAY ANNUALLY
20 PARTICIPATE IN THE COLORADO PRESCHOOL PROGRAM PURSUANT TO
21 SECTION 22-28-104 (2) (a), FOR THE 2013-14 BUDGET YEAR AND EACH
22 BUDGET YEAR THEREAFTER, AN ADDITIONAL THREE THOUSAND TWO
23 HUNDRED CHILDREN MAY ANNUALLY PARTICIPATE IN THE COLORADO
24 PRESCHOOL PROGRAM. THE DEPARTMENT SHALL ALLOCATE THE
25 AUTHORITY TO ENROLL THE ADDITIONAL CHILDREN IN THE SAME MANNER
26 PROVIDED IN SECTION 22-28-104; EXCEPT THAT THE PROVISIONS OF
27 SECTION 22-28-104 (2) (b) DO NOT APPLY.

1 (2) IN ALLOCATING THE AUTHORITY TO ENROLL CHILDREN IN THE
2 COLORADO PRESCHOOL PROGRAM PURSUANT TO THIS SECTION, THE
3 DEPARTMENT SHALL ALLOW A SCHOOL DISTRICT TO ENROLL A CHILD IN
4 THE PROGRAM USING TWO POSITIONS SO THAT THE CHILD MAY ATTEND A
5 FULL-DAY PRESCHOOL PORTION OF THE DISTRICT'S PRESCHOOL PROGRAM
6 OR TO USE A PRESCHOOL PROGRAM POSITION TO ENROLL A CHILD IN A
7 FULL-DAY OF THE DISTRICT'S EXISTING FULL-DAY KINDERGARTEN
8 PROGRAM.

9 (3) THE COLORADO PRESCHOOL PROGRAM POSITIONS THAT THE
10 DEPARTMENT ALLOCATES TO A SCHOOL DISTRICT PURSUANT TO
11 SUBSECTION (1) OF THIS SECTION AND THAT ARE USED TO ALLOW A CHILD
12 TO ATTEND A HALF-DAY OR FULL-DAY OF PRESCHOOL THROUGH A
13 DISTRICT'S PRESCHOOL PROGRAM ARE SUBJECT TO ALL OF THE
14 REQUIREMENTS OF THIS ARTICLE; EXCEPT THAT THE PROVISIONS OF
15 SECTION 22-28-104 (4) (b) DO NOT APPLY TO POSITIONS ALLOCATED
16 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

17 **SECTION 10.** In Colorado Revised Statutes, **add** 22-28-115 as
18 follows:

19 **22-28-115. Expanding quality incentive program - legislative**
20 **declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT:

21 (a) QUALITY PRESCHOOL PROGRAMS ARE VITAL TO THE HEALTH
22 AND WELL-BEING OF THE CHILDREN IN COLORADO;

23 (b) THE HUMAN CAPACITY TO DEVELOP AND CHANGE IS GREATEST
24 FROM BIRTH TO FIVE YEARS, WHEN THE BRAIN IS MOST MALLEABLE AND
25 ABLE TO CHANGE IN RESPONSE TO EDUCATION AND STIMULATION;

26 (c) THE INVESTMENT MADE IN QUALITY PRESCHOOL BENEFITS
27 CHILDREN, PARENTS, AND THE COMMUNITY IN THE LONG TERM;

1 (d) CHILDREN WHO PARTICIPATE IN THE COLORADO PRESCHOOL
2 PROGRAM ARE LESS LIKELY TO REPEAT A GRADE OR REQUIRE SPECIAL
3 EDUCATION SERVICES AND MORE LIKELY TO SHOW DESIRABLE ACADEMIC
4 GROWTH AND ACHIEVEMENT;

5 (e) HIGH-QUALITY PRESCHOOL PROGRAMS ARE KNOWN TO RESULT
6 IN GREATER KINDERGARTEN READINESS AND ACADEMIC ACHIEVEMENT;
7 AND

8 (f) GRANTS TO IMPROVE PRESCHOOL PROGRAMS RECOGNIZE AND
9 SUPPORT THE COST OF PROVIDING HIGH-QUALITY EARLY LEARNING,
10 ENSURE PRESCHOOL PROGRAM SUSTAINABILITY, AND RESULT IN A BETTER
11 RETURN ON THE MONEY INVESTED IN THE PRESCHOOL PROGRAM.

12 (2) THERE IS CREATED IN THE DEPARTMENT WITHIN THE
13 COLORADO PRESCHOOL PROGRAM THE EXPANDING QUALITY INCENTIVE
14 PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM". THROUGH
15 THE PROGRAM, AN ELIGIBLE SCHOOL DISTRICT MAY APPLY TO THE
16 DEPARTMENT TO RECEIVE AN INITIAL GRANT TO PAY THE COST OF
17 OBTAINING A SCHOOL-READINESS QUALITY RATING PURSUANT TO SECTION
18 26-6.5-106 (5), C.R.S., FOR THE DISTRICT'S PRESCHOOL PROGRAM AND,
19 BASED ON THE QUALITY RATING THAT THE DISTRICT'S PRESCHOOL
20 PROGRAM ACHIEVES, TO RECEIVE A QUALITY IMPROVEMENT GRANT THAT
21 THE DISTRICT MUST USE TO ENHANCE THE QUALITY OF THE DISTRICT'S
22 PRESCHOOL PROGRAM.

23 (3) (a) THE SCHOOL DISTRICT PRESCHOOL PROGRAM ADVISORY
24 COUNCIL FOR A SCHOOL DISTRICT SHALL ASSESS THE SCHOOL DISTRICT'S
25 NEED TO PARTICIPATE IN THE PROGRAM AND RECOMMEND TO THE SCHOOL
26 DISTRICT BOARD OF EDUCATION WHETHER IT WOULD BE BENEFICIAL FOR
27 THE SCHOOL DISTRICT TO APPLY TO THE DEPARTMENT TO PARTICIPATE IN

1 THE PROGRAM.

2 (b) FOR THE 2013-14 BUDGET YEAR AND EVERY SECOND BUDGET
3 YEAR THEREAFTER, AN ELIGIBLE SCHOOL DISTRICT MAY, UPON
4 RECOMMENDATION OF THE SCHOOL DISTRICT PRESCHOOL PROGRAM
5 ADVISORY COUNCIL, APPLY TO THE DEPARTMENT TO PARTICIPATE IN THE
6 PROGRAM. A SCHOOL DISTRICT IS AN ELIGIBLE SCHOOL DISTRICT FOR
7 PURPOSES OF THIS SECTION IF IT HAS ESTABLISHED A PRESCHOOL PROGRAM
8 THROUGH THIS ARTICLE THAT IS IN COMPLIANCE WITH THE REQUIREMENTS
9 OF THE COLORADO PRESCHOOL PROGRAM AND IS LICENSED BY THE
10 DEPARTMENT OF HUMAN SERVICES PURSUANT TO ARTICLE 6 OF TITLE 26,
11 C.R.S. ONLY THE CLASSROOMS WITHIN THE SCHOOL DISTRICT'S
12 PRESCHOOL PROGRAM IN WHICH ONE OR MORE STUDENTS ARE ENROLLED
13 THROUGH THE COLORADO PRESCHOOL PROGRAM MAY PARTICIPATE IN THE
14 PROGRAM.

15 (c) IF A SCHOOL DISTRICT THAT, PURSUANT TO SECTION 22-28-109,
16 CONTRACTS OUT ALL OR ANY PORTION OF THE SCHOOL DISTRICT'S
17 PRESCHOOL PROGRAM TO A HEAD START AGENCY OR TO ONE OR MORE
18 CHILD CARE AGENCIES LOCATED IN THE SCHOOL DISTRICT APPLIES TO
19 PARTICIPATE IN THE PROGRAM, THE SCHOOL DISTRICT SHALL ALLOW THE
20 HEAD START AGENCY OR CHILD CARE AGENCIES TO PARTICIPATE IN THE
21 PROGRAM THROUGH THE SCHOOL DISTRICT. THE SCHOOL DISTRICT SHALL
22 ENSURE THAT THE NUMBER OF HEAD START OR CHILD CARE AGENCY
23 CONTRACT CLASSROOMS OF THE DISTRICT THAT PARTICIPATE IN THE
24 PROGRAM BEARS THE SAME PERCENTAGE TO THE TOTAL NUMBER OF
25 PRESCHOOL CLASSROOMS OF THE DISTRICT THAT PARTICIPATE IN THE
26 PROGRAM AS THE NUMBER OF HEAD START OR CHILD CARE AGENCY
27 CONTRACT CLASSROOMS BEARS TO THE TOTAL NUMBER OF PRESCHOOL

1 PROGRAM CLASSROOMS OF THE DISTRICT.

2 (4) (a) THE DEPARTMENT SHALL OPERATE THE PROGRAM ON A
3 TWO-YEAR BUDGET CYCLE. IN THE FIRST BUDGET YEAR, AN ELIGIBLE
4 SCHOOL DISTRICT MAY APPLY TO THE PROGRAM AND RECEIVE A
5 SCHOOL-READINESS QUALITY RATING AS PROVIDED IN SECTION 26-6.5-106,
6 C.R.S. A CLASSROOM THAT IS RATED WITH ZERO, ONE, OR TWO STARS MAY
7 RECEIVE A QUALITY IMPROVEMENT GRANT IN THE FIRST AND SECOND
8 BUDGET YEARS OF THE CYCLE IN AN AMOUNT EQUAL TO THREE THOUSAND
9 DOLLARS PER CLASSROOM PER YEAR. THE DISTRICT MUST USE A GRANT
10 RECEIVED PURSUANT TO THIS SUBSECTION (4) IN FURTHERANCE OF THE
11 DISTRICT'S QUALITY IMPROVEMENT PLAN GENERATED BY THE QUALITY
12 IMPROVEMENT RATING.

13 (b) A SCHOOL DISTRICT PRESCHOOL PROGRAM CLASSROOM THAT
14 IS OPERATED BY A HEAD START OR CHILD CARE AGENCY PURSUANT TO
15 SECTION 22-28-109 AND THAT RECEIVES A QUALITY IMPROVEMENT GRANT
16 PURSUANT TO THE PROGRAM MUST RECEIVE ONE HUNDRED PERCENT OF
17 THE GRANT ALLOWED IN EACH YEAR OF THE PROGRAM.

18 (5) AT THE CONCLUSION OF THE SECOND BUDGET YEAR IN WHICH
19 A DISTRICT RECEIVES A QUALITY IMPROVEMENT GRANT PURSUANT TO THIS
20 SECTION, THE DISTRICT SHALL SUBMIT A REPORT TO THE DEPARTMENT
21 THAT INCLUDES THE FOLLOWING INFORMATION:

22 (a) THE NUMBER OF CLASSROOMS FOR WHICH THE SCHOOL
23 DISTRICT RECEIVED QUALITY IMPROVEMENT GRANTS PURSUANT TO THE
24 PROGRAM;

25 (b) THE PURPOSES FOR WHICH THE DISTRICTS USED THE QUALITY
26 IMPROVEMENT GRANTS; AND

27 (c) THE PROGRESS MADE BY THE SCHOOL DISTRICT IN INCREASING

1 THE QUALITY OF THE SCHOOL DISTRICT'S PRESCHOOL PROGRAM AS A
2 RESULT OF THE QUALITY IMPROVEMENT GRANTS.

3 (6) IN ITS ANNUAL REPORT TO THE GENERAL ASSEMBLY
4 REGARDING THE COLORADO PRESCHOOL PROGRAM, THE DEPARTMENT
5 SHALL INCLUDE THE FOLLOWING INFORMATION ABOUT THE EXPANDING
6 QUALITY INCENTIVE PROGRAM:

7 (a) THE NUMBER OF DISTRICTS THAT APPLIED TO PARTICIPATE IN
8 THE PROGRAM AND THE NUMBER OF DISTRICTS THAT WERE APPROVED TO
9 PARTICIPATE IN THE PROGRAM;

10 (b) THE NUMBER OF PRESCHOOL CLASSROOMS THAT ACHIEVED A
11 QUALITY RATING AS A RESULT OF THE PROGRAM AND THE QUALITY LEVELS
12 OF THE CLASSROOMS THAT WERE RATED;

13 (c) THE NUMBER OF QUALITY IMPROVEMENT GRANTS THAT WERE
14 AWARDED; AND

15 (d) BASED ON THE INFORMATION PROVIDED IN THE DISTRICTS'
16 REPORTS TO THE DEPARTMENT PURSUANT TO SUBSECTION (5) OF THIS
17 SECTION, THE WAYS IN WHICH THE DISTRICTS USED THE QUALITY
18 IMPROVEMENT GRANTS TO IMPROVE QUALITY IN THEIR PRESCHOOL
19 CLASSROOMS.

20 (7) THE STATE BOARD SHALL PROMULGATE RULES FOR THE
21 IMPLEMENTATION OF THIS SECTION. THE RULES MUST BE PROMULGATED
22 IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",
23 ARTICLE 4 OF TITLE 24, C.R.S., AND MUST ESTABLISH THE FOLLOWING:

24 (a) AN APPLICATION PROCESS THROUGH WHICH AN ELIGIBLE
25 SCHOOL DISTRICT MAY APPLY TO THE PROGRAM, WHICH PROCESS IS
26 CREATED IN CONJUNCTION WITH THE COLORADO DEPARTMENT OF HUMAN
27 SERVICES AND COMPLIES WITH COLORADO PRESCHOOL PROGRAM

1 REQUIREMENTS, STATE LICENCING REQUIREMENTS, AND THE STATE'S
2 QUALITY RATING AND IMPROVEMENT SYSTEM REQUIREMENTS;

3 (b) AN APPLICATION TIME LINE TO ENSURE THAT ALL ELIGIBLE
4 SCHOOL DISTRICTS THAT CHOOSE TO PARTICIPATE IN THE PROGRAM APPLY
5 IN THE FIRST YEAR OF THE PROGRAM'S TWO-YEAR CYCLE AND RECEIVE A
6 QUALITY RATING IN THE FIRST YEAR;

7 (c) THE DEADLINE BY WHICH EACH SCHOOL DISTRICT THAT
8 PARTICIPATES IN THE PROGRAM MUST SUBMIT A REPORT TO THE
9 DEPARTMENT AS REQUIRED IN SUBSECTION (5) OF THIS SECTION;

10 (d) A PROCESS AND CRITERIA FOR SELECTING SCHOOL DISTRICTS
11 TO PARTICIPATE IN THE PROGRAM IF THE NUMBER OF SCHOOL DISTRICTS
12 THAT APPLY TO THE PROGRAM EXCEEDS THE NUMBER OF SCHOOL
13 DISTRICTS THAT MAY PARTICIPATE IN THE PROGRAM BASED ON THE
14 AVAILABLE FUNDING AND RESOURCES FOR THE PROGRAM; AND

15 (e) ANY OTHER RULES DEEMED NECESSARY TO IMPLEMENT AND
16 OPERATE THE PROGRAM.

17 (8) (a) FOR THE 2013-14 BUDGET YEAR AND EACH BUDGET YEAR
18 THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
19 MONEYS FROM THE STATE EDUCATION FUND OR ANY OTHER SOURCE TO
20 THE DEPARTMENT FOR THE PURPOSES OF THIS SECTION.

21 (b) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT,
22 FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE
23 CONSTITUTION, THE EXPANDING QUALITY INCENTIVE PROGRAM WITHIN
24 THE COLORADO PRESCHOOL PROGRAM IS A PROGRAM FOR ACCOUNTABLE
25 EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE
26 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
27 THE STATE CONSTITUTION.

1 **SECTION 11.** In Colorado Revised Statutes, 22-41-102, **amend**
2 (3) (a); **repeal** (3) (c); and **add** (3) (d) as follows:

3 **22-41-102. Fund inviolate - repeal.** (3) (a) Except as provided
4 in paragraph (b) of this subsection (3), for the 2010-11 state fiscal year
5 ~~and each state fiscal year thereafter~~ THROUGH THE 2012-13 FISCAL YEAR,
6 the first eleven million dollars of any interest or income earned on the
7 investment of the moneys in the public school fund shall be credited to
8 the state public school fund created in section 22-54-114 for distribution
9 as provided by law. ~~Prior to the 2013-14 state fiscal year,~~ Any amount of
10 such interest and income earned on the investment of the moneys in the
11 state public school fund in excess of eleven million dollars, other than
12 interest and income credited to the public school capital construction
13 assistance fund, created in section 22-43.7-104 (1), pursuant to section
14 22-43.7-104 (2) (b) (I), shall remain in the fund and shall become part of
15 the principal of the fund.

16 (c) ~~For the 2013-14 state fiscal year and for each state fiscal year~~
17 ~~thereafter, any amount of interest or income earned on the investment of~~
18 ~~moneys in the public school fund in excess of eleven million dollars,~~
19 ~~other than interest and income credited to the public school capital~~
20 ~~construction assistance fund, created in section 22-43.7-104 (1), pursuant~~
21 ~~to section 22-43.7-104 (2) (b) (I), shall be credited to the early literacy~~
22 ~~fund created in section 22-7-1210; except that the amount credited to the~~
23 ~~early literacy fund pursuant to this paragraph (c) shall not exceed sixteen~~
24 ~~million dollars in any state fiscal year.~~

25 (d) FOR THE 2013-14 STATE FISCAL YEAR AND EACH STATE FISCAL
26 YEAR THEREAFTER, THE FIRST SIXTEEN MILLION DOLLARS OF ANY
27 INTEREST OR INCOME EARNED ON THE INVESTMENT OF THE MONEYS IN THE

1 PUBLIC SCHOOL FUND SHALL BE CREDITED TO THE STATE PUBLIC SCHOOL
2 FUND CREATED IN SECTION 22-54-114 FOR DISTRIBUTION AS PROVIDED BY
3 LAW. ANY AMOUNT OF SUCH INTEREST AND INCOME EARNED ON THE
4 INVESTMENT OF THE MONEYS IN THE STATE PUBLIC SCHOOL FUND IN
5 EXCESS OF SIXTEEN MILLION DOLLARS, OTHER THAN INTEREST AND
6 INCOME CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION
7 ASSISTANCE FUND, CREATED IN SECTION 22-43.7-104 (1), PURSUANT TO
8 SECTION 22-43.7-104 (2) (b) (I), SHALL REMAIN IN THE FUND AND SHALL
9 BECOME PART OF THE PRINCIPAL OF THE FUND.

10 **SECTION 12.** In Colorado Revised Statutes, 22-43.7-103,
11 **amend** (13) introductory portion as follows:

12 **22-43.7-103. Definitions.** As used in this article, unless the context
13 otherwise requires:

14 (13) "Public school lands income" means all income, OTHER THAN
15 INCOME FROM BONUS PAYMENTS RECEIVED BETWEEN JULY 1, 2012, AND
16 JUNE 30, 2016, UNDER THE TERMS OF THE OIL AND GAS DEVELOPMENT
17 LEASE FOR THE LOWRY RANGE PROPERTY ENTERED INTO IN MARCH 2012,
18 received by the state from:

19 **SECTION 13.** In Colorado Revised Statutes, **add** article 94 to
20 title 22 as follows:

21 **ARTICLE 94**

22 **Quality Teacher Recruitment**

23 **22-94-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
26 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

27 (2) "DISTRICT" MEANS A SCHOOL DISTRICT, A GROUP OF SCHOOL

1 DISTRICTS, OR A BOARD OF COOPERATIVE SERVICES AS DEFINED IN SECTION
2 22-5-103 (2).

3 (3) "HIGHLY QUALIFIED" HAS THE SAME MEANING AS PROVIDED IN
4 20 U.S.C. SEC. 7801 (23).

5 (4) "PROGRAM" MEANS A QUALITY TEACHER RECRUITMENT
6 PROGRAM CREATED BY A VENDOR THROUGH A CONTRACT WITH THE
7 DEPARTMENT.

8 (5) "VENDOR" MEANS A FOR-PROFIT OR NONPROFIT
9 ORGANIZATION.

10 **22-94-102. Contract to create quality teacher recruitment**

11 **program.** (1) THE DEPARTMENT SHALL CONTRACT WITH A VENDOR, IN
12 PARTNERSHIP WITH A DISTRICT, TO CREATE A QUALITY TEACHER
13 RECRUITMENT PROGRAM TO RECRUIT, SELECT, TRAIN, AND RETAIN HIGHLY
14 QUALIFIED TEACHERS TO TEACH IN PUBLIC SCHOOLS AND IN SCHOOL
15 DISTRICTS IN THE STATE THAT CAN DEMONSTRATE A HISTORIC DIFFICULTY
16 IN RECRUITING AND RETAINING HIGHLY QUALIFIED TEACHERS. IN
17 CONTRACTING WITH A VENDOR IN PARTNERSHIP WITH A DISTRICT, THE
18 DEPARTMENT SHALL ENSURE THAT THE VENDOR WILL PLACE HIGHLY
19 QUALIFIED TEACHERS IN THE DISTRICT BY THE BEGINNING OF THE 2014-15
20 SCHOOL YEAR.

21 (2) IN AWARDING A CONTRACT PURSUANT TO SUBSECTION (1) OF
22 THIS SECTION, THE DEPARTMENT SHALL TAKE INTO CONSIDERATION THE
23 NUMBER OF DISTRICTS IN WHICH THE VENDOR WILL PLACE HIGHLY
24 QUALIFIED TEACHERS, THE NUMBER OF HIGHLY QUALIFIED TEACHERS THAT
25 THE VENDOR WILL PLACE, AND THE POTENTIAL NUMBER OF CHILDREN WHO
26 WILL BE TAUGHT BY THE HIGHLY QUALIFIED TEACHERS. THE DEPARTMENT
27 SHALL ENSURE THAT IT AWARDS THE CONTRACT TO ONE OR MORE

1 VENDORS THAT SATISFY THE FOLLOWING CRITERIA:

2 (a) THE VENDOR COMMITS TO WORKING WITH ONE OR MORE
3 SCHOOL DISTRICTS IN THE STATE FOR AT LEAST TWO YEARS TO RECRUIT
4 AND PLACE HIGHLY QUALIFIED TEACHERS;

5 (b) THE VENDOR HAS A DOCUMENTED HISTORY OF RECRUITING,
6 TRAINING, AND RETAINING HIGHLY QUALIFIED TEACHERS IN AREAS OF
7 COLORADO OR OTHER STATES THAT HAVE HAD HISTORIC DIFFICULTY IN
8 RECRUITING AND RETAINING HIGHLY QUALIFIED TEACHERS;

9 (c) THE VENDOR COMMITS TO PLACING ONLY TEACHERS WHO ARE
10 DEEMED HIGHLY QUALIFIED;

11 (d) THE VENDOR CAN DEMONSTRATE THAT THE TEACHERS IT HAS
12 PLACED IN PUBLIC SCHOOLS AND SCHOOL DISTRICTS IN THE PAST, EITHER
13 IN COLORADO OR IN OTHER STATES, ACHIEVE HIGH ACADEMIC GROWTH
14 FROM THEIR STUDENTS BASED ON STATE ACHIEVEMENT DATA OR
15 INDEPENDENT STUDIES;

16 (e) THE VENDOR HAS A DOCUMENTED HISTORY OF PROVIDING
17 PROFESSIONAL DEVELOPMENT FOR TEACHERS, INCLUDING INDUCTION,
18 TRAINING, ON-GOING SUPPORT, AND EVALUATIONS; AND

19 (f) THE VENDOR COMMITS TO MATCHING NO LESS THAN ONE
20 HUNDRED PERCENT OF ANY MONEYS THAT THE DEPARTMENT PAYS
21 THROUGH A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (1) OF
22 THIS SECTION. A VENDOR THAT RESPONDS TO THE DEPARTMENT'S
23 SOLICITATION FOR A CONTRACT ISSUED PURSUANT TO SUBSECTION (1) OF
24 THIS SECTION SHALL PROVIDE WRITTEN DOCUMENTATION FROM ONE OR
25 MORE PRIVATE OR CORPORATE DONORS THAT PLEDGE TO MAKE GIFTS,
26 GRANTS, OR DONATIONS TO THE VENDOR THAT, IN TOTAL, EQUAL AT LEAST
27 THE AMOUNT THAT THE DEPARTMENT HAS SPECIFIED WILL BE AVAILABLE

1 FOR THE PURPOSES OF A CONTRACT PURSUANT TO SUBSECTION (1) OF THIS
2 SECTION FOR THE APPLICABLE FISCAL YEAR. THE WRITTEN
3 DOCUMENTATION MUST ALSO INCLUDE THE DATE BY WHICH THE VENDOR
4 WILL RECEIVE THE GIFTS, GRANTS, OR DONATIONS TO BE USED IN
5 FURTHERANCE OF THE REQUIREMENTS OF THIS ARTICLE.

6 (3) THE VENDOR WITH WHICH THE DEPARTMENT CONTRACTS TO
7 OPERATE A PROGRAM PURSUANT TO THIS ARTICLE SHALL USE ANY MONEYS
8 PAID TO THE VENDOR IN CONNECTION WITH THE CONTRACT TO RECRUIT,
9 TRAIN, AND PLACE HIGHLY QUALIFIED TEACHERS TO TEACH IN PUBLIC
10 SCHOOLS OR SCHOOL DISTRICTS IN COLORADO THAT HAVE HAD HISTORIC
11 DIFFICULTY IN RECRUITING AND RETAINING HIGHLY QUALIFIED TEACHERS.
12 THE VENDOR SHALL PROVIDE THE NECESSARY ADMINISTRATIVE SERVICES
13 TO OPERATE THE PROGRAM AND SHALL NOT USE ANY STATE MONEYS FOR
14 THESE PURPOSES.

15 **22-94-103. Annual reports.** (1) A VENDOR THAT ENTERS INTO A
16 CONTRACT WITH THE DEPARTMENT TO ESTABLISH AND OPERATE A
17 PROGRAM PURSUANT TO THIS ARTICLE SHALL, FOR THE DURATION OF THE
18 CONTRACT, SUBMIT A REPORT TO THE DEPARTMENT THAT INCLUDES THE
19 DATA AND PERFORMANCE METRICS FROM THE PRIOR SCHOOL YEAR AS
20 SPECIFIED IN SUBSECTION (3) OF THIS SECTION.

21 (2) IN ADDITION TO THE REPORT REQUIRED PURSUANT TO
22 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL CONTRACT
23 WITH A THIRD PARTY TO EVALUATE AND SUBMIT TO THE DEPARTMENT A
24 REPORT AFTER THE FIRST YEAR OF THE PROGRAM AND A FINAL REPORT
25 AFTER THE SECOND YEAR OF THE PROGRAM REGARDING THE PROGRESS OF
26 THE VENDOR BASED ON THE DATA AND PERFORMANCE METRICS SPECIFIED
27 IN SUBSECTION (3) OF THIS SECTION. THE DEPARTMENT MAY USE UP TO

1 TWO PERCENT OF THE MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY
2 FOR THE PURPOSES OF THIS ARTICLE IN THE APPLICABLE FISCAL YEAR TO
3 CONTRACT FOR THE REPORT REQUIRED IN THIS SUBSECTION (2).

4 (3) THE REPORTS REQUIRED IN SUBSECTIONS (1) AND (2) OF THIS
5 SECTION MUST INCLUDE BUT NEED NOT BE LIMITED TO:

6 (a) THE NUMBER OF STUDENTS IN THE STATE WHO ARE TAUGHT BY
7 TEACHERS WHO ARE PLACED IN PUBLIC SCHOOLS OR DISTRICTS IN THE
8 STATE THROUGH A PROGRAM;

9 (b) THE AVERAGE LENGTH OF TIME THAT TEACHERS PLACED IN
10 DISTRICTS THROUGH A PROGRAM REMAIN IN THE DISTRICT IN WHICH THEY
11 ARE PLACED;

12 (c) THE NAMES OF THE PUBLIC SCHOOLS AND DISTRICTS IN WHICH
13 TEACHERS ARE PLACED THROUGH A PROGRAM;

14 (d) THE SUBJECTS AND GRADE LEVELS TAUGHT BY THE TEACHERS
15 WHO ARE PLACED THROUGH THE PROGRAM; AND

16 (e) THE EFFECTIVENESS RATINGS OF THE TEACHERS PLACED
17 THROUGH THE PROGRAM PURSUANT TO SECTION 22-9-106.

18 (4) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE
19 OFFICE OF THE GOVERNOR, THE STATE BOARD OF EDUCATION, AND THE
20 MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF
21 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,
22 SUMMARIZING THE FINDINGS FROM THE TWO REPORTS SUBMITTED TO THE
23 DEPARTMENT PURSUANT TO THIS SECTION.

24 **SECTION 14. Appropriation - adjustments to the 2013 long**
25 **bill.** For the implementation of this act, appropriations made in the
26 annual general appropriation act to the department of education for the
27 fiscal year beginning July 1, 2013, are adjusted as follows:

1 (1) The cash funds appropriation from the state education fund
2 created in section 17 (4) (a) of article IX of the state constitution, for
3 stipends for nationally board certified teachers, is increased by
4 \$1,339,200.

5 (2) The cash funds appropriation from the state public school fund
6 created in section 22-54-114 (1), Colorado Revised Statutes, from audit
7 recoveries that are credited to the fund pursuant to section 22-54-114 (4),
8 Colorado Revised Statutes, for at-risk supplemental aid, is decreased by
9 \$3,839,627.

10 (3) In addition to any other appropriation, there is hereby
11 appropriated, out of any moneys in the state public school fund created in
12 section 22-54-114 (1), Colorado Revised Statutes, not otherwise
13 appropriated, to the department of education, for the fiscal year beginning
14 July 1, 2013, the sum of \$3,839,627, or so much thereof as may be
15 necessary, to be allocated for at-risk supplemental aid. This amount shall
16 be from interest and income earned on the investment of moneys in the
17 public school fund that is credited to the state public school fund pursuant
18 to section 22-41-102 (3) (d), Colorado Revised Statutes.

19 **SECTION 15. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.