

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 14-0590.01 Julie Pelegrin x2700

HOUSE BILL 14-1298

HOUSE SPONSORSHIP

Hamner and Buckner,

SENATE SPONSORSHIP

Kerr and Steadman,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AND REDUCING**
103 **APPROPRIATIONS.**

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 sets the statewide base per pupil funding amount for the 2014-15 budget year at \$6,121, which is an inflationary increase of 2.8%.

The bill clarifies the calculation of the cost of living factor in years in which the income level used in the cost of living study decreases below

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.

HOUSE
Amended 2nd Reading
April 9, 2014

the income level used in the previous cost of living study, in years in which the percentage increase in the income level is 1% or lower, and in years in which the percentage increase is more than 1%.

The bill establishes the amount of the negative factor for the 2014-15 budget year. The bill repeals the language that establishes the target amount for total program funding in budget years after 2014-15 and states that, for the 2015-16 budget year, the difference between the amount of statewide total program funding calculated without the negative factor and the amount of statewide total program funding calculated with the negative factor cannot exceed the dollar amount of that difference for the 2014-15 budget year.

For the 2014-15 budget year, the bill increases by 5,000 the number of positions funded in the Colorado preschool program. A school district or a charter school may use the positions to serve a child in half-day or full-day preschool or in full-day kindergarten.

Under existing law, a school district's limit on bonded indebtedness is higher if the school district's pupil enrollment increases by at least 2.5% each year for 3 consecutive fiscal years. The bill allows a school district to use the higher limit on bonded indebtedness if the average annual increase in the school district's pupil enrollment for 3 years or 5 years, whichever results in the highest average, is at least 2.5%.

The bill increases by \$2 million the appropriation to boards of cooperative services to assist school districts in implementing and meeting the state's education priorities.

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) (XXI) as follows:

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

6 (a) (XXI) FOR THE 2014-15 BUDGET YEAR, THE STATEWIDE BASE
7 PER PUPIL FUNDING IS \$6,121, WHICH IS AN AMOUNT EQUAL TO \$5,954.28,
8 SUPPLEMENTED BY \$166.72 TO ACCOUNT FOR INFLATION.

9 **SECTION 2.** In Colorado Revised Statutes, 22-54-104, **amend**
10 (5) (c) (II) (B.1), (5) (c) (II) (C), and (5) (c) (III) (A); and **add** (5) (c)
11 (II.5) as follows:

1 **22-54-104. District total program.** (5) For purposes of the
2 formulas used in this section:

3 (c) (II) (B.1) Except as provided in subparagraph (IV) of this
4 paragraph (c), for the 2000-01 budget year and budget years thereafter
5 THROUGH THE 2013-14 BUDGET YEAR, a district's cost of living factor
6 ~~shall be~~ IS the district's cost of living factor for the prior budget year, but,
7 if the percentage change in the district's cost of living amount from the
8 previous cost of living study to the current cost of living study is greater
9 than the percent increase in the income level used in the cost of living
10 study, a district's cost of living factor ~~shall be~~ IS determined by dividing
11 the percentage change in the district's cost of living amount from the
12 previous cost of living study to the current cost of living study by the
13 percent increase in the income level used in the cost of living study,
14 dividing said amount by one thousand and rounding to the nearest
15 one-thousandth of one percent, and adding the result obtained to the
16 district's cost of living factor for the prior budget year.

17 (C) For purposes of this subparagraph (II) AND SUBPARAGRAPH
18 (II.5) OF THIS PARAGRAPH (c), a district's cost of living amount refers to
19 the values as adjusted for district labor pool areas.

20 (II.5) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS
21 PARAGRAPH (c), FOR THE 2014-15 BUDGET YEAR AND BUDGET YEARS
22 THEREAFTER, A DISTRICT'S COST OF LIVING FACTOR IS THE DISTRICT'S COST
23 OF LIVING FACTOR FOR THE PRIOR BUDGET YEAR; EXCEPT THAT:

24 (A) IF THE PERCENT INCREASE IN THE INCOME LEVEL USED IN THE
25 COST OF LIVING STUDY IS ONE PERCENT OR LESS AND IF THE PERCENTAGE
26 CHANGE IN THE DISTRICT'S COST OF LIVING AMOUNT FROM THE PREVIOUS
27 COST OF LIVING STUDY TO THE CURRENT COST OF LIVING STUDY IS

1 GREATER THAN ONE PERCENT, A DISTRICT'S COST OF LIVING FACTOR IS
2 DETERMINED BY DIVIDING THE PERCENTAGE CHANGE IN THE DISTRICT'S
3 COST OF LIVING AMOUNT FROM THE PREVIOUS COST OF LIVING STUDY TO
4 THE CURRENT COST OF LIVING STUDY BY ONE PERCENT, DIVIDING SAID
5 AMOUNT BY ONE THOUSAND AND ROUNDING TO THE NEAREST
6 THOUSANDTH OF ONE PERCENT AND ADDING THE RESULT OBTAINED TO
7 THE DISTRICT'S COST OF LIVING FACTOR FOR THE PRIOR BUDGET YEAR; OR

8 (B) IF THE PERCENT INCREASE IN THE INCOME LEVEL USED IN THE
9 COST OF LIVING STUDY IS MORE THAN ONE PERCENT AND IF THE
10 PERCENTAGE CHANGE IN THE DISTRICT'S COST OF LIVING AMOUNT FROM
11 THE PREVIOUS COST OF LIVING STUDY TO THE CURRENT COST OF LIVING
12 STUDY IS GREATER THAN THE PERCENT INCREASE IN THE INCOME LEVEL
13 USED IN THE COST OF LIVING STUDY, A DISTRICT'S COST OF LIVING FACTOR
14 IS DETERMINED BY DIVIDING THE PERCENTAGE CHANGE IN THE DISTRICT'S
15 COST OF LIVING AMOUNT FROM THE PREVIOUS COST OF LIVING STUDY TO
16 THE CURRENT COST OF LIVING STUDY BY THE PERCENT INCREASE IN THE
17 INCOME LEVEL USED IN THE COST OF LIVING STUDY, DIVIDING SAID
18 AMOUNT BY ONE THOUSAND AND ROUNDING TO THE NEAREST
19 THOUSANDTH OF ONE PERCENT AND ADDING THE RESULT OBTAINED TO
20 THE DISTRICT'S COST OF LIVING FACTOR FOR THE PRIOR BUDGET YEAR.

21 (III) (A) Based upon the cost of living analysis conducted
22 pursuant to the SB 93-87 setting category study, the staff of the legislative
23 council shall certify the cost of living factor for each district to the
24 department of education no later than ten days following April 27, 1994.
25 Such cost of living factors shall be effective for the 1994-95 budget year
26 and the budget year thereafter. The cost of living factor for each district
27 shall be certified to the department by the staff of the legislative council

1 for each two-year period thereafter based upon a new cost of living
2 analysis. The certification shall be made no later than April 15 of the
3 applicable year and shall be effective for the budget year beginning on
4 July 1 of such year and the budget year thereafter. IF THE INCOME LEVEL
5 USED IN A COST OF LIVING ANALYSIS DOES NOT INCREASE ABOVE THE
6 INCOME LEVEL USED IN THE PREVIOUS COST OF LIVING ANALYSIS, THE
7 COST OF LIVING FACTOR FOR EACH DISTRICT REMAINS THE SAME AS THE
8 COST OF LIVING FACTOR DERIVED FROM THE PREVIOUS COST OF LIVING
9 ANALYSIS.

10 **SECTION 3.** In Colorado Revised Statutes, 22-54-104, **amend**
11 (5) (g) (I) (E) as follows:

12 **22-54-104. District total program.** (5) For purposes of the
13 formulas used in this section:

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

24 (E) That, for the 2014-15 budget year, ~~and each budget year~~
25 ~~thereafter~~, the sum of the total program funding for all districts, including
26 the funding for institute charter schools, after application of the negative
27 factor, is not less than ~~the sum of the total program funding for all~~

1 ~~districts, including the funding for institute charter schools, after the~~
2 ~~application of the negative factor for the immediately preceding budget~~
3 ~~year, adjusted by the amount necessary to adjust the state average per~~
4 ~~pupil revenues for the applicable budget year by the rate of inflation, as~~
5 ~~defined in section 22-55-102 (7), for the calendar year ending in the~~
6 ~~immediately preceding school district budget year~~ FIVE BILLION SEVEN
7 HUNDRED SEVENTY-FIVE MILLION ONE HUNDRED FORTY-THREE THOUSAND
8 FORTY-TWO DOLLARS (\$5,775,143,042); except that the department of
9 education and the staff of the legislative council shall make mid-year
10 revisions to replace projections with actual figures including, but not
11 limited to, actual pupil enrollment, assessed valuations, and specific
12 ownership tax revenue from the prior year, to determine any necessary
13 changes in the amount of the reduction to maintain a total program
14 funding amount for the applicable budget year that is consistent with this
15 sub-subparagraph (E). FOR THE 2015-16 BUDGET YEAR, THE DIFFERENCE
16 BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND
17 ACTUAL STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE
18 DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM
19 FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE
20 2014-15 BUDGET YEAR.

21 **SECTION 4.** In Colorado Revised Statutes, 22-54-104, **amend**
22 **as amended by House Bill 14-1292** (5) (g) (I) (E) as follows:

23 **22-54-104. District total program.** (5) For purposes of the
24 formulas used in this section:

25 (g) (I) For the 2010-11 budget year and each budget year
26 thereafter, the general assembly determines that stabilization of the state
27 budget requires a reduction in the amount of the annual appropriation to

1 fund the state's share of total program funding for all districts and the
2 funding for institute charter schools. The department of education shall
3 implement the reduction in total program funding through the application
4 of a negative factor as provided in this paragraph (g). For the 2010-11
5 budget year and each budget year thereafter, the department of education
6 and the staff of the legislative council shall determine, based on budget
7 projections, the amount of such reduction to ensure the following:

8 (E) That, for the 2014-15 budget year, the sum of the total
9 program funding for all districts, including the funding for institute
10 charter schools, after application of the negative factor, is not less than
11 the sum of the total program funding for all districts, including the
12 funding for institute charter schools, after the application of the negative
13 factor, is not less than ~~five billion nine hundred one million sixty-two~~
14 ~~thousand six hundred fourteen dollars (\$5,901,062,614)~~ FIVE BILLION
15 NINE HUNDRED TWENTY-NINE MILLION SEVEN HUNDRED NINE THOUSAND
16 FIVE HUNDRED EIGHTY-TWO DOLLARS (\$5,929,709,582); except that the
17 department of education and the staff of the legislative council shall make
18 mid-year revisions to replace projections with actual figures including,
19 but not limited to, actual pupil enrollment, assessed valuations, and
20 specific ownership tax revenue from the prior year, to determine any
21 necessary changes in the amount of the reduction to maintain a total
22 program funding amount for the applicable budget year that is consistent
23 with this sub-subparagraph (E). FOR THE 2015-16 BUDGET YEAR, THE
24 DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM
25 FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING MUST NOT
26 EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL
27 PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING

1 FOR THE 2014-15 BUDGET YEAR.

2 **SECTION 5.** In Colorado Revised Statutes, 22-54-104, **add** (5)
3 (g) (VII) as follows:

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

6 (g) (VII) AS USED IN THIS PARAGRAPH (g), UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (A) "ACTUAL STATEWIDE TOTAL PROGRAM FUNDING" MEANS THE
9 SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE
10 FUNDING FOR INSTITUTE CHARTER SCHOOLS, AS CALCULATED PURSUANT
11 TO SUBSECTION (2) OF THIS SECTION, AFTER APPLICATION OF THE
12 NEGATIVE FACTOR PURSUANT TO THIS PARAGRAPH (g).

13 (B) "CALCULATED STATEWIDE TOTAL PROGRAM FUNDING" MEANS
14 THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING
15 THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, AS CALCULATED
16 PURSUANT TO SUBSECTION (2) OF THIS SECTION, BEFORE APPLICATION OF
17 THE NEGATIVE FACTOR PURSUANT TO THIS PARAGRAPH (g).

18 **SECTION 6.** In Colorado Revised Statutes, 22-28-104.3, **amend**
19 (1) as follows:

20 **22-28-104.3. Early childhood at-risk enhancement (ECARE).**

21 (1) (a) Notwithstanding the number of children who may annually
22 participate in the Colorado preschool program pursuant to section
23 22-28-104 (2) (a):

24 (I) For the 2013-14 budget year, ~~and each budget year thereafter,~~
25 an additional three thousand two hundred children may ~~annually~~
26 participate in the Colorado preschool program, for a total of twenty-three
27 thousand three hundred sixty children who may ~~annually~~ participate in the

1 Colorado preschool program FOR THE 2013-14 BUDGET YEAR.

2 (II) FOR THE 2014-15 BUDGET YEAR, AND EACH BUDGET YEAR
3 THEREAFTER, AN ADDITIONAL FIVE THOUSAND CHILDREN MAY ANNUALLY
4 PARTICIPATE IN THE COLORADO PRESCHOOL PROGRAM, FOR A TOTAL OF
5 TWENTY-EIGHT THOUSAND THREE HUNDRED SIXTY CHILDREN WHO MAY
6 ANNUALLY PARTICIPATE IN THE COLORADO PRESCHOOL PROGRAM.
7 NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2) OF THIS SECTION
8 TO THE CONTRARY, THE DEPARTMENT SHALL DISTRIBUTE THE
9 INCREMENTAL INCREASE IN THE NUMBER OF POSITIONS AUTHORIZED IN
10 THIS SUBPARAGRAPH (II) TO DISTRICTS AND CHARTER SCHOOLS FIRST FOR
11 THE PURPOSE OF ENROLLING CHILDREN IN A FULL DAY OF THE DISTRICT'S
12 OR CHARTER SCHOOL'S EXISTING FULL-DAY KINDERGARTEN PROGRAM. IF
13 THERE ARE ANY POSITIONS REMAINING AFTER DISTRIBUTING THE
14 POSITIONS REQUESTED FOR EXISTING FULL-DAY KINDERGARTEN
15 PROGRAMS, THE DEPARTMENT SHALL DISTRIBUTE THE REMAINING
16 POSITIONS TO ENROLL CHILDREN IN A HALF-DAY OR FULL-DAY PRESCHOOL
17 PROGRAM.

18 (b) The department shall allocate the authority to enroll the
19 additional children in the same manner provided in section 22-28-104;
20 except that the provisions of section 22-28-104 (2) (b) do not apply.

21 **SECTION 7.** In Colorado Revised Statutes, 22-42-104, **amend**
22 (1) introductory portion, (1.3) introductory portion, and (1.5); and **add**
23 (1.6) as follows:

24 **22-42-104. Limit of bonded indebtedness.** (1) Except as
25 provided in subsections (1.3), ~~and~~ (1.4), AND (1.6) of this section, a
26 ~~school district shall have a~~ THE limit of ON bonded indebtedness of A
27 SCHOOL DISTRICT IS the greater of the following:

1 (1.3) Notwithstanding the provisions of paragraph (a) of
2 subsection (1) of this section and except as provided in subsection (1.4)
3 of this section, the limit on bonded indebtedness of a school district ~~shall~~
4 ~~be~~ IS the greater of the limit determined pursuant to paragraph (b) of
5 subsection (1) of this section or twenty-five percent of the latest valuation
6 for assessment of the taxable property in ~~such~~ THE district, as certified by
7 the county assessor to the board of county commissioners, for any bonded
8 indebtedness approved at any election held on or after July 1, 1994, BUT
9 BEFORE JULY 1, 2014, if the commissioner of education or the
10 commissioner's designee certifies that for each of the preceding three
11 fiscal years, or for three consecutive fiscal years that include the fiscal
12 year in which the certification is made, the pupil enrollment or the funded
13 pupil count of the district as of the pupil enrollment count day, whichever
14 is applicable, has increased:

15 (1.5) The debt limit provided in subsection (1.3) OR (1.6) of this
16 section ~~shall apply~~ APPLIES to a district only as long as the conditions of
17 subsection (1.3) OR (1.6) of this section are met. In ~~any~~ A year in which
18 the conditions of said subsection (1.3) OR (1.6) are not met, the debt limit
19 ~~shall be~~ IS the limit set forth in subsection (1) of this section; except that
20 the validity of bonded indebtedness incurred in any year in which the debt
21 limit in said subsection (1.3) ~~applied shall not be~~ OR (1.6) APPLIES IS NOT
22 affected by a subsequent reduction in the district's debt limit.

23 (1.6) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
24 SUBSECTION (1) OF THIS SECTION AND EXCEPT AS PROVIDED IN
25 SUBSECTION (1.4) OF THIS SECTION, THE LIMIT ON BONDED INDEBTEDNESS
26 OF A SCHOOL DISTRICT IS THE GREATER OF THE LIMIT DETERMINED
27 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION OR

1 TWENTY-FIVE PERCENT OF THE LATEST VALUATION FOR ASSESSMENT OF
2 THE TAXABLE PROPERTY IN THE DISTRICT, AS CERTIFIED BY THE COUNTY
3 ASSESSOR TO THE BOARD OF COUNTY COMMISSIONERS, FOR BONDED
4 INDEBTEDNESS APPROVED AT AN ELECTION HELD ON OR AFTER JULY 1,
5 2014, IF THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER'S
6 DESIGNEE CERTIFIES THAT:

7 (a) FOR A DISTRICT THAT HAS A PUPIL ENROLLMENT OR FUNDED
8 PUPIL COUNT, WHICHEVER IS APPLICABLE, OF ONE THOUSAND PUPILS OR
9 MORE, THE AVERAGE OF THE ANNUAL PERCENTAGE INCREASES IN THE
10 DISTRICT'S PUPIL ENROLLMENT OR FUNDED PUPIL COUNT AS OF THE PUPIL
11 ENROLLMENT COUNT DAY FOR THE THREE PRECEDING FISCAL YEARS OR
12 THE FIVE PRECEDING FISCAL YEARS, WHICHEVER IS HIGHER, IS AT LEAST
13 TWO AND ONE-HALF PERCENT;

14 (b) FOR A DISTRICT THAT HAS A PUPIL ENROLLMENT OR FUNDED
15 PUPIL COUNT, WHICHEVER IS APPLICABLE, OF FEWER THAN ONE THOUSAND
16 PUPILS, THE AVERAGE OF THE ANNUAL INCREASES IN THE DISTRICT'S PUPIL
17 ENROLLMENT OR FUNDED PUPIL COUNT AS OF THE PUPIL ENROLLMENT
18 COUNT DAY FOR THE THREE PRECEDING FISCAL YEARS OR THE FIVE
19 PRECEDING FISCAL YEARS, WHICHEVER IS HIGHER, IS AT LEAST
20 TWENTY-FIVE PUPILS.

21 **SECTION 8.** In Colorado Revised Statutes, 24-75-220, **add** (5)
22 as follows:

23 **24-75-220. State education fund - transfers - surplus -**
24 **legislative declaration.** (5) NOTWITHSTANDING ANY PROVISION OF LAW
25 TO THE CONTRARY, ON THE DATE ON WHICH THE STATE CONTROLLER
26 PUBLISHES THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE
27 STATE FOR THE FISCAL YEAR 2014-15, THE STATE TREASURER SHALL

1 TRANSFER TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF
2 ARTICLE IX OF THE STATE CONSTITUTION SEVENTY-FIVE PERCENT OF THE
3 REMAINING GENERAL FUND SURPLUS DESIGNATED IN ACCORDANCE WITH
4 SECTION 24-75-201 (1) FOR THE FISCAL YEAR 2014-15.

5 **SECTION 9.** In Colorado Revised Statutes, **repeal and reenact,**
6 **with amendments,** article 24 of title 22 as follows:

7 **ARTICLE 24**

8 **English Language Proficiency Act**

9 **22-24-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
10 BE CITED AS THE "ENGLISH LANGUAGE PROFICIENCY ACT".

11 **22-24-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
12 FINDS THAT:

13 (a) THERE IS A SUBSTANTIAL NUMBER OF STUDENTS IN COLORADO
14 WHO ARE ENGLISH LANGUAGE LEARNERS;

15 (b) LOCAL EDUCATION PROVIDERS MUST PROVIDE
16 EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR
17 ENGLISH LANGUAGE LEARNERS TO ENABLE THEM TO DEVELOP AND
18 ACQUIRE ENGLISH LANGUAGE PROFICIENCY WHILE ACHIEVING AND
19 MAINTAINING GRADE-LEVEL PERFORMANCE IN ACADEMIC CONTENT
20 AREAS;

21 (c) TO IMPROVE THE EDUCATIONAL AND CAREER OPPORTUNITIES
22 FOR EVERY STUDENT IN COLORADO, THE STATE MUST ENSURE SUPPORT
23 FOR LOCAL EDUCATION PROVIDERS TO ESTABLISH EVIDENCE-BASED
24 ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

25 (d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE
26 ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE
27 DEVELOPMENT AND IN ENABLING ENGLISH LANGUAGE LEARNERS TO

1 ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC
2 CONTENT AREAS;

3 (e) THE STATE MUST DEVELOP AN EDUCATOR WORKFORCE THAT
4 CAN SUPPORT THE EDUCATIONAL APPROACH AND GOALS OF LOCAL
5 EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE
6 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT
7 GRADUATION;

8 (f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO
9 LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE
10 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT
11 GRADUATION;

12 (g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
13 EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE
14 THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11
15 OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES
16 MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE
17 DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH
18 LANGUAGE LEARNERS; AND

19 (h) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
20 EDUCATION MUST RECOGNIZE LOCAL EDUCATION PROVIDERS WHO
21 PROVIDE EFFECTIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS BY
22 AWARDING GRANTS THROUGH A COMPETITIVE PROGRAM THAT IS
23 SUPPORTED WITH ANNUAL APPROPRIATIONS.

24 **22-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
27 BY A DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE OR AN

1 INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
2 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

3 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

4 (3) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND
5 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF
6 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE
7 5 OF THIS TITLE.

8 (4) "ENGLISH LANGUAGE LEARNER" MEANS A STUDENT WHO IS
9 LINGUISTICALLY DIVERSE AND WHO IS IDENTIFIED PURSUANT TO SECTION
10 22-24-105 (2) AS HAVING A LEVEL OF ENGLISH LANGUAGE PROFICIENCY
11 THAT REQUIRES LANGUAGE SUPPORT TO ACHIEVE STANDARDS IN
12 GRADE-LEVEL CONTENT IN ENGLISH.

13 (5) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A
14 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS
15 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH
16 LANGUAGE LEARNER WHILE ENABLING THE ENGLISH LANGUAGE LEARNER
17 TO ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC
18 CONTENT AREAS.

19 (6) "EVIDENCE-BASED" MEANS THE INSTRUCTION OR ITEM
20 DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE
21 THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED
22 A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO
23 ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY,
24 AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE
25 LEARNERS.

26 (7) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS
27 DEFINED IN SECTION 22-2-402 (1).

1 (8) "LOCAL EDUCATION PROVIDER" MEANS A DISTRICT, THE STATE
2 CHARTER SCHOOL INSTITUTE, OR A FACILITY SCHOOL.

3 (9) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE
4 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE
5 30.5 OF THIS TITLE.

6 **22-24-104. English language proficiency program established**

7 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE
8 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN
9 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY
10 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND
11 GRADES ONE THROUGH TWELVE.

12 (2) (a) A STUDENT WHO IS IDENTIFIED FOR INCLUSION IN AN
13 ENGLISH LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING
14 PURSUANT TO THIS SECTION FOR UP TO A TOTAL OF FIVE BUDGET YEARS
15 REGARDLESS OF WHETHER THE STUDENT TRANSFERS ENROLLMENT AMONG
16 LOCAL EDUCATION PROVIDERS DURING THE FIVE YEARS. THE FIVE BUDGET
17 YEARS IN WHICH A STUDENT RECEIVES FUNDING PURSUANT TO THIS
18 SECTION ARE NOT REQUIRED TO BE CONSECUTIVE IF A STUDENT EXITS AN
19 ENGLISH LANGUAGE PROFICIENCY PROGRAM AND IS SUBSEQUENTLY
20 RE-IDENTIFIED FOR INCLUSION IN AN ENGLISH LANGUAGE PROFICIENCY
21 PROGRAM. A STUDENT IS NOT ELIGIBLE FOR FUNDING IN A SCHOOL YEAR
22 IN WHICH THE STUDENT DOES NOT RECEIVE EDUCATIONAL SUPPORT
23 THROUGH AN ENGLISH LANGUAGE PROFICIENCY PROGRAM. THE
24 DEPARTMENT SHALL ALLOCATE STATE MONEYS PURSUANT TO THIS
25 SECTION ON THE STUDENT'S BEHALF TO THE LOCAL EDUCATION PROVIDER
26 THAT ENROLLS THE STUDENT.

27 (b) IF A STUDENT WAS IDENTIFIED FOR INCLUSION IN AN ENGLISH

1 LANGUAGE PROFICIENCY PROGRAM BEFORE THE EFFECTIVE DATE OF THE
2 REPEAL AND REENACTMENT OF THIS ARTICLE AND RECEIVED STATE
3 FUNDING PURSUANT TO THIS ARTICLE AS IT EXISTED BEFORE THE
4 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE, THE
5 DEPARTMENT MUST INCLUDE THE BUDGET YEARS FOR WHICH THE STUDENT
6 RECEIVED FUNDING BEFORE THE EFFECTIVE DATE OF THE REPEAL AND
7 REENACTMENT OF THIS ARTICLE IN CALCULATING THE FIVE-YEAR LIMIT ON
8 FUNDING FOR THE STUDENT.

9 (3) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
10 MONEYS TO THE DEPARTMENT TO IMPLEMENT THIS SECTION. THE
11 DEPARTMENT SHALL ALLOCATE THE MONEYS ANNUALLY APPROPRIATED
12 TO LOCAL EDUCATION PROVIDERS ON A PER-PUPIL BASIS USING THE
13 NUMBER OF ENGLISH LANGUAGE LEARNERS CERTIFIED PURSUANT TO
14 SECTION 22-24-105, SUBJECT TO THE TIME LIMIT SPECIFIED IN SUBSECTION
15 (2) OF THIS SECTION.

16 (b) (I) THE DEPARTMENT SHALL DISTRIBUTE SEVENTY-FIVE
17 PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED TO THE DEPARTMENT
18 PURSUANT TO THIS SUBSECTION (3) TO LOCAL EDUCATION PROVIDERS TO
19 PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS WHO:

20 (A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT
21 COMPREHEND OR SPEAK ENGLISH; AND

22 (B) COMPREHEND OR SPEAK SOME ENGLISH BUT WHOSE PRIMARY
23 COMPREHENSION OR SPEECH IS IN A LANGUAGE OTHER THAN ENGLISH.

24 (II) A STUDENT SHALL NOT BE FUNDED PURSUANT TO THIS
25 PARAGRAPH (b) FOR MORE THAN FOUR HUNDRED DOLLARS PER YEAR OR
26 AN AMOUNT EQUAL TO TWENTY PERCENT OF THE STATE AVERAGE PER
27 PUPIL REVENUES, AS DEFINED IN SECTION 22-54-103 (12), FOR THE

1 PRECEDING BUDGET YEAR AS DETERMINED BY THE DEPARTMENT,
2 WHICHEVER IS GREATER.

3 (c) (I) THE DEPARTMENT SHALL DISTRIBUTE THE REMAINDER OF
4 THE AMOUNT ANNUALLY APPROPRIATED PURSUANT TO THIS SUBSECTION
5 (3) TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES TO ENGLISH
6 LANGUAGE LEARNERS WHO COMPREHEND AND SPEAK ENGLISH AND ONE
7 OR MORE OTHER LANGUAGES BUT WHOSE ENGLISH LANGUAGE
8 DEVELOPMENT AND COMPREHENSION IS:

9 (A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE
10 LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A
11 NATIONALLY STANDARDIZED TEST; OR

12 (B) BELOW THE ACCEPTABLE PROFICIENCY LEVEL BASED ON THE
13 ASSESSMENTS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION
14 22-24-106 (1) (a).

15 (II) A STUDENT SHALL NOT BE FUNDED PURSUANT TO THIS
16 PARAGRAPH (c) FOR MORE THAN TWO HUNDRED DOLLARS PER YEAR OR AN
17 AMOUNT EQUAL TO TEN PERCENT OF THE STATE AVERAGE PER PUPIL
18 REVENUES, AS DEFINED IN SECTION 22-54-103 (12), FOR THE PRECEDING
19 BUDGET YEAR AS DETERMINED BY THE DEPARTMENT, WHICHEVER IS
20 GREATER.

21 (4) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE ENGLISH
22 LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS
23 WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OPERATED BY THE LOCAL
24 EDUCATION PROVIDER; EXCEPT THAT LOCAL EDUCATION PROVIDERS MAY
25 COOPERATE IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

26 (5) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION
27 PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS

1 ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE
2 PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS
3 ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF
4 THESE PROGRAMS SHALL RECEIVE MONEYS PURSUANT TO THIS ARTICLE
5 ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS
6 ENROLLED IN THE PROGRAMS.

7 **22-24-105. Local education provider - duties.** (1) EACH LOCAL
8 EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH LANGUAGE
9 PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE LEARNERS WHO ARE
10 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER.

11 (2) EACH LOCAL EDUCATION PROVIDER SHALL IDENTIFY ENGLISH
12 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE
13 LOCAL EDUCATION PROVIDER USING THE STATE-APPROVED ASSESSMENT
14 FOR ENGLISH LANGUAGE PROFICIENCY. THE LOCAL EDUCATION PROVIDER
15 SHALL ANNUALLY CERTIFY TO THE DEPARTMENT THE NUMBER OF ENGLISH
16 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE
17 LOCAL EDUCATION PROVIDER AND ARE ELIGIBLE FOR FUNDING PURSUANT
18 TO SECTION 22-24-104 (2).

19 (3) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT
20 TO THE DEPARTMENT THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO
21 EXIT THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

22 **22-24-106. Department of education - powers - duties - state**
23 **board of education - rules.** (1) THE DEPARTMENT SHALL:

24 (a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS
25 THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS
26 WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY
27 PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE PRIOR TO THE

1 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;

2 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY

3 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION

4 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED

5 TO TAKE THE STATEWIDE ASSESSMENT;

6 (c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A

7 LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN

8 WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE

9 ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING

10 ASSESSMENTS PURSUANT TO SECTION 22-7-409 OR 22-7-1006;

11 (d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE

12 TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING

13 ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND

14 EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

15 (e) IDENTIFY, BASED ON THE CERTIFICATIONS RECEIVED FROM

16 LOCAL EDUCATION PROVIDERS, THE STUDENTS WHO ARE COUNTED AS

17 ENGLISH LANGUAGE LEARNERS FOR PURPOSES OF CALCULATING EACH

18 LOCAL EDUCATION PROVIDER'S ALLOCATION OF MONEYS PURSUANT TO

19 SECTION 22-24-104 (3);

20 (f) ANNUALLY ALLOCATE THE MONEYS APPROPRIATED FOR

21 IMPLEMENTATION OF THIS ARTICLE, INCLUDING ALLOCATING THE MONEYS

22 SPECIFIED IN SECTION 22-24-104 (3) ON A PER-PUPIL BASIS, USING THE

23 NUMBER OF ENGLISH LANGUAGE LEARNERS IDENTIFIED PURSUANT TO

24 PARAGRAPH (e) OF THIS SUBSECTION (1) AND PARTICIPATING IN THE

25 ENGLISH LANGUAGE PROFICIENCY PROGRAM;

26 (g) FOR EACH LOCAL EDUCATION PROVIDER, MONITOR AND REPORT

27 THROUGH THE DATA PORTAL OPERATED PURSUANT TO SECTION 22-11-502,

1 THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO EXIT THE ENGLISH
2 LANGUAGE PROFICIENCY PROGRAM, THE LENGTH OF TIME ENGLISH
3 LANGUAGE LEARNERS REMAIN IN THE ENGLISH LANGUAGE PROFICIENCY
4 PROGRAM, AND THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO
5 REENTER THE ENGLISH LANGUAGE PROFICIENCY PROGRAM;

6 (h) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE
7 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006
8 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC
9 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS, WHILE THEY ARE
10 RECEIVING SERVICES THROUGH THE ENGLISH LANGUAGE PROFICIENCY
11 PROGRAM AND AFTER THEY EXIT THE ENGLISH LANGUAGE PROFICIENCY
12 PROGRAM THROUGH HIGH SCHOOL GRADUATION, AS PROVIDED IN PART 5
13 OF ARTICLE 11 OF THIS TITLE; AND

14 (i) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT
15 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107.

16 (2) IN IMPLEMENTING THE PROVISIONS OF THIS ARTICLE, THE
17 DEPARTMENT SHALL NOT REQUIRE LOCAL EDUCATION PROVIDERS TO
18 SUBMIT REPORTS OR OTHERWISE PROVIDE DATA THAT IS REQUIRED BY OR
19 THAT THE DEPARTMENT COLLECTS UNDER OTHER STATE OR FEDERAL
20 DATA-COLLECTION OR REPORTING STATUTORY OR REGULATORY
21 REQUIREMENTS.

22 (3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT
23 THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND
24 REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER THAT
25 DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE
26 TO BE APPROPRIATE, AND THE STATE BOARD SHALL PROMULGATE
27 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE

1 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO
2 IMPLEMENT THIS ARTICLE. THE STATE BOARD BY RULE MAY IDENTIFY
3 MEASURES THAT ARE SPECIFIC TO THE ENGLISH LANGUAGE PROFICIENCY
4 ASSESSMENT, WHICH MEASURES THE DEPARTMENT MUST USE TO
5 DETERMINE A LOCAL EDUCATION PROVIDER'S LEVEL OF ACHIEVEMENT IN
6 MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC
7 ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS.

8 **22-24-107. English language proficiency act excellence award**
9 **program - excellence awards fund - created - rules - legislative**

10 **declaration.** (1) THERE IS CREATED IN THE DEPARTMENT THE ENGLISH
11 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM TO AWARD
12 GRANTS TO LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT
13 ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH
14 AMONG ENGLISH LANGUAGE LEARNERS AND THE HIGHEST ACADEMIC
15 ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO TRANSITION OUT
16 OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM. THE DEPARTMENT
17 SHALL ADMINISTER THE PROGRAM BY ANNUALLY IDENTIFYING, BASED ON
18 RULES OF THE STATE BOARD, THE LOCAL EDUCATION PROVIDERS AND
19 CHARTER SCHOOLS THAT QUALIFY FOR GRANTS AND DISTRIBUTING THE
20 MONEYS APPROPRIATED TO THE EXCELLENCE AWARDS FUND CREATED IN
21 SUBSECTION (4) OF THIS SECTION. THE STATE BOARD BY RULE SHALL SET
22 THE GRANT AMOUNT BASED ON THE STUDENT ENROLLMENT OF THE LOCAL
23 EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR
24 GRANTS AND THE CONCENTRATION OF ENGLISH LANGUAGE LEARNERS
25 ENROLLED BY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS
26 AS A PERCENTAGE OF THE TOTAL STUDENT ENROLLMENT. SUBJECT TO
27 AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL DISTRIBUTE THE

1 MONEYS IN ACCORDANCE WITH THE RULES TO THE LOCAL EDUCATION
2 PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR THE GRANTS.

3 (2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE
4 THE CRITERIA OR MEASURES THAT THE DEPARTMENT MUST APPLY TO
5 IDENTIFY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT
6 ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH
7 AMONG ENGLISH LANGUAGE LEARNERS AND THAT ACHIEVE THE HIGHEST
8 ACADEMIC ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO
9 TRANSITION OUT OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

10 (3) (a) EACH LOCAL EDUCATION PROVIDER AND CHARTER SCHOOL
11 THAT RECEIVES A GRANT PURSUANT TO THIS SECTION, AT THE CONCLUSION
12 OF EACH SCHOOL YEAR FOR WHICH IT RECEIVES A GRANT, MUST SUBMIT TO
13 THE DEPARTMENT:

14 (I) A DATA ANALYSIS AND SUMMARY OF THE LOCAL EDUCATION
15 PROVIDER'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE PROFICIENCY
16 PROGRAM; AND

17 (II) A REPORT OF THE LOCAL EDUCATION PROVIDER'S OR CHARTER
18 SCHOOL'S USE OF THE GRANT MONEYS RECEIVED.

19 (b) THE DEPARTMENT SHALL PROVIDE THE INFORMATION RECEIVED
20 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) TO LOCAL
21 EDUCATION PROVIDERS AND SHALL MAKE THE INFORMATION AVAILABLE
22 TO THE PUBLIC THROUGH THE DATA PORTAL OPERATED PURSUANT TO
23 SECTION 22-11-502.

24 (4) (a) THERE IS CREATED IN THE STATE TREASURY THE
25 EXCELLENCE AWARDS FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE
26 "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY
27 APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO

1 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
2 DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AND
3 CHARTER SCHOOLS AS PROVIDED IN THIS SECTION.

4 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
5 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
6 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
7 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
8 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
9 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND
10 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
11 ANOTHER FUND.

12 (5) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF
13 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH
14 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM IS AN
15 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE
16 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS
17 IN THE STATE EDUCATION FUND CREATED IN SECTION 17(4) OF ARTICLE IX
18 OF THE STATE CONSTITUTION.

19 **SECTION 10. Appropriation - adjustments to the 2014 long**
20 **bill.** (1) For the implementation of this act, appropriations made in the
21 annual general appropriation act to the department of education for the
22 fiscal year beginning July 1, 2014, are adjusted as follows:

23 (a) The cash funds appropriation from the state education fund
24 created in section 17 (4) (a) of article IX of the state constitution, for the
25 BOCES funding per section 22-5-122, Colorado Revised Statutes, is
26 increased by \$2,000,000.

27 (b) The cash funds appropriation from the state education fund

1 created in section 17 (4) (a) of article IX of the state constitution, for
2 public school finance administration, is increased by \$63,607 and 0.7
3 FTE.

4 (c) The cash funds appropriation from the state education fund
5 created in section 17 (4) (a) of article IX of the state constitution, for the
6 English language proficiency program, is increased by \$30,000,000.

7 (2) For the implementation of this act, the general fund
8 appropriation made in the annual general appropriation act to the
9 controlled maintenance trust fund created in section 24-75-302.5 (2) (a),
10 Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is
11 decreased by \$68,084.

12 **SECTION 11. Appropriation - adjustments to 2014 long bill.**

13 (1) For the implementation of this act, appropriations made in the annual
14 general appropriation act to the department of education for the fiscal
15 year beginning July 1, 2014, are adjusted as follows:

16 (a) The cash funds appropriation from the state education fund
17 created in section 17 (4) (a) of article IX of the state constitution, for the
18 state share of districts' total program funding, is increased by \$16,996,593
19 to support additional Colorado preschool program participants authorized
20 in section 22-28-104.3 (2) (a) (II), Colorado Revised Statutes.

21 **SECTION 12. Appropriation - adjustments to 2014 long bill.**

22 (1) For the implementation of this act, appropriations made in the annual
23 general appropriation act to the department of education for the fiscal
24 year beginning July 1, 2014, are adjusted as follows:

25 (a) The cash funds appropriation from the state education fund
26 created in section 17 (4) (a) of article IX of the state constitution, for the
27 state share of districts' total program funding, is increased by \$18,485,659

1 to support additional Colorado preschool program participants authorized
2 in section 22-28-104.3 (2) (a) (II), Colorado Revised Statutes.

3 **SECTION 13. Appropriation.** (1) In addition to any other
4 appropriation, for the fiscal year beginning July 1, 2014, there is hereby
5 appropriated, out of any moneys in the state education fund created in
6 section 17(4) of article IX of the Colorado constitution not otherwise
7 appropriated, to the excellence awards fund created in section 22-24-107
8 (4), Colorado Revised Statutes, the sum of \$500,000, and said sum, or so
9 much thereof as may be necessary, is further appropriated to the
10 department of education, for the implementation of the English language
11 proficiency act excellence award program created in section 22-24-107,
12 Colorado Revised Statutes.

13 (2) In addition to any other appropriation, there is hereby
14 appropriated, out of any moneys in the general fund, not otherwise
15 appropriated, to the department of human services, for the fiscal year
16 beginning July 1, 2014, the sum of \$68,084 and 1.1 FTE, or so much
17 thereof as may be necessary, to be allocated to the division of early care
18 and learning for child care licensing and administration activities.

19 **SECTION 14.** In Senate Bill 14-112, **amend** section 2 as follows:

20 Section 2. **Applicability.** This act applies ~~for fiscal years~~
21 ~~commencing~~ TO AWARDS OF FINANCIAL ASSISTANCE AWARDED on or after
22 July 1, 2014.

23 **SECTION 15. Effective date.** (1) Except as otherwise provided
24 in this section, this act takes effect upon passage.

25 (2) Sections 3 and 9 of this act take effect only if House Bill
26 14-1292 does not become law.

27 (3) Sections 4 and 10 of this act take effect only if House Bill

1 14-1292 becomes law, in which case sections 4 and 10 of this act take
2 effect on the effective date of this act or of House Bill 14-1292,
3 whichever is later.

4 **SECTION 16. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.