

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

Education
Finance
Appropriations

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
3rd Reading Unamended
April 10, 2014

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 EIGHTY-FIVE MILLION TWO HUNDRED TWO THOUSAND ONE
8 HUNDRED SIXTY-NINE DOLLARS (\$5,785,202,169); except that the
9 department of education and the staff of the legislative council shall make
10 mid-year revisions to replace projections with actual figures including,
11 but not limited to, actual pupil enrollment, assessed valuations, and
12 specific ownership tax revenue from the prior year, to determine any
13 necessary changes in the amount of the reduction to maintain a total
14 program funding amount for the applicable budget year that is consistent
15 with this sub-subparagraph (E). FOR THE 2015-16 BUDGET YEAR, THE
16 DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM
17 FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING MUST NOT
18 EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL
19 PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING
20 FOR THE 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 eleven million one
14 hundred nine thousand two hundred sixty-seven dollars (\$5,911,109,267)
15 FIVE BILLION NINE HUNDRED THIRTY-NINE MILLION SEVEN HUNDRED
16 SIXTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$5,939,768,500);
17 except that the department of education and the staff of the legislative
18 council shall make mid-year revisions to replace projections with actual
19 figures including, but not limited to, actual pupil enrollment, assessed
20 valuations, and specific ownership tax revenue from the prior year, to
21 determine any necessary changes in the amount of the reduction to
22 maintain a total program funding amount for the applicable budget year
23 that is consistent with this sub-subparagraph (E). FOR THE 2015-16
24 BUDGET YEAR, THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL
25 PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING
26 MUST NOT EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE
27 TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM

1 FUNDING 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, 22-54-103, **amend**
19 **(15)** as follows:

20 **22-54-103. Definitions.** As used in this article, unless the context
21 **otherwise requires:**

22 **(15) "Supplemental kindergarten enrollment" means the number**
23 **calculated by subtracting five-tenths from the full-day kindergarten factor**
24 **for the applicable budget year and then multiplying said number by the**
25 **number of pupils in the district who are enrolled in kindergarten for the**
26 **applicable budget year. For the purposes of this subsection (15), the**
27 **full-day kindergarten factor:**

1 (a) For the 2008-09, 2009-10, and 2010-11 budget years and each
2 budget year thereafter BUDGET YEARS 2008-09 THROUGH 2013-14 is
3 fifty-eight hundredths 0.58 of a full-day pupil; AND

4 (b) FOR THE 2014-15 BUDGET YEAR AND EACH BUDGET YEAR
5 THEREAFTER IS 0.60 OF A FULL-DAY PUPIL.

6 **SECTION 7.** In Colorado Revised Statutes, 22-28-104.3, **amend**
7 (1) as follows:

8 **22-28-104.3. Early childhood at-risk enhancement (ECARE).**

9 (1) (a) Notwithstanding the number of children who may annually
10 participate in the Colorado preschool program pursuant to section
11 22-28-104 (2) (a):

12 (I) For the 2013-14 budget year, ~~and each budget year thereafter,~~
13 an additional three thousand two hundred children may ~~annually~~
14 participate in the Colorado preschool program, for a total of twenty-three
15 thousand three hundred sixty children who may ~~annually~~ participate in the
16 Colorado preschool program FOR THE 2013-14 BUDGET YEAR.

17 (II) FOR THE 2014-15 BUDGET YEAR, AND EACH BUDGET YEAR
18 THEREAFTER, AN ADDITIONAL FIVE THOUSAND CHILDREN MAY ANNUALLY
19 PARTICIPATE IN THE COLORADO PRESCHOOL PROGRAM, FOR A TOTAL OF
20 TWENTY-EIGHT THOUSAND THREE HUNDRED SIXTY CHILDREN WHO MAY
21 ANNUALLY PARTICIPATE IN THE COLORADO PRESCHOOL PROGRAM.

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

25 **SECTION 8.** In Colorado Revised Statutes, 22-42-104, **amend**
26 (1) introductory portion, (1.3) introductory portion, and (1.5); and **add**
27 (1.6) as follows:

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

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

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

27 (1.6) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF

1 SUBSECTION (1) OF THIS SECTION AND EXCEPT AS PROVIDED IN
2 SUBSECTION (1.4) OF THIS SECTION, THE LIMIT ON BONDED INDEBTEDNESS
3 OF A SCHOOL DISTRICT IS THE GREATER OF THE LIMIT DETERMINED
4 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION OR
5 TWENTY-FIVE PERCENT OF THE LATEST VALUATION FOR ASSESSMENT OF
6 THE TAXABLE PROPERTY IN THE DISTRICT, AS CERTIFIED BY THE COUNTY
7 ASSESSOR TO THE BOARD OF COUNTY COMMISSIONERS, FOR BONDED
8 INDEBTEDNESS APPROVED AT AN ELECTION HELD ON OR AFTER JULY 1,
9 2014, IF THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER'S
10 DESIGNEE CERTIFIES THAT:

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

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

25 **SECTION 9. In Colorado Revised Statutes, 22-2-134, add (5) as**
26 **follows:**

27 **22-2-134. Unique student identifier - early childhood**

1 education - rules. (5) THE GENERAL ASSEMBLY DECLARES THAT, FOR
2 PURPOSES OF ARTICLE IX OF THE STATE CONSTITUTION, COOPERATION IN
3 ASSIGNING UNIQUE STUDENT IDENTIFIERS TO STUDENTS WHO RECEIVE
4 STATE-SUBSIDIZED OR FEDERALLY-SUBSIDIZED EARLY CHILDHOOD
5 EDUCATION SERVICES IS AN IMPORTANT ELEMENT IN IMPLEMENTING
6 ACCOUNTABILITY REPORTING AND MAY THEREFORE RECEIVE FUNDING
7 FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE
8 IX OF THE STATE CONSTITUTION.

9 == ==
10 SECTION 10. In Colorado Revised Statutes, 22-30.5-112.1,
11 amend (1) (a) as follows:

12 22-30.5-112.1. Charter schools - definitions - exclusive
13 jurisdiction districts - authorized on or after July 1, 2004 - financing.

14 (1) As used in this section, unless the context otherwise requires:

15 (a) "Adjusted district per pupil revenues" means the qualifying
16 school district's per pupil funding plus the qualifying school district's
17 at-risk per pupil funding; EXCEPT THAT, IN A BUDGET YEAR IN WHICH THE
18 QUALIFYING SCHOOL DISTRICT RECEIVES MINIMUM PER PUPIL FUNDING AS
19 CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d), "ADJUSTED
20 DISTRICT PER PUPIL REVENUES" MEANS MINIMUM PER PUPIL FUNDING AS
21 CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d).

22 SECTION 11. In Colorado Revised Statutes, 22-30.5-513,
23 amend (1) (b) as follows:

24 22-30.5-513. Institute charter schools - definitions - funding -
25 at-risk supplemental aid - legislative declaration. (1) As used in this

26 section, unless the context otherwise requires:

27 (b) "Accounting district's adjusted per pupil revenues" means the

1 accounting district's per pupil funding plus the accounting district's at-risk
2 per pupil funding; EXCEPT THAT, IN A BUDGET YEAR IN WHICH THE
3 ACCOUNTING DISTRICT RECEIVES MINIMUM PER PUPIL FUNDING AS
4 CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d), "ACCOUNTING
5 DISTRICT'S ADJUSTED PER PUPIL REVENUES" MEANS MINIMUM PER PUPIL
6 FUNDING AS CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d).

7 **SECTION 12.** In Colorado Revised Statutes, 22-61.5-105, add
8 (1) (a.5) and (3) as follows:

9 **22-61.5-105. Colorado teacher of the year fund - created -**
10 **legislative declaration.** (1) (a.5) IN ADDITION TO ANY MONEYS CREDITED
11 TO THE FUND PURSUANT TO PARAGRAPH (a) OF THIS SECTION, BEGINNING
12 IN THE 2014-15 BUDGET YEAR AND IN EACH BUDGET YEAR THEREAFTER,
13 THE STATE TREASURER SHALL ANNUALLY TRANSFER FROM THE STATE
14 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE
15 STATE CONSTITUTION TO THE FUND TWENTY-FOUR THOUSAND EIGHT
16 HUNDRED DOLLARS.

17 (3) THE GENERAL ASSEMBLY HEREBY DECLARES THAT, FOR
18 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE
19 COLORADO TEACHER OF THE YEAR PROGRAM IS AN IMPORTANT ELEMENT
20 IN PROVIDING PERFORMANCE INCENTIVES FOR TEACHERS AND MAY
21 THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND
22 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

23 **SECTION 13.** In Colorado Revised Statutes, repeal and reenact,
24 with amendments, article 24 of title 22 as follows:

25 **ARTICLE 24**

26 **English Language Proficiency Act**

27 **22-24-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY

1 BE CITED AS THE "ENGLISH LANGUAGE PROFICIENCY ACT".

2 **22-24-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
3 FINDS THAT:

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

6 (b) LOCAL EDUCATION PROVIDERS MUST PROVIDE
7 EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR
8 ENGLISH LANGUAGE LEARNERS TO ENABLE THEM TO DEVELOP AND
9 ACQUIRE ENGLISH LANGUAGE PROFICIENCY WHILE ACHIEVING AND
10 MAINTAINING GRADE-LEVEL PERFORMANCE IN ACADEMIC CONTENT
11 AREAS;

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

16 (d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE
17 ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE
18 DEVELOPMENT AND IN ENABLING ENGLISH LANGUAGE LEARNERS TO
19 ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC
20 CONTENT AREAS;

21 (e) THE STATE MUST DEVELOP AN EDUCATOR WORKFORCE THAT
22 CAN SUPPORT THE EDUCATIONAL APPROACH AND GOALS OF LOCAL
23 EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE
24 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT
25 GRADUATION;

26 (f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO
27 LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE

1 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT
2 GRADUATION;

3 (g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
4 EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE
5 THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11
6 OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES
7 MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE
8 DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH
9 LANGUAGE LEARNERS; AND

10 (h) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
11 EDUCATION MUST RECOGNIZE LOCAL EDUCATION PROVIDERS WHO
12 PROVIDE EFFECTIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS BY
13 AWARDING GRANTS THROUGH A COMPETITIVE PROGRAM THAT IS
14 SUPPORTED WITH ANNUAL APPROPRIATIONS.

15 **22-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
18 BY A DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE OR AN
19 INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
20 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

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

22 (3) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND
23 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF
24 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE
25 5 OF THIS TITLE.

26 (4) "ENGLISH LANGUAGE LEARNER" MEANS A STUDENT WHO IS
27 LINGUISTICALLY DIVERSE AND WHO IS IDENTIFIED PURSUANT TO SECTION

1 22-24-105 (2) AS HAVING A LEVEL OF ENGLISH LANGUAGE PROFICIENCY
2 THAT REQUIRES LANGUAGE SUPPORT TO ACHIEVE STANDARDS IN
3 GRADE-LEVEL CONTENT IN ENGLISH.

4 (5) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A
5 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS
6 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH
7 LANGUAGE LEARNER WHILE ENABLING THE ENGLISH LANGUAGE LEARNER
8 TO ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC
9 CONTENT AREAS.

10 (6) "EVIDENCE-BASED" MEANS THE INSTRUCTION OR ITEM
11 DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE
12 THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED
13 A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO
14 ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY,
15 AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE
16 LEARNERS.

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

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

21 (9) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE
22 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE
23 30.5 OF THIS TITLE.

24 **22-24-104. English language proficiency program established**
25 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE
26 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN
27 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY

1 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND
2 GRADES ONE THROUGH TWELVE.

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

18 (b) IF A STUDENT WAS IDENTIFIED FOR INCLUSION IN AN ENGLISH
19 LANGUAGE PROFICIENCY PROGRAM BEFORE THE EFFECTIVE DATE OF THE
20 REPEAL AND REENACTMENT OF THIS ARTICLE AND RECEIVED STATE
21 FUNDING PURSUANT TO THIS ARTICLE AS IT EXISTED BEFORE THE
22 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE, THE
23 DEPARTMENT MUST INCLUDE THE BUDGET YEARS FOR WHICH THE STUDENT
24 RECEIVED FUNDING BEFORE THE EFFECTIVE DATE OF THE REPEAL AND
25 REENACTMENT OF THIS ARTICLE IN CALCULATING THE FIVE-YEAR LIMIT ON
26 FUNDING FOR THE STUDENT.

27 (3) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE

1 MONEYS TO THE DEPARTMENT TO IMPLEMENT THIS SECTION. THE
2 DEPARTMENT SHALL ALLOCATE THE MONEYS ANNUALLY APPROPRIATED
3 TO LOCAL EDUCATION PROVIDERS ON A PER-PUPIL BASIS USING THE
4 NUMBER OF ENGLISH LANGUAGE LEARNERS CERTIFIED PURSUANT TO
5 SECTION 22-24-105, SUBJECT TO THE TIME LIMIT SPECIFIED IN SUBSECTION
6 (2) OF THIS SECTION.

7 (b) (I) THE DEPARTMENT SHALL DISTRIBUTE SEVENTY-FIVE
8 PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED TO THE DEPARTMENT
9 PURSUANT TO THIS SUBSECTION (3) TO LOCAL EDUCATION PROVIDERS TO
10 PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS WHO:

11 (A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT
12 COMPREHEND OR SPEAK ENGLISH; AND

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

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

21 (c) (I) THE DEPARTMENT SHALL DISTRIBUTE THE REMAINDER OF
22 THE AMOUNT ANNUALLY APPROPRIATED PURSUANT TO THIS SUBSECTION
23 (3) TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES TO ENGLISH
24 LANGUAGE LEARNERS WHO COMPREHEND AND SPEAK ENGLISH AND ONE
25 OR MORE OTHER LANGUAGES BUT WHOSE ENGLISH LANGUAGE
26 DEVELOPMENT AND COMPREHENSION IS:

27 (A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE

1 LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A
2 NATIONALLY STANDARDIZED TEST; OR

3 (B) BELOW THE ACCEPTABLE PROFICIENCY LEVEL BASED ON THE
4 ASSESSMENTS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION
5 22-24-106 (1) (a).

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

12 (4) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE ENGLISH
13 LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS
14 WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OPERATED BY THE LOCAL
15 EDUCATION PROVIDER; EXCEPT THAT LOCAL EDUCATION PROVIDERS MAY
16 COOPERATE IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

17 (5) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION
18 PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS
19 ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE
20 PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS
21 ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF
22 THESE PROGRAMS SHALL RECEIVE MONEYS PURSUANT TO THIS ARTICLE
23 ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS
24 ENROLLED IN THE PROGRAMS.

25 **22-24-105. Local education provider - duties.** (1) EACH LOCAL
26 EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH LANGUAGE
27 PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE LEARNERS WHO ARE

1 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER.

2 (2) EACH LOCAL EDUCATION PROVIDER SHALL IDENTIFY ENGLISH
3 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE
4 LOCAL EDUCATION PROVIDER USING THE STATE-APPROVED ASSESSMENT
5 FOR ENGLISH LANGUAGE PROFICIENCY. THE LOCAL EDUCATION PROVIDER
6 SHALL ANNUALLY CERTIFY TO THE DEPARTMENT THE NUMBER OF ENGLISH
7 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE
8 LOCAL EDUCATION PROVIDER AND ARE ELIGIBLE FOR FUNDING PURSUANT
9 TO SECTION 22-24-104 (2).

10 (3) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT
11 TO THE DEPARTMENT THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO
12 EXIT THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

13 **22-24-106. Department of education - powers - duties - state**
14 **board of education - rules.** (1) THE DEPARTMENT SHALL:

15 (a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS
16 THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS
17 WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY
18 PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE PRIOR TO THE
19 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;

20 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY
21 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION
22 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED
23 TO TAKE THE STATEWIDE ASSESSMENT;

24 (c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A
25 LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN
26 WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE
27 ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING

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

2 (d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE
3 TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING
4 ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND
5 EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

6 (e) IDENTIFY, BASED ON THE CERTIFICATIONS RECEIVED FROM
7 LOCAL EDUCATION PROVIDERS, THE STUDENTS WHO ARE COUNTED AS
8 ENGLISH LANGUAGE LEARNERS FOR PURPOSES OF CALCULATING EACH
9 LOCAL EDUCATION PROVIDER'S ALLOCATION OF MONEYS PURSUANT TO
10 SECTION 22-24-104 (3);

11 (f) ANNUALLY ALLOCATE THE MONEYS APPROPRIATED FOR
12 IMPLEMENTATION OF THIS ARTICLE, INCLUDING ALLOCATING THE MONEYS
13 SPECIFIED IN SECTION 22-24-104 (3) ON A PER-PUPIL BASIS, USING THE
14 NUMBER OF ENGLISH LANGUAGE LEARNERS IDENTIFIED PURSUANT TO
15 PARAGRAPH (e) OF THIS SUBSECTION (1) AND PARTICIPATING IN THE
16 ENGLISH LANGUAGE PROFICIENCY PROGRAM;

17 (g) FOR EACH LOCAL EDUCATION PROVIDER, MONITOR AND REPORT
18 THROUGH THE DATA PORTAL OPERATED PURSUANT TO SECTION 22-11-502,
19 THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO EXIT THE ENGLISH
20 LANGUAGE PROFICIENCY PROGRAM, THE LENGTH OF TIME ENGLISH
21 LANGUAGE LEARNERS REMAIN IN THE ENGLISH LANGUAGE PROFICIENCY
22 PROGRAM, AND THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO
23 REENTER THE ENGLISH LANGUAGE PROFICIENCY PROGRAM;

24 (h) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE
25 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006
26 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC
27 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS, WHILE THEY ARE

1 RECEIVING SERVICES THROUGH THE ENGLISH LANGUAGE PROFICIENCY
2 PROGRAM AND AFTER THEY EXIT THE ENGLISH LANGUAGE PROFICIENCY
3 PROGRAM THROUGH HIGH SCHOOL GRADUATION, AS PROVIDED IN PART 5
4 OF ARTICLE 11 OF THIS TITLE; AND

5 (i) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT
6 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107 AND THE
7 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM CREATED
8 IN SECTION 22-24-108.

9 (2) IN IMPLEMENTING THE PROVISIONS OF THIS ARTICLE, THE
10 DEPARTMENT SHALL NOT REQUIRE LOCAL EDUCATION PROVIDERS TO
11 SUBMIT REPORTS OR OTHERWISE PROVIDE DATA THAT IS REQUIRED BY OR
12 THAT THE DEPARTMENT COLLECTS UNDER OTHER STATE OR FEDERAL
13 DATA-COLLECTION OR REPORTING STATUTORY OR REGULATORY
14 REQUIREMENTS.

15 (3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT
16 THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND
17 REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER THAT
18 DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE
19 TO BE APPROPRIATE, AND THE STATE BOARD SHALL PROMULGATE
20 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
21 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO
22 IMPLEMENT THIS ARTICLE. THE STATE BOARD BY RULE MAY IDENTIFY
23 MEASURES THAT ARE SPECIFIC TO THE ENGLISH LANGUAGE PROFICIENCY
24 ASSESSMENT, WHICH MEASURES THE DEPARTMENT MUST USE TO
25 DETERMINE A LOCAL EDUCATION PROVIDER'S LEVEL OF ACHIEVEMENT IN
26 MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC
27 ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS.

1 **22-24-107. English language proficiency act excellence award**
2 **program - excellence awards fund - created - rules - legislative**

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

23 (2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE
24 THE CRITERIA OR MEASURES THAT THE DEPARTMENT MUST APPLY TO
25 IDENTIFY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT
26 ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH
27 AMONG ENGLISH LANGUAGE LEARNERS AND THAT ACHIEVE THE HIGHEST

1 ACADEMIC ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO
2 TRANSITION OUT OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

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

7 (I) A DATA ANALYSIS AND SUMMARY OF THE LOCAL EDUCATION
8 PROVIDER'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE PROFICIENCY
9 PROGRAM; AND

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

12 (b) THE DEPARTMENT SHALL PROVIDE THE INFORMATION RECEIVED
13 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) TO LOCAL
14 EDUCATION PROVIDERS AND SHALL MAKE THE INFORMATION AVAILABLE
15 TO THE PUBLIC THROUGH THE DATA PORTAL OPERATED PURSUANT TO
16 SECTION 22-11-502.

17 (4) (a) THERE IS CREATED IN THE STATE TREASURY THE
18 EXCELLENCE AWARDS FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE
19 "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY
20 APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO
21 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
22 DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AND
23 CHARTER SCHOOLS AS PROVIDED IN THIS SECTION.

24 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
25 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
26 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
27 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE

1 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
2 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND
3 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
4 ANOTHER FUND.

5 (5) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF
6 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH
7 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM IS AN
8 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE
9 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS
10 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
11 OF THE STATE CONSTITUTION.

12 **22-24-108. Professional development and student support**
13 **program - created - professional development and student support**
14 **fund - rules. (1) THERE IS CREATED IN THE DEPARTMENT THE**
15 **PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM,**
16 **REFERRED TO IN THIS SECTION AS THE "SUPPORT PROGRAM", TO PROVIDE**
17 **MONEYS TO LOCAL EDUCATION PROVIDERS TO:**

18 (a) OFFSET THE COSTS INCURRED IN COMPLYING WITH THE
19 REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (3);

20 (b) PROVIDE EFFECTIVE PROFESSIONAL DEVELOPMENT ACTIVITIES
21 RELATED TO TEACHING ENGLISH LANGUAGE LEARNERS FOR ALL
22 EDUCATORS WHO MAY WORK WITH ENGLISH LANGUAGE LEARNERS IN THE
23 CLASSROOM; AND

24 (c) EXPAND PROGRAMS TO ASSIST STUDENTS WHO, AT ANY TIME,
25 HAVE BEEN IDENTIFIED AS ENGLISH LANGUAGE LEARNERS IN ACHIEVING
26 GREATER CONTENT PROFICIENCY.

27 (2) (a) THE DEPARTMENT SHALL DISTRIBUTE THE AMOUNT

1 APPROPRIATED FOR THE SUPPORT PROGRAM AS FOLLOWS:

2 (I) SEVENTY-FIVE PERCENT OF THE AMOUNT ANNUALLY
3 APPROPRIATED FROM THE FUND TO LOCAL EDUCATION PROVIDERS TO
4 PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS, AND PROFESSIONAL
5 DEVELOPMENT ACTIVITIES FOR EDUCATORS WHO WORK WITH ENGLISH
6 LANGUAGE LEARNERS, WHO:

7 (A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT
8 COMPREHEND OR SPEAK ENGLISH; AND

9 (B) COMPREHEND OR SPEAK SOME ENGLISH BUT WHOSE PRIMARY
10 COMPREHENSION OR SPEECH IS IN A LANGUAGE OTHER THAN ENGLISH;
11 AND

12 (II) THE REMAINDER OF THE AMOUNT ANNUALLY APPROPRIATED
13 FROM THE FUND TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES
14 TO, AND TO PROVIDE PROFESSIONAL DEVELOPMENT ACTIVITIES FOR
15 EDUCATORS WHO WORK WITH, ENGLISH LANGUAGE LEARNERS WHO
16 COMPREHEND AND SPEAK ENGLISH AND ONE OR MORE OTHER LANGUAGES
17 BUT WHOSE ENGLISH LANGUAGE DEVELOPMENT AND COMPREHENSION IS:

18 (A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE
19 LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A
20 NATIONALLY STANDARDIZED TEST; OR

21 (B) BELOW THE ACCEPTABLE PROFICIENCY LEVEL BASED ON THE
22 ASSESSMENTS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION
23 22-24-106 (1) (a).

24 (b) EACH DISTRICT SHALL ANNUALLY DISTRIBUTE TO EACH
25 CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT THAT THE
26 DISTRICT RECEIVES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2)
27 ON BEHALF OF THE ENGLISH LANGUAGE LEARNERS ENROLLED IN EACH

1 CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR. THE MONEYS A
2 DISTRICT DISTRIBUTES TO CHARTER SCHOOLS PURSUANT TO THIS
3 PARAGRAPH (b) IS IN ADDITION TO THE MONEYS THE DISTRICT DISTRIBUTES
4 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE.

5 (c) THE STATE CHARTER SCHOOL INSTITUTE SHALL ANNUALLY
6 DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT
7 OF THE AMOUNT THAT THE STATE CHARTER SCHOOL INSTITUTE RECEIVES
8 ON BEHALF OF THE ENGLISH LANGUAGE LEARNERS ENROLLED IN EACH
9 INSTITUTE CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR. THE
10 MONEYS THE STATE CHARTER SCHOOL INSTITUTE DISTRIBUTES TO
11 INSTITUTE CHARTER SCHOOLS PURSUANT TO THIS PARAGRAPH (c) IS IN
12 ADDITION TO THE MONEYS THE INSTITUTE DISTRIBUTES PURSUANT TO PART
13 5 OF ARTICLE 30.5 OF THIS TITLE.

14 (3) (a) THERE IS CREATED IN THE STATE TREASURY THE
15 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT FUND, REFERRED TO
16 IN THIS SUBSECTION (3) AS THE "FUND", CONSISTING OF SUCH MONEYS AS
17 THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS
18 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
19 ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION
20 PROVIDERS AS PROVIDED IN THIS SECTION.

21 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
22 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
23 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
24 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
25 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
26 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND
27 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR

1 ANOTHER FUND.

2 (4) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF
3 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE
4 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM IS AN
5 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE
6 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS
7 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
8 OF THE STATE CONSTITUTION.

9 **SECTION 14.** In Colorado Revised Statutes, 22-7-305, amend
10 (1) (b) (I) (B) as follows:

11 **22-7-305. Parent involvement in education grant program -**
12 **creation - rules - fund - reports.** (1) (b) The school district of a public
13 school, or a board of cooperative services or regional service council that
14 operates a public school, that seeks a grant through the parent
15 involvement grant program shall apply on behalf of the public school;
16 except that, if the public school is a charter school, the public school may
17 apply on its own behalf. To be eligible to receive a grant, a public school
18 shall meet one or more of the following criteria:

19 (I) A significant percentage, as defined by rule of the state board,
20 of the students enrolled in the public school for the three academic years
21 immediately preceding application were:

22 (B) Students with limited English proficiency ENGLISH LANGUAGE
23 LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3):

24 **SECTION 15.** In Colorado Revised Statutes, 22-7-409, amend
25 (1) introductory portion as follows:

26 **22-7-409. Assessments - repeal.** (1) Beginning in the spring
27 semester of 1997, the department shall implement the Colorado student

1 assessment program under which the department shall administer
2 statewide assessments adopted by the board pursuant to section 22-7-406
3 in the first priority areas of reading, writing, mathematics, and science.
4 The department shall administer the English versions of the state
5 assessments and may administer any assessments adopted by the board in
6 languages other than English, as may be appropriate for students with
7 limited English proficiency ENGLISH LANGUAGE LEARNERS; except that
8 any student who has participated in the English language proficiency
9 program, created pursuant to section 22-24-104, for more than a total of
10 three school years shall be ineligible to take the assessments in a language
11 other than English. The statewide assessments shall be administered as
12 follows:

13 SECTION 16. In Colorado Revised Statutes, 22-7-1016, amend
14 (5) (a) as follows:

15 22-7-1016. Postsecondary and workforce planning,
16 preparation, and readiness assessments - transcripts.

17 (5) (a) Beginning in the 2012-13 academic year, if a student with limited
18 English proficiency AN ENGLISH LANGUAGE LEARNER, as defined in
19 section 22-24-103 (4) 22-24-103 (3), is enrolled in eleventh or twelfth
20 grade and the student has not demonstrated attainment of the standard for
21 English language competency and has not demonstrated postsecondary
22 and workforce readiness, the local education provider with which the
23 student is enrolled shall provide to the student additional services and
24 supports as necessary to assist the student in attaining the standard.

25 SECTION 17. In Colorado Revised Statutes, 22-7-1207, amend
26 (1) (b) as follows:

27 22-7-1207. Advancement - decision - parental involvement.

1 (1) Beginning no later than the 2013-14 school year, if, within forty-five
2 days before the end of any school year prior to a student's fourth-grade
3 year, a teacher finds that a student has a significant reading deficiency,
4 personnel of the local education provider shall provide to the student's
5 parent the written notice described in subsection (2) of this section;
6 except that the provisions of this section shall not apply if:

7 (b) The student is a student with limited English proficiency AN
8 ENGLISH LANGUAGE LEARNER, as defined in section 22-24-103, and the
9 student's significant reading deficiency is due primarily to the student's
10 language skills; or

11 **SECTION 18.** In Colorado Revised Statutes, 22-11-301, amend
12 (3) (c) as follows:

13 **22-11-301. School district accountability committees - creation**
14 **- membership.** (3) If a local school board appoints the members of the
15 school district accountability committee, the local school board, to the
16 extent practicable, shall ensure that the parents who are appointed reflect
17 the student populations that are significantly represented within the
18 school district. Said student populations may include, but need not be
19 limited to:

20 (c) Students with limited English proficiency WHO ARE ENGLISH
21 LANGUAGE LEARNERS, as defined in section 22-24-103 (4) 22-24-103 (3);

22 **SECTION 19.** In Colorado Revised Statutes, 22-11-401, amend
23 (1) (d) (III) as follows:

24 **22-11-401. School accountability committee - creation -**
25 **qualifications - elections.** (1) (d) If the local school board or the institute
26 determines that the members of a school accountability committee should
27 be appointed, the appointing authority shall, to the extent practicable,

1 appoint persons to serve on the school accountability committee who
2 reflect the student populations that are significantly represented within the
3 school. If the local school board or the institute determines that persons
4 shall be elected to serve on the school accountability committee, the
5 school principal shall encourage persons who reflect the student
6 populations that are significantly represented within the school to seek
7 election to the committee. Said student populations may include, but need
8 not be limited to:

9 (III) Students with limited English proficiency WHO ARE ENGLISH
10 LANGUAGE LEARNERS, as defined in section 22-24-103 (4) 22-24-103 (3);

11 **SECTION 20.** In Colorado Revised Statutes, 22-54-103, amend
12 (1.5) (a) (V) introductory portion and (1.5) (b) (IV) introductory portion
13 as follows:

14 **22-54-103. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (1.5) (a) "At-risk pupils" means:

17 (V) For the 2005-06 budget year and budget years thereafter, the
18 number of district pupils with limited English proficiency WHO ARE
19 ENGLISH LANGUAGE LEARNERS plus the greater of:

20 (b) For purposes of this subsection (1.5):

21 (IV) "District pupils with limited English proficiency WHO ARE
22 ENGLISH LANGUAGE LEARNERS" means the number of pupils included in
23 the district pupil enrollment for the preceding budget year who were not
24 eligible for free lunch pursuant to the provisions of the federal "National
25 School Lunch Act", 42 U.S.C. sec. 1751 et seq., and who are students
26 with limited English proficiency ENGLISH LANGUAGE LEARNERS, as
27 defined in section 22-24-103 (4) 22-24-103 (3), and:

1 **SECTION 21.** In Colorado Revised Statutes, 22-54-104.2,
2 **amend** (1) as follows:

3 **22-54-104.2. Legislative declaration.** (1) The general assembly
4 hereby finds and declares that, for purposes of section 17 of article IX of
5 the state constitution, the expansion of the definition of "at-risk pupils",
6 as defined in section 22-54-103 (1.5) (a) (V), to include district pupils
7 with limited English proficiency WHO ARE ENGLISH LANGUAGE
8 LEARNERS, as defined in section 22-54-103 (1.5) (b) (IV), the increase in
9 the at-risk factor pursuant to section 22-54-104 (5) (f) (II) for districts
10 whose percentage of at-risk pupils is greater than the statewide average
11 percentage of at-risk pupils and whose funded pupil count is greater than
12 fifty thousand, the requirement that districts that receive at-risk funding
13 spend a portion of their at-risk funding on implementation of the district's
14 English language proficiency program pursuant to section 22-54-105 (3)
15 (b) (I) and the increase in the at-risk factor from 11.2% to 12% for the
16 2005-06 budget year and each budget year thereafter pursuant to section
17 22-54-104 (2) (b) (II) (A) and (5) (f) are important elements of
18 accountable programs to meet state academic standards and may therefore
19 receive funding from the state education fund created in section 17 (4) of
20 article IX of the state constitution.

21 **SECTION 22.** In Colorado Revised Statutes, 22-32.5-105,
22 **amend** (1) (c) as follows:

23 **22-32.5-105. Suggested innovations.** (1) In considering or
24 creating an innovation plan or a plan for creating an innovation school
25 zone, each local school board is strongly encouraged to consider
26 innovations in the following areas:

27 (c) Provision of services, including but not limited to special

1 education services; services for gifted and talented students; services for
2 students with limited English proficiency ENGLISH LANGUAGE LEARNERS;
3 educational services for students at risk of academic failure, expulsion,
4 or dropping out; and support services provided by the department of
5 human services or county social services agencies;

6 **SECTION 23.** In Senate Bill 14-112, **amend** section 2 as follows:

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

10 **SECTION 24. Appropriation - adjustments to the 2014 long**
11 **bill.** (1) For the implementation of this act, appropriations made in the
12 annual general appropriation act to the department of education for the
13 fiscal year beginning July 1, 2014, are adjusted as follows:

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

18 (b) The cash funds appropriation from the state education fund
19 created in section 17 (4) (a) of article IX of the state constitution, for the
20 state share of districts' total program funding, is increased by \$10,020,171
21 to support the increased full-day kindergarten factor authorized in section
22 22-54-103 (15) (b), Colorado Revised Statutes.

23 (c) The cash funds appropriation from the state education fund
24 created in section 17 (4) (a) of article IX of the state constitution, for
25 English language learners technical assistance, is increased by \$53,228
26 and 0.5 FTE.

27 (d) 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.

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

10 **SECTION 25. Appropriation - adjustments to 2014 long bill.**

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

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

19 **SECTION 26. Appropriation - adjustments to 2014 long bill.**

20 (1) For the implementation of this act, appropriations made in the annual
21 general appropriation act to the department of education for the fiscal
22 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 state share of districts' total program funding, is increased by \$18,585,660
26 to support additional Colorado preschool program participants authorized
27 in section 22-28-104.3 (2) (a) (II), Colorado Revised Statutes.

1 **SECTION 27. Appropriation.** (1) In addition to any other
2 appropriation, for the fiscal year beginning July 1, 2014, there is hereby
3 appropriated, out of any moneys in the state education fund created in
4 section 17(4) of article IX of the Colorado constitution not otherwise
5 appropriated, to the excellence awards fund created in section 22-24-107
6 (4), Colorado Revised Statutes, the sum of \$500,000, and said sum, or so
7 much thereof as may be necessary, is further appropriated to the
8 department of education, for the implementation of the English language
9 proficiency act excellence award program created in section 22-24-107,
10 Colorado Revised Statutes.

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

17 (3) In addition to any other appropriation, for the fiscal year
18 beginning July 1, 2014, there is hereby appropriated, out of any moneys
19 in the state education fund created in section 17 (4) of article IX of the
20 Colorado constitution not otherwise appropriated, to the department of
21 education, the sum of \$298,000, or so much thereof as may be necessary,
22 to implement the requirements specified in section 22-2-134, Colorado
23 Revised Statutes.

24 (4) In addition to any other appropriation, for the fiscal year
25 beginning July 1, 2014, there is hereby appropriated, out of any moneys
26 in the state education fund created in section 17(4) of article IX of the
27 Colorado constitution not otherwise appropriated, to the professional

1 development and student support fund created in section 22-24-108 (3),
2 Colorado Revised Statutes, the sum of \$30,000,000, and said sum, or so
3 much thereof as may be necessary, is further appropriated to the
4 department of education, for the implementation of the professional
5 development and student support program created in section 22-24-108,
6 Colorado Revised Statutes.

7 **SECTION 28. Effective date.** (1) Except as otherwise provided
8 in this section, this act takes effect upon passage.

9 (2) Sections 3 and 25 of this act take effect only if House Bill
10 14-1292 does not become law.

11 (3) Sections 4 and 26 of this act take effect only if House Bill
12 14-1292 becomes law, in which case sections 4 and 26 of this act take
13 effect on the effective date of this act or of House Bill 14-1292,
14 whichever is later.

15 **SECTION 29. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.