

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

\_\_\_\_\_  
Date

April 17, 2014

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB14-1298 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, page 7, strike lines 13 and 14 and substitute  
2 "factor, is not less than ~~five billion nine hundred eleven million one~~  
3 ~~hundred nine thousand two hundred sixty-seven dollars (\$5,911,109,267)~~  
4 FIVE BILLION".

5 Page 8, after line 17 insert:

6 "SECTION 6. In Colorado Revised Statutes, 22-54-103, **amend**  
7 (15) as follows:

8 **22-54-103. Definitions.** As used in this article, unless the context  
9 otherwise requires:

10 (15) "Supplemental kindergarten enrollment" means the number  
11 calculated by subtracting five-tenths from the full-day kindergarten factor  
12 for the applicable budget year and then multiplying said number by the  
13 number of pupils in the district who are enrolled in kindergarten for the  
14 applicable budget year. For the purposes of this subsection (15), the  
15 full-day kindergarten factor:

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

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

21 Renumber succeeding sections accordingly.

22 Page 9, strike lines 7 through 17.

23 Page 12, before line 5 insert:

1           **"SECTION 10.** In Colorado Revised Statutes, 22-30.5-112.1,  
2 **amend** (1) (a) as follows:

3           **22-30.5-112.1. Charter schools - definitions - exclusive**  
4 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**

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

6           (a) "Adjusted district per pupil revenues" means THE GREATER OF:

7           (I) The qualifying school district's per pupil funding plus the  
8 qualifying school district's at-risk per pupil funding; OR

9           (II) MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO  
10 SECTION 22-54-104 (3.5) (d).

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

13           **22-30.5-513. Institute charter schools - definitions - funding -**  
14 **at-risk supplemental aid - legislative declaration.** (1) As used in this  
15 section, unless the context otherwise requires:

16           (b) "Accounting district's adjusted per pupil revenues" means THE  
17 GREATER OF:

18           (I) The accounting district's per pupil funding plus the accounting  
19 district's at-risk per pupil funding; OR

20           (II) MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO  
21 SECTION 22-54-104 (3.5) (d).

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

24           **22-61.5-105. Colorado teacher of the year fund - created -**  
25 **legislative declaration.** (1) (a.5) IN ADDITION TO ANY MONEYS CREDITED  
26 TO THE FUND PURSUANT TO PARAGRAPH (a) OF THIS SECTION, BEGINNING  
27 IN THE 2014-15 BUDGET YEAR AND IN EACH BUDGET YEAR THEREAFTER,  
28 THE STATE TREASURER SHALL ANNUALLY TRANSFER FROM THE STATE  
29 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE  
30 STATE CONSTITUTION TO THE FUND TWENTY-FOUR THOUSAND EIGHT  
31 HUNDRED DOLLARS.

32           (3) THE GENERAL ASSEMBLY HEREBY DECLARES THAT, FOR  
33 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE  
34 COLORADO TEACHER OF THE YEAR PROGRAM IS AN IMPORTANT ELEMENT  
35 IN PROVIDING PERFORMANCE INCENTIVES FOR TEACHERS AND MAY  
36 THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND  
37 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION."

38           Renumber succeeding sections accordingly.

1 Page 20, line 15, strike "22-24-107." and substitute "22-24-107 AND THE  
2 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM CREATED  
3 IN SECTION 22-24-108."

4 Page 23, after line 18 insert:

5 **"22-24-108. Professional development and student support**  
6 **program - created - professional development and student support**  
7 **fund - rules.** (1) THERE IS CREATED IN THE DEPARTMENT THE  
8 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM,  
9 REFERRED TO IN THIS SECTION AS THE "SUPPORT PROGRAM", TO PROVIDE  
10 MONEYS TO LOCAL EDUCATION PROVIDERS TO:

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

13 (b) PROVIDE EFFECTIVE PROFESSIONAL DEVELOPMENT ACTIVITIES  
14 RELATED TO TEACHING ENGLISH LANGUAGE LEARNERS FOR ALL  
15 EDUCATORS WHO MAY WORK WITH ENGLISH LANGUAGE LEARNERS IN THE  
16 CLASSROOM; AND

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

20 (2) (a) THE DEPARTMENT SHALL DISTRIBUTE THE AMOUNT  
21 APPROPRIATED FOR THE SUPPORT PROGRAM AS FOLLOWS:

22 (I) SEVENTY-FIVE PERCENT OF THE AMOUNT ANNUALLY  
23 APPROPRIATED FROM THE FUND TO LOCAL EDUCATION PROVIDERS TO  
24 PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS, AND PROFESSIONAL  
25 DEVELOPMENT ACTIVITIES FOR EDUCATORS WHO WORK WITH ENGLISH  
26 LANGUAGE LEARNERS, WHO:

27 (A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT  
28 COMPREHEND OR SPEAK ENGLISH; AND

29 (B) COMPREHEND OR SPEAK SOME ENGLISH BUT WHOSE PRIMARY  
30 COMPREHENSION OR SPEECH IS IN A LANGUAGE OTHER THAN ENGLISH;  
31 AND

32 (II) THE REMAINDER OF THE AMOUNT ANNUALLY APPROPRIATED  
33 FROM THE FUND TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES  
34 TO, AND TO PROVIDE PROFESSIONAL DEVELOPMENT ACTIVITIES FOR  
35 EDUCATORS WHO WORK WITH, ENGLISH LANGUAGE LEARNERS WHO  
36 COMPREHEND AND SPEAK ENGLISH AND ONE OR MORE OTHER LANGUAGES  
37 BUT WHOSE ENGLISH LANGUAGE DEVELOPMENT AND COMPREHENSION IS:

38 (A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE  
39 LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A  
40 NATIONALLY STANDARDIZED TEST; OR

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

4 (b) EACH DISTRICT SHALL ANNUALLY DISTRIBUTE TO EACH  
5 CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT THAT THE  
6 DISTRICT RECEIVES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2)  
7 ON BEHALF OF THE ENGLISH LANGUAGE LEARNERS ENROLLED IN EACH  
8 CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR. THE MONEYS A  
9 DISTRICT DISTRIBUTES TO CHARTER SCHOOLS PURSUANT TO THIS  
10 PARAGRAPH (b) IS IN ADDITION TO THE MONEYS THE DISTRICT DISTRIBUTES  
11 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE.

12 (c) THE STATE CHARTER SCHOOL INSTITUTE SHALL ANNUALLY  
13 DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT  
14 OF THE AMOUNT THAT THE STATE CHARTER SCHOOL INSTITUTE RECEIVES  
15 ON BEHALF OF THE ENGLISH LANGUAGE LEARNERS ENROLLED IN EACH  
16 INSTITUTE CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR. THE  
17 MONEYS THE STATE CHARTER SCHOOL INSTITUTE DISTRIBUTES TO  
18 INSTITUTE CHARTER SCHOOLS PURSUANT TO THIS PARAGRAPH (c) IS IN  
19 ADDITION TO THE MONEYS THE INSTITUTE DISTRIBUTES PURSUANT TO PART  
20 5 OF ARTICLE 30.5 OF THIS TITLE.

21 (3) (a) THERE IS CREATED IN THE STATE TREASURY THE  
22 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT FUND, REFERRED TO  
23 IN THIS SUBSECTION (3) AS THE "FUND", CONSISTING OF SUCH MONEYS AS  
24 THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS  
25 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
26 ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION  
27 PROVIDERS AS PROVIDED IN THIS SECTION.

28 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND  
29 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.  
30 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED  
31 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE  
32 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN  
33 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND  
34 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR  
35 ANOTHER FUND.

36 (4) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF  
37 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE  
38 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM IS AN  
39 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE  
40 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS  
41 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX  
42 OF THE STATE CONSTITUTION.

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

3           **22-7-305. Parent involvement in education grant program -**  
4 **creation - rules - fund - reports.** (1) (b) The school district of a public  
5 school, or a board of cooperative services or regional service council that  
6 operates a public school, that seeks a grant through the parent  
7 involvement grant program shall apply on behalf of the public school;  
8 except that, if the public school is a charter school, the public school may  
9 apply on its own behalf. To be eligible to receive a grant, a public school  
10 shall meet one or more of the following criteria:

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

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

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

18           **22-7-409. Assessments - repeal.** (1) Beginning in the spring  
19 semester of 1997, the department shall implement the Colorado student  
20 assessment program under which the department shall administer  
21 statewide assessments adopted by the board pursuant to section 22-7-406  
22 in the first priority areas of reading, writing, mathematics, and science.  
23 The department shall administer the English versions of the state  
24 assessments and may administer any assessments adopted by the board in  
25 languages other than English, as may be appropriate for ~~students with~~  
26 ~~limited English proficiency~~ ENGLISH LANGUAGE LEARNERS; except that  
27 any student who has participated in the English language proficiency  
28 program, created pursuant to section 22-24-104, for more than a total of  
29 three school years shall be ineligible to take the assessments in a language  
30 other than English. The statewide assessments shall be administered as  
31 follows:

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

34           **22-7-1016. Postsecondary and workforce planning,**  
35 **preparation, and readiness assessments - transcripts.**  
36 (5) (a) Beginning in the 2012-13 academic year, if ~~a student with limited~~  
37 ~~English proficiency~~ AN ENGLISH LANGUAGE LEARNER, as defined in  
38 section ~~22-24-103(4)~~ 22-24-103 (3), is enrolled in eleventh or twelfth  
39 grade and the student has not demonstrated attainment of the standard for  
40 English language competency and has not demonstrated postsecondary  
41 and workforce readiness, the local education provider with which the

1 student is enrolled shall provide to the student additional services and  
2 supports as necessary to assist the student in attaining the standard.

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

5 **22-7-1207. Advancement - decision - parental involvement.**  
6 (1) Beginning no later than the 2013-14 school year, if, within forty-five  
7 days before the end of any school year prior to a student's fourth-grade  
8 year, a teacher finds that a student has a significant reading deficiency,  
9 personnel of the local education provider shall provide to the student's  
10 parent the written notice described in subsection (2) of this section;  
11 except that the provisions of this section shall not apply if:

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

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

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

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

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

29 **22-11-401. School accountability committee - creation -**  
30 **qualifications - elections.** (1) (d) If the local school board or the institute  
31 determines that the members of a school accountability committee should  
32 be appointed, the appointing authority shall, to the extent practicable,  
33 appoint persons to serve on the school accountability committee who  
34 reflect the student populations that are significantly represented within the  
35 school. If the local school board or the institute determines that persons  
36 shall be elected to serve on the school accountability committee, the  
37 school principal shall encourage persons who reflect the student  
38 populations that are significantly represented within the school to seek  
39 election to the committee. Said student populations may include, but need  
40 not be limited to:

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

3 **SECTION 20.** In Colorado Revised Statutes, 22-54-103, **amend**  
4 (1.5) (a) (V) introductory portion and (1.5) (b) (IV) introductory portion  
5 as follows:

6 **22-54-103. Definitions.** As used in this article, unless the context  
7 otherwise requires:

8 (1.5) (a) "At-risk pupils" means:

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

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

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

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

22 **22-54-104.2. Legislative declaration.** (1) The general assembly  
23 hereby finds and declares that, for purposes of section 17 of article IX of  
24 the state constitution, the expansion of the definition of "at-risk pupils",  
25 as defined in section 22-54-103 (1.5) (a) (V), to include district pupils  
26 ~~with limited English proficiency~~ WHO ARE ENGLISH LANGUAGE  
27 LEARNERS, as defined in section 22-54-103 (1.5) (b) (IV), the increase in  
28 the at-risk factor pursuant to section 22-54-104 (5) (f) (II) for districts  
29 whose percentage of at-risk pupils is greater than the statewide average  
30 percentage of at-risk pupils and whose funded pupil count is greater than  
31 fifty thousand, the requirement that districts that receive at-risk funding  
32 spend a portion of their at-risk funding on implementation of the district's  
33 English language proficiency program pursuant to section 22-54-105 (3)  
34 (b) (I) and the increase in the at-risk factor from 11.2% to 12% for the  
35 2005-06 budget year and each budget year thereafter pursuant to section  
36 22-54-104 (2) (b) (II) (A) and (5) (f) are important elements of  
37 accountable programs to meet state academic standards and may therefore  
38 receive funding from the state education fund created in section 17 (4) of  
39 article IX of the state constitution.

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

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

5           (c) Provision of services, including but not limited to special  
6 education services; services for gifted and talented students; services for  
7 ~~students with limited English proficiency~~ ENGLISH LANGUAGE LEARNERS;  
8 educational services for students at risk of academic failure, expulsion,  
9 or dropping out; and support services provided by the department of  
10 human services or county social services agencies;"

11 Renumber succeeding sections accordingly.

12 Page 24, strike lines 8 through 10.

13 Page 25, after line 22 insert:

14           "(3) In addition to any other appropriation, for the fiscal year  
15 beginning July 1, 2014, there is hereby appropriated, out of any moneys  
16 in the state education fund created in section 17(4) of article IX of the  
17 Colorado constitution not otherwise appropriated, to the professional  
18 development and student support fund created in section 22-24-108 (3),  
19 Colorado Revised Statutes, the sum of \$30,000,000, and said sum, or so  
20 much thereof as may be necessary, is further appropriated to the  
21 department of education, for the implementation of the professional  
22 development and student support program created in section 22-24-108,  
23 Colorado Revised Statutes."

24 Page 25, line 25, strike "9" and substitute "25".

25 Page 25, line 27, strike "10" and substitute "26".

26 Page 26, line 1, strike "10" and substitute "26".

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