

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

REVISED

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

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.*

SENATE  
Amended 2nd Reading  
April 29, 2014

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.

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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, **add 22-2-134.5 as**  
26 **follows:**

27           **22-2-134.5. Early childhood education programs - quality**

1 rating system - report. (1) THE DEPARTMENT OF EDUCATION, WORKING  
2 WITH THE DEPARTMENT OF HUMAN SERVICES, SHALL PRODUCE A JOINTLY  
3 AUTHORED REPORT CONCERNING THE STATUS OF IMPLEMENTING THE  
4 QUALITY RATING AND IMPROVEMENT SYSTEM FOR SCHOOL DISTRICT AND  
5 CHARTER SCHOOL EARLY CHILDHOOD EDUCATION PROGRAMS. THE REPORT  
6 MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

7 (a) THE TIMELINE FOR IMPLEMENTING THE QUALITY RATING AND  
8 IMPROVEMENT SYSTEM WITH REGARD TO SCHOOL DISTRICT AND CHARTER  
9 SCHOOL EARLY CHILDHOOD EDUCATION PROGRAMS; AND

10 (b) THE PLAN FOR COORDINATING THE REQUIREMENTS OF THE  
11 QUALITY RATING IMPROVEMENT SYSTEM WITH THE OTHER STATUTORY  
12 REQUIREMENTS IMPOSED ON SCHOOL DISTRICTS AND CHARTER SCHOOLS,  
13 INCLUDING BUT NOT LIMITED TO REQUIREMENTS FOR EDUCATING  
14 CHILDREN WITH DISABILITIES AS PROVIDED IN ARTICLE 20 OF THIS TITLE  
15 AND FEDERAL LAW, REQUIREMENTS FOR IMPLEMENTING EDUCATOR  
16 PERFORMANCE EVALUATIONS SPECIFIED IN ARTICLE 9 OF THIS TITLE, AND  
17 REQUIREMENTS THAT APPLY TO THE COLORADO PRESCHOOL PROGRAM  
18 SPECIFIED IN ARTICLE 28 OF THIS TITLE.

19 (2) THE DEPARTMENT OF EDUCATION SHALL SUBMIT THE REPORT  
20 DESCRIBED IN SUBSECTION (1) OF THIS SECTION AT THE HEARING OF THE  
21 JOINT EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND  
22 THE SENATE, OR ANY SUCCESSOR COMMITTEE, THAT IS HELD IN NOVEMBER  
23 OR DECEMBER OF 2014, AS REQUIRED IN SECTION 2-7-203, C.R.S.

24 **SECTION 9.** In Colorado Revised Statutes, 22-42-104, **amend**  
25 (1) introductory portion, (1.3) introductory portion, and (1.5); and **add**  
26 (1.6) as follows:

27 **22-42-104. Limit of bonded indebtedness.** (1) Except as

1 provided in subsections (1.3), ~~and~~ (1.4), AND (1.6) of this section, a  
2 ~~school district shall have a~~ THE limit of ON bonded indebtedness of A  
3 SCHOOL DISTRICT IS the greater of the following:

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

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

26 (1.6) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
27 SUBSECTION (1) OF THIS SECTION AND EXCEPT AS PROVIDED IN

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

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

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

24 **SECTION 10. In Colorado Revised Statutes, 22-2-134, add (5)**  
25 **as follows:**

26 **22-2-134. Unique student identifier - early childhood**  
27 **education - rules. (5) THE GENERAL ASSEMBLY DECLARES THAT, FOR**

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

8                   == ==  
9                   SECTION 11. In Colorado Revised Statutes, 22-30.5-112.1,  
10 amend (1) (a) as follows:

11                   22-30.5-112.1. Charter schools - definitions - exclusive  
12 jurisdiction districts - authorized on or after July 1, 2004 - financing.

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

14                   (a) (I) "Adjusted district per pupil revenues" means THE GREATER  
15 OF:

16                   (A) The qualifying school district's per pupil funding plus the  
17 qualifying school district's at-risk per pupil funding; OR

18                   (B) MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO  
19 SECTION 22-54-104 (3.5) (d).

20                   (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF  
21 THIS PARAGRAPH (a) TO THE CONTRARY, IN A BUDGET YEAR IN WHICH A  
22 QUALIFYING SCHOOL DISTRICT RECEIVES MINIMUM PER PUPIL FUNDING AS  
23 CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d), "ADJUSTED  
24 DISTRICT PER PUPIL REVENUES" MEANS MINIMUM PER PUPIL FUNDING AS  
25 CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d).

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

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

4           **(b) (I) "Accounting district's adjusted per pupil revenues" means**  
5 **THE GREATER OF:**

6           **(A) The accounting district's per pupil funding plus the accounting**  
7 **district's at-risk per pupil funding; OR**

8           **(B) MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO**  
9 **SECTION 22-54-104 (3.5) (d).**

10           **(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF**  
11 **THIS PARAGRAPH (b) TO THE CONTRARY, IN A BUDGET YEAR IN WHICH AN**  
12 **ACCOUNTING DISTRICT RECEIVES MINIMUM PER PUPIL FUNDING AS**  
13 **CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d), "ACCOUNTING**  
14 **DISTRICT'S ADJUSTED PER PUPIL REVENUES" MEANS MINIMUM PER PUPIL**  
15 **FUNDING AS CALCULATED PURSUANT TO SECTION 22-54-104 (3.5) (d).**

16           **SECTION 13.** In Colorado Revised Statutes, 22-61.5-105, **add**  
17 **(1) (a.5) and (3) as follows:**

18           **22-61.5-105. Colorado teacher of the year fund - created -**  
19 **legislative declaration.** (1) (a.5) **IN ADDITION TO ANY MONEYS CREDITED**  
20 **TO THE FUND PURSUANT TO PARAGRAPH (a) OF THIS SECTION, BEGINNING**  
21 **IN THE 2014-15 BUDGET YEAR AND IN EACH BUDGET YEAR THEREAFTER,**  
22 **THE STATE TREASURER SHALL ANNUALLY TRANSFER FROM THE STATE**  
23 **EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE**  
24 **STATE CONSTITUTION TO THE FUND TWENTY-FOUR THOUSAND EIGHT**  
25 **HUNDRED DOLLARS.**

26           **(3) THE GENERAL ASSEMBLY HEREBY DECLARES THAT, FOR**  
27 **PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE**

1 COLORADO TEACHER OF THE YEAR PROGRAM IS AN IMPORTANT ELEMENT  
2 IN PROVIDING PERFORMANCE INCENTIVES FOR TEACHERS AND MAY  
3 THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND  
4 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

5 **SECTION 14.** 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 AND THE  
16 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM CREATED  
17 IN SECTION 22-24-108.

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

24 (3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT  
25 THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND  
26 REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER THAT  
27 DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE

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

10 **22-24-107. English language proficiency act excellence award**  
11 **program - excellence awards fund - created - rules - legislative**

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



1 AS A PERCENTAGE OF THE TOTAL STUDENT ENROLLMENT. SUBJECT TO  
2 AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL DISTRIBUTE THE  
3 MONEYS IN ACCORDANCE WITH THE RULES TO THE LOCAL EDUCATION  
4 PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR THE GRANTS.

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

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

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

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

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

26 (4) (a) THERE IS CREATED IN THE STATE TREASURY THE  
27 EXCELLENCE AWARDS FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE

1 "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY  
2 APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO  
3 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE  
4 DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AND  
5 CHARTER SCHOOLS AS PROVIDED IN THIS SECTION.

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

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

21 **22-24-108. Professional development and student support**  
22 **program - created - professional development and student support**  
23 **fund - rules. (1) THERE IS CREATED IN THE DEPARTMENT THE**  
24 **PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM,**  
25 **REFERRED TO IN THIS SECTION AS THE "SUPPORT PROGRAM", TO PROVIDE**  
26 **MONEYS TO LOCAL EDUCATION PROVIDERS TO:**

27 (a) **OFFSET THE COSTS INCURRED IN COMPLYING WITH THE**

1 REQUIREMENTS SPECIFIED IN SECTION 22-24-105 (3);  
2 (b) PROVIDE EFFECTIVE PROFESSIONAL DEVELOPMENT ACTIVITIES  
3 RELATED TO TEACHING ENGLISH LANGUAGE LEARNERS FOR ALL  
4 EDUCATORS WHO MAY WORK WITH ENGLISH LANGUAGE LEARNERS IN THE  
5 CLASSROOM; AND  
6 (c) EXPAND PROGRAMS TO ASSIST STUDENTS WHO, AT ANY TIME,  
7 HAVE BEEN IDENTIFIED AS ENGLISH LANGUAGE LEARNERS IN ACHIEVING  
8 GREATER CONTENT PROFICIENCY.  
9 (2) (a) THE DEPARTMENT SHALL DISTRIBUTE THE AMOUNT  
10 APPROPRIATED FOR THE SUPPORT PROGRAM AS FOLLOWS:  
11 (I) SEVENTY-FIVE PERCENT OF THE AMOUNT ANNUALLY  
12 APPROPRIATED FROM THE FUND TO LOCAL EDUCATION PROVIDERS TO  
13 PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS, AND PROFESSIONAL  
14 DEVELOPMENT ACTIVITIES FOR EDUCATORS WHO WORK WITH ENGLISH  
15 LANGUAGE LEARNERS, WHO:  
16 (A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT  
17 COMPREHEND OR SPEAK ENGLISH; AND  
18 (B) COMPREHEND OR SPEAK SOME ENGLISH BUT WHOSE PRIMARY  
19 COMPREHENSION OR SPEECH IS IN A LANGUAGE OTHER THAN ENGLISH;  
20 AND  
21 (II) THE REMAINDER OF THE AMOUNT ANNUALLY APPROPRIATED  
22 FROM THE FUND TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES  
23 TO, AND TO PROVIDE PROFESSIONAL DEVELOPMENT ACTIVITIES FOR  
24 EDUCATORS WHO WORK WITH, ENGLISH LANGUAGE LEARNERS WHO  
25 COMPREHEND AND SPEAK ENGLISH AND ONE OR MORE OTHER LANGUAGES  
26 BUT WHOSE ENGLISH LANGUAGE 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 (b) EACH DISTRICT SHALL ANNUALLY DISTRIBUTE TO EACH  
7 CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT THAT THE  
8 DISTRICT RECEIVES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2)  
9 ON BEHALF OF THE ENGLISH LANGUAGE LEARNERS ENROLLED IN EACH  
10 CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR. THE MONEYS A  
11 DISTRICT DISTRIBUTES TO CHARTER SCHOOLS PURSUANT TO THIS  
12 PARAGRAPH (b) IS IN ADDITION TO THE MONEYS THE DISTRICT DISTRIBUTES  
13 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE.

14 (c) THE STATE CHARTER SCHOOL INSTITUTE SHALL ANNUALLY  
15 DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT  
16 OF THE AMOUNT THAT THE STATE CHARTER SCHOOL INSTITUTE RECEIVES  
17 ON BEHALF OF THE ENGLISH LANGUAGE LEARNERS ENROLLED IN EACH  
18 INSTITUTE CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR. THE  
19 MONEYS THE STATE CHARTER SCHOOL INSTITUTE DISTRIBUTES TO  
20 INSTITUTE CHARTER SCHOOLS PURSUANT TO THIS PARAGRAPH (c) IS IN  
21 ADDITION TO THE MONEYS THE INSTITUTE DISTRIBUTES PURSUANT TO PART  
22 5 OF ARTICLE 30.5 OF THIS TITLE.

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

1 ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION  
2 PROVIDERS AS PROVIDED IN THIS SECTION.

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

11 (4) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF  
12 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE  
13 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM IS AN  
14 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE  
15 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS  
16 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX  
17 OF THE STATE CONSTITUTION.

18 **SECTION 15.** In Colorado Revised Statutes, 22-7-305, amend  
19 (1) (b) (I) (B) as follows:

20 **22-7-305. Parent involvement in education grant program -**  
21 **creation - rules - fund - reports.** (1) (b) The school district of a public  
22 school, or a board of cooperative services or regional service council that  
23 operates a public school, that seeks a grant through the parent  
24 involvement grant program shall apply on behalf of the public school;  
25 except that, if the public school is a charter school, the public school may  
26 apply on its own behalf. To be eligible to receive a grant, a public school  
27 shall meet one or more of the following criteria:

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

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

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

8           **22-7-409. Assessments - repeal.** (1) Beginning in the spring  
9           semester of 1997, the department shall implement the Colorado student  
10           assessment program under which the department shall administer  
11           statewide assessments adopted by the board pursuant to section 22-7-406  
12           in the first priority areas of reading, writing, mathematics, and science.  
13           The department shall administer the English versions of the state  
14           assessments and may administer any assessments adopted by the board in  
15           languages other than English, as may be appropriate for students with  
16           limited English proficiency ENGLISH LANGUAGE LEARNERS; except that  
17           any student who has participated in the English language proficiency  
18           program, created pursuant to section 22-24-104, for more than a total of  
19           three school years shall be ineligible to take the assessments in a language  
20           other than English. The statewide assessments shall be administered as  
21           follows:

22           **SECTION 17.** In Colorado Revised Statutes, 22-7-1016, amend  
23           (5) (a) as follows:

24           **22-7-1016. Postsecondary and workforce planning,**  
25           **preparation, and readiness assessments - transcripts.**  
26           (5) (a) Beginning in the 2012-13 academic year, if a student with limited  
27           English proficiency AN ENGLISH LANGUAGE LEARNER, as defined in

1 section ~~22-24-103 (4)~~ 22-24-103 (3), is enrolled in eleventh or twelfth  
2 grade and the student has not demonstrated attainment of the standard for  
3 English language competency and has not demonstrated postsecondary  
4 and workforce readiness, the local education provider with which the  
5 student is enrolled shall provide to the student additional services and  
6 supports as necessary to assist the student in attaining the standard.

7 **SECTION 18.** In Colorado Revised Statutes, 22-7-1207, amend  
8 (1) (b) as follows:

9 **22-7-1207. Advancement - decision - parental involvement.**

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

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

20 **SECTION 19.** In Colorado Revised Statutes, 22-11-301, amend  
21 (3) (c) as follows:

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

1 limited to:

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

4 **SECTION 20.** In Colorado Revised Statutes, 22-11-401, amend  
5 (1) (d) (III) as follows:

6 **22-11-401. School accountability committee - creation -**  
7 **qualifications - elections.** (1) (d) If the local school board or the institute  
8 determines that the members of a school accountability committee should  
9 be appointed, the appointing authority shall, to the extent practicable,  
10 appoint persons to serve on the school accountability committee who  
11 reflect the student populations that are significantly represented within the  
12 school. If the local school board or the institute determines that persons  
13 shall be elected to serve on the school accountability committee, the  
14 school principal shall encourage persons who reflect the student  
15 populations that are significantly represented within the school to seek  
16 election to the committee. Said student populations may include, but need  
17 not be limited to:

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

20 **SECTION 21.** In Colorado Revised Statutes, 22-54-103, amend  
21 (1.5) (a) (V) introductory portion and (1.5) (b) (IV) introductory portion  
22 as follows:

23 **22-54-103. Definitions.** As used in this article, unless the context  
24 otherwise requires:

25 (1.5) (a) "At-risk pupils" means:

26 (V) For the 2005-06 budget year and budget years thereafter, the  
27 number of district pupils with limited English proficiency WHO ARE



1 ENGLISH LANGUAGE LEARNERS plus the greater of:

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

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

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

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

1 receive funding from the state education fund created in section 17 (4) of  
2 article IX of the state constitution.

3 **SECTION 23.** In Colorado Revised Statutes, 22-32.5-105,  
4 **amend** (1) (c) as follows:

5 **22-32.5-105. Suggested innovations.** (1) In considering or  
6 creating an innovation plan or a plan for creating an innovation school  
7 zone, each local school board is strongly encouraged to consider  
8 innovations in the following areas:

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

15 **SECTION 24.** In Senate Bill 14-112, **amend** section 2 as follows:

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

19 **SECTION 25. 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 the  
2 state share of districts' total program funding, is increased by \$10,020,171  
3 to support the increased full-day kindergarten factor authorized in section  
4 22-54-103 (15) (b), Colorado Revised Statutes.

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

9 (d) The cash funds appropriation from the state education fund  
10 created in section 17 (4) (a) of article IX of the state constitution, for  
11 public school finance administration, is increased by \$63,607 and 0.7  
12 FTE.

13 ==  
14 (2) For the implementation of this act, the general fund  
15 appropriation made in the annual general appropriation act to the  
16 controlled maintenance trust fund created in section 24-75-302.5 (2) (a),  
17 Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is  
18 decreased by \$68,084.

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 \$16,996,593  
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 - adjustments to 2014 long bill.**

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

5           (a) The cash funds appropriation from the state education fund  
6           created in section 17 (4) (a) of article IX of the state constitution, for the  
7           state share of districts' total program funding, is increased by \$18,585,660  
8           to support additional Colorado preschool program participants authorized  
9           in section 22-28-104.3 (2) (a) (II), Colorado Revised Statutes.

10           **SECTION 28. Appropriation.** (1) In addition to any other  
11           appropriation, for the fiscal year beginning July 1, 2014, there is hereby  
12           appropriated, out of any moneys in the state education fund created in  
13           section 17(4) of article IX of the Colorado constitution not otherwise  
14           appropriated, to the excellence awards fund created in section 22-24-107  
15           (4), Colorado Revised Statutes, the sum of \$500,000, and said sum, or so  
16           much thereof as may be necessary, is further appropriated to the  
17           department of education, for the implementation of the English language  
18           proficiency act excellence award program created in section 22-24-107,  
19           Colorado Revised Statutes.

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

26           (3) In addition to any other appropriation, for the fiscal year  
27           beginning July 1, 2014, there is hereby appropriated, out of any moneys

1 in the state education fund created in section 17 (4) of article IX of the  
2 Colorado constitution not otherwise appropriated, to the department of  
3 education, the sum of \$298,000, or so much thereof as may be necessary,  
4 to implement the requirements specified in section 22-2-134, Colorado  
5 Revised Statutes.

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

16 **SECTION 29. Effective date.** (1) Except as otherwise provided  
17 in this section, this act takes effect upon passage.

18 (2) Sections 3 and 25 of this act take effect only if House Bill  
19 14-1292 does not become law.

20 (3) Sections 4 and 26 of this act take effect only if House Bill  
21 14-1292 becomes law, in which case sections 4 and 26 of this act take  
22 effect on the effective date of this act or of House Bill 14-1292,  
23 whichever is later.

24 **SECTION 30. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.