

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**

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**HOUSE SPONSORSHIP**

**Hamner and Buckner,**

**SENATE SPONSORSHIP**

**Kerr and Steadman,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

Education  
Finance

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**A BILL FOR AN ACT**

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

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**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.

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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 SEVENTY-FIVE MILLION ONE HUNDRED FORTY-THREE THOUSAND  
8 FORTY-TWO DOLLARS (\$5,775,143,042); except that the department of  
9 education and the staff of the legislative council shall make mid-year  
10 revisions to replace projections with actual figures including, but not  
11 limited to, actual pupil enrollment, assessed valuations, and specific  
12 ownership tax revenue from the prior year, to determine any necessary  
13 changes in the amount of the reduction to maintain a total program  
14 funding amount for the applicable budget year that is consistent with this  
15 sub-subparagraph (E). FOR THE 2015-16 BUDGET YEAR, THE DIFFERENCE  
16 BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND  
17 ACTUAL STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE  
18 DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM  
19 FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE  
20 2014-15 BUDGET YEAR.

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

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

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

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

8 (E) That, for the 2014-15 budget year, the sum of the total  
9 program funding for all districts, including the funding for institute  
10 charter schools, after application of the negative factor, is not less than  
11 the sum of the total program funding for all districts, including the  
12 funding for institute charter schools, after the application of the negative  
13 factor, is not less than five billion nine hundred eleven million one  
14 hundred nine thousand two hundred sixty-seven dollars (\$5,911,109,267)  
15 FIVE BILLION NINE HUNDRED TWENTY-NINE MILLION SEVEN HUNDRED NINE  
16 THOUSAND FIVE HUNDRED EIGHTY-TWO DOLLARS (\$5,929,709,582);  
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, 24-75-220, add (5)  
26 as follows:

27 **24-75-220. State education fund - transfers - surplus -**

1 **legislative declaration.** (5) NOTWITHSTANDING ANY PROVISION OF LAW  
2 TO THE CONTRARY, ON THE DATE ON WHICH THE STATE CONTROLLER  
3 PUBLISHES THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE  
4 STATE FOR THE FISCAL YEAR 2014-15, THE STATE TREASURER SHALL  
5 TRANSFER TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF  
6 ARTICLE IX OF THE STATE CONSTITUTION SEVENTY-FIVE PERCENT OF THE  
7 REMAINING GENERAL FUND SURPLUS DESIGNATED IN ACCORDANCE WITH  
8 SECTION 24-75-201 (1) FOR THE FISCAL YEAR 2014-15.

9 **SECTION 10.** 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) "Adjusted district per pupil revenues" means THE GREATER OF:**

15 **(I) The qualifying school district's per pupil funding plus the**  
16 **qualifying school district's at-risk per pupil funding; OR**

17 **(II) MINIMUM PER PUPIL FUNDING AS CALCULATED PURSUANT TO**  
18 **SECTION 22-54-104 (3.5) (d).**

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

21 **22-30.5-513. Institute charter schools - definitions - funding -**  
22 **at-risk supplemental aid - legislative declaration.** (1) As used in this

23 **section, unless the context otherwise requires:**

24 **(b) "Accounting district's adjusted per pupil revenues" means THE**  
25 **GREATER OF:**

26 **(I) The accounting district's per pupil funding plus the accounting**  
27 **district's at-risk per pupil funding; OR**



1 WHO ARE ENGLISH LANGUAGE LEARNERS;

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

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

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

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

22 (f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO  
23 LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE  
24 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT  
25 GRADUATION;

26 (g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF  
27 EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE

1 THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11  
2 OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES  
3 MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE  
4 DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH  
5 LANGUAGE LEARNERS; AND

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

11 **22-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED  
14 BY A DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE OR AN  
15 INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER  
16 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

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

18 (3) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND  
19 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF  
20 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE  
21 5 OF THIS TITLE.

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

27 (5) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A

1 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS  
2 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH  
3 LANGUAGE LEARNER WHILE ENABLING THE ENGLISH LANGUAGE LEARNER  
4 TO ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC  
5 CONTENT AREAS.

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

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

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

17 (9) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE  
18 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE  
19 30.5 OF THIS TITLE.

20 **22-24-104. English language proficiency program established**  
21 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE  
22 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN  
23 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY  
24 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND  
25 GRADES ONE THROUGH TWELVE.

26 (2) (a) A STUDENT WHO IS IDENTIFIED FOR INCLUSION IN AN  
27 ENGLISH LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING



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

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

23 (3) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
24 MONEYS TO THE DEPARTMENT TO IMPLEMENT THIS SECTION. THE  
25 DEPARTMENT SHALL ALLOCATE THE MONEYS ANNUALLY APPROPRIATED  
26 TO LOCAL EDUCATION PROVIDERS ON A PER-PUPIL BASIS USING THE  
27 NUMBER OF ENGLISH LANGUAGE LEARNERS CERTIFIED PURSUANT TO

1 SECTION 22-24-105, SUBJECT TO THE TIME LIMIT SPECIFIED IN SUBSECTION  
2 (2) OF THIS SECTION.

3 (b) (I) THE DEPARTMENT SHALL DISTRIBUTE SEVENTY-FIVE  
4 PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED TO THE DEPARTMENT  
5 PURSUANT TO THIS SUBSECTION (3) TO LOCAL EDUCATION PROVIDERS TO  
6 PROVIDE SERVICES TO ENGLISH 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 (II) A STUDENT SHALL NOT BE FUNDED PURSUANT TO THIS  
12 PARAGRAPH (b) FOR MORE THAN FOUR HUNDRED DOLLARS PER YEAR OR  
13 AN AMOUNT EQUAL TO TWENTY PERCENT OF THE STATE AVERAGE PER  
14 PUPIL REVENUES, AS DEFINED IN SECTION 22-54-103 (12), FOR THE  
15 PRECEDING BUDGET YEAR AS DETERMINED BY THE DEPARTMENT,  
16 WHICHEVER IS GREATER.

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

23 (A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE  
24 LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A  
25 NATIONALLY STANDARDIZED TEST; OR

26 (B) BELOW THE ACCEPTABLE PROFICIENCY LEVEL BASED ON THE  
27 ASSESSMENTS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION

1 22-24-106 (1) (a).

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

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

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

21 **22-24-105. Local education provider - duties.** (1) EACH LOCAL  
22 EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH LANGUAGE  
23 PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE LEARNERS WHO ARE  
24 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER.

25 (2) EACH LOCAL EDUCATION PROVIDER SHALL IDENTIFY ENGLISH  
26 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE  
27 LOCAL EDUCATION PROVIDER USING THE STATE-APPROVED ASSESSMENT

1 FOR ENGLISH LANGUAGE PROFICIENCY. THE LOCAL EDUCATION PROVIDER  
2 SHALL ANNUALLY CERTIFY TO THE DEPARTMENT THE NUMBER OF ENGLISH  
3 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE  
4 LOCAL EDUCATION PROVIDER AND ARE ELIGIBLE FOR FUNDING PURSUANT  
5 TO SECTION 22-24-104 (2).

6 (3) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT  
7 TO THE DEPARTMENT THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO  
8 EXIT THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

9 **22-24-106. Department of education - powers - duties - state**  
10 **board of education - rules. (1) THE DEPARTMENT SHALL:**

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

16 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY  
17 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION  
18 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED  
19 TO TAKE THE STATEWIDE ASSESSMENT;

20 (c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A  
21 LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN  
22 WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE  
23 ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING  
24 ASSESSMENTS PURSUANT TO SECTION 22-7-409 OR 22-7-1006;

25 (d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE  
26 TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING  
27 ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND

1 EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

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

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

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

20 (h) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE  
21 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006  
22 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC  
23 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS, WHILE THEY ARE  
24 RECEIVING SERVICES THROUGH THE ENGLISH LANGUAGE PROFICIENCY  
25 PROGRAM AND AFTER THEY EXIT THE ENGLISH LANGUAGE PROFICIENCY  
26 PROGRAM THROUGH HIGH SCHOOL GRADUATION, AS PROVIDED IN PART 5  
27 OF ARTICLE 11 OF THIS TITLE; AND

1 (i) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT  
2 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107 AND THE  
3 PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM CREATED  
4 IN SECTION 22-24-108.

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

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

24 **22-24-107. English language proficiency act excellence award**  
25 **program - excellence awards fund - created - rules - legislative**  
26 **declaration.** (1) THERE IS CREATED IN THE DEPARTMENT THE ENGLISH  
27 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM TO AWARD

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

19 (2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE  
20 THE CRITERIA OR MEASURES THAT THE DEPARTMENT MUST APPLY TO  
21 IDENTIFY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT  
22 ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH  
23 AMONG ENGLISH LANGUAGE LEARNERS AND THAT ACHIEVE THE HIGHEST  
24 ACADEMIC ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO  
25 TRANSITION OUT OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

26 (3) (a) EACH LOCAL EDUCATION PROVIDER AND CHARTER SCHOOL  
27 THAT RECEIVES A GRANT PURSUANT TO THIS SECTION, AT THE CONCLUSION

1 OF EACH SCHOOL YEAR FOR WHICH IT RECEIVES A GRANT, MUST SUBMIT TO  
2 THE DEPARTMENT:

3 (I) A DATA ANALYSIS AND SUMMARY OF THE LOCAL EDUCATION  
4 PROVIDER'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE PROFICIENCY  
5 PROGRAM; AND

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

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

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

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



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

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

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

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

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

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

25 (I) SEVENTY-FIVE PERCENT OF THE AMOUNT ANNUALLY  
26 APPROPRIATED FROM THE FUND TO LOCAL EDUCATION PROVIDERS TO  
27 PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS, AND PROFESSIONAL

1 DEVELOPMENT ACTIVITIES FOR EDUCATORS WHO WORK WITH ENGLISH  
2 LANGUAGE LEARNERS, WHO:

3 (A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT  
4 COMPREHEND OR SPEAK ENGLISH; AND

5 (B) COMPREHEND OR SPEAK SOME ENGLISH BUT WHOSE PRIMARY  
6 COMPREHENSION OR SPEECH IS IN A LANGUAGE OTHER THAN ENGLISH;  
7 AND

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

14 (A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE  
15 LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A  
16 NATIONALLY STANDARDIZED TEST; OR

17 (B) BELOW THE ACCEPTABLE PROFICIENCY LEVEL BASED ON THE  
18 ASSESSMENTS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION  
19 22-24-106 (1) (a).

20 (b) EACH DISTRICT SHALL ANNUALLY DISTRIBUTE TO EACH  
21 CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT THAT THE  
22 DISTRICT RECEIVES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2)  
23 ON BEHALF OF THE ENGLISH LANGUAGE LEARNERS ENROLLED IN EACH  
24 CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR. THE MONEYS A  
25 DISTRICT DISTRIBUTES TO CHARTER SCHOOLS PURSUANT TO THIS  
26 PARAGRAPH (b) IS IN ADDITION TO THE MONEYS THE DISTRICT DISTRIBUTES  
27 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE.

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

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

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

25           (4) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF  
26           SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE  
27           PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM IS AN

1 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE  
2 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS  
3 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX  
4 OF THE STATE CONSTITUTION.

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

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

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

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

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

22 **22-7-409. Assessments - repeal.** (1) Beginning in the spring  
23 semester of 1997, the department shall implement the Colorado student  
24 assessment program under which the department shall administer  
25 statewide assessments adopted by the board pursuant to section 22-7-406  
26 in the first priority areas of reading, writing, mathematics, and science.  
27 The department shall administer the English versions of the state

1 assessments and may administer any assessments adopted by the board in  
2 languages other than English, as may be appropriate for students with  
3 limited English proficiency ENGLISH LANGUAGE LEARNERS; except that  
4 any student who has participated in the English language proficiency  
5 program, created pursuant to section 22-24-104, for more than a total of  
6 three school years shall be ineligible to take the assessments in a language  
7 other than English. The statewide assessments shall be administered as  
8 follows:

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

11 **22-7-1016. Postsecondary and workforce planning,**  
12 **preparation, and readiness assessments - transcripts.**

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

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

23 **22-7-1207. Advancement - decision - parental involvement.**

24 (1) Beginning no later than the 2013-14 school year, if, within forty-five  
25 days before the end of any school year prior to a student's fourth-grade  
26 year, a teacher finds that a student has a significant reading deficiency,  
27 personnel of the local education provider shall provide to the student's

1 parent the written notice described in subsection (2) of this section;  
2 except that the provisions of this section shall not apply if:

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

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

9 **22-11-301. School district accountability committees - creation**  
10 **- membership.** (3) If a local school board appoints the members of the  
11 school district accountability committee, the local school board, to the  
12 extent practicable, shall ensure that the parents who are appointed reflect  
13 the student populations that are significantly represented within the  
14 school district. Said student populations may include, but need not be  
15 limited to:

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

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

20 **22-11-401. School accountability committee - creation -**  
21 **qualifications - elections.** (1) (d) If the local school board or the institute  
22 determines that the members of a school accountability committee should  
23 be appointed, the appointing authority shall, to the extent practicable,  
24 appoint persons to serve on the school accountability committee who  
25 reflect the student populations that are significantly represented within the  
26 school. If the local school board or the institute determines that persons  
27 shall be elected to serve on the school accountability committee, the

1 school principal shall encourage persons who reflect the student  
2 populations that are significantly represented within the school to seek  
3 election to the committee. Said student populations may include, but need  
4 not be limited to:

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

7 **SECTION 20.** In Colorado Revised Statutes, 22-54-103, amend  
8 (1.5) (a) (V) introductory portion and (1.5) (b) (IV) introductory portion  
9 as follows:

10 **22-54-103. Definitions.** As used in this article, unless the context  
11 otherwise requires:

12 (1.5) (a) "At-risk pupils" means:

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

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

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

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

26 **22-54-104.2. Legislative declaration.** (1) The general assembly  
27 hereby finds and declares that, for purposes of section 17 of article IX of

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

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

19 **22-32.5-105. Suggested innovations.** (1) In considering or  
20 creating an innovation plan or a plan for creating an innovation school  
21 zone, each local school board is strongly encouraged to consider  
22 innovations in the following areas:

23 (c) Provision of services, including but not limited to special  
24 education services; services for gifted and talented students; services for  
25 students with limited English proficiency ENGLISH LANGUAGE LEARNERS;  
26 educational services for students at risk of academic failure, expulsion,  
27 or dropping out; and support services provided by the department of



1 human services or county social services agencies;

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

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

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

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

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

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

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

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

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

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

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

10 (a) The cash funds appropriation from the state education fund  
11 created in section 17 (4) (a) of article IX of the state constitution, for the  
12 state share of districts' total program funding, is increased by \$18,485,659  
13 to support additional Colorado preschool program participants authorized  
14 in section 22-28-104.3 (2) (a) (II), Colorado Revised Statutes.

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

25 (2) In addition to any other appropriation, there is hereby  
26 appropriated, out of any moneys in the general fund, not otherwise  
27 appropriated, to the department of human services, for the fiscal year

1 beginning July 1, 2014, the sum of \$68,084 and 1.1 FTE, or so much  
2 thereof as may be necessary, to be allocated to the division of early care  
3 and learning for child care licensing and administration activities.

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

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

16 (2) Sections 3 and 25 of this act take effect only if House Bill  
17 14-1292 does not become law.

18 (3) Sections 4 and 26 of this act take effect only if House Bill  
19 14-1292 becomes law, in which case sections 4 and 26 of this act take  
20 effect on the effective date of this act or of House Bill 14-1292,  
21 whichever is later.

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