

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0999.02 Brita Darling x2241

**SENATE BILL 21-268**

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**SENATE SPONSORSHIP**

**Zenzinger and Lundeen,**

**HOUSE SPONSORSHIP**

**McLachlan and McCluskie,**

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**Senate Committees**  
Education

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN**  
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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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://leg.colorado.gov>.)*

**Section 1** of the bill:

- Increases the statewide base per pupil funding for the 2021-22 budget year by \$141.67 to account for inflation of 2% for a new statewide base per pupil funding amount of \$7,225.28; and
- Sets the minimum statewide district total program funding

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

amount for the 2021-22 budget year and requires the dollar amount of the budget stabilization factor to remain the same for the 2022-23 budget year.

**Section 2** of the bill authorizes the state board of education (state board) to take action against an educator license, certificate, endorsement, or authorization if the educator is convicted of an offense under the laws of another state, the United States, or any territory subject to the jurisdiction of the United States, the elements of which are substantially similar to a felony drug offense described in part 4 of article 18 of title 18, Colorado Revised Statutes.

**Section 3** of the bill extends to 18 months the length of the accreditation contract entered into between the state board and each school district board of education (local school board) and the state charter school institute for the 2021-22 school year.

**Sections 4 and 5** of the bill extend by one month the deadline for a local school board to certify to the state board mileage for reimbursement from the public school transportation fund and for the state board to certify to the state treasurer the amount of reimbursements from the public school transportation fund.

**Section 6** of the bill changes the period of time in which the department of education (department) may establish an alternative pupil count day to within 45 school days after the first school day.

**Section 7** of the bill allows local education providers to carry forward more than 15% of the per-pupil intervention money received pursuant to the "READ Act" for the 2020-21 budget year for use in the 2021-22 budget year.

**Sections 8 and 9** of the bill adjust the amount of additional funding authorized in Senate Bill 21-053 that is available to school districts that fully fund total program with local revenue.

**Sections 10 and 11** of the bill authorizes a school district that operated a district preschool program under the "Colorado Preschool Program Act" in the 2019-20 school year with a waiver to serve children under 3 years of age to continue in subsequent school years to use the same number of preschool positions to serve children under 3 years of age who have multiple significant family risk factors.

**Section 12** of the bill extends the budget deadlines for the 2021-22 budget year for school districts and local college districts.

**Section 13** of the bill makes permanent statutory provisions that allow school district charter schools that convert to institute charter schools or institute charter schools that convert to school district charter schools to continue to receive funding for at-risk students using the funding formulas that applied to the charter schools prior to the conversion.

**Sections 14** of the bill requires the state board to review and accept or reject a local school board's proposed revisions to an existing

innovation school or innovation zone plan. The state board's determination must be based on serving the best interests of students, families, and the community.

**Section 15** of the bill removes the cap on appropriations for the school counselor corps grant program.

**Section 16** of the bill requires a board of cooperative services (BOCES) that intends to locate or operate a BOCES school within the geographic boundaries of a school district that is not a member of the BOCES during the 2021-22 school year to obtain written permission from the school district in which the school will be operated or located. The requirement for written consent does not apply to a BOCES school that is operating prior to the effective date of the bill.

**Section 17** of the bill provides additional funding for at-risk students for the 2021-22 budget year to school districts, district charter schools, and institute charter schools. The amount of funding is based on the number of pupils for the 2020-21 budget year who were English language learners, as defined in the bill, and the number of pupils who were eligible for reduced-price lunch. The department must distribute the amount of additional funding for at-risk students to each school district and institute charter school. Each school district that authorizes a charter school must distribute to the charter school the per pupil distribution amount for the eligible pupils enrolled in the charter school.

**Section 18** of the bill appropriates \$478,743,696 of general fund money to the department for the state share of districts' total program funding.

**Section 19** of the bill authorizes the use of appropriations for the Accelerating Students Through Concurrent Enrollment (ASCENT) program for the 2021-22 budget year.

**Section 20** of the bill appropriates \$400,000 from the state public school fund for school finance audit payments.

**Section 21** of the bill appropriates \$77,408,881 to the department from the state education fund for additional funding for at-risk students for the 2021-22 budget year.

**Section 22** of the bill appropriates \$2,000,000 from the state education fund for the school counselor corps grant program.

**Section 23** of the bill appropriates \$1,706,537 from the general fund to the department to restore funding to the following grant programs that had appropriations reduced or eliminated for the 2020-21 fiscal year:

- \$800,000 and 0.6 FTE for the ninth grade success program;
- \$375,807 for the school leadership program;
- \$280,730 for the accelerated college opportunity exam fee grant program; and
- \$250,000 and 0.3 FTE for the John W. Buckner automatic enrollment in advanced placement courses grant program.

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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**  
3 (5)(a)(XXVIII) and (5)(g)(I)(L) as follows:

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

6           (a) (XXVIII) FOR THE 2021-22 BUDGET YEAR, THE STATEWIDE  
7 BASE PER PUPIL FUNDING IS \$7,225.28, WHICH IS AN AMOUNT EQUAL TO  
8 \$7,083.61, SUPPLEMENTED BY \$141.67 TO ACCOUNT FOR INFLATION.

9           (g) (I) For the 2010-11 budget year and each budget year  
10 thereafter, the general assembly determines that stabilization of the state  
11 budget requires a reduction in the amount of the annual appropriation to  
12 fund the state's share of total program funding for all districts and the  
13 funding for institute charter schools. The department of education shall  
14 implement the reduction in total program funding through the application  
15 of a budget stabilization factor as provided in this subsection (5)(g)(I).  
16 For the 2010-11 budget year and each budget year thereafter, the  
17 department of education and the staff of the legislative council shall  
18 determine, based on budget projections, the amount of such reduction to  
19 ensure the following:

20           (L) THAT, FOR THE 2021-22 BUDGET YEAR, THE SUM OF THE TOTAL  
21 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR  
22 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET  
23 STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION EIGHT HUNDRED  
24 SEVENTY MILLION TWENTY-SEVEN THOUSAND NINE HUNDRED SIXTY-FIVE  
25 DOLLARS (\$7,870,027,965); EXCEPT THAT THE DEPARTMENT OF  
26 EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE

1 MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES,  
2 INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED  
3 VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR  
4 YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE  
5 REDUCTION TO MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE  
6 APPLICABLE BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION  
7 (5)(g)(I)(L). FOR THE 2022-23 BUDGET YEAR, THE DIFFERENCE BETWEEN  
8 CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL  
9 STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE DIFFERENCE  
10 BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND  
11 ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE 2021-22 BUDGET  
12 YEAR.

13 **SECTION 2.** In Colorado Revised Statutes, 22-60.5-107, **amend**  
14 (2.6) as follows:

15 **22-60.5-107. Grounds for denying, annulling, suspending, or**  
16 **revoking license, certificate, endorsement, or authorization -**  
17 **definition.** (2.6) (a) In addition to the offenses described in subsection  
18 (2.5) of this section, the state board of education shall deny, annul,  
19 suspend, or revoke a license, certificate, endorsement, or authorization if  
20 the applicant for or holder of the license, certificate, endorsement, or  
21 authorization is convicted of a felony drug offense described in part 4 of  
22 article 18 of title 18, ~~C.R.S.~~, committed on or after August 25, 2012, OR  
23 IS CONVICTED OF AN OFFENSE UNDER THE LAWS OF ANOTHER STATE, THE  
24 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE  
25 UNITED STATES, COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS  
26 SUBSECTION (2.6)(a), AS AMENDED, THE ELEMENTS OF WHICH ARE  
27 SUBSTANTIALLY SIMILAR TO A FELONY DRUG OFFENSE DESCRIBED IN PART

1 4 OF ARTICLE 18 OF TITLE 18. The requirement that the state board of  
2 education deny, annul, suspend, or revoke a license, certificate,  
3 endorsement, or authorization shall only apply for a period of five years  
4 following the date the offense was committed.

5 (b) ~~Nothing in~~ This subsection (2.6) ~~shall~~ DOES NOT limit the  
6 authority of the state board of education to deny, annul, suspend, or  
7 revoke a license, certificate, endorsement, or authorization if the applicant  
8 or holder is convicted of a felony drug offense described in part 4 of  
9 article 18 of title 18, ~~C.R.S.~~, committed prior to August 25, 2012, OR IS  
10 CONVICTED OF AN OFFENSE UNDER THE LAWS OF ANOTHER STATE, THE  
11 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE  
12 UNITED STATES, COMMITTED PRIOR TO THE EFFECTIVE DATE OF THIS  
13 SUBSECTION (2.6), AS AMENDED, THE ELEMENTS OF WHICH ARE  
14 SUBSTANTIALLY SIMILAR TO A FELONY DRUG OFFENSE DESCRIBED IN PART  
15 4 OF ARTICLE 18 OF TITLE 18.

16 (c) ~~For purposes of~~ AS USED IN this subsection (2.6), "convicted"  
17 or "conviction" means a conviction by a jury verdict or by entry of a  
18 verdict or acceptance of a guilty plea or a plea of nolo contendere by a  
19 court.

20 **SECTION 3.** In Colorado Revised Statutes, 22-11-206, **add** (5)  
21 as follows:

22 **22-11-206. Accreditation of school districts and institute -**  
23 **contracts - rules - repeal.** (5) (a) NOTWITHSTANDING THE PROVISIONS  
24 OF SUBSECTION (2) OF THIS SECTION OR SECTION 22-11-208 TO THE  
25 CONTRARY, THE ACCREDITATION CONTRACT THAT THE STATE BOARD  
26 ENTERS INTO WITH EACH LOCAL SCHOOL BOARD AND WITH THE INSTITUTE  
27 AT THE BEGINNING OF THE 2021-22 SCHOOL YEAR SHALL HAVE A TERM OF

1 EIGHTEEN MONTHS.

2 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2023.

3 **SECTION 4.** In Colorado Revised Statutes, 22-51-105, **amend**  
4 (1) as follows:

5 **22-51-105. Certifications by school boards, governing boards,**  
6 **and facility schools - rules.** (1) On or before ~~August~~ SEPTEMBER 15 of  
7 each year, the school board of each school district entitled to and desiring  
8 reimbursement under this article 51, the state charter school institute  
9 board, and each facility school entitled to and desiring reimbursement  
10 under this article 51 shall certify to the state board of education, on forms  
11 provided by the commissioner of education, any information the board  
12 deems necessary to determine the reimbursement entitlement of the  
13 district, the institute, or the facility school. The information includes, but  
14 is not limited to, the total amount of the school district's, institute's, or  
15 facility school's current operating expenditures for pupil transportation  
16 during the preceding entitlement period, the total number of miles  
17 traveled and the total number of pupils transported on the pupil  
18 enrollment count day, as defined in section 22-54-103 (10.5), during the  
19 preceding entitlement period by vehicles operated by or for the school  
20 district, the institute, or the facility school in providing pupil  
21 transportation, and the transportation route descriptions in effect on the  
22 pupil enrollment count day.

23 **SECTION 5.** In Colorado Revised Statutes, 22-51-106, **amend**  
24 (1)(a) as follows:

25 **22-51-106. Certification to and payment by state treasurer -**  
26 **deficiency in fund.** (1) (a) On or before ~~October~~ NOVEMBER 15 of each  
27 year, the commissioner of education shall certify to the state treasurer the

1 amount of the advance reimbursement entitlement of each school district,  
2 the state charter school institute, and each facility school for the current  
3 entitlement period and the amount of the final reimbursement entitlement  
4 of each school district, the institute, and each facility school for the  
5 preceding entitlement period. The state treasurer shall thereupon pay from  
6 the public school transportation fund directly to the treasurer of each  
7 school district ~~which~~ THAT has elected under the law to withdraw its  
8 funds from the custody of the county treasurer, directly to the treasurer of  
9 the state charter school institute, and directly to the treasurer of each  
10 facility school the amount certified as the total reimbursement entitlement  
11 of the school district, the institute, or the facility school; and, for all other  
12 school districts, the state treasurer shall pay to the county treasurer of the  
13 county in which each school district has its headquarters the amount  
14 certified as the total reimbursement entitlement of each district, and the  
15 county treasurer shall forthwith credit to the general fund of each district  
16 in the county the amount certified therefor.

17 **SECTION 6.** In Colorado Revised Statutes, 22-54-103, **amend**  
18 (10.5)(a)(III) as follows:

19 **22-54-103. Definitions.** As used in this article 54, unless the  
20 context otherwise requires:

21 (10.5) (a) "Pupil enrollment count day" means October 1 of each  
22 year; except that:

23 (III) The department of education is authorized to establish  
24 alternative dates for determining pupil enrollment in appropriate  
25 circumstances, including, but not limited to, when schools are on a  
26 year-round schedule pursuant to section 22-32-109 (1)(n) and pupils will  
27 be on authorized breaks on October 1 within the applicable budget year;



1 except that such alternative dates shall be set not more than forty-five  
2 ~~calendar~~ SCHOOL days after the first school day ~~occurring after October~~  
3 ~~1~~ OF THE APPLICABLE SCHOOL YEAR.

4 **SECTION 7.** In Colorado Revised Statutes, 22-7-1210.5, **amend**  
5 (6)(b) as follows:

6 **22-7-1210.5. Per-pupil intervention money - uses - distribution**  
7 **- monitoring - repeal.** (6) (b) (I) A local education provider may retain  
8 up to fifteen percent of the amount of per-pupil intervention money it  
9 receives in a budget year for use in accordance with this section in the  
10 next budget year. If a local education provider retains more than the  
11 amount authorized in this subsection (6)(b), the department shall reduce  
12 the amount of per-pupil intervention money that the local education  
13 provider is eligible to receive in the next budget year by the excess  
14 retention amount.

15 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION  
16 (6)(b)(I) OF THIS SECTION, A LOCAL EDUCATION PROVIDER MAY RETAIN  
17 MORE THAN FIFTEEN PERCENT OF THE AMOUNT OF PER-PUPIL  
18 INTERVENTION MONEY RECEIVED IN THE 2020-21 BUDGET YEAR FOR USE  
19 IN ACCORDANCE WITH THIS SECTION IN THE 2021-22 BUDGET YEAR.

20 (B) THIS SUBSECTION (6)(b)(II) IS REPEALED, EFFECTIVE JULY 1,  
21 2022.

22 **SECTION 8.** In Colorado Revised Statutes, 22-45-103, **amend**  
23 (1)(k) as follows:

24 **22-45-103. Funds - repeal.** (1) The following funds are created  
25 for each school district for purposes specified in this article 45.

26 (k) **Total program reserve fund.** (I) A school district shall  
27 deposit the property tax revenues that it collects from a tax levy imposed

1 pursuant to section 22-54-107 (5) in the total program reserve fund of the  
2 district. The district may expend money from the total program reserve  
3 fund only to offset the amount of a reduction in the district's state share  
4 caused by application of the budget stabilization factor pursuant to section  
5 22-54-104 (5)(g); except that, in a budget year in which the school district  
6 levies for its total program the number of mills calculated pursuant to  
7 section 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), or (2.1)(c)(I), whichever is  
8 applicable, if the balance of the total program reserve fund exceeds an  
9 amount equal to the district's total program for that budget year multiplied  
10 by the budget stabilization factor calculated pursuant to section 22-54-104  
11 (5)(g) for that budget year, the district may expend the amount of the  
12 excess balance. Any money remaining in the fund at the end of a fiscal  
13 year must remain in the fund and may be used in future years only as  
14 provided in this subsection (1)(k).

15 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION  
16 (1)(k)(I) OF THIS SECTION TO THE CONTRARY, FOR THE 2020-21 BUDGET  
17 YEAR, A DISTRICT MAY EXPEND MONEY FROM THE TOTAL PROGRAM  
18 RESERVE FUND TO ENSURE THAT THE DISTRICT'S TOTAL PROGRAM FUNDING  
19 FOR THE 2020-21 BUDGET YEAR MEETS THE CONDITIONS SET FORTH IN  
20 SECTION 22-54-143 (3)(a) AND (3)(b) AS ADDED BY SENATE BILL 21-053,  
21 ENACTED IN 2021.

22 (B) THIS SUBSECTION (1)(k)(II) IS REPEALED, EFFECTIVE JULY 1,  
23 2022.

24 **SECTION 9.** In Colorado Revised Statutes, 22-54-143, **amend**  
25 **as added by Senate Bill 21-053** (4) as follows:

26 **22-54-143. Additional funding - 2020-21 budget year -**  
27 **definitions - repeal.** (4) If a district's state share of total program funding

1 pursuant to section 22-54-106, before application of the budget  
2 stabilization factor pursuant to section 22-54-104 (5)(g), was estimated  
3 during the 2020 legislative session to be less than one-half of one percent  
4 of the district's total program funding for the 2020-21 budget year, the  
5 department of education, in determining the district's total program  
6 funding for the 2020-21 budget year for purposes of subsection (3) of this  
7 section, shall include the balance, as of ~~the effective date of Senate Bill~~  
8 ~~21-053~~ JULY 1, 2020, of the district's total program reserve fund  
9 established pursuant to section 22-45-103 (1)(k).

10 **SECTION 10.** In Colorado Revised Statutes, 22-28-106, **amend**  
11 (1)(a) introductory portion and (1)(a)(I) as follows:

12 **22-28-106. Eligibility of children for participation in district**  
13 **preschool program.** (1) (a) The state board shall establish, by rule,  
14 criteria for each school district to use in determining which children in the  
15 school district ~~shall be~~ ARE eligible for participation in the district  
16 preschool program, subject to the following requirements:

17 (I) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(B) OF THIS  
18 SECTION, a child who is three, four, or five years old and meets the criteria  
19 specified in ~~subparagraphs (II) to (IV) of this paragraph (a)~~ SUBSECTIONS  
20 (1)(a)(II) TO (1)(a)(IV) OF THIS SECTION and any other criteria established  
21 by rule may participate in the district preschool program.

22 (B) A SCHOOL DISTRICT THAT OPERATED A DISTRICT PRESCHOOL  
23 PROGRAM IN THE 2019-20 SCHOOL YEAR WITH A WAIVER TO SERVE  
24 CHILDREN UNDER THREE YEARS OF AGE MAY CONTINUE IN SUBSEQUENT  
25 SCHOOL YEARS TO USE THE SAME NUMBER OF PRESCHOOL POSITIONS USED  
26 FOR CHILDREN UNDER THREE YEARS OF AGE IN THE 2019-20 SCHOOL YEAR  
27 TO PROVIDE PRESCHOOL SERVICES TO CHILDREN UNDER THREE YEARS OF

1 AGE WHO HAVE MULTIPLE SIGNIFICANT FAMILY RISK FACTORS.

2 **SECTION 11.** In Colorado Revised Statutes, 22-54-103, **amend**  
3 (9.5)(b)(I) as follows:

4 **22-54-103. Definitions.** As used in this article 54, unless the  
5 context otherwise requires:

6 (9.5) (b) For purposes of determining preschool program  
7 enrollment for the 2008-09 budget year and each budget year thereafter,  
8 a district shall count and receive funding only for:

9 (I) Pupils enrolled in a district preschool program pursuant to  
10 section 22-28-104 who are three years old as of October 1 of the  
11 applicable budget year; EXCEPT THAT, SUBJECT TO THE LIMITATIONS  
12 SPECIFIED IN SECTION 22-28-106 (1)(a)(I)(B), A DISTRICT PRESCHOOL  
13 PROGRAM MAY COUNT PUPILS WHO ARE UNDER THREE YEARS OF AGE AS  
14 OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR; and

15 **SECTION 12.** In Colorado Revised Statutes, **amend** 22-44-103.7  
16 as follows:

17 **22-44-103.7. Budget provisions for the 2021-22 budget year -**  
18 **repeal.** (1) Notwithstanding any provision of law to the contrary, for the  
19 ~~2020-21~~ 2021-22 budget year:

20 (a) A board of education shall prepare and submit a proposed  
21 budget in accordance with section 22-44-108 not later than June 23, ~~2020~~  
22 2021;

23 (b) After submission of a proposed budget, but not later than June  
24 25, ~~2020~~ 2021, the board of education shall publish a notice of proposed  
25 school budget. The notice must be published in a newspaper having  
26 general circulation in the school district at least once prior to the date  
27 specified in the notice for consideration of the proposed school budget.

1 If there is no newspaper having general circulation in the school district,  
2 or the notice cannot be published in the newspaper prior to the date  
3 specified in the notice for consideration of the budget, the secretary of the  
4 board of education shall cause the notice to be posted for at least two  
5 business days in the administrative offices of the district and in two other  
6 public places in the district prior to the date specified in the notice for  
7 consideration of the budget.

8 (c) The provisions of section 22-44-104 apply if a board of  
9 education does not adopt a budget and an appropriation resolution by June  
10 30, ~~2020~~ 2021. After the adoption of the budget, the board may review  
11 and change the budget pursuant to section 22-44-110 (5).

12 (2) This section is repealed, effective July 1, ~~2021~~ 2022.

13 **SECTION 13.** In Colorado Revised Statutes, **repeal** 22-30.5-112  
14 (11)(b), 22-30.5-112.1 (7)(b), 22-30.5-112.2 (4)(b), 22-30.5-504  
15 (10)(d)(II), 22-30.5-510 (1)(a.7)(II), and 22-30.5-513 (5.5)(b).

16 **SECTION 14.** In Colorado Revised Statutes, 22-32.5-110,  
17 **amend** (1) as follows:

18 **22-32.5-110. District of innovation - review of innovation**  
19 **schools and innovation school zones.** (1) Three years after the local  
20 school board of a district of innovation approves an innovation plan or a  
21 plan for creating an innovation school zone, and every three years  
22 thereafter, the local school board shall review the level of performance of  
23 the innovation school and each public school included in the innovation  
24 school zone and determine whether the innovation school or innovation  
25 school zone is achieving or making adequate progress toward achieving  
26 the academic performance results identified in the school's or zone's  
27 innovation plan. The local school board, in collaboration with the

1 innovation school or the innovation school zone, may revise the  
2 innovation plan, including but not limited to revising the identification of  
3 the provisions of the collective bargaining agreement that need to be  
4 waived to implement the innovations, as necessary to improve or continue  
5 to improve academic performance at the innovation school or innovation  
6 school zone. Any revisions to the innovation plan shall require the  
7 consent of a majority of the teachers and a majority of the administrators  
8 employed at and a majority of the school accountability committee for  
9 each affected public school. THE STATE BOARD SHALL REVIEW AND  
10 ACCEPT OR REJECT A LOCAL SCHOOL BOARD'S PROPOSED REVISIONS TO AN  
11 EXISTING INNOVATION SCHOOL OR INNOVATION ZONE PLAN. THE STATE  
12 BOARD'S DETERMINATION MUST BE BASED ON SERVING THE BEST  
13 INTERESTS OF STUDENTS, FAMILIES, AND THE COMMUNITY.

14 **SECTION 15.** In Colorado Revised Statutes, 22-91-104, **amend**  
15 (5)(a) as follows:

16 **22-91-104. School counselor corps grant program - application**  
17 **- criteria - grant awards - rules - repeal.** (5) (a) Subject to available  
18 appropriations, ~~but not to exceed ten million dollars annually,~~ the state  
19 board shall award grants to applying education providers pursuant to this  
20 section. The state board shall base the grant awards on the department's  
21 recommendations. Each grant has a term of four years beginning in the  
22 2014-15 budget year. In making a grant award, the state board shall  
23 specify the amount of each grant.

24 **SECTION 16.** In Colorado Revised Statutes, 22-5-111, **add** (4)  
25 as follows:

26 **22-5-111. Buildings and facilities - repeal.**  
27 (4) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 5 TO THE

1 CONTRARY, DURING THE 2021-22 STATE FISCAL YEAR, BEFORE LOCATING  
2 OR OPERATING A SCHOOL WITHIN THE GEOGRAPHIC BOUNDARIES OF A  
3 SCHOOL DISTRICT THAT IS NOT A MEMBER OF THE BOARD OF COOPERATIVE  
4 SERVICES, A BOARD OF COOPERATIVE SERVICES MUST OBTAIN WRITTEN  
5 CONSENT FROM SUCH SCHOOL DISTRICT.

6 (b) THE REQUIREMENT FOR WRITTEN CONSENT SET FORTH IN  
7 SUBSECTION (4)(a) OF THIS SECTION DOES NOT APPLY TO A SCHOOL  
8 OPERATING PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (4), SO  
9 LONG AS THE SCHOOL CONTINUES TO OPERATE FOR THE 2021-22 SCHOOL  
10 YEAR.

11 (c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2022.

12 **SECTION 17.** In Colorado Revised Statutes, **add** 22-54-143 as  
13 follows:

14 **22-54-143. Additional funding for eligible at-risk students for**  
15 **the 2021-22 budget year - legislative declaration - definitions - repeal.**

16 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
17 REQUIRES:

18 (a) "DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR  
19 REDUCED-PRICE LUNCH" MEANS THE NUMBER OF DISTRICT PUPILS ELIGIBLE  
20 FOR REDUCED-PRICE LUNCH IN GRADES ONE THROUGH EIGHT DIVIDED BY  
21 THE DISTRICT PUPIL ENROLLMENT IN GRADES ONE THROUGH EIGHT.

22 (b) "DISTRICT PUPIL ENROLLMENT" HAS THE SAME MEANING AS  
23 DEFINED IN SECTION 22-54-103 (1.5)(b)(II).

24 (c) "ELIGIBLE PUPIL COUNT" MEANS:

25 (I) FOR A DISTRICT, THE NUMBER OF PUPILS INCLUDED IN THE  
26 DISTRICT PUPIL ENROLLMENT FOR THE 2020-21 BUDGET YEAR WHO ARE  
27 ENGLISH LANGUAGE LEARNERS PLUS THE GREATER OF:

1 (A) THE NUMBER OF PUPILS WHO ARE ELIGIBLE FOR  
2 REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL  
3 "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC.  
4 1751 ET SEQ., AS AMENDED; OR

5 (B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH  
6 THE FOLLOWING FORMULA:

7 DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR  
8 REDUCED-PRICE LUNCH x DISTRICT PUPIL ENROLLMENT.

9 (II) FOR A DISTRICT CHARTER SCHOOL AND AN INSTITUTE CHARTER  
10 SCHOOL, THE NUMBER OF PUPILS INCLUDED IN THE CHARTER SCHOOL'S  
11 PUPIL ENROLLMENT FOR THE 2020-21 BUDGET YEAR WHO ARE ENGLISH  
12 LANGUAGE LEARNERS PLUS THE NUMBER OF PUPILS WHO ARE ELIGIBLE FOR  
13 REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL  
14 "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC.  
15 1751 ET SEQ., AS AMENDED.

16 (d) "ENGLISH LANGUAGE LEARNER" MEANS AN ENGLISH  
17 LANGUAGE LEARNER AS DEFINED IN SECTION 22-24-103 (4) WHOSE SCORES  
18 WERE NOT INCLUDED IN CALCULATING SCHOOL ACADEMIC PERFORMANCE  
19 GRADES AS PROVIDED IN SECTION 22-7-1006.3 OR WHO TOOK AN  
20 ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 IN A  
21 LANGUAGE OTHER THAN ENGLISH.

22 (e) "PER PUPIL DISTRIBUTION AMOUNT" MEANS THE AMOUNT  
23 APPROPRIATED FOR PURPOSES OF THIS SECTION DIVIDED BY THE SUM OF  
24 THE ELIGIBLE PUPIL COUNT FOR ALL DISTRICTS AND ALL INSTITUTE  
25 CHARTER SCHOOLS.

26 (2)(a) SUBJECT TO AVAILABLE APPROPRIATIONS, FOR THE 2021-22  
27 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL:



1 (I) DISTRIBUTE TO EACH DISTRICT AN AMOUNT EQUAL TO THE PER  
2 PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE ELIGIBLE PUPIL COUNT  
3 FOR THE DISTRICT; AND

4 (II) CALCULATE FOR EACH INSTITUTE CHARTER SCHOOL AND  
5 DISTRIBUTE TO THE STATE CHARTER SCHOOL INSTITUTE AN AMOUNT  
6 EQUAL TO THE PER PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE  
7 ELIGIBLE PUPIL COUNT FOR EACH INSTITUTE CHARTER SCHOOL. THE STATE  
8 CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO EACH INSTITUTE  
9 CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT RECEIVED FOR  
10 THE INSTITUTE CHARTER SCHOOL PURSUANT TO THIS SECTION.

11 (b) EACH DISTRICT THAT IS THE AUTHORIZER FOR A CHARTER  
12 SCHOOL SHALL CALCULATE FOR THE CHARTER SCHOOL AN AMOUNT EQUAL  
13 TO THE PER PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE CHARTER  
14 SCHOOL'S ELIGIBLE PUPIL COUNT. THE DISTRICT SHALL DISTRIBUTE TO  
15 EACH CHARTER SCHOOL ONE HUNDRED PERCENT OF THE PER PUPIL  
16 DISTRIBUTION AMOUNT CALCULATED PURSUANT TO THIS SUBSECTION  
17 (2)(b).

18 (3) THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF  
19 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ADDITIONAL  
20 FUNDING FOR AT-RISK STUDENTS FOR THE 2021-22 BUDGET YEAR IS FOR  
21 MEETING STATE ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE  
22 FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)  
23 OF ARTICLE IX OF THE STATE CONSTITUTION.

24 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

25 **SECTION 18. Appropriation.** For the 2021-22 state fiscal year,  
26 \$478,743,696 is appropriated to the department of education. This  
27 appropriation is from the general fund. To implement this act, the

1 department may use this appropriation for the state share of districts' total  
2 program funding.

3 **SECTION 19. Appropriation to the department of education**  
4 **for the fiscal year beginning July 1, 2021.** Section 2 of SB 21-205,  
5 **amend** Part III (2)(A) Footnote 7, as follows:

6 Section 2. **Appropriation.**

7 7 Department of Education, Assistance to Public Schools, Public  
8 School Finance, State Share of Districts' Total Program Funding --  
9 Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this footnote  
10 is to specify what portion of this appropriation is intended to be available  
11 for the Accelerating Students Through Concurrent Enrollment (ASCENT)  
12 Program for FY 2021-22. It is the General Assembly's intent that the  
13 Department of Education be authorized to utilize up to ~~\$3,812,185~~  
14 \$4,060,500 of this appropriation to fund qualified students designated as  
15 ASCENT Program participants. This amount is calculated based on an  
16 estimated 500 FTE participants funded at a rate of ~~\$7,624~~ \$8,121 per FTE  
17 pursuant to Section 22-54-104 (4.7), C.R.S.

18 **SECTION 20. Appropriation.** For the 2021-22 state fiscal year,  
19 \$400,000 is appropriated to the department of education. This  
20 appropriation is from the state public school fund created in section  
21 22-54-114 (1), C.R.S. To implement this act, the department may use this  
22 appropriation for school finance audit payments.

23 **SECTION 21. Appropriation.** For the 2021-22 state fiscal year,  
24 \$77,408,881 is appropriated to the department of education. This  
25 appropriation is from the state education fund created in section 17 (4)(a)  
26 of article IX of the state constitution. To implement this act, the  
27 department may use this appropriation for additional funding for at-risk

1 students for the 2021-22 state fiscal year.

2 **SECTION 22. Appropriation.** For the 2021-22 state fiscal year,  
3 \$2,000,000 is appropriated to the department of education. This  
4 appropriation is from the state education fund created in section 17 (4)(a)  
5 of article IX of the state constitution. To implement this act, the  
6 department may use this appropriation for the school counselor corps  
7 grant program.

8 **SECTION 23. Appropriation.** (1) For the 2021-22 state fiscal  
9 year, \$1,706,537 is appropriated to the department of education. This  
10 appropriation is from the general fund. To implement this act, the  
11 department may use this appropriation as follows:

12 (a) \$800,000 for the ninth grade success program, which amount  
13 is based on an assumption that the department will require an additional  
14 0.6 FTE;

15 (b) \$375,807 for the school leadership pilot program;

16 (c) \$280,730 for the accelerated college opportunity exam fee  
17 grant program; and

18 (d) \$250,000 for the John W. Buckner automatic enrollment in  
19 advanced courses grant program, which amount is based on an  
20 assumption that the department will require an additional 0.3 FTE.

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