

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0707.01 Jerry Barry x4341

SENATE BILL 15-108

SENATE SPONSORSHIP

Steadman, Grantham, Lambert

HOUSE SPONSORSHIP

Hamner, Young, Rankin

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DIRECT APPROPRIATION OF MONEYS FOR CERTAIN**
102 **PROGRAMS IN THE DEPARTMENT OF EDUCATION.**

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>.)

Joint Budget Committee. Under current law, the general assembly appropriates moneys into certain cash funds and then reappropriates moneys out of the cash funds to the department of education (department). Under the bill, the general assembly directly appropriates moneys to the department for the programs covered by the cash funds. If a cash fund does not accept moneys from other sources, the

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.

cash fund is repealed. If a cash fund does accept other moneys, language concerning the appropriation of moneys by the general assembly to the cash fund is repealed.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-10-104, **amend**
3 (1) (c) as follows:

4 **22-10-104. Adult education and literacy grant program -**
5 **created - rules.** (1) (c) Subject to available appropriations, the state
6 board, taking into consideration the recommendations of the office, shall
7 award adult education and literacy grants to local education providers.
8 The grants awarded are payable from APPROPRIATIONS FROM THE
9 GENERAL FUND AND FROM the adult education and literacy grant fund
10 created in section 22-10-107. The state board shall establish the amount
11 and duration of each grant awarded and may award a grant for multiple
12 fiscal years, subject to annual renewal. A grant recipient that receives a
13 multi-year grant must annually submit to the office the necessary
14 information to determine whether the grant recipient is making sufficient
15 progress toward achieving the goals of the adult education and literacy
16 program that were specified in the grant application. If the office finds
17 that a grant recipient is not making sufficient progress toward achieving
18 the goals, the state board shall not renew the grant for subsequent fiscal
19 years.

20 **SECTION 2.** In Colorado Revised Statutes, 22-10-107, **amend**
21 (1) (a); and **add** (1) (e) as follows:

22 **22-10-107. Adult education and literacy grant fund - created**
23 **- repeal.** (1) (a) There is ~~hereby~~ created in the state treasury the adult
24 education and literacy grant fund, referred to in this section as the "fund",

1 consisting of ANY MONEYS RECEIVED BY THE DEPARTMENT PURSUANT TO
2 SUBSECTION (2) OF THIS SECTION.

3 ~~(I) Any moneys received by the department pursuant to subsection~~
4 ~~(2) of this section;~~

5 ~~(II) Any moneys transferred to the fund pursuant to section~~
6 ~~22-2-124 (10), as it existed before July 1, 2014; and~~

7 ~~(III) Any moneys that the general assembly may appropriate to the~~
8 ~~fund.~~

9 (e) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (d) OF
10 THIS SUBSECTION (1), THE TREASURER SHALL TRANSFER TO THE GENERAL
11 FUND ANY OF THE MONEYS APPROPRIATED TO THE FUND BY THE GENERAL
12 ASSEMBLY THAT ARE UNEXPENDED AND UNENCUMBERED AND REMAIN IN
13 THE FUND AS OF JUNE 30, 2015.

14 (II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1, 2016.

15 **SECTION 3.** In Colorado Revised Statutes, 22-13-104, **amend**
16 (2) as follows:

17 **22-13-104. Turnaround leadership development programs -**
18 **providers - design grants - review.** (2) During the first three years that
19 the program receives appropriations, an identified provider may apply as
20 provided by rule for a one-time design grant to offset the costs incurred
21 in creating or expanding the provider's turnaround leadership
22 development programs. The department shall review the design grant
23 applications using the criteria adopted by rule and recommend to the state
24 board the providers that may receive design grants and the amount of the
25 grants. The state board, taking into account the department's
26 recommendations, may award the design grants from moneys
27 appropriated to the school turnaround leaders development fund created

1 ~~pursuant to section 22-13-106~~ BY THE GENERAL ASSEMBLY TO THE
2 DEPARTMENT FOR THE PROGRAM. IN EACH OF THE FIRST THREE BUDGET
3 YEARS IN WHICH THE PROGRAM OPERATES, THE STATE BOARD MAY
4 DISTRIBUTE AS ONE-TIME DESIGN GRANTS NO MORE THAN APPROXIMATELY
5 ONE-THIRD OF THE AMOUNT APPROPRIATED FOR THE PROGRAM FOR THE
6 APPLICABLE BUDGET YEAR.

7 **SECTION 4.** In Colorado Revised Statutes, 22-13-105, **amend**
8 (2); and **add** (5) as follows:

9 **22-13-105. School turnaround leader grants - application -**
10 **awards - report.** (2) A school district, the institute, or a charter school
11 that seeks a school turnaround leader grant must apply to the department
12 as provided by rule of the state board. The department shall review all of
13 the applications received and, based on the criteria adopted by rule,
14 recommend to the state board the applicants that may receive school
15 turnaround leader grants and the grant amounts. Subject to available
16 appropriations, the state board, taking into account the department's
17 recommendations, shall award school turnaround leader grants from
18 moneys appropriated to the school turnaround leaders development fund
19 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PROGRAM.

20 (5) THE DEPARTMENT MAY EXPEND UP TO FIVE PERCENT OF THE
21 MONEYS ANNUALLY APPROPRIATED FOR THE PROGRAM TO OFFSET THE
22 COSTS INCURRED IN IMPLEMENTING THE PROGRAM.

23 **SECTION 5.** In Colorado Revised Statutes, 22-13-106, **add** (1)
24 (c) and (3) as follows:

25 **22-13-106. School turnaround leaders development fund -**
26 **created - repeal.** (1) (c) NOTWITHSTANDING THE PROVISIONS OF
27 PARAGRAPH (b) OF THIS SUBSECTION (1), THE TREASURER SHALL

1 TRANSFER ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING
2 IN THE FUND AS OF JUNE 30, 2015, TO THE STATE EDUCATION FUND
3 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

4 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

5 **SECTION 6.** In Colorado Revised Statutes, 22-24-107, **amend**
6 (1); and **add** (4) (c) and (4) (d) as follows:

7 **22-24-107. English language proficiency act excellence award**
8 **program - created - rules - legislative declaration - repeal.** (1) There
9 is created in the department the English language proficiency act
10 excellence award program to award grants to local education providers
11 and charter schools that achieve the highest English language and
12 academic growth among English language learners and the highest
13 academic achievement for English language learners who transition out
14 of the English language proficiency program. The department shall
15 administer the program by annually identifying, based on rules of the state
16 board, the local education providers and charter schools that qualify for
17 grants and distributing the moneys ~~appropriated to the excellence awards~~
18 ~~fund created in subsection (4) of this section~~ THAT THE GENERAL
19 ASSEMBLY APPROPRIATES TO THE DEPARTMENT FOR THE PROGRAM. The
20 state board by rule shall set the grant amount based on the student
21 enrollment of the local education providers and charter schools that
22 qualify for grants and the concentration of English language learners
23 enrolled by the local education providers and charter schools as a
24 percentage of the total student enrollment. Subject to available
25 appropriations, the department shall distribute the moneys in accordance
26 with the rules to the local education providers and charter schools that
27 qualify for the grants.

1 (4) (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF
2 THIS SUBSECTION (4), THE TREASURER SHALL TRANSFER ANY
3 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS
4 OF JUNE 30, 2015, TO THE STATE EDUCATION FUND CREATED IN SECTION
5 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

6 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2016.

7 **SECTION 7.** In Colorado Revised Statutes, 22-24-108, **amend**
8 (2) (a) introductory portion, (2) (a) (I) introductory portion, and (2) (a) (II)
9 introductory portion; and **add** (3) (c) and (3) (d) as follows:

10 **22-24-108. Professional development and student support**
11 **program - created - rules - repeal.** (2) (a) The department shall
12 distribute the amount ~~appropriated~~ THAT THE GENERAL ASSEMBLY
13 ANNUALLY APPROPRIATES for the support program as follows:

14 (I) Seventy-five percent of the amount annually appropriated ~~from~~
15 ~~the fund~~ to local education providers to provide services to English
16 language learners, and professional development activities for educators
17 who work with English language learners, who:

18 (II) The remainder of the amount annually appropriated ~~from the~~
19 ~~fund~~ to local education providers to provide services to, and to provide
20 professional development activities for educators who work with, English
21 language learners who comprehend and speak English and one or more
22 other languages but whose English language development and
23 comprehension is:

24 (3) (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF
25 THIS SUBSECTION (3), THE TREASURER SHALL TRANSFER ANY
26 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS
27 OF JUNE 30, 2015, TO THE STATE EDUCATION FUND CREATED IN SECTION

1 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

2 (d) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2016.

3 **SECTION 8.** In Colorado Revised Statutes, 24-90-405, **add** (2)
4 as follows:

5 **24-90-405. Administration of the grants program - powers and**
6 **duties of the state librarian.** (2) FOR ANY GIVEN FISCAL YEAR, THE
7 STATE LIBRARIAN MAY EXPEND NO MORE THAN TWO AND ONE-HALF
8 PERCENT OF THE MONEYS THAT THE GENERAL ASSEMBLY APPROPRIATES
9 FOR THIS PART 4 FOR THE ADMINISTRATIVE COSTS OF THE STATE
10 LIBRARIAN IN ADMINISTERING THIS PART 4. FOR ANY GIVEN FISCAL YEAR,
11 IF THE ADMINISTRATIVE COSTS AMOUNT TO LESS THAN TWO AND
12 ONE-HALF PERCENT OF THE AMOUNT OF THE APPROPRIATION, THE STATE
13 LIBRARIAN MAY DISTRIBUTE THE DIFFERENCE BETWEEN AN AMOUNT
14 EQUAL TO TWO AND ONE-HALF PERCENT OF THE AMOUNT OF THE
15 APPROPRIATION AND THE AMOUNT OF ADMINISTRATIVE COSTS ACTUALLY
16 INCURRED TO THE REGIONAL LIBRARY SERVICE SYSTEM TO ASSIST
17 PUBLICLY SUPPORTED LIBRARIES IN MEETING THE ELIGIBILITY CRITERIA
18 UNDER THIS PART 4.

19 **SECTION 9.** In Colorado Revised Statutes, 24-90-407, **amend**
20 (1) and (2) as follows:

21 **24-90-407. State grants to publicly supported libraries fund -**
22 **creation - source of funds - appropriations - administrative costs -**
23 **repeal.** (1) There is ~~hereby~~ created in the state treasury the state grants
24 to publicly supported libraries fund, which fund ~~shall be~~ IS administered
25 by the state librarian and which ~~shall consist of all moneys appropriated~~
26 ~~to said fund by the general assembly and~~ CONSISTS OF all moneys
27 ~~collected by~~ THAT the state librarian COLLECTS for purposes of this part

1 4 from federal grants and other contributions, grants, gifts, bequests, and
2 donations received from individuals, private organizations, or
3 foundations. ~~Such moneys shall be transmitted~~ THE STATE LIBRARIAN
4 SHALL TRANSMIT THE COLLECTED MONEYS to the state treasurer to be
5 credited to the fund.

6 (2) (a) All moneys in ~~said~~ THE fund ~~shall be~~ ARE subject to annual
7 appropriation by the general assembly. IN ADDITION TO ANY MONEYS
8 CREDITED TO THE FUND, THE GENERAL ASSEMBLY MAY ANNUALLY
9 APPROPRIATE MONEYS TO THE DEPARTMENT OF EDUCATION FOR THE
10 PURPOSES OF THIS PART 4. For any given fiscal year, THE STATE LIBRARIAN
11 SHALL EXPEND no more than two and one-half percent of the moneys
12 appropriated ~~from said fund~~ for this part 4 ~~shall be expended~~ for the
13 administrative costs of the state librarian in administering this part 4. For
14 any given fiscal year, if ~~said~~ THE administrative costs amount to less than
15 two and one-half percent of the ~~appropriation made~~ AMOUNT
16 APPROPRIATED, the state librarian may distribute the difference between
17 an amount equal to two and one-half percent of the amount ~~of the~~
18 ~~appropriation made~~ APPROPRIATED and the amount of administrative costs
19 actually incurred to the regional library service system to assist publicly
20 supported libraries in meeting the eligibility criteria under this part 4.

21 (b) (I) THE TREASURER SHALL TRANSFER TO THE GENERAL FUND
22 ANY OF THE MONEYS APPROPRIATED TO THE FUND BY THE GENERAL
23 ASSEMBLY THAT ARE UNEXPENDED AND UNENCUMBERED AND REMAIN IN
24 THE FUND AS OF JUNE 30, 2015.

25 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2016.

26 **SECTION 10. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.