

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 24-1023.09 Jacob Baus x2173

**HOUSE BILL 24-1389**

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**HOUSE SPONSORSHIP**

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**House Committees**

Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING PROVIDING FUNDING TO SCHOOLS IN THE 2023-24**  
102         **BUDGET YEAR FOR INCREASES IN PUPIL ENROLLMENT AFTER THE**  
103         **2023-24 BUDGET YEAR PUPIL ENROLLMENT COUNT DAY, AND, IN**  
104         **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/>.)*

**Joint Budget Committee.** For the 2023-24 budget year, the bill appropriates \$24 million from the state education fund to the department of education (department) to distribute one-time funding to school

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

HOUSE  
2nd Reading Unamended  
March 28, 2024

districts and institute charter schools that enrolled new arrival students after the 2023-24 pupil enrollment count day.

The bill provides to each school district and each institute charter school that requests funding pursuant to the bill:

- An amount determined by a tiered schedule that is based on the total number of new arrival students who enrolled in the school district or institute charter schools after the 2023-24 pupil enrollment count day; and
- \$4,500 for each student who is in the school district's or institute charter schools' total net student population; except that, if the amount appropriated is insufficient to meet the demand, the department is required to proportionately reduce the \$4,500 amount.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3       finds that:

4           (a) A federal government directive requires that states provide a  
5       uniform public education that ensures equitable access to educational  
6       opportunities for all students, regardless of background or location. The  
7       directive's goal is to promote consistency in educational standards,  
8       curriculum, and resources across the states in order to foster a level field  
9       for all students.

10          (b) During the 2024 legislative session, the general assembly  
11       accounted for the mid-year adjustment in school funding for the 2023-24  
12       budget year, resulting in a decrease of \$23,964,790 to the state share of  
13       total program funding, which amount remained in the state education  
14       fund;

15          (c) Pursuant to section 22-54-103 (10.5), Colorado Revised  
16       Statutes, the annual pupil enrollment count day generally occurs on  
17       October 1 of each budget year. The annual pupil enrollment count day is  
18       when school districts and institute charter schools count their students,

1 and that count affects the funding amount that a school district or institute  
2 charter school receives for the budget year.

3 (d) Between October 1, 2023, and February 29, 2024, Colorado  
4 experienced an unprecedented influx of new arrival students enrolling in  
5 schools across the state;

6 (e) The influx of new arrival students highlights the critical need  
7 for increased funding. This sudden influx has strained existing school  
8 infrastructure and staffing, led to overcrowded classrooms, stretched  
9 resources, and increased complexity to the student learning environment.  
10 Schools are scrambling to accommodate the influx.

11 (f) New arrival students face unique challenges, including  
12 language barriers, cultural adjustments, and various academic  
13 backgrounds. These unique challenges require specialized resources and  
14 support services.

15 (2) Therefore, the general assembly declares that additional  
16 funding is essential to provide the services necessary to address the needs  
17 of new arrival students and to ensure that existing students enrolled in  
18 Colorado schools have access to the teachers, support staff, class sizes,  
19 and facilities necessary to learn without compromising educational  
20 outcomes and student well-being.

21 **SECTION 2.** In Colorado Revised Statutes, **add 22-54-147** as  
22 follows:

23 **22-54-147. New arrival students funding - 2023-24 budget year**  
24 **- legislative declaration - definitions - repeal.** (1) AS USED IN THIS  
25 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

26 (a) "NEW ARRIVAL STUDENT" MEANS A STUDENT WHO MOVED  
27 FROM ANOTHER COUNTRY TO COLORADO, DIRECTLY OR INDIRECTLY; WHO

1 HAS BEEN IN THE UNITED STATES FOR LESS THAN ONE YEAR; WHO IS NOT  
2 PROFICIENT IN ENGLISH OR HAS LIMITED ENGLISH PROFICIENCY; AND  
3 WHOSE ENROLLMENT IN A COLORADO PUBLIC SCHOOL IS THE STUDENT'S  
4 FIRST SCHOOL ENROLLMENT IN THE UNITED STATES.

5 (b) "TOTAL NET STUDENT POPULATION" MEANS THE SCHOOL  
6 DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S STUDENT POPULATION,  
7 DETERMINED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

8 (c) "TOTAL NEW ARRIVAL STUDENT POPULATION" MEANS THE  
9 TOTAL NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 29, 2024,  
10 WHO ENROLLED IN A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL  
11 AFTER THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24 BUDGET  
12 YEAR, DETERMINED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

13 (2) (a) FOR THE 2023-24 BUDGET YEAR, THE GENERAL ASSEMBLY  
14 SHALL APPROPRIATE TWENTY-FOUR MILLION DOLLARS FROM THE STATE  
15 EDUCATION FUND TO THE DEPARTMENT OF EDUCATION TO PROVIDE  
16 ONE-TIME FUNDING FOR SCHOOL DISTRICTS AND INSTITUTE CHARTER  
17 SCHOOLS THAT ENROLLED NEW ARRIVAL STUDENTS.

18 (b) A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL IS  
19 ONLY REQUIRED TO PERFORM THE REQUIREMENTS PURSUANT TO THIS  
20 SECTION IF THE SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL IS  
21 REQUESTING FUNDING PURSUANT TO THIS SECTION.

22 (c) THE DEPARTMENT OF EDUCATION SHALL RETAIN AND SPEND NO  
23 MORE THAN FIFTY THOUSAND DOLLARS FROM THE MONEY APPROPRIATED  
24 FROM THE STATE EDUCATION FUND PURSUANT TO THIS SECTION TO OFFSET  
25 DIRECT AND INDIRECT ADMINISTRATIVE COSTS INCURRED IN PERFORMING  
26 THE DEPARTMENT OF EDUCATION'S DUTIES PURSUANT TO THIS SECTION.

27 (d) THE GENERAL ASSEMBLY DECLARES THAT FOR THE PURPOSES

1 OF SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION, PROVIDING  
2 FUNDING TO DISTRICTS AND INSTITUTE CHARTER SCHOOLS THAT ENROLLED  
3 NEW ARRIVAL STUDENTS IS ACCOUNTABLE EDUCATION REFORM AND AN  
4 ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS, AND  
5 THEREFORE DISTRICTS AND INSTITUTE CHARTER SCHOOLS MAY RECEIVE  
6 FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)  
7 OF ARTICLE IX OF THE STATE CONSTITUTION FOR THIS PURPOSE.

8 (3) TO DETERMINE THE SCHOOL DISTRICT'S OR THE INSTITUTE  
9 CHARTER SCHOOL'S TOTAL NEW ARRIVAL STUDENT POPULATION, THE  
10 DEPARTMENT OF EDUCATION SHALL CALCULATE THE SUM OF:

11 (a) A SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL  
12 NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 9, 2024, WHO  
13 ENROLLED AFTER THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24  
14 BUDGET YEAR, DETERMINED BY DATA COLLECTED PURSUANT TO SECTION  
15 22-24-106 (1)(a); AND

16 (b) A SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL  
17 NUMBER OF NEW ARRIVAL STUDENTS AS OF FEBRUARY 29, 2024, WHO  
18 ENROLLED AFTER FEBRUARY 9, 2024, FOR THE 2023-24 BUDGET YEAR,  
19 DETERMINED BY AN ATTESTATION OF THE TOTAL NUMBER OF NEW  
20 ARRIVAL STUDENTS AS OF FEBRUARY 29, 2024, WHO ENROLLED AFTER  
21 FEBRUARY 9, 2024, FOR THE 2023-24 BUDGET YEAR ACCOMPANIED BY A  
22 SIGNED STATEMENT SUBMITTED TO THE DEPARTMENT OF EDUCATION BY  
23 THE SCHOOL DISTRICT'S SUPERINTENDENT OR THE SUPERINTENDENT'S  
24 DESIGNEE, OR THE CHAIR OF THE INSTITUTE CHARTER SCHOOL'S  
25 GOVERNING BOARD OR THE CHAIR'S DESIGNEE, AFFIRMING THAT THE DATA  
26 PROVIDED IS ACCURATE TO THE BEST OF THE SCHOOL DISTRICT'S OR  
27 INSTITUTE CHARTER SCHOOL'S KNOWLEDGE.

4 (a) A SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S TOTAL  
5 NUMBER OF ENROLLED PUPILS AS OF FEBRUARY 29, 2024, DETERMINED BY  
6 AN ATTESTATION OF THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER  
7 SCHOOL'S TOTAL NUMBER OF ENROLLED PUPILS AS OF FEBRUARY 29, 2024,  
8 ACCCOMPANIED BY A SIGNED STATEMENT SUBMITTED TO THE DEPARTMENT  
9 OF EDUCATION BY THE SCHOOL DISTRICT'S SUPERINTENDENT OR THE  
10 SUPERINTENDENT'S DESIGNEE, OR THE CHAIR OF THE INSTITUTE CHARTER  
11 SCHOOL'S GOVERNING BOARD OR THE CHAIR'S DESIGNEE, AFFIRMING THAT  
12 THE DATA PROVIDED IS ACCURATE TO THE BEST OF THE SCHOOL DISTRICT'S  
13 OR INSTITUTE CHARTER SCHOOL'S KNOWLEDGE; AND

24 (I) FIFTEEN THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL  
25 STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING  
26 FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE  
27 INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS ONE OR MORE BUT

1       NO MORE THAN FIVE;

2           (II) THIRTY THOUSAND DOLLARS, IF THE TOTAL NEW ARRIVAL  
3       STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS REQUESTING  
4       FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE  
5       INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS SIX OR MORE BUT  
6       NO MORE THAN TEN;

7           (III) SEVENTY-FIVE THOUSAND DOLLARS, IF THE TOTAL NEW  
8       ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS  
9       REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON  
10      BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS  
11      ELEVEN OR MORE BUT NO MORE THAN THIRTY;

12          (IV) ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS, IF THE  
13       TOTAL NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT  
14       THAT IS REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE  
15       ON BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING,  
16       IS THIRTY-ONE OR MORE BUT NO MORE THAN FIFTY;

17          (V) TWO HUNDRED THOUSAND DOLLARS, IF THE TOTAL NEW  
18       ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS  
19       REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON  
20       BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS  
21       FIFTY-ONE OR MORE BUT NO MORE THAN ONE HUNDRED;

22          (VI) FOUR HUNDRED THOUSAND DOLLARS, IF THE TOTAL NEW  
23       ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS  
24       REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON  
25       BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS  
26       ONE HUNDRED ONE OR MORE BUT NO MORE THAN TWO HUNDRED;

27          (VII) FIVE HUNDRED FIFTY THOUSAND DOLLARS, IF THE TOTAL

1 NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS  
2 REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON  
3 BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS  
4 TWO HUNDRED ONE OR MORE BUT NO MORE THAN FIVE HUNDRED; OR

5 (VIII) SEVEN HUNDRED FIFTY THOUSAND DOLLARS, IF THE TOTAL  
6 NEW ARRIVAL STUDENT POPULATION OF THE SCHOOL DISTRICT THAT IS  
7 REQUESTING FUNDING, OR THE STATE CHARTER SCHOOL INSTITUTE ON  
8 BEHALF OF THE INSTITUTE CHARTER SCHOOLS REQUESTING FUNDING, IS  
9 FIVE HUNDRED ONE OR MORE.

10 (b) (I) FOR EACH SCHOOL DISTRICT AND EACH INSTITUTE CHARTER  
11 SCHOOL THAT IS REQUESTING FUNDING PURSUANT TO THIS SECTION, THE  
12 DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO THE SCHOOL DISTRICT,  
13 OR TO THE STATE CHARTER SCHOOL INSTITUTE FOR THE STATE CHARTER  
14 SCHOOL INSTITUTE TO DISTRIBUTE TO THE INSTITUTE CHARTER SCHOOL,  
15 AN AMOUNT EQUAL TO FOUR THOUSAND FIVE HUNDRED DOLLARS  
16 MULTIPLIED BY THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S  
17 TOTAL NET STUDENT POPULATION OR TOTAL NEW ARRIVAL STUDENT  
18 POPULATION, WHICHEVER IS LESSER.

19 (II) (A) IF THE AMOUNT APPROPRIATED PURSUANT TO THIS  
20 SECTION IS INSUFFICIENT TO FULLY FUND THE DISTRIBUTIONS PURSUANT  
21 TO SUBSECTION (5)(b)(I) OF THIS SECTION, THE DEPARTMENT OF  
22 EDUCATION SHALL REDUCE THE AMOUNT OF EACH SCHOOL DISTRICT'S OR  
23 EACH INSTITUTE CHARTER SCHOOL'S DISTRIBUTIONS PURSUANT TO  
24 SUBSECTION (5)(b)(I) OF THIS SECTION BY A PROPORTIONATE PERCENTAGE  
25 OF THE AMOUNT REQUIRED TO FULLY FUND THE DISTRIBUTIONS PURSUANT  
26 TO SUBSECTION (5)(b)(I) OF THIS SECTION.

27 (B) IF THERE IS AN AMOUNT REMAINING FROM THE AMOUNT

1 APPROPRIATED PURSUANT TO THIS SECTION AFTER CALCULATING THE  
2 AMOUNT THAT EACH SCHOOL DISTRICT AND EACH INSTITUTE CHARTER  
3 SCHOOL REQUESTING FUNDING WILL RECEIVE PURSUANT TO THIS  
4 SUBSECTION (5), THE DEPARTMENT OF EDUCATION SHALL INCREASE THE  
5 AMOUNT OF EACH SCHOOL DISTRICT'S OR EACH INSTITUTE CHARTER  
6 SCHOOL'S DISTRIBUTION IN SUBSECTION (5)(b)(I) OF THIS SECTION BY A  
7 PROPORTIONATE PERCENTAGE OF THE AMOUNT REMAINING, SO THAT THE  
8 TOTAL AMOUNT APPROPRIATED PURSUANT TO THIS SECTION IS EXPENDED.

9 (c) NOTWITHSTANDING SECTION 22-2-306, THE DEPARTMENT OF  
10 EDUCATION IS NOT REQUIRED TO PROVIDE ADVANCE NOTICE  
11 REQUIREMENTS TO A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL  
12 IN IMPLEMENTING THIS SECTION.

13 (6) (a) THE DEPARTMENT OF EDUCATION SHALL ENSURE THAT A  
14 SCHOOL DISTRICT'S OR AN INSTITUTE CHARTER SCHOOL'S TOTAL NEW  
15 ARRIVAL STUDENT POPULATION DOES NOT INCLUDE STUDENTS WHO WERE  
16 PREVIOUSLY INCLUDED IN THE SCHOOL DISTRICT'S OR THE INSTITUTE  
17 CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE 2023-24 BUDGET YEAR  
18 ON THE PUPIL ENROLLMENT COUNT DAY FOR THE 2023-24 BUDGET YEAR.

19 (b) (I) ON OR BEFORE A DATE DETERMINED BY THE DEPARTMENT  
20 OF EDUCATION, THE DEPARTMENT OF EDUCATION SHALL PROVIDE TO EACH  
21 DISTRICT AND INSTITUTE CHARTER SCHOOL A PRELIMINARY AMOUNT TO  
22 BE DISTRIBUTED, DETERMINED PURSUANT TO SUBSECTION (5) OF THIS  
23 SECTION.

24 (II) ON OR BEFORE A DATE DETERMINED BY THE DEPARTMENT OF  
25 EDUCATION, A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL MAY  
26 PROVIDE EVIDENCE TO THE DEPARTMENT OF EDUCATION THAT SUPPORTS  
27 A DIFFERENT AMOUNT TO BE DISTRIBUTED FROM THE DEPARTMENT OF

1 EDUCATION'S PRELIMINARY AMOUNT TO BE DISTRIBUTED DETERMINED  
2 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

3 (III) NO LATER THAN MAY 1, 2024, THE DEPARTMENT OF  
4 EDUCATION SHALL FINALIZE THE AMOUNT TO BE DISTRIBUTED TO EACH  
5 SCHOOL DISTRICT AND INSTITUTE CHARTER SCHOOL AND NOTIFY EACH  
6 SCHOOL DISTRICT AND INSTITUTE CHARTER SCHOOL OF THAT AMOUNT.

7 (IV) NO LATER THAN MAY 31, 2024, THE DEPARTMENT OF  
8 EDUCATION SHALL DISTRIBUTE TO EACH SCHOOL DISTRICT, AND TO THE  
9 STATE CHARTER SCHOOL INSTITUTE FOR THE STATE CHARTER SCHOOL  
10 INSTITUTE TO DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL, THE  
11 AMOUNT DETERMINED PURSUANT TO THIS SECTION.

12 (7) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO REVIEW  
13 THE SCHOOL DISTRICT'S OR THE INSTITUTE CHARTER SCHOOL'S USE OF  
14 FUNDING PROVIDED PURSUANT TO THIS SECTION, BUT A PAYMENT IS NOT  
15 SUBJECT TO AUDIT REQUIREMENTS PURSUANT TO SECTION 22-2-113 (1)(f).

16 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

17 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,  
18 \$24,000,000 is appropriated to the department of education. This  
19 appropriation is from the state education fund created in section 17(4)(a)  
20 of article IX of the state constitution. To implement this act, the  
21 department may use this appropriation for new arrival students funding  
22 pursuant to section 22-54-147, C.R.S.

23 **SECTION 4. Safety clause.** The general assembly finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, or safety or for appropriations for  
26 the support and maintenance of the departments of the state and state  
27 institutions.