

SB19-246

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Buckner

1 Amend Appropriations Committee Report, dated April 27, 2019, page 1,
2 line 9, strike "CONSTITUTION." and substitute "CONSTITUTION.

3 **SECTION 7.** In Colorado Revised Statutes, **add** article 99 to title
4 22 as follows:

ARTICLE 99**Health and Wellness Through Comprehensive****Quality Physical Education Instruction Pilot Program**

8 **22-99-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 FINDS THAT:

10 (a) WHILE ENSURING COGNITIVE DEVELOPMENT AND STRONG
11 ACADEMIC OUTCOMES FOR COLORADO'S STUDENTS IS OF PARAMOUNT
12 IMPORTANCE, FOCUS MUST ALSO BE PLACED ON THE WHOLE STUDENT,
13 INCLUDING THEIR PHYSICAL, PSYCHOLOGICAL, AND SOCIAL HEALTH AND
14 DEVELOPMENT;

15 (b) NOT ONLY DOES PHYSICAL EDUCATION INSTRUCTION REDUCE
16 CHILDHOOD OBESITY AND FOSTER A LIFETIME COMMITMENT TO PHYSICAL
17 ACTIVITY AND HEALTHY LIFESTYLES, BUT A 2007 STUDY BY THE INSTITUTE
18 OF MEDICINE FOUND THAT PHYSICAL ACTIVITY ALSO HAS A POSITIVE
19 IMPACT ON COGNITIVE ABILITY AND BRAIN DEVELOPMENT, INSOMNIA,
20 DEPRESSION, ANXIETY, AND AVOIDING TOBACCO USE;

21 (c) ACCORDING TO THE UNITED STATES DEPARTMENT OF DEFENSE,
22 IN 2018, OBESITY WAS ONE OF THE TOP REASONS WHY SEVENTY-ONE
23 PERCENT OF AMERICANS AGES SEVENTEEN TO TWENTY-FOUR DID NOT
24 MEET THE MILITARY'S PHYSICAL REQUIREMENTS FOR MILITARY SERVICE;

25 (d) RECENT RESEARCH HAS DEMONSTRATED THAT THERE IS A
26 POSITIVE RELATIONSHIP BETWEEN FREQUENCY OF PHYSICAL EDUCATION
27 AND ACADEMIC ACHIEVEMENT;

28 (e) IN ADDITION, INCREASED TIME DEVOTED TO PHYSICAL
29 EDUCATION HAS BEEN DEMONSTRATED TO LEAD TO POSITIVE
30 DEVELOPMENT OF SOCIAL SKILLS, SOCIAL BEHAVIORS, SELF-ESTEEM,
31 PRO-SCHOOL ATTITUDES, AND IMPROVED MENTAL HEALTH;

32 (f) FURTHER, CHILDREN WHO HAVE PHYSICAL EDUCATION
33 INSTRUCTION ARE TWO AND ONE-HALF TIMES MORE LIKELY TO BE ACTIVE
34 ADULTS;

35 (g) QUALITY PHYSICAL EDUCATION STRENGTHENS THE WHOLE
36 CHILD THROUGH MOVEMENT COMPETENCY, COGNITIVE DEVELOPMENT,
37 AND SOCIAL-EMOTIONAL WELLNESS TO ACHIEVE LIFELONG HEALTH
38 BENEFITS; AND

39 (h) IN 2016, A COALITION OF COLORADO-BASED HEALTH AND
40 WELLNESS ORGANIZATIONS AND EDUCATORS DRAFTED A MODEL PHYSICAL
41 EDUCATION POLICY BASED ON RESEARCH AND BEST PRACTICES FOR

1 VOLUNTARY ADOPTION BY SCHOOL AND SCHOOL DISTRICTS.
2 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
3 IMPORTANT TO THE HEALTH AND WELL-BEING OF COLORADO'S CHILDREN
4 AND YOUTH TO ENSURE COMPETENT AND COMPREHENSIVE QUALITY
5 PHYSICAL EDUCATION INSTRUCTION IN COLORADO SCHOOLS THROUGH THE
6 CREATION OF A PILOT PROGRAM FOR COMPREHENSIVE QUALITY PHYSICAL
7 EDUCATION INSTRUCTION BASED ON THE MODEL PHYSICAL EDUCATION
8 POLICY AND THROUGH THE SUBSEQUENT EVALUATION OF THE PILOT
9 PROGRAM'S IMPACT ON PARTICIPATING CHILDREN AND YOUTH.

10 **22-99-102. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "APPLICANT" MEANS A COLORADO SCHOOL OR SCHOOL
13 DISTRICT APPLYING TO PARTICIPATE IN THE PILOT PROGRAM.

14 (2) "COMPREHENSIVE QUALITY PHYSICAL EDUCATION" MEANS THE
15 PROGRAM OF COMPREHENSIVE QUALITY PHYSICAL EDUCATION
16 INSTRUCTION DESCRIBED IN SECTION 22-99-103 (5).

17 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
18 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

19 (4) "ELIGIBLE SCHOOL OR SCHOOL DISTRICT" MEANS AN
20 ELEMENTARY OR MIDDLE SCHOOL OR THE ELEMENTARY AND MIDDLE
21 SCHOOLS OF A SCHOOL DISTRICT.

22 (5) "PILOT PROGRAM" MEANS THE HEALTH AND WELLNESS
23 THROUGH COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION
24 PILOT PROGRAM CREATED IN THIS ARTICLE 99.

25 (6) "SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT
26 AUTHORIZED BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION,
27 A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO
28 PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL
29 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
30 PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A SCHOOL OPERATED BY A
31 BOARD OF COOPERATIVE SERVICES PURSUANT TO ARTICLE 5 OF THIS TITLE
32 22.

33 (7) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT AUTHORIZED
34 BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION.

35 (8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
36 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
37 STATE CONSTITUTION.

38 **22-99-103. Pilot program - creation - qualifying instruction -**
39 **application - award of grants - report.** (1) THERE IS CREATED IN THE
40 DEPARTMENT THE HEALTH AND WELLNESS THROUGH COMPREHENSIVE
41 QUALITY PHYSICAL EDUCATION INSTRUCTION PILOT PROGRAM FOR THE
42 PURPOSE OF AWARDING GRANTS TO ELIGIBLE SCHOOLS OR SCHOOL
43 DISTRICTS TO IMPLEMENT A PROGRAM OF COMPREHENSIVE QUALITY

1 PHYSICAL EDUCATION INSTRUCTION, AS DESCRIBED IN SUBSECTION (5) OF
2 THIS SECTION. A SCHOOL OR SCHOOL DISTRICT AWARDED A GRANT
3 PURSUANT TO THIS SECTION SHALL ONLY USE THE GRANT MONEY TO
4 ADDRESS A RESOURCE NEED IN ITS CURRENT PHYSICAL EDUCATION
5 PROGRAM THAT CREATES A BARRIER TO IMPLEMENTING A PROGRAM OF
6 COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION, AS
7 DESCRIBED IN SUBSECTION (5) OF THIS SECTION. A SCHOOL OR SCHOOL
8 DISTRICT AWARDED A PILOT PROGRAM GRANT SHALL USE THE MONEY TO
9 SUPPLEMENT, NOT SUPPLANT, EXISTING SCHOOL OR SCHOOL DISTRICT
10 RESOURCES USED FOR PHYSICAL EDUCATION PROGRAMS.

11 (2) AN ELIGIBLE SCHOOL OR SCHOOL DISTRICT MAY APPLY FOR A
12 THREE-YEAR PILOT PROGRAM GRANT. THE GRANT APPLICATION MUST
13 INCLUDE ALL GRADE LEVELS SERVED IN THE ELIGIBLE SCHOOL OR ELIGIBLE
14 SCHOOLS OF THE SCHOOL DISTRICT. AN APPLICATION FROM AN INDIVIDUAL
15 SCHOOL MUST BE SUBMITTED BY THE CHIEF ADMINISTRATIVE OFFICER OF
16 THE SCHOOL AND, IF THE SCHOOL IS NOT A CHARTER SCHOOL, APPROVED
17 BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT.

18 (3) SUBJECT TO AVAILABLE APPROPRIATIONS, PILOT PROGRAM
19 GRANTS ARE THREE-YEAR GRANTS, RENEWABLE ANNUALLY, THAT COVER
20 THE 2020-21 ACADEMIC YEAR THROUGH THE 2022-23 ACADEMIC YEAR.
21 THE DEPARTMENT SHALL EVALUATE ALL COMPLETE PILOT PROGRAM
22 GRANT APPLICATIONS RECEIVED BY DECEMBER 1, 2019, AND SHALL MAKE
23 RECOMMENDATIONS TO THE STATE BOARD FOR THE AWARD OF PILOT
24 PROGRAM GRANTS TO UP TO FIFTEEN ELIGIBLE SCHOOLS OR SCHOOL
25 DISTRICTS FOR A TOTAL AMOUNT AWARDED ANNUALLY OF NO MORE THAN
26 THREE MILLION DOLLARS, INCLUDING DEPARTMENT ADMINISTRATIVE
27 EXPENSES. THE STATE BOARD SHALL AWARD THE INITIAL PILOT PROGRAM
28 GRANTS NO LATER THAN FEBRUARY 29, 2020, TO ALLOW FOR A PLANNING
29 PERIOD FOR GRANT RECIPIENTS PRIOR TO THE IMPLEMENTATION OF THE
30 REQUIRED PILOT PROGRAM COMPONENTS DURING THE 2020-21 ACADEMIC
31 YEAR.

32 (4) IN AWARDING PILOT PROGRAM GRANTS TO ELIGIBLE SCHOOLS
33 OR SCHOOL DISTRICTS, THE STATE BOARD SHALL CONSIDER, AMONG OTHER
34 AWARD CRITERIA:

35 (a) BARRIERS TO IMPLEMENTING A COMPREHENSIVE QUALITY
36 PHYSICAL EDUCATION INSTRUCTION PROGRAM IN THE ELIGIBLE SCHOOL OR
37 SCHOOL DISTRICT, INCLUDING BUT NOT LIMITED TO:

- 38 (I) LACK OF RESOURCES;
- 39 (II) LACK OF APPROPRIATE EQUIPMENT;
- 40 (III) DIFFICULTY RETAINING STAFF;
- 41 (IV) THE EXISTENCE OF A FOUR-DAY SCHOOL WEEK; AND
- 42 (V) LACK OF LOCAL SCHOOL MILL LEVY OVERRIDE FUNDING TO
43 SUPPLEMENT SCHOOL TOTAL PROGRAM FUNDING;

1 (b) THE ABILITY OF THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT TO
2 IMPLEMENT ALL COMPONENTS OF THE PILOT PROGRAM AND WHETHER A
3 PILOT PROGRAM GRANT WILL ENABLE THE SCHOOL OR SCHOOL DISTRICT TO
4 ADDRESS A RESOURCE NEED NECESSARY TO PROVIDE COMPREHENSIVE
5 QUALITY PHYSICAL EDUCATION INSTRUCTION;

6 (c) THE AMOUNT OF GRANT MONEY NEEDED FOR THE ELIGIBLE
7 SCHOOL OR SCHOOL DISTRICT TO IMPLEMENT THE PILOT PROGRAM
8 WITHOUT SUPPLANTING EXISTING RESOURCES AND A PRELIMINARY DRAFT
9 OF THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT'S THREE-YEAR
10 COMPREHENSIVE QUALITY PHYSICAL EDUCATION INSTRUCTION ACTION
11 PLAN, AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION, IF AVAILABLE,
12 OR A STATEMENT OF HOW THE SCHOOL OR SCHOOL DISTRICT INTENDS TO
13 USE THE THREE-YEAR GRANT;

14 (d) THE REQUIREMENT THAT AT LEAST THIRTY PERCENT OF THE
15 GRANTS ARE AWARDED TO ELIGIBLE SCHOOLS OR SCHOOL DISTRICTS
16 RECEIVING FEDERAL MONEY FOR PROGRAMS UNDER TITLE I, PART A OF
17 THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965",
18 20 U.S.C. SEC. 6301 ET SEQ., AS AMENDED;

19 (e) THE ELIGIBLE SCHOOL OR SCHOOL DISTRICT'S GEOGRAPHIC
20 LOCATION AND THE DESIRABILITY OF CREATING, TO THE EXTENT POSSIBLE,
21 AN EVEN DISTRIBUTION OF RURAL, URBAN, AND SUBURBAN SCHOOLS, AS
22 WELL AS ELEMENTARY AND MIDDLE SCHOOLS, TO ENSURE ADEQUATE
23 SAMPLE AND DIVERSITY FOR PURPOSES OF THE PILOT PROGRAM
24 EVALUATION; AND

25 (f) A PRELIMINARY DRAFT OF THE SCHOOL OR SCHOOL DISTRICT'S
26 THREE-YEAR COMPREHENSIVE QUALITY PHYSICAL EDUCATION
27 INSTRUCTION ACTION PLAN.

28 (5) A SCHOOL OR SCHOOL DISTRICT AWARDED A PILOT PROGRAM
29 GRANT SHALL USE THE GRANT TO IMPLEMENT A COMPREHENSIVE QUALITY
30 PHYSICAL EDUCATION INSTRUCTION PROGRAM THAT INCLUDES, AT A
31 MINIMUM, ALL OF THE FOLLOWING COMPONENTS:

32 (a) (I) THIRTY MINUTES DAILY OR ONE HUNDRED FIFTY MINUTES
33 PER WEEK OF PHYSICAL EDUCATION INSTRUCTION FOR ALL STUDENTS IN
34 KINDERGARTEN THROUGH FIFTH GRADE, NOT INCLUDING RECESS TIME OR
35 PHYSICAL ACTIVITY BREAKS;

36 (II) FORTY-FIVE MINUTES DAILY OR TWO HUNDRED TWENTY-FIVE
37 MINUTES PER WEEK FOR ALL STUDENTS IN SIXTH THROUGH EIGHTH GRADE,
38 NOT INCLUDING RECESS TIME OR PHYSICAL ACTIVITY BREAKS;

39 (III) A CLASS SIZE FOR PHYSICAL EDUCATION INSTRUCTION THAT
40 IS COMPARABLE TO THE CLASS SIZE FOR ACADEMIC SUBJECTS;

41 (IV) SAFE, CLEAN, AND WELL-MAINTAINED INDOOR AND OUTDOOR
42 SPACES FOR PHYSICAL EDUCATION INSTRUCTION AND PHYSICAL ACTIVITY,
43 AND EQUIPMENT AND FACILITIES THAT SUPPORT PHYSICAL EDUCATION

1 INSTRUCTION;

2 (V) CURRICULUM THAT MEETS COLORADO'S PHYSICAL EDUCATION
3 STANDARDS AT EACH COVERED GRADE LEVEL;

4 (VI) MODERATE TO VIGOROUS PHYSICAL ACTIVITY FOR AT LEAST
5 HALF OF THE PHYSICAL EDUCATION CLASS TIME;

6 (VII) REGULAR ASSESSMENT OF PHYSICAL EDUCATION LEARNING
7 OBJECTIVES, INCLUDING FORMATIVE AND SUMMATIVE ASSESSMENTS AND
8 A MEASURE FOR STUDENT GROWTH;

9 (VIII) STUDENT PROGRESS MONITORING, INCLUDING STUDENT
10 SURVEYS OF PHYSICAL ACTIVITY, NUTRITION, SLEEP HABITS, AND
11 PERCEPTIONS OF PHYSICAL EDUCATION INSTRUCTION;

12 (IX) PHYSICAL EDUCATION INSTRUCTOR AND CLASSROOM
13 TEACHERS SURVEYS OF STUDENT OUTCOMES OR CHANGES IN STUDENT
14 BEHAVIOR ATTRIBUTED TO THE PILOT PROGRAM;

15 (X) A PROHIBITION AGAINST REMOVAL OF A STUDENT FROM THE
16 PHYSICAL EDUCATION PROGRAM FOR ACADEMIC REASONS OR AS A FORM
17 OF PUNISHMENT; AND

18 (XI) A PROHIBITION AGAINST EXEMPTING STUDENTS FROM
19 PHYSICAL EDUCATION INSTRUCTION; EXCEPT THAT A PARENT OR
20 GUARDIAN MAY EXCUSE A STUDENT FROM PARTICIPATION FOR A LIMITED
21 PERIOD OF TIME OR LIMITED PORTION OF THE INSTRUCTION FOR RELIGIOUS
22 OBSERVANCES OR DUE TO RELIGIONS PROHIBITIONS. A STUDENT MAY BE
23 EXCUSED FROM THE PHYSICAL ACTIVITY COMPONENT OF THE INSTRUCTION
24 IF THE STUDENT IS INJURED OR HAS A PHYSICAL OR EMOTIONAL CONDITION
25 THAT PREVENTS PARTICIPATION. IN THOSE CIRCUMSTANCES, MODIFIED
26 PHYSICAL ACTIVITIES MAY BE PROVIDED. IN ACCORDANCE WITH THE
27 FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT
28 ACT", 42 U.S.C. SEC. 1400, ET. SEQ., AS AMENDED, ALL STUDENTS SHALL
29 RECEIVE EQUAL-QUALITY PHYSICAL EDUCATION;

30 (b) LICENSED EDUCATORS WITH A PHYSICAL EDUCATION
31 ENDORSEMENT, OR, IF EMPLOYED BY A SCHOOL THAT DOES NOT REQUIRE
32 TEACHER LICENSING FOR EMPLOYMENT, A PROGRAM OF PROFESSIONAL
33 DEVELOPMENT THAT ENABLES THE PHYSICAL EDUCATION INSTRUCTOR TO
34 BECOME PROFICIENT IN TEACHING COMPREHENSIVE QUALITY PHYSICAL
35 EDUCATION IN ACCORDANCE WITH THE PILOT PROGRAM REQUIREMENTS
36 AND PHYSICAL EDUCATION ENDORSEMENT STANDARDS; AND

37 (c) A MANDATORY PROFESSIONAL DEVELOPMENT PROGRAM FOR
38 INSTRUCTORS THAT INCLUDES AT LEAST FIFTEEN HOURS OF INSTRUCTION
39 EACH YEAR, WHICH INSTRUCTION MUST ADDRESS APPROPRIATE PRACTICES
40 IN PROVIDING COMPREHENSIVE QUALITY PHYSICAL EDUCATION,
41 INCLUDING EMERGING TECHNOLOGIES, MODEL PHYSICAL EDUCATION
42 PROGRAMS, AND IMPROVEMENT IN PHYSICAL EDUCATION TEACHING
43 METHODS.

- 1 (6) EACH SCHOOL AWARDED A PILOT PROGRAM GRANT AND EACH
2 SCHOOL DISTRICT AWARDED A PILOT PROGRAM GRANT SHALL PREPARE A
3 THREE-YEAR COMPREHENSIVE QUALITY PHYSICAL EDUCATION
4 INSTRUCTION ACTION PLAN THAT INCLUDES CLASS SCHEDULES, PHYSICAL
5 EDUCATION CURRICULUM, PHYSICAL EDUCATION TEACHER
6 QUALIFICATIONS, A PROFESSIONAL DEVELOPMENT PLAN, AND SAMPLE
7 PHYSICAL EDUCATION ASSESSMENTS AND ASSESSMENT RUBRICS.
- 8 (7) THE DEPARTMENT SHALL PROVIDE EACH SCHOOL AWARDED A
9 GRANT WITH THE FOLLOWING SUPPORT, IF AVAILABLE AND RELEVANT:
- 10 (a) STANDARDS-BASED PHYSICAL EDUCATION CURRICULUM;
 - 11 (b) A LIST OF APPROVED INSTRUCTIONAL RESOURCES AND THE
12 PROCESS FOR APPROVAL FOR NEW AND INNOVATIVE INSTRUCTIONAL
13 RESOURCES;
 - 14 (c) SAMPLES OF APPROVED FORMATIVE AND SUMMATIVE
15 ASSESSMENTS AND THE PROCESS FOR APPROVAL OF NEW ASSESSMENTS;
 - 16 (d) SAMPLES OF APPROVED PHYSICAL EDUCATION INSTRUCTOR
17 ASSESSMENT RUBRICS;
 - 18 (e) CRITERIA TO ASSESS STUDENT AND INSTRUCTOR GROWTH IN
19 PHYSICAL EDUCATION;
 - 20 (f) RESOURCES RELATING TO PROFESSIONAL DEVELOPMENT FOR
21 PHYSICAL EDUCATION INSTRUCTORS; AND
 - 22 (g) SCHOOL DISTRICT-APPROPRIATE PRACTICES FOR PHYSICAL
23 EDUCATION INSTRUCTORS TO USE IN PHYSICAL EDUCATION CLASSES.
- 24 (8) PILOT PROGRAM GRANT RECIPIENTS SHALL NOTIFY PARENTS OF
25 STUDENTS IN PARTICIPATING SCHOOLS OF THE GRANT AWARD AND PILOT
26 PROGRAM GOALS AND REQUIREMENTS AND THE OPPORTUNITIES FOR
27 PARENTS TO PARTICIPATE AND PROVIDE FEEDBACK REGARDING THE PILOT
28 PROGRAM AND ITS IMPLEMENTATION WITHIN THEIR STUDENT'S SCHOOL.
- 29 (9) THE DEPARTMENT SHALL ENCOURAGE PILOT PROGRAM GRANT
30 RECIPIENTS TO SHARE BEST PRACTICES AND TO COLLABORATE DURING THE
31 IMPLEMENTATION PLANNING PROCESS AND THROUGHOUT THE DURATION
32 OF THE PILOT PROGRAM. GRANT RECIPIENTS ARE ALSO ENCOURAGED TO
33 PROVIDE EDUCATION AND TRAINING TO SCHOOL ADMINISTRATORS
34 REGARDING THE IMPORTANCE OF COMPREHENSIVE QUALITY PHYSICAL
35 EDUCATION INSTRUCTION AND THE NECESSARY COMPONENTS OF A
36 COMPREHENSIVE QUALITY PHYSICAL EDUCATION PROGRAM IN THE
37 SCHOOL.
- 38 (10) IF A GRANT RECIPIENT IS SUBSTANTIALLY OUT OF COMPLIANCE
39 WITH SIGNIFICANT REQUIREMENTS OF THE PILOT PROGRAM, AFTER
40 PROVIDING AS MUCH NOTICE AS IS PRACTICABLE, THE STATE BOARD MAY
41 DECLINE TO RENEW A RECIPIENT'S PILOT PROGRAM GRANT FOR THE
42 SECOND OR THIRD ACADEMIC YEAR.
- 43 (11) PARTICIPATING PILOT PROGRAM SCHOOLS AND SCHOOL

1 DISTRICTS SHALL PROVIDE DATA AND INFORMATION TO THE DEPARTMENT
2 AND TO THE PROGRAM EVALUATOR DESCRIBED IN SECTION 22-99-104 FOR
3 PURPOSES OF REPORTING ON THE IMPLEMENTATION AND EVALUATION OF
4 THE PILOT PROGRAM.

5 (12) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
6 (11)(a)(I) TO THE CONTRARY, THE DEPARTMENT SHALL REPORT TO THE
7 EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF
8 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AT THE ANNUAL
9 MEETING OF LEGISLATIVE COMMITTEES OF REFERENCE CONDUCTED
10 DURING THE LEGISLATIVE INTERIM PURSUANT TO SECTION 2-7-203,
11 CONCERNING GRANTS AWARDED PURSUANT TO THE PILOT PROGRAM.

12 **22-99-104. Pilot program evaluation.** (1) SUBJECT TO
13 AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL ISSUE A REQUEST
14 FOR PROPOSALS FOR A PROGRAM EVALUATION OF THE PILOT PROGRAM TO
15 BE COMPLETED NO LATER THAN OCTOBER 1, 2023. THE COST OF THE
16 PROGRAM EVALUATION MUST NOT EXCEED ONE HUNDRED EIGHTY
17 THOUSAND DOLLARS FOR THE DURATION OF THE PILOT PROGRAM THROUGH
18 COMPLETION OF THE PROGRAM EVALUATION. THE CONTRACT MUST
19 INCLUDE DATA COLLECTION ON AN ONGOING BASIS WITH BASELINE,
20 FORMATIVE DATA COLLECTION THROUGHOUT THE PILOT PROGRAM PERIOD
21 AND A POST-DATA COLLECTION ANALYSIS. IN AWARDING THE CONTRACT
22 FOR THE PROGRAM EVALUATION, FIRST PRIORITY SHALL BE GIVEN TO A
23 PROPOSAL FROM A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION
24 IN COLORADO THAT OFFERS A KINDERGARTEN THROUGH TWELFTH GRADE
25 PHYSICAL EDUCATION LICENSURE PROGRAM.

26 (2) (a) THE DEPARTMENT SHALL CONTRACT WITH THE PROGRAM
27 EVALUATOR AT THE COMMENCEMENT OF THE PILOT PROGRAM, IF
28 POSSIBLE, SO THAT THE PILOT PROGRAM EVALUATOR CAN DEVELOP THE
29 NECESSARY DATA COLLECTION PRACTICES PRIOR TO IMPLEMENTATION OF
30 THE OPERATION OF THE PILOT PROGRAM IN SCHOOLS . AT A MINIMUM, THE
31 PILOT PROGRAM EVALUATOR SHALL DEVELOP THE NECESSARY DATA
32 COLLECTION PRACTICES TO ENSURE THAT THE PROGRAM EVALUATION CAN
33 ASSESS PILOT PROGRAM IMPACTS, INCLUDING BUT NOT LIMITED TO:

34 (I) OBJECTIVE MEASURES OF STUDENT BEHAVIOR RESULTING FROM
35 IMPLEMENTATION OF THE PILOT PROGRAM, WHICH MEASURES MAY
36 DEMONSTRATE CHANGES IN STUDENT DISCIPLINARY REFERRALS,
37 ATTENDANCE, AND ACADEMIC ACHIEVEMENT, AMONG OTHER BEHAVIORS;
38 AND

39 (II) OBJECTIVE MEASURES OF CHANGES TO STUDENT HEALTH AND
40 WELL-BEING, WHICH MEASURES MAY DEMONSTRATE STUDENT PHYSICAL
41 FITNESS, AS WELL AS BROADER MEASURES OF STUDENT HEALTH AND
42 WELL-BEING, INCLUDING CHANGES IN MENTAL HEALTH OR SUBSTANCE
43 USE.

1 (b) THE PROGRAM EVALUATOR SHALL CONDUCT A STUDENT AND
2 INSTRUCTOR PERCEPTION SURVEY AND INTERVIEWS TO DETERMINE THE
3 VALUE OF THE PILOT PROGRAM EXPERIENCE TO STUDENTS AND TO
4 PHYSICAL EDUCATION INSTRUCTORS AND CLASSROOM INSTRUCTORS AND
5 SHALL ALSO REVIEW STUDENT AND INSTRUCTOR FORMATIVE AND
6 SUMMATIVE ASSESSMENTS TO DETERMINE THE IMPACT OF THE PILOT
7 PROGRAM.

8 (c) FOR PURPOSES OF PROGRAM EVALUATION, THE PROGRAM
9 EVALUATOR SHALL WORK WITH PILOT PROGRAM RECIPIENTS TO IDENTIFY
10 AND DETERMINE COLLECTION PRACTICES FOR NECESSARY DATA FROM
11 INITIAL IMPLEMENTATION OF THE PILOT PROGRAM THROUGH COMPLETION
12 OF THE FINAL PILOT PROGRAM EVALUATION. NECESSARY DATA COLLECTED
13 BY PILOT PROGRAM PARTICIPANTS MUST INCLUDE, BUT IS NOT LIMITED TO,
14 STUDENT DEMOGRAPHICS, MEASURES OF STUDENT POVERTY, AND ENGLISH
15 LANGUAGE LEARNER STATUS. THE PROGRAM EVALUATOR SHALL NOT
16 RELEASE STUDENT IDENTIFYING INFORMATION AND SHALL COMPLY WITH
17 STATE AND FEDERAL LAW RELATING TO STUDENT DATA PRIVACY.

18 **22-99-105. Appropriation.** FOR THE 2019-20 STATE FISCAL YEAR,
19 THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE MILLION ONE HUNDRED
20 THOUSAND DOLLARS FROM THE MARIJUANA TAX CASH FUND, CREATED IN
21 SECTION 39-28.8-501, TO THE DEPARTMENT TO IMPLEMENT THE PILOT
22 PROGRAM. ANY MONEY APPROPRIATED FOR THE PILOT PROGRAM
23 PURSUANT TO THIS SECTION THAT IS NOT EXPENDED PRIOR TO JULY 1,
24 2020, IS FURTHER APPROPRIATED TO THE DEPARTMENT FOR THE 2020-21
25 THROUGH 2023-24 STATE FISCAL YEARS FOR THE SAME PURPOSE.

26 **22-99-106. Repeal of article.** THIS ARTICLE 99 IS REPEALED,
27 EFFECTIVE JULY 1, 2024.

28 **SECTION 8.** In Colorado Revised Statutes, 39-28.8-501, **amend**
29 (2)(b)(IV)(N); and **add** (2)(b)(IV)(P) as follows:

30 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
31 **- legislative declaration.** (2) (b) (IV) Subject to the limitation in
32 subsection (5) of this section, the general assembly may annually
33 appropriate any money in the fund for any fiscal year following the fiscal
34 year in which it was received by the state for the following purposes:

35 (N) For housing, rental assistance, and supportive services,
36 including reentry services, pursuant to section 24-32-721; **and**

37 (P) FOR COMPREHENSIVE QUALITY PHYSICAL EDUCATION
38 INSTRUCTION PURSUANT TO ARTICLE 99 OF TITLE 22."
39

40 Page 1 of the report, line 12, strike "11." and substitute "14."

41 Page 1 of the report, line 17, strike "12." and substitute "15."

1 Page 1 of the report, after line 22 insert:
2 **"SECTION 13. Appropriation.** For the 2019-20 state fiscal year,
3 \$1,100,000 is appropriated to the department of education. This
4 appropriation is from the marijuana tax cash fund created in section
5 39-28.8-501 (1), C.R.S., and is based on an assumption that the
6 department will require an additional 0.7 FTE. To implement this act, the
7 department may use this appropriation for the health and wellness through
8 comprehensive quality physical education instruction pilot program."

9 Page 2 of the report, line 6, strike "law." and substitute "law.
10 (4) Sections 7, 8, and 13 of this act take effect only if House Bill
11 19-1161 does not become law.".

** ** ** ** **