

Proposition 119: Learning Enrichment and Academic Progress Program

Placed on the ballot by citizen initiative • Passes with a majority vote

1 **Proposition 119 proposes amending the Colorado statutes to:**

- 2 • create the Colorado Learning Enrichment and Academic Progress program to
3 help certain Colorado youth access and pay for out-of-school learning
4 opportunities; and
5 • pay for the program by raising retail marijuana taxes and using other existing
6 state funds.

7 **What Your Vote Means**

YES

8 A “yes” vote on
9 Proposition 119 means

10 the Learning Enrichment and Academic
11 Progress program will be created and
12 funded through an increase in retail
13 marijuana taxes and transfers from existing
14 state funds.

NO

A “no” vote on Proposition 119
means the program will not be
created and funded.

1 **Summary and Analysis for Proposition 119**

2 **What does the measure do?**

3 The measure creates the Learning Enrichment and Academic Progress program
4 (program) to provide financial aid and support to eligible Colorado youth to
5 access out-of-school learning and enrichment opportunities. Children between
6 the ages of 5 and 17 who live in Colorado will be eligible to apply for the
7 program. The program will be funded using revenue raised from increasing retail
8 marijuana taxes by 5 percent over three years, plus an estimated \$20 million
9 annually from the General Fund. Additionally, the measure diverts approximately
10 \$20 million annually from the State Land Trust, which helps fund public schools,
11 to the State Public School Fund.

12 **What are out-of-school learning and enrichment opportunities?**

13 The measure defines out-of-school learning and enrichment opportunities as any
14 program, service, system, activity, materials, or purchase that provides additional
15 educational or developmental support to youth outside of the regular school day.
16 These opportunities can include, but are not limited to, tutoring, targeted
17 assistance for youth with special needs, second language training, additional
18 academic learning support materials, career and technical educational training
19 programs, social emotional learning, and mental health services. The financial
20 aid provided by the program cannot be used for school tuition or for instruction or
21 materials that are part of the student's regular school curriculum.

22 **How will the program work?**

23 **Colorado Learning Authority and board of directors.** The measure
24 establishes a new state agency called the Colorado Learning Authority
25 (authority), which is independent from oversight by the State Board of Education
26 and the Colorado Department of Education. The authority will be overseen by a
27 nine-member board of directors (board), appointed by the Governor. The
28 authority and its board will be responsible for:

- 29 • creating and administering the program;
- 30 • assisting and supporting providers in administering services to eligible youth;
- 31 • establishing how funds will be distributed;
- 32 • distributing financial aid to programs selected by eligible youth;
- 33 • implementing an evaluation system to measure the impacts of the program
34 and the quality of the providers; and
- 35 • working with selected parents and providers in determining the day-to-day
36 operations of the program.

37 **Program providers.** Under the measure, the authority is required to develop
38 criteria for the selection and certification of learning opportunity providers.
39 School districts and other local education agencies will be pre-certified as
40 providers, and teachers will receive priority approval as qualified providers.
41 Other interested providers must submit an application and be certified by the
42 authority as an approved provider. A list of authority-approved local and
43 statewide providers will be made available to program participants.

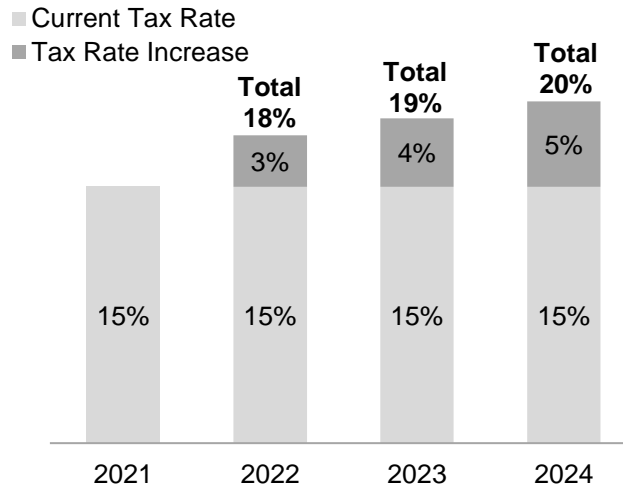
Legislative Council Draft

1 **Financial aid distribution.** The program will pay providers chosen by parents
2 on behalf of eligible youth. In 2023, the measure requires that eligible youth in
3 families with incomes at or below the federal poverty level be given first priority
4 for financial aid, followed by youth in families with incomes up to twice the federal
5 poverty level. In 2021, the federal poverty level is \$26,600 for a family of four.
6 After prioritizing these groups, the authority will distribute any remaining aid to
7 other participating students. Beginning in 2024, the measure allows the authority
8 to determine priority among income levels and distribution methods and
9 amounts. The authority is still required to prioritize low-income youth.

10 **How will the program be funded?**

11 The measure funds the program in two ways. First, the measure implements a
12 phased sales tax increase on retail marijuana and marijuana products from the
13 current 15 percent rate to 18 percent in 2022, 19 percent in 2023, and 20 percent
14 in 2024 and each year thereafter. The proposed marijuana sales tax increase is
15 shown in Figure 1. Second, the measure shifts money from existing state funds,
16 including the State Land Trust and the General Fund. For further information on
17 how the program will be funded, refer to the fiscal impact section at the end of
18 the analysis.

19 **Figure 1**
20 **Phased Sales Tax Rate Increase on Marijuana Under the Measure**



For information on those issue committees that support or oppose the measures on the ballot at the November 2, 2021, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

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1 Arguments For Proposition 119

- 2 1) The gap in spending on student enrichment activities between low-income
3 and high-income families has more than doubled since the 1970s. The
4 COVID-19 pandemic has made the learning gap between low-income
5 students and their higher-income peers even larger. This program is a step
6 toward closing the gap between families who can afford to provide
7 enrichment opportunities for their children and those who cannot.
- 8 2) Proposition 119 supports the academic, social-emotional, and technical
9 education needs of low-income students, while allowing families to choose
10 services based on the individual needs of their student. This support will help
11 make up for the loss in recent years of public school enrichment programs,
12 such as music, arts, and career and technical education, while also bolstering
13 tutoring and supplemental academic instruction in core subject areas.
14 Further, the program creates opportunities for teachers to earn money as
15 program providers.

16 Arguments Against Proposition 119

- 17 1) Proposition 119 allows public money to be directed to private out-of-school
18 service providers instead of investing it directly into public schools. Public
19 dollars set aside for education are needed to support the public education
20 system. If voters want to increase retail marijuana taxes for education, the
21 revenue would be better used to expand the capacity of public schools in
22 every community, keeping the money under local control and allowing school
23 districts to reinstate programs they have had to cut and to provide additional
24 learning and enrichment opportunities for children.
- 25 2) Increasing the sales tax on marijuana will further increase the gap in prices
26 between legal marijuana and black-market marijuana, pushing more
27 individuals into the black market and hurting legitimate retail marijuana
28 businesses. Additionally, the retail sales tax on marijuana already places a
29 greater financial burden on low-income individuals; increasing the tax rate will
30 only make this worse.

31 Fiscal Impact for Proposition 119

32 On net, Proposition 119 will increase state revenue and spending. It also
33 transfers money between various state funds. These impacts, as well as the
34 estimated impact on taxpayers, are discussed below. The state budget year runs
35 from July 1 through June 30.

36 **State revenue.** Proposition 119 will increase state revenue by an estimated
37 \$34.8 million in state budget year 2021-22 and by \$87.1 million beginning in
38 budget year 2022-23 by increasing the tax on retail marijuana. The amount for
39 state budget year 2021-22 is a half-year impact. This revenue is not subject to
40 state constitutional spending limits. In addition, the measure reduces investment
41 earnings in the Permanent Fund by about \$48.1 million over a ten-year period,
42 including \$30.7 million in interest earnings that would otherwise be used as

Legislative Council Draft

1 funding for the K-12 education system and \$17.5 million in foregone capital
2 growth in the balance of the Permanent Fund over ten years.

3 **State spending.** Proposition 119 will increase state expenditures from the newly
4 created Learning Enrichment and Academic Progress Fund by an estimated
5 \$55.8 million in budget year 2021-22 and \$109.1 million in budget year 2022-23
6 and in future years. The amount for state budget year 2021-22 is a half-year
7 impact. Expenditures will include administration of the Learning Enrichment and
8 Academic Progress Program and the financial aid award amounts distributed to
9 parents. The change in state spending will equal the change in state revenue
10 and transfers.

11 **Transfers of state funds.** Proposition 119 will divert \$21.0 million in budget
12 year 2021-22 and \$22.0 million beginning in budget year 2022-23 in State Land
13 Trust revenue from the Permanent Fund to the State Public School Fund. The
14 measure then transfers a corresponding amount of revenue each year from the
15 General Fund to the newly created Learning Enrichment and Academic Progress
16 Fund. The money transferred is not subject to state constitutional spending
17 limits.

18 **Taxpayer impacts.** Proposition 119 will increase the amount of sales taxes paid
19 by Coloradans who purchase marijuana products. State law requires Legislative
20 Council Staff to estimate the potential tax burden on affected taxpayers within
21 specified income categories. However, state law prohibits the collection of
22 personal data on retail marijuana purchasers. Therefore, Legislative Council
23 Staff used data from the U.S. Bureau of Labor Statistics and Centers for Disease
24 Control and Prevention concerning the usage of and spending on tobacco
25 products by income group to produce the estimates in Table 1 below. The table
26 estimates the following information:

- 27 • the estimated number of taxpayers by income category;
- 28 • the total change in tax burden for each income category; and
- 29 • the average change in tax burden for individuals in each income category.

30 **Table 1**
31 **Estimated Impact on Retail Marijuana Consumers by Income Category in State**
32 **Budget Year 2024-25**

Income Category¹	Estimated Number of Taxpayers	Total Change in Tax Burden	Average Change in Tax Burden
\$14,999 or less	280,184	\$15.0 million	\$54
\$15,000 to \$29,999	253,933	\$19.9 million	\$78
\$30,000 to \$39,999	145,639	\$14.3 million	\$98
\$40,000 to \$49,999	98,995	\$12.5 million	\$127
\$50,000 to \$69,999	146,190	\$21.4 million	\$146
\$70,000 to \$99,999	110,694	\$25.4 million	\$230
\$100,000 to \$149,999	75,914	\$19.0 million	\$250
\$150,000 to \$199,999	37,703	\$5.4 million	\$143

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Table 1 (Cont.)
Estimated Impact on Retail Marijuana Consumers by Income Category in State
Budget Year 2024-25

\$200,000 to \$249,999	22,462	\$2.1 million	\$92
\$250,000 to \$499,999	14,873	\$1.2 million	\$83
\$500,000 to \$999,999	5,481	\$0.8 million	\$151
\$1,000,000 or more	2,601	\$0.6 million	\$238
Total	1,194,668	\$137.6 million	-

¹Federal adjusted gross income

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5 • pay for the program by raising retail marijuana taxes and using other existing
6 state funds.

7 **What Your Vote Means**

YES

8 A “yes” vote on
9 Proposition ? means the

10 Learning Enrichment and Academic
11 Progress program will be created and
12 funded through an increase in retail
13 marijuana taxes and transfers from existing
14 state funds.

NO

A “no” vote on Proposition ?
means the program will not be
created and retail marijuana taxes will
remain at current rates.

Last Draft as Mailed to Interested Parties

Summary and Analysis for Proposition ?

1 What does the measure do?

2 The measure creates the Learning Enrichment and Academic Progress program
3 (program) to provide financial aid and support to eligible Colorado youth to
4 access out-of-school learning and enrichment opportunities. Children between
5 the ages of 5 and 17 who live in Colorado will be eligible for the program. To pay
6 for the program, the measure raises retail marijuana taxes by 5 percent over
7 three years and diverts existing money from the State Land Trust.

8 What are out-of-school learning and enrichment opportunities?

9 The measure defines out-of-school learning and enrichment opportunities as any
10 program, service, system, activity, materials, or purchase that provides additional
11 educational or developmental support to youth outside of the regular school day.
12 These opportunities can include, but are not limited to, tutoring, targeted
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15 programs, social emotional learning, and mental health services. The financial
16 aid provided by the program cannot be used for school tuition or for instruction or
17 materials that are part of the student's regular school curriculum.

18 How will the program work?

19 **Colorado Learning Authority and board of directors.** The measure
20 establishes a new independent state agency called the Colorado Learning
21 Authority (authority). The authority will be overseen by a nine-member board of
22 directors (board), appointed by the Governor. The authority and its board will be
23 responsible for:

- 24 • creating and administering the program;
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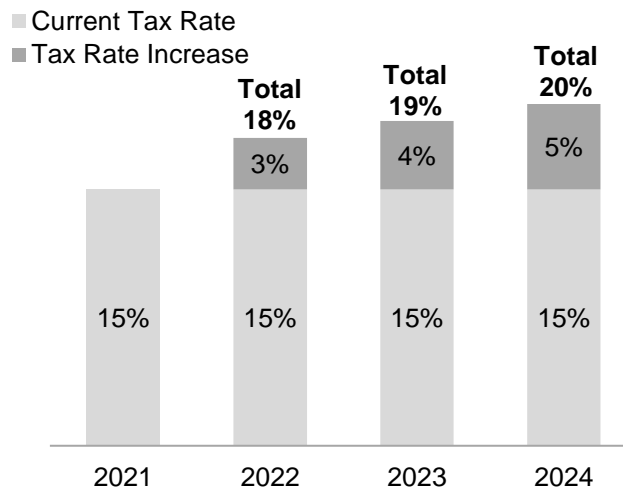
Last Draft as Mailed to Interested Parties

1 four. After prioritizing these groups, the authority will distribute any remaining aid
2 to other participating students.

3 **How will the program be funded?**

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5 phased sales tax increase on retail marijuana and marijuana products from the
6 current 15 percent rate to 18 percent in 2022, 19 percent in 2023, and 20 percent
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14 **Arguments For Proposition ?**

- 15 1) The gap in spending on student enrichment activities between low-income
16 and high-income families has more than doubled since the 1970s. The
17 COVID-19 pandemic has made the learning gap between low-income
18 students and their higher-income peers even larger. The program is a step
19 toward closing the gap between families who can afford to provide
20 enrichment opportunities for their children and those who cannot.

Last Draft as Mailed to Interested Parties

- 1 2) Proposition ? supports the academic, social-emotional, and technical
2 education needs of low-income students, while allowing families to choose
3 services based on the individual needs of their student. This support will help
4 make up for the loss in recent years of public school enrichment programs,
5 such as music, arts, and career and technical education, while also bolstering
6 tutoring and supplemental academic instruction in core subject areas.
7 Further, the program creates opportunities for teachers to earn money as
8 program providers.

9 **Arguments Against Proposition ?**

- 10 1) Proposition ? allows public money to be directed to private out-of-school
11 service providers instead of investing it directly into public schools. Public
12 dollars set aside for education are needed to support the public education
13 system. If voters want to increase retail marijuana taxes for education, the
14 revenue would be better used to expand the capacity of public schools,
15 allowing them to reinstate programs they have had to cut and to provide
16 additional learning and enrichment opportunities for children.
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18 between legal marijuana and black-market marijuana, pushing more
19 individuals into the black market and hurting legitimate retail marijuana
20 businesses. Additionally, the retail sales tax on marijuana already places a
21 greater financial burden on low-income individuals; increasing the tax rate will
22 only make this worse.

23 **Fiscal Impact for Proposition ?**

24 On net, Proposition ? will increase state revenue and spending. It also transfers
25 money between various state funds. These impacts, as well as the estimated
26 impact on taxpayers, are discussed below. The state budget year runs from
27 July 1 through June 30.

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33 earnings in the Permanent Fund by about \$48.1 million over a ten-year period,
34 including \$30.7 million in interest earnings that would otherwise be used as
35 funding for the K-12 education system and \$17.5 million in foregone capital
36 growth in the balance of the Permanent Fund over ten years.

37 **State spending.** Proposition ? will increase state expenditures from the newly
38 created Learning Enrichment and Academic Progress Fund by an estimated
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41 impact. Expenditures will include administration of the Learning Enrichment and
42 Academic Progress Program and the financial aid award amounts distributed to
43 parents. The change in state spending will equal the change in state revenue
44 and transfers.

Last Draft Comments from Interested Parties

Proposition 119 Learning Enrichment and Academic Progress Program

Jan Cook, representing herself:

I am a citizen of Colorado and I am submitting draft revisions for Ballot Initiative 25 (?): Learning Enrichment and Academic Progress Program (LEAP).

Quick Brief: I worked in the State Colorado Legislature in the 2009 session, and subsequently worked at the Colorado office of Economic Development and International Trade during the Ritter administration.

I am concerned that the DRAFT for this ballot initiative reads more like a feature and benefit marketing copy, rather than a fair analysis to help Colorado voters discern whether the initiative is a good use of taxpayer dollars, and determine the “program” truly supports Colorado kids who are falling behind in the current public-school system.

Legislative Council (LC) has had the reputation of providing a neutral balance within the “political” landscape to offer information that serves Colorado citizens to help them assess state governance fairly. It is my hope LC will maintain a “truth in lending” perspective when providing information to help voters understand the pros and cons of the LEAP initiative for the Blue Book final draft.

Revision Suggestions for LEAP Blue Book: *Copy in RED are revision suggestions*

Proposition ? proposes amending the Colorado statutes to:

- Creates a nine member Authority that is appointed by the Governor to oversee and develop of the Learning Enrichment and Academic Progress program, which a limited, population of eligible youth in Colorado will have access that pays for out-of-school learning pre-determined by the Authority in collaboration with their education coalition partners; and
- Pay for the program by raising retail marijuana taxes, and using other existing state funds currently allocated to the public-education system.

What your vote means

YES: A yes vote means on Proposition means the nine member Authority appointed by the Colorado Governor will create the Learning Enrichment and Academic Progress Program and will be funded through an increase in retail marijuana taxes and re-direct a portion of state funds from the existing education funds.

NO: A “no” on Proposition “ means the program will not be created, and retail marijuana sales will remain at current rates, no reapportionment of existing state education funds, and no formation of an unelected, nine member Authority.

What does the measure do?

Last Draft Comments from Interested Parties

Jan Cook, representing herself (Cont.):

The measure creates an unelected nine member Authority who will form a parallel government run education system referred to as the Learning Enrichment and Academic Progress Program (Program) to provide financial aid and support to a limited population of eligible Colorado youth to access programs from the Authority and their coalition partners that will provide after school programs. To pay for the program, the measure relies on retail marijuana taxes...and re-directs existing money for the State Land Trust, which also provides the majority of the current public education funds.

Arguments Against LEAP Program

Colorado is a local control state. By forming an unelected nine member Authority, the initiative bypasses voter's authority and empowers a government entity in perpetuity.

The program does not offer real choice to students and their parents. Parents must choose programs from the "Authorities" limited menu of prescribed education partners. If the initiative truly wanted to address kids falling behind in school, they'd allocate funds to all students with declining grades, and allow the students with the most needs based on their grade-point average versus their economic status. In addition, parents would be offered the ability to determine where to spend state education dollars for the best alternatives that meet their child's education needs.

Thanks for the opportunity to provide some revisions to Blue Book copy. There is certainly more I could add. At this juncture in the process, it is imperative that Legislative Council ensures the initial copy in the Blue Book clearly outlines the issues at hand, as citizens determine whether the "program" benefits Coloradan students. It is also important to clearly state where the funds are coming from and not to omit or gloss over these essential details.

Alexa Eastburg, representing Common Sense Institute:

Ms. Eastburg's comments are included as Attachment A.

Evie Hudak, representing herself:

Here are some points to consider:

- There is an implication that this \$109.1 million will serve all qualifying children. In truth, at \$1,500 per child, minimum, there is only enough money to serve 72,000 children, assuming zero administration costs (which of course there will be), whereas there are 883,199 students in Colorado - thus, L.E.A.P. can serve less than one in ten students.
- It doesn't mention that eligible children could be attending private schools, therefore using public monies, making this a potential voucher.

Last Draft Comments from Interested Parties

Evie Hudak, representing herself (Cont.):

- It also doesn't mention that there is no oversight for the authority. Although it is UNDER the Colorado Department of Education (Title 22) in statute, CDE does not have any control over it, nor does any other governmental agency; the initiative says that there will be an audit, but the auditor will be hired by the Learning Authority (could be like the fox guarding the hen house, so to speak).

Patricia Kurgan, representing herself:

Thank you for the opportunity to submit draft revisions for Ballot Initiative 25 (?): Learning Enrichment and Academic Progress Program (LEAP). As a concerned citizen of Colorado I am submitting the following revisions in red in regards to your LEAP Blue Book 2nd Draft.

Proposition ? proposes amending the Colorado statutes to:

- Create the Colorado Learning Enrichment and Academic Progress Program by giving Authority to a nine-member board, appointed by the Governor, to preselect organizations for eligible children, based on income, for out-of-school learning, emotional and physical therapy, mental health services, and social and emotional learning.
- Pay for the program by raising retail marijuana taxes to a maximum of 15%, using other existing state funds currently allocated to the current public school system, and the ability to contract debt.

What your vote means

YES: A “yes” vote means the Learning Enrichment and Academic Progress program will be created giving the nine-member, governor appointed Authority to pre-select vendors for the program funded by an increase in retail marijuana taxes to a maximum of 15%, re-direct a portion of state funds from existing education funds, and take on debt.

NO: A “no” on Proposition ? means the program will not be created and retail marijuana taxes will remain at current rates, there will be no reapportionment of existing state education funds, and no Authority appointments by the governor.

What does the measure do?

The measure creates an unelected, unaccountable nine-member Authority appointed by the governor to form the Learning Enrichment and Academic Progress program (program) that will be a new, parallel government out-of-school learning and healthcare access program for “eligible children,” not all Colorado children, between the ages of 5 and 17 who live in Colorado based on family income. To pay for the program, the measure raises retail marijuana taxes by 5 percent over three years and thereafter allows up to a maximum of 15%, diverts existing money from the State Land Trust, and gives the Authority the right to take on debt.

Last Draft Comments from Interested Parties

Patricia Kurgan, representing herself (Cont.):

How will the program work?

Colorado Learning Authority and board of directors.

... The authority and its board will be responsible for:

Needs to be added:

- The Authority may seek, accept, and expend any gifts, grants, donations, loans of funds, property, or any other revenue.

How will the program be funded?

The measure funds the program in two ways. First, the measure implements a phased sales tax increase on retail marijuana and marijuana products from the current 15 percent rate to 18 percent in 2022, 19 percent in 2023, and 20 percent in 2024 and up to a maximum of 30% thereafter.

Arguments For Proposition ?

2) Proposition ? supports the academic, social-emotional, and technical education needs of low-income students, while allowing families to choose from a list pre-selected by the Authority based on the individual needs of their student.

Arguments Against Proposition ?

This proposition forms an unelected, unaccountable nine-member Authority with unlimited powers.

This program does not offer real choice to all Colorado students and their parents regardless of negative impact by the COVID restrictions. First, only “eligible children” can participate in the program. There will be many children who will not be allowed access to this taxpayer funded program because their family income is not at or below the federal poverty level, or as years go by, family income is not up to twice the federal poverty level. Second, all vendors are pre-selected by the Authority and limits choice of all options in the learning marketplace for the child and family.

Benjamin Larson, representing the proponents:

On behalf of Proponents, please accept our edits and suggestions to the second draft of the Blue Book for Initiative #25 Learning Enrichment and Academic Progress Program. We appreciate that you took consideration of our comments on the first draft.

The proponents' comments are included as Attachment B.

Last Draft Comments from Interested Parties

Delana Maynes, representing Coloradans Against School Vouchers:

Attached is a pdf with our suggested changes in red. The most substantial changes are to the section "Arguments against Proposition?". They are included in the attached document but for your convenience I have included them below:

1) This new program cuts millions from the permanent education fund which will take education funds away from teacher salaries and classroom supplies critical to helping children learn. The new program costs too much in bureaucratic and administrative costs. The Authority can spend up to 10% of its annual budget on administrative costs. The annual budget of the Authority, (\$10.9M) is nearly twice the annual budget of the entire Colorado Department of Education, (\$5.79M FY 2021-2022).

2) Proposition? allows public money to be directed to private out-of-school service providers (including religious based schools) instead of investing it directly into public schools. Local School Boards will not have control or oversight over use of these tax dollars or what is being taught. Taxpayer transparency is also an issue due to the lack of accountability. Public dollars set aside for education are needed to support the public education system. If voters want to increase retail marijuana taxes for education, the revenue would be better used to expand the capacity of public schools in every community, keeping the money under local control and allowing them to reinstate programs they have had to cut and to provide additional learning and enrichment opportunities for children.

If only two comments are allowed, we would prefer the above comments be used (and in the order suggested above) and the below comment be deleted:

Increasing the sales tax on marijuana will further increase the gap in prices between legal marijuana and black-market marijuana, pushing more individuals into the black market and hurting legitimate retail marijuana businesses. Additionally, the retail sales tax on marijuana already places a greater financial burden on low-income individuals; increasing the tax rate will only make this worse.

Please feel free to reach out with any questions.

Additional comments are included as Attachment C.

Kim Monson, representing herself:

Thank you for the opportunity to make comments regarding Initiative 25: LEAP-Learning Enrichment and Academic Progress Plan. Please include these comments in the "against" portion of the commentary.

Arguments Against the Proposition

1. Proposition ? LEAP-Learning Enrichment and Academic Progress Plan creates a new nine-member, unelected bureaucratic authority board, selected by the governor, which is unaccountable to the voters of Colorado, the Colorado State Legislature nor the

Last Draft Comments from Interested Parties

Kim Monson, representing herself (Cont.):

Department of Education. These unelected, unaccountable board members select their replacements.

2. Proposition ? LEAP increases the current 15% state marijuana retail tax an additional 3% for 2022, 4% for year 2023 and 5% for 2024. After that, LEAP taxes could add another 10% tax for a total of 15% LEAP taxes on retail marijuana. This adds up to a possible 30% state sales tax on retail marijuana and does not include any local sales taxes on marijuana. This raises marijuana taxes so high, that it makes the illegal market more attractive, thereby inviting even more criminal activity into Colorado and making our communities less safe. The ***Marijuana Retail Report*** notes that the City of Berkeley, California recognizes this and is working to make the legal market more competitive by cutting taxes. A 2019 Politico article **How Legal Marijuana is Helping the Black Market**, quotes John Hudak, a cannabis expert at the Brookings Institution in Washington, D.C., “Cannabis consumers are rational economic actors. They’re probably going to pick the cheaper option. In a lot of states, that would mean black market cannabis.”
3. Proposition ? LEAP ballot title language is ambiguous and inconsistent with the actual increased state retail marijuana tax which can be found in the complete initiative language.
4. Proposition ? LEAP-is not available to all Colorado kids. LEAP is limited to only “eligible” Colorado kids.
5. Proposition ? LEAP moves money from the Colorado Land Trust, that has supported the public school system, and redirects those dollars to create and help fund a new parallel education system.
6. Proposition ? LEAP’s board authority chooses the vendors who can participate in the project. Parents and families can only choose from a pre-selected menu of tutors or programs. LEAP dollars are paid directly to the vendor from the authority.
7. And on the last page (14), the last two paragraphs, LEAP de-TABORs (Colorado’s Taxpayer’s Bill of Rights amendment to the Colorado Constitution) future revenue, spending, and appropriations.

Joy Overbeck, representing herself:

Thank you for the opportunity to submit Blue Book draft revisions for Ballot Initiative 25: Learning Enrichment and Academic Progress Program (LEAP). As a Colorado resident and taxpayer for decades, and a parent especially concerned about the education of our children, I am submitting the following revisions in regards to the Blue Book 2nd Draft.

Summary and Analysis

What does the measure do?

The measure creates the Learning Enrichment and Academic Progress (LEAP) program to provide financial aid and support to a select group of Colorado youth to access out-of-school

Last Draft Comments from Interested Parties

Joy Overbeck, representing herself (Cont.):

learning and enrichment opportunities, including “social emotional learning, music, the arts, and career and technical training programs.” The measure creates an unelected governing board of nine members appointed by the governor who have sole authority over what classes and opportunities will be offered. Their successors will be chosen by the original board.

Children between the ages of 5 and 17 who live in Colorado and whose families have incomes at or below the federal poverty level will be given first priority for these programs, followed by youth in families with incomes up to twice the federal poverty level. Children who have fallen behind academically and who are in the greatest need of extra help in core subjects may receive any funding that remains after these low-income groups have been funded.

Arguments Against Initiative 25

The program fails to prioritize the academic needs of students who have been the most negatively impacted by the Covid restrictions of over 18 months that have reduced the in-person contact between students and teachers so vital to educational success. Many students who don't adapt well to online instruction have suffered grave learning losses. The program should prioritize the students who are in the greatest academic need, no matter their income level.

Instead of focusing on academics, the governing Board could choose “enrichment programs such as music, arts,” etc. or classes in “social emotional learning.” Recent student testing and assessments have revealed the alarming breadth of Colorado's state-wide academic deficit and the need for emphasis on core subjects in order for students to catch up. Yet there is no stipulation in the Initiative for classes that stress academics.

This program will take millions in public education dollars that the legislature has dedicated to funding public schools for the benefit of *all children*, and instead transfer those dollars to a program of private providers that will only benefit a narrow segment of the student population. This is not equity, and it's not equality.

Please consider these revisions which are necessary to provide full disclosure to Colorado voters on this Initiative.



Public Comment Submitted to the Colorado Legislative Council Staff

DATE: August 13th, 2021
 RE: Initiative #25 Ballot Analysis Second Draft

Dear Colorado Legislative Council Staff,

It is important for Coloradans to understand each piece of relevant information for the initiatives that will be on the ballot this November. Initiative #25, the Learning Enrichment and Academic Progress program, will affect current and future generations of Colorado students and families. With the overarching motive to decrease the ever-widening education gap that stands between different income levels, being as transparent as possible about the details of this initiative is necessary.

The second draft of Initiative #25 sparked some thoughts for the next draft. The following are the comments Common Sense Institute (CSI) hopes you consider.

- At CSI, we have created a table that shows the potential number and percentage of students that could benefit from LEAP funding over the next four fiscal years. This information would be beneficial in the Blue Book because it creates a visual for parents and families to digest when reviewing this initiative.

How Far Could LEAP Reach Each Fiscal Year?							
Fiscal Year	Revenue Available	# Children Receiving \$500	% Students	# Children Receiving \$1,000	% Students	# Children Receiving \$1,500	% Students
2021-22*	\$55.8 M	111,600	14%	55,800	7%	37,200	5%
2022-23	\$109.1 M	218,200	27%	109,100	13%	72,733	9%
2023-24	\$138.1 M	276,200	34%	138,100	17%	92,067	11%
2024-25	\$157.7 M	315,400	39%	157,700	19%	105,133	13%

Source: Common Sense Institute

- Showing how long LEAP funding could last for each individual student's needs would be beneficial for parents and families to see as well.
 - CSI estimated the average hourly price of several learning enrichment programs and determined how many hours a week a student could use each of those programs
 - Tutoring \$23.38/hrⁱ
 - $1,500 / 23.38 = 64$ hours total
 - $64 / 32$ weeks of school = 2 hours per week
 - Mentoring \$16.20/hrⁱⁱ
 - $1,500 / 16.20 = 93$ hours total
 - $93 / 32$ weeks of school = 2.89 hours per week
 - Mental Health \$14.17/hrⁱⁱⁱ
 - $1,500 / 14.17 = 106$ hours total
 - $106 / 32$ weeks of school = 3.31 hours per week
 - Physical Therapy \$75/hr^{iv}
 - $1,500 / 75 = 20$ hours total
 - $20 / 32$ weeks of school = 0.63 hours per week
 - Learning Disability Assistance \$115/hr^v
 - $1,500 / 115 = 13$ hours total
 - $13 / 32$ weeks of school = 0.41 hours per week

Thank you for your consideration and we look forward to reading the third draft.

Sincerely,

Alexa Eastburg
 309-351-1864
 alexa@csinstitute.org
 Common Sense Institute

CSI's mission is to examine the fiscal impacts of policies, initiatives, and proposed laws so that Coloradans are educated and informed on issues impacting their lives. Common Sense Institute was founded in 2010 originally as Common Sense Policy Roundtable. CSI's founders were a concerned group of business and community leaders who observed that divisive partisanship was overwhelming policymaking and believed that sound economic analysis could help Coloradans make fact-based and common sense decisions.

ⁱ [Tutor Salary Colorado, United States - SalaryExpert](#)

ⁱⁱ <https://www.indeed.com/career/student-mentor/salaries/Colorado-Springs--CO>

ⁱⁱⁱ <https://www.simplepractice.com/blog/average-therapy-session-rate-by-state/>

^{iv} <https://thervo.com/costs/physical-therapy-cost>

^v https://www.payscale.com/research/US/Job=Educational_Assistant/Hourly_Rate/6a79216c/Disability-Support

PROPONENTS' COMMENTS ON SECOND DRAFT—INITIATIVE #25

1. How will the program be funded? (Page 3, lines 12-13)

We suggest removing Figure 1. The graph takes up significant space, and the information contained in the figure is described succinctly in the paragraph above it.

2. Taxpayer Impact (Page 5, lines 8-23) and Table 1

We understand the tension between the state constitutional provision (Colo. Const. Art. XVIII, Section 16(5)(c)) that prohibits collection of a retail marijuana purchaser's personal information and the state statute (1-40-124.5 (1)(b)(III), C.R.S.) requiring an estimate of the potential burden on affected taxpayers within specified income categories. However, if Legislative Council Staff is going to rely on tobacco product usage and spending data as a substitute for marijuana use and spending, we think that fact needs to be more prominently stated in the blue book. In the current draft, a single clause ("Because there are no data available about marijuana use and spending,") is in the middle of the paragraph. Our suggested edits for this section include:

Taxpayer impacts. Proposition ? will increase the amount of sales taxes paid by Coloradans who purchase marijuana products. State law requires Legislative Council Staff to estimate the potential tax burden on affected taxpayers within specified income categories. However, there are no data available about marijuana use and spending in Colorado because the state constitution prohibits collection of a retail marijuana purchaser's personal information. Because of the lack of data, Legislative Council Staff substituted data about the usage of and spending on tobacco products by income group to produce the estimates in Table 1. Legislative Council Staff estimates are based on the best available data from the U.S. Bureau of Labor Statistics and Centers for Disease Control and Prevention. Table 1 below estimates the following information on taxpayers impacted by the measure, as required by Colorado law:

Deleted: Because there are no data available about marijuana use and spending, data about the usage of and spending on tobacco products by income group are used to produce the estimates in Table 1.

Deleted: shows

Proposition ? : Learning Enrichment and Academic Progress Program

Placed on the ballot by citizen initiative • Passes with a majority vote

1 Proposition ? proposes amending the Colorado statutes to:

- 2 • create the Colorado Learning Enrichment and Academic Progress program to
- 3 help eligible Colorado youth access and pay for out-of-school learning
- 4 opportunities; and
- 5 • pay for the program by raising retail marijuana taxes and using other existing
- 6 state **public education** funds.

7 What Your Vote Means

YES

8 A “yes” vote on
9 Proposition ? means the

10 Learning Enrichment and Academic
11 Progress program will be created and
12 funded through an increase in retail
13 marijuana taxes and transfers from existing
14 state **public education** funds.

NO

A “no” vote on Proposition ?
means the program will not be

created, retail marijuana taxes will
remain at current rates, **and state
public education funds will not be
transferred.**

Summary and Analysis for Proposition ?

1 What does the measure do?

2 The measure creates the Learning Enrichment and Academic Progress program
3 (program) to provide financial aid and support to eligible Colorado youth to
4 access out-of-school learning and enrichment opportunities. Children between
5 the ages of 5 and 17 who live in Colorado will be eligible for the program. To pay
6 for the program, the measure raises retail marijuana taxes by 5 percent over
7 three years and diverts existing money from the State Land Trust, **which**
currently funds existing school and classroom programs.

8 What are out-of-school learning and enrichment opportunities?

9 The measure defines out-of-school learning and enrichment opportunities as any
10 program, service, system, activity, materials, or purchase that provides additional
11 educational or developmental support to youth outside of the regular school day.
12 These opportunities can include, but are not limited to, tutoring, targeted
13 assistance for youth with special needs, second language training, additional
14 academic learning support materials, career and technical educational training
15 programs, social emotional learning, and mental health services. The financial
16 aid provided by the program cannot be used for school tuition or for instruction or
17 materials that are part of the student's regular school curriculum.

18 How will the program work?

Colorado Learning Authority and board of directors. The measure
19 establishes a new state agency called the Colorado Learning Authority
20 (authority), **independent from the State Board of Education.** The authority will be
21 overseen by a nine-member board of directors (board), **initially** appointed by the
22 Governor. **Subsequent boards will be self-appointing. Qualifications to serve on**
23 **the board do not include any credentials related to education.** The authority and
24 its board will be responsible for:
25 • creating and administering the program;
26 • assisting and supporting providers in administering services to eligible youth;
27 • establishing how funds will be distributed;
28 • distributing financial aid to programs selected by eligible youth;
29 • implementing an evaluation system to measure the impacts of the program
30 and the quality of the providers; and
31 • working with selected parents and providers in determining the day-to-day
operations of the program.

32 **Program providers.** Under the measure, **the authority is not bound by Colorado**
33 **Academic standards, which are governed by the Board of Education. The**
34 **authority** is required to develop **self-determined** criteria for the selection and
35 certification of learning opportunity providers. School districts and other local
36 education agencies will be pre-certified as providers, and teachers will receive
37 priority approval as qualified providers. Other interested providers must submit
38 an application and be certified by the authority as an approved provider. A list of
39 approved local and statewide providers will be made available to program
40 participants.

41 **Financial aid distribution.** The program will pay providers chosen by parents
42 on behalf of eligible youth. Beginning in 2023, the measure requires that eligible
43 youth in families with incomes at or below the federal poverty level be given first
priority for financial aid, followed by youth in families with incomes up to twice the
federal poverty level. In 2021, the federal poverty level is \$26,600 for a
family of

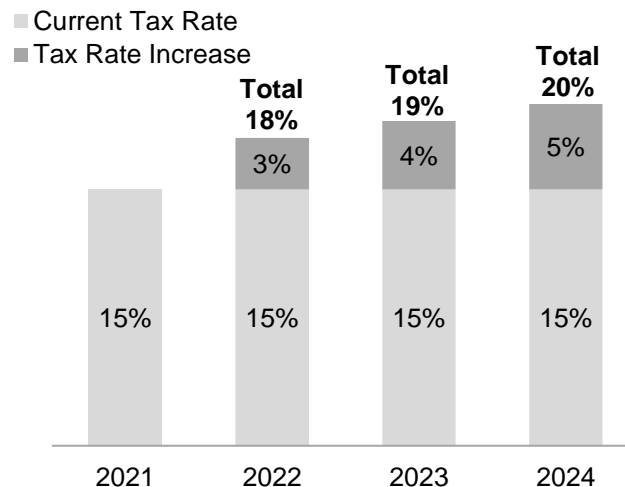
2nd Draft

four. After prioritizing these groups, the authority will distribute any remaining aid to other participating students. **There is no financial aid requirement to children at or below the federal poverty level after 2024.**

How will the program be funded?

The measure funds the program in two ways. First, the measure implements a phased sales tax increase on retail marijuana and marijuana products from the current 15 percent rate to 18 percent in 2022, 19 percent in 2023, and 20 percent in 2024 and each year thereafter. The proposed marijuana sales tax increase is shown in Figure 1. Second, the measure shifts money from existing state funds, including the State Land Trust and the General Fund. For further information on how the program will be funded, refer to the fiscal impact section at the end of the analysis.

Figure 1
Phased Sales Tax Rate Increase on Marijuana Under the Measure



For information on those issue committees that support or oppose the measures on the ballot at the November 2, 2021, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

Arguments For Proposition ?

- 1) The gap in spending on student enrichment activities between low-income and high-income families has more than doubled since the 1970s. The COVID-19 pandemic has made the learning gap between low-income students and their higher-income peers even larger. The program is a step toward closing the gap between families who can afford to provide enrichment opportunities for their children and those who cannot.

2nd Draft

- 1 2) Proposition ? supports the academic, social-emotional, and technical
 2 education needs of low-income students, while allowing families to choose
 3 services based on the individual needs of their student. This support will help
 4 make up for the loss in recent years of public school enrichment programs,
 5 such as music, arts, and career and technical education, while also bolstering
 6 tutoring and supplemental academic instruction in core subject areas.
 7 Further, the program creates opportunities for teachers to earn money as
 8 program providers.

9 **Arguments Against Proposition ?**

- 10 1) This new program cuts millions from the permanent education fund which will
 11 take education funds away from teacher salaries and classroom supplies
 12 critical to helping children learn. The new program costs too much in
 13 bureaucratic and administrative costs. The Authority can spend up to 10% of
 14 its annual budget on administrative costs. The annual budget of the Authority,
 15 (\$10.9M) is nearly twice the annual budget of the entire Colorado Department
 16 of Education, (\$5.79M FY 2021-2022).
- 17 2) Proposition? allows public money to be directed to private out-of-school
 18 service providers (including religious based schools) instead of investing it
 19 directly into public schools. Local School Boards will not have control or
 20 oversight over use of these tax dollars or what is being taught. Taxpayer
 21 transparency is also an issue due to the lack of accountability. Public dollars
 22 set aside for education are needed to support the public education system. If
 23 voters want to increase retail marijuana taxes for education, the revenue
 24 would be better used to expand the capacity of public schools in every
 25 community, keeping the money under local control and allowing them to
 26 reinstate programs they have had to cut and to provide additional learning
 27 and enrichment opportunities for children.

28
 29
 30
 31
 32 **Fiscal Impact for Proposition ?**
 33
 34

35 **State spending.** Proposition ? will increase state expenditures from the newly
 36 created Learning Enrichment and Academic Progress Fund by an estimated
 37 \$55.8 million in budget year 2021-22 and \$109.1 million in budget year 2022-23
 38 and in future years. The amount for state budget year 2021-22 is a half-year
 39 impact. Expenditures will include administration of the Learning Enrichment and
 40 Academic Progress Program and the financial aid award amounts distributed to
 41 parents. The change in state spending will equal the change in state revenue
 42 and transfers.
 43
 44

2nd Draft

Transfers of state funds. Proposition ? will divert \$21.0 million in budget year 2021-22 and \$22.0 million beginning in budget year 2022-23 in State Land Trust revenue from the Permanent Fund to the State Public School Fund. **This diversion results in an estimated \$70.5 million loss to the State Land Trust in interest revenue over 10-years.** The measure then transfers a corresponding amount of revenue each year from the General Fund to the newly created Learning Enrichment and Academic Progress Fund. The money transferred is not subject to state constitutional spending limits.

Taxpayer impacts. Proposition ? will increase the amount of sales taxes paid by Coloradans who purchase marijuana products. State law requires Legislative Council Staff to estimate the potential tax burden on affected taxpayers within specified income categories. Legislative Council Staff estimates are based on the best available data from the U.S. Bureau of Labor Statistics and Centers for Disease Control and Prevention. Because there are no data available about marijuana use and spending, data about the usage of and spending on tobacco products by income group are used to produce the estimates in Table 1. Table 1 below shows the following information on taxpayers impacted by the measure, as required by Colorado law:

- the estimated number of taxpayers by income category;
- the total change in tax burden for each income category; and
- the average change in tax burden for individuals in each income category.

Table 1

Estimated Impact on Retail Marijuana Consumers by Income Category in State Budget Year 2024-25

Income Category¹	Estimated Number of Taxpayers	Total Change in Tax Burden	Average Change in Tax Burden
\$14,999 or less	280,184	\$15.0 million	\$54
\$15,000 to \$29,999	253,933	\$19.9 million	\$78
\$30,000 to \$39,999	145,639	\$14.3 million	\$98
\$40,000 to \$49,999	98,995	\$12.5 million	\$127
\$50,000 to \$69,999	146,190	\$21.4 million	\$146
\$70,000 to \$99,999	110,694	\$25.4 million	\$230
\$100,000 to \$149,999	75,914	\$19.0 million	\$250
\$150,000 to \$199,999	37,703	\$5.4 million	\$143
\$200,000 to \$249,999	22,462	\$2.1 million	\$92
\$250,000 to \$499,999	14,873	\$1.2 million	\$83
\$500,000 to \$999,999	5,481	\$0.8 million	\$151
\$1,000,000 or more	2,601	\$0.6 million	\$238
Total	1,194,668	\$137.6 million	-

¹Federal adjusted gross income

**Initiative 25
Learning Enrichment and Academic Progress Program
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Initiative 25
Learning Enrichment and Academic Progress Program
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Proposition 119
Learning Enrichment and Academic Progress Program

1 **Ballot Title:**

2 SHALL STATE TAXES BE INCREASED \$137,600,000 ANNUALLY ON RETAIL MARIJUANA
3 SALES BY A CHANGE TO THE COLORADO REVISED STATUTES CONCERNING THE
4 CREATION OF A PROGRAM TO PROVIDE OUT-OF-SCHOOL LEARNING OPPORTUNITIES
5 FOR COLORADO CHILDREN AGED 5 TO 17, AND, IN CONNECTION THEREWITH,
6 CREATING AN INDEPENDENT STATE AGENCY TO ADMINISTER THE PROGRAM FOR
7 OUT-OF-SCHOOL LEARNING OPPORTUNITIES CHOSEN BY PARENTS; FUNDING THE
8 PROGRAM BY INCREASING THE RETAIL MARIJUANA SALES TAX BY 5% BY 2024 AND
9 REALLOCATING A PORTION OF THE PUBLIC SCHOOL LANDS INCOME; AUTHORIZING
10 TRANSFERS AND REVENUE FOR PROGRAM FUNDING AS A VOTER-APPROVED
11 REVENUE CHANGE; SPECIFYING THAT LEARNING OPPORTUNITIES INCLUDE TUTORING
12 AND EXTRA INSTRUCTION IN SUBJECTS INCLUDING READING, MATH, SCIENCE,
13 WRITING, MUSIC, AND ART, TARGETED SUPPORT FOR CHILDREN WITH SPECIAL NEEDS
14 AND LEARNING DISABILITIES, CAREER AND TECHNICAL EDUCATION TRAINING, AND
15 OTHER ACADEMIC OR ENRICHMENT OPPORTUNITIES; AND PRIORITIZING PROGRAM
16 FINANCIAL AID FOR LOW-INCOME STUDENTS?

17 **Text of Measure:**

18 *Be it Enacted by the People of the State of Colorado:*

19 **SECTION 1.** In Colorado Revised Statutes, **add** article 86.1 to title 22 as follows:

20 ARTICLE 86.1
21 LEARNING ENRICHMENT AND ACADEMIC PROGRESS (LEAP) PROGRAM

22 **22-86.1-101. Legislative declaration.** THE VOTERS OF THE STATE OF COLORADO FIND AND
23 DECLARE THAT:

24 (1) OUT-OF-SCHOOL LEARNING OPPORTUNITIES ARE CRITICAL FOR ALL COLORADO CHILDREN AND
25 YOUTH. THESE LEARNING OPPORTUNITIES, DURING PERIODS AND TIMEFRAMES OUTSIDE OF THEIR
26 REGULAR SCHOOL SCHEDULES, PROVIDE ESSENTIAL ACADEMIC AND LIFE SKILLS FOR CHILDREN AND
27 YOUTH TO THRIVE IN SCHOOL AND LIFE. THESE LEARNING OPPORTUNITIES ARE CRITICAL TO
28 MAINTAINING AND ENHANCING ACADEMIC PERFORMANCE AND MENTAL, PHYSICAL, AND EMOTIONAL
29 HEALTH FOR ALL CHILDREN.

30 (2) THE INTENT OF THE VOTERS IN ENACTING THIS ARTICLE 86.1 IS TO CREATE A STATEWIDE LEARNING
31 PROGRAM THAT WILL PROVIDE CONSISTENT AND RELIABLE ACCESS TO LEARNING OPPORTUNITIES FOR
32 ALL OF COLORADO'S CHILDREN AND YOUTH OUTSIDE OF THEIR REGULAR SCHOOL SCHEDULES. IT IS
33 FURTHER INTENDED THAT SUCH PROGRAM WILL ALLOW FOR: TUTORING AND SUPPLEMENTAL ACADEMIC
34 INSTRUCTION IN CORE SUBJECT AREAS, INCLUDING READING, MATHEMATICS, SCIENCE, AND WRITING;
35 TARGETED SUPPORT FOR CHILDREN AND YOUTH WITH SPECIAL NEEDS AND LEARNING DISABILITIES;
36 ACCESS TO MENTAL, PHYSICAL, AND EMOTIONAL HEALTH COUNSELING AND SERVICES; ENGLISH
37 LANGUAGE AND FOREIGN LANGUAGE ACQUISITION; ACCESS TO ADDITIONAL LEARNING SUPPLIES AND
38 MATERIALS, ESPECIALLY FOR RURAL STUDENTS; AND OTHER PROGRAMS THAT PROVIDE ACADEMIC OR

1 ENRICHMENT OPPORTUNITIES NO LONGER OFFERED IN MANY SCHOOLS, INCLUDING, BUT NOT LIMITED
2 TO: MUSIC, DANCE, ARTS, AND CAREER AND TECHNICAL EDUCATION TRAINING.

3 (3) CREATING THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS PROGRAM WILL ENSURE THAT
4 THESE LEARNING EXPERIENCES ARE EQUALLY AVAILABLE TO ALL COLORADO CHILDREN AND YOUTH
5 AND THAT FAMILIES WILL HAVE THE AUTHORITY AND RESPONSIBILITY TO CHOOSE PROGRAMS,
6 EXPERIENCES, AND ACTIVITIES THAT THEY BELIEVE TO BE THE BEST FIT FOR THEIR CHILD OR YOUTH.

7 (4) ALL CHILDREN HAVE UNIQUE STRENGTHS, NEEDS, AND LEARNING STYLES. ENCOURAGING
8 INNOVATION IN THE CREATION AND PROVISION OF NEW AND EXPANDED LEARNING OPPORTUNITIES
9 STATEWIDE WILL BENEFIT COLORADO'S CHILDREN AND YOUTH AND REINFORCE THE LEARNING THAT
10 TAKES PLACE IN MANY SCHOOL ENVIRONMENTS.

11 (5) IMPLEMENTATION OF THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS PROGRAM WILL
12 PROVIDE BENEFITS TO COLORADO COMMUNITIES BY PROVIDING: SUPPLEMENTAL SUPPORT TO
13 STUDENTS THAT WILL ACCRUE TO THE BENEFIT OF STUDENTS, THEIR FAMILIES, AND THEIR IN-SCHOOL
14 EDUCATORS; ADDITIONAL EMPLOYMENT OPPORTUNITIES FOR INDIVIDUAL EDUCATORS AND PROVIDERS;
15 AND INCREASED ECONOMIC STABILITY FOR STUDENTS AND FAMILIES.

16 (6) PROVIDING ADDITIONAL MONEY TO THE STATE PUBLIC SCHOOL FUND ENSURES THAT THE ONGOING
17 FINANCIAL COSTS OF THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS PROGRAM HAS MINIMAL
18 FINANCIAL IMPACT ON THE STATE GENERAL FUND.

19 (7) BY APPLYING A STATE SALES TAX TO RETAIL MARIJUANA AND TRANSFERRING A PORTION OF
20 REVENUES EARNED ON COLORADO'S SCHOOL TRUST LANDS TO THE STATE PUBLIC SCHOOL FUND, THE
21 STATE WILL BE ABLE TO FUND THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS PROGRAM FOR
22 COLORADO CHILDREN AND YOUTH.

23 **22-86.1-102. Definitions.** AS USED IN THIS ARTICLE 86.1, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (1) "AUTHORITY" MEANS THE COLORADO LEARNING AUTHORITY CREATED BY SECTION 22-86.1-103.

26 (2) "BOARD" MEANS THE COLORADO LEARNING AUTHORITY BOARD OF DIRECTORS CREATED BY
27 SECTION 22-86.1-105.

28 (3) "ELIGIBLE CHILD OR YOUTH" MEANS A CHILD OR YOUTH WHO IS FIVE YEARS OF AGE OR OLDER IN A
29 QUALIFYING YEAR BUT WHO IS UNDER EIGHTEEN YEARS OF AGE AND WHO RESIDES IN COLORADO AND
30 IS, OR WILL BE, ELIGIBLE FOR ADMISSION TO PUBLIC SCHOOL WITHIN THE STATE.

31 (4) "LEARNING ENRICHMENT AND ACADEMIC PROGRESS PROGRAM" OR "LEAP PROGRAM" OR
32 "PROGRAM" MEANS THE LEARNING PROGRAM CREATED IN THIS ARTICLE 86.1.

33 (5) "LEARNING OPPORTUNITIES FUND" OR "FUND" MEANS THE LEARNING ENRICHMENT AND ACADEMIC
34 PROGRESS FUND CREATED BY SECTION 22-86.1-106.

35 (6) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES,
36 A DISTRICT CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL.

37 (7)(a) "OUT-OF-SCHOOL LEARNING OPPORTUNITY" OR "LEARNING OPPORTUNITY" MEANS A PROGRAM,
38 SERVICE, SYSTEM, ACTIVITY, MATERIALS, OR OTHER PURSUIT OR PURCHASE THAT PROVIDES

1 SUPPLEMENTAL EDUCATIONAL OR DEVELOPMENTAL SUPPORT TO ELIGIBLE CHILDREN OR YOUTH
2 OUTSIDE OF NORMAL SCHOOL OPERATIONS.

3 (b) "LEARNING OPPORTUNITY" INCLUDES, BUT IS NOT LIMITED TO: TUTORING AND SUPPLEMENTAL
4 ACADEMIC INSTRUCTION IN CORE SUBJECT AREAS, INCLUDING READING, MATHEMATICS, SCIENCE, AND
5 WRITING; TARGETED SUPPORT FOR CHILDREN AND YOUTH WITH SPECIAL NEEDS AND LEARNING
6 DISABILITIES; ENGLISH LANGUAGE AND FOREIGN LANGUAGE ACQUISITION; CAREER AND TECHNICAL
7 EDUCATION TRAINING; OTHER PROGRAMS THAT PROVIDE ACADEMIC OR ENRICHMENT OPPORTUNITIES;
8 AND REASONABLE AND NECESSARY MATERIALS AND SUPPLIES TO COMPLETE OR PARTICIPATE IN A
9 LEARNING OPPORTUNITY.

10 (c) "LEARNING OPPORTUNITY" ALSO INCLUDES EMOTIONAL AND PHYSICAL THERAPY, MENTAL HEALTH
11 SERVICES, SOCIAL EMOTIONAL LEARNING, MENTORING, AND OTHER SERVICES THAT SUPPORT
12 STUDENTS IN THEIR PURSUIT OF A HOLISTIC AND MEANINGFUL EDUCATION.

13 (d) "LEARNING OPPORTUNITY" DOES NOT INCLUDE IN-SCHOOL INSTRUCTION, SERVICES, MATERIALS,
14 CURRICULA, OR PROGRAMS PROVIDED AS PART OF A NORMAL COURSE OF STUDY CONDUCTED IN
15 ACCORDANCE WITH A STUDENT'S COMPULSORY ATTENDANCE REQUIREMENTS UNDER
16 SECTION 22-33-104. "LEARNING OPPORTUNITY" DOES NOT INCLUDE CREDIT RECOVERY PROGRAMS
17 REGARDLESS OF THE TIME OF DAY OR DAY OF THE WEEK THEY ARE OFFERED. "LEARNING
18 OPPORTUNITY" DOES NOT INCLUDE PAYMENT OF SCHOOL TUITION.

19 (8) "PARENT" MEANS A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE CHILD OR YOUTH OR AN INDIVIDUAL
20 WHO STANDS IN LOCO PARENTIS OF AN ELIGIBLE CHILD OR YOUTH.

21 **22-86.1-103. The learning enrichment and academic progress program and authority -**
22 **establishment - purposes - powers.** (1) THERE IS HEREBY ESTABLISHED AN INDEPENDENT AGENCY
23 WITHIN THE DEPARTMENT OF EDUCATION, THE COLORADO LEARNING AUTHORITY. THE AUTHORITY
24 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF IT WERE TRANSFERRED
25 TO THE DEPARTMENT BY A **TYPE 1** TRANSFER UNDER THE PROVISIONS OF THE "ADMINISTRATIVE
26 ORGANIZATION ACT OF 1968," ARTICLE 1 OF TITLE 24. IN ADDITION TO ANY OTHER STATUTORY
27 POWERS, DUTIES, AND FUNCTIONS OF THE AUTHORITY, THE AUTHORITY MAY PERFORM ALL BUDGETING,
28 PURCHASING, PLANNING, AND RELATED MANAGEMENT FUNCTIONS INDEPENDENTLY OF THE
29 DEPARTMENT, THE STATE BOARD OF EDUCATION, AND THE COMMISSIONER OF EDUCATION.

30 (2) THERE IS HEREBY CREATED THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS PROGRAM FOR
31 THE DISTRIBUTION OF FINANCIAL AID ON BEHALF OF ELIGIBLE CHILDREN OR YOUTH IN COLORADO TO BE
32 USED FOR LEARNING OPPORTUNITIES.

33 (3) THE AUTHORITY SHALL:

34 (a) SEEK TO INCREASE ACCESS TO LEARNING OPPORTUNITIES FOR EVERY ELIGIBLE CHILD OR YOUTH,
35 ENSURE A BROAD DIVERSITY OF LEARNING OPPORTUNITIES AND PROVIDERS, AND HELP PARENTS
36 CHOOSE RESOURCES FOR THEIR CHILD OR YOUTH.

37 (b) CREATE AND DEVELOP CRITERIA FOR THE PROVISION AND SELECTION OF LEARNING OPPORTUNITIES
38 FOR DISTRIBUTION OF FUNDS, CONSISTENT WITH AND IN FURTHERANCE OF THE GOALS AND PURPOSES
39 STATED IN SECTION 22-86.1-101, TO BE PROVIDED WITHIN THE STATE OF COLORADO FOR ELIGIBLE
40 CHILDREN OR YOUTH. AN ALLOWABLE USE OF FINANCIAL AID INCLUDES REASONABLE EXPENSES FOR
41 TRANSPORTATION OF AN ELIGIBLE CHILD OR YOUTH TO AND FROM LEARNING OPPORTUNITIES. IT IS THE
42 INTENT OF THE PEOPLE THAT THE FINANCIAL AID DISTRIBUTED WILL BE NEW DOLLARS TO SPEND ON

1 NEW SERVICES AND MUST NOT SUPPLANT EXISTING PUBLIC OR CHARITABLE FUNDING FOR PROGRAMS
2 AVAILABLE TO ELIGIBLE CHILDREN OR YOUTH.

3 (c) CREATE AND DEVELOP CRITERIA FOR PUBLICATION, SOLICITATION, RECEIPT, AND EVALUATION OF
4 APPLICATIONS FROM POTENTIAL PROVIDERS OF LEARNING OPPORTUNITIES UNDER THE PROGRAM.
5 SUCH CRITERIA MUST MAXIMIZE THE NUMBER AND DIVERSITY OF PROVIDERS THAT PARENTS AND
6 ELIGIBLE CHILDREN OR YOUTH CAN CHOOSE, MUST ENABLE PARENTS TO EVALUATE THE PROVIDER
7 ONCE SERVICES HAVE BEEN RECEIVED, AND MUST ALSO ENSURE THAT SMALL COMMUNITY-BASED
8 PROVIDERS ARE ELIGIBLE AND ABLE TO PARTICIPATE IN THE PROGRAM.

9 (d) CREATE AND DEVELOP CRITERIA TO CERTIFY PROVIDERS OF LEARNING OPPORTUNITIES UNDER THE
10 PROGRAM. IN THE INTEREST OF FACILITATING ACADEMIC INTERVENTIONS FOR STUDENTS WHO ARE
11 BEHIND THEIR GRADE LEVEL, THE AUTHORITY SHALL PRE-CERTIFY LOCAL SCHOOL DISTRICTS, BOARDS
12 OF COOPERATIVE SERVICES, AND OTHER LOCAL EDUCATION PROVIDERS AND CREATE A PROCESS TO
13 ENSURE PRIORITY APPROVAL OF EDUCATORS AS QUALIFIED PROVIDERS. THE AUTHORITY IS NOT
14 ELIGIBLE FOR CERTIFICATION AS A PROVIDER. MINIMUM REQUIREMENTS TO BE AN ELIGIBLE PROVIDER
15 MUST INCLUDE BEING AUTHORIZED TO DO BUSINESS IN COLORADO AND CARRYING SUFFICIENT
16 LIABILITY INSURANCE AS DETERMINED BY THE AUTHORITY. THE AUTHORITY MAY PROVIDE REASONABLE
17 SUPPORT TO PROVIDERS TO ENSURE A BROAD REPRESENTATION OF PROVIDERS CAN MEET THE
18 REQUIREMENTS OF THIS SUBSECTION (3). IMMEDIATE FAMILY MEMBERS ARE NOT ELIGIBLE TO BE
19 QUALIFIED PROVIDERS IN THE PROVISION OF SERVICES TO THEIR CHILD OR YOUTH. THE AUTHORITY
20 SHALL DETERMINE UNDER WHAT CIRCUMSTANCES A QUALIFIED PROVIDER LOSES THEIR CERTIFICATION
21 AND MAY BAN PROVIDERS WHO HAVE ENGAGED IN FRAUD OR OTHER SPECIOUS FINANCIAL ACTIVITIES,
22 WITHIN THE SCOPE OF THIS PROGRAM, FROM PROVIDING SERVICES TO ELIGIBLE CHILDREN OR YOUTH.

23 (e) CREATE AND DEVELOP CRITERIA TO ESTABLISH PROCEDURES TO ENSURE CHILD OR YOUTH SAFETY,
24 INCLUDING THE PROVISION OF RECENT BACKGROUND CHECKS PROVIDED THROUGH THE COLORADO
25 BUREAU OF INVESTIGATION OR SIMILAR FEDERAL AGENCY FOR PROVIDERS WHO COME IN CONTACT
26 WITH CHILDREN OR YOUTH.

27 (f) CREATE AND DEVELOP CRITERIA TO ESTABLISH AND MANAGE FINANCIAL AID ON BEHALF OF PARENTS
28 AND TO COMPENSATE APPROVED PROVIDERS OF LEARNING OPPORTUNITIES FOR ELIGIBLE USES
29 SPECIFICALLY AND INDEPENDENTLY CHOSEN BY PARENTS AND PROVIDED TO AN ELIGIBLE CHILD OR
30 YOUTH. THE FINANCIAL AID FUNDS MUST BE PROVIDED AND ADMINISTERED WITH THE METHOD OF
31 DISTRIBUTION TO BE DETERMINED BY THE AUTHORITY AND SUBJECT TO THE MAXIMUM FINANCIAL AID
32 AMOUNT PER ELIGIBLE CHILD OR YOUTH AS DETERMINED BY THE AUTHORITY AS FOLLOWS:

33 (I) IN DETERMINING THE METHOD OF DISTRIBUTION, THE AUTHORITY SHALL PRIORITIZE LOW-INCOME
34 FAMILIES WITH CHILDREN OR YOUTH WHO COULD NOT OTHERWISE AFFORD LEARNING OPPORTUNITIES.
35 WITHIN THE PRIORITIZED INCOME CATEGORY OF CHILDREN AND YOUTH, THE AUTHORITY MAY PLACE AN
36 ADDITIONAL PRIORITY ON THOSE ELIGIBLE CHILDREN OR YOUTH WHO ARE NOT PROFICIENT AT GRADE
37 LEVEL IN READING, MATH, OR OTHER CORE ACADEMIC AREAS, OR WHO HAVE SPECIAL EDUCATIONAL,
38 PHYSICAL, OR EMOTIONAL NEEDS OR DISABILITIES.

39 (II) IN CALENDAR YEAR 2022, THE AUTHORITY SHALL, TO THE MAXIMUM EXTENT PRACTICABLE,
40 DISTRIBUTE FINANCIAL AID FOR ELIGIBLE CHILDREN OR YOUTH.

41 (III) IN CALENDAR YEAR 2023, THE AUTHORITY SHALL ENSURE THAT THE TOTAL ANNUAL FINANCIAL AID
42 DISTRIBUTION FOR EACH PRIORITIZED ELIGIBLE CHILD OR YOUTH PARTICIPATING IN THE PROGRAM IS AT
43 LEAST ONE THOUSAND FIVE HUNDRED DOLLARS, AND MAY PROVIDE FINANCIAL AID AWARDS TO
44 NON-PRIORITIZED ELIGIBLE CHILDREN OR YOUTH IN AMOUNTS LESS THAN ONE THOUSAND FIVE

1 HUNDRED DOLLARS AS DETERMINED BY THE AUTHORITY. THE AUTHORITY MAY CHOOSE TO HAVE ONE
2 APPLICATION AND FINANCIAL AID DISBURSAL PERIOD OR MORE THAN ONE. FOR EACH DISBURSAL
3 PERIOD, THE AUTHORITY SHALL AWARD FINANCIAL AID AS FOLLOWS:

4 (A) FINANCIAL AID MUST BE DISTRIBUTED FIRST TO ELIGIBLE CHILDREN OR YOUTH WHO RESIDE IN
5 HOUSEHOLDS THAT ARE AT OR BELOW ONE HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL.

6 (B) AFTER ALL ELIGIBLE CHILDREN OR YOUTH RESIDING IN HOUSEHOLDS AT OR BELOW ONE HUNDRED
7 PERCENT OF THE FEDERAL POVERTY LEVEL WHO HAVE CHOSEN TO PARTICIPATE IN THE PROGRAM HAVE
8 RECEIVED FINANCIAL AID, THE AUTHORITY SHALL DISTRIBUTE FINANCIAL AID TO ELIGIBLE CHILDREN OR
9 YOUTH WHO RESIDE IN HOUSEHOLDS THAT ARE GREATER THAN ONE HUNDRED AND LESS THAN TWO
10 HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL.

11 (C) AFTER ALL ELIGIBLE CHILDREN OR YOUTH RESIDING IN HOUSEHOLDS THAT ARE GREATER THAN ONE
12 HUNDRED AND LESS THAN TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL WHO HAVE
13 CHOSEN TO PARTICIPATE IN THE PROGRAM HAVE RECEIVED FINANCIAL AID, THE AUTHORITY SHALL
14 DISTRIBUTE FINANCIAL AID TO ELIGIBLE CHILDREN OR YOUTH WHO RESIDE IN HOUSEHOLDS THAT ARE
15 AT OR ABOVE TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL.

16 (IV) IN CALENDAR YEAR 2024 AND IN SUBSEQUENT CALENDAR YEARS, THE AUTHORITY SHALL
17 DETERMINE THE FINANCIAL AID AWARD AMOUNTS TO BE PROVIDED TO ELIGIBLE CHILDREN OR YOUTH
18 AND THE METHOD AND TIMING OF DISTRIBUTION.

19 (V) IN DETERMINING THE MANNER IN WHICH FAMILIES QUALIFY FOR THE PROGRAM, THE AUTHORITY
20 SHOULD ENSURE SIMPLE AND EASILY UNDERSTANDABLE APPLICATION FORMS AND PROCESSES. THE
21 AUTHORITY HAS CONTROL OVER WHEN AND HOW FINANCIAL AID IS DISTRIBUTED TO APPROVED
22 PROVIDERS THAT THE PARENTS CHOOSE, SUBJECT TO ADMINISTRATIVE RULES ADOPTED BY THE
23 BOARD. SUCH FINANCIAL AID MUST FURTHER BE PROVIDED AND ADMINISTERED IN A MANNER THAT DOES
24 NOT DISCRIMINATE AGAINST ANY ELIGIBLE CHILD OR YOUTH, ELIGIBLE CHILD OR YOUTH'S FAMILY,
25 PROVIDER, OR LEARNING OPPORTUNITY ON THE BASIS OF RACE, ETHNICITY, COLOR, NATIVE LANGUAGE,
26 RELIGIOUS AFFILIATION, NATIONAL ORIGIN, GENDER, MILITARY STATUS, SEXUAL ORIENTATION, GENDER
27 VARIANCE, MARITAL STATUS, OR PHYSICAL OR MENTAL DISABILITY.

28 (g) CREATE MULTIPLE-YEAR FINANCIAL AID AS PRACTICABLE FOR LOW-INCOME ELIGIBLE CHILDREN OR
29 YOUTH RESIDING IN HOUSEHOLDS THAT ARE LESS THAN TWO HUNDRED PERCENT OF THE FEDERAL
30 POVERTY LEVEL TO ENSURE THOSE ELIGIBLE CHILDREN OR YOUTH HAVE THE ASSURANCE OF FUNDING
31 FOR A MINIMUM OF A THREE-YEAR PERIOD REGARDLESS OF CHANGES TO THE FAMILY'S INCOME LEVEL
32 AND TO PROVIDE STABILITY FOR THOSE CHILDREN OR YOUTH.

33 (h) CREATE AND DEVELOP CRITERIA AND PROTOCOLS FOR ROLLOVER OF UNUSED FUNDS FOR EACH
34 FINANCIAL AID RECIPIENT, FOR USE BY THE RECIPIENT IN ADDITIONAL LEARNING OPPORTUNITIES UNDER
35 THE PROGRAM. ANY FINANCIAL AID OF A CHILD OR YOUTH WHO NO LONGER QUALIFIES AS AN ELIGIBLE
36 CHILD OR YOUTH MUST REVERT BACK TO THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS FUND.
37 FINANCIAL AID FUNDS MAY ACCUMULATE FOR THREE YEARS, BUT UPON THE START OF THE FOURTH
38 YEAR OF FUNDING, THE ENTIRETY OF THE FUNDS, EXCEPTING THE NEWLY AWARDED FOURTH-YEAR
39 FUNDS, REVERT BACK TO THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS FUND. AT THE TIME
40 AN ELIGIBLE CHILD OR YOUTH REACHES THE AGE OF EIGHTEEN, ANY REMAINING FINANCIAL AID FOR
41 THAT CHILD OR YOUTH MUST REVERT BACK TO THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS
42 FUND.

- 1 (i) CAUSE TO BE CONDUCTED, AND MAKE PUBLICLY AVAILABLE, ANNUAL INDEPENDENT FINANCIAL
2 AUDITS OF THE AUTHORITY. SUCH AUDITS MUST BE CONDUCTED BY CERTIFIED PUBLIC ACCOUNTANTS
3 AND MUST BE FILED WITH THE BOARD NO LATER THAN JULY 1 OF EACH YEAR FOR THE PREVIOUS
4 CALENDAR YEAR. AS A COMPONENT OF THE AUDITS, THE AUDITOR SHALL SELECT A REPRESENTATIVE
5 SAMPLE OF PROVIDERS AND EVALUATE WHETHER THE FUNDS WERE USED FOR THE PURPOSES
6 OUTLINED IN THIS SECTION. ADDITIONALLY, THE AUTHORITY MAY CONTRACT WITH A THIRD-PARTY
7 EVALUATOR TO EVALUATE THE EFFICACY OF PROVIDERS. THE AUTHORITY SHALL REDACT ALL NAMES
8 OF TAXPAYERS AND SOCIAL SECURITY NUMBERS OR TAX IDENTIFICATION NUMBERS BEFORE PUBLICLY
9 RELEASING ANY AUDIT OR OTHER FINANCIAL REPORT.
- 10 (j) TO THE MAXIMUM EXTENT PRACTICABLE, CREATE AND IMPLEMENT AN EVALUATION SYSTEM BY
11 JANUARY 1, 2024, TO MEASURE THE IMPACTS OF LEARNING OPPORTUNITIES PROVIDED TO ELIGIBLE
12 STUDENTS AND TO ENSURE THAT LEARNING PROVIDERS ARE RATED BY QUANTITATIVE AND QUALITATIVE
13 RESULTS. THIS SYSTEM MUST ALSO INCORPORATE PARENT AND YOUTH FEEDBACK AND RATINGS AND
14 MUST BE PUBLICLY AND EASILY AVAILABLE FOR USE BY ELIGIBLE CHILDREN OR YOUTH AND THEIR
15 FAMILIES. AT A MINIMUM, THESE METRICS AND DATA MUST BE COLLECTED, ANALYZED, AND MADE
16 PUBLICLY AVAILABLE ANNUALLY. IN DESIGNING THE EVALUATION SYSTEM, THE AUTHORITY SHALL
17 PRIORITIZE:
- 18 (I) THE DEVELOPMENT OF A RANGE OF IMPACT METRICS THAT MAY ENCOMPASS QUALITATIVE,
19 QUANTITATIVE, SHORT-TERM, AND LONGITUDINAL DATA;
- 20 (II) THE INTEGRATION OF AUTHORITY-DEVELOPED DATA SYSTEMS WITH DATA SYSTEMS IN SCHOOL
21 DISTRICTS OR OTHER PUBLIC ENTITIES TO ASSESS FOR SHORT-TERM ACADEMIC IMPACT AND
22 LONG-TERM LIFE OUTCOMES; AND
- 23 (III) THE PROTECTION OF STUDENT AND FAMILY PERSONAL IDENTIFYING INFORMATION.
- 24 (4) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE COLORADO
25 LEARNING AUTHORITY HAS THE FOLLOWING DUTIES, SOME OR ALL OF WHICH MAY BE DELEGATED BY
26 CONTRACT:
- 27 (a) ADMINISTER, IN ACCORDANCE WITH CRITERIA ESTABLISHED UNDER SUBSECTION (3)(c) OF THIS
28 SECTION, THE PUBLICATION, SOLICITATION, RECEIPT, EVALUATION, AND SELECTION OF APPLICATIONS
29 FROM POTENTIAL PROVIDERS OF LEARNING OPPORTUNITIES UNDER THE PROGRAM TO WHICH PARENTS
30 MAY DIRECT FINANCIAL AID;
- 31 (b) ENTER INTO AGREEMENTS AND CONTRACTS AS NECESSARY WITH APPROVED PROVIDERS OF
32 LEARNING OPPORTUNITIES UNDER THE PROGRAM;
- 33 (c) DEVELOP, ESTABLISH, AND MANAGE A SYSTEM FOR RECEIPT, PROCESSING, AND EVALUATION OF
34 APPLICATIONS FROM ELIGIBLE CHILDREN OR YOUTH;
- 35 (d) ASSIST ELIGIBLE CHILDREN OR YOUTH, PARENTS, AND THEIR FAMILIES IN NAVIGATING AND
36 SELECTING AMONG AVAILABLE LEARNING OPPORTUNITIES;
- 37 (e) PROVIDE TECHNICAL, PROGRAMMATIC, AND CAPACITY BUILDING EXPERTISE AND FUNDING TO
38 INCREASE THE NUMBER AND QUALITY OF PROVIDERS;

1 (f) ESTABLISH, MANAGE, AND DISTRIBUTE FINANCIAL AID FOR ELIGIBLE CHILDREN OR YOUTH FUNDED BY
2 THE LEARNING OPPORTUNITIES FUND TO PAY APPROVED PROVIDERS OF APPROVED LEARNING
3 OPPORTUNITIES; AND

4 (g) PROVIDE TECHNOLOGY SERVICES, SUBJECT TO CRITERIA ESTABLISHED AND DETERMINED BY THE
5 AUTHORITY, FOR PURPOSES OF MONITORING AND TRACKING THE USE OF FINANCIAL AID BY ELIGIBLE
6 CHILDREN OR YOUTH AND APPROVED PROVIDER PERFORMANCE AND PAYMENTS.

7 (5) NO MORE THAN TEN PERCENT OF MONEY FROM THE LEARNING ENRICHMENT AND ACADEMIC
8 PROGRESS FUND MAY BE SPENT ON ADMINISTRATIVE EXPENSES IN ANY FISCAL YEAR AFTER THE END
9 OF FISCAL YEAR 2025. THE AUTHORITY SHALL ANNUALLY REVIEW THE PERCENTAGE OF MONEY FROM
10 THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS FUND THAT CAN BE SPENT ON ADMINISTRATIVE
11 EXPENSES AND REDUCE THE PERCENTAGE AS POSSIBLE.

12 (6) THE AUTHORITY IS SUBJECT TO ALL THE APPLICABLE REQUIREMENTS OF THE "COLORADO OPEN
13 RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., AND THE "COLORADO OPEN MEETINGS
14 LAW", PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S.

15 (7)(a) THE AUTHORITY SHALL ENSURE THAT THE LEARNING PROGRAM IS ADMINISTERED IN A MANNER
16 THAT:

17 (I) PROVIDES ASSISTANCE TO BENEFIT ELIGIBLE CHILDREN OR YOUTH ON BEHALF OF PARENTS WHO
18 HAVE SPECIFICALLY AND INDEPENDENTLY CHOSEN A LEARNING OPPORTUNITY, NOT ANY PARTICULAR
19 QUALIFIED PROVIDER;

20 (II) DOES NOT DISCRIMINATE AGAINST ANY ELIGIBLE CHILD OR YOUTH, ELIGIBLE CHILD OR YOUTH'S
21 FAMILY, OR PROVIDER'S RELIGIOUS AFFILIATION;

22 (III) ENSURES THAT THE PROGRAM DOES NOT REQUIRE ANY COURSES IN RELIGION OR THEOLOGY; AND

23 (IV) DOES NOT DENY ANY ELIGIBLE CHILD OR YOUTH THE PROGRAM'S BENEFITS BASED ON THE
24 RELIGIOUS CHARACTER OF THE PROVIDER.

25 (b) NOTHING IN THIS SUBSECTION (7) GIVES ANY PERSON A PRIVATE CAUSE OF ACTION.

26 **22-86.1-104. Additional powers of the Colorado learning authority.** (1) IN ADDITION TO ANY
27 OTHER POWERS GRANTED TO THE AUTHORITY IN THIS ARTICLE 86.1, THE AUTHORITY HAS THE
28 FOLLOWING POWERS:

29 (a) TO ADOPT, HAVE, AND USE A SEAL AND TO ALTER THE SAME AT ITS PLEASURE;

30 (b) TO ENTER INTO ANY CONTRACT OR AGREEMENT NOT INCONSISTENT WITH THIS ARTICLE 86.1 OR
31 THE LAWS OF THIS STATE AND TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACTS,
32 EXECUTE ALL INSTRUMENTS, AND DO ALL THINGS NECESSARY OR CONVENIENT IN THE EXERCISE OF THE
33 POWERS GRANTED IN THIS ARTICLE 86.1;

34 (c) TO PURCHASE, LEASE, TRADE, EXCHANGE, OR OTHERWISE ACQUIRE, MAINTAIN, HOLD, IMPROVE,
35 MORTGAGE, LEASE, SELL, AND DISPOSE OF PERSONAL PROPERTY, WHETHER TANGIBLE OR INTANGIBLE,
36 OR ANY INTEREST THEREIN; AND TO PURCHASE, LEASE, TRADE, EXCHANGE, OR OTHERWISE ACQUIRE
37 REAL PROPERTY OR ANY INTEREST THEREIN AND TO MAINTAIN, HOLD, IMPROVE, MORTGAGE, LEASE, OR

1 OTHERWISE TRANSFER SUCH REAL PROPERTY, SO LONG AS SUCH TRANSACTIONS DO NOT INTERFERE
2 WITH THE MISSION OF THE AUTHORITY AS SPECIFIED IN SECTION 22-86.1-103;

3 (d) TO ACQUIRE SPACE, EQUIPMENT, SERVICES, SUPPLIES, AND INSURANCE NECESSARY TO CARRY OUT
4 THE PURPOSES OF THIS ARTICLE 86.1;

5 (e) TO CONTRACT FOR AND TO ACCEPT ANY GIFTS, GRANTS, OR LOANS OF FUNDS, PROPERTY, OR ANY
6 OTHER AID IN ANY FORM FROM THE FEDERAL GOVERNMENT, THE STATE, ANY STATE AGENCY, OR ANY
7 OTHER SOURCE, OR ANY COMBINATION THEREOF, AND TO COMPLY, SUBJECT TO THE PROVISIONS OF
8 THIS ARTICLE 86.1, WITH THE TERMS AND CONDITIONS THEREOF;

9 (f) TO FIX THE TIME AND PLACE OR PLACES AT WHICH ITS REGULAR AND SPECIAL MEETINGS ARE TO BE
10 HELD;

11 (g) TO ADOPT AND FROM TIME TO TIME AMEND OR REPEAL BYLAWS AND RULES AND REGULATIONS
12 CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE 86.1;

13 (h) TO APPOINT A TREASURER OF THE BOARD AND SUCH OTHER OFFICERS AS THE BOARD OF
14 DIRECTORS MAY DETERMINE AND PROVIDE FOR THEIR DUTIES AND TERMS OF OFFICE;

15 (i) TO APPOINT AN EXECUTIVE DIRECTOR AND SUCH AGENTS, EMPLOYEES, AND PROFESSIONAL AND
16 BUSINESS ADVISERS AS MAY FROM TIME TO TIME BE NECESSARY IN ITS JUDGMENT TO ACCOMPLISH THE
17 PURPOSES OF THIS ARTICLE 86.1, TO FIX THE COMPENSATION OF SUCH EXECUTIVE DIRECTOR,
18 EMPLOYEES, AGENTS, AND ADVISERS, AND TO ESTABLISH THE POWERS AND DUTIES OF ALL SUCH
19 AGENTS, EMPLOYEES, AND OTHER PERSONS CONTRACTING WITH THE AUTHORITY;

20 (j) TO MAKE AND EXECUTE AGREEMENTS, CONTRACTS, OR OTHER INSTRUMENTS NECESSARY OR
21 CONVENIENT TO THE EXERCISE OF THE POWERS AND FUNCTIONS OF THE AUTHORITY UNDER THIS
22 ARTICLE 86.1, INCLUDING BUT NOT LIMITED TO, CONTRACTS WITH ANY PERSON, FIRM, CORPORATION,
23 STATE AGENCY, LOCAL GOVERNMENT, OR OTHER ENTITY; AND

24 (k) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM
25 THE SPECIFIC POWERS GRANTED IN THIS ARTICLE 86.1, WHICH SPECIFIC POWERS MUST NOT BE
26 CONSIDERED AS A LIMITATION UPON ANY POWER NECESSARY OR APPROPRIATE TO CARRY OUT THE
27 PURPOSES AND INTENT OF THIS ARTICLE 86.1.

28 **22-86.1-105. Colorado learning authority - board of directors - powers and duties.** (1) THE
29 AUTHORITY CONSISTS OF A BOARD OF DIRECTORS, APPOINTED PURSUANT TO SUBSECTION (2) OF THIS
30 SECTION, AND ANY STAFF OR CONTRACT EMPLOYEES HIRED BY THE AUTHORITY AS AUTHORIZED BY
31 LAW. ANY STAFF HIRED BY THE AUTHORITY ARE EMPLOYEES SUBJECT TO THE STATE PERSONNEL
32 SYSTEM OF THIS STATE AS DEFINED IN SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION AND
33 ARTICLE 50 OF TITLE 24; EXCEPT THAT, ALL POSITIONS CLASSIFIED BY THE AUTHORITY AS
34 PROFESSIONAL OFFICERS AND PROFESSIONAL STAFF OF THE AUTHORITY ARE DECLARED TO BE
35 EDUCATIONAL IN NATURE AND EXEMPT FROM THE STATE PERSONNEL SYSTEM.

36 (2) THE BOARD CONSISTS OF NINE MEMBERS, NO MORE THAN FIVE OF WHOM ARE MEMBERS OF THE
37 SAME POLITICAL PARTY. MEMBERS MUST BE APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF
38 THE SENATE.

39 (a) MEMBERS OF THE INITIAL BOARD MUST BE APPOINTED BY JANUARY 15, 2022. IN MAKING THE
40 APPOINTMENTS, THE GOVERNOR SHALL SEEK BOARD MEMBERS WHO HAVE SIGNIFICANT EXPERIENCE

- 1 IN START-UP ENTERPRISES AND DELIVERING EDUCATIONAL SERVICES TO LOW-INCOME CHILDREN,
2 INCLUDING, FOR EXAMPLE, EXPERTISE IN:
- 3 (I) E-COMMERCE OR PAYMENT SYSTEMS;
 - 4 (II) CYBERSECURITY;
 - 5 (III) ORGANIZATIONAL START-UP AND STRUCTURE;
 - 6 (IV) NONPROFIT EXPERIENCE WITH SERVICES FOR LOW-INCOME FAMILIES AND COMMUNITIES;
 - 7 (V) EXPERIENCE IN KINDERGARTEN THROUGH 12TH GRADE EDUCATION, INCLUDING BUT NOT LIMITED,
8 TO EDUCATORS AND ADMINISTRATORS;
 - 9 (VI) CONSUMER TECHNOLOGY THAT CONNECTS PROVIDERS WITH CONSUMERS;
 - 10 (VII) OVERSEEING USER-DIRECTED ACCOUNTS; AND
 - 11 (VIII) DATABASE CREATION OR MANAGEMENT.
- 12 (b) AT LEAST ONE MEMBER OF THE INITIAL BOARD MUST BE A PARENT OF A CHILD WHO WOULD QUALIFY
13 AS A PRIORITIZED ELIGIBLE CHILD OR YOUTH FOR THE PROGRAM.
- 14 (c) MEMBERS OF THE INITIAL BOARD SHALL SERVE A SINGLE TERM OF THREE YEARS.
- 15 (d) THE TERM OF ANY MEMBER APPOINTED PRIOR TO JANUARY 1, 2025 EXPIRES ON
16 DECEMBER 31, 2024. THE GOVERNOR SHALL MAKE NEW APPOINTMENTS TO THE BOARD FOR TERMS
17 BEGINNING ON OR AFTER JANUARY 1, 2025 BY SELECTING NEW BOARD MEMBERS FROM A LIST OF
18 RECOMMENDED CANDIDATES GENERATED BY THE INITIAL BOARD THROUGH A PROCESS OPEN TO
19 APPLICATIONS FROM THE PUBLIC. THE GOVERNOR SHALL APPOINT ALL SUBSEQUENT NEW BOARD
20 MEMBERS FROM A LIST OF RECOMMENDED CANDIDATES GENERATED BY THE THEN-EXISTING BOARD
21 THROUGH A PROCESS OPEN TO APPLICATIONS FROM THE PUBLIC. EACH LIST MUST PROVIDE A MINIMUM
22 OF THREE RECOMMENDED CANDIDATES FOR EACH POSITION TO BE APPOINTED, OR SUCH LESSER
23 NUMBER AS THERE ARE APPLICATIONS. AFTER JANUARY 1, 2025, THE BOARD SHALL CONSIST OF ONE
24 RESIDENT OF EACH CONGRESSIONAL DISTRICT OF THE STATE AND ONE OR TWO AT-LARGE MEMBERS,
25 DEPENDING ON THE NUMBER OF CONGRESSIONAL DISTRICTS IN THE STATE AT THE TIME OF
26 APPOINTMENT TO ENSURE AN ODD NUMBER OF BOARD MEMBERS. AFTER JANUARY 1, 2025, MEMBERS
27 OF THE BOARD SHALL BE AS FOLLOWS:
- 28 (I) AT LEAST FOUR MEMBERS WHO ARE A PARENT OR LEGAL GUARDIAN OF A CHILD WHO IS FIVE YEARS
29 OF AGE OR OLDER BUT WHO IS UNDER SEVENTEEN YEARS OF AGE;
 - 30 (II) TWO REPRESENTATIVES OF A NONPROFIT ORGANIZATION THAT HAS A FOCUS ON SERVICES FOR
31 LOW-INCOME FAMILIES AND COMMUNITIES; AND
 - 32 (III) AT LEAST THREE MEMBERS WHO HAVE EXPERIENCE WORKING WITH CHILDREN WHO ARE FIVE
33 YEARS OF AGE OR OLDER BUT WHO ARE UNDER EIGHTEEN YEARS OF AGE, INCLUDING BUT NOT LIMITED
34 TO, EDUCATORS AND ADMINISTRATORS.
- 35 (e) MEMBERS OF THE BOARD APPOINTED ON OR AFTER JANUARY 1, 2025 SERVE FOR THREE-YEAR
36 TERMS; EXCEPT THAT, MEMBERS APPOINTED FROM AN ODD-NUMBERED CONGRESSIONAL DISTRICT

1 SERVE AN INITIAL TERM OF TWO YEARS. AFTER JANUARY 1, 2025, MEMBERS OF THE BOARD MAY SERVE
2 UP TO THREE CONSECUTIVE TERMS, AND MEMBERS ARE SUBJECT TO REMOVAL AS PROVIDED IN
3 ARTICLE IV, SECTION 6 OF THE COLORADO CONSTITUTION.

4 (3) AS SOON AS REASONABLY PRACTICABLE, THE INITIAL BOARD OF DIRECTORS SHALL ESTABLISH A
5 LEARNING OPPORTUNITIES PARENT ADVISORY COUNCIL AND A LEARNING OPPORTUNITIES PROVIDER
6 ADVISORY COUNCIL TO:

7 (a) PROVIDE INPUT TO THE BOARD CONCERNING THE PROGRAM, ELIGIBILITY OF CHILDREN AND YOUTH,
8 CRITERIA FOR QUALIFICATIONS OF LEARNING PROVIDERS, FINANCIAL AID DISTRIBUTION, AND ALL OTHER
9 MATTERS OF IMPLEMENTING THE LEARNING PROGRAM; AND

10 (b) PROVIDE RECOMMENDATIONS TO THE APPOINTING AUTHORITY FOR PARENT REPRESENTATION ON
11 THE BOARD.

12 (4) MEMBERS OF THE ONGOING BOARD MAY NOT DURING THEIR TERMS OF SERVICE BE EMPLOYED BY
13 OR CONTRACT WITH PERSONS THAT PROVIDE OR OFFER TO PROVIDE LEARNING OPPORTUNITIES UNDER
14 THE PROGRAM.

15 (5) MEMBERS OF THE INITIAL AND ONGOING BOARDS MAY RECEIVE A PER DIEM OF UP TO TWO HUNDRED
16 DOLLARS FOR ATTENDANCE AT REGULARLY SCHEDULED MEETINGS OF THE BOARD AT THE DISCRETION
17 OF THE CHAIR BASED ON FINANCIAL HARDSHIP AND ARE REIMBURSED FOR ACTUAL AND NECESSARY
18 EXPENSES INCURRED WHILE PERFORMING OFFICIAL DUTIES, TOGETHER WITH MILEAGE AT THE RATE AT
19 WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE REIMBURSED PURSUANT TO SECTION 2-2-317. A
20 MEMBER OF THE BOARD WHO IS A STATE OFFICER OR EMPLOYEE SHALL NOT CLAIM PER DIEM
21 COMPENSATION, BUT MUST BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED WHILE
22 PERFORMING OFFICIAL DUTIES, TOGETHER WITH MILEAGE AT THE RATE AT WHICH MEMBERS OF THE
23 GENERAL ASSEMBLY ARE REIMBURSED PURSUANT TO SECTION 2-2-317.

24 (6)(a) THE INITIAL AND ONGOING BOARDS MUST ALSO CONSIST OF FOUR NONVOTING MEMBERS, THREE
25 OF WHOM ARE APPOINTED BY THE BOARD CHAIR AND ONE BY THE EXECUTIVE DIRECTOR OF THE
26 COLORADO COMMISSION OF INDIAN AFFAIRS.

27 (b) THE NONVOTING MEMBERS MUST:

28 (I) BE FOURTEEN YEARS OF AGE OR OLDER BUT UNDER NINETEEN YEARS OF AGE; AND

29 (II) BE ENROLLED IN AND ATTENDING A TRIBAL OR COLORADO JUNIOR HIGH, MIDDLE, OR HIGH SCHOOL,
30 INCLUDING AN ONLINE OR CHARTER SCHOOL OR APPROVED FACILITY SCHOOL AS DEFINED IN
31 SECTION 22-2-402; BE PARTICIPATING IN A NONPUBLIC, HOME-BASED EDUCATIONAL PROGRAM; BE
32 PARTICIPATING IN A HIGH SCHOOL EQUIVALENCY EXAMINATION PROGRAM; OR HAVE OBTAINED A HIGH
33 SCHOOL DIPLOMA THROUGH SUCCESSFUL COMPLETION OF A HIGH SCHOOL EQUIVALENCY
34 EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5).

35 (c) THE INITIAL APPOINTMENTS FOR NONVOTING MEMBERS OF THE BOARD OF DIRECTORS MUST BE
36 COMPLETED BY JUNE 1, 2022. NONVOTING MEMBERS SERVE FOR TWO-YEAR TERMS, EXCEPT THAT, AS
37 DETERMINED BY THE BOARD CHAIR, TWO NONVOTING MEMBERS INITIALLY APPOINTED TO THE BOARD
38 WILL SERVE FOR ONE YEAR. NONVOTING MEMBERS OF THE BOARD MAY SERVE UP TO TWO
39 CONSECUTIVE TERMS. NONVOTING MEMBERS OF THE BOARD MAY RECEIVE A PER DIEM OF UP TO TWO
40 HUNDRED DOLLARS FOR ATTENDANCE AT REGULARLY SCHEDULED MEETINGS OF THE BOARD AT THE
41 DISCRETION OF THE CHAIR BASED ON FINANCIAL HARDSHIP AND ARE REIMBURSED FOR ACTUAL AND

1 NECESSARY EXPENSES INCURRED WHILE PERFORMING OFFICIAL DUTIES, TOGETHER WITH MILEAGE AT
2 THE RATE AT WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE REIMBURSED PURSUANT TO
3 SECTION 2-2-317.

4 (7) THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

5 (a) TO HIRE AN EXECUTIVE DIRECTOR;

6 (b) TO ESTABLISH AND OVERSEE THE PROGRAM CREATED BY THIS ARTICLE 86.1, ASSURING THAT AS
7 MUCH FUNDING AS PRACTICABLE IS DEDICATED TO THE PROVISION OF FINANCIAL AID AND ASSISTANCE
8 TO ELIGIBLE CHILDREN OR YOUTH AND THEIR FAMILIES IN FINDING AND SELECTING AVAILABLE LEARNING
9 OPPORTUNITIES;

10 (c) TO OBTAIN THE SERVICES OF EXPERT CONSULTANTS AS NECESSARY AND APPROPRIATE FOR THE
11 PERFORMANCE OF ITS DUTIES AND RESPONSIBILITIES;

12 (d) TO ELECT ONE DIRECTOR AS CHAIR OF THE BOARD AND ANOTHER DIRECTOR AS CHAIRMAN PRO TEM
13 OF THE BOARD; AND

14 (e) TO PERFORM ALL SUCH ACTIONS AS MAY BE NECESSARY AND APPROPRIATE TO CARRY OUT THE
15 DUTIES AND RESPONSIBILITIES SPECIFIED IN THIS ARTICLE 86.1.

16 **22-86.1-106. Learning enrichment and academic progress fund - creation - crediting of**
17 **money to fund - use of fund.** (1) THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS FUND IS
18 HEREBY CREATED IN THE STATE TREASURY. THE FUND IS ADMINISTERED BY THE AUTHORITY AND
19 CONSISTS OF ALL MONEY TRANSFERRED OR CREDITED TO THE FUND PURSUANT TO SUBSECTIONS (2),
20 (3), AND (4) OF THIS SECTION AND SECTION 39-28.8-203(1)(c). ALL INTEREST AND INCOME EARNED ON
21 THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND MUST BE CREDITED TO THE FUND AND MUST
22 NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER STATE FUND AT THE END OF ANY STATE
23 FISCAL YEAR.

24 (2) THE AUTHORITY MAY SEEK, ACCEPT, AND EXPEND ANY GIFTS, GRANTS, DONATIONS, LOANS OF
25 FUNDS, PROPERTY, OR ANY OTHER REVENUE OR AID IN ANY FORM FROM THE FEDERAL GOVERNMENT,
26 THE STATE, ANY STATE AGENCY, ANY OTHER PUBLIC SOURCE, ANY PRIVATE SOURCE, OR ANY
27 COMBINATION THEREOF, AND ANY SUCH MONETARY RECEIPTS MUST BE CREDITED TO THE FUND AND
28 ANY SUCH IN-KIND RECEIPTS MUST BE APPLIED FOR THE BENEFIT OF THE FUND.

29 (3) AT THE END OF THE THIRD AND FOURTH QUARTERS OF STATE FISCAL YEAR 2021-22, THE STATE
30 TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE LEARNING ENRICHMENT AND
31 ACADEMIC PROGRESS FUND THE SAME AMOUNT OF MONEY TRANSFERRED TO THE STATE PUBLIC
32 SCHOOL FUND PURSUANT TO SECTION 36-1-116(1)(d). FOR THAT STATE FISCAL YEAR, AN AMOUNT OF
33 STATE GENERAL FUND REVENUE EQUAL TO THE TOTAL AMOUNT OF SUCH TRANSFERS SHALL BE EXEMPT
34 FROM ALL REVENUE, SPENDING, AND OTHER LIMITATIONS UNDER SECTION 20 OF ARTICLE X OF THE
35 STATE CONSTITUTION AND ANY OTHER LAW.

36 (4) AT THE END OF EACH STATE FISCAL YEAR, BEGINNING WITH THE FISCAL YEAR COMMENCING
37 JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE LEARNING
38 ENRICHMENT AND ACADEMIC PROGRESS FUND THE SAME AMOUNT OF MONEY TRANSFERRED TO THE
39 STATE PUBLIC SCHOOL FUND PURSUANT TO SECTION 36-1-116(1)(d). FOR EACH STATE FISCAL YEAR
40 AN AMOUNT OF STATE GENERAL FUND REVENUE EQUAL TO THE AMOUNT OF SUCH TRANSFER SHALL BE

1 EXEMPT FROM ALL REVENUE, SPENDING, AND OTHER LIMITATIONS UNDER SECTION 20 OF ARTICLE X OF
2 THE STATE CONSTITUTION AND ANY OTHER LAW.

3 (5) THE MONEY TRANSFERRED OR CREDITED TO THE FUND, INCLUDING ANY INCOME AND INTEREST
4 DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH MONEY, IS EXEMPT FROM ANY RESTRICTION
5 ON SPENDING, REVENUE, OR APPROPRIATIONS, INCLUDING THE RESTRICTIONS OF SECTION 20 OF
6 ARTICLE X OF THE STATE CONSTITUTION OR ANY OTHER LAW.

7 (6) THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE AUTHORITY FOR THE DIRECT
8 AND INDIRECT COSTS OF CARRYING OUT THE PROVISIONS OF THIS ARTICLE 86.1.

9 **SECTION 2.** In Colorado Revised Statutes, section 36-1-116, **amend** (1)(a)(II)(A) and (1)(b)(I);
10 and **add** (1)(d) as follows:

11 **36-1-116. Disposition of rentals, royalties, and timber sale proceeds.** (1)(a)(II)(A) Except as
12 provided in subsections (1)(a)(II)(B), ~~and~~ (1)(a)(II)(C), AND (1)(d), for the 2010-11 state fiscal year
13 and each state fiscal year thereafter, the proceeds received by the state for the sale of timber on
14 public school lands, lease payments and rental payments for said lands, rental payments for the
15 use and occupation of the surface of said lands, and rentals or lease payments for sand, gravel,
16 clay, stone, coal, oil, gas, geothermal resources, gold, silver, or other minerals on said lands other
17 than proceeds, rentals, and payments allocated to the state land board trust administration fund
18 pursuant to section 36-1-145(3) or credited to the public school capital construction assistance
19 fund created in section 22-43.7-104(1), C.R.S., pursuant to section 22-43.7-104(2)(b)(I), C.R.S.,
20 shall be credited to the permanent school fund and shall become part of the principal of the
21 permanent school fund.

22 (b)(I) Except for royalties and other payments allocated to the state land board trust administration
23 fund pursuant to section 36-1-145(3) or credited to the public school capital construction
24 assistance fund created in section 22-43.7-104(1), C.R.S., pursuant to
25 section 22-43.7-104(2)(b)(I), C.R.S., except as provided in subparagraph (II) of this paragraph
26 (b), and except as provided in ~~paragraph~~ PARAGRAPHS (c) AND (d) of this subsection (1), royalties
27 and other payments for the depletion or extraction of a natural resource on said lands shall be
28 credited to the permanent school fund.

29 (d) (I) FOR THE THIRD AND FOURTH QUARTERS OF STATE FISCAL YEAR 2021-22, ANY AMOUNTS TO BE
30 CREDITED OR TRANSFERRED TO THE PERMANENT SCHOOL FUND PURSUANT TO SUBSECTIONS
31 (1)(a)(II)(A) AND (1)(b)(I) OF THIS SECTION SHALL INSTEAD BE TRANSFERRED TO THE STATE PUBLIC
32 SCHOOL FUND CREATED IN SECTION 22-54-114.

33 (II) BEGINNING WITH THE STATE FISCAL YEAR COMMENCING JULY 1, 2022, ANY AMOUNTS TO BE
34 CREDITED OR TRANSFERRED TO THE PERMANENT SCHOOL FUND PURSUANT TO SUBSECTIONS
35 (1)(a)(II)(A) AND (1)(b)(I) OF THIS SECTION IN EXCESS OF TWENTY MILLION DOLLARS SHALL INSTEAD BE
36 TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114.

37 **SECTION 3.** In Colorado Revised Statutes, 39-28.8-202, **amend** (1)(a)(I) and (1)(b) as follows:

38 **39-28.8-202. Retail marijuana sales tax.** (1)(a)(I)(A) In addition to the tax imposed pursuant to
39 part 1 of article 26 of this title 39 and the sales tax imposed by a local government pursuant to
40 title 29, 30, 31, or 32, but except as otherwise set forth in subsections (1)(a)(II) and (1)(a)(III) of
41 this section, THERE IS IMPOSED UPON ALL SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA
42 PRODUCTS BY A RETAILER A TAX AT RATES SPECIFIED IN THIS SUBSECTION (1)(a)(I).

1 (B) Beginning January 1, 2014, and through June 30, 2017, there is imposed upon all sales of
2 retail marijuana and retail marijuana products by a retailer a tax at the rate of ten percent of the
3 amount of the sale.

4 (C) Beginning July 1, 2017, there is imposed upon all sales of retail marijuana and retail marijuana
5 products by a retailer a tax at the rate of fifteen percent of the amount of the sale.

6 (D) BEGINNING JANUARY 1, 2022, THERE IS IMPOSED UPON ALL SALES OF RETAIL MARIJUANA AND
7 RETAIL MARIJUANA PRODUCTS BY A RETAILER, IN ADDITION TO THE FIFTEEN PERCENT TAX IMPOSED BY
8 SUBSECTION (1)(a)(I)(C) OF THIS SECTION, A TAX OF THREE PERCENT OF THE AMOUNT OF THE SALE
9 THROUGH DECEMBER 31, 2022, A TAX OF FOUR PERCENT OF THE AMOUNT OF THE SALE BEGINNING
10 JANUARY 1, 2023 AND THROUGH DECEMBER 31, 2023, AND A TAX OF FIVE PERCENT OF THE AMOUNT
11 OF THE SALE BEGINNING JANUARY 1, 2024.

12 (E) The tax imposed by this section is computed in accordance with schedules or forms prescribed
13 by the executive director of the department; except that a retail marijuana store is not allowed to
14 retain any portion of the retail marijuana sales tax collected pursuant to this part 2 to cover the
15 expenses of collecting and remitting the tax. The executive director may promulgate rules to
16 implement this section.

17 (b) The maximum tax rate that may be imposed pursuant to this section is fifteen percent PLUS
18 THE APPLICABLE TAX RATE SPECIFIED IN SUBSECTION (1)(a)(I)(D) OF THIS SECTION. At any time on or
19 after ~~January 1, 2014~~ JANUARY 1, 2022, the general assembly may, by a bill enacted by the
20 general assembly and that becomes law:

21 (I) Establish a tax rate to be imposed pursuant to this subsection (1) that is lower than ~~fifteen~~
22 ~~percent of the sale of retail marijuana or retail marijuana products~~ SUCH MAXIMUM TAX RATE; or

23 (II) After ~~establishing a tax rate that is lower than fifteen percent pursuant to subparagraph (I) of~~
24 ~~this paragraph (b)~~ LOWERING THE TAX RATE PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION,
25 increase the tax rate to be imposed pursuant to this subsection (1); except that, in no event shall
26 the general assembly increase the tax rate above ~~fifteen percent of the sale of retail marijuana or~~
27 ~~retail marijuana products~~ THE MAXIMUM TAX RATE SPECIFIED IN THIS SUBSECTION (1)(b).
28 Notwithstanding any other provision of law, an increase in the tax rate pursuant to this
29 subparagraph (II) shall not require voter approval subsequent to the voter approval required
30 pursuant to part 4 of this article.

31 **SECTION 4.** In Colorado Revised Statutes, 39-28.8-203, **amend** (1)(a)(I) and (1)(b)(I.5)
32 introductory portion and **add** (1)(c) as follows:

33 **39-28.8-203. Disposition of collections – definitions.** (1) The proceeds of all money collected
34 from the retail marijuana sales tax are initially credited to the old age pension fund created in
35 section 1 of article XXIV of the state constitution in accordance with paragraphs (a) and (f) of
36 section 2 of article XXIV of the state constitution and thereafter are transferred to the general fund
37 in accordance with section 7 of article XXIV of the state constitution. For each fiscal year in which
38 a tax is collected pursuant to this part 2, an amount shall be appropriated or distributed from the
39 general fund as follows:

40 (a)(I) Before July 1, 2017, an amount equal to fifteen percent of the gross retail marijuana sales
41 tax revenue collected by the department is apportioned to local governments. On and after
42 July 1, 2017, an amount equal to ten percent of the gross retail marijuana sales tax revenue

1 collected by the department, EXCLUDING REVENUE ATTRIBUTABLE TO THE ADDITIONAL TAX IMPOSED
2 BY SECTION 39-28.8-202(1)(a)(I)(D), is apportioned to local governments. The city or town share
3 is apportioned according to the percentage that retail marijuana sales tax revenue collected by
4 the department within the boundaries of the city or town bear to the total retail marijuana sales
5 tax revenue collected by the department. The county share is apportioned according to the
6 percentage that retail marijuana sales tax revenue collected by the department in the
7 unincorporated area of the county bear to total retail marijuana sales tax revenue collected by the
8 department.

9 (b)(I.5) On and after July 1, 2018, of the ninety percent of the gross retail marijuana sales tax
10 revenue in the general fund remaining after the allocation to local governments required by
11 subsection (1)(a)(I) of this section is made, AND EXCLUDING REVENUE ATTRIBUTABLE TO THE
12 ADDITIONAL TAX IMPOSED BY SECTION 39-28.8-202(1)(a)(I)(D), the state treasurer shall retain fifteen
13 and fifty-six one-hundredths percent in the general fund for use for any lawful purpose and shall
14 transfer from the general fund:

15 (c) ON AND AFTER JANUARY 1, 2022, THE STATE TREASURER SHALL TRANSFER MONTHLY FROM THE
16 GENERAL FUND TO THE LEARNING ENRICHMENT AND ACADEMIC PROGRESS FUND CREATED BY SECTION
17 22-86.1-106 ALL REVENUE COLLECTED BY THE DEPARTMENT ATTRIBUTABLE TO THE ADDITIONAL TAX
18 IMPOSED BY SECTION 39-28.8-202(1)(a)(I)(D).

19 **SECTION 5.** In Colorado Revised Statutes, **amend** 39-28.8-204 as follows:

20 **39-28.8-204. Revenue and spending limitations.** (1) Notwithstanding any limitations on
21 revenue, spending, or appropriations contained in section 20 of article X of the state constitution
22 or any other provision of law, any revenues generated by the retail marijuana sales tax imposed
23 pursuant to this part 2 as approved by the voters at the statewide election in November 2013,
24 may be collected and spent as voter-approved revenue changes and shall not require voter
25 approval subsequent to the voter approval required pursuant to part 4 of this article.

26 (2) NOTWITHSTANDING ANY LIMITATIONS ON REVENUE, SPENDING, OR APPROPRIATIONS CONTAINED IN
27 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR ANY OTHER PROVISION OF LAW, ANY
28 REVENUES GENERATED BY THE ADDITIONAL RETAIL MARIJUANA SALES TAX IMPOSED BY
29 SECTION 39-28.8-202(1)(a)(I)(D), AS APPROVED BY THE VOTERS AT THE STATEWIDE ELECTION IN
30 NOVEMBER 2021, MAY BE COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE.