

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 09-0933.01 Nicole Myers

SENATE BILL 09-256

SENATE SPONSORSHIP

Romer and Bacon,

HOUSE SPONSORSHIP

Pommer and Scanlan,

Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND MAKING AN**
102 **APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Amends the "Public School Finance Act of 1994" in the following respects:

- ! For the 2009-10 budget year, increases the statewide base per pupil funding to \$5,507.68 to account for a 3.9% inflation rate plus one percentage point.
- ! Includes district centers of excellence funding in the calculation of district total program. Describes centers of

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

HOUSE
Am ended 2nd Reading
April 27, 2009

SENATE
Am ended 3rd Reading
April 3, 2009

SENATE
Am ended 2nd Reading
April 2, 2009

excellence funding as an additional per at-risk pupil amount for each middle, junior high, and high school that enrolls more than fifty percent at-risk pupils and achieves assessment scores on at least 3 of the 4 statewide assessments administered in the eighth and tenth grades that exceed the statewide average. Requires each school district that receives centers of excellence funding to allocate to the appropriate school 100% of the amount received due to the school's performance. Funds centers of excellence funding by reducing the size factor.

- ! For the 2009-10 budget year, maintains the funding for supplemental kindergarten enrollment at an amount equal to .08% of a full-day pupil.
- ! For the 2009-10 budget year and budget years thereafter, eliminates the requirement that each district and each charter school set aside a percentage of its budget to be allocated to an account for instructional supplies and materials and to an account for capital needs or for the management of risk-related activities.
- ! Requires that any district that has obtained voter approval to retain and spend revenues in excess of the property tax revenue limitation imposed by the taxpayer's bill of rights and that obtains voter approval to again become subject to such limitation shall receive state aid as if the district levied the number of mills that it would have levied had the district maintained its authority to retain and spend revenues in excess of such revenue limitation.
- ! Increases the cap on the amount of additional property tax revenue that a district may retain and spend to an amount equal to 25% of the district's total program, so long as the district uses any amount of property tax revenue that exceeds an amount equal to 20% of the district's total program to improve student achievement and close the achievement gap. Requires a district to notify the state board of education prior to holding an election to retain any amount over 20% of the district's total program and to submit a plan to close the achievement gap to the department of education (department).
- ! In any year in which the state share of funding for an accounting school district is insufficient to fully fund the total program for an institute charter school in such school district, directs the department to request a supplemental appropriation to ensure the institute charter school is fully funded.

Clarifies that the prohibition of a term in a charter contract that

would require a charter school to forgo operational or capital construction funds shall not be construed to prohibit a charter school from contracting with its chartering board of education, in the case of a district charter school, or with the state charter school institute (institute), in the case of an institute charter school, for the purchase of services.

Requires each school district and the institute to ensure that each student who enrolls in the ninth grade in a public school registers on-line with college in Colorado sponsored by the department of higher education. Directs each school district and the institute to collaborate with the department and the department of higher education in monitoring implementation of the requirement.

Changes the funding for charter schools so that a district charter school receives 100% of the school district at-risk funding for each at-risk pupil enrolled in the district charter school and 100% of any centers of excellence funding. Requires a charter school to use at least 75% of the at-risk funding received to provide at-risk student programs or staff development for at-risk student programs. For district charter schools that received funding based on per pupil revenues for the 2008-09 budget year, allows for payment of hold-harmless at-risk funding to the district charter schools in decreasing amounts over the next 4 budget years.

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

SECTION 1. 22-54-104 (5) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22-54-104. District total program. (5) (a) (XVI) FOR THE 2009-10 BUDGET YEAR, THE STATEWIDE BASE PER PUPIL FUNDING SHALL BE \$5,507.68, WHICH IS AN AMOUNT EQUAL TO \$5,250.41 SUPPLEMENTED BY \$257.27 TO ACCOUNT FOR INFLATION PLUS AN ADDITIONAL ONE PERCENTAGE POINT.

SECTION 2. 22-54-103 (15), Colorado Revised Statutes, is amended to read:

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

(15) "Supplemental kindergarten enrollment" means the number

1 calculated by subtracting five-tenths from the full-day kindergarten factor
2 for the applicable budget year and then multiplying said number by the
3 number of pupils in the district who are enrolled in kindergarten for the
4 applicable budget year. For the purposes of this subsection (15), the
5 full-day kindergarten factor for the 2008-09 AND 2009-10 budget year
6 YEARS, is fifty-eight hundredths of a full-day pupil.

7 **SECTION 3.** 22-54-105 (1) and (2), Colorado Revised Statutes,
8 are amended to read:

9 **22-54-105. Instructional supplies and materials - capital**
10 **reserve and insurance reserve - at-risk funding - preschool funding.**

11 (1) (a) PRIOR TO THE 2009-10 BUDGET YEAR, every district shall budget
12 the amount determined pursuant to paragraph (b) of this subsection (1) to
13 be allocated, in the discretion of the board of education, to the
14 instructional supplies and materials account, the instructional capital
15 outlay account, or the other instructional purposes account in the general
16 fund created by section 22-45-103 (1) (a) (II), or among such accounts.
17 Moneys may be transferred among the three accounts. The moneys in
18 such accounts shall be used for the purposes set forth in section
19 22-45-103 (1) (a) (II) and may not be expended by the district for any
20 other purpose. Any moneys in such accounts which are not projected to
21 be expended during a budget year shall be budgeted for the purposes set
22 forth in section 22-45-103 (1) (a) (II) in the next budget year. Nothing in
23 this subsection (1) shall be construed to require that interest on moneys
24 in such accounts be specifically allocated to such accounts. ANY MONEYS
25 REMAINING IN ANY SUCH ACCOUNT THAT HAVE NOT BEEN EXPENDED PRIOR
26 TO THE 2009-10 BUDGET YEAR SHALL BE BUDGETED FOR THE PURPOSES
27 SET FORTH IN SECTION 22-45-103 (1) (a) (II) IN THE 2009-10 BUDGET YEAR

1 OR ANY BUDGET YEAR THEREAFTER.

2 (b) (I) The amount to be budgeted in any budget year PRIOR TO
3 THE 2009-10 BUDGET YEAR shall be the amount determined by
4 multiplying one hundred thirty-four dollars by the district's funded pupil
5 count minus the district's on-line pupil enrollment.

6 (II) (A) For the 1998-99 budget year through the 2007-08 budget
7 year, the dollar amount required to be budgeted per pupil pursuant to this
8 paragraph (b) shall be increased each year by the same percentage that the
9 statewide base per pupil funding is increased pursuant to section
10 22-54-104 (5). For the 2008-09 budget year, ~~and budget years thereafter,~~
11 the minimum dollar amount required to be budgeted per pupil pursuant
12 to this paragraph (b) shall be increased each year by the rate of inflation.
13 The amount of any increase pursuant to this paragraph (b) shall be
14 rounded to the nearest dollar.

15 (B) Repealed.

16 (III) Repealed.

17 (IV) ~~Notwithstanding the provisions of subparagraphs (I) and (II)~~
18 ~~of this paragraph (b), for the 2006-07 budget year and budget years~~
19 ~~thereafter, if a district's expenditures for instructional supplies and~~
20 ~~materials, instructional capital outlay, and other instructional purposes~~
21 ~~exceed the amount required to be budgeted in accordance with this~~
22 ~~paragraph (b) for a given budget year, the district may subtract an amount~~
23 ~~equal to the amount of the excess expenditures in that budget year from~~
24 ~~the amount required to be budgeted for instructional supplies and~~
25 ~~materials, instructional capital outlay, and other instructional purposes in~~
26 ~~accordance with this paragraph (b) for the subsequent budget year.~~

27 (c) For purposes of this subsection (1), instructional supplies and

1 materials include, but are not limited to, supplies, textbooks, library
2 books, periodicals, and other supplies and materials. Instructional capital
3 outlay includes those expenditures which result in the acquisition of fixed
4 assets for instructional purposes, or additions thereto, which the board of
5 education anticipates will have benefits for more than one year. Other
6 instructional purposes include expenses incurred in providing
7 transportation for pupils to and from school-sponsored instructional
8 activities which occur outside the classroom and costs incurred for repair
9 or maintenance services for equipment which is directly used for
10 instructional purposes. Instructional supplies and materials, instructional
11 capital outlay, and other instructional purposes are limited to those
12 functions accounts and objects accounts as prescribed by the state board
13 of education.

14 ~~(d) Nothing shall be deemed to limit expenditures for instructional~~
15 ~~supplies and materials, instructional capital outlay, and other instructional~~
16 ~~purposes to the amount required to be budgeted in accordance with this~~
17 ~~subsection (1).~~

18 (2) (a) Except as otherwise provided in paragraph (c) of this
19 subsection (2), PRIOR TO THE 2009-10 BUDGET YEAR, every district shall
20 budget the amount determined pursuant to paragraph (b) of this
21 subsection (2) to be allocated, in the discretion of the board of education,
22 to the capital reserve fund created by section 22-45-103 (1) (c), to a fund
23 or an account within the general fund established in accordance with
24 generally accepted accounting principles solely for the management of
25 risk-related activities as identified in section 24-10-115, C.R.S., and
26 article 13 of title 29, C.R.S., or among such allowable funds and
27 accounts. Such moneys shall be used for the purposes set forth in section

1 22-45-103 (1) (c) and (1) (e) and may not be expended by the district for
2 any other purpose. The board of education may transfer moneys among
3 these allowable funds and accounts when such transfer is deemed
4 necessary by the board. ANY MONEYS REMAINING IN ANY SUCH FUND OR
5 ACCOUNT THAT HAVE NOT BEEN EXPENDED PRIOR TO THE 2009-10 BUDGET
6 YEAR SHALL BE BUDGETED FOR THE PURPOSES SET FORTH IN SECTION
7 22-45-103 (1) (c) AND (1) (e) IN THE 2009-10 BUDGET YEAR OR ANY
8 BUDGET YEAR THEREAFTER.

9 (b) (I) The amount to be budgeted in any budget year PRIOR TO
10 THE 2009-10 BUDGET YEAR shall be the amount determined by
11 multiplying two hundred sixteen dollars by the district's funded pupil
12 count minus the district's on-line pupil enrollment. Such amount shall be
13 the minimum required to be budgeted, and the district may elect to budget
14 up to eight hundred dollars multiplied by the district's funded pupil count
15 minus the district's on-line pupil enrollment.

16 (II) (A) For the 1998-99 budget year through the 2007-08 budget
17 year, the minimum dollar amount required to be budgeted per pupil
18 pursuant to this paragraph (b) shall be increased each year by the same
19 percentage that the statewide base per pupil funding is increased pursuant
20 to section 22-54-104 (5). For the 2008-09 budget year, ~~and budget years~~
21 ~~thereafter~~, the minimum dollar amount required to be budgeted per pupil
22 pursuant to this paragraph (b) shall be increased each year by the rate of
23 inflation. The amount of any increase pursuant to this paragraph (b) shall
24 be rounded to the nearest dollar.

25 (B) Repealed.

26 (III) For the 2000-01 budget year ~~and budget years thereafter~~
27 THROUGH THE 2008-09 BUDGET YEAR, the amount required to be budgeted

1 pursuant to this paragraph (b) shall be reduced by an amount determined
2 by multiplying the minimum dollar amount required to be budgeted for
3 that budget year pursuant to subparagraph (II) of this paragraph (b) by the
4 number of pupils enrolled in charter schools within the school district.

5 (c) For the 1999-2000 budget year and any budget year thereafter,
6 if a district has moneys in its capital reserve fund equal to or in excess of
7 five times the minimum dollar amount required to be budgeted per pupil
8 pursuant to paragraph (b) of this subsection (2) multiplied by the district's
9 funded pupil count minus the district's on-line pupil enrollment for the
10 applicable budget year, the board of education of the district may
11 determine whether to budget the minimum dollar amount per pupil
12 required by this subsection (2) in that budget year, budget a lesser
13 amount, or budget no amount at all. Such determination shall be made by
14 the board of education on an annual basis based upon the capital outlay
15 expenditure requirements of the district.

16 (d) Repealed.

17 (e) ~~For the 2007-08 budget year and each budget year thereafter,~~
18 ~~a school district that sells lands, buildings, or both, collects payment in~~
19 ~~lieu of the reservation or dedication of sites and land areas for schools, or~~
20 ~~collects contributions as a result of a voluntary agreement with a~~
21 ~~developer, and deposits the proceeds of the sale or the collection of~~
22 ~~payments or contributions into the district's capital reserve fund pursuant~~
23 ~~to section 22-45-112 may reduce the amount it is required to allocate to~~
24 ~~the fund pursuant to paragraphs (a) and (b) of this subsection (2) for the~~
25 ~~budget year in which the sale or the collection of payments or~~
26 ~~contributions occurred by an amount equal to the amount so deposited. In~~
27 ~~no event, however, shall the total amount available in the fund for said~~

1 ~~budget year pursuant to this subsection (2) be less than the amount~~
2 ~~determined pursuant to paragraph (b) of this subsection (2).~~

3 [REDACTED]

4 == ==

5 **SECTION 4.** 22-54-108 (3) (b), Colorado Revised Statutes, is
6 amended, and the said 22-54-108 is further amended BY THE
7 ADDITION OF A NEW SUBSECTION, to read:

8 **22-54-108. Authorization of additional local revenues.**

9 (3) (b) (I) Except as otherwise provided in ~~subparagraph (H)~~
10 SUBPARAGRAPHS (II) AND (III) of this paragraph (b), the total additional
11 local property tax revenues that may be received pursuant to elections
12 held pursuant to this section shall not exceed under any circumstances
13 twenty percent of the district's total program, as determined pursuant to
14 section 22-54-104 (2), or two hundred thousand dollars, whichever is
15 greater.

16 (II) Effective July 1, 2002, the total additional local property tax
17 revenues that may be received pursuant to elections held pursuant to this
18 section shall not exceed under any circumstances twenty percent of the
19 district's total program, as determined pursuant to section 22-54-104 (2),
20 or two hundred thousand dollars, whichever is greater, plus an amount
21 equal to the maximum dollar amount of property tax revenue that the
22 district could have generated for the 2001-02 budget year if, in
23 accordance with the provisions of section 22-54-107.5, the district
24 submitted a question to and received approval of the eligible electors of
25 the district at an election held in November 2001.

26 (III) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH
27 (III), FOR ANY DISTRICT THAT MEETS THE REQUIREMENTS OF SUBSECTION

1 (4) OF THIS SECTION, THE TOTAL ADDITIONAL LOCAL PROPERTY TAX
2 REVENUES THAT MAY BE RECEIVED PURSUANT TO AN ELECTION HELD
3 PURSUANT TO THIS SECTION SHALL NOT EXCEED UNDER ANY
4 CIRCUMSTANCES TWENTY-FIVE PERCENT OF THE DISTRICT'S TOTAL
5 PROGRAM, AS DETERMINED PURSUANT TO SECTION 22-54-104 (2), OR TWO
6 HUNDRED THOUSAND DOLLARS, WHICHEVER IS GREATER, PLUS AN
7 AMOUNT EQUAL TO THE MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX
8 REVENUE THAT THE DISTRICT COULD HAVE GENERATED FOR THE 2001-02
9 BUDGET YEAR IF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION
10 22-54-107.5, THE DISTRICT SUBMITTED A QUESTION TO AND RECEIVED
11 APPROVAL OF THE ELIGIBLE ELECTORS OF THE DISTRICT AT AN ELECTION
12 HELD IN NOVEMBER 2001.

13 (4) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
14 (4), ANY DISTRICT THAT INTENDS TO SEEK VOTER APPROVAL TO RETAIN
15 AND SPEND ADDITIONAL PROPERTY TAX REVENUES PURSUANT TO
16 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS
17 SECTION SHALL NOTIFY THE STATE BOARD, IN A MANNER TO BE
18 DETERMINED BY THE STATE BOARD, PRIOR TO HOLDING AN ELECTION
19 PURSUANT TO THIS SECTION.

20 (b) ANY DISTRICT THAT SUBMITS NOTICE TO THE STATE BOARD
21 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL ALSO SUBMIT
22 TO THE STATE BOARD A PROPOSAL REGARDING THE DISTRICT'S PROPOSED
23 USE OF THE ADDITIONAL PROPERTY TAX REVENUES, WHICH MAY INCLUDE
24 CAPITAL CONSTRUCTION PROJECTS.

25 **SECTION 5.** 22-54-108 (3) (d) (II) and (3) (d) (II.5), Colorado
26 Revised Statutes, are amended as follows:

27 **22-54-108. Authorization of additional local revenues.**

1 (3) (d) (II) In addition to the additional local property tax revenues that
2 must be counted towards such limitation pursuant to subparagraph (I) of
3 this paragraph (d), a portion of the specific ownership tax revenue paid
4 to the district during the prior budget year may be required to be counted
5 towards such limitation. The portion of the specific ownership tax paid
6 to the district, if any, that must be counted toward such limitation shall be
7 calculated as follows:

8 (A) The amount of specific ownership tax revenue attributable to
9 property tax levies made by the district which have been authorized at
10 elections held under the provisions of former section 22-53-117 or this
11 section, if any; and

12 (B) The amount of specific ownership tax revenue attributable to
13 property tax levies made by the district for the purpose of satisfying
14 bonded indebtedness, both principal and interest, which is not being used
15 by the district for the purpose of satisfying the bonded indebtedness, if
16 any.

17 (II.5) Any portion of the specific ownership tax paid to the district
18 other than that specified in sub-subparagraphs (A) and (B) of
19 subparagraph (II) of this paragraph (d) shall not apply to the limitation in
20 this subsection (3) but shall apply to the district's share of its total
21 program pursuant to section 22-54-106 (1) (a) (I).

22 [REDACTED]

23 **SECTION 6.** 22-63-202 (2), Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25 **22-63-202. Employment contracts - contracts to be in writing**
26 **- duration - damage provision.** (2) (b.5) EACH EMPLOYMENT
27 CONTRACT EXECUTED PURSUANT TO THIS SECTION SHALL CONTAIN A

1 PROVISION STATING THAT A TEACHER OR CHIEF ADMINISTRATIVE OFFICER
2 SHALL ACCEPT THE TERMS OF THE EMPLOYMENT CONTRACT FOR THE
3 SUCCEEDING ACADEMIC YEAR WITHIN THIRTY DAYS OF RECEIPT OF THE
4 CONTRACT, UNLESS THE TEACHER OR CHIEF ADMINISTRATIVE OFFICER AND
5 THE DISTRICT HAVE REACHED AN ALTERNATIVE AGREEMENT. IF A
6 TEACHER OR CHIEF ADMINISTRATIVE OFFICER DOES NOT ACCEPT THE
7 TERMS OF THE EMPLOYMENT CONTRACT WITHIN THIRTY DAYS OF RECEIPT,
8 THE DISTRICT SHALL BE AUTHORIZED TO OPEN THE POSITION TO
9 ADDITIONAL CANDIDATES.

10

11

12 SECTION 7. 22-54-115 (1.3), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

14 **22-54-115. Distribution from state public school fund.**

15 (1.3) (a.5) IN ANY BUDGET YEAR IN WHICH THE STATE SHARE OF AN
16 ACCOUNTING DISTRICT OF AN INSTITUTE CHARTER SCHOOL IS LESS THAN
17 THE AMOUNT SPECIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS
18 SUBSECTION (1.3), THE DEPARTMENT OF EDUCATION SHALL SUBMIT A
19 REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN AN AMOUNT THAT WILL
20 FULLY FUND THE AMOUNT SPECIFIED IN SAID SUBPARAGRAPH (I). THE
21 DEPARTMENT SHALL MAKE THE REQUEST TO THE GENERAL ASSEMBLY
22 DURING THE BUDGET YEAR IN WHICH THE UNDERFUNDING OCCURS. IF THE
23 GENERAL ASSEMBLY DOES NOT MAKE THE REQUESTED SUPPLEMENTAL
24 APPROPRIATION, THE DEPARTMENT SHALL PAY TO THE INSTITUTE CHARTER
25 SCHOOL THE AMOUNT SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (a)
26 OF THIS SUBSECTION (1.3).

27

SECTION 8. 22-54-124, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **22-54-124. State aid for charter schools - use of state education**
4 **fund moneys - definitions.** (9) THE GENERAL ASSEMBLY RECOGNIZES
5 CHARTER SCHOOLS' CONTINUING NEED FOR ASSISTANCE IN MEETING
6 CAPITAL CONSTRUCTION COSTS. THE GENERAL ASSEMBLY THEREFORE
7 STRONGLY ENCOURAGES THE GOVERNOR TO ALLOCATE A PORTION OF THE
8 MONEYS RECEIVED BY THE STATE THROUGH THE FEDERAL "AMERICAN
9 RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, TO
10 CHARTER SCHOOLS IN THE STATE TO ASSIST THEM IN MEETING THEIR
11 CAPITAL CONSTRUCTION AND FACILITY COSTS.

12 **SECTION 9.** 22-30.5-105 (5), Colorado Revised Statutes, is
13 amended to read:

14 **22-30.5-105. Charter schools - contract contents - regulations.**
15 (5) Any term included in a charter contract that would require a charter
16 school to waive or otherwise forego FORGO receipt of any amount of
17 operational or capital construction funds provided to the charter school
18 pursuant to the provisions of this article or pursuant to any other provision
19 of law is hereby declared null and void as against public policy and is
20 unenforceable. IN NO EVENT SHALL THIS SUBSECTION (5) BE CONSTRUED
21 TO PROHIBIT ANY CHARTER SCHOOL FROM CONTRACTING WITH ITS
22 CHARTERING LOCAL BOARD OF EDUCATION FOR THE PURCHASE OF
23 SERVICES, INCLUDING BUT NOT LIMITED TO THE PURCHASE OF
24 EDUCATIONAL SERVICES.

25 [REDACTED]

26 **SECTION 10.** 22-30.5-505 (3) (d) and (3) (e), Colorado Revised
27 Statutes, are amended, and the said 22-30.5-505 (3) is further amended

1 BY THE ADDITION OF A NEW PARAGRAPH, to read:

2 **22-30.5-505. State charter school institute - institute board -**
3 **appointment - powers and duties - rules.** (3) The mission of the
4 institute board shall be to foster high-quality public school choices
5 offered through institute charter schools, including particularly schools
6 that are focused on closing the achievement gap for at-risk students. In
7 discharging its duties pursuant to this part 5, the institute shall:

8 (d) Measure the academic success of each institute charter school
9 through performance-based means and not process-based means; ~~and~~

10 (e) Provide the opportunity for a student enrolled in an institute
11 charter school to develop a plan for academic remediation upon the
12 request of the student's parent or legal guardian; AND

13 (f) ENSURE THAT EACH STUDENT WHO ENROLLS IN THE SIXTH
14 GRADE IN AN INSTITUTE CHARTER SCHOOL, ON THE DAY OF ENROLLMENT,
15 IS REGISTERED WITH THE STATE-PROVIDED, FREE ON-LINE COLLEGE
16 PLANNING AND PREPARATION RESOURCE, COMMONLY REFERRED TO AS
17 "COLLEGEINCOLORADO.ORG". THE INSTITUTE, THE DEPARTMENT, AND
18 THE DEPARTMENT OF HIGHER EDUCATION SHALL COLLABORATE TO
19 MONITOR THE IMPLEMENTATION OF THIS PARAGRAPH (f) AND TO ENSURE
20 OPTIMAL INTERACTIVITY BETWEEN THE VARIOUS DATA BASES AND
21 STUDENT RECORD SYSTEMS EMPLOYED BY INSTITUTE CHARTER SCHOOLS
22 AND COLLEGES IN COLORADO. EACH INSTITUTE CHARTER SCHOOL SHALL
23 ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO
24 DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND
25 ACADEMIC PLAN NO LATER THAN THE BEGINNING OF NINTH GRADE BUT
26 MAY ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN
27 TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND

1 ACADEMIC PLAN IN ANY GRADE PRIOR TO NINTH GRADE.

2 **SECTION 11.** 22-30.5-508 (5), Colorado Revised Statutes, is
3 amended to read:

4 **22-30.5-508. Institute charter schools - contract contents -**
5 **regulations.** (5) Any term included in a charter contract that would
6 require an institute charter school to waive or otherwise ~~forego~~ FORGO
7 receipt of any amount of operational or capital construction funds
8 provided to the institute charter school pursuant to the provisions of this
9 part 5 or pursuant to any other provision of law is hereby declared null
10 and void as against public policy and is unenforceable. IN NO EVENT
11 SHALL THIS SUBSECTION (5) BE CONSTRUED TO PROHIBIT ANY INSTITUTE
12 CHARTER SCHOOL FROM CONTRACTING WITH THE INSTITUTE FOR THE
13 PURCHASE OF SERVICES, INCLUDING BUT NOT LIMITED TO THE PURCHASE
14 OF EDUCATIONAL SERVICES.

15

16 **SECTION 12.** 22-30.5-514, Colorado Revised Statutes, is
17 amended to read:

18 **22-30.5-514. Institute charter school - capital reserve, risk**
19 **management, and instructional purposes.** (1) For the 2004-05 budget
20 year ~~and budget years thereafter~~ THROUGH THE 2008-09 BUDGET YEAR,
21 each institute charter school shall annually allocate the minimum per
22 pupil dollar amount specified in section 22-54-105 (2) (b), multiplied by
23 the number of students enrolled in the institute charter school who are not
24 students enrolled in an on-line program, as defined in section 22-30.7-102
25 (9), to a fund created by the institute charter school for capital reserve
26 purposes, as set forth in section 22-45-103 (1) (c) and (1) (e), or solely for
27 the management of risk-related activities, as identified in section

1 24-10-115, C.R.S., and article 13 of title 29, C.R.S., or among such
2 allowable funds. Said moneys shall be used for the purposes set forth in
3 section 22-45-103 (1) (c) and (1) (e) and may not be expended by the
4 institute charter school for any other purpose. ANY MONEYS REMAINING
5 IN SUCH FUND THAT HAVE NOT BEEN EXPENDED PRIOR TO THE 2009-10
6 BUDGET YEAR SHALL BE BUDGETED FOR THE PURPOSES SET FORTH IN
7 SECTION 22-45-103 (1) (c) AND (1) (e) IN THE 2009-10 BUDGET YEAR OR
8 ANY BUDGET YEAR THEREAFTER.

9 (2) For the 2004-05 budget year ~~and budget years thereafter~~
10 THROUGH THE 2008-09 BUDGET YEAR, each institute charter school shall
11 annually allocate the minimum per pupil dollar amount specified in
12 section 22-54-105 (1) (b), multiplied by the number of students enrolled
13 in the institute charter school who are not students enrolled in an on-line
14 program, as defined in section 22-30.7-102 (9), to accounts created by the
15 institute charter school for instructional supplies and materials,
16 instructional capital outlays, or other instructional purposes, as set forth
17 in section 22-45-103 (1) (a) (II), or among such accounts. Moneys may
18 be transferred among the three accounts. The moneys in the accounts
19 shall be used for the purposes set forth in section 22-45-103 (1) (a) (II)
20 and may not be expended by the institute charter school for any other
21 purpose. Any moneys in the accounts that are not projected to be
22 expended during a budget year shall be budgeted for the purposes set
23 forth in section 22-45-103 (1) (a) (II) in the next budget year. Nothing in
24 this subsection (2) shall be construed to require that interest on moneys
25 in the accounts be specifically allocated to the accounts. ANY MONEYS
26 REMAINING IN ANY SUCH ACCOUNT THAT HAVE NOT BEEN EXPENDED PRIOR
27 TO THE 2009-10 BUDGET YEAR SHALL BE BUDGETED FOR THE PURPOSES

1 SET FORTH IN SECTION 22-45-103 (1) (a) (II) IN THE 2009-10 BUDGET YEAR
2 OR ANY BUDGET YEAR THEREAFTER.

3 **SECTION 13.** 22-32-109 (1), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **22-32-109. Board of education - specific duties.** (1) In addition
6 to any other duty required to be performed by law, each board of
7 education shall have and perform the following specific duties:

8 (mm) TO ENSURE THAT EACH STUDENT WHO ENROLLS IN THE SIXTH
9 GRADE IN A PUBLIC SCHOOL OF THE SCHOOL DISTRICT, INCLUDING BUT NOT
10 LIMITED TO A DISTRICT CHARTER SCHOOL, ON THE DAY OF ENROLLMENT
11 IS REGISTERED WITH THE STATE-PROVIDED, FREE ON-LINE COLLEGE
12 PLANNING AND PREPARATION RESOURCE, COMMONLY REFERRED TO AS
13 "COLLEGEINCOLORADO.ORG". THE SCHOOL DISTRICT, THE DEPARTMENT
14 OF EDUCATION, AND THE DEPARTMENT OF HIGHER EDUCATION SHALL
15 COLLABORATE TO MONITOR THE IMPLEMENTATION OF THIS PARAGRAPH
16 (mm) AND TO ENSURE OPTIMAL INTERACTIVITY BETWEEN THE VARIOUS
17 DATA BASES AND STUDENT RECORD SYSTEMS EMPLOYED BY SCHOOL
18 DISTRICTS AND COLLEGES IN COLORADO. EACH PUBLIC SCHOOL SHALL
19 ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO
20 DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND
21 ACADEMIC PLAN NO LATER THAN THE BEGINNING OF NINTH GRADE BUT
22 MAY ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN
23 TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND
24 ACADEMIC PLAN IN ANY GRADE PRIOR TO NINTH GRADE.

25 **SECTION 14.** Part 1 of article 2 of title 22, Colorado Revised
26 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
27 read:

1 **22-2-135. Additional duty - state board - individual career and**
2 **academic plans - standards - rules.** (1) ON OR BEFORE FEBRUARY 1,
3 2010, THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO THE
4 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
5 C.R.S., TO ESTABLISH STANDARDS FOR INDIVIDUAL CAREER AND
6 ACADEMIC PLANS FOR STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN
7 THE STATE. AN INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL BE
8 DESIGNED TO ASSIST A STUDENT AND HIS OR HER PARENT OR LEGAL
9 GUARDIAN IN EXPLORING THE POSTSECONDARY CAREER AND
10 EDUCATIONAL OPPORTUNITIES AVAILABLE TO THE STUDENT, ALIGNING
11 COURSE WORK AND CURRICULUM, APPLYING TO POSTSECONDARY
12 EDUCATION INSTITUTIONS, SECURING FINANCIAL AID, AND ULTIMATELY
13 ENTERING THE WORKFORCE.

14 (2) IN ESTABLISHING THE STANDARDS FOR INDIVIDUAL CAREER
15 AND ACADEMIC PLANS, THE STATE BOARD SHALL ENSURE, AT A MINIMUM,
16 THAT:

17 (a) EACH INDIVIDUAL CAREER AND ACADEMIC PLAN INCLUDES A
18 CAREER PLANNING AND GUIDANCE COMPONENT AND A PORTFOLIO THAT
19 REFLECTS, AT A MINIMUM:

20 (I) THE STUDENT'S EFFORTS IN EXPLORING CAREERS, INCLUDING
21 INTEREST SURVEYS THAT THE STUDENT COMPLETES;

22 (II) THE STUDENT'S ACADEMIC PROGRESS, INCLUDING THE
23 COURSES TAKEN, ANY REMEDIATION OR CREDIT RECOVERY, AND ANY
24 CONCURRENT ENROLLMENT CREDITS EARNED;

25 (III) THE STUDENT'S EXPERIENCES IN CONTEXTUAL AND SERVICE
26 LEARNING;

27 (IV) THE STUDENT'S COLLEGE APPLICATIONS AND RESUME, AS

1 THEY ARE PREPARED AND SUBMITTED; AND

2 (V) THE STUDENT'S POSTSECONDARY STUDIES AS THE STUDENT
3 PROGRESSES;

4 (b) EACH INDIVIDUAL CAREER AND ACADEMIC PLAN IS ACCESSIBLE
5 TO EDUCATORS, STUDENTS, AND PARENTS; AND

6 (c) EACH PUBLIC SCHOOL, IN ASSISTING STUDENTS AND PARENTS
7 IN CREATING AND MAINTAINING THE INDIVIDUAL CAREER AND ACADEMIC
8 PLANS, IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL
9 "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C.
10 SEC. 1232g.

11 **SECTION 15.** 22-33-205 (3) and (4), Colorado Revised Statutes,
12 are amended to read:

13 **22-33-205. Services for expelled and at-risk students - grants**
14 **- criteria.** (3) The state board shall annually award at least forty-five
15 percent of any moneys appropriated for ~~this grant~~ THE program to
16 applicants ~~who~~ THAT provide educational services to students from more
17 than one school district AND AT LEAST ONE-HALF OF ANY INCREASE IN THE
18 APPROPRIATION FOR THE PROGRAM FOR THE 2009-10 FISCAL YEAR TO
19 APPLICANTS THAT PROVIDE SERVICES AND SUPPORTS THAT ARE DESIGNED
20 TO REDUCE THE NUMBER OF TRUANCY CASES REQUIRING COURT
21 INVOLVEMENT AND THAT ALSO REFLECT THE BEST INTERESTS OF
22 STUDENTS AND FAMILIES. THE SERVICES AND SUPPORTS SHALL INCLUDE,
23 BUT NEED NOT BE LIMITED TO, ALTERNATIVES TO GUARDIAN AD LITEM
24 REPRESENTATION IN TRUANCY PROCEEDINGS.

25 (4) The department of education is authorized to retain up to one
26 percent of any moneys appropriated for the ~~grant~~ program for the purpose
27 of annually evaluating the ~~expelled and at-risk student services grant~~

1 program. THE DEPARTMENT OF EDUCATION IS AUTHORIZED AND
2 ENCOURAGED TO RETAIN UP TO AN ADDITIONAL TWO PERCENT OF ANY
3 MONEYS APPROPRIATED FOR THE PROGRAM FOR THE PURPOSE OF
4 PARTNERING WITH ORGANIZATIONS OR AGENCIES THAT PROVIDE SERVICES
5 AND SUPPORTS THAT ARE DESIGNED TO REDUCE THE NUMBER OF TRUANCY
6 CASES REQUIRING COURT INVOLVEMENT AND THAT ALSO REFLECT THE
7 BEST INTERESTS OF STUDENTS AND FAMILIES. THE SERVICES AND
8 SUPPORTS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALTERNATIVES
9 TO GUARDIAN AD LITEM REPRESENTATION IN TRUANCY PROCEEDINGS. On
10 or before January 1, 2006, and on or before January 1 each year
11 thereafter, the department of education shall report to the education
12 committees of the house of representatives and the senate, OR ANY
13 SUCCESSOR COMMITTEES, the evaluation findings on the outcomes and the
14 effectiveness of the program related to school attendance, attachment, and
15 achievement. THE REPORT SHALL ALSO INCLUDE SPECIFIC INFORMATION
16 ON THE EFFICACY OF SERVICES AND SUPPORTS THAT PROVIDE
17 ALTERNATIVES TO COURT INVOLVEMENT AND GUARDIAN AD LITEM
18 REPRESENTATION IN TRUANCY PROCEEDINGS.

19 **SECTION 16.** 22-40-102 (1.7) (b), Colorado Revised Statutes,
20 is amended to read:

21 **22-40-102. Certification - tax revenues.** (1.7) (b) For the
22 purposes of this subsection (1.7), "excess transportation costs" means the
23 ~~current~~ ANNUAL operating expenditures for pupil transportation, as
24 defined in section 22-51-102 (1), minus the total payment actually
25 received by the district under article 51 of this title, AND ANNUAL
26 EXPENDITURES FOR THE PURCHASE OR LEASE OF PUPIL TRANSPORTATION
27 VEHICLES OR OTHER CAPITAL OUTLAYS RELATED TO PUPIL

1 TRANSPORTATION. The calculation of excess transportation costs shall be
2 based upon amounts expended and amounts received for the
3 twelve-month period ending on June 30 prior to the certification of the
4 mill levy.

5 **SECTION 17. 22-44-105 (1) (c.5), Colorado Revised Statutes, is**
6 **amended to read:**

7 **22-44-105. Budget - contents - mandatory. (1) The budget**
8 **shall be presented in the standard budget report format established by the**
9 **state board of education by rule pursuant to subsection (5) of this section.**
10 **The standard budget report format established by the state board shall be**
11 **substantially consistent from year to year and shall adhere to the**
12 **following guidelines:**

13 **(c.5) The budget shall ensure that the school district holds**
14 **unrestricted general fund or cash fund emergency reserves in the amount**
15 **required under the provisions of section 20 (5) of article X of the state**
16 **constitution; EXCEPT THAT, IF A BOARD OF EDUCATION PROVIDES FOR A**
17 **DISTRICT EMERGENCY RESERVE IN THE GENERAL FUND FOR THE BUDGET**
18 **YEAR, ESTABLISHED AT AN AMOUNT EQUAL TO AT LEAST THREE PERCENT**
19 **OF THE AMOUNT BUDGETED TO THE GENERAL FUND, THE BOARD MAY:**

20 **(I) DESIGNATE REAL PROPERTY OWNED BY THE DISTRICT AS ALL OR**
21 **A PORTION OF THE RESERVE REQUIRED BY SECTION 20 (5) OF ARTICLE X OF**
22 **THE STATE CONSTITUTION SO LONG AS THE BOARD HAS FILED WITH THE**
23 **STATE TREASURER AND THE DEPARTMENT OF EDUCATION A LETTER OF**
24 **INTENT THAT EXPRESSES THE INTENT OF THE BOARD TO INCREASE THE**
25 **LIQUIDITY OF SUCH PROPERTY UPON THE OCCURRENCE OF A DECLARED**
26 **EMERGENCY WITHIN THE MEANING OF SECTION 20 (5) OF ARTICLE X OF**
27 **THE STATE CONSTITUTION BY ENTERING INTO ONE OR MORE**

1 LEASE-PURCHASE AGREEMENTS WITH RESPECT TO SUCH PROPERTY OR BY
2 OTHER MEANS ACCEPTABLE TO THE STATE TREASURER; OR

3 (II) SECURE A LETTER OF CREDIT FROM AN INVESTMENT-GRADE
4 BANK AS ALL OR A PORTION OF THE RESERVE REQUIRED BY SECTION 20 (5)
5 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE BOARD HAS
6 FILED WITH THE STATE TREASURER AND THE DEPARTMENT OF EDUCATION
7 A LETTER OF INTENT THAT EXPRESSES THE INTENT OF THE BOARD TO
8 SATISFY ITS OBLIGATION TO REIMBURSE THE BANK FOR MONEYS DRAWN
9 ON THE LETTER OF CREDIT UPON THE OCCURRENCE OF A DECLARED
10 EMERGENCY WITHIN THE MEANING OF SECTION 20 (5) OF ARTICLE X OF
11 THE STATE CONSTITUTION THAT ARE NOT REIMBURSED TO THE BANK
12 WITHIN THE SAME FISCAL YEAR BY ENTERING INTO LEASE-PURCHASE
13 AGREEMENTS WITH RESPECT TO REAL PROPERTY OWNED BY THE DISTRICT.

14 (c.6) IF AT ANY TIME THE BOARD OF EDUCATION EXPENDS ANY
15 MONEYS FROM THE DISTRICT EMERGENCY RESERVE CREATED PURSUANT
16 TO PARAGRAPH (c.5) OF THIS SUBSECTION (1), THE BOARD SHALL RESTORE
17 THE RESERVE TO THREE PERCENT OF THE AMOUNT BUDGETED TO THE
18 GENERAL FUND AS FOLLOWS:

19 (I) IF THE BOARD OF EDUCATION EXPENDS MONEYS FROM THE
20 DISTRICT EMERGENCY RESERVE IN A SINGLE FISCAL YEAR, THE BOARD
21 SHALL RESTORE THE RESERVE PURSUANT TO THIS PARAGRAPH (c.6) WITHIN
22 THIRTY-SIX MONTHS OF THE FIRST DRAW OF THE MONEY FROM THE
23 RESERVE; AND

24 (II) IF THE BOARD OF EDUCATION EXPENDS MONEYS FROM THE
25 DISTRICT EMERGENCY RESERVE IN TWO CONSECUTIVE FISCAL YEARS, THE
26 BOARD SHALL RESTORE THE RESERVE PURSUANT TO THIS PARAGRAPH (c.6)
27 BY THE END OF THE FISCAL YEAR FOLLOWING THE SECOND FISCAL YEAR IN

1 WHICH THE BOARD EXPENDED MONEYS FROM THE RESERVE.

2 **SECTION 18.** 22-45-103 (1) (c) (I) (D), (1) (c) (I) (E), (1) (c) (i)
3 (G), and (1) (c) (I) (H), Colorado Revised Statutes, are amended to read:

4 **22-45-103. Funds.** (1) The following funds are created for each
5 school district for purposes specified in this article:

6 (c) **Capital reserve fund.** (I) Moneys allocated pursuant to the
7 provisions of section 22-54-105 (2) shall be transferred from the general
8 fund and recorded in the capital reserve fund along with the revenues
9 received pursuant to section 39-5-132, C.R.S. Such revenues may be
10 supplemented by gifts, donations, and tuition receipts. Unencumbered
11 moneys in the fund may be transferred to a fund or an account within the
12 general fund established in accordance with generally accepted
13 accounting principles solely for the management of risk-related activities
14 as identified in section 24-10-115, C.R.S., and article 13 of title 29,
15 C.R.S., by resolution of the board of education when such transfer is
16 deemed necessary by the board. Except as provided in subparagraph (V)
17 of this paragraph (c), expenditures from the fund shall be limited to
18 long-range capital outlay expenditures and shall be made only for the
19 following purposes:

20 (D) Alterations and improvements to existing structures; ~~where~~
21 ~~the total estimated cost of such projects for labor and materials is in~~
22 ~~excess of two thousand five hundred dollars;~~

23 (E) Acquisition of school buses or other equipment, except
24 equipment specified in sub-subparagraph (H) of this subparagraph (I); ~~the~~
25 ~~estimated unit cost of which, including any necessary installation, is in~~
26 ~~excess of one thousand dollars;~~

27 (G) Any software licensing agreement; ~~in excess of one thousand~~

1 dollars;

2 (H) Acquisition of computer equipment. ~~the estimated unit cost~~
3 ~~of which, including any necessary installation, is in excess of five~~
4 ~~hundred dollars.~~

5 **SECTION 19.** 22-45-103 (3), Colorado Revised Statutes, is
6 amended to read:

7 **22-45-103. Funds.** (3) Each school district shall ensure that the
8 district holds unrestricted general fund or cash fund emergency reserves
9 in the amount required under the provisions of section 20 (5) of article X
10 of the state constitution; EXCEPT THAT A DISTRICT MAY DESIGNATE
11 PROPERTY OWNED BY THE DISTRICT AS ALL OR A PORTION OF THE
12 REQUIRED RESERVE IN ACCORDANCE WITH SECTION 22-44-105 (1) (c.5).

13 **SECTION 20.** Part 1 of article 2 of title 22, Colorado
14 Revised Statutes, is amended BY THE ADDITION OF A NEW
15 SECTION to read:

16 **22-2-136. State schools - legislative declaration - feasibility**
17 **study - repeal.** (1) THE GENERAL ASSEMBLY FINDS THAT SOME STATES
18 HAVE CREATED STATE AND RESIDENTIAL SCHOOLS TO PROVIDE
19 EDUCATIONAL PROGRAMS AND STUDENT SUPPORT SERVICES FOR STUDENTS
20 WHO ARE AT RISK OF ACADEMIC FAILURE. THE GENERAL ASSEMBLY
21 FURTHER FINDS THAT EARLY REPORTS OF RESULTS ACHIEVED BY SOME OF
22 THESE SCHOOLS INDICATE THAT THIS MAY BE A PROMISING APPROACH TO
23 REDUCING THE DROPOUT RATE, CLOSING THE ACHIEVEMENT GAPS, AND
24 HELPING TO RAISE THE LEVEL OF ACADEMIC ACHIEVEMENT AMONG
25 STUDENTS IN THE STATE. THE GENERAL ASSEMBLY THEREFORE FINDS
26 THAT IT IS APPROPRIATE FOR THE COMMISSIONER TO STUDY THE
27 FEASIBILITY OF CREATING ONE OR MORE STATE SCHOOLS IN COLORADO,

1 WHICH MAY INCLUDE A RESIDENTIAL COMPONENT OR A SPECIFIC STUDENT
2 POPULATION.

3 (2) BEGINNING IN JULY 2009, THE COMMISSIONER SHALL STUDY
4 THE FEASIBILITY OF OPERATING ONE OR MORE STATE SCHOOLS TO SERVE
5 STUDENTS WHO ARE IN NEED OF GREATER ACADEMIC SUPPORT AND WHO
6 MAY BE AT RISK OF ACADEMIC FAILURE. AT A MINIMUM, THE FEASIBILITY
7 STUDY SHALL ADDRESS AND MAKE RECOMMENDATIONS CONCERNING THE
8 FOLLOWING ISSUES:

9 (a) THE GOALS THAT A STATE SCHOOL WOULD BE DESIGNED TO
10 ACHIEVE AND A METHOD FOR MEASURING THE LEVEL OF ACHIEVEMENT OF
11 THOSE GOALS. IN ADDRESSING THIS ISSUE, THE COMMISSIONER SHALL
12 PROVIDE AN OVERVIEW OF THE STATE AND RESIDENTIAL SCHOOLS
13 OPERATING IN OTHER STATES, THE GOALS THAT THEY ARE DESIGNED TO
14 ACHIEVE, AND THE DEGREE TO WHICH THEY HAVE ACHIEVED OR ARE
15 ACHIEVING THOSE GOALS.

16 (b) THE APPROPRIATE STUDENT POPULATION TO BE SERVED BY A
17 STATE SCHOOL AND THE MANNER OF SELECTING STUDENTS, THE NUMBER
18 OF STATE SCHOOLS THAT SHOULD BE CONSIDERED, AND APPROPRIATE
19 LOCATIONS FOR STATE SCHOOLS;

20 (c) THE GOVERNANCE STRUCTURE AND FUNDING FOR A STATE
21 SCHOOL, INCLUDING THE OPTIMAL LEVEL OF PER PUPIL FUNDING, FUNDING
22 FOR CAPITAL CONSTRUCTION NEEDS, AND POTENTIAL PUBLIC AND PRIVATE
23 FUNDING SOURCES;

24 (d) THE APPROPRIATE CURRICULUM FOR A STATE SCHOOL,
25 INCLUDING WHICH GRADE LEVELS A STATE SCHOOL WOULD SERVE, THE
26 LENGTH OF THE SCHOOL DAY AND SCHOOL YEAR FOR WHICH A STATE
27 SCHOOL WOULD OPERATE, AND WHETHER A STATE SCHOOL SHOULD

1 INCLUDE A FOCUS ON SPECIFIC SUBJECT MATTER AREAS; AND

2 (e) THE TYPES OF STUDENT AND FAMILY SUPPORT SERVICES THAT
3 A STATE SCHOOL WOULD PROVIDE, INCLUDING THE MANNER IN WHICH A
4 STATE SCHOOL WOULD COLLABORATE WITH STATE AND LOCAL AGENCIES
5 IN PROVIDING THESE SERVICES.

6 (3) ON OR BEFORE FEBRUARY 1, 2010, THE DEPARTMENT SHALL
7 SUBMIT TO THE EDUCATION COMMITTEES OF THE HOUSE OF
8 REPRESENTATIVES AND THE SENATE THE FEASIBILITY STUDY DESCRIBED
9 IN SUBSECTION (2) OF THIS SECTION FOR OPERATING ONE OR MORE STATE
10 SCHOOLS AND ANY LEGISLATIVE RECOMMENDATIONS THE DEPARTMENT
11 MAY HAVE PERTAINING TO THE CREATION OF ONE OR MORE STATE
12 SCHOOLS.

13 (4) THE COMMISSIONER IS ENCOURAGED TO APPLY FEDERAL
14 MONEYS RECEIVED PURSUANT TO THIS FEDERAL "AMERICAN RECOVERY
15 AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, TO THE EXTENT
16 ALLOWED TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THIS
17 SECTION.

18 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

19 [REDACTED]

20 **SECTION 21.** 24-75-601.1 (1), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22 **24-75-601.1. Legal investments of public funds.** (1) It is lawful
23 to invest public funds in any of the following securities:

24 (h.5) ANY CERTIFICATE OF PARTICIPATION OR OTHER SECURITY
25 EVIDENCING RIGHTS IN PAYMENTS TO BE MADE BY A SCHOOL DISTRICT
26 UNDER A LEASE, LEASE-PURCHASE AGREEMENT, OR SIMILAR
27 ARRANGEMENT IF THE SECURITY, AT THE TIME OF PURCHASE, CARRIES AT

1 LEAST TWO CREDIT RATINGS FROM ANY OF THE NATIONALLY RECOGNIZED
2 CREDIT RATING AGENCIES AND IS RATED AT OR ABOVE "A" BY ALL SUCH
3 CREDIT AGENCIES THAT HAVE PROVIDED A RATING.

4

5 **SECTION 22.** Part 3 of article 11 of title 22, Colorado Revised
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
7 read:

8 **22-11-306. Centers of excellence awards.** (1) (a) THE STATE
9 BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO PUBLIC
10 SCHOOLS IN THE STATE THAT ENROLL A STUDENT POPULATION OF WHICH
11 AT LEAST SEVENTY-FIVE PERCENT ARE AT-RISK PUPILS, AS DEFINED IN
12 SECTION 22-54-103 (1.5), AND THAT DEMONSTRATE THE HIGHEST RATES
13 OF STUDENT ACADEMIC GROWTH, AS DETERMINED BY THE DEPARTMENT
14 BASED UPON THE STATISTICAL MODEL ADOPTED PURSUANT TO SECTION
15 22-7-604.3 (3) (a).

16 (b) AWARDS ISSUED PURSUANT TO THIS SECTION SHALL BE KNOWN
17 AS "CENTERS OF EXCELLENCE AWARDS".

18 (2) A SCHOOL THAT RECEIVES AN AWARD PURSUANT TO THIS
19 SECTION SHALL NOT QUALIFY FOR AN AWARD PURSUANT TO SECTION
20 22-11-305.

21 (3) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-11-302
22 (2) (a) AND 22-11-305 (3), OF THE MONEYS AVAILABLE FOR AWARDS
23 PURSUANT TO THIS PART 3, IN THE 2009-10 BUDGET YEAR AND BUDGET
24 YEARS THEREAFTER, TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE
25 AWARDED TO SCHOOLS ANNUALLY PURSUANT TO THIS SECTION. THE
26 DEPARTMENT SHALL APPORTION THE REMAINDER BETWEEN THE "JOHN
27 IRWIN SCHOOLS OF EXCELLENCE AWARDS" AND THE "GOVERNOR'S

1 DISTINGUISHED IMPROVEMENT AWARDS" AS PROVIDED IN SECTIONS
2 22-11-302 (2) (a) AND 22-11-305 (3), RESPECTIVELY.

3 SECTION 23. 22-11-304, Colorado Revised Statutes, is amended
4 to read:

5 22-11-304. School awards program fund - creation -
6 contributions. (1) (a) The department is hereby authorized to receive
7 grants, gifts, and donations from any source, public or private, to fund
8 financial awards to public schools pursuant to the program established in
9 this part 3. All public and private grants, gifts, and donations received by
10 the department pursuant to this section shall be transmitted to the state
11 treasurer who shall credit the same, in addition to any appropriations
12 made by the general assembly AND THE MONEYS TRANSFERRED PURSUANT
13 TO SUBSECTION (2) OF THIS SECTION, to the school awards program fund,
14 which is hereby created in the state treasury.

15 (b) Moneys in the school awards program fund shall be subject to
16 appropriation by the general assembly to the department of education for
17 purposes of making financial awards pursuant to the provisions of this
18 part 3. At the end of any fiscal year, all unexpended and unencumbered
19 moneys in the school awards program fund shall remain therein and shall
20 not be credited or transferred to the general fund or any other fund.
21 However, in accordance with section 24-36-114, C.R.S., all interest
22 derived from the deposit and investment of moneys in the fund shall be
23 credited to the general fund. Any moneys credited to the school awards
24 program fund shall be used exclusively for awards and shall not be used
25 to pay for the expenses of the department in administering the program
26 established in this part 3.

27 (2) ON JULY 1, 2009, THE STATE TREASURER, PURSUANT TO

1 SECTION 22-7-908 (4) (b), SHALL TRANSFER FROM THE READ-TO-ACHIEVE
2 CASH FUND CREATED IN SECTION 22-7-908 TO THE SCHOOL AWARDS
3 PROGRAM FUND THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND
4 DOLLARS TO BE AWARDED PURSUANT TO SECTION 22-11-306 AS "CENTERS
5 OF EXCELLENCE AWARDS".

6 SECTION 24. 22-7-611, Colorado Revised Statutes, is amended
7 to read:

8 22-7-611. Closing the achievement gap program - strategies -
9 assistance - criteria - rule-making. (1) As used in this section, unless
10 the context otherwise requires:

11 (a) "ELIGIBLE DISTRICT" MEANS A SCHOOL DISTRICT THAT HAS
12 BEEN IDENTIFIED BY RULE OF THE STATE BOARD AS HAVING A SIGNIFICANT
13 ACHIEVEMENT GAP.

14 (b) "Eligible school" means a public school that HAS BEEN
15 IDENTIFIED BY RULE OF THE STATE BOARD AS HAVING A SIGNIFICANT
16 ACHIEVEMENT GAP.

17 ~~(a) Has received an academic performance rating of~~
18 ~~"unsatisfactory" pursuant to section 22-7-604 (5); or~~

19 ~~(b) Has been identified by rule of the state board as having a~~
20 ~~significant achievement gap.~~

21 (2) There is hereby established in the department the closing the
22 achievement gap program, referred to in this section as the "program", to
23 provide extensive assistance to ~~an eligible school that is at risk of being~~
24 ~~converted into an independent charter school pursuant to the provisions~~
25 ~~of part 3 of article 30.5 of this title~~ ELIGIBLE DISTRICTS AND ELIGIBLE
26 SCHOOLS.

27 (3) The department shall prepare and distribute to each ELIGIBLE

1 DISTRICT AND eligible school an outline of different strategies the
2 ELIGIBLE DISTRICT OR ELIGIBLE school may implement to improve
3 academic achievement. The department shall provide the outline by April
4 1 of the school year preceding the school year in which the ELIGIBLE
5 DISTRICT OR eligible school intends to participate in the program. The
6 outline may include, but need not be limited to, the following strategies:

7 (a) Using disaggregated school STUDENT data to set academic
8 improvement targets in reading, writing, mathematics, and science;

9 (b) Using improvement targets to define professional development
10 needs related to content, instruction, differentiation, and best practices in
11 educating special education students, gifted and talented students, English
12 language learners, and other student subgroups, as needed;

13 (c) Developing interim DISTRICT-LEVEL AND building-level
14 assessments to monitor student progress toward proficiency on the state
15 model content standards and developing a plan to immediately address
16 gaps in learning;

17 (d) Examining and realigning, as needed, school scheduling,
18 academic support systems, and assignments of personnel;

19 (e) Designing a plan for increasing parental knowledge and skill
20 to support academic objectives; and

21 (f) Identifying leaders who specialize in rehabilitating failing
22 schools and who may serve as school principals.

23 (4) (a) An eligible school that chooses to apply for participation
24 in the program shall provide to its district school board a list of the
25 strategies selected from the outline provided by the department that the
26 eligible school intends to implement to improve academic achievement
27 AMONG THE STUDENTS ENROLLED IN THE ELIGIBLE SCHOOL. The eligible

1 school shall provide the list by May 1 of the school year preceding the
2 school year in which the eligible school intends to participate in the
3 program. If the district school board chooses to allow the eligible school
4 to apply for participation in the program, the district school board shall,
5 IN ACCORDANCE WITH TIME LINES ADOPTED BY RULE OF THE STATE
6 BOARD, provide to the department a list of the strategies that the district
7 school board and the eligible school have chosen to implement to improve
8 academic achievement AMONG THE STUDENTS ENROLLED IN THE ELIGIBLE
9 SCHOOL.

10 (b) AN ELIGIBLE DISTRICT THAT CHOOSES TO APPLY FOR
11 PARTICIPATION IN THE PROGRAM SHALL, IN ACCORDANCE WITH TIME LINES
12 ADOPTED BY RULE OF THE STATE BOARD, PROVIDE TO THE DEPARTMENT
13 A LIST OF THE STRATEGIES SELECTED FROM THE OUTLINE PROVIDED BY THE
14 DEPARTMENT THAT THE ELIGIBLE DISTRICT HAS CHOSEN TO IMPLEMENT TO
15 IMPROVE ACADEMIC ACHIEVEMENT WITHIN THE ELIGIBLE DISTRICT.

16 (5) The state board shall determine the criteria by which ELIGIBLE
17 DISTRICTS AND eligible schools shall be selected to participate in the
18 program and shall promulgate rules that set forth the criteria.

19 (6) Subject to available appropriations and upon the request of a
20 participating ELIGIBLE DISTRICT OR eligible school, the department shall
21 provide assistance through the program to the participating ELIGIBLE
22 DISTRICT OR eligible school. The assistance may consist of, but is not
23 limited to, information, personnel, and program and technical support.

24 (7) The state board may promulgate all reasonable and necessary
25 rules to implement this section.

26 **SECTION 25.** 22-7-613 (1), Colorado Revised Statutes, is
27 amended to read:

1 **22-7-613. Closing the achievement gap cash fund - creation.**

2 (1) (a) The department is authorized to seek and accept gifts, grants, and
3 donations from private or public sources for the purposes of
4 implementing ~~sections 22-7-611 and 22-7-612~~ SECTION 22-7-611. All
5 private and public funds received through gifts, grants, or donations shall
6 be transmitted to the state treasurer, who shall credit the same to the
7 closing the achievement gap cash fund, which fund is hereby created and
8 referred to in this section as the "fund". The moneys in the fund shall be
9 continuously appropriated to the department.

10 (b) ON JULY 1, 2009, THE STATE TREASURER, PURSUANT TO
11 SECTION 22-7-908 (4) (a), SHALL TRANSFER FROM THE READ-TO-ACHIEVE
12 CASH FUND CREATED IN SECTION 22-7-908 TO THE CLOSING THE
13 ACHIEVEMENT GAP CASH FUND THE AMOUNT OF ONE MILLION SEVEN
14 HUNDRED FIFTY THOUSAND DOLLARS FOR THE PURPOSES OF
15 IMPLEMENTING SECTION 22-7-611.

16 **SECTION 26.** 22-7-908, Colorado Revised Statutes, is amended
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18 **22-7-908. Read-to-achieve cash fund - created.**

19 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
20 CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER
21 FROM THE CASH FUND:

22 (a) TO THE CLOSING THE ACHIEVEMENT GAP CASH FUND CREATED
23 IN SECTION 22-7-613 THE AMOUNT OF ONE MILLION SEVEN HUNDRED FIFTY
24 THOUSAND DOLLARS; AND

25 (b) TO THE SCHOOL AWARDS PROGRAM FUND CREATED IN SECTION
26 22-11-304 THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS.

27 **SECTION 27.** Part 6 of article 11 of title 22, Colorado Revised

1 Statutes, as enacted in Senate Bill 09-163, is amended BY THE
2 ADDITION OF A NEW SECTION to read:

3 **22-11-603.5. Centers of excellence awards.** (1) (a) THE STATE
4 BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO PUBLIC
5 SCHOOLS IN THE STATE THAT ENROLL A STUDENT POPULATION OF WHICH
6 AT LEAST SEVENTY-FIVE PERCENT ARE AT-RISK PUPILS, AS DEFINED IN
7 SECTION 22-54-103 (1.5), AND THAT DEMONSTRATE THE HIGHEST RATES
8 OF STUDENT LONGITUDINAL GROWTH, AS MEASURED BY THE COLORADO
9 GROWTH MODEL. THE TECHNICAL ADVISORY PANEL CONVENED PURSUANT
10 TO SECTION 22-11-202 SHALL RECOMMEND TO THE STATE BOARD, AND
11 THE STATE BOARD SHALL ESTABLISH BY RULE, THE METHOD BY WHICH TO
12 IDENTIFY SCHOOLS THAT QUALIFY FOR AN AWARD PURSUANT TO THIS
13 SECTION.

14 (b) AWARDS ISSUED PURSUANT TO THIS SECTION SHALL BE KNOWN
15 AS "CENTERS OF EXCELLENCE AWARDS".

16 (2) A SCHOOL THAT RECEIVES AN AWARD PURSUANT TO THIS
17 SECTION SHALL NOT QUALIFY FOR AN AWARD PURSUANT TO SECTION
18 22-11-603.

19 (3) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-11-602
20 (2) AND 22-11-603 (2), OF THE MONEYS AVAILABLE FOR AWARDS
21 PURSUANT TO THIS PART 3, IN THE 2009-10 BUDGET YEAR AND BUDGET
22 YEARS THEREAFTER, TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE
23 AWARDED TO SCHOOLS ANNUALLY PURSUANT TO THIS SECTION. THE
24 DEPARTMENT SHALL APPORTION THE REMAINDER BETWEEN THE "JOHN
25 IRWIN SCHOOLS OF EXCELLENCE AWARDS" AND THE "GOVERNOR'S
26 DISTINGUISHED IMPROVEMENT AWARDS" AS PROVIDED IN SECTIONS
27 22-11-602 (2) AND 22-11-603 (2), RESPECTIVELY.

1 **SECTION 28.** 22-11-605 (1), Colorado Revised Statutes, as
2 enacted in Senate Bill 09-163, is amended, and the said 22-11-605 is
3 further amended BY THE ADDITION OF A NEW SUBSECTION, to
4 read:

5 **22-11-605. School awards program fund - creation -**
6 **contributions.** (1) The department is hereby authorized to receive gifts,
7 grants, and donations from any source, public or private, to fund financial
8 awards to public schools pursuant to the program established in this part
9 6. The department shall transmit all public and private gifts, grants, and
10 donations received pursuant to this section to the state treasurer who shall
11 credit the same, in addition to any appropriations made by the general
12 assembly AND THE AMOUNT TRANSFERRED PURSUANT TO SUBSECTION (3)
13 OF THIS SECTION, to the school awards program fund, which is hereby
14 created in the state treasury and referred to in this section as the "fund".

15 (3) ON JULY 1, 2009, THE STATE TREASURER, PURSUANT TO
16 SECTION 22-7-908 (4) (b), SHALL TRANSFER FROM THE READ-TO-ACHIEVE
17 CASH FUND CREATED IN SECTION 22-7-908 TO THE SCHOOL AWARDS
18 PROGRAM FUND THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND
19 DOLLARS TO BE AWARDED PURSUANT TO SECTION 22-11-603.5 AS
20 "CENTERS OF EXCELLENCE AWARDS".

21 **SECTION 29.** 22-7-908, Colorado Revised Statutes, is amended
22 BY THE ADDITION OF A NEW SUBSECTION to read:

23 **22-7-908. Read-to-achieve cash fund - created.**

24 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
25 CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER
26 FROM THE CASH FUND:

27 (a) TO THE CLOSING THE ACHIEVEMENT GAP CASH FUND CREATED

1 IN SECTION 22-7-613 THE AMOUNT OF ONE MILLION SEVEN HUNDRED FIFTY
2 THOUSAND DOLLARS; AND

3 (b) TO THE SCHOOL AWARDS PROGRAM FUND CREATED IN SECTION
4 22-11-605 THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS.

5 **SECTION 30.** 22-44-118 (1), Colorado Revised Statutes, is
6 amended to read:

7 **22-44-118. Full-day kindergarten reserve - tracking of**
8 **expenditures - preschool programs - rules.** (1) (a) Except as otherwise
9 provided in ~~paragraph (b)~~ PARAGRAPHS (b) AND (c) of this subsection (1),
10 for the 2008-09 budget year and each budget year thereafter, a school
11 district that does not report any full-day kindergarten pupils in the
12 district's October 1 pupil enrollment count shall hold the moneys received
13 for full-day kindergarten programs through supplemental kindergarten
14 enrollment pursuant to section 22-54-103 (7) (d) in a full-day
15 kindergarten reserve in the district's general fund. The district shall not
16 use the moneys in the full-day kindergarten reserve until the district
17 enrolls one or more pupils in full-day kindergarten in the district. Once
18 the district enrolls pupils in full-day kindergarten in the district, the
19 district shall not be required to maintain the full-day kindergarten reserve.

20 (b) For the 2008-09 budget year, a school district that does not
21 report any full-day kindergarten pupils in the district's October 1 pupil
22 enrollment count may use the moneys received for full-day kindergarten
23 programs through supplemental kindergarten enrollment pursuant to
24 section 22-54-103 (7) (d) for planning and facility preparation necessary
25 for the district to offer a full-day kindergarten program in subsequent
26 budget years. EACH SCHOOL DISTRICT SHALL, ON OR BEFORE JUNE 30,
27 2009, RETURN TO THE DEPARTMENT OF EDUCATION ANY UNEXPENDED AND

1 UNENCUMBERED AMOUNT REMAINING OF THE MONEYS RECEIVED FOR
2 FULL-DAY KINDERGARTEN PROGRAMS THROUGH SUPPLEMENTAL
3 KINDERGARTEN ENROLLMENT PURSUANT TO SECTION 22-54-103 (7) (d).
4 THE DEPARTMENT OF EDUCATION SHALL ADOPT PROCEDURES FOR THE
5 IMPLEMENTATION OF THIS PARAGRAPH (b). THE DEPARTMENT OF
6 EDUCATION SHALL TRANSMIT TO THE STATE TREASURER THE MONEYS
7 RECEIVED PURSUANT TO THIS PARAGRAPH (b), AND THE STATE TREASURER
8 SHALL CREDIT SAID MONEYS TO THE STATE EDUCATION FUND CREATED
9 PURSUANT TO SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

10 (c) FOR THE 2009-10 BUDGET YEAR, A SCHOOL DISTRICT THAT
11 DOES NOT REPORT ANY FULL-DAY KINDERGARTEN PUPILS IN THE
12 DISTRICT'S OCTOBER 1 PUPIL ENROLLMENT COUNT MAY USE THE MONEYS
13 RECEIVED FOR FULL-DAY KINDERGARTEN PROGRAMS THROUGH
14 SUPPLEMENTAL KINDERGARTEN ENROLLMENT PURSUANT TO SECTION
15 22-54-103 (7) (d) FOR PLANNING AND FACILITY PREPARATION NECESSARY
16 FOR THE DISTRICT TO OFFER A FULL-DAY KINDERGARTEN PROGRAM IN
17 SUBSEQUENT BUDGET YEARS.

18 **SECTION 31.** 22-7-908 (1), Colorado Revised Statutes, as
19 amended in Senate Bill 09-269, is amended to read:

20 **22-7-908. Read-to-achieve cash fund - created.** (1) There is
21 hereby established in the state treasury the read-to-achieve cash fund,
22 referred to in this section as the "cash fund". The cash fund shall consist
23 of moneys transferred thereto pursuant to subsection (3) of this section
24 and any other moneys that may be made available by the general
25 assembly. Subject to appropriation by the general assembly, moneys in
26 the cash fund shall be used to provide grants pursuant to this part 9 and
27 to the reading assistance grant program created pursuant to section

1 22-88-102. except that, for the 2009-10 fiscal year, the general assembly
2 may also appropriate moneys from the cash fund to the department of
3 education to be used to award grants for summer school programs
4 pursuant to part 8 of this article. Any moneys not provided as grants may
5 be invested by the state treasurer as provided in section 24-36-113, C.R.S.
6 All interest derived from the deposit and investment of moneys in the
7 cash fund shall be credited to the cash fund. Any amount remaining in
8 the cash fund at the end of any fiscal year shall remain in the cash fund
9 and shall not be credited or transferred to the general fund or to any other
10 fund.

11 **SECTION 32.** Section 11 (1) (a) and (1) (b) of Senate Bill 09-269
12 are amended to read:

13 Section 11. **Adjustments to the 2009 long bill.** (1) For the
14 implementation of this act, appropriations made in the annual general
15 appropriation act for the fiscal year beginning July 1, 2009, are adjusted
16 as follows:

17 (a) The appropriation to the department of education, assistance
18 to public schools, grant programs, distributions, and other assistance,
19 reading and literacy, read-to-achieve grant program, from the
20 read-to-achieve cash fund created in section 22-7-908 (1), Colorado
21 Revised Statutes, is decreased by ~~one million~~ one hundred sixty-five
22 thousand two hundred ninety-six dollars (~~\$1,165,296~~) (\$165,296) cash
23 funds.

24 (b) ~~(f) The cash funds appropriation to the department of~~
25 ~~education, assistance to public schools, grant programs, distributions, and~~
26 ~~other assistance, summer and after-school programs, summer school grant~~
27 ~~program, from the read-to-achieve cash fund created in section 22-7-908~~

1 ~~(1), Colorado Revised Statutes, is increased by one million dollars~~
2 ~~(\$1,000,000).~~

3 ~~(H) The cash funds appropriation to the department of education,~~
4 ~~assistance to public schools, grant programs, distributions, and other~~
5 ~~assistance, summer and after-school programs, summer school grant~~
6 ~~program, from the state education fund created in section 17(4) of article~~
7 ~~IX of the state constitution, is decreased by one million dollars~~
8 ~~(\$1,000,000).~~

9 **SECTION 33. Appropriation - adjustments to the 2009 long**
10 **bill.** (1) In addition to any other appropriation, there is hereby
11 appropriated, out of any moneys in the general fund not otherwise
12 appropriated, to the department of education, for the fiscal year beginning
13 July 1, 2009, the sum of fifty-five thousand seven hundred six dollars
14 (\$55,706), or so much thereof as may be necessary, for the preparation of
15 a feasibility study as required by section 22-2-135, Colorado Revised
16 Statutes.

17 (2) For the implementation of this act, appropriations made in the
18 annual general appropriation act for the fiscal year beginning July 1,
19 2009, shall be adjusted as follows:

20 (a) The appropriation to the department of education, assistance
21 to public schools, public school finance, for the state share of districts'
22 total program funding, is decreased by one hundred ten million dollars
23 (\$110,000,000) pursuant to section 22-54-104 (5) (g) (III), Colorado
24 Revised Statutes. Said sum shall be cash funds from the state education
25 fund created in section 17 (4) (a) of article IX of the state constitution.

26 (b) The appropriation to the department of education, assistance
27 to public schools, grant programs, distributions, and other assistance, for

1 the read-to-achieve grant program, is decreased by two million dollars
2 (\$2,000,000). Said sum shall be cash funds from the read-to-achieve cash
3 fund created in section 22-7-908 (1), Colorado Revised Statutes.

4 **SECTION 34. Appropriation.** In addition to any other
5 appropriation, there is hereby appropriated, out of any moneys in the
6 school awards program fund created in section 22-11-304, Colorado
7 Revised Statutes, not otherwise appropriated, to the department of
8 education, for the fiscal year beginning July 1, 2009, the sum of two
9 hundred fifty thousand dollars (\$250,000), or so much thereof as may be
10 necessary, for the implementation of section 22-11-306, Colorado
11 Revised Statutes.

12 **SECTION 35. Appropriation.** In addition to any other
13 appropriation, there is hereby appropriated, out of any moneys in the
14 school awards program fund created in section 22-11-605, Colorado
15 Revised Statutes, not otherwise appropriated, to the department of
16 education, for the fiscal year beginning July 1, 2009, the sum of two
17 hundred fifty thousand dollars (\$250,000), or so much thereof as may be
18 necessary, for the implementation of section 22-11-603.5, Colorado
19 Revised Statutes.

20 [REDACTED]

21 **SECTION 36. Effective date.** (1) This act shall take effect upon
22 passage; except that:

23 (a) Sections 24, 25, 28, and 36 of this act shall not take effect if
24 Senate Bill 09-163 is enacted and becomes law;

25 (b) Sections 29 through 31 and 37 of this act shall take effect only
26 if Senate Bill 09-163 is enacted and becomes law;

27 (c) Section 33 of this act shall take effect only if Senate Bill

1 09-269 is enacted and becomes law with the amendments to section
2 22-7-908 (1), Colorado Revised Statutes, as they appear in the rerevised
3 version of Senate Bill 09-269; and

4 (d) Section 34 of this act shall take effect only if Senate Bill
5 09-269 is enacted and becomes law with the provisions of section 11 (1)
6 (a) and (1) (b) of said act as they appear in the rerevised version of Senate
7 Bill 09-269.

8 **SECTION 37. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.