

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 21, 2013
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB13-213 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 14, line 27, strike "22-54.5-310" and substitute
- 2 "22-54.5-311".

- 3 Page 15, line 3, strike "(1) (b)".

- 4 Page 15, line 4, strike "AND".

- 5 Page 15, line 20, strike "22-54.5-304." and substitute "22-54.5-305.".

- 6 Page 16, line 12, strike "(3)" and substitute "(4)" and strike "(3)" and
- 7 substitute "(4)".

- 8 Page 16, line 16, strike "**Definitions.**" and substitute "**Definitions -**
- 9 **repeal.**".

- 10 Page 17, line 1, after "(4)" insert "(a)".

- 11 Page 17, after line 16 insert:
- 12 "(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
- 13 THIS SUBSECTION (4) TO THE CONTRARY, FOR PURPOSES OF CALCULATING
- 14 FUNDING PURSUANT TO THIS ARTICLE FOR THE 2015-16 AND 2016-17
- 15 BUDGET YEARS, "ASCENT PROGRAM AVERAGE DAILY MEMBERSHIP"
- 16 MEANS THE NUMBER OF PUPILS ENROLLED IN A LOCAL EDUCATION
- 17 PROVIDER AND PARTICIPATING IN THE ASCENT PROGRAM ON OCTOBER
- 18 1 OF THE BUDGET YEAR FOR WHICH FUNDING IS CALCULATED.

1 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2017."

2 Page 18, after line 11 insert:

3 "(d) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
4 THIS SUBSECTION (6) TO THE CONTRARY, FOR PURPOSES OF CALCULATING
5 FUNDING PURSUANT TO THIS ARTICLE FOR THE 2015-16 AND 2016-17
6 BUDGET YEARS, "AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP" MEANS THE
7 GREATER OF:

8 (A) THE NUMBER OF AT-RISK PUPILS INCLUDED IN THE LOCAL
9 EDUCATION PROVIDER'S MEMBERSHIP ON OCTOBER 1 OF THE BUDGET YEAR
10 FOR WHICH FUNDING IS CALCULATED; OR

11 (B) THE LOCAL EDUCATION PROVIDER'S AT-RISK PUPIL
12 PERCENTAGE MULTIPLIED BY THE LOCAL EDUCATION PROVIDER'S
13 ADJUSTED AVERAGE DAILY MEMBERSHIP.

14 (II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2017."

15 Page 18, after line 18 insert:

16 "(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
17 THIS SUBSECTION (7), FOR AN INSTITUTE CHARTER SCHOOL THAT DOES NOT
18 ENROLL STUDENTS IN GRADES ONE THROUGH EIGHT, "AT-RISK PUPIL
19 PERCENTAGE" MEANS THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE
20 INSTITUTE CHARTER SCHOOL EACH SCHOOL DAY, TOTALED FOR THE
21 AVERAGING PERIOD AND DIVIDED BY THE NUMBER OF SCHOOL DAYS IN THE
22 AVERAGING PERIOD, THEN DIVIDED BY THE INSTITUTE CHARTER SCHOOL'S
23 AVERAGE DAILY MEMBERSHIP FOR THE SAME AVERAGING PERIOD."

24 Reletter succeeding paragraphs accordingly.

25 Page 18, after line 25 insert:

26 "(e) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
27 THIS SUBSECTION (7) TO THE CONTRARY, FOR PURPOSES OF CALCULATING
28 FUNDING PURSUANT TO THIS ARTICLE FOR THE 2015-16 AND 2016-17
29 BUDGET YEARS, "AT-RISK PUPIL PERCENTAGE" MEANS THE NUMBER OF
30 AT-RISK PUPILS INCLUDED IN THE LOCAL EDUCATION PROVIDER'S
31 MEMBERSHIP IN GRADES ONE THROUGH EIGHT ON OCTOBER 1 OF THE
32 BUDGET YEAR FOR WHICH FUNDING IS CALCULATED.

33 (II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2017."

34 Page 18, line 26, after "(8)" insert "(a)".

35 Page 19, after line 4 insert:

1 "(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
2 THIS SUBSECTION (8) TO THE CONTRARY, FOR PURPOSES OF CALCULATING
3 FUNDING PURSUANT TO THIS ARTICLE FOR THE 2015-16 AND 2016-17
4 BUDGET YEARS, "AVERAGE DAILY MEMBERSHIP" MEANS THE MEMBERSHIP
5 OF A LOCAL EDUCATION PROVIDER ON OCTOBER 1 OF THE BUDGET YEAR
6 FOR WHICH FUNDING IS CALCULATED.

7 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2017."

8 Page 20, after line 23 insert:

9 "(e) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
10 THIS SUBSECTION (17) TO THE CONTRARY, FOR PURPOSES OF CALCULATING
11 FUNDING PURSUANT TO THIS ARTICLE FOR THE 2015-16 AND 2016-17
12 BUDGET YEARS, "ENGLISH LANGUAGE LEARNER AVERAGE DAILY
13 MEMBERSHIP" MEANS THE NUMBER OF ENGLISH LANGUAGE LEARNERS
14 INCLUDED IN THE LOCAL EDUCATION PROVIDER'S MEMBERSHIP ON
15 OCTOBER 1 OF THE BUDGET YEAR FOR WHICH FUNDING IS CALCULATED.

16 (II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1, 2017."

17 Page 22, strike line 26.

18 Page 22, line 27, strike "APPLY," and substitute "2017-18 BUDGET YEAR,".

19 Page 23, strike lines 22 through 24 and substitute "OF THIS TITLE, THE
20 PUPILS WHO ARE ENROLLED IN KINDERGARTEN, WHO ARE ALL COUNTED AS
21 FULL-TIME PUPILS, THE PUPILS WHO ARE ENROLLED IN GRADES ONE
22 THROUGH EIGHT, WHO ARE COUNTED AS EITHER FULL-TIME OR PART-TIME
23 PUPILS, AND THE PUPILS WHO ARE ENROLLED IN GRADES NINE THROUGH
24 TWELVE, WHO".

25 Page 26, line 11, after "(28)" insert "(a)".

26 Page 26, after line 19 insert:

27 "(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
28 THIS SUBSECTION (28) TO THE CONTRARY, FOR PURPOSES OF CALCULATING
29 FUNDING PURSUANT TO THIS ARTICLE FOR THE 2015-16 AND 2016-17
30 BUDGET YEARS, "ON-LINE AVERAGE DAILY MEMBERSHIP" MEANS THE
31 NUMBER OF PUPILS ENROLLED ON OCTOBER 1 OF THE BUDGET YEAR FOR
32 WHICH FUNDING IS CALCULATED IN A MULTI-DISTRICT ON-LINE SCHOOL
33 OPERATED BY A LOCAL EDUCATION PROVIDER.

34 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2017."

1 Page 26, line 23, after "(30)" insert "(a)".

2 Page 27, after line 1 insert:

3 "(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
4 THIS SUBSECTION (30) TO THE CONTRARY, FOR PURPOSES OF CALCULATING
5 FUNDING PURSUANT TO THIS ARTICLE FOR THE 2015-16 AND 2016-17
6 BUDGET YEARS, "PRESCHOOL PROGRAM AVERAGE DAILY MEMBERSHIP"
7 MEANS THE NUMBER OF PUPILS ENROLLED PURSUANT TO ARTICLE 28 OF
8 THIS TITLE IN A DISTRICT PRESCHOOL PROGRAM OR IN AN INSTITUTE
9 CHARTER SCHOOL PRESCHOOL PROGRAM AND INCLUDED IN THE DISTRICT'S
10 OR INSTITUTE CHARTER SCHOOL'S MEMBERSHIP ON OCTOBER 1 OF THE
11 BUDGET YEAR FOR WHICH FUNDING IS CALCULATED.

12 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2017."

13 Page 28, line 10, after "(38)" insert "(a)".

14 Page 28, after line 15 insert:

15 "(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
16 THIS SUBSECTION (38) TO THE CONTRARY, FOR PURPOSES OF CALCULATING
17 FUNDING PURSUANT TO THIS ARTICLE FOR THE 2015-16 AND 2016-17
18 BUDGET YEARS, "STATEWIDE AVERAGE DAILY MEMBERSHIP" MEANS THE
19 TOTAL MEMBERSHIP OF ALL DISTRICTS AND ALL INSTITUTE CHARTER
20 SCHOOLS IN THE STATE ON OCTOBER 1 OF THE BUDGET YEAR FOR WHICH
21 FUNDING IS CALCULATED.

22 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2017."

23 Page 28, line 21, after "(40)" insert "(a)".

24 Page 28, after line 24 insert:

25 "(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
26 THIS SUBSECTION (40) TO THE CONTRARY, FOR PURPOSES OF CALCULATING
27 FUNDING PURSUANT TO THIS ARTICLE FOR BUDGET YEARS 2015-16
28 THROUGH 2017-18, "STATEWIDE AVERAGE ENROLLMENT GROWTH" MEANS
29 THE PERCENTAGE INCREASE IN THE STATEWIDE AVERAGE DAILY
30 MEMBERSHIP OF A BUDGET YEAR OVER THE PREVIOUS BUDGET YEAR.

31 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2017."

32 Page 31, strike line 4 and substitute "COMMITTEES. THE DEPARTMENT
33 SHALL SUBMIT THE FIRST COST STUDY NO LATER THAN JANUARY 31, 2016.
34 THE DEPARTMENT SHALL SUBMIT THE REPORT AND SUBSEQUENT COST
35 STUDIES NO LATER THAN JANUARY 31, 2020, AND NO LATER THAN".

1 Page 31, strike line 19 and substitute "DISTRICT AND SCHOOL STUDENT
2 DEMOGRAPHICS, AND OTHER DISTRICT AND SCHOOL ATTRIBUTES,
3 INCLUDING BUT NOT LIMITED TO DISTRICT AND SCHOOL CALENDARS,
4 STANDARD CLASS SIZES, AND SPECIALIZATION IN SCHOOLS AND
5 CURRICULA;".

6 Page 31, after line 23 insert:

7 "(III) STUDENT LEARNING CONDITIONS WITHIN EACH DISTRICT,
8 EACH SCHOOL THAT IS NOT A CHARTER SCHOOL, EACH DISTRICT CHARTER
9 SCHOOL, AND EACH INSTITUTE CHARTER SCHOOL USING DATA FROM THE
10 BIENNIAL TEACHING AND LEARNING CONDITIONS SURVEY ADMINISTERED
11 BY THE DEPARTMENT PURSUANT TO SECTION 22-2-503, OTHER VALID AND
12 RELIABLE DATA REGARDING STAFF, PARENT, AND STUDENT PERCEPTIONS,
13 AND OTHER VALID AND RELIABLE DATA THAT DISTRICTS AND PUBLIC
14 SCHOOLS MAY PROVIDE;" .

15 Renumber succeeding subparagraphs accordingly.

16 Page 34, strike lines 18 through 22.

17 Reletter succeeding paragraphs accordingly.

18 Page 40, line 2, after "DISTRICT'S" insert "ADJUSTED".

19 Page 40, line 6, after "DISTRICT'S" insert "ADJUSTED".

20 Page 41, line 2, after "DISTRICT'S" insert "ADJUSTED".

21 Page 41, line 7, after "DISTRICT'S" insert "ADJUSTED".

22 Page 44, line 8, after "SCHOOL'S" insert "ADJUSTED".

23 Page 44, line 13, after "SCHOOL'S" insert "ADJUSTED".

24 Page 45, line 13, after "SCHOOL'S" insert "ADJUSTED".

25 Page 45, line 19, after "SCHOOL'S" insert "ADJUSTED".

26 Page 48, line 23, strike the first "DISTRICT'S" and substitute "STATEWIDE".

1 Page 54, line 26, strike "22-54.5-305;" and substitute "22-54.5-306;".

2 Page 55, line 10, strike "22-54.5-305," and substitute "22-54.5-306,".

3 Page 70, line 26, strike "22-54.5-309" and substitute "22-54.5-310".

4 Page 76, line 18, strike "2014-15" and substitute "2015-16".

5 Page 76, line 19, strike "2015-16" and substitute "2016-17".

6 Page 77, strike lines 12 through 27 and substitute:

7 **"22-54.5-302. Hold-harmless moneys - state share**
8 **hold-harmless fund - created - definitions.** (1) FOR PURPOSES OF THIS
9 SECTION:

10 (a) "DISTRICT'S 2014-15 STATE SHARE" MEANS THE AMOUNT OF
11 STATE SHARE THAT A DISTRICT RECEIVES FOR THE 2014-15 BUDGET YEAR
12 PURSUANT TO SECTION 22-54-106, AS IT EXISTED PRIOR TO REPEAL.

13 (b) "FUND" MEANS THE STATE SHARE HOLD-HARMLESS FUND
14 CREATED IN SUBSECTION (3) OF THIS SECTION.

15 (c) "STATE FUNDING" MEANS THE AMOUNT OF STATE SHARE PLUS
16 INVESTMENT MONEYS THAT A DISTRICT RECEIVES IN A BUDGET YEAR.

17 (2) (a) IF THE RECALCULATION OF STATE AND LOCAL SHARES OF
18 TOTAL PROGRAM PURSUANT TO SECTION 22-54.5-203 RESULTS IN A
19 DISTRICT RECEIVING A LOWER AMOUNT OF STATE FUNDING, THE DISTRICT
20 IS ELIGIBLE TO RECEIVE HOLD-HARMLESS MONEYS AS PROVIDED IN THIS
21 SECTION. THE DEPARTMENT SHALL ANNUALLY CALCULATE A DISTRICT'S
22 HOLD-HARMLESS MONEYS USING THE DISTRICT'S STATE FUNDING, TOTAL
23 PROGRAM, AND INVESTMENT MONEYS FOR THE APPLICABLE BUDGET YEAR
24 IN THE FOLLOWING FORMULA:

25 (DISTRICT'S 2014-15 STATE SHARE - DISTRICT'S STATE
26 FUNDING) + (0.02 X (DISTRICT'S TOTAL PROGRAM +
27 DISTRICT'S INVESTMENT MONEYS)

28 (b) A DISTRICT THAT IS ELIGIBLE TO RECEIVE HOLD-HARMLESS
29 MONEYS AS THE RESULT OF A RECALCULATION OF STATE AND LOCAL
30 SHARES CONTINUES TO BE ELIGIBLE TO RECEIVE THE HOLD-HARMLESS
31 MONEYS IN EACH SUBSEQUENT BUDGET YEAR IN WHICH THE CALCULATION
32 OF THE HOLD-HARMLESS MONEYS RESULTS IN A POSITIVE NUMBER.

33 (c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
34 CONTRARY, THE DEPARTMENT SHALL REDUCE A DISTRICT'S
35 HOLD-HARMLESS MONEYS AS NECESSARY TO ENSURE THAT, IN ANY
36 BUDGET YEAR, THE DISTRICT'S HOLD-HARMLESS MONEYS PLUS THE

1 DISTRICT'S LOCAL SHARE AND STATE SHARE DO NOT EXCEED THE GREATER
2 OF THE DISTRICT'S TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR OR
3 THE DISTRICT'S TOTAL PROGRAM FOR THE 2014-15 BUDGET YEAR
4 CALCULATED PURSUANT TO SECTION 22-54-104, AS IT EXISTED PRIOR TO
5 REPEAL.

6 (3) (a) THERE IS CREATED IN THE STATE TREASURY THE STATE
7 SHARE HOLD-HARMLESS FUND CONSISTING OF SUCH MONEYS AS THE
8 GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS IN THE
9 FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
10 ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION AS HOLD-HARMLESS
11 MONEYS TO ELIGIBLE DISTRICTS AS PROVIDED IN THIS SECTION.

12 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
13 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
14 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
15 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
16 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
17 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND
18 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
19 ANOTHER FUND.

20 (4) IN A BUDGET YEAR IN WHICH THE GENERAL ASSEMBLY DOES
21 NOT APPROPRIATE A SUFFICIENT AMOUNT TO FULLY FUND THE
22 HOLD-HARMLESS MONEYS AUTHORIZED IN THIS SECTION, THE
23 DEPARTMENT SHALL REDUCE THE AMOUNT OF EACH ELIGIBLE DISTRICT'S
24 HOLD-HARMLESS MONEYS BY THE SAME PERCENTAGE THAT THE DEFICIT
25 BEARS TO THE AMOUNT REQUIRED TO FULLY FUND THE HOLD-HARMLESS
26 MONEYS AUTHORIZED BY THIS SECTION."

27 Page 78, strike lines 1 through 11 and substitute:

28 **"22-54.5-303. Per pupil supplemental payment - per pupil**
29 **supplemental fund - created - definitions.** (1) FOR PURPOSES OF THIS
30 SECTION:

31 (a) "DISTRICT'S PER PUPIL REVENUE" MEANS, FOR EACH BUDGET
32 YEAR, THE SUM OF THE AMOUNT OF LOCAL PROPERTY TAX REVENUES
33 GENERATED FROM THE NUMBER OF MILLS A DISTRICT LEVIES FOR TOTAL
34 PROGRAM PLUS THE SPECIFIC OWNERSHIP TAX REVENUE PAID TO THE
35 DISTRICT PLUS THE STATE SHARE PAID TO THE DISTRICT PLUS ANY
36 HOLD-HARMLESS MONEYS PAID TO THE DISTRICT PURSUANT TO SECTION
37 22-54.5-302, DIVIDED BY THE DISTRICT'S FUNDED MEMBERSHIP FOR THE
38 APPLICABLE BUDGET YEAR.

39 (b) "FUND" MEANS THE PER PUPIL SUPPLEMENTAL FUND CREATED
40 IN SUBSECTION (3) OF THIS SECTION.

1 (c) "INSTITUTE CHARTER SCHOOL'S PER PUPIL REVENUE" MEANS,
2 FOR EACH BUDGET YEAR, THE AMOUNT OF STATE FUNDING PAID TO THE
3 INSTITUTE CHARTER SCHOOL DIVIDED BY THE INSTITUTE CHARTER
4 SCHOOL'S FUNDED MEMBERSHIP FOR THE APPLICABLE BUDGET YEAR.

5 (2) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE
6 DEPARTMENT SHALL ANNUALLY PAY PER PUPIL SUPPLEMENTAL PAYMENTS
7 TO DISTRICTS AND INSTITUTE CHARTER SCHOOLS TO ENSURE THAT, FOR
8 EACH BUDGET YEAR, EACH DISTRICT'S PER PUPIL REVENUE AND EACH
9 INSTITUTE CHARTER SCHOOL'S PER PUPIL REVENUE IS AT LEAST EQUAL TO
10 THE STATE AVERAGE PER PUPIL REVENUE. THE DEPARTMENT SHALL
11 ANNUALLY IDENTIFY THE DISTRICTS AND INSTITUTE CHARTER SCHOOLS
12 THAT MAY RECEIVE PER PUPIL SUPPLEMENTAL PAYMENTS AS PROVIDED IN
13 THIS SECTION.

14 (b) THE DEPARTMENT SHALL CALCULATE THE AMOUNT PAYABLE
15 TO EACH DISTRICT BY SUBTRACTING THE DISTRICT'S PER PUPIL REVENUE
16 FOR THE APPLICABLE BUDGET YEAR FROM THE STATE AVERAGE PER PUPIL
17 REVENUE FOR THE APPLICABLE BUDGET YEAR AND MULTIPLYING THE
18 DIFFERENCE BY THE DISTRICT'S FUNDED MEMBERSHIP FOR THE APPLICABLE
19 BUDGET YEAR.

20 (c) THE DEPARTMENT SHALL CALCULATE THE AMOUNT PAYABLE
21 TO EACH INSTITUTE CHARTER SCHOOL BY SUBTRACTING THE INSTITUTE
22 CHARTER SCHOOL'S PER PUPIL REVENUE FOR THE APPLICABLE BUDGET
23 YEAR FROM THE STATE AVERAGE PER PUPIL REVENUE FOR THE APPLICABLE
24 BUDGET YEAR AND MULTIPLYING THE DIFFERENCE BY THE INSTITUTE
25 CHARTER SCHOOL'S FUNDED MEMBERSHIP FOR THE APPLICABLE BUDGET
26 YEAR.

27 (d) A DISTRICT OR AN INSTITUTE CHARTER SCHOOL IS NOT ELIGIBLE
28 FOR PER PUPIL SUPPLEMENTAL PAYMENTS IN ANY BUDGET YEAR IN WHICH
29 THE CALCULATION DESCRIBED IN THIS SUBSECTION (2) RESULTS IN A
30 NEGATIVE NUMBER.

31 (3) (a) THERE IS CREATED IN THE STATE TREASURY THE PER PUPIL
32 SUPPLEMENTAL FUND CONSISTING OF SUCH MONEYS AS THE GENERAL
33 ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND
34 ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO
35 THE DEPARTMENT FOR DISTRIBUTION TO DISTRICTS AND INSTITUTE
36 CHARTER SCHOOLS AS PROVIDED IN THIS SECTION.

37 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
38 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
39 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
40 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
41 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN

1 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND
2 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
3 ANOTHER FUND.

4 (4) IN A BUDGET YEAR IN WHICH THE GENERAL ASSEMBLY DOES
5 NOT APPROPRIATE A SUFFICIENT AMOUNT TO FULLY FUND THE PER PUPIL
6 SUPPLEMENTAL PAYMENTS AUTHORIZED IN SUBSECTION (2) OF THIS
7 SECTION, THE DEPARTMENT SHALL REDUCE EACH DISTRICT'S AND EACH
8 INSTITUTE CHARTER SCHOOL'S PAYMENT BY THE SAME PERCENTAGE THAT
9 THE DEFICIT BEARS TO THE AMOUNT REQUIRED TO FULLY FUND THE PER
10 PUPIL SUPPLEMENTAL PAYMENTS AUTHORIZED BY SUBSECTION (2) OF THIS
11 SECTION."

12 Renumber succeeding statutory sections accordingly.

13 Page 99, line 23, strike "NINE" and substitute "ELEVEN".

14 Page 99, line 25, strike "SEVEN" and substitute "NINE".

15 Page 100, afer line 4 insert:

16 "(D) ONE MEMBER WHO REPRESENTS A STATEWIDE ORGANIZATION
17 OF CHARTER SCHOOLS;".

18 Reletter succeeding sub-subparagraphs accordingly.

19 Page 100, line 9, strike "TWO" and substitute "THREE".

20 Page 108, line 24, strike "OF THE DISTRICT".

21 Page 112, line 11, strike "HALF" and substitute "QUARTER".

22 Page 112, line 12, strike "HALF" and substitute "QUARTER".

23 Page 112, line 18, strike "HALF" and substitute "QUARTER".

24 Page 114, line 1, strike "HALF" and substitute "QUARTER".

25 Page 116, line 3, strike "(d) (III)." and substitute "(d).".

26 Page 116, line 10, strike "(d) (III)." and substitute "(d).".

27 Page 118, line 21, strike "(d) (III)." and substitute "(d).".

- 1 Page 121, line 20, strike "(d) (III)." and substitute "(d).".
- 2 Page 132, after line 13 insert:
3 "(c) "AT-RISK" HAS THE SAME MEANING AS PROVIDED IN SECTION
4 22-54.5-103 (5).
5 (d) "AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP" HAS THE SAME
6 MEANING AS PROVIDED IN SECTION 22-54.5-103 (6).".
- 7 Reletter succeeding paragraphs accordingly.
- 8 Page 133, line 7, strike "22-54.5-308(1)(c)." and substitute "22-54.5-309
9 (1) (c).".
- 10 Page 133, after line 7 insert:
11 "(i) "ENGLISH LANGUAGE LEARNER" HAS THE SAME MEANING AS
12 PROVIDED IN SECTION 22-54.5-103 (16).
13 (j) "ENGLISH LANGUAGE LEARNER AVERAGE DAILY MEMBERSHIP"
14 HAS THE SAME MEANING AS PROVIDED IN SECTION 22-54.5-103 (17).".
- 15 Reletter succeeding paragraphs accordingly.
- 16 Page 134, line 4, strike "22-54.5-308(1)(e)." and substitute "22-54.5-309
17 (1) (e).".
- 18 Page 136, line 18, after "(I)" insert "(A)".
- 19 Page 136, line 25, strike "PUPILS" and substitute "PUPILS, INCLUDING THE
20 PROJECTED NUMBER OF AT-RISK PUPILS AND ENGLISH LANGUAGE
21 LEARNERS,".
- 22 Page 136, after line 26 insert:
23 "(B) THE DISTRICT SHALL CALCULATE THE CHARTER SCHOOL'S
24 AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP,
25 WHICHEVER IS APPLICABLE, AND THE CHARTER SCHOOL'S AT-RISK PUPIL
26 AVERAGE DAILY MEMBERSHIP AND ENGLISH LANGUAGE LEARNER
27 AVERAGE DAILY MEMBERSHIP FOR THE FIRST QUARTER OF THE CHARTER
28 SCHOOL'S FIRST SCHOOL YEAR. IF THE CALCULATED AVERAGE DAILY
29 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP IS DIFFERENT
30 FROM THE PROJECTED MEMBERSHIP, THE DISTRICT SHALL RECALCULATE
31 THE CHARTER SCHOOL'S FUNDING USING THE AVERAGE DAILY MEMBERSHIP
32 OR ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS APPLICABLE,
33 AND THE AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP AND ENGLISH

1 LANGUAGE LEARNER AVERAGE DAILY MEMBERSHIP OF THE FIRST QUARTER
2 OF THE THEN-CURRENT SCHOOL YEAR AND ADJUST THE CHARTER SCHOOL'S
3 FUNDING ACCORDINGLY FOR THE REMAINDER OF THE FIRST SCHOOL
4 YEAR."

5 Page 136, line 27, after "(II)" insert "(A)".

6 Page 137, line 9, after "AT-RISK" insert "PUPIL".

7 Page 137, after line 11 insert:

8 "(B) THE DISTRICT SHALL CALCULATE THE CHARTER SCHOOL'S
9 AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP,
10 WHICHEVER IS APPLICABLE, AND THE CHARTER SCHOOL'S AT-RISK PUPIL
11 AVERAGE DAILY MEMBERSHIP AND ENGLISH LANGUAGE LEARNER
12 AVERAGE DAILY MEMBERSHIP FOR THE FIRST QUARTER OF THE CHARTER
13 SCHOOL'S SECOND SCHOOL YEAR. IF THE CALCULATED AVERAGE DAILY
14 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE FIRST
15 QUARTER OF THE SECOND SCHOOL YEAR EXCEEDS THE AVERAGE DAILY
16 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE FIRST
17 HALF OF THE CHARTER SCHOOL'S FIRST SCHOOL YEAR, THE DISTRICT SHALL
18 RECALCULATE THE CHARTER SCHOOL'S FUNDING USING THE AVERAGE
19 DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP,
20 WHICHEVER IS APPLICABLE, AND THE AT-RISK PUPIL AVERAGE DAILY
21 MEMBERSHIP AND ENGLISH LANGUAGE LEARNER AVERAGE DAILY
22 MEMBERSHIP OF THE FIRST QUARTER OF THE THEN-CURRENT SCHOOL YEAR
23 AND ADJUST THE CHARTER SCHOOL'S FUNDING ACCORDINGLY FOR THE
24 REMAINDER OF THE SECOND SCHOOL YEAR."

25 Page 137, line 16, strike "HALF" and substitute "QUARTER".

26 Page 137, line 18, strike "OR FOR".

27 Page 137, strike line 19.

28 Page 137, line 20, strike "IS IN THE SECOND YEAR OF ENROLLING PUPILS,".

29 Page 137, line 26, strike "HALF" and substitute "QUARTER".

30 Page 137, strike line 27 and substitute:

31 "(IV) IF A CHARTER SCHOOL'S FUNDING INCREASES BECAUSE OF
32 THE RECALCULATIONS DESCRIBED IN THIS PARAGRAPH (d), THE DISTRICT
33 SHALL REPORT TO THE DEPARTMENT THE INCREASE IN".

- 1 Page 138, line 7, strike "SUBPARAGRAPH(III)" and substitute "PARAGRAPH
2 (d)".
- 3 Page 138, line 9, strike "SUBPARAGRAPH(III)" and substitute "PARAGRAPH
4 (d)".
- 5 Page 142, line 5, strike "22-54.5-308." and substitute "22-54.5-309".
- 6 Page 142, line 9, strike "22-54.5-308." and substitute "22-54.5-309".
- 7 Page 142, line 11, strike "22-54.5-308 (1) (a)." and substitute "22-54.5-
8 309 (1) (a)".
- 9 Page 142, line 18, strike "22-54.5-305" and substitute "22-54.5-306".
- 10 Page 142, line 26, strike "22-54.5-305" and substitute "22-54.5-306".
- 11 Page 144, line 6, strike "22-54.5-303 (2)." and substitute "22-54.5-304
12 (2)".
- 13 Page 153, line 18, strike "(3)." and substitute "(4)".
- 14 Page 153, after line 18 insert:
15 "(f) "AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP" HAS THE SAME
16 MEANING AS PROVIDED IN SECTION 22-54.5-103 (6)".
- 17 Reletter succeeding paragraphs accordingly.
- 18 Page 153, line 25, strike "(4)." and substitute "(5)".
- 19 Page 153, after line 25 insert:
20 "(j) "ENGLISH LANGUAGE LEARNER AVERAGE DAILY MEMBERSHIP"
21 HAS THE SAME MEANING AS PROVIDED IN SECTION 22-54.5-103 (17)".
- 22 Reletter succeeding paragraphs accordingly.
- 23 Page 154, line 9, strike "22-54.5-308 (1) (e)." and substitute "22-54.5-309
24 (1) (e)".
- 25 Page 156, strike lines 5 through 22 and substitute:
26 "(c) IF THE DEPARTMENT RECALCULATES AND ADJUSTS AN
27 INSTITUTE CHARTER SCHOOL'S FUNDING AS PROVIDED IN SECTION

1 22-54.5-405 (4) OR (6), THE INSTITUTE SHALL ADJUST ITS PAYMENTS TO
2 THE INSTITUTE CHARTER SCHOOL PURSUANT TO THIS SECTION
3 ACCORDINGLY.

4 (d) IN THE FIRST AND SECOND YEARS IN WHICH A NEW INSTITUTE
5 CHARTER SCHOOL ENROLLS PUPILS AND IN ANY SCHOOL YEAR IN WHICH AN
6 INSTITUTE CHARTER SCHOOL ADDS GRADE LEVELS, THE INSTITUTE SHALL
7 CALCULATE THE INSTITUTE CHARTER SCHOOL'S MEMBERSHIP AND, IF
8 APPLICABLE, ON-LINE PUPIL ENROLLMENT AND ASCENT PROGRAM
9 ENROLLMENT AS PROVIDED IN SECTION 22-54.5-405 (4) AND (6)."

10 Page 157, strike lines 7 through 11.

11 Page 157, line 12, strike "(B)" and substitute "(II) (A)".

12 Reletter succeeding sub-subparagraphs accordingly.

13 Page 158, line 16, strike "22-54.5-308." and substitute "22-54.5-309."

14 Page 158, line 20, strike "22-54.5-308." and substitute "22-54.5-309."

15 Page 158, line 23, strike "22-54.5-308 (1) (a)." and substitute "22-54.5-
16 309 (1) (a)."

17 Page 170, after line 18 insert:

18 "(d) THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (4) TO
19 REPORT INFORMATION AT THE SCHOOL-SITE LEVEL APPLY TO THE 2014-15
20 BUDGET YEAR AND BUDGET YEARS THEREAFTER."

21 Page 170, line 19, strike "(d)" and substitute "(e)".

22 Page 172, line 8, strike "PARAGRAPHS (b) AND" and substitute
23 "PARAGRAPH".

24 Page 172, line 12, after the period add "IT IS FURTHER THE GENERAL
25 ASSEMBLY'S INTENT THAT, AS A RESULT OF RECEIVING AN INCREASE IN THE
26 DISTRIBUTION OF STATE MONEYS PURSUANT TO THIS SUBSECTION (7) OR
27 PURSUANT TO SECTION 22-54.5-102 (2), AN ADMINISTRATIVE UNIT, IN
28 COMPLYING WITH THE MAINTENANCE OF EFFORT REQUIREMENT SPECIFIED
29 IN THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", 20 U.S.C. SEC.
30 6381 ET SEQ., SHALL NOT REDUCE THE LEVEL OF STATE AND LOCAL
31 EXPENDITURES BELOW THE LEVEL OF STATE AND LOCAL EXPENDITURES
32 FOR THE PRECEDING BUDGET YEAR. ANY ADDITIONAL APPROPRIATION OF

1 MONEYS FOR DISTRIBUTION PURSUANT TO THIS SECTION IS INTENDED TO
2 ALTER THE RATIO BETWEEN STATE AND LOCAL EXPENDITURES, BUT THE
3 OVERALL LEVEL OF EXPENDITURES MAY REMAIN THE SAME, THEREBY
4 SATISFYING THE FEDERAL MAINTENANCE OF EFFORT REQUIREMENTS."

5 Page 174, line 13, strike "22-54.5-310 (8)," and substitute "22-54.5-311
6 (8),".

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