

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0482.01 Julie Pelegrin x2700

HOUSE BILL 14-1292

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A BILL FOR AN ACT

101 **CONCERNING MONEYS ALLOCATED TO THE STATE ELEMENTARY AND**
102 **SECONDARY PUBLIC SCHOOL SYSTEM, AND, IN CONNECTION**
103 **THEREWITH, CREATING THE IMPLEMENTATION FUND,**
104 **IMPLEMENTING AVERAGE DAILY MEMBERSHIP AS THE METHOD**
105 **FOR COUNTING ENROLLED STUDENTS, REQUIRING INCREASED**
106 **REPORTING OF THE USE OF PUBLIC MONEYS BY PUBLIC SCHOOLS,**
107 **INCREASING THE FUNDING FOR PUBLIC SCHOOL CAPITAL**
108 **CONSTRUCTION, INCREASING THE FUNDING AND EXPECTATIONS**
109 **FOR ENGLISH LANGUAGE LEARNER PROGRAMS, INCREASING THE**
110 **FUNDING FOR THE "COLORADO READ ACT", AND MAKING AN**
111 **APPROPRIATION.**

Bill Summary

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.

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Reduction in the negative factor. Under current law, for the 2014-15 budget year, the sum of total program funding for all school districts and institute charter schools, after application of the negative factor, is an amount equal to the final sum of total program funding for the 2013-14 budget year increased by the amount required to adjust the state average per pupil revenues for the 2014-15 budget year by inflation. The bill increases total program funding for the 2014-15 budget year by an additional \$100 million.

Implementation fund. The bill creates the implementation fund (fund) to assist school districts, boards of cooperative services that operate public schools, the state charter school institute, and charter schools (local education providers) in implementing accountability, early literacy, and educator evaluation statutes (education policy plan) and in implementing initiatives and projects to improve educational practice. The fund consists of \$40 million transferred to the fund from the state education fund on July 1, 2014. The department of education (department) is authorized to use 2% of the moneys in the fund to offset the administrative costs of distributing the moneys in the fund and to provide technical support for local education providers in implementing the education policy plan.

Each local education provider receives an allocation from the fund on a per pupil basis. A local education provider may use the moneys only to implement the education policy plan as specified in the bill, initiatives and projects to improve educational practice, and school safety requirements. The fund is repealed, effective July 1, 2018.

Average daily membership. Under current law, funding for school districts and institute charter schools is based on the number of pupils enrolled on a specified count date each school year. Beginning with the 2018-19 budget year, the bill directs the department to calculate funding for school districts and institute charter schools based on the district's or institute charter school's average daily membership, preschool program average daily membership, at-risk pupil average daily membership, on-line average daily membership, ASCENT program average daily membership, and funded membership (collectively referred to as "membership") for the funding averaging period. The funding averaging period is the 4 quarters of the preceding budget year plus the first quarter of the current budget year.

The department must create a data system in the 2014-15 budget

year to calculate membership. During the 2015-16 budget year, the department will work with school districts on a volunteer basis to develop and test practices for collecting data and implementing the average daily membership calculation. Beginning in the 2016-17 budget year, each district and institute charter school, in accordance with rule, but no more than twice per budget year, must report the data required to calculate membership. For the 2016-17 and 2017-18 budget years, each district and institute charter school will continue to receive funding calculated based on pupil enrollment, but the department must also calculate funding based on membership for comparison purposes. Beginning in the 2018-19 budget year and for budget years thereafter, each district's and institute charter school's funding is based on calculations that use membership, rather than single-day pupil enrollment.

Beginning in the 2018-19 budget year, if a school district's membership calculated for the first half of a budget year increases over the preceding funding averaging period, the department will recalculate the school district's total program funding for the remainder of the budget year using the school district's membership for the first half of the then-current budget year.

Under current law, payments of state share of total program for the first several months of the budget year are based on estimated enrollments. When the department receives actual numbers, it recalculates each school district's total program and adjusts each school district's payments accordingly. This process will continue in the 2018-19 budget year and budget years thereafter. The department will recalculate total program and payments of state share after it receives the membership data for the first quarter of each budget year. For the 2018-19 budget year and budget years thereafter, the bill creates the actual membership reserve account within the state public school fund that consists of a one-time appropriation of \$20 million. The department may use the moneys in the actual membership reserve account to make payments of the state's share of total program to a district and payments to an institute charter school if the district's projected funded membership, plus institute charter school membership if the district is an accounting district, is less than the actual funded membership plus institute charter school membership, and the amount appropriated to the state public school fund is insufficient to cover the full amount of the state's share of total program funding and institute charter school funding for the applicable budget year. If the general assembly makes a supplemental appropriation to fully fund the state's share of total program and institute charter school funding for the applicable budget year, the department must restore the balance of the actual membership reserve account before using the supplemental appropriation to make payments to districts and institute charter schools.

Beginning in the 2018-19 budget year, a new institute charter school's funding will be based on the projected membership for the first

school day. If the new institute charter school's membership for the first quarter of the budget year is different from the projections, the department shall recalculate the institute charter school's funding based on the membership for the first quarter of the then-current budget year. In the second year of operation or in a budget year in which an institute charter school increases its program by at least one grade level, if the membership for the first quarter of the school year is greater than the membership for the funding averaging period, the department will recalculate the institute charter school's funding based on the membership for the first quarter of the then-current budget year. In any other budget year, the department will recalculate an institute charter school's funding halfway through the budget year on the same basis that it would recalculate a school district's total program.

Beginning in the 2018-19 budget year, a school district that authorizes a charter school shall calculate the charter school's funding based on the charter school's membership. A school district must calculate and recalculate the funding for a district charter school on the same basis that the department recalculates the funding for an institute charter school.

The general assembly must appropriate moneys for the mid-year increases in funding for school districts, district charter schools, and institute charter schools.

For the 2018-19 budget year, the department must submit to the joint budget committee an estimate of the reduction in the state's share of total program funding that will occur as a result of calculating funding based on membership rather than the one-day pupil enrollment count. It is the general assembly's intent in the 2018-19 budget year to appropriate an amount equal to the reduction to the department. The department will distribute the amount to districts and the state charter school institute on a per pupil basis. Each district and the institute must distribute the per pupil amounts to the charter schools it has authorized.

Reporting of elementary and secondary education expenditures. Under current law, the state board of education (state board) must implement a statewide financial, student management, and human resource electronic data communications and reporting system (reporting system). Under the bill, the reporting system, including the standard chart of accounts, must require the reporting of expenditures, including salary and benefit expenditures by job classification, at the school-site level. The bill specifies how certain expenditures must be reported. The site-level requirements and new reporting requirements take effect beginning in the 2015-16 budget year.

The department will create, either directly or by contract, a web site view that translates the reported expenditures for schools, school districts, boards of cooperative services, and the state charter school institute into a format that is readable by a layperson, provides school

performance data, and correlates the financial information with the academic performance data. The web site must be available to the public by July 1, 2017.

Each school district that authorizes a charter school must, at the end of each budget year, provide to the charter school an accounting of the special education costs for the budget year. The department must annually publish a report concerning the amounts of mill levy override revenues collected by school districts and the distribution of the revenues to the schools of the district, including charter schools.

Public school capital construction. Beginning in the 2014-15 fiscal year, the state treasurer must annually transfer the first \$40 million collected as excise taxes on recreational marijuana (transferred moneys) to the public school capital construction assistance fund (assistance fund). Under the bill, the state treasurer must credit 75% of the transferred moneys to the full-day kindergarten facility capital construction account that the bill creates within the assistance fund, 12.5% of the transferred moneys to the technology assistance account that the bill creates within the assistance fund, and 12.5% of the transferred moneys to the charter school facilities assistance account that the bill creates within the assistance fund. The bill repeals the existing full-day kindergarten facility capital construction fund. The public school capital construction assistance board (BEST board) may use the moneys in the full-day kindergarten facility capital construction account only to provide financial assistance for full-day kindergarten facilities.

The state board, based on recommendations from the department, will distribute the moneys credited to the technology assistance account to school districts, boards of cooperative services, charter schools, and the school for the deaf and the blind based on applications received. An applicant may use the moneys to upgrade technology infrastructure or purchase technology. The department will recommend applicants to the state board based on prioritizing criteria specified in the bill. The department will distribute the moneys credited to the charter school facilities assistance account to qualified charter schools based on the certified pupil enrollment in qualified charter schools.

The bill strengthens the requirement that the BEST board adopt rules to help ensure that members avoid conflicts of interest.

One of the existing duties of the BEST board is to review applications for financial assistance for public school capital construction and to recommend to the state board those applicants that should receive assistance. The bill requires the BEST board to create a standard rubric for reviewing and evaluating applications that the BEST board and the division must use. The BEST board must communicate the standard rubric to potential applicants and must keep the completed rubrics for each application on file. The BEST board must also provide copies of the completed rubrics to the state board upon request.

Under current law, each school district, board of cooperative services, or charter school that receives financial assistance in the form of a lease-purchase agreement must provide a certain percentage of matching funds. The statute specifies several criteria that the BEST board must use in deciding the percentage of matching funds that an applicant must provide. For school districts and boards of cooperative services, the bill adds to these criteria consideration of a school district's remaining capacity to issue capital construction bonds.

Under current law, certain district charter schools and institute charter schools qualify for funding for capital construction. The total amount available to these charter schools is \$7 million. The bill increases the total amount available to \$20 million in the 2014-15 budget year and for budget years thereafter.

English Language Proficiency Act. The bill repeals and reenacts the existing English Language Proficiency Act (ELPA). Under the existing ELPA, funding for a student with limited English proficiency is limited to 2 years, and funds are allocated to school districts, the state charter school institute, and facility schools based on students' levels of English proficiency.

The new ELPA uses the term "English language learner" (ELL) rather than "student with limited English proficiency" and uses the term "local education provider", which includes a school district, the state charter school institute, or a facility school. Under the new ELPA, the time for funding expands to 5 years, and each ELL is funded at the same level. The funding allocation is based on certification of the number of ELLs that a local education provider enrolls.

Each local education provider must:

- ! Use the ELPA moneys it receives only to pay for the English language proficiency program;
- ! Identify and assess ELLs;
- ! Report to the department the number of ELLs, the number of non-English languages spoken by ELLs, and the number of ELLs who speak each language;
- ! Provide an English language proficiency program that meets specific requirements for each ELL;
- ! Submit to the department a budget for the ELPA moneys the local education provider receives;
- ! Report its use of ELPA moneys; and
- ! Provide assurances that the local education provider is complying with state and federal laws.

The department must:

- ! Identify the English language proficiency assessments that local education providers will use to identify ELLs, which may be the same assessments used under existing law;
- ! Annually review the statewide levels of proficiency on the

- statewide assessments for the ELLs who are required to take the statewide assessment;
- ! Identify accommodations that a local education provider must allow on statewide assessments;
 - ! Monitor, based on the proficiency levels achieved by the local education provider's ELLs, all aspects of each local education provider's implementation of its English language proficiency program;
 - ! Identify which students are appropriately counted as ELLs and appropriately allocate the ELPA moneys to local education providers;
 - ! Disaggregate and report academic performance data for ELLs; and
 - ! Review the ELPA budgets received from local education providers.

The state board is directed to adopt rules as necessary to implement the ELPA, but the existing rules remain in effect to the extent they continue to be appropriate. The state board may adopt measures that are specific to the English language proficiency assessments, which measures the department must use to determine a local education provider's level of achievement in meeting the English language development and academic achievement goals for ELLs. In monitoring the local education providers' implementation of the new ELPA, the department cannot require the local education providers to submit data that they already submit under existing federal or state statutes or rules.

The bill creates the English language proficiency act excellence awards program (excellence awards program). The department makes awards by identifying the local education providers and charter schools that achieve the highest English language and academic growth with regard to ELLs and the highest academic achievement for ELLs who successfully transition out of the English language proficiency program. The excellence awards program is funded by state education fund moneys in the amount of \$5 million.

The bill creates the professional development and student support program (support program) to provide moneys to local education providers to: Offset the costs incurred in meeting the ELPA reporting requirements; provide professional development activities for all educators who may work with ELLs; and expand programs to help students who are or have been identified as ELLs in achieving greater content proficiency. The department distributes the support program moneys to local education providers based on the percentage of the statewide number of ELLs that each local education provider enrolls. Each school district and the state charter school institute must distribute the per pupil amount to the charter schools that it authorizes. The support program is funded by state education fund moneys in the amount of \$30

million.

Early literacy fund. The bill directs the state treasurer to transfer \$20 million from the state general fund to the early literacy fund on July 1, 2014, and on July 1 each year thereafter.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Student Success Act".

4 **SECTION 2.** In Colorado Revised Statutes, 22-54-104, **amend**
5 (5) (g) (I) (E) as follows:

6 **22-54-104. District total program.** (5) For purposes of the
7 formulas used in this section:

8 (g) (I) For the 2010-11 budget year and each budget year
9 thereafter, the general assembly determines that stabilization of the state
10 budget requires a reduction in the amount of the annual appropriation to
11 fund the state's share of total program funding for all districts and the
12 funding for institute charter schools. The department of education shall
13 implement the reduction in total program funding through the application
14 of a negative factor as provided in this paragraph (g). For the 2010-11
15 budget year and each budget year thereafter, the department of education
16 and the staff of the legislative council shall determine, based on budget
17 projections, the amount of such reduction to ensure the following:

18 (E) That, for the 2014-15 budget year, ~~and each budget year~~
19 ~~thereafter~~, the sum of the total program funding for all districts, including
20 the funding for institute charter schools, after application of the negative
21 factor, is not less than the sum of the total program funding for all
22 districts, including the funding for institute charter schools, after the
23 application of the negative factor, ~~for the immediately preceding budget~~

1 ~~year, adjusted by the amount necessary to adjust the state average per~~
2 ~~pupil revenues for the applicable budget year by the rate of inflation, as~~
3 ~~defined in section 22-55-102 (7), for the calendar year ending in the~~
4 ~~immediately preceding school district budget year~~ IS NOT LESS THAN FIVE
5 BILLION NINE HUNDRED ONE MILLION SIXTY-TWO THOUSAND SIX HUNDRED
6 FOURTEEN DOLLARS (\$5,901,062,614); except that the department of
7 education and the staff of the legislative council shall make mid-year
8 revisions to replace projections with actual figures including, but not
9 limited to, actual pupil enrollment, assessed valuations, and specific
10 ownership tax revenue from the prior year, to determine any necessary
11 changes in the amount of the reduction to maintain a total program
12 funding amount for the applicable budget year that is consistent with this
13 sub-subparagraph (E).

14 **SECTION 3.** In Colorado Revised Statutes, **add** article 59 to title
15 22 as follows:

16 **ARTICLE 59**

17 **Implementation Fund**

18 **22-59-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
19 FINDS THAT:

20 (a) COLORADO HAS ENACTED A COHESIVE PLAN OF
21 COMPREHENSIVE AND AMBITIOUS EDUCATION POLICIES THAT IS DESIGNED
22 TO ENSURE THAT ALL STUDENTS GRADUATE FROM HIGH SCHOOL
23 DEMONSTRATING POSTSECONDARY AND WORKFORCE READINESS. THE
24 MAJOR COMPONENTS OF THE EDUCATION POLICY PLAN ARE THE
25 “PRESCHOOL TO POSTSECONDARY EDUCATION ALIGNMENT ACT”, PART
26 10 OF ARTICLE 7 OF THIS TITLE; THE "COLORADO READ ACT", PART 12 OF
27 ARTICLE 7 OF THIS TITLE; THE “EDUCATION ACCOUNTABILITY ACT OF

1 2009", ARTICLE 11 OF THIS TITLE; AND LEGISLATION TO EVALUATE,
2 SUPPORT, AND IMPROVE EDUCATOR PERFORMANCE IN SCHOOL DISTRICTS
3 AND PUBLIC SCHOOLS THROUGHOUT THE STATE;

4 (b) COLORADO'S EDUCATION POLICY PLAN REQUIRES
5 IMPLEMENTATION OF RIGOROUS DESCRIPTIONS OF WHAT ALL STUDENTS
6 SHOULD KNOW AND BE ABLE TO DO AS THEY ADVANCE FROM
7 PRE-KINDERGARTEN THROUGH TWELFTH GRADE. LOCAL EDUCATION
8 PROVIDERS MUST ADMINISTER MEANINGFUL, INSTRUCTIONALLY
9 RELEVANT, AND TIMELY, FORMATIVE AND SUMMATIVE ASSESSMENTS TO
10 MONITOR STUDENT PROGRESS AND ACHIEVEMENT THROUGHOUT THEIR
11 EDUCATION CAREERS.

12 (c) EDUCATING STUDENTS SO THAT THEY MEET EXPECTATIONS FOR
13 WHAT THEY SHOULD KNOW AND BE ABLE TO DO REQUIRES EXCELLENT
14 TEACHERS AND INSTRUCTIONAL LEADERS WHO ARE SUPPORTED WITH
15 EFFECTIVE PROFESSIONAL DEVELOPMENT AND INFORMED BY QUALITY
16 EVALUATIONS AND PROFESSIONAL FEEDBACK TO CONTINUALLY IMPROVE
17 THEIR ABILITY TO MEET STUDENTS' NEEDS;

18 (d) SCHOOL DISTRICTS AND PUBLIC SCHOOLS REQUIRE STRONG
19 ACCOUNTABILITY AND IMPROVEMENT SYSTEMS TO SUPPORT THEIR
20 LEADERS, EDUCATORS, AND STUDENTS IN MEETING THE HIGHER
21 EXPECTATIONS SET BY COLORADO'S EDUCATION POLICY PLAN;

22 (e) THE INITIAL YEARS OF IMPLEMENTING THE SIGNIFICANT
23 CHANGES FOUND IN COLORADO'S EDUCATION POLICY PLAN ARE THE MOST
24 CRITICAL FOR ENSURING THE LONG-TERM SUCCESS OF THESE POLICIES, AND
25 THE ABILITY OF SCHOOL DISTRICTS AND PUBLIC SCHOOLS TO IMPLEMENT
26 THESE CHANGES IS ENHANCED AND ACCELERATED THROUGH THE SUPPORT
27 OF ADDITIONAL FINANCIAL RESOURCES; AND

1 (f) TO BUILD ON THE FOUNDATION SET BY THE EDUCATION POLICY
2 PLAN, SCHOOL DISTRICTS AND PUBLIC SCHOOLS MUST CONTINUOUSLY
3 STRIVE TO IMPLEMENT IMPROVEMENTS AND NEW APPROACHES IN
4 DELIVERING EDUCATIONAL SERVICES.

5 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
6 NECESSARY TO CREATE THE IMPLEMENTATION FUND TO SUPPORT LOCAL
7 EDUCATION PROVIDERS IN IMPLEMENTING THE STATE'S EDUCATION
8 POLICIES OF ACCOUNTABILITY AND ACADEMIC ACHIEVEMENT AND TO
9 SUPPORT AND ENCOURAGE THE EFFORTS OF LOCAL EDUCATION PROVIDERS
10 TO CONTINUOUSLY IMPROVE THE DELIVERY OF EDUCATIONAL SERVICES.

11 (3) THE GENERAL ASSEMBLY FURTHER FINDS THAT, FOR PURPOSES
12 OF SECTION 17 (4) (b) OF ARTICLE IX OF THE STATE CONSTITUTION,
13 SUPPORT FOR IMPLEMENTING THE STATE'S EDUCATION POLICY PLAN AND
14 FOR ENCOURAGING CONTINUOUS IMPROVEMENT IN THE DELIVERY OF
15 EDUCATIONAL SERVICES IS KEY TO IMPLEMENTING ACCOUNTABLE
16 EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE
17 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
18 THE STATE CONSTITUTION.

19 **22-59-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
22 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

23 (2) "EDUCATION POLICY PLAN" MEANS THE "PRESCHOOL TO
24 POSTSECONDARY EDUCATION ALIGNMENT ACT", PART 10 OF ARTICLE 7
25 OF THIS TITLE, THE "COLORADO READ ACT", PART 12 OF ARTICLE 7 OF
26 THIS TITLE, THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE
27 11 OF THIS TITLE, AND THE "LICENSED PERSONNEL PERFORMANCE

1 EVALUATION ACT", ARTICLE 9 OF THIS TITLE, AND THE STATE BOARD
2 RULES PROMULGATED TO IMPLEMENT THESE STATUTES.

3 (3) "FUND" MEANS THE IMPLEMENTATION FUND CREATED IN
4 SECTION 22-59-103.

5 (4) "INSTITUTE" MEANS THE STATE CHARTER SCHOOL INSTITUTE
6 ESTABLISHED IN SECTION 22-30.5-503.

7 (5) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
8 BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT
9 TO ARTICLE 5 OF THIS TITLE THAT OPERATES ONE OR MORE PUBLIC
10 SCHOOLS, THE INSTITUTE, A DISTRICT CHARTER SCHOOL AUTHORIZED
11 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE, OR AN INSTITUTE
12 CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF
13 THIS TITLE.

14 (6) "POSTSECONDARY AND WORKFORCE READINESS" HAS THE
15 SAME MEANING AS PROVIDED IN SECTION 22-7-1003 (15).

16 (7) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
17 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

18 **22-59-103. Implementation fund - created - accounts.**

19 (1)(a) THERE IS CREATED IN THE STATE TREASURY THE IMPLEMENTATION
20 FUND TO SUPPORT LOCAL EDUCATION PROVIDERS IN IMPLEMENTING
21 COLORADO'S EDUCATION POLICY PLAN AND IN IMPROVING EDUCATIONAL
22 PRACTICES TO BETTER MEET STUDENTS' DIVERSE EDUCATIONAL NEEDS.
23 THE FUND CONSISTS OF FORTY MILLION DOLLARS THAT THE STATE
24 TREASURER SHALL TRANSFER TO THE FUND ON JULY 1, 2014, FROM THE
25 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
26 THE STATE CONSTITUTION.

27 (b) THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED

1 TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS INCURRED IN
2 IMPLEMENTING THIS ARTICLE. THE STATE TREASURER MAY INVEST ANY
3 MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE
4 AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST
5 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
6 IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED
7 MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR MUST
8 REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO
9 THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ANY UNEXPENDED
10 AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30,
11 2018, ARE TRANSFERRED TO THE STATE EDUCATION FUND CREATED IN
12 SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

13 (2) THE DEPARTMENT MAY EXPEND UP TO TWO PERCENT OF THE
14 AMOUNT APPROPRIATED TO THE FUND TO OFFSET THE DIRECT
15 ADMINISTRATIVE COSTS INCURRED IN IMPLEMENTING THIS ARTICLE AND
16 TO PROVIDE SUSTAINED TECHNICAL SUPPORT TO LOCAL EDUCATION
17 PROVIDERS FOR IMPLEMENTING THE STATE'S EDUCATION POLICY PLAN.

18 **22-59-104. Implementation fund - distribution - use -**
19 **monitoring.** (1) IN THE 2014-15 BUDGET YEAR, THE DEPARTMENT SHALL
20 DISTRIBUTE MONEYS IN THE FUND TO EACH SCHOOL DISTRICT, EACH
21 BOARD OF COOPERATIVE SERVICES THAT OPERATES A PUBLIC SCHOOL, AND
22 THE INSTITUTE. THE DEPARTMENT SHALL CALCULATE THE PER PUPIL
23 AMOUNT TO BE DISTRIBUTED BY DIVIDING NINETY-EIGHT PERCENT OF THE
24 AMOUNT APPROPRIATED TO THE FUND BY THE TOTAL NUMBER OF PUPILS
25 ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE FOR THE 2014-15
26 BUDGET YEAR. THE DEPARTMENT SHALL DISTRIBUTE TO EACH SCHOOL
27 DISTRICT, EACH BOARD OF COOPERATIVE SERVICES THAT OPERATES A

1 PUBLIC SCHOOL, AND THE INSTITUTE AN AMOUNT EQUAL TO THE PER PUPIL
2 AMOUNT MULTIPLIED BY THE PUPIL ENROLLMENT OF THE SCHOOL
3 DISTRICT, BOARD OF COOPERATIVE SERVICES, OR INSTITUTE FOR THE
4 2014-15 BUDGET YEAR. EACH SCHOOL DISTRICT SHALL FORWARD TO EACH
5 CHARTER SCHOOL OF THE DISTRICT AN AMOUNT EQUAL TO THE PER PUPIL
6 AMOUNT MULTIPLIED BY THE PUPIL ENROLLMENT OF THE CHARTER
7 SCHOOL FOR THE 2014-15 BUDGET YEAR. THE INSTITUTE SHALL FORWARD
8 TO EACH INSTITUTE CHARTER SCHOOL AN AMOUNT EQUAL TO THE PER
9 PUPIL AMOUNT MULTIPLIED BY THE PUPIL ENROLLMENT OF THE INSTITUTE
10 CHARTER SCHOOL FOR THE 2014-15 BUDGET YEAR.

11 (2) A LOCAL EDUCATION PROVIDER MAY USE THE MONEYS
12 RECEIVED PURSUANT TO THIS SECTION ONLY FOR THE FOLLOWING
13 PURPOSES:

14 (a) IMPLEMENTING THE LOCAL EDUCATION PROVIDER'S
15 INSTRUCTIONAL SUPPORTS TO ASSIST STUDENTS IN MEETING ACADEMIC
16 EXPECTATIONS, INCLUDING BUT NOT LIMITED TO:

17 (I) DEVELOPING OR PURCHASING NEW CURRICULUM, RESOURCES,
18 AND TOOLS;

19 (II) PURCHASING INSTRUCTIONAL TECHNOLOGY;

20 (III) PROVIDING EDUCATOR PROFESSIONAL DEVELOPMENT;

21 (IV) PROVIDING EDUCATIONAL SUPPORT SERVICES TO ENSURE
22 THAT STUDENTS DEMONSTRATE POSTSECONDARY AND WORKFORCE
23 READINESS BEFORE HIGH SCHOOL GRADUATION, INCLUDING PROVIDING
24 SERVICES TO IMPLEMENT THE STATE GRADUATION GUIDELINES ADOPTED
25 PURSUANT TO SECTION 22-2-106 (1) (a.5); AND

26 (V) PROVIDING PARENT AND COMMUNITY OUTREACH AND
27 COMMUNICATION CONCERNING THE EXPECTATIONS FOR STUDENT

1 ACADEMIC ACHIEVEMENT AND GRADUATION GUIDELINES;

2 (b) IMPLEMENTING THE STATEWIDE ASSESSMENTS ADOPTED

3 PURSUANT TO SECTION 22-7-1006, INCLUDING BUT NOT LIMITED TO:

4 (I) DESIGNING OR PURCHASING FORMATIVE RESOURCES AND

5 DIAGNOSTIC TOOLS AND INTERIM AND SUMMATIVE ASSESSMENTS THAT

6 COMPRISE A COMPREHENSIVE ASSESSMENT SYSTEM ALIGNED WITH THE

7 ACADEMIC EXPECTATIONS FOR STUDENTS, WHICH SYSTEM INFORMS

8 INSTRUCTION AND PROVIDES FEEDBACK TO EDUCATORS, STUDENTS, AND

9 PARENTS ON STUDENT PROGRESS;

10 (II) PURCHASING UPGRADES TO TECHNOLOGY TO SUPPORT THE

11 NEW ASSESSMENTS;

12 (III) PROVIDING PROFESSIONAL DEVELOPMENT FOR EDUCATORS

13 CONCERNING USE OF THE NEW ASSESSMENTS; AND

14 (IV) PROVIDING PARENT AND COMMUNITY OUTREACH AND

15 COMMUNICATION CONCERNING THE NEW ASSESSMENTS;

16 (c) IMPLEMENTING THE LOCAL EDUCATION PROVIDER'S

17 ACCOUNTABILITY AND IMPROVEMENT STRATEGIES, INCLUDING BUT NOT

18 LIMITED TO:

19 (I) IMPLEMENTING IMPROVEMENT STRATEGIES TO ADDRESS

20 PERFORMANCE CHALLENGES AND ENABLE LOCAL EDUCATION PROVIDERS

21 THAT ARE IN PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN STATUS

22 TO MOVE TO IMPROVEMENT PLAN STATUS OR BETTER; AND

23 (II) PROVIDING PARENT AND COMMUNITY OUTREACH AND

24 COMMUNICATION CONCERNING ACCOUNTABILITY AND IMPROVEMENT

25 STRATEGIES;

26 (d) IMPLEMENTING THE LOCAL EDUCATION PROVIDER'S EDUCATOR

27 EVALUATION SYSTEM PURSUANT TO ARTICLE 9 OF THIS TITLE AND RULES

1 ADOPTED IN ACCORDANCE WITH THE STATUTE, INCLUDING BUT NOT
2 LIMITED TO:

3 (I) PROVIDING TRAINING FOR EVALUATORS CONCERNING THE NEW
4 EVALUATION SYSTEM;

5 (II) PROVIDING PROFESSIONAL DEVELOPMENT FOR EDUCATORS
6 CONCERNING THE NEW EVALUATION SYSTEM;

7 (III) DEVELOPING AND IMPLEMENTING WITHIN A SCHOOL DISTRICT,
8 OR IN COLLABORATION WITH OTHER SCHOOL DISTRICTS, STUDENT
9 LEARNING OBJECTIVES AS A METHOD FOR MEASURING STUDENT ACADEMIC
10 GROWTH AND EDUCATOR IMPACT ON STUDENT ACADEMIC GROWTH. IN
11 DEVELOPING THE STUDENT LEARNING OBJECTIVES, DISTRICT EMPLOYEES
12 MAY PARTICIPATE IN PROFESSIONAL DEVELOPMENT CONCERNING STUDENT
13 LEARNING OBJECTIVES, COLLABORATE TO IDENTIFY CRITICAL
14 COMPONENTS OF STUDENT LEARNING OBJECTIVES TO ENSURE THEY
15 MEASURE EDUCATOR IMPACT ON STUDENT ACADEMIC GROWTH, AND
16 SHARE EXPERIENCES IN IMPLEMENTING STUDENT LEARNING OBJECTIVES IN
17 A VARIETY OF SCHOOL DISTRICT CONTEXTS.

18 (IV) PURCHASING TECHNOLOGY OR SYSTEM UPGRADES TO
19 SUPPORT THE DATA INFRASTRUCTURE NEEDED TO IMPLEMENT THE NEW
20 EVALUATION SYSTEM;

21 (V) FUNDING PROFESSIONAL DEVELOPMENT SYSTEMS TO HELP
22 EDUCATORS IMPROVE THEIR PERFORMANCE BASED ON THE
23 RECOMMENDATIONS IN THE EVALUATIONS;

24 (VI) DEVELOPING SYSTEMS TO USE THE EVALUATION PROCESS TO
25 INFORM EDUCATOR RETENTION, PLACEMENT, AND ADVANCEMENT
26 DECISIONS; AND

27 (VII) PROVIDING PARENT AND COMMUNITY OUTREACH AND

1 COMMUNICATION CONCERNING THE NEW EVALUATION SYSTEM;

2 (e) IMPLEMENTING RESEARCH-BASED AND TRANSFORMATIVE
3 EDUCATIONAL PRACTICES AND PROGRAMS TO IMPROVE THE DELIVERY OF
4 EDUCATIONAL SERVICES IN THE PUBLIC SCHOOLS, WHICH PRACTICES AND
5 PROGRAMS MUST:

6 (I) BALANCE THE USE OF RESEARCH-BASED STRATEGIES AND
7 PROMISING PRACTICES WITH SIGNIFICANT INNOVATIONS IN THE DELIVERY
8 OF EDUCATIONAL SERVICES;

9 (II) IMPROVE THE LOCAL EDUCATION PROVIDER'S ABILITY TO
10 ENABLE STUDENTS TO ACHIEVE ONE OR MORE OF THE FOLLOWING
11 COMPETENCIES:

12 (A) ACADEMIC COMPETENCIES, INCLUDING FLUENT LITERACY AND
13 MATH SKILLS, DEEP AND VARIED CONTENT KNOWLEDGE, AND THE ABILITY
14 TO USE SKILLS AND KNOWLEDGE TO REASON, SYNTHESIZE, AND ANALYZE;

15 (B) PROFESSIONAL COMPETENCIES, INCLUDING THE ABILITY TO
16 MANAGE TIME AND PROJECTS, THE ABILITY TO COLLABORATE WITH
17 COLLEAGUES, AND THE ABILITY TO INDEPENDENTLY ACQUIRE NEW
18 KNOWLEDGE AND SKILLS AS THE DEMANDS OF THE WORK ENVIRONMENT
19 SHIFT OVER TIME;

20 (C) ENTREPRENEURIAL COMPETENCIES, INCLUDING THE ABILITY
21 TO MAKE MEANINGFUL AND SIGNIFICANT CONNECTIONS BETWEEN BODIES
22 OF KNOWLEDGE, THE ABILITY TO LEARN FROM FAILURE, AND THE ABILITY
23 TO MANAGE PROFESSIONAL RISK BY PROACTIVELY SEEKING AND
24 EVALUATING NEW OPPORTUNITIES;

25 (D) PERSONAL COMPETENCIES, INCLUDING A CLEAR, ACCURATE,
26 AND ROBUST UNDERSTANDING OF THE STUDENT'S OWN UNIQUE CAPACITY,
27 INTEREST, AND PREFERRED WAYS OF WORKING AND THE GAPS THAT THE

1 STUDENT NEEDS TO FILL AS HE OR SHE ENTERS ADULT LIFE; AND

2 (E) CIVIC COMPETENCIES, INCLUDING A READINESS AND
3 INCLINATION TO PROVIDE FOR THE STUDENT'S OWN NEEDS AND TO
4 CONTRIBUTE TO AND PARTICIPATE IN THE COMMUNITY CIVICALLY AND
5 ECONOMICALLY; AND

6 (III) SIGNIFICANTLY ALTER THE CORE COMPONENTS IN THE LOCAL
7 EDUCATION PROVIDER'S DELIVERY OF EDUCATIONAL SERVICES, WHICH
8 MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

9 (A) CREATING COMPETENCY-BASED EDUCATIONAL PATHWAYS
10 THAT OFFER DIFFERENTIATED SUPPORTS AND PACING FOR STUDENTS;

11 (B) CREATING PERSONALIZED EDUCATIONAL PATHWAYS THAT
12 PROVIDE STUDENTS THE OPPORTUNITY TO APPLY LEARNING AND DEVELOP
13 MORE ROBUST SELF-KNOWLEDGE IN AN AREA OF PERSONAL INTEREST;

14 (C) CREATING ENRICHMENT AND CAREER AND TECHNICAL
15 EDUCATION OPPORTUNITIES FOR ALL STUDENTS, WHICH OPPORTUNITIES
16 ARE ACADEMICALLY RIGOROUS AND DESIGNED TO HELP STUDENTS
17 DEVELOP PROFESSIONAL AND ENTREPRENEURIAL COMPETENCIES;

18 (D) DEVELOPING A MORE COMPREHENSIVE PROCESS FOR CREATING
19 AND MAINTAINING STUDENTS' INDIVIDUAL CAREER AND ACADEMIC PLANS
20 THAT ENABLES STUDENTS TO ADDRESS A BROAD RANGE OF OUTCOMES AND
21 INTEGRATES WITH OTHER SYSTEMS FOR MONITORING STUDENTS'
22 PROGRESS; AND

23 (E) DEVELOPING MEANINGFUL OUT-OF-SCHOOL EXPERIENCES THAT
24 CONNECT STUDENTS WITH THE LEADERS OF INDUSTRY, BUSINESS, AND
25 CULTURE IN THEIR COMMUNITIES; ■

26 (f) RECRUITING HIGH-QUALITY EDUCATORS; AND

27 (g) IMPLEMENTING THE SCHOOL SAFETY REQUIREMENTS SPECIFIED

1 IN SECTION 22-32-109.1.

2 (3) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO ACHIEVE
3 GREATER ECONOMIES OF SCALE AND LEVERAGE THE MONEYS RECEIVED
4 PURSUANT TO THIS SECTION BY ENTERING INTO AGREEMENTS WITH OTHER
5 LOCAL EDUCATION PROVIDERS TO COMBINE THE MONEYS RECEIVED
6 PURSUANT TO THIS SECTION AND COLLABORATE IN ACHIEVING THE
7 PURPOSES SPECIFIED IN THIS SECTION.

8 **22-59-105. Repeal of article.** THIS ARTICLE IS REPEALED,
9 EFFECTIVE JULY 1, 2018.

10 **SECTION 4.** In Colorado Revised Statutes, **add** 22-54-112.5 as
11 follows:

12 **22-54-112.5. Average daily membership - data system - rules**
13 **- implementation - definitions.** (1) AS USED IN THIS SECTION, UNLESS
14 THE CONTEXT OTHERWISE REQUIRES:

15 (a) "ADJUSTED AVERAGE DAILY MEMBERSHIP" MEANS THE
16 KINDERGARTEN THROUGH TWELFTH-GRADE AVERAGE DAILY MEMBERSHIP
17 PLUS THE ON-LINE AVERAGE DAILY MEMBERSHIP OF A DISTRICT.

18 (b) "ASCENT PROGRAM AVERAGE DAILY MEMBERSHIP" MEANS
19 THE NUMBER OF PUPILS WHO ARE ENROLLED EACH SCHOOL DAY IN A
20 DISTRICT AND ARE PARTICIPANTS IN THE ASCENT PROGRAM, TOTALED
21 FOR THE AVERAGING PERIOD AND DIVIDED BY THE NUMBER OF SCHOOL
22 DAYS IN THE AVERAGING PERIOD. THE ASCENT PROGRAM AVERAGE
23 DAILY MEMBERSHIP OF A DISTRICT INCLUDES THE ASCENT PROGRAM
24 PARTICIPANTS ENROLLED IN EACH DISTRICT CHARTER SCHOOL OF THE
25 DISTRICT. AN ASCENT PROGRAM PARTICIPANT WHO IS ENROLLED IN AT
26 LEAST TWELVE CREDIT HOURS OF POSTSECONDARY COURSES, INCLUDING
27 ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION COURSES,

1 IS INCLUDED IN THE ASCENT PROGRAM AVERAGE DAILY MEMBERSHIP AS
2 A FULL-TIME PUPIL. AN ASCENT PROGRAM PARTICIPANT WHO IS
3 ENROLLED IN FEWER THAN TWELVE CREDIT HOURS OF POSTSECONDARY
4 COURSES, INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL
5 EDUCATION COURSES, IS INCLUDED IN THE ASCENT PROGRAM AVERAGE
6 DAILY MEMBERSHIP AS A PART-TIME PUPIL.

7 (c) (I) "AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP" MEANS THE
8 GREATER OF:

9 (A) THE NUMBER OF AT-RISK PUPILS ENROLLED IN A DISTRICT
10 EACH SCHOOL DAY, TOTALED FOR THE AVERAGING PERIOD AND DIVIDED
11 BY THE NUMBER OF SCHOOL DAYS IN THE AVERAGING PERIOD; OR

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

14 (II) THE AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP OF A
15 DISTRICT INCLUDES THE AT-RISK PUPILS ENROLLED IN EACH DISTRICT
16 CHARTER SCHOOL OF THE DISTRICT.

17 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (III)
18 OF PARAGRAPH (j) OF THIS SUBSECTION (1), THE AT-RISK PUPIL AVERAGE
19 DAILY MEMBERSHIP OF A DISTRICT INCLUDES THE AT-RISK PUPILS
20 ENROLLED IN A MULTI-DISTRICT ON-LINE SCHOOL OF THE DISTRICT.

21 (d) (I) "AT-RISK PUPIL PERCENTAGE" MEANS THE NUMBER OF
22 AT-RISK PUPILS ENROLLED IN GRADES ONE THROUGH EIGHT IN A DISTRICT
23 EACH SCHOOL DAY, TOTALED FOR THE AVERAGING PERIOD AND DIVIDED
24 BY THE NUMBER OF SCHOOL DAYS IN THE AVERAGING PERIOD, THEN
25 DIVIDED BY THE DISTRICT'S AVERAGE DAILY MEMBERSHIP FOR THE SAME
26 AVERAGING PERIOD FOR GRADES ONE THROUGH EIGHT.

27 (II) THE AT-RISK PUPIL PERCENTAGE OF A DISTRICT INCLUDES THE

1 AT-RISK PUPILS ENROLLED IN EACH DISTRICT CHARTER SCHOOL OF THE
2 DISTRICT.

3 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (III)
4 OF PARAGRAPH (j) OF THIS SUBSECTION (1), A DISTRICT'S AT-RISK PUPIL
5 PERCENTAGE INCLUDES THE AT-RISK PUPILS ENROLLED IN A
6 MULTI-DISTRICT ON-LINE SCHOOL OF THE DISTRICT.

7 (e) "AVERAGE DAILY MEMBERSHIP" MEANS THE MEMBERSHIP OF
8 A DISTRICT OR OF AN INSTITUTE CHARTER SCHOOL FOR EACH SCHOOL DAY,
9 TOTALED FOR THE AVERAGING PERIOD AND DIVIDED BY THE NUMBER OF
10 SCHOOL DAYS IN THE AVERAGING PERIOD. THE AVERAGE DAILY
11 MEMBERSHIP OF A DISTRICT INCLUDES THE PUPILS ENROLLED IN EACH
12 DISTRICT CHARTER SCHOOL OF THE DISTRICT.

13 (f) "AVERAGING PERIOD" MEANS A QUARTER OF THE SCHOOL
14 YEAR, HALF OF THE SCHOOL YEAR, OR THE FULL SCHOOL YEAR PLUS THE
15 FIRST QUARTER OF THE NEXT SCHOOL YEAR, WHICHEVER IS APPLICABLE.

16 (g) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
17 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

18 (h) "FUNDED MEMBERSHIP" MEANS:

19 (I) THE TOTAL OF A DISTRICT'S PRESCHOOL PROGRAM AVERAGE
20 DAILY MEMBERSHIP FOR THE FUNDING AVERAGING PERIOD, SUPPLEMENTAL
21 KINDERGARTEN AVERAGE DAILY MEMBERSHIP FOR THE FUNDING
22 AVERAGING PERIOD, ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE
23 FUNDING AVERAGING PERIOD, AND ASCENT PROGRAM AVERAGE DAILY
24 MEMBERSHIP FOR THE FUNDING AVERAGING PERIOD, AND THE GREATER
25 OF:

26 (A) THE DISTRICT'S AVERAGE DAILY MEMBERSHIP FOR THE
27 FUNDING AVERAGING PERIOD; OR

1 (B) THE AVERAGE OF THE DISTRICT'S AVERAGE DAILY MEMBERSHIP
2 FOR THE FUNDING AVERAGING PERIOD AND THE AVERAGE DAILY
3 MEMBERSHIP FOR THE PRECEDING FUNDING AVERAGING PERIOD; OR

4 (C) THE AVERAGE OF THE DISTRICT'S AVERAGE DAILY MEMBERSHIP
5 FOR THE FUNDING AVERAGING PERIOD AND THE AVERAGE DAILY
6 MEMBERSHIP FOR THE TWO PRECEDING FUNDING AVERAGING PERIODS; OR

7 (D) THE AVERAGE OF THE DISTRICT'S AVERAGE DAILY
8 MEMBERSHIP FOR THE FUNDING AVERAGING PERIOD AND THE AVERAGE
9 DAILY MEMBERSHIP FOR THE THREE PRECEDING FUNDING AVERAGING
10 PERIODS; OR

11 (E) THE AVERAGE OF THE DISTRICT'S AVERAGE DAILY MEMBERSHIP
12 FOR THE FUNDING AVERAGING PERIOD AND THE AVERAGE DAILY
13 MEMBERSHIP FOR THE FOUR PRECEDING FUNDING AVERAGING PERIODS.

14 (II) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
15 CONTRARY, FOR PURPOSES OF CALCULATING A DISTRICT'S FUNDED
16 MEMBERSHIP PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (h)
17 ONLY, PUPILS WHO ARE ENROLLED IN THE COLORADO PRESCHOOL
18 PROGRAM ARE INCLUDED IN THE DISTRICT'S PRESCHOOL PROGRAM
19 AVERAGE DAILY MEMBERSHIP AND ARE NOT INCLUDED IN THE DISTRICT'S
20 AVERAGE DAILY MEMBERSHIP.

21 (III) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
22 CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (h),
23 A DISTRICT'S FUNDED MEMBERSHIP DOES NOT INCLUDE A PUPIL WHO IS OR
24 WAS ENROLLED IN A CHARTER SCHOOL THAT THE DISTRICT ORIGINALLY
25 AUTHORIZED AND THAT WAS SUBSEQUENTLY CONVERTED ON OR AFTER
26 JULY 1, 2010, TO AN INSTITUTE CHARTER SCHOOL OR TO A CHARTER
27 SCHOOL OF A DISTRICT THAT IS CONTIGUOUS TO THE ORIGINAL

1 AUTHORIZING DISTRICT.

2 (i) "FUNDING AVERAGING PERIOD" MEANS THE PERIOD THAT
3 BEGINS ON THE FIRST DAY OF THE FIRST QUARTER OF THE PRECEDING
4 BUDGET YEAR AND CONTINUES THROUGH THE LAST DAY OF THE FIRST
5 QUARTER OF THE THEN-CURRENT BUDGET YEAR.

6 (j) (I) "MEMBERSHIP" MEANS THE PUPILS WHO ARE ENROLLED IN
7 A DISTRICT OR AN INSTITUTE CHARTER SCHOOL IN PRESCHOOL PURSUANT
8 TO ARTICLE 28 OF THIS TITLE; THE PUPILS WHO ARE ENROLLED IN
9 KINDERGARTEN, WHO ARE ALL COUNTED AS HALF-TIME PUPILS; AND THE
10 PUPILS WHO ARE ENROLLED IN GRADES ONE THROUGH TWELVE, WHO ARE
11 COUNTED AS EITHER FULL-TIME OR PART-TIME PUPILS. THE STATE BOARD,
12 BY RULE, SHALL SPECIFY THE POINT AT WHICH A PUPIL IS ENROLLED IN A
13 DISTRICT OR IN AN INSTITUTE CHARTER SCHOOL AND THE CIRCUMSTANCES
14 UNDER WHICH A PUPIL CEASES TO BE ENROLLED IN A DISTRICT OR IN AN
15 INSTITUTE CHARTER SCHOOL. AT A MINIMUM, THE RULES MUST ENSURE
16 ACCOUNTABILITY FOR ACTUAL STUDENT PARTICIPATION AND MUST BE
17 SUBSTANTIALLY THE SAME AS THE RULES CONCERNING ENROLLMENT IN AN
18 ON-LINE SCHOOL.

19 (II) FOR PURPOSES OF THIS SECTION, THE MEMBERSHIP OF A
20 DISTRICT OR AN INSTITUTE CHARTER SCHOOL INCLUDES:

21 (A) A PUPIL WHO IS ENROLLED IN A PRESCHOOL PROGRAM
22 PURSUANT TO ARTICLE 28 OF THIS TITLE, BUT ONLY IF THE PUPIL IS AT
23 LEAST THREE YEARS OF AGE AS OF OCTOBER 1 OF THE APPLICABLE
24 AVERAGING PERIOD. A PUPIL ENROLLED IN A PRESCHOOL PROGRAM IS
25 COUNTED AS A HALF-TIME PUPIL.

26 (B) A PUPIL WHO IS ENROLLED IN A KINDERGARTEN EDUCATIONAL
27 PROGRAM, BUT ONLY IF THE PUPIL IS FIVE YEARS OF AGE AS OF OCTOBER

1 1 OF THE APPLICABLE AVERAGING PERIOD OR FOUR YEARS OF AGE AS OF
2 OCTOBER 1 OF THE APPLICABLE AVERAGING PERIOD AND THE DISTRICT OR
3 INSTITUTE CHARTER SCHOOL OR AN ADMINISTRATIVE UNIT HAS IDENTIFIED
4 THE PUPIL AS A HIGHLY ADVANCED GIFTED CHILD FOR WHOM EARLY
5 ACCESS TO KINDERGARTEN IS APPROPRIATE, AS PROVIDED IN SECTION
6 22-20-204;

7 (C) A PUPIL WHO IS ENROLLED IN FIRST GRADE, BUT ONLY IF THE
8 PUPIL IS AT LEAST SIX YEARS OF AGE ON OR BEFORE OCTOBER 1 OF THE
9 APPLICABLE AVERAGING PERIOD, AT LEAST FIVE YEARS OF AGE ON OR
10 BEFORE OCTOBER 1 OF THE APPLICABLE AVERAGING PERIOD AND THE
11 PUPIL ATTENDED AT LEAST ONE HUNDRED TWENTY DAYS OF
12 KINDERGARTEN IN A STATE OTHER THAN COLORADO, OR AT LEAST FIVE
13 YEARS OF AGE ON OR BEFORE OCTOBER 1 OF THE APPLICABLE AVERAGING
14 PERIOD AND THE DISTRICT OR INSTITUTE CHARTER SCHOOL OR AN
15 ADMINISTRATIVE UNIT HAS IDENTIFIED THE PUPIL AS A HIGHLY ADVANCED
16 GIFTED CHILD FOR WHOM EARLY ACCESS TO FIRST GRADE IS APPROPRIATE,
17 AS PROVIDED IN SECTION 22-20-204;

18 (D) A PUPIL WHO IS THREE YEARS OF AGE AND RECEIVES
19 EDUCATIONAL SERVICES UNDER THE "EXCEPTIONAL CHILDREN'S
20 EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE, WHICH PUPIL IS COUNTED
21 AS A HALF-TIME PUPIL;

22 (E) A PUPIL WHO RESIDES WITHIN THE BOUNDARIES OF THE
23 DISTRICT AND IS RECEIVING EDUCATIONAL SERVICES UNDER THE
24 "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS
25 TITLE, OUTSIDE OF THE DISTRICT, FOR WHICH SERVICES THE DISTRICT OF
26 RESIDENCE PAYS TUITION;

27 (F) A PUPIL WHO IS ENROLLED IN AN ON-LINE PROGRAM, AS

1 DEFINED IN SECTION 22-30.7-102 (9), OR AN ON-LINE SCHOOL, AS DEFINED
2 IN SECTION 22-30.7-102 (9.5), OPERATED PURSUANT TO ARTICLE 30.7 OF
3 THIS TITLE BY A DISTRICT OR AN INSTITUTE CHARTER SCHOOL;

4 (G) A PUPIL WHO IS EXPELLED WITHIN THE APPLICABLE BUDGET
5 YEAR AND TO WHOM THE DISTRICT OR INSTITUTE CHARTER SCHOOL
6 PROVIDES EDUCATIONAL SERVICES PURSUANT TO SECTION 22-33-203; AND

7 (H) A JUVENILE WHO IS HELD IN AN ADULT JAIL AND TO WHOM THE
8 DISTRICT PROVIDES EDUCATIONAL SERVICES PURSUANT TO SECTION
9 22-32-141.

10 (III) FOR PURPOSES OF THIS SECTION, MEMBERSHIP OF A DISTRICT
11 OR AN INSTITUTE CHARTER SCHOOL DOES NOT INCLUDE:

12 (A) A PUPIL WHO IS PLACED IN A FACILITY, AS DEFINED IN SECTION
13 22-2-402 (3), AND WHO IS RECEIVING SERVICES THROUGH AN APPROVED
14 FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1);

15 (B) A PUPIL WHO IS ENROLLED IN A MULTI-DISTRICT ON-LINE
16 SCHOOL; OR

17 (C) A PUPIL WHO IS PARTICIPATING IN THE ASCENT PROGRAM.

18 (k) "MULTI-DISTRICT ON-LINE SCHOOL" HAS THE SAME MEANING
19 AS PROVIDED IN SECTION 22-30.7-102 (6).

20 (l) "ON-LINE AVERAGE DAILY MEMBERSHIP" MEANS THE NUMBER
21 OF ON-LINE PUPILS ENROLLED EACH SCHOOL DAY IN A MULTI-DISTRICT
22 ON-LINE SCHOOL OPERATED BY A DISTRICT OR AN INSTITUTE CHARTER
23 SCHOOL, TOTALED FOR THE AVERAGING PERIOD AND DIVIDED BY THE
24 NUMBER OF SCHOOL DAYS IN THE AVERAGING PERIOD. THE STATE BOARD,
25 BY RULE, SHALL DEFINE "ENROLLMENT" FOR PURPOSES OF MULTI-DISTRICT
26 ON-LINE SCHOOLS. AT A MINIMUM, THE RULES MUST ENSURE
27 ACCOUNTABILITY FOR ACTUAL STUDENT PARTICIPATION AND MUST BE

1 SUBSTANTIALLY THE SAME AS THE RULES CONCERNING ENROLLMENT IN A
2 SCHOOL DISTRICT OR IN AN INSTITUTE CHARTER SCHOOL. THE ON-LINE
3 AVERAGE DAILY MEMBERSHIP OF A DISTRICT INCLUDES THE PUPILS
4 ENROLLED IN A DISTRICT CHARTER SCHOOL OF THE DISTRICT THAT IS A
5 MULTI-DISTRICT ON-LINE SCHOOL.

6 (m) "PRECEDING BUDGET YEAR" MEANS THE BUDGET YEAR THAT
7 IMMEDIATELY PRECEDES THE BUDGET YEAR FOR WHICH FUNDING IS
8 CALCULATED.

9 (n) "PRESCHOOL PROGRAM AVERAGE DAILY MEMBERSHIP" MEANS
10 THE NUMBER OF PUPILS, COUNTED AS HALF-DAY PUPILS, ENROLLED EACH
11 SCHOOL DAY PURSUANT TO ARTICLE 28 OF THIS TITLE IN A DISTRICT
12 PRESCHOOL PROGRAM OR AN INSTITUTE CHARTER SCHOOL PRESCHOOL
13 PROGRAM, TOTALED FOR THE AVERAGING PERIOD AND DIVIDED BY THE
14 NUMBER OF SCHOOL DAYS IN THE AVERAGING PERIOD.

15 (o) "SCHOOL DAY" MEANS:

16 (I) FOR A DISTRICT, A DAY ON WHICH AT LEAST ONE SCHOOL OF
17 THE DISTRICT IS PROVIDING EDUCATIONAL SERVICES TO PUPILS ENROLLED
18 IN THE DISTRICT, INCLUDING PUPILS ENROLLED IN A DISTRICT CHARTER
19 SCHOOL OF THE DISTRICT; OR

20 (II) FOR AN INSTITUTE CHARTER SCHOOL, A DAY ON WHICH THE
21 INSTITUTE CHARTER SCHOOL IS PROVIDING EDUCATIONAL SERVICES TO
22 PUPILS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.

23 (p) "SCHOOL YEAR" MEANS JULY 1 THROUGH THE FOLLOWING
24 JUNE 30.

25 (q) "STATEWIDE AVERAGE AT-RISK PUPIL PERCENTAGE" MEANS
26 THE TOTAL AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP OF ALL DISTRICTS
27 AND ALL INSTITUTE CHARTER SCHOOLS DIVIDED BY THE TOTAL ADJUSTED

1 AVERAGE DAILY MEMBERSHIP OF ALL DISTRICTS AND ALL INSTITUTE
2 CHARTER SCHOOLS.

3 (r) "SUPPLEMENTAL KINDERGARTEN AVERAGE DAILY
4 MEMBERSHIP" MEANS THE NUMBER CALCULATED BY SUBTRACTING
5 FIVE-TENTHS FROM THE FULL-DAY KINDERGARTEN FACTOR FOR THE
6 APPLICABLE BUDGET YEAR AND THEN MULTIPLYING THAT NUMBER BY A
7 DISTRICT'S AVERAGE DAILY MEMBERSHIP CALCULATED SOLELY FOR
8 KINDERGARTEN FOR THE APPLICABLE FUNDING AVERAGING PERIOD. FOR
9 THE PURPOSES OF THIS PARAGRAPH (t), THE FULL-DAY KINDERGARTEN
10 FACTOR IS FIFTY-EIGHT HUNDREDTHS OF A FULL-DAY PUPIL.

11 (2) (a) DURING THE 2014-15 AND 2015-16 BUDGET YEARS, THE
12 DEPARTMENT SHALL CREATE A DATA SYSTEM TO CALCULATE AVERAGE
13 DAILY MEMBERSHIP, PRESCHOOL PROGRAM AVERAGE DAILY MEMBERSHIP,
14 AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP, ON-LINE AVERAGE DAILY
15 MEMBERSHIP, ASCENT PROGRAM AVERAGE DAILY MEMBERSHIP, FUNDED
16 MEMBERSHIP, AND TOTAL PROGRAM FUNDING FOR EACH DISTRICT AND TO
17 CALCULATE AVERAGE DAILY MEMBERSHIP AND ON-LINE AVERAGE DAILY
18 MEMBERSHIP FOR EACH INSTITUTE CHARTER SCHOOL. THE STATE BOARD
19 SHALL PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE DATA
20 SYSTEM AND THE PROVISIONS OF THIS SECTION. DURING THE 2015-16
21 BUDGET YEAR, THE DEPARTMENT MAY WORK WITH DISTRICTS ON A
22 VOLUNTEER BASIS TO DEVELOP AND TEST PROCEDURES FOR COLLECTING
23 DATA AND IMPLEMENTING THE AVERAGE DAILY MEMBERSHIP
24 CALCULATION.

25 (b) BEGINNING IN THE 2016-17 BUDGET YEAR AND FOR BUDGET
26 YEARS THEREAFTER, EACH DISTRICT AND EACH INSTITUTE CHARTER
27 SCHOOL SHALL CERTIFY TO THE DEPARTMENT THE DISTRICT'S OR

1 INSTITUTE CHARTER SCHOOL'S MEMBERSHIP FOR EACH SCHOOL DAY
2 DURING THE CERTIFICATION PERIOD, INCLUDING SPECIFYING THE NUMBER
3 OF AT-RISK PUPILS AND THE NUMBER OF PRESCHOOL PUPILS. THE DISTRICT
4 AND THE INSTITUTE CHARTER SCHOOL SHALL ALSO CERTIFY TO THE
5 DEPARTMENT THE NUMBER OF THE DISTRICT'S OR INSTITUTE CHARTER
6 SCHOOL'S PUPILS WHO ARE ENROLLED EACH SCHOOL DAY DURING THE
7 CERTIFICATION PERIOD IN A MULTI-DISTRICT ON-LINE SCHOOL, INCLUDING
8 SPECIFYING THE NUMBER OF AT-RISK PUPILS, AND EACH DISTRICT SHALL
9 CERTIFY THE NUMBER OF THE DISTRICT'S PUPILS ENROLLED EACH SCHOOL
10 DAY DURING THE CERTIFICATION PERIOD IN THE ASCENT PROGRAM. THE
11 STATE BOARD, BY RULE, SHALL DEFINE THE MEMBERSHIP CERTIFICATION
12 PERIODS TO ENSURE THAT THE DISTRICTS AND INSTITUTE CHARTER
13 SCHOOLS ARE REQUIRED TO CERTIFY MEMBERSHIP FOR PURPOSES OF
14 CALCULATING AVERAGE DAILY MEMBERSHIP NO MORE THAN TWICE
15 DURING THE BUDGET YEAR.

16 (c) FOR THE 2017-18 BUDGET YEAR, EACH DISTRICT AND EACH
17 INSTITUTE CHARTER SCHOOL SHALL CONTINUE TO RECEIVE FUNDING
18 PURSUANT TO THIS ARTICLE BASED ON THE DISTRICT'S OR INSTITUTE
19 CHARTER SCHOOL'S PUPIL ENROLLMENT, BUT THE DEPARTMENT SHALL
20 ALSO USE THE MEMBERSHIP DATA CERTIFIED BY THE DISTRICT OR
21 INSTITUTE CHARTER SCHOOL TO CALCULATE EACH DISTRICT'S AND
22 INSTITUTE CHARTER SCHOOL'S TOTAL PROGRAM FUNDING FOR THE 2017-18
23 BUDGET YEAR FOR COMPARISON PURPOSES.

24 (d) FOR THE 2018-19 BUDGET YEAR AND FOR BUDGET YEARS
25 THEREAFTER, THE DEPARTMENT SHALL CALCULATE THE TOTAL PROGRAM
26 FUNDING FOR EACH DISTRICT IN EACH BUDGET YEAR USING THE DISTRICT'S
27 AVERAGE DAILY MEMBERSHIP, PRESCHOOL PROGRAM AVERAGE DAILY

1 MEMBERSHIP, AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP, ON-LINE
2 AVERAGE DAILY MEMBERSHIP, ASCENT PROGRAM AVERAGE DAILY
3 MEMBERSHIP, AND FUNDED MEMBERSHIP FOR THE APPLICABLE FUNDING
4 AVERAGING PERIOD. THE DEPARTMENT SHALL CALCULATE THE TOTAL
5 PROGRAM FUNDING FOR EACH INSTITUTE CHARTER SCHOOL USING THE
6 INSTITUTE CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP AND ON-LINE
7 AVERAGE DAILY MEMBERSHIP. THE DEPARTMENT SHALL ALSO CALCULATE
8 THE STATEWIDE AVERAGE AT-RISK PUPIL PERCENTAGE FOR PURPOSES OF
9 CALCULATING TOTAL PROGRAM FUNDING.

10 (e) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-54-104 TO
11 THE CONTRARY, THE DEPARTMENT SHALL SUBSTITUTE AVERAGE DAILY
12 MEMBERSHIP, PRESCHOOL PROGRAM AVERAGE DAILY MEMBERSHIP,
13 AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP, ON-LINE AVERAGE DAILY
14 MEMBERSHIP, ASCENT PROGRAM AVERAGE DAILY MEMBERSHIP, AND
15 FUNDED MEMBERSHIP FOR PUPIL ENROLLMENT AS APPROPRIATE TO
16 CALCULATE TOTAL PROGRAM FUNDING AS REQUIRED IN THIS SECTION.

17 (3) THE DEPARTMENT SHALL CALCULATE EACH DISTRICT'S
18 AVERAGE DAILY MEMBERSHIP, PRESCHOOL PROGRAM AVERAGE DAILY
19 MEMBERSHIP, AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP, ON-LINE
20 AVERAGE DAILY MEMBERSHIP, AND ASCENT PROGRAM AVERAGE DAILY
21 MEMBERSHIP AND EACH INSTITUTE CHARTER SCHOOL'S AVERAGE DAILY
22 MEMBERSHIP AND ON-LINE AVERAGE DAILY MEMBERSHIP FOR:

23 (a) EACH FUNDING AVERAGING PERIOD BY INDIVIDUALLY
24 TOTALING THE DAILY MEMBERSHIP, DAILY PRESCHOOL PROGRAM
25 MEMBERSHIP, DAILY AT-RISK PUPIL MEMBERSHIP, DAILY MULTI-DISTRICT
26 ON-LINE SCHOOL ENROLLMENT, IF APPLICABLE, AND DAILY ASCENT
27 PROGRAM ENROLLMENT, IF APPLICABLE, FOR THE FUNDING AVERAGING

1 PERIOD AND DIVIDING EACH RESPECTIVE SUM BY THE TOTAL NUMBER OF
2 SCHOOL DAYS IN THE RESPECTIVE DISTRICT'S OR INSTITUTE CHARTER
3 SCHOOL'S FUNDING AVERAGING PERIOD;

4 (b) THE FIRST HALF OF EACH SCHOOL YEAR BY INDIVIDUALLY
5 TOTALING THE DAILY MEMBERSHIP, DAILY PRESCHOOL PROGRAM
6 MEMBERSHIP, DAILY AT-RISK PUPIL MEMBERSHIP, DAILY MULTI-DISTRICT
7 ON-LINE SCHOOL ENROLLMENT, IF APPLICABLE, AND DAILY ASCENT
8 PROGRAM ENROLLMENT, IF APPLICABLE, FOR THE FIRST HALF OF THE
9 SCHOOL YEAR AND DIVIDING EACH RESPECTIVE SUM BY THE TOTAL
10 NUMBER OF SCHOOL DAYS IN THE RESPECTIVE DISTRICT'S OR INSTITUTE
11 CHARTER SCHOOL'S FIRST HALF OF A SCHOOL YEAR; AND

12 (c) THE FIRST QUARTER OF A SCHOOL YEAR FOR EACH INSTITUTE
13 CHARTER SCHOOL BY INDIVIDUALLY TOTALING THE DAILY MEMBERSHIP OR
14 DAILY MULTI-DISTRICT ON-LINE SCHOOL ENROLLMENT, WHICHEVER IS
15 APPLICABLE, FOR THE FIRST QUARTER OF THE SCHOOL YEAR AND DIVIDING
16 EACH RESPECTIVE SUM BY THE TOTAL NUMBER OF SCHOOL DAYS IN THE
17 RESPECTIVE INSTITUTE CHARTER SCHOOL'S FIRST QUARTER OF THE SCHOOL
18 YEAR.

19 (4) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
20 THEREAFTER, IF A DISTRICT'S AVERAGE DAILY MEMBERSHIP FOR THE FIRST
21 HALF OF A SCHOOL YEAR EXCEEDS THE DISTRICT'S AVERAGE DAILY
22 MEMBERSHIP FOR THE APPLICABLE FUNDING AVERAGING PERIOD, THE
23 DEPARTMENT SHALL RECALCULATE THE DISTRICT'S TOTAL PROGRAM FOR
24 THE THEN-CURRENT BUDGET YEAR USING THE AVERAGE DAILY
25 MEMBERSHIP, PRESCHOOL PROGRAM AVERAGE DAILY MEMBERSHIP,
26 AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP, ON-LINE AVERAGE DAILY
27 MEMBERSHIP, AND ASCENT PROGRAM AVERAGE DAILY MEMBERSHIP FOR

1 THE FIRST HALF OF THE THEN-CURRENT SCHOOL YEAR. THE DEPARTMENT
2 SHALL ADJUST THE DISTRICT'S MONTHLY PAYMENTS ACCORDINGLY FOR
3 THE REMAINDER OF THE APPLICABLE BUDGET YEAR AND SHALL PAY THE
4 INCREASED AMOUNT FROM MONEYS APPROPRIATED TO THE STATE PUBLIC
5 SCHOOL FUND PURSUANT TO SECTION 22-54-114 (2.1).

6 (5) (a) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
7 THE CONTRARY, FOR THE FIRST SCHOOL YEAR IN WHICH AN INSTITUTE
8 CHARTER SCHOOL ENROLLS PUPILS, THE DEPARTMENT SHALL CALCULATE
9 THE INSTITUTE CHARTER SCHOOL'S TOTAL PROGRAM USING THE INSTITUTE
10 CHARTER SCHOOL'S PROJECTED MEMBERSHIP FOR THE FIRST SCHOOL DAY
11 OF THE SCHOOL YEAR OR, IF THE INSTITUTE CHARTER SCHOOL IS A
12 MULTI-DISTRICT ON-LINE SCHOOL, THE INSTITUTE CHARTER SCHOOL'S
13 PROJECTED NUMBER OF PUPILS THAT WILL BE ENROLLED ON THE FIRST
14 SCHOOL DAY OF THE SCHOOL YEAR.

15 (II) THE DEPARTMENT SHALL CALCULATE THE INSTITUTE CHARTER
16 SCHOOL'S AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY
17 MEMBERSHIP, WHICHEVER IS APPLICABLE, FOR THE FIRST HALF OF THE
18 INSTITUTE CHARTER SCHOOL'S FIRST SCHOOL YEAR. IF THE CALCULATED
19 AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP
20 IS DIFFERENT FROM THE PROJECTED MEMBERSHIP OR ENROLLMENT, THE
21 DEPARTMENT SHALL RECALCULATE THE INSTITUTE CHARTER SCHOOL'S
22 TOTAL PROGRAM USING THE AVERAGE DAILY MEMBERSHIP OR ON-LINE
23 AVERAGE DAILY MEMBERSHIP FOR THE FIRST HALF OF THE THEN-CURRENT
24 SCHOOL YEAR AND ADJUST THE INSTITUTE CHARTER SCHOOL'S FUNDING BY
25 REDUCING THE FUNDING OR PAYING SUPPLEMENTAL FUNDING TO THE
26 INSTITUTE CHARTER SCHOOL FOR THE REMAINDER OF THE FIRST SCHOOL
27 YEAR. IF THE RECALCULATION RESULTS IN SUPPLEMENTAL FUNDING FOR

1 THE INSTITUTE CHARTER SCHOOL, THE DEPARTMENT SHALL PAY THE
2 INCREASED AMOUNT FROM MONEYS APPROPRIATED TO THE STATE PUBLIC
3 SCHOOL FUND PURSUANT TO SECTION 22-54-114 (2.1).

4 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
5 THIS PARAGRAPH (b), IF AN INSTITUTE CHARTER SCHOOL'S AVERAGE DAILY
6 MEMBERSHIP FOR THE FIRST HALF OF A SCHOOL YEAR EXCEEDS THE
7 INSTITUTE CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP FOR THE
8 APPLICABLE FUNDING AVERAGING PERIOD, THE DEPARTMENT SHALL
9 RECALCULATE THE INSTITUTE CHARTER SCHOOL'S TOTAL PROGRAM FOR
10 THE THEN-CURRENT BUDGET YEAR USING THE AVERAGE DAILY
11 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS
12 APPLICABLE, FOR THE FIRST HALF OF THE THEN-CURRENT SCHOOL YEAR.
13 THE DEPARTMENT SHALL ADJUST THE INSTITUTE CHARTER SCHOOL'S
14 MONTHLY PAYMENTS ACCORDINGLY FOR THE REMAINDER OF THE
15 APPLICABLE BUDGET YEAR BY PAYING SUPPLEMENTAL FUNDING TO THE
16 STATE CHARTER SCHOOL INSTITUTE FOR THE INSTITUTE CHARTER SCHOOL
17 FROM MONEYS APPROPRIATED TO THE STATE PUBLIC SCHOOL FUND
18 PURSUANT TO SECTION 22-54-114 (2.1).

19 (II) IN A BUDGET YEAR IN WHICH AN INSTITUTE CHARTER SCHOOL
20 IS IN THE SECOND YEAR OF OPERATION OR INCREASES ITS PROGRAM
21 AVAILABILITY BY AT LEAST ONE GRADE LEVEL, THE DEPARTMENT SHALL
22 RECALCULATE THE INSTITUTE CHARTER SCHOOL'S TOTAL PROGRAM IF THE
23 INSTITUTE CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP OR ON-LINE
24 AVERAGE DAILY MEMBERSHIP, WHICHEVER IS APPLICABLE, FOR THE FIRST
25 QUARTER OF THE THEN-CURRENT SCHOOL YEAR EXCEEDS THE INSTITUTE
26 CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE
27 DAILY MEMBERSHIP FOR THE APPLICABLE FUNDING AVERAGING PERIOD.

1 THE DEPARTMENT SHALL RECALCULATE THE INSTITUTE CHARTER
2 SCHOOL'S TOTAL PROGRAM USING THE AVERAGE DAILY MEMBERSHIP OR
3 ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS APPLICABLE, FOR
4 THE FIRST QUARTER OF THE THEN-CURRENT BUDGET YEAR. THE
5 DEPARTMENT SHALL ADJUST THE INSTITUTE CHARTER SCHOOL'S MONTHLY
6 PAYMENTS ACCORDINGLY FOR THE REMAINDER OF THE APPLICABLE
7 BUDGET YEAR BY PAYING SUPPLEMENTAL FUNDING TO THE STATE
8 CHARTER SCHOOL INSTITUTE FOR THE INSTITUTE CHARTER SCHOOL FROM
9 MONEYS APPROPRIATED TO THE STATE PUBLIC SCHOOL FUND PURSUANT TO
10 SECTION 22-54-114 (2.1).

11 (c) THE PROVISIONS OF THIS SUBSECTION (5) APPLY TO THE
12 2018-19 BUDGET YEAR AND BUDGET YEARS THEREAFTER.

13 (6) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
14 CONTRARY, THE DEPARTMENT, IN CALCULATING AVERAGE DAILY
15 MEMBERSHIP, PRESCHOOL PROGRAM AVERAGE DAILY MEMBERSHIP,
16 AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP, ON-LINE AVERAGE DAILY
17 MEMBERSHIP, AND ASCENT PROGRAM AVERAGE DAILY MEMBERSHIP AS
18 PROVIDED IN THIS SECTION, SHALL ADJUST THE CALCULATION AS
19 NECESSARY TO ENSURE THAT A SINGLE STUDENT IS NOT COUNTED AS MORE
20 THAN A FULL-TIME PUPIL.

21 (7) A PUPIL WHO IS IDENTIFIED AS AN AT-RISK PUPIL, AS PROVIDED
22 IN SECTION 22-54-112 (4), ONCE DURING A SCHOOL YEAR IS PRESUMED TO
23 QUALIFY AS AN AT-RISK PUPIL THROUGHOUT THE REMAINDER OF THE
24 SCHOOL YEAR.

25 (8) (a) AS PART OF THE PROCESS FOR PREPARING THE BUDGET FOR
26 THE 2018-19 BUDGET YEAR, THE DEPARTMENT SHALL SUBMIT TO THE
27 JOINT BUDGET COMMITTEE AN ESTIMATE OF THE REDUCTION IN THE

1 STATE'S SHARE OF TOTAL PROGRAM FUNDING FOR THE 2018-19 BUDGET
2 YEAR THAT THE DEPARTMENT ANTICIPATES AS A RESULT OF CALCULATING
3 EACH DISTRICT'S AND EACH INSTITUTE CHARTER SCHOOL'S FUNDING BASED
4 ON AVERAGE DAILY MEMBERSHIP RATHER THAN FUNDED PUPIL COUNT.
5 FOR THE 2018-19 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL
6 APPROPRIATE AN AMOUNT EQUAL TO THE REDUCTION, IN ADDITION TO THE
7 AMOUNT CALCULATED FOR THE STATE'S SHARE OF TOTAL PROGRAM
8 FUNDING FOR THE 2018-19 BUDGET YEAR, AND THE DEPARTMENT SHALL
9 DISTRIBUTE THE AMOUNT OF THE REDUCTION ON A PER PUPIL BASIS TO
10 EACH DISTRICT AND TO THE STATE CHARTER SCHOOL INSTITUTE FOR EACH
11 INSTITUTE CHARTER SCHOOL. THE DEPARTMENT SHALL CALCULATE THE
12 PER PUPIL AMOUNT BY DIVIDING THE AMOUNT OF THE REDUCTION BY THE
13 STATEWIDE AVERAGE DAILY MEMBERSHIP FOR THE 2018-19 BUDGET YEAR.
14 THE AMOUNT DISTRIBUTED PURSUANT TO THIS PARAGRAPH (a) IS IN
15 ADDITION TO THE AMOUNTS DISTRIBUTED PURSUANT TO SECTION
16 22-54-115.

17 (b) EACH DISTRICT SHALL DISTRIBUTE TO EACH CHARTER SCHOOL
18 OF THE DISTRICT AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE
19 PER PUPIL AMOUNT CALCULATED PURSUANT TO PARAGRAPH (a) OF THIS
20 SUBSECTION (8) MULTIPLIED BY THE CHARTER SCHOOL'S AVERAGE DAILY
21 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS
22 APPLICABLE, FOR THE 2018-19 BUDGET YEAR. THE AMOUNT THAT A
23 DISTRICT DISTRIBUTES PURSUANT TO THIS PARAGRAPH (b) IS IN ADDITION
24 TO THE AMOUNT THE DISTRICT DISTRIBUTES TO CHARTER SCHOOLS
25 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE.

26 (c) THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO
27 EACH INSTITUTE CHARTER SCHOOL AN AMOUNT EQUAL TO ONE HUNDRED

1 PERCENT OF THE PER PUPIL AMOUNT CALCULATED PURSUANT TO
2 PARAGRAPH (a) OF THIS SUBSECTION (8) MULTIPLIED BY THE INSTITUTE
3 CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE
4 DAILY MEMBERSHIP, WHICHEVER IS APPLICABLE, FOR THE 2018-19 BUDGET
5 YEAR. THE AMOUNT THAT THE STATE CHARTER SCHOOL INSTITUTE
6 DISTRIBUTES PURSUANT TO THIS PARAGRAPH (c) IS IN ADDITION TO THE
7 AMOUNT THE INSTITUTE DISTRIBUTES TO INSTITUTE CHARTER SCHOOLS
8 PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

9 (9) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE
10 BOARD AND THE DEPARTMENT WILL DESIGN THE DATA SYSTEM AND
11 IMPLEMENT THIS SECTION IN A MANNER THAT, TO THE GREATEST EXTENT
12 POSSIBLE, DOES NOT INCREASE THE FINANCIAL AND PERSONNEL COSTS
13 THAT SCHOOL DISTRICTS, THE INSTITUTE, AND CHARTER SCHOOLS INCUR
14 IN REPORTING STUDENT DATA FOR PURPOSES OF THIS ARTICLE.

15 **SECTION 5.** In Colorado Revised Statutes, 22-54-114, **amend**
16 (1) and (2); and **add** (2.1) as follows:

17 **22-54-114. State public school fund.** (1) (a) There is hereby
18 created in the office of the state treasurer a fund, separate from the
19 general fund, to be known as the state public school fund. There shall be
20 credited to said fund the net balance of the public school income fund
21 existing as of December 31, 1973, and all distributions from the state
22 public school income fund thereafter made, the state's share of all moneys
23 received from the federal government pursuant to the provisions of
24 section 34-63-102, C.R.S., and such additional moneys as shall be
25 appropriated by the general assembly which are necessary to meet the
26 state's share of the total program of all districts, INCLUDING FOR THE
27 2018-19 BUDGET YEAR, AND BUDGET YEARS THEREAFTER, ANY

1 SUPPLEMENTAL FUNDING FOR DISTRICTS AS PROVIDED IN SECTION
2 22-54-112.5 (4) AND FOR DISTRICT CHARTER SCHOOLS AS PROVIDED IN
3 SECTIONS 22-30.5-112 (2) (f) AND 22-30.5-112.1 (3.7); funding for
4 institute charter schools, INCLUDING FOR THE 2018-19 BUDGET YEAR, AND
5 BUDGET YEARS THEREAFTER, ANY SUPPLEMENTAL FUNDING AS PROVIDED
6 IN SECTION 22-54-112.5 (5); and, for fiscal years prior to the 2007-08
7 fiscal year, the contingency reserve during the budget year. Moneys
8 annually appropriated by the general assembly shall be transferred from
9 the state general fund and credited to the state public school fund in four
10 quarterly installments on July 1, September 30, December 31, and March
11 31 to assure the availability of funds for the required distribution of state
12 moneys to school districts and institute charter schools. Such quarterly
13 installments shall be determined in accordance with estimates prepared
14 by the department of education with respect to the required distribution
15 of state moneys to school districts and institute charter schools.

16 (b) (I) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
17 THEREAFTER, THERE IS CREATED WITHIN THE STATE PUBLIC SCHOOL FUND
18 THE ACTUAL MEMBERSHIP RESERVE ACCOUNT CONSISTING OF TWENTY
19 MILLION DOLLARS APPROPRIATED TO THE ACCOUNT IN THE 2018-19
20 BUDGET YEAR. THE MONEYS APPROPRIATED TO THE ACTUAL MEMBERSHIP
21 RESERVE ACCOUNT ARE IN ADDITION TO ANY OTHER MONEYS ANNUALLY
22 APPROPRIATED TO THE STATE PUBLIC SCHOOL FUND. MONEYS
23 APPROPRIATED TO THE ACTUAL MEMBERSHIP RESERVE ACCOUNT ARE
24 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR
25 THE PURPOSES SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b).
26 MONEYS REMAINING IN THE ACTUAL MEMBERSHIP RESERVE ACCOUNT AT
27 THE END OF A FISCAL YEAR REMAIN IN THE ACTUAL MEMBERSHIP RESERVE

1 ACCOUNT AND ARE NOT TRANSFERRED TO ANOTHER ACCOUNT WITHIN THE
2 STATE PUBLIC SCHOOL FUND OR TO ANOTHER FUND.

3 (II) IN THE 2018-19 BUDGET YEAR AND BUDGET YEARS
4 THEREAFTER, IF THE PROJECTED FUNDED MEMBERSHIP FOR A DISTRICT,
5 PLUS INSTITUTE CHARTER SCHOOL MEMBERSHIP IF THE DISTRICT IS AN
6 ACCOUNTING DISTRICT, IS LESS THAN THE DISTRICT'S ACTUAL FUNDED
7 MEMBERSHIP PLUS INSTITUTE CHARTER SCHOOL MEMBERSHIP FOR THE
8 APPLICABLE BUDGET YEAR, AND THE AMOUNT APPROPRIATED TO FUND
9 THE STATE'S SHARE OF TOTAL PROGRAM AND INSTITUTE CHARTER SCHOOL
10 FUNDING FOR THE APPLICABLE BUDGET YEAR IS NOT SUFFICIENT TO PAY
11 THE STATE'S SHARE OF TOTAL PROGRAM OF ALL DISTRICTS AND TO FUND
12 ALL INSTITUTE CHARTER SCHOOLS FOR THE APPLICABLE BUDGET YEAR,
13 THE DEPARTMENT OF EDUCATION MAY USE THE MONEYS IN THE ACTUAL
14 MEMBERSHIP RESERVE ACCOUNT TO MAKE PAYMENTS OF THE STATE'S
15 SHARE TO THE DISTRICT TO ENSURE THAT THE DISTRICT RECEIVES THE
16 FULL AMOUNT OF THE STATE'S SHARE CALCULATED FOR THE DISTRICT
17 PURSUANT TO SECTION 22-54-106 AND THE INSTITUTE CHARTER SCHOOL
18 RECEIVES THE FULL AMOUNT OF FUNDING CALCULATED FOR THE INSTITUTE
19 CHARTER SCHOOL. IF THE GENERAL ASSEMBLY MAKES A SUPPLEMENTAL
20 APPROPRIATION PURSUANT TO SECTION 22-54-106 (4) TO FULLY FUND THE
21 STATE'S SHARE OF THE TOTAL PROGRAM OF ALL DISTRICTS, INCLUDING
22 FUNDING FOR INSTITUTE CHARTER SCHOOLS, FOR THE APPLICABLE BUDGET
23 YEAR, THE DEPARTMENT OF EDUCATION SHALL CREDIT SO MUCH OF THE
24 SUPPLEMENTAL APPROPRIATION AMOUNT AS IS NECESSARY TO RESTORE
25 THE BALANCE OF THE ACTUAL MEMBERSHIP RESERVE ACCOUNT BEFORE
26 ALLOCATING ANY PORTION OF THE SUPPLEMENTAL APPROPRIATION TO
27 DISTRICTS AND INSTITUTE CHARTER SCHOOLS.

1 (2) No later than thirty days prior to the beginning of the budget
2 year, the department of education shall determine the estimated
3 requirements in order to provide each district and each institute charter
4 school the amount it is eligible to receive from the state during the next
5 ensuing fiscal year of the state. FOR THE 2018-19 BUDGET YEAR AND
6 BUDGET YEARS THEREAFTER, THE ESTIMATES MUST INCLUDE ANY AMOUNT
7 THAT MAY BE NECESSARY TO PROVIDE SUPPLEMENTAL FUNDING FOR
8 DISTRICTS AS PROVIDED IN SECTION 22-54-112.5 (4), DISTRICT CHARTER
9 SCHOOLS AS PROVIDED IN SECTIONS 22-30.5-112 (2) (f) AND 22-30.5-112.1
10 (3.7), AND INSTITUTE CHARTER SCHOOLS AS PROVIDED IN SECTION
11 22-54-112.5 (5). The GENERAL ASSEMBLY SHALL BASE THE appropriation
12 ~~by the general assembly shall be based~~ AMOUNT on the requirements
13 necessary to provide all districts and institute charter schools with the
14 amounts they are each eligible to receive from the state, pursuant to the
15 provisions of this ~~part~~ ARTICLE, during the next ensuing fiscal year of
16 the state, INCLUDING FOR THE 2018-19 BUDGET YEAR, AND BUDGET YEARS
17 THEREAFTER, ANY AMOUNT OF SUPPLEMENTAL FUNDING THAT A DISTRICT
18 MAY BE ELIGIBLE TO RECEIVE PURSUANT TO SECTION 22-54-112.5 (4), A
19 DISTRICT CHARTER SCHOOL MAY BE ELIGIBLE TO RECEIVE AS PROVIDED IN
20 SECTIONS 22-30.5-112 (2) (f) AND 22-30.5-112.1 (3.7), OR AN INSTITUTE
21 CHARTER SCHOOL MAY BE ELIGIBLE TO RECEIVE AS PROVIDED IN SECTION
22 22-54-112.5 (5).

23 (2.1) (a) FOR THE 2018-19 BUDGET YEAR, AND BUDGET YEARS
24 THEREAFTER, THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
25 APPROPRIATIONS, IN ADDITION TO THE AMOUNT REQUIRED IN SECTION
26 22-54-106 (4), TO FUND THE SUPPLEMENTAL FUNDING FOR DISTRICTS,
27 CALCULATED AS PROVIDED IN SECTION 22-54-112.5 (4), DISTRICT

1 CHARTER SCHOOLS, CALCULATED AS PROVIDED IN SECTIONS 22-30.5-112
2 (2) (f) AND 22-30.5-112.1 (3.7), AND INSTITUTE CHARTER SCHOOLS,
3 CALCULATED AS PROVIDED IN SECTION 22-54-112.5 (5). IF THE
4 APPROPRIATION, AS ESTABLISHED IN THE GENERAL APPROPRIATION ACT,
5 FOR THE SUPPLEMENTAL FUNDING FOR DISTRICTS, DISTRICT CHARTER
6 SCHOOLS, AND INSTITUTE CHARTER SCHOOLS FOR A BUDGET YEAR IS NOT
7 SUFFICIENT TO FULLY FUND THE SUPPLEMENTAL FUNDING FOR DISTRICTS,
8 DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS, THE
9 DEPARTMENT SHALL SUBMIT A REQUEST FOR A SUPPLEMENTAL
10 APPROPRIATION IN AN AMOUNT THAT WILL FULLY FUND THE
11 SUPPLEMENTAL FUNDING FOR DISTRICTS, DISTRICT CHARTER SCHOOLS,
12 AND INSTITUTE CHARTER SCHOOLS. THE DEPARTMENT SHALL SUBMIT THE
13 REQUEST TO THE GENERAL ASSEMBLY DURING THE FISCAL YEAR IN WHICH
14 THE FUNDING DEFICIT OCCURS.

15 (b) IF THE GENERAL ASSEMBLY DOES NOT MAKE A SUPPLEMENTAL
16 APPROPRIATION TO FULLY FUND THE SUPPLEMENTAL FUNDING FOR
17 DISTRICTS, DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER
18 SCHOOLS, OR THE GENERAL ASSEMBLY ENACTS A SUPPLEMENTAL
19 APPROPRIATION TO REDUCE THE SUPPLEMENTAL FUNDING FOR DISTRICTS,
20 DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS, THE
21 DEPARTMENT SHALL REDUCE THE AMOUNT OF SUPPLEMENTAL FUNDING
22 FOR EACH QUALIFYING DISTRICT, DISTRICT CHARTER SCHOOL, AND
23 INSTITUTE CHARTER SCHOOL BY THE PERCENTAGE OF THE DEFICIT IN THE
24 AMOUNT REQUIRED TO FULLY FUND THE SUPPLEMENTAL FUNDING FOR
25 EACH QUALIFYING DISTRICT, DISTRICT CHARTER SCHOOL, AND INSTITUTE
26 CHARTER SCHOOL. THE DEPARTMENT SHALL ENSURE THAT IT
27 ACCOMPLISHES THE REDUCTION IN SUPPLEMENTAL FUNDING FOR

1 DISTRICTS, DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER
2 SCHOOLS BEFORE THE END OF THE BUDGET YEAR.

3 **SECTION 6.** In Colorado Revised Statutes, 22-54-115, **amend**
4 (1) (b) and (1.3) (b); and **add** (1) (d) and (1) (e) as follows:

5 **22-54-115. Distribution from state public school fund.** (1) No
6 later than June 30 of each year, the state board shall determine the amount
7 of the state's share of the district's total program for the budget year
8 beginning on July 1, and the total thereof for all districts, which amount
9 shall be payable in twelve approximately equal monthly payments during
10 such budget year; except that:

11 (b) Such payments shall be adjusted in accordance with any
12 district's instructions given pursuant to subsection (1.5) of this section;
13 **and**

14 (d) SUCH PAYMENTS SHALL BE ADJUSTED IN THE 2018-19 BUDGET
15 YEAR AND IN BUDGET YEARS THEREAFTER IF REQUIRED PURSUANT TO
16 SECTION 22-54-112.5 (4); AND

17 (e) SUCH PAYMENTS SHALL BE ADJUSTED IN THE 2018-19 BUDGET
18 YEAR AND IN BUDGET YEARS THEREAFTER IN ACCORDANCE WITH A
19 DISTRICT'S INSTRUCTIONS TO INCLUDE SUPPLEMENTAL FUNDING FOR A
20 DISTRICT CHARTER SCHOOL AS PROVIDED IN SECTIONS 22-30.5-112 (2) (f)
21 AND 22-30.5-112.1 (3.7).

22 (1.3) (b) The amount withheld shall be payable to the state charter
23 school institute, in twelve approximately equal monthly payments during
24 the budget year for payment to the institute charter school pursuant to
25 section 22-30.5-513 (4). IN ADDITION TO THE AMOUNT WITHHELD, IN THE
26 2018-19 BUDGET YEAR AND IN BUDGET YEARS THEREAFTER, THE
27 DEPARTMENT SHALL PAY TO THE STATE CHARTER SCHOOL INSTITUTE FOR

1 PAYMENT TO AN INSTITUTE CHARTER SCHOOL ANY SUPPLEMENTAL
2 FUNDING FOR THE INSTITUTE CHARTER SCHOOL REQUIRED AS A RESULT OF
3 A RECALCULATION PURSUANT TO SECTION 22-54-112.5 (5).

4 **SECTION 7.** In Colorado Revised Statutes, 22-30.5-112, **amend**
5 (2) (a) (III), (2) (a.3), (2) (a.5), (2) (c) (II), and (2) (c) (III); and **add** (1)
6 (a.5), (2) (a) (I.3), (2) (a) (I.5), (2) (a.1), (2) (c) (II.5), and (2) (f) as
7 follows:

8 **22-30.5-112. Charter schools - financing - definitions -**
9 **guidelines.** (1) (a.5) (I) BEGINNING IN THE 2016-17 BUDGET YEAR AND
10 FOR BUDGET YEARS THEREAFTER, FOR PURPOSES OF IMPLEMENTING
11 SECTION 22-54-112.5, EACH AUTHORIZING SCHOOL DISTRICT SHALL
12 INCLUDE THE PUPILS ENROLLED IN A CHARTER SCHOOL IN THE SCHOOL
13 DISTRICT'S DAILY MEMBERSHIP FOR PURPOSES OF CALCULATING AVERAGE
14 DAILY MEMBERSHIP, PRESCHOOL PROGRAM AVERAGE DAILY MEMBERSHIP,
15 AT-RISK PUPIL AVERAGE DAILY MEMBERSHIP, AS APPLICABLE, FOR EACH
16 BUDGET YEAR. THE AUTHORIZING SCHOOL DISTRICT SHALL ALSO INCLUDE
17 THE PUPILS ENROLLED IN THE CHARTER SCHOOL IN THE DISTRICT'S DAILY
18 MULTI-DISTRICT ON-LINE SCHOOL AND ASCENT PROGRAM ENROLLMENT,
19 AS APPLICABLE, FOR PURPOSES OF CALCULATING THE DISTRICT'S ON-LINE
20 AVERAGE DAILY MEMBERSHIP AND ASCENT PROGRAM AVERAGE DAILY
21 MEMBERSHIP FOR EACH BUDGET YEAR. IN REPORTING MEMBERSHIP AND
22 MULTI-DISTRICT ON-LINE SCHOOL AND ASCENT PROGRAM ENROLLMENT
23 TO THE DEPARTMENT PURSUANT TO SECTION 22-54-112.5, THE
24 AUTHORIZING SCHOOL DISTRICT SHALL SPECIFY THE NUMBER OF PUPILS
25 INCLUDED IN THE SCHOOL DISTRICT'S MEMBERSHIP AND MULTI-DISTRICT
26 ON-LINE SCHOOL AND ASCENT PROGRAM ENROLLMENT WHO ARE
27 ACTUALLY INCLUDED IN THE MEMBERSHIP AND MULTI-DISTRICT ON-LINE

1 SCHOOL AND ASCENT PROGRAM ENROLLMENT OF EACH CHARTER
2 SCHOOL.

3 (II) BEGINNING IN THE 2016-17 BUDGET YEAR AND FOR BUDGET
4 YEARS THEREAFTER, THE SCHOOL DISTRICT SHALL REPORT TO THE
5 DEPARTMENT THE PROJECTED MEMBERSHIP, INCLUDING SPECIFYING THE
6 PROJECTED NUMBER OF PRESCHOOL PUPILS AND AT-RISK PUPILS FOR THE
7 FIRST SCHOOL DAY OF THE FIRST SCHOOL YEAR IN WHICH A NEW CHARTER
8 SCHOOL OF THE DISTRICT ENROLLS PUPILS. IF THE NEW CHARTER SCHOOL
9 IS A MULTI-DISTRICT ON-LINE SCHOOL, THE DISTRICT SHALL REPORT TO
10 THE DEPARTMENT THE PROJECTED ON-LINE PUPIL ENROLLMENT,
11 INCLUDING SPECIFYING THE PROJECTED NUMBER OF AT-RISK PUPILS, FOR
12 THE FIRST SCHOOL DAY OF THE FIRST SCHOOL YEAR IN WHICH THE NEW
13 CHARTER SCHOOL OF THE DISTRICT ENROLLS PUPILS.

14 (2) (a) (I.3) EACH AUTHORIZING SCHOOL DISTRICT SHALL PAY TO
15 EACH CHARTER SCHOOL OF THE SCHOOL DISTRICT THE AMOUNTS THAT ARE
16 DUE TO EACH CHARTER SCHOOL AS PROVIDED IN THIS SECTION. THE
17 SCHOOL DISTRICT SHALL PAY THE AMOUNTS IN TWELVE MONTHLY
18 INSTALLMENTS AS SOON AS PRACTICABLE AFTER THE SCHOOL DISTRICT
19 RECEIVES DISTRIBUTIONS OF MONEYS FROM THE DEPARTMENT PURSUANT
20 TO SECTION 22-54-115.

21 (I.5) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
22 THEREAFTER, IF AN AUTHORIZING SCHOOL DISTRICT'S TOTAL PROGRAM
23 FUNDING IS ADJUSTED MID-YEAR PURSUANT TO SECTION 22-54-112.5 (4),
24 THE SCHOOL DISTRICT SHALL ADJUST THE DISTRIBUTION TO THE CHARTER
25 SCHOOLS OF THE SCHOOL DISTRICT ACCORDINGLY.

26 (III) (A) For budget year 2000-01 and budget years thereafter
27 THROUGH BUDGET YEAR 2017-18, except as otherwise provided in

1 SUBPARAGRAPH (I) OF paragraph (a.3) of this subsection (2), each charter
2 school and the chartering school district shall negotiate funding under the
3 contract. The charter school shall receive one hundred percent of the
4 district per pupil revenues for each pupil enrolled in the charter school
5 who is not an on-line pupil and one hundred percent of the district per
6 pupil on-line funding for each on-line pupil enrolled in the charter school;
7 except that the chartering school district may choose to retain the actual
8 amount of the charter school's per pupil share of the central administrative
9 overhead costs for services actually provided to the charter school, up to
10 five percent of the district per pupil revenues for each pupil who is not an
11 on-line pupil enrolled in the charter school and up to five percent of the
12 district per pupil on-line funding for each on-line pupil enrolled in the
13 charter school.

14 (a.1) (I) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
15 THEREAFTER, EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
16 PARAGRAPH (a.3) OF THIS SUBSECTION (2), EACH CHARTER SCHOOL AND
17 THE CHARTERING SCHOOL DISTRICT SHALL NEGOTIATE FUNDING UNDER
18 THE CONTRACT. A CHARTER SCHOOL THAT IS NOT A MULTI-DISTRICT
19 ON-LINE SCHOOL SHALL RECEIVE AN AMOUNT EQUAL TO ONE HUNDRED
20 PERCENT OF THE DISTRICT PER PUPIL REVENUES FOR THE APPLICABLE
21 BUDGET YEAR MULTIPLIED BY THE CHARTER SCHOOL'S AVERAGE DAILY
22 MEMBERSHIP FOR THE APPLICABLE FUNDING AVERAGING PERIOD. A
23 CHARTER SCHOOL THAT IS A MULTI-DISTRICT ON-LINE SCHOOL SHALL
24 RECEIVE AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE DISTRICT
25 PER PUPIL ON-LINE FUNDING MULTIPLIED BY THE CHARTER SCHOOL'S
26 ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE APPLICABLE FUNDING
27 AVERAGING PERIOD.

1 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
2 THIS PARAGRAPH (a.1) TO THE CONTRARY, A CHARTERING SCHOOL
3 DISTRICT MAY CHOOSE TO RETAIN THE ACTUAL AMOUNT OF A CHARTER
4 SCHOOL'S PER PUPIL SHARE OF THE CENTRAL ADMINISTRATIVE OVERHEAD
5 COSTS FOR SERVICES ACTUALLY PROVIDED TO THE CHARTER SCHOOL, UP
6 TO FIVE PERCENT OF THE TOTAL AMOUNT OF DISTRICT PER PUPIL REVENUES
7 PAYABLE TO A CHARTER SCHOOL THAT IS NOT A MULTI-DISTRICT ON-LINE
8 SCHOOL OR UP TO FIVE PERCENT OF THE TOTAL AMOUNT OF DISTRICT PER
9 PUPIL ON-LINE FUNDING PAYABLE TO A CHARTER SCHOOL THAT IS A
10 MULTI-DISTRICT ON-LINE SCHOOL.

11 (a.3) (I) FOR BUDGET YEARS COMMENCING BEFORE JULY 1, 2018,
12 if the authorizing school district enrolls five hundred or fewer students,
13 the charter school shall receive funding in the amount of the greater of
14 one hundred percent of the district per pupil on-line funding for each
15 on-line pupil enrolled in the charter school plus one hundred percent of
16 the district per pupil revenues for each pupil who is not an on-line pupil
17 enrolled in the charter school, minus the actual amount of the charter
18 school's per pupil share of the central administrative overhead costs
19 incurred by the school district, based on audited figures, or eighty-five
20 percent of the district per pupil revenues for each pupil enrolled in the
21 charter school who is not an on-line pupil plus eighty-five percent of the
22 district per pupil on-line funding for each on-line pupil enrolled in the
23 charter school.

24 (II) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
25 THEREAFTER, IF AN AUTHORIZING SCHOOL DISTRICT HAS AN AVERAGE
26 DAILY MEMBERSHIP OF FIVE HUNDRED OR FEWER STUDENTS FOR THE MOST
27 RECENT FUNDING AVERAGING PERIOD:

1 (A) A CHARTER SCHOOL THAT IS NOT A MULTI-DISTRICT ON-LINE
2 SCHOOL RECEIVES FUNDING IN AN AMOUNT EQUAL TO THE GREATER OF:
3 ONE HUNDRED PERCENT OF THE DISTRICT PER PUPIL REVENUES FOR THE
4 APPLICABLE BUDGET YEAR MULTIPLIED BY THE CHARTER SCHOOL'S
5 AVERAGE DAILY MEMBERSHIP FOR THE APPLICABLE FUNDING AVERAGING
6 PERIOD MINUS THE ACTUAL AMOUNT OF THE CHARTER SCHOOL'S PER PUPIL
7 SHARE OF THE CENTRAL ADMINISTRATIVE OVERHEAD COSTS INCURRED BY
8 THE SCHOOL DISTRICT, BASED ON AUDITED FIGURES; OR EIGHTY-FIVE
9 PERCENT OF DISTRICT PER PUPIL REVENUES FOR THE APPLICABLE BUDGET
10 YEAR MULTIPLIED BY THE CHARTER SCHOOL'S AVERAGE DAILY
11 MEMBERSHIP FOR THE APPLICABLE FUNDING AVERAGING PERIOD; AND

12 (B) A CHARTER SCHOOL THAT IS A MULTI-DISTRICT ON-LINE
13 SCHOOL RECEIVES FUNDING IN AN AMOUNT EQUAL TO THE GREATER OF:
14 ONE HUNDRED PERCENT OF THE DISTRICT PER PUPIL ON-LINE FUNDING FOR
15 THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE CHARTER SCHOOL'S
16 ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE APPLICABLE FUNDING
17 AVERAGING PERIOD MINUS THE ACTUAL AMOUNT OF THE CHARTER
18 SCHOOL'S PER PUPIL SHARE OF THE CENTRAL ADMINISTRATIVE OVERHEAD
19 COSTS INCURRED BY THE SCHOOL DISTRICT, BASED ON AUDITED FIGURES;
20 OR EIGHTY-FIVE PERCENT OF DISTRICT PER PUPIL ON-LINE FUNDING FOR
21 THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE CHARTER SCHOOL'S
22 ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE APPLICABLE FUNDING
23 AVERAGING PERIOD.

24 (a.5) As used in this subsection (2):

25 (I) "AVERAGE DAILY MEMBERSHIP" HAS THE SAME MEANING AS
26 PROVIDED IN SECTION 22-54-112.5 (1) (e).

27 (II) "AVERAGING PERIOD" HAS THE SAME MEANING AS PROVIDED

1 IN SECTION 22-54-112.5 (1) (f).

2 ~~(H)~~ (III) "Central administrative overhead costs" means indirect
3 costs incurred in providing:

4 (A) Services listed under the heading of support services - general
5 administration in the school district chart of accounts as specified by rule
6 of the state board; and

7 (B) Salaries and benefits for administrative job classifications
8 listed under the headings of support services - business and support
9 services - central in the school district chart of accounts as specified by
10 rule of the state board.

11 ~~(H)~~ (IV) "District per pupil revenues" means the district's total
12 program as defined in section 22-54-103 (6) for any budget year divided
13 by the district's funded pupil count as defined in section 22-54-103 (7) for
14 said budget year; EXCEPT THAT, FOR THE 2018-19 BUDGET YEAR AND
15 BUDGET YEARS THEREAFTER, "DISTRICT PER PUPIL REVENUES" MEANS THE
16 DISTRICT'S TOTAL PROGRAM FOR ANY BUDGET YEAR DIVIDED BY THE
17 DISTRICT'S FUNDED MEMBERSHIP, AS DEFINED IN SECTION 22-54-112.5 (1)
18 (h), FOR THAT BUDGET YEAR.

19 ~~(H.5)~~ (V) "District per pupil on-line funding" means a school
20 district's on-line funding, as specified in section 22-54-104 (4.5), divided
21 by the district's on-line pupil enrollment for any budget year; EXCEPT
22 THAT, FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS THEREAFTER,
23 "DISTRICT PER PUPIL ON-LINE FUNDING" MEANS A SCHOOL DISTRICT'S
24 ON-LINE FUNDING FOR ANY BUDGET YEAR DIVIDED BY THE DISTRICT'S
25 ON-LINE AVERAGE DAILY MEMBERSHIP FOR THAT BUDGET YEAR.

26 ~~(H)~~ ~~(Deleted by amendment, L. 2010, (HB 10-1013), ch. 399, p.~~
27 ~~1913, § 38, effective June 10, 2010.)~~

1 (VI) "FUNDING AVERAGING PERIOD" HAS THE SAME MEANING AS
2 PROVIDED IN SECTION 22-54-112.5 (1) (i).

3 (VII) "MEMBERSHIP" HAS THE SAME MEANING AS PROVIDED IN
4 SECTION 22-54-112.5 (1) (j).

5 (VIII) "ON-LINE AVERAGE DAILY MEMBERSHIP" HAS THE SAME
6 MEANING AS PROVIDED IN SECTION 22-54-112.5 (1) (l).

7 (c) (II) For budget year 2000-01 and budget years thereafter
8 THROUGH THE 2017-18 BUDGET YEAR, the amount of funding received by
9 a charter school pursuant to this subsection (2) shall not be less than one
10 hundred percent of the chartering school district's district per pupil
11 revenues, minus up to five percent as provided in subparagraph (III) of
12 paragraph (a) of this subsection (2), multiplied by the number of pupils
13 enrolled in the charter school or as otherwise provided in paragraph (a.3)
14 of this subsection (2) for any charter school chartered by a school district
15 that enrolls five hundred or fewer students.

16 (II.5) FOR BUDGET YEAR 2018-19 AND BUDGET YEARS
17 THEREAFTER, THE AMOUNT OF FUNDING RECEIVED BY A CHARTER SCHOOL
18 PURSUANT TO THIS SUBSECTION (2) SHALL NOT BE LESS THAN ONE
19 HUNDRED PERCENT OF THE CHARTERING SCHOOL DISTRICT'S DISTRICT PER
20 PUPIL REVENUES, MINUS UP TO FIVE PERCENT AS PROVIDED IN
21 SUBPARAGRAPH (II) OF PARAGRAPH (a.1) OF THIS SUBSECTION (2),
22 MULTIPLIED BY THE CHARTER SCHOOL AVERAGE DAILY ENROLLMENT OR
23 AS OTHERWISE PROVIDED IN PARAGRAPH (a.3) OF THIS SUBSECTION (2) FOR
24 A CHARTER SCHOOL CHARTERED BY A SCHOOL DISTRICT THAT ENROLLS
25 FIVE HUNDRED OR FEWER STUDENTS.

26 (III) (A) FOR BUDGET YEARS COMMENCING BEFORE JULY 1, 2018,
27 if a charter school operates a full-day kindergarten program, for purposes

1 of calculating the charter school's funding pursuant to this subsection (2),
2 the number of pupils enrolled in the charter school shall include the
3 supplemental kindergarten enrollment as defined in section 22-54-103
4 (15).

5 (B) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
6 THEREAFTER, IF A CHARTER SCHOOL OPERATES A FULL-DAY
7 KINDERGARTEN PROGRAM, FOR PURPOSES OF CALCULATING THE CHARTER
8 SCHOOL'S FUNDING PURSUANT TO THIS SUBSECTION (2), THE NUMBER OF
9 PUPILS ENROLLED IN THE CHARTER SCHOOL INCLUDES THE SUPPLEMENTAL
10 KINDERGARTEN AVERAGE DAILY MEMBERSHIP AS DEFINED IN SECTION
11 22-54-112.5 (1) (r).

12 (f) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
13 CONTRARY, FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
14 THEREAFTER:

15 (I) (A) IN THE FIRST YEAR THAT A CHARTER SCHOOL ENROLLS
16 PUPILS, THE SCHOOL DISTRICT SHALL CALCULATE THE CHARTER SCHOOL'S
17 FUNDING BASED ON THE CHARTER SCHOOL'S PROJECTED MEMBERSHIP ON
18 THE FIRST DAY OF THE SCHOOL YEAR. IF THE NEW CHARTER SCHOOL IS A
19 MULTI-DISTRICT ON-LINE SCHOOL, THE SCHOOL DISTRICT SHALL
20 CALCULATE THE CHARTER SCHOOL'S FUNDING BASED ON THE NUMBER OF
21 ON-LINE PUPILS EXPECTED TO BE ENROLLED ON THE FIRST DAY OF THE
22 SCHOOL YEAR.

23 (B) THE SCHOOL DISTRICT SHALL CALCULATE THE CHARTER
24 SCHOOL'S AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY
25 MEMBERSHIP, WHICHEVER IS APPLICABLE, FOR THE FIRST QUARTER OF THE
26 CHARTER SCHOOL'S FIRST SCHOOL YEAR. IF THE CALCULATED AVERAGE
27 DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP IS

1 DIFFERENT FROM THE PROJECTED MEMBERSHIP, THE SCHOOL DISTRICT
2 SHALL RECALCULATE THE CHARTER SCHOOL'S FUNDING USING THE
3 AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP,
4 WHICHEVER IS APPLICABLE, OF THE FIRST QUARTER OF THE THEN-CURRENT
5 SCHOOL YEAR AND ADJUST THE CHARTER SCHOOL'S FUNDING
6 ACCORDINGLY FOR THE REMAINDER OF THE FIRST SCHOOL YEAR.

7 (II) IN THE SECOND YEAR THAT A CHARTER SCHOOL ENROLLS
8 PUPILS AND IN ANY YEAR IN WHICH A CHARTER SCHOOL INCREASES ITS
9 PROGRAM AVAILABILITY BY AT LEAST ONE ADDITIONAL GRADE LEVEL, IF
10 THE CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP OR ON-LINE
11 AVERAGE DAILY MEMBERSHIP, WHICHEVER IS APPLICABLE, FOR THE FIRST
12 QUARTER OF THE THEN-CURRENT BUDGET YEAR EXCEEDS THE CHARTER
13 SCHOOL'S AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY
14 MEMBERSHIP FOR THE APPLICABLE FUNDING AVERAGING PERIOD, THE
15 SCHOOL DISTRICT SHALL RECALCULATE THE CHARTER SCHOOL'S FUNDING
16 FOR THE THEN-CURRENT BUDGET YEAR USING THE AVERAGE DAILY
17 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS
18 APPLICABLE, FOR THE FIRST QUARTER OF THE THEN-CURRENT BUDGET
19 YEAR AND ADJUST THE CHARTER SCHOOL'S FUNDING ACCORDINGLY FOR
20 THE REMAINDER OF THE THEN-CURRENT SCHOOL YEAR.

21 (III) IN THE THIRD OR SUBSEQUENT YEAR THAT A CHARTER SCHOOL
22 ENROLLS PUPILS, IF THE CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP
23 OR ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS APPLICABLE, FOR
24 THE FIRST HALF OF THE THEN-CURRENT BUDGET YEAR EXCEEDS THE
25 CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE
26 DAILY MEMBERSHIP FOR THE APPLICABLE FUNDING AVERAGING PERIOD,
27 THE SCHOOL DISTRICT SHALL RECALCULATE THE CHARTER SCHOOL'S

1 FUNDING FOR THE THEN-CURRENT BUDGET YEAR USING THE AVERAGE
2 DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP,
3 WHICHEVER IS APPLICABLE, FOR THE FIRST HALF OF THE THEN-CURRENT
4 BUDGET YEAR AND ADJUST THE CHARTER SCHOOL'S FUNDING
5 ACCORDINGLY FOR THE REMAINDER OF THE THEN-CURRENT SCHOOL YEAR.

6 (IV) IF A CHARTER SCHOOL'S FUNDING INCREASES BECAUSE OF THE
7 RECALCULATIONS DESCRIBED IN THIS PARAGRAPH (f), THE SCHOOL
8 DISTRICT SHALL REPORT TO THE DEPARTMENT THE SUPPLEMENTAL
9 FUNDING DUE TO THE CHARTER SCHOOL BASED ON THE RECALCULATIONS.
10 THE DEPARTMENT SHALL PAY THE SUPPLEMENTAL FUNDING TO THE
11 SCHOOL DISTRICT IN MONTHLY INSTALLMENTS FOR THE REMAINDER OF
12 THE BUDGET YEAR, AND THE SCHOOL DISTRICT SHALL INCREASE THE
13 MONTHLY PAYMENTS DUE TO THE CHARTER SCHOOL BY THE FULL AMOUNT
14 RECEIVED FROM THE DEPARTMENT FOR THE REMAINDER OF THE BUDGET
15 YEAR. NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (f) TO THE
16 CONTRARY, THE AMOUNT OF SUPPLEMENTAL FUNDING THAT A CHARTER
17 SCHOOL RECEIVES PURSUANT TO THIS PARAGRAPH (f) MAY BE REDUCED AS
18 PROVIDED IN SECTION 22-54-114 (2.1) (b).

19 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-112.1,
20 **amend** (1) (c), (1) (i), (1) (j), (1) (k) (II), (1) (m), (3), and (6); and **add** (1)
21 (d.3), (1) (d.5), (1) (f.5), (1) (j.3), (1) (j.5), (1) (j.7), (1) (j.9), (2.5), (3.5),
22 and (3.7) as follows:

23 **22-30.5-112.1. Charter schools - definitions - exclusive**
24 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**

25 (1) As used in this section, unless the context otherwise requires:

26 (c) (I) "At-risk per pupil funding", FOR BUDGET YEARS
27 COMMENCING BEFORE JULY 1, 2018, means the amount of funding

1 determined in accordance with the following formula:

2 (The qualifying school district's at-risk funding divided by
3 the qualifying school district's funded pupil count) x (the
4 district charter school's percentage of at-risk pupils divided
5 by the qualifying school district's percentage of at-risk
6 pupils)

7 (II) "AT-RISK PER PUPIL FUNDING", FOR THE 2018-19 BUDGET YEAR
8 AND BUDGET YEARS THEREAFTER, MEANS THE AMOUNT OF FUNDING
9 DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

10 (THE QUALIFYING SCHOOL DISTRICT'S AT-RISK FUNDING
11 DIVIDED BY THE QUALIFYING SCHOOL DISTRICT'S FUNDED
12 MEMBERSHIP) X (THE DISTRICT CHARTER SCHOOL'S
13 PERCENTAGE OF AT-RISK PUPILS DIVIDED BY THE
14 QUALIFYING SCHOOL DISTRICT'S PERCENTAGE OF AT-RISK
15 PUPILS)

16 (d.3) "AVERAGE DAILY MEMBERSHIP" HAS THE SAME MEANING AS
17 PROVIDED IN SECTION 22-54-112.5 (1) (e).

18 (d.5) "AVERAGING PERIOD" HAS THE SAME MEANING AS PROVIDED
19 IN SECTION 22-54-112.5 (1) (f).

20 (f.5) "DISTRICT FUNDED MEMBERSHIP" MEANS A QUALIFYING
21 SCHOOL DISTRICT'S FUNDED MEMBERSHIP, AS DEFINED IN SECTION
22 22-54-112.5 (1) (h).

23 (i) "District per pupil on-line funding" means a school district's
24 on-line funding, as specified in section 22-54-104 (4.5), divided by the
25 district's on-line pupil enrollment for any budget year; EXCEPT THAT, FOR
26 THE 2018-19 BUDGET YEAR AND BUDGET YEARS THEREAFTER, "DISTRICT
27 PER PUPIL ON-LINE FUNDING" MEANS A SCHOOL DISTRICT'S ON-LINE

1 FUNDING FOR ANY BUDGET YEAR DIVIDED BY THE DISTRICT'S ON-LINE
2 AVERAGE DAILY MEMBERSHIP FOR THAT BUDGET YEAR.

3 (j) "District per pupil revenues" means the qualifying school
4 district's total program, as defined in section 22-54-103 (6), for any
5 budget year divided by the qualifying school district's funded pupil count
6 for said budget year; EXCEPT THAT, FOR THE 2018-19 BUDGET YEAR AND
7 BUDGET YEARS THEREAFTER, "DISTRICT PER PUPIL REVENUES" MEANS THE
8 DISTRICT'S TOTAL PROGRAM FOR ANY BUDGET YEAR DIVIDED BY THE
9 DISTRICT'S FUNDED MEMBERSHIP, AS DEFINED IN SECTION 22-54-112.5 (1)
10 (h), FOR THAT BUDGET YEAR.

11 (j.3) "FUNDING AVERAGING PERIOD" HAS THE SAME MEANING AS
12 PROVIDED IN SECTION 22-54-112.5 (1) (i).

13 (j.5) "MEMBERSHIP" HAS THE SAME MEANING AS PROVIDED IN
14 SECTION 22-54-112.5 (1) (j).

15 (j.7) "ON-LINE AVERAGE DAILY MEMBERSHIP" HAS THE SAME
16 MEANING AS PROVIDED IN SECTION 22-54-112.5 (1) (l).

17 (j.9) "MULTI-DISTRICT ON-LINE SCHOOL" HAS THE SAME MEANING
18 AS PROVIDED IN SECTION 22-30.7-102 (6).

19 (k) "On-line pupil enrollment" means:
20 (II) For the 2008-09 budget year, and for budget years thereafter
21 THROUGH THE 2017-18 BUDGET YEAR, the number of pupils, on the pupil
22 enrollment count day within the applicable budget year, enrolled in,
23 attending, and actively participating in a multi-district on-line school, as
24 defined in section 22-30.7-102 (6), created pursuant to article 30.7 of this
25 title, by the district charter school.

26 (m) "Qualifying school district" means a school district:
27 (I) That has retained exclusive authority to authorize charter

1 schools pursuant to the provisions of section 22-30.5-504; and

2 (II) In which more than forty percent of the pupil enrollment OR
3 MEMBERSHIP consists of at-risk pupils.

4 (2.5) (a) EACH QUALIFYING SCHOOL DISTRICT SHALL PAY TO EACH
5 DISTRICT CHARTER SCHOOL THE AMOUNTS THAT ARE DUE TO EACH
6 DISTRICT CHARTER SCHOOL AS PROVIDED IN THIS SECTION. THE
7 QUALIFYING SCHOOL DISTRICT SHALL PAY THE AMOUNTS IN TWELVE
8 MONTHLY INSTALLMENTS AS SOON AS PRACTICABLE AFTER THE
9 QUALIFYING SCHOOL DISTRICT RECEIVES DISTRIBUTIONS OF MONEYS FROM
10 THE DEPARTMENT PURSUANT TO SECTION 22-54-115.

11 (b) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
12 THEREAFTER, IF A QUALIFYING SCHOOL DISTRICT'S TOTAL PROGRAM
13 FUNDING IS ADJUSTED MID-YEAR PURSUANT TO SECTION 22-54-112.5 (4),
14 THE QUALIFYING SCHOOL DISTRICT SHALL ADJUST THE DISTRIBUTION TO
15 THE DISTRICT CHARTER SCHOOLS ACCORDINGLY.

16 (3) (a) For budget year 2004-05 and budget years thereafter
17 THROUGH THE 2017-18 BUDGET YEAR, each district charter school and the
18 qualifying school district that approved the charter shall negotiate funding
19 under the charter contract. The district charter school shall receive one
20 hundred percent of the adjusted district per pupil revenues for each pupil
21 enrolled in the district charter school who is not an on-line pupil and one
22 hundred percent of the district per pupil on-line funding for each on-line
23 pupil enrolled in the district charter school; except that the qualifying
24 school district may choose to retain the sum of the actual amount of the
25 district charter school's per pupil share of the central administrative
26 overhead costs for services actually provided to the district charter school,
27 up to five percent of the adjusted district per pupil revenues for each pupil

1 who is not an on-line pupil enrolled in the district charter school and up
2 to five percent of the district per pupil on-line funding for each on-line
3 pupil enrolled in the district charter school.

4 (b) Notwithstanding any provision of this subsection (3) to the
5 contrary, FOR BUDGET YEARS COMMENCING BEFORE JULY 1, 2018, if a
6 qualifying school district enrolls five hundred or fewer students, the
7 district charter school shall receive funding in the amount of the greater
8 of one hundred percent of the district per pupil on-line funding for each
9 on-line pupil enrolled in the district charter school plus one hundred
10 percent of the district per pupil revenues for each pupil who is not an
11 on-line pupil enrolled in the district charter school, minus the actual
12 amount of the district charter school's per pupil share of the central
13 administrative overhead costs incurred by the qualifying school district,
14 based on audited figures, or eighty-five percent of the district per pupil
15 revenues for each pupil enrolled in the district charter school who is not
16 an on-line pupil plus eighty-five percent of the district per pupil on-line
17 funding for each on-line pupil enrolled in the district charter school.

18 (c) If a charter school operates a full-day kindergarten program,
19 for purposes of calculating the charter school's funding pursuant to this
20 subsection (3), the number of pupils enrolled in the charter school shall
21 include the supplemental kindergarten enrollment as defined in section
22 22-54-103 (15).

23 (3.5) (a) (I) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
24 THEREAFTER, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS
25 SUBSECTION (3.5), EACH DISTRICT CHARTER SCHOOL AND THE QUALIFYING
26 SCHOOL DISTRICT THAT APPROVED THE CHARTER SHALL NEGOTIATE
27 FUNDING UNDER THE CONTRACT. A DISTRICT CHARTER SCHOOL THAT IS

1 NOT A MULTI-DISTRICT ON-LINE SCHOOL SHALL RECEIVE AN AMOUNT
2 EQUAL TO ONE HUNDRED PERCENT OF THE ADJUSTED DISTRICT PER PUPIL
3 REVENUES FOR THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE
4 DISTRICT CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP FOR THE
5 APPLICABLE FUNDING AVERAGING PERIOD. A DISTRICT CHARTER SCHOOL
6 THAT IS A MULTI-DISTRICT ON-LINE SCHOOL SHALL RECEIVE AN AMOUNT
7 EQUAL TO ONE HUNDRED PERCENT OF THE DISTRICT PER PUPIL ON-LINE
8 FUNDING MULTIPLIED BY THE DISTRICT CHARTER SCHOOL'S ON-LINE
9 AVERAGE DAILY MEMBERSHIP FOR THE APPLICABLE FUNDING AVERAGING
10 PERIOD.

11 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
12 THIS PARAGRAPH (a) TO THE CONTRARY, A QUALIFYING SCHOOL DISTRICT
13 MAY CHOOSE TO RETAIN THE ACTUAL AMOUNT OF A DISTRICT CHARTER
14 SCHOOL'S PER PUPIL SHARE OF THE CENTRAL ADMINISTRATIVE OVERHEAD
15 COSTS FOR SERVICES ACTUALLY PROVIDED TO THE DISTRICT CHARTER
16 SCHOOL, UP TO FIVE PERCENT OF THE TOTAL AMOUNT OF ADJUSTED
17 DISTRICT PER PUPIL REVENUES PAYABLE TO A DISTRICT CHARTER SCHOOL
18 THAT IS NOT A MULTI-DISTRICT ON-LINE SCHOOL OR UP TO FIVE PERCENT
19 OF THE TOTAL AMOUNT OF DISTRICT PER PUPIL ON-LINE FUNDING PAYABLE
20 TO A DISTRICT CHARTER SCHOOL THAT IS A MULTI-DISTRICT ON-LINE
21 SCHOOL.

22 (b) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
23 THEREAFTER, IF A QUALIFYING SCHOOL DISTRICT HAS AN AVERAGE DAILY
24 MEMBERSHIP OF FIVE HUNDRED OR FEWER STUDENTS FOR THE MOST
25 RECENT FUNDING AVERAGING PERIOD:

26 (I) A DISTRICT CHARTER SCHOOL THAT IS NOT A MULTI-DISTRICT
27 ON-LINE SCHOOL RECEIVES FUNDING IN AN AMOUNT EQUAL TO THE

1 GREATER OF:

2 (A) ONE HUNDRED PERCENT OF THE ADJUSTED DISTRICT PER PUPIL
3 REVENUES FOR THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE
4 DISTRICT CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP FOR THE
5 APPLICABLE FUNDING AVERAGING PERIOD MINUS THE ACTUAL AMOUNT OF
6 THE DISTRICT CHARTER SCHOOL'S PER PUPIL SHARE OF THE CENTRAL
7 ADMINISTRATIVE OVERHEAD COSTS INCURRED BY THE QUALIFYING
8 SCHOOL DISTRICT, BASED ON AUDITED FIGURES; OR

9 (B) EIGHTY-FIVE PERCENT OF ADJUSTED DISTRICT PER PUPIL
10 REVENUES FOR THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE
11 DISTRICT CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP FOR THE
12 APPLICABLE FUNDING AVERAGING PERIOD; AND

13 (II) A DISTRICT CHARTER SCHOOL THAT IS A MULTI-DISTRICT
14 ON-LINE SCHOOL RECEIVES FUNDING IN AN AMOUNT EQUAL TO THE
15 GREATER OF:

16 (A) ONE HUNDRED PERCENT OF THE DISTRICT PER PUPIL ON-LINE
17 FUNDING FOR THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE DISTRICT
18 CHARTER SCHOOL'S ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE
19 APPLICABLE FUNDING AVERAGING PERIOD MINUS THE ACTUAL AMOUNT OF
20 THE DISTRICT CHARTER SCHOOL'S PER PUPIL SHARE OF THE CENTRAL
21 ADMINISTRATIVE OVERHEAD COSTS INCURRED BY THE QUALIFYING
22 SCHOOL DISTRICT, BASED ON AUDITED FIGURES; OR

23 (B) EIGHTY-FIVE PERCENT OF DISTRICT PER PUPIL ON-LINE
24 FUNDING FOR THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE DISTRICT
25 CHARTER SCHOOL'S ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE
26 APPLICABLE FUNDING AVERAGING PERIOD.

27 (c) IF A DISTRICT CHARTER SCHOOL OPERATES A FULL-DAY

1 KINDERGARTEN PROGRAM, FOR PURPOSES OF CALCULATING THE DISTRICT
2 CHARTER SCHOOL'S FUNDING PURSUANT TO THIS SUBSECTION (3.5), THE
3 NUMBER OF PUPILS ENROLLED IN THE DISTRICT CHARTER SCHOOL SHALL
4 INCLUDE THE SUPPLEMENTAL KINDERGARTEN AVERAGE DAILY
5 MEMBERSHIP AS DEFINED IN SECTION 22-54-112.5 (1) (r).

6 (3.7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
7 CONTRARY, FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
8 THEREAFTER:

9 (a) (I) IN THE FIRST YEAR THAT A DISTRICT CHARTER SCHOOL
10 ENROLLS PUPILS, THE QUALIFYING SCHOOL DISTRICT SHALL CALCULATE
11 THE DISTRICT CHARTER SCHOOL'S FUNDING BASED ON THE CHARTER
12 SCHOOL'S PROJECTED MEMBERSHIP ON THE FIRST DAY OF THE SCHOOL
13 YEAR. IF THE NEW DISTRICT CHARTER SCHOOL IS A MULTI-DISTRICT
14 ON-LINE SCHOOL, THE QUALIFYING SCHOOL DISTRICT SHALL CALCULATE
15 THE DISTRICT CHARTER SCHOOL'S FUNDING BASED ON THE NUMBER OF
16 ON-LINE PUPILS EXPECTED TO BE ENROLLED ON THE FIRST DAY OF THE
17 SCHOOL YEAR.

18 (II) THE QUALIFYING SCHOOL DISTRICT SHALL CALCULATE THE
19 DISTRICT CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP OR ON-LINE
20 AVERAGE DAILY MEMBERSHIP, WHICHEVER IS APPLICABLE, FOR THE FIRST
21 QUARTER OF THE DISTRICT CHARTER SCHOOL'S FIRST SCHOOL YEAR. IF THE
22 CALCULATED AVERAGE DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY
23 MEMBERSHIP IS DIFFERENT FROM THE PROJECTED MEMBERSHIP, THE
24 QUALIFYING SCHOOL DISTRICT SHALL RECALCULATE THE DISTRICT
25 CHARTER SCHOOL'S FUNDING USING THE AVERAGE DAILY MEMBERSHIP OR
26 ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS APPLICABLE, OF THE
27 FIRST QUARTER OF THE THEN-CURRENT SCHOOL YEAR AND ADJUST THE

1 DISTRICT CHARTER SCHOOL'S FUNDING ACCORDINGLY FOR THE REMAINDER
2 OF THE FIRST SCHOOL YEAR.

3 (b) IN THE SECOND YEAR THAT A DISTRICT CHARTER SCHOOL
4 ENROLLS PUPILS AND IN ANY YEAR IN WHICH A DISTRICT CHARTER SCHOOL
5 INCREASES ITS PROGRAM AVAILABILITY BY AT LEAST ONE ADDITIONAL
6 GRADE LEVEL, IF THE DISTRICT CHARTER SCHOOL'S AVERAGE DAILY
7 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS
8 APPLICABLE, FOR THE FIRST QUARTER OF THE THEN-CURRENT BUDGET
9 YEAR EXCEEDS THE DISTRICT CHARTER SCHOOL'S AVERAGE DAILY
10 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE
11 APPLICABLE FUNDING AVERAGING PERIOD, THE QUALIFYING SCHOOL
12 DISTRICT SHALL RECALCULATE THE DISTRICT CHARTER SCHOOL'S FUNDING
13 FOR THE THEN-CURRENT BUDGET YEAR USING THE AVERAGE DAILY
14 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS
15 APPLICABLE, FOR THE FIRST QUARTER OF THE THEN-CURRENT BUDGET
16 YEAR AND ADJUST THE DISTRICT CHARTER SCHOOL'S FUNDING
17 ACCORDINGLY FOR THE REMAINDER OF THE THEN-CURRENT SCHOOL YEAR.

18 (c) IN THE THIRD OR SUBSEQUENT YEAR THAT A DISTRICT CHARTER
19 SCHOOL ENROLLS PUPILS, IF THE DISTRICT CHARTER SCHOOL'S AVERAGE
20 DAILY MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP,
21 WHICHEVER IS APPLICABLE, FOR THE FIRST HALF OF THE THEN-CURRENT
22 BUDGET YEAR EXCEEDS THE DISTRICT CHARTER SCHOOL'S AVERAGE DAILY
23 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP FOR THE
24 APPLICABLE FUNDING AVERAGING PERIOD, THE QUALIFYING SCHOOL
25 DISTRICT SHALL RECALCULATE THE DISTRICT CHARTER SCHOOL'S FUNDING
26 FOR THE THEN-CURRENT BUDGET YEAR USING THE AVERAGE DAILY
27 MEMBERSHIP OR ON-LINE AVERAGE DAILY MEMBERSHIP, WHICHEVER IS

1 APPLICABLE, FOR THE FIRST HALF OF THE THEN-CURRENT BUDGET YEAR
2 AND ADJUST THE DISTRICT CHARTER SCHOOL'S FUNDING ACCORDINGLY
3 FOR THE REMAINDER OF THE THEN-CURRENT SCHOOL YEAR.

4 (d) IF A DISTRICT CHARTER SCHOOL'S FUNDING INCREASES
5 BECAUSE OF THE RECALCULATIONS DESCRIBED IN THIS SUBSECTION (3.7),
6 THE QUALIFYING SCHOOL DISTRICT SHALL REPORT TO THE DEPARTMENT
7 THE SUPPLEMENTAL FUNDING DUE TO THE DISTRICT CHARTER SCHOOL
8 BASED ON THE RECALCULATIONS. THE DEPARTMENT SHALL PAY THE
9 SUPPLEMENTAL FUNDING TO THE QUALIFYING SCHOOL DISTRICT IN
10 MONTHLY INSTALLMENTS FOR THE REMAINDER OF THE BUDGET YEAR, AND
11 THE QUALIFYING SCHOOL DISTRICT SHALL INCREASE THE MONTHLY
12 PAYMENTS DUE TO THE DISTRICT CHARTER SCHOOL BY THE FULL AMOUNT
13 RECEIVED FROM THE DEPARTMENT FOR THE REMAINDER OF THE BUDGET
14 YEAR. NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3.7) TO
15 THE CONTRARY, THE AMOUNT OF SUPPLEMENTAL FUNDING THAT A
16 DISTRICT CHARTER SCHOOL RECEIVES PURSUANT TO THIS SUBSECTION
17 (3.7) MAY BE REDUCED AS PROVIDED IN SECTION 22-54-114 (2.1) (b).

18 (6) Notwithstanding any other provision of this section to the
19 contrary and for the purposes of this section only, a school district in
20 which more than forty percent of the pupil enrollment OR MEMBERSHIP
21 consists of at-risk pupils at the time a charter school's application is first
22 approved shall be deemed to have the same percentage of at-risk pupil
23 enrollment OR MEMBERSHIP for the term of the charter contract. For
24 purposes of renewal of the charter contract, the percentage of at-risk
25 pupils in the school district at the time the renewal application is
26 submitted shall be the percentage used for purposes of determining
27 whether the school district is a qualifying school district and subject to the

1 provisions of this section.

2 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-513, **amend**
3 (1), (2) (b), (2) (b.5), (3), (4) (a) (I), (4) (a) (I.5) introductory portion, and
4 (4) (a) (I.5) (A); and **add** (2) (b.3) as follows:

5 **22-30.5-513. Institute charter schools - definitions - funding -**
6 **at-risk supplemental aid - legislative declaration.** (1) As used in this
7 section, unless the context otherwise requires:

8 (a) "Accounting district" means the school district within whose
9 geographic boundaries an institute charter school is physically located.

10 (b) "Accounting district's adjusted per pupil revenues" means the
11 accounting district's per pupil funding plus the accounting district's at-risk
12 per pupil funding.

13 (c) "Accounting district's at-risk funding" means the amount of
14 funding for at-risk pupils in the accounting district determined in
15 accordance with the formulas described in section 22-54-104 (4).

16 (d) (I) "Accounting district's at-risk per pupil funding" FOR
17 BUDGET YEARS COMMENCING BEFORE JULY 1, 2018, means the amount of
18 funding determined in accordance with the following formula:

19 (The accounting district's at-risk funding divided by the
20 accounting district's funded pupil count) x (the institute
21 charter school's percentage of at-risk pupils divided by the
22 accounting district's percentage of at-risk pupils)

23 (II) "ACCOUNTING DISTRICT'S AT-RISK PER PUPIL FUNDING", FOR
24 THE 2018-19 BUDGET YEAR AND BUDGET YEARS THEREAFTER, MEANS THE
25 AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FOLLOWING
26 FORMULA:

27 (THE ACCOUNTING DISTRICT'S AT-RISK FUNDING DIVIDED BY

1 THE ACCOUNTING DISTRICT'S FUNDED MEMBERSHIP) X (THE
2 INSTITUTE CHARTER SCHOOL'S PERCENTAGE OF AT-RISK
3 PUPILS DIVIDED BY THE ACCOUNTING DISTRICT'S
4 PERCENTAGE OF AT-RISK PUPILS)

5 (e) "ACCOUNTING DISTRICT'S FUNDED MEMBERSHIP" MEANS AN
6 ACCOUNTING SCHOOL DISTRICT'S FUNDED MEMBERSHIP, AS DEFINED IN
7 SECTION 22-54-112.5 (1) (h).

8 ~~(e)~~ (f) "Accounting district's funded pupil count" ~~shall have~~ HAS
9 the same meaning as the term "district funded pupil count" defined in
10 section 22-54-103 (7).

11 ~~(f)~~ (g) "Accounting district's per pupil funding" means the per
12 pupil funding calculated for the accounting district pursuant to the
13 formula described in section 22-54-104 (3).

14 ~~(g)~~ (h) "Accounting district's per pupil on-line funding" means
15 on-line funding, as specified in section 22-54-104 (4.5), for any budget
16 year divided by the on-line pupil enrollment; EXCEPT THAT, FOR THE
17 2018-19 BUDGET YEAR AND BUDGET YEARS THEREAFTER, "ACCOUNTING
18 DISTRICT'S PER PUPIL ON-LINE FUNDING" MEANS AN ACCOUNTING
19 DISTRICT'S ON-LINE FUNDING FOR ANY BUDGET YEAR DIVIDED BY THE
20 ACCOUNTING DISTRICT'S ON-LINE AVERAGE DAILY MEMBERSHIP FOR THAT
21 BUDGET YEAR.

22 ~~(h)~~ (i) "Administrative overhead costs" means all actual and
23 reasonable costs incurred by the institute as a result of its performance of
24 its obligations pursuant to this part 5. "Administrative overhead costs"
25 shall not include any costs incurred in order to deliver services that an
26 institute charter school may purchase at its discretion.

27 ~~(i)~~ (j) "At-risk pupils" ~~shall have~~ HAS the same meaning as

1 provided in section 22-54-103 (1.5).

2 (k) "AVERAGE DAILY MEMBERSHIP" HAS THE SAME MEANING AS
3 PROVIDED IN SECTION 22-54-112.5 (1) (e).

4 (l) "FUNDING AVERAGING PERIOD" HAS THE SAME MEANING AS
5 PROVIDED IN SECTION 22-54-112.5 (1) (i).

6 (m) "MEMBERSHIP" HAS THE SAME MEANING AS PROVIDED IN
7 SECTION 22-54-112.5 (1) (j).

8 (n) "MULTI-DISTRICT ON-LINE SCHOOL" HAS THE SAME MEANING
9 AS PROVIDED IN SECTION 22-30.7-102 (6).

10 (o) "ON-LINE AVERAGE DAILY MEMBERSHIP" HAS THE SAME
11 MEANING AS PROVIDED IN SECTION 22-54-112.5 (1) (l).

12 (j) (p) "On-line pupil enrollment" means:

13 (I) Repealed.

14 (II) For the 2008-09 budget year, and for budget years thereafter
15 THROUGH THE 2017-18 BUDGET YEAR, the number of pupils, on the pupil
16 enrollment count day within the applicable budget year, enrolled in,
17 attending, and actively participating in a multi-district on-line school, as
18 defined in section 22-30.7-102 (6), created pursuant to article 30.7 of this
19 title by the institute charter school.

20 (~~k~~) (q) "Pupil enrollment" ~~shall have~~ HAS the same meaning as
21 provided in section 22-54-103 (10).

22 (~~h~~) (r) "Qualified charter school" ~~shall have~~ HAS the same meaning
23 as provided in section 22-54-124 (1) (f.6).

24 (2) (b) For budget year 2004-05 and budget years thereafter
25 THROUGH THE 2017-18 BUDGET YEAR, each institute charter school and
26 the institute shall negotiate funding under the charter contract at a
27 minimum of ninety-five percent of the institute charter school's

1 accounting district's adjusted per pupil revenues for each pupil enrolled
2 in the institute charter school who is not an on-line pupil and ninety-five
3 percent of the institute charter school's accounting district's per pupil
4 on-line funding for each on-line pupil enrolled in the institute charter
5 school. The institute may retain three percent of the accounting district's
6 adjusted per pupil revenues for each pupil, who is not an on-line pupil,
7 enrolled in the institute charter school and three percent of the accounting
8 district's per pupil on-line funding for each on-line pupil enrolled in the
9 institute charter school.

10 (b.3) (I) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
11 THEREAFTER, EACH INSTITUTE CHARTER SCHOOL AND THE INSTITUTE
12 SHALL NEGOTIATE FUNDING UNDER THE CONTRACT. AN INSTITUTE
13 CHARTER SCHOOL THAT IS NOT A MULTI-DISTRICT ON-LINE SCHOOL SHALL
14 RECEIVE AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE INSTITUTE
15 CHARTER SCHOOL'S ACCOUNTING DISTRICT'S ADJUSTED DISTRICT PER PUPIL
16 REVENUES FOR THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE
17 INSTITUTE CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP FOR THE
18 APPLICABLE FUNDING AVERAGING PERIOD. AN INSTITUTE CHARTER
19 SCHOOL THAT IS A MULTI-DISTRICT ON-LINE SCHOOL SHALL RECEIVE AN
20 AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE INSTITUTE CHARTER
21 SCHOOL'S ACCOUNTING DISTRICT'S PER PUPIL ON-LINE FUNDING
22 MULTIPLIED BY THE INSTITUTE CHARTER SCHOOL'S ON-LINE AVERAGE
23 DAILY MEMBERSHIP FOR THE APPLICABLE FUNDING AVERAGING PERIOD.

24 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
25 THIS PARAGRAPH (b.3) TO THE CONTRARY, THE INSTITUTE MAY RETAIN
26 THREE PERCENT OF THE TOTAL AMOUNT OF THE ACCOUNTING DISTRICT'S
27 ADJUSTED PER PUPIL REVENUES PAYABLE TO AN INSTITUTE CHARTER

1 SCHOOL THAT IS NOT A MULTI-DISTRICT ON-LINE SCHOOL OR THREE
2 PERCENT OF THE TOTAL AMOUNT OF THE ACCOUNTING DISTRICT'S PER
3 PUPIL ON-LINE FUNDING PAYABLE TO AN INSTITUTE CHARTER SCHOOL
4 THAT IS A MULTI-DISTRICT ON-LINE SCHOOL.

5 (b.5) If an institute charter school operates a full-day kindergarten
6 program, for purposes of calculating the institute charter school's funding
7 pursuant to this subsection (2), the number of pupils enrolled in the
8 ~~institute's~~ INSTITUTE charter school shall include:

9 (I) The supplemental kindergarten enrollment as defined in
10 section 22-54-103 (15) FOR BUDGET YEARS BEGINNING BEFORE JULY 1,
11 2018; AND

12 (II) THE SUPPLEMENTAL KINDERGARTEN AVERAGE DAILY
13 MEMBERSHIP AS DEFINED IN SECTION 22-54-112.5 (1) (r) FOR THE 2018-19
14 BUDGET YEAR AND BUDGET YEARS THEREAFTER.

15 (3) (a) On or before November 10 of each BUDGET year
16 COMMENCING BEFORE JULY 1, 2018, the institute shall certify to the state
17 board each institute charter school's pupil enrollment and on-line pupil
18 enrollment for that year. In certifying the pupil enrollment of each
19 institute charter school to the state board, the institute shall specify the
20 number of pupils enrolled in half-day kindergarten; the number of pupils
21 enrolled in full-day kindergarten; the number of pupils enrolled in first
22 grade through twelfth grade, specifying those who are enrolled as
23 full-time students and those who are enrolled as less than full-time
24 students; the number of expelled pupils receiving educational services
25 pursuant to section 22-33-203; the number of pupils receiving educational
26 programs under the "Exceptional Children's Educational Act", article 20
27 of this title; and the number of at-risk pupils. The institute shall also

1 notify the department as to whether each institute charter school is a
2 qualified charter school.

3 (a.5) FOR THE 2016-17 BUDGET YEAR AND BUDGET YEARS
4 THEREAFTER, THE INSTITUTE, IN ACCORDANCE WITH SECTION 22-54-112.5
5 AND RULES ADOPTED TO IMPLEMENT THAT SECTION, SHALL CERTIFY TO
6 THE DEPARTMENT EACH INSTITUTE CHARTER SCHOOL'S MEMBERSHIP FOR
7 EACH SCHOOL DAY DURING THE CERTIFICATION PERIOD, INCLUDING
8 SPECIFYING THE NUMBER OF AT-RISK PUPILS. THE INSTITUTE SHALL ALSO
9 CERTIFY TO THE DEPARTMENT FOR EACH INSTITUTE CHARTER SCHOOL THE
10 NUMBER OF THE INSTITUTE CHARTER SCHOOL'S PUPILS WHO ARE ENROLLED
11 EACH SCHOOL DAY DURING THE CERTIFICATION PERIOD IN A
12 MULTI-DISTRICT ON-LINE SCHOOL, INCLUDING SPECIFYING THE NUMBER OF
13 AT-RISK PUPILS.

14 (b) For purposes of the "Public School Finance Act of 1994",
15 article 54 of this title, FOR BUDGET YEARS COMMENCING BEFORE JULY 1,
16 2018, the department shall add the pupils enrolled in an institute charter
17 school to the funded pupil count and the on-line pupil enrollment of the
18 institute charter school's accounting district.

19 (b.5) FOR PURPOSES OF THE "PUBLIC SCHOOL FINANCE ACT OF
20 1994", ARTICLE 54 OF THIS TITLE, FOR THE 2018-19 BUDGET YEAR AND
21 BUDGET YEARS THEREAFTER, THE DEPARTMENT SHALL ADD THE
22 MEMBERSHIP OF EACH INSTITUTE CHARTER SCHOOL THAT IS NOT A
23 MULTI-DISTRICT ON-LINE SCHOOL TO THE FUNDED MEMBERSHIP OF THE
24 INSTITUTE CHARTER SCHOOL'S ACCOUNTING DISTRICT. FOR EACH
25 INSTITUTE CHARTER SCHOOL THAT IS A MULTI-DISTRICT ON-LINE SCHOOL,
26 THE DEPARTMENT SHALL ADD THE INSTITUTE CHARTER SCHOOL'S ON-LINE
27 AVERAGE DAILY MEMBERSHIP TO THE ON-LINE AVERAGE DAILY

1 MEMBERSHIP OF THE INSTITUTE CHARTER SCHOOL'S ACCOUNTING
2 DISTRICT.

3 (4) (a) (I) (A) FOR BUDGET YEARS COMMENCING BEFORE JULY 1,
4 2018, for each institute charter school, the department shall withhold from
5 the state equalization payments of the institute charter school's accounting
6 district an amount equal to one hundred percent of the accounting
7 district's adjusted per pupil revenues multiplied by the number of pupils
8 enrolled in the institute charter school who are not on-line pupils plus an
9 amount equal to one hundred percent of the accounting district's per pupil
10 on-line funding multiplied by the number of on-line pupils enrolled in the
11 institute charter school.

12 (B) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
13 THEREAFTER, THE DEPARTMENT SHALL WITHHOLD FROM THE STATE
14 EQUALIZATION PAYMENTS OF THE INSTITUTE CHARTER SCHOOL'S
15 ACCOUNTING DISTRICT AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF
16 THE ACCOUNTING DISTRICT'S ADJUSTED PER PUPIL REVENUES MULTIPLIED
17 BY THE INSTITUTE CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP, IF
18 THE INSTITUTE CHARTER SCHOOL IS NOT A MULTI-DISTRICT ON-LINE
19 SCHOOL, OR ONE HUNDRED PERCENT OF THE ACCOUNTING DISTRICT'S PER
20 PUPIL ON-LINE FUNDING MULTIPLIED BY THE INSTITUTE CHARTER SCHOOL'S
21 ON-LINE AVERAGE DAILY MEMBERSHIP, IF THE INSTITUTE CHARTER
22 SCHOOL IS A MULTI-DISTRICT ON-LINE SCHOOL.

23 (C) The department shall forward to the institute the amount
24 withheld minus an amount not to exceed one percent of the amount
25 withheld that the department may retain as reimbursement for the
26 reasonable and necessary costs to the department to implement the
27 provisions of this part 5.

1 (D) FOR THE 2018-19 BUDGET YEAR AND BUDGET YEARS
2 THEREAFTER, IF THE DEPARTMENT RECALCULATES THE FUNDING FOR AN
3 INSTITUTE CHARTER SCHOOL PURSUANT TO SECTION 22-54-112.5 (5), THE
4 DEPARTMENT SHALL REDUCE THE AMOUNT WITHHELD PURSUANT TO THIS
5 SUBPARAGRAPH (I) OR FORWARD TO THE INSTITUTE SUPPLEMENTAL
6 FUNDING FOR THE INSTITUTE CHARTER SCHOOL FROM MONEYS
7 APPROPRIATED PURSUANT TO SECTION 22-54-114 (2.1).
8 NOTWITHSTANDING ANY PROVISION OF THIS SUB-SUBPARAGRAPH (D) TO
9 THE CONTRARY, THE AMOUNT OF SUPPLEMENTAL FUNDING THAT AN
10 INSTITUTE CHARTER SCHOOL RECEIVES PURSUANT TO THIS
11 SUB-SUBPARAGRAPH (D) MAY BE REDUCED AS PROVIDED IN SECTION
12 22-54-114 (2.1) (b).

13 (I.5) The institute shall forward to each institute charter school an
14 amount equal to the ~~institute charter school's pupil enrollment multiplied~~
15 ~~by the accounting district's adjusted per pupil revenues of the institute~~
16 ~~charter school's accounting district~~ AMOUNT CALCULATED FOR THE
17 INSTITUTE CHARTER SCHOOL PURSUANT TO SUBPARAGRAPH (I) OF THIS
18 PARAGRAPH (a), minus:

19 (A) The amount ~~withheld not to exceed one percent~~ retained by
20 the department pursuant to subparagraph (I) of this paragraph (a);

21 **SECTION 10.** In Colorado Revised Statutes, 22-30.5-112.1,
22 **amend** (1) (e) as follows:

23 **22-30.5-112.1. Charter schools - definitions - exclusive**
24 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**

25 (1) As used in this section, unless the context otherwise requires:

26 (e) "Central administrative overhead costs" shall have the same
27 meaning as provided in section 22-30.5-112 (2) (a.5) ~~(f)~~ (III).

1 **SECTION 11.** In Colorado Revised Statutes, 22-30.5-112.2,
2 **amend** (1) (d) as follows:

3 **22-30.5-112.2. Charter schools - at-risk supplemental aid -**
4 **definitions - legislative declaration.** (1) As used in this section, unless
5 the context otherwise requires:

6 (d) "District per pupil revenues" has the same meaning as defined
7 in section 22-30.5-112 (2) (a.5) ~~(H)~~ (IV).

8 **SECTION 12.** In Colorado Revised Statutes, 22-30.5-506,
9 **amend** (4) (a) as follows:

10 **22-30.5-506. State charter school institute fund - created.**

11 (4) (a) The state charter school institute shall create in the fund an
12 account for payment of the institute's administrative overhead costs, as
13 defined in section 22-30.5-513 (1) ~~(h)~~ (i), which account consists solely
14 of moneys retained by the institute from the institute charter schools'
15 adjusted per pupil revenues and per-pupil on-line funding pursuant to
16 section 22-30.5-513 (4) (a) (I.5) (E). Except as otherwise provided in
17 paragraph (b) of this subsection (4), at the end of a budget year, if the
18 amount of unexpended and unencumbered moneys remaining in the
19 account exceeds twenty percent of the amount retained by the institution
20 pursuant to section 22-30.5-513 (4) (a) (I.5) (E) for the applicable budget
21 year, the institute shall transfer the amount of the excess to the institute
22 charter school assistance fund created in section 22-30.5-515.5.

23 **SECTION 13.** In Colorado Revised Statutes, 22-33-203, **amend**
24 (2) (d) as follows:

25 **22-33-203. Educational alternatives for expelled students.**

26 (2) (d) If an expelled student is receiving educational services delivered
27 by a school district other than the expelling school district, by a charter

1 school in a school district other than the expelling school district, by a
2 board of cooperative services, by a nonpublic, nonparochial school, or by
3 a pilot school pursuant to an agreement entered into pursuant to
4 subparagraph (I) of paragraph (c) of this subsection (2), the expelling
5 school district shall transfer ninety-five percent of the district per pupil
6 revenues, as defined in section 22-30.5-112 (2) (a.5) ~~(H)~~ (IV) to the
7 school district, charter school, nonpublic, nonparochial school, board of
8 cooperative services, or pilot school that is providing educational
9 services, reduced in proportion to the amount of time remaining in the
10 school year at the time the student begins receiving educational services.

11 **SECTION 14.** In Colorado Revised Statutes, 22-44-105, **amend**
12 **as it exists until proclamation of the governor** (4) as follows:

13 **22-44-105. Budget - contents - mandatory.** (4) (a) ~~Not later than~~
14 ~~July 1, 1998;~~ The state board of education, with input from the financial
15 policies and procedures advisory committee, shall establish, ~~and~~
16 implement, AND MAINTAIN a statewide financial, student management,
17 and human resource electronic data communications and reporting system
18 that is based on a ~~redesigned~~ standard chart of accounts, a standard
19 information system, and a standard personnel classification system. THE
20 REPORTING SYSTEM MUST INCLUDE TO THE FULLEST EXTENT POSSIBLE
21 COMPARABLE REPORTING OF EXPENDITURES AT THE SCHOOL-SITE LEVEL
22 AS WELL AS AT THE SCHOOL DISTRICT LEVEL, AT THE BOARD OF
23 COOPERATIVE SERVICES LEVEL, AND BY THE STATE CHARTER SCHOOL
24 INSTITUTE. The department of education, THE STATE CHARTER SCHOOL
25 INSTITUTE, and all DISTRICT CHARTER SCHOOLS, INSTITUTE CHARTER
26 SCHOOLS, school districts, and boards of cooperative services in the state
27 shall use the system to report and obtain necessary financial information.

1 (b) In ~~redesigning~~ IMPLEMENTING AND MAINTAINING the financial
2 and human resource reporting system pursuant to paragraph (a) of this
3 section, the state board of education shall adhere to, but is not limited to,
4 the following guidelines:

5 (I) The ~~financial and human resource~~ reporting system ~~shall~~ MUST
6 be based on a ~~redesigned~~ STANDARD chart of accounts that ~~will make~~
7 MAKES school-to-school and school district-to-school district comparisons
8 ~~more~~ accurate and meaningful;

9 (II) THE REPORTING SYSTEM, INCLUDING THE STANDARD CHART OF
10 ACCOUNTS, MUST REQUIRE THE REPORTING OF EXPENDITURES, INCLUDING
11 BUT NOT LIMITED TO SALARY AND BENEFIT EXPENDITURES REPORTED BY
12 JOB CLASSIFICATIONS SPECIFIED IN THE COMMON CHART OF ACCOUNTS, AT
13 THE SCHOOL-SITE LEVEL;

14 ~~(H)~~ (III) The ~~financial and human resource~~ reporting system ~~shall~~
15 MUST provide standard definitions for employment positions such that
16 full, accurate disclosure of administrative costs is made within the
17 budgets and the financial statements of every school district;

18 ~~(H)~~ (IV) The ~~financial~~ reporting system ~~shall~~ MUST make it
19 possible to collect comparable data by program and school site;

20 (V) THE REPORTING SYSTEM MUST REQUIRE EACH CHARTER
21 SCHOOL, EACH SCHOOL DISTRICT, EACH BOARD OF COOPERATIVE SERVICES,
22 AND THE STATE CHARTER SCHOOL INSTITUTE TO REPORT ACTUAL SALARY
23 AMOUNTS BY JOB CLASSIFICATION WHEN REPORTING SALARY
24 EXPENDITURES AND REQUIRE EACH CHARTER SCHOOL, EACH SCHOOL
25 DISTRICT, EACH BOARD OF COOPERATIVE SERVICES, AND THE STATE
26 CHARTER SCHOOL INSTITUTE TO REPORT BENEFIT EXPENDITURES BY TYPE
27 OF BENEFIT; AND

1 (VI) THE REPORTING SYSTEM MUST REQUIRE EACH SCHOOL
2 DISTRICT TO REPORT THE TOTAL AMOUNT OF ADDITIONAL LOCAL
3 PROPERTY TAX REVENUES THE DISTRICT IS AUTHORIZED TO COLLECT IN
4 ADDITION TO THE DISTRICT'S TOTAL PROGRAM MILL LEVY, BUT NOT
5 INCLUDING AMOUNTS AUTHORIZED PURSUANT TO SECTION 22-40-110,
6 ARTICLE 42 OF THIS TITLE, OR ARTICLE 43 OF THIS TITLE, AND THE AMOUNT
7 OF THE ADDITIONAL LOCAL PROPERTY TAX REVENUES THAT THE SCHOOL
8 DISTRICT DISTRIBUTES DIRECTLY TO SCHOOLS OF THE SCHOOL DISTRICT,
9 STATED AS A DOLLAR AMOUNT.

10 (c) A SCHOOL DISTRICT THAT CONSISTS OF ONLY ONE SCHOOL
11 BUILDING THAT HOUSES SEVERAL GRADE LEVELS MAY COMPLY WITH THE
12 REQUIREMENTS OF THIS SECTION BY REPORTING EXPENDITURES AND
13 OTHER REQUIRED INFORMATION IN TOTAL FOR ALL OF THE GRADE LEVELS
14 HOUSED IN THE BUILDING AND IS NOT REQUIRED TO DISAGGREGATE
15 EXPENDITURES AND OTHER INFORMATION FOR THE INDIVIDUALLY CODED
16 SCHOOLS LOCATED WITHIN THE BUILDING.

17 (d) IN COMPLYING WITH THE REQUIREMENTS OF THIS SECTION,
18 EACH SCHOOL DISTRICT, EACH BOARD OF COOPERATIVE SERVICES, AND
19 THE INSTITUTE SHALL ALLOCATE CENTRALIZED ADMINISTRATIVE COSTS
20 AMONG ITS PUBLIC SCHOOLS BY CALCULATING THE PER PUPIL AMOUNT OF
21 THE TOTAL ADMINISTRATIVE COSTS AND MULTIPLYING THE PER PUPIL
22 AMOUNT BY THE NUMBER OF STUDENTS ENROLLED IN EACH PUBLIC
23 SCHOOL.

24 (e) (I) NO LATER THAN JULY 1, 2015, THE STATE BOARD, BASED ON
25 RECOMMENDATIONS OF THE FINANCIAL POLICIES AND PROCEDURES
26 ADVISORY COMMITTEE, SHALL ADOPT GUIDELINES AS NECESSARY TO
27 UPDATE THE REPORTING SYSTEM TO REFLECT SITE-LEVEL REPORTING

1 REQUIREMENTS AND THE REQUIREMENTS SPECIFIED IN SUBPARAGRAPHS
2 (II), (V), AND (VI) OF PARAGRAPH (b) OF THIS SUBSECTION (4). ■ ■ THE
3 SITE-LEVEL REPORTING REQUIREMENTS AND THE REQUIREMENTS SPECIFIED
4 IN SUBPARAGRAPHS (II) AND (V) OF PARAGRAPH (b) OF THIS SUBSECTION
5 (4) ARE EFFECTIVE FOR THE 2015-16 BUDGET YEAR AND BUDGET YEARS
6 THEREAFTER. THE REPORTING REQUIREMENTS SPECIFIED IN
7 SUBPARAGRAPH (VI) OF PARAGRAPH (b) OF THIS SUBSECTION (4) ARE
8 EFFECTIVE FOR THE 2014-15 BUDGET YEAR AND BUDGET YEARS
9 THEREAFTER.

10 (II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE
11 BOARD AND THE DEPARTMENT OF EDUCATION WILL IMPLEMENT THE
12 SITE-LEVEL REPORTING REQUIREMENTS AND THE REQUIREMENTS SPECIFIED
13 IN SUBPARAGRAPHS (II), (V), AND (VI) OF PARAGRAPH (b) OF THIS
14 SUBSECTION (4) IN A MANNER THAT, TO THE GREATEST EXTENT POSSIBLE,
15 DOES NOT INCREASE THE FINANCIAL AND PERSONNEL COSTS THAT SCHOOL
16 DISTRICTS, BOARDS OF COOPERATIVE SERVICES, THE INSTITUTE, AND
17 CHARTER SCHOOLS INCUR IN COMPLYING WITH THIS SUBSECTION (4).

18 (e) (f) ~~Nothing in this section shall be interpreted to require~~
19 ~~accounting of salary and benefit costs by school site~~ FOR THE 2016-17
20 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DEPARTMENT OF
21 EDUCATION SHALL COLLECT, REVIEW, STANDARDIZE, AND PUBLISH THE
22 DATA REPORTED BY THE STATE CHARTER SCHOOL INSTITUTE, CHARTER
23 SCHOOLS, SCHOOL DISTRICTS, AND BOARDS OF COOPERATIVE SERVICES
24 PURSUANT TO THIS SUBSECTION (4) TO ENSURE THE GREATEST LEVEL OF
25 TRANSPARENCY AND COMPARABILITY OF EXPENDITURES AMONG SCHOOL
26 SITES, SCHOOL DISTRICTS, THE STATE CHARTER SCHOOL INSTITUTE, AND
27 BOARDS OF COOPERATIVE SERVICES.

1 ~~(d) Repealed.~~

2 (g) (I) THE DEPARTMENT SHALL CREATE OR CONTRACT FOR THE
3 CREATION OF A WEB SITE VIEW THAT, AT A MINIMUM:

4 (A) TRANSLATES THE REPORTED EXPENDITURES FOR SCHOOL
5 SITES, SCHOOL DISTRICTS, THE STATE CHARTER SCHOOL INSTITUTE, AND
6 BOARDS OF COOPERATIVE SERVICES INTO A FORMAT THAT IS READABLE BY
7 A LAYPERSON;

8 (B) REPORTS ACADEMIC PERFORMANCE DATA FOR EACH PUBLIC
9 SCHOOL INCLUDING THE SCHOOL'S MEDIAN GROWTH PERCENTILE, ACT
10 SCORES, COLLEGE REMEDIATION RATES, STUDENT SUSPENSION RATES, AND
11 ATTENDANCE RATES; AND

12 (C) CORRELATES REPORTED EXPENDITURES AND ACADEMIC
13 PERFORMANCE DATA FOR SCHOOL SITES, SCHOOL DISTRICTS, THE STATE
14 CHARTER SCHOOL INSTITUTE, AND BOARDS OF COOPERATIVE SERVICES.

15 (II) THE DEPARTMENT SHALL ENSURE THAT THE WEB SITE CREATED
16 PURSUANT TO THIS PARAGRAPH (g) IS AVAILABLE TO THE PUBLIC NO LATER
17 THAN JULY 1, 2017.

18 **SECTION 15.** In Colorado Revised Statutes, 22-30.5-112, **add**
19 (3) (c) as follows:

20 **22-30.5-112. Charter schools - financing - definitions -**
21 **guidelines.** (3) (c) WITHIN NINETY DAYS AFTER THE END OF EACH
22 BUDGET YEAR, EACH SCHOOL DISTRICT SHALL PROVIDE TO EACH CHARTER
23 SCHOOL OF THE SCHOOL DISTRICT AN ITEMIZED ACCOUNTING OF ALL THE
24 ACTUAL SPECIAL EDUCATION COSTS THAT THE SCHOOL DISTRICT INCURRED
25 FOR THE APPLICABLE BUDGET YEAR AND THE BASIS OF ANY PER PUPIL
26 CHARGES FOR SPECIAL EDUCATION THAT THE SCHOOL DISTRICT IMPOSED
27 AGAINST THE CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR.

1 **SECTION 16.** In Colorado Revised Statutes, **add** 22-2-113.8 as
2 follows:

3 **22-2-113.8. Department of education - additional local**
4 **revenues - distribution to schools - annual report.** (1) **FOR THE**
5 **2014-15 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE**
6 DEPARTMENT SHALL ANNUALLY COMPILE A REPORT OF THE INFORMATION
7 RECEIVED PURSUANT TO SECTION 22-44-105 (4) (b) (VI) CONCERNING THE
8 COLLECTION OF ADDITIONAL LOCAL PROPERTY TAX REVENUES BY EACH
9 SCHOOL DISTRICT AND THE DISTRIBUTION OF THE REVENUES TO THE
10 SCHOOLS OF THE SCHOOL DISTRICT, INCLUDING THE CHARTER SCHOOLS. IN
11 ADDITION TO THE COMPILED INFORMATION, THE REPORT MUST INCLUDE A
12 COMPARISON OF THE AMOUNT OF ADDITIONAL LOCAL PROPERTY TAX
13 REVENUES RECEIVED BY THE SCHOOL DISTRICT AND THE AMOUNT
14 DISTRIBUTED TO THE SCHOOLS OF THE DISTRICT, INCLUDING THE CHARTER
15 SCHOOLS, AT THE DISTRICT LEVEL AND AGGREGATED STATEWIDE.

16 (2) (a) THE DEPARTMENT SHALL ALLOW EACH SCHOOL DISTRICT
17 AND EACH DISTRICT CHARTER SCHOOL TO REVIEW THE REPORT BEFORE
18 PUBLICATION. A SCHOOL DISTRICT OR A CHARTER SCHOOL MAY REQUEST
19 THAT THE DEPARTMENT COMPILE AN ADDENDUM TO THE REPORT THAT IS
20 SPECIFIC TO THE REQUESTING SCHOOL DISTRICT OR CHARTER SCHOOL AND
21 THAT EXAMINES THE OVERALL LEVEL OF FUNDING DISTRIBUTED BY THE
22 SCHOOL DISTRICT TO THE CHARTER SCHOOLS OF THE DISTRICT, INCLUDING:

- 23 (I) CAPITAL CONSTRUCTION AND FACILITIES FUNDING;
- 24 (II) FUNDING FOR TECHNOLOGY; AND
- 25 (III) ANY OTHER FUNDING THAT THE SCHOOL DISTRICT
- 26 DISTRIBUTES TO THE CHARTER SCHOOLS OF THE DISTRICT.

27 (b) THE DEPARTMENT SHALL SIMULTANEOUSLY PUBLISH ON THE

1 DEPARTMENT WEB SITE THE REPORT AND ANY ADDENDA PREPARED FOR
2 THE REPORT IN RESPONSE TO A SCHOOL DISTRICT OR CHARTER SCHOOL
3 REQUEST.

4 **SECTION 17.** In Colorado Revised Statutes, **repeal as it will**
5 **take effect upon proclamation of the governor 22-2-113.7.**

6 **SECTION 18.** In Colorado Revised Statutes, 22-43.7-104,
7 **amend** (2) (b) (I), (3), and (3.5); and **add** (2) (d) as follows:

8 **22-43.7-104. Public school capital construction assistance fund**
9 **- creation - crediting of moneys to fund - use of fund - emergency**
10 **reserve - creation - reserve account - creation and use.** (2) (b) For
11 each fiscal year commencing on or after July 1, 2008, the following
12 moneys shall be credited to the assistance fund:

13 (I) (A) Unless and until the state treasurer, pursuant to
14 sub-subparagraph (B) of this subparagraph (I), provides written notice to
15 the joint budget committee of the general assembly that the state treasurer
16 has determined that the use of interest or income earned on the deposit
17 and investment of moneys in the public school fund to make lease
18 payments under a lease-purchase agreement entered into pursuant to
19 section 22-43.7-110 (2) will prevent the interest component of the lease
20 payments from qualifying for exemption from federal income taxation,
21 the greater of thirty-five percent of the gross amount of public school
22 lands income received during the fiscal year or ~~an amount of such income~~
23 ~~equal to the difference between the total amount of lease payments to be~~
24 ~~made by the state under the terms of lease-purchase agreements entered~~
25 ~~into pursuant to section 22-43.7-110 (2) and the total amount of matching~~
26 ~~moneys to be paid to the state as lease payments under the terms of~~
27 ~~sublease-purchase agreements entered into pursuant to section~~

1 ~~22-43.7-110 (2)~~ FORTY MILLION DOLLARS. The moneys required to be
2 credited to the assistance fund pursuant to this sub-subparagraph (A) may
3 be taken from any single source or combination of sources of public
4 school lands income.

5 (B) Except as otherwise provided in sub-subparagraph (C) of this
6 subparagraph (I), if the state treasurer determines during any fiscal year
7 that the use of interest or income earned on the deposit and investment of
8 moneys in the public school fund to make lease payments under a
9 lease-purchase agreement will prevent the interest component of the lease
10 payments from qualifying for exemption from federal income taxation
11 and provides written notice to the joint budget committee of the general
12 assembly of the determination, for the portion of the fiscal year beginning
13 on the date the written notice is provided to the joint budget committee
14 and for each subsequent fiscal year, the greater of fifty percent of the
15 gross amount of public school lands income other than interest or income
16 earned on the deposit and investment of moneys in the public school fund
17 received during the fiscal year or ~~an amount of such public school lands~~
18 ~~income equal to the difference between the total amount of lease~~
19 ~~payments to be made by the state under the terms of lease-purchase~~
20 ~~agreements entered into pursuant to section 22-43.7-110 (2) and the total~~
21 ~~amount of matching moneys to be paid to the state as lease payments~~
22 ~~under the terms of sublease-purchase agreements entered into pursuant to~~
23 ~~section 22-43.7-110 (2)~~ FORTY MILLION DOLLARS. The moneys required
24 to be credited to the assistance fund pursuant to this sub-subparagraph (B)
25 may be taken from any single source or combination of sources of public
26 school lands income other than interest or income earned on the deposit
27 and investment of moneys in the public school fund.

1 (C) If, after making a determination and providing notice pursuant
2 to sub-subparagraph (B) of this subparagraph (I), the state treasurer
3 makes a new determination during any fiscal year that the use of interest
4 or income earned on the deposit and investment of moneys in the public
5 school fund to make lease payments under a lease-purchase agreement
6 entered into pursuant to section 22-43.7-110 (2) will not prevent the
7 interest component of the lease payments from qualifying for exemption
8 from federal income taxation and the state treasurer provides written
9 notice to the joint budget committee of the general assembly that the state
10 treasurer has made a new determination and is rescinding the
11 determination made pursuant to said sub-subparagraph (B) as of the date
12 the written notice is provided, for the portion of the fiscal year beginning
13 on the date the written notice is provided to the joint budget committee
14 and for each subsequent fiscal year, the greater of thirty-five percent of
15 the gross amount of public school lands income received during the fiscal
16 year or ~~an amount of such income equal to the difference between the~~
17 ~~total amount of lease payments to be made by the state under the terms of~~
18 ~~lease-purchase agreements entered into pursuant to section 22-43.7-110~~
19 ~~(2) and the total amount of matching moneys to be paid to the state as~~
20 ~~lease payments under the terms of sublease-purchase agreements entered~~
21 ~~into pursuant to section 22-43.7-110 (2) FORTY MILLION DOLLARS. The~~
22 moneys required to be credited to the assistance fund pursuant to this
23 sub-subparagraph (C) may be taken from any single source or
24 combination of sources of public school lands income.

25 (d) FOR EACH FISCAL YEAR COMMENCING ON OR AFTER JULY 1,
26 2014, THE STATE TREASURER, AS PROVIDED IN SECTION 39-28.8-305 (1)
27 (a), C.R.S., SHALL TRANSFER TO THE ASSISTANCE FUND THE FIRST FORTY

1 MILLION DOLLARS ANNUALLY RECEIVED AND COLLECTED AS AN EXCISE
2 TAX ON RETAIL MARIJUANA PURSUANT TO PART 3 OF ARTICLE 28.8 OF
3 TITLE 39, C.R.S. THE STATE TREASURER SHALL CREDIT THE AMOUNTS
4 ANNUALLY TRANSFERRED TO THE ASSISTANCE FUND PURSUANT TO THIS
5 PARAGRAPH (d) AS FOLLOWS:

6 (I) SEVENTY-FIVE PERCENT TO THE FULL-DAY KINDERGARTEN
7 CAPITAL CONSTRUCTION ACCOUNT, WHICH ACCOUNT IS CREATED WITHIN
8 THE ASSISTANCE FUND;

9 (II) TWELVE AND FIVE-TENTHS PERCENT TO THE TECHNOLOGY
10 ASSISTANCE ACCOUNT, WHICH ACCOUNT IS CREATED WITHIN THE
11 ASSISTANCE FUND; AND

12 (III) TWELVE AND FIVE-TENTHS PERCENT TO THE CHARTER SCHOOL
13 FACILITIES ASSISTANCE ACCOUNT, WHICH ACCOUNT IS CREATED WITHIN
14 THE ASSISTANCE FUND.

15 (3) Subject to annual appropriation, the department may expend
16 moneys in the assistance fund to pay the direct and indirect administrative
17 costs, including but not limited to the costs of conducting or contracting
18 for the financial assistance priority assessment required by section
19 22-43.7-108 (1), incurred by the division, ~~and~~ the board, AND THE
20 DEPARTMENT in exercising their powers and duties pursuant to this article.
21 Any moneys in the assistance fund not appropriated for a fiscal year to the
22 department for administrative costs before the fiscal year commences are
23 hereby continuously appropriated to the board for the purpose of
24 providing financial assistance, making payments required by section
25 22-43.7-114, and paying any transaction costs necessarily incurred in
26 connection with the provision of financial assistance as authorized by this
27 article; except that:

1 (a) The use of any assistance fund moneys to make lease payments
2 required by lease-purchase agreements entered into pursuant to section
3 22-43.7-110 (2) shall be subject to annual appropriation by the general
4 assembly;

5 (b) THE BOARD SHALL USE THE MONEYS CREDITED TO THE
6 FULL-DAY KINDERGARTEN FACILITY CAPITAL CONSTRUCTION ACCOUNT
7 PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (d) OF SUBSECTION (2)
8 OF THIS SECTION TO PROVIDE FINANCIAL ASSISTANCE AS PROVIDED IN PART
9 2 OF THIS ARTICLE; AND

10 (c) THE MONEYS CREDITED TO THE TECHNOLOGY ASSISTANCE
11 ACCOUNT PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (d) OF
12 SUBSECTION (2) OF THIS SECTION AND TO THE CHARTER SCHOOL FACILITIES
13 ASSISTANCE ACCOUNT PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH
14 (d) OF SUBSECTION (2) OF THIS SECTION ARE CONTINUOUSLY
15 APPROPRIATED TO THE DEPARTMENT FOR DISTRIBUTION AS PROVIDED IN
16 SECTION 22-43.7-110.3.

17 (3.5) In determining the amount of financial assistance that it
18 provides and in so doing managing the balance of the assistance fund, the
19 board shall ensure that, effective June 30, 2013, and effective each June
20 30 thereafter, the balance of the assistance fund, NOT INCLUDING THE
21 AMOUNTS CREDITED TO THE FULL-DAY KINDERGARTEN FACILITY CAPITAL
22 CONSTRUCTION ACCOUNT, THE TECHNOLOGY ASSISTANCE ACCOUNT, AND
23 THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT PURSUANT TO
24 PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION, is at least equal to
25 the total amount of payments to be made by the state during the next
26 fiscal year under the terms of any lease-purchase agreements entered into
27 pursuant to section 22-43.7-110 (2) less the amount of any school district

1 matching moneys and any federal moneys to be received for the purpose
2 of making the payments.

3 **SECTION 19.** In Colorado Revised Statutes, 22-43.7-106,
4 **amend** (2) (i) (I) introductory portion and (2) (i) (I) (A); and **add** (2) (i)
5 (I) (A.5) and (2) (i) (I) (A.7) as follows:

6 **22-43.7-106. Public school capital construction assistance**
7 **board - creation - general powers and duties - rules.** (2) The function
8 of the board is to protect the health and safety of students, teachers, and
9 other persons using public school facilities and maximize student
10 achievement by ensuring that the condition and capacity of public school
11 facilities are sufficient to provide a safe and uncrowded environment that
12 is conducive to students' learning. In performing its function, the board
13 shall ensure the most equitable, efficient, and effective use of state
14 revenues dedicated to provide financial assistance for capital construction
15 projects pursuant to the provisions of this article by assessing public
16 school capital construction needs throughout the state and providing
17 expert recommendations based on objective criteria to the state board
18 regarding the appropriate prioritization and allocation of such financial
19 assistance. To further the performance of its function, the board, in
20 addition to any other powers and duties specified in this article, has the
21 following powers and duties:

22 (i) (I) To promulgate such rules, in accordance with article 4 of
23 title 24, C.R.S., as are necessary and proper for the administration of this
24 article, ~~including but not~~ WHICH RULES MUST INCLUDE BUT NEED NOT BE
25 limited to:

26 (A) Conflict of interest rules for board members IN ACCORDANCE
27 WITH THE PROVISIONS OF ARTICLE 18 OF TITLE 24, C.R.S.;

1 (A.5) A PROCESS BY WHICH THE BOARD MUST REVIEW AND
2 RESOLVE POSSIBLE CONFLICTS OF INTEREST OF BOARD MEMBERS,
3 INCLUDING MEASURES TO ENFORCE THE CONFLICT OF INTEREST RULES;

4 (A.7) A PROCESS FOR DOCUMENTING AND MAINTAINING
5 DISCLOSURES OF CONFLICTS OF INTEREST BY BOARD MEMBERS TO ENSURE
6 THAT A BOARD MEMBER RECUSES HIMSELF OR HERSELF FROM VOTING ON
7 A PROJECT IF THE BOARD MEMBER HAS A PREVIOUS INVOLVEMENT WITH AN
8 APPLICANT OR PROJECT;

9 **SECTION 20.** In Colorado Revised Statutes, 22-43.7-109,
10 **amend** (6) and (7) (a); and **add** (9) (a) (III.5) and (9) (b) (III.5) as
11 follows:

12 **22-43.7-109. Financial assistance for public school capital**
13 **construction - application requirements - evaluation criteria - local**
14 **match requirements.** (6) (a) The board may request that the division
15 undertake a preliminary review of any or all applications for financial
16 assistance, and the board may also request that any department, agency,
17 or institution of state government with expertise or experience in
18 construction management provide assistance to the board with regard to
19 the evaluation of such applications for financial assistance.

20 (b) THE BOARD SHALL ADOPT A STANDARD EVALUATION RUBRIC
21 THAT THE BOARD AND THE DIVISION SHALL USE IN REVIEWING ALL
22 APPLICATIONS FOR FINANCIAL ASSISTANCE. AT A MINIMUM, THE
23 EVALUATION RUBRIC MUST INCLUDE CONSIDERATION OF THE CRITERIA
24 SPECIFIED IN THIS SECTION AND MUST EVALUATE THE ADEQUACY OF THE
25 PROPOSED CONSTRUCTION PROJECT TO ADDRESS THE APPLICANT'S NEEDS
26 AND THE APPLICANT'S FINANCIAL CAPACITY TO ADDRESS CONSTRUCTION
27 NEEDS IN ADDITION TO RECEIVING FINANCIAL ASSISTANCE PURSUANT TO

1 THIS PART 1. THE BOARD SHALL COMMUNICATE TO POTENTIAL APPLICANTS
2 THE EVALUATION CRITERIA INCLUDED IN THE EVALUATION RUBRIC.

3 (c) THE BOARD SHALL RETAIN A COPY OF THE COMPLETED
4 EVALUATION RUBRIC FOR EACH APPLICATION AS DOCUMENTATION IN
5 SUPPORT OF THE LIST OF PRIORITIZED PUBLIC SCHOOL FACILITY CAPITAL
6 CONSTRUCTION PROJECTS THAT THE BOARD SUBMITS TO THE STATE BOARD
7 PURSUANT TO SUBSECTION (7) OF THIS SECTION.

8 (7) (a) Pursuant to the timelines established pursuant to subsection
9 (2) of this section for any fiscal year for which financial assistance is to
10 be awarded, and after prioritizing public school facility capital
11 construction projects as specified in subsection (5) of this section, the
12 board shall submit to the state board a prioritized list of projects for which
13 the board recommends the provision of financial assistance AND COPIES
14 OF THE COMPLETED EVALUATION RUBRIC FOR EACH PROJECT INCLUDED ON
15 THE LIST. The prioritized list must include the board's recommendation as
16 to the amount and type of financial assistance to be provided and a
17 statement of the source and amount of applicant matching moneys for
18 each recommended project based upon information provided by the
19 applicant. The board may recommend that any specific project only
20 receive financial assistance if another higher priority project or group of
21 projects becomes ineligible for financial assistance due to the inability of
22 an applicant to raise required matching moneys by a deadline prescribed
23 by the board as a condition of a financial assistance award for the higher
24 priority project or group of projects. The state board shall review and
25 make decisions regarding the prioritized list no later than June 20 of each
26 year and may approve, disapprove, or modify the provision of financial
27 assistance for any project recommended by the board if the state board

1 concludes that the board misinterpreted the results of the prioritization
2 assessment conducted pursuant to section 22-43.7-108 or misapplied the
3 prioritization criteria specified in subsection (5) of this section. TO
4 FACILITATE ITS REVIEW, THE STATE BOARD MAY REQUEST AND THE BOARD
5 MUST PROVIDE COPIES OF THE COMPLETED EVALUATION RUBRICS FOR
6 PROJECTS THAT THE BOARD DID NOT INCLUDE ON THE PRIORITIZED LIST.
7 The state board shall specifically explain in writing its reasons for finding
8 that the board misinterpreted the results of the priority assessment or
9 misapplied the prioritization criteria when disapproving or modifying any
10 financial assistance award recommended by the board.

11 (9) Except as otherwise provided in subsection (10) of this
12 section, the board may recommend, and the state board may approve
13 financial assistance that does not involve a lease-purchase agreement for,
14 or recommend to the capital development committee the approval of
15 financial assistance that involves a lease-purchase agreement for, a public
16 school facility capital construction project only if the applicant provides
17 matching moneys in an amount equal to a percentage of the total
18 financing for the project determined by the board after consideration of
19 the applicant's financial capacity, as determined by the following factors:

20 (a) With respect to a school district's application for financial
21 assistance:

22 (III.5) THE SCHOOL DISTRICT'S REMAINING CAPACITY TO ISSUE
23 BONDS WITHIN THE SCHOOL DISTRICT'S BONDED INDEBTEDNESS LIMIT
24 CALCULATED PURSUANT TO SECTION 22-42-104;

25 (b) With respect to a board of cooperative services' application for
26 financial assistance:

27 (III.5) THE AVERAGE REMAINING CAPACITY OF ALL MEMBERS OF

1 THE BOARD OF COOPERATIVE SERVICES PARTICIPATING IN THE CAPITAL
2 CONSTRUCTION PROJECT TO ISSUE BONDS WITHIN EACH SCHOOL DISTRICT'S
3 BONDED INDEBTEDNESS LIMIT CALCULATED PURSUANT TO SECTION
4 22-42-104;

5 **SECTION 21.** In Colorado Revised Statutes, **add 22-43.7-110.3**
6 as follows:

7 **22-43.7-110.3. Department - technology assistance account -**
8 **charter school facilities assistance account - distribution - definitions.**

9 (1) (a) THE DEPARTMENT, SUBJECT TO THE APPROVAL OF THE STATE
10 BOARD, SHALL DISTRIBUTE THE MONEYS CREDITED TO THE TECHNOLOGY
11 ASSISTANCE ACCOUNT CREATED IN SECTION 22-43.7-104 (2) (d) (II) AS
12 PROVIDED IN SUBSECTION (2) OF THIS SECTION. AN APPLICANT MAY USE
13 MONEYS RECEIVED FROM THE TECHNOLOGY ASSISTANCE ACCOUNT TO
14 UPGRADE TECHNOLOGY INFRASTRUCTURE OR PURCHASE TECHNOLOGY,
15 INCLUDING HARDWARE AND SOFTWARE, FOR USE IN ADMINISTERING
16 STATEWIDE ASSESSMENTS AND OTHER CLASSROOM USES.

17 (b) THE DEPARTMENT SHALL DISTRIBUTE THE MONEYS CREDITED
18 TO THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT CREATED IN
19 SECTION 22-43.7-104 (2) (d) (III) AS PROVIDED IN SUBSECTION (3) OF THIS
20 SECTION. A QUALIFIED CHARTER SCHOOL MAY USE MONEYS RECEIVED
21 FROM THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT FOR
22 CAPITAL CONSTRUCTION PURPOSES.

23 (2) (a) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL TIMELINE
24 BY WHICH AN APPLICANT MAY APPLY FOR A GRANT FROM THE
25 TECHNOLOGY ASSISTANCE ACCOUNT. AT A MINIMUM, THE TIMELINE MUST
26 SPECIFY:

27 (I) THE DEADLINE FOR APPLICANTS TO SUBMIT GRANT

1 APPLICATIONS TO THE DEPARTMENT;

2 (II) THE PERIOD DURING WHICH THE DEPARTMENT REVIEWS THE
3 GRANT APPLICATIONS; AND

4 (III) THE DEADLINE BY WHICH THE DEPARTMENT SUBMITS TO THE
5 STATE BOARD A PRIORITIZED LIST OF THE APPLICATIONS THAT THE
6 DEPARTMENT RECOMMENDS FOR GRANT AWARDS.

7 (b) TECHNOLOGY GRANT APPLICATIONS MUST BE IN THE FORM
8 DESCRIBED BY THE DEPARTMENT AND MUST INCLUDE:

9 (I) A DESCRIPTION OF THE PURPOSE FOR WHICH THE TECHNOLOGY
10 GRANT IS SOUGHT, INCLUDING A DESCRIPTION OF HOW ANY NEWLY
11 PURCHASED TECHNOLOGY WOULD BE USED AND THE EXTENT TO WHICH IT
12 WOULD BE INTEGRATED INTO THE CURRICULA THAT THE APPLICANT
13 PROVIDES;

14 (II) A DESCRIPTION OF THE TECHNOLOGY RESOURCES AVAILABLE
15 TO THE APPLICANT, INCLUDING THE APPLICANT'S LEVEL OF BROADBAND
16 ACCESS, AND THE EXISTING USE OF TECHNOLOGY WITHIN THE APPLICANT'S
17 CLASSROOMS, INCLUDING THE EXTENT TO WHICH THE USE OF TECHNOLOGY
18 IS INTEGRATED INTO THE CURRICULA THAT THE APPLICANT PROVIDES;

19 (III) A DESCRIPTION OF THE FINANCIAL RESOURCES AVAILABLE TO
20 THE APPLICANT TO PROVIDE ACCESS TO TECHNOLOGY FOR USE IN THE
21 CLASSROOM; AND

22 (IV) ANY ADDITIONAL INFORMATION REQUESTED BY THE
23 DEPARTMENT TO EVALUATE THE APPLICATION.

24 (c) THE DEPARTMENT, TAKING INTO ACCOUNT ANY TECHNOLOGY
25 NEEDS ASSESSMENT THAT THE DEPARTMENT HAS COMPLETED WITHIN FIVE
26 YEARS PRECEDING SUBMISSION OF THE APPLICATION, SHALL IDENTIFY THE
27 APPLICATIONS THAT IT RECOMMENDS FOR A GRANT AWARD BASED ON

1 EACH APPLICANT'S DEGREE OF FINANCIAL AND TECHNOLOGICAL NEED AND
2 EACH APPLICANT'S ACCESS TO OTHER FINANCIAL RESOURCES. THE
3 DEPARTMENT SHALL PRIORITIZE APPLICATIONS THAT IT RECOMMENDS FOR
4 TECHNOLOGY GRANTS BASED ON THE FOLLOWING CRITERIA:

5 (I) PROJECTS THAT IMPROVE THE APPLICANT'S TECHNOLOGY
6 INFRASTRUCTURE AND ABILITY TO SUPPORT TECHNOLOGICAL
7 APPLICATIONS;

8 (II) PROJECTS THAT IMPROVE THE APPLICANT'S ABILITY TO
9 ADMINISTER STATEWIDE ASSESSMENTS; AND

10 (III) PROJECTS THAT INCREASE THE EXTENT TO WHICH THE
11 APPLICANT IS ABLE TO INTEGRATE THE USE OF TECHNOLOGY INTO
12 CLASSROOM INSTRUCTION AND DELIVERY OF THE CURRICULA.

13 (d) IN ACCORDANCE WITH THE TIMELINES THAT THE DEPARTMENT
14 ESTABLISHES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE
15 DEPARTMENT SHALL SUBMIT TO THE STATE BOARD THE PRIORITIZED LIST
16 OF THE APPLICATIONS THAT THE DEPARTMENT RECOMMENDS FOR GRANT
17 AWARDS. THE PRIORITIZED LIST MUST INCLUDE THE DEPARTMENT'S
18 RECOMMENDATION AS TO THE AMOUNT AND DURATION OF EACH GRANT.
19 THE STATE BOARD SHALL REVIEW THE PRIORITIZED LIST AND, SUBJECT TO
20 AVAILABLE APPROPRIATIONS, AWARD GRANTS AS IT DEEMS APPROPRIATE.
21 THE TECHNOLOGY GRANTS ARE PAYABLE FROM THE TECHNOLOGY
22 ASSISTANCE ACCOUNT.

23 (3) (a) THE DEPARTMENT SHALL ANNUALLY DISTRIBUTE THE
24 MONEYS CREDITED TO THE CHARTER SCHOOL FACILITIES ASSISTANCE
25 ACCOUNT BASED ON EACH SCHOOL DISTRICT'S CERTIFIED CHARTER SCHOOL
26 PUPIL ENROLLMENT AND EACH INSTITUTE CHARTER SCHOOL'S CERTIFIED
27 PUPIL ENROLLMENT FOR THE APPLICABLE FISCAL YEAR.

1 (b) (I) EACH SCHOOL DISTRICT THAT PROVIDES FUNDING
2 PURSUANT TO SECTION 22-30.5-112 OR 22-30.5-112.1 TO AT LEAST ONE
3 QUALIFIED CHARTER SCHOOL IN A FISCAL YEAR SHALL, FOR THAT FISCAL
4 YEAR, RECEIVE AN AMOUNT EQUAL TO THE PERCENTAGE OF THE TOTAL
5 CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT FOR ALL QUALIFIED
6 CHARTER SCHOOLS STATEWIDE FOR THE APPLICABLE FISCAL YEAR THAT IS
7 ATTRIBUTABLE TO THE DISTRICT'S CERTIFIED CHARTER SCHOOL PUPIL
8 ENROLLMENT, MULTIPLIED BY THE AMOUNT CREDITED TO THE CHARTER
9 SCHOOL FACILITIES ASSISTANCE ACCOUNT FOR THE APPLICABLE FISCAL
10 YEAR.

11 (II) A SCHOOL DISTRICT SHALL DISTRIBUTE THE MONEYS RECEIVED
12 PURSUANT TO THIS PARAGRAPH (b) TO EACH QUALIFIED CHARTER SCHOOL
13 OF THE SCHOOL DISTRICT IN AN AMOUNT EQUAL TO THE PERCENTAGE OF
14 THE SCHOOL DISTRICT'S CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT
15 THAT IS ATTRIBUTABLE TO PUPILS EXPECTED TO BE ENROLLED IN THE
16 QUALIFIED CHARTER SCHOOL, MULTIPLIED BY THE TOTAL AMOUNT OF
17 MONEYS RECEIVED BY THE SCHOOL DISTRICT PURSUANT TO THIS
18 PARAGRAPH (b) FOR THE APPLICABLE FISCAL YEAR. THE SCHOOL DISTRICT
19 SHALL NOT RETAIN ANY PORTION OF THE MONEYS RECEIVED PURSUANT TO
20 THIS PARAGRAPH (b) TO DEFRAY ADMINISTRATIVE EXPENSES OR FOR ANY
21 OTHER PURPOSE.

22 (c) (I) THE STATE CHARTER SCHOOL INSTITUTE, IN EACH FISCAL
23 YEAR IN WHICH IT DISTRIBUTES MONEYS TO AT LEAST ONE INSTITUTE
24 CHARTER SCHOOL THAT IS A QUALIFIED CHARTER SCHOOL, SHALL, FOR
25 THAT FISCAL YEAR, RECEIVE AN AMOUNT EQUAL TO THE PERCENTAGE OF
26 THE TOTAL CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT FOR ALL
27 QUALIFIED CHARTER SCHOOLS FOR THE APPLICABLE FISCAL YEAR THAT IS

1 ATTRIBUTABLE TO INSTITUTE CHARTER SCHOOLS THAT ARE QUALIFIED
2 CHARTER SCHOOLS, MULTIPLIED BY THE AMOUNT CREDITED TO THE
3 CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT FOR THE APPLICABLE
4 FISCAL YEAR.

5 (II) THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE
6 THE MONEYS RECEIVED PURSUANT TO THIS PARAGRAPH (c) TO EACH
7 INSTITUTE CHARTER SCHOOL THAT IS A QUALIFIED CHARTER SCHOOL IN AN
8 AMOUNT EQUAL TO THE PERCENTAGE OF THE TOTAL INSTITUTE CHARTER
9 SCHOOL CERTIFIED PUPIL ENROLLMENT THAT IS ATTRIBUTABLE TO PUPILS
10 EXPECTED TO BE ENROLLED IN THE QUALIFIED INSTITUTE CHARTER
11 SCHOOL, MULTIPLIED BY THE TOTAL AMOUNT OF MONEYS RECEIVED BY
12 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO THIS PARAGRAPH
13 (c) FOR THE APPLICABLE FISCAL YEAR. THE STATE CHARTER SCHOOL
14 INSTITUTE SHALL NOT RETAIN ANY PORTION OF THE MONEYS RECEIVED
15 PURSUANT TO THIS PARAGRAPH (c) TO DEFRAY ADMINISTRATIVE EXPENSES
16 OR FOR ANY OTHER PURPOSE.

17 (d) AS USED IN THIS SUBSECTION (3):

18 (I) "CAPITAL CONSTRUCTION" HAS THE SAME MEANING AS
19 PROVIDED IN SECTION 22-54-124 (1) (a).

20 (II) "DISTRICT'S CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT"
21 HAS THE SAME MEANING AS PROVIDED IN SECTION 22-54-124 (1) (c).

22 (III) "INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL
23 ENROLLMENT" HAS THE SAME MEANING AS PROVIDED IN SECTION
24 22-54-124 (1) (c.5).

25 (IV) "QUALIFIED CHARTER SCHOOL" HAS THE SAME MEANING AS
26 PROVIDED IN SECTION 22-54-124 (1) (f.6).

27 (V) "TOTAL CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT"

1 MEANS THE PUPIL ENROLLMENT CERTIFIED BY THE DEPARTMENT
2 PURSUANT TO SECTION 22-54-124 (3) (b).

3 **SECTION 22.** In Colorado Revised Statutes, **amend** 22-43.7-201
4 as follows:

5 **22-43.7-201. Full-day kindergarten facility capital**
6 **construction account - grants - definitions.** (1) ~~(a) There is hereby~~
7 ~~established in the state treasury the full-day kindergarten facility capital~~
8 ~~construction fund, referred to in this part 2 as the "fund". The fund shall~~
9 ~~consist of any moneys annually appropriated thereto by the general~~
10 ~~assembly for the purposes of this part 2. All interest and income earned~~
11 ~~on the deposit of moneys in the fund shall be credited to the fund. Except~~
12 ~~as otherwise provided in paragraph (b) of this subsection (1), any~~
13 ~~unexpended and unencumbered moneys remaining in the fund at the end~~
14 ~~of a budget year shall remain in the fund and shall not be credited or~~
15 ~~transferred to the general fund or any other fund.~~

16 ~~(b) On June 30, 2011, the state treasurer shall transfer the balance~~
17 ~~of moneys in the fund to the state education fund created in section 17 (4)~~
18 ~~of article IX of the state constitution.~~

19 (2) The public school capital construction assistance board shall
20 use the moneys in the ~~fund~~ FULL-DAY KINDERGARTEN FACILITY CAPITAL
21 CONSTRUCTION ACCOUNT CREATED WITHIN THE ASSISTANCE FUND
22 PURSUANT TO SECTION 22-43.7-104 (4.5), REFERRED TO IN THIS SECTION
23 AS THE "ACCOUNT", to provide grants or matching grants to ~~any~~ A school
24 district or institute charter school that is undertaking a capital construction
25 project to renovate a facility, rent a facility, or provide a temporary
26 auxiliary facility that will be used in conjunction with providing a full-day
27 kindergarten program. The board shall award a grant or matching grant

1 pursuant to this part 2 to a school district or institute charter school only
2 if, without the grant or matching grant, the school district or institute
3 charter school would be unable to provide a facility in which to offer a
4 full day of kindergarten to more students than were offered a full day of
5 kindergarten in the 2007-08 budget year. For purposes of this part 2,
6 "temporary auxiliary facility" means a temporary building that will be
7 placed on the same campus as a main educational facility.

8 (3) Each budget year, the board shall use fifty percent of the
9 moneys in the ~~fund~~ ACCOUNT to provide grants pursuant to this part 2 and
10 fifty percent of the moneys in the ~~fund~~ ACCOUNT to provide matching
11 grants pursuant to this part 2.

12 **SECTION 23.** In Colorado Revised Statutes, 22-54-124, **amend**
13 (3) (a) as follows:

14 **22-54-124. State aid for charter schools - use of state education**
15 **fund moneys - definitions.** (3) (a) (I) and (II) Repealed.

16 (III) (A) The total amount of state education fund moneys to be
17 appropriated for all eligible districts and for all eligible institute charter
18 schools for the 2003-04 through 2011-12 budget years shall be an amount
19 equal to five million dollars; except that, for the 2006-07 budget year, an
20 additional two million eight hundred thousand dollars shall be
21 appropriated from the state education fund and shall be used for the
22 purposes of this section, and for the 2008-09 budget year, an additional
23 one hundred thirty-five thousand dollars shall be appropriated from the
24 state education fund and shall be distributed pursuant to section
25 22-54-133, as said section existed prior to its repeal in 2010. The total
26 amount of state education fund moneys to be appropriated for all eligible
27 districts and for all eligible institute charter schools for the 2012-13

1 budget year is six million dollars. The total amount of state education
2 fund moneys to be appropriated for all eligible districts and for all eligible
3 institute charter schools for the 2013-14 budget year ~~and each budget year~~
4 ~~thereafter~~ is seven million dollars.

5 (B) Repealed.

6 (IV) THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS TO
7 BE APPROPRIATED FOR ALL ELIGIBLE DISTRICTS AND FOR ALL ELIGIBLE
8 INSTITUTE CHARTER SCHOOLS FOR THE 2014-15 BUDGET YEAR AND
9 BUDGET YEARS THEREAFTER IS TWENTY MILLION DOLLARS.

10 ~~(E)~~ (V) For the 2004-05 budget year, and each budget year
11 thereafter, the amount of state education fund moneys to be distributed to
12 any eligible district and any eligible institute charter school shall be an
13 amount equal to the percentage of the sum of the district's certified
14 charter school pupil enrollment and the institute charter school's certified
15 pupil enrollment for all eligible districts and eligible institute charter
16 schools in the state that is attributable to the eligible district or eligible
17 institute charter school multiplied by the total amount of state education
18 fund moneys distributed to all eligible districts and eligible institute
19 charter schools for the same budget year pursuant to ~~sub-subparagraph~~
20 ~~(A) of this subparagraph~~ SUBPARAGRAPHS (III) AND (IV) OF THIS
21 PARAGRAPH (a).

22 **SECTION 24.** In Colorado Revised Statutes, **repeal and reenact,**
23 **with amendments,** article 24 of title 22 as follows:

24 **ARTICLE 24**

25 **English Language Proficiency Act**

26 **22-24-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
27 BE CITED AS THE "ENGLISH LANGUAGE PROFICIENCY ACT".

1 **22-24-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
2 FINDS THAT:

3 (a) THERE IS A SUBSTANTIAL NUMBER OF STUDENTS IN COLORADO
4 WHO ARE ENGLISH LANGUAGE LEARNERS;

5 (b) LOCAL EDUCATION PROVIDERS MUST PROVIDE
6 EVIDENCE-BASED ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR
7 ENGLISH LANGUAGE LEARNERS TO ENABLE THEM TO DEVELOP AND
8 ACQUIRE ENGLISH LANGUAGE PROFICIENCY WHILE ACHIEVING AND
9 MAINTAINING GRADE-LEVEL PERFORMANCE IN ACADEMIC CONTENT
10 AREAS;

11 (c) TO IMPROVE THE EDUCATIONAL AND CAREER OPPORTUNITIES
12 FOR EVERY STUDENT IN COLORADO, THE STATE MUST ENSURE SUPPORT
13 FOR LOCAL EDUCATION PROVIDERS TO ESTABLISH EVIDENCE-BASED
14 ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

15 (d) THE STATE AND LOCAL EDUCATION PROVIDERS MUST ENHANCE
16 ALL EDUCATORS' EFFECTIVENESS IN SUPPORTING ENGLISH LANGUAGE
17 DEVELOPMENT AND IN ENABLING ENGLISH LANGUAGE LEARNERS TO
18 ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC
19 CONTENT AREAS;

20 (e) THE STATE MUST DEVELOP AN EDUCATOR WORKFORCE THAT
21 CAN SUPPORT THE EDUCATIONAL APPROACH AND GOALS OF LOCAL
22 EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE
23 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT
24 GRADUATION;

25 (f) THE STATE MUST APPROPRIATE AND ALLOCATE MONEYS TO
26 LOCAL EDUCATION PROVIDERS TO HELP ENSURE THAT ENGLISH LANGUAGE
27 LEARNERS ARE POSTSECONDARY AND WORKFORCE READY AT

1 GRADUATION;

2 (g) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
3 EDUCATION MUST HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE
4 THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11
5 OF THIS TITLE, AND BY ENGLISH LANGUAGE DEVELOPMENT MEASURES
6 MANDATED BY THIS ARTICLE FOR MEETING THE ENGLISH LANGUAGE
7 DEVELOPMENT AND ACADEMIC ACHIEVEMENT GOALS FOR ENGLISH
8 LANGUAGE LEARNERS; AND

9 (h) THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
10 EDUCATION MUST RECOGNIZE LOCAL EDUCATION PROVIDERS WHO
11 PROVIDE EFFECTIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS BY
12 AWARDING GRANTS THROUGH A COMPETITIVE PROGRAM THAT IS
13 SUPPORTED WITH ANNUAL APPROPRIATIONS.

14 **22-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
17 BY A DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE OR AN
18 INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
19 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

20 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

21 (3) "DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND
22 EXISTING PURSUANT TO ARTICLE 30 OF THIS TITLE OR A BOARD OF
23 COOPERATIVE SERVICES ORGANIZED AND EXISTING PURSUANT TO ARTICLE
24 5 OF THIS TITLE.

25 (4) "ENGLISH LANGUAGE LEARNER" MEANS A STUDENT WHO IS
26 LINGUISTICALLY DIVERSE AND WHO IS IDENTIFIED PURSUANT TO SECTION
27 **22-24-105 (2)** AS HAVING A LEVEL OF ENGLISH LANGUAGE PROFICIENCY

1 THAT REQUIRES LANGUAGE SUPPORT TO ACHIEVE STANDARDS IN
2 GRADE-LEVEL CONTENT IN ENGLISH.

3 (5) "ENGLISH LANGUAGE PROFICIENCY PROGRAM" MEANS A
4 PROGRAM IMPLEMENTED BY A LOCAL EDUCATION PROVIDER THAT IS
5 DESIGNED TO DEVELOP ENGLISH LANGUAGE PROFICIENCY FOR AN ENGLISH
6 LANGUAGE LEARNER WHILE ENABLING THE ENGLISH LANGUAGE LEARNER
7 TO ACHIEVE AND MAINTAIN GRADE-LEVEL PERFORMANCE IN ACADEMIC
8 CONTENT AREAS.

9 (6) "EVIDENCE-BASED" MEANS THE INSTRUCTION OR ITEM
10 DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE
11 THAT THE INSTRUCTION OR ITEM SHOWS PROMISE OR HAS DEMONSTRATED
12 A RECORD OF SUCCESS IN ACHIEVING OBJECTIVES THAT ARE RELEVANT TO
13 ENGLISH LANGUAGE DEVELOPMENT, ENGLISH LANGUAGE PROFICIENCY,
14 AND ACHIEVEMENT IN GRADE-LEVEL CONTENT FOR ENGLISH LANGUAGE
15 LEARNERS.

16 (7) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS
17 DEFINED IN SECTION 22-2-402 (1).

18 (8) "LOCAL EDUCATION PROVIDER" MEANS A DISTRICT, THE STATE
19 CHARTER SCHOOL INSTITUTE, OR A FACILITY SCHOOL.

20 (9) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE
21 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE
22 30.5 OF THIS TITLE.

23 **22-24-104. English language proficiency program established**
24 **- funding.** (1) THERE IS ESTABLISHED THE STATE ENGLISH LANGUAGE
25 PROFICIENCY PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN
26 ADMINISTERING AND IMPLEMENTING ENGLISH LANGUAGE PROFICIENCY
27 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS IN KINDERGARTEN AND

1 GRADES ONE THROUGH TWELVE.

2 (2) (a) A STUDENT WHO IS IDENTIFIED FOR INCLUSION IN AN
3 ENGLISH LANGUAGE PROFICIENCY PROGRAM MAY RECEIVE FUNDING
4 PURSUANT TO THIS SECTION FOR UP TO A TOTAL OF FIVE BUDGET YEARS
5 REGARDLESS OF WHETHER THE STUDENT TRANSFERS ENROLLMENT AMONG
6 LOCAL EDUCATION PROVIDERS DURING THE FIVE YEARS. THE FIVE BUDGET
7 YEARS IN WHICH A STUDENT RECEIVES FUNDING PURSUANT TO THIS
8 SECTION ARE NOT REQUIRED TO BE CONSECUTIVE IF A STUDENT EXITS AN
9 ENGLISH LANGUAGE PROFICIENCY PROGRAM ■ ■ AND IS SUBSEQUENTLY
10 RE-IDENTIFIED FOR INCLUSION IN AN ENGLISH LANGUAGE PROFICIENCY
11 PROGRAM. A STUDENT IS NOT ELIGIBLE FOR FUNDING IN A SCHOOL YEAR
12 IN WHICH THE STUDENT DOES NOT RECEIVE EDUCATIONAL SUPPORT
13 THROUGH AN ENGLISH LANGUAGE PROFICIENCY PROGRAM. THE
14 DEPARTMENT SHALL ALLOCATE STATE MONEYS PURSUANT TO THIS
15 SECTION ON THE STUDENT'S BEHALF TO THE LOCAL EDUCATION PROVIDER
16 THAT ENROLLS THE STUDENT.

17 (b) IF A STUDENT WAS IDENTIFIED FOR INCLUSION IN AN ENGLISH
18 LANGUAGE PROFICIENCY PROGRAM BEFORE THE EFFECTIVE DATE OF THE
19 REPEAL AND REENACTMENT OF THIS ARTICLE AND RECEIVED STATE
20 FUNDING PURSUANT TO THIS ARTICLE AS IT EXISTED BEFORE THE
21 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE, THE
22 DEPARTMENT MUST INCLUDE THE BUDGET YEARS FOR WHICH THE STUDENT
23 RECEIVED FUNDING BEFORE THE EFFECTIVE DATE OF THE REPEAL AND
24 REENACTMENT OF THIS ARTICLE IN CALCULATING THE FIVE-YEAR LIMIT ON
25 FUNDING FOR THE STUDENT.

26 (3) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
27 MONEYS TO THE DEPARTMENT TO IMPLEMENT THIS SECTION. THE

1 DEPARTMENT SHALL ALLOCATE THE MONEYS ANNUALLY APPROPRIATED
2 TO LOCAL EDUCATION PROVIDERS ON A PER-PUPIL BASIS USING THE
3 NUMBER OF ENGLISH LANGUAGE LEARNERS CERTIFIED PURSUANT TO
4 SECTION 22-24-105, SUBJECT TO THE TIME LIMIT SPECIFIED IN SUBSECTION
5 (2) OF THIS SECTION.

6 (b) (I) THE DEPARTMENT SHALL DISTRIBUTE SEVENTY-FIVE
7 PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED TO THE DEPARTMENT
8 PURSUANT TO THIS SUBSECTION (3) TO LOCAL EDUCATION PROVIDERS TO
9 PROVIDE SERVICES TO ENGLISH LANGUAGE LEARNERS WHO:

10 (A) SPEAK A LANGUAGE OTHER THAN ENGLISH AND DO NOT
11 COMPREHEND OR SPEAK ENGLISH; AND

12 (B) COMPREHEND OR SPEAK SOME ENGLISH BUT WHOSE PRIMARY
13 COMPREHENSION OR SPEECH IS IN A LANGUAGE OTHER THAN ENGLISH.

14 (II) A STUDENT SHALL NOT BE FUNDED PURSUANT TO THIS
15 PARAGRAPH (b) FOR MORE THAN FOUR HUNDRED DOLLARS PER YEAR OR
16 AN AMOUNT EQUAL TO TWENTY PERCENT OF THE STATE AVERAGE PER
17 PUPIL REVENUES, AS DEFINED IN SECTION 22-54-103 (12), FOR THE
18 PRECEDING BUDGET YEAR AS DETERMINED BY THE DEPARTMENT,
19 WHICHEVER IS GREATER.

20 (c) (I) THE DEPARTMENT SHALL DISTRIBUTE THE REMAINDER OF
21 THE AMOUNT ANNUALLY APPROPRIATED PURSUANT TO THIS SUBSECTION
22 (3) TO LOCAL EDUCATION PROVIDERS TO PROVIDE SERVICES TO ENGLISH
23 LANGUAGE LEARNERS WHO COMPREHEND AND SPEAK ENGLISH AND ONE
24 OR MORE OTHER LANGUAGES BUT WHOSE ENGLISH LANGUAGE
25 DEVELOPMENT AND COMPREHENSION IS:

26 (A) AT OR BELOW THE MEAN OF STUDENTS ENROLLED IN THE
27 LOCAL EDUCATION PROVIDER OR BELOW THE MEAN OR EQUIVALENT ON A

1 NATIONALLY STANDARDIZED TEST; OR

2 (B) BELOW THE ACCEPTABLE PROFICIENCY LEVEL BASED ON THE
3 ASSESSMENTS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION
4 22-24-106 (1) (a).

5 (II) A STUDENT SHALL NOT BE FUNDED PURSUANT TO THIS
6 PARAGRAPH (c) FOR MORE THAN TWO HUNDRED DOLLARS PER YEAR OR AN
7 AMOUNT EQUAL TO TEN PERCENT OF THE STATE AVERAGE PER PUPIL
8 REVENUES, AS DEFINED IN SECTION 22-54-103 (12), FOR THE PRECEDING
9 BUDGET YEAR AS DETERMINED BY THE DEPARTMENT, WHICHEVER IS
10 GREATER.

11 (4) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE ENGLISH
12 LANGUAGE PROFICIENCY PROGRAMS FOR ENGLISH LANGUAGE LEARNERS
13 WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OPERATED BY THE LOCAL
14 EDUCATION PROVIDER; EXCEPT THAT LOCAL EDUCATION PROVIDERS MAY
15 COOPERATE IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

16 (5) THIS ARTICLE DOES NOT PROHIBIT A LOCAL EDUCATION
17 PROVIDER FROM USING THE MONEYS ALLOCATED PURSUANT TO THIS
18 ARTICLE FOR BILINGUAL PROGRAMS, ENGLISH-AS-A-SECOND-LANGUAGE
19 PROGRAMS, OR ANY OTHER METHOD OF ACHIEVING THE PURPOSES OF THIS
20 ARTICLE. A LOCAL EDUCATION PROVIDER THAT ADMINISTERS ANY OF
21 THESE PROGRAMS SHALL RECEIVE MONEYS PURSUANT TO THIS ARTICLE
22 ONLY ON THE BASIS OF THE NUMBER OF ENGLISH LANGUAGE LEARNERS
23 ENROLLED IN THE PROGRAMS.

24 **22-24-105. Local education provider - duties.** (1) EACH
25 LOCAL EDUCATION PROVIDER SHALL PROVIDE AN ENGLISH LANGUAGE
26 PROFICIENCY PROGRAM FOR ALL ENGLISH LANGUAGE LEARNERS WHO ARE
27 ENROLLED IN THE PUBLIC SCHOOLS OF THE LOCAL EDUCATION PROVIDER.

1 (2) EACH LOCAL EDUCATION PROVIDER SHALL IDENTIFY ENGLISH
2 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE
3 LOCAL EDUCATION PROVIDER USING THE STATE-APPROVED ASSESSMENT
4 FOR ENGLISH LANGUAGE PROFICIENCY. THE LOCAL EDUCATION PROVIDER
5 SHALL ANNUALLY CERTIFY TO THE DEPARTMENT THE NUMBER OF ENGLISH
6 LANGUAGE LEARNERS WHO ARE ENROLLED IN THE PUBLIC SCHOOLS OF THE
7 LOCAL EDUCATION PROVIDER AND ARE ELIGIBLE FOR FUNDING PURSUANT
8 TO SECTION 22-24-104 (2).

9 (3) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT
10 TO THE DEPARTMENT THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO
11 EXIT THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

12

13 **22-24-106. Department of education - powers - duties - state**
14 **board of education - rules.** (1) THE DEPARTMENT SHALL:

15 (a) IDENTIFY THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS
16 THAT LOCAL EDUCATION PROVIDERS MUST USE TO IDENTIFY STUDENTS
17 WHO ARE ELIGIBLE FOR INCLUSION IN ENGLISH LANGUAGE PROFICIENCY
18 PROGRAMS, WHICH MAY INCLUDE THE ASSESSMENTS IN USE PRIOR TO THE
19 EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS ARTICLE;

20 (b) ANNUALLY REVIEW THE STATEWIDE LEVELS OF PROFICIENCY
21 ON THE STATEWIDE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION
22 22-7-1006 FOR THOSE ENGLISH LANGUAGE LEARNERS WHO ARE REQUIRED
23 TO TAKE THE STATEWIDE ASSESSMENT;

24 (c) ESTABLISH, BY GUIDELINES, ANY ACCOMMODATIONS THAT A
25 LOCAL EDUCATION PROVIDER MUST ALLOW AND THE CIRCUMSTANCES IN
26 WHICH A LOCAL EDUCATION PROVIDER MUST ALLOW THE
27 ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS WHO ARE TAKING

1 ASSESSMENTS PURSUANT TO SECTION 22-7-409 OR 22-7-1006;

2 (d) PROVIDE GUIDANCE DOCUMENTS AND TECHNICAL ASSISTANCE
3 TO ASSIST LOCAL EDUCATION PROVIDERS IN IDENTIFYING AND ASSESSING
4 ENGLISH LANGUAGE LEARNERS AND IN DEVELOPING, IMPLEMENTING, AND
5 EVALUATING ENGLISH LANGUAGE PROFICIENCY PROGRAMS;

6
7 (e) IDENTIFY, BASED ON THE CERTIFICATIONS RECEIVED FROM
8 LOCAL EDUCATION PROVIDERS, THE STUDENTS WHO ARE COUNTED AS
9 ENGLISH LANGUAGE LEARNERS FOR PURPOSES OF CALCULATING EACH
10 LOCAL EDUCATION PROVIDER'S ALLOCATION OF MONEYS PURSUANT TO
11 SECTION 22-24-104 (3);

12 (f) ANNUALLY ALLOCATE THE MONEYS APPROPRIATED FOR
13 IMPLEMENTATION OF THIS ARTICLE, INCLUDING ALLOCATING THE MONEYS
14 SPECIFIED IN SECTION 22-24-104 (3) ON A PER-PUPIL BASIS, USING THE
15 NUMBER OF ENGLISH LANGUAGE LEARNERS IDENTIFIED PURSUANT TO
16 PARAGRAPH (e) OF THIS SUBSECTION (1) AND PARTICIPATING IN THE
17 ENGLISH LANGUAGE PROFICIENCY PROGRAM;

18 (g) FOR EACH LOCAL EDUCATION PROVIDER, MONITOR AND REPORT
19 THROUGH THE DATA PORTAL OPERATED PURSUANT TO SECTION 22-11-502,
20 THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO EXIT THE ENGLISH
21 LANGUAGE PROFICIENCY PROGRAM, THE LENGTH OF TIME ENGLISH
22 LANGUAGE LEARNERS REMAIN IN THE ENGLISH LANGUAGE PROFICIENCY
23 PROGRAM, AND THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO
24 REENTER THE ENGLISH LANGUAGE PROFICIENCY PROGRAM;

25 (h) DISAGGREGATE THE DATA RECEIVED THROUGH THE STATEWIDE
26 ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409 OR 22-7-1006
27 AND REPORT THE ENGLISH LANGUAGE PROFICIENCY AND ACADEMIC

1 ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS, WHILE THEY ARE
2 RECEIVING SERVICES THROUGH THE ENGLISH LANGUAGE PROFICIENCY
3 PROGRAM AND AFTER THEY EXIT THE ENGLISH LANGUAGE PROFICIENCY
4 PROGRAM THROUGH HIGH SCHOOL GRADUATION, AS PROVIDED IN PART 5
5 OF ARTICLE 11 OF THIS TITLE; AND

6 (i) ADMINISTER THE ENGLISH LANGUAGE PROFICIENCY ACT
7 EXCELLENCE AWARD PROGRAM CREATED IN SECTION 22-24-107.

8 (2) IN IMPLEMENTING THE PROVISIONS OF THIS ARTICLE, THE
9 DEPARTMENT SHALL NOT REQUIRE LOCAL EDUCATION PROVIDERS TO
10 SUBMIT REPORTS OR OTHERWISE PROVIDE DATA THAT IS REQUIRED BY OR
11 THAT THE DEPARTMENT COLLECTS UNDER OTHER STATE OR FEDERAL
12 DATA-COLLECTION OR REPORTING STATUTORY OR REGULATORY
13 REQUIREMENTS.

14 (3) THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT
15 THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND
16 REENACTMENT OF THIS ARTICLE MAY CONTINUE IN EFFECT AFTER THAT
17 DATE TO THE EXTENT THE STATE BOARD FINDS THAT THE RULES CONTINUE
18 TO BE APPROPRIATE, AND THE STATE BOARD SHALL PROMULGATE
19 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
20 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO
21 IMPLEMENT THIS ARTICLE. THE STATE BOARD BY RULE MAY IDENTIFY
22 MEASURES THAT ARE SPECIFIC TO THE ENGLISH LANGUAGE PROFICIENCY
23 ASSESSMENT, WHICH MEASURES THE DEPARTMENT MUST USE TO
24 DETERMINE A LOCAL EDUCATION PROVIDER'S LEVEL OF ACHIEVEMENT IN
25 MEETING THE ENGLISH LANGUAGE DEVELOPMENT AND ACADEMIC
26 ACHIEVEMENT GOALS FOR ENGLISH LANGUAGE LEARNERS.

27 **22-24-107. English language proficiency act excellence award**

1 **program - excellence awards fund - created - rules - legislative**

2 **declaration.** (1) THERE IS CREATED IN THE DEPARTMENT THE ENGLISH
3 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM TO AWARD
4 GRANTS TO LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT
5 ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH
6 AMONG ENGLISH LANGUAGE LEARNERS AND THE HIGHEST ACADEMIC
7 ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO TRANSITION OUT
8 OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM. THE DEPARTMENT
9 SHALL ADMINISTER THE PROGRAM BY ANNUALLY IDENTIFYING, BASED ON
10 RULES OF THE STATE BOARD, THE LOCAL EDUCATION PROVIDERS AND
11 CHARTER SCHOOLS THAT QUALIFY FOR GRANTS AND DISTRIBUTING THE
12 MONEYS APPROPRIATED TO THE EXCELLENCE AWARDS FUND CREATED IN
13 SUBSECTION (4) OF THIS SECTION. THE STATE BOARD BY RULE SHALL SET
14 THE GRANT AMOUNT BASED ON THE STUDENT ENROLLMENT OF THE LOCAL
15 EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR
16 GRANTS AND THE CONCENTRATION OF ENGLISH LANGUAGE LEARNERS
17 ENROLLED BY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS
18 AS A PERCENTAGE OF THE TOTAL STUDENT ENROLLMENT. SUBJECT TO
19 AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL DISTRIBUTE THE
20 MONEYS IN ACCORDANCE WITH THE RULES TO THE LOCAL EDUCATION
21 PROVIDERS AND CHARTER SCHOOLS THAT QUALIFY FOR THE GRANTS.

22 (2) THE STATE BOARD SHALL PROMULGATE RULES THAT CREATE
23 THE CRITERIA OR MEASURES THAT THE DEPARTMENT MUST APPLY TO
24 IDENTIFY THE LOCAL EDUCATION PROVIDERS AND CHARTER SCHOOLS THAT
25 ACHIEVE THE HIGHEST ENGLISH LANGUAGE AND ACADEMIC GROWTH
26 AMONG ENGLISH LANGUAGE LEARNERS AND THAT ACHIEVE THE HIGHEST
27 ACADEMIC ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS WHO

1 TRANSITION OUT OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAM.

2 (3) (a) EACH LOCAL EDUCATION PROVIDER AND CHARTER SCHOOL
3 THAT RECEIVES A GRANT PURSUANT TO THIS SECTION, AT THE CONCLUSION
4 OF EACH SCHOOL YEAR FOR WHICH IT RECEIVES A GRANT, MUST SUBMIT TO
5 THE DEPARTMENT:

6 (I) A DATA ANALYSIS AND SUMMARY OF THE LOCAL EDUCATION
7 PROVIDER'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE PROFICIENCY
8 PROGRAM; AND

9 (II) A REPORT OF THE LOCAL EDUCATION PROVIDER'S OR CHARTER
10 SCHOOL'S USE OF THE GRANT MONEYS RECEIVED.

11 (b) THE DEPARTMENT SHALL PROVIDE THE INFORMATION RECEIVED
12 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) TO LOCAL
13 EDUCATION PROVIDERS AND SHALL MAKE THE INFORMATION AVAILABLE
14 TO THE PUBLIC THROUGH THE DATA PORTAL OPERATED PURSUANT TO
15 SECTION 22-11-502.

16 (4) (a) THERE IS CREATED IN THE STATE TREASURY THE
17 EXCELLENCE AWARDS FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE
18 "FUND", CONSISTING OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY
19 APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO
20 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
21 DEPARTMENT FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS AND
22 CHARTER SCHOOLS AS PROVIDED IN THIS SECTION.

23 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
24 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
25 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
26 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
27 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 (5) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF
5 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENGLISH
6 LANGUAGE PROFICIENCY ACT EXCELLENCE AWARD PROGRAM IS AN
7 IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE
8 ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS
9 IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
10 OF THE STATE CONSTITUTION.

11 [REDACTED]

12 **SECTION 25.** In Colorado Revised Statutes, 22-7-305, **amend**
13 (1) (b) (I) (B) as follows:

14 **22-7-305. Parent involvement in education grant program -**
15 **creation - rules - fund - reports.** (1) (b) The school district of a public
16 school, or a board of cooperative services or regional service council that
17 operates a public school, that seeks a grant through the parent
18 involvement grant program shall apply on behalf of the public school;
19 except that, if the public school is a charter school, the public school may
20 apply on its own behalf. To be eligible to receive a grant, a public school
21 shall meet one or more of the following criteria:

22 (I) A significant percentage, as defined by rule of the state board,
23 of the students enrolled in the public school for the three academic years
24 immediately preceding application were:

25 (B) ~~Students with limited English proficiency~~ ENGLISH LANGUAGE
26 LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3);

27 **SECTION 26.** In Colorado Revised Statutes, 22-7-409, **amend**

1 (1) introductory portion as follows:

2 **22-7-409. Assessments - repeal.** (1) Beginning in the spring
3 semester of 1997, the department shall implement the Colorado student
4 assessment program under which the department shall administer
5 statewide assessments adopted by the board pursuant to section 22-7-406
6 in the first priority areas of reading, writing, mathematics, and science.
7 The department shall administer the English versions of the state
8 assessments and may administer any assessments adopted by the board in
9 languages other than English, as may be appropriate for ~~students with~~
10 ~~limited English proficiency~~ ENGLISH LANGUAGE LEARNERS; except that
11 any student who has participated in the English language proficiency
12 program, created pursuant to section 22-24-104, for more than a total of
13 three school years shall be ineligible to take the assessments in a language
14 other than English. The statewide assessments shall be administered as
15 follows:

16 **SECTION 27.** In Colorado Revised Statutes, 22-7-1016, **amend**
17 (5) (a) as follows:

18 **22-7-1016. Postsecondary and workforce planning,**
19 **preparation, and readiness assessments - transcripts.**

20 (5) (a) Beginning in the 2012-13 academic year, if ~~a student with limited~~
21 ~~English proficiency~~ AN ENGLISH LANGUAGE LEARNER, as defined in
22 section ~~22-24-103 (4)~~ 22-24-103 (3), is enrolled in eleventh or twelfth
23 grade and the student has not demonstrated attainment of the standard for
24 English language competency and has not demonstrated postsecondary
25 and workforce readiness, the local education provider with which the
26 student is enrolled shall provide to the student additional services and
27 supports as necessary to assist the student in attaining the standard.

1 **SECTION 28.** In Colorado Revised Statutes, 22-7-1207, **amend**

2 (1) (b) as follows:

3 **22-7-1207. Advancement - decision - parental involvement.**

4 (1) Beginning no later than the 2013-14 school year, if, within forty-five
5 days before the end of any school year prior to a student's fourth-grade
6 year, a teacher finds that a student has a significant reading deficiency,
7 personnel of the local education provider shall provide to the student's
8 parent the written notice described in subsection (2) of this section;
9 except that the provisions of this section shall not apply if:

10 (b) The student is ~~a student with limited English proficiency~~ AN
11 ENGLISH LANGUAGE LEARNER, as defined in section 22-24-103, and the
12 student's significant reading deficiency is due primarily to the student's
13 language skills; or

14 **SECTION 29.** In Colorado Revised Statutes, 22-11-301, **amend**

15 (3) (c) as follows:

16 **22-11-301. School district accountability committees - creation**

17 **- membership.** (3) If a local school board appoints the members of the
18 school district accountability committee, the local school board, to the
19 extent practicable, shall ensure that the parents who are appointed reflect
20 the student populations that are significantly represented within the
21 school district. Said student populations may include, but need not be
22 limited to:

23 (c) Students ~~with limited English proficiency~~ WHO ARE ENGLISH
24 LANGUAGE LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3);

25 **SECTION 30.** In Colorado Revised Statutes, 22-11-401, **amend**

26 (1) (d) (III) as follows:

27 **22-11-401. School accountability committee - creation -**

1 **qualifications - elections.** (1) (d) If the local school board or the institute
2 determines that the members of a school accountability committee should
3 be appointed, the appointing authority shall, to the extent practicable,
4 appoint persons to serve on the school accountability committee who
5 reflect the student populations that are significantly represented within the
6 school. If the local school board or the institute determines that persons
7 shall be elected to serve on the school accountability committee, the
8 school principal shall encourage persons who reflect the student
9 populations that are significantly represented within the school to seek
10 election to the committee. Said student populations may include, but need
11 not be limited to:

12 (III) Students ~~with limited English proficiency~~ WHO ARE ENGLISH
13 LANGUAGE LEARNERS, as defined in section ~~22-24-103 (4)~~ 22-24-103 (3);

14 **SECTION 31.** In Colorado Revised Statutes, 22-54-103, **amend**
15 (1.5) (a) (V) introductory portion and (1.5) (b) (IV) introductory portion
16 as follows:

17 **22-54-103. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 (1.5) (a) "At-risk pupils" means:

20 (V) For the 2005-06 budget year and budget years thereafter, the
21 number of district pupils ~~with limited English proficiency~~ WHO ARE
22 ENGLISH LANGUAGE LEARNERS plus the greater of:

23 (b) For purposes of this subsection (1.5):

24 (IV) "District pupils ~~with limited English proficiency~~ WHO ARE
25 ENGLISH LANGUAGE LEARNERS" means the number of pupils included in
26 the district pupil enrollment for the preceding budget year who were not
27 eligible for free lunch pursuant to the provisions of the federal "National

1 School Lunch Act", 42 U.S.C. sec. 1751 et seq., and who are ~~students~~
2 ~~with limited English proficiency~~ ENGLISH LANGUAGE LEARNERS, as
3 defined in section ~~22-24-103 (4)~~ 22-24-103 (3), and:

4 **SECTION 32.** In Colorado Revised Statutes, 22-54-104.2,
5 **amend** (1) as follows:

6 **22-54-104.2. Legislative declaration.** (1) The general assembly
7 hereby finds and declares that, for purposes of section 17 of article IX of
8 the state constitution, the expansion of the definition of "at-risk pupils",
9 as defined in section 22-54-103 (1.5) (a) (V), to include district pupils
10 ~~with limited English proficiency~~ WHO ARE ENGLISH LANGUAGE
11 LEARNERS, as defined in section 22-54-103 (1.5) (b) (IV), the increase in
12 the at-risk factor pursuant to section 22-54-104 (5) (f) (II) for districts
13 whose percentage of at-risk pupils is greater than the statewide average
14 percentage of at-risk pupils and whose funded pupil count is greater than
15 fifty thousand, the requirement that districts that receive at-risk funding
16 spend a portion of their at-risk funding on implementation of the district's
17 English language proficiency program pursuant to section 22-54-105 (3)
18 (b) (I) and the increase in the at-risk factor from 11.2% to 12% for the
19 2005-06 budget year and each budget year thereafter pursuant to section
20 22-54-104 (2) (b) (II) (A) and (5) (f) are important elements of
21 accountable programs to meet state academic standards and may therefore
22 receive funding from the state education fund created in section 17 (4) of
23 article IX of the state constitution.

24 **SECTION 33.** In Colorado Revised Statutes, 22-32.5-105,
25 **amend** (1) (c) as follows:

26 **22-32.5-105. Suggested innovations.** (1) In considering or
27 creating an innovation plan or a plan for creating an innovation school

1 zone, each local school board is strongly encouraged to consider
2 innovations in the following areas:

3 (c) Provision of services, including but not limited to special
4 education services; services for gifted and talented students; services for
5 ~~students with limited English proficiency~~ ENGLISH LANGUAGE LEARNERS;
6 educational services for students at risk of academic failure, expulsion,
7 or dropping out; and support services provided by the department of
8 human services or county social services agencies;

9 **SECTION 34.** In Colorado Revised Statutes, 22-7-1210, **add** (1)
10 (d.5) as follows:

11 **22-7-1210. Early literacy fund - created - repeal.** (1) The early
12 literacy fund is hereby created in the state treasury and is referred to in
13 this section as the "fund". The fund shall consist of:

14 (d.5) TWENTY MILLION DOLLARS, WHICH THE STATE TREASURER
15 SHALL TRANSFER FROM THE STATE GENERAL FUND TO THE FUND ON JULY
16 1, 2014, AND ON JULY 1 EACH YEAR THEREAFTER.

17 **SECTION 35. Appropriation.** (1) In addition to any other
18 appropriation, for the fiscal year beginning July 1, 2014, there is hereby
19 appropriated, out of any moneys in the state education fund created in
20 section 17(4) of article IX of the Colorado constitution not otherwise
21 appropriated, to the excellence awards fund created in section 22-24-107
22 (4), Colorado Revised Statutes, the sum of \$500,000, and said sum, or so
23 much thereof as may be necessary, is further appropriated to the
24 department of education, for the implementation of the English language
25 proficiency act excellence award program created in section 22-24-107,
26 Colorado Revised Statutes.

27 

1 (2) In addition to any other appropriation, there is hereby
2 appropriated, out of any moneys in the state education fund created in
3 section 17(4) of article IX of the Colorado constitution not otherwise
4 appropriated, to the department of education, for the fiscal year beginning
5 July 1, 2014, the sum of \$10,000,000, or so much thereof as may be
6 necessary, for the implementation of section 22-54-112.5, Colorado
7 Revised Statutes.

8 (3) In addition to any other appropriation, there is hereby
9 appropriated, out of any moneys in the state education fund created in
10 section 17(4) of article IX of the Colorado constitution not otherwise
11 appropriated, to the department of education, for the fiscal year beginning
12 July 1, 2014, the sum of \$5,000,000, or so much thereof as may be
13 necessary, for the implementation of section 22-44-105 (4), Colorado
14 Revised Statutes.

15 **SECTION 36. Appropriation - adjustments to the 2014 long**
16 **bill.** (1) For the implementation of this act, appropriations made in the
17 annual general appropriation act to the department of education for the
18 fiscal year beginning July 1, 2014, are adjusted as follows:

19 (a) The cash funds appropriation from the state education fund
20 created in section 17 (4) (a) of article IX of the state constitution, for the
21 English language proficiency program is increased by \$30,000,000.

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