

**Amendment 39 and Referendum J
School District Spending Requirements**

1 Two ballot proposals establish requirements for school district spending.
2 Amendment 39 proposes a change to the Colorado Constitution. Referendum J proposes
3 a change to state statute. Voters may choose to vote for one, both, or neither of the
4 proposals. Neither proposal is dependent upon passage of the other. Both proposals:

- 5 ◆ require each school district to spend at least 65 percent of its operating budget
6 on specific items beginning in the 2007-08 school year, although the items are
7 different in each proposal;
- 8 ◆ require any school district that spends less than the 65-percent threshold to
9 increase its spending on the specified items by two percentage points each year
10 until the threshold is met;
- 11 ◆ allow a school district to request a one-year waiver from the spending
12 requirement; and
- 13 ◆ allow the legislature to sanction any school district that fails to comply with the
14 spending requirement.

15 Additionally, Referendum J:

- 16 ◆ allows voters to exempt a school district from the 65-percent requirement; and
- 17 ◆ requires each school district to submit an annual budget in a standardized
18 format to the state.

19 Arguments related to Referendum J and a discussion of the fiscal impact appear on
20 page _.

21 **Summary and Analysis**

22 Decisions on how to spend money to operate public schools are made by locally
23 elected school boards in each school district, with certain exceptions. Under current law,
24 districts have to set aside money for school supplies and books, buildings and insurance,
25 and services for at-risk students. On average, these earmarked purposes accounted for
26 roughly \$600 per pupil in school year 2004-05, or nearly 8 percent of school district
27 operating budgets. Both Amendment 39 and Referendum J propose to add a new
28 requirement: that each school district spend at least 65 percent of its operating budget on
29 the items listed in Table 1.

Table 1: Examples of Items Included in the 65-Percent Requirement in Amendment 39 and Referendum J

School District Expenditure Items	Included in Amendment 39?	Included in Referendum J?
Teachers, Classroom Aides, and Tutors	✓	✓
Libraries and Librarians	✓	✓
Books and Other Instructional Materials	✓	✓
Classroom Computers	✓	✓
Field Trips, Athletics, Arts, and Music	✓	✓
Principals		✓
Support Staff (Guidance Counselors, Nurses, Bus Drivers, and Food Service Workers)		✓
Support Services Provided at the School Level (Teacher Training, Student Testing, College Placement Services, Student Health and Medical Services, Food Services, and Transportation)		✓
Superintendents and School Boards		
Building Construction, Maintenance, and Repairs		
Central Administrative Functions (Payroll, Accounting, and Budgeting)		

In addition to applying the 65-percent requirement to different items, the two proposals define an operating budget differently. As a result, the proposals will affect districts differently. Table 2 compares spending on the items required by each proposal using average school district spending per pupil from the 2004-05 school year, the most recent year for which data are available.

Table 2: Comparison of 2004-05 Spending on Items Specified in Amendment 39 and Referendum J

Statewide Average	Amendment 39	Referendum J
Total Operating Budget Per Pupil	\$7,942	\$7,863
Actual Spending on Specified Items	\$4,784	\$6,521
Percent Currently Spent on Specified Items	60%	83%

Data on individual school district spending indicate that under both proposals some school districts would not have met the 65-percent requirement in the 2004-05 school year.

1 If the requirements were in place in 2004-05, 166 school districts would have fallen short
2 by a total of \$278 million under Amendment 39. Three districts would have fallen short
3 by a total of \$1 million under Referendum J.

4 A district that spends less than the 65-percent threshold must increase spending on
5 the specified items by two percentage points per year until the requirement is met.
6 Alternatively, a district may seek a waiver from the requirements.

7 Each year, school district spending records are audited and reported to state and
8 federal education agencies. The data are organized by category to show the amount spent
9 on such items as classroom instruction, support staff, administration, and buildings. These
10 reports will be used to determine compliance with the 65-percent requirement, although
11 some modification to the categories may be required. The State Board of Education is
12 responsible for approving the types of data that are reported in each category.

13 **Arguments For Amendment 39**

14 Arguments for Referendum J appear on page _.

15 1) Amendment 39 increases funding for classroom instruction, without increasing
16 taxes. It requires that school districts focus their resources on educating students in the
17 classroom and be more efficient with other spending. As a result, more money may be
18 available for teaching professionals. The most recent data available indicate that spending
19 in the classroom could increase by as much as \$278 million.

20 2) Amendment 39 establishes a constitutional standard for school district spending.
21 School district taxpayers across the state will know that at least 65 percent of the district's
22 budget is being spent in the classroom without having to examine each district's financial
23 documents. School boards in each district will decide how to meet the requirement, which
24 may result in new spending priorities.

25 **Arguments Against Amendment 39**

26 Arguments against Referendum J appear on page _.

27 1) Amendment 39 fails to account for the important differences among the 178
28 school districts across Colorado and does not necessarily improve student achievement.
29 School districts vary greatly in the characteristics of their pupil population, geography, and
30 community values. These differences should be addressed by locally elected school boards
31 with input from parents, teachers, taxpayers, and others in the district rather than by an
32 amendment to the state constitution.

1 2) School districts not meeting the new requirement may have to divert money
2 from support functions and positions that help teachers to teach and students to learn.
3 Nurses, guidance counselors, and principals are essential to a well-run school but do not
4 count toward the 65-percent spending requirement. In addition, costs for student
5 transportation, utilities, and hot lunches, which are often beyond a district's control, do not
6 count toward the 65-percent requirement.

7 **Estimate of Fiscal Impact**

8 Determining school district compliance with Amendment 39's expenditure
9 requirements is expected to increase state costs by about \$50,000 per year and may also
10 increase school district costs by requiring more detailed tracking of expenditures and
11 additional budget planning to conform with the amendment. Additionally, while the
12 amendment does not increase funding for public education, an estimated 166 of 178
13 districts will have to increase spending on the specified items by a total of \$278 million to
14 meet its requirements. This estimate is based on 2004-05 spending.

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Referendum J
School District Spending Requirements

A detailed summary and analysis of Referendum J can be found on page _.

Arguments For Referendum J

1) By including all school functions in the 65-percent spending requirement, Referendum J recognizes that students and teachers benefit from the support provided by principals, guidance counselors, nurses, bus drivers and many others who are outside the classroom.

2) Referendum J establishes a standard for school district spending that can be changed in the future by the state legislature as the delivery of education services changes. And, it preserves the flexibility of locally elected school boards to respond to the needs and desires of the community. School boards in each district can still decide whether school spending should be for teachers, counselors, classroom materials, technology, transportation, or hot lunches.

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1) Referendum J is unnecessary because nearly all school districts in the state already meet the 65-percent requirement. It also creates new data and budget reporting requirements for school districts without necessarily improving student achievement.

2) Referendum J fails to account for the important differences among the 178 school districts across Colorado. School districts vary greatly in the characteristics of their pupil population, geography, and community values. These differences should be addressed by locally elected school boards with input from parents, teachers, taxpayers, and others in the district.

Estimate of Fiscal Impact of Referendum J

The Colorado Department of Education will determine school district compliance with Referendum J's expenditure requirements. This effort is expected to increase state costs by about \$62,000 per year. Referendum J may also increase school district costs by requiring more detailed tracking of expenditures, additional budget planning to conform with the amendment, and a new standardized budget submission. Additionally, while the amendment does not increase funding for public education, an estimated 3 of 178 districts will have to increase spending on the specified items by a total of \$1 million to meet its requirements. This estimate is based on 2004-05 spending.

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18 format to the state.

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23 elected school boards in each school district, with certain exceptions. Under current law,
24 districts have to set aside money for school supplies and books, buildings and insurance,
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26 roughly \$600 per pupil in school year 2004-05, or nearly 8 percent of school district
27 operating budgets. Both Amendment 39 and Referendum J propose to add a new
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Support Staff (Guidance Counselors, Nurses, Bus Drivers, and Food Service Workers)		✓
Support Services Provided at the School Level (Teacher Training, Student Testing, College Placement Services, Student Health and Medical Services, Food Services, and Transportation)		✓
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2 by a total of \$278 million under Amendment 39. Three districts would have fallen short
3 by a total of \$1 million under Referendum J.

4 A district that spends less than the 65-percent threshold must increase spending on
5 the specified items by two percentage points per year until the requirement is met.
6 Alternatively, a district may seek a waiver from the requirements. UNDER AMENDMENT 39,
7 THE GOVERNOR IS RESPONSIBLE FOR REVIEWING WAIVER REQUESTS. REFERENDUM J
8 PLACES THAT RESPONSIBILITY WITH THE STATE BOARD OF EDUCATION. IN ADDITION,
9 REFERENDUM J ALLOWS A DISTRICT TO SEEK VOTER APPROVAL FOR AN EXEMPTION FROM
10 THE SPENDING REQUIREMENT.

11 Each year, school district spending records are audited and reported to state and
12 federal education agencies. The data are organized by category to show the amount spent
13 on such items as classroom instruction, support staff, administration, and buildings. These
14 reports will be used to determine compliance with the 65-percent requirement, although
15 some modification to the categories may be required. The State Board of Education is
16 responsible for approving the types of data that are reported in each category.

17 **Arguments For Amendment 39**

18 Arguments for Referendum J appear on page _.

19 1) [Option 1] Amendment 39 increases funding for classroom instruction BY
20 DIVERTING EXISTING FUNDING TO ITEMS DEFINED IN TABLE 1, without increasing taxes. It
21 ALSO requires that school districts focus their resources on educating students in the
22 classroom and TO be more efficient with other spending IN AREAS NOT INCLUDED IN TABLE
23 1. As a result, more money may be available for teaching professionals. The most recent
24 data available indicate that spending in the classroom could increase by as much as \$278
25 million.

26 [Option 2] Amendment 39 increases DIVERTS funding for classroom instruction
27 without increasing taxes. It requires that school districts focus their resources on educating
28 students in the classroom and be more efficient with other spending. As a result, more
29 money may be available for teaching professionals. The most recent data available indicate
30 that spending in the classroom could increase by as much as \$278 million.

31 2) Amendment 39 establishes a constitutional standard for school district spending.
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33 budget is being spent in the classroom without having to examine each district's financial
34 documents. School boards in each district will decide how to meet the requirement, which
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17 requirements is expected to increase state costs by about \$50,000 per year and may also
18 increase school district costs by requiring more detailed tracking of expenditures and
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20 amendment does not increase funding for public education, an estimated 166 of 178
21 districts will have to increase spending on the specified items by a total of \$278 million to
22 meet its requirements. This estimate is based on 2004-05 spending.

TONY SALAZAR COMMENTS ON FINAL DRAFT OF AMENDMENT 39/REFERENDUM J

Coloradans for Excellent Schools Comments on Amendment 39/Referendum J 3rd Draft Bluebook Language August 8, 2006

Below find our comments on the final draft of the language. Thank you for your time and consideration of our concerns and for being persistent and helpful in allowing us to be a part of this process.

CONTACT: Tony Salazar, Coloradans for Excellent Schools, 720.987.3530 or
Tonette Salazar, Coloradans for Excellent Schools, 720.231.1425

General Issues

- Key differences between the measures:
 - Amendment 39 is a constitutional measure; Referendum J is a statutory measure. This is an important factual distinction of which voters should be aware.
 - In the interest of space and limiting the number of arguments, it is our opinion that it is more important to identify the location of the change on the ballot as opposed to the services that would be limited. If an argument needs to be eliminated, paragraph 2) on page 4 should be deleted in order to make room for the statutory v. constitutional measure. If that is not desired, than the distinction should be pointed out in the bullet points or summary.
 - Amendment 39 allows school districts to seek a waiver from the governor from the 65% requirement; Referendum J allows school districts to seek a waiver from the traditionally utilized State Board of Education.
- Key similarity in both measures:
 - Both Amendment 39 and Referendum J will require additional reporting by school districts and an increased cost to school districts for compliance, which coincidentally does not fall within the 65% requirement. The language acknowledges the cost to the state, but fails to mention that there will be a cost to school districts as well.

Specific Issues

Page 3, line 4

- This sentence is confusing; from what sources is a district going to receive "new money" to help meet the 65% requirement? There is no new money in the 65% requirement, rather school districts not meeting the requirement will have to divert existing resources currently being spent on areas not in the allowed definition to meet the requirement.
- Rewrite the paragraph: "School districts failing to meet the 65 percent requirement will have to shift existing money."

Page 3, lines 15-19

- As mentioned above, funding is increased by nature of diverting funding from other areas. The language needs to reflect this shift in funding.
 - Option 1: "Amendment 39 increases funding for classroom instruction by diverting existing funding to items defined in Table 1, without increasing taxes. It also requires districts to be more efficient with other spending in areas not included in Table 1.
 - Option 2: "Amendment 39 diverts funding for classroom instruction without increasing taxes."
- The information about \$278 million increase is a restatement from the summary and analysis section and doesn't need to be repeated.

Page 3, lines 23-24

- The term "Communities" is not entirely accurate. The language used on page 5, lines 20-24 under Arguments for Referendum J is a more accurate description of how school districts establish priorities.

Page 3, line 27/Page 5, line 18

- Listing the number of school districts, 178, is helpful factual information
 - "Amendment 39 fails to account for the important differences among the 178 school districts across Colorado..."

Page 4, lines 9

- Add to the first sentence that Amendment 39 will also increase school district reporting requirements, and school districts will also have an increased financial burden for compliance like the state.
- The same language could be inserted on page 5, line 27, at the end of that sentence.

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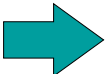
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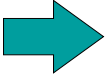
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32 amendment to the state constitution. THE STATE CONSTITUTION GUARANTEES LOCAL





1 CONTROL OF SCHOOL DISTRICTS AND AMENDMENT 39 IS A VIOLATION OF THAT
2 CONSTITUTIONAL GUARANTEE.

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23 others in the district. IN ADDITION, THE STATE CONSTITUTION GUARANTEES LOCAL
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**VICKI NEWELL COMMENTS ON FINAL DRAFT OF
REFERENDUM J/AMENDMENT 39**

I would like to see something in the opposition to Ref J and 39 that says our Colorado Constitution guarantees local control to our school districts and opponents to 39 and J believe that the amendment and indeed the statutory change would be in violation of that Constitutional guarantee. Thanks! Vicki

Vicki Newell
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vickiLnewell@aol.com
30,000 Members in Colorado
6 Million Members Nationwide
every **child.one voice.**

Third Draft as mailed to Interested Parties

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School District Expenditure Items	Included in Amendment 39?	Included in Referendum J?
Teachers, Classroom Aides, and Tutors	✓	✓
Libraries and Librarians	✓	✓
Books and Other Instructional Materials	✓	✓
Classroom Computers	✓	✓
Field Trips, Athletics, Arts, and Music	✓	✓
Principals		✓
Support Staff (Guidance Counselors, Nurses, Bus Drivers, and Food Service Workers)		✓
Support Services Provided at the School Level (Teacher Training, Student Testing, College Placement Services, Student Health and Medical Services, Food Services, and Transportation)		✓
Superintendents and School Boards		
Building Construction, Maintenance, and Repairs		
Central Administrative Functions (Payroll, Accounting, and Budgeting)		

21
22
23
24
25

In addition to applying the 65 percent requirement to different items, the two measures define an operating budget differently. As a result, the measures will affect districts differently. Table 2 compares spending on the items required by each measure using average school district spending per pupil from the 2004-05 school year, the most recent year for which data are available.

26
27

Table 2: Comparison of 2004-05 Spending on Items Specified in Amendment 39 and Referendum J

28
29
30
31

Statewide Average	Amendment 39	Referendum J
Total Operating Budget Per Pupil	\$7,942	\$7,863
Actual Spending on Specified Items	\$4,784	\$6,521
Percent Currently Spent on Specified Items	60%	83%

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1 Data on individual school district spending indicate that under both proposals some
2 school districts would not have met the 65 percent requirement in the 2004-05 school year.
3 If the requirements were in place in 2004-05, 166 school districts would have fallen short
4 by a total of \$278 million under Amendment 39. Three districts would have fallen short
5 by a total of \$1 million under Referendum J.

6 To meet the 65 percent spending requirement a school district may have to shift
7 existing money, use new money, or both. A district that cannot comply must increase
8 spending on the specified items by 2 percentage points per year until the requirement is
9 met. Alternatively, a district may seek a waiver from the requirements.

10 Each year, school district spending records are audited and reported to state and
11 federal education agencies. The data are organized by category to show the amount spent
12 on such items as classroom instruction, support staff, administration, and buildings. These
13 reports will be used to determine compliance with the 65 percent requirement, although
14 some modification to the categories may be required. The State Board of Education is
15 responsible for approving the types of data that are reported in each category.

16 **Arguments For Amendment 39**

17 Arguments for Referendum J appear on page _.

18 1) Amendment 39 increases funding for classroom instruction, without increasing
19 taxes. It requires that school districts focus their resources on the core mission of
20 educating students. It also requires districts to be more efficient with other spending,
21 which may provide more money for teaching professionals. The most recent data available
22 indicate that spending in the classroom could increase by as much as \$278 million.

23 2) Amendment 39 establishes a constitutional standard for school district spending.
24 School district taxpayers across the state will know that at least 65 percent of the district's
25 budget is being spent in the classroom without having to examine district financial
26 documents. Communities will decide how to meet the requirement, which may result in
27 school boards setting new spending priorities.

28 **Arguments Against Amendment 39**

29 Arguments against Referendum J appear on page _.

30 1) Amendment 39 fails to account for the important differences among school
31 districts across Colorado and does not necessarily improve student achievement. School
32 districts vary greatly in the characteristics of their pupil population, geography, and

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1 community values. Funding priorities are established by locally elected school boards with
2 input from parents, teachers, taxpayers, and others taking these differences into account.
3 Local communities should decide where to put education resources by working with their
4 school board representatives who are accountable to the voters in the district.

5 2) School districts not meeting the new requirement may have to divert money
6 from essential support functions and positions that help teachers to teach and students to
7 learn. Nurses, guidance counselors, and principals are essential to a well-run school but
8 do not count toward the 65 percent spending requirement. In addition, costs for student
9 transportation, utilities, and hot lunches, which are often beyond a district's control, do not
10 count toward the 65 percent requirement.

11 **Estimate of Fiscal Impact**

12 Determining school district compliance with Amendment 39's expenditure
13 requirements is expected to increase state costs by about \$50,000 per year. Additionally,
14 while the amendment does not increase funding for public education, an estimated 166 of
15 178 districts will have to increase spending on the specified items by a total of
16 \$278 million to meet its requirements. This estimate is based on 2004-05 spending.

Third Draft as mailed to Interested Parties

1 **Referendum J**
2 **School District Spending Requirements**

3 A detailed summary and analysis of Referendum J can be found on page _.

4 **Arguments For Referendum J**

5 1) By including all school functions in the 65 percent spending requirement,
6 Referendum J recognizes that students and teachers benefit from the support provided by
7 principals, guidance counselors, nurses, bus drivers and many others who are outside the
8 classroom.

9 2) Referendum J establishes a standard for school district spending that can be
10 changed in the future by the state legislature as the delivery of education services changes.
11 And, it preserves the flexibility of locally elected school boards to respond to the needs and
12 desires of the community. Communities can still decide whether school spending should
13 be for teachers, counselors, classroom materials, technology, transportation, or hot lunches.

14 **Arguments Against Referendum J**

15 1) Referendum J is unnecessary because nearly all school districts in the state
16 already meet the 65 percent requirement. It also creates new administrative burdens for
17 school districts without necessarily improving student achievement.

18 2) Referendum J fails to account for the important differences among school
19 districts across Colorado. School districts vary greatly in the characteristics of their pupil
20 population, geography, and community values. Funding priorities are established by
21 locally elected school boards with input from parents, teachers, taxpayers, and others
22 taking these differences into account. Local communities should decide where to put
23 education resources by working with their school board representatives who are
24 accountable to the voters in the district.

25 **Estimate of Fiscal Impact of Referendum J**

26 The Colorado Department of Education will determine school district compliance
27 with Referendum J's expenditure requirements. This effort is expected to increase state
28 costs by about \$62,000 per year. Additionally, while the amendment does not increase
29 funding for public education, an estimated 3 of 178 districts will have to increase spending
30 on the specified items by a total of \$1 million to meet its requirements. This estimate is
31 based on 2004-05 spending.

AMENDMENT 39
SCHOOL DISTRICT SPENDING REQUIREMENTS
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Amendment 39
School District Spending Requirements

1 **Ballot Title:** An amendment to the Colorado constitution concerning a requirement that
2 in each state fiscal year a school district spend at least 65% of its operational
3 expenditures on classroom instruction, with limited exceptions.

4 **Text of Proposal:**

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

6 Section 17 (1) and (2) of article IX of the constitution of the state of Colorado are
7 amended, and the said section 17 is further amended BY THE ADDITION OF A NEW
8 SUBSECTION to read:

9 **Section 17. Education – Funding. (1) Purpose.** In state fiscal year 2001-2002
10 through state fiscal year 2010-2011, the statewide base per pupil funding, as defined by
11 the Public School Finance Act of 1994, article 54 of title 22, Colorado Revised Statutes
12 on the effective date of this section, for public education from preschool through the
13 twelfth grade and total state funding for all categorical programs shall grow annually
14 at least by the rate of inflation plus an additional one percentage point. In state fiscal
15 year 2011-2012, and each fiscal year thereafter, the statewide base per pupil funding for
16 public education from preschool through the twelfth grade and total state funding for
17 all categorical programs shall grow annually at a rate set by the general assembly that
18 is at least equal to the rate of inflation IN STATE FISCAL YEAR 2007-2008 AND IN EACH
19 STATE FISCAL YEAR THEREAFTER, EACH SCHOOL DISTRICT SHALL SPEND AT LEAST
20 SIXTY-FIVE PERCENT OF ITS OPERATIONAL EXPENDITURES ON CLASSROOM INSTRUCTION
21 EXPENDITURES.

22 (2) **Definitions.** For purposes of this section: (a) "Categorical programs" include
23 transportation programs, English language proficiency programs, expelled and at-risk
24 student programs, special education programs (including gifted and talented programs),
25 suspended student programs, vocational education programs, small attendance centers,
26 comprehensive health education programs, and other current and future accountable
27 programs specifically identified in statute as a categorical program.

28 (a.5) "CLASSROOM INSTRUCTION EXPENDITURES" MEANS EXPENDITURES
29 DIRECTLY RELATED TO CLASSROOM INSTRUCTION, INCLUDING BUT NOT LIMITED TO
30 INSTRUCTIONAL STAFF AND INSTRUCTIONAL MATERIALS. "CLASSROOM INSTRUCTION
31 EXPENDITURES" SHALL INCLUDE ACTIVITIES DEALING DIRECTLY WITH INTERACTION
32 BETWEEN STUDENTS AND TEACHERS, OR OTHER CLASSROOM AND INSTRUCTIONAL
33 PERSONNEL, SPECIAL EDUCATION INSTRUCTION, TUTORS, BOOKS, CLASSROOM
34 COMPUTERS, GENERAL INSTRUCTION SUPPLIES, INSTRUCTIONAL AIDES, LIBRARIES AND

1 LIBRARIANS, AND CLASS ACTIVITIES SUCH AS FIELD TRIPS, ATHLETICS, ARTS, MUSIC, AND
2 MULTI-DISCIPLINARY LEARNING.

3 (b) "Inflation" has the same meaning as defined in article X, section 20,
4 subsection (2), paragraph (f) of the Colorado constitution.

5 (c) "OPERATIONAL EXPENDITURES" MEANS ALL EXPENDITURES MADE BY A
6 SCHOOL DISTRICT OTHER THAN EXPENDITURES FOR CAPITAL CONSTRUCTION OR DEBT OR
7 BOND PAYMENTS, INCLUDING BUT NOT LIMITED TO PAYMENT OF INTEREST ON DEBT OR
8 BONDS.

9 (6) **Classroom Instruction Expenditures.** (a) IN STATE FISCAL YEAR
10 2007-2008 AND IN EACH STATE FISCAL YEAR THEREAFTER, EACH SCHOOL DISTRICT
11 SHALL SPEND AT LEAST SIXTY-FIVE PERCENT OF ITS OPERATIONAL EXPENDITURES ON
12 CLASSROOM INSTRUCTION EXPENDITURES.

13 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION
14 (6), IF IN THE STATE FISCAL YEAR 2006-2007, A SCHOOL DISTRICT SPENDS LESS THAN
15 SIXTY-FIVE PERCENT OF ITS OPERATIONAL EXPENDITURES ON CLASSROOM INSTRUCTION
16 EXPENDITURES, THE SCHOOL DISTRICT SHALL INCREASE ITS CLASSROOM INSTRUCTION
17 EXPENDITURES BY TWO PERCENT OF ITS OPERATIONAL EXPENDITURES IN EACH STATE
18 FISCAL YEAR UNTIL ITS CLASSROOM INSTRUCTION EXPENDITURES REACH SIXTY-FIVE
19 PERCENT OF ITS OPERATIONAL EXPENDITURES.

20 (c) IN A STATE FISCAL YEAR IN WHICH A SCHOOL DISTRICT DETERMINES THAT IT
21 CANNOT MEET THE REQUIREMENTS OF EITHER PARAGRAPH (a) OR (b) OF THIS
22 SUBSECTION (6), THE SCHOOL DISTRICT MAY REQUEST A RENEWABLE, ONE-YEAR WAIVER
23 OF THE REQUIREMENTS FROM THE GOVERNOR OF THE STATE OF COLORADO. WITHIN
24 FORTY-FIVE DAYS AFTER RECEIPT OF A REQUEST, THE GOVERNOR OF THE STATE OF
25 COLORADO SHALL EITHER GRANT OR DENY THE REQUESTED WAIVER.

26 (d) THE GENERAL ASSEMBLY MAY ENACT SANCTIONS FOR A SCHOOL DISTRICT
27 THAT FAILS TO COMPLY WITH THE PROVISIONS OF THIS SUBSECTION (6).

Referendum J
School District Spending Requirements

1 **Ballot Title:** Shall Colorado state law require that in each state fiscal year a school
2 district spend at least sixty-five percent of its operational expenditures on services that
3 directly affect student achievement?

4 **Text of Proposal:**

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

6 **SECTION 1.** Title 22, Colorado Revised Statutes, is amended BY THE
7 ADDITION OF A NEW ARTICLE to read:

8 **ARTICLE 54.5**

9 **Public School Expenditures Accountability Act**

10 **22-54.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED
11 AS THE "PUBLIC SCHOOL EXPENDITURES ACCOUNTABILITY ACT".

12 **22-54.5-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND
13 DETERMINES THAT:

14 (a) COLORADO'S SCHOOL DISTRICTS HAVE THE RESPONSIBILITY TO ENSURE THAT
15 OPERATIONAL EXPENDITURES MAXIMIZE THE QUALITY OF EACH STUDENT'S
16 EDUCATIONAL EXPERIENCE;

17 (b) COLORADO'S PUBLIC SCHOOL STUDENTS HAVE THE RIGHT TO REALIZE THE
18 IMMEDIATE EFFECTS OF ADDITIONAL RESOURCES, WHETHER THESE RESOURCES ARE
19 PROVIDED THROUGH NEW OR REALLOCATED FUNDING, THAT ARE FOCUSED ON SERVICES
20 THAT DIRECTLY AFFECT EACH STUDENT'S ACHIEVEMENT;

21 (c) TAXPAYERS, INCLUDING PARENTS AND BUSINESS OWNERS IN EACH SCHOOL
22 DISTRICT, HAVE A RIGHT TO KNOW WHETHER THEIR TAX DOLLARS ARE BEING
23 APPROPRIATELY BUDGETED AND SPENT BY THEIR SCHOOL DISTRICTS TO PROVIDE
24 STUDENTS WITH AN OPPORTUNITY FOR A QUALITY EDUCATION.

25 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT, TO ENSURE
26 ACCOUNTABILITY IN SCHOOL DISTRICT BUDGETING TO TAXPAYERS AND STUDENTS, IT IS
27 NECESSARY TO REQUIRE EACH SCHOOL DISTRICT:

1 (a) TO ADOPT AN ANNUAL BUDGET REPORT IN A STANDARD FORMAT THAT
2 PROVIDES TRANSPARENCY AND COMPARABILITY FROM DISTRICT TO DISTRICT FOR THE
3 PURPOSE OF PUBLIC INSPECTION; AND

4 (b) TO SPEND A MINIMUM PERCENTAGE OF ITS OPERATIONAL EXPENDITURES ON
5 SERVICES THAT DIRECTLY AFFECT STUDENT ACHIEVEMENT.

6 **22-54.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (1) (a) "OPERATIONAL EXPENDITURES" MEANS ALL EXPENDITURES MADE BY A
9 SCHOOL DISTRICT, WITH THE EXCEPTION OF THE FOLLOWING EXPENDITURES RELATED TO
10 TYPES OF REVENUES:

11 (I) ALL MONEYS REQUIRED TO BE SET ASIDE FOR CAPITAL RESERVE AND
12 RISK-MANAGEMENT FUNDING PURSUANT TO SECTION 22-54-105 (2);

13 (II) ALL MONEYS RECEIVED FOR CAPITAL CONSTRUCTION PURSUANT TO SECTION
14 22-54-117 OR 22-54-124;

15 (III) ALL MONEYS TRANSFERRED TO A DISTRICT CHARTER SCHOOL PURSUANT TO
16 SECTION 22-30.5-112;

17 (IV) ALL MONEYS RECEIVED AS A MILL LEVY OVERRIDE PURSUANT TO SECTION
18 22-54-107.5 OR 22-54-108 THAT ARE UNRELATED TO SERVICES THAT DIRECTLY AFFECT
19 STUDENT ACHIEVEMENT;

20 (V) ALL MONEYS SET ASIDE FOR THE SCHOOL DISTRICT'S OPERATING RESERVE
21 FUND PURSUANT TO SECTION 22-44-106;

22 (VI) ALL MONEYS REQUIRED TO BE SET ASIDE FOR THE SCHOOL DISTRICT'S
23 EMERGENCY RESERVE FUND PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE
24 CONSTITUTION;

25 (VII) LOCAL REVENUES RECEIVED THROUGH LOCAL BOND ELECTIONS,
26 INCLUDING INTEREST EARNINGS AND SPECIFIC OWNERSHIP TAXES RELATED TO BOND
27 REDEMPTION FUNDS;

28 (VIII) BOND REDEMPTION FUNDS;

29 (IX) LOCAL, STATE, FEDERAL, AND PRIVATE FUNDS RECEIVED FOR A DESIGNATED
30 PURPOSE THAT ARE UNRELATED TO SERVICES THAT DIRECTLY AFFECT STUDENT
31 ACHIEVEMENT;

1 (X) ENTERPRISE FUNDS FROM PROGRAMS THAT ARE UNRELATED TO SERVICES
2 THAT DIRECTLY AFFECT STUDENT ACHIEVEMENT;

3 (XI) TRUST AND AGENCY FUNDS RECEIVED FOR A DESIGNATED PURPOSE; AND

4 (XII) INTERNAL SERVICE FUNDS, AS SUCH FUNDS ARE DEFINED BY GENERALLY
5 ACCEPTED ACCOUNTING PRINCIPLES FOR GOVERNMENTS, WITH THE EXCEPTION OF
6 PROPERTY TAX REVENUES OR ALLOCATIONS ATTRIBUTABLE TO THE GENERAL FUND
7 PURSUANT TO SECTION 22-54-105 AND THE CORRESPONDING EXPENDITURES OF SUCH
8 PROPERTY TAXES OR ALLOCATIONS.

9 (2) (a) "SERVICES THAT DIRECTLY AFFECT STUDENT ACHIEVEMENT" MEANS
10 PROGRAMS AND SERVICES FUNDED BY A SCHOOL DISTRICT'S TOTAL BUDGET THAT HAVE
11 AN IMMEDIATE EFFECT ON THE QUALITY OF A STUDENT'S EDUCATIONAL EXPERIENCE,
12 INCLUDING BUT NOT LIMITED TO:

13 (I) SALARIES AND BENEFITS OF SCHOOL PERSONNEL WHO HOLD EDUCATOR OR
14 OTHER PROFESSIONAL LICENSES OR CERTIFICATIONS, INCLUDING BUT NOT LIMITED TO
15 PRINCIPALS, ASSISTANT PRINCIPALS, ACADEMIC OR DISCIPLINARY DEANS, TEACHERS,
16 SUBSTITUTE TEACHERS, SCHOOL LIBRARIANS AND MEDIA SPECIALISTS, SCHOOL
17 COUNSELORS, SCHOOL NURSES, SCHOOL PSYCHOLOGISTS, AND SCHOOL SOCIAL WORKERS;

18 (II) SALARIES AND BENEFITS OF SCHOOL PERSONNEL WHO DO NOT HOLD
19 EDUCATOR OR OTHER PROFESSIONAL LICENSES OR CERTIFICATIONS, INCLUDING BUT NOT
20 LIMITED TO PARAPROFESSIONALS, BUS DRIVERS, FOOD SERVICE EMPLOYEES, SCHOOL
21 SUPPORT STAFF, AND ATHLETIC COACHES;

22 (III) SUPPLIES, MATERIALS, EQUIPMENT, AND TECHNOLOGY INTENDED TO SERVE
23 AN INSTRUCTIONAL PURPOSE;

24 (IV) INSTRUCTIONAL SERVICES PURCHASED BY A SCHOOL DISTRICT FROM
25 INDIVIDUALS OR ENTITIES OUTSIDE THE SCHOOL DISTRICT;

26 (V) INSTRUCTIONAL SERVICES PROVIDED THROUGH ENTERPRISE PROGRAMS,
27 INCLUDING BUT NOT LIMITED TO PRESCHOOL, FULL-DAY KINDERGARTEN, BEFORE- AND
28 AFTER-SCHOOL PROGRAMS, TUTORING, AND EXTENDED-DAY PROGRAMS;

29 (VI) EXTRACURRICULAR STUDENT ACTIVITIES, INCLUDING BUT NOT LIMITED TO
30 ATHLETICS; AND

31 (VII) CERTAIN SUPPORT SERVICES PROVIDED AT THE SCHOOL LEVEL, INCLUDING:

1 (A) INSTRUCTIONAL SUPPORT, INCLUDING BUT NOT LIMITED TO THE
2 COORDINATION, DELIVERY, EVALUATION, AND TECHNOLOGICAL SUPPORT OF TEACHER
3 TRAINING AND PROFESSIONAL DEVELOPMENT, CURRICULUM DEVELOPMENT, AND
4 STUDENT TESTING;

5 (B) STUDENT SUPPORT, INCLUDING BUT NOT LIMITED TO THE COORDINATION,
6 DELIVERY, EVALUATION, AND TECHNOLOGICAL SUPPORT OF COLLEGE PLACEMENT
7 SERVICES, STUDENT HEALTH CARE AND MEDICAL SERVICES, NUTRITIONAL SERVICES, AND
8 ATTENDANCE AND OTHER STUDENT RECORD-KEEPING SERVICES;

9 (C) FOOD SERVICES FOR STUDENTS; AND

10 (D) TRANSPORTATION FOR STUDENTS.

11 (b) "SERVICES THAT DIRECTLY AFFECT STUDENT ACHIEVEMENT" DOES NOT
12 INCLUDE:

13 (I) CENTRAL SCHOOL DISTRICT OFFICE SERVICES AND BUSINESS SERVICES,
14 INCLUDING BUT NOT LIMITED TO ACCOUNTING, BUDGETING, PAYROLL, RECEIVING,
15 PURCHASING, PLANNING, RECRUITING, HUMAN RESOURCES ADMINISTRATION, RISK
16 MANAGEMENT ADMINISTRATION, AND COMMUNICATIONS;

17 (II) GENERAL SCHOOL DISTRICT ADMINISTRATION, INCLUDING BUT NOT LIMITED
18 TO:

19 (A) SALARIES AND BENEFITS OF SCHOOL DISTRICT SUPERINTENDENTS,
20 ASSISTANT SUPERINTENDENTS, AND OTHER PERSONNEL ASSOCIATED WITH CENTRAL
21 SCHOOL DISTRICT OFFICE SERVICES AND BUSINESS SERVICES, AS THESE SERVICES ARE
22 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b); AND

23 (B) ADMINISTRATIVE FUNCTIONS, INCLUDING BUT NOT LIMITED TO COSTS
24 ASSOCIATED WITH SCHOOL DISTRICT DIRECTORS, LEGAL MATTERS, AUDITS, FEES PAID TO
25 THE COUNTY TREASURER, AND ELECTIONS; OR

26 (III) OPERATIONS AND MAINTENANCE OF FACILITIES, INCLUDING BUT NOT
27 LIMITED TO PROPERTY INSURANCE PAYMENTS; MAINTENANCE AND REPAIR OF BUILDINGS,
28 GROUNDS, VENTILATION SYSTEMS, EQUIPMENT, AND SECURITY SYSTEMS; AND THE
29 SALARIES AND BENEFITS OF CUSTODIAL, MAINTENANCE, AND GROUNDS PERSONNEL.

30 (3) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.

1 **22-54.5-104. Annual budget reporting.** (1) EACH SCHOOL DISTRICT SHALL
2 PREPARE AN ANNUAL BUDGET AS REQUIRED BY SECTION 22-44-105 AND FILE THAT
3 BUDGET WITH THE DEPARTMENT OF EDUCATION ON OR BEFORE DECEMBER 31, 2007, AND
4 ON OR BEFORE DECEMBER 31 EACH YEAR THEREAFTER.

5 (2) THE STATE BOARD SHALL DESIGNATE A STANDARD FORMAT FOR THE SCHOOL
6 DISTRICTS' ANNUAL BUDGETS BY JULY 1, 2007.

7 (3) EACH SCHOOL DISTRICT SHALL ADOPT THE DESIGNATED ANNUAL BUDGET
8 FORMAT PURSUANT TO SECTION 22-44-110. THE STANDARD FORMAT FOR THE ANNUAL
9 BUDGET SHALL SUMMARIZE REVENUES BY REVENUE SOURCE AND SHALL SUMMARIZE
10 EXPENDITURES BY FUNCTION, FUND, AND OBJECT AS THESE TERMS ARE DEFINED IN
11 SECTION 22-44-102.

12 (4) THE ANNUAL BUDGET REPORT FORMAT DESIGNATED BY THE STATE BOARD
13 SHALL BE SUBSTANTIALLY CONSISTENT FROM YEAR TO YEAR.

14 **22-54.5-105. Expenditures on student services.** (1) EXCEPT AS OTHERWISE
15 PROVIDED IN SUBSECTION (2) OF THIS SECTION AND IN SECTION 22-54.5-106 (2), IN THE
16 2007-08 BUDGET YEAR, AND IN EACH BUDGET YEAR THEREAFTER, EACH SCHOOL
17 DISTRICT SHALL SPEND AT LEAST SIXTY-FIVE PERCENT OF ITS OPERATIONAL
18 EXPENDITURES ON SERVICES THAT DIRECTLY AFFECT STUDENT
19 ACHIEVEMENT. EXPENDITURES BY A CHARTER SCHOOL WITHIN A SCHOOL DISTRICT
20 SHALL NOT BE CONSIDERED EXPENDITURES BY THAT SCHOOL DISTRICT.

21 (2) A SCHOOL DISTRICT MAY HOLD A PUBLIC ELECTION FOR THE PURPOSE OF
22 DETERMINING WHETHER VOTERS IN THE SCHOOL DISTRICT WISH TO EXEMPT THE SCHOOL
23 DISTRICT FROM THE OPERATIONAL EXPENDITURES REQUIREMENT SPECIFIED IN
24 SUBSECTION (1) OF THIS SECTION. IF A MAJORITY OF VOTERS IN A SCHOOL DISTRICT VOTE
25 TO EXEMPT THE SCHOOL DISTRICT FROM THE OPERATIONAL EXPENDITURES
26 REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE SCHOOL DISTRICT
27 SHALL BE EXEMPT FROM THE OPERATIONAL EXPENDITURES REQUIREMENT.

28 (3) THE STATE BOARD SHALL ANNUALLY DETERMINE WHETHER A SCHOOL
29 DISTRICT HAS SATISFIED THE OPERATIONAL EXPENDITURES REQUIREMENT SPECIFIED IN
30 SUBSECTION (1) OF THIS SECTION. THE STATE BOARD SHALL BASE THIS DETERMINATION
31 UPON THE END-OF-YEAR FINANCIAL AUDIT OF THE SCHOOL DISTRICT'S BUDGET
32 CONDUCTED PURSUANT TO SECTION 22-32-109 (1) (k) AND NOT UPON THE ANNUAL
33 BUDGET PREPARED BY THE SCHOOL DISTRICT PURSUANT TO SECTIONS 22-44-105 AND
34 22-54.5-104.

1 (4) BEFORE DECEMBER 31, 2008, AND BEFORE DECEMBER 31 EACH YEAR
2 THEREAFTER, THE STATE BOARD SHALL REPORT TO THE GENERAL ASSEMBLY A LIST OF
3 ALL SCHOOL DISTRICTS IN THE STATE THAT:

4 (a) FAILED IN THE PRECEDING SCHOOL YEAR TO SATISFY THE OPERATIONAL
5 EXPENDITURES REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION; AND

6 (b) ARE NOT EXEMPT FROM THE OPERATIONAL EXPENDITURES REQUIREMENT
7 SPECIFIED IN SUBSECTION (1) OF THIS SECTION AS A RESULT OF A LOCAL ELECTION HELD
8 PURSUANT TO SUBSECTION (2) OF THIS SECTION OR A WAIVER ISSUED PURSUANT TO
9 SECTION 22-54.5-106 (2) (a).

10 (5) THE GENERAL ASSEMBLY MAY IMPOSE SANCTIONS UPON A SCHOOL DISTRICT
11 THAT FAILS TO SATISFY THE OPERATIONAL EXPENDITURES REQUIREMENT SPECIFIED IN
12 SUBSECTION (1) OF THIS SECTION UNLESS THE SCHOOL DISTRICT IS EXEMPT FROM THE
13 REQUIREMENT AS A RESULT OF A LOCAL ELECTION HELD PURSUANT TO SUBSECTION (2)
14 OF THIS SECTION OR A WAIVER ISSUED PURSUANT TO SECTION 22-54.5-106 (2) (a).

15 **22-54.5-106. Enforcement - waivers - local elections.** (1) EXCEPT AS
16 OTHERWISE PROVIDED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, IF A SCHOOL
17 DISTRICT FAILS TO SATISFY THE OPERATIONAL EXPENDITURES REQUIREMENT SPECIFIED
18 IN SECTION 22-54.5-105 (1) IN THE 2007-08 BUDGET YEAR OR A BUDGET YEAR
19 THEREAFTER, THE SCHOOL DISTRICT SHALL INCREASE ITS OPERATIONAL EXPENDITURES
20 ON SERVICES THAT DIRECTLY AFFECT STUDENT ACHIEVEMENT BY TWO PERCENT OF ITS
21 TOTAL OPERATIONAL EXPENDITURES EACH YEAR UNTIL THE SCHOOL DISTRICT SATISFIES
22 THE OPERATIONAL EXPENDITURES REQUIREMENT SPECIFIED IN SECTION 22-54.5-105 (1).

23 (2) (a) A SCHOOL DISTRICT THAT HAS FAILED TO SATISFY THE OPERATIONAL
24 EXPENDITURES REQUIREMENT SPECIFIED IN SECTION 22-54.5-105 (1) MAY APPLY TO THE
25 STATE BOARD FOR A WAIVER, PURSUANT TO SECTION 22-2-117, EXCUSING THE SCHOOL
26 DISTRICT FROM COMPLIANCE WITH THE OPERATIONAL EXPENDITURES REQUIREMENT.

27 (b) A SCHOOL DISTRICT THAT APPLIES FOR A WAIVER PURSUANT TO THIS
28 SUBSECTION (2) SHALL SPECIFY IN THE APPLICATION THE MANNER IN WHICH IT SHALL
29 COMPLY WITH THE INTENT OF THE OPERATIONAL EXPENDITURES REQUIREMENT AND
30 SHALL BE ACCOUNTABLE TO THE STATE BOARD FOR SUCH COMPLIANCE.

31 (c) IF A SCHOOL DISTRICT THAT HAS FAILED TO MEET THE OPERATIONAL
32 EXPENDITURES REQUIREMENT SPECIFIED IN SECTION 22-54.5-105 (1) APPLIES TO THE
33 STATE BOARD FOR A WAIVER PURSUANT TO THIS SUBSECTION (2), THE STATE BOARD
34 MAY, PURSUANT TO SECTION 22-2-117, APPROVE A WAIVER EXCUSING THE SCHOOL
35 DISTRICT FROM COMPLIANCE WITH THE OPERATIONAL EXPENDITURES REQUIREMENT.

1 (d) THE STATE BOARD MAY IDENTIFY CRITERIA FOR APPROVAL OR DENIAL OF A
2 WAIVER PURSUANT TO THIS SUBSECTION (2).

3 (e) IF THE STATE BOARD GRANTS A WAIVER TO A SCHOOL DISTRICT PURSUANT
4 TO THIS SUBSECTION (2), THE STATE BOARD MAY ORALLY NOTIFY THE SCHOOL DISTRICT
5 OF THE DECISION TO GRANT THE WAIVER. IF THE STATE BOARD DENIES A WAIVER TO A
6 SCHOOL DISTRICT PURSUANT TO THIS SUBSECTION (2), THE STATE BOARD SHALL NOTIFY
7 THE SCHOOL DISTRICT IN WRITING THAT THE REQUEST HAS BEEN DENIED AND SPECIFY
8 THE REASONS FOR THE DENIAL.

9 (f) IF THE STATE BOARD GRANTS A WAIVER TO A SCHOOL DISTRICT PURSUANT TO
10 THIS SUBSECTION (2), THE WAIVER SHALL BE VALID FOR ONE YEAR, AFTER WHICH TIME
11 THE SCHOOL DISTRICT SHALL EITHER:

12 (I) MEET THE OPERATIONAL EXPENDITURES REQUIREMENT SPECIFIED IN SECTION
13 22-54.5-105 (1);

14 (II) REAPPLY TO THE STATE BOARD FOR ANOTHER WAIVER; OR

15 (III) BECOME EXEMPT FROM THE OPERATIONAL EXPENDITURES REQUIREMENT
16 SPECIFIED IN SECTION 22-54.5-105 (1) AS THE RESULT OF A PUBLIC ELECTION HELD
17 PURSUANT TO SECTION 22-54.5-105 (2).

18 (3) PURSUANT TO SECTION 22-54.5-105 (2), THE VOTERS OF A SCHOOL DISTRICT
19 MAY, THROUGH A PUBLIC ELECTION, EXEMPT THE SCHOOL DISTRICT FROM THE
20 OPERATIONAL EXPENDITURES REQUIREMENT SPECIFIED IN SECTION 22-54.5-105 (1).

21 **SECTION 2.** 22-44-111, Colorado Revised Statutes, is amended BY THE
22 ADDITION OF A NEW SUBSECTION to read:

23 **22-44-111. Budget - filing.** (3) THE BOARD OF EDUCATION SHALL REPORT ITS
24 ADOPTED BUDGET TO THE DEPARTMENT OF EDUCATION ON OR BEFORE DECEMBER 31,
25 2007, AND ON OR BEFORE DECEMBER 31 EACH YEAR THEREAFTER, IN ACCORDANCE WITH
26 SECTION 22-54.5-104.

27 **SECTION 3. Appropriation.** In addition to any other appropriation, there is
28 hereby appropriated, out of any moneys in the general fund not otherwise appropriated,
29 to the department of education, for the fiscal year beginning July 1, 2006, the sum of
30 twenty-five thousand two hundred forty-five dollars (\$25,245) and 0.3 FTE, or so much
31 thereof as may be necessary, for the implementation of this act.

1 **SECTION 4. Refer to people under referendum.** This act shall be submitted
2 to a vote of the registered electors of the state of Colorado at the next biennial regular
3 general election, for their approval or rejection, under the provisions of the referendum
4 as provided for in section 1 of article V of the state constitution, and in article 40 of title
5 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting
6 for or against said act shall cast a vote as provided by law either "Yes" or "No" on the
7 proposition: "SHALL COLORADO STATE LAW REQUIRE THAT IN EACH STATE FISCAL YEAR
8 A SCHOOL DISTRICT SPEND AT LEAST SIXTY-FIVE PERCENT OF ITS OPERATIONAL
9 EXPENDITURES ON SERVICES THAT DIRECTLY AFFECT STUDENT ACHIEVEMENT?" The
10 votes cast for the adoption or rejection of said act shall be canvassed and the result
11 determined in the manner provided by law for the canvassing of votes for representatives
12 in Congress.