

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).