

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

**ENGROSSED**

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

LLS NO. 10-0188.01 Nicole Myers

**HOUSE BILL 10-1013**

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**HOUSE SPONSORSHIP**

**Middleton**, Massey, Merrifield, Scanlan, Stephens

**SENATE SPONSORSHIP**

**Romer**, King K., Spence, Steadman

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE MODIFICATION OF CERTAIN PROVISIONS RELATED**  
102             **TO THE ADMINISTRATION OF PUBLIC SCHOOLS FROM**  
103             **KINDERGARTEN THROUGH THE TWELFTH GRADE.**

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**Bill Summary**

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

**Interim Committee to Study School Finance. Section 1** requires school districts to provide funding for capital construction to each qualified charter school in the district by making a monthly payment to the qualified charter school after the school district has received the monthly payment from the department of education (department). **Section 2** requires the department to provide funding for capital

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

HOUSE  
Amended 2nd Reading  
April 15, 2010

construction to the state charter school institute by making a monthly payment to the institute and requires the institute to promptly remit the appropriate amount to each qualified institute charter school. Both **sections 1 and 2** are conforming amendments necessary due to a change, made during the 2009 legislative session, in the way capital construction moneys are distributed to charter schools.

**Section 3** eliminates a local board of education's authority to negotiate business incentive agreements (BIAs) with a taxpayer who establishes a new business facility in the school district. **Section 5** eliminates the provision allowing any school district that has entered into a business incentive agreement with a taxpayer to receive state share of total program funding in an amount equal to the amount of the incentive payment or credit to the taxpayer pursuant to the agreement. This funding is in lieu of property taxes that are not collected by the district due to the agreement. School districts were prohibited from entering into new agreements after May 22, 2003. Only 2 districts still have an agreement in place, and those agreements will expire in the 2010-11 budget year. Money has not been appropriated for funding the agreements since the 2006-07 budget year. **Sections 4 and 10** make conforming amendments necessary due to the elimination of BIAs.

**Section 6.** During the 2009 legislative session, the amount of additional local property tax revenues that a school district may receive was increased from 20% to 25% of the district's total program. To retain the additional 5%, the statute requires a district to notify the state board of education when it plans to seek voter approval to retain and spend the additional property tax revenues and to submit a proposal of what the district will do with the additional revenues. Section 6 eliminates the notification requirements but still allows a district to receive up to 25% of the district's total program from additional local property tax revenues.

**Section 7** eliminates the requirement that the department reduce a school district's state share of total program funding by an amount equal to the payment that the district receives as impact assistance in lieu of taxes from the division of wildlife. **Section 11** eliminates the requirement that the district certify to the department the amount it receives from impact funds.

**Section 8.** The general assembly is required to make an annual appropriation for matching funds pursuant to the "National School Lunch Act". Prior to the budget year in which the general assembly began to appropriate moneys for the matching funds, some school food authorities used moneys from the authority's general fund to subsidize school lunches. Those authorities are prohibited from using the matching fund moneys in lieu of the general fund moneys they were already spending on school lunches. Section 8 eliminates the prohibition.

**Section 9.** In the 2008 legislative session, the general assembly increased the charter school capital construction appropriation and

required that a specific amount of the increase be distributed to a charter school for the deaf and blind for the 2008-09 budget year only. Section 9 eliminates language that was necessary in connection with the distribution of these moneys. **Section 12** is a conforming amendment necessitated by the repeal in section 9.

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

2 **SECTION 1.** 22-30.5-112.3 (1) (c), Colorado Revised Statutes,  
3 is amended to read:

4 **22-30.5-112.3. Charter schools - additional aid from district.**

5 (1) (c) A district shall provide funding to each qualified charter school,  
6 as defined in section 22-54-124 (1) (f.6), by making a ~~single lump-sum~~  
7 MONTHLY payment to the qualified charter school as soon as possible  
8 after the district receives a ~~lump-sum~~ MONTHLY payment of state  
9 education fund moneys pursuant to section 22-54-124 (4).

10 **SECTION 2.** 22-30.5-515 (3), Colorado Revised Statutes, is  
11 amended to read:

12 **22-30.5-515. Institute charter school - additional aid.** (3) The  
13 department shall provide funding to each qualified charter school that is  
14 an institute charter school by making a ~~single lump-sum~~ MONTHLY  
15 payment to the institute as soon as possible after the department receives  
16 a ~~lump-sum~~ MONTHLY payment of state education fund moneys pursuant  
17 to section 22-54-124. The institute shall promptly remit the appropriate  
18 amount to each eligible institute charter school and shall not withhold any  
19 portion of the amount.

20 **SECTION 3. Repeal.** 22-32-110 (1) (ff) and (1) (gg), Colorado  
21 Revised Statutes, are repealed as follows:

22 **22-32-110. Board of education - specific powers.** (1) In  
23 addition to any other power granted to a board of education of a school

1 district by law, each board of education of a school district shall have the  
2 following specific powers, to be exercised in its judgment:

3 ~~(ff) (f) To negotiate for an incentive payment or credit with any~~  
4 ~~taxpayer who establishes a new business facility, as defined in section~~  
5 ~~39-30-105 (7) (e), C.R.S., in the school district; however, no negotiations~~  
6 ~~may be entered into with any taxpayer establishing a new business facility~~  
7 ~~unless the school district has been notified, pursuant to sections~~  
8 ~~30-11-123 (5) and 31-15-903 (4), C.R.S., by any county and by any~~  
9 ~~municipality in which the new business facility would be located of~~  
10 ~~agreements negotiated by the local governments with the taxpayer. In no~~  
11 ~~instance shall any negotiation result in an annual incentive payment or~~  
12 ~~credit that exceeds fifty percent of the amount of the taxes levied by the~~  
13 ~~school district upon the taxable personal property located at or within the~~  
14 ~~new business facility and used in connection with the operation of the~~  
15 ~~new business facility for the current property tax year. An agreement~~  
16 ~~negotiated pursuant to this paragraph (ff) prior to July 1, 1994, shall be~~  
17 ~~valid. Any school district that negotiates any agreement pursuant to the~~  
18 ~~provisions of this paragraph (ff) shall inform any county and any~~  
19 ~~municipality in which a new business facility would be located of the~~  
20 ~~negotiations. The terms of any agreement made pursuant to the~~  
21 ~~provisions of this paragraph (ff) shall not exceed four years; except that~~  
22 ~~the term of any agreement made or amended on or after June 3, 2002,~~  
23 ~~may extend to as many as ten years, including the term of any original~~  
24 ~~agreement being renewed, if the county, and if applicable the~~  
25 ~~municipality, in which a new business facility is established have~~  
26 ~~negotiated agreements with the same taxpayer for the same period~~  
27 ~~pursuant to sections 30-11-123 (1) (b) and 31-15-903 (1) (b), C.R.S.~~

1           ~~(H) On or after June 3, 2002, a school district board of education~~  
2           ~~shall not enter into an agreement to provide an incentive payment or~~  
3           ~~credit pursuant to subparagraph (I) of this paragraph (ff) unless the~~  
4           ~~Colorado economic development commission has reviewed the~~  
5           ~~agreement.~~

6           ~~(HH) Notwithstanding any other provision of law, on or after May~~  
7           ~~22, 2003, a school district shall not enter into an agreement to provide an~~  
8           ~~incentive payment or credit pursuant to subparagraph (I) of this paragraph~~  
9           ~~(ff).~~

10           ~~(gg) (I) To negotiate for an incentive payment or credit with any~~  
11           ~~taxpayer who expands a facility, as defined in section 39-30-105 (7) (c),~~  
12           ~~C.R.S., the expansion of which constitutes a new business facility, as~~  
13           ~~defined in section 39-30-105 (7) (e), C.R.S., and that is located in the~~  
14           ~~school district; however, no negotiations may be entered into with any~~  
15           ~~taxpayer expanding a facility unless the school district has been notified,~~  
16           ~~pursuant to sections 30-11-123 (5) and 31-15-903 (4), C.R.S., by any~~  
17           ~~county and by any municipality in which the expanded business facility~~  
18           ~~is located of agreements negotiated by the local governments with the~~  
19           ~~taxpayer. In no instance shall any negotiation result in an annual~~  
20           ~~incentive payment or credit that is greater than fifty percent of the amount~~  
21           ~~of the taxes levied by the school district upon the taxable personal~~  
22           ~~property directly attributable to the expansion, located at or within the~~  
23           ~~expanded facility, and used in connection with the operation of the~~  
24           ~~expanded facility for the current property tax year. An agreement~~  
25           ~~negotiated pursuant to this paragraph (gg) prior to July 1, 1994, shall be~~  
26           ~~valid. Any school district which negotiates any agreement pursuant to the~~  
27           ~~provisions of this paragraph (gg) shall inform any county and any~~

1 ~~municipality in which an expanded business facility is located of the~~  
2 ~~negotiations. The terms of any agreement made pursuant to the~~  
3 ~~provisions of this paragraph (gg) shall not exceed four years; except that~~  
4 ~~the term of any agreement made or amended on or after June 3, 2002,~~  
5 ~~may extend to as many as ten years, including the term of any original~~  
6 ~~agreement being renewed, if the county, and if applicable the~~  
7 ~~municipality, in which an expanded business facility is located have~~  
8 ~~negotiated agreements with the same taxpayer for the same period~~  
9 ~~pursuant to sections 30-11-123 (2) and 31-15-903 (2), C.R.S.~~

10 ~~(H) On or after June 3, 2002, a school district board of education~~  
11 ~~shall not enter into an agreement to provide an incentive payment or~~  
12 ~~credit pursuant to subparagraph (I) of this paragraph (gg) unless the~~  
13 ~~Colorado economic development commission has reviewed the~~  
14 ~~agreement.~~

15 ~~(HH) Notwithstanding any other provision of law, on or after May~~  
16 ~~22, 2003, a school district shall not enter into an agreement to provide an~~  
17 ~~incentive payment or credit pursuant to subparagraph (I) of this paragraph~~  
18 ~~(gg).~~

19 **SECTION 4.** 22-54-104.1 (2), Colorado Revised Statutes, is  
20 amended to read:

21 **22-54-104.1. General fund appropriations requirements -**  
22 **maintenance of effort base.** (2) For purposes of this section,  
23 "maintenance of effort base" means the aggregate amount of general fund  
24 appropriations for total program pursuant to the provisions of this article  
25 for the immediately preceding state fiscal year, including ANY INCREASES  
26 OR DECREASES MADE TO SAID APPROPRIATIONS THROUGH THE ENACTMENT  
27 OF A SUPPLEMENTAL APPROPRIATION BILL OR BILLS FOR THAT STATE

1 FISCAL YEAR.

2 ~~(a) Any increases or decreases made to said appropriations~~  
3 ~~through the enactment of a supplemental appropriation bill or bills for~~  
4 ~~that state fiscal year; and~~

5 ~~(b) Any general fund appropriation for the state's share of the~~  
6 ~~district's total program as determined pursuant to section 22-54-106 (8).~~

7 **SECTION 5.** 22-54-106 (1) (b), (4) (d), and (8), Colorado  
8 Revised Statutes, are amended to read:

9 **22-54-106. Local and state shares of district total program.**

10 (1) (b) Except as provided in ~~subsections (8), (11)~~, SUBSECTIONS (11) and  
11 (12) of this section, the state's share of a district's total program shall be  
12 the difference between the district's total program and the district's share  
13 of its total program; except that no district shall receive less in state aid  
14 than an amount established by the general assembly in the annual general  
15 appropriation act based upon the amount of school lands and mineral  
16 lease moneys received pursuant to the provisions of article 41 of this title  
17 and section 34-63-102 (2), C.R.S., multiplied by the district's funded  
18 pupil count.

19 ~~(4) (d) For purposes of this subsection (4), "state's share of the~~  
20 ~~total program of all districts" does not include the aggregate amount of~~  
21 ~~additional state aid provided pursuant to subsection (8) of this section to~~  
22 ~~all districts that have entered into agreements with taxpayers pursuant to~~  
23 ~~section 22-32-110 (1) (ff) or (1) (gg).~~

24 (8) (a) (I) ~~Subject to the limitations in subparagraph (II) of this~~  
25 ~~paragraph (a), for any school district that has entered into an agreement~~  
26 ~~with a taxpayer pursuant to section 22-32-110 (1) (ff) or (1) (gg) before~~  
27 ~~May 22, 2003, the state's share of the district's total program shall be the~~

1 amount by which the district's total program exceeds the amount of  
2 specific ownership tax revenue paid to the district and the amount of  
3 property tax revenue that the district would have been entitled to receive  
4 if the valuation for assessment of the district did not include the portion  
5 of the valuation for assessment of the personal property of such taxpayer  
6 that, when levied upon by the district, would result in property tax  
7 revenue equal to the amount of incentive payment or credit to such  
8 taxpayer pursuant to such agreement.

9 (H) For the 1995-96 budget year and budget years thereafter until  
10 the earlier of the 2012-13 budget year or ten years after the creation of an  
11 agreement entered into pursuant to section 22-32-110 (1) (ff) or (1) (gg)  
12 before May 22, 2003, the department of education shall ensure that the  
13 amount of the state's share of the district's total program, as calculated  
14 pursuant to subparagraph (I) of this paragraph (a), does not exceed the  
15 amount of the state's share of the district's total program that would  
16 otherwise have resulted if the taxpayer had not established the new  
17 business facility or expanded the existing facility. The state board shall  
18 prescribe, by rule and regulation, guidelines for the department to use in  
19 making the determination concerning the state's share pursuant to this  
20 subparagraph (H).

21 (b) The calculation required by paragraph (a) of this subsection  
22 (8) is solely for the purpose of determining the state's share of a district's  
23 total program if the district has entered into an agreement pursuant to  
24 section 22-32-110 (1) (ff) or (1) (gg), and nothing in this subsection (8)  
25 shall be construed to decrease the valuation for assessment of personal  
26 property in the district or to affect the number of mills required by  
27 subsection (2) of this section or section 22-54-107 to be levied on the



1 valuation for assessment of real and personal property in the district.

2 (c) Nothing in this subsection (8) shall be construed to increase a  
3 district's total program as determined in accordance with section  
4 22-54-104.

5 (d) The state's share of a district's total program shall only be  
6 calculated under the provisions of this subsection (8) for a period of ten  
7 years as a result of an agreement or series of agreements between the  
8 district and a taxpayer with respect to the establishment of the same new  
9 business facility or the same specific expansion of an existing facility.

10 (e) (I) For the 2005-06 budget year and each budget year  
11 thereafter, if the general assembly does not appropriate an amount  
12 sufficient to fully fund the amount of additional state aid available  
13 pursuant to paragraph (a) of this subsection (8) to all districts that have  
14 entered into an agreement with a taxpayer pursuant to section 22-32-110  
15 (1) (ff) or (1) (gg), or if a supplemental appropriation is made to reduce  
16 or eliminate the additional state aid that such districts would otherwise  
17 receive pursuant to paragraph (a) of this subsection (8), the additional  
18 state aid that each such district would otherwise receive pursuant to  
19 paragraph (a) of this subsection (8) shall be reduced by a percentage  
20 determined by dividing the deficit in such appropriation or the reduction  
21 in the appropriation, whichever is applicable, by the total amount of  
22 additional state aid that such districts would have received pursuant to  
23 paragraph (a) of this subsection (8) absent the deficit or reduction in the  
24 appropriation. The department of education shall ensure that the  
25 reduction in state aid required by this paragraph (e) is accomplished prior  
26 to the end of the budget year.

27 (H) For purposes of this section, "additional state aid" means the

1 difference between:

2 ~~(A) The amount of the state's share of a district's total program~~  
3 ~~calculated in accordance with paragraph (a) of this subsection (8); and~~

4 ~~(B) The amount of what the state's share of such district's total~~  
5 ~~program would have been if the valuation for assessment of the district~~  
6 ~~that entered into an agreement with a taxpayer pursuant to section~~  
7 ~~22-32-110 (1) (ff) or (1) (gg) included the portion of the valuation for~~  
8 ~~assessment of the personal property of the taxpayer which, when levied~~  
9 ~~upon by the district, would result in property tax revenue equal to the~~  
10 ~~amount of incentive payment or credit to such taxpayer pursuant to such~~  
11 ~~agreement.~~

12 **SECTION 6.** 22-54-108 (3) (b) (III) and (4), Colorado Revised  
13 Statutes, are amended to read:

14 **22-54-108. Authorization of additional local revenues.**

15 (3) (b) (III) On and after May 21, 2009, for any district that meets the  
16 requirements of subsection (4) of this section, the total additional local  
17 property tax revenues that may be received pursuant to an election held  
18 pursuant to this section shall not exceed under any circumstances  
19 twenty-five percent of the district's total program, as determined pursuant  
20 to section 22-54-104 (2), or two hundred thousand dollars, whichever is  
21 greater, plus an amount equal to the maximum dollar amount of property  
22 tax revenue that the district could have generated for the 2001-02 budget  
23 year if, in accordance with the provisions of section 22-54-107.5, the  
24 district submitted a question to and received approval of the eligible  
25 electors of the district at an election held in November 2001.

26 ~~(4) (a) On and after May 21, 2009, any district that intends to seek~~  
27 ~~voter approval to retain and spend additional property tax revenues~~

1 pursuant to subparagraph (III) of paragraph (b) of subsection (3) of this  
2 section shall notify the state board, in a manner to be determined by the  
3 state board, prior to holding an election pursuant to this section.

4 (b) Any district that submits notice to the state board pursuant to  
5 paragraph (a) of this subsection (4) shall also submit to the state board a  
6 proposal regarding the district's proposed use of the additional property  
7 tax revenues, which may include capital construction projects.

8

9 **SECTION 7.** 22-54-123 (1), Colorado Revised Statutes, is  
10 amended to read:

11 **22-54-123. National school lunch act - appropriation of state**  
12 **matching funds.** (1) For the 2001-02 budget year and budget years  
13 thereafter, the general assembly shall appropriate by separate line item an  
14 amount to comply with the requirements for state matching funds under  
15 the federal "National School Lunch Act", 42 U.S.C. sec. 1751 et seq. The  
16 department of education shall develop procedures to allocate and disburse  
17 the funds among participating school food authorities each year in an  
18 equitable manner so as to comply with the requirements of said act. In  
19 any participating school food authority that, prior to the enactment of this  
20 section, subsidized school lunch service with moneys from the school  
21 food authority's general fund, moneys received by such school food  
22 authority pursuant to this section shall be applied in addition to, and not  
23 in lieu of, the amount of the school food authority's subsidy. Any moneys  
24 received pursuant to this section shall be used only for the provision of  
25 the school food authority's school lunch program.

26 **SECTION 8.** The introductory portion to 22-54-128 (2) and  
27 22-54-128 (4), (6), and (8), Colorado Revised Statutes, are amended, and

1 the said 22-54-128 is further amended BY THE ADDITION OF A NEW  
2 SUBSECTION, to read:

3 **22-54-128. Military dependent supplemental pupil enrollment**  
4 **aid - definitions.** (2) For the 2007-08 through ~~2010-11~~ budget years  
5 2009-10 BUDGET YEARS, any school district may apply for military  
6 dependent supplemental pupil enrollment aid pursuant to this section. A  
7 district shall be eligible for such aid only if:

8 (4) On or before January 15, 2008, and on or before January 15  
9 each year thereafter through ~~January 15, 2011~~ JANUARY 15, 2010, any  
10 school district may apply for military dependent supplemental pupil  
11 enrollment aid pursuant to this section by submitting to the department of  
12 education an estimate of the district's military dependent supplemental  
13 pupil enrollment for the applicable budget year.

14 (6) Notwithstanding the provisions of section 24-37-304 (1) (b.5),  
15 C.R.S., on or before March 1, 2008, and on or before March 1 each year  
16 thereafter through ~~March 1, 2011~~ MARCH 1, 2010, the department of  
17 education shall submit a request to the general assembly for a  
18 supplemental appropriation in an amount that will fully fund the  
19 aggregate amount of the military dependent supplemental pupil  
20 enrollment aid allowed for the budget year pursuant to subsection (3) of  
21 this section. The department shall calculate the amount of the request by  
22 applying the total military dependent supplemental pupil enrollment  
23 submitted to the department by all eligible districts pursuant to subsection  
24 (5) of this section to the formula specified in subsection (3) of this  
25 section. The department shall make the request to the general assembly  
26 during the fiscal year in which the school districts apply for the military  
27 dependent supplemental pupil enrollment aid.

1           (8) ~~This section is repealed, effective July 1, 2011.~~

2           (9) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE  
3           CONTRARY, IN ANY BUDGET YEAR IN WHICH THE DEPARTMENT OF  
4           EDUCATION REQUESTS IN ITS ANNUAL BUDGET REQUEST AN  
5           APPROPRIATION FOR THE PURPOSE OF FUNDING MILITARY DEPENDENT  
6           SUPPLEMENTAL PUPIL ENROLLMENT AID AND THE GENERAL ASSEMBLY  
7           MAKES AN APPROPRIATION FOR SUCH PURPOSE, THE APPLICABLE  
8           PROVISIONS OF THIS SECTION SHALL BE IN EFFECT FOR THE APPLICABLE  
9           BUDGET YEAR.

10           **SECTION 9. Repeal.** 22-54-133, Colorado Revised Statutes, is  
11           repealed as follows:

12           **22-54-133. Charter school for the deaf and the blind -**  
13           **supplementary funding - definitions.** ~~(1) As used in this section, unless~~  
14           ~~the context otherwise requires, "charter school for the deaf or the blind"~~  
15           ~~means a charter school, as defined in section 22-54-124 (1) (b), in which~~  
16           ~~no less than ninety percent of the funded pupils have an individualized~~  
17           ~~education program pursuant to section 22-20-108 and are eligible to~~  
18           ~~attend the Colorado school for the deaf and the blind pursuant to section~~  
19           ~~22-80-109.~~

20           ~~(2) For the 2008-09 budget year, of the moneys appropriated for~~  
21           ~~the purposes of section 22-54-124 (3), one hundred thirty-five thousand~~  
22           ~~dollars of such amount shall be used for the purposes of this section. This~~  
23           ~~section shall not affect the ability of a charter school for the deaf or the~~  
24           ~~blind to apply for and to be eligible to receive additional moneys pursuant~~  
25           ~~to section 22-54-124 (3).~~

26           ~~(3) The department of education shall distribute moneys under this~~  
27           ~~section to the authorizer of a charter school for the deaf or the blind, and~~

1 the authorizer shall distribute all moneys received under this section to the  
2 charter schools for the deaf or the blind and may not retain any of such  
3 moneys to defray administrative expenses or for any other purpose. A  
4 charter school for the deaf or the blind shall use moneys it receives  
5 pursuant to this section solely for operating costs that are not defrayed by  
6 other funding sources. Moneys received pursuant to this section and  
7 section 22-54-124 shall not be considered in the calculation of excess  
8 costs pursuant to section 22-20-109.

9 (4) ~~No later than February 1, 2009, the department of education~~  
10 ~~shall report to the education committees of the senate and the house of~~  
11 ~~representatives, or any successor committees, and the joint budget~~  
12 ~~committee of the expected change, if any, in need for funding under this~~  
13 ~~section.~~

14 **SECTION 10.** 22-55-105 (2), Colorado Revised Statutes, is  
15 amended to read:

16 **22-55-105. General fund appropriations requirements -**  
17 **maintenance of effort base.** (2) For purposes of this section,  
18 "maintenance of effort base" means the aggregate amount of general fund  
19 appropriations for total program pursuant to the "Public School Finance  
20 Act of 1994", article 54 of this title, for the immediately preceding state  
21 fiscal year, including ANY INCREASES OR DECREASES MADE TO SAID  
22 APPROPRIATIONS THROUGH THE ENACTMENT OF A SUPPLEMENTAL  
23 APPROPRIATION BILL OR BILLS FOR THAT STATE FISCAL YEAR.

24 (a) ~~Any increases or decreases made to said appropriations~~  
25 ~~through the enactment of a supplemental appropriation bill or bills for~~  
26 ~~that state fiscal year; and~~

27 (b) ~~Any general fund appropriation for the state's share of the~~

1 district's total program as determined pursuant to section 22-54-106 (8).

2

3 **SECTION 11.** 22-54-124 (3) (a) (III) (A), Colorado Revised  
4 Statutes, is amended to read:

5 **22-54-124. State aid for charter schools - use of state education**  
6 **fund moneys - definitions.** (3) (a) (III) (A) The total amount of state  
7 education fund moneys to be appropriated for all eligible districts and for  
8 all eligible institute charter schools for the 2003-04, 2004-05, 2005-06,  
9 and 2007-08 budget years and each budget year thereafter shall be an  
10 amount equal to five million dollars. For the 2006-07 budget year, seven  
11 million eight hundred thousand dollars shall be appropriated for all  
12 eligible districts and for all eligible institute charter schools from the state  
13 education fund. For the 2008-09 budget year, an additional one hundred  
14 thirty-five thousand dollars shall be appropriated from the state education  
15 fund and shall be distributed pursuant to section 22-54-133, AS SAID  
16 SECTION EXISTED PRIOR TO ITS REPEAL IN 2010.

17 **SECTION 12.** The introductory portion to 22-2-106 (1) (a.5),  
18 Colorado Revised Statutes, is amended to read:

19 **22-2-106. State board - duties.** (1) It is the duty of the state  
20 board:

21 (a.5) To adopt, on or before ~~December 15, 2009~~ DECEMBER 15,  
22 2011, a comprehensive set of guidelines for the establishment of high  
23 school graduation requirements to be used by each school district board  
24 of education in developing local high school graduation requirements.  
25 Each school district board of education shall retain the authority to  
26 develop its own unique high school graduation requirements, so long as  
27 those local high school graduation requirements meet or exceed any

1 minimum standards or basic core competencies or skills identified in the  
2 comprehensive set of guidelines for high school graduation developed by  
3 the state board pursuant to this paragraph (a.5). In developing the  
4 guidelines for high school graduation, the state board shall utilize the  
5 recommendations of the state graduation guidelines development council  
6 established in section 22-7-414, as it existed prior to July 1, 2008, and  
7 shall:

8 **SECTION 13.** 22-2-306 (3) (b) and (4) (b), Colorado Revised  
9 Statutes, are amended to read:

10 **22-2-306. Advance notice - legislative declaration - data**  
11 **collection - data submission changes - web site update - submission**  
12 **windows.** (3) (b) Notwithstanding any provision of paragraph (a) of this  
13 subsection (3) to the contrary, if federally required OR STATE-REQUIRED  
14 timelines for implementing federal data reporting requirements conflict  
15 with the provisions of paragraph (a) of this subsection (3), the  
16 department, the school districts, and the public schools shall comply with  
17 the federally required timelines.

18 (4) (b) Notwithstanding any provision of paragraph (a) of this  
19 subsection (4) to the contrary, if federally required OR STATE-REQUIRED  
20 timelines for implementing federal data reporting requirements conflict  
21 with the provisions of paragraph (a) of this subsection (4), the state board,  
22 the school districts, and the public schools shall comply with the federally  
23 required timelines.

24 **SECTION 14.** 22-5.5-106 (4), Colorado Revised Statutes, is  
25 amended to read:

26 **22-5.5-106. Funding.** (4) Funding for a regional service area  
27 after the first grant pursuant to this section is contingent upon the



1 successful implementation of the regional service area's plan, as evaluated  
2 by the state board and the department. The state board shall annually  
3 notify each regional service council on or before ~~August 1~~ SEPTEMBER 1  
4 regarding whether the regional service area will receive moneys pursuant  
5 to subsections (2) and (3) of this section in the coming year and the  
6 amounts.

7 **SECTION 15.** 22-7-1004 (3) (a), Colorado Revised Statutes, is  
8 amended to read:

9 **22-7-1004. School readiness description - school readiness**  
10 **assessment - adoption - revisions.** (3) (a) On or before ~~July 1, 2015~~  
11 JULY 1, 2017, and on or before July 1 every six years thereafter, the state  
12 board shall review the school readiness description ~~and the school~~  
13 ~~readiness assessments~~ and shall adopt any appropriate revisions to ~~either~~  
14 ~~the description. or the assessments~~ THE STATE BOARD SHALL REVIEW THE  
15 SCHOOL READINESS ASSESSMENTS AND ADOPT ANY APPROPRIATE  
16 REVISIONS TO THE SCHOOL READINESS ASSESSMENTS WHEN THE BOARD  
17 REVIEWS THE ASSESSMENTS AS SPECIFIED IN SECTION 22-7-1006 (5).

18 **SECTION 16.** 22-7-1005 (6), Colorado Revised Statutes, is  
19 amended to read:

20 **22-7-1005. Preschool through elementary and secondary**  
21 **education - aligned standards - adoption - revisions.** (6) On or before  
22 ~~July 1, 2015~~ JULY 1, 2018, and on or before July 1 every six years  
23 thereafter, the state board shall review and adopt any appropriate  
24 revisions to the preschool through elementary and secondary education  
25 standards specified in this section. In adopting revisions, the state board  
26 may add or delete one or more of the specific instructional areas based on  
27 the needs of the state and changes in national and international academic

1 expectations. In adopting revisions to the standards pursuant to this  
2 subsection (6), the state board shall ensure that the standards continue to  
3 meet the requirements specified in subsection (3) of this section.

4 **SECTION 17.** The introductory portion to 22-7-1006 (1) (a) and  
5 22-7-1006 (5), Colorado Revised Statutes, are amended to read:

6 **22-7-1006. Preschool through elementary and secondary**  
7 **education - aligned assessments - adoption - revisions.** (1) (a) On or  
8 before December 15, 2010, OR AS SOON THEREAFTER AS FISCALLY  
9 PRACTICABLE, the state board shall adopt a system of assessments that are  
10 aligned with the preschool through elementary and secondary education  
11 standards and are designed to measure students' levels of attainment of  
12 the standards and to longitudinally measure students' academic progress  
13 toward attaining the standards and toward attaining postsecondary and  
14 workforce readiness. In adopting the system of assessments, the state  
15 board shall ensure, at a minimum, that the system is designed to:

16 (5) ~~On or before July 1, 2016, and on or before July 1 every six~~  
17 ~~years thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF THE SYSTEM  
18 OF ASSESSMENTS PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS  
19 SECTION, the state board shall review and adopt any appropriate revisions  
20 to ~~the~~ SUCH system of assessments. ~~specified in this section.~~ The state  
21 board may adopt revisions to an assessment or adopt additional  
22 assessments, regardless of whether it adopts any revision to the standards  
23 with which the assessment is aligned. In adopting revisions to the system  
24 of assessments, the state board shall ensure that the system of assessments  
25 continues to meet the requirements specified in this section.

26 **SECTION 18.** 22-7-1008 (2) (a) and (3) (b), Colorado Revised  
27 Statutes, are amended to read:

1           **22-7-1008. Postsecondary and workforce readiness description**

2           **- postsecondary and workforce planning, preparation, and readiness**

3           **assessments - adoption - revision.** (2) (a) On or before December 15,

4           2010, OR AS SOON THEREAFTER AS FISCALLY PRACTICABLE, the state board

5           and the commission shall negotiate a consensus and adopt one or more

6           postsecondary and workforce planning assessments, postsecondary and

7           workforce preparation assessments, and postsecondary and workforce

8           readiness assessments that local education providers shall administer

9           pursuant to section 22-7-1016. The state board and the commission shall

10          base the selection of the postsecondary and workforce planning,

11          preparation, and readiness assessments on the information received

12          through the operation of the pilot program, ensuring that the selected

13          assessments are aligned with the standards for grades nine through twelve

14          and with the description of postsecondary and workforce readiness.

15          (3) (b) ~~On or before July 1, 2016, and on or before July 1 every six~~

16          ~~years thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF THE

17          POSTSECONDARY AND WORKFORCE PLANNING, PREPARATION, AND

18          READINESS ASSESSMENTS PURSUANT TO PARAGRAPH (a) OF SUBSECTION

19          (2) OF THIS SECTION, the state board and the commission shall review,

20          negotiate a consensus, and adopt any appropriate revisions to ~~the~~

21          ~~postsecondary and workforce planning, preparation, and readiness~~ SUCH

22          assessments. The state board and the commission may adopt revisions to

23          the postsecondary and workforce planning, preparation, and readiness

24          assessments, regardless of whether they adopt any revisions to the

25          postsecondary and workforce readiness description. In adopting revisions

26          to the assessments, the state board and the commission shall ensure that

27          the assessments continue to meet the requirements specified in subsection

1 (2) of this section. The state board and the commission shall also review  
2 and adopt any appropriate revisions to the scoring criteria.

3 **SECTION 19.** 22-7-1009 (1) and (6), Colorado Revised Statutes,  
4 are amended to read:

5 **22-7-1009. Diploma endorsements - adoption - revisions.**

6 (1) On or before July 1, 2011, OR AS SOON THEREAFTER AS FISCALLY  
7 PRACTICABLE, the state board shall adopt criteria that a local school board,  
8 BOCES, or institute charter high school may apply if the local school  
9 board, BOCES, or institute charter high school chooses to endorse high  
10 school diplomas to indicate that students have achieved postsecondary  
11 and workforce readiness. The criteria shall include, but need not be  
12 limited to, the required minimum level of postsecondary and workforce  
13 readiness that a student must achieve to receive a readiness endorsement  
14 on his or her diploma from the local school board, BOCES, or institute  
15 charter high school. In identifying the required minimum level of  
16 postsecondary and workforce readiness, the state board shall ensure that  
17 the minimum level of postsecondary and workforce readiness reflects the  
18 expectations for postsecondary and workforce readiness that are applied  
19 nationally and internationally.

20 (6) ~~On or before July 1, 2017, and on or before July 1 every six~~  
21 ~~years thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF CRITERIA FOR  
22 ENDORSEMENTS PURSUANT TO SUBSECTION (1) OF THIS SECTION, the state  
23 board shall revise and adopt any appropriate revisions to ~~the~~ SUCH criteria  
24 for endorsements. ~~specified in this section.~~

25 **SECTION 20.** 22-7-1014 (1) (a), Colorado Revised Statutes, is  
26 amended to read:

27 **22-7-1014. Preschool individualized readiness plans - school**

1 **readiness - assessments.** (1) (a) Beginning in the fall semester of ~~2012~~  
2 2013, each local education provider that provides a preschool or  
3 kindergarten program shall ensure that each student enrolled in a  
4 preschool or kindergarten program operated by the local education  
5 provider receives an individualized readiness plan that addresses the  
6 preschool standards or kindergarten standards, as appropriate, knowledge  
7 and skill areas in which a student needs assistance to make progress  
8 toward school readiness.

9 **SECTION 21.** 22-7-1015 (3) (a), Colorado Revised Statutes, is  
10 amended to read:

11 **22-7-1015. Postsecondary and workforce readiness program**  
12 **- technical assistance.** (3) (a) It is the intent of the general assembly  
13 that, on or before ~~December 15, 2012~~ DECEMBER 15, 2013, each student  
14 who enrolls in a public high school operated by a local education provider  
15 shall enroll in and successfully complete a postsecondary and workforce  
16 readiness program. Each local education provider shall require each high  
17 school student, beginning in ninth grade and continuing through twelfth  
18 grade, to enroll in the local education provider's postsecondary and  
19 workforce readiness program.

20 **SECTION 22.** 22-7-1016 (1) and (5) (a), Colorado Revised  
21 Statutes, are amended to read:

22 **22-7-1016. Postsecondary and workforce planning,**  
23 **preparation, and readiness assessments - transcripts.** (1) ~~On or~~  
24 ~~before December 15, 2012,~~ Each local education provider shall  
25 administer the postsecondary and workforce planning, preparation, and  
26 readiness assessments adopted by the state board and the commission  
27 pursuant to section 22-7-1008 WITHIN TWO YEARS OF THE ADOPTION OF

1 SUCH ASSESSMENTS. Upon receiving the results following administration  
2 of the postsecondary and workforce planning, preparation, and readiness  
3 assessments, the local education provider shall provide to each student a  
4 printed copy of the student's assessment results, and a teacher or  
5 counselor shall review each student's results with the student and, to the  
6 extent practicable, with the student's parent or legal guardian and  
7 determine the areas in which the student continues to need instruction in  
8 order to demonstrate postsecondary and workforce readiness prior to or  
9 upon attaining a high school diploma.

10 (5) (a) Beginning in the ~~2011-12~~ 2012-13 academic year, if a  
11 student whose dominant language is not English, as defined in section  
12 22-24-103 (4), is enrolled in eleventh or twelfth grade and the student has  
13 not demonstrated attainment of the standard for English language  
14 competency and has not demonstrated postsecondary and workforce  
15 readiness, the local education provider with which the student is enrolled  
16 shall provide to the student additional services and supports as necessary  
17 to assist the student in attaining the standard.

18 **SECTION 23.** 22-7-1018 (2) (b) and (2) (c), Colorado Revised  
19 Statutes, are amended to read:

20 **22-7-1018. Cost study.** (2) The entity selected to conduct the  
21 cost study shall submit reports to the department of education and the  
22 department of higher education in accordance with the following time  
23 line:

24 (b) On or before ~~October 1, 2010~~ OCTOBER 1, 2011, a report of the  
25 costs pertaining to implementation of the school readiness assessments,  
26 the system of assessments that is aligned with the preschool through  
27 elementary and secondary education standards, and the postsecondary and

1 workforce planning, preparation, and readiness assessments; and  
2 (c) On or before ~~October 1, 2011~~ OCTOBER 1, 2012, a report of the  
3 costs pertaining to implementation of the diploma endorsements.

4 **SECTION 24.** 22-7-1019 (2), Colorado Revised Statutes, is  
5 amended to read:

6 **22-7-1019. Preschool to postsecondary and workforce**  
7 **readiness - progress reports - effectiveness reports.** (2) On or before  
8 ~~February 15, 2013~~ FEBRUARY 15, 2014, and on or before February 15  
9 each year thereafter, the department of education shall submit to the  
10 education committees of the senate and the house of representatives, or  
11 any successor committees, a report concerning the results achieved  
12 through implementation of school readiness, the preschool through  
13 elementary and secondary education standards, and postsecondary and  
14 workforce readiness.

15 **SECTION 25.** 22-30.7-103 (3) (h), Colorado Revised Statutes,  
16 is amended to read:

17 **22-30.7-103. Division of on-line learning - created - duties.**  
18 (3) **Duties.** The on-line division shall have the following duties:

19 (h) To compile the reports submitted by authorizers and school  
20 districts pursuant to section 22-30.7-109 and prepare a summary report to  
21 be submitted on or before February 1, 2009, and on or before ~~February 1~~  
22 ~~FEBRUARY 1~~ JUNE 1 each year thereafter, to the state board and the education  
23 committees of the house of representatives and the senate, or any  
24 successor committees;

25 **SECTION 26.** 22-32-109 (1) (kk) (I), Colorado Revised Statutes,  
26 is amended to read:

27 **22-32-109. Board of education - specific duties.** (1) In addition

1 to any other duty required to be performed by law, each board of  
2 education shall have and perform the following specific duties:

3 (kk) (I) To undertake a community-based process to develop a  
4 blueprint for the education system in the community and to determine the  
5 skills students will need to be successful after graduation. Each board of  
6 education shall seek input from the community at large, which may  
7 include, but need not be limited to, students, parents, business persons,  
8 neighboring school districts, and regional boards of cooperative services.  
9 Each board of education shall use this blueprint, together with the  
10 guidelines for high school graduation requirements developed by the state  
11 board pursuant to section 22-2-106 (1) (a.5), to establish local high school  
12 graduation requirements applicable to students enrolling in ninth grade  
13 beginning ~~July 1, 2010~~ IN THE 2012-13 SCHOOL YEAR. To assist the state  
14 board of education in fulfilling its duties under part 10 of article 7 of this  
15 title, each board of education shall provide to the state board of education  
16 information concerning the blueprint and the input received in developing  
17 the blueprint. A board of education that has undertaken a comprehensive  
18 community-based process and has revised its high school graduation  
19 requirements within the previous two years shall not be required to  
20 develop a new blueprint for the education system in its community or  
21 make any revisions to its high school graduation requirements.

22 **SECTION 27.** 23-1-113 (6) (b), Colorado Revised Statutes, is  
23 amended to read:

24 **23-1-113. Commission directive - admission standards for**  
25 **baccalaureate and graduate institutions of higher education.**

26 (6) (b) ~~On or before July 1, 2016, and on or before July 1 every six years~~  
27 ~~thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF THE



1 POSTSECONDARY AND WORKFORCE PLANNING, PREPARATION, AND  
2 READINESS ASSESSMENTS PURSUANT TO SECTION 22-7-1008, the  
3 commission and the state board of education may negotiate a consensus  
4 and adopt revisions to the ~~postsecondary and workforce planning,~~  
5 ~~preparation, and readiness~~ SUCH assessments. The commission and the  
6 state board of education may also revise the scoring criteria for the  
7 postsecondary and workforce planning, preparation, and readiness  
8 assessments, as necessary.

9 **SECTION 28.** 22-20-109 (2), Colorado Revised Statutes, is  
10 amended to read:

11 **22-20-109. Tuition.** (2) The state board shall promulgate rules  
12 to define the contract approval process to define the types and amounts  
13 of costs in excess of the state average per pupil ~~operating~~ revenues, as  
14 defined in section 22-54-103 (12), and to define other applicable revenues  
15 that a school district of residence of a child with a disability shall pay as  
16 tuition to educate that child elsewhere at a community centered board or  
17 an eligible facility. These rules shall include, but need not be limited to,  
18 the limitations on the number of staff members per number of students,  
19 the amount of equipment necessary for classroom instruction of the child,  
20 the number of days of school, and any other expenses involved in the  
21 provision of educational services as determined by the child's IEP.  
22 However, these rules shall not require that, in calculating the amount of  
23 the tuition charge for educating a child with a disability in any community  
24 centered board or eligible facility, the costs incurred by a community  
25 centered board or eligible facility in providing such special education  
26 program be reduced by the amount of revenues, if any, received by the  
27 community centered board or eligible facility as donations or special

1 education grants. The school district of residence shall be responsible for  
2 paying as tuition any excess costs above the state average per pupil  
3 operating revenues to provide these services.

4 **SECTION 29.** 22-24-104 (4) (c) (I) and (4) (c) (II), Colorado  
5 Revised Statutes, are amended to read:

6 **22-24-104. English language proficiency program established**  
7 **- funding.** (4) (c) (I) An amount equal to seventy-five percent of the  
8 appropriation made to the department for the 1998-99 fiscal year plus any  
9 increase in the annual appropriation made to the department over the  
10 appropriation made for the 1998-99 fiscal year or the amount needed to  
11 fully fund the program pursuant to this subparagraph (I), whichever is  
12 less, shall be used by the districts, the state charter school institute, and  
13 the facility schools for students certified to be within section 22-24-103  
14 (4) (a) or (4) (b). No such student shall be funded for more than an  
15 amount equal to four hundred dollars per year or an amount equal to  
16 twenty percent of the state average per pupil operating revenues, as  
17 defined in section 22-54-103 (12) for the preceding year as annually  
18 determined by the department, whichever is greater.

19 (II) The remainder of the annual appropriation shall be used by the  
20 districts, the state charter school institute, and the facility schools for  
21 students certified to be within section 22-24-103 (4) (c). No such student  
22 shall be funded for an amount greater than two hundred dollars per year  
23 or an amount equal to ten percent of the state average per pupil operating  
24 revenues, as defined in section 22-54-103 (12), for the preceding year as  
25 annually determined by the department, whichever is greater.

26 **SECTION 30.** 22-30.5-112 (2) (a) (II), (2) (a.5) (III), and (2) (c)  
27 (I), Colorado Revised Statutes, are amended to read:

1           **22-30.5-112. Charter schools - financing - definitions -**  
2 **guidelines.** (2) (a) (II) For the 1999-2000 budget year, the charter school  
3 and the school district shall begin discussions on the contract using eighty  
4 percent of the district per pupil ~~operating~~ revenues.

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

6           (III) "~~Per pupil operating revenues~~" shall have the same meaning  
7 as provided in section 22-54-103 (9).

8           (c) (I) ~~For the 1999-2000 budget year, in no event shall the~~  
9 ~~amount of funding negotiated pursuant to this subsection (2) be less than~~  
10 ~~eighty percent of the district per pupil operating revenues multiplied by~~  
11 ~~the number of pupils enrolled in the charter school.~~

12           **SECTION 31.** 22-33-204 (3), Colorado Revised Statutes, is  
13 amended to read:

14           **22-33-204. Services for at-risk students - agreements with**  
15 **state agencies and community organizations.** (3) Each school district  
16 shall use a portion of its per pupil ~~operating revenue~~ REVENUES to provide  
17 services under agreements entered into pursuant to this section for each  
18 student who is at risk of suspension or expulsion or who is suspended or  
19 expelled. In addition, the school district may use federal moneys, moneys  
20 received from any other state appropriation, and moneys received from  
21 any other public or private grant to provide said services.

22           **SECTION 32.** 22-43.7-109 (9) (c) (I), Colorado Revised Statutes,  
23 is amended to read:

24           **22-43.7-109. Financial assistance for public school capital**  
25 **construction - application requirements - evaluation criteria - local**  
26 **match requirements.** (9) Except as otherwise provided in subsection  
27 (10) of this section, the board shall recommend and the state board shall

1 approve financial assistance for a public school facility capital  
2 construction project only if the applicant provides matching moneys in an  
3 amount equal to a percentage of the total financing for the project  
4 determined by the board after consideration of the applicant's financial  
5 capacity, as determined by the following factors:

6 (c) With respect to a charter school's application for financial  
7 assistance:

8 (I) The amount of per pupil ~~operating revenue~~ REVENUES that the  
9 charter school has budgeted to expend in order to meet its facilities  
10 obligations during the fiscal year for which an application is made  
11 relative to other charter schools in the state, measured both in terms of  
12 total dollars and as a percentage of the charter school's total per pupil  
13 ~~operating revenue~~ REVENUES;

14 **SECTION 33.** 22-52-104 (2) (b) (I) (B), Colorado Revised  
15 Statutes, is amended to read:

16 **22-52-104. Application - payment.** (2) (b) (I) (B) Effective  
17 January 1, 1989, pursuant to rules and regulations promulgated by the  
18 state board of education, the school district of residence of the student  
19 shall transmit monthly eighty-five percent of the district of residence's per  
20 pupil ~~operating~~ revenues, as defined in ~~section 22-54-103 (9)~~ SECTION  
21 22-54-103 (9.3) to the school district or eligible school enrolling the  
22 student or the actual educational cost of the program provided, whichever  
23 is less.

24 **SECTION 34.** 22-54-103 (9) and (12), Colorado Revised  
25 Statutes, are amended to read:

26 **22-54-103. Definitions - repeal.** As used in this article, unless  
27 the context otherwise requires:

1 (9) "~~Per pupil operating revenues~~" means the district's total  
2 program for any budget year divided by the district's funded pupil count  
3 for said budget year, minus the minimum amount per pupil required by  
4 section 22-54-105 to be transferred for the capital reserve fund or any  
5 fund or account within the general fund established solely for the  
6 management of risk-related activities.

7 (12) "State average per pupil ~~operating~~ revenues" means the total  
8 program of all districts for any budget year divided by the total funded  
9 pupil count of all districts for said budget year. ~~minus the minimum~~  
10 ~~amount per pupil required by section 22-54-105 to be budgeted for the~~  
11 ~~capital reserve fund, the insurance reserve fund, or any other fund for the~~  
12 ~~management of risk-related activities.~~

13 **SECTION 35.** 22-54-109 (4), Colorado Revised Statutes, is  
14 amended to read:

15 **22-54-109. Attendance in district other than district of**  
16 **residence.** (4) For a child with disabilities residing in a particular school  
17 district but receiving educational services from another school district, the  
18 state average per pupil ~~operating~~ revenues shall be the district of  
19 residence's total responsibility under this article for the education of that  
20 child. The provisions of this subsection (4) shall not apply to children  
21 with disabilities enrolled in an interdistrict participating school district  
22 pursuant to the provisions of article 36 of this title.

23 **SECTION 36.** 22-80-113 (4), Colorado Revised Statutes, is  
24 amended to read:

25 **22-80-113. Educational training - expenditures.** (4) Effective  
26 ~~for budget years beginning on and after January 1, 1989, each school~~  
27 ~~district which has pupils of residence in the district attending the~~

1 Colorado school for the deaf and the blind shall count such pupils in the  
2 district's pupil enrollment pursuant to section 22-54-103 (10). No later  
3 than ~~October 10~~ OCTOBER 5 each year, the Colorado school for the deaf  
4 and the blind shall notify ~~each district of residence in writing~~ THE  
5 DEPARTMENT OF EDUCATION of the pupils' placement at the Colorado  
6 school for the deaf and the blind. The Colorado school for the deaf and  
7 the blind is entitled to receive, from the department of education, an  
8 amount equal to the state average per pupil ~~operating~~ revenues, as defined  
9 in section 22-54-103 (12), for the current fiscal year for those students in  
10 attendance. The Colorado school for the deaf and the blind shall bill the  
11 department of education for the applicable portion of such amount at the  
12 conclusion of each month during which such pupils continue to be placed  
13 at the Colorado school for the deaf and the blind.

14 **SECTION 37.** 22-81.5-102 (2), Colorado Revised Statutes, is  
15 amended to read:

16 **22-81.5-102. Legislative declaration.** (2) It is the intent of the  
17 general assembly that, for purposes of this article, any school that  
18 provides educational services to students who are ~~included on the roll of~~  
19 ~~out-of-district placed children~~ PLACED IN AN ELIGIBLE FACILITY OR STATE  
20 OPERATED PROGRAM and receives a portion of the STATE AVERAGE per  
21 pupil ~~operating~~ revenues of a school district in exchange for providing  
22 such services shall be considered eligible under this article.

23 **SECTION 38.** The introductory portion to 23-8-101.5 (4) and  
24 23-8-101.5 (4) (a) and (4) (c), Colorado Revised Statutes, are amended to  
25 read:

26 **23-8-101.5. Definitions.** As used in this article, unless the context  
27 otherwise requires:

1 (4) "Education provider's per pupil operating revenues" means:

2 (a) For a school district, the district's per pupil operating revenues,  
3 as defined in ~~section 22-54-103 (9), C.R.S.~~ SECTION 22-54-103 (9.3),  
4 C.R.S.;

5 (c) For an institute charter school, the amount received by an  
6 institute charter school pursuant to the provisions of section 22-54-115  
7 (1.3), C.R.S., for any budget year, divided by the number of pupils  
8 enrolled in the institute charter school for that budget year; ~~minus the~~  
9 ~~minimum amount per pupil required by section 22-30.5-513, C.R.S., to~~  
10 ~~be allocated for capital reserve or risk management purposes; and~~

11 **SECTION 39.** 23-8-102 (1) (b), Colorado Revised Statutes, is  
12 amended to read:

13 **23-8-102. School districts, boards of cooperative services, and**  
14 **institute charter schools conducting career and technical education**  
15 **courses - eligibility for state moneys.** (1) An education provider of the  
16 state conducting a course of career and technical education approved  
17 pursuant to section 23-8-103 by the board is entitled to career and  
18 technical education program support from moneys appropriated for that  
19 purpose by the general assembly. The amount of career and technical  
20 education program support that an education provider is entitled to  
21 receive pursuant to the provisions of this article shall be computed as  
22 follows:

23 (b) As career and technical education program support, the state  
24 shall provide, to each education provider conducting an approved career  
25 and technical education program for each twelve-month period beginning  
26 July 1, eighty percent of the first one thousand two hundred fifty dollars,  
27 or part thereof, by which the education provider's approved career and

1 technical education program cost per full-time equivalent student exceeds  
2 seventy percent of the education provider's per pupil operating revenues,  
3 for the school budget year during which the twelve-month period begins.  
4 In addition, if the education provider's approved career and technical  
5 education cost per full-time equivalent student exceeds seventy percent  
6 of its per pupil operating revenues by an additional amount in excess of  
7 one thousand two hundred fifty dollars, the state shall provide fifty  
8 percent of the additional amount.

9 **SECTION 40.** 27-10.5-104 (7) (b), Colorado Revised Statutes,  
10 is amended to read:

11 **27-10.5-104. Authorized services and supports - conditions of**  
12 **funding - purchase of services and supports - boards of county**  
13 **commissioners - appropriation.** (7) (b) Each school district shall pay  
14 to the community centered board providing programs attended by a  
15 student with a developmental disability, who is domiciled in the school  
16 district and may be counted in the district's pupil enrollment, an amount  
17 at least equal to the district's per pupil operating revenues as determined  
18 pursuant to the "Public School Finance Act of 1994", article 54 of title 22,  
19 C.R.S. This subsection (7) shall apply to students who are less than  
20 twenty-two years of age.

21 **SECTION 41. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, and safety.