

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0188.01 Nicole Myers

HOUSE BILL 10-1013

HOUSE SPONSORSHIP

Middleton, Massey, Merrifield, Scanlan, Stephens

SENATE SPONSORSHIP

Romer, King K., Spence, Steadman

House Committees

Education
Appropriations

Senate Committees

Education
Appropriations

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.**

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.*

SENATE
3rd Reading Unamended
May 12, 2010

SENATE
Amended 2nd Reading
May 11, 2010

HOUSE
3rd Reading Unamended
April 16, 2010

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.

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. 22-42-102 (6) (a), Colorado Revised Statutes, is
20 amended to read:

21 22-42-102. Bonded indebtedness - elections. (6) (a) The board
22 of education of any school district, having received approval at an
23 election to issue bonds and having determined that the limitations of the
24 original election question are too restrictive to permit the advantageous
25 sale of the bonds so authorized, may submit at another regular or special
26 election THE QUESTION OF ISSUING THE BONDS, OR ANY PORTION THEREOF,
27 AT A HIGHER PRINCIPAL AMOUNT OR HIGHER REPAYMENT COST THAN

1 APPROVED AT THE ORIGINAL ELECTION.

2 (I) The question of issuing the bonds, or any portion thereof, at a
3 higher maximum net effective interest rate than the maximum interest rate
4 or maximum net effective interest rate approved at the original election;
5 or

6 (H) The question of issuing the bonds, or any portion thereof, to
7 mature over a longer period of time than the maximum period of maturity
8 approved at the original election.

9 SECTION 5. 22-42-114, Colorado Revised Statutes, is amended
10 to read:

11 **22-42-114. Board may issue bonds - exemption from Colorado**
12 **income tax.** When approved at an election held pursuant to section
13 22-42-102, the board of education, from time to time, as the proceeds
14 thereof shall be needed for the purposes specified in the notice of said
15 bond election, shall issue bonds of the district in denominations of one
16 thousand dollars or any multiple of one thousand dollars, in its discretion,
17 bearing interest at a rate such that the net effective interest rate of the
18 bond issue does not exceed the maximum net effective interest rate
19 specified in the notice of said bond election ANNUAL AND TOTAL
20 REPAYMENT COSTS DO NOT EXCEED THE LIMITS SET FORTH IN THE NOTICE
21 OF THE BOND ELECTION and payable at such time determined in the
22 discretion of the board, which bonds shall mature serially, commencing
23 not later than five years and extending not more than twenty-five years
24 after the date thereof. Principal and interest thereon shall be payable at
25 such place as shall be determined by said board and designated in said
26 bonds. Said bonds shall be made callable for redemption, commencing
27 no later than eleven years after their date, in such manner, with or without

1 premium, as may be determined by the board. Interest on bonds issued on
2 or after July 1, 1973, pursuant to this article shall be exempt from
3 Colorado income tax.

4 **SECTION 6.** 22-42-116, Colorado Revised Statutes, is amended
5 to read:

6 **22-42-116. Sale at less than par - discount.** If it is found to be
7 in the best interest of the school district, the board of education of the
8 school district may issue such bonds and accept therefor less than their
9 face value. ~~but such bonds shall be sold at a price such that the net~~
10 ~~effective interest rate for the issue of bonds does not exceed the~~
11 ~~maximum net effective interest rate approved by the voters in the election~~
12 ~~authorizing such bonds.~~

13 **SECTION 7.** The introductory portion to 22-45-103 (1) (c) (I)
14 and 22-45-103 (1) (e), Colorado Revised Statutes, are amended to read:

15 **22-45-103. Funds.** (1) The following funds are created for each
16 school district for purposes specified in this article:

17 (c) **Capital reserve fund.** (I) Moneys allocated pursuant to the
18 provisions of section 22-54-105 (2) shall be transferred from the general
19 fund and recorded in the capital reserve fund along with the revenues
20 received pursuant to section 39-5-132, C.R.S. Such revenues may be
21 supplemented by gifts, GRANTS, AND donations. ~~and tuition receipts.~~
22 Unencumbered moneys in the fund may be transferred to a fund or an
23 account within the general fund established in accordance with generally
24 accepted accounting principles solely for the management of risk-related
25 activities as identified in section 24-10-115, C.R.S., and article 13 of title
26 29, C.R.S., by resolution of the board of education when such transfer is
27 deemed necessary by the board; EXCEPT THAT A LOCAL BOARD OF

1 EDUCATION MAY, IN ITS DISCRETION, TRANSFER ANY UNRESTRICTED
2 MONEYS INTO OR OUT OF THE CAPITAL RESERVE FUND IN THE 2009-10
3 BUDGET YEAR OR ANY BUDGET YEAR THEREAFTER. NOTHING IN THIS
4 SUBPARAGRAPH (I) SHALL BE CONSTRUED TO PROHIBIT A LOCAL BOARD OF
5 EDUCATION FROM TRANSFERRING UNRESTRICTED MONEYS FROM THE
6 GENERAL FUND OR ANY OTHER FUND TO THE CAPITAL RESERVE FUND IN
7 THE 2009-10 BUDGET YEAR OR ANY BUDGET YEAR THEREAFTER. Except
8 as provided in subparagraph (V) of this paragraph (c), expenditures from
9 the fund shall be limited to long-range capital outlay expenditures and
10 shall be made only for the following purposes:

11 (e) Risk management reserves. Moneys allocated pursuant to
12 the provisions of section 22-54-105 (2) shall be recorded in a fund or in
13 an account within the general fund established in accordance with
14 generally accepted accounting principles solely for the management of
15 risk-related activities as identified in section 24-10-115, C.R.S., and
16 article 13 of title 29, C.R.S. Unencumbered moneys in such fund or
17 account may be transferred to the capital reserve fund or to any other fund
18 or account established solely for the management of risk-related activities
19 by resolution of the board of education when such transfer is deemed
20 necessary by the board; EXCEPT THAT A LOCAL BOARD OF EDUCATION
21 MAY, IN ITS DISCRETION, TRANSFER ANY UNRESTRICTED MONEYS INTO OR
22 OUT OF SUCH FUND OR ACCOUNT IN THE 2009-10 BUDGET YEAR OR ANY
23 BUDGET YEAR THEREAFTER. Expenditures from any such fund or account
24 shall be limited to the purposes set forth in section 24-10-115, C.R.S., and
25 article 13 of title 29, C.R.S. NOTHING IN THIS PARAGRAPH (e) SHALL BE
26 CONSTRUED TO PROHIBIT A LOCAL BOARD OF EDUCATION FROM
27 TRANSFERRING UNRESTRICTED MONEYS FROM THE GENERAL FUND OR ANY

1 OTHER FUND TO A FUND OR ACCOUNT FOR THE MANAGEMENT OF
2 RISK-RELATED ACTIVITIES IN THE 2009-10 BUDGET YEAR OR ANY BUDGET
3 YEAR THEREAFTER.

4 **SECTION 8.** 22-44-105 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **22-44-105. Budget - contents - mandatory.** (1) The budget
7 shall be presented in the standard budget report format established by the
8 state board of education by rule pursuant to subsection (5) of this section.
9 The standard budget report format established by the state board shall be
10 substantially consistent from year to year and shall adhere to the
11 following guidelines:

12 (d.5) THE BUDGET SHALL INCLUDE A UNIFORM SUMMARY SHEET
13 FOR EACH FUND ADMINISTERED BY THE DISTRICT THAT DETAILS THE
14 FOLLOWING FOR EACH FUND:

15 (I) THE BEGINNING FUND BALANCE AND THE ANTICIPATED ENDING
16 FUND BALANCE FOR THE BUDGET YEAR;

17 (II) THE ANTICIPATED FUND REVENUES FOR THE BUDGET YEAR,
18 DELINEATED BY THE PROGRAM AND SOURCE CODES IDENTIFIED IN THE
19 CHART OF ACCOUNTS CREATED PURSUANT TO SUBSECTION (4) OF THIS
20 SECTION;

21 (III) THE ANTICIPATED TRANSFERS AND ALLOCATIONS THAT WILL
22 OCCUR TO AND FROM THE FUND DURING THE BUDGET YEAR;

23 (IV) THE ANTICIPATED EXPENDITURES THAT WILL BE MADE FROM
24 THE FUND DURING THE BUDGET YEAR, DELINEATED BY THE PROGRAM AND
25 OBJECT CODES IDENTIFIED IN THE CHART OF ACCOUNTS CREATED
26 PURSUANT TO SUBSECTION (4) OF THIS SECTION; AND

27 (V) THE AMOUNT OF RESERVES IN THE FUND.

1 SECTION 9. 22-32-120 (6) and (7) (b) (V), Colorado Revised
2 Statutes, are amended to read:

3 22-32-120. Food services - facilities - school food authorities -
4 rules. (6) (a) On and after May 4, 2009, but before October 1, 2009, a
5 district charter school or an institute charter school may submit a written
6 request to the department of education for provisional authorization as a
7 school food authority.

8 (b) On and after May 4, 2009, but before October 1, 2009, the
9 commissioner of education or his or her designee may grant or deny
10 provisional authorization as a school food authority to a district charter
11 school or institute charter school that submits a written request for such
12 authorization to the department of education. A provisional authorization
13 granted pursuant to this subsection (6) shall expire on April 1, 2010.

14 (c) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS
15 PARAGRAPH (c), if the commissioner of education or his or her designee
16 grants provisional authorization to a district charter school or an institute
17 charter school as a school food authority pursuant to this subsection (6),
18 the department of education shall review the provisional authorization
19 and, using the standards established by rules promulgated by the state
20 board of education pursuant to paragraph (b) of subsection (7) of this
21 section, grant or deny authorization as a school food authority to the
22 district charter school or institute charter school. on or before April 1,
23 2010.

24 (II) BEFORE GRANTING AUTHORIZATION AS A SCHOOL FOOD
25 AUTHORITY TO A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER
26 SCHOOL THAT WAS GRANTED PROVISIONAL AUTHORIZATION AS A SCHOOL
27 FOOD AUTHORITY PURSUANT TO THIS SUBSECTION (6), THE DEPARTMENT

1 OF EDUCATION SHALL ENSURE THAT THE DISTRICT CHARTER SCHOOL OR
2 INSTITUTE CHARTER SCHOOL HAS COMPLETED ONE FULL FISCAL YEAR OF
3 OPERATION AS A SCHOOL FOOD AUTHORITY UNDER THE PROVISIONAL
4 AUTHORIZATION GRANTED PURSUANT TO THIS SUBSECTION (6), THAT THE
5 DISTRICT CHARTER SCHOOL OR INSTITUTE CHARTER SCHOOL HAS
6 SUBMITTED ITS GOVERNMENTAL AUDIT REQUIRED PURSUANT TO SECTION
7 22-30.5-112 (7) TO THE DEPARTMENT, AND THAT THE DISTRICT CHARTER
8 SCHOOL OR INSTITUTE CHARTER SCHOOL HAS SUCCESSFULLY COMPLIED
9 WITH THE REQUIREMENTS OF THE "NATIONAL SCHOOL LUNCH ACT", 42
10 U.S.C. SEC. 1751 ET SEQ., AS DETERMINED BY THE DEPARTMENT'S
11 COMPLIANCE REVIEW EVALUATION PROCESS AND HAS TAKEN ANY
12 NECESSARY CORRECTIVE ACTIONS IDENTIFIED BY THE DEPARTMENT. THE
13 DEPARTMENT SHALL GRANT OR DENY AUTHORIZATION AS A SCHOOL FOOD
14 AUTHORITY TO A DISTRICT CHARTER SCHOOL OR INSTITUTE CHARTER
15 SCHOOL WITHIN FORTY-FIVE DAYS AFTER THE SCHOOL HAS SATISFIED THE
16 REQUIREMENTS OF THIS SUBPARAGRAPH (II).

17 (d) Notwithstanding any provision of this subsection (6) to the
18 contrary, the commissioner of education or his or her designee shall not
19 grant provisional authorization as a school food authority to more than
20 four SIX applicant district charter schools or institute charter schools.

21 (e) This subsection (6) is repealed, effective July 1, 2010.

22 (7) On or before October 1, 2009, the state board of education
23 shall promulgate rules establishing:

24 (b) A timeline, standards, and procedures for the department of
25 education to use in granting or denying authorization as a school food
26 authority to a district charter school or an institute charter school. The
27 standards shall include, at a minimum, the following requirements:

1 (V) The department shall not grant authorization as a school food
2 authority to more than four SIX applicant district charter schools or
3 institute charter schools until July 1, 2011, including any district charter
4 schools or institute charter schools that have been granted provisional
5 authorization pursuant to subsection (6) of this section.

6 **SECTION 10.** 22-40-102 (1.7) (b), Colorado Revised Statutes,
7 is amended to read:

8 **22-40-102. Certification - tax revenues.** (1.7) (b) For the
9 purposes of this subsection (1.7), "excess transportation costs" means the
10 annual CURRENT operating expenditures for pupil transportation, as
11 defined in section 22-51-102 (1), minus the total AMOUNT OF THE MOST
12 RECENT payment actually received by the district under article 51 of this
13 title, and annual expenditures for the purchase or lease of pupil
14 transportation vehicles or other capital outlays related to pupil
15 transportation. The calculation of excess transportation costs shall be
16 based upon amounts expended and amounts received for the
17 twelve-month period ending on June 30 prior to the certification of the
18 mill levy.

19 **SECTION 11.** 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 12.** 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 13.** 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 14. 22-54-115, Colorado Revised Statutes, is amended**
10 **BY THE ADDITION OF A NEW SUBSECTION to read:**

11 **22-54-115. Distribution from state public school fund - repeal.**

12 (6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
13 CONTRARY, FOR THE 2010-11 BUDGET YEAR, THE DEPARTMENT OF
14 EDUCATION SHALL PAY IN INSTALLMENTS TO EACH DISTRICT THE AMOUNT
15 OF THE STATE'S SHARE OF THE DISTRICT'S TOTAL PROGRAM FOR THE
16 BUDGET YEAR AS ADJUSTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION
17 (1) OF THIS SECTION AND SHALL PAY IN INSTALLMENTS TO THE STATE
18 CHARTER SCHOOL INSTITUTE THE TOTAL AMOUNT WITHHELD FROM ANY
19 ACCOUNTING DISTRICT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1.3)
20 OF THIS SECTION FOR THE BUDGET YEAR; EXCEPT THAT THE TIMING AND
21 AMOUNT OF EACH INSTALLMENT PAYMENT TO EACH DISTRICT AND THE
22 STATE CHARTER SCHOOL INSTITUTE SHALL BE DETERMINED BY THE
23 DEPARTMENT.

24 (b) (I) THIS SUBSECTION (6) IS REPEALED IF AMENDMENT 61 DOES
25 NOT RECEIVE A MAJORITY OF THE VOTES CAST THEREON BY THE ELECTORS
26 OF THE STATE AT THE GENERAL ELECTION HELD ON NOVEMBER 2, 2010.
27 SUCH REPEAL SHALL BE EFFECTIVE UPON THE SECRETARY OF STATE'S

1 CERTIFICATION OF THE OFFICIAL STATEWIDE ABSTRACT OF VOTES CAST
2 FOR ALL CANDIDATES, BALLOT ISSUES, AND BALLOT QUESTIONS THAT THE
3 SECRETARY OF STATE CERTIFIED FOR THE BALLOT OR DECEMBER 15, 2010,
4 WHICHEVER IS LATER.

5 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE FEBRUARY 1,
6 2011.

7 **SECTION 15.** 22-54-123 (1), Colorado Revised Statutes, is
8 amended to read:

9 **22-54-123. National school lunch act - appropriation of state**
10 **matching funds.** (1) For the 2001-02 budget year and budget years
11 thereafter, the general assembly shall appropriate by separate line item an
12 amount to comply with the requirements for state matching funds under
13 the federal "National School Lunch Act", 42 U.S.C. sec. 1751 et seq. The
14 department of education shall develop procedures to allocate and disburse
15 the funds among participating school food authorities each year in an
16 equitable manner so as to comply with the requirements of said act. ~~In~~
17 ~~any participating school food authority that, prior to the enactment of this~~
18 ~~section, subsidized school lunch service with moneys from the school~~
19 ~~food authority's general fund, moneys received by such school food~~
20 ~~authority pursuant to this section shall be applied in addition to, and not~~
21 ~~in lieu of, the amount of the school food authority's subsidy. Any moneys~~
22 ~~received pursuant to this section shall be used only for the provision of~~
23 ~~the school food authority's school lunch program.~~

24 **SECTION 16.** The introductory portion to 22-54-128 (2) and
25 22-54-128 (4), (6), and (8), Colorado Revised Statutes, are amended, and
26 the said 22-54-128 is further amended BY THE ADDITION OF A NEW
27 SUBSECTION, to read:

1 **22-54-128. Military dependent supplemental pupil enrollment**

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

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

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

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

27 (9) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE

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

8 **SECTION 17. Repeal.** 22-54-133, Colorado Revised Statutes,
9 is repealed as follows:

10 **22-54-133. Charter school for the deaf and the blind -**
11 **supplementary funding - definitions.** ~~(1) As used in this section, unless~~
12 ~~the context otherwise requires, "charter school for the deaf or the blind"~~
13 ~~means a charter school, as defined in section 22-54-124 (1) (b), in which~~
14 ~~no less than ninety percent of the funded pupils have an individualized~~
15 ~~education program pursuant to section 22-20-108 and are eligible to~~
16 ~~attend the Colorado school for the deaf and the blind pursuant to section~~
17 ~~22-80-109.~~

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

24 ~~(3) The department of education shall distribute moneys under this~~
25 ~~section to the authorizer of a charter school for the deaf or the blind, and~~
26 ~~the authorizer shall distribute all moneys received under this section to the~~
27 ~~charter schools for the deaf or the blind and may not retain any of such~~

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

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

12 **SECTION 18.** ~~22-55-105 (2), Colorado Revised Statutes, is~~
13 ~~amended to read:~~

14 **22-55-105. General fund appropriations requirements -**
15 **maintenance of effort base.** (2) For purposes of this section,
16 "maintenance of effort base" means the aggregate amount of general fund
17 appropriations for total program pursuant to the "Public School Finance
18 Act of 1994", article 54 of this title, for the immediately preceding state
19 fiscal year, including ANY INCREASES OR DECREASES MADE TO SAID
20 APPROPRIATIONS THROUGH THE ENACTMENT OF A SUPPLEMENTAL
21 APPROPRIATION BILL OR BILLS FOR THAT STATE FISCAL YEAR.

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

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

27 

1 **SECTION 19.** 22-54-124 (3) (a) (III) (A), Colorado Revised
2 Statutes, is amended to read:

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

15 **SECTION 20.** The introductory portion to 22-2-106 (1) (a.5),
16 Colorado Revised Statutes, is amended to read:

17 **22-2-106. State board - duties.** (1) It is the duty of the state
18 board:

19 (a.5) To adopt, on or before ~~December 15, 2009~~ DECEMBER 15,
20 2011, a comprehensive set of guidelines for the establishment of high
21 school graduation requirements to be used by each school district board
22 of education in developing local high school graduation requirements.
23 Each school district board of education shall retain the authority to
24 develop its own unique high school graduation requirements, so long as
25 those local high school graduation requirements meet or exceed any
26 minimum standards or basic core competencies or skills identified in the
27 comprehensive set of guidelines for high school graduation developed by

1 the state board pursuant to this paragraph (a.5). In developing the
2 guidelines for high school graduation, the state board shall utilize the
3 recommendations of the state graduation guidelines development council
4 established in section 22-7-414, as it existed prior to July 1, 2008, and
5 shall:

6 **SECTION 21.** 22-2-306 (3) (b) and (4) (b), Colorado Revised
7 Statutes, are amended to read:

8 **22-2-306. Advance notice - legislative declaration - data**
9 **collection - data submission changes - web site update - submission**
10 **windows.** (3) (b) Notwithstanding any provision of paragraph (a) of this
11 subsection (3) to the contrary, if federally required OR STATE-REQUIRED
12 timelines for implementing federal data reporting requirements conflict
13 with the provisions of paragraph (a) of this subsection (3), the
14 department, the school districts, and the public schools shall comply with
15 the federally required timelines.

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

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

24 **22-5.5-106. Funding.** (4) Funding for a regional service area
25 after the first grant pursuant to this section is contingent upon the
26 successful implementation of the regional service area's plan, as evaluated
27 by the state board and the department. The state board shall annually

1 notify each regional service council on or before ~~August 1~~ SEPTEMBER 1
2 regarding whether the regional service area will receive moneys pursuant
3 to subsections (2) and (3) of this section in the coming year and the
4 amounts.

5 **SECTION 23.** 22-7-1004 (3) (a), Colorado Revised Statutes, is
6 amended to read:

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

16 **SECTION 24.** 22-7-1005 (6), Colorado Revised Statutes, is
17 amended to read:

18 **22-7-1005. Preschool through elementary and secondary**
19 **education - aligned standards - adoption - revisions.** (6) On or before
20 ~~July 1, 2015~~ JULY 1, 2018, and on or before July 1 every six years
21 thereafter, the state board shall review and adopt any appropriate
22 revisions to the preschool through elementary and secondary education
23 standards specified in this section. In adopting revisions, the state board
24 may add or delete one or more of the specific instructional areas based on
25 the needs of the state and changes in national and international academic
26 expectations. In adopting revisions to the standards pursuant to this
27 subsection (6), the state board shall ensure that the standards continue to

1 meet the requirements specified in subsection (3) of this section.

2 **SECTION 25.** The introductory portion to 22-7-1006 (1) (a) and
3 22-7-1006 (5), Colorado Revised Statutes, are amended to read:

4 **22-7-1006. Preschool through elementary and secondary**
5 **education - aligned assessments - adoption - revisions.** (1) (a) On or
6 before December 15, 2010, OR AS SOON THEREAFTER AS FISCALLY
7 PRACTICABLE, the state board shall adopt a system of assessments that are
8 aligned with the preschool through elementary and secondary education
9 standards and are designed to measure students' levels of attainment of the
10 standards and to longitudinally measure students' academic progress
11 toward attaining the standards and toward attaining postsecondary and
12 workforce readiness. In adopting the system of assessments, the state
13 board shall ensure, at a minimum, that the system is designed to:

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

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

26 **22-7-1008. Postsecondary and workforce readiness description**
27 **- postsecondary and workforce planning, preparation, and readiness**

1 **assessments - adoption - revision.** (2) (a) On or before December 15,
2 2010, OR AS SOON THEREAFTER AS FISCALLY PRACTICABLE, the state board
3 and the commission shall negotiate a consensus and adopt one or more
4 postsecondary and workforce planning assessments, postsecondary and
5 workforce preparation assessments, and postsecondary and workforce
6 readiness assessments that local education providers shall administer
7 pursuant to section 22-7-1016. The state board and the commission shall
8 base the selection of the postsecondary and workforce planning,
9 preparation, and readiness assessments on the information received
10 through the operation of the pilot program, ensuring that the selected
11 assessments are aligned with the standards for grades nine through twelve
12 and with the description of postsecondary and workforce readiness.

13 (3) (b) ~~On or before July 1, 2016, and on or before July 1 every six~~
14 ~~years thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF THE
15 POSTSECONDARY AND WORKFORCE PLANNING, PREPARATION, AND
16 READINESS ASSESSMENTS PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2)
17 OF THIS SECTION, the state board and the commission shall review,
18 negotiate a consensus, and adopt any appropriate revisions to ~~the~~
19 ~~postsecondary and workforce planning, preparation, and readiness~~ SUCH
20 assessments. The state board and the commission may adopt revisions to
21 the postsecondary and workforce planning, preparation, and readiness
22 assessments, regardless of whether they adopt any revisions to the
23 postsecondary and workforce readiness description. In adopting revisions
24 to the assessments, the state board and the commission shall ensure that
25 the assessments continue to meet the requirements specified in subsection
26 (2) of this section. The state board and the commission shall also review
27 and adopt any appropriate revisions to the scoring criteria.

1 **SECTION 27.** 22-7-1009 (1) and (6), Colorado Revised Statutes,
2 are amended to read:

3 **22-7-1009. Diploma endorsements - adoption - revisions.**
4 (1) On or before July 1, 2011, OR AS SOON THEREAFTER AS FISCALLY
5 PRACTICABLE, the state board shall adopt criteria that a local school board,
6 BOCES, or institute charter high school may apply if the local school
7 board, BOCES, or institute charter high school chooses to endorse high
8 school diplomas to indicate that students have achieved postsecondary and
9 workforce readiness. The criteria shall include, but need not be limited to,
10 the required minimum level of postsecondary and workforce readiness that
11 a student must achieve to receive a readiness endorsement on his or her
12 diploma from the local school board, BOCES, or institute charter high
13 school. In identifying the required minimum level of postsecondary and
14 workforce readiness, the state board shall ensure that the minimum level
15 of postsecondary and workforce readiness reflects the expectations for
16 postsecondary and workforce readiness that are applied nationally and
17 internationally.

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

23 **SECTION 28.** 22-7-1014 (1) (a), Colorado Revised Statutes, is
24 amended to read:

25 **22-7-1014. Preschool individualized readiness plans - school**
26 **readiness - assessments.** (1) (a) Beginning in the fall semester of ~~2012~~
27 2013, each local education provider that provides a preschool or

1 kindergarten program shall ensure that each student enrolled in a
2 preschool or kindergarten program operated by the local education
3 provider receives an individualized readiness plan that addresses the
4 preschool standards or kindergarten standards, as appropriate, knowledge
5 and skill areas in which a student needs assistance to make progress
6 toward school readiness.

7 **SECTION 29.** 22-7-1015 (3) (a), Colorado Revised Statutes, is
8 amended to read:

9 **22-7-1015. Postsecondary and workforce readiness program**
10 **- technical assistance.** (3) (a) It is the intent of the general assembly that,
11 on or before ~~December 15, 2012~~ DECEMBER 15, 2013, each student who
12 enrolls in a public high school operated by a local education provider shall
13 enroll in and successfully complete a postsecondary and workforce
14 readiness program. Each local education provider shall require each high
15 school student, beginning in ninth grade and continuing through twelfth
16 grade, to enroll in the local education provider's postsecondary and
17 workforce readiness program.

18 **SECTION 30.** 22-7-1016 (1) and (5) (a), Colorado Revised
19 Statutes, are amended to read:

20 **22-7-1016. Postsecondary and workforce planning,**
21 **preparation, and readiness assessments - transcripts.** (1) ~~On or before~~
22 ~~December 15, 2012,~~ Each local education provider shall administer the
23 postsecondary and workforce planning, preparation, and readiness
24 assessments adopted by the state board and the commission pursuant to
25 section 22-7-1008 WITHIN TWO YEARS OF THE ADOPTION OF SUCH
26 ASSESSMENTS. Upon receiving the results following administration of the
27 postsecondary and workforce planning, preparation, and readiness

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

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

16 **SECTION 31.** 22-7-1018 (2) (b) and (2) (c), Colorado Revised
17 Statutes, are amended to read:

18 **22-7-1018. Cost study.** (2) The entity selected to conduct the
19 cost study shall submit reports to the department of education and the
20 department of higher education in accordance with the following time
21 line:

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

27 (c) On or before ~~October 1, 2011~~ OCTOBER 1, 2012, a report of the

1 costs pertaining to implementation of the diploma endorsements.

2 **SECTION 32.** 22-7-1019 (2), Colorado Revised Statutes, is
3 amended to read:

4 **22-7-1019. Preschool to postsecondary and workforce**
5 **readiness - progress reports - effectiveness reports.** (2) On or before
6 ~~February 15, 2013~~ FEBRUARY 15, 2014, and on or before February 15 each
7 year thereafter, the department of education shall submit to the education
8 committees of the senate and the house of representatives, or any
9 successor committees, a report concerning the results achieved through
10 implementation of school readiness, the preschool through elementary and
11 secondary education standards, and postsecondary and workforce
12 readiness.

13 **SECTION 33.** 22-30.7-103 (3) (h), Colorado Revised Statutes, is
14 amended to read:

15 **22-30.7-103. Division of on-line learning - created - duties.**

16 (3) **Duties.** The on-line division shall have the following duties:

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

23 **SECTION 34.** 22-32-109 (1) (kk) (I), Colorado Revised Statutes,
24 is amended to read:

25 **22-32-109. Board of education - specific duties.** (1) In addition
26 to any other duty required to be performed by law, each board of
27 education shall have and perform the following specific duties:

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

20 **SECTION 35.** 23-1-113 (6) (b), Colorado Revised Statutes, is
21 amended to read:

22 **23-1-113. Commission directive - admission standards for**
23 **baccalaureate and graduate institutions of higher education.**

24 (6) (b) ~~On or before July 1, 2016, and on or before July 1 every six years~~
25 ~~thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF THE POSTSECONDARY
26 AND WORKFORCE PLANNING, PREPARATION, AND READINESS ASSESSMENTS
27 PURSUANT TO SECTION 22-7-1008, the commission and the state board of

1 education may negotiate a consensus and adopt revisions to the
2 postsecondary and workforce planning, preparation, and readiness SUCH
3 assessments. The commission and the state board of education may also
4 revise the scoring criteria for the postsecondary and workforce planning,
5 preparation, and readiness assessments, as necessary.

6 **SECTION 36.** 22-20-109 (2), Colorado Revised Statutes, is
7 amended to read:

8 **22-20-109. Tuition.** (2) The state board shall promulgate rules
9 to define the contract approval process to define the types and amounts of
10 costs in excess of the state average per pupil ~~operating~~ revenues, as
11 defined in section 22-54-103 (12), and to define other applicable revenues
12 that a school district of residence of a child with a disability shall pay as
13 tuition to educate that child elsewhere at a community centered board or
14 an eligible facility. These rules shall include, but need not be limited to,
15 the limitations on the number of staff members per number of students,
16 the amount of equipment necessary for classroom instruction of the child,
17 the number of days of school, and any other expenses involved in the
18 provision of educational services as determined by the child's IEP.
19 However, these rules shall not require that, in calculating the amount of
20 the tuition charge for educating a child with a disability in any community
21 centered board or eligible facility, the costs incurred by a community
22 centered board or eligible facility in providing such special education
23 program be reduced by the amount of revenues, if any, received by the
24 community centered board or eligible facility as donations or special
25 education grants. The school district of residence shall be responsible for
26 paying as tuition any excess costs above the state average per pupil
27 ~~operating~~ revenues to provide these services.

1 **SECTION 37.** 22-24-104 (4) (c) (I) and (4) (c) (II), Colorado
2 Revised Statutes, are amended to read:

3 **22-24-104. English language proficiency program established**
4 **- funding.** (4) (c) (I) An amount equal to seventy-five percent of the
5 appropriation made to the department for the 1998-99 fiscal year plus any
6 increase in the annual appropriation made to the department over the
7 appropriation made for the 1998-99 fiscal year or the amount needed to
8 fully fund the program pursuant to this subparagraph (I), whichever is
9 less, shall be used by the districts, the state charter school institute, and the
10 facility schools for students certified to be within section 22-24-103 (4) (a)
11 or (4) (b). No such student shall be funded for more than an amount equal
12 to four hundred dollars per year or an amount equal to twenty percent of
13 the state average per pupil ~~operating~~ revenues, as defined in section
14 22-54-103 (12) for the preceding year as annually determined by the
15 department, whichever is greater.

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

23 **SECTION 38.** 22-30.5-112 (2) (a) (II), (2) (a.5) (III), and (2) (c)
24 (I), Colorado Revised Statutes, are amended to read:

25 **22-30.5-112. Charter schools - financing - definitions -**
26 **guidelines.** (2) (a) (II) For the 1999-2000 budget year, the charter school
27 and the school district shall begin discussions on the contract using eighty

1 percent of the district per pupil ~~operating~~ revenues.

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

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

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

9 **SECTION 39.** 22-33-204 (3), Colorado Revised Statutes, is
10 amended to read:

11 **22-33-204. Services for at-risk students - agreements with state**
12 **agencies and community organizations.** (3) Each school district shall
13 use a portion of its per pupil ~~operating revenue~~ REVENUES to provide
14 services under agreements entered into pursuant to this section for each
15 student who is at risk of suspension or expulsion or who is suspended or
16 expelled. In addition, the school district may use federal moneys, moneys
17 received from any other state appropriation, and moneys received from
18 any other public or private grant to provide said services.

19 **SECTION 40.** 22-43.7-109 (9) (c) (I), Colorado Revised Statutes,
20 is amended to read:

21 **22-43.7-109. Financial assistance for public school capital**
22 **construction - application requirements - evaluation criteria - local**
23 **match requirements.** (9) Except as otherwise provided in subsection
24 (10) of this section, the board shall recommend and the state board shall
25 approve financial assistance for a public school facility capital
26 construction project only if the applicant provides matching moneys in an
27 amount equal to a percentage of the total financing for the project

1 determined by the board after consideration of the applicant's financial
2 capacity, as determined by the following factors:

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

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

11 **SECTION 41.** 22-52-104 (2) (b) (I) (B), Colorado Revised
12 Statutes, is amended to read:

13 **22-52-104. Application - payment.** (2) (b) (I) (B) Effective
14 January 1, 1989, pursuant to rules and regulations promulgated by the
15 state board of education, the school district of residence of the student
16 shall transmit monthly eighty-five percent of the district of residence's per
17 pupil ~~operating~~ revenues, as defined in ~~section 22-54-103 (9)~~ SECTION
18 22-54-103 (9.3) to the school district or eligible school enrolling the
19 student or the actual educational cost of the program provided, whichever
20 is less.

21 **SECTION 42.** 22-54-103 (9) and (12), Colorado Revised Statutes,
22 are amended to read:

23 **22-54-103. Definitions - repeal.** As used in this article, unless the
24 context otherwise requires:

25 (9) "~~Per pupil operating revenues~~" means the district's total
26 program for any budget year divided by the district's funded pupil count
27 for said budget year, minus the minimum amount per pupil required by

1 ~~section 22-54-105 to be transferred for the capital reserve fund or any~~
2 ~~fund or account within the general fund established solely for the~~
3 ~~management of risk-related activities.~~

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

10 **SECTION 43.** 22-54-109 (4), Colorado Revised Statutes, is
11 amended to read:

12 **22-54-109. Attendance in district other than district of**
13 **residence.** (4) For a child with disabilities residing in a particular school
14 district but receiving educational services from another school district, the
15 state average per pupil ~~operating~~ revenues shall be the district of
16 residence's total responsibility under this article for the education of that
17 child. The provisions of this subsection (4) shall not apply to children
18 with disabilities enrolled in an interdistrict participating school district
19 pursuant to the provisions of article 36 of this title.

20 **SECTION 44.** 22-80-113 (4), Colorado Revised Statutes, is
21 amended to read:

22 **22-80-113. Educational training - expenditures.** (4) Effective
23 ~~for budget years beginning on and after January 1, 1989, each school~~
24 ~~district which has pupils of residence in the district attending the Colorado~~
25 ~~school for the deaf and the blind shall count such pupils in the district's~~
26 ~~pupil enrollment pursuant to section 22-54-103 (10).~~ No later than
27 ~~October 10~~ OCTOBER 5 each year, the Colorado school for the deaf and the

1 blind shall notify ~~each district of residence in writing~~ THE DEPARTMENT OF
2 EDUCATION of the pupils' placement at the Colorado school for the deaf
3 and the blind. The Colorado school for the deaf and the blind is entitled
4 to receive, from the department of education, an amount equal to the state
5 average per pupil ~~operating~~ revenues, as defined in section 22-54-103
6 (12), for the current fiscal year for those students in attendance. The
7 Colorado school for the deaf and the blind shall bill the department of
8 education for the applicable portion of such amount at the conclusion of
9 each month during which such pupils continue to be placed at the
10 Colorado school for the deaf and the blind.

11 **SECTION 45.** 22-81.5-102 (2), Colorado Revised Statutes, is
12 amended to read:

13 **22-81.5-102. Legislative declaration.** (2) It is the intent of the
14 general assembly that, for purposes of this article, any school that provides
15 educational services to students who are ~~included on the roll of~~
16 ~~out-of-district placed children~~ PLACED IN AN ELIGIBLE FACILITY OR STATE
17 OPERATED PROGRAM and receives a portion of the STATE AVERAGE per
18 pupil ~~operating~~ revenues of a school district in exchange for providing
19 ~~such services~~ shall be considered eligible under this article.

20 **SECTION 46.** The introductory portion to 23-8-101.5 (4) and
21 23-8-101.5 (4) (a) and (4) (c), Colorado Revised Statutes, are amended to
22 read:

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

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

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

1 C.R.S.;

2 (c) For an institute charter school, the amount received by an
3 institute charter school pursuant to the provisions of section 22-54-115
4 (1.3), C.R.S., for any budget year, divided by the number of pupils
5 enrolled in the institute charter school for that budget year; ~~minus the~~
6 ~~minimum amount per pupil required by section 22-30.5-513, C.R.S., to be~~
7 ~~allocated for capital reserve or risk management purposes; and~~

8 **SECTION 47.** 23-8-102 (1) (b), Colorado Revised Statutes, is
9 amended to read:

10 **23-8-102. School districts, boards of cooperative services, and**
11 **institute charter schools conducting career and technical education**
12 **courses - eligibility for state moneys.** (1) An education provider of the
13 state conducting a course of career and technical education approved
14 pursuant to section 23-8-103 by the board is entitled to career and
15 technical education program support from moneys appropriated for that
16 purpose by the general assembly. The amount of career and technical
17 education program support that an education provider is entitled to receive
18 pursuant to the provisions of this article shall be computed as follows:

19 (b) As career and technical education program support, the state
20 shall provide, to each education provider conducting an approved career
21 and technical education program for each twelve-month period beginning
22 July 1, eighty percent of the first one thousand two hundred fifty dollars,
23 or part thereof, by which the education provider's approved career and
24 technical education program cost per full-time equivalent student exceeds
25 seventy percent of the education provider's per pupil ~~operating~~ revenues,
26 for the school budget year during which the twelve-month period begins.
27 In addition, if the education provider's approved career and technical

1 education cost per full-time equivalent student exceeds seventy percent of
2 its per pupil ~~operating~~ revenues by an additional amount in excess of one
3 thousand two hundred fifty dollars, the state shall provide fifty percent of
4 the additional amount.

5 **SECTION 48.** 27-10.5-104 (7) (b), Colorado Revised Statutes, is
6 amended to read:

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

17 **SECTION 49. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.