

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0375.01 Brita Darling x2241

HOUSE BILL 17-1182

HOUSE SPONSORSHIP

Benavidez, Lebsack

SENATE SPONSORSHIP

(None),

House Committees

Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REIMBURSEMENT OF STUDENT REVENUE FOR STUDENTS
102 WHO MOVE BETWEEN A CHARTER SCHOOL AND A NON-CHARTER
103 SCHOOL WITHIN THE SAME BUDGET YEAR.

Bill Summary

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

The bill requires a charter school to reimburse the chartering school district or another school district, whichever is applicable, for excess student revenue attributable to a student who was enrolled in the charter school on the pupil enrollment count day and who subsequently enrolled in a non-charter school of the chartering school district or of

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.

another school district in the same budget year.

The bill defines student revenue. Excess student revenue is the amount of student revenue proportionate to the time the student remained in the school before changing schools.

To determine the amount of the reimbursement, the bill requires the chartering school district to prepare an accounting for each charter school of the school district at the end of the budget year. The accounting identifies students who transferred between a charter school and a non-charter school of the school district after the pupil enrollment count day, and students who transferred from a charter school to a non-charter school of a different school district after the pupil enrollment count day.

Based on the accounting, the bill requires each charter school of the school district to reimburse the chartering school district for excess student revenue for students who transferred from the charter school to a non-charter school in the chartering school district in the same budget year. The amount of the charter school's reimbursement to the chartering school district is reduced by the total amount of excess student revenue attributable to students who started in a non-charter school of the school district and transferred to the charter school in the same budget year; except that the chartering school district is not required to reimburse the charter school if the calculation results in a negative number.

Further, each charter school of the school district is required to reimburse the chartering school district for excess student revenue for a student who transferred from the charter school to a non-charter school of a different school district in the same budget year. The chartering school district shall pay the excess student revenue received from the charter school to the school district in which the student subsequently enrolled.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-30.5-112.4
3 as follows:

4 **22-30.5-112.4. Accounting of excess student revenues - charter**
5 **schools - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) (I) "EXCESS STUDENT REVENUE" MEANS A PERCENTAGE OF
8 STUDENT REVENUE SET FORTH IN SUBSECTION (1)(a)(II) OF THIS SECTION
9 THAT IS ATTRIBUTABLE TO A STUDENT WHO:

1 (A) IS ENROLLED IN A CHARTER SCHOOL OF A SCHOOL DISTRICT ON
2 THE PUPIL ENROLLMENT COUNT DAY AND SUBSEQUENTLY ENROLLS IN A
3 NON-CHARTER SCHOOL OF THE CHARTERING SCHOOL DISTRICT;

4 (B) IS ENROLLED IN A NON-CHARTER SCHOOL OF A SCHOOL
5 DISTRICT ON THE PUPIL ENROLLMENT COUNT DAY AND SUBSEQUENTLY
6 ENROLLS IN A CHARTER SCHOOL OF THE SAME SCHOOL DISTRICT; OR

7 (C) IS ENROLLED IN A CHARTER SCHOOL OF A SCHOOL DISTRICT ON
8 THE PUPIL ENROLLMENT COUNT DAY AND SUBSEQUENTLY ENROLLS IN A
9 NON-CHARTER SCHOOL OF A SCHOOL DISTRICT OTHER THAN THE
10 CHARTERING SCHOOL DISTRICT.

11 (II) THE APPLICABLE PERCENTAGE OF STUDENT REVENUE IS:

12 (A) SEVENTY-FIVE PERCENT OF THE STUDENT REVENUE
13 ATTRIBUTABLE TO THE STUDENT IF HE OR SHE CHANGES SCHOOLS BEFORE
14 JANUARY 1 OF THE SAME BUDGET YEAR;

15 (B) FIFTY PERCENT OF THE STUDENT REVENUE ATTRIBUTABLE TO
16 THE STUDENT IF HE OR SHE CHANGES SCHOOLS ON OR AFTER JANUARY 1,
17 BUT BEFORE MARCH 1, OF THE SAME BUDGET YEAR; OR

18 (C) TWENTY-FIVE PERCENT OF THE STUDENT REVENUE
19 ATTRIBUTABLE TO THE STUDENT IF HE OR SHE CHANGES SCHOOLS ON OR
20 AFTER MARCH 1 OF THE SAME BUDGET YEAR.

21 (b) "STUDENT REVENUE" MEANS AN AMOUNT EQUAL TO ONE
22 HUNDRED PERCENT OF THE PER PUPIL REVENUE PURSUANT TO SECTION
23 22-30.5-112, OR ADJUSTED PER PUPIL REVENUE PURSUANT TO SECTION
24 22-30.5-112.1, WHICHEVER IS APPLICABLE, PLUS STATE AND FEDERAL
25 PROGRAM MONEY ATTRIBUTABLE TO THE STUDENT FOR THE APPLICABLE
26 BUDGET YEAR.

27 (2) (a) FOR THE 2017-18 BUDGET YEAR, AND EACH BUDGET YEAR

1 THEREAFTER, WITHIN NINETY DAYS AFTER THE END OF EACH BUDGET
2 YEAR, EACH SCHOOL DISTRICT SHALL PROVIDE TO EACH CHARTER SCHOOL
3 OF THE SCHOOL DISTRICT AN ACCOUNTING OF:

4 (I) EACH CHARTER SCHOOL STUDENT WHO WAS ENROLLED IN THE
5 CHARTER SCHOOL ON THE PUPIL ENROLLMENT COUNT DAY FOR THE
6 APPLICABLE BUDGET YEAR AND WHO SUBSEQUENTLY ENROLLED IN A
7 NON-CHARTER SCHOOL OF THE CHARTERING SCHOOL DISTRICT IN THE
8 SAME BUDGET YEAR, AND THE AMOUNT OF EXCESS STUDENT REVENUE
9 ATTRIBUTABLE TO EACH STUDENT;

10 (II) EACH STUDENT WHO WAS ENROLLED IN A NON-CHARTER
11 SCHOOL OF THE SCHOOL DISTRICT ON THE PUPIL ENROLLMENT COUNT DAY
12 FOR THE APPLICABLE BUDGET YEAR AND WHO SUBSEQUENTLY ENROLLED
13 IN THE CHARTER SCHOOL IN THE SAME BUDGET YEAR, AND THE AMOUNT
14 OF EXCESS STUDENT REVENUE ATTRIBUTABLE TO EACH STUDENT; AND

15 (III) EACH CHARTER SCHOOL STUDENT WHO WAS ENROLLED IN THE
16 CHARTER SCHOOL ON THE PUPIL ENROLLMENT COUNT DAY FOR THE
17 APPLICABLE BUDGET YEAR AND WHO SUBSEQUENTLY ENROLLED IN A
18 NON-CHARTER SCHOOL OF A SCHOOL DISTRICT OTHER THAN THE
19 CHARTERING SCHOOL DISTRICT IN THE SAME BUDGET YEAR, AND THE
20 AMOUNT OF EXCESS STUDENT REVENUE ATTRIBUTABLE TO EACH STUDENT.

21 (b) AT THE SCHOOL DISTRICT'S REQUEST, A CHARTER SCHOOL OF
22 THE SCHOOL DISTRICT SHALL PROVIDE TO THE SCHOOL DISTRICT THE DATA
23 NECESSARY FOR THE SCHOOL DISTRICT TO ACCURATELY COMPLETE THE
24 ACCOUNTING REQUIRED PURSUANT TO SUBSECTION (2)(a) OF THIS
25 SECTION, INCLUDING IDENTIFICATION OF THE RECEIVING SCHOOL DISTRICT
26 FOR EACH STUDENT IDENTIFIED PURSUANT TO SUBSECTION (2)(a)(III) OF
27 THIS SECTION.

1 (3) (a) (I) EACH CHARTER SCHOOL OF THE SCHOOL DISTRICT SHALL
2 REIMBURSE THE CHARTERING SCHOOL DISTRICT FOR THE TOTAL AMOUNT
3 OF THE EXCESS STUDENT REVENUE CALCULATED PURSUANT TO
4 SUBSECTION (2)(a)(I) OF THIS SECTION, LESS THE TOTAL AMOUNT
5 CALCULATED PURSUANT TO SUBSECTION (2)(a)(II) OF THIS SECTION;
6 EXCEPT THAT THE CHARTERING SCHOOL DISTRICT IS NOT REQUIRED TO
7 REIMBURSE THE CHARTER SCHOOL IF THE DIFFERENCE IS A NEGATIVE
8 NUMBER.

9 (II) EACH CHARTER SCHOOL OF THE SCHOOL DISTRICT SHALL
10 REIMBURSE THE CHARTERING SCHOOL DISTRICT FOR THE TOTAL AMOUNT
11 OF THE EXCESS STUDENT REVENUE CALCULATED PURSUANT TO
12 SUBSECTION (2)(a)(III) OF THIS SECTION. FOR EACH STUDENT IDENTIFIED
13 PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION, THE CHARTERING
14 SCHOOL DISTRICT SHALL PAY TO THE SCHOOL DISTRICT IN WHICH THE
15 STUDENT ENROLLED THE AMOUNT OF EXCESS STUDENT REVENUE THAT THE
16 CHARTERING SCHOOL DISTRICT RECEIVES FROM THE CHARTER SCHOOL
17 PURSUANT TO THIS SUBSECTION (3)(a)(II).

18 (b) THE CHARTER SCHOOL AND THE CHARTERING SCHOOL DISTRICT
19 SHALL NEGOTIATE THE SOURCE OF REVENUE AND TIME FRAME FOR THE
20 CHARTER SCHOOL'S REIMBURSEMENT OF EXCESS STUDENT REVENUES
21 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION. IF THE PARTIES
22 CANNOT AGREE OR THE CHARTER SCHOOL FAILS TO MAKE THE
23 REIMBURSEMENT AS AGREED BY THE PARTIES, THEN THE CHARTERING
24 SCHOOL DISTRICT MAY WITHHOLD DISTRIBUTIONS TO THE CHARTER
25 SCHOOL IN THE BUDGET YEAR FOLLOWING THE APPLICABLE BUDGET YEAR,
26 UP TO THE AMOUNT NECESSARY TO FULLY REIMBURSE THE CHARTERING
27 SCHOOL DISTRICT.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2018 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.