

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0977.06 Jacob Baus x2173

HOUSE BILL 24-1448

HOUSE SPONSORSHIP

McCluskie and Bacon,

SENATE SPONSORSHIP

Lundeen and Zenzinger,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A MODERNIZED APPROACH TO**
102 **FUNDING PUBLIC EDUCATION.**

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 creates a new total program formula (new formula), which is used to determine each school district's (district) and institute charter school's annual total program amount to fund public education. With limited exception, the district or the institute charter school has the discretion to determine the budgeting and expending of its total program money.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The new formula:

- Starts with a district's foundation funding, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment; then
- Adds the district's at-risk funding, which is determined by multiplying the statewide base per pupil funding by 25% and then multiplying that result by the district's at-risk pupil enrollment; then
- Adds the district's English language learning funding, which is determined by multiplying the statewide base per pupil funding by 25% and then multiplying that result by the district's English language learner pupil enrollment; then
- Adds the district's special education funding, which is determined by multiplying the statewide base per pupil funding by 25% and then multiplying that result by the district's special education pupil enrollment; then
- Adds the district's cost of living factor, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment, and then multiplying that result by the district's cost of living factor; then
- Adds the district's locale factor, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment, and then multiplying that result by the district's locale factor; then
- Adds the district's size factor, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment, and then multiplying that result by the district's size factor; then
- Adds the district's extended high school funding, which is determined by multiplying the district's extended high school pupil enrollment by an amount that increases by the same percentage that the statewide base per student funding increases; then
- Adds the district's online funding, which is determined by multiplying the district's online pupil enrollment by an amount that increases by the same percentage that the

statewide base per student funding increases.

Beginning in the 2030-31 state fiscal year, the new formula will determine each district's and institute charter school's annual total program amount.

For the 2025-26 state fiscal year through the 2029-30 state fiscal year, each district's and institute charter school's annual total program amount will be determined by calculating each district's and institute charter school's annual total program amount under the new formula and the expiring formula. During these state fiscal years, a district's or institute charter school's annual total program amount is the district's or institute charter school's calculation under the expiring formula, unless:

- For the 2025-26 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 18% of the difference between the amount calculated under the new formula and the expiring formula;
- For the 2026-27 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 34% of the difference between the amount calculated under the new formula and the expiring formula;
- For the 2027-28 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 50% of the difference between the amount calculated under the new formula and the expiring formula;
- For the 2028-29 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 66% of the difference between the amount calculated under the new formula and the expiring formula; and
- For the 2029-30 state fiscal year, if the total program calculation under the new formula is greater than the total

program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 82% of the difference between the amount calculated under the new formula and the expiring formula.

The bill repeals the expiring formula on July 1, 2030.

The bill makes amendments to conform with these changes and to repeal obsolete provisions within the "Public School Finance Act".

The bill requires the department of education to contract with third-party entities to conduct 2 studies and publish reports concerning weighted student budgeting and implementing a multiple count day method for determining pupil enrollment. The third-party entities are required to submit reports to the education committees of the house of representatives and the senate, and the governor, by June 30, 2025.

Under current law, there is the public school fund of the state (permanent school fund). The bill requires that:

- For the 2024-25 state fiscal year, the first \$11 million of interest and income earned on the deposit and investment of money in the permanent school fund (interest and income) is credited to the state public school fund, the next \$11 million of interest and income becomes part of the principal of the permanent school fund, and the remaining interest and income is credited to the restricted account of the public school capital construction assistance fund (assistance fund);
- For the 2025-26 state fiscal year, the first \$6 million of interest and income is credited to the state public school fund, the next \$6 million of interest and income becomes part of the principal of the permanent school fund, and the remaining interest and income is credited to the restricted account of the assistance fund; and
- For the 2026-27 state fiscal year, and state fiscal years thereafter, all interest and income is credited to the restricted account of the assistance fund.

The bill requires the state treasurer to allocate any money remaining in the state land board trust administration fund to pay for the services provided by the investment consultant hired by the public school investment board and for the reimbursement for travel and other necessary expenses incurred by the members of that board.

Under certain circumstances, the bill requires to be credited to the assistance fund:

- For the 2024-25 state fiscal year, the greater of \$10 million from proceeds received from certain resources from public school lands plus 50% of the gross amount of public school

- lands income other than interest or income, or \$40 million;
- For the 2025-26 state fiscal year, the greater of \$15 million from proceeds received from certain resources from public school lands plus 50% of the gross amount of public school lands income other than interest or income, or \$40 million; and
- For the 2026-27 state fiscal year, and each state fiscal year thereafter, the greater of \$21 million from proceeds received from certain resources from public school lands plus 50% of the gross amount of public school lands income other than interest or income, or \$40 million.

The bill credits an amount to the charter school facilities assistance account from the assistance fund.

The bill increases the total maximum amount of annual payments payable by the state during a state fiscal year under the terms of all outstanding financed purchase of an asset or certificate of participation agreements entered into by the state treasurer from \$125 million to \$150 million.

Current law dictates the distribution of proceeds received from certain resources from public school lands, of which, a certain amount is credited to the permanent school fund. The bill requires that:

- For the 2024-25 state fiscal year, the first \$10 million is credited to the assistance fund;
- For the 2025-26 state fiscal year, the first \$15 million is credited to the assistance fund; and
- For the 2026-27 state fiscal year, and each state fiscal year thereafter, the first \$21 million is credited to the assistance fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 22-54-101 as
3 follows:

4 **22-54-101. Short title.** ~~This article shall be known and may be~~
5 ~~cited as the "Public School Finance Act of 1994"~~ THE SHORT TITLE OF
6 THIS ARTICLE 54 IS THE "PUBLIC SCHOOL FINANCE ACT OF 2025".

7 **SECTION 2.** In Colorado Revised Statutes, **amend** 22-54-102 as
8 follows:

9 **22-54-102. Statewide applicability - intergovernmental**

1 **agreements - legislative declaration.** (1) The general assembly hereby
2 finds and declares that this ~~article~~ ARTICLE 54 is enacted in furtherance of
3 the general assembly's duty under section 2 of article IX of the state
4 constitution to provide for a thorough and uniform system of public
5 schools throughout the state; that a thorough and uniform system requires
6 that all school districts and institute charter schools operate under the
7 same finance formula; and that equity considerations dictate that all
8 districts and institute charter schools be subject to the expenditure and
9 maximum levy provisions of this ~~article~~ ARTICLE 54. Accordingly, the
10 provisions of this ~~article~~ ARTICLE 54 concerning the financing of public
11 schools ~~for budget years beginning on and after July 1, 1994, shall apply~~
12 to all school districts and institute charter schools organized under the
13 laws of this state.

14 (2) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
15 THAT:

16 (I) A THOROUGH AND UNIFORM SYSTEM OF PUBLIC EDUCATION
17 CREATES A LEARNING ENVIRONMENT IN WHICH ALL LEARNERS ARE
18 CIVICALLY ENGAGED; PHYSICALLY, SOCIALLY, AND EMOTIONALLY
19 HEALTHY; COMPETENT ACADEMIC SCHOLARS; AND, UPON GRADUATION,
20 READY TO CONTRIBUTE PRODUCTIVELY TO THE ECONOMY AND PREPARED
21 FOR A RAPIDLY CHANGING WORLD;

22 (II) A WORLD-CLASS PUBLIC EDUCATION LEARNING ENVIRONMENT
23 IS CRITICAL TO MEETING THE WORKFORCE DEMANDS FOR COLORADO'S
24 THRIVING AND DYNAMIC ECONOMY;

25 (III) THE CHANGING REALITIES OF COLORADO'S ECONOMY
26 DEMAND THAT STUDENTS BE AGILE LEARNERS ABLE TO CONTINUOUSLY
27 LEARN, ADAPT, AND SHIFT INTO NEW ROLES BY DEVELOPING CRITICAL

1 THINKING, COLLABORATION, AND PROBLEM-SOLVING SKILLS;

2 (IV) THE NEEDS OF THE STATE REQUIRE THAT ALL STUDENTS,
3 INCLUDING THOSE WHO ARE UNDERSERVED OR FACE SIGNIFICANT
4 CHALLENGES IN MEETING COLORADO'S GRADUATION GUIDELINES,
5 COMPLETE HIGH SCHOOL AND ARE READY FOR CAREER OR
6 POSTSECONDARY EDUCATION;

7 (V) COLORADO'S TOTAL PROGRAM FORMULA, PURSUANT TO
8 SECTION 22-54-104, DRASTICALLY UNDERFUNDS COLORADO'S MOST
9 HISTORICALLY UNDERSERVED STUDENTS, INCLUDING AT-RISK STUDENTS,
10 ENGLISH LANGUAGE LEARNERS, AND STUDENTS WITH SPECIAL NEEDS.
11 SINCE THE COVID-19 PANDEMIC, THE ACHIEVEMENT GAP BETWEEN THESE
12 STUDENTS AND THEIR PEERS HAS GROWN EXPONENTIALLY. RESEARCH
13 SHOWS THAT DIRECTING ADDITIONAL FUNDING TO THESE STUDENTS
14 BOLSTERS THEIR ACADEMIC OUTCOMES.

15 (VI) COLORADO'S TOTAL PROGRAM FORMULA, PURSUANT TO
16 SECTION 22-54-104, HAS NOT BEEN SIGNIFICANTLY UPDATED SINCE 1994.
17 AS THE GENERAL ASSEMBLY COMMITS TO FULLY BUYING DOWN THE
18 BUDGET STABILIZATION FACTOR, THERE IS AN OPPORTUNE MOMENT TO
19 MODERNIZE THE TOTAL PROGRAM FORMULA TO BETTER MEET THE NEEDS
20 OF STUDENTS, EDUCATORS, COMMUNITIES, AND SCHOOLS.

21 (VII) IN THE YEARS SINCE THIS ARTICLE 54 WAS ORIGINALLY
22 ENACTED IN 1994, CONSTITUTIONAL PROVISIONS, STATUTORY
23 REQUIREMENTS, PUBLIC EXPECTATIONS, AND STUDENT DEMOGRAPHICS
24 HAVE PLACED GREATER DEMANDS ON COLORADO'S PUBLIC EDUCATION
25 LEARNING ENVIRONMENT; AND

26 (VIII) CHALLENGES TO RECRUIT AND RETAIN EDUCATORS AND
27 SCHOOL LEADERS, AND IMPEDIMENTS TO BENEFICIAL INNOVATION,

1 CONTINUE TO THREATEN COLORADO'S PUBLIC EDUCATION LEARNING
2 ENVIRONMENT.

3 (b) TO PROVIDE EACH CHILD IN THIS STATE WITH A HIGH-QUALITY
4 PUBLIC EDUCATION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
5 COLORADO'S PUBLIC SCHOOL FINANCE FORMULA MUST BE REDESIGNED
6 AND MODERNIZED TO:

7 (I) PRIORITIZE EQUITY BY FOCUSING ON INDIVIDUAL STUDENT
8 NEEDS, INCLUDING PRIORITIZED FUNDING FOR STUDENTS EXPERIENCING
9 POVERTY, STUDENTS WITH SPECIAL EDUCATION NEEDS, AND STUDENTS
10 WHO ARE ENGLISH LANGUAGE LEARNERS;

11 (II) RECOGNIZE AND ADJUST FUNDING FOR DIFFERENCES AMONG
12 SCHOOL DISTRICTS AND PUBLIC SCHOOLS RELATED TO SIZE, REMOTENESS,
13 AND COST OF LIVING;

14 (III) PROMOTE GREATER UNDERSTANDING OF PUBLIC EDUCATION
15 FUNDING FOR POLICYMAKERS, EDUCATORS, COMMUNITY MEMBERS,
16 FAMILIES, AND STUDENTS BY CREATING TRANSPARENCY AND SIMPLICITY
17 IN THE SCHOOL FINANCE FORMULA CALCULATION; AND

18 (IV) RESPONSIBLY PHASE IN A NEW TOTAL PROGRAM FORMULA
19 OVER A PERIOD OF TIME SO THAT IT IS SUSTAINABLE, AND ALLOW SCHOOL
20 DISTRICTS AND SCHOOLS AN AMOUNT OF TIME NECESSARY TO ADJUST TO
21 THE PHASE-IN.

22 ~~(2)~~ (3) The general assembly hereby finds and declares that in
23 enacting this ~~article~~ ARTICLE 54 it has adopted a formula for the support
24 of schools; ~~for the 1994-95 budget year and budget years thereafter;~~
25 however, the adoption of ~~such~~ THE formula in no way ~~represents~~ IS a
26 commitment on the part of the general assembly concerning the level of
27 total funding for schools. ~~for the 1995-96 budget year or any budget year~~

1 thereafter.

2 ~~(3)~~ (4) (a) ~~Nothing in this article shall be construed to~~ THIS
3 ARTICLE 54 DOES NOT prohibit local governments from cooperating with
4 ~~school~~ districts through intergovernmental agreements to fund, construct,
5 maintain, or manage capital construction projects or other facilities as set
6 forth in section 22-45-103 (1)(c)(I)(A) or (1)(c)(I)(D), including, but not
7 limited to, swimming pools, playgrounds, or ball fields, ~~as long as~~ IF
8 funding for ~~such~~ THE projects is provided solely from a source of local
9 government revenue that is otherwise authorized by law, except impact
10 fees or other similar development charges or fees.

11 (b) Notwithstanding ~~any provision of paragraph (a) of this~~
12 ~~subsection (3)~~ SUBSECTION (4)(a) OF THIS SECTION to the contrary,
13 ~~nothing in this subsection (3) shall be construed to~~ THIS SUBSECTION (4)
14 DOES NOT:

15 (I) Limit or restrict a county's power to require the reservation or
16 dedication of sites and land areas for schools or the payment of ~~moneys~~
17 MONEY in lieu thereof pursuant to section 30-28-133 (4)(a); ~~C.R.S. or to~~
18 ~~limit a local government's ability to accept and expend impact fees or~~
19 ~~other similar development charges or fees contributed voluntarily on or~~
20 ~~before December 31, 1997, to fund the capital projects of school districts~~
21 ~~according to the terms of agreements voluntarily entered into on or before~~
22 ~~June 4, 1996, between all affected parties; AND~~

23 (II) Repealed.

24 (III) Grant authority to local governments to require the
25 reservation or dedication of sites and land areas for schools or the
26 payment of ~~moneys in lieu thereof~~ MONEY; however, the prohibition on
27 impact fees or other similar development charges or fees contained in this

1 subsection (3) shall not be construed to SUBSECTION (4) DOES NOT restrict
2 the authority of any local government to require the reservation or
3 dedication of sites and land areas for schools or the payment of moneys
4 in lieu thereof if such MONEY IF THE local government otherwise has such
5 THE authority granted by law.

6 (4) ~~If the December 2015 revenue forecast prepared by the~~
7 ~~legislative council staff estimates that the amount of local property tax~~
8 ~~revenues that will be available to districts for the 2015-16 budget year~~
9 ~~will be greater than the amount estimated in the December 2014 revenue~~
10 ~~forecast, it is the intent of the general assembly, through the supplemental~~
11 ~~appropriations process during the 2016 regular legislative session, to~~
12 ~~maintain and not reduce state appropriations for school finance funding~~
13 ~~after consideration of other forecast changes, including changes in the~~
14 ~~number of pupils and at-risk pupils enrolled, the inflation rate, and the~~
15 ~~expected state education fund revenues.~~

16 (5) (a) ~~The general assembly finds that, due to the COVID-19~~
17 ~~pandemic beginning during the 2019-20 school year, Colorado's public~~
18 ~~education system has faced significant disruptions to the delivery of~~
19 ~~classroom instruction, student learning, and access to critically necessary~~
20 ~~nutritional, health, and social-emotional support services. Therefore, the~~
21 ~~general assembly finds that:~~

22 (I) ~~A world-class public education is critical to meeting the~~
23 ~~workforce demands for Colorado's economy;~~

24 (II) ~~The changing realities of Colorado's post-pandemic economy~~
25 ~~demand that students be agile learners able to continuously learn, adapt,~~
26 ~~and shift into new roles by developing critical thinking, collaboration, and~~
27 ~~problem-solving skills; and~~

1 ~~(III) The needs of the state require that all students, including~~
2 ~~those who are underserved or face significant challenges in meeting~~
3 ~~Colorado's graduation guidelines, complete high school career and~~
4 ~~college ready.~~

5 ~~(b) To provide each child in this state with a high-quality public~~
6 ~~education, the general assembly declares that Colorado's public school~~
7 ~~finance formula must be redesigned and modernized to:~~

8 ~~(I) Prioritize equity, focusing on individual student needs by~~
9 ~~increasing the funding for students who are economically disadvantaged~~
10 ~~and students who are English language learners; and~~

11 ~~(II) Address the inequities in school district funding that arise~~
12 ~~from the dramatic differences in local property wealth and mill levy~~
13 ~~overrides.~~

14 ~~(c) Further, the general assembly declares that, because English~~
15 ~~language learner funding will now be included in the school finance~~
16 ~~formula, it is appropriate to fund this inclusion by redirecting to the state~~
17 ~~share of total program the amount previously appropriated for the~~
18 ~~professional development and student support program created in section~~
19 ~~22-24-108. The general assembly further declares that the remaining costs~~
20 ~~of the school finance formula changes are offset by the savings to the~~
21 ~~state share of total program that occur as a result of correcting the~~
22 ~~unauthorized reductions in district property tax mill levies as provided in~~
23 ~~section 22-54-106 (2.1).~~

24 **SECTION 3.** In Colorado Revised Statutes, 22-54-103, **amend**
25 (1.3), (6), (6.5), (8.5)(a)(II), (8.5)(b), (10)(a)(II), (10)(a)(III.5), (10)(a)(V),
26 (10)(b)(I) introductory portion, (10)(d), (10)(f), (10)(h)(I) introductory
27 portion, (10.5)(b), (14), and (15); **repeal** (1.5)(a)(V), (1.5)(b),

1 (1.5)(c)(II)(A), (5.5)(a), (7), and (10)(g); and **add** (10.7) as follows:

2 **22-54-103. Definitions.** As used in this article 54, unless the
3 context otherwise requires:

4 (1.3) "Accounting district" means the ~~school~~ district within whose
5 geographic boundaries an institute charter school is physically located.

6 (1.5) (a) "At-risk pupils" means:

7 (V) ~~For the 2005-06 budget year through the 2020-21 budget year,~~
8 ~~the number of district pupils who are English language learners plus the~~
9 ~~greater of:~~

10 (A) ~~The number of district pupils eligible for free lunch; or~~

11 (B) ~~The number of pupils calculated in accordance with the~~
12 ~~following formula:~~

13 ~~District percentage of pupils eligible for free lunch x District pupil~~
14 ~~enrollment.~~

15 (b) For purposes of subsection (1.5)(a)(V) of this section:

16 (I) ~~"District percentage of pupils eligible for free lunch" means the~~
17 ~~district pupils eligible for free lunch in grades one through eight divided~~
18 ~~by the district pupil enrollment in grades one through eight.~~

19 (II) ~~"District pupil enrollment" means the pupil enrollment of the~~
20 ~~district, as determined in accordance with subsection (10) of this section,~~
21 ~~minus the number of pupils enrolled in the Colorado preschool program~~
22 ~~pursuant to article 28 of this title 22 and the number of three-year-old or~~
23 ~~four-year-old pupils with disabilities receiving educational programs~~
24 ~~pursuant to article 20 of this title 22.~~

25 (III) ~~"District pupils eligible for free lunch" means the number of~~
26 ~~pupils included in the district pupil enrollment who are eligible for free~~
27 ~~lunch pursuant to the provisions of the federal "Richard B. Russell~~

1 ~~National School Lunch Act", 42 U.S.C. sec. 1751 et seq.~~

2 ~~(IV) "District pupils who are English language learners" means~~
3 ~~the number of pupils included in the district pupil enrollment for the~~
4 ~~preceding budget year who were not eligible for free lunch pursuant to the~~
5 ~~provisions of the federal "Richard B. Russell National School Lunch~~
6 ~~Act", 42 U.S.C. sec. 1751 et seq., and who are English language learners,~~
7 ~~as defined in section 22-24-103 (4), and:~~

8 ~~(A) Whose scores were not included in calculating school~~
9 ~~academic performance grades as provided in section 22-7-1006.3; or~~

10 ~~(B) Who took an assessment administered pursuant to section~~
11 ~~22-7-1006.3 in a language other than English.~~

12 (c) For purposes of subsection (1.5)(a)(VI) of this section:

13 (II) (A) ~~"District pupil enrollment" means, for the 2021-22 and~~
14 ~~2022-23 budget years, the pupil enrollment of the district, as determined~~
15 ~~in accordance with subsection (10) of this section, minus the number of~~
16 ~~pupils enrolled in the Colorado preschool program pursuant to article 28~~
17 ~~of this title 22 and the number of three-year-old or four-year-old pupils~~
18 ~~with disabilities receiving educational programs pursuant to article 20 of~~
19 ~~this title 22.~~

20 (5.5) (a) ~~"District percentage of at-risk pupils" means, for budget~~
21 ~~years commencing prior to July 1, 2023, the number of at-risk pupils in~~
22 ~~the district, as determined in accordance with subsection (1.5) of this~~
23 ~~section, divided by the pupil enrollment of the district, as determined in~~
24 ~~accordance with subsection (10) of this section; except that pupil~~
25 ~~enrollment does not include the number of pupils enrolled in the Colorado~~
26 ~~preschool program pursuant to article 28 of this title 22, as it exists prior~~
27 ~~to July 1, 2023, and the number of three-year-old or four-year-old pupils~~

1 with disabilities receiving educational programs pursuant to article 20 of
2 this title 22.

3 (6) ~~"District's total program" means the funding for a district, as~~
4 ~~determined pursuant to section 22-54-104 or section 22-54-104.3,~~
5 ~~whichever is applicable, which represents the financial base of support for~~
6 ~~public education in that district. "DISTRICT TOTAL PROGRAM" OR~~
7 ~~"DISTRICT'S TOTAL PROGRAM" MEANS A DISTRICT'S FUNDING, AS~~
8 ~~DETERMINED PURSUANT TO THIS ARTICLE 54, WHICH IS THE FINANCIAL~~
9 ~~BASE OF SUPPORT FOR PUBLIC EDUCATION IN THAT DISTRICT.~~

10 (6.5) "English language learner pupils" means the number of
11 district pupils who are English language learners, as defined in section
12 22-24-103 (4), and for whom the district ~~received~~ RECEIVES funding FOR
13 THE APPLICABLE BUDGET YEAR pursuant to section 22-24-104 (3)(b)(I).

14 (7) ~~"Funded pupil count" means:~~

15 (a) ~~For budget years commencing prior to July 1, 2002, the greater~~
16 ~~of:~~

17 ~~(I) The district's pupil enrollment for the applicable budget year;~~
18 ~~or~~

19 ~~(II) The average of the district's pupil enrollment for the~~
20 ~~applicable budget year and the district's pupil enrollment for the~~
21 ~~immediately preceding budget year; or~~

22 ~~(III) The average of the district's pupil enrollment for the~~
23 ~~applicable budget year and the district's pupil enrollment for the two~~
24 ~~immediately preceding budget years; or~~

25 ~~(IV) The average of the district's pupil enrollment for the~~
26 ~~applicable budget year and the district's pupil enrollment for the three~~
27 ~~immediately preceding budget years;~~

1 ~~(b) (I) For the budget year commencing on July 1, 2002, the~~
2 ~~district's online pupil enrollment for the applicable budget year plus the~~
3 ~~greater of:~~

4 ~~(A) The district's pupil enrollment for the applicable budget year;~~
5 ~~or~~

6 ~~(B) The average of the district's pupil enrollment for the~~
7 ~~applicable budget year and the district's pupil enrollment for the~~
8 ~~immediately preceding budget year; or~~

9 ~~(C) The average of the district's pupil enrollment for the~~
10 ~~applicable budget year and the district's pupil enrollment for the two~~
11 ~~immediately preceding budget years; or~~

12 ~~(D) The average of the district's pupil enrollment for the~~
13 ~~applicable budget year and the district's pupil enrollment for the three~~
14 ~~immediately preceding budget years.~~

15 ~~(H) Repealed.~~

16 ~~(c) (I) For budget years commencing on and after July 1, 2003, but~~
17 ~~prior to July 1, 2008, the district's online pupil enrollment for the~~
18 ~~applicable budget year plus the district's preschool and kindergarten~~
19 ~~program enrollment for the applicable budget year plus the greater of:~~

20 ~~(A) The district's pupil enrollment for the applicable budget year;~~
21 ~~or~~

22 ~~(B) The average of the district's pupil enrollment for the~~
23 ~~applicable budget year and the district's pupil enrollment for the~~
24 ~~immediately preceding budget year; or~~

25 ~~(C) The average of the district's pupil enrollment for the~~
26 ~~applicable budget year and the district's pupil enrollment for the two~~
27 ~~immediately preceding budget years; or~~

1 ~~(D) The average of the district's pupil enrollment for the~~
2 ~~applicable budget year and the district's pupil enrollment for the three~~
3 ~~immediately preceding budget years.~~

4 ~~(H) and (I) Repealed.~~

5 ~~(IV) Notwithstanding any provision of law to the contrary, for~~
6 ~~purposes of subparagraph (I) of this paragraph (c) for budget years~~
7 ~~beginning on or after July 1, 2004, a district's funded pupil count shall~~
8 ~~include the certified pupil enrollment and online pupil enrollment of each~~
9 ~~operating institute charter school for which the district is the accounting~~
10 ~~district. The department of education shall add the institute charter~~
11 ~~school's certified pupil enrollment and online pupil enrollment to the~~
12 ~~funded pupil count of the district prior to calculating the district's total~~
13 ~~program pursuant to section 22-54-104.~~

14 ~~(d) (I) For budget years commencing on and after July 1, 2008,~~
15 ~~but prior to July 1, 2009, the district's online pupil enrollment for the~~
16 ~~applicable budget year plus the district's preschool program enrollment~~
17 ~~for the applicable budget year plus the district's supplemental~~
18 ~~kindergarten enrollment for the applicable budget year plus the greater of:~~

19 ~~(A) The district's pupil enrollment for the applicable budget year;~~
20 ~~or~~

21 ~~(B) The average of the district's pupil enrollment for the~~
22 ~~applicable budget year and the district's pupil enrollment for the~~
23 ~~immediately preceding budget year; or~~

24 ~~(C) The average of the district's pupil enrollment for the~~
25 ~~applicable budget year and the district's pupil enrollment for the two~~
26 ~~immediately preceding budget years; or~~

27 ~~(D) The average of the district's pupil enrollment for the~~

1 applicable budget year and the district's pupil enrollment for the three
2 immediately preceding budget years; or

3 ~~(E) The average of the district's pupil enrollment for the~~
4 ~~applicable budget year and the district's pupil enrollment for the four~~
5 ~~immediately preceding budget years.~~

6 ~~(H) Notwithstanding any provision of law to the contrary, for~~
7 ~~purposes of subparagraph (I) of this paragraph (d), a district's funded~~
8 ~~pupil count shall include the certified pupil enrollment and online pupil~~
9 ~~enrollment of each operating institute charter school for which the district~~
10 ~~is the accounting district. The department of education shall add the~~
11 ~~institute charter school's certified pupil enrollment and online pupil~~
12 ~~enrollment to the funded pupil count of the district prior to calculating the~~
13 ~~district's total program pursuant to section 22-54-104.~~

14 ~~(HH) Repealed.~~

15 ~~(IV) The general assembly hereby finds and declares that for the~~
16 ~~purposes of section 17 of article IX of the state constitution, averaging a~~
17 ~~district's pupil enrollment for the applicable budget year and the district's~~
18 ~~pupil enrollment for the four immediately preceding budget years~~
19 ~~pursuant to sub-subparagraph (E) of subparagraph (I) of this paragraph~~
20 ~~(d) is a program for accountable education reform and may therefore~~
21 ~~receive funding from the state education fund created in section 17 (4) of~~
22 ~~article IX of the state constitution.~~

23 ~~(e)(I) For budget years commencing on and after July 1, 2009, but~~
24 ~~prior to July 1, 2023, the district's online pupil enrollment for the~~
25 ~~applicable budget year plus the district's preschool program enrollment~~
26 ~~for the applicable budget year plus the district's supplemental~~
27 ~~kindergarten enrollment for the applicable budget year plus the district's~~

1 extended high school pupil enrollment for the applicable budget year, plus
2 the greater of:

3 (A) ~~The district's pupil enrollment for the applicable budget year;~~
4 or

5 (B) ~~The average of the district's pupil enrollment for the~~
6 ~~applicable budget year and the district's pupil enrollment for the~~
7 ~~immediately preceding budget year; or~~

8 (C) ~~The average of the district's pupil enrollment for the~~
9 ~~applicable budget year and the district's pupil enrollment for the two~~
10 ~~immediately preceding budget years; or~~

11 (D) ~~The average of the district's pupil enrollment for the~~
12 ~~applicable budget year and the district's pupil enrollment for the three~~
13 ~~immediately preceding budget years; or~~

14 (E) ~~The average of the district's pupil enrollment for the~~
15 ~~applicable budget year and the district's pupil enrollment for the four~~
16 ~~immediately preceding budget years.~~

17 (H) ~~Notwithstanding any provision of law to the contrary, for~~
18 ~~purposes of subparagraph (I) of this paragraph (c), a district's funded~~
19 ~~pupil count shall include the certified pupil enrollment and online pupil~~
20 ~~enrollment of each operating institute charter school for which the district~~
21 ~~is the accounting district. The department of education shall add the~~
22 ~~institute charter school's certified pupil enrollment and online pupil~~
23 ~~enrollment to the funded pupil count of the district prior to calculating the~~
24 ~~district's total program pursuant to section 22-54-104.~~

25 (III) ~~Repealed.~~

26 (IV) ~~The general assembly hereby finds and declares that for the~~
27 ~~purposes of section 17 of article IX of the state constitution, averaging a~~

1 district's pupil enrollment for the applicable budget year and the district's
2 pupil enrollment for the four immediately preceding budget years
3 pursuant to sub-subparagraph (E) of subparagraph (I) of this paragraph
4 (e) is a program for accountable education reform and may therefore
5 receive funding from the state education fund created in section 17(4) of
6 article IX of the state constitution.

7 (V) Notwithstanding any provision of law to the contrary, for the
8 2010-11 budget year and each budget year thereafter, for the purposes of
9 this paragraph (e), a district's pupil enrollment for the applicable budget
10 year and a district's pupil enrollment for any preceding budget year shall
11 not include any pupil who is or was enrolled in a charter school that was
12 originally authorized by the district but was subsequently converted, on
13 or after July 1, 2010, to an institute charter school or to a charter school
14 of a district contiguous to the originally authorizing district.

15 (VI) Notwithstanding any provision of this paragraph (e) to the
16 contrary, for the 2013-14 budget year and each budget year thereafter, for
17 the purposes of this subsection (7), if a district's funded pupil count
18 calculated pursuant to this subsection (7) for a budget year is fewer than
19 fifty pupils, the district's funded pupil count for the budget year is fifty
20 pupils.

21 (VII) For the 2019-20 budget year and each budget year
22 thereafter, solely for the purpose of averaging pupil enrollment pursuant
23 to subsection (7)(e)(I) of this section for a district that operates a full-day
24 kindergarten educational program, the department of education shall
25 adjust the district's pupil enrollments for the 2018-19, 2017-18, 2016-17,
26 and 2015-16 budget years by counting each pupil enrolled in a full-day
27 kindergarten educational program in one of those budget years as a

1 full-time student. The adjustment to pupil enrollment made pursuant to
2 this subsection (7)(e)(VII) does not affect or change the funded pupil
3 count used to calculate a district's fiscal year spending limitation pursuant
4 to section 20 of article X of the state constitution for a budget year
5 commencing before July 1, 2019:

6 (f)(I) For budget years commencing on and after July 1, 2023, the
7 district's online pupil enrollment for the applicable budget year plus the
8 district's supplemental kindergarten enrollment for the applicable budget
9 year plus the district's extended high school pupil enrollment for the
10 applicable budget year, plus the greater of:

11 (A) The district's pupil enrollment for the applicable budget year;
12 or

13 (B) The average of the district's pupil enrollment for the
14 applicable budget year and the district's pupil enrollment for the
15 immediately preceding budget year; or

16 (C) The average of the district's pupil enrollment for the
17 applicable budget year and the district's pupil enrollment for the two
18 immediately preceding budget years; or

19 (D) The average of the district's pupil enrollment for the
20 applicable budget year and the district's pupil enrollment for the three
21 immediately preceding budget years; or

22 (E) The average of the district's pupil enrollment for the
23 applicable budget year and the district's pupil enrollment for the four
24 immediately preceding budget years.

25 (H) Notwithstanding any provision of law to the contrary, for
26 purposes of subsection (7)(f)(I) of this section, a district's funded pupil
27 count includes the certified pupil enrollment and online pupil enrollment

1 of each operating institute charter school for which the district is the
2 accounting district, as provided pursuant to subsections (7)(f)(H.5) and
3 (7)(f)(H.6) of this section. The department of education shall add the
4 institute charter school's certified pupil enrollment and online pupil
5 enrollment to the funded pupil count of the district prior to calculating the
6 district's total program pursuant to section 22-54-104.

7 (H.5) For purposes of subsection (7)(f)(H) of this section, each
8 operating institute charter school's certified pupil enrollment is the greater
9 of:

10 (A) The operating institute charter school's pupil enrollment for
11 the applicable budget year;

12 (B) The average of the operating institute charter school's pupil
13 enrollment for the applicable budget year and the operating institute
14 charter school's pupil enrollment for the immediately preceding budget
15 year;

16 (C) The average of the operating institute charter school's pupil
17 enrollment for the applicable budget year and the operating institute
18 charter school's pupil enrollment for the two immediately preceding
19 budget years;

20 (D) The average of the operating institute charter school's pupil
21 enrollment for the applicable budget year and the operating institute
22 charter school's pupil enrollment for the three immediately preceding
23 budget years; or

24 (E) The average of the operating institute charter school's pupil
25 enrollment for the applicable budget year and the operating institute
26 charter school's pupil enrollment for the four immediately preceding
27 budget years.

1 ~~(H.6) Notwithstanding any provision of law to the contrary, for~~
2 ~~purposes of subsection (7)(f)(H.5) of this section, an operating institute~~
3 ~~charter school's pupil enrollment includes its online pupil enrollment,~~
4 ~~except for multi-district online school pupil enrollment.~~

5 ~~(III) The general assembly finds and declares that for the purposes~~
6 ~~of section 17 of article IX of the state constitution, averaging a district's~~
7 ~~pupil enrollment for the applicable budget year and the district's pupil~~
8 ~~enrollment for the four immediately preceding budget years pursuant to~~
9 ~~subsection (7)(f)(I)(E) of this section, and the averaging of an operating~~
10 ~~institute charter school's pupil enrollment and online pupil enrollment~~
11 ~~pursuant to subsections (7)(f)(H.5) and (7)(f)(H.6), is a program for~~
12 ~~accountable education reform and may therefore receive funding from the~~
13 ~~state education fund created in section 17 (4) of article IX of the state~~
14 ~~constitution.~~

15 ~~(IV) Notwithstanding any provision of law to the contrary, for the~~
16 ~~2010-11 budget year and each budget year thereafter, for the purposes of~~
17 ~~this subsection (7)(f), a district's pupil enrollment for the applicable~~
18 ~~budget year and a district's pupil enrollment for any preceding budget~~
19 ~~year do not include any pupil who is or was enrolled in a charter school~~
20 ~~that was originally authorized by the district but was subsequently~~
21 ~~converted, on or after July 1, 2010, to an institute charter school or to a~~
22 ~~charter school of a district contiguous to the originally authorizing~~
23 ~~district.~~

24 ~~(V) Notwithstanding any provision of this subsection (7)(f) to the~~
25 ~~contrary, for the 2013-14 budget year and each budget year thereafter, for~~
26 ~~the purposes of this subsection (7), if a district's funded pupil count~~
27 ~~calculated pursuant to this subsection (7) for a budget year is fewer than~~

1 fifty pupils, the district's funded pupil count for the budget year is fifty
2 pupils.

3 (VI) For the 2019-20 budget year and each budget year thereafter,
4 solely for the purpose of averaging pupil enrollment pursuant to
5 subsection (7)(f)(I) of this section for a district that operates a full-day
6 kindergarten educational program, the department of education shall
7 adjust the district's pupil enrollments for the 2018-19, 2017-18, 2016-17,
8 and 2015-16 budget years by counting each pupil enrolled in a full-day
9 kindergarten educational program in one of those budget years as a
10 full-time student. The adjustment to pupil enrollment made pursuant to
11 this subsection (7)(f)(VI) does not affect or change the funded pupil count
12 used to calculate a district's fiscal year spending limitation pursuant to
13 section 20 of article X of the state constitution for a budget year
14 commencing before July 1, 2019.

15 (8.5) (a) "Online pupil enrollment" means:

16 (II) For the 2008-09 budget year, and for budget years thereafter,
17 The number of pupils, on the pupil enrollment count day within the
18 applicable budget year, enrolled in, attending, and actively participating
19 in a multi-district online school, as defined in section 22-30.7-102 (6),
20 created pursuant to article 30.7 of this title TITLE 22.

21 (b) For budget years beginning on or after July 1, 2004, A
22 district's online pupil enrollment shall include INCLUDES the certified
23 online pupil enrollment of each operating institute charter school for
24 which the district is the accounting district. The department of education
25 shall add the institute charter school's certified online pupil enrollment to
26 the online pupil enrollment of the district prior to calculating the district's
27 total program. pursuant to section 22-54-104.

1 (10) (a) (II) "Pupil enrollment" ~~shall include~~ INCLUDES:

2 (A) ~~For the 2007-08 budget year, a pupil who was enrolled during~~
3 ~~the 2001-02 school year in an online program authorized pursuant to~~
4 ~~section 22-33-104.6, as it existed prior to July 1, 2007, and who is~~
5 ~~enrolled and participates in any such online program on October 1 within~~
6 ~~the applicable budget year or the school day nearest said date.~~

7 (B) ~~For the 2008-09 budget year, and for budget years thereafter,~~
8 A pupil who is enrolled in, attending, and actively participating in a
9 single-district online program or online school operated pursuant to
10 article 30.7 of this ~~title~~ TITLE 22.

11 (III.5) ~~For the 2009-10 budget year and budget years thereafter,~~
12 ~~"pupil enrollment" shall include~~ "PUPIL ENROLLMENT" INCLUDES any
13 juvenile to whom the school district is providing educational services
14 pursuant to section 22-32-141 as of the pupil enrollment count day of the
15 applicable budget year.

16 (V) ~~Notwithstanding the provisions of this paragraph (a), for the~~
17 ~~2008-09 budget year and each budget year thereafter, "pupil enrollment"~~
18 ~~shall not~~ "PUPIL ENROLLMENT" DOES NOT include a pupil who is placed
19 in a facility, as defined in section 22-2-402 (3), and is receiving services
20 through an approved facility school, as defined in section 22-2-402 (1).

21 (b) (I) ~~For budget years commencing before the 2019-20 budget~~
22 ~~year, a pupil enrolled in a kindergarten educational program pursuant to~~
23 ~~section 22-32-119 (1) is counted as not more than a half-day pupil. For~~
24 ~~the 2019-20 budget year and each budget year thereafter,~~ A pupil WHO IS
25 enrolled in a kindergarten educational program pursuant to section
26 22-32-119 is counted as a full-time pupil, except as otherwise provided
27 in subsection (10)(e.5)(I) of this section. ~~For the 2005-06 budget year and~~

1 each budget year thereafter, A district shall count and receive funding
2 only for pupils enrolled in a kindergarten educational program who are:

3 (d) (I) ~~For budget years commencing prior to July 1, 2023, a three-~~
4 ~~or four-year-old pupil with a disability receiving an educational program~~
5 ~~under the "Exceptional Children's Educational Act", article 20 of this title,~~
6 ~~shall be counted as a half-day pupil.~~

7 (II) ~~Notwithstanding any provision of this subsection (10) to the~~
8 ~~contrary, for budget years commencing on or after July 1, 2005, but prior~~
9 ~~to July 1, 2023, a district may choose to determine the number of three-~~
10 ~~and four-year-old pupils with disabilities enrolled and receiving~~
11 ~~educational programs under the "Exceptional Children's Educational~~
12 ~~Act", article 20 of this title 22, as of November 1 within the applicable~~
13 ~~budget year or the school date nearest said date, rather than on the pupil~~
14 ~~enrollment count day, as evidenced by the actual attendance of such~~
15 ~~pupils on November 1 or the school date nearest said date. The "pupil~~
16 ~~enrollment" of the district must include the number of pupils so enrolled~~
17 ~~who are counted as half-day pupils.~~

18 (III) ~~For the 2023-24 budget year and budget years thereafter, A~~
19 ~~district shall not include a three- or four-year-old pupil with a disability~~
20 ~~who is receiving an educational program under the "Exceptional~~
21 ~~Children's Educational Act", article 20 of this title 22, but is not enrolled~~
22 ~~in kindergarten, in the district's pupil enrollment, but shall certify to the~~
23 ~~department the number of said three- and four-year-old pupils with~~
24 ~~disabilities who are receiving an educational program from the district for~~
25 ~~purposes of receiving funding pursuant to part 1 of article 20 of this title~~
26 ~~22.~~

27 (f) (I) ~~For budget years commencing before July 1, 2023, in~~

1 certifying the district's pupil enrollment to the state board pursuant to the
2 provisions of section 22-54-112, the district shall specify the number of
3 pupils enrolled in kindergarten through twelfth grade, specifying those
4 who are enrolled as full-time pupils and those who are enrolled as less
5 than full-time pupils; the number of expelled pupils receiving educational
6 services pursuant to section 22-33-203; the number of pupils enrolled in
7 the district's preschool program; the number of pupils receiving
8 educational programs under the "Exceptional Children's Educational
9 Act", article 20 of this title 22; the number of at-risk pupils; and the
10 number of English language learner pupils.

11 (II) For the 2023-24 budget year and each budget year thereafter,
12 In certifying the district's pupil enrollment to the state board pursuant to
13 the provisions of section 22-54-112, the district shall specify the number
14 of pupils enrolled in kindergarten through twelfth grade, specifying those
15 who are enrolled as full-time pupils and those who are enrolled as less
16 than full-time pupils; the number of expelled pupils receiving educational
17 services pursuant to section 22-33-203; the number of at-risk pupils; the
18 number of English language learner pupils; and the number of pupils
19 receiving educational programs under the "Exceptional Children's
20 Educational Act", article 20 of this title 22, who are enrolled in
21 kindergarten through twelfth grade.

22 (g) For the 2018-19 and 2019-20 budget years, a district may
23 include in its pupil enrollment pupils who are enrolled in a school that
24 was designated pursuant to section 22-35-103 (10) as an early college
25 before June 6, 2018, and who, after completing four years of high school,
26 enroll for the 2018-19 or 2019-20 budget years in postsecondary courses.

27 (h) (I) For the 2019-20 budget year and each budget year

1 ~~thereafter~~, With regard to a pupil who is simultaneously enrolled in a
2 district or institute charter school and in one or more postsecondary
3 courses, a district or institute charter school must submit evidence of:

4 (10.5) (b) ~~On or before July 1, 2012~~, The state board shall
5 promulgate rules establishing the meaning of "major religious holiday"
6 for the purposes of this subsection (10.5).

7 (10.7) "SPECIAL EDUCATION PUPILS" MEANS THE NUMBER OF
8 DISTRICT PUPILS WHO ARE CHILDREN WITH DISABILITIES, AS DEFINED IN
9 SECTION 22-20-103 (5).

10 (14) (a) ~~"Statewide average percentage of at-risk pupils" means,~~
11 ~~for budget years commencing prior to July 1, 2023, the total number of~~
12 ~~at-risk pupils in all districts, as determined in accordance with subsection~~
13 ~~(1.5) of this section, divided by the pupil enrollment of all districts, as~~
14 ~~determined in accordance with subsection (10) of this section; except that~~
15 ~~pupil enrollment does not include the number of pupils enrolled in the~~
16 ~~Colorado preschool program pursuant to article 28 of this title and the~~
17 ~~number of three-year-old or four-year-old pupils with disabilities~~
18 ~~receiving educational programs pursuant to article 20 of this title.~~

19 (b) "Statewide average percentage of at-risk pupils" means ~~for the~~
20 ~~2023 budget year and each budget year thereafter~~, the total number of
21 at-risk pupils in all districts, as determined in accordance with subsection
22 (1.5) of this section, divided by the pupil enrollment of all districts, as
23 determined in accordance with subsection (10) of this section.

24 (15) "Supplemental kindergarten enrollment" means the number
25 calculated by subtracting five-tenths from the full-day kindergarten factor
26 for the applicable budget year and then multiplying that number by the
27 number of pupils in the district who are enrolled part-time in a

1 kindergarten educational program for the applicable budget year. For the
2 purposes of this subsection (15), the full-day kindergarten factor for the
3 ~~2008-09 budget year and each budget year thereafter~~ is fifty-eight
4 hundredths of a full-day pupil.

5 **SECTION 4.** In Colorado Revised Statutes, **add** 22-54-103.1 as
6 follows:

7 **22-54-103.1. Protection of student data.** NOTWITHSTANDING
8 ANY PROVISION OF THIS ARTICLE 54, THE DEPARTMENT OF EDUCATION,
9 THE STATE CHARTER SCHOOL INSTITUTE, AND EACH SCHOOL DISTRICT AND
10 PUBLIC SCHOOL SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS
11 REGARDING THE PROTECTION OF STUDENT DATA, INCLUDING THE FEDERAL
12 "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C.
13 SEC. 1232g, AS AMENDED, AND ALL REGULATIONS AND GUIDELINES
14 ADOPTED PURSUANT TO IT, AND THE "STUDENT DATA TRANSPARENCY
15 AND SECURITY ACT", ARTICLE 16 OF THIS TITLE 22, AND ANY RULES
16 PROMULGATED PURSUANT TO IT. AT A MINIMUM, THIS INCLUDES
17 REDACTING INFORMATION AS REQUIRED TO COMPLY WITH FEDERAL AND
18 STATE LAWS REGARDING THE PROTECTION OF STUDENT DATA IN
19 PUBLISHED DOCUMENTS OR REPORTS REGARDING FUNDING PURSUANT TO
20 THIS ARTICLE 54.

21 **SECTION 5.** In Colorado Revised Statutes, **add** 22-54-103.3 as
22 follows:

23 **22-54-103.3. District total program - 2025-26 through 2029-30**
24 **budget years - repeal.** (1) (a) NOTWITHSTANDING ANY PROVISION OF
25 LAW TO THE CONTRARY, FOR THE 2025-26 BUDGET YEAR THROUGH THE
26 2029-30 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL
27 DETERMINE EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS

1 SECTION. THE DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE DISTRICT
2 TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION, AND, EXCEPT AS
3 OTHERWISE PROVIDED IN SECTION 22-54-105, THE DISTRICT HAS THE
4 DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES FOR BUDGETING
5 AND EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

6 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION TO
7 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S
8 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM
9 DETERMINATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE
10 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC
11 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE
12 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF
13 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE
14 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115
15 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT
16 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER
17 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC
18 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.
19 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE
20 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL
21 PROGRAM MONEY.

22 (2) FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30
23 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL CALCULATE EACH
24 DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTIONS 22-54-103.5 AND
25 22-54-104.

26 (3) FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30
27 BUDGET YEAR, A DISTRICT'S TOTAL PROGRAM IS THE DISTRICT'S TOTAL

1 PROGRAM CALCULATION PURSUANT TO SECTION 22-54-104, UNLESS:

2 (a) FOR THE 2025-26 BUDGET YEAR, IF A DISTRICT'S TOTAL
3 PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 IS GREATER
4 THAN THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO
5 SECTION 22-54-104, THE DISTRICT'S TOTAL PROGRAM IS THE AMOUNT
6 CALCULATED PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL
7 TO EIGHTEEN PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S
8 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND
9 THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION
10 22-54-104;

11 (b) FOR THE 2026-27 BUDGET YEAR, IF A DISTRICT'S TOTAL
12 PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 IS GREATER
13 THAN THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO
14 SECTION 22-54-104, THE DISTRICT'S TOTAL PROGRAM IS THE AMOUNT
15 CALCULATED PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL
16 TO THIRTY-FOUR PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S
17 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND
18 THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION
19 22-54-104;

20 (c) FOR THE 2027-28 BUDGET YEAR, IF A DISTRICT'S TOTAL
21 PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 IS GREATER
22 THAN THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO
23 SECTION 22-54-104, THE DISTRICT'S TOTAL PROGRAM IS THE AMOUNT
24 CALCULATED PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL
25 TO FIFTY PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL
26 PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND THE
27 DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION

1 22-54-104;

2 (d) FOR THE 2028-29 BUDGET YEAR, IF A DISTRICT'S TOTAL
3 PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 IS GREATER
4 THAN THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO
5 SECTION 22-54-104, THE DISTRICT'S TOTAL PROGRAM IS THE AMOUNT
6 CALCULATED PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL
7 TO SIXTY-SIX PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S
8 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND
9 THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION
10 22-54-104; AND

11 (e) FOR THE 2029-30 BUDGET YEAR, IF A DISTRICT'S TOTAL
12 PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 IS GREATER
13 THAN THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO
14 SECTION 22-54-104, THE DISTRICT'S TOTAL PROGRAM IS THE AMOUNT
15 CALCULATED PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL
16 TO EIGHTY-TWO PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S
17 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND
18 THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION
19 22-54-104.

20 (4) FOR THE 2024-25 BUDGET YEAR THROUGH THE 2029-30
21 BUDGET YEAR, THE JOINT BUDGET COMMITTEE SHALL MONITOR THE FISCAL
22 IMPACT OF THE DISTRICT TOTAL PROGRAM DETERMINATIONS PURSUANT TO
23 THIS SECTION AND THE FISCAL IMPACT OF THE TRANSITION TO THE TOTAL
24 PROGRAM FORMULA PURSUANT TO SECTION 22-54-103.5. AT A MINIMUM,
25 THE JOINT BUDGET COMMITTEE SHALL CONSIDER IMMEDIATE AND
26 FORECASTED ECONOMIC CONDITIONS, THE IMPACT OR TREND OF THE
27 STATEWIDE TOTAL LOCAL SHARE OF TOTAL PROGRAM FUNDING, AND ANY

1 OTHER DATA-DRIVEN CONSIDERATIONS NECESSARY TO ENSURE THE
2 SUSTAINABLE TRANSITION TO AND IMPLEMENTATION OF A NEW TOTAL
3 PROGRAM FORMULA. THE JOINT BUDGET COMMITTEE AND THE GENERAL
4 ASSEMBLY MAY TAKE ACTION NECESSARY TO ENSURE THE SUSTAINABLE
5 TRANSITION TO AND IMPLEMENTATION OF A NEW TOTAL PROGRAM
6 FORMULA.

7 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030.

8 **SECTION 6.** In Colorado Revised Statutes, **add** 22-54-103.5 as
9 follows:

10 **22-54-103.5. District total program - rules - legislative**
11 **declaration - repeal.** (1) (a) FOR THE 2030-31 BUDGET YEAR AND EACH
12 BUDGET YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL USE
13 THIS SECTION TO DETERMINE EACH DISTRICT'S TOTAL PROGRAM. THE
14 DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE DISTRICT TO FUND THE
15 COSTS OF PROVIDING PUBLIC EDUCATION, AND, EXCEPT AS OTHERWISE
16 PROVIDED IN SECTION 22-54-105, THE DISTRICT HAS THE DISCRETION TO
17 DETERMINE THE AMOUNTS AND PURPOSES FOR BUDGETING AND
18 EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

19 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION TO
20 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S
21 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM
22 DETERMINATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE
23 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC
24 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE
25 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF
26 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE
27 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115

1 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT
2 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER
3 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC
4 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.
5 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE
6 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL
7 PROGRAM MONEY.

8 (c) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
9 CONTRARY, FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30
10 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL CALCULATE EACH
11 DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS SECTION FOR THE PURPOSE
12 OF DETERMINING EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION
13 22-54-103.3. THE DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE
14 DISTRICT TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION, AND,
15 EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-54-105, THE DISTRICT
16 HAS THE DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES FOR
17 BUDGETING AND EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

18 (II) NOTWITHSTANDING SUBSECTION (1)(c)(I) OF THIS SECTION TO
19 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S
20 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM
21 CALCULATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE
22 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC
23 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE
24 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF
25 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE
26 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115
27 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT

1 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER
2 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC
3 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.
4 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE
5 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL
6 PROGRAM MONEY.

7 (III) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1,
8 2030.

9 (2) **District total program formula.** A DISTRICT'S TOTAL
10 PROGRAM IS:

- 11 DISTRICT FOUNDATION FUNDING
- 12 + DISTRICT AT-RISK FUNDING
- 13 + DISTRICT ENGLISH LANGUAGE LEARNER FUNDING
- 14 + DISTRICT SPECIAL EDUCATION FUNDING
- 15 + DISTRICT COST OF LIVING FACTOR FUNDING
- 16 + DISTRICT LOCALE FACTOR FUNDING
- 17 + DISTRICT SIZE FACTOR FUNDING
- 18 + DISTRICT EXTENDED HIGH SCHOOL FUNDING
- 19 + DISTRICT ONLINE FUNDING.

20 (3) **Statewide base per pupil funding.** (Reserved)

21 (4) **Funded pupil count.** FUNDED PUPIL COUNT IS:

22 (a) THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE
23 APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL
24 KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS
25 THE DISTRICT'S EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE
26 APPLICABLE BUDGET YEAR PLUS THE GREATER OF:

27 (I) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE

1 BUDGET YEAR;

2 (II) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
3 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
4 THE IMMEDIATELY PRECEDING BUDGET YEAR;

5 (III) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
6 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
7 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

8 (IV) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
9 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
10 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.

11 (b) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
12 CONTRARY, FOR PURPOSES OF SUBSECTION (4)(a) OF THIS SECTION, A
13 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL
14 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING
15 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING
16 DISTRICT, AS PROVIDED PURSUANT TO SUBSECTIONS (4)(b)(II) AND
17 (4)(b)(III) OF THIS SECTION. THE DEPARTMENT OF EDUCATION SHALL ADD
18 THE INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND
19 ONLINE PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT
20 PRIOR TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO
21 THIS SECTION.

22 (II) FOR PURPOSES OF SUBSECTION (4)(b)(I) OF THIS SECTION,
23 EACH OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL
24 ENROLLMENT IS THE GREATER OF:

25 (A) THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL
26 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR;

27 (B) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER

1 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
2 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
3 THE IMMEDIATELY PRECEDING BUDGET YEAR;

4 (C) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
5 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
6 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
7 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

8 (D) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
9 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
10 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
11 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.

12 (III) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
13 CONTRARY, FOR PURPOSES OF SUBSECTION (4)(b)(II) OF THIS SECTION, AN
14 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT INCLUDES
15 ITS ONLINE STUDENT ENROLLMENT, EXCEPT FOR MULTI-DISTRICT ONLINE
16 SCHOOL STUDENT ENROLLMENT.

17 (c) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE
18 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
19 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
20 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE THREE
21 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO THIS SUBSECTION
22 (4), AND AVERAGING AN OPERATING INSTITUTE CHARTER SCHOOL'S
23 STUDENT ENROLLMENT AND ONLINE PUPIL ENROLLMENT PURSUANT TO
24 THIS SUBSECTION (4), IS A PROGRAM FOR ACCOUNTABLE EDUCATION
25 REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE
26 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE
27 STATE CONSTITUTION.

1 (d) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
2 CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4), A DISTRICT'S
3 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S
4 PUPIL ENROLLMENT FOR A PRECEDING BUDGET YEAR DO NOT INCLUDE A
5 PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS
6 ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY
7 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER
8 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE
9 ORIGINALLY AUTHORIZING DISTRICT.

10 (II) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (4)
11 TO THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4), IF A
12 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS
13 SUBSECTION (4) FOR A BUDGET YEAR IS FEWER THAN SIXTY STUDENTS, THE
14 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS SIXTY
15 STUDENTS.

16 (5) **District foundation funding.** A DISTRICT'S FOUNDATION
17 FUNDING IS:

18 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
19 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -
20 DISTRICT ONLINE PUPIL ENROLLMENT)).

21 (6) **District at-risk funding.** A DISTRICT'S AT-RISK FUNDING IS:
22 (STATEWIDE BASE PER PUPIL FUNDING X TWENTY-FIVE PERCENT)
23 X DISTRICT AT-RISK PUPIL ENROLLMENT.

24 (7) **District English language learner funding.** A DISTRICT'S
25 ENGLISH LANGUAGE LEARNER FUNDING IS:

26 (STATEWIDE BASE PER PUPIL FUNDING X TWENTY-FIVE PERCENT)
27 X DISTRICT ENGLISH LANGUAGE LEARNER PUPIL ENROLLMENT.

1 **(8) District extended high school funding.** (a) A DISTRICT'S
2 EXTENDED HIGH SCHOOL FUNDING IS:

3 (DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT X \$9,588,
4 OR AN AMOUNT DETERMINED PURSUANT SUBSECTION (8)(b) OF
5 THIS SECTION).

6 (b) THE DOLLAR AMOUNT IN SUBSECTION (8)(a) OF THIS SECTION
7 MUST INCREASE BY THE SAME PERCENTAGE THAT THE STATEWIDE BASE
8 PER PUPIL FUNDING FOR THE APPLICABLE BUDGET YEAR IS INCREASED. THE
9 AMOUNT MUST BE ROUNDED TO THE NEAREST DOLLAR.

10 **(9) District online funding.** (a) A DISTRICT'S ONLINE FUNDING IS:
11 (DISTRICT ONLINE PUPIL ENROLLMENT X \$9,588, OR AN AMOUNT
12 DETERMINED PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION).

13 (b) THE DOLLAR AMOUNT IN SUBSECTION (9)(a) OF THIS SECTION
14 MUST INCREASE BY THE SAME PERCENTAGE THAT THE STATEWIDE BASE
15 PER PUPIL FUNDING FOR THAT BUDGET YEAR IS INCREASED. THE AMOUNT
16 MUST BE ROUNDED TO THE NEAREST DOLLAR.

17 **(10) District special education pupil funding.** A DISTRICT'S
18 SPECIAL EDUCATION PUPIL FUNDING IS:

19 (STATEWIDE BASE PER PUPIL FUNDING X TWENTY-FIVE PERCENT)
20 X DISTRICT SPECIAL EDUCATION PUPIL ENROLLMENT.

21 **(11) District cost of living factor funding - rules.** (a) A
22 DISTRICT'S COST OF LIVING FACTOR FUNDING IS:

23 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
24 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -
25 DISTRICT ONLINE PUPIL ENROLLMENT) X DISTRICT COST OF LIVING
26 FACTOR).

27 (b) (I) A DISTRICT'S COST OF LIVING FACTOR IS DETERMINED

1 PURSUANT TO SUBSECTION (11)(c) OF THIS SECTION; EXCEPT THAT,
2 NOTWITHSTANDING THIS SUBSECTION (11) TO THE CONTRARY, A
3 DISTRICT'S COST OF LIVING FACTOR MUST NOT EXCEED TWENTY-THREE
4 PERCENT.

5 (II) THE COST OF LIVING FACTOR ALLOWED FOR EACH DISTRICT
6 PURSUANT TO THIS SUBSECTION (11) REFLECTS THE DIFFERENCES IN THE
7 COSTS OF HOUSING, GOODS, AND SERVICES AMONG REGIONS IN WHICH
8 DISTRICTS ARE LOCATED. THE FACTOR DOES NOT REFLECT ANY ANNUAL
9 INCREASE IN THE COSTS OF HOUSING, GOODS, AND SERVICES CAUSED BY
10 INFLATION.

11 (c) (I) FOR THE 2025-26 BUDGET YEAR, A DISTRICT'S COST OF
12 LIVING FACTOR IS THE DISTRICT'S COST OF LIVING AMOUNT IDENTIFIED IN
13 THE 2023 COST OF LIVING ANALYSIS ADJUSTED FOR LABOR POOL AREAS,
14 DIVIDED BY THE MINIMUM COST OF LIVING AMOUNT FOR A DISTRICT
15 IDENTIFIED IN THE 2023 COST OF LIVING ANALYSIS ADJUSTED FOR LABOR
16 POOL AREAS, MINUS ONE.

17 (II) FOR THE 2026-27 AND 2027-28 BUDGET YEARS, A DISTRICT'S
18 COST OF LIVING FACTOR IS THE DISTRICT'S COST OF LIVING AMOUNT
19 IDENTIFIED IN THE 2025 COST OF LIVING ANALYSIS ADJUSTED FOR LABOR
20 POOL AREAS, DIVIDED BY THE MINIMUM COST OF LIVING AMOUNT FOR A
21 DISTRICT IDENTIFIED IN THE 2025 COST OF LIVING ANALYSIS ADJUSTED FOR
22 LABOR POOL AREAS, MINUS ONE.

23 (III) FOR EVERY TWO-YEAR BUDGET YEAR PERIOD THEREAFTER, A
24 DISTRICT'S COST OF LIVING FACTOR IS THE DISTRICT'S COST OF LIVING
25 AMOUNT, IDENTIFIED IN THE BIENNIAL COST OF LIVING ANALYSIS
26 ADJUSTED FOR LABOR POOL AREAS, DIVIDED BY THE MINIMUM COST OF
27 LIVING AMOUNT FOR A DISTRICT IDENTIFIED IN THE MOST RECENT COST OF

1 LIVING ANALYSIS ADJUSTED FOR LABOR POOL AREAS, MINUS ONE.

2 (IV) THE COST OF LIVING FACTOR FOR EACH DISTRICT MUST BE
3 CERTIFIED TO THE DEPARTMENT OF EDUCATION BY LEGISLATIVE COUNCIL
4 STAFF FOR EACH TWO-YEAR PERIOD THEREAFTER BASED UPON A NEW COST
5 OF LIVING ANALYSIS. THE CERTIFICATION MUST BE MADE NO LATER THAN
6 APRIL 15 OF THE APPLICABLE YEAR AND IS EFFECTIVE FOR THE BUDGET
7 YEAR BEGINNING ON JULY 1 OF THAT YEAR AND THE BUDGET YEAR
8 THEREAFTER.

9 (V) THE DEPARTMENT OF EDUCATION SHALL TRANSFER A PORTION
10 OF THE TOTAL AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IN THE
11 ANNUAL GENERAL APPROPRIATION BILL FOR THAT BUDGET YEAR FOR
12 ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC SCHOOL FINANCE, AND STATE
13 SHARE OF DISTRICTS' TOTAL PROGRAM FUNDING TO THE LEGISLATIVE
14 COUNCIL TO FUND THE COST OF LIVING ANALYSIS REQUIRED PURSUANT TO
15 THIS SUBSECTION (11). THE AMOUNT TRANSFERRED BY THE DEPARTMENT
16 OF EDUCATION MUST NOT EXCEED THE MAXIMUM AMOUNT SPECIFIED IN A
17 FOOTNOTE RELATED TO THIS APPROPRIATION IN THE ANNUAL GENERAL
18 APPROPRIATION BILL FOR THAT BUDGET YEAR. THE REMAINDER OF THE
19 AMOUNT APPROPRIATED FOR ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC
20 SCHOOL FINANCE, AND STATE SHARE OF DISTRICTS' TOTAL PROGRAM
21 FUNDING MUST BE DISTRIBUTED TO SCHOOL DISTRICTS IN THE MANNER
22 PROVIDED IN SECTION 22-54-106 (4)(c).

23 (d) (I) THE DEPARTMENT OF EDUCATION SHALL PROMULGATE
24 RULES FOR THE ASSIGNMENT OF A COST OF LIVING FACTOR TO ANY NEW
25 DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22, EXCEPT
26 FOR NEW DISTRICTS THAT ARE CREATED AS THE RESULT OF A
27 DECONSOLIDATION AS DESCRIBED IN SECTION 22-30-102 (2)(a), UNTIL THE

1 COST OF LIVING FACTOR FOR THE DISTRICT IS CERTIFIED BY LEGISLATIVE
2 COUNCIL STAFF PURSUANT TO THIS SECTION.

3 (II) THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION
4 (11)(d) MUST BE DESIGNED TO PROVIDE NEITHER AN INCENTIVE NOR A
5 DISINCENTIVE TO THE ORGANIZATION OF NEW DISTRICTS PURSUANT TO
6 ARTICLE 30 OF THIS TITLE 22 AND MUST INCLUDE PROVISIONS TO ENSURE
7 THAT THE COST OF LIVING FACTOR WITHIN A NEW DISTRICT IS NOT
8 REDUCED SOLELY BECAUSE THE NEW DISTRICT IS THE RESULT OF A
9 CONSOLIDATION OF EXISTING DISTRICTS. THE RULES MUST CONSIDER THE
10 COST OF LIVING FACTORS ASSIGNED TO THE DISTRICTS THAT ARE AFFECTED
11 BY THE ORGANIZATION OF THE NEW DISTRICT AND THE CIRCUMSTANCES
12 OF THE NEW DISTRICT BASED ON THE MOST RECENT COST OF LIVING
13 ANALYSIS PERFORMED BY THE LEGISLATIVE COUNCIL.

14 (III) NEW DISTRICTS THAT ARE CREATED AS THE RESULT OF A
15 DECONSOLIDATION AS DESCRIBED IN SECTION 22-30-102 (2)(a) RETAIN
16 THE COST OF LIVING FACTOR OF THE DISTRICT FROM WHICH THEY WERE
17 SEPARATED UNTIL THE COST OF LIVING FACTOR FOR THE NEW DISTRICT IS
18 CERTIFIED BY THE LEGISLATIVE COUNCIL STAFF PURSUANT TO THIS
19 SECTION.

20 (12) **District locale factor funding.** (a) A DISTRICT'S LOCALE
21 FACTOR FUNDING IS:

22 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
23 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -
24 DISTRICT ONLINE PUPIL ENROLLMENT) X DISTRICT LOCALE
25 FACTOR).

26 (b) A DISTRICT'S LOCALE FACTOR IS:

27 (I) TWENTY-FIVE PERCENT, IF THE DISTRICT IS CLASSIFIED AS

1 RURAL REMOTE;
2 (II) TWENTY PERCENT, IF THE DISTRICT IS CLASSIFIED AS RURAL
3 DISTANT;
4 (III) FIFTEEN PERCENT, IF THE DISTRICT IS CLASSIFIED AS RURAL
5 FRINGE;
6 (IV) TEN PERCENT, IF THE DISTRICT IS CLASSIFIED AS TOWN
7 REMOTE;
8 (V) FIVE PERCENT, IF THE DISTRICT IS CLASSIFIED AS TOWN
9 DISTANT;
10 (VI) TWO AND A HALF PERCENT, IF THE DISTRICT IS CLASSIFIED AS
11 TOWN FRINGE;
12 (VII) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS SUBURBAN
13 SMALL;
14 (VIII) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS SUBURBAN
15 MIDSIZE;
16 (IX) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS SUBURBAN
17 LARGE;
18 (X) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS CITY SMALL;
19 (XI) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS CITY
20 MIDSIZE; OR
21 (XII) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS CITY
22 LARGE.
23 (c) A DISTRICT'S CLASSIFICATION, AS DESCRIBED PURSUANT TO
24 SUBSECTION (12)(b) OF THIS SECTION, IS DETERMINED BY THE LATEST
25 CLASSIFICATIONS OR CLASSIFICATION CRITERIA ISSUED BY THE NATIONAL
26 CENTER FOR EDUCATION STATISTICS IN THE INSTITUTE OF EDUCATION
27 SCIENCES OF THE UNITED STATES DEPARTMENT OF EDUCATION.

1 (d) NOTWITHSTANDING SUBSECTION (12)(c) OF THIS SECTION, IF
2 A DISTRICT DOES NOT ALIGN WITH A CLASSIFICATION ISSUED BY THE
3 NATIONAL CENTER FOR EDUCATION STATISTICS, THE DEPARTMENT OF
4 EDUCATION SHALL DESIGNATE THE DISTRICT'S LOCALE FACTOR BASED ON
5 CONSIDERATIONS THAT ALIGN IT WITH A SIMILARLY SITUATED DISTRICT
6 THAT HAS A CLASSIFICATION ISSUED BY THE NATIONAL CENTER FOR
7 EDUCATION STATISTICS. IF THE DEPARTMENT OF EDUCATION IS REQUIRED
8 TO DESIGNATE THE DISTRICT'S LOCALE FACTOR PURSUANT TO THIS
9 SUBSECTION (12)(d), THE DEPARTMENT OF EDUCATION SHALL CONSULT
10 WITH LEGISLATIVE COUNSEL STAFF CONCERNING THE ADJUSTMENT FOR
11 ANY INFORMATION NECESSARY TO MAKE AN APPROPRIATE DESIGNATION.

12 (13) **District size factor funding.** (a) A DISTRICT'S SIZE FACTOR
13 FUNDING IS:

14 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
15 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -
16 DISTRICT ONLINE PUPIL ENROLLMENT) X DISTRICT SIZE FACTOR).

17 (b) A DISTRICT'S SIZE FACTOR IS:

18 (I) IF THE DISTRICT'S FUNDED PUPIL COUNT IS LESS THAN TWO
19 HUNDRED SEVENTY-SIX:

20 $0.5457 + (0.00376159 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$
21 $\text{PUPIL COUNT AND TWO HUNDRED SEVENTY-SIX}).$

22 (II) IF THE DISTRICT'S FUNDED PUPIL COUNT IS TWO HUNDRED
23 SEVENTY-SIX OR MORE BUT LESS THAN FOUR HUNDRED FIFTY-NINE:

24 $0.2385 + (0.00167869 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$
25 $\text{PUPIL COUNT AND FOUR HUNDRED FIFTY-NINE}).$

26 (III) IF THE DISTRICT'S FUNDED PUPIL COUNT IS FOUR HUNDRED
27 FIFTY-NINE OR MORE BUT LESS THAN ONE THOUSAND TWENTY-SEVEN:

1 0.1215 + (0.00020599 x THE DIFFERENCE BETWEEN THE FUNDED
2 PUPIL COUNT AND ONE THOUSAND TWENTY-SEVEN).

3 (IV) IF THE DISTRICT'S FUNDED PUPIL COUNT IS ONE THOUSAND
4 TWENTY-SEVEN OR MORE BUT LESS THAN TWO THOUSAND TWO HUNDRED
5 NINETY-THREE:

6 0.0533 + (0.00005387 x THE DIFFERENCE BETWEEN THE FUNDED
7 PUPIL COUNT AND TWO THOUSAND TWO HUNDRED NINETY-THREE).

8 (V) IF THE DISTRICT'S FUNDED PUPIL COUNT IS TWO THOUSAND
9 TWO HUNDRED NINETY-THREE OR MORE BUT LESS THAN THREE THOUSAND
10 FIVE HUNDRED:

11 0.0368 + (0.00001367 x THE DIFFERENCE BETWEEN THE FUNDED
12 PUPIL COUNT AND THREE THOUSAND FIVE HUNDRED).

13 (VI) IF THE DISTRICT'S FUNDED PUPIL COUNT IS THREE THOUSAND
14 FIVE HUNDRED OR MORE BUT LESS THAN SIX THOUSAND FIVE HUNDRED:

15 0.0297 + (0.00000473 x THE DIFFERENCE BETWEEN THE FUNDED
16 PUPIL COUNT AND SIX THOUSAND FIVE HUNDRED).

17 (VII) IF THE DISTRICT'S FUNDED PUPIL COUNT IS SIX THOUSAND
18 FIVE HUNDRED OR MORE: 0.00.

19 (c) (I) IF THE REORGANIZATION OF A DISTRICT OR DISTRICTS
20 RESULTS IN A DISTRICT INVOLVED IN THE REORGANIZATION HAVING A
21 GREATER SIZE FACTOR THAN THE ORIGINAL DISTRICT OR DISTRICTS HAD
22 FOR THE BUDGET YEAR IMMEDIATELY PRECEDING REORGANIZATION, THE
23 DISTRICTS INVOLVED IN THE REORGANIZATION MUST USE, FOR EACH
24 BUDGET YEAR, THE SIZE FACTOR THE ORIGINAL DISTRICT HAD PRIOR TO
25 THE REORGANIZATION OR, IF TWO OR MORE DISTRICTS REORGANIZE INTO
26 A SINGLE DISTRICT, THE SIZE FACTOR OF THE ORIGINAL DISTRICT WITH THE
27 LOWEST SIZE FACTOR FOR THE BUDGET YEAR IMMEDIATELY PRECEDING

1 REORGANIZATION. A DISTRICT INVOLVED IN THE REORGANIZATION SHALL
2 NOT, FOR ANY BUDGET YEAR, USE THE SIZE FACTOR THAT WOULD
3 OTHERWISE BE PROVIDED PURSUANT TO THIS SUBSECTION (13).

4 (II) IF THE REORGANIZATION OF A DISTRICT OR DISTRICTS RESULTS
5 IN A DISTRICT INVOLVED IN THE REORGANIZATION HAVING A LOWER SIZE
6 FACTOR THAN THE ORIGINAL DISTRICT OR DISTRICTS HAD FOR THE BUDGET
7 YEAR IMMEDIATELY PRECEDING REORGANIZATION, THE NEW DISTRICT OR
8 DISTRICTS MUST USE A SIZE FACTOR DETERMINED AS FOLLOWS:

9 (A) FOR THE FIRST BUDGET YEAR FOLLOWING REORGANIZATION,
10 THE SIZE FACTOR OF THE ORIGINAL DISTRICT FOR THE BUDGET YEAR
11 IMMEDIATELY PRECEDING REORGANIZATION OR, IF TWO OR MORE
12 DISTRICTS ARE INVOLVED IN THE REORGANIZATION, THE WEIGHTED
13 AVERAGE SIZE FACTOR OF THE ORIGINAL DISTRICTS FOR THE BUDGET YEAR
14 IMMEDIATELY PRECEDING REORGANIZATION. FOR PURPOSES OF THIS
15 SUBSECTION (13)(c)(II)(A), THE WEIGHTED AVERAGE SIZE FACTOR IS THE
16 SUM OF THE AMOUNTS CALCULATED BY MULTIPLYING THE FUNDED PUPIL
17 COUNTS OF THE ORIGINAL DISTRICTS BY THE SIZE FACTOR OF THE ORIGINAL
18 DISTRICTS AND DIVIDING THAT SUM BY THE TOTAL FUNDED PUPIL COUNT
19 OF THE ORIGINAL DISTRICTS.

20 (B) FOR THE SECOND BUDGET YEAR FOLLOWING REORGANIZATION,
21 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS
22 AN AMOUNT EQUAL TO ONE-FIFTH OF THE DIFFERENCE BETWEEN THE SIZE
23 FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE SIZE
24 FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION;

25 (C) FOR THE THIRD BUDGET YEAR FOLLOWING REORGANIZATION,
26 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS
27 AN AMOUNT EQUAL TO ONE-FOURTH OF THE DIFFERENCE BETWEEN THE

1 SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE
2 SIZE FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS
3 SECTION;

4 (D) FOR THE FOURTH BUDGET YEAR FOLLOWING REORGANIZATION,
5 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS
6 AN AMOUNT EQUAL TO ONE-THIRD OF THE DIFFERENCE BETWEEN THE SIZE
7 FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE SIZE
8 FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION;

9 (E) FOR THE FIFTH BUDGET YEAR FOLLOWING REORGANIZATION,
10 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS
11 AN AMOUNT EQUAL TO ONE-HALF OF THE DIFFERENCE BETWEEN THE SIZE
12 FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE SIZE
13 FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION;

14 AND

15 (F) FOR THE SIXTH BUDGET YEAR FOLLOWING REORGANIZATION
16 AND BUDGET YEARS THEREAFTER, THE SIZE FACTOR DETERMINED
17 PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION.

18 (14) **Total program funding.** (Reserved)

19 **SECTION 7.** In Colorado Revised Statutes, 22-54-104, **amend**
20 (1) and (5)(b)(IV); and **add** (7) and (8) as follows:

21 **22-54-104. District total program - legislative declaration -**
22 **definitions - repeal.** (1) (a) For every budget year ~~the provisions of~~
23 THROUGH THE 2024-25 BUDGET YEAR, this section ~~shall~~ MUST be used to
24 ~~calculate for each district an amount that represents the financial base of~~
25 ~~support for public education in that district. Such amount shall be known~~
26 ~~as the district's total program~~ DETERMINE EACH DISTRICT'S TOTAL
27 PROGRAM. The district's total program ~~shall be~~ IS available to the district

1 to fund the costs of providing public education, and, except as otherwise
2 provided in section 22-54-105, ~~the amounts and purposes for which such~~
3 ~~moneys are budgeted and expended shall be in the discretion of the~~
4 ~~district~~ THE DISTRICT HAS THE DISCRETION TO DETERMINE THE AMOUNTS
5 AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL PROGRAM
6 MONEY.

7 (b) Notwithstanding ~~the provisions of paragraph (a) of this~~
8 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION TO THE CONTRARY, if
9 a district is ~~the accounting district of an institute charter school~~ AN
10 INSTITUTE CHARTER SCHOOL'S ACCOUNTING DISTRICT, then the ~~calculation~~
11 ~~of total program pursuant to the provisions of this section shall also~~
12 ~~represent the financial base of support for the institute charter school~~
13 TOTAL PROGRAM DETERMINATION PURSUANT TO THIS SECTION ALSO
14 REPRESENTS THE INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF
15 SUPPORT, even though the institute charter school is not a school of the
16 district. The amount of the district's state share of total program that is
17 withheld from the district and paid to the state charter school institute
18 pursuant to ~~the provisions of~~ section 22-54-115 (1.3) ~~shall~~ IS NOT BE
19 available to ~~nor~~ OR under the control of the district but ~~shall be~~ IS under
20 the control of the INSTITUTE CHARTER SCHOOL'S governing board ~~of the~~
21 ~~institute charter school~~ to fund the costs of providing public education to
22 pupils enrolled in the institute charter school. ~~and the amounts and~~
23 ~~purposes for which such moneys are budgeted and expended shall be in~~
24 ~~the discretion of the institute charter school.~~ THE INSTITUTE CHARTER
25 SCHOOL HAS THE DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES
26 FOR BUDGETING AND EXPENDING ITS TOTAL PROGRAM MONEY.

27 (c) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30
2 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL CALCULATE EACH
3 DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS SECTION FOR THE PURPOSE
4 OF DETERMINING EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION
5 22-54-103.3. THE DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE
6 DISTRICT TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION, AND,
7 EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-54-105, THE DISTRICT
8 HAS THE DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES FOR
9 BUDGETING AND EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

10 (II) NOTWITHSTANDING SUBSECTION (1)(c)(I) OF THIS SECTION TO
11 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S
12 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM
13 CALCULATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE
14 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC
15 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE
16 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF
17 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE
18 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115
19 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT
20 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER
21 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC
22 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.
23 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE
24 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL
25 PROGRAM MONEY.

26 (5) For purposes of the formulas used in this section:

27 (b) (IV) ~~For the 1998-99 budget year and budget years thereafter,~~

1 The funded pupil count used to calculate a district's size factor pursuant
2 to this ~~paragraph (b) shall be~~ SUBSECTION (5)(b) IS the funded pupil count
3 ~~as calculated pursuant to section 22-54-103 (7)~~ reduced by sixty-five
4 percent of the number of pupils included in the funded pupil count that
5 are enrolled in charter schools in the district; except that ~~the provisions of~~
6 ~~this subparagraph (IV) shall~~ THIS SUBSECTION (5)(b)(IV) only apply
7 APPLIES to those districts with a funded pupil count ~~as calculated pursuant~~
8 ~~to section 22-54-103 (7)~~ of five hundred or less FEWER.

9 (7) (a) FOR PURPOSES THIS SECTION, "FUNDED PUPIL COUNT"
10 MEANS THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE APPLICABLE
11 BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN
12 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S
13 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET
14 YEAR PLUS THE GREATER OF:

15 (I) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
16 BUDGET YEAR;

17 (II) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
18 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
19 THE IMMEDIATELY PRECEDING BUDGET YEAR;

20 (III) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
21 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
22 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS;

23 (IV) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
24 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
25 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

26 (V) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
27 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR

1 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

2 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
3 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(a) OF THIS SECTION, A
4 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL
5 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING
6 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING
7 DISTRICT, AS PROVIDED PURSUANT TO SUBSECTIONS (7)(c) AND (7)(d) OF
8 THIS SECTION. THE DEPARTMENT OF EDUCATION SHALL ADD THE
9 INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE
10 PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR
11 TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS
12 SECTION.

13 (c) FOR PURPOSES OF SUBSECTION (7)(b) OF THIS SECTION, EACH
14 OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT
15 IS THE GREATER OF:

16 (I) THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL
17 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR;

18 (II) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
19 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
20 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
21 THE IMMEDIATELY PRECEDING BUDGET YEAR;

22 (III) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
23 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
24 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
25 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS;

26 (IV) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
27 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND

1 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
2 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

3 (V) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
4 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
5 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
6 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

7 (d) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
8 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(c) OF THIS SECTION, AN
9 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT INCLUDES
10 ITS ONLINE PUPIL ENROLLMENT, EXCEPT FOR MULTI-DISTRICT ONLINE
11 SCHOOL PUPIL ENROLLMENT.

12 (e) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE
13 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
14 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
15 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR
16 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO THIS SUBSECTION
17 (7), AND AVERAGING AN OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL
18 ENROLLMENT AND ONLINE PUPIL ENROLLMENT PURSUANT TO THIS
19 SUBSECTION (7), IS A PROGRAM FOR ACCOUNTABLE EDUCATION REFORM
20 AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION
21 FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE
22 CONSTITUTION.

23 (f) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
24 FOR THE PURPOSES OF THIS SUBSECTION (7), A DISTRICT'S PUPIL
25 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S PUPIL
26 ENROLLMENT FOR ANY PRECEDING BUDGET YEAR DO NOT INCLUDE A PUPIL
27 WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS ORIGINALLY

1 AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY CONVERTED, ON
2 OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER SCHOOL OR TO A
3 CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE ORIGINALLY
4 AUTHORIZING DISTRICT.

5 (g) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7) TO
6 THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A
7 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS
8 SUBSECTION (7) FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE
9 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

10 (h) SOLELY FOR THE PURPOSE OF AVERAGING PUPIL ENROLLMENT
11 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION FOR A DISTRICT THAT
12 OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE
13 DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S PUPIL
14 ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16 BUDGET
15 YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY
16 KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS
17 AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE
18 PURSUANT TO THIS SUBSECTION (7)(h) DOES NOT AFFECT OR CHANGE THE
19 FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR
20 SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE
21 STATE CONSTITUTION FOR A BUDGET YEAR COMMENCING BEFORE JULY 1,
22 2019.

23 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030.

24 **SECTION 8.** In Colorado Revised Statutes, **add** part 2 to article
25 54 of title 22 as follows:

26 PART 2
27 STUDIES AND REPORTS

1 **22-54-201. Financial transparency - report - legislative**
2 **declaration - definition - repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS

3 THAT:

4 (I) THE NEW PUBLIC SCHOOL FUNDING FORMULA ENSURES THAT
5 EACH STUDENT HAS THE RESOURCES NEEDED TO BE ACADEMICALLY
6 SUCCESSFUL WHILE TAKING INTO ACCOUNT EACH STUDENT'S UNIQUE
7 NEEDS;

8 (II) SEVERAL DISTRICTS USE BUDGETING PRACTICES THAT
9 ALLOCATE PER-PUPIL REVENUE TO SCHOOLS BASED ON THE INDIVIDUAL
10 CHARACTERISTICS OF THE STUDENTS AT EACH SCHOOL, WHICH IS A
11 PRACTICE REFERRED TO AS WEIGHTED STUDENT BUDGETING;

12 (III) WEIGHTED STUDENT BUDGETING ENSURES THAT FUNDING
13 FOLLOWS THE STUDENTS IN A TRANSPARENT AND EQUITABLE MANNER;

14 (IV) THE NEW PUBLIC SCHOOL FUNDING FORMULA THAT INCLUDES
15 INCREASED FUNDING PERCENTAGES, OR WEIGHTS, BASED ON THE
16 INDIVIDUAL CHARACTERISTICS OF THE STUDENTS AT EACH SCHOOL
17 CREATES FURTHER OPPORTUNITIES FOR DISTRICTS TO PRACTICE WEIGHTED
18 STUDENT BUDGETING;

19 (V) AS EXTENDED HIGH SCHOOL OPPORTUNITIES EXPAND, THERE
20 IS A DESIRE TO RECOGNIZE DISTRICTS THAT IMPLEMENT THOSE
21 OPPORTUNITIES IN A MANNER THAT ENSURES PARTICIPATING STUDENTS
22 RECEIVE ADEQUATE FUNDING; AND

23 (VI) AS THE STATE IMPLEMENTS A NEW PUBLIC SCHOOL FUNDING
24 FORMULA AND AS THE DEPARTMENT OF EDUCATION UPDATES ITS SCHOOL
25 FINANCE FUNDING SYSTEM, IT IS IN THE STATE'S BEST INTEREST TO
26 UNDERSTAND THE BENEFITS AND CHALLENGES ASSOCIATED WITH
27 WEIGHTED STUDENT BUDGETING.

1 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
2 NECESSARY FOR THE DEPARTMENT OF EDUCATION TO ENGAGE A STUDY OF
3 WEIGHTED STUDENT BUDGETING TO IDENTIFY WAYS TO SUPPORT
4 DISTRICTS TO ENSURE ITS STUDENTS RECEIVE THE FUNDING NEEDED TO
5 SUPPORT OVERALL ACADEMIC SUCCESS.

6 (2) FOR PURPOSES OF THIS SECTION, "WEIGHTED STUDENT
7 BUDGETING" MEANS BUDGETING PRACTICES THAT ALLOCATE PER-PUPIL
8 REVENUE TO SCHOOLS BASED ON THE INDIVIDUAL CHARACTERISTICS OF
9 THE STUDENTS AT EACH SCHOOL.

10 (3) NO LATER THAN NOVEMBER 1, 2024, THE DEPARTMENT OF
11 EDUCATION SHALL CONTRACT WITH A THIRD-PARTY ENTITY THAT SHALL
12 CONDUCT A STUDY AND PUBLISH A REPORT CONCERNING WEIGHTED
13 STUDENT BUDGETING. IN SELECTING THE THIRD-PARTY ENTITY, THE
14 DEPARTMENT OF EDUCATION SHALL SELECT AN ENTITY THAT HAS
15 EXPERIENCE IN DISTRICT BUDGETING.

16 (4) AT A MINIMUM, THE REPORT MUST:

17 (a) IDENTIFY THE DISTRICTS THAT USE WEIGHTED STUDENT
18 BUDGETING;

19 (b) ANALYZE A SAMPLE OF DISTRICTS THAT USE WEIGHTED
20 STUDENT BUDGETING, INCLUDING RATIONALE FOR SPECIFIC PRACTICES
21 AND BEST PRACTICES FOR SUCCESSFUL IMPLEMENTATION;

22 (c) IDENTIFY CHALLENGES AND ADVANTAGES OF USING WEIGHTED
23 STUDENT BUDGETING IN A SAMPLE OF DISTRICTS OF VARIOUS SIZE AND
24 GEOGRAPHIC LOCATION;

25 (d) INCLUDE FEEDBACK FROM DISTRICTS IN COLORADO AND OTHER
26 STATES THAT USE WEIGHTED STUDENT BUDGETING, AND FEEDBACK FROM
27 RESEARCHERS AND STAKEHOLDERS WITH EXPERTISE IN WEIGHTED

1 STUDENT BUDGETING;

2 (e) ANALYZE OTHER STATES, OR DISTRICTS IN OTHER STATES, THAT
3 USE WEIGHTED STUDENT BUDGETING, INCLUDING BEST PRACTICES OR
4 CHALLENGES;

5 (f) INCLUDE A COST AND BENEFIT ANALYSIS OF WEIGHTED
6 STUDENT BUDGETING; AND

7 (g) INCLUDE FINDINGS AND RECOMMENDATIONS CONCERNING THE
8 MANNER IN WHICH:

9 (I) DISTRICTS CAN IMPLEMENT WEIGHTED STUDENT BUDGETING,
10 INCLUDING THE REQUIRED, OR BEST, IMPLEMENTATION PROCEDURES,
11 TECHNOLOGY IMPROVEMENTS, AND FINANCIAL SUPPORT;

12 (II) THE DEPARTMENT OF EDUCATION CAN PUBLICLY REPORT
13 SCHOOL-LEVEL WEIGHTED STUDENT BUDGETING DATA IN A PLAIN AND
14 EASY-TO-UNDERSTAND MANNER; AND

15 (III) WEIGHTED STUDENT BUDGETING MAY BE USED TO ENSURE
16 ADEQUATE FUNDING FOR EXTENDED HIGH SCHOOL OPPORTUNITIES.

17 (5) NO LATER THAN JUNE 30, 2025, THE THIRD-PARTY ENTITY
18 SHALL SUBMIT ITS REPORT TO THE COMMISSIONER OF EDUCATION. NO
19 LATER THAN JUNE 30, 2025, THE COMMISSIONER OF EDUCATION SHALL
20 SUBMIT THE REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF
21 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,
22 AND TO THE GOVERNOR.

23 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

24 **22-54-202. Pupil enrollment count method - report - repeal.**

25 (1) BEGINNING IN THE 2026-27 BUDGET YEAR, IT IS THE GENERAL
26 ASSEMBLY'S INTENT TO IMPLEMENT A PUPIL ENROLLMENT COUNT METHOD
27 THAT DETERMINES A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE

1 BUDGET YEAR BASED ON MULTIPLE COUNT DAYS THAT OCCUR DURING THE
2 BUDGET YEAR.

3 (2) NO LATER THAN NOVEMBER 1, 2024, THE DEPARTMENT OF
4 EDUCATION SHALL CONTRACT WITH A THIRD-PARTY ENTITY THAT SHALL
5 CONDUCT A STUDY AND PUBLISH A REPORT WITH RECOMMENDATIONS
6 CONCERNING THE IMPLEMENTATION OF A PUPIL ENROLLMENT COUNT
7 METHOD THAT DETERMINES A DISTRICT'S PUPIL ENROLLMENT FOR THE
8 APPLICABLE BUDGET YEAR BASED ON MULTIPLE COUNT DAYS THAT OCCUR
9 DURING THE BUDGET YEAR. IN SELECTING THE THIRD-PARTY ENTITY, THE
10 DEPARTMENT OF EDUCATION SHALL SELECT AN ENTITY THAT HAS
11 EXPERIENCE IN STUDENT DATA COLLECTION AND PUBLIC SCHOOL FUNDING.

12 (3) AT A MINIMUM, THE REPORT MUST INCLUDE FOR ANY METHOD
13 EXAMINED:

14 (a) THE ESTIMATED COSTS FOR THE DEPARTMENT OR EDUCATION,
15 PUBLIC SCHOOLS, DISTRICTS, AND THE STATE CHARTER SCHOOL INSTITUTE
16 TO IMPLEMENT AND PERFORM THE NECESSARY REQUIREMENTS OF THE
17 METHOD;

18 (b) THE ESTIMATED FINANCIAL IMPACT OF THE NEW METHOD,
19 COMPARED TO THE EXISTING SINGLE STUDENT ENROLLMENT COUNT DAY,
20 FOR THE DEPARTMENT OF EDUCATION, PUBLIC SCHOOLS, DISTRICTS, AND
21 THE STATE CHARTER SCHOOL INSTITUTE;

22 (c) THE ESTIMATED AMOUNT OF TIME NECESSARY TO BE ABLE TO
23 ENSURE PROPER IMPLEMENTATION AND PERFORMANCE OF THE NECESSARY
24 REQUIREMENTS OF THE METHOD; AND

25 (d) AN ANALYSIS OF THE MULTIPLE COUNT DAY METHODS USED BY
26 OTHER STATES AND BEST PRACTICES USED BY THOSE STATES FOR
27 IMPLEMENTATION.

1 (4) NO LATER THAN JUNE 30, 2025, THE THIRD-PARTY ENTITY
2 SHALL SUBMIT ITS REPORT TO THE COMMISSIONER OF EDUCATION. NO
3 LATER THAN JUNE 30, 2025, THE COMMISSIONER OF EDUCATION SHALL
4 SUBMIT THE REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF
5 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,
6 AND TO THE GOVERNOR.

7 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

8 **SECTION 9.** In Colorado Revised Statutes, 22-41-102, **amend**
9 (3)(h) introductory portion; and **add** (3)(i), (3)(j), (3)(k), and (4) as
10 follows:

11 **22-41-102. Fund inviolate.** (3) (h) For the 2022-23 state fiscal
12 year ~~and each state fiscal year thereafter~~ THROUGH THE 2024-25 STATE
13 FISCAL YEAR, interest or income earned on the investment of the money
14 in the public school fund must be used or credited as follows:

15 (i) FOR THE 2024-25 STATE FISCAL YEAR, INTEREST OR INCOME
16 EARNED ON THE INVESTMENT OF THE MONEY IN THE PUBLIC SCHOOL FUND
17 MUST BE USED OR CREDITED AS FOLLOWS:

18 (I) THE LESSER OF ALL INTEREST AND INCOME OR ELEVEN MILLION
19 DOLLARS IS CREDITED TO THE STATE PUBLIC SCHOOL FUND CREATED IN
20 SECTION 22-54-114 FOR DISTRIBUTION AS PROVIDED IN THAT SECTION;

21 (II) AFTER THE INTEREST AND INCOME IS CREDITED PURSUANT TO
22 SUBSECTION (3)(i)(I) OF THIS SECTION, THE LESSER OF ALL INTEREST AND
23 INCOME OR ELEVEN MILLION DOLLARS OF INTEREST AND INCOME BECOMES
24 PART OF THE PRINCIPAL OF THE PUBLIC SCHOOL FUND; AND

25 (III) AFTER THE INTEREST AND INCOME IS CREDITED PURSUANT TO
26 SUBSECTIONS (3)(i)(I) AND (3)(i)(II) OF THIS SECTION, ALL INTEREST AND
27 INCOME IS CREDITED TO THE RESTRICTED ACCOUNT OF THE PUBLIC SCHOOL

1 CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION
2 22-43.7-104 (5) FOR USE AS PROVIDED IN THAT SECTION.

3 (j) FOR THE 2025-26 STATE FISCAL YEAR, INTEREST OR INCOME
4 EARNED ON THE INVESTMENT OF THE MONEY IN THE PUBLIC SCHOOL FUND
5 MUST BE USED OR CREDITED AS FOLLOWS:

6 (I) THE LESSER OF ALL INTEREST AND INCOME OR SIX MILLION
7 DOLLARS IS CREDITED TO THE STATE PUBLIC SCHOOL FUND CREATED IN
8 SECTION 22-54-114 FOR DISTRIBUTION AS PROVIDED IN THAT SECTION;

9 (II) AFTER THE INTEREST AND INCOME IS CREDITED PURSUANT TO
10 SUBSECTION (3)(j)(I) OF THIS SECTION, THE LESSER OF ALL INTEREST AND
11 INCOME OR SIX MILLION DOLLARS OF INTEREST AND INCOME BECOMES
12 PART OF THE PRINCIPAL OF THE PUBLIC SCHOOL FUND; AND

13 (III) AFTER THE INTEREST AND INCOME IS CREDITED PURSUANT TO
14 SUBSECTIONS (3)(j)(I) AND (3)(j)(II) OF THIS SECTION, ALL INTEREST AND
15 INCOME IS CREDITED TO THE RESTRICTED ACCOUNT OF THE PUBLIC SCHOOL
16 CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION
17 22-43.7-104 (5) FOR USE AS PROVIDED IN THAT SECTION.

18 (k) FOR THE 2026-27 STATE FISCAL YEAR, AND EACH STATE FISCAL
19 YEAR THEREAFTER, ALL INTEREST OR INCOME EARNED ON THE
20 INVESTMENT OF THE MONEY IN THE PUBLIC SCHOOL FUND MUST BE USED
21 OR CREDITED TO THE RESTRICTED ACCOUNT OF THE PUBLIC SCHOOL
22 CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION
23 22-43.7-104 (5) FOR USE AS PROVIDED IN THAT SECTION.

24 (4) PURSUANT TO SECTION 36-1-145 (2)(c), THE STATE TREASURER
25 SHALL MAKE AN ALLOCATION OF ANY MONEY REMAINING IN THE STATE
26 LAND BOARD TRUST ADMINISTRATION FUND, CREATED IN SECTION
27 36-1-145, FOR THE PURPOSE OF PAYING THE SERVICES OF THE INVESTMENT

1 CONSULTANT HIRED BY THE PUBLIC SCHOOL FUND INVESTMENT BOARD
2 PURSUANT TO SECTION 22-41-102.5 (5) AND TO PAY FOR THE
3 REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES
4 INCURRED BY THE MEMBERS OF THE PUBLIC SCHOOL FUND INVESTMENT
5 BOARD PURSUANT TO SECTION 22-41-102.5 (2).

6 **SECTION 10.** In Colorado Revised Statutes, 22-43.7-104,
7 **amend** (2)(b) introductory portion, (2)(b)(I)(B), and (2)(d) as follows:

8 **22-43.7-104. Public school capital construction assistance fund**
9 **- creation - crediting of money to fund - use of fund - emergency**
10 **reserve - creation - reserve account - creation and use.** (2) (b) For
11 each fiscal year commencing on or after July 1, 2008, the following
12 money ~~shall~~ **MUST** be credited to the assistance fund:

13 (I) (B) Except as otherwise provided in subsection (2)(b)(I)(C) of
14 this section, if the state treasurer determines during any fiscal year that the
15 use of interest or income earned on the deposit and investment of money
16 in the public school fund to make payments under a financed purchase of
17 an asset or certificate of participation agreement will prevent the interest
18 component of the payments from qualifying for exemption from federal
19 income taxation and provides written notice to the joint budget committee
20 of the general assembly of the determination, for the portion of the fiscal
21 year beginning on the date the written notice is provided to the joint
22 budget committee and for each subsequent fiscal year, THROUGH THE
23 2023-24 FISCAL YEAR, the greater of fifty percent of the gross amount of
24 public school lands income other than interest or income earned on the
25 deposit and investment of money in the public school fund received
26 during the fiscal year or forty million dollars; FOR THE 2024-25 FISCAL
27 YEAR, THE GREATER OF AN AMOUNT EQUAL TO TEN MILLION DOLLARS

1 PURSUANT TO SECTION 36-1-116 (1)(a)(II)(D), PLUS FIFTY PERCENT OF THE
2 GROSS AMOUNT OF THE PUBLIC SCHOOL LANDS INCOME OTHER THAN
3 INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF
4 MONEY IN THE PUBLIC SCHOOL FUND RECEIVED DURING THE FISCAL YEAR,
5 OR FORTY MILLION DOLLARS; FOR THE 2025-26 FISCAL YEAR, THE
6 GREATER OF AN AMOUNT EQUAL TO FIFTEEN MILLION DOLLARS PURSUANT
7 TO SECTION 36-1-116 (1)(a)(II)(E), PLUS FIFTY PERCENT OF THE GROSS
8 AMOUNT OF THE PUBLIC SCHOOL LANDS INCOME OTHER THAN INTEREST OR
9 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEY IN THE
10 PUBLIC SCHOOL FUND RECEIVED DURING THE FISCAL YEAR, OR FORTY
11 MILLION DOLLARS; AND FOR THE 2026-27 FISCAL YEAR, AND EACH FISCAL
12 YEAR THEREAFTER, THE GREATER OF AN AMOUNT EQUAL TO TWENTY-ONE
13 MILLION DOLLARS PURSUANT TO SECTION 36-1-116 (1)(a)(II)(F), PLUS
14 FIFTY PERCENT OF THE GROSS AMOUNT OF THE PUBLIC SCHOOL LANDS
15 INCOME OTHER THAN INTEREST OR INCOME EARNED ON THE DEPOSIT AND
16 INVESTMENT OF MONEY IN THE PUBLIC SCHOOL FUND RECEIVED DURING
17 THE FISCAL YEAR, OR FORTY MILLION DOLLARS. The money required to be
18 credited to the assistance fund pursuant to this subsection (2)(b)(I)(B)
19 may be taken from any single source or combination of sources of public
20 school lands income other than interest or income earned on the deposit
21 and investment of money in the public school fund.

22 (d) (I) For the state fiscal year commencing July 1, 2018, the state
23 treasurer, as provided in section 39-28.8-305 (1)(a), shall credit to the
24 assistance fund the greater of the first forty million dollars received and
25 collected from the excise tax on retail marijuana imposed pursuant to part
26 3 of article 28.8 of title 39 or ninety percent of the money received and
27 collected from the tax. For the state fiscal year commencing July 1, 2019,

1 and for each state fiscal year thereafter except for the state fiscal year
2 commencing July 1, 2020, the state treasurer, as provided in section
3 39-28.8-305 (1)(a), shall annually credit to the assistance fund all of the
4 money received and collected from the excise tax on retail marijuana
5 imposed pursuant to part 3 of article 28.8 of title 39. For the state fiscal
6 year commencing July 1, 2020, the state treasurer, as provided in section
7 39-28.8-305 (1)(a), shall credit to the assistance fund the lesser of the first
8 forty million dollars received and collected from the excise tax on retail
9 marijuana imposed pursuant to part 3 of article 28.8 of title 39 or all of
10 the money received and collected from the tax. For state fiscal years
11 commencing before July 1, 2019, the state treasurer shall credit twelve
12 and five-tenths percent of the amount annually credited pursuant to this
13 subsection (2)(d) to the charter school facilities assistance account, which
14 account is created within the assistance fund. For each state fiscal year
15 commencing on or after July 1, 2019, the state treasurer shall credit to the
16 charter school facilities assistance account a percentage of the amount
17 credited pursuant to this subsection (2)(d) that is equal to the percentage
18 of pupil enrollment, as defined in section 22-54-103 (10), statewide
19 represented by pupils who were enrolled in charter schools for the prior
20 school year. The department of education shall notify the state treasurer
21 of the applicable percentage no later than June 1 of the immediately
22 preceding fiscal year.

23 (II) IN ADDITION TO THE CREDIT MADE TO THE CHARTER SCHOOL
24 FACILITIES ASSISTANCE ACCOUNT PURSUANT TO SUBSECTION (2)(d)(I) OF
25 THIS SECTION, THE STATE TREASURER SHALL CREDIT THE FOLLOWING
26 AMOUNTS TO THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT
27 FROM THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND:

- 1 (A) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2024,
2 ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS;
- 3 (B) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2025,
4 TWELVE MILLION DOLLARS;
- 5 (C) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2026,
6 THIRTEEN MILLION DOLLARS;
- 7 (D) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2027,
8 FOURTEEN MILLION DOLLARS; AND
- 9 (E) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2028,
10 AND FOR EACH STATE FISCAL YEAR THEREAFTER, FIFTEEN MILLION
11 DOLLARS.

12 **SECTION 11.** In Colorado Revised Statutes, 22-43.7-110,
13 **amend** (2)(a)(VII) and (2)(a)(VIII); and **add** (2)(a)(IX) as follows:

14 **22-43.7-110. Financial assistance - grants - financed purchase**
15 **of an asset agreements.** (2) Subject to the following requirements and
16 limitations, the board may also instruct the state treasurer to enter into
17 financed purchase of an asset or certificate of participation agreements on
18 behalf of the state to provide financial assistance to applicants by
19 financing public school facility capital construction projects for which the
20 state board has recommended and the capital development committee has
21 authorized the provision of financial assistance that involves a financed
22 purchase of an asset or certificate of participation agreement pursuant to
23 section 22-43.7-109 (7):

24 (a) Subject to the limitation specified in subsection (2)(b) of this
25 section, the maximum total amount of annual payments payable by the
26 state during any fiscal year under the terms of all outstanding financed
27 purchase of an asset or certificate of participation agreements entered into

1 by the state treasurer as instructed by the board pursuant to this subsection
2 (2) is:

3 (VII) One hundred five million dollars for the 2019-20 fiscal year;
4 **and**

5 (VIII) One hundred twenty-five million dollars for the 2020-21
6 fiscal year and for each fiscal year thereafter THROUGH THE 2023-24
7 FISCAL YEAR; AND

8 (IX) ONE HUNDRED FIFTY MILLION DOLLARS FOR THE 2024-25
9 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER.

10 **SECTION 12.** In Colorado Revised Statutes, 36-1-116, **amend**
11 (1)(a)(II)(A); and **add** (1)(a)(II)(D), (1)(a)(II)(E), and (1)(a)(II)(F) as
12 follows:

13 **36-1-116. Disposition of rentals, royalties, and timber sale**
14 **proceeds.** (1) (a) (II) (A) Except as provided in ~~subsections (1)(a)(II)(B)~~
15 ~~and (1)(a)(II)(C)~~ SUBSECTIONS (1)(a)(II)(B), (1)(a)(II)(C), (1)(a)(II)(D),
16 (1)(a)(II)(E), AND (1)(a)(II)(F) of this section, for the 2010-11 state fiscal
17 year and each state fiscal year thereafter, the proceeds received by the
18 state for the sale of timber on public school lands, lease payments and
19 rental payments for said lands, rental payments for the use and occupation
20 of the surface of said lands, and rentals or lease payments for sand,
21 gravel, clay, stone, coal, oil, gas, geothermal resources, gold, silver, or
22 other minerals on said lands other than proceeds, rentals, and payments
23 allocated to the state land board trust administration fund pursuant to
24 section 36-1-145 (3) or credited to the public school capital construction
25 assistance fund created in section 22-43.7-104 (1), pursuant to section
26 22-43.7-104 (2)(b)(I), shall be credited to the permanent school fund and
27 shall become part of the principal of the permanent school fund.

1 (D) FOR THE 2024-25 STATE FISCAL YEAR, BEFORE CREDITING
2 PROCEEDS RECEIVED BY THE STATE TO THE PERMANENT SCHOOL FUND
3 PURSUANT TO SUBSECTION (1)(a)(II)(A) OF THIS SECTION, THE LESSER OF
4 ALL SUCH PROCEEDS OR TEN MILLION DOLLARS OF SUCH PROCEEDS MUST
5 BE CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE
6 FUND CREATED IN SECTION 22-43.7-104 (1).

7 (E) FOR THE 2025-26 STATE FISCAL YEAR, BEFORE CREDITING
8 PROCEEDS RECEIVED BY THE STATE TO THE PERMANENT SCHOOL FUND
9 PURSUANT TO SUBSECTION (1)(a)(II)(A) OF THIS SECTION, THE LESSER OF
10 ALL SUCH PROCEEDS OR FIFTEEN MILLION DOLLARS OF SUCH PROCEEDS
11 MUST BE CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION
12 ASSISTANCE FUND CREATED IN SECTION 22-43.7-104 (1).

13 (F) FOR THE 2026-27 STATE FISCAL YEAR, AND EACH STATE FISCAL
14 YEAR THEREAFTER, BEFORE CREDITING PROCEEDS RECEIVED BY THE STATE
15 TO THE PERMANENT SCHOOL FUND PURSUANT TO SUBSECTION (1)(a)(II)(A)
16 OF THIS SECTION, THE LESSER OF ALL SUCH PROCEEDS OR TWENTY-ONE
17 MILLION DOLLARS OF SUCH PROCEEDS MUST BE CREDITED TO THE PUBLIC
18 SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION
19 22-43.7-104 (1).

20 **SECTION 13.** In Colorado Revised Statutes, 36-1-145, **amend**
21 (2)(c) as follows:

22 **36-1-145. Land commissioners' receipts - appropriation.**

23 (2) (c) Any ~~moneys~~ MONEY remaining in the state land board trust
24 administration fund at the end of the state fiscal year ~~shall be allocated to~~
25 ~~the trust funds under the control of the state board of land commissioners~~
26 ~~in an amount equal to the proportion of such moneys that would have~~
27 ~~been paid into such trust funds but for their allocation to the state land~~

1 ~~board trust administration fund; except that moneys in the financial~~
2 ~~warranty account of the fund created in paragraph (c) of this subsection~~
3 ~~(2) shall remain in the account until spent~~ SHALL BE:

4 (I) APPROPRIATED BY THE GENERAL ASSEMBLY TO THE STATE
5 TREASURER IN AN AMOUNT NECESSARY TO ALLOW THE STATE TREASURER
6 TO MAKE THE ALLOCATION REQUIRED BY SECTION 22-41-102 (4) TO PAY
7 FOR THE SERVICES OF THE INVESTMENT CONSULTANT HIRED BY THE
8 PUBLIC SCHOOL FUND INVESTMENT BOARD PURSUANT TO SECTION
9 22-41-102.5 (5) AND TO PAY FOR THE REIMBURSEMENT FOR TRAVEL AND
10 OTHER NECESSARY EXPENSES INCURRED BY THE MEMBERS OF THE PUBLIC
11 SCHOOL FUND INVESTMENT BOARD PURSUANT TO SECTION 22-41-102.5
12 (2); AND

13 (II) AFTER THE APPROPRIATION MADE PURSUANT TO SUBSECTION
14 (2)(c)(I) OF THIS SECTION, ANY MONEY REMAINING IN THE STATE LAND
15 BOARD TRUST ADMINISTRATION FUND AT THE END OF THE STATE FISCAL
16 YEAR MUST BE ALLOCATED TO THE TRUST FUNDS UNDER THE CONTROL OF
17 THE STATE BOARD OF LAND COMMISSIONERS IN AN AMOUNT EQUAL TO THE
18 PROPORTION OF THE MONEY THAT WOULD HAVE BEEN PAID INTO THE
19 TRUST FUNDS BUT FOR THEIR ALLOCATION TO THE STATE LAND BOARD
20 TRUST ADMINISTRATION FUND; EXCEPT THAT MONEY IN THE FINANCIAL
21 WARRANTY ACCOUNT OF THE FUND CREATED IN SUBSECTION (2)(e) OF
22 THIS SECTION MUST REMAIN IN THE ACCOUNT UNTIL SPENT.

23 **SECTION 14.** In Colorado Revised Statutes, **repeal** 22-54-104.1.

24 **SECTION 15.** In Colorado Revised Statutes, 22-54-104.2,
25 **amend** (1); and **repeal** (2) as follows:

26 **22-54-104.2. Legislative declaration.** (1) The general assembly
27 hereby finds and declares that, for purposes of section 17 of article IX of

1 the state constitution, ~~the expansion of the definition of "at-risk pupils",~~
2 ~~as defined in section 22-54-103 (1.5)(a)(V), to include district pupils who~~
3 ~~are English language learners, as defined in section 22-54-103~~
4 ~~(1.5)(b)(IV);~~ the increase in the at-risk factor pursuant to section
5 22-54-104 (5)(f)(II) for districts whose percentage of at-risk pupils is
6 greater than the statewide average percentage of at-risk pupils and whose
7 funded pupil count is greater than fifty thousand, the requirement that
8 districts that receive at-risk funding spend a portion of their at-risk
9 funding on implementation of the district's English language proficiency
10 program pursuant to section 22-54-105 (3)(b)(I) and the increase in the
11 at-risk factor from 11.2% to 12% for the 2005-06 budget year and each
12 budget year thereafter pursuant to section 22-54-104 ~~(2)(b)(H)(A)~~
13 ~~(2)(b)(II)~~ and (5)(f) are important elements of accountable programs to
14 meet state academic standards and may therefore receive funding from
15 the state education fund created in section 17 (4) of article IX of the state
16 constitution.

17 (2) ~~The general assembly further finds and declares that, for~~
18 ~~purposes of section 17 of article IX of the state constitution, the~~
19 ~~enactment of the definition of "at-risk funded pupil count", as defined in~~
20 ~~section 22-54-103 (1), to allow up to three-year averaging of the number~~
21 ~~of at-risk pupils, is an important element of accountable education reform~~
22 ~~and may therefore receive funding from the state education fund created~~
23 ~~in section 17 (4) of article IX of the state constitution.~~

24 **SECTION 16.** In Colorado Revised Statutes, 22-54-104.3,
25 **amend** (2.7)(a), (2.7)(d)(I) introductory portion, and (2)(d)(I)(A); and
26 **repeal** (3) and (5) as follows:

27 **22-54-104.3. Total program for budget years - special**

1 **provisions.** (2.7) (a) ~~For the 1997-98 budget year and budget years~~
2 ~~thereafter,~~ Notwithstanding the provisions of ~~section 22-54-104 (2) and~~
3 ~~(6)~~ THIS ARTICLE 54, a district's total program for the applicable budget
4 year ~~shall~~ MUST not exceed the district's total program for the prior budget
5 year multiplied by ~~100%~~ ONE HUNDRED PERCENT plus the district's
6 maximum annual percentage change in the applicable fiscal year
7 spending.

8 (d) (I) ~~For the 1998-99 budget year and budget years thereafter,~~
9 If a district's total program is calculated pursuant to ~~paragraph (a) of this~~
10 ~~subsection (2.7)~~ SUBSECTION (2.7)(a) OF THIS SECTION and the district is
11 capable of receiving an increase in its total program within the limitations
12 on its fiscal year spending for the applicable budget year under section 20
13 of article X of the state constitution, the district may certify to the
14 department that it may receive an additional increase in its total program
15 for the applicable budget year in an amount equal to the lesser of:

16 (A) The difference between the district's total program for the
17 applicable budget year calculated pursuant to ~~paragraph (a) of this~~
18 ~~subsection (2.7)~~ SUBSECTION (2.7)(a) OF THIS SECTION and the district's
19 total program for the applicable budget year ~~calculated~~ DETERMINED
20 pursuant to ~~section 22-54-104 (2) or (6)~~ THIS ARTICLE 54; or

21 (3) ~~Notwithstanding the provisions of section 22-54-104 (2), for~~
22 ~~the 1994-95 budget year, if a district's 1994-95 total formula per pupil~~
23 ~~funding is less than the district's 1993-94 total per pupil funding, the total~~
24 ~~program for such district shall be calculated in accordance with the~~
25 ~~following formula:~~

26 (a) ~~If the district's 1994-95 funded pupil count is equal to or less~~
27 ~~than the district's 1993-94 funded pupil count, the formula shall be:~~

1 District 1993-94 funded pupil count x District 1993-94 total per
2 pupil funding.

3 (b) If the district's 1994-95 funded pupil count is greater than the
4 district's 1993-94 funded pupil count, the formula shall be:

5 District 1993-94 total funding + ((District 1994-95 funded pupil
6 count - District 1993-94 funded pupil count) x District 1994-95
7 total formula per pupil funding).

8 (5) For purposes of subsection (3) of this section and section
9 22-54-104 (6):

10 (a) to (d) Repealed.

11 (e) A district's "prior year total per pupil funding" means the
12 amount which results from dividing the district's prior year total program
13 by the district's prior year funded pupil count.

14 (f) A district's "total formula per pupil funding" means the total
15 program for a district for the applicable budget year, as calculated
16 pursuant to section 22-54-104 (2), divided by the district's funded pupil
17 count for the applicable budget year.

18 (g) (Deleted by amendment, L. 95, p. 613, § 15, effective May 22,
19 1995.)

20 **SECTION 17.** In Colorado Revised Statutes, 22-54-105, **amend**
21 (3)(a); and **repeal** (3)(b) as follows:

22 **22-54-105. Instructional supplies and materials - capital**
23 **reserve and insurance reserve - at-risk funding - preschool funding.**

24 (3) (a) For the 1997-98 budget year and budget years thereafter, Every
25 district that receives at-risk funding pursuant to the provisions of section
26 22-54-104 THIS ARTICLE 54 shall expend in total at least seventy-five
27 percent of the district's at-risk funding on direct instruction or staff

1 development, or both, for the educational program of at-risk pupils in the
2 district.

3 ~~(b) (f) Notwithstanding the provisions of paragraph (a) of this~~
4 ~~subsection (3), for the 2001-02 budget year and budget years thereafter,~~
5 ~~any district that receives at-risk funding pursuant to section 22-54-104~~
6 ~~and qualifies for a higher at-risk factor as provided in section 22-54-104~~
7 ~~(5)(f)(II) shall expend an amount calculated pursuant to subparagraph (H)~~
8 ~~of this paragraph (b) on implementation of the district's English language~~
9 ~~proficiency program as provided in article 24 of this title. It is the intent~~
10 ~~of the general assembly that each school district expend said amount on~~
11 ~~English language proficiency programs that are either taught in English~~
12 ~~or that are designed to move students as quickly as possible into programs~~
13 ~~taught in English. The district shall expend at least seventy-five percent~~
14 ~~of the remaining amount of at-risk funding received on direct instruction~~
15 ~~or staff development, or both, for the educational program of at-risk~~
16 ~~pupils in the district.~~

17 ~~(H) The amount of at-risk funding expended pursuant to~~
18 ~~subparagraph (I) of this paragraph (b) shall be equal to the difference~~
19 ~~between the amount of at-risk funding generated by an increase in the~~
20 ~~at-risk factor of 0.36 of a percentage point versus an increase of 0.34 of~~
21 ~~a percentage point for each percentage point that the district percentage~~
22 ~~of at-risk pupils exceeds the statewide average percentage of at-risk~~
23 ~~pupils.~~

24 **SECTION 18.** In Colorado Revised Statutes, 22-54-106, **amend**
25 **(2.1)(c)(I) and (2.1)(e)(II); and repeal (2) as follows:**

26 **22-54-106. Local and state shares of district total program -**
27 **legislative declaration - definition - repeal.** (2) (a) ~~Except as provided~~

1 in subsection (2)(c) of this section for reorganized districts, for the 2007
2 property tax year and property tax years thereafter through the 2019
3 property tax year, each district shall levy the lesser of:

4 (I) The number of mills levied by the district for the immediately
5 preceding property tax year;

6 (II) (A) Subject to the provisions of sub-subparagraph (B) of this
7 subparagraph (II), the number of mills that will generate property tax
8 revenue in an amount equal to the district's total program for the
9 applicable budget year minus the amount of specific ownership tax
10 revenue paid to the district.

11 (B) Regardless of the applicability of section 22-54-104 (5)(g), for
12 the purposes of this subparagraph (II), a district's total program shall be
13 the amount calculated pursuant to section 22-54-104 (2).

14 (III) For a district that has not obtained voter approval to retain
15 and spend revenues in excess of the property tax revenue limitation
16 imposed on the district by section 20 of article X of the state constitution,
17 the number of mills that may be levied by the district under the property
18 tax revenue limitation imposed on the district by section 20 of article X
19 of the state constitution. In the calculation of local growth for purposes
20 of determining the property tax revenue limitation imposed on a district
21 under this subparagraph (III), a district's student enrollment shall be the
22 district's funded pupil count.

23 (IV) Repealed.

24 (V) Twenty-seven mills.

25 (b) (I) (A) If a district's total program for the 1994-95 budget year
26 was calculated pursuant to section 22-54-104.3, for the 1995 property tax
27 year, the levy calculated pursuant to paragraph (a) of this subsection (2)

1 shall be reduced by the number of mills required to generate the
2 difference between the district's total program for the 1994-95 budget
3 year, as calculated pursuant to section 22-54-104.3 (3), and the district's
4 total program for the 1994-95 budget year, as calculated pursuant to
5 section 22-54-104 (2). The amount by which property tax revenue is
6 reduced pursuant to this paragraph (b) shall be counted toward the
7 limitation on additional local revenues as provided in section 22-54-108
8 (3).

9 (B) Notwithstanding the provisions of sub-subparagraph (A) of
10 this subparagraph (I), if the mill levy was calculated pursuant to
11 subparagraph (H) of paragraph (a) of this subsection (2), the difference
12 between the district's total program for the 1994-95 budget year, as
13 calculated pursuant to section 22-54-104.3 (3), and the district's total
14 program for the 1994-95 budget year, as calculated pursuant to section
15 22-54-104 (2), shall be added to the total program as calculated pursuant
16 to section 22-54-104 (2) to calculate the levy pursuant to this
17 subparagraph (I).

18 (H) If after calculating the mill levy pursuant to subparagraph (I)
19 of this paragraph (b) the district's levy exceeds 41.75 mills, the district
20 shall levy 41.75 mills.

21 (H) For the 1995-96 budget year, if the amount of property tax
22 generated for the 1994-95 budget year by the number of mills by which
23 the mills levied by the district for the 1994-95 budget year exceeded
24 40.080 mills was equal to or exceeded the difference between the
25 district's total program for the 1994-95 budget year, as calculated
26 pursuant to section 22-54-104.3 (3), and the district's total program for the
27 1994-95 budget year, as calculated pursuant to section 22-54-104 (2), the

1 ~~district may levy the difference between the levy pursuant to~~
2 ~~subparagraph (I) and subparagraph (II) of this paragraph (b). For the~~
3 ~~1996-97 budget year and budget years thereafter, the district may continue~~
4 ~~to impose a mill levy that will generate the amount of revenue produced~~
5 ~~by the calculation described in this subparagraph (III) for the 1995-96~~
6 ~~budget year. The amount of property tax generated pursuant to this~~
7 ~~subparagraph (III) shall be counted toward the limitation on additional~~
8 ~~local revenues as provided in section 22-54-108 (3)(f).~~

9 ~~(c)(I) Notwithstanding any other provision of this subsection (2);~~
10 ~~if there is a reorganization pursuant to article 30 of this title, except for a~~
11 ~~detachment and annexation, and if such reorganization involves districts~~
12 ~~with differing mill levies, then in its first year of operation, the new~~
13 ~~district shall levy a number of mills that is based on the total property~~
14 ~~taxes collected in the preceding year from property included within the~~
15 ~~new district divided by the total valuation for assessment in the preceding~~
16 ~~year of property located within the new district but in no event more than~~
17 ~~41.75 mills. This paragraph (c) shall not apply to any new district whose~~
18 ~~levy would otherwise be calculated pursuant to subparagraph (II) of~~
19 ~~paragraph (a) of this subsection (2).~~

20 ~~(II) If there is a detachment and annexation pursuant to article 30~~
21 ~~of this title and if such detachment and annexation involves districts with~~
22 ~~differing mill levies, then in the first year after the detachment and~~
23 ~~annexation, the annexing district shall calculate its levy pursuant to~~
24 ~~paragraph (a) of this subsection (2).~~

25 (2.1) (c) For the 2021 property tax year and each property tax year
26 thereafter, except as otherwise provided in subsection (2.1)(e) of this
27 section for reorganized districts, each district shall levy the lesser of:

1 (I) The number of mills that will generate property tax revenue in
2 an amount equal to the district's total program for the applicable budget
3 year minus the amount of specific ownership tax revenue paid to the
4 district. ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~
5 ~~the purposes of this subsection (2.1)(c)(I), a district's total program is the~~
6 ~~amount calculated pursuant to section 22-54-104 (2).~~

7 (e) Notwithstanding any other provision of this subsection (2.1)
8 to the contrary, for the 2020 property tax year and each property tax year
9 thereafter, if there is a reorganization pursuant to article 30 of this title 22
10 that results in the creation of a new district, then in the first year of
11 operation the new district shall levy the lesser of:

12 (II) The number of mills that will generate property tax revenue
13 in an amount equal to the district's total program for the first year of
14 operation minus the amount of specific ownership tax revenue paid to the
15 district. ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~
16 ~~the purposes of this subsection (2.1)(c)(II), the district's total program is~~
17 ~~the amount calculated pursuant to section 22-54-104 (2).~~

18 **SECTION 19.** In Colorado Revised Statutes, 22-54-107.9,
19 **amend** (3)(b)(II); and **repeal** (1)(l) as follows:

20 **22-54-107.9. Override mill levy match - calculation -**
21 **distribution - fund created - definitions.** (1) As used in this section,
22 unless the context otherwise requires:

23 (l) ~~"Total program" means the amount of total program funding~~
24 ~~for a district calculated pursuant to section 22-54-104 (2) before~~
25 ~~application of the budget stabilization factor.~~

26 (3) (b) If more than ten percent of a district's funded pupil count
27 for the applicable budget year is attributable to the district's online pupil

1 enrollment, the department shall calculate the district's adjusted total
2 program as follows:

3 (II) The department shall subtract from the district's total program
4 for the applicable budget year an amount equal to the district's reduced
5 online pupil enrollment, calculated pursuant to subsection (3)(b)(I) of this
6 section, multiplied by the per pupil online funding amount for the
7 applicable budget year as described in ~~section 22-54-104 (4.5)(c)(II)~~
8 ~~before application of the budget stabilization factor~~ THIS ARTICLE 54.

9 **SECTION 20.** In Colorado Revised Statutes, 22-54-108, **amend**
10 (1), (2), (3)(a), (3)(b)(I), (3)(b)(II), (3)(b)(III), (3)(b)(IV)(A),
11 (3)(b)(IV)(B), and (5)(b) as follows:

12 **22-54-108. Authorization of additional local revenues -**
13 **definitions.** (1) Effective July 1, 1994, a district which desires to raise
14 and expend local property tax revenues in excess of the district's total
15 program ~~as determined in accordance with section 22-54-104~~ may submit
16 the question of whether the district should be authorized to raise and
17 expend additional local property tax revenues, subject to the limitations
18 of subsection (3) of this section, thereby authorizing an additional levy in
19 excess of the levy authorized under section 22-54-106 for the district's
20 general fund for the then current budget year and each budget year
21 thereafter. The question authorized by this subsection (1) ~~shall~~ MUST be
22 submitted at an election held in accordance with section 20 of article X
23 of the state constitution and title 1. ~~C.R.S.~~

24 (2) Effective July 1, 1994, upon proper submittal to a district of
25 a valid initiative petition, the district shall submit to the eligible electors
26 of the district the question of whether the district should be authorized to
27 raise and expend additional local property tax revenues in excess of the

1 district's total program, ~~as determined in accordance with section~~
2 ~~22-54-104~~, subject to the limitations of subsection (3) of this section,
3 thereby authorizing an additional levy in excess of the levy authorized
4 under section 22-54-106 for the district's general fund for the then current
5 budget year and each budget year thereafter. The question authorized by
6 this subsection (2) ~~shall~~ MUST be submitted at an election held in
7 accordance with section 20 of article X of the state constitution and title
8 1. C.R.S. An initiative petition under this subsection (2) ~~shall~~ MUST be
9 signed by at least five percent of the eligible electors in the district at the
10 time the petition is filed.

11 (3) (a) Notwithstanding the provisions of section 20 of article X
12 of the state constitution which allow districts to seek voter approval for
13 spending and revenue increases, ~~the provisions of this subsection (3) shall~~
14 ~~limit~~ LIMITS a district's authority to raise and expend local property tax
15 revenues in excess of the district's total program. ~~as determined in~~
16 ~~accordance with section 22-54-104.~~

17 (b) (I) Except as otherwise provided in subsections (3)(b)(II),
18 (3)(b)(III), (3)(b)(IV), and (3)(b)(V) of this section, the total additional
19 local property tax revenues that may be received pursuant to elections
20 held pursuant to this section must not exceed under any circumstances
21 twenty percent of the district's total program ~~as determined pursuant to~~
22 ~~section 22-54-104 (2)~~ or two hundred thousand dollars, whichever is
23 greater.

24 (II) (A) Effective July 1, 2002, ~~and subject to the provisions of~~
25 ~~sub-subparagraph (B) of this subparagraph (H)~~, the total additional local
26 property tax revenues that may be received pursuant to elections held
27 pursuant to this section ~~shall~~ MUST not exceed under any circumstances

1 twenty percent of the district's total program as ~~determined pursuant to~~
2 ~~section 22-54-104 (2)~~ or two hundred thousand dollars, whichever is
3 greater, plus an amount equal to the maximum dollar amount of property
4 tax revenue that the district could have generated for the 2001-02 budget
5 year if, in accordance with the provisions of section 22-54-107.5, the
6 district submitted a question to and received approval of the eligible
7 electors of the district at an election held in November 2001.

8 (B) ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~
9 ~~the purposes of this subparagraph (H), a district's total program shall be~~
10 ~~the amount calculated pursuant to section 22-54-104 (2).~~

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

22 (B) ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~
23 ~~purposes of this subparagraph (H), a district's total program shall be the~~
24 ~~amount calculated pursuant to section 22-54-104 (2).~~

25 (IV) (A) On and after May 22, 2015, ~~and subject to the provisions~~
26 ~~of sub-subparagraph (B) of this subparagraph (IV);~~ the total additional
27 local property tax revenues that a small rural district may receive pursuant

1 to an election held pursuant to this section ~~shall~~ MUST not exceed under
2 any circumstances thirty percent of the small rural district's total program
3 as determined pursuant to section 22-54-104(2) or two hundred thousand
4 dollars, whichever is greater, plus an amount equal to the maximum dollar
5 amount of property tax revenue that the small rural district could have
6 generated for the 2001-02 budget year if, in accordance with the
7 provisions of section 22-54-107.5, the small rural district submitted a
8 question to and received approval of the eligible electors of the district at
9 an election held in November 2001.

10 (B) ~~Regardless of the applicability of section 22-54-104(5)(g), for~~
11 ~~purposes of this subparagraph (IV), a small rural district's total program~~
12 ~~is the amount calculated pursuant to section 22-54-104(2):~~

13 (5) As used in this section, unless the context otherwise requires:

14 (b) "Total program", on and after July 1, 2023, means a district's
15 or small rural district's total program ~~calculated pursuant to section~~
16 ~~22-54-104(2), before application of the budget stabilization factor~~
17 ~~pursuant to section 22-54-104(5)(g) plus the amount the district or small~~
18 rural district receives for students enrolled through the Colorado universal
19 preschool program pursuant to part 2 of article 4 of title 26.5.

20 **SECTION 21.** In Colorado Revised Statutes, 22-54-108.5,
21 **amend** (1)(a), (1)(b), and (1)(e) as follows:

22 **22-54-108.5. Authorization of additional local revenues for**
23 **full-day kindergarten - definitions.** (1) (a) Notwithstanding any law to
24 the contrary, effective July 1, 2007, any district that chooses to raise and
25 expend local property tax revenues in excess of the district's total
26 program, ~~as determined in accordance with section 22-54-104,~~ and in
27 addition to any property tax revenues levied pursuant to sections

1 22-54-107 and 22-54-108, may submit the question of whether the district
2 should be authorized to raise and expend additional local property tax
3 revenues, thereby authorizing an additional levy in excess of the levy
4 authorized under sections 22-54-106, 22-54-107, and 22-54-108, to
5 provide funding for excess full-day kindergarten program costs in the
6 district for the then-current budget year and each budget year thereafter.
7 The question authorized by this ~~paragraph (a)~~ SUBSECTION (1)(a) may also
8 include a question of whether to impose an additional mill levy of a stated
9 amount and limited duration to meet the initial capital construction needs
10 of the district associated with the establishment of a full-day kindergarten
11 program. If a mill levy for capital construction needs associated with the
12 district's full-day kindergarten program is approved for more than one
13 year, the board of education of the district may, without calling an
14 election, decrease the amount or duration of the mill levy in subsequent
15 years. The questions authorized by this ~~paragraph (a)~~ shall SUBSECTION
16 (1)(a) MUST be submitted at an election held in accordance with section
17 20 of article X of the state constitution and title 1. ~~C.R.S.~~

18 (b) Notwithstanding any law to the contrary, effective July 1,
19 2007, upon proper submittal to a district of a valid initiative petition, the
20 district shall submit to the eligible electors of the district the question of
21 whether the district should be authorized to raise and expend additional
22 local property tax revenues in excess of the district's total program, ~~as~~
23 ~~determined in accordance with section 22-54-104~~ and in addition to any
24 property tax revenues levied pursuant to sections 22-54-107 and
25 22-54-108, thereby authorizing an additional levy in excess of the levy
26 authorized under sections 22-54-106, 22-54-107, and 22-54-108, to
27 provide funding for excess full-day kindergarten program costs in the

1 district for the then-current budget year and each budget year thereafter.
2 The question authorized by this ~~paragraph (b)~~ SUBSECTION (1)(b) may
3 also include a question of whether to impose an additional mill levy of a
4 stated amount and limited duration to meet the initial capital construction
5 needs of the district associated with the establishment of a full-day
6 kindergarten program. If a mill levy for capital construction needs
7 associated with the district's full-day kindergarten program is approved
8 for more than one year, the board of education of the district may, without
9 calling an election, decrease the amount or duration of the mill levy in
10 subsequent years. The questions authorized by this ~~paragraph (b)~~ shall
11 SUBSECTION (1)(b) MUST be submitted at an election held in accordance
12 with section 20 of article X of the state constitution and title 1. ~~C.R.S.~~ An
13 initiative petition under this ~~paragraph (b)~~ shall SUBSECTION (1)(b) MUST
14 be signed by at least five percent of the eligible electors in the district at
15 the time the petition is filed.

16 (e) Notwithstanding the provisions of section 20 of article X of
17 the state constitution that allow districts to seek voter approval for
18 spending and revenue increases, the provisions of this subsection (1) shall
19 limit a district's authority to raise and expend local property tax revenues
20 in excess of the district's total program. ~~as determined in accordance with~~
21 ~~section 22-54-104.~~

22 **SECTION 22.** In Colorado Revised Statutes, 22-54-108.7,
23 **amend** (1)(a) as follows:

24 **22-54-108.7. Authorization of additional local revenues for**
25 **cash funding of capital construction, new technology, existing**
26 **technology upgrade, and maintenance needs - definition.**

27 (1) (a) Notwithstanding any law to the contrary, any district that chooses

1 to raise and expend local property tax revenue in excess of the district's
2 total program, ~~as determined in accordance with section 22-54-104,~~ and
3 in addition to any revenue generated by property tax levied pursuant to
4 sections 22-54-106, 22-54-107, 22-54-107.5, 22-54-108, and
5 22-54-108.5, may submit the question of whether the district should be
6 authorized to raise and expend additional local property tax revenue,
7 thereby authorizing an additional levy in excess of the levy authorized
8 under sections 22-54-106, 22-54-107, and 22-54-108, to provide ongoing
9 cash funding for the capital construction, new technology, existing
10 technology upgrade, and maintenance needs of the district. A question
11 authorized by this ~~paragraph (a)~~ SUBSECTION (1)(a) must be submitted at
12 an election held in accordance with section 20 of article X of the state
13 constitution and title 1. ~~C.R.S.~~

14 **SECTION 23.** In Colorado Revised Statutes, 22-54-122, **amend**
15 (2) as follows:

16 **22-54-122. Small attendance center aid.** (2) (a) A district
17 meeting the eligibility requirements of subsection (1) of this section ~~shall~~
18 ~~be~~ IS eligible to receive aid for each small attendance center as calculated
19 by: Multiplying the pupil enrollment of the small attendance center by an
20 amount equal to thirty-five percent of the difference between the district
21 per pupil funding ~~as calculated pursuant to section 22-54-104,~~ and the
22 district per pupil funding, ~~as calculated pursuant to section 22-54-104~~
23 except using the size factor calculated using the funded pupil count of the
24 small attendance center; and then multiplying ~~such~~ THE amount by the
25 percentage determined by dividing the difference between two hundred
26 and the funded pupil count of the small attendance center by two hundred.

27 (b) An institute charter school meeting the eligibility requirements

1 of subsection (1.5) of this section ~~shall be~~ IS eligible to receive aid as a
2 small attendance center as calculated by: Multiplying the pupil enrollment
3 of the institute charter school by an amount equal to thirty-five percent of
4 the difference between the district per pupil funding of the institute
5 charter school's accounting district ~~as calculated pursuant to section~~
6 ~~22-54-104~~ and ~~such~~ THE district per pupil funding, ~~as calculated pursuant~~
7 ~~to section 22-54-104~~, except using the size factor calculated using the
8 pupil enrollment of the institute charter school, and then multiplying such
9 amount by the percentage determined by dividing the difference between
10 two hundred and the pupil enrollment of the institute charter school by
11 two hundred.

12 **SECTION 24.** In Colorado Revised Statutes, 22-54-129, **amend**
13 (1)(g) as follows:

14 **22-54-129. Facility school funding - legislative declaration -**
15 **definitions.** (1) As used in this section, unless the context otherwise
16 requires:

17 (g) "Statewide base per pupil funding" means the amount annually
18 specified in ~~section 22-54-104 (5)(a)~~ THIS ARTICLE 54.

19 **SECTION 25.** In Colorado Revised Statutes, 19-1-115.5, **amend**
20 (1)(a)(I) as follows:

21 **19-1-115.5. Placement of children out of home - legislative**
22 **declaration.** (1) (a) (I) The general assembly hereby finds that the
23 number of children in out-of-home placement has increased significantly.
24 The general assembly further finds that the facility in which a child is
25 placed out of home is often not located in the same school district as the
26 child's school district of residence. Nevertheless, the general assembly
27 finds that, ~~under the provisions of~~ PURSUANT TO the "Public School

1 Finance Act of ~~1994~~ 2025", article 54 of title 22, ~~C.R.S.~~ children in foster
2 home placement are considered residents of the school district in which
3 the foster home is located. Accordingly, the school district in which the
4 child is placed must accommodate the child and provide the child with the
5 necessary educational services that serve the child's best interests while
6 absorbing the costs associated with such services within the constraints
7 of the school district's existing budget. The general assembly finds that in
8 many circumstances it is not possible to meet the best interests of the
9 child in out-of-home placement and the needs of other children enrolled
10 in the school district within the confines of the district's budget.

11 **SECTION 26.** In Colorado Revised Statutes, 22-1-122, **amend**
12 (6)(b) as follows:

13 **22-1-122. Transportation token program - legislative**
14 **declaration - eligibility - fund.** (6) (b) ~~So long as~~ IF an eligible student
15 is enrolled before the pupil enrollment count day, the parent or legal
16 guardian of an eligible student may choose to enroll the eligible student
17 in and transport the eligible student to a public school in another school
18 district that has available space. ~~Such~~ THE school district shall enroll the
19 eligible student and include the eligible student in the district's pupil
20 enrollment for purposes of the "Public School Finance Act of ~~1994~~ 2025".

21 **SECTION 27.** In Colorado Revised Statutes, 22-2-117, **amend**
22 (1)(b)(I) and (1)(d) as follows:

23 **22-2-117. Additional power - state board - waiver of**
24 **requirements - rules.** (1) (b) The state board shall not waive any of the
25 requirements specified in any of the following statutory provisions:

26 (I) The "Public School Finance Act of ~~1994~~ 2025", article 54 of
27 this ~~title~~ TITLE 22;

1 (d) In addition to any requirements for a waiver application that
2 are specified in this subsection (1), any application submitted by a school
3 district that has a funded pupil count, as ~~defined in section 22-54-103 (7)~~
4 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22, of three
5 thousand or more pupils shall demonstrate that ~~such~~ THE application has
6 the consent of a majority of the appropriate accountability committee, a
7 majority of the affected licensed administrators, and a majority of the
8 teachers of the affected school or district.

9 **SECTION 28.** In Colorado Revised Statutes, 22-30-105, **amend**
10 (1) introductory portion and (1)(b) as follows:

11 **22-30-105. Activation of the school district organization**
12 **planning process.** (1) The appointment of a school organization
13 planning committee charged to study school district organization ~~shall~~
14 MUST occur when the commissioner is notified that any of the following
15 conditions exist:

16 (b) A petition committee, as defined in section 22-30-103 (10),
17 presents a petition to the commissioner and to the county clerk and
18 recorder of each county in which the headquarters of a school district that
19 will be affected by the actions of a planning committee are located
20 requesting the appointment of a school organization planning committee.
21 ~~Such~~ THE petition ~~shall~~ MUST contain a statement indicating the school
22 districts ~~to be~~ involved. If only one school district is involved, the petition
23 ~~shall~~ MUST be signed by fifteen percent of that school district's eligible
24 electors. If multiple school districts are involved, the petition ~~shall~~ MUST
25 be signed by fifteen percent of the eligible electors in each involved
26 school district; except that, if the petition requests only consideration of
27 detachment and annexation, the petition ~~shall~~ MUST be signed by

1 twenty-five percent of the eligible electors residing in the area to be
2 detached and annexed. If multiple school districts are involved, the
3 petition does not request consideration of a detachment and annexation,
4 and the pupil enrollment of a school district for purposes of the "Public
5 School Finance Act of ~~1994~~ 2025" is greater than thirty thousand pupils,
6 the petition ~~shall~~ MUST be signed by five percent of the eligible electors
7 in that school district. ~~Such petitions shall be~~ A PETITION IS deemed
8 sufficient by the county clerk and recorder in the county of each involved
9 school district. Only one ~~such~~ petition may be presented to the
10 commissioner and the county clerk and recorder in the county of each
11 involved school district in any three consecutive calendar years.

12 **SECTION 29.** In Colorado Revised Statutes, 22-30-114, **amend**
13 (1)(k) as follows:

14 **22-30-114. Requirements for plan of organization.** (1) The
15 plan of organization must include, but need not be limited to,
16 consideration of the following:

17 (k) If the plan of organization results in the creation of a new
18 school district, a source of operating funds to be used by the new school
19 district prior to receiving the state share of the total district program
20 pursuant to the "Public School Finance Act of ~~1994~~ 2025", article 54 of
21 this ~~title~~ TITLE 22, on July 1 of the new school district's first budget year.

22 **SECTION 30.** In Colorado Revised Statutes, **amend** 22-30-120.5
23 as follows:

24 **22-30-120.5. Effective date for purposes of school finance.**
25 Notwithstanding the provisions of section 22-30-120, for purposes of
26 determining funding ~~under~~ PURSUANT TO the "Public School Finance Act
27 of ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22, any plan of organization

1 approved at a special school district organization election ~~shall~~ MUST take
2 effect on the next July 1 following certification of the election results.

3 **SECTION 31.** In Colorado Revised Statutes, 22-30-129, **amend**
4 (7) as follows:

5 **22-30-129. Dissolution and annexation - exemptions from the**
6 **school district organization planning process.** (7) The dissolution and
7 annexation of a school district is effective for all purposes on the date
8 specified in the final plan of organization; except that, for purposes of
9 determining funding pursuant to the "Public School Finance Act of ~~1994~~
10 2025", article 54 of this title 22, a final plan of organization approved by
11 the affected local school boards pursuant to this section takes effect on
12 the next July 1 following submission of the map and legal description of
13 the annexing school districts to the commissioner pursuant to subsection
14 (6) of this section. The annexing school districts continue as bodies
15 corporate in the same manner as before approval of the organization plan.

16 **SECTION 32.** In Colorado Revised Statutes, 22-30.5-103,
17 **amend** (6.5) as follows:

18 **22-30.5-103. Definitions.** As used in this part 1, unless the
19 context otherwise requires:

20 (6.5) "Private school" means a primary or secondary educational
21 institution for students in kindergarten through twelfth grade or any
22 portion thereof that may or may not have attained nonprofit status, that
23 does not receive state funding through the "Public School Finance Act of
24 ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22, and that is supported in whole
25 or in part by tuition payments or private donations.

26 **SECTION 33.** In Colorado Revised Statutes, 22-30.5-104,
27 **amend** (6)(a) and (6)(c)(IV) as follows:

1 **22-30.5-104. Charter school - requirements - authority - rules**

2 **- definitions.** (6) (a) Pursuant to contract, a charter school may operate
3 free from specified school district policies and free from state rules ~~as~~
4 ~~provided in paragraph (b) of this subsection (6)~~ PURSUANT TO
5 SUBSECTION (6)(b) OF THIS SECTION. Pursuant to contract, a local board
6 of education may waive locally imposed school district requirements,
7 without seeking approval of the state board; except that a charter school
8 shall not, by contract or otherwise, operate free of the requirements
9 contained in the "Public School Finance Act of ~~1994~~ 2025", article 54 of
10 this ~~title~~ TITLE 22, the requirements specified in part 4 of article 11 of this
11 ~~title~~ TITLE 22 concerning school accountability committees, or the
12 requirements contained in the "Children's Internet Protection Act", article
13 87 of this ~~title~~ TITLE 22.

14 (c) A school district, on behalf of a charter school, may apply to
15 the state board for a waiver of a state statute or state rule that is not an
16 automatic waiver. Notwithstanding any provision of this subsection (6)
17 to the contrary, the state board may not waive any statute or rule relating
18 to:

19 (IV) The "Public School Finance Act of ~~1994~~ 2025", article 54 of
20 this title 22;

21 **SECTION 34.** In Colorado Revised Statutes, 22-30.5-112,
22 **amend** (1)(a)(II), (2)(a.5)(II), (2)(a.5)(II.5), and (2)(e)(II)(B) as follows:

23 **22-30.5-112. Charter schools - financing - guidelines -**

24 **definitions.** (1) (a) (II) ~~On and after July 1, 2023,~~ For purposes of the
25 "Public School Finance Act of ~~1994~~ 2025", article 54 of this title 22,
26 pupils enrolled in a charter school are included in the pupil enrollment or
27 the online pupil enrollment, whichever is applicable, of the school district

1 that granted its charter. The school district that granted its charter shall
2 report to the department the number of pupils included in the school
3 district's pupil enrollment and the school district's online pupil enrollment
4 that are actually enrolled in each charter school.

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

6 (II) "District per pupil revenues" means the district's total program
7 as defined in section 22-54-103 (6) for any budget year divided by the
8 district's funded pupil count as ~~defined in section 22-54-103 (7) for said~~
9 DETERMINED BY ARTICLE 54 OF THIS TITLE 22 FOR THE APPLICABLE budget
10 year.

11 (II.5) "District per pupil online funding" means a school district's
12 online funding, as ~~specified in section 22-54-104 (4.5)~~ DETERMINED BY
13 ARTICLE 54 OF THIS TITLE 22, divided by the district's online pupil
14 enrollment for any budget year.

15 (2) (e) (II) (B) Notwithstanding the provisions of subsection
16 (2)(e)(II)(A) of this section, ~~to the contrary~~ if the general assembly
17 amends the "Public School Finance Act of ~~1994~~ 2025", article 54 of this
18 title 22, to count a student enrolled in kindergarten only as a half-day
19 pupil, with or without the addition of supplemental kindergarten
20 enrollment as defined in section 22-54-103 (15) for purposes of
21 calculating the funded pupil count as ~~defined in section 22-54-103 (7)~~
22 DETERMINED BY ARTICLE 54 OF THIS TITLE 22, a charter school may charge
23 the student's parents tuition or a fee for the portion of the school day for
24 which it does not receive funding for the student pursuant to the "Public
25 School Finance Act of ~~1994~~ 2025"; except that the amount of tuition or
26 fee charged ~~shall~~ MUST not exceed the amount of tuition or fee that the
27 charter school charged to attend a full-day kindergarten educational

1 program for the 2018-19 budget year, adjusted for inflation and prorated
2 by the percentage of the school day for which the student is no longer
3 funded by the "Public School Finance Act of ~~1994~~ 2025". As used in this
4 subsection (2)(e)(II)(B), "inflation" means the annual percentage change
5 in the United States department of labor bureau of labor statistics
6 consumer price index for Denver-Aurora-Lakewood for all items paid by
7 all urban consumers, or its applicable successor index.

8 **SECTION 35.** In Colorado Revised Statutes, 22-30.5-112.1,
9 **amend** (1)(b), (1)(g), (1)(i), and (1)(j.2) as follows:

10 **22-30.5-112.1. Charter schools - exclusive jurisdiction districts**
11 **- authorized on or after July 1, 2004 - financing - definitions.** (1) As
12 used in this section, unless the context otherwise requires:

13 (b) "At-risk funding" means the amount of funding determined in
14 accordance with the ~~formulas described in section 22-54-104 (4)~~
15 APPLICABLE AT-RISK FUNDING FORMULA PURSUANT TO ARTICLE 54 OF THIS
16 TITLE 22.

17 (g) "District funded pupil count" ~~shall have the same meaning as~~
18 ~~provided in section 22-54-103 (7)~~ MEANS THE FUNDED PUPIL COUNT
19 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

20 (i) "District per pupil online funding" means a school district's
21 online funding, ~~as specified in section 22-54-104 (4.5)~~ AS DETERMINED
22 IN ARTICLE 54 OF THIS TITLE 22, divided by the district's online pupil
23 enrollment for any budget year.

24 (j.2) "English language learner funding" means the amount of
25 funding determined in accordance with the ~~formula described in section~~
26 ~~22-54-104 (4.3)~~ APPLICABLE ENGLISH LANGUAGE LEARNER FUNDING
27 FORMULA PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

1 **SECTION 36.** In Colorado Revised Statutes, 22-30.5-507,
2 **amend** (7)(b)(IV) as follows:

3 **22-30.5-507. Institute charter school - requirements -**
4 **authority - rules - definitions.** (7) (b) An institute charter school may
5 apply to the state board, through the institute, for a waiver of state statutes
6 and state rules that are not automatic waivers. The state board may waive
7 state statutory requirements or rules promulgated by the state board;
8 except that the state board may not waive any statute or rule relating to:

9 (IV) The provisions of the "Public School Finance Act of ~~1994~~
10 2025", article 54 of this title 22;

11 **SECTION 37.** In Colorado Revised Statutes, 22-30.5-513,
12 **amend** (1)(c), (1)(d.2), (1)(e), (1)(g), (2)(e)(II), and (3)(b) as follows:

13 **22-30.5-513. Institute charter schools - funding - at-risk**
14 **supplemental aid - legislative declaration - definitions.** (1) As used in
15 this section, unless the context otherwise requires:

16 (c) "Accounting district's at-risk funding" means the amount of
17 funding for at-risk pupils in the accounting district determined in
18 accordance with the ~~formulas~~ APPLICABLE AT-RISK FUNDING FORMULA
19 described ~~in section 22-54-104 (4)~~ PURSUANT TO ARTICLE 54 OF THIS
20 TITLE 22.

21 (d.2) "Accounting district's English language learner funding"
22 means the amount of funding for English language learner pupils in the
23 accounting district determined in accordance with the APPLICABLE
24 ENGLISH LANGUAGE LEARNER FUNDING formula described ~~in section~~
25 ~~22-54-104 (4.3)~~ PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

26 (e) "Accounting district's funded pupil count" ~~shall have the same~~
27 ~~meaning as the term "district funded pupil count" defined in section~~

1 ~~22-54-103 (7)~~ MEANS THE FUNDED PUPIL COUNT DETERMINED PURSUANT
2 TO ARTICLE 54 OF THIS TITLE 22.

3 (g) "Accounting district's per pupil online funding" means THE
4 online funding ~~as specified in section 22-54-104 (4.5)~~, FORMULA
5 DESCRIBED PURSUANT TO ARTICLE 54 OF THIS TITLE 22 for any budget year
6 divided by the online pupil enrollment.

7 (2) (e) (II) Notwithstanding the provisions of subsection (2)(e)(I)
8 of this section to the contrary, if the general assembly amends the "Public
9 School Finance Act of ~~1994~~ 2025", article 54 of this title 22, to count a
10 student enrolled in kindergarten only as a half-day pupil, with or without
11 the addition of supplemental kindergarten enrollment as defined in
12 section 22-54-103 (15) for purposes of calculating the funded pupil count
13 as ~~defined in section 22-54-103 (7)~~ DETERMINED PURSUANT TO ARTICLE
14 54 OF THIS TITLE 22, an institute charter school may charge the student's
15 parents tuition or a fee for the portion of the school day for which it does
16 not receive funding for the student pursuant to the "Public School Finance
17 Act of ~~1994~~ 2025"; except that the amount of tuition or fee charged ~~shall~~
18 MUST not exceed the amount of tuition or fee that the institute charter
19 school charged to attend a full-day kindergarten educational program for
20 the 2018-19 budget year, adjusted for inflation and prorated by the
21 percentage of the school day for which the student is no longer funded by
22 the "Public School Finance Act of ~~1994~~ 2025". As used in this subsection
23 (2)(e)(II), "inflation" means the annual percentage change in the United
24 States department of labor bureau of labor statistics consumer price index
25 for Denver-Aurora-Lakewood for all items paid by all urban consumers,
26 or its applicable successor index.

27 (3) (b) For purposes of the "Public School Finance Act of ~~1994~~

1 2025", article 54 of this ~~title~~ TITLE 22, the department shall add the pupils
2 enrolled in an institute charter school to the funded pupil count and the
3 online pupil enrollment of the institute charter school's accounting
4 district.

5 **SECTION 38.** In Colorado Revised Statutes, 22-30.5-513.1,
6 **amend** (2)(b) as follows:

7 **22-30.5-513.1. Mill levy equalization - fund created -**
8 **legislative declaration - definitions.** (2) (b) The institute shall annually
9 distribute the money appropriated or transferred to the fund to the
10 institute charter schools on an equal per-pupil basis; except that, in any
11 budget year, an institute charter school ~~shall~~ **MUST** not receive a per pupil
12 amount that is greater than the total amount of additional mill levy
13 revenue, as defined in section 22-32-108.5, that the accounting district for
14 the institute charter school is authorized to collect, divided by the funded
15 pupil count, as ~~defined in section 22-54-103~~ DETERMINED PURSUANT TO
16 ARTICLE 54 OF THIS TITLE 22, of the accounting district for the applicable
17 budget year. The money distributed pursuant to this section is in addition
18 to money distributed to institute charter schools pursuant to section
19 22-30.5-513. The institute has continuous spending authority over all
20 interest and income in the fund.

21 **SECTION 39.** In Colorado Revised Statutes, 22-30.7-107,
22 **amend** (2) introductory portion and (2)(b) as follows:

23 **22-30.7-107. Funding.** (2) ~~For the 2008-09 budget year, and for~~
24 ~~each budget year thereafter,~~ For purposes of determining total program
25 funding pursuant to article 54 of this ~~title~~ TITLE 22:

26 (b) (I) A school district that is providing a multi-district online
27 school, or a school district in which a district charter school is providing

1 a multi-district online school, shall include each student who is enrolled
2 in the multi-district online school as of the pupil enrollment count day of
3 the applicable budget year in the school district's online pupil enrollment
4 for the applicable budget year and ~~shall~~ MUST receive online funding as
5 specified in ~~section 22-54-104 (4.5)~~ ARTICLE 54 OF THIS TITLE 22.

6 (II) An institute charter school that is providing a multi-district
7 online school shall include each student who is enrolled in the
8 multi-district online school as of the pupil enrollment count day of the
9 applicable budget year in the institute charter school's online enrollment
10 for the applicable budget year and ~~shall~~ MUST receive online funding as
11 specified in ~~section 22-54-104 (4.5)~~ ARTICLE 54 OF THIS TITLE 22.

12 **SECTION 40.** In Colorado Revised Statutes, 22-32-108.5,
13 **amend** (2)(g) as follows:

14 **22-32-108.5. Board of education - distribution of additional**
15 **mill levy revenue - legislative declaration - definitions.** (2) As used in
16 this section, unless the context otherwise requires:

17 (g) "Per pupil mill levy share" means an amount equal to the total
18 amount of additional mill levy revenue that a participating school district
19 collects for a budget year divided by the school district's funded pupil
20 count, as ~~defined in section 22-54-103~~ DETERMINED PURSUANT TO
21 ARTICLE 54 OF THIS TITLE 22, for that budget year.

22 **SECTION 41.** In Colorado Revised Statutes, 22-32-119, **amend**
23 (1)(b) as follows:

24 **22-32-119. Kindergartens - definition.** (1)(b) Notwithstanding
25 the provisions of subsection (1)(a) of this section to the contrary, if the
26 general assembly amends the "Public School Finance Act of ~~1994~~ 2025",
27 article 54 of this title 22, to count a student enrolled in kindergarten only

1 as a half-day pupil, with or without the addition of supplemental
2 kindergarten enrollment as defined in section 22-54-103 (15) for purposes
3 of calculating the funded pupil count as ~~defined in section 22-54-103 (7)~~
4 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22, a school district
5 may charge the student's parents tuition or a fee for the portion of the
6 school day for which it does not receive funding for the student pursuant
7 to the "Public School Finance Act of ~~1994~~ 2025"; except that the amount
8 of tuition or fee charged ~~shall~~ MUST not exceed the amount of tuition or
9 fee that the school district charged to attend a full-day kindergarten
10 educational program for the 2018-19 budget year, adjusted for inflation
11 and prorated by the percentage of the school day for which the student is
12 no longer funded by the "Public School Finance Act of ~~1994~~ 2025". As
13 used in this subsection (1)(b), "inflation" means the annual percentage
14 change in the United States department of labor bureau of labor statistics
15 consumer price index for Denver-Aurora-Lakewood for all items paid by
16 all urban consumers, or its applicable successor index.

17 **SECTION 42.** In Colorado Revised Statutes, 22-32-141, **amend**
18 (4)(a) as follows:

19 **22-32-141. Student awaiting trial as adult - educational**
20 **services - definitions.** (4) (a) In any budget year in which a school
21 district is providing educational services to a juvenile pursuant to this
22 section on the pupil enrollment count day of ~~said~~ THE budget year, the
23 school district may include the juvenile in its pupil enrollment, as defined
24 in section 22-54-103 (10), for purposes of determining the school
25 district's total program funding under the "Public School Finance Act of
26 ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22.

27 **SECTION 43.** In Colorado Revised Statutes, 22-32.5-108,

1 **amend** (3)(a) as follows:

2 **22-32.5-108. District of innovation - waiver of statutory and**
3 **regulatory requirements.** (3) Designation as a district of innovation
4 ~~shall~~ MUST not affect a school district's:

5 (a) Total program funding calculated pursuant to the "Public
6 School Finance Act of ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22; or

7 **SECTION 44.** In Colorado Revised Statutes, 22-33-104.5,
8 **amend** (6)(a) as follows:

9 **22-33-104.5. Home-based education - guidelines - legislative**
10 **declaration - definitions.** (6) (a) If a child is participating in a nonpublic
11 home-based educational program but also attending a public school for
12 a portion of the school day, the school district of the public school ~~shall~~
13 ~~be entitled to~~ MAY count ~~such~~ THE child in accordance with the provisions
14 of section 22-54-103 (10) for purposes of determining pupil enrollment
15 ~~under~~ PURSUANT TO the "Public School Finance Act of ~~1994~~ 2025",
16 article 54 of this ~~title~~ TITLE 22.

17 **SECTION 45.** In Colorado Revised Statutes, 22-35-105, **amend**
18 (2) introductory portion and (2)(a) as follows:

19 **22-35-105. Financial provisions - payment of tuition.** (2) If a
20 qualified student concurrently enrolls in a course offered by an institution
21 of higher education, the institution ~~shall be~~ IS responsible for course
22 content, placement of the student in the course, and the quality of
23 instruction. In addition, because the qualified student is receiving
24 academic credit at ~~his or her~~ THE QUALIFIED STUDENT'S local education
25 provider for the course pursuant to section 22-35-104 (5):

26 (a) The qualified student ~~shall be~~ IS included in the funded pupil
27 count of ~~his or her~~ THE STUDENT'S school district or, in the case of a

1 student enrolled in an institute charter school, of the school's accounting
2 district, as determined pursuant to ~~the provisions of section 22-54-103 (7)~~
3 ARTICLE 54 OF THIS TITLE 22; and

4 **SECTION 46.** In Colorado Revised Statutes, 22-35-108, **amend**
5 (3) as follows:

6 **22-35-108. Accelerating students through concurrent**
7 **enrollment program - objectives - non-tuition expenses - rules.** (3) A
8 local education provider may include each qualified student whom the
9 local education provider designates to participate in the ASCENT
10 program pursuant to this section in the district's funded pupil count, or,
11 in the case of a qualified student enrolled in an institute charter school, in
12 the funded pupil count of the school's accounting district, as ~~provided in~~
13 ~~section 22-54-103 (7)~~ DETERMINED PURSUANT TO ARTICLE 54 OF THIS
14 TITLE 22.

15 **SECTION 47.** In Colorado Revised Statutes, 22-35-108.5,
16 **amend** (3)(a) and (3)(b) as follows:

17 **22-35-108.5. Teacher recruitment education and preparation**
18 **(TREP) program - objectives - selection criteria - rules.** (3) (a) The
19 local education provider that enrolls a qualified student who is designated
20 by the department as a TREP program participant may include the student
21 in the school district's funded pupil count, or, in the case of a student
22 enrolled in an institute charter school, in the funded pupil count of the
23 institute charter school's accounting district as ~~provided in section~~
24 ~~22-54-103 (7)~~ DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

25 (b) A local education provider that receives extended high school
26 funding, as described in ~~section 22-54-104 (4.7)~~ ARTICLE 54 OF THIS TITLE
27 22, in a budget year for program participants may expend the funding on

1 behalf of TREP program participants who enroll in an institution of
2 higher education during that budget year and on behalf of the TREP
3 program participants who, by May 1 of that budget year, are admitted to
4 an institution of higher education to participate in the TREP program
5 during the next budget year.

6 **SECTION 48.** In Colorado Revised Statutes, 22-35-111, **amend**
7 (2) as follows:

8 **22-35-111. Rules.** (2) ~~By July 1, 2020,~~ The state board shall
9 adopt rules to specify the number of postsecondary credits in which a
10 qualified student must be concurrently enrolled to qualify for full-time
11 membership for purposes of the "Public School Finance Act of ~~1994~~
12 2025", article 54 of this title 22.

13 **SECTION 49.** In Colorado Revised Statutes, 22-35.3-102,
14 **amend** (8) as follows:

15 **22-35.3-102. Definitions.** As used in this article 35.3, unless the
16 context otherwise requires:

17 (8) "Funded pupil count" ~~has the same meaning as provided in~~
18 ~~section 22-54-103 (7)~~ MEANS THE FUNDED PUPIL COUNT AS DETERMINED
19 PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

20 **SECTION 50.** In Colorado Revised Statutes, 22-35.3-104,
21 **amend** (1)(a) as follows:

22 **22-35.3-104. P-tech schools - funding.** (1) (a) To calculate
23 district total program pursuant to ~~section 22-54-104~~ ARTICLE 54 OF THIS
24 TITLE 22, a school district that is approved to operate a p-tech school
25 pursuant to section 22-35.3-103, including a p-tech school that is a district
26 charter school, may include the students who are enrolled in grades nine
27 through twelve in the p-tech school in the school district's pupil

1 enrollment, as defined in section 22-54-103 (10), and may include the
2 students who are enrolled in grades thirteen and fourteen in the p-tech
3 school in the school district's district extended high school pupil
4 enrollment.

5 **SECTION 51.** In Colorado Revised Statutes, 22-35.6-103,
6 **amend** (1) as follows:

7 **22-35.6-103. High school innovative learning pilot program -**
8 **created - rules.** (1) There is created in the department the high school
9 innovative learning pilot program to authorize full-time funding for
10 students enrolled in grades nine through twelve in high schools operated
11 by selected local education providers to enable the local education
12 providers to provide innovative learning opportunities for high school
13 students to support them in successful transitions from high school to
14 postsecondary education or the workforce. The department shall
15 administer the pilot program by reviewing applications and selecting the
16 local education providers that propose an innovative learning plan that
17 meets the requirements specified in section 22-35.6-104 and is designed
18 to ensure that students enrolled in grades nine through twelve may
19 participate in innovative learning opportunities before graduation. A local
20 education provider that is selected to participate in the pilot program is
21 authorized to count students who are enrolled in grades nine through
22 twelve and are participating in innovative learning opportunities as
23 full-time pupils for purposes of the "Public School Finance Act of ~~1994~~
24 2025", article 54 of this title 22, regardless of the actual number of
25 teacher-pupil instruction hours and teacher-pupil contact hours for each
26 pupil.

27 **SECTION 52.** In Colorado Revised Statutes, 22-40-102, **amend**

1 (1.7)(a) and (6)(a) as follows:

2 **22-40-102. Certification - tax revenues - repeal.** (1.7) (a) The
3 board of education of any school district, at the regular biennial election
4 for school district directors or on the dates authorized by section
5 22-54-108 for elections for additional local property tax revenues under
6 the "Public School Finance Act of ~~1994~~ 2025" shall submit to the eligible
7 electors of the district the question of whether to impose a mill levy for
8 the payment of excess transportation costs. If a majority of the votes cast
9 at ~~any such~~ THE election are in favor of the question, an additional mill
10 levy ~~shall be~~ IS levied each year, and revenues received ~~therefrom shall~~
11 MUST be deposited into the transportation fund of the district created in
12 section 22-45-103 (1)(f).

13 (6) (a) Each school district, with ~~such~~ assistance as may be
14 required from the department of education, shall inform the county
15 treasurer for each county within the district's boundaries no later than
16 December 15 of each year of ~~said~~ THE district's general fund mill levy in
17 the absence of funds estimated to be received by ~~said~~ THE district
18 pursuant to the "Public School Finance Act of ~~1994~~ 2025", article 54 of
19 this title 22, and the estimated funds to be received for the general fund
20 of the district from the state.

21 **SECTION 53.** In Colorado Revised Statutes, 22-43.7-201,
22 **amend** (4)(a)(II)(A) as follows:

23 **22-43.7-201. Full-day kindergarten facility capital**
24 **construction fund - creation - grants - definitions.** (4) (a) As used in
25 this subsection (4), unless the context otherwise requires:

26 (II) "Equitable adjustment factor" means, with respect to both an
27 applicant and a potential applicant that does not actually apply for a grant

1 as authorized by this subsection (4), the sum of the applicant's:

2 (A) Size factor, as determined pursuant to ~~section 22-54-104~~
3 ~~(5)(b)(1.5)~~ ARTICLE 54 OF THIS TITLE 22;

4 **SECTION 54.** In Colorado Revised Statutes, **amend** 22-52-107
5 as follows:

6 **22-52-107. Funding of second chance program.** ~~It is the intent~~
7 ~~of the general assembly that, after the initial appropriation made to the~~
8 ~~department of education for the fiscal year beginning July 1, 1985, The~~
9 responsibilities and duties specified in this article ~~shall~~ **MUST** be
10 performed by the department of education and the participating school
11 districts through the funding available pursuant to the "Public School
12 Finance Act of ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22.

13 **SECTION 55.** In Colorado Revised Statutes, 22-55-102, **amend**
14 (14) and (18) as follows:

15 **22-55-102. Definitions.** As used in this article 55, unless the
16 context otherwise requires:

17 (14) "Statewide base per pupil funding" means the amount
18 specified for each budget year in ~~section 22-54-104 (5)(a)~~ ARTICLE 54 OF
19 THIS TITLE 22.

20 (18) "Total program" or "total program education funding" means
21 a district's total program as determined pursuant to ~~section 22-54-104 (1)~~
22 ARTICLE 54 OF THIS TITLE 22.

23 **SECTION 56.** In Colorado Revised Statutes, 22-55-104, **amend**
24 (3) introductory portion as follows:

25 **22-55-104. Procedures relating to state education fund**
26 **revenue estimates - legislative declaration.** (3) ~~By February 1, 2002,~~
27 ~~and by each February 1 thereafter,~~ ON OR BEFORE EACH FEBRUARY 1, the

1 ~~staff of the~~ legislative council STAFF OF THE GENERAL ASSEMBLY, in
2 consultation with the state auditor, the office of state planning and
3 budgeting, the state treasurer, the department of education, and the joint
4 budget committee, shall cause to be conducted a review of the model used
5 to forecast revenues in and expenditures from the fund and the spending
6 requirements of the "Public School Finance Act of ~~1994~~ 2025", article 54
7 of this ~~title~~ TITLE 22. Copies of the review ~~shall~~ MUST promptly be
8 transmitted to the joint budget committee, and the office of state planning
9 and budgeting, and the education committees of the senate and the house
10 of representatives. The review ~~shall~~ MUST include, but need not be limited
11 to, the following:

12 **SECTION 57.** In Colorado Revised Statutes, 22-55-106, **amend**
13 (2) as follows:

14 **22-55-106. Statewide base per pupil funding - increases.**

15 (2) The general assembly may annually appropriate ~~moneys~~ MONEY in
16 the state education fund, the general fund, any other state fund, or some
17 combination thereof, as necessary in the sole discretion of the general
18 assembly, to satisfy the requirements of subsection (1) of this section, and
19 ~~such moneys shall~~ THE MONEY MUST be distributed to public school
20 districts and the state charter school institute in accordance with the
21 provisions of the "Public School Finance Act of ~~1994~~ 2025", article 54 of
22 this ~~title~~ TITLE 22.

23 **SECTION 58.** In Colorado Revised Statutes, 24-77-104.5,
24 **amend** (3)(a)(I) as follows:

25 **24-77-104.5. General fund exempt account - referendum C**
26 **money - specification of uses for health care and education -**
27 **definitions.** (3) (a) Funding for preschool through twelfth grade

1 education, as used in subparagraph (II) of paragraph (b) of subsection (1)
2 SUBSECTION (1)(b)(II) of this section, shall be IS limited to funding for:

3 (I) Per-pupil funding for preschool through twelfth grade
4 education through the "Public School Finance Act of ~~1994~~ 2025", article
5 54 of title 22, ~~C.R.S.~~ or any successor act;

6 **SECTION 59.** In Colorado Revised Statutes, 25.5-10-206,
7 **amend as it will become effective July 1, 2024,** (7)(b) as follows:

8 **25.5-10-206. Authorized long-term services and supports -**
9 **conditions of funding - purchase of services and supports - adult**
10 **protective services data system check - boards of county**
11 **commissioners - appropriation.** (7) (b) Each school district shall pay
12 to the case management agency purchasing programs attended by a
13 student with an intellectual and developmental disability, who is
14 domiciled in the school district and may be counted in the district's pupil
15 enrollment, an amount at least equal to the district's per pupil revenues as
16 determined pursuant to the "Public School Finance Act of ~~1994~~ 2025",
17 article 54 of title 22. This subsection (7) applies to students who are less
18 than twenty-two years of age.

19 **SECTION 60.** In Colorado Revised Statutes, 26.5-4-202, **amend**
20 **(2)(a)(I)** as follows:

21 **26.5-4-202. Legislative declaration.** (2) (a) The general
22 assembly further finds and declares that:

23 (I) In 2000, the voters approved section 17 of article IX of the
24 state constitution, which requires the general assembly to annually
25 increase, by at least the rate of inflation, the statewide base per pupil
26 funding, as defined by the "~~Public School Finance Act of 1994~~", article
27 54 of title 22, for public education from preschool through twelfth grade;

1 **SECTION 61.** In Colorado Revised Statutes, 26.5-4-208, **amend**
2 (6)(b) as follows:

3 **26.5-4-208. Preschool provider funding - per-child rates - local**
4 **contribution - distribution and use of money - definitions - repeal.**

5 (6) As used in this section, unless the context otherwise requires:

6 (b) "Funded pupil count" ~~has the same meaning as provided in~~
7 ~~section 22-54-103~~ MEANS THE FUNDED PUPIL COUNT AS DETERMINED
8 PURSUANT TO ARTICLE 54 OF TITLE 22.

9 **SECTION 62.** In Colorado Revised Statutes, 34-63-102, **amend**
10 (5.4) introductory portion and (5.4)(e)(III) as follows:

11 **34-63-102. Creation of mineral leasing fund - distribution -**
12 **advisory committee - local government permanent fund created -**
13 **transfer of money - definitions.** (5.4) Except as otherwise provided in
14 subsection (5.5) of this section, on and after July 1, 2008, all ~~moneys~~
15 MONEY other than bonus payments, as defined in ~~paragraph (b) of~~
16 ~~subsection (5.3)~~ SUBSECTION (5.3)(b) of this section, credited to the
17 mineral leasing fund created in ~~subparagraph (H) of paragraph (a) of~~
18 ~~subsection (1)~~ SUBSECTION (1)(a)(II) of this section ~~shall~~ MUST be
19 distributed on a quarterly basis for quarters beginning on July 1, October
20 1, January 1, and April 1 of each state fiscal year as follows:

21 (e) (III) The executive director of the department of local affairs
22 shall make the distributions required by ~~subparagraphs (I) and (H) of this~~
23 ~~paragraph (e)~~ SUBSECTIONS (5)(e)(I) AND (5)(e)(II) OF THIS SECTION at the
24 same time as the executive director makes distributions to counties
25 pursuant to ~~paragraph (c) of this subsection (5.4)~~ SUBSECTION (5.4)(c) OF
26 THIS SECTION, and the total amount of the distributions made to all school
27 districts within a single county ~~shall~~ MUST be in proportion to the amount

1 of the ~~moneys~~ MONEY distributed directly to the county pursuant to ~~said~~
2 ~~paragraph (c)~~ SUBSECTION (5.4)(c) OF THIS SECTION. Where more than one
3 school district exists within a county, the distribution to each school
4 district ~~shall~~ MUST be the percentage that the most recent funded pupil
5 count, as determined pursuant to the "Public School Finance Act of ~~1994~~
6 2025", article 54 of title 22, ~~C.R.S.~~ for pupils enrolled in the county
7 attributable to that school district bears to the most recent total funded
8 pupil count for all pupils attributable to the county.

9 **SECTION 63.** In Colorado Revised Statutes, 39-5-132, **amend**
10 (5) as follows:

11 **39-5-132. Assessment and taxation of new construction.**

12 (5) ~~Moneys~~ MONEY received by a school district pursuant to this section
13 ~~shall~~ MUST be deposited in the district's capital reserve fund and ~~shall~~
14 MUST not be included in calculating the amount of revenue ~~which~~ THAT
15 a district is entitled to receive from the property tax levy for the general
16 fund of the district under the "Public School Finance Act of ~~1994~~ 2025",
17 article 54 of title 22. ~~C.R.S.~~

18 **SECTION 64.** In Colorado Revised Statutes, 39-10-103, **amend**
19 (2) as follows:

20 **39-10-103. Tax statement - repeal.** (2) Each tax notice ~~shall~~
21 MUST contain information regarding the actual school district general
22 fund mill levy and the school district general fund mill levy in absence of
23 funds estimated to be received by school districts pursuant to the "Public
24 School Finance Act of ~~1994~~ 2025", article 54 of title 22, and the
25 estimated funds to be received for the general funds of districts from the
26 state.

27 **SECTION 65.** In Colorado Revised Statutes, 39-10-114, **amend**

1 (1)(a)(I)(B) as follows:

2 **39-10-114. Abatement - cancellation of taxes.**

3 (1) (a) (I) (B) The assessor shall certify the proportional amount of the
4 total amount of abatements and refunds granted pursuant to the provisions
5 of this section to the appropriate taxing entities at the same time ~~that~~ AS
6 the certification of valuation for assessment ~~is made~~ pursuant to ~~the~~
7 ~~provisions of~~ section 39-5-128. Any taxing entity may adjust the amount
8 of its tax levy authorized pursuant to the provisions of section 29-1-301
9 ~~€:R:S:~~ by an additional amount ~~which~~ THAT does not exceed the
10 proportional share of the total amount of abatements and refunds made
11 pursuant to ~~the provisions of~~ this section. After calculating the amount of
12 property tax revenues necessary to satisfy the requirements of the "Public
13 School Finance Act of ~~1994~~ 2025", article 54 of title 22, ~~€:R:S:~~ any
14 school district shall add an amount equal to the proportional share of the
15 total amount of abatements and refunds granted pursuant to the provisions
16 of this section prior to the setting of the mill levy for such school district.
17 Any additional amount added pursuant to the provisions of this subsection
18 (1) ~~shall~~ MUST not be included in the total amount of revenue levied in
19 ~~said~~ THE year for the purposes of computing the limit for the succeeding
20 year pursuant to the provisions of section 29-1-301. ~~€:R:S. Where~~ WHEN
21 a final determination is made granting an abatement or refund pursuant
22 to the provisions of this section, the abatement or refund granted ~~shall~~
23 MUST be payable at such time as determined by the board of county
24 commissioners after consultation with affected taxing entities but no later
25 than upon the payment of property taxes for the property tax year in
26 which ~~said~~ THE final determination was made. For the purposes of this
27 ~~sub-subparagraph (B)~~ SUBSECTION (1)(a)(I)(B), a taxing entity's

1 proportional share of the total amount of abatements and refunds granted
2 ~~shall~~ MUST be based upon the amount of tax levied by a taxing entity on
3 ~~such~~ THE real property in proportion to the total amount of tax levied on
4 ~~such~~ THE real property by such taxing entities.

5 **SECTION 66.** In Colorado Revised Statutes, 43-4-502, **amend**
6 (2) as follows:

7 **43-4-502. Legislative declaration.** (2) It is further the intent of
8 the general assembly that no provision of this part 5 ~~shall affect~~ AFFECTS
9 the FORMER "Public School Finance Act of 1973", article 50 of title 22,
10 ~~€:R:S:~~ the FORMER "Public School Finance Act of 1988", article 53 of
11 title 22, ~~€:R:S:~~ the FORMER "Public School Finance Act of 1994", article
12 54 of title 22, ~~€:R:S:~~ THE "PUBLIC SCHOOL FINANCE ACT OF 2025,
13 ARTICLE 54 OF TITLE 22, or any additional school financing mechanisms
14 adopted by the general assembly.

15 **SECTION 67. Safety clause.** The general assembly finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety or for appropriations for
18 the support and maintenance of the departments of the state and state
19 institutions.