

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 19, 2023  
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB23-287 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 5, strike lines 7 and 8 and substitute:  
2 "SECTION 2. In Colorado Revised Statutes, 22-54-104, amend  
3 (5)(g)(I) introductory portion, (5)(g)(II) introductory portion, (5)(g)(III)  
4 introductory portion, (5)(g)(IV), and (5)(g)(V); and add (5)(a)(XXX),  
5 (5)(g)(I)(N), (5)(g)(II.7), and (5)(g)(VIII) as follows:"
- 6 Page 5, line 9, strike "- definitions." and substitute "- definitions -  
7 repeal."
- 8 Page 5, lines 14 and 15, strike "and each budget year thereafter," and  
9 substitute "~~and each budget year thereafter~~ THROUGH THE 2023-24  
10 BUDGET YEAR,".
- 11 Page 5, line 21, strike "and each budget year thereafter," and substitute  
12 "~~and each budget year thereafter~~ THROUGH THE 2023-24 BUDGET YEAR,".
- 13 Page 6, lines 1 through 3, strike "NINE BILLION SEVENTY MILLION NINE  
14 HUNDRED THIRTY-THREE THOUSAND ONE HUNDRED TWENTY-NINE  
15 DOLLARS (\$9,070,933,129);" and substitute "NINE BILLION ONE HUNDRED  
16 ONE MILLION SIX HUNDRED THOUSAND NINE HUNDRED TWENTY-TWO  
17 DOLLARS (\$9,101,600,922);".
- 18 Page 6, after line 16 insert:  
19 "(II) For the 2010-11 budget year ~~and each budget year thereafter~~  
20 THROUGH THE 2023-24 BUDGET YEAR, the department of education shall:  
21 (II.7) FOR THE 2024-25 BUDGET YEAR AND EACH BUDGET YEAR  
22 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL NOT REDUCE TOTAL  
23 PROGRAM FUNDING THROUGH THE APPLICATION OF A BUDGET

1 STABILIZATION FACTOR.

2 (III) For the 2010-11 budget year ~~and each budget year thereafter~~  
3 THROUGH THE 2023-24 BUDGET YEAR, except as otherwise provided in  
4 ~~subparagraphs (IV) and (V) of this paragraph (g)~~ SUBSECTIONS (5)(g)(IV)  
5 AND (5)(g)(V) OF THIS SECTION, a district's total program ~~shall be~~ IS the  
6 greater of:

7 (IV) For the 2010-11 budget year ~~and each budget year thereafter~~  
8 THROUGH THE 2023-24 BUDGET YEAR, the total program funding for a  
9 district that levies the number of mills calculated pursuant to section  
10 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), or (2.1)(c)(I), whichever is  
11 applicable, is the amount calculated pursuant to subsection (2) of this  
12 section for the applicable budget year. Any such district shall use the  
13 revenues generated by the number of mills that the district levies pursuant  
14 to section 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), or (2.1)(c)(I), whichever is  
15 applicable, to replace any categorical program support funds that the  
16 district would otherwise be eligible to receive from the state; except that  
17 the amount of categorical program support funds that the district is  
18 required to replace must not exceed an amount equal to the district's  
19 reduction amount. The department shall use the amount of categorical  
20 program support funds replaced by property tax revenue pursuant to this  
21 subsection (5)(g)(IV) to make payments of categorical program support  
22 funds to eligible districts as specified in section 22-54-107 (4).

23 (V) For the 2010-11 budget year ~~and each budget year thereafter~~  
24 THROUGH THE 2023-24 BUDGET YEAR, if a district levies the number of  
25 mills calculated pursuant to section 22-54-106 (2)(a)(I), (2.1)(b)(I)(A),  
26 (2.1)(b)(I)(B), or (2.1)(b)(II), or (2.1)(c)(II), (2.1)(c)(III), or (2.1)(c)(IV),  
27 whichever is applicable, and the district's reduction amount exceeds the  
28 district's state share of total program funding, such district's total program  
29 funding is the amount calculated pursuant to subsection (2) of this section  
30 for the applicable budget year, minus the district's state aid. Any such  
31 district shall use the revenues generated by the number of mills that the  
32 district levies pursuant to section 22-54-106 (2)(a)(I), (2.1)(b)(I)(A),  
33 (2.1)(b)(I)(B), or (2.1)(b)(II), or (2.1)(c)(II), (2.1)(c)(III), or (2.1)(c)(IV),  
34 whichever is applicable, to replace any categorical program support funds  
35 that the district would otherwise be eligible to receive from the state;  
36 except that the amount of categorical program support funds that the  
37 district is required to replace must not exceed an amount equal to the  
38 remainder of the district's reduction amount after the reduction to the  
39 district's total program has been applied pursuant to this subsection  
40 (5)(g)(V). The department of education shall use the amount of  
41 categorical program support funds replaced by property tax revenue  
42 pursuant to this subsection (5)(g)(V) to make payments of categorical  
43 program support funds to eligible districts as specified in section

1 22-54-107 (4).  
2 (VIII) THIS SUBSECTION (5)(g) IS REPEALED, EFFECTIVE JULY 1,  
3 2024."

4 Page 15, line 2, strike "PLAN." and substitute "PLAN, AND QUALIFIED  
5 PERSONNEL NECESSARY TO PROVIDE THE SCREENINGS."

6 Page 15, line 9, strike "PLAN" and substitute "PLAN, AND QUALIFIED  
7 PERSONNEL NECESSARY TO PROVIDE THE SCREENINGS,".

8 Page 16, strike lines 6 through 11.

9 Page 16, strike lines 18 and 19, and substitute:

10 "(b) BOARD DIRECTORS AND SCHOOL LEADERS, BY VIRTUE OF  
11 THEIR ROLES WITHIN A PUBLIC CHARTER SCHOOL, ARE DEEMED PUBLIC  
12 SERVANTS;".

13 Page 16, strike lines 21 and 22, and substitute:

14 "(c) A SCHOOL LEADER OF A CHARTER SCHOOL HAS THE SAME OR  
15 SIMILAR AUTHORITY AS A SCHOOL DISTRICT SUPERINTENDENT."

16 Page 17, strike lines 17 and 18, and substitute "PROVISION IN ARTICLES 30  
17 OR 121 THROUGH 137 OF TITLE 7, AND ANY STATUTE INCORPORATED BY  
18 REFERENCE THEREIN, THE LAW THAT IS SPECIFICALLY APPLICABLE TO  
19 CHARTER SCHOOLS CONTROLS."

20 Page 18, line 27, strike "(11.3) and".

21 Page 19, line 1, strike "(11.5)" and substitute "(11.3), (11.5), and (11.7)".

22 Page 20, lines 3 and 4, strike "MEASURE USING ACTUAL STUDENT DATA  
23 FOR EACH DISTRICT AND CHARTER SCHOOL." and substitute "MEASURE."

24 Page 20, after line 21, add:

25 "(11.7) PURSUANT TO HOUSE BILL 22-1202, FOR THE 2022-23  
26 BUDGET YEAR, THE GENERAL ASSEMBLY APPROPRIATED ONE HUNDRED  
27 SIXTY-THREE THOUSAND THREE HUNDRED THIRTY-EIGHT DOLLARS FROM  
28 THE GENERAL FUND FOR THE PURPOSES OF THIS SECTION. ANY  
29 UNEXPENDED MONEY REMAINING AT THE END OF THE END OF THE 2022-23  
30 BUDGET YEAR FROM THIS APPROPRIATION MAY BE USED BY THE

1 DEPARTMENT IN THE 2023-24 BUDGET YEAR WITHOUT FURTHER  
2 APPROPRIATION FOR THE PURPOSES OF THIS SECTION."

3 Page 21, strike lines 22 through 26 and substitute:

4 "(B) ONE MEMBER WHO IS A SCHOOL LEADER OF A CHARTER  
5 SCHOOL WHOSE PERCENTAGE OF AT-RISK PUPILS IS GREATER THAN THE  
6 STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS;".

7 Page 29, line 7, strike "CHARTER SCHOOL," and substitute "INCLUDING A  
8 CHARTER SCHOOL".

9 Page 29, line 13, strike "EDUCATION" and substitute "LOCAL AFFAIRS".

10 Page 29, after line 25 insert:

11 "SECTION 19. In Colorado Revised Statutes, 22-30.5-513.1,  
12 amend (2) as follows:

13 **22-30.5-513.1. Mill levy equalization - fund created -**  
14 **legislative declaration - definitions.** (2) (a) The mill levy equalization  
15 fund, referred to in this section as the "fund", is hereby created in the state  
16 treasury. The fund consists of any amount that the general assembly ~~may~~  
17 ~~appropriate~~ APPROPRIATES TO THE FUND PURSUANT TO SUBSECTION  
18 (2)(a.5) OF THIS SECTION OR MAY ADDITIONALLY APPROPRIATE or transfer  
19 to the fund. The state treasurer shall credit to the fund all interest and  
20 income derived from the deposit and investment of money in the fund.

21 (a.5) (I) BEGINNING IN THE 2024-25 BUDGET YEAR AND EACH  
22 BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE  
23 FROM THE GENERAL FUND THE AMOUNT NECESSARY EACH BUDGET YEAR  
24 TO FUND FULL MILL LEVY EQUALIZATION FOR ALL INSTITUTE CHARTER  
25 SCHOOLS FOR THE APPLICABLE BUDGET YEAR.

26 (II) THE AMOUNT REQUIRED TO FUND MILL LEVY EQUALIZATION  
27 FOR ALL INSTITUTE CHARTER SCHOOLS IS DETERMINED IN ACCORDANCE  
28 WITH THE FOLLOWING FORMULA:

29 (THE ACCOUNTING DISTRICT'S TOTAL ADDITIONAL MILL LEVY  
30 REVENUE / THE ACCOUNTING DISTRICT'S FUNDED PUPIL COUNT) X  
31 EACH INSTITUTE CHARTER SCHOOL'S FUNDED PUPIL COUNT

32 (III) AS USED IN THIS SUBSECTION (2)(a.5), UNLESS THE CONTEXT  
33 OTHERWISE REQUIRES:

34 (A) "ACCOUNTING DISTRICT'S FUNDED PUPIL COUNT" HAS THE  
35 SAME MEANING SET FORTH IN SECTION 22-30.5-513 (1)(e).

36 (B) "ADDITIONAL MILL LEVY REVENUE" HAS THE SAME MEANING  
37 SET FORTH IN SECTION 22-32-108.5 (2)(a).

38 (b) ~~Subject to annual appropriation by the general assembly~~ The

1 institute shall annually distribute the money appropriated or transferred  
2 to the fund to the institute charter schools on an equal per-pupil basis;  
3 except that, in any budget year, an institute charter school shall not  
4 receive a per pupil amount that is greater than the total amount of  
5 additional mill levy revenue, as defined in section 22-32-108.5, that the  
6 accounting district for the institute charter school is authorized to collect,  
7 divided by the funded pupil count, as defined in section 22-54-103, of the  
8 accounting district for the applicable budget year. The money distributed  
9 pursuant to this section is in addition to money distributed to institute  
10 charter schools pursuant to section 22-30.5-513. THE INSTITUTE HAS  
11 CONTINUOUS SPENDING AUTHORITY OF ALL INTEREST AND INCOME IN THE  
12 FUND.

13 **SECTION 20.** In Colorado Revised Statutes, **add** 22-54-102.5 as  
14 follows:

15 **22-54-102.5. Annual school finance bill.** BEGINNING WITH THE  
16 LEGISLATIVE SESSION CONVENING AFTER JANUARY 1, 2024, FOR THE  
17 2024-25 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE  
18 GENERAL ASSEMBLY SHALL INTRODUCE A BILL PRESCRIBING ALL OR A  
19 SUBSTANTIAL PORTION OF THE TOTAL FUNDING FOR PUBLIC SCHOOLS  
20 PURSUANT TO THIS ARTICLE 54 PRIOR TO THE INTRODUCTION OF THE  
21 ANNUAL GENERAL APPROPRIATION BILL."

22 Renumber succeeding sections accordingly.

23 Page 30, line 15, strike "20" and substitute "22".

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