

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-1051.02 Brita Darling x2241

SENATE BILL 17-296

SENATE SPONSORSHIP

Hill,

HOUSE SPONSORSHIP

Pettersen,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING FINANCING PUBLIC SCHOOLS.**

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 sets the statewide base per pupil funding amount for the 2017-18 budget year at \$6,546.20, which is an inflationary increase of 2.8%, and establishes the minimum amount of total program funding for the 2017-18 budget year.

The bill requires that the sum of the total program funding for all schools for the 2017-18 budget year is not less than \$6,585,800,182.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-54-104, **amend**
3 (5)(g)(I) introductory portion; and **add** (5)(a)(XXIV) and (5)(g)(I)(H) as
4 follows:

5 **22-54-104. District total program - definitions.** (5) For
6 purposes of the formulas used in this section:

7 (a)(XXIV) FOR THE 2017-18 BUDGET YEAR, THE STATEWIDE BASE
8 PER PUPIL FUNDING IS \$6,546.20, WHICH IS AN AMOUNT EQUAL TO
9 \$6,367.90, SUPPLEMENTED BY \$178.30 TO ACCOUNT FOR INFLATION.

10 (g) (I) For the 2010-11 budget year and each budget year
11 thereafter, the general assembly determines that stabilization of the state
12 budget requires a reduction in the amount of the annual appropriation to
13 fund the state's share of total program funding for all districts and the
14 funding for institute charter schools. The department of education shall
15 implement the reduction in total program funding through the application
16 of a negative factor as provided in this ~~paragraph (g)~~ SUBSECTION
17 (5)(g)(I). For the 2010-11 budget year and each budget year thereafter, the
18 department of education and the staff of the legislative council shall
19 determine, based on budget projections, the amount of such reduction to
20 ensure the following:

21

22 (H) THAT, FOR THE 2017-18 BUDGET YEAR, THE SUM OF THE TOTAL
23 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR
24 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE NEGATIVE
25 FACTOR, IS NOT LESS THAN SIX BILLION SIX HUNDRED THIRTY-FOUR
26 MILLION SIX HUNDRED THOUSAND ONE HUNDRED EIGHTY-TWO DOLLARS
27 (\$6,634,600,182); EXCEPT THAT THE DEPARTMENT OF EDUCATION AND

1 THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR
2 REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES, INCLUDING
3 BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED VALUATIONS,
4 AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR YEAR, TO
5 DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE REDUCTION
6 TO MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE APPLICABLE
7 BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION (5)(g)(I)(H).

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

10 **22-30.5-112.4. Charter schools - mill levy revenues -**
11 **equalization - definitions. (1) AS USED IN THIS SECTION, UNLESS THE**
12 **CONTEXT OTHERWISE REQUIRES:**

13 (a) **"ADDITIONAL MILL LEVY" MEANS THE NUMBER OF MILLS THAT**
14 **A SCHOOL DISTRICT LEVIES THAT ARE IN ADDITION TO THE SCHOOL**
15 **DISTRICT'S TOTAL PROGRAM MILL LEVY ESTABLISHED IN SECTION**
16 **22-54-106(2), NOT INCLUDING MILLS THAT A SCHOOL DISTRICT MAY LEVY**
17 **UNDER SECTION 22-40-110 OR ARTICLE 42 OR 43 OF THIS TITLE 22, AND**
18 **THAT ARE AUTHORIZED BY VOTERS BEFORE, ON, OR AFTER THE EFFECTIVE**
19 **DATE OF THIS SECTION.**

20 (b) **"PER PUPIL MILL LEVY SHARE" MEANS AN AMOUNT EQUAL TO**
21 **THE REVENUE THAT A SCHOOL DISTRICT COLLECTS FROM ITS ADDITIONAL**
22 **MILL LEVY FOR THE APPLICABLE BUDGET YEAR DIVIDED BY THE SCHOOL**
23 **DISTRICT'S FUNDED PUPIL COUNT AS DEFINED IN SECTION 22-54-103 FOR**
24 **THE APPLICABLE BUDGET YEAR.**

25 (c) **"RESTRICTED REVENUE" MEANS REVENUE THAT A SCHOOL**
26 **DISTRICT COLLECTS FROM ITS ADDITIONAL MILL LEVY, THE USE OF WHICH**
27 **IS RESTRICTED BY VOTERS TO A SPECIFIC PROGRAM, TO STUDENTS**

1 ENROLLED IN A SPECIFIC GRADE LEVEL, OR TO THE TERMS OF AN
2 AGREEMENT BETWEEN A THIRD PARTY AND THE SCHOOL DISTRICT THAT
3 GOVERNS THE USE OF THE REVENUE AND THAT EXISTED BEFORE THE
4 EFFECTIVE DATE OF THIS SECTION.

5 (2) (a) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (4) AND (5)
6 OF THIS SECTION, EACH SCHOOL DISTRICT THAT AUTHORIZES A CHARTER
7 SCHOOL SHALL DISTRIBUTE TO THE CHARTER SCHOOL AT LEAST ONE
8 HUNDRED PERCENT OF AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S PER
9 PUPIL MILL LEVY SHARE FOR THE APPLICABLE BUDGET YEAR MULTIPLIED
10 BY THE NUMBER OF PUPILS, INCLUDING PRESCHOOL PROGRAM PUPILS,
11 ENROLLED IN THE CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR,
12 AS REPORTED TO THE DEPARTMENT FOR THE APPLICABLE BUDGET YEAR
13 PURSUANT TO SECTION 22-30.5-112 (1)(a). IN COUNTING THE NUMBER OF
14 PUPILS ENROLLED IN THE CHARTER SCHOOL, THE SCHOOL DISTRICT SHALL
15 COUNT A PUPIL ENROLLED IN KINDERGARTEN OR IN A PRESCHOOL
16 PROGRAM AS AT LEAST A HALF-DAY PUPIL AND MAY, AT THE SCHOOL
17 DISTRICT'S DISCRETION, COUNT A PUPIL WHO IS INCLUDED IN THE SCHOOL
18 DISTRICT'S ONLINE PUPIL ENROLLMENT, AS DEFINED IN SECTION 22-54-103.

19 (b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
20 THIS SECTION TO THE CONTRARY, IN CALCULATING THE AMOUNT DUE TO
21 A CHARTER SCHOOL UNDER SUBSECTION (2)(a) OF THIS SECTION, A SCHOOL
22 DISTRICT MAY SUBTRACT FROM THE AMOUNT DUE TO THE CHARTER
23 SCHOOL ANY PORTION THAT IS RESTRICTED REVENUE IF THE CHARTER
24 SCHOOL, DURING THE APPLICABLE BUDGET YEAR, CLEARLY DOES NOT
25 PROVIDE THE SPECIFIC PROGRAM FOR WHICH THE RESTRICTED REVENUE IS
26 AUTHORIZED BY VOTERS OR IF THE CHARTER SCHOOL, DURING THE
27 APPLICABLE BUDGET YEAR, DOES NOT SERVE STUDENTS ENROLLED IN THE

1 GRADE LEVEL FOR WHICH THE RESTRICTED REVENUE IS AUTHORIZED BY
2 VOTERS.

3 (c) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
4 THIS SECTION TO THE CONTRARY, IN CALCULATING THE AMOUNT DUE TO
5 A CHARTER SCHOOL UNDER SUBSECTION (2)(a) OF THIS SECTION, A SCHOOL
6 DISTRICT MAY SUBTRACT FROM THE AMOUNT DUE TO THE CHARTER
7 SCHOOL ANY PORTION THAT IS RESTRICTED REVENUE BECAUSE IT IS
8 SUBJECT TO A THIRD-PARTY AGREEMENT THAT EXISTED BEFORE THE
9 EFFECTIVE DATE OF THIS SECTION; EXCEPT THAT, IF THE THIRD PARTY AND
10 THE SCHOOL DISTRICT AMEND THE TERMS OF THE AGREEMENT TO ALLOW
11 DISTRIBUTION OF THE REVENUE TO A CHARTER SCHOOL, THE REVENUE
12 CEASES TO BE RESTRICTED REVENUE AND THE SCHOOL DISTRICT SHALL
13 DISTRIBUTE THE REVENUE TO A CHARTER SCHOOL IN ACCORDANCE WITH
14 SUBSECTION (2)(a) OF THIS SECTION.

15 (d) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
16 THIS SECTION TO THE CONTRARY, IF A LOCAL SCHOOL BOARD HAS IN PLACE
17 OR ADOPTS A WRITTEN POLICY THAT DIRECTS THE SCHOOL DISTRICT TO
18 DISTRIBUTE ANY PORTION OF ITS ADDITIONAL MILL LEVY REVENUE TO
19 SPECIFICALLY BENEFIT STUDENTS ENROLLED IN ALTERNATIVE EDUCATION
20 CAMPUSES; STUDENTS WHO QUALIFY FOR FREE OR REDUCED-PRICE MEALS
21 UNDER THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH
22 ACT", 42 U.S.C. SEC. 1751 ET SEQ.; STUDENTS WHO ARE IDENTIFIED AS
23 ENGLISH LANGUAGE LEARNERS UNDER SECTION 22-24-105; OR STUDENTS
24 WHO HAVE INDIVIDUALIZED EDUCATION PROGRAMS UNDER PART 1 OF
25 ARTICLE 20 OF THIS TITLE 22, THE SCHOOL DISTRICT MAY CONTINUE
26 DISTRIBUTING THE REVENUE FOR THESE PURPOSES, SO LONG AS THE
27 AMOUNT DISTRIBUTED FOR EACH STUDENT IS THE SAME REGARDLESS OF

1 WHETHER THE STUDENT IS ENROLLED IN A CHARTER SCHOOL OR ANOTHER
2 SCHOOL OF THE SCHOOL DISTRICT. THE SCHOOL DISTRICT SHALL
3 DISTRIBUTE ANY AMOUNT OF ADDITIONAL MILL LEVY REVENUE THAT
4 REMAINS AFTER DISTRIBUTION FOR THESE PURPOSES IN ACCORDANCE WITH
5 SUBSECTION (2)(a) OF THIS SECTION.

6 (e) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
7 THIS SECTION TO THE CONTRARY, IF A SCHOOL DISTRICT AUTHORIZES A
8 CHARTER SCHOOL THAT IS PHYSICALLY LOCATED WITHIN THE GEOGRAPHIC
9 BOUNDARIES OF ANOTHER SCHOOL DISTRICT, THE CHARTERING SCHOOL
10 DISTRICT IS REQUIRED TO DISTRIBUTE TO THE CHARTER SCHOOL AN
11 AMOUNT EQUAL TO THE PER PUPIL MILL LEVY SHARE MULTIPLIED ONLY BY
12 THE NUMBER OF STUDENTS ENROLLED IN THE CHARTER SCHOOL WHO
13 RESIDE WITHIN THE AUTHORIZING SCHOOL DISTRICT, WHICH AMOUNT MAY
14 BE ADJUSTED AS PROVIDED IN SUBSECTIONS (2)(b) TO (2)(d) OF THIS
15 SECTION, AS APPROPRIATE. THE AUTHORIZING SCHOOL DISTRICT MAY
16 CHOOSE TO DISTRIBUTE A GREATER PORTION OF THE ADDITIONAL MILL
17 LEVY REVENUE TO THE CHARTER SCHOOL.

18 (f) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
19 THIS SECTION TO THE CONTRARY, IF, BEFORE DECEMBER 31, 2016, A
20 LOCAL SCHOOL BOARD ADOPTS A WRITTEN POLICY OR RESOLUTION THAT
21 EXPLICITLY DIRECTS THE SCHOOL DISTRICT TO DISTRIBUTE AN IDENTIFIED
22 AMOUNT OF THE REVENUE FROM THE SCHOOL DISTRICT'S ADDITIONAL MILL
23 LEVY FOR USE IN CONSTRUCTING OR MAINTAINING ONE OR MORE
24 BUILDINGS IDENTIFIED IN THE WRITTEN POLICY OR RESOLUTION, THE
25 SCHOOL DISTRICT MAY CONTINUE DISTRIBUTING THE IDENTIFIED REVENUE
26 AMOUNT IN ACCORDANCE WITH THE WRITTEN POLICY.

27 (g) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF

1 THIS SECTION TO THE CONTRARY, IF A SCHOOL DISTRICT OBTAINED VOTER
2 APPROVAL FOR A BALLOT MEASURE FOR AN ADDITIONAL MILL LEVY
3 BEFORE THE EFFECTIVE DATE OF THIS SECTION AND THE BALLOT QUESTION
4 SPECIFICALLY ALLOTTED A PORTION OF THE ADDITIONAL MILL LEVY
5 REVENUES TO ONE OR MORE CAPITAL IMPROVEMENT PROJECTS, THE
6 SCHOOL DISTRICT IS NOT REQUIRED TO DISTRIBUTE TO THE CHARTER
7 SCHOOL ANY PORTION OF THE AMOUNT OF ADDITIONAL MILL LEVY
8 REVENUES ALLOCATED TO THE SPECIFIED CAPITAL IMPROVEMENT
9 PROJECTS UNTIL THE SPECIFIED CAPITAL IMPROVEMENT PROJECTS ARE
10 COMPLETED.

11 (3) THIS SECTION DOES NOT REQUIRE A SCHOOL DISTRICT TO
12 RECALCULATE THE DISTRIBUTION OF, OR TO REDISTRIBUTE, ANY
13 ADDITIONAL MILL LEVY REVENUE THAT THE SCHOOL DISTRICT COLLECTED
14 BEFORE THE 2017-18 BUDGET YEAR.

15 (4) (a) BEGINNING IN THE 2018-19 BUDGET YEAR, EACH SCHOOL
16 DISTRICT SHALL DISTRIBUTE THE PER PUPIL MILL LEVY SHARE TO THE
17 CHARTER SCHOOLS OF THE SCHOOL DISTRICT AS PROVIDED IN SUBSECTION
18 (2) OF THIS SECTION; EXCEPT THAT:

19 (I) FOR THE 2018-19 BUDGET YEAR, THE SCHOOL DISTRICT SHALL
20 CALCULATE THE PER PUPIL MILL LEVY SHARE BASED ON AT LEAST
21 THIRTY-THREE PERCENT OF THE ADDITIONAL MILL LEVY REVENUE IT
22 COLLECTS FOR THE 2018-19 BUDGET YEAR;

23 (II) FOR THE 2019-20 BUDGET YEAR, THE SCHOOL DISTRICT SHALL
24 CALCULATE THE PER PUPIL MILL LEVY SHARE BASED ON AT LEAST
25 SIXTY-SIX PERCENT OF THE ADDITIONAL MILL LEVY REVENUE IT COLLECTS
26 FOR THE 2019-20 BUDGET YEAR; AND

27 (III) FOR THE 2020-21 BUDGET YEAR AND EACH BUDGET YEAR

1 THEREAFTER, THE SCHOOL DISTRICT SHALL CALCULATE THE PER PUPIL
2 MILL LEVY SHARE BASED ON ONE HUNDRED PERCENT OF THE ADDITIONAL
3 MILL LEVY REVENUE IT COLLECTS FOR EACH APPLICABLE BUDGET YEAR.

4 (b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(a) OF
5 THIS SECTION, IF, FOR THE 2016-17 BUDGET YEAR, A SCHOOL DISTRICT
6 DISTRIBUTES TO THE CHARTER SCHOOLS OF THE SCHOOL DISTRICT AN
7 AMOUNT OF THE SCHOOL DISTRICT'S ADDITIONAL MILL LEVY REVENUE
8 THAT IS GREATER THAN THE AMOUNT REQUIRED IN SUBSECTION (4)(a)(I)
9 OF THIS SECTION FOR THE 2018-19 BUDGET YEAR, THE LOCAL SCHOOL
10 BOARD SHALL DISTRIBUTE TO THE CHARTER SCHOOLS OF THE SCHOOL
11 DISTRICT FOR THE 2018-19 BUDGET YEAR AT LEAST THE AMOUNT
12 DISTRIBUTED IN THE 2016-17 BUDGET YEAR, ALLOCATED AS PROVIDED IN
13 SUBSECTION (2) OF THIS SECTION.

14 (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(a) OF
15 THIS SECTION, IF, FOR THE 2016-17 BUDGET YEAR, A SCHOOL DISTRICT
16 DISTRIBUTES TO THE CHARTER SCHOOLS OF THE SCHOOL DISTRICT AN
17 AMOUNT OF THE SCHOOL DISTRICT'S ADDITIONAL MILL LEVY REVENUE
18 THAT IS GREATER THAN THE AMOUNT REQUIRED IN SUBSECTION (4)(a)(II)
19 OF THIS SECTION FOR THE 2019-20 BUDGET YEAR, THE LOCAL SCHOOL
20 BOARD SHALL DISTRIBUTE TO THE CHARTER SCHOOLS OF THE SCHOOL
21 DISTRICT FOR THE 2019-20 BUDGET YEAR AT LEAST THE AMOUNT
22 DISTRIBUTED IN THE 2016-17 BUDGET YEAR, ALLOCATED AS PROVIDED IN
23 SUBSECTION (2) OF THIS SECTION.

24 (5) (a) A LOCAL SCHOOL BOARD MAY SUBMIT TO THE ELIGIBLE
25 ELECTORS OF THE SCHOOL DISTRICT AT THE NEXT REGULAR SCHOOL
26 DISTRICT ELECTION AFTER THE EFFECTIVE DATE OF THIS SECTION THE
27 FOLLOWING BALLOT QUESTION: "SHALL THE SCHOOL DISTRICT BOARD OF

1 EDUCATION FOR [NAME OF SCHOOL DISTRICT] USE THE PROPERTY TAX
2 REVENUE COLLECTED FROM NON-DEBT-RELATED MILL LEVIES AUTHORIZED
3 BEFORE JULY 1, 2017, WITHOUT CHANGE TO ANY PURPOSE FOR WHICH
4 SUCH REVENUE WAS ORIGINALLY AUTHORIZED BY THE VOTERS, TO
5 SUPPORT THE STUDENTS ENROLLED IN THE PUBLIC SCHOOLS OF THE
6 SCHOOL DISTRICT, INCLUDING THE CHARTER SCHOOLS AUTHORIZED BY THE
7 SCHOOL DISTRICT, IN ACCORDANCE WITH SECTION 22-30.5-112.4,
8 COLORADO REVISED STATUTES?".

9 (b) IF A MAJORITY OF THE PERSONS VOTING IN THE SCHOOL
10 DISTRICT ELECTION VOTE "NO" ON THE BALLOT QUESTION SPECIFIED IN
11 SUBSECTION (5)(a) OF THIS SECTION, NOTWITHSTANDING ANY PROVISION
12 OF THIS SECTION TO THE CONTRARY, THE LOCAL SCHOOL BOARD MAY, BUT
13 IS NOT REQUIRED TO, DISTRIBUTE A PORTION OF THE SCHOOL DISTRICT'S
14 REVENUE FROM ADDITIONAL MILL LEVIES THAT WERE APPROVED BEFORE
15 JULY 1, 2017, TO THE CHARTER SCHOOLS OF THE SCHOOL DISTRICT AS THE
16 LOCAL SCHOOL BOARD MAY PROVIDE.

17 (c) IF A MAJORITY OF THE PERSONS VOTING IN THE SCHOOL
18 DISTRICT ELECTION VOTE "YES" ON THE BALLOT QUESTION SPECIFIED IN
19 SUBSECTION (5)(a) OF THIS SECTION, THE LOCAL SCHOOL BOARD SHALL
20 DISTRIBUTE A PORTION OF THE SCHOOL DISTRICT'S ADDITIONAL MILL LEVY
21 REVENUE TO THE CHARTER SCHOOLS OF THE SCHOOL DISTRICT IN
22 ACCORDANCE WITH SUBSECTIONS (2) AND (4) OF THIS SECTION.

23 (d) EACH LOCAL SCHOOL BOARD SHALL DISTRIBUTE TO THE
24 CHARTER SCHOOLS OF THE SCHOOL DISTRICT AS PROVIDED IN SUBSECTIONS
25 (2) AND (4) OF THIS SECTION A PORTION OF THE REVENUE FROM
26 ADDITIONAL MILL LEVIES APPROVED ON OR AFTER JULY 1, 2017,
27 REGARDLESS OF WHETHER THE LOCAL SCHOOL BOARD SUBMITS A BALLOT

1 QUESTION TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT AT THE
2 NEXT REGULAR SCHOOL DISTRICT ELECTION AFTER THE EFFECTIVE DATE
3 OF THIS SECTION AS PROVIDED IN SUBSECTION (5)(a) OF THIS SECTION AND
4 REGARDLESS OF THE OUTCOME OF THAT ELECTION.

5 **SECTION 3.** In Colorado Revised Statutes, **add 22-30.5-513.1**
6 as follows:

7 **22-30.5-513.1. Mill levy equalization fund - created -**
8 **legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT SCHOOL
9 DISTRICTS RECEIVE SIGNIFICANT OPERATING REVENUE FROM MILL LEVIES
10 THAT ARE IN ADDITION TO THE SCHOOL DISTRICTS' TOTAL PROGRAM MILL
11 LEVY. THIS ADDITIONAL REVENUE HELPS SCHOOL DISTRICTS OFFSET THE
12 EFFECTS OF REVENUE REDUCTIONS IMPOSED PURSUANT TO SECTION
13 22-54-104 (5)(g). THE GENERAL ASSEMBLY FURTHER FINDS THAT
14 INSTITUTE CHARTER SCHOOLS DO NOT HAVE ACCESS TO ADDITIONAL
15 REVENUE FROM A LOCAL PROPERTY TAX MILL LEVY. THE GENERAL
16 ASSEMBLY FINDS, THEREFORE, THAT IT IS APPROPRIATE TO CONSIDER
17 ADDITIONAL STATE EQUALIZATION FUNDING FOR INSTITUTE CHARTER
18 SCHOOLS.

19 (2) (a) THE MILL LEVY EQUALIZATION FUND, REFERRED TO IN THIS
20 SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY.
21 THE FUND CONSISTS OF ANY AMOUNT THAT THE GENERAL ASSEMBLY MAY
22 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
23 CREDIT TO THE FUND ALL INTEREST AND INCOME DERIVED FROM THE
24 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND.

25 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
26 ASSEMBLY, THE INSTITUTE SHALL ANNUALLY DISTRIBUTE ALL OF THE
27 MONEY APPROPRIATED OR TRANSFERRED TO THE FUND TO THE INSTITUTE

1 CHARTER SCHOOLS ON AN EQUAL PER-PUPIL BASIS. THE MONEY
2 DISTRIBUTED PURSUANT TO THIS SECTION IS IN ADDITION TO MONEY
3 DISTRIBUTED TO INSTITUTE CHARTER SCHOOLS PURSUANT TO SECTION
4 22-30.5-513.

5 SECTION 4. In Colorado Revised Statutes, 22-54-117, add
6 (1)(a)(IX) as follows:

7 22-54-117. Contingency reserve - capital construction
8 expenditures reserve - fund - lottery proceeds contingency reserve.

9 (1) (a) For the 2007-08 fiscal year and fiscal years thereafter, the general
10 assembly shall annually determine the amount to appropriate to the
11 contingency reserve fund, which is hereby created in the state treasury. In
12 deciding the amount to appropriate to the contingency reserve fund, the
13 general assembly may take into consideration any recommendations made
14 by the department of education, but nothing in this section obligates the
15 general assembly to provide supplemental assistance to all districts that
16 are found to be in need or to fully fund the total amount of such need. The
17 state board may approve and order payments from the contingency
18 reserve fund for supplemental assistance to districts determined to be in
19 need as the result of any or all of the following circumstances:

20 (IX) COMMENCING WITH THE 2017-18 BUDGET YEAR, AN UNUSUAL
21 FINANCIAL BURDEN THAT RESULTS FROM IMPLEMENTING A NEW SCHOOL
22 OR PROGRAM OR EXPANDING A PROGRAM IN THE DISTRICT THAT RESULTS
23 IN A TWENTY PERCENT OR GREATER INCREASE IN THE NUMBER OF PUPILS
24 WHO ENROLL IN THE DISTRICT FOR THE APPLICABLE BUDGET YEAR OVER
25 THE ESTIMATED PUPIL ENROLLMENT USED TO CALCULATE THE DISTRICT'S
26 TOTAL PROGRAM FUNDING FOR THE APPLICABLE BUDGET YEAR. THE
27 DISTRICT SHALL REIMBURSE THE CONTINGENCY RESERVE FUND FOR

1 SUPPLEMENTAL ASSISTANCE AWARDED PURSUANT TO THIS SUBSECTION
2 (1)(a)(IX) FOLLOWING THE ADJUSTMENT OF PAYMENTS AS PROVIDED IN
3 SECTION 22-54-115 (1)(a).

4 **SECTION 5.** In Colorado Revised Statutes, amend 22-61-103 as
5 follows:

6 **22-61-103. Teacher's oath, affirmation, or pledge.** (1) Any A
7 person now holding a license to teach in the public schools in the state of
8 Colorado or who shall hereafter be issued a license to teach in such public
9 schools within the state of Colorado, except any A person employed to
10 teach in a temporary capacity who is a citizen of a nation other than the
11 United States, shall take OR SIGN the following oath, or affirmation, OR
12 WRITTEN PLEDGE:

13 "I solemnly (swear) (affirm) (PLEDGE) that I will uphold the
14 constitution of the United States and the constitution of the
15 state of Colorado, and I will faithfully perform the duties of
16 the position upon which I am about to enter."

17 (2) The said oath or affirmation shall be administered by any A
18 person authorized to administer oaths in the state of Colorado SHALL
19 ADMINISTER THE OATH OR AFFIRMATION, OR THE TEACHER MUST SIGN THE
20 PLEDGE.

21 **SECTION 6.** In Colorado Revised Statutes, amend 22-61-104 as
22 follows:

23 **22-61-104. Oath, affirmation, or pledge - professors,**
24 **instructors, and teachers in state institutions of higher education.**

25 (1) Every person employed to teach in any A state university, college,
26 junior college, community college, or technical college in the state of
27 Colorado, before entering upon or continuing the discharge of his OR HER

1 duties, shall take OR SIGN the following oath, or affirmation, OR WRITTEN
2 PLEDGE; except that no A person employed to teach in a temporary
3 capacity who is a citizen of a nation other than the United States shall be
4 IS NOT required to take such oath or affirmation OR SIGN SUCH PLEDGE:

5 "I solemnly (swear) (affirm) (PLEDGE) that I will uphold the
6 constitution of the United States and the constitution of the
7 state of Colorado, and I will faithfully perform the duties of
8 the position upon which I am about to enter."

9 (2) The said oath or affirmation shall be administered by any A
10 person authorized to administer oaths in the state of Colorado SHALL
11 ADMINISTER THE OATH OR AFFIRMATION, OR THE PROFESSOR, INSTRUCTOR,
12 OR TEACHER MUST SIGN THE PLEDGE.

13 **SECTION 7.** In Colorado Revised Statutes, **amend** 22-61-105 as
14 follows:

15 **22-61-105. Penalty.** Any A person who, being in charge of any
16 A public school, state university, college, junior college, community
17 college, or technical college within the state of Colorado, allows or
18 permits any A teacher to enter upon the discharge of his OR HER duties or
19 give instruction therein, unless such teacher shall have taken the oath or
20 affirmation OR SIGNED THE PLEDGE AS provided for in sections 22-61-103
21 and 22-61-104, is guilty of a misdemeanor and, upon conviction thereof,
22 shall MUST be punished by a fine of not more than one hundred dollars,
23 or by imprisonment in the county jail for not more than six months, or by
24 both such fine and imprisonment.

25 **SECTION 8. Appropriation.** (1) For the 2017-18 state fiscal
26 year, \$15,180,602 is appropriated to the mill levy equalization fund
27 created in section 22-30.5-513.1, C.R.S. This appropriation is from the

1 general fund. The department of education is responsible for the
2 accounting related to this appropriation.

3 (2) For the 2017-18 state fiscal year, \$15,180,602 is appropriated
4 to the department of education for use by the state charter school institute.
5 This appropriation is from reappropriated funds in the mill levy
6 equalization fund under subsection (1) of this section. To implement this
7 act, the state charter school institute may use the appropriation for
8 institute charter school mill levy equalization payments.

9 **SECTION 9. Appropriation - adjustments to 2017 long bill.** To
10 implement this act, the cash funds appropriation from the marijuana tax
11 cash fund created in section 39-28.8-501 (1), C.R.S., made in the annual
12 general appropriation act for the 2017-18 state fiscal year to the
13 department of education for the school health professionals grant program
14 is decreased by \$9,642,950, and the related FTE is decreased by 3.0 FTE.

15 **SECTION 10. Appropriation - adjustments to 2017 long bill.**
16 To implement this act, the cash funds appropriation from the marijuana
17 tax cash fund created in section 39-28.8-501 (1), C.R.S., made in the
18 annual general appropriation act for the 2017-18 state fiscal year to the
19 department of local affairs for use by the division of housing for
20 affordable housing construction grants and loans pursuant to section
21 24-32-721, C.R.S., is decreased by \$16,300,000.

22 **SECTION 11. Appropriation - adjustments to 2017 long bill.**
23 To implement this act, the general fund appropriation made in the annual
24 general appropriation act for the 2017-18 state fiscal year to the
25 department of education for the state share of districts' total program
26 funding is decreased by \$48,800,000.

27 **SECTION 12. Appropriation.** For the 2017-18 state fiscal year,

1 \$48,800,000 is appropriated to the department of education. This
2 appropriation consists of \$25,942,950 from the marijuana tax cash fund
3 created in section 39-28.8-501 (1), C.R.S. and \$22,857,050 from the state
4 education fund created in section 17 (4)(a) of article IX of the state
5 constitution. To implement this act, the department may use this
6 appropriation for the state share of districts' total program funding.

7 **SECTION 13. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.