

CHAPTER 224

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 94-1365

BY REPRESENTATIVE Anderson;
also SENATOR Wells.

AN ACT**CONCERNING TECHNICAL AND CONFORMING AMENDMENTS RELATED TO THE FUNDING OF PUBLIC EDUCATION.**

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

SECTION 1. 22-53-107.4 (3) (b), (4) (b), (4) (c), (5) (d), and (5) (g), Colorado Revised Statutes, 1988 Repl. Vol., as enacted by House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, are amended, and the said 22-53-107.4 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-53-107.4. Additional increase in equalization program funding for 1993-94 budget year. (3) The equalization program funding of an eligible district shall be increased for the 1993-94 budget year by the lesser of:

(b) The difference between the district's 1994-95 formula total program and the district's ~~1993-94 actual~~ 1994-95 ALLOWABLE total funding; or

(3.5) EACH DISTRICT ELIGIBLE FOR AN INCREASE PURSUANT TO THIS SECTION SHALL CERTIFY TO THE DEPARTMENT THE EXACT DOLLAR AMOUNT OF INCREASE THAT THE DISTRICT CAN ACCEPT IN ORDER TO ENSURE THAT NO DISTRICT EXCEEDS ITS ALLOWABLE FISCAL YEAR SPENDING FOR THE 1993-94 BUDGET YEAR UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION; EXCEPT THAT THE AMOUNT CERTIFIED SHALL NOT EXCEED THE AMOUNT OF INCREASE DETERMINED IN SUBSECTION (3) OF THIS SECTION.

(4) (b) If any district ~~that~~ has property tax revenue carried forward under the provisions of section 22-44-103.5, ~~shall not be eligible to receive additional state aid~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~pursuant to paragraph (a) of this subsection (4) but~~ THE DISTRICT may increase ~~the district's~~ ITS equalization program funding through the use of such property tax revenue by the amount determined pursuant to subsection (3) of this section; EXCEPT THAT, IF THE PROPERTY TAX REVENUE CARRIED FORWARD IS LESS THAN THE AMOUNT DETERMINED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE DISTRICT SHALL RECEIVE THE DIFFERENCE BETWEEN THE TWO AMOUNTS AS ADDITIONAL STATE AID PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4). If the district advises the state board of ~~such~~ AN increase in funding THROUGH THE USE OF PROPERTY TAX REVENUE, the amount of ~~the increase~~ PROPERTY TAX REVENUE shall be subtracted from the amount of excess property tax revenue of the district which must be offset against state aid and categorical support funds pursuant to section 22-44-103.5 (2) (b) (III) (B) and (2) (c) (III).

(c) The moneys received as additional state aid ~~received~~ by a district pursuant to paragraph (a) of this subsection (4) or the amount of property tax revenue used to increase funding pursuant to paragraph (b) of this subsection (4) shall be appropriated or otherwise credited to a special district reserve prior to the end of the 1993-94 budget year so that the reserve increase is included in the district's 1993-94 fiscal year spending. The moneys in the special district reserve shall not be expended in the 1993-94 budget year but may be expended in the 1994-95 budget year to replace state aid that the district will not receive as a result of inclusion of the moneys in the special district reserve in the calculation of state aid in the 1994-95 budget year pursuant to section 22-54-106 (1) (a) (II).

(5) For purposes of this section:

(d) "1993-94 equalization program funding" includes the district's equalization program funding for the 1993-94 budget year, as determined pursuant to section 22-53-107, plus any additional funding received for the 1993-94 budget year pursuant to the provisions of SECTION 22-53-107.3 OR section 22-44-105 (1) (e).

(g) "Maximum annual percentage change in 1993-94 fiscal year spending" means the percentage change allowed by section 20 of article X of the state constitution based upon the definition of inflation found in said section 20 and based upon the definition of local growth as the percentage change between the district's ~~1992~~ 1992-93 funded pupil count and the district's ~~1993~~ 1993-94 funded pupil count.

SECTION 2. 22-54-103 (6) and (12), Colorado Revised Statutes, 1988 Repl. Vol., as enacted by House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, are amended to read:

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

(6) "District's total program" means the funding for a district, as determined pursuant to section 22-54-104 OR SECTION 22-54-104.3, WHICHEVER IS APPLICABLE, which represents the financial base of support for public education in that district.

(12) "State average per pupil operating revenues" means the total program of all districts for any budget year ~~determined in accordance with section 22-54-104~~ divided by the total funded pupil count of all districts for said budget year, minus the

minimum amount per pupil required by section 22-54-105 to be budgeted for the capital reserve fund, the insurance reserve fund, or any other fund for the management of risk-related activities.

SECTION 3. 22-54-104 (2) (b) (II) (B), Colorado Revised Statutes, 1988 Repl. Vol., as enacted by House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

22-54-104. District total program. (2) (b) (II) (B) For purposes of sub-subparagraph (A) of this subparagraph (II) only, a district's per pupil funding shall be calculated by establishing the district's per pupil funding in accordance with subsection (3) of this section except using the size factor for a district with a funded pupil count of four hundred ~~forty~~ FIFTY-NINE and not the district's actual size factor.

SECTION 4. The introductory portion to 22-54-104.3 (1), Colorado Revised Statutes, 1988 Repl. Vol., as enacted by House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

22-54-104.3. Total program for 1994-95 and 1995-96 budget years - special provisions. (1) Notwithstanding the provisions of section 22-54-104 (2) AND (6), the 1994-95 total program of a district that increased its 1993-94 equalization program funding pursuant to the provisions of former section 22-53-107.4 shall be the lesser of:

SECTION 5. 22-51-104 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended by House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

22-51-104. Methods of determining reimbursement entitlement. (2) In no event shall the reimbursement entitlement of any school district under the provisions of subsection (1) of this section for any entitlement period exceed ninety percent of the total amount expended by the school district during said entitlement period for current operating expenditures for pupil transportation, nor, for entitlement periods beginning on or after ~~July 1, 1994~~ JULY 1, 1993, if a school district is subject to a court-ordered desegregation order, shall the reimbursement entitlement of any such district be less than fifty-five percent of the total amount expended by the district during said entitlement period for current operating expenditures for pupil transportation.

SECTION 6. Repeal. Sections 6 and 7 of House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, are repealed.

SECTION 7. 22-32-116.5, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-32-116.5. Extracurricular activities. (3) IF ANY FEE IS COLLECTED PURSUANT TO THIS SECTION FOR PARTICIPATION IN AN ACTIVITY, THE FEE SHALL BE USED TO FUND THE PARTICULAR ACTIVITY FOR WHICH IT IS CHARGED AND SHALL NOT BE EXPENDED FOR ANY OTHER PURPOSE.

SECTION 8. 22-33-104.5 (6), Colorado Revised Statutes, 1988 Repl. Vol., as

amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-33-104.5. Home-based education - legislative declaration - definitions - guidelines. (6) (e) IF ANY FEE IS COLLECTED PURSUANT TO THIS SUBSECTION (6) FOR PARTICIPATION IN AN ACTIVITY, THE FEE SHALL BE USED TO FUND THE PARTICULAR ACTIVITY FOR WHICH IT IS CHARGED AND SHALL NOT BE EXPENDED FOR ANY OTHER PURPOSE.

SECTION 9. Section 58 of House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

SECTION 58. Appropriation - 1993-94 fiscal year. In addition to any other appropriation made for the current fiscal year, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, the sum of ~~twenty-seven million six hundred thirty-one thousand two hundred ninety-three dollars (\$27,631,293)~~ TWENTY-SEVEN MILLION SIX HUNDRED SEVENTY THOUSAND ONE HUNDRED NINETY-TWO DOLLARS (\$27,670,192), of which amount ~~twenty-seven million nineteen thousand seven hundred forty-five dollars (\$27,019,745)~~ TWENTY-SEVEN MILLION FIFTY-EIGHT THOUSAND SIX HUNDRED FORTY-FOUR DOLLARS (\$27,058,644), or so much thereof as may be necessary, shall be used to implement section 22-53-107.4, Colorado Revised Statutes, enacted in this act, and of which amount six hundred eleven thousand five hundred forty-eight dollars (\$611,548), or so much thereof as may be necessary, shall be used to make additional state aid payments pursuant to section 22-53-114 (9), Colorado Revised Statutes, which result from the amendment made in this act to section 22-32-110 (1) (ff) and (1) (gg), Colorado Revised Statutes.

SECTION 10. 22-32-115 (2) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended by House Bill 94-1065, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

22-32-115. Tuition for resident school-age children. (2) (b) A board of education of a district shall permit any child, the parents or guardian of whom are residents of the state but are not residents of the district, to attend school in the district pursuant to the provisions of section 22-36-101, ~~except that~~ AND the parents or guardian of such child shall not be required to pay tuition. IF THE CHILD PERMITTED TO ATTEND SCHOOL IN THE DISTRICT PURSUANT TO THE PROVISIONS OF SECTION 22-36-101 IS A CHILD WITH A DISABILITY, THE SCHOOL DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING ANY TUITION FOR EDUCATING THE CHILD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-20-109 (4). Nothing in this paragraph (b) shall be construed as creating an obligation on the part of the school district of residence or the school district of attendance to provide transportation at public expense for any such child to and from the school of attendance. The board of education of any school district may permit any child, the parents or guardian of whom are not residents of the state, to attend school in the school district and may require the parents or guardian of the child to pay tuition on behalf of the child.

SECTION 11. 22-20-109, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-20-109. Tuition. (4) WHEN A CHILD WITH A DISABILITY ENROLLS AND

ATTENDS A SCHOOL IN A DISTRICT OTHER THAN THE CHILD'S DISTRICT OF RESIDENCE PURSUANT TO THE PROVISIONS OF SECTION 22-36-101, THE DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING THE TUITION CHARGE FOR EDUCATING THE CHILD TO THE DISTRICT OF ATTENDANCE. THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED PURSUANT TO A CONTRACT ENTERED INTO BETWEEN THE TWO DISTRICTS PURSUANT TO SUBSECTION (1) OF THIS SECTION. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (4), THE PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

SECTION 12. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 1994