

CHAPTER 434

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 07-1232

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AN ACT

CONCERNING AID FOR SCHOOL DISTRICTS IN WHICH PUPILS WHO ARE THE DEPENDENTS OF MILITARY PERSONNEL ENROLL AFTER OCTOBER 1, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-128. Military dependent supplemental pupil enrollment aid - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ELIGIBLE PUPIL" MEANS A PUPIL WHO IS THE DEPENDENT OF A FULL-TIME ACTIVE DUTY MEMBER OF THE UNITED STATES MILITARY OR THE DEPENDENT OF A MEMBER OF THE UNITED STATES MILITARY RESERVE FORCES WHO HAS BEEN CALLED TO ACTIVE DUTY.

(b) "MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT" MEANS THE NUMBER OF ELIGIBLE PUPILS ENROLLED IN A SCHOOL DISTRICT ON FEBRUARY 1 WITHIN THE APPLICABLE BUDGET YEAR OR THE SCHOOL DAY NEAREST SAID DATE WHO WERE NOT ENROLLED IN THE DISTRICT OR IN ANY OTHER SCHOOL DISTRICT IN THE STATE ON OCTOBER 1 OF THE BUDGET YEAR OR THE SCHOOL DAY NEAREST SAID DATE. AN ELIGIBLE PUPIL SHALL BE CONSIDERED ENROLLED IN A DISTRICT AS EVIDENCED BY THE ACTUAL ATTENDANCE OF SUCH ELIGIBLE PUPIL PRIOR TO FEBRUARY 1 OF THE APPLICABLE BUDGET YEAR.

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

(2) FOR THE 2007-08 THROUGH 2010-11 BUDGET YEARS, ANY SCHOOL DISTRICT MAY APPLY FOR MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT AID PURSUANT TO THIS SECTION. A DISTRICT SHALL BE ELIGIBLE FOR SUCH AID ONLY IF:

(a) THE DISTRICT SUBMITS AN ESTIMATE OF ITS MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR TO THE DEPARTMENT OF EDUCATION PURSUANT TO SUBSECTION (4) OF THIS SECTION;

(b) THE DISTRICT SUBMITS ITS MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR TO THE DEPARTMENT OF EDUCATION PURSUANT SUBSECTION (5) OF THIS SECTION; AND

(c) THE DISTRICT'S MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT REPRESENTS EITHER AN INCREASE EQUAL TO OR GREATER THAN ONE PERCENT OVER THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR OR AN INCREASE EQUAL TO OR GREATER THAN TWENTY-FIVE PUPILS OVER THE DISTRICT'S PER PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR.

(3) EACH DISTRICT THAT MEETS THE REQUIREMENTS OF THIS SECTION SHALL BE ELIGIBLE TO RECEIVE MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT AID AS CALCULATED BY COMPUTING A NUMBER EQUAL TO THE DISTRICT'S MILITARY DEPENDENT PUPIL ENROLLMENT, MULTIPLIED BY AN AMOUNT EQUAL TO ONE-HALF OF THE DISTRICT'S PER PUPIL REVENUES FOR THE APPLICABLE BUDGET YEAR.

(4) ON OR BEFORE JANUARY 15, 2008, AND ON OR BEFORE JANUARY 15 EACH YEAR THEREAFTER THROUGH JANUARY 15, 2011, ANY SCHOOL DISTRICT MAY APPLY FOR MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT AID PURSUANT TO THIS SECTION BY SUBMITTING TO THE DEPARTMENT OF EDUCATION AN ESTIMATE OF THE DISTRICT'S MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR.

(5) TO RECEIVE MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT AID PURSUANT TO THIS SECTION, A DISTRICT THAT SUBMITTED AN ESTIMATE TO THE DEPARTMENT OF EDUCATION PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL SUBMIT TO THE DEPARTMENT THE DISTRICT'S MILITARY DEPENDENT PUPIL SUPPLEMENTAL ENROLLMENT WITHIN FIFTEEN DAYS OF FEBRUARY 1 OF THE APPLICABLE BUDGET YEAR OR WITHIN FIFTEEN DAYS OF THE SCHOOL DAY NEAREST SAID DATE.

(6) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-37-304 (1) (b.5), C.R.S., ON OR BEFORE MARCH 1, 2008, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER THROUGH MARCH 1, 2011, THE DEPARTMENT OF EDUCATION SHALL SUBMIT A REQUEST TO THE GENERAL ASSEMBLY FOR A SUPPLEMENTAL APPROPRIATION IN AN AMOUNT THAT WILL FULLY FUND THE AGGREGATE AMOUNT OF THE MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT AID ALLOWED FOR THE BUDGET YEAR PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE DEPARTMENT SHALL CALCULATE THE AMOUNT OF THE REQUEST BY APPLYING THE TOTAL MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT SUBMITTED TO THE DEPARTMENT BY ALL ELIGIBLE DISTRICTS PURSUANT TO SUBSECTION (5) OF THIS SECTION TO THE FORMULA SPECIFIED IN SUBSECTION (3) OF THIS SECTION. THE DEPARTMENT SHALL MAKE THE REQUEST TO THE GENERAL ASSEMBLY DURING THE

FISCAL YEAR IN WHICH THE SCHOOL DISTRICTS APPLY FOR THE MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT AID.

(7) IN EACH APPLICABLE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE, SUBJECT TO AVAILABLE APPROPRIATIONS, THE AMOUNT AUTHORIZED FOR MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT AID PURSUANT TO SUBSECTION (3) OF THIS SECTION TO THE DEPARTMENT OF EDUCATION TO BE DISTRIBUTED BY THE DEPARTMENT TO ELIGIBLE DISTRICTS. IN THE EVENT THAT THE AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IS LESS THAN THE AMOUNT OF AID AUTHORIZED FOR EACH ELIGIBLE DISTRICT PURSUANT SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL DISTRIBUTE AN AMOUNT TO EACH ELIGIBLE DISTRICT THAT IS IN THE SAME PROPORTION THAT THE ELIGIBLE DISTRICT'S MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT BEARS TO THE TOTAL MILITARY DEPENDENT SUPPLEMENTAL PUPIL ENROLLMENT IN ALL ELIGIBLE DISTRICTS.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for general department and program administration, for the fiscal year beginning July 1, 2007, the sum of eight thousand dollars (\$8,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 4, 2007