

SB296 L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.SB17-296 be amended as follows:

1 Amend printed bill, page 3, after line 22 insert:

2 "SECTION 2. In Colorado Revised Statutes, add 22-30.5-112.4
3 as follows:

4 **22-30.5-112.4. Charter schools - mill levy revenues -**
5 **equalization - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "ADDITIONAL MILL LEVY" MEANS THE NUMBER OF MILLS THAT
8 A SCHOOL DISTRICT LEVIES THAT ARE IN ADDITION TO THE SCHOOL
9 DISTRICT'S TOTAL PROGRAM MILL LEVY ESTABLISHED IN SECTION
10 22-54-106(2), NOT INCLUDING MILLS THAT A SCHOOL DISTRICT MAY LEVY
11 UNDER SECTION 22-40-110 OR ARTICLE 42 OR 43 OF THIS TITLE 22, AND
12 THAT ARE AUTHORIZED BY VOTERS BEFORE, ON, OR AFTER THE EFFECTIVE
13 DATE OF THIS SECTION.

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

19 (c) "RESTRICTED REVENUE" MEANS REVENUE THAT A SCHOOL
20 DISTRICT COLLECTS FROM ITS ADDITIONAL MILL LEVY, THE USE OF WHICH
21 IS RESTRICTED BY VOTERS TO A SPECIFIC PROGRAM, TO STUDENTS
22 ENROLLED IN A SPECIFIC GRADE LEVEL, OR TO THE TERMS OF AN
23 AGREEMENT BETWEEN A THIRD PARTY AND THE SCHOOL DISTRICT THAT
24 GOVERNS THE USE OF THE REVENUE AND THAT EXISTED BEFORE THE
25 EFFECTIVE DATE OF THIS SECTION.

26 (2) (a) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (4) AND (5)
27 OF THIS SECTION, EACH SCHOOL DISTRICT THAT AUTHORIZES A CHARTER
28 SCHOOL SHALL DISTRIBUTE TO THE CHARTER SCHOOL AT LEAST ONE
29 HUNDRED PERCENT OF AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S PER
30 PUPIL MILL LEVY SHARE FOR THE APPLICABLE BUDGET YEAR MULTIPLIED
31 BY THE NUMBER OF PUPILS, INCLUDING PRESCHOOL PROGRAM PUPILS,
32 ENROLLED IN THE CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR,
33 AS REPORTED TO THE DEPARTMENT FOR THE APPLICABLE BUDGET YEAR
34 PURSUANT TO SECTION 22-30.5-112 (1)(a). IN COUNTING THE NUMBER OF
35 PUPILS ENROLLED IN THE CHARTER SCHOOL, THE SCHOOL DISTRICT SHALL
36 COUNT A PUPIL ENROLLED IN KINDERGARTEN OR IN A PRESCHOOL
37 PROGRAM AS AT LEAST A HALF-DAY PUPIL AND MAY, AT THE SCHOOL



1 DISTRICT'S DISCRETION, COUNT A PUPIL WHO IS INCLUDED IN THE SCHOOL
2 DISTRICT'S ONLINE PUPIL ENROLLMENT, AS DEFINED IN SECTION 22-54-103.

3 (b) 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 IF THE CHARTER
8 SCHOOL, DURING THE APPLICABLE BUDGET YEAR, CLEARLY DOES NOT
9 PROVIDE THE SPECIFIC PROGRAM FOR WHICH THE RESTRICTED REVENUE IS
10 AUTHORIZED BY VOTERS OR IF THE CHARTER SCHOOL, DURING THE
11 APPLICABLE BUDGET YEAR, DOES NOT SERVE STUDENTS ENROLLED IN THE
12 GRADE LEVEL FOR WHICH THE RESTRICTED REVENUE IS AUTHORIZED BY
13 VOTERS.

14 (c) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
15 THIS SECTION TO THE CONTRARY, IN CALCULATING THE AMOUNT DUE TO
16 A CHARTER SCHOOL UNDER SUBSECTION (2)(a) OF THIS SECTION, A SCHOOL
17 DISTRICT MAY SUBTRACT FROM THE AMOUNT DUE TO THE CHARTER
18 SCHOOL ANY PORTION THAT IS RESTRICTED REVENUE BECAUSE IT IS
19 SUBJECT TO A THIRD-PARTY AGREEMENT THAT EXISTED BEFORE THE
20 EFFECTIVE DATE OF THIS SECTION; EXCEPT THAT, IF THE THIRD PARTY AND
21 THE SCHOOL DISTRICT AMEND THE TERMS OF THE AGREEMENT TO ALLOW
22 DISTRIBUTION OF THE REVENUE TO A CHARTER SCHOOL, THE REVENUE
23 CEASES TO BE RESTRICTED REVENUE AND THE SCHOOL DISTRICT SHALL
24 DISTRIBUTE THE REVENUE TO A CHARTER SCHOOL IN ACCORDANCE WITH
25 SUBSECTION (2)(a) OF THIS SECTION.

26 (d) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
27 THIS SECTION TO THE CONTRARY, IF A LOCAL SCHOOL BOARD HAS IN PLACE
28 OR ADOPTS A WRITTEN POLICY THAT DIRECTS THE SCHOOL DISTRICT TO
29 DISTRIBUTE ANY PORTION OF ITS ADDITIONAL MILL LEVY REVENUE TO
30 SPECIFICALLY BENEFIT STUDENTS ENROLLED IN ALTERNATIVE EDUCATION
31 CAMPUSES; STUDENTS WHO QUALIFY FOR FREE OR REDUCED-PRICE MEALS
32 UNDER THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH
33 ACT", 42 U.S.C. SEC. 1751 ET SEQ.; STUDENTS WHO ARE IDENTIFIED AS
34 ENGLISH LANGUAGE LEARNERS UNDER SECTION 22-24-105; OR STUDENTS
35 WHO HAVE INDIVIDUALIZED EDUCATION PROGRAMS UNDER PART 1 OF
36 ARTICLE 20 OF THIS TITLE 22, THE SCHOOL DISTRICT MAY CONTINUE
37 DISTRIBUTING THE REVENUE FOR THESE PURPOSES, SO LONG AS THE
38 AMOUNT DISTRIBUTED FOR EACH STUDENT IS THE SAME REGARDLESS OF
39 WHETHER THE STUDENT IS ENROLLED IN A CHARTER SCHOOL OR ANOTHER
40 SCHOOL OF THE SCHOOL DISTRICT. THE SCHOOL DISTRICT SHALL
41 DISTRIBUTE ANY AMOUNT OF ADDITIONAL MILL LEVY REVENUE THAT
42 REMAINS AFTER DISTRIBUTION FOR THESE PURPOSES IN ACCORDANCE WITH
43 SUBSECTION (2)(a) OF THIS SECTION.

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

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

22 (g) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
23 THIS SECTION TO THE CONTRARY, IF A SCHOOL DISTRICT OBTAINED VOTER
24 APPROVAL FOR A BALLOT MEASURE FOR AN ADDITIONAL MILL LEVY
25 BEFORE THE EFFECTIVE DATE OF THIS SECTION AND THE BALLOT QUESTION
26 SPECIFICALLY ALLOTTED A PORTION OF THE ADDITIONAL MILL LEVY
27 REVENUES TO ONE OR MORE CAPITAL IMPROVEMENT PROJECTS, THE
28 SCHOOL DISTRICT IS NOT REQUIRED TO DISTRIBUTE TO THE CHARTER
29 SCHOOL ANY PORTION OF THE AMOUNT OF ADDITIONAL MILL LEVY
30 REVENUES ALLOCATED TO THE SPECIFIED CAPITAL IMPROVEMENT
31 PROJECTS UNTIL THE SPECIFIED CAPITAL IMPROVEMENT PROJECTS ARE
32 COMPLETED.

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

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

41 (I) FOR THE 2018-19 BUDGET YEAR, THE SCHOOL DISTRICT SHALL
42 CALCULATE THE PER PUPIL MILL LEVY SHARE BASED ON AT LEAST
43 THIRTY-THREE PERCENT OF THE ADDITIONAL MILL LEVY REVENUE IT

1 COLLECTS FOR THE 2018-19 BUDGET YEAR;

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

6 (III) FOR THE 2020-21 BUDGET YEAR AND EACH BUDGET YEAR
7 THEREAFTER, THE SCHOOL DISTRICT SHALL CALCULATE THE PER PUPIL
8 MILL LEVY SHARE BASED ON ONE HUNDRED PERCENT OF THE ADDITIONAL
9 MILL LEVY REVENUE IT COLLECTS FOR EACH APPLICABLE BUDGET YEAR.

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

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

30 (5) (a) A LOCAL SCHOOL BOARD MAY SUBMIT TO THE ELIGIBLE
31 ELECTORS OF THE SCHOOL DISTRICT AT THE NEXT REGULAR SCHOOL
32 DISTRICT ELECTION AFTER THE EFFECTIVE DATE OF THIS SECTION THE
33 FOLLOWING BALLOT QUESTION: "SHALL THE SCHOOL DISTRICT BOARD OF
34 EDUCATION FOR [NAME OF SCHOOL DISTRICT] USE THE PROPERTY TAX
35 REVENUE COLLECTED FROM NON-DEBT-RELATED MILL LEVIES AUTHORIZED
36 BEFORE JULY 1, 2017, WITHOUT CHANGE TO ANY PURPOSE FOR WHICH
37 SUCH REVENUE WAS ORIGINALLY AUTHORIZED BY THE VOTERS, TO
38 SUPPORT THE STUDENTS ENROLLED IN THE PUBLIC SCHOOLS OF THE
39 SCHOOL DISTRICT, INCLUDING THE CHARTER SCHOOLS AUTHORIZED BY THE
40 SCHOOL DISTRICT, IN ACCORDANCE WITH SECTION 22-30.5-112.4,
41 COLORADO REVISED STATUTES?"

42 (b) IF A MAJORITY OF THE PERSONS VOTING IN THE SCHOOL
43 DISTRICT ELECTION VOTE "NO" ON THE BALLOT QUESTION SPECIFIED IN



1 SUBSECTION (5)(a) OF THIS SECTION, NOTWITHSTANDING ANY PROVISION
2 OF THIS SECTION TO THE CONTRARY, THE LOCAL SCHOOL BOARD MAY, BUT
3 IS NOT REQUIRED TO, DISTRIBUTE A PORTION OF THE SCHOOL DISTRICT'S
4 REVENUE FROM ADDITIONAL MILL LEVIES THAT WERE APPROVED BEFORE
5 JULY 1, 2017, TO THE CHARTER SCHOOLS OF THE SCHOOL DISTRICT AS THE
6 LOCAL SCHOOL BOARD MAY PROVIDE.

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

13 (d) EACH LOCAL SCHOOL BOARD SHALL DISTRIBUTE TO THE
14 CHARTER SCHOOLS OF THE SCHOOL DISTRICT AS PROVIDED IN SUBSECTIONS
15 (2) AND (4) OF THIS SECTION A PORTION OF THE REVENUE FROM
16 ADDITIONAL MILL LEVIES APPROVED ON OR AFTER JULY 1, 2017,
17 REGARDLESS OF WHETHER THE LOCAL SCHOOL BOARD SUBMITS A BALLOT
18 QUESTION TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT AT THE
19 NEXT REGULAR SCHOOL DISTRICT ELECTION AFTER THE EFFECTIVE DATE
20 OF THIS SECTION AS PROVIDED IN SUBSECTION (5)(a) OF THIS SECTION AND
21 REGARDLESS OF THE OUTCOME OF THAT ELECTION.

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

24 **22-30.5-513.1. Mill levy equalization fund - created -**
25 **legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT SCHOOL
26 DISTRICTS RECEIVE SIGNIFICANT OPERATING REVENUE FROM MILL LEVIES
27 THAT ARE IN ADDITION TO THE SCHOOL DISTRICTS' TOTAL PROGRAM MILL
28 LEVY. THIS ADDITIONAL REVENUE HELPS SCHOOL DISTRICTS OFFSET THE
29 EFFECTS OF REVENUE REDUCTIONS IMPOSED PURSUANT TO SECTION
30 22-54-104 (5)(g). THE GENERAL ASSEMBLY FURTHER FINDS THAT
31 INSTITUTE CHARTER SCHOOLS DO NOT HAVE ACCESS TO ADDITIONAL
32 REVENUE FROM A LOCAL PROPERTY TAX MILL LEVY. THE GENERAL
33 ASSEMBLY FINDS, THEREFORE, THAT IT IS APPROPRIATE TO CONSIDER
34 ADDITIONAL STATE EQUALIZATION FUNDING FOR INSTITUTE CHARTER
35 SCHOOLS.

36 (2) (a) THE MILL LEVY EQUALIZATION FUND, REFERRED TO IN THIS
37 SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY.
38 THE FUND CONSISTS OF ANY AMOUNT THAT THE GENERAL ASSEMBLY MAY
39 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
40 CREDIT TO THE FUND ALL INTEREST AND INCOME DERIVED FROM THE
41 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND.

42 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
43 ASSEMBLY, THE INSTITUTE SHALL ANNUALLY DISTRIBUTE ALL OF THE



1 MONEY APPROPRIATED OR TRANSFERRED TO THE FUND TO THE INSTITUTE
2 CHARTER SCHOOLS ON AN EQUAL PER-PUPIL BASIS. THE MONEY
3 DISTRIBUTED PURSUANT TO THIS SECTION IS IN ADDITION TO MONEY
4 DISTRIBUTED TO INSTITUTE CHARTER SCHOOLS PURSUANT TO SECTION
5 22-30.5-513.

6 **SECTION 4. Appropriation.** (1) For the 2017-18 state fiscal
7 year, \$15,180,602 is appropriated to the mill levy equalization fund
8 created in section 22-30.5-513.1, C.R.S. This appropriation is from the
9 general fund. The department of education is responsible for the
10 accounting related to this appropriation.

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

17 Renumber succeeding section accordingly.

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