

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 24-0977.06 Jacob Baus x2173

**HOUSE BILL 24-1448**

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**HOUSE SPONSORSHIP**

**McCluskie and Bacon,**

**SENATE SPONSORSHIP**

**Lundeen and Zenzinger,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE CREATION OF A MODERNIZED APPROACH TO**  
102                    **FUNDING PUBLIC EDUCATION, AND, IN CONNECTION THEREWITH,**  
103                    **MAKING AND REDUCING AN APPROPRIATION.**

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**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 creates a new total program formula (new formula), which is used to determine each school district's (district) and institute charter school's annual total program amount to fund public education. With limited exception, the district or the institute charter school has the discretion to determine the budgeting and expending of its total program

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

money.

The new formula:

- Starts with a district's foundation funding, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment; then
- Adds the district's at-risk funding, which is determined by multiplying the statewide base per pupil funding by 25% and then multiplying that result by the district's at-risk pupil enrollment; then
- Adds the district's English language learning funding, which is determined by multiplying the statewide base per pupil funding by 25% and then multiplying that result by the district's English language learner pupil enrollment; then
- Adds the district's special education funding, which is determined by multiplying the statewide base per pupil funding by 25% and then multiplying that result by the district's special education pupil enrollment; then
- Adds the district's cost of living factor, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment, and then multiplying that result by the district's cost of living factor; then
- Adds the district's locale factor, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment, and then multiplying that result by the district's locale factor; then
- Adds the district's size factor, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment, and then multiplying that result by the district's size factor; then
- Adds the district's extended high school funding, which is determined by multiplying the district's extended high school pupil enrollment by an amount that increases by the same percentage that the statewide base per student funding increases; then
- Adds the district's online funding, which is determined by multiplying the district's online pupil enrollment by an

amount that increases by the same percentage that the statewide base per student funding increases.

Beginning in the 2030-31 state fiscal year, the new formula will determine each district's and institute charter school's annual total program amount.

For the 2025-26 state fiscal year through the 2029-30 state fiscal year, each district's and institute charter school's annual total program amount will be determined by calculating each district's and institute charter school's annual total program amount under the new formula and the expiring formula. During these state fiscal years, a district's or institute charter school's annual total program amount is the district's or institute charter school's calculation under the expiring formula, unless:

- For the 2025-26 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 18% of the difference between the amount calculated under the new formula and the expiring formula;
- For the 2026-27 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 34% of the difference between the amount calculated under the new formula and the expiring formula;
- For the 2027-28 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 50% of the difference between the amount calculated under the new formula and the expiring formula;
- For the 2028-29 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 66% of the difference between the amount calculated under the new formula and the expiring formula; and
- For the 2029-30 state fiscal year, if the total program

calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 82% of the difference between the amount calculated under the new formula and the expiring formula.

The bill repeals the expiring formula on July 1, 2030.

The bill makes amendments to conform with these changes and to repeal obsolete provisions within the "Public School Finance Act".

The bill requires the department of education to contract with third-party entities to conduct 2 studies and publish reports concerning weighted student budgeting and implementing a multiple count day method for determining pupil enrollment. The third-party entities are required to submit reports to the education committees of the house of representatives and the senate, and the governor, by June 30, 2025.

Under current law, there is the public school fund of the state (permanent school fund). The bill requires that:

- For the 2024-25 state fiscal year, the first \$11 million of interest and income earned on the deposit and investment of money in the permanent school fund (interest and income) is credited to the state public school fund, the next \$11 million of interest and income becomes part of the principal of the permanent school fund, and the remaining interest and income is credited to the restricted account of the public school capital construction assistance fund (assistance fund);
- For the 2025-26 state fiscal year, the first \$6 million of interest and income is credited to the state public school fund, the next \$6 million of interest and income becomes part of the principal of the permanent school fund, and the remaining interest and income is credited to the restricted account of the assistance fund; and
- For the 2026-27 state fiscal year, and state fiscal years thereafter, all interest and income is credited to the restricted account of the assistance fund.

The bill requires the state treasurer to allocate any money remaining in the state land board trust administration fund to pay for the services provided by the investment consultant hired by the public school investment board and for the reimbursement for travel and other necessary expenses incurred by the members of that board.

Under certain circumstances, the bill requires to be credited to the assistance fund:

- For the 2024-25 state fiscal year, the greater of \$10 million from proceeds received from certain resources from public

- school lands plus 50% of the gross amount of public school lands income other than interest or income, or \$40 million;
- For the 2025-26 state fiscal year, the greater of \$15 million from proceeds received from certain resources from public school lands plus 50% of the gross amount of public school lands income other than interest or income, or \$40 million; and
- For the 2026-27 state fiscal year, and each state fiscal year thereafter, the greater of \$21 million from proceeds received from certain resources from public school lands plus 50% of the gross amount of public school lands income other than interest or income, or \$40 million.

The bill credits an amount to the charter school facilities assistance account from the assistance fund.

The bill increases the total maximum amount of annual payments payable by the state during a state fiscal year under the terms of all outstanding financed purchase of an asset or certificate of participation agreements entered into by the state treasurer from \$125 million to \$150 million.

Current law dictates the distribution of proceeds received from certain resources from public school lands, of which, a certain amount is credited to the permanent school fund. The bill requires that:

- For the 2024-25 state fiscal year, the first \$10 million is credited to the assistance fund;
- For the 2025-26 state fiscal year, the first \$15 million is credited to the assistance fund; and
- For the 2026-27 state fiscal year, and each state fiscal year thereafter, the first \$21 million is credited to the assistance fund.

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 22-54-101 as  
 3 follows:

4           **22-54-101. Short title.** ~~This article shall be known and may be~~  
 5 ~~cited as the "Public School Finance Act of 1994"~~ THE SHORT TITLE OF  
 6 THIS ARTICLE 54 IS THE "PUBLIC SCHOOL FINANCE ACT OF 2025".

7           **SECTION 2.** In Colorado Revised Statutes, **amend** 22-54-102 as  
 8 follows:

1           **22-54-102. Statewide applicability - intergovernmental**

2           **agreements - legislative declaration.** (1) The general assembly hereby  
3 finds and declares that this ~~article~~ ARTICLE 54 is enacted in furtherance of  
4 the general assembly's duty under section 2 of article IX of the state  
5 constitution to provide for a thorough and uniform system of public  
6 schools throughout the state; that a thorough and uniform system requires  
7 that all school districts and institute charter schools operate under the  
8 same finance formula; and that equity considerations dictate that all  
9 districts and institute charter schools be subject to the expenditure and  
10 maximum levy provisions of this ~~article~~ ARTICLE 54. Accordingly, the  
11 provisions of this ~~article~~ ARTICLE 54 concerning the financing of public  
12 schools ~~for budget years beginning on and after July 1, 1994, shall apply~~  
13 to all school districts and institute charter schools organized under the  
14 laws of this state.

15           (2) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES  
16 THAT:

17           (I) A THOROUGH AND UNIFORM SYSTEM OF PUBLIC EDUCATION  
18 CREATES A LEARNING ENVIRONMENT IN WHICH ALL LEARNERS ARE  
19 CIVICALLY ENGAGED; PHYSICALLY, SOCIALLY, AND EMOTIONALLY  
20 HEALTHY; COMPETENT ACADEMIC SCHOLARS; AND, UPON GRADUATION,  
21 READY TO CONTRIBUTE PRODUCTIVELY TO THE ECONOMY AND PREPARED  
22 FOR A RAPIDLY CHANGING WORLD;

23           (II) A WORLD-CLASS PUBLIC EDUCATION LEARNING ENVIRONMENT  
24 IS CRITICAL TO MEETING THE WORKFORCE DEMANDS FOR COLORADO'S  
25 THRIVING AND DYNAMIC ECONOMY;

26           (III) THE CHANGING REALITIES OF COLORADO'S ECONOMY  
27 DEMAND THAT STUDENTS BE AGILE LEARNERS ABLE TO CONTINUOUSLY

1 LEARN, ADAPT, AND SHIFT INTO NEW ROLES BY DEVELOPING CRITICAL  
2 THINKING, COLLABORATION, AND PROBLEM-SOLVING SKILLS;

3 (IV) THE NEEDS OF THE STATE REQUIRE THAT ALL STUDENTS,  
4 INCLUDING THOSE WHO ARE UNDERSERVED OR FACE SIGNIFICANT  
5 CHALLENGES IN MEETING COLORADO'S GRADUATION GUIDELINES,  
6 COMPLETE HIGH SCHOOL AND ARE READY FOR CAREER OR  
7 POSTSECONDARY EDUCATION;

8 (V) COLORADO'S TOTAL PROGRAM FORMULA, PURSUANT TO  
9 SECTION 22-54-104, DRASTICALLY UNDERFUNDS COLORADO'S MOST  
10 HISTORICALLY UNDERSERVED STUDENTS, INCLUDING AT-RISK STUDENTS,  
11 ENGLISH LANGUAGE LEARNERS, AND STUDENTS WITH SPECIAL NEEDS.  
12 SINCE THE COVID-19 PANDEMIC, THE ACHIEVEMENT GAP BETWEEN THESE  
13 STUDENTS AND THEIR PEERS HAS GROWN EXPONENTIALLY. RESEARCH  
14 SHOWS THAT DIRECTING ADDITIONAL FUNDING TO THESE STUDENTS  
15 BOLSTERS THEIR ACADEMIC OUTCOMES.

16 (VI) COLORADO'S TOTAL PROGRAM FORMULA, PURSUANT TO  
17 SECTION 22-54-104, HAS NOT BEEN SIGNIFICANTLY UPDATED SINCE 1994.  
18 AS THE GENERAL ASSEMBLY COMMITS TO FULLY BUYING DOWN THE  
19 BUDGET STABILIZATION FACTOR, THERE IS AN OPPORTUNE MOMENT TO  
20 MODERNIZE THE TOTAL PROGRAM FORMULA TO BETTER MEET THE NEEDS  
21 OF STUDENTS, EDUCATORS, COMMUNITIES, AND SCHOOLS.

22 (VII) IN THE YEARS SINCE THIS ARTICLE 54 WAS ORIGINALLY  
23 ENACTED IN 1994, CONSTITUTIONAL PROVISIONS, STATUTORY  
24 REQUIREMENTS, PUBLIC EXPECTATIONS, AND STUDENT DEMOGRAPHICS  
25 HAVE PLACED GREATER DEMANDS ON COLORADO'S PUBLIC EDUCATION  
26 LEARNING ENVIRONMENT; AND

27 (VIII) CHALLENGES TO RECRUIT AND RETAIN EDUCATORS AND

1 SCHOOL LEADERS, AND IMPEDIMENTS TO BENEFICIAL INNOVATION,  
2 CONTINUE TO THREATEN COLORADO'S PUBLIC EDUCATION LEARNING  
3 ENVIRONMENT.

4 (b) TO PROVIDE EACH CHILD IN THIS STATE WITH A HIGH-QUALITY  
5 PUBLIC EDUCATION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT  
6 COLORADO'S PUBLIC SCHOOL FINANCE FORMULA MUST BE REDESIGNED  
7 AND MODERNIZED TO:

8 (I) PRIORITIZE EQUITY BY FOCUSING ON INDIVIDUAL STUDENT  
9 NEEDS, INCLUDING PRIORITIZED FUNDING FOR STUDENTS EXPERIENCING  
10 POVERTY, STUDENTS WITH SPECIAL EDUCATION NEEDS, AND STUDENTS  
11 WHO ARE ENGLISH LANGUAGE LEARNERS;

12 (II) RECOGNIZE AND ADJUST FUNDING FOR DIFFERENCES AMONG  
13 SCHOOL DISTRICTS AND PUBLIC SCHOOLS RELATED TO SIZE, REMOTENESS,  
14 AND COST OF LIVING;

15 (III) PROMOTE GREATER UNDERSTANDING OF PUBLIC EDUCATION  
16 FUNDING FOR POLICYMAKERS, EDUCATORS, COMMUNITY MEMBERS,  
17 FAMILIES, AND STUDENTS BY CREATING TRANSPARENCY AND SIMPLICITY  
18 IN THE SCHOOL FINANCE FORMULA CALCULATION; AND

19 (IV) RESPONSIBLY PHASE IN A NEW TOTAL PROGRAM FORMULA  
20 OVER A PERIOD OF TIME SO THAT IT IS SUSTAINABLE, AND ALLOW SCHOOL  
21 DISTRICTS AND SCHOOLS AN AMOUNT OF TIME NECESSARY TO ADJUST TO  
22 THE PHASE-IN.

23 ~~(2)~~ (3) The general assembly hereby finds and declares that in  
24 enacting this ~~article~~ ARTICLE 54 it has adopted a formula for the support  
25 of schools; ~~for the 1994-95 budget year and budget years thereafter;~~  
26 however, the adoption of ~~such~~ THE formula in no way ~~represents~~ IS a  
27 commitment on the part of the general assembly concerning the level of



1 total funding for schools. ~~for the 1995-96 budget year or any budget year~~  
2 ~~thereafter.~~

3 ~~(3)~~ (4) (a) ~~Nothing in this article shall be construed to~~ THIS  
4 ARTICLE 54 DOES NOT prohibit local governments from cooperating with  
5 school districts through intergovernmental agreements to fund, construct,  
6 maintain, or manage capital construction projects or other facilities as set  
7 forth in section 22-45-103 (1)(c)(I)(A) or (1)(c)(I)(D), including, but not  
8 limited to, swimming pools, playgrounds, or ball fields, ~~as long as~~ IF  
9 funding for ~~such~~ THE projects is provided solely from a source of local  
10 government revenue that is otherwise authorized by law, except impact  
11 fees or other similar development charges or fees.

12 (b) Notwithstanding ~~any provision of paragraph (a) of this~~  
13 ~~subsection (3)~~ SUBSECTION (4)(a) OF THIS SECTION to the contrary,  
14 ~~nothing in this subsection (3) shall be construed to~~ THIS SUBSECTION (4)  
15 DOES NOT:

16 (I) Limit or restrict a county's power to require the reservation or  
17 dedication of sites and land areas for schools or the payment of ~~moneys~~  
18 MONEY in lieu thereof pursuant to section 30-28-133 (4)(a); ~~C.R.S. or to~~  
19 ~~limit a local government's ability to accept and expend impact fees or~~  
20 ~~other similar development charges or fees contributed voluntarily on or~~  
21 ~~before December 31, 1997, to fund the capital projects of school districts~~  
22 ~~according to the terms of agreements voluntarily entered into on or before~~  
23 ~~June 4, 1996, between all affected parties; AND~~

24 (II) Repealed.

25 (III) Grant authority to local governments to require the  
26 reservation or dedication of sites and land areas for schools or the  
27 payment of ~~moneys in lieu thereof~~ MONEY; however, the prohibition on

1 impact fees or other similar development charges or fees contained in this  
2 subsection (3) shall not be construed to SUBSECTION (4) DOES NOT restrict  
3 the authority of any local government to require the reservation or  
4 dedication of sites and land areas for schools or the payment of moneys  
5 in lieu thereof if such MONEY IF THE local government otherwise has such  
6 THE authority granted by law.

7 (4) ~~If the December 2015 revenue forecast prepared by the~~  
8 ~~legislative council staff estimates that the amount of local property tax~~  
9 ~~revenues that will be available to districts for the 2015-16 budget year~~  
10 ~~will be greater than the amount estimated in the December 2014 revenue~~  
11 ~~forecast, it is the intent of the general assembly, through the supplemental~~  
12 ~~appropriations process during the 2016 regular legislative session, to~~  
13 ~~maintain and not reduce state appropriations for school finance funding~~  
14 ~~after consideration of other forecast changes, including changes in the~~  
15 ~~number of pupils and at-risk pupils enrolled, the inflation rate, and the~~  
16 ~~expected state education fund revenues.~~

17 (5) (a) ~~The general assembly finds that, due to the COVID-19~~  
18 ~~pandemic beginning during the 2019-20 school year, Colorado's public~~  
19 ~~education system has faced significant disruptions to the delivery of~~  
20 ~~classroom instruction, student learning, and access to critically necessary~~  
21 ~~nutritional, health, and social-emotional support services. Therefore, the~~  
22 ~~general assembly finds that:~~

23 (I) ~~A world-class public education is critical to meeting the~~  
24 ~~workforce demands for Colorado's economy;~~

25 (II) ~~The changing realities of Colorado's post-pandemic economy~~  
26 ~~demand that students be agile learners able to continuously learn, adapt,~~  
27 ~~and shift into new roles by developing critical thinking, collaboration, and~~

1 problem-solving skills; and

2 ~~(III) The needs of the state require that all students, including~~  
3 ~~those who are underserved or face significant challenges in meeting~~  
4 ~~Colorado's graduation guidelines, complete high school career and~~  
5 ~~college ready.~~

6 ~~(b) To provide each child in this state with a high-quality public~~  
7 ~~education, the general assembly declares that Colorado's public school~~  
8 ~~finance formula must be redesigned and modernized to:~~

9 ~~(I) Prioritize equity, focusing on individual student needs by~~  
10 ~~increasing the funding for students who are economically disadvantaged~~  
11 ~~and students who are English language learners; and~~

12 ~~(II) Address the inequities in school district funding that arise~~  
13 ~~from the dramatic differences in local property wealth and mill levy~~  
14 ~~overrides.~~

15 ~~(c) Further, the general assembly declares that, because English~~  
16 ~~language learner funding will now be included in the school finance~~  
17 ~~formula, it is appropriate to fund this inclusion by redirecting to the state~~  
18 ~~share of total program the amount previously appropriated for the~~  
19 ~~professional development and student support program created in section~~  
20 ~~22-24-108. The general assembly further declares that the remaining costs~~  
21 ~~of the school finance formula changes are offset by the savings to the~~  
22 ~~state share of total program that occur as a result of correcting the~~  
23 ~~unauthorized reductions in district property tax mill levies as provided in~~  
24 ~~section 22-54-106 (2.1).~~

25 **SECTION 3.** In Colorado Revised Statutes, 22-54-103, **amend**  
26 (1.3), (6), (6.5), (8.5)(a)(II), (8.5)(b), (10)(a)(II), (10)(a)(III.5), (10)(a)(V),  
27 (10)(b)(I) introductory portion, (10)(d), (10)(f), (10)(h)(I) introductory

1 portion, (10.5)(b), (14), and (15); **repeal** (1.5)(a)(V), (1.5)(b),  
2 (1.5)(c)(II)(A), (5.5)(a), (7), and (10)(g); and **add** (10.7) as follows:

3 **22-54-103. Definitions.** As used in this article 54, unless the  
4 context otherwise requires:

5 (1.3) "Accounting district" means the ~~school~~ district within whose  
6 geographic boundaries an institute charter school is physically located.

7 (1.5) (a) "At-risk pupils" means:

8 (V) ~~For the 2005-06 budget year through the 2020-21 budget year,~~  
9 ~~the number of district pupils who are English language learners plus the~~  
10 ~~greater of:~~

11 ~~(A) The number of district pupils eligible for free lunch; or~~

12 ~~(B) The number of pupils calculated in accordance with the~~  
13 ~~following formula:~~

14 ~~District percentage of pupils eligible for free lunch x District pupil~~  
15 ~~enrollment.~~

16 (b) For purposes of subsection (1.5)(a)(V) of this section:

17 (I) ~~"District percentage of pupils eligible for free lunch" means the~~  
18 ~~district pupils eligible for free lunch in grades one through eight divided~~  
19 ~~by the district pupil enrollment in grades one through eight.~~

20 (II) ~~"District pupil enrollment" means the pupil enrollment of the~~  
21 ~~district, as determined in accordance with subsection (10) of this section,~~  
22 ~~minus the number of pupils enrolled in the Colorado preschool program~~  
23 ~~pursuant to article 28 of this title 22 and the number of three-year-old or~~  
24 ~~four-year-old pupils with disabilities receiving educational programs~~  
25 ~~pursuant to article 20 of this title 22.~~

26 (III) ~~"District pupils eligible for free lunch" means the number of~~  
27 ~~pupils included in the district pupil enrollment who are eligible for free~~

1 ~~lunch pursuant to the provisions of the federal "Richard B. Russell~~  
2 ~~National School Lunch Act", 42 U.S.C. sec. 1751 et seq.~~

3 ~~(IV) "District pupils who are English language learners" means~~  
4 ~~the number of pupils included in the district pupil enrollment for the~~  
5 ~~preceding budget year who were not eligible for free lunch pursuant to the~~  
6 ~~provisions of the federal "Richard B. Russell National School Lunch~~  
7 ~~Act", 42 U.S.C. sec. 1751 et seq., and who are English language learners,~~  
8 ~~as defined in section 22-24-103 (4), and:~~

9 ~~(A) Whose scores were not included in calculating school~~  
10 ~~academic performance grades as provided in section 22-7-1006.3; or~~

11 ~~(B) Who took an assessment administered pursuant to section~~  
12 ~~22-7-1006.3 in a language other than English.~~

13 ~~(c) For purposes of subsection (1.5)(a)(VI) of this section:~~

14 ~~(II) (A) "District pupil enrollment" means, for the 2021-22 and~~  
15 ~~2022-23 budget years, the pupil enrollment of the district, as determined~~  
16 ~~in accordance with subsection (10) of this section, minus the number of~~  
17 ~~pupils enrolled in the Colorado preschool program pursuant to article 28~~  
18 ~~of this title 22 and the number of three-year-old or four-year-old pupils~~  
19 ~~with disabilities receiving educational programs pursuant to article 20 of~~  
20 ~~this title 22.~~

21 ~~(5.5) (a) "District percentage of at-risk pupils" means, for budget~~  
22 ~~years commencing prior to July 1, 2023, the number of at-risk pupils in~~  
23 ~~the district, as determined in accordance with subsection (1.5) of this~~  
24 ~~section, divided by the pupil enrollment of the district, as determined in~~  
25 ~~accordance with subsection (10) of this section; except that pupil~~  
26 ~~enrollment does not include the number of pupils enrolled in the Colorado~~  
27 ~~preschool program pursuant to article 28 of this title 22, as it exists prior~~

1 to July 1, 2023, and the number of three-year-old or four-year-old pupils  
2 with disabilities receiving educational programs pursuant to article 20 of  
3 this title 22.

4 (6) ~~"District's total program" means the funding for a district, as~~  
5 ~~determined pursuant to section 22-54-104 or section 22-54-104.3,~~  
6 ~~whichever is applicable, which represents the financial base of support for~~  
7 ~~public education in that district. "DISTRICT TOTAL PROGRAM" OR~~  
8 ~~"DISTRICT'S TOTAL PROGRAM" MEANS A DISTRICT'S FUNDING, AS~~  
9 ~~DETERMINED PURSUANT TO THIS ARTICLE 54, WHICH IS THE FINANCIAL~~  
10 ~~BASE OF SUPPORT FOR PUBLIC EDUCATION IN THAT DISTRICT.~~

11 (6.5) "English language learner pupils" means the number of  
12 district pupils who are English language learners, as defined in section  
13 22-24-103 (4), and for whom the district ~~received~~ RECEIVES funding FOR  
14 THE APPLICABLE BUDGET YEAR pursuant to section 22-24-104 (3)(b)(I).

15 (7) ~~"Funded pupil count" means:~~

16 (a) ~~For budget years commencing prior to July 1, 2002, the greater~~  
17 ~~of:~~

18 (I) ~~The district's pupil enrollment for the applicable budget year;~~  
19 ~~or~~

20 (II) ~~The average of the district's pupil enrollment for the~~  
21 ~~applicable budget year and the district's pupil enrollment for the~~  
22 ~~immediately preceding budget year; or~~

23 (III) ~~The average of the district's pupil enrollment for the~~  
24 ~~applicable budget year and the district's pupil enrollment for the two~~  
25 ~~immediately preceding budget years; or~~

26 (IV) ~~The average of the district's pupil enrollment for the~~  
27 ~~applicable budget year and the district's pupil enrollment for the three~~

1 immediately preceding budget years;

2 ~~(b) (I) For the budget year commencing on July 1, 2002, the~~  
3 ~~district's online pupil enrollment for the applicable budget year plus the~~  
4 ~~greater of:~~

5 ~~(A) The district's pupil enrollment for the applicable budget year;~~  
6 ~~or~~

7 ~~(B) The average of the district's pupil enrollment for the~~  
8 ~~applicable budget year and the district's pupil enrollment for the~~  
9 ~~immediately preceding budget year; or~~

10 ~~(C) The average of the district's pupil enrollment for the~~  
11 ~~applicable budget year and the district's pupil enrollment for the two~~  
12 ~~immediately preceding budget years; or~~

13 ~~(D) The average of the district's pupil enrollment for the~~  
14 ~~applicable budget year and the district's pupil enrollment for the three~~  
15 ~~immediately preceding budget years.~~

16 ~~(H) Repealed.~~

17 ~~(c) (I) For budget years commencing on and after July 1, 2003, but~~  
18 ~~prior to July 1, 2008, the district's online pupil enrollment for the~~  
19 ~~applicable budget year plus the district's preschool and kindergarten~~  
20 ~~program enrollment for the applicable budget year plus the greater of:~~

21 ~~(A) The district's pupil enrollment for the applicable budget year;~~  
22 ~~or~~

23 ~~(B) The average of the district's pupil enrollment for the~~  
24 ~~applicable budget year and the district's pupil enrollment for the~~  
25 ~~immediately preceding budget year; or~~

26 ~~(C) The average of the district's pupil enrollment for the~~  
27 ~~applicable budget year and the district's pupil enrollment for the two~~

1 immediately preceding budget years; or

2 ~~(D) The average of the district's pupil enrollment for the~~  
3 ~~applicable budget year and the district's pupil enrollment for the three~~  
4 ~~immediately preceding budget years.~~

5 ~~(H) and (I) Repealed.~~

6 ~~(IV) Notwithstanding any provision of law to the contrary, for~~  
7 ~~purposes of subparagraph (I) of this paragraph (c) for budget years~~  
8 ~~beginning on or after July 1, 2004, a district's funded pupil count shall~~  
9 ~~include the certified pupil enrollment and online pupil enrollment of each~~  
10 ~~operating institute charter school for which the district is the accounting~~  
11 ~~district. The department of education shall add the institute charter~~  
12 ~~school's certified pupil enrollment and online pupil enrollment to the~~  
13 ~~funded pupil count of the district prior to calculating the district's total~~  
14 ~~program pursuant to section 22-54-104.~~

15 ~~(d) (I) For budget years commencing on and after July 1, 2008,~~  
16 ~~but prior to July 1, 2009, the district's online pupil enrollment for the~~  
17 ~~applicable budget year plus the district's preschool program enrollment~~  
18 ~~for the applicable budget year plus the district's supplemental~~  
19 ~~kindergarten enrollment for the applicable budget year plus the greater of:~~

20 ~~(A) The district's pupil enrollment for the applicable budget year;~~  
21 ~~or~~

22 ~~(B) The average of the district's pupil enrollment for the~~  
23 ~~applicable budget year and the district's pupil enrollment for the~~  
24 ~~immediately preceding budget year; or~~

25 ~~(C) The average of the district's pupil enrollment for the~~  
26 ~~applicable budget year and the district's pupil enrollment for the two~~  
27 ~~immediately preceding budget years; or~~



1           ~~(D) The average of the district's pupil enrollment for the~~  
2 ~~applicable budget year and the district's pupil enrollment for the three~~  
3 ~~immediately preceding budget years; or~~

4           ~~(E) The average of the district's pupil enrollment for the~~  
5 ~~applicable budget year and the district's pupil enrollment for the four~~  
6 ~~immediately preceding budget years.~~

7           ~~(H) Notwithstanding any provision of law to the contrary, for~~  
8 ~~purposes of subparagraph (I) of this paragraph (d), a district's funded~~  
9 ~~pupil count shall include the certified pupil enrollment and online pupil~~  
10 ~~enrollment of each operating institute charter school for which the district~~  
11 ~~is the accounting district. The department of education shall add the~~  
12 ~~institute charter school's certified pupil enrollment and online pupil~~  
13 ~~enrollment to the funded pupil count of the district prior to calculating the~~  
14 ~~district's total program pursuant to section 22-54-104.~~

15           ~~(H) Repealed.~~

16           ~~(IV) The general assembly hereby finds and declares that for the~~  
17 ~~purposes of section 17 of article IX of the state constitution, averaging a~~  
18 ~~district's pupil enrollment for the applicable budget year and the district's~~  
19 ~~pupil enrollment for the four immediately preceding budget years~~  
20 ~~pursuant to sub-subparagraph (E) of subparagraph (I) of this paragraph~~  
21 ~~(d) is a program for accountable education reform and may therefore~~  
22 ~~receive funding from the state education fund created in section 17(4) of~~  
23 ~~article IX of the state constitution.~~

24           ~~(e)(I) For budget years commencing on and after July 1, 2009, but~~  
25 ~~prior to July 1, 2023, the district's online pupil enrollment for the~~  
26 ~~applicable budget year plus the district's preschool program enrollment~~  
27 ~~for the applicable budget year plus the district's supplemental~~

1 kindergarten enrollment for the applicable budget year plus the district's  
2 extended high school pupil enrollment for the applicable budget year, plus  
3 the greater of:

4 (A) ~~The district's pupil enrollment for the applicable budget year;~~  
5 ~~or~~

6 (B) ~~The average of the district's pupil enrollment for the~~  
7 ~~applicable budget year and the district's pupil enrollment for the~~  
8 ~~immediately preceding budget year; or~~

9 (C) ~~The average of the district's pupil enrollment for the~~  
10 ~~applicable budget year and the district's pupil enrollment for the two~~  
11 ~~immediately preceding budget years; or~~

12 (D) ~~The average of the district's pupil enrollment for the~~  
13 ~~applicable budget year and the district's pupil enrollment for the three~~  
14 ~~immediately preceding budget years; or~~

15 (E) ~~The average of the district's pupil enrollment for the~~  
16 ~~applicable budget year and the district's pupil enrollment for the four~~  
17 ~~immediately preceding budget years.~~

18 (H) ~~Notwithstanding any provision of law to the contrary, for~~  
19 ~~purposes of subparagraph (I) of this paragraph (c), a district's funded~~  
20 ~~pupil count shall include the certified pupil enrollment and online pupil~~  
21 ~~enrollment of each operating institute charter school for which the district~~  
22 ~~is the accounting district. The department of education shall add the~~  
23 ~~institute charter school's certified pupil enrollment and online pupil~~  
24 ~~enrollment to the funded pupil count of the district prior to calculating the~~  
25 ~~district's total program pursuant to section 22-54-104.~~

26 (III) ~~Repealed.~~

27 (IV) ~~The general assembly hereby finds and declares that for the~~

1 purposes of section 17 of article IX of the state constitution, averaging a  
2 district's pupil enrollment for the applicable budget year and the district's  
3 pupil enrollment for the four immediately preceding budget years  
4 pursuant to sub-subparagraph (E) of subparagraph (I) of this paragraph  
5 (e) is a program for accountable education reform and may therefore  
6 receive funding from the state education fund created in section 17 (4) of  
7 article IX of the state constitution:

8 (V) Notwithstanding any provision of law to the contrary, for the  
9 2010-11 budget year and each budget year thereafter, for the purposes of  
10 this paragraph (e), a district's pupil enrollment for the applicable budget  
11 year and a district's pupil enrollment for any preceding budget year shall  
12 not include any pupil who is or was enrolled in a charter school that was  
13 originally authorized by the district but was subsequently converted, on  
14 or after July 1, 2010, to an institute charter school or to a charter school  
15 of a district contiguous to the originally authorizing district.

16 (VI) Notwithstanding any provision of this paragraph (e) to the  
17 contrary, for the 2013-14 budget year and each budget year thereafter, for  
18 the purposes of this subsection (7), if a district's funded pupil count  
19 calculated pursuant to this subsection (7) for a budget year is fewer than  
20 fifty pupils, the district's funded pupil count for the budget year is fifty  
21 pupils:

22 (VII) For the 2019-20 budget year and each budget year  
23 thereafter, solely for the purpose of averaging pupil enrollment pursuant  
24 to subsection (7)(e)(I) of this section for a district that operates a full-day  
25 kindergarten educational program, the department of education shall  
26 adjust the district's pupil enrollments for the 2018-19, 2017-18, 2016-17,  
27 and 2015-16 budget years by counting each pupil enrolled in a full-day

1 ~~kindergarten educational program in one of those budget years as a~~  
2 ~~full-time student. The adjustment to pupil enrollment made pursuant to~~  
3 ~~this subsection (7)(e)(VII) does not affect or change the funded pupil~~  
4 ~~count used to calculate a district's fiscal year spending limitation pursuant~~  
5 ~~to section 20 of article X of the state constitution for a budget year~~  
6 ~~commencing before July 1, 2019.~~

7 ~~(f)(I) For budget years commencing on and after July 1, 2023, the~~  
8 ~~district's online pupil enrollment for the applicable budget year plus the~~  
9 ~~district's supplemental kindergarten enrollment for the applicable budget~~  
10 ~~year plus the district's extended high school pupil enrollment for the~~  
11 ~~applicable budget year, plus the greater of:~~

12 ~~(A) The district's pupil enrollment for the applicable budget year;~~  
13 ~~or~~

14 ~~(B) The average of the district's pupil enrollment for the~~  
15 ~~applicable budget year and the district's pupil enrollment for the~~  
16 ~~immediately preceding budget year; or~~

17 ~~(C) The average of the district's pupil enrollment for the~~  
18 ~~applicable budget year and the district's pupil enrollment for the two~~  
19 ~~immediately preceding budget years; or~~

20 ~~(D) The average of the district's pupil enrollment for the~~  
21 ~~applicable budget year and the district's pupil enrollment for the three~~  
22 ~~immediately preceding budget years; or~~

23 ~~(E) The average of the district's pupil enrollment for the~~  
24 ~~applicable budget year and the district's pupil enrollment for the four~~  
25 ~~immediately preceding budget years.~~

26 ~~(H) Notwithstanding any provision of law to the contrary, for~~  
27 ~~purposes of subsection (7)(f)(I) of this section, a district's funded pupil~~

1 count includes the certified pupil enrollment and online pupil enrollment  
2 of each operating institute charter school for which the district is the  
3 accounting district, as provided pursuant to subsections (7)(f)(H.5) and  
4 (7)(f)(H.6) of this section. The department of education shall add the  
5 institute charter school's certified pupil enrollment and online pupil  
6 enrollment to the funded pupil count of the district prior to calculating the  
7 district's total program pursuant to section 22-54-104.

8 (H.5) For purposes of subsection (7)(f)(H) of this section, each  
9 operating institute charter school's certified pupil enrollment is the greater  
10 of:

11 (A) The operating institute charter school's pupil enrollment for  
12 the applicable budget year;

13 (B) The average of the operating institute charter school's pupil  
14 enrollment for the applicable budget year and the operating institute  
15 charter school's pupil enrollment for the immediately preceding budget  
16 year;

17 (C) The average of the operating institute charter school's pupil  
18 enrollment for the applicable budget year and the operating institute  
19 charter school's pupil enrollment for the two immediately preceding  
20 budget years;

21 (D) The average of the operating institute charter school's pupil  
22 enrollment for the applicable budget year and the operating institute  
23 charter school's pupil enrollment for the three immediately preceding  
24 budget years; or

25 (E) The average of the operating institute charter school's pupil  
26 enrollment for the applicable budget year and the operating institute  
27 charter school's pupil enrollment for the four immediately preceding

1 budget years.

2 ~~(H.6) Notwithstanding any provision of law to the contrary, for~~  
3 ~~purposes of subsection (7)(f)(H.5) of this section, an operating institute~~  
4 ~~charter school's pupil enrollment includes its online pupil enrollment,~~  
5 ~~except for multi-district online school pupil enrollment.~~

6 ~~(HH) The general assembly finds and declares that for the purposes~~  
7 ~~of section 17 of article IX of the state constitution, averaging a district's~~  
8 ~~pupil enrollment for the applicable budget year and the district's pupil~~  
9 ~~enrollment for the four immediately preceding budget years pursuant to~~  
10 ~~subsection (7)(f)(I)(E) of this section, and the averaging of an operating~~  
11 ~~institute charter school's pupil enrollment and online pupil enrollment~~  
12 ~~pursuant to subsections (7)(f)(H.5) and (7)(f)(H.6), is a program for~~  
13 ~~accountable education reform and may therefore receive funding from the~~  
14 ~~state education fund created in section 17 (4) of article IX of the state~~  
15 ~~constitution.~~

16 ~~(IV) Notwithstanding any provision of law to the contrary, for the~~  
17 ~~2010-11 budget year and each budget year thereafter, for the purposes of~~  
18 ~~this subsection (7)(f), a district's pupil enrollment for the applicable~~  
19 ~~budget year and a district's pupil enrollment for any preceding budget~~  
20 ~~year do not include any pupil who is or was enrolled in a charter school~~  
21 ~~that was originally authorized by the district but was subsequently~~  
22 ~~converted, on or after July 1, 2010, to an institute charter school or to a~~  
23 ~~charter school of a district contiguous to the originally authorizing~~  
24 ~~district.~~

25 ~~(V) Notwithstanding any provision of this subsection (7)(f) to the~~  
26 ~~contrary, for the 2013-14 budget year and each budget year thereafter, for~~  
27 ~~the purposes of this subsection (7), if a district's funded pupil count~~

1 calculated pursuant to this subsection (7) for a budget year is fewer than  
2 fifty pupils, the district's funded pupil count for the budget year is fifty  
3 pupils.

4 (VI) For the 2019-20 budget year and each budget year thereafter,  
5 solely for the purpose of averaging pupil enrollment pursuant to  
6 subsection (7)(f)(I) of this section for a district that operates a full-day  
7 kindergarten educational program, the department of education shall  
8 adjust the district's pupil enrollments for the 2018-19, 2017-18, 2016-17,  
9 and 2015-16 budget years by counting each pupil enrolled in a full-day  
10 kindergarten educational program in one of those budget years as a  
11 full-time student. The adjustment to pupil enrollment made pursuant to  
12 this subsection (7)(f)(VI) does not affect or change the funded pupil count  
13 used to calculate a district's fiscal year spending limitation pursuant to  
14 section 20 of article X of the state constitution for a budget year  
15 commencing before July 1, 2019.

16 (8.5) (a) "Online pupil enrollment" means:

17 (II) For the 2008-09 budget year, and for budget years thereafter,  
18 The number of pupils, on the pupil enrollment count day within the  
19 applicable budget year, enrolled in, attending, and actively participating  
20 in a multi-district online school, as defined in section 22-30.7-102 (6),  
21 created pursuant to article 30.7 of this title TITLE 22.

22 (b) For budget years beginning on or after July 1, 2004, A  
23 district's online pupil enrollment shall include INCLUDES the certified  
24 online pupil enrollment of each operating institute charter school for  
25 which the district is the accounting district. The department of education  
26 shall add the institute charter school's certified online pupil enrollment to  
27 the online pupil enrollment of the district prior to calculating the district's

1 total program. ~~pursuant to section 22-54-104.~~

2 (10) (a) (II) "Pupil enrollment" ~~shall include~~ INCLUDES:

3 (A) ~~For the 2007-08 budget year, a pupil who was enrolled during~~  
4 ~~the 2001-02 school year in an online program authorized pursuant to~~  
5 ~~section 22-33-104.6, as it existed prior to July 1, 2007, and who is~~  
6 ~~enrolled and participates in any such online program on October 1 within~~  
7 ~~the applicable budget year or the school day nearest said date.~~

8 (B) ~~For the 2008-09 budget year, and for budget years thereafter,~~  
9 A pupil who is enrolled in, attending, and actively participating in a  
10 single-district online program or online school operated pursuant to  
11 article 30.7 of this ~~title~~ TITLE 22.

12 (III.5) ~~For the 2009-10 budget year and budget years thereafter,~~  
13 ~~"pupil enrollment" shall include~~ "PUPIL ENROLLMENT" INCLUDES any  
14 juvenile to whom the school district is providing educational services  
15 pursuant to section 22-32-141 as of the pupil enrollment count day of the  
16 applicable budget year.

17 (V) ~~Notwithstanding the provisions of this paragraph (a), for the~~  
18 ~~2008-09 budget year and each budget year thereafter, "pupil enrollment"~~  
19 ~~shall not~~ "PUPIL ENROLLMENT" DOES NOT include a pupil who is placed  
20 in a facility, as defined in section 22-2-402 (3), and is receiving services  
21 through an approved facility school, as defined in section 22-2-402 (1).

22 (b) (I) ~~For budget years commencing before the 2019-20 budget~~  
23 ~~year, a pupil enrolled in a kindergarten educational program pursuant to~~  
24 ~~section 22-32-119 (1) is counted as not more than a half-day pupil. For~~  
25 ~~the 2019-20 budget year and each budget year thereafter,~~ A pupil WHO IS  
26 enrolled in a kindergarten educational program pursuant to section  
27 22-32-119 is counted as a full-time pupil, except as otherwise provided



1 in subsection (10)(e.5)(I) of this section. ~~For the 2005-06 budget year and~~  
2 ~~each budget year thereafter,~~ A district shall count and receive funding  
3 only for pupils enrolled in a kindergarten educational program who are:

4 (d) (I) ~~For budget years commencing prior to July 1, 2023, a three-~~  
5 ~~or four-year-old pupil with a disability receiving an educational program~~  
6 ~~under the "Exceptional Children's Educational Act", article 20 of this title,~~  
7 ~~shall be counted as a half-day pupil.~~

8 (II) ~~Notwithstanding any provision of this subsection (10) to the~~  
9 ~~contrary, for budget years commencing on or after July 1, 2005, but prior~~  
10 ~~to July 1, 2023, a district may choose to determine the number of three-~~  
11 ~~and four-year-old pupils with disabilities enrolled and receiving~~  
12 ~~educational programs under the "Exceptional Children's Educational~~  
13 ~~Act", article 20 of this title 22, as of November 1 within the applicable~~  
14 ~~budget year or the school date nearest said date, rather than on the pupil~~  
15 ~~enrollment count day, as evidenced by the actual attendance of such~~  
16 ~~pupils on November 1 or the school date nearest said date. The "pupil~~  
17 ~~enrollment" of the district must include the number of pupils so enrolled~~  
18 ~~who are counted as half-day pupils.~~

19 (III) ~~For the 2023-24 budget year and budget years thereafter,~~ A  
20 district shall not include a three- or four-year-old pupil with a disability  
21 who is receiving an educational program under the "Exceptional  
22 Children's Educational Act", article 20 of this title 22, but is not enrolled  
23 in kindergarten, in the district's pupil enrollment, but shall certify to the  
24 department the number of ~~said~~ three- and four-year-old pupils with  
25 disabilities who are receiving an educational program from the district for  
26 purposes of receiving funding pursuant to part 1 of article 20 of this title  
27 22.

1           (f) (I) ~~For budget years commencing before July 1, 2023, in~~  
2 ~~certifying the district's pupil enrollment to the state board pursuant to the~~  
3 ~~provisions of section 22-54-112, the district shall specify the number of~~  
4 ~~pupils enrolled in kindergarten through twelfth grade, specifying those~~  
5 ~~who are enrolled as full-time pupils and those who are enrolled as less~~  
6 ~~than full-time pupils; the number of expelled pupils receiving educational~~  
7 ~~services pursuant to section 22-33-203; the number of pupils enrolled in~~  
8 ~~the district's preschool program; the number of pupils receiving~~  
9 ~~educational programs under the "Exceptional Children's Educational~~  
10 ~~Act", article 20 of this title 22; the number of at-risk pupils; and the~~  
11 ~~number of English language learner pupils.~~

12           (II) ~~For the 2023-24 budget year and each budget year thereafter,~~  
13 ~~In certifying the district's pupil enrollment to the state board pursuant to~~  
14 ~~the provisions of section 22-54-112, the district shall specify the number~~  
15 ~~of pupils enrolled in kindergarten through twelfth grade, specifying those~~  
16 ~~who are enrolled as full-time pupils and those who are enrolled as less~~  
17 ~~than full-time pupils; the number of expelled pupils receiving educational~~  
18 ~~services pursuant to section 22-33-203; the number of at-risk pupils; the~~  
19 ~~number of English language learner pupils; and the number of pupils~~  
20 ~~receiving educational programs under the "Exceptional Children's~~  
21 ~~Educational Act", article 20 of this title 22, who are enrolled in~~  
22 ~~kindergarten through twelfth grade.~~

23           (g) ~~For the 2018-19 and 2019-20 budget years, a district may~~  
24 ~~include in its pupil enrollment pupils who are enrolled in a school that~~  
25 ~~was designated pursuant to section 22-35-103 (10) as an early college~~  
26 ~~before June 6, 2018, and who, after completing four years of high school,~~  
27 ~~enroll for the 2018-19 or 2019-20 budget years in postsecondary courses.~~

1 (h) (I) ~~For the 2019-20 budget year and each budget year~~  
2 ~~thereafter~~, With regard to a pupil who is simultaneously enrolled in a  
3 district or institute charter school and in one or more postsecondary  
4 courses, a district or institute charter school must submit evidence of:

5 (10.5) (b) ~~On or before July 1, 2012~~, The state board shall  
6 promulgate rules establishing the meaning of "major religious holiday"  
7 for the purposes of this subsection (10.5).

8 (10.7) "SPECIAL EDUCATION PUPILS" MEANS THE NUMBER OF  
9 DISTRICT PUPILS WHO ARE CHILDREN WITH DISABILITIES, AS DEFINED IN  
10 SECTION 22-20-103 (5).

11 (14) (a) ~~"Statewide average percentage of at-risk pupils" means,~~  
12 ~~for budget years commencing prior to July 1, 2023, the total number of~~  
13 ~~at-risk pupils in all districts, as determined in accordance with subsection~~  
14 ~~(1.5) of this section, divided by the pupil enrollment of all districts, as~~  
15 ~~determined in accordance with subsection (10) of this section; except that~~  
16 ~~pupil enrollment does not include the number of pupils enrolled in the~~  
17 ~~Colorado preschool program pursuant to article 28 of this title and the~~  
18 ~~number of three-year-old or four-year-old pupils with disabilities~~  
19 ~~receiving educational programs pursuant to article 20 of this title.~~

20 (b) "Statewide average percentage of at-risk pupils" means ~~for the~~  
21 ~~2023 budget year and each budget year thereafter~~, the total number of  
22 at-risk pupils in all districts, as determined in accordance with subsection  
23 (1.5) of this section, divided by the pupil enrollment of all districts, as  
24 determined in accordance with subsection (10) of this section.

25 (15) "Supplemental kindergarten enrollment" means the number  
26 calculated by subtracting five-tenths from the full-day kindergarten factor  
27 for the applicable budget year and then multiplying that number by the

1 number of pupils in the district who are enrolled part-time in a    
2 kindergarten educational program for the applicable budget year. For the  
3 purposes of this subsection (15), the full-day kindergarten factor ~~for the~~  
4 ~~2008-09 budget year and each budget year thereafter~~ is fifty-eight  
5 hundredths of a full-day pupil.

6 **SECTION 4.** In Colorado Revised Statutes, **add** 22-54-103.1 as  
7 follows:

8 **22-54-103.1. Protection of student data.** NOTWITHSTANDING  
9 ANY PROVISION OF THIS ARTICLE 54, THE DEPARTMENT OF EDUCATION,  
10 THE STATE CHARTER SCHOOL INSTITUTE, AND EACH SCHOOL DISTRICT AND  
11 PUBLIC SCHOOL SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS  
12 REGARDING THE PROTECTION OF STUDENT DATA, INCLUDING THE FEDERAL  
13 "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C.  
14 SEC. 1232g, AS AMENDED, AND ALL REGULATIONS AND GUIDELINES  
15 ADOPTED PURSUANT TO IT, AND THE "STUDENT DATA TRANSPARENCY  
16 AND SECURITY ACT", ARTICLE 16 OF THIS TITLE 22, AND ANY RULES  
17 PROMULGATED PURSUANT TO IT. AT A MINIMUM, THIS INCLUDES  
18 REDACTING INFORMATION AS REQUIRED TO COMPLY WITH FEDERAL AND  
19 STATE LAWS REGARDING THE PROTECTION OF STUDENT DATA IN  
20 PUBLISHED DOCUMENTS OR REPORTS REGARDING FUNDING PURSUANT TO  
21 THIS ARTICLE 54.

22 **SECTION 5.** In Colorado Revised Statutes, **add** 22-54-103.2 as  
23 follows:

24 **22-54-103.2. District total program formula report.**  
25 (1) BEGINNING JANUARY 2026, AND EACH JANUARY THEREAFTER, THE  
26 DEPARTMENT OF EDUCATION SHALL REPORT, AT A MINIMUM, THE  
27 INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO THE

1 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
2 SENATE, OR THEIR SUCCESSOR COMMITTEES, AS PART OF THE "SMART  
3 ACT" PRESENTATION REQUIRED PURSUANT TO PART 2 OF ARTICLE 7 OF  
4 TITLE 2.

5 (2) IN ITS REPORT DESCRIBED PURSUANT TO SUBSECTION (1) OF  
6 THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL REPORT, AT A  
7 MINIMUM, DATA DEMONSTRATING:

8 (a) THE SUCCESSES AND CHALLENGES OF DETERMINING A  
9 DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-103.3 FOR  
10 REPORTS CONCERNING THE 2025-26 BUDGET YEAR THROUGH THE 2029-30  
11 BUDGET YEAR, AND THE SUCCESSES AND CHALLENGES OF DETERMINING A  
12 DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-103.5 FOR  
13 REPORTS CONCERNING THE 2030-31 BUDGET YEAR AND EACH BUDGET  
14 YEAR THEREAFTER; AND

15 (b) HOW DISTRICT TOTAL PROGRAM, DETERMINED PURSUANT TO  
16 SECTION 22-54-103.3 FOR REPORTS CONCERNING THE 2025-26 BUDGET  
17 YEAR THROUGH THE 2029-30 BUDGET YEAR AND DETERMINED PURSUANT  
18 TO SECTION 22-54-103.5 FOR REPORTS CONCERNING THE 2030-31 BUDGET  
19 YEAR AND EACH BUDGET YEAR THEREAFTER, IS BEING USED AT THE  
20 SCHOOL LEVEL, INCLUDING TRADITIONAL PUBLIC SCHOOLS, DISTRICT  
21 CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS, AND INFORMATION  
22 CURRENTLY REPORTED BY THE DEPARTMENT OF EDUCATION IN DISTRICT  
23 PERFORMANCE SNAPSHOTS.

24 (c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136  
25 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS  
26 SECTION CONTINUES INDEFINITELY.

27 **SECTION 6.** In Colorado Revised Statutes, **add** 22-54-103.3 as

1 follows:

2 **22-54-103.3. District total program - 2025-26 through 2029-30**

3 **budget years - definitions - repeal.** (1) (a) NOTWITHSTANDING ANY  
4 PROVISION OF LAW TO THE CONTRARY, FOR THE 2025-26 BUDGET YEAR  
5 THROUGH THE 2029-30 BUDGET YEAR, THE DEPARTMENT OF EDUCATION  
6 SHALL DETERMINE EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS  
7 SECTION. THE DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE DISTRICT  
8 TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION, AND, EXCEPT AS  
9 OTHERWISE PROVIDED IN SECTION 22-54-105, THE DISTRICT HAS THE  
10 DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES FOR BUDGETING  
11 AND EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

12 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION TO  
13 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S  
14 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM  
15 DETERMINATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE  
16 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC  
17 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE  
18 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF  
19 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE  
20 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115  
21 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT  
22 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER  
23 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC  
24 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.  
25 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE  
26 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL  
27 PROGRAM MONEY.

1 (c) AS USED IN THIS SECTION, "FOR THE 2025-26 BUDGET YEAR  
2 THROUGH THE 2029-30 BUDGET YEAR" MEANS THE 2025-26 BUDGET  
3 YEAR, THE 2026-27 BUDGET YEAR, THE 2027-28 BUDGET YEAR, THE  
4 2028-29 BUDGET YEAR, AND THE 2029-30 BUDGET YEAR.

5 (2) FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30  
6 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL CALCULATE EACH  
7 DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTIONS 22-54-103.5 AND  
8 22-54-104.

9 (3) FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30  
10 BUDGET YEAR, A DISTRICT'S TOTAL PROGRAM IS THE GREATER OF THE  
11 DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION  
12 22-54-104 PLUS ONE-HALF PERCENT OF THE DISTRICT'S TOTAL PROGRAM  
13 CALCULATION PURSUANT TO SECTION 22-54-104, OR:

14 (a) FOR THE 2025-26 BUDGET YEAR, THE AMOUNT CALCULATED  
15 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO EIGHTEEN  
16 PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL PROGRAM  
17 CALCULATION PURSUANT TO SECTION 22-54-103.5 AND THE DISTRICT'S  
18 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-104;

19 (b) FOR THE 2026-27 BUDGET YEAR, THE AMOUNT CALCULATED  
20 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO  
21 THIRTY-FOUR PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S  
22 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND  
23 THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION  
24 22-54-104;

25 (c) FOR THE 2027-28 BUDGET YEAR, THE AMOUNT CALCULATED  
26 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO FIFTY  
27 PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL PROGRAM

1 CALCULATION PURSUANT TO SECTION 22-54-103.5 AND THE DISTRICT'S  
2 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-104;

3 (d) FOR THE 2028-29 BUDGET YEAR, ■ THE AMOUNT CALCULATED  
4 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO SIXTY-SIX  
5 PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL PROGRAM  
6 CALCULATION PURSUANT TO SECTION 22-54-103.5 AND THE DISTRICT'S  
7 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-104; AND

8 (e) FOR THE 2029-30 BUDGET YEAR, ■ THE AMOUNT CALCULATED  
9 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO  
10 EIGHTY-TWO PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S  
11 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND  
12 THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION  
13 22-54-104.

14 ■

15 (4) (a) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT  
16 OTHERWISE REQUIRES:

17 (I) "ASSESSMENT YEAR" MEANS A BUDGET YEAR WHEN THE  
18 LATTER HALF OF THE BUDGET YEAR OCCURS DURING AN EVEN-NUMBERED  
19 CALENDAR YEAR.

20 (II) "INFLATION" MEANS, FOR ANY BUDGET YEAR, THE ANNUAL  
21 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR  
22 STATISTICS CONSUMER PRICE INDEX FOR DENVER-BOULDER, OR ITS  
23 APPLICABLE SUCCESSOR INDEX, FOR ALL ITEMS PAID BY ALL URBAN  
24 CONSUMERS FOR THE CALENDAR YEAR BEFORE THE APPLICABLE BUDGET  
25 YEAR.

26 (III) "NON-ASSESSMENT YEAR" MEANS A BUDGET YEAR WHEN THE  
27 LATTER HALF OF THE BUDGET YEAR OCCURS DURING AN ODD-NUMBERED



1 CALENDAR YEAR.

2 (b) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 54, FOR  
3 THE 2024-25 BUDGET YEAR THROUGH THE 2029-30 BUDGET YEARS, IF THE  
4 JOINT BUDGET COMMITTEE DETERMINES THAT ANY ONE OF THE  
5 CONDITIONS DESCRIBED IN SUBSECTION (4)(c) OF THIS SECTION  
6 OCCURRED:

7 (I) FOR THE NEXT BUDGET YEAR, AND FOR EACH BUDGET YEAR  
8 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL CALCULATE AND  
9 DETERMINE EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO THE  
10 CALCULATION AND DETERMINATION REQUIRED FOR THE BUDGET YEAR  
11 WHEN THE CONDITION DESCRIBED IN SUBSECTION (4)(c) OF THIS SECTION  
12 OCCURRED; AND

13 (II) THE JOINT BUDGET COMMITTEE SHALL PROMPTLY NOTIFY THE  
14 SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE PRESIDENT OF THE  
15 SENATE; THE MINORITY LEADERS OF THE HOUSE OF REPRESENTATIVES AND  
16 THE SENATE; THE EDUCATION COMMITTEES OF THE HOUSE OF  
17 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES;  
18 AND THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION THAT THE  
19 CONDITION DESCRIBED IN SUBSECTION (4)(c) OF THIS SECTION OCCURRED,  
20 AND THAT EACH DISTRICT'S TOTAL PROGRAM WILL BE CALCULATED AND  
21 DETERMINED PURSUANT TO SUBSECTION (4)(b)(I) OF THIS SECTION FOR  
22 THE NEXT BUDGET YEAR, AND FOR EACH BUDGET YEAR THEREAFTER.

23 (c) (I) THE REQUIREMENTS DESCRIBED IN SUBSECTION (4)(b) OF  
24 THIS SECTION ARE INITIATED IF:

25 (A) IN AN ASSESSMENT YEAR, THE PERCENT CHANGE IN THE  
26 STATEWIDE TOTAL LOCAL SHARE OF TOTAL PROGRAM FUNDING FOR THE  
27 CURRENT BUDGET YEAR TO THE STATEWIDE TOTAL LOCAL SHARE OF THE

1 TOTAL PROGRAM FUNDING FOR THE PRIOR BUDGET YEAR IS AN AMOUNT  
2 THAT IS LESS THAN INFLATION MINUS TWO PERCENT;

3 (B) IN A NON-ASSESSMENT YEAR, THE STATEWIDE TOTAL LOCAL  
4 SHARE OF TOTAL PROGRAM FUNDING FOR THE CURRENT BUDGET YEAR  
5 COMPARED TO THE STATEWIDE TOTAL LOCAL SHARE OF THE TOTAL  
6 PROGRAM FUNDING FOR THE PRIOR BUDGET YEAR IS AN AMOUNT THAT  
7 DECREASED BY TWO PERCENT OR MORE; OR

8 (C) IN EITHER AN ASSESSMENT YEAR OR A NON-ASSESSMENT YEAR,  
9 THE MARCH REVENUE FORECAST RELIED ON BY THE GENERAL ASSEMBLY  
10 IN SETTING THE BUDGET FOR THE NEXT STATE FISCAL YEAR ESTIMATES  
11 THAT THE INCOME TAX DIVERSION TO THE STATE EDUCATION FUND, AS  
12 REQUIRED PURSUANT TO SECTION 17 OF ARTICLE IX OF THE STATE  
13 CONSTITUTION, WILL DECREASE BY FIVE PERCENT OR MORE IN EITHER THE  
14 CURRENT BUDGET YEAR OR THE NEXT BUDGET YEAR.

15 (II) THE REQUIREMENTS DESCRIBED IN SUBSECTION (4)(b) OF THIS  
16 SECTION ARE INITIATED IF ANY OF THE FOLLOWING ESTIMATE THAT THE  
17 CONDITIONS DESCRIBED IN SUBSECTION (4)(c)(I)(A) OR (4)(c)(I)(B) OF  
18 THIS SECTION WILL OCCUR:

19 (A) INFORMATION CONCERNING LOCAL SHARE OF TOTAL PROGRAM  
20 FUNDING RELEVANT TO THIS ARTICLE 54 CONTAINED IN A DECEMBER  
21 REVENUE FORECAST PREPARED BY THE LEGISLATIVE COUNCIL STAFF;

22 (B) INFORMATION CONTAINED IN THE FINAL FISCAL NOTE  
23 PREPARED BY THE LEGISLATIVE COUNCIL STAFF CONCERNING THE  
24 ESTIMATED IMPACT OF AN ACT OF THE GENERAL ASSEMBLY THAT BECOMES  
25 LAW THAT REDUCES PROPERTY TAXES; OR

26 (C) INFORMATION CONTAINED IN THE FISCAL IMPACT STATEMENT  
27 IN THE BALLOT INFORMATION BOOKLET PREPARED BY THE DIRECTOR OF

1 RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY  
2 PURSUANT TO SECTION 1-40-124.5, CONCERNING THE ESTIMATED IMPACT  
3 OF AN INITIATIVE OR REFERRED MEASURE THAT IS APPROVED BY THE  
4 PEOPLE AND BECOMES LAW UPON OFFICIAL DECLARATION OF THE VOTE BY  
5 THE GOVERNOR, THAT REDUCES PROPERTY TAXES.

6 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2031.

7 **SECTION 7.** In Colorado Revised Statutes, **add** 22-54-103.5 as  
8 follows:

9 **22-54-103.5. District total program - rules - legislative**  
10 **declaration - repeal.** (1) (a) FOR THE 2030-31 BUDGET YEAR AND EACH  
11 BUDGET YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL USE  
12 THIS SECTION TO DETERMINE EACH DISTRICT'S TOTAL PROGRAM. THE  
13 DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE DISTRICT TO FUND THE  
14 COSTS OF PROVIDING PUBLIC EDUCATION, AND, EXCEPT AS OTHERWISE  
15 PROVIDED IN SECTION 22-54-105, THE DISTRICT HAS THE DISCRETION TO  
16 DETERMINE THE AMOUNTS AND PURPOSES FOR BUDGETING AND  
17 EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

18 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION TO  
19 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S  
20 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM  
21 DETERMINATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE  
22 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC  
23 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE  
24 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF  
25 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE  
26 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115  
27 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT

1 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER  
2 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC  
3 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.  
4 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE  
5 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL  
6 PROGRAM MONEY.

7 (c) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
8 CONTRARY, FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30  
9 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL CALCULATE EACH  
10 DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS SECTION FOR THE PURPOSE  
11 OF DETERMINING EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION  
12 22-54-103.3. THE DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE  
13 DISTRICT TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION, AND,  
14 EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-54-105, THE DISTRICT  
15 HAS THE DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES FOR  
16 BUDGETING AND EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

17 (II) NOTWITHSTANDING SUBSECTION (1)(c)(I) OF THIS SECTION TO  
18 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S  
19 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM  
20 CALCULATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE  
21 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC  
22 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE  
23 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF  
24 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE  
25 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115  
26 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT  
27 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER

1 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC  
2 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.  
3 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE  
4 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL  
5 PROGRAM MONEY.

6 (III) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1,  
7 2031.

8 (2) **District total program formula.** A DISTRICT'S TOTAL  
9 PROGRAM IS:

- 10 DISTRICT FOUNDATION FUNDING
- 11 + DISTRICT AT-RISK FUNDING
- 12 + DISTRICT ENGLISH LANGUAGE LEARNER FUNDING
- 13 + DISTRICT SPECIAL EDUCATION FUNDING
- 14 + DISTRICT COST OF LIVING FACTOR FUNDING
- 15 + DISTRICT LOCALE FACTOR FUNDING
- 16 + DISTRICT SIZE FACTOR FUNDING
- 17 + DISTRICT EXTENDED HIGH SCHOOL FUNDING
- 18 + DISTRICT ONLINE FUNDING.

19 (3) **Statewide base per pupil funding.** (Reserved)

20 (4) **Funded pupil count.** FUNDED PUPIL COUNT IS:

21 (a) THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE  
22 APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL  
23 KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS  
24 THE DISTRICT'S EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE  
25 APPLICABLE BUDGET YEAR PLUS THE GREATER OF:

26 (I) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
27 BUDGET YEAR;

1 (II) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
2 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
3 THE IMMEDIATELY PRECEDING BUDGET YEAR;

4 (III) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
5 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
6 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

7 (IV) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
8 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
9 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.

10 (b) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
11 CONTRARY, FOR PURPOSES OF SUBSECTION (4)(a) OF THIS SECTION, A  
12 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL  
13 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING  
14 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING  
15 DISTRICT, AS PROVIDED PURSUANT TO SUBSECTIONS (4)(b)(II) AND  
16 (4)(b)(III) OF THIS SECTION. THE DEPARTMENT OF EDUCATION SHALL ADD  
17 THE INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND  
18 ONLINE PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT  
19 PRIOR TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO  
20 THIS SECTION.

21 (II) FOR PURPOSES OF SUBSECTION (4)(b)(I) OF THIS SECTION,  
22 EACH OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL  
23 ENROLLMENT IS THE GREATER OF:

24 (A) THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL  
25 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR;

26 (B) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER  
27 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND

1 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR  
2 THE IMMEDIATELY PRECEDING BUDGET YEAR;

3 (C) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER  
4 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND  
5 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR  
6 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

7 (D) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER  
8 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND  
9 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR  
10 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.

11 (III) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
12 CONTRARY, FOR PURPOSES OF SUBSECTION (4)(b)(II) OF THIS SECTION, AN  
13 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT INCLUDES  
14 ITS ONLINE STUDENT ENROLLMENT, EXCEPT FOR MULTI-DISTRICT ONLINE  
15 SCHOOL STUDENT ENROLLMENT.

16 (c) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE  
17 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,  
18 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
19 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE THREE  
20 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO THIS SUBSECTION  
21 (4), AND AVERAGING AN OPERATING INSTITUTE CHARTER SCHOOL'S  
22 STUDENT ENROLLMENT AND ONLINE PUPIL ENROLLMENT PURSUANT TO  
23 THIS SUBSECTION (4), IS A PROGRAM FOR ACCOUNTABLE EDUCATION  
24 REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE  
25 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE  
26 STATE CONSTITUTION.

27 (d) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4), A DISTRICT'S  
2 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S  
3 PUPIL ENROLLMENT FOR A PRECEDING BUDGET YEAR DO NOT INCLUDE A  
4 PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS  
5 ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY  
6 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER  
7 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE  
8 ORIGINALLY AUTHORIZING DISTRICT.

9 (II) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (4)  
10 TO THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4), IF A  
11 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS  
12 SUBSECTION (4) FOR A BUDGET YEAR IS FEWER THAN SIXTY STUDENTS, THE  
13 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS SIXTY  
14 STUDENTS.

15 (5) **District foundation funding.** A DISTRICT'S FOUNDATION  
16 FUNDING IS:

17 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL  
18 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -  
19 DISTRICT ONLINE PUPIL ENROLLMENT)).

20 (6) **District at-risk funding.** (a) A DISTRICT'S AT-RISK FUNDING  
21 IS:

22 (STATEWIDE BASE PER PUPIL FUNDING X TWENTY-FIVE PERCENT)  
23 X DISTRICT AT-RISK PUPIL ENROLLMENT.

24 (b) NOTWITHSTANDING SUBSECTION (6)(a) OF THIS SECTION, IF A  
25 DISTRICT'S FUNDED PUPIL COUNT IS LESS THAN SEVEN THOUSAND PUPILS  
26 AND THE DISTRICT PERCENTAGE OF AT-RISK PUPILS IS SEVENTY PERCENT  
27 OR GREATER, THE DISTRICT'S AT-RISK FUNDING IS:



1 (STATEWIDE BASE PER PUPIL FUNDING X THIRTY-TWO PERCENT)  
2 X DISTRICT AT-RISK PUPIL ENROLLMENT.

3 (7) **District English language learner funding.** A DISTRICT'S  
4 ENGLISH LANGUAGE LEARNER FUNDING IS:

5 (STATEWIDE BASE PER PUPIL FUNDING X TWENTY-FIVE PERCENT)  
6 X DISTRICT ENGLISH LANGUAGE LEARNER PUPIL ENROLLMENT.

7 (8) **District extended high school funding.** (a) A DISTRICT'S  
8 EXTENDED HIGH SCHOOL FUNDING IS:

9 (DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT X \$9,588,  
10 OR AN AMOUNT DETERMINED PURSUANT SUBSECTION (8)(b) OF  
11 THIS SECTION).

12 (b) THE DOLLAR AMOUNT IN SUBSECTION (8)(a) OF THIS SECTION  
13 MUST INCREASE BY THE SAME PERCENTAGE THAT THE STATEWIDE BASE  
14 PER PUPIL FUNDING FOR THE APPLICABLE BUDGET YEAR IS INCREASED. THE  
15 AMOUNT MUST BE ROUNDED TO THE NEAREST DOLLAR.

16 (9) **District online funding.** (a) A DISTRICT'S ONLINE FUNDING IS:  
17 (DISTRICT ONLINE PUPIL ENROLLMENT X \$9,588, OR AN AMOUNT  
18 DETERMINED PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION).

19 (b) THE DOLLAR AMOUNT IN SUBSECTION (9)(a) OF THIS SECTION  
20 MUST INCREASE BY THE SAME PERCENTAGE THAT THE STATEWIDE BASE  
21 PER PUPIL FUNDING FOR THAT BUDGET YEAR IS INCREASED. THE AMOUNT  
22 MUST BE ROUNDED TO THE NEAREST DOLLAR.

23 (10) **District special education pupil funding.** A DISTRICT'S  
24 SPECIAL EDUCATION PUPIL FUNDING IS:

25 (STATEWIDE BASE PER PUPIL FUNDING X TWENTY-FIVE PERCENT)  
26 X DISTRICT SPECIAL EDUCATION PUPIL ENROLLMENT.

27 (11) **District cost of living factor funding - rules.** (a) A

1 DISTRICT'S COST OF LIVING FACTOR FUNDING IS:

2 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL  
3 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -  
4 DISTRICT ONLINE PUPIL ENROLLMENT) X DISTRICT COST OF LIVING  
5 FACTOR).

6 (b) (I) A DISTRICT'S COST OF LIVING FACTOR IS DETERMINED  
7 PURSUANT TO SUBSECTION (11)(c) OF THIS SECTION; EXCEPT THAT,  
8 NOTWITHSTANDING THIS SUBSECTION (11) TO THE CONTRARY, A  
9 DISTRICT'S COST OF LIVING FACTOR MUST NOT EXCEED TWENTY-THREE  
10 PERCENT.

11 (II) THE COST OF LIVING FACTOR ALLOWED FOR EACH DISTRICT  
12 PURSUANT TO THIS SUBSECTION (11) REFLECTS THE DIFFERENCES IN THE  
13 COSTS OF HOUSING, GOODS, AND SERVICES AMONG REGIONS IN WHICH  
14 DISTRICTS ARE LOCATED. THE FACTOR DOES NOT REFLECT ANY ANNUAL  
15 INCREASE IN THE COSTS OF HOUSING, GOODS, AND SERVICES CAUSED BY  
16 INFLATION.

17 (c) (I) FOR THE 2025-26 BUDGET YEAR, A DISTRICT'S COST OF  
18 LIVING FACTOR IS THE DISTRICT'S COST OF LIVING AMOUNT IDENTIFIED IN  
19 THE 2023 COST OF LIVING ANALYSIS ADJUSTED FOR LABOR POOL AREAS,  
20 DIVIDED BY THE MINIMUM COST OF LIVING AMOUNT FOR A DISTRICT  
21 IDENTIFIED IN THE 2023 COST OF LIVING ANALYSIS ADJUSTED FOR LABOR  
22 POOL AREAS, MINUS ONE.

23 (II) FOR THE 2026-27 AND 2027-28 BUDGET YEARS, A DISTRICT'S  
24 COST OF LIVING FACTOR IS THE DISTRICT'S COST OF LIVING AMOUNT  
25 IDENTIFIED IN THE 2025 COST OF LIVING ANALYSIS ADJUSTED FOR LABOR  
26 POOL AREAS, DIVIDED BY THE MINIMUM COST OF LIVING AMOUNT FOR A  
27 DISTRICT IDENTIFIED IN THE 2025 COST OF LIVING ANALYSIS ADJUSTED FOR

1 LABOR POOL AREAS, MINUS ONE.

2 (III) FOR EVERY TWO-YEAR BUDGET YEAR PERIOD THEREAFTER, A  
3 DISTRICT'S COST OF LIVING FACTOR IS THE DISTRICT'S COST OF LIVING  
4 AMOUNT, IDENTIFIED IN THE BIENNIAL COST OF LIVING ANALYSIS  
5 ADJUSTED FOR LABOR POOL AREAS, DIVIDED BY THE MINIMUM COST OF  
6 LIVING AMOUNT FOR A DISTRICT IDENTIFIED IN THE MOST RECENT COST OF  
7 LIVING ANALYSIS ADJUSTED FOR LABOR POOL AREAS, MINUS ONE.

8 (IV) THE COST OF LIVING FACTOR FOR EACH DISTRICT MUST BE  
9 CERTIFIED TO THE DEPARTMENT OF EDUCATION BY LEGISLATIVE COUNCIL  
10 STAFF FOR EACH TWO-YEAR PERIOD THEREAFTER BASED UPON A NEW COST  
11 OF LIVING ANALYSIS. THE CERTIFICATION MUST BE MADE NO LATER THAN  
12 APRIL 15 OF THE APPLICABLE YEAR AND IS EFFECTIVE FOR THE BUDGET  
13 YEAR BEGINNING ON JULY 1 OF THAT YEAR AND THE BUDGET YEAR  
14 THEREAFTER.

15 (V) THE DEPARTMENT OF EDUCATION SHALL TRANSFER A PORTION  
16 OF THE TOTAL AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IN THE  
17 ANNUAL GENERAL APPROPRIATION BILL FOR THAT BUDGET YEAR FOR  
18 ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC SCHOOL FINANCE, AND STATE  
19 SHARE OF DISTRICTS' TOTAL PROGRAM FUNDING TO THE LEGISLATIVE  
20 COUNCIL TO FUND THE COST OF LIVING ANALYSIS REQUIRED PURSUANT TO  
21 THIS SUBSECTION (11). THE AMOUNT TRANSFERRED BY THE DEPARTMENT  
22 OF EDUCATION MUST NOT EXCEED THE MAXIMUM AMOUNT SPECIFIED IN A  
23 FOOTNOTE RELATED TO THIS APPROPRIATION IN THE ANNUAL GENERAL  
24 APPROPRIATION BILL FOR THAT BUDGET YEAR. THE REMAINDER OF THE  
25 AMOUNT APPROPRIATED FOR ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC  
26 SCHOOL FINANCE, AND STATE SHARE OF DISTRICTS' TOTAL PROGRAM  
27 FUNDING MUST BE DISTRIBUTED TO SCHOOL DISTRICTS IN THE MANNER

1 PROVIDED IN SECTION 22-54-106 (4)(c).

2 (d) (I) THE DEPARTMENT OF EDUCATION SHALL PROMULGATE  
3 RULES FOR THE ASSIGNMENT OF A COST OF LIVING FACTOR TO ANY NEW  
4 DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22, EXCEPT  
5 FOR NEW DISTRICTS THAT ARE CREATED AS THE RESULT OF A  
6 DECONSOLIDATION AS DESCRIBED IN SECTION 22-30-102 (2)(a), UNTIL THE  
7 COST OF LIVING FACTOR FOR THE DISTRICT IS CERTIFIED BY LEGISLATIVE  
8 COUNCIL STAFF PURSUANT TO THIS SECTION.

9 (II) THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION  
10 (11)(d) MUST BE DESIGNED TO PROVIDE NEITHER AN INCENTIVE NOR A  
11 DISINCENTIVE TO THE ORGANIZATION OF NEW DISTRICTS PURSUANT TO  
12 ARTICLE 30 OF THIS TITLE 22 AND MUST INCLUDE PROVISIONS TO ENSURE  
13 THAT THE COST OF LIVING FACTOR WITHIN A NEW DISTRICT IS NOT  
14 REDUCED SOLELY BECAUSE THE NEW DISTRICT IS THE RESULT OF A  
15 CONSOLIDATION OF EXISTING DISTRICTS. THE RULES MUST CONSIDER THE  
16 COST OF LIVING FACTORS ASSIGNED TO THE DISTRICTS THAT ARE AFFECTED  
17 BY THE ORGANIZATION OF THE NEW DISTRICT AND THE CIRCUMSTANCES  
18 OF THE NEW DISTRICT BASED ON THE MOST RECENT COST OF LIVING  
19 ANALYSIS PERFORMED BY THE LEGISLATIVE COUNCIL.

20 (III) NEW DISTRICTS THAT ARE CREATED AS THE RESULT OF A  
21 DECONSOLIDATION AS DESCRIBED IN SECTION 22-30-102 (2)(a) RETAIN  
22 THE COST OF LIVING FACTOR OF THE DISTRICT FROM WHICH THEY WERE  
23 SEPARATED UNTIL THE COST OF LIVING FACTOR FOR THE NEW DISTRICT IS  
24 CERTIFIED BY THE LEGISLATIVE COUNCIL STAFF PURSUANT TO THIS  
25 SECTION.

26 (12) **District locale factor funding.** (a) A DISTRICT'S LOCALE  
27 FACTOR FUNDING IS:

1 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL  
2 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -  
3 DISTRICT ONLINE PUPIL ENROLLMENT) X DISTRICT LOCALE  
4 FACTOR).

5 (b) A DISTRICT'S LOCALE FACTOR IS:

6 (I) TWENTY-FIVE PERCENT, IF THE DISTRICT IS CLASSIFIED AS  
7 RURAL REMOTE;

8 (II) TWENTY PERCENT, IF THE DISTRICT IS CLASSIFIED AS RURAL  
9 DISTANT;

10 (III) FIFTEEN PERCENT, IF THE DISTRICT IS CLASSIFIED AS RURAL  
11 FRINGE;

12 (IV) TEN PERCENT, IF THE DISTRICT IS CLASSIFIED AS TOWN  
13 REMOTE;

14 (V) FIVE PERCENT, IF THE DISTRICT IS CLASSIFIED AS TOWN  
15 DISTANT;

16 (VI) TWO AND A HALF PERCENT, IF THE DISTRICT IS CLASSIFIED AS  
17 TOWN FRINGE;

18 (VII) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS SUBURBAN  
19 SMALL;

20 (VIII) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS SUBURBAN  
21 MIDSIZE;

22 (IX) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS SUBURBAN  
23 LARGE;

24 (X) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS CITY SMALL;

25 (XI) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS CITY  
26 MIDSIZE; OR

27 (XII) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS CITY

1 LARGE.

2 (c) NOTWITHSTANDING SUBSECTION (12)(a) OF THIS SECTION, IF A  
3 DISTRICT IS CLASSIFIED AS RURAL REMOTE OR TOWN REMOTE, THE  
4 DISTRICT'S LOCAL FACTOR FUNDING IS THE AMOUNT DETERMINED  
5 PURSUANT TO SUBSECTION (12)(a) OF THIS SECTION PLUS ONE HUNDRED  
6 THOUSAND DOLLARS.

7 (d) A DISTRICT'S CLASSIFICATION, AS DESCRIBED PURSUANT TO  
8 SUBSECTION (12)(b) OR (12)(c) OF THIS SECTION, IS DETERMINED BY THE  
9 LATEST CLASSIFICATIONS OR CLASSIFICATION CRITERIA ISSUED BY THE  
10 NATIONAL CENTER FOR EDUCATION STATISTICS IN THE INSTITUTE OF  
11 EDUCATION SCIENCES OF THE UNITED STATES DEPARTMENT OF  
12 EDUCATION.

13 (e) NOTWITHSTANDING SUBSECTION (12)(d) OF THIS SECTION, IF  
14 A DISTRICT DOES NOT ALIGN WITH A CLASSIFICATION ISSUED BY THE  
15 NATIONAL CENTER FOR EDUCATION STATISTICS, THE DEPARTMENT OF  
16 EDUCATION SHALL DESIGNATE THE DISTRICT'S LOCALE FACTOR BASED ON  
17 CONSIDERATIONS THAT ALIGN IT WITH A SIMILARLY SITUATED DISTRICT  
18 THAT HAS A CLASSIFICATION ISSUED BY THE NATIONAL CENTER FOR  
19 EDUCATION STATISTICS. IF THE DEPARTMENT OF EDUCATION IS REQUIRED  
20 TO DESIGNATE THE DISTRICT'S LOCALE FACTOR PURSUANT TO THIS  
21 SUBSECTION (12)(e), THE DEPARTMENT OF EDUCATION SHALL CONSULT  
22 WITH LEGISLATIVE COUNSEL STAFF CONCERNING THE ADJUSTMENT FOR  
23 ANY INFORMATION NECESSARY TO MAKE AN APPROPRIATE DESIGNATION.

24 (13) **District size factor funding.** (a) A DISTRICT'S SIZE FACTOR  
25 FUNDING IS:

26 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL  
27 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -

1 DISTRICT ONLINE PUPIL ENROLLMENT) X DISTRICT SIZE FACTOR).

2 (b) A DISTRICT'S SIZE FACTOR IS:

3 (I) IF THE DISTRICT'S FUNDED PUPIL COUNT IS LESS THAN TWO  
4 HUNDRED SEVENTY-SIX:

5  $0.5457 + (0.00376159 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$   
6  $\text{PUPIL COUNT AND TWO HUNDRED SEVENTY-SIX}).$

7 (II) IF THE DISTRICT'S FUNDED PUPIL COUNT IS TWO HUNDRED  
8 SEVENTY-SIX OR MORE BUT LESS THAN FOUR HUNDRED FIFTY-NINE:

9  $0.2385 + (0.00167869 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$   
10  $\text{PUPIL COUNT AND FOUR HUNDRED FIFTY-NINE}).$

11 (III) IF THE DISTRICT'S FUNDED PUPIL COUNT IS FOUR HUNDRED  
12 FIFTY-NINE OR MORE BUT LESS THAN ONE THOUSAND TWENTY-SEVEN:

13  $0.1215 + (0.00020599 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$   
14  $\text{PUPIL COUNT AND ONE THOUSAND TWENTY-SEVEN}).$

15 (IV) IF THE DISTRICT'S FUNDED PUPIL COUNT IS ONE THOUSAND  
16 TWENTY-SEVEN OR MORE BUT LESS THAN TWO THOUSAND TWO HUNDRED  
17 NINETY-THREE:

18  $0.0533 + (0.00005387 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$   
19  $\text{PUPIL COUNT AND TWO THOUSAND TWO HUNDRED NINETY-THREE}).$

20 (V) IF THE DISTRICT'S FUNDED PUPIL COUNT IS TWO THOUSAND  
21 TWO HUNDRED NINETY-THREE OR MORE BUT LESS THAN THREE THOUSAND  
22 FIVE HUNDRED:

23  $0.0368 + (0.00001367 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$   
24  $\text{PUPIL COUNT AND THREE THOUSAND FIVE HUNDRED}).$

25 (VI) IF THE DISTRICT'S FUNDED PUPIL COUNT IS THREE THOUSAND  
26 FIVE HUNDRED OR MORE BUT LESS THAN SIX THOUSAND FIVE HUNDRED:

27  $0.0297 + (0.00000473 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$

1 PUPIL COUNT AND SIX THOUSAND FIVE HUNDRED).

2 (VII) IF THE DISTRICT'S FUNDED PUPIL COUNT IS SIX THOUSAND  
3 FIVE HUNDRED OR MORE: 0.00.

4 (c) (I) IF THE REORGANIZATION OF A DISTRICT OR DISTRICTS  
5 RESULTS IN A DISTRICT INVOLVED IN THE REORGANIZATION HAVING A  
6 GREATER SIZE FACTOR THAN THE ORIGINAL DISTRICT OR DISTRICTS HAD  
7 FOR THE BUDGET YEAR IMMEDIATELY PRECEDING REORGANIZATION, THE  
8 DISTRICTS INVOLVED IN THE REORGANIZATION MUST USE, FOR EACH  
9 BUDGET YEAR, THE SIZE FACTOR THE ORIGINAL DISTRICT HAD PRIOR TO  
10 THE REORGANIZATION OR, IF TWO OR MORE DISTRICTS REORGANIZE INTO  
11 A SINGLE DISTRICT, THE SIZE FACTOR OF THE ORIGINAL DISTRICT WITH THE  
12 LOWEST SIZE FACTOR FOR THE BUDGET YEAR IMMEDIATELY PRECEDING  
13 REORGANIZATION. A DISTRICT INVOLVED IN THE REORGANIZATION SHALL  
14 NOT, FOR ANY BUDGET YEAR, USE THE SIZE FACTOR THAT WOULD  
15 OTHERWISE BE PROVIDED PURSUANT TO THIS SUBSECTION (13).

16 (II) IF THE REORGANIZATION OF A DISTRICT OR DISTRICTS RESULTS  
17 IN A DISTRICT INVOLVED IN THE REORGANIZATION HAVING A LOWER SIZE  
18 FACTOR THAN THE ORIGINAL DISTRICT OR DISTRICTS HAD FOR THE BUDGET  
19 YEAR IMMEDIATELY PRECEDING REORGANIZATION, THE NEW DISTRICT OR  
20 DISTRICTS MUST USE A SIZE FACTOR DETERMINED AS FOLLOWS:

21 (A) FOR THE FIRST BUDGET YEAR FOLLOWING REORGANIZATION,  
22 THE SIZE FACTOR OF THE ORIGINAL DISTRICT FOR THE BUDGET YEAR  
23 IMMEDIATELY PRECEDING REORGANIZATION OR, IF TWO OR MORE  
24 DISTRICTS ARE INVOLVED IN THE REORGANIZATION, THE WEIGHTED  
25 AVERAGE SIZE FACTOR OF THE ORIGINAL DISTRICTS FOR THE BUDGET YEAR  
26 IMMEDIATELY PRECEDING REORGANIZATION. FOR PURPOSES OF THIS  
27 SUBSECTION (13)(c)(II)(A), THE WEIGHTED AVERAGE SIZE FACTOR IS THE



1 SUM OF THE AMOUNTS CALCULATED BY MULTIPLYING THE FUNDED PUPIL  
2 COUNTS OF THE ORIGINAL DISTRICTS BY THE SIZE FACTOR OF THE ORIGINAL  
3 DISTRICTS AND DIVIDING THAT SUM BY THE TOTAL FUNDED PUPIL COUNT  
4 OF THE ORIGINAL DISTRICTS.

5 (B) FOR THE SECOND BUDGET YEAR FOLLOWING REORGANIZATION,  
6 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS  
7 AN AMOUNT EQUAL TO ONE-FIFTH OF THE DIFFERENCE BETWEEN THE SIZE  
8 FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE SIZE  
9 FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION;

10 (C) FOR THE THIRD BUDGET YEAR FOLLOWING REORGANIZATION,  
11 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS  
12 AN AMOUNT EQUAL TO ONE-FOURTH OF THE DIFFERENCE BETWEEN THE  
13 SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE  
14 SIZE FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS  
15 SECTION;

16 (D) FOR THE FOURTH BUDGET YEAR FOLLOWING REORGANIZATION,  
17 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS  
18 AN AMOUNT EQUAL TO ONE-THIRD OF THE DIFFERENCE BETWEEN THE SIZE  
19 FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE SIZE  
20 FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION;

21 (E) FOR THE FIFTH BUDGET YEAR FOLLOWING REORGANIZATION,  
22 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS  
23 AN AMOUNT EQUAL TO ONE-HALF OF THE DIFFERENCE BETWEEN THE SIZE  
24 FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE SIZE  
25 FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION;

26 AND

27 (F) FOR THE SIXTH BUDGET YEAR FOLLOWING REORGANIZATION

1 AND BUDGET YEARS THEREAFTER, THE SIZE FACTOR DETERMINED  
2 PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION.

3 (14) **Total program funding.** (Reserved)

4 **SECTION 8.** In Colorado Revised Statutes, 22-54-104, **amend**  
5 (1) and (5)(b)(IV); and **add** (7) and (8) as follows:

6 **22-54-104. District total program - legislative declaration -**  
7 **definitions - repeal.** (1) (a) For every budget year ~~the provisions of~~  
8 THROUGH THE 2024-25 BUDGET YEAR, this section ~~shall~~ MUST be used to  
9 calculate ~~for each district an amount that represents the financial base of~~  
10 support for public education in that district. Such amount shall be known  
11 ~~as the district's total program~~ DETERMINE EACH DISTRICT'S TOTAL  
12 PROGRAM. The district's total program ~~shall be~~ IS available to the district  
13 to fund the costs of providing public education, and, except as otherwise  
14 provided in section 22-54-105, ~~the amounts and purposes for which such~~  
15 ~~moneys are budgeted and expended shall be in the discretion of the~~  
16 ~~district~~ THE DISTRICT HAS THE DISCRETION TO DETERMINE THE AMOUNTS  
17 AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL PROGRAM  
18 MONEY.

19 (b) Notwithstanding ~~the provisions of paragraph (a) of this~~  
20 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION TO THE CONTRARY, if  
21 a district is ~~the accounting district of an institute charter school~~ AN  
22 INSTITUTE CHARTER SCHOOL'S ACCOUNTING DISTRICT, then the ~~calculation~~  
23 ~~of total program pursuant to the provisions of this section shall also~~  
24 ~~represent the financial base of support for the institute charter school~~  
25 TOTAL PROGRAM DETERMINATION PURSUANT TO THIS SECTION ALSO  
26 REPRESENTS THE INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF  
27 SUPPORT, even though the institute charter school is not a school of the

1 district. The amount of the district's state share of total program that is  
2 withheld from the district and paid to the state charter school institute  
3 pursuant to ~~the provisions of section 22-54-115 (1.3) shall~~ IS NOT BE  
4 available to ~~nor~~ OR under the control of the district but ~~shall be~~ IS under  
5 the control of the INSTITUTE CHARTER SCHOOL'S governing board ~~of the~~  
6 ~~institute charter school~~ to fund the costs of providing public education to  
7 pupils enrolled in the institute charter school. ~~and the amounts and~~  
8 ~~purposes for which such moneys are budgeted and expended shall be in~~  
9 ~~the discretion of the institute charter school.~~ THE INSTITUTE CHARTER  
10 SCHOOL HAS THE DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES  
11 FOR BUDGETING AND EXPENDING ITS TOTAL PROGRAM MONEY.

12 (c) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
13 CONTRARY, FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30  
14 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL CALCULATE EACH  
15 DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS SECTION FOR THE PURPOSE  
16 OF DETERMINING EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION  
17 22-54-103.3. THE DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE  
18 DISTRICT TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION, AND,  
19 EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-54-105, THE DISTRICT  
20 HAS THE DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES FOR  
21 BUDGETING AND EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

22 (II) NOTWITHSTANDING SUBSECTION (1)(c)(I) OF THIS SECTION TO  
23 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S  
24 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM  
25 CALCULATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE  
26 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC  
27 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE

1 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF  
2 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE  
3 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115  
4 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT  
5 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER  
6 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC  
7 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.  
8 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE  
9 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL  
10 PROGRAM MONEY.

11 (5) For purposes of the formulas used in this section:

12 (b) (IV) ~~For the 1998-99 budget year and budget years thereafter,~~  
13 The funded pupil count used to calculate a district's size factor pursuant  
14 to this ~~paragraph (b) shall be~~ SUBSECTION (5)(b) IS the funded pupil count  
15 ~~as calculated pursuant to section 22-54-103 (7)~~ reduced by sixty-five  
16 percent of the number of pupils included in the funded pupil count that  
17 are enrolled in charter schools in the district; except that ~~the provisions of~~  
18 ~~this subparagraph (IV) shall~~ THIS SUBSECTION (5)(b)(IV) only apply  
19 APPLIES to those districts with a funded pupil count ~~as calculated pursuant~~  
20 ~~to section 22-54-103 (7)~~ of five hundred or ~~less~~ FEWER.

21 (7) (a) FOR PURPOSES THIS SECTION, "FUNDED PUPIL COUNT"  
22 MEANS THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE APPLICABLE  
23 BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN  
24 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S  
25 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET  
26 YEAR PLUS THE GREATER OF:

27 (I) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE

1 BUDGET YEAR;

2 (II) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
3 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
4 THE IMMEDIATELY PRECEDING BUDGET YEAR;

5 (III) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
6 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
7 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS;

8 (IV) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
9 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
10 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

11 (V) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
12 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
13 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

14 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
15 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(a) OF THIS SECTION, A  
16 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL  
17 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING  
18 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING  
19 DISTRICT, AS PROVIDED PURSUANT TO SUBSECTIONS (7)(c) AND (7)(d) OF  
20 THIS SECTION. THE DEPARTMENT OF EDUCATION SHALL ADD THE  
21 INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE  
22 PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR  
23 TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS  
24 SECTION.

25 (c) FOR PURPOSES OF SUBSECTION (7)(b) OF THIS SECTION, EACH  
26 OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT  
27 IS THE GREATER OF:

1           (I) THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL  
2 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR;

3           (II) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER  
4 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND  
5 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR  
6 THE IMMEDIATELY PRECEDING BUDGET YEAR;

7           (III) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER  
8 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND  
9 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR  
10 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS;

11           (IV) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER  
12 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND  
13 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR  
14 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

15           (V) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER  
16 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND  
17 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR  
18 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

19           (d) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
20 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(c) OF THIS SECTION, AN  
21 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT INCLUDES  
22 ITS ONLINE PUPIL ENROLLMENT, EXCEPT FOR MULTI-DISTRICT ONLINE  
23 SCHOOL PUPIL ENROLLMENT.

24           (e) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE  
25 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,  
26 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
27 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR

1 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO THIS SUBSECTION  
2 (7), AND AVERAGING AN OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL  
3 ENROLLMENT AND ONLINE PUPIL ENROLLMENT PURSUANT TO THIS  
4 SUBSECTION (7), IS A PROGRAM FOR ACCOUNTABLE EDUCATION REFORM  
5 AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION  
6 FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE  
7 CONSTITUTION.

8 (f) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,  
9 FOR THE PURPOSES OF THIS SUBSECTION (7), A DISTRICT'S PUPIL  
10 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S PUPIL  
11 ENROLLMENT FOR ANY PRECEDING BUDGET YEAR DO NOT INCLUDE A PUPIL  
12 WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS ORIGINALLY  
13 AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY CONVERTED, ON  
14 OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER SCHOOL OR TO A  
15 CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE ORIGINALLY  
16 AUTHORIZING DISTRICT.

17 (g) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7) TO  
18 THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A  
19 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS  
20 SUBSECTION (7) FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE  
21 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

22 (h) SOLELY FOR THE PURPOSE OF AVERAGING PUPIL ENROLLMENT  
23 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION FOR A DISTRICT THAT  
24 OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE  
25 DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S PUPIL  
26 ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16 BUDGET  
27 YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY

1 KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS  
2 AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE  
3 PURSUANT TO THIS SUBSECTION (7)(h) DOES NOT AFFECT OR CHANGE THE  
4 FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR  
5 SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE  
6 STATE CONSTITUTION FOR A BUDGET YEAR COMMENCING BEFORE JULY 1,  
7 2019.

8 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2031.

9 ■ ■ ■

10 **SECTION 9.** In Colorado Revised Statutes, **add** 22-20-114.3 as  
11 follows:

12 **22-20-114.3. Agreements with administrative units for special**  
13 **education services - legislative declaration.** (1) THE GENERAL  
14 ASSEMBLY FINDS AND DECLARES THAT THE REQUIREMENTS DESCRIBED IN  
15 SUBSECTION (2) OF THIS SECTION ARE NECESSARY AS A MATTER OF PUBLIC  
16 POLICY.

17 (2) NO LATER THAN JULY 1, 2025, A DISTRICT OR INSTITUTE  
18 CHARTER SCHOOL THAT IS SERVED BY A MULTI-DISTRICT ADMINISTRATIVE  
19 UNIT FOR THE ESTABLISHMENT, MAINTENANCE, OR PROVISION OF SPECIAL  
20 EDUCATION SERVICES MUST UPDATE AN EXISTING AGREEMENT  
21 CONCERNING SPECIAL EDUCATION SERVICES TO CONTAIN PROVISIONS  
22 REGARDING THE ALLOCATION OF ANY DISTRICT SPECIAL EDUCATION PUPIL  
23 FUNDING RECEIVED BY A SERVED DISTRICT OR INSTITUTE CHARTER  
24 SCHOOL PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

25 **SECTION 10.** In Colorado Revised Statutes, 22-41-102, **amend**  
26 (3)(h) introductory portion; and **add** (3)(i), (3)(j), and (3)(k) as follows:

27 **22-41-102. Fund inviolate.** (3) (h) For the 2022-23 state fiscal



1 year ~~and each state fiscal year thereafter~~ THROUGH THE 2023-24 STATE  
2 FISCAL YEAR, interest or income earned on the investment of the money  
3 in the public school fund must be used or credited as follows:

4 (i) FOR THE 2024-25 STATE FISCAL YEAR, INTEREST AND INCOME  
5 EARNED ON THE INVESTMENT OF THE MONEY IN THE PUBLIC SCHOOL FUND  
6 MUST BE USED OR CREDITED AS FOLLOWS:

7  
8 (I) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO  
9 THE STATE TREASURER AN AMOUNT NECESSARY TO PAY FOR THE SERVICES  
10 OF THE INVESTMENT CONSULTANT HIRED BY THE PUBLIC SCHOOL FUND  
11 INVESTMENT BOARD PURSUANT TO SECTION 22-41-102.5 (5) AND TO PAY  
12 FOR ANY REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES  
13 INCURRED BY THE MEMBERS OF THE PUBLIC SCHOOL FUND INVESTMENT  
14 BOARD PURSUANT TO SECTION 22-41-102.5 (2);

15 (II) AFTER THE APPROPRIATION MADE PURSUANT TO SUBSECTION  
16 (3)(i)(I) OF THIS SECTION, THE LESSER OF ALL INTEREST AND INCOME OR  
17 ELEVEN MILLION DOLLARS IS CREDITED TO THE STATE PUBLIC SCHOOL  
18 FUND CREATED IN SECTION 22-54-114 FOR DISTRIBUTION AS PROVIDED IN  
19 THAT SECTION;

20 (III) AFTER MONEY IN THE PUBLIC SCHOOL FUND HAS BEEN  
21 APPROPRIATED OR CREDITED PURSUANT TO SUBSECTIONS (3)(i)(I) AND  
22 (3)(i)(II) OF THIS SECTION, THE LESSER OF ALL INTEREST AND INCOME OR  
23 THIRTY MILLION DOLLARS IS CREDITED TO THE RESTRICTED ACCOUNT OF  
24 THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED  
25 IN SECTION 22-43.7-104 (5) FOR USE AS PROVIDED IN THAT SECTION; AND

26 (IV) ANY ADDITIONAL INTEREST AND INCOME REMAINING IN THE  
27 PUBLIC SCHOOL FUND MAY BE CREDITED AS SPECIFIED BY THE GENERAL

1 ASSEMBLY, TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE  
2 PUBLIC SCHOOL FUND INVESTMENT BOARD DESCRIBED IN SECTION  
3 22-41-102.5 (4)(a)(III), OR, IF NOT CREDITED PURSUANT TO THIS  
4 SUBSECTION (3)(i)(IV), REMAINS IN THE PUBLIC SCHOOL FUND.

5 (j) FOR THE 2025-26 STATE FISCAL YEAR, INTEREST AND INCOME  
6 EARNED ON THE INVESTMENT OF THE MONEY IN THE PUBLIC SCHOOL FUND  
7 MUST BE USED OR CREDITED AS FOLLOWS:

8  
9 (I) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO  
10 THE STATE TREASURER AN AMOUNT NECESSARY TO PAY FOR THE SERVICES  
11 OF THE INVESTMENT CONSULTANT HIRED BY THE PUBLIC SCHOOL FUND  
12 INVESTMENT BOARD PURSUANT TO SECTION 22-41-102.5 (5) AND TO PAY  
13 FOR ANY REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES  
14 INCURRED BY THE MEMBERS OF THE PUBLIC SCHOOL FUND INVESTMENT  
15 BOARD PURSUANT TO SECTION 22-41-102.5 (2);

16 (II) AFTER THE APPROPRIATION MADE PURSUANT TO SUBSECTION  
17 (3)(j)(I) OF THIS SECTION, THE LESSER OF ALL INTEREST AND INCOME OR  
18 FIVE MILLION DOLLARS IS CREDITED TO THE STATE PUBLIC SCHOOL FUND  
19 CREATED IN SECTION 22-54-114 FOR DISTRIBUTION AS PROVIDED IN THAT  
20 SECTION;

21 (III) AFTER MONEY IN THE PUBLIC SCHOOL FUND HAS BEEN  
22 APPROPRIATED OR CREDITED PURSUANT TO SUBSECTIONS (3)(j)(I) AND  
23 (3)(j)(II) OF THIS SECTION, THE LESSER OF ALL INTEREST AND INCOME OR  
24 THIRTY-SIX MILLION DOLLARS IS CREDITED TO THE RESTRICTED ACCOUNT  
25 OF THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND  
26 CREATED IN SECTION 22-43.7-104 (5) FOR USE AS PROVIDED IN THAT  
27 SECTION; AND

1 (IV) ANY ADDITIONAL INTEREST AND INCOME REMAINING IN THE  
2 PUBLIC SCHOOL FUND MAY BE CREDITED AS SPECIFIED BY THE GENERAL  
3 ASSEMBLY, TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE  
4 PUBLIC SCHOOL FUND INVESTMENT BOARD DESCRIBED IN SECTION  
5 22-41-102.5 (4)(a)(III), OR, IF NOT CREDITED PURSUANT TO THIS  
6 SUBSECTION (3)(j)(IV), REMAINS IN THE PUBLIC SCHOOL FUND.

7 (k) FOR THE 2026-27 STATE FISCAL YEAR AND EACH STATE FISCAL  
8 YEAR THEREAFTER, INTEREST AND INCOME EARNED ON THE INVESTMENT  
9 OF THE MONEY IN THE PUBLIC SCHOOL FUND MUST BE USED OR CREDITED  
10 AS FOLLOWS:

11 (I) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO  
12 THE STATE TREASURER AN AMOUNT NECESSARY TO PAY FOR THE SERVICES  
13 OF THE INVESTMENT CONSULTANT HIRED BY THE PUBLIC SCHOOL FUND  
14 INVESTMENT BOARD PURSUANT TO SECTION 22-41-102.5 (5) AND TO PAY  
15 FOR ANY REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES  
16 INCURRED BY THE MEMBERS OF THE PUBLIC SCHOOL FUND INVESTMENT  
17 BOARD PURSUANT TO SECTION 22-41-102.5 (2);

18 (II) AFTER MONEY IN THE PUBLIC SCHOOL FUND HAS BEEN  
19 APPROPRIATED PURSUANT TO SUBSECTION (3)(k)(I) OF THIS SECTION, THE  
20 LESSER OF ALL INTEREST AND INCOME OR FORTY-ONE MILLION DOLLARS  
21 IS CREDITED TO THE RESTRICTED ACCOUNT OF THE PUBLIC SCHOOL  
22 CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION  
23 22-43.7-104 (5) FOR USE AS PROVIDED IN THAT SECTION; AND

24 (III) ANY ADDITIONAL INTEREST AND INCOME REMAINING IN THE  
25 PUBLIC SCHOOL FUND MAY BE CREDITED AS SPECIFIED BY THE GENERAL  
26 ASSEMBLY, TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE  
27 PUBLIC SCHOOL FUND INVESTMENT BOARD DESCRIBED IN SECTION

1 22-41-102.5 (4)(a)(III), OR, IF NOT CREDITED PURSUANT TO THIS  
2 SUBSECTION (3)(k)(III), REMAINS IN THE PUBLIC SCHOOL FUND.

3 **SECTION 11.** In Colorado Revised Statutes, 22-43.7-104,  
4 **amend** (2)(d) as follows:

5 **22-43.7-104. Public school capital construction assistance fund**  
6 **- creation - crediting of money to fund - use of fund - emergency**  
7 **reserve - creation - reserve account - creation and use.** (2) (d) (I) For  
8 the state fiscal year commencing July 1, 2018, the state. treasurer,  
9 as provided in section 39-28.8-305 (1)(a), shall credit to the assistance  
10 fund the greater of the first forty million dollars received and collected  
11 from the excise tax on retail marijuana imposed pursuant to part 3 of  
12 article 28.8 of title 39 or ninety percent of the money received and  
13 collected from the tax. For the state fiscal year commencing July 1, 2019,  
14 and for each state fiscal year thereafter except for the state fiscal year  
15 commencing July 1, 2020, the state treasurer, as provided in section  
16 39-28.8-305 (1)(a), shall annually credit to the assistance fund all of the  
17 money received and collected from the excise tax on retail marijuana  
18 imposed pursuant to part 3 of article 28.8 of title 39. For the state fiscal  
19 year commencing July 1, 2020, the state treasurer, as provided in section  
20 39-28.8-305 (1)(a), shall credit to the assistance fund the lesser of the first  
21 forty million dollars received and collected from the excise tax on retail  
22 marijuana imposed pursuant to part 3 of article 28.8 of title 39 or all of  
23 the money received and collected from the tax. For state fiscal years  
24 commencing before July 1, 2019, the state treasurer shall credit twelve  
25 and five-tenths percent of the amount annually credited pursuant to this  
26 subsection (2)(d) to the charter school facilities assistance account, which  
27 account is created within the assistance fund. For each state fiscal year

1 commencing on or after July 1, 2019, the state treasurer shall credit to the  
2 charter school facilities assistance account a percentage of the amount  
3 credited pursuant to this subsection (2)(d) that is equal to the percentage  
4 of pupil enrollment, as defined in section 22-54-103 (10), statewide  
5 represented by pupils who were enrolled in charter schools for the prior  
6 school year. The department of education shall notify the state treasurer  
7 of the applicable percentage no later than June 1 of the immediately  
8 preceding fiscal year.

9 (II) IN ADDITION TO THE CREDIT MADE TO THE CHARTER SCHOOL  
10 FACILITIES ASSISTANCE ACCOUNT PURSUANT TO SUBSECTION (2)(d)(I) OF  
11 THIS SECTION, THE STATE TREASURER SHALL CREDIT THE FOLLOWING  
12 AMOUNTS TO THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT  
13 FROM THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND:

14 (A) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2024,  
15 ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS;

16 (B) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2025,  
17 TWELVE MILLION DOLLARS;

18 (C) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2026,  
19 THIRTEEN MILLION DOLLARS;

20 (D) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2027,  
21 FOURTEEN MILLION DOLLARS; AND

22 (E) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2028,  
23 FIFTEEN MILLION DOLLARS.

24 (III) IF ELIGIBILITY CRITERIA ARE SATISFIED, THE DEPARTMENT  
25 SHALL APPLY FOR A STATE CHARTER SCHOOL FACILITIES INCENTIVE GRANT  
26 AWARDED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

27 **SECTION 12.** In Colorado Revised Statutes, 22-43.7-110,

1 **amend** (2)(a)(VII) and (2)(a)(VIII); and **add** (2)(a)(IX) as follows:

2 **22-43.7-110. Financial assistance - grants - financed purchase**  
3 **of an asset agreements.** (2) Subject to the following requirements and  
4 limitations, the board may also instruct the state treasurer to enter into  
5 financed purchase of an asset or certificate of participation agreements on  
6 behalf of the state to provide financial assistance to applicants by  
7 financing public school facility capital construction projects for which the  
8 state board has recommended and the capital development committee has  
9 authorized the provision of financial assistance that involves a financed  
10 purchase of an asset or certificate of participation agreement pursuant to  
11 section 22-43.7-109 (7):

12 (a) Subject to the limitation specified in subsection (2)(b) of this  
13 section, the maximum total amount of annual payments payable by the  
14 state during any fiscal year under the terms of all outstanding financed  
15 purchase of an asset or certificate of participation agreements entered into  
16 by the state treasurer as instructed by the board pursuant to this subsection  
17 (2) is:

18 (VII) One hundred five million dollars for the 2019-20 fiscal year;  
19 **and**

20 (VIII) One hundred twenty-five million dollars for the 2020-21  
21 fiscal year and for each fiscal year thereafter THROUGH THE 2023-24  
22 FISCAL YEAR; AND

23 (IX) ONE HUNDRED FIFTY MILLION DOLLARS FOR THE 2024-25  
24 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER.

25 **SECTION 13.** In Colorado Revised Statutes, 22-43.7-111, **add**  
26 (1)(f) as follows:

27 **22-43.7-111. Reporting requirements - auditing by state**

1 **auditor.** (1) Notwithstanding section 24-1-136 (1)(a)(I), no later than  
2 February 15, 2010, and no later than each February 15 thereafter, the  
3 board shall present a written report to the education and finance  
4 committees of the house of representatives and the senate and the capital  
5 development committee, or any successor committees, regarding the  
6 provision of financial assistance to applicants pursuant to this article 43.7.  
7 The report must include, at a minimum:

8 (f) BEGINNING IN THE REPORT DUE NO LATER THAN FEBRUARY 15,  
9 2026, AND CONTINUING ANNUALLY PURSUANT TO SUBSECTION (1) OF THIS  
10 SECTION, IN ADDITION TO THE REPORTING REQUIREMENTS DESCRIBED IN  
11 SUBSECTIONS (1)(a) THROUGH (1)(e) OF THIS SECTION, THE REPORT MUST  
12 ALSO SEPARATELY SPECIFY ALL THE INFORMATION DESCRIBED IN  
13 SUBSECTIONS (1)(a) THROUGH (1)(e) OF THIS SECTION AS EACH RELATES  
14 TO CHARTER SCHOOLS, AS APPLICABLE.

15 ■ ■ ■  
16 **SECTION 14.** In Colorado Revised Statutes, **repeal** 22-54-104.1.

17 **SECTION 15.** In Colorado Revised Statutes, 22-54-104.2,  
18 **amend** (1); and **repeal** (2) as follows:

19 **22-54-104.2. Legislative declaration.** (1) The general assembly  
20 hereby finds and declares that, for purposes of section 17 of article IX of  
21 the state constitution, ~~the expansion of the definition of "at-risk pupils",~~  
22 ~~as defined in section 22-54-103 (1.5)(a)(V), to include district pupils who~~  
23 ~~are English language learners, as defined in section 22-54-103~~  
24 ~~(1.5)(b)(IV);~~ the increase in the at-risk factor pursuant to section  
25 22-54-104 (5)(f)(II) for districts whose percentage of at-risk pupils is  
26 greater than the statewide average percentage of at-risk pupils and whose  
27 funded pupil count is greater than fifty thousand, the requirement that

1 districts that receive at-risk funding spend a portion of their at-risk  
2 funding on implementation of the district's English language proficiency  
3 program pursuant to section 22-54-105 (3)(b)(I) and the increase in the  
4 at-risk factor from 11.2% to 12% for the 2005-06 budget year and each  
5 budget year thereafter pursuant to section 22-54-104 ~~(2)(b)(H)(A)~~  
6 (2)(b)(II) and (5)(f) are important elements of accountable programs to  
7 meet state academic standards and may therefore receive funding from  
8 the state education fund created in section 17 (4) of article IX of the state  
9 constitution.

10 (2) ~~The general assembly further finds and declares that, for~~  
11 ~~purposes of section 17 of article IX of the state constitution, the~~  
12 ~~enactment of the definition of "at-risk funded pupil count", as defined in~~  
13 ~~section 22-54-103 (1), to allow up to three-year averaging of the number~~  
14 ~~of at-risk pupils, is an important element of accountable education reform~~  
15 ~~and may therefore receive funding from the state education fund created~~  
16 ~~in section 17 (4) of article IX of the state constitution.~~

17 **SECTION 16.** In Colorado Revised Statutes, 22-54-104.3,  
18 **amend** (2.7)(a), (2.7)(d)(I) introductory portion, and (2)(d)(I)(A); and  
19 **repeal** (3) and (5) as follows:

20 **22-54-104.3. Total program for budget years - special**  
21 **provisions.** (2.7) (a) ~~For the 1997-98 budget year and budget years~~  
22 ~~thereafter,~~ Notwithstanding the provisions of ~~section 22-54-104 (2) and~~  
23 ~~(6)~~ THIS ARTICLE 54, a district's total program for the applicable budget  
24 year ~~shall~~ MUST not exceed the district's total program for the prior budget  
25 year multiplied by ~~100%~~ ONE HUNDRED PERCENT plus the district's  
26 maximum annual percentage change in the applicable fiscal year  
27 spending.



1           (d) (I) ~~For the 1998-99 budget year and budget years thereafter,~~  
2     If a district's total program is calculated pursuant to ~~paragraph (a) of this~~  
3     ~~subsection (2.7)~~ SUBSECTION (2.7)(a) OF THIS SECTION and the district is  
4     capable of receiving an increase in its total program within the limitations  
5     on its fiscal year spending for the applicable budget year under section 20  
6     of article X of the state constitution, the district may certify to the  
7     department that it may receive an additional increase in its total program  
8     for the applicable budget year in an amount equal to the lesser of:

9           (A) The difference between the district's total program for the  
10    applicable budget year calculated pursuant to ~~paragraph (a) of this~~  
11    ~~subsection (2.7)~~ SUBSECTION (2.7)(a) OF THIS SECTION and the district's  
12    total program for the applicable budget year ~~calculated~~ DETERMINED  
13    pursuant to ~~section 22-54-104 (2) or (6)~~ THIS ARTICLE 54; or

14           (3) ~~Notwithstanding the provisions of section 22-54-104 (2), for~~  
15    ~~the 1994-95 budget year, if a district's 1994-95 total formula per pupil~~  
16    ~~funding is less than the district's 1993-94 total per pupil funding, the total~~  
17    ~~program for such district shall be calculated in accordance with the~~  
18    ~~following formula:~~

19           ~~(a) If the district's 1994-95 funded pupil count is equal to or less~~  
20    ~~than the district's 1993-94 funded pupil count, the formula shall be:~~

21           ~~District 1993-94 funded pupil count x District 1993-94 total per~~  
22    ~~pupil funding.~~

23           ~~(b) If the district's 1994-95 funded pupil count is greater than the~~  
24    ~~district's 1993-94 funded pupil count, the formula shall be:~~

25           ~~District 1993-94 total funding + ((District 1994-95 funded pupil~~  
26    ~~count - District 1993-94 funded pupil count) x District 1994-95~~  
27    ~~total formula per pupil funding).~~

1           (5) For purposes of subsection (3) of this section and section  
2 22-54-104 (6):

3           (a) to (d) Repealed.

4           (e) A district's "prior year total per pupil funding" means the  
5 amount which results from dividing the district's prior year total program  
6 by the district's prior year funded pupil count.

7           (f) A district's "total formula per pupil funding" means the total  
8 program for a district for the applicable budget year, as calculated  
9 pursuant to section 22-54-104 (2), divided by the district's funded pupil  
10 count for the applicable budget year.

11           (g) (Deleted by amendment, L. 95, p. 613, § 15, effective May 22,  
12 1995.)

13           **SECTION 17.** In Colorado Revised Statutes, 22-54-105, **amend**  
14 (3)(a); and **repeal** (3)(b) as follows:

15           **22-54-105. Instructional supplies and materials - capital**  
16 **reserve and insurance reserve - at-risk funding - preschool funding.**

17 (3) (a) For the 1997-98 budget year and budget years thereafter, Every  
18 district that receives at-risk funding pursuant to the provisions of section  
19 22-54-104 THIS ARTICLE 54 shall expend in total at least seventy-five  
20 percent of the district's at-risk funding on direct instruction or staff  
21 development, or both, for the educational program of at-risk pupils in the  
22 district.

23           (b) (I) Notwithstanding the provisions of paragraph (a) of this  
24 subsection (3), for the 2001-02 budget year and budget years thereafter,  
25 any district that receives at-risk funding pursuant to section 22-54-104  
26 and qualifies for a higher at-risk factor as provided in section 22-54-104  
27 (5)(f)(II) shall expend an amount calculated pursuant to subparagraph (II)

1 of this paragraph (b) on implementation of the district's English language  
2 proficiency program as provided in article 24 of this title. It is the intent  
3 of the general assembly that each school district expend said amount on  
4 English language proficiency programs that are either taught in English  
5 or that are designed to move students as quickly as possible into programs  
6 taught in English. The district shall expend at least seventy-five percent  
7 of the remaining amount of at-risk funding received on direct instruction  
8 or staff development, or both, for the educational program of at-risk  
9 pupils in the district.

10 (H) ~~The amount of at-risk funding expended pursuant to~~  
11 ~~subparagraph (I) of this paragraph (b) shall be equal to the difference~~  
12 ~~between the amount of at-risk funding generated by an increase in the~~  
13 ~~at-risk factor of 0.36 of a percentage point versus an increase of 0.34 of~~  
14 ~~a percentage point for each percentage point that the district percentage~~  
15 ~~of at-risk pupils exceeds the statewide average percentage of at-risk~~  
16 ~~pupils.~~

17 **SECTION 18.** In Colorado Revised Statutes, 22-54-106, **amend**  
18 (2.1)(c)(I) and (2.1)(e)(II); and **repeal** (2) as follows:

19 **22-54-106. Local and state shares of district total program -**  
20 **legislative declaration - definition - repeal.** (2) (a) ~~Except as provided~~  
21 ~~in subsection (2)(c) of this section for reorganized districts, for the 2007~~  
22 ~~property tax year and property tax years thereafter through the 2019~~  
23 ~~property tax year, each district shall levy the lesser of:~~

24 (I) ~~The number of mills levied by the district for the immediately~~  
25 ~~preceding property tax year;~~

26 (H) (A) ~~Subject to the provisions of sub-subparagraph (B) of this~~  
27 ~~subparagraph (H), the number of mills that will generate property tax~~

1 ~~revenue in an amount equal to the district's total program for the~~  
2 ~~applicable budget year minus the amount of specific ownership tax~~  
3 ~~revenue paid to the district.~~

4 ~~(B) Regardless of the applicability of section 22-54-104 (5)(g), for~~  
5 ~~the purposes of this subparagraph (H), a district's total program shall be~~  
6 ~~the amount calculated pursuant to section 22-54-104 (2).~~

7 ~~(H) For a district that has not obtained voter approval to retain~~  
8 ~~and spend revenues in excess of the property tax revenue limitation~~  
9 ~~imposed on the district by section 20 of article X of the state constitution,~~  
10 ~~the number of mills that may be levied by the district under the property~~  
11 ~~tax revenue limitation imposed on the district by section 20 of article X~~  
12 ~~of the state constitution. In the calculation of local growth for purposes~~  
13 ~~of determining the property tax revenue limitation imposed on a district~~  
14 ~~under this subparagraph (H), a district's student enrollment shall be the~~  
15 ~~district's funded pupil count.~~

16 ~~(IV) Repealed.~~

17 ~~(V) Twenty-seven mills.~~

18 ~~(b) (I) (A) If a district's total program for the 1994-95 budget year~~  
19 ~~was calculated pursuant to section 22-54-104.3, for the 1995 property tax~~  
20 ~~year, the levy calculated pursuant to paragraph (a) of this subsection (2)~~  
21 ~~shall be reduced by the number of mills required to generate the~~  
22 ~~difference between the district's total program for the 1994-95 budget~~  
23 ~~year, as calculated pursuant to section 22-54-104.3 (3), and the district's~~  
24 ~~total program for the 1994-95 budget year, as calculated pursuant to~~  
25 ~~section 22-54-104 (2). The amount by which property tax revenue is~~  
26 ~~reduced pursuant to this paragraph (b) shall be counted toward the~~  
27 ~~limitation on additional local revenues as provided in section 22-54-108~~

1 (3):

2 (B) ~~Notwithstanding the provisions of sub-subparagraph (A) of~~  
3 ~~this subparagraph (I), if the mill levy was calculated pursuant to~~  
4 ~~subparagraph (H) of paragraph (a) of this subsection (2), the difference~~  
5 ~~between the district's total program for the 1994-95 budget year, as~~  
6 ~~calculated pursuant to section 22-54-104.3 (3), and the district's total~~  
7 ~~program for the 1994-95 budget year, as calculated pursuant to section~~  
8 ~~22-54-104 (2), shall be added to the total program as calculated pursuant~~  
9 ~~to section 22-54-104 (2) to calculate the levy pursuant to this~~  
10 ~~subparagraph (I):~~

11 (H) ~~If after calculating the mill levy pursuant to subparagraph (I)~~  
12 ~~of this paragraph (b) the district's levy exceeds 41.75 mills, the district~~  
13 ~~shall levy 41.75 mills:~~

14 (H) ~~For the 1995-96 budget year, if the amount of property tax~~  
15 ~~generated for the 1994-95 budget year by the number of mills by which~~  
16 ~~the mills levied by the district for the 1994-95 budget year exceeded~~  
17 ~~40.080 mills was equal to or exceeded the difference between the~~  
18 ~~district's total program for the 1994-95 budget year, as calculated~~  
19 ~~pursuant to section 22-54-104.3 (3), and the district's total program for the~~  
20 ~~1994-95 budget year, as calculated pursuant to section 22-54-104 (2), the~~  
21 ~~district may levy the difference between the levy pursuant to~~  
22 ~~subparagraph (I) and subparagraph (H) of this paragraph (b). For the~~  
23 ~~1996-97 budget year and budget years thereafter, the district may continue~~  
24 ~~to impose a mill levy that will generate the amount of revenue produced~~  
25 ~~by the calculation described in this subparagraph (H) for the 1995-96~~  
26 ~~budget year. The amount of property tax generated pursuant to this~~  
27 ~~subparagraph (H) shall be counted toward the limitation on additional~~

1 local revenues as provided in section 22-54-108 (3)(f).

2 (c) ~~(I) Notwithstanding any other provision of this subsection (2);~~  
3 ~~if there is a reorganization pursuant to article 30 of this title, except for a~~  
4 ~~detachment and annexation, and if such reorganization involves districts~~  
5 ~~with differing mill levies, then in its first year of operation, the new~~  
6 ~~district shall levy a number of mills that is based on the total property~~  
7 ~~taxes collected in the preceding year from property included within the~~  
8 ~~new district divided by the total valuation for assessment in the preceding~~  
9 ~~year of property located within the new district but in no event more than~~  
10 ~~41.75 mills. This paragraph (c) shall not apply to any new district whose~~  
11 ~~levy would otherwise be calculated pursuant to subparagraph (H) of~~  
12 ~~paragraph (a) of this subsection (2).~~

13 ~~(H) If there is a detachment and annexation pursuant to article 30~~  
14 ~~of this title and if such detachment and annexation involves districts with~~  
15 ~~differing mill levies, then in the first year after the detachment and~~  
16 ~~annexation, the annexing district shall calculate its levy pursuant to~~  
17 ~~paragraph (a) of this subsection (2).~~

18 (2.1) (c) For the 2021 property tax year and each property tax year  
19 thereafter, except as otherwise provided in subsection (2.1)(e) of this  
20 section for reorganized districts, each district shall levy the lesser of:

21 (I) The number of mills that will generate property tax revenue in  
22 an amount equal to the district's total program for the applicable budget  
23 year minus the amount of specific ownership tax revenue paid to the  
24 district. ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~  
25 ~~the purposes of this subsection (2.1)(c)(I), a district's total program is the~~  
26 ~~amount calculated pursuant to section 22-54-104 (2).~~

27 (e) Notwithstanding any other provision of this subsection (2.1)

1 to the contrary, for the 2020 property tax year and each property tax year  
2 thereafter, if there is a reorganization pursuant to article 30 of this title 22  
3 that results in the creation of a new district, then in the first year of  
4 operation the new district shall levy the lesser of:

5 (II) The number of mills that will generate property tax revenue  
6 in an amount equal to the district's total program for the first year of  
7 operation minus the amount of specific ownership tax revenue paid to the  
8 district. ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~  
9 ~~the purposes of this subsection (2.1)(c)(II), the district's total program is~~  
10 ~~the amount calculated pursuant to section 22-54-104 (2).~~

11 **SECTION 19.** In Colorado Revised Statutes, **add 22-54-107.7** as  
12 follows:

13 **22-54-107.7. Override mill levy match - working group -**  
14 **creation - report - repeal.** (1) THERE IS CREATED BY THE LEGISLATIVE  
15 COUNCIL STAFF AN OVERRIDE MILL LEVY MATCH WORKING GROUP TO  
16 MEET DURING THE 2024 INTERIM AND MAKE RECOMMENDATIONS  
17 CONCERNING MODIFYING THE OVERRIDE MILL LEVY MATCH, CREATED  
18 PURSUANT TO SECTION 22-54-107.9, TO ENSURE MORE EQUITABLE  
19 FUNDING DISTRIBUTIONS AND GREATER ACCESS TO FUNDING FOR ELIGIBLE  
20 DISTRICTS AND ELIGIBLE INSTITUTE CHARTER SCHOOLS, AND TO IDENTIFY  
21 AND ANALYZE INEQUITIES BETWEEN NEIGHBORING DISTRICTS THAT HAVE  
22 DIFFERING MILL LEVY OVERRIDES, LEVELS OF PROPERTY TAX BASES, OR  
23 DEMONSTRATED LEVELS OF LOCAL EFFORT.

24 (2) (a) THE OVERRIDE MILL LEVY MATCH WORKING GROUP MUST  
25 INCLUDE:

26 (I) SEVEN NONLEGISLATIVE MEMBERS WHO ARE CHIEF FINANCIAL  
27 OFFICERS APPOINTED AS FOLLOWS:

1 (A) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL  
2 APPOINT ONE MEMBER WHO IS A CHIEF FINANCIAL OFFICER OF A RURAL  
3 DISTRICT, ONE MEMBER WHO IS A CHIEF FINANCIAL OFFICER OF A SMALL  
4 RURAL DISTRICT, ONE MEMBER WHO IS A CHIEF FINANCIAL OFFICER OF A  
5 SUBURBAN DISTRICT, AND ONE MEMBER WHO IS A CHIEF FINANCIAL  
6 OFFICER OF AN URBAN DISTRICT LOCATED IN OR NEAR THE DENVER  
7 METROPOLITAN AREA; AND

8 (B) THE SENATE MINORITY LEADER SHALL APPOINT ONE MEMBER  
9 WHO IS THE CHIEF FINANCIAL OFFICER OF A RURAL DISTRICT, ONE MEMBER  
10 WHO IS THE CHIEF FINANCIAL OFFICER OF A SUBURBAN DISTRICT, AND ONE  
11 MEMBER WHO IS THE CHIEF FINANCIAL OFFICER OF AN URBAN DISTRICT  
12 THAT IS NOT LOCATED IN OR NEAR THE DENVER METROPOLITAN AREA.

13 (II) ONE MEMBER OF THE MAJORITY PARTY IN THE HOUSE OF  
14 REPRESENTATIVES, APPOINTED BY THE SPEAKER OF THE HOUSE OF  
15 REPRESENTATIVES, WHO SHALL SERVE AS THE CHAIR; AND

16 (III) ONE MEMBER OF THE MINORITY PARTY IN THE SENATE,  
17 APPOINTED BY THE MINORITY LEADER OF THE SENATE, WHO SHALL SERVE  
18 AS THE VICE-CHAIR.

19 (b) LEGISLATIVE COUNCIL STAFF SHALL ASSIST THE OVERRIDE MILL  
20 LEVY MATCH WORKING GROUP IN FULFILLING ITS DUTIES REQUIRED  
21 PURSUANT TO THIS SECTION.

22 (3) (a) THE OVERRIDE MILL LEVY MATCH WORKING GROUP SHALL  
23 NOT SUBMIT BILL DRAFTS AS PART OF ITS RECOMMENDATIONS.

24 (b) MEETINGS OF THE OVERRIDE MILL LEVY MATCH WORKING  
25 GROUP ARE SUBJECT TO THE OPEN MEETINGS PROVISIONS CONTAINED IN  
26 PART 4 OF ARTICLE 6 OF TITLE 24. EXCEPT AS OTHERWISE PROVIDED IN  
27 PART 2 OF ARTICLE 72 OF TITLE 24, OR OTHER APPLICABLE STATE OR



1 FEDERAL LAW, RECORDS OF THE OVERRIDE MILL LEVY MATCH WORKING  
2 GROUP ARE SUBJECT TO PART 2 OF ARTICLE 72 OF TITLE 24.

3 (4) THE OVERRIDE MILL LEVY MATCH WORKING GROUP MUST MEET  
4 AT LEAST THREE TIMES BUT NO MORE THAN FIVE TIMES DURING THE 2024  
5 LEGISLATIVE INTERIM, UNLESS ADDITIONAL MEETINGS ARE AUTHORIZED  
6 BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.

7 (5) ON OR BEFORE DECEMBER 31, 2024, THE OVERRIDE MILL LEVY  
8 MATCH WORKING GROUP SHALL SUBMIT A REPORT TO THE EXECUTIVE  
9 COMMITTEE OF THE LEGISLATIVE COUNCIL, THE EDUCATION COMMITTEES  
10 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR  
11 COMMITTEES, AND THE JOINT BUDGET COMMITTEE CONCERNING ITS  
12 RECOMMENDATIONS TO MODIFY THE OVERRIDE MILL LEVY MATCH.

13 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

14 **SECTION 20.** In Colorado Revised Statutes, 22-54-107.9,  
15 **amend** (3)(b)(II); and **repeal** (1)(l) as follows:

16 **22-54-107.9. Override mill levy match - calculation -**  
17 **distribution - fund created - definitions.** (1) As used in this section,  
18 unless the context otherwise requires:

19 (l) ~~"Total program" means the amount of total program funding~~  
20 ~~for a district calculated pursuant to section 22-54-104 (2) before~~  
21 ~~application of the budget stabilization factor.~~

22 (3) (b) If more than ten percent of a district's funded pupil count  
23 for the applicable budget year is attributable to the district's online pupil  
24 enrollment, the department shall calculate the district's adjusted total  
25 program as follows:

26 (II) The department shall subtract from the district's total program  
27 for the applicable budget year an amount equal to the district's reduced

1 online pupil enrollment, calculated pursuant to subsection (3)(b)(I) of this  
2 section, multiplied by the per pupil online funding amount for the  
3 applicable budget year as described in ~~section 22-54-104 (4.5)(c)(II)~~  
4 ~~before application of the budget stabilization factor~~ THIS ARTICLE 54.

5 **SECTION 21.** In Colorado Revised Statutes, 22-54-108, **amend**  
6 (1), (2), (3)(a), (3)(b)(I), (3)(b)(II), (3)(b)(III), (3)(b)(IV)(A),  
7 (3)(b)(IV)(B), and (5)(b); and **add** (3)(b)(VI) as follows:

8 **22-54-108. Authorization of additional local revenues -**  
9 **definitions.** (1) Effective July 1, 1994, a district which desires to raise  
10 and expend local property tax revenues in excess of the district's total  
11 program ~~as determined in accordance with section 22-54-104~~ may submit  
12 the question of whether the district should be authorized to raise and  
13 expend additional local property tax revenues, subject to the limitations  
14 of subsection (3) of this section, thereby authorizing an additional levy in  
15 excess of the levy authorized under section 22-54-106 for the district's  
16 general fund for the then current budget year and each budget year  
17 thereafter. The question authorized by this subsection (1) ~~shall~~ MUST be  
18 submitted at an election held in accordance with section 20 of article X  
19 of the state constitution and title 1. ~~C.R.S.~~

20 (2) Effective July 1, 1994, upon proper submittal to a district of  
21 a valid initiative petition, the district shall submit to the eligible electors  
22 of the district the question of whether the district should be authorized to  
23 raise and expend additional local property tax revenues in excess of the  
24 district's total program, ~~as determined in accordance with section~~  
25 ~~22-54-104~~, subject to the limitations of subsection (3) of this section,  
26 thereby authorizing an additional levy in excess of the levy authorized  
27 under section 22-54-106 for the district's general fund for the then current

1 budget year and each budget year thereafter. The question authorized by  
2 this subsection (2) ~~shall~~ MUST be submitted at an election held in  
3 accordance with section 20 of article X of the state constitution and title  
4 1. ~~C.R.S.~~ An initiative petition under this subsection (2) ~~shall~~ MUST be  
5 signed by at least five percent of the eligible electors in the district at the  
6 time the petition is filed.

7 (3) (a) Notwithstanding the provisions of section 20 of article X  
8 of the state constitution which allow districts to seek voter approval for  
9 spending and revenue increases, ~~the provisions of this subsection (3) shall~~  
10 ~~limit~~ LIMITS a district's authority to raise and expend local property tax  
11 revenues in excess of the district's total program. ~~as determined in~~  
12 ~~accordance with section 22-54-104.~~

13 (b) (I) Except as otherwise provided in subsections (3)(b)(II),  
14 (3)(b)(III), (3)(b)(IV), ~~and (3)(b)(V), AND (3)(b)(VI)~~ of this section, the  
15 total additional local property tax revenues that may be received pursuant  
16 to elections held pursuant to this section must not exceed under any  
17 circumstances twenty percent of the district's total program ~~as determined~~  
18 ~~pursuant to section 22-54-104 (2)~~ or two hundred thousand dollars,  
19 whichever is greater.

20 (II) (A) Effective July 1, 2002, ~~and subject to the provisions of~~  
21 ~~sub-subparagraph (B) of this subparagraph (H)~~, the total additional local  
22 property tax revenues that may be received pursuant to elections held  
23 pursuant to this section ~~shall~~ MUST not exceed under any circumstances  
24 twenty percent of the district's total program ~~as determined pursuant to~~  
25 ~~section 22-54-104 (2)~~ or two hundred thousand dollars, whichever is  
26 greater, plus an amount equal to the maximum dollar amount of property  
27 tax revenue that the district could have generated for the 2001-02 budget

1 year if, in accordance with the provisions of section 22-54-107.5, the  
2 district submitted a question to and received approval of the eligible  
3 electors of the district at an election held in November 2001.

4 (B) ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~  
5 ~~the purposes of this subparagraph (H), a district's total program shall be~~  
6 ~~the amount calculated pursuant to section 22-54-104 (2).~~

7 (III) (A) On and after May 21, 2009, ~~and subject to the provisions~~  
8 ~~of sub-subparagraph (B) of this subparagraph (H);~~ the total additional  
9 local property tax revenues that may be received pursuant to an election  
10 held pursuant to this section ~~shall~~ MUST not exceed under any  
11 circumstances twenty-five percent of the district's total program ~~as~~  
12 ~~determined pursuant to section 22-54-104 (2)~~ or two hundred thousand  
13 dollars, whichever is greater, plus an amount equal to the maximum dollar  
14 amount of property tax revenue that the district could have generated for  
15 the 2001-02 budget year if, in accordance with the provisions of section  
16 22-54-107.5, the district submitted a question to and received approval of  
17 the eligible electors of the district at an election held in November 2001.

18 (B) ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~  
19 ~~purposes of this subparagraph (H), a district's total program shall be the~~  
20 ~~amount calculated pursuant to section 22-54-104 (2).~~

21 (IV) (A) On and after May 22, 2015, ~~and subject to the provisions~~  
22 ~~of sub-subparagraph (B) of this subparagraph (IV);~~ the total additional  
23 local property tax revenues that a small rural district may receive pursuant  
24 to an election held pursuant to this section ~~shall~~ MUST not exceed under  
25 any circumstances thirty percent of the small rural district's total program  
26 ~~as determined pursuant to section 22-54-104 (2)~~ or two hundred thousand  
27 dollars, whichever is greater, plus an amount equal to the maximum dollar

1 amount of property tax revenue that the small rural district could have  
2 generated for the 2001-02 budget year if, in accordance with the  
3 provisions of section 22-54-107.5, the small rural district submitted a  
4 question to and received approval of the eligible electors of the district at  
5 an election held in November 2001.

6 (B) ~~Regardless of the applicability of section 22-54-104(5)(g), for~~  
7 ~~purposes of this subparagraph (IV), a small rural district's total program~~  
8 ~~is the amount calculated pursuant to section 22-54-104(2).~~

9 (VI) (A) ON OR AFTER JULY 1, 2024, THE TOTAL ADDITIONAL  
10 LOCAL PROPERTY TAX REVENUES THAT A DISTRICT OR SMALL RURAL  
11 DISTRICT MAY RECEIVE PURSUANT TO AN ELECTION HELD PURSUANT TO  
12 THIS SECTION MUST NOT EXCEED UNDER ANY CIRCUMSTANCE: THE  
13 AMOUNT DETERMINED PURSUANT TO SUBSECTION (3)(b)(V) OF THIS  
14 SECTION FOR THE 2023-24 BUDGET YEAR, OR THE AMOUNT DETERMINED  
15 PURSUANT TO (3)(b)(VI)(B) OF THIS SECTION, WHICHEVER IS GREATER.

16 (B) FOR THE 2024-25 BUDGET YEAR THE DEPARTMENT OF  
17 EDUCATION, IN CONSULTATION WITH LEGISLATIVE COUNSEL STAFF, SHALL  
18 COMPARE EACH DISTRICT'S COST OF LIVING FACTOR FOR THE 2024-25  
19 BUDGET YEAR TO EACH DISTRICT'S COST OF LIVING FACTOR CALCULATED  
20 PURSUANT TO SECTION 22-54-103.5. IF THE DISTRICT'S COST OF LIVING  
21 FACTOR PURSUANT TO SECTION 22-54-103.5 IS LESS THAN THE DISTRICT'S  
22 COST OF LIVING FACTOR IN THE 2024-25 BUDGET YEAR, THE DEPARTMENT  
23 OF EDUCATION SHALL DETERMINE THE DOLLAR AMOUNT DIFFERENCE  
24 BETWEEN THE DISTRICT'S COST OF LIVING FACTOR CALCULATED PURSUANT  
25 TO SECTION 22-54-103.5 AND THE 2024-25 BUDGET YEAR, DIVIDE THAT  
26 DOLLAR AMOUNT DIFFERENCE BY THE DISTRICT'S TOTAL PROGRAM FOR  
27 THE 2024-25 BUDGET YEAR, AND ADD THAT PERCENTAGE TO THE

1 DISTRICT'S MILL LEVY OVERRIDE CAP FOR THE 2023-24 BUDGET YEAR.

2 (C) THE DEPARTMENT OF EDUCATION SHALL MAKE  
3 DETERMINATIONS PURSUANT TO SUBSECTION (3)(b)(VI)(B) OF THIS  
4 SECTION AFTER IT MAKES MID-YEAR REVISIONS TO REPLACE PROJECTIONS  
5 WITH ACTUAL FIGURES WHEN DETERMINING EACH DISTRICT'S TOTAL  
6 PROGRAM FOR THE 2024-25 BUDGET YEAR.

7 (5) As used in this section, unless the context otherwise requires:

8 (b) "Total program", on and after July 1, 2023, means a district's  
9 or small rural district's total program ~~calculated pursuant to section~~  
10 ~~22-54-104 (2), before application of the budget stabilization factor~~  
11 ~~pursuant to section 22-54-104 (5)(g)~~ plus the amount the district or small  
12 rural district receives for students enrolled through the Colorado universal  
13 preschool program pursuant to part 2 of article 4 of title 26.5.

14 **SECTION 22.** In Colorado Revised Statutes, 22-54-108.5,  
15 **amend** (1)(a), (1)(b), and (1)(e) as follows:

16 **22-54-108.5. Authorization of additional local revenues for**  
17 **full-day kindergarten - definitions.** (1) (a) Notwithstanding any law to  
18 the contrary, effective July 1, 2007, any district that chooses to raise and  
19 expend local property tax revenues in excess of the district's total  
20 program, ~~as determined in accordance with section 22-54-104,~~ and in  
21 addition to any property tax revenues levied pursuant to sections  
22 22-54-107 and 22-54-108, may submit the question of whether the district  
23 should be authorized to raise and expend additional local property tax  
24 revenues, thereby authorizing an additional levy in excess of the levy  
25 authorized under sections 22-54-106, 22-54-107, and 22-54-108, to  
26 provide funding for excess full-day kindergarten program costs in the  
27 district for the then-current budget year and each budget year thereafter.

1 The question authorized by this ~~paragraph (a)~~ SUBSECTION (1)(a) may also  
2 include a question of whether to impose an additional mill levy of a stated  
3 amount and limited duration to meet the initial capital construction needs  
4 of the district associated with the establishment of a full-day kindergarten  
5 program. If a mill levy for capital construction needs associated with the  
6 district's full-day kindergarten program is approved for more than one  
7 year, the board of education of the district may, without calling an  
8 election, decrease the amount or duration of the mill levy in subsequent  
9 years. The questions authorized by this ~~paragraph (a)~~ shall SUBSECTION  
10 (1)(a) MUST be submitted at an election held in accordance with section  
11 20 of article X of the state constitution and title 1. ~~C.R.S.~~

12 (b) Notwithstanding any law to the contrary, effective July 1,  
13 2007, upon proper submittal to a district of a valid initiative petition, the  
14 district shall submit to the eligible electors of the district the question of  
15 whether the district should be authorized to raise and expend additional  
16 local property tax revenues in excess of the district's total program, ~~as~~  
17 ~~determined in accordance with section 22-54-104~~ and in addition to any  
18 property tax revenues levied pursuant to sections 22-54-107 and  
19 22-54-108, thereby authorizing an additional levy in excess of the levy  
20 authorized under sections 22-54-106, 22-54-107, and 22-54-108, to  
21 provide funding for excess full-day kindergarten program costs in the  
22 district for the then-current budget year and each budget year thereafter.  
23 The question authorized by this ~~paragraph (b)~~ SUBSECTION (1)(b) may  
24 also include a question of whether to impose an additional mill levy of a  
25 stated amount and limited duration to meet the initial capital construction  
26 needs of the district associated with the establishment of a full-day  
27 kindergarten program. If a mill levy for capital construction needs

1 associated with the district's full-day kindergarten program is approved  
2 for more than one year, the board of education of the district may, without  
3 calling an election, decrease the amount or duration of the mill levy in  
4 subsequent years. The questions authorized by this ~~paragraph (b) shall~~  
5 SUBSECTION (1)(b) MUST be submitted at an election held in accordance  
6 with section 20 of article X of the state constitution and title 1. ~~C.R.S.~~ An  
7 initiative petition under this ~~paragraph (b) shall~~ SUBSECTION (1)(b) MUST  
8 be signed by at least five percent of the eligible electors in the district at  
9 the time the petition is filed.

10 (e) Notwithstanding the provisions of section 20 of article X of  
11 the state constitution that allow districts to seek voter approval for  
12 spending and revenue increases, the provisions of this subsection (1) ~~shall~~  
13 limit a district's authority to raise and expend local property tax revenues  
14 in excess of the district's total program. ~~as determined in accordance with~~  
15 ~~section 22-54-104.~~

16 **SECTION 23.** In Colorado Revised Statutes, 22-54-108.7,  
17 **amend** (1)(a) as follows:

18 **22-54-108.7. Authorization of additional local revenues for**  
19 **cash funding of capital construction, new technology, existing**  
20 **technology upgrade, and maintenance needs - definition.**

21 (1) (a) Notwithstanding any law to the contrary, any district that chooses  
22 to raise and expend local property tax revenue in excess of the district's  
23 total program, ~~as determined in accordance with section 22-54-104,~~ and  
24 in addition to any revenue generated by property tax levied pursuant to  
25 sections 22-54-106, 22-54-107, 22-54-107.5, 22-54-108, and  
26 22-54-108.5, may submit the question of whether the district should be  
27 authorized to raise and expend additional local property tax revenue,



1 thereby authorizing an additional levy in excess of the levy authorized  
2 under sections 22-54-106, 22-54-107, and 22-54-108, to provide ongoing  
3 cash funding for the capital construction, new technology, existing  
4 technology upgrade, and maintenance needs of the district. A question  
5 authorized by this ~~paragraph (a)~~ SUBSECTION (1)(a) must be submitted at  
6 an election held in accordance with section 20 of article X of the state  
7 constitution and title 1. ~~C.R.S.~~

8 **SECTION 24.** In Colorado Revised Statutes, 22-54-122, **amend**  
9 (2) as follows:

10 **22-54-122. Small attendance center aid.** (2) (a) A district  
11 meeting the eligibility requirements of subsection (1) of this section ~~shall~~  
12 ~~be~~ IS eligible to receive aid for each small attendance center as calculated  
13 by: Multiplying the pupil enrollment of the small attendance center by an  
14 amount equal to thirty-five percent of the difference between the district  
15 per pupil funding ~~as calculated pursuant to section 22-54-104~~, and the  
16 district per pupil funding, ~~as calculated pursuant to section 22-54-104~~  
17 except using the size factor calculated using the funded pupil count of the  
18 small attendance center; and then multiplying ~~such~~ THE amount by the  
19 percentage determined by dividing the difference between two hundred  
20 and the funded pupil count of the small attendance center by two hundred.

21 (b) An institute charter school meeting the eligibility requirements  
22 of subsection (1.5) of this section ~~shall be~~ IS eligible to receive aid as a  
23 small attendance center as calculated by: Multiplying the pupil enrollment  
24 of the institute charter school by an amount equal to thirty-five percent of  
25 the difference between the district per pupil funding of the institute  
26 charter school's accounting district ~~as calculated pursuant to section~~  
27 ~~22-54-104~~ and ~~such~~ THE district per pupil funding, ~~as calculated pursuant~~

1 to ~~section 22-54-104~~, except using the size factor calculated using the  
2 pupil enrollment of the institute charter school, and then multiplying such  
3 amount by the percentage determined by dividing the difference between  
4 two hundred and the pupil enrollment of the institute charter school by  
5 two hundred.

6 **SECTION 25.** In Colorado Revised Statutes, 22-54-129, **amend**  
7 (1)(g) as follows:

8 **22-54-129. Facility school funding - legislative declaration -**  
9 **definitions.** (1) As used in this section, unless the context otherwise  
10 requires:

11 (g) "Statewide base per pupil funding" means the amount annually  
12 specified in ~~section 22-54-104 (5)(a)~~ THIS ARTICLE 54.

13 **SECTION 26.** In Colorado Revised Statutes, 19-1-115.5, **amend**  
14 (1)(a)(I) as follows:

15 **19-1-115.5. Placement of children out of home - legislative**  
16 **declaration.** (1) (a) (I) The general assembly hereby finds that the  
17 number of children in out-of-home placement has increased significantly.  
18 The general assembly further finds that the facility in which a child is  
19 placed out of home is often not located in the same school district as the  
20 child's school district of residence. Nevertheless, the general assembly  
21 finds that, ~~under the provisions of~~ PURSUANT TO the "Public School  
22 Finance Act of ~~1994~~ 2025", article 54 of title 22, ~~C.R.S.~~ children in foster  
23 home placement are considered residents of the school district in which  
24 the foster home is located. Accordingly, the school district in which the  
25 child is placed must accommodate the child and provide the child with the  
26 necessary educational services that serve the child's best interests while  
27 absorbing the costs associated with such services within the constraints

1 of the school district's existing budget. The general assembly finds that in  
2 many circumstances it is not possible to meet the best interests of the  
3 child in out-of-home placement and the needs of other children enrolled  
4 in the school district within the confines of the district's budget.

5 **SECTION 27.** In Colorado Revised Statutes, 22-1-122, **amend**  
6 (6)(b) as follows:

7 **22-1-122. Transportation token program - legislative**  
8 **declaration - eligibility - fund.** (6) (b) ~~So long as~~ IF an eligible student  
9 is enrolled before the pupil enrollment count day, the parent or legal  
10 guardian of an eligible student may choose to enroll the eligible student  
11 in and transport the eligible student to a public school in another school  
12 district that has available space. ~~Such~~ THE school district shall enroll the  
13 eligible student and include the eligible student in the district's pupil  
14 enrollment for purposes of the "Public School Finance Act of ~~1994~~ 2025".

15 **SECTION 28.** In Colorado Revised Statutes, 22-2-117, **amend**  
16 (1)(b)(I) and (1)(d) as follows:

17 **22-2-117. Additional power - state board - waiver of**  
18 **requirements - rules.** (1) (b) The state board shall not waive any of the  
19 requirements specified in any of the following statutory provisions:

20 (I) The "Public School Finance Act of ~~1994~~ 2025", article 54 of  
21 this ~~title~~ TITLE 22;

22 (d) In addition to any requirements for a waiver application that  
23 are specified in this subsection (1), any application submitted by a school  
24 district that has a funded pupil count, as ~~defined in section 22-54-103 (7)~~  
25 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22, of three  
26 thousand or more pupils shall demonstrate that ~~such~~ THE application has  
27 the consent of a majority of the appropriate accountability committee, a

1 majority of the affected licensed administrators, and a majority of the  
2 teachers of the affected school or district.

3 **SECTION 29.** In Colorado Revised Statutes, 22-30-105, **amend**  
4 (1) introductory portion and (1)(b) as follows:

5 **22-30-105. Activation of the school district organization**  
6 **planning process.** (1) The appointment of a school organization  
7 planning committee charged to study school district organization ~~shall~~  
8 MUST occur when the commissioner is notified that any of the following  
9 conditions exist:

10 (b) A petition committee, as defined in section 22-30-103 (10),  
11 presents a petition to the commissioner and to the county clerk and  
12 recorder of each county in which the headquarters of a school district that  
13 will be affected by the actions of a planning committee are located  
14 requesting the appointment of a school organization planning committee.  
15 ~~Such~~ THE petition ~~shall~~ MUST contain a statement indicating the school  
16 districts ~~to be~~ involved. If only one school district is involved, the petition  
17 ~~shall~~ MUST be signed by fifteen percent of that school district's eligible  
18 electors. If multiple school districts are involved, the petition ~~shall~~ MUST  
19 be signed by fifteen percent of the eligible electors in each involved  
20 school district; except that, if the petition requests only consideration of  
21 detachment and annexation, the petition ~~shall~~ MUST be signed by  
22 twenty-five percent of the eligible electors residing in the area to be  
23 detached and annexed. If multiple school districts are involved, the  
24 petition does not request consideration of a detachment and annexation,  
25 and the pupil enrollment of a school district for purposes of the "Public  
26 School Finance Act of ~~1994~~ 2025" is greater than thirty thousand pupils,  
27 the petition ~~shall~~ MUST be signed by five percent of the eligible electors

1 in that school district. ~~Such petitions shall be~~ A PETITION IS deemed  
2 sufficient by the county clerk and recorder in the county of each involved  
3 school district. Only one ~~such~~ petition may be presented to the  
4 commissioner and the county clerk and recorder in the county of each  
5 involved school district in any three consecutive calendar years.

6 **SECTION 30.** In Colorado Revised Statutes, 22-30-114, **amend**  
7 (1)(k) as follows:

8 **22-30-114. Requirements for plan of organization.** (1) The  
9 plan of organization must include, but need not be limited to,  
10 consideration of the following:

11 (k) If the plan of organization results in the creation of a new  
12 school district, a source of operating funds to be used by the new school  
13 district prior to receiving the state share of the total district program  
14 pursuant to the "Public School Finance Act of ~~1994~~ 2025", article 54 of  
15 this ~~title~~ TITLE 22, on July 1 of the new school district's first budget year.

16 **SECTION 31.** In Colorado Revised Statutes, **amend** 22-30-120.5  
17 as follows:

18 **22-30-120.5. Effective date for purposes of school finance.**  
19 Notwithstanding the provisions of section 22-30-120, for purposes of  
20 determining funding ~~under~~ PURSUANT TO the "Public School Finance Act  
21 of ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22, any plan of organization  
22 approved at a special school district organization election ~~shall~~ MUST take  
23 effect on the next July 1 following certification of the election results.

24 **SECTION 32.** In Colorado Revised Statutes, 22-30-129, **amend**  
25 (7) as follows:

26 **22-30-129. Dissolution and annexation - exemptions from the**  
27 **school district organization planning process.** (7) The dissolution and

1 annexation of a school district is effective for all purposes on the date  
2 specified in the final plan of organization; except that, for purposes of  
3 determining funding pursuant to the "Public School Finance Act of ~~1994~~  
4 2025", article 54 of this title 22, a final plan of organization approved by  
5 the affected local school boards pursuant to this section takes effect on  
6 the next July 1 following submission of the map and legal description of  
7 the annexing school districts to the commissioner pursuant to subsection  
8 (6) of this section. The annexing school districts continue as bodies  
9 corporate in the same manner as before approval of the organization plan.

10 **SECTION 33.** In Colorado Revised Statutes, 22-30.5-103,  
11 **amend** (6.5) as follows:

12 **22-30.5-103. Definitions.** As used in this part 1, unless the  
13 context otherwise requires:

14 (6.5) "Private school" means a primary or secondary educational  
15 institution for students in kindergarten through twelfth grade or any  
16 portion thereof that may or may not have attained nonprofit status, that  
17 does not receive state funding through the "Public School Finance Act of  
18 ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22, and that is supported in whole  
19 or in part by tuition payments or private donations.

20 **SECTION 34.** In Colorado Revised Statutes, 22-30.5-104,  
21 **amend** (6)(a) and (6)(c)(IV) as follows:

22 **22-30.5-104. Charter school - requirements - authority - rules**  
23 **- definitions.** (6) (a) Pursuant to contract, a charter school may operate  
24 free from specified school district policies and free from state rules ~~as~~  
25 ~~provided in paragraph (b) of this subsection (6)~~ PURSUANT TO  
26 SUBSECTION (6)(b) OF THIS SECTION. Pursuant to contract, a local board  
27 of education may waive locally imposed school district requirements,

1 without seeking approval of the state board; except that a charter school  
2 shall not, by contract or otherwise, operate free of the requirements  
3 contained in the "Public School Finance Act of ~~1994~~ 2025", article 54 of  
4 this ~~title~~ TITLE 22, the requirements specified in part 4 of article 11 of this  
5 ~~title~~ TITLE 22 concerning school accountability committees, or the  
6 requirements contained in the "Children's Internet Protection Act", article  
7 87 of this ~~title~~ TITLE 22.

8 (c) A school district, on behalf of a charter school, may apply to  
9 the state board for a waiver of a state statute or state rule that is not an  
10 automatic waiver. Notwithstanding any provision of this subsection (6)  
11 to the contrary, the state board may not waive any statute or rule relating  
12 to:

13 (IV) The "Public School Finance Act of ~~1994~~ 2025", article 54 of  
14 this title 22;

15 **SECTION 35.** In Colorado Revised Statutes, 22-30.5-112,  
16 **amend** (1)(a)(II), (2)(a.5)(II), (2)(a.5)(II.5), and (2)(e)(II)(B) as follows:

17 **22-30.5-112. Charter schools - financing - guidelines -**  
18 **definitions.** (1) (a) (II) ~~On and after July 1, 2023,~~ For purposes of the  
19 "Public School Finance Act of ~~1994~~ 2025", article 54 of this title 22,  
20 pupils enrolled in a charter school are included in the pupil enrollment or  
21 the online pupil enrollment, whichever is applicable, of the school district  
22 that granted its charter. The school district that granted its charter shall  
23 report to the department the number of pupils included in the school  
24 district's pupil enrollment and the school district's online pupil enrollment  
25 that are actually enrolled in each charter school.

26 (2) (a.5) As used in this subsection (2):

27 (II) "District per pupil revenues" means the district's total program

1 as defined in section 22-54-103 (6) for any budget year divided by the  
2 district's funded pupil count as ~~defined in section 22-54-103 (7) for said~~  
3 DETERMINED BY ARTICLE 54 OF THIS TITLE 22 FOR THE APPLICABLE budget  
4 year.

5 (II.5) "District per pupil online funding" means a school district's  
6 online funding, as ~~specified in section 22-54-104 (4.5)~~ DETERMINED BY  
7 ARTICLE 54 OF THIS TITLE 22, divided by the district's online pupil  
8 enrollment for any budget year.

9 (2) (e) (II) (B) Notwithstanding the provisions of subsection  
10 (2)(e)(II)(A) of this section, ~~to the contrary~~ if the general assembly  
11 amends the "Public School Finance Act of ~~1994~~ 2025", article 54 of this  
12 title 22, to count a student enrolled in kindergarten only as a half-day  
13 pupil, with or without the addition of supplemental kindergarten  
14 enrollment as defined in section 22-54-103 (15) for purposes of  
15 calculating the funded pupil count as ~~defined in section 22-54-103 (7)~~  
16 DETERMINED BY ARTICLE 54 OF THIS TITLE 22, a charter school may charge  
17 the student's parents tuition or a fee for the portion of the school day for  
18 which it does not receive funding for the student pursuant to the "Public  
19 School Finance Act of ~~1994~~ 2025"; except that the amount of tuition or  
20 fee charged ~~shall~~ MUST not exceed the amount of tuition or fee that the  
21 charter school charged to attend a full-day kindergarten educational  
22 program for the 2018-19 budget year, adjusted for inflation and prorated  
23 by the percentage of the school day for which the student is no longer  
24 funded by the "Public School Finance Act of ~~1994~~ 2025". As used in this  
25 subsection (2)(e)(II)(B), "inflation" means the annual percentage change  
26 in the United States department of labor bureau of labor statistics  
27 consumer price index for Denver-Aurora-Lakewood for all items paid by



1 all urban consumers, or its applicable successor index.

2 **SECTION 36.** In Colorado Revised Statutes, 22-30.5-112.1,  
3 **amend** (1)(b), (1)(g), (1)(i), and (1)(j.2) as follows:

4 **22-30.5-112.1. Charter schools - exclusive jurisdiction districts**  
5 **- authorized on or after July 1, 2004 - financing - definitions.** (1) As  
6 used in this section, unless the context otherwise requires:

7 (b) "At-risk funding" means the amount of funding determined in  
8 accordance with the ~~formulas described in section 22-54-104 (4)~~  
9 APPLICABLE AT-RISK FUNDING FORMULA PURSUANT TO ARTICLE 54 OF THIS  
10 TITLE 22.

11 (g) "District funded pupil count" ~~shall have the same meaning as~~  
12 ~~provided in section 22-54-103 (7)~~ MEANS THE FUNDED PUPIL COUNT  
13 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

14 (i) "District per pupil online funding" means a school district's  
15 online funding, ~~as specified in section 22-54-104 (4.5)~~ AS DETERMINED  
16 IN ARTICLE 54 OF THIS TITLE 22, divided by the district's online pupil  
17 enrollment for any budget year.

18 (j.2) "English language learner funding" means the amount of  
19 funding determined in accordance with the ~~formula described in section~~  
20 ~~22-54-104 (4.3)~~ APPLICABLE ENGLISH LANGUAGE LEARNER FUNDING  
21 FORMULA PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

22 **SECTION 37.** In Colorado Revised Statutes, 22-30.5-507,  
23 **amend** (7)(b)(IV) as follows:

24 **22-30.5-507. Institute charter school - requirements -**  
25 **authority - rules - definitions.** (7) (b) An institute charter school may  
26 apply to the state board, through the institute, for a waiver of state statutes  
27 and state rules that are not automatic waivers. The state board may waive

1 state statutory requirements or rules promulgated by the state board;  
2 except that the state board may not waive any statute or rule relating to:

3 (IV) The provisions of the "Public School Finance Act of ~~1994~~  
4 2025", article 54 of this title 22;

5 **SECTION 38.** In Colorado Revised Statutes, 22-30.5-513,  
6 **amend** (1)(c), (1)(d.2), (1)(e), (1)(g), (2)(e)(II), and (3)(b) as follows:

7 **22-30.5-513. Institute charter schools - funding - at-risk**  
8 **supplemental aid - legislative declaration - definitions.** (1) As used in  
9 this section, unless the context otherwise requires:

10 (c) "Accounting district's at-risk funding" means the amount of  
11 funding for at-risk pupils in the accounting district determined in  
12 accordance with the ~~formulas~~ APPLICABLE AT-RISK FUNDING FORMULA  
13 described ~~in section 22-54-104 (4)~~ PURSUANT TO ARTICLE 54 OF THIS  
14 TITLE 22.

15 (d.2) "Accounting district's English language learner funding"  
16 means the amount of funding for English language learner pupils in the  
17 accounting district determined in accordance with the APPLICABLE  
18 ENGLISH LANGUAGE LEARNER FUNDING formula described ~~in section~~  
19 ~~22-54-104 (4.3)~~ PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

20 (e) "Accounting district's funded pupil count" ~~shall have the same~~  
21 ~~meaning as the term "district funded pupil count" defined in section~~  
22 ~~22-54-103 (7)~~ MEANS THE FUNDED PUPIL COUNT DETERMINED PURSUANT  
23 TO ARTICLE 54 OF THIS TITLE 22.

24 (g) "Accounting district's per pupil online funding" means THE  
25 online funding ~~as specified in section 22-54-104 (4.5)~~, FORMULA  
26 DESCRIBED PURSUANT TO ARTICLE 54 OF THIS TITLE 22 for any budget year  
27 divided by the online pupil enrollment.

1 (2) (e) (II) Notwithstanding the provisions of subsection (2)(e)(I)  
2 of this section to the contrary, if the general assembly amends the "Public  
3 School Finance Act of ~~1994~~ 2025", article 54 of this title 22, to count a  
4 student enrolled in kindergarten only as a half-day pupil, with or without  
5 the addition of supplemental kindergarten enrollment as defined in  
6 section 22-54-103 (15) for purposes of calculating the funded pupil count  
7 as ~~defined in section 22-54-103 (7)~~ DETERMINED PURSUANT TO ARTICLE  
8 54 OF THIS TITLE 22, an institute charter school may charge the student's  
9 parents tuition or a fee for the portion of the school day for which it does  
10 not receive funding for the student pursuant to the "Public School Finance  
11 Act of ~~1994~~ 2025"; except that the amount of tuition or fee charged ~~shall~~  
12 MUST not exceed the amount of tuition or fee that the institute charter  
13 school charged to attend a full-day kindergarten educational program for  
14 the 2018-19 budget year, adjusted for inflation and prorated by the  
15 percentage of the school day for which the student is no longer funded by  
16 the "Public School Finance Act of ~~1994~~ 2025". As used in this subsection  
17 (2)(e)(II), "inflation" means the annual percentage change in the United  
18 States department of labor bureau of labor statistics consumer price index  
19 for Denver-Aurora-Lakewood for all items paid by all urban consumers,  
20 or its applicable successor index.

21 (3) (b) For purposes of the "Public School Finance Act of ~~1994~~  
22 2025", article 54 of this ~~title~~ TITLE 22, the department shall add the pupils  
23 enrolled in an institute charter school to the funded pupil count and the  
24 online pupil enrollment of the institute charter school's accounting  
25 district.

26 **SECTION 39.** In Colorado Revised Statutes, 22-30.5-513.1,  
27 **amend** (2)(b) as follows:

1           **22-30.5-513.1. Mill levy equalization - fund created -**  
2 **legislative declaration - definitions.** (2) (b) The institute shall annually  
3 distribute the money appropriated or transferred to the fund to the  
4 institute charter schools on an equal per-pupil basis; except that, in any  
5 budget year, an institute charter school ~~shall~~ MUST not receive a per pupil  
6 amount that is greater than the total amount of additional mill levy  
7 revenue, as defined in section 22-32-108.5, that the accounting district for  
8 the institute charter school is authorized to collect, divided by the funded  
9 pupil count, as ~~defined in section 22-54-103~~ DETERMINED PURSUANT TO  
10 ARTICLE 54 OF THIS TITLE 22, of the accounting district for the applicable  
11 budget year. The money distributed pursuant to this section is in addition  
12 to money distributed to institute charter schools pursuant to section  
13 22-30.5-513. The institute has continuous spending authority over all  
14 interest and income in the fund.

15           **SECTION 40.** In Colorado Revised Statutes, 22-30.7-107,  
16 **amend** (2) introductory portion and (2)(b) as follows:

17           **22-30.7-107. Funding.** (2) ~~For the 2008-09 budget year, and for~~  
18 ~~each budget year thereafter,~~ For purposes of determining total program  
19 funding pursuant to article 54 of this ~~title~~ TITLE 22:

20           (b) (I) A school district that is providing a multi-district online  
21 school, or a school district in which a district charter school is providing  
22 a multi-district online school, shall include each student who is enrolled  
23 in the multi-district online school as of the pupil enrollment count day of  
24 the applicable budget year in the school district's online pupil enrollment  
25 for the applicable budget year and ~~shall~~ MUST receive online funding as  
26 specified in ~~section 22-54-104 (4.5)~~ ARTICLE 54 OF THIS TITLE 22.

27           (II) An institute charter school that is providing a multi-district

1 online school shall include each student who is enrolled in the  
2 multi-district online school as of the pupil enrollment count day of the  
3 applicable budget year in the institute charter school's online enrollment  
4 for the applicable budget year and ~~shall~~ MUST receive online funding as  
5 specified in ~~section 22-54-104 (4.5)~~ ARTICLE 54 OF THIS TITLE 22.

6 **SECTION 41.** In Colorado Revised Statutes, 22-32-108.5,  
7 **amend** (2)(g) as follows:

8 **22-32-108.5. Board of education - distribution of additional**  
9 **mill levy revenue - legislative declaration - definitions.** (2) As used in  
10 this section, unless the context otherwise requires:

11 (g) "Per pupil mill levy share" means an amount equal to the total  
12 amount of additional mill levy revenue that a participating school district  
13 collects for a budget year divided by the school district's funded pupil  
14 count, as ~~defined in section 22-54-103~~ DETERMINED PURSUANT TO  
15 ARTICLE 54 OF THIS TITLE 22, for that budget year.

16 **SECTION 42.** In Colorado Revised Statutes, 22-32-119, **amend**  
17 (1)(b) as follows:

18 **22-32-119. Kindergartens - definition.** (1)(b) Notwithstanding  
19 the provisions of subsection (1)(a) of this section to the contrary, if the  
20 general assembly amends the "Public School Finance Act of ~~1994~~ 2025",  
21 article 54 of this title 22, to count a student enrolled in kindergarten only  
22 as a half-day pupil, with or without the addition of supplemental  
23 kindergarten enrollment as defined in section 22-54-103 (15) for purposes  
24 of calculating the funded pupil count as ~~defined in section 22-54-103 (7)~~  
25 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22, a school district  
26 may charge the student's parents tuition or a fee for the portion of the  
27 school day for which it does not receive funding for the student pursuant

1 to the "Public School Finance Act of ~~1994~~ 2025"; except that the amount  
2 of tuition or fee charged ~~shall~~ MUST not exceed the amount of tuition or  
3 fee that the school district charged to attend a full-day kindergarten  
4 educational program for the 2018-19 budget year, adjusted for inflation  
5 and prorated by the percentage of the school day for which the student is  
6 no longer funded by the "Public School Finance Act of ~~1994~~ 2025". As  
7 used in this subsection (1)(b), "inflation" means the annual percentage  
8 change in the United States department of labor bureau of labor statistics  
9 consumer price index for Denver-Aurora-Lakewood for all items paid by  
10 all urban consumers, or its applicable successor index.

11 **SECTION 43.** In Colorado Revised Statutes, 22-32-141, **amend**  
12 (4)(a) as follows:

13 **22-32-141. Student awaiting trial as adult - educational**  
14 **services - definitions.** (4) (a) In any budget year in which a school  
15 district is providing educational services to a juvenile pursuant to this  
16 section on the pupil enrollment count day of ~~said~~ THE budget year, the  
17 school district may include the juvenile in its pupil enrollment, as defined  
18 in section 22-54-103 (10), for purposes of determining the school  
19 district's total program funding under the "Public School Finance Act of  
20 ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22.

21 **SECTION 44.** In Colorado Revised Statutes, 22-32.5-108,  
22 **amend** (3)(a) as follows:

23 **22-32.5-108. District of innovation - waiver of statutory and**  
24 **regulatory requirements.** (3) Designation as a district of innovation  
25 ~~shall~~ MUST not affect a school district's:

26 (a) Total program funding calculated pursuant to the "Public  
27 School Finance Act of ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22; or

1           **SECTION 45.** In Colorado Revised Statutes, 22-33-104.5,  
2 **amend** (6)(a) as follows:

3           **22-33-104.5. Home-based education - guidelines - legislative**  
4 **declaration - definitions.** (6) (a) If a child is participating in a nonpublic  
5 home-based educational program but also attending a public school for  
6 a portion of the school day, the school district of the public school ~~shall~~  
7 ~~be entitled to~~ MAY count ~~such~~ THE child in accordance with the provisions  
8 of section 22-54-103 (10) for purposes of determining pupil enrollment  
9 ~~under~~ PURSUANT TO the "Public School Finance Act of ~~1994~~ 2025",  
10 article 54 of this ~~title~~ TITLE 22.

11           **SECTION 46.** In Colorado Revised Statutes, 22-35-105, **amend**  
12 (2) introductory portion and (2)(a) as follows:

13           **22-35-105. Financial provisions - payment of tuition.** (2) If a  
14 qualified student concurrently enrolls in a course offered by an institution  
15 of higher education, the institution ~~shall be~~ IS responsible for course  
16 content, placement of the student in the course, and the quality of  
17 instruction. In addition, because the qualified student is receiving  
18 academic credit at ~~his or her~~ THE QUALIFIED STUDENT'S local education  
19 provider for the course pursuant to section 22-35-104 (5):

20           (a) The qualified student ~~shall be~~ IS included in the funded pupil  
21 count of ~~his or her~~ THE STUDENT'S school district or, in the case of a  
22 student enrolled in an institute charter school, of the school's accounting  
23 district, as determined pursuant to ~~the provisions of section 22-54-103 (7)~~  
24 ARTICLE 54 OF THIS TITLE 22; and

25           **SECTION 47.** In Colorado Revised Statutes, 22-35-108, **amend**  
26 (3) as follows:

27           **22-35-108. Accelerating students through concurrent**

1 **enrollment program - objectives - non-tuition expenses - rules.** (3) A  
2 local education provider may include each qualified student whom the  
3 local education provider designates to participate in the ASCENT  
4 program pursuant to this section in the district's funded pupil count, or,  
5 in the case of a qualified student enrolled in an institute charter school, in  
6 the funded pupil count of the school's accounting district, as ~~provided in~~  
7 ~~section 22-54-103 (7)~~ DETERMINED PURSUANT TO ARTICLE 54 OF THIS  
8 TITLE 22.

9 **SECTION 48.** In Colorado Revised Statutes, 22-35-108.5,  
10 **amend** (3)(a) and (3)(b) as follows:

11 **22-35-108.5. Teacher recruitment education and preparation**  
12 **(TREP) program - objectives - selection criteria - rules.** (3) (a) The  
13 local education provider that enrolls a qualified student who is designated  
14 by the department as a TREP program participant may include the student  
15 in the school district's funded pupil count, or, in the case of a student  
16 enrolled in an institute charter school, in the funded pupil count of the  
17 institute charter school's accounting district as ~~provided in section~~  
18 ~~22-54-103 (7)~~ DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

19 (b) A local education provider that receives extended high school  
20 funding, as described in ~~section 22-54-104 (4.7)~~ ARTICLE 54 OF THIS TITLE  
21 22, in a budget year for program participants may expend the funding on  
22 behalf of TREP program participants who enroll in an institution of  
23 higher education during that budget year and on behalf of the TREP  
24 program participants who, by May 1 of that budget year, are admitted to  
25 an institution of higher education to participate in the TREP program  
26 during the next budget year.

27 **SECTION 49.** In Colorado Revised Statutes, 22-35-111, **amend**



1 (2) as follows:

2 **22-35-111. Rules.** (2) ~~By July 1, 2020,~~ The state board shall  
3 adopt rules to specify the number of postsecondary credits in which a  
4 qualified student must be concurrently enrolled to qualify for full-time  
5 membership for purposes of the "Public School Finance Act of ~~1994~~  
6 2025", article 54 of this title 22.

7 **SECTION 50.** In Colorado Revised Statutes, 22-35.3-102,  
8 **amend** (8) as follows:

9 **22-35.3-102. Definitions.** As used in this article 35.3, unless the  
10 context otherwise requires:

11 (8) "Funded pupil count" ~~has the same meaning as provided in~~  
12 ~~section 22-54-103 (7)~~ MEANS THE FUNDED PUPIL COUNT AS DETERMINED  
13 PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

14 **SECTION 51.** In Colorado Revised Statutes, 22-35.3-104,  
15 **amend** (1)(a) as follows:

16 **22-35.3-104. P-tech schools - funding.** (1) (a) To calculate  
17 district total program pursuant to ~~section 22-54-104~~ ARTICLE 54 OF THIS  
18 TITLE 22, a school district that is approved to operate a p-tech school  
19 pursuant to section 22-35.3-103, including a p-tech school that is a district  
20 charter school, may include the students who are enrolled in grades nine  
21 through twelve in the p-tech school in the school district's pupil  
22 enrollment, as defined in section 22-54-103 (10), and may include the  
23 students who are enrolled in grades thirteen and fourteen in the p-tech  
24 school in the school district's district extended high school pupil  
25 enrollment.

26 **SECTION 52.** In Colorado Revised Statutes, 22-35.6-103,  
27 **amend** (1) as follows:

1           **22-35.6-103. High school innovative learning pilot program -**

2           **created - rules.** (1) There is created in the department the high school  
3 innovative learning pilot program to authorize full-time funding for  
4 students enrolled in grades nine through twelve in high schools operated  
5 by selected local education providers to enable the local education  
6 providers to provide innovative learning opportunities for high school  
7 students to support them in successful transitions from high school to  
8 postsecondary education or the workforce. The department shall  
9 administer the pilot program by reviewing applications and selecting the  
10 local education providers that propose an innovative learning plan that  
11 meets the requirements specified in section 22-35.6-104 and is designed  
12 to ensure that students enrolled in grades nine through twelve may  
13 participate in innovative learning opportunities before graduation. A local  
14 education provider that is selected to participate in the pilot program is  
15 authorized to count students who are enrolled in grades nine through  
16 twelve and are participating in innovative learning opportunities as  
17 full-time pupils for purposes of the "Public School Finance Act of ~~1994~~  
18 2025", article 54 of this title 22, regardless of the actual number of  
19 teacher-pupil instruction hours and teacher-pupil contact hours for each  
20 pupil.

21           **SECTION 53.** In Colorado Revised Statutes, 22-40-102, **amend**  
22 (1.7)(a) and (6)(a) as follows:

23           **22-40-102. Certification - tax revenues - repeal.** (1.7) (a) The  
24 board of education of any school district, at the regular biennial election  
25 for school district directors or on the dates authorized by section  
26 22-54-108 for elections for additional local property tax revenues under  
27 the "Public School Finance Act of ~~1994~~ 2025" shall submit to the eligible

1 electors of the district the question of whether to impose a mill levy for  
2 the payment of excess transportation costs. If a majority of the votes cast  
3 at ~~any such~~ THE election are in favor of the question, an additional mill  
4 levy ~~shall be~~ IS levied each year, and revenues received ~~therefrom shall~~  
5 MUST be deposited into the transportation fund of the district created in  
6 section 22-45-103 (1)(f).

7 (6) (a) Each school district, with ~~such~~ assistance as may be  
8 required from the department of education, shall inform the county  
9 treasurer for each county within the district's boundaries no later than  
10 December 15 of each year of ~~said~~ THE district's general fund mill levy in  
11 the absence of funds estimated to be received by ~~said~~ THE district  
12 pursuant to the "Public School Finance Act of ~~1994~~ 2025", article 54 of  
13 this title 22, and the estimated funds to be received for the general fund  
14 of the district from the state.

15 **SECTION 54.** In Colorado Revised Statutes, 22-43.7-201,  
16 **amend** (4)(a)(II)(A) as follows:

17 **22-43.7-201. Full-day kindergarten facility capital**  
18 **construction fund - creation - grants - definitions.** (4) (a) As used in  
19 this subsection (4), unless the context otherwise requires:

20 (II) "Equitable adjustment factor" means, with respect to both an  
21 applicant and a potential applicant that does not actually apply for a grant  
22 as authorized by this subsection (4), the sum of the applicant's:

23 (A) Size factor, as determined pursuant to ~~section 22-54-104~~  
24 ~~(5)(b)(1.5)~~ ARTICLE 54 OF THIS TITLE 22;

25 **SECTION 55.** In Colorado Revised Statutes, **amend** 22-52-107  
26 as follows:

27 **22-52-107. Funding of second chance program.** ~~It is the intent~~

1 of the general assembly that, after the initial appropriation made to the  
2 department of education for the fiscal year beginning July 1, 1985, The  
3 responsibilities and duties specified in this article shall MUST be  
4 performed by the department of education and the participating school  
5 districts through the funding available pursuant to the "Public School  
6 Finance Act of ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22.

7 **SECTION 56.** In Colorado Revised Statutes, 22-55-102, **amend**  
8 (14) and (18) as follows:

9 **22-55-102. Definitions.** As used in this article 55, unless the  
10 context otherwise requires:

11 (14) "Statewide base per pupil funding" means the amount  
12 specified for each budget year in ~~section 22-54-104 (5)(a)~~ ARTICLE 54 OF  
13 THIS TITLE 22.

14 (18) "Total program" or "total program education funding" means  
15 a district's total program as determined pursuant to ~~section 22-54-104 (1)~~  
16 ARTICLE 54 OF THIS TITLE 22.

17 **SECTION 57.** In Colorado Revised Statutes, 22-55-104, **amend**  
18 (3) introductory portion as follows:

19 **22-55-104. Procedures relating to state education fund**  
20 **revenue estimates - legislative declaration.** (3) ~~By February 1, 2002,~~  
21 ~~and by each February 1 thereafter,~~ ON OR BEFORE EACH FEBRUARY 1, the  
22 ~~staff of the~~ legislative council STAFF OF THE GENERAL ASSEMBLY, in  
23 consultation with the state auditor, the office of state planning and  
24 budgeting, the state treasurer, the department of education, and the joint  
25 budget committee, shall cause to be conducted a review of the model used  
26 to forecast revenues in and expenditures from the fund and the spending  
27 requirements of the "Public School Finance Act of ~~1994~~ 2025", article 54

1 of this ~~title~~ TITLE 22. Copies of the review ~~shall~~ MUST promptly be  
2 transmitted to the joint budget committee, and the office of state planning  
3 and budgeting, and the education committees of the senate and the house  
4 of representatives. The review ~~shall~~ MUST include, but need not be limited  
5 to, the following:

6 **SECTION 58.** In Colorado Revised Statutes, 22-55-106, **amend**  
7 (2) as follows:

8 **22-55-106. Statewide base per pupil funding - increases.**

9 (2) The general assembly may annually appropriate ~~moneys~~ MONEY in  
10 the state education fund, the general fund, any other state fund, or some  
11 combination thereof, as necessary in the sole discretion of the general  
12 assembly, to satisfy the requirements of subsection (1) of this section, and  
13 ~~such moneys shall~~ THE MONEY MUST be distributed to public school  
14 districts and the state charter school institute in accordance with the  
15 provisions of the "Public School Finance Act of ~~1994~~ 2025", article 54 of  
16 this ~~title~~ TITLE 22.

17 **SECTION 59.** In Colorado Revised Statutes, 24-77-104.5,  
18 **amend** (3)(a)(I) as follows:

19 **24-77-104.5. General fund exempt account - referendum C**  
20 **money - specification of uses for health care and education -**  
21 **definitions.** (3) (a) Funding for preschool through twelfth grade  
22 education, as used in ~~subparagraph (II) of paragraph (b) of subsection (1)~~  
23 SUBSECTION (1)(b)(II) of this section, ~~shall be~~ IS limited to funding for:

24 (I) Per-pupil funding for preschool through twelfth grade  
25 education through the "Public School Finance Act of ~~1994~~ 2025", article  
26 54 of title 22, ~~C.R.S.~~ or any successor act;

27 **SECTION 60.** In Colorado Revised Statutes, 25.5-10-206,

1 **amend as it will become effective July 1, 2024, (7)(b) as follows:**

2 **25.5-10-206. Authorized long-term services and supports -**  
3 **conditions of funding - purchase of services and supports - adult**  
4 **protective services data system check - boards of county**  
5 **commissioners - appropriation.** (7) (b) Each school district shall pay  
6 to the case management agency purchasing programs attended by a  
7 student with an intellectual and developmental disability, who is  
8 domiciled in the school district and may be counted in the district's pupil  
9 enrollment, an amount at least equal to the district's per pupil revenues as  
10 determined pursuant to the "Public School Finance Act of ~~1994~~ 2025",  
11 article 54 of title 22. This subsection (7) applies to students who are less  
12 than twenty-two years of age.

13 **SECTION 61.** In Colorado Revised Statutes, 26.5-4-202, **amend**  
14 (2)(a)(I) as follows:

15 **26.5-4-202. Legislative declaration.** (2) (a) The general  
16 assembly further finds and declares that:

17 (I) In 2000, the voters approved section 17 of article IX of the  
18 state constitution, which requires the general assembly to annually  
19 increase, by at least the rate of inflation, the statewide base per pupil  
20 funding, as defined by the "~~Public School Finance Act of 1994~~", article  
21 54 of title 22, for public education from preschool through twelfth grade;

22 **SECTION 62.** In Colorado Revised Statutes, 26.5-4-208, **amend**  
23 (6)(b) as follows:

24 **26.5-4-208. Preschool provider funding - per-child rates - local**  
25 **contribution - distribution and use of money - definitions - repeal.**

26 (6) As used in this section, unless the context otherwise requires:

27 (b) "~~Funded pupil count~~" ~~has the same meaning as provided in~~

1 ~~section 22-54-103~~ MEANS THE FUNDED PUPIL COUNT AS DETERMINED  
2 PURSUANT TO ARTICLE 54 OF TITLE 22.

3 **SECTION 63.** In Colorado Revised Statutes, 34-63-102, **amend**  
4 (5.4) introductory portion and (5.4)(e)(III) as follows:

5 **34-63-102. Creation of mineral leasing fund - distribution -**  
6 **advisory committee - local government permanent fund created -**  
7 **transfer of money - definitions.** (5.4) Except as otherwise provided in  
8 subsection (5.5) of this section, on and after July 1, 2008, all ~~moneys~~  
9 MONEY other than bonus payments, as defined in ~~paragraph (b) of~~  
10 ~~subsection (5.3)~~ SUBSECTION (5.3)(b) of this section, credited to the  
11 mineral leasing fund created in ~~subparagraph (H) of paragraph (a) of~~  
12 ~~subsection (1)~~ SUBSECTION (1)(a)(II) of this section ~~shall~~ MUST be  
13 distributed on a quarterly basis for quarters beginning on July 1, October  
14 1, January 1, and April 1 of each state fiscal year as follows:

15 (e) (III) The executive director of the department of local affairs  
16 shall make the distributions required by ~~subparagraphs (I) and (H) of this~~  
17 ~~paragraph (e)~~ SUBSECTIONS (5)(e)(I) AND (5)(e)(II) OF THIS SECTION at the  
18 same time as the executive director makes distributions to counties  
19 pursuant to ~~paragraph (c) of this subsection (5.4)~~ SUBSECTION (5.4)(c) OF  
20 THIS SECTION, and the total amount of the distributions made to all school  
21 districts within a single county ~~shall~~ MUST be in proportion to the amount  
22 of the ~~moneys~~ MONEY distributed directly to the county pursuant to ~~said~~  
23 ~~paragraph (c)~~ SUBSECTION (5.4)(c) OF THIS SECTION. Where more than one  
24 school district exists within a county, the distribution to each school  
25 district ~~shall~~ MUST be the percentage that the most recent funded pupil  
26 count, as determined pursuant to the "Public School Finance Act of ~~1994~~  
27 2025", article 54 of title 22, ~~C.R.S.~~ for pupils enrolled in the county

1 attributable to that school district bears to the most recent total funded  
2 pupil count for all pupils attributable to the county.

3 **SECTION 64.** In Colorado Revised Statutes, 39-5-132, **amend**  
4 (5) as follows:

5 **39-5-132. Assessment and taxation of new construction.**  
6 (5) ~~Moneys~~ MONEY received by a school district pursuant to this section  
7 ~~shall~~ MUST be deposited in the district's capital reserve fund and ~~shall~~  
8 MUST not be included in calculating the amount of revenue ~~which~~ THAT  
9 a district is entitled to receive from the property tax levy for the general  
10 fund of the district under the "Public School Finance Act of ~~1994~~ 2025",  
11 article 54 of title 22. ~~C.R.S.~~

12 **SECTION 65.** In Colorado Revised Statutes, 39-10-103, **amend**  
13 (2) as follows:

14 **39-10-103. Tax statement - repeal.** (2) Each tax notice ~~shall~~  
15 MUST contain information regarding the actual school district general  
16 fund mill levy and the school district general fund mill levy in absence of  
17 funds estimated to be received by school districts pursuant to the "Public  
18 School Finance Act of ~~1994~~ 2025", article 54 of title 22, and the  
19 estimated funds to be received for the general funds of districts from the  
20 state.

21 **SECTION 66.** In Colorado Revised Statutes, 39-10-114, **amend**  
22 (1)(a)(I)(B) as follows:

23 **39-10-114. Abatement - cancellation of taxes.**  
24 (1) (a) (I) (B) The assessor shall certify the proportional amount of the  
25 total amount of abatements and refunds granted pursuant to the provisions  
26 of this section to the appropriate taxing entities at the same time ~~that~~ AS  
27 the certification of valuation for assessment ~~is made~~ pursuant to the



1 ~~provisions of~~ section 39-5-128. Any taxing entity may adjust the amount  
2 of its tax levy authorized pursuant to the provisions of section 29-1-301  
3 ~~C.R.S.~~ by an additional amount ~~which~~ THAT does not exceed the  
4 proportional share of the total amount of abatements and refunds made  
5 pursuant to ~~the provisions of~~ this section. After calculating the amount of  
6 property tax revenues necessary to satisfy the requirements of the "Public  
7 School Finance Act of ~~1994~~ 2025", article 54 of title 22, ~~C.R.S.~~ any  
8 school district shall add an amount equal to the proportional share of the  
9 total amount of abatements and refunds granted pursuant to the provisions  
10 of this section prior to the setting of the mill levy for such school district.  
11 Any additional amount added pursuant to the provisions of this subsection  
12 (1) ~~shall~~ MUST not be included in the total amount of revenue levied in  
13 ~~said~~ THE year for the purposes of computing the limit for the succeeding  
14 year pursuant to the provisions of section 29-1-301. ~~C.R.S. Where~~ WHEN  
15 a final determination is made granting an abatement or refund pursuant  
16 to the provisions of this section, the abatement or refund granted ~~shall~~  
17 MUST be payable at such time as determined by the board of county  
18 commissioners after consultation with affected taxing entities but no later  
19 than upon the payment of property taxes for the property tax year in  
20 which ~~said~~ THE final determination was made. For the purposes of this  
21 ~~sub-subparagraph (B)~~ SUBSECTION (1)(a)(I)(B), a taxing entity's  
22 proportional share of the total amount of abatements and refunds granted  
23 ~~shall~~ MUST be based upon the amount of tax levied by a taxing entity on  
24 ~~such~~ THE real property in proportion to the total amount of tax levied on  
25 ~~such~~ THE real property by such taxing entities.

26 **SECTION 67.** In Colorado Revised Statutes, 43-4-502, **amend**  
27 (2) as follows:

1           **43-4-502. Legislative declaration.** (2) It is further the intent of  
2 the general assembly that no provision of this part 5 ~~shall affect~~ AFFECTS  
3 the FORMER "Public School Finance Act of 1973", article 50 of title 22,  
4 ~~C.R.S.~~ the FORMER "Public School Finance Act of 1988", article 53 of  
5 title 22, ~~C.R.S.~~ the FORMER "Public School Finance Act of 1994", article  
6 54 of title 22, ~~C.R.S.~~ THE "PUBLIC SCHOOL FINANCE ACT OF 2025,  
7 ARTICLE 54 OF TITLE 22, or any additional school financing mechanisms  
8 adopted by the general assembly.

9           **SECTION 68. Appropriation.** For the 2024-25 state fiscal year,  
10 \$184,433 is appropriated to the department of education. This  
11 appropriation is from the general fund and is based on an assumption that  
12 the division will require an additional 1.8 FTE. To implement this act, the  
13 department may use this appropriation for administration related to public  
14 school finance.

15           **SECTION 69. Appropriation.** For the 2024-25 state fiscal year,  
16 \$11,500,000 is appropriated to the department of education. This  
17 appropriation is from the charter school facilities assistance account, an  
18 account within the public school capital construction assistance fund,  
19 created in section 22-43.7-104 (2)(d), C.R.S. To implement this act, the  
20 department may use this appropriation for state aid for charter school  
21 facilities.

22           **SECTION 70. Appropriation - adjustments to 2024 long bill.**  
23 (1) To implement this act, appropriations made in the annual general  
24 appropriation act for the 2024-25 state fiscal year to the department of  
25 education are adjusted as follows:

26           (a) The cash funds appropriation from the state public school fund  
27 created in section 22-54-114 (1), C.R.S., estimated to be from interest and

1 income earned on the investment of money in the public school fund that  
2 is credited to the state public school fund pursuant to section 22-41-102  
3 (3)(h), C.R.S., for the state share of districts' total program funding is  
4 decreased by \$5,000,000; and

5 (b) The cash funds appropriation from the state public school fund  
6 created in section 22-54-114 (1) C.R.S., from interest and income earned  
7 on the investment of money in the public school fund that is credited to  
8 the state public school fund pursuant to section 22-41-102 (3)(h), C.R.S.,  
9 for at-risk per pupil additional funding is decreased by \$5,000,000.

10 (2) For the 2024-25 state fiscal year, \$10,000,000 is appropriated  
11 to the department of education. This appropriation is from the state  
12 education fund created in section 17 (4)(a) of article IX of the state  
13 constitution. To implement this act, the department may use this  
14 appropriation as follows:

15 (a) \$5,000,000 for the state share of districts' total program  
16 funding; and

17 (b) \$5,000,000 for at-risk per pupil additional funding.

18 **SECTION 71. Appropriation.** (1) For the 2024-25 state fiscal  
19 year, \$32,875 is appropriated to the legislative department. This  
20 appropriation is from the general fund. To implement this act, the  
21 department may use this appropriation as follows:

22 (a) \$2,359 for use by the general assembly;

23 (b) \$22,047 for use by the legislative council, which amount is  
24 based on an assumption that the legislative council will require an  
25 additional 0.3 FTE; and

26 (c) \$8,469 for the committee on legal services, which amount is  
27 based on an assumption that the committee will require an additional 0.1

1 FTE.

2           **SECTION 72. Safety clause.** The general assembly finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, or safety or for appropriations for  
5 the support and maintenance of the departments of the state and state  
6 institutions.