

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-1110.02 Julie Pelegrin x2700

HOUSE BILL 17-1375

HOUSE SPONSORSHIP

Pettersen and Sias,

SENATE SPONSORSHIP

Hill,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE TRANSPARENT EQUITY IN**
102 **EDUCATING STUDENTS IN PUBLIC SCHOOLS, AND, IN CONNECTION**
103 **THEREWITH, REQUIRING SCHOOL DISTRICTS TO DISTRIBUTE**
104 **MILL LEVY REVENUE TO MEET THE NEEDS OF STUDENTS,**
105 **CREATING A FUND TO PROVIDE EQUALIZING MONEY TO**
106 **INSTITUTE CHARTER SCHOOLS, AND REQUIRING SCHOOL**
107 **DISTRICTS AND CHARTER SCHOOLS TO POST A LIST OF**
108 **STATUTORY WAIVERS RECEIVED.**

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

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

HOUSE
Amended 2nd Reading
May 8, 2017

<http://leg.colorado.gov>.)

Beginning in the 2019-20 budget year, the bill requires school districts that collect revenue from mill levies in addition to the total program mill levy and that authorize an innovation school or a charter school to:

- ! adopt a plan for distributing the revenue to the schools of the school district for the benefit of the students enrolled in the school district; or
- ! distribute 95% of the per pupil amount of the revenue to the innovation schools and charter schools of the school district (per pupil distribution).

The bill specifies the requirements for the plan and requirements that apply if the school district makes a per pupil distribution. In adopting a plan or making a per pupil distribution, the school district may distribute a portion of the revenue specifically for specified underserved populations.

If a school district is distributing a portion of the mill levy revenue to the charter schools or innovation schools of the school district during the 2016-17 budget year, it must maintain the same distribution amount for the 2017-18 and 2018-19 budget years.

By July 1, 2018, each school district that chooses to adopt a plan must post the plan on the school district's website. If the school district chooses to distribute 95% of the per pupil amount, the school district must post a notice of such intent by July 1, 2018, and, starting July 1, 2019, must post the amount received in revenue, the amount distributed for underserved populations, and the amount distributed to each charter school and each innovation school.

Commencing July 1, 2018, the charter school institute and each school district, board of cooperative services, and charter school must post on its website a link to certain federal tax forms and schedules filed by the institute, school district, board of cooperative services, or charter school.

Commencing July 1, 2017, each school district and each charter school must post a list of the waivers of state statute that it has received and, for each nonautomatic waiver, the plan for meeting the intent of the statute. The department of education, the state charter school institute, and a statewide association of charter schools must create a standardized description of each of the statutes for which the state board of education grants an automatic waiver and the rationale for granting the automatic waiver. Starting July 1, 2018, each charter school must post the description and rationale for each of the automatic waivers it is invoking.

The bill creates the mill levy equalization fund, consisting of such money as the general assembly may appropriate to it, to provide additional funding for institute charter schools.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 22-32-108.5** as
3 follows:

4 **22-32-108.5. Board of education - distribution of additional**
5 **mill levy revenue - definitions - legislative declaration.** (1) (a) THE

6 GENERAL ASSEMBLY RECOGNIZES THAT SECTION 15 OF ARTICLE IX OF THE
7 STATE CONSTITUTION GRANTS TO EACH SCHOOL DISTRICT BOARD OF
8 EDUCATION CONTROL OF INSTRUCTION IN THE SCHOOLS OF THE SCHOOL
9 DISTRICT. THE POWER OF LOCAL CONTROL OF INSTRUCTION APPLIES TO ALL
10 OF THE SCHOOLS OF THE SCHOOL DISTRICT AND THEREFORE IMPOSES ON
11 THE SCHOOL DISTRICT BOARD OF EDUCATION THE RESPONSIBILITY TO
12 ENSURE THE EQUITABLE TREATMENT OF ALL OF THE STUDENTS ENROLLED
13 IN ALL OF THE SCHOOLS OF THE SCHOOL DISTRICT.

14 (b) THE GENERAL ASSEMBLY FURTHER FINDS THAT SECTION 2 OF
15 ARTICLE IX OF THE STATE CONSTITUTION REQUIRES THE GENERAL
16 ASSEMBLY TO PROVIDE FOR THE MAINTENANCE OF A THOROUGH AND
17 UNIFORM SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE.
18 REQUIRING EACH SCHOOL DISTRICT BOARD OF EDUCATION TO EQUITABLY
19 USE AND DISTRIBUTE ITS RESOURCES TO MEET THE NEEDS OF ALL
20 STUDENTS ENROLLED IN ALL OF THE SCHOOLS OF THE SCHOOL DISTRICT
21 SUPPORTS GREATER UNIFORMITY IN PROVIDING PUBLIC EDUCATION
22 SERVICES WITHIN EACH SCHOOL DISTRICT AND THROUGHOUT THE STATE.

23 (c) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT EACH
24 SCHOOL DISTRICT BOARD OF EDUCATION HAS THE DUTY TO ENSURE THAT
25 THE SCHOOL DISTRICT USES AND ALLOCATES ITS RESOURCES IN A MANNER
26 THAT RESULTS IN THE EQUITABLE TREATMENT OF ALL STUDENTS

1 ENROLLED IN THE SCHOOL DISTRICT, ACCORDING TO THEIR INDIVIDUAL
2 NEEDS, REGARDLESS OF THE TYPE OF SCHOOL OF THE SCHOOL DISTRICT IN
3 WHICH EACH STUDENT IS ENROLLED.

4 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (a) "ADDITIONAL MILL LEVY REVENUE" MEANS THE AMOUNT OF
7 PROPERTY TAX REVENUE THAT A SCHOOL DISTRICT COLLECTS FROM MILLS
8 THAT ARE AUTHORIZED BY VOTERS BEFORE, ON, OR AFTER THE EFFECTIVE
9 DATE OF THIS SECTION AND THAT A SCHOOL DISTRICT LEVIES IN ADDITION
10 TO THE SCHOOL DISTRICT'S TOTAL PROGRAM MILL LEVY ESTABLISHED IN
11 SECTION 22-54-106 (2), NOT INCLUDING MILLS THAT A SCHOOL DISTRICT
12 MAY LEVY FOR PURPOSES OF INCURRING OR REPAYING BONDED
13 INDEBTEDNESS OR FOR PAYING AMOUNTS DUE PURSUANT TO INSTALLMENT
14 SALES AGREEMENTS OR LEASE PURCHASE AGREEMENTS ENTERED INTO AS
15 OF THE EFFECTIVE DATE OF THIS SECTION FOR WHICH ADDITIONAL MILL
16 LEVY REVENUE WAS CONTRACTUALLY COMMITTED AS OF THE EFFECTIVE
17 DATE OF THIS SECTION.

18 (b) "ALTERNATIVE EDUCATION CAMPUS" MEANS A PUBLIC SCHOOL
19 THAT IS DESIGNATED BY THE STATE BOARD OF EDUCATION AS AN
20 ALTERNATIVE EDUCATION CAMPUS PURSUANT TO SECTION 22-7-604.5.

21 (c) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
22 BY A SCHOOL DISTRICT AS PROVIDED IN PART 1 OF ARTICLE 30.5 OF THIS
23 TITLE 22.

24 (d) "INNOVATION SCHOOL" MEANS A SCHOOL IN WHICH A LOCAL
25 SCHOOL BOARD IMPLEMENTS AN INNOVATION PLAN AS PROVIDED IN
26 SECTION 22-32.5-104 OR A SCHOOL THAT IS INCLUDED IN AN INNOVATION
27 SCHOOL ZONE, AS DEFINED IN SECTION 22-32.5-103.

1 (e) "LOCAL SCHOOL BOARD" MEANS THE SCHOOL DISTRICT BOARD
2 OF EDUCATION OF A PARTICIPATING SCHOOL DISTRICT.

3 (f) "PARTICIPATING SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT
4 THAT, ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION:

5 (I) COLLECTS ADDITIONAL MILL LEVY REVENUE; AND

6 (II) IS DESIGNATED AS A SCHOOL DISTRICT OF INNOVATION AS
7 PROVIDED IN ARTICLE 32.5 OF THIS TITLE 22 OR AUTHORIZES AT LEAST ONE
8 CHARTER SCHOOL AS PROVIDED IN PART 1 OF ARTICLE 30.5 OF THIS TITLE
9 22.

10 (g) "PER PUPIL MILL LEVY SHARE" MEANS AN AMOUNT EQUAL TO
11 THE TOTAL AMOUNT OF ADDITIONAL MILL LEVY REVENUE THAT A
12 PARTICIPATING SCHOOL DISTRICT COLLECTS FOR A BUDGET YEAR DIVIDED
13 BY THE SCHOOL DISTRICT'S FUNDED PUPIL COUNT, AS DEFINED IN SECTION
14 22-54-103, FOR THAT BUDGET YEAR.

15 (h) "PER PUPIL PROGRAM SHARE" MEANS AN AMOUNT EQUAL TO
16 THE AMOUNT OF ADDITIONAL MILL LEVY REVENUE ALLOCATED TO A
17 PROGRAM IN A PARTICIPATING SCHOOL DISTRICT'S PLAN, DIVIDED BY THE
18 TOTAL NUMBER OF STUDENTS ENROLLED IN THE SCHOOLS OF THE
19 PARTICIPATING SCHOOL DISTRICT WHO ARE ELIGIBLE TO PARTICIPATE IN
20 THE PROGRAM, MULTIPLIED BY THE NUMBER OF ELIGIBLE STUDENTS
21 ENROLLED IN A CHARTER SCHOOL OR SCHOOL OF INNOVATION THAT
22 CHOOSES TO RECEIVE THE PER PUPIL PROGRAM SHARE IN LIEU OF
23 PARTICIPATING IN THE PROGRAM.

24 (i) "PLAN" MEANS THE PLAN FOR USING AND DISTRIBUTING
25 ADDITIONAL MILL LEVY REVENUE AS DESCRIBED IN THIS SECTION THAT IS
26 ADOPTED BY A LOCAL SCHOOL BOARD .

27 (j) "TYPE" MEANS THE STATUS OF A SCHOOL OF THE SCHOOL

1 DISTRICT AS A TRADITIONAL, CHARTER, INNOVATION, OR MAGNET SCHOOL
2 OR AS OPERATING UNDER SOME OTHER ORGANIZATIONAL OR GOVERNANCE
3 STRUCTURE. "TYPE" DOES NOT INCLUDE A SCHOOL'S STATUS AS AN
4 ALTERNATIVE EDUCATION CAMPUS OR OTHER ALTERNATIVE HIGH SCHOOL
5 OR STATUS BASED ON THE GRADE LEVELS THE SCHOOL SERVES OR THE
6 TYPE OF PERFORMANCE PLAN THE SCHOOL OPERATES UNDER AS DESCRIBED
7 IN PART 4 OF ARTICLE 11 OF THIS TITLE 22.

8 (3) FOR THE 2019-20 BUDGET YEAR AND FOR EACH BUDGET YEAR
9 THEREAFTER, THE LOCAL SCHOOL BOARD OF EACH PARTICIPATING SCHOOL
10 DISTRICT SHALL EITHER IMPLEMENT A PLAN FOR USING AND DISTRIBUTING
11 THE ADDITIONAL MILL LEVY REVENUE THAT THE PARTICIPATING SCHOOL
12 DISTRICT COLLECTS FOR EACH BUDGET YEAR, AS DESCRIBED IN
13 SUBSECTION (4) OF THIS SECTION, OR DISTRIBUTE TO EACH CHARTER
14 SCHOOL AND INNOVATION SCHOOL OF THE PARTICIPATING SCHOOL
15 DISTRICT AN AMOUNT EQUAL TO AT LEAST NINETY-FIVE PERCENT OF THE
16 PARTICIPATING SCHOOL DISTRICT'S PER PUPIL MILL LEVY SHARE FOR THE
17 APPLICABLE BUDGET YEAR MULTIPLIED BY THE NUMBER OF STUDENTS
18 ENROLLED IN THE CHARTER SCHOOL OR THE INNOVATION SCHOOL FOR THE
19 APPLICABLE BUDGET YEAR, AS DESCRIBED IN SUBSECTION (5) OF THIS
20 SECTION.

21 (4) (a) A LOCAL SCHOOL BOARD THAT CHOOSES TO ADOPT A PLAN
22 MUST ADOPT THE PLAN BY JULY 1, 2018. SUBJECT TO STATUTORY LIMITS
23 OR REQUIREMENTS THAT APPLY TO SPECIFIC MILL LEVY AUTHORIZATIONS
24 AND ANY PURPOSES SPECIFICALLY APPROVED BY VOTERS IN APPROVING
25 ADDITIONAL MILL LEVY REVENUE, THE PLAN MUST ENSURE THAT THE
26 ADDITIONAL MILL LEVY REVENUE IS DISTRIBUTED TO, OR OTHERWISE USED
27 FOR PROGRAMS THAT BENEFIT, THE SCHOOLS OF THE PARTICIPATING

1 SCHOOL DISTRICT BASED ON MEETING THE NEEDS OF AND EQUITABLY
2 SUPPORTING THE EDUCATION OF ALL OF THE STUDENTS ENROLLED IN ALL
3 OF THE SCHOOLS OF THE PARTICIPATING SCHOOL DISTRICT, REGARDLESS
4 OF THE TYPE OF SCHOOL IN WHICH EACH STUDENT IS ENROLLED. FOR EACH
5 PROGRAM INCLUDED IN THE PLAN, A CHARTER SCHOOL OR INNOVATION
6 SCHOOL MAY CHOOSE TO RECEIVE THE PER PUPIL PROGRAM SHARE IN LIEU
7 OF PARTICIPATING IN THE PROGRAM, IN WHICH CASE THE PARTICIPATING
8 SCHOOL DISTRICT SHALL DISTRIBUTE TO THE CHARTER SCHOOL OR
9 INNOVATION SCHOOL THE PER PUPIL PROGRAM SHARE. THE CHARTER
10 SCHOOL OR INNOVATION SCHOOL SHALL USE THE PER PUPIL PROGRAM
11 SHARE TO PROVIDE A PROGRAM OR SERVICES, AS SELECTED BY THE
12 CHARTER SCHOOL OR INNOVATION SCHOOL, TO BENEFIT THE STUDENTS
13 FOR WHOM IT RECEIVED THE PER PUPIL PROGRAM SHARE. THE LOCAL
14 SCHOOL BOARD SHALL ENSURE THAT THE DETERMINATION OF THE
15 AMOUNT OF ADDITIONAL MILL LEVY REVENUE THAT A SCHOOL OF THE
16 PARTICIPATING SCHOOL DISTRICT RECEIVES AS A DISTRIBUTION OR
17 THROUGH PARTICIPATION IN A PROGRAM IS NOT BASED ON AND DOES NOT
18 TAKE INTO ACCOUNT THE SCHOOL'S TYPE. THE LOCAL SCHOOL BOARD
19 SHALL ENSURE THAT EQUITABLE DISTRIBUTION OF THE ADDITIONAL MILL
20 LEVY REVENUE IS FULLY IMPLEMENTED IN THE 2019-20 BUDGET YEAR AND
21 IN EACH BUDGET YEAR THEREAFTER.

22 (b) THROUGH THE PLAN, A LOCAL BOARD OF EDUCATION MAY USE
23 THE ADDITIONAL MILL LEVY REVENUE TO PROVIDE ADDITIONAL PER PUPIL
24 FUNDING TO STUDENTS ENROLLED IN ALTERNATIVE EDUCATION
25 CAMPUSES, STUDENTS WHO QUALIFY FOR FREE OR REDUCED-PRICE MEALS
26 UNDER THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH
27 ACT", 42 U.S.C. SEC. 1751 ET SEQ., STUDENTS IDENTIFIED AS ENGLISH

1 LANGUAGE LEARNERS PURSUANT TO SECTION 22-24-105, AND STUDENTS
2 WHO HAVE INDIVIDUALIZED EDUCATION PROGRAMS UNDER PART 1 OF
3 ARTICLE 20 OF THIS TITLE 22, SO LONG AS THE AMOUNT DISTRIBUTED FOR
4 THE BENEFIT OF EACH STUDENT IS THE SAME REGARDLESS OF THE TYPE OF
5 SCHOOL IN WHICH THE STUDENT IS ENROLLED.

6 (c) EACH PLAN MUST REQUIRE THE LOCAL SCHOOL BOARD TO
7 EQUITABLY DISTRIBUTE ALL OF THE PARTICIPATING SCHOOL DISTRICT'S
8 ADDITIONAL MILL LEVY REVENUE THAT IS NOT DISTRIBUTED FOR SPECIFIC
9 PROGRAMS OR STUDENT POPULATIONS, AS PROVIDED IN SUBSECTIONS
10 (4)(a) AND (4)(b) OF THIS SECTION, TO THE SCHOOLS OF THE
11 PARTICIPATING SCHOOL DISTRICT IN DIRECT PROPORTION TO THE NUMBER
12 OF STUDENTS ENROLLED IN EACH SCHOOL. THE DISTRIBUTION MUST
13 INCLUDE ALL OF THE SCHOOLS OF THE PARTICIPATING SCHOOL DISTRICT
14 WITHOUT REGARD TO TYPE OF SCHOOL.

15 (d) EACH PLAN MUST:

16 (I) IDENTIFY THE AMOUNT OF ADDITIONAL MILL LEVY REVENUE
17 THAT THE PARTICIPATING SCHOOL DISTRICT SPENDS ON ADMINISTRATIVE
18 SERVICES OR OTHER DISTRICT-LEVEL USES AS SPECIFICALLY AUTHORIZED
19 IN THIS SUBSECTION (4);

20 (II) DESCRIBE EACH OF THE ADMINISTRATIVE SERVICES OR OTHER
21 DISTRICT-LEVEL USES; AND

22 (III) SPECIFY HOW THE ADMINISTRATIVE SERVICES OR OTHER
23 DISTRICT-LEVEL USES BENEFIT ALL OF THE STUDENTS ENROLLED IN THE
24 SCHOOLS OF THE PARTICIPATING SCHOOL DISTRICT.

25 (e) EACH LOCAL SCHOOL BOARD THAT ADOPTS A PLAN SHALL
26 PERIODICALLY REVIEW THE PLAN AND UPDATE IT AS NECESSARY TO
27 ENSURE THAT THE ADDITIONAL MILL LEVY REVENUE THAT THE

1 PARTICIPATING SCHOOL DISTRICT COLLECTS IS EQUITABLY DISTRIBUTED
2 AS PROVIDED IN SUBSECTIONS (4)(a) TO (4)(c) OF THIS SECTION TO THE
3 SCHOOLS OF THE PARTICIPATING SCHOOL DISTRICT TO BENEFIT ALL OF THE
4 STUDENTS ENROLLED IN ALL OF THE SCHOOLS OF THE PARTICIPATING
5 SCHOOL DISTRICT.

6 (f) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (4) TO
7 THE CONTRARY, A LOCAL SCHOOL BOARD MAY, BUT IS NOT REQUIRED TO,
8 DISTRIBUTE A PORTION OF THE ADDITIONAL MILL LEVY REVENUE TO A
9 MULTI-DISTRICT ONLINE SCHOOL OF THE PARTICIPATING SCHOOL DISTRICT.

10 (5) (a) BEGINNING IN THE 2019-20 BUDGET YEAR AND IN EACH
11 BUDGET YEAR THEREAFTER, THE LOCAL SCHOOL BOARD OF A
12 PARTICIPATING SCHOOL DISTRICT THAT CHOOSES NOT TO ADOPT A PLAN
13 SHALL DISTRIBUTE TO EACH CHARTER SCHOOL AND INNOVATION SCHOOL
14 OF THE PARTICIPATING SCHOOL DISTRICT AN AMOUNT EQUAL TO AT LEAST
15 NINETY-FIVE PERCENT OF THE PARTICIPATING SCHOOL DISTRICT'S PER
16 PUPIL MILL LEVY SHARE FOR THE APPLICABLE BUDGET YEAR MULTIPLIED
17 BY THE NUMBER OF STUDENTS ENROLLED IN THE CHARTER SCHOOL OR THE
18 INNOVATION SCHOOL FOR THE APPLICABLE BUDGET YEAR. IN COUNTING
19 THE NUMBER OF PUPILS ENROLLED IN A CHARTER SCHOOL OR INNOVATION
20 SCHOOL, THE SCHOOL DISTRICT SHALL COUNT A PUPIL ENROLLED IN
21 KINDERGARTEN OR IN A PRESCHOOL PROGRAM AS AT LEAST A HALF-DAY
22 PUPIL AND MAY, AT THE SCHOOL DISTRICT'S DISCRETION, COUNT A PUPIL
23 WHO IS INCLUDED IN THE SCHOOL DISTRICT'S ONLINE PUPIL ENROLLMENT,
24 AS DEFINED IN SECTION 22-54-103.

25 (b) IF A LOCAL SCHOOL BOARD HAS IN PLACE OR ADOPTS A
26 WRITTEN POLICY THAT DIRECTS THE PARTICIPATING SCHOOL DISTRICT TO
27 DISTRIBUTE ANY PORTION OF ITS ADDITIONAL MILL LEVY REVENUE TO

1 SPECIFICALLY BENEFIT STUDENTS ENROLLED IN ALTERNATIVE EDUCATION
2 CAMPUSES, STUDENTS WHO QUALIFY FOR FREE OR REDUCED-PRICE MEALS
3 UNDER THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH
4 ACT", 42 U.S.C. SEC. 1751 ET SEQ., STUDENTS WHO ARE IDENTIFIED AS
5 ENGLISH LANGUAGE LEARNERS UNDER SECTION 22-24-105, OR STUDENTS
6 WHO HAVE INDIVIDUALIZED EDUCATION PROGRAMS UNDER PART 1 OF
7 ARTICLE 20 OF THIS TITLE 22, THE PARTICIPATING SCHOOL DISTRICT MAY
8 CONTINUE DISTRIBUTING THE REVENUE FOR THESE PURPOSES, SO LONG AS:

9 (I) THE AMOUNT DISTRIBUTED FOR EACH STUDENT IS THE SAME
10 REGARDLESS OF THE TYPE OF SCHOOL IN WHICH THE STUDENT IS
11 ENROLLED; AND

12 (II) THE PARTICIPATING SCHOOL DISTRICT DISTRIBUTES ANY
13 AMOUNT OF ADDITIONAL MILL LEVY REVENUE THAT REMAINS AFTER
14 DISTRIBUTION FOR THESE PURPOSES IN ACCORDANCE WITH SUBSECTION
15 (5)(a) OF THIS SECTION.

16 (6) IF A LOCAL SCHOOL BOARD DISTRIBUTES A PORTION OF THE
17 TOTAL ADDITIONAL MILL LEVY REVENUE THAT IT COLLECTS FOR THE
18 2016-17 BUDGET YEAR TO THE CHARTER SCHOOLS OR INNOVATION
19 SCHOOLS OF THE PARTICIPATING SCHOOL DISTRICT BY PERCENTAGE, BY
20 DISTRIBUTION OF A PER PUPIL AMOUNT, OR BY A COMBINATION OF
21 PERCENTAGE AND PER PUPIL AMOUNT, THE LOCAL SCHOOL BOARD SHALL
22 ENSURE THAT THE PERCENTAGE OF THE TOTAL ADDITIONAL MILL LEVY
23 REVENUE AND THE PER PUPIL AMOUNT THAT IS DISTRIBUTED TO THE
24 CHARTER SCHOOLS AND INNOVATION SCHOOLS OF THE PARTICIPATING
25 SCHOOL DISTRICT IS NOT REDUCED FOR THE 2017-18 AND 2018-19 BUDGET
26 YEARS. AN AUTHORIZING SCHOOL DISTRICT OR THE CHARTER SCHOOL MAY
27 RENEGOTIATE CONTRACT PROVISIONS CONCERNING SERVICES OR FEES FOR

1 SERVICES AS A MATERIAL REVISION TO THE CHARTER CONTRACT, SUBJECT
2 TO THE PROVISIONS OF SECTION 22-30.5-105 (4), WHICH RENEGOTIATION
3 SHALL NOT INCLUDE NEGOTIATIONS REGARDING REAUTHORIZATION OF
4 THE CHARTER SCHOOL.

5 (7) THE AMOUNT OF ADDITIONAL MILL LEVY REVENUE THAT A
6 CHARTER SCHOOL RECEIVES PURSUANT TO THIS SECTION IS IN ADDITION TO
7 THE AMOUNT OF MONEY THAT THE CHARTER SCHOOL RECEIVES FROM THE
8 SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22.
9 THE AMOUNT OF ADDITIONAL MILL LEVY REVENUE THAT AN INNOVATION
10 SCHOOL RECEIVES PURSUANT TO THIS SECTION IS IN ADDITION TO ANY
11 AMOUNT OF MONEY THAT THE INNOVATION SCHOOL RECEIVES THROUGH
12 THE SCHOOL'S INNOVATION PLAN AS PROVIDED IN ARTICLE 32.5 OF THIS
13 TITLE 22.

14 (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
15 CONTRARY, IF A SCHOOL DISTRICT AUTHORIZES A CHARTER SCHOOL THAT
16 IS PHYSICALLY LOCATED WITHIN THE GEOGRAPHIC BOUNDARIES OF
17 ANOTHER SCHOOL DISTRICT, THE CHARTERING SCHOOL DISTRICT IS NOT
18 REQUIRED TO INCLUDE IN THE PLAN DESCRIBED IN SUBSECTION (4) OF THIS
19 SECTION OR IN THE DISTRIBUTION DESCRIBED IN SUBSECTION (5) OF THIS
20 SECTION ANY AMOUNT OF ADDITIONAL MILL LEVY REVENUE FOR STUDENTS
21 WHO ARE ENROLLED IN THE CHARTER SCHOOL BUT DO NOT RESIDE WITHIN
22 THE BOUNDARIES OF THE SCHOOL DISTRICT.

23 (9) BEGINNING JULY 1, 2018, EACH PARTICIPATING SCHOOL
24 DISTRICT SHALL:

25 (a) IF THE LOCAL SCHOOL BOARD CHOOSES TO ADOPT A PLAN, POST
26 A COPY OF THE PLAN ON THE PARTICIPATING SCHOOL DISTRICT'S WEBSITE
27 AS PROVIDED IN SECTION 22-44-304 AND ANNUALLY UPDATE THE PLAN AS

1 NECESSARY; OR

2 (b) IF THE LOCAL SCHOOL BOARD CHOOSES NOT TO ADOPT A PLAN,
3 FOR THE 2018-19 BUDGET YEAR, POST A STATEMENT OF INTENT TO
4 DISTRIBUTE THE ADDITIONAL MILL LEVY REVENUE AS PROVIDED IN
5 SUBSECTION (5) OF THIS SECTION AND, FOR THE 2019-20 BUDGET YEAR
6 AND ANNUALLY FOR EACH BUDGET YEAR THEREAFTER, POST THE TOTAL
7 AMOUNT OF ADDITIONAL MILL LEVY REVENUE COLLECTED BY THE
8 PARTICIPATING SCHOOL DISTRICT FOR EACH PROPERTY TAX YEAR, THE
9 AMOUNT DISTRIBUTED TO SUPPORT SPECIFIC STUDENT POPULATIONS AS
10 DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION, AND THE TOTAL
11 AMOUNT DISTRIBUTED TO SUPPORT SAID STUDENT POPULATIONS AND ON
12 A PER-PUPIL BASIS TO EACH CHARTER SCHOOL AND INNOVATION SCHOOL,
13 AS A PERCENTAGE AND AS A DOLLAR AMOUNT.

14 (10) A CHARTER SCHOOL THAT RECEIVES ANY AMOUNT OF
15 ADDITIONAL MILL LEVY REVENUE PURSUANT TO THIS SECTION SHALL
16 ENSURE THAT THE CHARTER SCHOOL ADMISSIONS POLICY IS IN
17 COMPLIANCE WITH SECTION 22-30.5-104 (3).

18 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-105, **amend**
19 (5) as follows:

20 **22-30.5-105. Charter schools - contract contents - regulations.**

21 (5) ~~Any~~ A term included in a charter contract that would require a charter
22 school to waive or otherwise forgo receipt of any amount of ADDITIONAL
23 MILL LEVY REVENUE DUE TO THE CHARTER SCHOOL AS PROVIDED IN
24 SECTION 22-32-108.5 OR ANY AMOUNT OF operational or capital
25 construction ~~funds~~ MONEY provided to the charter school pursuant to the
26 provisions of this ~~article~~ ARTICLE 30.5 or pursuant to any other provision
27 of law is hereby declared null and void as against public policy and is

1 unenforceable. In no event shall this subsection (5) be construed to
2 prohibit any A charter school from contracting with its chartering local
3 board of education for the purchase of services, including but not limited
4 to the purchase of educational services.

5 **SECTION 3.** In Colorado Revised Statutes, **amend** 22-44-303 as
6 follows:

7 **22-44-303. Definitions.** As used in this part 3, unless the context
8 otherwise requires:

9 (1) "BOARD OF COOPERATIVE SERVICES" OR "BOCES" MEANS A
10 BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF
11 THIS TITLE 22.

12 (2) "CHARTER SCHOOL" MEANS A DISTRICT CHARTER SCHOOL
13 AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22 OR
14 AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF
15 ARTICLE 30.5 OF THIS TITLE 22.

16 ~~(+)~~ (3) "Department" means the department of education created
17 and operating pursuant to section 24-1-115. ~~C.R.S.~~

18 ~~(2) "Local education provider" means:~~

19 ~~(a) A school district, other than a junior college district, organized~~
20 ~~and existing pursuant to law;~~

21 ~~(b) A board of cooperative services created pursuant to article 5~~
22 ~~of this title;~~

23 ~~(c) The state charter school institute established pursuant to~~
24 ~~section 22-30.5-503;~~

25 ~~(d) A district charter school authorized pursuant to part 1 of article~~
26 ~~30.5 of this title; or~~

27 ~~(e) An institute charter school authorized pursuant to part 5 of~~

1 ~~article 30.5 of this title.~~

2 (4) "INSTITUTE" MEANS THE STATE CHARTER SCHOOL INSTITUTE
3 ESTABLISHED PURSUANT TO SECTION 22-30.5-503.

4 (5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, OTHER THAN
5 A LOCAL COLLEGE DISTRICT, ORGANIZED AND EXISTING AS PROVIDED BY
6 LAW.

7 **SECTION 4.** In Colorado Revised Statutes, **amend** 22-44-304 as
8 follows:

9 **22-44-304. Financial reporting - online access to information**
10 **- repeal.** (1) (a) Commencing July 1, 2010, and on a continuing basis
11 thereafter, THE INSTITUTE AND each ~~local education provider~~ SCHOOL
12 DISTRICT, BOARD OF COOPERATIVE SERVICES, AND CHARTER SCHOOL shall
13 post the following information online, in a downloadable format, for free
14 public access:

15 (I) The ~~local education provider's~~ INSTITUTE'S, SCHOOL DISTRICT'S,
16 BOCES'S, OR CHARTER SCHOOL'S annual budget, adopted pursuant to
17 section 22-44-110 (4), commencing with the budget for the 2009-10
18 budget year;

19 (II) The ~~local education provider's~~ INSTITUTE'S, SCHOOL
20 DISTRICT'S, BOCES'S, OR CHARTER SCHOOL'S annual audited financial
21 statements, prepared pursuant to section 22-32-109 (1)(k), commencing
22 with the audits prepared for the 2009-10 budget year;

23 (III) (A) The ~~local education provider's~~ INSTITUTE'S, SCHOOL
24 DISTRICT'S, BOCES'S, OR CHARTER SCHOOL'S quarterly financial
25 statements, at a minimum, prepared pursuant to section 22-45-102,
26 commencing with the statements for the 2010-11 budget year.

27 (B) This ~~subparagraph (II)~~ SUBSECTION (1)(a)(III) is repealed,

1 effective July 1, 2017.

2 (IV) The ~~local education provider's~~ INSTITUTE'S, SCHOOL
3 DISTRICT'S, BOCES'S, OR CHARTER SCHOOL'S salary schedules or policies,
4 adopted pursuant to sections 22-32-109.4 and 22-63-401, commencing
5 with those applicable to the 2010-11 budget year.

6 (b) (I) Additionally, commencing July 1, 2011, THE INSTITUTE
7 AND each ~~local education provider~~ SCHOOL DISTRICT, BOARD OF
8 COOPERATIVE SERVICES, AND CHARTER SCHOOL shall post accounts
9 payable check registers and credit, debit, and purchase card statements
10 online, in a downloadable format, for free public access.

11 (II) This ~~paragraph (b)~~ SUBSECTION (1)(b) is repealed, effective
12 July 1, 2017.

13 (c) (I) Additionally, commencing July 1, 2012, THE INSTITUTE AND
14 each ~~local education provider~~ SCHOOL DISTRICT, BOARD OF COOPERATIVE
15 SERVICES, AND CHARTER SCHOOL shall post investment performance
16 reports or statements online, in a downloadable format, for free public
17 access.

18 (II) This ~~paragraph (c)~~ SUBSECTION (1)(c) is repealed, effective
19 July 1, 2017.

20 (d) (I) Additionally, commencing July 1, 2015, THE INSTITUTE
21 AND each ~~local education provider~~ SCHOOL DISTRICT, BOARD OF
22 COOPERATIVE SERVICES, AND CHARTER SCHOOL shall post in a format that
23 can be downloaded and sorted, for free public access, the ~~local education~~
24 ~~provider's~~ INSTITUTE'S, SCHOOL DISTRICT'S, BOCES'S, OR CHARTER
25 SCHOOL'S actual expenditures, including but not limited to actual salary
26 expenditures and actual benefit expenditures reported by job category
27 specified in the standard chart of accounts, at the ~~local education provider~~

1 INSTITUTE, SCHOOL DISTRICT, AND BOCES level and at the school-site
2 level.

3 (II) Notwithstanding any provision of ~~subparagraph (f) of this~~
4 ~~paragraph (d)~~ SUBSECTION (1)(d)(I) OF THIS SECTION to the contrary, a
5 school district that the department determines is rural, based on the
6 geographic size of the school district and the distance of the school
7 district from the nearest large, urbanized area, and that enrolls fewer than
8 one thousand students in kindergarten through twelfth grade is not
9 required to report expenditures at the school-site level except for those
10 school-site level expenditures that the school district charges any portion
11 of to a district charter school.

12 (e) ADDITIONALLY, COMMENCING JULY 1, 2018, THE INSTITUTE
13 AND EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, AND
14 CHARTER SCHOOL SHALL POST ON ITS WEBSITE FOR FREE PUBLIC ACCESS
15 AN EASILY ACCESSIBLE LINK TO THE FEDERAL FORM 990, 990-EZ, OR
16 990-PF AND ANY ASSOCIATED SCHEDULES THAT THE INSTITUTE, SCHOOL
17 DISTRICT, BOARD OF COOPERATIVE SERVICES, OR CHARTER SCHOOL FILES,
18 IF ANY.

19 (f) ADDITIONALLY, COMMENCING JULY 1, 2018, AND ON A
20 CONTINUING BASIS THEREAFTER, EACH SCHOOL DISTRICT, IF REQUIRED IN
21 SECTION 22-32-108.5, SHALL:

22 (I) POST A COPY OF THE SCHOOL DISTRICT'S PLAN FOR
23 DISTRIBUTING THE ADDITIONAL MILL LEVY REVENUE COLLECTED BY THE
24 SCHOOL DISTRICT; OR

25 (II) FOR THE 2018-19 BUDGET YEAR, POST A STATEMENT OF
26 INTENT TO DISTRIBUTE THE ADDITIONAL MILL LEVY REVENUE TO THE
27 CHARTER SCHOOLS AND INNOVATION SCHOOLS OF THE SCHOOL DISTRICT

1 ON A PER-PUPIL BASIS AND, FOR THE 2019-20 BUDGET YEAR AND FOR EACH
2 BUDGET YEAR THEREAFTER, A STATEMENT OF THE TOTAL AMOUNT OF
3 ADDITIONAL MILL LEVY REVENUE COLLECTED BY THE SCHOOL DISTRICT
4 FOR EACH PROPERTY TAX YEAR, THE AMOUNT DISTRIBUTED TO SUPPORT
5 SPECIFIC STUDENT POPULATIONS AS DESCRIBED IN SECTION 22-32-108.5
6 (5)(b), AND THE TOTAL AMOUNT DISTRIBUTED FOR SAID STUDENT
7 POPULATIONS AND ON A PER-PUPIL BASIS TO EACH CHARTER SCHOOL AND
8 INNOVATION SCHOOL OF THE SCHOOL DISTRICT, AS A PERCENTAGE AND AS
9 A DOLLAR AMOUNT.

10 (2) ~~Nothing in this section shall direct or require a local education~~
11 ~~provider~~ THIS SECTION DOES NOT DIRECT OR REQUIRE THE INSTITUTE OR
12 A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR CHARTER
13 SCHOOL to post online, pursuant to subsection (1) of this section, personal
14 information relating to payroll, including but not limited to payroll
15 deductions or contributions, or any other information that is confidential
16 or otherwise protected from public disclosure pursuant to state or federal
17 law.

18 (3) (a) THE INSTITUTE AND each ~~local education provider~~ SCHOOL
19 DISTRICT, BOARD OF COOPERATIVE SERVICES, AND CHARTER SCHOOL shall
20 update the information specified in ~~paragraphs (a), (b), and (c) of~~
21 ~~subsection (1)~~ SUBSECTIONS (1)(a) TO (1)(c) AND SUBSECTION (1)(e) of
22 this section within sixty days after the ~~local education provider's~~
23 INSTITUTE'S, SCHOOL DISTRICT'S, BOCES'S, OR CHARTER SCHOOL'S
24 completion or receipt of the applicable report, statement, or document.
25 THE INSTITUTE AND each ~~local education provider~~ SCHOOL DISTRICT,
26 BOCES, AND CHARTER SCHOOL shall update the information specified in
27 ~~paragraph (d) of subsection (1)~~ SUBSECTION (1)(d) of this section annually

1 by a date specified by the financial policies and procedures advisory
2 committee. EACH SCHOOL DISTRICT SHALL UPDATE THE INFORMATION
3 SPECIFIED IN SUBSECTION (1)(f) OF THIS SECTION WITHIN THIRTY DAYS
4 AFTER THE SCHOOL DISTRICT BOARD OF EDUCATION ADOPTS A NEW OR
5 UPDATED PLAN FOR DISTRIBUTION OF ADDITIONAL MILL LEVY REVENUE
6 OR, IF THE SCHOOL DISTRICT DISTRIBUTES THE ADDITIONAL MILL LEVY
7 REVENUE ON A PER-PUPIL BASIS TO THE CHARTER SCHOOLS AND
8 INNOVATION SCHOOLS OF THE SCHOOL DISTRICT, WITHIN THIRTY DAYS
9 AFTER THE END OF EACH BUDGET YEAR.

10 (b) ~~A local education provider~~ THE INSTITUTE AND EACH SCHOOL
11 DISTRICT, BOCES, AND CHARTER SCHOOL shall maintain the prior two
12 budget years' financial information online, in a downloadable format, for
13 free public access, until the end of the ~~local education provider's~~
14 INSTITUTE'S, SCHOOL DISTRICT'S, BOCES'S, OR CHARTER SCHOOL'S current
15 budget year.

16 (4) No later than July 1, 2015, the financial policies and
17 procedures advisory committee of the department shall create a template
18 that ~~local education providers~~ THE INSTITUTE AND SCHOOL DISTRICTS,
19 BOCES, AND CHARTER SCHOOLS must use to post all of the information
20 specified in subsection (1) of this section, including but not limited to the
21 site-level reporting requirements. The template may include both the type
22 of electronic file posted as well as the information to be included in the
23 posting.

24 (5) In addition to the information required in subsection (1) of this
25 section, ~~a local education provider~~ THE INSTITUTE AND EACH SCHOOL
26 DISTRICT, BOCES, AND CHARTER SCHOOL shall provide a link to the
27 department's website or the location information for the department's

1 website where a member of the public may access information or reports
2 that are submitted directly to the department.

3 **SECTION 5.** In Colorado Revised Statutes, **add** 22-44-305 as
4 follows:

5 **22-44-305. Waivers of state statute - reporting.**

6 (1) (a) COMMENCING JULY 1, 2017, AND ON A CONTINUING BASIS
7 THEREAFTER, EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL POST,
8 IN A LOCATION AND FORMAT THAT CAN BE EASILY ACCESSED AND
9 DOWNLOADED, FOR FREE PUBLIC ACCESS ON ITS WEBSITE MAINTAINED
10 PURSUANT TO THIS PART 3 A LIST OF THE STATUTES FOR WHICH THE
11 SCHOOL DISTRICT OR CHARTER SCHOOL HAS RECEIVED A WAIVER FROM
12 THE STATE BOARD OF EDUCATION AND, FOR EACH WAIVER THAT IS NOT AN
13 AUTOMATIC WAIVER, A COPY OF THE PLAN THAT EXPLAINS THE MANNER
14 IN WHICH THE LOCAL EDUCATION PROVIDER WILL MEET THE INTENT OF THE
15 WAIVED STATUTE.

16 (b) COMMENCING JULY 1, 2018, EACH CHARTER SCHOOL SHALL
17 POST, IN A LOCATION AND FORMAT THAT CAN BE EASILY ACCESSED AND
18 DOWNLOADED, FOR FREE PUBLIC ACCESS ON ITS WEBSITE THE
19 STANDARDIZED DESCRIPTION AND RATIONALE CREATED PURSUANT TO
20 SUBSECTION (2) OF THIS SECTION FOR EACH OF THE AUTOMATIC WAIVERS
21 THAT IT INVOKES. EACH CHARTER SCHOOL SHALL POST WITH THE LIST OF
22 AUTOMATIC WAIVERS THE NAME OF AND CONTACT INFORMATION FOR A
23 PERSON EMPLOYED BY THE CHARTER SCHOOL AND AVAILABLE DURING
24 REGULAR SCHOOL HOURS WHO CAN PROVIDE ADDITIONAL INFORMATION
25 CONCERNING THE CHARTER SCHOOL'S AUTOMATIC WAIVERS.

26 (c) IN LISTING ITS WAIVERS, A SCHOOL DISTRICT SHALL INCLUDE
27 WAIVERS GRANTED TO THE SCHOOL DISTRICT AS A WHOLE AND WAIVERS

1 GRANTED TO ONE OR MORE SCHOOLS OF THE SCHOOL DISTRICT, OTHER
2 THAN A CHARTER SCHOOL. THE SCHOOL DISTRICT SHALL LIST SEPARATELY
3 EACH WAIVER GRANTED TO AN INNOVATION SCHOOL OR TO SCHOOLS IN AN
4 INNOVATION SCHOOL ZONE, AS DEFINED IN SECTION 22-32.5-103.

5 (2) BY JULY 1, 2018, THE DEPARTMENT AND THE INSTITUTE,
6 WORKING WITH A STATEWIDE ASSOCIATION THAT REPRESENTS CHARTER
7 SCHOOLS, SHALL DEVELOP A STANDARDIZED DESCRIPTION FOR EACH
8 STATUTE THAT THE STATE BOARD OF EDUCATION INCLUDES IN THE LIST OF
9 AUTOMATIC WAIVERS FOR CHARTER SCHOOLS PURSUANT TO SECTION
10 22-30.5-104 (6) AND THE RATIONALE FOR INCLUDING THE STATUTE ON THE
11 LIST OF AUTOMATIC WAIVERS.

12 (3) EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL UPDATE
13 THE INFORMATION PROVIDED PURSUANT TO SUBSECTION (1) OF THIS
14 SECTION WITHIN THIRTY DAYS AFTER A WAIVER IS REVOKED OR A NEW
15 WAIVER IS GRANTED.

16 **SECTION 6.** In Colorado Revised Statutes, 22-2-117, **amend**
17 (1)(b)(IV) and (1)(b)(V); and **add** (1)(b)(VI) as follows:

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

21 (IV) Any provision of this ~~title~~ TITLE 22 that relates to
22 fingerprinting and criminal history record checks of educators and school
23 personnel; ~~or~~

24 (V) The "Children's Internet Protection Act", article 87 of this ~~title~~
25 TITLE 22; OR

26 (VI) THE REQUIREMENT TO POST ON THE INTERNET THE STATUTES
27 FOR WHICH WAIVERS ARE GRANTED AS PROVIDED IN SECTION 22-44-305.

1 **SECTION 7.** In Colorado Revised Statutes, 22-30.5-104, **amend**
2 (6)(b), (6)(c)(IV), and (6)(c)(V); and **add** (6)(c)(VI) as follows:

3 **22-30.5-104. Charter school - requirements - authority - rules.**

4 (6) (b) The state board shall promulgate rules that list the automatic
5 waivers for all charter schools. In promulgating the list of automatic
6 waivers, the state board shall consider the overall impact and complexity
7 of the requirements specified in the statute and the potential consequences
8 that waiving the statute may have on the practices of a charter school. IN
9 ACCORDANCE WITH ITS RULE-MAKING AUTHORITY, THE STATE BOARD MAY
10 REVIEW THE LIST OF AUTOMATIC WAIVERS AT ITS DISCRETION.
11 Notwithstanding any provision of this ~~paragraph (b)~~ SUBSECTION (6)(b)
12 to the contrary, the state board shall not include the following statutes on
13 the list of automatic waivers:

14 (I) Section 22-9-106, concerning the performance evaluation
15 system for licensed personnel;

16 (I.5) SECTION 22-32-109 (1)(b), CONCERNING PROCEDURES FOR
17 COMPETITIVE BIDDING IN THE PURCHASE OF GOODS AND SERVICES, EXCEPT
18 PROFESSIONAL SERVICES;

19 (II) Section 22-32-109 (1)(n), concerning the annual school
20 calendar and teacher-pupil contact hours; ~~and~~

21 (II.5) SECTION 22-32-110 (1)(y), CONCERNING THE POWER TO
22 ACCEPT AND EXPEND GIFTS, DONATIONS, OR GRANTS; AND

23 (III) Part 2 of article 63 of this ~~title~~ TITLE 22, concerning the
24 employment of licensed personnel.

25 (c) A school district, on behalf of a charter school, may apply to
26 the state board for a waiver of a state statute or state rule that is not an
27 automatic waiver. Notwithstanding any provision of this subsection (6)

1 to the contrary, the state board may not waive any statute or rule relating
2 to:

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

5 (V) The "Children's Internet Protection Act", article 87 of this ~~title~~
6 TITLE 22; OR

7 (VI) THE REQUIREMENT TO POST ON THE INTERNET THE STATUTES
8 FOR WHICH WAIVERS ARE GRANTED AS PROVIDED IN SECTION 22-44-305.

9 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-507, **amend**
10 (7)(a), (7)(b)(IV), and (7)(b)(V); and **add** (7)(b)(VI) as follows:

11 **22-30.5-507. Institute charter school - requirements -**

12 **authority - rules.** (7) (a) Pursuant to the charter contract, an institute
13 charter school may operate free from specified statutes and state board
14 rules. The state board shall promulgate rules that list the automatic
15 waivers for all charter schools, including institute charter schools. In
16 promulgating the list of automatic waivers, the state board shall consider
17 the overall impact and complexity of the requirements specified in the
18 statute and the potential consequences that waiving the statute may have
19 on the practices of a charter school, including an institute charter school.

20 IN ACCORDANCE WITH ITS RULE-MAKING AUTHORITY, THE STATE BOARD
21 MAY REVIEW THE LIST OF AUTOMATIC WAIVERS AT ITS DISCRETION.

22 Notwithstanding any provision of this ~~paragraph (a)~~ SUBSECTION (7)(a)
23 to the contrary, the state board shall not include the following statutes on
24 the list of automatic waivers:

25 (I) Section 22-9-106, concerning the performance evaluation
26 system for licensed personnel;

27 (I.5) SECTION 22-32-109 (1)(b), CONCERNING PROCEDURES FOR

1 COMPETITIVE BIDDING IN THE PURCHASE OF GOODS AND SERVICES, EXCEPT
2 PROFESSIONAL SERVICES;

3 (II) Section 22-32-109 (1)(n)(I) and (1)(n)(II)(B), concerning the
4 annual school calendar; ~~and~~

5 (II.5) SECTION 22-32-110 (1)(y), CONCERNING THE POWER TO
6 ACCEPT AND EXPEND GIFTS, DONATIONS, OR GRANTS; AND

7 (III) Part 2 of article 63 of this ~~title~~ TITLE 22, concerning the
8 employment of licensed personnel.

9 (b) An institute charter school may apply to the state board,
10 through the institute, for a waiver of state statutes and state rules that are
11 not automatic waivers. The state board may waive state statutory
12 requirements or rules promulgated by the state board; except that the state
13 board may not waive any statute or rule relating to:

14 (IV) The provisions of the "Public School Finance Act of 1994",
15 article 54 of this ~~title~~; ~~or~~ TITLE 22;

16 (V) The "Children's Internet Protection Act", article 87 of this ~~title~~
17 TITLE 22; OR

18 (VI) THE REQUIREMENT TO POST ON THE INTERNET THE STATUTES
19 FOR WHICH WAIVERS ARE GRANTED AS PROVIDED IN SECTION 22-44-305.

20 **SECTION 9.** In Colorado Revised Statutes, ~~add~~ 22-30.5-513.1
21 as follows:

22 **22-30.5-513.1. Mill levy equalization - fund created -**
23 **legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT SCHOOL
24 DISTRICTS RECEIVE SIGNIFICANT OPERATING REVENUE FROM MILL LEVIES
25 THAT ARE IN ADDITION TO THE SCHOOL DISTRICTS' TOTAL PROGRAM MILL
26 LEVY. THIS ADDITIONAL REVENUE HELPS SCHOOL DISTRICTS OFFSET THE
27 EFFECTS OF THE BUDGET ADJUSTMENT IMPOSED BY SECTION 22-54-104

1 (5)(g). THE GENERAL ASSEMBLY FURTHER FINDS THAT INSTITUTE CHARTER
2 SCHOOLS DO NOT HAVE ACCESS TO ADDITIONAL REVENUE FROM A LOCAL
3 PROPERTY TAX MILL LEVY. THE GENERAL ASSEMBLY FINDS, THEREFORE,
4 THAT IT IS APPROPRIATE TO CONSIDER ADDITIONAL STATE EQUALIZATION
5 FUNDING FOR INSTITUTE CHARTER SCHOOLS.

6 (2) (a) THE MILL LEVY EQUALIZATION FUND, REFERRED TO IN THIS
7 SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY.
8 THE FUND CONSISTS OF ANY AMOUNT THAT THE GENERAL ASSEMBLY MAY
9 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
10 CREDIT TO THE FUND ALL INTEREST AND INCOME DERIVED FROM THE
11 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND.

12 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
13 ASSEMBLY, THE INSTITUTE SHALL ANNUALLY DISTRIBUTE THE MONEY
14 APPROPRIATED OR TRANSFERRED TO THE FUND TO THE INSTITUTE CHARTER
15 SCHOOLS ON AN EQUAL PER-PUPIL BASIS; EXCEPT THAT, IN ANY BUDGET
16 YEAR, AN INSTITUTE CHARTER SCHOOL SHALL NOT RECEIVE A PER PUPIL
17 AMOUNT THAT IS GREATER THAN THE TOTAL AMOUNT OF ADDITIONAL
18 MILL LEVY REVENUE, AS DEFINED IN SECTION 22-32-108.5, THAT THE
19 ACCOUNTING DISTRICT FOR THE INSTITUTE CHARTER SCHOOL IS
20 AUTHORIZED TO COLLECT, DIVIDED BY THE FUNDED PUPIL COUNT, AS
21 DEFINED IN SECTION 22-54-103, OF THE ACCOUNTING DISTRICT FOR THE
22 APPLICABLE BUDGET YEAR. THE MONEY DISTRIBUTED PURSUANT TO THIS
23 SECTION IS IN ADDITION TO MONEY DISTRIBUTED TO INSTITUTE CHARTER
24 SCHOOLS PURSUANT TO SECTION 22-30.5-513.

25 **SECTION 10. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.