

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 27, 2017

Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB17-296 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 3, strike "portion and (5)(g)(I)(G);" and
2 substitute "portion;".

3 Page 2, strike lines 21 through 27.

4 Page 3, strike lines 1 through 9.

5 Page 3, lines 13 and 14, strike "FIVE HUNDRED EIGHTY-FIVE MILLION
6 EIGHT HUNDRED THOUSAND" and substitute "SIX HUNDRED THIRTY-FOUR
7 MILLION SIX HUNDRED THOUSAND".

8 Page 3, line 15 strike "\$6,585,800,182);" and substitute
9 "\$6,634,600,182);".

10 page 3, after line 22 insert:

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

13 **22-30.5-112.4. Charter schools - mill levy revenues -**
14 **equalization - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (a) "ADDITIONAL MILL LEVY" MEANS THE NUMBER OF MILLS THAT
17 A SCHOOL DISTRICT LEVIES THAT ARE IN ADDITION TO THE SCHOOL
18 DISTRICT'S TOTAL PROGRAM MILL LEVY ESTABLISHED IN SECTION

1 22-54-106(2), NOT INCLUDING MILLS THAT A SCHOOL DISTRICT MAY LEVY
2 UNDER SECTION 22-40-110 OR ARTICLE 42 OR 43 OF THIS TITLE 22, AND
3 THAT ARE AUTHORIZED BY VOTERS BEFORE, ON, OR AFTER THE EFFECTIVE
4 DATE OF THIS SECTION.

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

10 (c) "RESTRICTED REVENUE" MEANS REVENUE THAT A SCHOOL
11 DISTRICT COLLECTS FROM ITS ADDITIONAL MILL LEVY, THE USE OF WHICH
12 IS RESTRICTED BY VOTERS TO A SPECIFIC PROGRAM, TO STUDENTS
13 ENROLLED IN A SPECIFIC GRADE LEVEL, OR TO THE TERMS OF AN
14 AGREEMENT BETWEEN A THIRD PARTY AND THE SCHOOL DISTRICT THAT
15 GOVERNS THE USE OF THE REVENUE AND THAT EXISTED BEFORE THE
16 EFFECTIVE DATE OF THIS SECTION.

17 (2) (a) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (4) AND (5)
18 OF THIS SECTION, EACH SCHOOL DISTRICT THAT AUTHORIZES A CHARTER
19 SCHOOL SHALL DISTRIBUTE TO THE CHARTER SCHOOL AT LEAST ONE
20 HUNDRED PERCENT OF AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S PER
21 PUPIL MILL LEVY SHARE FOR THE APPLICABLE BUDGET YEAR MULTIPLIED
22 BY THE NUMBER OF PUPILS, INCLUDING PRESCHOOL PROGRAM PUPILS,
23 ENROLLED IN THE CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR,
24 AS REPORTED TO THE DEPARTMENT FOR THE APPLICABLE BUDGET YEAR
25 PURSUANT TO SECTION 22-30.5-112 (1)(a). IN COUNTING THE NUMBER OF
26 PUPILS ENROLLED IN THE CHARTER SCHOOL, THE SCHOOL DISTRICT SHALL
27 COUNT A PUPIL ENROLLED IN KINDERGARTEN OR IN A PRESCHOOL
28 PROGRAM AS AT LEAST A HALF-DAY PUPIL AND MAY, AT THE SCHOOL
29 DISTRICT'S DISCRETION, COUNT A PUPIL WHO IS INCLUDED IN THE SCHOOL
30 DISTRICT'S ONLINE PUPIL ENROLLMENT, AS DEFINED IN SECTION 22-54-103.

31 (b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
32 THIS SECTION TO THE CONTRARY, IN CALCULATING THE AMOUNT DUE TO
33 A CHARTER SCHOOL UNDER SUBSECTION (2)(a) OF THIS SECTION, A SCHOOL
34 DISTRICT MAY SUBTRACT FROM THE AMOUNT DUE TO THE CHARTER
35 SCHOOL ANY PORTION THAT IS RESTRICTED REVENUE IF THE CHARTER
36 SCHOOL, DURING THE APPLICABLE BUDGET YEAR, CLEARLY DOES NOT
37 PROVIDE THE SPECIFIC PROGRAM FOR WHICH THE RESTRICTED REVENUE IS
38 AUTHORIZED BY VOTERS OR IF THE CHARTER SCHOOL, DURING THE
39 APPLICABLE BUDGET YEAR, DOES NOT SERVE STUDENTS ENROLLED IN THE
40 GRADE LEVEL FOR WHICH THE RESTRICTED REVENUE IS AUTHORIZED BY
41 VOTERS.

1 (c) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
2 THIS SECTION TO THE CONTRARY, IN CALCULATING THE AMOUNT DUE TO
3 A CHARTER SCHOOL UNDER SUBSECTION (2)(a) OF THIS SECTION, A SCHOOL
4 DISTRICT MAY SUBTRACT FROM THE AMOUNT DUE TO THE CHARTER
5 SCHOOL ANY PORTION THAT IS RESTRICTED REVENUE BECAUSE IT IS
6 SUBJECT TO A THIRD-PARTY AGREEMENT THAT EXISTED BEFORE THE
7 EFFECTIVE DATE OF THIS SECTION; EXCEPT THAT, IF THE THIRD PARTY AND
8 THE SCHOOL DISTRICT AMEND THE TERMS OF THE AGREEMENT TO ALLOW
9 DISTRIBUTION OF THE REVENUE TO A CHARTER SCHOOL, THE REVENUE
10 CEASES TO BE RESTRICTED REVENUE AND THE SCHOOL DISTRICT SHALL
11 DISTRIBUTE THE REVENUE TO A CHARTER SCHOOL IN ACCORDANCE WITH
12 SUBSECTION (2)(a) OF THIS SECTION.

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

31 (e) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
32 THIS SECTION TO THE CONTRARY, IF A SCHOOL DISTRICT AUTHORIZES A
33 CHARTER SCHOOL THAT IS PHYSICALLY LOCATED WITHIN THE GEOGRAPHIC
34 BOUNDARIES OF ANOTHER SCHOOL DISTRICT, THE CHARTERING SCHOOL
35 DISTRICT IS REQUIRED TO DISTRIBUTE TO THE CHARTER SCHOOL AN
36 AMOUNT EQUAL TO THE PER PUPIL MILL LEVY SHARE MULTIPLIED ONLY BY
37 THE NUMBER OF STUDENTS ENROLLED IN THE CHARTER SCHOOL WHO
38 RESIDE WITHIN THE AUTHORIZING SCHOOL DISTRICT, WHICH AMOUNT MAY
39 BE ADJUSTED AS PROVIDED IN SUBSECTIONS (2)(b) TO (2)(d) OF THIS
40 SECTION, AS APPROPRIATE. THE AUTHORIZING SCHOOL DISTRICT MAY
41 CHOOSE TO DISTRIBUTE A GREATER PORTION OF THE ADDITIONAL MILL

1 LEVY REVENUE TO THE CHARTER SCHOOL.

2 (f) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
3 THIS SECTION TO THE CONTRARY, IF, BEFORE DECEMBER 31, 2016, A
4 LOCAL SCHOOL BOARD ADOPTS A WRITTEN POLICY OR RESOLUTION THAT
5 EXPLICITLY DIRECTS THE SCHOOL DISTRICT TO DISTRIBUTE AN IDENTIFIED
6 AMOUNT OF THE REVENUE FROM THE SCHOOL DISTRICT'S ADDITIONAL MILL
7 LEVY FOR USE IN CONSTRUCTING OR MAINTAINING ONE OR MORE
8 BUILDINGS IDENTIFIED IN THE WRITTEN POLICY OR RESOLUTION, THE
9 SCHOOL DISTRICT MAY CONTINUE DISTRIBUTING THE IDENTIFIED REVENUE
10 AMOUNT IN ACCORDANCE WITH THE WRITTEN POLICY.

11 (g) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(a) OF
12 THIS SECTION TO THE CONTRARY, IF A SCHOOL DISTRICT OBTAINED VOTER
13 APPROVAL FOR A BALLOT MEASURE FOR AN ADDITIONAL MILL LEVY
14 BEFORE THE EFFECTIVE DATE OF THIS SECTION AND THE BALLOT QUESTION
15 SPECIFICALLY ALLOTTED A PORTION OF THE ADDITIONAL MILL LEVY
16 REVENUES TO ONE OR MORE CAPITAL IMPROVEMENT PROJECTS, THE
17 SCHOOL DISTRICT IS NOT REQUIRED TO DISTRIBUTE TO THE CHARTER
18 SCHOOL ANY PORTION OF THE AMOUNT OF ADDITIONAL MILL LEVY
19 REVENUES ALLOCATED TO THE SPECIFIED CAPITAL IMPROVEMENT
20 PROJECTS UNTIL THE SPECIFIED CAPITAL IMPROVEMENT PROJECTS ARE
21 COMPLETED.

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

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

30 (I) FOR THE 2018-19 BUDGET YEAR, THE SCHOOL DISTRICT SHALL
31 CALCULATE THE PER PUPIL MILL LEVY SHARE BASED ON AT LEAST
32 THIRTY-THREE PERCENT OF THE ADDITIONAL MILL LEVY REVENUE IT
33 COLLECTS FOR THE 2018-19 BUDGET YEAR;

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

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

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

11 (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(a) OF
12 THIS SECTION, IF, FOR THE 2016-17 BUDGET YEAR, A SCHOOL DISTRICT
13 DISTRIBUTES TO THE CHARTER SCHOOLS OF THE SCHOOL DISTRICT AN
14 AMOUNT OF THE SCHOOL DISTRICT'S ADDITIONAL MILL LEVY REVENUE
15 THAT IS GREATER THAN THE AMOUNT REQUIRED IN SUBSECTION (4)(a)(II)
16 OF THIS SECTION FOR THE 2019-20 BUDGET YEAR, THE LOCAL SCHOOL
17 BOARD SHALL DISTRIBUTE TO THE CHARTER SCHOOLS OF THE SCHOOL
18 DISTRICT FOR THE 2019-20 BUDGET YEAR AT LEAST THE AMOUNT
19 DISTRIBUTED IN THE 2016-17 BUDGET YEAR, ALLOCATED AS PROVIDED IN
20 SUBSECTION (2) OF THIS SECTION.

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

33 (b) IF A MAJORITY OF THE PERSONS VOTING IN THE SCHOOL
34 DISTRICT ELECTION VOTE "NO" ON THE BALLOT QUESTION SPECIFIED IN
35 SUBSECTION (5)(a) OF THIS SECTION, NOTWITHSTANDING ANY PROVISION
36 OF THIS SECTION TO THE CONTRARY, THE LOCAL SCHOOL BOARD MAY, BUT
37 IS NOT REQUIRED TO, DISTRIBUTE A PORTION OF THE SCHOOL DISTRICT'S
38 REVENUE FROM ADDITIONAL MILL LEVIES THAT WERE APPROVED BEFORE
39 JULY 1, 2017, TO THE CHARTER SCHOOLS OF THE SCHOOL DISTRICT AS THE
40 LOCAL SCHOOL BOARD MAY PROVIDE.

41 (c) IF A MAJORITY OF THE PERSONS VOTING IN THE SCHOOL

1 DISTRICT ELECTION VOTE "YES" ON THE BALLOT QUESTION SPECIFIED IN
2 SUBSECTION (5)(a) OF THIS SECTION, THE LOCAL SCHOOL BOARD SHALL
3 DISTRIBUTE A PORTION OF THE SCHOOL DISTRICT'S ADDITIONAL MILL LEVY
4 REVENUE TO THE CHARTER SCHOOLS OF THE SCHOOL DISTRICT IN
5 ACCORDANCE WITH SUBSECTIONS (2) AND (4) OF THIS SECTION.

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

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

17 **22-30.5-513.1. Mill levy equalization fund - created -**
18 **legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT SCHOOL
19 DISTRICTS RECEIVE SIGNIFICANT OPERATING REVENUE FROM MILL LEVIES
20 THAT ARE IN ADDITION TO THE SCHOOL DISTRICTS' TOTAL PROGRAM MILL
21 LEVY. THIS ADDITIONAL REVENUE HELPS SCHOOL DISTRICTS OFFSET THE
22 EFFECTS OF REVENUE REDUCTIONS IMPOSED PURSUANT TO SECTION
23 22-54-104 (5)(g). THE GENERAL ASSEMBLY FURTHER FINDS THAT
24 INSTITUTE CHARTER SCHOOLS DO NOT HAVE ACCESS TO ADDITIONAL
25 REVENUE FROM A LOCAL PROPERTY TAX MILL LEVY. THE GENERAL
26 ASSEMBLY FINDS, THEREFORE, THAT IT IS APPROPRIATE TO CONSIDER
27 ADDITIONAL STATE EQUALIZATION FUNDING FOR INSTITUTE CHARTER
28 SCHOOLS.

29 (2) (a) THE MILL LEVY EQUALIZATION FUND, REFERRED TO IN THIS
30 SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY.
31 THE FUND CONSISTS OF ANY AMOUNT THAT THE GENERAL ASSEMBLY MAY
32 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
33 CREDIT TO THE FUND ALL INTEREST AND INCOME DERIVED FROM THE
34 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND.

35 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
36 ASSEMBLY, THE INSTITUTE SHALL ANNUALLY DISTRIBUTE ALL OF THE
37 MONEY APPROPRIATED OR TRANSFERRED TO THE FUND TO THE INSTITUTE
38 CHARTER SCHOOLS ON AN EQUAL PER-PUPIL BASIS. THE MONEY
39 DISTRIBUTED PURSUANT TO THIS SECTION IS IN ADDITION TO MONEY
40 DISTRIBUTED TO INSTITUTE CHARTER SCHOOLS PURSUANT TO SECTION
41 22-30.5-513.

1 **SECTION 4.** In Colorado Revised Statutes, 22-54-117, **add**
2 (1)(a)(IX) as follows:

3 **22-54-117. Contingency reserve - capital construction**
4 **expenditures reserve - fund - lottery proceeds contingency reserve.**

5 (1) (a) For the 2007-08 fiscal year and fiscal years thereafter, the general
6 assembly shall annually determine the amount to appropriate to the
7 contingency reserve fund, which is hereby created in the state treasury. In
8 deciding the amount to appropriate to the contingency reserve fund, the
9 general assembly may take into consideration any recommendations made
10 by the department of education, but nothing in this section obligates the
11 general assembly to provide supplemental assistance to all districts that
12 are found to be in need or to fully fund the total amount of such need. The
13 state board may approve and order payments from the contingency
14 reserve fund for supplemental assistance to districts determined to be in
15 need as the result of any or all of the following circumstances:

16 (IX) COMMENCING WITH THE 2017-18 BUDGET YEAR, AN UNUSUAL
17 FINANCIAL BURDEN THAT RESULTS FROM IMPLEMENTING A NEW SCHOOL
18 OR PROGRAM OR EXPANDING A PROGRAM IN THE DISTRICT THAT RESULTS
19 IN A TWENTY PERCENT OR GREATER INCREASE IN THE NUMBER OF PUPILS
20 WHO ENROLL IN THE DISTRICT FOR THE APPLICABLE BUDGET YEAR OVER
21 THE ESTIMATED PUPIL ENROLLMENT USED TO CALCULATE THE DISTRICT'S
22 TOTAL PROGRAM FUNDING FOR THE APPLICABLE BUDGET YEAR. THE
23 DISTRICT SHALL REIMBURSE THE CONTINGENCY RESERVE FUND FOR
24 SUPPLEMENTAL ASSISTANCE AWARDED PURSUANT TO THIS SUBSECTION
25 (1)(a)(IX) FOLLOWING THE ADJUSTMENT OF PAYMENTS AS PROVIDED IN
26 SECTION 22-54-115 (1)(a).

27 **SECTION 5.** In Colorado Revised Statutes, **amend** 22-61-103 as
28 follows:

29 **22-61-103. Teacher's oath, affirmation, or pledge.** (1) ~~Any~~ A
30 person now holding a license to teach in the public schools in the state of
31 Colorado or who shall hereafter be issued a license to teach in such public
32 schools within the state of Colorado, except ~~any~~ A person employed to
33 teach in a temporary capacity who is a citizen of a nation other than the
34 United States, shall take OR SIGN the following oath, ~~or~~ affirmation, OR
35 WRITTEN PLEDGE:

36 "I solemnly (swear) (affirm) (PLEDGE) that I will uphold the
37 constitution of the United States and the constitution of the
38 state of Colorado, and I will faithfully perform the duties of
39 the position upon which I am about to enter."

40 (2) ~~The said oath or affirmation shall be administered by any~~ A
41 person authorized to administer oaths in the state of Colorado SHALL

1 ADMINISTER THE OATH OR AFFIRMATION, OR THE TEACHER MUST SIGN THE
2 PLEDGE.

3 **SECTION 6.** In Colorado Revised Statutes, **amend** 22-61-104 as
4 follows:

5 **22-61-104. Oath, affirmation, or pledge - professors,**
6 **instructors, and teachers in state institutions of higher education.**

7 (1) Every person employed to teach in ~~any~~ A state university, college,
8 junior college, community college, or technical college in the state of
9 Colorado, before entering upon or continuing the discharge of his OR HER
10 duties, shall take OR SIGN the following oath, ~~or~~ affirmation, OR WRITTEN
11 PLEDGE; except that ~~no~~ A person employed to teach in a temporary
12 capacity who is a citizen of a nation other than the United States ~~shall be~~
13 IS NOT required to take such oath or affirmation OR SIGN SUCH PLEDGE:

14 "I solemnly (swear) (affirm) (PLEDGE) that I will uphold the
15 constitution of the United States and the constitution of the
16 state of Colorado, and I will faithfully perform the duties of
17 the position upon which I am about to enter."

18 (2) ~~The said oath or affirmation shall be administered by any~~ A
19 person authorized to administer oaths in the state of Colorado SHALL
20 ADMINISTER THE OATH OR AFFIRMATION, OR THE PROFESSOR, INSTRUCTOR,
21 OR TEACHER MUST SIGN THE PLEDGE.

22 **SECTION 7.** In Colorado Revised Statutes, **amend** 22-61-105 as
23 follows:

24 **22-61-105. Penalty.** ~~Any~~ A person who, being in charge of ~~any~~
25 A public school, state university, college, junior college, community
26 college, or technical college within the state of Colorado, allows or
27 permits ~~any~~ A teacher to enter upon the discharge of his OR HER duties or
28 give instruction therein, unless such teacher shall have taken the oath or
29 affirmation OR SIGNED THE PLEDGE AS provided ~~for~~ in sections 22-61-103
30 and 22-61-104, is guilty of a misdemeanor and, upon conviction thereof,
31 ~~shall~~ MUST be punished by a fine of not more than one hundred dollars,
32 or by imprisonment in the county jail for not more than six months, or by
33 both such fine and imprisonment.

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

39 (2) For the 2017-18 state fiscal year, \$15,180,602 is appropriated
40 to the department of education for use by the state charter school institute.
41 This appropriation is from reappropriated funds in the mill levy

1 equalization fund under subsection (1) of this section. To implement this
2 act, the state charter school institute may use the appropriation for
3 institute charter school mill levy equalization payments.

4 **SECTION 9. Appropriation - adjustments to 2017 long bill.** To
5 implement this act, the cash funds appropriation from the marijuana tax
6 cash fund created in section 39-28.8-501 (1), C.R.S., made in the annual
7 general appropriation act for the 2017-18 state fiscal year to the
8 department of education for the school health professionals grant program
9 is decreased by \$9,642,950, and the related FTE is decreased by 3.0 FTE.

10 **SECTION 10. Appropriation - adjustments to 2017 long bill.**
11 To implement this act, the cash funds appropriation from the marijuana
12 tax cash fund created in section 39-28.8-501 (1), C.R.S., made in the
13 annual general appropriation act for the 2017-18 state fiscal year to the
14 department of local affairs for use by the division of housing for
15 affordable housing construction grants and loans pursuant to section
16 24-32-721, C.R.S., is decreased by \$16,300,000.

17 **SECTION 11. Appropriation - adjustments to 2017 long bill.**
18 To implement this act, the general fund appropriation made in the annual
19 general appropriation act for the 2017-18 state fiscal year to the
20 department of education for the state share of districts' total program
21 funding is decreased by \$48,800,000.

22 **SECTION 12. Appropriation.** For the 2017-18 state fiscal year,
23 \$48,800,000 is appropriated to the department of education. This
24 appropriation consists of \$25,942,950 from the marijuana tax cash fund
25 created in section 39-28.8-501 (1), C.R.S. and \$22,857,050 from the state
26 education fund created in section 17 (4)(a) of article IX of the state
27 constitution. To implement this act, the department may use this
28 appropriation for the state share of districts' total program funding."

29 Renumber succeeding section accordingly.

** ** ** ** **