

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

**PREAMENDED**

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

LLS NO. 25-0945.04 Jacob Baus x2173

**HOUSE BILL 25-1320**

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**HOUSE SPONSORSHIP**

**McCluskie and Lukens,**

**SENATE SPONSORSHIP**

**Lundeen and Bridges, Coleman**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE FINANCING OF PUBLIC SCHOOLS.**

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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>.)*

Under current law, there are 2 total program formulas to finance public schools. Absent the satisfaction of a statutorily specified condition, the first formula is scheduled to stop determining total program after the 2024-25 budget year (expiring formula), and the second formula is scheduled to determine total program beginning in the 2030-31 budget year (new formula). For the 2025-26 budget year through the 2029-30 budget year (transition period), total program is scheduled to be determined by using figures that were calculated under both the expiring

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.

formula and the new formula.

The bill:

- Extends the transition period by one year, so that it is from the 2025-26 budget year through the 2030-31 budget year; and
- Postpones the exclusive use of the new formula to determine total program until the 2031-32 budget year.

The bill changes how each school district's and institute charter school's annual total program is determined during the transition period. For the 2025-26 and 2026-27 budget years, each school district's and institute charter school's annual total program is the greater of the school district's or institute charter school's total program for the 2024-25 budget year or the amount calculated under the expiring formula plus an amount equal to 15% in 2025-26 and 30% in 2026-27 of the difference between the amounts calculated under the new formula and the expiring formula. For the 2027-28 budget year through the 2030-31 budget year, each school district's and institute charter school's annual total program is the greater of the district's or institute charter school's calculation under the expiring formula plus 1% of that calculation, or:

- For the 2027-28 budget year, the amount calculated under the expiring formula plus an amount equal to 45% of the difference between the amounts calculated under the new formula and the expiring formula;
- For the 2028-29 budget year, the amount calculated under the expiring formula plus an amount equal to 60% of the difference between the amounts calculated under the new formula and the expiring formula;
- For the 2029-30 budget year, the amount calculated under the expiring formula plus an amount equal to 75% of the difference between the amounts calculated under the new formula and the expiring formula; and
- For the 2030-31 budget year, the amount calculated under the expiring formula plus an amount equal to 90% of the difference between the amounts calculated under the new formula and the expiring formula.

Under current law, there are specified conditions that apply to the transition period. If the joint budget committee determines that a specified condition occurs in a budget year during the transition period, then for the next budget year and each budget year thereafter, the transition is suspended, and each school district's total program is determined pursuant to the calculation and determination required for the budget year when the condition occurred. For one of the existing conditions, the bill specifies that an income tax deposit to the state education fund that was made to correct an error does not count toward determining whether the condition has been satisfied.

A school district's funded pupil count is a figure that is used as a part of determining a school district's total program. Under the expiring formula, a school district's funded pupil count is calculated by determining the greater of the school district's pupil enrollment for the applicable budget year or the average of the school district's pupil enrollment for the applicable budget year and the immediately preceding 4 budget years. Under current law, the new formula calculates a school district's funded pupil count by determining the greater of the school district's pupil enrollment for the applicable budget year or the average of the school district's pupil enrollment for the applicable budget year and the immediately preceding 3 budget years.

The bill changes the new formula so that:

- For the 2025-26 budget year, a school district's funded pupil count is calculated by determining the greater of the school district's pupil enrollment for the applicable budget year or the average of the school district's pupil enrollment for the applicable budget year and the immediately preceding 3 budget years; and
- For the 2026-27 budget year and each budget year thereafter, a school district's funded pupil count is calculated by determining the greater of the school district's pupil enrollment for the applicable budget year or the average of the district's pupil enrollment for the applicable budget year and the immediately preceding 2 budget years.

However:

- If a statutorily specified condition is satisfied, and consequently for the 2026-27 budget year, a district's total program is not determined as scheduled under the transition period, then for the 2026-27 budget year, and each budget year thereafter, funded pupil count will continue to be determined by the greater of the school district's pupil enrollment for the applicable budget year or the average of the school district's pupil enrollment for the applicable budget year and the immediately preceding 3 budget years; and
- If, for the 2027-28 budget year, the state education fund balance is projected to be less than \$200 million, then the general assembly is required to implement a smoothing factor or the funded pupil count will be determined by the greater of the school district's pupil enrollment for the applicable budget year or the average of the school district's pupil enrollment for the applicable budget year and the immediately preceding budget year for the 2027-28 budget year and each budget year thereafter.

The bill changes the expiring formula so that starting in the 2027-28

budget year, the funded pupil count used in the expiring formula is the same funded pupil count that is used in the new formula to determine a district's total program during the transition period.

The bill determines total program for the 2025-26 budget year using the formula changes in the bill. The bill:

- Increases the statewide base per pupil funding for the 2025-26 budget year by \$195.42 to account for inflation;
- Sets a new statewide base per pupil funding amount for the 2025-26 budget year at \$8,691.80; and
- Sets the total program funding for the 2025-26 budget year for all school districts and institute charter schools to at least \$10,035,615,917.80.

Under current law, a new at-risk measure is required to be implemented in the 2025-26 budget year. The bill postpones the implementation of this requirement to the 2026-27 budget year.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) The state of Colorado is committed to ensuring that every  
5 child, regardless of their socioeconomic background, geographic location,  
6 or individual needs has access to a high-quality public education. In order  
7 to achieve this, the state must distribute state and local funding through  
8 a school finance system that is student-centered, equitable, and  
9 sustainable.

10 (b) The general assembly reaffirms its commitment to upholding  
11 the Colorado Constitution's mandate for a thorough and uniform system  
12 of public education and to providing every child with the opportunity to  
13 receive an adequate education. Furthermore, the general assembly  
14 acknowledges the importance of continuing the increases in funding for  
15 public education mandated by section 17 of article IX of the Colorado  
16 Constitution, which ensures year-over-year adjustments to account for  
17 inflationary pressures. If the general assembly is unable to fulfill this

1 obligation mandated by section 17 of article IX of the Colorado  
2 Constitution, then a group will be formed to address the issue of how to  
3 accurately track a potential shortfall to public education funding in the  
4 future. This commitment is fundamental to the long-term prosperity and  
5 well-being of Colorado's future workforce and economy.

6 (c) The new school finance formula, established by the general  
7 assembly to begin in the 2025-26 school year, is designed to prioritize  
8 students and equity by directing resources where they are most needed,  
9 particularly toward students who face greater challenges in their academic  
10 success, including those living in poverty, learning English, and who have  
11 special needs. The formula recognizes the diverse needs of Colorado  
12 students, including those who live in small, rural, and remote school  
13 districts, who may require additional resources to overcome geographic,  
14 economic, and logistical barriers to providing a world-class public  
15 education.

16 (2) Therefore, it is the intent of the general assembly that this new  
17 school finance formula is implemented in a manner that is responsive to  
18 the needs of all students and school districts in Colorado while  
19 maintaining the long-term financial health of the state education fund and  
20 ensuring continued funding stability for future generations of students.

21 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-112.2,  
22 **amend** (2)(a) and (3); and **add** (2)(c) and (5) as follows:

23 **22-30.5-112.2. Charter schools - at-risk supplemental aid -**  
24 **definitions - legislative declaration - repeal.** (2) (a) For the 2012-13  
25 budget year ~~and each budget year thereafter~~ THROUGH THE 2024-25  
26 BUDGET YEAR, the general assembly shall appropriate to the department  
27 of education for allocation to school districts the amount calculated for

1 at-risk supplemental aid for those school districts and district charter  
2 schools described in ~~paragraph (b) of this subsection (2)~~ SUBSECTION  
3 (2)(b) OF THIS SECTION. FOR THE 2025-26 BUDGET YEAR AND THE 2026-27  
4 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE  
5 DEPARTMENT OF EDUCATION FOR ALLOCATION TO SCHOOL DISTRICTS THE  
6 AMOUNT DETERMINED FOR SUPPLEMENTAL AID FOR THOSE SCHOOL  
7 DISTRICTS AND DISTRICT CHARTER SCHOOLS DESCRIBED IN SUBSECTION  
8 (2)(c) OF THIS SECTION. The at-risk supplemental aid is additional funding  
9 and does not supplant any other funding provided pursuant to this article.

10 (c) FOR THE 2025-26 BUDGET YEAR, EACH SCHOOL DISTRICT AND  
11 DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS THE SAME  
12 AMOUNT THAT IT RECEIVED IN THE 2024-25 BUDGET YEAR. FOR THE  
13 2026-27 BUDGET YEAR, EACH SCHOOL DISTRICT AND DISTRICT CHARTER  
14 SCHOOL'S AT-RISK SUPPLEMENTAL AID IS FIFTY PERCENT OF THE AMOUNT  
15 THAT IT RECEIVED IN THE 2024-25 BUDGET YEAR.

16 (3) If the appropriation to the department of education is  
17 insufficient to fund ~~one hundred percent of the at-risk supplemental aid~~  
18 ~~calculated pursuant to paragraph (b) of subsection (2)~~ DETERMINED  
19 PURSUANT TO SUBSECTION (2) OF THIS SECTION, the department of education  
20 shall reduce each school district's and each district charter school's at-risk  
21 supplemental aid proportionately.

22 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

23 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-513, **amend**  
24 (4.5)(a) and (4.5)(d); and **add** (4.5)(b.5) and (4.5)(e) as follows:

25 **22-30.5-513. Institute charter schools - funding - at-risk**  
26 **supplemental aid - legislative declaration - definitions - repeal.**

27 (4.5) (a) For the 2012-13 budget year ~~and each budget year thereafter~~

1 THROUGH THE 2024-25 BUDGET YEAR, the general assembly shall  
2 appropriate to the charter school institute the amount calculated for at-risk  
3 supplemental aid pursuant to ~~paragraph (b) of this subsection (4.5)~~  
4 SUBSECTION (4.5)(b) OF THIS SECTION for each institute charter school  
5 whose percentage of at-risk pupils is less than the percentage of at-risk  
6 pupils in the accounting district. FOR THE 2025-26 BUDGET YEAR AND THE  
7 2026-27 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO  
8 THE CHARTER SCHOOL INSTITUTE FOR ALLOCATION TO INSTITUTE CHARTER  
9 SCHOOLS THE AMOUNT DESCRIBED IN SUBSECTION (4.5)(b.5) OF THIS  
10 SECTION. At-risk supplemental aid is additional funding and does not  
11 supplant any other funding allocated pursuant to this section. The charter  
12 school institute shall pass through one hundred percent of an institute  
13 charter school's at-risk supplemental aid to the institute charter school.

14 (b.5) FOR THE 2025-26 BUDGET YEAR, EACH INSTITUTE CHARTER  
15 SCHOOL'S AT-RISK SUPPLEMENTAL AID IS THE SAME AMOUNT THAT IT  
16 RECEIVED IN THE 2024-25 BUDGET YEAR. FOR THE 2026-27 BUDGET YEAR,  
17 EACH INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS FIFTY  
18 PERCENT OF THE AMOUNT THAT IT RECEIVED IN THE 2024-25 BUDGET  
19 YEAR.

20 (d) If the appropriation to the charter school institute is  
21 insufficient to fund ~~one hundred percent of~~ the at-risk supplemental aid  
22 ~~calculated~~ DETERMINED pursuant to this subsection (4.5), the charter  
23 school institute shall reduce each institute charter school's at-risk  
24 supplemental aid proportionately.

25 (e) THIS SUBSECTION (4.5) IS REPEALED, EFFECTIVE JULY 1, 2028.

26 **SECTION 4.** In Colorado Revised Statutes, **repeal** 22-54-136.

27 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-408, **amend**

1 (2)(a) as follows:

2 **22-30.5-408. Replenishment of qualified charter school debt**  
3 **service reserve funds - additional responsibilities - state treasurer -**  
4 **qualified charter schools - definitions.** (2) (a) If the Colorado  
5 educational and cultural facilities authority has issued qualified charter  
6 school bonds on behalf of ~~any~~ A qualified charter school that fails  
7 immediately to restore its qualified charter school debt service reserve  
8 fund to the applicable qualified charter school debt service reserve fund  
9 requirement, the board of directors of the authority shall submit to the  
10 governor a certificate certifying ~~any~~ THE amount of money required to  
11 restore the qualified charter school debt service reserve fund to the  
12 applicable qualified charter school debt service reserve fund requirement.  
13 The governor shall submit a request for appropriations in an amount  
14 sufficient to restore any or all qualified charter school debt reserve funds  
15 to their respective qualified charter school debt service reserve fund  
16 requirements, and the general assembly may, but is not required to,  
17 appropriate money for ~~said~~ THAT purpose. If, in its sole discretion, the  
18 general assembly appropriates any money for ~~said~~ THAT purpose, the  
19 aggregate outstanding principal amount of bonds for which money may  
20 be appropriated for ~~said~~ THAT purpose must not exceed ~~seven hundred~~  
21 ~~fifty million~~ ONE BILLION dollars.

22 **SECTION 6.** In Colorado Revised Statutes, 22-54-103.2, **amend**  
23 (2)(a) and (2)(b) as follows:

24 **22-54-103.2. District total program formula report.** (2) In its  
25 report described pursuant to subsection (1) of this section, the department  
26 of education shall report, at a minimum, data demonstrating:

27 (a) The successes and challenges of determining a district's total



1 program pursuant to section 22-54-103.3 for reports concerning the  
2 2025-26 budget year through the ~~2029-30~~ 2030-31 budget year, and the  
3 successes and challenges of determining a district's total program  
4 pursuant to section 22-54-103.5 for reports concerning the ~~2030-31~~  
5 2031-32 budget year and each budget year thereafter;

6 (b) How district total program, determined pursuant to section  
7 22-54-103.3 for reports concerning the 2025-26 budget year through the  
8 ~~2029-30~~ 2030-31 budget year and determined pursuant to section  
9 22-54-103.5 for reports concerning the ~~2030-31~~ 2031-32 budget year and  
10 each budget year thereafter, is being used at the school level, including  
11 traditional public schools, district charter schools, and institute charter  
12 schools, and information currently reported by the department of  
13 education in district performance snapshots; and

14 **SECTION 7.** In Colorado Revised Statutes, 22-54-103.3, **amend**  
15 (1)(a), (1)(c), (2), (3), (4), (5)(b)(I) introductory portion, (5)(c)(I)(C), and  
16 (6) as follows:

17 **22-54-103.3. District total program - 2025-26 through 2030-31**  
18 **budget years - definitions - repeal.** (1) (a) Notwithstanding any  
19 provision of law to the contrary, for the 2025-26 budget year through the  
20 ~~2029-30~~ 2030-31 budget year, the department of education shall  
21 determine each district's total program pursuant to this section. The  
22 district's total program is available to the district to fund the costs of  
23 providing public education, and, except as otherwise provided in section  
24 22-54-105, the district has the discretion to determine the amounts and  
25 purposes for budgeting and expending its district total program money.

26 (c) As used in this section, "for the 2025-26 budget year through  
27 the ~~2029-30~~ 2030-31 budget year" means the 2025-26 budget year, the

1 2026-27 budget year, the 2027-28 budget year, the 2028-29 budget year,  
2 ~~and~~ the 2029-30 budget year, AND THE 2030-31 BUDGET YEAR.

3 (2) For the 2025-26 budget year through the ~~2029-30~~ 2030-31  
4 budget year, the department of education shall calculate each district's  
5 total program pursuant to sections 22-54-103.5 and 22-54-104.

6 (3) (a) For the 2025-26 budget year, ~~through the 2029-30 budget~~  
7 ~~year~~ a district's total program is the greater of the district's total program  
8 ~~calculation pursuant to section 22-54-104 plus one-half percent of the~~  
9 ~~district's total program calculation pursuant to section 22-54-104; or~~  
10 DETERMINATION FOR THE 2024-25 BUDGET YEAR, OR THE AMOUNT  
11 CALCULATED PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL  
12 TO FIFTEEN PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL  
13 PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND THE  
14 DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION  
15 22-54-104.

16 (a) ~~For the 2025-26 budget year, the amount calculated pursuant~~  
17 ~~to section 22-54-104 plus an amount equal to eighteen percent of the~~  
18 ~~difference between the district's total program calculation pursuant to~~  
19 ~~section 22-54-103.5 and the district's total program calculation pursuant~~  
20 ~~to section 22-54-104;~~

21 (b) ~~For the 2026-27 budget year, the amount calculated pursuant~~  
22 ~~to section 22-54-104 plus an amount equal to thirty-four percent of the~~  
23 ~~difference between the district's total program calculation pursuant to~~  
24 ~~section 22-54-103.5 and the district's total program calculation pursuant~~  
25 ~~to section 22-54-104~~ FOR THE 2026-27 BUDGET YEAR, A DISTRICT'S TOTAL  
26 PROGRAM IS THE GREATER OF THE DISTRICT'S TOTAL PROGRAM  
27 DETERMINATION FOR THE 2024-25 BUDGET YEAR OR THE AMOUNT

1 CALCULATED PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL  
2 TO THIRTY PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL  
3 PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND THE  
4 DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION  
5 22-54-104.

6 (c) For the 2027-28 budget year THROUGH THE 2030-31 BUDGET  
7 YEAR, ~~the amount calculated pursuant to section 22-54-104 plus an~~  
8 ~~amount equal to fifty percent of the difference between the district's total~~  
9 ~~program calculation pursuant to section 22-54-103.5 and the district's~~  
10 ~~total program calculation pursuant to section 22-54-104~~ A DISTRICT'S  
11 TOTAL PROGRAM IS THE GREATER OF THE DISTRICT'S TOTAL PROGRAM  
12 CALCULATION PURSUANT TO SECTION 22-54-104 PLUS ONE PERCENT OF  
13 THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION  
14 22-54-104, OR:

15 ~~(c)~~ (I) For the 2027-28 budget year, the amount calculated  
16 pursuant to section 22-54-104 plus an amount equal to ~~fifty~~ FORTY-FIVE  
17 percent of the difference between the district's total program calculation  
18 pursuant to section 22-54-103.5 and the district's total program  
19 calculation pursuant to section 22-54-104;

20 ~~(d)~~ (II) For the 2028-29 budget year, the amount calculated  
21 pursuant to section 22-54-104 plus an amount equal to ~~sixty-six~~ SIXTY  
22 percent of the difference between the district's total program calculation  
23 pursuant to section 22-54-103.5 and the district's total program  
24 calculation pursuant to section 22-54-104; ~~and~~

25 ~~(e)~~ (III) For the 2029-30 budget year, the amount calculated  
26 pursuant to section 22-54-104 plus an amount equal to ~~eighty-two~~  
27 SEVENTY-FIVE percent of the difference between the district's total

1 program calculation pursuant to section 22-54-103.5 and the district's  
2 total program calculation pursuant to section 22-54-104; AND

3 (IV) FOR THE 2030-31 BUDGET YEAR, THE AMOUNT CALCULATED  
4 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO NINETY  
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.

8 (4) For the 2024-25 budget year through the ~~2029-30~~ 2030-31  
9 budget year, the joint budget committee shall monitor the fiscal impact of  
10 the district total program determinations pursuant to this section and the  
11 fiscal impact of the transition to the total program formula pursuant to  
12 section 22-54-103.5. At a minimum, the joint budget committee shall  
13 consider immediate and forecasted economic conditions, the impact or  
14 trend of the statewide total local share of total program funding, the  
15 impact or trend of the state education fund, and any other data-driven  
16 considerations necessary to ensure the sustainable transition to and  
17 implementation of a new total program formula. The joint budget  
18 committee and the general assembly may take action necessary to ensure  
19 the sustainable transition to and implementation of a new total program  
20 formula. On or after January 1, 2025, when the department of education  
21 makes mid-year adjustments, the joint budget committee shall develop a  
22 sustainability plan that makes findings and recommendations regarding  
23 how the general assembly can fully fund total program determinations  
24 pursuant to sections 22-54-103.3 and 22-54-103.5. On or after January 1,  
25 2026, and on or after January 1 each year thereafter, when the department  
26 of education makes mid-year adjustments, the joint budget committee  
27 shall review the sustainability plan and update it as necessary.

1 (5) (b) (I) Notwithstanding any provision of this article 54, for the  
2 2024-25 budget year through the ~~2029-30~~ 2030-31 budget year, if the  
3 joint budget committee determines that any one of the conditions  
4 described in subsection (5)(c) of this section occurred:

5 (c) (I) The requirements described in subsection (5)(b) of this  
6 section are initiated if:

7 (C) In either an assessment year or a non-assessment year, the  
8 March revenue forecast relied on by the general assembly in setting the  
9 budget for the next state fiscal year estimates that the income tax  
10 ~~diversion~~ DEPOSIT to the state education fund, as required pursuant to  
11 section 17 of article IX of the state constitution, will decrease by five  
12 percent or more in either the current budget year or the next budget year.  
13 IF THE JOINT BUDGET COMMITTEE DETERMINES BASED ON FORECAST  
14 ESTIMATES, AS DESCRIBED IN THIS SUBSECTION (5)(c)(I)(C), THAT THE  
15 INCOME TAX DEPOSIT TO THE STATE EDUCATION FUND WILL DECREASE BY  
16 FIVE PERCENT OR MORE IN EITHER THE CURRENT BUDGET YEAR OR THE  
17 NEXT BUDGET YEAR AS A RESULT OF A CORRECTION TO AN ERROR IN THE  
18 TOTAL AMOUNT OF STATE EDUCATION FUND REVENUES DEPOSITED AS SET  
19 FORTH IN SECTION 22-55-103 (2), THEN THIS SUBSECTION (5)(c)(I)(C)  
20 DOES NOT INITIATE THE REQUIREMENTS OF SUBSECTION (5)(b) OF THIS  
21 SECTION.

22 (6) This section is repealed, effective ~~July 1, 2031~~ JULY 1, 2032.

23 **SECTION 8.** In Colorado Revised Statutes, 22-54-103.5, **amend**  
24 (1)(a), (1)(c)(I), (1)(c)(III), (4), and (12)(d); and **add** (3) and (14) as  
25 follows:

26 **22-54-103.5. District total program - rules - legislative**  
27 **declaration - repeal.** (1) (a) For the ~~2030-31~~ 2031-32 budget year and

1 each budget year thereafter, the department of education shall use this  
2 section to determine each district's total program. The district's total  
3 program is available to the district to fund the costs of providing public  
4 education, and, except as otherwise provided in section 22-54-105, the  
5 district has the discretion to determine the amounts and purposes for  
6 budgeting and expending its district total program money.

7 (c) (I) Notwithstanding any provision of law to the contrary, for  
8 the 2025-26 budget year through the ~~2029-30~~ 2030-31 budget year, the  
9 department of education shall calculate each district's total program  
10 pursuant to this section for the purpose of determining each district's total  
11 program pursuant to section 22-54-103.3. The district's total program is  
12 available to the district to fund the costs of providing public education,  
13 and, except as otherwise provided in section 22-54-105, the district has  
14 the discretion to determine the amounts and purposes for budgeting and  
15 expending its district total program money.

16 (III) This subsection (1)(c) is repealed, effective ~~July 1, 2031~~ JULY  
17 1, 2032.

18 (3) **Statewide base per pupil funding.** (a) (I) FOR THE 2025-26  
19 BUDGET YEAR, THE STATEWIDE BASE PER PUPIL FUNDING IS EIGHT  
20 THOUSAND SIX HUNDRED NINETY-ONE DOLLARS AND EIGHTY CENTS  
21 (\$8,691.80), WHICH IS AN AMOUNT EQUAL TO EIGHT THOUSAND FOUR  
22 HUNDRED NINETY-SIX DOLLARS AND THIRTY-EIGHT CENTS (\$8,496.38),  
23 SUPPLEMENTED BY ONE HUNDRED NINETY-FIVE DOLLARS AND FORTY-TWO  
24 CENTS (\$195.42) TO ACCOUNT FOR INFLATION.

25 (II) THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1, 2031.

26 (b) (RESERVED)

27 (4) **Funded pupil count.** Funded pupil count is:

1 (a) (I) FOR THE 2025-26 BUDGET YEAR, the district's online pupil  
2 enrollment for the applicable budget year plus the district's supplemental  
3 kindergarten enrollment for the applicable budget year plus the district's  
4 extended high school pupil enrollment for the applicable budget year plus  
5 the greater of:

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

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

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

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

17 ~~(b)~~ ~~(H)~~ (II) Notwithstanding any provision of law to the contrary,  
18 for purposes of THIS subsection (4)(a), ~~of this section~~, a district's funded  
19 pupil count includes the certified pupil enrollment and online pupil  
20 enrollment of each operating institute charter school for which the district  
21 is the accounting district, as provided pursuant to ~~subsections (4)(b)(H)~~  
22 ~~and (4)(b)(H)~~ SUBSECTIONS (4)(a)(III) AND (4)(a)(IV) of this section. The  
23 department of education shall add the institute charter school's certified  
24 pupil enrollment and online pupil enrollment to the funded pupil count of  
25 the district prior to calculating the district's total program pursuant to this  
26 section.

27 ~~(H)~~ (III) For purposes of ~~subsection (4)(b)(I)~~ SUBSECTION

1 (4)(a)(II) of this section, each operating institute charter school's certified  
2 pupil enrollment is the greater of:

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

5 (B) The average of the operating institute charter school's pupil  
6 enrollment for the applicable budget year and the operating institute  
7 charter school's pupil enrollment for the immediately preceding budget  
8 year;

9 (C) The average of the operating institute charter school's pupil  
10 enrollment for the applicable budget year and the operating institute  
11 charter school's pupil enrollment for the two immediately preceding  
12 budget years; or

13 (D) 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 three immediately preceding  
16 budget years.

17 ~~(HH)~~ (IV) Notwithstanding any provision of law to the contrary,  
18 for purposes of ~~subsection (4)(b)(H)~~ SUBSECTION (4)(a)(III) of this  
19 section, an operating institute charter school's pupil enrollment includes  
20 its online student enrollment, except for multi-district online school  
21 student enrollment.

22 ~~(e)~~ (V) The general assembly finds and declares that for the  
23 purposes of section 17 of article IX of the state constitution, averaging a  
24 district's pupil enrollment for the applicable budget year and the district's  
25 pupil enrollment for the three immediately preceding budget years  
26 pursuant to this ~~subsection (4)~~ SUBSECTION (4)(a), and averaging an  
27 operating institute charter school's student enrollment and online pupil



1 enrollment pursuant to this ~~subsection (4)~~ SUBSECTION (4)(a), is a  
2 program for accountable education reform and may therefore receive  
3 funding from the state education fund created in section 17 (4) of article  
4 IX of the state constitution.

5 ~~(d) (F)~~ (VI) (A) Notwithstanding any provision of law to the  
6 contrary, for the purposes of this ~~subsection (4)~~ SUBSECTION (4)(a), a  
7 district's pupil enrollment for the applicable budget year and a district's  
8 pupil enrollment for a preceding budget year do not include a pupil who  
9 is or was enrolled in a charter school that was originally authorized by the  
10 district but was subsequently converted, on or after July 1, 2010, to an  
11 institute charter school or to a charter school of a district contiguous to  
12 the ~~originally~~ ORIGINAL authorizing district.

13 ~~(H)~~ (B) Notwithstanding any provision of this ~~subsection (4)~~  
14 SUBSECTION (4)(a) to the contrary, for the purposes of this ~~subsection (4)~~  
15 SUBSECTION (4)(a), if a district's funded pupil count calculated pursuant  
16 to this ~~subsection (4)~~ SUBSECTION (4)(a), for a budget year is fewer than  
17 sixty students, the district's funded pupil count for the budget year is sixty  
18 students.

19 (b) (I) FOR THE 2026-27 BUDGET YEAR, AND EACH BUDGET YEAR  
20 THEREAFTER, THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE  
21 APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL  
22 KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS  
23 THE DISTRICT'S EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE  
24 APPLICABLE BUDGET YEAR PLUS THE GREATER OF:

25 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
26 BUDGET YEAR;

27 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE

1     APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
2     THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

3             (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
4     APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
5     THE TWO IMMEDIATELY PRECEDING BUDGET YEARS.

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

17            (III) FOR PURPOSES OF SUBSECTION (4)(b)(II) OF THIS SECTION,  
18    EACH OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL  
19    ENROLLMENT IS THE GREATER OF:

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

22            (B) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER  
23    SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND  
24    THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR  
25    THE IMMEDIATELY PRECEDING BUDGET YEAR; AND

26            (C) 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 TWO IMMEDIATELY PRECEDING BUDGET YEARS.

3 (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
4 CONTRARY, FOR PURPOSES OF SUBSECTION (4)(b)(III) OF THIS SECTION, AN  
5 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT INCLUDES  
6 ITS ONLINE STUDENT ENROLLMENT, EXCEPT FOR MULTI-DISTRICT ONLINE  
7 SCHOOL STUDENT ENROLLMENT.

8 (V) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE  
9 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,  
10 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
11 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE TWO  
12 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO THIS SUBSECTION  
13 (4)(b), AND AVERAGING AN OPERATING INSTITUTE CHARTER SCHOOL'S  
14 STUDENT ENROLLMENT AND ONLINE PUPIL ENROLLMENT PURSUANT TO  
15 THIS SUBSECTION (4)(b), IS A PROGRAM FOR ACCOUNTABLE EDUCATION  
16 REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE  
17 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE  
18 STATE CONSTITUTION.

19 (VI) (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
20 CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4)(b), A DISTRICT'S  
21 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S  
22 PUPIL ENROLLMENT FOR A PRECEDING BUDGET YEAR DO NOT INCLUDE A  
23 PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS  
24 ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY  
25 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER  
26 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE  
27 ORIGINAL AUTHORIZING DISTRICT.

1           (B) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION  
2       (4)(b) TO THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4)(b),  
3       IF A DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS  
4       SUBSECTION (4)(b) FOR A BUDGET YEAR IS FEWER THAN SIXTY STUDENTS,  
5       THE DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS SIXTY  
6       STUDENTS.

7           (c) NOTWITHSTANDING SUBSECTIONS (4)(a) AND (4)(b) OF THIS  
8       SECTION, IF, FOR THE 2026-27 BUDGET YEAR, EACH DISTRICT'S TOTAL  
9       PROGRAM IS NOT DETERMINED PURSUANT TO SECTION 22-54-103.3 (3)(b),  
10      THEN FUNDED PUPIL COUNT IS DETERMINED PURSUANT TO SUBSECTION  
11      (4)(a) OF THIS SECTION FOR THE 2026-27 BUDGET YEAR AND EACH BUDGET  
12      YEAR THEREAFTER.

13          (d) (I) NOTWITHSTANDING SUBSECTION (4)(b) OF THIS SECTION, IF  
14      THE STATE EDUCATION FUND BALANCE IS PROJECTED TO BE LESS THAN  
15      TWO HUNDRED MILLION DOLLARS AS OF JUNE 30, 2027, BASED ON  
16      INFORMATION CONTAINED IN THE MARCH 2027 REVENUE FORECAST  
17      PREPARED BY THE LEGISLATIVE COUNCIL STAFF, THEN FOR THE 2027-28  
18      BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE GENERAL  
19      ASSEMBLY SHALL IMPLEMENT A SMOOTHING FACTOR OR THE FUNDED  
20      PUPIL COUNT IS THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE  
21      APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL  
22      KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS  
23      THE DISTRICT'S EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE  
24      APPLICABLE BUDGET YEAR PLUS THE GREATER OF:

25          (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
26      BUDGET YEAR; OR

27          (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE

1     APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
2     THE IMMEDIATELY PRECEDING BUDGET YEAR.

3             (I.5) IF THE GENERAL ASSEMBLY IS REQUIRED TO IMPLEMENT A  
4     SMOOTHING FACTOR PURSUANT TO SUBSECTION (4)(d)(I) OF THIS SECTION,  
5     THEN PRIOR TO THE SMOOTHING FACTOR'S IMPLEMENTATION, THE  
6     GENERAL ASSEMBLY SHALL CONSULT A STATEWIDE ASSOCIATION THAT  
7     REPRESENTS SCHOOL DISTRICTS REGARDING THE DEVELOPMENT AND  
8     IMPLEMENTATION OF A SMOOTHING FACTOR. THE CONSULTATION MUST  
9     INCLUDE AND CONSIDER THE OPINIONS OF SUPERINTENDENTS AND CHIEF  
10    FINANCIAL OFFICERS OF SMALL RURAL SCHOOL DISTRICTS, RURAL SCHOOL  
11    DISTRICTS, SUBURBAN SCHOOL DISTRICTS, AND URBAN SCHOOL DISTRICTS.

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

23            (III) FOR PURPOSES OF SUBSECTION (4)(d)(II) OF THIS SECTION,  
24    EACH OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL  
25    ENROLLMENT IS THE GREATER OF:

26            (A) THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL  
27    ENROLLMENT FOR THE APPLICABLE BUDGET YEAR; OR

1           (B) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER  
2 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND  
3 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR  
4 THE IMMEDIATELY PRECEDING BUDGET YEAR.

5           (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
6 CONTRARY, FOR PURPOSES OF SUBSECTION (4)(d)(III) OF THIS SECTION, AN  
7 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT INCLUDES  
8 ITS ONLINE STUDENT ENROLLMENT, EXCEPT FOR MULTI-DISTRICT ONLINE  
9 SCHOOL STUDENT ENROLLMENT.

10          (V) (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
11 CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4)(d), A DISTRICT'S  
12 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR DOES NOT  
13 INCLUDE A PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT  
14 WAS ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY  
15 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER  
16 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE  
17 ORIGINAL AUTHORIZING DISTRICT.

18          (B) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION  
19 (4)(d) TO THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4)(d),  
20 IF A DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS  
21 SUBSECTION (4)(d) FOR A BUDGET YEAR IS FEWER THAN SIXTY STUDENTS,  
22 THE DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS SIXTY  
23 STUDENTS.

24          (e) IF THE DEPARTMENT OF EDUCATION DETERMINES THAT A  
25 DISTRICT'S PUPIL ENROLLMENT OR OPERATING INSTITUTE CHARTER  
26 SCHOOL'S PUPIL ENROLLMENT FOR A PRECEDING BUDGET YEAR INCLUDED  
27 PUPILS WHO WERE NOT REPORTED AS MULTI-DISTRICT ONLINE PUPILS, BUT

1 WERE DETERMINED BY THE DEPARTMENT OF EDUCATION TO HAVE BEEN  
2 EDUCATED IN A SETTING THAT WAS EQUIVALENT TO A MULTI-DISTRICT  
3 ONLINE PROGRAM, THE DEPARTMENT OF EDUCATION SHALL USE THE  
4 ADJUSTED DISTRICT PUPIL ENROLLMENT OR OPERATING INSTITUTE  
5 CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THAT PRECEDING BUDGET  
6 YEAR WHEN DETERMINING FUNDED PUPIL COUNT PURSUANT TO THIS  
7 SUBSECTION (4).

8 (12) **District locale factor funding.** (d) A district's classification,  
9 as described pursuant to subsection (12)(b) or (12)(c) of this section, is  
10 determined by ~~the latest classifications or classification criteria issued by~~  
11 ~~the national center for education statistics in the institute of education~~  
12 ~~sciences of the United States department of education~~ EDUCATION'S  
13 LATEST CLASSIFICATION CRITERIA OR THE CLASSIFICATION CRITERIA  
14 ISSUED IMMEDIATELY PRIOR TO THE LATEST CLASSIFICATION CRITERIA,  
15 WHICHEVER IS THE GREATER PERCENTAGE.

16 (14) **Total program funding.** (a) (I) FOR THE 2025-26 BUDGET  
17 YEAR, THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE  
18 LEGISLATIVE COUNCIL SHALL DETERMINE, BASED ON BUDGET  
19 PROJECTIONS, THE AMOUNT TO ENSURE THAT FOR THE 2025-26 BUDGET  
20 YEAR, THE SUM OF TOTAL PROGRAM FUNDING FOR ALL DISTRICTS,  
21 INCLUDING FUNDING FOR INSTITUTE CHARTER SCHOOLS, IS AT LEAST TEN  
22 BILLION THIRTY-FIVE MILLION SIX HUNDRED FIFTEEN THOUSAND NINE  
23 HUNDRED SEVENTEEN DOLLARS AND EIGHTY CENTS (\$10,035,615,917.80);  
24 EXCEPT THAT THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE  
25 LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR REVISIONS TO REPLACE  
26 PROJECTIONS WITH ACTUAL FIGURES, INCLUDING ACTUAL PUPIL  
27 ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC OWNERSHIP TAX

1 REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY NECESSARY  
2 CHANGES IN THE AMOUNT TO MAINTAIN TOTAL PROGRAM FUNDING FOR  
3 THE APPLICABLE BUDGET YEAR.

4 (II) THIS SUBSECTION (14)(a) IS REPEALED, EFFECTIVE JULY 1,  
5 2031.

6 (b) (RESERVED)

7 **SECTION 9.** In Colorado Revised Statutes, 22-54-104, **amend**  
8 (1)(c)(I) and (8); and **add** (7)(i) and (7)(j) as follows:

9 **22-54-104. District total program - legislative declaration -**  
10 **definitions - repeal.** (1) (c) (I) Notwithstanding any provision of law to  
11 the contrary, for the 2025-26 budget year through the ~~2029-30~~ 2030-31  
12 budget year, the department of education shall calculate each district's  
13 total program pursuant to this section for the purpose of determining each  
14 district's total program pursuant to section 22-54-103.3. The district's total  
15 program is available to the district to fund the costs of providing public  
16 education, and, except as otherwise provided in section 22-54-105, the  
17 district has the discretion to determine the amounts and purposes for  
18 budgeting and expending its district total program money.

19 (7) (i) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION  
20 (7), FOR THE 2027-28 BUDGET YEAR AND EACH BUDGET YEAR  
21 THEREAFTER, WHEN CALCULATING EACH DISTRICT'S TOTAL PROGRAM  
22 PURSUANT TO THIS SECTION FOR THE PURPOSE OF DETERMINING A  
23 DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-103.3, THE  
24 DEPARTMENT OF EDUCATION SHALL USE THE SAME FUNDED PUPIL COUNT  
25 THAT IT USES PURSUANT TO SECTION 22-54-103.5(4) FOR THE PURPOSE OF  
26 DETERMINING A DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION  
27 22-54-103.3.



1 (j) IF THE DEPARTMENT OF EDUCATION DETERMINES THAT A  
2 DISTRICT'S PUPIL ENROLLMENT OR OPERATING INSTITUTE CHARTER  
3 SCHOOL'S PUPIL ENROLLMENT FOR A PRECEDING BUDGET YEAR INCLUDED  
4 PUPILS WHO WERE NOT REPORTED AS MULTI-DISTRICT ONLINE PUPILS, BUT  
5 WERE DETERMINED BY THE DEPARTMENT OF EDUCATION TO HAVE BEEN  
6 EDUCATED IN A SETTING THAT WAS EQUIVALENT TO A MULTI-DISTRICT  
7 ONLINE PROGRAM, THE DEPARTMENT OF EDUCATION SHALL USE THE  
8 ADJUSTED DISTRICT PUPIL ENROLLMENT OR OPERATING INSTITUTE  
9 CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THAT PRECEDING BUDGET  
10 YEAR WHEN DETERMINING FUNDED PUPIL COUNT PURSUANT TO THIS  
11 SUBSECTION (7).

12 (8) This section is repealed, effective ~~July 1, 2031~~ JULY 1, 2032.

13 **SECTION 10.** In Colorado Revised Statutes, 22-54-104.6,  
14 **amend** (3) introductory portion and (12); and **repeal** (4) and (11.5) as  
15 follows:

16 **22-54-104.6. Implementation of at-risk measure - working**  
17 **group - creation - department duties - reports - legislative declaration**  
18 **- definitions - repeal.** (3) Beginning in the ~~2025-26~~ 2026-27 budget  
19 year, there is created a new at-risk measure in the public school funding  
20 formula for identifying students who are at risk of below-average  
21 academic outcomes because of socioeconomic disadvantage or poverty.  
22 The new at-risk measure replaces the at-risk measure in effect for the  
23 ~~2024-25~~ 2025-26 budget year. The new at-risk measure is designed to  
24 allocate financial resources to public schools to serve the needs of at-risk  
25 students. The new at-risk measure includes:

26 (4) ~~On or before August 15, 2022, the commissioner shall~~  
27 ~~convene a working group to prepare for the implementation in the~~

1 2024-25 budget year of the new at-risk measure created in subsection (3)  
2 of this section.

3 (11.5) (a) ~~In order to prepare for the implementation of the new~~  
4 ~~at-risk measure for the 2024-25 budget year, the department of education~~  
5 ~~shall conduct pre-implementation modeling and testing of the new at-risk~~  
6 ~~measure. At a minimum, the department shall simulate 2024-25 budget~~  
7 ~~year total program calculations, including the new at-risk measure~~  
8 ~~recommended by the working group instead of the at-risk measure in~~  
9 ~~effect for the 2023-24 budget year.~~

10 (b) ~~Not later than January 5, 2024, the commissioner of education~~  
11 ~~shall submit a report to the education committees of the senate and house~~  
12 ~~of representatives, or any successor committees, and the joint budget~~  
13 ~~committee, including:~~

14 (I) ~~A summary of the outcomes of the modeling and testing using~~  
15 ~~the new at-risk measure, and the anticipated effects on the cost of total~~  
16 ~~program funding;~~

17 (II) ~~An identification of issues encountered in the modeling and~~  
18 ~~testing using the new at-risk measure; and~~

19 (III) ~~Recommendations for any legislation necessary to implement~~  
20 ~~the new at-risk measure for the 2024-25 budget year, as well as financial~~  
21 ~~resources needed to administer the new at-risk measure.~~

22 (12) ~~Subsections (4) to (11)~~ SUBSECTIONS (5) TO (11) of this  
23 section are repealed, effective July 1, 2025 JULY 1, 2026.

24 **SECTION 11.** In Colorado Revised Statutes, 22-43.7-104,  
25 **amend** (1) and (2)(d)(I) as follows:

26 **22-43.7-104. Public school capital construction assistance fund**  
27 **- creation - crediting of money to fund - use of fund - emergency**

1 **reserve - creation - reserve account - creation and use - definition.**

2 (1) (a) The public school capital construction assistance fund is hereby  
3 created in the state treasury. SUBJECT TO THE LIMITATION SET FORTH IN  
4 SUBSECTION (1)(b)(I) OF THIS SECTION, the principal of the assistance fund  
5 ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY transferred or credited to the  
6 assistance fund pursuant to subsection (2) of this section. EXCEPT AS  
7 OTHERWISE PROVIDED IN SUBSECTION (1)(b)(I) OF THIS SECTION, all  
8 interest and income earned on the deposit and investment of ~~moneys~~  
9 MONEY in the assistance fund ~~shall be~~ IS credited to the assistance fund  
10 and ~~shall not be~~ IS NOT transferred to the general fund or any other fund  
11 at the end of any fiscal year.

12 (b) (I) (A) FOR THE 2025-26 STATE FISCAL YEAR, AND EACH STATE  
13 FISCAL YEAR THEREAFTER, THE TOTAL AMOUNT OF REVENUE CREDITED IN  
14 THE STATE FISCAL YEAR TO THE ASSISTANCE FUND PURSUANT TO THIS  
15 SECTION MUST NOT EXCEED ONE HUNDRED FIFTY MILLION DOLLARS,  
16 WHICH AMOUNT MUST BE ANNUALLY ADJUSTED FOR INFLATION FOR EACH  
17 STATE FISCAL YEAR THEREAFTER AND MUST INCLUDE THE LESSER OF THE  
18 FIRST FORTY MILLION DOLLARS OR ALL THE MONEY RECEIVED FROM THE  
19 EXCISE TAX ON RETAIL MARIJUANA THAT IS REQUIRED TO BE CREDITED TO  
20 THE ASSISTANCE FUND PURSUANT TO SECTION 16 (5)(d) OF ARTICLE XVIII  
21 OF THE STATE CONSTITUTION.

22 (B) FOR THE 2025-26 STATE FISCAL YEAR, AND EACH STATE FISCAL  
23 YEAR THEREAFTER, THE STATE TREASURER SHALL CREDIT TO THE STATE  
24 PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1) ANY AMOUNT OF  
25 REVENUE THAT EXCEEDS IN THE STATE FISCAL YEAR ONE HUNDRED FIFTY  
26 MILLION DOLLARS, AS ADJUSTED ANNUALLY FOR INFLATION FOR STATE  
27 FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2026, THAT OTHERWISE

1 WOULD BE CREDITED TO THE ASSISTANCE FUND PURSUANT TO THIS  
2 SECTION.

3 (II) AS USED IN THIS SUBSECTION (1)(b), "INFLATION" MEANS THE  
4 ANNUAL PERCENTAGE INCREASE IN THE UNITED STATES DEPARTMENT OF  
5 LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX, OR A  
6 SUCCESSOR INDEX, FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS  
7 PAID FOR BY URBAN CONSUMERS.

8 (2) (d) (I) (A) For the state fiscal year commencing July 1, 2018,  
9 the state treasurer, as provided in section 39-28.8-305 (1)(a), shall credit  
10 to the assistance fund the greater of the first forty million dollars received  
11 and collected from the excise tax on retail marijuana imposed pursuant to  
12 part 3 of article 28.8 of title 39 or ninety percent of the money received  
13 and collected from the tax. For the state fiscal year commencing July 1,  
14 2019, and for each state fiscal year thereafter except for the state fiscal  
15 year 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~~ FOR THE STATE FISCAL YEAR COMMENCING JULY 1,  
9 2019, AND FOR EACH STATE FISCAL YEAR THEREAFTER, THE STATE  
10 TREASURER, AS PROVIDED IN SECTION 39-28.8-305 (1)(a), SHALL  
11 ANNUALLY CREDIT TO THE ASSISTANCE FUND ALL OF THE MONEY  
12 RECEIVED AND COLLECTED FROM THE EXCISE TAX ON RETAIL MARIJUANA  
13 IMPOSED PURSUANT TO PART 3 OF ARTICLE 28.8 OF TITLE 39, SUBJECT TO  
14 THE LIMITATION SET FORTH IN SUBSECTION (1)(b)(I) OF THIS SECTION.

15 (B) THERE IS CREATED WITHIN THE ASSISTANCE FUND THE  
16 CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT. FOR THE 2019-20  
17 STATE FISCAL YEAR, AND EACH STATE FISCAL YEAR THEREAFTER, THE  
18 STATE TREASURER SHALL CREDIT TO THE CHARTER SCHOOL FACILITIES  
19 ASSISTANCE ACCOUNT A PERCENTAGE OF THE AMOUNT CREDITED  
20 PURSUANT TO THIS SUBSECTION (2)(d) THAT IS EQUAL TO THE  
21 PERCENTAGE OF PUPIL ENROLLMENT, AS DEFINED IN SECTION 22-54-103,  
22 STATEWIDE REPRESENTED BY PUPILS WHO WERE ENROLLED IN CHARTER  
23 SCHOOLS FOR THE PRIOR SCHOOL YEAR. THE DEPARTMENT OF EDUCATION  
24 SHALL NOTIFY THE STATE TREASURER OF THE APPLICABLE PERCENTAGE NO  
25 LATER THAN JUNE 1 OF THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.

26 **SECTION 12.** In Colorado Revised Statutes, 22-7-1209, **amend**  
27 (7) as follows:

1           **22-7-1209. State board - rules - department - duties.**

2       (7) Beginning in the 2019-20 budget year, the department shall ~~contract~~  
3       ~~with an entity to~~ develop and implement a public information campaign  
4       to emphasize the importance of learning to read by third grade and to  
5       highlight the local education providers that are achieving high  
6       percentages of third-grade students who demonstrate reading competency.  
7       The public information campaign must be disseminated statewide and  
8       must emphasize the important roles that educators and parents have in  
9       teaching children to read and in providing a school and home  
10      environment that promotes reading. The department is encouraged to  
11      work with the public and private library agencies throughout the state in  
12      developing and implementing the public information campaign.

13           **SECTION 13.** In Colorado Revised Statutes, 42-1-102, **amend**  
14      (88) and (88.5)(a); and **add** (60.2) as follows:

15           **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,  
16      unless the context otherwise requires:

17           (60.2) "MULTIFUNCTION SCHOOL ACTIVITY BUS" MEANS A MOTOR  
18      VEHICLE THAT IS DESIGNED AND USED SPECIFICALLY FOR THE  
19      TRANSPORTATION OF SCHOOL CHILDREN TO OR FROM A SCHOOL-RELATED  
20      ACTIVITY, WHETHER THE ACTIVITY OCCURS WITHIN OR OUTSIDE THE  
21      TERRITORIAL LIMITS OF A SCHOOL DISTRICT AND WHETHER OR NOT THE  
22      ACTIVITY OCCURS DURING SCHOOL HOURS. A "MULTIFUNCTION SCHOOL  
23      ACTIVITY BUS" MUST COMPLY WITH ALL FEDERAL MOTOR VEHICLE SAFETY  
24      STANDARDS AND REGULATIONS APPLICABLE TO SCHOOL BUSES, EXCEPT  
25      ANY STANDARD OR REGULATION REQUIRING THE INSTALLATION OF  
26      OFFICIAL TRAFFIC CONTROL DEVICES.

27           (88) "School bus" means a motor vehicle that is designed and used

1 specifically for the transportation of school children to or from a public  
2 or private school or a school-related activity, whether the activity occurs  
3 within or ~~without~~ OUTSIDE the territorial limits of ~~any~~ A SCHOOL district  
4 and whether or not the activity occurs during school hours. "School bus"  
5 ~~does not include informal or intermittent arrangements, such as sharing~~  
6 ~~of actual gasoline expense or participation in a car pool, for the~~  
7 ~~transportation of school children to or from a public or private school or~~  
8 ~~a school-related activity~~ A "SCHOOL BUS" MUST COMPLY WITH ALL  
9 FEDERAL MOTOR VEHICLE SAFETY STANDARDS AND REGULATIONS  
10 APPLICABLE TO SCHOOL BUSES.

11 (88.5) (a) "School vehicle" means a motor vehicle, including, but  
12 not limited to, a school bus OR MULTIFUNCTION SCHOOL ACTIVITY BUS,  
13 that is owned by or under contract to a public or private school and  
14 operated for the transportation of school children to or from school or a  
15 school-related activity.

16 **SECTION 14.** In Colorado Revised Statutes, 42-4-707, **amend**  
17 (1)(a) introductory portion and (5) introductory portion; and **add** (5)(a.5)  
18 as follows:

19 **42-4-707. Certain vehicles must stop at railroad grade**  
20 **crossings - definitions.** (1) (a) Except as otherwise provided in this  
21 section, the driver of a school bus, as defined in subsection (5)(b) of this  
22 section OR THE DRIVER OF A MULTIFUNCTION SCHOOL ACTIVITY BUS, AS  
23 DEFINED IN SUBSECTION (5)(a.5) OF THIS SECTION, ~~carrying any~~  
24 ~~schoolchild~~ the driver of a vehicle carrying hazardous materials that is  
25 required to be placarded in accordance with rules issued under section  
26 42-20-108, or the driver of a commercial vehicle, as defined in section  
27 42-4-235, that is transporting passengers, before crossing at grade any

1 tracks of a railroad:

2 (5) ~~For the purposes of~~ AS USED IN this section:

3 (a.5) "MULTIFUNCTION SCHOOL ACTIVITY BUS" MEANS A  
4 MULTIFUNCTION SCHOOL ACTIVITY BUS THAT IS REQUIRED TO BEAR ON  
5 THE FRONT AND REAR OF THE BUS THE WORDS "ACTIVITY BUS"  
6 PURSUANT TO SECTION 42-4-1903 (2)(a.5).

7 **SECTION 15.** In Colorado Revised Statutes, 42-4-1901, **amend**  
8 (2)(b) as follows:

9 **42-4-1901. School buses - equipped with supplementary brake**  
10 **retarders.** (2) (b) The general assembly encourages school districts to  
11 consider installing ~~only electromagnetic retarders or~~ state-of-the-art  
12 retarders for purposes of supplementing service brake systems of school  
13 buses when such retarders are acquired on or after April 17, 1991. The  
14 general assembly also encourages school districts to consider purchasing  
15 only those new school buses ~~which~~ THAT are equipped with external  
16 public address systems and retarders of appropriate capacity for purposes  
17 of supplementing any service brake systems of such school buses.

18 **SECTION 16.** In Colorado Revised Statutes, **amend** 42-4-1902  
19 as follows:

20 **42-4-1902. School vehicle drivers - special training required.**  
21 On and after July 1, 1992, the driver of ~~any~~ A school vehicle as defined  
22 in section 42-1-102 (88.5) owned or operated by or for ~~any~~ A school  
23 district in this state shall have successfully completed training ~~approved~~  
24 ~~by the department of education,~~ concerning driving on mountainous  
25 terrain, as defined in section 42-4-1901 (3)(a), and driving in adverse  
26 weather conditions.

27 **SECTION 17.** In Colorado Revised Statutes, 42-4-1903, **amend**



1 (1)(a), (2)(a) introductory portion, and (3); and **add** (2)(a.5) as follows:

2 **42-4-1903. School buses - stops - signs - passing.** (1) (a) The  
3 driver of a motor vehicle upon any highway, road, or street, upon meeting  
4 or overtaking from either direction any school bus that has stopped, shall  
5 stop the vehicle at least twenty feet before reaching the school bus if  
6 visual signal lights as specified in subsection (2) of this section have been  
7 actuated on the school bus. The driver shall not proceed until the visual  
8 signal lights are no longer being actuated. ~~The driver of a motor vehicle~~  
9 ~~shall stop when a school bus that is not required to be equipped with~~  
10 ~~visual signal lights by subsection (2) of this section stops to receive or~~  
11 ~~discharge schoolchildren.~~

12 (2) (a) Every school bus as defined in section 42-1-102 (88), other  
13 than a small passenger-type vehicle having a seating capacity of not more  
14 than ~~fifteen~~ TWELVE, used for the transportation of schoolchildren ~~shall~~  
15 ~~MUST:~~

16 (a.5) EVERY MULTIFUNCTION SCHOOL ACTIVITY BUS AS DEFINED  
17 IN SECTION 42-1-102 (60.2) MUST BEAR ON THE FRONT AND REAR OF THE  
18 BUS THE WORDS "ACTIVITY BUS" IN BLACK LETTERS NOT LESS THAN  
19 EIGHT INCHES IN HEIGHT.

20 (3) Every school bus used for the transportation of schoolchildren,  
21 except those small passenger-type vehicles described in subsection (1) of  
22 this section AND MULTIFUNCTION SCHOOL ACTIVITY BUSES, ~~shall~~ MUST be  
23 equipped with school bus pedestrian safety devices that comply with 49  
24 CFR 571.131 or its successor regulation.

25 **SECTION 18. Safety clause.** The general assembly finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.