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[Colorado Revised Statutes Annotated](#) [Title 22. Education \(§§ 22-1-101 – 22-107-105\)](#) [Financing of Schools - Continued](#) [Financing of Schools - Continued \(Arts. 53 – 58\)](#) [Article 54. Public School Finance Act of 1994 \(§§ 22-54-101 – 22-54-146\)](#)

22-54-103. Definitions.

As used in this article 54, unless the context otherwise requires:

(1) (Deleted by amendment, L. 2003, p. 2117, § 1, effective May 22, 2003.)

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

(1.4) "ASCENT program" means the accelerating students through concurrent enrollment program created in section 22-35-108.

(1.5)

(a) "At-risk pupils" means:

(I) to (IV) Repealed.

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

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

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

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

(VI) For the 2021-22 budget year and budget years thereafter, the greater of:

(A) The number of district pupils eligible for free or reduced-price lunch; or

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

District percentage of pupils eligible for free or reduced-price lunch x District pupil enrollment.

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

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

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

(III) "District pupils eligible for free lunch" means the number of pupils included in the district pupil enrollment who are eligible for free lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

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

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

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

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

(I) "District percentage of pupils eligible for free or reduced-price lunch" means the district pupils eligible for free or reduced-price lunch in grades one through eight divided by the district pupil enrollment in grades one through eight.

(II)

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

(B) "District pupil enrollment" means, for the 2023-24 budget year and each budget year thereafter, the pupil enrollment of the district, as determined in accordance with subsection (10) of this section.

(III) "District pupils eligible for free or reduced-price lunch" means the number of pupils included in the district pupil enrollment who are eligible for free or reduced-price lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

(d) For purposes of this subsection (1.5), at-risk pupils are counted in the same manner as pupils are

counted pursuant to subsection (10) of this section.

(2) "Board of education" means the board of education of a district.

(3) "Budget year" means the period beginning on July 1 of each year and ending on the following June 30 for which a budget for a district is adopted.

(4) "Department of education" means the department of education created in section 24-1-115, C.R.S.

(5) "District" means any public school district organized under the laws of Colorado, except a local college district.

(5.2) "District extended high school pupil enrollment" means the number of pupils, on the pupil enrollment count day within the applicable budget year, who are concurrently enrolled in a postsecondary course, including an academic course or a career and technical education course, as a participant in the ASCENT program or the TREP program and the number of pupils, on the pupil enrollment count day within the applicable budget year, who are enrolled in grade thirteen or fourteen in a p-tech school. A pupil enrolled in a p-tech school pursuant to article 35.3 of this title 22 must be included in the district extended high school pupil enrollment as a full-time student. An ASCENT program participant or a TREP program participant who is enrolled in at least twelve credit hours of postsecondary courses, including academic courses and career and technical education courses, as of the pupil enrollment count day of the applicable budget year must be included in the district extended high school pupil enrollment as a full-time pupil. An ASCENT program participant or a TREP program participant who is enrolled in less than twelve credit hours of postsecondary courses, including academic courses and career and technical education courses, as of the pupil enrollment count day of the applicable budget year must be included in the district extended high school pupil enrollment as a part-time pupil.

(5.5)

(a) "District percentage of at-risk pupils" means, for budget years commencing prior to July 1, 2023, the number of at-risk pupils in the district, as determined in accordance with subsection (1.5) of this section, divided by the pupil enrollment of the district, as determined in accordance with subsection (10) of this section; except that pupil enrollment does not include the number of pupils enrolled in the Colorado preschool program pursuant to article 28 of this title 22, as it exists prior to July 1, 2023, and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title 22.

(b) "District percentage of at-risk pupils" means, for the 2023-24 budget year and each budget year thereafter, the number of at-risk pupils in the district, as determined in accordance with subsection (1.5) of this section, divided by the pupil enrollment of the district, as determined in accordance with subsection (10) of this section.

(6) "District's total program" means the funding for a district, as determined pursuant to section 22-54-104 or section 22-54-104.3, whichever is applicable, which represents the financial base of support for public education in that district.

(6.5) “English language learner pupils” means the number of district pupils who are English language learners, as defined in section 22-24-103 (4), and for whom the district received funding pursuant to section 22-24-104 (3)(b)(I).

(7) “Funded pupil count” means:

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

(I) The district’s pupil enrollment for the applicable budget year; or

(II) The average of the district’s pupil enrollment for the applicable budget year and the district’s pupil enrollment for the immediately preceding budget year; or

(III) The average of the district’s pupil enrollment for the applicable budget year and the district’s pupil enrollment for the two immediately preceding budget years; or

(IV) The average of the district’s pupil enrollment for the applicable budget year and the district’s pupil enrollment for the three immediately preceding budget years;

(b)

(I) For the budget year commencing on July 1, 2002, the district’s online pupil enrollment for the applicable budget year plus the greater of:

(A) The district’s pupil enrollment for the applicable budget year; or

(B) The average of the district’s pupil enrollment for the applicable budget year and the district’s pupil enrollment for the immediately preceding budget year; or

(C) The average of the district’s pupil enrollment for the applicable budget year and the district’s pupil enrollment for the two immediately preceding budget years; or

(D) The average of the district’s pupil enrollment for the applicable budget year and the district’s pupil enrollment for the three immediately preceding budget years.

(II) Repealed.

(c)

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

(A) The district’s pupil enrollment for the applicable budget year; or

(B) The average of the district’s pupil enrollment for the applicable budget year and the district’s pupil enrollment for the immediately preceding budget year; or

(C) The average of the district’s pupil enrollment for the applicable budget year and the district’s pupil enrollment for the two immediately preceding budget years; or

(D) The average of the district’s pupil enrollment for the applicable budget year and the district’s pupil enrollment for the three immediately preceding budget years.

(II) and (III) Repealed.

(IV) Notwithstanding any provision of law to the contrary, for purposes of subparagraph (I) of this paragraph (c) for budget years beginning on or after July 1, 2004, a district’s funded pupil count shall include the certified pupil enrollment and online pupil enrollment of each operating institute charter

school for which the district is the accounting district. The department of education shall add the institute charter school's certified pupil enrollment and online pupil enrollment to the funded pupil count of the district prior to calculating the district's total program pursuant to section 22-54-104.

(d)

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

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

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

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

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

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

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

(III) Repealed.

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

(e)

(I) For budget years commencing on and after July 1, 2009, but prior to July 1, 2023, the district's online pupil enrollment for the applicable budget year plus the district's preschool program enrollment for the applicable budget year plus the district's supplemental kindergarten enrollment for the applicable budget year plus the district's extended high school pupil enrollment for the applicable budget year, plus the greater of:

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

(B) The average of the district's pupil enrollment for the applicable budget year and the district's

pupil enrollment for the immediately preceding budget year; or

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

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

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

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

(III) Repealed.

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

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

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

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

1, 2019.

(f)

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

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

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

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

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

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

(II) Notwithstanding any provision of law to the contrary, for purposes of subsection (7)(f)(I) of this section, a district's funded pupil count includes the certified pupil enrollment and online pupil enrollment of each operating institute charter school for which the district is the accounting district, as provided pursuant to subsections (7)(f)(II.5) and (7)(f)(II.6) of this section. The department of education shall add the institute charter school's certified pupil enrollment and online pupil enrollment to the funded pupil count of the district prior to calculating the district's total program pursuant to section 22-54-104.

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

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

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

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

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

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

(II.6) Notwithstanding any provision of law to the contrary, for purposes of subsection (7)(f)(II.5) of

this section, an operating institute charter school's pupil enrollment includes its online pupil enrollment, except for multi-district online school pupil enrollment.

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

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

(V) Notwithstanding any provision of this subsection (7)(f) to the contrary, for the 2013-14 budget year and each budget year thereafter, for the purposes of this subsection (7), if a district's funded pupil count calculated pursuant to this subsection (7) for a budget year is fewer than fifty pupils, the district's funded pupil count for the budget year is fifty pupils.

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

(7.5) "Institute charter school" means a charter school that enters into a charter contract with the state charter school institute pursuant to the provisions of part 5 of article 30.5 of this title.

(8) "Joint district" means a district which is located in more than one county.

(8.5)

(a) "Online pupil enrollment" means:

(I) (Deleted by amendment, L. 2009, (SB 09-292), ch. 369, p. 1964, § 64, effective August 5, 2009.)

(II) For the 2008-09 budget year, and for budget years thereafter, the number of pupils, on the pupil enrollment count day within the applicable budget year, enrolled in, attending, and actively participating in a multi-district online school, as defined in section 22-30.7-102 (6), created pursuant

to article 30.7 of this title.

(b) For budget years beginning on or after July 1, 2004, a district's online pupil enrollment shall include the certified online pupil enrollment of each operating institute charter school for which the district is the accounting district. The department of education shall add the institute charter school's certified online pupil enrollment to the online pupil enrollment of the district prior to calculating the district's total program pursuant to section 22-54-104.

(9) (Deleted by amendment, L. 2010, (HB 10-1013), ch. 399, p. 1914, § 42, effective June 10, 2010.)

(9.3) "Per pupil revenues" means the district's total program for any budget year divided by the district's funded pupil count for said budget year.

(9.5) Repealed.

(9.7) "P-tech school" means a pathways in technology early college high school that is approved pursuant to article 35.3 of this title.

(10)

(a)

(I) "Pupil enrollment" means the number of pupils enrolled on the pupil enrollment count day within the applicable budget year, as evidenced by the actual attendance of such pupils prior to said date, except as otherwise provided in subsections (10)(a)(II) and (10)(h) of this section, plus the number of pupils expelled prior to the pupil enrollment count day within the applicable budget year who are receiving educational services pursuant to section 22-33-203 as of the pupil enrollment count day of the applicable budget year.

(II) "Pupil enrollment" shall include:

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

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

(III) Repealed.

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

(IV) Repealed.

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

(a.5) Repealed.

(b)

(I) For budget years commencing before the 2019-20 budget year, a pupil enrolled in a kindergarten educational program pursuant to section 22-32-119 (1) is counted as not more than a half-day pupil. For the 2019-20 budget year and each budget year thereafter, a pupil enrolled in a kindergarten educational program pursuant to section 22-32-119 is counted as a full-time pupil, except as otherwise provided in subsection (10)(e.5)(I) of this section. For the 2005-06 budget year and each budget year thereafter, a district shall count and receive funding only for pupils enrolled in a kindergarten educational program who are:

(A) Five years old as of October 1 of the applicable budget year; or

(B) Four years old as of October 1 of the applicable budget year and who have been identified by an administrative unit to be highly advanced gifted children for whom early access to kindergarten is appropriate, as provided in section 22-20-204.5.

(I.5) Repealed.

(II) A pupil with a disability receiving an educational program under the "Exceptional Children's Educational Act", article 20 of this title, who would be in kindergarten but for such disability, shall be counted as a half-day pupil. A pupil with a disability receiving a full-day educational program under said act, who would be in a grade beyond kindergarten but for such disability, shall be counted as a full-day pupil.

(c) (Deleted by amendment, L. 2003, p. 2119, § 4, effective May 22, 2003.)

(d)

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

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

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

(e) A pupil determined to have a disability in accordance with section 22-20-108 and receiving an educational program outside of the district of residence shall be considered enrolled in the district of residence for purposes of this subsection (10).

(e.5)

(I) A pupil who is enrolled as less than a full-time student, other than a student described in subsection (10)(b)(II) or (10)(d) of this section or a student enrolled in a p-tech school pursuant to article 35.3 of this title 22, is counted in accordance with rules promulgated by the state board for students who are enrolled as less than full-time students.

(II) Notwithstanding any provision of subsection (10)(e.5)(I) of this section to the contrary, a pupil who completes one school year of enrollment in a half-day kindergarten educational program and does not advance to first grade, pursuant to section 22-7-1207, is counted as a full-day pupil for the second year in which the pupil is enrolled in the half-day kindergarten educational program.

(e.7) (Deleted by amendment, L. 2009, (HB 09-1319), ch. 286, p. 1317, § 6, effective May 21, 2009.)

(f)

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

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

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

(h)

(I) For the 2019-20 budget year and each budget year thereafter, with regard to a pupil who is simultaneously enrolled in a district or institute charter school and in one or more postsecondary

courses, a district or institute charter school must submit evidence of:

(A) Enrollment in the district or institute charter school and evidence, as provided in state board rule, of attendance for any secondary courses the pupil is enrolled in; and

(B) Enrollment in one or more postsecondary courses, by submitting evidence, as described in state board rule, only of the district's or institute charter school's nonrefundable obligation to pay the student share of tuition for the postsecondary course on behalf of the pupil.

(II) The state board by rule shall specify the number of secondary and postsecondary course credit hours that constitute full-time and part-time membership.

(10.5)

(a) "Pupil enrollment count day" means October 1 of each year; except that:

(I) In any year in which October 1 is a Saturday, a Sunday, or any other day on which school is not in session, except as described in subparagraphs (II) and (III) of this paragraph (a), the pupil enrollment count day is the Monday following that Saturday, Sunday, or other day;

(II) In any year in which a day of a major religious holiday occurs upon October 1, or, in years in which October 1 falls on a Saturday, Sunday, or other day on which school is not in session as described in subparagraph (I) of this paragraph (a), or upon the Monday directly following October 1, the pupil enrollment count day is the first school day immediately following the conclusion of the holiday; and

(III) The department of education is authorized to establish alternative dates for determining pupil enrollment in appropriate circumstances, including, but not limited to, when schools are on a year-round schedule pursuant to section 22-32-109 (1)(n) and pupils will be on authorized breaks on October 1 within the applicable budget year; except that such alternative dates shall be set not more than forty-five school days after the first school day of the applicable school year.

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

(11) "Specific ownership tax revenue paid to the district" means the amount of specific ownership tax revenue received by the district pursuant to section 42-3-107 (24), C.R.S., for the prior budget year that is attributable to all property tax levies made by the district except those property tax levies made for the purpose of satisfying bonded indebtedness obligations, both principal and interest, and those property tax levies authorized at elections held under the provisions of former section 22-53-117 or section 22-54-108 or 22-54-108.5.

(12) "State average per pupil revenues" means the total program of all districts for any budget year divided by the total funded pupil count of all districts for said budget year.

(13) "State board" means the state board of education.

(14)

(a) "Statewide average percentage of at-risk pupils" means, for budget years commencing prior to July 1, 2023, the total number of at-risk pupils in all districts, as determined in accordance with subsection (1.5) of this section, divided by the pupil enrollment of all districts, as determined in

accordance with subsection (10) of this section; except that pupil enrollment does not include the number of pupils enrolled in the Colorado preschool program pursuant to article 28 of this title and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title.

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

(15) “Supplemental kindergarten enrollment” means the number calculated by subtracting five-tenths from the full-day kindergarten factor for the applicable budget year and then multiplying that number by the number of pupils in the district who are enrolled part-time in a kindergarten educational program for the applicable budget year. For the purposes of this subsection (15), the full-day kindergarten factor for the 2008-09 budget year and each budget year thereafter is fifty-eight hundredths of a full-day pupil.

(16) “TREP program” means the teacher recruitment education and preparation program created in section 22-35-108.5.

History

Source: **L. 94:**Entire article added with relocations, p. 779, § 2, effective April 27; (6) and (12) amended, p. 1281, § 2, effective May 22. **L. 95:**(1)(a)(II) amended, p. 611, § 13, effective May 22; (11) amended, p. 951, § 1, effective May 25. **L. 96:**(1)(c) and (10)(a) amended, p. 1795, § 10, effective June 4. **L. 97:**(1)(b)(III), (1)(c), (7), (9), and (10)(a) amended, p. 582, § 8, effective April 30. **L. 98:**(10)(a) and (10)(f) amended, p. 571, § 5, effective April 30; (7) amended, p. 966, § 8, effective May 27; (10)(a) amended, p. 658, § 4, effective August 5. **L. 99:**(1)(d) added, p. 176, § 2, effective March 30. **L. 2000:**(1)(d) repealed, p. 1546, § 4, effective August 2. **L. 2001:**(1), (5.5), and (14) amended and (1.5) and (10)(a.5) added, pp. 340, 361, §§ 4, 29, effective April 16; (10)(b) and (10)(f) amended, p. 562, § 5, effective May 29. **L. 2002:**(1.5)(b)(III) amended, p. 1020, § 32, effective June 1; (7) and (10)(a)(II) amended and (8.5) added, p. 1732, § 2, effective June 7. **L. 2003:**(10)(a)(III) added, p. 939, § 2, effective April 16; (1), IP(1.5)(a)(III), IP(7)(b)(I), (8.5), (10)(b)(I), (10)(c), and (10)(f) amended and (1.5)(a)(IV), (7)(c), (9.5), (10)(b)(I.5), and (10)(e.5) added, pp. 2117, 2118, 2131, 2119, §§ 1, 2, 23, 3, 4, 5, effective May 22. **L. 2004:**(9.5), (10)(b)(I), and (10)(f) amended and (10)(a)(IV) added, pp. 1386, 1387, §§ 1, 2, effective May 28; (1.3), (7.5), and (9.3) added and (7)(c) and (8.5) amended, p. 1636, § 42, effective July 1; (10)(e.5) amended, p. 1213, § 105, effective August 4. **L. 2005:**IP(1.5)(a)(IV), (10)(b)(I), and (10)(f) amended and (1.5)(a)(V) added, pp. 430, 434, §§ 2, 7, effective April 29; (9.5)(a) and (10)(d) amended, p. 1005,

§ 1, effective June 2; (11) amended, p. 1181, § 28, effective August 8. **L. 2006:**(1.5)(b)(II), (5.5), IP(7)(c)(I), (9.5), (10)(b)(I), (10)(f), and (14) amended, p. 697, § 42, effective April 28; (1.5)(a)(I), (1.5)(a)(II), (1.5)(a)(III), (1.5)(a)(IV), and (10)(a)(III) repealed, p. 611, § 40, effective August 7. **L. 2007:**(11) amended, p. 38, § 6, effective March 7; (10)(e.7) added and (10)(f) amended, p. 337, § 2, effective April 2; (10)(a)(IV) amended, p. 733, § 2, effective May 9; (8.5) and (10)(a)(II) amended, p. 1085, § 7, effective July 1. **L. 2008:**(10)(a)(IV)(B) and (10)(b)(I) amended, p. 777, § 3, effective May 14; IP(7)(c)(I) and (9.5) amended and (7)(d), (10)(a)(V), and (15) added, pp. 1194, 1227, 1195, §§ 3, 43, 4, 5, effective May 22; (10)(f) amended, p. 1901, § 84, effective August 5. **L. 2009:**(7)(d)(III)(A) and (10)(a)(V) amended,(HB 09-1189), ch. 99, p. 370, § 3, effective April 3; (1.4), (5.2), and (7)(e) added and IP(7)(d)(I), (10)(e.7), and (10)(f) amended,(HB 09-1319), ch. 286, p. 1317, §§ 5, 6, effective May 21; (15) amended,(SB 09-256), ch. 294, p. 1548, § 2, effective May 21; (5.2) amended,(SB 09-285), ch. 425, p. 2375, § 8, effective June 4; (1.5)(b)(II), (5.5), (8.5)(a)(I), and (14) amended,(SB 09-292), ch. 369, p. 1964, § 64, effective August 5. **L. 2010:**IP(1.5)(a)(V) and IP(1.5)(b)(IV) amended,(SB 10-062), ch. 168, p. 595, § 13, effective April 29; (7)(e)(V) added,(HB 10-1369), ch. 246, p. 1100, § 8, effective May 21; (10)(a)(III.5) added,(SB 10-054), ch. 265, p. 1212, § 2, effective May 25; (9) and (12) amended,(HB 10-1013), ch. 399, p. 1914, § 42, effective June 10. **L. 2011:**(15) amended,(SB 11-157), ch. 10, p. 21, § 1, effective March 9; (10)(a)(IV)(B) and (10)(b)(I)(B) amended,(HB 11-1077), ch. 30, p. 85, § 16, effective August 10. **L. 2012:**(5.2), (8.5)(a)(II), (9.5)(a), (10)(a)(I), (10)(a)(III.5), and (10)(d)(II) amended and (10.5) added,(HB 12-1090), ch. 44, p. 155, § 20, effective March 22; (8.5)(a)(II) and (10)(a)(II)(B) amended,(HB 12-1240), ch. 258, p. 1331, § 46, effective June 4; IP(10)(b)(I) amended,(HB 12-1238), ch. 180, p. 672, § 14, effective July 1. **L. 2013:**(7)(e)(VI) added,(SB 13-260), ch. 236, p. 1138, § 2, effective May 17. **L. 2014:**(1.5)(a)(V) and (1.5)(b)(IV) amended,(HB 14-1298), ch. 244, p. 936, § 20, effective May 21; (10)(a)(IV)(B) and (10)(b)(I)(B) amended,(HB 14-1102), ch. 330, p. 1472, § 12, effective August 6. **L. 2015:**(1.5)(b)(IV) amended,(HB 15-1323), ch. 204, p. 725, § 37, effective May 20; IP(1.5)(b)(IV) amended,(SB 15-264), ch. 259, p. 956, § 54, effective August 5; (5.2), IP(7)(e)(I), and (10)(e.5) amended and (9.7) added,(HB 15-1270), ch. 195, p. 655, § 2, effective August 5. **L. 2018:**IP amended and (10)(g) added,(SB 18-225), ch. 397, p. 2360, § 2, effective June 6. **L. 2019:**(7)(e)(VII) added and IP(10)(b)(I), (10)(e.5), (10)(f), and (15) amended, (HB 19-1262), ch. 245, p. 2392, § 1, effective May 21; (10)(a)(I) amended and (10)(h) added,(SB 19-176), ch. 244, p. 2388, § 8, effective August 2. **L. 2020:**(10)(a)(IV) repealed and (15) amended, (HB 20-1418), ch. 197, p 956, §§ 42, 41, effective June 30. **L. 2021:**(1.5), (9.5)(b)(I), (10)(f), and (10.5)(a)(III) amended and (6.5) added, (SB 21-268), ch. 222, pp. 1172, 1174, 1188, §§ 6, 11, 27, effective June 11; (5.2) amended and (16) added,(SB 21-185), ch. 246, p. 1337, § 17, effective September 7. **L. 2022:**(1.5)(c)(II), (5.5), IP(7)(e)(I), (10)(d), (10)(f), and (14) amended and (7)(f) and (9.5)(c) added,(HB 22-1295), ch. 123, p. 777, § 10, effective July 1. **L. 2023:**(7)(f)(II) and (7)(f)(III) amended and (7)(f)(II.5) and (7)(f)(II.6) added,(SB 23-287), ch. 189, p. 919, § 3, effective May 15.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 22

C.R.S. Title 22, Art. 54

State Notes

Notes

Editor's note:

(1) Amendments to subsection (10)(a) by House Bill 98-1227 and Senate Bill 98-1 were harmonized. Amendments to subsection (8.5)(a)(II) by House Bill 12-1090 and House Bill 12-1240 were harmonized. Amendments to the introductory portion of subsection (1.5)(b)(IV) by SB 15-264 and HB 15-1323 were harmonized.

(2) Subsection (10)(b)(I.5)(B) provided for the repeal of subsection (10)(b)(I.5), effective July 1, 2003. (See L. 2003, p. 2119.) Subsection (10)(a.5)(II) provided for the repeal of subsection (10)(a.5), effective July 1, 2004. (See L. 2001, p. 361.) Subsection (7)(b)(II)(B) provided for the repeal of subsection (7)(b)(II), effective July 1, 2005. (See L. 2002, p. 1732.) Subsection (7)(c)(II)(B) provided for the repeal of subsection (7)(c)(II), effective July 1, 2005. (See L. 2003, p. 2118.) Subsection (7)(c)(III)(B) provided for the repeal of subsection (7)(c)(III), effective July 1, 2006. (See L. 2003, p. 2118.) Subsection (7)(d)(III)(B) provided for the repeal of subsection (7)(d)(III), effective July 1, 2012. (See L. 2008, p. 1195.) Subsection (7)(e)(III)(B) provided for the repeal of subsection (7)(e)(III), effective July 1, 2012. (See L. 2009, p. 1317.) Subsection (9.5)(c) provided for the repeal of subsection (9.5), effective July 1, 2023. (See L. 2022, p. 777.)

Research References & Practice Aids

Cross references:

For the legislative declaration contained in the 2001 act amending subsections (10)(b) and (10)(f), see section 1 of chapter 174, Session Laws of Colorado 2001. For the legislative declaration contained in the 2008 act amending the introductory portion to subsection (7)(c)(I) and subsection (9.5) and enacting subsections (7)(d), (10)(a)(V), and (15), see section 1 of chapter 286, Session Laws of Colorado 2008. For the legislative declaration in HB 20-1418, see section 1 of chapter 197, Session Laws of Colorado 2020. For the legislative declaration in SB 23-287, see section 1 of chapter 189, Session Laws of Colorado 2023.

Colorado Revised Statutes Annotated

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