

FINAL DRAFT

**Proposed initiative measure 2005-2006 #46** RECEIVED  
**Resubmission with changes**

JUL 25 2005 C.M.  
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Be it Enacted by the People of the State of Colorado:

Section 17 (1) and (2) of article IX of the constitution of the state of Colorado are amended, and the said section 17 is further amended BY THE ADDITION OF A NEW SUBSECTION to read:

ELECTIONS / LICENSING  
REVENUE DEPARTMENT

**Section 17. Education – Funding. (1) Purpose.** In state fiscal year 2001-2002 through state fiscal year 2010-2011, the statewide base per pupil funding, as defined by the Public School Finance Act of 1994, article 54 of title 22, Colorado Revised Statutes on the effective date of this section, for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at least by the rate of inflation plus an additional one percentage point. In state fiscal year 2011-2012, and each fiscal year thereafter, the statewide base per pupil funding for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at a rate set by the general assembly that is at least equal to the rate of inflation IN STATE FISCAL YEAR 2007-2008 AND IN EACH STATE FISCAL YEAR THEREAFTER, EACH SCHOOL DISTRICT SHALL SPEND AT LEAST SIXTY-FIVE PERCENT OF ITS OPERATIONAL EXPENDITURES ON CLASSROOM INSTRUCTION EXPENDITURES.

**(2) Definitions.** For purposes of this section: (a) "Categorical programs" include transportation programs, English language proficiency programs, expelled and at-risk student programs, special education programs (including gifted and talented programs), suspended student programs, vocational education programs, small attendance centers, comprehensive health education programs, and other current and future accountable programs specifically identified in statute as a categorical program.

(a.5) "CLASSROOM INSTRUCTION EXPENDITURES" MEANS EXPENDITURES DIRECTLY RELATED TO CLASSROOM INSTRUCTION, INCLUDING BUT NOT LIMITED TO INSTRUCTIONAL STAFF AND INSTRUCTIONAL MATERIALS. "CLASSROOM INSTRUCTION EXPENDITURES" SHALL INCLUDE ACTIVITIES DEALING DIRECTLY WITH INTERACTION BETWEEN STUDENTS AND TEACHERS, OR OTHER CLASSROOM AND INSTRUCTIONAL PERSONNEL, SPECIAL EDUCATION INSTRUCTION, TUTORS, BOOKS, CLASSROOM COMPUTERS, GENERAL INSTRUCTION SUPPLIES, INSTRUCTIONAL AIDES, LIBRARIES AND LIBRARIANS, AND CLASS ACTIVITIES SUCH AS FIELD TRIPS, ATHLETICS, ARTS, MUSIC, AND MULTI-DISCIPLINARY LEARNING.

(b) "Inflation" has the same meaning as defined in article X, section 20, subsection (2), paragraph (f) of the Colorado constitution.

(c) "OPERATIONAL EXPENDITURES" MEANS ALL EXPENDITURES MADE BY A SCHOOL DISTRICT OTHER THAN EXPENDITURES FOR CAPITAL CONSTRUCTION OR DEBT OR BOND PAYMENTS, INCLUDING BUT NOT LIMITED TO PAYMENT OF INTEREST ON DEBT OR BONDS.

**(6) Classroom Instruction Expenditures.** (a) IN STATE FISCAL YEAR 2007-2008 AND IN EACH STATE FISCAL YEAR THEREAFTER, EACH SCHOOL DISTRICT SHALL SPEND AT LEAST SIXTY-FIVE PERCENT OF ITS OPERATIONAL EXPENDITURES ON CLASSROOM INSTRUCTION EXPENDITURES.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6), IF IN THE STATE FISCAL YEAR 2006-2007, A SCHOOL DISTRICT SPENDS LESS THAN SIXTY-FIVE PERCENT OF ITS OPERATIONAL EXPENDITURES ON CLASSROOM INSTRUCTION EXPENDITURES, THE SCHOOL DISTRICT SHALL INCREASE ITS CLASSROOM INSTRUCTION EXPENDITURES BY TWO PERCENT OF ITS OPERATIONAL EXPENDITURES IN EACH STATE FISCAL YEAR UNTIL ITS

CLASSROOM INSTRUCTION EXPENDITURES REACH SIXTY-FIVE PERCENT OF ITS OPERATIONAL EXPENDITURES.

(c) IN A STATE FISCAL YEAR IN WHICH A SCHOOL DISTRICT DETERMINES THAT IT CANNOT MEET THE REQUIREMENTS OF EITHER PARAGRAPH (a) OR (b) OF THIS SUBSECTION (6), THE SCHOOL DISTRICT MAY REQUEST A RENEWABLE, ONE-YEAR WAIVER OF THE REQUIREMENTS FROM THE GOVERNOR OF THE STATE OF COLORADO. WITHIN FORTY-FIVE DAYS AFTER RECEIPT OF A REQUEST, THE GOVERNOR OF THE STATE OF COLORADO SHALL EITHER GRANT OR DENY THE REQUESTED WAIVER.

(d) THE GENERAL ASSEMBLY MAY ENACT SANCTIONS FOR A SCHOOL DISTRICT THAT FAILS TO COMPLY WITH THE PROVISIONS OF THIS SUBSECTION (6).

### **Proponents**

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