

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB26-023 be amended as follows:

1 Amend reengrossed bill, page 2, line 2, before "add" insert "repeal
2 (4)(c); and".

3 Page 2, line 3, strike "(3)(b)" and substitute "(3)(b), (4)(a)(VII),
4 (4)(d)(VI), (4)(d.5)".

5 Page 2, after line 13 insert:

6 **"(4) Funded pupil count.** Funded pupil count is:

7 (a) (VII) THIS SUBSECTION (4)(a) IS REPEALED, EFFECTIVE JULY 1,
8 2026.

9 (c) ~~Notwithstanding subsections (4)(a) and (4)(b) of this section,~~
10 ~~if, for the 2026-27 budget year, each district's total program is not~~
11 ~~determined pursuant to section 22-54-103.3 (3)(b), then funded pupil~~
12 ~~count is determined pursuant to subsection (4)(a) of this section for the~~
13 ~~2026-27 budget year and each budget year thereafter.~~

14 (d) (VI) THIS SUBSECTION (4)(d) IS REPEALED, EFFECTIVE JULY 1,
15 2026.

16 (d.5) (I) NOTWITHSTANDING SUBSECTION (4)(b) OF THIS SECTION,
17 FOR A BUDGET YEAR WHEN TOTAL PROGRAM IS THE GREATER OF THE
18 DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION
19 22-54-104 PLUS ONE PERCENT OF THE DISTRICT'S TOTAL PROGRAM
20 CALCULATION PURSUANT TO SECTION 22-54-104 OR THE AMOUNT
21 CALCULATED PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL
22 TO AT LEAST FORTY-FIVE PERCENT OF THE DIFFERENCE BETWEEN THE
23 DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION
24 22-54-103.5 AND THE DISTRICT'S TOTAL PROGRAM CALCULATION
25 PURSUANT TO SECTION 22-54-104, AND FOR EACH BUDGET YEAR
26 THEREAFTER, THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE
27 APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL
28 KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS
29 THE DISTRICT'S EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE
30 APPLICABLE BUDGET YEAR PLUS THE GREATER OF:

31 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
32 BUDGET YEAR;

33 (B) AN AMOUNT EQUAL TO FIFTY PERCENT OF THE DISTRICT'S PUPIL
34 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS AN AMOUNT
35 EQUAL TO THIRTY PERCENT OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
36 IMMEDIATELY PRECEDING BUDGET YEAR PLUS AN AMOUNT EQUAL TO
37 TWENTY PERCENT OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE BUDGET
38 YEAR THAT IS TWO YEARS IMMEDIATELY PRECEDING THE APPLICABLE

1 BUDGET YEAR; OR
2 (C) AN AMOUNT EQUAL TO NINETY-SEVEN PERCENT OF THE
3 DISTRICT'S PUPIL ENROLLMENT FOR THE IMMEDIATELY PRECEDING BUDGET
4 YEAR.
5 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
6 CONTRARY, FOR PURPOSES OF THIS SUBSECTION (4)(d.5), A DISTRICT'S
7 FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL ENROLLMENT AND
8 ONLINE PUPIL ENROLLMENT OF EACH OPERATING INSTITUTE CHARTER
9 SCHOOL, AS PROVIDED IN SUBSECTIONS (4)(d.5)(III) AND (4)(d.5)(IV) OF
10 THIS SECTION, FOR WHICH THE DISTRICT IS THE ACCOUNTING DISTRICT.
11 THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE CHARTER
12 SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE PUPIL ENROLLMENT
13 TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO CALCULATING
14 THE DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS SECTION.
15 (III) FOR PURPOSES OF SUBSECTION (4)(b)(II) OF THIS SECTION,
16 EACH OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL
17 ENROLLMENT IS THE GREATER OF:
18 (A) THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL
19 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR; OR
20 (B) AN AMOUNT EQUAL TO FIFTY PERCENT OF THE OPERATING
21 INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE
22 BUDGET YEAR PLUS AN AMOUNT EQUAL TO THIRTY PERCENT OF THE
23 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE
24 IMMEDIATELY PRECEDING BUDGET YEAR PLUS AN AMOUNT EQUAL TO
25 TWENTY PERCENT OF THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL
26 ENROLLMENT FOR THE BUDGET YEAR THAT IS TWO YEARS IMMEDIATELY
27 PRECEDING THE APPLICABLE BUDGET YEAR; OR
28 (C) AN AMOUNT EQUAL TO NINETY-SEVEN PERCENT OF THE
29 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE
30 IMMEDIATELY PRECEDING BUDGET YEAR.
31 (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
32 CONTRARY, FOR PURPOSES OF SUBSECTION (4)(d.5)(III) OF THIS SECTION,
33 AN OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL
34 ENROLLMENT INCLUDES ITS ONLINE PUPIL ENROLLMENT, EXCEPT FOR
35 MULTI-DISTRICT ONLINE SCHOOL PUPIL ENROLLMENT.
36 (V) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE
37 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
38 AVERAGING, OR SMOOTHING, A DISTRICT'S PUPIL ENROLLMENT FOR THE
39 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
40 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO THIS
41 SUBSECTION (4)(d.5), AND AVERAGING AN OPERATING INSTITUTE CHARTER
42 SCHOOL'S STUDENT ENROLLMENT AND ONLINE PUPIL ENROLLMENT
43 PURSUANT TO THIS SUBSECTION (4)(d.5), IS A PROGRAM FOR

1 ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE
2 FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)
3 OF ARTICLE IX OF THE STATE CONSTITUTION.

4 (VI) (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
5 CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4)(d.5), A DISTRICT'S
6 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S
7 PUPIL ENROLLMENT FOR A PRECEDING BUDGET YEAR DO NOT INCLUDE A
8 PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS
9 ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY
10 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER
11 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE
12 ORIGINAL AUTHORIZING DISTRICT.

13 (B) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION
14 (4)(d.5) TO THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION
15 (4)(d.5), IF A DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO
16 THIS SUBSECTION (4)(d.5) FOR A BUDGET YEAR IS FEWER THAN SIXTY
17 STUDENTS, THE DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR
18 IS SIXTY STUDENTS."

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