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

HB19-1055 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Strike the Finance Committee Report, dated March 4, 2019.

2 Strike the Education Committee Report, dated February 7, 2019, and substitute:

4 "Amend printed bill, page 2, line 3, after "(2)(d)" insert "and (3); and add (2)(e)".

6 Page 3 of the bill, lines 24 and 25, strike "STUDENTS INCLUDED IN THE STATEWIDE FUNDED PUPIL COUNT" and substitute "PUPIL ENROLLMENT, AS DEFINED IN SECTION 22-54-103 (10), STATEWIDE REPRESENTED BY PUPILS".

10 Page 4 of the bill, after line 1 insert:

"(e) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2)(e), IF POSSIBLE, OR AS SOON AS POSSIBLE THEREAFTER, THE STATE TREASURER SHALL TRANSFER FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE ASSISTANCE FUND TO THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT OF THE ASSISTANCE FUND CREATED IN SUBSECTION (2)(d) OF THIS SECTION.

(3) Subject to annual appropriation, the department may expend moneys in the assistance fund for the purposes of paying the direct and indirect administrative costs, including but not limited to the costs of
conducing or contracting for the financial assistance priority assessment required by section 22-43.7-108 (1), incurred by the division, the board, and the department in exercising their powers and duties pursuant to this article, providing financial assistance, making payments required by section 22-43.7-114, and paying any transaction costs necessarily incurred in connection with the provision of financial assistance as authorized by this article. FOR STATE FISCAL YEAR 2020-21, THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE HUNDRED SIXTY MILLION DOLLARS FROM THE ASSISTANCE FUND FOR USE BY THE BOARD IN PROVIDING FINANCIAL ASSISTANCE IN THE FORM OF MATCHING CASH GRANTS ONLY.”.

Page 4 of the bill, after line 25 insert:

"SECTION 3. In Colorado Revised Statutes, amend 22-43.7-201 as follows:

22-43.7-201. Full-day kindergarten facility capital construction fund - creation - grants - definitions. (1) There is hereby established in the state treasury The full-day kindergarten facility capital construction fund, referred to in this part 2 as the “f
2021fund”. The fund, is HEREBY CREATED IN THE STATE TREASURY. The fund shall consist of any moneys annually appropriated thereto by the general assembly for the purposes of this part 2. All interest and income earned on the deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a budget year shall remain in the fund and shall not be credited or transferred to the general fund or any other fund. MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD MAY EXPEND MONEY FROM THE FUND AS SPECIFIED IN THIS PART 2.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, the public school capital construction assistance board shall use the moneys in the fund to provide grants or matching grants to any school district or institute charter school that is undertaking a capital construction project to renovate a facility, rent a facility, or provide a temporary auxiliary facility that will be used in conjunction with providing a full-day kindergarten program. The board shall award a grant or matching grant pursuant to this part 2 to a school district or institute charter school only if, without the grant or matching grant, the school
A district or institute charter school would be unable to provide a facility in which to offer a full day of kindergarten to more students than were offered a full day of kindergarten in the 2007-08 budget year. For purposes of this part 2, "temporary auxiliary facility" means a temporary building that will be placed on the same campus as a main educational facility.

(3) Except as otherwise provided in subsection (4) of this section, each budget year, the board shall use fifty percent of the money in the fund to provide grants pursuant to this part 2 and fifty percent of the money in the fund to provide matching grants pursuant to this part 2.

(4) (a) As used in this subsection (4), unless the context otherwise requires:

(I) "Applicant share percentage" means, with respect to an applicant, the percentage of total equitably adjusted funding statewide for both all applicants and all potential applicants who do not actually apply for grants as authorized by this subsection (4) represented by the equitably adjusted funding for the applicant.

(II) "Equitable adjustment factor" means, with respect to both an applicant and a potential applicant that does not actually apply for a grant as authorized by this subsection (4) the sum of the applicant's:

(A) Size factor, as determined pursuant to section 22-54-104 (5)(b)(I.5);

(B) Percentage of enrolled pupils who are eligible for free or reduced price lunch;

(C) Percentage of enrolled pupils who are English language learners, as defined in section 22-24-103 (4); and

(D) Percentage of enrolled pupils who are special education students.

(III) "Equitably adjusted funding" means, with respect to both an applicant and a potential applicant who does not actually apply for a grant as authorized by this subsection (4) the product of total applicant per pupil funding and the equitable adjustment factor.

(IV) "Total applicant per pupil funding" means, with respect to both an applicant and a potential applicant who does not actually apply for a grant as authorized by this subsection (4) the product of the number of children enrolled in a full-day kindergarten educational program provided by the applicant
DURING THE 2019-20 BUDGET YEAR AND THE APPLICANT'S PER PUPIL
FUNDING AMOUNT, AFTER APPLICATION OF SECTION 22-54-104 (5)(g), FOR
THE 2019-20 BUDGET YEAR.

(b) On July 1, 2019, the State Treasurer shall transfer
twenty-five million dollars from the Assistance Fund to the
fund. During the 2018-19 budget year, the board shall accept
applications from applicants that will provide a full-day
kindergarten educational program for the 2019-20 budget year
for financial assistance in the form of formula-based grants in
a total amount of up to twenty-five million dollars for the
2019-20 budget year. The board shall establish grant
application requirements and deadlines that allow applicants
to efficiently provide the information needed to allow the
board to quickly determine the estimated amount of the
formula-based grant to be awarded to each applicant and
expedite distribution of the formula-based grants.

(c) The amount of the grant to be provided to each
applicant pursuant to subsection (4)(b) of this section is
determined by the following formula:

The lesser of $25,000,000 x the applicant share
percentage or the amount actually applied for by
the applicant.

On July 1, 2020, the State Treasurer shall transfer from the
fund to the Assistance Fund any portion of the twenty-five
million dollars previously transferred from the Assistance
fund to the fund as required by subsection (4)(b) of this section
that is not distributed to applicants as formula-based grants
during the 2019-20 budget year.

(d) On July 1, 2019, or as soon as feasible thereafter, the
board shall cause to be distributed to each applicant eighty
percent of the estimated amount of the applicant's
formula-based grant. As soon as feasible following the final
determination of statewide and applicant full-day kindergarten
enrollment for the 2019-20 budget year and no later than
February 15, 2020, the board shall determine the final amount
of each applicant's formula-based grant and cause to be
distributed to each applicant any additional amount needed to
ensure that each applicant receives the full final amount of its
grant.

(e) As soon as possible after receiving each distribution
described in this section, the authorizer for a charter school
THAT OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM SHALL DISTRIBUTE TO THE CHARTER SCHOOL, IN A LUMP SUM, ONE HUNDRED PERCENT OF THE AMOUNT RECEIVED THAT IS ATTRIBUTABLE TO THE FULL-DAY KINDERGARTEN PUPILS ENROLLED IN THE CHARTER SCHOOL.

(f) An applicant may expend a formula-based grant received pursuant to this subsection (4) during the 2019-20 budget year for the purpose of acquiring furniture, fixtures, or other fixed or moveable equipment, excluding construction equipment, that is needed to conduct a full-day kindergarten educational program or a preschool educational program.

Renumber succeeding sections accordingly.

Page 5 of the bill, line 11, strike "PERCENTAGE" and substitute "NUMBER".

Page 5 of the bill, line 14, strike "PERCENTAGE" and substitute "NUMBER".

Page 6 of the bill, after line 19 insert:

"SECTION 5. Appropriation. For the 2019-20 state fiscal year, $50,000,000 is appropriated to the department of education. This appropriation is from the public school capital construction assistance fund created in section 22-43.7-104 (1), C.R.S. To implement this act, the department may use this appropriation for public school capital construction assistance board cash grants.

SECTION 6. Appropriation. For the 2019-20 state fiscal year, $25,000,000 is appropriated to the department of education. This appropriation is from the full-day kindergarten facility capital construction fund created in section 22-43.7-201 (1), C.R.S. To implement this act, the department may use this appropriation for grants made pursuant to section 22-43.7-201 (4), C.R.S.

SECTION 7. Appropriation. For the 2019-20 state fiscal year, $5,000,000 is appropriated to the department of education. This appropriation is from the public school capital construction assistance fund created in section 22-43.7-104 (1), C.R.S. To implement this act, the department may use this appropriation for public school capital construction assistance board lease payments.

SECTION 8. Appropriation. For the 2019-20 state fiscal year, $656,559 is appropriated to the department of education. This appropriation is from the state education fund created in section 17(4)(a)
of article IX of the state constitution. To implement this act, the
department may use this appropriation for state aid to charter school
facilities.
SECTION 9. Appropriation to the department of education for the fiscal year beginning July 1, 2018. In Session Laws of Colorado 2018, section 2 of chapter 424, (HB 18-1322), amend Part III (2)(C)(2) and the affected totals, as the affected totals are amended by SB19-128 and as the affected totals are further amended by section 8 of SB19-207, as follows:

Section 2. Appropriation.

PART III

DEPARTMENT OF EDUCATION

(2) ASSISTANCE TO PUBLIC SCHOOLS

(C) Grant Programs, Distributions, and Other Assistance

(2) Capital Construction

Division of Public School

Capital Construction

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1,407,245f

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*HB1055_H_APP. 008*
These amounts shall be from the Public School Capital Construction Assistance Fund created in Section 22-43.7-104 (1), C.R.S.

Of this amount, $20,000,000 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution, and $9,250,000 shall be from the Charter School Facilities Assistance Account, an account within the Public School Capital Construction Assistance Fund, created in Section 22-43.7-104 (2)(d), C.R.S. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

*TOTALS PART III*

(EDUCATION) $5,683,206,524 $3,101,068,143 $985,333,333 $1,040,224,578 $39,385,509 $617,194,961

This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

Of this amount, $4,046,629 contains an (I) notation.

Of this amount, $20,100,000 contains an (I) notation.
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1 *This amount contains an (I) notation.*

2

*HB1055_H_APP.003*  -10-
1 Renumber succeeding section accordingly.
2 Page 1 of the bill, line 108, strike "AND".
3 Page 1 of the bill, line 111, strike "SCHOOLS." and substitute "SCHOOLS,
4 AND MAKING AN APPROPRIATION.".".

*** ** *** *** **