

## CHAPTER 9

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**EDUCATION - PUBLIC SCHOOLS**


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**SENATE BILL 17-173**

BY SENATOR(S) Lambert, Lundberg, Moreno, Court, Crowder, Donovan, Fenberg, Fields, Guzman, Jones, Kagan, Kerr, Martinez Humenik, Merrifield, Todd, Williams A., Zenzinger;  
 also REPRESENTATIVE(S) Hamner, Young, Rankin, Becker K., Buckner, Covarrubias, Exum, Hooton, Lee, Mitsch Bush, Pettersen, Rosenthal, Valdez, Van Winkle.

**AN ACT**
**CONCERNING ADJUSTMENTS IN THE AMOUNT OF TOTAL PROGRAM FUNDING FOR PUBLIC SCHOOLS FOR THE 2016-17 BUDGET YEAR, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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

(a) The actual funded pupil count and the actual at-risk pupil count were less than anticipated when the appropriation was established during the 2016 regular legislative session for total program funding for the 2016-17 budget year. As a result, total program funding is \$25,499,673 less than the appropriation made during the 2016 legislative session.

(b) In addition, based on the actual local property tax and specific ownership taxes available to school districts for the 2016-17 budget year, the local share of total program funding is \$23,077,754 less than anticipated when appropriations were established during the 2016 regular legislative session; and

(c) Although the reduction in total program funding due to a lower than anticipated funded pupil count and at-risk pupil count more than offsets the decrease in the local share of total program funding, the general assembly's intent is to maintain the state share of school districts' total program funding at the level of the original appropriation during the 2016 legislative session, and to adjust total program funding, after application of the negative factor, to reflect a reduction in the negative factor.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(2) Now, therefore, the general assembly finds it necessary to revise total program funding for the 2016-17 budget year.

**SECTION 2.** In Colorado Revised Statutes, 22-54-104, **amend** (5)(g)(I) introductory portion and (5)(g)(I)(G) as follows:

**22-54-104. District total program - definitions.** (5) For purposes of the formulas used in this section:

(g) (I) For the 2010-11 budget year and each budget year thereafter, the general assembly determines that stabilization of the state budget requires a reduction in the amount of the annual appropriation to fund the state's share of total program funding for all districts and the funding for institute charter schools. The department of education shall implement the reduction in total program funding through the application of a negative factor as provided in this ~~paragraph (g)~~ SUBSECTION (5)(g). For the 2010-11 budget year and each budget year thereafter, the department of education and the staff of the legislative council shall determine, based on budget projections, the amount of such reduction to ensure the following:

(G) That, for the 2016-17 budget year, the sum of the total program funding for all districts, including the funding for institute charter schools, after application of the negative factor, is not less than ~~six billion three hundred ninety-four million five hundred twenty-eight thousand nine hundred thirty-one dollars (\$6,394,528,931)~~ SIX BILLION THREE HUNDRED SEVENTY-TWO MILLION TWO HUNDRED EIGHTY-FOUR THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$6,372,284,194); except that the department of education and the staff of the legislative council shall make mid-year revisions to replace projections with actual figures, including but not limited to actual pupil enrollment, assessed valuations, and specific ownership tax revenue from the prior year, to determine any necessary changes in the amount of the reduction to maintain a total program funding amount for the applicable budget year that is consistent with this ~~sub-subparagraph (G)~~ SUBSECTION (5)(g)(I)(G). For the 2017-18 budget year, the difference between calculated statewide total program funding and actual statewide total program funding must not exceed the difference between calculated statewide total program funding and actual statewide total program funding for the 2016-17 budget year.

| ITEM &<br>SUBTOTAL | TOTAL | APPROPRIATION FROM |                           |               |                         |                  |
|--------------------|-------|--------------------|---------------------------|---------------|-------------------------|------------------|
|                    |       | GENERAL<br>FUND    | GENERAL<br>FUND<br>EXEMPT | CASH<br>FUNDS | REAPPROPRIATED<br>FUNDS | FEDERAL<br>FUNDS |
| \$                 | \$    | \$                 | \$                        | \$            | \$                      | \$               |

**SECTION 3. Appropriation to the department of education for the fiscal year beginning July 1, 2016.** In Session Laws of Colorado 2016, section 2 of chapter 385, (HB 16-1405), **amend** Part III (2)(A) as follows:

Section 2. **Appropriation.**

**PART III  
DEPARTMENT OF EDUCATION**

**(2) ASSISTANCE TO PUBLIC SCHOOLS**

**(A) Public School Finance**

|  |                                   |               |                          |  |                        |
|--|-----------------------------------|---------------|--------------------------|--|------------------------|
| Administration   | 1,776,557                         |               |                          | 155,354 <sup>a</sup>                           | 1,621,203 <sup>b</sup> |
|  |                                   |               |                          | (0.9 FTE)                                      | (17.0 FTE)             |
| State Share of Districts <sup>1</sup>                              |                                   |               |                          |  |                        |
| Total Program Funding <sup>5</sup>                                 | 4,115,002,841                     | 2,717,820,995 | 873,835,000 <sup>c</sup> | 523,346,846 <sup>d</sup>                       |                        |
| Hold-harmless Full-day<br>Kindergarten Funding                     | <del>7,922,486</del><br>7,926,436 |               |                          | <del>7,922,486</del><br>7,926,436 <sup>e</sup> |                        |
| District Per Pupil<br>Reimbursements for<br>Juveniles Held in Jail | 10,000                            |               |                          | 10,000 <sup>e</sup>                            |                        |
| At-risk Supplemental Aid   | 5,094,358                         |               |                          | 5,094,358 <sup>f</sup>                         |                        |



| ITEM &<br>SUBTOTAL | TOTAL | APPROPRIATION FROM |                           |               |                         |                  |
|--------------------|-------|--------------------|---------------------------|---------------|-------------------------|------------------|
|                    |       | GENERAL<br>FUND    | GENERAL<br>FUND<br>EXEMPT | CASH<br>FUNDS | REAPPROPRIATED<br>FUNDS | FEDERAL<br>FUNDS |
| \$                 | \$    | \$                 | \$                        | \$            | \$                      | \$               |

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

<sup>b</sup> Of this amount, \$3,403,844 contains an (I) notation.

<sup>c</sup> Of this amount, \$16,931,760 contains an (I) notation.

<sup>d</sup> This amount contains an (I) notation.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 1, 2017