

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0979.01 Brita Darling x2241

HOUSE BILL 18-1171

HOUSE SPONSORSHIP

Hamner, Young, Rankin

SENATE SPONSORSHIP

Lundberg, Lambert, Moreno

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING ADJUSTMENTS IN THE AMOUNT OF TOTAL PROGRAM**
102 **FUNDING FOR PUBLIC SCHOOLS FOR THE 2017-18 BUDGET YEAR,**
103 **AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN**
104 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. The general assembly recognizes that the actual funded pupil count and the actual at-risk pupil count for the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 21, 2018

HOUSE
3rd Reading Unamended
February 8, 2018

HOUSE
Amended 2nd Reading
February 7, 2018

2017-18 school year are lower than anticipated when the appropriation amount was established during the 2017 legislative session. In addition, local property tax and specific ownership tax receipts are more than anticipated, increasing the local share of total program funding. The bill declares the general assembly's intent to maintain the average amount of funding distributed per pupil on a statewide basis at the level of the original appropriation, resulting in a reduction in the budget stabilization factor. The bill adjusts the minimum amount of total program funding specified in statute to reflect this intent.

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

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

4 (a) The actual funded pupil count and the actual at-risk pupil
5 count for the 2017-18 school year are lower than anticipated when the
6 appropriation was established during the 2017 regular legislative session
7 for total program funding for the 2017-18 budget year. As a result, total
8 program funding is \$12,917,463 less than the appropriation made during
9 the 2017 regular legislative session.

10 (b) In addition, based on the actual amount of the local property
11 tax and specific ownership tax receipts available to school districts for the
12 2017-18 budget year, the local share of total program funding is
13 \$96,900,446 higher than anticipated when the appropriation for total
14 program funding was established during the 2017 regular legislative
15 session; and

16 (c) It is the general assembly's intent to maintain the average
17 amount of funding distributed per pupil on a statewide basis at the level
18 of the original appropriation, resulting in a reduction of the budget
19 stabilization factor, and to adjust the minimum amount of total program
20 funding specified in statute to reflect this intent.

1 (2) Now, therefore, the general assembly finds it necessary to
2 revise total program funding for the 2017-18 budget year.

3 **SECTION 2.** In Colorado Revised Statutes, 22-54-104, **amend**
4 (5)(g)(I)(H) as follows:

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

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

18 (H) That, for the 2017-18 budget year, the sum of the total
19 program funding for all districts, including the funding for institute
20 charter schools, after application of the budget stabilization factor, is not
21 less than ~~six billion six hundred thirty-four million six hundred thousand~~
22 ~~one hundred eighty-two dollars (\$6,634,600,182)~~ SIX BILLION SIX
23 HUNDRED TWENTY-SEVEN MILLION SEVEN HUNDRED TWENTY-FOUR
24 THOUSAND NINE HUNDRED SIXTY-FIVE DOLLARS (\$6,627,724,965); except
25 that the department of education and the staff of the legislative council
26 shall make mid-year revisions to replace projections with actual figures,
27 including but not limited to actual pupil enrollment, assessed valuations,

1 and specific ownership tax revenue from the prior year, to determine any
2 necessary changes in the amount of the reduction to maintain a total
3 program funding amount for the applicable budget year that is consistent
4 with this subsection (5)(g)(I)(H). For the 2018-19 budget year, the
5 difference between calculated statewide total program funding and actual
6 statewide total program funding must not exceed the difference between
7 calculated statewide total program funding and actual statewide total
8 program funding for the 2017-18 budget year.

9 **SECTION 3. In Colorado Revised Statutes, 22-54-114, add (7)**
10 **as follows:**

11 **22-54-114. State public school fund - repeal. (7) FOR THE**
12 **2017-18 BUDGET YEAR, THE STATE TREASURER, BEFORE JUNE 30, 2018,**
13 **SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE PUBLIC SCHOOL**
14 **FUND THIRTY MILLION SEVEN HUNDRED TWENTY-THREE THOUSAND SEVEN**
15 **HUNDRED NINETY-ONE DOLLARS.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

SECTION 4. Appropriation to the department of education for the fiscal year beginning July 1, 2017. In Session Laws of Colorado 2017, section 2 of chapter 421,

(SB 17-254), amend Part III (2)(A), the affected totals, and footnote 6, as the affected totals are amended by HB18-1159, as follows:

Section 2. Appropriation.

PART III

DEPARTMENT OF EDUCATION

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

<u>Administration</u>	<u>1,764,489</u>			<u>143,286^a</u>	<u>1,621,203^b</u>
				<u>(0.9 FTE)</u>	<u>(17.0 FTE)</u>
<u>State Share of Districts'</u>					
<u>Total Program Funding^{5,6}</u>	<u>4,225,007,024</u>	<u>3,000,088,997</u>	<u>923,068,333^c</u>	<u>301,849,694^d</u>	
	<u>4,121,072,695</u>	<u>2,969,365,206</u>		<u>228,639,156^d</u>	
<u>Hold-harmless Full-day</u>					
<u>Kindergarten Funding</u>	<u>8,183,726</u>			<u>8,183,726^e</u>	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>8,179,097</u>				<u>8,179,097^e</u>		
2	<u>District Per Pupil</u>						
3	<u>Reimbursements for</u>						
4	<u>Juveniles Held in Jail</u>	<u>10,000</u>			<u>10,000^e</u>		
5	<u>At-risk Supplemental Aid</u>	<u>5,094,358</u>			<u>5,094,358^f</u>		
6	<u>At-risk Per Pupil</u>						
7	<u>Additional Funding</u>	<u>5,000,000</u>			<u>5,000,000^f</u>		
8	<u>4,245,059,597</u>						
9	<u>4,141,120,639</u>						

11 ^a Of this amount, \$83,329 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution and \$59,957 shall be from the Public Education
 12 Fund created in Section 39-22-4203 (1), 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
 13 limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

14 ^b This amount shall be transferred from the State Share of Districts' Total Program Funding line item appropriation in the Assistance to Public Schools section of this department.

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

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^d Of this amount, \$228,639,156 THIS AMOUNT shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution. and \$73,210,538 shall be from the State Public School Fund created in Section 22-54-114 (1), 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. Of the amount appropriated from the State Public School Fund, \$64,813,020 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Sections 22-54-114 (1) and 34-63-102, C.R.S., and \$8,397,518 is estimated to be from interest and income earned on the investment of money in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3)(f), C.R.S.

^e These amounts shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution. 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.

^f These amounts shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S., from interest and income earned on the investment of money in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3)(f), C.R.S.

TOTALS PART III

<u>(EDUCATION)</u>	<u>\$5,596,320,354</u>	<u>\$3,179,084,807</u>	<u>\$923,068,333^a</u>	<u>\$811,003,279^b</u>	<u>\$34,930,424^c</u>	<u>\$648,233,511^d</u>
	<u>\$5,492,381,396</u>	<u>\$3,148,361,016</u>		<u>\$737,788,112</u>		

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

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

^b Of this amount, \$3,927,869 contains an (I) notation.

^c Of this amount, \$20,100,000 contains an (I) notation.

^d This amount contains an (I) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

6 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this footnote is to specify what portion of this appropriation is intended to be available for the Accelerating Students Through Concurrent Enrollment (ASCENT) Program for FY 2017-18. It is the General Assembly's intent that the Department of Education be authorized to utilize up to ~~\$4,210,800~~ \$4,213,200 of this appropriation to fund qualified students designated as ASCENT Program participants. This amount is calculated based on an estimated 600 FTE participants funded at a rate of ~~\$7,018~~ \$7,022 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

1 **SECTION 5. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.