

CHAPTER 81

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 18-1171

BY REPRESENTATIVE(S) Hamner, Young, Rankin, Becker K., Bridges, Buckner, Esgar, Exum, Garnett, Hansen, Hooton, Jackson, Kennedy, Lee, McLachlan, Michaelson Jenet, Pettersen, Roberts, Rosenthal, Singer, Valdez, Weissman, Arndt, Coleman, Gray, Herod, Kraft-Tharp, Lontine, McKean, Melton, Duran;
also SENATOR(S) Lundberg, Lambert, Moreno, Aguilar, Baumgardner, Cooke, Court, Crowder, Donovan, Gardner, Holbert, Jahn, Jones, Kerr, Martinez Humenik, Merrifield, Sonnenberg, Tate, Todd, Zenzinger, Grantham.

AN ACT

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

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

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

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

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

(c) It is 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 of the budget stabilization factor, and to adjust the minimum amount of total program funding specified in statute to reflect this intent.

Capital letters or bold & italic numbers 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 2017-18 budget year.

SECTION 2. In Colorado Revised Statutes, 22-54-104, **amend** (5)(g)(I)(H) 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 budget stabilization factor as provided in this subsection (5)(g)(I). 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:

(H) That, for the 2017-18 budget year, the sum of the total program funding for all districts, including the funding for institute charter schools, after application of the budget stabilization factor, is not less than ~~six billion six hundred thirty-four million six hundred thousand one hundred eighty-two dollars (\$6,634,600,182)~~ SIX BILLION SIX HUNDRED TWENTY-SEVEN MILLION SEVEN HUNDRED TWENTY-FOUR THOUSAND NINE HUNDRED SIXTY-FIVE DOLLARS (\$6,627,724,965); 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 subsection (5)(g)(I)(H). For the 2018-19 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 2017-18 budget year.

SECTION 3. In Colorado Revised Statutes, 22-54-114, **add** (7) and (8) as follows:

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

(8) THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE STATE PUBLIC SCHOOL FUND FOR PURPOSES OF SCHOOL SAFETY SEVEN MILLION THIRTY-THREE THOUSAND EIGHT HUNDRED EIGHTY-THREE DOLLARS, WHICH AMOUNT RESULTS FROM THE REDUCTION IN DISTRICT TOTAL PROGRAM FUNDING FOR THE 2017-18 BUDGET YEAR AS DESCRIBED IN HOUSE BILL 18-1171.

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.**

APPROPRIATION FROM

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

**PART III
DEPARTMENT OF EDUCATION**

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

Administration	1,764,489			143,286 ^a	1,621,203 ^b	
				(0.9 FTE)	(17.0 FTE)	
State Share of Districts'						
Total Program Funding ^{5,6}	4,225,007,024	3,000,088,997	923,068,333 ^c	301,849,694^d		
	4,121,072,695	2,969,365,206		228,639,156 ^d		
Hold-harmless Full-day Kindergarten Funding	8,183,726			8,183,726^e		
	8,179,097			8,179,097 ^e		
District Per Pupil Reimbursements for Juveniles Held in Jail	10,000			10,000 ^e		
At-risk Supplemental Aid	5,094,358			5,094,358 ^f		
At-risk Per Pupil Additional Funding	<u>5,000,000</u>			5,000,000 ^f		
	4,245,059,597					
	4,141,120,639					

^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 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 limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

^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.

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

^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

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

^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.

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

^d This amount contains an (L) 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.

SECTION 5. 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 29, 2018