

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0388.01 Brita Darling x2241

SENATE BILL 19-066

SENATE SPONSORSHIP

Todd,

HOUSE SPONSORSHIP

Buentello,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING HIGH-COST SPECIAL EDUCATION GRANTS AWARDED**
102 **FROM A TRUST FUND ESTABLISHED FOR THAT PURPOSE.**

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>.)

The bill creates the high-cost special education trust fund (trust fund) to be used for high-cost special education trust fund grants (trust fund grants) to public school special education administrative units that have made significant expenditures in providing special education services to a child with a disability.

The trust fund consists of money transferred from the general fund

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.

to the trust fund for the 2018-19 fiscal year, as well as an annual appropriation beginning in the 2019-20 fiscal year from the marijuana tax cash fund to the trust fund.

The department of education may expend interest and income from the trust fund for trust fund grants awarded by the Colorado special education fiscal advisory committee (committee).

The bill specifies the eligibility criteria for a trust fund grant and criteria that the committee shall consider in determining the trust fund grant recipients and the amount of the trust fund grants.

The bill requires an annual report to the education committees of the general assembly concerning trust fund grants awarded during the fiscal year.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-20-114.7 as
3 follows:

4 **22-20-114.7. High-cost special education trust fund - creation**
5 **- grants - eligibility - legislative declaration - definition - annual**
6 **report.** (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (I) PROVIDING EQUAL ACCESS TO HIGH-QUALITY PUBLIC
8 EDUCATION FOR ALL STUDENTS, INCLUDING CHILDREN WITH DISABILITIES,
9 IS A TOP PRIORITY FOR THE STATE;

10 (II) EACH ADMINISTRATIVE UNIT IN THE STATE IS RESPONSIBLE FOR
11 MAKING AVAILABLE SPECIAL EDUCATION SERVICES REQUIRED BY THE IEP
12 FOR ANY CHILD WITH A DISABILITY FOR WHOM IT IS RESPONSIBLE;

13 (III) EACH YEAR, A SMALL NUMBER OF CASES, RANDOMLY
14 AFFECTING ADMINISTRATIVE UNITS ACROSS THE STATE, BECOME
15 EXTRAORDINARILY EXPENSIVE, THREATENING TO JEOPARDIZE THE
16 ADMINISTRATIVE UNIT'S ABILITY TO PROVIDE EQUAL ACCESS TO EACH
17 CHILD AND TO MAINTAIN FINANCIAL STABILITY;

18 (IV) ENSURING THAT FINANCIAL SUPPORT IS AVAILABLE TO HELP
19 ADMINISTRATIVE UNITS DEFRAID THE COSTS ASSOCIATED WITH PROVIDING

1 HIGH-COST SPECIAL EDUCATION SERVICES IS A STATEWIDE CONCERN; AND

2 (V) BUILDING A RESERVE THAT MAY PROVIDE NECESSARY
3 FUNDING FOR ADMINISTRATIVE UNITS EXPERIENCING HIGH COSTS WILL
4 HELP BRING EQUITY AND STABILITY TO THE STATE'S SPECIAL EDUCATION
5 PROGRAMS.

6 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
7 NECESSARY AND APPROPRIATE TO CREATE A HIGH-COST SPECIAL
8 EDUCATION TRUST FUND TO BUILD A RESERVE FOR HIGH-COST SPECIAL
9 EDUCATION SERVICES.

10 (2) (a) THE HIGH-COST SPECIAL EDUCATION TRUST FUND,
11 REFERRED TO IN THIS SECTION AS THE "TRUST FUND", IS CREATED IN THE
12 STATE TREASURY. THE TRUST FUND IS ADMINISTERED BY THE COLORADO
13 SPECIAL EDUCATION FISCAL ADVISORY COMMITTEE, CREATED IN THE
14 DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-20-114.5(2), AND
15 REFERRED TO IN THIS SECTION AS THE "COMMITTEE".

16 (b) (I) ON JUNE 30, 2019, THE STATE TREASURER SHALL TRANSFER
17 ONE MILLION DOLLARS FROM THE GENERAL FUND TO THE TRUST FUND.

18 (II) ON AUGUST 1, 2019, AND ON AUGUST 1 OF EACH YEAR
19 THEREAFTER, THE STATE TREASURER SHALL TRANSFER FROM THE
20 MARIJUANA TAX CASH FUND, CREATED IN SECTION 39-28.8-501, TO THE
21 TRUST FUND AN AMOUNT EQUAL TO TWO PERCENT OF THE AMOUNT
22 AVAILABLE FOR APPROPRIATION FROM THE MARIJUANA TAX CASH FUND
23 FOR THE CURRENT FISCAL YEAR AFTER APPLICATION OF THE LIMITATION
24 SET FORTH IN SECTION 39-28.8-501 (5).

25 (c) THE TRUST FUND CONSISTS OF MONEY TRANSFERRED TO THE
26 TRUST FUND PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION AND ANY
27 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE

1 TRUST FUND AND THE INTEREST AND INCOME EARNED ON THE PRINCIPAL
2 OF THE TRUST FUND.

3 (d) TRANSFERS TO THE TRUST FUND PURSUANT TO SUBSECTION
4 (2)(b) OF THIS SECTION AND ANY MONEY APPROPRIATED TO THE TRUST
5 FUND PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION CONSTITUTE THE
6 PRINCIPAL OF THE TRUST FUND. THE PRINCIPAL OF THE TRUST FUND
7 REMAINS IN THE TRUST FUND AND SHALL NOT BE APPROPRIATED,
8 TRANSFERRED, OR EXPENDED.

9 (e) THE STATE TREASURER IS AUTHORIZED AND DIRECTED TO
10 MANAGE THE TRUST FUND THROUGH PRUDENT INVESTMENTS WITH A
11 TARGETED MINIMUM ANNUAL RETURN OF THREE PERCENT ON THE
12 PRINCIPAL AND SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM
13 THE DEPOSIT AND INVESTMENT OF MONEY IN THE TRUST FUND TO THE
14 TRUST FUND.

15 (f) TRUST FUND INTEREST AND INCOME IS CONTINUOUSLY
16 APPROPRIATED TO THE DEPARTMENT FOR HIGH-COST SPECIAL EDUCATION
17 TRUST FUND GRANTS AWARDED BY THE COMMITTEE PURSUANT TO
18 SUBSECTION (3) OF THIS SECTION. INTEREST AND INCOME NOT EXPENDED
19 DURING THE FISCAL YEAR FOR HIGH-COST SPECIAL EDUCATION TRUST
20 FUND GRANTS MAY BE EXPENDED IN SUBSEQUENT FISCAL YEARS FOR THAT
21 PURPOSE.

22 (3) (a) THE COMMITTEE MAY AWARD HIGH-COST SPECIAL
23 EDUCATION TRUST FUND GRANTS FROM INTEREST AND INCOME IN THE
24 TRUST FUND.

25 (b) AN ADMINISTRATIVE UNIT MAY APPLY TO THE COMMITTEE FOR
26 A HIGH-COST SPECIAL EDUCATION TRUST FUND GRANT IF THE
27 ADMINISTRATIVE UNIT:

1 (I) HAS EXPENDITURES, AS DEFINED IN SUBSECTION (3)(c) OF THIS
2 SECTION, OVER THE COURSE OF THREE CONSECUTIVE YEARS TO MEET THE
3 REQUIREMENTS OF A SINGLE IEP; AND

4 (II) THE EXPENDITURES EXCEED THE LESSER OF:

5 (A) THREE HUNDRED THOUSAND DOLLARS; OR

6 (B) TEN PERCENT OF THE ADMINISTRATIVE UNIT'S ANNUAL
7 GENERAL FUND BUDGET FOR THE YEAR IN WHICH THE ADMINISTRATIVE
8 UNIT APPLIES FOR THE HIGH-COST SPECIAL EDUCATION TRUST FUND
9 GRANT.

10 (c) FOR THE PURPOSES OF SUBSECTION (3)(b) OF THIS SECTION,
11 "EXPENDITURES" INCLUDE ITEMS THAT ARE REQUIRED TO MEET A CHILD'S
12 IEP, INCLUDING, WITHOUT LIMITATION, EQUIPMENT, BOOKS, TECHNOLOGY,
13 STAFFING NEEDS, TUITION COSTS, ATTORNEY FEES AND EXPENSES,
14 SUPPLIES, AND BUILDING RENOVATIONS. AN ADMINISTRATIVE UNIT
15 APPLYING FOR A HIGH-COST SPECIAL EDUCATION TRUST FUND GRANT
16 SHALL PROVIDE DOCUMENTATION OR OTHER CERTIFICATION OF
17 EXPENDITURES, AS REQUIRED BY THE COMMITTEE.

18 (d) IF THE COMMITTEE DETERMINES THAT AN ADMINISTRATIVE
19 UNIT IS ELIGIBLE FOR A HIGH-COST SPECIAL EDUCATION TRUST FUND
20 GRANT, THE COMMITTEE SHALL CONSIDER THE FOLLOWING CRITERIA IN
21 DETERMINING WHETHER TO AWARD A TRUST FUND GRANT AND IN WHAT
22 AMOUNT:

23 (I) GEOGRAPHIC DIVERSITY OF ADMINISTRATIVE UNITS AWARDED
24 HIGH-COST SPECIAL EDUCATION TRUST FUND GRANTS;

25 (II) NUMBER OF APPLICATIONS RECEIVED IN A GIVEN YEAR;

26 (III) THE AMOUNT OF HIGH-COST SPECIAL EDUCATION TRUST FUND
27 GRANT MONEY AVAILABLE FOR DISTRIBUTION IN A GIVEN YEAR; AND

1 (IV) ANY SPECIAL CIRCUMSTANCES ASSOCIATED WITH THE
2 INDIVIDUAL HIGH-COST SPECIAL EDUCATION TRUST FUND GRANT REQUEST.

3 (e) THE COMMITTEE SHALL MAKE THE FINAL DETERMINATION AS
4 TO THE HIGH-COST SPECIAL EDUCATION TRUST FUND GRANT AWARD AND
5 AMOUNT; HOWEVER, THE COMMITTEE SHALL ATTEMPT TO AWARD TRUST
6 FUND GRANTS IN PROPORTION TO THE NEED PRESENTED BY INDIVIDUAL
7 CASES AND THE NUMBER OF APPLICATIONS PRESENTED BY
8 ADMINISTRATIVE UNITS IN A GIVEN YEAR.

9 (f) THE COMMITTEE MAY REQUEST ADDITIONAL INFORMATION
10 FROM ADMINISTRATIVE UNITS PRIOR TO THE DISTRIBUTION OF HIGH-COST
11 SPECIAL EDUCATION TRUST FUND GRANTS.

12 (g) THE COMMITTEE IS ENCOURAGED TO WORK DIRECTLY WITH AN
13 ADMINISTRATIVE UNIT TO HELP TAILOR HIGH-COST SPECIAL EDUCATION
14 TRUST FUND GRANTS TO THE SPECIFIC NEEDS OF THE INDIVIDUAL
15 ADMINISTRATIVE UNIT FOR THE MOST EFFICIENT USE OF TRUST FUND
16 GRANT MONEY.

17 (4) (a) FOR EACH FISCAL YEAR IN WHICH THE COMMITTEE AWARDS
18 A HIGH-COST SPECIAL EDUCATION TRUST FUND GRANT, THE COMMITTEE
19 SHALL REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF
20 REPRESENTATIVES AND OF THE SENATE, OR ANY SUCCESSOR COMMITTEES,
21 THE FOLLOWING INFORMATION:

22 (I) THE NUMBER OF APPLICATIONS RECEIVED FOR A HIGH-COST
23 SPECIAL EDUCATION TRUST FUND GRANT;

24 (II) THE NUMBER OF HIGH-COST SPECIAL EDUCATION TRUST FUND
25 GRANTS AWARDED DURING THE FISCAL YEAR;

26 (III) THE NAME OF THE ADMINISTRATIVE UNIT RECEIVING A
27 HIGH-COST SPECIAL EDUCATION TRUST FUND GRANT AND THE AMOUNT OF

1 MONEY AWARDED FOR EACH TRUST FUND GRANT; AND

2 (IV) THE BALANCE IN THE TRUST FUND, INCLUDING PRINCIPAL AND
3 AVAILABLE INTEREST AND INCOME IN THE TRUST FUND.

4 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
5 (11)(a)(I) TO THE CONTRARY, THE REPORT REQUIRED PURSUANT TO THIS
6 SUBSECTION (4) CONTINUES INDEFINITELY.

7 **SECTION 2.** In Colorado Revised Statutes, 22-20-114.5, **add** (6)
8 as follows:

9 **22-20-114.5. Special education fiscal advisory committee -**
10 **special education high-cost grants - definitions - repeal.** (6) IN
11 ADDITION TO AWARDING GRANTS PURSUANT TO SUBSECTION (3) OF THIS
12 SECTION, THE COMMITTEE SHALL AWARD HIGH-COST SPECIAL EDUCATION
13 TRUST FUND GRANTS AND REPORT ON THOSE GRANTS PURSUANT TO
14 SECTION 22-20-114.7.

15 **SECTION 3.** In Colorado Revised Statutes, 39-28.8-501, **amend**
16 (2)(c); and **add** (4.5) as follows:

17 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
18 **- legislative declaration.** (2) (c) Subject to the limitations in subsection
19 (5) of this section and in addition to the purposes for which the general
20 assembly may appropriate ~~moneys~~ MONEY in the fund specified in
21 ~~paragraphs (a) and (b) of this subsection (2)~~ SUBSECTIONS (2)(a) AND
22 (2)(b) OF THIS SECTION, the general assembly may also direct the state
23 treasurer to transfer ~~moneys~~ MONEY in the fund to the general fund as
24 specified in subsection (4) of this section AND TO THE HIGH-COST SPECIAL
25 EDUCATION TRUST FUND AS SPECIFIED IN SUBSECTION (4.5) OF THIS
26 SECTION. The general assembly may direct the state treasurer to make
27 such transfers only for a fiscal year following the fiscal year in which the

1 ~~moneys~~ MONEY in the fund ~~were~~ WAS received by the state.

2 (4.5) ON AUGUST 1, 2019, AND ON AUGUST 1 OF EACH YEAR
3 THEREAFTER, THE STATE TREASURER SHALL TRANSFER FROM THE FUND TO
4 THE HIGH-COST SPECIAL EDUCATION TRUST FUND, CREATED IN SECTION
5 22-20-114.7, AN AMOUNT EQUAL TO TWO PERCENT OF THE AMOUNT
6 AVAILABLE FOR APPROPRIATION FROM THE FUND FOR THE CURRENT FISCAL
7 YEAR AFTER APPLICATION OF THE LIMITATION SET FORTH IN SUBSECTION
8 (5) OF THIS SECTION.

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