

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 19-128

BY SENATOR(S) Moreno and Todd, Zenzinger, Rankin, Bridges, Donovan, Fields, Hill, Sonnenberg, Story, Garcia;
also REPRESENTATIVE(S) Esgar and McLachlan, Hansen, Ransom, Bird, Buckner, Buentello, Caraveo, Coleman, Cutter, Duran, Exum, Froelich, Garnett, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Sullivan, Tipper, Titone, Valdez A., Weissman, Becker, Kraft-Tharp, McKean.

CONCERNING ADJUSTMENTS TO APPROPRIATIONS IN THE 2018-19 FISCAL YEAR FOR STATE SHARE OF TOTAL PROGRAM FUNDING FOR SCHOOL FINANCE, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

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

(I) The actual funded pupil count and the actual at-risk pupil count for the 2018-19 school year are lower than anticipated when the appropriation was established during the 2018 legislative session for total

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

program funding for the 2018-19 budget year. As a result, total program funding is \$21,494,856 lower than anticipated when appropriations were established for the 2018 session.

(II) In addition, based on actual local property taxes and specific ownership taxes available to school districts for the 2018-19 budget year, the local share of total program funding is \$56,095,569 higher than anticipated when appropriations were established in the 2018 legislative session; and

(III) It is the general assembly's intent to reduce the state share of total program funding, maintaining the dollar amount of the budget stabilization factor established during the 2018 legislative session.

(b) Therefore, the general assembly finds it necessary to revise the total program funding for the 2018-19 budget year.

(2) Further, the general assembly finds and declares that due to the implementation of a new information technology system within the department of education's school finance division, the department of education made errors in the calculation and distribution of at-risk funding specific to the state charter school institute for the 2015-16 and 2016-17 budget years, resulting in an underpayment to the state charter school institute for those budget years. To correct this underpayment, an appropriation of \$545,147 must be made to the department of education for the state charter school institute during the 2018-19 budget year.

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

(I) That, for the 2018-19 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 ~~seven billion eighty-eight million seven hundred seventy-six thousand two hundred thirty dollars (\$7,088,776,230)~~ SEVEN BILLION SIXTY-SIX MILLION FIFTY THOUSAND NINE HUNDRED SEVENTY DOLLARS (\$7,066,050,970); 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)(I). For the 2019-20 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 2018-19 budget year.

SECTION 3. Appropriation. For the 2018-19 state fiscal year, \$545,147 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation to correct the distribution of total program funding to institute charter schools from prior years.

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, 2018. In Session Laws of Colorado 2018, section 2 of chapter 424, (HB 18-1322), **amend** Part III (2)(A) and footnote 4, as footnote 4 is amended by section 11 of chapter 250, (HB18-1379), Session Laws of Colorado 2018, as follows:

Section 2. **Appropriation.**

**PART III
DEPARTMENT OF EDUCATION**

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

Administration	1,754,244			84,387 ^a	1,669,857 ^b
				(0.9 FTE)	(17.0 FTE)
Financial Transparency					
System Maintenance	600,000			600,000 ^c	
State Share of Districts'					
Total Program Funding ⁴	4,386,861,735	3,070,085,534	793,100,000 ^d	523,676,201 ^e	
	4,309,271,310	3,005,395,234		510,776,076 ^e	
Hold-harmless Full-day					
Kindergarten Funding	8,498,576			8,498,576 ^f	
	8,486,511			8,486,511 ^f	
District Per Pupil					
Reimbursements for					
Juveniles Held in Jail	10,000			10,000 ^f	
At-risk Supplemental Aid	5,094,358			5,094,358 ^g	
At-risk Per Pupil					
Additional Funding	5,000,000			5,000,000 ^g	
	<u>4,407,818,913</u>				
	4,330,216,423				

^a This amount 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.

^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.

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.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO