

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

**REVISED**

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

LLS NO. 19-0884.01 Brita Darling x2241

**SENATE BILL 19-128**

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**SENATE SPONSORSHIP**

**Moreno and Todd**, Zenzinger, Rankin, Bridges, Story

**HOUSE SPONSORSHIP**

**Esgar and McLachlan**, Hansen, Ransom

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**Senate Committees**  
Appropriations

**House Committees**  
Appropriations

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**A BILL FOR AN ACT**

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

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**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 2018-19 budget year are lower than anticipated when the appropriation

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.

HOUSE  
Amended 2nd Reading  
February 14, 2019

SENATE  
3rd Reading Unamended  
February 7, 2019

SENATE  
2nd Reading Unamended  
February 6, 2019

amount was established during the 2018 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 reduce state share of total program funding to maintain the budget stabilization factor established during the 2018 legislative session. The bill adjusts the amount of total program funding specified in statute to reflect this intent.

The bill makes an appropriation to the department of education to correct errors in the calculation and distribution of at-risk funding to the state charter school institute in 2 previous budget years.

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*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 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 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.

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

1 (2) Further, the general assembly finds and declares that due to the  
2 implementation of a new information technology system within the  
3 department of education's school finance division, the department of  
4 education made errors in the calculation and distribution of at-risk  
5 funding specific to the state charter school institute for the 2015-16 and  
6 2016-17 budget years, resulting in an underpayment to the state charter  
7 school institute for those budget years. To correct this underpayment, an  
8 appropriation of \$545,147 must be made to the department of education  
9 for the state charter school institute during the 2018-19 budget year.

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

12 **22-54-104. District total program - definitions.** (5) (g) (I) For  
13 the 2010-11 budget year and each budget year thereafter, the general  
14 assembly determines that stabilization of the state budget requires a  
15 reduction in the amount of the annual appropriation to fund the state's  
16 share of total program funding for all districts and the funding for  
17 institute charter schools. The department of education shall implement the  
18 reduction in total program funding through the application of a budget  
19 stabilization factor as provided in this subsection (5)(g)(I). For the  
20 2010-11 budget year and each budget year thereafter, the department of  
21 education and the staff of the legislative council shall determine, based  
22 on budget projections, the amount of such reduction to ensure the  
23 following:

24 (I) That, for the 2018-19 budget year, the sum of the total program  
25 funding for all districts, including the funding for institute charter  
26 schools, after application of the budget stabilization factor, is not less than  
27 ~~seven billion eighty-eight million seven hundred seventy-six thousand~~

1 ~~two hundred thirty dollars (\$7,088,776,230)~~ SEVEN BILLION  
2 SEVENTY-EIGHT MILLION NINE HUNDRED SEVENTY-SEVEN THOUSAND TWO  
3 HUNDRED NINE DOLLARS (\$7,078,977,209); except that the department of  
4 education and the staff of the legislative council shall make mid-year  
5 revisions to replace projections with actual figures, including but not  
6 limited to actual pupil enrollment, assessed valuations, and specific  
7 ownership tax revenue from the prior year, to determine any necessary  
8 changes in the amount of the reduction to maintain a total program  
9 funding amount for the applicable budget year that is consistent with this  
10 subsection (5)(g)(I)(I). For the 2019-20 budget year, the difference  
11 between calculated statewide total program funding and actual statewide  
12 total program funding must not exceed the difference between calculated  
13 statewide total program funding and actual statewide total program  
14 funding for the 2018-19 budget year.

15 **SECTION 3. Appropriation.** For the 2018-19 state fiscal year,  
16 \$545,147 is appropriated to the department of education. This  
17 appropriation is from the general fund. To implement this act, the  
18 department may use this appropriation to correct the distribution of total  
19 program funding to institute charter schools from prior years.

APPROPRIATION FROM

| ITEM &<br>SUBTOTAL | TOTAL | GENERAL<br>FUND | GENERAL<br>FUND<br>EXEMPT | CASH<br>FUNDS | REAPPROPRIATED<br>FUNDS | FEDERAL<br>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 <sup>a</sup>            | 1,669,857 <sup>b</sup> |
|  |                      |                      |                                | (0.9 FTE)                      | (17.0 FTE)             |
| Financial Transparency                   |                      |                      |                                |                                |                        |
| System Maintenance                       | 600,000              |                      |                                | 600,000 <sup>c</sup>           |                        |
| State Share of Districts <sup>1</sup>    |                      |                      |                                |                                |                        |
| <b>Total Program Funding<sup>4</sup></b> | <b>4,386,861,735</b> | <b>3,070,085,534</b> | <b>793,100,000<sup>d</sup></b> | <b>523,676,201<sup>e</sup></b> |                        |
|  | 4,322,171,435        | 3,005,395,234        |                                |                                |                        |

APPROPRIATION FROM

|    | ITEM &<br>SUBTOTAL       | TOTAL                | GENERAL<br>FUND | GENERAL<br>FUND<br>EXEMPT | CASH<br>FUNDS          | REAPPROPRIATED<br>FUNDS | FEDERAL<br>FUNDS |
|----|--------------------------|----------------------|-----------------|---------------------------|------------------------|-------------------------|------------------|
|    | \$                       | \$                   | \$              | \$                        | \$                     | \$                      | \$               |
| 1  | Hold-harmless Full-day   |                      |                 |                           |                        |                         |                  |
| 2  | Kindergarten Funding     | 8,498,576            |                 |                           | 8,498,576 <sup>f</sup> |                         |                  |
| 3  |                          | 8,502,385            |                 |                           | 8,502,385 <sup>f</sup> |                         |                  |
| 4  | District Per Pupil       |                      |                 |                           |                        |                         |                  |
| 5  | Reimbursements for       |                      |                 |                           |                        |                         |                  |
| 6  | Juveniles Held in Jail   | 10,000               |                 |                           | 10,000 <sup>f</sup>    |                         |                  |
| 7  | At-risk Supplemental Aid | 5,094,358            |                 |                           | 5,094,358 <sup>g</sup> |                         |                  |
| 8  | At-risk Per Pupil        |                      |                 |                           |                        |                         |                  |
| 9  | Additional Funding       | 5,000,000            |                 |                           | 5,000,000 <sup>g</sup> |                         |                  |
| 10 |                          | <u>4,407,818,913</u> |                 |                           |                        |                         |                  |
| 11 |                          | 4,343,132,422        |                 |                           |                        |                         |                  |
| 12 |                          |                      |                 |                           |                        |                         |                  |

<sup>a</sup> 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.

<sup>b</sup> 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.

APPROPRIATION FROM

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

<sup>c</sup> This amount shall be from the Financial Reporting Fund created in Section 24-44-105 (6)(a), C.R.S.

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

<sup>e</sup> Of this amount, \$411,729,424 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution and \$111,946,777 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, \$47,231,460 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., \$56,317,799 is estimated to be from State Public School Fund reserves, 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.

<sup>f</sup> 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.

<sup>g</sup> 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**

|                    |                        |                        |                            |                                    |                           |                            |
|--------------------|------------------------|------------------------|----------------------------|------------------------------------|---------------------------|----------------------------|
| <b>(EDUCATION)</b> | \$5,760,809,014        | \$3,257,991,776        | \$793,100,000 <sup>a</sup> | \$1,053,136,768 <sup>b</sup>       | \$39,385,509 <sup>c</sup> | \$617,194,961 <sup>d</sup> |
|                    | <u>\$5,696,122,523</u> | <u>\$3,193,301,476</u> |                            | <u>\$1,053,140,577<sup>b</sup></u> |                           |                            |

APPROPRIATION FROM

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| ITEM &<br>SUBTOTAL | TOTAL | 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, \$4,046,629 contains an (I) notation.

<sup>c</sup> Of this amount, \$20,100,000 contains an (I) notation.

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

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

**4** 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 2018-19. It is the General Assembly's intent that the Department of Education be authorized to utilize up to ~~\$3,727,500~~ \$3,732,500 of this appropriation to fund qualified students designated as ASCENT Program participants. This amount is calculated based on an estimated 500 FTE participants funded at a rate of ~~\$7,455~~ \$7,465 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.