

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

ENGROSSED

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

LLS NO. 19-1036.01 Brita Darling x2241

SENATE BILL 19-246

SENATE SPONSORSHIP

Todd and Lundeen,

HOUSE SPONSORSHIP

McLachlan and Wilson,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN 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>.)

Section 1 of the bill increases the statewide base per pupil funding for the 2019-20 budget year by \$182.76 to account for inflation, for a new statewide base per pupil funding of \$6,951.53.

Section 2 sets the minimum district total program funding for the 2019-20 budget year. The district total program funding reflects a \$102 million reduction in the dollar amount of the budget stabilization factor

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
April 23, 2019

over the prior budget year.

Section 3 amends the professional development and student support program (program) for English language learners and educators who work with English language learners to distribute money appropriated for the program's services and educator professional development activities proportionately, based on the level of English language proficiency of the students served by the program.

Section 4, for the 2019-20 budget year, distributes \$25 million on a per pupil basis to large rural school districts and small rural school districts, including district charter schools and each institute charter school whose accounting district is a large or small rural school district. Large rural school districts share 55% of the appropriation, and small rural school districts share 45% of the appropriation. The bill bases the distribution on a school district's funded pupil count for the 2018-19 budget year. The bill specifies the intended uses of the money.

Section 5 distributes \$5 million to school districts, including district charter schools and the state charter school institute schools, to address behavioral health issues in schools. Each school district and the state charter school institute receive an initial allocation of \$20,000. The remaining appropriation is then distributed on a per pupil basis to the school district and state charter school institute based on the school district's total funded pupil count for the 2018-19 budget year and the total student enrollment in institute charter schools for the 2018-19 budget year.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-54-104, **add**
3 (5)(a)(XXVI) as follows:

4 **22-54-104. District total program - definitions.** (5) For
5 purposes of the formulas used in this section:

6 (a) (XXVI) FOR THE 2019-20 BUDGET YEAR, THE STATEWIDE BASE
7 PER PUPIL FUNDING IS \$6,951.53, WHICH IS AN AMOUNT EQUAL TO
8 \$6,768.77, SUPPLEMENTED BY \$182.76 TO ACCOUNT FOR INFLATION.

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

11 **22-54-104. District total program - definitions.** (5) For

1 purposes of the formulas used in this section:

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

13 (J) THAT, FOR THE 2019-20 BUDGET YEAR, THE SUM OF THE TOTAL
14 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR
15 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET
16 STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION THREE
17 HUNDRED EIGHTY-NINE MILLION EIGHT HUNDRED EIGHTEEN THOUSAND
18 FIVE HUNDRED TWENTY-SIX DOLLARS (\$7,389,818,526); EXCEPT THAT THE
19 DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL
20 SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH
21 ACTUAL FIGURES, INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL
22 ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC OWNERSHIP TAX
23 REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY NECESSARY
24 CHANGES IN THE AMOUNT OF THE REDUCTION TO MAINTAIN A TOTAL
25 PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR THAT IS
26 CONSISTENT WITH THIS SUBSECTION (5)(g)(I)(J). FOR THE 2020-21
27 BUDGET YEAR, THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL

1 PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING
2 MUST NOT EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE
3 TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM
4 FUNDING FOR THE 2019-20 BUDGET YEAR.

5 **SECTION 3.** In Colorado Revised Statutes, 22-24-108, **amend**
6 (2)(a)(I) and (2)(a)(II) introductory portion as follows:

7 **22-24-108. Professional development and student support**
8 **program - created - rules.** (2) (a) The department shall distribute the
9 amount that the general assembly annually appropriates for the support
10 program as follows:

11 (I) ~~Seventy-five percent~~ A PORTION of the amount annually
12 appropriated to local education providers to provide services to English
13 language learners, and professional development activities for educators
14 who work with English language learners, BASED ON THE PERCENTAGE OF
15 CERTIFIED ENGLISH LANGUAGE LEARNERS who:

16 (A) Speak a language other than English and do not comprehend
17 or speak English; ~~and~~

18 (B) Comprehend or speak some English but whose primary
19 comprehension or speech is in a language other than English; and

20 (C) ARE ELIGIBLE FOR FUNDING PURSUANT TO THE TIME LIMIT
21 SPECIFIED IN SECTION 22-24-104 (2); AND

22 (II) The ~~remainder~~ REMAINING PORTION of the amount annually
23 appropriated to local education providers to provide services to, and to
24 provide professional development activities for educators who work with,
25 English language learners who comprehend and speak English and one
26 or more other languages but whose English language development and
27 comprehension is:

1 **SECTION 4.** In Colorado Revised Statutes, **add** 22-54-141 as
2 follows:

3 **22-54-141. Additional funding for rural schools - 2019-20**
4 **budget year - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS
5 THE CONTEXT OTHERWISE REQUIRES:

6 (a) "ELIGIBLE INSTITUTE CHARTER SCHOOL" MEANS AN INSTITUTE
7 CHARTER SCHOOL THAT HAS A SMALL RURAL DISTRICT OR A LARGE RURAL
8 DISTRICT AS ITS ACCOUNTING DISTRICT.

9 (b) "LARGE RURAL DISTRICT" MEANS A DISTRICT THAT THE
10 DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON
11 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE
12 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A
13 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF AT LEAST ONE
14 THOUSAND BUT FEWER THAN SIX THOUSAND FIVE HUNDRED PUPILS IN
15 KINDERGARTEN THROUGH TWELFTH GRADE.

16 (c) "PER PUPIL DISTRIBUTION AMOUNT" MEANS:

17 (I) FOR A LARGE RURAL DISTRICT, AN AMOUNT EQUAL TO TWENTY
18 MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN
19 SUBSECTION (2)(a)(I) OF THIS SECTION AND THEN DIVIDED BY THE SUM OF
20 THE TOTAL FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF ALL
21 LARGE RURAL DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE
22 2018-19 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS
23 THAT HAVE A LARGE RURAL DISTRICT AS THE ACCOUNTING DISTRICT; OR

24 (II) FOR A SMALL RURAL DISTRICT, AN AMOUNT EQUAL TO TWENTY
25 MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN
26 SUBSECTION (2)(a)(II) OF THIS SECTION AND THEN DIVIDED BY THE SUM OF
27 THE TOTAL FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF ALL

1 SMALL RURAL DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE
2 2018-19 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS
3 THAT HAVE A SMALL RURAL DISTRICT AS THE ACCOUNTING DISTRICT.

4 (d) "SMALL RURAL DISTRICT" MEANS A DISTRICT THAT THE
5 DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON
6 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE
7 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A
8 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF FEWER THAN
9 ONE THOUSAND PUPILS IN KINDERGARTEN THROUGH TWELFTH GRADE.

10 (2) (a) FOR THE 2019-20 BUDGET YEAR, THE GENERAL ASSEMBLY
11 SHALL APPROPRIATE TWENTY MILLION DOLLARS TO THE DEPARTMENT OF
12 EDUCATION TO PROVIDE ADDITIONAL FUNDING FOR LARGE RURAL
13 DISTRICTS, SMALL RURAL DISTRICTS, AND INSTITUTE CHARTER SCHOOLS.
14 THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE:

15 (I) FIFTY-FIVE PERCENT OF THE MONEY APPROPRIATED TO LARGE
16 RURAL DISTRICTS AND TO ELIGIBLE INSTITUTE CHARTER SCHOOLS AS
17 PROVIDED IN THIS SECTION; AND

18 (II) FORTY-FIVE PERCENT OF THE MONEY APPROPRIATED TO SMALL
19 RURAL DISTRICTS AND TO ELIGIBLE INSTITUTE CHARTER SCHOOLS AS
20 PROVIDED IN THIS SECTION.

21 (b) LARGE RURAL DISTRICTS, SMALL RURAL DISTRICTS, DISTRICT
22 CHARTER SCHOOLS, AND ELIGIBLE INSTITUTE CHARTER SCHOOLS THAT
23 RECEIVE MONEY PURSUANT TO THIS SECTION MAY USE THE MONEY ONLY
24 FOR NONRECURRING EXPENSES FOR THE PURPOSE OF IMPROVING STUDENT
25 LEARNING AND THE EDUCATIONAL ENVIRONMENT, INCLUDING BUT NOT
26 LIMITED TO INITIATIVES THAT HELP ATTRACT EDUCATOR EMPLOYEES,
27 INITIATIVES TO IMPROVE EDUCATOR TRAINING, INITIATIVES TO RETAIN

1 EDUCATORS, LOAN FORGIVENESS FOR EDUCATORS AND STAFF, AND
2 TECHNOLOGY.

3 (3) (a) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO
4 EACH LARGE RURAL DISTRICT AND EACH SMALL RURAL DISTRICT AN
5 AMOUNT EQUAL TO THE APPLICABLE PER PUPIL DISTRIBUTION AMOUNT
6 MULTIPLIED BY THE LARGE RURAL DISTRICT'S OR SMALL RURAL DISTRICT'S
7 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR.

8 (b) EACH LARGE RURAL DISTRICT AND EACH SMALL RURAL
9 DISTRICT THAT IS THE AUTHORIZER FOR A CHARTER SCHOOL SHALL
10 DISTRIBUTE TO THE CHARTER SCHOOL ONE HUNDRED PERCENT OF AN
11 AMOUNT EQUAL TO THE AMOUNT RECEIVED PURSUANT TO SUBSECTION
12 (3)(a) OF THIS SECTION DIVIDED BY THE FUNDED PUPIL COUNT OF THE
13 LARGE RURAL DISTRICT OR SMALL RURAL DISTRICT FOR THE 2018-19
14 BUDGET YEAR AND THEN MULTIPLIED BY THE NUMBER OF STUDENTS
15 ENROLLED IN THE CHARTER SCHOOL FOR THE 2018-19 BUDGET YEAR.

16 (4) THE DEPARTMENT OF EDUCATION SHALL CALCULATE FOR EACH
17 ELIGIBLE INSTITUTE CHARTER SCHOOL AND DISTRIBUTE TO THE STATE
18 CHARTER SCHOOL INSTITUTE AN AMOUNT EQUAL TO THE APPLICABLE PER
19 PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS
20 ENROLLED IN THE ELIGIBLE INSTITUTE CHARTER SCHOOL FOR THE 2018-19
21 BUDGET YEAR. THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE
22 TO EACH ELIGIBLE INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT
23 OF THE AMOUNT RECEIVED FOR THE ELIGIBLE INSTITUTE CHARTER SCHOOL
24 PURSUANT TO THIS SUBSECTION (4).

25 (5) EACH SCHOOL DISTRICT RECEIVING MONEY PURSUANT TO THIS
26 SECTION SHALL REPORT, IN DETAIL, TO THE DEPARTMENT OF EDUCATION,
27 BY A DATE DETERMINED BY THE DEPARTMENT:

1 (a) THE SPECIFIC EXPENDITURES FOR WHICH THE LOCAL
2 EDUCATION PROVIDER USED THE MONEY RECEIVED PURSUANT TO THIS
3 SECTION; AND

4 (b) HOW SUCH NONRECURRING EXPENDITURES ARE RELATED TO
5 IMPROVING STUDENT LEARNING AND THE EDUCATIONAL ENVIRONMENT.

6 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

7 — ———

8 **SECTION 5.** In Colorado Revised Statutes, 22-20-114, **amend**
9 (1)(c)(III) as follows:

10 **22-20-114. Funding of programs - legislative declaration.**

11 (1) Subject to the provisions of subsection (3) of this section, for the
12 2005-06 budget year and each budget year thereafter, the total amount
13 appropriated to the department for the payment of costs incurred by
14 administrative units for the provision of special education programs shall
15 be distributed to each administrative unit that provides educational
16 services for children with disabilities as follows:

17 (c) (III) (A) For the 2013-14 budget year and each budget year
18 thereafter THROUGH THE 2018-19 BUDGET YEAR, in addition to any
19 amount that is available pursuant to ~~subparagraph (f) of this paragraph (c)~~
20 SUBSECTION (1)(c)(I) OF THIS SECTION, the general assembly shall
21 appropriate twenty million dollars from the state education fund to the
22 department for the purposes of this ~~paragraph (c)~~ SUBSECTION (1)(c).

23 (B) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR
24 THEREAFTER, IN ADDITION TO ANY AMOUNT THAT IS AVAILABLE PURSUANT
25 TO SUBSECTION (1)(c)(I) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL
26 APPROPRIATE TWENTY-TWO MILLION DOLLARS, WHICH AMOUNT MAY BE
27 APPROPRIATED FROM THE STATE EDUCATION FUND OR THE GENERAL FUND

1 OR AS AMOUNTS FROM BOTH FUNDS, TO THE DEPARTMENT FOR THE
2 PURPOSES OF THIS SUBSECTION (1)(c).

3 (B) (C) The general assembly hereby finds and declares that, for
4 the purposes of section 17 of article IX of the state constitution, providing
5 additional moneys MONEY to children with one or more disabilities, as
6 described in subparagraph (H) of this paragraph (c) SUBSECTION (1)(c)(II)
7 OF THIS SECTION, for a percentage of such children receiving special
8 education services from an administrative unit is a program for
9 accountable education reform and may therefore receive funding from the
10 state education fund created in section 17 (4) of article IX of the state
11 constitution.

12 **SECTION 6. Appropriation.** For the 2019-20 state fiscal year,
13 \$22,000,000 is appropriated to the department of education. This
14 appropriation is from the general fund. To implement this act, the
15 department may use this appropriation for special education programs for
16 children with disabilities.

17 **SECTION 7. Appropriation - adjustments to 2019 long bill.** To
18 implement this act, the general fund appropriation made in the annual
19 general appropriation act for the 2019-20 state fiscal year to the
20 department of education for the state share of districts' total program
21 funding is decreased by \$7,633,721.

22 **SECTION 8. Appropriation to the department of education**
23 **for the fiscal year beginning July 1, 2019.** In section 2 of Senate Bill
24 19-207, amend Part III (2)(A) Footnote 5, as follows:

25 **Section 2. Appropriation.**
26 5 Department of Education, Assistance to Public Schools, Public
27 School Finance, State Share of Districts' Total Program Funding

1 -- Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this
2 footnote is to specify what portion of this appropriation is intended
3 to be available for the Accelerating Students Through Concurrent
4 Enrollment (ASCENT) Program for FY 2019-20. It is the General
5 Assembly's intent that the Department of Education be authorized
6 to utilize up to ~~\$3,836,500~~ \$3,888,000 of this appropriation to
7 fund qualified students designated as ASCENT Program
8 participants. This amount is calculated based on an estimated 500
9 FTE participants funded at a rate of ~~\$7,673~~ \$7,776 per FTE
10 pursuant to Section 22-54-104 (4.7), C.R.S.

11 **SECTION 9. Appropriation.** For the 2019-20 state fiscal year,
12 \$20,000,000 is appropriated to the department of education. This
13 appropriation is from the general fund. To implement this act, the
14 department may use this appropriation for additional funding for rural
15 schools authorized in section 22-54-141, C.R.S.

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