

## CHAPTER 65

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**EDUCATION - PUBLIC SCHOOLS**


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**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.

**AN ACT**

**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 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.

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*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.*

(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.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		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 <sup>a</sup> (0.9 FTE)	1,669,857 <sup>b</sup> (17.0 FTE)
Financial Transparency					
System Maintenance	600,000			600,000 <sup>c</sup>	
State Share of Districts <sup>1</sup>					
Total Program Funding <sup>4</sup>	<del>4,386,861,735</del> 4,309,271,310	<del>3,070,085,534</del> 3,005,395,234	793,100,000 <sup>d</sup>	<del>523,676,201<sup>e</sup></del> 510,776,076 <sup>e</sup>	
Hold-harmless Full-day Kindergarten Funding	<del>8,498,576</del> 8,486,511			<del>8,498,576<sup>f</sup></del> 8,486,511 <sup>f</sup>	

District Per Pupil Reimbursements for		
Juveniles Held in Jail	10,000	10,000 <sup>f</sup>
At-risk Supplemental Aid	5,094,358	5,094,358 <sup>g</sup>
At-risk Per Pupil		
Additional Funding	<u>5,000,000</u>	5,000,000 <sup>g</sup>
	<del>4,407,818,913</del>	
	4,330,216,423	

<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.

<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~~ \$398,829,299 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.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b>TOTALS PART III</b>						
<b>(EDUCATION)</b>	<del>\$5,760,809,014</del>	<del>\$3,257,991,776</del>	\$793,100,000 <sup>a</sup>	<del>\$1,053,136,768</del> <sup>b</sup>	\$39,385,509 <sup>c</sup>	\$617,194,961 <sup>d</sup>
	<u>\$5,683,206,524</u>	<u>\$3,193,301,476</u>		<u>\$1,040,224,578<sup>b</sup></u>		

<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~~ \$3,726,000 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~~ \$7,452 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 28, 2019