

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0949.02 Brita Darling x2241

HOUSE BILL 18-1379

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HOUSE SPONSORSHIP

Pettersen and Wilson,

SENATE SPONSORSHIP

Hill,

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House Committees  
Education

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE FINANCING OF PUBLIC SCHOOLS.

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.** The bill increases the statewide base per pupil funding for the 2018-19 budget year by \$222.57 to account for inflation, for a new statewide base per pupil funding of \$6,768.77.

**SECTION 2.** The bill sets the minimum district total program funding for the 2018-19 budget year. The district total program funding reflects a \$150 million reduction in the budget stabilization factor over the prior budget year.

**SECTION 3.** For the 2018-19 budget year, the bill distributes \$30

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.

million on a per-pupil basis to large rural districts and small rural districts including district charter schools and each institute charter school whose accounting district is a large or small rural district. Large rural districts share 55% of the appropriation, and small rural districts share 45% of the appropriation. The bill uses a district's funded pupil count for the 2017-18 budget year. The bill specifies the intended uses of the money.

**SECTION 4.** The bill increases by 1,000 slots the number of early childhood at-risk enhancement, or ECARE, slots that may be used for preschool students or to extend kindergarten to full-day kindergarten.

**SECTION 5.** The bill transfers any general fund surplus remaining at the end of the 2017-18 state fiscal year to the state education fund.

**SECTION 6.** Under current law, money appropriated for the "English Language Proficiency Act" (act) is allocated 75% to serve students who have no or limited English language proficiency and 25% to serve students who are newly fluent in English but who need monitoring. The bill changes the funding allocation for the act by allocating funding proportionately, based on the number of students who have no or limited English proficiency and the number of students who are newly fluent but who need monitoring.

**SECTION 7.** The bill amends the requirements relating to core course level participation and performance reports by limiting reporting on core courses to only the middle and high school levels and by delaying the date by which the department shall make the report available on its website.

**SECTION 8.** The bill amends the reporting requirement relating to the annual report on the effectiveness of educator preparation programs to require the inclusion of certain data in the report only if the data is available at the time of the annual report.

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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)(XXV) as follows:

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

6 (a) (XXV) FOR THE 2018-19 BUDGET YEAR, THE STATEWIDE BASE  
7 PER PUPIL FUNDING IS \$6,768.77, WHICH IS AN AMOUNT EQUAL TO  
8 \$6,546.20, SUPPLEMENTED BY \$222.57 TO ACCOUNT FOR INFLATION.

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

3           **22-54-104. District total program - definitions.** (5) For  
4 purposes of the formulas used in this section:

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

16           (I) THAT, FOR THE 2018-19 BUDGET YEAR, THE SUM OF THE TOTAL  
17 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR  
18 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET  
19 STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION EIGHTY-EIGHT  
20 MILLION SEVEN HUNDRED SEVENTY-SIX THOUSAND TWO HUNDRED THIRTY  
21 DOLLARS (\$7,088,776,230); EXCEPT THAT THE DEPARTMENT OF  
22 EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE  
23 MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES,  
24 INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED  
25 VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR  
26 YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE  
27 REDUCTION TO MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE

1 APPLICABLE BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION  
2 (5)(g)(I)(I). FOR THE 2019-20 BUDGET YEAR, THE DIFFERENCE BETWEEN  
3 CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL  
4 STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE DIFFERENCE  
5 BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND  
6 ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE 2018-19 BUDGET  
7 YEAR.

8 **SECTION 3.** In Colorado Revised Statutes, **add** 22-54-140 as  
9 follows:

10 **22-54-140. Additional funding for rural schools - 2018-19**  
11 **budget year - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS  
12 THE CONTEXT OTHERWISE REQUIRES:

13 (a) "ELIGIBLE INSTITUTE CHARTER SCHOOL" MEANS AN INSTITUTE  
14 CHARTER SCHOOL THAT HAS A SMALL RURAL DISTRICT OR A LARGE RURAL  
15 DISTRICT AS ITS ACCOUNTING DISTRICT.

16 (b) "LARGE RURAL DISTRICT" MEANS A DISTRICT THAT THE  
17 DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON  
18 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE  
19 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A  
20 FUNDED PUPIL COUNT FOR THE 2017-18 BUDGET YEAR OF AT LEAST ONE  
21 THOUSAND BUT FEWER THAN SIX THOUSAND FIVE HUNDRED PUPILS IN  
22 KINDERGARTEN THROUGH TWELFTH GRADE.

23 (c) "SMALL RURAL DISTRICT" MEANS A DISTRICT THAT THE  
24 DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON  
25 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE  
26 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A  
27 FUNDED PUPIL COUNT FOR THE 2017-18 BUDGET YEAR OF FEWER THAN

1 ONE THOUSAND PUPILS IN KINDERGARTEN THROUGH TWELFTH GRADE.

2 (d) "PER PUPIL DISTRIBUTION AMOUNT" MEANS:

3 (I) FOR A LARGE RURAL DISTRICT, AN AMOUNT EQUAL TO THIRTY  
4 MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN  
5 SUBSECTION (2)(a)(I) OF THIS SECTION AND THEN DIVIDED BY THE SUM OF  
6 THE TOTAL FUNDED PUPIL COUNT FOR THE 2017-18 BUDGET YEAR OF ALL  
7 LARGE RURAL DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE  
8 2017-18 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS  
9 THAT HAVE A LARGE RURAL DISTRICT AS THE ACCOUNTING DISTRICT; OR

10 (II) FOR A SMALL RURAL DISTRICT, AN AMOUNT EQUAL TO THIRTY  
11 MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN  
12 SUBSECTION (2)(a)(II) OF THIS SECTION AND THEN DIVIDED BY THE SUM OF  
13 THE TOTAL FUNDED PUPIL COUNT FOR THE 2017-18 BUDGET YEAR OF ALL  
14 SMALL RURAL DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE  
15 2017-18 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS  
16 THAT HAVE A SMALL RURAL DISTRICT AS THE ACCOUNTING DISTRICT.

17 (2) (a) FOR THE 2018-19 BUDGET YEAR, THE GENERAL ASSEMBLY  
18 SHALL APPROPRIATE THIRTY MILLION DOLLARS TO THE DEPARTMENT OF  
19 EDUCATION TO PROVIDE ADDITIONAL FUNDING FOR LARGE RURAL  
20 DISTRICTS, SMALL RURAL DISTRICTS, AND INSTITUTE CHARTER SCHOOLS.

21 THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE:

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

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

1 (b) LARGE RURAL DISTRICTS, SMALL RURAL DISTRICTS, DISTRICT  
2 CHARTER SCHOOLS, AND ELIGIBLE INSTITUTE CHARTER SCHOOLS THAT  
3 RECEIVE MONEY PURSUANT TO THIS SECTION MAY USE THE MONEY ONLY  
4 FOR NONRECURRING EXPENSES FOR THE PURPOSE OF IMPROVING STUDENT  
5 LEARNING AND THE EDUCATIONAL ENVIRONMENT, INCLUDING BUT NOT  
6 LIMITED TO INITIATIVES THAT HELP ATTRACT EDUCATOR EMPLOYEES,  
7 INITIATIVES TO IMPROVE EDUCATOR TRAINING, INITIATIVES TO RETAIN  
8 EDUCATORS, LOAN FORGIVENESS FOR EDUCATORS AND STAFF, AND  
9 TECHNOLOGY.

10 (3) (a) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO  
11 EACH LARGE RURAL DISTRICT AND EACH SMALL RURAL DISTRICT AN  
12 AMOUNT EQUAL TO THE APPLICABLE PER PUPIL DISTRIBUTION AMOUNT  
13 MULTIPLIED BY THE LARGE RURAL DISTRICT'S OR SMALL RURAL DISTRICT'S  
14 FUNDED PUPIL COUNT FOR THE 2017-18 BUDGET YEAR.

15 (b) EACH LARGE RURAL DISTRICT AND EACH SMALL RURAL  
16 DISTRICT THAT IS THE AUTHORIZER FOR A CHARTER SCHOOL SHALL  
17 DISTRIBUTE TO THE CHARTER SCHOOL ONE HUNDRED PERCENT OF AN  
18 AMOUNT EQUAL TO THE AMOUNT RECEIVED PURSUANT TO SUBSECTION  
19 (3)(a) OF THIS SECTION DIVIDED BY THE FUNDED PUPIL COUNT OF THE  
20 LARGE RURAL DISTRICT OR SMALL RURAL DISTRICT FOR THE 2017-18  
21 BUDGET YEAR AND THEN MULTIPLIED BY THE NUMBER OF STUDENTS  
22 ENROLLED IN THE CHARTER SCHOOL FOR THE 2017-18 BUDGET YEAR.

23 (4) THE DEPARTMENT OF EDUCATION SHALL CALCULATE FOR EACH  
24 ELIGIBLE INSTITUTE CHARTER SCHOOL AND DISTRIBUTE TO THE STATE  
25 CHARTER SCHOOL INSTITUTE AN AMOUNT EQUAL TO THE APPLICABLE PER  
26 PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS  
27 ENROLLED IN THE ELIGIBLE INSTITUTE CHARTER SCHOOL FOR THE 2017-18

1 BUDGET YEAR. THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE  
2 TO EACH ELIGIBLE INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT  
3 OF THE AMOUNT RECEIVED FOR THE ELIGIBLE INSTITUTE CHARTER SCHOOL  
4 PURSUANT TO THIS SUBSECTION (4).

5 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

6 **SECTION 4.** In Colorado Revised Statutes, 22-28-104.3, **add**  
7 (1)(a)(III) as follows:

8 **22-28-104.3. Early childhood at-risk enhancement (ECARE).**

9 (1) (a) Notwithstanding the number of children who may annually  
10 participate in the Colorado preschool program pursuant to section  
11 22-28-104 (2)(a):

12 (III) FOR THE 2018-19 BUDGET YEAR, AND EACH BUDGET YEAR  
13 THEREAFTER, AN ADDITIONAL ONE THOUSAND CHILDREN MAY ANNUALLY  
14 PARTICIPATE IN THE COLORADO PRESCHOOL PROGRAM, FOR A TOTAL OF  
15 TWENTY-NINE THOUSAND THREE HUNDRED SIXTY CHILDREN WHO MAY  
16 ANNUALLY PARTICIPATE IN THE COLORADO PRESCHOOL PROGRAM.

17 **SECTION 5.** In Colorado Revised Statutes, 24-75-220, **add** (5)  
18 as follows:

19 **24-75-220. State education fund - transfers - surplus -**  
20 **legislative declaration.** (5) NOTWITHSTANDING ANY PROVISION OF LAW  
21 TO THE CONTRARY, ON THE DATE ON WHICH THE STATE CONTROLLER  
22 PUBLISHES THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE  
23 STATE FOR THE FISCAL YEAR 2017-18, THE STATE TREASURER SHALL  
24 TRANSFER TO THE STATE EDUCATION FUND CREATED IN SECTION 17(4) OF  
25 ARTICLE IX OF THE STATE CONSTITUTION THE GENERAL FUND SURPLUS  
26 DESIGNATED IN ACCORDANCE WITH SECTION 24-75-201 (1) FOR THE  
27 FISCAL YEAR 2017-18, WHICH REPRESENTS THE UNRESTRICTED GENERAL

1 FUND BALANCE AFTER THE APPLICABLE AMOUNT OF RESERVE REQUIRED  
2 PURSUANT TO SECTION 24-75-201.1 (1)(d).

3 **SECTION 6.** In Colorado Revised Statutes, 22-24-104, **amend**  
4 (3)(a), (3)(b)(I), and (3)(c)(I) as follows:

5 **22-24-104. English language proficiency program established**  
6 **- funding.** (3) (a) The general assembly shall annually appropriate  
7 ~~moneys~~ MONEY to the department to implement this section. The  
8 department shall allocate the ~~moneys~~ MONEY annually appropriated to  
9 local education providers on a per-pupil basis using the number of  
10 English language learners certified pursuant to section 22-24-105, subject  
11 to the time limit specified in subsection (2) of this section. THE LOCAL  
12 EDUCATION PROVIDERS SHALL USE THE ALLOCATED AMOUNT TO PROVIDE  
13 SERVICES TO THE CERTIFIED ENGLISH LANGUAGE LEARNERS.

14 (b) (I) The department shall distribute ~~seventy-five percent~~ A  
15 PORTION of the amount annually appropriated to the department pursuant  
16 to ~~this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION to local  
17 education providers ~~to provide services to~~ BASED ON THE PERCENTAGE OF  
18 CERTIFIED English language learners who:

19 (A) Speak a language other than English and do not comprehend  
20 or speak English; and

21 (B) Comprehend or speak some English but whose primary  
22 comprehension or speech is in a language other than English.

23 (c) (I) The department shall distribute ~~the remainder~~ A PORTION of  
24 the amount annually appropriated pursuant to ~~this subsection (3)~~  
25 SUBSECTION (3)(a) OF THIS SECTION to local education providers ~~to~~  
26 ~~provide services to~~ BASED ON THE PERCENTAGE OF CERTIFIED English  
27 language learners who comprehend and speak English and one or more



1 other languages but whose English language development and  
2 comprehension is:

3 (A) At or below the mean of students enrolled in the local  
4 education provider or below the mean or equivalent on a nationally  
5 standardized test; or

6 (B) Below the acceptable proficiency level based on the  
7 assessments identified by the department pursuant to section 22-24-106  
8 (1)(a).

9 **SECTION 7.** In Colorado Revised Statutes, 22-11-503.5, **amend**  
10 (2)(a) and (4) as follows:

11 **22-11-503.5. Student performance by course level - report -**  
12 **definitions.** (2) As used in this section, unless the context otherwise  
13 requires:

14 (a) "Core course" means a course in English, mathematics,  
15 science, or social studies AT THE MIDDLE OR HIGH SCHOOL LEVEL.

16 (4) Commencing with the ~~2016-17~~ 2020-21 academic year, the  
17 department shall also make the core course level participation and  
18 performance reports available on the department's website.

19 **SECTION 8.** In Colorado Revised Statutes, 22-2-112, **amend**  
20 (1)(q)(III) as follows:

21 **22-2-112. Commissioner - duties - report.** (1) Subject to the  
22 supervision of the state board, the commissioner has the following duties:

23 (q) (III) TO THE EXTENT THE RELEVANT DATA IS AVAILABLE AT  
24 THE TIME OF THE ANNUAL REPORT, the report required pursuant to this  
25 ~~paragraph (q)~~ SUBSECTION (1)(q) must include, but need not be limited to,  
26 the correlation between different educator preparation programs in the  
27 state, including alternative educator preparation programs, and student

1 academic growth, educator placement, educator mobility and retention,  
2 and educator performance evaluation ratings.

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