

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 18-0949.02 Brita Darling x2241

HOUSE BILL 18-1379

HOUSE SPONSORSHIP

Pettersen and Wilson,

SENATE SPONSORSHIP

Hill,

House Committees

Education
Appropriations

Senate Committees

Education
Appropriations

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. 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

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
May 2, 2018

HOUSE
3rd Reading Unamended
April 20, 2018

HOUSE
Amended 2nd Reading
April 19, 2018

the prior budget year.

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

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

1 \$6,546.20, SUPPLEMENTED BY \$222.57 TO ACCOUNT FOR INFLATION.

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

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

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

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

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

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

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

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

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

24 (c) "SMALL RURAL DISTRICT" MEANS A DISTRICT THAT THE
25 DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON
26 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE
27 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A

1 FUNDED PUPIL COUNT FOR THE 2017-18 BUDGET YEAR OF FEWER THAN
2 ONE THOUSAND PUPILS IN KINDERGARTEN THROUGH TWELFTH GRADE.

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

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

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

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

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

26 (II) FORTY-FIVE PERCENT OF THE MONEY APPROPRIATED TO SMALL
27 RURAL DISTRICTS AND TO ELIGIBLE INSTITUTE CHARTER SCHOOLS AS

1 PROVIDED IN THIS SECTION.

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

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

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

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

1 ENROLLED IN THE ELIGIBLE INSTITUTE CHARTER SCHOOL FOR THE 2017-18
2 BUDGET YEAR. THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE
3 TO EACH ELIGIBLE INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT
4 OF THE AMOUNT RECEIVED FOR THE ELIGIBLE INSTITUTE CHARTER SCHOOL
5 PURSUANT TO THIS SUBSECTION (4).

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

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

9 **22-28-104.3. Early childhood at-risk enhancement (ECARE).**

10 (1) (a) Notwithstanding the number of children who may annually
11 participate in the Colorado preschool program pursuant to section
12 22-28-104 (2)(a):

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

18 

19 **SECTION 5.** In Colorado Revised Statutes, 22-24-104, **amend**
20 (3)(a), (3)(b)(I), and (3)(c)(I) as follows:

21 **22-24-104. English language proficiency program established**

22 - **funding.** (3) (a) The general assembly shall annually appropriate
23 ~~moneys~~ MONEY to the department to implement this section. The
24 department shall allocate the ~~moneys~~ MONEY annually appropriated to
25 local education providers on a per-pupil basis using the number of
26 English language learners certified pursuant to section 22-24-105, subject
27 to the time limit specified in subsection (2) of this section. THE LOCAL

1 EDUCATION PROVIDERS SHALL USE THE ALLOCATED AMOUNT TO PROVIDE
2 SERVICES TO THE CERTIFIED ENGLISH LANGUAGE LEARNERS.

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

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

10 (B) Comprehend or speak some English but whose primary
11 comprehension or speech is in a language other than English; ~~AND~~

12 (C) ARE ELIGIBLE FOR FUNDING PURSUANT TO THE TIME LIMIT
13 SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

14 (c) (I) The department shall distribute ~~the remainder~~ A PORTION of
15 the amount annually appropriated pursuant to ~~this subsection (3)~~
16 SUBSECTION (3)(a) OF THIS SECTION to local education providers ~~to~~
17 ~~provide services to~~ BASED ON THE PERCENTAGE OF CERTIFIED English
18 language learners WHO ARE ELIGIBLE FOR FUNDING PURSUANT TO THE
19 TIME LIMIT SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND who
20 comprehend and speak English and one or more other languages but
21 whose English language development and comprehension is:

22 (A) At or below the mean of students enrolled in the local
23 education provider or below the mean or equivalent on a nationally
24 standardized test; or

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

1 **SECTION 6.** In Colorado Revised Statutes, 22-11-503.5, **amend**
2 (2)(a) and (4) as follows:

3 **22-11-503.5. Student performance by course level - report -**
4 **definitions.** (2) As used in this section, unless the context otherwise
5 requires:

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

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

11 **SECTION 7.** In Colorado Revised Statutes, 22-2-112, **amend**
12 (1)(q)(III) as follows:

13 **22-2-112. Commissioner - duties - report.** (1) Subject to the
14 supervision of the state board, the commissioner has the following duties:

15 (q) (III) TO THE EXTENT THE RELEVANT DATA IS AVAILABLE AT
16 THE TIME OF THE ANNUAL REPORT, the report required pursuant to this
17 ~~paragraph (q)~~ SUBSECTION (1)(q) must include, but need not be limited to,
18 the correlation between different educator preparation programs in the
19 state, including alternative educator preparation programs, and student
20 academic growth, educator placement, educator mobility and retention,
21 and educator performance evaluation ratings.

22 **SECTION 8.** In Colorado Revised Statutes, 22-24-105, **amend**
23 (2) as follows:

24 **22-24-105. Local education provider - duties.** (2) Each local
25 education provider shall identify English language learners who are
26 enrolled in the public schools of the local education provider using the
27 state-approved assessment for English language proficiency. The local

1 education provider shall annually certify to the department the number of
2 English language learners who are enrolled in the public schools of the
3 local education provider. ~~and are eligible for funding pursuant to section~~
4 ~~22-24-104 (2).~~

5 **SECTION 9. Appropriation.** For the 2018-19 state fiscal year,
6 \$150,000,000 is appropriated to the department of education. This
7 appropriation consists of \$119,276,209 from the general fund and
8 \$30,723,791 from the state public school fund created in section
9 22-54-114 (1), C.R.S. To implement this act, the department may use this
10 appropriation for the state share of districts' total program funding.

11 **SECTION 10. Appropriation.** For the 2018-19 state fiscal year,
12 \$5,161,872 is appropriated to the department of education. This
13 appropriation is from the state education fund created in section 17 (4)(a)
14 of article IX of the state constitution. To implement this act, the
15 department may use this appropriation for the state share of districts' total
16 program funding.

17 **SECTION 11. Appropriation to the department of education**
18 **for the fiscal year beginning July 1, 2018.** In section 2 of House Bill
19 18-1322, **amend** Part III (2)(A) Footnote 4, as follows:

20 Section 2. **Appropriation.**
21 4 Department of Education, Assistance to Public Schools, Public
22 School Finance, State Share of Districts' Total Program Funding
23 -- Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this
24 footnote is to specify what portion of this appropriation is intended
25 to be available for the Accelerating Students Through Concurrent
26 Enrollment (ASCENT) Program for FY 2018-19. It is the General
27 Assembly's intent that the Department of Education be authorized

1 to utilize up to ~~\$3,648,000~~ \$3,727,500 of this appropriation to
2 fund qualified students designated as ASCENT Program
3 participants. This amount is calculated based on an estimated 500
4 FTE participants funded at a rate of ~~\$7,296~~ \$7,455 per FTE
5 pursuant to Section 22-54-104 (4.7), C.R.S.

6 **SECTION 12. Appropriation.** For the 2018-19 state fiscal year,
7 \$191,043 is appropriated to the department of education. This
8 appropriation is from the state education fund created in section 17 (4)(a)
9 of Article IX of the State Constitution. To implement this act, the
10 department may use this appropriation for hold-harmless full-day
11 kindergarten funding.

12 **SECTION 13. Appropriation.** For the 2018-19 state fiscal year,
13 \$30,000,000 is appropriated to the department of education. This
14 appropriation is from the state education fund created in section 17 (4)(a)
15 of Article IX of the State Constitution. To implement this act, the
16 department may use this appropriation for additional funding for rural
17 districts and institute charter schools authorized in section 22-54-140,
18 C.R.S.

19 **SECTION 14. Appropriation.** For the 2018-19 state fiscal year,
20 \$4,151,996 is appropriated to the department of education. This
21 appropriation is from the general fund. To implement this act, the
22 department may use this appropriation for the state share of districts' total
23 program funding to support additional Colorado preschool program
24 participants authorized in section 22-28-104.3 (2)(a)(III), C.R.S.

25 **SECTION 15. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.