

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

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  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE FINANCING OF PRESCHOOL THROUGH SECONDARY**  
102 **PUBLIC SCHOOLS.**

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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>.)*

**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.*

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.

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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

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

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

1 FISCAL YEAR 2017-18, WHICH REPRESENTS THE UNRESTRICTED GENERAL  
2 FUND BALANCE AFTER THE APPLICABLE AMOUNT OF RESERVE REQUIRED  
3 PURSUANT TO SECTION 24-75-201.1 (1)(d).

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

6 **22-24-104. English language proficiency program established**

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

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

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

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

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

26 (c) (I) The department shall distribute ~~the remainder~~ A PORTION of  
27 the amount annually appropriated pursuant to ~~this subsection (3)~~



1 SUBSECTION (3)(a) OF THIS SECTION to local education providers to  
2 ~~provide services to~~ BASED ON THE PERCENTAGE OF CERTIFIED English  
3 language learners WHO ARE ELIGIBLE FOR FUNDING PURSUANT TO THE  
4 TIME LIMIT SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND who  
5 comprehend and speak English and one or more other languages but  
6 whose English language development and comprehension is:

7 (A) At or below the mean of students enrolled in the local  
8 education provider or below the mean or equivalent on a nationally  
9 standardized test; or

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

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

15 **22-11-503.5. Student performance by course level - report -**  
16 **definitions.** (2) As used in this section, unless the context otherwise  
17 requires:

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

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

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

25 **22-2-112. Commissioner - duties - report.** (1) Subject to the  
26 supervision of the state board, the commissioner has the following duties:

27 (q) (III) TO THE EXTENT THE RELEVANT DATA IS AVAILABLE AT

1 THE TIME OF THE ANNUAL REPORT, the report required pursuant to this  
2 ~~paragraph (q)~~ SUBSECTION (1)(q) must include, but need not be limited to,  
3 the correlation between different educator preparation programs in the  
4 state, including alternative educator preparation programs, and student  
5 academic growth, educator placement, educator mobility and retention,  
6 and educator performance evaluation ratings.

7 **SECTION 9.** In Colorado Revised Statutes, 22-24-105, **amend**  
8 (2) as follows:

9 **22-24-105. Local education provider - duties.** (2) Each local  
10 education provider shall identify English language learners who are  
11 enrolled in the public schools of the local education provider using the  
12 state-approved assessment for English language proficiency. The local  
13 education provider shall annually certify to the department the number of  
14 English language learners who are enrolled in the public schools of the  
15 local education provider. ~~and are eligible for funding pursuant to section~~  
16 ~~22-24-104 (2).~~

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