

CHAPTER 250

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 18-1379

BY REPRESENTATIVE(S) Pettersen and Wilson, Arndt, Becker J., Becker K., Bridges, Buckner, Catlin, Coleman, Esgar, Exum, Foote, Garnett, Gray, Hammer, Hansen, Herod, Hooton, Jackson, Kennedy, Kraft-Tharp, Lee, Lontine, McKean, McLachlan, Melton, Michaelson Jenet, Pabon, Roberts, Rosenthal, Singer, Valdez, Van Winkle, Weissman, Winter, Young, Duran; also SENATOR(S) Hill, Aguilar, Baumgardner, Cooke, Coram, Crowder, Fenberg, Fields, Garcia, Gardner, Holbert, Jahn, Jones, Kagan, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Moreno, Priola, Scott, Sonnenberg, Tate, Todd, Williams A., Zenzinger, Grantham.

AN ACT

CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

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

SECTION 2. In Colorado Revised Statutes, 22-54-104, **add** (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

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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); 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. In Colorado Revised Statutes, **add 22-54-140** as follows:

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

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

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

(c) "SMALL RURAL DISTRICT" MEANS A DISTRICT THAT THE DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A FUNDED PUPIL COUNT FOR THE 2017-18 BUDGET YEAR OF FEWER THAN ONE THOUSAND PUPILS IN KINDERGARTEN THROUGH TWELFTH GRADE.

(d) "PER PUPIL DISTRIBUTION AMOUNT" MEANS:

(I) FOR A LARGE RURAL DISTRICT, AN AMOUNT EQUAL TO THIRTY MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN SUBSECTION (2)(a)(I) OF

THIS SECTION AND THEN DIVIDED BY THE SUM OF THE TOTAL FUNDED PUPIL COUNT FOR THE 2017-18 BUDGET YEAR OF ALL LARGE RURAL DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE 2017-18 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS THAT HAVE A LARGE RURAL DISTRICT AS THE ACCOUNTING DISTRICT; OR

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

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

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

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

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

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

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

(4) THE DEPARTMENT OF EDUCATION SHALL CALCULATE FOR EACH ELIGIBLE INSTITUTE CHARTER SCHOOL AND DISTRIBUTE TO THE STATE CHARTER SCHOOL INSTITUTE AN AMOUNT EQUAL TO THE APPLICABLE PER PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN THE ELIGIBLE INSTITUTE CHARTER SCHOOL FOR THE 2017-18 BUDGET YEAR. THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO EACH ELIGIBLE INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT RECEIVED FOR THE ELIGIBLE INSTITUTE CHARTER SCHOOL PURSUANT TO THIS SUBSECTION (4).

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

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

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

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

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

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

22-24-104. English language proficiency program established - funding.

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

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

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

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

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

(c) (I) The department shall distribute ~~the remainder~~ A PORTION of the amount

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

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

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

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

22-11-503.5. Student performance by course level - report - definitions.

(2) As used in this section, unless the context otherwise requires:

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

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

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

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

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

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

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

SECTION 9. Appropriation. For the 2018-19 state fiscal year, \$150,000,000 is appropriated to the department of education. This appropriation consists of

\$119,276,209 from the general fund and \$30,723,791 from the state public school fund created in section 22-54-114 (1), C.R.S. To implement this act, the department may use this appropriation for the state share of districts' total program funding.

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

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

Section 2. **Appropriation.**

- 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 ~~\$3,648,000~~ \$3,727,500 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 ~~\$7,296~~ \$7,455 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

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

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

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

SECTION 15. 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: May 24, 2018