

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-1036.01 Brita Darling x2241

SENATE BILL 19-246

SENATE SPONSORSHIP

Todd and Lundeen,

HOUSE SPONSORSHIP

McLachlan and Wilson,

Senate Committees
Education

House Committees

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 of the bill increases the statewide base per pupil funding for the 2019-20 budget year by \$182.76 to account for inflation, for a new statewide base per pupil funding of \$6,951.53.

Section 2 sets the minimum district total program funding for the 2019-20 budget year. The district total program funding reflects a \$102 million reduction in the dollar amount of the budget stabilization factor over the prior budget year.

Section 3 amends the professional development and student

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.

support program (program) for English language learners and educators who work with English language learners to distribute money appropriated for the program's services and educator professional development activities proportionately, based on the level of English language proficiency of the students served by the program.

Section 4, for the 2019-20 budget year, distributes \$25 million on a per pupil basis to large rural school districts and small rural school districts, including district charter schools and each institute charter school whose accounting district is a large or small rural school district. Large rural school districts share 55% of the appropriation, and small rural school districts share 45% of the appropriation. The bill bases the distribution on a school district's funded pupil count for the 2018-19 budget year. The bill specifies the intended uses of the money.

Section 5 distributes \$5 million to school districts, including district charter schools and the state charter school institute schools, to address behavioral health issues in schools. Each school district and the state charter school institute receive an initial allocation of \$20,000. The remaining appropriation is then distributed on a per pupil basis to the school district and state charter school institute based on the school district's total funded pupil count for the 2018-19 budget year and the total student enrollment in institute charter schools for the 2018-19 budget year.

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)(XXVI) as follows:

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

6 (a) (XXVI) FOR THE 2019-20 BUDGET YEAR, THE STATEWIDE BASE
7 PER PUPIL FUNDING IS \$6,951.53, WHICH IS AN AMOUNT EQUAL TO
8 \$6,768.77, SUPPLEMENTED BY \$182.76 TO ACCOUNT FOR INFLATION.

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

11 **22-54-104. District total program - definitions.** (5) For
12 purposes of the formulas used in this section:

13 (g) (I) For the 2010-11 budget year and each budget year

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

11 (J) THAT, FOR THE 2019-20 BUDGET YEAR, THE SUM OF THE TOTAL
12 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR
13 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET
14 STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION THREE
15 HUNDRED NINETY-THREE MILLION EIGHT HUNDRED EIGHTY-TWO
16 THOUSAND ONE HUNDRED EIGHTY-NINE DOLLARS (\$7,393,882,189);
17 EXCEPT THAT THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE
18 LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR REVISIONS TO REPLACE
19 PROJECTIONS WITH ACTUAL FIGURES, INCLUDING BUT NOT LIMITED TO
20 ACTUAL PUPIL ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC
21 OWNERSHIP TAX REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY
22 NECESSARY CHANGES IN THE AMOUNT OF THE REDUCTION TO MAINTAIN A
23 TOTAL PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR
24 THAT IS CONSISTENT WITH THIS SUBSECTION (5)(g)(I)(J). FOR THE 2020-21
25 BUDGET YEAR, THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL
26 PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING
27 MUST NOT EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE

1 TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM
2 FUNDING FOR THE 2019-20 BUDGET YEAR.

3 **SECTION 3.** In Colorado Revised Statutes, 22-24-108, **amend**
4 (2)(a)(I) and (2)(a)(II) introductory portion as follows:

5 **22-24-108. Professional development and student support**
6 **program - created - rules.** (2) (a) The department shall distribute the
7 amount that the general assembly annually appropriates for the support
8 program as follows:

9 (I) ~~Seventy-five percent~~ A PORTION of the amount annually
10 appropriated to local education providers to provide services to English
11 language learners, and professional development activities for educators
12 who work with English language learners, BASED ON THE PERCENTAGE OF
13 CERTIFIED ENGLISH LANGUAGE LEARNERS who:

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

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

18 (C) ARE ELIGIBLE FOR FUNDING PURSUANT TO THE TIME LIMIT
19 SPECIFIED IN SECTION 22-24-104 (2); AND

20 (II) The ~~remainder~~ REMAINING PORTION of the amount annually
21 appropriated to local education providers to provide services to, and to
22 provide professional development activities for educators who work with,
23 English language learners who comprehend and speak English and one
24 or more other languages but whose English language development and
25 comprehension is:

26 **SECTION 4.** In Colorado Revised Statutes, **add** 22-54-141 as
27 follows:

1 **22-54-141. Additional funding for rural schools - 2019-20**

2 **budget year - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS
3 THE CONTEXT OTHERWISE REQUIRES:

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

7 (b) "LARGE RURAL DISTRICT" MEANS A DISTRICT THAT THE
8 DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON
9 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE
10 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A
11 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF AT LEAST ONE
12 THOUSAND BUT FEWER THAN SIX THOUSAND FIVE HUNDRED PUPILS IN
13 KINDERGARTEN THROUGH TWELFTH GRADE.

14 (c) "PER PUPIL DISTRIBUTION AMOUNT" MEANS:

15 (I) FOR A LARGE RURAL DISTRICT, AN AMOUNT EQUAL TO
16 TWENTY-FIVE MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE
17 SPECIFIED IN SUBSECTION (2)(a)(I) OF THIS SECTION AND THEN DIVIDED BY
18 THE SUM OF THE TOTAL FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET
19 YEAR OF ALL LARGE RURAL DISTRICTS AND THE TOTAL STUDENT
20 ENROLLMENT FOR THE 2018-19 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE
21 CHARTER SCHOOLS THAT HAVE A LARGE RURAL DISTRICT AS THE
22 ACCOUNTING DISTRICT; OR

23 (II) FOR A SMALL RURAL DISTRICT, AN AMOUNT EQUAL TO
24 TWENTY-FIVE MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE
25 SPECIFIED IN SUBSECTION (2)(a)(II) OF THIS SECTION AND THEN DIVIDED
26 BY THE SUM OF THE TOTAL FUNDED PUPIL COUNT FOR THE 2018-19
27 BUDGET YEAR OF ALL SMALL RURAL DISTRICTS AND THE TOTAL STUDENT

1 ENROLLMENT FOR THE 2018-19 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE
2 CHARTER SCHOOLS THAT HAVE A SMALL RURAL DISTRICT AS THE
3 ACCOUNTING DISTRICT.

4 (d) "SMALL RURAL DISTRICT" MEANS A DISTRICT THAT THE
5 DEPARTMENT OF EDUCATION DETERMINES IS A RURAL DISTRICT, BASED ON
6 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE
7 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A
8 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF FEWER THAN
9 ONE THOUSAND PUPILS IN KINDERGARTEN THROUGH TWELFTH GRADE.

10 (2) (a) FOR THE 2019-20 BUDGET YEAR, THE GENERAL ASSEMBLY
11 SHALL APPROPRIATE TWENTY-FIVE MILLION DOLLARS TO THE DEPARTMENT
12 OF EDUCATION TO PROVIDE ADDITIONAL FUNDING FOR LARGE RURAL
13 DISTRICTS, SMALL RURAL DISTRICTS, AND INSTITUTE CHARTER SCHOOLS.
14 THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE:

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

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

21 (b) LARGE RURAL DISTRICTS, SMALL RURAL DISTRICTS, DISTRICT
22 CHARTER SCHOOLS, AND ELIGIBLE INSTITUTE CHARTER SCHOOLS THAT
23 RECEIVE MONEY PURSUANT TO THIS SECTION MAY USE THE MONEY ONLY
24 FOR NONRECURRING EXPENSES FOR THE PURPOSE OF IMPROVING STUDENT
25 LEARNING AND THE EDUCATIONAL ENVIRONMENT, INCLUDING BUT NOT
26 LIMITED TO INITIATIVES THAT HELP ATTRACT EDUCATOR EMPLOYEES,
27 INITIATIVES TO IMPROVE EDUCATOR TRAINING, INITIATIVES TO RETAIN

1 EDUCATORS, LOAN FORGIVENESS FOR EDUCATORS AND STAFF, AND
2 TECHNOLOGY.

3 (3) (a) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO
4 EACH LARGE RURAL DISTRICT AND EACH SMALL RURAL DISTRICT AN
5 AMOUNT EQUAL TO THE APPLICABLE PER PUPIL DISTRIBUTION AMOUNT
6 MULTIPLIED BY THE LARGE RURAL DISTRICT'S OR SMALL RURAL DISTRICT'S
7 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR.

8 (b) EACH LARGE RURAL DISTRICT AND EACH SMALL RURAL
9 DISTRICT THAT IS THE AUTHORIZER FOR A CHARTER SCHOOL SHALL
10 DISTRIBUTE TO THE CHARTER SCHOOL ONE HUNDRED PERCENT OF AN
11 AMOUNT EQUAL TO THE AMOUNT RECEIVED PURSUANT TO SUBSECTION
12 (3)(a) OF THIS SECTION DIVIDED BY THE FUNDED PUPIL COUNT OF THE
13 LARGE RURAL DISTRICT OR SMALL RURAL DISTRICT FOR THE 2018-19
14 BUDGET YEAR AND THEN MULTIPLIED BY THE NUMBER OF STUDENTS
15 ENROLLED IN THE CHARTER SCHOOL FOR THE 2018-19 BUDGET YEAR.

16 (4) THE DEPARTMENT OF EDUCATION SHALL CALCULATE FOR EACH
17 ELIGIBLE INSTITUTE CHARTER SCHOOL AND DISTRIBUTE TO THE STATE
18 CHARTER SCHOOL INSTITUTE AN AMOUNT EQUAL TO THE APPLICABLE PER
19 PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS
20 ENROLLED IN THE ELIGIBLE INSTITUTE CHARTER SCHOOL FOR THE 2018-19
21 BUDGET YEAR. THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE
22 TO EACH ELIGIBLE INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT
23 OF THE AMOUNT RECEIVED FOR THE ELIGIBLE INSTITUTE CHARTER SCHOOL
24 PURSUANT TO THIS SUBSECTION (4).

25 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

26 **SECTION 5.** In Colorado Revised Statutes, **add** 22-54-142 as
27 follows:

1 **22-54-142. Additional funding to address behavioral health**
2 **issues in schools - 2019-20 budget year - repeal.** (1) FOR THE 2019-20
3 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE
4 MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION TO PROVIDE
5 ADDITIONAL FUNDING TO ADDRESS BEHAVIORAL HEALTH ISSUES IN PUBLIC
6 SCHOOLS AND TO CREATE SAFE, POSITIVE, AND SUCCESSFUL SCHOOL
7 ENVIRONMENTS. THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE THE
8 BEHAVIORAL HEATH FUNDING AS PROVIDED IN SUBSECTION (2) OF THIS
9 SECTION.

10 (2) (a) OF THE AMOUNT APPROPRIATED, THE DEPARTMENT SHALL
11 FIRST ALLOCATE TWENTY THOUSAND DOLLARS TO EACH DISTRICT AND TO
12 THE STATE CHARTER SCHOOL INSTITUTE. THE DEPARTMENT SHALL THEN
13 ALLOCATE THE REMAINDER OF THE AMOUNT APPROPRIATED TO EACH
14 DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE BY DIVIDING THE
15 REMAINDER OF THE AMOUNT APPROPRIATED BY THE SUM OF THE TOTAL
16 FUNDED PUPIL COUNT FOR THE 2018-19 BUDGET YEAR OF ALL DISTRICTS
17 AND THE TOTAL NUMBER OF STUDENTS ENROLLED IN INSTITUTE CHARTER
18 SCHOOLS AND MULTIPLYING THAT PER PUPIL AMOUNT BY THE FUNDED
19 PUPIL COUNT FOR THE 2018-19 BUDGET YEAR FOR EACH DISTRICT OR THE
20 TOTAL PUPIL ENROLLMENT IN INSTITUTE CHARTER SCHOOLS FOR THE
21 2018-19 BUDGET YEAR, AS APPLICABLE.

22 (b) THE DEPARTMENT SHALL DISTRIBUTE TO EACH DISTRICT AND
23 THE STATE CHARTER SCHOOL INSTITUTE THE INITIAL TWENTY THOUSAND
24 DOLLAR ALLOCATION ALONG WITH THE DISTRICT'S OR STATE CHARTER
25 SCHOOL INSTITUTE'S PER PUPIL SHARE OF THE REMAINING APPROPRIATION
26 AS A LUMP SUM AT THE BEGINNING OF THE 2019-20 BUDGET YEAR.

27 (3) (a) EACH DISTRICT THAT IS THE AUTHORIZER FOR A CHARTER

1 SCHOOL SHALL DISTRIBUTE TO THE CHARTER SCHOOL ONE HUNDRED
2 PERCENT OF AN AMOUNT EQUAL TO THE TOTAL AMOUNT RECEIVED
3 PURSUANT TO SUBSECTION (2) OF THIS SECTION DIVIDED BY THE FUNDED
4 PUPIL COUNT OF THE DISTRICT FOR THE 2018-19 BUDGET YEAR AND THEN
5 MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN THE CHARTER
6 SCHOOL FOR THE 2018-19 BUDGET YEAR.

7 (b) THE DEPARTMENT OF EDUCATION SHALL CALCULATE FOR EACH
8 INSTITUTE CHARTER SCHOOL AND DISTRIBUTE TO THE STATE CHARTER
9 SCHOOL INSTITUTE AN AMOUNT EQUAL TO THE TOTAL AMOUNT RECEIVED
10 BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SUBSECTION (2)
11 OF THIS SECTION DIVIDED BY THE TOTAL ENROLLMENT IN INSTITUTE
12 CHARTER SCHOOLS FOR THE 2018-19 BUDGET YEAR AND THEN MULTIPLIED
13 BY THE NUMBER OF STUDENTS ENROLLED IN EACH INSTITUTE CHARTER
14 SCHOOL FOR THE 2018-19 BUDGET YEAR. THE STATE CHARTER SCHOOL
15 INSTITUTE SHALL DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL ONE
16 HUNDRED PERCENT OF THE AMOUNT RECEIVED FOR THE INSTITUTE
17 CHARTER SCHOOL PURSUANT TO THIS SUBSECTION (3).

18 (4) EACH DISTRICT, DISTRICT CHARTER SCHOOL, AND INSTITUTE
19 CHARTER SCHOOL THAT RECEIVES A DISTRIBUTION OF MONEY PURSUANT
20 TO THIS SECTION MAY USE THE MONEY ONLY FOR NONRECURRING
21 EXPENSES TO ADDRESS BEHAVIORAL HEALTH ISSUES IN SCHOOLS AND TO
22 CREATE A SAFE, POSITIVE, AND SUCCESSFUL LEARNING ENVIRONMENT FOR
23 STUDENTS, INCLUDING BUT NOT LIMITED TO PROVIDING STAFF SUPPORTS,
24 PEER MENTORS, BULLYING PREVENTION ACTIVITIES, SPEAKERS AND
25 PROGRAMS, STUDENT ADVISING OR COUNSELING, AND SUMMER
26 OPPORTUNITIES FOR STUDENTS.

27 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

1 **SECTION 6. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.