

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 19-1036.01 Brita Darling x2241

**SENATE BILL 19-246**

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**A BILL FOR AN ACT**

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

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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** 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

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  
3rd Reading Unamended  
April 24, 2019

SENATE  
Amended 2nd Reading  
April 23, 2019

over the prior budget year.

**Section 3** amends the professional development and student 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.

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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)(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

1 purposes of the formulas used in this section:

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

13 (J) THAT, FOR THE 2019-20 BUDGET YEAR, THE SUM OF THE TOTAL  
14 PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR  
15 INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET  
16 STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION THREE  
17 HUNDRED EIGHTY-NINE MILLION EIGHT HUNDRED EIGHTEEN THOUSAND  
18 FIVE HUNDRED TWENTY-SIX DOLLARS (\$7,389,818,526); EXCEPT THAT THE  
19 DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL  
20 SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH  
21 ACTUAL FIGURES, INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL  
22 ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC OWNERSHIP TAX  
23 REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY NECESSARY  
24 CHANGES IN THE AMOUNT OF THE REDUCTION TO MAINTAIN A TOTAL  
25 PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR THAT IS  
26 CONSISTENT WITH THIS SUBSECTION (5)(g)(I)(J). FOR THE 2020-21  
27 BUDGET YEAR, THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL

1 PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING  
2 MUST NOT EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE  
3 TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM  
4 FUNDING FOR THE 2019-20 BUDGET YEAR.

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

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

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

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

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

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

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

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

3           **22-54-141. Additional funding for rural schools - 2019-20**  
4 **budget year - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS  
5 THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

1 SMALL RURAL DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE  
2 2018-19 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS  
3 THAT HAVE A SMALL RURAL DISTRICT AS THE 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 MILLION DOLLARS TO THE DEPARTMENT OF  
12 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) EACH SCHOOL DISTRICT RECEIVING MONEY PURSUANT TO THIS  
26 SECTION SHALL REPORT, IN DETAIL, TO THE DEPARTMENT OF EDUCATION,  
27 BY A DATE DETERMINED BY THE DEPARTMENT:

1           (a) THE SPECIFIC EXPENDITURES FOR WHICH THE LOCAL  
2 EDUCATION PROVIDER USED THE MONEY RECEIVED PURSUANT TO THIS  
3 SECTION; AND

4           (b) HOW SUCH NONRECURRING EXPENDITURES ARE RELATED TO  
5 IMPROVING STUDENT LEARNING AND THE EDUCATIONAL ENVIRONMENT.

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

7           — ———

8           **SECTION 5.** In Colorado Revised Statutes, 22-20-114, **amend**  
9 (1)(c)(III) as follows:

10           **22-20-114. Funding of programs - legislative declaration.**

11 (1) Subject to the provisions of subsection (3) of this section, for the  
12 2005-06 budget year and each budget year thereafter, the total amount  
13 appropriated to the department for the payment of costs incurred by  
14 administrative units for the provision of special education programs shall  
15 be distributed to each administrative unit that provides educational  
16 services for children with disabilities as follows:

17           (c) (III) (A) For the 2013-14 budget year and each budget year  
18 thereafter THROUGH THE 2018-19 BUDGET YEAR, in addition to any  
19 amount that is available pursuant to ~~subparagraph (f) of this paragraph (c)~~  
20 SUBSECTION (1)(c)(I) OF THIS SECTION, the general assembly shall  
21 appropriate twenty million dollars from the state education fund to the  
22 department for the purposes of this ~~paragraph (c)~~ SUBSECTION (1)(c).

23           (B) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR  
24 THEREAFTER, IN ADDITION TO ANY AMOUNT THAT IS AVAILABLE PURSUANT  
25 TO SUBSECTION (1)(c)(I) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL  
26 APPROPRIATE TWENTY-TWO MILLION DOLLARS, WHICH AMOUNT MAY BE  
27 APPROPRIATED FROM THE STATE EDUCATION FUND OR THE GENERAL FUND



1 OR AS AMOUNTS FROM BOTH FUNDS, TO THE DEPARTMENT FOR THE  
2 PURPOSES OF THIS SUBSECTION (1)(c).

3 (B) (C) The general assembly hereby finds and declares that, for  
4 the purposes of section 17 of article IX of the state constitution, providing  
5 additional moneys MONEY to children with one or more disabilities, as  
6 described in subparagraph (H) of this paragraph (c) SUBSECTION (1)(c)(II)  
7 OF THIS SECTION, for a percentage of such children receiving special  
8 education services from an administrative unit is a program for  
9 accountable education reform and may therefore receive funding from the  
10 state education fund created in section 17 (4) of article IX of the state  
11 constitution.

12 **SECTION 6.** In Colorado Revised Statutes, 24-75-220, **add (5)**  
13 **as follows:**

14 **24-75-220. State education fund - transfers - surplus -**  
15 **legislative declaration. (5) ON JULY 1, 2019, THE STATE TREASURER**  
16 **SHALL TRANSFER FORTY MILLION THREE HUNDRED TWENTY-SIX**  
17 **THOUSAND EIGHT HUNDRED NINETY-SIX DOLLARS (\$40,326,896) FROM**  
18 **THE GENERAL FUND TO THE STATE EDUCATION FUND CREATED IN SECTION**  
19 **17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.**

20 **SECTION 7. Appropriation.** For the 2019-20 state fiscal year,  
21 \$22,000,000 is appropriated to the department of education. This  
22 appropriation is from the general fund. To implement this act, the  
23 department may use this appropriation for special education programs for  
24 children with disabilities.

25 **SECTION 8. Appropriation - adjustments to 2019 long bill.** To  
26 implement this act, the general fund appropriation made in the annual  
27 general appropriation act for the 2019-20 state fiscal year to the

1 department of education for the state share of districts' total program  
2 funding is decreased by \$7,633,721.

3 **SECTION 9. Appropriation to the department of education**  
4 **for the fiscal year beginning July 1, 2019.** In section 2 of Senate Bill  
5 **19-207, amend Part III (2)(A) Footnote 5, as follows:**

6 **Section 2. Appropriation.**  
7 5 Department of Education, Assistance to Public Schools, Public  
8 School Finance, State Share of Districts' Total Program Funding  
9 -- Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this  
10 footnote is to specify what portion of this appropriation is intended  
11 to be available for the Accelerating Students Through Concurrent  
12 Enrollment (ASCENT) Program for FY 2019-20. It is the General  
13 Assembly's intent that the Department of Education be authorized  
14 to utilize up to ~~\$3,836,500~~ \$3,888,000 of this appropriation to  
15 fund qualified students designated as ASCENT Program  
16 participants. This amount is calculated based on an estimated 500  
17 FTE participants funded at a rate of ~~\$7,673~~ \$7,776 per FTE  
18 pursuant to Section 22-54-104 (4.7), C.R.S.

19 **SECTION 10. Appropriation.** For the 2019-20 state fiscal year,  
20 \$20,000,000 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 additional funding for rural  
23 schools authorized in section 22-54-141, C.R.S.

24 **SECTION 11. Appropriation.** For the 2019-20 state fiscal year,  
25 \$2,509,623 is appropriated to the department of education. This  
26 appropriation is from the general fund. To implement this act, the  
27 department may use this appropriation for the state share of districts' total

1 program funding.

2 **SECTION 12. Appropriation.** For the 2019-20 state fiscal year,  
3 \$125,495 is appropriated to the department of education. This  
4 appropriation is from the state education fund created in section 17 (4)(a)  
5 of article IX of the state constitution. To implement this act, the  
6 department may use this appropriation for hold-harmless full-day  
7 kindergarten funding.

8 **SECTION 13. Effective date.** (1) Except as otherwise provided  
9 in this section, this act takes effect upon passage.

10 (2) Section 11 of this act takes effect only if House Bill 19-1262  
11 becomes law.

12 (3) Section 12 of this act takes effect only if House Bill 19-1262  
13 does not become law.

14 **SECTION 14. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.