

CHAPTER 62

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 99-1209

BY REPRESENTATIVES Allen, Dean, Alexander, Bacon, George, Gotlieb, Kaufman, King, Lawrence, McKay, Spence, and S. Williams;
also SENATORS Anderson, Arnold, and Evans.

AN ACT

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

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

SECTION 1. 22-54-104 (5) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(a) (VI) FOR THE 1999-2000 BUDGET YEAR, THE STATEWIDE BASE PER PUPIL FUNDING SHALL BE \$3,783 SUPPLEMENTED BY \$95 TO ACCOUNT FOR INFLATION.

SECTION 2. 22-54-103 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-54-103. Definitions. As used in this article, unless the context otherwise requires:

(1) (d) DURING THE 1999 INTERIM, THE LEGISLATIVE COUNCIL STAFF SHALL CONDUCT A STUDY OF THE DEFINITION OF AT-RISK PUPILS ESTABLISHED BY THIS SUBSECTION (1) AND SHALL MAKE A REPORT OF ITS FINDINGS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 15, 2000.

SECTION 3. 22-54-117 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

22-54-117. Contingency reserve. (1) An amount to be determined by the general assembly shall be appropriated annually to the state public school fund as a contingency reserve. In deciding the amount to be appropriated to the contingency reserve, the general assembly may take into consideration any recommendations made by the department of education, but nothing in this section shall be construed to obligate the general assembly to provide supplemental assistance to all districts determined to be in need or fully fund the total amount of such need. The state board is authorized to approve and order payments from such contingency reserve for supplemental assistance to districts determined to be in need as the result of any or all of the following circumstances:

(f) UNUSUAL FINANCIAL BURDEN CAUSED BY A SIGNIFICANT DECLINE IN PUPIL ENROLLMENT AS A RESULT OF DETACHMENT AND ANNEXATION PURSUANT TO A REORGANIZATION PLAN APPROVED PURSUANT TO ARTICLE 30 OF THIS TITLE.

SECTION 4. 22-54-119 (1), Colorado Revised Statutes, is amended to read:

22-54-119. General provisions. (1) The county treasurer shall charge a collection fee of ~~one-half~~ ONE-QUARTER of one percent upon moneys collected for or distributed to any district located in whole or in part in the county from taxes levied for the general fund of the district.

SECTION 5. 30-1-102 (1) (a), Colorado Revised Statutes, is amended to read:

30-1-102. Fees of county treasurer. (1) The county treasurer shall charge and receive the following fees:

(a) Upon all moneys received by him for town and city taxes, whether such towns or cities are incorporated under the general laws or by special charter, and anything in said charter to the contrary notwithstanding, and upon all school taxes in counties of the first class, one percent; in counties of the second class, one percent; in counties of every other class, one percent on school taxes and two percent on town and city taxes; except that a collection fee not exceeding ~~one-half~~ ONE-QUARTER of one percent shall be charged as provided in section 22-54-119, C.R.S., and no collection fee shall be charged on other school taxes exempt by law from said collection fees;

SECTION 6. 29-1-603 (5), Colorado Revised Statutes, is amended to read:

29-1-603. Audits required. (5) For the audit for the 1994-95 budget year and budget years thereafter, the audit report of each school district shall include a calculation of the school district's fiscal year spending under section 20 of article X of the state constitution; EXCEPT THAT, IF A SCHOOL DISTRICT HAS RECEIVED VOTER APPROVAL TO RETAIN REVENUES IN EXCESS OF ITS SPENDING LIMITS UNDER SAID SECTION 20 (7), THE SCHOOL DISTRICT SHALL INCLUDE A CALCULATION OF ITS FISCAL YEAR SPENDING FOR THE FIRST FISCAL YEAR FOLLOWING SAID VOTER APPROVAL BUT NEED NOT INCLUDE SUCH CALCULATION FOR FISCAL YEARS THEREAFTER.

SECTION 7. 22-24-104 (4) (c) (I), Colorado Revised Statutes, is amended to read:

22-24-104. English language proficiency program established - funding. (4) (c) (I) AN AMOUNT EQUAL TO seventy-five percent of the ~~annual~~ appropriation

MADE TO THE DEPARTMENT FOR THE 1998-99 FISCAL YEAR PLUS ANY INCREASE IN THE ANNUAL APPROPRIATION MADE TO THE DEPARTMENT OVER THE APPROPRIATION MADE FOR THE 1998-99 FISCAL YEAR or the amount needed to fully fund the program pursuant to this subparagraph (I), whichever is less, shall be used by the districts for students certified to be within section 22-24-103 (4) (a) or (4) (b). No such student shall be funded for more than an amount equal to four hundred dollars per year or an amount equal to twenty percent of the state average per pupil operating revenues, as defined in section 22-54-103 (12) for the preceding year as annually determined by the department, whichever is greater.

SECTION 8. 22-28-104 (2) (d) (I), Colorado Revised Statutes, is amended to read:

22-28-104. Establishment of public preschool programs. (2) In recognition of the fact that there are thousands of children in Colorado not presently being served who would benefit from the state preschool program, the number of children that may participate in the state preschool program shall be increased:

(d) (I) To not more than 8,850 in the 1998-99 budget year and TO NOT MORE THAN 9,050 IN THE 1999-2000 BUDGET YEAR AND budget years thereafter.

SECTION 9. 22-44-110 (5), Colorado Revised Statutes, is amended to read:

22-44-110. Budget - consideration - adoption. (5) After the adoption of the budget, the board may review and change the budget, with respect to both revenues and expenditures, at any time prior to ~~September 30~~ OCTOBER 15 of the fiscal year for which the budget was adopted. After ~~September 30~~, OCTOBER 15, the board shall not review or change the budget except as authorized by this article; except that, where money for a specific purpose from other than ad valorem taxes subsequently becomes available to meet a contingency, the board may adopt a supplemental budget for expenditures not to exceed the amount of said money and may appropriate said money therefrom.

SECTION 10. Repeal. 22-44-111 (2), Colorado Revised Statutes, is repealed as follows:

~~**22-44-111. Budget - filing.** (2) Certified copies of the adopted budget and appropriation resolution shall be filed with the commissioner of education no later than October 15 of the fiscal year for which the budget was adopted.~~

SECTION 11. 22-54-104 (2) (a) (III) and (2) (a) (IV) (C), Colorado Revised Statutes, are amended, and the said 22-54-104 (2) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

22-54-104. District total program. (2) (a) (III) Except as otherwise provided in this subsection (2), subsection (6) of this section, or section 22-54-104.3, a district's total program for the 1996-97, ~~budget year and budget years thereafter~~ 1997-98, AND 1998-99 BUDGET YEARS shall be the greater of the following:

(A) (District per pupil funding x District funded pupil count) + District at-risk funding; or

(B) \$4,305 x District funded pupil count.

(III.5) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2), SUBSECTION (6) OF THIS SECTION, OR SECTION 22-54-104.3, A DISTRICT'S TOTAL PROGRAM FOR THE 1999-2000 BUDGET YEAR AND BUDGET YEARS THEREAFTER SHALL BE THE GREATER OF THE FOLLOWING:

(A) (DISTRICT PER PUPIL FUNDING X DISTRICT FUNDED PUPIL COUNT) + DISTRICT AT-RISK FUNDING; OR

(B) \$4,675 x DISTRICT FUNDED PUPIL COUNT.

(III.6) FOR THE 2000-01 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DOLLAR AMOUNT SET FORTH IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III.5) OF THIS PARAGRAPH (a) SHALL BE INCREASED BY THE PERCENTAGE BY WHICH THE STATEWIDE BASE PER PUPIL FUNDING FOR THE BUDGET YEAR IS INCREASED OVER THE STATEWIDE BASE PER PUPIL FUNDING SET FORTH FOR THE 1999-2000 BUDGET YEAR. SUCH AMOUNT SHALL BE ROUNDED TO THE NEAREST DOLLAR.

(IV) (C) The provisions of this subparagraph (IV) shall only apply to those districts whose total program for the 1996-97 budget year was calculated pursuant to sub-subparagraph (B) of subparagraph (III) of this paragraph (a); EXCEPT THAT, FOR THE 1999-2000 BUDGET YEAR AND BUDGET YEARS THEREAFTER, ANY DISTRICT WHOSE TOTAL PROGRAM HAS BEEN CALCULATED PURSUANT TO THIS SUBPARAGRAPH (IV) SHALL RECEIVE THE TOTAL PROGRAM AMOUNT CALCULATED PURSUANT TO THIS SUBPARAGRAPH (IV) OR THE TOTAL PROGRAM AMOUNT CALCULATED PURSUANT TO SUBPARAGRAPH (III.5) OF THIS PARAGRAPH (a), AS ADJUSTED PURSUANT TO SUBPARAGRAPH (III.6) OF THIS PARAGRAPH (a), WHICHEVER IS THE GREATER AMOUNT.

SECTION 12. 22-54-105 (2) (a), Colorado Revised Statutes, is amended, and the said 22-54-105 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-54-105. Instructional supplies and materials - capital reserve and insurance reserve. (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (2), every district shall budget the amount determined pursuant to paragraph (b) of this subsection (2) to be allocated, in the discretion of the board of education, to the capital reserve fund created by section 22-45-103 (1) (c), to a fund or an account within the general fund established in accordance with generally accepted accounting principles solely for the management of risk-related activities as identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S., or among such allowable funds and accounts. Such moneys shall be used for the purposes set forth in section 22-45-103 (1) (c) and (1) (e) and may not be expended by the district for any other purpose. The board of education may transfer moneys among these allowable funds and accounts when such transfer is deemed necessary by the board.

(c) FOR THE 1999-2000 BUDGET YEAR AND ANY BUDGET YEAR THEREAFTER, IF A DISTRICT HAS MONEYS IN ITS CAPITAL RESERVE FUND EQUAL TO OR IN EXCESS OF FIVE TIMES THE MINIMUM DOLLAR AMOUNT REQUIRED TO BE BUDGETED PER PUPIL PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) MULTIPLIED BY THE DISTRICT'S FUNDED PUPIL COUNT FOR THE APPLICABLE BUDGET YEAR, THE BOARD OF EDUCATION

OF THE DISTRICT MAY DETERMINE WHETHER TO BUDGET THE MINIMUM DOLLAR AMOUNT PER PUPIL REQUIRED BY THIS SUBSECTION (2) IN THAT BUDGET YEAR, BUDGET A LESSER AMOUNT, OR BUDGET NO AMOUNT AT ALL. SUCH DETERMINATION SHALL BE MADE BY THE BOARD OF EDUCATION ON AN ANNUAL BASIS BASED UPON THE CAPITAL OUTLAY EXPENDITURE REQUIREMENTS OF THE DISTRICT.

SECTION 13. Adjustment in 1999 long bill. Appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1999, to the department of education, shall be adjusted as follows: The general fund appropriation for public school finance, small attendance centers, shall be increased by twenty-eight thousand nine hundred sixty-one dollars (\$28,961).

SECTION 14. Adjustments in 1999 long bill. (1) Appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1999, shall be adjusted as follows:

(a) The general fund appropriation to the department of education, public school finance, English language proficiency, is increased by five hundred thousand dollars (\$500,000).

(b) The general fund appropriation to the department of education, distributions, expelled student services, is decreased so that the amount of the appropriation does not exceed three million five hundred thousand dollars (\$3,500,000).

SECTION 15. Effective date. This act shall take effect upon passage; except that sections 4 and 5 shall take effect January 1, 2000.

SECTION 16. 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: March 30, 1999