

CHAPTER 429

**APPROPRIATIONS**

SENATE BILL 03-201

BY SENATOR(S) Owen, Teck, and Reeves;  
also REPRESENTATIVE(S) Young, Witwer, and Plant.

**AN ACT**

**CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF EDUCATION.**

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

**SECTION 1.** Part III of section 2 of chapter 399, Session Laws of Colorado 2002, is amended to read:

Section 2. **Appropriation.**

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

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART III  
DEPARTMENT OF EDUCATION**

**(1) MANAGEMENT AND ADMINISTRATION**

General Department  
and Program

Administration	<del>8,262,220</del>	<del>6,615,903</del>		<del>167,986<sup>a</sup></del>	<del>1,162,332(T)<sup>a</sup></del>	<del>315,999</del>
	7,554,933	5,710,532		198,059 <sup>a</sup>	1,178,383(T) <sup>b</sup>	467,959
		(82.0 FTE)		(1.0 FTE)	(14.5 FTE)	

Office of Professional  
Services

	<del>1,924,169</del>			<del>1,924,169<sup>c</sup></del>		
	1,944,180			1,944,180 <sup>c</sup>		
				<del>(16.0 FTE)</del>		
				(16.4 FTE)		

Salary Survey and  
Senior Executive  
Service

	<del>1,286,892</del>	<del>749,664</del>		41,777 <sup>d</sup>	65,693(T) <sup>e</sup>	429,758
	1,260,358	723,130				

Performance-based Pay  
Awards

	<del>265,773</del>	<del>123,087</del>		12,180 <sup>f</sup>	14,163(T) <sup>g</sup>	116,343
	260,068	117,382				

Shift Differential

	75,693	75,693				
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Sick and Annual Payouts	113,023			113,023(T) <sup>b</sup>	
Emeritus Retirement	<del>90,000</del>	<del>90,000</del>			
	75,600	75,600			
Administrative Law Judge Services	<del>71,995</del>		<del>15,119<sup>c</sup></del>	<del>56,876(T)<sup>c</sup></del>	
	70,187		15,072 <sup>c</sup>	55,115(T) <sup>i</sup>	
Capitol Complex Leased Space	386,093	140,222	25,112 <sup>c</sup>		220,759
Information Technology Asset Maintenance	<del>114,848</del>	<del>114,848</del>			
	103,363	103,363			
Disaster Recovery	<del>21,914</del>	<del>21,914</del>			
	19,722	19,722			
Colorado Student Assessment Program	15,780,313	<del>15,368,360</del>		<del>411,953<sup>c</sup></del>	4,207,910
		11,572,403			
Federal Grant for State Assessments and Related Activities	<del>6,138,367</del>				<del>6,138,367</del>
	1,750,457				1,750,457
School Report Card and State Data Reporting System	2,034,062	2,034,062			
		(3.0 FTE)			

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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Longitudinal Analyses of Student Assessment Results	180,000				180,000 <sup>a</sup>	
					(2.0 FTE)	180,000
	<del>36,745,362</del>					
	31,608,052					

<sup>a</sup> Of this amount, \$80,075(T) shall be from the Department of Natural Resources, Division of Wildlife, ~~\$35,887~~ \$47,061 shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112, C.R.S., \$35,480 shall be from the Public School Income Fund pursuant to Section 22-2-112 (1) (i), C.R.S., and ~~\$16,544~~ \$35,443 shall be from general education development program fees.

<sup>b</sup> Of this amount, ~~\$892,648~~ \$908,699 shall be from indirect cost recoveries, \$172,855 shall be from Public School Transportation, \$88,153 shall be from the State Share of Districts' Total Program Funding, and \$8,676 shall be from various appropriations to the Department of Education.

<sup>c</sup> These amounts shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112, C.R.S.

<sup>d</sup> Of this amount, \$38,588 shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112, C.R.S., and \$3,189(T) shall be from the Department of Natural Resources, Division of Wildlife.

<sup>e</sup> Of this amount, \$31,717 shall be from indirect cost recoveries, \$6,119 shall be from Public School Transportation, \$3,432 shall be from the State Share of Districts' Total Program Funding, and \$24,425 shall be from various appropriations to the Department of Education.

<sup>f</sup> Of this amount, \$11,092 shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112, C.R.S., and \$1,088(T) shall be from the Department of Natural Resources, Division of Wildlife.

<sup>g</sup> Of this amount, \$8,966 shall be from indirect cost recoveries, \$1,791 shall be from Public School Transportation, \$1,171 shall be from the State Share of Districts' Total Program Funding, and \$2,235 shall be from various appropriations to the Department of Education.

<sup>b</sup> This amount shall be from indirect cost recoveries.

<sup>1</sup> This amount shall be from Special Education - Children with Disabilities.

<sup>2</sup> These amounts shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution.

**(2) ASSISTANCE TO PUBLIC SCHOOLS**

**(A) Public School Finance**

State Share of Districts'

Total Program

Funding <sup>18, 19</sup>	2,448,085,100	2,224,798,325	10,251,689 <sup>a</sup>	213,035,086 <sup>a</sup>
	2,478,397,625	2,223,419,948	10,620,642 <sup>b</sup>	244,357,035 <sup>b</sup>
Additional State Aid Related to Locally Negotiated Business				
Incentive Agreements	1,833,315	1,833,315		
	<u>2,449,918,415</u>			
	2,480,230,940			

<sup>a</sup> This amount shall be from rental income earned on public school lands.

<sup>b</sup> Of this amount, ~~\$170,364,847~~ \$202,940,142 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution and ~~\$42,670,239~~ \$41,416,893 shall be from the State Public School Fund created in Section 22-54-114, C.R.S. Of the amount from the State Public School Fund, ~~\$24,700,000~~ \$22,400,000 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Section 22-54-114 (1), ~~\$14,970,239~~ \$17,061,698 is estimated to be from interest earned on moneys in the Public School Fund and transferred to the State Public School Fund pursuant to Section 22-41-106, C.R.S., and ~~\$3,000,000~~ is estimated to be from audit recoveries deposited in the State Public School Fund pursuant to Section ~~22-54-114 (4), C.R.S.~~ \$1,955,195 IS ESTIMATED TO BE FROM RESERVES IN THE STATE PUBLIC SCHOOL FUND.

**(B) Categorical Programs<sup>20</sup>**

**(I) District Programs Required by Statute**

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Special Education - Children with Disabilities	<del>180,314,074</del> 180,346,080		71,572,347			<del>9,564,187*</del> 9,596,193 <sup>a</sup> (0.6 FTE)	99,177,540  (41.6 FTE)
English Language Proficiency Program	9,994,129		3,101,598			785,369 <sup>b</sup> (1.0 FTE)	6,107,162 (1.6 FTE)
<b>(II) Other Categorical Programs</b>							
Federal Special Education Grant for Infants, Toddlers, and Their Families <sup>21</sup>	6,132,874						6,132,874 (5.7 FTE)
Public School Transportation	40,359,124		36,922,227			3,436,897 <sup>c</sup>	
Transfer to the Department of Higher Education for Distribution of State Assistance for Vocational Education	19,374,279		17,792,850			1,581,429 <sup>d</sup>	

Special Education - Gifted and Talented Children	6,075,218	5,500,000	575,218 <sup>d</sup>
Expelled and At-risk Student Services Grant Program	6,089,682	5,788,807	300,875 <sup>d</sup>
Small Attendance Center Aid	<del>880,600</del> 848,594	787,645	<del>92,955<sup>#</sup></del> 60,949 <sup>d</sup>
Comprehensive Health Education	<u>600,000</u>	300,000	300,000 <sup>e</sup>
	269,819,980		

<sup>a</sup> Of this amount, ~~\$9,499,187~~ \$9,531,193 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution and \$65,000(T) shall be from federal funds appropriated in the Department of Human Services.

<sup>b</sup> Of this amount, \$401,000(T) shall be from federal funds appropriated in the Department of Human Services and \$384,369 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution.

<sup>c</sup> Of this amount, \$3,281,647 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution and \$155,250(L) shall be from local funds. The latter amount represents an estimate of categorical program support funds to be replaced with local property tax revenue pursuant to Section 22-54-107, C.R.S.

<sup>d</sup> These amounts shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution.

<sup>e</sup> This amount shall be from reserves in the Colorado Comprehensive Health Education Fund created in Section 22-25-109, C.R.S.

**(C) Grant Programs and Other Distributions**

Read-to-Achieve Cash Fund	18,806,982		18,806,982 <sup>a</sup>
Read-to-Achieve Grant Program	19,000,000		19,000,000 <sup>b</sup>

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
Summer School Grant Program Fund	945,800					945,800 <sup>c</sup>	
Summer School Grant Program	945,800					945,800 <sup>d</sup>	
Federal Title I Reading First Grant	9,001,635						9,001,635
School Improvement Grants	2,825,000					2,825,000 <sup>c</sup>	
Teacher Pay Incentive Program	13,260,000					13,260,000 <sup>c</sup>	
<del>School Awards Program Fund</del>	<del>1,500,000</del>		<del>1,500,000</del>				
<del>Colorado School Awards Program</del>	<del>1,500,000</del>					<del>1,500,000<sup>e</sup></del>	
<del>Teacher Development Fund</del>	<del>1,771,625</del>		<del>1,771,625</del>				
(Governor lined through this provision. See L. 2002, p. 3037. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)							
<del>Teacher Development Grant Program</del>	<del>2,000,000</del>					<del>2,000,000<sup>f</sup></del>	
(Governor lined through this provision. See L. 2002, p. 3038. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)							
Purchase of New Textbooks	15,018,326					15,018,326 <sup>c</sup>	



S.B. 97-101 Public School Health Services	8,525,325		8,525,325(T) <sup>g</sup> (1.3 FTE)
State Public School Fund, Contingency Reserve <sup>22, 23</sup>	5,900,000	1,041,774	4,858,226 <sup>h</sup>
State Public School Fund, School Capital Construction Expenditure Reserve	15,627,886		15,627,886 <sup>i</sup> (1.0 FTE)
Charter School Capital Construction	7,813,943		7,813,943 <sup>c</sup>
State Match for School Lunch Program	2,472,644		2,472,644 <sup>j</sup>
Boards of Cooperative Services	<del>220,000</del> 210,000	170,000	<del>50,000<sup>r</sup></del> 40,000 <sup>j</sup>
<del>National Academic Contest Fund</del>	<del>50,000</del>		<del>50,000<sup>r</sup></del>
<del>Funding for National Academic Award Winners</del>	<del>50,000</del>		<del>50,000<sup>r</sup></del>
Science and Technology Center Grant Program	<u>372,000</u>		372,000 <sup>i</sup>
	<del>123,835,341</del> 120,725,341		

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		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

<sup>a</sup> This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (e), C.R.S.

<sup>b</sup> This amount shall be from the Read-to-Achieve Cash Fund created in Section 22-7-506, C.R.S.

<sup>c</sup> These amounts shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution.

<sup>d</sup> This amount shall be from the Summer School Grant Program Fund created in Section 22-7-804, C.R.S.

<sup>e</sup> This amount shall be from the School Awards Program Fund created in Section 22-11-304, C.R.S.

<sup>f</sup> This amount shall be from the Teacher Development Fund created in Section 22-7-708, C.R.S.

<sup>g</sup> This amount shall be from federal Medicaid funds appropriated to the Department of Health Care Policy and Financing. Of this amount, \$91,493 shall be for administrative costs.

<sup>h</sup> Of this amount, \$4,100,000 is from lottery proceeds projected to be transferred to the State Public School Fund, Contingency Reserve, pursuant to Section 22-54-117 (1.6), C.R.S., and \$758,226 shall be from school district reimbursements that are credited to the State Public School Fund, Contingency Reserve, pursuant to Section 22-54-117 (5) (b), C.R.S.

<sup>i</sup> Of this amount, \$7,813,943 shall be from the shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution, and \$7,813,943 shall be from the State Public School Fund, School Capital Construction Expenditure Reserve established in Section 22-54-117 (1.5), C.R.S.

<sup>j</sup> These amounts shall be from the State Public School Fund created in Section 22-54-114, C.R.S.

<sup>k</sup> ~~This amount shall be from the National Academic Contest Fund created in Section 22-2-121 (3), C.R.S.~~

<sup>l</sup> This amount shall be from the Science and Technology Fund created in Section 22-81-206, C.R.S.

**(D) Appropriated Sponsored Programs**

Sponsored Programs	248,089,282		575,000 <sup>a</sup>	3,325,329 <sup>b</sup>	244,188,953
				(6.9 FTE)	(91.7 FTE)

<sup>a</sup> This amount shall be from fees and charges for workshops, conferences, training programs, and seminars.

<sup>b</sup> Of this amount, \$2,316,525(T) shall be from the Department of Human Services, \$808,282 shall be from various grants and donations, and \$200,522(T) shall be from the Department of Local Affairs.

3,091,663,018

3,118,865,543

**(3) LIBRARY PROGRAMS**

Regional Systems	<del>2,565,038</del>	2,565,038
	2,462,436	2,462,436

Colorado Resource Center	<del>2,299,194</del>	2,299,194
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(Governor lined through this provision. See L. 2002, p. 3038. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)

State Grants to Publicly-Supported Libraries Fund	<del>2,000,000</del>	2,000,000
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(Governor lined through this provision. See L. 2002, p. 3039. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)

State Grants to Publicly-Supported Libraries Program	<del>2,000,000</del>	2,000,000*
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(Governor lined through this provision. See L. 2002, p. 3039. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)  
(0.5 FTE)

Interlibrary Loan	<del>170,091</del>	170,091
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(Governor lined through this provision. See L. 2002, p. 3039. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)

Colorado Virtual Library	<del>394,788</del>	374,788	20,000 <sup>b</sup>
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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	379,796	359,796				
Library Materials for the Talking Book Library and State Institutional Libraries	<del>101,899</del> 97,823	<del>101,899</del> 97,823				
Talking Book Library, Maintenance and Utilities Expenses	<del>45,869</del> 44,034	<del>45,869</del> 44,034				
Reading Services for the Blind	<u>93,800</u>				93,800 <sup>c</sup>	
	<del>3,201,394</del> 3,077,889					

<sup>a</sup> This amount shall be from the State Grants to Publicly-Supported Libraries Fund created in Section 24-90-407, C.R.S.

<sup>b</sup> This amount shall be from grants and donations.

<sup>c</sup> This amount shall be from the Reading Services for the Blind Cash Fund created in Section 24-90-105.5, C.R.S.

**(4) SCHOOL FOR THE DEAF AND THE BLIND**

**(A) School Operations<sup>24</sup>**

Personal Services 7,723,477

	(148.2 FTE)			
Operating Expenses	435,196			
Utilities	<u>331,536</u>			
	8,490,209	7,398,195		1,092,014(T) <sup>a</sup>

<sup>a</sup> Of this amount, \$1,032,014 shall be from the State Share of District's Total Program Funding and \$60,000 shall be from federal Child Nutrition Act funds appropriated in the Appropriated Sponsored Programs subsection.

**(B) Special Purpose**

Fees and Conferences	75,000			
Aides for Extended Diagnostic Enrollment	82,500			
	(2.8 FTE)			
Summer Olympics				
Housing	10,000			
Grants	1,100,000			
	<u>(9.1 FTE)</u>			
	1,267,500	85,000 <sup>a</sup>		1,182,500 <sup>b</sup>

<sup>a</sup> Of this amount, \$75,000 shall be from fees and charges for workshops and conferences and \$10,000 shall be from housing reimbursements.

<sup>b</sup> Of this amount, \$1,100,000(T) shall be from various federal funds transferred from the Appropriated Sponsored Programs subsection and \$82,500 shall be from federal funds transferred from school districts.

9,757,709

**TOTALS PART III**

<b>(EDUCATION)<sup>5,6</sup></b>	<b>\$3,141,367,483</b>	<b>\$2,406,928,430</b>	<b>\$13,098,032<sup>a</sup></b>	<b>\$349,511,631<sup>b</sup></b>	<b>\$371,829,390</b>
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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	<u>\$3,163,309,193</u>	<u>\$2,399,164,904</u>	<u>                    </u>	<u>\$13,517,022<sup>a</sup></u>	<u>\$378,645,917<sup>b</sup></u>	<u>\$371,981,350</u>

<sup>a</sup> Of this amount, \$84,352 contains a (T) notation.

<sup>b</sup> Of this amount, ~~\$15,112,473~~ \$15,126,763 contains a (T) notation, and \$155,250 contains an (L) notation.

**FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

- 5 (Governor lined through this provision. See L. 2002, p. 3034.)
- 6 All Departments, Totals -- The General Assembly requests that copies of all reports requested in other footnotes contained in this act be delivered to the Joint Budget Committee and the majority and minority leadership in each house of the General Assembly. Each principal department of the state shall produce its rules in an electronic format that is suitable for public access through electronic means. Such rules in such format shall be submitted to the Office of Legislative Legal Services for publishing on the Internet. It is the intent of the General Assembly that this be done within existing resources.
- 18 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- The minimum state aid for fiscal year 2002-03 is established at \$73.40 per student.
- 19 (Governor lined through this provision. See L. 2002, p. 3039.)
- 20 (Governor lined through this provision. See L. 2002, p. 3040.)
- 21 (Governor lined through this provision. See L. 2002, p. 3040.)

- 22 Department of Education, Assistance to Public Schools, Grant Programs and Other Distributions, State Public School Fund, Contingency Reserve -- The Department is requested to notify the Joint Budget Committee whenever the State Board of Education approves a payment from the Contingency Reserve. Such notification should include the amount of the payment, the name of the district receiving funds, the proposed use of such funds, and the applicable circumstance listed in Section 22-54-117, C.R.S.
- 23 (Governor lined through this provision. See L. 2002, p. 3041.)
- 24 Department of Education, School for the Deaf and the Blind, School Operations -- This appropriation is based on an estimated enrollment of 232 students at the Colorado School for the Deaf and Blind. It is the intent of the General Assembly that enrollment at the school not significantly exceed 232 students. The Department is requested to report annually to the Joint Budget Committee on any variance from this enrollment count.

**SECTION 2.** Section 64 (1) of chapter 335, Session Laws of Colorado 2002, is repealed as follows:

~~Section 64. **Appropriation - adjustments to the 2002 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of two hundred twenty-nine thousand dollars (\$229,000), or so much thereof as may be necessary, for the implementation of section 22-7-603.7, Colorado Revised Statutes.~~

**SECTION 3.** Section 65 (4) of chapter 335, Session Laws of Colorado 2002, is amended to read:

Section 65. **Appropriation - adjustments to the 2002 long bill.** (4) (a) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of ~~twenty thousand dollars (\$20,000)~~; FOURTEEN THOUSAND SIX HUNDRED DOLLARS (\$14,600) or so much thereof as may be necessary, for the purpose of implementing section 22-2-122, Colorado Revised Statutes. Said sum shall be from the general fund.

(b) It is the intent of the general assembly that the general fund appropriation in paragraph (a) of this subsection (4) shall be derived from savings generated from the implementation of the provisions of House Bill 02-1226, as enacted during the Second

Regular Session of the Sixty-third General Assembly.

**SECTION 4. 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 5, 2003