

CHAPTER 453

APPROPRIATIONS

HOUSE BILL 08-1283

BY REPRESENTATIVE(S) Buescher, Pommer, White, Benefield, Green, Lambert, Stephens, and Todd;
also SENATOR(S) Keller, Morse, and Johnson.

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 466, Session Laws of Colorado 2007, is amended to read:

Section 2. **Appropriation.**

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

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		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	6,712,382 ^a	5,198,496 (65.0 FTE)	94,604 ^b (1.5 FTE)	1,419,282(T) ^c (14.5 FTE)	
Office of Professional Services	1,529,230 1,552,270		1,529,230^d 1,552,270 ^d (19.0 FTE)		
Health, Life, and Dental	1,978,146	1,041,804	64,203 ^b	143,515(T) ^c	728,624
Short-term Disability	33,965	15,428	1,344 ^b	3,130(T) ^c	14,063
S.B. 04-257 Amortization Equalization Disbursement	309,557	138,453	12,402 ^b	28,893(T) ^c	129,809

S.B. 06-235					
Supplemental					
Amortization					
Equalization					
Disbursement	60,371	24,724	2,584 ^b	6,019(T) ^c	27,044
Salary Survey and					
Senior Executive					
Service	1,042,090	487,114	39,407 ^b	88,399(T) ^c	427,170
Performance-based Pay					
Awards	352,370	134,965	16,377 ^b	29,416(T) ^c	171,612
Workers'					
Compensation	206,381	99,948	9,417^b	14,547(T)^c	82,469
	198,255	96,922	8,573 ^b	12,467(T) ^c	80,293
Legal Services for					
3,709 4,188 hours	267,159	137,505	129,654 ^b		
	301,625	171,971			
Administrative Law					
Judge Services	79,066		16,603^c	62,463(T)^f	
	44,357		9,314 ^e	35,043(T) ^f	
Purchase of Services					
from Computer Center	6,282	6,282			
	648	648			
Multiuse Network					
Payments	33,230	33,230			
	34,639	34,639			

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
Payment to Risk Management and Property Funds	127,228 79,193		62,282 70,412		5,805^a 3,613 ^b	8,302(T)^c 5,168(T) ^c	50,839
Capitol Complex Leased Space	551,435 560,119		166,310 168,929		60,349^a 61,299 ^b	38,464(T)^c 39,070(T) ^c	286,312 290,821
Emeritus Retirement	17,330 12,428		17,330 12,428				
Reprinting and Distributing Laws Concerning Education Information	35,480				35,480 ^e		
Technology Asset Maintenance	90,697		90,697				
Disaster Recovery	19,722		19,722				
Colorado Student Assessment Program	22,255,141		15,709,849				6,545,292 ^b (6.0 FTE)

Federal Grant for State Assessments and Related Activities	188,178		188,178 ^h (3.0 FTE)
School Accountability Reports and State Data Reporting System	1,308,453	1,308,453 (3.0 FTE)	
Longitudinal Analyses of Student Assessment Results	277,124	277,124 (3.0 FTE)	
State Charter School Institute Administration, Oversight, and Management	762,698 1,431,800		762,698(T)^f 1,431,800(T) ⁱ (7.0 FTE)
Other Transfers to Institute Charter Schools	755,000 1,105,000		755,000(T)^f 1,105,000(T) ^j

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Direct Administrative and Support Services Provided by the Department to the State Charter School Institute	97,000				97,000(T) ^k (2.0 FTE)	
Department Implementation of Section 22-30.5-501 et seq., C.R.S.	508,465 529,762				508,465(T)^f 529,762(T) ⁱ (5.0 FTE)	
Financial Literacy	40,000				40,000 ^l	
Civic Education	<u>200,000</u>				200,000 ^l	
	39,844,180 40,850,772					

^a For informational purposes only, this amount includes the following: \$6,025,766 for personal services; \$654,366 for operating expenses; and \$32,250 for capital outlay.

^b Of these amounts, it is estimated that ~~\$325,518~~ \$323,548 shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112, C.R.S., and ~~\$110,628~~ \$110,512 shall be from general education development program fees.

^c Of these amounts, it is estimated that ~~\$1,396,925~~ \$1,392,864 shall be from indirect cost recoveries; ~~\$197,357~~ \$197,045 shall be from the Assistance to Public Schools, Categorical Programs, Other Categorical Programs, Public School Transportation line item; and ~~\$185,685~~ \$185,450 shall be from various appropriations to the Department of Education.

^d Of this amount, ~~\$1,521,730~~ \$1,544,770 shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112, C.R.S., and \$7,500 shall be from the Nonpublic School Fingerprint Fund created in Section 22-1-121 (1.7) (c), C.R.S. For informational purposes only, this amount includes the following: ~~\$1,086,485~~ \$1,109,525 for personal services; \$274,636 for operating expenses; \$154,909 for indirect cost recoveries; and \$13,200 for capital outlay.

^e This amount shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112, C.R.S.

^f This amount shall be from the Assistance to Public Schools, Categorical Programs, District Programs Required by Statute, Special Education - Children with Disabilities line item.

^g This amount shall be from the Public School Income Fund pursuant to Section 22-2-112 (1) (i), C.R.S.

^h These amounts shall be from the federal grant for state assessments and related activities authorized pursuant to Title VI, Part A, Section 6113 of the federal *No Child Left Behind Act of 2001*.

ⁱ These amounts shall be from the Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding line item.

^j ~~This amount shall~~ OF THIS AMOUNT, \$940,000 IS ESTIMATED TO BE FROM VARIOUS LINE ITEMS IN THE ASSISTANCE TO PUBLIC SCHOOLS ~~SECTION~~ SECTION AND \$165,000 IS ESTIMATED TO BE FROM RESERVES IN THE STATE CHARTER SCHOOL INSTITUTE FUND CREATED IN SECTION 22-30.5-506 (1), C.R.S.

^k This amount shall be from the State Charter School Institute Administration, Oversight, and Management line item.

^l These amounts shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution. Pursuant to Section 17 (3) of Article IX of the Colorado Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the Colorado Constitution.

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

State Share of Districts¹

Total Program

Funding ^{12, 13, 14}	3,302,698,838	2,475,929,765	343,900,000 ^a	9,491,876 ^b	473,377,197 ^c
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^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Special Education - Children with Disabilities	272,391,798	102,662,601			17,215,837 ^a (0.5 FTE)	152,513,360 ^b (54.4 FTE)
English Language Proficiency Program	18,478,985 18,497,469	5,469,166			1,731,947 1,750,431 ^c	11,277,872 ^d (4.6 FTE)
	290,870,783 290,889,267					

^b This amount shall be from rental income earned on public school lands that is credited to the Public School Income Fund pursuant to Section 36-1-116 (1) (a), C.R.S., and transferred to the State Public School Fund pursuant to Section 22-54-114 (1), C.R.S.

^c Of this amount, \$366,368,197 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution, and \$107,009,000 shall be from the State Public School Fund created in Section 22-54-114, C.R.S. Pursuant to Section 17 (3) of Article IX of the Colorado Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the Colorado Constitution. Of the amount from the State Public School Fund, \$78,339,000 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Section 22-54-114 (1), C.R.S., \$19,000,000 is estimated to be from interest earned on moneys in the Public School Fund and transferred to the State Public School Fund pursuant to Sections 22-41-106 and 22-54-114 (1), C.R.S., \$6,670,000 is estimated to be from reserves in the State Public School Fund, and \$3,000,000 is estimated to be from audit recoveries credited to the State Public School Fund pursuant to Section 22-54-114 (4), C.R.S.

(B) Categorical Programs¹⁵

(I) District Programs Required by Statute

(II) Other Categorical Programs

Public School Transportation	44,665,305	39,276,831	5,388,474 ^e
Transfer to the Department of Higher Education for Distribution of State Assistance for Vocational Education	21,208,319	18,857,413	2,350,906 ^e
Special Education - Gifted and Talented Children	7,997,177	7,220,223	776,954 ^e
Expelled and At-risk Student Services Grant Program	6,340,676	5,844,312 (1.0 FTE)	496,364 ^e
Small Attendance Center Aid	961,817 943,333	834,479	127,338^e 108,854 ^e
Comprehensive Health Education	<u>600,000</u> 81,773,294	300,000	300,000 ^f
	81,754,810		

^a Of this amount, \$17,117,837 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution, and \$98,000(T) shall be from federal funds appropriated in the Department of Human Services. Pursuant to Section 17 (3) of Article IX of the Colorado Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the Colorado Constitution.

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

^b This amount shall be from federal funds authorized pursuant to the federal *Individuals with Disabilities Education Act*.

^c These amounts shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution. Pursuant to Section 17 (3) of Article IX of the Colorado Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the Colorado Constitution.

^d This amount shall be from federal funds authorized pursuant to Title III of the federal *No Child Left Behind Act of 2001*.

^e Of this amount, \$4,938,474 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution, and \$450,000 shall be from the Public School Transportation Fund created in Section 22-51-103, C.R.S. Pursuant to Section 17 (3) of Article IX of the Colorado Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the Colorado Constitution.

^f 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 Distributions¹⁶

Read-to-Achieve Grant Program	4,918,187			4,918,187 ^a	
Federal Title I Reading First Grant	10,878,225				10,878,225 ^b (9.0 FTE)
Family Literacy Education Fund	200,000			200,000 ^c	
Family Literacy Education Grant Program	200,000			200,000 ^j	

Summer School Grant Program	1,000,000		1,000,000 ^e (0.3 FTE)
Facility Summer School Grant Program	500,000		500,000 ^e
National Credential Fee Assistance	100,000		100,000 ^e
S.B. 97-101 Public School Health Services	191,696		191,696(T) ^d (1.4 FTE)
State Public School Fund, Contingency Reserve	4,439,728		4,439,728 ^e
State Public School Fund, School Capital Construction Expenditures Reserve	10,000,000 ^f	10,000,000	
School Construction and Renovation Fund	20,000,000	10,000,000 ^g	10,000,000 ^h
Charter School Capital Construction	5,000,000		5,000,000 ^e
State Match for School Lunch Program	2,472,644		2,472,644 ⁱ
School Breakfast Program	1,200,000	1,200,000	

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Boards of Cooperative Services	210,000	210,000				
Colorado History Day	10,000				10,000 ^e	
	<u>61,320,480</u>					

^a This amount shall be from the Read-to-Achieve Cash Fund created in Section 22-7-506 (4) (a) (I), C.R.S. This amount includes \$4,111,088 based on the projected transfer of tobacco settlement moneys to the Read-to-Achieve Cash Fund pursuant to Section 24-75-1104.5 (1) (h), C.R.S.; pursuant to Section 24-22-116, C.R.S., tobacco litigation settlement funds are not state fiscal year spending as defined in Section 20 of Article X of the Colorado Constitution. This amount also includes \$807,099 from reserves in the Read-to-Achieve Cash Fund.

^b This amount shall be from federal funds authorized pursuant to Title I, Part B, Subpart 1 of the federal *No Child Left Behind Act of 2001*.

^c These amounts shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution. Pursuant to Section 17 (3) of Article IX of the Colorado Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the Colorado Constitution.

^d This amount shall be from federal Medicaid funds transferred from the Department of Health Care Policy and Financing.

^e This amount 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.

^f Pursuant to Section 22-54-117 (1.5) (a), C.R.S., the State Board of Education is authorized to approve and order payments from the State Public School Fund, School Capital Construction Expenditures Reserve. For informational purposes, it is anticipated that the Department will spend \$166,856 of the moneys in this reserve to support 2.0 FTE and cover associated administrative expenditures.

^g Of this amount, \$5,000,000 is appropriated as a result of a requirement of a final state court order and shall not be subject to the statutory limitation on General Fund appropriations pursuant to Section 24-75-201.1 (1) (a) (III) (B), C.R.S.

^h This amount shall be from the School Construction and Renovation Fund established in Section 22-43.7-103 (1), C.R.S.

¹ This amount shall be from rental income earned on public school lands that is credited to the Public School Income Fund pursuant to Section 36-1-116 (1) (a), C.R.S., and transferred to the State Public School Fund pursuant to Section 22-54-114 (1), C.R.S.

³ This amount shall be from the Family Literacy Education Fund created in Section 22-2-124 (8) (b), C.R.S.

(D) Appropriated Sponsored

Programs

Sponsored Programs	317,393,174	810,000 ^a	3,015,648 ^b (6.0 FTE)	313,567,526 (99.7 FTE)
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^a This amount shall be from fees and charges for workshops, conferences, training programs, and seminars.

^b Of this amount, \$2,588,648(T) shall be transferred from the Department of Human Services, and \$427,000 shall be from various grants and donations.

4,054,056,569

(3) LIBRARY PROGRAMS

Colorado Library Consortium	1,000,000	1,000,000		
Colorado Virtual Library	379,796	359,796	20,000 ^a	
Colorado Talking Book Library, Building Maintenance and Utilities Expenses	61,023	61,023		
Reading Services for the Blind ¹⁷	<u>200,000</u>		200,000 ^b	
		1,640,819		

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

^a This amount shall be from grants and donations.

^b 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

Personal Services	8,446,920
	(141.3 FTE)
Early Intervention Services	1,263,773
	(10.0 FTE)
Shift Differential	82,047
Operating Expenses	417,277
Vehicle Lease Payments	28,289
	22,744
Communication Services Payments	3,446
Utilities	460,913
Allocation of State and Federal Categorical Program Funding	150,000
	(0.4 FTE)

Medicaid			
Reimbursements for			
Public School Health			
Services	85,000		
	<u>(1.5 FTE)</u>		
	10,937,665	9,242,873	1,694,792(T) ^a
	10,928,674	9,233,882	

^a Of this amount, \$1,246,184 shall be from the Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding line item; \$153,608 shall be from various grants and donations; \$150,000 shall be from various line items in the Assistance to Public Schools, Categorical Programs section; \$85,000 shall be from federal Medicaid funds transferred from the Department of Health Care Policy and Financing pursuant to the S.B. 97-101 Public School Health Services program; and \$60,000 shall be from federal Child Nutrition Act funds appropriated in the Assistance to Public Schools, Appropriated Sponsored Programs subsection.

(B) Special Purpose

Fees and Conferences	75,000		
Federal Funds			
Transferred from			
School Districts	269,000		
	<u>(2.8 FTE)</u>		
Tuition from			
Out-of-state Students	200,000		
Summer Olympics			
Housing	10,000		
Grants	1,250,000		
	<u>(9.0 FTE)</u>		
	1,804,000	285,000 ^a	1,519,000 ^b

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federal and cash funds exempt FTE associated with any federal grants or private donations that are applied for or received during FY 2007-08. The information should include the number of FTE, the associated costs (such as workers' compensation, health and life benefits, need for additional space, etc.) that are related to the additional FTE, the direct and indirect matching requirements associated with the federal grant or donated funds, the duration of the grant, and a brief description of the program and its goals and objectives.

- 12 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- The minimum state aid for fiscal year 2007-08 is established at \$131.21 per student.
- 13 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- The Department is requested to provide to the Joint Budget Committee, on or before November 1, 2007, information concerning the Colorado Preschool and Kindergarten Program. The information provided is requested to include the following for fiscal year 2006-07: (a) data reflecting the ratio of the total funded pupil count for the Program to the total funded pupil count for kindergarten; (b) data indicating the number of three-year-old children who participated in the Program; (c) data indicating the number of children who participated in the Program for a full-day rather than a half-day; (d) data indicating the number of Program FTE used to provide a full-day kindergarten component; and (e) the state and local shares of total program funding that is attributable to the Program.
- 14 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Of the amount appropriated for this line item, a portion, not to exceed \$250,000 for fiscal year 2007-08, shall be transferred to the Legislative Council for the purpose of funding the biennial cost of living analysis pursuant to Section 22-54-104 (5) (c) (III) (B), C.R.S.
- 15 Department of Education, Assistance to Public Schools, Categorical Programs; and Department of Higher Education, Division of Occupational Education, Colorado Vocational Act Distributions pursuant to Section 23-8-102, C.R.S. -- The Department of Education is requested to work with the Department of Higher Education and to provide to the Joint Budget Committee information concerning the distribution of state funds available for each categorical program excluding grant programs. The information for special education - children with disabilities, English language proficiency programs, public school transportation, Colorado Vocational Act distributions, and small attendance center aid is requested to include the following: (a) a comparison of the state funding distributed to each district or administrative unit for each program in fiscal year 2006-07 and the maximum allowable distribution pursuant to state law and/or State Board of Education rule; and (b) a comparison of the state and federal funding distributed to each district or administrative unit for each program in fiscal year 2005-06 and actual district expenditures for each program. The information for special education services - gifted and talented children is requested to include a comparison of the state funding distributed to each district or administrative unit for each program in fiscal year 2005-06 and actual district

expenditures.

- 16 Department of Education, Assistance to Public Schools, Grant Programs and Other Distributions -- The Department is requested to provide information to the Joint Budget Committee by November 1, 2007, concerning the allocation of funding to eligible boards of cooperative services (BOCES) pursuant to Section 22-2-122 (3), C.R.S. Specifically, the Department is requested to detail the sources of funds and the allocations made to each BOCES in fiscal year 2006-07.
- 17 Department of Education, Library Programs, Reading Services for the Blind -- This appropriation is for the support of privately operated reading services for the blind, as authorized by Section 24-90-105.5, C.R.S. It is the intent of the General Assembly that \$150,000 of this appropriation be used to provide access to radio and television broadcasts of locally published and produced materials, and \$50,000 of this appropriation be used to provide telephone access to digital transmissions of nationally published and produced materials.

SECTION 2. 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 17, 2008