

CHAPTER 134

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 09-215

BY SENATOR(S) Keller, Tapia, White;
also REPRESENTATIVE(S) Pommer, Ferrandino, Marostica.

AN ACT

CONCERNING MODIFICATIONS TO APPROPRIATIONS TO ACHIEVE A REDUCTION IN THE STATE EXPENDITURES FOR THE FINANCING OF PUBLIC SCHOOLS.

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

SECTION 1. 22-54-104 (5) (a) (XV), Colorado Revised Statutes, is amended to read:

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

(a) (XV) For the 2008-09 budget year, the statewide base per pupil funding shall be ~~\$5,270.13~~ \$5,250.41, which is an amount equal to \$5,087.61 supplemented by ~~\$182.52~~ \$162.80 to account for inflation plus an additional one percentage point. ~~plus an additional \$19.72 per pupil.~~

SECTION 2. 22-54-114 (2.3), Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

22-54-114. State public school fund. (2.3) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, OF THE TOTAL AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IN THE ANNUAL APPROPRIATION BILL FOR EACH BUDGET YEAR TO MEET THE STATE'S SHARE OF THE TOTAL PROGRAM OF ALL DISTRICTS AND THE TOTAL FUNDING FOR ALL INSTITUTE CHARTER SCHOOLS, THE DEPARTMENT OF EDUCATION MAY TRANSFER AN AMOUNT SPECIFIED BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATION BILL FOR THAT BUDGET YEAR TO OFFSET THE DIRECT AND INDIRECT ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THE PROVISIONS OF THIS ARTICLE. THE TOTAL PROGRAM OF EACH DISTRICT THAT RECEIVES STATE AID AND THE TOTAL FUNDING FOR EACH INSTITUTE

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

CHARTER SCHOOL SHALL BE REDUCED BY A PERCENTAGE DETERMINED BY DIVIDING THE AMOUNT OF THE TRANSFER BY THE TOTAL PROGRAM OF ALL DISTRICTS THAT RECEIVE STATE AID PLUS THE TOTAL FUNDING FOR ALL INSTITUTE CHARTER SCHOOLS. THE STATE AID OF EACH DISTRICT SHALL BE REDUCED BY THE AMOUNT OF THE REDUCTION IN THE DISTRICT'S TOTAL PROGRAM OR THE AMOUNT OF STATE AID, WHICHEVER IS LESS. THE DEPARTMENT OF EDUCATION SHALL ENSURE THAT THE REDUCTION IN STATE AID AND INSTITUTE CHARTER SCHOOL FUNDING REQUIRED BY THIS SUBSECTION (2.3) IS ACCOMPLISHED PRIOR TO THE END OF THE BUDGET YEAR. THE REDUCTIONS DESCRIBED IN THIS SUBSECTION (2.3) SHALL BE IN ADDITION TO ANY REDUCTION THAT MAY BE REQUIRED PURSUANT TO SECTION 22-54-106 (4) (c).

SECTION 3. 22-54-124 (3) (a) (III) (A), Colorado Revised Statutes, is amended to read:

22-54-124. State aid for charter schools - use of state education fund moneys - definitions. (3) (a) (III) (A) The total amount of state education fund moneys to be appropriated for all eligible districts and for all eligible institute charter schools for the 2003-04, 2004-05, 2005-06, and 2007-08 budget years and each budget year thereafter shall be an amount equal to five million dollars. For the 2006-07 budget year, seven million eight hundred thousand dollars shall be appropriated for all eligible districts and for all eligible institute charter schools from the state education fund. For the 2008-09 budget year, an additional ~~five million~~ ONE HUNDRED THIRTY-FIVE THOUSAND dollars shall be appropriated ~~for all eligible districts and for all eligible institute charter schools~~ from the state education fund ~~Of such additional moneys appropriated in the 2008-09 budget year, one hundred thirty-five thousand dollars~~ AND shall be distributed pursuant to section 22-54-133.

SECTION 4. The introductory portion to 22-54-132 (2) and 22-54-132 (4) and (5), Colorado Revised Statutes, are amended to read:

22-54-132. Declining enrollment study - legislative declaration - repeal. (2) No later than ~~September 15, 2008~~ SEPTEMBER 15, 2009, the department of education shall contract with a private person or entity to conduct a study to evaluate how declining pupil enrollment in school districts statewide impacts the students that remain in the declining enrollment districts and to recommend possible remedies to any negative impact that declining enrollment may have on the students. The study shall consider the impacts to students in school districts with a long-term decline in pupil enrollment, school districts with a large short-term decline in pupil enrollment, and school districts in which an increasing number of pupils attend a charter school in the district. In addition, the study shall include, but need not be limited to, information regarding the following:

(4) The department of education shall submit a report summarizing the findings and recommendations from the declining enrollment study to the members of the education committees of the house of representatives and the senate, or any successor committees, and to the members of the joint budget committee of the general assembly on or before ~~March 15, 2009~~ MARCH 15, 2010.

(5) This section is repealed, effective ~~July 1, 2009~~ JULY 1, 2010.

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

SECTION 5. Part III (1) (A), (1) (B), (2) (A), and the affected totals of section 2 of chapter 474, Session Laws of Colorado 2008, are amended to read:

Section 2. **Appropriation.**

**PART III
DEPARTMENT OF EDUCATION**

(1) MANAGEMENT AND ADMINISTRATION

(A) Administration and Centrally-Appropriated Line Items

State Board of Education	220,283	220,283 (2.0 FTE)				
General Department and Program Administration	3,539,338	2,173,312 (25.9 FTE)	98,109 ^a (1.5 FTE)	1,267,917 ^b (12.5 FTE)		
Office of Professional Services	1,635,963		1,635,963 ^c (19.0 FTE)			
Division of On-line Learning	376,817		376,817 ^d (3.5 FTE)			
Health, Life, and Dental	2,493,798	1,353,923	78,978 ^e	181,181 ^b	879,716	

Short-term Disability	38,953	18,917	1,259 ^e	3,711 ^b	15,066
S.B. 04-257 Amortization Equalization Disbursement	481,492	234,882	15,501 ^e	45,677 ^b	185,432
S.B. 06-235 Supplemental Amortization Equalization Disbursement	221,066	105,468	7,266 ^e	21,411 ^b	86,921
Salary Survey and Senior Executive Service	1,044,492	521,835	35,413 ^e	100,530 ^b	386,714
Performance-based Pay Awards	403,242	165,482	14,928 ^e	44,261 ^b	178,571
Workers' Compensation	252,848	123,120	10,013 ^e	19,588 ^b	100,127
Legal Services for 4,640 hours	348,464	179,489 79,489	168,975 ^f	100,000 ^e	
Administrative Law Judge Services	46,498		17,076 ^e	29,422 ^b	
Payment to Risk Management and Property Funds	131,213	114,999	5,987 ^e	10,227 ^b	
Capitol Complex Leased Space	557,256	168,066	60,986 ^e	38,870 ^b	289,334
Reprinting and Distributing Laws Concerning Education	35,480		35,480 ^f		
Emeritus Retirement	12,793	12,793			
(B) Information Technology					
Information Technology Services	1,435,888	923,302		512,586^f	

Ch. 134

Education - Public Schools

581

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
		823,302			612,586 ^a	
		(11.3 FTE)			(5.7 FTE)	
		(10.1 FTE)			(6.9 FTE)	
School Accountability Reports and State Data Reporting System	1,318,735	1,318,735				
		(3.0 FTE)				
Purchase of Services from Computer Center	47,628	47,628				
Multiuse Network Payments Information Technology	35,952	35,952				
Asset Maintenance	90,697	90,697				
Disaster Recovery	19,722	19,722				
	41,323,230					

^a This amount shall be from general education development program fees.

^b These amounts shall be from indirect cost recoveries and various appropriations to the Department of Education.

^c This amount shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112 (1), C.R.S.

^d This amount shall be from the On-line Education Cash Fund created in Section 22-30.7-107 (4) (a), C.R.S.

^e Of these amounts, \$213,478 shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112 (1), C.R.S., and \$16,853 shall be from general education development program fees.

^f Of this amount, \$135,180 shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112 (1), C.R.S., and \$33,795 shall be from the On-line Education Cash Fund created in Section 22-30.7-107 (4) (a), C.R.S.

^g This amount shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112 (1), C.R.S.

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

ⁱ As authorized by Section 22-2-112 (1) (i), C.R.S., publishing costs shall be paid out of State Public School Fund created in Section 22-54-114 (1), C.R.S. Specifically, 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.

^j This amount shall be from various appropriations to the Department of Education, INCLUDING \$100,000 FROM THE ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC SCHOOL FINANCE, STATE SHARE OF DISTRICTS' TOTAL PROGRAM FUNDING LINE ITEM.

^k 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.

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

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

ⁿ This amount shall be from various line items in the Assistance to Public Schools section.

^o THIS AMOUNT SHALL BE FROM THE ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC SCHOOL FINANCE, STATE SHARE OF DISTRICTS' TOTAL PROGRAM FUNDING LINE ITEM.

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

Administration	1,145,439	1,145,439			1,145,439 ^o
		(13.0 FTE)			(13.0 FTE)
State Share of Districts' Total Program Funding ⁶	3,344,126,475	2,567,632,563	369,000,000 ^a	407,493,912 ^b	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Additional State Aid Related to Locally Negotiated Business Incentive Agreements	<u>418,016</u>		418,016				
	3,345,689,930						

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

^b Of this amount, \$301,975,229 shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution, and \$105,518,683 shall be from the State Public School Fund created in Section 22-54-114 (1), 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 appropriated from the State Public School Fund, \$73,940,900 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.; \$9,491,876 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.; \$3,000,000 is estimated to be from audit recoveries credited to the State Public School Fund pursuant to Section 22-54-114 (4), C.R.S., and \$85,907 is estimated to be from reserves in the State Public School Fund.

^c THIS AMOUNT SHALL BE FROM THE ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC SCHOOL FINANCE, STATE SHARE OF DISTRICTS' TOTAL PROGRAM FUNDING LINE ITEM.

4,108,180,038

TOTALS PART III

(EDUCATION)

\$4,169,463,765	\$2,806,285,598	\$369,000,000 ^a	\$481,058,445	\$15,466,543	\$497,653,179
	<u>\$2,804,940,159</u>			<u>\$16,811,982</u>	

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

SECTION 6. Section 45 (1), (2), and (14) (f) of chapter 286, Session Laws of Colorado 2008, are amended to read:

Section 45. **Appropriation - adjustments to the 2008 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated TRANSFERRED FROM THE STATE SHARE OF DISTRICTS' TOTAL PROGRAM FUNDING, to the department of education, assistance to public schools, public school finance, for administration, for the fiscal year beginning July 1, 2008, the sum of ~~four hundred thirty thousand six hundred sixteen dollars (\$430,616) cash funds and 6.0 FTE~~ THREE HUNDRED FORTY-EIGHT THOUSAND SEVENTY-ONE DOLLARS (\$348,071) REAPPROPRIATED FUNDS AND 5.0 FTE, or so much thereof as may be necessary, for the implementation of section 22-54-131 (5), Colorado Revised Statutes, AND for administration of the Colorado preschool program. ~~and for administration of the full-day kindergarten facility capital construction fund, created in article 43.7 of title 22, Colorado Revised Statutes.~~

(2) ~~In addition to any other appropriation, there is hereby appropriated, out of 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, assistance to public schools, public school finance, for the fiscal year beginning July 1, 2008, the sum of two hundred thousand dollars (\$200,000) cash funds, or so much thereof as may be necessary, for the declining enrollment study required by section 22-54-132, Colorado Revised Statutes.~~

(14) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2008, shall be adjusted as follows:

(f) The appropriation from the state education fund, created in section 17 (4) of article IX of the state constitution, to the department of education, assistance to public schools, grant programs, distributions, and other assistance, for charter school capital construction, is increased by ~~five million dollars (\$5,000,000)~~ ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$135,000).

SECTION 7. 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: April 17, 2009