

CHAPTER 99

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 09-1189

BY REPRESENTATIVE(S) Pommer, Ferrandino, Marostica, Gardner B., Labuda, Middleton, Priola, Todd;
also SENATOR(S) Tapia, Keller, White, Hudak, Sandoval.

AN ACT

CONCERNING PER PUPIL FUNDING FOR EDUCATION PROGRAMS THAT REPORT THEIR PUPIL ENROLLMENT COUNTS TO THE FACILITY SCHOOLS UNIT IN THE DEPARTMENT OF EDUCATION.

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

SECTION 1. 22-54-129, Colorado Revised Statutes, is amended to read:

22-54-129. Facility school funding - definitions - legislative declaration.

(1) As used in this section, unless the context otherwise requires:

(a) ~~"Approved facility school" means an educational program that is operated by a facility to provide educational services to students placed in the facility, which facility has been placed on the list of facility schools that are approved by the department to receive reimbursement for providing educational services to students placed in a facility~~ SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-2-402 (1).

(b) "Department" means the department of education created and operating pursuant to section 24-1-115, C.R.S.

(c) ~~"Facility" means a day treatment center, residential child care facility, or other facility licensed by the department of human services pursuant to section 26-6-104, C.R.S., or a hospital licensed by the department of public health and environment pursuant to section 25-1.5-103, C.R.S.~~ SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-2-402 (3).

(d) "Pupil enrollment" means the number of students receiving educational services at the approved facility school OR STATE PROGRAM on October 1 of the applicable budget year or on the school day nearest said date.

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

(e) "State average per pupil revenue" means the total program of all districts for any budget year divided by the total funded pupil count of all districts for said budget year.

(f) "STATE PROGRAM" MEANS THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND OR THE EDUCATION PROGRAM OPERATED BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO OR FORT LOGAN FOR STUDENTS FOR WHOM THE INSTITUTE HAS RESPONSIBILITY BECAUSE OF A COURT ORDER OR OTHER ACTION BY A PUBLIC ENTITY IN COLORADO.

(2) For the 2008-09 budget year and each budget year thereafter, each approved facility school AND STATE PROGRAM that meets the requirements of this section shall receive ~~facility school~~ EDUCATION PROGRAM funding, which shall be distributed pursuant to subsection (4) of this section. The amount of funding available for all approved facility schools AND STATE PROGRAMS in a budget year shall be an amount equal to the pupil enrollment of each approved facility school AND STATE PROGRAM for the applicable budget year multiplied by an amount equal to one and one-third of the state average per pupil revenue for the applicable budget year.

(3) To receive ~~facility school~~ EDUCATION PROGRAM funding pursuant to this section, an approved facility school OR A STATE PROGRAM shall submit its pupil enrollment for the applicable budget year to the department on or before November 10, 2008, and on or before ~~November 10~~ OCTOBER 5 of each budget year thereafter.

(4) (a) In addition to the requirements of subsection (3) of this section, on or before the fifteenth day of each month, an approved facility school OR A STATE PROGRAM shall report to the department, in a manner to be determined by the department, the actual number of students who received educational services at the approved facility school OR THROUGH THE STATE PROGRAM during the prior calendar month and the corresponding number of full-time equivalent students to which the approved facility school OR STATE PROGRAM provided such services. The department may accept amended monthly reports from an approved facility school OR A STATE PROGRAM prior to making the distribution of funding for the applicable month pursuant to paragraph (b) of this subsection (4).

(b) On or before the fifteenth day of the month following the month in which an approved facility school OR A STATE PROGRAM reported the number of students to which it provided educational services and the number of full-time equivalent students to which the approved facility school OR STATE PROGRAM provided services pursuant to paragraph (a) of this subsection (4), the department shall pay the approved facility school OR STATE PROGRAM a proportional amount of the total ~~facility school~~ AMOUNT OF EDUCATION PROGRAM funding as determined pursuant to subsection (2) of this section, based on the approved facility school's OR STATE PROGRAM'S reported number of full-time equivalent students.

(c) The department may prorate the payments made pursuant to paragraph (b) of this subsection (4), if the department determines that such action is necessary to accommodate a projected shortfall in ~~approved facility school~~ EDUCATION PROGRAM funding as calculated pursuant to subsection (2) of this section.

(5) In each applicable budget year, the general assembly shall appropriate to the department the amount required for ~~facility school~~ EDUCATION PROGRAM funding pursuant to subsection (2) of this section.

(6) (a) The state board shall promulgate rules in accordance with the "State Administrative Procedure Act", article 4 of title 24, C.R.S., as necessary for the administration and enforcement of this section. In promulgating the rules, the state board shall seek input from approved facility schools, STATE PROGRAMS, districts, and organizations that represent facility schools.

(b) In promulgating rules pursuant to paragraph (a) of this subsection (6), the state board shall seek input from the facility schools board created in ~~House Bill 08-1204, as enacted at the second regular session of the sixty-sixth general assembly~~ SECTION 22-2-404.

(7) The general assembly hereby finds and declares that for the purposes of section 17 of article IX of the state constitution, providing funding for pupils who are placed in a facility and receive educational services through an approved facility school, WHO ATTEND THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR WHO RECEIVE EDUCATIONAL SERVICES THROUGH AN EDUCATION PROGRAM OPERATED BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO OR FORT LOGAN is a program for accountable education reform and may therefore receive funding from the state education fund created in section 17 (4) of article IX of the state constitution.

SECTION 2. 22-20-109 (3), Colorado Revised Statutes, is amended to read:

22-20-109. Tuition. (3) In addition to any other tuition costs that a school district of residence is required to pay pursuant to this section, the school district may pay those costs documented to and approved by the department pursuant to subsection (1) of this section. Notwithstanding the provisions of subsection (1) of this section, a school district of residence shall not be required to pay costs incurred by an approved facility school, as defined in ~~section 22-54-129 (1) (a)~~ SECTION 22-2-402 (1), in providing educational services at the approved facility school during the months of June, July, or August.

SECTION 3. 22-54-103 (7) (d) (III) (A) and (10) (a) (V), Colorado Revised Statutes, are amended to read:

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

(7) "Funded pupil count" means:

(d) (III) (A) Notwithstanding any provision of law to the contrary, for purposes of subparagraph (I) of this paragraph (d), for the 2004-05, 2005-06, 2006-07, and 2007-08 budget years, a district's pupil enrollment shall not include a pupil who was placed in a facility, as defined in ~~section 22-54-129 (1) (c)~~ SECTION 22-2-402 (3), and received services through an approved facility school, as defined in ~~section 22-54-129 (1) (a)~~ SECTION 22-2-402 (1).

(10) (a) (V) Notwithstanding the provisions of this paragraph (a), for the 2008-09 budget year and each budget year thereafter, "pupil enrollment" shall not include a pupil who is placed in a facility, as defined in ~~section 22-54-129 (1) (c)~~ SECTION 22-2-402 (3), and is receiving services through an approved facility school, as defined in ~~section 22-54-129 (1) (a)~~ SECTION 22-2-402 (1).

SECTION 4. 22-54-134 (1), Colorado Revised Statutes, is amended to read:

22-54-134. Hold-harmless facility school student funding - legislative declaration - repeal. (1) For the 2008-09 budget year, a district that reported to the department of education in the 2007-08 budget year pupils not included in the district's pupil enrollment but who were receiving educational services through an approved facility school, as defined in ~~section 22-54-129 (1) (a)~~ SECTION 22-2-402 (1), shall receive hold-harmless facility school student funding pursuant to this section.

SECTION 5. 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 3, 2009