

CHAPTER 10

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 11-157

BY SENATOR(S) Steadman, Hodge, Lambert;
also REPRESENTATIVE(S) Ferrandino, Becker, Gerou.

AN ACT

CONCERNING MODIFICATIONS TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994", AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 22-54-103 (15), Colorado Revised Statutes, is amended to read:

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

(15) "Supplemental kindergarten enrollment" means the number calculated by subtracting five-tenths from the full-day kindergarten factor for the applicable budget year and then multiplying said number by the number of pupils in the district who are enrolled in kindergarten for the applicable budget year. For the purposes of this subsection (15), the full-day kindergarten factor for the 2008-09, ~~and~~ 2009-10 , AND 2010-11 budget years AND EACH BUDGET YEAR THEREAFTER is fifty-eight hundredths of a full-day pupil.

SECTION 2. 22-54-104 (5) (g) (I), Colorado Revised Statutes, is amended, and the said 22-54-104 (5) (g) is further 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:

(g) (I) For the 2010-11 and 2011-12 budget years, the general assembly determines that stabilization of the state budget requires a reduction in the amount of the annual appropriation to fund the state's share of total program funding for all districts and the funding for institute charter schools. ~~Therefore,~~ THE DEPARTMENT

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

OF EDUCATION SHALL IMPLEMENT THE REDUCTION IN TOTAL PROGRAM FUNDING THROUGH THE APPLICATION OF A STATE BUDGET STABILIZATION FACTOR AS PROVIDED IN THIS PARAGRAPH (g). For the 2010-11 and 2011-12 budget years, the department of education and the staff of the legislative council shall determine, based on budget projections, the amount of such reduction to ensure THE FOLLOWING:

(A) THAT, FOR THE 2010-11 BUDGET YEAR, THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, EQUALS FIVE BILLION TWO HUNDRED TWENTY-FIVE MILLION TWO HUNDRED FORTY-FOUR THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS (\$5,225,244,885); EXCEPT THAT, FOR THE 2010-11 BUDGET YEAR, FOR THE PURPOSE OF DISTRIBUTING MONEYS FOR CERTAIN PROGRAMS FOR WHICH THE AMOUNT OF PER PUPIL FUNDING IS A COMPONENT IN THE CALCULATION OF THE TOTAL DISTRIBUTION AMOUNT, THE PROVISIONS OF SUBPARAGRAPH (VI) OF THIS PARAGRAPH (g) SHALL APPLY.

(B) That, FOR THE 2011-12 BUDGET YEAR, the sum of the total program funding for all districts, including the funding for institute charter schools, ~~for the 2010-11 and 2011-12 budget years~~ is not less than five billion four hundred thirty-eight million two hundred ninety-five thousand eight hundred twenty-three ~~dollars, which is two hundred sixty million dollars less than the sum of the initial total program funding for all districts, including the funding for institute charter schools, for the 2009-10 budget year~~ DOLLARS (\$5,438,295,823); except that the department of education and the staff of the legislative council shall make mid-year revisions to replace projections with actual figures including, but not limited to, actual pupil enrollment, assessed valuations, and specific ownership tax revenue from the prior year, to determine any necessary changes in the amount of the reduction to ~~ensure that the~~ MAINTAIN A total program funding for each of the 2010-11 and 2011-12 budget years does not exceed two hundred sixty million dollars less than the sum of the initial total program funding for all districts, including funding for institute charter schools, for the 2009-10 budget year. ~~The department of education shall implement the reduction in total program funding through the application of a state budget stabilization factor as provided in this paragraph (g)~~ AMOUNT FOR THE 2011-12 BUDGET YEAR THAT IS EQUAL TO THE AMOUNT INITIALLY ESTABLISHED PURSUANT TO THIS SUB-SUBPARAGRAPH (B).

(VI) FOR THE 2010-11 BUDGET YEAR, TWO SOURCES OF FEDERAL MONEYS, TOTALING TWO HUNDRED SIXTEEN MILLION THREE HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$216,358,164), HAVE BEEN MADE AVAILABLE TO DISTRICTS AND ARE BEING ALLOCATED TO DISTRICTS BY THE DEPARTMENT OF EDUCATION BASED ON THE FORMULAS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. ACCORDINGLY, THE STATE'S SHARE OF TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS FOR THE 2010-11 BUDGET YEAR, HAS BEEN REDUCED BY SAID AMOUNT AS IS REFLECTED IN THE SUM OF TOTAL PROGRAM FUNDING FOR THE 2010-11 BUDGET YEAR SPECIFIED IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (g). FOR THE 2010-11 BUDGET YEAR, IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE DEPARTMENT OF EDUCATION CALCULATE TOTAL PROGRAM FUNDING FOR THE FOLLOWING PURPOSES AS IF THE STATE'S SHARE OF TOTAL PROGRAM FUNDING FOR THE 2010-11 BUDGET YEAR WAS NOT REDUCED AS SPECIFIED IN THIS SUBPARAGRAPH

(VI):

(A) ANY DISTRIBUTION OR ALLOCATION OF MONEYS FOR WHICH THE AMOUNT OF PER PUPIL REVENUES OR PER PUPIL FUNDING IS A COMPONENT IN THE CALCULATION OF THE AMOUNT DISTRIBUTED OR ALLOCATED;

(B) A DISTRICT'S ON-LINE FUNDING PURSUANT TO PARAGRAPH (c) OF SUBSECTION (4.5) OF THIS SECTION;

(C) A DISTRICT'S ASCENT PROGRAM FUNDING PURSUANT TO SUBSECTION (4.7) OF THIS SECTION; AND

(D) THE AMOUNT OF PROPERTY TAX REVENUE THAT A DISTRICT IS REQUIRED TO USE TO REPLACE CATEGORICAL PROGRAM SUPPORT FUNDS PURSUANT TO SUBPARAGRAPH (IV) OR (V) OF THIS PARAGRAPH (g).

SECTION 3. The appropriation to the department of education, for the fiscal year beginning July 1, 2010, as enacted in Part III (2) (A) and the affected totals of section 2 of chapter 453, Session Laws of Colorado 2010 (HB 10-1376), are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

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

**PART III
DEPARTMENT OF EDUCATION**

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

Administration	1,473,774				1,473,774 ^a (18.3 FTE)	
State Share of Districts ¹						
Total Program Funding ⁶	3,763,293,850 3,569,865,336	3,215,715,681 2,999,357,517	161,444,485 ^b	386,133,684^c 409,063,334 ^c		
EDUCATION STABILIZATION FUNDS FROM THE STATE FISCAL STABILIZATION FUND IN ARRA	60,026,613					60,026,613 ^e
EDUCATION JOBS FUND PROGRAM	156,331,551					156,331,551 ^f
Hold-harmless Full-day Kindergarten Funding	7,756,818 7,752,358			7,756,818^g 7,752,358 ^d		
	<u>3,772,524,442</u> 3,795,449,632					

^a This amount shall be from the Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding line item.

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

^c Of this amount, \$284,307,808 shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution, and ~~\$101,825,876~~ \$124,755,526 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, \$55,470,000 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., \$31,600,000 is estimated to be from public school lands revenues made available pursuant to S.B. 10-150, \$8,491,876 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., and ~~\$6,264,000~~ \$29,193,650 is estimated to be from reserves in the State Public School Fund.

^d This amount shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution.

^e THIS AMOUNT REFLECTS FUNDS ANTICIPATED TO BE RECEIVED FROM THE EDUCATION STABILIZATION FUND PURSUANT TO THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

^f THIS AMOUNT REFLECTS FUNDS ANTICIPATED TO BE RECEIVED FROM THE EDUCATION JOBS FUND PROGRAM PURSUANT TO FEDERAL PUBLIC LAW 111-226.

TOTALS PART III

(EDUCATION)	\$4,703,796,678	\$3,378,610,076	\$161,444,485 ^a	\$571,073,392	\$22,818,086	\$569,850,639
	<u>\$4,726,721,868</u>	<u>\$3,162,251,912</u>		<u>\$593,998,582</u>		<u>\$786,208,803</u>

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

SECTION 4. The appropriation to the department of higher education, for the fiscal year beginning July 1, 2010, as enacted in Part VI (4) (B), (5), (6), (7) (C), and the affected totals of section 2 of chapter 453, Session Laws of Colorado 2010 (HB 10-1376), are amended to read:

Section 2. **Appropriation.**

**PART VI
DEPARTMENT OF HIGHER EDUCATION**

(4) COLLEGE OPPORTUNITY FUND PROGRAM**(B) Fee-for-service****Contracts with State**

Institutions	267,819,476	166,552,809	101,266,667 ^a
	325,421,941	224,155,274	
	536,125,406		
	593,727,871		

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

(5) GOVERNING BOARDS**(A) Trustees of Adams**

State College ^{15, 16}	27,992,397	14,544,452 ^a	12,149,322^b	1,298,623^c
			13,023,280 ^b	424,665 ^c
(274.4 FTE)				

^a Of this amount, \$12,392,300 shall be from the students' share of tuition, \$2,120,308 shall be from academic fees and academic facility fees, and \$31,844 represents an estimate of limited gaming tax revenues that will be distributed pursuant to Section 12-47.1-701.5 (3) (c) (I), C.R.S.

^b Of this amount, \$2,869,980 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments and ~~\$9,279,342~~ \$10,153,300 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

(B) Trustees of Mesa

State College ^{15, 16}	58,124,548	36,037,496 ^a	19,888,392^b	2,198,660^c
			21,368,065 ^b	718,987 ^c

(519.2 FTE)

^a Of this amount, \$35,267,185 shall be from the students' share of tuition, \$538,354 shall be from academic fees and academic facility fees, and \$231,957 represents an estimate of limited gaming tax revenues that will be distributed pursuant to Section 12-47.1-701.5 (3) (c) (I), C.R.S.

^b Of this amount, \$9,962,160 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments and ~~\$9,926,232~~ \$11,405,905 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

**(C) Trustees of
Metropolitan State
College of Denver^{15, 16}**

125,676,612	81,608,881 ^a	39,778,568^b	4,289,163^c
		42,665,126 ^b	1,402,605 ^c

(1,266.1 FTE)

^a Of this amount, \$68,943,554 shall be from the students' share of tuition and \$12,665,327 shall be from academic fees and academic facility fees.

^b Of this amount, \$33,176,820 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments and ~~\$6,601,748~~ \$9,488,306 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

**(D) Trustees of Western
State College^{15, 16}**

21,120,181	9,911,300 ^a	9,892,147^b	1,316,734^c
		10,778,294 ^b	430,587 ^c

(243.2 FTE)

^a Of this amount \$9,800,540 shall be from the student's share of tuition and \$110,760 shall be from shall be from academic fees and academic facility fees.

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

^b Of this amount, \$2,568,660 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments and ~~\$7,323,487~~ \$8,209,634 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

**(E) Board of Governors
of the Colorado State**

University System^{15, 16}	396,739,749			264,509,489 ^a	113,790,028^b	18,440,232^c
					126,200,094 ^b	6,030,166 ^c
(4,136.9 FTE)						

^a Of this amount, \$244,926,888 shall be from the students' share of tuition and \$19,582,601 shall be from academic fees and academic facility fees.

^b Of this amount, \$38,987,460 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments, ~~\$74,632,568~~ \$87,042,634 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts, and \$170,000 shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund created in Section 34-63-102 (5) (a) (I), C.R.S. The amount from the Local Government Mineral Impact Fund represents a 2010 calendar year grant, and any unexpended balance on June 30, 2010, is intended to roll forward and remain available for expenditure through June 30, 2011.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

**(F) Trustees of Fort
Lewis College^{15, 16}**

Lewis College^{15, 16}	41,295,170			29,743,899 ^a	8,805,822^b	2,745,449^c
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10,653,478^b 897,793^c

(418.2 FTE)

^a Of this amount, \$28,747,944 shall be from the students' share of tuition and \$995,955 shall be from academic fees and academic facility fees.

^b Of this amount, \$4,238,940 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments, ~~\$4,518,882~~ \$6,366,538 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts, and \$48,000 shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund created in Section 34-63-102 (5) (a) (I), C.R.S. The amount from the Local Government Mineral Impact Fund represents a 2010 calendar year grant, and any unexpended balance on June 30, 2010, is intended to roll forward and remain available for expenditure through June 30, 2011.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

**(G) Regents of the
University of
Colorado^{15, 16}**

	907,910,972	714,787,921 ^a	159,761,513^b	33,361,538^c
			182,213,448 ^b	10,909,603 ^c

(6,920.9 FTE)

^a Of this amount, \$666,395,809 shall be from the students' share of tuition, \$32,387,627 shall be from academic fees and academic facility fees, and \$16,004,485 shall be from the Tobacco Litigation Settlement Moneys Health Education Fund pursuant to Section 24-75-1104.5 (1.5) (a) (I), C.R.S.

^b Of this amount, \$55,346,160 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments, ~~\$103,757,822~~ \$126,209,757 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts, and \$657,531 shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund created in Section 34-63-102 (5) (a) (I), C.R.S. The amount from the Local Government Mineral Impact Fund represents a 2010 calendar year grant, and any unexpended balance on June 30, 2010, is intended to roll forward and remain available for expenditure through June 30, 2011.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(H) Trustees of the Colorado School of Mines^{15, 16}	100,773,005			79,316,760 ^a	18,793,625^b	2,662,620^c
(684.2 FTE)					20,585,538 ^b	870,707 ^c

^a Of this amount, \$75,816,760 shall be from the students' share of tuition and \$3,500,000 shall be from academic fees and academic facility fees.

^b Of this amount, \$5,327,040 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments and ~~\$13,466,585~~ \$15,258,498 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

(I) University of Northern Colorado^{15, 16}	113,564,367			72,940,277 ^a	35,176,878^b	5,447,212^c
(986.9 FTE)					38,842,790 ^b	1,781,300 ^c

^a Of this amount, \$68,334,451 shall be from the students' share of tuition and \$4,605,826 shall be from academic fees and academic facility fees.

^b Of this amount, \$15,646,320 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments and ~~\$19,530,558~~ \$23,196,470 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

**(J) State Board for
Community Colleges and
Occupational Education
State System Community
Colleges^{15, 16}**

363,857,995	230,392,038 ^a	119,634,152^b	13,831,805^c
		128,942,799 ^b	4,523,158 ^c
(5,584.0 FTE)			

^a Of this amount, \$214,432,398 shall be from the students' share of tuition, \$8,698,649 shall be from academic fees and academic facility fees, and \$7,260,991 represents an estimate of limited gaming tax revenues that will be distributed pursuant to Section 12-47.1-701.5 (3) (c) (I), C.R.S.

^b Of this amount, \$99,351,900 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for student stipend payments, ~~\$18,782,252~~ \$28,090,899 shall be from General Fund appropriated to the College Opportunity Fund Program in the Department of Higher Education for fee-for-service contracts, and \$1,500,000 shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund created in Section 34-63-102 (5) (a) (I), C.R.S., for faculty and the development of community college-level curricula on alternative, renewable, and existing energies.

^c This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

**(6) LOCAL DISTRICT
JUNIOR COLLEGE
GRANTS PURSUANT
TO SECTION 23-71-301,
C.R.S.¹⁷**

15,467,729	12,601,934	836,339 ^a	2,029,456^b
	13,967,735		663,655 ^b

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

^a This amount represents an estimate of limited gaming tax revenues that will be distributed pursuant to Section 12-47.1-701.5 (3) (c) (I), C.R.S.

^b This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

(7) DIVISION OF OCCUPATIONAL EDUCATION

(C) Area Vocational

School Support	8,964,761	7,392,154				1,572,607^c
		8,450,501				514,260 ^a

^a This amount reflects funds anticipated to be received from the Education Stabilization Fund pursuant to the federal American Recovery and Reinvestment Act of 2009.

TOTALS PART VI

(HIGHER EDUCATION)	\$2,941,566,190	\$559,003,922	\$101,266,667 ^a	\$1,585,645,937	\$586,167,393	\$109,482,271
	<u>\$2,999,168,655</u>	<u>\$619,030,535</u>			<u>\$643,769,858</u>	<u>\$49,455,658</u>

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

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: March 9, 2011