

CHAPTER 3

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 12-1201

BY REPRESENTATIVE(S) Gerou, Becker, Levy, Casso, Hamner, Jones, Kerr A., Solano, Todd, Williams A., Young;
also SENATOR(S) Steadman, Hodge, Lambert, Cadman.

AN ACT

CONCERNING ADJUSTMENTS IN THE AMOUNT OF TOTAL PROGRAM FUNDING FOR PUBLIC SCHOOLS FOR THE 2011-12 BUDGET YEAR, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. Legislative declaration. The general assembly finds that:

(a) Based on the actual funded pupil count and the actual number of at-risk students for the 2011-12 budget year, total program funding is nineteen million seven hundred fifty-two thousand nine hundred forty-nine dollars (\$19,752,949) higher than anticipated when the general assembly appropriated moneys for total program funding for the 2011-12 budget year during the 2011 regular legislative session;

(b) Based on the actual amount of local property tax revenues and specific ownership tax revenues available to school districts for the 2011-12 budget year, the local share of total program funding is twenty-four million one hundred seventy-eight thousand four hundred sixty-eight dollars (\$24,178,468) higher than anticipated when the general assembly appropriated moneys for total program funding for the 2011-12 budget year during the 2011 regular legislative session;

(c) It is the intent of the general assembly that the amount of total program funding for the 2011-12 budget year, after application of the negative factor described in section 22-54-104 (5) (g), Colorado Revised Statutes, be adjusted to provide additional funding associated with the unanticipated increase in the funded pupil count and the number of at-risk students for the 2011-12 budget year.

SECTION 2. In Colorado Revised Statutes, 22-54-104, **amend** (5) (g) (I) (B);

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

and **add** (5) (g) (I) (C) as follows:

22-54-104. District total program. (5) (g) (I) For the 2010-11 budget year and each budget year thereafter, 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. The department of education shall implement the reduction in total program funding through the application of a negative factor as provided in this paragraph (g). For the 2010-11 budget year and each budget year thereafter, 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:

(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, after application of the negative factor, is not less than ~~five billion two hundred ten million seven hundred ninety-five thousand eight hundred twenty-three dollars (\$5,210,795,823)~~ FIVE BILLION TWO HUNDRED TWENTY-NINE MILLION FIVE HUNDRED SIXTY THOUSAND THREE HUNDRED FORTY-SIX DOLLARS (\$5,229,560,346); 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 maintain a total program funding amount for the 2011-12 budget year that is ~~equal to the total program funding amount as initially established pursuant to~~ CONSISTENT WITH this sub-subparagraph (B).

(C) THAT, FOR THE 2012-13 BUDGET YEAR, THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE NEGATIVE FACTOR, IS NOT LESS THAN FIVE BILLION TWO HUNDRED TWENTY-NINE MILLION FIVE HUNDRED SIXTY THOUSAND THREE HUNDRED FORTY-SIX DOLLARS (\$5,229,560,346); 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 MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE 2012-13 BUDGET YEAR THAT IS CONSISTENT WITH THIS SUB-SUBPARAGRAPH (C).

SECTION 3. Appropriation to the department of education for the fiscal year beginning July 1, 2011. In Session Laws of Colorado 2011, section 14 of chapter 305, (SB 11-230), **amend** (4) and (5) as follows:

Section. 14. **Appropriation - adjustments in 2011 long bill.** For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

(4) The cash funds appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by ~~twenty-two million three hundred seventy-nine thousand eight hundred eighty-five~~

~~dollars (\$22,379,885)~~ SEVENTEEN MILLION NINE HUNDRED FIFTY-FOUR THOUSAND THREE HUNDRED SIXTY-SIX DOLLARS (\$17,954,366). Said sum shall be from the state education fund created in section 17 (4) (a) of article IX of the State Constitution.

(5) The cash funds appropriation for assistance to public schools, public school finance, for hold-harmless full-day kindergarten funding, is decreased by ~~three hundred twenty-nine thousand eight hundred ninety-seven dollars (\$329,897)~~ TWO HUNDRED EIGHTY-FIVE THOUSAND FORTY DOLLARS (\$285,040). Said sum shall be from the state education fund created in section 17 (4) (a) of article IX of the State Constitution.

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 1, 2012