

CHAPTER 16

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 14-1250

BY REPRESENTATIVE(S) May, Duran, Gerou, Fields, Gardner, Ginal, Hamner, Labuda, Lebsock, Melton, Mitsch Bush, Moreno, Peniston, Pettersen, Primavera, Rankin, Rosenthal, Salazar, Schafer, Singer, Williams, Young;
also SENATOR(S) Steadman, Hodge, Lambert, Aguilar, Baumgardner, Brophy, Crowder, Grantham, Heath, Herpin, Jahn, Johnston, Jones, Kefalas, Kerr, King, Marble, Newell, Nicholson, Rivera, Scheffel, Schwartz, Todd, Ulibarri, Zenzinger, Carroll.

AN ACT

CONCERNING AUTHORIZING PAYMENTS FROM THE CONTINGENCY RESERVE FUND FOR THE 2013-14 BUDGET YEAR FOR SCHOOL DISTRICTS THAT ARE IN SIGNIFICANT FINANCIAL NEED DUE TO UNANTICIPATED EVENTS OCCURRING IN THE 2013-14 BUDGET YEAR, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 22-54-117, **add** (7) as follows:

22-54-117. Contingency reserve - capital construction expenditures reserve - fund - lottery proceeds contingency reserve - repeal.

(7)(a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, FOR THE 2013-14 BUDGET YEAR, THE STATE BOARD SHALL APPROVE AND ORDER PAYMENTS FROM THE CONTINGENCY RESERVE FUND FOR SUPPLEMENTAL ASSISTANCE TO DISTRICTS THAT ARE IN NEED AS A RESULT OF THE FOLLOWING CIRCUMSTANCES:

(I) A REDUCTION OF FIFTEEN OR MORE FUNDED PUPILS DUE TO THE DISPLACEMENT OF STUDENTS CAUSED BY FLOODING AS REPORTED BY THE DISTRICT TO THE DEPARTMENT OF EDUCATION FOR THE 2013-14 BUDGET YEAR;

(II) FLOOD-RELATED TRANSPORTATION EXPENSES FOR A DISTRICT RESULTING FROM INCREASED DAILY BUS ROUTE MILEAGE DUE TO ROAD CLOSURES AND DETOURS, FLOOD RELIEF EVACUATION EFFORTS, AND ADDITIONAL TRANSPORTATION EXPENSES FOR ELIGIBLE HOMELESS STUDENTS, WHICH FLOOD-RELATED TRANSPORTATION EXPENSES ARE NOT REIMBURSED FROM THE PUBLIC SCHOOL TRANSPORTATION FUND CREATED IN SECTION 22-51-103;

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

(III) A DIFFERENCE IN THE FORECASTED AND ACTUAL VALUATION FOR ASSESSMENT OF PROPERTY TAX FOR A DISTRICT, WHICH DIFFERENCE IS NOT OFFSET BY AN INCREASE IN STATE SHARE AND RESULTS IN A MID-YEAR DECREASE IN PER PUPIL REVENUES OF MORE THAN FIVE HUNDRED DOLLARS AND A MID-YEAR DECREASE OF MORE THAN NINE PERCENT IN TOTAL PROGRAM FUNDING AS CALCULATED FOR THE DISTRICT PURSUANT TO SECTION 22-54-104 FOR THE 2013-14 BUDGET YEAR; OR

(IV) A DIFFERENCE IN THE FORECASTED AND ACTUAL FUNDED PUPIL COUNT OF A DISTRICT THAT RESULTS IN A MID-YEAR DECREASE OF MORE THAN TWO THOUSAND DOLLARS IN PER PUPIL REVENUES BASED ON THE TOTAL PROGRAM FUNDING CALCULATED FOR THE DISTRICT PURSUANT TO SECTION 22-54-104 FOR THE 2013-14 BUDGET YEAR.

(b) A DISTRICT MAY APPLY FOR SUPPLEMENTAL ASSISTANCE PURSUANT TO THIS SUBSECTION (7) AS PROVIDED IN GUIDELINES ISSUED BY THE DEPARTMENT OF EDUCATION. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, THE STATE BOARD SHALL INVESTIGATE AN APPLICATION FOR PAYMENT PURSUANT TO THIS SUBSECTION (7) AS IT DEEMS NECESSARY. IF THE STATE BOARD FINDS THAT AN APPLYING DISTRICT IS ELIGIBLE FOR SUPPLEMENTAL ASSISTANCE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7), IT SHALL, BY ORDER UPON THE STATE TREASURER, DIRECT PAYMENT OF THE FOLLOWING AMOUNTS FROM THE CONTINGENCY RESERVE FUND TO THE TREASURER OF THE APPLYING DISTRICT FOR CREDIT TO THE GENERAL FUND OF THE DISTRICT:

(I) IF THE DISTRICT IS ELIGIBLE FOR SUPPLEMENTAL ASSISTANCE BASED ON THE CIRCUMSTANCES SPECIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (7), AN AMOUNT EQUAL TO THE DISTRICT'S PER PUPIL REVENUES FOR THE 2013-14 BUDGET YEAR MULTIPLIED BY THE REDUCTION IN PUPIL ENROLLMENT;

(II) IF THE DISTRICT IS ELIGIBLE FOR SUPPLEMENTAL ASSISTANCE BASED ON THE CIRCUMSTANCES SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (7), AN AMOUNT EQUAL TO THE DISTRICT'S INCREASED TRANSPORTATION EXPENSES; AND

(III) IF THE DISTRICT IS ELIGIBLE FOR SUPPLEMENTAL ASSISTANCE BASED ON THE CIRCUMSTANCES SPECIFIED IN SUBPARAGRAPH (III) OR (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (7), AN AMOUNT EQUAL TO THE FINAL ESTIMATE OF THE DISTRICT'S PER PUPIL REVENUES THAT THE DEPARTMENT OF EDUCATION PREPARED FOR THE 2013-14 BUDGET YEAR MINUS THE PER PUPIL REVENUES THAT THE DISTRICT RECEIVES BASED ON THE DISTRICT'S FUNDED PUPIL COUNT AND VALUATION FOR ASSESSMENT OF TAXABLE PROPERTY FOR THE 2013-14 BUDGET YEAR, MULTIPLIED BY THE DISTRICT'S FUNDED PUPIL COUNT FOR THE 2013-14 BUDGET YEAR.

(c) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 2. Appropriation. In addition to any other appropriation, for the fiscal year beginning July 1, 2013, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the contingency reserve fund created in section 22-54-117, Colorado Revised Statutes, the sum of \$1,733,884, and said sum, or so much thereof as may be necessary, is further appropriated to the

department of education, for the implementation of this act.

SECTION 3. 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: February 27, 2014