

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 24, 2023
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB23-287 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 11, after line 12 insert:

2 "SECTION 5. In Colorado Revised Statutes, **add** 22-54-146 as
3 follows:

4 **22-54-146. Hold-harmless at-risk funding - 2023-24 budget**
5 **year - repeal.** (1) FOR THE 2023-24 BUDGET YEAR, A DISTRICT'S AT-RISK
6 FUNDING, AS DETERMINED PURSUANT TO SECTION 22-54-104 (4), IS THE
7 GREATER OF THE DISTRICT'S AT-RISK FUNDING AMOUNT FOR THE 2022-23
8 BUDGET YEAR OR THE DISTRICT'S AT-RISK FUNDING AMOUNT FOR THE
9 2023-24 BUDGET YEAR.

10 (2) IF, PURSUANT TO SUBSECTION (1) OF THIS SECTION, A
11 DISTRICT'S AT-RISK FUNDING AMOUNT FOR THE 2022-23 BUDGET YEAR
12 WAS GREATER THAN THE DISTRICT'S AT-RISK FUNDING AMOUNT FOR THE
13 2023-24 BUDGET YEAR, ANY ADDITIONAL AMOUNT OWED TO THAT
14 DISTRICT FOR AT-RISK FUNDING FOR THE 2023-24 BUDGET YEAR MUST BE
15 PAID AFTER MID-YEAR REVISIONS ARE MADE TO REPLACE PROJECTIONS
16 WITH ACTUAL FIGURES.

17 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025."

18 Renumber succeeding sections accordingly.

19 Page 14 of the bill, after line 19 insert:

20 "SECTION 9. In Colorado Revised Statutes, 22-20-114, **add** (8)
21 as follows:

22 **22-20-114. Funding of programs - legislative declaration -**
23 **repeal.** (8) (a) FOR THE 2023-24 BUDGET YEAR, THE GENERAL ASSEMBLY
24 SHALL APPROPRIATE TEN MILLION DOLLARS TO THE DEPARTMENT FROM

1 THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
2 OF THE STATE CONSTITUTION TO BE DISTRIBUTED PURSUANT TO THE
3 REQUIREMENTS SET FORTH IN SUBSECTION (8)(b) OF THIS SECTION TO
4 PRESCHOOL PROVIDERS THAT ARE A SCHOOL OF A SCHOOL DISTRICT,
5 DISTRICT CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL.

6 (b) A PRESCHOOL PROVIDER THAT IS A SCHOOL OF A SCHOOL
7 DISTRICT, DISTRICT CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL
8 MUST ONLY RECEIVE FUNDING PURSUANT TO THIS SUBSECTION (8) IF THE
9 DEPARTMENT DETERMINES THAT, EVEN WITH THE FUNDING RECEIVED
10 PURSUANT TO SECTION 26.5-4-208, THE ELIGIBLE PRESCHOOL PROVIDER
11 IS PROJECTED, BASED ON ELIGIBLE CHILDREN ENROLLED IN THE UNIVERSAL
12 PRESCHOOL PROGRAM CREATED IN SECTION 26.5-4-204, TO RECEIVE LESS
13 THAN THE PRESCHOOL PROVIDER'S TOTAL PRESCHOOL FUNDING FOR ALL
14 PRESCHOOL POSITIONS IN THE 2022-23 FISCAL YEAR. THIS FUNDING IS
15 INTENDED TO ENSURE THAT ADMINISTRATIVE UNITS CAN MEET THE
16 FEDERAL MAINTENANCE OF EFFORT REQUIREMENTS PURSUANT TO THE
17 IDEA. IF THE TOTAL AMOUNT OF FUNDING DISTRIBUTED TO ELIGIBLE
18 PRESCHOOL PROVIDERS IS LESS THAN TEN MILLION DOLLARS, THE
19 DEPARTMENT SHALL TRANSFER THE DIFFERENCE BETWEEN THE
20 DISTRIBUTED AMOUNT AND THE TEN MILLION DOLLARS TO THE STATE
21 TREASURER WHO SHALL CREDIT THE MONEY RECEIVED TO THE STATE
22 EDUCATION FUND.

23 (c) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2024."

24 Renumber succeeding sections accordingly.

25 Page 20 of the bill, line 27, strike "NO LATER THAN JULY 1, 2023".

26 Page 21 of the bill, line 1, strike "THE COMMISSIONER" and substitute
27 "THE COMMISSIONER".

28 Page 21 of the bill, line 2, after "FORCE." insert "THE PURPOSE OF THE
29 TASK FORCE IS TO EXAMINE AND MAKE RECOMMENDATIONS CONCERNING
30 MAKING THE SCHOOL FINANCE FORMULA SIMPLER, LESS REGRESSIVE, AND
31 MORE ADEQUATE, UNDERSTANDABLE, TRANSPARENT, EQUITABLE, AND
32 STUDENT-CENTERED."

33 Page 23 of the bill, strike lines 5 through 10 and substitute:

34 (3) THE TASK FORCE SHALL MEET AT THE CALL OF".

35 Page 23 of the bill, line 11, strike "AT LEAST SIX TIMES" and substitute
36 "NOT MORE THAN EIGHT TIMES".

1 Page 23 of the bill, line 12, after "2023." insert "MEETINGS MAY BE HELD
2 IN PERSON, THROUGH THE USE OF AUDIO-VISUAL COMMUNICATION
3 TECHNOLOGY, OR BOTH."

4 Page 23 of the bill, line 27, strike "TASK FORCE FACILITATION,
5 STAKEHOLDER" and substitute "TASK FORCE FACILITATION AND
6 STAKEHOLDER".

7 Page 24 of the bill, line 1, strike "INPUT, AND SCHOOL FINANCE POLICY"
8 and substitute "INPUT".

9 Page 24 of the bill, strike lines 4 through 9 and substitute:

10 "(6) THE TASK FORCE SHALL MAKE FINDINGS AND
11 RECOMMENDATIONS REGARDING THE FOLLOWING CHANGES TO THE
12 SCHOOL FINANCE FORMULA TO OCCUR FOR THE 2024-25 BUDGET YEAR:".

13 Page 24 of the bill, lines 10 and 11, strike "MAKING THE FORMULA
14 SIMPLER AND MORE UNDERSTANDABLE AND TRANSPARENT, INCLUDING
15 ELIMINATING" and substitute "ELIMINATING".

16 Page 24 of the bill, lines 14 and 15, strike "REDUCING THE REGRESSIVE
17 IMPACT OF THE FORMULA, INCLUDING RECALIBRATING" and substitute
18 "RECALIBRATING".

19 Page 25 of the bill, line 10, strike "DECEMBER 15, 2023," and substitute
20 "JANUARY 31, 2024,".

21 Page 25 of the bill, line 18, strike "NOT LATER THAN DECEMBER 15, 2023,
22 THE" and substitute "THE".

23 Page 25 of the bill, line 23, strike "NOT LATER THAN FEBRUARY 1, 2024,
24 THE" and substitute "THE".

25 Page 26 of the bill, line 8, strike "JANUARY 1, 2025," and substitute
26 "JANUARY 3, 2025,".

27 Page 26 of the bill, after line 13 insert:

28 "(9) ANY MONEY APPROPRIATED FOR THE 2023-24 BUDGET YEAR
29 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF EDUCATION FOR THE
30 PURPOSES OF THIS SECTION THAT REMAINS UNSPENT AT THE END OF THE
31 2023-24 BUDGET YEAR MAY BE USED BY THE DEPARTMENT OF EDUCATION

1 THROUGH THE 2024-25 BUDGET YEAR WITHOUT FURTHER APPROPRIATION
2 AND MUST NOT BE USED FOR ANY OTHER PURPOSE THAN THE PURPOSES SET
3 FORTH IN THIS SECTION."

4 Renumber succeeding subsections accordingly.

5 Page 27 of the bill, after line 6, add:

6 "SECTION 15. In Colorado Revised Statutes, 22-43.7-109,
7 amend (9)(c) as follows:

8 **22-43.7-109. Financial assistance for public school capital
9 construction - application requirements - evaluation criteria - local
10 match requirements - technology grants - career and technical
11 education capital construction grants - rules - definitions - repeal.**

12 (9) Except as otherwise provided in subsections (10) and (15) of this
13 section, the board may recommend and the state board may approve
14 financial assistance that does not involve a financed purchase of an asset
15 or certificate of participation agreement for or recommend to the capital
16 development committee the approval of financial assistance that involves
17 a financed purchase of an asset or certificate of participation agreement
18 for a public school facility capital construction project only if the
19 applicant provides matching money in an amount equal to a percentage
20 of the total financing for the project determined by the board after
21 consideration of the applicant's financial capacity, as determined by the
22 following factors:

23 (c) (I) With respect to a charter school's application for financial
24 assistance, AND SUBJECT TO ADJUSTMENT PURSUANT TO SUBSECTIONS (II)
25 THROUGH (V) OF THIS SUBSECTION:

26 ~~(I) The weighted average of the match percentages for the school
27 districts of residence for the students enrolled in a district charter school
28 or fifty percent of the average of the match percentages for all school
29 districts in the state for an institute charter school;~~

30 (A) FOR A DISTRICT CHARTER SCHOOL THAT IS OCCUPYING A
31 DISTRICT FACILITY AND PAYING ONLY THE DIRECT COSTS OF OCCUPANCY
32 FOR ITS FACILITY PURSUANT TO SECTION 22-30.5-104 (7)(c), THE MATCH
33 PERCENTAGE OF THE DISTRICT CHARTER SCHOOL'S AUTHORIZING DISTRICT;

34 (B) FOR DISTRICT CHARTER SCHOOLS THAT ARE NOT INCLUDED IN
35 SUBSECTION (9)(c)(I)(A) OF THIS SECTION, SEVENTY-FIVE PERCENT OF THE
36 MATCH PERCENTAGE OF THE DISTRICT CHARTER SCHOOL'S AUTHORIZING
37 SCHOOL DISTRICT; OR

38 (C) FIFTY PERCENT OF THE AVERAGE MATCH PERCENTAGES FOR
39 ALL SCHOOL DISTRICTS IN THE STATE FOR AN INSTITUTE CHARTER SCHOOL;

40 (II) Whether ~~the~~ A DISTRICT charter school's authorizer retains no
41 more than ten percent of its capacity to issue bonds pursuant to article 42

1 of this title;
2 ~~(III) Whether the charter school is operating in a district-owned~~
3 ~~facility at the time it submits its application;~~
4 ~~(IV) (III) In the ten years preceding the year in which the charter~~
5 ~~school submits the application, the number of times the charter school has~~
6 ~~attempted to obtain or has obtained SOUGHT OR BEEN AFFORDED:~~
7 ~~(A) Bond proceeds pursuant to section 22-30.5-404 through~~
8 ~~inclusion in a ballot measure submitted by the charter school's authorizer~~
9 ~~to the registered electors of the school district;~~
10 ~~(B) Proceeds from a special mill levy for capital needs pursuant~~
11 ~~to section 22-30.5-405;~~
12 ~~(C) (A) Grant funding for capital needs from a source other than~~
13 ~~the assistance fund; and~~
14 ~~(D) (B) Funding, INCLUDING FINANCING, for capital construction,~~
15 ~~OTHER THAN STATE AID PURSUANT TO SECTION 22-54-124 from bonds~~
16 ~~issued on its behalf by the Colorado educational and cultural facilities~~
17 ~~authority created and existing pursuant to section 23-15-104 (1)(a);~~
18 ~~C.R.S., or from some ANY other source of financing;~~
19 ~~(V) (IV) If the charter school is a district charter school, the~~
20 ~~student enrollment of the DISTRICT charter school as a percentage of the~~
21 ~~student enrollment of the charter school's authorizing school district; AND~~
22 ~~(VI) (V) The percentage of students enrolled in the charter school~~
23 ~~who are eligible for the federal free and reduced-cost lunch program in~~
24 ~~relation to the overall percentage of students enrolled in the public~~
25 ~~schools in the state who are eligible for the federal free and reduced-cost~~
26 ~~lunch program.~~
27 ~~(VII) The percentage of the per pupil revenue received by the~~
28 ~~charter school that the charter school spends on facility costs other than~~
29 ~~facilities operation and maintenance; and~~
30 ~~(VIII) The charter school's unreserved fund balance as a~~
31 ~~percentage of its annual budget."~~

32 Renumber succeeding sections accordingly.

33 Amend the Education Committee Report, dated April 19, 2023, page 5,
34 strike lines 13 through 21.

35 Renumber succeeding sections accordingly.

36 Page 30 of the bill, after line 8 add:

37 **"SECTION 24. Appropriation.** For the 2023-24 state fiscal year,
38 \$10,000,000 is appropriated to the department of education. This
39 appropriation is from the state education fund created in section 17 (4) of

1 article IX of the state constitution. To implement this act, the department
2 may use this appropriation for state aid for charter school facilities."

3 Renumber succeeding sections accordingly.

4 Page 30 of the bill, strike lines 9 through 12 and substitute:

5 **"SECTION 25. Appropriation.** For the 2023-24 state fiscal year,
6 \$500,000 is appropriated to the department of education. This
7 appropriation is from the state education fund created in section 17 (4)(a)
8 of article IX of the state constitution. To implement this act, the
9 department may use this appropriation for special education programs for
10 children with disabilities for the implementation of section 22-20-108
11 (4.8), C.R.S.

12 **SECTION 26. Appropriation.** (1) For the 2023-24 state fiscal
13 year, \$220,256,759 is appropriated to the department of education. This
14 appropriation is from the state education fund created in section 17 (4)(a)
15 of article IX of the state constitution. To implement this act, the
16 department may use this appropriation as follows:

17 (a) \$188,490,019 for the state share of districts' total program
18 funding;

19 (b) \$30,000,000 for additional funding for rural districts and
20 institute charter schools;

21 (c) \$1,058,115 for special education programs for gifted and
22 talented children to support universal screening pursuant to section 22-20-
23 205 (5)(a), C.R.S.;

24 (d) \$408,625 for administration related to public school finance
25 for the implementation of section 22-54-104.7, C.R.S., which amount is
26 based on an assumption that the department will require an additional 0.7
27 FTE; and

28 (e) \$300,000 for distributions to eligible schools pursuant to
29 section 22-1-133 (7)(b)(II), C.R.S.

30 (2) Any money appropriated in subsection (1)(d) not expended
31 prior to July 1, 2024, is further appropriated to the department for the
32 2024-25 state fiscal year for the same purpose.

33 **SECTION 27. Appropriation.** For the 2023-24 state fiscal year,
34 \$23,376,536 is appropriated to the department of education. This
35 appropriation is from the mill levy override match fund created in section
36 22-54-107.9 (6), C.R.S. To implement this act, the department may use
37 this appropriation for mill levy override matching pursuant to section 22-
38 54-107.9, C.R.S.

1 **SECTION 28. Appropriation to the department of education**
2 **for the fiscal year beginning July 1, 2023.** Section 2 of SB 23-214,
3 **amend** Part IV (3)(A) Footnote 10, as follows:

4 Section 2. **Appropriation.**

5 10 Department of Education, School District Operations, Public
6 School Finance, State Share of Districts' Total Program Funding --
7 Pursuant to Section 22-35-108.5 (2)(b)(II), C.R.S., the purpose of this
8 footnote is to specify what portion of this appropriation is intended to be
9 available for the Teacher Recruitment Education and Preparation (TREP)
10 Program for FY 2023-24. It is the General Assembly's intent that the
11 Department of Education be authorized to utilize up to ~~\$2,348,000~~
12 \$2,396,500 of this appropriation to fund qualified students designated as
13 TREP Program participants. This amount is calculated based on an
14 estimated 250 FTE TREP Program participants funded at a rate of ~~\$8,686~~
15 \$9,586 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

16 **SECTION 29. Appropriation.** For the 2023-24 state fiscal year,
17 \$10,000,000 is appropriated to the department of education. This
18 appropriation is from the state education fund created in section 17 (4)(a)
19 of article IX of the state constitution. To implement this act, the
20 department may use this appropriation for distributions to eligible
21 preschool providers pursuant to section 22-20-114 (8)(b), C.R.S."

22 Renumber succeeding sections accordingly.

23 Page 5 of the committee report, line 23, strike ""22"." and substitute
24 ""25".".

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