

**NOTE: The governor signed this measure on 3/9/2016.**

# An Act

HOUSE BILL 16-1253

BY REPRESENTATIVE(S) Hamner, Young, Rankin, Arndt, Becker K., Buckner, Conti, Court, Duran, Esgar, Fields, Garnett, Klingenschmitt, Kraft-Tharp, Lebsock, Lee, Lontine, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Priola, Rosenthal, Ryden, Salazar, Vigil, Williams, Wilson, Hullinghorst;

also SENATOR(S) Steadman, Grantham, Lambert, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Donovan, Garcia, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Roberts, Scheffel, Scott, Sonnenberg, Tate, Todd, Ulibarri, Woods, Cadman.

CONCERNING ADJUSTMENTS IN THE AMOUNT OF TOTAL PROGRAM FUNDING FOR PUBLIC SCHOOLS FOR THE 2015-16 BUDGET YEAR, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) The actual funded pupil count and the actual at-risk pupil counts for the 2015-16 budget year are lower than anticipated when the general

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

assembly appropriated money for total program funding for the 2015-16 budget year during the 2015 regular legislative session, allowing the general assembly to reduce the difference between the actual statewide total program funding and calculated statewide total program funding for the 2015-16 budget year by twenty-four million four hundred seventy-three thousand seven hundred fifty-three dollars;

(b) Based on the actual amount of local property tax revenues and specific ownership tax revenues available to school districts for the 2015-16 budget year, the local share of total program funding is one hundred thirty-three million five hundred forty-two thousand one hundred seventy-three dollars higher than anticipated when the general assembly appropriated moneys for total program funding for the 2015-16 budget year during the 2015 legislative session; and

(c) Therefore, the general assembly finds that maintaining the level of calculated total program funding for the 2015-16 budget year results in a reduction in the amount of the negative factor. Variations in the amounts of state aid distributed to districts require an adjustment in the minimum amount of total program funding for the 2015-16 budget year, after application of the negative factor described in section 22-54-104 (5) (g), Colorado Revised Statutes.

**SECTION 2.** In Colorado Revised Statutes, 22-54-104, **amend** (5) (g) (I) (F) as follows:

**22-54-104. District total program - definitions.** (5) For purposes of the formulas used in this section:

(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:

(F) That, for the 2015-16 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 six billion two hundred thirty-three million ~~nine hundred fifty-five thousand seven hundred thirty-seven~~ EIGHT HUNDRED THIRTY-FIVE THOUSAND FORTY-FOUR dollars (~~\$6,233,955,737~~) (\$6,233,835,044); 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 applicable budget year that is consistent with this sub-subparagraph (F). For the 2016-17 budget year, the difference between calculated statewide total program funding and actual statewide total program funding must not exceed the difference between calculated statewide total program funding and actual statewide total program funding for the 2015-16 budget year.

APPROPRIATION FROM

| ITEM &<br>SUBTOTAL | TOTAL | GENERAL<br>FUND | GENERAL<br>FUND<br>EXEMPT | CASH<br>FUNDS | REAPPROPRIATED<br>FUNDS | FEDERAL<br>FUNDS |
|--------------------|-------|-----------------|---------------------------|---------------|-------------------------|------------------|
| \$                 | \$    | \$              | \$                        | \$            | \$                      | \$               |

**SECTION 3. Appropriation to the department of education for the fiscal year beginning July 1, 2015.** In Session Laws of Colorado 2015, section 2 of chapter 364, (SB 15-234), **amend** Part III (2)(A) and Footnote 6, as Footnote 6 is amended by section 9 of chapter 295 (SB 15-267), Session Laws of Colorado 2015, as follows:

**Section 2. Appropriation.**

**PART III  
DEPARTMENT OF EDUCATION**

**(2) ASSISTANCE TO PUBLIC SCHOOLS**

**(A) Public School Finance**

|  |                      |               |                          |                          |                        |
|--|----------------------|---------------|--------------------------|--------------------------|------------------------|
| Administration   | 1,668,768            |               |                          | 81,760 <sup>a</sup>      | 1,587,008 <sup>b</sup> |
|  |                      |               |                          | (0.9 FTE)                | (17.0 FTE)             |
| State Share of Districts'  |                      |               |                          |                          |                        |
| Total Program Funding <sup>5,6</sup>                               | 4,088,321,146        | 2,519,712,880 | 848,124,468 <sup>c</sup> | 720,483,798 <sup>d</sup> |                        |
|  | 3,954,778,973        | 2,426,170,707 |                          | 680,483,798 <sup>d</sup> |                        |
| Hold-harmless Full-day<br>Kindergarten Funding                     | 7,756,521            |               |                          | 7,756,521 <sup>a</sup>   |                        |
|  | 7,806,468            |               |                          | 7,806,468 <sup>a</sup>   |                        |
| District Per Pupil<br>Reimbursements for<br>Juveniles Held in Jail | 25,000               |               |                          | 25,000 <sup>a</sup>      |                        |
| At-risk Supplemental Aid   | 5,094,358            |               |                          | 5,094,358 <sup>c</sup>   |                        |
|  | <u>4,102,865,793</u> |               |                          |                          |                        |
|  | 3,969,373,567        |               |                          |                          |                        |

<sup>a</sup> These amounts shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution. Pursuant to Section 17 (3) of Article IX of the State 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 State Constitution.

<sup>b</sup> This amount shall be transferred from the Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding line item.

<sup>c</sup> This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

| ITEM &<br>SUBTOTAL | TOTAL | APPROPRIATION FROM |                           |               |                         |                  |
|--------------------|-------|--------------------|---------------------------|---------------|-------------------------|------------------|
|                    |       | GENERAL<br>FUND    | GENERAL<br>FUND<br>EXEMPT | CASH<br>FUNDS | REAPPROPRIATED<br>FUNDS | FEDERAL<br>FUNDS |
| \$                 | \$    | \$                 | \$                        | \$            | \$                      | \$               |

<sup>d</sup> Of this amount, \$630,328,949 shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution, and ~~\$90,154,849~~ \$50,154,849 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 State 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 State Constitution. Of the amount appropriated from the State Public School Fund, ~~\$78,602,438~~ \$38,602,438 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Sections 22-54-114 (1) and 34-63-102, C.R.S., \$8,397,518 is estimated to be from interest and income earned on the investment of moneys in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3) (d), C.R.S., and \$3,154,893 is estimated to be from reserves in the State Public School Fund.

<sup>e</sup> This amount shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S., from interest and income earned on the investment of moneys in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3) (d), C.R.S.

**TOTALS PART III  
(EDUCATION)**

|                        |                        |                            |                                    |                           |                            |
|------------------------|------------------------|----------------------------|------------------------------------|---------------------------|----------------------------|
| \$5,395,441,471        | \$2,694,599,324        | \$848,124,468 <sup>a</sup> | \$1,172,310,474 <sup>b</sup>       | \$29,757,276 <sup>c</sup> | \$650,649,929 <sup>d</sup> |
| <u>\$5,261,949,245</u> | <u>\$2,601,057,151</u> |                            | <u>\$1,132,360,421<sup>b</sup></u> |                           |                            |

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

<sup>b</sup> Of this amount, \$3,897,434 contains an (I) notation.

<sup>c</sup> Of this amount, \$12,784,739 contains an (I) notation.

<sup>d</sup> This amount contains an (I) notation.

**FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

- 6 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Pursuant to Section 22-35-108 (2) (a), C.R.S., the purpose of this footnote is to specify what portion of this appropriation is intended to be available for the Accelerating Students Through Concurrent Enrollment (ASCENT) Program for FY 2015-16. The Department of Education is authorized to utilize up to ~~\$3,666,850~~ \$3,679,676 of this appropriation to fund qualified students designated as ASCENT Program participants. This amount is calculated based on an estimated 550 FTE participants funded at a rate of ~~\$6,667~~ \$6,690 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

**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.

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO