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Fiscal Note

Drafting Number: LLS 23-0347 Date: January 31, 2023
Prime Sponsors: Sen. Zenzinger; Kirkmeyer Bill Status: Senate Education
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Bill Topic: SPECIAL EDUCATION FUNDING

- Summary of Fiscal Impact:
State Revenue (checkbox)
State Expenditure (checked)
State Transfer (checkbox)
TABOR Refund (checkbox)
Local Government (checkbox)
School District (checked)

The bill increases state funding for Tier B special education. The bill increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$40,203,671 to the Colorado Department of Education.

Fiscal Note Status: The fiscal note reflects the introduced bill, which was recommended by the Legislative Interim Committee on School Finance.

Table 1
State Fiscal Impacts Under SB 23-099

Table with 4 columns: Category, Budget Year FY 2023-24, Out Year FY 2024-25. Rows include Revenue, Expenditures (General Fund*), Transfers, and Other Budget Impacts (General Fund Reserve*).

* The appropriation may be from the General Fund or State Education Fund. If the appropriation is from the State Education Fund, there is no impact on the General Fund Reserve.

Summary of Legislation

Beginning in FY 2023-24, the bill increases funding for Tier B special education by \$40.2 million per year, from the General Fund, State Education Fund, or a combination of the two funds.

Background

Current law specifies the distribution of categorical funding for special education students. After Tier A (\$1,750 per student), ChildFind (identification of young children with disabilities), educational orphans; and high cost (reimbursement of high cost special education services) allocations have been made, the remaining funds are distributed on a per pupil basis to administrative units for students with specific, identified disabilities (known as Tier B funding). Tier B may not exceed \$6,000 per student, and is estimated at about \$4,318 per student in FY 2022-23.

State Expenditures

The bill increases state expenditures in CDE by \$40.2 million beginning in FY 2023-24. Costs are assumed to be from the General Fund, but may be paid either from the General Fund or State Education Fund. CDE will distribute this funding to administrative units based on the number of Tier B students. With this additional funding, Tier B funding in FY 2023-24 is expected to be \$6,000 per eligible student, the maximum allowed under current law.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. If the additional funding is paid from the General Fund, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes. If it is paid from the State Education Fund, there is no impact on the General Fund reserve.

School District

The bill increases special education funding to administrative units, most of which are school districts. The impact on any individual school district will depend on the number of Tier B special education students served.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2023-24, the bill requires an appropriation of \$40,203,671 from the General Fund to the Colorado Department of Education.

State and Local Government Contacts

Education