

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



SUPPLEMENTAL REQUESTS FOR FY 2011-12

DEPARTMENT OF EDUCATION
(Except Public School Finance)

**JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision**

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Prioritized Supplementals

**Supplemental Request, Department Priority #2
Increase to Spending Authority for Charter School Institute: Administration, Oversight, and Management**

Department of Education	Request	Recommendation
Total	<u>\$381,728</u>	<u>\$188,955</u>
Reappropriated Funds	381,728	188,955

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
<i>This supplemental is the result of data (growth in the number of Institute schools and the number of students) that was not available when the original appropriation was made.</i>	

Department Request: The Department requests an increase of \$381,728 reappropriated funds spending authority (reappropriated from the state share of total program funding for Institute charter schools) for the Charter School Institute's (CSI) administrative line item. The request would increase the CSI's spending authority to 3.0 percent of total estimated per pupil revenue for CSI schools in FY 2011-12, as allowed by statute. The request includes a budget amendment to increase the Governor's FY 2012-13 request for CSI administration by \$540,492 based on projected enrollment growth and anticipated per pupil revenue for CSI schools in FY 2012-13.

Staff Recommendation: Staff recommends partial approval of the request. Staff recommends a total increase of \$188,955 reappropriated funds spending authority and the creation of a new line item to provide emergency reserve funds to the Institute. The recommendation includes increases of: (1) \$130,955 for the existing State Charter School Institute Administration, Oversight, and Management line item; and (2) \$58,000 for the newly recommended State Charter School Institute Emergency Reserve line item.

Staff Analysis:

Background Information. This State Charter School Institute (SCSI), an independent agency in the Department of Education, is allowed to authorize charter schools located within a school district's boundaries if the school district has not retained exclusive authority to authorize charter schools. The SCSI is governed by a nine-member board, whose statutory mission is to "foster high-quality public school choices offered through institute charter schools, including particularly schools that are focused on closing the achievement gap for at-risk students". The board is authorized to hire

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staff or contract employees. Any SCSi staff shall be deemed employees subject to the state personnel system, except that all positions classified by the board as professional officers and professional staff "are declared to be educational in nature and exempt from the state personnel system". [Section 22-30.5-505 (1), C.R.S.]

Similar to a school district, the SCSi is authorized to use a portion of its charter schools' per pupil revenues to cover its expenditures related to authorizing and overseeing charter schools. Thus, the Department is directed to withhold a portion of the State Share of Districts' Total Program funding from each school district where an Institute charter school is located and to forward the withheld amount to the Institute. Currently, a total of 5.0 percent may be withheld from payments to Institute charter schools and spent at the state level for the following purposes:

- up to 3.0 percent for the SCSi's costs for administration, oversight, and management services [Sections 22-30.5-513 (2) (b) and (4) (a), C.R.S.];
- up to 1.0 percent for the Department as reimbursement for the reasonable and necessary costs associated with the SCSi and its charter schools [Section 22-30.5-501 (4) (a) (I), C.R.S.; and
- 1.0 percent is annually credited to the Institute Charter School Assistance Fund [Sections 22-30.5-513 (4) (a) (I.5) (B) and 22-30.5-515.5, C.R.S.].

Thus, the Institute's budget is based on the number of students enrolled in Institute charter schools and the per pupil funding for these students. These moneys are currently credited to the State Charter School Institute Fund. The annual Long Bill includes a single line item cash funds appropriation from this fund to the Institute based on projections of the number of Institute charter schools, enrollment, and per pupil funding. Due to significant increases in both the number of schools and overall enrollment, this appropriation has increased from \$473,087 and 5.0 FTE for FY 2006-07 to \$1,502,339 in FY 2011-12.

Reasons for the Request: The Department's supplemental request would increase the FY 2011-12 appropriation for administration, oversight, and management services up to the 3.0 percent allowed by statute. The General Assembly appropriated a total of \$1,502,339 reappropriated funds for the Institute's administrative expenses in FY 2011-12. The appropriation was based on Institute staff's estimates of necessary expenses for the fiscal year, assuming that the Institute would support 18 schools and a total of 8,047 students in the 2011-12 school year. The appropriation represented 2.86 percent of the anticipated state share of total program funding for Institute schools, a change from previous years when the General Assembly routinely set the appropriation at 3.0 percent of the state share of total program funding as allowed by statute.

The Department's supplemental request is based on three factors (also outlined in the table on page 4):

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1. *Unanticipated growth in the number of Institute schools.* The FY 2011-12 appropriation assumed that the Institute would continue to support 18 schools, the same number as in FY 2010-11. However, the Institute added four additional schools in FY 2011-12, for a total of 22 (a 22.2 percent increase), requiring additional authorization and support activities from Institute staff.
2. *Growth in the number of students and resulting revenues to Institute schools.* The FY 2011-12 appropriation assumed a total of 8,046 pupils would attend Institute schools in the 2011-12 school year. However, the October 2011 pupil count found 10,126 pupils attending Institute schools (an increase of 2,079 pupils (25.8 percent) above the level assumed in the appropriation and 33.2 percent above the actual pupil count in FY 2010-11). The increased number of students has resulted in a significant increase in the state share of total program funding transferred to Institute schools (from \$52.4 million assumed at figure setting to \$62.8 based on the October 2011 count, an increase of 19.8 percent). The current FY 2011-12 appropriation represents 2.4 percent of the updated state share payments to Institute schools. The Department's request would increase the appropriation to a full 3.0 percent of the new estimate of revenues for Institute schools.
3. *Operational improvements resulting from strategic planning process.* The Institute began its strategic planning process in April 2011 and finalized the first portion of the plan (five operating objectives) in July 2011, after the appropriation for FY 2011-12 was final. Through the strategic planning process, the Institute identified shortcomings in its school authorization and support services functions, including: providing inadequate guidance and performance management services to the schools and inadequate reporting to the Department of Education. The Institute has experienced virtually complete staff turnover since January 2011 and the new management is seeking to improve the Institute's operations.

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State Charter School Institute: Funding				
Description	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Long Bill	FY 11-12 Supplemental
<i>Total Transfer from State Share line item:</i>				
Number of Institute Charter Schools	17	18	22	22
Funded Pupil Count	6,244.7	7,598.3	8,046.4	10,125.5
Average Per Pupil Funding	\$6,920.73	\$6,233.12	\$6,523.54	\$6,202.58
Total transfer from State Share line item	\$43,217,894	\$47,361,095	\$52,490,989	\$62,804,237
SCSI Administration, Oversight, and Management				
Reappropriated Funds	\$1,692,911	\$1,327,971	\$1,502,339	\$1,884,127
FTE	11.8	9.2	10.7	10.7
Other Transfers to Institute Charter Schools - RF	\$1,924,569	\$1,630,348	\$2,013,615	\$2,013,615
Transfer of Federal Moneys to Institute Charter Schools				
Reappropriated Funds	5,729,547.0	\$3,760,840	\$5,730,000	\$5,730,000
FTE	4.1	4.3	4.5	4.5

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Specifics of the Request: The Institute's request includes increases in six major categories (shown in the following table and discussed below), all of which are within the State Charter School Institute Administration, Oversight, and Management line item.

Category	Current FY 2011-12 Budget	Requested Increase	Total FY 2011-12 Request
Personal Services	\$1,177,043	\$32,400	\$1,209,443
Operations	209,034	92,369	301,403
Contract Services	95,857	52,420	148,277
Site Travel	20,465	9,535	30,000
Emergency Reserves	<u>0</u>	<u>195,004</u>	<u>195,004</u>
Total	\$1,502,399	\$381,728	\$1,884,127

Personal Services. The Institute is requesting an additional \$32,400 for personal services expenses in FY 2011-12. The request includes:

1. \$15,000 to hire a new accounting staff member for the last three months of the fiscal year (annualizing to \$60,000 in FY 2012-13). According to Institute staff, the new position is required by the increased number of students and schools in FY 2011-12, as well as the effort to implement best practices required by the new strategic plan. The request does not require an additional FTE because the Institute has sufficient vacant FTE to hire the new staff. **Staff recommends approving the request for \$15,000 to hire the new accounting staff to support the increased number of schools and the increased pupil count in FY 2011-12.**

2. \$17,400 to pay for increased position costs for three existing (legal, communications, and performance evaluation) positions (annualizing to approximately \$68,000 in FY 2012-13). The Institute has experienced virtually complete staff turnover and elected to hire replacement staff at increased salaries. Thus, the request does not represent "raises" for existing staff but would support the current salaries. **Staff does not recommend approving the \$17,400 in increased position costs for FY 2011-12 because the Institute is asking the General Assembly to backfill decisions that have already been made for FY 2011-12.** However, staff recognizes that this recommendation will create difficulty for the Institute and expects to revisit the increased position costs for FY 2012-13.

Operations. The request includes an additional \$92,369 in operating funding. The following table outlines the requested increases and staff's recommendation for each component. The table only includes operating costs for which the Institute is requesting an increase. The request and recommendation for each component are discussed below the table.

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Category	Current FY 2011-12 Budget	Requested Increase	Staff Recommendation
Software Licenses*	\$24,000	\$24,000	\$24,000
Legal Expenses	30,026	15,000	15,000
Equipment Repair	0	3,000	0
Non-capital (computer) Equipment	11,000	30,000	0
Employment Services Contract*	5,000	15,000	15,000
Official Functions	10,632	1,368	0
Other	<u>8,000</u>	<u>4,000</u>	<u>0</u>
Total	\$88,658	\$92,368	\$54,000

*For these items (software licenses and the employment services contract), the Institute has previously paid costs for the Institute schools but the Institute reports that it will be unable to continue to do so without the requested increases in spending authority.

1. *Software Licenses.* Prior to FY 2011-12 the Institute paid for software licenses for "Alpine Achievement Systems" and "Powerschool" for the Institute schools. The Institute has cut that funding because of budget constraints in FY 2011-12. The Institute schools will have to pay half of those software license costs without the increased funding, a cost that the schools would not have anticipated. **Staff recommends approving this request to avoid passing through unexpected costs to the Institute schools.**

2. *Legal Expenses.* The Institute is requesting \$15,000 for unanticipated legal costs in FY 2011-12. The Institute decreased its legal expenses budget from approximately \$40,000 in FY 2010-11 to \$30,026 in FY 2011-12 because of budget constraints. However, the Institute has experienced an unexpected increase in costs because of an appeal of a school authorization denial in FY 2011-12. **Staff recommends approving this request because of the unexpected legal costs associated with the appeal in FY 2011-12.**

3. *Equipment Repair.* The Institute is requesting \$3,000 associated with repairs to a copy machine. **Staff recommends denying this request as an expense that should be absorbed within the Institute's budget.**

4. *Non-capital (computer) Equipment.* The Institute is requesting \$30,000 to replace computer equipment. **Staff recommends denying this request for FY 2011-12 because of a lack of information regarding the replacement cycle for the Institute's computers.** Staff may

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recommend revisiting this request for the FY 2012-13 figure setting process if additional information is available by that time.

5. *Employment Services Contract.* Prior to FY 2011-12 the Institute paid for an Employment Services Contract with Mountain States Employers' Council for Institute schools but has cut that funding because of budget constraints. To continue to receive services, Institute schools would have to pay the full \$15,000 for the contract, a cost that the schools did not anticipate. **Staff recommends approving this request to avoid the unexpected increase in costs to Institute schools.**
6. *Official Functions.* The Institute decreased the budget for board meetings and functions in FY 2011-12 because of budget constraints but is requesting the full amount. **Staff recommends denying this request as a cost that should be able to be absorbed within the Institute's budget.**
7. *Other.* The Institute is requesting an additional \$4,000 for other expenses. **Staff recommends denying this request.**

Professional Contract Services. The Institute is requesting a total increase of \$52,420 for professional contract services to implement operational improvements called for in the Institute's strategic plan in FY 2011-12. In line with the Institute's strategic plan, the Institute is seeking outside expertise to improve its overall process of school authorization and oversight, as well as its reporting to the Department of Education. The request includes funds to improve: the application process for new schools, the authorization process, guidance provided to Institute schools, performance management, service delivery, internal policies, special education delivery, and the Institute's reporting capacity. **Staff recommends approving the request. The request is based on the Institute's updated strategic plan, through which the Institute identified weaknesses in the Institute's process and operations.**

Site Travel. The request includes an additional \$9,535 for travel expenses to increase the frequency of site visits to Institute schools. **Staff recommends approving the request.** Based on discussions of the Institute's strategic plan, the Institute has been unable to visit Institute schools with adequate frequency and staff sees such visits and outreach as essential to Institute operations.

Emergency Reserves. The request includes an increase of \$195,004 for emergency reserves (annualizing to \$230,000 in FY 2012-13), including \$80,000 to support "Institute emergencies" such as emergency audits and \$115,004 for school financial emergencies. For example, the Institute incurred approximately \$80,000 in costs for an emergency audit of a school in FY 2009-10. The request would include the emergency reserves within the existing State Charter School Institute Administration, Oversight, and Management line item.

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Staff recommends partial approval of the request. Staff recommends that the Committee: (1) create a new "State Charter School Institute Emergency Reserves" line item in the supplemental; and (2) appropriate \$58,000 to that line item in the FY 2011-12 supplemental bill. The recommendation represents one-fourth of the \$230,000 request for FY 2012-13, to serve as a reserve for the last three months of the fiscal year. Staff recommends the creation of a separate line item to ensure that the funds in question are used for emergency purposes. Under current law, any funds not used at the end of the year would be passed through to Institute schools.

The following table summarizes the request and staff recommendation for each of the major categories in the FY 2011-12 supplemental request. Staff's recommendation would utilize 2.7 percent of the Institute schools' anticipated portion of State Share of Districts' Total Program funding in FY 2011-12, and would stay within the statutory limit of 3.0 percent.

Category	Requested Increase	Staff Recommendation
Personal Services	\$32,400	\$15,000
Operations	92,369	54,000
Contract Services	52,420	52,420
Site Travel	9,535	9,535
Emergency Reserves	<u>195,004</u>	<u>58,000</u>
Total	\$381,728	\$188,955

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Non-prioritized Supplementals

JBC Staff Initiated Supplemental

Technical Corrections to Fund Sources - Capitol Complex Leased Space

FY 2011-12	Recommendation
Total	\$0
Cash Funds	70,160
Reappropriated Funds	(55,733)
Federal Funds	(14,427)

Department Request: The Department did not request this supplemental, but staff's recommendation is based on data provided by the Department.

Staff Recommendation: Staff recommends adjusting the FY 2011-12 appropriation for Capitol Complex Leased Space as shown above to correctly reflect the allocation of costs among fund sources. The FY 2011-12 appropriation for Capitol Complex Leased Space does not correctly reflect the allocation of costs among fund sources. Staff recommends adjusting these fund sources to correct this error, resulting in \$0 net change to the appropriation.

The recommended changes assume adoption of the Department's non-prioritized supplemental request for Capitol Complex Leased Space. Staff requests permission to make minor technical adjustments if necessary based on the Committee's decision with respect to the common policy supplemental request.

**Previously Approved Interim Supplemental #1
Increase Spending Authority for Gifts, Grants, and Donations**

Previously Approved	
Total - Cash Funds	\$1,800,000

Description of Supplemental: On September 20, 2011, the Joint Budget Committee approved a Department request for an increase of \$1,800,000 cash funds spending authority (from gifts, grants, and donations) to reflect: (1) grants that the Department had received after figure setting for FY 2011-12 was completed; and (2) an estimate of additional funds that the Department anticipates receiving in FY 2011-12. The Joint Budget Committee *denied* an associated request for 2.0 additional FTE.

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The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves. Staff will include this supplemental in the Department's supplemental bill.

Statewide Common Policy Supplemental Requests

These requests are not prioritized and are not analyzed in this packet. The JBC will act on these items later when it makes decisions regarding common policies.

Department's Portion of Statewide Supplemental Request	Total	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2011-12 Common Policy Allocation True-up (combines Administrative Law Judges and Capital Complex Leased Space)	\$20,300	\$2,609	\$3,765	\$5,025	\$8,901	0.0
Annual Fleet True-up	1,057	1,057	0	0	0	0.0
Department's Total Statewide Supplemental Requests	21,357	3,666	3,765	5,025	8,901	0.0

Staff Recommendation: The staff recommendation for these requests is pending Committee approval of common policy supplementals. **Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee approves common policy supplementals.** If staff believes there is reason to deviate from the common policy, staff will appear before the Committee later to present the relevant analysis.

	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2011-12 Requested Change	FY 2011-12 Rec'd Change	FY 2011-12 Total With Rec'd Change
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DEPARTMENT OF EDUCATION
Robert Hammond, Commissioner

Supplemental #2 - Increase to Spending Authority for Charter School Institute: Administration, Oversight, and Management

(1) MANAGEMENT AND ADMINISTRATION
(D) State Charter School Institute

State Charter School Institute Administration, Oversight, and Management <i>FTE</i>	<u>1,327,971</u> 9.2	<u>1,502,339</u> 10.7	<u>381,728</u> 0.0	<u>130,955</u> 0.0	<u>1,633,294</u> 10.7
Reappropriated Funds	1,327,971	1,502,339	381,728	130,955	1,633,294
State Charter School Institute Emergency Reserve Reappropriated Funds	<u>0</u> 0	<u>0</u> 0	<u>0</u> 0	<u>58,000</u> 58,000	<u>58,000</u> 58,000
Total for Supplemental #2 - Increase to Spending Authority for Charter School Institute: Administration, Oversight, and Management <i>FTE</i>	<u>1,327,971</u> 9.2	<u>1,502,339</u> 10.7	<u>381,728</u> 0.0	<u>188,955</u> 0.0	<u>1,691,294</u> 10.7
Reappropriated Funds	1,327,971	1,502,339	381,728	188,955	1,691,294

JBC Staff Initiated Supplemental - Technical Correction to Fund Sources for Capitol Complex Leased Space

(1) MANAGEMENT AND ADMINISTRATION
(A) Administration and Centrally-Appropriated Line Items

Capitol Complex Leased Space	<u>538,886</u>	<u>561,093</u>	<u>0</u>	<u>0</u>	<u>561,093</u>
General Fund	103,425	81,077	0	0	81,077
Cash Funds	94,638	59,364	0	70,160	129,524
Reappropriated Funds	70,948	144,089	0	(55,733)	88,356
Federal Funds	269,875	276,563	0	(14,427)	262,136

	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2011-12 Requested Change	FY 2011-12 Rec'd Change	FY 2011-12 Total With Rec'd Change
Total for JBC Staff Initiated Supplemental - Technical Correction to Fund Sources for Capitol Complex Leased Space	<u>538,886</u>	<u>561,093</u>	<u>0</u>	<u>0</u>	<u>561,093</u>
<i>FTE</i>	0.0	0.0	0.0	0.0	
General Fund	103,425	81,077	0	0	81,077
Cash Funds	94,638	59,364	0	70,160	129,524
Reappropriated Funds	70,948	144,089	0	(55,733)	88,356
Federal Funds	269,875	276,563	0	(14,427)	262,136

Previously Approved Interim Supplemental #1 - Increase Spending Authority for Gifts, Grants, and Donations

(2) ASSISTANCE TO PUBLIC SCHOOLS
(C) Grant Programs, Distributions, and Other Assistance
(VI) Other Assistance

Appropriated Sponsored Programs	<u>230,030,904</u>	<u>280,780,000</u>	<u>1,800,000</u>	<u>1,800,000</u>	<u>282,580,000</u>
<i>FTE</i>	70.4	74.0	0.0	0.0	74.0
Cash Funds	1,198,306	1,300,000	1,800,000	1,800,000	3,100,000
Reappropriated Funds	4,475,388	4,480,000	0	0	4,480,000
Federal Funds	224,357,210	275,000,000	0	0	275,000,000
Total for Previously Approved Interim Supplemental #1 - Increase Spending Authority for Gifts, Grants, and Donations	<u>230,030,904</u>	<u>280,780,000</u>	<u>1,800,000</u>	<u>1,800,000</u>	<u>282,580,000</u>
<i>FTE</i>	70.4	74.0	0.0	0.0	74.0
Cash Funds	1,198,306	1,300,000	1,800,000	1,800,000	3,100,000
Reappropriated Funds	4,475,388	4,480,000	0	0	4,480,000
Federal Funds	224,357,210	275,000,000	0	0	275,000,000

Totals Excluding Pending Items

EDUCATION

TOTALS for ALL Departmental line items	<u>4,299,893,722</u>	<u>4,336,043,821</u>	<u>2,181,728</u>	<u>1,988,955</u>	<u>4,338,032,776</u>
<i>FTE</i>	500.1	541.6	0.0	0.0	541.6
General Fund	2,801,617,604	2,549,526,139	0	0	2,549,526,139

	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2011-12 Requested Change	FY 2011-12 Rec'd Change	FY 2011-12 Total With Rec'd Change
General Fund Exempt	161,444,485	284,175,417	0	0	284,175,417
Cash Funds	574,977,773	853,103,045	1,800,000	1,870,160	854,973,205
Reappropriated Funds	18,516,066	23,319,283	381,728	133,222	23,452,505
Federal Funds	743,337,794	625,919,937	0	(14,427)	625,905,510

Statewide Common Policy Supplemental Requests

FY 2011-12 Common Policy Allocation True-up

(1) MANAGEMENT AND ADMINISTRATION

(A) Administration and Centrally-Appropriated Line Items

Administrative Law Judge Services	<u>63,725</u>	<u>36,017</u>	<u>2,241</u>	<u>Pending</u>	<u>Pending</u>
Cash Funds	34,303	29,800	1,854		
Reappropriated Funds	29,422	6,217	387		
Capitol Complex Leased Space	<u>538,886</u>	<u>561,093</u>	<u>18,059</u>	<u>Pending</u>	<u>Pending</u>
General Fund	103,425	81,077	2,609		
Cash Funds	94,638	59,364	1,911		
Reappropriated Funds	70,948	144,089	4,638		
Federal Funds	269,875	276,563	8,901		
Total for FY 2011-12 Common Policy Allocation True-up	<u>602,611</u>	<u>597,110</u>	<u>20,300</u>	<u>Pending</u>	<u>Pending</u>
<i>FTE</i>	0.0	0.0	0.0		
General Fund	103,425	81,077	2,609		
Cash Funds	128,941	89,164	3,765		
Reappropriated Funds	100,370	150,306	5,025		
Federal Funds	269,875	276,563	8,901		

	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2011-12 Requested Change	FY 2011-12 Rec'd Change	FY 2011-12 Total With Rec'd Change
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Annual Fleet True-up

(4) SCHOOL FOR THE DEAF AND THE BLIND

(A) School Operations

Vehicle Lease Payments	<u>25,617</u>	<u>23,043</u>	<u>1,057</u>	<u>0</u>	<u>Pending</u>
General Fund	25,617	23,043	1,057	0	
Total for Annual Fleet True-up	<u>25,617</u>	<u>23,043</u>	<u>1,057</u>	<u>Pending</u>	<u>Pending</u>
<i>FTE</i>	0.0	0.0	0.0		
General Fund	25,617	23,043	1,057		

Totals Including Pending Items

EDUCATION

TOTALS for ALL Departmental line items	<u>4,299,893,722</u>	<u>4,336,043,821</u>	<u>2,203,085</u>	<u>1,988,955</u>	<u>4,338,032,776</u>
<i>FTE</i>	500.1	541.6	0.0	0.0	541.6
General Fund	2,801,617,604	2,549,526,139	3,666	0	2,549,526,139
General Fund Exempt	161,444,485	284,175,417	0	0	284,175,417
Cash Funds	574,977,773	853,103,045	1,803,765	1,870,160	854,973,205
Reappropriated Funds	18,516,066	23,319,283	386,753	133,222	23,452,505
Federal Funds	743,337,794	625,919,937	8,901	(14,427)	625,905,510