

An Act

SENATE BILL 23-136

BY SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Buckner, Cutter, Exum, Fields, Hinrichsen, Jaquez Lewis, Marchman, Moreno, Priola, Fenberg;
also REPRESENTATIVE(S) Sirota and Bockenfeld, Bird, Bacon, English, Herod, Lieder, Martinez, McLachlan, Michaelson Jenet, Ricks, Snyder, Story, Velasco, Woodrow, Young.

CONCERNING ADJUSTMENTS TO SCHOOL FUNDING FOR THE 2022-23 BUDGET YEAR, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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

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

(a) The actual funded pupil count for the 2022-23 budget year is lower than anticipated when the appropriation was established in the 2022 legislative session for total program funding for the 2022-23 budget year. However, the at-risk pupil count for the 2022-23 budget year is higher than anticipated when the appropriation was established in the 2022 legislative session for total program funding for the 2022-23 budget year. As a result,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

total program funding, before application of the budget stabilization factor, is \$17,036,588 higher than anticipated when appropriations were established for the 2022 legislative session.

(b) Based on actual local property tax revenue and specific ownership tax revenue available to school districts for the 2022-23 budget year, the local share of total program funding is \$93,419,960 higher than anticipated when appropriations were established in the 2022 legislative session.

(2) It is, therefore, the general assembly's intent to maintain the budget stabilization factor at the dollar amount of the original appropriation from the 2022 legislative session for the 2022-23 budget year, resulting in a decrease of \$76,383,372 to the state share of districts' total program funding.

SECTION 2. In Colorado Revised Statutes, 22-54-104, amend (5)(g)(I)(M) 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 budget stabilization factor as provided in this subsection (5)(g)(I). 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:

(M) That, for the 2022-23 budget year, the sum of the total program funding for all districts, including the funding for institute charter schools, after application of the budget stabilization factor, is not less than ~~eight billion four hundred twenty-two million two hundred sixteen thousand one hundred fifty-nine dollars (\$8,422,216,159)~~ EIGHT BILLION FOUR HUNDRED THIRTY-EIGHT MILLION TEN THOUSAND SIX HUNDRED FORTY-THREE DOLLARS (\$8,438,010,643); 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 subsection (5)(g)(I)(M). For the 2023-24 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 2022-23 budget year.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

SECTION 3. Appropriation to the department of education for the fiscal year beginning July 1, 2022. In Session Laws of Colorado 2022, section 2 of chapter 507, (HB 22-1329), amend Part IV (2)(A), the affected totals, and footnote 8 as Part IV, footnote 8, is amended by section 35 of chapter 237, (HB22-1390), and as affected totals of Part IV are amended by section 6, of chapter 170, (HB 22-1133), as follows:

Section 2. **Appropriation.**

PART IV

DEPARTMENT OF EDUCATION

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

Administration	1,933,064	1,842,724		90,340 ^a	
		(16.5 FTE)		(0.9 FTE)	
Financial Transparency System Maintenance	88,120			88,120 ^a	
				(1.0 FTE)	
School Finance Audit Payments	1,000,000			1,000,000 ^b	
State Share of Districts' Total Program Funding ⁸	4,881,478,895	3,146,804,144	1,088,947,539 ^c	645,727,212^d	

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	4,805,095,523			569,343,840 ^d		
District Per Pupil Reimbursements for Juveniles Held in Jail	10,000			10,000 ^e		
At-risk Supplemental Aid	4,844,358			4,844,358 ^f		
At-risk Per Pupil Additional Funding	5,000,000			5,000,000 ^f		
Additional Funding for Rural Districts and Institute Charter Schools	35,000,000			35,000,000 ^g		
	<u>4,929,354,437</u>					
	4,852,971,065					

^a 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.

^b This amount shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S.

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

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^d Of this amount, ~~\$532,796,349~~ \$456,412,977 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution and \$112,930,863 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, \$51,544,574 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., \$30,043,467 is estimated to be from marijuana sales tax revenues transferred to the State Public School Fund pursuant to Section 39-28.8-203 (1)(b)(I.5)(B), C.R.S., and appropriated pursuant to Section 22-54-139, C.R.S., \$22,695,304 is estimated to be from State Public School Fund reserves, and \$8,647,518 is estimated to be from interest and income earned on the investment of money in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3)(f), C.R.S.

^e 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.

^f These amounts 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 money in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3)(g), C.R.S.

^g This amount shall be from the Rural Schools Cash Fund created in Section 22-54-142 (5), C.R.S.

TOTALS PART IV

(EDUCATION)	\$6,918,784,257	\$3,400,717,115	\$1,088,947,539 ^a	\$1,308,742,524 ^b	\$71,927,208 ^c	\$1,048,449,871 ^d
	<u>\$6,842,400,885</u>			<u>\$1,232,359,152^b</u>		

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

^b Of this amount, \$4,085,344 contains an (I) notation.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

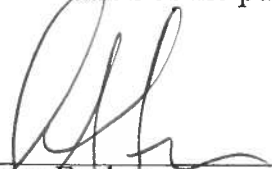
^c Of this amount, \$43,900,000 contains an (I) notation.

^d This amount contains an (I) notation.

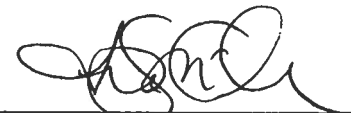
FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

- 8 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Pursuant to Section 22-35-108.5 (2)(b)(II), C.R.S., the purpose of this footnote is to specify what portion of this appropriation is intended to be available for the Teacher Recruitment Education and Preparation (TREP) Program for FY 2022-23. It is the General Assembly's intent that the Department of Education be authorized to utilize up to ~~\$1,737,200~~ \$425,614 of this appropriation to fund qualified students designated as TREP Program participants. This amount is calculated based on an estimated ~~200 FTE~~ 49 FTE TREP Program participants funded at a rate of \$8,686 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, or safety.



Steve Fenberg
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED March 3rd 2023 at 11:47 Am
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO