

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 16-1015.01 Brita Darling x2241

HOUSE BILL 16-1253

HOUSE SPONSORSHIP

Hamner, Young, Rankin

SENATE SPONSORSHIP

Steadman, Grantham, Lambert

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. The general assembly recognizes that, relative to the projections made during the 2015 legislative session:

! The funded pupil count and the at-risk pupil counts were

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 19, 2016

SENATE
2nd Reading Unamended
February 18, 2016

HOUSE
3rd Reading Unamended
February 11, 2016

HOUSE
2nd Reading Unamended
February 10, 2016

- lower than anticipated; and
- ! Local property tax and specific ownership taxes were greater than expected, thereby reducing the state share of total program funding.

The reduction in the funded pupil count and at-risk pupil counts has enabled the general assembly to reduce the dollar amount of the negative factor. Due to variations in the amounts of state aid distributed to school districts, the bill adjusts the minimum amount of total program funding for the 2015-16 budget year.

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

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

4 (a) The actual funded pupil count and the actual at-risk pupil
5 counts for the 2015-16 budget year are lower than anticipated when the
6 general assembly appropriated money for total program funding for the
7 2015-16 budget year during the 2015 regular legislative session, allowing
8 the general assembly to reduce the difference between the actual
9 statewide total program funding and calculated statewide total program
10 funding for the 2015-16 budget year by twenty-four million four hundred
11 seventy-three thousand seven hundred fifty-three dollars;

12 (b) Based on the actual amount of local property tax revenues and
13 specific ownership tax revenues available to school districts for the
14 2015-16 budget year, the local share of total program funding is one
15 hundred thirty-three million five hundred forty-two thousand one hundred
16 seventy-three dollars higher than anticipated when the general assembly
17 appropriated moneys for total program funding for the 2015-16 budget
18 year during the 2015 legislative session; and

19 (c) Therefore, the general assembly finds that maintaining the
20 level of calculated total program funding for the 2015-16 budget year

1 results in a reduction in the amount of the negative factor. Variations in
2 the amounts of state aid distributed to districts require an adjustment in
3 the minium amount of total program funding for the 2015-16 budget year,
4 after application of the negative factor described in section 22-54-104 (5)
5 (g), Colorado Revised Statutes.

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

8 **22-54-104. District total program - definitions.** (5) For
9 purposes of the formulas used in this section:

10 (g) (I) For the 2010-11 budget year and each budget year
11 thereafter, the general assembly determines that stabilization of the state
12 budget requires a reduction in the amount of the annual appropriation to
13 fund the state's share of total program funding for all districts and the
14 funding for institute charter schools. The department of education shall
15 implement the reduction in total program funding through the application
16 of a negative factor as provided in this paragraph (g). For the 2010-11
17 budget year and each budget year thereafter, the department of education
18 and the staff of the legislative council shall determine, based on budget
19 projections, the amount of such reduction to ensure the following:

20 (F) That, for the 2015-16 budget year, the sum of the total
21 program funding for all districts, including the funding for institute
22 charter schools, after application of the negative factor, is not less than six
23 billion two hundred thirty-three million ~~nine hundred fifty-five thousand~~
24 ~~seven hundred thirty-seven~~ EIGHT HUNDRED THIRTY-FIVE THOUSAND
25 FORTY-FOUR dollars (~~\$6,233,955,737~~) (\$6,233,835,044); except that the
26 department of education and the staff of the legislative council shall make
27 mid-year revisions to replace projections with actual figures, including

1 but not limited to actual pupil enrollment, assessed valuations, and
2 specific ownership tax revenue from the prior year, to determine any
3 necessary changes in the amount of the reduction to maintain a total
4 program funding amount for the applicable budget year that is consistent
5 with this sub-subparagraph (F). For the 2016-17 budget year, the
6 difference between calculated statewide total program funding and actual
7 statewide total program funding must not exceed the difference between
8 calculated statewide total program funding and actual statewide total
9 program funding for the 2015-16 budget year.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
<p>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:</p>							
<p>Section 2. Appropriation.</p>							
<p>PART III</p>							
<p>DEPARTMENT OF EDUCATION</p>							
<p>(2) ASSISTANCE TO PUBLIC SCHOOLS</p>							
<p>(A) Public School Finance</p>							
Administration	1,668,768				81,760 ^a	1,587,008 ^b	
					(0.9 FTE)	(17.0 FTE)	
State Share of Districts ¹							
Total Program Funding ^{5,6}	4,088,321,146		2,519,712,880	848,124,468 ^c	720,483,798^d		
	3,954,778,973		2,426,170,707		680,483,798 ^d		
Hold-harmless Full-day							
Kindergarten Funding	7,756,521				7,756,521^e		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	7,806,468				7,806,468 ^a		
2	District Per Pupil						
3	Reimbursements for						
4	Juveniles Held in Jail	25,000			25,000 ^a		
5	At-risk Supplemental Aid	5,094,358			5,094,358 ^c		
6		4,102,865,793					
7		3,969,373,567					
8							

9 ^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
10 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.

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

12 ^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
\$	\$	\$	\$	\$	\$	\$
<p>^d 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.</p> <p>^e 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.</p>						
TOTALS PART III						
(EDUCATION)	\$5,395,441,471	\$2,694,599,324	\$848,124,468 ^a	\$1,172,310,474 ^b	\$29,757,276 ^c	\$650,649,929 ^d
	<u>\$5,261,949,245</u>	<u>\$2,601,057,151</u>		<u>\$1,132,360,421^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, \$3,897,434 contains an (I) notation.

APPROPRIATION FROM

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

1 ^c Of this amount, \$12,784,739 contains an (I) notation.

2 ^d This amount contains an (I) notation.

3

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

5

6 6 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Pursuant to Section
7 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
8 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
9 this appropriation to fund qualified students designated as ASCENT Program participants. This amount is calculated based on an estimated 550 FTE
10 participants funded at a rate of ~~\$6,667~~ \$6,690 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

1 **SECTION 4. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.