

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 20-1007.01 Brita Darling x2241

HOUSE BILL 20-1260

HOUSE SPONSORSHIP

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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 2019-20 BUDGET YEAR,**
103 **AND, IN CONNECTION THEREWITH, MAKING AN 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://leg.colorado.gov/>.)

Joint Budget Committee. The general assembly recognizes that the actual funded pupil count and the actual at-risk pupil count for the 2019-20 budget year are higher than anticipated when the appropriation amount was established during the 2019 legislative session, resulting in an increase in total program for the 2019-20 budget year.

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

SENATE
3rd Reading Unamended
February 13, 2020

SENATE
2nd Reading Unamended
February 12, 2020

HOUSE
3rd Reading Unamended
February 6, 2020

HOUSE
Amended 2nd Reading
February 5, 2020

In addition, specific ownership tax revenue was less than anticipated, but local property tax revenue was more than anticipated, resulting in a net increase in the local share of total program funding. The increase in the local share of total program funding offsets a portion of the increase in total program.

The bill declares the general assembly's intent to maintain the budget stabilization factor at the dollar amount of the original appropriation.

In addition, the total program amount set forth in statute must be increased to reflect the passage of House Bill 19-1262, concerning state funding for full-day kindergarten.

The bill makes an appropriation to increase the state share of total program.

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 count for the 2019-20 school year are higher than anticipated when the
6 appropriation was established in the 2019 legislative session for total
7 program funding for the 2019-20 budget year. As a result, total program
8 funding before application of the budget stabilization factor is
9 \$20,270,119 higher than anticipated when appropriations were
10 established in the 2019 legislative session.

11 (b) Based on actual local property tax revenues and specific
12 ownership tax revenue available to school districts for the 2019-20 budget
13 year, the local share of total program funding is \$11,223,788 higher than
14 anticipated when appropriations were established in the 2019 legislative
15 session, offsetting a portion of the increase in total program;

16 (c) It is the general assembly's intent to maintain the value of the
17 budget stabilization factor at the dollar amount of the original
18 appropriation, requiring an increase in the appropriation for state share of

1 total program of \$9,046,331; and

2 (d) In addition, the total program amount set forth in statute must
3 be increased to reflect the passage of House Bill 19-1262, enacted during
4 the 2019 legislative session, concerning state funding for full-day
5 kindergarten.

6 (2) Therefore, the general assembly finds it necessary to revise
7 total program funding for the 2019-20 budget year and to increase the
8 appropriation for state share of total program.

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

11 **22-54-104. District total program - definitions.** (5) For
12 purposes of the formulas used in this section:

13 (g) (I) For the 2010-11 budget year and each budget year
14 thereafter, the general assembly determines that stabilization of the state
15 budget requires a reduction in the amount of the annual appropriation to
16 fund the state's share of total program funding for all districts and the
17 funding for institute charter schools. The department of education shall
18 implement the reduction in total program funding through the application
19 of a budget stabilization factor as provided in this subsection (5)(g)(I).
20 For the 2010-11 budget year and each budget year thereafter, the
21 department of education and the staff of the legislative council shall
22 determine, based on budget projections, the amount of such reduction to
23 ensure the following:

24 (J) That, for the 2019-20 budget year, the sum of the total program
25 funding for all districts, including the funding for institute charter
26 schools, after application of the budget stabilization factor, is not less than
27 ~~seven billion three hundred eighty-nine million eight hundred eighteen~~

1 ~~thousand five hundred twenty-six dollars (\$7,389,818,526)~~ SEVEN BILLION
2 SIX HUNDRED THREE MILLION NINE HUNDRED SEVEN THOUSAND NINE
3 HUNDRED SEVENTY-SEVEN DOLLARS (\$7,603,907,977); except that the
4 department of education and the staff of the legislative council shall make
5 mid-year revisions to replace projections with actual figures, including
6 but not limited to actual pupil enrollment, assessed valuations, and
7 specific ownership tax revenue from the prior year, to determine any
8 necessary changes in the amount of the reduction to maintain a total
9 program funding amount for the applicable budget year that is consistent
10 with this subsection (5)(g)(I)(J). For the 2020-21 budget year, the
11 difference between calculated statewide total program funding and actual
12 statewide total program funding must not exceed the difference between
13 calculated statewide total program funding and actual statewide total
14 program funding for the 2019-20 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, 2019. In Session Laws of Colorado 2019, section 2 of chapter 454, (SB 19-207), **amend** Part III (2)(A), footnote 5, and the affected totals, as footnote 5 is amended by section 14 of chapter 151, (SB 19-246), Session Laws of Colorado 2019, as follows:

Section 2. **Appropriation.**

PART III

DEPARTMENT OF EDUCATION

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

Administration	2,250,286			511,621 ^a	1,738,665 ^b	
				(0.9 FTE)	(17.0 FTE)	
Financial Transparency						
System Maintenance	600,000			600,000 ^c		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	State Share of Districts'						
2	Total Program Funding ^{4, 5}	4,441,968,290	3,090,817,940	897,710,833 ^d	453,439,517 ^e		
3		4,451,014,621	3,099,864,271				
4	Hold-harmless Full-day						
5	Kindergarten Funding	8,939,591			8,939,591 ^f		
6	District Per Pupil						
7	Reimbursements for						
8	Juveniles Held in Jail	10,000			10,000 ^f		
9	At-risk Supplemental Aid	5,094,358			5,094,358 ^g		
10	At-risk Per Pupil						
11	Additional Funding	5,000,000			5,000,000 ^g		
12		<u>4,463,862,525</u>					
13		4,472,908,856					
14							

APPROPRIATION FROM

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

^a Of this amount, \$425,000 shall be from the Public Education Fund created in Section 39-22-4203 (1), C.R.S., and \$86,621 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 transferred from the State Share of Districts' Total Program Funding line item appropriation in the Assistance to Public Schools section of this department.

^c Of this amount, \$490,000 shall be from the Financial Reporting Fund created in Section 24-44-105 (6)(a), C.R.S., and \$110,000 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.

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

^e Of this amount, \$384,610,880 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution and \$68,828,637 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, \$46,625,020 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., \$13,806,099 is estimated to be from State Public School Fund reserves, and \$8,397,518 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.

^f 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.

APPROPRIATION FROM

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

^g 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.

TOTALS PART III

(EDUCATION)	\$5,851,129,906	\$3,292,413,783	\$897,710,833 ^a	\$999,232,465 ^b	\$42,327,029 ^c	\$619,445,796 ^d
	<u>\$5,860,176,237</u>	<u>\$3,301,460,114</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, \$5,262,144 contains an (I) notation.

^c Of this amount, \$21,600,000 contains an (I) notation.

^d This amount contains an (I) notation.

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

5 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Pursuant to section

APPROPRIATION FROM

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

1 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
 2 Through Concurrent Enrollment (ASCENT) Program for FY 2019-20. It is the General Assembly's intent that the Department of Education be authorized to
 3 utilize up to ~~\$3,888,000~~ \$3,896,500 of this appropriation to fund qualified students designated as ASCENT Program participants. This amount is calculated
 4 based on an estimated 500 FTE participants funded at a rate of ~~\$7,776~~ \$7,793 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, or safety.