

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 20-1260

BY REPRESENTATIVE(S) Esgar and McCluskie, Ransom, Buckner, Buentello, Cutter, Duran, Exum, Melton, Michaelson Jenet, Roberts, Sandridge, Titone, Weissman, Will, Wilson, Young;  
also SENATOR(S) Zenzinger and Rankin, Moreno, Bridges, Priola, Story, Tate, Todd.

CONCERNING ADJUSTMENTS IN THE AMOUNT OF TOTAL PROGRAM FUNDING FOR PUBLIC SCHOOLS FOR THE 2019-20 BUDGET YEAR, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

(a) The actual funded pupil count and the actual at-risk pupil count for the 2019-20 school year are higher than anticipated when the appropriation was established in the 2019 legislative session for total program funding for the 2019-20 budget year. As a result, total program funding before application of the budget stabilization factor is \$20,270,119 higher than anticipated when appropriations were established in the 2019 legislative session.

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*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.*

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

(c) It is the general assembly's intent to maintain the value of the budget stabilization factor at the dollar amount of the original appropriation, requiring an increase in the appropriation for state share of total program of \$9,046,331; and

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

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

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

(J) That, for the 2019-20 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 ~~seven~~

~~billion three hundred eighty-nine million eight hundred eighteen thousand five hundred twenty-six dollars (\$7,389,818,526)~~ SEVEN BILLION SIX HUNDRED THREE MILLION NINE HUNDRED SEVEN THOUSAND NINE HUNDRED SEVENTY-SEVEN DOLLARS (\$7,603,907,977); 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)(J). For the 2020-21 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 2019-20 budget year.

APPROPRIATION FROM

| ITEM &<br>SUBTOTAL | TOTAL | GENERAL<br>FUND | GENERAL<br>FUND<br>EXEMPT | CASH<br>FUNDS | REAPPROPRIATED<br>FUNDS | FEDERAL<br>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 <sup>a</sup><br>(0.9 FTE) | 1,738,665 <sup>b</sup><br>(17.0 FTE) |
| Financial Transparency   |               |               |                          |                                   |                                      |
| System Maintenance   | 600,000       |               |                          | 600,000 <sup>c</sup>              |                                      |
| State Share of Districts'  |               |               |                          |                                   |                                      |
| Total Program Funding <sup>4,5</sup>                               | 4,441,968,290 | 3,090,817,940 | 897,710,833 <sup>d</sup> | 453,439,517 <sup>e</sup>          |                                      |
|  | 4,451,014,621 | 3,099,864,271 |                          |                                   |                                      |
| Hold-harmless Full-day<br>Kindergarten Funding                     | 8,939,591     |               |                          | 8,939,591 <sup>f</sup>            |                                      |
| District Per Pupil<br>Reimbursements for<br>Juveniles Held in Jail | 10,000        |               |                          | 10,000 <sup>f</sup>               |                                      |
| At-risk Supplemental Aid   | 5,094,358     |               |                          | 5,094,358 <sup>g</sup>            |                                      |
| At-risk Per Pupil<br>Additional Funding                            | 5,000,000     |               |                          | 5,000,000 <sup>g</sup>            |                                      |
|  | 4,463,862,525 |               |                          |                                   |                                      |
|  | 4,472,908,856 |               |                          |                                   |                                      |

<sup>a</sup> 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.

APPROPRIATION FROM

| ITEM &<br>SUBTOTAL | TOTAL | GENERAL<br>FUND | GENERAL<br>FUND<br>EXEMPT | CASH<br>FUNDS | REAPPROPRIATED<br>FUNDS | FEDERAL<br>FUNDS |
|--------------------|-------|-----------------|---------------------------|---------------|-------------------------|------------------|
| \$                 | \$    | \$              | \$                        | \$            | \$                      | \$               |

<sup>b</sup> 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.

<sup>c</sup> 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.

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

<sup>e</sup> 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.

<sup>f</sup> 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.

<sup>g</sup> 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 <sup>a</sup> | \$999,232,465 <sup>b</sup> | \$42,327,029 <sup>c</sup> | \$619,445,796 <sup>d</sup> |
| <u>\$5,860,176,237</u> | <u>\$3,301,460,114</u> |                            |                            |                           |                            |

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

<sup>b</sup> Of this amount, \$5,262,144 contains an (I) notation.

<sup>c</sup> Of this amount, \$21,600,000 contains an (I) notation.

<sup>d</sup> 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 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 Through Concurrent Enrollment (ASCENT) Program for FY 2019-20. It is the General Assembly's intent that the Department of Education be authorized to 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 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.

**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.

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KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO