

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0687.01 Nicole Myers x4326

SENATE BILL 13-108

SENATE SPONSORSHIP

Steadman, Hodge, Lambert

HOUSE SPONSORSHIP

Gerou, Duran, Levy

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ADJUSTMENTS IN THE AMOUNT OF TOTAL PROGRAM**
102 **FUNDING FOR PUBLIC SCHOOLS FOR THE 2012-13 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://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. The general assembly recognizes that increases in the funded pupil count and the number of at-risk students have increased the amount required for total program funding for the 2012-13 budget year. Decreases in the amount of property tax and

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
Amended 2nd Reading
February 20, 2013

specific ownership tax revenues available to school districts have also increased the amount of the state share for total program funding for the 2012-13 budget year. Based on these circumstances, the bill increases the minimum level of total program funding for the 2012-13 budget year. The bill also specifies that the minimum level of total program funding for the 2013-14 budget year and each budget year thereafter is an amount equal to the total program funding for the immediately preceding budget year adjusted by the amount necessary to increase the state average per pupil revenues by the rate of inflation.

In addition, the bill clarifies that the state board of education is prohibited from designating a total number of participants in the accelerating students through concurrent enrollment (ASCENT) program in any school year that exceeds the total number of ASCENT program participants that the general assembly approved in the annual general appropriation act for the applicable fiscal year.

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

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

4 (a) Based on the actual funded pupil count and the actual number
5 of at-risk students for the 2012-13 budget year, total program funding is
6 seven million seventy-eight thousand two hundred eighty-nine dollars
7 higher than anticipated when the general assembly appropriated moneys
8 for total program funding for the 2012-13 budget year during the 2012
9 regular legislative session;

10 (b) Based on the actual amount of local property tax revenues and
11 specific ownership tax revenues available to school districts for the
12 2012-13 budget year, the local share of total program funding is six
13 million one hundred seventy-five thousand three hundred eighty-three
14 dollars lower than anticipated when the general assembly appropriated
15 moneys for total program funding for the 2012-13 budget year during the
16 2012 regular legislative session;

17 (c) It is the intent of the general assembly that the amount of total

1 program funding for the 2012-13 budget year, after application of the
2 negative factor described in section 22-54-104 (5) (g), Colorado Revised
3 Statutes, be adjusted to provide additional funding associated with the
4 lower than anticipated property tax and specific ownership tax revenues
5 and the unanticipated increase in the funded pupil count and the number
6 of at-risk students for the 2012-13 budget year.

7 **SECTION 2.** In Colorado Revised Statutes, 22-54-104, **amend**
8 (5) (g) (I) (C); and **add** (5) (g) (I) (D) as follows:

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

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

21 (C) That, for the 2012-13 budget year, the sum of the total
22 program funding for all districts, including the funding for institute
23 charter schools, after application of the negative factor, is not less than
24 ~~five billion two hundred eighty-six million eight hundred ninety-eight~~
25 ~~thousand three hundred eighty-two dollars (\$5,286,898,382)~~ FIVE BILLION
26 TWO HUNDRED NINETY-FOUR MILLION THIRTY-THREE THOUSAND FOUR
27 HUNDRED FORTY-NINE DOLLARS (\$5,294,033,449); except that the

1 department of education and the staff of the legislative council shall make
2 mid-year revisions to replace projections with actual figures including,
3 but not limited to, actual pupil enrollment, assessed valuations, and
4 specific ownership tax revenue from the prior year, to determine any
5 necessary changes in the amount of the reduction to maintain a total
6 program funding amount for the 2012-13 budget year that is consistent
7 with this sub-subparagraph (C).

8 (D) THAT, FOR THE 2013-14 BUDGET YEAR, AND EACH BUDGET
9 YEAR THEREAFTER, THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL
10 DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS,
11 AFTER APPLICATION OF THE NEGATIVE FACTOR, IS NOT LESS THAN THE SUM
12 OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE
13 FUNDING FOR INSTITUTE CHARTER SCHOOLS, AFTER THE APPLICATION OF
14 THE NEGATIVE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR,
15 ADJUSTED BY THE AMOUNT NECESSARY TO ADJUST THE STATE AVERAGE
16 PER PUPIL REVENUES FOR THE APPLICABLE BUDGET YEAR BY THE RATE OF
17 INFLATION, AS DEFINED IN SECTION 22-55-102 (7), FOR THE CALENDAR
18 YEAR ENDING IN THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET
19 YEAR; EXCEPT THAT THE DEPARTMENT OF EDUCATION AND THE STAFF OF
20 THE LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR REVISIONS TO REPLACE
21 PROJECTIONS WITH ACTUAL FIGURES INCLUDING, BUT NOT LIMITED TO,
22 ACTUAL PUPIL ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC
23 OWNERSHIP TAX REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY
24 NECESSARY CHANGES IN THE AMOUNT OF THE REDUCTION TO MAINTAIN A
25 TOTAL PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR
26 THAT IS CONSISTENT WITH THIS SUB-SUBPARAGRAPH (D).

27 **SECTION 3.** In Colorado Revised Statutes, 22-35-108, **amend**

1 (2) (c) (III) as follows:

2 **22-35-108. Accelerating students through concurrent**
3 **enrollment program - objectives - selection criteria - rules.**

4 (2) (c) (III) On or before June 1, 2010, and on or before June 1 each year
5 thereafter, the state board of education shall determine and report to the
6 department how many qualified students the department may designate
7 as ASCENT program participants from each local education provider for
8 the following school year. THE STATE BOARD OF EDUCATION SHALL NOT
9 DESIGNATE A GREATER NUMBER OF ASCENT PROGRAM PARTICIPANTS FOR
10 A SCHOOL YEAR THAN THE NUMBER OF PARTICIPANTS THAT THE GENERAL
11 ASSEMBLY APPROVES FOR FUNDING IN THE ANNUAL GENERAL
12 APPROPRIATION ACT FOR THE APPLICABLE BUDGET YEAR.

13 **SECTION 4. Appropriation to the department of education**
14 **for the fiscal year beginning July 1, 2012.** In Session Laws of Colorado
15 2012, section 48 of chapter 188 (HB 12-1345), **amend** (1) (d) as follows:

16 Section 48. **Appropriation - adjustments in 2012 long bill.**

17 (1) For the implementation of this act, appropriations made in the annual
18 general appropriation act to the department of education for the fiscal
19 year beginning July 1, 2012, are adjusted as follows:

20 (d) The cash funds appropriation for the state share of districts'
21 total program funding is ~~decreased~~ INCREASED by ~~\$228,551~~ \$13,025,121.
22 Said sum is from the state education fund created in section 17 (4) (a) of
23 article IX of the state constitution.

24 **SECTION 5. Appropriation to the department of education**
25 **for the fiscal year beginning July 1, 2012.** In Session Laws of Colorado
26 2012, section 2 of chapter 305 (HB 12-1335), **amend** Part III (2) (A)
27 Footnote 8, as amended by section 50 of chapter 188 (HB 12-1345), as

1 follows:

2 Section 2. **Appropriation.**

3 8 Department of Education, Assistance to Public Schools, Public
4 School Finance, State Share of Districts' Total Program Funding
5 -- Pursuant to Section 22-35-108 (2) (a), C.R.S., the purpose of
6 this footnote is to specify what portion of this appropriation is
7 intended to be available for the Accelerating Students Through
8 Concurrent Enrollment (ASCENT) Program for FY 2012-13. It is
9 the intent of the General Assembly that the Department of
10 Education be authorized to utilize up to ~~\$1,211,689~~ \$1,664,234 of
11 this appropriation to fund qualified students designated as
12 ASCENT Program participants. This amount is calculated based
13 on an estimated ~~205~~ 281.5 FTE participants funded at a rate of
14 ~~\$5,910.68~~ \$5,912.02 per FTE pursuant to Section 22-54-104 (4.7),
15 C.R.S.

16 **SECTION 6. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.