

NOTE: The governor signed this measure on 4/8/2013.

An Act

SENATE BILL 13-108

BY SENATOR(S) Steadman, Hodge, Lambert, Aguilar, Giron, Guzman, Heath, Hudak, Johnston, Jones, Kefalas, Kerr, Nicholson, Schwartz, Todd, Ulibarri, Morse;
also REPRESENTATIVE(S) Gerou, Duran, Levy, Court, Ginal, Hamner, Labuda, Lebsock, Melton, Rosenthal, Ryden, Salazar, Schafer, Williams, Wilson, Young, Ferrandino.

CONCERNING ADJUSTMENTS IN THE AMOUNT OF TOTAL PROGRAM FUNDING FOR PUBLIC SCHOOLS FOR THE 2012-13 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 finds that:

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

(c) It is the intent of the general assembly that the amount of total program funding for the 2012-13 budget year, after application of the negative factor described in section 22-54-104 (5) (g), Colorado Revised Statutes, be adjusted to provide additional funding associated with the lower than anticipated property tax and specific ownership tax revenues and the unanticipated increase in the funded pupil count and the number of at-risk students for the 2012-13 budget year.

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

22-54-104. District total program. (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 negative factor as provided in this paragraph (g). 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:

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

(D) THAT, FOR THE 2013-14 BUDGET YEAR, AND EACH BUDGET YEAR THEREAFTER, THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE NEGATIVE FACTOR, IS NOT LESS THAN THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, AFTER THE APPLICATION OF THE NEGATIVE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR, ADJUSTED BY THE AMOUNT NECESSARY TO ADJUST THE STATE AVERAGE PER PUPIL REVENUES FOR THE APPLICABLE BUDGET YEAR BY THE RATE OF INFLATION, AS DEFINED IN SECTION 22-55-102 (7), FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR; 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 SUB-SUBPARAGRAPH (D).

SECTION 3. In Colorado Revised Statutes, 22-35-108, **amend** (2) (c) (III) as follows:

22-35-108. Accelerating students through concurrent enrollment program - objectives - selection criteria - rules. (2) (c) (III) On or before June 1, 2010, and on or before June 1 each year thereafter, the state board of education shall determine and report to the department how many qualified students the department may designate as ASCENT program participants from each local education provider for the following school year. THE STATE BOARD OF EDUCATION SHALL NOT DESIGNATE A GREATER NUMBER OF ASCENT PROGRAM PARTICIPANTS FOR A SCHOOL YEAR THAN THE NUMBER OF PARTICIPANTS THAT THE GENERAL ASSEMBLY APPROVES FOR FUNDING IN THE ANNUAL GENERAL APPROPRIATION ACT FOR THE

APPLICABLE BUDGET YEAR.

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

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

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

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

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

Section 2. **Appropriation.**

8 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 2012-13. It is the intent of the General Assembly that the Department of Education be authorized to utilize up to ~~\$1,211,689~~ \$1,664,234 of this appropriation to fund qualified students designated as ASCENT Program participants. This amount is calculated based on an estimated ~~205~~ 281.5 FTE participants funded at a rate of ~~\$5,910.68~~ \$5,912.02 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO