

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 2, 2009  
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB09-256 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend the Education Committee Report, dated April 1, 2009, page 1,  
2 strike line 1 and substitute the following:

3 "Amend printed bill, page 3, after line 8, insert the following:

4 "SECTION 2. The introductory portion to 22-54-103 (7) (d) (I),  
5 Colorado Revised Statutes, is amended, and the said 22-54-103 (7) is  
6 further amended BY THE ADDITION OF THE FOLLOWING NEW  
7 PARAGRAPHS, to read:

8 **22-54-103. Definitions - repeal.** As used in this article, unless  
9 the context otherwise requires:

10 (7) "Funded pupil count" means:

11 (d) (I) For THE budget years YEAR commencing on and after July  
12 1, 2008, BUT PRIOR TO JULY 1, 2009, the district's on-line pupil enrollment  
13 for the ~~applicable~~ budget year plus the district's preschool program  
14 enrollment for the ~~applicable~~ budget year plus the district's supplemental  
15 kindergarten enrollment for the ~~applicable~~ budget year plus the greater of:

16 (e) (I) FOR THE 2009-10 BUDGET YEAR, THE DISTRICT'S ON-LINE  
17 PUPIL ENROLLMENT FOR THE BUDGET YEAR PLUS THE DISTRICT'S  
18 PRESCHOOL PROGRAM ENROLLMENT FOR THE BUDGET YEAR PLUS THE

1 DISTRICT'S SUPPLEMENTAL KINDERGARTEN ENROLLMENT FOR THE BUDGET  
2 YEAR PLUS THE GREATER OF:

3 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
4 BUDGET YEAR; OR

5 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
6 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
7 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

8  
9 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
10 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
11 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

12 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
13 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
14 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.

15 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
16 CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e),  
17 A DISTRICT'S FUNDED PUPIL COUNT SHALL INCLUDE THE CERTIFIED PUPIL  
18 ENROLLMENT AND ON-LINE PUPIL ENROLLMENT OF EACH OPERATING  
19 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING  
20 DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE  
21 CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL  
22 ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO  
23 CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION  
24 22-54-104.

25 (f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,  
26 2010, THE DISTRICT'S ON-LINE PUPIL ENROLLMENT FOR THE APPLICABLE  
27 BUDGET YEAR PLUS THE DISTRICT'S PRESCHOOL PROGRAM ENROLLMENT  
28 FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL  
29 KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS  
30 THE GREATER OF:

31 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
32 BUDGET YEAR; OR

33 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
34 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR

1 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

2

3 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
4 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
5 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS.

6 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
7 CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f),  
8 A DISTRICT'S FUNDED PUPIL COUNT SHALL INCLUDE THE CERTIFIED PUPIL  
9 ENROLLMENT AND ON-LINE PUPIL ENROLLMENT OF EACH OPERATING  
10 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING  
11 DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE  
12 CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL  
13 ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO  
14 CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION  
15 22-54-104."

16 Renumber succeeding sections accordingly.

17 Page 4, line 19, strike "FIFTY" and substitute "FORTY";".

18 Page 2 of the committee report, strike lines 10 through 20 and substitute  
19 the following:

20 "Page 6 of the printed bill, line 16, strike "1.54529 + (.00376058" and  
21 substitute "1.50706 + (.00366754";

22 line 20, strike "1.23817 + (.00167825" and substitute "1.20754 +  
23 (.00163672";

24 line 24, strike "1.12120 + (.00020593" and substitute "1.09346 +  
25 (.00020085".

26 Page 7, line 1, strike "1.05302 + (.00005385" and substitute "1.02697 +  
27 (.00005252";

28 line 5, strike "1.02942 + (.00001364" and substitute "1.00396 +  
29 (.00001330";

30 line 9, strike "1.02942" and substitute " 1.00396";".

1 Page 9 of the committee report, strike lines 26 through 31.

2 Page 10 of the committee report, strike lines 1 through 23 and substitute  
3 the following:

4 "Page 31 of the printed bill, line 8, after "(3)", insert "(a)";

5 after line 16 of the printed bill, insert the following:

6 "(b) THE PROVISIONS OF THIS SECTION SHALL BE CONSIDERED A  
7 CATEGORICAL PROGRAM FOR PURPOSES OF FUNDING UNDER SECTION 17 OF  
8 ARTICLE IX OF THE STATE CONSTITUTION."."

9 Page 17 of the committee report, line 25, strike "TIME." and substitute  
10 "TIME.";

11 after line 25 of the committee report, insert the following:

12 "SECTION 33. Article 54 of title 22, Colorado Revised Statutes,  
13 is amended BY THE ADDITION OF A NEW SECTION to read:

14 **22-54-135. Hold-harmless at-risk pupil funding - definitions**  
15 **- repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
16 REQUIRES:

17 (a) "AT-RISK FUNDING DIFFERENTIAL" MEANS THE DIFFERENCE  
18 BETWEEN A DISTRICT'S PER-PUPIL AT-RISK DISTRIBUTION FUNDING  
19 MULTIPLIED BY THE DISTRICT'S FUNDED PUPIL COUNT MINUS ANY PUPILS  
20 ENROLLED IN A DISTRICT CHARTER SCHOOL FOR THE APPLICABLE BUDGET  
21 YEAR AND ONE HUNDRED PERCENT OF THE DISTRICT'S PER-PUPIL AT-RISK  
22 FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN  
23 THE DISTRICT, BUT NOT ENROLLED IN A DISTRICT CHARTER SCHOOL, FOR  
24 THE APPLICABLE BUDGET YEAR.

25 (b) "PER-PUPIL AT-RISK DISTRIBUTION FUNDING" MEANS THE  
26 AMOUNT OF AT-RISK FUNDING, AS DETERMINED PURSUANT TO SECTION  
27 22-54-104(4), RECEIVED BY A SCHOOL DISTRICT FOR THE 2008-09 BUDGET  
28 YEAR DIVIDED BY THE DISTRICT'S FUNDED PUPIL COUNT FOR THE 2008-09  
29 BUDGET YEAR.

30 (c) "PER-PUPIL AT-RISK FUNDING" MEANS THE DISTRICT'S AT-RISK

1 FUNDING DETERMINED PURSUANT TO SECTION 22-54-104 (4) FOR THE  
2 APPLICABLE BUDGET YEAR DIVIDED BY THE NUMBER OF AT-RISK PUPILS  
3 ENROLLED IN THE DISTRICT FOR THE APPLICABLE BUDGET YEAR.

4 (2) FOR THE 2009-10 BUDGET YEAR, AND FOR EACH BUDGET YEAR  
5 THEREAFTER THROUGH THE 2012-13 BUDGET YEAR, A SCHOOL DISTRICT  
6 THAT PAID TO A DISTRICT CHARTER SCHOOL PER-PUPIL REVENUES  
7 CALCULATED PURSUANT TO SECTION 22-30.5-112 FOR THE 2008-09  
8 BUDGET YEAR SHALL RECEIVE HOLD-HARMLESS AT-RISK PUPIL FUNDING  
9 PURSUANT TO THIS SECTION. FOR EACH BUDGET YEAR, THE DEPARTMENT  
10 SHALL CALCULATE THE AMOUNT OF A DISTRICT'S HOLD-HARMLESS AT-RISK  
11 PUPIL FUNDING AS FOLLOWS:

12 (a) FOR THE 2009-10 BUDGET YEAR, ONE HUNDRED PERCENT OF  
13 THE DISTRICT'S AT-RISK FUNDING DIFFERENTIAL;

14 (b) FOR THE 2010-11 BUDGET YEAR, SEVENTY-FIVE PERCENT OF  
15 THE DISTRICT'S AT-RISK FUNDING DIFFERENTIAL;

16 (c) FOR THE 2011-12 BUDGET YEAR, FIFTY PERCENT OF THE  
17 DISTRICT'S AT-RISK FUNDING DIFFERENTIAL; AND

18 (d) FOR THE 2012-13 BUDGET YEAR, TWENTY-FIVE PERCENT OF  
19 THE DISTRICT'S AT-RISK FUNDING DIFFERENTIAL.

20 (3) (a) FOR EACH OF THE 2009-10 THROUGH 2012-13 BUDGET  
21 YEARS, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE  
22 DEPARTMENT THE AMOUNT REQUIRED FOR THE HOLD-HARMLESS AT-RISK  
23 FUNDING PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL  
24 ALLOCATE TO EACH DISTRICT, AS APPLICABLE, THE AMOUNT OF THE  
25 DISTRICT'S HOLD-HARMLESS AT-RISK FUNDING CALCULATED PURSUANT TO  
26 THIS SECTION.

27 (b) THE PROVISIONS OF THIS SECTION SHALL BE CONSIDERED A  
28 CATEGORICAL PROGRAM FOR PURPOSES OF FUNDING UNDER SECTION 17 OF  
29 ARTICLE IX OF THE STATE CONSTITUTION.

30 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

31 **SECTION 34. Appropriation - adjustments to the 2009 long**  
32 **bill.** (1) In addition to any other appropriation, there is hereby

1 appropriated, out of any moneys in the state education fund created in  
2 section 17 (4) (a) of article IX of the state constitution, not otherwise  
3 appropriated, to the department of education, assistance to public schools,  
4 for charter school hold-harmless at-risk pupil funding, for the fiscal year  
5 beginning July 1, 2009, the sum of four million four hundred fifty-nine  
6 thousand eight hundred dollars (\$4,459,800), or so much thereof as may  
7 be necessary, for the implementation of section 22-30.5-112.2, Colorado  
8 Revised Statutes.

9 (2) In addition to any other appropriation, there is hereby  
10 appropriated, out of any moneys in the state education fund created in  
11 section 17 (4) (a) of article IX of the state constitution, not otherwise  
12 appropriated, to the department of education, assistance to public schools,  
13 for school district hold-harmless at-risk pupil funding, for the fiscal year  
14 beginning July 1, 2009, the sum of two million three hundred fifty-three  
15 thousand eight hundred thirty-seven dollars (\$2,353,837), or so much  
16 thereof as may be necessary, for the implementation of section 22-54-135,  
17 Colorado Revised Statutes.

18 (3) For the implementation of this act, appropriations made in the  
19 annual general appropriation act for the fiscal year beginning July 1,  
20 2009, shall be adjusted as follows:

21 (a) The appropriation to the department of education, assistance to  
22 public schools, public school finance, for the state share of districts' total  
23 program funding, is decreased by nine million four hundred three  
24 thousand five hundred ten dollars (\$9,403,510) based on adjustments to  
25 the funded pupil count in section 22-54-103 (7) (e), Colorado Revised  
26 Statutes. Said sum shall be cash funds from the state education fund.

27 (b) The appropriation to the department of education, assistance to  
28 public schools, public school finance, for the state share of districts' total  
29 program funding, is decreased by one hundred forty-two million eighty-  
30 six thousand three hundred fifty-eight dollars (\$142,086,358) based on  
31 adjustments to the size factor and at-risk funding in section 22-54-104,  
32 Colorado Revised Statutes. Said sum shall be cash funds from the state  
33 education fund.

34 (c) The appropriation to the department of education, assistance to  
35 public schools, public school finance, for the state share of districts' total  
36 program funding, is increased by four million five hundred thousand

1 dollars (\$4,500,000) for centers of excellence funding pursuant to section  
2 22-54-104 (4.3), Colorado Revised Statutes. Said sum shall be cash funds  
3 from the state education fund.

4 (d) The appropriation to the department of education, assistance to  
5 public schools, categorical programs, for the English language  
6 proficiency program, shall be decreased by two million two hundred  
7 twenty-three thousand six hundred forty-nine dollars (\$2,223,649). Said  
8 sum shall be cash funds from the state education fund.

9 (e) The appropriation to the department of education, assistance to  
10 public schools, categorical programs, for public school transportation,  
11 shall be decreased by two million four hundred eight thousand four  
12 hundred sixty-one dollars (\$2,408,461). Said sum shall be cash funds  
13 from the state education fund.

14 (f) The appropriation to the department of education, assistance to  
15 public schools, categorical programs, for Colorado vocational act  
16 distributions, shall be decreased by nine hundred sixty-one thousand one  
17 hundred four dollars (\$961,104). Said sum shall be cash funds from the  
18 state education fund.

19 (g) The appropriation to the department of education, assistance to  
20 public schools, categorical programs, for special education - gifted and  
21 talented children, shall be decreased by three hundred eighty-four  
22 thousand six hundred fifty-three dollars (\$384,653). Said sum shall be  
23 cash funds from the state education fund.

24 (h) The appropriation to the department of education, assistance to  
25 public schools, categorical programs, for the expelled and at-risk student  
26 services grant program, shall be decreased by six hundred thirty-five  
27 thousand five hundred dollars (\$635,500). Said sum shall be cash funds  
28 from the state education fund.

29 (i) The appropriation to the department of education, assistance to  
30 public schools, categorical programs, for small attendance center aid,  
31 shall be decreased by ten thousand one hundred sixty-eight dollars  
32 (\$10,168). Said sum shall be cash funds from the state education fund.

33 (j) The appropriation to the department of education, assistance to  
34 public schools, categorical programs, for the comprehensive health

1 education grant program, shall be decreased by one hundred ninety  
2 thousand one hundred two dollars (\$190,102). Said sum shall be cash  
3 funds from the state education fund.

4 (k) The appropriation to the department of education, assistance to  
5 public schools, for charter school capital construction, is increased by  
6 four million six hundred sixteen thousand dollars (\$4,616,000). Said sum  
7 shall be from the general fund.".";

8 after line 26 of the committee report, insert the following:

9 "Page 1, line 101, strike "SCHOOLS." and substitute "SCHOOLS, AND  
10 MAKING AN APPROPRIATION THEREFOR."."

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