

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0211.02 Nicole Hoffman

HOUSE BILL 06-1034

---

HOUSE SPONSORSHIP

**King**, and Benefield

SENATE SPONSORSHIP

**Bacon**, Windels, and Williams

---

House Committees  
Education

House Committees

---

A BILL FOR AN ACT

101 **CONCERNING SPECIAL EDUCATION FUNDING.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Interim Committee on School Finance.** For the 2006-07 through 2010-11 budget years, directs the department of education (department) to incrementally implement per pupil funding for special education services for children with disabilities (special education funding) in order to achieve a statewide per-pupil special education funding amount by the 2011-12 budget year without causing an administrative unit, during the incremental implementation period, to receive a lesser amount of state special education funding than it received in the 2005-06 budget year. Directs the department annually to report to the education committees of

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.*

the general assembly, or any successor committees, its progress in implementing the statewide per pupil special education funding mechanism.

For the 2011-12 budget year and for budget years thereafter, provides for the distribution of a portion of the special education funding through a statewide per pupil amount. Directs the department annually to calculate the statewide per pupil special education funding amount by dividing the amount appropriated for special education funding, minus the amount designated for reimbursements, by the total number of children with disabilities enrolled in all administrative units in the state.

For the 2006-07 budget year and for budget years thereafter, directs the general assembly annually to designate a portion of the amount appropriated for special education funding to be distributed as reimbursement for:

- Tuition costs incurred by administrative units for children with disabilities who are placed in eligible facilities by court order or by a public agency (tuition costs); and
- Costs incurred above a threshold amount in providing special education services for children with disabilities (high costs).

Allows an administrative unit to receive, in addition to the per pupil special education funding amount, reimbursement of up to 50% of the tuition costs incurred and up to 50% of the high costs incurred. If the amount designated is insufficient to allow reimbursement of 50% for all applying and qualifying administrative units, instructs the department to prorate the reimbursements based on the administrative unit's percentage of the statewide aggregate tuition costs and the administrative unit's percentage of the statewide aggregate high costs. To offset the costs incurred in implementing reimbursement provisions of the act, authorizes the department to withhold up to a specified percentage of the amount designated for reimbursements.

Repeals the provisions specifying distribution of special education moneys for orphans who are placed in eligible facilities.

For the 2006-07 budget year, requires 100% of the amount designated for reimbursements to be distributed for reimbursements for tuition costs. For the 2007-08 budget year, authorizes the state board of education (board) to specify the percentages of the amount designated for reimbursements that will be used for reimbursement of tuition costs and reimbursements of high costs. After the 2007-08 budget year, requires the board to specify the percentages of the amounts designated for reimbursement that will be used for reimbursement of tuition costs and reimbursement of high costs. In any year in which the board specifies the amount designated for reimbursement of tuition costs and for reimbursement of high costs, prohibits either purpose from receiving less than 1/3 of the total amount designated for reimbursements. Gives the

board rule-making authority as necessary for implementation of the act.  
Makes conforming amendments.

---

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

2           **SECTION 1.** 22-20-114 (1) (b.7), (1) (b.8), (1) (c), and (3),  
3 Colorado Revised Statutes, are amended, and the said 22-20-114 is  
4 further amended BY THE ADDITION OF THE FOLLOWING NEW  
5 SUBSECTIONS, to read:

6           **22-20-114. Funding of programs.** (1) (b.7) (I) For the 1997-98  
7 budget year ~~and budget years thereafter~~ AND FOR EACH BUDGET YEAR  
8 THROUGH THE 2005-06 BUDGET YEAR, forty-nine million eight hundred  
9 thousand seven hundred fifty-six dollars shall be distributed to each  
10 administrative unit that maintains and operates special education  
11 programs in proportion to the amount of state funding the administrative  
12 unit received for the 1994-95 budget year divided by the appropriation for  
13 the 1994-95 budget year.

14           (II) For the 1997-98 budget year ~~and budget years thereafter~~ AND  
15 FOR EACH BUDGET YEAR THROUGH THE 2005-06 BUDGET YEAR, any  
16 increase in the appropriation made to the department over the amount  
17 distributed in accordance with subparagraph (I) of this paragraph (b.7)  
18 shall be distributed to a school district or the state charter school institute  
19 in proportion to the number of children with disabilities residing in the  
20 district or the number of children with disabilities enrolled in institute  
21 charter schools, divided by the total number of children with disabilities  
22 in the state. The increase in the appropriation to be distributed to school  
23 districts and the state charter school institute pursuant to this paragraph  
24 (b.7) shall be distributed as soon as practicable after the beginning of the  
25 fiscal year. For purposes of this paragraph (b.7), the number of children

1 with disabilities shall be based upon the count taken in December of the  
2 immediately preceding budget year.

3 ~~(b.8) (F) For the 2000-01 budget year and each budget year~~  
4 ~~thereafter, in addition to any other moneys received pursuant to this~~  
5 ~~subsection (1), five hundred thousand dollars shall be distributed to~~  
6 ~~administrative units that have children with disabilities:~~

7 ~~(A) For whom tuition is paid by the administrative units for such~~  
8 ~~children to receive educational services at facilities approved by the state~~  
9 ~~board pursuant to section 22-2-107 (1) (p); and~~

10 ~~(B) For whom parental rights have been relinquished by the~~  
11 ~~parents or terminated by a court, the parents of whom are incarcerated;~~  
12 ~~the parents of whom cannot be located, the parents of whom reside out of~~  
13 ~~the state but the department of human services has placed such children~~  
14 ~~within the administrative unit, or who are legally emancipated.~~

15 ~~(H) Said moneys shall be distributed in each budget year to~~  
16 ~~administrative units based upon each administrative unit's share of the~~  
17 ~~aggregate number of children with disabilities who are specified in~~  
18 ~~subparagraph (F) of this paragraph (b.8); except that no administrative~~  
19 ~~unit shall receive an amount that exceeds the aggregate amount of tuition~~  
20 ~~paid by that administrative unit for such specified children with~~  
21 ~~disabilities to receive educational services at facilities approved by the~~  
22 ~~state board pursuant to section 22-2-107 (1) (p) during the immediately~~  
23 ~~preceding budget year. For purposes of this paragraph (b.8), the number~~  
24 ~~of children with disabilities that are specified in subparagraph (F) of this~~  
25 ~~paragraph (b.8) shall be based upon the count taken in December of the~~  
26 ~~immediately preceding budget year.~~

27 ~~(c) No administrative unit shall receive the amount of funding to~~

1 ~~which it is entitled under the provisions of this subsection (1) unless the~~  
2 ~~administrative unit has provided the department with the data collected~~  
3 ~~concerning special education programs, as required by subsection (3) of~~  
4 ~~this section, including the count of assessed special education students.~~

5 (1.5) (a) THE PROVISIONS OF THIS SUBSECTION (1.5) SHALL APPLY  
6 TO THE DISTRIBUTION OF THE TOTAL AMOUNT OF STATE MONEYS  
7 ANNUALLY APPROPRIATED TO FUND SPECIAL EDUCATION FOR THE 2006-07  
8 BUDGET YEAR AND FOR EACH BUDGET YEAR THROUGH THE 2010-11  
9 BUDGET YEAR, MINUS THE AMOUNT ANNUALLY DESIGNATED BY THE  
10 GENERAL ASSEMBLY IN SAID BUDGET YEARS FOR DISTRIBUTION PURSUANT  
11 TO SUBSECTION (1.7) OF THIS SECTION, PLUS ANY AMOUNT THAT MAY BE  
12 ADDED AS PROVIDED IN PARAGRAPH (d) OF SUBSECTION (1.7) OF THIS  
13 SECTION.

14 (b) BEGINNING IN THE 2006-07 BUDGET YEAR, AND CONTINUING  
15 THROUGH THE 2010-11 BUDGET YEAR, THE DEPARTMENT SHALL  
16 INCREMENTALLY IMPLEMENT THE PER PUPIL FUNDING METHOD DESCRIBED  
17 IN SUBSECTION (1.6) OF THIS SECTION FOR DISTRIBUTING THE AMOUNT  
18 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) OF THE STATE  
19 MONEYS APPROPRIATED TO FUND SPECIAL EDUCATION TO ADMINISTRATIVE  
20 UNITS THAT MAINTAIN AND OPERATE SPECIAL EDUCATION PROGRAMS.  
21 THE DEPARTMENT SHALL INCREMENTALLY IMPLEMENT THE DISTRIBUTION  
22 OF STATE MONEYS AS DESCRIBED IN SUBSECTION (1.6) OF THIS SECTION SO  
23 AS TO ENSURE THAT:

24 (I) BY THE 2011-12 BUDGET YEAR, EACH ADMINISTRATIVE UNIT  
25 RECEIVES A STATEWIDE PER PUPIL AMOUNT OF FUNDING FOR SPECIAL  
26 EDUCATION FOR EACH CHILD WITH DISABILITIES WHO IS ENROLLED IN THE  
27 ADMINISTRATIVE UNIT; AND

1           (II) IN EACH OF THE FIVE BUDGET YEARS OF INCREMENTAL  
2 IMPLEMENTATION, EACH ADMINISTRATIVE UNIT RECEIVES AN AMOUNT OF  
3 FUNDING FOR SPECIAL EDUCATION PURSUANT TO THIS SUBSECTION (1.5)  
4 THAT EQUALS OR EXCEEDS THE AMOUNT OF FUNDING FOR SPECIAL  
5 EDUCATION RECEIVED BY THE ADMINISTRATIVE UNIT PURSUANT TO  
6 SUBSECTION (1) OF THIS SECTION FOR THE 2005-06 BUDGET YEAR.

7           (c) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE  
8 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
9 SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING THE  
10 DEPARTMENT'S PROGRESS IN INCREMENTALLY IMPLEMENTING THE  
11 METHOD DESCRIBED IN SUBSECTION (1.6) OF THIS SECTION FOR  
12 DISTRIBUTING A PORTION OF THE FUNDING FOR SPECIAL EDUCATION.

13           (1.6) (a) THE PROVISIONS OF THIS SUBSECTION (1.6) SHALL APPLY  
14 TO THE DISTRIBUTION OF THE TOTAL AMOUNT OF STATE MONEYS  
15 ANNUALLY APPROPRIATED TO FUND SPECIAL EDUCATION FOR THE 2011-12  
16 BUDGET YEAR AND FOR EACH BUDGET YEAR THEREAFTER, MINUS THE  
17 AMOUNT ANNUALLY DESIGNATED BY THE GENERAL ASSEMBLY FOR  
18 DISTRIBUTION PURSUANT TO SUBSECTION (1.7) OF THIS SECTION, PLUS ANY  
19 AMOUNT THAT MAY BE ADDED AS PROVIDED IN PARAGRAPH (d) OF  
20 SUBSECTION (1.7) OF THIS SECTION.

21           (b) FOR THE 2011-12 BUDGET YEAR AND FOR EACH BUDGET YEAR  
22 THEREAFTER, THE DEPARTMENT SHALL DISTRIBUTE TO EACH  
23 ADMINISTRATIVE UNIT THE STATEWIDE PER PUPIL FUNDING AMOUNT FOR  
24 SPECIAL EDUCATION FOR EACH CHILD WITH DISABILITIES WHO IS ENROLLED  
25 IN THE ADMINISTRATIVE UNIT. THE DEPARTMENT SHALL ANNUALLY  
26 CALCULATE THE STATEWIDE PER PUPIL FUNDING AMOUNT FOR SPECIAL  
27 EDUCATION BY DIVIDING THE AMOUNT OF STATE MONEYS TO BE

1 DISTRIBUTED PURSUANT TO THIS SUBSECTION (1.6) BY THE TOTAL NUMBER  
2 OF CHILDREN WITH DISABILITIES ENROLLED IN ADMINISTRATIVE UNITS IN  
3 THE STATE. THE NUMBER OF CHILDREN WITH DISABILITIES ENROLLED IN  
4 AN ADMINISTRATIVE UNIT SHALL BE BASED UPON THE COUNT TAKEN IN  
5 DECEMBER OF THE IMMEDIATELY PRECEDING BUDGET YEAR.

6 (1.7) (a) (I) FOR THE 2006-07 BUDGET YEAR AND FOR EACH  
7 BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL, BY BILL,  
8 DESIGNATE EITHER A DOLLAR AMOUNT OR A PERCENTAGE OF THE TOTAL  
9 AMOUNT OF STATE MONEYS APPROPRIATED IN THE ANNUAL GENERAL  
10 APPROPRIATION BILL FOR THAT BUDGET YEAR TO BE DISTRIBUTED AS  
11 REIMBURSEMENTS TO ADMINISTRATIVE UNITS IN THE MANNER SPECIFIED  
12 IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (1.7). THE MONEYS  
13 APPROPRIATED FOR THE PURPOSES OF THIS SUBSECTION (1.7) SHALL BE  
14 APPROPRIATED FROM THE GENERAL FUND EXEMPT ACCOUNT CREATED IN  
15 SECTION 24-77-103.6 (2), C.R.S. ANY AMOUNT RECEIVED BY AN  
16 ADMINISTRATIVE UNIT AS REIMBURSEMENT PURSUANT TO THIS  
17 SUBSECTION (1.7) SHALL BE IN ADDITION TO THE AMOUNT RECEIVED BY  
18 THE ADMINISTRATIVE UNIT PURSUANT TO SUBSECTION (1.5) OR (1.6) OF  
19 THIS SECTION.

20 (II) FOR THE 2006-07 BUDGET YEAR, \_\_\_\_\_ OF THE TOTAL  
21 AMOUNT OF STATE MONEYS APPROPRIATED IN THE ANNUAL GENERAL  
22 APPROPRIATION BILL FOR SPECIAL EDUCATION FUNDING FOR CHILDREN  
23 WITH DISABILITIES SHALL BE DISTRIBUTED PURSUANT TO THIS SUBSECTION  
24 (1.7).

25 (b) (I) THE DEPARTMENT SHALL DISTRIBUTE A PERCENTAGE  
26 SPECIFIED IN OR DETERMINED PURSUANT TO SUBSECTION (4) OF THIS  
27 SECTION AS REIMBURSEMENT TO ADMINISTRATIVE UNITS THAT PAID

1 TUITION PURSUANT TO SECTION 22-20-109 IN THE IMMEDIATELY  
2 PRECEDING BUDGET YEAR FOR CHILDREN WITH DISABILITIES WHO ARE  
3 PLACED IN FACILITIES APPROVED BY THE STATE BOARD PURSUANT TO  
4 SECTION 22-2-107 (1) (p) BY ORDER OF A COURT OR BY A PUBLIC AGENCY  
5 AND NOT BY AN ADMINISTRATIVE UNIT. TO RECEIVE REIMBURSEMENT  
6 PURSUANT TO THIS PARAGRAPH (b), AN ADMINISTRATIVE UNIT SHALL  
7 APPLY TO THE DEPARTMENT AND PROVIDE SUCH INFORMATION AS MAY BE  
8 REQUIRED BY RULE OF THE STATE BOARD. AN ADMINISTRATIVE UNIT  
9 SHALL NOT RECEIVE REIMBURSEMENT UNDER BOTH THIS PARAGRAPH (b)  
10 AND PARAGRAPH (c) OF THIS SUBSECTION (1.7) FOR THE SAME COSTS.

11 (II) EACH ADMINISTRATIVE UNIT THAT APPLIES AND QUALIFIES FOR  
12 REIMBURSEMENT PURSUANT TO THIS PARAGRAPH (b) SHALL RECEIVE  
13 REIMBURSEMENT OF FIFTY PERCENT OF THE TUITION COSTS DESCRIBED IN  
14 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b); EXCEPT THAT, IF THE AMOUNT  
15 AVAILABLE FOR DISTRIBUTION PURSUANT TO THIS PARAGRAPH (b) IS  
16 INSUFFICIENT TO PAY EACH APPLYING AND QUALIFYING ADMINISTRATIVE  
17 UNIT FIFTY PERCENT OF SAID TUITION COSTS, EACH APPLYING AND  
18 QUALIFYING ADMINISTRATIVE UNIT SHALL RECEIVE A PRORATED AMOUNT  
19 BASED ON THE ADMINISTRATIVE UNIT'S SHARE OF THE TOTAL AGGREGATE  
20 AMOUNT OF SAID TUITION COSTS INCURRED BY ALL APPLYING AND  
21 QUALIFYING ADMINISTRATIVE UNITS IN THE STATE IN THE PRECEDING  
22 BUDGET YEAR.

23 (c) (I) FOR BUDGET YEARS BEGINNING ON OR AFTER JULY 1, 2007,  
24 THE DEPARTMENT SHALL DISTRIBUTE A PERCENTAGE DETERMINED  
25 PURSUANT TO SUBSECTION (4) OF THIS SECTION AS REIMBURSEMENT TO  
26 ADMINISTRATIVE UNITS FOR COSTS, IN EXCESS OF A THRESHOLD AMOUNT,  
27 INCURRED IN PROVIDING, EITHER DIRECTLY OR BY CONTRACT, SPECIAL



1 EDUCATION SERVICES TO CHILDREN WITH DISABILITIES. THE STATE BOARD  
2 SHALL ESTABLISH THE THRESHOLD AMOUNT AS PROVIDED IN SUBSECTION  
3 (4) OF THIS SECTION. TO RECEIVE REIMBURSEMENT PURSUANT TO THIS  
4 PARAGRAPH (c), AN ADMINISTRATIVE UNIT SHALL APPLY TO THE  
5 DEPARTMENT AND PROVIDE SUCH INFORMATION AS MAY BE REQUIRED BY  
6 RULE OF THE STATE BOARD. AN ADMINISTRATIVE UNIT SHALL NOT  
7 RECEIVE REIMBURSEMENT UNDER BOTH THIS PARAGRAPH (c) AND  
8 PARAGRAPH (b) OF THIS SUBSECTION (1.7) FOR THE SAME COSTS.

9 (II) EACH ADMINISTRATIVE UNIT THAT APPLIES AND QUALIFIES FOR  
10 REIMBURSEMENT PURSUANT TO THIS PARAGRAPH (c) SHALL RECEIVE  
11 REIMBURSEMENT OF FIFTY PERCENT OF THE COSTS INCURRED IN EXCESS OF  
12 THE THRESHOLD AMOUNT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
13 PARAGRAPH (c); EXCEPT THAT, IF THE AMOUNT AVAILABLE FOR  
14 DISTRIBUTION PURSUANT TO THIS PARAGRAPH (c) IS INSUFFICIENT TO PAY  
15 EACH APPLYING AND QUALIFYING ADMINISTRATIVE UNIT FIFTY PERCENT  
16 OF SAID COSTS IN EXCESS OF THE THRESHOLD AMOUNT, EACH APPLYING  
17 AND QUALIFYING ADMINISTRATIVE UNIT SHALL RECEIVE A PRORATED  
18 AMOUNT BASED ON THE ADMINISTRATIVE UNIT'S SHARE OF THE TOTAL  
19 AGGREGATE AMOUNT OF SAID COSTS IN EXCESS OF THE THRESHOLD  
20 AMOUNT INCURRED BY ALL APPLYING AND QUALIFYING ADMINISTRATIVE  
21 UNITS IN THE STATE IN THE PRECEDING BUDGET YEAR.

22 (d) IF THE AMOUNT OF MONEYS DESIGNATED FOR DISTRIBUTION  
23 PURSUANT TO THIS SUBSECTION (1.7) IS GREATER THAN THE AMOUNT OF  
24 MONEYS NECESSARY FOR THE PURPOSES SPECIFIED THIS SUBSECTION (1.7),  
25 ANY UNEXPENDED MONEYS SHALL BE ADDED TO THE MONEYS  
26 DISTRIBUTED PURSUANT TO SUBSECTION (1.5) OR (1.6) OF THIS SECTION.

27 (e) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (1.7)

1 TO THE CONTRARY, THE DEPARTMENT ANNUALLY MAY WITHHOLD A  
2 PORTION OF THE MONEYS DESIGNATED FOR DISTRIBUTION PURSUANT TO  
3 THIS SUBSECTION (1.7) TO OFFSET THE DIRECT COSTS INCURRED IN  
4 IMPLEMENTING THIS SUBSECTION (1.7). THE AMOUNT WITHHELD BY THE  
5 DEPARTMENT SHALL NOT EXCEED \_\_\_\_ PERCENT OF THE AMOUNT  
6 DESIGNATED FOR DISTRIBUTION PURSUANT TO THIS SUBSECTION (1.7) IN  
7 ANY BUDGET YEAR.

8 (3) (a) AN ADMINISTRATIVE UNIT SHALL NOT RECEIVE THE  
9 AMOUNT OF FUNDING TO WHICH IT IS ENTITLED UNDER THE PROVISIONS OF  
10 THIS SECTION UNLESS THE ADMINISTRATIVE UNIT HAS PROVIDED THE  
11 DEPARTMENT WITH THE DATA COLLECTED CONCERNING SPECIAL  
12 EDUCATION PROGRAMS, AS REQUIRED BY PARAGRAPH (b) OF THIS  
13 SUBSECTION (3), INCLUDING THE COUNT OF ASSESSED SPECIAL EDUCATION  
14 STUDENTS.

15 (b) Each administrative unit shall be required to collect only the  
16 data required by the federal government concerning special education  
17 programs. The data collected concerning special education programs  
18 must be provided to the department for an administrative unit to receive  
19 the amount of funding to which it is entitled under the provisions of  
20 ~~subsection (1)~~ of this section.

21 (4) (a) (I) FOR THE 2006-07 BUDGET YEAR, ONE HUNDRED  
22 PERCENT OF THE MONEYS DESIGNATED PURSUANT TO PARAGRAPH (a) OF  
23 SUBSECTION (1.7) OF THIS SECTION SHALL BE AVAILABLE FOR  
24 DISTRIBUTION BY THE DEPARTMENT FOR THE PURPOSES SPECIFIED IN  
25 PARAGRAPH (b) OF SUBSECTION (1.7) OF THIS SECTION, AND THE  
26 DEPARTMENT SHALL NOT DISTRIBUTE ANY PERCENTAGE OF SUCH MONEYS  
27 FOR THE PURPOSES SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (1.7) OF

1 THIS SECTION.

2 (II) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (IV) OF THIS  
3 PARAGRAPH (a), FOR THE 2007-08 BUDGET YEAR, THE STATE BOARD MAY,  
4 BY RESOLUTION, ESTABLISH THE PERCENTAGE OF THE MONEYS  
5 DESIGNATED PURSUANT TO SUBSECTION (1.7) OF THIS SECTION THAT  
6 SHALL BE AVAILABLE FOR DISTRIBUTION FOR THE PURPOSES SPECIFIED IN  
7 PARAGRAPH (b) OF SUBSECTION (1.7) OF THIS SECTION AND THAT SHALL BE  
8 AVAILABLE FOR DISTRIBUTION FOR THE PURPOSES SPECIFIED IN  
9 PARAGRAPH (c) OF SUBSECTION (1.7) OF THIS SECTION. IF THE STATE  
10 BOARD DOES NOT ESTABLISH SUCH PERCENTAGES PURSUANT TO THIS  
11 SUBPARAGRAPH (II) FOR THE 2007-08 BUDGET YEAR, THE DEPARTMENT  
12 SHALL DISTRIBUTE THE MONEYS IN THE SAME MANNER IN WHICH THE  
13 MONEYS WERE DISTRIBUTED IN THE 2006-07 BUDGET YEAR.

14 (III) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (IV) OF THIS  
15 PARAGRAPH (a), FOR THE 2008-09 BUDGET YEAR AND FOR EACH BUDGET  
16 YEAR THEREAFTER, THE STATE BOARD SHALL, BY RESOLUTION, ESTABLISH  
17 THE PERCENTAGE OF THE MONEYS DESIGNATED PURSUANT TO SUBSECTION  
18 (1.7) OF THIS SECTION THAT SHALL BE AVAILABLE FOR DISTRIBUTION FOR  
19 THE PURPOSES SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1.7) OF THIS  
20 SECTION AND THAT SHALL BE AVAILABLE FOR DISTRIBUTION FOR THE  
21 PURPOSES SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (1.7) OF THIS  
22 SECTION.

23 (IV) IN ESTABLISHING THE PERCENTAGE OF THE MONEYS THAT  
24 SHALL BE AVAILABLE FOR DISTRIBUTION FOR THE PURPOSES SPECIFIED IN  
25 PARAGRAPHS (b) AND (c) OF SUBSECTION (1.7) OF THIS SECTION, THE  
26 STATE BOARD SHALL ENSURE THAT:

27 (A) ONE HUNDRED PERCENT OF THE MONEYS DESIGNATED FOR

1 DISTRIBUTION PURSUANT TO SUBSECTION (1.7) OF THIS SECTION IS  
2 ALLOCATED BETWEEN THE PURPOSES SPECIFIED IN PARAGRAPHS (b) AND  
3 (c) OF SUBSECTION (1.7) OF THIS SECTION; AND

4 (B) THE PERCENTAGE ESTABLISHED FOR DISTRIBUTION PURSUANT  
5 TO EACH OF PARAGRAPHS (b) AND (c) OF SUBSECTION (1.7) OF THIS  
6 SECTION IS AT LEAST ONE-THIRD OF THE AMOUNT DESIGNATED PURSUANT  
7 TO PARAGRAPH (a) OF SUBSECTION (1.7) OF THIS SECTION.

8 (b) THE STATE BOARD ANNUALLY BY RESOLUTION SHALL  
9 DETERMINE THE THRESHOLD AMOUNT OF COSTS INCURRED IN PROVIDING  
10 EDUCATIONAL SERVICES TO A CHILD WITH DISABILITIES ABOVE WHICH AN  
11 ADMINISTRATIVE UNIT MAY RECEIVE REIMBURSEMENT AS PROVIDED IN  
12 PARAGRAPH (c) OF SUBSECTION (1.7) OF THIS SECTION.

13 (c) THE STATE BOARD, IN ACCORDANCE WITH ARTICLE 4 OF TITLE  
14 24, C.R.S., SHALL PROMULGATE RULES AS NECESSARY FOR THE  
15 IMPLEMENTATION OF THIS SECTION.

16 **SECTION 2. 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.