

HB1055_L.007

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

HB19-1055 be amended as follows:

- 1 Strike the Finance Committee Report, dated March 4, 2019.
- 2 Strike the Education Committee Report, dated February 7, 2019, and
- 3 substitute:
- 4 "Amend printed bill, page 2, line 3, after "(2)(d)" insert "and (3); and **add**
- 5 "(2)(e)".
- 6 Page 3 of the bill, lines 24 and 25, strike "STUDENTS INCLUDED IN THE
- 7 STATEWIDE FUNDED PUPIL COUNT" and substitute "PUPIL ENROLLMENT, AS
- 8 DEFINED IN SECTION 22-54-103 (10), STATEWIDE REPRESENTED BY
- 9 PUPILS".
- 10 Page 4 of the bill, after line 1 insert:
 - 11 "(e) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2)(e), IF
 - 12 POSSIBLE, OR AS SOON AS POSSIBLE THEREAFTER, THE STATE TREASURER
 - 13 SHALL TRANSFER FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS
 - 14 FROM THE ASSISTANCE FUND TO THE CHARTER SCHOOL FACILITIES
 - 15 ASSISTANCE ACCOUNT OF THE ASSISTANCE FUND CREATED IN SUBSECTION
 - 16 (2)(d) OF THIS SECTION.
 - 17 (3) Subject to annual appropriation, the department may expend
 - 18 moneys in the assistance fund for the purposes of paying the direct and
 - 19 indirect administrative costs, including but not limited to the costs of
 - 20 conducting or contracting for the financial assistance priority assessment
 - 21 required by section 22-43.7-108 (1), incurred by the division, the board,
 - 22 and the department in exercising their powers and duties pursuant to this
 - 23 article, providing financial assistance, making payments required by
 - 24 section 22-43.7-114, and paying any transaction costs necessarily incurred
 - 25 in connection with the provision of financial assistance as authorized by
 - 26 this article. FOR STATE FISCAL YEAR 2020-21, THE GENERAL ASSEMBLY
 - 27 SHALL APPROPRIATE ONE HUNDRED SIXTY MILLION DOLLARS FROM THE
 - 28 ASSISTANCE FUND FOR USE BY THE BOARD IN PROVIDING FINANCIAL
 - 29 ASSISTANCE IN THE FORM OF MATCHING CASH GRANTS ONLY."
- 30 Page 4 of the bill, after line 25 insert:
 - 31 "**SECTION 3.** In Colorado Revised Statutes, **amend** 22-43.7-201
 - 32 as follows:
 - 33 **22-43.7-201. Full-day kindergarten facility capital**

1 **construction fund - creation - grants - definitions.** (1) ~~There is hereby~~
2 ~~established in the state treasury~~ The full-day kindergarten capital
3 construction fund, referred to in this part 2 as the "fund". "FUND", IS
4 HEREBY CREATED IN THE STATE TREASURY. The fund shall consist
5 CONSISTS of any ~~moneys annually appropriated thereto by the general~~
6 ~~assembly for the purposes of this part 2. All interest and income earned~~
7 ~~on the deposit of moneys in the fund shall be credited to the fund. Any~~
8 ~~unexpended and unencumbered moneys remaining in the fund at the end~~
9 ~~of a budget year shall remain in the fund and shall not be credited or~~
10 ~~transferred to the general fund or any other fund.~~ MONEY THAT THE
11 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE
12 STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
13 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE
14 FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY,
15 THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD MAY
16 EXPEND MONEY FROM THE FUND AS SPECIFIED IN THIS PART 2.

17 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS
18 SECTION, the public school capital construction assistance board shall use
19 the ~~moneys~~ MONEY in the fund to provide grants or matching grants to
20 any school district or institute charter school that is undertaking a capital
21 construction project to renovate a facility, rent a facility, or provide a
22 temporary auxiliary facility that will be used in conjunction with
23 providing a full-day kindergarten program. The board shall award a grant
24 or matching grant pursuant to this part 2 to a school district or institute
25 charter school only if, without the grant or matching grant, the school
26 district or institute charter school would be unable to provide a facility in
27 which to offer a full day of kindergarten to more students than were
28 offered a full day of kindergarten in the 2007-08 budget year. For
29 purposes of this part 2, "temporary auxiliary facility" means a temporary
30 building that will be placed on the same campus as a main educational
31 facility.

32 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS
33 SECTION, each budget year, the board shall use fifty percent of the ~~moneys~~
34 MONEY in the fund to provide grants pursuant to this part 2 and fifty
35 percent of the ~~moneys~~ MONEY in the fund to provide matching grants
36 pursuant to this part 2.

37 (4) (a) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT
38 OTHERWISE REQUIRES:

39 (I) "APPLICANT SHARE PERCENTAGE" MEANS, WITH RESPECT TO AN
40 APPLICANT, THE PERCENTAGE OF TOTAL EQUITABLY ADJUSTED FUNDING
41 STATEWIDE FOR BOTH ALL APPLICANTS AND ALL POTENTIAL APPLICANTS
42 WHO DO NOT ACTUALLY APPLY FOR GRANTS AS AUTHORIZED BY THIS
43 SUBSECTION (4) REPRESENTED BY THE EQUITABLY ADJUSTED FUNDING FOR

1 THE APPLICANT.

2 (II) "EQUITABLE ADJUSTMENT FACTOR" MEANS, WITH RESPECT TO
3 BOTH AN APPLICANT AND A POTENTIAL APPLICANT THAT DOES NOT
4 ACTUALLY APPLY FOR A GRANT AS AUTHORIZED BY THIS SUBSECTION (4)
5 THE SUM OF THE APPLICANT'S:

6 (A) SIZE FACTOR, AS DETERMINED PURSUANT TO SECTION
7 22-54-104 (5)(b)(I.5);

8 (B) PERCENTAGE OF ENROLLED PUPILS WHO ARE ELIGIBLE FOR
9 FREE OR REDUCED PRICE LUNCH;

10 (C) PERCENTAGE OF ENROLLED PUPILS WHO ARE ENGLISH
11 LANGUAGE LEARNERS, AS DEFINED IN SECTION 22-24-103 (4); AND

12 (D) PERCENTAGE OF ENROLLED PUPILS WHO ARE SPECIAL
13 EDUCATION STUDENTS.

14 (III) "EQUITABLY ADJUSTED FUNDING" MEANS, WITH RESPECT TO
15 BOTH AN APPLICANT AND A POTENTIAL APPLICANT WHO DOES NOT
16 ACTUALLY APPLY FOR A GRANT AS AUTHORIZED BY THIS SUBSECTION (4)
17 THE PRODUCT OF TOTAL APPLICANT PER PUPIL FUNDING AND THE
18 EQUITABLE ADJUSTMENT FACTOR.

19 (IV) "TOTAL APPLICANT PER PUPIL FUNDING" MEANS, WITH
20 RESPECT TO BOTH AN APPLICANT AND A POTENTIAL APPLICANT WHO DOES
21 NOT ACTUALLY APPLY FOR A GRANT AS AUTHORIZED BY THIS SUBSECTION
22 (4) THE PRODUCT OF THE NUMBER OF CHILDREN ENROLLED IN A FULL-DAY
23 KINDERGARTEN EDUCATIONAL PROGRAM PROVIDED BY THE APPLICANT
24 DURING THE 2019-20 BUDGET YEAR AND THE APPLICANT'S PER PUPIL
25 FUNDING AMOUNT, AFTER APPLICATION OF SECTION 22-54-104 (5)(g), FOR
26 THE 2019-20 BUDGET YEAR.

27 (b) ON JULY 1, 2019, THE STATE TREASURER SHALL TRANSFER
28 TWENTY-FIVE MILLION DOLLARS FROM THE ASSISTANCE FUND TO THE
29 FUND. DURING THE 2018-19 BUDGET YEAR, THE BOARD SHALL ACCEPT
30 APPLICATIONS FROM APPLICANTS THAT WILL PROVIDE A FULL-DAY
31 KINDERGARTEN EDUCATIONAL PROGRAM FOR THE 2019-20 BUDGET YEAR
32 FOR FINANCIAL ASSISTANCE IN THE FORM OF FORMULA-BASED GRANTS IN
33 A TOTAL AMOUNT OF UP TO TWENTY-FIVE MILLION DOLLARS FOR THE
34 2019-20 BUDGET YEAR. THE BOARD SHALL ESTABLISH GRANT
35 APPLICATION REQUIREMENTS AND DEADLINES THAT ALLOW APPLICANTS
36 TO EFFICIENTLY PROVIDE THE INFORMATION NEEDED TO ALLOW THE
37 BOARD TO QUICKLY DETERMINE THE ESTIMATED AMOUNT OF THE
38 FORMULA-BASED GRANT TO BE AWARDED TO EACH APPLICANT AND
39 EXPEDITE DISTRIBUTION OF THE FORMULA-BASED GRANTS.

40 (c) THE AMOUNT OF THE GRANT TO BE PROVIDED TO EACH
41 APPLICANT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION IS
42 DETERMINED BY THE FOLLOWING FORMULA:

43 THE LESSER OF \$25,000,000 X THE APPLICANT SHARE

1 PERCENTAGE OR THE AMOUNT ACTUALLY APPLIED FOR BY
2 THE APPLICANT.

3 ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER FROM THE
4 FUND TO THE ASSISTANCE FUND ANY PORTION OF THE TWENTY-FIVE
5 MILLION DOLLARS PREVIOUSLY TRANSFERRED FROM THE ASSISTANCE
6 FUND TO THE FUND AS REQUIRED BY SUBSECTION (4)(b) OF THIS SECTION
7 THAT IS NOT DISTRIBUTED TO APPLICANTS AS FORMULA-BASED GRANTS
8 DURING THE 2019-20 BUDGET YEAR.

9 (d) ON JULY 1, 2019, OR AS SOON AS FEASIBLE THEREAFTER, THE
10 BOARD SHALL CAUSE TO BE DISTRIBUTED TO EACH APPLICANT EIGHTY
11 PERCENT OF THE ESTIMATED AMOUNT OF THE APPLICANT'S
12 FORMULA-BASED GRANT. AS SOON AS FEASIBLE FOLLOWING THE FINAL
13 DETERMINATION OF STATEWIDE AND APPLICANT FULL-DAY KINDERGARTEN
14 ENROLLMENT FOR THE 2019-20 BUDGET YEAR AND NO LATER THAN
15 FEBRUARY 15, 2020, THE BOARD SHALL DETERMINE THE FINAL AMOUNT
16 OF EACH APPLICANT'S FORMULA-BASED GRANT AND CAUSE TO BE
17 DISTRIBUTED TO EACH APPLICANT ANY ADDITIONAL AMOUNT NEEDED TO
18 ENSURE THAT EACH APPLICANT RECEIVES THE FULL FINAL AMOUNT OF ITS
19 GRANT.

20 (e) AS SOON AS POSSIBLE AFTER RECEIVING EACH DISTRIBUTION
21 DESCRIBED IN THIS SECTION, THE AUTHORIZER FOR A CHARTER SCHOOL
22 THAT OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM
23 SHALL DISTRIBUTE TO THE CHARTER SCHOOL, IN A LUMP SUM, ONE
24 HUNDRED PERCENT OF THE AMOUNT RECEIVED THAT IS ATTRIBUTABLE TO
25 THE FULL-DAY KINDERGARTEN PUPILS ENROLLED IN THE CHARTER
26 SCHOOL.

27 (f) AN APPLICANT MAY EXPEND A FORMULA-BASED GRANT
28 RECEIVED PURSUANT TO THIS SUBSECTION (4) DURING THE 2019-20
29 BUDGET YEAR FOR THE PURPOSE OF ACQUIRING FURNITURE, FIXTURES, OR
30 OTHER FIXED OR MOVEABLE EQUIPMENT, EXCLUDING CONSTRUCTION
31 EQUIPMENT, THAT IS NEEDED TO CONDUCT A FULL-DAY KINDERGARTEN
32 EDUCATIONAL PROGRAM OR A PRESCHOOL EDUCATIONAL PROGRAM."

33 Renumber succeeding sections accordingly.

34 Page 5 of the bill, line 11, strike "PERCENTAGE" and substitute "NUMBER".

35 Page 5 of the bill, line 14, strike "PERCENTAGE" and substitute "NUMBER".

36 Page 6 of the bill, after line 19 insert:

37 **"SECTION 5. Appropriation.** For the 2019-20 state fiscal year,
38 \$50,000,000 is appropriated to the department of education. This

1 appropriation is from the public school capital construction assistance
2 fund created in section 22-43.7-104 (1), C.R.S. To implement this act, the
3 department may use this appropriation for public school capital
4 construction assistance board cash grants.

5 **SECTION 6. Appropriation.** For the 2019-20 state fiscal year,
6 \$25,000,000 is appropriated to the department of education. This
7 appropriation is from the full-day kindergarten facility capital
8 construction fund created in section 22-43.7-201 (1), C.R.S. To
9 implement this act, the department may use this appropriation for grants
10 made pursuant to section 22-43.7-201 (4), C.R.S.

11 **SECTION 7. Appropriation.** For the 2019-20 state fiscal year,
12 \$5,000,000 is appropriated to the department of education. This
13 appropriation is from the public school capital construction assistance
14 fund created in section 22-43.7-104 (1), C.R.S. To implement this act, the
15 department may use this appropriation for public school capital
16 construction assistance board lease payments.

17 **SECTION 8. Appropriation.** For the 2019-20 state fiscal year,
18 \$656,559 is appropriated to the department of education. This
19 appropriation is from the state education fund created in section 17(4)(a)
20 of article IX of the state constitution. To implement this act, the
21 department may use this appropriation for state aid to charter school
22 facilities.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Public School Capital						
2	Construction Assistance						
3	Board - Lease Payments	81,000,000			81,000,000 ^f		
4	Public School Capital						
5	Construction Assistance						
6	Board - Cash Grants ⁵	70,000,000			70,000,000 ^f		
7	Financial Assistance						
8	Priority Assessment	150,000			150,000 ^f		
9	State Aid for Charter						
10	School Facilities	25,000,000			25,000,000^g		
11		<u>29,250,000</u>			29,250,000 ^g		
12		177,557,245					
13		181,807,245					
14							

^f These amounts shall be from the Public School Capital Construction Assistance Fund created in Section 22-43.7-104 (1), C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^g Of this amount, \$20,000,000 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution, and ~~\$5,000,000~~ \$9,250,000 shall be from the Charter School Facilities Assistance Account, an account within the Public School Capital Construction Assistance Fund, created in Section 22-43.7-104 (2)(d), 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.

TOTALS PART III

(EDUCATION)	\$5,683,206,524	\$3,101,068,143	\$885,333,333 ^a	\$1,040,224,578 ^b	\$39,385,509 ^c	\$617,194,961 ^d
	<u>\$5,687,456,524</u>			<u>1,044,474,578^b</u>		

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

^b Of this amount, \$4,046,629 contains an (I) notation.

^c Of this amount, \$20,100,000 contains an (I) notation.

^d This amount contains an (I) notation."

- 1 Renumber succeeding section accordingly.
- 2 Page 1 of the bill, line 108, strike "AND".
- 3 Page 1 of the bill, line 111, strike "SCHOOLS." and substitute "SCHOOLS,
- 4 AND MAKING AN APPROPRIATION.".

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