

UNDERSTANDING COLORADO SCHOOL FINANCE AND CATEGORICAL PROGRAM FUNDING



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Colorado public schools receive funding from a variety of sources. However, most revenues to Colorado's 178 school districts are provided through the Public School Finance Act of 1994 (as amended). In budget year 2012-13, this legislation provides for over \$5.3 billion of funding to Colorado school districts via state taxes (\$3.4 billion), local specific ownership (vehicle registration) taxes (\$132.7 million), and local property taxes (\$1.8 billion). Moneys provided via the Public School Finance Act of 1994 are available to each school district to fund the costs of providing public education.

PUBLIC SCHOOL FINANCE ACT OF 1994 (as amended) **(C.R.S. Article 54 of Title 22)**

The Public School Finance Act of Colorado is a formula used to determine state and local funding amounts for the state's 178 school districts and the Charter School Institute. Total Program is a term used to describe the total amount of money each school district receives under the School Finance Act.

DETERMINING TOTAL PROGRAM (C.R.S. 22-54-104)

A) Counting Pupils

Funding is based on an annual October pupil count. Each school district counts pupils in membership as of the school day nearest October 1 (the official count day). Districts are given an opportunity to provide documentation that a student re-established membership by October 31st for a student who may be absent on the official count day, but was in attendance prior to October 1st.

Generally, pupils in grades 1 through 12 are counted either as full-time or part-time depending upon the number of scheduled hours of coursework. Kindergarten, preschool special education, and a limited number of at-risk preschool (see Colorado Preschool Program discussion below) pupils are counted as part-time.

For most school districts, funding is based on the number of pupils counted in the current school year. However, for a district with an enrollment fluctuating from year to year, funding is based on an average of up to four prior years' October pupil counts and the current year's October pupil count. As such, the impact of annual enrollment variances on funding is softened.

The funded pupil count is defined as the district's "On-line Pupil Count" plus the district's Colorado Preschool Program Pupil Count plus the district's Supplemental Kindergarten Enrollment (.08 of the Kindergarten headcount) , plus the district's ASCENT program pupil enrollment, plus the higher of current year enrollment or the average of 2, 3, 4, or 5 years enrollment.

HB04-1362 established the State Charter School Institute. The Institute will have twenty-three charter schools in FY 2012-13. The institute charter school enrollment is added to the funded pupil count and on-line pupil enrollments of the "accounting district". The accounting district is defined as the school district within whose geographic boundaries an institute charter school is physically located.

School district funded enrollments in budget year 2012-13 are projected to range from 40.6 full-time equivalent (FTE) pupils to 80,796.5 full-time equivalent (FTE) pupils.

- **Colorado Preschool Program (C.R.S. 22-28-101)**

The Colorado Preschool Program's main objective is to provide high quality early education support to children whose existing risk factors increase their chances of early school failure. Districts provide these services in partnership with families and other community resources serving families. In budget year 2012-13, funding is provided for the participation of up to 20,160 children who are eligible to be included in districts' funded pupil counts.

B) Total Program Funding to school districts is based on a per-pupil formula that calculates Total Program. For each pupil funded (see definition of "funded pupil count" above) in the October 1 pupil count, the formula provides a base per-pupil amount of money plus additional money to recognize district-by-district variances in: (a) cost of living, (b) personnel costs, and (c) size. The Total Program amount also includes additional funding for at-risk pupils. As these components vary among school districts, so does the amount of Total Program funding provided.

Starting in FY 2010-11, a new factor was introduced in the school finance formula due to the statewide budget balancing challenges facing Colorado. This new factor was originally called the "State Budget Stabilization Factor" but was renamed the "Negative Factor" beginning in Fiscal Year 2011-12 pursuant to Senate Bill 11-230 ("SB 11-230"). It reduces the amount of funding districts would have received prior to this factors application in an equitable and fair manner. The Negative Factor is detailed further below.

To calculate Total Program, use the following formula:								
Funded Pupil Count (October 1	Times	Total Per- Pupil Funding	Plus	At-risk Funding	Plus	On-line Funding	Plus	Negative Factor

- **Total Per-pupil Funding**

Base Funding -- the base amount of funding for each pupil is \$5,843.26 in budget year 2012-13. **Funding is added to this amount based on the specific factors as outlined below to arrive at a Total Per-pupil Funding amount for each district.**

Cost of Living Factor -- the cost of living factor reflects the differences in the costs of housing, goods, and services among each of the 178 school districts in the state. Cost differences are reviewed every two years to allow for timely recognition of economic changes. This factor is index-based, with a range from 1.011 to 1.650 in budget year 2012-13.

The cost of living calculation changed in FY 2004-05, replacing inflation with the increase in household income level. A district's cost of living factor is increased based on its cost of living increase above the household income increase, rather than its increase above inflation.

Personnel Costs Factor -- the personnel costs factor varies by school district based on enrollment. For all districts, employee salaries and benefits represent the largest single expense. As such, the formula directs funding based on these costs, using historical information and incorporating the above cost of living factor. This factor is projected to range from 79.86% to 90.50% in budget year 2012-13.

Size Factor -- like the above personnel costs factor, the size factor is determined using an enrollment-based calculation and is unique to each school district. This factor is included to recognize purchasing power differences among districts and to reflect the expression of funding on a per-pupil basis.

"Smaller" districts (fewer than 4,023 pupils) receive greater size factors and, thus, increased funding. Districts with greater than 4,023 pupils receive more moderate size factor adjustments.

A district with fewer than 500 pupils in which a charter school operates, receives an additional, compensating adjustment via an increased size factor designed to help mitigate the impacts of such an arrangement in a small district.

Size factors are projected to range from 1.0297 to 2.4312 in budget year 2012-13. Each size factor was reduced by .0045 in FY 2003-04.

At-Risk Funding -- Eligibility for participation in the federal free lunch program is used as a proxy of each school district's at-risk pupil population. Increased funding is provided to recognize that expenses among districts vary, as pupil populations vary, especially at-risk populations. For each at-risk pupil, a district receives funding equal to at least 12%, but no more than 30%, of its Total Per-pupil Funding (see prior discussion). As a district's percentage of at-risk population increases above the statewide average (roughly 37.04%), an increased amount of at-risk funding is provided. At-risk populations are projected to range between 6.14% and 92.14%, as a percentage of the total student population by school district in budget year 2012-13.

A district receives funding for the greater of: (1) each *actual* pupil eligible for the federal free lunch program; or (2) a *calculated* number of pupils based on the number of grades 1-8 pupils eligible for the federal free lunch program as a percent of the district's entire population. Beginning in FY 2005-06 the definition of at-risk students was expanded to include students whose CSAP scores are not included in calculating a school's performance grade because the student's dominant language is not English and who are also not eligible for free lunch.

On-Line Funding – Approximately 14,736 pupils enrolled in a certified Multi-district on-line program are funded at the on-line per pupil amount of \$5,910.68 (after a downward adjustment of 16.11% commensurate with the Negative Factor, discussed below). Pupils enrolled in a Single district on-line program are funded at the districts current per pupil funding amount as calculated below. A Single district program is defined as a district on-line program which enrolls no more than 10 students from another district.

Negative Factor – Starting in FY 2010-11, an additional factor was included in the school finance formula. This factor acts as a reduction to other existing factors and shall not reduce any base per pupil funding districts receive through the school finance formula. In general, this factor is calculated by first determining the total program prior to application of the Negative Factor. Then the Negative Factor reduces this statewide total program to \$5,286,898,382 (a total amount set by the General Assembly for FY 2012-13, in House Bill 12-1345). The difference between the total program amount prior to application of the Negative Factor and the established floor amount of no less than \$5,286,898,382 for total program is utilized to calculate a percentage reduction, that is then applied to each district's respective total program funding amount. This calculation is detailed below:

- (A) = Statewide Total Program after application of the Negative Factor
- (B) = Calculated Total Program prior to application of the Negative Factor
- (C) = Negative Factor reduction $((A / B) - 1 = C)$

$$((A) \$5,286,898,382 / (B) \$6,302,404,142) = 83.89\%$$
$$83.89\% - 1 = (C) <16.11\%>$$

While this reduction is applied to 96% of the school districts, in FY 2012-13, there are school districts in the state (eight in total) whose state share comprises less than 16.11% of their aggregate total program funding due to higher assessed values and local property tax collections. For these districts, the Negative Factor reduces their entire available state share and then requires the districts to reimburse the state categorical funding provided by the state equal to an amount not to exceed 16.11% of the districts total program. These districts would have otherwise been subject to the categorical buyout provision prior to changes made to the school finance formula. The formula change only modified the methodology used for categorical buyouts.

On-line and ASCENT funding amounts are reduced by a commensurate rate as determined by the Negative Factor.

C) *Minimum Total Program*

For budget year 2012-13, each school district is guaranteed Total Program funding consisting of the sum of \$7,320.89 per traditional pupil plus \$7,046 per online pupil. These amounts are adjusted to \$6,141.28 per traditional pupil plus \$5,910.68 per online pupil after application of the Negative Factor. In FY 2007-08 minimum per pupil funding for traditional pupils was increased to represent 94.3% of the state average per pupil funding less on-line funding. Beginning in FY 2008-09 and budget years thereafter, minimum per pupil funding for traditional pupils equals 95% of the state average per pupil funding less on-line funding. In budget year 2012-13, fourteen districts are projected to receive funding based on the Minimum Total Program provision.

D) *Maximum Total Program*

Each school district's annual Total Program per pupil funding cannot exceed 125% of its prior budget year Total Program per pupil funding. For budget year 2012-13, no district is projected to reach this maximum limit.

E) *Limitation on Increases in Total Program*

Each school district's annual revenue and spending growth is limited by its percentage of growth in pupil enrollment plus the rate (percentage) of inflation, in accordance with the Taxpayer's Bill of Rights (TABOR) state constitutional amendment. This limit initially may restrict a district's ability to accept the full amount of funding as determined by the Total Program formula calculation.

In such a case, to subsequently receive the full formula amount of funding, a district must certify to the Colorado Department of Education that receiving the full amount of Total Program funding would not violate its TABOR limit. A district may need to seek voter authorization for an increase to its TABOR limit before being able to make such a certification.

F) Illustration of Total Program Calculation

In budget year 2012-13, Total Program funding for all 178 school districts is projected to range from \$6,141.28 per pupil to \$15,098.72 per pupil, with an average across all districts of \$6,474.24 per pupil.

Illustration Examples	Low PPR	High PPR	On-line PPR
Funded Pupil Count	8,592.4	69.1	43,947.3
Base Funding (BF)	\$5,843.26	\$5,843.26	\$5,843.26
Cost of Living (CL)	1.163	1.175	1.222
Personnel Costs (PL)	88.57%	80.04%	90.50%
Size (SZ)	1.0297	2.3240	1.0297
Total Per-Pupil Funding [SZ*[(BF*CL*PL)+(BF*(1-PL))]]	\$6,885	\$15,482	\$7,226
At-Risk Pupil Count	2,714.0	38.0	14,116.0
"Base" At-Risk Funding 12% * Total Per-pupil Funding	\$826	\$1,858	\$867
"Population" At-Risk Funding district % > state %	N/A	N/A	N/A
Total At-Risk Funding (included in Total Per-Pupil Funding)	\$2,242,452	\$70,597	\$12,239,658
On-line Pupil Count	N/A	N/A	4,863.9
Per-Pupil Funding	N/A	N/A	\$7,046
Total On-Line Funding	N/A	N/A	\$34,271,039
Total Program Formula	\$61,404,954	\$1,140,393	\$328,913,085
Per-Pupil (Pre - Negative Factor)	\$7,146	\$16,504	\$7,484
Total Program Formula Guarantee (Pre - Negative Factor)	\$62,904,015	\$505,873	\$321,733,113
Minimum Per-Pupil Funding Guarantee (Pre - Negative Factor)	\$7,321	\$7,321	\$7,321
<1> Negative Factor -16.11%	(\$10,135,717.79)	(\$183,751.42)	(\$52,997,371.29)
Total Program Funding (Post - Negative Factor)	\$52,768,297	\$956,642	\$275,915,352
Total Program Per-Pupil Funding (Post-Negative Factor)	\$6,141.28	\$13,844.31	\$6,278
<1> As of July 2012, projected student counts and enrollment mixes based on current state law, House Bill 12-1345 (Public School Finance Act), generate the need for a <u>-16.11% Negative Factor in FY 2012-13.</u>			

G) Earmarked Revenue (C.R.S. 22-54-105)

Each school district individually has the discretion, within the limits of existing law, to determine how its Total Program moneys are spent, with one exception required by the state in budget year 2012-13.

1. *Programs for At-Risk Pupils* -- Each school district must allocate at least 75% of its at-risk funding to school or district-wide instructional programs for at-risk pupils or to staff development associated with teaching at-risk pupils in each district.

Prior to FY 2009-10 districts were also required to allocate funds to Instructional Supplies and Materials and Capital and/or Insurance Reserves. However, beginning in FY 2009-10 and continuing into FY 2012-13 districts are no longer required to allocate these funds and district contributions are strictly voluntary. Further, there are no minimum spending requirements for these funds.

There are no restrictions on transferring funds between accounts established and maintained by the district with the exception of any funds remaining in the Capital/Insurance Reserve at the end of FY 2008-09. These funds must be used for the purposes intended at the time they were allocated.

DETERMINING LOCAL SHARE (C.R.S. 22-54-106)

Two local sources of revenues are incorporated into the Public School Finance Act of 1994 (as amended): property taxes and specific ownership (vehicle registration) taxes. Funding for a school district's Total Program is provided first by local sources of revenues (the Local Share); if these local sources are insufficient to fully fund Total Program, state moneys fund any shortfall.

A) Property Taxes

Each school district is required to impose a property tax levy to finance its Local Share of Total Program. The ability to raise money from property taxes varies widely among districts. Differences in tax bases (assessed property values) result in differences in revenues collected, using a given mill levy. Nonetheless, no district's property tax revenues are transferred to any other district; instead, moneys raised remain in the district which imposes the tax.

The county assessor determines the valuation of all property located within a district's boundaries (e.g. residential, commercial, agricultural, oil, and gas). The state is responsible for determining the valuation of public utilities within district boundaries. Regardless of property type, *assessed* valuation is based on a percentage of the property's *actual* value. For example, in budget year 2012-13, residential property is expected to have an assessed valuation equal to 7.96% of its actual value.

One mill of tax is the same as one-tenth of one percent (.001). Therefore, on residential property with an actual value of \$100,000 and, thus, an assessed valuation of \$7,960, each mill of tax raises \$7.96.

Beginning in FY 2007-08, legislation was passed to stabilize school district mill levies. The legislation caps mill levies at 27 mills and freezes mill levies for districts with mill levies of 27 mills or less. This legislation applies to the Total Program mill levy only. It does not affect override, bond, special building and technology, full-day kindergarten excess cost, or transportation mill levies. Additionally, this mill levy cap/freeze does not apply to districts that have not held a successful TABOR election.

The four school districts which have not held a successful TABOR election must levy the least/smallest mill resulting from the following three options: (1) the mill that it levied in the prior year; (2) the mill necessary to entirely pay for its Total Program and categorical programs, less any specific ownership tax revenues and minimum State Share funding received (see subsequent discussion); or (3) the maximum mill allowed by the TABOR constitutional amendment.

Statewide across all school districts, property taxes are projected to provide \$2,192.42 per pupil, or about 33.86% of Total Program funding.

B) Specific Ownership Taxes

Vehicle registration taxes are collected by counties and are shared with school districts. Each district's Local Share includes an amount of specific ownership tax revenue equal to the prior budget year's actual amount received.

Statewide across all school districts, specific ownership taxes are projected to provide \$162.42 per pupil, or about 2.51% of Total Program funding.

DETERMINING STATE SHARE

Funding from the state (State Share) is provided to each school district whose Local Share is insufficient to fully fund its Total Program. Payments of State Share moneys are made monthly to districts and are funded primarily from state income (personal and corporate) and sales and use tax revenues collected.

In budget year 2012-13, State Share financing to districts is projected to range from \$0 per pupil to \$10,452.71 per pupil (0% to 95% respectively, of total program). Starting in FY 2009-10 the guarantee for minimum state aid was eliminated through House Bill 1318 and districts are no longer guaranteed an amount from the state.

Statewide across all school districts, State Share is projected to provide \$4,119.40 per pupil, or about 63.63% of Total Program funding.

OTHER FUNDING

Override Revenues (C.R.S. 22-54-108)

A school district may desire to spend more property tax revenues than authorized/required to fund its Total Program. In this event, a district must seek approval from its voters to raise and expend "override" property tax revenues via an additional mill levy. Override revenues also are permitted for a district whose budget year 1994-95 actual Total Program exceeded its budget year 1994-95 formula calculation (a "hold harmless" district).

Beginning in FY 2009-10, a district's override revenues cannot exceed 25% of its Total Program or \$200,000, whichever is greater, plus an amount equal to the maximum dollar amount of property tax revenue that the district could have generated for FY 2001-02 in a Cost of Living Adjustment election. All override revenues come from increased property taxes; no additional state funding occurs. A district's voter approval to raise and expend "override" revenues does not affect the amount of State Share funding which the district is eligible to receive.

In Fiscal Year 2011-12, 109 districts levied an override mill.

Capital/Building Needs –

Four distinct avenues through which a school district may meet its capital/building needs are discussed below.

1. **Bonded Indebtedness** (C.R.S. 22-42-102) -- A district may hold an election to authorize it to issue bonds to meet its capital needs. Principal and interest payments on bonds are paid from increased property tax revenues generated by a separate, additional mill that the district must be authorized to levy. Generally, a district may not have outstanding bond debt in excess of 20% (25% for rapidly growing districts as defined pursuant to C.R.S. 22-42-104) of its assessed property valuation or 6% of its actual property value, whichever is greater.

School districts considering submitting a ballot question for bonded indebtedness to the electors of the district shall invite each charter school to participate in discussions regarding the possible submission of a ballot question. (See Charter School Section Below)

2. **Special Building and Technology Fund** (C.R.S. 22-45-103(1)(d)) -- A district may hold an election to authorize it to levy up to ten mills for not longer than three years. Moneys generated by this levy are available to fund the purchase of land, the construction, purchase, and maintenance of facilities, and the purchase and installation of building security, instructional, and informational technologies.
3. **Building Excellent Schools Today (B.E.S.T.)** (Article 43.7 of Title 22) -- Provides a new funding structure for school capital construction projects, allowing school districts to enter into certificates of participation for lease-purchase agreements through the State Treasury for construction projects. B.E.S.T. maintains a grant program for school capital construction projects that do not meet the requirements of the lease-purchase program. The B.E.S.T. program brings all capital construction funding under one umbrella for administration and distribution of funds and is intended to replace the remaining obligations of the “Giardino Settlement”
4. **Loan Program for Capital Improvements in “Growth Districts”** (C.R.S. 22-2-125) -- A district which is identified as a “growth district” pursuant to C.R.S. 22-2-125, is eligible to apply for a loan from the State Treasurer. This debt must be voter approved and if a property tax mill levy is the method of repayment, such levy must also be approved at the same time. At the time of the loan application, the district must specify the method of repayment and the terms of repayment may not exceed 10 years. The district must also have voter approval for a repayment period of longer than one year.

If a property tax mill levy will be used to repay the loan, the mill must be no more than 5 mills or a number of mills determined by dividing the latest statewide average per pupil assessed valuation (PPAV) by the latest PPAV of the growth district, whichever is less. If the district’s PPAV is greater than the statewide average PPAV, the growth district may impose an additional property tax levy of no more than 1 mill.

Currently no districts utilize this option.

Contingency Reserve (C.R.S. 22-54-117)

The Colorado State Board of Education is authorized to approve emergency supplemental payments to assist school districts. Such payments must meet applicable statutory guidelines, are made at the discretion of the Board and are subject to the availability of funds.

Charter School Funding (C.R.S. 22-30.5-112)

Charter schools are funded based on the October 1 pupil count as reported to their school district. Charter schools receive 100% of the per pupil revenue for each pupil enrolled in the charter school. The district may charge the charter school for central administrative overhead costs for services actually provided to the charter school.

For charter schools in districts with more than 500 pupils, these central administrative overhead costs may not exceed 5% of district per pupil revenue (see illustration above) for each pupil enrolled in the charter school including on-line pupils.

For charter schools in districts with 500 or fewer pupils, these central administrative overhead costs may not exceed 15% of district per pupil revenue for each pupil enrolled in the charter school including on-line pupils.

A charter school who is an eligible small attendance center will receive 100% of the funding provided to the district for a small attendance center. (C.R.S. 22-54-122(4))

Charter schools that serve students who may be eligible to receive services provided through federal aid programs shall comply with federal reporting requirements to receive the federal aid.

Charter School At-Risk Funding

The alternate at-risk funding calculation applies only to charter schools that are newly created in FY 2004-05 or after; are in a district that has retained exclusive chartering authority; and the district has an at-risk percentage greater than 40%. The intent of the alternate at-risk funding calculation is to provide at-risk money based on the at-risk population served by the charter school.

To calculate the alternate at-risk funding, use the following formula:						
Accounting district's at-risk funding	Divided by	Accounting district's funded pupil count	Times	District charter school's percentage of pupils eligible for free lunch	Divided by	Accounting district's percentage of pupils eligible for free lunch

NOTE: THIS CALCULATION WORKSHEET IS POSTED ON THE SCHOOL FINANCE WEB PAGE.

Supplemental At-Risk Funding

Beginning in FY2012-13, charter schools and districts may qualify for Supplemental At-Risk Funding. A qualifying school district (as defined above) and any of their charter schools which were chartered before July 1, 2004, may be eligible to receive the Supplemental At-Risk Funding. If the district and/or school meet the eligibility criteria, the alternate at-risk funding calculation is performed and compares the at-risk percentage between the district and charter. Supplemental aid is provided to the district or charter school with the greater at-risk percentage. Additionally, the supplemental aid is available for any charter schools in non-qualifying districts that have a

greater percentage of at-risk than their chartering district. Charter School Institute schools which have a lower at-risk percentage than their accounting district also receive a partial amount of supplemental aid.

Charter School Capital Facilities Funding

Pursuant to 22-30.5-404, C.R.S., school districts considering submitting any question of contracting bonded indebtedness to the electors of the district shall invite each charter school to participate in discussions regarding the possible submission of a question, no later than June 1 of the applicable year. Each district is encouraged to voluntarily include funding for the capital needs of the charter schools in the district's question. A charter school that has capital construction needs may seek funding by requesting the district Board of Education to:

1) Include the charter school's capital construction needs in the district's ballot question for approval of bonded indebtedness; or 2) submit a special mill levy ballot question to the voters of the district, upon request of the charter school.

The special mill levy for Charter Schools shall not exceed 1 mill in any year or exceed 10 years in duration for a single ballot question, but multiple ballot questions may be submitted. Costs of the election shall be borne by each charter school to receive revenue from the mill levy in proportion to the pro-rata share, unless other cost-sharing arrangements are agreed upon, or if the district decides to bear some or all of the costs. There are currently no charter schools utilizing this mill levy.

Charter School Capital Construction Funding

In FY 2012-13 State Education Fund moneys to be distributed to charter schools for capital construction is \$6 million. The funds will be distributed based on a per pupil share for all pupils enrolled in a "qualified charter school" that is not operating in a school district facility and half of the per pupil share for "qualified charter schools" operating in a school district facility and that has capital construction costs. No funding is provided to qualified charter schools operating in a school district facility that does not have capital construction costs. Funding is distributed monthly.

Colorado School Finance - Categorical Program Funding

Introduction

In addition to the Total Program funding provided by the Public School Finance Act of 1994 (as amended), Colorado school districts may receive state funding to pay for specific programs designed to serve particular groups of students or particular student needs. Such programs often are referred to as "categorical" programs.

While there are many different programs which are funded, this brochure addresses the six primary categorical program areas which regularly receive state funding: English language proficiency education, gifted and talented education, small attendance centers, special education, transportation, and vocational education.

In budget year 2012-13, the state of Colorado will make available approximately \$232 million in support of these main categorical programs.

Small Attendance Centers (Article 54 of Title 22, CRS)

In budget year 2012-13, it is estimated that roughly 914 pupils in Colorado will attend local schools each with less than a total of 200 pupils enrolled and each located 20 or more miles from any similar school (e.g., elementary) within the same school district.

Districts operating these "small attendance centers" face unique costs attributable to these remote locations. Accordingly, separate state funding is available to school districts facing these challenges. In budget year 2012-13, a total of \$959,379 is projected to be available to 11 school districts operating a total of 13 remote schools.

Allocation of these funds is determined via a formula which incorporates the respective district's total pupil population and the relative burden added by the presence of small attendance center pupils. The total estimated impact of these schools is roughly \$2.9 million. The available state funding will cover about 33% of this amount, while districts provide the remaining 67% from other available funds.

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English Language Proficiency Act (ELPA) (Article 24 of Title 22, CRS)

Currently, it is estimated that approximately 100,000 Colorado public school students (12% of total statewide enrollment) have dominant languages other than English and are functioning below grade level. These students enroll in public school districts speaking 177 different native languages. Spanish speaking students constitute 80% of ELPA-eligible students.

The English Language Proficiency Act (ELPA) recognizes that each of these students educational potential is severely restricted because a language other than English is his/her primary means of communication. Further, it recognizes that transitional programs will improve not only these students' English language skills but also their educational and career opportunities. As such, the Act provides funding to support school district programs for students who are limited-English proficient.

A school district may receive funding based on three classifications of eligible students: A, B, and C. Category A students speak languages other than English and do not comprehend or speak English. Category B students comprehend or speak some English, but their predominant comprehension or speech is in a language other than English. Category C students have dominant languages which are difficult to determine as they comprehend and speak English and at least one other language.

In budget year 2012-13, state funding for this program is projected to total \$14,460,255. Of this total 95% is provided to districts to help fund programs for Category A and Category B students (in budget year 2011-12 approximately 95% was used to fund programs for Category A and Category B students). The remainder is distributed to districts in support of programs for Category

C students. For each eligible student in each district, the Act provides funding for a maximum of two years.

In budget year 2012-13, it is estimated that the state ELPA funding amount provided will support roughly 20% to 25% of the total educational expenditures incurred by districts to address the English language proficiency needs of their students.

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Gifted and Talented Education (Article 20 of Title 22, CRS) & (Article 26 of Title 22, CRS)

Colorado administrative units serve over 63,000 gifted and talented students in Colorado public schools, representing about 6% of the student population. The state Exceptional Children's Educational Act (ECEA) defines gifted students as those *"whose abilities, talents, and potential for accomplishments are so outstanding that they require special provisions to meet their educational needs... Gifted students are capable of high performance in any or a combination of these areas: general intellectual ability, specific academic aptitude, creative and productive thinking, leadership and human relations skills, and visual and performing arts."*

The ECEA statute allows administrative units the opportunity to develop and implement Gifted Education Program Plans unique to the needs of the gifted population within the administrative unit. To that end, administrative units use a variety of methods to deliver a continuum of services for gifted student education. Programming includes differentiated instruction, affective guidance and counseling and a variety of multi-tiered curriculum and instructional options to meet the diverse areas of giftedness. Accountability for the achievement of gifted students is embedded in district and classroom assessment practices and reporting policies. Program accountability is a process of self-evaluation, state monitoring and accreditation requirements. Gifted student achievement data is disaggregated for instructional and informational purposes. All parents and students should have equal access to information and programming regarding Gifted Education in the local area.

In budget year 2012-13, state categorical funding for gifted and talented programs will be \$9,201,106. All administrative units are required to identify and provide services for gifted students. The extent of gifted education programming is dependent upon local resources and State supplemental funds.

State funding may be used for salaries of licensed, endorsed teachers who work with gifted and talented students; staff development and training needed by personnel to address the educational needs of these students; and activities, materials, and equipment associated with the education of gifted and talented students.

Each administrative unit files a 4-year Program Plan for gifted education that outlines essential components: 1) definition of "gifted and talented" students; 2) procedures for recognition and identification; 3) programming options and instructional strategies; 4) evaluation and accountability; 5) personnel involved in gifted programs; and (6) a gifted education program budget. Budget proposals are submitted annually to CDE by administrative units for distribution purposes and targeted goals.

Each administrative unit determines the local contribution towards the AU's program plan. It is estimated that in budget year 2012-13, administrative units will combine state funding with an additional \$30 million from local and other resources to provide educational programs for their gifted students.

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Special Education (Article 20 of Title 22, CRS)

The State Exceptional Children's Act (ECEA) outlines administrative unit (school districts and boards of cooperative educational services) responsibilities for providing special education programs for children with disabilities. The Act recognizes the need to provide educational opportunities to **all** children, and the benefits of providing a continuum of services in the least restrictive environment.

In budget year 2012-13, Colorado administrative units will serve approximately 86,500 students with disabilities, or about 10.1% of the total pupil enrollment. Administrative units will provide services to children between the ages of three and twenty-one who, by reason of one or more of the following conditions, are unable to receive reasonable benefit from general education: long-term physical impairment or illness, significant limited intellectual capacity, significant identifiable emotional disorder, specific learning disability, or speech or language impairment.

State ECEA funding of special education programs for children with disabilities is \$132.4 million for budget year 2012-13.

- Five hundred thousand dollars is available to administrative units specifically for costs incurred for children with disabilities that live in eligible facilities within their boundaries, and for whom (a) parental rights have been relinquished by the parents, (b) parental rights have been terminated by the court; (c) parents are incarcerated; (d) parents cannot be located; or (e) parents reside out of state, but the Department of Human Services has placed the children within the boundaries of the administrative unit, or (f) the children are legally emancipated.
- Four million dollars will be available for grants to administrative units for reimbursement of high costs incurred in providing special education services in the preceding school year. High costs are defined as the costs incurred by an administrative unit above a threshold amount.
- Administrative units will receive \$2.3 million for screening and evaluation of children from birth through two years of age.
- The remaining amount will be distributed as follows:
 - Administrative units will receive \$1,250 for each child reported by the administrative unit on December 1 of the previous year.
 - Administrative units will receive up to an additional \$6,000 for each child reported on its previous December 1 count with the following disabilities: vision disability, hearing disability, deaf-blind, significant identifiable emotional disability, autism, traumatic brain injury, multiple disabilities, and significant limited intellectual capacity. This amount will be prorated based on the amount of the remaining appropriation.

State ECEA moneys can be used to pay for the salaries of special education instructional and support personnel, purchased services (including tuition payments to other administrative units and eligible facilities), supplies and equipment.

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Transportation (Article 51 of Title 22, CRS)

In budget year 2012-13, school districts will provide transportation for an estimated 334,400 students from home to school, from school to home, and from school to school. Daily, about 41% of the total Colorado public school student enrollment uses district-provided transportation.

School districts employ a fleet of over 6,300 buses and small vehicles traveling approximately 59.5 million miles each year. Districts also may opt to contract with private entities to provide student transportation services or may pay parents to transport their children to and from school. Only one Colorado school district elects not to provide some level of transportation services for its students.

The Public School Transportation Fund provides state moneys annually to school districts to help defray student transportation expenses incurred. Moneys are provided to cover operating expenses such as driver salaries, fuel, and repairs. However, state funding generally is not available to cover capital costs such as school bus purchases. Payment to districts from the Public School Transportation Fund is provided on a reimbursement basis for the twelve-month period ending each June 30.

Each district is eligible to receive a \$0.3787 (37.87 cents) per-mile-traveled reimbursement. Further, each district may receive funding equal to 33.87% of its total costs remaining after the per-mile-traveled reimbursement (the "excess costs" reimbursement).

It is likely that school district total transportation expenses in budget year 2011-12 (for reimbursement in budget year 2012-13) will equal roughly \$205 million. Of this amount, approximately \$87 million will be eligible for state reimbursement using the per-mile-traveled and excess cost reimbursement formula above. In budget year 2012-13, state funding to reimburse school districts' prior-year transportation expenses equals \$50.8 million. State funding will cover only about 58% of districts' total reimbursement claims.

To make up such a shortfall, a school district generally relies upon other, local sources of revenues already available to it. However, a district may opt to generate additional local revenues to support its transportation program via an additional mill levy to generate increased property tax revenues or via a separate transportation user fee. The additional mill levy requires school board support and voter approval. Beginning in FY 2005-06, a district may impose a transportation user fee without prior voter approval. A district is required to have a school board resolution to establish the user fee schedule. Prior to adopting a resolution, the district must hold a public meeting and provide notice of the meeting at least 30 days prior to the meeting date. Currently, only ten districts have received voter approval to levy separate mills to generate increased

property tax revenues to help fund total transportation costs. A number of districts have begun to collect separate user fees for transportation; this information is being collected on the CDE-40 Transportation Reimbursement Claim form.

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Vocational Education (Article 8 of Title 23, CRS)

Roughly 82% of Colorado school districts provide career and technical educational (CTE) opportunities to their students. Programs are designed to provide students with occupational skills and related knowledge to meet identified needs of business and industry. While these offerings are provided through local school districts, administration of state funding for these programs as well as program approvals and monitoring, research, and professional development are provided through the State Board for Community Colleges and Occupational Education.

In budget year 2012-13, state funding in support of school district-offered career and technical education programs is projected to total approximately \$24.2 million. Funding is provided on a per-pupil basis to districts to cover the cost of instructional personnel, supplies, equipment, and instructional services provided by cooperating agencies or institutions.

For State Board-approved programs, this funding is available to a school district if its CTE program costs exceed 70% of the per-pupil funding otherwise available to it via the Public School Finance Act of 1994. Specifically, the state will cover up to 80% of the first \$1,250 of these "excess" costs, and 50% of any excess costs over \$1,250.

In budget year 2010-11, district CTE program expenses were just over \$83 million, of which \$22.7 million was eligible for state reimbursement. Available state funding covered 100% of the \$22.7 million, while districts provided the balance from other, local sources.

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"Buyout" of Categorical Program Funding

In limited instances, an individual school district may **not** receive state funding for the categorical programs listed above. Instead, it may be required to use **local** property tax revenues to fund these programs.

Specifically, a district may be capable of funding its entire Total Program using only specific ownership taxes and property taxes. In this case, such a district must fund the above categorical programs where possible by setting an additional levy to generate property tax revenue in an amount equal to the amount of categorical support funds. The district thus "buys out" state funding of these programs using the additional property tax revenues generated by the increased mill levy. The total of the two levies cannot exceed the lesser of the district's levy for the immediately preceding year; the districts allowable levy under the property tax revenue limitation

imposed by TABOR, if the district has not obtained voter approval to retain and spend revenues in excess of such property tax revenue limitation; or twenty-seven mills.

In budget year 2012-13, current projections indicate that four districts will be required to buy out a portion of their state categorical program funding.

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