

MEMORANDUM



To JBC Members
From JBC Staff
Date March 20, 2025
Subject Figure Setting Comeback Packet 6

Included in this packet is staff comeback memos for the following items:

Department of Education, page 2, (Andrea Uhl): School Finance Comebacks – R2/BA7
Categorical Programs Increase (Tabled)

Department of Local Affairs, page 5, (Andrea Uhl): Defense Counsel on First Appearance Grant
Program FY 2025-26

Judicial Department, page 6, (Alfredo Kemm): State Courts comebacks

Department of Personnel, page 8, (Tom Dermody): EDO, Personal Services [Technical
Correction]

Department of Transportation, page 9, (Michelle Curry): Roll Forward of ARPA Add-on to Long
Bill



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee Members
From: Andrea Uhl, JBC Staff (303-866-4956)
Date: Thursday, March 20, 2025
Subject: [School Finance Comebacks – R2/BA7 Categorical Programs Increase \(Tabled\)](#)

R2/BA7 Categorical Programs Increase and Line Item Detail for Categorical Programs subdivision

The Constitution requires an increase of at least \$12,453,135 for categorical programs in FY 2025-26. Additionally, the General Assembly's stated intent in Section 22-20-114 (1)(c)(III)(D), C.R.S., is to "increase funding for special education services as necessary for the 2023-24 budget year and budget years thereafter to fully fund special education services". Staff's figure setting recommendation was for an increase of \$23.3 million from the State Education Fund, including \$18.6 million for special education programs for children with disabilities. The recommendation exceeded the minimum required increase by \$10.8 million to fully fund special education and provide increases for the other categorical program lines.

Section 22-20-114 (1.3), C.R.S., requires the Tier A per pupil amount for special education and the lump sum of funding provided by recent legislation outside of the Long Bill to be increased annually by inflation. **The cost of meeting the inflationary requirement specific to special education is a \$13.1 million increase for FY 2025-26, which is \$5.5 million less than meeting the intent of fully funding special education.** This results in prorated Tier B funding of \$5,798 per pupil, compared to the maximum of \$6,000 per pupil.

Based on the Committee's guidance during figure setting, staff's **revised recommendation is a \$17.8 million increase from the State Education Fund** to increase special education funding as statutorily required and also provide increases to the other line items as requested, with an additional \$827,701 for Gifted and Talented consistent with the annualization required by S.B. 23-287 for expanded screening. The increase for line items other than special education for children with disabilities is based on a model that distributes the required \$12.5 inflationary increase across all eight categories based on the gap between state/federal funding and district expenditures and each program's proportion of that \$1.3 billion gap. Special education is then recommended at the higher amount discussed above while the other seven categories are recommended based on the expenditure gap model.

Table A shows the revised recommendation compared to the request. Staff also recommends approval of line item detail for categorical programs, which matches the amounts in *Table A*. *Table B* shows state and local funding compared to expenditures for each program.

Table A: Revised Staff Recommendation for FY 2025-26

Long Bill Line Item	Department Request				Revised Staff Recommendation			
	Dept. Amend 23 Request	Salary Survey (SEF only)	SB 23-287 Annualization	Total SEF Request	Amend 23 Staff Rec. ¹	Salary Survey (SEF only)	SB 23-287 Annualization	Total SEF Rec.
Special education programs for children with disabilities	\$8,637,999	\$0	\$0	\$8,637,999	\$13,129,622	\$0	\$0	\$13,129,622
English language proficiency programs	\$1,263,836	\$0	\$0	\$1,263,836	\$1,263,836	\$0	\$0	\$1,263,836
Public school transportation	1,616,980	11,112	0	1,628,092	1,616,980	0	0	1,616,980
Career and technical education	695,875	0	0	695,875	695,875	0	0	695,875
Special education programs for gifted & talented children	230,414	4,184	0	234,598	230,414	0	827,701	1,058,115
Expelled and at-risk student services grant program	2,785	19,776	0	22,561	2,785	0	0	2,785
Small attendance center aid	2,189	0	0	2,189	2,189	0	0	2,189
Comprehensive health education	3,057	14,328	0	17,385	3,057	0	0	3,057
Subtotal: Everything but special education for children with disabilities	\$3,815,136	\$49,400	\$0	\$3,864,536	\$3,815,136	\$0	\$827,701	\$4,642,837
Total Increase, All Categoricals	\$12,453,135	\$49,400	\$0	\$12,502,535	\$16,944,758	\$0	\$827,701	\$17,772,459
Increase above Amendment 23 requirement								\$5,319,324
Difference from original recommendation								-\$5,507,595

¹ An increase of \$13.1 million for special education is the amount required to comply with Section 22-20-114 (1.3), C.R.S., to increase the Tier A amount and additional amounts in statute by inflation annually.

Note: Staff recommends federally-funded salary survey increases as requested for Special education for children with disabilities and English language proficiency programs of \$601,817 and \$20,378, respectively. Those lines also include informational federal funds increases of \$44,355,653 and \$416,794, respectively.

Table B: Categorical Program Revenues and Expenditures: FY 2022-23

	(a)	(b)	(c) = (a) + (b)	(d)	(e) = (c)/(d)	(f) = (d) - (c)
Long Bill Line Item	State Funds	Federal Funds	Total State and Federal Funds	Total District Expenditures	State/Federal Share of Expenditures	Local Share of Expenditures
District Programs Required by Statute						
Special Education - Children with Disabilities ^a	\$340,347,798	\$170,873,032	\$511,220,830	\$1,325,624,999	39%	\$814,404,170
English Language Proficiency Program ^b	69,650,967	9,779,156	79,430,123	255,957,445	31%	176,527,321
Other Categorical Programs						
Public School Transportation	\$64,439,895	\$0	\$64,439,895	\$290,292,950	22%	\$225,853,055
Career and Technical Education	28,644,361	5,740,963	34,385,324	131,582,165	26%	97,196,841
Special Education - Gifted and Talented Children	12,538,874	0	12,538,874	44,722,101	28%	32,183,227
Expelled and At-Risk Student Services Grant Program	8,820,400	0	8,820,400	9,209,453	96%	389,053
Small Attendance Center Aid	1,314,250	0	1,314,250	1,619,968	81%	305,718
Comprehensive Health Education	699,412	0	699,412	1,126,461	62%	427,049
Total	\$526,455,957	\$186,393,151	\$712,849,108	\$2,060,135,542		\$1,347,286,434

^a State funding includes Public School Finance Act funding for preschool children with disabilities.

^b State funds include funding through the English Language Learner factor included in the school finance formula/total program calculation.



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee Members
From: Andrea Uhl, JBC Staff (303-866-4956)
Date: Thursday, March 20, 2025
Subject: **Department of Local Affairs – Defense Counsel on First Appearance Grant Program FY 2025-26**

During figure setting for the Department of Local Affairs, the Committee moved to eliminate the Defense Counsel on First Appearance Grant Program. The program had a FY 2024-25 appropriation of \$1.5 million; staff recommended an appropriation of \$715,000 for FY 2025-26 and statutory change to exclude municipalities of over 100,000 from the program. Because the program is allowed to expend the FY 2024-25 appropriation through FY 2025-26, staff advised that the program would require some remaining funding for staff to administer outstanding contracts through FY 2025-26.

The Department is requesting \$108,454 and 0.5 FTE through FY 2025-26 to manage reporting requirements and compliance review for expiring grants, provide technical support for grant agreements outstanding through FY 2025-26, and create the required annual report in December 2025 for agreements active that calendar year. **Staff recommends approval of this administrative funding, which will annualize to \$0 in FY 2026-27.** The Committee also approved legislation to repeal the program from statute after FY 2025-26; the content of the bill draft has already been approved for introduction.



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee
From: Alfredo Kemm, JBC Staff (303-866-4549)
Date: Wednesday, March 19, 2025
Subject: **JUD – State Courts comebacks**

Staff offers additional considerations on two comebacks submitted by the State Courts.

Comeback for ITCAP01/BA5 Judicial Case Management System: Request to fund \$1.0m General Fund for this project.

The comeback requests \$1.0 million General Fund for the second year of the Judicial Case Management System (CMS) project.

FigSet staff rec (and JBC action): Approve \$3.2 million cash funds from the Judicial IT Cash Fund. Place this appropriation in Information Technology Projects section of Long Bill. Denial of \$4.0 million General Fund requested for the second year of this project until the Committee made decisions on IT Capital projects.

Updated Staff Recommendation: Staff recommends the comeback request if the Committee believes it has the capacity to fund this item with General Fund.

Comeback for R3 Aurora Municipal Domestic Violence Policy: Request for \$242,156 General Fund and 3.2 FTE for FY 2025-26

The comeback request identifies \$242,156 General Fund and 3.2 FTE for FY 2025-26. This request annualizes to \$1.5 million General Fund for FY 2027-28 and \$2.0 million General Fund for FY 2027-28, for a total of 17.6 FTE of Probation Officers hired over two years.

FigSet staff rec (and JBC action): Denial of the request for \$2.9 million General Fund and 24.4 FTE for 19.0 Probation Officers, 3.2 FTE Probation Supervisors, and 4.4 FTE support staff for FY 2025-26. The request annualized to \$3.0 million General Fund and 26.6 FTE in future years.

Updated Staff Recommendation: Staff recommends that the Committee could consider funding the first year of Probation Officers requested in the comeback request and denying the second year of Probation Officers. The State Courts should bring a request for FY 2026-27 for future year staff for this item.

Staff consideration: At figure setting, Committee members expressed concern about not funding any of this request. Staff recommended that the Committee request a comeback from

the State Courts for something less than the original request that could be more reasonably considered for funding.

The comeback has stripped away all staff except the Probation Officer positions. Additionally, the request staggers hiring that would provide 8.8 FTE Probation Officers in the first year and 8.8 FTE Probation Officers in the second year.

The first year would have 2.0 FTE hired on October 1, 2025, 3.0 FTE hired on February 1, 2026, and 3.8 FTE hired on April 1, 2026.

The second year would have 4.0 FTE hired on July 1, 2026 and 4.8 FTE hired on October 1, 2026.

As stated above, staff recommends that the Committee could consider funding the first year of the comeback plan. Staff recommends that the State Courts bring the request for the second year of the request as a FY 2026-27 request item.



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee Members
From: Tom Dermody, JBC Staff (303-866-4963)
Date: Thursday, March 20, 2025
Subject: [Dept. of Personnel – EDO, Personal Services \[Technical Correction\]](#)

During figure setting for the Department of Personnel on February 7, 2025, the recommended appropriation for the Department’s Executive Director’s Office, Personal Services line item contained a technical error. The line item’s reappropriated funds, which originate as indirect cost recoveries, was not adjusted in accordance with the Committee’s decision regarding Operating Common Policies. To comply with the Committee’s approved Operating Common Policies, the Personal Services line item needs to be adjusted as shown in the following table.

Staff Revised Recommendation - Personnel, EDO, Personal Services						
Item	Total Funds	General Fund	Cash Funds	Reappro. Funds	Federal Funds	FTE
Figure setting	\$2,650,333	\$0	\$0	\$2,650,333	\$0	20.6
Revised recommendation	2,650,333	35,837	0	2,614,496	0	20.6
Difference	\$0	\$35,837	\$0	-\$35,837	\$0	0.0



Joint Budget Committee Staff

Memorandum

To: Members of the Joint Budget Committee
From: Michelle Curry, JBC Staff (303-866-2062)
Date: March 20, 2025
Department: Transportation
Subject: Staff Comeback – Roll Forward of ARPA Add-on to Long Bill

The Committee approved roll-forward of funds that originated as Federal ARPA dollars within the Department of Transportation. Originally, staff anticipated this add-on running as part of the larger bill concerning ARPA funds. However, the Office of Legislative Legal Services has advised that this roll forward should run as part of the Long Bill.

Staff requests permission to include roll forward authority for \$113.6 million within the Department's Multimodal Transportation and Mitigation Options Fund until December 31, 2026. Any unexpended funds from this total would revert back to the General Fund on January 1, 2027. This roll forward would come in the form of an add-on to this year's long bill.