COLORADO SCHOOL FINANCE PROJECT

Support Children - Support The Future

Changing Colorado's School Finance Formula

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Introduction

For many years, the Colorado legislature–and specifically the Joint Budget Committee (JBC) and Interim Committee on School Finance–has indicated a desire and a directive to re-evaluate and change Colorado's school finance funding formula. The Colorado School Finance Project (CSFP) has extensive background and expertise in the areas of school finance and funding formulas.

Given that changes to school finance can be very complex, we want to assist stakeholders with background building and context that we hope will help develop understanding and build capacity for the conversations that lie ahead. This document is meant to provide background information that is accessible to education leaders, legislators and other interested stakeholders to enable informed participation by representatives from all levels of the education system.

Current Context

For several years, Colorado lawmakers have been focused on updating the school finance formula. The school finance formula is part of the overall funding mechanism intended to provide "a thorough and uniform system of free public schools" as outlined in the Colorado Constitution. In addition to the finance formula, districts receive categorical and other funding streams to serve students.

The most recent iteration of the Legislative Interim Committee on School Finance was created in the 2021 legislative session by HB21-1325 and it was fundamentally charged with studying "how to modernize the 'Public School Finance Act of 1994' to make the school finance formula more transparent, equitable, and student-centered." The Committee met during the 2021 and 2022 legislative interim sessions and introduced bills in the 2022 and 2023 legislative sessions. While it did introduce bills that were ultimately passed, the Interim Committee's work did not result in significant changes to the formula.

In order to move the work to modernize the formula forward, the legislature used the 2023 School Finance Act, SB23-287, to create the Public School Finance Task Force. The Task Force is convened by the Commissioner of Education and its 17 members are appointed by legislative leadership. Members represent various stakeholder groups, including Superintendents, CFOs, and school finance experts. The Task Force will meet between July and December 2023. Its overall task is to study and make recommendations concerning "making the school finance formula simpler, less regressive, and more adequate, understandable, transparent, equitable, and student-centered."

Broadly, the **SB23-287 Task Force** is charged with two areas of work:

1) **Recommending changes to factors in the school finance formula to be enacted for the 2024-25 budget year**. Specifically the Task Force is asked to consider and recommend adjustments to the following factors, described in more detail below: personnel and non-personnel cost factors; size factor; cost of living factor; and factors designed to serve students with additional needs such as at-risk, English learner and special education.
2) **Developing the parameters for a study, commonly called an adequacy or costing out study,** "to examine and make recommendations concerning the components and costs necessary to adequately provide Colorado students a free and uniform public education." The Task Force will develop a Request for Proposal (RFP) to assist the Department of Education in hiring two vendors to complete two versions of the study by January 2025.

SB23-287 Task Force Work

The Task Force was given two charges. It is important to understand how the two areas of work for the Task Force interact and intersect. In the second area, the commissioning of a costing out analysis, the legislature has acknowledged the need to step back and complete a study that will define an adequate level and method of school funding in Colorado. Inherent in this action by the legislature is the question of whether the current funding formula is adequate, equitable, sustainable and adaptive.

The costing out study will provide information regarding the parameters needed to ensure students can meet state education standards. This includes the base amount of funding needed for every student in the state and will likely include adjustments for special education, English Language learners, and students living in poverty. In addition, adjustments for district characteristics such as size or isolation will also be examined. The completion of these studies will be in time for the 2025-26 funding year.

The Task Force is also asked to consider changes to the funding formula to be implemented in the 2024-25 funding year. There are many complex considerations the Task Force, stakeholders and legislators will have to examine regarding recommendations to the legislature for any formula changes. ***The current formula is very complicated, and changing one element or factor often results in unintended consequences or downstream impacts. For this reason, we strongly encourage the Task Force to consider ways to make changes holistically rather than in isolation. It would be ideal to delay any changes until after the completion of the costing out studies so that recommended changes can be considered based on the costing out analysis. If a set of revisions is made to the parameters for 2024-25, and then those parameters are re-evaluated and revised again as a result of the costing out studies, this will result in confusion, uncertainty and unpredictability for districts.***

Absent other constraints, an ideal order of operations for making significant changes to the formula would be:

1) Complete a costing out study to determine recommendations for:
    a) An adequate funding level for the base, which reflects all required expenditures for districts to meet state standards and provide a thorough and uniform educational program;
    b) Adequate and equitable weights, adjustments, or factors that should be applied to the base to account for student needs (at-risk, English language learners, special education, etc.) and district conditions (size, cost of living, personnel costs, etc.).
2) Model the recommendations, collect stakeholder input, determine district-specific as well as statewide impacts, and make final policy decisions.
3) Pursue statutory change to codify the new formula.
4) Make a multi-year plan to implement the new formula. This timeline may be driven by cost, changes to systems and/or district impacts.

We understand that the General Assembly and the Task Force don't live in an ideal world, and that there is urgency around making changes to the formula. We also hope there are ways for the Task Force to balance the short-term tasks outlined in SB23-287–for example, making recommendations regarding regressive or multiplicative factors–within the context of the longer term work of completing the costing out studies.

Chapter 1: Colorado's School Finance Formula

Total Program Funding
Colorado's school finance formula provides funding to school districts each year that is known as "Total Program Funding." Note that, currently, all of the factors described below are multiplicative. As each of these pieces are evaluated, it should be examined whether the multiplicative nature of the current system is appropriate. At the highest level, the formula uses the following inputs:

- ***Number of funded pupils:***
  - *Current Practice:* This is an adjusted figure that represents the number of fundable Full Time Equivalent (FTE) pupils. Total FTE is a subset of the district's actual enrollment or head count and is also known as Funded Pupil Count (FPC), or those attending no matter if full or part time. Students may be counted as a 1.0 or a .5 FTE depending on their schedule, program and circumstance. The formula currently uses the best of current enrollment or two-to-five-year average enrollment to calculate their FPC, which serves to mitigate enrollment declines.
  - *Additional Considerations*: Thinking about how students are counted is very important. One option would be to simply count students who are enrolled in a district, known as membership, and not consider whether they are full or part time. Some states, instead, use average daily attendance and or average daily membership. As districts' enrollment moves up and down, there has been discussion in Colorado about whether the formula should average enrollment over three to five years to soften the changes, or whether the formula should simply use a one year count of students. The latter would be very difficult for districts to manage as it could lead to significant changes year-to-year in a district's funding.

- ***Base funding:***
  - *Current Practice:* The base funding amount is set by the legislature each year and it grows by inflation. Base funding is adjusted by the district-level factors to generate the district's preliminary Per Pupil Revenue (PPR). PPR is then multiplied by the district's Funded Pupil Count. The formula then adds funding for students with certain characteristics to generate the district's Total Program.
  - *Additional Considerations:* The base should reflect the cost of educating a student with no special needs in a district without any unique circumstances. The base should fund the district to meet all state minimum standards articulated in statute. The base represents the resources that ALL districts need, such as salaries, staff development, additional time, technology, software, materials, class size, mental health supports, reading specialists, counselors, etc.

- ***Formula Factors:***
  - *Current Practice:* Factors currently in the formula are applied to the base to adjust it for each district's unique set of circumstances as well as the needs of students in the district. Currently the factors are:
    - *Factors applied at the district level* include the cost of living factor (only applied to personnel costs) and size factor.
    - *Factors applied at the student level* include English Language Learner (ELL), online, extended high school and at-risk.
  - *Additional Considerations:* When considering adjustments to the cost of living factor, it is worth examining whether the current approach, which focuses on the costs of living faced by district employees, is the most reflective of the actual cost of doing business for a district. Other elements that could be considered include an examination of the comparable wages between

education personnel and other industries, or the cost of doing business related to providing education.

When considering adjustments to the size factor, it is worth examining whether enrollment alone is sufficient to determine economy of scale issues. Another characteristic that could be considered is the remoteness of the district, or its distance from a major urban area.

For student-level adjustments, both the scale of the adjustments, and the way that students are counted, should be examined. Finally, in a revised formula, certain factors could interact with one another. An example would be adjusting–up or down–the size factor depending on other demographic characteristics in the district.

Deeper Dive into the Formula Components

The purpose of a **base funding** level is to determine the resources needed to provide an adequate educational program to a student before considering special needs of students or districts. In order to determine an adequate level for the base, policymakers need to consider both the requirements of state standards and statute, and the resources needed by all schools and districts given current conditions.

Items to consider in the base reflect legislation that is to be implemented by districts. There is a cost to implementation. An example is the READ Act, which greatly increased requirements for teaching reading or the implementation of a new state assessment. Often, the legislature provides some implementation funding for new requirements. However, this funding is often insufficient to cover the actual ongoing costs associated with the new requirements. Ultimately, these ongoing costs should be incorporated into the base.

Secondly, current conditions impact the educational and other services schools and districts must provide. An example of this is the COVID pandemic. We know that students have increased mental and social emotional health needs post-pandemic, and schools are increasingly bearing the cost of providing those supports. Many of these supports are currently funded via time-limited grants. Grants are time-consuming to apply for, and may not be accessible to small and rural districts due to human capital and time constraints. Grant funding is not permanent, these supports should be included in the base for all districts.

The needed base funding level in Colorado has never been evaluated. The dollar amount for the base was established in 2000 by Amendment 23, which requires an annual financial adjustment based on inflation and growth.The amount was not, and is not, aligned to the specific educational needs of students in the state. The 2000 figure has simply grown based on inflation, and growth since 2000.. For example, because the inflation rate for calendar year 2023 was 8 percent, an 8 percent increase was the minimum increase for FY 2023-24 required by Amendment 23. Growing the base by inflation does address some core inflationary costs but doesn't address what the base funding should mean for students in the state..

Base funding currently accounts for approximately 75% of the funding that goes to schools via the formula. The **SB23-287 Task Force** has been charged with evaluating and recommending changes to the factors in the school finance formula that are applied to the base level of funding. These factors are described in more detail below.

Formula Factors Applied at the District Level

The following factors are applied based on district context and circumstance.

Cost of Living

The cost of living factor adjusts the base up to account for how expensive it is for district employees to live in their community versus another. This adjustment is based on an analysis of the cost of a basket of goods in every community across the state conducted every two years. A district with a very low cost of living might have a cost of living factor of 1.015, or a 1.5% upward adjustment. A district with a very high cost of living might have a cost of living factor of 1.065, or a 65% upward adjustment. The cost of living factor accounts for approximately 15% of Total Program funding statewide. If the cost of these items in a district rises more than the increase in the statewide average teacher salary for the same time period, the cost of living factor for that district is adjusted up.

State statute assumes that the biggest impact of a cost of living increase for a district will be on the wages the district has to offer in order to recruit and retain staff. Therefore, the cost of living factor is only applied to the portion of base funding that can be attributed, on a percentage basis, to personnel costs.

> *Personnel costs:* The personnel cost factor is the percentage of a district's expenditures that can be attributed to personnel. Typically, this percentage is lower in smaller districts, and higher in larger districts.
> *Non-personnel costs:* The non-personnel costs factor is 100% minus the personnel costs factor, or percentage.

Size

The size factor in the formula is designed to mitigate economies of scale for small districts and is based on enrollment. Small districts work to provide a similar educational opportunity as larger districts and must provide many of the same services, but have a smaller enrollment base to fund those costs. For example, Districts work to provide a robust educational opportunity for students regardless of their size, including a diverse course of study. Additionally, every district needs a Superintendent, someone to run payroll, and facilities to prepare meals. But some districts have hundreds or thousands of students to fund those expenditures, others have under 50. The size factor currently accounts for approximately 4% of the funding that goes to schools via the formula.

The factors described above are applied within the formula in a specific order, and changing one part of the calculation necessarily results in downstream impacts. These impacts will have to be closely studied and modeled to avoid unintended consequences.

Funding for Students with Special Needs

It is commonly accepted in school finance research that students with special needs require additional resources in order to meet state standards. Special needs students include special education, at-risk, ELL, and gifted students. These additional resources may include specific resources, such as additional instructional staff, after-school programs, summer school programs, additional social and emotional support for students, or specific services related to the Individual Education Plans (IEPs) of special education students.

Colorado currently provides two ways of funding for the special needs populations described above. First, at-risk and ELL students are funded within the state's funding formula. Second, special education, gifted students and additional support for ELL students are funded through direct payments to districts known as categorical funding. Currently, the funding for these special needs populations is not based on any quantifiable analysis of student need, but is simply based on historical funding or the amount of funding available.

Formula Factors Applied at the Student Level
There are two factors for students with special needs that flow through the school finance formula.

English Language Learner
The General Assembly added an English Language Learner (ELL) factor to the formula starting in 2022-23. These are students who are either non-English proficient or who have limited English proficiency as measured by the state-approved ELL assessment. Students are funded for the first 5 years of education, then the district must provide resources if necessary to accomplish educational expectations.

Districts receive 8% of their PPR for each ELL student in their count. This currently accounts for approximately 0.5% of the funding that is distributed through the formula.

At-Risk
Districts receive additional funding for each student identified as at-risk of failing or dropping out of school. The measure for whether a student is at risk is whether the student is low income therefore qualifying for free or reduced price lunch as measured by the National School Lunch Program.

Districts receive 12% of their PPR for each at-risk student in their count. Districts may also receive a premium above this amount for higher proportions of at-risk students as compared to the statewide average. At-risk funding currently accounts for approximately 5% of Total Program funding statewide.

The COVID pandemic accelerated concerns with using eligibility for free or reduced price lunch as the qualifier for at-risk funding. With all schools providing free meals during the pandemic, families were disincentivized from completing the paperwork required by the National School Lunch Program. This led to concerns about undercounting at-risk students. In both 2020-21 and 2021-22, the General Assembly allocated additional funds, known as mitigating funds, at the mid-year budget process to account for what were presumed to be artificially low counts of at-risk students.

There has been a national movement away from using free and reduced price lunch eligibility as an at-risk measure. Other states have been pursuing alternate measures, and in the 2022 session the Colorado legislature followed suit with the passage of HB22-1202. The bill outlined requirements for a new at-risk measure and asked a task force to recommend how to implement the new model. The new model replaces the current system with:

- The use of an Identified Student Percentage (ISP), consisting of students who receive public benefits (SNAP, TANF, etc.), are categorically eligible for free meals (foster, homeless, migrant, runaway, Head Start) or are participating in Medicaid or the Children's Basic Health plan; and
- The use of a neighborhood socioeconomic index that uses a student's census block and various neighborhood factors to weight student needs.

HB22-1202 directed the implementation of the new at-risk measure to start in the 2023-24 school year. However, the task force recommended a one-year delay in response to a lack of availability of data to model the new measure. In the 2023 School FInance Act (SB23-287), the legislature formalized this delay and asked the task force and the Department to perform detailed modeling in advance of implementation, presumably, in 2024-25.

There are numerous unresolved and unknown issues related to the new at-risk measure including a lack of available data for modeling as well as a lack of consensus about a few elements of the model by the task force. It is also unknown whether the General Assembly will consider adding new funding to the at-risk factor when it implements the new measure. Much more information should be available in the Fall of 2023. The General Assembly has asked the Department to refine the new measure and provide modeling with actual district data by early 2024.

Categoricals

Categoricals funding is outside the school finance act that supports Special Education, ELL, Gifted and Talented, Career and Technical Programs, transportation and small attendance centers. Amendment 23 stipulates that categorical funding overall must increase by inflation each year, this does not mean every categorical will have an increase. In 2022-23, for example, the General Assembly put the entire amount of inflationary growth toward special education, and all of the other categorical funding streams remained flat from the previous year.

It is important to note that, for all of the categoricals, the state provides only a fraction of the funding that districts spend to serve these populations of students with special needs. The amounts the state allocated for 2020-21, and the percentage of actual expenditures covered by those funds, are shown below for the three student groups[1]:

Student Group	Amount of State Funding, 2020-21	% of District Costs Covered, 2020-21
Special education	$241M	34%
English language proficiency	$51M	21%
Gifted education	$12M	34.1%
Transportation	$64M	23.4%

Note that in 2022, the General Assembly opted to allocate the entire amount of the annual required inflationary increase to the categoricals to special education. SB22-127 allocated an additional $80M to special education; this amount was divided between an increase to the amount of funding provided for Tier A services, and an additional amount to be made available for distribution for Tier B special education services. Students with higher needs have additional services that are funded via Tier B. In 2023, SB23-099 allocated an additional $40M to special education, specifically for Tier B services.

There are five other areas funded via the categoricals: Vocational Education, Expelled and At-Risk Student Services, Small Attendance Center Aid, and Comprehensive Health Education.

Rural Funding

Rural school funding was impacted greatly at the onset of the Budget Stabilization Factor and have been supplemented with additional funding annually. In 2020, HB20-1427 created the Rural Schools Cash Fund with revenue collected via the passage of Proposition EE. The bill provided three years of funding for rural schools in 2020-21, 2021-22 and 2022-23.

In 2023, the General Assembly allocated $30M of rural schools funding, following a similar distribution model as that used in HB20-1427, as part of the School Finance Act. This funding is currently one-time and it remains outside of the school finance formula.

[1] Note that the state provides funding for English language learners in two places: First, via the ELL factor in the school finance formula, and second via a categorical for English language proficiency.

Chapter 2: Costing Out Studies

The purpose of a costing out or adequacy study is to determine whether a state's school funding is adequate, equitable, sustainable and adaptable. As states have moved to high stakes assessments and accountability systems in addition to standards based education, determining the costs of an education system have become important due to litigation, and for accountability and transparency measures. Many state legislatures, Governors and education organizations have taken on this task.

One of the primary purposes of a costing out analysis is to evaluate whether the amount the state provides as a base funding level is adequate to educate a student with no differentiated needs, in a district with no special circumstances, to the level required by state standards. The analysis takes a "zero-based" approach to this question, building a base figure from the ground up based on what the state requires, rather than starting with the current base amount and assuming it is sufficient. Once a base is established, a costing out study then examines the additional amounts or weights that should be applied to the base (what we currently call the factors) in order to provide differentiated funding for student needs and district conditions.

The **SB23-287 Task Force** is charged with developing the parameters and requirements for two new costing out studies for Colorado, to be completed during the 2024 calendar year by two different vendors hired by the Department of Education.

Nationally, there are four accepted methodologies for a costing out analysis. Each approach has pros and cons to their use; provides different types of information; and uses different methodologies for incorporating information into a new or revised formula.

Methodology:	Professional Judgment (PJ)	Successful School District (SSD)	Education Cost Function (ECF)	Evidence-Based (EB)
Benchmark of Success	Ensuring students can meet all state standards	Currently outperforming other school districts	Current performance; extrapolates to meeting all standards	Ensuring students can meet all state standards
Data Requirements	Expertise of educators serving on PJ panels; uses research as a starting point, but defers to educators when conflict arises in resource recommendations based on their understanding of state standards	Expenditure data from selected successful schools or districts	Performance, student and district characteristics and expenditure data	Best-practice research, reviewed by educators; when conflict arises in resource recommendations, the EB approach defers to the research
Resulting Information				
Base	Yes	Yes	Yes	Yes
Student Adjustments (Weights)	Yes	No	Yes	Yes
Resource Model	Yes	Yes (case studies)	No	Yes

Deeper Dive into the Four Methodologies

The Evidence-Based method begins by examining the academic and best practice research on resources that impact student and school performance. It generates a set of model schools and district resources that are then reviewed by state level educators. These educators recommend adjustments to ensure the model fits each state's context. The model identifies a base cost and adjustments for special needs student populations. A few states currently utilize the approach as the basis for funding formulas and it can be relatively easy to update year to year.

The Professional Judgment method utilizes professionals representing different types and sizes of school districts to determine the programs, people, and resources needed to meet state objectives established through statute and regulation. The approach provides the most flexibility in identifying the resources needed for different student populations and district characteristics. This method is generally easy to understand and empowers school and district professionals. The Professional Judgment method establishes a base amount as well as student and district weights reflective of the base amount.A number of states currently use parameters in funding formulas established through this approach.

The Statistical Model or Education Cost Function approach utilizes student performance and expenditure information to examine the relationships between costs and student outcomes. Utilizing high level statistical modeling the approach can estimate the base costs and needed adjustments for students with special needs. The approach is outcomes focused and can not provide information on how resources are allocated within the cost estimates. Practitioners have refined the approach over the past few years and it has become more commonly used.

The Successful School District model looks at current spending by a "successful" district adjusted for costs associated with size and cost of living. Districts are identified for meeting specific outcome measures for students, but this does not mean the districts have implemented all current reforms and/or have implemented programs needed to be successful in the future. Efficiency screens are used and spending is examined separately for instruction, administration, and maintenance & operations. This method creates a base amount, but no weights or adjustments. Successful sites can be identified and case studies done to understand how successful districts utilize resources.

Best practice recommends that several of these methodologies should be implemented in conjunction with one another to inform a revision of the school finance formula. The results from multiple studies can be combined to provide the best understanding of the resources needed for students to be successful in a state. It is important that the differences in the results of various methodologies, or studies, are reconciled so that stakeholders understand why differing results might occur.

Chapter 3: Local Dollars Available to Fund Districts

The current approach to local taxation for education in Colorado means that the cost of education is not distributed equally amongst taxpayers, and it is important to understand these dynamics and how they could be impacted by any change to the formula.

Colorado school districts levy a variety of mills in order to raise the tax revenues required to run a district. There are two types of mills levied by school districts in the state:

Total Program Mills: This is the levy for the state's school funding program (Total Program mills). Districts are required to levy these mills at a level defined in statute.

Voter-Approved Mills: There are several types. The most common are mill levy override mills, and bond mills for capital projects.

The amount of revenue raised by each of these mills varies widely across the state and is a function of property wealth in each district. School districts have no control over the amount of revenue that one mill can raise in their district. For 2022-23, the range of dollars that can be raised by one mill varies from $6,505 in the lowest property wealth district to $21,765,724 in the highest.

Deeper Dive into Mill Levies

Total Program Mills

Total Program mills are raised to fund the district's share of Total Program, as described above. The School Finance Act of 1994 established a goal that each district levy 40 mills toward Total Program. Due to a complex series of interactions having to do with TABOR and the Gallagher amendment, Total Program mills actually dropped for many years in most districts. Recent legislation has attempted to stabilize and equalize Total Program mills, but there are large variances. For 2022-23, Total Program mills ranged from 3.43 to 27.00. Current statute limits districts from levying more than 27 mills toward Total Program.

Mill Levy Overrides

Mill Levy Override (MLO) mills are voter approved mill levies available to the district for the education of students. These funds are generally unrestricted, but can be set aside for a specific purpose depending on the ballot language. Districts with higher levels of property wealth often have an easier time passing MLOs because they need to levy a relatively low amount of mills to generate a meaningful amount of revenue. As of 2022-23, there are still 64 school districts with no MLO mills at all, while others are levying up to 27 additional mills through this mechanism.

Facilities and Bonds

Because Colorado provides no systematic funding for the capital expenses of school districts, the vast majority of capital costs are borne by the taxpayers of school districts via bond mills. It also means that each district's ability to maintain current buildings and build new buildings is contingent on citizen approval of bond mill levies. Like Total Program mills and MLOs, we see wide variation in the number of bond mills in place across the state, ranging from 0.00 to 23.00.

An example of a state requirement that has impacted district requirements around facilities is the Claire Davis Safety Act, which makes school districts legally responsible for incidents of school violence. The Claire Davis Safety Act amended the "Colorado Governmental Immunity Act" to recognize that a duty of reasonable care exists with respect to public school districts, charter schools, and their employees to exercise reasonable care to protect students, faculty, staff, and others from harm that is reasonably foreseeable while such students, faculty, staff, and others are within the school facilities or are participating in school-sponsored activities. Compliance with this statute has required districts to evaluate and, in many cases upgrade, their facilities.

Districts face very different cost pressures based on the characteristics of their student populations. They also differ in capacity to both raise funds, and the burden it places on their taxpayers. Any changes to the school finance formula need to consider the impact on local taxpayers and the ways in which those impacts will vary widely across the state based on the characteristics and property wealth of each district.

Conclusion

CSFP wishes to thank, in advance, the members of the **SB23-287 Task Force** and the Department of Education for leading these important discussions. We also thank members of the General Assembly for recognizing the need to re-evaluate Colorado's school finance formula, and we stand by to assist and support with research and information as needed.

Other Resources

2023 School Finance Handbook - produced by Legislative Council Staff

Previous costing out studies completed for Colorado - produced by CSFP and APA

Previous study on using Average Daily Membership for student count - produced by CSFP and APA

SB23-287 - bill establishing the School Finance Task Force

At-Risk Measure Working Group materials and report - produced by CDE and the Urban Institute

Helpful Websites

Colorado School Finance Project

Colorado Department of Education:

- Public School Finance Unit - general school finance training and resources
- Funding by Fiscal Year and District - links to formula funding spreadsheets

Legislative Council - enrollment, economic and revenue forecasts

Joint Budget Committee - school finance bills and Department of Education budgets