

HB22-1294

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING ADDITIONAL PATHWAYS TO PROVIDE SPECIAL EDUCATION SERVICES TO CHILDREN WITH DISABILITIES IN CHARTER SCHOOLS.

Prime Sponsors: Reps. Michaelson Jenet and Young
Sens. Zenzinger and Gardner

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Appropriation Items of Note

Appropriation Not Required, Amendment in Packet

General Fund Impact with Sponsor Amendment

Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 03/17/22.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

The House amended the bill in the Education Committee Report (03/24/22) and on Second Reading (03/28/22). The Senate Education Committee Report (04/07/22) also includes amendments to the bill. However, Legislative Council Staff and JBC Staff agree that the amendments adopted to date do not change the fiscal impact of the bill.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
L.007/J.001	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

Current Appropriations Clause in Bill

The bill neither requires nor contains an appropriation clause for FY 2022-23.

Description of Amendments in This Packet**L.007 and J.001**

Bill Sponsor amendment **L.007** (attached) requires the General Assembly to appropriate \$375,000 General Fund in FY 2022-23 to the State Charter School Institute for distribution to Institute charter schools where at least 50.0 percent of the student population receive special education services through the administrative unit of the Institute. Staff has drafted amendment **J.001** (attached) to add a provision appropriating \$375,000 General Fund to the Department of Education for FY 2022-23 to align with the requirement in amendment L.007.

If the Committee adopts amendment L.007 then it should also adopt amendment J.001.

Points to Consider*General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2022-23 based on the March 2022 Legislative Council Staff revenue forecast. The budget package includes two set-asides:

- \$40.0 million General Fund for bills that create ongoing obligations; and
- \$900.0 million General Fund for bills that create one-time obligations in FY 2022-23.

The \$40.0 million *appropriations* set-aside includes an additional \$6.0 million General Fund to provide a 15.0 percent General Fund reserve for those appropriations. The \$900.0 million *obligations* set-aside does not include an additional amount for a General Fund reserve and, assumes, but does not require, that obligations be addressed through statutory transfers rather than appropriations. Therefore *appropriations* from the \$900.0 million set-aside require an additional 15.0 percent to maintain the statutory General Fund reserve.

With sponsor amendment L.007, this bill would create a one-time obligation and require a General Fund appropriation of \$375,000 for FY 2022-23, reducing the \$900.0 million set aside by \$431,250 in order to maintain a 15.0 percent statutory General Fund reserve.