

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0970.01 Julie Pelegrin x2700

HOUSE BILL 19-1262

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A BILL FOR AN ACT

101 **CONCERNING STATE FUNDING FOR FULL-DAY KINDERGARTEN**
102 **EDUCATIONAL PROGRAMS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under existing law, the school finance formula provides funding for half-day kindergarten educational programs plus a small additional amount of supplemental kindergarten funding. The bill provides funding through the school finance formula for full-day kindergarten educational programs. A student enrolled in a full-day kindergarten educational program will be funded at the same amount as students enrolled full-time

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

in other grades. A student enrolled in a half-day kindergarten educational program will be funded as a half-day student plus the existing amount of supplemental kindergarten funding.

Under existing law, many school districts charge parents of students enrolled in full-day kindergarten a fee to fund the full-day kindergarten educational program. After passage of the bill, a school district or a charter school that provides a full-day kindergarten educational program shall not charge fees for attending kindergarten other than those fees that are routinely charged to parents of students enrolled in other grades and are applicable to the kindergarten educational program. However, if the general assembly stops funding kindergarten students as full-time pupils, then a school district or charter school may resume charging a fee or tuition for the unfunded portion of the school day.

Under existing law, a school district may use a half-day preschool position to enroll a child in full-day kindergarten. The bill prohibits using a preschool position to enroll a child in full-day kindergarten. A school district that used preschool positions in this manner in the 2018-19 budget year will retain the positions in the 2019-20 budget year and budget years thereafter to the extent the school district fills the positions with preschool students.

The bill directs a school district that is not offering a full-day kindergarten educational program as of the 2019-20 school year to submit a plan to the department of education addressing how it could phase in a full-day kindergarten educational program, but a school district is not required to offer a full-day kindergarten educational program.

If a charter school seeks to expand an existing half-day kindergarten educational program to full day, it must notify the charter authorizer and amend the charter contract, if necessary. If the authorizer objects to the program expansion, the charter school and the authorizer must negotiate a change to the charter contract. If the parties cannot agree, the charter school may appeal the issue to the state board of education for a determination. Any renegotiation of the charter school's contract must be limited to the issue of expanding the kindergarten educational program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-54-103, **amend**
3 (10)(b)(I) introductory portion, (10)(e.5), (10)(f), and (15); and **add**
4 (7)(e)(VII) as follows:

5 **22-54-103. Definitions.** As used in this article 54, unless the

1 context otherwise requires:

2 (7) "Funded pupil count" means:

3 (e) (VII) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR
4 THEREAFTER, SOLELY FOR THE PURPOSE OF AVERAGING PUPIL
5 ENROLLMENT PURSUANT TO SUBSECTION (7)(e)(I) OF THIS SECTION FOR A
6 DISTRICT THAT OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL
7 PROGRAM, THE DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S
8 PUPIL ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16
9 BUDGET YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY
10 KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS
11 AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE
12 PURSUANT TO THIS SUBSECTION (7)(e)(VII) DOES NOT AFFECT OR CHANGE
13 THE FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR
14 SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE
15 STATE CONSTITUTION FOR A BUDGET YEAR COMMENCING BEFORE JULY 1,
16 2019.

17 (10) (b) (I) FOR BUDGET YEARS COMMENCING BEFORE THE
18 2019-20 BUDGET YEAR, a pupil enrolled in a kindergarten educational
19 program pursuant to section 22-32-119 (1) ~~shall be~~ IS counted as not more
20 than a half-day pupil. ~~except that, if the pupil does not advance to first~~
21 ~~grade, pursuant to section 22-7-1207, after completing one year of~~
22 ~~enrollment in a kindergarten educational program, the pupil shall be~~
23 ~~counted as a full-day pupil for the second year in which he or she is~~
24 ~~enrolled in the kindergarten educational program~~ FOR THE 2019-20
25 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, A PUPIL ENROLLED
26 IN A KINDERGARTEN EDUCATIONAL PROGRAM PURSUANT TO SECTION
27 22-32-119 IS COUNTED AS A FULL-TIME PUPIL, EXCEPT AS OTHERWISE

1 PROVIDED IN SUBSECTION (10)(e.5)(I) OF THIS SECTION. For the 2005-06
2 budget year and each budget year thereafter, a district shall count and
3 receive funding only for pupils enrolled in a kindergarten educational
4 program who are:

5 (e.5) (I) A pupil who is enrolled as less than a full-time student,
6 other than a student described in ~~paragraph (b) or (d) of this subsection~~
7 ~~(10)~~ SUBSECTION (10)(b)(II) OR (10)(d) OF THIS SECTION or a student
8 enrolled in a p-tech school pursuant to article 35.3 of this ~~title~~, shall be
9 TITLE 22, IS counted in accordance with rules promulgated by the state
10 board for students who are enrolled as less than full-time students.

11 (II) NOTWITHSTANDING ANY PROVISION OF SUBSECTION
12 (10)(e.5)(I) OF THIS SECTION TO THE CONTRARY, A PUPIL WHO COMPLETES
13 ONE SCHOOL YEAR OF ENROLLMENT IN A HALF-DAY KINDERGARTEN
14 EDUCATIONAL PROGRAM AND DOES NOT ADVANCE TO FIRST GRADE,
15 PURSUANT TO SECTION 22-7-1207, IS COUNTED AS A FULL-DAY PUPIL FOR
16 THE SECOND YEAR IN WHICH THE PUPIL IS ENROLLED IN THE HALF-DAY
17 KINDERGARTEN EDUCATIONAL PROGRAM.

18 (f) In certifying the district's pupil enrollment to the state board
19 pursuant to the provisions of section 22-54-112, the district shall specify
20 ~~the number of pupils enrolled in half-day kindergarten;~~ the number of
21 pupils enrolled in ~~first grade~~ KINDERGARTEN through twelfth grade,
22 specifying those who are enrolled as full-time pupils and those who are
23 enrolled as less than full-time pupils; the number of expelled pupils
24 receiving educational services pursuant to section 22-33-203; the number
25 of pupils enrolled in the district's preschool program; the number of
26 pupils receiving educational programs under the "Exceptional Children's
27 Educational Act", article 20 of this ~~title~~ TITLE 22; and the number of

1 at-risk pupils.

2 (15) "Supplemental kindergarten enrollment" means the number
3 calculated by subtracting five-tenths from the full-day kindergarten factor
4 for the applicable budget year and then multiplying ~~said~~ THAT number by
5 the number of pupils in the district who are enrolled in A HALF-DAY
6 kindergarten EDUCATIONAL PROGRAM for the applicable budget year. For
7 the purposes of this subsection (15), the full-day kindergarten factor for
8 the 2008-09 ~~2009-10, and 2010-11 budget years~~ BUDGET YEAR and each
9 budget year thereafter is fifty-eight hundredths of a full-day pupil.

10 **SECTION 2.** In Colorado Revised Statutes, 22-28-104.3, **amend**
11 (2); and **repeal** (4) and (5) as follows:

12 **22-28-104.3. Early childhood at-risk enhancement (ECARE).**

13 (2) (a) ~~Notwithstanding the provisions of section 22-28-104 (2)(b)~~
14 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION,
15 in allocating the authority to enroll children in the Colorado preschool
16 program pursuant to this section, the department shall allow a school
17 district to enroll a child in the program using two positions so that the
18 child may attend a full-day preschool portion of the district's preschool
19 program or to use a preschool program position to enroll a child in a full
20 day of the district's existing full-day kindergarten EDUCATIONAL program.

21 (b) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR
22 THEREAFTER, THE DEPARTMENT SHALL NOT ALLOCATE TO A DISTRICT, AND
23 A DISTRICT SHALL NOT USE, A PRESCHOOL PROGRAM POSITION TO ENROLL
24 A CHILD IN A FULL DAY OF THE DISTRICT'S FULL-DAY KINDERGARTEN
25 EDUCATIONAL PROGRAM. A DISTRICT THAT USED A PRESCHOOL PROGRAM
26 POSITION TO ENROLL A CHILD IN A FULL DAY OF THE DISTRICT'S FULL-DAY
27 KINDERGARTEN EDUCATIONAL PROGRAM IN THE 2018-19 BUDGET YEAR

1 MAY RETAIN THE POSITION IN THE 2019-20 BUDGET YEAR AND BUDGET
2 YEARS THEREAFTER TO ENROLL A CHILD IN THE DISTRICT'S PRESCHOOL
3 PROGRAM TO ATTEND A HALF DAY OR FULL DAY OF PRESCHOOL; EXCEPT
4 THAT THE DISTRICT SHALL NOT RETAIN IN ANY BUDGET YEAR A NUMBER
5 OF POSITIONS THAT EXCEEDS THE ACTUAL NUMBER OF CHILDREN THAT THE
6 DISTRICT ENROLLS IN THE PRESCHOOL PROGRAM.

7 (4) ~~If, pursuant to a district's authority to enroll children in the~~
8 ~~Colorado preschool program pursuant to this section, the district chooses~~
9 ~~to use a preschool program position to enroll a child in a full day of the~~
10 ~~district's existing full-day kindergarten program, the district shall retain~~
11 ~~the supplemental kindergarten enrollment attributable to the child~~
12 ~~enrolled in a full day of kindergarten using a preschool program position~~
13 ~~and may expend the supplemental kindergarten enrollment attributable to~~
14 ~~the child in furtherance of the district's preschool program or the district's~~
15 ~~full-day kindergarten program.~~

16 (5) ~~If a district uses a preschool program position to enroll a child~~
17 ~~in a full day of the district's existing full-day kindergarten program, the~~
18 ~~child must satisfy at least one of the eligibility requirements set forth in~~
19 ~~section 22-28-106 (1)(a)(II) to (1)(a)(IV).~~

20 **SECTION 3.** In Colorado Revised Statutes, 22-32-119, **amend**
21 (1) as follows:

22 **22-32-119. Kindergartens - definition.** (1) (a) A board of
23 education shall establish and maintain ~~kindergartens~~ FULL-DAY OR
24 HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAMS in connection with
25 the schools of its district for the instruction of children one year prior to
26 the year in which ~~such~~ THE children would be eligible for admission to the
27 first grade. ~~Said~~ A board may prescribe courses of training, study, and

1 discipline and rules ~~and regulations~~ governing ~~such~~ THE kindergarten
2 EDUCATIONAL programs. ~~Said kindergartens shall~~ THE KINDERGARTEN
3 EDUCATIONAL PROGRAMS MUST be a part of the public school system, and
4 THE SCHOOL DISTRICT MUST PAY the cost of establishing and maintaining
5 ~~them may be paid~~ THE KINDERGARTEN EDUCATIONAL PROGRAMS from the
6 general school fund. A SCHOOL DISTRICT SHALL NOT CHARGE THE PARENT
7 OF A CHILD ENROLLED IN A KINDERGARTEN EDUCATIONAL PROGRAM
8 TUITION TO ATTEND ANY PORTION OF THE PROGRAM, EXCEPT AS PROVIDED
9 PURSUANT TO SECTION 22-32-115 (2)(b)(I), AND SHALL NOT CHARGE THE
10 PARENT FEES FOR THE CHILD TO ATTEND THE PROGRAM OTHER THAN FEES
11 THAT ARE ROUTINELY CHARGED TO THE PARENTS OF STUDENTS ENROLLED
12 IN OTHER GRADES AND ARE APPLICABLE TO THE KINDERGARTEN
13 EDUCATIONAL PROGRAM.

14 (b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(a) OF
15 THIS SECTION TO THE CONTRARY, IF THE GENERAL ASSEMBLY AMENDS THE
16 "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, TO
17 COUNT A STUDENT ENROLLED IN KINDERGARTEN ONLY AS A HALF-DAY
18 PUPIL, WITH OR WITHOUT THE ADDITION OF SUPPLEMENTAL
19 KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION 22-54-103 (15) FOR
20 PURPOSES OF CALCULATING THE FUNDED PUPIL COUNT AS DEFINED IN
21 SECTION 22-54-103 (7), A SCHOOL DISTRICT MAY CHARGE THE STUDENT'S
22 PARENTS TUITION OR A FEE FOR THE PORTION OF THE SCHOOL DAY FOR
23 WHICH IT DOES NOT RECEIVE FUNDING FOR THE STUDENT PURSUANT TO
24 THE "PUBLIC SCHOOL FINANCE ACT OF 1994"; EXCEPT THAT THE AMOUNT
25 OF TUITION OR FEE CHARGED SHALL NOT EXCEED THE AMOUNT OF TUITION
26 OR FEE THAT THE SCHOOL DISTRICT CHARGED TO ATTEND A FULL-DAY
27 KINDERGARTEN EDUCATIONAL PROGRAM FOR THE 2018-19 BUDGET YEAR,

1 ADJUSTED FOR INFLATION AND PRORATED BY THE PERCENTAGE OF THE
2 SCHOOL DAY FOR WHICH THE STUDENT IS NO LONGER FUNDED BY THE
3 "PUBLIC SCHOOL FINANCE ACT OF 1994". AS USED IN THIS SUBSECTION
4 (1)(b), "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE
5 UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS
6 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
7 ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR
8 INDEX.

9 **SECTION 4.** In Colorado Revised Statutes, **amend 22-32-119.5**
10 as follows:

11 **22-32-119.5. Full-day kindergarten - phase-in plan - report -**
12 **legislative declaration.** (1) (a) The general assembly hereby finds and
13 declares that:

14 (I) Rigorous research proves that full-day kindergarten is an
15 effective way of improving a child's academic performance;

16 (II) Research shows that children who have academic success are
17 less likely to drop out of school and more likely to graduate from high
18 school and enter an institution of higher education, leading them to
19 higher-paying jobs that provide for a strong economy in the state;

20 (III) Studies show that full-day kindergarten EDUCATIONAL
21 programs address achievement gap issues and promote student
22 achievement;

23 (IV) All children in Colorado deserve the chance to attend a full
24 day of kindergarten, as the benefits of full-day kindergarten continue
25 throughout a child's educational experience and set the tone for future
26 academic success.

27 (b) The general assembly further finds and declares that while the

1 benefits of full-day kindergarten EDUCATIONAL programs are evident, ~~the~~
2 ~~general assembly may be unable to provide funding to allow every~~
3 ~~eligible child in the state to attend a full day of kindergarten. As a result,~~
4 determining an approach to phase in full-day kindergarten EDUCATIONAL
5 programs is the first step toward potentially offering full-day kindergarten
6 EDUCATIONAL programs statewide. The development of a plan by each
7 local board of education THAT IS NOT OFFERING A FULL-DAY
8 KINDERGARTEN EDUCATIONAL PROGRAM AS OF THE 2019-20 SCHOOL YEAR
9 to phase in a full-day kindergarten EDUCATIONAL program at the district
10 level is essential to ensure that the appropriate mechanisms are in place
11 to support and maintain high-quality, full-day kindergarten EDUCATIONAL
12 programs in Colorado.

13 (2) Each local board of education THAT IS NOT OFFERING A
14 FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM AS OF THE 2019-20
15 SCHOOL YEAR shall develop a plan to potentially phase in a full-day
16 kindergarten EDUCATIONAL program in the school district. ~~to be funded~~
17 ~~with state or local moneys provided specifically for such program.~~ In
18 developing the plan, each local board shall consider the following:

19 (a) Available space in existing school district facilities for a
20 full-day kindergarten EDUCATIONAL program;

21 (b) The need and cost of new school district facilities necessary
22 to offer a full-day kindergarten EDUCATIONAL program, including but not
23 limited to the cost associated with construction, acquisition,
24 reconfiguration, or renovation of new or existing facilities;

25 (c) ~~A method to identify the children who would most benefit~~
26 ~~from attending a full day of kindergarten, including but not limited to:~~

27 (f) ~~Children who lack overall learning readiness due to significant~~

1 ~~family risk factors, who are in need of language development, or who are~~
2 ~~receiving services from the department of human services pursuant to~~
3 ~~article 5 of title 26, C.R.S., as neglected or dependent children;~~

4 ~~(II) Children who are currently enrolled in the Colorado preschool~~
5 ~~program;~~

6 ~~(III) Children who are eligible for free or reduced lunch; and~~

7 ~~(IV) Children who are enrolling in an elementary school that is~~
8 ~~required to implement a priority improvement or turnaround plan~~
9 ~~pursuant to section 22-11-405 or 22-11-406, respectively, or is subject to~~
10 ~~restructuring pursuant to section 22-11-210;~~

11 (d) Professional development and staffing needs;

12 (e) ~~A method to prioritize the children to be served by a full-day~~
13 ~~kindergarten program if state and local funding for the program is~~
14 ~~insufficient to allow every eligible child in the school district to attend a~~
15 ~~full day of kindergarten;~~

16 (f) A plan for parent and community outreach and enrollment
17 processes; and

18 (g) The anticipated enrollment in a full-day kindergarten
19 EDUCATIONAL program, including the percentage of eligible children in
20 the school district that will choose to enroll in the program.

21 (3) Each local board of education THAT IS NOT OFFERING A
22 FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM AS OF THE 2019-20
23 SCHOOL YEAR shall submit its plan to phase in a full-day kindergarten
24 EDUCATIONAL program to the department of education on or before
25 ~~February 1, 2008. Any~~ JULY 1, 2020. A school district that has developed
26 a full-day kindergarten plan within the five years ~~prior to May 9, 2007~~
27 BEFORE JULY 1, 2020, may submit the previously developed plan to the

1 department in lieu of developing a plan pursuant to this section.

2 (4) Nothing in this section: ~~shall be construed to:~~

3 (a) ~~Require~~ REQUIRES a child to attend a full day of kindergarten;

4 OR

5 (b) ~~Prohibit~~ PROHIBITS a school district from offering a half-day
6 kindergarten EDUCATIONAL program. ~~or~~

7 (c) ~~Require a local board of education to implement the school~~
8 ~~district's plan to phase in a full-day kindergarten program without state~~
9 ~~funding for the program.~~

10 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-112, **amend**
11 (2)(c)(III) and (2)(e) as follows:

12 **22-30.5-112. Charter schools - financing - guidelines -**
13 **definitions - repeal.** (2) (c) (III) ~~If a charter school operates a full-day~~
14 ~~kindergarten program,~~ For purposes of calculating ~~the~~ A charter school's
15 funding pursuant to this subsection (2):

16 (A) IF THE CHARTER SCHOOL OPERATES A FULL-DAY
17 KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE
18 PROGRAM ARE COUNTED AS FULL-DAY PUPILS; EXCEPT THAT A STUDENT
19 ENROLLED AS LESS THAN A FULL-TIME PUPIL IS COUNTED IN ACCORDANCE
20 WITH RULES PROMULGATED BY THE STATE BOARD; AND

21 (B) IF THE CHARTER SCHOOL OPERATES A HALF-DAY
22 KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE
23 PROGRAM ARE COUNTED AS HALF-DAY PUPILS AND the number of pupils
24 enrolled in the charter school ~~shall~~ MUST include the supplemental
25 kindergarten enrollment as defined in section 22-54-103 (15).

26 (e) (I) Fees collected from students enrolled at a charter school
27 shall be retained by such charter school.

1 (II) (A) A CHARTER SCHOOL SHALL NOT CHARGE THE PARENT OF
2 A CHILD ENROLLED IN A KINDERGARTEN EDUCATIONAL PROGRAM TUITION
3 TO ATTEND ANY PORTION OF THE PROGRAM AND SHALL NOT CHARGE THE
4 PARENT FEES FOR THE CHILD TO ATTEND THE PROGRAM OTHER THAN FEES
5 THAT ARE ROUTINELY CHARGED TO THE PARENTS OF STUDENTS ENROLLED
6 IN OTHER GRADES AND ARE APPLICABLE TO THE KINDERGARTEN
7 EDUCATIONAL PROGRAM.

8 (B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
9 (2)(e)(II)(A) OF THIS SECTION TO THE CONTRARY, IF THE GENERAL
10 ASSEMBLY AMENDS THE "PUBLIC SCHOOL FINANCE ACT OF 1994",
11 ARTICLE 54 OF THIS TITLE 22, TO COUNT A STUDENT ENROLLED IN
12 KINDERGARTEN ONLY AS A HALF-DAY PUPIL, WITH OR WITHOUT THE
13 ADDITION OF SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED IN
14 SECTION 22-54-103 (15) FOR PURPOSES OF CALCULATING THE FUNDED
15 PUPIL COUNT AS DEFINED IN SECTION 22-54-103 (7), A CHARTER SCHOOL
16 MAY CHARGE THE STUDENT'S PARENTS TUITION OR A FEE FOR THE PORTION
17 OF THE SCHOOL DAY FOR WHICH IT DOES NOT RECEIVE FUNDING FOR THE
18 STUDENT PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994";
19 EXCEPT THAT THE AMOUNT OF TUITION OR FEE CHARGED SHALL NOT
20 EXCEED THE AMOUNT OF TUITION OR FEE THAT THE CHARTER SCHOOL
21 CHARGED TO ATTEND A FULL-DAY KINDERGARTEN EDUCATIONAL
22 PROGRAM FOR THE 2018-19 BUDGET YEAR, ADJUSTED FOR INFLATION AND
23 PRORATED BY THE PERCENTAGE OF THE SCHOOL DAY FOR WHICH THE
24 STUDENT IS NO LONGER FUNDED BY THE "PUBLIC SCHOOL FINANCE ACT
25 OF 1994". AS USED IN THIS SUBSECTION (2)(e)(II)(B), "INFLATION" MEANS
26 THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT
27 OF LABOR BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR

1 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
2 CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

3 **SECTION 6.** In Colorado Revised Statutes, 22-30.5-112.1,
4 **amend** (3)(c) as follows:

5 **22-30.5-112.1. Charter schools - exclusive jurisdiction**
6 **districts - authorized on or after July 1, 2004 - financing - definitions**
7 **- repeal.** (3) (c) ~~If a charter school operates a full-day kindergarten~~
8 ~~program;~~ For purposes of calculating ~~the~~ A charter school's funding
9 pursuant to this subsection (3):

10 (I) IF THE CHARTER SCHOOL OPERATES A FULL-DAY
11 KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE
12 PROGRAM ARE COUNTED AS FULL-DAY PUPILS; EXCEPT THAT A STUDENT
13 ENROLLED AS LESS THAN A FULL-TIME PUPIL IS COUNTED IN ACCORDANCE
14 WITH RULES PROMULGATED BY THE STATE BOARD; AND

15 (II) IF THE CHARTER SCHOOL OPERATES A HALF-DAY
16 KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE
17 PROGRAM ARE COUNTED AS HALF-DAY PUPILS AND the number of pupils
18 enrolled in the charter school ~~shall~~ MUST include the supplemental
19 kindergarten enrollment as defined in section 22-54-103 (15).

20 **SECTION 7.** In Colorado Revised Statutes, 22-30.5-513, **amend**
21 (2)(b.5); and **add** (2)(e) as follows:

22 **22-30.5-513. Institute charter schools - funding - at-risk**
23 **supplemental aid - legislative declaration - definitions - repeal.**
24 (2) (b.5) ~~If an institute charter school operates a full-day kindergarten~~
25 ~~program;~~ For purposes of calculating ~~the~~ AN institute charter school's
26 funding pursuant to this subsection (2):

27 (A) IF THE INSTITUTE CHARTER SCHOOL OPERATES A FULL-DAY

1 KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE
2 PROGRAM ARE COUNTED AS FULL-DAY PUPILS; EXCEPT THAT A STUDENT
3 ENROLLED AS LESS THAN A FULL-TIME PUPIL IS COUNTED IN ACCORDANCE
4 WITH RULES PROMULGATED BY THE STATE BOARD; AND

5 (B) IF THE INSTITUTE CHARTER SCHOOL OPERATES A HALF-DAY
6 KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE
7 PROGRAM ARE COUNTED AS HALF-DAY PUPILS AND the number of pupils
8 enrolled in the ~~institute's~~ INSTITUTE charter school shall MUST include the
9 supplemental kindergarten enrollment as defined in section 22-54-103
10 (15).

11 (e) (I) AN INSTITUTE CHARTER SCHOOL SHALL NOT CHARGE THE
12 PARENT OF A CHILD ENROLLED IN A KINDERGARTEN EDUCATIONAL
13 PROGRAM TUITION TO ATTEND ANY PORTION OF THE PROGRAM AND SHALL
14 NOT CHARGE THE PARENT FEES FOR THE CHILD TO ATTEND THE PROGRAM
15 OTHER THAN FEES THAT ARE ROUTINELY CHARGED TO THE PARENTS OF
16 STUDENTS ENROLLED IN OTHER GRADES AND ARE APPLICABLE TO THE
17 KINDERGARTEN EDUCATIONAL PROGRAM.

18 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)(e)(I)
19 OF THIS SECTION TO THE CONTRARY, IF THE GENERAL ASSEMBLY AMENDS
20 THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE
21 22, TO COUNT A STUDENT ENROLLED IN KINDERGARTEN ONLY AS A
22 HALF-DAY PUPIL, WITH OR WITHOUT THE ADDITION OF SUPPLEMENTAL
23 KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION 22-54-103 (15) FOR
24 PURPOSES OF CALCULATING THE FUNDED PUPIL COUNT AS DEFINED IN
25 SECTION 22-54-103 (7), AN INSTITUTE CHARTER SCHOOL MAY CHARGE THE
26 STUDENT'S PARENTS TUITION OR A FEE FOR THE PORTION OF THE SCHOOL
27 DAY FOR WHICH IT DOES NOT RECEIVE FUNDING FOR THE STUDENT

1 PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994"; EXCEPT THAT
2 THE AMOUNT OF TUITION OR FEE CHARGED SHALL NOT EXCEED THE
3 AMOUNT OF TUITION OR FEE THAT THE INSTITUTE CHARTER SCHOOL
4 CHARGED TO ATTEND A FULL-DAY KINDERGARTEN EDUCATIONAL
5 PROGRAM FOR THE 2018-19 BUDGET YEAR, ADJUSTED FOR INFLATION AND
6 PRORATED BY THE PERCENTAGE OF THE SCHOOL DAY FOR WHICH THE
7 STUDENT IS NO LONGER FUNDED BY THE "PUBLIC SCHOOL FINANCE ACT
8 OF 1994". AS USED IN THIS SUBSECTION (2)(e)(II), "INFLATION" MEANS
9 THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT
10 OF LABOR BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
11 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
12 CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

13 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-105, **add** (6)
14 as follows:

15 **22-30.5-105. Charter schools - contract contents - regulations.**

16 (6) A CHARTER SCHOOL THAT PROVIDES A HALF-DAY KINDERGARTEN
17 EDUCATIONAL PROGRAM BEFORE THE 2019-20 SCHOOL YEAR AND
18 CHOOSES TO EXPAND THE KINDERGARTEN EDUCATIONAL PROGRAM TO A
19 FULL DAY SHALL NOTIFY THE CHARTERING LOCAL BOARD OF EDUCATION
20 OF THE EXPANSION OF THE KINDERGARTEN EDUCATIONAL PROGRAM AND
21 OF THE SCHOOL YEAR IN WHICH THE ANTICIPATED PROGRAM EXPANSION
22 TAKES EFFECT. THE CHARTER SCHOOL AND THE AUTHORIZING LOCAL
23 BOARD OF EDUCATION SHALL AMEND THE CHARTER CONTRACT AS
24 NECESSARY TO ALLOW FOR THE PROGRAM EXPANSION. IF THE LOCAL
25 BOARD OBJECTS TO THE PROGRAM EXPANSION, THE LOCAL BOARD SHALL
26 PROVIDE TO THE CHARTER SCHOOL A WRITTEN EXPLANATION OF THE
27 GROUNDS FOR ITS OBJECTION. IF THE CHARTER SCHOOL AND THE

1 AUTHORIZING LOCAL BOARD OF EDUCATION CANNOT AGREE ON AN
2 AMENDMENT TO THE CHARTER CONTRACT FOR THE PROGRAM EXPANSION,
3 THE CHARTER SCHOOL MAY FILE A NOTICE WITH THE STATE BOARD AS
4 PROVIDED IN SECTION 22-30.5-108 TO APPEAL THE DECISION OF THE LOCAL
5 BOARD CONCERNING A UNILATERAL IMPOSITION OF CONDITIONS ON THE
6 CHARTER SCHOOL. THE STATE BOARD SHALL DECIDE THE APPEAL IN
7 ACCORDANCE WITH THE PROVISIONS OF SECTION 22-30.5-108.
8 NEGOTIATIONS TO AMEND THE CHARTER CONTRACT TO ALLOW THE
9 EXPANSION OF THE KINDERGARTEN EDUCATIONAL PROGRAM SHALL NOT
10 INCLUDE NEGOTIATIONS REGARDING TERMS OF THE CHARTER CONTRACT
11 THAT ARE NOT DIRECTLY IMPACTED BY THE PROGRAM EXPANSION AND
12 SHALL NOT INCLUDE REAUTHORIZATION OF THE CHARTER SCHOOL.

13 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-508, **add** (6)
14 as follows:

15 **22-30.5-508. Institute charter schools - contract contents -**
16 **regulations.** (6) AN INSTITUTE CHARTER SCHOOL THAT PROVIDES A
17 HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM BEFORE THE 2019-20
18 SCHOOL YEAR AND CHOOSES TO EXPAND THE KINDERGARTEN
19 EDUCATIONAL PROGRAM TO A FULL DAY SHALL NOTIFY THE INSTITUTE
20 BOARD OF THE EXPANSION OF THE KINDERGARTEN EDUCATIONAL
21 PROGRAM AND OF THE SCHOOL YEAR IN WHICH THE ANTICIPATED
22 PROGRAM EXPANSION TAKES EFFECT. THE INSTITUTE CHARTER SCHOOL
23 AND THE INSTITUTE BOARD SHALL AMEND THE CHARTER CONTRACT AS
24 NECESSARY TO ALLOW FOR THE PROGRAM EXPANSION. IF THE INSTITUTE
25 BOARD OBJECTS TO THE PROGRAM EXPANSION, THE INSTITUTE BOARD
26 SHALL PROVIDE TO THE INSTITUTE CHARTER SCHOOL A WRITTEN
27 EXPLANATION OF THE GROUNDS FOR ITS OBJECTION. IF THE INSTITUTE

1 CHARTER SCHOOL AND THE INSTITUTE BOARD CANNOT AGREE ON AN
2 AMENDMENT TO THE CHARTER CONTRACT FOR THE PROGRAM EXPANSION,
3 THE INSTITUTE CHARTER SCHOOL MAY SUBMIT TO THE STATE BOARD A
4 NOTICE OF APPEAL, STATING THE GROUNDS FOR THE APPEAL. WITHIN
5 SIXTY DAYS AFTER RECEIVING THE NOTICE OF APPEAL AND AFTER
6 REASONABLE PUBLIC NOTICE, THE STATE BOARD SHALL REVIEW THE
7 DECISION OF THE INSTITUTE TO DENY THE PROGRAM EXPANSION AND
8 DETERMINE WHETHER THE DECISION WAS ARBITRARY AND CAPRICIOUS.
9 THE STATE BOARD SHALL REMAND THE MATTER TO THE INSTITUTE WITH
10 INSTRUCTIONS TO APPROVE OR DENY THE PROGRAM EXPANSION. THE
11 DECISION OF THE STATE BOARD SHALL BE FINAL AND NOT SUBJECT TO
12 APPEAL.

13 **SECTION 10.** In Colorado Revised Statutes, 22-7-1213, **amend**
14 (2) introductory portion and (2)(a) as follows:

15 **22-7-1213. Reporting requirements.** (2) Each local education
16 provider that receives an early literacy grant pursuant to section
17 22-7-1211 or per-pupil intervention ~~moneys~~ MONEY shall, at the
18 conclusion of each budget year in which it receives the grant or per-pupil
19 intervention ~~moneys~~ MONEY, submit to the department information
20 describing:

21 (a) The instructional programs, ~~full-day kindergarten program,~~
22 summer school literacy program, tutoring services, or other intervention
23 services for which the local education provider used the grant or per-pupil
24 intervention ~~moneys~~ MONEY;

25 **SECTION 11.** In Colorado Revised Statutes, **repeal** 22-7-1210
26 (5)(b)(I), 22-44-118, 22-54-130, and 22-54-131.

27 **SECTION 12. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.