

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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, AND, IN CONNECTION THEREWITH,**
103 **MAKING AND REDUCING AN APPROPRIATION.**

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

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.

SENATE
Amended 2nd Reading
April 25, 2019

HOUSE
3rd Reading Unamended
April 16, 2019

HOUSE
Amended 2nd Reading
April 12, 2019

program will be funded at the same amount as students enrolled full-time 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:

1 **22-54-103. Definitions.** As used in this article 54, unless the
2 context otherwise requires:

3 (7) "Funded pupil count" means:

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

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

1 22-32-119 IS COUNTED AS A FULL-TIME PUPIL, EXCEPT AS OTHERWISE
2 PROVIDED IN SUBSECTION (10)(e.5)(I) OF THIS SECTION. For the 2005-06
3 budget year and each budget year thereafter, a district shall count and
4 receive funding only for pupils enrolled in a kindergarten educational
5 program who are:

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

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

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

1 Educational Act", article 20 of this ~~title~~ TITLE 22; and the number of
2 at-risk pupils.

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

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

13 **22-28-104.3. Early childhood at-risk enhancement (ECARE).**

14 (2) (a) ~~Notwithstanding the provisions of section 22-28-104 (2)(b)~~
15 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION,
16 in allocating the authority to enroll children in the Colorado preschool
17 program pursuant to this section, the department shall allow a school
18 district to enroll a child in the program using two positions so that the
19 child may attend a full-day preschool portion of the district's preschool
20 program or to use a preschool program position to enroll a child in a full
21 day of the district's existing full-day kindergarten EDUCATIONAL program.
22 IN USING TWO POSITIONS TO ALLOW A CHILD TO ATTEND A FULL-DAY
23 PRESCHOOL PORTION OF THE SCHOOL DISTRICT'S PRESCHOOL PROGRAM, A
24 DISTRICT MAY USE TWO PRESCHOOL POSITIONS ALLOCATED PURSUANT TO
25 THIS SECTION OR MAY USE A PRESCHOOL POSITION ALLOCATED PURSUANT
26 TO THIS SECTION AND A PRESCHOOL POSITION ALLOCATED PURSUANT TO
27 SECTION 22-28-104. IF A SCHOOL DISTRICT COMBINES A PRESCHOOL

1 POSITION ALLOCATED PURSUANT TO THIS SECTION WITH A PRESCHOOL
2 POSITION ALLOCATED PURSUANT TO SECTION 22-28-104 TO ALLOW A
3 CHILD TO ATTEND FULL-DAY PRESCHOOL, THE DEPARTMENT SHALL NOT
4 INCLUDE THE PRESCHOOL POSITION ALLOCATED PURSUANT TO SECTION
5 22-28-104 IN CALCULATING THE LIMITATION ON USING POSITIONS FOR
6 FULL-DAY PRESCHOOL SPECIFIED IN SECTION 22-28-104 (4)(b).

7 (b) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR
8 THEREAFTER, THE DEPARTMENT SHALL NOT ALLOCATE TO A DISTRICT, AND
9 A DISTRICT SHALL NOT USE, A PRESCHOOL PROGRAM POSITION TO ENROLL
10 A CHILD IN A FULL DAY OF THE DISTRICT'S FULL-DAY KINDERGARTEN
11 EDUCATIONAL PROGRAM. A DISTRICT THAT USED A PRESCHOOL PROGRAM
12 POSITION TO ENROLL A CHILD IN A FULL DAY OF THE DISTRICT'S FULL-DAY
13 KINDERGARTEN EDUCATIONAL PROGRAM IN THE 2018-19 BUDGET YEAR
14 MAY RETAIN THE POSITION IN THE 2019-20 BUDGET YEAR AND BUDGET
15 YEARS THEREAFTER TO ENROLL A CHILD IN THE DISTRICT'S PRESCHOOL
16 PROGRAM TO ATTEND A HALF DAY OR FULL DAY OF PRESCHOOL; EXCEPT
17 THAT, IF THE DISTRICT DOES NOT ENROLL A SUFFICIENT NUMBER OF
18 CHILDREN TO USE ALL OF THE RETAINED PRESCHOOL PROGRAM POSITIONS
19 IN A BUDGET YEAR, THE DEPARTMENT SHALL REDISTRIBUTE THE UNUSED
20 POSITIONS.

21 ~~(4) If, pursuant to a district's authority to enroll children in the~~
22 ~~Colorado preschool program pursuant to this section, the district chooses~~
23 ~~to use a preschool program position to enroll a child in a full day of the~~
24 ~~district's existing full-day kindergarten program, the district shall retain~~
25 ~~the supplemental kindergarten enrollment attributable to the child~~
26 ~~enrolled in a full day of kindergarten using a preschool program position~~
27 ~~and may expend the supplemental kindergarten enrollment attributable to~~

1 ~~the child in furtherance of the district's preschool program or the district's~~
2 ~~full-day kindergarten program.~~

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

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

9 **22-32-119. Kindergartens - definition.** (1) (a) A board of
10 education shall establish and maintain ~~kindergartens~~ FULL-DAY OR
11 HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAMS in connection with
12 the schools of its district for the instruction of children one year prior to
13 the year in which ~~such~~ THE children would be eligible for admission to the
14 first grade. ~~Said~~ A board may prescribe courses of training, study, and
15 discipline and rules ~~and regulations~~ governing ~~such~~ THE kindergarten
16 EDUCATIONAL programs. ~~Said kindergartens shall~~ THE KINDERGARTEN
17 EDUCATIONAL PROGRAMS MUST be a part of the public school system, and
18 THE SCHOOL DISTRICT MUST PAY the cost of establishing and maintaining
19 ~~them may be paid~~ THE KINDERGARTEN EDUCATIONAL PROGRAMS from the
20 general school fund. A SCHOOL DISTRICT SHALL NOT CHARGE THE PARENT
21 OF A CHILD ENROLLED IN A KINDERGARTEN EDUCATIONAL PROGRAM
22 TUITION TO ATTEND ANY PORTION OF THE PROGRAM, EXCEPT AS PROVIDED
23 PURSUANT TO SECTION 22-32-115 (2)(b)(I), AND SHALL NOT CHARGE THE
24 PARENT FEES FOR THE CHILD TO ATTEND THE PROGRAM OTHER THAN FEES
25 THAT ARE ROUTINELY CHARGED TO THE PARENTS OF STUDENTS ENROLLED
26 IN OTHER GRADES AND ARE APPLICABLE TO THE KINDERGARTEN
27 EDUCATIONAL PROGRAM.

1 (b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(a) OF
2 THIS SECTION TO THE CONTRARY, IF THE GENERAL ASSEMBLY AMENDS THE
3 "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, TO
4 COUNT A STUDENT ENROLLED IN KINDERGARTEN ONLY AS A HALF-DAY
5 PUPIL, WITH OR WITHOUT THE ADDITION OF SUPPLEMENTAL
6 KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION 22-54-103 (15) FOR
7 PURPOSES OF CALCULATING THE FUNDED PUPIL COUNT AS DEFINED IN
8 SECTION 22-54-103 (7), A SCHOOL DISTRICT MAY CHARGE THE STUDENT'S
9 PARENTS TUITION OR A FEE FOR THE PORTION OF THE SCHOOL DAY FOR
10 WHICH IT DOES NOT RECEIVE FUNDING FOR THE STUDENT PURSUANT TO
11 THE "PUBLIC SCHOOL FINANCE ACT OF 1994"; EXCEPT THAT THE AMOUNT
12 OF TUITION OR FEE CHARGED SHALL NOT EXCEED THE AMOUNT OF TUITION
13 OR FEE THAT THE SCHOOL DISTRICT CHARGED TO ATTEND A FULL-DAY
14 KINDERGARTEN EDUCATIONAL PROGRAM FOR THE 2018-19 BUDGET YEAR,
15 ADJUSTED FOR INFLATION AND PRORATED BY THE PERCENTAGE OF THE
16 SCHOOL DAY FOR WHICH THE STUDENT IS NO LONGER FUNDED BY THE
17 "PUBLIC SCHOOL FINANCE ACT OF 1994". AS USED IN THIS SUBSECTION
18 (1)(b), "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE
19 UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS
20 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
21 ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR
22 INDEX.

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

25 **22-32-119.5. Full-day kindergarten - phase-in plan - report -**
26 **legislative declaration.** (1) (a) The general assembly hereby finds and
27 declares that:

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

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

7 (III) Studies show that full-day kindergarten EDUCATIONAL
8 programs address achievement gap issues and promote student
9 achievement;

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

14 (b) The general assembly further finds and declares that while the
15 benefits of full-day kindergarten EDUCATIONAL programs are evident, ~~the~~
16 ~~general assembly may be unable to provide funding to allow every~~
17 ~~eligible child in the state to attend a full day of kindergarten. As a result,~~
18 determining an approach to phase in full-day kindergarten EDUCATIONAL
19 programs is the first step toward potentially offering full-day kindergarten
20 EDUCATIONAL programs statewide. The development of a plan by each
21 local board of education THAT IS NOT OFFERING A FULL-DAY
22 KINDERGARTEN EDUCATIONAL PROGRAM AS OF THE 2019-20 SCHOOL YEAR
23 to phase in a full-day kindergarten EDUCATIONAL program at the district
24 level is essential to ensure that the appropriate mechanisms are in place
25 to support and maintain high-quality, full-day kindergarten EDUCATIONAL
26 programs in Colorado.

27 (2) Each local board of education THAT IS NOT OFFERING A

1 FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM AS OF THE 2019-20
2 SCHOOL YEAR shall develop a plan to potentially phase in a full-day
3 kindergarten EDUCATIONAL program in the school district. ~~to be funded~~
4 ~~with state or local moneys provided specifically for such program.~~ In
5 developing the plan, each local board shall consider the following:

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

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

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

14 (I) ~~Children who lack overall learning readiness due to significant~~
15 ~~family risk factors, who are in need of language development, or who are~~
16 ~~receiving services from the department of human services pursuant to~~
17 ~~article 5 of title 26, C.R.S., as neglected or dependent children;~~

18 (II) ~~Children who are currently enrolled in the Colorado preschool~~
19 ~~program;~~

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

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

25 (d) Professional development and staffing needs;

26 (e) ~~A method to prioritize the children to be served by a full-day~~
27 ~~kindergarten program if state and local funding for the program is~~

1 ~~insufficient to allow every eligible child in the school district to attend a~~
2 ~~full day of kindergarten;~~

3 (f) A plan for parent and community outreach and enrollment
4 processes; and

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

8 (3) Each local board of education THAT IS NOT OFFERING A
9 FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM AS OF THE 2019-20
10 SCHOOL YEAR shall submit its plan to phase in a full-day kindergarten
11 EDUCATIONAL program to the department of education on or before
12 ~~February 1, 2008. Any~~ JULY 1, 2020. A school district that has developed
13 a full-day kindergarten plan within the five years ~~prior to May 9, 2007~~
14 BEFORE JULY 1, 2020, may submit the previously developed plan to the
15 department in lieu of developing a plan pursuant to this section.

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

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

18 OR

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

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

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

26 **22-30.5-112. Charter schools - financing - guidelines -**
27 **definitions - repeal.** (2) (c) (III) ~~If a charter school operates a full-day~~

1 ~~kindergarten program~~, For purposes of calculating the A charter school's
2 funding pursuant to this subsection (2):

3 (A) IF THE CHARTER SCHOOL OPERATES A FULL-DAY
4 KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE
5 PROGRAM ARE COUNTED AS FULL-DAY PUPILS; EXCEPT THAT A STUDENT
6 ENROLLED AS LESS THAN A FULL-TIME PUPIL IS COUNTED IN ACCORDANCE
7 WITH RULES PROMULGATED BY THE STATE BOARD; AND

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

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

15 (II) (A) A CHARTER SCHOOL SHALL NOT CHARGE THE PARENT OF
16 A CHILD ENROLLED IN A KINDERGARTEN EDUCATIONAL PROGRAM TUITION
17 TO ATTEND ANY PORTION OF THE PROGRAM AND SHALL NOT CHARGE THE
18 PARENT FEES FOR THE CHILD TO ATTEND THE PROGRAM OTHER THAN FEES
19 THAT ARE ROUTINELY CHARGED TO THE PARENTS OF STUDENTS ENROLLED
20 IN OTHER GRADES AND ARE APPLICABLE TO THE KINDERGARTEN
21 EDUCATIONAL PROGRAM.

22 (B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
23 (2)(e)(II)(A) OF THIS SECTION TO THE CONTRARY, IF THE GENERAL
24 ASSEMBLY AMENDS THE "PUBLIC SCHOOL FINANCE ACT OF 1994",
25 ARTICLE 54 OF THIS TITLE 22, TO COUNT A STUDENT ENROLLED IN
26 KINDERGARTEN ONLY AS A HALF-DAY PUPIL, WITH OR WITHOUT THE
27 ADDITION OF SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED IN

1 SECTION 22-54-103 (15) FOR PURPOSES OF CALCULATING THE FUNDED
2 PUPIL COUNT AS DEFINED IN SECTION 22-54-103 (7), A CHARTER SCHOOL
3 MAY CHARGE THE STUDENT'S PARENTS TUITION OR A FEE FOR THE PORTION
4 OF THE SCHOOL DAY FOR WHICH IT DOES NOT RECEIVE FUNDING FOR THE
5 STUDENT PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994";
6 EXCEPT THAT THE AMOUNT OF TUITION OR FEE CHARGED SHALL NOT
7 EXCEED THE AMOUNT OF TUITION OR FEE THAT THE CHARTER SCHOOL
8 CHARGED TO ATTEND A FULL-DAY KINDERGARTEN EDUCATIONAL
9 PROGRAM FOR THE 2018-19 BUDGET YEAR, ADJUSTED FOR INFLATION AND
10 PRORATED BY THE PERCENTAGE OF THE SCHOOL DAY FOR WHICH THE
11 STUDENT IS NO LONGER FUNDED BY THE "PUBLIC SCHOOL FINANCE ACT
12 OF 1994". AS USED IN THIS SUBSECTION (2)(e)(II)(B), "INFLATION" MEANS
13 THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT
14 OF LABOR BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
15 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
16 CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

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

19 **22-30.5-112.1. Charter schools - exclusive jurisdiction**
20 **districts - authorized on or after July 1, 2004 - financing - definitions**
21 **- repeal.** (3) (c) ~~If a charter school operates a full-day kindergarten~~
22 ~~program,~~ For purposes of calculating ~~the~~ A charter school's funding
23 pursuant to this subsection (3):

24 (I) IF THE CHARTER SCHOOL OPERATES A FULL-DAY
25 KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE
26 PROGRAM ARE COUNTED AS FULL-DAY PUPILS; EXCEPT THAT A STUDENT
27 ENROLLED AS LESS THAN A FULL-TIME PUPIL IS COUNTED IN ACCORDANCE

1 WITH RULES PROMULGATED BY THE STATE BOARD; AND

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

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

9 **22-30.5-513. Institute charter schools - funding - at-risk**
10 **supplemental aid - legislative declaration - definitions - repeal.**

11 ~~(2) (b.5) If an institute charter school operates a full-day kindergarten~~
12 ~~program;~~ For purposes of calculating ~~the~~ AN institute charter school's
13 funding pursuant to this subsection (2):

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

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

25 (e) (I) AN INSTITUTE CHARTER SCHOOL SHALL NOT CHARGE THE
26 PARENT OF A CHILD ENROLLED IN A KINDERGARTEN EDUCATIONAL
27 PROGRAM TUITION TO ATTEND ANY PORTION OF THE PROGRAM AND SHALL

1 NOT CHARGE THE PARENT FEES FOR THE CHILD TO ATTEND THE PROGRAM
2 OTHER THAN FEES THAT ARE ROUTINELY CHARGED TO THE PARENTS OF
3 STUDENTS ENROLLED IN OTHER GRADES AND ARE APPLICABLE TO THE
4 KINDERGARTEN EDUCATIONAL PROGRAM.

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

27 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-105, **add** (6)

1 as follows:

2 **22-30.5-105. Charter schools - contract contents - regulations.**

3 (6) A CHARTER SCHOOL THAT PROVIDES A HALF-DAY KINDERGARTEN
4 EDUCATIONAL PROGRAM BEFORE THE 2019-20 SCHOOL YEAR AND
5 CHOOSES TO EXPAND THE KINDERGARTEN EDUCATIONAL PROGRAM TO A
6 FULL DAY SHALL NOTIFY THE CHARTERING LOCAL BOARD OF EDUCATION
7 OF THE EXPANSION OF THE KINDERGARTEN EDUCATIONAL PROGRAM AND
8 OF THE SCHOOL YEAR IN WHICH THE ANTICIPATED PROGRAM EXPANSION
9 TAKES EFFECT. THE CHARTER SCHOOL AND THE AUTHORIZING LOCAL
10 BOARD OF EDUCATION SHALL AMEND THE CHARTER CONTRACT AS
11 NECESSARY TO ALLOW FOR THE PROGRAM EXPANSION. IF THE LOCAL
12 BOARD OBJECTS TO THE PROGRAM EXPANSION, THE LOCAL BOARD SHALL
13 PROVIDE TO THE CHARTER SCHOOL A WRITTEN EXPLANATION OF THE
14 GROUNDS FOR ITS OBJECTION. IF THE CHARTER SCHOOL AND THE
15 AUTHORIZING LOCAL BOARD OF EDUCATION CANNOT AGREE ON AN
16 AMENDMENT TO THE CHARTER CONTRACT FOR THE PROGRAM EXPANSION,
17 THE CHARTER SCHOOL MAY FILE A NOTICE WITH THE STATE BOARD AS
18 PROVIDED IN SECTION 22-30.5-108 TO APPEAL THE DECISION OF THE LOCAL
19 BOARD CONCERNING A UNILATERAL IMPOSITION OF CONDITIONS ON THE
20 CHARTER SCHOOL. THE STATE BOARD SHALL DECIDE THE APPEAL IN
21 ACCORDANCE WITH THE PROVISIONS OF SECTION 22-30.5-108.
22 NEGOTIATIONS TO AMEND THE CHARTER CONTRACT TO ALLOW THE
23 EXPANSION OF THE KINDERGARTEN EDUCATIONAL PROGRAM SHALL NOT
24 INCLUDE NEGOTIATIONS REGARDING TERMS OF THE CHARTER CONTRACT
25 THAT ARE NOT DIRECTLY IMPACTED BY THE PROGRAM EXPANSION AND
26 SHALL NOT INCLUDE REAUTHORIZATION OF THE CHARTER SCHOOL.

27 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-508, **add** (6)

1 as follows:

2 **22-30.5-508. Institute charter schools - contract contents -**
3 **regulations.** (6) AN INSTITUTE CHARTER SCHOOL THAT PROVIDES A
4 HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM BEFORE THE 2019-20
5 SCHOOL YEAR AND CHOOSES TO EXPAND THE KINDERGARTEN
6 EDUCATIONAL PROGRAM TO A FULL DAY SHALL NOTIFY THE INSTITUTE
7 BOARD OF THE EXPANSION OF THE KINDERGARTEN EDUCATIONAL
8 PROGRAM AND OF THE SCHOOL YEAR IN WHICH THE ANTICIPATED
9 PROGRAM EXPANSION TAKES EFFECT. THE INSTITUTE CHARTER SCHOOL
10 AND THE INSTITUTE BOARD SHALL AMEND THE CHARTER CONTRACT AS
11 NECESSARY TO ALLOW FOR THE PROGRAM EXPANSION. IF THE INSTITUTE
12 BOARD OBJECTS TO THE PROGRAM EXPANSION, THE INSTITUTE BOARD
13 SHALL PROVIDE TO THE INSTITUTE CHARTER SCHOOL A WRITTEN
14 EXPLANATION OF THE GROUNDS FOR ITS OBJECTION. IF THE INSTITUTE
15 CHARTER SCHOOL AND THE INSTITUTE BOARD CANNOT AGREE ON AN
16 AMENDMENT TO THE CHARTER CONTRACT FOR THE PROGRAM EXPANSION,
17 THE INSTITUTE CHARTER SCHOOL MAY SUBMIT TO THE STATE BOARD A
18 NOTICE OF APPEAL, STATING THE GROUNDS FOR THE APPEAL. WITHIN
19 SIXTY DAYS AFTER RECEIVING THE NOTICE OF APPEAL AND AFTER
20 REASONABLE PUBLIC NOTICE, THE STATE BOARD SHALL REVIEW THE
21 DECISION OF THE INSTITUTE TO DENY THE PROGRAM EXPANSION AND
22 DETERMINE WHETHER THE DECISION WAS ARBITRARY AND CAPRICIOUS.
23 THE STATE BOARD SHALL REMAND THE MATTER TO THE INSTITUTE WITH
24 INSTRUCTIONS TO APPROVE OR DENY THE PROGRAM EXPANSION. THE
25 DECISION OF THE STATE BOARD SHALL BE FINAL AND NOT SUBJECT TO
26 APPEAL.

27 **SECTION 10.** In Colorado Revised Statutes, 22-7-1213, **amend**

1 (2) introductory portion and (2)(a) as follows:

2 **22-7-1213. Reporting requirements.** (2) Each local education
3 provider that receives an early literacy grant pursuant to section
4 22-7-1211 or per-pupil intervention ~~moneys~~ MONEY shall, at the
5 conclusion of each budget year in which it receives the grant or per-pupil
6 intervention ~~moneys~~ MONEY, submit to the department information
7 describing:

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

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

14 **SECTION 12. Appropriation.** For the 2019-20 state fiscal year,
15 \$182,911,699 is appropriated to the department of education. This
16 appropriation consists of \$173,972,108 from the general fund and
17 \$8,939,591 from the state education fund created in section 17 (4)(a) of
18 article IX of the state constitution. To implement this act, the department
19 may use this appropriation for the state share of district's total program
20 funding.

21 **SECTION 13. Appropriation - adjustments to 2019 long bill.**
22 To implement this act, the cash funds appropriation from the state
23 education fund created in section 17 (4)(a) of article IX of the state
24 constitution, made in the annual general appropriation act for the 2019-20
25 state fiscal year to the department of education for hold-harmless full-day
26 kindergarten funding is decreased by \$8,939,591.

27 **SECTION 14. Appropriation.** For the 2019-20 state fiscal year,

1 \$25,094 is appropriated to the department of human services for use by
2 the office of early childhood. This appropriation is from the general fund,
3 is subject to "(M)" notation as defined in the annual appropriations act for
4 the same fiscal year, and is based on an assumption that the office will
5 require an additional 0.3 FTE. To implement this act, the office may use
6 this appropriation for child care licensing and administration.

7 **SECTION 15. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.