

## CHAPTER 174

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**EDUCATION - PUBLIC SCHOOLS**

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**SENATE BILL 01-091**

BY SENATOR(S) Hernandez, Dyer (Durango), Fitz-Gerald, Gordon, Hagedorn, Hanna, Linkhart, Matsunaka, Pascoe, Perlmutter, Reeves, Takis, Teck, Thiebaut, Tupa, Windels;  
also REPRESENTATIVE(S) Spence, Bacon, Borodkin, Boyd, Garcia, Groff, Hodge, Jameson, Larson, Mace, Madden, Marshall, Plant, Romanoff, Stengel, Tochtrop, Vigil, Weddig, and Williams S.

**AN ACT**

CONCERNING THE AUTHORIZATION FOR SCHOOL DISTRICTS TO OFFER FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAMS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1. Legislative declaration.** The general assembly hereby finds and declares that the expansion of kindergarten educational programs to a full-day basis authorized by this act is intended to be a pilot program limited in duration and limited to specific and identifiable populations of students attending school in certain schools with low academic performance. It is the intent of the general assembly that such pilot program be utilized to study the impact of full-day kindergarten educational programs on improving student achievement.

**SECTION 2.** 22-32-110 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-32-110. Board of education - specific powers - repeal.** (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(II) (A) TO AUTHORIZE SUCH SCHOOL DISTRICT TO OFFER KINDERGARTEN EDUCATIONAL PROGRAMS ON A FULL-DAY BASIS PURSUANT TO SECTION 22-32-119 (2).

(B) THIS PARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2006.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3.** 22-32-109 (1) (n) (I) and (1) (n) (II) (A), Colorado Revised Statutes, are amended to read:

**22-32-109. Board of education - specific duties - repeal.** (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(n) (I) To determine, prior to the end of a school year, the length of time which the schools of the district shall be in session during the next following school year, but in no event shall said schools be scheduled to have ~~less~~ FEWER than one thousand eighty hours of planned teacher-pupil instruction and teacher-pupil contact during the school year for secondary school pupils in high school, middle school, or junior high school or less than nine hundred ninety hours of such instruction and contact for elementary school pupils or ~~less~~ FEWER than four hundred fifty hours of such instruction for a half-day kindergarten program OR FEWER THAN NINE HUNDRED HOURS OF SUCH INSTRUCTION FOR A FULL-DAY KINDERGARTEN PROGRAM. In no case shall a school be in session for fewer than one hundred sixty days without the specific prior approval of the commissioner of education. In extraordinary circumstances, if it appears to the satisfaction of the commissioner that compliance with the provisions of this subparagraph (I) would require the scheduling of hours of instruction and contact at a time when pupil attendance will be low and the benefits to pupils of holding such hours of instruction will be minimal in relation to the cost thereof, the commissioner may waive the provisions of this subparagraph (I) upon application therefor by the board of education of the district.

(II) (A) The actual hours of teacher-pupil instruction and teacher-pupil contact specified in subparagraph (I) of this paragraph (n) may be reduced to no ~~less~~ FEWER than one thousand fifty-six hours for secondary school pupils, no ~~less~~ FEWER than nine hundred sixty-eight hours for elementary school pupils, ~~or~~ no ~~less~~ FEWER than four hundred thirty-five hours for HALF-DAY kindergarten pupils, OR NO FEWER THAN EIGHT HUNDRED SEVENTY HOURS FOR FULL-DAY KINDERGARTEN PUPILS, for parent-teacher conferences, staff in-service programs, and closing deemed by the board to be necessary for the health, safety, or welfare of students.

**SECTION 4.** 22-32-119, Colorado Revised Statutes, is amended to read:

**22-32-119. Kindergartens - repeal.** (1) A board of education may establish and maintain kindergartens in connection with the schools of its district for the instruction of children one year prior to the year in which such children would be eligible for admission to the first grade. ~~and~~ ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, BUT PRIOR TO JULY 1, 2006, SUCH KINDERGARTEN EDUCATIONAL PROGRAMS MAY BE HALF-DAY OR FULL-DAY EDUCATIONAL PROGRAMS. Said board may prescribe courses of training, study, and discipline and rules and regulations governing such kindergarten programs. Said kindergartens shall be a part of the public school system, and the cost of establishing and maintaining them may be paid from the general school fund.

(2) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, BUT PRIOR TO JULY 1, 2006, A BOARD OF EDUCATION MAY ESTABLISH AND MAINTAIN FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAMS, IN ADDITION TO ANY OTHER FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAMS EXISTING ON OR BEFORE THE EFFECTIVE

DATE OF THIS ACT, TO SERVE THOSE STUDENTS WHO ATTEND A SCHOOL THAT RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "F" PURSUANT TO SECTION 22-7-604 (5) FOR THE PREVIOUS SCHOOL YEAR.

(b) ON AND AFTER JULY 1, 2005, THE DEPARTMENT OF EDUCATION SHALL CONTRACT FOR A REVIEW AND ANALYSIS OF THE EFFECTIVENESS OF THE FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAMS AUTHORIZED BY THIS SUBSECTION (2) IN RAISING STUDENT ACHIEVEMENT. THE DEPARTMENT SHALL PRESENT THE RESULTS OF SUCH REVIEW AND ANALYSIS TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 1, 2005.

(c) A LOCAL BOARD OF EDUCATION, IN IMPLEMENTING A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM AUTHORIZED BY THIS SUBSECTION (2), MAY CONTRACT WITH ANY OTHER PUBLIC OR PRIVATE ENTITY, INCLUDING BUT NOT LIMITED TO A CHILD CARE CENTER, AS DEFINED IN SECTION 26-6-102 (1.5), C.R.S., OR A HEAD START AGENCY, AS DEFINED IN SECTION 22-28-103 (6), TO PROVIDE SAID EDUCATIONAL PROGRAM. SUCH ENTITY PROVIDING SAID EDUCATIONAL PROGRAM SHALL COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAW WITH RESPECT TO PROVIDING SUCH AN EDUCATIONAL PROGRAM. A LOCAL BOARD OF EDUCATION, BY MUTUAL AGREEMENT WITH THE PROVIDER, MAY PLACE A TEACHER WITH SUCH PROVIDER IN ORDER TO IMPLEMENT SAID EDUCATIONAL PROGRAM.

(d) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE IMPLEMENTATION OF NEW FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAMS AS PART OF A STATEWIDE PILOT PROGRAM IS AN IMPORTANT ELEMENT OF EXPANDING THE AVAILABILITY OF PRESCHOOL AND KINDERGARTEN PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(e) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2006.

**SECTION 5.** 22-54-103 (10) (b) and (10) (f), Colorado Revised Statutes, are amended to read:

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

(10) (b) (I) A pupil enrolled in a HALF-DAY kindergarten EDUCATIONAL PROGRAM SHALL BE COUNTED AS A HALF-DAY PUPIL AND A PUPIL ENROLLED IN A FULL-DAY KINDERGARTEN PROGRAM SHALL BE COUNTED AS A FULL-DAY PUPIL. ~~and~~

(II) A pupil with a disability receiving an educational program under the "Exceptional Children's Educational Act", article 20 of this title, who would be in kindergarten but for such disability, shall be counted as a half-day pupil. A pupil with a disability receiving a full-day educational program under said act, who would be in a grade beyond kindergarten but for such disability, shall be counted as a full-day pupil.

(f) In certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify the number of pupils

enrolled in HALF-DAY KINDERGARTEN, THE NUMBER OF PUPILS ENROLLED IN FULL-DAY kindergarten, the number of pupils enrolled in first grade through twelfth grade, the number of expelled pupils receiving educational services pursuant to section 22-33-203, the number of pupils enrolled in the district's preschool program, the number of pupils receiving educational programs under the "Exceptional Children's Educational Act", and the number of at-risk pupils.

**SECTION 6. Appropriation - adjustments to the 2001 long bill.** For the implementation of this act, the cash funds exempt appropriation made in the annual general appropriations act for the fiscal year beginning July 1, 2001, to the department of education, for the state share of districts' total program funding, is increased by two million eight hundred fifty-three thousand seventy-five dollars (\$2,853,075), or so much thereof as may be necessary, for the implementation of any full-day kindergarten educational programs authorized by the state board of education and established pursuant to section 22-32-119 (2), Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

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

Approved: May 29, 2001