

CHAPTER 255

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 05-032

BY SENATOR(S) Williams, Windels, Bacon, Groff, and Tupa;
also REPRESENTATIVE(S) Hefley, Berens, Clapp, Gallegos, Merrifield, and Todd.

AN ACT**CONCERNING THE DATE FOR DETERMINING THE ENROLLMENT OF PRESCHOOL-AGE CHILDREN IN
PUBLIC EDUCATION PROGRAMS.**

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

SECTION 1. 22-54-103 (9.5) (a) and (10) (d), Colorado Revised Statutes, are amended to read:

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

(9.5) (a) (I) "Preschool enrollment" means the number of pupils enrolled in a district preschool program pursuant to article 28 of this title on October 1 within the applicable budget year or the school date nearest said date; except that a pupil enrolled in a district preschool program pursuant to article 28 of this title shall be counted as a half-day pupil.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), FOR BUDGET YEARS COMMENCING ON OR AFTER JULY 1, 2005, A DISTRICT MAY CHOOSE TO DETERMINE THE NUMBER OF PUPILS ENROLLED IN THE DISTRICT PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF THIS TITLE ON NOVEMBER 1 WITHIN THE APPLICABLE BUDGET YEAR OR THE SCHOOL DATE NEAREST SAID DATE, RATHER THAN ON OCTOBER 1. THE "PRESCHOOL ENROLLMENT" FOR THE DISTRICT SHALL BE THE NUMBER OF PUPILS SO ENROLLED WHO SHALL BE COUNTED AS HALF-DAY PUPILS.

(10) (d) (I) A three- or four-year-old pupil with a disability receiving an educational program under the "Exceptional Children's Educational Act", article 20 of this title, shall be counted as a half-day pupil.

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

(II) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (10) TO THE CONTRARY, FOR BUDGET YEARS COMMENCING ON OR AFTER JULY 1, 2005, A DISTRICT MAY CHOOSE TO DETERMINE THE NUMBER OF THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES ENROLLED AND RECEIVING EDUCATIONAL PROGRAMS UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE, AS OF NOVEMBER 1 WITHIN THE APPLICABLE BUDGET YEAR OR THE SCHOOL DATE NEAREST SAID DATE, RATHER THAN ON OCTOBER 1, AS EVIDENCED BY THE ACTUAL ATTENDANCE OF SUCH PUPILS ON NOVEMBER 1 OR THE SCHOOL DATE NEAREST SAID DATE. THE "PUPIL ENROLLMENT" OF THE DISTRICT SHALL INCLUDE THE NUMBER OF PUPILS SO ENROLLED WHO SHALL BE COUNTED AS HALF-DAY PUPILS.

SECTION 2. 22-54-112 (2) (a), Colorado Revised Statutes, is amended to read:

22-54-112. Reports to the state board. (2) (a) On or before November 10 of each year, the secretary of the board of education of each district shall certify to the state board the pupil enrollment, the on-line pupil enrollment, and the preschool enrollment of the district taken in the preceding October OR PREVIOUSLY IN NOVEMBER.

SECTION 3. 26-6.5-104 (3), Colorado Revised Statutes, is amended to read:

26-6.5-104. Funding. (3) The state department of human services is authorized to issue local pilot project waivers of any state laws or rules that would prevent pilot site agencies from implementing the pilot projects; EXCEPT THAT THE STATE DEPARTMENT OF HUMAN SERVICES SHALL NOT WAIVE THE PROVISIONS OF SECTION 22-54-103 (9.5) (a) (II) OR (10) (d) (II), C.R.S., ESTABLISHING THE DATE FOR DETERMINING THE NUMBER OF PUPILS ENROLLED.

SECTION 4. 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: June 2, 2005