

CHAPTER 44

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 12-1090

BY REPRESENTATIVE(S) Pace, Court, Fields, Hamner, Schafer S., Todd, Wilson;
also SENATOR(S) Newell, Aguilar, Bacon, Carroll, Foster, Grantham, Guzman, Heath, Hudak, Johnston, King K., Lambert,
Morse, Nicholson, Renfroe, Williams S.

AN ACT

CONCERNING THE ANNUAL DATE FOR ESTABLISHING THE TOTAL PUPIL ENROLLMENT OF EACH PUBLIC SCHOOL.

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

SECTION 1. In Colorado Revised Statutes, 22-1-122, **amend** (6) (b); and **add** (2) (c.5) as follows:

22-1-122. Transportation token program - legislative declaration - eligibility - fund. (2) As used in this section, unless the context otherwise requires:

(c.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

(6) (b) So long as an eligible student is enrolled before ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY, the parent or legal guardian of an eligible student may choose to enroll the eligible student in and transport the eligible student to a public school in another school district that has available space. Such school district shall enroll the eligible student and include the eligible student in the district's pupil enrollment for purposes of the "Public School Finance Act of 1994".

SECTION 2. In Colorado Revised Statutes, 22-2-102, **add** (4.5) as follows:

22-2-102. Definitions. As used in this part 1, unless the context otherwise requires:

(4.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

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. In Colorado Revised Statutes, 22-2-137, **amend** (5) (b) as follows:

22-2-137. State schools - legislative declaration - feasibility study - authority to contract - funding. (5) (b) In addition to the funding provided pursuant to paragraph (a) of this subsection (5), if the commissioner contracts for the creation and operation of one or more state residential schools, the department shall provide funding for said schools by withholding moneys from the state share of total program funding payable to the district of residence of each student who enrolls in a state residential school. The amount withheld shall be equal to the amount of the school district's per pupil revenue for the applicable budget year multiplied by the number of students who reside in the school district and are enrolled in the state residential school as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year. A student who enrolls in a state residential school shall be counted in the pupil enrollment of the student's school district of residence for purposes of this paragraph (b). The department shall adopt guidelines as necessary for the implementation of this paragraph (b).

SECTION 4. In Colorado Revised Statutes, 22-5.5-103, **add** (5.5) as follows:

22-5.5-103. Definitions. As used in this article, unless the context otherwise requires:

(5.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 5. In Colorado Revised Statutes, 22-5.5-106, **amend** (3) as follows:

22-5.5-106. Funding. (3) In addition to the grants described in subsections (1) and (2) of this section, on or after July 1, 2009, and annually thereafter, the department shall, subject to available appropriations, allocate to each eligible regional service area an amount equal to up to fifty cents per pupil based on the pupil enrollment for each school district in the regional service area as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the previous year.

SECTION 6. In Colorado Revised Statutes, 22-30.5-103, **add** (6.6) as follows:

22-30.5-103. Definitions. As used in this part 1, unless the context otherwise requires:

(6.6) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 7. In Colorado Revised Statutes, 22-30.5-112.1, **amend** (1) (k) (II) as follows:

22-30.5-112.1. Charter schools - definitions - exclusive jurisdiction districts - authorized on or after July 1, 2004 - financing. (1) As used in this section, unless the context otherwise requires:

(k) "On-line pupil enrollment" means:

(II) For the 2008-09 budget year, and for budget years thereafter, the number of pupils, on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY within the applicable budget year, ~~or the school day nearest said date~~, enrolled in, attending, and actively participating in a multi-district program, as defined in section 22-30.7-102 (6), created pursuant to article 30.7 of this title, by the district charter school.

SECTION 8. In Colorado Revised Statutes, 22-30.5-502, **add** (9.5) as follows:

22-30.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(9.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 9. In Colorado Revised Statutes, 22-30.5-513, **amend** (1) (j) (II) as follows:

22-30.5-513. Institute charter schools - definitions - funding. (1) As used in this section, unless the context otherwise requires:

(j) "On-line pupil enrollment" means:

(II) For the 2008-09 budget year, and for budget years thereafter, the number of pupils, on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY within the applicable budget year, ~~or the school day nearest said date~~, enrolled in, attending, and actively participating in a multi-district program, as defined in section 22-30.7-102 (6), created pursuant to article 30.7 of this title by the institute charter school.

SECTION 10. In Colorado Revised Statutes, 22-30.7-102, **add** (12.5) as follows:

22-30.7-102. Definitions. As used in this article, unless the context otherwise requires:

(12.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 11. In Colorado Revised Statutes, 22-30.7-107, **amend** (2) (a) and (2) (b) as follows:

22-30.7-107. Funding. (2) For the 2008-09 budget year, and for each budget year thereafter, for purposes of determining total program funding pursuant to article 54 of this title:

(a) (I) A school district that is providing a single-district program, or a school district in which a district charter school is providing a single-district program, shall include each student who is enrolled in the single-district program as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year in the school district's pupil enrollment for the applicable budget year and shall receive the school district's per-pupil funding for each student enrolled in the single-district program.

(II) An institute charter school that is providing a single-district program shall

include each student who is enrolled in the single-district program as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year in the institute charter school's pupil enrollment for the applicable budget year and shall receive the per-pupil funding of the institute charter school's accounting district for each student enrolled in the single-district program.

(b) (I) A school district that is providing a multi-district program, or a school district in which a district charter school is providing a multi-district program, shall include each student who is enrolled in the multi-district program as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year in the school district's on-line pupil enrollment for the applicable budget year and shall receive on-line funding, as specified in section 22-54-104 (4.5).

(II) An institute charter school that is providing a multi-district program shall include each student who is enrolled in the multi-district program as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year in the institute charter school's on-line enrollment for the applicable budget year and shall receive on-line funding, as specified in section 22-54-104 (4.5).

SECTION 12. In Colorado Revised Statutes, 22-32-141, **amend** (4) (a) and (4) (b); and **add** (1) (c) as follows:

22-32-141. Student awaiting trial as adult - educational services. (1) As used in this section, unless the context otherwise requires:

(c) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

(4) (a) In any budget year in which a school district is providing educational services to a juvenile pursuant to this section on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of said budget year, the school district may include the juvenile in its pupil enrollment, as defined in section 22-54-103 (10), for purposes of determining the school district's total program funding under the "Public School Finance Act of 1994", article 54 of this title.

(b) If the school district begins providing educational services pursuant to this section after ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY, the school district may seek reimbursement for the costs incurred pursuant to this section from the school district or charter school that included said juvenile in its pupil enrollment for the applicable budget year. Any amount received as reimbursement may not exceed the reimbursing school district's or charter school's per pupil revenue for the applicable budget year, prorated for the period of time that the receiving school district provides educational services pursuant to this section.

SECTION 13. In Colorado Revised Statutes, 22-33-102, **add** (5.5) as follows:

22-33-102. Definitions. As used in this article, unless the context otherwise requires:

(5.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 14. In Colorado Revised Statutes, 22-33-103.5, **amend** (7) as follows:

22-33-103.5. Attendance of homeless children. (7) Liaison. The board of education of each school district in the state shall designate one or more of the employees of the school district to act as a homeless child liaison. The homeless child liaison shall facilitate a homeless child's access to and success in school. The homeless child liaison shall also assist in the mediation of any disputes concerning school enrollment, assist in making arrangements for transportation of the homeless child to and from school, assist in requesting school and immunization records, and assist any unaccompanied homeless child in making enrollment decisions. On or before ~~October 1, 2002, and on or before October 1 each year thereafter~~ THE PUPIL ENROLLMENT COUNT DAY, the homeless child liaison in each school district shall report to the department of education the number of homeless children enrolled in the school district.

SECTION 15. In Colorado Revised Statutes, 22-36-101, **amend** (2) (a) and (2) (b) (IV); and **add** (2) (c) as follows:

22-36-101. Choice of programs and schools within school districts.
(2) (a) Every school district shall adopt such policies and procedures as are reasonable and necessary to implement the provisions of subsection (1) of this section, including, but not limited to, timelines for application to and acceptance in any program or school which may provide for enrollment of the student on or before ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY, and, while adopting policies and procedures, the school district shall consider adopting a policy establishing that an applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends a public school that is required to implement a turnaround plan pursuant to section 22-11-406 or that is subject to restructuring pursuant to section 22-11-210 shall have priority over any other applicant for enrollment purposes.

(b) In implementing the provisions of subsection (1) of this section, no school district shall be required to:

(IV) Enroll any student pursuant to this section in any program or school after ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY.

(c) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT OTHERWISE REQUIRES, "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 16. In Colorado Revised Statutes, 22-42-101, **add** (4.5) as follows:

22-42-101. Definitions. As used in this article, unless the context otherwise requires:

(4.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 17. In Colorado Revised Statutes, 22-42-104, **amend** (1.3) introductory portion and (1.4) introductory portion as follows:

22-42-104. Limit of bonded indebtedness. (1.3) Notwithstanding the provisions of paragraph (a) of subsection (1) of this section and except as provided in subsection (1.4) of this section, the limit on bonded indebtedness of a school district shall be the greater of the limit determined pursuant to paragraph (b) of subsection (1) of this section or twenty-five percent of the latest valuation for assessment of the taxable property in such district, as certified by the county assessor to the board of county commissioners, for any bonded indebtedness approved at any election held on or after July 1, 1994, if the commissioner of education or the commissioner's designee certifies that for each of the preceding three fiscal years, or for three consecutive fiscal years that include the fiscal year in which the certification is made, the pupil enrollment or the funded pupil count of the district as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY, whichever is applicable, has increased:

(1.4) For any bonded indebtedness approved at the 2008 general election, the limit on bonded indebtedness of a school district shall be the greater of the limit determined pursuant to subsection (1.3) of this section or thirty percent of the latest valuation for assessment of the taxable property in such district, as certified by the county assessor to the board of county commissioners, if the commissioner of education or the commissioner's designee certifies that for each of the preceding three fiscal years, or for three consecutive fiscal years that include the fiscal year in which the certification is made, the pupil enrollment or the funded pupil count of the district as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY, whichever is applicable, increased:

SECTION 18. In Colorado Revised Statutes, 22-44-102, **add** (7.5) as follows:

22-44-102. Definitions. As used in this part 1, unless the context otherwise requires:

(7.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 19. In Colorado Revised Statutes, 22-44-118, **amend** (1) as follows:

22-44-118. Full-day kindergarten reserve - tracking of expenditures - preschool programs - rules. (1) (a) Except as otherwise provided in paragraphs (b) and (c) of this subsection (1), for the 2008-09 budget year and each budget year thereafter, a school district that does not report any full-day kindergarten pupils in the district's ~~October 1~~ pupil enrollment count AS OF THE PUPIL ENROLLMENT COUNT DAY shall hold the moneys received for full-day kindergarten programs through supplemental kindergarten enrollment pursuant to section 22-54-103 (7) (d) in a full-day kindergarten reserve in the district's general fund. The district shall not use the moneys in the full-day kindergarten reserve until the district enrolls one or more pupils in full-day kindergarten in the district. Once the district enrolls pupils in full-day kindergarten in the district, the district shall not be required to maintain the full-day kindergarten reserve.

(b) For the 2008-09 budget year, a school district that does not report any full-day kindergarten pupils in the district's ~~October 1~~ pupil enrollment count AS OF THE PUPIL ENROLLMENT COUNT DAY may use the moneys received for full-day

kindergarten programs through supplemental kindergarten enrollment pursuant to section 22-54-103 (7) (d) for planning and facility preparation necessary for the district to offer a full-day kindergarten program in subsequent budget years. Each school district shall, on or before June 30, 2009, return to the department of education any unexpended and unencumbered amount remaining of the moneys received for full-day kindergarten programs through supplemental kindergarten enrollment pursuant to section 22-54-103 (7) (d). The department of education shall adopt procedures for the implementation of this paragraph (b). The department of education shall transmit to the state treasurer the moneys received pursuant to this paragraph (b), and the state treasurer shall credit said moneys to the state education fund created pursuant to section 17 (4) of article IX of the state constitution.

(c) For the 2009-10 budget year, a school district that does not report any full-day kindergarten pupils in the district's ~~October 1~~ pupil enrollment count AS OF THE PUPIL ENROLLMENT COUNT DAY may use the moneys received for full-day kindergarten programs through supplemental kindergarten enrollment pursuant to section 22-54-103 (7) (d) for planning and facility preparation necessary for the district to offer a full-day kindergarten program in subsequent budget years.

SECTION 20. In Colorado Revised Statutes, 22-54-103, **amend** (5.2), (8.5) (a) (II), (9.5) (a), (10) (a) (I), (10) (a) (III.5), and (10) (d) (II); and **add** (10.5) as follows:

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

(5.2) "District ASCENT program pupil enrollment" means the number of pupils, on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY within the applicable budget year, ~~or the school day nearest said date,~~ who are concurrently enrolled in a postsecondary course, including an academic course or a career and technical education course, as a participant in the ASCENT program. An ASCENT program participant who is enrolled in at least twelve credit hours of postsecondary courses, including academic courses and career and technical education courses, as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year shall be included in the district ASCENT program pupil enrollment as a full-time pupil. An ASCENT program participant who is enrolled in less than twelve credit hours of postsecondary courses, including academic courses and career and technical education courses, as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year shall be included in the district ASCENT program pupil enrollment as a part-time pupil.

(8.5) (a) "On-line pupil enrollment" means:

(II) For the 2008-09 budget year, and for budget years thereafter, the number of pupils, on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY within the applicable budget year, ~~or the school day nearest said date,~~ enrolled in, attending, and actively participating in a multi-district program, as defined in section 22-30.7-102 (6), created pursuant to article 30.7 of this title.

(9.5) (a) (I) "Preschool program enrollment" means the number of pupils enrolled in a district preschool program pursuant to article 28 of this title on ~~October 1~~ THE

PUPIL ENROLLMENT COUNT DAY within the applicable budget year. ~~or the school date nearest said date.~~ 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 PUPIL ENROLLMENT COUNT DAY. The "preschool program enrollment" for the district shall be the number of pupils enrolled in the district preschool program, who shall be counted as half-day pupils.

(10) (a) (I) "Pupil enrollment" means the number of pupils enrolled on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY within the applicable budget year, ~~or the school day nearest said date,~~ as evidenced by the actual attendance of such pupils prior to said date, except as otherwise provided in subparagraph (II) of this paragraph (a), plus the number of pupils expelled prior to ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY within the applicable budget year who are receiving educational services pursuant to section 22-33-203 as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year. ~~The department of education is authorized to establish alternative dates for determining pupil enrollment in appropriate circumstances, including, but not limited to, when schools are on a year-round schedule pursuant to section 22-32-109 (1) (n) and pupils will be on authorized breaks on October 1 within the applicable budget year, except that such alternative dates shall be set not more than forty-five calendar days after the first school day occurring after October 1.~~

(III.5) For the 2009-10 budget year and budget years thereafter, "pupil enrollment" shall include any juvenile to whom the school district is providing educational services pursuant to section 22-32-141 as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year.

(d) (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~~ THE PUPIL ENROLLMENT COUNT DAY, 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.

(10.5) (a) "PUPIL ENROLLMENT COUNT DAY" MEANS OCTOBER 1 OF EACH YEAR; EXCEPT THAT:

(I) IN ANY YEAR IN WHICH OCTOBER 1 IS A SATURDAY, A SUNDAY, OR ANY OTHER DAY ON WHICH SCHOOL IS NOT IN SESSION, EXCEPT AS DESCRIBED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a), THE PUPIL ENROLLMENT COUNT DAY IS THE MONDAY FOLLOWING THAT SATURDAY, SUNDAY, OR OTHER DAY;

(II) IN ANY YEAR IN WHICH A DAY OF A MAJOR RELIGIOUS HOLIDAY OCCURS UPON OCTOBER 1, OR, IN YEARS IN WHICH OCTOBER 1 FALLS ON A SATURDAY, SUNDAY, OR OTHER DAY ON WHICH SCHOOL IS NOT IN SESSION AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), OR UPON THE MONDAY DIRECTLY FOLLOWING OCTOBER 1, THE PUPIL ENROLLMENT COUNT DAY IS THE FIRST SCHOOL DAY IMMEDIATELY FOLLOWING THE CONCLUSION OF THE HOLIDAY; AND

(III) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO ESTABLISH ALTERNATIVE DATES FOR DETERMINING PUPIL ENROLLMENT IN APPROPRIATE CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO, WHEN SCHOOLS ARE ON A YEAR-ROUND SCHEDULE PURSUANT TO SECTION 22-32-109 (1) (n) AND PUPILS WILL BE ON AUTHORIZED BREAKS ON OCTOBER 1 WITHIN THE APPLICABLE BUDGET YEAR; EXCEPT THAT SUCH ALTERNATIVE DATES SHALL BE SET NOT MORE THAN FORTY-FIVE CALENDAR DAYS AFTER THE FIRST SCHOOL DAY OCCURRING AFTER OCTOBER 1.

(b) ON OR BEFORE JULY 1, 2012, THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING THE MEANING OF "MAJOR RELIGIOUS HOLIDAY" FOR THE PURPOSES OF THIS SUBSECTION (10.5).

SECTION 21. In Colorado Revised Statutes, 22-54-126, **amend** (1) (b); and **add** (1) (c) as follows:

22-54-126. Declining enrollment districts with new charter schools - additional aid - definitions. (1) As used in this section, unless the context otherwise requires:

(b) "New charter school enrollment" means the number of pupils enrolled in a new district charter school of a declining enrollment district on ~~October 1 or the school day nearest said date~~ THE PUPIL ENROLLMENT COUNT DAY in the budget year in which the new district charter school is opened in the declining enrollment district minus the number of pupils enrolled as of that date in an on-line program who are also enrolled in the new district charter school of the declining enrollment district.

(c) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 22. In Colorado Revised Statutes, 22-54-128, **amend** (1) (b); and **add** (1) (c) as follows:

22-54-128. Military dependent supplemental pupil enrollment aid - definitions. (1) As used in this section, unless the context otherwise requires:

(b) "Military dependent supplemental pupil enrollment" means the number of eligible pupils enrolled in a school district on February 1 within the applicable budget year or the school day nearest said date who were not enrolled in the district or in any other school district in the state on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the budget year. ~~or the school day nearest said date.~~ An eligible pupil shall be considered enrolled in a district as evidenced by the actual attendance of such eligible pupil prior to February 1 of the applicable budget year.

(c) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 23. In Colorado Revised Statutes, 22-54-129, **amend** (1) (d); and **add** (1) (d.5) as follows:

22-54-129. Facility school funding - definitions - legislative declaration.
(1) As used in this section, unless the context otherwise requires:

(d) "Pupil enrollment" means the number of students receiving educational services at the approved facility school or state program on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget year. ~~or on the school day nearest said date.~~

(d.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

SECTION 24. 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: March 22, 2012