

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0408.02 Julie Pelegrin

SENATE BILL 10-131

SENATE SPONSORSHIP

Shaffer B.,

HOUSE SPONSORSHIP

Solano,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING FUNDING INCENTIVES TO ENCOURAGE SCHOOL DISTRICTS
102 TO PROVIDE HIGH-QUALITY FULL-DAY KINDERGARTEN
103 PROGRAMS, AND REQUIRING A POST-ENACTMENT REVIEW OF
104 THE IMPLEMENTATION OF THIS ACT.

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://www.leg.state.co.us/billsummaries>.)

The bill encourages school districts to implement full-day kindergarten programs that meet specified quality criteria by providing

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

additional per pupil funding for children enrolled in the program. The criteria include requiring the full-day kindergarten program to be available to every child of kindergarten-age who resides in the school district and whose parents choose to enroll him or her in full-day kindergarten, as well as other program-quality criteria. In each budget year in which a school district implements a full-day kindergarten program that meets the specified criteria, the school district will receive 1.3 of the district's per pupil revenue for each child enrolled in the full-day kindergarten program. The commissioner of education will verify each school district's certification of a full-day kindergarten program that qualifies for the increased funding.

The bill exempts a school district that receives 1.3 per pupil funding for full-day kindergarten students from the statutory provision that provides hold-harmless full-day kindergarten funding and from other statutory restrictions on the use of full-day kindergarten funding.

Two years after the bill is enacted, the legislative service agencies will conduct a post-enactment review to determine whether the bill, as implemented, is achieving the desired results and benefits specified in the legislative declaration in **section 1** of the bill.

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

2 **SECTION 1. Legislative declaration.** (1) It is the intent of the
3 general assembly that this act will provide a sufficient monetary incentive
4 to ensure that:

5 (a) Every school district in the state will offer a free, full-day
6 kindergarten program;

7 (b) Each full-day kindergarten program is available to every child
8 who resides in the school district, who is of the appropriate age to attend
9 kindergarten, and whose parents choose to enroll him or her in full-day
10 kindergarten; and

11 (c) Each full-day kindergarten program meets the quality
12 standards specified in section 22-32-119.5 (5), Colorado Revised Statutes.

13 **SECTION 2.** 22-54-103 (15), Colorado Revised Statutes, is
14 amended to read:

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

3 (15) (a) "Supplemental kindergarten enrollment" means the
4 number calculated by subtracting five-tenths from the full-day
5 kindergarten factor for the applicable budget year and then multiplying
6 said number by the number of pupils in the district who are enrolled in
7 kindergarten for the applicable budget year.

8 (b) For the purposes of this subsection (15), the full-day
9 kindergarten factor for the 2008-09 and 2009-10 budget years, is
10 fifty-eight hundredths of a full-day pupil.

11 (c) FOR THE PURPOSES OF THIS SUBSECTION (15), THE FULL-DAY
12 KINDERGARTEN FACTOR FOR THE 2010-11 BUDGET YEAR AND BUDGET
13 YEARS THEREAFTER IS:

14 (I) FIFTY-EIGHT HUNDREDTHS OF A FULL-DAY PUPIL FOR A SCHOOL
15 DISTRICT THAT DOES NOT CERTIFY PURSUANT TO SECTION 22-54-112 (5)
16 IMPLEMENTATION OF A FULL-DAY KINDERGARTEN PROGRAM THAT MEETS
17 THE CRITERIA SPECIFIED IN SECTION 22-32-119.5 (5); OR

18 (II) ONE AND THREE TENTHS OF A FULL-DAY PUPIL FOR A SCHOOL
19 DISTRICT THAT CERTIFIES PURSUANT TO SECTION 22-54-112 (5)
20 IMPLEMENTATION OF A FULL-DAY KINDERGARTEN PROGRAM THAT MEETS
21 THE CRITERIA SPECIFIED IN SECTION 22-32-119.5 (5).

22 **SECTION 3.** 22-54-112, Colorado Revised Statutes, is amended
23 BY THE ADDITION OF A NEW SUBSECTION to read:

24 **22-54-112. Reports to the state board.** (5) ON OR BEFORE JUNE
25 1 OF EACH YEAR, THE SECRETARY OF THE BOARD OF EDUCATION OF EACH
26 DISTRICT THAT IMPLEMENTS A FULL-DAY KINDERGARTEN PROGRAM THAT
27 MEETS THE CRITERIA SPECIFIED IN SECTION 22-32-119.5 (5) SHALL CERTIFY

1 TO THE STATE BOARD THAT THE DISTRICT WILL IMPLEMENT SAID FULL-DAY
2 KINDERGARTEN PROGRAM IN THE COMING SCHOOL YEAR.

3 **SECTION 4.** 22-32-119.5, Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW SUBSECTION to read:

5 **22-32-119.5. Full-day kindergarten - legislative declaration -**
6 **phase-in plan - report - criteria for incentive funding.** (5) (a) THE
7 GENERAL ASSEMBLY FINDS THAT A FULL-DAY KINDERGARTEN PROGRAM
8 THAT MEETS THE CRITERIA SPECIFIED IN PARAGRAPH (b) OF THIS
9 SUBSECTION (5) IS LIKELY TO SIGNIFICANTLY IMPROVE THE SCHOOL
10 READINESS AND ON-GOING ACADEMIC ACHIEVEMENT OF CHILDREN WHO
11 ARE ENROLLED IN AND SUCCESSFULLY COMPLETE THE PROGRAM. IT IS
12 THEREFORE IN THE BEST INTERESTS OF THE STATE TO ENCOURAGE SCHOOL
13 DISTRICTS TO IMPLEMENT FULL-DAY KINDERGARTEN PROGRAMS THAT
14 MEET THE CRITERIA BY PROVIDING INCENTIVE FUNDING IN AN AMOUNT
15 THAT EXCEEDS THE SCHOOL DISTRICT'S PER PUPIL REVENUE, AS
16 CALCULATED PURSUANT TO ARTICLE 54 OF THIS TITLE, FOR EACH PUPIL
17 ENROLLED IN A FULL-DAY KINDERGARTEN PROGRAM THAT MEETS SAID
18 CRITERIA.

19 (b) TO BE ELIGIBLE FOR INCENTIVE FUNDING, A FULL-DAY
20 KINDERGARTEN PROGRAM SHALL MEET ALL OF THE FOLLOWING CRITERIA:

21 (I) THE FULL-DAY KINDERGARTEN PROGRAM SHALL BE AVAILABLE,
22 WITHOUT PAYMENT OF TUITION, TO EVERY CHILD WHO RESIDES IN THE
23 SCHOOL DISTRICT, WHO IS OF THE APPROPRIATE AGE TO BE COUNTED AS A
24 KINDERGARTEN PUPIL PURSUANT TO SECTION 22-54-103 (10) (b) (I), AND
25 WHOSE PARENTS CHOOSE TO ENROLL HIM OR HER IN FULL-DAY
26 KINDERGARTEN.

27 (II) EACH FULL-DAY KINDERGARTEN CLASS SHALL NOT EXCEED

1 FIFTEEN CHILDREN FOR EACH TEACHER AND SHALL INCLUDE AN
2 INSTRUCTIONAL ASSISTANT, IN ADDITION TO THE TEACHER.

3 (III) EACH TEACHER WHO TEACHES A FULL-DAY KINDERGARTEN
4 CLASS SHALL HOLD A VALID TEACHER LICENSE ISSUED PURSUANT TO
5 ARTICLE 60.5 OF THIS TITLE THAT IS ENDORSED FOR EARLY CHILDHOOD
6 EDUCATION.

7 (IV) THE FULL-DAY KINDERGARTEN PROGRAM SHALL INCLUDE
8 DEVELOPMENTALLY APPROPRIATE ACTIVITIES AND LEARNING MATERIALS,
9 INCLUDING A FOCUS ON SOCIAL SKILL DEVELOPMENT AND PLAY-BASED
10 CURRICULUM.

11 (V) THE FULL-DAY KINDERGARTEN PROGRAM SHALL HAVE
12 SUFFICIENT FLEXIBILITY TO ADDRESS EACH CHILD'S INDIVIDUAL LEARNING
13 NEEDS AND ACCOMMODATE A WIDE RANGE OF STUDENT SKILL LEVELS.

14 (VI) THE SCHOOL DISTRICT SHALL ENSURE THAT THE FULL-DAY
15 KINDERGARTEN TEACHERS RECEIVE APPROPRIATE EDUCATOR
16 PROFESSIONAL DEVELOPMENT OPPORTUNITIES THAT ARE FOCUSED ON
17 IMPROVING SKILLS RELATED TO BEST PRACTICES IN EARLY CHILDHOOD
18 EDUCATION.

19 (c) A LOCAL BOARD OF EDUCATION THAT CHOOSES TO IMPLEMENT
20 A FULL-DAY KINDERGARTEN PROGRAM THAT MEETS THE CRITERIA
21 SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (5) SHALL CERTIFY
22 IMPLEMENTATION OF THE PROGRAM TO THE STATE BOARD OF EDUCATION
23 AS PROVIDED IN SECTION 22-54-112 (5) IN ORDER TO CALCULATE THE
24 DISTRICT'S SUPPLEMENTAL KINDERGARTEN ENROLLMENT, AS DEFINED IN
25 SECTION 22-54-103 (15), USING THE FULL-DAY KINDERGARTEN FACTOR
26 DESCRIBED IN SECTION 22-54-103 (15) (c) (II).

27 **SECTION 5.** 22-2-112 (1), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **22-2-112. Commissioner - duties.** (1) Subject to the supervision
3 of the state board, the commissioner has the following duties:

4 (p) TO VERIFY A SCHOOL DISTRICT'S CERTIFICATION OF THE
5 IMPLEMENTATION OF A FULL-DAY KINDERGARTEN PROGRAM THAT MEETS
6 THE CRITERIA SPECIFIED IN SECTION 22-32-119.5 (5) IN ORDER TO RECEIVE
7 THE SUPPLEMENTAL KINDERGARTEN ENROLLMENT CALCULATED USING
8 THE FULL-DAY KINDERGARTEN FACTOR SPECIFIED IN SECTION 22-54-103
9 (15) (c) (II). THE DEPARTMENT OF EDUCATION MAY VERIFY THIS
10 CERTIFICATION IN CONJUNCTION WITH THE AUDIT OF OTHER
11 CERTIFICATIONS MADE BY SCHOOL DISTRICTS TO THE DEPARTMENT FOR
12 THE DETERMINATION OF STATE FUNDING.

13 **SECTION 6.** 22-54-130 (1), Colorado Revised Statutes, is
14 amended to read:

15 **22-54-130. Hold-harmless full-day kindergarten funding.**

16 (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS
17 SUBSECTION (1), for the 2008-09 budget year and each budget year
18 thereafter, a district that participated in the Colorado preschool program
19 pursuant to article 28 of this title in the 2007-08 budget year and that
20 served a percentage of children authorized to participate in the district's
21 preschool program through a full-day kindergarten portion of the program
22 in the 2007-08 budget year shall receive hold-harmless full-day
23 kindergarten funding pursuant to this section. The funding paid pursuant
24 to this section shall be in addition to the funding for supplemental
25 kindergarten enrollment that the district receives pursuant to section
26 22-54-103 (7) (d).

27 (b) FOR THE 2010-11 BUDGET YEAR AND BUDGET YEARS

1 THEREAFTER, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A
2 DISTRICT THAT RECEIVES THE SUPPLEMENTAL KINDERGARTEN
3 ENROLLMENT CALCULATED USING THE FULL-DAY KINDERGARTEN FACTOR
4 SPECIFIED IN SECTION 22-54-103 (15) (c) (II).

5 **SECTION 7.** 22-54-131 (4), Colorado Revised Statutes, is
6 amended, and the said 22-54-131 is further amended BY THE
7 ADDITION OF A NEW SUBSECTION, to read:

8 **22-54-131. Full-day kindergarten funding - guidelines -**
9 **technical assistance - legislative intent - legislative declaration.**

10 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS
11 SECTION, a district shall use the total amount received from supplemental
12 kindergarten enrollment pursuant to section 22-54-103 (7) (d) and
13 hold-harmless full-day kindergarten funding pursuant to section
14 22-54-130 to provide access to a full-day kindergarten program; except
15 that in any budget year, if a district provides a full day of kindergarten to
16 at least ninety percent of the pupils enrolled in kindergarten in the district
17 who choose to attend a full day of kindergarten, the district may use the
18 moneys from supplemental kindergarten enrollment and hold-harmless
19 full-day kindergarten funding for purposes other than to provide access
20 to a full-day kindergarten program.

21 (4.5) FOR THE 2010-11 BUDGET YEAR AND BUDGET YEARS
22 THEREAFTER, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A
23 DISTRICT THAT RECEIVES THE SUPPLEMENTAL KINDERGARTEN
24 ENROLLMENT CALCULATED USING THE FULL-DAY KINDERGARTEN FACTOR
25 SPECIFIED IN SECTION 22-54-103 (15) (c) (II).

26 **SECTION 8. Accountability.** Two years after this act becomes
27 law and in accordance with section 2-2-1201, Colorado Revised Statutes,

1 the legislative service agencies of the Colorado General Assembly shall
2 conduct a post-enactment review of the implementation of this act
3 utilizing the information contained in the legislative declaration set forth
4 in section 1 of this act.

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