

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
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BILL 1

LLS NO. 18-0317.02 Julie Pelegrin x2700

COMMITTEE BILL

Early Childhood and School Readiness Legislative Commission

BILL TOPIC: "Counting Pupils In Kindergarten & Twelfth Grade"

A BILL FOR AN ACT

101 **CONCERNING COUNTING PUPILS AS PERCENTAGES OF FULL-DAY PUPILS**
102 **FOR PURPOSES OF CALCULATING PUBLIC SCHOOL FUNDING.**

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/>.)

Early Childhood and School Readiness Legislative Commission. Under current law, for purposes of calculating a school district's total program funding, a kindergarten student is counted as 58% of a full-day student and a twelfth-grade student is counted as a full-day student. Beginning in the 2018-19 budget year, the bill directs the department of education to count:

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- A kindergarten student who is enrolled in a full-day kindergarten program as 85% of a full-day student;
- A kindergarten student who is enrolled in a half-day kindergarten program as no more than 58% of a full-day student; and
- A twelfth-grade student as no more than 75% of a full-day student unless the student is concurrently enrolled in a postsecondary course or is enrolled in a p-tech school or an early college, in which case the student is counted as a full-day student.

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 the introductory portion, (7)(e)(I) introductory portion, (10)(b)(I)
4 introductory portion, (10)(e.5), (10)(f), and (15); and **add** (7)(f) and
5 (10)(e.3) as follows:

6 **22-54-103. Definitions.** As used in this ~~article~~ ARTICLE 54, unless
7 the context otherwise requires:

8 (7) "Funded pupil count" means:

9 (e) (I) For budget years commencing on and after July 1, 2009,
10 BUT BEFORE JULY 1, 2018, the district's online pupil enrollment for the
11 applicable budget year plus the district's preschool program enrollment
12 for the applicable budget year plus the district's supplemental
13 kindergarten enrollment for the applicable budget year plus the district's
14 extended high school pupil enrollment for the applicable budget year, plus
15 the greater of:

16 (f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,
17 2018, THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE APPLICABLE
18 BUDGET YEAR PLUS THE DISTRICT'S PRESCHOOL PROGRAM ENROLLMENT
19 FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S EXTENDED HIGH
20 SCHOOL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR, PLUS THE

1 GREATER OF:

2 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
3 BUDGET YEAR; OR

4 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
5 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
6 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

7 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
8 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
9 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

10 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
11 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
12 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

13 (E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
14 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
15 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

16 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
17 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(f)(I) OF THIS SECTION, A
18 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL
19 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING
20 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING
21 DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE
22 CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE PUPIL
23 ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT BEFORE
24 CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION
25 22-54-104.

26 (III) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
27 FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE

1 CONSTITUTION, AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE
2 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
3 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO
4 SUBSECTION (7)(f)(I)(E) OF THIS SECTION IS A PROGRAM FOR
5 ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE
6 FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)
7 OF ARTICLE IX OF THE STATE CONSTITUTION.

8 (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
9 CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (7)(f), A DISTRICT'S
10 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S
11 PUPIL ENROLLMENT FOR ANY PRECEDING BUDGET YEAR SHALL NOT
12 INCLUDE ANY PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL
13 THAT WAS ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS
14 SUBSEQUENTLY CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE
15 CHARTER SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS
16 TO THE ORIGINALLY AUTHORIZING DISTRICT.

17 (V) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION
18 (7)(f), FOR THE PURPOSES OF THIS SUBSECTION (7), IF A DISTRICT'S FUNDED
19 PUPIL COUNT CALCULATED PURSUANT TO THIS SUBSECTION (7) FOR A
20 BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE DISTRICT'S FUNDED PUPIL
21 COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

22 (10) (b) (I) FOR BUDGET YEARS COMMENCING BEFORE JULY 1,
23 2018, a pupil enrolled in a kindergarten educational program pursuant to
24 section 22-32-119 (1) shall be counted as not more than a half-day pupil;
25 except that, if the pupil does not advance to first grade, pursuant to
26 section 22-7-1207, after completing one year of enrollment in a
27 kindergarten educational program, the pupil shall be counted as a full-day

1 pupil for the second year in which he or she is enrolled in the
2 kindergarten educational program. FOR THE BUDGET YEAR COMMENCING
3 JULY 1, 2018, AND EACH BUDGET YEAR THEREAFTER, A PUPIL ENROLLED
4 IN A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM, AS DEFINED BY
5 RULE OF THE STATE BOARD, SHALL BE COUNTED AS NOT MORE THAN
6 EIGHTY-FIVE PERCENT OF A FULL-DAY PUPIL, AND A PUPIL ENROLLED IN A
7 HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM, AS DEFINED BY RULE
8 OF THE STATE BOARD, SHALL BE COUNTED AS NOT MORE THAN
9 FIFTY-EIGHT PERCENT OF A FULL-DAY PUPIL; EXCEPT THAT, IF A PUPIL DOES
10 NOT ADVANCE TO FIRST GRADE, PURSUANT TO SECTION 22-7-1207, AFTER
11 COMPLETING ONE YEAR OF ENROLLMENT IN A FULL-DAY OR HALF-DAY
12 KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPIL SHALL BE COUNTED
13 AS A FULL-DAY PUPIL FOR THE SECOND YEAR IN WHICH HE OR SHE IS
14 ENROLLED IN THE FULL-DAY OR HALF-DAY KINDERGARTEN EDUCATIONAL
15 PROGRAM. For the 2005-06 budget year and each budget year thereafter,
16 a district shall count and receive funding only for pupils enrolled in a
17 kindergarten educational program who are:

18 (e.3) FOR THE BUDGET YEAR COMMENCING JULY 1, 2018, AND
19 EACH BUDGET YEAR THEREAFTER, A PUPIL ENROLLED IN TWELFTH GRADE
20 SHALL BE COUNTED AS NOT MORE THAN SEVENTY-FIVE PERCENT OF A
21 FULL-DAY PUPIL; EXCEPT THAT, IF THE PUPIL IS CONCURRENTLY ENROLLED
22 IN AN INSTITUTION OF HIGHER EDUCATION IN ACCORDANCE WITH ARTICLE
23 35 OF THIS TITLE 22 FOR AT LEAST THE NUMBER OF CREDITS IDENTIFIED BY
24 RULE OF THE STATE BOARD OR IS ENROLLED IN A P-TECH SCHOOL, AS
25 DEFINED IN SECTION 22-35.3-102, OR AN EARLY COLLEGE, AS DEFINED IN
26 SECTION 22-35-103, THE PUPIL SHALL BE COUNTED AS A FULL-DAY PUPIL.

27 (e.5) A pupil who is enrolled as less than a full-time student, other

1 than a student described in ~~paragraph (b) or (d) of this subsection (10)~~
2 SUBSECTION (10)(b), (10)(d), OR (10)(e.3) OF THIS SECTION or a student
3 enrolled in a p-tech school pursuant to article 35.3 of this ~~title~~ TITLE 22,
4 shall be counted in accordance with rules promulgated by the state board
5 for students who are enrolled as less than full-time students.

6 (f) In certifying the district's pupil enrollment to the state board
7 pursuant to the provisions of section 22-54-112, the district shall specify
8 the number of pupils enrolled in half-day kindergarten; the number of
9 pupils enrolled in first grade through twelfth grade, specifying those who
10 are enrolled as full-time pupils and those who are enrolled as less than
11 full-time pupils; the number of expelled pupils receiving educational
12 services pursuant to section 22-33-203; the number of pupils enrolled in
13 the district's preschool program; the number of pupils receiving
14 educational programs under the "Exceptional Children's Educational
15 Act", article 20 of this ~~title~~; and TITLE 22; the number of at-risk pupils;
16 AND THE NUMBER OF PUPILS WHO ARE ENROLLED IN TWELFTH GRADE,
17 SPECIFYING THE NUMBER OF TWELFTH-GRADE PUPILS WHO ARE
18 CONCURRENTLY ENROLLED PURSUANT TO ARTICLE 35 OF THIS TITLE 22
19 AND THE NUMBER OF CREDITS IN WHICH EACH PUPIL IS ENROLLED.

20 (15) "Supplemental kindergarten enrollment" means the number
21 calculated by subtracting five-tenths from the full-day kindergarten factor
22 for the applicable budget year and then multiplying said number by the
23 number of pupils in the district who are enrolled in kindergarten for the
24 applicable budget year. For the purposes of this subsection (15), the
25 full-day kindergarten factor for the 2008-09 ~~2009-10, and 2010-11~~ budget
26 ~~years and each budget year thereafter~~ BUDGET YEAR THROUGH THE
27 2017-18 BUDGET YEAR is fifty-eight hundredths of a full-day pupil. FOR

1 BUDGET YEARS COMMENCING ON OR AFTER JULY 1, 2018, THE FULL-DAY
2 KINDERGARTEN FACTOR DOES NOT APPLY.

3 **SECTION 2.** In Colorado Revised Statutes, 22-7-1213, **amend**
4 (2) introductory portion and (2)(a) as follows:

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

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

15 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-513, **amend**
16 (3)(a) as follows:

17 **22-30.5-513. Institute charter schools - definitions - funding -**
18 **at-risk supplemental aid - legislative declaration - repeal.** (3) (a) On
19 or before November 10 of each year, the institute shall certify to the state
20 board each institute charter school's pupil enrollment and online pupil
21 enrollment for that year. In certifying the pupil enrollment of each
22 institute charter school to the state board, the institute shall specify the
23 number of pupils enrolled in half-day kindergarten; the number of pupils
24 enrolled in full-day kindergarten; the number of pupils enrolled in first
25 grade through twelfth grade, specifying those who are enrolled as
26 full-time students and those who are enrolled as less than full-time
27 students; the number of expelled pupils receiving educational services

1 pursuant to section 22-33-203; the number of pupils receiving educational
2 programs under the "Exceptional Children's Educational Act", article 20
3 of this title; and TITLE 22; the number of at-risk pupils; AND THE NUMBER
4 OF PUPILS WHO ARE ENROLLED IN TWELFTH GRADE, SPECIFYING THE
5 NUMBER OF TWELFTH-GRADE PUPILS WHO ARE CONCURRENTLY ENROLLED
6 PURSUANT TO ARTICLE 35 OF THIS TITLE 22 AND THE NUMBER OF CREDITS
7 IN WHICH EACH PUPIL IS ENROLLED. The institute shall also notify the
8 department as to whether each institute charter school is a qualified
9 charter school.

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

12 **22-28-104.3. Early childhood at-risk enhancement (ECARE).**

13 (2) Notwithstanding the provisions of section 22-28-104 (2)(b), in
14 allocating the authority to enroll children in the Colorado preschool
15 program pursuant to this section, the department shall allow a school
16 district to enroll a child in the program using two positions so that the
17 child may attend a full-day preschool portion of the district's preschool
18 program. ~~or to use a preschool program position to enroll a child in a full~~
19 ~~day of the district's existing full-day kindergarten program.~~

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

1 ~~full-day kindergarten program.~~

2 **SECTION 5.** In Colorado Revised Statutes, **repeal** 22-7-1210
3 (5)(b)(I), 22-30.5-112 (2)(c)(III), 22-30.5-112.1 (3)(c), 22-30.5-513
4 (2)(b.5), 22-44-118, 22-54-130, and 22-54-131.

5 **SECTION 6. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2018 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.