

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0616.01 Julie Pelegrin x2700

SENATE BILL 15-138

SENATE SPONSORSHIP

Donovan, Garcia, Hill, Kerr, Merrifield

HOUSE SPONSORSHIP

(None),

Senate Committees

Education
Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING FUNDING FOR THE ACCELERATING STUDENTS THROUGH
102 CONCURRENT ENROLLMENT PROGRAM.

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>.)

Under existing law, the department of education (department) designates a certain number of students who meet certain requirements to participate in the accelerating students through concurrent enrollment (ASCENT) program. For purposes of school finance funding, the local education provider that enrolls a designated ASCENT program student may include that student in its funded pupil count for one year after the

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.

student finishes twelfth grade, while the student takes higher education courses. Funding for the student is calculated through the school finance formula and included in the school district's total program funding.

The bill takes funding for ASCENT program students out of the school finance formula and creates the ASCENT program fund consisting of the moneys that the general assembly appropriates to fund the ASCENT program. The department must annually designate a certain number of students to participate in the ASCENT program and must annually allocate to each local education provider an amount equal to the ASCENT program per pupil funding amount multiplied by the number of the local education provider's designated ASCENT program students.

Beginning in the 2015-16 budget year, the ASCENT program per pupil funding amount is \$6,632, which is the per pupil amount actually paid for ASCENT program funding in the 2014-15 budget year. The ASCENT program per pupil funding amount increases annually by the same percentage that the statewide base per pupil funding increases. In a year in which the amount appropriated is insufficient to fully fund the ASCENT program allocations, the department must reduce each local education provider's allocation in proportion to the amount of the deficit.

The department must distribute the ASCENT program moneys to the local education provider upon proof that the local education provider has enrolled a designated qualified student in an institution of higher education through the ASCENT program. If a local education provider does not enroll in an institution of higher education the number of qualified students for which it is allocated ASCENT program moneys in a school year, the department must reserve the remainder of the local education provider's allocation and distribute it to the local education provider for qualified students that the department designates and the local education provider enrolls in an institution of higher education through the ASCENT program in the following school year. The department will reserve allocated ASCENT program moneys only for the school year immediately following the school year for which the moneys were originally allocated.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-35-108, **amend**

3 (2) (c) (IV), (3), and (5); and **add** (7) as follows:

4 **22-35-108. Accelerating students through concurrent**
5 **enrollment program - objectives - selection criteria - fund - rules.**

6 (2) (c) (IV) The department shall not designate a greater number of

1 ASCENT program participants for a school year than the number of
2 participants ~~that~~ FOR WHICH the general assembly ~~approves~~ for
3 APPROPRIATES funding in the annual general appropriation act for the
4 applicable budget year.

5 (3) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE
6 DEPARTMENT SHALL ANNUALLY ALLOCATE MONEYS FROM THE ASCENT
7 PROGRAM FUND TO the local education provider of a qualified student who
8 is designated by the department as an ASCENT program participant. ~~may~~
9 ~~include the student in the district's funded pupil count, or, in the case of~~
10 ~~a student enrolled in an institute charter school, in the school's accounting~~
11 ~~district, as provided in section 22-54-103 (7).~~ THE AMOUNT OF A LOCAL
12 EDUCATION PROVIDER'S ALLOCATION IS EQUAL TO THE ASCENT
13 PROGRAM PER PUPIL FUNDING AMOUNT FOR THE APPLICABLE SCHOOL YEAR
14 MULTIPLIED BY THE NUMBER OF QUALIFIED STUDENTS OF THE LOCAL
15 EDUCATION PROVIDER WHOM THE DEPARTMENT DESIGNATES AS ASCENT
16 PROGRAM PARTICIPANTS FOR THE APPLICABLE SCHOOL YEAR. THE
17 DEPARTMENT SHALL DISTRIBUTE THE ALLOCATED MONEYS TO THE LOCAL
18 EDUCATION PROVIDER UPON RECEIVING PROOF OF THE NUMBER OF
19 QUALIFIED STUDENTS THAT THE LOCAL EDUCATION PROVIDER ACTUALLY
20 ENROLLS IN AN INSTITUTION OF HIGHER EDUCATION THROUGH THE
21 ASCENT PROGRAM.

22 (b) FOR THE 2015-16 BUDGET YEAR, THE ASCENT PROGRAM PER
23 PUPIL FUNDING AMOUNT IS SIX THOUSAND SIX HUNDRED THIRTY-TWO
24 DOLLARS. FOR THE 2016-17 BUDGET YEAR AND EACH BUDGET YEAR
25 THEREAFTER, THE ASCENT PROGRAM PER PUPIL FUNDING AMOUNT IS
26 INCREASED BY THE SAME PERCENTAGE BY WHICH THE STATEWIDE BASE
27 PER PUPIL FUNDING, AS DESCRIBED IN SECTION 22-54-104 (5), IS

1 INCREASED FOR THE APPLICABLE BUDGET YEAR OVER THE STATEWIDE
2 BASE PER PUPIL FUNDING FOR THE 2015-16 BUDGET YEAR.

3 (c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPHS (a) AND
4 (b) OF THIS SUBSECTION (3) TO THE CONTRARY, IN A BUDGET YEAR IN
5 WHICH THE GENERAL ASSEMBLY DOES NOT APPROPRIATE A SUFFICIENT
6 AMOUNT TO FULLY FUND THE ASCENT PROGRAM ALLOCATIONS
7 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), THE DEPARTMENT
8 SHALL REDUCE EACH LOCAL EDUCATION PROVIDER'S ASCENT PROGRAM
9 ALLOCATION FOR THAT BUDGET YEAR BY THE SAME PERCENTAGE THAT
10 THE DEFICIT BEARS TO THE AMOUNT REQUIRED TO FULLY FUND THE
11 ASCENT PROGRAM ALLOCATIONS DESCRIBED IN PARAGRAPH (a) OF THIS
12 SUBSECTION (3).

13 (d) IF A LOCAL EDUCATION PROVIDER ENROLLS FEWER QUALIFIED
14 STUDENTS IN AN INSTITUTION OF HIGHER EDUCATION THROUGH THE
15 ASCENT PROGRAM THAN THE DEPARTMENT DESIGNATES FOR THE LOCAL
16 EDUCATION PROVIDER FOR A SCHOOL YEAR, THE DEPARTMENT SHALL
17 RESERVE THE AMOUNT OF THE REMAINING ALLOCATION FOR THE LOCAL
18 EDUCATION PROVIDER FOR ONE ADDITIONAL SCHOOL YEAR. THE
19 DEPARTMENT SHALL DISTRIBUTE THE REMAINING ALLOCATION TO THE
20 LOCAL EDUCATION PROVIDER TO FUND ASCENT PROGRAM PARTICIPANTS
21 THAT THE DEPARTMENT DESIGNATES AND THE LOCAL EDUCATION
22 PROVIDER ENROLLS INTO AN INSTITUTION OF HIGHER EDUCATION
23 THROUGH THE ASCENT PROGRAM FOR THE NEXT SCHOOL YEAR. THE
24 DEPARTMENT SHALL NOT RESERVE A LOCAL EDUCATION PROVIDER'S
25 ALLOCATION BEYOND THE SCHOOL YEAR IMMEDIATELY FOLLOWING THE
26 SCHOOL YEAR FOR WHICH THE MONEYS WERE ORIGINALLY ALLOCATED.
27 THE DEPARTMENT SHALL DISTRIBUTE A LOCAL EDUCATION PROVIDER'S

1 ALLOCATION ONLY FOR THE NUMBER OF QUALIFIED STUDENTS THAT THE
2 DEPARTMENT DESIGNATES AS ASCENT PROGRAM PARTICIPANTS FOR THE
3 LOCAL EDUCATION PROVIDER AND THAT THE LOCAL EDUCATION PROVIDER
4 ACTUALLY ENROLLS IN AN INSTITUTION OF HIGHER EDUCATION THROUGH
5 THE ASCENT PROGRAM.

6 (5) For the purposes of ~~part 6 of article 7~~ PART 5 OF ARTICLE 11 of
7 this title concerning school ~~accountability~~ PERFORMANCE reports, the
8 department shall include ASCENT program participants in the reporting
9 requirements, regardless of whether an ASCENT program participant has
10 completed his or her graduation requirements.

11 (7) (a) THE ASCENT PROGRAM FUND, REFERRED TO IN THIS
12 SUBSECTION (7) AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE
13 FUND CONSISTS OF SUCH MONEYS AS THE GENERAL ASSEMBLY MAY
14 APPROPRIATE TO THE FUND. IN APPROPRIATING MONEYS TO THE FUND, THE
15 GENERAL ASSEMBLY SHALL ANNUALLY DETERMINE THE NUMBER OF
16 QUALIFIED STUDENTS THAT THE DEPARTMENT MAY DESIGNATE TO
17 PARTICIPATE IN THE ASCENT PROGRAM.

18 (b) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
19 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR
20 THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THE
21 ASCENT PROGRAM. THE STATE TREASURER MAY INVEST ANY MONEYS IN
22 THE FUND NOT EXPENDED FOR THE PURPOSE OF THE ASCENT PROGRAM
23 AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST
24 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
25 IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED
26 MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR MUST
27 REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO

1 THE GENERAL FUND OR ANOTHER FUND.

2 **SECTION 2.** In Colorado Revised Statutes, 22-54-103, **amend**
3 (7) (e) (I) introductory portion; and **add** (7) (f) as follows:

4 **22-54-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (7) "Funded pupil count" means:

7 (e) (I) For budget years commencing on and after July 1, 2009,
8 BUT BEFORE JULY 1, 2015, the district's on-line pupil enrollment for the
9 applicable budget year plus the district's preschool program enrollment
10 for the applicable budget year plus the district's supplemental
11 kindergarten enrollment for the applicable budget year plus the district's
12 ASCENT program pupil enrollment for the applicable budget year, plus
13 the greater of:

14 (f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,
15 2015, THE DISTRICT'S ON-LINE PUPIL ENROLLMENT FOR THE APPLICABLE
16 BUDGET YEAR PLUS THE DISTRICT'S PRESCHOOL PROGRAM ENROLLMENT
17 FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL
18 KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR, PLUS
19 THE GREATER OF:

20 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
21 BUDGET YEAR; OR

22 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
23 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
24 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

25 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
26 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
27 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

1 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
2 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
3 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

4 (E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
5 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
6 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

7 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
8 CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f),
9 A DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL
10 ENROLLMENT AND ON-LINE PUPIL ENROLLMENT OF EACH OPERATING
11 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING
12 DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE
13 CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL
14 ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT BEFORE
15 CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION
16 22-54-104.

17 (III) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
18 FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE
19 CONSTITUTION, AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE
20 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
21 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO
22 SUB-SUBPARAGRAPH (E) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) IS
23 A PROGRAM FOR ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE
24 RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION
25 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

26 (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
27 CONTRARY, FOR THE PURPOSES OF THIS PARAGRAPH (f), A DISTRICT'S PUPIL

1 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S PUPIL
2 ENROLLMENT FOR ANY PRECEDING BUDGET YEAR DO NOT INCLUDE A PUPIL
3 WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS ORIGINALLY
4 AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY CONVERTED, ON
5 OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER SCHOOL OR TO A
6 CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE ORIGINALLY
7 AUTHORIZING DISTRICT.

8 (V) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (f)
9 TO THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A
10 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS
11 SUBSECTION (7) FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE
12 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

13 **SECTION 3.** In Colorado Revised Statutes, 22-54-104, **amend**
14 (2) (a) (IX), (3.5) (d), and (4.7); and **add** (2) (a) (X) as follows:

15 **22-54-104. District total program - definitions.**
16 (2) (a) (IX) Except as otherwise provided in this subsection (2),
17 paragraph (g) of subsection (5) or subsection (6) of this section, or section
18 22-54-104.3, a district's total program for the 2009-10 budget year ~~and~~
19 ~~budget years thereafter shall be~~ THROUGH THE 2014-15 BUDGET YEAR IS
20 the greater of the following:

21 (A) (District per pupil funding x (District funded pupil count -
22 District on-line pupil enrollment - District ASCENT program pupil
23 enrollment)) + District at-risk funding + District on-line funding +
24 District ASCENT program funding; or

25 (B) (Minimum per pupil funding x (District funded pupil count -
26 District on-line pupil enrollment - District ASCENT program pupil
27 enrollment)) + District on-line funding + District ASCENT program

1 funding.

2 (X) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2),
3 PARAGRAPH (g) OF SUBSECTION (5), OR SUBSECTION (6) OF THIS SECTION
4 OR SECTION 22-54-104.3, A DISTRICT'S TOTAL PROGRAM FOR THE 2015-16
5 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER IS THE GREATER OF
6 THE FOLLOWING:

7 (A) (DISTRICT PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
8 COUNT - DISTRICT ON-LINE PUPIL ENROLLMENT)) + DISTRICT AT-RISK
9 FUNDING + DISTRICT ON-LINE FUNDING; OR

10 (B) (MINIMUM PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
11 COUNT - DISTRICT ON-LINE PUPIL ENROLLMENT)) + DISTRICT ON-LINE
12 FUNDING.

13 (3.5) Minimum per pupil funding shall be:

14 (d) (I) For the 2008-09 budget year and budget years thereafter,
15 an amount equal to ninety-five percent of the minimum per pupil funding
16 base.

17 (II) (A) As used in this subsection (3.5), for the 2008-09 budget
18 year AND FOR THE 2015-16 BUDGET YEAR AND EACH BUDGET YEAR
19 THEREAFTER, "minimum per pupil funding base" means the total of the
20 calculation specified in sub-subparagraph (B) of this subparagraph (II) for
21 all districts for the budget year divided by the statewide funded pupil
22 count minus the statewide on-line pupil enrollment, for said budget year.

23 (B) The following calculation shall be used for the purpose of
24 determining the minimum per pupil funding base pursuant to this
25 subparagraph (II):

26 (District per pupil funding x (District funded pupil count -
27 District on-line pupil enrollment)) + District at-risk

1 funding.

2 (III) (A) As used in this subsection (3.5), for the 2009-10 budget
3 year and budget years thereafter THROUGH THE 2014-15 BUDGET YEAR,
4 "minimum per pupil funding base" means the total of the calculation
5 specified in sub-subparagraph (B) of this subparagraph (III) for all
6 districts for the budget year divided by the statewide funded pupil count
7 minus the statewide on-line pupil enrollment and minus the statewide
8 ASCENT program pupil enrollment, for said budget year.

9 (B) The following calculation shall be used for the purpose of
10 determining the minimum per pupil funding base pursuant to this
11 subparagraph (III):

12 (District per pupil funding x (District funded pupil count -
13 District on-line pupil enrollment - District ASCENT
14 program pupil enrollment)) + District at-risk funding.

15 (4.7) (a) For the 2009-10 budget year and budget years thereafter
16 THROUGH THE 2014-15 BUDGET YEAR, a district's ASCENT program
17 funding shall be determined in accordance with the following formula:

18 (District ASCENT program pupil enrollment x \$6,135, or
19 an amount determined pursuant to paragraph (b) of this
20 subsection (4.7)).

21 (b) Subject to the provisions of paragraph (c) of this subsection
22 (4.7), for the 2010-11 budget year and budget years thereafter THROUGH
23 THE 2014-15 BUDGET YEAR, the dollar amount set forth in paragraph (a)
24 of this subsection (4.7) shall be increased by the percentage by which the
25 statewide base per pupil funding for that budget year, as specified in
26 paragraph (a) of subsection (5) of this section, is increased over the
27 statewide base per pupil funding for the 2007-08 budget year, as specified

1 in subparagraph (XIV) of paragraph (a) of subsection (5) of this section.
2 The amount shall be rounded to the nearest dollar.

3 (c) In any budget year BEFORE THE 2015-16 BUDGET YEAR in
4 which the provisions of paragraph (g) of subsection (5) of this section
5 apply, the department of education shall calculate a district's reduction
6 amount for ASCENT program funding by multiplying the negative factor
7 calculated for the applicable budget year pursuant to sub-subparagraph
8 (A) of subparagraph (II) of paragraph (g) of subsection (5) of this section
9 by the amount of the district's ASCENT program funding calculated
10 pursuant to paragraph (b) of this subsection (4.7) for the applicable
11 budget year. A district's ASCENT program funding for the applicable
12 budget year shall be the greater of:

13 (I) The district's ASCENT program funding calculated for the
14 applicable budget year pursuant to paragraph (b) of this subsection (4.7)
15 minus the district's reduction amount calculated for the applicable budget
16 year pursuant to this paragraph (c) for ASCENT program funding; or

17 (II) An amount equal to the base per pupil funding amount
18 specified in paragraph (a) of subsection (5) of this section for the
19 applicable budget year multiplied by the district's ASCENT program
20 pupil enrollment for the applicable budget year.

21 **SECTION 4.** In Colorado Revised Statutes, 22-54-112, **amend**
22 (2) (a) as follows:

23 **22-54-112. Reports to the state board.** (2) (a) On or before
24 November 10 of each year, the secretary of the board of education of each
25 district shall certify to the state board the pupil enrollment, the on-line
26 pupil enrollment, ~~the ASCENT program pupil enrollment,~~ and the
27 preschool program enrollment of the district taken in the preceding

1 October or previously in November.

2 **SECTION 5.** In Colorado Revised Statutes, **amend** 22-44-118 as
3 follows:

4 **22-44-118. Full-day kindergarten reserve - tracking of**
5 **expenditures - preschool programs - rules.** (1) (a) Except as otherwise
6 provided in paragraphs (b) and (c) of this subsection (1), for the 2008-09
7 budget year and each budget year thereafter, a school district that does not
8 report any full-day kindergarten pupils in the district's pupil enrollment
9 count as of the pupil enrollment count day shall hold the moneys received
10 for full-day kindergarten programs through supplemental kindergarten
11 enrollment pursuant to ~~section 22-54-103 (7) (d)~~ SECTION 22-54-103 (7)
12 in a full-day kindergarten reserve in the district's general fund. The
13 district shall not use the moneys in the full-day kindergarten reserve until
14 the district enrolls one or more pupils in full-day kindergarten in the
15 district. Once the district enrolls pupils in full-day kindergarten in the
16 district, the district shall not be required to maintain the full-day
17 kindergarten reserve.

18 (b) For the 2008-09 budget year, a school district that does not
19 report any full-day kindergarten pupils in the district's pupil enrollment
20 count as of the pupil enrollment count day may use the moneys received
21 for full-day kindergarten programs through supplemental kindergarten
22 enrollment pursuant to ~~section 22-54-103 (7) (d)~~ SECTION 22-54-103 (7)
23 for planning and facility preparation necessary for the district to offer a
24 full-day kindergarten program in subsequent budget years. Each school
25 district shall, on or before June 30, 2009, return to the department of
26 education any unexpended and unencumbered amount remaining of the
27 moneys received for full-day kindergarten programs through

1 supplemental kindergarten enrollment pursuant to ~~section 22-54-103 (7)~~
2 ~~(d)~~ SECTION 22-54-103 (7). The department of education shall adopt
3 procedures for the implementation of this paragraph (b). The department
4 of education shall transmit to the state treasurer the moneys received
5 pursuant to this paragraph (b), and the state treasurer shall credit said
6 moneys to the state education fund created pursuant to section 17 (4) of
7 article IX of the state constitution.

8 (c) For the 2009-10 budget year, a school district that does not
9 report any full-day kindergarten pupils in the district's pupil enrollment
10 count as of the pupil enrollment count day may use the moneys received
11 for full-day kindergarten programs through supplemental kindergarten
12 enrollment pursuant to ~~section 22-54-103 (7) (d)~~ SECTION 22-54-103 (7)
13 for planning and facility preparation necessary for the district to offer a
14 full-day kindergarten program in subsequent budget years.

15 (2) The financial policies and procedures advisory committee
16 created in the department of education shall establish by rule, tracking
17 requirements deemed necessary by the committee for the moneys that a
18 district receives through supplemental kindergarten enrollment pursuant
19 to ~~section 22-54-103 (7) (d)~~ SECTION 22-54-103 (7) and hold-harmless
20 full-day kindergarten funding pursuant to section 22-54-130 to provide
21 full-day kindergarten programs and, if applicable, through the Colorado
22 preschool program pursuant to article 28 of this title to provide preschool
23 programs.

24 **SECTION 6.** In Colorado Revised Statutes, 22-54-130, **amend**
25 (1) as follows:

26 **22-54-130. Hold-harmless full-day kindergarten funding.**

27 (1) For the 2008-09 budget year and each budget year thereafter, a

1 district that participated in the Colorado preschool program pursuant to
2 article 28 of this title in the 2007-08 budget year and that served a
3 percentage of children authorized to participate in the district's preschool
4 program through a full-day kindergarten portion of the program in the
5 2007-08 budget year shall receive hold-harmless full-day kindergarten
6 funding pursuant to this section. The funding paid pursuant to this section
7 shall be in addition to the funding for supplemental kindergarten
8 enrollment that the district receives pursuant to ~~section 22-54-103 (7) (d)~~
9 SECTION 22-54-103 (7).

10 **SECTION 7.** In Colorado Revised Statutes, 22-54-131, **amend**
11 (1), (2), (3), and (4) as follows:

12 **22-54-131. Full-day kindergarten funding - guidelines -**
13 **technical assistance - legislative intent - legislative declaration.** (1) A
14 district that, prior to the 2008-09 budget year, offered a full-day
15 kindergarten program without additional state funding to some or all of
16 the kindergarten pupils enrolled in the district is encouraged to use the
17 moneys received from supplemental kindergarten enrollment pursuant to
18 ~~section 22-54-103 (7) (d)~~ SECTION 22-54-103 (7) and hold-harmless
19 full-day kindergarten funding pursuant to section 22-54-130 in the
20 2008-09 budget year and each budget year thereafter to expand the
21 district's existing full-day kindergarten program rather than to defray the
22 costs of the existing full-day kindergarten program.

23 (2) In offering a full-day kindergarten program with the moneys
24 received from supplemental kindergarten enrollment pursuant to ~~section~~
25 ~~22-54-103 (7) (d)~~ SECTION 22-54-103 (7) and hold-harmless full-day
26 kindergarten funding pursuant to section 22-54-130, a district is
27 encouraged to follow the basic program standards established by the state

1 board pursuant section 22-28-108 for the Colorado preschool program, as
2 they may apply to a full-day kindergarten program.

3 (3) In offering a full-day kindergarten program with the moneys
4 received from supplemental kindergarten enrollment pursuant to ~~section~~
5 ~~22-54-103 (7) (d)~~ SECTION 22-54-103 (7) and hold-harmless full-day
6 kindergarten funding pursuant to section 22-54-130, a district is
7 encouraged to prioritize children who are homeless when enrolling
8 children in the full-day kindergarten program.

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

20 **SECTION 8. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.