

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0309.01 Brita Darling

SENATE BILL 10-005

SENATE SPONSORSHIP

Hudak, Hodge, Williams

HOUSE SPONSORSHIP

Benfield, Massey, Peniston, Solano

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CONTINUITY OF SERVICES TO PUBLIC SCHOOL**
102 **KINDERGARTEN STUDENTS WHO WERE ENROLLED IN CERTAIN**
103 **PRESCHOOL PROGRAMS DURING THE PRIOR YEAR.**

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>.)

Early Childhood and School Readiness Legislative Commission. Contingent upon the receipt and allocation of certain federal moneys or upon receipt of gifts, grants, and donations, the bill authorizes the department of education (department) to distribute moneys

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.*

to public schools through a grant program to provide continuity in the nature and quality of services that children in kindergarten receive after they have transitioned from the Colorado preschool program or a head start program to kindergarten.

The public schools receiving the grant moneys shall determine the appropriate services to provide to the kindergarten children consistent with the provisions of the grant program. Public schools are encouraged to follow basic program standards established for the Colorado preschool program as they may apply to the kindergarten classroom and to implement evidence-based practices in early childhood education, which may include but need not be limited to smaller class size, fewer children per teacher, parental engagement, and specialized professional development for classroom staff.

The department may provide technical assistance to local education providers in implementing the basic program standards in the kindergarten classroom and in implementing evidence-based practices in early childhood education in the classroom.

The department shall develop and administer a process to distribute the grant moneys to public schools. The department is authorized to accept federal moneys or gifts, grants, or donations for the purposes of the grant program.

The state board of education shall adopt rules necessary for the implementation and administration of the grant program.

The commissioner of education shall notify the revisor of statutes in the event federal moneys or gifts, grants, or donations are not received to implement the grant program or if there are no federal moneys or gifts, grants, and donations remaining to award grants. Upon receipt of notice, the provisions of the bill are repealed.

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

2 **SECTION 1.** Title 22, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 28.5**

5 **Continuity of Services in Early Childhood Education**

6 **22-28.5-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

8 (a) RESEARCH INDICATES THAT MONEY SPENT ON STUDENTS WHO
9 ARE AT RISK OF SCHOOL FAILURE IS MOST EFFECTIVE IN PREVENTING

1 NEGATIVE OUTCOMES WHEN THE MONEY IS SPENT ON EARLY CHILDHOOD
2 EDUCATION OR OTHER EARLY LEARNING PROGRAMS;

3 (b) APPROXIMATELY TWENTY-EIGHT THOUSAND CHILDREN IN THE
4 STATE WHO ARE AT RISK OF EARLY SCHOOL FAILURE RECEIVE EARLY
5 CHILDHOOD EDUCATION SERVICES THROUGH THE COLORADO PRESCHOOL
6 PROGRAM OR THROUGH A HEAD START PROGRAM;

7 (c) ATTENDING A PRESCHOOL PROGRAM PREPARES CHILDREN TO
8 LEARN IN KINDERGARTEN AND THE PRIMARY GRADES AND HELPS
9 CHILDREN TO ACHIEVE THEIR FULL POTENTIAL. IN ADDITION, ATTENDING
10 A PRESCHOOL PROGRAM DECREASES THE LIKELIHOOD THAT CHILDREN
11 WILL EXPERIENCE EARLY SCHOOL FAILURE, BECOME DEPENDENT ON
12 PUBLIC ASSISTANCE, OR BECOME INVOLVED IN CRIMINAL ACTIVITIES.

13 (d) CHILDREN WHO PARTICIPATE IN THE COLORADO PRESCHOOL
14 PROGRAM OR A HEAD START PROGRAM OFTEN EXPERIENCE A DECLINE IN
15 THE AVAILABILITY AND QUALITY OF SERVICES WHEN THEY ENTER
16 KINDERGARTEN BECAUSE LOCAL EDUCATION PROVIDERS DO NOT HAVE THE
17 RESOURCES TO PROVIDE THE SAME QUALITY OR NATURE OF SERVICES THAT
18 THE CHILDREN RECEIVED IN PRESCHOOL.

19 (2) THE GENERAL ASSEMBLY THEREFORE FINDS AND DECLARES
20 THAT, IF FEDERAL MONEYS OR GIFTS, GRANTS, OR DONATIONS BECOME
21 AVAILABLE, IT IS APPROPRIATE TO PROVIDE LOCAL EDUCATION PROVIDERS
22 WITH ADDITIONAL RESOURCES, THROUGH A GRANT PROGRAM
23 ADMINISTERED BY THE DEPARTMENT OF EDUCATION, TO ENSURE THAT
24 THERE IS CONTINUITY IN THE NATURE AND QUALITY OF SERVICES THAT
25 CHILDREN RECEIVE AS THEY TRANSITION FROM PRESCHOOL TO
26 KINDERGARTEN.

27 **22-28.5-102. Definitions.** FOR PURPOSES OF THIS ARTICLE,

1 UNLESS THE CONTEXT OTHERWISE REQUIRES:

2 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

3 (2) "GRANT PROGRAM" MEANS THE GRANT PROGRAM ESTABLISHED
4 IN SECTION 22-28.5-104.

5 (3) "LOCAL EDUCATION PROVIDER" MEANS:

6 (a) A SCHOOL DISTRICT, OTHER THAN A JUNIOR COLLEGE DISTRICT
7 ORGANIZED AND EXISTING PURSUANT TO LAW;

8 (b) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
9 ARTICLE 5 OF THIS TITLE;

10 (c) THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED
11 PURSUANT TO SECTION 22-30.5-503;

12 (d) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART
13 1 OF ARTICLE 30.5 OF THIS TITLE; OR

14 (e) AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO
15 PART 5 OF ARTICLE 30.5 OF THIS TITLE.

16 (4) "PRESCHOOL PROGRAM" MEANS THE COLORADO PRESCHOOL
17 PROGRAM OPERATED PURSUANT TO ARTICLE 28 OF THIS TITLE OR A HEAD
18 START PROGRAM OPERATED UNDER THE PROVISIONS OF TITLE V OF THE
19 FEDERAL "ECONOMIC OPPORTUNITY ACT OF 1964", AS AMENDED, 42
20 U.S.C. SEC. 9801, ET SEQ.

21 **22-28.5-103. Early childhood education - continuity of services**

22 **- kindergarten.** (1) UPON THE RECEIPT OF SUFFICIENT FEDERAL MONEYS
23 OR GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSES OF THIS ARTICLE,
24 THE DEPARTMENT SHALL DISTRIBUTE THE MONEYS THROUGH THE GRANT
25 PROGRAM ESTABLISHED IN SECTION 22-28.5-104 TO LOCAL EDUCATION
26 PROVIDERS IN THE STATE TO PROVIDE CONTINUITY IN THE NATURE AND
27 QUALITY OF SERVICES TO KINDERGARTEN PUPILS WHO WERE ENROLLED IN

1 A PRESCHOOL PROGRAM DURING THE PREVIOUS YEAR.

2 (2) CONSISTENT WITH THE QUALITY PROGRAM STANDARDS
3 SPECIFIED IN PARAGRAPHS (a) TO (e) OF THIS SUBSECTION (2), EACH LOCAL
4 EDUCATION PROVIDER THAT RECEIVES A GRANT PURSUANT TO THIS
5 ARTICLE SHALL DETERMINE HOW TO UTILIZE THE GRANT IN THE MANNER
6 THAT BEST SERVES THE NEEDS OF KINDERGARTEN PUPILS WHO WERE
7 ENROLLED IN A PRESCHOOL PROGRAM DURING THE PREVIOUS YEAR. IN
8 PROVIDING CONTINUITY IN THE NATURE AND QUALITY OF SERVICES, EACH
9 LOCAL EDUCATION PROVIDER SHALL APPLY A GRANT TOWARD ACHIEVING
10 THE FOLLOWING QUALITY PROGRAM STANDARDS:

11 (a) LIMITING CLASS SIZE TO TWENTY OR FEWER PUPILS; EXCEPT
12 THAT THE STATE BOARD OF EDUCATION MAY CONSIDER A WAIVER FOR A
13 LOCAL EDUCATION PROVIDER TO ALLOW UP TO TWENTY-FIVE PUPILS IN A
14 KINDERGARTEN CLASSROOM; AND

15 (b) ENSURING THAT KINDERGARTEN TEACHERS ACQUIRE
16 KNOWLEDGE CONCERNING CHILD DEVELOPMENT, MULTICULTURAL
17 EDUCATION, AND PARENT AND FAMILY PARTNERSHIPS.

18 (3) ADDITIONALLY, EACH LOCAL EDUCATION PROVIDER THAT
19 RECEIVES A GRANT PURSUANT TO THIS ARTICLE IS STRONGLY
20 ENCOURAGED TO:

21 (a) ENSURE PARENT ENGAGEMENT FOR EACH KINDERGARTEN
22 CLASSROOM; AND

23 (b) ENSURE THAT KINDERGARTEN TEACHERS COORDINATE WITH
24 PRESCHOOL TEACHERS CONCERNING PLANNING, PROFESSIONAL
25 DEVELOPMENT, PARENT AND FAMILY INVOLVEMENT, AND STUDENT
26 TRANSITION.

27 (4) THE DEPARTMENT MAY PROVIDE TECHNICAL ASSISTANCE TO

1 LOCAL EDUCATION PROVIDERS WITH RESPECT TO MEETING THE QUALITY
2 PROGRAM STANDARDS SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

3 **22-28.5-104. Distribution of moneys to local education**
4 **providers - grant program created - rules - report.** (1) THE
5 DEPARTMENT SHALL DISTRIBUTE ANY MONEYS RECEIVED PURSUANT TO
6 THIS ARTICLE TO LOCAL EDUCATION PROVIDERS THROUGH A GRANT
7 PROGRAM CREATED PURSUANT TO THIS SECTION AND ADMINISTERED BY
8 THE DEPARTMENT. THE DEPARTMENT SHALL DEVELOP AN APPLICATION
9 FOR THE GRANT PROGRAM AND SHALL AWARD GRANTS TO LOCAL
10 EDUCATION PROVIDERS FOR THE PURPOSES SET FORTH IN SECTIONS
11 22-28.5-101 AND 22-28.5-103, CONSISTENT WITH ANY PROVISIONS
12 RELATED TO THE DEPARTMENT'S RECEIPT OF FEDERAL MONEYS OR OF
13 GIFTS, GRANTS, OR DONATIONS THAT ARE APPLIED TO THE GRANT
14 PROGRAM.

15 (2) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND
16 EXPEND FEDERAL MONEYS AND GIFTS, GRANTS, AND DONATIONS FOR THE
17 PURPOSES OF THE GRANT PROGRAM; EXCEPT THAT THE DEPARTMENT MAY
18 NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
19 CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER
20 LAW OF THE STATE. THE DEPARTMENT IS AUTHORIZED TO EXPEND A
21 REASONABLE AMOUNT OF THE MONEYS RECEIVED FOR THE GRANT
22 PROGRAM FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
23 ADMINISTERING THE GRANT PROGRAM, UNLESS OTHERWISE PROVIDED BY
24 ANY PROVISION RELATED TO THE DEPARTMENT'S RECEIPT OF FEDERAL
25 MONEYS THAT ARE APPLIED TO THE GRANT PROGRAM.

26 (3) THE STATE BOARD OF EDUCATION SHALL PROMULGATE RULES
27 IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",

1 ARTICLE 4 OF TITLE 24, C.R.S., AS NECESSARY FOR THE IMPLEMENTATION
2 AND ADMINISTRATION OF THE GRANT PROGRAM.

3 (4) ON OR BEFORE JANUARY 31 OF EACH YEAR FOLLOWING A
4 BUDGET YEAR IN WHICH THE DEPARTMENT DISTRIBUTES MONEYS
5 THROUGH THE GRANT PROGRAM, THE DEPARTMENT SHALL SUBMIT TO THE
6 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
7 SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING THE
8 EFFECTIVENESS OF THE GRANT PROGRAM.

9 **22-28.5-105. Repeal of article.** (1) (a) ON OR BEFORE JULY 1,
10 2011, THE COMMISSIONER OF EDUCATION SHALL NOTIFY THE REVISOR OF
11 STATUTES IN WRITING IF FEDERAL MONEYS ARE NOT RECEIVED AND
12 ALLOCATED TO THE DEPARTMENT, OR GIFTS, GRANTS, AND DONATIONS
13 ARE NOT RECEIVED BY THE DEPARTMENT, FOR THE AWARD OF GRANTS
14 PURSUANT TO THIS ARTICLE.

15 (b) IF FEDERAL MONEYS OR GIFTS, GRANTS, AND DONATIONS ARE
16 RECEIVED FOR THE AWARD OF GRANTS, THE COMMISSIONER OF EDUCATION
17 SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WITHIN SIXTY DAYS
18 AFTER THE COMMISSIONER DETERMINES THAT FEDERAL MONEYS OR GIFTS,
19 GRANTS, AND DONATIONS ARE NO LONGER AVAILABLE TO AWARD A GRANT
20 PURSUANT TO THIS ARTICLE.

21 (2) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1 FOLLOWING THE
22 RECEIPT OF THE NOTICE BY THE REVISOR OF STATUTES PURSUANT TO
23 PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF THIS SECTION.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 shall take effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part shall not take effect
4 unless approved by the people at the general election to be held in
5 November 2010 and shall take effect on the date of the official
6 declaration of the vote thereon by the governor.