

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

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

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.

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) IN THE EVENT THAT THE STATE RECEIVES FEDERAL
23 MONEYS OR GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSES OF THIS
24 ARTICLE, THE DEPARTMENT SHALL DISTRIBUTE THE MONEYS THROUGH THE
25 GRANT PROGRAM ESTABLISHED IN SECTION 22-28.5-104 TO LOCAL
26 EDUCATION PROVIDERS IN THE STATE TO PROVIDE CONTINUITY IN THE
27 NATURE AND QUALITY OF SERVICES TO KINDERGARTEN PUPILS WHO WERE

1 ENROLLED IN A PRESCHOOL PROGRAM DURING THE PREVIOUS YEAR.

2 (2) EACH LOCAL EDUCATION PROVIDER THAT RECEIVES A GRANT
3 PURSUANT TO THIS ARTICLE SHALL DETERMINE HOW TO UTILIZE THE
4 GRANT IN THE MANNER THAT BEST SERVES THE NEEDS OF KINDERGARTEN
5 PUPILS WHO WERE ENROLLED IN A PRESCHOOL PROGRAM DURING THE
6 PREVIOUS YEAR. IN PROVIDING CONTINUITY IN THE NATURE AND QUALITY
7 OF SERVICES, EACH LOCAL EDUCATION PROVIDER IS ENCOURAGED TO:

8 (a) PROVIDE SERVICES USING EVIDENCE-BASED PRACTICES IN
9 EARLY CHILDHOOD EDUCATION INCLUDING, BUT NOT LIMITED TO,
10 SMALLER CLASS SIZES, FEWER CHILDREN PER TEACHER, PARENT
11 ENGAGEMENT, AND SPECIALIZED PROFESSIONAL DEVELOPMENT OF
12 CLASSROOM STAFF; AND

13 (b) FOLLOW THE BASIC PROGRAM STANDARDS ESTABLISHED
14 PURSUANT TO SECTION 22-28-108 OF THE "COLORADO PRESCHOOL
15 PROGRAM ACT", ARTICLE 28 OF THIS TITLE, AS THEY MAY APPLY TO A
16 KINDERGARTEN PROGRAM.

17 (3) THE DEPARTMENT MAY PROVIDE TECHNICAL ASSISTANCE TO
18 LOCAL EDUCATION PROVIDERS IN APPLYING BASIC PROGRAM STANDARDS
19 ESTABLISHED FOR PRESCHOOL PROGRAMS IN A KINDERGARTEN
20 CLASSROOM AND IN IMPLEMENTING EVIDENCE-BASED PRACTICES IN EARLY
21 CHILDHOOD EDUCATION REFERENCED IN SUBSECTION (2) OF THIS SECTION.

22 **22-28.5-104. Distribution of moneys to local education**
23 **providers - grant program created - rules.** (1) THE DEPARTMENT
24 SHALL DISTRIBUTE ANY MONEYS RECEIVED PURSUANT TO THIS ARTICLE TO
25 LOCAL EDUCATION PROVIDERS THROUGH A GRANT PROGRAM CREATED
26 PURSUANT TO THIS SECTION AND ADMINISTERED BY THE DEPARTMENT.
27 THE DEPARTMENT SHALL DEVELOP AN APPLICATION FOR THE GRANT

1 PROGRAM AND SHALL AWARD GRANTS TO LOCAL EDUCATION PROVIDERS
2 FOR THE PURPOSES SET FORTH IN SECTIONS 22-28.5-101 AND 22-28.5-103,
3 CONSISTENT WITH ANY PROVISIONS RELATED TO THE DEPARTMENT'S
4 RECEIPT OF FEDERAL MONEYS OR OF GIFTS, GRANTS, OR DONATIONS THAT
5 ARE APPLIED TO THE GRANT PROGRAM.

6 (2) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT
7 FEDERAL MONEYS AND GIFTS, GRANTS, AND DONATIONS FOR THE
8 PURPOSES OF THE GRANT PROGRAM; EXCEPT THAT THE DEPARTMENT MAY
9 NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
10 CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER
11 LAW OF THE STATE.

12 (3) THE STATE BOARD OF EDUCATION SHALL PROMULGATE RULES
13 IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",
14 ARTICLE 4 OF TITLE 24, C.R.S., AS NECESSARY FOR THE IMPLEMENTATION
15 AND ADMINISTRATION OF THE GRANT PROGRAM.

16 **22-28.5-105. Repeal of article.** (1) (a) ON OR BEFORE JULY 1,
17 2011, THE COMMISSIONER OF EDUCATION SHALL NOTIFY THE REVISOR OF
18 STATUTES IN WRITING IF FEDERAL MONEYS ARE NOT RECEIVED AND
19 ALLOCATED TO THE DEPARTMENT, OR GIFTS, GRANTS, AND DONATIONS
20 ARE NOT RECEIVED BY THE DEPARTMENT, FOR THE AWARD OF GRANTS
21 PURSUANT TO THIS ARTICLE.

22 (b) IF FEDERAL MONEYS OR GIFTS, GRANTS, AND DONATIONS ARE
23 RECEIVED FOR THE AWARD OF GRANTS, THE COMMISSIONER OF EDUCATION
24 SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WITHIN SIXTY DAYS
25 AFTER THE COMMISSIONER DETERMINES THAT FEDERAL MONEYS OR GIFTS,
26 GRANTS, AND DONATIONS ARE NO LONGER AVAILABLE TO AWARD A GRANT
27 PURSUANT TO THIS ARTICLE.

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

4 **SECTION 2. Act subject to petition - effective date.** This act
5 shall take effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part shall not take effect
11 unless approved by the people at the general election to be held in
12 November 2010 and shall take effect on the date of the official
13 declaration of the vote thereon by the governor.