

SENATE COMMITTEE OF REFERENCE REPORT

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|                       | April 5, 2012 |
| Chairman of Committee | Date          |

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB12-106 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 22-28-103, **add**  
4 (1.5) and (1.7) as follows:

5 **22-28-103. Definitions.** As used in this article, unless the context  
6 otherwise requires:

7 (1.5) "CHARTER AUTHORIZER" MEANS A SCHOOL DISTRICT, THE  
8 STATE CHARTER SCHOOL INSTITUTE, OR THE BOARD OF THE COLORADO  
9 SCHOOL FOR THE DEAF AND THE BLIND ACTING IN THE CAPACITY OF  
10 AUTHORIZING A PUBLIC CHARTER SCHOOL.

11 (1.7) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED  
12 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE, AN INSTITUTE  
13 CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF  
14 THIS TITLE, OR A CHARTER SCHOOL AUTHORIZED PURSUANT TO SECTION  
15 22-80-102 (4) (b).

16 **SECTION 2.** In Colorado Revised Statutes, **add** 22-28-104.5 as  
17 follows:

18 **22-28-104.5. Public charter school preschools.**

19 (1) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE  
20 CONTRARY, A CHARTER SCHOOL THAT IS PERMITTED BY ITS CHARTER  
21 AUTHORIZER TO OPERATE A KINDERGARTEN PROGRAM MAY PLAN,  
22 DEVELOP, AND OPERATE A PUBLIC PRESCHOOL PROGRAM THAT IS  
23 CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

1 (2) A CHARTER SCHOOL THAT OPERATES A PUBLIC PRESCHOOL  
2 PROGRAM WITH FUNDING RECEIVED PURSUANT TO THIS ARTICLE OR,  
3 CONSISTENT WITH SECTION 22-28-104 (5) (b), WITHOUT SUCH FUNDING,  
4 SHALL ENSURE THAT THE PUBLIC PRESCHOOL PROGRAM:

5 (a) ENROLLS STUDENTS CONSISTENT WITH SECTION 22-30.5-104  
6 (3) TO ENSURE A DIVERSE STUDENT BODY;

7 (b) OPERATES IN A FACILITY APPROVED AND LICENSED FOR  
8 PRESCHOOL PURPOSES THAT IS THE SAME OR IN REASONABLE PROXIMITY  
9 TO THE FACILITY AT WHICH THE CHARTER SCHOOL OPERATES THE  
10 KINDERGARTEN PROGRAM, OR AT A LOCATION THAT IS APPROVED BY THE  
11 CHARTER AUTHORIZER; AND

12 (c) GUARANTEES A STUDENT'S CONTINUED ENROLLMENT FROM  
13 PRESCHOOL TO KINDERGARTEN TO THE EXTENT ALLOWED BY LAW.

14 **SECTION 3.** In Colorado Revised Statutes, 22-28-105, **amend** (1)  
15 (b) (III) (D) and (E); and **add** (1) (b) (III) (F) as follows:

16 **22-28-105. District preschool program advisory council -**  
17 **duties.** (1) (b) The appointed members of the district advisory council  
18 shall include, but shall not be limited to, the following:

19 (III) Representatives from the following:

20 (D) Publicly funded early childhood education agencies located in the  
21 school district; ~~and~~

22 (E) Privately funded child care centers located in the school ~~district.~~  
23 DISTRICT; AND

24 (F) A REPRESENTATIVE FROM A CHARTER SCHOOL LOCATED IN THE  
25 DISTRICT THAT HAS A PRESCHOOL PROGRAM.

26 **SECTION 4. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the  
28 ninety-day period after final adjournment of the general assembly (August  
29 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
30 referendum petition is filed pursuant to section 1 (3) of article V of the  
31 state constitution against this act or an item, section, or part of this act  
32 within such period, then the act, item, section, or part will not take effect  
33 unless approved by the people at the general election to be held in  
34 November 2012 and, in such case, will take effect on the date of the  
35 official declaration of the vote thereon by the governor."

36 Page 1, line 101, strike "**EDUCATION.**" and substitute "**CHARTER SCHOOL**  
37 **PRESCHOOL PROGRAMS.**".

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