

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
10.21.09

BILL 2

LLS NO. 10-0309.01 Brita Darling

INTERIM COMMITTEE BILL

Early Childhood and School Readiness Legislative Commission

SHORT TITLE: "Continuity Of Services In Kindergarten"

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 necessarily reflect any amendments that may be subsequently adopted.)

Early Childhood and School Readiness Legislative Commission. Contingent upon the receipt and allocation of certain federal moneys, this bill authorizes the department of education to distribute moneys to public schools 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

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

1 THROUGH THE COLORADO PRESCHOOL PROGRAM OR THROUGH A HEAD
2 START PROGRAM; AND

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

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

15 (2) THE GENERAL ASSEMBLY THEREFORE FINDS AND DECLARES
16 THAT, IF FEDERAL MONEYS BECOME AVAILABLE, IT IS APPROPRIATE TO
17 PROVIDE LOCAL EDUCATION PROVIDERS WITH ADDITIONAL MONEYS TO
18 ENSURE THAT THERE IS CONTINUITY IN THE NATURE AND QUALITY OF
19 SERVICES THAT CHILDREN RECEIVE AS THEY TRANSITION FROM PRESCHOOL
20 TO KINDERGARTEN.

21 **22-28.5-102. Definitions.** FOR PURPOSES OF THIS ARTICLE,
22 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

24 (2) "LOCAL EDUCATION PROVIDER" MEANS:

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

27 (b) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO

1 ARTICLE 5 OF THIS TITLE;

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

4 (d) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART
5 1 OF ARTICLE 30.5 OF THIS TITLE; OR

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

8 (3) "PRESCHOOL PROGRAM" MEANS THE COLORADO PRESCHOOL
9 PROGRAM PURSUANT TO ARTICLE 28 OF THIS TITLE OR A HEAD START
10 PROGRAM OPERATED UNDER THE PROVISIONS OF TITLE V OF THE FEDERAL
11 "ECONOMIC OPPORTUNITY ACT OF 1964", AS AMENDED, 42 U.S.C. SEC.
12 9801, ET SEQ.

13 (4) "PRIOR PRESCHOOL ENROLLMENT" MEANS THE NUMBER OF
14 PUPILS ENROLLED IN A LOCAL EDUCATION PROVIDER'S KINDERGARTEN
15 PROGRAM WHO WERE ENROLLED IN A PRESCHOOL PROGRAM DURING THE
16 PREVIOUS YEAR.

17 **22-28.5-103. Early childhood education - continuity of services**
18 **- kindergarten.** (1) IN THE EVENT THAT THE STATE RECEIVES FEDERAL
19 MONEYS FOR THE PURPOSES OF THIS ARTICLE <{AREN'T THE RTTT
20 MONEYS GOING TO BE AWARDED IN THE GOVERNOR'S DISCRETION?}>, THE
21 DEPARTMENT SHALL DISTRIBUTE THE MONEYS TO LOCAL EDUCATION
22 PROVIDERS IN THE STATE TO PROVIDE CONTINUITY IN THE NATURE AND
23 QUALITY OF SERVICES TO KINDERGARTEN PUPILS WHO WERE ENROLLED IN
24 A PRESCHOOL PROGRAM DURING THE PREVIOUS YEAR.

25 (2) EACH LOCAL EDUCATION PROVIDER THAT RECEIVES MONEYS
26 PURSUANT TO THIS SECTION SHALL DETERMINE HOW TO UTILIZE THE
27 MONEYS IN A MANNER THAT BEST SERVES THE NEEDS OF KINDERGARTEN

1 PUPILS WHO WERE ENROLLED IN A PRESCHOOL PROGRAM DURING THE
2 PREVIOUS YEAR. IN PROVIDING CONTINUITY IN THE NATURE AND QUALITY
3 OF SERVICES, EACH LOCAL EDUCATION PROVIDER IS ENCOURAGED TO:

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

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

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

18 **22-28.5-104. Distribution of moneys to local education**
19 **providers.** THE DEPARTMENT SHALL DISTRIBUTE ANY MONEYS RECEIVED
20 PURSUANT TO THIS ARTICLE TO EACH LOCAL EDUCATION PROVIDER IN THE
21 SAME PROPORTION THAT THE LOCAL EDUCATION PROVIDER'S PRIOR
22 PRESCHOOL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR BEARS TO
23 THE TOTAL PRIOR PRESCHOOL ENROLLMENT STATEWIDE FOR THE
24 APPLICABLE BUDGET YEAR. <{**HOW DO YOU WANT TO DISTRIBUTE? DOES**
25 **PRESCHOOL ENROLLMENT RELATE TO K ENROLLMENT?** }>

26 **22-28.5-105. Repeal of article.** (1) ON OR BEFORE JULY 1, 2011,
27 <{ ? }> THE COMMISSIONER OF THE DEPARTMENT SHALL NOTIFY THE

1 REVISOR OF STATUTES IN WRITING IF FEDERAL MONEYS ARE NOT RECEIVED
2 AND ALLOCATED TO THE DEPARTMENT PURSUANT TO SECTION 22-28.5-103
3 FOR THE PROVISION OF SERVICES PURSUANT TO THIS ARTICLE.

4 (2) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1 FOLLOWING THE
5 RECEIPT OF THE NOTICE BY THE REVISOR OF STATUTES.

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