

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0420.01 Richard Sweetman x4333

HOUSE BILL 12-1090

HOUSE SPONSORSHIP

Pace,

SENATE SPONSORSHIP

Newell,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ANNUAL DATE FOR ESTABLISHING THE TOTAL PUPIL**
102 **ENROLLMENT OF EACH PUBLIC SCHOOL.**

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>.)

For the purpose of determining the pupil enrollment count of each public school of the state, the bill defines "pupil enrollment count day" as October 1 of each year, with the following exceptions:

! In any year in which October 1 is a Saturday, a Sunday, or any other day on which school is not in session, the pupil

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.

HOUSE
Amended 3rd Reading
February 9, 2012

HOUSE
Amended 2nd Reading
February 8, 2012

enrollment count day is the Monday following that Saturday, Sunday, or other day; and

! In any year in which a day of a major religious holiday occurs upon October 1, or, in years in which October 1 falls on a Saturday, Sunday, or other day on which school is not in session, or upon the Monday directly following October 1, the pupil enrollment count day is the first school day immediately following the conclusion of the holiday.

The bill replaces existing statutory references to "October 1" with "pupil enrollment count day" as needed.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-122, **amend** (6)
3 (b); and **add** (2) (c.5) as follows:

4 **22-1-122. Transportation token program - legislative**
5 **declaration - eligibility - fund.** (2) As used in this section, unless the
6 context otherwise requires:

7 (c.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING
8 AS SET FORTH IN SECTION 22-54-103 (10.5).

9 (6) (b) So long as an eligible student is enrolled before ~~October 1~~
10 THE PUPIL ENROLLMENT COUNT DAY, the parent or legal guardian of an
11 eligible student may choose to enroll the eligible student in and transport
12 the eligible student to a public school in another school district that has
13 available space. Such school district shall enroll the eligible student and
14 include the eligible student in the district's pupil enrollment for purposes
15 of the "Public School Finance Act of 1994".

16 **SECTION 2.** In Colorado Revised Statutes, 22-2-102, **add** (4.5)
17 as follows:

18 **22-2-102. Definitions.** As used in this part 1, unless the context
19 otherwise requires:

20 (4.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING

1 AS SET FORTH IN SECTION 22-54-103 (10.5).

2 **SECTION 3.** In Colorado Revised Statutes, 22-2-137, **amend** (5)
3 (b) as follows:

4 **22-2-137. State schools - legislative declaration - feasibility**
5 **study - authority to contract - funding.** (5) (b) In addition to the
6 funding provided pursuant to paragraph (a) of this subsection (5), if the
7 commissioner contracts for the creation and operation of one or more
8 state residential schools, the department shall provide funding for said
9 schools by withholding moneys from the state share of total program
10 funding payable to the district of residence of each student who enrolls in
11 a state residential school. The amount withheld shall be equal to the
12 amount of the school district's per pupil revenue for the applicable budget
13 year multiplied by the number of students who reside in the school district
14 and are enrolled in the state residential school as of ~~October 1~~ THE PUPIL
15 ENROLLMENT COUNT DAY of the applicable budget year. A student who
16 enrolls in a state residential school shall be counted in the pupil
17 enrollment of the student's school district of residence for purposes of this
18 paragraph (b). The department shall adopt guidelines as necessary for the
19 implementation of this paragraph (b).

20 **SECTION 4.** In Colorado Revised Statutes, 22-5.5-103, **add** (5.5)
21 as follows:

22 **22-5.5-103. Definitions.** As used in this article, unless the context
23 otherwise requires:

24 (5.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING
25 AS SET FORTH IN SECTION 22-54-103 (10.5).

26 **SECTION 5.** In Colorado Revised Statutes, 22-5.5-106, **amend**
27 (3) as follows:

1 **22-5.5-106. Funding.** (3) In addition to the grants described in
2 subsections (1) and (2) of this section, on or after July 1, 2009, and
3 annually thereafter, the department shall, subject to available
4 appropriations, allocate to each eligible regional service area an amount
5 equal to up to fifty cents per pupil based on the pupil enrollment for each
6 school district in the regional service area as of ~~October 1~~ THE PUPIL
7 ENROLLMENT COUNT DAY of the previous year.

8 **SECTION 6.** In Colorado Revised Statutes, 22-30.5-103, **add**
9 (6.6) as follows:

10 **22-30.5-103. Definitions.** As used in this part 1, unless the
11 context otherwise requires:

12 (6.6) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING
13 AS SET FORTH IN SECTION 22-54-103 (10.5).

14 **SECTION 7.** In Colorado Revised Statutes, 22-30.5-112.1,
15 **amend** (1) (k) (II) as follows:

16 **22-30.5-112.1. Charter schools - definitions - exclusive**
17 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**

18 (1) As used in this section, unless the context otherwise requires:

19 (k) "On-line pupil enrollment" means:

20 (II) For the 2008-09 budget year, and for budget years thereafter,
21 the number of pupils, on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY
22 within the applicable budget year, ~~or the school day nearest said date,~~
23 enrolled in, attending, and actively participating in a multi-district
24 program, as defined in section 22-30.7-102 (6), created pursuant to article
25 30.7 of this title, by the district charter school.

26 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-502, **add**
27 (9.5) as follows:

1 **22-30.5-502. Definitions.** As used in this part 5, unless the
2 context otherwise requires:

3 (9.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING
4 AS SET FORTH IN SECTION 22-54-103 (10.5).

5 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-513, **amend**
6 (1) (j) (II) as follows:

7 **22-30.5-513. Institute charter schools - definitions - funding.**

8 (1) As used in this section, unless the context otherwise requires:

9 (j) "On-line pupil enrollment" means:

10 (II) For the 2008-09 budget year, and for budget years thereafter,
11 the number of pupils, on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY
12 within the applicable budget year, ~~or the school day nearest said date,~~
13 enrolled in, attending, and actively participating in a multi-district
14 program, as defined in section 22-30.7-102 (6), created pursuant to article
15 30.7 of this title by the institute charter school.

16 **SECTION 10.** In Colorado Revised Statutes, 22-30.7-102, **add**
17 (12.5) as follows:

18 **22-30.7-102. Definitions.** As used in this article, unless the
19 context otherwise requires:

20 (12.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING
21 AS SET FORTH IN SECTION 22-54-103 (10.5).

22 **SECTION 11.** In Colorado Revised Statutes, 22-30.7-107,
23 **amend** (2) (a) and (2) (b) as follows:

24 **22-30.7-107. Funding.** (2) For the 2008-09 budget year, and for
25 each budget year thereafter, for purposes of determining total program
26 funding pursuant to article 54 of this title:

27 (a) (I) A school district that is providing a single-district program,

1 or a school district in which a district charter school is providing a
2 single-district program, shall include each student who is enrolled in the
3 single-district program as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT
4 DAY of the applicable budget year in the school district's pupil enrollment
5 for the applicable budget year and shall receive the school district's
6 per-pupil funding for each student enrolled in the single-district program.

7 (II) An institute charter school that is providing a single-district
8 program shall include each student who is enrolled in the single-district
9 program as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the
10 applicable budget year in the institute charter school's pupil enrollment
11 for the applicable budget year and shall receive the per-pupil funding of
12 the institute charter school's accounting district for each student enrolled
13 in the single-district program.

14 (b) (I) A school district that is providing a multi-district program,
15 or a school district in which a district charter school is providing a
16 multi-district program, shall include each student who is enrolled in the
17 multi-district program as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT
18 DAY of the applicable budget year in the school district's on-line pupil
19 enrollment for the applicable budget year and shall receive on-line
20 funding, as specified in section 22-54-104 (4.5).

21 (II) An institute charter school that is providing a multi-district
22 program shall include each student who is enrolled in the multi-district
23 program as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the
24 applicable budget year in the institute charter school's on-line enrollment
25 for the applicable budget year and shall receive on-line funding, as
26 specified in section 22-54-104 (4.5).

27 **SECTION 12.** In Colorado Revised Statutes, 22-32-141, **amend**

1 (4) (a) and (4) (b); and **add** (1) (c) as follows:

2 **22-32-141. Student awaiting trial as adult - educational**
3 **services.** (1) As used in this section, unless the context otherwise
4 requires:

5 (c) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS
6 SET FORTH IN SECTION 22-54-103 (10.5).

7 (4) (a) In any budget year in which a school district is providing
8 educational services to a juvenile pursuant to this section on ~~October 1~~
9 THE PUPIL ENROLLMENT COUNT DAY of said budget year, the school
10 district may include the juvenile in its pupil enrollment, as defined in
11 section 22-54-103 (10), for purposes of determining the school district's
12 total program funding under the "Public School Finance Act of 1994",
13 article 54 of this title.

14 (b) If the school district begins providing educational services
15 pursuant to this section after ~~October 1~~ THE PUPIL ENROLLMENT COUNT
16 DAY, the school district may seek reimbursement for the costs incurred
17 pursuant to this section from the school district or charter school that
18 included said juvenile in its pupil enrollment for the applicable budget
19 year. Any amount received as reimbursement may not exceed the
20 reimbursing school district's or charter school's per pupil revenue for the
21 applicable budget year, prorated for the period of time that the receiving
22 school district provides educational services pursuant to this section.

23 **SECTION 13.** In Colorado Revised Statutes, 22-33-102, **add**
24 (5.5) as follows:

25 **22-33-102. Definitions.** As used in this article, unless the context
26 otherwise requires:

27 (5.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING

1 AS SET FORTH IN SECTION 22-54-103 (10.5).

2 **SECTION 14.** In Colorado Revised Statutes, 22-33-103.5,
3 **amend** (7) as follows:

4 **22-33-103.5. Attendance of homeless children. (7) Liaison.** The
5 board of education of each school district in the state shall designate one
6 or more of the employees of the school district to act as a homeless child
7 liaison. The homeless child liaison shall facilitate a homeless child's
8 access to and success in school. The homeless child liaison shall also
9 assist in the mediation of any disputes concerning school enrollment,
10 assist in making arrangements for transportation of the homeless child to
11 and from school, assist in requesting school and immunization records,
12 and assist any unaccompanied homeless child in making enrollment
13 decisions. On or before ~~October 1, 2002, and on or before October 1 each~~
14 ~~year thereafter~~ THE PUPIL ENROLLMENT COUNT DAY, the homeless child
15 liaison in each school district shall report to the department of education
16 the number of homeless children enrolled in the school district.

17 **SECTION 15.** In Colorado Revised Statutes, 22-36-101, **amend**
18 (2) (a) and (2) (b) (IV); and **add** (2) (c) as follows:

19 **22-36-101. Choice of programs and schools within school**
20 **districts.** (2) (a) Every school district shall adopt such policies and
21 procedures as are reasonable and necessary to implement the provisions
22 of subsection (1) of this section, including, but not limited to, timelines
23 for application to and acceptance in any program or school which may
24 provide for enrollment of the student on or before ~~October 1~~ THE PUPIL
25 ENROLLMENT COUNT DAY, and, while adopting policies and procedures,
26 the school district shall consider adopting a policy establishing that an
27 applicant with a proficiency rating of unsatisfactory in one or more

1 academic areas who attends a public school that is required to implement
2 a turnaround plan pursuant to section 22-11-406 or that is subject to
3 restructuring pursuant to section 22-11-210 shall have priority over any
4 other applicant for enrollment purposes.

5 (b) In implementing the provisions of subsection (1) of this
6 section, no school district shall be required to:

7 (IV) Enroll any student pursuant to this section in any program or
8 school after ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY.

9 (c) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
10 OTHERWISE REQUIRES, "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME
11 MEANING AS SET FORTH IN SECTION 22-54-103 (10.5).

12 **SECTION 16.** In Colorado Revised Statutes, 22-42-101, **add**
13 (4.5) as follows:

14 **22-42-101. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (4.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING
17 AS SET FORTH IN SECTION 22-54-103 (10.5).

18 **SECTION 17.** In Colorado Revised Statutes, 22-42-104, **amend**
19 (1.3) introductory portion and (1.4) introductory portion as follows:

20 **22-42-104. Limit of bonded indebtedness.**

21 (1.3) Notwithstanding the provisions of paragraph (a) of subsection (1)
22 of this section and except as provided in subsection (1.4) of this section,
23 the limit on bonded indebtedness of a school district shall be the greater
24 of the limit determined pursuant to paragraph (b) of subsection (1) of this
25 section or twenty-five percent of the latest valuation for assessment of the
26 taxable property in such district, as certified by the county assessor to the
27 board of county commissioners, for any bonded indebtedness approved

1 at any election held on or after July 1, 1994, if the commissioner of
2 education or the commissioner's designee certifies that for each of the
3 preceding three fiscal years, or for three consecutive fiscal years that
4 include the fiscal year in which the certification is made, the pupil
5 enrollment or the funded pupil count of the district as of ~~October 1~~ THE
6 PUPIL ENROLLMENT COUNT DAY, whichever is applicable, has increased:

7 (1.4) For any bonded indebtedness approved at the 2008 general
8 election, the limit on bonded indebtedness of a school district shall be the
9 greater of the limit determined pursuant to subsection (1.3) of this section
10 or thirty percent of the latest valuation for assessment of the taxable
11 property in such district, as certified by the county assessor to the board
12 of county commissioners, if the commissioner of education or the
13 commissioner's designee certifies that for each of the preceding three
14 fiscal years, or for three consecutive fiscal years that include the fiscal
15 year in which the certification is made, the pupil enrollment or the funded
16 pupil count of the district as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT
17 DAY, whichever is applicable, increased:

18 **SECTION 18.** In Colorado Revised Statutes, 22-44-102, **add**
19 (7.5) as follows:

20 **22-44-102. Definitions.** As used in this part 1, unless the context
21 otherwise requires:

22 (7.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING
23 AS SET FORTH IN SECTION 22-54-103 (10.5).

24 **SECTION 19.** In Colorado Revised Statutes, 22-44-118, **amend**
25 (1) as follows:

26 **22-44-118. Full-day kindergarten reserve - tracking of**
27 **expenditures - preschool programs - rules.** (1) (a) Except as otherwise

1 provided in paragraphs (b) and (c) of this subsection (1), for the 2008-09
2 budget year and each budget year thereafter, a school district that does not
3 report any full-day kindergarten pupils in the district's ~~October 1~~ pupil
4 enrollment count AS OF THE PUPIL ENROLLMENT COUNT DAY shall hold the
5 moneys received for full-day kindergarten programs through
6 supplemental kindergarten enrollment pursuant to section 22-54-103 (7)
7 (d) in a full-day kindergarten reserve in the district's general fund. The
8 district shall not use the moneys in the full-day kindergarten reserve until
9 the district enrolls one or more pupils in full-day kindergarten in the
10 district. Once the district enrolls pupils in full-day kindergarten in the
11 district, the district shall not be required to maintain the full-day
12 kindergarten reserve.

13 (b) For the 2008-09 budget year, a school district that does not
14 report any full-day kindergarten pupils in the district's ~~October 1~~ pupil
15 enrollment count AS OF THE PUPIL ENROLLMENT COUNT DAY may use the
16 moneys received for full-day kindergarten programs through
17 supplemental kindergarten enrollment pursuant to section 22-54-103 (7)
18 (d) for planning and facility preparation necessary for the district to offer
19 a full-day kindergarten program in subsequent budget years. Each school
20 district shall, on or before June 30, 2009, return to the department of
21 education any unexpended and unencumbered amount remaining of the
22 moneys received for full-day kindergarten programs through
23 supplemental kindergarten enrollment pursuant to section 22-54-103 (7)
24 (d). The department of education shall adopt procedures for the
25 implementation of this paragraph (b). The department of education shall
26 transmit to the state treasurer the moneys received pursuant to this
27 paragraph (b), and the state treasurer shall credit said moneys to the state

1 education fund created pursuant to section 17 (4) of article IX of the state
2 constitution.

3 (c) For the 2009-10 budget year, a school district that does not
4 report any full-day kindergarten pupils in the district's ~~October 1~~ pupil
5 enrollment count AS OF THE PUPIL ENROLLMENT COUNT DAY may use the
6 moneys received for full-day kindergarten programs through
7 supplemental kindergarten enrollment pursuant to section 22-54-103 (7)
8 (d) for planning and facility preparation necessary for the district to offer
9 a full-day kindergarten program in subsequent budget years.

10 **SECTION 20.** In Colorado Revised Statutes, 22-54-103, **amend**
11 (5.2), (8.5) (a) (II), (9.5) (a), (10) (a) (I), (10) (a) (III.5), and (10)
12 (d) (II); and **add** (10.5) as follows:

13 **22-54-103. Definitions - repeal.** As used in this article, unless
14 the context otherwise requires:

15 (5.2) "District ASCENT program pupil enrollment" means the
16 number of pupils, on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY
17 within the applicable budget year, ~~or the school day nearest said date,~~ who
18 are concurrently enrolled in a postsecondary course, including an
19 academic course or a career and technical education course, as a
20 participant in the ASCENT program. An ASCENT program participant
21 who is enrolled in at least twelve credit hours of postsecondary courses,
22 including academic courses and career and technical education courses,
23 as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable
24 budget year shall be included in the district ASCENT program pupil
25 enrollment as a full-time pupil. An ASCENT program participant who is
26 enrolled in less than twelve credit hours of postsecondary courses,
27 including academic courses and career and technical education courses,

1 as of ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable
2 budget year shall be included in the district ASCENT program pupil
3 enrollment as a part-time pupil.

4 (8.5) (a) "On-line pupil enrollment" means:

5 (II) For the 2008-09 budget year, and for budget years thereafter,
6 the number of pupils, on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY
7 within the applicable budget year, ~~or the school day nearest said date,~~
8 enrolled in, attending, and actively participating in a multi-district
9 program, as defined in section 22-30.7-102 (6), created pursuant to article
10 30.7 of this title.


11 (9.5) (a) (I) "Preschool program enrollment" means the number of
12 pupils enrolled in a district preschool program pursuant to article 28 of
13 this title on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY within the
14 applicable budget year. ~~or the school date nearest said date.~~ A pupil
15 enrolled in a district preschool program pursuant to article 28 of this title
16 shall be counted as a half-day pupil.

17 (II) Notwithstanding the provisions of subparagraph (I) of this
18 paragraph (a), for budget years commencing on or after July 1, 2005, a
19 district may choose to determine the number of pupils enrolled in the
20 district preschool program pursuant to article 28 of this title on November
21 1 within the applicable budget year or the school date nearest said date,
22 rather than on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY. The
23 "preschool program enrollment" for the district shall be the number of
24 pupils enrolled in the district preschool program, who shall be counted as
25 half-day pupils.

26 
27 (10) (a) (I) "Pupil enrollment" means the number of pupils

1 enrolled on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY within the
2 applicable budget year, ~~or the school day nearest said date~~, as evidenced
3 by the actual attendance of such pupils prior to said date, except as
4 otherwise provided in subparagraph (II) of this paragraph (a), plus the
5 number of pupils expelled prior to ~~October 1~~ THE PUPIL ENROLLMENT
6 COUNT DAY within the applicable budget year who are receiving
7 educational services pursuant to section 22-33-203 as of ~~October 1~~ THE
8 PUPIL ENROLLMENT COUNT DAY of the applicable budget year. ~~The~~
9 ~~department of education is authorized to establish alternative dates for~~
10 ~~determining pupil enrollment in appropriate circumstances, including, but~~
11 ~~not limited to, when schools are on a year-round schedule pursuant to~~
12 ~~section 22-32-109 (1) (n) and pupils will be on authorized breaks on~~
13 ~~October 1 within the applicable budget year; except that such alternative~~
14 ~~dates shall be set not more than forty-five calendar days after the first~~
15 ~~school day occurring after October 1.~~

16 (III.5) For the 2009-10 budget year and budget years thereafter,
17 "pupil enrollment" shall include any juvenile to whom the school district
18 is providing educational services pursuant to section 22-32-141 as of
19 ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget
20 year.

21 

22 (d) (II) Notwithstanding any provision of this subsection (10) to
23 the contrary, for budget years commencing on or after July 1, 2005, a
24 district may choose to determine the number of three- and four-year-old
25 pupils with disabilities enrolled and receiving educational programs under
26 the "Exceptional Children's Educational Act", article 20 of this title, as of
27 November 1 within the applicable budget year or the school date nearest

1 said date, rather than on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY,
2 as evidenced by the actual attendance of such pupils on November 1 or
3 the school date nearest said date. The "pupil enrollment" of the district
4 shall include the number of pupils so enrolled who shall be counted as
5 half-day pupils.

6 (10.5) (a) "PUPIL ENROLLMENT COUNT DAY" MEANS OCTOBER 1 OF
7 EACH YEAR; EXCEPT THAT:

8 (I) IN ANY YEAR IN WHICH OCTOBER 1 IS A SATURDAY, A SUNDAY,
9 OR ANY OTHER DAY ON WHICH SCHOOL IS NOT IN SESSION, EXCEPT AS
10 DESCRIBED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a), THE
11 PUPIL ENROLLMENT COUNT DAY IS THE MONDAY FOLLOWING THAT
12 SATURDAY, SUNDAY, OR OTHER DAY;

13 (II) IN ANY YEAR IN WHICH A DAY OF A MAJOR RELIGIOUS HOLIDAY
14 OCCURS UPON OCTOBER 1, OR, IN YEARS IN WHICH OCTOBER 1 FALLS ON
15 A SATURDAY, SUNDAY, OR OTHER DAY ON WHICH SCHOOL IS NOT IN
16 SESSION AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), OR
17 UPON THE MONDAY DIRECTLY FOLLOWING OCTOBER 1, THE PUPIL
18 ENROLLMENT COUNT DAY IS THE FIRST SCHOOL DAY IMMEDIATELY
19 FOLLOWING THE CONCLUSION OF THE HOLIDAY; AND

20 (III) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO
21 ESTABLISH ALTERNATIVE DATES FOR DETERMINING PUPIL ENROLLMENT IN
22 APPROPRIATE CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO, WHEN
23 SCHOOLS ARE ON A YEAR-ROUND SCHEDULE PURSUANT TO SECTION
24 22-32-109 (1) (n) AND PUPILS WILL BE ON AUTHORIZED BREAKS ON
25 OCTOBER 1 WITHIN THE APPLICABLE BUDGET YEAR; EXCEPT THAT SUCH
26 ALTERNATIVE DATES SHALL BE SET NOT MORE THAN FORTY-FIVE
27 CALENDAR DAYS AFTER THE FIRST SCHOOL DAY OCCURRING AFTER

1 OCTOBER 1.

2 (b) ON OR BEFORE JULY 1, 2012, THE STATE BOARD SHALL
3 PROMULGATE RULES ESTABLISHING THE MEANING OF "MAJOR RELIGIOUS
4 HOLIDAY" FOR THE PURPOSES OF THIS SUBSECTION (10.5).

5 **SECTION 21.** In Colorado Revised Statutes, 22-54-126, **amend**
6 (1) (b); and **add** (1) (c) as follows:

7 **22-54-126. Declining enrollment districts with new charter**
8 **schools - additional aid - definitions.** (1) As used in this section, unless
9 the context otherwise requires:

10 (b) "New charter school enrollment" means the number of pupils
11 enrolled in a new district charter school of a declining enrollment district
12 on ~~October 1 or the school date nearest said date~~ THE PUPIL ENROLLMENT
13 COUNT DAY in the budget year in which the new district charter school is
14 opened in the declining enrollment district minus the number of pupils
15 enrolled as of that date in an on-line program who are also enrolled in the
16 new district charter school of the declining enrollment district.

17 (c) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS
18 SET FORTH IN SECTION 22-54-103 (10.5).

19 **SECTION 22.** In Colorado Revised Statutes, 22-54-128, **amend**
20 (1) (b); and **add** (1) (c) as follows:

21 **22-54-128. Military dependent supplemental pupil enrollment**
22 **aid - definitions.** (1) As used in this section, unless the context otherwise
23 requires:

24 (b) "Military dependent supplemental pupil enrollment" means the
25 number of eligible pupils enrolled in a school district on February 1
26 within the applicable budget year or the school day nearest said date who
27 were not enrolled in the district or in any other school district in the state

1 on ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the budget year. ~~or~~
2 ~~the school day nearest said date.~~ An eligible pupil shall be considered
3 enrolled in a district as evidenced by the actual attendance of such eligible
4 pupil prior to February 1 of the applicable budget year.

5 (c) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING AS
6 SET FORTH IN SECTION 22-54-103 (10.5).

7 **SECTION 23.** In Colorado Revised Statutes, 22-54-129, **amend**
8 (1) (d); and **add** (1) (d.5) as follows:

9 **22-54-129. Facility school funding - definitions - legislative**
10 **declaration.** (1) As used in this section, unless the context otherwise
11 requires:

12 (d) "Pupil enrollment" means the number of students receiving
13 educational services at the approved facility school or state program on
14 ~~October 1~~ THE PUPIL ENROLLMENT COUNT DAY of the applicable budget
15 year. ~~or on the school day nearest said date.~~

16 (d.5) "PUPIL ENROLLMENT COUNT DAY" HAS THE SAME MEANING
17 AS SET FORTH IN SECTION 22-54-103 (10.5).

18 **SECTION 24. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.