



Memorandum

To: Joint Budget Committee Members
From: Kelly Shen, JBC Staff (303-866-5434)
Date: April 22, 2026
Subject: Potential Legislation Packet 20

If the Committee would like to approve a bill draft for introduction, the motion should include:

- Approve for introduction in the House/Senate as a JBC bill LLS 25-XXXX;
- Prime sponsors and co-sponsors; and
- Grant staff permission to make technical changes.

Each individual item has page numbers, but also a packet page number (P-XXX) to help navigate the whole document. The page numbers below refer to the packet page number that begins with a "P".

Potential Legislation

Education – Andrea Uhl

LLS 26-0865 School Part-Time Enrichment FundingP-1

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
4/20/26

DRAFT

LLS NO. 26-0865.01 Lindy Schaible x4215

HOUSE BILL

HOUSE SPONSORSHIP

(None),

SENATE SPONSORSHIP

(None),

BILL TOPIC: School Part-Time Enrichment Funding
DEADLINES: File by: 4/21/2026

A BILL FOR AN ACT

101 **CONCERNING SCHOOL PART-TIME ENRICHMENT FUNDING.**

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://leg.colorado.gov>.)

Joint Budget Committee. Current law expressly states that children who are home-based may attend public school for a portion of the day for what are commonly known as "part-time enrichments". Children enrolled in an independent or parochial school (nonpublic school) that provides a basic academic education also attend public school for a portion of the day for part-time enrichments. The state board of education (state board) adopted rules directing school districts to count home-based and nonpublic school children who attend public school for

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

a portion of the day as half of a full-time enrollment pupil when the children have schedules that provide at least 90 of the 360 hours of instructional time in a semester at a public school.

The bill adds a provision expressly stating that children who attend nonpublic school may attend public school for a portion of the day.

The bill requires that school districts count and receive funding for home-based and nonpublic school children who receive part-time enrichments from public schools as follows:

- A child cannot be counted for more than a half-time pupil, even when a child receives more than 135 hours of instructional time in a semester;
- A child who attends a public school for at least 135 hours of instructional time in a semester is counted as a part-time funded pupil, which is a half-time funded pupil; and
- A child who attends a public school for less than 135 hours of instructional time in a semester is counted as a quarter-time funded pupil.

The bill directs the state board to adopt rules regarding part-time enrichment programs by July 1, 2026, that include, at a minimum, rules:

- Clarifying the definition of "instructional time";
- Specifying whether a private entity may provide instructional time; and
- Containing, if a private entity is permitted to provide instructional time, guidelines for determining whether the instructional time provided by a private entity is comparable to and meets the same requirements and standards that apply to instructional time provided by a school district.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-33-104, **amend**
3 (2)(b) as follows:

4 **22-33-104. Compulsory school attendance.**

5 (2) The provisions of subsection (1) of this section shall not apply
6 to a child:

7 (b) (I) Who is enrolled for a minimum of one hundred
8 seventy-two days in an independent or parochial school ~~which~~ THAT
9 provides a basic academic education. "Basic academic education" for the

1 purpose of this ~~article~~ ARTICLE 33 means the sequential program of
2 instruction provided by an independent or parochial school. ~~Such~~ THE
3 program ~~shall~~ MUST include, but not be limited to, communication skills
4 of reading, writing, ~~and~~ speaking, mathematics, history, civics, literature,
5 and science.

6 (II) IF A CHILD IS ENROLLED IN AN INDEPENDENT OR PAROCHIAL
7 SCHOOL THAT PROVIDES A BASIC ACADEMIC EDUCATION, BUT ALSO
8 ATTENDS A PUBLIC SCHOOL FOR A PORTION OF THE SCHOOL DAY, THE
9 SCHOOL DISTRICT OF THE PUBLIC SCHOOL MAY COUNT THE CHILD IN
10 ACCORDANCE WITH SECTION 22-54-103 (10) FOR PURPOSES OF
11 DETERMINING PUPIL ENROLLMENT PURSUANT TO THE "PUBLIC SCHOOL
12 FINANCE ACT OF 2025", ARTICLE 54 OF THIS TITLE 22. IF THE SCHOOL
13 DISTRICT OF THE PUBLIC SCHOOL CHOOSES TO COUNT THE CHILD FOR
14 PURPOSES OF DETERMINING PUPIL ENROLLMENT, THE SCHOOL DISTRICT
15 SHALL COUNT THE CHILD AND RECEIVE FUNDING IN ACCORDANCE WITH
16 SECTION 22-54-103 (10)(j)(I) AND (10)(j)(II).

17 **SECTION 2.** In Colorado Revised Statutes, 22-54-103, **amend**
18 (10)(e.5)(I) and (10)(f); and **add** (10)(j) as follows:

19 **22-54-103. Definitions - repeal.**

20 As used in this article 54, unless the context otherwise requires:

21 (10) (e.5) (I) A pupil who is enrolled as less than a full-time
22 student ~~other than a student described in subsection (10)(b)(II) or (10)(d)~~
23 IS COUNTED IN ACCORDANCE WITH RULES ADOPTED BY THE STATE BOARD
24 FOR STUDENTS WHO ARE ENROLLED AS LESS THAN FULL-TIME STUDENTS,
25 EXCEPT FOR A STUDENT DESCRIBED IN SUBSECTION (10)(b)(II), (10)(d), OR
26 (10)(j) of this section or a student enrolled in a p-tech school pursuant to
27 article 35.3 of this title 22. ~~is counted in accordance with rules~~

1 promulgated by the state board for students who are enrolled as less than
2 full-time students.

3 (f) In certifying the district's pupil enrollment to the state board
4 pursuant to the provisions of section 22-54-112, the district shall specify
5 the number of pupils enrolled in kindergarten through twelfth grade,
6 specifying those who are enrolled as full-time pupils and those who are
7 enrolled as less than full-time pupils; THE NUMBER OF PUPILS
8 PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM
9 BUT ALSO ATTENDING A PUBLIC SCHOOL FOR A PORTION OF THE DAY AS
10 DESCRIBED IN SECTION 22-33-104.5 (6)(a); THE NUMBER OF PUPILS
11 ENROLLED IN AN INDEPENDENT OR PAROCHIAL SCHOOL BUT ALSO
12 ATTENDING A PUBLIC SCHOOL FOR A PORTION OF THE DAY AS DESCRIBED
13 IN SECTION 22-33-104 (2)(b)(II); the number of expelled pupils receiving
14 educational services pursuant to section 22-33-203; the number of at-risk
15 pupils; the number of English language learner pupils; and the number of
16 pupils receiving educational programs under the "Exceptional Children's
17 Educational Act", article 20 of this title 22, who are enrolled in
18 kindergarten through twelfth grade.

19 (j) A PUPIL WHO IS ENROLLED IN A PUBLIC SCHOOL PURSUANT TO
20 SECTION 22-33-104 (2)(b)(II) OR 22-33-104.5 (6)(a) MUST NOT BE
21 COUNTED AS MORE THAN A HALF-TIME PUPIL, EVEN WHEN THE PUPIL
22 RECEIVES MORE THAN ONE HUNDRED THIRTY-FIVE HOURS OF
23 INSTRUCTIONAL TIME, AS DEFINED BY THE STATE BOARD, IN A SEMESTER.
24 A PUPIL WHO IS ENROLLED IN A PUBLIC SCHOOL PURSUANT TO SECTION
25 22-33-104 (2)(b)(II) OR 22-33-104.5 (6)(a) IS COUNTED AS FOLLOWS:

26 (I) A HALF-TIME PUPIL WHEN THE PUPIL RECEIVES AT LEAST ONE
27 HUNDRED THIRTY-FIVE HOURS OF INSTRUCTIONAL TIME, AS DEFINED BY

1 THE STATE BOARD, IN A SEMESTER; AND

2 (II) A QUARTER-TIME PUPIL WHEN THE PUPIL RECEIVES LESS THAN
3 ONE HUNDRED THIRTY-FIVE HOURS OF INSTRUCTIONAL TIME, AS DEFINED
4 BY THE STATE BOARD, IN A SEMESTER.

5 **SECTION 3.** In Colorado Revised Statutes, 22-33-104.5, **amend**
6 (6)(a) as follows:

7 **22-33-104.5. Home-based education - guidelines - legislative**
8 **declaration - definitions.**

9 (6) (a) If a child is participating in a nonpublic home-based
10 educational program but also attending a public school for a portion of
11 the school day, the school district of the public school may count the child
12 in accordance with the provisions of section 22-54-103 (10) for purposes
13 of determining pupil enrollment pursuant to the "Public School Finance
14 Act of 2025", article 54 of this title 22. IF THE SCHOOL DISTRICT OF THE
15 PUBLIC SCHOOL CHOOSES TO COUNT THE CHILD FOR PURPOSES OF
16 DETERMINING PUPIL ENROLLMENT, THE SCHOOL DISTRICT SHALL COUNT
17 THE CHILD AND RECEIVE FUNDING IN ACCORDANCE WITH SECTION
18 22-54-103 (10)(j).

19 **SECTION 4.** In Colorado Revised Statutes, 22-2-106, **add** (1)(j)
20 as follows:

21 **22-2-106. State board - duties - rules.**

22 (1) The state board is a **type 1** entity, as defined in section
23 24-1-105. It is the duty of the state board:

24 (j) TO ADOPT, ON OR BEFORE JULY 1, 2026, COMPREHENSIVE RULES
25 REGARDING NONPUBLIC SCHOOL AND HOME-BASED CHILDREN WHO
26 ATTEND PUBLIC SCHOOLS FOR A PORTION OF THE DAY AS DESCRIBED IN
27 SECTIONS 22-33-104 (2)(b)(II) AND 22-33-104.5 (6)(a). THE RULES MUST

1 INCLUDE, AT A MINIMUM:

2 (I) A DEFINITION OF "INSTRUCTIONAL TIME" APPLICABLE TO THE
3 IMPLEMENTATION OF SECTIONS 22-33-104 (2)(b)(II) AND 22-33-104.5
4 (6)(a) THAT CLARIFIES HOW THE FOLLOWING ARE INCLUDED IN
5 INSTRUCTIONAL TIME: ONE-TIME CLASSES AND FIELD TRIPS; EVENING AND
6 WEEKEND EVENTS; EXTRACURRICULAR ACTIVITIES, INCLUDING CLASSES,
7 TEAM ACTIVITIES, AND LESSONS THAT ARE NOT PUBLIC SCHOOL SCHEDULE
8 OPTIONS; COURSES INTEGRATED INTO PRIVATE SCHOOL DAYTIME
9 SCHEDULES THAT MAY RESULT IN PRIVATE SCHOOL TUITION OFFSET; AND
10 SCHEDULES THAT ARE FLEXIBLE AND MAY NOT REPRESENT WHAT A PUPIL
11 ACTUALLY RECEIVES FOR THE SEMESTER;

12 (II) A DEFINITION OF "PUBLIC SCHOOL" APPLICABLE TO THE
13 IMPLEMENTATION OF SECTIONS 22-33-104 (2)(b)(II) AND 22-33-104.5
14 (6)(a) THAT CLARIFIES HOW INSTRUCTIONAL TIME PROVIDED BY A PRIVATE
15 ENTITY PURSUANT TO A CONTRACT BETWEEN A DISTRICT AND A PRIVATE
16 ENTITY MAY BE COUNTED TOWARD PUBLIC SCHOOL ATTENDANCE OR
17 ENROLLMENT; AND

18 (III) IF A PRIVATE ENTITY IS PERMITTED TO PROVIDE "PUBLIC
19 SCHOOL" INSTRUCTIONAL TIME, GUIDELINES REGARDING THE
20 INSTRUCTIONAL TIME PROVIDED BY A PRIVATE ENTITY THAT INCLUDE, AT
21 A MINIMUM, GUIDELINES TO DETERMINE WHETHER THE INSTRUCTIONAL
22 TIME PROVIDED BY A PRIVATE ENTITY IS COMPARABLE TO AND MEETS THE
23 SAME REQUIREMENTS AND STANDARDS THAT APPLY TO INSTRUCTIONAL
24 TIME PROVIDED BY A SCHOOL DISTRICT, AS REQUIRED BY SECTION
25 22-32-122 (3)(a).

26 **SECTION 5. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.