

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
Second Regular Session

Ninety-seventh Legislative Day Monday, April 15, 2002

Prayer By the chaplain, Col. David Park, Chaplain, US Space Command.

Call to Order By the President at 10:00 a.m.

Roll Call Present--Total, 32.
Absent/Excused--Gordon, Phillips, Tate--Total, 3.
Present later--Phillips.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tupa, reading of the Journal of Friday, April 12, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions; **SJR02-031**.

CONSIDERATION OF RESOLUTIONS

SJR02-031 by Senator(s) May; also Representative(s) Fritz, Sinclair--Concerning the designation of April 15, 2002, as "Colorado Military and Space Industry Day".

On motion of Senator May, the resolution was read at length and **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	E	McElhany	Y	Tate	E
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the committee recommends that **HB02-1186** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 6, after the period, add "Therefore, the general fund appropriation in section 17 of this act is intended to be a one time appropriation in order to get the program started, and shall not be counted in the base appropriation to the department of agriculture in subsequent years."

Page 13, strike lines 1 through 5 and substitute the following:

"SECTION 17. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of agriculture, for the fiscal year beginning July 1, 2002, the sum of one hundred eighteen thousand dollars (\$118,000), or so much thereof as may be necessary, for the implementation of this act.

HB02-1186

SECTION 18. Effective date. (1) This act shall take effect upon the passage.

(2) Notwithstanding the provisions of subsection (1) of this section, sections 2, 5, 7, 8, 9, 10, 11, 12, and 13 of this act shall only take effect upon the accreditation by the secretary of the United States department of agriculture of the state organic certification program.

(3) Notwithstanding the provisions of subsection (1) of this section, section 17 of this act shall only take effect if:

(a) The final fiscal estimate for House Bill 02-1241, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 17 of this act; and

(b) House Bill 02-1241 is enacted at the second regular session of the sixty-third general assembly and becomes law."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1084** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Agriculture and Natural Resources report, dated March 12, 2002, page 2, line 4, strike "lines 3 and 4" and substitute "lines 3 through 13";

line 6 strike "3" and substitute "2";

strike line 8.

Appropriations

After consideration on the merits, the committee recommends that **SB02-074** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, after line 6, insert the following:

"SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of regulatory agencies, division of civil rights, for the fiscal year beginning July 1, 2002, the sum of seventy-five thousand five hundred forty-five dollars (\$75,545) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2002, the sum of twenty-nine thousand two hundred fifteen dollars (\$29,215) and 0.2 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

(3) It is the intent of the general assembly that the general fund appropriation in subsection (1) of this section for the implementation of this act shall be derived from savings generated for the implementation of the provisions of House Bill 02-1241, as enacted during the second regular session of the sixty-third general assembly.

SECTION 4. Effective date - applicability. (1) This act shall take effect July 1, 2002, and shall apply to employment practices engaged in on or after said date; except that this act shall only take effect if:

(a) The final fiscal estimate for House Bill 02-1241, as reflected

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in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the general fund costs shown in section 3 of this act; and

(b) House Bill 02-1241 is enacted during the second regular session of the sixty-third general assembly and becomes law."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the committee recommends that SB02-115 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 24, strike "THE LEGISLATIVE COUNCIL STAFF SHALL CONDUCT THE STUDY";

line 25, strike "WITHIN EXISTING APPROPRIATIONS."

Page 4, after line 4, insert the following:

"SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 2002, the sum of nine thousand four hundred dollars (\$9,400), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for allocation to legislative council, for the fiscal year beginning July 1, 2002, the sum of twenty-four thousand five hundred ninety dollars (\$24,590) and 0.7 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) It is the intent of the general assembly that the general fund appropriation in subsections (1) and (2) of this section for the implementation of this act shall be derived from savings generated from the implementation of the provisions of House Bill 02-1292, as enacted during the Second Regular Session of the Sixty-third General Assembly.

SECTION 3. Effective date. (1) This act shall take effect upon passage.

(2) Notwithstanding the provisions of subsection (1) of this section, this act shall only take effect if:

(a) The final fiscal estimate for House Bill 02-1292, as reflected in the appropriation clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 2 of this act; and

(b) House Bill 02-1292 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law."

Renumber succeeding section accordingly.

Page 1, line 102, strike "POPULATION." and substitute "POPULATION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the committee recommends that SB02-134 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, strike lines 7 through 20.

Renumber succeeding sections accordingly.

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Page 7, line 20, strike "SHALL" and substitute "MAY";
line 22, strike "SHALL" and substitute "MAY".

Appropriations After consideration on the merits, the committee recommends that **HB02-1165** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1176** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1152** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1066** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1316** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1219** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1306** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1284** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1246** be referred favorably to the Committee of the Whole.

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1352** 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.

Amend reengrossed bill, page 5, strike lines 3 and 4 and substitute the following:

"**SECTION 1.** 33-1-110 (7) (c) (VI), Colorado Revised Statutes, is amended to read:".

Page 6, strike lines 3 and 4 and substitute the following:

"(VI) To report to the commission and to the ~~general assembly~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE pursuant to section 33-1-112 (8).";

strike lines 5 through 11.

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Renumber succeeding sections accordingly.

Page 6, line 27, strike "~~The commission~~" and substitute "The commission".

Page 7, strike lines 1 through 8 and substitute the following:

"shall submit an annual report of the moneys expended from the trust fund and matters accomplished by such expenditures from the preceding fiscal year to the ~~general assembly~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE by the convening date of each regular session of the general assembly in accordance with section 24-1-136 (9), C.R.S. The commission shall also submit to the ~~general assembly~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE a report on moneys proposed to be expended from the trust fund and the matters to be accomplished by such expenditures in the upcoming fiscal year. Interest earned on such fund ~~which~~ THAT is not expended as ";

strike lines 14 through 18 and substitute the following:

"(8) (b) The council shall submit an annual report to the commission, the senate and house agriculture committees AND the executive director of the department of natural resources ~~and the general assembly~~ specifically stating the items for which it has expended moneys from the fund and the purpose of such items.".

Page 8, strike lines 16 through 25 and substitute the following:

"**SECTION 5.** 33-60-106, Colorado Revised Statutes, is amended to read:

33-60-106. Report required - general appropriations act. On or before September 1 of each year beginning with 1993, each state agency ~~which~~ THAT has received or is scheduled to receive moneys from the great outdoors Colorado trust fund shall provide the ~~joint budget committee~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE with a detailed accounting of all such moneys received or to be received along with a detailed accounting of how such moneys have been or will be expended. For informational purposes, the expenditure of such moneys may be indicated in the annual general appropriation act.".

Page 12, strike lines 7 and 8 and substitute the following:

"October 31 of each year to the governor, ~~the general assembly, the joint budget committee, and the legislative audit committee~~ THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE, AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE. The report shall".

Page 13, strike lines 3 and 4 and substitute the following:

"record available for the use of any interested person and a copy of each of said reports shall be sent to ~~each member of the general assembly~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE.";

strike lines 5 and 6 and substitute the following:

"**SECTION 16.** 37-60-121 (2.5) (d), Colorado Revised Statutes, is amended to read:";

strike lines 10 though 13 and substitute the following:

"(2.5) (d) The board, in conjunction with the attorney general, shall report annually to the ~~general assembly~~ SENATE AGRICULTURE AND

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NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE on any litigation ~~which~~ THAT involves the use of any moneys from the litigation fund created in paragraph (a) of this subsection (2.5).";

strike lines 22 through 27 and substitute the following:

"each of the following: the governor ~~the president of the senate, the speaker of the house of representatives, the majority and minority leaders of the senate and the house of representatives, the joint budget committee of the general assembly,~~ and the chairmen of the committees of reference of the senate and the house of representatives dealing with agriculture and natural resources. Such report shall include but not be limited to".

Page 14, after line 8, insert the following:

"SECTION 18. 12-9-103.5 (3), Colorado Revised Statutes, is amended to read:

12-9-103.5. Bingo-raffle cash fund - creation. (3) Fees authorized by this article shall be established by the licensing authority, in consultation with the board, in amounts sufficient to ensure that the total revenue generated by the collection of such fees approximates the direct and indirect costs incurred by the licensing authority in carrying out its duties under this article. The amounts of all fees shall be reviewed annually. The licensing authority shall annually furnish to the board an accounting of all fee revenues received pursuant to this article, together with a list of all fees in effect. ~~for purposes of inclusion in the board's annual report to the general assembly pursuant to section 12-9-202 (1) (c):~~".

Renumber succeeding sections accordingly.

Page 14, line 17, strike "(a)," and substitute "(a) and (10) (c),";

line 18, strike "is repealed as follows:" and substitute "are amended to read:".

Page 15, after line 5, insert the following:

"(c) The division of criminal justice shall independently monitor and evaluate, or contract with a public or private entity to independently monitor and evaluate, the youthful offender system. ~~addressing the criteria described in paragraph (a) of this subsection (10).~~ On or before November 1, 2002, and on or before November 1 every two years thereafter, the division of criminal justice shall report its findings, or the findings of the contract entity, to the judiciary committees of the senate and the house of representatives. THE DEPARTMENT OF CORRECTIONS SHALL COOPERATE IN PROVIDING THE NECESSARY DATA TO THE DIVISION OF CRIMINAL JUSTICE OR AN ENTITY DESIGNATED BY THE DIVISION OF CRIMINAL JUSTICE TO COMPLETE THE EVALUATION REQUIRED IN THIS SECTION."

strike lines 6 through 27.

Page 16, strike lines 1 through 16.

Renumber succeeding sections accordingly.

Page 16, strike lines 24 through 27.

Strike pages 17 and 18.

Page 19, strike lines 1 through 14.

Renumber succeeding sections accordingly.

Page 20, strike lines 18 through 27.

Page 21, strike lines 1 through 9.

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Renumber succeeding sections accordingly.

Page 21, strike lines 19 through 27.

Strike pages 22 and 23.

Page 24, strike lines 1 through 19.

Renumber succeeding section accordingly.

Education

After consideration on the merits, the committee recommends that **HB02-1349** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation

Amend reengrossed bill, strike pages 5 and 6.

Page 7, strike lines 1 through 11.

Renumber succeeding sections accordingly.

Page 8, strike lines 7 through 9 and substitute the following:

"(A) (DISTRICT PER PUPIL FUNDING X DISTRICT FUNDED PUPIL COUNT) + DISTRICT AT-RISK FUNDING; OR";

line 10, strike "\$5,391" and substitute "\$5,435";

line 23, strike "and budget years thereafter," and substitute "and budget years thereafter THROUGH THE 2001-02 BUDGET YEAR,".

Page 10, strike lines 7 through 27.

Page 11, strike lines 1 through 11 and substitute the following:

"SECTION 3. 22-54-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-54-104. District total program - repeal.
(7) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION TO THE CONTRARY, A DISTRICT'S TOTAL PROGRAM FOR ANY BUDGET YEAR COMMENCING ON OR AFTER JULY 1, 2002, FOR WHICH THE DISTRICT MEETS THE ELIGIBILITY REQUIREMENTS OF SECTION 22-54-125 (1) SHALL BE THE GREATER OF THE AMOUNTS CALCULATED PURSUANT TO SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (V) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION PLUS AN AMOUNT CALCULATED IN ACCORDANCE WITH SECTION 22-54-125 (2).".

Renumber succeeding sections accordingly.

Page 11, strike lines 19 through 27.

Strike pages 12 through 14.

Page 15, strike lines 1 through 7.

Renumber succeeding sections accordingly.

Page 15, line 12, strike "AND THE";

line 13, strike "ON-LINE PUPIL ENROLLMENT";

line 18, strike "(5)" and substitute "(3)".

Page 16, strike lines 6 through 9 and substitute the following:

"PUPIL ENROLLMENT FOR THE CURRENT BUDGET YEAR AND THE TWO PRECEDING BUDGET YEARS HAS INCREASED BY AN AVERAGE OF NINE PERCENT PER YEAR. FOR PURPOSES OF THIS SECTION, "DISTRICT'S PUPIL ENROLLMENT" DOES NOT INCLUDE THE DISTRICT'S ON-LINE PUPIL

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ENROLLMENT.";

strike lines 14 and 15 and substitute the following:

"DISTRICT'S PUPIL ENROLLMENT";

line 16, strike "LESS,";

strike lines 18 through 27.

Page 17, strike line 1.

Renumber succeeding subsection accordingly.

Page 17, strike lines 18 through 27.

Page 18, strike lines 1 through 16.

Renumber succeeding sections accordingly.

Page 18, line 19, strike "THE FOLLOWING" and substitute "A";

line 20, strike "SUBPARAGRAPHS," and substitute "SUBPARAGRAPH,".

Page 19, strike line 1 and substitute the following:

"and to not more than 10,050 in the 2001-02 budget year, TO NOT MORE THAN 11,050 IN THE 2002-03 BUDGET YEAR, TO NOT MORE THAN 12,050 IN THE 2003-04 BUDGET YEAR, TO NOT MORE THAN 13,050 IN THE 2004-05 BUDGET YEAR, AND TO NOT MORE THAN 14,050 IN THE 2005-06 BUDGET YEAR and budget years";

strike lines 14 through 17;

line 18, strike "(III.2)" and substitute "(III.1)".

Page 20, strike lines 4 through 13 and substitute the following:

"CONSIDERATION.

SECTION 9. 22-28-104 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-28-104. Establishment of public preschool programs. (1) There is hereby established a state preschool program, which shall be implemented in school districts beginning in January of 1989. The purposes of the program are:

(a.5) FOR THE 2002-03 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, TO ALSO SERVE THREE-YEAR-OLD CHILDREN WHO LACK OVERALL LEARNING READINESS DUE TO SIGNIFICANT FAMILY RISK FACTORS, WHO ARE IN NEED OF LANGUAGE DEVELOPMENT, OR WHO ARE RECEIVING SERVICES FROM THE STATE DEPARTMENT OF HUMAN SERVICES PURSUANT TO ARTICLE 5 OF TITLE 26, C.R.S., AS NEGLECTED OR DEPENDENT CHILDREN AND WHO WOULD BENEFIT FROM PARTICIPATION IN THE STATE PRESCHOOL PROGRAM;

SECTION 10. 22-28-106 (1) (a) (I) and (1) (a) (II), Colorado Revised Statutes, are amended to read:

22-28-106. Eligibility of children for participation in district program. (1) (a) The department shall establish, by rule, ~~and regulation,~~ criteria for each school district to use in determining which children in the district shall be eligible for participation in the district preschool program, subject to the following requirements:

(I) FOR EACH SCHOOL YEAR PRIOR TO THE 2002-03 SCHOOL YEAR, no child shall participate in the district preschool program unless he OR SHE is four or five years old and would be eligible to enroll in kindergarten in the following academic year. FOR THE 2002-03 SCHOOL

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YEAR AND EACH SCHOOL YEAR THEREAFTER, A CHILD WHO IS THREE, FOUR, OR FIVE YEARS OLD AND MEETS THE CRITERIA SPECIFIED IN SUBPARAGRAPHS (II) TO (IV) OF THIS PARAGRAPH (a) AND ANY OTHER CRITERIA ESTABLISHED BY RULE MAY PARTICIPATE IN THE DISTRICT PRESCHOOL PROGRAM.

(II) No child shall participate in the district preschool program unless such child lacks overall learning readiness due to significant family risk factors, is in need of language development, including but not limited to the ability to speak English, or is receiving services from the state department of human services pursuant to article 5 of title 26, C.R.S., as a neglected or dependent child; EXCEPT THAT NO CHILD WHO IS THREE YEARS OF AGE SHALL PARTICIPATE IN THE DISTRICT PRESCHOOL PROGRAM UNLESS SUCH CHILD LACKS OVERALL LEARNING READINESS THAT IS ATTRIBUTABLE TO AT LEAST THREE OF THE SIGNIFICANT FAMILY RISK FACTORS."

Renumber succeeding sections accordingly.

Page 23, strike lines 26 and 27.

Strike pages 24 through 36.

Page 37, strike lines 1 through 26 and substitute the following:

"SECTION 13. 22-30.5-112 (1) and (3) (a) (III), Colorado Revised Statutes,".

Renumber succeeding sections accordingly.

Page 38, strike line 5 and substitute the following:

"enrollment";

line 6, strike "APPLICABLE,";

strike line 9 and substitute the following:

"that are actually";

strike lines 10 through 27 and substitute the following:

"enrolled in each charter school. ~~The school district shall also identify each charter school that is a qualified charter school as defined in section 22-54-124 (1) (f) and provide an estimate of the number of pupils expected to be enrolled in each qualified charter school during the budget year following the budget year in which the district makes a report.~~"

Strike page 39.

Page 40, strike lines 1 through 22;

line 23, before "(III)", insert "(3) (a)";

line 25, strike "federally required educational" and substitute "federally required educational";

line 26, strike "SPECIAL EDUCATION".

Page 41, strike lines 9 through 27.

Page 42, strike lines 1 through 24 and substitute the following:

"SECTION 14. Repeal. 22-30.5-112.3, Colorado Revised Statutes, is repealed as follows:

22-30.5-112.3. Charter schools - additional aid from district.
(1) (a) ~~For the 2001-02 budget year and each budget year thereafter, a qualified charter school, as defined in section 22-54-124 (1) (f), shall receive state education fund moneys from the school district that granted its charter in an amount equal to the percentage of the district's certified~~

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~~charter school pupil enrollment that is attributable to pupils expected to be enrolled in the qualified charter school multiplied by the total amount of state education fund moneys distributed to the district for the same budget year pursuant to section 22-54-124 (3).~~

~~(b) Funding received pursuant to paragraph (a) of this subsection (1) shall be in addition to any funding provided pursuant to section 22-30.5-112.~~

~~(c) A district shall provide funding to each qualified charter school, as defined in section 22-54-124 (1) (f), by making a single lump sum payment to the qualified charter school as soon as possible after the district receives a lump sum payment of state education fund moneys pursuant to section 22-54-124 (4).~~

~~(2) A charter school shall use moneys it receives pursuant to subsection (1) of this section solely for capital construction, as defined in section 22-54-124 (1) (a)."~~

Renumber succeeding sections accordingly.

Page 43, strike lines 24 through 27.

Strike pages 44 through 87.

Page 88, strike line 1 and substitute the following:

"SECTION 16. Repeal. 2-3-115, Colorado Revised Statutes, is repealed as follows:

2-3-115. Use of state education fund moneys for school capital construction - audits - reports. ~~(1) For the 2001-02 school district budget year and each school district budget year thereafter, for the purpose of determining the amount of state education fund moneys expended by each school district in the state for capital construction and identifying the schools and projects on which school districts expended such moneys, the state auditor shall annually examine the records of each school district in the state that received state education fund moneys for the budget year:~~

~~(a) Directly from the department of education for capital construction aid to qualified charter schools, as defined in section 22-54-124 (1) (f), C.R.S., in accordance with section 22-54-124 (4); C.R.S.; or~~

~~(b) Indirectly from the school capital construction expenditures reserve created in section 22-54-117 (1.5), C.R.S., in accordance with section 22-54-117 (1.5) and (1.7), C.R.S.~~

~~(2) No later than February 1 of each school district budget year commencing on or after July 1, 2002, the state auditor shall report to the education committees of the senate and the house of representatives, the legislative audit committee, and the joint budget committee of the general assembly:~~

~~(a) The total amount of state education fund moneys that districts throughout the state expended for capital construction and the amount of state education fund moneys that each district expended for capital construction during the prior budget year;~~

~~(b) The total amount of state education fund moneys that qualified charter schools throughout the state expended for capital construction and the amount of state education fund moneys that each qualified charter school throughout the state expended for capital construction during the prior budget year;~~

~~(c) The total amount of state education fund moneys received indirectly from the school capital construction expenditures reserve by districts throughout the state and by each district that were expended for capital construction during the prior budget year;~~

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~~(d) The schools and projects on which state education fund moneys were expended;~~

~~(e) The balances of all moneys and all state education fund moneys in the school capital construction expenditures reserve as of the immediately preceding January 1; and~~

~~(f) The total pupil enrollment of all school districts in the state in which state education fund moneys were expended for capital construction during the prior budget year, the pupil enrollment of each school district in which state education fund moneys were expended for capital construction during the prior budget year, and the pupil enrollment of each school in the state on which state education fund moneys were expended for capital construction during the prior budget year.~~

SECTION 17. Repeal. 22-54-117 (1.7), Colorado Revised Statutes, is repealed as follows:

22-54-117. Contingency reserve - capital construction expenditures reserve. (1.7) ~~(a) In addition to any amount annually appropriated by the general assembly to the state public school fund as a contingency reserve and any amount appropriated from the general fund to the state public school fund as a school capital construction expenditures reserve in accordance with section 24-75-201.1 (4) (b); C.R.S., and subsection (1.5) of this section, for the 2001-02 budget year and budget years thereafter, an amount equal to the amount appropriated for the budget year from the state education fund to the department of education pursuant to section 22-54-124 (4) shall be appropriated from the state education fund created in section 17 (4) of article IX of the state constitution to the school capital construction expenditures reserve created in said subsection (1.5) to be used only as provided in said subsection (1.5).~~

~~(b) Pursuant to section 17 (3) of article IX of the state constitution, any moneys appropriated by the general assembly from the state education fund to the school capital construction expenditures reserve pursuant to paragraph (a) of this subsection (1.7) shall be exempt from:~~

~~(I) The limitation on state fiscal year spending set forth in section 20 (7) (a) of article X of the state constitution and section 24-77-103, C.R.S.; and~~

~~(II) The limitation on local government fiscal year spending set forth in section 20 (7) (b) of article X of the state constitution.~~

SECTION 18. Repeal. 22-54-124, Colorado Revised Statutes, is repealed."

Renumber succeeding sections accordingly.

Page 89, line 13, strike "year." and substitute "year; EXCEPT THAT FOR THE 2002-03 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS IN THE CONSTRUCTION AND RENOVATION FUND TO THE DEPARTMENT OF EDUCATION FOR THE ELIGIBLE CAPITAL CONSTRUCTION PROJECTS THAT HAVE BEEN SELECTED TO RECEIVE MATCHING GRANTS FOR THAT FISCAL YEAR PURSUANT TO THIS SUBSECTION (6) THROUGH AN APPROPRIATION CLAUSE CONTAINED IN HOUSE BILL 02-1349, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY.";

strike line 27.

Strike pages 90 and 91.

Page 92, strike lines 1 through 13 and substitute the following:

"programs and requiring compliance with the Colorado rules and regulations for child care centers promulgated by the department of human services pursuant to section 26-6-106, C.R.S.; EXCEPT THAT A FULL-DAY KINDERGARTEN COMPONENT OF A DISTRICT'S PRESCHOOL

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PROGRAM NEED NOT BE IN COMPLIANCE WITH SUCH RULES.

SECTION 21. 26-6-102 (1.5), Colorado Revised Statutes, is amended to read:

26-6-102. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "Child care center" means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four-hour care for children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades OR OPERATED AS A COMPONENT OF A SCHOOL DISTRICT'S PRESCHOOL PROGRAM OPERATED PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S. The term shall not include any facility licensed as a family child care home or foster care home.

SECTION 22. 22-54-103 (7), Colorado Revised Statutes, is amended to read:

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

(7) "Funded pupil count" means the greater of:

(a) The district's pupil enrollment for the applicable budget year; or

(b) The average of the district's pupil enrollment for the applicable budget year and the district's pupil enrollment for the immediately preceding budget year; or

(c) The average of the district's pupil enrollment for the applicable budget year and the district's pupil enrollment for the two immediately preceding budget years; or

(d) The average of the district's pupil enrollment for the applicable budget year and the district's pupil enrollment for the three immediately preceding budget ~~years~~; YEARS; OR

(e) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS; OR

(f) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FIVE IMMEDIATELY PRECEDING BUDGET YEARS.

SECTION 23. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-123.5. School breakfast program - appropriation - low-performing schools. (1) FOR THE 2002-03 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE BY SEPARATE LINE ITEM A MINIMUM OF FIVE HUNDRED THOUSAND DOLLARS TO ASSIST SCHOOL DISTRICTS THAT ARE PROVIDING A SCHOOL BREAKFAST PROGRAM THROUGH PARTICIPATION IN PROGRAMS AUTHORIZED UNDER THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., OR THE "CHILD NUTRITION ACT", 42 U.S.C. SEC. 1771 ET SEQ. THE DEPARTMENT SHALL DEVELOP PROCEDURES TO APPROPRIATELY

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ALLOCATE AND DISBURSE THE FUNDS AMONG PARTICIPATING SCHOOL DISTRICTS. EACH SCHOOL DISTRICT THAT RECEIVES MONEYS PURSUANT TO THIS SECTION SHALL USE SUCH MONEYS TO EXPAND AND ENHANCE THE SCHOOL BREAKFAST PROGRAM IN EACH LOW-PERFORMING SCHOOL OF THE RECEIVING DISTRICT WITH THE GOAL OF IMPROVING THE ACADEMIC PERFORMANCE OF THE STUDENTS ATTENDING SUCH SCHOOLS.

(2) AS USED IN THIS SECTION, "LOW-PERFORMING SCHOOL" MEANS A SCHOOL THAT RECEIVED IN THE PRECEDING SCHOOL YEAR AN ACADEMIC PERFORMANCE RATING OF LOW OR UNSATISFACTORY PURSUANT TO SECTION 22-7-604.

SECTION 24. 22-7-607.5 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

22-7-607.5. Teacher pay incentive program - repeal. (1) As used in this section, unless the context otherwise requires:

(a) (I) "Eligible school" means, FOR THE 2001-02 SCHOOL YEAR, a public school that receives an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604, for the 2000-01 school year.

(II) "ELIGIBLE SCHOOL" MEANS, FOR THE 2002-03 SCHOOL YEAR AND SCHOOL YEARS THEREAFTER, A PUBLIC SCHOOL THAT RECEIVES AN ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY", PURSUANT TO SECTION 22-7-604, FOR THE 2000-01 SCHOOL YEAR.

(2) (a) (I) There is hereby established in the department the teacher pay incentive program to provide moneys to school districts with poorly performing schools to recruit and maintain quality teachers. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), in the first school year following the year that a public school becomes an eligible school, and for each of the three subsequent school years, an eligible school shall receive a grant from the program in an amount equal to the per pupil grant amount calculated pursuant to paragraph (b) of this subsection (2), multiplied by the number of students enrolled in the eligible school. If, in any school year during the period in which the eligible school receives grants, the eligible school receives a school improvement rating of "significant improvement", the eligible school shall receive an additional award in an amount equal to the significant improvement bonus per pupil amount calculated pursuant to paragraph (c) of this subsection (2), multiplied by the number of students enrolled in the eligible school. If, in any school year during the period in which the eligible school receives grants, the eligible school receives a school improvement rating of "improvement", the eligible school shall receive an additional award in an amount equal to the improvement bonus per pupil amount calculated pursuant to paragraph (d) of this subsection (2), multiplied by the number of students enrolled in the eligible school.

(II) ANY PUBLIC SCHOOL THAT QUALIFIED FOR FUNDING AS AN ELIGIBLE SCHOOL, AS DEFINED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, FOR THE 2001-02 BUDGET YEAR BUT DOES NOT QUALIFY AS AN ELIGIBLE SCHOOL, AS DEFINED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, SHALL RECEIVE FUNDING PURSUANT TO THIS SECTION FOR THE 2001-02 BUDGET YEAR ONLY.

(b) The per pupil grant amount shall be an amount equal to ~~twelve million six hundred thirty~~ THREE MILLION FIVE HUNDRED SEVENTY thousand dollars divided by the total number of students enrolled in all eligible schools.

(c) The significant improvement bonus per pupil amount shall be an amount equal to ~~four hundred twenty~~ ONE HUNDRED FIVE thousand dollars divided by the total number of students enrolled in all eligible schools that receive a school improvement rating of "significant improvement".

(d) The improvement bonus per pupil amount shall be an amount equal to ~~two hundred ten~~ FIFTY-TWO thousand FIVE HUNDRED dollars

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divided by the total number of students enrolled in all eligible schools that receive a school improvement rating of "improvement".

SECTION 25. Article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 9
ASSISTANCE PROGRAM FOR POORLY
PERFORMING STUDENTS**

22-7-901. Assistance program for poorly performing students - legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE ACADEMIC DEVELOPMENT OF YOUNG PEOPLE IS CRITICAL TO THEIR FUTURE SUCCESS AND THE FUTURE SUCCESS OF THE STATE;

(b) EACH CHILD IS UNIQUE AND HAS INDIVIDUAL NEEDS THAT MAY BE SERVED BY EXPANDED EDUCATIONAL OPPORTUNITIES THAT ARE SUPPLEMENTAL TO PUBLIC SCHOOL CURRICULA AND RESOURCES;

(c) STUDENTS WHO PERFORM POORLY IN THE YEARS DURING ELEMENTARY SCHOOL ARE AT A CRITICAL STAGE OF THEIR ACADEMIC DEVELOPMENT AND REQUIRE ADDITIONAL ACADEMIC ASSISTANCE;

(d) STUDENTS WHO ARE ABLE TO MEET OR EXCEED THE CHALLENGES OF A STANDARDS-BASED PUBLIC EDUCATION HAVE AN INCREASED CHANCE TO EARN A HIGH SCHOOL DIPLOMA;

(e) THE HIGH SCHOOL DROPOUT RATE IS A MATTER OF STATEWIDE CONCERN AND IT IS IN THE INTEREST OF ALL COLORADANS FOR THE STATE TO TAKE STEPS TO REDUCE THE DROPOUT RATE;

(f) THE ASSISTANCE PROGRAM AUTHORIZED BY THIS PART 9 IS DIRECTLY AIMED AT ASSISTING FAMILIES WITH POORLY PERFORMING STUDENTS IN MEETING THE REQUIREMENTS OF A STANDARDS-BASED EDUCATION AND EVENTUALLY EARNING A HIGH SCHOOL DIPLOMA; AND

(g) FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ESTABLISHING AN ASSISTANCE PROGRAM FOR POORLY PERFORMING STUDENTS CONSTITUTES AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS. THEREFORE, THE ASSISTANCE PROGRAM ESTABLISHED BY THIS PART 9 MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

22-7-902. Definitions. FOR PURPOSES OF THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CSAP" MEANS THE COLORADO STUDENT ASSESSMENT PROGRAM DEVELOPED PURSUANT TO PART 4 OF ARTICLE 7 OF THIS TITLE.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(3) "ELEMENTARY-LEVEL SCHOOL" MEANS A PUBLIC SCHOOL THAT CONSISTS OF GRADES ONE THROUGH FIVE.

(4) "ELIGIBLE SCHOOL" MEANS A PUBLIC ELEMENTARY-LEVEL SCHOOL WITH AN ACADEMIC PERFORMANCE RATING OF "LOW" OR "UNSATISFACTORY", AS DEFINED IN SECTION 22-7-604.

(5) "ELIGIBLE STUDENT" MEANS A STUDENT WHO:

(a) ATTENDS AN ELIGIBLE SCHOOL;

(b) IS ELIGIBLE FOR FREE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.; AND

(c) MEETS ONE OF THE FOLLOWING CRITERIA:

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(I) IF ENROLLED IN THE FIRST OR SECOND GRADE, IS DETERMINED BY THE ELIGIBLE SCHOOL TO BE PERFORMING BELOW GRADE LEVEL IN READING; OR

(II) IF ENROLLED IN ONE OF GRADES THREE THROUGH FIVE, SCORES AT A PERFORMANCE LEVEL OF "UNSATISFACTORY" ON THE CSAP IN READING OR MATH, AS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-7-406 (3).

(6) "LOCAL SCHOOL BOARD" MEANS THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT FOR A PUBLIC SCHOOL.

(7) "PUBLIC SCHOOL" MEANS A SCHOOL THAT RECEIVES A MAJORITY OF ITS FUNDING FROM MONEYS RAISED BY A GENERAL STATE, COUNTY, OR DISTRICT TAX AND WHOSE PROPERTY IS OPERATED BY A POLITICAL SUBDIVISION OF THE STATE.

(8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-7-903. Assistance program for poorly performing students - created - administration - review - rules - repeal. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE ASSISTANCE PROGRAM FOR POORLY PERFORMING STUDENTS, REFERRED TO IN THIS SECTION AS THE "ASSISTANCE PROGRAM", TO PROVIDE FUNDING TO IMPROVE THE ACADEMIC PERFORMANCE OF POORLY PERFORMING PUBLIC ELEMENTARY-LEVEL STUDENTS IN ELIGIBLE SCHOOLS. THE ASSISTANCE PROGRAM SHALL BE DESIGNED TO PROVIDE FUNDING TO ASSIST ELIGIBLE STUDENTS AND THEIR FAMILIES IN DEFRAYING EDUCATION-RELATED COSTS INCLUDING:

(a) INDIVIDUAL OR GROUP TUTORING SERVICES PROVIDED APART FROM THE REGULAR PUBLIC SCHOOL DAY AND CURRICULA AND DESIGNATED BY THE ELIGIBLE SCHOOL'S LOCAL SCHOOL BOARD;

(b) SUMMER SCHOOL OR BETWEEN TRACT PROGRAMS DESIGNATED BY THE ELIGIBLE SCHOOL'S LOCAL SCHOOL BOARD;

(c) EDUCATIONAL SUPPLIES AND MATERIALS, INCLUDING COMPUTERS AND APPROPRIATE SOFTWARE PROGRAMS, USED IN CONNECTION WITH TUTORING SERVICES OR SUMMER SCHOOL OR BETWEEN TRACT PROGRAMS DESIGNATED BY THE ELIGIBLE SCHOOL'S LOCAL SCHOOL BOARD; AND

(d) TRANSPORTATION TO AND FROM ANY TUTORING SERVICES AND SUMMER SCHOOL OR BETWEEN TRACT PROGRAMS DESIGNATED BY THE ELIGIBLE SCHOOL'S LOCAL SCHOOL BOARD, IF THE SCHOOL DISTRICT OR THE STATE DOES NOT PAY FOR THE TRANSPORTATION.

(2) ON OR BEFORE FEBRUARY 1, FOLLOWING THE RECEIPT OF NOTIFICATION THAT THERE ARE ELIGIBLE SCHOOLS WITHIN THE DISTRICT, EACH LOCAL SCHOOL BOARD WITH ELIGIBLE SCHOOLS IN ITS DISTRICT SHALL BE REQUIRED TO ADOPT A POLICY THAT INCLUDES AT A MINIMUM THE FOLLOWING INFORMATION:

(a) SELECTION OF NO FEWER THAN THREE DESIGNATED PROVIDERS FOR EACH OF THE FOUR FORMS OF ACADEMIC ASSISTANCE SPECIFIED IN SUBSECTION (1) OF THIS SECTION;

(b) WRITTEN RULES ON THE TRANSFER OF ASSISTANCE PROGRAM MONEYS TO DESIGNATED PROVIDERS;

(c) WRITTEN NOTIFICATION OF THE DESCRIPTION OF THE ASSISTANCE PROGRAM AND OF ELIGIBILITY FOR THE ASSISTANCE PROGRAM SENT TO THE PARENTS OR LEGAL GUARDIANS OF EACH ELIGIBLE STUDENT;

(d) WRITTEN VERIFICATION OF PARTICIPATION FROM THE PARENTS OR LEGAL GUARDIANS FOR EACH ELIGIBLE STUDENT PARTICIPATING IN THE ASSISTANCE PROGRAM.

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(3) ON OR BEFORE MARCH 1, 2003, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, EACH SCHOOL DISTRICT WITH AN ELIGIBLE SCHOOL SHALL BE RESPONSIBLE FOR IDENTIFYING PARTICIPATING ELIGIBLE STUDENTS AND REPORTING THIS INFORMATION TO THE DEPARTMENT.

(4) UPON RECEIVING THE INFORMATION REQUIRED FROM SCHOOL DISTRICTS PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL DETERMINE THE AMOUNT OF ASSISTANCE PROGRAM FUNDING AVAILABLE PER STUDENT, BASED ON THE AMOUNT APPROPRIATED FOR THE ASSISTANCE PROGRAM FOR THE APPLICABLE BUDGET YEAR. THE STATE BOARD SHALL INSTRUCT THE DEPARTMENT TO TRANSFER ASSISTANCE PROGRAM MONEYS TO EACH SCHOOL DISTRICT WITH ELIGIBLE SCHOOLS IN AN AMOUNT EQUAL TO THE PER PUPIL AMOUNT OF ASSISTANCE PROGRAM FUNDING MULTIPLIED BY THE NUMBER OF PARTICIPATING ELIGIBLE STUDENTS REPORTED BY THE SCHOOL DISTRICT PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(5) THE ASSISTANCE PROGRAM SHALL COMMENCE ON THE EARLIER OF TWO WEEKS AFTER THE LAST DAY OF SCHOOL FOR 2002-03 ACADEMIC YEAR OR JULY 1, 2003. THE ASSISTANCE PROGRAM SHALL REMAIN IN PLACE UNTIL JUNE 30, 2007. ON OR BEFORE APRIL 1, 2007, THE STATE BOARD SHALL REVIEW THE ASSISTANCE PROGRAM AND MAKE RECOMMENDATIONS TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES REGARDING CONTINUANCE OF THE PROGRAM FOR AN ADDITIONAL THREE-YEAR PERIOD.

(6) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (2) TO (5) OF THIS SECTION, FOR THE 2002-03 ACADEMIC YEAR ONLY:

(I) ON OR BEFORE JUNE 15, 2002, EACH LOCAL SCHOOL BOARD WITH AN ELIGIBLE SCHOOL IN ITS DISTRICT SHALL ADOPT A POLICY PURSUANT TO SUBSECTION (2) OF THIS SECTION FOR THE 2002-03 ACADEMIC YEAR.

(II) ON OR BEFORE AUGUST 15, 2002, EACH LOCAL SCHOOL BOARD WITH AN ELIGIBLE SCHOOL IN ITS DISTRICT SHALL REPORT TO THE DEPARTMENT ON THE NUMBER OF ELIGIBLE STUDENTS WHO WILL BE PARTICIPATING IN THE ASSISTANCE PROGRAM.

(III) UPON RECEIVING THE INFORMATION REQUIRED FROM SCHOOL DISTRICTS PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE DEPARTMENT AND THE STATE BOARD SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION.

(b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2003.

(7) ON OR BEFORE JUNE 1, 2002, THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THE ASSISTANCE PROGRAM, INCLUDING BUT NOT LIMITED TO RULES GOVERNING THE DISTRIBUTION OF ASSISTANCE PROGRAM MONEYS TO SCHOOL DISTRICTS.

22-7-904. Assistance program for poorly performing students fund - created. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE ASSISTANCE PROGRAM FOR POORLY PERFORMING STUDENTS FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH FUND SHALL CONSIST OF MONEYS APPROPRIATED FROM THE STATE GENERAL FUND OR FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION, AS WELL AS ANY MONEYS RECEIVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING AND ADMINISTERING THE ASSISTANCE PROGRAM. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) THE DEPARTMENT IS AUTHORIZED TO SEEK, RECEIVE, AND EXPEND FEDERAL MONEYS, BEQUESTS, GIFTS, GRANTS, AND DONATIONS FOR THE ASSISTANCE PROGRAM. ANY FEDERAL MONEYS, BEQUESTS, GIFTS,

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AND GRANTS AND DONATIONS RECEIVED BY THE DEPARTMENT TO BE USED FOR THE ASSISTANCE PROGRAM SHALL BE CREDITED TO THE FUND.

22-7-905. Assistance program for poorly performing students - reporting requirements. (1) EACH SCHOOL DISTRICT THAT PARTICIPATES IN THE ASSISTANCE PROGRAM SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT AFTER COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE SCHOOL DISTRICT PARTICIPATES IN THE ASSISTANCE PROGRAM. EACH SCHOOL DISTRICT SHALL SUBMIT THE REPORT ON OR BEFORE OCTOBER 1 FOLLOWING THE COMPLETION OF AN ACADEMIC YEAR. TO THE EXTENT POSSIBLE, SAID REPORT SHALL COORDINATE WITH THE ANNUAL REPORT REQUIRED FOR SCHOOL DISTRICTS WITH STUDENTS PARTICIPATING IN THE SUMMER SCHOOL GRANT PROGRAM CREATED IN PART 8 OF THIS ARTICLE. SAID REPORT SHALL INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING INFORMATION:

(a) THE NUMBER OF ELIGIBLE STUDENTS PARTICIPATING IN THE ASSISTANCE PROGRAM;

(b) THE SUBSEQUENT PERFORMANCE LEVELS OF ELIGIBLE STUDENTS IN FIRST AND SECOND GRADES FOR READING, AS MEASURED BY THE SCHOOL DISTRICT;

(c) THE SUBSEQUENT PERFORMANCE LEVELS OF ELIGIBLE STUDENTS IN THIRD THROUGH FIFTH GRADES FOR READING AND MATH, WHEN APPLICABLE, AS MEASURED BY THE CSAP; AND

(d) SUCH OTHER INFORMATION AS THE STATE BOARD MAY BY RULE REQUIRE TO ASSESS THE EFFECTIVENESS OF THE ASSISTANCE PROGRAM IMPLEMENTED BY THE SCHOOL DISTRICT.

SECTION 26. 22-30.5-112 (2) (a.5) (I), Colorado Revised Statutes, is amended, and the said 22-30.5-112 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-30.5-112. Charter schools - financing - guidelines. (2) (a.5) As used in this subsection (2):

(I) "Central administrative overhead costs" means indirect costs incurred in providing items or services listed under ANY OF the heading of FOLLOWING HEADINGS IN THE SCHOOL DISTRICT CHART OF ACCOUNTS AS SPECIFIED BY RULE OF THE STATE BOARD:

(A) Support services - general administration; ~~in the school district chart of accounts as specified by rule of the state board.~~

(B) SUPPORT SERVICES - STUDENTS;

(C) SUPPORT SERVICES - INSTRUCTIONAL STAFF;

(D) SUPPORT SERVICES - SCHOOL ADMINISTRATION;

(E) SUPPORT SERVICES - BUSINESS;

(F) OPERATION AND MAINTENANCE OF PLANT SERVICES;

(G) SUPPORT SERVICES - CENTRAL.

(7) IF A CHARTER SCHOOL IS ORGANIZED SO THAT IT IS CONSIDERED AN ENTITY APART FROM, ALTHOUGH CONNECTED TO, A SCHOOL DISTRICT, OR THE CHARTER SCHOOL DOES NOT UTILIZE OR CONTRACT FOR BUSINESS, HUMAN RESOURCES, STUDENT, OR FINANCIAL SERVICES FROM THE CHARTERING SCHOOL DISTRICT, TO ALLOW THE SCHOOL DISTRICT TO MEET STATE REPORTING REQUIREMENTS, THE CHARTER SCHOOL SHALL:

(a) REPORT ALL STUDENT MANAGEMENT, STUDENT ENROLLMENT, AND HUMAN RESOURCES DATA REQUIRED BY A STATE AGENCY OR DEPARTMENT, IN THE FORMAT REQUIRED BY THE AGENCY OR DEPARTMENT, TO THE CHARTERING SCHOOL DISTRICT NO LATER THAN TEN WORKING DAYS PRIOR TO THE DEADLINE DATE, WHETHER SUCH DEADLINE IS

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ESTABLISHED BY STATUTE OR BY RULE OF THE STATE BOARD, BY WHICH THE SCHOOL DISTRICT IS REQUIRED TO PROVIDE SUCH DATA TO THE STATE AGENCY OR DEPARTMENT; AND

(b) PROVIDE THE CHARTERING SCHOOL DISTRICT WITH AUDITED FINANCIAL STATEMENTS NO LATER THAN SEPTEMBER 30 OF EACH YEAR; AND

(c) REPORT ALL FINANCIAL DATA REQUIRED BY A STATE AGENCY OR DEPARTMENT, IN THE FORMAT REQUIRED BY THE AGENCY OR DEPARTMENT, TO THE CHARTERING SCHOOL DISTRICT NO LATER THAN OCTOBER 15 OF EACH YEAR; AND

(d) MAINTAIN ALL BACKUP DATA FOR ALL REQUIRED FINANCIAL, STUDENT MANAGEMENT, STUDENT ENROLLMENT, AND HUMAN RESOURCES DATA FOR AUDIT BY STATE AND OTHER AGENCIES.

(8) A CHARTER SCHOOL SHALL COMPLY WITH ALL OF THE STATE FINANCIAL RULES, REGULATIONS, AND FINANCIAL, HUMAN RESOURCES, AND STUDENT ENROLLMENT REPORTING REQUIREMENTS WITH WHICH THE CHARTERING SCHOOL DISTRICT IS REQUIRED TO COMPLY.

(9) IF A CHARTER SCHOOL DOES NOT PROVIDE DATA IN THE STATE-REQUIRED FORMAT, AS REQUIRED PURSUANT TO SUBSECTION (7) OF THIS SECTION, THE CHARTERING SCHOOL DISTRICT MAY WITHHOLD FUNDS FROM THE CHARTER SCHOOL UNTIL THE DATA IS PROVIDED IN THE STATE-REQUIRED FORMAT.

SECTION 27. Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-122. Data transmissions by school districts - study - report to general assembly - repeal. (1) THE DEPARTMENT SHALL STUDY THE DATA TRANSMISSIONS EACH SCHOOL DISTRICT IS REQUIRED TO MAKE TO THE DEPARTMENT FOR THE PURPOSE OF DETERMINING WHETHER A UNIFORM AND EFFICIENT PROCEDURE FOR REPORTING ALL REQUIRED DATA TO THE DEPARTMENT CAN BE ESTABLISHED. THE STUDY SHALL INCLUDE AN EXAMINATION OF DATA THAT IS DUPLICATIVE AND SUBMITTED IN DIFFERENT FORMATS. A REPORT BASED UPON THE RESULTS OF SUCH STUDY SHALL BE SUBMITTED TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES NO LATER THAN JANUARY 1, 2003.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2003.

SECTION 28. Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-131. School district duties - use of hazardous substances - notice. (1) THE GENERAL ASSEMBLY HEREBY RECOGNIZES THAT A SCHOOL DISTRICT MAY HAVE OCCASION TO USE HAZARDOUS SUBSTANCES OR MATERIALS CONTAINING HAZARDOUS SUBSTANCES FOR A VARIETY OF REASONS, INCLUDING MAINTENANCE OF THE BUILDINGS AND GROUNDS IN THE SCHOOL DISTRICT AND PROVISION OF INSTRUCTION IN CHEMISTRY, PHYSICS, VOCATIONAL EDUCATION, AND OTHER SUBJECTS. THE GENERAL ASSEMBLY FURTHER FINDS THAT, WHILE A SCHOOL DISTRICT'S USE OF SUCH HAZARDOUS SUBSTANCES IS BOTH NECESSARY AND USEFUL, THE NATURE OF SUCH SUBSTANCES AND THE HIGH DEGREE OF RISK THEY MAY POSE TO STUDENTS, SCHOOL DISTRICT EMPLOYEES, AND OTHER CITIZENS OF THE COMMUNITY REQUIRE THE SCHOOL DISTRICT TO EXERCISE DUE CARE AND DILIGENCE IN THE USE OF HAZARDOUS SUBSTANCES AND TO TAKE EXTRA PRECAUTIONS IN ENSURING THAT MEMBERS OF THE COMMUNITY ARE AWARE OF THE USE OF HAZARDOUS SUBSTANCES.

(2) AS USED IN THIS SECTION, "HAZARDOUS SUBSTANCES" HAS THE SAME DEFINITION AS PROVIDED IN SECTION 25-5-502 (10), C.R.S.

(3) (a) PRIOR TO USING HAZARDOUS SUBSTANCES OR MATERIALS CONTAINING HAZARDOUS SUBSTANCES ON OR AROUND ANY SCHOOL DISTRICT PROPERTY, THE SCHOOL DISTRICT SHALL PROVIDE NOTICE AS

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DESCRIBED IN THIS SUBSECTION (3) TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND TO THOSE STUDENTS, SCHOOL DISTRICT EMPLOYEES, AND MEMBERS OF THE COMMUNITY WHO MAY BE AFFECTED BY THE USE OF SUCH SUBSTANCES OR MATERIALS.

(b) AT LEAST FOURTEEN DAYS PRIOR TO USING A HAZARDOUS SUBSTANCE OR A MATERIAL CONTAINING A HAZARDOUS SUBSTANCE, THE SCHOOL DISTRICT SHALL PROVIDE ACTUAL NOTICE OF THE USE OF THE SUBSTANCE OR THE MATERIAL TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, TO STUDENTS ATTENDING OR REGULARLY USING THE FACILITY AT WHICH THE HAZARDOUS SUBSTANCE OR MATERIAL WILL BE USED, TO SUCH STUDENTS' PARENTS, TO SCHOOL DISTRICT EMPLOYEES WHO WORK AT THE FACILITY, AND TO PERSONS LIVING WITHIN A QUARTER-MILE RADIUS OF THE FACILITY. THE SCHOOL DISTRICT MAY PROVIDE ACTUAL NOTICE BY DISTRIBUTION, MAIL, OR ELECTRONIC MEANS OR BY ANY OTHER METHOD REASONABLY CALCULATED TO PROVIDE ACTUAL NOTICE TO THE PERSONS SPECIFIED IN THIS PARAGRAPH (b).

(c) IN ADDITION TO THE ACTUAL NOTICE REQUIRED IN PARAGRAPH (b) OF THIS SUBSECTION (3), AT LEAST FOURTEEN DAYS PRIOR TO USING A HAZARDOUS SUBSTANCE OR A MATERIAL CONTAINING A HAZARDOUS SUBSTANCE, THE SCHOOL DISTRICT SHALL PUBLISH NOTICE OF THE USE OF THE SUBSTANCE OR MATERIAL IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE FACILITY AT WHICH THE SUBSTANCE OR MATERIAL WILL BE USED.

(d) THE ACTUAL AND PUBLISHED NOTICE REQUIRED PURSUANT TO THIS SUBSECTION (3) SHALL, AT A MINIMUM:

(I) IDENTIFY THE HAZARDOUS SUBSTANCE THAT WILL BE USED OR THAT IS INCLUDED IN THE MATERIAL TO BE USED BY THE SCHOOL DISTRICT AND THE PROPERTY UPON WHICH IT WILL BE USED;

(II) SPECIFY THE AMOUNT OF THE HAZARDOUS SUBSTANCE THE SCHOOL DISTRICT EXPECTS TO USE AND THE DATES UPON OR TIME PERIOD DURING WHICH THE SCHOOL DISTRICT EXPECTS TO USE THE HAZARDOUS SUBSTANCE OR THE MATERIAL CONTAINING THE HAZARDOUS SUBSTANCE;

(III) DESCRIBE THE PURPOSE FOR WHICH THE SCHOOL DISTRICT PLANS TO USE THE HAZARDOUS SUBSTANCE OR THE MATERIAL CONTAINING THE HAZARDOUS SUBSTANCE; AND

(IV) DESCRIBE THE POTENTIAL HEALTH AND SAFETY RISKS POSED BY THE SCHOOL DISTRICT'S USE OF THE HAZARDOUS SUBSTANCE OR THE MATERIAL CONTAINING THE HAZARDOUS SUBSTANCE.

SECTION 29. 22-41-104 (2), Colorado Revised Statutes, is amended to read:

22-41-104. Lawful investments. (2) The state treasurer has authority, to be exercised at the state treasurer's discretion, to effect exchanges or sales whenever such exchanges or sales will not result in any ultimate loss of principal and to effect exchanges or sales that will result in a loss of principal whenever such loss can be offset by a corresponding gain within ~~the same~~ THREE fiscal year YEARS of such exchange or sale. No exchange or sale of securities shall be consummated by the state treasurer ~~which~~ THAT will result in a net loss of principal unless the general assembly has previously appropriated a sum to the public school fund equivalent to the anticipated net loss of principal from such exchange or sale.

SECTION 30. Part 1 of article 60.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-60.5-112.5. National credential - fee assistance - one-time payments. (1) (a) BEGINNING JULY 1, 2002, THE DEPARTMENT OF EDUCATION SHALL ASSIST PERSONS WHO ARE SEEKING NATIONAL CREDENTIALS BY PAYING A PORTION OF THE FEES CHARGED FOR SUCH NATIONAL CREDENTIAL. FEE ASSISTANCE PURSUANT TO THIS SECTION SHALL BE AVAILABLE TO ANY PERSON WHO:

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(I) IS SEEKING A NATIONAL CREDENTIAL FROM AN APPROVED PROFESSIONAL ORGANIZATION AS A REQUIREMENT FOR OR IN THE COURSE OF OBTAINING MASTER TEACHER CERTIFICATION PURSUANT TO THIS ARTICLE;

(II) RECEIVES NATIONAL CREDENTIAL FEE ASSISTANCE THROUGH A FEDERAL ASSISTANCE PROGRAM;

(III) IS EMPLOYED AS A TEACHER IN A PUBLIC SCHOOL IN THIS STATE AT THE TIME OF APPLYING FOR FEE ASSISTANCE PURSUANT TO THIS SECTION; AND

(IV) APPLIES FOR NATIONAL CREDENTIAL FEE ASSISTANCE AS PROVIDED IN THIS SECTION.

(b) THE AMOUNT OF FEE ASSISTANCE PAID PURSUANT TO THIS SUBSECTION (1) SHALL BE EQUAL TO THE AMOUNT OF THE NATIONAL CREDENTIAL FEE RECEIVED BY THE APPLYING TEACHER THROUGH A FEDERAL ASSISTANCE PROGRAM.

(2) (a) TO APPLY FOR NATIONAL CREDENTIAL FEE ASSISTANCE PURSUANT TO THIS SECTION, A PERSON SHALL PRESENT TO THE DEPARTMENT OF EDUCATION THE FOLLOWING ITEMS:

(I) PROOF THAT THE PERSON HAS BEGUN THE PROCESS TO OBTAIN THE NATIONAL CREDENTIAL AND IDENTIFICATION OF THE NATIONAL CREDENTIAL PROGRAM IN WHICH THE PERSON WILL PARTICIPATE TO OBTAIN THE NATIONAL CREDENTIAL;

(II) PROOF THAT THE PERSON HAS RECEIVED OR WILL RECEIVE NATIONAL CREDENTIAL FEE ASSISTANCE THROUGH A FEDERAL ASSISTANCE PROGRAM AND THE AMOUNT OF SUCH ASSISTANCE; AND

(III) PROOF THAT THE PERSON IS EMPLOYED AS A TEACHER AT A PUBLIC SCHOOL IN THIS STATE AT THE TIME OF APPLYING FOR NATIONAL CREDENTIAL FEE ASSISTANCE.

(b) FOLLOWING RECEIPT OF THE ITEMS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) AND VERIFICATION THAT THE PERSON MEETS THE CRITERIA SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL FORWARD THE FEE ASSISTANCE TO THE IDENTIFIED NATIONAL CREDENTIAL PROGRAM ON BEHALF OF THE PERSON IN THE AMOUNT SPECIFIED IN SUBSECTION (1) OF THIS SECTION. THE FEE ASSISTANCE SHALL BE PAID OUT OF MONEYS IN THE NATIONAL CREDENTIAL FUND CREATED IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

(c) IF A PERSON WHO RECEIVES FEE ASSISTANCE PURSUANT TO THIS SECTION DOES NOT COMPLETE THE NATIONAL CREDENTIAL PROGRAM FOR WHICH HE OR SHE RECEIVED SUCH ASSISTANCE, THE NATIONAL CREDENTIAL PROGRAM SHALL REFUND TO THE DEPARTMENT OF EDUCATION THE AMOUNT OF FEE ASSISTANCE PAID ON BEHALF OF SAID PERSON.

(3) (a) THE STATE BOARD OF EDUCATION SHALL PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO A RULE IDENTIFYING THOSE NATIONALLY RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATIONS THAT ARE APPROVED FOR PURPOSES OF THIS SECTION.

(b) THE DEPARTMENT OF EDUCATION SHALL SEEK AND IS AUTHORIZED TO ACCEPT AND EXPEND ANY PUBLIC OR PRIVATE GIFTS, GRANTS, AND DONATIONS THAT MAY BE AVAILABLE TO FUND THE PURPOSES SPECIFIED IN THIS SECTION. ALL SUCH GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE NATIONAL CREDENTIAL FUND CREATED IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

(4) (a) THE GENERAL ASSEMBLY RECOGNIZES THAT, TO OBTAIN A NATIONAL CREDENTIAL FROM AN APPROVED PROFESSIONAL ORGANIZATION, A TEACHER MUST DEMONSTRATE EXCELLENCE IN TEACHING SKILLS AND ACHIEVE A VERY HIGH LEVEL OF PERFORMANCE.

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THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT INCENTIVES TO ENCOURAGE TEACHERS TO OBTAIN NATIONAL CREDENTIALING WILL BENEFIT THE STUDENTS OF COLORADO BY ENCOURAGING TEACHERS TO ACHIEVE HIGHER LEVELS OF PERFORMANCE. THEREFORE, THE GENERAL ASSEMBLY HEREBY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PROVIDING NATIONAL CREDENTIAL FEE ASSISTANCE TO TEACHERS WHO OBTAIN A NATIONAL CREDENTIAL FROM AN APPROVED PROFESSIONAL ORGANIZATION CONSTITUTES A PERFORMANCE INCENTIVE FOR TEACHERS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) THERE IS HEREBY CREATED IN THE STATE TREASURY THE NATIONAL CREDENTIAL FUND, REFERRED TO IN THIS PARAGRAPH (b) AS THE "FUND". THE FUND SHALL CONSIST OF ANY MONEYS APPROPRIATED THERETO BY THE GENERAL ASSEMBLY FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION OR FROM THE STATE GENERAL FUND AND ANY MONEYS CREDITED THERETO PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION. MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. MONEYS APPROPRIATED FROM THE FUND SHALL BE USED FOR THE PAYMENT OF FEE ASSISTANCE PURSUANT TO THIS SECTION. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY AMOUNT REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE GENERAL FUND OR TO ANY OTHER FUND.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "APPROVED PROFESSIONAL ORGANIZATION" MEANS A NATIONALLY RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATION THAT IS APPROVED BY RULE OF THE STATE BOARD OF EDUCATION.

(b) "NATIONAL CREDENTIAL" MEANS A CERTIFICATION OR OTHER FORM OF REGISTRATION OR CREDENTIAL ISSUED BY A NATIONALLY RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATION. "NATIONAL CREDENTIAL" SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, CERTIFICATION BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

SECTION 31. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 86
Summer School Grant Program
Facility Schools**

22-86-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) MANY CHILDREN WHO ARE PLACED OUTSIDE THE HOME, EITHER AS A RESULT OF A DEPENDENCY OR NEGLECT ACTION OR THROUGH INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM, ARE CURRENTLY RECEIVING EDUCATIONAL SERVICES THROUGH FACILITY SCHOOLS, INCLUDING BUT NOT LIMITED TO SCHOOLS OPERATED BY RESIDENTIAL TREATMENT CENTERS, RESIDENTIAL CHILD CARE FACILITIES, AND OTHER FORMS OF GROUP HOMES FOR CHILDREN.

(b) IN MANY CASES, CHILDREN RECEIVING EDUCATIONAL SERVICES THROUGH FACILITY SCHOOLS ARE PERFORMING ACADEMICALLY BELOW GRADE LEVEL AND ARE IN NEED OF EDUCATIONAL SERVICES THAT CONTINUE BEYOND THOSE PROVIDED IN A NORMAL ACADEMIC YEAR.

(c) IN MANY CASES, WHEN THEY RETURN TO THEIR HOMES, THESE CHILDREN ALSO RETURN TO THE PUBLIC SCHOOL SYSTEM WITH A LEARNING DEFICIT THAT MAY REQUIRE SIGNIFICANT EDUCATIONAL RESOURCES TO OVERCOME AND THAT MAY RESULT IN LOW PERFORMANCE ON ASSESSMENTS ADMINISTERED PURSUANT TO THE COLORADO STUDENT ASSESSMENT PROGRAM.

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(d) ASSISTING FACILITY SCHOOLS TO CONTINUE PROVIDING EDUCATIONAL SERVICES TO CHILDREN THROUGHOUT THE SUMMER MONTHS WILL HELP TO REDUCE THE LEARNING DEFICIT EXPERIENCED BY MANY OF THESE CHILDREN AND WILL THEREBY ASSIST SCHOOL DISTRICTS IN WORKING WITH THESE CHILDREN WHEN THEY RETURN TO THE PUBLIC SCHOOL SYSTEM.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT A PROGRAM TO PROVIDE GRANTS TO FACILITY SCHOOLS TO ASSIST THEM IN PROVIDING SUMMER SCHOOLS FOR CHILDREN RESIDING IN RESIDENTIAL FACILITIES IS AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE FACILITY SUMMER SCHOOL GRANT PROGRAM CREATED IN THIS ARTICLE RECEIVE FUNDING FOR THE 2002-03 FISCAL YEAR FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION AND THAT ANY ADDITIONAL FUNDING IN SUBSEQUENT FISCAL YEARS FROM THE STATE EDUCATION FUND BE SUBJECT TO REVIEW AND DETERMINATION BY THE GENERAL ASSEMBLY ON AN ANNUAL BASIS.

22-86-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CSAP" MEANS THE COLORADO STUDENT ASSESSMENT PROGRAM ADMINISTERED PURSUANT TO SECTION 22-7-409.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115, C.R.S.

(3) "FACILITY SCHOOL" MEANS A SCHOOL THAT IS OPERATED BY A RESIDENTIAL CHILD CARE FACILITY, A RESIDENTIAL TREATMENT CENTER, OR ANOTHER FACILITY INCLUDED ON THE FACILITY LIST MAINTAINED BY THE STATE BOARD PURSUANT TO SECTION 22-2-107 (1) (p) AND THAT RECEIVES A PORTION OF THE PER PUPIL OPERATING REVENUES OF ONE OR MORE SCHOOL DISTRICTS TO PROVIDE EDUCATIONAL SERVICES FOR CHILDREN WHO ARE INCLUDED ON THE ROLL OF OUT-OF-DISTRICT PLACED CHILDREN.

(4) "GRANT PROGRAM" MEANS THE FACILITY SUMMER SCHOOL GRANT PROGRAM CREATED PURSUANT TO SECTION 22-86-103.

(5) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-86-103. Facility summer school grant program - creation - rules.

(1) THERE IS HEREBY CREATED THE FACILITY SUMMER SCHOOL GRANT PROGRAM TO PROVIDE GRANTS TO FACILITY SCHOOLS THAT OPERATE SUMMER SCHOOL PROGRAMS FOR THE CHILDREN RESIDING IN THE FACILITIES. THE GRANT PROGRAM SHALL BE DESIGNED TO ASSIST FACILITY SCHOOLS IN PROVIDING INTENSIVE EDUCATIONAL SERVICES IN THE AREAS OF READING, WRITING, MATHEMATICS, AND SCIENCE FOR CHILDREN WHO ARE PERFORMING BELOW GRADE LEVEL IN THESE AREAS.

(2) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND THE STATE BOARD SHALL AWARD GRANTS AS PROVIDED IN THIS ARTICLE, SUBJECT TO AVAILABLE APPROPRIATIONS. GRANTS SHALL BE PAID OUT OF THE FACILITY SUMMER SCHOOL GRANT PROGRAM FUND CREATED PURSUANT TO SECTION 22-86-106.

(3) THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THE GRANT PROGRAM, INCLUDING BUT NOT LIMITED TO RULES SPECIFYING THE TIME FRAMES FOR SUBMITTING GRANT PROGRAM APPLICATIONS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTION OF THE GRANT MONEYS.

(4) THE DEPARTMENT SHALL SOLICIT AND MAY RECEIVE SUCH PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS AS MAY BE

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AVAILABLE TO FUND THE GRANT PROGRAM. ANY MONEYS SO RECEIVED SHALL BE TRANSFERRED TO THE STATE TREASURER FOR DEPOSIT IN THE FACILITY SUMMER SCHOOL GRANT PROGRAM FUND CREATED PURSUANT TO SECTION 22-86-106.

22-86-104. Facility summer school grant program - application

- criteria. (1) A FACILITY SCHOOL THAT SEEKS TO RECEIVE A GRANT PURSUANT TO THIS ARTICLE SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD. THE APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF CHILDREN RECEIVING EDUCATIONAL SERVICES FROM THE FACILITY SCHOOL;

(b) THE GRADE LEVELS OF CHILDREN RECEIVING EDUCATIONAL SERVICES FROM THE FACILITY SCHOOL AND THEIR LEVELS OF ACADEMIC PERFORMANCE IN THE AREAS OF READING, WRITING, MATHEMATICS, AND SCIENCE, INCLUDING THEIR LEVELS OF PERFORMANCE ON THE MOST RECENTLY ADMINISTERED CSAP ASSESSMENTS, IF AVAILABLE;

(c) A DESCRIPTION OF THE EDUCATIONAL SERVICES, INCLUDING BUT NOT LIMITED TO THE CURRICULA PROVIDED BY THE FACILITY SCHOOL AND THE EDUCATIONAL SERVICES THE FACILITY SCHOOL WOULD ANTICIPATE PROVIDING THROUGH A SUMMER SCHOOL PROGRAM;

(d) A DESCRIPTION OF THE METHOD USED BY THE FACILITY SCHOOL TO MEASURE CHILDREN'S ACADEMIC PERFORMANCE, INCLUDING THE METHOD USED TO DETERMINE WHETHER A CHILD IS PERFORMING AT, BELOW, OR ABOVE GRADE LEVEL AND THE METHOD, IF ANY, USED TO DETERMINE A CHILD'S ACADEMIC GROWTH OVER TIME;

(e) AN ITEMIZATION OF OTHER SOURCES OF FUNDING RECEIVED BY THE FACILITY SCHOOL AND USED TO PROVIDE EDUCATIONAL SERVICES, INCLUDING BUT NOT LIMITED TO A SUMMER SCHOOL PROGRAM;

(f) A DESCRIPTION OF THE GOALS THAT THE FACILITY SCHOOL'S SUMMER SCHOOL PROGRAM IS EXPECTED TO ACHIEVE AND THE METHOD BY WHICH THE FACILITY SCHOOL WILL MEASURE ACHIEVEMENT OF THE GOALS; AND

(g) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE STATE BOARD.

(2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED FROM FACILITY SCHOOLS PURSUANT TO THIS SECTION AND SHALL MAKE RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE AWARDING OF GRANTS AND THE AMOUNTS OF THE GRANTS. THE STATE BOARD SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE DEPARTMENT AND SHALL ANNUALLY AWARD GRANTS TO FACILITY SCHOOLS IN AMOUNTS SPECIFIED BY THE STATE BOARD. IN AWARDING GRANTS PURSUANT TO THIS ARTICLE, THE STATE BOARD SHALL:

(a) CONSIDER THE GEOGRAPHIC LOCATION OF THE FACILITY SCHOOL AND, TO THE EXTENT POSSIBLE, ENSURE THAT GRANT MONEYS ARE AWARDED TO FACILITY SCHOOLS THROUGHOUT THE STATE;

(b) AWARD GRANTS TO FACILITY SCHOOLS THAT ARE IMPLEMENTING SUMMER SCHOOL PROGRAMS USING CURRICULA THAT ARE RESEARCH-BASED AND THAT HAVE BEEN USED WITH DEMONSTRATED SUCCESS EITHER BY THE APPLYING FACILITY SCHOOL OR BY ANOTHER SCHOOL; AND

(c) AWARD GRANTS TO FACILITY SCHOOLS THAT DEMONSTRATE SUCCESS IN IMPROVING THE ACADEMIC PERFORMANCE OF CHILDREN WHO ARE PERFORMING BELOW GRADE LEVEL IN THE AREAS OF READING, WRITING, MATHEMATICS, AND SCIENCE.

22-86-105. Reporting requirements. (1) ON OR BEFORE OCTOBER 1, 2004, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER, EACH FACILITY SCHOOL THAT RECEIVES A GRANT PURSUANT TO THIS ARTICLE SHALL SUBMIT A REPORT TO THE DEPARTMENT AFTER

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COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE FACILITY SCHOOL PARTICIPATES IN THE GRANT PROGRAM. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF CHILDREN WHO PARTICIPATED IN THE FACILITY SCHOOL'S SUMMER SCHOOL PROGRAM;

(b) THE LEVELS OF PERFORMANCE IN READING, WRITING, MATHEMATICS, AND SCIENCE DEMONSTRATED BY THE CHILDREN PARTICIPATING IN THE SUMMER SCHOOL PROGRAM BOTH BEFORE PARTICIPATION IN THE PROGRAM AND DURING THE SCHOOL YEAR FOLLOWING PARTICIPATION IN THE PROGRAM; AND

(c) SUCH OTHER INFORMATION AS THE STATE BOARD MAY BY RULE REQUIRE TO ASSESS THE EFFECTIVENESS OF THE FACILITY SCHOOL'S SUMMER SCHOOL PROGRAM AND OF THE GRANT PROGRAM.

22-86-106. Facility summer school grant program fund. THERE IS HEREBY CREATED IN THE STATE TREASURY THE FACILITY SUMMER SCHOOL GRANT PROGRAM FUND, REFERRED TO IN THIS SECTION AS THE "FUND", FOR THE PAYMENT OF FACILITY SUMMER SCHOOL GRANTS AWARDED PURSUANT TO THIS ARTICLE. THE FUND SHALL CONSIST OF SUCH MONEYS AS MAY BE APPROPRIATED THERETO FROM THE STATE GENERAL FUND AND FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION, AS WELL AS ANY MONEYS RECEIVED BY THE DEPARTMENT PURSUANT TO SECTION 22-86-103 (4). THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES SPECIFIED IN THIS ARTICLE. THE DEPARTMENT MAY EXPEND UP TO ONE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE DOCUMENTED COSTS INCURRED IN IMPLEMENTING THE GRANT PROGRAM. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

SECTION 32. 24-75-201.1 (4) (c), Colorado Revised Statutes, is amended to read:

24-75-201.1. Restriction on state appropriations - legislative declaration - definitions. (4) (c) (I) Notwithstanding the provisions of paragraph (b) of this subsection (4), in fiscal year 2000-01 ~~and in any fiscal year 2002-03 through 2010-11~~, no appropriation shall be made in such fiscal year if general fund revenues for the applicable fiscal year do not exceed general fund obligations and the moneys required to be allocated to the highway users tax fund pursuant to section 39-26-123 (2), C.R.S., for the applicable fiscal year by more than eighty million dollars as determined by the general assembly as of the time any conference committee report is adopted on the general appropriation bill enacted for the applicable fiscal year. The provisions of this ~~paragraph (c)~~ SUBPARAGRAPH (I) shall not apply to fiscal year 2001-02.

(II) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (4), IN ANY FISCAL YEAR 2002-03 THROUGH 2010-11, THE GENERAL ASSEMBLY IS NOT REQUIRED TO MAKE ANY APPROPRIATION IN SUCH FISCAL YEAR IF GENERAL FUND REVENUES FOR THE APPLICABLE FISCAL YEAR DO NOT EXCEED GENERAL FUND OBLIGATIONS AND THE MONEYS REQUIRED TO BE ALLOCATED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 39-26-123 (2), C.R.S., FOR THE APPLICABLE FISCAL YEAR BY MORE THAN EIGHTY MILLION DOLLARS AS DETERMINED BY THE GENERAL ASSEMBLY AS OF THE TIME ANY CONFERENCE COMMITTEE REPORT IS ADOPTED ON THE GENERAL APPROPRIATION BILL ENACTED FOR THE APPLICABLE FISCAL YEAR. HOWEVER, THE GENERAL ASSEMBLY MAY MAKE, IN ITS SOLE DISCRETION, AN APPROPRIATION IN SUCH FISCAL YEAR AND NOTHING IN THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED TO PROHIBIT SUCH AN APPROPRIATION.

SECTION 33. Legislative declaration. The general assembly hereby finds and declares that sections 33 through 60 of this act shall be known and may be cited as the "Education Improvement Act of 2002".

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The general assembly further finds and declares that it is imperative to identify how much academic growth students achieve each year in each public school. The general assembly further finds and declares that the annual Colorado student assessment program exams will not, alone, indicate whether the student is progressing in his or her learning at a satisfactory pace over time. The general assembly therefore determines and declares that a system that measures actual academic growth will increase parents' understanding of academic progress, assist teachers in meeting each student's academic needs, and increase the accountability of each school and school district.

SECTION 34. 22-7-409 (1.2) (a) (I), the introductory portion to 22-7-409 (1.2) (d) (I), and 22-7-409 (1.2) (d) (I) (B), Colorado Revised Statutes, are amended, and the said 22-7-409 (1.2) (d) (I) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUB-SUBPARAGRAPHS, to read:

22-7-409. Assessments - repeal. (1.2) (a) (I) The assessments required by subsection (1) of this section shall be aligned with the model content standards adopted by the state board pursuant to section 22-7-406. The assessments shall be conducted during the period beginning the second Monday in March and ending on the third Monday in April of each year. The department shall provide to each public school results of all assessments administered. Beginning in 2003, for purposes of notifying local boards of education pursuant to section 22-7-609 (2), the department shall provide the results of the assessments of students enrolled in schools that received an academic ~~performance~~ GROWTH rating of "unsatisfactory" on the school accountability report prepared for the immediately preceding academic year no later than May 1, 2003, and May 1 of each year thereafter. For reporting purposes only, results shall include diagnostic reporting for each student's performance on each assessment, including but not limited to content-based sub-test scores for several components of each of the standards assessed pursuant to this section.

(d) (I) Every student enrolled in a public school shall be required to take the assessments administered pursuant to subsection (1) of this section AT THE GRADE LEVEL IN WHICH THE STUDENT IS ENROLLED, AS DETERMINED BY THE SCHOOL DISTRICT; except that the students described in sub-subparagraph (A) of this subparagraph (I) shall be required only to take the assessments required by said sub-subparagraph. However, the scores of the following students shall not be used by the state for purposes of calculating school academic ~~performance~~ GROWTH ratings pursuant to section 22-7-604 (5) or for accreditation pursuant to article 11 of this title:

(B) Any student who transfers into the school after ~~February 1~~ OCTOBER 1 of the school year in which the assessment is administered; ~~and~~

(D) ANY STUDENT WHO DID NOT TAKE A COMPARABLE ASSESSMENT IN THE RELEVANT AREA DURING THE PREVIOUS SCHOOL YEAR IN THAT SCHOOL OR IN ANOTHER PUBLIC SCHOOL IN COLORADO; AND

(E) ANY STUDENT REQUIRED TO TAKE THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM PURSUANT TO LAW, BUT ONLY WITH RESPECT TO THE SCORES ON THAT EXAM.

SECTION 35. 22-7-602 (1), (2), and (8), Colorado Revised Statutes, are amended to read:

22-7-602. Definitions. As used in this part 6, unless the context otherwise requires:

(1) "~~Baseline assessment year~~" means the 2000-01 school year for all CSAP assessments required to be administered during that school year and means the 2001-02 school year for all assessments required to be administered for the first time during the 2001-02 school year and for the curriculum-based, achievement college entrance examinations required by section 22-7-409 (1.5).

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(2) "~~Baseline performance year~~" means the 2000-01 school year.

(8) "School level" means the level of a public school as either elementary, middle, or high school. Schools that cover grades one through five or one through six shall be considered elementary schools. Schools that cover grades six through eight or seven through nine shall be considered middle schools. Schools that cover grades nine through twelve or ten through twelve shall be considered high schools. Schools that cover other combinations of grades shall be considered elementary, middle, or high school as determined by the state board by rule; except that, if a school covers two or three complete school levels, as defined in this subsection (8), it shall be considered as two or three separate schools for purposes of assigning of academic performance and improvement GROWTH ratings pursuant to section 22-7-604 and issuing school accountability reports pursuant to section 22-7-605 OR SECTION 22-7-605.1.

SECTION 36. 22-7-603 (1), Colorado Revised Statutes, is amended to read:

22-7-603. State data reporting system. (1) The department shall develop and implement a comprehensive data collection and reporting system for collecting and reporting performance indicators from each public school. On or before September 1, 2000, the department shall contract out for the development of the state data reporting system. The department shall award the contract based upon a competitive bid; except that the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S., shall not apply to this contract. The state data reporting system shall be designed to collect, through electronic transfer where possible, all student and public school performance data required to ascertain the degree to which public schools and school districts are meeting state performance standards and shall be capable of producing data for decision-making and for the comprehensive annual school accountability reports on public school and district performance pursuant to sections 22-7-604, and 22-7-605, AND 22-7-605.1. The state data reporting system shall be designed to protect the privacy of students. In addition, the state data reporting system shall be designed to include all the information and data elements needed for measuring student and school performance, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data and shall allow for the analysis of the relationship between school district and public school expenditures and effectiveness. On and after June 1, 2002, the state data reporting system shall also have the capabilities described in section 22-7-603.5 (3). Data elements collected and provided by the department, school districts, and individual public schools shall be compatible. The state data reporting system shall be managed and administered by the department. Each school district that has a unique information management system shall assure that compatibility exists between its unique system and the data elements of the state data reporting system so that all data required to be input into the state data reporting system is made available through electronic transfer and in the appropriate input format.

SECTION 37. 22-7-604, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22-7-604. Academic growth - rating - designation and methodology - advisory committee - repeal. (1) THE COMMISSIONER SHALL ESTABLISH CRITERIA FOR PLACING INDIVIDUAL STUDENTS AT THE FOLLOWING PROFICIENCY LEVELS ON CSAP ASSESSMENTS FOR EACH ACADEMIC AREA AND FOR EACH GRADE LEVEL: "UNSATISFACTORY", "PARTIALLY PROFICIENT", "PROFICIENT", AND "ADVANCED". SUCH CRITERIA SHALL BE ALIGNED WITH THE PERFORMANCE LEVELS ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION 22-7-406 (3).

(2) (a) RATINGS ASSIGNED TO PUBLIC SCHOOLS PURSUANT TO THIS SECTION SHALL BE DETERMINED BY THE AVERAGE LEVELS OF STUDENT IMPROVEMENT BETWEEN ONE SCHOOL YEAR AND THE PRECEDING SCHOOL YEAR ON THE COMPARABLE CSAP ASSESSMENTS IN THE RELEVANT AREA ADMINISTERED BY ANY PUBLIC SCHOOL IN THE STATE PURSUANT TO SECTION 22-7-409.

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(b) THE SCORES OF STUDENTS SPECIFIED IN SECTION 22-7-409 (1.2)
 (d) (I) SHALL NOT BE USED TO CALCULATE A SCHOOL'S ACADEMIC GROWTH
 RATING PURSUANT TO THIS SECTION.

(3) (a) FOR THE 2002-03 SCHOOL YEAR, AND FOR EACH SCHOOL
 YEAR THEREAFTER, THE DEPARTMENT SHALL ASSIGN A RATING FOR
 ACADEMIC GROWTH TO EACH PUBLIC SCHOOL OF "EXCEPTIONAL", "ABOVE
 AVERAGE", "AVERAGE", "LOW", OR "UNSATISFACTORY", TO BE INDICATED
 IN EACH SCHOOL'S ANNUAL SCHOOL ACCOUNTABILITY REPORT, AS
 PROVIDED IN THIS SECTION AND SECTION 22-7-605. THE SCHOOL
 ACADEMIC GROWTH RATING SHALL BE BASED ON AN AVERAGE OF THE
 AMOUNT OF ACADEMIC GROWTH, AS DETERMINED PURSUANT TO THIS
 SECTION, ACHIEVED BY STUDENTS ENROLLED IN THE PUBLIC SCHOOL, ON
 THE CSAP EXAMS IN THE AREAS OF READING, WRITING, AND
 MATHEMATICS, AND INCLUDING THOSE EXAMS ADMINISTERED IN A
 LANGUAGE OTHER THAN ENGLISH.

(b) (I) THERE IS HEREBY CREATED A SCHOOL ACCOUNTABILITY
 REPORT ADVISORY COMMITTEE, REFERRED TO IN THIS PARAGRAPH (b) AS
 THE "COMMITTEE", TO REVIEW THE CALCULATIONS, METHODOLOGIES, AND
 FORMAT OF THE SCHOOL ACCOUNTABILITY REPORTS DESCRIBED IN
 SECTION 22-7-605. THE COMMITTEE SHALL CONSIST OF EIGHT MEMBERS
 APPOINTED BY THE STATE BOARD OF EDUCATION ON OR BEFORE AUGUST
 1, 2002, AS FOLLOWS:

(A) TWO PERSONS WHO HAVE TECHNICAL EXPERTISE IN
 STATISTICS, METHODOLOGIES, AND MEASUREMENTS OF EDUCATIONAL
 ACHIEVEMENT;

(B) TWO MEMBERS OR REPRESENTATIVES OF SCHOOL DISTRICT
 BOARDS OF EDUCATION;

(C) TWO PERSONS REPRESENTING AN ASSOCIATION OF PARENTS,
 STUDENTS, AND EDUCATORS; AND

(D) TWO PERSONS REPRESENTING AN ASSOCIATION OF SCHOOL
 PRINCIPALS OR ADMINISTRATORS.

(II) NO MORE THAN FOUR MEMBERS OF THE COMMITTEE APPOINTED
 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE
 MEMBERS OF THE SAME POLITICAL PARTY. NOTWITHSTANDING THE
 PROVISIONS OF SECTION 2-2-307 (3) AND (5), C.R.S., ALL MEMBERS OF THE
 COMMITTEE SHALL SERVE WITHOUT COMPENSATION, INCLUDING PER DIEM
 AND COMPENSATION FOR EXPENSES. AT THE INITIAL COMMITTEE MEETING,
 THE COMMITTEE MEMBERS SHALL SELECT FROM AMONG THEMSELVES A
 PERSON TO SERVE AS CHAIR OF THE COMMITTEE. A MAJORITY OF THE
 COMMITTEE MEMBERS SHALL CONSTITUTE A QUORUM FOR TRANSACTION
 OF BUSINESS. THE DEPARTMENT SHALL PROVIDE SUCH CLERICAL AND
 TECHNICAL ASSISTANCE AS MAY BE REQUESTED BY THE COMMITTEE IN
 FULFILLING ITS DUTIES PURSUANT TO THIS SECTION. THE COMMITTEE
 SHALL MEET AS NECESSARY AND SHALL ISSUE A REPORT OF ITS
 RECOMMENDATIONS TO THE EDUCATION COMMITTEES OF THE SENATE AND
 OF THE HOUSE OF REPRESENTATIVES NO LATER THAN DECEMBER 1, 2003.

(III) THE COMMITTEE SHALL DIRECT THE CALCULATION OF THE
 AVERAGE OF THE STUDENTS' ACADEMIC GROWTH AMOUNTS AND THE
 SCHOOLWIDE AVERAGE OF SUCH AMOUNTS AND SHALL ADOPT AN
 ACADEMIC GROWTH SCALE REFLECTING "EXCEPTIONAL", "ABOVE
 AVERAGE", "AVERAGE", "LOW", AND "UNSATISFACTORY" ACADEMIC
 GROWTH AMOUNTS FOR THE SCHOOL BY JANUARY 1, 2003.

(c) ON OR BEFORE AUGUST 1, 2003, THE STATE BOARD, AFTER
 CONSULTATION WITH THE ADVISORY COMMITTEE APPOINTED PURSUANT
 TO PARAGRAPH (b) OF THIS SUBSECTION (3), SHALL ESTABLISH BY RULE A
 FAIR AND EQUITABLE ACADEMIC GROWTH SCALE FOR THE VARIOUS
 CATEGORIES OF PUBLIC SCHOOLS BY WHICH ALL PUBLIC SCHOOLS SHALL
 BE MEASURED.

(d) THE COMMITTEE SHALL BE AUTHORIZED TO ALIGN THE SCHOOL
 GROWTH SCALE TO "ADEQUATE YEARLY PROGRESS", AS THAT TERM IS USED
 IN THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW

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(e) THE STATE BOARD OF EDUCATION SHALL REPORT ANNUALLY TO THE GOVERNOR AND TO THE EDUCATION COMMITTEES OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES ON THE CALCULATION OF ACADEMIC GROWTH RATINGS AND THE OVERALL SUCCESS OF THE STATE'S SCHOOL DISTRICTS IN IMPROVING ACADEMIC GROWTH, AND SHALL RECOMMEND CHANGES, IF NEEDED, IN THE SYSTEM OF TESTING STUDENTS AND REPORTING THEIR ACADEMIC GROWTH PURSUANT TO THIS PART 6 AND IN THE FORMAT OF THE SCHOOL ACCOUNTABILITY REPORT DESCRIBED IN SECTION 22-7-605 OR SECTION 22-7-605.1.

(4) THE DEPARTMENT SHALL DISAGGREGATE A PUBLIC SCHOOL'S STUDENT ACADEMIC GROWTH RATINGS FOR EACH GRADE LEVEL AND FOR THE SCHOOL AS A WHOLE BY:

(a) THE RACE OF THE SCHOOL'S STUDENTS; AND

(b) THE SOCIOECONOMIC STATUS OF THE SCHOOL'S STUDENTS, AS DETERMINED BY THE NUMBER OF STUDENTS ELIGIBLE FOR FREE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

(5) (a) THE DEPARTMENT, IN CALCULATING SCHOOL ACADEMIC GROWTH RATINGS PURSUANT TO THIS SECTION, SHALL USE THE SCORES OF STUDENTS WHO TOOK THE COMPARABLE ASSESSMENT IN THE RELEVANT AREA DURING THE PREVIOUS SCHOOL YEAR IN THAT SCHOOL OR IN ANOTHER SCHOOL IN COLORADO.

(b) THE DEPARTMENT SHALL REPORT A SEPARATE ACADEMIC RATING FOR THOSE STUDENTS WHO DID NOT TAKE A COMPARABLE ASSESSMENT IN THE RELEVANT AREA DURING THE PREVIOUS SCHOOL YEAR IN THAT SCHOOL OR IN ANOTHER SCHOOL IN COLORADO. SAID SEPARATE RATING SHALL NOT BE INCLUDED IN A SCHOOL'S ACADEMIC GROWTH RATINGS, BUT SHALL BE INCLUDED ON THE SCHOOL ACCOUNTABILITY REPORT PURSUANT TO SECTION 22-7-605.

(6) (a) ON OR BEFORE AUGUST 1, 2003, AND ON OR BEFORE AUGUST 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL PROVIDE TO EACH SCHOOL DISTRICT AN ACADEMIC GROWTH INFORMATION REPORT FOR EACH STUDENT IN THE FOURTH GRADE THROUGH THE TENTH GRADE WHO IS ENROLLED IN A PUBLIC SCHOOL OF THE SCHOOL DISTRICT. THE ACADEMIC GROWTH INFORMATION REPORT SHALL INCLUDE THE STUDENT'S CSAP SCORES FOR EACH CSAP EXAM TAKEN BY THE STUDENT THE PREVIOUS SCHOOL YEAR AND THE SCHOOL YEAR PRECEDING THE PREVIOUS SCHOOL YEAR AND THE STUDENT'S ACADEMIC GROWTH OVER THE PERIOD.

(b) THE DEPARTMENT MAY PROVIDE THE ACADEMIC GROWTH INFORMATION REPORTS IN AN ELECTRONIC FORMAT.

(c) ON OR BEFORE AUGUST 1, 2003, EACH SCHOOL DISTRICT SHALL ESTABLISH A POLICY FOR USING THE INFORMATION PROVIDED IN THE ACADEMIC GROWTH INFORMATION REPORTS RECEIVED PURSUANT TO THIS SUBSECTION (6).

(d) THE DEPARTMENT AND SCHOOL DISTRICTS SHALL MAINTAIN THE CONFIDENTIALITY OF EACH STUDENT'S CSAP SCORES; EXCEPT THAT SUCH SCORES MAY BE ACCESSED USING STUDENT NUMERIC IDENTIFIERS BY ANY ENTITIES WITH WHICH THE DEPARTMENT CONTRACTS PURSUANT TO THIS SUBSECTION (6).

(e) THE DEPARTMENT SHALL MAKE APPLICATION FOR ANY AND ALL MONEYS THAT MAY BE RECEIVED FROM THE FEDERAL GOVERNMENT THROUGH THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, TO PAY FOR THE PREPARATION AND PROVISION OF ACADEMIC GROWTH INFORMATION REPORTS PURSUANT TO THIS SECTION.

SECTION 38. 22-7-605 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22-7-605. School accountability reports - format - rules.

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(2) (a) (III) ON OR BEFORE SEPTEMBER 1, 2002, THE STATE BOARD BY RULE SHALL DEFINE THE CLASSIFICATIONS OF "OTHER LICENSED PROFESSIONALS" AND "SCHOOL SUPPORT", AS THOSE TERMS ARE USED IN PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION.

SECTION 39. 22-7-605 (1), (3) (a), (3) (b) (II) (B), (4) (b) (I), (4) (b) (II) (A), (4) (b) (II) (C), (4) (c), (4) (d), and (5) (a) (I), the introductory portion to 22-7-605 (5) (b), 22-7-605 (5) (b) (II), (5) (d) (I) (C), (5) (e), (6) (a) (I) (D), (6) (a) (III), (6) (b), (6) (c) (I), (6) (c) (I.5), and (6) (d) (IV), the introductory portion to 22-7-605 (7) (d), and 22-7-605 (7) (d) (II), (7) (d) (III), (7) (d) (IV), (7) (d) (V), (7) (d) (VI), (8), and (10), Colorado Revised Statutes, are amended, and the said 22-7-605 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-7-605. School accountability reports - format.

(1) (a) Starting in the academic year 2000-01, and for each academic year thereafter, the department shall issue an accountability report for each public school in the state. The accountability report shall be issued in an easy-to-read format and, STARTING IN THE ACADEMIC YEAR 2002-03, AND FOR EACH ACADEMIC YEAR THEREAFTER, shall include the public school's overall academic performance GROWTH rating. The department shall utilize the methodology described in section 22-7-604 and the state data reporting system established pursuant to section 22-7-603 to prepare an accountability report for every public school.

(b) THE DEPARTMENT SHALL PROVIDE TO EACH PUBLIC SCHOOL AT LEAST ONE COPY OF A GENERIC SCHOOL ACCOUNTABILITY REPORT, CONTAINING THE INFORMATION DESCRIBED IN THIS SECTION, AND AT LEAST ONE COPY OF SUCH GENERIC REPORT FOR EACH LANGUAGE IN WHICH ASSESSMENTS ARE ADMINISTERED IN THE STATE, EACH COPY TRANSLATED INTO ITS RESPECTIVE LANGUAGE. EACH SCHOOL DISTRICT MAY DUPLICATE AND DISTRIBUTE SUCH TRANSLATED GENERIC REPORTS AS IT DEEMS APPROPRIATE.

(3) (a) The accountability report produced for each public school pursuant to this section shall not contain any information other than the information specified in this section. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10) OF THIS SECTION, the information specified in this section shall be arranged on the accountability report in the order it appears in this section. THE STATE BOARD SHALL BE AUTHORIZED TO RECOMMEND TO THE GENERAL ASSEMBLY ANY CHANGES IN THE FORMAT OR THE CONTENTS OF THE ACCOUNTABILITY REPORTS PREPARED PURSUANT TO THIS SECTION.

(b) Each accountability report shall be printed double-sided on paper eleven inches by seventeen inches. The two sides shall contain the following:

(II) The other side of the paper shall contain the following three divisions from left to right:

(B) "School PERFORMANCE History", as described in subsection (8) of this section; and

(4) **Title page.** Information described in paragraphs (a) to (d) of this subsection (4) shall appear on the front of the accountability report:

(b) **Ratings.** (I) ON AND AFTER JULY 1, 2003, the accountability report shall contain a heading "School Performance ACADEMIC GROWTH". ~~Summary~~ immediately followed in large font by the words, "Overall "Academic Performance" followed directly by the rating corresponding to this category calculated pursuant to section 22-7-604 (1) for the public school.

(II) (A) ON AND AFTER JULY 1, 2003, immediately below NEXT TO the words "Overall "SCHOOL Academic Performance GROWTH" shall appear in smaller type "Academic Improvement: THE rating calculated pursuant to section 22-7-604 (6). ~~The rating shall be in the same size type as the words "Academic Improvement"~~.

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(C) If the school qualifies for an award pursuant to part 3 of article 11 of this title, immediately below the words "SCHOOL Academic Improvement GROWTH" shall appear the words: "Winner of a John Irwin School of Excellence Award for the [year - year] school year." or "Winner of a Governor's Distinguished Improvement Award for the [year - year] school year.", whichever is appropriate.

(c) **Demographic information.** The accountability report shall contain the following subtitle, "~~How [name of the public school] Compares To Nearby [school level] Schools~~" "DEMOGRAPHIC INFORMATION". Below this subtitle, the accountability report shall contain a list of the ten schools, whether public or private, of the same school level as the subject school that are closest geographically to the subject public school and that received an accountability report pursuant to this part 6; except that no school shall be listed if it is located more than seventy-five miles from the subject public school. Immediately following the name of each school shall be the overall academic performance rating for each school as calculated pursuant to section 22-7-604 (5). The names of the ten schools and the overall academic performance ratings shall form two columns, titled "School" and "Academic". If any of the ten schools used for comparison for this paragraph (c) are from a different school district or are nonpublic schools, a footnote number shall be inserted after the name of each such school and a footnote shall follow the listing of the ten schools identifying the other school district or nonpublic schools. THE FOLLOWING:

(I) THE PERCENTAGE OF THE SCHOOL'S STUDENTS WHO ARE ELIGIBLE FOR FREE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

(II) THE AVERAGE DAILY ATTENDANCE AS A PERCENTAGE OF THE TOTAL STUDENT ENROLLMENT;

(III) FOR HIGH SCHOOLS, THE GRADUATION RATE AS A PERCENTAGE OF THE TOTAL NUMBER OF STUDENTS THAT BEGAN THE TWELFTH GRADE AT THAT SCHOOL; AND

(IV) THE PERCENTAGE OF THE SCHOOL'S STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH, AS DEFINED IN SECTION 22-24-103 (4).

(c.5) THE ACCOUNTABILITY REPORT SHALL CONTAIN A SET OF THREE TABLES, ARRANGED HORIZONTALLY, WITH EACH OF THE THREE TABLES REPRESENTING ONE OF THE THREE SUBJECT AREAS TESTED BY THE CSAP, "READING", "WRITING", AND "MATH". EACH TABLE SHALL CONTAIN ON THE LEFT THE FOLLOWING LINE: "ACADEMIC GROWTH IN [SUBJECT MATTER TESTED] BY SOCIOECONOMIC STATUS". ON THE VERTICAL AXIS OF EACH TABLE SHALL BE LISTED THE GRADES OFFERED IN THAT SCHOOL FOR WHICH THERE ARE CSAP SCORES. EACH TABLE SHALL BE SEPARATED INTO TWO COLUMNS ENTITLED: "STUDENTS RECEIVING FREE LUNCH" AND "ALL OTHER STUDENTS". EACH TABLE SHALL SHOW THE ACADEMIC GROWTH AVERAGES, CALCULATED PURSUANT TO SECTION 22-7-604, FOR EACH OF THE TWO COLUMNS. THE TABLES SHALL BE CLEARLY DELINEATED BY COLOR OR SHADING.

(d) **Internet information.** The accountability report shall contain the following statement: "~~School Accountability Reports prepared by the Colorado Department of Education are independently audited and verified by [name of the consulting firm whose services are procured pursuant to section 22-7-606 (4)].~~" At the bottom of the title page of the accountability report shall appear the following statement: "For more information on additional schools, visit www.state.co.us/schools".

(5) **Safety and school environment.** The accountability report shall contain a page clearly marked as the "Safety and School Environment" page containing the following:

(a) This page shall contain the subtitle, "Safe and Orderly School Features" and the words "Your School". Immediately underneath the words "Your School" shall be a table with the following three columns:

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- (I) The first column shall contain the following ~~six~~ EIGHT lines:
 - (A) ~~"Allows after-school programs";~~
 - (B) ~~"Requires student uniforms";~~
 - (C) "Encourages community programs in school building";
 - (D) "Conducts home visits";
 - (E) "Has a closed campus"; ~~and~~
 - (F) "Requires parental conferences";
 - (G) "ENCOURAGES PARENTAL INVOLVEMENT";
 - (H) "MAINTAINS A SCHOOL SAFETY PLAN";
 - (I) "MAINTAINS A BULLY PREVENTION PLAN"; AND
 - (J) "MAINTAINS A DISCIPLINE CODE".

(b) **Safety and discipline.** The "Safety and School Environment" page shall contain the subtitle, "Safety and Discipline" and the following explanation: "Safe schools are a top priority for parents, teachers, and communities. Your school's safety and discipline record for the [year] - [year] school year is:". Immediately underneath this explanation shall be a table with the following ~~seven~~ EIGHT columns:

(II) The second column shall be entitled "Number of Incidents Reported". THE THIRD COLUMN SHALL BE ENTITLED "RATE PER 100 STUDENTS". Above the ~~third;~~ fourth, fifth, sixth, ~~and~~ seventh, AND EIGHTH columns shall appear the words "Action Taken". These columns shall be entitled "In-School Suspension", "Out-of-School Suspension", "Expulsion", "Referred to Law Enforcement", and "Other". This table shall report information collected pursuant to rules promulgated by the state board.

(d) **Student information over time.** The "Safety and School Environment" page shall contain the subtitle, "Student Information Over Time". Immediately underneath this subtitle shall be a table with four columns:

(I) The first column shall contain:

(C) ~~"Safety and Discipline Total Incidents Reported";~~

(e) **Ratings description.** ON AND AFTER JULY 1, 2003, directly below the information contained in paragraph (d) of this subsection (5) shall appear: ~~a chart containing the following two columns:~~

(I) ~~The first column shall be entitled "overall academic performance ratings" in bold font and capital letters. Immediately following this title shall be the following words listed in a column, each preceded by a bullet point: "Excellent", "High", "Average", "Low", and "Unsatisfactory".~~

(II) ~~The second column shall be~~ A COLUMN entitled "school improvement" "ACADEMIC GROWTH ratings" in bold font and capital letters. Immediately following this title shall be the following words listed in a column, each preceded by a bullet point: ~~"Significant Improvement"; "Improvement"; "Stable"; "Decline"; and "Significant Decline"~~ "EXCEPTIONAL"; "ABOVE AVERAGE"; "AVERAGE"; "LOW"; AND "UNSATISFACTORY".

(III) IMMEDIATELY FOLLOWING THE COLUMN DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (e), IN REGULAR AND SMALLER FONT, A COLUMN ENTITLED "ACADEMIC RATING OF NEW STUDENTS ENROLLED*" AND BELOW THIS TITLE SHALL BE THE CATEGORIES OF "ADVANCED"; "PROFICIENT"; "PARTIALLY PROFICIENT"; AND "UNSATISFACTORY".

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(IV) DIRECTLY BELOW THE COLUMN DESCRIBED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (e) THE FOLLOWING EXPLANATION: "*BECAUSE THEY ARE NEW TO ANY COLORADO PUBLIC SCHOOL, THE SCORES OF THESE STUDENTS DO NOT COUNT IN THE CALCULATION OF THE SCHOOL'S ACADEMIC GROWTH RATING.".

(6) **Staff information.** The accountability report shall contain a page clearly marked as the "About Our Staff" page in large font which shall contain the following information:

(a) This page shall contain the subtitle, "School Employment" and the following explanation: "Each year, your school reports to the Colorado Department of Education on the number of adults who work in your school, as well as the type of work they do. Last year, your school employed:". Immediately underneath this subtitle shall be a table with three columns:

(I) The first column shall contain the following five lines:

(D) "Other LICENSED Professionals**";

(III) Directly below this table shall appear: "*Full-time and part-time teachers permanently assigned to this school.". Immediately underneath this explanation shall appear the following sentence: "***School counselors and librarians are included in the Other LICENSED Professionals category. Your school employed [number] counselor(s) and [number] librarian(s) last year.

~~(b) **Students-per-teacher ratio.** The "About Our Staff" page shall contain the subtitle, "Students-per-Teacher Ratio". Immediately underneath this subtitle shall be a table with three columns:~~

~~(I) The first column shall contain lines listing each grade level in the school, except that, for elementary schools, the column shall begin at "Grade 1" and shall not list pre-kindergarten or kindergarten.~~

~~(II) The second column shall be entitled "Student Enrollment" and the third column shall be entitled "Students per Teacher".~~

(c) **Professional experience of teachers.** The "About Our Staff" page shall also contain the subtitle, "Professional Experience of Teachers". Immediately underneath this subtitle shall be a table with three columns:

(I) For accountability reports for high schools, middle schools, and junior high schools, the first column shall contain the following seven SIX lines:

(A) "Average years of teaching experience";

(B) "Percentage of teachers teaching the subject SUBJECT(S) in which they received their degree(s) ARE LICENSED";

(C) "Teachers' average days absent";

(D) ~~Number~~ "PERCENTAGE of teachers who left the school and school district last year";

(E) ~~Teachers~~ "PERCENTAGE OF TEACHERS with tenure"; for purposes of this sub-subparagraph (E), the data used shall describe teachers who have obtained nonprobationary status pursuant to the provisions of part 2 of article 63 of this title FOUR OR MORE YEARS OF TEACHING EXPERIENCE WITHIN THE SCHOOL;

(F) ~~Teachers without tenure~~; for purposes of this sub-subparagraph (F), the data used shall reflect teachers who have not obtained nonprobationary status pursuant to the provisions of part 2 of article 63 of this title;

(G) ~~Number of professional development days~~;

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(H) "PERCENTAGE OF TEACHERS POSSESSING ADVANCED DEGREES"; AND

(I) "NUMBER OF TEACHERS WITH NATIONAL BOARD CERTIFICATION".

(I.5) For accountability reports for elementary schools, the first column shall contain the following ~~six~~ FIVE lines:

(A) "Average years of teaching experience";

(B) "Teachers' average days absent";

(C) ~~Number~~ "PERCENTAGE of teachers who left the school and school district last year";

(D) ~~Teachers~~ "PERCENTAGE OF TEACHERS with tenure"; for purposes of this sub-subparagraph (E), the data used shall describe teachers who have obtained nonprobationary status pursuant to the provisions of part 2 of article 63 of this title FOUR OR MORE YEARS OF TEACHING EXPERIENCE WITHIN THE SCHOOL;

(E) ~~Teachers without tenure~~; for purposes of this sub-subparagraph (E), the data used shall reflect teachers who have not obtained nonprobationary status pursuant to the provisions of part 2 of article 63 of this title;

(F) ~~Number of professional development days~~;

(G) "PERCENTAGE OF TEACHERS POSSESSING ADVANCED DEGREES"; AND

(H) "NUMBER OF TEACHERS WITH NATIONAL BOARD CERTIFICATION".

(d) **Salaries.** The "About Our Staff" page shall also include the subtitle, "Salaries". Directly below this subtitle shall be a table with four columns:

(IV) Immediately following, ~~shall be the name, address, and telephone number of the school on which the accountability report is prepared. Following this,~~ at the bottom of the page shall be: "For more information and further details about this report, CALL OR WRITE [NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SCHOOL] OR visit: www.state.co.us/schools". The last line of the page shall be: "Colorado Department of Education [address]".

(7) **Student performance.** (d) Directly below the "CSAP" key shall appear a table entitled "Percent of Students Scoring Proficient and Advanced". This table shall contain four columns: ~~and a pie chart:~~

(II) The second column shall be entitled "Your School", the third column shall be entitled "District", and the fourth column shall be entitled "State". ~~The pie chart shall be entitled "Student Test Scores Used for Calculating Overall Academic Performance".~~

(III) ~~The pie chart shall have an answer key directly to the right containing the following information:~~

(A) ~~"Test Scores Used....[percentage]_%";~~

(B) ~~"Test scores not used due to Language.... [percentage]_%";~~

(C) ~~"Test scores not used due to Special Ed.... [percentage]_%";~~
and

(D) ~~"Test scores not used due to New Student.... [percentage]_%".~~

(IV) ~~This chart shall report information collected pursuant to section 22-7-409.~~

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(V) Immediately underneath the table and chart described in this paragraph (d), the accountability report shall contain the following explanation ~~in a small point size~~ IN A CLEARLY LEGIBLE SIZE: "Each school in the state received a rating of ~~"excellent", "high", "EXCEPTIONAL", "ABOVE AVERAGE", "average", "low", or "unsatisfactory"~~ for student academic performance GROWTH in school year [year]-[year], ~~using the CSAP results printed above~~ MEASURED BY COMPARING THE SCORES OF STUDENT TESTS FROM THE PREVIOUS SCHOOL YEAR AND THE SCHOOL YEAR PRECEDING THE PREVIOUS SCHOOL YEAR. Every student in this school who took these tests was included in the calculation used to assign a rating, except for THE students who do not speak English, or who are eligible for the state alternate assessment for students with disabilities, or who enrolled in the public school after February 1 of this school year. ~~The percentages of students whose scores were included in the calculation or were not included in each of the three categories is shown on the above chart. Your school's rating was determined by the percentage of students performing in each of the Advanced, Proficient, Partially Proficient, and Unsatisfactory levels. These percentages were weighted and combined across grade levels and academic areas. These weights reward performance at the Advanced and Proficient levels over performance at the Partially Proficient and Unsatisfactory levels. The ratings were assigned after calculating the weighted total for each academic area and grade level for each school and comparing this school to all other [school level] schools for the [year]-[year] school year."~~ DESCRIBED IN SECTION 22-7-409 (1.2) (d) (I), C.R.S."

(VI) ON AND AFTER JULY 1, 2003, below this explanation shall appear in a bold, large font, clearly outstanding: "Overall "Academic Performance GROWTH for the [year]-[year] school year", followed directly by the rating corresponding to this category calculated pursuant to section 22-7-604 ~~(5)~~ (3) for the school.

(8) School performance history. (a) ON AND AFTER JULY 1, 2003, the accountability report shall contain a page clearly marked in large font as the "School PERFORMANCE History" page. Below the title "School PERFORMANCE History" shall appear the words "Overall "Academic Performance GROWTH" followed by the ratings received by the school pursuant to section 22-7-604 ~~(5)~~ in the current year, the immediately preceding year, and the year before the immediately preceding year, IF AVAILABLE. The three ratings shall form three columns. The columns shall be labeled by the appropriate school year.

(b) ~~Immediately below the words "Overall "Academic Performance" shall appear the words "School Improvement." The words "School Improvement" shall be followed by the rating the public school received pursuant to section 22-7-604 (6) in the current year, the immediately preceding year, and the year before the immediately preceding year.~~

(c) (Deleted by amendment, L. 2001, p. 1481, § 5, effective June 8, 2001.)

(d) Directly below the information contained in paragraphs ~~(a) and (b)~~ PARAGRAPH (a) of this subsection (8) shall appear a paragraph in small point size that states: "Each school receives a school improvement AN ACADEMIC GROWTH rating of ~~"significant improvement", "improvement", "stable", "decline", or "significant decline"~~ "EXCEPTIONAL", "ABOVE AVERAGE", "AVERAGE", "LOW", OR "UNSATISFACTORY". This rating is based upon the change in student academic performance from the previous year. Each school can improve its rating next year by improving student performance on the [year]-[year] [next academic year] CSAP."

(e) Below the paragraph specified in paragraph (d) of this subsection (8) shall appear three ~~charts~~ TABLES, ARRANGED HORIZONTALLY. Each of the three ~~charts~~ TABLES shall represent one of the three subject areas tested by the CSAP, "Reading", "Writing", and "Math". Each ~~chart~~ TABLE shall contain on the left the following lines: "ACADEMIC GROWTH IN [Subject Matter Tested], Proficiency Levels Grades - ". ~~Percent Proficient and Advanced"~~. It shall then list on separate lines ALONG THE VERTICAL AXIS the ~~three most recent years and~~

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~~the combined advanced and proficient scores as a percentage for each year on the assessment given pursuant to section 22-7-409 GRADES OFFERED IN THAT SCHOOL FOR WHICH THERE ARE CSAP SCORES. To the right of this text shall be ~~graphs with three bars~~ TABLES that show ~~averages~~ ACADEMIC GROWTH AVERAGES, ~~figured~~ CALCULATED pursuant to section 22-7-409 in one hundred percent stacked columns 22-7-604, for THE CURRENT YEAR AND each of the immediately preceding ~~three~~ TWO years. Such years shall appear on the horizontal axis of the ~~chart~~ TABLES. The ~~charts~~ TABLES shall be clearly delineated by color or shading. From top to bottom, the ~~charts~~ shall show the area representing "Advanced", "Proficient", "Partially Proficient", and "Unsatisfactory", respectively.~~

(f) BELOW THE TABLES SPECIFIED IN PARAGRAPH (e) OF THIS SUBSECTION (8) SHALL APPEAR A SET OF THREE TABLES, ARRANGED HORIZONTALLY. EACH OF THE THREE TABLES SHALL REPRESENT ONE OF THE THREE SUBJECT AREAS TESTED BY THE CSAP, "READING", "WRITING", AND "MATH". EACH TABLE SHALL CONTAIN ON THE LEFT THE FOLLOWING LINES: "ACADEMIC GROWTH IN [SUBJECT MATTER TESTED] BY RACE". IT SHALL THEN LIST ON SEPARATE LINES ALONG THE VERTICAL AXIS THE GRADES OFFERED IN THAT SCHOOL FOR WHICH THERE ARE CSAP SCORES. TO THE RIGHT OF THIS TEXT SHALL BE TABLES THAT SHOW ACADEMIC GROWTH AVERAGES, CALCULATED PURSUANT TO SECTION 22-7-604, FOR THE IMMEDIATELY PRECEDING YEAR. ALONG THE HORIZONTAL AXIS OF EACH TABLE SHALL BE LISTED THE RACIAL CATEGORIES USED BY THE DEPARTMENT IN COLLECTING DATA PURSUANT TO THIS PART 6. THE TABLES SHALL BE CLEARLY DELINEATED BY COLOR OR SHADING.

(10) The department shall make ~~only the~~ necessary modifications to the accountability report to ensure that a public school's accountability report is formatted with the appropriate information for elementary schools, middle schools, junior high schools, and senior high schools. The department shall employ such layout, design, color, and graphical elements necessary for the accountability report to be parent-friendly and easy to read and to enhance rather than detract from the data to be reported. THE DEPARTMENT SHALL BE AUTHORIZED TO RECONFIGURE AND REARRANGE THE DATA PRESENTED IN THE ACCOUNTABILITY REPORT DUE TO THE SPACE LIMITATIONS OF THE REPORT. If a school fails to report data, the department shall clearly note on the school accountability report: "Data not reported to state".

SECTION 40. Repeal. 22-7-605 (9), Colorado Revised Statutes, is repealed.

SECTION 41. 22-7-605, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

22-7-605. School accountability reports - format. (9.5) THE DEPARTMENT SHALL NOT INCLUDE ON ANY SCHOOL ACCOUNTABILITY REPORT A STATEMENT THAT THE INFORMATION PROVIDED IN SAID REPORT IS INDEPENDENTLY AUDITED AND VERIFIED FOR ACCURACY UNLESS SUCH INFORMATION HAS IN FACT BEEN SO AUDITED AND VERIFIED.

(12) (a) NO GENERAL FUND MONEYS SHALL BE APPROPRIATED FOR THE PURPOSES OF IMPLEMENTING THE AMENDMENTS TO THIS SECTION EFFECTIVE ON THE EFFECTIVE DATE OF THIS SUBSECTION (12).

(b) THE DEPARTMENT SHALL IMPLEMENT SAID AMENDMENTS ONLY IF IT RECEIVES SUFFICIENT MONEYS, AS DETERMINED BY THE STATE BOARD OF EDUCATION, FROM SOURCES OTHER THAN STATE GENERAL FUND APPROPRIATIONS, INCLUDING BUT NOT LIMITED TO FEDERAL MONEYS RECEIVED PURSUANT TO THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110. IN THE EVENT THE DEPARTMENT DOES NOT RECEIVE SAID SUFFICIENT MONEYS, AS DETERMINED BY THE STATE BOARD OF EDUCATION, THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS OF SECTION 22-7-605.1 IN LIEU OF IMPLEMENTING THE PROVISIONS OF THIS SECTION.

SECTION 42. Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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22-7-605.1. School accountability reports - format.

(1) STARTING IN THE ACADEMIC YEAR 2000-01, AND FOR EACH ACADEMIC YEAR THEREAFTER, EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-7-605 (12), THE DEPARTMENT SHALL ISSUE AN ACCOUNTABILITY REPORT FOR EACH PUBLIC SCHOOL IN THE STATE. THE ACCOUNTABILITY REPORT SHALL BE ISSUED IN AN EASY-TO-READ FORMAT AND SHALL INCLUDE THE PUBLIC SCHOOL'S OVERALL ACADEMIC PERFORMANCE RATING. THE DEPARTMENT SHALL UTILIZE THE METHODOLOGY DESCRIBED IN SECTION 22-7-604 AND THE STATE DATA REPORTING SYSTEM ESTABLISHED PURSUANT TO SECTION 22-7-603 TO PREPARE AN ACCOUNTABILITY REPORT FOR EVERY PUBLIC SCHOOL.

(2) (a) (I) TERMS AND DATA ELEMENTS USED IN THE STATE SCHOOL ACCOUNTABILITY REPORTS SHALL BE AS DEFINED IN THE CHART OF ACCOUNTS AND PERSONNEL CLASSIFICATION SYSTEM DEVELOPED PURSUANT TO SECTION 22-44-105 (4) (a).

(II) ON OR BEFORE SEPTEMBER 1, 2000, THE STATE BOARD BY RULE SHALL DEFINE, CONSISTENT WITH THE PROVISIONS OF THIS PART 6, ANY ADDITIONAL DATA ELEMENTS INCLUDED ON THE SCHOOL ACCOUNTABILITY REPORTS AND THE INFORMATION THAT SHALL BE COLLECTED AND REPORTED TO ENSURE THE EXISTENCE, ACCURACY, AND RELEVANCY OF THE DATA ELEMENTS REPORTED ON THE SCHOOL ACCOUNTABILITY REPORTS DEVELOPED PURSUANT TO THIS SECTION.

(b) EACH PUBLIC SCHOOL AND SCHOOL DISTRICT SHALL REPORT ACCURATELY ANY DATA REQUIRED TO PRODUCE A SCHOOL ACCOUNTABILITY REPORT FOR EACH PUBLIC SCHOOL, USING WHENEVER POSSIBLE THE STATE DATA REPORTING SYSTEM DESCRIBED IN SECTION 22-7-603. THE STATE BOARD SHALL SEEK TO MINIMIZE AND ELIMINATE THE DUPLICATION OF DATA REPORTING REQUIRED UNDER THIS SECTION AND THAT REQUIRED BY OTHER STATE OR FEDERAL STATUTES OR RULES SO THAT SCHOOL DISTRICTS MAY SATISFY MULTIPLE REPORTING REQUIREMENTS WITHIN A SINGLE REPORTING FRAMEWORK. THE STATE BOARD IN PARTICULAR SHALL NOTE THE DATA COLLECTION AND REPORTING ALREADY REQUIRED AND CONDUCTED BY THE DEPARTMENT, PUBLIC SCHOOLS, AND SCHOOL DISTRICTS IN SECTIONS 22-2-112, 22-7-105, 22-11-104, 22-11-201, 22-30.5-110, 22-32-109, 22-32-110, 22-33-105, 22-44-105, 22-44-111, AND 22-54-112.

(c) EACH PUBLIC SCHOOL AND EACH SCHOOL DISTRICT SHALL MEET DATA SUBMISSION TIMETABLES ADOPTED BY RULE OF THE STATE BOARD IN ORDER TO COMPLY WITH THE SCHEDULE REQUIRED BY THIS SECTION TO PRODUCE THE ACCOUNTABILITY REPORTS. IF, AFTER A REASONABLE PERIOD OF TIME, THE DEPARTMENT DETERMINES THAT A PUBLIC SCHOOL OR A SCHOOL DISTRICT HAS FAILED TO COMPLY FULLY AND ACCURATELY WITH THE DATA REPORTING AND COLLECTION REQUIREMENTS OF THIS SECTION, THE STATE BOARD SHALL RESCIND THE ACCREDITATION OF THE SCHOOL DISTRICT PURSUANT TO ARTICLE 11 OF THIS TITLE.

(d) IF THE STATE BOARD DETERMINES THAT A SCHOOL DISTRICT OR ONE OR MORE OF THE PUBLIC SCHOOLS IN A SCHOOL DISTRICT IS IN WILLFUL NONCOMPLIANCE WITH THE PROVISIONS OF THIS SECTION, THE STATE'S SHARE OF THE SCHOOL DISTRICT'S TOTAL PROGRAM, AS DETERMINED BY ARTICLE 54 OF THIS TITLE, SHALL BE SUBJECT TO FORFEITURE UNTIL THE SCHOOL DISTRICT AND EACH PUBLIC SCHOOL IN THE DISTRICT COMPLIES WITH THE PROVISIONS OF THIS SECTION.

(3) (a) THE ACCOUNTABILITY REPORT PRODUCED FOR EACH PUBLIC SCHOOL PURSUANT TO THIS SECTION SHALL NOT CONTAIN ANY INFORMATION OTHER THAN THE INFORMATION SPECIFIED IN THIS SECTION. THE INFORMATION SPECIFIED IN THIS SECTION SHALL BE ARRANGED ON THE ACCOUNTABILITY REPORT IN THE ORDER IT APPEARS IN THIS SECTION.

(b) EACH ACCOUNTABILITY REPORT SHALL BE PRINTED DOUBLE-SIDED ON PAPER ELEVEN INCHES BY SEVENTEEN INCHES. THE TWO SIDES SHALL CONTAIN THE FOLLOWING:

(I) ONE SIDE SHALL CONTAIN THE FOLLOWING THREE DIVISIONS FROM LEFT TO RIGHT:

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(A) "SAFETY AND SCHOOL ENVIRONMENT", AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION;

(B) "TAXPAYERS' REPORT", AS DESCRIBED IN SUBSECTION (9) OF THIS SECTION; AND

(C) THE TITLE PAGE AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION; AND

(II) THE OTHER SIDE OF THE PAPER SHALL CONTAIN THE FOLLOWING THREE DIVISIONS FROM LEFT TO RIGHT:

(A) "STUDENT PERFORMANCE", AS DESCRIBED IN SUBSECTION (7) OF THIS SECTION;

(B) "SCHOOL HISTORY", AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION; AND

(C) "ABOUT OUR STAFF", AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(c) THE ACCOUNTABILITY REPORT SHALL BE FOLDED IN SUCH A WAY THAT THE ELEVEN-BY-SEVENTEEN-INCH PAPER HAS TWO FOLDS TO COMPRISE SIX PANELS, CORRESPONDING TO THE ABOVE DIVISIONS AND THAT AFTER FOLDING ONLY THE TITLE PAGE AND THE "TAXPAYERS' REPORT" PAGE APPEAR.

(4) **Title page.** INFORMATION DESCRIBED IN PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (4) SHALL APPEAR ON THE FRONT OF THE ACCOUNTABILITY REPORT:

(a) **Title.** THE ACCOUNTABILITY REPORT SHALL INCLUDE IN LARGE FONT, SUPERIMPOSED ON A FAINT RENDITION OF THE STATE SEAL, THE NAME OF THE PUBLIC SCHOOL. IMMEDIATELY UNDERNEATH SHALL BE THE WORDS "SCHOOL ACCOUNTABILITY REPORT" AND "[YEAR]-[YEAR] SCHOOL YEAR" ON WHICH THE INFORMATION IN THE ACCOUNTABILITY REPORT IS BASED.

(b) **Ratings.** (I) THE ACCOUNTABILITY REPORT SHALL CONTAIN A HEADING "SCHOOL PERFORMANCE SUMMARY" IMMEDIATELY FOLLOWED IN LARGE FONT BY THE WORDS, "OVERALL ACADEMIC PERFORMANCE" FOLLOWED DIRECTLY BY THE RATING CORRESPONDING TO THIS CATEGORY CALCULATED PURSUANT TO SECTION 22-7-604 FOR THE PUBLIC SCHOOL.

(II) (A) IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" SHALL APPEAR IN SMALLER TYPE "ACADEMIC IMPROVEMENT: RATING CALCULATED PURSUANT TO SECTION 22-7-604 (6)". THE RATING SHALL BE IN THE SAME SIZE TYPE AS THE WORDS "ACADEMIC IMPROVEMENT".

(B) IF THE SCHOOL QUALIFIES FOR AN AWARD PURSUANT TO PART 3 OF ARTICLE 11 OF THIS TITLE, IMMEDIATELY BELOW THE WORDS "ACADEMIC IMPROVEMENT" SHALL APPEAR THE WORDS: "WINNER OF A JOHN IRWIN SCHOOL OF EXCELLENCE AWARD FOR THE [YEAR - YEAR] SCHOOL YEAR." OR "WINNER OF A GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARD FOR THE [YEAR - YEAR] SCHOOL YEAR.", WHICHEVER IS APPROPRIATE.

(c) **Comparison.** THE ACCOUNTABILITY REPORT SHALL CONTAIN THE FOLLOWING SUBTITLE, "HOW [NAME OF THE PUBLIC SCHOOL] COMPARES TO NEARBY [SCHOOL LEVEL] SCHOOLS". BELOW THIS SUBTITLE, THE ACCOUNTABILITY REPORT SHALL CONTAIN A LIST OF THE TEN SCHOOLS, WHETHER PUBLIC OR PRIVATE, OF THE SAME SCHOOL LEVEL AS THE SUBJECT SCHOOL THAT ARE CLOSEST GEOGRAPHICALLY TO THE SUBJECT PUBLIC SCHOOL AND THAT RECEIVED AN ACCOUNTABILITY REPORT PURSUANT TO THIS PART 6; EXCEPT THAT NO SCHOOL SHALL BE LISTED IF IT IS LOCATED MORE THAN SEVENTY-FIVE MILES FROM THE SUBJECT PUBLIC SCHOOL. IMMEDIATELY FOLLOWING THE NAME OF EACH SCHOOL SHALL BE THE OVERALL ACADEMIC PERFORMANCE RATING FOR EACH SCHOOL AS CALCULATED PURSUANT TO SECTION 22-7-604 (5). THE NAMES OF THE TEN SCHOOLS AND THE OVERALL ACADEMIC PERFORMANCE

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RATINGS SHALL FORM TWO COLUMNS, TITLED "SCHOOL" AND "ACADEMIC". IF ANY OF THE TEN SCHOOLS USED FOR COMPARISON FOR THIS PARAGRAPH (c) ARE FROM A DIFFERENT SCHOOL DISTRICT OR ARE NONPUBLIC SCHOOLS, A FOOTNOTE NUMBER SHALL BE INSERTED AFTER THE NAME OF EACH SUCH SCHOOL AND A FOOTNOTE SHALL FOLLOW THE LISTING OF THE TEN SCHOOLS IDENTIFYING THE OTHER SCHOOL DISTRICT OR NONPUBLIC SCHOOLS.

(d) **Preparation and verification information.** THE ACCOUNTABILITY REPORT SHALL CONTAIN THE FOLLOWING STATEMENT: "SCHOOL ACCOUNTABILITY REPORTS PREPARED BY THE COLORADO DEPARTMENT OF EDUCATION ARE INDEPENDENTLY AUDITED AND VERIFIED BY [NAME OF THE CONSULTING FIRM WHOSE SERVICES ARE PROCURED PURSUANT TO SECTION 22-7-606(4)]." AT THE BOTTOM OF THE TITLE PAGE OF THE ACCOUNTABILITY REPORT SHALL APPEAR THE FOLLOWING STATEMENT: "FOR MORE INFORMATION ON ADDITIONAL SCHOOLS, VISIT WWW.STATE.CO.US/SCHOOLS".

(5) **Safety and school environment.** THE ACCOUNTABILITY REPORT SHALL CONTAIN A PAGE CLEARLY MARKED AS THE "SAFETY AND SCHOOL ENVIRONMENT" PAGE CONTAINING THE FOLLOWING:

(a) THIS PAGE SHALL CONTAIN THE SUBTITLE, "SAFE AND ORDERLY SCHOOL FEATURES" AND THE WORDS "YOUR SCHOOL". IMMEDIATELY UNDERNEATH THE WORDS "YOUR SCHOOL" SHALL BE A TABLE WITH THE FOLLOWING THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING SIX LINES:

- (A) "ALLOWS AFTER-SCHOOL PROGRAMS";
- (B) "REQUIRES STUDENT UNIFORMS";
- (C) "ENCOURAGES COMMUNITY PROGRAMS IN SCHOOL BUILDING";
- (D) "CONDUCTS HOME VISITS";
- (E) "HAS A CLOSED CAMPUS"; AND
- (F) "REQUIRES PARENTAL CONFERENCES".

(II) THE SECOND COLUMN SHALL BE ENTITLED "DOES", THE THIRD COLUMN SHALL BE ENTITLED "DOES NOT". THE TABLE SHALL INDICATE WITH CHECK MARKINGS IN A SMALL BOX IN EITHER THE SECOND OR THIRD COLUMN WHETHER THE PUBLIC SCHOOL DOES OR DOES NOT TAKE THE ACTIONS OR PROVIDE THE CONDITIONS DESCRIBED IN THE FIRST COLUMN.

(b) **Safety and discipline.** THE "SAFETY AND SCHOOL ENVIRONMENT" PAGE SHALL CONTAIN THE SUBTITLE, "SAFETY AND DISCIPLINE" AND THE FOLLOWING EXPLANATION: "SAFE SCHOOLS ARE A TOP PRIORITY FOR PARENTS, TEACHERS, AND COMMUNITIES. YOUR SCHOOL'S SAFETY AND DISCIPLINE RECORD FOR THE [YEAR] - [YEAR] SCHOOL YEAR IS:". IMMEDIATELY UNDERNEATH THIS EXPLANATION SHALL BE A TABLE WITH THE FOLLOWING SEVEN COLUMNS:

(I) THE FIRST COLUMN, ENTITLED "TYPE OF INCIDENT", SHALL CONTAIN THE FOLLOWING SEVEN LINES:

- (A) "SUBSTANCE ABUSE -- DRUGS";
- (A.5) "SUBSTANCE ABUSE -- ALCOHOL";
- (B) "SUBSTANCE ABUSE -- TOBACCO";
- (C) "ASSAULTS/FIGHTS";
- (D) "HABITUALLY DISRUPTIVE STUDENTS";
- (E) "DEADLY WEAPONS"; AND
- (F) "OTHER VIOLATIONS OF CODE OF CONDUCT".

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(II) THE SECOND COLUMN SHALL BE ENTITLED "NUMBER OF INCIDENTS REPORTED". ABOVE THE THIRD, FOURTH, FIFTH, SIXTH, AND SEVENTH COLUMNS SHALL APPEAR THE WORDS "ACTION TAKEN". THESE COLUMNS SHALL BE ENTITLED "IN-SCHOOL SUSPENSION", "OUT-OF-SCHOOL SUSPENSION", "EXPULSION", "REFERRED TO LAW ENFORCEMENT", AND "OTHER". THIS TABLE SHALL REPORT INFORMATION COLLECTED PURSUANT TO RULES PROMULGATED BY THE STATE BOARD.

(c) **Student attendance and time spent in classroom.** THE "SAFETY AND SCHOOL ENVIRONMENT" PAGE SHALL CONTAIN THE SUBTITLE, "STUDENT ATTENDANCE AND TIME SPENT IN CLASSROOM". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL APPEAR A TABLE WITH TWO COLUMNS AND A GRAPH AS FOLLOWS:

(I) FOR ACCOUNTABILITY REPORTS FOR MIDDLE, JUNIOR HIGH, AND HIGH SCHOOLS, THE FIRST COLUMN SHALL CONTAIN THE SCHOOL YEAR ON WHICH THE INFORMATION IN THE ACCOUNTABILITY REPORT IS BASED AND THE FOLLOWING SIX LINES:

- (A) "LENGTH OF SCHOOL YEAR";
- (B) "ENROLLMENT";
- (C) "AVERAGE DAILY ATTENDANCE";
- (D) "STUDENT DROPOUTS";
- (E) "STUDENTS PER TOTAL STAFF"; AND

(F) "ANNUAL NUMBER OF TEACHER DAYS SCHEDULED WITHOUT STUDENT CONTACT".

(I.5) FOR ACCOUNTABILITY REPORTS FOR ELEMENTARY SCHOOLS, THE FIRST COLUMN SHALL CONTAIN THE SCHOOL YEAR ON WHICH THE INFORMATION IN THE ACCOUNTABILITY REPORT IS BASED AND THE FOLLOWING FIVE LINES:

- (A) "LENGTH OF SCHOOL YEAR";
- (B) "ENROLLMENT";
- (C) "AVERAGE DAILY ATTENDANCE";
- (D) "STUDENTS PER TOTAL STAFF"; AND

(E) "ANNUAL NUMBER OF TEACHER DAYS SCHEDULED WITHOUT STUDENT CONTACT".

(II) THE SECOND COLUMN SHALL BE HEADED "YOUR SCHOOL" AND SHALL CONTAIN THE DATA RELATED TO EACH ITEM IN THE FIRST COLUMN.

(III) FOR ACCOUNTABILITY REPORTS FOR MIDDLE, JUNIOR HIGH, AND HIGH SCHOOLS, IMMEDIATELY TO THE RIGHT OF THE TABLE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), SHALL BE A GRAPH TITLED "DROPOUT RATE". THE GRAPH SHALL HAVE TWO BARS, ONE FOR THE PREVIOUS ACADEMIC YEAR AND ONE FOR THE ACADEMIC YEAR ON WHICH THE ACCOUNTABILITY REPORT IS BASED. THE BARS SHALL BE LABELED WITH THE YEARLY DATES. THE GRAPH SHALL SHOW THE STUDENT DROPOUT RATE FOR SAID TWO YEARS.

(IV) FOR ACCOUNTABILITY REPORTS FOR ELEMENTARY SCHOOLS, IMMEDIATELY TO THE RIGHT OF THE TABLE DESCRIBED IN SUBPARAGRAPH (I.5) OF THIS PARAGRAPH (c), SHALL BE A GRAPH TITLED "AVERAGE DAILY ATTENDANCE". THE GRAPH SHALL HAVE TWO BARS, ONE FOR THE PREVIOUS ACADEMIC YEAR AND ONE FOR THE ACADEMIC YEAR ON WHICH THE ACCOUNTABILITY REPORT IS BASED. THE BARS SHALL BE LABELED WITH THE YEARLY DATES. THE GRAPH SHALL SHOW THE AVERAGE DAILY ATTENDANCE FOR SAID TWO YEARS.

(d) **Student information over time.** THE "SAFETY AND SCHOOL ENVIRONMENT" PAGE SHALL CONTAIN THE SUBTITLE, "STUDENT

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INFORMATION OVER TIME". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH FOUR COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN:

(A) "STUDENT AVERAGE DAILY ATTENDANCE";

(B) "STUDENT DROPOUTS";

(C) "SAFETY AND DISCIPLINE TOTAL INCIDENTS REPORTED";

(D) "STUDENT ENROLLMENT STABILITY";

(E) "STUDENTS ELIGIBLE FOR FREE LUNCH";

(II) THE SECOND AND SUBSEQUENT COLUMNS SHALL CONTAIN THE YEAR THAT THE DATA WAS COMPILED, FOR THE CURRENT YEAR AND TWO PREVIOUS YEARS. THE ITEMS IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE REPORTED IN PERCENTAGES AND THE ITEM IN SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE REPORTED AS A WHOLE NUMBER.

(III) AS USED IN THIS PARAGRAPH (d), "STUDENT ENROLLMENT STABILITY" MEANS THE PERCENTAGE OF THE STUDENTS ENROLLED IN THE PUBLIC SCHOOL ON OCTOBER 1 OF ANY ACADEMIC YEAR WHO ARE STILL ENROLLED IN THE PUBLIC SCHOOL ON FEBRUARY 1 OF THE SAME ACADEMIC YEAR.

(e) **Ratings description.** DIRECTLY BELOW THE INFORMATION CONTAINED IN PARAGRAPH (d) OF THIS SUBSECTION (5) SHALL APPEAR A CHART CONTAINING THE FOLLOWING TWO COLUMNS:

(I) THE FIRST COLUMN SHALL BE ENTITLED "OVERALL ACADEMIC PERFORMANCE RATINGS" IN BOLD FONT AND CAPITAL LETTERS. IMMEDIATELY FOLLOWING THIS TITLE SHALL BE THE FOLLOWING WORDS LISTED IN A COLUMN, EACH PRECEDED BY A BULLET POINT: "EXCELLENT"; "HIGH"; "AVERAGE"; "LOW"; AND "UNSATISFACTORY".

(II) THE SECOND COLUMN SHALL BE ENTITLED "SCHOOL IMPROVEMENT RATINGS" IN BOLD FONT AND CAPITAL LETTERS. IMMEDIATELY FOLLOWING THIS TITLE SHALL BE THE FOLLOWING WORDS LISTED IN A COLUMN, EACH PRECEDED BY A BULLET POINT: "SIGNIFICANT IMPROVEMENT"; "IMPROVEMENT"; "STABLE"; "DECLINE"; AND "SIGNIFICANT DECLINE".

(6) **Staff information.** THE ACCOUNTABILITY REPORT SHALL CONTAIN A PAGE CLEARLY MARKED AS THE "ABOUT OUR STAFF" PAGE IN LARGE FONT WHICH SHALL CONTAIN THE FOLLOWING INFORMATION:

(a) THIS PAGE SHALL CONTAIN THE SUBTITLE, "SCHOOL EMPLOYMENT" AND THE FOLLOWING EXPLANATION: "EACH YEAR, YOUR SCHOOL REPORTS TO THE COLORADO DEPARTMENT OF EDUCATION ON THE NUMBER OF ADULTS WHO WORK IN YOUR SCHOOL, AS WELL AS THE TYPE OF WORK THEY DO. LAST YEAR, YOUR SCHOOL EMPLOYED:". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING FIVE LINES:

(A) "TEACHERS*";

(B) "PARAPROFESSIONALS";

(C) "ADMINISTRATORS";

(D) "OTHER PROFESSIONALS**";

(E) "SCHOOL SUPPORT";

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(II) THE SECOND COLUMN SHALL BE ENTITLED "YOUR SCHOOL" AND THE THIRD COLUMN SHALL BE ENTITLED "DISTRICT".

(III) DIRECTLY BELOW THIS TABLE SHALL APPEAR: "*FULL-TIME AND PART-TIME TEACHERS PERMANENTLY ASSIGNED TO THIS SCHOOL.". IMMEDIATELY UNDERNEATH THIS EXPLANATION SHALL APPEAR THE FOLLOWING SENTENCE: "**SCHOOL COUNSELORS AND LIBRARIANS ARE INCLUDED IN THE OTHER PROFESSIONALS CATEGORY. YOUR SCHOOL EMPLOYED [NUMBER] COUNSELOR(S) AND [NUMBER] LIBRARIAN(S) LAST YEAR.".

(b) **Students-per-teacher ratio.** THE "ABOUT OUR STAFF" PAGE SHALL CONTAIN THE SUBTITLE, "STUDENTS-PER-TEACHER RATIO". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN LINES LISTING EACH GRADE LEVEL IN THE SCHOOL; EXCEPT THAT, FOR ELEMENTARY SCHOOLS, THE COLUMN SHALL BEGIN AT "GRADE 1" AND SHALL NOT LIST PRE-KINDERGARTEN OR KINDERGARTEN.

(II) THE SECOND COLUMN SHALL BE ENTITLED "STUDENT ENROLLMENT" AND THE THIRD COLUMN SHALL BE ENTITLED "STUDENTS PER TEACHER".

(c) **Professional experience of teachers.** THE "ABOUT OUR STAFF" PAGE SHALL ALSO CONTAIN THE SUBTITLE, "PROFESSIONAL EXPERIENCE OF TEACHERS". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH THREE COLUMNS:

(I) FOR ACCOUNTABILITY REPORTS FOR HIGH SCHOOLS, MIDDLE SCHOOLS, AND JUNIOR HIGH SCHOOLS, THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING SEVEN LINES:

(A) "AVERAGE YEARS OF TEACHING EXPERIENCE";

(B) "PERCENTAGE OF TEACHERS TEACHING THE SUBJECT IN WHICH THEY RECEIVED THEIR DEGREE(S)";

(C) "TEACHERS' AVERAGE DAYS ABSENT";

(D) "NUMBER OF TEACHERS WHO LEFT THE SCHOOL AND SCHOOL DISTRICT LAST YEAR";

(E) "TEACHERS WITH TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (E), THE DATA USED SHALL DESCRIBE TEACHERS WHO HAVE OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

(F) "TEACHERS WITHOUT TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (F), THE DATA USED SHALL REFLECT TEACHERS WHO HAVE NOT OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

(G) "NUMBER OF PROFESSIONAL DEVELOPMENT DAYS";

(I.5) FOR ACCOUNTABILITY REPORTS FOR ELEMENTARY SCHOOLS, THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING SIX LINES:

(A) "AVERAGE YEARS OF TEACHING EXPERIENCE";

(B) "TEACHERS' AVERAGE DAYS ABSENT";

(C) "NUMBER OF TEACHERS WHO LEFT THE SCHOOL AND SCHOOL DISTRICT LAST YEAR";

(D) "TEACHERS WITH TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (D), THE DATA USED SHALL DESCRIBE TEACHERS WHO HAVE OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

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(E) "TEACHERS WITHOUT TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (E), THE DATA USED SHALL REFLECT TEACHERS WHO HAVE NOT OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

(F) "NUMBER OF PROFESSIONAL DEVELOPMENT DAYS";

(II) THE SECOND COLUMN SHALL BE ENTITLED "YOUR SCHOOL" AND THE THIRD COLUMN SHALL BE ENTITLED "DISTRICT".

(d) **Salaries.** THE "ABOUT OUR STAFF" PAGE SHALL ALSO INCLUDE THE SUBTITLE, "SALARIES". DIRECTLY BELOW THIS SUBTITLE SHALL BE A TABLE WITH FOUR COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING TWO LINES:

(A) "AVERAGE TEACHER SALARY"; AND

(B) "AVERAGE ADMINISTRATOR SALARY";

(II) THE SECOND COLUMN SHALL BE ENTITLED, "YOUR SCHOOL", THE THIRD COLUMN SHALL BE ENTITLED, "DISTRICT", AND THE FOURTH COLUMN SHALL BE ENTITLED, "STATE".

(III) IMMEDIATELY UNDERNEATH THIS TABLE, AT THE BOTTOM OF THE PAGE, SHALL APPEAR THREE LINES. THE FIRST LINE SHALL START "PRINCIPAL:" AND LIST THE SCHOOL PRINCIPAL'S NAME. THE SECOND LINE SHALL BE: "NUMBER OF YEARS AS PRINCIPAL AT THIS SCHOOL:" TO BE FOLLOWED BY THE APPROPRIATE DATA. THE THIRD LINE SHALL BE: "NUMBER OF YEARS AS PRINCIPAL AT ANY SCHOOL:" TO BE FOLLOWED BY THE APPROPRIATE DATA.

(IV) IMMEDIATELY FOLLOWING SHALL BE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SCHOOL ON WHICH THE ACCOUNTABILITY REPORT IS PREPARED. FOLLOWING THIS, AT THE BOTTOM OF THE PAGE SHALL BE: "FOR MORE INFORMATION AND FURTHER DETAILS ABOUT THIS REPORT, VISIT: WWW.STATE.CO.US/SCHOOLS". THE LAST LINE OF THE PAGE SHALL BE: "COLORADO DEPARTMENT OF EDUCATION [ADDRESS]".

(7) **Student performance.** (a) THE ACCOUNTABILITY REPORT SHALL CONTAIN A PAGE CLEARLY MARKED IN LARGE FONT AS THE "STUDENT PERFORMANCE" PAGE. THIS PAGE SHALL CONTAIN THE FOLLOWING STATEMENT IMMEDIATELY UNDER THE TITLE: "COLORADO STUDENTS ARE ASSESSED ONCE A YEAR IN ORDER TO MEASURE THEIR PERFORMANCE ON STATE ACADEMIC CONTENT STANDARDS, USING THE COLORADO STUDENT ASSESSMENT PROGRAM (CSAP). THE CHART BELOW SHOWS THE RESULTS FOR GRADES [GRADE]-[GRADE] IN THE SUBJECT AREAS OF READING, WRITING, AND MATH FOR ALL STUDENTS TESTED."

(b) (I) FOLLOWING THE TEXT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (7), A SOLID LINE SHALL APPEAR FOLLOWED BY "CSAP [YEAR] SPRING". UNDER THIS HEADING SHALL APPEAR THE CORRECT NUMBER OF COLUMNS CORRESPONDING TO EACH GRADE LEVEL IN THE PUBLIC SCHOOL THAT TOOK AT LEAST ONE TEST THROUGH THE CSAP PROGRAM. EACH COLUMN SHALL BE CLEARLY MARKED AS TO THE CORRESPONDING GRADE LEVEL. UNDERNEATH EACH GRADE LEVEL, THREE ROWS OF PIE CHARTS SHALL APPEAR. THE FIRST ROW SHALL BE CLEARLY MARKED UNDERNEATH EACH PIE CHART AS "READING", THE SECOND ROW SHALL BE CLEARLY MARKED UNDERNEATH EACH PIE CHART AS "WRITING", AND THE THIRD ROW SHALL BE CLEARLY MARKED UNDERNEATH EACH PIE CHART AS "MATH". SUCH PIE CHARTS SHALL REPORT INFORMATION COLLECTED PURSUANT TO SECTION 22-7-409 INCLUDING, BEGINNING WITH THE 2001-02 SCHOOL YEAR, THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM. ON EACH PIE CHART SHALL BE PRINTED THE CORRESPONDING PERCENTAGES. PIE CHARTS SHALL BE PRINTED IN COLOR AND SHALL CLEARLY DELINEATE STUDENT SCORES ON ASSESSMENTS.

(II) WHERE NO INFORMATION IS COLLECTED DUE TO NO TEST HAVING BEEN ADMINISTERED, A GRAY CIRCLE SHALL APPEAR IN PLACE OF THE PIE CHART CLEARLY STATING "NOT TESTED".

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(c) AT THE BOTTOM OF THE TABLE ENTITLED "CSAP" THERE SHALL APPEAR A KEY THAT EXPLAINS THE OUTCOME OF THE TESTS PORTRAYED IN THE PIE CHART AS FOLLOWS:

- (I) "[COLOR] % ADVANCED";
- (II) "[COLOR] % PROFICIENT";
- (III) "[COLOR] % PARTIALLY PROFICIENT";
- (IV) "[COLOR] % UNSATISFACTORY"; AND
- (V) "[COLOR] % NO SCORE".

(d) DIRECTLY BELOW THE "CSAP" KEY SHALL APPEAR A TABLE ENTITLED "PERCENT OF STUDENTS SCORING PROFICIENT AND ADVANCED". THIS TABLE SHALL CONTAIN FOUR COLUMNS AND A PIE CHART:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING THREE LINES:

- (A) "GRADES [GRADE LEVELS] READING";
- (B) "GRADES [GRADE LEVELS] WRITING";
- (C) "GRADES [GRADE LEVELS] MATH";

(II) THE SECOND COLUMN SHALL BE ENTITLED "YOUR SCHOOL", THE THIRD COLUMN SHALL BE ENTITLED "DISTRICT", AND THE FOURTH COLUMN SHALL BE ENTITLED "STATE". THE PIE CHART SHALL BE ENTITLED "STUDENT TEST SCORES USED FOR CALCULATING OVERALL ACADEMIC PERFORMANCE".

(III) THE PIE CHART SHALL HAVE AN ANSWER KEY DIRECTLY TO THE RIGHT CONTAINING THE FOLLOWING INFORMATION:

- (A) "TEST SCORES USED....[PERCENTAGE]_%";
- (B) "TEST SCORES NOT USED DUE TO LANGUAGE.... [PERCENTAGE]_%";
- (C) "TEST SCORES NOT USED DUE TO SPECIAL ED.... [PERCENTAGE]_%"; AND
- (D) "TEST SCORES NOT USED DUE TO NEW STUDENT.... [PERCENTAGE]_%".

(IV) THIS CHART SHALL REPORT INFORMATION COLLECTED PURSUANT TO SECTION 22-7-409.

(V) IMMEDIATELY UNDERNEATH THE TABLE AND CHART DESCRIBED IN THIS PARAGRAPH (d), THE ACCOUNTABILITY REPORT SHALL CONTAIN THE FOLLOWING EXPLANATION IN A SMALL POINT SIZE: "EACH SCHOOL IN THE STATE RECEIVED A RATING OF "EXCELLENT", "HIGH", "AVERAGE", "LOW", OR "UNSATISFACTORY" FOR STUDENT ACADEMIC PERFORMANCE IN SCHOOL YEAR [YEAR]-[YEAR] USING THE CSAP RESULTS PRINTED ABOVE. EVERY STUDENT IN THIS SCHOOL WHO TOOK THESE TESTS WAS INCLUDED IN THE CALCULATION USED TO ASSIGN A RATING, EXCEPT FOR STUDENTS WHO DO NOT SPEAK ENGLISH, OR WHO ARE ELIGIBLE FOR THE STATE ALTERNATE ASSESSMENT FOR STUDENTS WITH DISABILITIES, OR WHO ENROLLED IN THE PUBLIC SCHOOL AFTER FEBRUARY 1 OF THIS SCHOOL YEAR. THE PERCENTAGES OF STUDENTS WHOSE SCORES WERE INCLUDED IN THE CALCULATION OR WERE NOT INCLUDED IN EACH OF THE THREE CATEGORIES IS SHOWN ON THE ABOVE CHART. YOUR SCHOOL'S RATING WAS DETERMINED BY THE PERCENTAGE OF STUDENTS PERFORMING IN EACH OF THE ADVANCED, PROFICIENT, PARTIALLY PROFICIENT, AND UNSATISFACTORY LEVELS. THESE PERCENTAGES WERE WEIGHTED AND COMBINED ACROSS GRADE LEVELS AND ACADEMIC AREAS. THESE WEIGHTS REWARD PERFORMANCE AT THE ADVANCED AND PROFICIENT LEVELS OVER PERFORMANCE AT THE PARTIALLY PROFICIENT AND UNSATISFACTORY LEVELS. THE RATINGS WERE ASSIGNED AFTER

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CALCULATING THE WEIGHTED TOTAL FOR EACH ACADEMIC AREA AND GRADE LEVEL FOR EACH SCHOOL AND COMPARING THIS SCHOOL TO ALL OTHER [SCHOOL LEVEL] SCHOOLS FOR THE [YEAR]-[YEAR] SCHOOL YEAR."

(VI) BELOW THIS EXPLANATION SHALL APPEAR IN A BOLD, LARGE FONT, CLEARLY OUTSTANDING: "OVERALL ACADEMIC PERFORMANCE FOR THE [YEAR]-[YEAR] SCHOOL YEAR", FOLLOWED DIRECTLY BY THE RATING CORRESPONDING TO THIS CATEGORY CALCULATED PURSUANT TO SECTION 22-7-604 (5) FOR THE SCHOOL.

(8) **School history.** (a) THE ACCOUNTABILITY REPORT SHALL CONTAIN A PAGE CLEARLY MARKED IN LARGE FONT AS THE "SCHOOL HISTORY" PAGE. BELOW THE TITLE "SCHOOL HISTORY" SHALL APPEAR THE WORDS "OVERALL ACADEMIC PERFORMANCE" FOLLOWED BY THE RATINGS RECEIVED BY THE SCHOOL PURSUANT TO SECTION 22-7-604 (5) IN THE CURRENT YEAR, THE IMMEDIATELY PRECEDING YEAR AND THE YEAR BEFORE THE IMMEDIATELY PRECEDING YEAR. THE THREE RATINGS SHALL FORM THREE COLUMNS. THE COLUMNS SHALL BE LABELED BY THE APPROPRIATE SCHOOL YEAR.

(b) IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" SHALL APPEAR THE WORDS "SCHOOL IMPROVEMENT". THE WORDS "SCHOOL IMPROVEMENT" SHALL BE FOLLOWED BY THE RATING THE PUBLIC SCHOOL RECEIVED PURSUANT TO SECTION 22-7-604 (6) IN THE CURRENT YEAR, THE IMMEDIATELY PRECEDING YEAR, AND THE YEAR BEFORE THE IMMEDIATELY PRECEDING YEAR.

(c) DIRECTLY BELOW THE INFORMATION CONTAINED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (8) SHALL APPEAR A PARAGRAPH IN SMALL POINT SIZE THAT STATES: "EACH SCHOOL RECEIVES A SCHOOL IMPROVEMENT RATING OF "SIGNIFICANT IMPROVEMENT", "IMPROVEMENT", "STABLE", "DECLINE", OR "SIGNIFICANT DECLINE". THIS RATING IS BASED UPON THE CHANGE IN STUDENT ACADEMIC PERFORMANCE FROM THE PREVIOUS YEAR. EACH SCHOOL CAN IMPROVE ITS RATING NEXT YEAR BY IMPROVING STUDENT PERFORMANCE ON THE [YEAR]-[YEAR] [NEXT ACADEMIC YEAR] CSAP."

(d) BELOW THE PARAGRAPH SPECIFIED IN PARAGRAPH (d) OF THIS SUBSECTION (8) SHALL APPEAR THREE CHARTS. EACH OF THE THREE CHARTS SHALL REPRESENT ONE OF THE THREE SUBJECT AREAS TESTED BY THE CSAP, "READING", "WRITING", AND "MATH". EACH CHART SHALL CONTAIN ON THE LEFT THE FOLLOWING LINES: "[SUBJECT MATTER TESTED] PROFICIENCY LEVELS GRADES ___ - ___ PERCENT PROFICIENT AND ADVANCED". IT SHALL THEN LIST ON SEPARATE LINES THE THREE MOST RECENT YEARS AND THE COMBINED ADVANCED AND PROFICIENT SCORES AS A PERCENTAGE FOR EACH YEAR ON THE ASSESSMENT GIVEN PURSUANT TO SECTION 22-7-409. TO THE RIGHT OF THIS TEXT SHALL BE GRAPHS WITH THREE BARS THAT SHOW AVERAGES, FIGURED PURSUANT TO SECTION 22-7-409, IN ONE HUNDRED PERCENT STACKED COLUMNS FOR EACH OF THE IMMEDIATELY PRECEDING THREE YEARS. SUCH YEARS SHALL APPEAR ON THE HORIZONTAL AXIS OF THE CHART. THE CHARTS SHALL BE CLEARLY DELINEATED BY COLOR OR SHADING. FROM TOP TO BOTTOM, THE CHARTS SHALL SHOW THE AREA REPRESENTING "ADVANCED", "PROFICIENT", "PARTIALLY PROFICIENT", AND "UNSATISFACTORY", RESPECTIVELY.

(9) **Taxpayers' report.** (a) THE ACCOUNTABILITY REPORT SHALL CONTAIN A PAGE CLEARLY MARKED IN LARGE-SIZE FONT AS THE "TAXPAYERS' REPORT" PAGE. FINANCIAL DATA FROM THIS PAGE SHALL BE FROM THE MOST RECENTLY AUDITED FISCAL YEAR.

(b) (I) THE PAGE SHALL CONTAIN, DIRECTLY UNDER THE TITLE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (9), A TWO-COLUMN TABLE ON THE LEFT SIDE OF THE PAGE WITH THE TITLE: "SOURCES OF SCHOOL DISTRICT REVENUE".

(II) THE FIRST COLUMN OF THE TABLE SHALL CONTAIN THE FOLLOWING SEVEN ROWS:

- (A) "LOCAL TAX CONTRIBUTION";
- (B) "STATE TAX CONTRIBUTION";

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- (C) "FEDERAL GRANTS";
- (D) "STATE GRANTS";
- (E) "PRIVATE/PARTNERSHIP GRANTS";
- (F) "OTHER DISCRETIONARY INCOME"; AND
- (G) "TOTAL SCHOOL DISTRICT REVENUE".
- (III) THE SECOND COLUMN OF THE TABLE SHALL CONTAIN DATA FROM THE MOST RECENTLY COMPLETED FISCAL YEAR BEING REPORTED AND THE FOLLOWING ROWS IN THE COLUMN SHALL REPORT THE DATA CORRESPONDING TO COLUMN ONE. THE BOTTOM ROW SHALL SUM THE ABOVE ROWS.
- (IV) DIRECTLY BELOW THE LAST ROW IN THE TABLE SHALL APPEAR THE FOLLOWING LANGUAGE IN BOLD FONT: "TOTAL [YEAR] DISTRICT REVENUE PER PUPIL = \$[AMOUNT OF TOTAL SCHOOL DISTRICT REVENUE LISTED IN CHART DIVIDED BY TOTAL DISTRICT PUPIL ENROLLMENT FROM THAT FISCAL YEAR]".
- (V) IMMEDIATELY ADJACENT TO THIS TABLE ON THE RIGHT SIDE OF THE PAGE SHALL BE A PIE CHART ENTITLED "DISTRICT SOURCE OF FUNDS [YEAR]" THAT GRAPHICALLY REPRESENTS WITH PERCENT LABELS THE INFORMATION IN THE TABLE TO THE LEFT.
- (VI) BELOW THE TABLE AND CHART DESCRIBED IN SUBPARAGRAPHS (II) THROUGH (V) OF THIS PARAGRAPH (b) SHALL APPEAR ANOTHER TABLE AND CHART. THE TABLE ON THE LEFT SIDE OF THE PAGE SHALL BE TITLED "DISTRICT USE OF FUNDS". THE TABLE SHALL BE IN TWO COLUMNS. THE ROWS IN THE FIRST COLUMN SHALL BE:
- (A) "TEACHERS";
- (B) "ADMINISTRATION";
- (C) "BUILDING & FACILITIES MAINTENANCE";
- (D) "OPERATIONAL EXPENSES";
- (E) "TEXTBOOKS & MATERIALS"; AND
- (F) "TOTAL".
- (VII) THE SECOND COLUMN SHALL BE HEADED WITH THE FISCAL YEAR FOR WHICH THE DATA IS BEING REPORTED, AND IT SHALL INCLUDE THE CORRESPONDING DATA FOR THE CATEGORIES IN COLUMN ONE.
- (VIII) IMMEDIATELY ADJACENT TO THE TABLE, ON THE RIGHT SIDE OF THE PAGE, SHALL APPEAR A PIE CHART ENTITLED "DISTRICT USE OF FUNDS [YEAR]" THAT GRAPHICALLY REPRESENTS WITH PERCENT LABELS THE INFORMATION IN THE TABLE TO THE LEFT.
- (IX) IMMEDIATELY BELOW THE CHART AND TABLE DESCRIBED IN SUBPARAGRAPHS (VI) THROUGH (VIII) OF THIS PARAGRAPH (b) SHALL APPEAR A TABLE ENTITLED: "DISTRICT DEBT AND FACILITY CONSTRUCTION". THE TABLE SHALL HAVE TWO COLUMNS, THE FIRST COLUMN WITH THE FOLLOWING ROWS:
- (A) "TOTAL OUTSTANDING BONDED DEBT";
- (B) "AVERAGE ANNUAL PERCENTAGE INTEREST RATE ON DEBT";
- (C) "AMOUNT RAISED FROM MOST RECENT BOND";
- (D) "AMOUNT SPENT ON NEW SCHOOL BUILDINGS DURING LAST TWO YEARS";
- (X) THE SECOND COLUMN OF THE TABLE SHALL INCLUDE THE CORRESPONDING FIGURES FOR COLUMN ONE.

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(c) **Voter-approved funding changes.** "THE TAXPAYERS' REPORT" PAGE SHALL CONTAIN THE SUBTITLE, "VOTER-APPROVED FUNDING CHANGES", ACCOMPANIED BY A TABLE WITH THE FOLLOWING LINES: "YOUR COMMUNITY DID / DID NOT HOLD AN ELECTION LAST NOVEMBER. THE FOLLOWING ITEMS HAVE BEEN APPROVED BY VOTERS:". THE CENTER ROW SHALL INCLUDE THE TERMS "TABOR OVERRIDE", "BOND", AND "MILL LEVY INCREASE". EACH OF THESE THREE TERMS SHALL BE ATTACHED TO A CORRESPONDING CHECK BOX ABOVE THEM; THE APPROPRIATE BOXES SHALL BE CHECKED BASED ON ELECTION RESULTS. UNDERNEATH EACH OF THE THREE LINES SHALL BE THE APPROVED DOLLAR AMOUNT, IF ANY, THAT WAS RAISED FOR THE CATEGORY.

(d) THE BOTTOM OF THE PAGE DESCRIBED IN THIS SUBSECTION (9) SHALL LIST IN BOLD FONT THE NAME OF THE PUBLIC SCHOOL THAT THE SCHOOL ACCOUNTABILITY REPORT IS DETAILING AND ITS ADDRESS. THE SECOND FROM LAST LINE OF THE PAGE SHALL STATE: "FOR MORE INFORMATION AND FURTHER DETAILS ABOUT THIS REPORT, VISIT: WWW.STATE.CO.US/SCHOOLS". THE LAST LINE OF THE PAGE SHALL STATE: "COLORADO DEPARTMENT OF EDUCATION [ADDRESS]".

(10) THE DEPARTMENT SHALL MAKE ONLY THE NECESSARY MODIFICATIONS TO THE ACCOUNTABILITY REPORT TO ENSURE THAT A PUBLIC SCHOOL'S ACCOUNTABILITY REPORT IS FORMATTED WITH THE APPROPRIATE INFORMATION FOR ELEMENTARY SCHOOLS, MIDDLE SCHOOLS, JUNIOR HIGH SCHOOLS, AND SENIOR HIGH SCHOOLS. THE DEPARTMENT SHALL EMPLOY SUCH LAYOUT, DESIGN, COLOR, AND GRAPHICAL ELEMENTS NECESSARY FOR THE ACCOUNTABILITY REPORT TO BE PARENT-FRIENDLY AND EASY TO READ AND TO ENHANCE RATHER THAN DETRACT FROM THE DATA TO BE REPORTED. IF A SCHOOL FAILS TO REPORT DATA, THE DEPARTMENT SHALL CLEARLY NOTE ON THE SCHOOL ACCOUNTABILITY REPORT: "DATA NOT REPORTED TO STATE".

(11) NOTHING IN THIS SECTION SHALL PROHIBIT A SCHOOL DISTRICT, AT ITS OWN EXPENSE, FROM INCLUDING WITH A SCHOOL ACCOUNTABILITY REPORT ADDITIONAL INFORMATION CONCERNING THE PERFORMANCE OF A SCHOOL NOT CONTAINED IN THE SCHOOL ACCOUNTABILITY REPORT DESCRIBED IN THIS SECTION. THE ADDITIONAL INFORMATION AUTHORIZED BY THIS SUBSECTION (11) MAY NOT REFUTE THE RATINGS OR STATEMENTS MADE IN THE REPORT.

(12) THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS OF THIS SECTION ONLY IF IT DOES NOT RECEIVE SUFFICIENT MONEYS TO IMPLEMENT THE AMENDMENTS TO SECTION 22-7-605 AS ENACTED IN SENATE BILL 02-080, AS SET FORTH IN SECTION 22-7-605 (12).

SECTION 43. 22-7-606 (1) (a), (3), and (4), Colorado Revised Statutes, are amended, and the said 22-7-606 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-7-606. School accountability reports - delivery website - repeal. (1) (a) The department shall deliver each public school's annual accountability report to the public school by September 15, 2001, and by September 15 each year thereafter; EXCEPT THAT, AFTER THE EFFECTIVE DATE OF THIS ACT, IF THE DEPARTMENT HAS COMPLIED WITH PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL DELIVER SAID REPORT TO THE PUBLIC SCHOOL BY DECEMBER 15, 2002, AND DECEMBER 15 OF EACH YEAR THEREAFTER. The department shall print and provide to the public school copies of the accountability reports in the amount of: Total pupil enrollment at last annual count, plus the total number of teachers as listed on the school accountability report, plus an additional twenty-five percent.

(c) ANY RELEASE OF STATEWIDE ASSESSMENT DATA BY THE DEPARTMENT, INCLUDING BUT NOT LIMITED TO ANY RELEASE OF SAID DATA PURSUANT TO THIS SECTION, SHALL CLEARLY DELINEATE WHICH DATA IS COUNTED IN CALCULATING THE SCHOOL ACCOUNTABILITY REPORTS AND ACADEMIC GROWTH RATINGS AND WHICH DATA IS NOT COUNTED.

(3) (a) The department shall develop an internet website, which homepage address shall be "www.state.co.us/schools", specifically to place each public school's accountability report on the internet. The

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department shall design the website so that users may search for a particular school's accountability report through a number of sorting functions, including but not limited to school district, county, city, and zip code.

(b) The department, BY OCTOBER 15, 2002, AND BY OCTOBER 15 OF EACH YEAR THEREAFTER, shall annually update the website to include each school accountability report prepared by the department and shall maintain at the website an archive accessible by internet users of the three previous years' school accountability reports. The website shall allow users to easily compare schools' overall academic performance GROWTH ratings as determined pursuant to section 22-7-604. Such comparison shall be facilitated by search tools that allow a user, at a minimum, to find schools within different geographic ranges of another school and to find schools within different geographic areas and zip codes.

(c) On or before January 1, 2001, the state board shall contract with a private entity for the design, including the search and sort functions, of the school accountability report website. The department shall award the contract based upon a competitive bid; except that the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S., shall not apply to this contract.

(4) On or before January 1, 2001, and on or before each January 1 thereafter, the state board shall contract with a nationally recognized, independent auditing firm to annually audit the process of preparing the accountability reports developed pursuant to section 22-7-605 OR SECTION 22-7-605.1 to ensure data and reporting integrity and quality control. The department shall award the contract based upon a competitive bid; except that the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S., shall not apply to this contract. The name of the independent auditing firm shall appear on all accountability reports printed pursuant to this section.

SECTION 44. 22-7-607.5 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

22-7-607.5. Teacher pay incentive program - repeal.

(2) (a) There is hereby established in the department the teacher pay incentive program to provide moneys to school districts with poorly performing schools to recruit and maintain quality teachers. In the first school year following the year that a public school becomes an eligible school, and for each of the three subsequent school years, an eligible school shall receive a grant from the program in an amount equal to the per pupil grant amount calculated pursuant to paragraph (b) of this subsection (2), multiplied by the number of students enrolled in the eligible school. If, in any school year during the period in which the eligible school receives grants, the eligible school receives a school improvement AN ACADEMIC GROWTH rating of "significant improvement" "EXCEPTIONAL", the eligible school shall receive an additional award in an amount equal to the significant improvement EXCEPTIONAL GROWTH bonus per pupil amount calculated pursuant to paragraph (c) of this subsection (2), multiplied by the number of students enrolled in the eligible school. If, in any school year during the period in which the eligible school receives grants, the eligible school receives a school improvement AN ACADEMIC GROWTH rating of "improvement" "ABOVE AVERAGE", the eligible school shall receive an additional award in an amount equal to the improvement ABOVE AVERAGE GROWTH bonus per pupil amount calculated pursuant to paragraph (d) of this subsection (2), multiplied by the number of students enrolled in the eligible school.

(b) The per pupil grant amount shall be an amount equal to twelve million six hundred thirty thousand dollars divided by the total number of students enrolled in all eligible schools.

(c) The significant improvement EXCEPTIONAL GROWTH bonus per pupil amount shall be an amount equal to four hundred twenty thousand dollars divided by the total number of students enrolled in all eligible schools that receive a school improvement AN ACADEMIC GROWTH rating of "significant improvement" "EXCEPTIONAL GROWTH".

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(d) ~~The improvement~~ ABOVE AVERAGE GROWTH bonus per pupil amount shall be an amount equal to two hundred ten thousand dollars divided by the total number of students enrolled in all eligible schools that receive ~~a school improvement~~ AN ACADEMIC GROWTH rating of ~~"improvement"~~ "ABOVE AVERAGE".

(3) (a) Moneys received from an award under this section shall be paid only as bonuses to teachers or for the payment of the costs of other benefits associated with a bonus paid to a teacher. The district school board of any school district with an eligible school shall determine in accordance with this section the policies and procedures by which teachers shall receive a bonus and the amount of the bonus. ~~except that the minimum amount of a yearly bonus to a teacher shall be one thousand dollars. The bonuses may only be used to:~~

~~(I) Reward outstanding teacher performance;~~

~~(II) Offer a recruitment bonus to encourage a teacher who holds a master certificate pursuant to section 22-60.5-202 to teach at the eligible school or a retention bonus to such a teacher who has taught at the school for at least one school year;~~

~~(III) Offer a recruitment bonus to encourage a teacher in a hard-to-recruit subject or a retention bonus to such a teacher who has taught at the school for at least one school year; or~~

~~(IV) Defray housing and living expenses if an eligible school is located in a community with a lack of adequate affordable housing.~~

~~(b) (I) To give a bonus under subparagraph (I) of paragraph (a) of this subsection (3), the district school board or district superintendent must specifically identify a data-driven evaluation based upon the results of student performance on the assessments administered pursuant to section 22-7-409 that was used to determine which teachers should receive the bonus.~~

~~(II) To give a recruitment bonus under subparagraph (II) or (III) of paragraph (a) of this subsection (3), the district school board or district superintendent must identify an open teaching position that is filled by a new teacher.~~

~~(III) The state board shall determine by rule what subjects constitute hard-to-recruit subjects for purposes of subparagraph (III) of paragraph (a) of this subsection (3).~~

(c) Any moneys received by a teacher as a bonus pursuant to this section shall be in addition to any other salary due such teacher pursuant to the salary schedule or policy adopted pursuant to section 22-63-401.

(4) During February, 2005, the department shall report to the governor and to the education committees of the senate and the house of representatives on the program. Such report shall include but need not be limited to:

(a) Whether the program had an impact on teacher recruitment, retention, and quality;

(b) How the changes in the ~~overall standardized, weighted scores for~~ ACADEMIC GROWTH RATINGS OF public schools receiving awards compared to public schools that did not receive the awards; AND

~~(c) Whether there was any difference in the overall standardized, weighted scores for eligible schools that used moneys mostly for recruitment and retention rather than bonuses; and~~

(d) Whether the department recommends that the program should be continued.

SECTION 45. 22-7-609 (2) and (5), Colorado Revised Statutes, are amended to read:

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22-7-609. School improvement plans. (2) The state board shall notify a local board of education what school, if any, in its district will receive an academic performance GROWTH rating of "unsatisfactory", pursuant to section 22-7-604 (5), on the school accountability report being prepared for that academic year; except that, beginning in 2003, for any school that received an academic performance GROWTH rating of "unsatisfactory" on the school accountability report prepared for the immediately preceding academic year, the state board shall notify the local board of education for that school no later than May 1, 2003, and each May 1 EACH YEAR thereafter if that school will receive an academic performance GROWTH rating of "unsatisfactory" on the school accountability report prepared for that academic year. The state board shall notify the local board of education that it must submit a school improvement plan pursuant to this section.

(5) (a) ~~If, upon completion of the second school year of operation under a school improvement plan pursuant to this section, a public school receives an overall academic performance rating of "unsatisfactory" pursuant to section 22-7-604 (5), the state board shall recommend that the public school be converted to an independent charter school pursuant to part 3 of article 30.5 of this title; except that the state board shall not make such recommendation if the public school had an improvement of 0.5 of a point or greater from the standard deviation over the immediately preceding year's overall standardized, weighted total score pursuant to section 22-7-604 (5), and the school district shall be allowed to continue to operate that school under the school improvement plan for another year.~~

(b) ~~If, upon completion of the third school year of operation under a school improvement plan pursuant to this section, a public school receives an overall academic performance rating of "unsatisfactory" pursuant to section 22-7-604 (5), the state board shall recommend that the public school be converted to an independent charter school pursuant to part 3 of article 30.5 of this title.~~

SECTION 46. 22-7-609.5 (1) (a), Colorado Revised Statutes, is amended to read:

22-7-609.5. School improvement grant program - repeal.
 (1) As used in this section, unless the context otherwise requires:

(a) ~~"Adequate progress" means improvement of 0.5 of a point or greater from the standard deviation over the immediately preceding year's overall standardized, weighted total score~~ A SCHOOL'S ACADEMIC GROWTH RATING calculated pursuant to section 22-7-604 (5) OF AN AMOUNT SET BY RULE OF THE STATE BOARD.

SECTION 47. Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-609.6. School improvement - appropriations. ON AND AFTER JULY 1, 2003, THE GENERAL ASSEMBLY MAY APPROPRIATE SUCH MONEYS AS ARE AVAILABLE TO ASSIST SCHOOL DISTRICTS IN IMPROVING THE ACADEMIC GROWTH OF SCHOOLS THAT RECEIVED AN ACADEMIC GROWTH RATING OF "UNSATISFACTORY". IN ADDITION, THE DEPARTMENT OF EDUCATION MAY ALLOCATE ANY MONEYS RECEIVED PURSUANT TO THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, FOR SUCH PURPOSE.

SECTION 48. 22-7-610, Colorado Revised Statutes, is amended to read:

22-7-610. High-rated or improved school. (1) The general assembly recognizes that if some public schools are singled out for poor performance, other public schools that receive academic performance GROWTH ratings pursuant to section 22-7-604 (5) of "excellent" "EXCEPTIONAL" or that show substantial improvement in their academic performance GROWTH rating should be acknowledged and rewarded.

(2) At the time that the academic performance GROWTH ratings are

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given to public schools pursuant to section 22-7-604, the state board shall provide notice to each district school board of each public school within the school district that is eligible for a monetary award pursuant to part 3 of article 11 of this title.

SECTION 49. Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-611. Advisory committee - grant programs - recommendations - repeal. (1) THERE IS HEREBY CREATED THE EDUCATION IMPROVEMENT ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", TO REVIEW ANY GRANT PROGRAMS EXISTING UNDER THIS ARTICLE AND TO MAKE RECOMMENDATIONS TO THE STATE BOARD, WHICH IN TURN SHALL MAKE RECOMMENDATIONS TO THE EDUCATION COMMITTEES OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES, ON HOW BEST TO COMBINE THE GRANT PROGRAMS INTO A SINGLE GRANT PROGRAM REQUIRING A SINGLE APPLICATION TO BE SUBMITTED BY SCHOOL DISTRICTS, WHILE MAINTAINING THE PURPOSES OF THE ORIGINAL GRANT PROGRAMS. THE COMMITTEE SHALL ALSO MAKE RECOMMENDATIONS TO THE STATE BOARD REGARDING THE MOST EFFICIENT AND LEAST BURDENSOME REQUIREMENTS FOR THE REPORTING OF DATA BY SCHOOL DISTRICTS AND REGARDING UNIFORM TIMELINES FOR THE REPORTING OF THAT DATA.

(2) (a) THE COMMITTEE SHALL CONSIST OF SIX MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(I) TWO TEACHERS WHO ARE LEADERS IN EDUCATION REFORM FROM SCHOOLS THAT HAVE DEMONSTRATED IMPROVEMENTS IN STUDENT ACHIEVEMENT;

(II) ONE MEMBER OF A SCHOOL DISTRICT BOARD OF EDUCATION WHO IS A LEADER IN EDUCATION REFORM AND WHO CAN DEMONSTRATE IMPROVEMENT IN STUDENT ACHIEVEMENT IN HIS OR HER SCHOOL DISTRICT;

(III) ONE PERSON REPRESENTING AN ASSOCIATION OF PARENTS, STUDENTS, AND EDUCATORS; AND

(IV) TWO PERSONS REPRESENTING THE DEPARTMENT.

(b) NO MORE THAN THREE MEMBERS OF THE COMMITTEE SHALL BE MEMBERS OF THE SAME POLITICAL PARTY.

(3) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307 (3) AND (5), C.R.S., ALL MEMBERS OF THE COMMITTEE, INCLUDING LEGISLATIVE MEMBERS, SHALL SERVE WITHOUT COMPENSATION, INCLUDING PER DIEM AND COMPENSATION FOR EXPENSES.

(4) AT THE INITIAL COMMITTEE MEETING, THE COMMITTEE MEMBERS SHALL SELECT FROM AMONG THEMSELVES A PERSON TO SERVE AS CHAIR OF THE COMMITTEE. A MAJORITY OF THE COMMITTEE MEMBERS SHALL CONSTITUTE A QUORUM FOR TRANSACTION OF BUSINESS.

(5) THE DEPARTMENT SHALL PROVIDE SUCH CLERICAL AND TECHNICAL ASSISTANCE AS MAY BE REQUESTED BY THE COMMITTEE IN FULFILLING ITS DUTIES PURSUANT TO THIS SECTION.

(6) THE COMMITTEE SHALL MEET AS NECESSARY AND SHALL ISSUE A REPORT OF ITS RECOMMENDATIONS TO THE GOVERNOR AND TO THE EDUCATION COMMITTEES OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES NO LATER THAN DECEMBER 1, 2002.

(7) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2003.

SECTION 50. Repeal. Part 3 of article 30.5 of title 22, Colorado Revised Statutes, is repealed.

SECTION 51. 22-36-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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22-36-101. Choice of programs and schools within school districts. (5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5), ANY PUPIL WHO ENROLLS IN A SCHOOL DISTRICT OTHER THAN THE PUPIL'S SCHOOL DISTRICT OF RESIDENCE PURSUANT TO THIS ARTICLE MAY REMAIN ENROLLED IN THAT SCHOOL DISTRICT'S SCHOOL OR PROGRAM THROUGH THE END OF THE SCHOOL YEAR.

(b) THIS SUBSECTION (5) SHALL NOT APPLY IF:

(I) THE NONRESIDENT PUPIL IS EXPELLED PURSUANT TO STATUTE FROM THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5);

(II) THE NONRESIDENT PUPIL'S ATTENDANCE OR PARTICIPATION IN THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5) REQUIRES THE SCHOOL DISTRICT TO PERFORM ANY OF THE FUNCTIONS DESCRIBED IN SUBPARAGRAPHS (I) TO (III) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION; OR

(III) THE NONRESIDENT PUPIL IS EXCLUDED FROM THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5) FOR ANY OF THE REASONS DESCRIBED IN PARAGRAPHS (a) TO (d) OF SUBSECTION (3) OF THIS SECTION.

SECTION 52. 16-11-311 (3.4) (d), Colorado Revised Statutes, is amended to read:

16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - repeal. (3.4) In addition to the powers granted to the department of corrections in subsection (3.3) of this section, the department of corrections may:

(d) Contract with any public or private entity, including but not limited to a school district, for provision or certification of educational services. Offenders receiving educational services or diplomas from a school district under an agreement entered into pursuant to this paragraph (d) shall not be included in computing the school district's student performance on statewide assessments pursuant to section 22-7-409, C.R.S., or the school district's ~~overall academic performance rating or school improvement~~ GROWTH rating pursuant to part 6 of article 7 of title 22, C.R.S.

SECTION 53. 22-11-104 (2) (a) (II), Colorado Revised Statutes, is amended to read:

22-11-104. Accreditation indicators. (2) **Contents.** The accreditation indicators shall include but shall not be limited to the following:

(a) (II) All accreditation indicators relating to the statewide assessments shall be consistent with the methodology for determining academic ~~performance~~ GROWTH ratings pursuant to section 22-7-604. The baseline year for the accreditation indicators shall be the 2000 - 2001 school year.

SECTION 54. 22-11-301 (1), Colorado Revised Statutes, is amended to read:

22-11-301. Colorado school awards program - created - rules. (1) There is hereby established the Colorado school awards program, referred to in this part 3 as the "program", to be administered by the department. The state board shall promulgate reasonable rules for the administration of this part 3 and the program. Such rules shall include but need not be limited to procedures for transmitting the financial awards to schools that demonstrate outstanding ~~performance or improvement~~ ACADEMIC GROWTH as indicated by the academic ~~performance~~ GROWTH ratings issued to public schools pursuant to section 22-7-604.

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SECTION 55. 22-11-302 (1), (2), (3) (b), and (3) (c), Colorado Revised Statutes, are amended to read:

22-11-302. Colorado school awards program - John Irwin schools of excellence awards - governor's distinguished improvement awards. (1) The state board shall annually present financial awards to the highest performing and to the most improved public schools in the state based on the academic performance GROWTH ratings pursuant to section 22-7-604.

(2) (a) Of the moneys available for awards pursuant to this part 3, one-third shall be awarded to the public schools whose overall standardized, weighted total score for academic performance ACADEMIC GROWTH RATING is within the top eight percent of all public schools pursuant to section 22-7-604. Awards issued pursuant to this subsection (2) shall be known as "John Irwin schools of excellence awards".

(b) ~~(f) Notwithstanding the provisions of paragraph (a) of this subsection (2) and subsection (3) of this section, for the first school year that school performance ratings are issued, all of the moneys available for awards under this part 3 shall be awarded to the public schools that receive an academic performance rating of "excellent" issued pursuant to section 22-7-604 (5).~~

~~(H) This paragraph (b) is repealed, effective July 1, 2003.~~

(3) (b) Of the moneys available for awards pursuant to this subsection (3), awards shall first be made to schools that in the previous school year received an academic performance GROWTH rating of "low" or "unsatisfactory" pursuant to section 22-7-604 (5) and that received an academic improvement rating of "significant improvement" "EXCEPTIONAL" OR "ABOVE AVERAGE", pursuant to section 22-7-604 (6) BUT DID NOT RECEIVE MONEYS PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(c) ~~After the awards have been issued pursuant to paragraph (b) of this subsection (3), any moneys remaining for awards pursuant to this subsection (3) shall be awarded to the public schools whose overall standardized, weighted total score for academic performance improved the most as compared to the previous school year; except that to be eligible for an award pursuant to this paragraph (c), a school must be in the top eight percent of all public schools with regard to improvement in overall standardized, weighted total scores as compared to the previous school year and the school must not have received an award pursuant to paragraph (b) of this subsection (3).~~

SECTION 56. 22-32-119 (2) (a), Colorado Revised Statutes, is amended to read:

22-32-119. Kindergartens - repeal. (2) (a) On and after May 29, 2001, but prior to July 1, 2006, a board of education may establish and maintain full-day kindergarten educational programs, in addition to any other full-day kindergarten educational programs existing on or before May 29, 2001, to serve those students who attend a school that received an academic performance grade of "F" GROWTH RATING OF "UNSATISFACTORY" pursuant to section 22-7-604 (5) for the previous school year.

SECTION 57. 22-33-104.5 (3) (f), Colorado Revised Statutes, is amended to read:

22-33-104.5. Home-based education - legislative declaration - definitions - guidelines. (3) The following guidelines shall apply to a nonpublic home-based educational program:

(f) Each child participating in a nonpublic home-based educational program shall be evaluated when such child reaches grades three, five, seven, nine, and eleven. Each child shall be given a nationally standardized achievement test to evaluate the child's academic progress, or a qualified person shall evaluate the child's academic progress. The test or evaluation results, whichever is appropriate, shall be submitted to

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the school district that received the notification required by paragraph (e) of this subsection (3) or an independent or parochial school within the state of Colorado. If the test or evaluation results are submitted to an independent or parochial school, the name of such school shall be provided to the school district that received the notification required by paragraph (e) of this subsection (3). The purpose of such tests or evaluations shall be to evaluate the educational progress of each child. No scores for a child participating in a nonpublic home-based educational program shall be considered for awarding academic ~~performance~~ GROWTH ratings pursuant to section 22-7-604 or for accreditation pursuant to article 11 of this title.

SECTION 58. 22-1-122 (1) (a), (2) (b) (III), (2) (b) (IV), (4), and (6) (a) (I), Colorado Revised Statutes, are amended to read:

22-1-122. Transportation token program - legislative declaration - eligibility - fund. (1) (a) It is the intent of the general assembly in enacting this section to improve opportunities for students to gain the knowledge and skills necessary for a successful experience in postsecondary education or as members of the work force. The general assembly finds that a student should not be compelled by the lack of transportation to remain in a school that receives an ~~overall~~ academic ~~performance~~ GROWTH rating of "low" or "unsatisfactory" issued pursuant to section 22-7-604 ~~(5)~~. It is therefore in the best interests of the citizens of the state to make transportation tokens available to eligible students to enable them to attend a public school that is performing satisfactorily.

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

(b) "Eligible student" means a student:

(III) (A) Who is enrolled in a neighborhood school that received an academic ~~performance~~ GROWTH rating of "low" or "unsatisfactory", pursuant to section 22-7-604 ~~(5)~~, for the preceding school year; or

(B) Who has been in attendance elsewhere in the public school system or who is entering first grade and whose parent or legal guardian has been notified that the student has been assigned to a school that has received an academic ~~performance~~ GROWTH rating of "low" or "unsatisfactory", pursuant to section 22-7-604 ~~(5)~~, for the preceding school year; and

(IV) Who, while enrolled in the neighborhood school that received an academic ~~performance~~ GROWTH rating of "low" or "unsatisfactory", pursuant to section 22-7-604 ~~(5)~~, met the attendance policies of the school district of the neighborhood school, adopted pursuant to section 22-33-104 (4).

(4) The state board shall determine a monetary value for the transportation token issued at each public school that receives an academic ~~performance~~ GROWTH rating of "low" or "unsatisfactory", pursuant to section 22-7-604 ~~(5)~~. The monetary value may cover a portion of the transportation costs. The transportation token may take the form of, but is not limited to, subsidized tokens, passes, or fares for buses, taxis, or other forms of transportation approved by the state board. In determining the value of a transportation token, the state board shall take into account the various transportation options available to the eligible student and the distance to be traveled by the eligible student to attend a public school outside of the student's neighborhood. The transportation token used by an eligible student shall be redeemable by a transportation provider through the department.

(6) (a) The department shall ensure that for each eligible student the school district of the neighborhood school shall:

(I) Timely notify the eligible student's parent or legal guardian of all options available pursuant to this section as soon as the neighborhood school receives an academic ~~performance~~ GROWTH rating of "low" or "unsatisfactory", pursuant to section 22-7-604 ~~(5)~~; and

SECTION 59. 22-2-112 (1) (h), Colorado Revised Statutes, is

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amended to read:

22-2-112. Commissioner - duties. (1) Subject to the supervision of the state board, the commissioner has the following duties:

(h) To establish and maintain adequate statistical, academic performance, safety environment, and financial records of school districts, including records required by sections 22-7-604, and 22-7-605, AND 22-7-605.1;

SECTION 60. 23-3.9-102 (2) (c) (II), Colorado Revised Statutes, is amended to read:

23-3.9-102. Teacher loan forgiveness pilot program - administration - fund - conditions. (2) In addition to any qualifications specified by the commission, to qualify for the teacher loan forgiveness pilot program, a teacher shall:

(c) (II) Be fully qualified under a training program approved by a federal court or agency or the STATE department OF EDUCATION; and".

SECTION 61. No appropriation. The general assembly has determined that section 22-54-103 (7) (d) and (7) (e) and section 22-54-104 (2) (a) (V) (B) and (7), Colorado Revised Statutes, can be implemented within the appropriation of general fund moneys for total program made in the long appropriations bill for the 2002-03 fiscal year in compliance with section 22-54-104.1 (4), Colorado Revised Statutes, and therefore no separate appropriation of general fund moneys is necessary to carry out said sections."

SECTION 62. Appropriation - adjustments to the 2002 long bill. (1) In addition to any other appropriation, for the fiscal year beginning July 1, 2002, there is hereby appropriated, out of any moneys in the state education fund, created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the facility summer school grant program fund created in section 22-86-106, Colorado Revised Statutes, the sum of five hundred thousand dollars (\$500,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of article 86 of title 22, Colorado Revised Statutes.

(2) In addition to any other appropriation, for the fiscal year beginning July 1, 2002, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution not otherwise appropriated, to the school construction and renovation fund created in section 22-43.7-103, Colorado Revised Statutes, the sum of five million dollars (\$5,000,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the purpose of providing matching grants for eligible capital construction projects in accordance with article 43.7 of title 22, Colorado Revised Statutes.

(3) In addition to any other appropriation, for the fiscal year beginning July 1, 2002, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution not otherwise appropriated, to the assistance program for poorly performing students fund created in section 22-7-904, Colorado Revised Statutes, the sum of nine million four hundred seventy-two thousand five hundred dollars (\$9,472,500), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of part 9 of article 7 of title 22, Colorado Revised Statutes.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution not otherwise appropriated, to the national credential fund created in section 22-60.5-112.5 (4) (b), Colorado Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of sixty thousand dollars (\$60,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of section

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22-60.5-112.5, Colorado Revised Statutes.

(5) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, for the implementation of section 22-54-123.5, Colorado Revised Statutes.

(6) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(a) The appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by nine million two hundred forty thousand eight hundred sixty-two dollars (\$9,240,862), or so much thereof as may be necessary, for the implementation of section 22-54-104 (5) (a) (IX), Colorado Revised Statutes. Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution.

(b) The appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by two million eight hundred ninety thousand four hundred dollars (\$2,890,400), or so much thereof as may be necessary, to expand the number of preschool slots. Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution.

(c) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for charter school capital construction, is decreased by seven million eight hundred thirteen thousand nine hundred forty-three dollars (\$7,813,943). Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution.

(d) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the state public school fund, school capital construction expenditures reserve, is decreased by seven million eight hundred thirteen thousand nine hundred forty-three dollars (\$7,813,943). Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution.

(e) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the teacher pay incentive program, is decreased by nine million five hundred thirty-two thousand five hundred dollars (\$9,532,500). Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution."

Renumber succeeding section accordingly.

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1353** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 10-16-704, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-704. Network adequacy. (4.5) (a) ALL CLAIMS PAID BY A CARRIER SHALL BE CONSIDERED FINAL UNLESS ADJUSTMENTS ARE MADE PURSUANT TO THIS SUBSECTION (4.5).

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(b) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (4.5), ADJUSTMENTS TO CLAIMS BY THE PROVIDER OR THE CARRIER SHALL BE MADE WITHIN THE TIME PERIOD SET OUT IN A CONTRACT BETWEEN THE PROVIDER AND THE CARRIER. SUCH TIME PERIOD SHALL BE THE SAME FOR THE PROVIDER AND THE CARRIER AND SHALL NOT EXCEED TWELVE MONTHS AFTER THE DATE OF THE ORIGINAL EXPLANATION OF BENEFITS.

(c) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (4.5), IF THERE IS NO CONTRACT BETWEEN A PROVIDER AND A CARRIER, ADJUSTMENTS TO CLAIMS PAID TO PROVIDERS SHALL BE MADE WITHIN TWELVE MONTHS AFTER THE DATE OF THE ORIGINAL EXPLANATION OF BENEFITS. THE TIME PERIOD FOR ADJUSTMENTS SHALL BE THE SAME FOR THE PROVIDER AND THE CARRIER.

(d) (I) ADJUSTMENTS TO CLAIMS PAID UNDER A RISK ASSUMPTION OR RISK SHARING AGREEMENT SHALL BE MADE WITHIN SIX MONTHS AFTER THE LAST DATE OF SERVICE FOR A PERIOD FOR WHICH A SETTLEMENT IS BEING RECONCILED. THE PERIOD FOR WHICH A SETTLEMENT IS RECONCILED SHALL NOT EXCEED TWELVE MONTHS.

(II) FOR PURPOSES OF THIS PARAGRAPH (d), "RISK ASSUMPTION" AND "RISK SHARING" REFER TO A TRANSACTION WHEREBY THE CHANCE OF LOSS, INCLUDING THE EXPENSES FOR THE DELIVERY OF SERVICE, WITH RESPECT TO THE HEALTH CARE OF A PERSON IS TRANSFERRED TO OR SHARED WITH ANOTHER ENTITY IN RETURN FOR FULL CONSIDERATION. SUCH TRANSACTIONS INCLUDE, BUT ARE NOT LIMITED TO, FULL OR PARTIAL CAPITATION AGREEMENTS, WITHHOLDS, RISK CORRIDORS, AND INDEMNIFICATION AGREEMENTS. SUCH TRANSACTIONS DO NOT INCLUDE FEE-FOR-SERVICE ARRANGEMENTS, PER DIEM PAYMENTS, AND DIAGNOSTIC-RELATED GROUP PAYMENT AGREEMENTS.

(e) ADJUSTMENTS TO CLAIMS RELATED TO COORDINATION OF BENEFITS WITH FEDERALLY FUNDED HEALTH BENEFIT PLANS, INCLUDING MEDICARE AND MEDICAID, SHALL BE MADE WITHIN THIRTY-SIX MONTHS AFTER THE DATE OF SERVICE.

(f) A CARRIER SHALL NOT RETROACTIVELY ADJUST A CLAIM BASED ON ELIGIBILITY IF THE PROVIDER RECEIVED VERIFICATION OF ELIGIBILITY WITHIN TWO BUSINESS DAYS PRIOR TO THE DELIVERY OF SERVICES.

(g) (I) IN CIRCUMSTANCES WHERE A CARRIER DETERMINES THAT A PREMIUM HAS NOT BEEN RECEIVED DURING A GRACE PERIOD REQUIRED BY SECTION 10-16-202 (4) FOR AN INDIVIDUAL POLICY, THE CARRIER MAY REPORT TO THE PROVIDER THAT ELIGIBILITY IS CONTINGENT ON PAYMENT OF THE PREMIUM DUE AND THAT ELIGIBILITY CANNOT BE CONFIRMED FOR THE PERIOD THAT THE PREMIUM IS OUTSTANDING. IN SUCH CASES, A CARRIER SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 10-16-705 (12) (b) AND (12) (c).

(II) IN CIRCUMSTANCES WHERE THE PROVIDER RECEIVES INFORMATION FROM THE CARRIER THAT COVERAGE IS CONTINGENT UPON RECEIPT OF A PREMIUM, THE REQUIREMENTS OF SECTION 10-16-705 (3) SHALL NOT APPLY AND THE PROVIDER MAY COLLECT PAYMENT FOR SERVICES FROM THE ENROLLEE.

(III) IF THE PROVIDER HAS COLLECTED PAYMENT FROM THE ENROLLEE AND SUBSEQUENTLY RECEIVES PAYMENT FROM THE CARRIER, THE PROVIDER SHALL REIMBURSE THE ENROLLEE LESS ANY APPLICABLE COPAYMENTS, DEDUCTIBLES, OR COINSURANCE AMOUNTS.

(h) IN CIRCUMSTANCES WHERE A CARRIER DETERMINES THAT A PREMIUM HAS NOT BEEN RECEIVED DURING A GRACE PERIOD REQUIRED BY SECTION 10-16-214 (3) FOR A GROUP POLICY, THE CARRIER MAY REPORT TO THE PROVIDER THAT THE CARRIER IS NOT REQUIRED TO PAY FOR HEALTH CARE SERVICES RENDERED TO AN ENROLLEE DURING A TIME IN WHICH THE CARRIER CAN DEMONSTRATE THAT THE POLICYHOLDER HAS SECURED COVERAGE WITH ANOTHER CARRIER.

(i) NOTHING IN THIS SUBSECTION (4.5) SHALL PROHIBIT THE CARRIER FROM REQUIRING THE ENROLLEE TO REIMBURSE THE CARRIER FOR CLAIMS PAID BY THE CARRIER TO THE PROVIDER IF:

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HB02-1353

(I) A CHANGE IN ELIGIBILITY STATUS HAS OCCURRED MAKING THE ENROLLEE INELIGIBLE FOR COVERAGE ON THE DATE SERVICES WERE PROVIDED; OR

(II) AN ENROLLEE HAS COMMITTED FRAUD OR MATERIAL MISREPRESENTATION IN APPLYING FOR COVERAGE OR IN RECEIVING OR FILING FOR BENEFITS.

(j) A CARRIER SHALL NOT RETROACTIVELY ADJUST A CLAIM BASED ON ELIGIBILITY IF THE PROVISION OF BENEFITS IS A REQUIRED POLICY PROVISION PURSUANT TO SECTION 10-16-202 (4) OR SECTION 10-16-214 (3). EXCEPT AS PROVIDED BY SECTIONS 10-16-106(2) AND 10-16-705 (4), A CARRIER SHALL NOT BE REQUIRED TO PAY FOR HEALTH CARE SERVICES RENDERED:

(I) WITHIN THE GRACE PERIOD REQUIRED BY SECTION 10-16-214 (3) TO AN ENROLLEE OF A GROUP POLICY DURING A TIME WHEN THE CARRIER CAN DEMONSTRATE THAT THE POLICYHOLDER HAS SECURED COVERAGE WITH ANOTHER CARRIER.

(k) NOTHING IN THIS SUBSECTION (4.5) SHALL BE CONSTRUED TO REQUIRE A GRACE PERIOD FOR THE PAYMENT OF PREMIUMS TO A HEALTH MAINTENANCE ORGANIZATION.

(l) (I) ANY ADJUSTMENT MADE BY THE CARRIER THAT RECOVERS CARRIER OVERPAYMENTS TO A PROVIDER SHALL INCLUDE A WRITTEN NOTICE TO THE PROVIDER AND SHALL CONTAIN A COMPLETE AND SPECIFIC EXPLANATION OF SUCH ADJUSTMENTS AND INFORMATION REGARDING THE CARRIER'S PROVIDER DISPUTE RESOLUTION PROCEDURES PURSUANT TO SECTION 10-16-705 (13). SUCH NOTICE SHALL BE MADE TO BOTH THE PROVIDER AND THE ENROLLEE TO THE EXTENT THAT THE ADJUSTMENT WILL RESULT IN ENROLLEE LIABILITY. NOTICE TO THE ENROLLEE REQUIRED BY THIS PARAGRAPH SHALL INCLUDE INFORMATION REGARDING THE CARRIER'S ENROLLEE APPEALS PROCEDURE RATHER THAN THE CARRIER'S PROVIDER DISPUTE RESOLUTION PROCEDURES.

(II) (A) FOR CLAIMS ADJUSTED BY THE CARRIER DUE TO COORDINATION OF BENEFITS, IN ADDITION TO THE REQUIREMENTS OF THIS PARAGRAPH (I), UPON REQUEST OF THE PROVIDER, THE CARRIER SHALL PROVIDE ALL AVAILABLE INFORMATION REGARDING THE PARTY RESPONSIBLE FOR PAYMENT OF THE CLAIM TO THE PROVIDER.

(B) THE CARRIER SHALL PROVIDE NOTICE TO THE PROVIDER WITH THE EXPLANATION OF BENEFITS REGARDING THE AVAILABILITY OF THE INFORMATION RELATED TO THE PARTY RESPONSIBLE FOR PAYMENT OF THE CLAIM.

(m) ADJUSTMENTS TO CLAIMS MADE IN CASES WHERE A CARRIER, PURSUANT TO SECTION 10-1-127 (6) (a) (IV), HAS REPORTED FRAUD OR ABUSE COMMITTED BY THE PROVIDER, SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (4.5).

SECTION 2. 10-16-705 (12), Colorado Revised Statutes, is amended to read:

10-16-705. Requirements for carriers and participating providers. (12) (a) A carrier shall establish ~~a mechanism~~ ONE OR MORE MECHANISMS by which the participating providers may determine, at the time services are provided, whether or not a person is covered by the carrier. IF A CARRIER MAINTAINS ONLY ONE MECHANISM, SUCH MECHANISM SHALL NOT REQUIRE ELECTRONIC ACCESS.

(b) (I) EACH CARRIER, REGARDLESS OF THE MECHANISM USED, SHALL ISSUE A VERIFICATION CODE THAT THE PARTICIPATING PROVIDER MAY USE AS PROOF OF VERIFICATION AS REQUIRED BY SECTION 10-16-704 (4.5) (f), (4.5) (g), AND (4.5) (h).

(II) IN LIEU OF THE REQUIREMENTS OF THIS PARAGRAPH (b), FOR THE PURPOSES OF VERIFYING THE CARRIER'S COMMUNICATION TO THE PROVIDER PURSUANT TO SECTION 10-16-704 (4.5) (g) OR (4.5) (h), A CARRIER MAY SUBMIT WRITTEN CONFIRMATION TO A PROVIDER WITHIN

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HB02-1353

TWO BUSINESS DAYS.

(III) IF A CARRIER PROVIDES ELECTRONIC ACCESS AS A MECHANISM TO VERIFY COVERAGE, THE CARRIER MAY, IN LIEU OF THE REQUIREMENT TO ISSUE A VERIFICATION CODE THROUGH SUCH MECHANISM, ACCEPT AS PROOF OF VERIFICATION A DATED SCREEN PRINT FROM THE CARRIER'S ELECTRONIC VERIFICATION MECHANISM DEMONSTRATING THAT THE MEMBER IS ELIGIBLE PURSUANT TO SECTION 10-16-704 (4.5) (g) OR THAT THE CARRIER IS NOT REQUIRED TO PAY FOR SERVICES PURSUANT TO SECTION 10-16-704 (4.5) (h).

(c) IN LIEU OF THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (12), A CARRIER MAY INSTITUTE A POLICY PROVIDING THAT ADJUSTMENTS TO CLAIMS RELATED TO ELIGIBILITY WILL BE MADE ONLY IF THE CARRIER CAN DEMONSTRATE THAT THE MEMBER DID NOT APPEAR AS ELIGIBLE ON ANY OF THE CARRIER'S VERIFICATION MECHANISMS ON THE DATE OF SERVICE.

(d) A CARRIER SHALL NOTIFY PARTICIPATING PROVIDERS OF THE MECHANISMS AVAILABLE TO VERIFY ELIGIBILITY AND THE CARRIER'S INTENT WITH RESPECT TO THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF THIS SUBSECTION (12).

SECTION 3. Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-16-103.5. Payment of premiums - required term in contract.

(1) EVERY CONTRACT BETWEEN A CARRIER AND A POLICYHOLDER SHALL CONTAIN A PROVISION THAT REQUIRES A POLICYHOLDER TO PAY PREMIUMS:

(a) FOR EACH INDIVIDUAL COVERED UNDER THE POLICYHOLDER'S POLICY THROUGH THE DATE THAT THE POLICYHOLDER NOTIFIES THE CARRIER THAT THE INDIVIDUAL COVERED UNDER THE POLICY IS NO LONGER ELIGIBLE OR COVERED; OR

(b) THROUGH THE DATE THAT THE POLICYHOLDER NO LONGER INTENDS TO MAINTAIN COVERAGE FOR THE GROUP THROUGH THE CARRIER.

(2) PREMIUMS SHALL BE PAID ACCORDING TO THE PREMIUM PAYMENT PROVISIONS OF THE CONTRACT.

SECTION 4. 10-16-106.5 (6), Colorado Revised Statutes, is amended to read:

10-16-106.5. Prompt payment of claims - legislative declaration. (6) This section shall not prohibit a carrier from retroactively adjusting payment of a claim THAT IS NOT SUBJECT TO THE PROVISIONS OF SECTION 10-16-704, if:

(a) The policyholder notifies the carrier of a change in eligibility of an individual; and

(b) The adjustment is made within thirty days after the carrier's receipt of such notification.

SECTION 5. Effective date - applicability. (1) This act shall take effect January 1, 2003, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to claims submitted for dates of service on or after the applicable effective date of this act."

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Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1323** be amended as follows and, as so amended be referred to Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 8, after the period, add "ADDITIONALLY, THE GENERAL ASSEMBLY FINDS THAT THE DEPARTMENT SHOULD EXPLORE WHETHER RISK-BASED INSPECTIONS MAY BE IMPLEMENTED TO ALLOCATE RESOURCES MORE EFFECTIVELY AND AT THE SAME TIME ADEQUATELY PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS.";

line 22, strike "AN" and substitute "A WRITTEN".

Page 12, line 6, strike "OF, BUT ARE NOT LIMITED TO," and substitute "OF".

Page 15, strike line 4;

line 8, strike "FIFTEEN" and substitute "TWENTY";

line 10, strike "approved." and substitute "approved; EXCEPT THAT AN ASSISTED LIVING RESIDENCE THAT MEETS THE DEFINITION OF A HIGH MEDICAID UTILIZATION RESIDENCE SHALL SUBMIT AN ADDITIONAL FEE OF FIFTEEN DOLLARS PER AVAILABLE BED IN THE RESIDENCE TO THE DEPARTMENT.";

strike lines 20 and 21 and substitute the following:

"(III) UPON INITIAL APPLICATION, A LICENSEE SHALL SUBMIT A FEE OF ONE THOUSAND ONE HUNDRED FIFTY DOLLARS RELATED TO ESTABLISHING NEW SERVICES FOR RESIDENTS WHO NEED A SECURE ENVIRONMENT."

Strike pages 17 and 18.

Page 19, strike lines 1 through 12;

line 27, strike "SUBSECTIONS (1) AND (1.7)" and substitute "SUBSECTION (1)".

Page 25, line 27, after "(5)", insert "(a)".

Page 26, line 8, strike "(a)" and substitute "(I)";

line 11, strike "(b)" and substitute "(II)";

line 15, strike "(c)" and substitute "(III)";

after line 17, insert the following:

"(b) IN CONSULTATION WITH THE ADVISORY COMMITTEE FOR ASSISTED LIVING RESIDENCES, THE DEPARTMENT SHALL REPORT BY OCTOBER 15, 2003, TO THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE OF THE SENATE ON THE COST OF THE INSPECTIONS AND THE NECESSITY TO ADJUST THE FEES ASSESSED TO LICENSEES. THE DEPARTMENT SHALL INCLUDE IN ITS REPORT THE NUMBER OF MEDICAID RESIDENCES AND THE NUMBER OF PRIVATE PAY RESIDENCES THAT HAVE BEEN INSPECTED AND THE FUNDING THAT WOULD BE NEEDED, IF ANY, TO INSPECT THE PRIVATE-PAY RESIDENCES."

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1159** be referred favorably to the Committee on Appropriations.

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Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **SB02-204** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 1, line 101, after "**CHILDREN**", insert "**WHILE RIDING BICYCLES**".

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Health,
Environment,
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After consideration on the merits, the committee recommends that **SB02-198** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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Health,
Environment,
Children &
Families

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEDICAL SERVICES BOARD

for a term expiring July 1, 2003:

Representative John Witwer of Evergreen, Colorado, to serve as a representative who has experience with the delivery of health care from the Sixth Congressional District and as a Republican, appointed.

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Health,
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Families

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEDICAL SERVICES BOARD

for terms expiring July 1, 2005:

The Honorable Stephen C. Tool of Fort Collins, Colorado, to serve as a member from the Fourth Congressional District and as Republican, appointed;

Mary Ellen Faules of Greeley, Colorado, to serve as a member from the Fourth Congressional District and as an Unaffiliated, reappointed;

Wendell Phillips of Colorado Springs, Colorado, to serve as a member from the Fifth Congressional District and as a Republican, reappointed;

for a term expiring July 1, 2004:

Marguerite Salazar of Alamosa, Colorado, to serve as a member from the Third Congressional District with experience in caring for medically underserved children and as a Democrat, appointed.

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Appropriations

After consideration on the merits, the committee recommends that **SB02-162** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, line 18, after "(b)", insert "(I)";

after line 27, insert the following:

"(II) IF A DRUG MANUFACTURER OR LABELER OPERATES A DISEASE MANAGEMENT OR WELLNESS PROGRAM AND STATE MONEYS ARE SAVED RELATED TO THE IMPLEMENTATION OF SUCH PROGRAM, SEVENTY-FIVE PERCENT OF THESE MONEYS SAVED SHALL QUARTERLY BE CREDITED TO THE PRESCRIPTION CARD PROGRAM CASH FUND CREATED IN SECTION 26-4-1305 (5). THE REMAINING TWENTY-FIVE PERCENT OF THE STATE MONEYS SAVED SHALL QUARTERLY BE CREDITED TO THE GENERAL FUND."

Page 7, after line 6, insert the following:

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SB02-162

"(d) ANY STATE MONEYS SAVED RELATED TO REBATES AND DISCOUNTS PURSUANT TO THIS SUBSECTION SHALL BE CREDITED TO THE PRESCRIPTION CARD PROGRAM CASH FUND CREATED IN SECTION 26-4-1305 (5)."

Page 8, after line 8, insert the following:

"(d) ANY STATE MONEYS SAVED RELATED TO PREAUTHORIZATION PURSUANT TO THIS SUBSECTION SHALL BE CREDITED TO THE PRESCRIPTION CARD PROGRAM CASH FUND CREATED IN SECTION 26-4-1305 (5).

(4) **Report.** THE DEPARTMENT SHALL REPORT ON NOVEMBER 1, 2003, AND EACH NOVEMBER 1 THEREAFTER, TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AN ESTIMATE OF THE SAVINGS GENERATED FROM NEGOTIATED SUPPLEMENTAL REBATES, DISCOUNTS, AND DISEASE MANAGEMENT AND WELLNESS PROGRAMS IMPLEMENTED PURSUANT TO THIS SECTION."

Page 10, line 13, strike "DIRECTOR" and substitute "DIRECTOR, DISCOUNTS PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, ANY STATE MONEYS SAVED RELATED TO PREAUTHORIZATIONS PURSUANT TO SUBSECTION (3) OF THIS SECTION, SEVENTY-FIVE PERCENT OF THE STATE MONEYS SAVED RELATED TO DISEASE MANAGEMENT PROGRAMS IMPLEMENTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, AND SEVENTY-FIVE PERCENT OF THE STATE MONEYS SAVED RELATED TO PREAUTHORIZATION PURSUANT TO SECTION 26-4-408.5,";

line 16, strike "CONTINUOUSLY" and substitute "ANNUALLY";

after line 18, insert the following:

"(6) THE DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE, SENATE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE, AND HOUSE OF REPRESENTATIVES HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE WHEN THE PRESCRIPTION CARD PROGRAM CASH FUND, CREATED PURSUANT TO SUBSECTION (5) OF THIS SECTION, CONTAINS SUFFICIENT MONEYS TO MEET THE DIRECT AND INDIRECT ADMINISTRATIVE EXPENSES OF THE DEPARTMENT FOR THIS PART 13 AND OF SECTION 26-4-408.5, AND WHETHER THE CASH FUND WILL CONTINUE TO CONTAIN THE FUTURE PROJECTED ADMINISTRATIVE EXPENSES OF THE DEPARTMENT TO OPERATE THE PROGRAMS OF THIS PART 13 AND SECTION 26-4-408.5. THE DEPARTMENT SHALL ALSO MAKE RECOMMENDATIONS TO THESE COMMITTEES WHETHER THE ELIGIBILITY FOR THE PRESCRIPTION CARD PROGRAM SHOULD BE MODIFIED BASED ON THE AMOUNT OF REBATES, DISCOUNTS, AND PROGRAMS FOR DISEASE MANAGEMENT OR WELLNESS.

(7) THE DEPARTMENT MAY IMPLEMENT THE PROVISIONS OF THIS SECTION INCREMENTALLY AS SAVINGS FROM THIS PART AND SECTION 26-4-408.5 ARE REALIZED."

Page 13, after line 11, insert the following:

"SECTION 2. Part 4 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-408.5. Pharmaceutical benefits manager - legislative declaration - prescription drug purchasing - utilization review - report. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) COLORADO MEDICAID PHARMACY EXPENDITURES HAVE INCREASED OVER ONE HUNDRED SEVENTY PERCENT IN THE PAST SIX YEARS;

(b) ALTHOUGH THE MEDICAID CASELOAD HAS ONLY INCREASED BY SIXTEEN AND ONE-HALF PERCENT OVER THIS SAME SIX-YEAR PERIOD, THE COST PER CLIENT EXPENDITURES HAVE INCREASED BY APPROXIMATELY NINETY-ONE PERCENT;

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(c) PORTIONS OF COLORADO'S MEDICAID PHARMACY PROGRAM MAY LACK PHARMACY BENEFITS MANAGEMENT;

(d) OTHER STATES ARE AGGRESSIVELY PURSUING PHARMACEUTICAL MANAGEMENT OPTIONS THAT MAY OFFER EXAMPLES FOR COLORADO;

(e) WHILE COLORADO HAS SHOWN AN ANNUAL COST INCREASE OF APPROXIMATELY THIRTEEN PERCENT, SOME STATES THAT HAVE RECENTLY IMPLEMENTED PHARMACEUTICAL MANAGEMENT OPTIONS HAVE ALREADY SHOWN A DECREASE IN THEIR STATE'S ANNUAL PHARMACEUTICAL COSTS.

(2) THE GENERAL ASSEMBLY, THEREFORE, HEREBY DECLARES THAT IT IS NECESSARY TO IMPLEMENT PRESCRIPTION DRUG UTILIZATION MANAGEMENT STRATEGIES IN THE STATE'S MEDICAID PROGRAM.

(3) THE STATE DEPARTMENT SHALL CONTRACT ON A CONTINGENCY BASIS WITH A PHARMACEUTICAL BENEFITS MANAGER TO NEGOTIATE WITH PRESCRIPTION DRUG MANUFACTURERS FOR THE PURCHASE OF PRESCRIPTION DRUGS UNDER THIS ARTICLE AND IMPLEMENT STRATEGIES TO MANAGE THE STATE'S MEDICAID PRESCRIPTION DRUG UTILIZATION.

(4) THE COST OF THE CONTRACT SHALL BE PAID THROUGH THE SAVINGS ACHIEVED BY THE PHARMACEUTICAL BENEFITS MANAGER THROUGH NEGOTIATIONS WITH PRESCRIPTION DRUG MANUFACTURERS AND THE IMPLEMENTATION OF PRESCRIPTION DRUG UTILIZATION STRATEGIES.

(5) (a) THE CONTRACT SHALL REQUIRE THE PHARMACEUTICAL BENEFITS MANAGER TO IMPLEMENT PRESCRIPTION DRUG UTILIZATION STRATEGIES THAT INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

(I) LIMITING THE NUMBER OF PRESCRIPTIONS FOR BRAND-NAME PRESCRIPTION DRUGS THAT CAN BE PRESCRIBED PER MONTH TO A PERSON RECEIVING MEDICAL SERVICES UNDER THIS ARTICLE, WHICH LIMITATION SHALL BE DETERMINED BY THE STATE DEPARTMENT AFTER CONSIDERING THE NEEDS OF COLORADO'S MEDICAID POPULATION AND THE COST SAVINGS ASSOCIATED WITH THE BRAND-NAME LIMITATION. RECIPIENTS EXCEEDING THE BRAND-NAME PRESCRIPTION DRUG LIMITATION SHALL BE REFERRED FOR MEDICAL MANAGEMENT, AS SPECIFIED IN THE CONTRACT.

(II) REQUIRING THAT ALL BRAND-NAME PRESCRIPTIONS EXCEEDING THE BRAND-NAME PRESCRIPTION DRUG LIMITATION SET OUT IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), AS DETERMINED BY THE STATE DEPARTMENT, SHALL REQUIRE PREAUTHORIZATION, WHICH AUTHORIZATION SHALL BE IN CONSULTATION WITH THE RECIPIENT'S PRESCRIBING PHYSICIAN AND SHALL CONSIDER THE TOTALITY OF THE RECIPIENT'S MEDICAL CONDITION. ANY PROVISION FOR THE PREAUTHORIZATION OF PRESCRIPTION MEDICATIONS UNDER THIS SECTION SHALL ALLOW FOR RECIPIENTS TO CONTINUE RECEIVING THEIR CURRENT MEDICATION WHILE IT IS UNDER CONSIDERATION FOR AUTHORIZATION UNTIL THE PREAUTHORIZATION FOR THE BRAND-NAME PRESCRIPTION MEDICATION IS APPROVED, DENIED, OR A MORE APPROPRIATE MEDICATION HAS BEEN PRESCRIBED.

(b) ANY SAVINGS OF STATE MONEYS REALIZED AS A RESULT OF IMPLEMENTATION OF THIS SUBSECTION (5) SHALL BE CREDITED QUARTERLY AS FOLLOWS:

(I) SEVENTY-FIVE PERCENT TO THE PRESCRIPTION CARD PROGRAM CASH FUND CREATED IN SECTION 26-4-1305 (5); AND

(II) THE REMAINING TWENTY-FIVE PERCENT TO THE GENERAL FUND.

(6) THE PRESCRIPTION DRUG UTILIZATION STRATEGIES REQUIRED UNDER SUBSECTION (5) OF THIS SECTION SHALL NOT APPLY TO MEDICATIONS FOR THE CARE AND TREATMENT OF BIOLOGICALLY BASED MENTAL ILLNESS, AS DEFINED IN SECTION 10-16-104 (5.5), C.R.S., OR MEDICATIONS FOR THE CARE AND TREATMENT OF HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME. THE STATE DEPARTMENT SHALL REQUIRE IN THE CONTRACT

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SB02-162

THAT THE PHARMACEUTICAL BENEFITS MANAGER IN THE CONTRACT UNDER SUBSECTION (3) OF THIS SECTION SHALL NEGOTIATE FOR THE PURCHASE OF THESE MEDICATIONS.

(7) THE STATE DEPARTMENT SHALL REPORT ON NOVEMBER 1, 2003, AND EACH NOVEMBER 1 THEREAFTER, TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AN ESTIMATE OF THE SAVINGS GENERATED BY CONTRACTING WITH THE PHARMACEUTICAL BENEFITS MANAGER FOR THE PURCHASE OF PRESCRIPTION DRUGS AND THE MANAGEMENT OF THE STATE'S MEDICAID PRESCRIPTION DRUG UTILIZATION.

(8) IF THE STATE OF COLORADO JOINS A MULTISTATE COALITION TO NEGOTIATE WITH PRESCRIPTION DRUG MANUFACTURERS FOR THE PURCHASE OF PRESCRIPTION DRUGS FOR MEDICAID RECIPIENTS, THE STATE DEPARTMENT SHALL NO LONGER CONTRACT WITH A PHARMACEUTICAL BENEFITS MANAGER UNDER THIS SECTION TO NEGOTIATE FOR THE PURCHASE OF PRESCRIPTION DRUGS, BUT SHALL CONTINUE CONTRACTING FOR THE IMPLEMENTATION OF PRESCRIPTION DRUG UTILIZATION STRATEGIES.

(9) THE MEDICAL SERVICES BOARD MAY ADOPT RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(10) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE STATE DEPARTMENT FROM IMPLEMENTING ADDITIONAL UTILIZATION STRATEGIES FOR PRESCRIPTION MEDICATIONS OTHER THAN THOSE SPECIFIED IN THIS SECTION.

SECTION 3. Repeal. 26-4-408, Colorado Revised Statutes, is repealed as follows:

~~**26-4-408. Prescribed drugs.** (1) The state department shall implement a drug utilization review process using health care providers to assure the appropriate utilization of drugs by patients receiving medical assistance under this article. The review process shall include the monitoring of prescription information and shall address at a minimum underutilization and overutilization of benefit drugs. Periodic reports of findings and recommendations shall be forwarded to the state department.~~

~~(2) Repealed."~~

Renumber succeeding sections accordingly.

Page 14, after line 11, insert the following:

"SECTION 4. Appropriation - adjustments to the 2002 long bill. (1) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, medical programs administration, for the fiscal year beginning July 1, 2002, the sum of one million one hundred fifty-two thousand one hundred forty-eight dollars (\$1,152,148) and 4.5 FTE, for the implementation of this act. Of said sum, seventy thousand six hundred eighty-three dollars (\$70,683) shall be from the general fund and shall be subject to the "(M)" notation as defined in the general appropriation act, and one million eighty-one thousand four hundred sixty-six dollars (\$1,081,466) shall be from the prescription card program cash fund created in section 26-4-1305 (5), Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2002, the department of health care policy and financing, medical programs administration, will receive the sum of one million three hundred four thousand seven hundred ninety-two dollars (\$1,304,792) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) For the fiscal year beginning July 1, 2002, in addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the prescription card program cash fund created in section 26-4-1305 (5), Colorado Revised Statutes, the sum of two million two hundred sixty thousand three hundred dollars (\$2,260,300), or so much thereof as may be necessary,

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SB02-162

for the implementation of this act.

(3) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows: The appropriation to the department of health care policy and financing, medical services premiums, is decreased by five million three hundred twenty-nine thousand ninety-one dollars (\$5,329,091). Of said sum, two million six hundred sixty-four thousand five hundred forty-six dollars (\$2,664,546) shall be from the general fund and two million six hundred sixty-four thousand five hundred forty-six dollars (\$2,664,546) shall be from federal funds."

Page 14, strike lines 12 through 21 and substitute the following:

"SECTION 5. Effective date. This act shall take effect July 1, 2002.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Page 1, line 104, strike "CARDS." and substitute "CARDS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

Appropriations

After consideration on the merits, the committee recommends that SB02-010 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated January 29, 2002, page 1, line 14, strike "REGISTRATION." and substitute "REGISTRATION.";

after line 14 of the committee report, insert the following:

"(c) THE STATE COURT ADMINISTRATOR IS HEREBY AUTHORIZED TO RECEIVE AND EXPEND ANY PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS THAT MAY BE AVAILABLE TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THE PROVISIONS OF THIS SUBSECTION (1)."

Page 3 of the committee report, after line 20, insert the following:

"Page 31, strike lines 5 through 7 and substitute the following:

"(7) THE CBI MAY ASSESS REASONABLE FEES FOR THE SEARCH, RETRIEVAL, AND COPYING OF INFORMATION REQUESTED PURSUANT TO SUBSECTION (6) OF THIS SECTION. THE AMOUNT OF SUCH FEES SHALL REFLECT THE ACTUAL COSTS, INCLUDING BUT NOT LIMITED TO PERSONNEL AND EQUIPMENT, INCURRED IN OPERATING AND MAINTAINING THE SEX OFFENDER REGISTRY. ANY SUCH FEES RECEIVED SHALL BE CREDITED TO THE SEX OFFENDER REGISTRY FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE MONEYS IN THE SEX OFFENDER REGISTRY FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE COSTS, INCLUDING BUT NOT LIMITED TO PERSONNEL AND EQUIPMENT, INCURRED IN OPERATING AND MAINTAINING THE SEX OFFENDER REGISTRY. THE SEX OFFENDER REGISTRY FUND SHALL CONSIST OF THE MONEYS CREDITED THERETO PURSUANT TO THIS SUBSECTION (7) AND ANY ADDITIONAL MONEYS THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE SEX OFFENDER REGISTRY FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE SEX OFFENDER REGISTRY FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.";

line 21 of the committee report, strike "Page 31,".

Page 4 of the committee report, strike lines 20 through 22 and substitute the following:

"strike lines 8 through 12 and substitute the following:

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SB02-010

"ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES MISDEMEANOR UNLAWFUL SEXUAL BEHAVIOR." .".

Page 5 of the committee report, after line 4, add the following:

"Page 62, strike lines 14 through 27 and substitute the following:

"SECTION 36. 16-11-214 (1), Colorado Revised Statutes, is amended to read:

16-11-214. Fund created - probation services - repeal.

(1) (a) There is hereby created in the state treasury the offender services fund to which shall be credited one hundred percent of any cost of care payments or probation supervision fees paid to the state pursuant to section 16-11-204 (2) (a) (V) or section 19-2-114 (1), C.R.S., and from which the general assembly shall make annual appropriations for administrative and personnel costs for adult and juvenile probation services as well as for adjunct adult and juvenile probation services in the judicial department, including treatment services, contract services, drug and alcohol treatment services, and program development, and for associated administrative and personnel costs. Any moneys remaining in said fund at the end of any fiscal year shall not revert to the general fund.

(b) (I) FOR THE 2003-04, 2004-05, AND 2005-06 FISCAL YEARS, IN ADDITION TO THE PURPOSES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE GENERAL ASSEMBLY MAY APPROPRIATE FROM THE OFFENDER SERVICES FUND TO THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, C.R.S., AN ANNUAL AMOUNT OF UP TO ONE HUNDRED FIFTY-NINE THOUSAND EIGHT HUNDRED EIGHTY-THREE DOLLARS AND 2.2 FTE, FOR THE COSTS INCURRED IN OPERATING AND MAINTAINING THE COLORADO SEX OFFENDER REGISTRY PURSUANT TO ARTICLE 22 OF THIS TITLE. MONEYS FOR SUCH PURPOSE MAY BE APPROPRIATED FROM THE OFFENDER SERVICES FUND ONLY IN FISCAL YEARS IN WHICH THE MONEYS APPROPRIATED FROM THE SEX OFFENDER REGISTRY FUND CREATED IN SECTION 16-22-110 (7) AND MONEYS REMAINING AFTER THE PAYMENT OF PROGRAM COSTS FROM THE AMOUNT COLLECTED BY THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO SECTION 24-72-306, C.R.S., ARE INSUFFICIENT TO OFFSET THE COSTS INCURRED BY THE BUREAU IN OPERATING AND MAINTAINING THE COLORADO SEX OFFENDER REGISTRY.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 37. No general fund appropriation. The general assembly has determined that this act can be implemented within existing state general fund appropriations, and therefore no separate appropriation of state general fund moneys is necessary to carry out the purposes of this act.

SECTION 38. Future appropriations. (1) Although no appropriation is included in this act for the fiscal year beginning July 1, 2002, it appears that this act will require appropriations for subsequent fiscal years. The amount required to be appropriated from any moneys in the sex offender registry fund, created in section 16-22-110 (7), Colorado Revised Statutes, not otherwise appropriated for the fiscal year beginning July 1, 2003, is estimated to be one hundred fifty-nine thousand eight hundred eighty-three dollars (\$159,883) and 2.2 FTE.

(2) For the fiscal year beginning July 1, 2003, if there are insufficient moneys in the sex offender registry fund, created in section 16-22-110 (7), Colorado Revised Statutes, to fully fund the costs incurred by the department of public safety, Colorado bureau of investigation in implementing the provisions of this act, up to one hundred fifty-nine thousand eight hundred eighty-three dollars (\$159,883) and 2.2 FTE may be appropriated from any moneys not otherwise appropriated that are received by the Colorado bureau of investigation pursuant to section 24-72-306, Colorado Revised Statutes, for fingerprint and name check processing fees for services collected from non-state agencies."

Strike pages 63 through 65.

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SB02-010

Page 66, strike lines 1 through 14;

strike line 16 and substitute the following:

"effect July 1, 2002; except that sections 16-22-104 (1) (a), 16-22-106 (3) (a), and 16-22-107 (1), Colorado Revised Statutes, as enacted in this act, shall take effect only if funds are received by the judicial department and the Colorado bureau of investigation in an amount sufficient for the implementation of said sections, and section 36 of this act shall take effect only if Senate Bill 02-018 is enacted during the Second Regular Session of the Sixty-third General Assembly and becomes law. Section 2 of this act shall apply to offenses".

Renumber succeeding sections accordingly.

Page 1, line 101, strike "**REGISTRATION, AND MAKING AN**" and substitute "**REGISTRATION.**";

strike line 102."

MESSAGE FROM THE HOUSE

April 15, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1050, as printed in House Journal, April 12, page 1285.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1050 by Representative(s) Harvey; also Senator(s) Evans--Concerning honoring the Class 5A girls basketball state title champions.

Senator Evans moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

On motion of Senator Evans, the resolution was read at length and **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	E	McElhany	Y	Tate	E
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

INTRODUCTION OF CONCURRENT RESOLUTIONS

The following concurrent resolution was read by title and referred to the committee indicated:

SCR02-003 by Senator(s) Anderson; also Representative(s) Young--Submitting to the registered electors of the state of Colorado an amendment to section 20 (1) of article X of the constitution of the state of Colorado, concerning the elimination of the requirement to seek voter approval prior to weakening any fiscal limitation not imposed by the constitution. Business, Labor, and Finance

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB02-154 by Senator(s) Gordon, Anderson; also Representative(s) Rippey--Concerning certain communications by persons in an election campaign that relate to a public office that is to be voted on in such election.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	9	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	E	McElhany	N	Tate	E
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Hernandez, Pascoe, Tupa.

HB02-1163 by Representative(s) Stafford, Mitchell; also Senator(s) Hernandez--Concerning health insurance for employers with fewer than fifty-one employees.

Laid over until Friday, April 19 retaining its place on the calendar.

SB02-176 by Senator(s) Matsunaka, Perlmutter, Reeves; --Concerning limitations on the authority of the Colorado commission on higher education.

Laid over until Friday, April 19 retaining its place on the calendar.

SB02-173 by Senator(s) Linkhart; also Representative(s) Mace--Concerning the deletion of provisions requiring the offset from workers' compensation benefits of amounts received by injured firefighters and peace officers under employee benefit plans.

Laid over until later in the day, Monday, April 15.

HB02-1220 by Representative(s) Larson; also Senator(s) Hanna--Concerning the insurance coverage of hearing aids for minors, and making an appropriation in connection therewith.

Laid over until Tuesday, April 16 retaining its place on the calendar.

**CHANGES TO THE GENERAL ORDERS--SECOND READING OF BILLS--
CONSENT CALENDAR**

SB02-201 by Senator(s) Teck; also Representative(s) Stengel--Concerning the Colorado commission on taxation.

Upon request of Senator Cairns, **SB02-201** was removed from the General Orders--Second Reading of Bills Consent Calendar and placed at the end of the General Orders--Second Reading of Bills calendar of Tuesday, April 16.

Committee of the Whole On motion of Senator Takis, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills Consent Calendar and Senator Takis was called to the Chair to act as Chairman.

**GENERAL ORDERS--SECOND READING OF BILLS
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB02-1364 by Representative(s) Swenson; also Senator(s) May--Concerning tax reimbursement for fuel that is exempt from taxation. 1
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Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage. 3
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HB02-1355 by Representative(s) Cloer, Boyd, Dean, Grossman, Harvey, Rhodes; also Senator(s) Tate, Andrews--Concerning whether certain business practices violate the prohibition upon charging a higher price based on the customer's use of a credit card rather than other forms of payment. 5
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Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage. 10
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 12
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On motion of Senator Takis, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken: 14
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Passed on Second Reading: **HB02-1364, HB02-1355.** 19
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On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB02-062, SB02-196, HB02-1329, HB02-1034, HB02-1014, HB02-1244, HB02-1278, HB02-1341, HB02-1025** were made Special Orders at 10:45 a.m. 21
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Committee of the Whole The hour of 10:45 a.m. having arrived, Senator Takis moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Takis was called to the Chair to act as Chairman. 27
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SPECIAL ORDERS--SECOND READING OF BILLS 32
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The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows: 34
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SB02-196 by Senator(s) Perlmutter, Anderson, Hagedorn, Hernandez, McElhany, Phillips, Taylor, Teck; also Representative(s) Spradley, Chavez, Groff, Grossman, Kester, Stafford, White--Concerning real estate brokers who are engaged by members of the public. 38
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Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, April 9, page 706-708 and placed in members' bill file.) 42
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Amendment No. 2(L.002), by Senator Perlmutter. 45
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Amend printed bill, page 10, strike lines 21 and 22 and substitute the following: 47
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"said 12-61-808 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:". 50
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Page 13, after line 12, insert the following: 53
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"(h) PRIOR TO ENGAGING IN ANY OF THE ACTIVITIES ENUMERATED IN SECTION 12-61-101 (2) OR (3), THE SELLER, BUYER, LANDLORD, OR TENANT SHALL BE ADVISED IN A WRITTEN NOTICE THE NATURE AND TYPES OF BROKERAGE RELATIONSHIPS AUTHORIZED BY THIS PART 8 AND THE SELLER, BUYER, LANDLORD, OR TENANT SHALL SIGN SUCH NOTICE." 56
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 61
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HB02-1329 by Representative(s) Hoppe, Alexander, Clapp, Hodge, Miller, Rippey, Snook, Webster; also Senator(s) Isgar, Entz--Concerning the authority of the commissioner of agriculture to monitor agricultural chemicals in Groundwater, and making an appropriation therefor. 64
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 69
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HB02-1034 by Representative(s) Veiga; also Senator(s) Anderson--Concerning fees in connection with restraining orders. 71
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- HB02-1034** Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 14, page 463 and placed in members' bill file.)
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB02-1014** by Representative(s) Smith; also Senator(s) Fitz-Gerald--Concerning the removal by the secretary of state of identification numbers from financing statements filed before July 1, 2001, pursuant to repealed provisions of article 9 of the "Uniform Commercial Code", and making an appropriation therefor.
Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, March 21, page 537 and placed in members' bill file.)
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB02-1244** by Representative(s) Smith; also Senator(s) Teck--Concerning moneys in the identification security fund.
Ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB02-1278** by Representative(s) Stafford; also Senator(s) Hanna--Concerning physician training licenses, and making an
Ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB02-1341** by Representative(s) Swenson; also Senator(s) Nichol--Concerning recommendations of the house committee on transportation and energy relating to the continuation of requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.
Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.
(Printed in Senate Journal, April 8, page 685-691 and placed in members' bill file.)
Amendment No. 2(L.003), by Senator Tupa.
Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated April 4, 2002, page 1, strike lines 3 through 10.
Re-number succeeding sections accordingly.
Page 1, line 11, strike "SECTION" and substitute ""SECTION".
Page 2, strike lines 18 through 28.
Re-number succeeding sections accordingly.
Page 3, strike lines 8 through 20 and substitute the following:
"SECTION 6. 42-4-305 (11), Colorado Revised Statutes, is amended to read:
42-4-305. Powers and duties of executive director - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program. (11) The executive director shall report to the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE annually on the effectiveness of the quality assurance and enforcement measures contained in this section, the overall motorist compliance rates with inspections for registration denial, and the status of state implementation plan compliance pertaining to quality assurance. This annual report shall be submitted to the commission in May of each year for incorporation into appropriate annual and biennial reporting requirements. Reports shall cover the previous calendar year."
Re-number succeeding sections accordingly.
Page 6, line 23, strike "(9), (13), and";

HB02-1341

line 24, strike "are" and substitute "is";

strike lines 26 through 34.

Page 7, strike lines 1 through 14;

strike lines 28 through 35.

Page 8, strike lines 1 through 14.

Renumber succeeding sections accordingly.

Page 9, strike lines 11 through 36.

Page 10, strike lines 1 through 5;

16 through 18 and substitute the following:

"transportation safety. The office shall report annually to the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE on the distribution and expenditure of these funds and the nature and purpose of the programs. All moneys appropriated hereunder";

strike lines 28 through 30 and substitute the following:

"transportation safety. The office shall report annually to the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE on the distribution and expenditure of these funds and the nature and purpose of the programs. All moneys appropriated hereunder";

line 34, strike "(1) (c), (3), and (4)" and substitute "(1)(c), and (3)".

Page 11, strike lines 9 through 29 and substitute the following:

(c) At the time the notice required in paragraph (a) or (b) of this subsection (1) is sent to the division, a copy shall be filed with the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE.

(3) (a) The division shall file an annual report with the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE concerning the activities of authorities created pursuant to this part 5. Such report shall detail how many authorities have been created, describe their boundaries, and specify the public highways which are being constructed and how they are being financed.

(b) The division shall notify the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE either in the report required by paragraph (a) of this subsection (3) or by letter, if it deems that immediate notification is warranted, of any situation relating to the creation of an authority or value capture area, the imposition of any fee, or the issuance of any bonds by an authority that the division believes or has reason to believe will adversely affect the tax-raising ability or the credit or bond rating of any governmental unit or any school district.

Page 12, strike lines 11 through 34.

Renumber succeeding sections accordingly.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB02-1025

by Representative(s) Romanoff, Boyd, Stafford, Tochtrop; also Senator(s) Hagedorn, Hanna, Hernandez, Linkhart--Concerning methods to address barriers to self-sufficiency in Colorado works participants.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

SB02-062

by Senator(s) Owen; also Representative(s) Clapp--Concerning the coverage of pregnant women under the children's basic health plan, and making an appropriation therefor.

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SB02-062

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 9, page 706-708 and placed in members' bill file.)

Amendment No. 2(L.007), by Senator Owen.

Amend printed bill, page 4, after line 23, insert the following:

"(b) (I) UNDER THE PLAN, PRENATAL AND POSTPARTUM PRIMARY HEALTH CARE PROVIDERS SHALL IMPLEMENT POLICIES REGARDING THE INTEGRATION OF EVIDENCE-BASED TOBACCO USE TREATMENTS INTO THE REGULAR HEALTH CARE DELIVERY SYSTEM, INCLUDING, BUT NOT LIMITED TO:

(A) ASSESSMENT OF TOBACCO USE AND EXPOSURE TO SECOND-HAND SMOKE;

(B) EDUCATION ON THE DANGERS OF TOBACCO USE DURING PREGNANCY AND POSTPARTUM;

(C) DOCUMENTATION OF REFERRALS TO APPROPRIATE CESSATION SERVICES.

(II) HEALTH CARE PROVIDERS SHALL COORDINATE THE IMPLEMENTATION OF SUCH POLICIES WITH THE TOBACCO EDUCATION, PREVENTION, AND CESSATION PROGRAMS ESTABLISHED IN SECTION 25-3.5-804, C.R.S.";

line 24, strike "(b)" and substitute "(c)".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Takis, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB02-196** as amended, **HB02-1329**, **HB02-1034** as amended, **HB02-1014** as amended, **HB02-1244**, **HB02-1278**, **HB02-1341** as amended, **HB02-1025**, **SB02-062** as amended.

MESSAGE FROM THE HOUSE

April 15, 2002

Mr. President:

The House has adopted and returns herewith SJR02-031.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1441, 1444, 1446, 1067.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1442, amended as printed in House Journal, April 12, page 1289.
HB02-1443, amended as printed in House Journal, April 12, page 1289.
HB02-1445, amended as printed in House Journal, April 12, page 1289.
HB02-1247, amended as printed in House Journal, April 12, page 1294, and on Third Reading as printed in House Journal April 15.
HB02-1293, amended as printed in House Journal, April 12, page 1295.
HB02-1415, amended as printed in House Journal, April 12, page 1295.
HB02-1113, amended as printed in House Journal, April 12, page 1296.

MESSAGE FROM THE GOVERNOR

April 12, 2002

To the Honorable
Senate
Sixty-third General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

S.B. 02-052 - Concerning The Repeal Of Provisions Allocating Certain Moneys Appropriated To The Department Of Local Affairs From The Waste Tire Recycling Development Cash Fund For The Colorado Commission On Higher Education.

Approved April 12, 2002 at 9:21 a.m.

S.B. 02-069 - Concerning The Protection Of Products Of Agriculture.

Approved April 12, 2002 at 9:23 a.m.

S.B. 02-100 - Concerning The Internment Of Deceased Veterans.

Approved April 12, 2002 at 9:27 a.m.

S.B. 02-139 - Concerning Procedures For Voting By Absentee Ballot By Members Of The United States Armed Forces Stationed Outside Of The United States.

Approved April 12, 2002 at 9:30 a.m.

Sincerely,

(Signed)
Bill Owens
Governor

Rec'd: 04/12/02
K. Goldman, Secretary

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB02-1061

THIS REPORT ADOPTS THE REREVISED BILL

To the President of the Senate and the Speaker of the House of Representatives:

Your first conference committee appointed on HB02-1061, concerning applications for absentee ballots, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee: Senate Committee:
(Signed) Representative Fairbank, Chairman (Signed) Senator Fitz-Gerald, Chairman
(Signed) Representative Garcia (Signed) Senator Entz
(Signed) Representative Crane (Signed) Senator Nichol

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for House Bill 02-1349, Concerning the Financing of Public Schools and Making an Appropriation Therefor:

The Friday, March 15 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, is extended until Monday, April 29, 2002 (the 111th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(Signed)
Representative Dean
Speaker of the House of Representatives

(Signed)
Senator Matsunaka
President of the Senate

(Signed)
Representative Spradley
House Majority Leader

(Signed)
Senator Thiebaut
Senate Majority Leader

(Signed)
Representative Grossman
House Minority Leader

(Signed)
Senator Andrews
Senate Minority Leader

**MEMORANDUM
THIRD REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadlines, as previously extended by the House and Senate Committees on Delayed Bills, for the Long Appropriation Bill:

The Monday, March 25 deadline (the 76th legislative day) for introduction of the Long Appropriation Bill in the House is further extended until Monday, April 8, 2002 (the 90th legislative day).

The Friday, March 29 deadline (the 80th legislative day) for final passage of the Long Appropriation Bill in the House as extended to Friday, April 12, 2002 (the 94th legislative day) is further extended until Wednesday, April 17, 2002 (the 99th legislative day).

The Friday, April 5 deadline (the 87th legislative day) for final passage of the Long Appropriation Bill in the Senate as extended to Friday, April 19, 2002 (the 101st legislative day) is further extended until Saturday, April 20, 2002 (the 102nd legislative day).

The Friday, April 12 deadline (the 94th legislative day) for adoption of the conference committee report on the Long Appropriation Bill is extended to Friday, April 26, 2002 (the 108th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(Signed)
Representative Dean
Speaker of the House of Representatives

(Signed)
Senator Matsunaka
President of the Senate

(Signed)
Representative Spradley
House Majority Leader

(Signed)
Senator Thiebaut
Senate Majority Leader

(Signed)
Representative Grossman
House Minority Leader

(Signed)
Senator Andrews
Senate Minority Leader

SENATE SERVICES REPORT

Senate
Services

Correctly printed: SB02-212; SJR02-031.

Correctly engrossed: SJR02-024.

Correctly rerevised: HB02-1322.

Correctly enrolled: SJR02-030.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR02-022, SJR02-030; HB02-1041, HB02-1050, HB02-1051, HB02-1053, HB02-1057, HB02-1164, HB02-1168, HB02-1215, HB02-1224, HB02-1331, HB02-1334.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, April 15, was laid over until Tuesday, April 16, retaining its place on the calendar.

Third Reading--Final Passage of Bills: **SB02-173**.

General Orders--Second Reading of Bills: **HB02-1300, HB02-1313, HB02-1324, SB02-042, SB02-089, SB02-157, SB02-184, SB02-080, SB02-081, SB02-177, HB02-1339, SB02-009, HB02-1180, SB02-094, SB02-119, HB02-1232, HB02-1173, HB02-1098, HB02-1129**.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-025, SJR02-026, SR02-010, SJR02-027, SR02-011**.

Consideration of House Amendments to Senate Bills: **SB02-032, SB02-141, SB02-136, SB02-161**.

Consideration of Governor's Veto: **SB02-108**.

Consideration of Governor's Appointments:

State Board of Parole

Transportation Commission

Examining Board of Plumbers

Consideration of Conference Committee Reports: **HB02-1131**.

Senate in Recess--Senate Recovened

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1441, 1444, 1446, and 1067.

Without comment, as amended, HB02-1442, 1443, 1445, 1293, 1415, and 1113.

We herewith transmit:

Without comment, as amended, HB02-1247.

INTRODUCTION OF BILLS--FIRST READING

The following bills were read by title and referred to the committees indicated:

HB02-1029 by Representative(s) Romanoff, Clapp, Mace, Stafford; also Senator(s) Hanna, Hernandez--Concerning expansion of the program of all-inclusive care for the elderly. Health, Environment, Children & Families

HB02-1114 by Representative(s) Stengel; also Senator(s) Hagedorn--Concerning sex offender registration in relation to persons associated with institutions of postsecondary education. Judiciary

HB02-1147 by Representative(s) Cloer; also Senator(s) Hagedorn--Concerning public information requirements, and making an appropriation in connection therewith. Judiciary

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HB02-1241	by Representative(s) Weddig; also Senator(s) Teck--Concerning loans by the department of the treasury to taxpayers as part of the homestead property tax deferral program, and making an appropriation in connection therewith. Business, Labor, and Finance Appropriations	1 2 3 4 5 6
HB02-1259	by Representative(s) Marshall; also Senator(s) Tate--Concerning protection of consumers' home ownership equity. Business, Labor, and Finance	7 8 9 10
HB02-1265	by Representative(s) White; also Senator(s) Matsunaka--Concerning clarification of the property tax status of certain residential real property. Public Policy and Planning	11 12 13 14
HB02-1281	by Representative(s) Saliman; also Senator(s) Owen--Concerning the creation of the Colorado traumatic brain injury board, and, in connection therewith, increasing certain motor vehicle fines to provide moneys for the Colorado traumatic brain injury trust fund, and making an appropriation therefor. Health, Environment, Children & Families Appropriations	15 16 17 18 19 20 21
HB02-1307	by Representative(s) Fairbank; also Senator(s) Fitz-Gerald--Concerning elections, and making an appropriation in connection therewith. Government, Veterans and Military Relations, and Transportation Appropriations	22 23 24 25 26
HB02-1412	by Representative(s) Swenson; also Senator(s) May--Concerning the extension of a certificate of title application fee related to the Colorado state titling and registration system account. Government, Veterans and Military Relations, and Transportation	27 28 29 30 31
HB02-1421	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of agriculture. Appropriations	32 33 34 35
HB02-1422	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of corrections. Appropriations	36 37 38 39
HB02-1423	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of education. Appropriations	40 41 42 43
HB02-1424	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting. Appropriations	44 45 46 47 48
HB02-1425	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of health care policy and financing. Appropriations	49 50 51 52 53
HB02-1426	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of higher education. Appropriations	54 55 56 57
HB02-1427	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of human services. Appropriations	58 59 60 61
HB02-1428	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of law. Appropriations	62 63 64 65
HB02-1429	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of local affairs. Appropriations	66 67 68 69
HB02-1430	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of military affairs. Appropriations	70 71 72

HB02-1431	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of natural resources. Appropriations	1 2 3 4
HB02-1432	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of personnel. Appropriations	5 6 7 8
HB02-1433	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of public health and environment. Appropriations	9 10 11 12 13
HB02-1434	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of public safety. Appropriations	14 15 16 17
HB02-1435	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of regulatory agencies. Appropriations	18 19 20 21
HB02-1436	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of revenue. Appropriations	22 23 24 25
HB02-1437	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of transportation. Appropriations	26 27 28 29
HB02-1438	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning funding for capital construction, and making supplemental appropriations in connection therewith. Appropriations	30 31 32 33 34
HB02-1441	by Representative(s) Saliman, Young, Berry; also Senator(s) Owen, Reeves, Tate-- Concerning the requirement that the state controller release the portion of moneys that has been restricted by the controller based on an estimate of the amount a department may need for an overexpenditure that exceeds the actual amount of the overexpenditure. Appropriations	35 36 37 38 39 40
HB02-1442	by Representative(s) Saliman, Young, Berry; also Senator(s) Owen, Reeves, Tate-- Concerning the designation of state moneys to constitute the state emergency reserve for the 2001-02 state fiscal year, and, in connection therewith, specifying that the principal credited to the unclaimed property trust fund constitutes state fiscal year spending so that moneys in said trust fund may be designated as part of the state emergency reserve, and designating moneys in the wildlife cash fund and the unclaimed property trust fund as part of the state emergency reserve. Appropriations	41 42 43 44 45 46 47 48 49
HB02-1443	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning reductions in the revenues available to fund capital projects for purposes of addressing the anticipated revenue shortfall for the 2001-02 and 2002-03 fiscal years. Appropriations	50 51 52 53 54
HB02-1444	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning the augmentation of the general fund through transfers of certain moneys in the 2001-02 state fiscal year. Appropriations	55 56 57 58 59
HB02-1445	by Representative(s) Berry, Young, Saliman; also Senator(s) Tate, Reeves, Owen-- Concerning the fiscal policy of the state for the 2001-02 and 2002-03 state fiscal years in relation to the statutorily required general fund reserve in the event of a revenue shortfall. Appropriations	60 61 62 63 64
HB02-1446	by Representative(s) Saliman, Young, Berry; also Senator(s) Owen, Reeves, Tate-- Concerning a modification to the restoration of moneys transferred from the controlled maintenance trust fund in the 2001-02 state fiscal year by restoring a portion of the moneys in the 2003-04 state fiscal year and restoring the remainder of the moneys in the 2004-05 state fiscal year. Appropriations	65 66 67 68 69 70 71 72

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR02-012

by Senator(s) Windels, Thiebaut, Chlouber, Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, Linkhart, Nichol, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tupa; -- Concerning designation of equal pay day.

Laid over one day under Senate Rule 30(c).

The following resolutions were read by title and referred to the committees indicated:

SJR02-032

by Senator(s) Gordon; also Representative(s) Hefley--Concerning continuation of the criminal sentencing interim committee.
Judiciary

SJR02-034

by Senator(s) Lamborn; also Representative(s) Mitchell--Concerning urging Colorado courts to disregard the purported authority of the recent ruling of the International Court of Justice.
Judiciary

On motion of Senator Phillips, the Senate adjourned until 9:00 a.m., Tuesday, April 16, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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