

Be it Enacted by the People of the State of Colorado:

ARTICLE IX OF THE CONSTITUTION is amended to BY THE ADDITION OF A NEW SECTION, to read:

SECTION 18. Requirements for nonpublic schools that receive subsidies of public funds.

(1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT NON-PUBLIC SCHOOLS THAT ARE ENGAGED IN COLORADO K-12 EDUCATION AND THAT RECEIVE SUBSIDIES OF PUBLIC FUNDS MUST BE SUBJECT TO FULL PUBLIC SCRUTINY AND AWARENESS. FURTHER, PARTICIPATING NONPUBLIC SCHOOLS SHOULD, AS A CONDITION TO THEIR RECEIPT OF SUBSIDIES OF PUBLIC FUNDS, BE REQUIRED TO COMPLY WITH PERTINENT LEGAL REQUIREMENTS APPLICABLE TO OTHER SCHOOLS THAT ARE FUNDED WITH TAXPAYER DOLLARS.

(2) ALL NONPUBLIC SCHOOLS RECEIVING SUBSIDIES OF PUBLIC FUNDS, AS DEFINED HEREIN, SHALL:

(a) ADOPT A NONDISCRIMINATION POLICY TO ENSURE THAT NO ELIGIBLE CHILD IS EXCLUDED FROM OR TREATED DIFFERENTLY BY THE NONPUBLIC SCHOOL BECAUSE OF THAT CHILD'S RACE, CREED, COLOR, GENDER, NATIONAL ORIGIN, RELIGION, ANCESTRY, OR DISABILITY;

(b) COMPLY WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. SECTION 12101, AS AMENDED, OR ANY SUCCESSOR STATUTE, TO THE SAME EXTENT AS ANY PUBLIC SCHOOL BUILT IN THE SAME YEAR AS THE NONPUBLIC SCHOOL;

(c) BE SUBJECT TO THE COLORADO OPEN RECORDS ACT, ARTICLE 72 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTE, TO THE SAME EXTENT AS A PUBLIC SCHOOL AND PROVIDE FINAL PERFORMANCE OR FINANCIAL AUDITS TO ANY PERSON WHO FILES A REQUEST UNDER THAT ACT, SEEKING THE PERFORMANCE AND FINANCIAL AUDIT REFERRED TO IN SECTION 22-56-109, COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTE, OR ANY OTHER PERFORMANCE OR FINANCIAL AUDIT PERFORMED ON SAID NONPUBLIC SCHOOL;

(d) REQUIRE THAT ALL STUDENTS ATTENDING SUCH NONPUBLIC SCHOOL TAKE ALL STATE MANDATED TESTS, INCLUDING THE COLORADO STUDENT ASSESSMENT PROGRAM, THAT ARE ADMINISTERED TO STUDENTS IN PUBLIC SCHOOLS AT THE SAME GRADE LEVELS; AND

(e) BE SUBJECT TO THE STATE'S EDUCATIONAL ACCOUNTABILITY REQUIREMENTS IN SECTIONS 22-7-601 THROUGH 22-7-613, COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTES, TO THE SAME EXTENT AS A PUBLIC SCHOOL.

(3) FOR PURPOSES OF THIS SECTION:

(a) "NONPUBLIC SCHOOL" MEANS A SCHOOL PERFORMING AN ACADEMIC FUNCTION AND ORGANIZED AND MAINTAINED BY INDIVIDUALS ASSOCIATED FOR RELIGIOUS OR OTHER PURPOSES IF SUCH SCHOOL HAS TEN OR MORE STUDENTS;

(b) "SUBSIDIES OF PUBLIC FUNDS" SHALL MEAN THE FUNDS PROVIDED PURSUANT TO AN AGREEMENT OR OTHER ARRANGEMENT IN WHICH PUBLIC MONIES ARE TRANSFERRED DIRECTLY OR INDIRECTLY TO PAY FOR ALL OR PART OF A CHILD'S EDUCATION AT A NONPUBLIC SCHOOL.

(4) THE EFFECTIVE DATE OF THIS SECTION SHALL BE JULY 1, 2005.