

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 20, 2009
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB09-256 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 3, strike lines 9 through 14.

2 Strike pages 4 through 10 and substitute the following:

3 "SECTION 2. The introductory portion to 22-54-104 (2) (a)
4 (VIII), Colorado Revised Statutes, is amended to read:

5 **22-54-104. District total program.** (2) (a) (VIII) Except as
6 otherwise provided in this subsection (2), ~~subsection (6)~~ PARAGRAPH(g)
7 OF SUBSECTION (5) OR SUBSECTION (6) of this section, or section
8 22-54-104.3, a district's total program for the 2007-08 budget year and
9 budget years thereafter shall be the greater of the following:

10 **SECTION 3.** 22-54-104 (5), Colorado Revised Statutes, is
11 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12 (5) For purposes of the formulas used in this section:

13 (g) (I) IF THE GENERAL ASSEMBLY DETERMINES IN A BUDGET YEAR
14 THAT A STATE FINANCIAL CRISIS REQUIRES A REDUCTION OF THE ANNUAL
15 APPROPRIATION TO FUND THE STATE'S SHARE OF TOTAL PROGRAM FOR ALL
16 DISTRICTS AND THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, THE
17 GENERAL ASSEMBLY BY BILL SHALL SPECIFY THE TOTAL AMOUNT OF THE
18 REDUCTION. USING THE TOTAL AMOUNT OF THE REDUCTION, THE

1 DEPARTMENT SHALL CALCULATE THE FINANCIAL CRISIS FACTOR FOR THE
2 APPLICABLE BUDGET YEAR AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
3 PARAGRAPH (g) AND SHALL APPLY THE FINANCIAL CRISIS FACTOR TO THE
4 CALCULATION OF EACH DISTRICT'S TOTAL PROGRAM AND TO THE
5 CALCULATION OF EACH INSTITUTE CHARTER SCHOOL'S FUNDING FOR THE
6 APPLICABLE BUDGET YEAR.

7 (II) THE DEPARTMENT SHALL CALCULATE THE FINANCIAL CRISIS
8 FACTOR FOR AN APPLICABLE BUDGET YEAR BY DIVIDING THE REDUCTION
9 IN THE APPROPRIATION FOR THE APPLICABLE BUDGET YEAR, AS SPECIFIED
10 BY THE GENERAL ASSEMBLY BY BILL, BY THE SUM OF THE TOTAL PROGRAM
11 OF ALL DISTRICTS. THE DEPARTMENT SHALL CALCULATE EACH DISTRICT'S
12 FINANCIAL CRISIS REDUCTION AS AN AMOUNT EQUAL TO THE FINANCIAL
13 CRISIS FACTOR MULTIPLIED BY THE DISTRICT'S TOTAL PROGRAM AS
14 CALCULATED PURSUANT TO SUBPARAGRAPH (VIII) OF PARAGRAPH (a) OF
15 SUBSECTION (2) OF THIS SECTION OR PARAGRAPH (b) OF SUBSECTION (2)
16 OF THIS SECTION, WHICHEVER IS APPLICABLE. IN ANY YEAR IN WHICH THE
17 GENERAL ASSEMBLY DETERMINES A REDUCTION OF THE ANNUAL
18 APPROPRIATION TO FUND THE STATE'S SHARE OF TOTAL PROGRAM FOR ALL
19 DISTRICTS AND THE FUNDING FOR INSTITUTE CHARTER SCHOOLS IS
20 NECESSARY, A DISTRICT'S TOTAL PROGRAM SHALL BE THE AMOUNT
21 CALCULATED PURSUANT TO SUBPARAGRAPH (VIII) OF PARAGRAPH (a) OF
22 SUBSECTION (2) OF THIS SECTION OR PARAGRAPH (b) OF SUBSECTION (2)
23 OF THIS SECTION, WHICHEVER IS APPLICABLE, MINUS THE DISTRICT'S
24 FINANCIAL CRISIS REDUCTION AMOUNT CALCULATED PURSUANT TO THIS
25 SUBPARAGRAPH (II).

26 (III) FOR THE 2009-10 BUDGET YEAR, THE REDUCTION IN THE
27 APPROPRIATION FOR THE STATE'S SHARE OF TOTAL PROGRAM SHALL BE
28 ONE HUNDRED TEN MILLION DOLLARS."

29 Page 11, strike lines 1 through 15.

30 Renumber succeeding sections accordingly.

31 Page 16, strike lines 23 through 27.

32 Strike page 17.

33 Page 18, strike lines 1 through 17.

1 Renumber succeeding sections accordingly.

2 Page 20, after line 11, insert the following:

3 "SECTION 7. Repeal. 22-54-108 (3) (d) (II) and (3) (d) (II.5),
4 Colorado Revised Statutes, are repealed as follows:

5 **22-54-108. Authorization of additional local revenues.**
6 (3) (d) (II) ~~In addition to the additional local property tax revenues that~~
7 ~~must be counted towards such limitation pursuant to subparagraph (F) of~~
8 ~~this paragraph (d), a portion of the specific ownership tax revenue paid~~
9 ~~to the district during the prior budget year may be required to be counted~~
10 ~~towards such limitation. The portion of the specific ownership tax paid~~
11 ~~to the district, if any, that must be counted toward such limitation shall be~~
12 ~~calculated as follows:~~

13 ~~(A) The amount of specific ownership tax revenue attributable to~~
14 ~~property tax levies made by the district which have been authorized at~~
15 ~~elections held under the provisions of former section 22-53-117 or this~~
16 ~~section, if any; and~~

17 ~~(B) The amount of specific ownership tax revenue attributable to~~
18 ~~property tax levies made by the district for the purpose of satisfying~~
19 ~~bonded indebtedness, both principal and interest, which is not being used~~
20 ~~by the district for the purpose of satisfying the bonded indebtedness, if~~
21 ~~any.~~

22 ~~(II.5) Any portion of the specific ownership tax paid to the district~~
23 ~~other than that specified in sub-subparagraphs (A) and (B) of~~
24 ~~subparagraph (II) of this paragraph (d) shall not apply to the limitation in~~
25 ~~this subsection (3) but shall apply to the district's share of its total~~
26 ~~program pursuant to section 22-54-106 (1) (a) (I)."~~

27 Renumber succeeding sections accordingly.

28 Page 20, strike lines 12 through 27.

29 Page 21, strike lines 1 through 5.

30 Renumber succeeding sections accordingly.

1 Page 21, after line 5, insert the following:

2 "SECTION 8. 22-54-106 (1) (b), Colorado Revised Statutes, is
3 amended, and the said 22-54-106 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **22-54-106. Local and state shares of district total program.**
6 (1) (b) Except as provided in ~~subsections (8) and (11)~~ SUBSECTIONS (8),
7 (11), AND (12) of this section, the state's share of a district's total program
8 shall be the difference between the district's total program and the
9 district's share of its total program; except that no district shall receive
10 less in state aid than an amount established by the general assembly in the
11 annual general appropriation act based upon the amount of school lands
12 and mineral lease moneys received pursuant to the provisions of article
13 41 of this title and section 34-63-102 (2), C.R.S., multiplied by the
14 district's funded pupil count.

15 (12) IF THE GENERAL ASSEMBLY DETERMINES IN A BUDGET YEAR
16 THAT A STATE FINANCIAL CRISIS REQUIRES A REDUCTION OF THE ANNUAL
17 APPROPRIATION TO FUND THE STATE'S SHARE OF TOTAL PROGRAM FOR ALL
18 DISTRICTS AND THE FUNDING FOR INSTITUTE CHARTER SCHOOLS AND
19 APPLIES THE FINANCIAL CRISIS FACTOR AS DETERMINED PURSUANT TO
20 SECTION 22-54-104 (5) (g), THE STATE'S SHARE FOR EACH DISTRICT SHALL
21 BE REDUCED BY THE AMOUNT OF THE REDUCTION IN THE DISTRICT'S TOTAL
22 PROGRAM AS CALCULATED PURSUANT TO SECTION 22-54-104 (5) (g) (II),
23 OR BY THE TOTAL AMOUNT OF THE DISTRICT'S STATE SHARE, WHICHEVER
24 IS LESS. THE FUNDING FOR EACH INSTITUTE CHARTER SCHOOL SHALL BE
25 REDUCED IN PROPORTION TO THE REDUCTION IN THE TOTAL PROGRAM OF
26 THE DISTRICT FROM WHICH THE INSTITUTE CHARTER SCHOOL'S FUNDING IS
27 WITHHELD."

28 Renumber succeeding sections accordingly.

29 Page 24, line 4, strike "(1.3) (a)," and substitute "(1.3),";

30 strike line 5 and substitute the following:

31 "amended BY THE";

32 strike lines 7 through 27 and substitute the following:

1 **"22-54-115. Distribution from state public school fund.**
2 (1.3) (a.5) IN ANY BUDGET YEAR IN WHICH THE STATE SHARE OF AN".

3 Page 25, strike lines 1 and 2;

4 strike lines 14 through 27.

5 Strike pages 26 and 27.

6 Page 28, strike lines 1 through 9 and substitute the following:

7 **"SECTION 11.** 22-54-124, Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW SECTION to read:

9 **22-54-124. State aid for charter schools - use of state education**
10 **fund moneys - definitions.** (9) THE GENERAL ASSEMBLY RECOGNIZES
11 CHARTER SCHOOLS' CONTINUING NEED FOR ASSISTANCE IN MEETING
12 CAPITAL CONSTRUCTION COSTS. THE GENERAL ASSEMBLY THEREFORE
13 STRONGLY ENCOURAGES THE GOVERNOR TO ALLOCATE A PORTION OF THE
14 MONEYS RECEIVED BY THE STATE THROUGH THE FEDERAL "AMERICAN
15 RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, TO
16 CHARTER SCHOOLS IN THE STATE TO ASSIST THEM IN MEETING THEIR
17 CAPITAL CONSTRUCTION AND FACILITY COSTS."

18 Renumber succeeding sections accordingly.

19 Page 28, strike lines 23 through 27.

20 Strike pages 29 through 41.

21 Page 42, strike lines 1 through 13.

22 Renumber succeeding sections accordingly.

23 Page 43, strike lines 1 through 10 and substitute the following:

24 "(f) ENSURE THAT, BEGINNING NO LATER THAN THE 2010-11
25 SCHOOL YEAR, INSTITUTE CHARTER SCHOOLS REQUIRE STUDENT
26 INDIVIDUAL CAREER AND ACADEMIC PLANS THAT MEET OR EXCEED THE
27 STANDARDS ADOPTED BY THE STATE BOARD PURSUANT TO SECTION
28 22-2-135. AN INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT

1 AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN
2 THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN NO LATER THAN
3 THE BEGINNING OF NINTH GRADE BUT MAY ASSIST THE STUDENT AND HIS
4 OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN HIS OR
5 HER INDIVIDUAL CAREER AND ACADEMIC PLAN IN ANY GRADE PRIOR TO
6 NINTH GRADE. THE INSTITUTE CHARTER SCHOOL MAY USE ANY SOFTWARE
7 OR INTERNET-BASED COLLEGE PREPARATION AND PLANNING SERVICE THAT
8 THE INSTITUTE CHARTER SCHOOL DEEMS USEFUL AND APPROPRIATE IN
9 DEVELOPING AND MAINTAINING THE PLANS. THE INSTITUTE AND THE
10 INSTITUTE CHARTER SCHOOL SHALL COLLABORATE WITH THE SOFTWARE
11 VENDOR OR SERVICE PROVIDER TO ENSURE OPTIMAL INTERACTIVITY
12 AMONG THE VARIOUS DATABASES AND STUDENT RECORD SYSTEMS USED."

13 Page 43, strike lines 24 through 27.

14 Strike pages 44 through 47.

15 Renumber succeeding sections accordingly.

16 Page 49, strike lines 20 through 27.

17 Strike page 50 and substitute the following:

18 "(mm) TO ENSURE THAT, BEGINNING NO LATER THAN THE 2010-11
19 SCHOOL YEAR, THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT, INCLUDING
20 THE CHARTER SCHOOLS, REQUIRE STUDENT INDIVIDUAL CAREER AND
21 ACADEMIC PLANS THAT MEET OR EXCEED THE STANDARDS ADOPTED BY
22 THE STATE BOARD PURSUANT TO SECTION 22-2-135. A PUBLIC SCHOOL
23 SHALL ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL
24 GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL
25 CAREER AND ACADEMIC PLAN NO LATER THAN THE BEGINNING OF NINTH
26 GRADE BUT MAY ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL
27 GUARDIAN TO DEVELOP AND MAINTAIN HIS OR HER INDIVIDUAL CAREER
28 AND ACADEMIC PLAN IN ANY GRADE PRIOR TO NINTH GRADE. THE PUBLIC
29 SCHOOL MAY USE ANY SOFTWARE OR INTERNET-BASED COLLEGE
30 PREPARATION AND PLANNING SERVICE THAT THE PUBLIC SCHOOL DEEMS
31 USEFUL AND APPROPRIATE IN DEVELOPING AND MAINTAINING THE PLANS.
32 THE SCHOOL DISTRICT AND THE PUBLIC SCHOOL SHALL COLLABORATE
33 WITH THE SOFTWARE PROVIDER OR INTERNET SERVICE TO ENSURE OPTIMAL
34 INTERACTIVITY AMONG THE VARIOUS DATABASES AND STUDENT RECORDS
35 SYSTEMS USED.

1 **SECTION 17.** Part 1 of article 2 of title 22, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **22-2-135. Additional duty - state board - individual career and**
5 **academic plans - standards - rules.** (1) ON OR BEFORE FEBRUARY 1,
6 2010, THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO THE
7 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
8 C.R.S., TO ESTABLISH STANDARDS FOR INDIVIDUAL CAREER AND
9 ACADEMIC PLANS FOR STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN
10 THE STATE. AN INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL BE
11 DESIGNED TO ASSIST A STUDENT AND HIS OR HER PARENT OR LEGAL
12 GUARDIAN IN EXPLORING THE POSTSECONDARY CAREER AND
13 EDUCATIONAL OPPORTUNITIES AVAILABLE TO THE STUDENT, ALIGNING
14 COURSE WORK AND CURRICULUM, APPLYING TO POSTSECONDARY
15 EDUCATION INSTITUTIONS, SECURING FINANCIAL AID, AND ULTIMATELY
16 ENTERING THE WORKFORCE.

17 (2) IN ESTABLISHING THE STANDARDS FOR INDIVIDUAL CAREER
18 AND ACADEMIC PLANS, THE STATE BOARD SHALL ENSURE, AT A MINIMUM,
19 THAT:

20 (a) EACH INDIVIDUAL CAREER AND ACADEMIC PLAN INCLUDES A
21 CAREER PLANNING AND GUIDANCE COMPONENT AND A PORTFOLIO THAT
22 REFLECTS, AT A MINIMUM:

23 (I) THE STUDENT'S EFFORTS IN EXPLORING CAREERS, INCLUDING
24 INTEREST SURVEYS THAT THE STUDENT COMPLETES;

25 (II) THE STUDENT'S ACADEMIC PROGRESS, INCLUDING THE
26 COURSES TAKEN, ANY REMEDIATION OR CREDIT RECOVERY, AND ANY
27 CONCURRENT ENROLLMENT CREDITS EARNED;

28 (III) THE STUDENT'S EXPERIENCES IN CONTEXTUAL AND SERVICE
29 LEARNING;

30 (IV) THE STUDENT'S COLLEGE APPLICATIONS AND RESUME, AS
31 THEY ARE PREPARED AND SUBMITTED; AND

32 (V) THE STUDENT'S POSTSECONDARY STUDIES AS THE STUDENT
33 PROGRESSES;

1 (b) EACH INDIVIDUAL CAREER AND ACADEMIC PLAN IS ACCESSIBLE
2 TO EDUCATORS, STUDENTS, AND PARENTS; AND

3 (c) EACH PUBLIC SCHOOL, IN ASSISTING STUDENTS AND PARENTS
4 IN CREATING AND MAINTAINING THE INDIVIDUAL CAREER AND ACADEMIC
5 PLANS, IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL
6 "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C.
7 SEC. 1232g."

8 Page 51, strike lines 1 through 11.

9 Renumber succeeding sections accordingly.

10 Page 51, after line 11, insert the following:

11 "SECTION 18. 22-33-205 (3) and (4), Colorado Revised
12 Statutes, are amended to read:

13 **22-33-205. Services for expelled and at-risk students - grants**
14 **- criteria.** (3) The state board shall annually award at least forty-five
15 percent of any moneys appropriated for ~~this grant~~ THE program to
16 applicants ~~who~~ THAT provide educational services to students from more
17 than one school district AND AT LEAST ONE-HALF OF ANY INCREASE IN THE
18 APPROPRIATION FOR THE PROGRAM FOR THE 2009-10 FISCAL YEAR TO
19 APPLICANTS THAT PROVIDE SERVICES AND SUPPORTS THAT ARE DESIGNED
20 TO REDUCE THE NUMBER OF TRUANCY CASES REQUIRING COURT
21 INVOLVEMENT AND THAT ALSO REFLECT THE BEST INTERESTS OF
22 STUDENTS AND FAMILIES. THE SERVICES AND SUPPORTS SHALL INCLUDE,
23 BUT NEED NOT BE LIMITED TO, ALTERNATIVES TO GUARDIAN AD LITEM
24 REPRESENTATION IN TRUANCY PROCEEDINGS.

25 (4) The department of education is authorized to retain up to one
26 percent of any moneys appropriated for the ~~grant~~ program for the purpose
27 of annually evaluating the ~~expelled and at-risk student services grant~~
28 program. THE DEPARTMENT OF EDUCATION IS AUTHORIZED AND
29 ENCOURAGED TO RETAIN UP TO AN ADDITIONAL TWO PERCENT OF ANY
30 MONEYS APPROPRIATED FOR THE PROGRAM FOR THE PURPOSE OF
31 PARTNERING WITH ORGANIZATIONS OR AGENCIES THAT PROVIDE SERVICES
32 AND SUPPORTS THAT ARE DESIGNED TO REDUCE THE NUMBER OF TRUANCY
33 CASES REQUIRING COURT INVOLVEMENT AND THAT ALSO REFLECT THE
34 BEST INTERESTS OF STUDENTS AND FAMILIES. THE SERVICES AND

1 SUPPORTS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALTERNATIVES
2 TO GUARDIAN AD LITEM REPRESENTATION IN TRUANCY PROCEEDINGS. On
3 or before January 1, 2006, and on or before January 1 each year
4 thereafter, the department of education shall report to the education
5 committees of the house of representatives and the senate, OR ANY
6 SUCCESSOR COMMITTEES, the evaluation findings on the outcomes and the
7 effectiveness of the program related to school attendance, attachment, and
8 achievement. THE REPORT SHALL ALSO INCLUDE SPECIFIC INFORMATION
9 ON THE EFFICACY OF SERVICES AND SUPPORTS THAT PROVIDE
10 ALTERNATIVES TO COURT INVOLVEMENT AND GUARDIAN AD LITEM
11 REPRESENTATION IN TRUANCY PROCEEDINGS."

12 Renumber succeeding sections accordingly.

13 Page 53, after line 7, insert the following:

14 "SECTION 20. 22-45-103 (1) (c) (I) (D), (1) (c) (I) (E), (1) (c) (i)
15 (G), and (1) (c) (I) (H), Colorado Revised Statutes, are amended to read:

16 **22-45-103. Funds.** (1) The following funds are created for each
17 school district for purposes specified in this article:

18 (c) **Capital reserve fund.** (I) Moneys allocated pursuant to the
19 provisions of section 22-54-105 (2) shall be transferred from the general
20 fund and recorded in the capital reserve fund along with the revenues
21 received pursuant to section 39-5-132, C.R.S. Such revenues may be
22 supplemented by gifts, donations, and tuition receipts. Unencumbered
23 moneys in the fund may be transferred to a fund or an account within the
24 general fund established in accordance with generally accepted
25 accounting principles solely for the management of risk-related activities
26 as identified in section 24-10-115, C.R.S., and article 13 of title 29,
27 C.R.S., by resolution of the board of education when such transfer is
28 deemed necessary by the board. Except as provided in subparagraph (V)
29 of this paragraph (c), expenditures from the fund shall be limited to
30 long-range capital outlay expenditures and shall be made only for the
31 following purposes:

32 (D) Alterations and improvements to existing structures; ~~where~~
33 ~~the total estimated cost of such projects for labor and materials is in~~
34 ~~excess of two thousand five hundred dollars;~~

1 (E) Acquisition of school buses or other equipment, except
2 equipment specified in sub-subparagraph (H) of this subparagraph (I); ~~the~~
3 ~~estimated unit cost of which, including any necessary installation, is in~~
4 ~~excess of one thousand dollars;~~

5 (G) Any software licensing agreement; ~~in excess of one thousand~~
6 ~~dollars;~~

7 (H) Acquisition of computer equipment. ~~the estimated unit cost~~
8 ~~of which, including any necessary installation, is in excess of five~~
9 ~~hundred dollars."~~

10 Renumber succeeding sections accordingly.

11 Page 53, strike lines 16 through 27.

12 Strike page 54 and substitute the following:

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

16 **22-2-135. State residential schools - legislative declaration -**
17 **feasibility study - repeal.** (1) THE GENERAL ASSEMBLY FINDS THAT
18 SOME STATES HAVE CREATED RESIDENTIAL SCHOOLS TO PROVIDE
19 EDUCATIONAL PROGRAMS AND STUDENT SUPPORT SERVICES FOR STUDENTS
20 WHO ARE AT RISK OF ACADEMIC FAILURE. THE GENERAL ASSEMBLY
21 FURTHER FINDS THAT EARLY REPORTS OF RESULTS ACHIEVED BY SOME OF
22 THESE SCHOOLS INDICATE THAT THIS MAY BE A PROMISING APPROACH TO
23 REDUCING THE DROPOUT RATE, CLOSING THE ACHIEVEMENT GAPS, AND
24 HELPING TO RAISE THE LEVEL OF ACADEMIC ACHIEVEMENT AMONG
25 STUDENTS IN THE STATE. THE GENERAL ASSEMBLY THEREFORE FINDS
26 THAT IT IS APPROPRIATE FOR THE COMMISSIONER TO STUDY THE
27 FEASIBILITY OF CREATING ONE OR MORE STATE RESIDENTIAL SCHOOLS IN
28 COLORADO.

29 (2) BEGINNING IN JULY 2009, THE COMMISSIONER SHALL STUDY
30 THE FEASIBILITY OF OPERATING ONE OR MORE STATE RESIDENTIAL
31 SCHOOLS TO SERVE STUDENTS WHO ARE IN NEED OF GREATER ACADEMIC
32 SUPPORT AND WHO MAY BE AT RISK OF ACADEMIC FAILURE. AT A
33 MINIMUM, THE FEASIBILITY STUDY SHALL ADDRESS AND MAKE

1 RECOMMENDATIONS CONCERNING THE FOLLOWING ISSUES:

2 (a) THE GOALS THAT A STATE RESIDENTIAL SCHOOL WOULD BE
3 DESIGNED TO ACHIEVE AND A METHOD FOR MEASURING THE LEVEL OF
4 ACHIEVEMENT OF THOSE GOALS. IN ADDRESSING THIS ISSUE, THE
5 COMMISSIONER SHALL PROVIDE AN OVERVIEW OF THE STATE RESIDENTIAL
6 SCHOOLS OPERATING IN OTHER STATES, THE GOALS THAT THEY ARE
7 DESIGNED TO ACHIEVE, AND THE DEGREE TO WHICH THEY HAVE ACHIEVED
8 OR ARE ACHIEVING THOSE GOALS.

9 (b) THE APPROPRIATE STUDENT POPULATION TO BE SERVED BY A
10 STATE RESIDENTIAL SCHOOL AND THE MANNER OF SELECTING STUDENTS,
11 THE NUMBER OF STATE RESIDENTIAL SCHOOLS THAT SHOULD BE
12 CONSIDERED, AND APPROPRIATE LOCATIONS FOR STATE RESIDENTIAL
13 SCHOOLS;

14 (c) THE GOVERNANCE STRUCTURE AND FUNDING FOR A STATE
15 RESIDENTIAL SCHOOL, INCLUDING THE OPTIMAL LEVEL OF PER PUPIL
16 FUNDING, FUNDING FOR CAPITAL CONSTRUCTION NEEDS, AND POTENTIAL
17 PUBLIC AND PRIVATE FUNDING SOURCES;

18 (d) THE APPROPRIATE CURRICULUM FOR A STATE RESIDENTIAL
19 SCHOOL, INCLUDING WHICH GRADE LEVELS A STATE RESIDENTIAL SCHOOL
20 WOULD SERVE, THE LENGTH OF THE SCHOOL DAY AND SCHOOL YEAR FOR
21 WHICH A STATE RESIDENTIAL SCHOOL WOULD OPERATE, AND WHETHER A
22 STATE RESIDENTIAL SCHOOL SHOULD INCLUDE A FOCUS ON SPECIFIC
23 SUBJECT MATTER AREAS; AND

24 (e) THE TYPES OF STUDENT AND FAMILY SUPPORT SERVICES THAT
25 A STATE RESIDENTIAL SCHOOL WOULD PROVIDE, INCLUDING THE MANNER
26 IN WHICH A STATE RESIDENTIAL SCHOOL WOULD COLLABORATE WITH
27 STATE AND LOCAL AGENCIES IN PROVIDING THESE SERVICES.

28 (3) ON OR BEFORE FEBRUARY 1, 2010, THE DEPARTMENT SHALL
29 SUBMIT TO THE EDUCATION COMMITTEES OF THE HOUSE OF
30 REPRESENTATIVES AND THE SENATE THE FEASIBILITY STUDY DESCRIBED
31 IN SUBSECTION (2) OF THIS SECTION FOR OPERATING ONE OR MORE STATE
32 RESIDENTIAL SCHOOLS AND ANY LEGISLATIVE RECOMMENDATIONS THE
33 DEPARTMENT MAY HAVE PERTAINING TO THE CREATION OF ONE OR MORE
34 STATE RESIDENTIAL SCHOOLS.

1 (4) THE COMMISSIONER IS ENCOURAGED TO APPLY FEDERAL
2 MONEYS RECEIVED PURSUANT TO THIS FEDERAL "AMERICAN RECOVERY
3 AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, TO THE EXTENT
4 ALLOWED TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THIS
5 SECTION.

6 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010."

7 Strike pages 55 through 59.

8 Page 60, strike lines 1 through 3.

9 Renumber succeeding sections accordingly.

10 Page 60, strike lines 15 through 27.

11 Strike pages 61 and 62.

12 Page 63, strike lines 1 through 3.

13 Renumber succeeding sections accordingly.

14 Page 63, after line 3, insert the following:

15 "SECTION 24. Part 3 of article 11 of title 22, Colorado Revised
16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
17 read:

18 **22-11-306. Centers of excellence awards.** (1) (a) THE STATE
19 BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO PUBLIC
20 SCHOOLS IN THE STATE THAT ENROLL A STUDENT POPULATION OF WHICH
21 AT LEAST SEVENTY-FIVE PERCENT ARE AT-RISK PUPILS, AS DEFINED IN
22 SECTION 22-54-103 (1.5), AND THAT DEMONSTRATE THE HIGHEST RATES
23 OF STUDENT ACADEMIC GROWTH, AS DETERMINED BY THE DEPARTMENT
24 BASED UPON THE STATISTICAL MODEL ADOPTED PURSUANT TO SECTION
25 22-7-604.3 (3) (a).

26 (b) AWARDS ISSUED PURSUANT TO THIS SECTION SHALL BE KNOWN
27 AS "CENTERS OF EXCELLENCE AWARDS".

28 (2) A SCHOOL THAT RECEIVES AN AWARD PURSUANT TO THIS

1 SECTION SHALL NOT QUALIFY FOR AN AWARD PURSUANT TO SECTION
2 22-11-305.

3 (3) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-11-302
4 (2) (a) AND 22-11-305 (3), OF THE MONEYS AVAILABLE FOR AWARDS
5 PURSUANT TO THIS PART 3, IN THE 2009-10 BUDGET YEAR AND BUDGET
6 YEARS THEREAFTER, TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE
7 AWARDED TO SCHOOLS ANNUALLY PURSUANT TO THIS SECTION. THE
8 DEPARTMENT SHALL APPORTION THE REMAINDER BETWEEN THE "JOHN
9 IRWIN SCHOOLS OF EXCELLENCE AWARDS" AND THE "GOVERNOR'S
10 DISTINGUISHED IMPROVEMENT AWARDS" AS PROVIDED IN SECTIONS
11 22-11-302 (2) (a) AND 22-11-305 (3), RESPECTIVELY.

12 **SECTION 25.** 22-11-304, Colorado Revised Statutes, is amended
13 to read:

14 **22-11-304. School awards program fund - creation -**
15 **contributions.** (1) (a) The department is hereby authorized to receive
16 grants, gifts, and donations from any source, public or private, to fund
17 financial awards to public schools pursuant to the program established in
18 this part 3. All public and private grants, gifts, and donations received by
19 the department pursuant to this section shall be transmitted to the state
20 treasurer who shall credit the same, in addition to any appropriations
21 made by the general assembly AND THE MONEYS TRANSFERRED PURSUANT
22 TO SUBSECTION (2) OF THIS SECTION, to the school awards program fund,
23 which is hereby created in the state treasury.

24 (b) Moneys in the school awards program fund shall be subject to
25 appropriation by the general assembly to the department of education for
26 purposes of making financial awards pursuant to the provisions of this
27 part 3. At the end of any fiscal year, all unexpended and unencumbered
28 moneys in the school awards program fund shall remain therein and shall
29 not be credited or transferred to the general fund or any other fund.
30 However, in accordance with section 24-36-114, C.R.S., all interest
31 derived from the deposit and investment of moneys in the fund shall be
32 credited to the general fund. Any moneys credited to the school awards
33 program fund shall be used exclusively for awards and shall not be used
34 to pay for the expenses of the department in administering the program
35 established in this part 3.

36 (2) ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER

1 FROM THE READ-TO-ACHIEVE CASH FUND CREATED IN SECTION 22-7-908
2 TO THE SCHOOL AWARDS PROGRAM FUND THE AMOUNT OF TWO HUNDRED
3 FIFTY THOUSAND DOLLARS TO BE AWARDED PURSUANT TO SECTION
4 22-11-306 AS "CENTERS OF EXCELLENCE AWARDS".

5 **SECTION 26.** 22-7-611 (1), (2), and (3) (a), Colorado Revised
6 Statutes, are amended to read:

7 **22-7-611. Closing the achievement gap program - strategies -**
8 **assistance - criteria - rule-making.** (1) As used in this section, unless
9 the context otherwise requires, "eligible school" means a public school
10 that HAS BEEN IDENTIFIED BY RULE OF THE STATE BOARD AS HAVING A
11 SIGNIFICANT ACHIEVEMENT GAP.

12 ~~(a) Has received an academic performance rating of~~
13 ~~"unsatisfactory" pursuant to section 22-7-604 (5); or~~

14 ~~(b) Has been identified by rule of the state board as having a~~
15 ~~significant achievement gap.~~

16 (2) There is hereby established in the department the closing the
17 achievement gap program, referred to in this section as the "program", to
18 provide extensive assistance to an eligible school. ~~that is at risk of being~~
19 ~~converted into an independent charter school pursuant to the provisions~~
20 ~~of part 3 of article 30.5 of this title.~~

21 (3) The department shall prepare and distribute to each eligible
22 school an outline of different strategies the school may implement to
23 improve academic achievement. The department shall provide the outline
24 by April 1 of the school year preceding the school year in which the
25 eligible school intends to participate in the program. The outline may
26 include, but need not be limited to, the following strategies:

27 (a) Using disaggregated ~~school~~ STUDENT data to set academic
28 improvement targets in reading, writing, mathematics, and science;

29 **SECTION 27.** 22-7-613 (1), Colorado Revised Statutes, is
30 amended to read:

31 **22-7-613. Closing the achievement gap cash fund - creation.**
32 (1) (a) The department is authorized to seek and accept gifts, grants, and

1 donations from private or public sources for the purposes of
2 implementing ~~sections 22-7-611 and 22-7-612~~ SECTION 22-7-611. All
3 private and public funds received through gifts, grants, or donations shall
4 be transmitted to the state treasurer, who shall credit the same to the
5 closing the achievement gap cash fund, which fund is hereby created and
6 referred to in this section as the "fund". The moneys in the fund shall be
7 continuously appropriated to the department.

8 (b) ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER
9 FROM THE READ-TO-ACHIEVE CASH FUND CREATED IN SECTION 22-7-908
10 TO THE CLOSING THE ACHIEVEMENT GAP CASH FUND THE AMOUNT OF ONE
11 MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE PURPOSES
12 OF IMPLEMENTING SECTION 22-7-611.

13 **SECTION 28.** 22-7-908, Colorado Revised Statutes, is amended
14 BY THE ADDITION OF A NEW SUBSECTION to read:

15 **22-7-908. Read-to-achieve cash fund - created.**

16 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
17 CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER
18 FROM THE CASH FUND:

19 (a) TO THE CLOSING THE ACHIEVEMENT GAP CASH FUND CREATED
20 IN SECTION 22-7-613 THE AMOUNT OF ONE MILLION SEVEN HUNDRED FIFTY
21 THOUSAND DOLLARS; AND

22 (b) TO THE SCHOOL AWARDS PROGRAM FUND CREATED IN SECTION
23 22-11-304 THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS.

24 **SECTION 29.** Part 6 of article 11 of title 22, Colorado Revised
25 Statutes, as enacted in Senate Bill 09-163, is amended BY THE
26 ADDITION OF A NEW SECTION to read:

27 **22-11-603.5. Centers of excellence awards.** (1) (a) THE STATE
28 BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO PUBLIC
29 SCHOOLS IN THE STATE THAT ENROLL A STUDENT POPULATION OF WHICH
30 AT LEAST SEVENTY-FIVE PERCENT ARE AT-RISK PUPILS, AS DEFINED IN
31 SECTION 22-54-103 (1.5), AND THAT DEMONSTRATE THE HIGHEST RATES
32 OF STUDENT LONGITUDINAL GROWTH, AS MEASURED BY THE COLORADO
33 GROWTH MODEL. THE TECHNICAL ADVISORY PANEL CONVENED PURSUANT
34 TO SECTION 22-11-202 SHALL RECOMMEND TO THE STATE BOARD, AND

1 THE STATE BOARD SHALL ESTABLISH BY RULE, THE METHOD BY WHICH TO
2 IDENTIFY SCHOOLS THAT QUALIFY FOR AN AWARD PURSUANT TO THIS
3 SECTION.

4 (b) AWARDS ISSUED PURSUANT TO THIS SECTION SHALL BE KNOWN
5 AS "CENTERS OF EXCELLENCE AWARDS".

6 (2) A SCHOOL THAT RECEIVES AN AWARD PURSUANT TO THIS
7 SECTION SHALL NOT QUALIFY FOR AN AWARD PURSUANT TO SECTION
8 22-11-603.

9 (3) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-11-602
10 (2) AND 22-11-603 (2), OF THE MONEYS AVAILABLE FOR AWARDS
11 PURSUANT TO THIS PART 3, IN THE 2009-10 BUDGET YEAR AND BUDGET
12 YEARS THEREAFTER, TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE
13 AWARDED TO SCHOOLS ANNUALLY PURSUANT TO THIS SECTION. THE
14 DEPARTMENT SHALL APPORTION THE REMAINDER BETWEEN THE "JOHN
15 IRWIN SCHOOLS OF EXCELLENCE AWARDS" AND THE "GOVERNOR'S
16 DISTINGUISHED IMPROVEMENT AWARDS" AS PROVIDED IN SECTIONS
17 22-11-602 (2) AND 22-11-603 (2), RESPECTIVELY.

18 **SECTION 30.** 22-11-605 (1), Colorado Revised Statutes, as
19 enacted in Senate Bill 09-163, is amended, and the said 22-11-605 is
20 further amended BY THE ADDITION OF A NEW SUBSECTION, to
21 read:

22 **22-11-605. School awards program fund - creation -**
23 **contributions.** (1) The department is hereby authorized to receive gifts,
24 grants, and donations from any source, public or private, to fund financial
25 awards to public schools pursuant to the program established in this part
26 6. The department shall transmit all public and private gifts, grants, and
27 donations received pursuant to this section to the state treasurer who shall
28 credit the same, in addition to any appropriations made by the general
29 assembly AND THE AMOUNT TRANSFERRED PURSUANT TO SUBSECTION (3)
30 OF THIS SECTION, to the school awards program fund, which is hereby
31 created in the state treasury and referred to in this section as the "fund".

32 (3) ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER
33 FROM THE READ-TO-ACHIEVE CASH FUND CREATED IN SECTION 22-7-908
34 TO THE SCHOOL AWARDS PROGRAM FUND THE AMOUNT OF TWO HUNDRED
35 FIFTY THOUSAND DOLLARS TO BE AWARDED PURSUANT TO SECTION

1 22-11-603.5 AS "CENTERS OF EXCELLENCE AWARDS".

2 **SECTION 31.** 22-7-908, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **22-7-908. Read-to-achieve cash fund - created.**

5 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
6 CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER
7 FROM THE CASH FUND:

8 (a) TO THE CLOSING THE ACHIEVEMENT GAP CASH FUND CREATED
9 IN SECTION 22-7-613 THE AMOUNT OF ONE MILLION SEVEN HUNDRED FIFTY
10 THOUSAND DOLLARS; AND

11 (b) TO THE SCHOOL AWARDS PROGRAM FUND CREATED IN SECTION
12 22-11-605 THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS.

13 **SECTION 32.** 22-44-118 (1), Colorado Revised Statutes, is
14 amended to read:

15 **22-44-118. Full-day kindergarten reserve - tracking of**
16 **expenditures - preschool programs - rules.** (1) (a) Except as otherwise
17 provided in ~~paragraph (b)~~ PARAGRAPHS (b) AND (c) of this subsection (1),
18 for the 2008-09 budget year and each budget year thereafter, a school
19 district that does not report any full-day kindergarten pupils in the
20 district's October 1 pupil enrollment count shall hold the moneys received
21 for full-day kindergarten programs through supplemental kindergarten
22 enrollment pursuant to section 22-54-103 (7) (d) in a full-day
23 kindergarten reserve in the district's general fund. The district shall not
24 use the moneys in the full-day kindergarten reserve until the district
25 enrolls one or more pupils in full-day kindergarten in the district. Once
26 the district enrolls pupils in full-day kindergarten in the district, the
27 district shall not be required to maintain the full-day kindergarten reserve.

28 (b) For the 2008-09 budget year, a school district that does not
29 report any full-day kindergarten pupils in the district's October 1 pupil
30 enrollment count ~~may use~~ SHALL, ON OR BEFORE JUNE 30, 2009, RETURN
31 TO THE DEPARTMENT OF EDUCATION ANY UNEXPENDED AND
32 UNENCUMBERED AMOUNT REMAINING OF the moneys received for full-day
33 kindergarten programs through supplemental kindergarten enrollment
34 pursuant to section 22-54-103 (7) (d). ~~for planning and facility~~

1 ~~preparation necessary for the district to offer a full-day kindergarten~~
2 ~~program in subsequent budget years.~~ THE DEPARTMENT OF EDUCATION
3 SHALL ADOPT PROCEDURES FOR THE IMPLEMENTATION OF THIS
4 PARAGRAPH (b). THE DEPARTMENT OF EDUCATION SHALL TRANSMIT TO
5 THE STATE TREASURER THE MONEYS RECEIVED PURSUANT TO THIS
6 PARAGRAPH (b), AND THE STATE TREASURER SHALL CREDIT SAID MONEYS
7 TO THE STATE EDUCATION FUND CREATED PURSUANT TO SECTION 17 (4)
8 OF ARTICLE IX OF THE STATE CONSTITUTION.

9 (c) FOR THE 2009-10 BUDGET YEAR, A SCHOOL DISTRICT THAT
10 DOES NOT REPORT ANY FULL-DAY KINDERGARTEN PUPILS IN THE
11 DISTRICT'S OCTOBER 1 PUPIL ENROLLMENT COUNT MAY USE THE MONEYS
12 RECEIVED FOR FULL-DAY KINDERGARTEN PROGRAMS THROUGH
13 SUPPLEMENTAL KINDERGARTEN ENROLLMENT PURSUANT TO SECTION
14 22-54-103 (7) (d) FOR PLANNING AND FACILITY PREPARATION NECESSARY
15 FOR THE DISTRICT TO OFFER A FULL-DAY KINDERGARTEN PROGRAM IN
16 SUBSEQUENT BUDGET YEARS."

17 Renumber succeeding sections accordingly.

18 Page 63, strike lines 5 through 23 and substitute the following:

19 "**bill.** (1) For the implementation of this act, appropriations made in the";
20 strike lines 26 and 27.

21 Strike pages 64 and 65.

22 Page 66, strike line 1 and substitute the following:

23 "**SECTION 34. Effective date.** (1) This act shall take effect
24 upon passage; except that:

25 (a) Sections 31, 32, and 35 of this act shall not take effect if
26 Senate Bill 09-163 is enacted and becomes law; and

27 (b) Sections 36 through 38 shall take effect only if Senate Bill
28 09-163 is enacted and becomes law."

29 Renumber succeeding section accordingly.

** ** ** ** **