

SENATE JOURNAL
Sixty-seventh General Assembly
STATE OF COLORADO
First Regular Session

48th Legislative Day Monday, February 23, 2009

Prayer	By the chaplain, Rev. Bill Calhoun, Montview Blvd. Presbyterian Church, Denver.	1
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Pledge	By Senator Shaffer.	3
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Call to Order	By the President at 10:00 a.m.	5
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Roll Call	Present--34	7
	Absent--1, Veiga.	8
	Present later--1, Veiga.	9
Quorum	The President announced a quorum present.	10
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Reading of Journal	On motion of Senator Newell, reading of the Journal of Friday, February 20, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	12
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Education	The Committee on <u>Education</u> has had under consideration and has a hearing on the following appointments and recommends that the appointments be confirmed:	54
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Education	The Committee on <u>Education</u> has had under consideration and has a hearing on the following appointments and recommends that the appointments be confirmed:	67
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COMMITTEE OF REFERENCE REPORTS

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

**MEMBERS OF THE
COLORADO COMMISSION ON HIGHER EDUCATION**

for a term expiring July 1, 2010:

Allegra "Happy" Haynes of Denver, Colorado, a resident of the 1st Congressional District and a Democrat, appointed.

for a term expiring July 1, 2011:

Charles Hereford Percy of Arvada, Colorado, a resident of the 7th Congressional District and a Republican, appointed.

for a term expiring July 1, 2012:

Michael D. Plachy of Centennial, Colorado, a resident of the 6th Congressional District and an Unaffiliated, reappointed.

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

**MEMBERS OF THE
CHARTER SCHOOL INSTITUTE BOARD**

effective as of eight o'clock a.m. on January 7, 2009, for a term expiring July 1, 2009:

Celeste C. Di Iorio of Fort Collins, Colorado, to serve as a representative with experience as a public school teacher, appointed.

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR
ADAMS STATE COLLEGE

effective January 1, 2009 for terms expiring December 31, 2012:

Ann C. Rice of Greenwood Village, Colorado, a Republican, reappointed.

Education

After consideration on the merits, the Committee recommends that **SB09-131** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike line 9 and substitute the following:

"EACH SCHOOL DISTRICT";

strike line 12 and substitute the following:

"WEEK INTO THE ACTIVITY OF EACH FULL-DAY ELEMENTARY SCHOOL STUDENT; EXCEPT THAT THE MINIMUM REQUIREMENT FOR PHYSICAL ACTIVITY SHALL BE REDUCED TO ONE HUNDRED TWENTY MINUTES PER WEEK FOR A STUDENT ATTENDING AN ELEMENTARY SCHOOL THAT MEETS FEWER THAN FIVE DAYS PER WEEK.";

line 13, strike "KINDERGARTEN THROUGH TWELFTH GRADE.";

after line 24, insert the following:

"(c) THE REQUIREMENT THAT A SCHOOL DISTRICT ADOPT A POLICY CONCERNING PHYSICAL ACTIVITY PURSUANT TO THIS SECTION IS NOT INTENDED TO DICTATE INSTRUCTION IN THE CLASSROOM.";

line 26, strike "SHALL" and substitute "MAY".

Page 4, line 4, strike "AND";

line 5, strike "ACTIVITY." and substitute "ACTIVITY; AND";

after line 5, insert the following:

"(f) PHYSICAL EDUCATION CLASSES.";

strike lines 11 through 15 and substitute the following:

"(5) A SCHOOL SHALL NOT SUBSTITUTE PHYSICAL ACTIVITY FOR PHYSICAL EDUCATION INSTRUCTION.";

strike lines 16 through 21.

Education

After consideration on the merits, the Committee recommends that **SB09-163** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 6, line 8, strike "NEGATIVE" and substitute "PUNITIVE";

line 15, strike "SYSTEM" and substitute "SYSTEM, TO THE EXTENT POSSIBLE,";

line 17, after "EDUCATION", insert "FOR ALL GROUPS OF STUDENTS".

Page 8, after line 3, insert the following:

"(d) IS ADAPTABLE TO ACCOMMODATE AND INCLUDE ADDITIONAL DATA THAT BECOME AVAILABLE AS THE STATE IMPLEMENTS THE

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"PRESCHOOL TO POSTSECONDARY EDUCATION ALIGNMENT ACT", PART 10 OF ARTICLE 7 OF THIS TITLE, INCLUDING BUT NOT LIMITED TO DATA CONCERNING SCHOOL READINESS AND POSTSECONDARY SUCCESS;"

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Reletter succeeding paragraphs accordingly.

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Page 9, line 11, strike "ASSESSMENT, DEFINED BY" and substitute "ASSESSMENT.";

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strike lines 12 and 13;

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line 20, strike the first "THE";

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line 22, strike "THE".

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Page 11, line 10, strike the second "THE";

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line 13, strike the first "THE";

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line 16, after the period, add ""LOCAL SCHOOL BOARD" ALSO INCLUDES THE GOVERNING BOARD OF A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE IF THE BOARD OF COOPERATIVE SERVICES IS OPERATING A PUBLIC SCHOOL.";

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line 23, strike the second "THE";

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line 25, strike the second "THE".

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Page 13, line 12, after the period, add ""SCHOOL DISTRICT" ALSO INCLUDES A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE IF IT IS OPERATING A PUBLIC SCHOOL.";

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after line 12, insert the following:

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"(30) "SCHOOL READINESS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-7-1003 (21)."

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Reletter succeeding subsections accordingly.

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Page 13, line 26, after "ON", insert "SEX,".

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Page 14, line 2, strike "REQUIREMENTS." and substitute "REQUIREMENTS, AND ANY ADDITIONAL STUDENT GROUPS THAT THE STATE BOARD MAY DESCRIBE BY RULE TO ALIGN WITH CHANGES TO FEDERAL REQUIREMENTS OR TO PROVIDE ADDITIONAL DATA FOR ANALYSIS OF STUDENT LEARNING.";

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line 24, strike "ARTICLE." and substitute "ARTICLE, INCLUDING BUT NOT LIMITED TO RULES ESTABLISHING A NUMBERING SYSTEM TO UNIQUELY IDENTIFY INDIVIDUAL STUDENTS, INCLUDING STUDENTS ENROLLED IN THE COLORADO PRESCHOOL AND KINDERGARTEN PROGRAM, CREATED PURSUANT TO SECTION 22-28-104.";

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after line 24, insert the following:

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22-11-105. Contracting for services. THE DEPARTMENT IS AUTHORIZED TO CONTRACT FOR SERVICES FOR THE IMPLEMENTATION OF THIS ARTICLE, INCLUDING BUT NOT LIMITED TO IMPLEMENTATION AND REVISION, WHEN NECESSARY, OF THE COLORADO GROWTH MODEL, MAINTENANCE OF THE STATE DATA REPORTING SYSTEM, AND CREATION AND MAINTENANCE OF THE DATA PORTAL. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., SHALL NOT APPLY TO CONTRACTS ENTERED INTO PURSUANT TO THIS SECTION.

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22-11-106. Funding. (1) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS FOR THE IMPLEMENTATION OF THIS ARTICLE; EXCEPT THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR

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ANY OTHER LAW OF THE STATE.

(2) THE GENERAL ASSEMBLY HEREBY DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, IMPLEMENTATION OF AN ALIGNED EDUCATION ACCOUNTABILITY SYSTEM FOR PUBLIC EDUCATION PURSUANT TO THIS SECTION IS AN IMPORTANT ELEMENT IN IMPLEMENTING ACCOUNTABLE EDUCATION REFORM AND ACCOUNTABLE PROGRAMS 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) THE GENERAL ASSEMBLY ANTICIPATES THAT THE DEPARTMENT MAY RECEIVE SIGNIFICANT AMOUNTS OF FEDERAL MONEYS THAT MAY APPROPRIATELY BE USED TO IMPLEMENT THIS ARTICLE AND STRONGLY ENCOURAGES THE DEPARTMENT TO APPLY SAID FEDERAL MONEYS TO THE GREATEST EXTENT POSSIBLE IN IMPLEMENTING THIS ARTICLE."

Page 18, line 26, after "SOONER;", add "AND".

Page 19, line 5, strike "SOONER; AND" and substitute "SOONER.";

strike lines 6 through 10;

after line 13, insert the following:

"(c) BY THE SAME DATE ESTABLISHED FOR PURPOSES OF PARAGRAPH (a) OF THIS SUBSECTION (1), THE DEPARTMENT SHALL CALCULATE, TO THE EXTENT PRACTICABLE, FOR EACH STUDENT WHO SCORED AT THE PROFICIENT ACHIEVEMENT LEVEL ON THE STATEWIDE ASSESSMENTS IN THE PREVIOUS ACADEMIC YEAR, WHAT WILL CONSTITUTE MOVE-UP GROWTH FOR THE COMING SCHOOL YEAR IN EACH SUBJECT THAT IS INCLUDED IN STATEWIDE ASSESSMENTS.

(d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), THE DEPARTMENT MAY REVISE, AS NECESSARY, THE DEFINITION OF ADEQUATE LONGITUDINAL GROWTH TO INCORPORATE THE CONCEPT OF MOVE-UP GROWTH OR TO MEET THE REQUIREMENTS OF FEDERAL LAW."

Page 20, line 9, strike "AND";

line 10, strike "ADEQUATE";

line 12, strike "SECTION." and substitute "SECTION; AND";

after line 12, insert the following:

"(d) THE AMOUNT OF GROWTH FOR EACH STUDENT THAT WOULD RESULT IN THE STUDENT SCORING AT THE PARTIALLY PROFICIENT, PROFICIENT, AND ADVANCED ACHIEVEMENT LEVELS WITHIN ONE, TWO, AND THREE YEARS."

Page 22, strike lines 24 through 27 and substitute the following:

"(b) FOR EACH PUBLIC SCHOOL, THE DEPARTMENT SHALL CALCULATE:

(I) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL:

(A) WHO ATTAIN ADEQUATE LONGITUDINAL GROWTH AS CALCULATED PURSUANT TO SECTION 22-11-203 (1), INCLUDING THE PERCENTAGES OF STUDENTS WHO ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) WHO ATTAIN MOVE-UP GROWTH; AND

(C) WHO ATTAIN STATEWIDE MEDIAN GROWTH; AND

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(II) THE MEDIAN STUDENT GROWTH AMONG STUDENTS ENROLLED IN THE PUBLIC SCHOOL.

(c) FOR EACH SCHOOL DISTRICT AND THE INSTITUTE, THE DEPARTMENT SHALL CALCULATE:

(I) THE PERCENTAGE OF ALL STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS:

(A) WHO ATTAIN ADEQUATE LONGITUDINAL ACADEMIC GROWTH, AS CALCULATED PURSUANT TO SECTION 22-11-203 (1), INCLUDING THE PERCENTAGES OF STUDENTS WHO ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) WHO ATTAIN MOVE-UP GROWTH; AND

(C) WHO ATTAIN STATEWIDE MEDIAN GROWTH; AND

(II) THE MEDIAN STUDENT GROWTH AMONG STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS.

(d) FOR THE STATE, THE DEPARTMENT SHALL CALCULATE:

(I) THE PERCENTAGE OF ALL STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE:

(A) WHO ATTAIN ADEQUATE LONGITUDINAL ACADEMIC GROWTH, AS CALCULATED PURSUANT TO SECTION 22-11-203 (1), INCLUDING THE PERCENTAGES OF STUDENTS WHO ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) WHO ATTAIN MOVE-UP GROWTH; AND

(C) WHO ATTAIN STATEWIDE MEDIAN GROWTH; AND

(II) THE MEDIAN STUDENT GROWTH AMONG STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE."

Page 23, strike lines 1 through 20.

Page 24, line 3, strike "STATE BOARD, BY RULE," and substitute "COMMISSIONER";

line 23, strike "USING" and substitute "USING, AT A MINIMUM,".

Page 27, line 10, strike "CATCH-UP GROWTH, KEEP-UP GROWTH, AND" and substitute "CATCH-UP GROWTH AND KEEP-UP GROWTH;";

strike line 11 and substitute the following:

"(B) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL WHO ATTAIN MOVE-UP GROWTH;

(C) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL WHO ATTAIN STATEWIDE MEDIAN GROWTH;".

Reletter succeeding sub-subparagraphs accordingly.

Page 28, strike line 16 and substitute the following:

"ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) THE PERCENTAGE OF STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS WHO ATTAIN MOVE-UP GROWTH;

(C) THE PERCENTAGE OF STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS WHO ATTAIN STATEWIDE MEDIAN GROWTH;".

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Reletter succeeding sub-subparagraphs accordingly.

Page 29, line 25, strike "CATCH-UP GROWTH, KEEP-UP" and substitute "CATCH-UP GROWTH AND KEEP-UP GROWTH;"

strike line 26 and substitute the following:

"(B) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE WHO ATTAIN MOVE-UP GROWTH;

(C) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE WHO ATTAIN STATEWIDE MEDIAN GROWTH;"

Reletter succeeding sub-subparagraphs accordingly.

Page 35, line 12, strike "NTERVENTIONS" and substitute "INTERVENTIONS".

Page 36, line 14, strike "INSTITUTE." and substitute "INSTITUTE, PLACING THE GREATEST EMPHASIS ON ATTAINMENT OF THE PERFORMANCE INDICATORS."

Page 37, after line 13, insert the following:

"(3) IN PROMULGATING RULES PURSUANT TO THIS SECTION, THE STATE BOARD SHALL USE CLEAR, UNDERSTANDABLE LANGUAGE TO DESCRIBE THE ACCREDITATION CATEGORIES AND THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, WITH THE GOAL OF PROVIDING A HIGH DEGREE OF TRANSPARENCY IN THE ACCREDITATION PROCESS."

Renumber succeeding subsection accordingly.

Page 39, line 24, strike "IMPLEMENTATION;" and substitute "IMPLEMENTATION OF INTERVENTION STRATEGIES, INCLUDING, WHERE APPROPRIATE, STRATEGIES THAT ADDRESS EARLY CHILDHOOD EDUCATION AND STUDENT ENGAGEMENT AND RE-ENGAGEMENT;"

Page 44, strike line 13 and substitute the following:

"IN PROMULGATING THE RULES, THE STATE BOARD SHALL PLACE THE GREATEST EMPHASIS ON ATTAINMENT OF THE PERFORMANCE INDICATORS. IN ADDITION, THE RULES SHALL, AT A MINIMUM, TAKE INTO CONSIDERATION:"

Page 45, after line 17, insert the following;

"(c) IN PROMULGATING RULES PURSUANT TO THIS SUBSECTION (1), THE STATE BOARD SHALL USE CLEAR, UNDERSTANDABLE LANGUAGE TO DESCRIBE THE CRITERIA FOR DETERMINING THE TYPE OF PLAN THAT A PUBLIC SCHOOL SHALL ADOPT AND THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, WITH THE GOAL OF PROVIDING A HIGH DEGREE OF TRANSPARENCY IN THE PUBLIC SCHOOL PERFORMANCE REVIEW PROCESS."

Reletter succeeding paragraphs accordingly.

Page 47, line 16, strike "IMPLEMENTATION;" and substitute "IMPLEMENTATION OF INTERVENTION STRATEGIES, INCLUDING, WHERE APPROPRIATE, STRATEGIES THAT ADDRESS EARLY CHILDHOOD EDUCATION AND STUDENT ENGAGEMENT AND RE-ENGAGEMENT;"

Page 48, strike lines 20 through 25 and substitute the following:

"(I) WITH REGARD TO A DISTRICT PUBLIC SCHOOL THAT IS NOT A CHARTER SCHOOL, THAT THE DISTRICT PUBLIC SCHOOL SHOULD BE MANAGED BY A PRIVATE OR PUBLIC ENTITY OTHER THAN THE SCHOOL DISTRICT;

(II) WITH REGARD TO A DISTRICT OR INSTITUTE CHARTER SCHOOL,

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THAT THE PUBLIC OR PRIVATE ENTITY OPERATING THE CHARTER SCHOOL OR THE GOVERNING BOARD OF THE CHARTER SCHOOL SHOULD BE REPLACED BY A DIFFERENT PUBLIC OR PRIVATE ENTITY OR GOVERNING BOARD;"

Renumber succeeding subparagraphs accordingly.

Page 49, line 8, strike "THE ACTIONS THAT" and substitute "WHICH OF THE ACTIONS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5)";

strike lines 25 and 26 and substitute the following:

"- **membership.** (1) EACH LOCAL SCHOOL BOARD SHALL APPOINT OR CREATE A".

Page 50, line 23, strike "IF THE";

strike lines 24 through 27.

Page 51, line 1, strike "COMMITTEE.";

line 15, strike "(a)";

line 18, strike "(I)" and substitute "(a)";

line 22, strike "(II)" and substitute "(b)";

strike lines 24 through 27.

Page 52, strike lines 1 through 7 and substitute the following:

"(5) THE MEMBERS OF EACH SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL SELECT FROM AMONG THE PARENT REPRESENTATIVES SERVING ON THE COMMITTEE A MEMBER TO SERVE AS CHAIR OR CO-CHAIR OF THE COMMITTEE. THE LOCAL SCHOOL BOARD SHALL ESTABLISH THE LENGTH OF TERM FOR WHICH THE COMMITTEE CHAIR OR CO-CHAIR SHALL SERVE."

Page 56, line 2, strike "IMPROVE STUDENT ACADEMIC" and substitute "RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY";

line 3, strike "PERFORMANCE WITHIN";

line 4, strike "SCHOOLS;" and substitute "SCHOOLS AND TO IMPROVE SCHOOL READINESS IN DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT SERVE STUDENTS IN PRESCHOOL AND KINDERGARTEN;"

Page 58, line 22, strike "IMPROVE" and substitute "RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY";

line 23, strike "STUDENT ACADEMIC PERFORMANCE WITHIN";

line 24, strike "SCHOOLS;" and substitute "SCHOOLS AND TO IMPROVE SCHOOL READINESS IN DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT SERVE STUDENTS IN PRESCHOOL AND KINDERGARTEN;"

Page 59, line 27, strike "BASED ON THE".

Page 60, line 1, strike "RECOMMENDATIONS OF THE STATE REVIEW PANEL, THE" and substitute "THE";

line 3, strike "PLAN." and substitute "PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL.";

line 24, strike "BASED ON THE";

line 25, strike "RECOMMENDATIONS OF THE STATE REVIEW PANEL, THE" and substitute "THE";

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line 27, strike "PLAN." and substitute "PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL."

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Page 62, line 4, strike "IMPROVE" and substitute "RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY";

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line 5, strike "STUDENT ACADEMIC PERFORMANCE WITHIN";

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line 6, strike "SCHOOLS;" and substitute "SCHOOLS AND TO IMPROVE SCHOOL READINESS IN DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT SERVE STUDENTS IN PRESCHOOL AND KINDERGARTEN;"

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Page 63, line 13, strike "CONSIDER THE STATE REVIEW PANEL'S";

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line 14, strike "RECOMMENDATIONS AND";

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line 15, strike "PLAN." and substitute "PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL."

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Page 64, line 15, strike "CONSIDER THE";

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line 16, strike "STATE REVIEW PANEL'S RECOMMENDATIONS AND";

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line 17, strike "PLAN." and substitute "PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL."

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Page 65, line 23, strike "IMPROVE" and substitute "RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY";

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line 24, strike "STUDENT ACADEMIC PERFORMANCE WITHIN";

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line 25, strike "SCHOOLS;" and substitute "SCHOOLS AND TO IMPROVE SCHOOL READINESS IN DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT SERVE STUDENTS IN PRESCHOOL AND KINDERGARTEN;"

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Page 70, strike lines 22 through 25.

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Page 71, line 2, strike "COMMITTEE FOR A ONE-YEAR TERM." and substitute "COMMITTEE.";

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strike lines 24 and 25 and substitute the following:

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"BOARD MAY ALSO SERVE ON A SCHOOL ACCOUNTABILITY COMMITTEE AND THE DISTRICT ACCOUNTABILITY COMMITTEE MAY SERVE AS A SCHOOL ACCOUNTABILITY COMMITTEE."

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Page 72, strike lines 15 through 20 and substitute the following:

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"(b) TO ADVISE THE PRINCIPAL OF THE PUBLIC SCHOOL AND, IN THE CASE OF A DISTRICT PUBLIC SCHOOL, THE SUPERINTENDENT OF THE SCHOOL DISTRICT CONCERNING THE PREPARATION OF A SCHOOL PERFORMANCE OR IMPROVEMENT PLAN, IF EITHER IS REQUIRED PURSUANT TO SECTION 22-11-210, AND TO SUBMIT RECOMMENDATIONS TO THE PRINCIPAL, AND SUPERINTENDENT IF APPLICABLE, CONCERNING THE CONTENTS OF THE PERFORMANCE OR IMPROVEMENT PLAN;

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(c) TO ADVISE THE LOCAL SCHOOL BOARD OR THE INSTITUTE CONCERNING THE PREPARATION OF A SCHOOL PRIORITY IMPROVEMENT OR TURNAROUND PLAN, IF EITHER IS REQUIRED PURSUANT TO SECTION 22-11-210, AND TO SUBMIT RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD OR THE INSTITUTE CONCERNING THE CONTENTS OF THE PRIORITY IMPROVEMENT OR TURNAROUND PLAN;"

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Page 73, strike lines 1 through 22 and substitute the following:

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22-11-403. School performance plan - contents. (1) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS A DISTRICT PUBLIC SCHOOL TO ADOPT A PERFORMANCE PLAN, THE SCHOOL PRINCIPAL AND THE SCHOOL DISTRICT SUPERINTENDENT, OR HIS OR HER DESIGNEE, IN

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ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL PERFORMANCE PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE DISTRICT PUBLIC SCHOOL.

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(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE DISTRICT PUBLIC SCHOOL SHALL ADVISE THE PRINCIPAL CONCERNING PREPARATION OF THE PERFORMANCE PLAN AND MAKE RECOMMENDATIONS TO THE PRINCIPAL CONCERNING THE CONTENTS OF THE SCHOOL PERFORMANCE PLAN. THE PRINCIPAL, WITH THE APPROVAL OF THE SUPERINTENDENT OR HIS OR HER DESIGNEE, SHALL CREATE AND ADOPT THE SCHOOL PERFORMANCE PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

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(c) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE THE ADOPTED SCHOOL PERFORMANCE PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-302 (1), AND THE LOCAL SCHOOL BOARD SHALL CONSIDER THE ADOPTED SCHOOL PERFORMANCE PLAN IN DEVELOPING THE BUDGET REQUIRED BY SECTION 22-44-108. THE PRINCIPAL AND THE SUPERINTENDENT OR HIS OR HER DESIGNEE SHALL ENSURE THAT THE SCHOOL PERFORMANCE PLAN IS IN EFFECT FOR THE DISTRICT PUBLIC SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.

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(2) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS AN INSTITUTE CHARTER SCHOOL TO ADOPT A PERFORMANCE PLAN, THE SCHOOL PRINCIPAL, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL PERFORMANCE PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE INSTITUTE CHARTER SCHOOL.

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(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE INSTITUTE CHARTER SCHOOL SHALL ADVISE THE PRINCIPAL CONCERNING PREPARATION OF THE PERFORMANCE PLAN AND MAKE RECOMMENDATIONS TO THE PRINCIPAL CONCERNING THE CONTENTS OF THE SCHOOL PERFORMANCE PLAN. THE PRINCIPAL SHALL CREATE AND ADOPT THE SCHOOL PERFORMANCE PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

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(c) THE INSTITUTE SHALL INCLUDE THE ADOPTED SCHOOL PERFORMANCE PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-303 (2) (b). THE PRINCIPAL SHALL ENSURE THAT THE SCHOOL PERFORMANCE PLAN IS IN EFFECT FOR THE INSTITUTE CHARTER SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.";

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line 23, strike "(2)" and substitute "(3)".

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Page 74, line 12, strike "IMPROVE STUDENT ACADEMIC" and substitute "RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY";

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strike line 13 and substitute the following:
"THE PUBLIC SCHOOL AND TO IMPROVE SCHOOL READINESS, IF THE PUBLIC SCHOOL SERVES STUDENTS IN PRESCHOOL OR KINDERGARTEN;"

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line 16, strike "(2);" and substitute "(3);"

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line 23, strike "(3)" and substitute "(4)".

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Page 75, strike lines 3 through 24 and substitute the following:

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"STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS A DISTRICT PUBLIC SCHOOL TO ADOPT AN IMPROVEMENT PLAN, THE SCHOOL PRINCIPAL AND THE SCHOOL DISTRICT SUPERINTENDENT, OR HIS OR HER DESIGNEE, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL IMPROVEMENT PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE DISTRICT PUBLIC SCHOOL.

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(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE DISTRICT PUBLIC SCHOOL ADVISE THE PRINCIPAL CONCERNING PREPARATION OF THE

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SCHOOL IMPROVEMENT PLAN AND SHALL MAKE RECOMMENDATIONS TO THE PRINCIPAL CONCERNING THE CONTENTS OF THE SCHOOL IMPROVEMENT PLAN. THE PRINCIPAL, WITH THE APPROVAL OF THE SUPERINTENDENT OR HIS OR HER DESIGNEE, SHALL CREATE AND ADOPT THE SCHOOL IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE THE ADOPTED SCHOOL IMPROVEMENT PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-302 (1), AND THE LOCAL SCHOOL BOARD SHALL CONSIDER THE ADOPTED SCHOOL IMPROVEMENT PLAN IN DEVELOPING THE BUDGET REQUIRED BY SECTION 22-44-108. THE PRINCIPAL AND THE SUPERINTENDENT, OR HIS OR HER DESIGNEE, SHALL ENSURE THAT THE SCHOOL IMPROVEMENT PLAN IS IN EFFECT FOR THE DISTRICT PUBLIC SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.

(2) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS AN INSTITUTE CHARTER SCHOOL TO ADOPT AN IMPROVEMENT PLAN, THE SCHOOL PRINCIPAL, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL IMPROVEMENT PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE INSTITUTE CHARTER SCHOOL.

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE INSTITUTE CHARTER SCHOOL SHALL ADVISE THE PRINCIPAL CONCERNING PREPARATION OF THE SCHOOL IMPROVEMENT PLAN AND SHALL MAKE RECOMMENDATIONS TO THE PRINCIPAL CONCERNING THE CONTENTS OF THE SCHOOL IMPROVEMENT PLAN. THE PRINCIPAL SHALL CREATE AND ADOPT THE SCHOOL IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE INSTITUTE SHALL INCLUDE THE ADOPTED SCHOOL IMPROVEMENT PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-303 (2) (b). THE PRINCIPAL SHALL ENSURE THAT THE SCHOOL IMPROVEMENT PLAN IS IN EFFECT FOR THE INSTITUTE CHARTER SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.";

line 25, strike "(2)" and substitute "(3)".

Page 76, line 11, strike "IMPROVE STUDENT ACADEMIC" and substitute "RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY";

strike line 12 and substitute the following:

"THE PUBLIC SCHOOL AND TO IMPROVE SCHOOL READINESS, IF THE PUBLIC SCHOOL SERVES STUDENTS IN PRESCHOOL OR KINDERGARTEN;"

line 15, strike "(2);" and substitute "(3)";

line 22, strike "(3)" and substitute "(4)".

Page 77, strike lines 2 through 24 and substitute the following:

"(1) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS A DISTRICT PUBLIC SCHOOL TO ADOPT A PRIORITY IMPROVEMENT PLAN, THE LOCAL SCHOOL BOARD, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL PRIORITY IMPROVEMENT PLAN, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, FOR THE DISTRICT PUBLIC SCHOOL.

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE DISTRICT PUBLIC SCHOOL SHALL ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE SCHOOL PRIORITY IMPROVEMENT PLAN AND SHALL MAKE RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD CONCERNING THE CONTENTS OF THE SCHOOL PRIORITY IMPROVEMENT PLAN. THE LOCAL SCHOOL BOARD SHALL CREATE AND ADOPT THE SCHOOL PRIORITY

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IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE THE ADOPTED SCHOOL PRIORITY IMPROVEMENT PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-302 (1), AND THE LOCAL SCHOOL BOARD SHALL CONSIDER THE ADOPTED SCHOOL PRIORITY IMPROVEMENT PLAN IN DEVELOPING THE BUDGET REQUIRED BY SECTION 22-44-108. THE LOCAL SCHOOL BOARD SHALL ENSURE THAT THE SCHOOL PRIORITY IMPROVEMENT PLAN IS IN EFFECT FOR THE DISTRICT PUBLIC SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.

(2) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS AN INSTITUTE CHARTER SCHOOL TO ADOPT A PRIORITY IMPROVEMENT PLAN, THE INSTITUTE, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL PRIORITY IMPROVEMENT PLAN, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, FOR THE INSTITUTE CHARTER SCHOOL.

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE INSTITUTE CHARTER SCHOOL SHALL ADVISE THE INSTITUTE CONCERNING PREPARATION OF THE SCHOOL PRIORITY IMPROVEMENT PLAN AND SHALL MAKE RECOMMENDATIONS TO THE INSTITUTE CONCERNING THE CONTENTS OF THE SCHOOL PRIORITY IMPROVEMENT PLAN. THE INSTITUTE SHALL CREATE AND ADOPT THE SCHOOL PRIORITY IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE INSTITUTE SHALL INCLUDE THE ADOPTED SCHOOL PRIORITY IMPROVEMENT PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-303 (2) (b). THE INSTITUTE SHALL ENSURE THAT THE SCHOOL PRIORITY IMPROVEMENT PLAN IS IN EFFECT FOR THE INSTITUTE CHARTER SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.";

line 25, strike "(d)" and substitute "(3)".

Page 78, line 1, strike "BASED" and substitute "THE";

strike line 2;

line 4, strike "PLAN." and substitute "PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL.";

line 5, strike "(2)" and substitute "(4)";

line 19, strike "IMPROVE STUDENT ACADEMIC" and substitute "RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY";

strike line 20 and substitute the following:

"THE PUBLIC SCHOOL AND TO IMPROVE SCHOOL READINESS, IF THE PUBLIC SCHOOL SERVES STUDENTS IN PRESCHOOL OR KINDERGARTEN;"

line 23, strike "(2);" and substitute "(4)";

Page 79, line 3, strike "(3)" and substitute "(5)";

line 14, strike "SECTION." and substitute "SECTION, FOR THE DISTRICT PUBLIC SCHOOL.";

line 19, after "SHALL", insert "ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE SCHOOL TURNAROUND PLAN AND SHALL";

line 22, after "THE", insert "ADVICE AND".

Page 80, line 4, strike "CONSIDER THE STATE REVIEW PANEL'S";

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line 5, strike "RECOMMENDATIONS AND"; 1

line 6, strike "PLAN." and substitute "PLAN, TAKING INTO CONSIDERATION 2
ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL." 3

Page 81, line 1, strike "SECTION." and substitute "SECTION, FOR THE 4
INSTITUTE CHARTER SCHOOL."; 5

line 6, after "SHALL", insert "ADVISE THE INSTITUTE CONCERNING 6
PREPARATION OF THE SCHOOL TURNAROUND PLAN AND SHALL"; 7

line 9, before "RECOMMENDATIONS", insert "ADVICE AND"; 8

line 17, strike "CONSIDER THE"; 9

line 18, strike "STATE REVIEW PANEL'S RECOMMENDATIONS AND"; 10

line 19, strike "PLAN." and substitute "PLAN, TAKING INTO CONSIDERATION 11
ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL." 12

Page 82, line 20, strike "IMPROVE STUDENT ACADEMIC" and substitute 13
"RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS 14
BY"; 15

strike line 21 and substitute the following: 16

"THE PUBLIC SCHOOL AND TO IMPROVE SCHOOL READINESS, IF THE PUBLIC 17
SCHOOL SERVES STUDENTS IN PRESCHOOL OR KINDERGARTEN;". 18

Page 83, line 23, after the semi-colon, add "AND"; 19

strike line 24. 20

Re-number succeeding subparagraph accordingly. 21

Page 86, strike lines 5 and 6 and substitute the following: 22

"PUBLIC SCHOOL, RECOGNIZING THAT THE". 23

Page 89, after line 15, insert the following: 24

"(3) IN PUBLISHING SUPPORTING DATA FOR THE SCHOOL DISTRICT, 25
INSTITUTE, AND PUBLIC SCHOOL ACCREDITATION CATEGORIES, THE 26
DEPARTMENT SHALL INCLUDE DATA PERTAINING TO THE GRADUATION 27
RATES THAT DESCRIBES THE PROGRESS MADE BY STUDENT GROUPS 28
DISAGGREGATED FOR GENDER BY RACE AND INCOME." 29

Page 90, line 17, strike "AND"; 30

after line 17, insert the following: 31

"(e) THE REPORT SUBJECT'S RATES OF COMPLETION, MOBILITY, AND 32
TRUANCY AS CALCULATED PURSUANT TO RULES ADOPTED BY THE STATE 33
BOARD; AND"; 34

line 18, strike "(e)" and substitute "(f)". 35

Page 104, after line 5, insert the following: 36

"SECTION 6. 22-1-122 (1) (a), (2) (b) (III), (2) (b) (IV), (4), and 37
(6) (a) (I), Colorado Revised Statutes, are amended to read: 38

**22-1-122. Transportation token program - legislative 39
declaration - eligibility - fund.** (1) (a) It is the intent of the general 40
assembly in enacting this section to improve opportunities for students to 41
gain the knowledge and skills necessary for a successful experience in 42
postsecondary education or as members of the work force. The general 43
assembly finds that a student should not be compelled by the lack of 44
transportation to remain in a school that ~~receives an overall academic~~ 45

~~performance rating of "low" or "unsatisfactory" issued pursuant to section 22-7-604 (5)~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210. 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 rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5), for the preceding school year~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210; 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 rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5), for the preceding school year~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210; and

(IV) Who, while enrolled in the neighborhood school that ~~received an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5)~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210 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 rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5)~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210. 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 rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5)~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210; and

SECTION 7. 22-2-106 (1) (c), (2), and (3), Colorado Revised Statutes, are amended to read:

22-2-106. State board - duties. (1) It is the duty of the state

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board:

(c) To appraise and accredit the public schools and school districts in this state AND THE STATE CHARTER SCHOOL INSTITUTE pursuant to the provisions of article 11 of this title, and to submit recommendations to the governor and general assembly for improvements in education;

~~(2) (a) The state board shall withhold its accreditation of any school district under paragraph (c) of subsection (1) of this section if it determines that the school district has not discharged its responsibilities under article 7 of this title as required in article 11 of this title.~~

~~(b) The state board shall withhold its accreditation of any school district under paragraph (c) of subsection (1) of this section if it determines that the school district has not adopted content standards and a plan for implementation pursuant to the provisions of section 22-7-407.~~

~~(3) The state board shall annually submit a report to the governor and the education committees of the house of representatives and the senate on the accreditation status of all school districts pursuant to the provisions of article 11 of this title.~~

SECTION 8. 22-2-107 (1) (g.5), Colorado Revised Statutes, is amended to read:

22-2-107. State board - power. (1) The state board has the power:

~~(g.5) To revoke or withhold accreditation of any school district under section 22-2-106 (1) (c) if it determines that the school district has not complied with the provisions of the "Public School Finance Act of 1994", as set forth in article 54 of this title, or that the school district has not complied with a specific written directive or order of the state board to the school district. Action against a school district's accreditation may be taken only after at least sixty days' notice to the district and an opportunity for the district to be heard at a hearing held in accordance with rules promulgated by the state board.~~

SECTION 9. 22-2-112 (1) (h), Colorado Revised Statutes, is 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~~ ARTICLE 11 OF THIS TITLE;

SECTION 10. 22-2-117 (1) (b) (III) and (1.5), Colorado Revised Statutes, are amended to read:

22-2-117. Additional power - state board - waiver of requirements - rules. (1) (b) The state board shall not waive any of the requirements specified in any of the following statutory provisions:

(III) Any provision of ~~part 6 of article 7~~ PART 5 OF ARTICLE 11 of this title pertaining to the data necessary for ~~school accountability~~ PERFORMANCE reports;

(1.5) Notwithstanding any provision of this section or any other provision of law, the state board shall not waive requirements contained in ~~part 6 of article 7~~ ARTICLE 11 of this title or sections 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and 22-33-104 (4).

SECTION 11. 22-2-401 (1) (d), Colorado Revised Statutes, is amended to read:

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22-2-401. Legislative declaration. (1) The general assembly hereby finds that:

(d) Each student who receives an educational program through a facility participates in the Colorado student assessment program. However, the student's scores are usually not included in calculating a school's ~~academic performance rating~~ LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, and the transitory nature of the student's educational career makes it difficult, if not impossible, for an education provider to longitudinally track the student's academic growth.

SECTION 12. 22-2-405 (1) (e), Colorado Revised Statutes, is amended to read:

22-2-405. Facility schools unit - duties. (1) In addition to any other duties that may be required by law, the unit shall:

(e) Ensure that each student who receives educational services from an approved facility school and who, upon leaving the facility, will reside in Colorado receives a unique identifying number, as provided in rules adopted pursuant to ~~section 22-7-603.5 (4)~~ SECTION 22-11-104, if the student has not already been assigned a number by the department; and

SECTION 13. 22-2-504 (2), Colorado Revised Statutes, is amended to read:

22-2-504. National board for professional teaching standards certification compensation - study. (2) Beginning with the 2008-2009 school year and ending with the 2010-2011 school year, an additional annual stipend of three thousand two hundred dollars shall be awarded to any teacher who meets the criteria set forth in subsection (1) of this section and who is employed as of May 1 in a given school year in a school that ~~received a low or unsatisfactory rating on the previous year's school accountability report~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY. A teacher shall continue to receive the additional stipend award pursuant to this subsection (2) if he or she remains employed in a school that was previously rated as low or unsatisfactory but receives a higher rating in a subsequent school accountability report REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN BUT IMPROVES SUFFICIENTLY TO IMPLEMENT AN IMPROVEMENT OR PERFORMANCE PLAN PURSUANT TO SECTION 22-11-404 OR 22-11-403, RESPECTIVELY. The additional stipend for such teachers shall be subject to the same restrictions and requirements as set forth in subsection (1) of this section.

SECTION 14. 22-7-407 (1), (4) (a), and (5), Colorado Revised Statutes, are amended to read:

22-7-407. Adoption of content standards by districts. (1) In accordance with timelines adopted by the board pursuant to section 22-7-406 (2), but not later than January 1, 1997, each district shall adopt first priority content standards in the areas of reading, writing, mathematics, science, history, and geography which meet or exceed the state model content standards adopted pursuant to section 22-7-406 (1). In accordance with timelines adopted by the state board, districts shall also adopt second priority content standards in the areas of art, music, physical education, foreign languages, economics, and civics. Content standards may be adopted for each grade level or may be adopted for groupings of grade levels. In adopting content standards, each district shall seek input from and shall work in cooperation with educators, parents, students, business persons, members of the general community who are representative of the cultural diversity of the district, and the district's accountability committee created pursuant to ~~section 22-7-104~~ SECTION 22-11-301.

(4) (a) Following adoption of content standards pursuant to this section, each district shall review and revise the content standards as

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necessary to maintain maximum effectiveness. In revising the content standards, each district shall seek recommendations from and shall work in cooperation with educators, parents, students, business persons, members of the general community who are representative of the cultural diversity of the district, and the district's accountability committee created pursuant to ~~section 22-7-104~~ SECTION 22-11-301.

(5) Following adoption of content standards, each school district shall, through written materials and public meetings, inform parents of students enrolled in such district of the application and effect of such content standards and standards-based education, including how students' progress in achieving content standards will be measured and how parents will be informed of such progress. Such information shall also be provided to the district accountability committee and the school ~~advisory councils~~ ACCOUNTABILITY COMMITTEES within such district.

SECTION 15. The introductory portion to 22-7-409 (1.2) (d) (I) and 22-7-409 (1.2) (d) (I) (C), (1.2) (d) (I.5), and (1.2) (d) (II), Colorado Revised Statutes, are amended, and the said 22-7-409 (1.2) (d) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-7-409. Assessments. (1.2) (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 (A). However, the scores of the following students shall not be used by the state for purposes of ~~calculating school academic performance ratings pursuant to section 22-7-604 or for accreditation pursuant to article 11 of this title~~ MEASURING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, DETERMINING ACCREDITATION CATEGORIES PURSUANT TO SECTION 22-11-208, OR MEASURING PUBLIC SCHOOL PERFORMANCE PURSUANT TO SECTION 22-11-210:

(C) Any student who at the time that he or she enrolls in any public school of the state is defined as a student whose dominant language is not English pursuant to section 22-24-103 (4) (a) or (4) (b); except that such student's scores shall be used for ~~calculating academic performance and improvement ratings and for accreditation purposes~~ SAID PURPOSES after the student either has been enrolled in any public school in the state for three years or has achieved a score of proficient in English on each component of the entire assessment approved by the department pursuant to section 22-24-106, whichever occurs first.

(I.3) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) TO THE CONTRARY, THE BOARD, BY RULE, MAY INCLUDE THE STUDENTS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) IN MEASURING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS, DETERMINING ACCREDITATION CATEGORIES, AND MEASURING PUBLIC SCHOOL PERFORMANCE, IF NECESSARY TO COMPLY WITH FEDERAL LAW AND ENSURE A SINGLE, ALIGNED SYSTEM OF EDUCATION ACCOUNTABILITY WITHIN THE STATE.

(I.5) ~~The academic performance ratings calculated for the 2000-01 school year and each school year thereafter~~ IN MEASURING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, DETERMINING ACCREDITATION CATEGORIES PURSUANT TO SECTION 22-11-208, AND MEASURING PUBLIC SCHOOL PERFORMANCE PURSUANT TO SECTION 22-11-210, THE DEPARTMENT, TO THE EXTENT PRACTICABLE, shall include the scores of all students who took the assessment in a language other than English.

(II) Any student with a disability who is not eligible for the CSAP-A or other approved assessment but who has an individual educational program pursuant to section 22-20-108 shall be assessed in each CSAP area at the grade level in which the student is enrolled. If, as part of a student's individual educational program, a student attends

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part-time a school or program away from the school in which the student is enrolled, the school district in which a student is enrolled, or, in the case of a board of cooperative services, the administrative unit, may designate either the school of residency or the school of attendance as the school to which the scores of the student will be assigned to calculate school academic performance ratings FOR PURPOSES OF MEASURING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, DETERMINING ACCREDITATION CATEGORIES PURSUANT TO SECTION 22-11-208, AND MEASURING PUBLIC SCHOOL PERFORMANCE PURSUANT TO SECTION 22-11-210.

SECTION 16. 22-7-1007 (2), Colorado Revised Statutes, is amended to read:

22-7-1007. Postsecondary and workforce readiness assessments pilot program - rules. (2) Each assessment vendor that chooses to participate in the pilot program shall provide to the department of education data concerning administration of the vendor's assessments in other states, including but not limited to test score unit records. The department shall apply the data in preparing amendments to the state plan, as described in section 22-7-1012, and in adjusting the longitudinal COLORADO growth model adopted pursuant to ~~section 22-7-604.3~~ SECTION 22-11-202 to ensure that the results of each assessment that is included in the pilot program can be used to measure individual student growth toward attaining postsecondary and workforce readiness.

SECTION 17. 22-9-104 (2) (c), (2) (d), and (2) (e), Colorado Revised Statutes, are amended to read:

22-9-104. State board - powers and duties. (2) The state board shall:

(c) Consult with the state licensed personnel performance evaluation council created in section 22-9-105 with regard to the guidelines relating to the planning, development, implementation, and assessment of licensed personnel performance evaluation systems; AND

(d) Review school district and board of cooperative services processes and procedures for licensed personnel performance evaluation systems to assure that such systems are professionally sound and will result in a fair, adequate, and credible evaluation. and

~~(e) Withhold or suspend the accreditation of any school district and publicize such withholding or suspension of accreditation if it determines that the school district has not complied with the provisions of this article.~~

SECTION 18. 22-20-104.5 (1), Colorado Revised Statutes, is amended to read:

22-20-104.5. Plan for academic excellence - inclusion of gifted children - cooperation - rules. (1) Each administrative unit shall adopt and implement a program plan to identify and serve gifted children who are at least five years of age. Any program plan developed and implemented pursuant to the provisions of this section shall satisfy any ~~criteria for accreditation which have been established by the state board~~ and any criteria established by rules promulgated by the state board for the implementation of this article. A program plan adopted by an administrative unit pursuant to this section shall be consistent with the advanced learning plans of the gifted children who are identified by the administrative unit, and the program plan shall be implemented to the extent that funds are provided for such implementation. Nothing in this article shall be construed to require an administrative unit to implement a program plan in the event that sufficient moneys are not provided for such implementation.

SECTION 19. 22-24-105 (2), Colorado Revised Statutes, is amended to read:

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22-24-105. District - powers and duties. (2) The assessment described in paragraph (b) of subsection (1) of this section and the certification described in paragraph (c) of subsection (1) of this section shall be conducted on at least an annual basis and each district, the state charter school institute, and each facility school shall present the results therefrom to the department for ~~inclusion in the relevant annual report of achievement of accreditation indicators required by section 22-11-105~~ USE IN THE ACCREDITATION PROCESS AND APPROPRIATE REPORTING PURSUANT TO ARTICLE 11 OF THIS TITLE.

SECTION 20. 22-25-106 (1) (a), Colorado Revised Statutes, is amended to read:

22-25-106. Local comprehensive health education programs - local student wellness programs - establishment of comprehensive health education advisory councils. (1) (a) Each school district and board of cooperative services may and is encouraged to establish a local comprehensive health education program. To ensure that a local comprehensive health education program reflects the health issues and values of the community, each school district or board of cooperative services may establish a comprehensive health education advisory council, or may add necessary representatives to the school district's accountability committee created pursuant to ~~section 22-7-104 (1)~~ SECTION 22-11-301 or other appropriate committee, to address and make recommendations to the school district or board of cooperative services concerning the curriculum of the local comprehensive health education program.

SECTION 21. 22-27.5-102 (7), Colorado Revised Statutes, is amended to read:

22-27.5-102. Definitions. As used in this article, unless the context otherwise requires:

(7) "Qualified school" means a public school, including but not limited to a charter school, that serves any of grades six through twelve and that ~~receives an academic rating of "low" or "unsatisfactory", calculated pursuant to section 22-7-604, for the school year preceding IS~~ REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210 FOR the school year in which the public school seeks a grant through the grant program.

SECTION 22. 22-30-105 (1) (c), Colorado Revised Statutes, is amended to read:

22-30-105. Activation of the school district organization planning process. (1) The appointment of a school organization planning committee charged to study school district organization shall occur when the commissioner is notified that any of the following conditions exist:

(c) The state board declares a school district is no longer accredited pursuant to the provisions of ~~section 22-11-204~~ SECTION 22-11-209. Such declaration shall indicate the school districts to be involved in the organization study.

SECTION 23. 22-30-106 (2) (a) (II), Colorado Revised Statutes, is amended to read:

22-30-106. School organization planning committee. (2) The committee shall consist of the following appointed members:

(a) (II) If a single school district is involved in the study, four members appointed by the school district board of education and three members appointed by the school district accountability committee. The members appointed by the school district accountability committee shall be parents of children attending public school in the affected area and

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members of school ~~advisory councils~~ ACCOUNTABILITY COMMITTEES; except that, if there are no public schools in the affected area, three of the members shall reside in the affected area and shall be parents of children attending public schools in the affected school district. If fewer than three such parents reside in the affected area, the remaining members shall be persons owning land located in the affected area.

SECTION 24. 22-30-114 (1) (d) and (1) (d.5), Colorado Revised Statutes, are amended to read:

22-30-114. Requirements for plan of organization. (1) The plan of organization shall include, but shall not be limited to, consideration of the following:

~~(d) The efficiency and effectiveness of the various educational organization options being studied and the extent to which such educational organization options will cause the school district to remedy the lack of compliance under the terms of its accreditation contract entered into pursuant to the provisions of section 22-11-201~~ IMPLEMENTATION OF THE ACTIONS REQUIRED BY THE STATE BOARD PURSUANT TO SECTION 22-11-209 (3);

(d.5) The reasons for which the school district was unable to ~~remedy the deficiencies that lead to its lack of compliance with the terms of its accreditation contract under article 11 of this title~~ IMPROVE ITS PERFORMANCE SUFFICIENTLY TO AVOID REMOVAL OF ACCREDITATION PURSUANT TO SECTION 22-11-209;

SECTION 25. 22-30.5-102 (2) (h), Colorado Revised Statutes, is amended to read:

22-30.5-102. Legislative declaration. (2) The general assembly further finds and declares that this part 1 is enacted for the following purposes:

(h) To hold charter schools accountable for ~~meeting state content standards, as measured in part by the Colorado student assessment program and by longitudinal analysis of student progress, through state accreditation, and by adequate yearly progress as defined by federal law~~ PERFORMANCE THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", INCLUDING BUT NOT LIMITED TO MEETING STATE, SCHOOL DISTRICT, AND SCHOOL TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS;

SECTION 26. 22-30.5-104 (2) (b) and (6) (b), Colorado Revised Statutes, are amended to read:

22-30.5-104. Charter school - requirements - authority. (2) (b) A charter school shall be a public school of the school district that approves its charter application and enters into a charter contract with the charter school. IN ACCORDANCE WITH THE REQUIREMENT OF SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION, the charter school shall be ~~accountable to~~ SUBJECT TO ACCREDITATION BY the school district's local board of education ~~for purposes of ensuring compliance with applicable laws and charter provisions and the requirement of section 15 of article IX of the state constitution~~ PURSUANT TO THE SCHOOL DISTRICT'S POLICY FOR ACCREDITING THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT ADOPTED PURSUANT TO SECTION 22-11-307 AND SECTION 22-32-109 (1) (mm). THE CHARTER SCHOOL SHALL ALSO BE SUBJECT TO ANNUAL REVIEW BY THE DEPARTMENT PURSUANT TO SECTION 22-11-210.

(6) (b) The state board shall promulgate rules identifying state statutes and state rules that are automatically waived for all charter schools. A school district, on behalf of a charter school, may apply to the state board for a waiver of a state statute or state rule that is not automatically waived for charter schools by rule. Notwithstanding any provision of this subsection (6) to the contrary, the state board may not waive any statute or rule relating to the assessments required to be administered pursuant to section 22-7-409, any statute or rule necessary to prepare the school ~~accountability~~ PERFORMANCE reports pursuant to

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~~part 6 of article 7~~ PART 5 OF ARTICLE 11 of this title, any statute or rule necessary to implement the provisions of the "Public School Finance Act of 1994", article 54 of this title, or any statute or rule relating to the "Children's Internet Protection Act", article 87 of this title.

SECTION 27. 22-30.5-106 (1) (b), (1) (e), and (1) (f), Colorado Revised Statutes, are amended to read:

22-30.5-106. Charter application - contents. (1) The charter school application shall be a proposed agreement upon which the charter applicant and the chartering local board of education negotiate a charter contract, and, at a minimum, shall include:

(b) The goals, objectives, and pupil performance standards to be achieved by the charter school, including but not necessarily limited to ~~accreditation standards and goals~~ THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204 and applicable standards and goals specified in federal law;

(e) A description of the charter school's research-based educational program that has been proven to be effective, pupil performance standards, measurable annual ~~achievement goals that are based on the state accreditation indicators specified in article 11 of this title~~ TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, and curriculum;

(f) A description of the charter school's procedures for taking corrective action in the event that pupil performance at the charter school falls below the ~~achievement goals~~ TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, AS SAID TARGETS WERE approved by the chartering local board of education in the charter contract;

SECTION 28. 22-30.5-110 (2) (a) and (3) (b), Colorado Revised Statutes, are amended to read:

22-30.5-110. Charter schools - term - renewal of charter - grounds for nonrenewal or revocation. (2) A charter school renewal application submitted to the chartering local board of education shall contain:

(a) A report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, and other terms of the charter contract and the results achieved by the charter school's students on the assessments administered through the Colorado student assessment program;

(3) A charter may be revoked or not renewed by the chartering local board of education if it determines that the charter school did any of the following:

(b) Failed to meet or make reasonable progress toward achievement of the goals, objectives, content standards, pupil performance standards, TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, applicable federal requirements, or other terms identified in the charter contract;

SECTION 29. 22-30.5-301 (1), Colorado Revised Statutes, is amended to read:

22-30.5-301. Legislative declaration. (1) The general assembly hereby finds that section 2 of article IX of the state constitution requires the general assembly to provide for the establishment and maintenance of a thorough and uniform system of free public schools. The state therefore has an obligation to ensure that every student has a chance to attend a

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school that will provide an opportunity for a quality education. If a school is not providing a thorough and adequate education, as determined by the ~~academic performance grading system established in section 22-7-604~~ ANNUAL PERFORMANCE REVIEW CONDUCTED BY THE DEPARTMENT PURSUANT TO SECTION 22-11-210, the state has an obligation to the students enrolled in that school to make changes to ensure that they have an opportunity to receive a quality education comparable to students in other public schools in the state.

SECTION 30. 22-30.5-303 (1), (2) (b) (II), (2) (b) (III), and (2) (b) (IV), Colorado Revised Statutes, are amended to read:

22-30.5-303. Independent charter schools - request for proposals - response contents. (1) Whenever the state board determines that it is necessary to recommend conversion of a public school to an independent charter school to a local board of education pursuant to the provisions of ~~section 22-7-609(5)~~ SECTION 22-11-210(5), the state board shall issue a request for proposals pursuant to subsection (2) of this section and supervise the appointment of a review committee pursuant to section 22-30.5-304.

(2) (b) The state board shall adopt rules specifying a schedule for receipt of the responses to the request for proposals pursuant to paragraph (a) of this subsection (2), the formation of a review committee and receipt of the recommendations of said committee pursuant to section 22-30.5-304, and the selection of an applicant and notification to the local board of education pursuant to section 22-30.5-305. Said schedule shall ensure the completion of negotiations on the independent charter no later than May 30 of the year in which the independent charter school is to open. The rules shall also specify the information that an independent charter proposal shall include in order to be eligible for consideration. Such information shall include, but need not be limited to, the following:

(II) The goals, objectives, and student performance standards to be achieved by the independent charter school, INCLUDING BUT NOT LIMITED TO THE MEASURES FOR THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204;

(III) A description of the independent charter school's educational program, student performance standards, ANNUAL TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, and curriculum, which shall meet or exceed the state model content standards adopted pursuant to part 4 OR PART 10 of article 7 of this title and shall be designed to enable each student to achieve such standards AND TARGETS;

(IV) A description of the independent charter school's plan for evaluating student performance, the types of assessments that shall be used to measure student progress toward achievement of the school's student performance standards AND THE TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, including but not limited to the statewide assessments administered under the Colorado student assessment program pursuant to section 22-7-409, the timeline for achievement of the school's student performance standards AND THE TARGETS, and the procedures for taking corrective action in the event that student performance at the independent charter school fails to meet such standards AND TARGETS;

SECTION 31. 22-30.5-304 (1) (d) (I), (1) (e), and (1) (f), Colorado Revised Statutes, are amended to read:

22-30.5-304. Review committee - membership - recommendations. (1) Whenever an independent charter school is to be organized pursuant to this part 3, on or before the date specified by rule adopted by the state board in accordance with section 22-30.5-303 (2) (b), the commissioner shall cause a review committee to be formed. The review committee shall consist of:

(d) (I) Two parents of students enrolled in the school who are

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members of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE and are elected by a vote of the members of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE.

(e) (I) A principal of a school at the same elementary, middle, or high school level as the independent charter school that is to be organized, appointed by the governor.

(II) In appointing a principal pursuant to this paragraph (e), the governor shall appoint a principal of a public school that received an ~~academic performance rating of "excellent", pursuant to section 22-7-604 (5)~~ THE HIGHEST POSSIBLE ACCREDITATION RATING PURSUANT TO THE ACCREDITATION POLICY IMPLEMENTED PURSUANT TO SECTION 22-11-307 BY THE PUBLIC SCHOOL'S LOCAL BOARD OF EDUCATION OR BY THE STATE CHARTER SCHOOL INSTITUTE, WHICHEVER IS APPLICABLE, for the immediately preceding school year.

(f) (I) A teacher in a school at the same elementary, middle, or high school level as the independent charter school that is to be organized, appointed by the governor.

(II) In appointing a teacher pursuant to this paragraph (f), the governor shall appoint a teacher from a public school that received an ~~academic performance rating of "excellent", pursuant to section 22-7-604 (5)~~ THE HIGHEST POSSIBLE ACCREDITATION RATING PURSUANT TO THE ACCREDITATION POLICY IMPLEMENTED PURSUANT TO SECTION 22-11-307 BY THE PUBLIC SCHOOL'S LOCAL BOARD OF EDUCATION OR BY THE STATE CHARTER SCHOOL INSTITUTE, WHICHEVER IS APPLICABLE; and

SECTION 32. 22-30.5-306 (2) (a), (3) (b), and (5) (a), Colorado Revised Statutes, are amended to read:

22-30.5-306. Independent charter schools - charter - term.

(2) With the assistance from the commissioner or the commissioner's designee, the selected applicant and the local board of education shall negotiate the terms of the independent charter, which may be different from or in addition to the terms of the response to the request for proposals; except that:

(a) The independent charter school shall be entitled to use the school building in which the public school that ~~received an academic performance rating of "unsatisfactory"~~ IS SUBJECT TO CONVERSION was operated. The independent charter school and the local board of education shall negotiate an amount of rent to be paid, which shall be not more than twelve dollars per year, and all other costs for the operation and maintenance of the building and related facilities; and

(3) (b) Notwithstanding the provisions of paragraph (a) of this subsection (3), if, during the year prior to the year in which the independent charter school is to open, the school ~~receives an academic performance rating of "low" or better~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT PLAN, AN IMPROVEMENT PLAN, OR A PERFORMANCE PLAN PURSUANT TO SECTION 22-11-405, 22-11-404, OR 22-11-403, RESPECTIVELY, the local board of education and the applicant may jointly agree to allow the school to remain under the administration of the local board of education.

(5) (a) ~~If, during the first two years of an independent charter, an independent charter school receives an academic performance rating of "unsatisfactory" pursuant to section 22-7-604 (5), the independent charter school shall not be subject to the provisions of section 22-30.5-303 that would require the establishment of a new independent charter school.~~

SECTION 33. 22-30.5-307 (1) and (2), Colorado Revised Statutes, are amended to read:

22-30.5-307. Independent charter schools - expiration - renewal - conversion. (1) ~~If the academic performance rating of an independent charter school is a "low" or an "unsatisfactory", as~~

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~~determined pursuant to section 22-7-604 (5);~~ REQUIRED PURSUANT TO SECTION 22-11-210 TO IMPLEMENT A TURNAROUND PLAN during the third year of the school's independent charter, the state board shall issue a new request for proposals pursuant to section 22-30.5-303 (2), and a new independent charter school application process shall commence.

(2) ~~If the academic performance rating of an independent charter school is higher than a "low", as determined pursuant to section 22-7-604 (5)~~ REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT PLAN, IMPROVEMENT PLAN, OR PERFORMANCE PLAN PURSUANT TO SECTION 22-11-405, 22-11-404, OR 22-11-403, RESPECTIVELY, during the third year of the school's independent charter, the parents and legal guardians of the students enrolled at the independent charter school shall decide by majority vote whether, at the expiration of the independent charter school's charter, the school shall apply for a renewal of the independent charter or shall seek to become a regular school of the school district in which the independent charter school is located.

SECTION 34. 22-30.5-505 (3) (b) and (7), Colorado Revised Statutes, are amended to read:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (3) The mission of the institute board shall be to foster high-quality public school choices offered through institute charter schools, including particularly schools that are focused on closing the achievement gap for at-risk students. In discharging its duties pursuant to this part 5, the institute shall:

(b) Use state and federal systems for ensuring the accountability of each institute charter school in meeting the obligations and goals set forth in its contract AND SHALL ADOPT AND IMPLEMENT POLICIES FOR ACCREDITATION OF INSTITUTE CHARTER SCHOOLS AS DESCRIBED IN SECTION 22-11-307;

(7) The institute shall ensure that each institute charter school complies with the provisions of ~~article 7~~ ARTICLES 7 AND 11 of this title. Each institute charter school shall be responsible for gathering and submitting to the institute the data necessary to prepare a school ~~accountability~~ PERFORMANCE report required by ~~section 22-7-605~~ SECTION 22-11-503 for the institute charter school.

SECTION 35. 22-30.5-507 (2) (c) and (7), Colorado Revised Statutes, are amended to read:

22-30.5-507. Institute charter school - requirements - authority. (2) An institute charter school shall be:

(c) Subject to accreditation by the ~~state board pursuant to article 11 of this title~~ INSTITUTE BOARD PURSUANT TO THE INSTITUTE'S POLICY FOR ACCREDITING THE INSTITUTE CHARTER SCHOOLS ADOPTED PURSUANT TO SECTION 22-11-307 AND SECTION 22-30.5-505 (3) (b). EACH INSTITUTE CHARTER SCHOOL SHALL ALSO BE SUBJECT TO ANNUAL REVIEW BY THE DEPARTMENT PURSUANT TO SECTION 22-11-210.

(7) Pursuant to the charter contract, an institute charter school may operate free from specified statutes and state board rules. The state board may waive state statutory requirements or rules promulgated by the state board; except that the state board may not waive any state statute or rule relating to the assessments required to be administered pursuant to section 22-7-409, any state statute or rule necessary to prepare the school ~~accountability~~ PERFORMANCE reports pursuant to ~~part 6 of article 7~~ PART 5 OF ARTICLE 11 of this title, or any statute or rule necessary to implement the provisions of the "Public School Finance Act of 1994", article 54 of this title, or any state statute or rule relating to the "Children's Internet Protection Act", article 87 of this title. Any waiver of state statute or state board rule made pursuant to this subsection (7) shall be for the term of the contract for which the waiver is made. A request for a waiver may be submitted to the institute as a part of the application for an institute charter school.

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SECTION 36. 22-30.5-509 (1) (b), (1) (d), and (1) (e), Colorado Revised Statutes, are amended to read:

22-30.5-509. Institute charter school application - contents.

(1) The institute charter school application shall be a proposed agreement and shall include:

(b) The goals, objectives, and pupil performance standards, in compliance with state and federal law, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, to be achieved by the institute charter school for all students who enroll;

(d) A description of the institute charter school's educational program, TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, and the plan for administration of the statewide assessments described in article 7 of this title;

(e) A description of the institute charter school's plan for evaluating pupil performance; the types of assessments that will be used to measure pupil progress towards achievement of the institute charter school's pupil performance goals for all students enrolled AND THE TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS; the timeline for achievement of the goals AND TARGETS; and the procedures for taking corrective action in the event that pupil performance at the institute charter school falls below such goals AND TARGETS;

SECTION 37. 22-30.5-511 (2), (3) (b), and (3) (c), Colorado Revised Statutes, are amended to read:

22-30.5-511. Institute charter schools - term - renewal of contract - grounds for nonrenewal or revocation - appeal. (2) An institute charter school shall submit an annual report to the institute on the institute charter school's progress in achieving the goals, objectives, pupil performance standards, content standards, TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, and other terms of the pending charter contract. The institute shall consider, during the review of a renewal application, the annual reports submitted by the institute charter school during the term of the pending charter contract.

(3) The institute board may revoke or deny renewal of a charter contract if the institute board determines that the institute charter school did any of the following:

(b) Failed to meet or make reasonable progress toward achievement of the content standards, or pupil performance standards, or TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS identified in the charter contract of the institute charter school;

(c) ~~Received an overall academic performance rating of "unsatisfactory" pursuant to section 22-7-604 (5), upon the completion of the second school year of operation under a school improvement plan pursuant to section 22-7-609; WAS REQUIRED TO ADOPT A TURNAROUND PLAN and the state board recommended PURSUANT TO SECTION 22-11-210 that the institute charter school be converted to an independent charter school pursuant to section 22-7-609 (5) RESTRUCTURED;~~

SECTION 38. 22-30.7-105 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-30.7-105. Program criteria - guidelines - quality standards - records - rules. (2) The following guidelines shall apply to each on-line program that is created or overseen pursuant to the provisions of this article:

(d) THE PROVISIONS OF THE "EDUCATION ACCOUNTABILITY ACT

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OF 2009", ARTICLE 11 OF THIS TITLE, SHALL APPLY TO AN ON-LINE PROGRAM IMPLEMENTED PURSUANT TO THIS ARTICLE IN THE SAME MANNER AS SAID PROVISIONS APPLY TO THE OTHER PUBLIC SCHOOLS OPERATING IN THIS STATE.

SECTION 39. Repeal. 22-30.7-105 (3) (c), Colorado Revised Statutes, is repealed as follows:

22-30.7-105. Program criteria - guidelines - quality standards - records - rules. (3) (c) ~~On or before July 1, 2008, the state board shall examine the feasibility of incorporating the quality standards adopted pursuant to this subsection (3) into the provisions of the "Educational Accreditation Act of 1998", article 11 of this title.~~

SECTION 40. 22-32-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(mm) TO ADOPT AND IMPLEMENT POLICIES AS DESCRIBED IN SECTION 22-11-307 FOR ACCREDITATION OF THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT.

SECTION 41. The introductory portion to 22-32-109.1 (2), Colorado Revised Statutes, is amended to read:

22-32-109.1. Board of education - specific powers and duties - safe schools. (2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school advisory councils ACCOUNTABILITY COMMITTEES, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

SECTION 42. 22-32-110.6 (2), Colorado Revised Statutes, is amended to read:

22-32-110.6. Board of education - specific powers - "No Child Left Behind Act of 2001". (2) If a school district chooses to adopt a resolution to decline federal funding sources as provided in this section, the school district's action in declining federal funds and thereby being exempt from specified federal requirements shall not affect the school district's accreditation status CATEGORY, and the department of education and the state board of education shall not impose any form of sanction on the school district for its action in declining federal funds and in not complying with the federal requirements from which it is exempt.

SECTION 43. 22-32-119.5 (2) (c) (IV), Colorado Revised Statutes, is amended to read:

22-32-119.5. Full-day kindergarten - legislative declaration - phase-in plan - report. (2) Each local board of education shall develop a plan to potentially phase in a full-day kindergarten program in the school district to be funded with state or local moneys provided specifically for such program. In developing the plan, each local board shall consider the following:

(c) A method to identify the children who would most benefit from attending a full day of kindergarten, including but not limited to:

(IV) Children who are enrolling in an elementary school that ~~received an overall academic performance rating of low or unsatisfactory pursuant to section 22-7-604 in the academic year preceding enrollment~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND

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PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210;

SECTION 44. 22-32.5-104 (3) (f) and (4) (c), Colorado Revised Statutes, are amended to read:

22-32.5-104. Innovation plans - submission - contents.

(3) Each innovation plan, whether submitted by a public school or created by a local school board through collaboration between the local school board and a public school, shall include the following information:

(f) Evidence that a majority of the administrators employed at the public school, a majority of the teachers employed at the public school, and a majority of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE for the public school consent to designation as an innovation school;

(4) Each plan for creating an innovation school zone, whether submitted by a group of public schools or created by a local school board through collaboration with a group of public schools, shall include the information specified in subsection (3) of this section for each public school that would be included in the innovation school zone. A plan for creating an innovation school zone shall also include the following additional information:

(c) Evidence that a majority of the administrators and a majority of the teachers employed at each public school that would be included in the innovation school zone and a majority of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE for each public school that would be included in the innovation school zone consent to creating the innovation school zone; and

SECTION 45. 22-32.5-108 (2) (b), Colorado Revised Statutes, is amended to read:

22-32.5-108. District of innovation - waiver of statutory and regulatory requirements. (2) Each district of innovation shall continue to be subject to all statutes and rules that are not waived by the state board pursuant to subsection (1) of this section, including but not limited to all statutes and rules concerning implementation of:

(b) ~~Part 6 of article 7~~ ARTICLE 11 of this title; and

SECTION 46. 22-32.5-110 (1), Colorado Revised Statutes, is amended to read:

22-32.5-110. District of innovation - review of innovation schools and innovation school zones. (1) Three years after the local school board of a district of innovation approves an innovation plan or a plan for creating an innovation school zone, and every three years thereafter, the local school board shall review the level of performance of the innovation school and each public school included in the innovation school zone and determine whether the innovation school or innovation school zone is achieving or making adequate progress toward achieving the academic performance results identified in the school's or zone's innovation plan. The local school board, in collaboration with the innovation school or the innovation school zone, may revise the innovation plan, including but not limited to revising the identification of the provisions of the collective bargaining agreement that need to be waived to implement the innovations, as necessary to improve or continue to improve academic performance at the innovation school or innovation school zone. Any revisions to the innovation plan shall require the consent of a majority of the teachers and a majority of the administrators employed at and a majority of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE for each affected public school.

SECTION 47. 22-33-104.5 (3) (f), Colorado Revised Statutes, is amended to read:

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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 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 ratings pursuant to section 22-7-604 or for IN MEASURING SCHOOL PERFORMANCE OR DETERMINING accreditation pursuant to article 11 of this title.

SECTION 48. 22-36-101 (2) (a), Colorado Revised Statutes, is amended to read:

22-36-101. Choice of programs and schools within school districts. (2) (a) Every school district shall adopt such policies and procedures as are reasonable and necessary to implement the provisions of subsection (1) of this section, including, but not limited to, timelines for application to and acceptance in any program or school which may provide for enrollment of the student on or before October 1, and, while adopting policies and procedures, the school district shall consider adopting a policy establishing that an applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends an ~~unsatisfactory school, as defined by section 22-7-604 (1);~~ A PUBLIC SCHOOL THAT IS REQUIRED TO IMPLEMENT A TURNAROUND PLAN PURSUANT TO SECTION 22-11-406 OR THAT IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210 shall have priority over any other applicant for enrollment purposes.

SECTION 49. 22-41-109 (6), Colorado Revised Statutes, is amended to read:

22-41-109. Bond guarantee loans. (6) After receipt of the request for the guarantee of bonds, the commissioner of education shall review the applicant school district regarding ~~the status of~~ the school district's accreditation CATEGORY, the school district's financial status based on its audited financial statements for the previous three years, and the total amount of the school district's bonded indebtedness in relation to the limitation on indebtedness provided by law. If, after the investigation, the commissioner of education is satisfied that the school district's bonds should be guaranteed under this section, the commissioner of education shall endorse the request for the bond guarantee to the state treasurer.

SECTION 50. Repeal. 22-44-203 (2), Colorado Revised Statutes, is repealed as follows:

~~**22-44-203. Adoption and compatibility of handbook.** (2) The financial policies and procedures handbook so adopted shall be compatible with the provisions of the "Educational Accountability Act of 1971", part 1 of article 7 of this title, but shall be limited primarily to the relating of budgeted and actual costs to designated programs.~~

SECTION 51. 22-54-123.5 (2), Colorado Revised Statutes, is amended to read:

22-54-123.5. School breakfast program - appropriation - low-performing schools. (2) As used in this section, "low-performing

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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~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210.

SECTION 52. 22-55-102 (1) and (2) (a) (I), Colorado Revised Statutes, are amended to read:

22-55-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Accountability reporting" means any requirement established in law that mandates public school districts to report or provide information relative to school improvement to the state board or the department, including, but not limited to:

(a) Data collection and reporting requirements that are required pursuant to ~~part 6 of article 7~~ PART 5 OF ARTICLE 11 of this title in connection with school ~~report cards~~ PERFORMANCE REPORTS;

(b) Reporting requirements in connection with the administration and implementation of the Colorado student assessment program developed pursuant to part 4 of article 7 of this title; or

(c) Requirements ~~related to the education accreditation process set forth in~~ SPECIFIED IN THE "EDUCATION ACCOUNTABILITY ACT OF 2009", article 11 of this title.

(2) (a) "Accountable education reform" means any program or plan for reforming preschool through twelfth-grade education in the state that complies with accountability standards imposed by law on public school districts in the state, including, but not limited to, the requirements set forth in:

(I) ~~Part 6 of article 7 of this title relating to school report cards~~ PART 5 OF ARTICLE 11 OF THIS TITLE RELATING TO SCHOOL PERFORMANCE REPORTS; and

SECTION 53. 22-55-108, Colorado Revised Statutes, is amended to read:

22-55-108. Accountability. Each school district in the state shall ~~include in its accreditation contract entered into with the state board in accordance with section 22-11-201~~ ADOPT a continuous plan for the use of revenues distributed to the school district pursuant to sections 22-55-106 and 22-55-107. The plan shall be annually updated by the school district to reflect any changes in the use of the revenues distributed to the school district pursuant to sections 22-55-106 and 22-55-107. The plan shall include, but need not be limited to, a statement concerning the need for lower class sizes in school districts with a total enrollment of more than six thousand pupils and the need for increased funding for textbooks in the school district as determined based on discussions in public meetings held in the school district to address the class size and textbook funding issues and whether the need will be addressed by the plan. Each school district shall also include in its electronic transmissions required by ~~section 22-7-603 (3) (d)~~ SECTION 22-11-501 (4) (d) an accounting of the impact of such revenues on student achievement.

SECTION 54. 22-80-103 (7) (a), Colorado Revised Statutes, is amended to read:

22-80-103. Board of trustees - appointments - powers - duties - fund created. (7) The board of trustees shall transmit, on or before January 1, 2005, and on or before January 1 of each year thereafter, a report to the education committees of the senate and house of representatives that contains the following:

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(a) All school ~~accountability~~ PERFORMANCE report data for the school, as specified by the department of education;

SECTION 55. 18-1.3-407 (3.4) (c), Colorado Revised Statutes, is amended to read:

18-1.3-407. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections. (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:

(c) 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 (c) 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 academic growth of students rating pursuant to part 6 of article 7 of title 22, C.R.S.~~ LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS PURSUANT TO ARTICLE 11 OF TITLE 22, C.R.S.

SECTION 56. 23-5-127 (4) (a), Colorado Revised Statutes, is amended to read:

23-5-127. Unique student identifying number - social security number - prohibition. (4) (a) Notwithstanding the provisions of paragraph (b) of subsection (3) of this section, for each student who graduates from or was enrolled in a Colorado high school, a postsecondary institution in Colorado that is eligible for the college opportunity fund program created in section 23-18-201 shall use the unique student identifier assigned, in accordance with rules adopted pursuant to ~~section 22-7-603.5, C.R.S.~~ SECTION 22-11-104, C.R.S., to the student while he or she was enrolled in the elementary to secondary public education system, including public pre-kindergarten programs, as an alternative student identifier at the postsecondary institution.

SECTION 57. 26-6.5-101.5 (7) (a), Colorado Revised Statutes, is amended to read:

26-6.5-101.5. Definitions. As used in this article, unless the context otherwise requires:

(7) "Eligible elementary school" means a public elementary school that:

(a) (I) For the school year immediately preceding submission of the council's application for funding pursuant to section 26-6.5-106, ~~receives an overall academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604, C.R.S., or IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN AS DESCRIBED IN SECTION 22-11-405 OR 22-11-406, C.R.S., RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210, C.R.S.; AND~~

~~(II) For the school year immediately preceding submission of the council's application for funding pursuant to section 26-6.5-106, receives an academic growth of students rating of "decline" or "significant decline", as described in section 22-7-604, C.R.S., and, for the same school year, receives an overall academic performance rating of "average", pursuant to section 22-7-604, C.R.S.; and".~~

Renumber succeeding section accordingly.

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**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

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

HB09-1128 by Representative(s) Priola, Balmer, Baumgardner, Bradford, Frangas, Gardner C., Hullinghorst, Liston, Looper, Casso, McNulty, Merrifield, Middleton, Roberts, Sonnenberg, Soper, Swalm, Todd; also Senator(s) Hodge, Penry, Spence, Williams, King K.--Concerning the establishment of an academic license to allow a dentist employed by a school of dentistry to engage in the practice of dentistry in connection with programs affiliated with the school.

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

YES	34	NO	0	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	A
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd

HB09-1033 by Representative(s) Schafer S., Merrifield, Todd, Benefield; also Senator(s) Spence, Williams--Concerning the regulation of flight schools.

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

YES	34	NO	0	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	A
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB09-137 by Senator(s) Renfroe; also Representative(s) Baumgardner--Concerning the timely payment of debts in relation to a waiver of the right to attach a property lien.

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

YES	34	NO	0	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	A
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB09-106 by Senator(s) Isgar, Penry, Brophy, Hodge; also Representative(s) Roberts--Concerning the continuously appropriated water supply reserve account, and, in connection therewith, extending the account, requiring the interbasin compact committee, in consultation with the Colorado water conservation board, to report annually on how moneys from the account were allocated, and conditioning grants to applicants required to adopt a water conservation plan.

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

YES	34	NO	0	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	A
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Gibbs, Kopp and Schwartz.

THIRD READING OF BILLS -- FINAL PASSAGE

SB09-029 by Senator(s) Shaffer B.; also Representative(s) Hullinghorst--Concerning a requirement that people on a school bus wear safety belts.

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

YES	21	NO	13	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	N	Shaffer B.	Y
Boyd	N	Hudak	N	Newell	Y	Spence	N
Brophy	Y	Isgar	N	Penry	Y	Tapia	Y
Cadman	N	Keller	N	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	A
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB09-091 by Senator(s) Romer; also Representative(s) Rice--Concerning motor vehicle dealer franchise agreements.

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

YES	33	NO	1	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	A
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Cadman, Foster, Gibbs, Groff, Harvey, Heath, Hodge, Isgar, Kester, King K., Morse, Newell, Spence, White and Williams.

SB09-149 by Senator(s) Boyd; also Representative(s) Kerr J.--Concerning the method by which a county home rule charter commission is created for the purpose of proposing a home rule charter.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Foster

SB09-143 by Senator(s) Bacon; also Representative(s) Hullinghorst, Fischer--Concerning enforcing traffic regulations through the expanded use of an automated vehicle identification system.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Foster

SB09-123 by Senator(s) Williams, Sandoval; also Representative(s) Todd, Solano--Concerning a pilot program to reduce the dropout rate of adolescent students.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

declared **passed**.

Co-sponsors added: Bacon, Boyd, Foster, Gibbs, Groff, Hudak, Newell, Shaffer B. and Tapia.

SB09-105 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning removal of the statutory limit on the amount that may be raised in a single year by a special property tax levied by a board of county commissioners for the purpose of fighting specified types of fires in a county.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Bacon, Foster, Heath and Newell.

SB09-129 by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning the duties that may be performed by a dental hygienist.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Morse, Newell, Tapia and Williams.

SB09-042 by Senator(s) Tapia; also Representative(s) Vigil and Peniston--Concerning the administration of the exempt status of property for property tax purposes.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB09-066 by Senator(s) Tochtrop, Isgar, Schultheis; also Representative(s) Primavera--Concerning the consolidation of public employee retirement plans under the public employees' retirement association.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon

SB09-002

by Senator(s) Morse, Bacon, Foster, Isgar, Keller, Newell, White; also Representative(s) Peniston, Gagliardi, Levy, Marostica, Massey, Miklosi, Roberts--Concerning an increase in the motor vehicle registration fee to fund the emergency medical services account within the highway users tax fund, and making an appropriation in connection therewith.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd, Schwartz and Williams.

SB09-227

by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Marostica--Concerning assistance with the unfunded accrued liability of old hire pension plans that are affiliated with the fire and police pension association, and, in connection therewith, eliminating the state contribution to the old hire pension plans for the 2008-09, 2009-10, and 2010-11 state fiscal years, extending the state contribution through the 2014-15 state fiscal year, extending the amortization period for underfunded old hire pension plans that no longer receive state assistance, and modifying the appropriation therefor.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

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:

SB09-064 by Senator(s) King K., Romer, Bacon, Groff, Heath, Hudak, Kopp, Spence, Williams; also Representative(s) Massey, Merrifield, Baumgardner, Benefield, Gardner B., Middleton, Murray, Peniston, Priola, Scanlan, Schafer S., Solano, Summers, Todd--Concerning building inspections relating to utilities.

(Amended in General Orders as printed in Senate Journal, February 6, pages 189 and 191.)

Referred to the Committee on Business, Labor and Technology.

SB09-156 by Senator(s) Veiga; also Representative(s) Miklosi--Concerning the reduction of plastic bag use.

Laid over until Tuesday, February 24, retaining its place on the calendar.

SB09-088 by Senator(s) Veiga; also Representative(s) Ferrandino--Concerning the extension of state employee group benefits to domestic partners of state employees.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB09-122 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the release of security assessment reports to the county sheriff of the county in which a critical state infrastructure is located.

Laid over until Tuesday, February 24, retaining its place on the calendar.

SB09-061 by Senator(s) Carroll M.; also Representative(s) Primavera--Concerning the qualifications of health care professionals who review claims for medical treatment under insurance policies.

Laid over until Tuesday, February 24, retaining its place on the calendar.

SB09-179 by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning communicable disease control.

Laid over until Tuesday, February 24, retaining its place on the calendar.

SB09-159 by Senator(s) Sandoval; --Concerning the mandatory offer of dependent coverage to an unmarried child.

Laid over until Tuesday, February 24, retaining its place on the calendar.

SB09-173 by Senator(s) Veiga; also Representative(s) Rice--Concerning the economic development of large-scale regional tourism projects to be partially financed with a portion of state sales tax revenue above an existing base amount.

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 Schwartz, the Report of the Committee of the Whole was adopted on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the whole took the following action:

Passed on Second Reading: SB09-088, SB09-173.

Laid over until Tuesday, February 24: SB09-156, SB09-122, SB09-061, SB09-179, SB09-159.

Referred to the Committee on Business, Labor and Technology: SB09-064 as amended.

TRIBUTES

Honoring:

- Katie SanFilippo -- by President Groff
- Golden Police Department --by Senator Keller & Representative Gwyn Green
- Golden Fire Department -- by Senator Keller & Representative Gwyn Green
- Staff Sergeant Justin L. Bauer -- by Senator Kevin Lundberg & Representative BJ Nikkel
- Barry Alan Bishop -- by Senator Penry & Representatives Steve King & Laura Bradford
- Senator Tilman "Tillie" Bishop -- by Senator Penry & Representatives Steve King & Laura Bradford
- John R. Fetcher -- by Senators Al White & Josh Penry
- Jim Ignatius -- by Senator Mark Scheffel
- Compassion International -- by Senator Schultheis
- Lindsey Vonn -- by Senator White

Senate in recess. Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB09-230** by Senator(s) Spence and Groff; also Representative(s) May--Concerning the authorization of charter schools as school food authorities.
Education
- SB09-231** by Senator(s) Penry; also Representative(s) Solano and Bradford, King S., Tipton-- Concerning the continuation of the state methamphetamine task force.
Judiciary
- SB09-232** by Senator(s) Schwartz, Heath, Mitchell; also Representative(s) McFadyen, Rice, Solano-- Concerning state financial assistance to finance local government capital construction projects.
Local Government and Energy
- SB09-233** by Senator(s) Schwartz, Heath, Scheffel; also Representative(s) Liston, McFadyen, Rice, Solano--Concerning entrepreneurial uses of property for property tax purposes.
Finance
- SB09-234** by Senator(s) Mitchell and Heath, Scheffel, Schwartz; also Representative(s) Rice, Liston, McFadyen, Solano--Concerning direction to the economic development commission to develop recommendations for the general assembly regarding enterprise zones.
Business, Labor and Technology
- SB09-235** by Senator(s) Gibbs and Isgar; also Representative(s) Merrifield--Concerning certain fees charged by the division of wildlife.
Agriculture and Natural Resources
Appropriations
- SB09-236** by Senator(s) Lundberg, Brophy, Cadman, Harvey, Kopp, Mitchell, Penry, Romer, Scheffel, Schultheis; also Representative(s) Murray, Kerr J., Looper, Marostica, McNulty, Nikkel, Sonnenberg, Summers, Tipton--Concerning transparency in connection with the construction of new public school facilities.
Education

SB09-237	by Senator(s) Lundberg, Harvey, Schultheis, Cadman, Brophy, Isgar, King K., Kopp, Mitchell, Penry, Renfroe, Romer, Scheffel, Tochtrop, White; also Representative(s) Acree, McNulty--Concerning grounds for mandatory expulsion from a public school.	1
	Judiciary	2
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SB09-238	by Senator(s) Mitchell, Heath, Schwartz, Scheffel; also Representative(s) Solano, McFadyen, Rice--Concerning enforcement of the existing limit on local government building fees applicable to the installation of active solar energy devices.	6
	Local Government and Energy	7
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SB09-239	by Senator(s) Tochtrop, Boyd; also Representative(s) Riesberg--Concerning the continuation of the state board of nursing.	11
	Health and Human Services	12
		13
		14
HB09-1207	by Representative(s) Gardner C.; also Senator(s) Veiga--Concerning procedures to enforce a lien related to real property.	15
	Judiciary	16
		17
		18
HB09-1223	by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) Tapia, Keller, White-- Concerning the extension of the deadline for expending moneys for the Colorado benefits management system from the health care supplemental appropriations and overexpenditures account of the tobacco litigation settlement cash fund.	19
	Health and Human Services	20
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HB09-1240	by Representative(s) Miklosi; also Senator(s) Foster--Concerning creating the Colorado teacher of the year program.	25
	Education	26
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		28
HB09-1241	by Representative(s) Roberts; also Senator(s) Morse--Concerning title 15 of the Colorado Revised Statutes.	29
	Judiciary	30
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		32
HB09-1272	by Representative(s) Massey and Pommer, Gardner C., McKinley, McNulty, Merrifield, Scanlan, Summers, Todd; also Senator(s) Tapia, Brophy, Heath, Kester, Penry, Williams-- Concerning statutory amendments required to implement locally approved changes to the parameters for limited gaming under section 9 (7) of article XVIII of the Colorado constitution, adopted by voters at the 2008 general election.	33
	Education	34
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	On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Tuesday, February 24, 2009.	42
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	Approved:	45
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	Peter C. Groff	49
	President of the Senate	50
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	Attest:	53
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	Karen Goldman	57
	Secretary of the Senate	58