

SB256_L.014

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee_____
DateCommittee on Education.

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

SB09-256 be amended as follows:

1 Amend printed bill, page 40, after line 26, insert the following:

2 "SECTION 23. Article 2 of title 22, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW PART to read:

4 PART 6
5 PILOT RESIDENTIAL SCHOOL
6 FOR AT-RISK STUDENTS

7 **22-2-601. Definitions.** AS USED IN THIS PART 6, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "AT-RISK STUDENT" MEANS A STUDENT WHO IS AT RISK OF
10 ACADEMIC FAILURE BASED ON THE STUDENT'S LEVEL OF ACADEMIC
11 PERFORMANCE AND TRUANCY AND THE EXISTENCE OF SIGNIFICANT FAMILY
12 RISK FACTORS.

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

15 (3) "FUND" MEANS THE PILOT SCHOOL FUND CREATED IN SECTION
16 22-2-605.

17 (4) "OPERATOR" MEANS THE SCHOOL DISTRICT, GROUP OF SCHOOL
18 DISTRICTS, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR
19 PRIVATE ENTITY SELECTED PURSUANT TO SECTION 22-2-602 TO CONTRACT



1 WITH THE STATE BOARD FOR THE OPERATION OF THE PILOT SCHOOL.

2 (5) "PILOT SCHOOL" MEANS THE PILOT RESIDENTIAL SCHOOL FOR
3 AT-RISK STUDENTS OPERATED PURSUANT TO CONTRACT WITH THE STATE
4 BOARD AS PROVIDED IN THIS PART 6.

5 (6) "SIGNIFICANT FAMILY RISK FACTORS" MEANS ANY OF THE
6 FOLLOWING:

7 (a) THE STUDENT IS ELIGIBLE TO RECEIVE FREE OR REDUCED-COST
8 LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL
9 SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

10 (b) HOMELESSNESS OF THE STUDENT'S FAMILY;

11 (c) AN ABUSIVE ADULT RESIDING IN THE STUDENT'S HOME;

12 (d) DRUG OR ALCOHOL ABUSE IN THE STUDENT'S FAMILY;

13 (e) THE STUDENT'S PARENT OR GUARDIAN HAS NOT SUCCESSFULLY
14 COMPLETED A HIGH SCHOOL EDUCATION OR ITS EQUIVALENT;

15 (f) FREQUENT RELOCATION BY THE CHILD'S FAMILY TO NEW
16 RESIDENCES; OR

17 (g) OTHER FACTORS IDENTIFIED BY RULE OF THE STATE BOARD
18 THAT RESEARCH DEMONSTRATES CONTRIBUTE TO THE PROBABILITY THAT
19 A STUDENT WILL DROP OUT OF SCHOOL.

20 (7) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
21 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22 **22-2-602. Residential pilot school - request for proposals -**
23 **selection of operator - rules.** (1) THE STATE BOARD SHALL CONTRACT
24 WITH AN OPERATOR FOR OPERATION OF A RESIDENTIAL PILOT SCHOOL FOR
25 AT-RISK STUDENTS, WHICH PILOT SCHOOL SHALL BEGIN OPERATIONS IN
26 THE FALL SEMESTER OF THE 2010-11 SCHOOL YEAR. THE STATE BOARD
27 SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE
28 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., FOR
29 IMPLEMENTATION OF THIS PART 6, WHICH RULES MAY INCLUDE, BUT NEED
30 NOT BE LIMITED TO:



1 (a) PROCEDURES AND TIME FRAMES FOR THE DEPARTMENT TO
2 ISSUE A REQUEST FOR PROPOSALS, FOR ENTITIES TO RESPOND TO THE
3 REQUEST, FOR THE SELECTION OF AN OPERATOR, AND FOR FINALIZING THE
4 CONTRACT WITH THE OPERATOR;

5 (b) PARAMETERS AND REQUIREMENTS FOR OPERATION OF THE
6 PILOT SCHOOL IN ADDITION TO THOSE SPECIFIED IN SUBSECTION (2) OF THIS
7 SECTION;

8 (c) ISSUES TO BE INCLUDED IN THE CONTRACT BETWEEN THE STATE
9 BOARD AND THE OPERATOR IN ADDITION TO THOSE SPECIFIED IN
10 SUBSECTION (3) OF THIS SECTION; AND

11 (d) REPORTING REQUIREMENTS FOR THE PILOT SCHOOL.

12 (2) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR
13 THE CREATION AND OPERATION OF A PILOT RESIDENTIAL SCHOOL FOR
14 AT-RISK STUDENTS IN COLORADO. THE REQUEST FOR PROPOSALS SHALL
15 SET THE PARAMETERS AND REQUIREMENTS FOR OPERATION OF THE PILOT
16 SCHOOL, WHICH SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

17 (a) THE OPERATOR SHALL DESIGN THE PILOT SCHOOL TO ENROLL
18 AT LEAST ONE HUNDRED AT-RISK STUDENTS IN EACH OF GRADES NINE
19 THROUGH TWELVE, BEGINNING THE FIRST YEAR OF OPERATIONS BY
20 ENROLLING STUDENTS IN GRADE NINE ONLY AND ADDING A GRADE EACH
21 SUBSEQUENT YEAR FOR FOUR YEARS.

22 (b) THE PILOT SCHOOL SHALL PROVIDE AN EDUCATIONAL PROGRAM
23 WITH AN EMPHASIS ON SCIENCE, TECHNOLOGY, ENGINEERING, AND
24 MATHEMATICS.

25 (c) THE PILOT SCHOOL SHALL OPERATE AS A YEAR-ROUND
26 RESIDENTIAL SCHOOL THAT OFFERS SERVICES FOR AN EXTENDED PERIOD
27 OF MORE THAN EIGHT HOURS DURING EACH EDUCATIONAL DAY. THE PILOT
28 SCHOOL SHALL ALSO PROVIDE SUPPORTING SERVICES AS MAY BE
29 NECESSARY THAT MAY INCLUDE, BUT NEED NOT BE LIMITED TO, HEALTH
30 SERVICES AND MENTAL HEALTH SERVICES.

31 (d) AT-RISK STUDENTS ENROLLED IN THE PILOT SCHOOL SHALL
32 PARTICIPATE IN STATEWIDE ASSESSMENTS, AND THE PILOT SCHOOL SHALL
33 BE SUBJECT TO THE PERFORMANCE REQUIREMENTS AND ACCREDITATION



1 PROCESS APPLICABLE TO OTHER PUBLIC SCHOOLS IN THE STATE.

2 (e) THE PILOT SCHOOL SHALL BE A PUBLIC, NONSECTARIAN,
3 NONRELIGIOUS, NON-HOME-BASED SCHOOL.

4 (f) THE PILOT SCHOOL SHALL BE ADMINISTERED AND GOVERNED
5 BY A BOARD OF DIRECTORS IN A MANNER AGREED TO BY THE PILOT
6 SCHOOL OPERATOR AND THE STATE BOARD.

7 (g) THE PILOT SCHOOL SHALL BE SUBJECT TO ALL FEDERAL AND
8 STATE LAWS AND CONSTITUTIONAL PROVISIONS PROHIBITING
9 DISCRIMINATION ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX,
10 SEXUAL ORIENTATION, NATIONAL ORIGIN, RELIGION, OR ANCESTRY.
11 ENROLLMENT DECISIONS SHALL BE MADE IN A NONDISCRIMINATORY
12 MANNER SPECIFIED BY THE OPERATOR.

13 (3) A SCHOOL DISTRICT, A GROUP OF SCHOOL DISTRICTS, A BOARD
14 OF COOPERATIVE SERVICES, A CHARTER SCHOOL, OR A PRIVATE ENTITY
15 MAY CHOOSE TO RESPOND TO THE REQUEST FOR PROPOSALS. AN ENTITY
16 SHALL SUBMIT ITS RESPONSE TO THE DEPARTMENT IN ACCORDANCE WITH
17 THE TIMEFRAMES ESTABLISHED BY RULE. THE DEPARTMENT SHALL ASSIST
18 THE STATE BOARD IN REVIEWING THE RESPONSES AND MAKE
19 RECOMMENDATIONS TO THE STATE BOARD FOR SELECTION OF AN
20 OPERATOR. THE STATE BOARD SHALL SELECT AN OPERATOR AND
21 NEGOTIATE WITH THE OPERATOR THE CONTRACT FOR OPERATION OF THE
22 PILOT SCHOOL. AT A MINIMUM, THE CONTRACT SHALL ADDRESS:

23 (a) THE OPERATOR'S ADMISSIONS POLICIES AND PROCEDURES TO
24 ENSURE THAT THE PILOT SCHOOL SERVES AT-RISK STUDENTS IN THE STATE
25 WHO ARE MOST IN NEED OF THE EDUCATIONAL PROGRAM AND SERVICES
26 THAT ARE PROVIDED BY THE PILOT SCHOOL; AND

27 (b) WAIVERS OF ANY PROVISIONS OF THIS TITLE OR STATE
28 REGULATIONS AGREED TO BY THE OPERATOR AND THE STATE BOARD TO
29 ENABLE THE PILOT SCHOOL TO OPERATE EFFICIENT, EFFECTIVE, AND
30 INNOVATIVE EDUCATIONAL PROGRAMS.

31 **22-2-603. Pilot school - governance.** THE PILOT SCHOOL SHALL
32 OPERATE AS A STATE EDUCATIONAL INSTITUTION SUBJECT TO THE
33 OVERSIGHT OF THE STATE BOARD. THE PILOT SCHOOL SHALL NOT BE
34 CONSIDERED A SCHOOL OF A SCHOOL DISTRICT.



1 **22-2-604. Pilot school contract - term - renewal - revocation.**

2 (1) THE TERM OF THE CONTRACT BETWEEN THE STATE BOARD AND THE
3 OPERATOR SHALL BE FIVE YEARS. PRIOR TO THE EXPIRATION OF THE
4 CONTRACT, THE STATE BOARD SHALL REVIEW THE OPERATIONS OF THE
5 PILOT SCHOOL AND DETERMINE WHETHER TO RENEW THE CONTRACT
6 BASED AT LEAST PARTIALLY ON THE ACADEMIC RESULTS ACHIEVED BY
7 AT-RISK STUDENTS ENROLLED IN THE PILOT SCHOOL. IF THE STATE BOARD
8 DECIDES NOT TO RENEW THE CONTRACT, IT SHALL DIRECT THE
9 DEPARTMENT TO ISSUE A REQUEST FOR PROPOSALS AND SELECT A NEW
10 OPERATOR WITHIN A TIME FRAME THAT WILL ENSURE THAT THE PILOT
11 SCHOOL DOES NOT CEASE OPERATIONS DURING THE TRANSITION FROM ONE
12 OPERATOR TO ANOTHER.

13 (2) AT ANY TIME DURING THE TERM OF THE CONTRACT, THE STATE
14 BOARD MAY REVOKE THE CONTRACT IF IT DETERMINES THAT REVOCATION
15 AND SELECTION OF A NEW OPERATOR ARE IMMEDIATELY NECESSARY.

16 **22-2-605. Pilot school fund - created - legislative declaration.**

17 (1) (a) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS,
18 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
19 PURPOSES OF THIS PART 6; EXCEPT THAT THE DEPARTMENT SHALL NOT
20 ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS
21 THAT ARE INCONSISTENT WITH THIS PART 6 OR ANY OTHER LAW OF THE
22 STATE. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS,
23 GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE
24 TREASURER, WHO SHALL CREDIT THE SAME TO THE PILOT SCHOOL FUND,
25 WHICH FUND IS HEREBY CREATED. THE GENERAL ASSEMBLY MAY ALSO
26 APPROPRIATE MONEYS TO THE FUND.

27 (b) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
28 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
29 INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS PART 6.
30 ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART
31 6 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL
32 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF
33 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY
34 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
35 THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
36 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

37 (2) THE GENERAL ASSEMBLY FINDS THAT, DUE TO SEVERAL

1 EDUCATION REFORM MEASURES PASSED IN RECENT LEGISLATIVE SESSIONS,
2 COLORADO IS IN AN EXCELLENT POSITION TO RECEIVE SIGNIFICANT
3 AMOUNTS OF FEDERAL MONEYS THROUGH DISTRIBUTIONS UNDER THE
4 "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5,
5 INCLUDING MONEYS TO BE DISTRIBUTED BY THE FEDERAL DEPARTMENT OF
6 EDUCATION THROUGH WHAT IS COMMONLY REFERRED TO AS THE "RACE
7 TO THE TOP" PROGRAM. IN THE EVENT COLORADO RECEIVES THIS MONEY,
8 THE GENERAL ASSEMBLY STRONGLY ENCOURAGES THE GOVERNOR TO
9 ALLOCATE MONEYS TO THE FUND FOR OPERATION OF THE PILOT
10 RESIDENTIAL SCHOOL FOR AT-RISK STUDENTS."

11 Renumber succeeding section accordingly.

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