

**HOUSE JOURNAL**  
**SIXTY-EIGHTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**First Regular Session**

Seventy-seventh Legislative Day

Tuesday, March 29, 2011

1 Prayer by the Reverend Jack Cabaness, Westminster Presbyterian  
2 Church.

3  
4 The Speaker called the House to order at 9:00 a.m.

5  
6 Pledge of Allegiance led by Tyler Herrmann from Broomfield Heights  
7 Middle School, Jack and Julianne Herrmann from Longmont Estates  
8 Elementary, and Sofia Herrmann from Broomfield Elementary.

9  
10 The roll was called with the following result:

11  
12 Present--65.

13  
14 The Speaker declared a quorum present.

15  
16  
17 On motion of Representative Jones, the reading of the journal of  
18 March 28, 2011, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.

20  
21  
22  
23 **RECALL OF SB11-034**

24  
25 Representative Summers moved for recall of **SB11-034** for purpose of  
26 reconsideration. The motion passed by unanimous consent. The bill was  
27 ordered recalled.

28  
29  
30  
31 **THIRD READING OF BILL(S)--FINAL PASSAGE**

32  
33 The following bill(s) was(were) considered on Third Reading. The  
34 title(s) was(were) publicly read. Reading of the bill at length was  
35 dispensed with by unanimous consent.

36  
37 **HB11-1146** by Representative(s) Massey; also Senator(s) Steadman--  
38 Concerning a requirement that a residence be integral to an  
39 agricultural operation in determining whether two acres or  
40 less associated with the residence satisfies the definition of  
41 agricultural land for property tax purposes.  
42

1 The question being "Shall the bill pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 majority of those elected to the House voted in the affirmative and the bill  
 4 was declared **passed**.

	YES	41	NO	24	EXCUSED	0	ABSENT	0
7	Acree	N	Fischer	Y	Liston	N	Scott	N
8	Balmer	N	Gardner B.	N	Looper	N	Solano	Y
9	Barker	N	Gardner D.	Y	Massey	Y	Sonnenberg	Y
10	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
11	Becker	N	Hamner	Y	McKinley	Y	Stephens	Y
12	Beezley	N	Holbert	N	Miklosi	Y	Summers	Y
13	Bradford	Y	Hullinghorst	Y	Murray	N	Swalm	N
14	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	Y
15	Casso	Y	Joshi	N	Pabon	Y	Szabo	N
16	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
17	Coram	N	Kefalas	Y	Peniston	Y	Tyler	Y
18	Court	Y	Kerr A.	Y	Priola	N	Vaad	N
19	DelGrosso	N	Kerr J.	N	Ramirez	N	Vigil	Y
20	Duran	Y	Labuda	Y	Riesberg	Y	Waller	N
21	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
22	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Casso, Court, Ferrandino, Fields,  
 25 Fischer, Hamner, Hullinghorst, Jones, Labuda, McCann, Pace, Ryden,  
 26 Schafer S., Todd, Vigil, Wilson, Speaker.

27  
 28 **HB11-1116** by Representative(s) Szabo, Beezley, Bradford, Brown,  
 29 Liston, Ramirez, Stephens, Swerdfeger--Concerning the  
 30 provision of waste services within the boundaries of local  
 31 government entities.

32  
 33 Laid over until March 30, retaining place on Calendar.

34  
 35 **HB11-1286** by Representative(s) Sonnenberg and Becker,  
 36 Baumgardner, Brown, Coram, DelGrosso, Fischer,  
 37 Hullinghorst, Joshi, McKinley, McNulty, Pace, Priola,  
 38 Ramirez, Scott, Swalm, Wilson; also Senator(s) Schwartz,  
 39 Brophy, Giron, Grantham, Guzman, Hodge, Jahn, Renfroe,  
 40 Tochtrop--Concerning the state engineer's rule-making  
 41 authority in the case of dewatering of geologic formations  
 42 by withdrawing nontributary ground water to facilitate the  
 43 mining of minerals.

44  
 45 The question being "Shall the bill pass?".  
 46 A roll call vote was taken. As shown by the following recorded vote, a  
 47 majority of those elected to the House voted in the affirmative and the bill  
 48 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
51	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
52	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
53	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
54	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
55	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
56	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y

1	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
2	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
3	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
4	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
5	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
6	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
7	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
8	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
9	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
10	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
11							Speaker	Y

12 Co-sponsor(s) added: Representative(s) Fields, Gerou, Labuda, Massey, Nikkel,  
13 Vigil.

14  
15 **SB11-084** by Senator(s) Boyd; also Representative(s) Summers--  
16 Concerning the employment of physicians at long-term  
17 care facilities.

18  
19 The question being "Shall the bill pass?".  
20 A roll call vote was taken. As shown by the following recorded vote, a  
21 majority of those elected to the House voted in the affirmative and the bill  
22 was declared **passed**.

23	YES	64	NO	1	EXCUSED	0	ABSENT	0
24	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
25	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
26	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
27	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
28	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
29	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
30	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
31	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
32	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
33	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
34	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
35	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
36	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
37	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
38	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
39	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
40							Speaker	Y

41  
42 Co-sponsor(s) added: Representative(s) Acree, Fields, Kefalas, Labuda, Todd,  
43 Williams A.

44  
45 **HB11-1269** by Representative(s) Miklosi, Gardner D.; also Senator(s)  
46 Tochtrop, Carroll--Concerning the limits on uncommitted  
47 reserves in cash funds.

48  
49 The question being "Shall the bill pass?".  
50 A roll call vote was taken. As shown by the following recorded vote, a  
51 majority of those elected to the House voted in the affirmative and the bill  
52 was declared **passed**.

53	YES	65	NO	0	EXCUSED	0	ABSENT	0
54	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
55	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y

1	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
2	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
3	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
4	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
5	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
6	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
7	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
8	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
9	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
10	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
11	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
12	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
13	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
14	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Fields, Labuda, Todd.

17  
 18 **SB11-081** by Senator(s) White, Jahn, Roberts, Spence; also  
 19 Representative(s) McCann--Concerning the voluntary  
 20 contribution designation benefiting the 9Health Fair fund  
 21 that appears on the state individual income tax return  
 22 forms, and, in connection therewith, extending the period  
 23 for the contribution designation.

24  
 25 The question being "Shall the bill pass?".  
 26 A roll call vote was taken. As shown by the following recorded vote, a  
 27 majority of those elected to the House voted in the affirmative and the bill  
 28 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
31	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
32	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
33	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
34	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
35	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
36	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
37	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
38	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
39	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
40	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
41	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
42	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
43	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
44	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
45	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
46	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
47							Speaker	Y

48 Co-sponsor(s) added: Representative(s) Court, Duran, Fields, Pabon,  
 49 Schafer S., Todd, Vigil, Wilson.

50  
 51 **SB11-115** by Senator(s) Carroll; also Representative(s) Miklosi--  
 52 Concerning the authority of the state auditor to audit state  
 53 governmental entities.

54  
 55 The question being "Shall the bill pass?".  
 56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill  
2 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
5	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
6	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
7	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
8	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
9	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
10	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
11	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
12	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
13	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
14	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
15	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
16	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
17	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
18	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
19	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
20	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Fields, Jones, Labuda, Pabon, Pace,  
23 Peniston, Ryden, Todd, Wilson.

24  
25 **SB11-165** by Senator(s) Guzman; also Representative(s) Kerr A.--  
26 Concerning the "Colorado Uniform Estate Tax  
27 Apportionment Act".  
28

29 The question being "Shall the bill pass?".  
30 A roll call vote was taken. As shown by the following recorded vote, a  
31 majority of those elected to the House voted in the affirmative and the bill  
32 was declared **passed**.

	YES	63	NO	2	EXCUSED	0	ABSENT	0
35	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
36	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
37	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
38	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
39	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
40	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
41	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
42	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
43	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
44	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
45	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
46	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
47	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
48	Duran	Y	Labuda	N	Riesberg	Y	Waller	Y
49	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
50	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
51							Speaker	Y

52 Co-sponsor(s) added: Representative(s) Hullinghorst, Levy.

53  
54 **SB11-175** by Senator(s) Carroll; also Representative(s) Levy--  
55 Concerning enactment of the insurable interest  
56 amendments to the uniform trust code.

1 The question being "Shall the bill pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 majority of those elected to the House voted in the affirmative and the bill  
 4 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
7	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
8	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
9	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
10	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
11	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
12	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
13	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
14	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
15	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
16	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
17	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
18	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
19	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
20	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
21	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
22	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Fields, Hullinghorst, Kagan, Wilson.

25  
 26 **SB11-110** by Senator(s) Nicholson; also Representative(s) Coram--  
 27 Concerning a requirement that certain boards of county  
 28 commissioners develop an open burning permit system for  
 29 the purpose of safely disposing of slash.

30  
 31 The question being "Shall the bill pass?".  
 32 A roll call vote was taken. As shown by the following recorded vote, a  
 33 majority of those elected to the House voted in the affirmative and the bill  
 34 was declared **passed**.

	YES	63	NO	2	EXCUSED	0	ABSENT	0
37	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
38	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
39	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
40	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
41	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
42	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
43	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
44	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
45	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
46	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
47	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
48	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
49	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
50	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
51	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
52	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
53							Speaker	N

54 Co-sponsor(s) added: Representative(s) Fischer, Gerou, Hamner, Jones, Kerr J.,  
 55 Labuda, Levy, Peniston, Stephens, Todd, Wilson.

1 On motion of Representative Swerdfeger, the House resolved itself into  
2 Committee of the Whole for consideration of General Orders, and he was  
3 called to the Chair to act as Chairman.

4

5

6

\_\_\_\_\_

## GENERAL ORDERS--SECOND READING OF BILLS

7

8 The Committee of the Whole having risen, the Chairman reported the  
9 titles of the following bills had been read (reading at length had been  
10 dispensed with by unanimous consent), the bills considered and action  
11 taken thereon as follows:

12

13 (Amendments to the committee amendment are to the printed committee  
14 report which was printed and placed in the members' bill file.)

15

16 **SB11-198** by Senator(s) Morse, Shaffer B., Kopp; also  
17 Representative(s) Stephens, McNulty, Pace--Concerning  
18 payment of expenses of the legislative department.

19

20 Ordered revised and placed on the Calendar for Third Reading and Final  
21 Passage.

22

23 **SB11-119** by Senator(s) Guzman; also Representative(s) Pabon--  
24 Concerning procedures governing the appeal of a  
25 valuation of income-producing commercial real property.

26

27 Amendment No. 1, Finance Report, dated March 23, 2011, and placed in  
28 member's bill file; Report also printed in House Journal, March 25,  
29 pages 760-762.

30

31 As amended, ordered revised and placed on the Calendar for Third  
32 Reading and Final Passage.

33

34 **HB11-1219** by Representative(s) Levy and Lee; also Senator(s) Newell--  
35 -Concerning the "Uniform Military and Overseas Voters  
36 Act".

37

38 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
39 March 24, 2011, and placed in member's bill file; Report also printed in  
40 House Journal, March 25, pages 765-770.

41

42 As amended, ordered engrossed and placed on the Calendar for Third  
43 Reading and Final Passage.

44

45 **SB11-062** by Senator(s) Cadman; also Representative(s) Murray--  
46 Concerning the administrative duties of the office of  
47 information technology.

48

49 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
50 March 24, 2011, and placed in member's bill file; Report also printed in  
51 House Journal, March 25, pages 771-772.

52

53 As amended, ordered revised and placed on the Calendar for Third  
54 Reading and Final Passage.

55

1 **SB11-082** by Senator(s) King S., Carroll, Renfroe, Tochtrop; also  
 2 Representative(s) Acree, Gardner D., Kerr J., Miklosi--  
 3 Concerning the authority of the state auditor to conduct  
 4 audits of security systems used for information technology  
 5 operated by the state.  
 6

7 Ordered revised and placed on the Calendar for Third Reading and Final  
 8 Passage.  
 9

10 **HB11-1251** by Representative(s) Conti, Acree, Balmer, Brown, Kerr  
 11 J., Summers, Swerdfeger; also Senator(s) Tochtrop--  
 12 Concerning an exemption from the restrictions on window  
 13 tinting for public safety vehicles.  
 14

15 Amendment No. 1, Transportation Report, dated March 24, 2011, and  
 16 placed in member's bill file; Report also printed in House Journal,  
 17 March 25, pages 762-763.  
 18

19 As amended, ordered engrossed and placed on the Calendar for Third  
 20 Reading and Final Passage.  
 21

22  
 23 On motion of Representative Stephens, the remainder of the General  
 24 Orders Calendar (**HB11-1005, 1284, 1282, SB11-063**) was laid over until  
 25 March 30, retaining place on Calendar.  
 26

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27  
 28  
 29  
 30 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**  
 31

32 Passed Second Reading: **SB11-198, 119 amended, HB11-1219**  
 33 **amended, SB11-062 amended, 082, HB11-1251 amended.**  
 34

35 Laid over until date indicated retaining place on Calendar: **HB11-1005,**  
 36 **1284, 1282, SB11-063--**March 30, 2011.  
 37

38 The Chairman moved the adoption of the Committee of the Whole  
 39 Report. As shown by the following roll call vote, a majority of those  
 40 elected to the House voted in the affirmative, and the Report was  
 41 **adopted.**  
 42

	YES	65	NO	0	EXCUSED	0	ABSENT	0
44	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
45	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
46	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
47	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
48	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
49	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
50	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
51	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
52	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
53	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
54	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
55	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
56	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y



1	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
2	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
3	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
4							Speaker	Y

5  
6  
7  
8 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

9  
10 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

13  
14 **HB11-1289** be referred to the Committee of the Whole with favorable  
15 recommendation.  
16

17  
18  
19  
20 **EDUCATION**

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

23  
24 **HB11-1277** be amended as follows, and as so amended, be referred to  
25 the Committee on Appropriations with favorable  
26 recommendation:  
27

28 Amend printed bill, strike everything below the enacting clause and  
29 substitute:

30  
31 **"SECTION 1.** Article 32 of title 22, Colorado Revised Statutes,  
32 is amended BY THE ADDITION OF A NEW SECTION to read:

33  
34 **22-32-142. Local fiscal impact summaries.** (1) IF A BILL IS  
35 INTRODUCED BEFORE THE GENERAL ASSEMBLY THAT IMPOSES UPON A  
36 SCHOOL DISTRICT, SCHOOL DISTRICT BOARD OF EDUCATION, OR BOARD OF  
37 COOPERATIVE SERVICES ANY NEW MANDATE OR INCREASE IN THE LEVEL  
38 OF SERVICE FOR AN EXISTING MANDATE BEYOND THE EXISTING LEVEL OF  
39 SERVICE REQUIRED BY LAW, EACH SCHOOL DISTRICT, SCHOOL DISTRICT  
40 BOARD OF EDUCATION, OR BOARD OF COOPERATIVE SERVICES THAT IS  
41 AFFECTED BY THE NEW MANDATE OR INCREASE SHALL HAVE SEVEN DAYS  
42 AFTER THE DATE OF THE BILL'S INTRODUCTION TO PREPARE AND SUBMIT  
43 TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE  
44 GENERAL ASSEMBLY, OR HIS OR HER DESIGNEE, A BRIEF SUMMARY OF THE  
45 FISCAL IMPACT OF THE NEW MANDATE OR INCREASE UPON THE BUDGET OF  
46 THE SCHOOL DISTRICT OR SCHOOL DISTRICT BOARD OF EDUCATION.  
47

48 (2) IF THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL  
49 OF THE GENERAL ASSEMBLY, OR HIS OR HER DESIGNEE, PREPARES AN  
50 ANALYSIS OF THE FISCAL IMPACT OF AN INTRODUCED BILL THAT IMPOSES  
51 UPON A SCHOOL DISTRICT, SCHOOL DISTRICT BOARD OF EDUCATION, OR  
52 BOARD OF COOPERATIVE SERVICES A NEW MANDATE OR INCREASE IN THE  
53 LEVEL OF SERVICE FOR AN EXISTING STATE MANDATE BEYOND THE  
54 EXISTING LEVEL OF SERVICE REQUIRED BY LAW, AND A SCHOOL DISTRICT,  
55 SCHOOL DISTRICT BOARD OF EDUCATION, OR BOARD OF COOPERATIVE  
56 SERVICES THAT WILL BE AFFECTED BY THE BILL SUBMITS TO THE DIRECTOR

1 OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY,  
 2 OR HIS OR HER DESIGNEE, A BRIEF SUMMARY OF THE FISCAL IMPACT OF THE  
 3 NEW MANDATE OR INCREASE UPON THE BUDGET OF THE SCHOOL DISTRICT,  
 4 SCHOOL DISTRICT BOARD OF EDUCATION, OR BOARD OF COOPERATIVE  
 5 SERVICES, THEN THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE  
 6 COUNCIL, OR HIS OR HER DESIGNEE, SHALL INCLUDE THE BRIEF SUMMARY  
 7 WITH HIS OR HER ANALYSIS.

8  
 9 **SECTION 2.** 22-7-604.5 (1) (a) (VI) (B), the introductory portion  
 10 to 22-7-604.5 (1.5), and 22-7-604.5 (1.5) (l), (1.5) (m), and (2) (a),  
 11 Colorado Revised Statutes, are amended, and the said 22-7-604.5 (1.5) is  
 12 further amended BY THE ADDITION OF A NEW PARAGRAPH, to  
 13 read:

14  
 15 **22-7-604.5. Alternative education campuses - criteria -**  
 16 **application - rule-making.** (1) A public school may apply to the state  
 17 board for designation as an alternative education campus. The state board  
 18 shall adopt rules specifying the criteria and application process for a  
 19 public school to be designated an alternative education campus. The rules  
 20 shall include but need not be limited to:

21  
 22 (a) Criteria that a public school must meet to be designated an  
 23 alternative education campus, including but not limited to the following:

24  
 25 (VI) (B) Serving a student population IN SIXTH THROUGH TWELFTH  
 26 GRADE in which more than ninety-five percent of the students have ~~either~~  
 27 an individualized education program pursuant to section 22-20-108 or A  
 28 STUDENT POPULATION IN KINDERGARTEN THROUGH TWELFTH GRADE IN  
 29 WHICH MORE THAN NINETY-FIVE PERCENT OF THE STUDENTS meet the  
 30 definition of a high-risk student contained in subsection (1.5) of this  
 31 section; or

32  
 33 (1.5) As used in this section, unless the context otherwise requires,  
 34 a "high-risk student" means a student enrolled in a ~~secondary~~ public  
 35 school who:

36  
 37 (l) Is a homeless child, as defined in section 22-1-102.5 (2) (a); ~~or~~

38  
 39 (m) Has a documented history of a serious psychiatric or  
 40 behavioral disorder, including but not limited to an eating disorder,  
 41 suicidal behaviors, or deliberate, self-inflicted injury; OR

42  
 43 (n) IS OVER TRADITIONAL SCHOOL AGE FOR HIS OR HER GRADE  
 44 LEVEL OR LACKS ADEQUATE CREDIT HOURS FOR HIS OR HER GRADE LEVEL.

45  
 46 (2) (a) ~~On or before October 1, 2002, and on or before October 1~~  
 47 ~~each year thereafter, the~~ A district school board for a public school that  
 48 desires to be considered an alternative education campus pursuant to this  
 49 section shall file with the state board a request for designation as an  
 50 alternative education campus. The request shall be in a form approved by  
 51 the state board and shall contain sufficient information to establish that  
 52 the public school meets the requirements of the rules adopted pursuant to  
 53 paragraph (a) of subsection (1) of this section. ~~On or before November~~  
 54 ~~15, 2002, and on or before November 15 each year thereafter, The~~ state  
 55 board shall approve the designation of alternative education campus for  
 56 any public school for which a request is filed pursuant to this subsection

1 (2) that is found by the state board to meet the requirements of the rules  
2 adopted pursuant to paragraph (a) of subsection (1) of this section.

3

4 **SECTION 3.** 22-11-203 (2) and (3), Colorado Revised Statutes,  
5 are amended to read:

6

7 **22-11-203. Student longitudinal academic growth - calculation**  
8 **- data - research.** (2) (a) For each school year, the department shall  
9 provide to each school district in the state academic growth information  
10 for each student enrolled in the district public schools, based on the  
11 statewide assessment results for the preceding school years. WITHIN TEN  
12 DAYS AFTER THE INFORMATION IS PROVIDED TO EACH SCHOOL DISTRICT,  
13 the department shall also provide the ACADEMIC growth information to  
14 each district public school for the students enrolled in the district public  
15 school. UPON RECEIPT OF THE ACADEMIC GROWTH INFORMATION, THE  
16 PRINCIPAL OF EACH DISTRICT PUBLIC SCHOOL SHALL ENSURE THAT  
17 APPROPRIATE EDUCATORS IN THE SCHOOL WHO WORK DIRECTLY WITH A  
18 STUDENT HAVE ACCESS TO THE NECESSARY ACADEMIC GROWTH  
19 INFORMATION CONCERNING THAT STUDENT.

20

21 (b) For each school year, the department shall provide to the  
22 institute academic growth information for each student enrolled in the  
23 institute charter schools, based on the statewide assessment results for the  
24 preceding school years. WITHIN TEN DAYS AFTER THE INFORMATION IS  
25 PROVIDED TO THE INSTITUTE, the department shall also provide the  
26 ACADEMIC growth information to each institute charter school for the  
27 students enrolled in the institute charter school. UPON RECEIPT OF THE  
28 ACADEMIC GROWTH INFORMATION, THE PRINCIPAL OF EACH INSTITUTE  
29 CHARTER SCHOOL SHALL ENSURE THAT APPROPRIATE EDUCATORS IN THE  
30 SCHOOL WHO WORK DIRECTLY WITH A STUDENT HAVE ACCESS TO THE  
31 NECESSARY ACADEMIC GROWTH INFORMATION CONCERNING THAT  
32 STUDENT.

33

34 (3) The academic growth information required by subsection (2)  
35 of this section shall include, but need not be limited to:

36

37 (a) Information on whether each student made at least one year's  
38 academic growth in one year's time in the preceding school year;

39

40 (b) Whether the student made adequate academic growth for the  
41 preceding school year as calculated for the student pursuant to subsection  
42 (1) of this section;

43

44 (c) The longitudinal academic growth calculated for each student  
45 to attain catch-up, keep-up, or move-up growth, as described in  
46 subsection (1) of this section; ~~and~~

47

48 (d) The amount of growth for each student that would result in the  
49 student scoring at the partially proficient, proficient, and advanced  
50 achievement levels within one, two, and three years; AND

51

52 (e) SCHOOL PERFORMANCE INDICATORS AS CALCULATED  
53 PURSUANT TO SECTION 22-11-204.

54

55 **SECTION 4.** 22-11-306 (1) (c), Colorado Revised Statutes, is  
56 amended to read:

1           **22-11-306. Accredited with turnaround plan - school district**  
2 **or institute - plan content - adoption.** (1) (c) Within the time frames  
3 specified in state board rule, the local school board shall submit the  
4 adopted district turnaround plan to the commissioner for review by the  
5 state review panel. The state review panel shall critically evaluate the  
6 adopted district turnaround plan and make recommendations to the  
7 commissioner and the state board concerning the issues specified in  
8 section 22-11-208 (3). The commissioner ~~shall~~ MAY approve the adopted  
9 district turnaround plan or suggest modifications to the plan, taking into  
10 consideration any recommendations of the state review panel. The local  
11 school board shall revise the adopted district turnaround plan, if  
12 necessary, and resubmit the plan for approval within the time frames  
13 specified by state board rule.

14  
15           **SECTION 5.** 22-11-406 (1) (a), (1) (c), (2) (a), and (2) (c),  
16 Colorado Revised Statutes, are amended to read:

17  
18           **22-11-406. School turnaround plan - contents.** (1) (a) If the  
19 state board, pursuant to section 22-11-210, directs a district public school  
20 to adopt a turnaround plan, the local school board, in accordance with  
21 time frames specified in state board rules, shall adopt a school turnaround  
22 plan, as described in subsection (3) of this section, for the district public  
23 school. Each district public school turnaround plan shall also be subject  
24 to evaluation by the state review panel and ~~approval~~ MAY BE SUBJECT TO  
25 REVISIONS REQUESTED by the commissioner as provided in this subsection  
26 (1).

27  
28           (c) Within the time frames specified in state board rule, the local  
29 school board shall submit the adopted school turnaround plan to the  
30 commissioner for evaluation by the state review panel. The state review  
31 panel shall critically evaluate the adopted school turnaround plan and  
32 make recommendations to the commissioner and the state board  
33 concerning the issues specified in section 22-11-210 (4). The  
34 commissioner ~~shall approve the school turnaround plan or~~ MAY suggest  
35 modifications to the plan, taking into consideration any recommendations  
36 of the state review panel AND MAY REQUIRE THAT THOSE PLAN  
37 MODIFICATIONS BE MADE PRIOR TO THE DATE WHEN THE STATE BOARD  
38 ENTERS INTO AN ACCREDITATION CONTRACT WITH THE DISTRICT  
39 PURSUANT TO SECTION 22-11-206. The local school board shall revise the  
40 school turnaround plan, if necessary, and resubmit the plan for approval  
41 within the time frames specified in state board rule. The local school  
42 board shall ensure that the final, approved school turnaround plan is in  
43 effect for the district public school within the time frames specified in  
44 state board rule.

45  
46           (2) (a) If the state board, pursuant to section 22-11-210, directs an  
47 institute charter school to adopt a turnaround plan, the institute, in  
48 accordance with time frames specified in state board rules, shall adopt a  
49 school turnaround plan, as described in subsection (3) of this section, for  
50 the institute charter school. Each institute charter school turnaround plan  
51 shall also be subject to evaluation by the state review panel and ~~approval~~  
52 MAY BE SUBJECT TO REVISIONS REQUESTED by the commissioner as  
53 provided in this subsection (2).

54  
55           (c) Within the time frames specified in state board rule, the  
56 institute shall submit the adopted school turnaround plan to the

1 commissioner for evaluation by the state review panel. The state review  
2 panel shall critically evaluate the adopted school turnaround plan and  
3 make recommendations to the commissioner and the state board  
4 concerning the issues specified in section 22-11-210 (4). The  
5 commissioner ~~shall approve the school turnaround plan or~~ MAY suggest  
6 modifications to the plan, taking into consideration any recommendations  
7 of the state review panel AND MAY REQUIRE THAT THOSE PLAN  
8 MODIFICATIONS BE MADE PRIOR TO THE DATE WHEN THE STATE BOARD  
9 ENTERS INTO AN ACCREDITATION CONTRACT WITH THE INSTITUTE  
10 PURSUANT TO SECTION 22-11-206. The institute shall revise the school  
11 turnaround plan, if necessary, and resubmit the plan for approval within  
12 the time frames specified in state board rule. The institute shall ensure  
13 that the final, approved school turnaround plan is in effect for the institute  
14 charter school within the time frames specified in state board rule.  
15

16 **SECTION 6.** 22-11-208 (1) (d), Colorado Revised Statutes, is  
17 amended to read:  
18

19 **22-11-208. Accreditation - annual review - supports and**  
20 **interventions - rules.** (1) (d) The state board by rule shall establish the  
21 time frames in which the department shall review school district and  
22 institute performance and determine and report each school district's and  
23 the institute's appropriate accreditation category, and the time frames in  
24 which the school districts and the institute shall adopt their respective  
25 plans and submit them for review and publication on the data portal. A  
26 SCHOOL DISTRICT WITH ONE THOUSAND STUDENTS OR FEWER SHALL ONLY  
27 BE REQUIRED TO SUBMIT A SINGLE PLAN TO SATISFY THE SCHOOL DISTRICT  
28 AND SCHOOL PLAN REQUIREMENTS.  
29

30 **SECTION 7.** 22-11-210 (2), Colorado Revised Statutes, is  
31 amended to read:  
32

33 **22-11-210. Public schools - annual review - plans - supports**  
34 **and interventions - rules.** (2) (a) The department shall annually review  
35 each public school's performance and, based on the rules of the state  
36 board, recommend to the state board that the public school shall  
37 implement a performance, improvement, priority improvement, or  
38 turnaround plan for the coming school year. Based on the department's  
39 recommendation, the state board shall notify the local school board for  
40 the public school, or the institute if the public school is an institute charter  
41 school, regarding the type of plan the public school shall implement. The  
42 local school board or the institute shall place the public school in the  
43 district or institute accreditation category that correlates to the public  
44 school's plan, based on the school district's or institute's school  
45 accreditation process.  
46

47 (b) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE  
48 CONTRARY, A SCHOOL DISTRICT THAT ENROLLS ONE THOUSAND STUDENTS  
49 OR FEWER SHALL ONLY BE REQUIRED TO SUBMIT A SINGLE PLAN TO  
50 SATISFY THE SCHOOL DISTRICT AND SCHOOL PLAN REQUIREMENTS.  
51

52 **SECTION 8. Repeal.** 22-11-503 (3) (d) (III), Colorado Revised  
53 Statutes, is repealed as follows:  
54

55 **22-11-503. Performance reports - contents - rules.** (3) In  
56 addition to any information specified by rule of the state board, each

1 school performance report shall include the following information  
2 concerning the operations and environment of the public school that is the  
3 subject of the report:

4  
5 (d) As calculated pursuant to state board rule, information  
6 concerning:

7  
8 (III) ~~Student enrollment stability at the public school, meaning the~~  
9 ~~percentage of students enrolled in the public school on October 1 of the~~  
10 ~~applicable school year who were still enrolled in the public school on~~  
11 ~~February 1 of the same school year;~~

12  
13 **SECTION 9.** 22-11-603 (1), Colorado Revised Statutes, is  
14 amended to read:

15  
16 **22-11-603. Governor's distinguished improvement awards -**  
17 **rules.** (1) The state board shall annually present financial awards to the  
18 public schools in the state demonstrating the highest rates of student  
19 longitudinal growth, INCLUDING LONGITUDINAL GROWTH ACROSS  
20 MULTIPLE YEARS, as measured by the Colorado growth model. The  
21 technical advisory panel convened pursuant to section 22-11-202 shall  
22 recommend to the state board, and the state board shall establish by rule,  
23 the method by which to identify schools that demonstrate the highest rate  
24 of student longitudinal growth in a ONE OR MORE school year YEARS, as  
25 measured by the Colorado growth model. The technical advisory panel  
26 shall take school size into account in preparing its recommendations.

27  
28 **SECTION 10.** 22-20-102 (1), (3), and (4), Colorado Revised  
29 Statutes, are amended to read:

30  
31 **22-20-102. Legislative declaration.** (1) The general assembly,  
32 recognizing the obligation of the state of Colorado to provide educational  
33 opportunities to all children that will enable them to lead fulfilling and  
34 productive lives, declares that the purpose of this article is to provide  
35 means for identifying and educating those children who are exceptional.  
36 To this end, it is necessary to define specific responsibilities for  
37 identifying and serving children with disabilities that appropriately reflect  
38 the continuum of services that recognizes the capabilities of all state  
39 agencies, including special classes in public schools and the establishment  
40 of special schools, programs for children with disabilities who are  
41 confined to their homes or hospitals, and instruction in institutions of the  
42 state for ~~exceptional~~ children WITH DISABILITIES. The final determination  
43 for the placement in a special education program of any eligible  
44 ~~exceptional~~ child WITH A DISABILITY shall be made by a child's individual  
45 family service program for a child from birth through two years of age  
46 and a child's individualized education program team for a child from three  
47 to twenty-one years of age as designated by the governing board of the  
48 responsible administrative unit or by the governing authority of a  
49 state-operated program.

50  
51 (3) It is further the intent of this article to ensure that there is a  
52 coordination of all services available to children with disabilities and to  
53 promote interagency operating agreements or contracts between  
54 administrative units, other public agencies, nonprofit organizations, and  
55 ~~eligible facilities~~ APPROVED FACILITY SCHOOLS for the provision of  
56 appropriate services for children with disabilities.

1 (4) It is further the intent of the general assembly that this article,  
 2 and the rules promulgated pursuant to this article by the state board, align  
 3 closely with the federal "Individuals with Disabilities Education  
 4 Improvement Act", of 2004", 20 U.S.C. sec. 1400 et seq., as amended,  
 5 and its implementing regulations, 34 CFR part 300, and 34 CFR part 303  
 6 as they pertain IT PERTAINS to child find, in order to minimize the number  
 7 of rules, regulations, and policies to which administrative units,  
 8 state-operated programs, and ~~eligible facilities~~ APPROVED FACILITY  
 9 SCHOOLS are subject.

10  
 11 **SECTION 11.** 22-20-103 (4), (5) (a), (9), (10), the introductory  
 12 portion to 22-20-103 (12), 22-20-103 (12) (a), (14), (18), (20) (b), (21),  
 13 and (28), Colorado Revised Statutes, are amended, and the said  
 14 22-20-103 is further amended BY THE ADDITION OF THE  
 15 FOLLOWING NEW SUBSECTIONS, to read:

16  
 17 **22-20-103. Definitions.** As used in this article, unless the context  
 18 otherwise requires:

19  
 20 (2.5) "APPLICABLE REVENUES" MEANS THOSE REVENUES, AS  
 21 DEFINED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO  
 22 THIS ARTICLE, THAT SUPPORT SPECIAL EDUCATION EXPENDITURES.

23  
 24 (2.7) "APPROVED FACILITY SCHOOL" MEANS AN EDUCATIONAL  
 25 PROGRAM THAT IS OPERATED BY A FACILITY TO PROVIDE EDUCATIONAL  
 26 SERVICES TO STUDENTS PLACED IN THE FACILITY AND THAT, PURSUANT TO  
 27 SECTION 22-2-407, HAS BEEN PLACED ON THE LIST OF FACILITY SCHOOLS  
 28 THAT ARE APPROVED TO RECEIVE REIMBURSEMENT FOR PROVIDING THOSE  
 29 EDUCATIONAL SERVICES TO STUDENTS PLACED IN THE FACILITY. AN  
 30 EDUCATIONAL PROGRAM PROVIDED BY AN ADMINISTRATIVE UNIT AT A  
 31 FACILITY IS NOT AN APPROVED FACILITY SCHOOL BUT IS AN EDUCATIONAL  
 32 PROGRAM OF THE ADMINISTRATIVE UNIT THAT DOES NOT REQUIRE  
 33 APPROVAL BY THE DEPARTMENT.

34  
 35 (4) "Child find" means the program component of the IDEA that  
 36 requires states to find, identify, locate, evaluate, and serve all children  
 37 with disabilities, from birth to twenty-one years of age. Specific  
 38 responsibilities for child find are described in section 22-20-118. Child  
 39 find includes:

40  
 41 (a) Part C child find, which means the program component of  
 42 IDEA that requires states to find, identify, locate, evaluate, and serve  
 43 children WITH DISABILITIES from birth through two years of age; and

44  
 45 (b) Part B child find, which means the program component of  
 46 IDEA that requires states to find, identify, locate, evaluate, and serve  
 47 children WITH DISABILITIES from three to twenty-one years of age.

48  
 49 (5) (a) "Children with disabilities" means those persons from three  
 50 to twenty-one years of age who, by reason of one or more of the  
 51 following conditions, are unable to receive reasonable benefit from  
 52 general education: ~~Long-term physical impairment or illness, significant~~  
 53 ~~limited intellectual capacity, significant identifiable emotional disorder,~~  
 54 ~~specific learning disability, or speech or language impairments.~~

55  
 56 (I) AUTISM SPECTRUM DISORDERS;

- 1 (II) A HEARING IMPAIRMENT, INCLUDING DEAFNESS;  
 2  
 3 (III) A SERIOUS EMOTIONAL DISABILITY;  
 4  
 5 (IV) AN INTELLECTUAL DISABILITY;  
 6  
 7 (V) MULTIPLE DISABILITIES;  
 8  
 9 (VI) AN ORTHOPEDIC IMPAIRMENT;  
 10  
 11 (VII) OTHER HEALTH IMPAIRMENT;  
 12  
 13 (VIII) A SPECIFIC LEARNING DISABILITY;  
 14  
 15 (IX) A SPEECH OR LANGUAGE IMPAIRMENT;  
 16  
 17 (X) TRAUMATIC BRAIN INJURY;  
 18  
 19 (XI) A VISUAL IMPAIRMENT, INCLUDING BLINDNESS;  
 20  
 21 (XII) DEAF-BLINDNESS;  
 22  
 23 (XIII) A PRESCHOOLER WITH A DISABILITY; AND  
 24  
 25 (XIV) AN INFANT OR TODDLER WITH A DISABILITY.  
 26

27 (8.7) "EDUCATIONAL PLACEMENT" MEANS THE PROVISION OF  
 28 SPECIAL EDUCATION SERVICES, INCLUDING BUT NOT LIMITED TO THOSE  
 29 POINTS ALONG THE CONTINUUM OF ALTERNATIVE PLACEMENTS.  
 30 "EDUCATIONAL PLACEMENT" DOES NOT MEAN A SPECIFIC PLACE, SUCH AS  
 31 A SPECIFIC CLASSROOM OR SCHOOL.  
 32

33 (9) ~~"Eligible facility" means an approved facility school, as~~  
 34 ~~defined in section 22-2-402 (1).~~  
 35

36 (9.5) "EMERGENCY PUBLIC PLACEMENT" MEANS A PUBLIC  
 37 PLACEMENT MADE NECESSARY BECAUSE OF AN IMMINENT DANGER TO A  
 38 CHILD OR OTHERS.  
 39

40 (10) "Equipment" means that equipment used especially for the  
 41 instruction or assessment of children with disabilities. ~~that is approved by~~  
 42 ~~the state board. The state board shall publish a list of the types of~~  
 43 ~~approved equipment.~~  
 44

45 (12) "Exceptional ~~children~~ CHILD" means:  
 46

47 (a) ~~Those children~~ A CHILD defined in subsection (5) of this  
 48 section as ~~children~~ A CHILD with ~~disabilities~~ A DISABILITY. An  
 49 administrative unit shall serve every child with a disability from three to  
 50 twenty-one years of age, AND MAY SERVE children with disabilities from  
 51 birth through two years of age. ~~and persons enrolled in special~~  
 52 ~~educational programs or receiving special educational services deemed~~  
 53 ~~to be "exceptional children" for all purposes of this article.~~  
 54

55 (12.3) "FACILITY" MEANS A DAY TREATMENT CENTER,  
 56 RESIDENTIAL CHILD CARE FACILITY, OR OTHER FACILITY LICENSED BY THE



1 DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-104,  
2 C.R.S., OR A HOSPITAL LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH  
3 AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103, C.R.S.

4  
5 (12.7) "FOSTER HOME" SHALL HAVE THE SAME MEANING AS A  
6 "FOSTER CARE HOME" AS DEFINED IN SECTION 26-6-102 (4.5), C.R.S., AND  
7 SHALL BE LICENSED BY THE DEPARTMENT OF HUMAN SERVICES OR  
8 CERTIFIED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES OR CERTIFIED  
9 BY A CHILD PLACEMENT AGENCY AS DEFINED IN SECTION 26-6-102 (2),  
10 C.R.S.

11  
12 (13.3) "GROUP HOME" MEANS A CONGREGATE CARE FACILITY  
13 LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO  
14 SECTION 26-6-104, C.R.S.

15  
16 (14) "IDEA" means the federal "Individuals with Disabilities  
17 Education Improvement Act", of 2004", 20 U.S.C. sec. 1400 et seq., as  
18 amended, and its implementing regulations, 34 CFR part 300, and ALSO  
19 34 CFR part 303 as they pertain IT PERTAINS to child find.

20  
21 (18) "Least restrictive environment" means ~~programs used to~~  
22 ~~educate a child with a disability using the delivery system most~~  
23 ~~appropriately meeting the needs of the child. To the maximum extent~~  
24 ~~appropriate, as determined by the child's IEP team, subject to the appeals~~  
25 ~~procedures outlined in section 22-20-108 (3), the term means an~~  
26 ~~environment in which a child with a disability is educated with children~~  
27 ~~without disabilities, unless the nature or severity of the disability is such~~  
28 ~~that education in general education classes with the use of supplementary~~  
29 ~~aids and services cannot be achieved satisfactorily, or, when provided~~  
30 ~~with supplementary aids and services, the nature or severity of the~~  
31 ~~disability is so disruptive that the education of other children in such~~  
32 ~~classes would be significantly impaired THAT:~~

33  
34 (a) TO THE MAXIMUM EXTENT APPROPRIATE, CHILDREN WITH  
35 DISABILITIES, INCLUDING CHILDREN IN PUBLIC OR PRIVATE INSTITUTIONS  
36 OR OTHER CARE FACILITIES, ARE EDUCATED WITH CHILDREN WHO DO NOT  
37 HAVE DISABILITIES; AND

38  
39 (b) SPECIAL CLASSES, SEPARATE SCHOOLING, OR OTHER REMOVAL  
40 OF CHILDREN WITH DISABILITIES FROM THE GENERAL EDUCATIONAL  
41 ENVIRONMENT OCCURS ONLY IF THE NATURE AND SEVERITY OF THE  
42 DISABILITY IS SUCH THAT EDUCATION IN GENERAL CLASSES WITH THE USE  
43 OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE SATISFACTORILY  
44 ACHIEVED.

45  
46 (19.7) (a) "PARENT" MEANS:

47  
48 (I) A BIOLOGICAL OR ADOPTIVE PARENT OF A CHILD;

49  
50 (II) A FOSTER PARENT;

51  
52 (III) A GUARDIAN GENERALLY AUTHORIZED TO ACT AS A CHILD'S  
53 PARENT, OR AUTHORIZED TO MAKE EDUCATIONAL DECISIONS FOR THE  
54 CHILD, BUT NOT THE STATE IF THE CHILD IS A WARD OF THE STATE;

55  
56 (IV) AN INDIVIDUAL ACTING IN THE PLACE OF A BIOLOGICAL OR

1 ADOPTIVE PARENT, INCLUDING BUT NOT LIMITED TO A GRANDPARENT,  
2 STEPPARENT, OR OTHER RELATIVE, AND WITH WHOM THE CHILD LIVES, OR  
3 AN INDIVIDUAL WHO IS LEGALLY RESPONSIBLE FOR THE CHILD'S WELFARE;  
4 OR

5

6 (V) AN EDUCATIONAL SURROGATE PARENT ASSIGNED BY THE  
7 RESPONSIBLE ADMINISTRATIVE UNIT CONSISTENT WITH RULES  
8 PROMULGATED BY THE STATE BOARD IN ACCORDANCE WITH THIS ARTICLE.

9

10 (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
11 PARAGRAPH (b), THE BIOLOGICAL OR ADOPTIVE PARENT, WHEN  
12 ATTEMPTING TO ACT AS A PARENT PURSUANT TO THIS ARTICLE, AND WHEN  
13 MORE THAN ONE PARTY IS QUALIFIED PURSUANT TO PARAGRAPH (a) OF  
14 THIS SUBSECTION (19.7) TO ACT AS A PARENT, SHALL BE PRESUMED TO BE  
15 THE PARENT FOR PURPOSES OF THIS SUBSECTION (19.7) UNLESS THE  
16 BIOLOGICAL OR ADOPTIVE PARENT DOES NOT HAVE LEGAL AUTHORITY TO  
17 MAKE EDUCATIONAL DECISIONS FOR THE CHILD.

18

19 (II) IF A JUDICIAL DECREE OR ORDER IDENTIFIES A SPECIFIC PERSON  
20 OR PERSONS LISTED IN SUBPARAGRAPHS (I) TO (V) OF PARAGRAPH (a) OF  
21 THIS SUBSECTION (19.7) TO ACT AS THE PARENT OF A CHILD OR TO MAKE  
22 EDUCATIONAL DECISIONS ON BEHALF OF A CHILD, THEN THE PERSON OR  
23 PERSONS SHALL BE DETERMINED TO BE THE PARENT FOR PURPOSES OF THIS  
24 ARTICLE.

25

26 (20) "Public agency" means a public agency that:

27

28 (b) Is legally authorized to place a child in ~~an eligible~~ A facility or  
29 another out-of-home placement, INCLUDING BUT NOT LIMITED TO A GROUP  
30 HOME OR A FOSTER HOME.

31

32 (21) "Public placement" means the placement of a child with a  
33 disability in ~~an eligible~~ A facility or another out-of-home placement,  
34 INCLUDING BUT NOT LIMITED TO A GROUP HOME OR FOSTER HOME, by a  
35 court or public agency.

36

37 (22.7) "SPECIAL EDUCATION EXPENDITURES" MEANS THOSE  
38 EXPENDITURES THAT ARE INCURRED BY AN ADMINISTRATIVE UNIT,  
39 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR  
40 PROFESSIONAL SERVICES ASSOCIATED WITH SPECIAL EDUCATION  
41 REFERRALS AND EVALUATIONS OF CHILDREN WHO MAY HAVE A DISABILITY  
42 AND THE PROVISION OF SPECIAL EDUCATION SERVICES AS IDENTIFIED ON  
43 AN INDIVIDUAL STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM.  
44 SPECIAL EDUCATION EXPENDITURES DO NOT INCLUDE THE COSTS OF THE  
45 GENERAL EDUCATION PROGRAM. SPECIAL EDUCATION EXPENDITURES  
46 SHALL BE SUPPLEMENTAL TO THE GENERAL EDUCATION PROGRAM AND  
47 SHALL BE ABOVE WHAT IS PROVIDED BY THE ADMINISTRATIVE UNIT,  
48 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR  
49 GENERAL EDUCATION STUDENTS AND STAFF AND MAY INCLUDE:

50

51 (a) SPECIAL EDUCATION TEACHERS;

52

53 (b) HOME-HOSPITAL TEACHERS FOR STUDENTS WITH DISABILITIES;

54

55 (c) SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE  
56 PATHOLOGY ASSISTANTS;

- 1 (d) SPECIALTY TEACHERS;
- 2
- 3 (e) SPECIAL EDUCATION INSTRUCTIONAL PARAPROFESSIONALS;
- 4
- 5 (f) EDUCATIONAL INTERPRETERS;
- 6
- 7 (g) SCHOOL NURSES;
- 8
- 9 (h) OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
- 10 ASSISTANTS;
- 11
- 12 (i) PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS;
- 13
- 14 (j) SCHOOL PSYCHOLOGISTS;
- 15
- 16 (k) SCHOOL SOCIAL WORKERS;
- 17
- 18 (l) AUDIOLOGISTS;
- 19
- 20 (m) ORIENTATION AND MOBILITY SPECIALISTS;
- 21
- 22 (n) OTHER SPECIAL EDUCATION PROFESSIONALS;
- 23
- 24 (o) SPECIAL EDUCATION ADMINISTRATORS AND OFFICE SUPPORT;
- 25
- 26 (p) OTHER NONCERTIFIED OR NONLICENSED SUPPORT;
- 27
- 28 (q) EMPLOYEE BENEFITS FOR SPECIAL EDUCATION STAFF;
- 29
- 30 (r) SUPPLIES, MATERIALS, AND EQUIPMENT USED FOR INDIVIDUAL
- 31 STUDENTS' SPECIAL EDUCATION PROGRAMS AND SERVICES;
- 32
- 33 (s) PURCHASED SERVICE CONTRACTS FOR PERSONAL SERVICES;
- 34
- 35 (t) TUITION TO OTHER ADMINISTRATIVE UNITS AND APPROVED
- 36 TUITION RATES TO APPROVED FACILITY SCHOOLS FOR SPECIAL EDUCATION;
- 37
- 38 (u) STAFF TRAVEL RELATED TO SPECIAL EDUCATION;
- 39
- 40 (v) PROFESSIONAL DEVELOPMENT FOR SPECIAL EDUCATION STAFF,
- 41 OR ALL STAFF, IF THE CONTENT OF THE PROFESSIONAL DEVELOPMENT IS
- 42 SPECIFIC TO SERVICES FOR CHILDREN WITH DISABILITIES;
- 43
- 44 (w) OTHER PURCHASED SERVICES RELATED TO SPECIAL
- 45 EDUCATION;
- 46
- 47 (x) DUES, FEES, AND OTHER EXPENDITURES SPECIFIC TO THE
- 48 SPECIAL EDUCATION PROGRAM; AND
- 49
- 50 (y) PARENT COUNSELING AND TRAINING, AS DEFINED BY THE IDEA
- 51 AND ITS IMPLEMENTING REGULATIONS.
- 52
- 53 (28) "State-operated program" means an approved school program
- 54 supervised by the department and operated by:
- 55
- 56 (a) The Colorado school for the deaf and THE blind;

1 (b) The department of corrections; or

2  
3 (c) The department of human services, including but not limited  
4 to the division of youth corrections and the mental health institutes. at  
5 ~~Fort Logan and Pueblo.~~

6  
7 **SECTION 12.** 22-20-104 (1), (2) (a), and (4), Colorado Revised  
8 Statutes, are amended to read:

9  
10 **22-20-104. Administration - advisory committee - rules.**

11 (1) (a) This article shall be administered by the department.  
12 Administration of this article shall include the recommendation to the  
13 state board of reasonable rules necessary to implement this article,  
14 including but not limited to:

15  
16 (I) Minimum standards for administrative units, state-operated  
17 programs, ~~eligible facilities~~ APPROVED FACILITY SCHOOLS, and personnel;

18  
19 (II) Criteria for determining disability and eligibility for special  
20 ~~educational~~ EDUCATION services;

21  
22 (III) Procedures regarding the identification of ~~exceptional~~  
23 children WITH DISABILITIES, including but not limited to part C child find  
24 and part B child find activities described in section 22-20-118;

25  
26 (IV) Requirements for parental consent, including but not limited  
27 to parental consent for the evaluation of children with disabilities and the  
28 initial provision of special education services;

29  
30 (V) Required IEP content and procedures for IEP development,  
31 review, and revision;

32  
33 (VI) Application of school discipline procedures to children with  
34 disabilities;

35  
36 (VII) Required procedural safeguards;

37  
38 (VIII) Procedures for special education dispute resolution;

39  
40 (IX) Extended school year services; AND

41  
42 (X) Requirements pursuant to the IDEA regarding children with  
43 disabilities who are enrolled in private schools; and

44  
45 ~~(XI) Criteria for administrative units to satisfy in adopting  
46 program plans to identify and serve gifted children.~~

47  
48 (b) The state board shall adopt appropriate recommendations as  
49 rules to implement this article following public comment and hearing.  
50 The rules promulgated by the state board shall be in accord with the  
51 legislative declarations set forth in sections 22-20-102 and 22-20-102.5.

52  
53 (c) An administrative unit, a state-operated program, or an ~~eligible~~  
54 APPROVED facility SCHOOL that provides plans, programs, or services that  
55 do not comply with the rules adopted by the state board will be provided  
56 by the department with a detailed analysis of any discrepancies noted

1 along with specific recommendations for their correction. Applicable  
2 federal and state funding will be provided or continued for a reasonable  
3 period of time, as determined by the department, to allow the  
4 administrative unit, state-operated program, or ~~eligible~~ APPROVED facility  
5 SCHOOL an opportunity to comply with such rules. ~~An administrative unit  
6 may establish a claim for variance based upon conditions indigenous to  
7 or unique to the administrative unit.~~

8  
9 (2) (a) In order to assist the state board in the performance of its  
10 responsibilities for the implementation of this article, the state board shall  
11 appoint a state special education advisory committee of an appropriate  
12 size. The members of the advisory committee shall be representative of  
13 the state population and shall be composed of persons involved in or  
14 concerned with the education of children with disabilities, including  
15 parents of children with disabilities ages birth through twenty-six years;  
16 individuals with disabilities; teachers; representatives of institutions of  
17 higher education that prepare special education and related services  
18 personnel; state and local education officials, including officials who  
19 carry out activities under section 22-33-103.5; administrators of programs  
20 for children with disabilities; representatives of other state agencies  
21 involved in the financing or delivery of related services to children with  
22 disabilities; representatives of private schools, district charter schools,  
23 and institute charter schools; at least one representative of a vocational,  
24 community, or business organization concerned with the provision of  
25 transition services to children with disabilities; a representative from child  
26 welfare services in the department of human services established pursuant  
27 to section 26-5-102, C.R.S.; and representatives from the division of  
28 youth corrections in the department of human services and from the  
29 department of corrections. A majority of the members of the advisory  
30 committee shall be individuals with disabilities or parents of children with  
31 disabilities. Members shall be appointed for ~~one-year or two-year~~ terms  
32 AS DETERMINED BY THE BY-LAWS OF THE ADVISORY COMMITTEE. Any  
33 additions to the composition of the advisory committee shall be made  
34 pursuant to the procedures of the state board.

35  
36 (4) To comply with this section, the department shall maintain a  
37 SPECIAL EDUCATION data and information system on children, personnel,  
38 costs, and revenues, and such data and information shall be used to ensure  
39 that state moneys provided to administrative units under the provisions of  
40 section 22-20-106 AND OTHER APPLICABLE REVENUES are being spent  
41 only on special education ~~services and programs~~ EXPENDITURES.

42  
43 **SECTION 13.** 22-20-106 (2) (a) (I), (3), (5), (6), and (7),  
44 Colorado Revised Statutes, are amended to read:

45  
46 **22-20-106. Special education programs - early intervening**  
47 **services - rules.** (2) (a) (I) Each administrative unit, state-operated  
48 program, and ~~eligible~~ APPROVED facility SCHOOL shall submit a  
49 comprehensive plan to the department pursuant to the rules promulgated  
50 by the state board indicating how the administrative unit, state-operated  
51 program, or ~~eligible~~ APPROVED facility SCHOOL will provide for the  
52 education of all children with disabilities. Each comprehensive plan shall  
53 include the type and number of children with disabilities served, the  
54 services to be provided, and the estimated resources necessary.

55  
56 (3) (a) Each administrative unit, state-operated program, and

1 ~~eligible~~ APPROVED facility SCHOOL shall make available special education  
2 services as specified by the IEP for any child with a disability for whom  
3 it is responsible, as defined by the rules adopted by the state board  
4 pursuant to this article. ~~For the purpose of implementing the program~~  
5 ~~plan adopted by each administrative unit pursuant to section 22-20-104.5,~~  
6 ~~each administrative unit shall ensure that its constituent schools and~~  
7 ~~school districts make available appropriate special provisions for gifted~~  
8 ~~children to the extent that funds are provided for such implementation.~~  
9 GENERAL EDUCATION SERVICES ARE THE RESPONSIBILITY OF THE SCHOOL  
10 DISTRICT IN WHICH A FOSTER HOME IS LOCATED, AND SPECIAL EDUCATION  
11 SERVICES ARE THE RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN  
12 WHICH A FOSTER CARE HOME IS LOCATED. GENERAL EDUCATION SERVICES  
13 ARE THE RESPONSIBILITY OF THE SCHOOL DISTRICT IN WHICH A GROUP  
14 HOME IS LOCATED, AND SPECIAL EDUCATION SERVICES ARE THE  
15 RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN WHICH A GROUP HOME  
16 IS LOCATED. THE ADMINISTRATIVE UNIT IN WHICH THE GROUP HOME IS  
17 LOCATED MAY SEEK TUITION COSTS CONSISTENT WITH SECTION 22-20-109  
18 (2.5).

19  
20 (b) In providing ~~these~~ SPECIAL EDUCATION services, an  
21 administrative unit, state-operated program, or ~~eligible~~ APPROVED facility  
22 SCHOOL may pay for ~~salaries and employee benefits of certified special~~  
23 ~~education teachers and special education staff; equipment; professional~~  
24 ~~development for teachers and staff who have pupil contact; mileage~~  
25 ~~expenses incurred by staff; or any other expenses related to special~~  
26 ~~education~~ SPECIAL EDUCATION EXPENDITURES AS DEFINED IN SECTION  
27 22-20-103 (22.7).

28  
29 (c) The district of residence shall pay the tuition costs for a child  
30 with a disability in an ~~eligible~~ APPROVED facility SCHOOL pursuant to  
31 sections 22-20-108 (8) and 22-20-109 (1). Special education services  
32 may be provided by community centered boards in cooperation with  
33 administrative units.

34  
35 (5) Each administrative unit shall employ a director of special  
36 education. Each state-operated program or ~~eligible~~ APPROVED facility  
37 SCHOOL shall employ or contract in writing for a director of special  
38 education. A director of special education shall meet qualification  
39 standards promulgated by rule of the state board.

40  
41 (6) Each administrative unit, state-operated program, and ~~eligible~~  
42 APPROVED facility SCHOOL shall employ or contract in writing for a  
43 sufficient number of appropriately licensed AND ENDORSED special  
44 education teachers and staff to adequately carry out those functions for  
45 which it is responsible, as defined by the rules promulgated by the state  
46 board pursuant to this article, including but not limited to child  
47 identification, IEP development, and professional development for school  
48 staff.

49  
50 (7) Any administrative unit or state-operated program planning to  
51 utilize federal funds from any source for the education of children with  
52 disabilities as provided in this article shall obtain prior approval from the  
53 department for the use of such funds. The use of such funds in the  
54 administrative unit or state-operated program shall be FOR SPECIAL  
55 EDUCATION EXPENDITURES AS DEFINED IN SECTION 22-20-103 (22.7) AND  
56 in accordance with rules as established by the state board, which are not

1 in conflict with federal law or regulations.

2

3 **SECTION 14.** 22-20-107 (1), Colorado Revised Statutes, is  
4 amended to read:

5

6 **22-20-107. Authority to contract with institutions of higher**  
7 **education or community centered boards.** (1) An administrative unit  
8 may contract with an institution of higher education, or a community  
9 centered board, as provided in section 27-10.5-104, C.R.S., for the  
10 provision by the administrative unit of an education and training program  
11 for children with disabilities. If ~~such~~ AN agreement is arrived at by the  
12 two agencies, the administrative unit shall place the responsibility for  
13 administering the program with the director of special education OF THE  
14 ADMINISTRATIVE UNIT.

15

16 **SECTION 15.** 22-20-107.5 (1), Colorado Revised Statutes, is  
17 amended to read:

18

19 **22-20-107.5. District of residence of a child with a disability -**  
20 **jurisdiction.** (1) Notwithstanding the provisions of section 22-1-102 (2),  
21 for the purposes of this article the district of residence of a child with a  
22 disability is the school district in which such child lives on a day-to-day  
23 basis, INCLUDING A CHILD PLACED IN A FOSTER HOME PURSUANT TO  
24 SECTION 19-1-115.5 (1), C.R.S.; except that:

25

26 (a) If a child with a disability is homeless, as defined by section  
27 22-1-102.5, the provisions of section 22-1-102 (2) (h) shall apply;

28

29 ~~(b) If a child with a disability is living at one of the regional~~  
30 ~~centers, including satellite homes of such centers, operated by the~~  
31 ~~department of human services or any other facility operated by or under~~  
32 ~~contract to the department of human services or at the Colorado mental~~  
33 ~~health institutes at Pueblo or Fort Logan, an eligible facility, or the~~  
34 ~~Colorado school for the deaf and the blind, such child shall be deemed to~~  
35 ~~reside where the parent or guardian of such child resides; THE CHILD~~  
36 ~~SHALL BE DEEMED TO RESIDE WHERE THE CHILD'S PARENT RESIDES IF THE~~  
37 ~~CHILD IS LIVING AT ONE OF THE FOLLOWING:~~

38

39 (I) A REGIONAL CENTER THAT IS OPERATED BY THE DEPARTMENT  
40 OF HUMAN SERVICES;

41

42 (II) A FACILITY;

43

44 (III) A GROUP HOME;

45

46 (IV) A MENTAL HEALTH INSTITUTE OPERATED BY THE  
47 DEPARTMENT OF HUMAN SERVICES; OR

48

49 (V) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND;

50

51 (c) If a child lives in ~~one of the A regional centers or the~~ CENTER,  
52 A mental health ~~institutes at Pueblo or Fort Logan or in an eligible~~  
53 INSTITUTE, A facility, OR A GROUP HOME, and the district of residence  
54 cannot be determined due to the inability to locate a parent ~~or guardian~~  
55 due to the homelessness of a parent, ~~or guardian~~, the child shall be  
56 considered a resident of the school district in which ~~such~~ THE regional

1 center, mental health institute, or ~~eligible~~ facility, OR GROUP HOME is  
2 located.

3  
4 **SECTION 16.** 22-20-108 (1) (b), (4), (4.5) (e), (4.7) (a) (IV),  
5 (4.7) (b), the introductory portion to 22-20-108 (5), 22-20-108 (5.5), (7),  
6 (8), and (9), Colorado Revised Statutes, are amended to read:

7  
8 **22-20-108. Determination of disability - enrollment.**  
9 (1) (b) The development of an IEP for a child with ~~disabilities~~ A  
10 DISABILITY and determination of EDUCATIONAL placement shall be made  
11 by the child's IEP team, including but not limited to the child's parent and  
12 qualified professional personnel designated by the responsible  
13 administrative unit or state-operated program. The composition of the  
14 IEP team and the procedures to be used for developing the child's IEP  
15 shall be prescribed by rules promulgated by the state board pursuant to  
16 this article.

17  
18 (4) Each child determined to have a disability by the  
19 multidisciplinary team pursuant to paragraph (a) of subsection (1) of this  
20 section shall be provided with an IEP developed by the child's IEP team  
21 pursuant to paragraph (b) of subsection (1) of this section and shall be  
22 reviewed annually. The IEP for each child enrolled in a school district or  
23 ~~the state charter school institute~~ AN INSTITUTE CHARTER SCHOOL shall  
24 specify whether the child shall achieve the content standards adopted by  
25 the district in which the child is enrolled or by the state charter school  
26 institute or whether the child shall achieve individualized standards which  
27 would indicate the child has met the requirements of his or her IEP. For  
28 each child attending school in an ~~eligible~~ APPROVED facility SCHOOL or  
29 state-operated program, the IEP shall specify whether the child shall  
30 achieve state or local content standards, or whether the child shall achieve  
31 individualized standards which would indicate that the child has met the  
32 requirements of his or her IEP. When a child with a disability is to be  
33 placed outside of the district of residence, the receiving agency,  
34 institution, administrative unit, state-operated program, or ~~eligible~~  
35 APPROVED facility SCHOOL providing the SPECIAL EDUCATION services  
36 shall cooperate in the development of the IEP. The IEP shall be  
37 coordinated with all individual plans required by other federal or state  
38 programs in order to provide for maximum coordination of service to the  
39 child with a disability, which may include the provision of appropriate  
40 special education services for the child with a disability, by agreement or  
41 contract with public agencies, nonprofit organizations, or ~~eligible~~  
42 facilities APPROVED FACILITY SCHOOLS. Any court of record, the  
43 department of human services, or any other public agency authorized by  
44 law to place a child in an ~~eligible~~ A facility shall notify in writing the  
45 child's administrative unit of residence, the administrative unit in which  
46 the child will receive special education services, and the department of  
47 such placement within fifteen CALENDAR days after the placement. An  
48 administrative unit of residence that disapproves of the placement shall  
49 do so in writing pursuant to subsection (8) of this section.

50  
51 (4.5) (e) Nothing in this subsection (4.5) shall require an  
52 administrative unit, a state-operated program, or an ~~eligible~~ APPROVED  
53 facility SCHOOL to expend additional resources or hire additional  
54 personnel to implement the provisions of this section.

55  
56 (4.7) (a) In developing an IEP pursuant to subsection (4) of this



1 section for a child who is deaf or hard of hearing, in addition to any other  
2 requirements established by the state board, the IEP team shall consider  
3 the related services and program options that provide the child with an  
4 appropriate and equal opportunity for communication access. The IEP  
5 team shall consider the child's specific communication needs and, to the  
6 extent possible under paragraph (g) of this subsection (4.7), address those  
7 needs as appropriate in the child's IEP. In considering the child's needs,  
8 the IEP team shall expressly consider the following:  
9

10 (IV) The provision of appropriate, direct, and ongoing language  
11 access to teachers of the deaf and hard of hearing and EDUCATIONAL  
12 interpreters and other specialists who are proficient in the child's primary  
13 communication mode or language; and  
14

15 (b) To enable a parent to make informed decisions concerning  
16 which educational options are best suited to the parent's child, all of the  
17 educational options provided by the administrative unit, STATE-OPERATED  
18 PROGRAM, OR APPROVED FACILITY SCHOOL and available to the child at  
19 the time the child's IEP is prepared shall be explained to the parent.  
20

21 (5) In formulating recommendations for ~~placement of~~ THE LEAST  
22 RESTRICTIVE ENVIRONMENT FOR a child with a disability, the IEP team  
23 shall:  
24

25 (5.5) The administrative unit or state-operated program shall  
26 consider the cost to the administrative unit or state-operated program  
27 when choosing between two or more appropriate EDUCATIONAL  
28 placements.  
29

30 (7) (a) If an out-of-district placement by an administrative unit  
31 appears to be necessary, it is the responsibility of the child's IEP team of  
32 the administrative unit of residence to determine whether the child  
33 requires a more restrictive setting based on the unique needs of the child.  
34 It is the responsibility of the special education director of the  
35 administrative unit of residence to place the child in the least restrictive  
36 ~~placement~~ ENVIRONMENT consistent with the EDUCATIONAL placement  
37 decision of the IEP team.  
38

39 (b) If it becomes necessary for a court or public agency to place  
40 a child in a public placement:  
41

42 (I) Prior to such public placement, the court or public agency shall  
43 work cooperatively with the affected administrative unit or units, as  
44 defined by rules promulgated by the state board pursuant to this article,  
45 to ensure that appropriate special education services are available for the  
46 child;  
47

48 (II) Notwithstanding the provisions of subparagraph (I) of this  
49 paragraph (b), the court or public agency may make the public placement  
50 without first cooperating with the affected administrative unit or units if  
51 an emergency public placement is required for ~~the safety of~~ the child.  
52

53 (c) In no event shall the public agency place a child in an  
54 administrative unit or ~~eligible~~ APPROVED facility SCHOOL that is unable  
55 to ensure the provision of special education services that are appropriate  
56 for the child. The costs of educating ~~such children~~ THE CHILD shall be the

1 responsibility of the school district of residence, and ~~such~~ THE school  
2 district shall pay tuition costs in accordance with section 22-20-109.  
3

4 (8) Notwithstanding the provisions of paragraph (c) of subsection  
5 (7) of this section, if a court or public agency makes a public placement  
6 but fails to comply with the notification requirements of subsection (4) of  
7 this section, ~~such~~ THE court or public agency shall be responsible for the  
8 tuition costs for the child until such time as the required notification is  
9 made. If a child's administrative unit of residence does not provide  
10 written notice of disapproval of a placement in ~~an eligible~~ A facility by a  
11 court or a public agency within fifteen CALENDAR days after the  
12 notification made pursuant to subsection (4) of this section, the placement  
13 shall be deemed to be approved. An administrative unit of residence may  
14 disapprove a placement in ~~an eligible~~ A facility by a court or public  
15 agency only on the basis of the unavailability of appropriate special  
16 education services in the administrative unit in which the child will be  
17 placed. If the administrative unit of residence disapproves the placement  
18 in the ~~eligible~~ facility, it shall ensure that the child receives a free  
19 appropriate public education until an appropriate placement can be  
20 determined. If the administrative unit of residence disapproves the  
21 placement in the ~~eligible~~ facility, the disapproval shall be subject to  
22 appeal as provided for in subsection (3) of this section.  
23

24 (9) If a teacher of a child with a disability determines that the  
25 child's presence in a general education classroom is so disruptive that  
26 other children's learning in the class is significantly impaired, the teacher  
27 may utilize the district's or the state charter school institute's regular  
28 in-school disciplinary procedure unless it would be inconsistent with the  
29 child's IEP or ~~would constitute a disciplinary change of placement as~~  
30 ~~defined by the rules promulgated by the state board~~ WITH THE IDEA'S  
31 STUDENT DISCIPLINE PROTECTIONS FOR CHILDREN WITH DISABILITIES.  
32 Alternatively, the teacher may request a review of the child's IEP,  
33 behavior plan, or both to consider changes in services or EDUCATIONAL  
34 placement. In making any such determination for EDUCATIONAL  
35 placement or a plan of discipline for the child, the IEP team shall apply  
36 the rules promulgated by the state board regarding IEP reviews and  
37 school discipline procedures and protections for children with disabilities  
38 AS SPECIFIED BY THE IDEA AND ITS IMPLEMENTING REGULATIONS.  
39

40 **SECTION 17.** 22-20-109, Colorado Revised Statutes, is amended  
41 to read:  
42

43 **22-20-109. Tuition - rules.** (1) (a) An administrative unit of  
44 residence may contract with another administrative unit or ~~a community~~  
45 ~~centered board or an eligible facility~~ AN APPROVED FACILITY SCHOOL to  
46 provide a special education program for a child with a disability. ~~In such~~  
47 ~~an instance, the community centered board or the eligible facility where~~  
48 ~~the child receives a special education program shall document to the~~  
49 ~~department a list of costs of providing such special education program~~  
50 ~~and the applicable revenues. Notwithstanding any provision of section~~  
51 ~~22-32-115 to the contrary, the tuition charge for educating a child with a~~  
52 ~~disability in a community centered board or an eligible facility shall be~~  
53 ~~established by the department and approved by the state board. Such~~  
54 ~~tuition charge shall be the maximum amount the administrative unit of~~  
55 ~~residence shall be obligated to pay for the special education program;~~  
56 ~~except that the school district of residence may pay a higher tuition charge~~

1 ~~than the charge established and approved pursuant to this subsection (1)~~  
2 ~~for students in need of specialized services, which services were included~~  
3 ~~in the IEP but were not included in the tuition charge established pursuant~~  
4 ~~to this subsection (1). AN ADMINISTRATIVE UNIT MAY PURCHASE~~  
5 ~~SERVICES FROM ONE OR MORE ADMINISTRATIVE UNITS WHERE AN~~  
6 ~~APPROPRIATE SPECIAL EDUCATION PROGRAM EXISTS. THE TWO~~  
7 ~~ADMINISTRATIVE UNITS SHALL NEGOTIATE A CONTRACT, INCLUDING BUT~~  
8 ~~NOT LIMITED TO THE COST OF THE SPECIAL EDUCATION PROGRAM, THAT~~  
9 ~~NEED NOT BE APPROVED BY THE DEPARTMENT.~~

10

11 (b) AN ADMINISTRATIVE UNIT MAY CONTRACT FOR SPECIAL  
12 EDUCATION SERVICES WITH AN APPROVED FACILITY SCHOOL PURSUANT TO  
13 RULES PROMULGATED BY THE STATE BOARD.

14

15 (2) (a) ~~The state board shall promulgate rules to define the~~  
16 ~~contract approval process to define the types and amounts of costs in~~  
17 ~~excess of the state average per pupil revenues, as defined in section~~  
18 ~~22-54-103 (12), and to define other applicable revenues that a school~~  
19 ~~district of residence of a child with a disability shall pay as tuition to~~  
20 ~~educate that child elsewhere at a community centered board or an eligible~~  
21 ~~facility. These rules shall include, but need not be limited to, the~~  
22 ~~limitations on the number of staff members per number of students, the~~  
23 ~~amount of equipment necessary for classroom instruction of the child, the~~  
24 ~~number of days of school, and any other expenses involved in the~~  
25 ~~provision of educational services as determined by the child's IEP.~~  
26 ~~However, these rules shall not require that, in calculating the amount of~~  
27 ~~the tuition charge for educating a child with a disability in any community~~  
28 ~~centered board or eligible facility, the costs incurred by a community~~  
29 ~~centered board or eligible facility in providing such special education~~  
30 ~~program be reduced by the amount of revenues, if any, received by the~~  
31 ~~community centered board or eligible facility as donations or special~~  
32 ~~education grants. The school district of residence shall be responsible for~~  
33 ~~paying as tuition any excess costs above the state average per pupil~~  
34 ~~revenues to provide these services. WHEN A CHILD WITH A DISABILITY IS~~  
35 ~~PUBLICLY PLACED IN AN APPROVED FACILITY SCHOOL, THE APPROVED~~  
36 ~~FACILITY SCHOOL SHALL DOCUMENT TO THE DEPARTMENT A LIST OF COSTS~~  
37 ~~OF PROVIDING THE SPECIAL EDUCATION PROGRAM AND THE APPLICABLE~~  
38 ~~REVENUES. NOTWITHSTANDING ANY PROVISION OF SECTION 22-32-115 TO~~  
39 ~~THE CONTRARY, THE TUITION CHARGE FOR EDUCATING A CHILD WITH A~~  
40 ~~DISABILITY IN AN APPROVED FACILITY SCHOOL SHALL BE ESTABLISHED BY~~  
41 ~~THE DEPARTMENT AND APPROVED BY THE STATE BOARD. THE TUITION~~  
42 ~~CHARGE SHALL BE THE MAXIMUM AMOUNT THE SCHOOL DISTRICT OF~~  
43 ~~RESIDENCE SHALL BE OBLIGATED TO PAY FOR THE SPECIAL EDUCATION~~  
44 ~~PROGRAM; EXCEPT THAT THE SCHOOL DISTRICT OF RESIDENCE MAY PAY A~~  
45 ~~HIGHER TUITION CHARGE THAN THE CHARGE ESTABLISHED AND APPROVED~~  
46 ~~PURSUANT TO THIS SUBSECTION (2) FOR A STUDENT IN NEED OF~~  
47 ~~SPECIALIZED SERVICES, WHICH SERVICES WERE INCLUDED IN THE~~  
48 ~~STUDENT'S IEP BUT WERE NOT INCLUDED IN THE TUITION CHARGE~~  
49 ~~ESTABLISHED PURSUANT TO THIS SUBSECTION (2).~~

50

51 (b) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE  
52 CONTRACT APPROVAL PROCESS AND THE METHOD FOR DETERMINING THE  
53 TUITION RATE THAT A SCHOOL DISTRICT OF RESIDENCE OF A CHILD WITH  
54 A DISABILITY SHALL PAY AS TUITION TO EDUCATE THAT CHILD AT AN  
55 APPROVED FACILITY SCHOOL. THE RULES FOR DETERMINING A TUITION  
56 RATE SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE LIMITATIONS ON

1 THE NUMBER OF STAFF MEMBERS PER NUMBER OF STUDENTS, THE NUMBER  
2 OF SCHOOL DAYS, ALL SPECIAL EDUCATION EXPENDITURES AS DEFINED IN  
3 SECTION 22-20-103 (22.7) AND SPECIFIED BY THE CHILD'S IEP, OTHER  
4 EDUCATION COSTS, AND APPLICABLE REVENUE ASSOCIATED WITH THE  
5 APPROVED FACILITY SCHOOL'S EDUCATIONAL PROGRAM. THE RULES  
6 SHALL NOT REQUIRE THAT, IN CALCULATING THE AMOUNT OF THE TUITION  
7 CHARGE FOR EDUCATING A CHILD WITH A DISABILITY IN AN APPROVED  
8 FACILITY SCHOOL, THE COSTS INCURRED BY THE APPROVED FACILITY  
9 SCHOOL IN PROVIDING THE SPECIAL EDUCATION PROGRAM BE REDUCED BY  
10 THE AMOUNT OF REVENUES, IF ANY, RECEIVED BY THE APPROVED FACILITY  
11 SCHOOL AS DONATIONS OR SPECIAL EDUCATION GRANTS. THE SCHOOL  
12 DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING AS TUITION  
13 ANY EXCESS COSTS ABOVE THE STATE AVERAGE PER PUPIL REVENUES TO  
14 PROVIDE THESE SERVICES PURSUANT TO SECTION 22-54-129 (2).

15  
16 (c) IN ADDITION TO ANY OTHER TUITION COSTS THAT A SCHOOL  
17 DISTRICT OF RESIDENCE IS REQUIRED TO PAY PURSUANT TO THIS SECTION,  
18 THE SCHOOL DISTRICT MAY PAY THOSE COSTS DOCUMENTED TO AND  
19 APPROVED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION (2).  
20 NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (2), A SCHOOL  
21 DISTRICT OF RESIDENCE SHALL NOT BE REQUIRED TO PAY COSTS INCURRED  
22 BY AN APPROVED FACILITY SCHOOL IN PROVIDING EDUCATIONAL SERVICES  
23 AT THE APPROVED FACILITY SCHOOL DURING THE MONTHS OF JUNE, JULY,  
24 OR AUGUST.

25  
26 (2.5) (a) WHEN A CHILD WITH A DISABILITY IS PLACED OUT OF THE  
27 HOME IN A GROUP HOME AND ATTENDS SCHOOL IN AN ADMINISTRATIVE  
28 UNIT OTHER THAN THE CHILD'S ADMINISTRATIVE UNIT OF RESIDENCE AND  
29 THE SCHOOL DOES NOT PROVIDE THE CHILD WITH AN ON-LINE PROGRAM  
30 PURSUANT TO ARTICLE 30.7 OF THIS TITLE, THE DISTRICT OF RESIDENCE  
31 SHALL BE RESPONSIBLE FOR PAYING THE TUITION CHARGE FOR EDUCATING  
32 THE CHILD TO THE ADMINISTRATIVE UNIT OF ATTENDANCE.

33  
34 (b) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL NOT  
35 CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS  
36 INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD  
37 MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)  
38 (c) (II).

39  
40 (c) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL PROVIDE  
41 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE AND TO THE DISTRICT  
42 OF RESIDENCE, IF IT IS NOT AN ADMINISTRATIVE UNIT, IN ACCORDANCE  
43 WITH THE RULES ADOPTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION  
44 (2) OF THIS SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL  
45 IN A SCHOOL OF THE DISTRICT OF ATTENDANCE. THE NOTICE SHALL BE IN  
46 WRITING AND SHALL ALSO BE SENT TO THE SPECIAL EDUCATION DIRECTORS  
47 FOR THE ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF  
48 THE ADMINISTRATIVE UNIT OF ATTENDANCE DOES NOT INTEND TO SEEK  
49 TUITION COSTS, NOTIFICATION IS NOT REQUIRED. THE STATE BOARD SHALL  
50 ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE  
51 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH (c).

52  
53 (d) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED  
54 PURSUANT TO A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT  
55 OF ATTENDANCE, THE DISTRICT OF ATTENDANCE IF IT IS NOT AN  
56 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF RESIDENCE, AND

1 THE DISTRICT OF RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT.

2  
3 ~~(3) In addition to any other tuition costs that a school district of~~  
4 ~~residence is required to pay pursuant to this section, the school district~~  
5 ~~may pay those costs documented to and approved by the department~~  
6 ~~pursuant to subsection (1) of this section. Notwithstanding the provisions~~  
7 ~~of subsection (1) of this section, a school district of residence shall not be~~  
8 ~~required to pay costs incurred by an approved facility school, as defined~~  
9 ~~in section 22-2-402 (1), in providing educational services at the approved~~  
10 ~~facility school during the months of June, July, or August.~~

11  
12 (4) (a) When a child with a disability enrolls and attends a school  
13 in ~~a district~~ AN ADMINISTRATIVE UNIT other than the child's ~~district~~  
14 ADMINISTRATIVE UNIT of residence pursuant to the provisions of section  
15 22-36-101, and the school does not provide the child an on-line program  
16 pursuant to article 30.7 of this title, the district of residence shall be  
17 responsible for paying the tuition charge for educating the child to the  
18 ~~district~~ ADMINISTRATIVE UNIT of attendance. ~~The district of attendance~~  
19 ~~shall not charge the district of residence tuition for the excess costs~~  
20 ~~incurred in educating a child with a disability unless the child meets the~~  
21 ~~criteria for funding pursuant to section 22-20-114 (1) (c) (II). The district~~  
22 ~~of attendance shall provide notice to the district of residence in~~  
23 ~~accordance with state board rules adopted pursuant to paragraph (b) of~~  
24 ~~this subsection (4) when a child with a disability applies to enroll in a~~  
25 ~~school in the district of attendance. The amount of the tuition charge~~  
26 ~~shall be determined pursuant to a contract entered into between the two~~  
27 ~~districts pursuant to subsection (1) of this section. Under the~~  
28 ~~circumstances described in this subsection (4), the provisions of section~~  
29 ~~22-20-108 (8) shall not apply.~~

30  
31 (b) ~~For the 2004-05 budget year and budget years thereafter, the~~  
32 ~~state board shall adopt rules to specify the content, manner, and timing of~~  
33 ~~the notice that a district of attendance shall give a district of residence~~  
34 ~~pursuant to paragraph (a) of this subsection (4).~~

35  
36 (c) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL NOT  
37 CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS  
38 INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD  
39 MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)  
40 (c) (II).

41  
42 (d) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL PROVIDE  
43 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE AND TO THE DISTRICT  
44 OF RESIDENCE, IF IT IS NOT AN ADMINISTRATIVE UNIT, IN ACCORDANCE  
45 WITH THE RULES ADOPTED PURSUANT TO THIS PARAGRAPH (d) WHEN A  
46 CHILD WITH A DISABILITY APPLIES TO ENROLL IN A SCHOOL OF THE  
47 DISTRICT OF ATTENDANCE. THE NOTICE SHALL BE IN WRITING AND SHALL  
48 ALSO BE SENT TO THE SPECIAL EDUCATION DIRECTORS FOR THE  
49 ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF THE  
50 ADMINISTRATIVE UNIT OF ATTENDANCE DOES NOT INTEND TO SEEK  
51 TUITION COSTS, NOTIFICATION IS NOT REQUIRED. THE STATE BOARD SHALL  
52 ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE  
53 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH (d).

54  
55 (e) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED  
56 PURSUANT TO A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT

1 OF ATTENDANCE, THE DISTRICT OF ATTENDANCE IF IT IS NOT AN  
2 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF RESIDENCE, AND  
3 THE DISTRICT OF RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT.  
4 UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (4), THE  
5 PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.  
6

7 (5) (a) When a child with a disability enrolls in and attends a  
8 district charter school pursuant to the provisions of part 1 of article 30.5  
9 of this title or an institute charter school pursuant to part 5 of article 30.5  
10 of this title, including a district or institute charter school that provides an  
11 on-line program pursuant to article 30.7 of this title, the district of  
12 residence shall be responsible for paying to the district or institute charter  
13 school the tuition charge for the excess costs incurred in educating the  
14 child. ~~The district or institute charter school shall not charge the district~~  
15 ~~of residence tuition for the excess costs incurred in educating a child with~~  
16 ~~a disability unless the child meets the criteria for funding pursuant to~~  
17 ~~section 22-20-114 (1) (c) (II). The tuition responsibility shall be reflected~~  
18 ~~in a contract between the district or institute charter school and the district~~  
19 ~~of residence in a form approved by the chartering district. The district or~~  
20 ~~institute charter school shall provide notice to the district of residence in~~  
21 ~~accordance with state board rules adopted pursuant to subsection (7) of~~  
22 ~~this section when a child with a disability applies to enroll in the district~~  
23 ~~or institute charter school. The amount of the tuition charge shall be~~  
24 ~~determined pursuant to rules adopted by the state board pursuant to~~  
25 ~~subsection (7) of this section. Under the circumstances described in this~~  
26 ~~subsection (5), the provisions of section 22-20-108 (8) shall not apply.~~  
27

28 (b) Nothing in this subsection (5) shall be construed to apply to  
29 the charter contract entered into between a charter school and the  
30 chartering local board of education pursuant to part 1 of article 30.5 of  
31 this title OR TO ALLOW A CHARTER SCHOOL TO SEEK TUITION COSTS FROM  
32 ITS CHARTERING AUTHORITY.  
33

34 (c) THE DISTRICT OR INSTITUTE CHARTER SCHOOL SHALL NOT  
35 CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS  
36 INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD  
37 MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)  
38 (c) (II).  
39

40 (d) THE DISTRICT OR INSTITUTE CHARTER SCHOOL SHALL PROVIDE  
41 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE, THE DISTRICT OF  
42 RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT, AND THE  
43 ADMINISTRATIVE UNIT OF ATTENDANCE IN ACCORDANCE WITH STATE  
44 BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION  
45 WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE DISTRICT OR  
46 INSTITUTE CHARTER SCHOOL. THE NOTICE SHALL BE IN WRITING AND  
47 SHALL BE SENT TO THE SPECIAL EDUCATION DIRECTORS FOR THE  
48 ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF THE  
49 DISTRICT OR INSTITUTE CHARTER SCHOOL DOES NOT INTEND TO SEEK  
50 TUITION COSTS, NO NOTIFICATION IS REQUIRED.  
51

52 (e) THE AMOUNT OF THE TUITION CHARGED SHALL BE DETERMINED  
53 PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO  
54 SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY SHALL BE  
55 REFLECTED IN A CONTRACT BETWEEN THE CHARTER SCHOOL, THE  
56 ADMINISTRATIVE UNIT OF RESIDENCE, THE DISTRICT OF RESIDENCE IF IT IS

1 NOT AN ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF  
2 ATTENDANCE INCLUDING THE STATE CHARTER SCHOOL INSTITUTE, AND  
3 THE CHARTERING SCHOOL DISTRICT IF IT IS NOT AN ADMINISTRATIVE UNIT.  
4 THE CONTRACT SHALL BE IN A FORM APPROVED BY THE CHARTERING  
5 ENTITY. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (5),  
6 THE PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.  
7

8 (6) (a) When a child with a disability enrolls in and attends an  
9 on-line program pursuant to article 30.7 of this title that is not provided  
10 by a district or institute charter school, the district of residence shall be  
11 responsible for paying to the provider of the on-line program the tuition  
12 charge for the excess costs incurred in educating the child. ~~The provider~~  
13 ~~of the on-line program shall not charge the district of residence tuition for~~  
14 ~~the excess costs incurred in educating a child with a disability who~~  
15 ~~receives educational services from the provider of the on-line program~~  
16 ~~unless the child meets the criteria for funding pursuant to section~~  
17 ~~22-20-114 (1) (c) (II). The tuition responsibility shall be reflected in a~~  
18 ~~contract between the district of attendance and the district of residence in~~  
19 ~~a form approved by the state board. The on-line provider shall provide~~  
20 ~~notice to the district of residence in accordance with state board rules~~  
21 ~~adopted pursuant to subsection (7) of this section when a child with a~~  
22 ~~disability applies to enroll in the on-line program. The amount of the~~  
23 ~~tuition charge shall be determined pursuant to rules adopted by the state~~  
24 ~~board pursuant to subsection (7) of this section. Under the circumstances~~  
25 ~~described in this subsection (6), the provisions of section 22-20-108 (8)~~  
26 ~~shall not apply.~~  
27

28 (b) THE PROVIDER OF THE ON-LINE PROGRAM SHALL NOT CHARGE  
29 THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS INCURRED IN  
30 EDUCATING A CHILD WITH A DISABILITY WHO RECEIVES EDUCATIONAL  
31 SERVICES FROM THE PROVIDER OF THE ON-LINE PROGRAM UNLESS THE  
32 CHILD MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION  
33 22-20-114 (1) (c) (II).  
34

35 (c) THE ON-LINE PROVIDER SHALL PROVIDE NOTICE TO THE  
36 ADMINISTRATIVE UNIT OF ATTENDANCE, THE ADMINISTRATIVE UNIT OF  
37 RESIDENCE, AND THE DISTRICT OF RESIDENCE IF IT IS NOT AN  
38 ADMINISTRATIVE UNIT, IN ACCORDANCE WITH STATE BOARD RULES  
39 ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION WHEN A CHILD  
40 WITH A DISABILITY APPLIES TO ENROLL IN THE ON-LINE PROGRAM. THE  
41 NOTICE SHALL BE IN WRITING AND SHALL ALSO BE SENT TO THE SPECIAL  
42 EDUCATION DIRECTORS FOR THE ADMINISTRATIVE UNITS OF RESIDENCE  
43 AND OF ATTENDANCE. IF THE ON-LINE PROVIDER DOES NOT INTEND TO  
44 SEEK TUITION COSTS, NOTIFICATION IS NOT REQUIRED.  
45

46 (d) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED  
47 PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO  
48 SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY SHALL BE  
49 REFLECTED IN A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT  
50 OF RESIDENCE, THE DISTRICT OF RESIDENCE IF IT IS NOT AN  
51 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF ATTENDANCE, AND  
52 THE DISTRICT OF ATTENDANCE IF IT IS NOT AN ADMINISTRATIVE UNIT.  
53 UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (6), THE  
54 PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.  
55

56 (7) For the 2004-05 budget year and budget years thereafter, the

1 state board shall promulgate rules pertaining to the education of children  
 2 with disabilities in charter schools and rules pertaining to the education  
 3 of children with disabilities through on-line programs. Both sets of rules  
 4 shall include, but need not be limited to, rules to:

5

6 (a) Specify the content, manner, and timing of the notice that a  
 7 charter school or on-line provider shall ~~give a district of residence~~  
 8 PROVIDE pursuant to subsections (5) and (6) of this section, respectively;

9

10 (b) Define the types and amounts of allowable costs in excess of  
 11 the per pupil funding for the child with a disability, as determined  
 12 pursuant to article 54 of this title, and any other state and federal revenues  
 13 received for educating the child, that a charter school or on-line program  
 14 may charge as tuition to a district of residence;

15

16 (c) Define other applicable revenues that a district of residence of  
 17 a child with a disability shall apply in paying the tuition charge for excess  
 18 costs incurred in educating the child at a charter school or through an  
 19 on-line program;

20

21 (d) Specify the limitations on the number of staff members per  
 22 number of students that a charter school or on-line program shall provide  
 23 in educating children with disabilities;

24

25 ~~(e) Specify the amount and types of equipment necessary for~~  
 26 ~~instruction of children with disabilities;~~

27

28 (f) and (g) (Deleted by amendment, L. 2006, p. 332, § 9, effective  
 29 August 7, 2006.)

30

31 (h) Identify any other expenses involved in the provision of  
 32 educational services to children with disabilities in accordance with each  
 33 child's individualized education program;

34

35 (i) Establish a dispute resolution process for disagreements  
 36 resulting from contracts entered into pursuant to subsection (5) or (6) of  
 37 this section; and

38

39 (j) Specify elements to be included in a contract between ~~a charter~~  
 40 ~~school and a district of residence~~ as ENTITIES described in ~~paragraph (a)~~  
 41 ~~of subsection (5) of this section.~~

42

43 (8) Repealed.

44

45 **SECTION 18.** 22-20-112, Colorado Revised Statutes, is amended  
 46 to read:

47

48 **22-20-112. Length of school year.** (1) An administrative unit  
 49 may conduct special ~~educational~~ EDUCATION programs as prescribed in  
 50 this article for any length of time; except that the administrative unit must  
 51 meet the minimum length of time as established by law for school  
 52 districts.

53

54 (2) Each administrative unit, state-operated program, and ~~eligible~~  
 55 APPROVED facility SCHOOL shall provide extended school year services to  
 56 a child with a disability only if the child's IEP team determines that



1 extended school year services are necessary to provide the child with a  
2 free appropriate public education.

3

4 **SECTION 19.** 22-20-114 (1) (a) and (1) (c) (II), Colorado  
5 Revised Statutes, are amended to read:

6

7 **22-20-114. Funding of programs.** (1) Subject to the provisions  
8 of subsection (3) of this section, for the 2005-06 budget year and each  
9 budget year thereafter, the total amount appropriated to the department for  
10 the payment of costs incurred by administrative units for the provision of  
11 special education programs shall be distributed to each administrative unit  
12 that provides educational services for children with disabilities as follows:

13

14 (a) (I) Five hundred thousand dollars to ~~each~~ administrative ~~unit~~  
15 UNITS that ~~enrolls~~ ENROLL children with disabilities:

16

17 (A) For whom tuition is paid by the administrative units for the  
18 children to receive educational services at ~~eligible facilities~~ APPROVED  
19 FACILITY SCHOOLS; and

20

21 (B) For whom parental rights have been relinquished by the  
22 parents or terminated by a court, the parents of whom are incarcerated,  
23 the parents of whom cannot be located, the parents of whom reside out of  
24 the state but the department of human services has placed the children  
25 within the administrative unit, or CHILDREN WITH DISABILITIES who are  
26 legally emancipated.

27

28 (II) The moneys appropriated pursuant to subparagraph (I) of this  
29 paragraph (a) shall be distributed in each budget year to administrative  
30 units based upon each administrative unit's share of the aggregate number  
31 of children with disabilities who are specified in subparagraph (I) of this  
32 paragraph (a); except that an administrative unit shall not receive an  
33 amount that exceeds the aggregate amount of tuition paid by that  
34 administrative unit for the specified children with disabilities to receive  
35 educational services at ~~eligible facilities~~ APPROVED FACILITY SCHOOLS  
36 during the immediately preceding budget year. For purposes of this  
37 paragraph (a), the number of children with disabilities that are specified  
38 in subparagraph (I) of this paragraph (a) shall be based upon the count  
39 taken in December of the immediately preceding budget year.

40

41 (c) (II) An administrative unit that provides special education  
42 services to children who have one or more of the following disabilities  
43 may receive funding pursuant to this paragraph (c):

44

45 (A) A ~~vision disability~~ VISUAL IMPAIRMENT, INCLUDING  
46 BLINDNESS, as defined by the state board;

47

48 (B) A hearing ~~disability~~ IMPAIRMENT, INCLUDING DEAFNESS, as  
49 defined by the state board;

50

51 (C) ~~A concomitant hearing and visual impairment, the~~  
52 ~~combination of which causes severe communication and other~~  
53 ~~developmental and educational needs to the extent that the child cannot~~  
54 ~~be accommodated in a special education program solely for children with~~  
55 ~~deafness or children with blindness~~ DEAF-BLINDNESS, AS DEFINED BY THE  
56 STATE BOARD;

1 (D) A ~~significant identifiable~~ SERIOUS emotional disability as  
2 defined by the state board;

3  
4 (E) Autism SPECTRUM DISORDERS as defined by the state board;

5  
6 (F) A traumatic brain injury as defined by the state board;

7  
8 (G) Multiple disabilities as defined by the state board; or

9  
10 (H) ~~Significant limited intellectual capacity~~ AN INTELLECTUAL  
11 DISABILITY as defined by the state board.

12  
13 **SECTION 20.** 22-20-114.5 (1) (b), (2) (a), (3) (a), (3) (a.5), and  
14 (3) (b) (II), Colorado Revised Statutes, are amended to read:

15  
16 **22-20-114.5. Special education fiscal advisory committee -**  
17 **special education high-cost grants - definitions - repeal.** (1) As used  
18 in this section, unless the context otherwise requires:

19  
20 (b) "High costs" means the costs incurred by an administrative  
21 unit above a threshold amount determined pursuant to paragraph (e) of  
22 subsection (3) of this section in providing special educational EDUCATION  
23 services, either directly or by contract, to a child with disabilities  
24 regardless of the child's district of residence.

25  
26 (2) (a) There is hereby created the Colorado special education  
27 fiscal advisory committee in the department. The committee shall consist  
28 of ~~thirteen~~ TWELVE members as follows:

29  
30 (I) ~~The state director for exceptional student services in the~~  
31 ~~department~~ A REPRESENTATIVE FROM THE UNIT IN THE DEPARTMENT  
32 RESPONSIBLE FOR THE ADMINISTRATION OF SPECIAL EDUCATION  
33 PROGRAMS;

34  
35 (II) ~~The state director for grants fiscal management in the~~  
36 ~~department;~~

37  
38 (III) A special education director from a board of cooperative  
39 services with expertise in special education finance selected ~~jointly by the~~  
40 ~~state director for exceptional student services and the state director for~~  
41 ~~grants fiscal management~~ BY THE STATE BOARD BASED ON A  
42 RECOMMENDATION FROM THE STATEWIDE ASSOCIATION THAT REPRESENTS  
43 BOARDS OF COOPERATIVE SERVICES;

44  
45 (IV) A business official from a small rural administrative unit to  
46 be selected by the state board based on a recommendation from a  
47 statewide association of school executives;

48  
49 (V) A business official from a large urban or suburban  
50 administrative unit to be selected by the state board based on a  
51 recommendation from a statewide association of school executives; and

52  
53 (VI) Eight special education specialists with appropriate statewide  
54 geographic representation to be selected by the state board based on  
55 recommendations from a statewide consortium of special education  
56 directors.

1 (3) (a) An administrative unit that incurs high costs in providing  
2 special ~~educational~~ EDUCATION services to a child with disabilities may  
3 apply for a high cost grant to recover all or a portion of such high costs.  
4 To receive a grant, an administrative unit shall apply to the committee in  
5 a form and manner determined by the committee and provide such  
6 information as may be requested by the committee to document the  
7 administrative unit's high costs.

8  
9 (a.5) Of the total amount appropriated in a budget year for the  
10 purpose of awarding grants pursuant to this section, the committee shall  
11 use fifty percent of the amount to award grants to administrative units that  
12 have one or more children being served in an out-of-district placement for  
13 special ~~educational~~ EDUCATION services and fifty percent of the amount  
14 to award grants to administrative units with one or more children being  
15 served in an in-district placement for special ~~educational~~ EDUCATION  
16 services.

17  
18 (b) (II) (A) In awarding grants pursuant to this section to  
19 administrative units that have one or more children being served in an  
20 out-of-district placement for special ~~educational~~ EDUCATION services, the  
21 committee shall first prioritize those administrative units that spent the  
22 highest percentages, based on the administrative unit's annual audited  
23 operating expenses, in the preceding budget year on high costs incurred  
24 in providing special education services to children in such out-of-district  
25 placements.

26  
27 (B) In awarding grants pursuant to this section to administrative  
28 units with one or more children being served in an in-district placement  
29 for special ~~educational~~ EDUCATION services, the committee shall first  
30 prioritize those administrative units that spent the highest percentages,  
31 based on the administrative unit's annual audited operating expenses, in  
32 the preceding budget year on high costs incurred in providing special  
33 ~~educational~~ EDUCATION services to children in such in-district  
34 placements.

35  
36 **SECTION 21.** 22-20-116, Colorado Revised Statutes, is amended  
37 to read:

38  
39 **22-20-116. Minimum standards for educational interpreters**  
40 **for the deaf in the public schools - committee to recommend**  
41 **standards - rules.** (1) The general assembly hereby finds that  
42 interpreting services in administrative units, state-operated programs, and  
43 ~~eligible facilities~~ APPROVED FACILITY SCHOOLS for students who are deaf  
44 or hard of hearing need to be improved and that the absence of state  
45 standards for evaluating educational interpreters allows for  
46 inconsistencies in the delivery of educational information to students who  
47 are deaf or hard of hearing. The general assembly recognizes that  
48 educational interpreters in such educational settings must not only  
49 interpret the spoken word but must also convey concepts and facilitate the  
50 student's understanding of the educational material. The general  
51 assembly also finds that standards should be based on performance and  
52 should be developed with input from the deaf community and from  
53 persons involved in instructing deaf students. Therefore, the general  
54 assembly enacts this section for the purpose of developing appropriate  
55 standards for persons employed as educational interpreters in  
56 administrative units, state-operated programs, and ~~eligible facilities~~

1 APPROVED FACILITY SCHOOLS.

2

3 (2) For purposes of this section, "educational interpreter" means  
4 a person who uses sign language in an administrative unit, a  
5 state-operated program, or an ~~eligible facility~~ APPROVED FACILITY SCHOOL  
6 for purposes of facilitating communication between users and nonusers  
7 of sign language and who is fluent in the languages used by both deaf and  
8 nondeaf persons.

9

10 (3) to (5) Repealed.

11

12 (6) After review and study of the recommendations of the  
13 interpreter standards committee, the state board, on or before July 1,  
14 1998, shall promulgate rules setting minimum standards for educational  
15 interpreters for the deaf employed by or in an administrative unit, a  
16 state-operated program, or an ~~eligible~~ APPROVED facility SCHOOL. The  
17 state board may revise and amend such minimum standards as it deems  
18 necessary. The state board shall promulgate rules that set forth the  
19 documentation that a person seeking employment as an educational  
20 interpreter for the deaf must submit to the employing administrative unit,  
21 state-operated program, or ~~eligible~~ APPROVED facility SCHOOL.

22

23 (7) On or after July 1, 2000, in addition to any other requirements  
24 that an administrative unit, a state-operated program, or an ~~eligible~~  
25 APPROVED facility SCHOOL may establish, any person employed as an  
26 educational interpreter for deaf students on a full-time or part-time basis  
27 by or in an administrative unit, a state-operated program, or an ~~eligible~~  
28 APPROVED facility SCHOOL shall meet the minimum standards for  
29 educational interpreters for the deaf as established by rules of the state  
30 board.

31

32 **SECTION 22.** Article 20 of title 22, Colorado Revised Statutes,  
33 is amended BY THE ADDITION OF A NEW SECTION to read:

34

35 **22-20-119. Implementation of change of disability categories**  
36 **for children with disabilities.** ON OR BEFORE NOVEMBER 1, 2011, THE  
37 DEPARTMENT SHALL DEVELOP GUIDELINES AND TIMELINES TO BE USED BY  
38 ADMINISTRATIVE UNITS AND STATE-OPERATED PROGRAMS FOR  
39 DEVELOPING LOCAL SYSTEMS AND INFRASTRUCTURE THAT INCORPORATE  
40 THE DISABILITY CATEGORIES SET FORTH IN SECTION 22-20-103 (5) (a).  
41 THE GUIDELINES SHALL ADDRESS NECESSARY REVISIONS TO MODEL FORMS  
42 AND LOCAL TRAINING NEEDS, PURSUANT TO SECTION 2-2-802, C.R.S. THE  
43 TIMELINES SHALL ENCOURAGE ADMINISTRATIVE UNITS AND  
44 STATE-OPERATED PROGRAMS TO IMPLEMENT THE DISABILITY CATEGORIES  
45 AND RELATED ELIGIBILITY CRITERIA ESTABLISHED IN SECTION 22-20-103  
46 (5) (a) AS SOON AS POSSIBLE AFTER THE STATE BOARD ISSUES  
47 IMPLEMENTING RULES, TO BE ADOPTED ON OR BEFORE DECEMBER 1, 2012.  
48 ADMINISTRATIVE UNITS AND STATE-OPERATED PROGRAMS SHALL HAVE  
49 UNTIL JULY 1, 2016, TO IMPLEMENT ANY NECESSARY CHANGES WITHOUT  
50 LOSS OF SPECIAL EDUCATION FUNDING OR INCURRING ANY OTHER  
51 PENALTIES.

52

53 **SECTION 23.** 22-11-307, Colorado Revised Statutes, is amended  
54 BY THE ADDITION OF A NEW SUBSECTION to read:

55

56 **22-11-307. Accreditation of public schools.** (2.5) IN ADOPTING

1 ITS SCHOOL ACCREDITATION POLICIES FOR ITS ON-LINE PROGRAMS, AS  
2 DEFINED IN SECTION 22-30.7-102 (9), A LOCAL SCHOOL BOARD OR THE  
3 INSTITUTE BOARD SHALL INCLUDE A REVIEW OF THE ON-LINE PROGRAM'S  
4 ALIGNMENT TO THE QUALITY STANDARDS OUTLINED IN SECTION  
5 22-30.7-105 (3) (b).

6

7 **SECTION 24.** 22-30.7-103 (3), Colorado Revised Statutes, is  
8 amended to read:

9

10 **22-30.7-103. Division of on-line learning - created - duties.**

11 (3) **Duties.** The on-line division shall have the following duties:

12

13 (a) To consult with the state board in its creation of quality  
14 standards pursuant to section 22-30.7-105 for use by authorizers; ~~in~~  
15 ~~preparing and submitting annual reports to the on-line division pursuant~~  
16 ~~to section 22-30.7-109;~~

17

18 (b) To evaluate applications for certification of multi-district  
19 programs using criteria adopted by rules promulgated by the state board  
20 pursuant to section 22-30.7-106 and to recommend that the state board  
21 grant or deny certification based upon the criteria;

22

23 ~~(c) To establish a review process and timeline whereby the on-line~~  
24 ~~division shall review a multi-district program two years after its initial~~  
25 ~~certification pursuant to section 22-30.7-106, which review process shall~~  
26 ~~include input from stakeholders, including but not limited to input from~~  
27 ~~students, parents, and school districts in which a learning center of the~~  
28 ~~multi-district program is located;~~

29

30 (d) To recommend to the state board on or before September 1,  
31 2007, a process, timeline, and standard MOU form for use by  
32 multi-district programs and school districts in crafting memoranda of  
33 understanding pursuant to section 22-30.7-111 regarding the placement  
34 of learning centers within the boundaries of a school district. At a  
35 minimum, the standard MOU form shall include the information specified  
36 in section 22-30.7-111 (1) (b).

37

38 ~~(e) To establish annual reporting requirements for on-line~~  
39 ~~programs pursuant to the provisions of section 22-30.7-109;~~

40

41 ~~(f) To evaluate reports submitted by on-line programs pursuant to~~  
42 ~~section 22-30.7-109, as such evaluation is described in section~~  
43 ~~22-30.7-110;~~

44

45 ~~(g) To publish annual reports concerning on-line programs and~~  
46 ~~supplemental programs and other information about on-line learning in~~  
47 ~~a clearly identifiable section on the department's web site;~~

48

49 ~~(h) To compile the reports submitted by authorizers and school~~  
50 ~~districts pursuant to section 22-30.7-109 and prepare a summary report to~~  
51 ~~be submitted on or before February 1, 2009, and on or before June 1 each~~  
52 ~~year thereafter JUNE 1, 2014, AND ON OR BEFORE JUNE 1 EVERY FIVE~~  
53 ~~YEARS THEREAFTER, to the state board and the education committees of~~  
54 ~~the house of representatives and the senate, or any successor committees;~~

55

56 (i) To establish a process and timeline for documenting and

1 tracking complaints concerning on-line programs;

2

3 (j) To collect resources to support the implementation of quality  
4 on-line programs and make the resources available to on-line programs  
5 upon request; and

6

7 (k) To use the final report of the Trujillo commission on on-line  
8 education, which report was released February 15, 2007, as a basis for the  
9 recommendations, criteria, standards, reporting requirements, and rules  
10 required pursuant to this subsection (3);

11

12 (l) TO ANNUALLY COLLECT AND REVIEW INFORMATION  
13 CONCERNING SOUND FINANCIAL AND ACCOUNTING PRACTICES AND  
14 RESOURCES FOR EACH ON-LINE PROGRAM. THE INFORMATION MAY BE THE  
15 SAME INFORMATION SUBMITTED BY ON-LINE CHARTER SCHOOLS PURSUANT  
16 TO SECTION 22-30.5-109 (1); AND

17

18 (m) IF THE ON-LINE DIVISION HAS REASON TO BELIEVE THAT AN  
19 ON-LINE PROGRAM IS NOT IN SUBSTANTIAL COMPLIANCE WITH ONE OR  
20 MORE OF THE STATUTORY OR REGULATORY REQUIREMENTS APPLICABLE  
21 TO ON-LINE PROGRAMS, TO PROVIDE NOTICE TO THE ON-LINE PROGRAM,  
22 AND ITS AUTHORIZER, AND REQUIRE THAT THE ON-LINE PROGRAM,  
23 TOGETHER WITH ITS AUTHORIZER, ADDRESS A PLAN FOR COMING INTO  
24 COMPLIANCE. THE PLAN MAY BE INCLUDED IN THE SCHOOL PLAN  
25 REQUIRED PURSUANT TO SECTION 22-11-210 (2).

26

27 **SECTION 25. Repeal.** 22-30.7-109, Colorado Revised Statutes,  
28 is repealed as follows:

29

30 **22-30.7-109. On-line programs - reports - rules.** ~~(1)(a) On an~~  
31 ~~annual date to be determined by rules promulgated by the state board~~  
32 ~~pursuant to paragraph (d) of this subsection (1), an authorizer of an~~  
33 ~~on-line program shall submit a report to the on-line division. The report~~  
34 ~~shall include, at a minimum:~~

35

36 ~~(I) An indication of the degree to which the on-line program has~~  
37 ~~satisfied the quality standards established by rules promulgated by the~~  
38 ~~state board pursuant to section 22-30.7-105;~~

39

40 ~~(II) The ratio of adults to students at the on-line program;~~

41

42 ~~(III) The number of on-line teachers employed by the on-line~~  
43 ~~program who satisfy the requirements specified for a highly qualified~~  
44 ~~teacher as such requirements are described in the federal "No Child Left~~  
45 ~~Behind Act of 2001", 20 U.S.C. sec. 6301 et seq.; and~~

46

47 ~~(IV) The annual budget of the on-line program, which budget~~  
48 ~~shall account for all state funding received by the on-line program, in~~  
49 ~~accordance with existing budgetary reporting requirements under state~~  
50 ~~law.~~

51

52 ~~(b) For the purposes of this section, "adult", as the term is used in~~  
53 ~~subparagraph (II) of paragraph (a) of this subsection (1), shall not be~~  
54 ~~construed to mean only a licensed teacher.~~

55

56 ~~(c) In publishing the ratio of adults to students at an on-line~~

1 ~~program pursuant to section 22-30.7-103 (3) (g), the on-line division shall~~  
2 ~~include language that clarifies that the ratio of adults to students at the~~  
3 ~~on-line program is not a representation of the ratio of licensed teachers to~~  
4 ~~students at the on-line program.~~

5  
6 ~~(d) On or before January 1, 2008, the state board shall promulgate~~  
7 ~~rules establishing a timeline by which an authorizer of an on-line program~~  
8 ~~shall submit a report to the on-line division as described in paragraph (a)~~  
9 ~~of this subsection (1) and defining what constitutes "a reasonable amount~~  
10 ~~of time" for purposes of this section.~~

11  
12 ~~(2)(a) The on-line division shall review each report submitted by~~  
13 ~~an on-line program pursuant to subsection (1) of this section.~~

14  
15 ~~(b) If the on-line division determines that an on-line program~~  
16 ~~needs to take corrective action for the purpose of complying with one or~~  
17 ~~more of the quality standards established by rules promulgated by the~~  
18 ~~state board pursuant to section 22-30.7-105, the on-line division shall~~  
19 ~~provide notice to the on-line program of the on-line division's~~  
20 ~~determination and provide the on-line program a reasonable amount of~~  
21 ~~time to submit a plan for taking the corrective action.~~

22  
23 ~~(c) If the on-line division determines that an on-line program that~~  
24 ~~has received notice from the on-line division as described in paragraph~~  
25 ~~(b) of this subsection (2) has not submitted a plan for taking corrective~~  
26 ~~action within a reasonable amount of time, the on-line division shall~~  
27 ~~notify the state board and include with the notification recommendations~~  
28 ~~for actions the state board may take to address the situation.~~

29  
30 **SECTION 26.** Article 30.7 of title 22, Colorado Revised Statutes,  
31 is amended BY THE ADDITION OF A NEW SECTION to read:

32  
33 **22-30.7-109.5. On-line programs - report to authorizer and**  
34 **department.** EACH ON-LINE PROGRAM SHALL ANNUALLY SUBMIT TO ITS  
35 AUTHORIZER AND TO THE DEPARTMENT INFORMATION, PURSUANT TO  
36 STATE BOARD RULES, CONCERNING SOUND FINANCIAL AND ACCOUNTING  
37 PRACTICES AND RESOURCES. A MULTI-DISTRICT, ON-LINE PROGRAM SHALL  
38 NOTIFY ITS AUTHORIZER AND THE DEPARTMENT OF ANY INTENT TO AMEND  
39 THE PROGRAM'S APPLICATION FOR CERTIFICATION, WHICH SHALL INCLUDE  
40 ANY INTENT TO EXPAND GRADE LEVELS SERVED BY THE PROGRAM, ANY  
41 INTENT TO CHANGE EDUCATION SERVICE PROVIDERS, OR OTHER INTENDED  
42 CHANGES, AS DEFINED BY THE STATE BOARD. IF THE DEPARTMENT  
43 CONCLUDES THAT THE ON-LINE PROGRAM SHOULD NOT BE PERMITTED TO  
44 AMEND ITS APPLICATION FOR CERTIFICATION, BASED ON THE QUALITY  
45 STANDARDS ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION  
46 22-30.7-105, THE DEPARTMENT SHALL NOTIFY THE AUTHORIZER AND THE  
47 ON-LINE PROGRAM OF ITS DECISION WITHIN THIRTY DAYS OF RECEIVING  
48 THE NOTIFICATION FROM THE PROGRAM. THE AUTHORIZER SHALL THEN  
49 HAVE THIRTY DAYS TO APPEAL THE DEPARTMENT'S DECISION TO THE  
50 STATE BOARD, PURSUANT TO THE STATE BOARD'S ADMINISTRATIVE  
51 POLICIES.

52  
53 **SECTION 27. Repeal.** 22-30.7-110, Colorado Revised Statutes,  
54 is repealed as follows:

55  
56 **22-30.7-110. Reviews of multi-district programs - rules.**

1 ~~(1) Using the review process and timeline established by the on-line~~  
2 ~~division pursuant to section 22-30.7-103(3)(c), the on-line division shall~~  
3 ~~review each multi-district program two years after the initial certification~~  
4 ~~of the program and every three years thereafter. In reviewing a~~  
5 ~~multi-district program, the on-line division shall consider the criteria~~  
6 ~~established by rules promulgated by the state board pursuant to section~~  
7 ~~22-30.7-106(4).~~

8  
9 ~~(2) (a) If the on-line division determines that a certified~~  
10 ~~multi-district program no longer meets one or more of the criteria~~  
11 ~~established by rules promulgated by the state board pursuant to section~~  
12 ~~22-30.7-106(4), the on-line division shall notify the multi-district~~  
13 ~~program and the authorizer of the program and provide a reasonable~~  
14 ~~amount of time for the authorizer to submit a plan for taking corrective~~  
15 ~~action to satisfy the criterion or criteria at issue.~~

16  
17 ~~(b) If the on-line division determines that an authorizer that has~~  
18 ~~received notice from the on-line division as described in paragraph (a) of~~  
19 ~~this subsection (2) has not submitted a plan for taking corrective action~~  
20 ~~within a reasonable amount of time, the on-line division shall notify the~~  
21 ~~state board and include with such notification recommendations for~~  
22 ~~actions the state board may take to address the situation.~~

23  
24 ~~(3) On or before January 1, 2008, the state board shall promulgate~~  
25 ~~rules to determine what constitutes "a reasonable amount of time" for the~~  
26 ~~purposes of this section.~~

27  
28 **SECTION 28.** 22-91-105 (2), Colorado Revised Statutes, is  
29 amended to read:

30  
31 **22-91-105. Reporting.** (2) On or before ~~April~~ MAY 15, 2009,  
32 and on or before ~~April~~ MAY 15 each year thereafter, the department shall  
33 submit to the education committees of the senate and the house of  
34 representatives, or any successor committees, a report that, at a minimum,  
35 summarizes the information received by the department pursuant to  
36 subsection (1) of this section. The department shall also post the report  
37 to its web site.

38  
39 **SECTION 29.** 29-1-304.9, Colorado Revised Statutes, is  
40 amended to read:

41  
42 **29-1-304.9. Fiscal note.** (1) For any proposed legislation  
43 introduced after December 31, 2009, that may have a fiscal impact on a  
44 county, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES, the staff  
45 of the legislative council shall consider and provide in the local  
46 government impact section of the accompanying fiscal note, when  
47 possible, taking into account reasonable time constraints, the following:

48  
49 (a) A reasonable and timely estimate of the fiscal impact on the  
50 counties, SCHOOL DISTRICTS, OR BOARDS OF COOPERATIVE SERVICES  
51 chosen in accordance with subsection (2) of this section that would result  
52 from the proposed legislation; and

53  
54 (b) Potential staffing and other administrative aspects of the  
55 proposed legislation.



1 (2) In order to compile the information required by subsection (1)  
2 of this section, the staff of the legislative council shall request from a  
3 statewide association of county commissioners OR THE DEPARTMENT OF  
4 EDUCATION fiscal INFORMATION regarding the impact of the proposed  
5 legislation on certain counties to be determined by the association,  
6 SCHOOL DISTRICTS, OR BOARDS OF COOPERATIVE SERVICES, TO BE  
7 DETERMINED BY THE DEPARTMENT OF EDUCATION.

8  
9 (3) The staff of the legislative council shall consider the  
10 information received from the association, SCHOOL DISTRICTS, OR BOARDS  
11 OF COOPERATIVE SERVICES, if any, when completing the local government  
12 impact section of any fiscal note.

13  
14 **SECTION 30.** 22-30.5-103 (6.7), Colorado Revised Statutes, is  
15 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16  
17 **22-30.5-103. Definitions.** As used in this part 1, unless the  
18 context otherwise requires:

19  
20 (6.7) "School food authority" means:

21  
22 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO  
23 SECTION 22-30.5-603;

24  
25 **SECTION 31.** 22-30.5-104 (7) (b), Colorado Revised Statutes,  
26 is amended to read:

27  
28 **22-30.5-104. Charter school - requirements - authority.**  
29 (7) (b) A charter school may negotiate and contract with a school district,  
30 the governing body of a state college or university, the state of Colorado,  
31 a school food authority, A CHARTER SCHOOL COLLABORATIVE, a board of  
32 cooperative services, another district charter school, an institute charter  
33 school, or any third party for the use of a school building and grounds, the  
34 operation and maintenance thereof, and the provision of any service,  
35 activity, or undertaking that the charter school is required or chooses to  
36 perform in order to carry out the educational program described in its  
37 charter contract. Any services for which a charter school contracts with  
38 a school district shall be provided by the district at cost. The charter  
39 school shall have standing to sue and be sued in its own name for the  
40 enforcement of any contract created pursuant to this paragraph (b).

41  
42 **SECTION 32.** 22-30.5-502 (10.5), Colorado Revised Statutes, is  
43 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

44  
45 **22-30.5-502. Definitions.** As used in this part 5, unless the  
46 context otherwise requires:

47  
48 (10.5) "School food authority" means:

49  
50 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO  
51 SECTION 22-30.5-603;

52  
53 **SECTION 33.** 22-30.5-507 (8) (b), Colorado Revised Statutes,  
54 is amended to read:

55  
56 **22-30.5-507. Institute charter school - requirements -**

1 **authority.** (8) (b) An institute charter school may negotiate and contract  
2 with a school district, the governing body of a state college or university,  
3 a school food authority, A CHARTER SCHOOL COLLABORATIVE, a board of  
4 cooperative services, another institute charter school, a district charter  
5 school, or any third party for the use of a school building and grounds, the  
6 operation and maintenance thereof, and the provision of any service,  
7 activity, or undertaking that the institute charter school is required to  
8 perform in order to carry out the educational program described in its  
9 charter contract. The institute charter school shall have standing to sue  
10 and be sued in its own name for the enforcement of any contract created  
11 pursuant to this paragraph (b).  
12

13 **SECTION 34.** 22-30.5-603, Colorado Revised Statutes, is  
14 amended BY THE ADDITION OF A NEW SUBSECTION to read:  
15

16 **22-30.5-603. Charter school collaborative - creation -public**  
17 **status - structure.** (3.5) A CHARTER SCHOOL COLLABORATIVE MAY ACT  
18 AS A SCHOOL FOOD AUTHORITY PURSUANT TO THE PROVISIONS OF THE  
19 FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.  
20

21 **SECTION 35.** 22-32-120 (8), Colorado Revised Statutes, is  
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:  
23

24 **22-32-120. Food services - facilities - school food authorities -**  
25 **rules.** (8) As used in this section, "school food authority" means:  
26

27 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO  
28 SECTION 22-30.5-603;  
29

30 **SECTION 36.** 22-54-123 (2), Colorado Revised Statutes, is  
31 amended BY THE ADDITION OF A NEW PARAGRAPH to read:  
32

33 **22-54-123. National school lunch act - appropriation of state**  
34 **matching funds.** (2) As used in this section, unless the context  
35 otherwise requires, "school food authority" means:  
36

37 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO  
38 SECTION 22-30.5-603;  
39

40 **SECTION 37.** 22-54-123.5 (1) (c), Colorado Revised Statutes, is  
41 amended to read:  
42

43 **22-54-123.5. School breakfast program - appropriation -**  
44 **low-performing schools.** (1) (c) A district charter school, ~~or~~ an institute  
45 charter school, OR A CHARTER SCHOOL COLLABORATIVE that is a school  
46 food authority shall only be eligible to receive moneys pursuant to this  
47 section if it is a low-performing school. A district charter school or an  
48 institute charter school that is a school food authority that receives  
49 moneys pursuant to this section shall use such moneys to create, expand,  
50 or enhance its school breakfast program with the goal of improving the  
51 academic performance of the students attending the district charter school  
52 or the institute charter school.  
53

54 **SECTION 38.** 22-54-123.5 (2) (b), Colorado Revised Statutes,  
55 is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to  
56 read:

1           **22-54-123.5. School breakfast program - appropriation -**  
 2 **low-performing schools.** (2) As used in this section:  
 3           (b) "School food authority" means:  
 4           (I.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO  
 5 SECTION 22-30.5-603;

6  
 7           **SECTION 39.** 22-82.7-102 (5), Colorado Revised Statutes, is  
 8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9  
 10           **22-82.7-102. Definitions.** As used in this article, unless the  
 11 context otherwise requires:

12  
 13           (5) "School food authority" means:  
 14           (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO  
 15 SECTION 22-30.5-603;

16  
 17           **SECTION 40.** 22-82.9-103 (2.5), Colorado Revised Statutes, is  
 18 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19  
 20           **22-82.9-103. Definitions.** As used in this article, unless the  
 21 context otherwise requires:

22  
 23           (2.5) "School food authority" means:  
 24           (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO  
 25 SECTION 22-30.5-603;

26  
 27           **SECTION 41. Act subject to petition - effective date.** This act  
 28 shall take effect at 12:01 a.m. on the day following the expiration of the  
 29 ninety-day period after final adjournment of the general assembly (August  
 30 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
 31 referendum petition is filed pursuant to section 1 (3) of article V of the  
 32 state constitution against this act or an item, section, or part of this act  
 33 within such period, then the act, item, section, or part shall not take effect  
 34 unless approved by the people at the general election to be held in  
 35 November 2012 and shall take effect on the date of the official  
 36 declaration of the vote thereon by the governor."

37  
 38  
 39  
 40  
 41 **JUDICIARY**

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

44  
 45 **SB11-013**       be postponed indefinitely.

46  
 47  
 48  
 49  
 50 **LOCAL GOVERNMENT**

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

53  
 54 **SB11-057**       be referred to the Committee of the Whole with favorable  
 55 recommendation.

