

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0352.01 Jane Ritter

HOUSE BILL 11-1277

HOUSE SPONSORSHIP

Massey and Solano,

SENATE SPONSORSHIP

Bacon,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATUTORY CHANGES INVOLVING K-12 EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Section 1 of the bill provides that neither the general assembly nor the state board of education shall impose upon a school district or a local board of education (local board) any new mandate or increase in the level of service for an existing state mandate beyond the existing level of service required by law (new mandate) unless the state provides additional moneys to reimburse the school district or local board for the costs of the new mandate. If additional moneys are not provided, the new

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

mandate shall be optional on the part of the school district or local board. If a bill is introduced before the general assembly that imposes upon a school district or a local board any new mandate, each school district or local board that is affected by the new mandate shall have 7 days after the date of such bill's introduction to prepare and submit to the director of research of the office of legislative council (director) or his or her designee a brief summary of the fiscal impact of the new mandate upon the budget of the school district or local board. The director or his or her designee shall include with his or her analysis each brief summary that is timely received.

Section 2 of the bill amends the definition of "high-risk student" for purposes of alternative education campuses to include those students who are over traditional school age or lack adequate credit hours for his or her age.

Section 3 removes references to specific dates for the application process for a school to apply to be designated as an alternative education campus.

Section 4 makes changes allowing more timely access to school and student academic growth and performance data.

Sections 5 - 10 amend statutory language so that it is no longer mandatory for the state review panel to review restructuring options and district and school turnaround plans.

Sections 11 and 12 add provisions allowing school districts with fewer than 1,000 students to submit a single plan that satisfies both district and school plan requirements.

Section 13 repeals the calculation for enrollment stability at a public school.

Section 14 amends the method for identifying a school for receipt of the governor's distinguished improvement award to include schools that demonstrate growth across multiple years.

Sections 15 - 27 and 35 include multiple changes to the "Exceptional Children's Educational Act" to conform to changes in local and federal regulations and practices.

Sections 28 - 33 address accreditation, certification, and reporting requirements for on-line programs.

Section 34 changes the school counselor corps reporting deadline from April to May.

Section 36 directs the staff of the legislative council to request from the department of education information on the fiscal impact of proposed legislation on the local school districts.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 32 of title 22, Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW SECTION to read:

2 **22-32-142. Local fiscal impact summaries.** (1) IF A BILL IS
3 INTRODUCED BEFORE THE GENERAL ASSEMBLY THAT IMPOSES UPON A
4 SCHOOL DISTRICT, SCHOOL DISTRICT BOARD OF EDUCATION, OR BOARD OF
5 COOPERATIVE SERVICES ANY NEW MANDATE OR INCREASE IN THE LEVEL
6 OF SERVICE FOR AN EXISTING MANDATE BEYOND THE EXISTING LEVEL OF
7 SERVICE REQUIRED BY LAW, EACH SCHOOL DISTRICT, SCHOOL DISTRICT
8 BOARD OF EDUCATION, OR BOARD OF COOPERATIVE SERVICES THAT IS
9 AFFECTED BY THE NEW MANDATE OR INCREASE SHALL HAVE SEVEN DAYS
10 AFTER THE DATE OF THE BILL'S INTRODUCTION TO PREPARE AND SUBMIT
11 TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE
12 GENERAL ASSEMBLY, OR HIS OR HER DESIGNEE, A BRIEF SUMMARY OF THE
13 FISCAL IMPACT OF THE NEW MANDATE OR INCREASE UPON THE BUDGET OF
14 THE SCHOOL DISTRICT OR SCHOOL DISTRICT BOARD OF EDUCATION.

15 (2) IF THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
16 OF THE GENERAL ASSEMBLY, OR HIS OR HER DESIGNEE, PREPARES AN
17 ANALYSIS OF THE FISCAL IMPACT OF AN INTRODUCED BILL THAT IMPOSES
18 UPON A SCHOOL DISTRICT, SCHOOL DISTRICT BOARD OF EDUCATION, OR
19 BOARD OF COOPERATIVE SERVICES A NEW MANDATE OR INCREASE IN THE
20 LEVEL OF SERVICE FOR AN EXISTING STATE MANDATE BEYOND THE
21 EXISTING LEVEL OF SERVICE REQUIRED BY LAW, AND A SCHOOL DISTRICT,
22 SCHOOL DISTRICT BOARD OF EDUCATION, OR BOARD OF COOPERATIVE
23 SERVICES THAT WILL BE AFFECTED BY THE BILL SUBMITS TO THE DIRECTOR
24 OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY,
25 OR HIS OR HER DESIGNEE, A BRIEF SUMMARY OF THE FISCAL IMPACT OF THE
26 NEW MANDATE OR INCREASE UPON THE BUDGET OF THE SCHOOL DISTRICT,
27 SCHOOL DISTRICT BOARD OF EDUCATION, OR BOARD OF COOPERATIVE

1 SERVICES, THEN THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE
2 COUNCIL, OR HIS OR HER DESIGNEE, SHALL INCLUDE THE BRIEF SUMMARY
3 WITH HIS OR HER ANALYSIS.

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

9 **22-7-604.5. Alternative education campuses - criteria -**
10 **application - rule-making.** (1) A public school may apply to the state
11 board for designation as an alternative education campus. The state board
12 shall adopt rules specifying the criteria and application process for a
13 public school to be designated an alternative education campus. The rules
14 shall include but need not be limited to:

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

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

24 (1.5) As used in this section, unless the context otherwise requires,
25 a "high-risk student" means a student enrolled in a secondary public
26 school who:

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

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

4 (n) IS OVER TRADITIONAL SCHOOL AGE FOR HIS OR HER GRADE
5 LEVEL OR LACKS ADEQUATE CREDIT HOURS FOR HIS OR HER GRADE LEVEL.

6 (2) (a) ~~On or before October 1, 2002, and on or before October 1~~
7 ~~each year thereafter, the A district school board for a public school that~~
8 ~~desires to be considered an alternative education campus pursuant to this~~
9 ~~section shall file with the state board a request for designation as an~~
10 ~~alternative education campus. The request shall be in a form approved by~~
11 ~~the state board and shall contain sufficient information to establish that~~
12 ~~the public school meets the requirements of the rules adopted pursuant to~~
13 ~~paragraph (a) of subsection (1) of this section. On or before November~~
14 ~~15, 2002, and on or before November 15 each year thereafter, The state~~
15 ~~board shall approve the designation of alternative education campus for~~
16 ~~any public school for which a request is filed pursuant to this subsection~~
17 ~~(2) that is found by the state board to meet the requirements of the rules~~
18 ~~adopted pursuant to paragraph (a) of subsection (1) of this section.~~

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

21 **22-11-203. Student longitudinal academic growth - calculation**
22 **- data - research.** (2) (a) For each school year, the department shall
23 provide to each school district in the state academic growth information
24 for each student enrolled in the district public schools, based on the
25 statewide assessment results for the preceding school years. **WITHIN TEN**
26 **DAYS AFTER THE INFORMATION IS PROVIDED TO EACH SCHOOL DISTRICT,**
27 the department shall also provide the **ACADEMIC** growth information to

1 each district public school for the students enrolled in the district public
2 school. UPON RECEIPT OF THE ACADEMIC GROWTH INFORMATION, THE
3 PRINCIPAL OF EACH DISTRICT PUBLIC SCHOOL SHALL ENSURE THAT
4 APPROPRIATE EDUCATORS IN THE SCHOOL WHO WORK DIRECTLY WITH A
5 STUDENT HAVE ACCESS TO THE NECESSARY ACADEMIC GROWTH
6 INFORMATION CONCERNING THAT STUDENT.

7 (b) For each school year, the department shall provide to the
8 institute academic growth information for each student enrolled in the
9 institute charter schools, based on the statewide assessment results for the
10 preceding school years. WITHIN TEN DAYS AFTER THE INFORMATION IS
11 PROVIDED TO THE INSTITUTE, the department shall also provide the
12 ACADEMIC growth information to each institute charter school for the
13 students enrolled in the institute charter school. UPON RECEIPT OF THE
14 ACADEMIC GROWTH INFORMATION, THE PRINCIPAL OF EACH INSTITUTE
15 CHARTER SCHOOL SHALL ENSURE THAT APPROPRIATE EDUCATORS IN THE
16 SCHOOL WHO WORK DIRECTLY WITH A STUDENT HAVE ACCESS TO THE
17 NECESSARY ACADEMIC GROWTH INFORMATION CONCERNING THAT
18 STUDENT.

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

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

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

26 (c) The longitudinal academic growth calculated for each student
27 to attain catch-up, keep-up, or move-up growth, as described in

1 subsection (1) of this section; and

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

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

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

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

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

24 **22-11-406. School turnaround plan - contents.** (1) (a) If the
25 state board, pursuant to section 22-11-210, directs a district public school
26 to adopt a turnaround plan, the local school board, in accordance with
27 time frames specified in state board rules, shall adopt a school turnaround

1 plan, as described in subsection (3) of this section, for the district public
2 school. Each district public school turnaround plan shall also be subject
3 to evaluation by the state review panel and approval MAY BE SUBJECT TO
4 REVISIONS REQUESTED by the commissioner as provided in this subsection
5 (1).

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

23 (2) (a) If the state board, pursuant to section 22-11-210, directs an
24 institute charter school to adopt a turnaround plan, the institute, in
25 accordance with time frames specified in state board rules, shall adopt a
26 school turnaround plan, as described in subsection (3) of this section, for
27 the institute charter school. Each institute charter school turnaround plan

1 shall also be subject to evaluation by the state review panel and approval
2 MAY BE SUBJECT TO REVISIONS REQUESTED by the commissioner as
3 provided in this subsection (2).

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

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

22 **22-11-208. Accreditation - annual review - supports and**
23 **interventions - rules.** (1) (d) The state board by rule shall establish the
24 time frames in which the department shall review school district and
25 institute performance and determine and report each school district's and
26 the institute's appropriate accreditation category, and the time frames in
27 which the school districts and the institute shall adopt their respective

1 plans and submit them for review and publication on the data portal. A
2 SCHOOL DISTRICT WITH ONE THOUSAND STUDENTS OR FEWER SHALL ONLY
3 BE REQUIRED TO SUBMIT A SINGLE PLAN TO SATISFY THE SCHOOL DISTRICT
4 AND SCHOOL PLAN REQUIREMENTS.

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

7 **22-11-210. Public schools - annual review - plans - supports**
8 **and interventions - rules.** (2) (a) The department shall annually review
9 each public school's performance and, based on the rules of the state
10 board, recommend to the state board that the public school shall
11 implement a performance, improvement, priority improvement, or
12 turnaround plan for the coming school year. Based on the department's
13 recommendation, the state board shall notify the local school board for
14 the public school, or the institute if the public school is an institute charter
15 school, regarding the type of plan the public school shall implement. The
16 local school board or the institute shall place the public school in the
17 district or institute accreditation category that correlates to the public
18 school's plan, based on the school district's or institute's school
19 accreditation process.

20 (b) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
21 CONTRARY, A SCHOOL DISTRICT THAT ENROLLS ONE THOUSAND STUDENTS
22 OR FEWER SHALL ONLY BE REQUIRED TO SUBMIT A SINGLE PLAN TO
23 SATISFY THE SCHOOL DISTRICT AND SCHOOL PLAN REQUIREMENTS.

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

26 **22-11-503. Performance reports - contents - rules.** (3) In
27 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 (d) As calculated pursuant to state board rule, information
5 concerning:

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

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

12 **22-11-603. Governor's distinguished improvement awards -**
13 **rules.** (1) The state board shall annually present financial awards to the
14 public schools in the state demonstrating the highest rates of student
15 longitudinal growth, INCLUDING LONGITUDINAL GROWTH ACROSS
16 MULTIPLE YEARS, as measured by the Colorado growth model. The
17 technical advisory panel convened pursuant to section 22-11-202 shall
18 recommend to the state board, and the state board shall establish by rule,
19 the method by which to identify schools that demonstrate the highest rate
20 of student longitudinal growth in a ONE OR MORE school year YEARS, as
21 measured by the Colorado growth model. The technical advisory panel
22 shall take school size into account in preparing its recommendations.

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

25 **22-20-102. Legislative declaration.** (1) The general assembly,
26 recognizing the obligation of the state of Colorado to provide educational
27 opportunities to all children that will enable them to lead fulfilling and

1 productive lives, declares that the purpose of this article is to provide
2 means for identifying and educating those children who are exceptional.
3 To this end, it is necessary to define specific responsibilities for
4 identifying and serving children with disabilities that appropriately reflect
5 the continuum of services that recognizes the capabilities of all state
6 agencies, including special classes in public schools and the establishment
7 of special schools, programs for children with disabilities who are
8 confined to their homes or hospitals, and instruction in institutions of the
9 state for ~~exceptional~~ children WITH DISABILITIES. The final determination
10 for the placement in a special education program of any eligible
11 ~~exceptional~~ child WITH A DISABILITY shall be made by a child's individual
12 family service program for a child from birth through two years of age
13 and a child's individualized education program team for a child from three
14 to twenty-one years of age as designated by the governing board of the
15 responsible administrative unit or by the governing authority of a
16 state-operated program.

17 (3) It is further the intent of this article to ensure that there is a
18 coordination of all services available to children with disabilities and to
19 promote interagency operating agreements or contracts between
20 administrative units, other public agencies, nonprofit organizations, and
21 ~~eligible facilities~~ APPROVED FACILITY SCHOOLS for the provision of
22 appropriate services for children with disabilities.

23 (4) It is further the intent of the general assembly that this article,
24 and the rules promulgated pursuant to this article by the state board, align
25 closely with the federal "Individuals with Disabilities Education
26 ~~Improvement Act~~", of 2004", 20 U.S.C. sec. 1400 et seq., as amended,
27 and its implementing regulations, 34 CFR part 300, and 34 CFR part 303

1 as they pertain IT PERTAINS to child find, in order to minimize the number
2 of rules, regulations, and policies to which administrative units,
3 state-operated programs, and ~~eligible facilities~~ APPROVED FACILITY
4 SCHOOLS are subject.

5 **SECTION 11.** 22-20-103 (4), (5) (a), (9), (10), the introductory
6 portion to 22-20-103 (12), 22-20-103 (12) (a), (14), (18), (20) (b), (21),
7 and (28), Colorado Revised Statutes, are amended, and the said
8 22-20-103 is further amended BY THE ADDITION OF THE
9 FOLLOWING NEW SUBSECTIONS, to read:

10 **22-20-103. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (2.5) "APPLICABLE REVENUES" MEANS THOSE REVENUES, AS
13 DEFINED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
14 THIS ARTICLE, THAT SUPPORT SPECIAL EDUCATION EXPENDITURES.

15 (2.7) "APPROVED FACILITY SCHOOL" MEANS AN EDUCATIONAL
16 PROGRAM THAT IS OPERATED BY A FACILITY TO PROVIDE EDUCATIONAL
17 SERVICES TO STUDENTS PLACED IN THE FACILITY AND THAT, PURSUANT TO
18 SECTION 22-2-407, HAS BEEN PLACED ON THE LIST OF FACILITY SCHOOLS
19 THAT ARE APPROVED TO RECEIVE REIMBURSEMENT FOR PROVIDING THOSE
20 EDUCATIONAL SERVICES TO STUDENTS PLACED IN THE FACILITY. AN
21 EDUCATIONAL PROGRAM PROVIDED BY AN ADMINISTRATIVE UNIT AT A
22 FACILITY IS NOT AN APPROVED FACILITY SCHOOL BUT IS AN EDUCATIONAL
23 PROGRAM OF THE ADMINISTRATIVE UNIT THAT DOES NOT REQUIRE
24 APPROVAL BY THE DEPARTMENT.

25 (4) "Child find" means the program component of the IDEA that
26 requires states to find, identify, locate, evaluate, and serve all children
27 with disabilities, from birth to twenty-one years of age. Specific

1 responsibilities for child find are described in section 22-20-118. Child
2 find includes:

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

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

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

- 15 (I) AUTISM SPECTRUM DISORDERS;
- 16 (II) A HEARING IMPAIRMENT, INCLUDING DEAFNESS;
- 17 (III) A SERIOUS EMOTIONAL DISABILITY;
- 18 (IV) AN INTELLECTUAL DISABILITY;
- 19 (V) MULTIPLE DISABILITIES;
- 20 (VI) AN ORTHOPEDIC IMPAIRMENT;
- 21 (VII) OTHER HEALTH IMPAIRMENT;
- 22 (VIII) A SPECIFIC LEARNING DISABILITY;
- 23 (IX) A SPEECH OR LANGUAGE IMPAIRMENT;
- 24 (X) TRAUMATIC BRAIN INJURY;
- 25 (XI) A VISUAL IMPAIRMENT, INCLUDING BLINDNESS;
- 26 (XII) DEAF-BLINDNESS;
- 27 (XIII) A PRESCHOOLER WITH A DISABILITY; AND

1 (XIV) AN INFANT OR TODDLER WITH A DISABILITY.

2 (8.7) "EDUCATIONAL PLACEMENT" MEANS THE PROVISION OF
3 SPECIAL EDUCATION SERVICES, INCLUDING BUT NOT LIMITED TO THOSE
4 POINTS ALONG THE CONTINUUM OF ALTERNATIVE PLACEMENTS.
5 "EDUCATIONAL PLACEMENT" DOES NOT MEAN A SPECIFIC PLACE, SUCH AS
6 A SPECIFIC CLASSROOM OR SCHOOL.

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

9 (9.5) "EMERGENCY PUBLIC PLACEMENT" MEANS A PUBLIC
10 PLACEMENT MADE NECESSARY BECAUSE OF AN IMMINENT DANGER TO A
11 CHILD OR OTHERS.

12 (10) "Equipment" means that equipment used especially for the
13 instruction or assessment of children with disabilities. ~~that is approved by
14 the state board. The state board shall publish a list of the types of
15 approved equipment.~~

16 (12) "Exceptional children CHILD" means:
17 (a) ~~Those children~~ A CHILD defined in subsection (5) of this
18 section as ~~children~~ A CHILD with ~~disabilities~~ A DISABILITY. An
19 administrative unit shall serve every child with a disability from three to
20 twenty-one years of age, AND MAY SERVE children with disabilities from
21 birth through two years of age. ~~and persons enrolled in special
22 educational programs or receiving special educational services deemed
23 to be "exceptional children" for all purposes of this article.~~

24 (12.3) "FACILITY" MEANS A DAY TREATMENT CENTER,
25 RESIDENTIAL CHILD CARE FACILITY, OR OTHER FACILITY LICENSED BY THE
26 DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-104,
27 C.R.S., OR A HOSPITAL LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH

1 AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103, C.R.S.

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

8 (13.3) "GROUP HOME" MEANS A CONGREGATE CARE FACILITY
9 LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO
10 SECTION 26-6-104, C.R.S.

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

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

27 (a) TO THE MAXIMUM EXTENT APPROPRIATE, CHILDREN WITH

1 DISABILITIES, INCLUDING CHILDREN IN PUBLIC OR PRIVATE INSTITUTIONS
2 OR OTHER CARE FACILITIES, ARE EDUCATED WITH CHILDREN WHO DO NOT
3 HAVE DISABILITIES; AND

4 (b) SPECIAL CLASSES, SEPARATE SCHOOLING, OR OTHER REMOVAL
5 OF CHILDREN WITH DISABILITIES FROM THE GENERAL EDUCATIONAL
6 ENVIRONMENT OCCURS ONLY IF THE NATURE AND SEVERITY OF THE
7 DISABILITY IS SUCH THAT EDUCATION IN GENERAL CLASSES WITH THE USE
8 OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE SATISFACTORILY
9 ACHIEVED.

10 (19.7) (a) "PARENT" MEANS:

11 (I) A BIOLOGICAL OR ADOPTIVE PARENT OF A CHILD;

12 (II) A FOSTER PARENT;

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

16 (IV) AN INDIVIDUAL ACTING IN THE PLACE OF A BIOLOGICAL OR
17 ADOPTIVE PARENT, INCLUDING BUT NOT LIMITED TO A GRANDPARENT,
18 STEPPARENT, OR OTHER RELATIVE, AND WITH WHOM THE CHILD LIVES, OR
19 AN INDIVIDUAL WHO IS LEGALLY RESPONSIBLE FOR THE CHILD'S WELFARE;

20 OR

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

24 (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
25 PARAGRAPH (b), THE BIOLOGICAL OR ADOPTIVE PARENT, WHEN
26 ATTEMPTING TO ACT AS A PARENT PURSUANT TO THIS ARTICLE, AND WHEN
27 MORE THAN ONE PARTY IS QUALIFIED PURSUANT TO PARAGRAPH (a) OF

1 THIS SUBSECTION (19.7) TO ACT AS A PARENT, SHALL BE PRESUMED TO BE
2 THE PARENT FOR PURPOSES OF THIS SUBSECTION (19.7) UNLESS THE
3 BIOLOGICAL OR ADOPTIVE PARENT DOES NOT HAVE LEGAL AUTHORITY TO
4 MAKE EDUCATIONAL DECISIONS FOR THE CHILD.

5 (II) IF A JUDICIAL DECREE OR ORDER IDENTIFIES A SPECIFIC PERSON
6 OR PERSONS LISTED IN SUBPARAGRAPHS (I) TO (V) OF PARAGRAPH (a) OF
7 THIS SUBSECTION (19.7) TO ACT AS THE PARENT OF A CHILD OR TO MAKE
8 EDUCATIONAL DECISIONS ON BEHALF OF A CHILD, THEN THE PERSON OR
9 PERSONS SHALL BE DETERMINED TO BE THE PARENT FOR PURPOSES OF THIS
10 ARTICLE.

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

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

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

19 (22.7) "SPECIAL EDUCATION EXPENDITURES" MEANS THOSE
20 EXPENDITURES THAT ARE INCURRED BY AN ADMINISTRATIVE UNIT,
21 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR
22 PROFESSIONAL SERVICES ASSOCIATED WITH SPECIAL EDUCATION
23 REFERRALS AND EVALUATIONS OF CHILDREN WHO MAY HAVE A DISABILITY
24 AND THE PROVISION OF SPECIAL EDUCATION SERVICES AS IDENTIFIED ON
25 AN INDIVIDUAL STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM.
26 SPECIAL EDUCATION EXPENDITURES DO NOT INCLUDE THE COSTS OF THE
27 GENERAL EDUCATION PROGRAM. SPECIAL EDUCATION EXPENDITURES

1 SHALL BE SUPPLEMENTAL TO THE GENERAL EDUCATION PROGRAM AND
2 SHALL BE ABOVE WHAT IS PROVIDED BY THE ADMINISTRATIVE UNIT,
3 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR
4 GENERAL EDUCATION STUDENTS AND STAFF AND MAY INCLUDE:

- 5 (a) SPECIAL EDUCATION TEACHERS;
- 6 (b) HOME-HOSPITAL TEACHERS FOR STUDENTS WITH DISABILITIES;
- 7 (c) SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE
8 PATHOLOGY ASSISTANTS;
- 9 (d) SPECIALTY TEACHERS;
- 10 (e) SPECIAL EDUCATION INSTRUCTIONAL PARAPROFESSIONALS;
- 11 (f) EDUCATIONAL INTERPRETERS;
- 12 (g) SCHOOL NURSES;
- 13 (h) OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
14 ASSISTANTS;
- 15 (i) PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS;
- 16 (j) SCHOOL PSYCHOLOGISTS;
- 17 (k) SCHOOL SOCIAL WORKERS;
- 18 (l) AUDIOLOGISTS;
- 19 (m) ORIENTATION AND MOBILITY SPECIALISTS;
- 20 (n) OTHER SPECIAL EDUCATION PROFESSIONALS;
- 21 (o) SPECIAL EDUCATION ADMINISTRATORS AND OFFICE SUPPORT;
- 22 (p) OTHER NONCERTIFIED OR NONLICENSED SUPPORT;
- 23 (q) EMPLOYEE BENEFITS FOR SPECIAL EDUCATION STAFF;
- 24 (r) SUPPLIES, MATERIALS, AND EQUIPMENT USED FOR INDIVIDUAL
25 STUDENTS' SPECIAL EDUCATION PROGRAMS AND SERVICES;
- 26 (s) PURCHASED SERVICE CONTRACTS FOR PERSONAL SERVICES;
- 27 (t) TUITION TO OTHER ADMINISTRATIVE UNITS AND APPROVED

- 1 TUITION RATES TO APPROVED FACILITY SCHOOLS FOR SPECIAL EDUCATION;
- 2 (u) STAFF TRAVEL RELATED TO SPECIAL EDUCATION;
- 3 (v) PROFESSIONAL DEVELOPMENT FOR SPECIAL EDUCATION STAFF,
- 4 OR ALL STAFF, IF THE CONTENT OF THE PROFESSIONAL DEVELOPMENT IS
- 5 SPECIFIC TO SERVICES FOR CHILDREN WITH DISABILITIES;
- 6 (w) OTHER PURCHASED SERVICES RELATED TO SPECIAL
- 7 EDUCATION;
- 8 (x) DUES, FEES, AND OTHER EXPENDITURES SPECIFIC TO THE
- 9 SPECIAL EDUCATION PROGRAM; AND
- 10 (y) PARENT COUNSELING AND TRAINING, AS DEFINED BY THE IDEA
- 11 AND ITS IMPLEMENTING REGULATIONS.

12 (28) "State-operated program" means an approved school program

13 supervised by the department and operated by:

- 14 (a) The Colorado school for the deaf and THE blind;
- 15 (b) The department of corrections; or
- 16 (c) The department of human services, including but not limited
- 17 to the division of youth corrections and the mental health institutes. at
- 18 Fort Logan and Pueblo.

19 **SECTION 12.** 22-20-104 (1), (2) (a), and (4), Colorado Revised

20 Statutes, are amended to read:

21 **22-20-104. Administration - advisory committee - rules.**

22 (1) (a) This article shall be administered by the department.

23 Administration of this article shall include the recommendation to the

24 state board of reasonable rules necessary to implement this article,

25 including but not limited to:

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

1 (II) Criteria for determining disability and eligibility for special
2 educational EDUCATION services;

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

6 (IV) Requirements for parental consent, including but not limited
7 to parental consent for the evaluation of children with disabilities and the
8 initial provision of special education services;

9 (V) Required IEP content and procedures for IEP development,
10 review, and revision;

11 (VI) Application of school discipline procedures to children with
12 disabilities;

13 (VII) Required procedural safeguards;

14 (VIII) Procedures for special education dispute resolution;

15 (IX) Extended school year services; AND

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

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

20 (b) The state board shall adopt appropriate recommendations as
21 rules to implement this article following public comment and hearing.

22 The rules promulgated by the state board shall be in accord with the
23 legislative declarations set forth in sections 22-20-102 and 22-20-102.5.

24 (c) An administrative unit, a state-operated program, or an eligible
25 APPROVED facility SCHOOL that provides plans, programs, or services that
26 do not comply with the rules adopted by the state board will be provided
27 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 (2) (a) In order to assist the state board in the performance of its
9 responsibilities for the implementation of this article, the state board shall
10 appoint a state special education advisory committee of an appropriate
11 size. The members of the advisory committee shall be representative of
12 the state population and shall be composed of persons involved in or
13 concerned with the education of children with disabilities, including
14 parents of children with disabilities ages birth through twenty-six years;
15 individuals with disabilities; teachers; representatives of institutions of
16 higher education that prepare special education and related services
17 personnel; state and local education officials, including officials who
18 carry out activities under section 22-33-103.5; administrators of programs
19 for children with disabilities; representatives of other state agencies
20 involved in the financing or delivery of related services to children with
21 disabilities; representatives of private schools, district charter schools,
22 and institute charter schools; at least one representative of a vocational,
23 community, or business organization concerned with the provision of
24 transition services to children with disabilities; a representative from child
25 welfare services in the department of human services established pursuant
26 to section 26-5-102, C.R.S.; and representatives from the division of
27 youth corrections in the department of human services and from the

1 department of corrections. A majority of the members of the advisory
2 committee shall be individuals with disabilities or parents of children with
3 disabilities. Members shall be appointed for ~~one-year or two-year~~ terms
4 AS DETERMINED BY THE BY-LAWS OF THE ADVISORY COMMITTEE. Any
5 additions to the composition of the advisory committee shall be made
6 pursuant to the procedures of the state board.

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

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

15 **22-20-106. Special education programs - early intervening**
16 **services - rules.** (2) (a) (I) Each administrative unit, state-operated
17 program, and ~~eligible~~ APPROVED facility SCHOOL shall submit a
18 comprehensive plan to the department pursuant to the rules promulgated
19 by the state board indicating how the administrative unit, state-operated
20 program, or ~~eligible~~ APPROVED facility SCHOOL will provide for the
21 education of all children with disabilities. Each comprehensive plan shall
22 include the type and number of children with disabilities served, the
23 services to be provided, and the estimated resources necessary.

24 (3) (a) Each administrative unit, state-operated program, and
25 ~~eligible~~ APPROVED facility SCHOOL shall make available special education
26 services as specified by the IEP for any child with a disability for whom
27 it is responsible, as defined by the rules adopted by the state board

1 pursuant to this article. For the purpose of implementing the program
2 plan adopted by each administrative unit pursuant to section 22-20-104.5,
3 each administrative unit shall ensure that its constituent schools and
4 school districts make available appropriate special provisions for gifted
5 children to the extent that funds are provided for such implementation.

6 GENERAL EDUCATION SERVICES ARE THE RESPONSIBILITY OF THE SCHOOL
7 DISTRICT IN WHICH A FOSTER HOME IS LOCATED, AND SPECIAL EDUCATION
8 SERVICES ARE THE RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN
9 WHICH A FOSTER CARE HOME IS LOCATED. GENERAL EDUCATION SERVICES
10 ARE THE RESPONSIBILITY OF THE SCHOOL DISTRICT IN WHICH A GROUP
11 HOME IS LOCATED, AND SPECIAL EDUCATION SERVICES ARE THE
12 RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN WHICH A GROUP HOME
13 IS LOCATED. THE ADMINISTRATIVE UNIT IN WHICH THE GROUP HOME IS
14 LOCATED MAY SEEK TUITION COSTS CONSISTENT WITH SECTION 22-20-109
15 (2.5).

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

24 (c) The district of residence shall pay the tuition costs for a child
25 with a disability in an eligible APPROVED facility SCHOOL pursuant to
26 sections 22-20-108 (8) and 22-20-109 (1). Special education services
27 may be provided by community centered boards in cooperation with

1 administrative units.

2 (5) Each administrative unit shall employ a director of special
3 education. Each state-operated program or ~~eligible~~ APPROVED facility
4 SCHOOL shall employ or contract in writing for a director of special
5 education. A director of special education shall meet qualification
6 standards promulgated by rule of the state board.

7 (6) Each administrative unit, state-operated program, and ~~eligible~~
8 APPROVED facility SCHOOL shall employ or contract in writing for a
9 sufficient number of appropriately licensed AND ENDORSED special
10 education teachers and staff to adequately carry out those functions for
11 which it is responsible, as defined by the rules promulgated by the state
12 board pursuant to this article, including but not limited to child
13 identification, IEP development, and professional development for school
14 staff.

15 (7) Any administrative unit or state-operated program planning to
16 utilize federal funds from any source for the education of children with
17 disabilities as provided in this article shall obtain prior approval from the
18 department for the use of such funds. The use of such funds in the
19 administrative unit or state-operated program shall be FOR SPECIAL
20 EDUCATION EXPENDITURES AS DEFINED IN SECTION 22-20-103 (22.7) AND
21 in accordance with rules as established by the state board, which are not
22 in conflict with federal law or regulations.

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

25 **22-20-107. Authority to contract with institutions of higher**
26 **education or community centered boards.** (1) An administrative unit
27 may contract with an institution of higher education, or a community

1 centered board, as provided in section 27-10.5-104, C.R.S., for the
2 provision by the administrative unit of an education and training program
3 for children with disabilities. If such AN agreement is arrived at by the
4 two agencies, the administrative unit shall place the responsibility for
5 administering the program with the director of special education OF THE
6 ADMINISTRATIVE UNIT.

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

9 **22-20-107.5. District of residence of a child with a disability -**
10 **jurisdiction.** (1) Notwithstanding the provisions of section 22-1-102 (2),
11 for the purposes of this article the district of residence of a child with a
12 disability is the school district in which such child lives on a day-to-day
13 basis, INCLUDING A CHILD PLACED IN A FOSTER HOME PURSUANT TO
14 SECTION 19-1-115.5 (1), C.R.S.; except that:

15 (a) If a child with a disability is homeless, as defined by section
16 22-1-102.5, the provisions of section 22-1-102 (2) (h) shall apply;

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

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

- 1 (II) A FACILITY;
- 2 (III) A GROUP HOME;
- 3 (IV) A MENTAL HEALTH INSTITUTE OPERATED BY THE
- 4 DEPARTMENT OF HUMAN SERVICES; OR
- 5 (V) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND;
- 6 (c) If a child lives in ~~one of the~~ A regional ~~centers or the~~ CENTER,
- 7 A mental health ~~institutes at Pueblo or Fort Logan or in an eligible~~
- 8 INSTITUTE, A facility, OR A GROUP HOME, and the district of residence
- 9 cannot be determined due to the inability to locate a parent ~~or guardian~~ or
- 10 due to the homelessness of a parent, ~~or guardian~~, the child shall be
- 11 considered a resident of the school district in which ~~such~~ THE regional
- 12 center, mental health institute, ~~or eligible~~ facility, OR GROUP HOME is
- 13 located.

14 **SECTION 16.** 22-20-108 (1) (b), (4), (4.5) (e), (4.7) (a) (IV),
15 (4.7) (b), the introductory portion to 22-20-108 (5), 22-20-108 (5.5), (7),
16 (8), and (9), Colorado Revised Statutes, are amended to read:

17 **22-20-108. Determination of disability - enrollment.**
18 (1) (b) The development of an IEP for a child with ~~disabilities~~ A
19 DISABILITY and determination of EDUCATIONAL placement shall be made
20 by the child's IEP team, including but not limited to the child's parent and
21 qualified professional personnel designated by the responsible
22 administrative unit or state-operated program. The composition of the
23 IEP team and the procedures to be used for developing the child's IEP
24 shall be prescribed by rules promulgated by the state board pursuant to
25 this article.

26 (4) Each child determined to have a disability by the
27 multidisciplinary team pursuant to paragraph (a) of subsection (1) of this

1 section shall be provided with an IEP developed by the child's IEP team
2 pursuant to paragraph (b) of subsection (1) of this section and shall be
3 reviewed annually. The IEP for each child enrolled in a school district or
4 ~~the state charter school institute~~ AN INSTITUTE CHARTER SCHOOL shall
5 specify whether the child shall achieve the content standards adopted by
6 the district in which the child is enrolled or by the state charter school
7 institute or whether the child shall achieve individualized standards which
8 would indicate the child has met the requirements of his or her IEP. For
9 each child attending school in an ~~eligible~~ APPROVED facility SCHOOL or
10 state-operated program, the IEP shall specify whether the child shall
11 achieve state or local content standards, or whether the child shall achieve
12 individualized standards which would indicate that the child has met the
13 requirements of his or her IEP. When a child with a disability is to be
14 placed outside of the district of residence, the receiving agency,
15 institution, administrative unit, state-operated program, or ~~eligible~~
16 APPROVED facility SCHOOL providing the SPECIAL EDUCATION services
17 shall cooperate in the development of the IEP. The IEP shall be
18 coordinated with all individual plans required by other federal or state
19 programs in order to provide for maximum coordination of service to the
20 child with a disability, which may include the provision of appropriate
21 special education services for the child with a disability, by agreement or
22 contract with public agencies, nonprofit organizations, or ~~eligible~~
23 ~~facilities~~ APPROVED FACILITY SCHOOLS. Any court of record, the
24 department of human services, or any other public agency authorized by
25 law to place a child in an ~~eligible~~ A facility shall notify in writing the
26 child's administrative unit of residence, the administrative unit in which
27 the child will receive special education services, and the department of

1 such placement within fifteen CALENDAR days after the placement. An
2 administrative unit of residence that disapproves of the placement shall
3 do so in writing pursuant to subsection (8) of this section.

4 (4.5) (e) Nothing in this subsection (4.5) shall require an
5 administrative unit, a state-operated program, or an eligible APPROVED
6 facility SCHOOL to expend additional resources or hire additional
7 personnel to implement the provisions of this section.

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

17 (IV) The provision of appropriate, direct, and ongoing language
18 access to teachers of the deaf and hard of hearing and EDUCATIONAL
19 interpreters and other specialists who are proficient in the child's primary
20 communication mode or language; and

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

26 (5) In formulating recommendations for placement of THE LEAST
27 RESTRICTIVE ENVIRONMENT FOR a child with a disability, the IEP team

1 shall:

2 (5.5) The administrative unit or state-operated program shall
3 consider the cost to the administrative unit or state-operated program
4 when choosing between two or more appropriate EDUCATIONAL
5 placements.

6 (7) (a) If an out-of-district placement by an administrative unit
7 appears to be necessary, it is the responsibility of the child's IEP team of
8 the administrative unit of residence to determine whether the child
9 requires a more restrictive setting based on the unique needs of the child.
10 It is the responsibility of the special education director of the
11 administrative unit of residence to place the child in the least restrictive
12 placement ENVIRONMENT consistent with the EDUCATIONAL placement
13 decision of the IEP team.

14 (b) If it becomes necessary for a court or public agency to place
15 a child in a public placement:

16 (I) Prior to such public placement, the court or public agency shall
17 work cooperatively with the affected administrative unit or units, as
18 defined by rules promulgated by the state board pursuant to this article,
19 to ensure that appropriate special education services are available for the
20 child;

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

25 (c) In no event shall the public agency place a child in an
26 administrative unit or eligible APPROVED facility SCHOOL that is unable
27 to ensure the provision of special education services that are appropriate

1 for the child. The costs of educating ~~such children~~ THE CHILD shall be the
2 responsibility of the school district of residence, and ~~such~~ THE school
3 district shall pay tuition costs in accordance with section 22-20-109.

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 (9) If a teacher of a child with a disability determines that the
24 child's presence in a general education classroom is so disruptive that
25 other children's learning in the class is significantly impaired, the teacher
26 may utilize the district's or the state charter school institute's regular
27 in-school disciplinary procedure unless it would be inconsistent with the

1 ~~child's IEP or would constitute a disciplinary change of placement as~~
2 ~~defined by the rules promulgated by the state board WITH THE IDEA'S~~
3 ~~STUDENT DISCIPLINE PROTECTIONS FOR CHILDREN WITH DISABILITIES.~~
4 Alternatively, the teacher may request a review of the child's IEP,
5 behavior plan, or both to consider changes in services or EDUCATIONAL
6 placement. In making any such determination for EDUCATIONAL
7 placement or a plan of discipline for the child, the IEP team shall apply
8 the rules promulgated by the state board regarding IEP reviews and
9 school discipline procedures and protections for children with disabilities
10 AS SPECIFIED BY THE IDEA AND ITS IMPLEMENTING REGULATIONS.

11 **SECTION 17.** 22-20-109, Colorado Revised Statutes, is amended
12 to read:

13 **22-20-109. Tuition - rules.** (1) (a) An administrative unit of
14 residence may contract with another administrative unit or ~~a community~~
15 ~~centered board or an eligible facility~~ AN APPROVED FACILITY SCHOOL to
16 provide a special education program for a child with a disability. ~~In such~~
17 ~~an instance, the community centered board or the eligible facility where~~
18 ~~the child receives a special education program shall document to the~~
19 ~~department a list of costs of providing such special education program~~
20 ~~and the applicable revenues. Notwithstanding any provision of section~~
21 ~~22-32-115 to the contrary, the tuition charge for educating a child with a~~
22 ~~disability in a community centered board or an eligible facility shall be~~
23 ~~established by the department and approved by the state board. Such~~
24 ~~tuition charge shall be the maximum amount the administrative unit of~~
25 ~~residence shall be obligated to pay for the special education program;~~
26 ~~except that the school district of residence may pay a higher tuition charge~~
27 ~~than the charge established and approved pursuant to this subsection (1)~~

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

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

12 (2) (a) ~~The state board shall promulgate rules to define the~~
13 ~~contract approval process to define the types and amounts of costs in~~
14 ~~excess of the state average per pupil revenues, as defined in section~~
15 ~~22-54-103 (12), and to define other applicable revenues that a school~~
16 ~~district of residence of a child with a disability shall pay as tuition to~~
17 ~~educate that child elsewhere at a community centered board or an eligible~~
18 ~~facility. These rules shall include, but need not be limited to, the~~
19 ~~limitations on the number of staff members per number of students, the~~
20 ~~amount of equipment necessary for classroom instruction of the child, the~~
21 ~~number of days of school, and any other expenses involved in the~~
22 ~~provision of educational services as determined by the child's IEP.~~
23 ~~However, these rules shall not require that, in calculating the amount of~~
24 ~~the tuition charge for educating a child with a disability in any community~~
25 ~~centered board or eligible facility, the costs incurred by a community~~
26 ~~centered board or eligible facility in providing such special education~~
27 ~~program be reduced by the amount of revenues, if any, received by the~~

1 ~~community centered board or eligible facility as donations or special~~
2 ~~education grants. The school district of residence shall be responsible for~~
3 ~~paying as tuition any excess costs above the state average per pupil~~
4 ~~revenues to provide these services.~~ WHEN A CHILD WITH A DISABILITY IS
5 PUBLICLY PLACED IN AN APPROVED FACILITY SCHOOL, THE APPROVED
6 FACILITY SCHOOL SHALL DOCUMENT TO THE DEPARTMENT A LIST OF COSTS
7 OF PROVIDING THE SPECIAL EDUCATION PROGRAM AND THE APPLICABLE
8 REVENUES. NOTWITHSTANDING ANY PROVISION OF SECTION 22-32-115 TO
9 THE CONTRARY, THE TUITION CHARGE FOR EDUCATING A CHILD WITH A
10 DISABILITY IN AN APPROVED FACILITY SCHOOL SHALL BE ESTABLISHED BY
11 THE DEPARTMENT AND APPROVED BY THE STATE BOARD. THE TUITION
12 CHARGE SHALL BE THE MAXIMUM AMOUNT THE SCHOOL DISTRICT OF
13 RESIDENCE SHALL BE OBLIGATED TO PAY FOR THE SPECIAL EDUCATION
14 PROGRAM; EXCEPT THAT THE SCHOOL DISTRICT OF RESIDENCE MAY PAY A
15 HIGHER TUITION CHARGE THAN THE CHARGE ESTABLISHED AND APPROVED
16 PURSUANT TO THIS SUBSECTION (2) FOR A STUDENT IN NEED OF
17 SPECIALIZED SERVICES, WHICH SERVICES WERE INCLUDED IN THE
18 STUDENT'S IEP BUT WERE NOT INCLUDED IN THE TUITION CHARGE
19 ESTABLISHED PURSUANT TO THIS SUBSECTION (2).

20 (b) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE
21 CONTRACT APPROVAL PROCESS AND THE METHOD FOR DETERMINING THE
22 TUITION RATE THAT A SCHOOL DISTRICT OF RESIDENCE OF A CHILD WITH
23 A DISABILITY SHALL PAY AS TUITION TO EDUCATE THAT CHILD AT AN
24 APPROVED FACILITY SCHOOL. THE RULES FOR DETERMINING A TUITION
25 RATE SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE LIMITATIONS ON
26 THE NUMBER OF STAFF MEMBERS PER NUMBER OF STUDENTS, THE NUMBER
27 OF SCHOOL DAYS, ALL SPECIAL EDUCATION EXPENDITURES AS DEFINED IN

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

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

22 (2.5) (a) WHEN A CHILD WITH A DISABILITY IS PLACED OUT OF THE
23 HOME IN A GROUP HOME AND ATTENDS SCHOOL IN AN ADMINISTRATIVE
24 UNIT OTHER THAN THE CHILD'S ADMINISTRATIVE UNIT OF RESIDENCE AND
25 THE SCHOOL DOES NOT PROVIDE THE CHILD WITH AN ON-LINE PROGRAM
26 PURSUANT TO ARTICLE 30.7 OF THIS TITLE, THE DISTRICT OF RESIDENCE
27 SHALL BE RESPONSIBLE FOR PAYING THE TUITION CHARGE FOR EDUCATING

1 THE CHILD TO THE ADMINISTRATIVE UNIT OF ATTENDANCE.

2 (b) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL NOT
3 CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS
4 INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD
5 MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)

6 (c) (II).

7 (c) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL PROVIDE
8 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE AND TO THE DISTRICT
9 OF RESIDENCE, IF IT IS NOT AN ADMINISTRATIVE UNIT, IN ACCORDANCE
10 WITH THE RULES ADOPTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION
11 (2) OF THIS SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL
12 IN A SCHOOL OF THE DISTRICT OF ATTENDANCE. THE NOTICE SHALL BE IN
13 WRITING AND SHALL ALSO BE SENT TO THE SPECIAL EDUCATION DIRECTORS
14 FOR THE ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF
15 THE ADMINISTRATIVE UNIT OF ATTENDANCE DOES NOT INTEND TO SEEK
16 TUITION COSTS, NOTIFICATION IS NOT REQUIRED. THE STATE BOARD SHALL
17 ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE
18 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH (c).

19 (d) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED
20 PURSUANT TO A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT
21 OF ATTENDANCE, THE DISTRICT OF ATTENDANCE IF IT IS NOT AN
22 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF RESIDENCE, AND
23 THE DISTRICT OF RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT.

24 (3) ~~In addition to any other tuition costs that a school district of~~
25 ~~residence is required to pay pursuant to this section, the school district~~
26 ~~may pay those costs documented to and approved by the department~~
27 ~~pursuant to subsection (1) of this section. Notwithstanding the provisions~~

1 of subsection (1) of this section, a school district of residence shall not be
2 required to pay costs incurred by an approved facility school, as defined
3 in section 22-2-402 (1), in providing educational services at the approved
4 facility school during the months of June, July, or August.

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

23 (b) For the 2004-05 budget year and budget years thereafter, the
24 state board shall adopt rules to specify the content, manner, and timing of
25 the notice that a district of attendance shall give a district of residence
26 pursuant to paragraph (a) of this subsection (4).

27 (c) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL NOT

1 CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS
2 INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD
3 MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)
4 (c) (II).

5 (d) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL PROVIDE
6 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE AND TO THE DISTRICT
7 OF RESIDENCE, IF IT IS NOT AN ADMINISTRATIVE UNIT, IN ACCORDANCE
8 WITH THE RULES ADOPTED PURSUANT TO THIS PARAGRAPH (d) WHEN A
9 CHILD WITH A DISABILITY APPLIES TO ENROLL IN A SCHOOL OF THE
10 DISTRICT OF ATTENDANCE. THE NOTICE SHALL BE IN WRITING AND SHALL
11 ALSO BE SENT TO THE SPECIAL EDUCATION DIRECTORS FOR THE
12 ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF THE
13 ADMINISTRATIVE UNIT OF ATTENDANCE DOES NOT INTEND TO SEEK
14 TUITION COSTS, NOTIFICATION IS NOT REQUIRED. THE STATE BOARD SHALL
15 ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE
16 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH (d).

17 (e) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED
18 PURSUANT TO A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT
19 OF ATTENDANCE, THE DISTRICT OF ATTENDANCE IF IT IS NOT AN
20 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF RESIDENCE, AND
21 THE DISTRICT OF RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT.
22 UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (4), THE
23 PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

24 (5) (a) When a child with a disability enrolls in and attends a
25 district charter school pursuant to the provisions of part 1 of article 30.5
26 of this title or an institute charter school pursuant to part 5 of article 30.5
27 of this title, including a district or institute charter school that provides an

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

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

22 (c) THE DISTRICT OR INSTITUTE CHARTER SCHOOL SHALL NOT
23 CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS
24 INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD
25 MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)
26 (c) (II).

27 (d) THE DISTRICT OR INSTITUTE CHARTER SCHOOL SHALL PROVIDE

1 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE, THE DISTRICT OF
2 RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT, AND THE
3 ADMINISTRATIVE UNIT OF ATTENDANCE IN ACCORDANCE WITH STATE
4 BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION
5 WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE DISTRICT OR
6 INSTITUTE CHARTER SCHOOL. THE NOTICE SHALL BE IN WRITING AND
7 SHALL BE SENT TO THE SPECIAL EDUCATION DIRECTORS FOR THE
8 ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF THE
9 DISTRICT OR INSTITUTE CHARTER SCHOOL DOES NOT INTEND TO SEEK
10 TUITION COSTS, NO NOTIFICATION IS REQUIRED.

11 (e) THE AMOUNT OF THE TUITION CHARGED SHALL BE DETERMINED
12 PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO
13 SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY SHALL BE
14 REFLECTED IN A CONTRACT BETWEEN THE CHARTER SCHOOL, THE
15 ADMINISTRATIVE UNIT OF RESIDENCE, THE DISTRICT OF RESIDENCE IF IT IS
16 NOT AN ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF
17 ATTENDANCE INCLUDING THE STATE CHARTER SCHOOL INSTITUTE, AND
18 THE CHARTERING SCHOOL DISTRICT IF IT IS NOT AN ADMINISTRATIVE UNIT.
19 THE CONTRACT SHALL BE IN A FORM APPROVED BY THE CHARTERING
20 ENTITY. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (5),
21 THE PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

22 (6) (a) When a child with a disability enrolls in and attends an
23 on-line program pursuant to article 30.7 of this title that is not provided
24 by a district or institute charter school, the district of residence shall be
25 responsible for paying to the provider of the on-line program the tuition
26 charge for the excess costs incurred in educating the child. ~~The provider~~
27 ~~of the on-line program shall not charge the district of residence tuition for~~

1 ~~the excess costs incurred in educating a child with a disability who~~
2 ~~receives educational services from the provider of the on-line program~~
3 ~~unless the child meets the criteria for funding pursuant to section~~
4 ~~22-20-114 (1) (c) (II). The tuition responsibility shall be reflected in a~~
5 ~~contract between the district of attendance and the district of residence in~~
6 ~~a form approved by the state board. The on-line provider shall provide~~
7 ~~notice to the district of residence in accordance with state board rules~~
8 ~~adopted pursuant to subsection (7) of this section when a child with a~~
9 ~~disability applies to enroll in the on-line program. The amount of the~~
10 ~~tuition charge shall be determined pursuant to rules adopted by the state~~
11 ~~board pursuant to subsection (7) of this section. Under the circumstances~~
12 ~~described in this subsection (6), the provisions of section 22-20-108 (8)~~
13 ~~shall not apply.~~

14 (b) THE PROVIDER OF THE ON-LINE PROGRAM SHALL NOT CHARGE
15 THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS INCURRED IN
16 EDUCATING A CHILD WITH A DISABILITY WHO RECEIVES EDUCATIONAL
17 SERVICES FROM THE PROVIDER OF THE ON-LINE PROGRAM UNLESS THE
18 CHILD MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION
19 22-20-114 (1) (c) (II).

20 (c) THE ON-LINE PROVIDER SHALL PROVIDE NOTICE TO THE
21 ADMINISTRATIVE UNIT OF ATTENDANCE, THE ADMINISTRATIVE UNIT OF
22 RESIDENCE, AND THE DISTRICT OF RESIDENCE IF IT IS NOT AN
23 ADMINISTRATIVE UNIT, IN ACCORDANCE WITH STATE BOARD RULES
24 ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION WHEN A CHILD
25 WITH A DISABILITY APPLIES TO ENROLL IN THE ON-LINE PROGRAM. THE
26 NOTICE SHALL BE IN WRITING AND SHALL ALSO BE SENT TO THE SPECIAL
27 EDUCATION DIRECTORS FOR THE ADMINISTRATIVE UNITS OF RESIDENCE

1 AND OF ATTENDANCE. IF THE ON-LINE PROVIDER DOES NOT INTEND TO
2 SEEK TUITION COSTS, NOTIFICATION IS NOT REQUIRED.

3 (d) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED
4 PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO
5 SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY SHALL BE
6 REFLECTED IN A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT
7 OF RESIDENCE, THE DISTRICT OF RESIDENCE IF IT IS NOT AN
8 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF ATTENDANCE, AND
9 THE DISTRICT OF ATTENDANCE IF IT IS NOT AN ADMINISTRATIVE UNIT.
10 UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (6), THE
11 PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

12 (7) For the 2004-05 budget year and budget years thereafter, the
13 state board shall promulgate rules pertaining to the education of children
14 with disabilities in charter schools and rules pertaining to the education
15 of children with disabilities through on-line programs. Both sets of rules
16 shall include, but need not be limited to, rules to:

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

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

25 (c) Define other applicable revenues that a district of residence of
26 a child with a disability shall apply in paying the tuition charge for excess
27 costs incurred in educating the child at a charter school or through an

- 1 on-line program;
- 2 (d) Specify the limitations on the number of staff members per
3 number of students that a charter school or on-line program shall provide
4 in educating children with disabilities;
- 5 (e) ~~Specify the amount and types of equipment necessary for
6 instruction of children with disabilities;~~
- 7 (f) and (g) (Deleted by amendment, L. 2006, p. 332, § 9, effective
8 August 7, 2006.)
- 9 (h) Identify any other expenses involved in the provision of
10 educational services to children with disabilities in accordance with each
11 child's individualized education program;
- 12 (i) Establish a dispute resolution process for disagreements
13 resulting from contracts entered into pursuant to subsection (5) or (6) of
14 this section; and
- 15 (j) Specify elements to be included in a contract between a charter
16 school and a district of residence as ENTITIES described in paragraph (a)
17 of subsection (5) of this section.

18 (8) Repealed.

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

21 **22-20-112. Length of school year.** (1) An administrative unit
22 may conduct special educational EDUCATION programs as prescribed in
23 this article for any length of time; except that the administrative unit must
24 meet the minimum length of time as established by law for school
25 districts.

26 (2) Each administrative unit, state-operated program, and eligible
27 APPROVED facility SCHOOL shall provide extended school year services to

1 a child with a disability only if the child's IEP team determines that
2 extended school year services are necessary to provide the child with a
3 free appropriate public education.

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

6 **22-20-114. Funding of programs.** (1) Subject to the provisions
7 of subsection (3) of this section, for the 2005-06 budget year and each
8 budget year thereafter, the total amount appropriated to the department for
9 the payment of costs incurred by administrative units for the provision of
10 special education programs shall be distributed to each administrative unit
11 that provides educational services for children with disabilities as follows:

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

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

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

23 (II) The moneys appropriated pursuant to subparagraph (I) of this
24 paragraph (a) shall be distributed in each budget year to administrative
25 units based upon each administrative unit's share of the aggregate number
26 of children with disabilities who are specified in subparagraph (I) of this
27 paragraph (a); except that an administrative unit shall not receive an

1 amount that exceeds the aggregate amount of tuition paid by that
2 administrative unit for the specified children with disabilities to receive
3 educational services at ~~eligible facilities~~ APPROVED FACILITY SCHOOLS
4 during the immediately preceding budget year. For purposes of this
5 paragraph (a), the number of children with disabilities that are specified
6 in subparagraph (I) of this paragraph (a) shall be based upon the count
7 taken in December of the immediately preceding budget year.

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

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

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

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

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

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

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

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

26 (H) ~~Significant limited intellectual capacity~~ AN INTELLECTUAL
27 DISABILITY as defined by the state board.

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

3 **22-20-114.5. Special education fiscal advisory committee -**
4 **special education high-cost grants - definitions - repeal.** (1) As used
5 in this section, unless the context otherwise requires:

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

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

14 (I) ~~The state director for exceptional student services in the~~
15 ~~department~~ A REPRESENTATIVE FROM THE UNIT IN THE DEPARTMENT
16 RESPONSIBLE FOR THE ADMINISTRATION OF SPECIAL EDUCATION
17 PROGRAMS;

18 (II) ~~The state director for grants fiscal management in the~~
19 ~~department;~~

20 (III) A special education director from a board of cooperative
21 services with expertise in special education finance selected ~~jointly by the~~
22 ~~state director for exceptional student services and the state director for~~
23 ~~grants fiscal management~~ BY THE STATE BOARD BASED ON A
24 RECOMMENDATION FROM THE STATEWIDE ASSOCIATION THAT REPRESENTS
25 BOARDS OF COOPERATIVE SERVICES;

26 (IV) A business official from a small rural administrative unit to
27 be selected by the state board based on a recommendation from a

1 statewide association of school executives;

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

5 (VI) Eight special education specialists with appropriate statewide
6 geographic representation to be selected by the state board based on
7 recommendations from a statewide consortium of special education
8 directors.

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

16 (a.5) Of the total amount appropriated in a budget year for the
17 purpose of awarding grants pursuant to this section, the committee shall
18 use fifty percent of the amount to award grants to administrative units that
19 have one or more children being served in an out-of-district placement for
20 special ~~educational~~ EDUCATION services and fifty percent of the amount
21 to award grants to administrative units with one or more children being
22 served in an in-district placement for special ~~educational~~ EDUCATION
23 services.

24 (b) (II) (A) In awarding grants pursuant to this section to
25 administrative units that have one or more children being served in an
26 out-of-district placement for special ~~educational~~ EDUCATION services, the
27 committee shall first prioritize those administrative units that spent the

1 highest percentages, based on the administrative unit's annual audited
2 operating expenses, in the preceding budget year on high costs incurred
3 in providing special education services to children in such out-of-district
4 placements.

5 (B) In awarding grants pursuant to this section to administrative
6 units with one or more children being served in an in-district placement
7 for special ~~educational~~ EDUCATION services, the committee shall first
8 prioritize those administrative units that spent the highest percentages,
9 based on the administrative unit's annual audited operating expenses, in
10 the preceding budget year on high costs incurred in providing special
11 ~~educational~~ EDUCATION services to children in such in-district
12 placements.

13 **SECTION 21.** 22-20-116, Colorado Revised Statutes, is amended
14 to read:

15 **22-20-116. Minimum standards for educational interpreters**
16 **for the deaf in the public schools - committee to recommend**
17 **standards - rules.** (1) The general assembly hereby finds that
18 interpreting services in administrative units, state-operated programs, and
19 ~~eligible facilities~~ APPROVED FACILITY SCHOOLS for students who are deaf
20 or hard of hearing need to be improved and that the absence of state
21 standards for evaluating educational interpreters allows for
22 inconsistencies in the delivery of educational information to students who
23 are deaf or hard of hearing. The general assembly recognizes that
24 educational interpreters in such educational settings must not only
25 interpret the spoken word but must also convey concepts and facilitate the
26 student's understanding of the educational material. The general
27 assembly also finds that standards should be based on performance and

1 should be developed with input from the deaf community and from
2 persons involved in instructing deaf students. Therefore, the general
3 assembly enacts this section for the purpose of developing appropriate
4 standards for persons employed as educational interpreters in
5 administrative units, state-operated programs, and ~~eligible facilities~~
6 APPROVED FACILITY SCHOOLS.

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

13 (3) to (5) Repealed.

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

24 (7) On or after July 1, 2000, in addition to any other requirements
25 that an administrative unit, a state-operated program, or an ~~eligible~~
26 APPROVED facility SCHOOL may establish, any person employed as an
27 educational interpreter for deaf students on a full-time or part-time basis

1 by or in an administrative unit, a state-operated program, or an eligible
2 APPROVED facility SCHOOL shall meet the minimum standards for
3 educational interpreters for the deaf as established by rules of the state
4 board.

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

7 **22-20-119. Implementation of change of disability categories**
8 **for children with disabilities.** ON OR BEFORE NOVEMBER 1, 2011, THE
9 DEPARTMENT SHALL DEVELOP GUIDELINES AND TIMELINES TO BE USED BY
10 ADMINISTRATIVE UNITS AND STATE-OPERATED PROGRAMS FOR
11 DEVELOPING LOCAL SYSTEMS AND INFRASTRUCTURE THAT INCORPORATE
12 THE DISABILITY CATEGORIES SET FORTH IN SECTION 22-20-103 (5) (a).
13 THE GUIDELINES SHALL ADDRESS NECESSARY REVISIONS TO MODEL FORMS
14 AND LOCAL TRAINING NEEDS, PURSUANT TO SECTION 2-2-802, C.R.S. THE
15 TIMELINES SHALL ENCOURAGE ADMINISTRATIVE UNITS AND
16 STATE-OPERATED PROGRAMS TO IMPLEMENT THE DISABILITY CATEGORIES
17 AND RELATED ELIGIBILITY CRITERIA ESTABLISHED IN SECTION 22-20-103
18 (5) (a) AS SOON AS POSSIBLE AFTER THE STATE BOARD ISSUES
19 IMPLEMENTING RULES, TO BE ADOPTED ON OR BEFORE DECEMBER 1, 2012.
20 ADMINISTRATIVE UNITS AND STATE-OPERATED PROGRAMS SHALL HAVE
21 UNTIL JULY 1, 2016, TO IMPLEMENT ANY NECESSARY CHANGES WITHOUT
22 LOSS OF SPECIAL EDUCATION FUNDING OR INCURRING ANY OTHER
23 PENALTIES.

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

26 **22-11-307. Accreditation of public schools.** (2.5) IN ADOPTING
27 ITS SCHOOL ACCREDITATION POLICIES FOR ITS ON-LINE PROGRAMS, AS

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

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

7 **22-30.7-103. Division of on-line learning - created - duties.**

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

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

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

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

23 (d) To recommend to the state board on or before September 1,
24 2007, a process, timeline, and standard MOU form for use by
25 multi-district programs and school districts in crafting memoranda of
26 understanding pursuant to section 22-30.7-111 regarding the placement
27 of learning centers within the boundaries of a school district. At a

1 minimum, the standard MOU form shall include the information specified
2 in section 22-30.7-111 (1) (b).

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

5 (f) ~~To evaluate reports submitted by on-line programs pursuant to~~
6 ~~section 22-30.7-109, as such evaluation is described in section~~
7 ~~22-30.7-110;~~

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

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

17 (i) ~~To establish a process and timeline for documenting and~~
18 ~~tracking complaints concerning on-line programs;~~

19 (j) ~~To collect resources to support the implementation of quality~~
20 ~~on-line programs and make the resources available to on-line programs~~
21 ~~upon request; and~~

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

26 (l) ~~TO ANNUALLY COLLECT AND REVIEW INFORMATION~~
27 ~~CONCERNING SOUND FINANCIAL AND ACCOUNTING PRACTICES AND~~

1 RESOURCES FOR EACH ON-LINE PROGRAM. THE INFORMATION MAY BE THE
2 SAME INFORMATION SUBMITTED BY ON-LINE CHARTER SCHOOLS PURSUANT
3 TO SECTION 22-30.5-109 (1); AND

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

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

14 **22-30.7-109. On-line programs - reports - rules.** ~~(1)(a) On an~~
15 ~~annual date to be determined by rules promulgated by the state board~~
16 ~~pursuant to paragraph (d) of this subsection (1), an authorizer of an~~
17 ~~on-line program shall submit a report to the on-line division. The report~~
18 ~~shall include, at a minimum:~~

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

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

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

27 ~~(IV) The annual budget of the on-line program, which budget~~

1 shall account for all state funding received by the on-line program, in
2 accordance with existing budgetary reporting requirements under state
3 law.

4 (b) For the purposes of this section, "adult", as the term is used in
5 subparagraph (H) of paragraph (a) of this subsection (1), shall not be
6 construed to mean only a licensed teacher.

7 (c) In publishing the ratio of adults to students at an on-line
8 program pursuant to section 22-30.7-103(3)(g), the on-line division shall
9 include language that clarifies that the ratio of adults to students at the
10 on-line program is not a representation of the ratio of licensed teachers to
11 students at the on-line program.

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

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

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

26 (c) If the on-line division determines that an on-line program that
27 has received notice from the on-line division as described in paragraph

1 ~~(b) of this subsection (2) has not submitted a plan for taking corrective~~
2 ~~action within a reasonable amount of time, the on-line division shall~~
3 ~~notify the state board and include with the notification recommendations~~
4 ~~for actions the state board may take to address the situation.~~

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

7 **22-30.7-109.5. On-line programs - report to authorizer and**
8 **department.** EACH ON-LINE PROGRAM SHALL ANNUALLY SUBMIT TO ITS
9 AUTHORIZER AND TO THE DEPARTMENT INFORMATION, PURSUANT TO
10 STATE BOARD RULES, CONCERNING SOUND FINANCIAL AND ACCOUNTING
11 PRACTICES AND RESOURCES. A MULTI-DISTRICT, ON-LINE PROGRAM SHALL
12 NOTIFY ITS AUTHORIZER AND THE DEPARTMENT OF ANY INTENT TO AMEND
13 THE PROGRAM'S APPLICATION FOR CERTIFICATION, WHICH SHALL INCLUDE
14 ANY INTENT TO EXPAND GRADE LEVELS SERVED BY THE PROGRAM, ANY
15 INTENT TO CHANGE EDUCATION SERVICE PROVIDERS, OR OTHER INTENDED
16 CHANGES, AS DEFINED BY THE STATE BOARD. IF THE DEPARTMENT
17 CONCLUDES THAT THE ON-LINE PROGRAM SHOULD NOT BE PERMITTED TO
18 AMEND ITS APPLICATION FOR CERTIFICATION, BASED ON THE QUALITY
19 STANDARDS ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION
20 22-30.7-105, THE DEPARTMENT SHALL NOTIFY THE AUTHORIZER AND THE
21 ON-LINE PROGRAM OF ITS DECISION WITHIN THIRTY DAYS OF RECEIVING
22 THE NOTIFICATION FROM THE PROGRAM. THE AUTHORIZER SHALL THEN
23 HAVE THIRTY DAYS TO APPEAL THE DEPARTMENT'S DECISION TO THE
24 STATE BOARD, PURSUANT TO THE STATE BOARD'S ADMINISTRATIVE
25 POLICIES.

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

1 **22-30.7-110. Reviews of multi-district programs - rules.**

2 ~~(1) Using the review process and timeline established by the on-line~~
3 ~~division pursuant to section 22-30.7-103 (3) (c), the on-line division shall~~
4 ~~review each multi-district program two years after the initial certification~~
5 ~~of the program and every three years thereafter. In reviewing a~~
6 ~~multi-district program, the on-line division shall consider the criteria~~
7 ~~established by rules promulgated by the state board pursuant to section~~
8 ~~22-30.7-106 (4).~~

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

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

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

27 **22-91-105. Reporting.** (2) On or before ~~April~~ **MAY 15, 2009,**

1 and on or before ~~April~~ MAY 15 each year thereafter, the department shall
2 submit to the education committees of the senate and the house of
3 representatives, or any successor committees, a report that, at a minimum,
4 summarizes the information received by the department pursuant to
5 subsection (1) of this section. The department shall also post the report
6 to its web site.

7 **SECTION 29.** 29-1-304.9, Colorado Revised Statutes, is
8 amended to read:

9 **29-1-304.9. Fiscal note.** (1) For any proposed legislation
10 introduced after December 31, 2009, that may have a fiscal impact on a
11 county, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES, the staff
12 of the legislative council shall consider and provide in the local
13 government impact section of the accompanying fiscal note, when
14 possible, taking into account reasonable time constraints, the following:

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

19 (b) Potential staffing and other administrative aspects of the
20 proposed legislation.

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

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

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

7 **22-30.5-103. Definitions.** As used in this part 1, unless the
8 context otherwise requires:

9 (6.7) "School food authority" means:

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

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

14 **22-30.5-104. Charter school - requirements - authority.**

15 (7) (b) A charter school may negotiate and contract with a school district,
16 the governing body of a state college or university, the state of Colorado,
17 a school food authority, A CHARTER SCHOOL COLLABORATIVE, a board of
18 cooperative services, another district charter school, an institute charter
19 school, or any third party for the use of a school building and grounds, the
20 operation and maintenance thereof, and the provision of any service,
21 activity, or undertaking that the charter school is required or chooses to
22 perform in order to carry out the educational program described in its
23 charter contract. Any services for which a charter school contracts with
24 a school district shall be provided by the district at cost. The charter
25 school shall have standing to sue and be sued in its own name for the
26 enforcement of any contract created pursuant to this paragraph (b).

27 **SECTION 32.** 22-30.5-502 (10.5), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **22-30.5-502. Definitions.** As used in this part 5, unless the
3 context otherwise requires:

4 (10.5) "School food authority" means:

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

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

9 **22-30.5-507. Institute charter school - requirements -**
10 **authority.** (8) (b) An institute charter school may negotiate and contract
11 with a school district, the governing body of a state college or university,
12 a school food authority, A CHARTER SCHOOL COLLABORATIVE, a board of
13 cooperative services, another institute charter school, a district charter
14 school, or any third party for the use of a school building and grounds, the
15 operation and maintenance thereof, and the provision of any service,
16 activity, or undertaking that the institute charter school is required to
17 perform in order to carry out the educational program described in its
18 charter contract. The institute charter school shall have standing to sue
19 and be sued in its own name for the enforcement of any contract created
20 pursuant to this paragraph (b).

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

23 **22-30.5-603. Charter school collaborative - creation -public**
24 **status - structure.** (3.5) A CHARTER SCHOOL COLLABORATIVE MAY ACT
25 AS A SCHOOL FOOD AUTHORITY PURSUANT TO THE PROVISIONS OF THE
26 FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

27 **SECTION 35.** 22-32-120 (8), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **22-32-120. Food services - facilities - school food authorities -**
3 **rules.** (8) As used in this section, "school food authority" means:

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

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

8 **22-54-123. National school lunch act - appropriation of state**
9 **matching funds.** (2) As used in this section, unless the context
10 otherwise requires, "school food authority" means:

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

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

15 **22-54-123.5. School breakfast program - appropriation -**
16 **low-performing schools.** (1) (c) A district charter school, or an institute
17 charter school, OR A CHARTER SCHOOL COLLABORATIVE that is a school
18 food authority shall only be eligible to receive moneys pursuant to this
19 section if it is a low-performing school. A district charter school or an
20 institute charter school that is a school food authority that receives
21 moneys pursuant to this section shall use such moneys to create, expand,
22 or enhance its school breakfast program with the goal of improving the
23 academic performance of the students attending the district charter school
24 or the institute charter school.

25 **SECTION 38.** 22-54-123.5 (2) (b), Colorado Revised Statutes,
26 is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to
27 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 **SECTION 39.** 22-82.7-102 (5), Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 **22-82.7-102. Definitions.** As used in this article, unless the
9 context otherwise requires:

10 (5) "School food authority" means:

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

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

15 **22-82.9-103. Definitions.** As used in this article, unless the
16 context otherwise requires:

17 (2.5) "School food authority" means:

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

20 **SECTION 41. Act subject to petition - effective date.** This act
21 shall take effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part shall not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2012 and shall take effect on the date of the official
- 2 declaration of the vote thereon by the governor.