

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 28, 2011
Date

Committee on Education.

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

HB11-1277 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

18 (2) IF THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
19 OF THE GENERAL ASSEMBLY, OR HIS OR HER DESIGNEE, PREPARES AN
20 ANALYSIS OF THE FISCAL IMPACT OF AN INTRODUCED BILL THAT IMPOSES
21 UPON A SCHOOL DISTRICT, SCHOOL DISTRICT BOARD OF EDUCATION, OR
22 BOARD OF COOPERATIVE SERVICES A NEW MANDATE OR INCREASE IN THE
23 LEVEL OF SERVICE FOR AN EXISTING STATE MANDATE BEYOND THE
24 EXISTING LEVEL OF SERVICE REQUIRED BY LAW, AND A SCHOOL DISTRICT,

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

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

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

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

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

30 (1.5) As used in this section, unless the context otherwise requires,
31 a "high-risk student" means a student enrolled in a ~~secondary~~ public
32 school who:

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

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

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

39 (2) (a) ~~On or before October 1, 2002, and on or before October 1~~
40 ~~each year thereafter,~~ the A district school board for a public school that
41 desires to be considered an alternative education campus pursuant to this
42 section shall file with the state board a request for designation as an

1 alternative education campus. The request shall be in a form approved by
2 the state board and shall contain sufficient information to establish that
3 the public school meets the requirements of the rules adopted pursuant to
4 paragraph (a) of subsection (1) of this section. ~~On or before November~~
5 ~~15, 2002, and on or before November 15 each year thereafter,~~ The state
6 board shall approve the designation of alternative education campus for
7 any public school for which a request is filed pursuant to this subsection
8 (2) that is found by the state board to meet the requirements of the rules
9 adopted pursuant to paragraph (a) of subsection (1) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

29 **22-11-406. School turnaround plan - contents.** (1) (a) If the
30 state board, pursuant to section 22-11-210, directs a district public school
31 to adopt a turnaround plan, the local school board, in accordance with
32 time frames specified in state board rules, shall adopt a school turnaround
33 plan, as described in subsection (3) of this section, for the district public
34 school. Each district public school turnaround plan shall also be subject
35 to evaluation by the state review panel and ~~approval~~ MAY BE SUBJECT TO
36 REVISIONS REQUESTED by the commissioner as provided in this subsection
37 (1).

38 (c) Within the time frames specified in state board rule, the local
39 school board shall submit the adopted school turnaround plan to the
40 commissioner for evaluation by the state review panel. The state review
41 panel shall critically evaluate the adopted school turnaround plan and
42 make recommendations to the commissioner and the state board

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

13 (2) (a) If the state board, pursuant to section 22-11-210, directs an
14 institute charter school to adopt a turnaround plan, the institute, in
15 accordance with time frames specified in state board rules, shall adopt a
16 school turnaround plan, as described in subsection (3) of this section, for
17 the institute charter school. Each institute charter school turnaround plan
18 shall also be subject to evaluation by the state review panel and ~~approval~~
19 MAY BE SUBJECT TO REVISIONS REQUESTED by the commissioner as
20 provided in this subsection (2).

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

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

39 **22-11-208. Accreditation - annual review - supports and**
40 **interventions - rules.** (1) (d) The state board by rule shall establish the
41 time frames in which the department shall review school district and
42 institute performance and determine and report each school district's and

1 the institute's appropriate accreditation category, and the time frames in
2 which the school districts and the institute shall adopt their respective
3 plans and submit them for review and publication on the data portal. A
4 SCHOOL DISTRICT WITH ONE THOUSAND STUDENTS OR FEWER SHALL ONLY
5 BE REQUIRED TO SUBMIT A SINGLE PLAN TO SATISFY THE SCHOOL DISTRICT
6 AND SCHOOL PLAN REQUIREMENTS.

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

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

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

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

28 **22-11-503. Performance reports - contents - rules.** (3) In
29 addition to any information specified by rule of the state board, each
30 school performance report shall include the following information
31 concerning the operations and environment of the public school that is the
32 subject of the report:

33 (d) As calculated pursuant to state board rule, information
34 concerning:

35 ~~(III) Student enrollment stability at the public school, meaning the~~
36 ~~percentage of students enrolled in the public school on October 1 of the~~
37 ~~applicable school year who were still enrolled in the public school on~~
38 ~~February 1 of the same school year;~~

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

41 **22-11-603. Governor's distinguished improvement awards -**
42 **rules.** (1) The state board shall annually present financial awards to the

1 public schools in the state demonstrating the highest rates of student
2 longitudinal growth, INCLUDING LONGITUDINAL GROWTH ACROSS
3 MULTIPLE YEARS, as measured by the Colorado growth model. The
4 technical advisory panel convened pursuant to section 22-11-202 shall
5 recommend to the state board, and the state board shall establish by rule,
6 the method by which to identify schools that demonstrate the highest rate
7 of student longitudinal growth in a ONE OR MORE school year YEARS, as
8 measured by the Colorado growth model. The technical advisory panel
9 shall take school size into account in preparing its recommendations.

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

12 **22-20-102. Legislative declaration.** (1) The general assembly,
13 recognizing the obligation of the state of Colorado to provide educational
14 opportunities to all children that will enable them to lead fulfilling and
15 productive lives, declares that the purpose of this article is to provide
16 means for identifying and educating those children who are exceptional.
17 To this end, it is necessary to define specific responsibilities for
18 identifying and serving children with disabilities that appropriately reflect
19 the continuum of services that recognizes the capabilities of all state
20 agencies, including special classes in public schools and the establishment
21 of special schools, programs for children with disabilities who are
22 confined to their homes or hospitals, and instruction in institutions of the
23 state for ~~exceptional~~ children WITH DISABILITIES. The final determination
24 for the placement in a special education program of any eligible
25 ~~exceptional~~ child WITH A DISABILITY shall be made by a child's individual
26 family service program for a child from birth through two years of age
27 and a child's individualized education program team for a child from three
28 to twenty-one years of age as designated by the governing board of the
29 responsible administrative unit or by the governing authority of a
30 state-operated program.

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

37 (4) It is further the intent of the general assembly that this article,
38 and the rules promulgated pursuant to this article by the state board, align
39 closely with the federal "Individuals with Disabilities Education
40 Improvement Act", of 2004", 20 U.S.C. sec. 1400 et seq., as amended,
41 and its implementing regulations, 34 CFR part 300, and 34 CFR part 303
42 as ~~they pertain~~ IT PERTAINS to child find, in order to minimize the number

1 of rules, regulations, and policies to which administrative units,
2 state-operated programs, and ~~eligible facilities~~ APPROVED FACILITY
3 SCHOOLS are subject.

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

9 **22-20-103. Definitions.** As used in this article, unless the context
10 otherwise requires:

11 (2.5) "APPLICABLE REVENUES" MEANS THOSE REVENUES, AS
12 DEFINED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
13 THIS ARTICLE, THAT SUPPORT SPECIAL EDUCATION EXPENDITURES.

14 (2.7) "APPROVED FACILITY SCHOOL" MEANS AN EDUCATIONAL
15 PROGRAM THAT IS OPERATED BY A FACILITY TO PROVIDE EDUCATIONAL
16 SERVICES TO STUDENTS PLACED IN THE FACILITY AND THAT, PURSUANT TO
17 SECTION 22-2-407, HAS BEEN PLACED ON THE LIST OF FACILITY SCHOOLS
18 THAT ARE APPROVED TO RECEIVE REIMBURSEMENT FOR PROVIDING THOSE
19 EDUCATIONAL SERVICES TO STUDENTS PLACED IN THE FACILITY. AN
20 EDUCATIONAL PROGRAM PROVIDED BY AN ADMINISTRATIVE UNIT AT A
21 FACILITY IS NOT AN APPROVED FACILITY SCHOOL BUT IS AN EDUCATIONAL
22 PROGRAM OF THE ADMINISTRATIVE UNIT THAT DOES NOT REQUIRE
23 APPROVAL BY THE DEPARTMENT.

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

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

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

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

41 (I) AUTISM SPECTRUM DISORDERS;

42 (II) A HEARING IMPAIRMENT, INCLUDING DEAFNESS;

1 (III) A SERIOUS EMOTIONAL DISABILITY;
2 (IV) AN INTELLECTUAL DISABILITY;
3 (V) MULTIPLE DISABILITIES;
4 (VI) AN ORTHOPEDIC IMPAIRMENT;
5 (VII) OTHER HEALTH IMPAIRMENT;
6 (VIII) A SPECIFIC LEARNING DISABILITY;
7 (IX) A SPEECH OR LANGUAGE IMPAIRMENT;
8 (X) TRAUMATIC BRAIN INJURY;
9 (XI) A VISUAL IMPAIRMENT, INCLUDING BLINDNESS;
10 (XII) DEAF-BLINDNESS;
11 (XIII) A PRESCHOOLER WITH A DISABILITY; AND
12 (XIV) AN INFANT OR TODDLER WITH A DISABILITY.
13 (8.7) "EDUCATIONAL PLACEMENT" MEANS THE PROVISION OF
14 SPECIAL EDUCATION SERVICES, INCLUDING BUT NOT LIMITED TO THOSE
15 POINTS ALONG THE CONTINUUM OF ALTERNATIVE PLACEMENTS.
16 "EDUCATIONAL PLACEMENT" DOES NOT MEAN A SPECIFIC PLACE, SUCH AS
17 A SPECIFIC CLASSROOM OR SCHOOL.
18 (9) ~~"Eligible facility" means an approved facility school, as~~
19 ~~defined in section 22-2-402(1):~~
20 (9.5) "EMERGENCY PUBLIC PLACEMENT" MEANS A PUBLIC
21 PLACEMENT MADE NECESSARY BECAUSE OF AN IMMINENT DANGER TO A
22 CHILD OR OTHERS.
23 (10) "Equipment" means that equipment used especially for the
24 instruction or assessment of children with disabilities. ~~that is approved by~~
25 ~~the state board. The state board shall publish a list of the types of~~
26 ~~approved equipment.~~
27 (12) ~~"Exceptional children CHILD" means:~~
28 (a) ~~Those children~~ A CHILD defined in subsection (5) of this
29 section as ~~children~~ A CHILD with ~~disabilities~~ A DISABILITY. An
30 administrative unit shall serve every child with a disability from three to
31 twenty-one years of age, AND MAY SERVE children with disabilities from
32 birth through two years of age. ~~and persons enrolled in special~~
33 ~~educational programs or receiving special educational services deemed~~
34 ~~to be "exceptional children" for all purposes of this article.~~
35 (12.3) "FACILITY" MEANS A DAY TREATMENT CENTER,
36 RESIDENTIAL CHILD CARE FACILITY, OR OTHER FACILITY LICENSED BY THE
37 DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-104,
38 C.R.S., OR A HOSPITAL LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH
39 AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103, C.R.S.
40 (12.7) "FOSTER HOME" SHALL HAVE THE SAME MEANING AS A
41 "FOSTER CARE HOME" AS DEFINED IN SECTION 26-6-102(4.5), C.R.S., AND
42 SHALL BE LICENSED BY THE DEPARTMENT OF HUMAN SERVICES OR

1 CERTIFIED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES OR CERTIFIED
2 BY A CHILD PLACEMENT AGENCY AS DEFINED IN SECTION 26-6-102 (2),
3 C.R.S.

4 (13.3) "GROUP HOME" MEANS A CONGREGATE CARE FACILITY
5 LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO
6 SECTION 26-6-104, C.R.S.

7 (14) "IDEA" means the federal "Individuals with Disabilities
8 Education Improvement Act", of 2004", 20 U.S.C. sec. 1400 et seq., as
9 amended, and its implementing regulations, 34 CFR part 300, and ALSO
10 34 CFR part 303 as they pertain IT PERTAINS to child find.

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

23 (a) TO THE MAXIMUM EXTENT APPROPRIATE, CHILDREN WITH
24 DISABILITIES, INCLUDING CHILDREN IN PUBLIC OR PRIVATE INSTITUTIONS
25 OR OTHER CARE FACILITIES, ARE EDUCATED WITH CHILDREN WHO DO NOT
26 HAVE DISABILITIES; AND

27 (b) SPECIAL CLASSES, SEPARATE SCHOOLING, OR OTHER REMOVAL
28 OF CHILDREN WITH DISABILITIES FROM THE GENERAL EDUCATIONAL
29 ENVIRONMENT OCCURS ONLY IF THE NATURE AND SEVERITY OF THE
30 DISABILITY IS SUCH THAT EDUCATION IN GENERAL CLASSES WITH THE USE
31 OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE SATISFACTORILY
32 ACHIEVED.

33 (19.7) (a) "PARENT" MEANS:

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

35 (II) A FOSTER PARENT;

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

39 (IV) AN INDIVIDUAL ACTING IN THE PLACE OF A BIOLOGICAL OR
40 ADOPTIVE PARENT, INCLUDING BUT NOT LIMITED TO A GRANDPARENT,
41 STEPPARENT, OR OTHER RELATIVE, AND WITH WHOM THE CHILD LIVES, OR

1 AN INDIVIDUAL WHO IS LEGALLY RESPONSIBLE FOR THE CHILD'S WELFARE;
2 OR

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

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

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

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

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

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

28 (22.7) "SPECIAL EDUCATION EXPENDITURES" MEANS THOSE
29 EXPENDITURES THAT ARE INCURRED BY AN ADMINISTRATIVE UNIT,
30 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR
31 PROFESSIONAL SERVICES ASSOCIATED WITH SPECIAL EDUCATION
32 REFERRALS AND EVALUATIONS OF CHILDREN WHO MAY HAVE A DISABILITY
33 AND THE PROVISION OF SPECIAL EDUCATION SERVICES AS IDENTIFIED ON
34 AN INDIVIDUAL STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM.
35 SPECIAL EDUCATION EXPENDITURES DO NOT INCLUDE THE COSTS OF THE
36 GENERAL EDUCATION PROGRAM. SPECIAL EDUCATION EXPENDITURES
37 SHALL BE SUPPLEMENTAL TO THE GENERAL EDUCATION PROGRAM AND
38 SHALL BE ABOVE WHAT IS PROVIDED BY THE ADMINISTRATIVE UNIT,
39 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR
40 GENERAL EDUCATION STUDENTS AND STAFF AND MAY INCLUDE:

41 (a) SPECIAL EDUCATION TEACHERS;

- 1 (b) HOME-HOSPITAL TEACHERS FOR STUDENTS WITH DISABILITIES;
- 2 (c) SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE
- 3 PATHOLOGY ASSISTANTS;
- 4 (d) SPECIALTY TEACHERS;
- 5 (e) SPECIAL EDUCATION INSTRUCTIONAL PARAPROFESSIONALS;
- 6 (f) EDUCATIONAL INTERPRETERS;
- 7 (g) SCHOOL NURSES;
- 8 (h) OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
- 9 ASSISTANTS;
- 10 (i) PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS;
- 11 (j) SCHOOL PSYCHOLOGISTS;
- 12 (k) SCHOOL SOCIAL WORKERS;
- 13 (l) AUDIOLOGISTS;
- 14 (m) ORIENTATION AND MOBILITY SPECIALISTS;
- 15 (n) OTHER SPECIAL EDUCATION PROFESSIONALS;
- 16 (o) SPECIAL EDUCATION ADMINISTRATORS AND OFFICE SUPPORT;
- 17 (p) OTHER NONCERTIFIED OR NONLICENSED SUPPORT;
- 18 (q) EMPLOYEE BENEFITS FOR SPECIAL EDUCATION STAFF;
- 19 (r) SUPPLIES, MATERIALS, AND EQUIPMENT USED FOR INDIVIDUAL
- 20 STUDENTS' SPECIAL EDUCATION PROGRAMS AND SERVICES;
- 21 (s) PURCHASED SERVICE CONTRACTS FOR PERSONAL SERVICES;
- 22 (t) TUITION TO OTHER ADMINISTRATIVE UNITS AND APPROVED
- 23 TUITION RATES TO APPROVED FACILITY SCHOOLS FOR SPECIAL EDUCATION;
- 24 (u) STAFF TRAVEL RELATED TO SPECIAL EDUCATION;
- 25 (v) PROFESSIONAL DEVELOPMENT FOR SPECIAL EDUCATION STAFF,
- 26 OR ALL STAFF, IF THE CONTENT OF THE PROFESSIONAL DEVELOPMENT IS
- 27 SPECIFIC TO SERVICES FOR CHILDREN WITH DISABILITIES;
- 28 (w) OTHER PURCHASED SERVICES RELATED TO SPECIAL
- 29 EDUCATION;
- 30 (x) DUES, FEES, AND OTHER EXPENDITURES SPECIFIC TO THE
- 31 SPECIAL EDUCATION PROGRAM; AND
- 32 (y) PARENT COUNSELING AND TRAINING, AS DEFINED BY THE IDEA
- 33 AND ITS IMPLEMENTING REGULATIONS.

34 (28) "State-operated program" means an approved school program
35 supervised by the department and operated by:

- 36 (a) The Colorado school for the deaf and THE blind;
- 37 (b) The department of corrections; or
- 38 (c) The department of human services, including but not limited
- 39 to the division of youth corrections and the mental health institutes. at
- 40 ~~Fort Logan and Pueblo.~~

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

1 **22-20-104. Administration - advisory committee - rules.**
2 (1) (a) This article shall be administered by the department.
3 Administration of this article shall include the recommendation to the
4 state board of reasonable rules necessary to implement this article,
5 including but not limited to:
6 (I) Minimum standards for administrative units, state-operated
7 programs, ~~eligible facilities~~ APPROVED FACILITY SCHOOLS, and personnel;
8 (II) Criteria for determining disability and eligibility for special
9 ~~educational~~ EDUCATION services;
10 (III) Procedures regarding the identification of ~~exceptional~~
11 children WITH DISABILITIES, including but not limited to part C child find
12 and part B child find activities described in section 22-20-118;
13 (IV) Requirements for parental consent, including but not limited
14 to parental consent for the evaluation of children with disabilities and the
15 initial provision of special education services;
16 (V) Required IEP content and procedures for IEP development,
17 review, and revision;
18 (VI) Application of school discipline procedures to children with
19 disabilities;
20 (VII) Required procedural safeguards;
21 (VIII) Procedures for special education dispute resolution;
22 (IX) Extended school year services; AND
23 (X) Requirements pursuant to the IDEA regarding children with
24 disabilities who are enrolled in private schools; and
25 (XI) ~~Criteria for administrative units to satisfy in adopting~~
26 ~~program plans to identify and serve gifted children.~~
27 (b) The state board shall adopt appropriate recommendations as
28 rules to implement this article following public comment and hearing.
29 The rules promulgated by the state board shall be in accord with the
30 legislative declarations set forth in sections 22-20-102 and 22-20-102.5.
31 (c) An administrative unit, a state-operated program, or an ~~eligible~~
32 APPROVED facility SCHOOL that provides plans, programs, or services that
33 do not comply with the rules adopted by the state board will be provided
34 by the department with a detailed analysis of any discrepancies noted
35 along with specific recommendations for their correction. Applicable
36 federal and state funding will be provided or continued for a reasonable
37 period of time, as determined by the department, to allow the
38 administrative unit, state-operated program, or ~~eligible~~ APPROVED facility
39 SCHOOL an opportunity to comply with such rules. ~~An administrative unit~~
40 ~~may establish a claim for variance based upon conditions indigenous to~~
41 ~~or unique to the administrative unit.~~

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

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

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

35 **22-20-106. Special education programs - early intervening**
36 **services - rules.** (2) (a) (I) Each administrative unit, state-operated
37 program, and ~~eligible~~ APPROVED facility SCHOOL shall submit a
38 comprehensive plan to the department pursuant to the rules promulgated
39 by the state board indicating how the administrative unit, state-operated
40 program, or ~~eligible~~ APPROVED facility SCHOOL will provide for the
41 education of all children with disabilities. Each comprehensive plan shall

1 include the type and number of children with disabilities served, the
2 services to be provided, and the estimated resources necessary.

3 (3) (a) Each administrative unit, state-operated program, and
4 ~~eligible~~ APPROVED facility SCHOOL shall make available special education
5 services as specified by the IEP for any child with a disability for whom
6 it is responsible, as defined by the rules adopted by the state board
7 pursuant to this article. ~~For the purpose of implementing the program~~
8 ~~plan adopted by each administrative unit pursuant to section 22-20-104.5,~~
9 ~~each administrative unit shall ensure that its constituent schools and~~
10 ~~school districts make available appropriate special provisions for gifted~~
11 ~~children to the extent that funds are provided for such implementation.~~
12 GENERAL EDUCATION SERVICES ARE THE RESPONSIBILITY OF THE SCHOOL
13 DISTRICT IN WHICH A FOSTER HOME IS LOCATED, AND SPECIAL EDUCATION
14 SERVICES ARE THE RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN
15 WHICH A FOSTER CARE HOME IS LOCATED. GENERAL EDUCATION SERVICES
16 ARE THE RESPONSIBILITY OF THE SCHOOL DISTRICT IN WHICH A GROUP
17 HOME IS LOCATED, AND SPECIAL EDUCATION SERVICES ARE THE
18 RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN WHICH A GROUP HOME
19 IS LOCATED. THE ADMINISTRATIVE UNIT IN WHICH THE GROUP HOME IS
20 LOCATED MAY SEEK TUITION COSTS CONSISTENT WITH SECTION 22-20-109
21 (2.5).

22 (b) In providing ~~these~~ SPECIAL EDUCATION services, an
23 administrative unit, state-operated program, or ~~eligible~~ APPROVED facility
24 SCHOOL may pay for ~~salaries and employee benefits of certified special~~
25 ~~education teachers and special education staff; equipment; professional~~
26 ~~development for teachers and staff who have pupil contact; mileage~~
27 ~~expenses incurred by staff; or any other expenses related to special~~
28 ~~education~~ SPECIAL EDUCATION EXPENDITURES AS DEFINED IN SECTION
29 22-20-103 (22.7).

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

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

40 (6) Each administrative unit, state-operated program, and ~~eligible~~
41 APPROVED facility SCHOOL shall employ or contract in writing for a

1 sufficient number of appropriately licensed AND ENDORSED special
2 education teachers and staff to adequately carry out those functions for
3 which it is responsible, as defined by the rules promulgated by the state
4 board pursuant to this article, including but not limited to child
5 identification, IEP development, and professional development for school
6 staff.

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

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

17 **22-20-107. Authority to contract with institutions of higher**
18 **education or community centered boards.** (1) An administrative unit
19 may contract with an institution of higher education, or a community
20 centered board, as provided in section 27-10.5-104, C.R.S., for the
21 provision by the administrative unit of an education and training program
22 for children with disabilities. If ~~such~~ AN agreement is arrived at by the
23 two agencies, the administrative unit shall place the responsibility for
24 administering the program with the director of special education OF THE
25 ADMINISTRATIVE UNIT.

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

28 **22-20-107.5. District of residence of a child with a disability -**
29 **jurisdiction.** (1) Notwithstanding the provisions of section 22-1-102 (2),
30 for the purposes of this article the district of residence of a child with a
31 disability is the school district in which such child lives on a day-to-day
32 basis, INCLUDING A CHILD PLACED IN A FOSTER HOME PURSUANT TO
33 SECTION 19-1-115.5 (1), C.R.S.; except that:

34 (a) If a child with a disability is homeless, as defined by section
35 22-1-102.5, the provisions of section 22-1-102 (2) (h) shall apply;

36 (b) ~~If a child with a disability is living at one of the regional~~
37 ~~centers, including satellite homes of such centers, operated by the~~
38 ~~department of human services or any other facility operated by or under~~
39 ~~contract to the department of human services or at the Colorado mental~~
40 ~~health institutes at Pueblo or Fort Logan, an eligible facility, or the~~
41 ~~Colorado school for the deaf and the blind, such child shall be deemed to~~

1 ~~reside where the parent or guardian of such child resides;~~ THE CHILD
2 SHALL BE DEEMED TO RESIDE WHERE THE CHILD'S PARENT RESIDES IF THE
3 CHILD IS LIVING AT ONE OF THE FOLLOWING:

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

6 (II) A FACILITY;

7 (III) A GROUP HOME;

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

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

11 (c) If a child lives in ~~one of the A regional centers or the~~ CENTER,
12 A mental health ~~institutes at Pueblo or Fort Logan or in an eligible~~
13 INSTITUTE, A facility, OR A GROUP HOME, and the district of residence
14 cannot be determined due to the inability to locate a parent ~~or guardian~~ or
15 due to the homelessness of a parent, ~~or guardian~~, the child shall be
16 considered a resident of the school district in which ~~such~~ THE regional
17 center, mental health institute, ~~or eligible~~ facility, OR GROUP HOME is
18 located.

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

22 **22-20-108. Determination of disability - enrollment.**

23 (1) (b) The development of an IEP for a child with ~~disabilities~~ A
24 DISABILITY and determination of EDUCATIONAL placement shall be made
25 by the child's IEP team, including but not limited to the child's parent and
26 qualified professional personnel designated by the responsible
27 administrative unit or state-operated program. The composition of the
28 IEP team and the procedures to be used for developing the child's IEP
29 shall be prescribed by rules promulgated by the state board pursuant to
30 this article.

31 (4) Each child determined to have a disability by the
32 multidisciplinary team pursuant to paragraph (a) of subsection (1) of this
33 section shall be provided with an IEP developed by the child's IEP team
34 pursuant to paragraph (b) of subsection (1) of this section and shall be
35 reviewed annually. The IEP for each child enrolled in a school district or
36 ~~the state charter school institute~~ AN INSTITUTE CHARTER SCHOOL shall
37 specify whether the child shall achieve the content standards adopted by
38 the district in which the child is enrolled or by the state charter school
39 institute or whether the child shall achieve individualized standards which
40 would indicate the child has met the requirements of his or her IEP. For
41 each child attending school in an ~~eligible~~ APPROVED facility SCHOOL or

1 state-operated program, the IEP shall specify whether the child shall
2 achieve state or local content standards, or whether the child shall achieve
3 individualized standards which would indicate that the child has met the
4 requirements of his or her IEP. When a child with a disability is to be
5 placed outside of the district of residence, the receiving agency,
6 institution, administrative unit, state-operated program, or ~~eligible~~
7 APPROVED facility SCHOOL providing the SPECIAL EDUCATION services
8 shall cooperate in the development of the IEP. The IEP shall be
9 coordinated with all individual plans required by other federal or state
10 programs in order to provide for maximum coordination of service to the
11 child with a disability, which may include the provision of appropriate
12 special education services for the child with a disability, by agreement or
13 contract with public agencies, nonprofit organizations, or ~~eligible~~
14 facilities APPROVED FACILITY SCHOOLS. Any court of record, the
15 department of human services, or any other public agency authorized by
16 law to place a child in an ~~eligible~~ A facility shall notify in writing the
17 child's administrative unit of residence, the administrative unit in which
18 the child will receive special education services, and the department of
19 such placement within fifteen CALENDAR days after the placement. An
20 administrative unit of residence that disapproves of the placement shall
21 do so in writing pursuant to subsection (8) of this section.

22 (4.5) (e) Nothing in this subsection (4.5) shall require an
23 administrative unit, a state-operated program, or an ~~eligible~~ APPROVED
24 facility SCHOOL to expend additional resources or hire additional
25 personnel to implement the provisions of this section.

26 (4.7) (a) In developing an IEP pursuant to subsection (4) of this
27 section for a child who is deaf or hard of hearing, in addition to any other
28 requirements established by the state board, the IEP team shall consider
29 the related services and program options that provide the child with an
30 appropriate and equal opportunity for communication access. The IEP
31 team shall consider the child's specific communication needs and, to the
32 extent possible under paragraph (g) of this subsection (4.7), address those
33 needs as appropriate in the child's IEP. In considering the child's needs,
34 the IEP team shall expressly consider the following:

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

39 (b) To enable a parent to make informed decisions concerning
40 which educational options are best suited to the parent's child, all of the
41 educational options provided by the administrative unit, STATE-OPERATED

1 PROGRAM, OR APPROVED FACILITY SCHOOL and available to the child at
2 the time the child's IEP is prepared shall be explained to the parent.

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

6 (5.5) The administrative unit or state-operated program shall
7 consider the cost to the administrative unit or state-operated program
8 when choosing between two or more appropriate EDUCATIONAL
9 placements.

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

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

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

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

29 (c) In no event shall the public agency place a child in an
30 administrative unit or ~~eligible~~ APPROVED facility SCHOOL that is unable
31 to ensure the provision of special education services that are appropriate
32 for the child. The costs of educating ~~such children~~ THE CHILD shall be the
33 responsibility of the school district of residence, and ~~such~~ THE school
34 district shall pay tuition costs in accordance with section 22-20-109.

35 (8) Notwithstanding the provisions of paragraph (c) of subsection
36 (7) of this section, if a court or public agency makes a public placement
37 but fails to comply with the notification requirements of subsection (4) of
38 this section, ~~such~~ THE court or public agency shall be responsible for the
39 tuition costs for the child until such time as the required notification is
40 made. If a child's administrative unit of residence does not provide
41 written notice of disapproval of a placement in an ~~eligible~~ A facility by a

1 court or a public agency within fifteen CALENDAR days after the
2 notification made pursuant to subsection (4) of this section, the placement
3 shall be deemed to be approved. An administrative unit of residence may
4 disapprove a placement in ~~an eligible~~ A facility by a court or public
5 agency only on the basis of the unavailability of appropriate special
6 education services in the administrative unit in which the child will be
7 placed. If the administrative unit of residence disapproves the placement
8 in the ~~eligible~~ facility, it shall ensure that the child receives a free
9 appropriate public education until an appropriate placement can be
10 determined. If the administrative unit of residence disapproves the
11 placement in the ~~eligible~~ facility, the disapproval shall be subject to
12 appeal as provided for in subsection (3) of this section.

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

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

30 **22-20-109. Tuition - rules.** (1) (a) An administrative unit of
31 residence may contract with another administrative unit or ~~a community~~
32 ~~centered board or an eligible facility~~ AN APPROVED FACILITY SCHOOL to
33 provide a special education program for a child with a disability. ~~In such~~
34 ~~an instance, the community centered board or the eligible facility where~~
35 ~~the child receives a special education program shall document to the~~
36 ~~department a list of costs of providing such special education program~~
37 ~~and the applicable revenues. Notwithstanding any provision of section~~
38 ~~22-32-115 to the contrary, the tuition charge for educating a child with a~~
39 ~~disability in a community centered board or an eligible facility shall be~~
40 ~~established by the department and approved by the state board. Such~~
41 ~~tuition charge shall be the maximum amount the administrative unit of~~

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

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

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

1 CHARGE SHALL BE THE MAXIMUM AMOUNT THE SCHOOL DISTRICT OF
2 RESIDENCE SHALL BE OBLIGATED TO PAY FOR THE SPECIAL EDUCATION
3 PROGRAM; EXCEPT THAT THE SCHOOL DISTRICT OF RESIDENCE MAY PAY A
4 HIGHER TUITION CHARGE THAN THE CHARGE ESTABLISHED AND APPROVED
5 PURSUANT TO THIS SUBSECTION (2) FOR A STUDENT IN NEED OF
6 SPECIALIZED SERVICES, WHICH SERVICES WERE INCLUDED IN THE
7 STUDENT'S IEP BUT WERE NOT INCLUDED IN THE TUITION CHARGE
8 ESTABLISHED PURSUANT TO THIS SUBSECTION (2).

9 (b) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE
10 CONTRACT APPROVAL PROCESS AND THE METHOD FOR DETERMINING THE
11 TUITION RATE THAT A SCHOOL DISTRICT OF RESIDENCE OF A CHILD WITH
12 A DISABILITY SHALL PAY AS TUITION TO EDUCATE THAT CHILD AT AN
13 APPROVED FACILITY SCHOOL. THE RULES FOR DETERMINING A TUITION
14 RATE SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE LIMITATIONS ON
15 THE NUMBER OF STAFF MEMBERS PER NUMBER OF STUDENTS, THE NUMBER
16 OF SCHOOL DAYS, ALL SPECIAL EDUCATION EXPENDITURES AS DEFINED IN
17 SECTION 22-20-103 (22.7) AND SPECIFIED BY THE CHILD'S IEP, OTHER
18 EDUCATION COSTS, AND APPLICABLE REVENUE ASSOCIATED WITH THE
19 APPROVED FACILITY SCHOOL'S EDUCATIONAL PROGRAM. THE RULES
20 SHALL NOT REQUIRE THAT, IN CALCULATING THE AMOUNT OF THE TUITION
21 CHARGE FOR EDUCATING A CHILD WITH A DISABILITY IN AN APPROVED
22 FACILITY SCHOOL, THE COSTS INCURRED BY THE APPROVED FACILITY
23 SCHOOL IN PROVIDING THE SPECIAL EDUCATION PROGRAM BE REDUCED BY
24 THE AMOUNT OF REVENUES, IF ANY, RECEIVED BY THE APPROVED FACILITY
25 SCHOOL AS DONATIONS OR SPECIAL EDUCATION GRANTS. THE SCHOOL
26 DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING AS TUITION
27 ANY EXCESS COSTS ABOVE THE STATE AVERAGE PER PUPIL REVENUES TO
28 PROVIDE THESE SERVICES PURSUANT TO SECTION 22-54-129 (2).

29 (c) IN ADDITION TO ANY OTHER TUITION COSTS THAT A SCHOOL
30 DISTRICT OF RESIDENCE IS REQUIRED TO PAY PURSUANT TO THIS SECTION,
31 THE SCHOOL DISTRICT MAY PAY THOSE COSTS DOCUMENTED TO AND
32 APPROVED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION (2).
33 NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (2), A SCHOOL
34 DISTRICT OF RESIDENCE SHALL NOT BE REQUIRED TO PAY COSTS INCURRED
35 BY AN APPROVED FACILITY SCHOOL IN PROVIDING EDUCATIONAL SERVICES
36 AT THE APPROVED FACILITY SCHOOL DURING THE MONTHS OF JUNE, JULY,
37 OR AUGUST.

38 (2.5) (a) WHEN A CHILD WITH A DISABILITY IS PLACED OUT OF THE
39 HOME IN A GROUP HOME AND ATTENDS SCHOOL IN AN ADMINISTRATIVE
40 UNIT OTHER THAN THE CHILD'S ADMINISTRATIVE UNIT OF RESIDENCE AND
41 THE SCHOOL DOES NOT PROVIDE THE CHILD WITH AN ON-LINE PROGRAM

1 PURSUANT TO ARTICLE 30.7 OF THIS TITLE, THE DISTRICT OF RESIDENCE
2 SHALL BE RESPONSIBLE FOR PAYING THE TUITION CHARGE FOR EDUCATING
3 THE CHILD TO THE ADMINISTRATIVE UNIT OF ATTENDANCE.

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

8 (c) (II).

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

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

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

34 (4) (a) When a child with a disability enrolls and attends a school
35 in a ~~district~~ AN ADMINISTRATIVE UNIT other than the child's ~~district~~
36 ADMINISTRATIVE UNIT of residence pursuant to the provisions of section
37 22-36-101, and the school does not provide the child an on-line program
38 pursuant to article 30.7 of this title, the district of residence shall be
39 responsible for paying the tuition charge for educating the child to the
40 ~~district~~ ADMINISTRATIVE UNIT of attendance. ~~The district of attendance~~
41 ~~shall not charge the district of residence tuition for the excess costs~~

1 incurred in educating a child with a disability unless the child meets the
2 criteria for funding pursuant to section 22-20-114 (1)(c) (II). The district
3 of attendance shall provide notice to the district of residence in
4 accordance with state board rules adopted pursuant to paragraph (b) of
5 this subsection (4) when a child with a disability applies to enroll in a
6 school in the district of attendance. The amount of the tuition charge
7 shall be determined pursuant to a contract entered into between the two
8 districts pursuant to subsection (1) of this section. Under the
9 circumstances described in this subsection (4), the provisions of section
10 22-20-108 (8) shall not apply.

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

15 (c) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL NOT
16 CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS
17 INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD
18 MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)
19 (c) (II).

20 (d) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL PROVIDE
21 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE AND TO THE DISTRICT
22 OF RESIDENCE, IF IT IS NOT AN ADMINISTRATIVE UNIT, IN ACCORDANCE
23 WITH THE RULES ADOPTED PURSUANT TO THIS PARAGRAPH (d) WHEN A
24 CHILD WITH A DISABILITY APPLIES TO ENROLL IN A SCHOOL OF THE
25 DISTRICT OF ATTENDANCE. THE NOTICE SHALL BE IN WRITING AND SHALL
26 ALSO BE SENT TO THE SPECIAL EDUCATION DIRECTORS FOR THE
27 ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF THE
28 ADMINISTRATIVE UNIT OF ATTENDANCE DOES NOT INTEND TO SEEK
29 TUITION COSTS, NOTIFICATION IS NOT REQUIRED. THE STATE BOARD SHALL
30 ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE
31 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH (d).

32 (e) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED
33 PURSUANT TO A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT
34 OF ATTENDANCE, THE DISTRICT OF ATTENDANCE IF IT IS NOT AN
35 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF RESIDENCE, AND
36 THE DISTRICT OF RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT.
37 UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (4), THE
38 PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

39 (5) (a) When a child with a disability enrolls in and attends a
40 district charter school pursuant to the provisions of part 1 of article 30.5
41 of this title or an institute charter school pursuant to part 5 of article 30.5

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

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

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

28 (d) THE DISTRICT OR INSTITUTE CHARTER SCHOOL SHALL PROVIDE
29 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE, THE DISTRICT OF
30 RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT, AND THE
31 ADMINISTRATIVE UNIT OF ATTENDANCE IN ACCORDANCE WITH STATE
32 BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION
33 WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE DISTRICT OR
34 INSTITUTE CHARTER SCHOOL. THE NOTICE SHALL BE IN WRITING AND
35 SHALL BE SENT TO THE SPECIAL EDUCATION DIRECTORS FOR THE
36 ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF THE
37 DISTRICT OR INSTITUTE CHARTER SCHOOL DOES NOT INTEND TO SEEK
38 TUITION COSTS, NO NOTIFICATION IS REQUIRED.

39 (e) THE AMOUNT OF THE TUITION CHARGED SHALL BE DETERMINED
40 PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO
41 SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY SHALL BE

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

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

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

34 (c) THE ON-LINE PROVIDER SHALL PROVIDE NOTICE TO THE
35 ADMINISTRATIVE UNIT OF ATTENDANCE, THE ADMINISTRATIVE UNIT OF
36 RESIDENCE, AND THE DISTRICT OF RESIDENCE IF IT IS NOT AN
37 ADMINISTRATIVE UNIT, IN ACCORDANCE WITH STATE BOARD RULES
38 ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION WHEN A CHILD
39 WITH A DISABILITY APPLIES TO ENROLL IN THE ON-LINE PROGRAM. THE
40 NOTICE SHALL BE IN WRITING AND SHALL ALSO BE SENT TO THE SPECIAL
41 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
28 on-line program;

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

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

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

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

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

1 (j) Specify elements to be included in a contract between a charter
2 school and a district of residence as ENTITIES described in paragraph (a)
3 of subsection (5) of this section.

4 (8) Repealed.

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

7 **22-20-112. Length of school year.** (1) An administrative unit
8 may conduct special educational EDUCATION programs as prescribed in
9 this article for any length of time; except that the administrative unit must
10 meet the minimum length of time as established by law for school
11 districts.

12 (2) Each administrative unit, state-operated program, and eligible
13 APPROVED facility SCHOOL shall provide extended school year services to
14 a child with a disability only if the child's IEP team determines that
15 extended school year services are necessary to provide the child with a
16 free appropriate public education.

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

19 **22-20-114. Funding of programs.** (1) Subject to the provisions
20 of subsection (3) of this section, for the 2005-06 budget year and each
21 budget year thereafter, the total amount appropriated to the department for
22 the payment of costs incurred by administrative units for the provision of
23 special education programs shall be distributed to each administrative unit
24 that provides educational services for children with disabilities as follows:

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

27 (A) For whom tuition is paid by the administrative units for the
28 children to receive educational services at eligible facilities APPROVED
29 FACILITY SCHOOLS; and

30 (B) For whom parental rights have been relinquished by the
31 parents or terminated by a court, the parents of whom are incarcerated,
32 the parents of whom cannot be located, the parents of whom reside out of
33 the state but the department of human services has placed the children
34 within the administrative unit, or CHILDREN WITH DISABILITIES who are
35 legally emancipated.

36 (II) The moneys appropriated pursuant to subparagraph (I) of this
37 paragraph (a) shall be distributed in each budget year to administrative
38 units based upon each administrative unit's share of the aggregate number
39 of children with disabilities who are specified in subparagraph (I) of this
40 paragraph (a); except that an administrative unit shall not receive an
41 amount that exceeds the aggregate amount of tuition paid by that

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

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

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

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

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

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

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

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

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

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

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

29 **22-20-114.5. Special education fiscal advisory committee -**
30 **special education high-cost grants - definitions - repeal.** (1) As used
31 in this section, unless the context otherwise requires:

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

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

40 (I) ~~The state director for exceptional student services in the~~
41 ~~department~~ A REPRESENTATIVE FROM THE UNIT IN THE DEPARTMENT

1 RESPONSIBLE FOR THE ADMINISTRATION OF SPECIAL EDUCATION
2 PROGRAMS;

3 (II) ~~The state director for grants fiscal management in the~~
4 ~~department;~~

5 (III) A special education director from a board of cooperative
6 services with expertise in special education finance selected ~~jointly by the~~
7 ~~state director for exceptional student services and the state director for~~
8 ~~grants fiscal management~~ BY THE STATE BOARD BASED ON A
9 RECOMMENDATION FROM THE STATEWIDE ASSOCIATION THAT REPRESENTS
10 BOARDS OF COOPERATIVE SERVICES;

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

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

17 (VI) Eight special education specialists with appropriate statewide
18 geographic representation to be selected by the state board based on
19 recommendations from a statewide consortium of special education
20 directors.

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

28 (a.5) Of the total amount appropriated in a budget year for the
29 purpose of awarding grants pursuant to this section, the committee shall
30 use fifty percent of the amount to award grants to administrative units that
31 have one or more children being served in an out-of-district placement for
32 special ~~educational~~ EDUCATION services and fifty percent of the amount
33 to award grants to administrative units with one or more children being
34 served in an in-district placement for special ~~educational~~ EDUCATION
35 services.

36 (b) (II) (A) In awarding grants pursuant to this section to
37 administrative units that have one or more children being served in an
38 out-of-district placement for special ~~educational~~ EDUCATION services, the
39 committee shall first prioritize those administrative units that spent the
40 highest percentages, based on the administrative unit's annual audited
41 operating expenses, in the preceding budget year on high costs incurred

1 in providing special education services to children in such out-of-district
2 placements.

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

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

13 **22-20-116. Minimum standards for educational interpreters**
14 **for the deaf in the public schools - committee to recommend**
15 **standards - rules.** (1) The general assembly hereby finds that
16 interpreting services in administrative units, state-operated programs, and
17 ~~eligible facilities~~ APPROVED FACILITY SCHOOLS for students who are deaf
18 or hard of hearing need to be improved and that the absence of state
19 standards for evaluating educational interpreters allows for
20 inconsistencies in the delivery of educational information to students who
21 are deaf or hard of hearing. The general assembly recognizes that
22 educational interpreters in such educational settings must not only
23 interpret the spoken word but must also convey concepts and facilitate the
24 student's understanding of the educational material. The general
25 assembly also finds that standards should be based on performance and
26 should be developed with input from the deaf community and from
27 persons involved in instructing deaf students. Therefore, the general
28 assembly enacts this section for the purpose of developing appropriate
29 standards for persons employed as educational interpreters in
30 administrative units, state-operated programs, and ~~eligible facilities~~
31 APPROVED FACILITY SCHOOLS.

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

38 (3) to (5) Repealed.

39 (6) After review and study of the recommendations of the
40 interpreter standards committee, the state board, on or before July 1,
41 1998, shall promulgate rules setting minimum standards for educational

1 interpreters for the deaf employed by or in an administrative unit, a
2 state-operated program, or an ~~eligible~~ APPROVED facility SCHOOL. The
3 state board may revise and amend such minimum standards as it deems
4 necessary. The state board shall promulgate rules that set forth the
5 documentation that a person seeking employment as an educational
6 interpreter for the deaf must submit to the employing administrative unit,
7 state-operated program, or ~~eligible~~ APPROVED facility SCHOOL.

8 (7) On or after July 1, 2000, in addition to any other requirements
9 that an administrative unit, a state-operated program, or an ~~eligible~~
10 APPROVED facility SCHOOL may establish, any person employed as an
11 educational interpreter for deaf students on a full-time or part-time basis
12 by or in an administrative unit, a state-operated program, or an ~~eligible~~
13 APPROVED facility SCHOOL shall meet the minimum standards for
14 educational interpreters for the deaf as established by rules of the state
15 board.

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

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

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

37 **22-11-307. Accreditation of public schools.** (2.5) IN ADOPTING
38 ITS SCHOOL ACCREDITATION POLICIES FOR ITS ON-LINE PROGRAMS, AS
39 DEFINED IN SECTION 22-30.7-102 (9), A LOCAL SCHOOL BOARD OR THE
40 INSTITUTE BOARD SHALL INCLUDE A REVIEW OF THE ON-LINE PROGRAM'S
41 ALIGNMENT TO THE QUALITY STANDARDS OUTLINED IN SECTION
42 22-30.7-105 (3) (b).

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

3 **22-30.7-103. Division of on-line learning - created - duties.**

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

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

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

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

19 (d) To recommend to the state board on or before September 1,
20 2007, a process, timeline, and standard MOU form for use by
21 multi-district programs and school districts in crafting memoranda of
22 understanding pursuant to section 22-30.7-111 regarding the placement
23 of learning centers within the boundaries of a school district. At a
24 minimum, the standard MOU form shall include the information specified
25 in section 22-30.7-111 (1) (b).

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

28 (f) ~~To evaluate reports submitted by on-line programs pursuant to~~
29 ~~section 22-30.7-109, as such evaluation is described in section~~
30 ~~22-30.7-110;~~

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

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

40 (i) To establish a process and timeline for documenting and
41 tracking complaints concerning on-line programs;

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

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

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

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

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

23 **22-30.7-109. On-line programs - reports - rules.** ~~(1)(a) On an~~
24 ~~annual date to be determined by rules promulgated by the state board~~
25 ~~pursuant to paragraph (d) of this subsection (1), an authorizer of an~~
26 ~~on-line program shall submit a report to the on-line division. The report~~
27 ~~shall include, at a minimum:~~

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

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

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

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

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

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

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

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

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

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

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

28 **22-30.7-109.5. On-line programs - report to authorizer and**
29 **department.** EACH ON-LINE PROGRAM SHALL ANNUALLY SUBMIT TO ITS
30 AUTHORIZER AND TO THE DEPARTMENT INFORMATION, PURSUANT TO
31 STATE BOARD RULES, CONCERNING SOUND FINANCIAL AND ACCOUNTING
32 PRACTICES AND RESOURCES. A MULTI-DISTRICT, ON-LINE PROGRAM SHALL
33 NOTIFY ITS AUTHORIZER AND THE DEPARTMENT OF ANY INTENT TO AMEND
34 THE PROGRAM'S APPLICATION FOR CERTIFICATION, WHICH SHALL INCLUDE
35 ANY INTENT TO EXPAND GRADE LEVELS SERVED BY THE PROGRAM, ANY
36 INTENT TO CHANGE EDUCATION SERVICE PROVIDERS, OR OTHER INTENDED
37 CHANGES, AS DEFINED BY THE STATE BOARD. IF THE DEPARTMENT
38 CONCLUDES THAT THE ON-LINE PROGRAM SHOULD NOT BE PERMITTED TO
39 AMEND ITS APPLICATION FOR CERTIFICATION, BASED ON THE QUALITY
40 STANDARDS ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION
41 22-30.7-105, THE DEPARTMENT SHALL NOTIFY THE AUTHORIZER AND THE
42 ON-LINE PROGRAM OF ITS DECISION WITHIN THIRTY DAYS OF RECEIVING

1 THE NOTIFICATION FROM THE PROGRAM. THE AUTHORIZER SHALL THEN
2 HAVE THIRTY DAYS TO APPEAL THE DEPARTMENT'S DECISION TO THE
3 STATE BOARD, PURSUANT TO THE STATE BOARD'S ADMINISTRATIVE
4 POLICIES.

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

7 **22-30.7-110. Reviews of multi-district programs - rules.**

8 ~~(1) Using the review process and timeline established by the on-line~~
9 ~~division pursuant to section 22-30.7-103 (3) (c), the on-line division shall~~
10 ~~review each multi-district program two years after the initial certification~~
11 ~~of the program and every three years thereafter. In reviewing a~~
12 ~~multi-district program, the on-line division shall consider the criteria~~
13 ~~established by rules promulgated by the state board pursuant to section~~
14 ~~22-30.7-106 (4).~~

15 ~~(2) (a) If the on-line division determines that a certified~~
16 ~~multi-district program no longer meets one or more of the criteria~~
17 ~~established by rules promulgated by the state board pursuant to section~~
18 ~~22-30.7-106 (4), the on-line division shall notify the multi-district~~
19 ~~program and the authorizer of the program and provide a reasonable~~
20 ~~amount of time for the authorizer to submit a plan for taking corrective~~
21 ~~action to satisfy the criterion or criteria at issue.~~

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

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

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

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

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

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

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

11 (b) Potential staffing and other administrative aspects of the
12 proposed legislation.

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

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

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

26 **22-30.5-103. Definitions.** As used in this part 1, unless the
27 context otherwise requires:

28 (6.7) "School food authority" means:

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

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

33 **22-30.5-104. Charter school - requirements - authority.**

34 (7) (b) A charter school may negotiate and contract with a school district,
35 the governing body of a state college or university, the state of Colorado,
36 a school food authority, A CHARTER SCHOOL COLLABORATIVE, a board of
37 cooperative services, another district charter school, an institute charter
38 school, or any third party for the use of a school building and grounds, the
39 operation and maintenance thereof, and the provision of any service,
40 activity, or undertaking that the charter school is required or chooses to
41 perform in order to carry out the educational program described in its

1 charter contract. Any services for which a charter school contracts with
2 a school district shall be provided by the district at cost. The charter
3 school shall have standing to sue and be sued in its own name for the
4 enforcement of any contract created pursuant to this paragraph (b).

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

7 **22-30.5-502. Definitions.** As used in this part 5, unless the
8 context otherwise requires:

9 (10.5) "School food authority" means:

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

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

14 **22-30.5-507. Institute charter school - requirements -**
15 **authority.** (8) (b) An institute charter school may negotiate and contract
16 with a school district, the governing body of a state college or university,
17 a school food authority, A CHARTER SCHOOL COLLABORATIVE, a board of
18 cooperative services, another institute charter school, a district 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 institute charter school is required to
22 perform in order to carry out the educational program described in its
23 charter contract. The institute charter school shall have standing to sue
24 and be sued in its own name for the enforcement of any contract created
25 pursuant to this paragraph (b).

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

28 **22-30.5-603. Charter school collaborative - creation - public**
29 **status - structure.** (3.5) A CHARTER SCHOOL COLLABORATIVE MAY ACT
30 AS A SCHOOL FOOD AUTHORITY PURSUANT TO THE PROVISIONS OF THE
31 FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

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

34 **22-32-120. Food services - facilities - school food authorities -**
35 **rules.** (8) As used in this section, "school food authority" means:

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

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

40 **22-54-123. National school lunch act - appropriation of state**
41 **matching funds.** (2) As used in this section, unless the context
42 otherwise requires, "school food authority" means:

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

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

5 **22-54-123.5. School breakfast program - appropriation -**
6 **low-performing schools.** (1) (c) A district charter school, ~~or~~ an institute
7 charter school, OR A CHARTER SCHOOL COLLABORATIVE that is a school
8 food authority shall only be eligible to receive moneys pursuant to this
9 section if it is a low-performing school. A district charter school or an
10 institute charter school that is a school food authority that receives
11 moneys pursuant to this section shall use such moneys to create, expand,
12 or enhance its school breakfast program with the goal of improving the
13 academic performance of the students attending the district charter school
14 or the institute charter school.

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

18 **22-54-123.5. School breakfast program - appropriation -**
19 **low-performing schools.** (2) As used in this section:

20 (b) "School food authority" means:

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

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

25 **22-82.7-102. Definitions.** As used in this article, unless the
26 context otherwise requires:

27 (5) "School food authority" means:

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

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

32 **22-82.9-103. Definitions.** As used in this article, unless the
33 context otherwise requires:

34 (2.5) "School food authority" means:

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

37 **SECTION 41. Act subject to petition - effective date.** This act
38 shall take effect at 12:01 a.m. on the day following the expiration of the
39 ninety-day period after final adjournment of the general assembly (August
40 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
41 referendum petition is filed pursuant to section 1 (3) of article V of the
42 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part shall not take effect
2 unless approved by the people at the general election to be held in
3 November 2012 and shall take effect on the date of the official
4 declaration of the vote thereon by the governor."

** *** ** *** **