

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 12-0909.01 Nicole Myers x4326

**HOUSE BILL 12-1345**

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**HOUSE SPONSORSHIP**

**Massey,**

**SENATE SPONSORSHIP**

**Bacon,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

Education  
Appropriations

SENATE  
Am ended 3rd Reading  
May 9, 2012

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**A BILL FOR AN ACT**

101 **CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN**  
102 **CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT**  
103 **REVIEW OF THE IMPLEMENTATION OF THIS ACT AND MAKING**  
104 **AND REDUCING APPROPRIATIONS.**

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SENATE  
Am ended 2nd Reading  
May 8, 2012

**Bill Summary**

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

HOUSE  
3rd Reading Unam ended  
April 24, 2012

The bill amends the "Public School Finance Act of 1994" (act) to modify the funding for public schools from kindergarten through the

HOUSE  
Am ended 2nd Reading  
April 23, 2012

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

twelfth grade for the 2012-13 budget year and, in some circumstances, for budget years thereafter, as follows:

**Statewide base per pupil funding.** For the 2012-13 budget year, the statewide base per pupil funding is increased to \$5,843.26 to account for a 3.7% inflation rate.

**Negative factor.** During the 2010 and 2011 legislative sessions, the general assembly amended the act for the 2010-11 budget year and budget years thereafter to reduce the amount of the annual appropriation to fund the state's share of total program funding for all school districts and the funding for institute charter schools (total program funding) to assist in stabilizing the state budget. The general assembly accomplished the reduction to each district through a calculation that resulted in a factor, called the negative factor, to be applied to each district's total program funding amount in the applicable budget year.

For the 2012-13 budget year, the general assembly has determined that application of the negative factor to total program funding is necessary, but without an additional reduction in the amount of the annual appropriation to fund the state's share of total program funding. For the 2012-13 budget year, the bill increases the total program funding amount by approximately \$57,000,000 compared with the amount currently required in law to account for increases in student enrollment.

**Charter school capital construction.** Currently, \$5 million from the state education fund is annually appropriated for capital construction costs for all eligible districts and for all eligible institute charter schools. For the 2012-13 budget year and each budget year thereafter, the appropriation from the state education fund for charter school capital construction costs is increased to \$6 million.

In addition to the changes to the act, the bill modifies other provisions related to funding for public schools as follows:

**Supplemental on-line education services contracts.** Beginning on August 1, 2012, subject to available appropriations, the mountain board of cooperative services (BOCES) shall contract every 3 years, rather than every year, with an entity that sells supplemental on-line education courses to provide such courses to school districts, charter schools, and BOCES that choose to purchase the courses.

**Assistance for meeting state educational priorities.** Beginning in the 2012-13 fiscal year, the bill provides additional moneys for a BOCES to assist its participating school districts in implementing and meeting the state's educational priorities as determined by the commissioner of education every 3 years. To receive additional moneys, a BOCES must submit a plan to the state board of education (state board) that details how the BOCES will use the moneys to assist its participating school districts in implementing and meeting the state's educational priorities.

A BOCES may collaborate with one or more adjoining BOCES

and with a school district that is contiguous to the area of the BOCES, but that is not a member of the BOCES, for the delivery of services that will assist school districts in implementing and meeting the state's educational priorities. If a BOCES chooses not to submit a plan to the state board, the department of education will determine a method to allow one or more of the member school districts of the BOCES to submit an individual plan to the state board and to receive moneys to assist the district in implementing and meeting the state's educational priorities.

The bill appropriates \$1,300,000 from the state education fund to assist school districts in implementing and meeting the state's educational priorities and specifies how the department of education is required to distribute the moneys.

**Children with disabilities.** The definition of "children with disabilities" is clarified to include persons 3 through 8 years old who have been determined to be children experiencing developmental delays, as defined in the code of federal regulations.

**Counselor corps.** The appropriation from the state education fund for the 2012-13 fiscal year is increased by \$480,000 for the school counselor corps program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-54-104, **amend**  
3 **as added by House Bill 12-1201** (5) (g) (I) (C); and **add** (5) (a) (XIX) as  
4 follows:

5 **22-54-104. District total program.** (5) For purposes of the  
6 formulas used in this section:

7 (a) (XIX) FOR THE 2012-13 BUDGET YEAR, THE STATEWIDE BASE  
8 PER PUPIL FUNDING IS \$5,843.26, WHICH IS AN AMOUNT EQUAL TO  
9 \$5,634.77 SUPPLEMENTED BY \$208.49 TO ACCOUNT FOR INFLATION.

10 (g) (I) For the 2010-11 budget year and each budget year  
11 thereafter, the general assembly determines that stabilization of the state  
12 budget requires a reduction in the amount of the annual appropriation to  
13 fund the state's share of total program funding for all districts and the  
14 funding for institute charter schools. The department of education shall

1 implement the reduction in total program funding through the application  
2 of a negative factor as provided in this paragraph (g). For the 2010-11  
3 budget year and each budget year thereafter, the department of education  
4 and the staff of the legislative council shall determine, based on budget  
5 projections, the amount of such reduction to ensure the following:

6 (C) That, for the 2012-13 budget year, the sum of the total  
7 program funding for all districts, including the funding for institute  
8 charter schools, after application of the negative factor, is not less than  
9 ~~five billion two hundred twenty-nine million five hundred sixty thousand~~  
10 ~~three hundred forty-six dollars (\$5,229,560,346)~~ FIVE BILLION TWO  
11 HUNDREDEIGHTY-SIX MILLION EIGHT HUNDRED NINETY-EIGHT THOUSAND  
12 THREE HUNDREDEIGHTY-TWO DOLLARS (\$5,286,898,382); except that the  
13 department of education and the staff of the legislative council shall make  
14 mid-year revisions to replace projections with actual figures including,  
15 but not limited to, actual pupil enrollment, assessed valuations, and  
16 specific ownership tax revenue from the prior year, to determine any  
17 necessary changes in the amount of the reduction to maintain a total  
18 program funding amount for the 2012-13 budget year that is consistent  
19 with this sub-subparagraph (C).

20 **SECTION 2.** In Colorado Revised Statutes, 22-54-124, **amend**  
21 (3) (a) (III) (A) as follows:

22 **22-54-124. State aid for charter schools - use of state education**  
23 **fund moneys - definitions.** (3) (a) (III) (A) The total amount of state  
24 education fund moneys to be appropriated for all eligible districts and for  
25 all eligible institute charter schools for the 2003-04 ~~2004-05, 2005-06,~~  
26 ~~and 2007-08 budget years and each budget year thereafter~~ THROUGH  
27 2011-12 BUDGET YEARS shall be an amount equal to five million dollars;

1 EXCEPT THAT, for the 2006-07 budget year, ~~seven~~ AN ADDITIONAL TWO  
2 million eight hundred thousand dollars shall be appropriated for ~~all~~  
3 ~~eligible districts and for all eligible institute charter schools from the state~~  
4 ~~education fund~~. FROM THE STATE EDUCATION FUND AND SHALL BE USED  
5 FOR THE PURPOSES OF THIS SECTION, AND for the 2008-09 budget year, an  
6 additional one hundred thirty-five thousand dollars shall be appropriated  
7 from the state education fund and shall be distributed pursuant to section  
8 22-54-133, as said section existed prior to its repeal in 2010. THE TOTAL  
9 AMOUNT OF STATE EDUCATION FUND MONEYS TO BE APPROPRIATED FOR  
10 ALL ELIGIBLE DISTRICTS AND FOR ALL ELIGIBLE INSTITUTE CHARTER  
11 SCHOOLS FOR THE 2012-13 BUDGET YEAR AND EACH BUDGET YEAR  
12 THEREAFTER IS SIX MILLION DOLLARS.

13 **SECTION 3.** In Colorado Revised Statutes, 22-5-103, **amend** (2)  
14 as follows:

15 **22-5-103. Definitions.** As used in this article, unless the context  
16 otherwise requires:

17 (2) "Board of cooperative services" OR "BOCES" means a regional  
18 educational service unit designed to provide supporting, instructional,  
19 administrative, facility, community, or any other services contracted by  
20 participating members.

21 **SECTION 4.** In Colorado Revised Statutes, 22-5-119, **amend** (3)  
22 introductory portion as follows:

23 **22-5-119. Supplemental on-line education services - legislative**  
24 **declaration - contract.** (3) On or before August 1, 2007, and on or  
25 before August 1 of each year thereafter THROUGH AUGUST 1, 2011, AND  
26 ON OR BEFORE AUGUST 1, 2012, AND ON OR BEFORE AUGUST 1 OF EVERY  
27 THIRD YEAR THEREAFTER, the mountain BOCES, subject to available

1 appropriations, shall contract with a provider ~~on an annual basis~~ to  
2 provide supplemental on-line education courses to school districts, charter  
3 schools, and BOCES that choose to purchase the courses. At a minimum,  
4 the contract shall provide that:

5 **SECTION 5.** In Colorado Revised Statutes, **add** 22-5-122 as  
6 follows:

7 **22-5-122. Assistance for implementing and meeting state**  
8 **educational priorities - financing.** (1) (a) FOR THE 2012-13 FISCAL  
9 YEAR AND EACH FISCAL YEAR THEREAFTER, A BOCES MAY RECEIVE  
10 STATE MONEYS IN ADDITION TO ANY OTHER MONEYS RECEIVED PURSUANT  
11 TO THIS ARTICLE BY SUBMITTING A PLAN TO THE STATE BOARD, IN A FORM  
12 AND MANNER SPECIFIED BY RULE OF THE STATE BOARD, THAT DETAILS  
13 HOW THE BOCES WILL USE THE ADDITIONAL MONEYS TO ASSIST ITS  
14 PARTICIPATING SCHOOL DISTRICTS IN IMPLEMENTING AND MEETING THE  
15 STATE'S EDUCATIONAL PRIORITIES AS DETERMINED BY THE COMMISSIONER  
16 OF EDUCATION PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE STATE  
17 BOARD MAY SPECIFY ADDITIONAL INFORMATION THAT BOCES ARE  
18 REQUIRED TO INCLUDE IN A PLAN SUBMITTED PURSUANT TO THIS  
19 PARAGRAPH (a).

20 (b) FOR THE 2012-13 FISCAL YEAR, A BOCES THAT SEEKS  
21 ADDITIONAL MONEYS SHALL SUBMIT A PLAN PURSUANT TO PARAGRAPH (a)  
22 OF THIS SUBSECTION (1) TO THE STATE BOARD ON OR BEFORE AUGUST 1,  
23 2012. FOR THE 2013-14 FISCAL YEAR AND EACH FISCAL YEAR  
24 THEREAFTER, A BOCES THAT SEEKS ADDITIONAL MONEYS SHALL SUBMIT  
25 A PLAN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE  
26 STATE BOARD ON OR BEFORE MAY 1 OF THE PRECEDING FISCAL YEAR.

27 (c) FOR THE 2013-14 FISCAL YEAR, AND EACH FISCAL YEAR

1        THEREAFTER, IF A BOCES THAT SUBMITS A PLAN TO THE STATE BOARD  
2        PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) ALSO SUBMITTED  
3        A PLAN IN THE PREVIOUS FISCAL YEAR, THE BOCES SHALL INCLUDE A  
4        REPORT DETAILING THE RESULTS OF THE PREVIOUS YEAR'S PLAN IN ITS NEW  
5        PLAN SUBMISSION.

6            (2) ON OR BEFORE JUNE 1, 2012, ON OR BEFORE MARCH 1, 2015,  
7        AND ON OR BEFORE MARCH 1 EVERY THIRD YEAR THEREAFTER, THE  
8        COMMISSIONER OF EDUCATION, IN CONSULTATION WITH A STATEWIDE  
9        ASSOCIATION IN THE STATE THAT REPRESENTS ONE OR MORE BOCES IN  
10       THE STATE AND A COUNCIL CREATED BY THE COMMISSIONER OF  
11       EDUCATION THAT ADVISES THE COMMISSIONER AND THE DEPARTMENT OF  
12       EDUCATION REGARDING THE NEEDS AND CONCERNS OF RURAL SCHOOL  
13       DISTRICTS IN THE STATE, SHALL DETERMINE THE STATE'S EDUCATIONAL  
14       PRIORITIES FOR THE PURPOSES OF THIS SECTION. THE PRIORITIES MAY  
15       INCLUDE, BUT NEED NOT BE LIMITED TO, EDUCATOR EFFECTIVENESS,  
16       SCHOOL DISTRICT ACCREDITATION AND ACCOUNTABILITY, AND  
17       STANDARDS AND ASSESSMENTS FOR PRESCHOOL THROUGH ELEMENTARY  
18       AND SECONDARY EDUCATION.

19           (3) A BOCES MAY DEVELOP A MEMORANDUM OF UNDERSTANDING  
20       WITH A SCHOOL DISTRICT THAT IS CONTIGUOUS TO THE AREA OF THE  
21       BOCES, BUT THAT IS NOT A MEMBER OF THE BOCES, TO ENABLE THE  
22       DISTRICT TO PARTICIPATE WITH THE BOCES IN THE PLAN SUBMITTED  
23       PURSUANT TO SUBSECTION (1) OF THIS SECTION. IN ADDITION, TWO OR  
24       MORE ADJOINING BOCES MAY COLLABORATE REGARDING THE  
25       IMPLEMENTATION OF A PLAN SUBMITTED PURSUANT TO THIS SECTION.

26           (4) (a) THE DEPARTMENT OF EDUCATION SHALL ESTABLISH A  
27       METHOD TO ALLOW THE MEMBER SCHOOL DISTRICTS OF A BOCES THAT

1 CHOOSES NOT TO SUBMIT A PLAN PURSUANT TO PARAGRAPH (a) OF  
2 SUBSECTION (1) OF THIS SECTION TO SUBMIT A PLAN AS A CONSORTIUM OF  
3 DISTRICTS OR AS A NEWLY FORMED BOCES TO THE STATE BOARD AND TO  
4 RECEIVE MONEYS TO ASSIST THE DISTRICTS IN IMPLEMENTING AND  
5 MEETING THE STATE EDUCATIONAL PRIORITIES AS DETERMINED PURSUANT  
6 TO SUBSECTION (2) OF THIS SECTION.

7 (b) A MEMBER DISTRICT OF A BOCES THAT HAS SUBMITTED A  
8 PLAN PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY CHOOSE NOT TO  
9 PARTICIPATE IN THE BOCES PLAN TO ASSIST THE MEMBER DISTRICTS IN  
10 IMPLEMENTING AND MEETING THE STATE'S EDUCATIONAL PRIORITIES. IF  
11 A MEMBER DISTRICT CHOOSES NOT TO PARTICIPATE, THE BOCES SHALL  
12 WORK WITH THE OTHER MEMBER DISTRICTS IN THE BOCES TO IMPLEMENT  
13 THE PLAN.

14 (5) (a) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS TO  
15 THE DEPARTMENT OF EDUCATION FOR THE PURPOSES OF THIS SECTION. OF  
16 THE AMOUNT APPROPRIATED, THE DEPARTMENT MAY RETAIN UP TO ONE  
17 HUNDRED TWENTY THOUSAND DOLLARS ANNUALLY FOR THE PURPOSE OF  
18 FUNDING A DEPARTMENTAL LIAISON FOR RURAL SCHOOL DISTRICTS AND  
19 UP TO FIFTY THOUSAND DOLLARS ANNUALLY FOR THE PURPOSE OF  
20 FUNDING THE DEPARTMENT'S ONGOING SUPPORT OF A COUNCIL CREATED  
21 BY THE COMMISSIONER OF EDUCATION THAT ADVISES THE COMMISSIONER  
22 AND THE DEPARTMENT REGARDING THE NEEDS AND CONCERNS OF RURAL  
23 SCHOOL DISTRICTS. THE DEPARTMENT SHALL DISTRIBUTE THE REMAINING  
24 AMOUNT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (5).

25 (b) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE THE  
26 REMAINING AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE  
27 PURPOSES OF THIS SECTION, AFTER SUBTRACTING THE AMOUNTS SPECIFIED



1 IN PARAGRAPH (a) OF THIS SUBSECTION (5), AS FOLLOWS:

2 (I) EQUALLY DISTRIBUTE FORTY-FIVE PERCENT TO THE BOCES  
3 THAT SUBMIT PLANS PURSUANT TO SUBSECTION (1) OF THIS SECTION;

4 (II) DISTRIBUTE FORTY-FIVE PERCENT BASED ON THE TOTAL  
5 NUMBER OF MEMBER SCHOOL DISTRICTS OF THE PARTICIPATING BOCES  
6 AND NONMEMBER SCHOOL DISTRICTS THAT PARTICIPATE WITH THE  
7 BOCES AS DETAILED IN A MEMORANDUM OF UNDERSTANDING ENTERED  
8 INTO PURSUANT TO SUBSECTION (3) OF THIS SECTION; AND

9 (III) DISTRIBUTE TEN PERCENT BASED ON THE TOTAL NUMBER OF  
10 STUDENTS ENROLLED IN THE MEMBER SCHOOL DISTRICTS OF THE  
11 PARTICIPATING BOCES AND ENROLLED IN THE NONMEMBER SCHOOL  
12 DISTRICTS THAT PARTICIPATE WITH THE BOCES AS DETAILED IN A  
13 MEMORANDUM OF UNDERSTANDING ENTERED INTO PURSUANT TO  
14 SUBSECTION (3) OF THIS SECTION.

15 (c) ANY STATE MONEYS APPROPRIATED BY THE GENERAL  
16 ASSEMBLY FOR THE PURPOSES OF THIS SECTION SHALL NOT BE USED TO  
17 SUPPLANT THE LEVEL OF STATE MONEYS APPROPRIATED TO SUPPORT AND  
18 FOR USE BY BOCES DURING THE 2011-12 FISCAL YEAR.

19 (6) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO  
20 THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,  
21 C.R.S., FOR THE ADMINISTRATION OF THIS SECTION.

22 (7) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, FOR  
23 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, A  
24 PROGRAM TO ASSIST SCHOOL DISTRICTS IN IMPLEMENTING AND MEETING  
25 THE STATE'S EDUCATIONAL PRIORITIES IS A PROGRAM FOR ACCOUNTABLE  
26 EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE  
27 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF

1 THE STATE CONSTITUTION.

2 **SECTION 6.** In Colorado Revised Statutes, 22-20-103, **amend**  
3 (5) (a) (I) (K) and (5) (a) (I) (L); **repeal** (5) (a) (I) (M); and **add** (5) (a)  
4 (III) as follows:

5 **22-20-103. Definitions.** As used in this part 1, unless the context  
6 otherwise requires:

7 (5) (a) "Children with disabilities" means:

8 (I) Those persons from three to twenty-one years of age who, by  
9 reason of one or more of the following conditions, are unable to receive  
10 reasonable benefit from general education:

11 (K) A visual impairment, including blindness; AND

12 (L) Deaf-blindness. ~~and~~

13 (M) ~~A preschooler with a disability.~~

14 (III) THOSE PERSONS FROM THREE THROUGH EIGHT YEARS OF AGE  
15 WHO HAVE BEEN DETERMINED PURSUANT TO 34 CFR 300.8 (b) TO BE  
16 CHILDREN EXPERIENCING DEVELOPMENTAL DELAYS.

17 **SECTION 7.** In Colorado Revised Statutes, **add** 22-2-140 as  
18 follows:

19 **22-2-140. Early literacy assessment tool - request for**  
20 **proposals - software - hardware - training - distribution - legislative**  
21 **declaration.** (1) (a) BY OCTOBER 1, 2012, THE DEPARTMENT SHALL ISSUE  
22 A REQUEST FOR PROPOSALS FOR THE PURCHASE OF AN EARLY LITERACY  
23 ASSESSMENT TOOL THAT TEACHERS MAY USE TO OBTAIN REAL-TIME  
24 ASSESSMENTS OF THE READING SKILL LEVELS OF STUDENTS ENROLLED IN  
25 KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES AND, BASED ON  
26 THE ASSESSMENT RESULTS, GENERATE INTERVENTION PLANS AND  
27 MATERIALS.

1           (b) AT A MINIMUM, THE REQUEST FOR PROPOSALS SHALL INCLUDE  
2 THE PURCHASE OF:

3           (I) SOFTWARE THAT, AT A MINIMUM:

4           (A) PROVIDES INDIVIDUALIZED ASSESSMENTS WITH IMMEDIATE  
5 RESULTS;

6           (B) STORES AND ANALYZES ASSESSMENTS RESULTS, RECOMMENDS  
7 ACTIVITIES THAT ARE ALIGNED WITH THE ASSESSMENT RESULTS, AND  
8 ASSISTS IN TRACKING STUDENT PERFORMANCE AND IDENTIFYING  
9 STRATEGIES TO IMPROVE STUDENT PERFORMANCE;

10           (C) PROVIDES STUDENT GROUPING RECOMMENDATIONS BASED ON  
11 THE ASSESSMENT SCORES AND PROVIDES PROPOSED LESSON PLANS ON A  
12 SHORT-TERM CYCLE; AND

13           (D) ASSISTS IN GENERATING AND POPULATING INDIVIDUALIZED  
14 PLANS TO IMPROVE STUDENTS' READING SKILLS; AND

15                 

16           (II) TRAINING IN USING THE SOFTWARE \_\_\_\_\_ FOR TEACHERS OR  
17 OTHER PERSONNEL SELECTED BY EACH LOCAL EDUCATION PROVIDER.

18           (c) THE REQUEST FOR PROPOSALS SHALL INCLUDE THE PURCHASE  
19 OF A SUFFICIENT NUMBER OF \_\_\_\_\_ SOFTWARE LICENSES FOR EACH LOCAL  
20 EDUCATION PROVIDER IN THE STATE TO USE THE EARLY LITERACY  
21 ASSESSMENT TOOL IN ALL OF ITS KINDERGARTEN AND FIRST-, SECOND-,  
22 AND THIRD-GRADE CLASSES; EXCEPT THAT THE DEPARTMENT MAY DRAFT  
23 THE CONTRACT TO PHASE IN THE REQUIREMENTS OF THIS PARAGRAPH (c)  
24 OVER MULTIPLE BUDGET YEARS BASED ON AVAILABLE APPROPRIATIONS.

25           (2) THE DEPARTMENT SHALL SELECT FROM AMONG THE RESPONSES  
26 RECEIVED AND ENTER INTO A CONTRACT FOR THE PURCHASE OF \_\_\_\_\_  
27 SOFTWARE LICENSES AND TRAINING NO LATER THAN MARCH 1, 2013. IN

1 NEGOTIATING THE TERMS OF THE CONTRACT, THE DEPARTMENT SHALL  
2 INCLUDE PERFORMANCE MEASURES, WHICH MAY INCLUDE STUDENT  
3 OUTCOMES, AS CONDITIONS AFFECTING THE AMOUNTS PAYABLE UNDER  
4 THE CONTRACT.

5 (3) (a) AS SOON AS PRACTICABLE AFTER ENTERING INTO THE  
6 CONTRACT, THE DEPARTMENT SHALL NOTIFY THE LOCAL EDUCATION  
7 PROVIDERS AND PROVIDE INFORMATION EXPLAINING:

8 (I) THE SOFTWARE LICENSES PURCHASED;

9 (II) THE AVAILABILITY OF TRAINING IN THE USE OF THE SOFTWARE  
10 INCLUDING DATES, TIMES, AND LOCATIONS; AND

11 (III) THE PROCEDURES AND TIME LINES BY WHICH EACH LOCAL  
12 EDUCATION PROVIDER MAY APPLY TO RECEIVE THE SOFTWARE LICENSES  
13 AND TRAINING TO IMPLEMENT THE EARLY LITERACY ASSESSMENT TOOL.

14 (b) BASED ON THE LEVEL OF AVAILABLE APPROPRIATIONS, THE  
15 DEPARTMENT SHALL SELECT THE LOCAL EDUCATION PROVIDERS WHO WILL  
16 RECEIVE THE EARLY LITERACY ASSESSMENT TOOL, INCLUDING THE  
17 TRAINING, FROM AMONG THOSE THAT APPLY. IN SELECTING AMONG THE  
18 APPLICANTS, THE DEPARTMENT SHALL:

19 (I) SELECT LOCAL EDUCATION PROVIDERS FROM VARIOUS REGIONS  
20 OF THE STATE AND OF VARYING STUDENT POPULATION SIZE;

21 (II) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE  
22 HIGHEST PERCENTAGES OF KINDERGARTEN AND FIRST-, SECOND-, AND  
23 THIRD-GRADE STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS  
24 IN READING; AND

25 (III) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH  
26 THE HIGHEST PERCENTAGES OF SCHOOLS THAT ARE ELIGIBLE TO RECEIVE  
27 MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY

1 EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

2 (c) A LOCAL EDUCATION PROVIDER THAT IS SELECTED TO RECEIVE  
3 THE EARLY LITERACY ASSESSMENT TOOL IN ONE BUDGET YEAR IS NOT  
4 REQUIRED TO REAPPLY IN SUBSEQUENT BUDGET YEARS. THE DEPARTMENT  
5 SHALL, TO THE EXTENT POSSIBLE WITHIN AVAILABLE APPROPRIATIONS,  
6 ANNUALLY INCREASE THE NUMBER OF LOCAL EDUCATION PROVIDERS THAT  
7 RECEIVE THE EARLY LITERACY ASSESSMENT TOOL.

8 (d) THE DEPARTMENT MAY CHOOSE TO PROVIDE THE EARLY  
9 LITERACY ASSESSMENT TOOL ONLY TO THOSE SCHOOLS OF A SELECTED  
10 SCHOOL DISTRICT THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE  
11 I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF  
12 1965", 20 U.S.C. SEC. 6301 ET SEQ.

13 (4) DURING THE 2014 REGULAR LEGISLATIVE SESSION AND DURING  
14 THE 2016 REGULAR LEGISLATIVE SESSION, THE DEPARTMENT SHALL  
15 SUBMIT TO THE GOVERNOR'S OFFICE, THE JOINT BUDGET COMMITTEE, AND  
16 THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND  
17 THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES,  
18 BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

19 (a) THE PERCENTAGE OF STUDENTS ENROLLED IN KINDERGARTEN  
20 AND FIRST, SECOND, AND THIRD GRADES THROUGHOUT THE STATE THAT  
21 ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL;

22 (b) THE LOCAL EDUCATION PROVIDERS THAT HAVE RECEIVED THE  
23 EARLY LITERACY ASSESSMENT TOOL;

24 (c) THE IMPROVEMENTS, IF ANY, IN THE READING SKILL LEVELS OF  
25 STUDENTS WHO RECEIVED OR ARE RECEIVING SERVICES USING THE EARLY  
26 LITERACY ASSESSMENT TOOL; AND

27 (d) THE AMOUNT OF APPROPRIATIONS REQUIRED TO PURCHASE AN

1 ADEQUATE NUMBER OF SOFTWARE LICENSES TO ENABLE THE LOCAL  
2 EDUCATION PROVIDERS IN THE STATE TO USE THE EARLY LITERACY  
3 ASSESSMENT TOOL IN ALL OF THE KINDERGARTEN AND FIRST-, SECOND-,  
4 AND THIRD-GRADE CLASSES IN THE STATE.

5 (5) AS USED IN THIS SECTION, "LOCAL EDUCATION PROVIDER"  
6 MEANS A SCHOOL DISTRICT; A CHARTER SCHOOL THAT ENROLLS STUDENTS  
7 IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES; AND A PUBLIC  
8 SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES THAT ENROLLS  
9 STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES.

10 (6) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, FOR  
11 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,  
12 PURCHASING AN EARLY LITERACY ASSESSMENT TOOL AS DESCRIBED IN  
13 THIS SECTION FOR THE USE OF LOCAL EDUCATION PROVIDERS IS AN  
14 IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND MAY  
15 THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND  
16 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

17 **SECTION 8.** In Colorado Revised Statutes, add 22-30.5-112.2  
18 as follows:

19 **22-30.5-112.2. Charter schools - at-risk supplemental aid -**  
20 **definitions - legislative declaration.** (1) AS USED IN THIS SECTION,  
21 UNLESS THE CONTEXT OTHERWISE REQUIRES:

22 (a) "ADJUSTED DISTRICT PER PUPIL REVENUES" HAS THE SAME  
23 MEANING AS DEFINED IN SECTION 22-30.5-112.1 (1) (a).

24 (b) "ASCENT PROGRAM" MEANS THE ACCELERATING STUDENTS  
25 THROUGH CONCURRENT ENROLLMENT PROGRAM CREATED IN SECTION  
26 22-35-108.

27 (c) "AT-RISK PUPILS" HAS THE SAME MEANING AS DEFINED IN

1 SECTION 22-54-103 (1.5).

2 (d) "DISTRICT PER PUPIL REVENUES" HAS THE SAME MEANING AS  
3 DEFINED IN SECTION 22-30.5-112 (2) (a.5) (II).

4 (e) "QUALIFYING SCHOOL DISTRICT" HAS THE SAME MEANING AS  
5 DEFINED IN SECTION 22-30.5-112.1.

6 (2) (a) FOR THE 2012-13 BUDGET YEAR AND EACH BUDGET YEAR  
7 THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE  
8 DEPARTMENT OF EDUCATION FOR ALLOCATION TO SCHOOL DISTRICTS THE  
9 AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID FOR THOSE  
10 SCHOOL DISTRICTS AND DISTRICT CHARTER SCHOOLS DESCRIBED IN  
11 PARAGRAPH (b) OF THIS SUBSECTION (2). THE AT-RISK SUPPLEMENTAL AID  
12 IS ADDITIONAL FUNDING AND DOES NOT SUPPLANT ANY OTHER FUNDING  
13 PROVIDED PURSUANT TO THIS ARTICLE.

14 (b) (I) EACH QUALIFYING SCHOOL DISTRICT SHALL RECEIVE  
15 AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK PUPILS IN A  
16 DISTRICT CHARTER SCHOOL AUTHORIZED BY THE QUALIFYING SCHOOL  
17 DISTRICT PRIOR TO JULY 1, 2004, IS LESS THAN THE PERCENTAGE OF  
18 AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF  
19 THE SCHOOL DISTRICT'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO THE  
20 DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF DISTRICT PER PUPIL  
21 REVENUES AND ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL  
22 REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL,  
23 NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT  
24 PROGRAM.

25 (II) EACH DISTRICT CHARTER SCHOOL IN A QUALIFYING SCHOOL  
26 DISTRICT THAT WAS INITIALLY AUTHORIZED PRIOR TO JULY 1, 2004, SHALL  
27 RECEIVE AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK

1 STUDENTS IN THE DISTRICT CHARTER SCHOOL EXCEEDS THE PERCENTAGE  
2 OF AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF  
3 THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS EQUAL  
4 TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF ADJUSTED  
5 DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF DISTRICT  
6 PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT  
7 CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED  
8 IN THE ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH  
9 ONE HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK  
10 SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

11 (III) EACH DISTRICT CHARTER SCHOOL IN A SCHOOL DISTRICT  
12 THAT IS NOT A QUALIFYING DISTRICT AND WHOSE PERCENTAGE OF AT-RISK  
13 PUPILS EXCEEDS THE PERCENTAGE OF AT-RISK PUPILS IN THE CHARTERING  
14 SCHOOL DISTRICT SHALL RECEIVE AT-RISK SUPPLEMENTAL AID. THE  
15 AMOUNT OF THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID  
16 IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF  
17 ADJUSTED DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF  
18 DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT  
19 CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED  
20 IN THE ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH  
21 ONE HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK  
22 SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

23 (3) IF THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION IS  
24 INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK  
25 SUPPLEMENTAL AID CALCULATED PURSUANT TO PARAGRAPH (b) OF  
26 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL  
27 REDUCE EACH SCHOOL DISTRICT'S AND EACH DISTRICT CHARTER SCHOOL'S



1 AT-RISK SUPPLEMENTAL AID PROPORTIONATELY.

2 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-513, add  
3 (4.5) as follows:

4 **22-30.5-513. Institute charter schools - definitions - funding**  
5 **- at-risk supplemental aid - legislative declaration.** (4.5) (a) FOR THE  
6 2012-13 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE  
7 GENERAL ASSEMBLY SHALL APPROPRIATE TO THE CHARTER SCHOOL  
8 INSTITUTE THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID  
9 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.5) FOR EACH  
10 INSTITUTE CHARTER SCHOOL WHOSE PERCENTAGE OF AT-RISK PUPILS IS  
11 LESS THAN THE PERCENTAGE OF AT-RISK PUPILS IN THE ACCOUNTING  
12 DISTRICT. AT-RISK SUPPLEMENTAL AID IS ADDITIONAL FUNDING AND DOES  
13 NOT SUPPLANT ANY OTHER FUNDING ALLOCATED PURSUANT TO THIS  
14 SECTION. THE CHARTER SCHOOL INSTITUTE SHALL PASS THROUGH ONE  
15 HUNDRED PERCENT OF AN INSTITUTE CHARTER SCHOOL'S AT-RISK  
16 SUPPLEMENTAL AID TO THE INSTITUTE CHARTER SCHOOL.

17 (b) THE INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL  
18 AID IS EQUAL TO ONE-HALF OF THE DIFFERENCE BETWEEN ONE HUNDRED  
19 PERCENT OF THE ACCOUNTING DISTRICT'S PER PUPIL REVENUES AND ONE  
20 HUNDRED PERCENT OF THE ACCOUNTING DISTRICT'S ADJUSTED PER PUPIL  
21 REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL,  
22 NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT  
23 PROGRAM.

24 (c) FOR PURPOSES OF THIS SUBSECTION (4.5), UNLESS THE  
25 CONTEXT OTHERWISE REQUIRES, "ACCOUNTING DISTRICT'S PER PUPIL  
26 REVENUES" HAS THE SAME MEANING AS THE TERM "DISTRICT PER PUPIL  
27 REVENUES" DEFINED IN SECTION 22-30.5-112.

1           (d) IF THE APPROPRIATION TO THE CHARTER SCHOOL INSTITUTE IS  
2           INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK  
3           SUPPLEMENTAL AID CALCULATED PURSUANT TO THIS SUBSECTION (4.5),  
4           THE CHARTER SCHOOL INSTITUTE SHALL REDUCE EACH INSTITUTE  
5           CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID PROPORTIONATELY.

6           **SECTION 10.** In Colorado Revised Statutes, 22-54-114, add (4)  
7           (c) as follows:

8           **22-54-114. State public school fund.** (4) (c) FOR THE 2012-13  
9           BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE GENERAL  
10           ASSEMBLY SHALL APPROPRIATE THE AMOUNT CALCULATED FOR AT-RISK  
11           SUPPLEMENTAL AID PURSUANT TO SECTIONS 22-30.5-112.2 AND  
12           22-30.5-513, UP TO THREE MILLION EIGHT HUNDRED THIRTY-NINE  
13           THOUSAND SIX HUNDRED TWENTY-SEVEN DOLLARS, FROM ANY AMOUNTS  
14           RECOVERED AND RECEIVED BY THE DEPARTMENT OF EDUCATION DURING  
15           THE APPLICABLE BUDGET YEAR.

16           **SECTION 11. Legislative declaration.** (1) The general  
17           assembly finds that:

18           (a) To comply with federal requirements, the state must assess  
19           students' achievement of the state standards in mathematics, English  
20           language arts, and science during grade ten, eleven, or twelve using an  
21           assessment that is aligned with the state standards;

22           (b) The state administers a statewide assessment in mathematics,  
23           reading, writing, and science to students enrolled in tenth grade, which  
24           assessment is aligned with the content standards adopted by the state  
25           board. This assessment is necessary for the state to meet the federal high  
26           school testing requirements and costs the state over one million dollars  
27           per year to administer.

1           (c) The state also administers the ACT to all students enrolled in  
2 eleventh grade. While the ACT includes questions in the areas of  
3 mathematics, English language arts, and science, it is not comprehensive  
4 enough nor sufficiently aligned with the Colorado standards to meet the  
5 federal high school testing requirements. However, the ACT is of great  
6 value to students who are planning to continue into postsecondary  
7 education because it is considered by most postsecondary institutions in  
8 making admissions decisions. The ACT also costs the state over one  
9 million dollars per year to administer.

10           (d) The state could save significant amounts by administering  
11 only the ACT as the statewide assessment for students in grades ten,  
12 eleven, and twelve. However, augmenting the ACT with additional  
13 questions so that it is sufficiently aligned with Colorado's standards to  
14 satisfy the federal high school testing requirements would cost several  
15 million dollars.

16           (e) Colorado is participating with the common core state  
17 standards initiative, which has developed standards in the areas of  
18 mathematics and English language arts, and the state board of education  
19 recently adopted the common core state standards for mathematics and  
20 English language arts as Colorado's state model content standards in  
21 these subjects. So far, the common core state standards have been  
22 adopted by forty-seven other states.

23           (f) Because the trend among the majority of states is to adopt the  
24 common core state standards and all states are required by federal law to  
25 administer an assessment during grades ten through twelve that is aligned  
26 with each state's standards, it is the intent and expectation of the general  
27 assembly that ACT, Inc., will soon reconfigure the ACT to align with the

1 common core state standards at a sufficient level to enable the states,  
2 including Colorado, to administer the ACT as a means of complying with  
3 the federal high school testing requirements without having to pay several  
4 million dollars to augment the test.

5 **SECTION 12.** In Colorado Revised Statutes, 22-32-109, amend  
6 (1) (nn); and add (1) (oo) as follows:

7 **22-32-109. Board of education - specific duties.** (1) In addition  
8 to any other duty required to be performed by law, each board of  
9 education shall have and perform the following specific duties:

10 (nn) To ensure that each student who enrolls in the sixth grade in  
11 a public school of the school district, including but not limited to a  
12 district charter school, on the day of enrollment is registered with the  
13 state-provided, free on-line college planning and preparation resource,  
14 commonly referred to as "CollegeInColorado.org". The school district,  
15 the department of education, and the department of higher education shall  
16 collaborate to monitor the implementation of this paragraph (nn) and to  
17 ensure optimal interactivity between the various data bases and student  
18 record systems employed by school districts and college in Colorado.  
19 Each public school shall assist each student and his or her parent or legal  
20 guardian to develop and maintain the student's individual career and  
21 academic plan no later than the beginning of ninth grade but may assist  
22 the student and his or her parent or legal guardian to develop and  
23 maintain the student's individual career and academic plan in any grade  
24 prior to ninth grade.

25 (oo) (I) TO ADOPT POLICIES TO REQUIRE EACH SCHOOL OF THE  
26 SCHOOL DISTRICT, INCLUDING THE CHARTER SCHOOLS, TO ASSIST EACH  
27 STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND

1 MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN,  
2 REFERRED TO IN THIS PARAGRAPH (oo) AS AN "ICAP", NO LATER THAN  
3 THE BEGINNING OF NINTH GRADE. THE BOARD OF EDUCATION MAY  
4 REQUIRE THE SCHOOLS OF THE SCHOOL DISTRICT TO ASSIST THE STUDENT  
5 AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN  
6 THE STUDENT'S ICAP IN ANY GRADE PRIOR TO NINTH GRADE. EACH  
7 STUDENT'S ICAP SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN  
8 SECTION 22-2-136 AND THE RULES PROMULGATED BY THE STATE BOARD  
9 OF EDUCATION PURSUANT TO SAID SECTION.

10 (II) THE BOARD OF EDUCATION SHALL FURTHER REQUIRE EACH  
11 SCHOOL OF THE SCHOOL DISTRICT TO ASSIST EACH STUDENT WHO IS  
12 ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE PLAN  
13 EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND  
14 PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH  
15 TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND  
16 CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT  
17 TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR  
18 TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS  
19 THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY  
20 EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL  
21 SERVICES OR COURSES.

22 **SECTION 13.** In Colorado Revised Statutes, 22-32-109.5, add  
23 (4) as follows:

24 **22-32-109.5. Board of education - specific duties - testing**  
25 **requirements - basic skills placement or assessment tests -**  
26 **intervention plans.** (4) (a) EACH SCHOOL DISTRICT MAY ADMINISTER TO  
27 STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE IN THE SCHOOLS

1 OF THE SCHOOL DISTRICT THE BASIC SKILLS PLACEMENT OR ASSESSMENT  
2 TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN  
3 STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE SCHOOL DISTRICT  
4 MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN  
5 AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF  
6 GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION  
7 SHALL ALLOCATE MONEYS TO EACH SCHOOL DISTRICT TO OFFSET THE  
8 COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE  
9 PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

10 (b) IF A SCHOOL DISTRICT CHOOSES TO ADMINISTER THE BASIC  
11 SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL  
12 CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY  
13 THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS  
14 AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF  
15 POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE  
16 TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT  
17 RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND  
18 WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH  
19 SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE  
20 STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION  
21 PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION  
22 SUPPORT SERVICES THAT THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE  
23 POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON  
24 GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE  
25 INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE  
26 STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN  
27 WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE,

1 THE SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL  
2 GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC  
3 SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE  
4 "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE,  
5 IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

6 **SECTION 14.** In Colorado Revised Statutes, add 22-30.5-117  
7 as follows:

8 **22-30.5-117. Basic skills placement or assessment tests -**  
9 **intervention plans.** (1) EACH CHARTER SCHOOL THAT INCLUDES ANY OF  
10 GRADES NINE THROUGH TWELVE MAY ADMINISTER TO STUDENTS  
11 ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT OR  
12 ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED  
13 FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S.  
14 THE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A STUDENT AT ANY  
15 TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS  
16 ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE  
17 DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH  
18 CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN ADMINISTERING  
19 EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS  
20 ENROLLED IN THOSE GRADES.

21 (2) IF A CHARTER SCHOOL CHOOSES TO ADMINISTER THE BASIC  
22 SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL  
23 CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY  
24 THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS  
25 AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF  
26 POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE  
27 TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT

1 RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND  
2 WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH  
3 SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE  
4 STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION  
5 PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION  
6 SUPPORT SERVICES THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE  
7 POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON  
8 GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE  
9 INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE  
10 STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN  
11 WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE,  
12 THE CHARTER SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR  
13 LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE  
14 BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION  
15 THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE  
16 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

17 **SECTION 15.** In Colorado Revised Statutes, add 22-30.5-523  
18 and 22-30.5-524 as follows:

19 **22-30.5-523. Individual career and academic plans.** (1) EACH  
20 INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT AND HIS OR  
21 HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE  
22 STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, REFERRED TO IN  
23 THIS SECTION AS AN "ICAP", NO LATER THAN THE BEGINNING OF NINTH  
24 GRADE BUT MAY ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL  
25 GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S ICAP IN ANY  
26 GRADE PRIOR TO NINTH GRADE. EACH STUDENT'S ICAP SHALL COMPLY  
27 WITH THE REQUIREMENTS SPECIFIED IN SECTION 22-2-136 AND THE RULES



1 PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SAID  
2 SECTION.

3 (2) EACH INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH  
4 STUDENT WHO IS ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE  
5 PLAN EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND  
6 PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH  
7 TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND  
8 CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT  
9 TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR  
10 TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS  
11 THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY  
12 EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL  
13 SERVICES OR COURSES.

14 **22-30.5-524. Basic skills placement or assessment tests -**  
15 **intervention plans.** (1) EACH INSTITUTE CHARTER SCHOOL THAT  
16 INCLUDES ANY OF GRADES NINE THROUGH TWELVE MAY ADMINISTER TO  
17 STUDENTS ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT OR  
18 ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED  
19 FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S.  
20 THE INSTITUTE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A  
21 STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE  
22 STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT  
23 THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH  
24 INSTITUTE CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN  
25 ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE  
26 HE OR SHE IS ENROLLED IN THOSE GRADES.

27 (2) IF AN INSTITUTE CHARTER SCHOOL CHOOSES TO ADMINISTER

1 THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S  
2 INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES  
3 ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR  
4 ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE  
5 STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT  
6 THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE  
7 THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE  
8 POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON  
9 GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH  
10 THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO  
11 CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY  
12 COURSES AND EDUCATION SUPPORT SERVICES THE STUDENT REQUIRES TO  
13 BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR  
14 TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO  
15 CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY,  
16 SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND  
17 ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES.  
18 IF APPROPRIATE, THE SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT  
19 OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR  
20 MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION  
21 THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE  
22 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

23 **SECTION 16.** In Colorado Revised Statutes, 22-30.5-505,  
24 **amend** (3) (f) as follows:

25 **22-30.5-505. State charter school institute - institute board -**  
26 **appointment - powers and duties - rules.** (3) The mission of the  
27 institute board shall be to foster high-quality public school choices

1 offered through institute charter schools, including particularly schools  
2 that are focused on closing the achievement gap for at-risk students. In  
3 discharging its duties pursuant to this part 5, the institute shall:

4 (f) Ensure that each student who enrolls in the sixth grade in an  
5 institute charter school, on the day of enrollment, is registered with the  
6 state-provided, free on-line college planning and preparation resource,  
7 commonly referred to as "CollegeInColorado.org". The institute, the  
8 department, and the department of higher education shall collaborate to  
9 monitor the implementation of this paragraph (f) and to ensure optimal  
10 interactivity between the various data bases and student record systems  
11 employed by institute charter schools and college in Colorado. Each  
12 institute charter school shall assist each student and his or her parent or  
13 legal guardian to develop and maintain the student's individual career and  
14 academic plan no later than the beginning of ninth grade but may assist  
15 the student and his or her parent or legal guardian to develop and  
16 maintain the student's individual career and academic plan in any grade  
17 prior to ninth grade.

18 **SECTION 17.** In Colorado Revised Statutes, 22-2-136, amend  
19 (2) (a) as follows:

20 **22-2-136. Additional duty - state board - individual career**  
21 **and academic plans - standards - rules.** (2) In establishing the  
22 standards for individual career and academic plans, the state board shall  
23 ensure, at a minimum, that:

24 (a) Each individual career and academic plan includes a career  
25 planning and guidance component and a portfolio that reflects, at a  
26 minimum:

27 (I) The student's efforts in exploring careers, including interest

1 surveys that the student completes;

2 (II) The student's academic progress, including the courses taken,  
3 any remediation or credit recovery, and any concurrent enrollment credits  
4 earned;

5 (III) FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT  
6 CHOOSE TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT  
7 TESTS, THE STUDENT'S SCORES ON THE BASIC SKILLS PLACEMENT OR  
8 ASSESSMENT TESTS ADMINISTERED PURSUANT TO SECTION 22-30.5-117,  
9 22-30.5-524, OR 22-32-109.5 (4), ANY INTERVENTION PLAN CREATED FOR  
10 THE STUDENT PURSUANT TO SAID SECTIONS, AND THE STUDENT'S  
11 PROGRESS IN MEETING THE INTERVENTION PLAN;

12 (H.5) (IV) The student's progress in visual arts and performing  
13 arts courses;

14 (HH) (V) The student's experiences in contextual and service  
15 learning;

16 (IV) (VI) The student's college applications and resume, as they  
17 are prepared and submitted; and

18 (V) (VII) The student's postsecondary studies as the student  
19 progresses;

20 **SECTION 18. In Colorado Revised Statutes, 22-7-1009, amend**  
21 **(1) as follows:**

22 **22-7-1009. Diploma endorsements - adoption - revisions.**

23 (1) On or before July 1, 2011, or as soon thereafter as fiscally  
24 practicable, the state board shall adopt criteria that a local school board,  
25 BOCES, or institute charter high school may apply if the local school  
26 board, BOCES, or institute charter high school chooses to endorse high  
27 school diplomas to indicate that students have achieved postsecondary

1 and workforce readiness. The criteria shall include, but need not be  
2 limited to, the required minimum level of postsecondary and workforce  
3 readiness that a student must achieve to receive a readiness endorsement  
4 on his or her diploma from the local school board, BOCES, or institute  
5 charter high school, BASED ON WHETHER THE STUDENT INTENDS TO  
6 PURSUE A CAREER AND TECHNICAL EDUCATION CERTIFICATE;  
7 ENROLLMENT IN AN OPEN, MODIFIED OPEN, OR MODERATELY SELECTIVE  
8 INSTITUTION OF HIGHER EDUCATION; OR ENROLLMENT IN A SELECTIVE  
9 INSTITUTION OF HIGHER EDUCATION. In identifying the required minimum  
10 level of postsecondary and workforce readiness, the state board shall  
11 ensure that the minimum level of postsecondary and workforce readiness  
12 reflects the expectations for postsecondary and workforce readiness that  
13 are applied nationally and internationally.

14 **SECTION 19.** In Colorado Revised Statutes, 22-11-204, amend  
15 (4) (b) (II) as follows:

16 **22-11-204. Performance indicators - measures.** (4) The  
17 department shall determine the level of attainment of each public high  
18 school, each school district, the institute, and the state as a whole on the  
19 postsecondary and workforce readiness indicator by using, at a minimum,  
20 the following measures:

21 (b) For each school district and the institute, the department shall  
22 calculate:

23 (II) Beginning with the 2011-12 school year FIRST SCHOOL YEAR  
24 FOR WHICH CRITERIA ARE ADOPTED PURSUANT TO SECTION 22-7-1009 (1)  
25 FOR AWARDING DIPLOMAS THAT ARE ENDORSED FOR POSTSECONDARY  
26 AND WORKFORCE READINESS and for each school year thereafter, the  
27 overall percentage of all students graduating from the district public high

1 schools or from the institute charter high schools who receive diplomas  
2 that are endorsed for postsecondary and workforce readiness as described  
3 in section 22-7-1009 (1) and the percentage who receive diplomas that  
4 are endorsed for exemplary demonstration of postsecondary and  
5 workforce readiness as described in section 22-7-1009 (2); and

6 **SECTION 20.** In Colorado Revised Statutes, 22-2-112, add (4)  
7 as follows:

8 **22-2-112. Commissioner - duties.** (4) (a) THE COMMISSIONER  
9 SHALL ENSURE THAT THE DEPARTMENT, SUBJECT TO AVAILABLE  
10 APPROPRIATIONS, ANNUALLY ALLOCATES MONEYS TO SCHOOL DISTRICTS,  
11 DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS TO  
12 REIMBURSE THEM FOR THE COSTS OF ADMINISTERING BASIC SKILLS  
13 PLACEMENT OR ASSESSMENT TESTS PURSUANT TO SECTIONS 22-32-109.5,  
14 22-30.5-117, AND 22-30.5-524, RESPECTIVELY, TO STUDENTS ENROLLED  
15 IN GRADES NINE THROUGH TWELVE. THE DEPARTMENT SHALL ALLOCATE  
16 MONEYS TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE  
17 TEST UNITS ONLY ONCE PER STUDENT WHILE THE STUDENT IS ENROLLED  
18 IN GRADES NINE THROUGH TWELVE.

19 (b) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF  
20 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ADMINISTERING  
21 BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS TO STUDENTS IN GRADES  
22 NINE THROUGH TWELVE IS AN ACCOUNTABLE PROGRAM TO MEET STATE  
23 ACADEMIC STANDARDS AND IS A COMPONENT OF ACCOUNTABILITY  
24 REPORTING AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE  
25 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE  
26 STATE CONSTITUTION.

27 **SECTION 21. Legislative declaration.** (1) The general

1 assembly hereby declares that:

2 (a) The use of inflexible "zero-tolerance" policies as a means of  
3 addressing disciplinary problems in schools has resulted in unnecessary  
4 expulsions, out-of-school suspensions, and referrals to law enforcement  
5 agencies;

6 (b) Involvement of students in the criminal or juvenile justice  
7 systems should be avoided when addressing minor misbehavior that is  
8 typical for a student based on his or her developmental stage;

9 (c) State laws must allow school administrators and local boards  
10 of education to use their discretion to determine the appropriate  
11 disciplinary response to each incident of student misconduct;

12 (d) Each school district of the state is encouraged, in creating and  
13 enforcing a school conduct and discipline code, to protect students and  
14 staff from harm, provide opportunities for students to learn from their  
15 mistakes, foster a positive learning community, keep students in school,  
16 and show mindful consideration of negative impacts that can occur as a  
17 result of involvement with the criminal justice system;

18 (e) School discipline policies and practices must apply equally to  
19 all students regardless of their economic status, race, gender, ethnicity,  
20 religion, national origin, sexual orientation, or disability; and

21 (f) Each school district of the state is encouraged to include in its  
22 school conduct and discipline code a specific policy that:

23 (I) States which violations of the code require a referral to law  
24 enforcement due to the serious nature of the violation or as a result of a  
25 state or federal reporting law;

26 (II) States which violations of the code may result in a referral to  
27 law enforcement, subject to the discretion of a school administration or

1 a local board of education; and  
2 (III) States factors that the school district will consider when  
3 making a determination as to whether to refer a student to law  
4 enforcement, which factors, at a minimum, include:  
5 (A) The age of a student;  
6 (B) The disciplinary history of a student;  
7 (C) Whether a student has a disability;  
8 (D) The seriousness of a violation;  
9 (E) Whether a violation threatened the safety of any student or  
10 staff member; and  
11 (F) Whether a lesser intervention would properly address a  
12 violation.  
13 (2) Now, therefore, the general assembly determines and declares  
14 that:  
15 (a) To ensure that the best interests of Colorado schools are being  
16 served, in accordance with section 2-2-1201, Colorado Revised Statutes  
17 (C.R.S.), the legislative service agencies of the general assembly shall  
18 conduct a post-enactment review of this act and report their conclusions  
19 to the education committees of the house of representatives and senate,  
20 or any successor committees, and to the persons described in section  
21 2-2-1201 (3), C.R.S.;  
22 (b) Notwithstanding the provisions of section 2-2-1201 (3),  
23 C.R.S., the legislative service agencies of the general assembly shall  
24 complete the post-enactment review of this act four years after this act  
25 becomes law;  
26 (c) Notwithstanding the provisions of section 2-2-1201 (2) (a),  
27 C.R.S., the review shall not make the determinations described in said



1 section 2-2-1201 (2) (a), C.R.S., but shall include any information  
2 reported to the division of criminal justice by school resource officers and  
3 other law enforcement officers pursuant to section 22-32-145, C.R.S., as  
4 described in section 13 of this act; and by district attorneys pursuant to  
5 section 20-1-113, C.R.S., as described in section 20 of this act; and

6 (d) The members of the education committees of the house of  
7 representatives and senate, or any successor committees, are encouraged  
8 to consider whether to:

9 (I) Continue to require school resource officers and other law  
10 enforcement officers and district attorneys to report such information to  
11 the division of criminal justice; or

12 (II) Enact legislation to repeal such reporting requirements.

13 **SECTION 22.** In Colorado Revised Statutes, 22-32-109.1,  
14 amend (1), (2) introductory portion, (2) (a), and (2) (b); and add (1.5) as  
15 follows:

16 **22-32-109.1. Board of education - specific powers and duties**  
17 **- safe school plan - conduct and discipline code - safe school**  
18 **reporting requirements. (1) Definitions. Each school district board of**  
19 **education shall adopt a mission statement for the school district, which**  
20 **statement shall include making safety a priority in each public school of**  
21 **the school district. AS USED IN THIS SECTION, UNLESS THE CONTEXT**  
22 **OTHERWISE REQUIRES:**

23 (a) "ACTION TAKEN" MEANS A SPECIFIC TYPE OF DISCIPLINE,  
24 INCLUDING BUT NOT LIMITED TO THE FOLLOWING CATEGORIES OF  
25 DISCIPLINE:

26 (I) IN-SCHOOL SUSPENSION;

27 (II) OUT-OF-SCHOOL SUSPENSION;

1 (III) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;

2 (IV) EXPULSION;

3 (V) REFERRAL TO A LAW ENFORCEMENT AGENCY; OR

4 (VI) ANY OTHER FORM OF DISCIPLINE, WHICH SHALL BE  
5 OFFICIALLY IDENTIFIED AS PART OF A BOARD POLICY;

6 (b) "BULLYING" MEANS ANY WRITTEN OR VERBAL EXPRESSION, OR  
7 PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF,  
8 THAT IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL,  
9 MENTAL, OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS  
10 PROHIBITED AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT  
11 NOT LIMITED TO ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A  
12 STUDENT ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE OR  
13 AGAINST WHOM FEDERAL AND STATE LAWS PROHIBIT DISCRIMINATION  
14 UPON ANY OF THE BASES DESCRIBED IN SECTION 22-32-109 (1) (II) (I).  
15 THIS DEFINITION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT  
16 GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT TO THE UNITED  
17 STATES CONSTITUTION OR TO PREVENT THE EXPRESSION OF ANY  
18 RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS.

19 (c) "DANGEROUS WEAPON" HAS THE SAME MEANING AS SET FORTH  
20 IN SECTION 22-33-102 (4).

21 (d) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED  
22 PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR IS AUTHORIZED PURSUANT  
23 TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN  
24 TEACHING DURING A MAJORITY OF THE INSTRUCTIONAL MINUTES PER  
25 SCHOOL DAY.

26 (e) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING  
27 AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

1           (f) (I) "REFERRAL TO LAW ENFORCEMENT" MEANS A  
2 COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR  
3 OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT AGENCY, WHICH  
4 COMMUNICATION:

5           (A) IS INITIATED BY THE SCHOOL ADMINISTRATOR, TEACHER, OR  
6 OTHER SCHOOL EMPLOYEE; AND

7           (B) CONCERNS BEHAVIOR BY A STUDENT THAT THE SCHOOL  
8 ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE BELIEVES MAY  
9 CONSTITUTE A VIOLATION OF THE SCHOOL CONDUCT AND DISCIPLINE CODE  
10 OR A CRIMINAL OR DELINQUENT OFFENSE AND FOR WHICH THE SCHOOL  
11 ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE REQUESTS AN  
12 INVESTIGATION OR OTHER INVOLVEMENT BY A LAW ENFORCEMENT  
13 AGENCY.

14           (II) "REFERRAL TO LAW ENFORCEMENT" DOES NOT INCLUDE:

15           (A) CONTACT WITH A LAW ENFORCEMENT AGENCY THAT IS MADE  
16 FOR THE PURPOSE OF EDUCATION, PREVENTION, OR INTERVENTION  
17 REGARDING A STUDENT'S BEHAVIOR; OR

18           (B) ROUTINE OR INCIDENTAL COMMUNICATION BETWEEN A  
19 SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A  
20 LAW ENFORCEMENT OFFICER.

21           (g) "RESTORATIVE JUSTICE" HAS THE SAME MEANING AS SET  
22 FORTH IN SECTION 22-32-144 (3).

23           (h) "SCHOOL VEHICLE" SHALL HAVE THE SAME MEANING AS SET  
24 FORTH IN SECTION 42-1-102 (88.5), C.R.S.

25           (1.5) **Mission statement.** EACH SCHOOL DISTRICT BOARD OF  
26 EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL  
27 DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY FOR ALL

1 STUDENTS AND STAFF A PRIORITY IN EACH PUBLIC SCHOOL OF THE SCHOOL  
2 DISTRICT.

3 (2) Safe school plan. In order to provide a learning environment  
4 that is safe, conducive to the learning process, and free from unnecessary  
5 disruption, following consultation with the school district accountability  
6 committee and school accountability committees, parents, teachers,  
7 administrators, students, student councils where available, and, where  
8 appropriate, the community at large, each school district board of  
9 education shall adopt and implement a safe school plan, or review and  
10 revise, if AS necessary IN RESPONSE TO ANY RELEVANT DATA COLLECTED  
11 BY THE SCHOOL DISTRICT, any existing plans or policies already in effect.  
12 which IN ADDITION TO THE AFOREMENTIONED PARTIES, EACH SCHOOL  
13 DISTRICT BOARD OF EDUCATION, IN ADOPTING AND IMPLEMENTING ITS  
14 SAFE SCHOOL PLAN, MAY CONSULT WITH VICTIMS ADVOCACY  
15 ORGANIZATIONS, SCHOOL PSYCHOLOGISTS, AND LOCAL LAW  
16 ENFORCEMENT AGENCIES. THE PLAN, AT A MINIMUM, shall include but not  
17 be limited to, the following:

18 (a) Conduct and discipline code. (I) A concisely written  
19 conduct and discipline code that shall be enforced uniformly, fairly, and  
20 consistently for all students. Copies of the code shall be provided to each  
21 student upon enrollment at the elementary, middle, and high school levels  
22 and shall be posted or kept on file at each public school in the school  
23 district. THE SCHOOL DISTRICT SHALL TAKE REASONABLE MEASURES TO  
24 ENSURE THAT EACH STUDENT OF EACH PUBLIC SCHOOL IN THE SCHOOL  
25 DISTRICT IS FAMILIAR WITH THE CODE. The code shall include, but shall  
26 NEED not be limited to:

27 (H) (A) General policies on student conduct, safety, and welfare;

1           ~~(H)~~ (B) General policies and procedures for dealing with students  
2           who cause a disruption in the classroom, on school grounds, in A school  
3           vehicles as defined in section 42-1-102 (88.5), C.R.S., VEHICLE, or at A  
4           school activities ACTIVITY or sanctioned events EVENT, including a  
5           specific policy allowing a teacher to remove a disruptive student from his  
6           or her classroom. and, THE POLICY SHALL STATE THAT, upon the third  
7           such removal from a teacher's class, to THE TEACHER MAY remove the  
8           disruptive student from such THE teacher's class for the remainder of the  
9           term of the class; EXCEPT THAT A DISRUPTIVE STUDENT SHALL NOT BE  
10           REMOVED FROM A TEACHER'S CLASS FOR THE REMAINDER OF THE TERM OF  
11           THE CLASS UNLESS THE PRINCIPAL OF THE STUDENT'S SCHOOL OR HIS OR  
12           HER DESIGNEE HAS DEVELOPED AND IMPLEMENTED A BEHAVIOR PLAN FOR  
13           THE STUDENT. A BEHAVIOR PLAN MAY BE DEVELOPED AFTER THE FIRST  
14           SUCH REMOVAL FROM CLASS AND SHALL BE DEVELOPED AFTER THE  
15           SECOND REMOVAL FROM CLASS. The general policies and procedures shall  
16           include a due process procedure, which at a minimum shall require that,  
17           as soon as possible after a removal, the teacher or the school principal  
18           shall contact the parent or legal guardian of the student to request his or  
19           her attendance at a student-teacher conference regarding the removal. A  
20           behavior plan may be developed after the first such removal from class,  
21           and shall be developed after the second such removal from class. Any  
22           policy or procedure adopted shall comply with applicable federal and  
23           state laws, including but not limited to laws regarding students with  
24           disabilities.

25           ~~(H)~~ (C) Provisions for the initiation of suspension or expulsion  
26           proceedings for students who qualify as habitually disruptive by causing  
27           a disruption in the classroom, on school grounds, in school vehicles, or

1 at school activities or sanctioned events for a third time during a single  
2 school year or calendar year STUDENTS;

3 (IV) (D) Policies and procedures for the use of acts of reasonable  
4 and appropriate physical intervention or force in dealing with disruptive  
5 students; except that no board shall adopt a discipline code that includes  
6 provisions that are in conflict with the definition of child abuse in section  
7 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

8 (V) (E) General policies and procedures for determining the  
9 circumstances under and the manner in which disciplinary actions,  
10 including suspension and expulsion, shall be imposed in accordance with  
11 the provisions of sections 22-33-105 and 22-33-106;

12 (VI) (F) A specific policy concerning gang-related activities in  
13 the school, on school grounds, in school vehicles, or AND at school  
14 activities or sanctioned events;

15 (VII) (G) Written prohibition, consistent with section 22-33-106,  
16 of students from bringing OR POSSESSING dangerous weapons, drugs, or  
17 other controlled substances to school, on school grounds, in A school  
18 vehicles VEHICLE, or at A school activities ACTIVITY or sanctioned events  
19 EVENT and from using drugs OR other controlled substances or tobacco  
20 products on school grounds, in A school vehicles VEHICLE, or at A school  
21 activities ACTIVITY or sanctioned events EVENT;

22 (H) WRITTEN PROHIBITION OF STUDENTS FROM USING OR  
23 POSSESSING TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN A SCHOOL  
24 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;

25 (VIII) (I) A written policy concerning searches on school  
26 grounds, including SEARCHES OF student lockers;

27 (IX) (J) A dress code policy that encourages school pride and

1 unity, promotes uniformity of dress, and defines and prohibits students  
2 from wearing apparel that is deemed disruptive to the classroom  
3 environment or to the maintenance of a safe and orderly school. The  
4 dress code policy may require students to wear a school uniform or may  
5 establish minimum standards of dress; and

6 (X) (A) (K) On and after August 8, 2001, a specific policy  
7 concerning bullying prevention and education. Each school district is  
8 encouraged to ensure that its policy, at a minimum, incorporates the  
9 biennial administration of surveys of students' impressions of the severity  
10 of bullying in their schools, as described in section 22-93-104 (1) (c);  
11 character building; and the designation of a team of persons at each  
12 school of the school district who advise the school administration  
13 concerning the severity and frequency of bullying incidents that occur in  
14 the school, which team may include, but need not be limited to, law  
15 enforcement officials, social workers, prosecutors, health professionals,  
16 mental health professionals, SCHOOL PSYCHOLOGISTS, counselors,  
17 teachers, administrators, parents, and students. Each school district's  
18 policy shall set forth appropriate disciplinary consequences for students  
19 who bully other students and for any person who takes any retaliatory  
20 action against a student who reports in good faith an incident of bullying,  
21 which consequences shall comply with all applicable state and federal  
22 laws.

23 (B) For purposes of this subparagraph (X), "bullying" means any  
24 written or verbal expression, or physical or electronic act or gesture, or  
25 a pattern thereof, that is intended to coerce, intimidate, or cause any  
26 physical, mental, or emotional harm to any student. Bullying is prohibited  
27 against any student for any reason, including but not limited to any such

1 behavior that is directed toward a student on the basis of his or her  
2 academic performance or against whom federal and state laws prohibit  
3 discrimination upon any of the bases described in section 22-32-109 (1)  
4 (II) (I). This definition is not intended to infringe upon any right  
5 guaranteed to any person by the first amendment to the United States  
6 constitution or to prevent the expression of any religious, political, or  
7 philosophical views.

8 (II) IN CREATING AND ENFORCING A SCHOOL CONDUCT AND  
9 DISCIPLINE CODE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH  
10 (a), EACH SCHOOL DISTRICT BOARD OF EDUCATION, ON AND AFTER  
11 AUGUST 1, 2013, SHALL:

12 (A) IMPOSE PROPORTIONATE DISCIPLINARY INTERVENTIONS AND  
13 CONSEQUENCES, INCLUDING BUT NOT LIMITED TO IN-SCHOOL  
14 SUSPENSIONS, IN RESPONSE TO STUDENT MISCONDUCT, WHICH  
15 INTERVENTIONS AND CONSEQUENCES ARE DESIGNED TO REDUCE THE  
16 NUMBER OF EXPULSIONS, OUT-OF-SCHOOL SUSPENSIONS, AND REFERRALS  
17 TO LAW ENFORCEMENT, EXCEPT FOR SUCH REFERRALS TO LAW  
18 ENFORCEMENT AS ARE REQUIRED BY STATE OR FEDERAL LAW;

19 (B) INCLUDE PLANS FOR THE APPROPRIATE USE OF PREVENTION,  
20 INTERVENTION, RESTORATIVE JUSTICE, PEER MEDIATION, COUNSELING, OR  
21 OTHER APPROACHES TO ADDRESS STUDENT MISCONDUCT, WHICH  
22 APPROACHES ARE DESIGNED TO MINIMIZE STUDENT EXPOSURE TO THE  
23 CRIMINAL AND JUVENILE JUSTICE SYSTEM. THE PLANS SHALL STATE THAT  
24 A SCHOOL ADMINISTRATION SHALL NOT ORDER A VICTIM'S PARTICIPATION  
25 IN A RESTORATIVE JUSTICE PRACTICE OR PEER MEDIATION IF THE ALLEGED  
26 VICTIM OF AN OFFENDING STUDENT'S MISCONDUCT ALLEGES THAT THE  
27 MISCONDUCT CONSTITUTES UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN



1 SECTION 16-22-102 (9), C.R.S.; A CRIME IN WHICH THE UNDERLYING  
2 FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION  
3 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED IN SECTION 18-3-602,  
4 C.R.S.; OR VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION  
5 18-6-803.5, C.R.S.;

6 (C) ENSURE THAT THE IMPLEMENTATION OF THE CODE COMPLIES  
7 WITH ALL STATE AND FEDERAL LAWS CONCERNING THE EDUCATION OF  
8 STUDENTS WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103 (5); AND

9 (D) ENSURE THAT, IN IMPLEMENTING THE CODE, EACH SCHOOL OF  
10 THE SCHOOL DISTRICT SHOWS DUE CONSIDERATION OF THE IMPACT OF  
11 CERTAIN VIOLATIONS OF THE CODE UPON VICTIMS OF SUCH VIOLATIONS,  
12 IN ACCORDANCE WITH THE PROVISIONS OF TITLE IX OF THE UNITED  
13 STATES CODE AND OTHER STATE AND FEDERAL LAWS.

14 (b) **Safe school reporting requirements.** A policy whereby the  
15 principal of each public school in a school district shall submit annually,  
16 in a manner and by a date specified by rule of the state board, a written  
17 report to the board of education of such school district concerning the  
18 learning environment in the school during that school year. The board of  
19 education of the school district annually shall compile the reports from  
20 every school in the district and shall submit the compiled report to the  
21 department of education in a format specified by rule of the state board.  
22 The compiled report shall be made available to the general public. Such  
23 report shall include, but need not be limited to, the following specific  
24 information for the preceding school year:

- 25 (I) The total enrollment for the school;
- 26 (II) The average daily attendance rate at the school;
- 27 (III) Dropout rates for grades seven through twelve, if such grades

1 are taught at the school; and

2 (IV) The number of conduct and discipline code violations, each  
3 of which violations shall be reported only in the most serious category  
4 that is applicable to that violation, including but not limited to specific  
5 information on IDENTIFYING the number of, and the action taken with  
6 respect to, each of the following types of violations:

7 (A) Carrying, bringing, using, or Possessing a dangerous weapon  
8 on school grounds, in A school vehicles VEHICLE, or at A school activities  
9 ACTIVITY or sanctioned events EVENT without the authorization of the  
10 school or the school district;

11 (B) Use or possession of alcohol on school grounds, in A school  
12 vehicles VEHICLE, or at A school activities ACTIVITY or sanctioned events  
13 EVENT;

14 (C) Use, possession, or sale of a drug or controlled substance on  
15 school grounds, in A school vehicles VEHICLE, or at A school activities  
16 ACTIVITY or sanctioned events EVENT;

17 (D) Use or possession of A tobacco products PRODUCT on school  
18 grounds, in A school vehicles VEHICLE, or at A school activities ACTIVITY  
19 or sanctioned events EVENT;

20 (E) Being willfully disobedient or openly and persistently defiant  
21 or repeatedly interfering with the school's ability to provide educational  
22 opportunities to, and a safe environment for, other students;

23 (F) Commission of an act on school grounds, IN A SCHOOL  
24 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if  
25 committed by an adult, would be considered first degree assault, as  
26 described in section 18-3-202, C.R.S., second degree assault, as described  
27 in section 18-3-203, C.R.S., or vehicular assault, as described in section

1 18-3-205, C.R.S.:

2 (G) Behavior on school property GROUNDS, IN A SCHOOL VEHICLE,  
3 OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that is detrimental to  
4 the welfare or safety of other students or of school personnel, including  
5 but not limited to incidents of bullying as described by subparagraph (X)  
6 of paragraph (a) of this subsection (2); and other behavior that creates a  
7 threat of physical harm to the student or to other students;

8 (H) Willful destruction or defacement of school property;

9 (I) Commission of an act on school grounds, IN A SCHOOL  
10 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if  
11 committed by an adult, would be considered third degree assault, as  
12 described in section 18-3-204, C.R.S., or disorderly conduct, as described  
13 in section 18-9-106 (1) (d), C.R.S., but not disorderly conduct involving  
14 firearms or other deadly weapons, as described in section 18-9-106(1)(e)  
15 and (1) (f), C.R.S.:

16 (J) Commission of an act on school grounds IN A SCHOOL  
17 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if  
18 committed by an adult, would be considered robbery; and

19 (K) Other violations of the code of conduct and discipline that  
20 resulted in documentation of the conduct in a student's record;

21 (V) For purposes of subparagraph (IV) of this paragraph (b),  
22 "action taken" means the specific type of discipline, including but not  
23 limited to the following categories of discipline:

24 (A) In-school suspension;

25 (B) Out-of-school suspension;

26 (C) Classroom removal in accordance with board policy;

27 (D) Expulsion;

1 (E) Referral to a law enforcement agency; or

2 (F) Any other form of discipline, which shall be officially  
3 identified as part of a board policy;

4 (VI) The conduct and discipline code violations required to be  
5 reported pursuant to subparagraph (IV) of this paragraph (b) shall  
6 specifically identify each conduct and discipline code violation by a  
7 student with a disability and each action taken with respect to each  
8 violation by a student with a disability;

9 (VII) The average class size for each public elementary school,  
10 middle school or junior high school, and senior high school in the state  
11 calculated as the total number of students enrolled in the school divided  
12 by the number of full-time teachers in the school; For purposes of this  
13 subparagraph (VII), "full-time teacher" means a person who is licensed  
14 pursuant to article 60.5 of this title or is authorized pursuant to section  
15 22-60.5-111 to teach, and is primarily engaged in teaching during a  
16 substantial majority of the instructional minutes per school day. AND

17 (VIII) On and after August 8, 2001, The school's policy  
18 concerning bullying prevention and education, including information  
19 related to the development and implementation of any bullying  
20 prevention programs.

21 **SECTION 23.** In Colorado Revised Statutes, add 22-32-145 as  
22 follows:

23 **22-32-145. School use of on-site peace officers as school**  
24 **resource officers - notifications of arrests and notices issued -**  
25 **reporting requirements.** (1) IF A SCHOOL RESOURCE OFFICER OR OTHER  
26 LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON  
27 SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR

1 SANCTIONED EVENT ARRESTS A STUDENT OF THE SCHOOL, THE OFFICER  
2 SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF  
3 THE ARREST WITHIN TWENTY-FOUR HOURS AFTER THE ARREST.

4 (2) IF A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT  
5 OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS,  
6 IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT  
7 ISSUES A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE  
8 APPEARANCE OF A STUDENT OF THE SCHOOL IN COURT OR AT A POLICE  
9 STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY  
10 COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL  
11 ACTIVITY OR SANCTIONED EVENT, THE OFFICER SHALL NOTIFY THE  
12 PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ISSUANCE OF  
13 THE SUMMONS, TICKET, OR OTHER NOTICE WITHIN TEN DAYS AFTER THE  
14 ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE.

15 (3) A SCHOOL RESOURCE OFFICER SHALL BE FAMILIAR WITH THE  
16 PROVISIONS OF THE CONDUCT AND DISCIPLINE CODE OF THE SCHOOL TO  
17 WHICH HE OR SHE IS ASSIGNED.

18 (4) COMMENCING AUGUST 1, 2013, AND CONTINUING EACH  
19 AUGUST 1 THEREAFTER, EACH LAW ENFORCEMENT AGENCY EMPLOYING  
20 OR CONTRACTING WITH ANY LAW ENFORCEMENT OFFICER WHO IS ACTING  
21 OR HAS ACTED IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS,  
22 IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT  
23 SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN  
24 SECTION 24-33.5-502, C.R.S., IN AGGREGATE FORM WITHOUT PERSONAL  
25 IDENTIFYING INFORMATION, DATA ABOUT THE CASES HANDLED BY THE  
26 AGENCY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL  
27 ACTIVITY OR SANCTIONED EVENT. EACH SUCH REPORT SHALL INCLUDE, AT

1 A MINIMUM, THE FOLLOWING INFORMATION RELATING TO THE PRECEDING  
2 TWELVE MONTHS:

3 (a) THE NUMBER OF STUDENTS INVESTIGATED BY THE OFFICER FOR  
4 DELINQUENT OFFENSES, INCLUDING THE NUMBER OF STUDENTS  
5 INVESTIGATED FOR EACH TYPE OF DELINQUENT OFFENSE FOR WHICH THE  
6 OFFICER INVESTIGATED AT LEAST ONE STUDENT;

7 (b) THE NUMBER OF STUDENTS ARRESTED BY THE OFFICER,  
8 INCLUDING THE OFFENSE FOR WHICH EACH SUCH ARREST WAS MADE;

9 (c) THE NUMBER OF SUMMONSES OR TICKETS ISSUED BY THE  
10 OFFICER TO STUDENTS; AND

11 (d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH  
12 STUDENT WHOM THE OFFICER ARRESTED OR TO WHOM THE OFFICER ISSUED  
13 A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF  
14 THE STUDENT IN COURT OR AT A POLICE STATION FOR INVESTIGATION  
15 RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS,  
16 IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT.

17 **SECTION 24.** In Colorado Revised Statutes, amend 22-33-102  
18 as follows:

19 **22-33-102. Definitions.** As used in this article, unless the context  
20 otherwise requires:

21 (1) "Academic year" means that portion of the school year during  
22 which the public schools are in regular session, beginning about the first  
23 week in September and ending about the first week in June of the next  
24 year, or that portion of the school year which constitutes the minimum  
25 period during which a pupil must be enrolled.

26 (2) "Adult" means a person who has reached the age of  
27 twenty-one years.

1           (3) "Board of education" means the school board, board of  
2 directors, and board of education of a school district.

3           (4) "DANGEROUS WEAPON" MEANS:

4           (a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3) (h), C.R.S.;

5           (b) ANY PELLET GUN, BB GUN, OR OTHER DEVICE, WHETHER  
6 OPERATIONAL OR NOT, DESIGNED TO PROPEL PROJECTILES BY SPRING  
7 ACTION OR COMPRESSED AIR;

8           (c) A FIXED-BLADE KNIFE WITH A BLADE THAT EXCEEDS THREE  
9 INCHES IN LENGTH;

10           (d) A SPRING-LOADED KNIFE OR A POCKET KNIFE WITH A BLADE  
11 EXCEEDING THREE AND ONE-HALF INCHES IN LENGTH; OR

12           (e) ANY OBJECT, DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE,  
13 WHETHER ANIMATE OR INANIMATE, THAT IS USED OR INTENDED TO BE  
14 USED TO INFLICT DEATH OR SERIOUS BODILY INJURY.

15           (5) "DELINQUENT ACT" HAS THE SAME MEANING AS SET FORTH IN  
16 SECTION 19-1-103 (36), C.R.S.

17           ~~(4)~~ (6) "Executive officer" means the superintendent of schools  
18 or that THE head administrative officer designated by the A board of  
19 education to execute its policy decisions.

20           ~~(4.5)~~ (7) "General educational development tests" or "GED"  
21 means the battery of tests given at an authorized testing center, which  
22 tests are designed and published by the GED testing service of the  
23 American council on education to measure the major outcomes and  
24 concepts generally associated with four years of high school education.  
25 Each GED testing center must have a current contract with the American  
26 council on education and be authorized by the commissioner of  
27 education.

1           (8) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING  
2           AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

3           (4.7) (9) "Informal hearing" means an opportunity for a child to  
4           explain his or her position regarding a disruption in the classroom or an  
5           incident constituting THAT OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL  
6           VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT AND THAT  
7           CONSTITUTED grounds for discipline.

8           (5) (10) "Parent" means the mother or father of a child or any  
9           other person having custody of a child.

10           (11) "SCHOOL VEHICLE" HAS THE SAME MEANING AS SET FORTH IN  
11           SECTION 42-1-102 (88.5), C.R.S.

12           (6) (12) "State board" means the state board of education.

13           **SECTION 25.** In Colorado Revised Statutes, 22-33-105, amend

14           (2) (c), (3) (d) (III), and (6) as follows:

15           **22-33-105. Suspension, expulsion, and denial of admission.**

16           (2) In addition to the powers provided in section 22-32-110, the board  
17           of education of each district may:

18           (c) Deny admission to, or expel for any period not extending  
19           beyond one year, any child whom the board of education, in accordance  
20           with the limitations imposed by this article, shall determine does not  
21           qualify for admission to, or continued attendance at, the public schools  
22           of the district. A board of education may delegate such powers to its  
23           executive officer or to a designee who shall serve as a hearing officer. If  
24           the hearing is conducted by a designee acting as a hearing officer, the  
25           hearing officer shall forward findings of fact and recommendations to the  
26           executive officer at the conclusion of the hearing. The executive officer  
27           shall render a written opinion within five days after a hearing conducted



1 by the executive officer or by a hearing officer. The executive officer  
2 shall report on each case acted upon at the next meeting of the board of  
3 education, briefly describing the circumstances and the reasons for the  
4 executive officer's action. When delegated, an appeal may be taken from  
5 A CHILD WHO IS DENIED ADMISSION OR EXPELLED AS AN OUTCOME OF THE  
6 HEARING SHALL HAVE TEN DAYS AFTER THE DENIAL OF ADMISSION OR  
7 EXPULSION TO APPEAL the decision of the executive officer to the board  
8 of education, AFTER WHICH TIME THE DECISION TO GRANT OR DENY THE  
9 APPEAL SHALL BE AT THE DISCRETION OF THE BOARD OF EDUCATION. The  
10 appeal shall consist of a review of the facts that were presented and that  
11 were determined at the hearing conducted by the executive officer or by  
12 a designee acting as a hearing officer, arguments relating to the decision,  
13 and questions of clarification from the board of education. No board of  
14 education shall deny admission to, or expel, any child without a hearing,  
15 if one is requested by the parent, guardian, or legal custodian of the child,  
16 at which evidence may be presented in the child's behalf. If the child is  
17 denied admission or expelled, the child shall be entitled to a review of the  
18 decision of the board of education in accordance with section 22-33-108.

19 (3) (d) The suspending authority shall:

20 (III) Provide an opportunity for a pupil to make up school work  
21 during the period of suspension FOR FULL OR PARTIAL ACADEMIC CREDIT  
22 TO THE EXTENT POSSIBLE. The intent of this provision is to provide an  
23 opportunity for the pupil to reintegrate into the educational program of  
24 the district AND TO HELP PREVENT THE PUPIL FROM DROPPING OUT OF  
25 SCHOOL BECAUSE OF AN INABILITY TO REINTEGRATE INTO THE  
26 EDUCATIONAL PROGRAM following the period of suspension. which The  
27 school district should take THIS INTENT into consideration when

1 determining the amount of credit a student will receive for this makeup  
2 work.

3 (6) When a pupil is expelled by a school district, for the  
4 remainder of the school year, the PUPIL'S parent, guardian, or legal  
5 custodian is responsible for seeing that the compulsory school attendance  
6 statute is complied with PUPIL COMPLIES WITH THE PROVISIONS OF THIS  
7 ARTICLE during the period of expulsion. from such school district.

8 **SECTION 26.** In Colorado Revised Statutes, 22-33-106, amend  
9 (1) introductory portion, (1) (c.5) (I), (1) (c.5) (II), (1) (c.5) (III), (1) (d),  
10 (2) introductory portion, (3) introductory portion, (4) (a), and (4) (b) (I);  
11 and add (1) (g), (1.2), and (1.5) as follows:

12 **22-33-106. Grounds for suspension, expulsion, and denial of**  
13 **admission.** (1) The following shall MAY be grounds for suspension or  
14 expulsion of a child from a public school during a school year:

15 (c.5) (I) Declaration as an A habitually disruptive student,  
16 pursuant to the provisions of this paragraph (c.5):

17 (II) For purposes of this paragraph (c.5), "habitually disruptive  
18 student" means a child who has been suspended pursuant to paragraph  
19 (a), (b), (c), or (d) of this subsection (1) three times during the course of  
20 the school year for causing CAUSED a material and substantial disruption  
21 in the classroom, on school grounds, on IN a school vehicle, as defined  
22 in section 42-1-102 (88.5), C.R.S., or at A school activities ACTIVITY or  
23 events because of behavior that was initiated, willful, and overt on the  
24 part of the child SANCTIONED EVENT THREE OR MORE TIMES DURING THE  
25 COURSE OF A SCHOOL YEAR. Any student who is enrolled in a public  
26 school may be subject to being declared an A habitually disruptive  
27 student.

1           (III) The student and the parent, legal guardian, or legal custodian  
2 shall have been notified in writing of each suspension DISRUPTION  
3 counted toward declaring the student as habitually disruptive pursuant to  
4 this paragraph (c.5) and the student and parent, legal guardian, or legal  
5 custodian shall have been notified in writing and by telephone or other  
6 means at the home or the place of employment of the parent or legal  
7 guardian of the definition of "habitually disruptive student".

8           (d) (I) Serious violations in a school building or in or on school  
9 property, which suspension or expulsion shall be mandatory; except that  
10 expulsion shall be mandatory for the following violations: Carrying,  
11 bringing, using, or possessing a dangerous weapon without the  
12 authorization of the school or the school district; the sale of a drug or  
13 controlled substance as defined in section 12-22-303, C.R.S.; or the  
14 commission of an act which if committed by an adult would be robbery  
15 pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to  
16 part 2 of article 3 of title 18, C.R.S., other than the commission of an act  
17 that would be third degree assault under section 18-3-204, C.R.S., if  
18 committed by an adult.

19           (H) As used in this paragraph (d), "dangerous weapon" means:

20           (A) A firearm, whether loaded or unloaded;

21           (B) Any pellet or BB gun or other device, whether operational or  
22 not, designed to propel projectiles by spring action or compressed air;

23           (C) A fixed blade knife with a blade that measures longer than  
24 three inches in length or a spring loaded knife or a pocket knife with a  
25 blade longer than three and one-half inches; or

26           (D) Any object, device, instrument, material, or substance,  
27 whether animate or inanimate, used or intended to be used to inflict death

1 or serious bodily injury.

2 (HH) Notwithstanding the provisions of subparagraph (I) of this  
3 paragraph (d), carrying, bringing, or possessing a dangerous weapon  
4 without the authorization of the school or the school district shall not  
5 require mandatory expulsion if, when the student discovers that he or she  
6 has carried, brought, or is in possession of a dangerous weapon, the  
7 student notifies a teacher, administrator, or other authorized person in the  
8 school district as soon as possible and delivers the dangerous weapon to  
9 the teacher, administrator, or other authorized person. Nothing in this  
10 subparagraph (HH) shall be construed as prohibiting a school district from  
11 expelling a student under the circumstances specified in this  
12 subparagraph (HH) if such expulsion would be in accordance with the  
13 school district's discipline code. COMMITTING ONE OF THE FOLLOWING  
14 OFFENSES ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL  
15 ACTIVITY OR SANCTIONED EVENT:

16 (I) POSSESSION OF A DANGEROUS WEAPON WITHOUT THE  
17 AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;

18 (II) THE USE, POSSESSION, OR SALE OF A DRUG OR CONTROLLED  
19 SUBSTANCE AS DEFINED IN SECTION 12-22-303, C.R.S.; OR

20 (III) THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN  
21 ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE  
22 18, C.R.S., OR ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18,  
23 C.R.S., OTHER THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD  
24 DEGREE ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN  
25 ADULT.

26 (g) PURSUANT TO SECTION 22-12-105 (3), MAKING A FALSE  
27 ACCUSATION OF CRIMINAL ACTIVITY AGAINST AN EMPLOYEE OF AN

1 EDUCATIONAL ENTITY TO LAW ENFORCEMENT AUTHORITIES OR SCHOOL  
2 DISTRICT OFFICIALS OR PERSONNEL.

3 (1.2) EACH SCHOOL DISTRICT IS ENCOURAGED TO CONSIDER EACH  
4 OF THE FOLLOWING FACTORS BEFORE SUSPENDING OR EXPELLING A  
5 STUDENT PURSUANT TO A PROVISION OF SUBSECTION (1) OF THIS SECTION:

6 (a) THE AGE OF THE STUDENT;

7 (b) THE DISCIPLINARY HISTORY OF THE STUDENT;

8 (c) WHETHER THE STUDENT HAS A DISABILITY;

9 (d) THE SERIOUSNESS OF THE VIOLATION COMMITTED BY THE  
10 STUDENT;

11 (e) WHETHER THE VIOLATION COMMITTED BY THE STUDENT  
12 THREATENED THE SAFETY OF ANY STUDENT OR STAFF MEMBER; AND

13 (f) WHETHER A LESSER INTERVENTION WOULD PROPERLY ADDRESS  
14 THE VIOLATION COMMITTED BY THE STUDENT.

15 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN  
16 ACCORDANCE WITH THE PROVISIONS OF 20 U.S.C. SEC. 7151, A STUDENT  
17 WHO IS DETERMINED TO HAVE BROUGHT A FIREARM TO A SCHOOL, OR TO  
18 HAVE POSSESSED A FIREARM AT A SCHOOL, SHALL BE EXPELLED FOR A  
19 PERIOD OF NOT LESS THAN ONE YEAR; EXCEPT THAT THE SUPERINTENDENT  
20 OF THE STUDENT'S SCHOOL DISTRICT MAY MODIFY THIS REQUIREMENT FOR  
21 A STUDENT ON A CASE-BY-CASE BASIS IF SUCH MODIFICATION IS IN  
22 WRITING.

23 (2) Subject to the district's responsibilities under article 20 of this  
24 title, the following shall MAY be grounds for expulsion from or denial of  
25 admission to a public school, or diversion to an appropriate alternate  
26 program:

27 (3) The following shall MAY constitute additional grounds for

1 denial of admission to a public school:

2 (4) (a) Except as provided in paragraph (b) of this subsection (4),  
3 a school district shall prohibit any student who is expelled from a public  
4 school of the school district pursuant to paragraph (c) or (d) of subsection  
5 (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION  
6 from enrolling or reenrolling in the same school in which the victim of  
7 the offense or member of a victim's immediate family is enrolled or  
8 employed. If the school district has no actual knowledge of the name of  
9 the victim of the offense for which the student was expelled, the  
10 provisions of this subsection (4) shall be implemented only upon request  
11 of the victim or a member of the victim's immediate family.

12 (b) In any school district that has only one school in which the  
13 expelled student can enroll, the school district shall either:

14 (I) Prohibit the student expelled from the school district pursuant  
15 to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO  
16 SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the  
17 same school in which the victim of the offense or member of a victim's  
18 immediate family is enrolled or employed; or

19 **SECTION 27.** In Colorado Revised Statutes, 22-11-302, amend  
20 (1) (e); and add (1) (f) as follows:

21 **22-11-302. School district accountability committees - powers**  
22 **and duties.** (1) Each school district accountability committee shall have  
23 the following powers and duties:

24 (e) TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school  
25 accountability committee for the principal's OF EACH school shall provide  
26 input and recommendations to the district accountability committee and  
27 the district administration concerning the principal's evaluation OF THE

1 SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE  
2 OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS  
3 TITLE; AND

4 (f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING  
5 THE CREATION AND ENFORCEMENT OF ITS SCHOOL CONDUCT AND  
6 DISCIPLINE CODE.

7 **SECTION 28.** In Colorado Revised Statutes, 22-11-503, amend  
8 (3) (c) as follows:

9 **22-11-503. Performance reports - contents - rules.** (3) In  
10 addition to any information specified by rule of the state board, each  
11 school performance report shall include the following information  
12 concerning the operations and environment of the public school that is  
13 the subject of the report:

14 (c) As described in state board rule, the occurrence of each of the  
15 following types of incidents DESCRIBED IN SECTION 22-32-109.1 (2) (b)  
16 (IV), expressed as a number and as a percentage of the total occurrences  
17 of all of the incidents;

18 (I) Substance abuse - drugs;

19 (II) Substance abuse - alcohol;

20 (III) Substance abuse - tobacco;

21 (IV) Felony assaults;

22 (V) Fights;

23 (VI) Possession of dangerous weapons; and

24 (VII) Other violations of the code of conduct at the public school;

25 **SECTION 29.** In Colorado Revised Statutes, 22-37-103, amend  
26 (3) as follows:

27 **22-37-103. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (3) "In-school suspension" means a suspension pursuant to  
3 section 22-33-105 in PERIOD OF TIME DURING which, PURSUANT TO  
4 SECTION 22-33-105, the student is suspended PROHIBITED from  
5 participation PARTICIPATING in regular school activities but remains in the  
6 school environment and receives continuous CONTINUES TO RECEIVE  
7 educational instruction, supervision, and discipline.

8 **SECTION 30.** In Colorado Revised Statutes, add 20-1-113 as  
9 follows:

10 **20-1-113. Reporting of criminal proceedings involving public**  
11 **school students.** (1) ON OR BEFORE AUGUST 1, 2013, AND ON OR BEFORE  
12 EACH AUGUST 1 THEREAFTER, THE DISTRICT ATTORNEY OF EACH JUDICIAL  
13 DISTRICT, OR HIS OR HER DESIGNEE, SHALL REPORT TO THE DIVISION OF  
14 CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S.,  
15 INFORMATION ABOUT OFFENSES ALLEGED TO HAVE BEEN COMMITTED BY  
16 A STUDENT THAT HAVE OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL  
17 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT WITHIN THE  
18 JUDICIAL DISTRICT DURING THE PRECEDING TWELVE MONTHS.

19 (2) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY  
20 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE  
21 NUMBER OF OFFENSES FILED IN COURT, INCLUDING THE TOTAL NUMBER OF  
22 EACH TYPE OF SUCH OFFENSES, THE DISPOSITION OF EACH CASE, AND THE  
23 AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT THAT  
24 THE DISTRICT ATTORNEY PROSECUTED.

25 (3) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY  
26 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE, TO THE  
27 EXTENT PRACTICABLE AND TO THE EXTENT THAT SUCH INFORMATION IS



1 COLLECTED BY THE DISTRICT ATTORNEY AS OF THE EFFECTIVE DATE OF  
2 THIS SECTION:

3 (a) THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE  
4 DISTRICT ATTORNEY BY A LAW ENFORCEMENT AGENCY AND WERE NOT  
5 FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH  
6 OFFENSES; AND

7 (b) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT  
8 ATTORNEY REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM  
9 OR OTHER ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF  
10 EACH TYPE OF SUCH OFFENSES.

11 **SECTION 31.** In Colorado Revised Statutes, 24-31-303, amend  
12 (1) (i); and add (1) (j) as follows:

13 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The  
14 P.O.S.T. board has the following duties:

15 (i) To promulgate rules and regulations that establish the criteria  
16 that shall be applied in determining whether to recommend peace officer  
17 status for a group or specific position as provided in section 16-2.5-201  
18 (4), C.R.S.; AND

19 (j) TO ESTABLISH STANDARDS FOR TRAINING OF SCHOOL  
20 RESOURCE OFFICERS, AS DESCRIBED IN SECTION 24-31-312.

21 **SECTION 32.** In Colorado Revised Statutes, add 24-31-312 as  
22 follows:

23 **24-31-312. School resource officer training.** (1) ON OR BEFORE  
24 JANUARY 1, 2014, THE POST BOARD SHALL IDENTIFY A SCHOOL  
25 RESOURCE OFFICER TRAINING CURRICULUM TO PREPARE PEACE OFFICERS.

26 (2) TO THE EXTENT PRACTICABLE, THE TRAINING CURRICULUM  
27 DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL INCORPORATE THE

1 SUGGESTIONS OF RELEVANT STAKEHOLDERS AND ADVOCATES.

2 (3) (a) IN ASSIGNING PEACE OFFICERS TO SERVE AS SCHOOL  
3 RESOURCE OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., EACH LAW  
4 ENFORCEMENT AGENCY IS ENCOURAGED TO ENSURE THAT SUCH PEACE  
5 OFFICERS HAVE SUCCESSFULLY COMPLETED THE SCHOOL RESOURCE  
6 OFFICER TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS  
7 SECTION, OR WILL COMPLETE SAID TRAINING WITHIN SIX MONTHS AFTER  
8 BEGINNING THE ASSIGNMENT.

9 (b) ON AND AFTER JANUARY 1, 2015, EACH COUNTY SHERIFF AND  
10 EACH MUNICIPAL LAW ENFORCEMENT AGENCY OF THE STATE SHALL  
11 EMPLOY AT LEAST ONE PEACE OFFICER WHO HAS SUCCESSFULLY  
12 COMPLETED THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF  
13 THIS SECTION.

14 (4) FOR THE PURPOSES OF SECTION 22-32-145, C.R.S., THE  
15 TRAINING CURRICULUM PROVIDED PURSUANT TO SUBSECTION (1) OF THIS  
16 SECTION SHALL INCLUDE A MEANS OF RECOGNIZING AND IDENTIFYING  
17 PEACE OFFICERS WHO SUCCESSFULLY COMPLETE THE TRAINING  
18 CURRICULUM.

19 (5) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN  
20 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE  
21 PROVISIONS TO ALLOW FOR THE AWARDING OF CREDIT TO A PEACE  
22 OFFICER WHO HAS SUCCESSFULLY COMPLETED A SCHOOL RESOURCE  
23 OFFICER CERTIFICATION CURRICULUM OFFERED BY ONE OR MORE PUBLIC  
24 OR PRIVATE ENTITIES, WHICH ENTITIES SHALL BE IDENTIFIED BY THE  
25 P.O.S.T. BOARD.

26 (6) THE P.O.S.T. BOARD MAY CHARGE A FEE TO EACH PEACE  
27 OFFICER WHO ENROLLS IN THE TRAINING CURRICULUM DESCRIBED IN

1 SUBSECTION (1) OF THIS SECTION. THE AMOUNT OF THE FEE SHALL NOT  
2 EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE P.O.S.T.  
3 BOARD IN PROVIDING THE CURRICULUM.

4 **SECTION 33.** In Colorado Revised Statutes, 24-33.5-503,  
5 **amend** (1) (y) and (1) (z); and **add** (1) (aa) as follows:

6 **24-33.5-503. Duties of division.** (1) The division has the  
7 following duties:

8 (y) To develop, in cooperation with the department of corrections  
9 and the state board of parole, a parole board action form; and

10 (z) To provide training on the Colorado risk assessment scale and  
11 the administrative release guideline instrument as required by section  
12 17-22.5-404 (2) (c), C.R.S.; AND

13 (aa) TO RECEIVE THE INFORMATION REPORTED TO THE DIVISION BY  
14 LAW ENFORCEMENT AGENCIES PURSUANT TO SECTION 22-32-145, C.R.S.,  
15 AND BY DISTRICT ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S.,  
16 AND PROVIDE THE INFORMATION, AS SUBMITTED TO THE DIVISION, TO ANY  
17 MEMBER OF THE PUBLIC UPON REQUEST, IN A MANNER THAT DOES NOT  
18 INCLUDE ANY IDENTIFYING INFORMATION REGARDING ANY STUDENT. IF  
19 THE DIVISION PROVIDES THE INFORMATION TO A MEMBER OF THE PUBLIC  
20 UPON REQUEST PURSUANT TO THIS PARAGRAPH (aa), THE DIVISION MAY  
21 CHARGE A FEE TO THE PERSON, WHICH FEE SHALL NOT EXCEED THE DIRECT  
22 AND INDIRECT COSTS INCURRED BY THE DIVISION IN PROVIDING THE  
23 INFORMATION.

24 **SECTION 34.** In Colorado Revised Statutes, 22-2-117, amend  
25 (1.5) as follows:

26 **22-2-117. Additional power - state board - waiver of**  
27 **requirements - rules.** (1.5) Notwithstanding any provision of this

1 section or any other provision of law, the state board shall not waive  
2 requirements contained in article 11 of this title or sections 22-7-409,  
3 22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and  
4 22-33-104 (4) SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND  
5 (2), 22-32-109.1 (2) (a), 22-32-145, AND 22-33-104 (4).

6 **SECTION 35.** In Colorado Revised Statutes, 22-30.5-116,  
7 **amend** (2) as follows:

8 **22-30.5-116. Charter schools - school bullying policies**  
9 **required.** (2) For the purposes of this section, "bullying" shall have the  
10 same meaning as set forth in section 22-32-109.1 (2) (a) (X) (B) SECTION  
11 22-32-109.1 (1) (b).

12 **SECTION 36.** In Colorado Revised Statutes, 22-30.5-502,  
13 **amend** (2.5) as follows:

14 **22-30.5-502. Definitions.** As used in this part 5, unless the  
15 context otherwise requires:

16 (2.5) "Bullying" shall have the same meaning as set forth in  
17 section 22-32-109.1 (2) (a) (X) (B) SECTION 22-32-109.1 (1) (b).

18 **SECTION 37.** In Colorado Revised Statutes, 18-1.3-204, amend  
19 (2.3) (a) as follows:

20 **18-1.3-204. Conditions of probation.** (2.3) (a) When granting  
21 probation, the court may, as a condition of probation, require any  
22 defendant who is less than eighteen years of age at the time of sentencing  
23 to attend school or an educational program or to work toward the  
24 attainment of a high school diploma or a GED, as that term is defined in  
25 section 22-33-102 (4.5) (7), C.R.S.; except that the court shall not require  
26 any such juvenile to attend a school from which he or she has been  
27 expelled without the prior approval of that school's local board of

1 education.

2 **SECTION 38.** In Colorado Revised Statutes, amend 19-2-207  
3 as follows:

4 **19-2-207. Juvenile parole board - authority.** The board shall  
5 have the authority to grant, deny, defer, suspend, revoke, or specify or  
6 modify the conditions of any parole for any juvenile committed to the  
7 department of human services under section 19-2-601 or 19-2-907 in  
8 such a manner as is in the best interests of the juvenile and the public. In  
9 addition to any other conditions, the board may require, as a condition of  
10 parole, any adjudicated juvenile to attend school or an educational  
11 program or to work toward the attainment of a high school diploma or a  
12 GED, as that term is defined in section 22-33-102 (4.5) (7), C.R.S.;  
13 except that the board shall not require any such juvenile to attend a  
14 school from which he or she has been expelled without the prior approval  
15 of that school's local board of education. The board shall promulgate  
16 rules that establish criteria under which its parole decisions are made.  
17 The board shall have the duties and responsibilities specified in part 10  
18 of this article.

19 **SECTION 39.** In Colorado Revised Statutes, 19-2-1002, amend  
20 (1) (a), (3) (b) (I), and (9) (c) (I) as follows:

21 **19-2-1002. Juvenile parole. (1) Juvenile parole board -**  
22 **hearing panels authority.** (a) The juvenile parole board, referred to in  
23 this part 10 as the "board", established pursuant to section 19-2-206 is  
24 authorized to grant, deny, defer, suspend, revoke, or specify or modify  
25 the conditions of any parole for any juvenile committed to the department  
26 of human services as provided in sections 19-2-601 and 19-2-907. In  
27 addition to any other conditions, the board may require, as a condition of

1 parole, any adjudicated juvenile to attend school or an educational  
2 program or to work toward the attainment of a high school diploma or a  
3 GED, as that term is defined in section 22-33-102 (4.5) (7), C.R.S.;  
4 except that the board shall not require any such juvenile to attend a  
5 school from which he or she has been expelled without the prior approval  
6 of that school's local board of education. The board may modify any of  
7 its decisions, or those of the hearing panel, except an order of discharge.

8 (3) (b) (I) In addition to any other conditions, the hearing panel  
9 may require, as a condition of parole, any adjudicated juvenile to attend  
10 school or an educational program or to work toward the attainment of a  
11 high school diploma or a GED, as that term is defined in section  
12 22-33-102 (4.5) (7), C.R.S.; except that the hearing panel shall not  
13 require any such juvenile to attend a school from which he or she has  
14 been expelled without the prior approval of that school's local board of  
15 education.

16 (9) **Parole discharge.** (c) The board may discharge a juvenile  
17 from parole before completion of the mandatory six-month parole period  
18 when the board finds that the juvenile meets, at a minimum, all of the  
19 following conditions of special achievement:

20 (I) Graduation from a public or accredited nonpublic high school  
21 or completion of a GED, as that term is defined in section 22-33-102  
22 (4.5) (7), C.R.S.;

23 **SECTION 40.** In Colorado Revised Statutes, **amend 25-9-106.5**  
24 as follows:

25 **25-9-106.5. Education and experience - substitution allowed.**  
26 Water and wastewater facility operator applicants must have a high  
27 school diploma or have successfully completed the GED as defined in

1 section 22-33-102 (4.5) (7), C.R.S.; except that experience or relevant  
2 training may be substituted for the high school diploma or GED.  
3 Education, training as established under section 25-9-104 (2), and  
4 cross-experience may be substituted for experience requirements for  
5 certification as a water facility operator, as a water distribution system  
6 operator, as a domestic wastewater facility operator, as a wastewater  
7 collection system operator, as an industrial wastewater treatment facility  
8 operator, or as a multiple facility operator; except that at least fifty  
9 percent of any experience requirement shall be met by actual on-site  
10 operating experience in a water facility or a wastewater facility, as the  
11 case may be. For the lowest classification of operator in each category,  
12 the board may establish rules allowing complete substitution of education  
13 for experience for any applicant who passes the applicable examination.  
14 For purposes of this section, "cross-experience" means that experience  
15 as a wastewater treatment facility operator may be substituted for  
16 experience requirements for certification as water treatment facility  
17 operator and vice versa.

18 **SECTION 41. In Colorado Revised Statutes, 22-33-203, amend**  
19 **(2) (b) and (3) as follows:**

20 **22-33-203. Educational alternatives for expelled students.**  
21 (2) (b) The educational services provided pursuant to this section are  
22 designed to provide a second chance for the student to succeed in  
23 achieving an education. While receiving educational services, a student  
24 may be suspended or expelled pursuant to the CONDUCT AND discipline  
25 code of the school district providing the educational services and the  
26 provisions of part 1 of this article. Except as required by federal law, the  
27 expelling school district is not required to provide educational services

1 to any student who is suspended or expelled while receiving educational  
2 services pursuant to this section until the period of the suspension or  
3 expulsion is completed.

4 (3) If a student is expelled for the remainder of the school year  
5 and the student is not receiving educational services pursuant to this  
6 section, the school district shall contact the expelled student's parent or  
7 guardian at least once every sixty days until the beginning of the next  
8 school year to determine whether the student is receiving educational  
9 services from some other source; except that the school district need not  
10 contact a student's parent or guardian after the student is enrolled in  
11 another school district or in an independent or parochial school or if the  
12 student is committed to the department of human services or is sentenced  
13 pursuant to article 2 of title 19, C.R.S.

14 **SECTION 42.** In Colorado Revised Statutes, 22-30.5-505,  
15 **amend** (9) as follows:

16 **22-30.5-505. State charter school institute - institute board -**  
17 **appointment - powers and duties - rules.** (9) The institute shall ensure  
18 that each institute charter school addresses the expulsion, suspension, and  
19 education of expelled or suspended students in a manner consistent with  
20 the intents and purposes of sections 22-33-106 and 22-33-203 SECTIONS  
21 22-33-105, 22-33-106, AND 22-33-203.

22 **SECTION 43.** In Colorado Revised Statutes, 22-38-103, amend  
23 **(2)** as follows:

24 **22-38-103. Definitions.** As used in this article, unless the context  
25 otherwise requires:

26 (2) "Expelled student" means a student who is in the sixth,  
27 seventh, eighth, or ninth grade, who is under seventeen years of age, and



1 who has been expelled from school pursuant to section 22-33-105. for a  
2 period in excess of thirty days.

3 **SECTION 44. In Colorado Revised Statutes, 22-93-101, amend**  
4 **(1) as follows:**

5 **22-93-101. Definitions.** As used in this article, unless the context  
6 otherwise requires:

7 (1) "Bullying" shall have the same meaning as set forth in section  
8 22-32-109.1 (2) (a) (X) (B) SECTION 22-32-109.1 (1) (b).

9 **SECTION 45. In Colorado Revised Statutes, 2-2-1201, add (8)**  
10 **as follows:**

11 **2-2-1201. Accountability clauses - post-enactment review of**  
12 **implementation of bills by legislative service agencies - definitions -**  
13 **repeal.** (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
14 SECTION, IN CONDUCTING THE POST-ENACTMENT REVIEW OF HOUSE BILL  
15 12-1345, ENACTED IN 2012, THE LEGISLATIVE SERVICE AGENCIES SHALL  
16 NOT BE SUBJECT TO:

17 (I) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION; OR  
18 (II) THE REQUIREMENT IN SUBSECTION (3) OF THIS SECTION THAT  
19 THE LEGISLATIVE SERVICE AGENCIES COMPLETE THE POST-ENACTMENT  
20 REVIEW NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE  
21 TWO-YEAR OR FIVE-YEAR ANNIVERSARY, AS APPLICABLE, OF THE  
22 ENACTMENT OF HOUSE BILL 12-1345.

23 (b) IN CONDUCTING THE POST-ENACTMENT REVIEW OF HOUSE BILL  
24 12-1345, THE LEGISLATIVE SERVICE AGENCIES SHALL SUBMIT TO THE  
25 MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF  
26 REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, ANY  
27 INFORMATION REPORTED TO THE DIVISION OF CRIMINAL JUSTICE BY

1 SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS  
2 PURSUANT TO SECTION 22-32-145, C.R.S., AND BY DISTRICT ATTORNEYS  
3 PURSUANT TO SECTION 20-1-113, C.R.S. THE COMMITTEE MEMBERS ARE  
4 ENCOURAGED TO CONSIDER WHETHER TO:

5 (I) CONTINUE TO REQUIRE SCHOOL RESOURCE OFFICERS AND  
6 OTHER LAW ENFORCEMENT OFFICERS AND DISTRICT ATTORNEYS TO  
7 REPORT SUCH INFORMATION TO THE DIVISION OF CRIMINAL JUSTICE; OR

8 (II) INTRODUCE LEGISLATION TO REPEAL SUCH REPORTING  
9 REQUIREMENTS.

10 (c) THE LEGISLATIVE SERVICE AGENCIES SHALL COMPLETE THE  
11 POST-ENACTMENT REVIEW OF HOUSE BILL 12-1345 NO LATER THAN ONE  
12 HUNDRED EIGHTY DAYS AFTER THE FOUR-YEAR ANNIVERSARY OF THE  
13 ENACTMENT OF THE BILL.

14 (d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
15 2016.

16 **SECTION 46. Accountability.** Four years after this act becomes  
17 law and in accordance with section 2-2-1201, Colorado Revised Statutes,  
18 the legislative service agencies of the Colorado General Assembly shall  
19 conduct a post-enactment review of the implementation of this act  
20 utilizing the information contained in the legislative declaration set forth  
21 in section 1 of this act, and report their conclusions to the education  
22 committees of the House of Representatives and Senate, or any successor  
23 committees.

24 **SECTION 47. Appropriation.** In addition to any other  
25 appropriation, there is hereby appropriated, out of any moneys in the state  
26 education fund created in section 17 (4) of article IX of the state  
27 constitution, not otherwise appropriated, to the department of education,

1 for the fiscal year beginning July 1, 2012, the sum of \$1,000,000, or so  
2 much thereof as may be necessary, for the implementation of section  
3 22-2-112 (4), Colorado Revised Statutes.

4 **SECTION 48. Appropriation - adjustments in 2012 long bill.**

5 (1) For the implementation of this act, appropriations made in the annual  
6 general appropriation act to the department of education for the fiscal  
7 year beginning July 1, 2012, are adjusted as follows:

8 (a) The cash funds appropriation for the school counselor corps  
9 program is increased by \$480,000. Said sum is from the state education  
10 fund created in section 17 (4) (a) of article IX of the state constitution.

11 (b) The cash funds appropriation for state aid for charter school  
12 facilities is increased by \$1,000,000. Said sum is from the state education  
13 fund created in section 17 (4) (a) of article IX of the state constitution.

14 (c) The general fund appropriation for the state share of districts'  
15 total program funding is increased by \$57,232,000.

16 (d) The cash funds appropriation for the state share of districts'  
17 total program funding is decreased by \$228,551. Said sum is from the  
18 state education fund created in section 17 (4) (a) of article IX of the state  
19 constitution.

20 (e) The cash funds appropriation for hold-harmless full-day  
21 kindergarten funding is increased by \$74,671. Said sum is from the state  
22 education fund created in section 17 (4) (a) of article IX of the state  
23 constitution.

24 (f) The cash funds appropriation for facility school funding is  
25 increased by \$153,000. Said sum is from the state education fund created  
26 in section 17 (4) (a) of article IX of the state constitution.

27 **SECTION 49. Appropriation. (1)** In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the state  
2 education fund created in section 17 (4) (a) of article IX of the state  
3 constitution, not otherwise appropriated, to the department of education,  
4 for the fiscal year beginning July 1, 2012, the sum of \$1,300,000, or so  
5 much thereof as may be necessary, for allocation to the grant programs,  
6 distributions, and other assistance subsection of the assistance to public  
7 schools section, for the implementation of section 22-5-122, Colorado  
8 Revised Statutes.

9 (2) In addition to any other appropriation, there is hereby  
10 appropriated, out of audit recoveries credited to the state public school  
11 fund pursuant to section 22-54-114 (4), Colorado Revised Statutes,  
12 Colorado Revised Statutes, not otherwise appropriated, to the department  
13 of education, for the fiscal year beginning July 1, 2012, the sum of  
14 \$3,839,627, or so much thereof as may be necessary, for allocation to the  
15 public school finance unit for the payment of at-risk supplemental aid to  
16 school districts, district charter schools, and institute charter schools  
17 pursuant to sections 22-30.5-112.2 and 22-30.5-513, Colorado Revised  
18 Statutes.

19 (3) In addition to any other appropriation, there is hereby  
20 appropriated, out of any moneys in the state education fund created in  
21 section 17 (4) (a) of article IX of the state constitution, not otherwise  
22 appropriated, to the department of education, for the fiscal year beginning  
23 July 1, 2012, the sum of \$3,000,000, or so much thereof as may be  
24 necessary, for allocation to the assessments and data analyses subsection  
25 of the management and administration section, for the implementation of  
26 section 22-2-140, Colorado Revised Statutes.

27 **SECTION 50. Appropriation to the department of education**

1 **for the fiscal year beginning July 1, 2012.** In section 2 of House Bill  
2 12-1335, **amend** Part III (2) (A) Footnote 8, as follows:

3 **Section 2. Appropriation.**

4 **8** Department of Education, Assistance to Public Schools, Public  
5 School Finance, State Share of Districts' Total Program Funding  
6 -- Pursuant to Section 22-35-108 (2) (a), C.R.S., the purpose of  
7 this footnote is to specify what portion of this appropriation is  
8 intended to be available for the Accelerating Students Through  
9 Concurrent Enrollment (ASCENT) Program for FY 2012-13. It is  
10 the intent of the General Assembly that the Department of  
11 Education be authorized to utilize up to ~~\$1,198,549~~ \$1,211,689 of  
12 this appropriation to fund qualified students designated as  
13 ASCENT Program participants. This amount is calculated based  
14 on an estimated 205 participants funded at a rate of ~~\$5,846.58~~  
15 \$5,910.68 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

16 **SECTION 51. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.