

NOTE: The governor signed this measure on 3/22/2013.

An Act

SENATE BILL 13-002

BY SENATOR(S) Hudak, Aguilar, Carroll, Giron, Guzman, Heath, Johnston, Kerr, Newell, Nicholson, Schwartz, Todd, Morse;
also REPRESENTATIVE(S) Hamner, Ginal, Hullinghorst, Labuda, Mitsch Bush, Saine, Young.

CONCERNING THE DESIGNATION OF BOARDS OF COOPERATIVE SERVICES AS
LOCAL EDUCATION AGENCIES FOR PURPOSES OF FEDERAL LAW.

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

SECTION 1. In Colorado Revised Statutes, **add** 22-5-114.5 as follows:

22-5-114.5. Designation as local education agency - rules.

(1) ANY BOARD OF COOPERATIVE SERVICES MAY ACT AS A LOCAL EDUCATION AGENCY FOR A PARTICIPATING MEMBER OR CONSORTIUM OF MEMBERS THAT CHOOSES TO APPLY FOR, RECEIVE, OR ADMINISTER A GRANT THROUGH A GRANT PROGRAM CREATED BY A FEDERAL OR STATE STATUTE OR PROGRAM. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO FEDERAL FORMULA GRANT MONEYS UNLESS ALLOWED BY THE "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", PUB.L. 89-10.

(2) A BOARD OF COOPERATIVE SERVICES MAY APPLY TO THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DEPARTMENT FOR FEDERAL OR STATE MONEYS RECEIVED BY THE DEPARTMENT ONLY WITH THE APPROVAL OF TWO OR MORE OF THE BOCES MEMBER SCHOOL DISTRICTS THAT HAVE EXPRESSLY AGREED TO PARTICIPATE IN A GRANT APPLICATION THROUGH A VOTE BY THE BOARD OF DIRECTORS OF THE BOARD OF COOPERATIVE SERVICES. IF A BOARD OF COOPERATIVE SERVICES APPLIES FOR STATE OR FEDERAL GRANT MONEYS ON BEHALF OF PARTICIPATING MEMBER SCHOOL DISTRICTS, THE PARTICIPATING MEMBER SCHOOL DISTRICTS ARE NOT ELIGIBLE TO APPLY FOR THE SAME STATE OR FEDERAL GRANT MONEYS. IF A PARTICIPATING MEMBER SCHOOL DISTRICT OF A BOCES EXPRESSLY DECLINES TO PARTICIPATE IN A GRANT APPLICATION, THAT MEMBER SCHOOL DISTRICT IS NOT PRECLUDED FROM APPLYING FOR THE SAME STATE OR FEDERAL GRANT MONEYS AS AN INDIVIDUAL SCHOOL DISTRICT.

(3) A BOARD OF COOPERATIVE SERVICES MAY APPLY TO ANY DIVISION WITHIN THE DEPARTMENT FOR ANY FEDERAL AND STATE GRANT MONEYS FOR WHICH IT IS ELIGIBLE. ALL DIVISIONS WITHIN THE DEPARTMENT MUST TREAT BOARDS OF COOPERATIVE SERVICES AS LOCAL EDUCATION AGENCIES AND INFORM THEM OF AND ALLOW THEM TO APPLY FOR ALL FEDERAL AND STATE GRANT MONEYS FOR WHICH THEY ARE ELIGIBLE.

(4) AN ELIGIBLE GRANTEE OR CONSORTIUM OF GRANTEES MAY DESIGNATE A BOARD OF COOPERATIVE SERVICES AS THE FISCAL MANAGER FOR A STATE OR FEDERAL GRANT. THE GRANTEE OR CONSORTIUM OF GRANTEES REMAINS RESPONSIBLE FOR ENSURING THAT ALL THE REQUIREMENTS OF THE GRANT ARE MET.

(5) THE STATE BOARD MAY PROMULGATE RULES TO ESTABLISH PROCESSES AND GUIDELINES FOR A BOARD OF COOPERATIVE SERVICES TO APPLY FOR STATE OR FEDERAL GRANT MONEYS PURSUANT TO THIS SECTION.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO