

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

**PREAMENDED**

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

LLS NO. 13-0312.01 Jane Ritter x4342

**SENATE BILL 13-002**

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**SENATE SPONSORSHIP**

**Hudak,**

**HOUSE SPONSORSHIP**

**Hamner,**

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**Senate Committees**  
Education

**House Committees**  
Education

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**A BILL FOR AN ACT**

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

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**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>.)*

The bill allows boards of cooperative services (BOCES) to act as local education agencies for the purposes of federal law, including for the receipt of federal grants. BOCES may apply to any division within the department of education, and all divisions must inform BOCES of and

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.*

SENATE  
3rd Reading Unamended  
January 29, 2013

SENATE  
Amended 2nd Reading  
January 28, 2013

allow them to apply for all federal and state grant moneys for which they are eligible.

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

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

4 **22-5-114.5. Designation as local education agency - rules.**

5 (1) \_\_\_ ANY BOARD OF COOPERATIVE SERVICES MAY ACT AS A LOCAL  
6 EDUCATION AGENCY FOR A PARTICIPATING MEMBER OR CONSORTIUM OF  
7 MEMBERS THAT CHOOSES TO APPLY FOR, RECEIVE, OR ADMINISTER A  
8 GRANT THROUGH A GRANT PROGRAM CREATED BY A FEDERAL OR STATE  
9 STATUTE OR PROGRAM. THE PROVISIONS OF THIS SECTION SHALL NOT  
10 APPLY TO FEDERAL FORMULA GRANT MONEYS UNLESS ALLOWED BY THE  
11 "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", PUB.L.  
12 89-10.

13 (2) A BOARD OF COOPERATIVE SERVICES MAY APPLY TO THE  
14 DEPARTMENT FOR FEDERAL OR STATE MONEYS RECEIVED BY THE  
15 DEPARTMENT ONLY WITH THE APPROVAL OF TWO OR MORE OF THE BOCES  
16 MEMBER SCHOOL DISTRICTS THAT HAVE EXPRESSLY AGREED TO  
17 PARTICIPATE IN A GRANT APPLICATION THROUGH A VOTE BY THE BOARD  
18 OF DIRECTORS OF THE BOARD OF COOPERATIVE SERVICES. IF A BOARD OF  
19 COOPERATIVE SERVICES APPLIES FOR STATE OR FEDERAL GRANT MONEYS  
20 ON BEHALF OF PARTICIPATING MEMBER SCHOOL DISTRICTS, THE  
21 PARTICIPATING MEMBER SCHOOL DISTRICTS ARE NOT ELIGIBLE TO APPLY  
22 FOR THE SAME STATE OR FEDERAL GRANT MONEYS. IF A PARTICIPATING  
23 MEMBER SCHOOL DISTRICT OF A BOCES EXPRESSLY DECLINES TO  
24 PARTICIPATE IN A GRANT APPLICATION, THAT MEMBER SCHOOL DISTRICT  
25 IS NOT PRECLUDED FROM APPLYING FOR THE SAME STATE OR FEDERAL

1 GRANT MONEYS AS AN INDIVIDUAL SCHOOL DISTRICT.

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

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

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

18 **SECTION 2. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.