

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 3, 2004
Date

Committee on Education.

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

HB04-1362 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, strike lines 10 through 15 and substitute the
2 following:

3 "(b) THERE IS AN UNDERSERVED POPULATION OF AT-RISK
4 STUDENTS IN THE STATE, FOR WHOM INNOVATIVE EDUCATIONAL MODELS
5 ARE NEEDED.";

6 after line 26, insert the following:

7 "(1) "AT-RISK STUDENT" MEANS A STUDENT:

8 (a) WHO IS ELIGIBLE TO RECEIVE FREE OR REDUCED-COST LUNCH
9 PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL
10 LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.; OR

11 (b) WHO HAS PERFORMED AT THE PROFICIENCY LEVEL OF "LOW"
12 OR "UNSATISFACTORY" ON A STATEWIDE ASSESSMENT."

13 Renumber succeeding subsections accordingly.

1 Page 4, after line 14, insert the following:

2 "(7) "MORATORIUM" MEANS A SCHOOL DISTRICT'S OFFICIAL POLICY
3 OF REFUSING TO AUTHORIZE CHARTER SCHOOLS AND AN ONGOING PATTERN
4 OR PRACTICE OF REFUSING TO ACCEPT OR REVIEW CHARTER SCHOOL
5 APPLICATIONS."

6 Renumber succeeding subsections accordingly.

7 Page 8, strike line 12 and substitute the following:

8 "(4) (a) FOR FISCAL YEAR 2005-06, AND FOR EACH FISCAL YEAR
9 THEREAFTER, A LOCAL BOARD OF EDUCATION MAY SEEK TO RETAIN
10 EXCLUSIVE";

11 line 18, after "SCHOOLS.", insert "FOR FISCAL YEAR 2004-05, A LOCAL
12 BOARD OF EDUCATION MAY SEEK TO RETAIN THE EXCLUSIVE AUTHORITY
13 TO AUTHORIZE CHARTERS BY PRESENTING TO THE STATE BOARD THE
14 WRITTEN RESOLUTION ON OR BEFORE A DATE SIXTY DAYS AFTER THE
15 EFFECTIVE DATE OF THIS SECTION."

16 Page 9, line 12, strike "(a)";

17 strike lines 16 through 18 and substitute the following:

18 "HEARING AND AFTER RECEIVING INPUT FROM ANY CHARTER SCHOOLS
19 AUTHORIZED BY THE LOCAL BOARD OF EDUCATION, THAT THE LOCAL
20 BOARD HAS PROVIDED FAIR AND EQUITABLE TREATMENT TO ITS CHARTER
21 SCHOOLS DURING THE FOUR YEARS PRIOR TO THE LOCAL BOARD'S
22 SUBMISSION OF THE RESOLUTION DESCRIBED IN SUBSECTION (4) OF THIS
23 SECTION, THROUGH THE LOCAL BOARD'S DEMONSTRATION OF:";

24 line 19, strike "(I)" and substitute "(a)";

25 line 22, strike "(A)" and substitute "(I)";

26 line 24, strike "AND";

1 line 25, strike "(B)" and substitute "(II)";

2 after line 27, insert the following:

3 "(III) THE ABSENCE OF A SCHOOL DISTRICT MORATORIUM
4 REGARDING CHARTER SCHOOLS OR THE ABSENCE OF ANY DISTRICT-WIDE
5 CHARTER SCHOOL ENROLLMENT LIMITS; AND

6 (IV) COMPLIANCE WITH VALID ORDERS OF THE STATE BOARD; AND

7 (b) ANY COMBINATION OF THE FOLLOWING:".

8 Page 10, line 1, strike "(II)" and substitute "(I)";

9 line 7, strike "(III)" and substitute "(II)";

10 line 12, strike "(IV)" and substitute "(III)";

11 line 19, strike "(V)" and substitute "(IV)";

12 strike lines 26 and 27 and substitute the following:

13 "(V) THE LACK OF A".

14 Page 11, strike lines 1 through 5 and substitute the following:

15 "POLICY OR PRACTICE OF IMPOSING INDIVIDUAL CHARTER SCHOOL
16 ENROLLMENT LIMITS, EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 36 OF
17 THIS TITLE; OR";

18 line 6, strike "(VII)" and substitute "(VI)";

19 line 10, strike "DIVERSE" and substitute "AT-RISK";

20 line 12, strike "(b)" and substitute "(6)";

21 line 15, after "DISTRICT", insert "DEMONSTRATES ITS COMPLIANCE WITH
22 THE PROVISIONS OF SUBPARAGRAPHS (III) AND (IV) OF PARAGRAPH (a) OF

1 SUBSECTION (5) OF THIS SECTION AND";

2 line 16, strike "PARAGRAPH";

3 strike line 17 and substitute the following:

4 "SUBSECTION (5) OF THIS SECTION.";

5 strike lines 18 through 26 and substitute the following:

6 "(7) A GRANT OF EXCLUSIVE AUTHORITY BY THE STATE BOARD
7 SHALL CONTINUE SO LONG AS A SCHOOL DISTRICT CONTINUES TO
8 IMPLEMENT THE AUTHORIZING PRACTICES DESCRIBED IN SUBSECTION (5)
9 OF THIS SECTION. EACH SCHOOL DISTRICT SEEKING TO RETAIN EXCLUSIVE
10 AUTHORITY SHALL ANNUALLY SUBMIT TO THE STATE BOARD, PRIOR TO
11 MARCH 1, A WRITTEN RESOLUTION DESCRIBED IN SUBSECTION (4) OF THIS
12 SECTION THAT THE SCHOOL DISTRICT INTENDS TO IMPLEMENT THE
13 AUTHORIZING PRACTICES DESCRIBED IN SUBSECTION (5) OF THIS SECTION.
14 A PARTY MAY CHALLENGE THE GRANT OF EXCLUSIVE AUTHORITY WITHIN
15 THIRTY DAYS AFTER THE SCHOOL DISTRICT SUBMITS THE RESOLUTION,
16 PURSUANT TO THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (4) OF
17 THIS SECTION."

18 Page 13, line 26, strike "UNDERSERVED" and substitute "AT-RISK".

19 Page 15, line 13, strike "SECTION 22-30.5-506 (2) (b)," and substitute
20 "SECTION 22-30.5-506 (2) (a),".

21 Page 16, line 15, strike "SECTION 22-33-105." and substitute "SECTIONS
22 22-33-106 and 22-33-203.";

23 strike lines 18 and 19 and substitute the following:

24 "AT-RISK STUDENTS."

1 Page 24, strike lines 1 through 7 and substitute the following:

2 "(j) A PLAN FOR THE INSTITUTE CHARTER SCHOOL TO CONDUCT
3 COMMUNITY OUTREACH TO RECRUIT AND RETAIN AT-RISK STUDENTS;
4 AND".

5 Page 30, line 5, strike "TEACHER" and substitute "EMPLOYEE";

6 line 8, strike "**funding.**" and substitute "**district charter schools -
7 funding.**";

8 strike lines 24 through 27.

9 Reletter succeeding paragraphs accordingly.

10 Page 31, line 14, after "AUTHORIZED", insert "ON OR AFTER THE EFFECTIVE
11 DATE OF THIS SECTION".

12 Page 32, strike lines 10 through 12 and substitute the following:

13 "(n) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT:

14 (I) HAS RETAINED EXCLUSIVE AUTHORITY PURSUANT TO THE
15 PROVISIONS OF SECTION 22-30.5-504; AND

16 (II) HAS MORE THAN FORTY PERCENT OF ITS PUPIL ENROLLMENT
17 CONSISTING OF AT-RISK PUPILS.";

18 line 20, strike "NINETY-SEVEN" and substitute "NINETY-FIVE";

19 line 23, strike "NINETY-SEVEN" and substitute "NINETY-FIVE".

20 Page 33, after line 8, insert the following:

21 "(c) EACH INSTITUTE CHARTER SCHOOL SHALL PAY AN AMOUNT
22 EQUAL TO THE PER PUPIL COST INCURRED BY THE INSTITUTE IN PROVIDING
23 FEDERALLY REQUIRED EDUCATIONAL SERVICES, MULTIPLIED BY THE
24 NUMBER OF STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL. AT

1 EITHER PARTY'S REQUEST, THE INSTITUTE CHARTER SCHOOL AND THE
2 INSTITUTE MAY NEGOTIATE AND INCLUDE IN THE CHARTER CONTRACT
3 ALTERNATE ARRANGEMENTS FOR THE PROVISION OF AND PAYMENT FOR
4 FEDERALLY REQUIRED EDUCATIONAL SERVICES, INCLUDING, BUT NOT
5 NECESSARY LIMITED TO, A REASONABLE RESERVE NOT TO EXCEED FIVE
6 PERCENT OF THE INSTITUTE'S TOTAL BUDGET FOR PROVIDING FEDERALLY
7 REQUIRED EDUCATIONAL SERVICES. THE RESERVE SHALL ONLY BE USED
8 BY THE INSTITUTE TO OFFSET EXCESS COSTS OF PROVIDING SERVICES TO
9 STUDENTS WITH DISABILITIES ENROLLED IN ANY INSTITUTE CHARTER
10 SCHOOL.";

11 line 9, strike "(c)" and substitute "(d) (I)";

12 line 18, strike "(d)" and substitute "(II)";

13 strike lines 26 and 27 and substitute the following:

14 "(3) (a) ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE
15 INSTITUTE SHALL CERTIFY TO THE STATE BOARD EACH INSTITUTE CHARTER
16 SCHOOL'S PUPIL ENROLLMENT AND ON-LINE PUPIL ENROLLMENT FOR THAT
17 YEAR. IN CERTIFYING THE PUPIL ENROLLMENT OF EACH INSTITUTE
18 CHARTER SCHOOL TO THE STATE BOARD, THE INSTITUTE".

19 Page 34, strike lines 1 through 3;

20 strike lines 13 through 15 and substitute the following:

21 "NUMBER OF AT-RISK PUPILS. THE INSTITUTE SHALL ALSO NOTIFY THE
22 DEPARTMENT AS TO WHETHER EACH INSTITUTE CHARTER SCHOOL IS A
23 QUALIFIED CHARTER SCHOOL".

24 Page 35, line 3, strike "WITHHELD." and substitute "WITHHELD MINUS AN
25 AMOUNT NOT TO EXCEED TWO PERCENT OF THE AMOUNT WITHHELD THAT
26 MAY BE RETAINED BY THE DEPARTMENT AS REIMBURSEMENT FOR THE
27 REASONABLE AND NECESSARY COSTS TO THE DEPARTMENT TO IMPLEMENT
28 THE PROVISIONS OF THIS PART 5.";

29 line 24, strike "OF RESIDENCE".

- 1 Page 37, strike lines 10 and 11 and substitute "COSTS;"
- 2 line 12, strike "SECTION;"
- 3 line 20, strike "COSTS AND DIRECT" and substitute "COSTS.";
- 4 line 21, strike "COSTS." and strike "AND";
- 5 line 22, strike "DIRECT COSTS".
- 6 Page 39, strike lines 9 through 27 and substitute the following:
- 7 "(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION
8 TO THE CONTRARY AND FOR THE PURPOSES OF THIS SECTION ONLY, ANY
9 SCHOOL DISTRICT THAT HAS MORE THAN FORTY PERCENT OF ITS PUPIL
10 ENROLLMENT CONSISTING OF AT-RISK PUPILS AT THE TIME THE CHARTER
11 SCHOOL IS FIRST AUTHORIZED SHALL BE DEEMED TO HAVE THE SAME
12 PERCENTAGE OF AT-RISK PUPIL ENROLLMENT FOR THE TERM OF THE
13 CHARTER CONTRACT. FOR PURPOSES OF RENEWAL OF THE CHARTER
14 CONTRACT, THE PERCENTAGE OF AT-RISK PUPILS IN THE SCHOOL DISTRICT
15 AT THE TIME THE RENEWAL APPLICATION IS SUBMITTED SHALL BE THE
16 PERCENTAGE USED FOR PURPOSES OF THIS SECTION."
- 17 Page 40, strike lines 1 through 13;
- 18 after line 13, insert the following:
- 19 "(9) (a) FOR THE 2004-05 BUDGET YEAR, AND FOR EACH BUDGET
20 YEAR THEREAFTER, THE PROPORTIONATE SHARE OF MONEYS GENERATED
21 UNDER FEDERAL OR STATE CATEGORICAL AID PROGRAMS SHALL BE
22 DIRECTED TO INSTITUTE CHARTER SCHOOLS SERVING STUDENTS ELIGIBLE
23 FOR SUCH AID.
- 24 (b) EACH INSTITUTE CHARTER SCHOOL THAT RECEIVES FEDERAL OR
25 STATE CATEGORICAL AID SHALL COMPLY WITH ALL APPLICABLE FEDERAL
26 AND STATE REPORTING REQUIREMENTS TO RECEIVE SUCH AID."
- 27 Page 42, line 10, strike "CHARTER";

1 line 11, strike "SCHOOL";

2 line 13, after the period, add "THE INSTITUTE SHALL PROMPTLY REMIT THE
3 APPROPRIATE AMOUNT TO EACH ELIGIBLE INSTITUTE CHARTER SCHOOL
4 AND SHALL NOT WITHHOLD ANY PORTION OF THE AMOUNT."

5 Page 50, line 19, strike "TRADITIONAL".

6 Page 55, after line 13, insert the following:

7 **"SECTION 22.** 22-20-103 (1) and (5.5), Colorado Revised
8 Statutes, are amended, and the said 22-20-103 is further amended BY
9 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to
10 read:

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

13 (1) "Administrative unit" means a school district, ~~or~~ a board of
14 cooperative services, OR THE STATE CHARTER SCHOOL INSTITUTE, that is
15 providing educational services to exceptional children and that is
16 responsible for the local administration of this article.

17 (2.5) "DISTRICT CHARTER SCHOOL" MEANS A CHARTER SCHOOL
18 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5
19 OF THIS TITLE.

20 (5.5) "Least restrictive environment" means programs used to
21 educate a child with a disability using the delivery system most
22 appropriately meeting the needs of the child, and, to the extent possible,
23 as determined by the local board of education OR THE STATE CHARTER
24 SCHOOL INSTITUTE, subject to the appeals procedures outlined in section
25 22-20-108 (3), the term means an environment in which a child with a
26 disability is educated with children without disabilities, unless the nature
27 or severity of the disability is such that education in regular classes with
28 the use of supplementary aids and services cannot be achieved
29 satisfactorily, or, when provided with supplementary aids and services,
30 the nature or severity of the disability is so disruptive that the education

1 of other children in such classes would be significantly impaired.

2 (11) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE
3 CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE
4 30.5 OF THIS TITLE.

5 **SECTION 23.** 22-20-104 (1) and (4), Colorado Revised Statutes,
6 are amended to read:

7 **22-20-104. Administration.** (1) This article shall be
8 administered by the department. Administration of this article shall
9 include the recommendation to the state board of reasonable criteria,
10 rules, and regulations; recommended minimum standards for facilities,
11 materials, equipment, and personnel; and recommended assessment
12 criteria for identifying exceptional children, their level of disability or
13 exception, and the special services needed. The state board shall adopt
14 appropriate recommendations following public hearings in several
15 locations throughout the state with respect to the suggested criteria, rules,
16 regulations, and standards. Recommendations adopted by the state board
17 shall be in accord with the legislative declaration set forth in section
18 22-20-102. Any school district ~~which~~ OR THE STATE CHARTER SCHOOL
19 INSTITUTE THAT provides plans, programs, or services which do not
20 reasonably satisfy the criteria, rules, regulations, and standards
21 recommended by the state board will be provided by the department of
22 education with a detailed analysis of any discrepancies noted along with
23 specific recommendations for their correction. Funding will be provided
24 or continued for a reasonable period of time, as determined by the
25 department, to allow the ~~local~~ SCHOOL district OR THE STATE CHARTER
26 SCHOOL INSTITUTE opportunity to satisfy the recommended criteria, rules,
27 regulations, and standards, or to establish a claim for variance based upon
28 conditions indigenous to a ~~local~~ SCHOOL district OR UNIQUE TO THE STATE
29 CHARTER SCHOOL INSTITUTE.

30 (4) To comply with this section, the department shall maintain a
31 data and information system on children, personnel, costs, and revenues,
32 and such data and information shall be used to ensure that state moneys
33 provided to districts AND THE STATE CHARTER SCHOOL INSTITUTE under
34 the provisions of section 22-20-106 (1) are being spent only on special

1 education services and programs.

2 **SECTION 24.** 22-20-106 (1), (2), and (3), Colorado Revised
3 Statutes, are amended to read:

4 **22-20-106. Special educational programs.** (1) By September
5 1, 1973, every school district in the state shall be either an administrative
6 unit in itself or in a board of cooperative services which shall be
7 designated as an administrative unit. THE STATE CHARTER SCHOOL
8 INSTITUTE SHALL BE AN ADMINISTRATIVE UNIT FOR THE PURPOSE OF
9 DELIVERING SPECIAL EDUCATION SERVICES TO ALL INSTITUTE CHARTER
10 SCHOOLS AND SHALL MEET THE CRITERIA ESTABLISHED BY THE STATE
11 BOARD GOVERNING THE DUTIES AND RESPONSIBILITIES OF THE DIRECTOR
12 OF SPECIAL EDUCATION. An administrative unit shall ALSO be a school
13 district or board of cooperative services ~~which~~ THAT meets criteria
14 established by the state board governing the duties and responsibilities of
15 the director of special education and is either a board of cooperative
16 services ~~which~~ THAT conducts special educational programs for all school
17 districts ~~which~~ THAT are members of the board of cooperative services or
18 is a school district ~~which~~ THAT meets criteria of geographic size, location,
19 and number of pupils established by the state board to achieve maximum
20 efficiency in administering programs of special education. Although the
21 state board shall define the qualifications and the general duties and
22 responsibilities of directors of special education, such directors shall be
23 regarded for all purposes as employees of their local administrative units
24 and subject to the administrative direction of such units.

25 (2) Each administrative unit shall submit a plan to the department
26 indicating how the school district OR THE STATE CHARTER SCHOOL
27 INSTITUTE will provide for education of all children with disabilities
28 between the ages of five and twenty-one and, on and after January 1,
29 1992, between the ages of three and twenty-one. Each unit plan shall
30 include the type and number of children with disabilities in the unit based
31 upon the department's criteria of incidence, the services to be provided,
32 and the estimated resources necessary. An addendum to the
33 administrative unit's plan to cover gifted children may be submitted by
34 January 1, 1980.

1 (3) Administrative units shall make available special educational
2 services for the education of any child with a disability between the ages
3 of five and twenty-one and, on and after January 1, 1992, between the
4 ages of three and twenty-one under jurisdiction of the administrative unit
5 and may serve gifted students. In providing these services, an
6 administrative unit shall pay for salaries and employee benefits of
7 certified special education teachers and special education staff;
8 equipment; in-service training of the staff of an administrative unit who
9 have pupil contact; mileage expenses incurred by staff; the costs of
10 educational services for a child in an eligible facility; or any other
11 expenses related to special education. Special education services may be
12 provided by community centered boards in cooperation with
13 administrative units, ~~and~~ school districts, AND THE STATE CHARTER
14 SCHOOL INSTITUTE. SPECIAL EDUCATION SERVICES MAY BE PROVIDED BY
15 THE STATE CHARTER SCHOOL INSTITUTE THROUGH CONTRACTS WITH
16 SCHOOL DISTRICTS OR BOARDS OF COOPERATIVE SERVICES.

17 **SECTION 25.** 22-20-108 (1), (3), (4), (4.5) (e), (4.5) (f), (4.7)
18 (b), (4.7) (g), (5) (d), (7) (a), (9), and (10), Colorado Revised Statutes, are
19 amended to read:

20 **22-20-108. Determination of disability - enrollment.** (1) The
21 determination that a child has a disability and the recommendation for
22 placement of that child in an individual educational program shall be
23 made by a committee of professionally qualified personnel designated by
24 the board of education of the school district, BY THE STATE CHARTER
25 SCHOOL INSTITUTE BOARD, or by the governing board of the board of
26 cooperative services if the administrative unit encompasses more than a
27 single school district. The composition of the committee shall be
28 prescribed by the state board and may be composed of but not limited to
29 the following: The director of special education for the administrative
30 unit, a psychologist, a social worker, a physician, a school administrator,
31 and a teacher of children with disabilities. The committee shall utilize
32 guidelines recommended by the department to determine the least
33 restrictive environment in which to educate the child. In the event that
34 placement in a community center for the retarded and for persons with
35 serious disabilities is considered appropriate for the needs of a child with
36 a disability, a joint placement committee composed of professional

1 personnel, as described in this section, representing the administrative
2 unit and the community center for the retarded and for persons with
3 serious disabilities, may recommend placement in such center. The
4 committee shall give parents of a child with an alleged disability an
5 opportunity to consult with the committee or a representative thereof
6 prior to determination that their child has a disability.

7 (3) (a) In the event of an appeal of the determination of the
8 disability or of the placement of a child in an individual educational
9 program pursuant to subsection (1) of this section, or an appeal of the
10 program to be offered, the ~~local~~ school district OR THE STATE CHARTER
11 SCHOOL INSTITUTE shall first appoint an administrative law judge to make
12 findings of fact and a recommendation concerning the matter at issue.
13 The findings of fact and recommendation shall be delivered to the ~~local~~
14 SCHOOL DISTRICT board of education OR THE STATE CHARTER SCHOOL
15 INSTITUTE BOARD.

16 (b) If EITHER the ~~local~~ SCHOOL DISTRICT board of education or
17 THE STATE CHARTER SCHOOL INSTITUTE BOARD AND the parent or guardian
18 ~~disagrees~~ DISAGREE with the findings of the administrative law judge,
19 either party may appeal to the commissioner of education for review.
20 This review shall be conducted in accordance with procedures and
21 timetables established by the state board of education, and a decision
22 concerning the review shall be returned to the school district OR THE
23 STATE CHARTER SCHOOL INSTITUTE and the parent or guardian.

24 (4) Each child determined to have a disability by the committee
25 pursuant to subsection (1) of this section shall be provided with an
26 individual educational program which shall be developed in accordance
27 with requirements established by the state board of education and shall
28 be reviewed annually. Such individual educational program shall specify
29 whether such student shall achieve the content standards adopted by the
30 district in which such student is enrolled OR BY THE STATE CHARTER
31 SCHOOL INSTITUTE or whether such student shall achieve individualized
32 standards which would indicate the student has met the requirements of
33 such student's individual educational program. When a child with a
34 disability is to be placed outside of the district of residence, the receiving
35 agency, institution, INSTITUTE CHARTER SCHOOL, or school district

1 providing the services shall cooperate in the development of the
2 individual educational program. The individual educational program
3 shall be coordinated with all individual plans required by other federal or
4 state programs in order to provide for maximum coordination of service
5 to the child with a disability, which may include the provision of
6 appropriate services for the child with a disability, by agreement or
7 contract with public agencies or nonprofit organizations or residential
8 child care facilities. For children placed without the prior written
9 approval of the school district of residence, the individual educational
10 program shall be the responsibility of the facility providing the individual
11 educational program.

12 (4.5) (e) Nothing in this subsection (4.5) shall require a school
13 district OR THE STATE CHARTER SCHOOL INSTITUTE to expend additional
14 resources or hire additional personnel to implement the provisions of this
15 section.

16 (f) On or before June 1, 1995, the department of education shall
17 develop guidelines for caseload management for instructors of blind
18 children in the school districts AND INSTITUTE CHARTER SCHOOLS of the
19 state. Such guidelines will evaluate how much instructional time should
20 be allotted for blind children, will reflect the varying levels of severity of
21 such children's needs, and will be renewed and updated on a periodic
22 basis to incorporate current research and practice.

23 (4.7) (b) To enable a parent to make informed decisions
24 concerning which educational options are best suited to the parent's child,
25 all of the educational options provided by the school district OR THE
26 STATE CHARTER SCHOOL INSTITUTE and available to the child at the time
27 the child's individual educational program is prepared shall be explained
28 to the parent.

29 (g) Nothing in this subsection (4.7) shall require a school district
30 OR THE STATE CHARTER SCHOOL INSTITUTE to expend additional resources
31 or hire additional personnel to implement the provisions of this
32 subsection (4.7).

33 (5) In formulating recommendations for placement of a child with

1 a disability, the committee shall:

2 (d) Consider the cost to the school district OR THE STATE CHARTER
3 SCHOOL INSTITUTE when choosing between two or more appropriate
4 placements.

5 (7) (a) When it is recommended by a school district OR THE STATE
6 CHARTER SCHOOL INSTITUTE that a child be placed in a residential setting
7 operated by a state agency outside of ~~his~~ THE CHILD'S current district of
8 residence, it is the duty of the current district of residence to notify the
9 agency to which it is recommended that the child be sent, and the school
10 district in which the agency is located, of the child's potential placement
11 in such agency in the school district. The receiving agency and the
12 receiving school district shall provide staff input into the final decision
13 regarding placement. In the event that a disagreement exists between the
14 recommending school district OR THE STATE CHARTER SCHOOL INSTITUTE
15 and the agency and school district receiving the child regarding the
16 placement, the commissioner of education and the director of the state
17 agency under which the facility or program in which the child is being
18 placed is operated shall make the final determination of the placement.

19 (9) If a teacher of a child with a disability determines that the
20 child's presence in a general education classroom is so disruptive that
21 other children's learning in the class is significantly impaired, the teacher
22 may utilize the district's OR THE STATE CHARTER SCHOOL INSTITUTE'S
23 regular in-school disciplinary procedure unless it would be inconsistent
24 with the child's individual educational program, or may request a review
25 of the individual educational program or behavior plan or both to consider
26 changes in services or placement. In making any such determination for
27 placement or plan of discipline for the child, the teacher, the principal,
28 and the staffing committee, if applicable, shall use the guidelines
29 recommended by the department.

30 (10) ~~No~~ A school, school district, ~~or~~ THE STATE CHARTER SCHOOL
31 INSTITUTE, OR AN administrative unit that receives funds under article 54
32 of this title shall NOT implement or enforce any rule or policy of the state
33 department of education that requires or permits an administrative unit to
34 appoint a person to act as an educational surrogate parent for the purpose

1 of making educational decisions regarding a child's placement in special
2 education services or for the purpose of consenting or refusing to consent
3 to assessments prior to placement when the child's parent is unknown,
4 unavailable, or fails to respond after reasonable efforts.

5 **SECTION 26.** 22-20-109 (5), Colorado Revised Statutes, is
6 amended to read:

7 **22-20-109. Tuition.** (5) When a child with a disability enrolls in
8 and attends a DISTRICT charter school pursuant to the provisions of part
9 1 of article 30.5 of this title, the district of residence shall be responsible
10 for paying to the DISTRICT charter school the tuition charge for the excess
11 costs incurred in educating the child. The amount of the tuition charge
12 shall be determined pursuant to guidelines developed by the department.
13 Under the circumstances described in this subsection (5), the provisions
14 of section 22-20-108 (8) shall not apply.

15 **SECTION 27.** 22-20-114 (1) (b.7) (II) and (2), Colorado Revised
16 Statutes, are amended to read:

17 **22-20-114. Funding of programs.** (1) (b.7) (II) For the 1997-98
18 budget year and budget years thereafter, any increase in the appropriation
19 made to the department over the amount distributed in accordance with
20 subparagraph (I) of this paragraph (b.7) shall be distributed to a school
21 district OR THE STATE CHARTER SCHOOL INSTITUTE in proportion to the
22 number of children with disabilities residing in ~~such~~ THE district OR THE
23 NUMBER OF CHILDREN WITH DISABILITIES ENROLLED IN INSTITUTE
24 CHARTER SCHOOLS, divided by the total number of children with
25 disabilities in the state. The increase in the appropriation to be
26 distributed to school districts AND THE STATE CHARTER SCHOOL INSTITUTE
27 pursuant to this paragraph (b.7) shall be distributed as soon as practicable
28 after the beginning of the fiscal year. For purposes of this paragraph
29 (b.7), the number of children with disabilities shall be based upon the
30 count taken in December of the immediately preceding budget year.

31 (2) Payments made under the provisions of this article shall in no
32 way affect the amount of other state aid for which a school district OR AN
33 INSTITUTE CHARTER SCHOOL may qualify.

1 **SECTION 28.** 22-20-116 (6) and (7), Colorado Revised Statutes,
2 are amended to read:

3 **22-20-116. Minimum standards for educational interpreters**
4 **for the deaf in the public schools - committee to recommend standards**
5 **- rules.** (6) After review and study of the recommendations of the
6 interpreter standards committee, the state board, on or before July 1,
7 1998, shall promulgate rules setting minimum standards for educational
8 interpreters for the deaf employed by or in the public schools in this state.
9 The state board may revise and amend such minimum standards as it
10 deems necessary. The state board shall promulgate rules that set forth the
11 documentation that a person seeking employment as an educational
12 interpreter for the deaf in a public school must submit to the EMPLOYING
13 school district OR TO THE STATE CHARTER SCHOOL INSTITUTE.

14 (7) On or after July 1, 2000, in addition to any other requirements
15 that a school district OR THE STATE CHARTER SCHOOL INSTITUTE
16 establishes, any person employed as an educational interpreter for deaf
17 students on a full-time or part-time basis by or in a school district OR AN
18 INSTITUTE CHARTER SCHOOL shall meet the minimum standards for
19 educational interpreters for the deaf as established by rules of the state
20 board."

21 Renumber succeeding sections accordingly.

22 Page 82, strike lines 22 and 23 and substitute the following:

23 "SECTION 22-30.5-513, MINUS THE AMOUNTS REQUIRED BY SECTION
24 22-30.5-514 (1), TO BE ALLOCATED FOR CAPITAL RESERVE PURPOSES OR
25 THE MANAGEMENT OF RISK-RELATED ACTIVITIES."

** ** ** ** **