

SENATE JOURNAL
Sixty-second General Assembly
STATE OF COLORADO
Second Regular Session

65th Legislative Day Thursday, March 9, 2000

- Call to Order By the President at 9:00 a.m.
- Prayer By the chaplain, Reverend Glen Hamlyn, Rocky Mountain Cathedral, Denver.
- Roll Call Present--Total, 33.
Absent/Excused--Lacy, Lamborn--Total, 2.
Present later--Lacy, Lamborn.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Sullivant, reading of the Journal of Wednesday, March 8th was dispensed with and the Journal stands approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 9, 2000

Mr. President:

The House has adopted and transmits herewith HJR00-1013, as printed in House Journal, March 9.

INTRODUCTION OF BILL

The following bill was read by title and referred to the committee indicated:

- SB 00-204 by Senators Wham, Arnold and Phillips; also Representatives Lawrence, Larson and Veiga--Concerning the Wheat Ridge Regional Center main campus in Jefferson county, Colorado, and making an appropriation therefor.
Judiciary
Appropriations

MESSAGES FROM THE GOVERNOR

March 7, 2000

To the Honorable Senate
Sixty-second General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB 00-125- Concerning Implementation Of The National Instant Criminal Background Check System With The Colorado Bureau Of Investigation Serving As The State Point Of Contact, And Making An Appropriation Therefor

Approved March 7, 2000 at 8:35 a.m.

Sincerely,

(Signed)
Bill Owens
Governor
Rec'd 3/8/00
G. Aberle, Asst. Secretary

March 8, 2000

To the Honorable Senate
Sixty-second General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB 00-183- Concerning The Role of Higher Education In the Development of Technology, And, In Connection Therewith, Encouraging Higher Education Institutions And Systems To Participate In The Development Of Technology Education, Innovation, And Commerce.

Approved March 8, 2000 at

Sincerely,
(Signed)
Bill Owens
Governor
Rec'd 3/8/00
G. Aberle, Asst. Secretary

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB00-1194

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Wattenberg, the following Governor's appointment was confirmed by a roll call vote:

WILDLIFE COMMISSION

effective March 1, 2000 for terms expiring March 1, 2004;

Thomas M. Burke of Grand Junction, Colorado, to serve as a representative of a wildlife organization from District 1, and as a Republican;

YES	25	NO	9	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	E	Phillips	N	Weddig	N
Dennis	Y	Linkhart	N	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

On motion of Senator Wattenberg, the following Governor’s appointment was confirmed by a roll call vote:

WILDLIFE COMMISSION

effective March 1, 2000 for terms expiring March 1, 2004;

Olive K. Valdez of Conjeos, Colorado, to serve as a representative of the public from District 2, and as a Democrat.

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	N
Congrove	Y	Lamborn	E	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

INTRODUCTION AND CONSIDERATION OF RESOLUTION

The following resolution was read by title and taken upon immediate consideration:

HJR 00-1013 by Rep. Lee; Senator Andrews--Concerning the recognition of Home Education Day in Colorado.
(Printed in House Journal, March 9.)

Senator Blickensderfer moved to suspend Senate Rule 30(e).

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration was granted.

On motion of Senator Andrews, the resolution was ADOPTED by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	E	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

Co-sponsors added: Chlouber, Sullivant, Weddig.

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 15(c) was suspended for Consideration of Special Orders.

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB00-186 was made Special Orders at 9:22 a.m.

Committee of the Whole
The hour of 9:22 a.m. having arrived, Senator Wattenberg moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders and Senator Wattenberg was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILL--9:22 A. M.

The Committee of the Whole having risen, the Chairman reported that the following bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB 00-186 by Sen. Anderson; Rep. Allen--Education Reform
(Amended in Special Orders as printed in Senate Journal, March 8, pages 546-552.)

Amendment No. 1, by Senator Matsunaka

Amend printed bill, page 39, strike line 5 and substitute the following:

"(C) ADMINISTRATORS;"

strike line 6 and substitute the following:

"(D) OTHER PROFESSIONALS**;"

line 14, strike "ADMINISTRATOR" and substitute "OTHER PROFESSIONALS";

after line 15, insert the following:

"(IV) THE CATEGORIES OF SCHOOL EMPLOYEES LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL BE DEFINED IN ACCORDANCE WITH THE FINANCIAL POLICIES AND PROCEDURES HANDBOOK ADOPTED PURSUANT TO SECTION 22-44-203 (1)."

Amendment No. 2, by Senator Matsunaka

Amend printed bill, page 53, line 13, strike "SCHOOL ADVISORY COUNCIL" and substitute "ADVISORY ACCOUNTABILITY COMMITTEE".

Page 62, line 19, strike "SCHOOL ADVISORY COUNCIL" and substitute "ADVISORY ACCOUNTABILITY COMMITTEE";

line 20, strike "SCHOOL ADVISORY COUNCIL" and substitute "ADVISORY ACCOUNTABILITY COMMITTEE".

Page 96, line 6, strike "The board" and substitute "The board";

strike line 7, and substitute the following:

"shall appoint OR CREATE A PROCESS FOR THE ELECTION OF an advisory";

line 8, strike "SCHOOL DISTRICT";

strike lines 11 through 14, and substitute the following:

"of this section. The areas of study by the";

line 16, strike "AND ADVISORY COUNCILS";

line 18, strike "advisory SCHOOL DISTRICT" and substitute "advisory";

line 22, strike "TWO PERSONS" and substitute "ONE PERSON";

line 23, strike "ARE" and substitute "IS";

Page 100, strike lines 14 through 26.

Strike pages 101 and 102.

Page 103, strike lines 1 through 13.

Renumber succeeding sections accordingly.

Amendment No. 3, by Senator Hillman

Amend printed bill, page 96, before line 1, insert the following:

"**SECTION 22.** 22-5-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(3.5) "RELATED" OR "RELATIVE" MEANS A PERSON’S SPOUSE, SON, DAUGHTER, SISTER OR BROTHER."

Renumber succeeding sections accordingly.

Amendment No. 4, by Senator Teck

Amend printed bill, page 98, line 9, after "CANDIDATES", insert "WHO RECEIVE THE HIGHEST NUMBER OF VOTES".

Amendment No. 5, by Senator Hillman

Amend printed bill, page 101, line 1, strike "shall" and substitute "~~shall~~ MAY";

line 9, strike "shall" and substitute "~~shall~~ MAY";

line 10, strike "shall" and substitute "~~shall~~ MAY";

line 14, strike "shall" and substitute "~~shall~~ MAY".

Amendment No. 6, by Senator Linkhart

Amend printed bill, page 54, after line 9, insert the following:

"(3) IN ADDITION TO ANY OTHER ASSISTANCE OFFERED TO PUBLIC SCHOOLS THAT RECEIVE AN ACADEMIC PERFORMANCE GRADE OF "D" OR "F" ON THE SCHOOL REPORT CARD, THE DEPARTMENT SHALL WORK WITH OTHER STATE DEPARTMENTS AND AGENCIES TO COORDINATE THE PROVISION OF SERVICES TO SUCH SCHOOLS. SUCH SERVICES SHOULD BE DESIGNED TO ASSIST LOW PERFORMING STUDENTS IN IMPROVING THEIR BASIC SKILLS IN READING, WRITING, AND MATHEMATICS AND MAY ADDRESS SOCIAL, ECONOMIC, OR OTHER NEEDS OF THE STUDENTS. ALL STATE DEPARTMENTS AND AGENCIES SHALL COOPERATE AND ASSIST PUBLIC SCHOOLS RECEIVING ACADEMIC PERFORMANCE GRADES OF "D" OR "F" ON THE SCHOOL REPORT CARD."

Amendment No. 7, by Senator Anderson

Amend printed bill, page 80, after line 22, insert the following:

"SECTION SHALL BE ALIGNED WITH THE MODEL CONTENT STANDARDS ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-7-406. THE ASSESSMENTS";

line 23, strike "SECTION".

Amendment No. 8, by Senator Owen

Amend printed bill, page 84, strike lines 7 through 26.

Page 85, strike lines 1 through 3.

Amend the Education Committee amendment, as printed in Senate Journal, page 371, strike lines 13 through 19.

Amendment No. 9, by Senator Powers

Amend printed bill, page 104, line 19, strike "and" and after "(a),", insert "and (6) (b),".

Page 108, after line 5, insert the following:

"(b) (I) For purposes of this subsection (6), a child who is participating in a non-public home-based educational program ~~may~~ SHALL HAVE THE SAME RIGHTS AS A STUDENT ENROLLED IN A PUBLIC OR PRIVATE SCHOOL TO participate on an equal basis in any extracurricular or interscholastic activity offered by a public school or offered by a private school, at the private school's discretion, as provided in section 22-32-116.5 AND IS SUBJECT TO THE SAME RULES OF ANY INTERSCHOLASTIC ORGANIZATION OR ASSOCIATION OF WHICH THE STUDENT'S SCHOOL OF PARTICIPATION IS A MEMBER.

(II) (A) EXCEPT AS PROVIDED FOR IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), FOR PURPOSES OF SECTION 22-32-116.5, THE SCHOOL DISTRICT OF ATTENDANCE FOR A CHILD WHO IS PARTICIPATING IN A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM SHALL BE DEEMED TO BE THE SCHOOL DISTRICT THAT RECEIVED THE NOTIFICATION PURSUANT TO PARAGRAPH (e) OF SUBSECTION (3) OF THIS SECTION.

(B) FOR PURPOSES OF SECTION 22-32-116.5, THE SCHOOL DISTRICT OF ATTENDANCE FOR A CHILD WHO WITHDRAWS FROM A PUBLIC OR PRIVATE SCHOOL MORE THAN FIFTEEN DAYS AFTER THE START OF THE SCHOOL YEAR AND ENTERS A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM SHALL BE THE SCHOOL DISTRICT OR PRIVATE SCHOOL FROM WHICH THE CHILD WITHDREW FOR THE REMAINDER OF THAT SCHOOL YEAR. IF, DURING THE REMAINDER OF THAT ACADEMIC YEAR, THE CHILD CHOOSES TO PARTICIPATE IN EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITIES AT THE SAME SCHOOL AND WAS ELIGIBLE FOR PARTICIPATION PRIOR TO WITHDRAWING FROM THE SCHOOL, THE CHILD REMAINS ELIGIBLE TO PARTICIPATE AT SUCH SCHOOL.

SECTION 32. 22-32-116.5 (10) (g), Colorado Revised Statutes, is amended to read:

22-32-116.5. Extracurricular and interscholastic activities. (10) As used in this section, unless the context otherwise requires:

(g) "School district of attendance" means the school district in which a student is enrolled and attends classes or, if the student is participating in a nonpublic home-based educational program, EXCEPT AS PROVIDED FOR IN SECTION 22-33-104.5 (6) (b) (II) (B), the school district in which the student participates in said program."

Renumber succeeding sections accordingly.

Amendment No. 10, by Senator Hillman

Amend printed bill, page 106, line 3, after "child.", insert "NO SCORES FOR A CHILD PARTICIPATING IN A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM SHALL BE CONSIDERED FOR AWARDED ACADEMIC PERFORMANCE GRADES PURSUANT TO SECTION 22-7-604 OR FOR ACCREDITATION PURSUANT TO ARTICLE 11 OF THIS TITLE."

Amendment No. 11, by Senators Lacy and Hillman

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 6, page 481, strike lines 54 through 57 and substitute the following:

"Page 110, strike lines 1 through 8 and substitute the following:

"**SECTION 33.** 22-25-104 (6), Colorado Revised Statutes, is amended to read:

22-25-104. Colorado comprehensive health education program - role of department of education - recommended curriculum guidelines - allocation of funds - rules and regulations. (6) Any curriculum and materials developed and used in teaching";

Amendment No. 12, by Senator Anderson

Amend the Anderson floor amendment as printed in Senate Journal, page 548, strike lines 40 through 59.

Amendment No. 13, by Senator Rupert

Amend printed bill, page 35, line 13, strike "RECORD" and substitute "RECORDS";

line 14, strike "IS:" and substitute "AND THE [YEAR] - [YEAR] SCHOOL YEAR ARE:";

line 15, strike "SEVEN" and substitute "THIRTEEN";

strike lines 25 and 26, and substitute the following:

"(II) THE SECOND AND THIRD COLUMNS SHALL BE ENTITLED "NUMBER OF INCIDENTS REPORTED". BELOW THAT TITLE AND ABOVE THE SECOND COLUMN SHALL APPEAR THE WORDS "THIS YEAR", AND ABOVE THE THIRD COLUMN SHALL APPEAR THE WORDS "LAST YEAR". ABOVE THE FOURTH THROUGH THIRTEENTH COLUMN SHALL APPEAR THE WORDS "ACTION TAKEN". BELOW THOSE WORDS AND ABOVE THE FOURTH AND FIFTH COLUMN SHALL APPEAR THE WORDS: "IN-SCHOOL SUSPENSION", ABOVE THE SIXTH AND SEVENTH COLUMNS SHALL APPEAR THE WORDS: "OUT OF SCHOOL SUSPENSION", ABOVE THE EIGHTH AND NINTH COLUMN SHALL APPEAR THE WORD: "EXPULSION", ABOVE THE TENTH AND ELEVENTH COLUMN SHALL APPEAR THE WORDS: "REFERRED TO LAW ENFORCEMENT", AND ABOVE THE TWELFTH AND THIRTEENTH COLUMNS SHALL APPEAR THE WORD: "OTHER". BELOW THESE WORDS AND ABOVE THE FOURTH THROUGH THIRTEENTH COLUMNS SHALL APPEAR THE WORDS "THIS YEAR" OR "LAST YEAR" ALTERNATING BETWEEN COLUMNS."

Page 36, strike lines 1 through 3;

line 4, strike ""OTHER."".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB 00-186 by Sen. Anderson; Rep. Allen--Education Reform

Senator Hillman moved to amend the Report of the Committee of the Whole to show that the following Wattenberg floor amendment to SB00-186, as amended, did not pass.

Call of Senate1
Call of Senate.2
Call Raised.3
4
5
Amend printed bill, page 85, strike lines 4 through 26.6
7
Strike pages 86 through 93.8
9
Page 94, strike lines 1 through 22.10
11
Renumber succeeding sections accordingly.12

The motion was declared LOST by the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	N	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	N	Lacy	Y	Perlmutter	N	Wattenberg	N
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	N	Linkhart	N	Reeves	N	Wham	N
Dyer	N	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	N	Sullivant	N		

SB00-186 by Sen. Anderson; Rep. Allen--Education Reform28
29
Senator Hillman moved to amend the Report of the Committee of the Whole to show that30
the following Hillman floor amendment to SB00-186, as amended, did not pass:31
32
Amend printed bill, page 101, line 1, strike "shall" and substitute "shall33
MAY";34
35
line 9, strike "shall" and substitute "shall MAY";36
37
line 10, strike "shall" and substitute "shall MAY";38
39
line 14, strike "shall" and substitute "shall MAY".40
41
42
A majority of all members elected to the Senate having voted in the affirmative, the motion43
was declared ADOPTED.44
45
46
47
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SB00-186 by Sen. Anderson; Rep. Allen--Education Reform49
50
Senator Hillman moved to amend the Report of the Committee of the Whole to show that51
the following Hillman floor amendment to SB00-186, as amended, did pass:52
53
Amend printed bill, page 118, after line 2, insert the following:54
55
"SECTION 44. 22-1-104 (2), Colorado Revised Statutes, is56
amended to read:57
58
22-1-104. Teaching of history, culture, and civil government.59
60
(2) (a) In addition, the history and civil government of the United States,61
which includes the history, culture, and contributions of minorities,62
including, but not limited to, the American Indians, the Hispanic63
Americans, and the African Americans, shall be taught in all the public64
schools of the state.65
66
(b) AS PART OF THE TEACHING OF THE HISTORY AND CIVIL67
GOVERNMENT OF THE UNITED STATES, ALL OF THE PUBLIC SCHOOLS OF68
THE STATE SHALL TEACH THE DECLARATION OF INDEPENDENCE. AT THE69
APPROPRIATE GRADE, AS DETERMINED BY A SCHOOL DISTRICT, ALL70
STUDENTS OF PUBLIC SCHOOLS OF THE STATE SHALL BE REQUIRED TO71
MEMORIZE THE FOLLOWING PORTION OF THE DECLARATION OF72

INDEPENDENCE:

WE HOLD THESE TRUTHS TO BE SELF-EVIDENT: -
THAT ALL MEN ARE CREATED EQUAL; THAT THEY ARE
ENDOWED BY THEIR CREATOR WITH CERTAIN UNALIENABLE
RIGHTS; THAT AMONG THESE RIGHTS ARE LIFE, LIBERTY,
AND THE PURSUIT OF HAPPINESS. THAT TO SECURE THESE
RIGHTS, GOVERNMENTS ARE INSTITUTED AMONG MEN,
DERIVING JUST POWERS FROM THE CONSENT OF THE
GOVERNED."

Renumber succeeding sections accordingly.

The motion was declared LOST by the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	N	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	N
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	Y	Linkhart	N	Reeves	N	Wham	N
Dyer	N	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	N	Sullivant	Y		

SB 00-186 by Sen. Anderson; Rep. Allen--Education Reform

Senator Thiebaut moved to amend the Report of the Committee of the Whole to show that the following Thiebaut floor amendment to SB00-186, as amended, did pass:

Amend printed bill, page 118, after line 2, insert the following:

"SECTION 44. Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-122. State public education study - contents - report - repeal. (1) Short title. THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO CHILDREN'S EDUCATION COMPACT".

(2) Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) THE VISION OF A FULLY EDUCATED SOCIETY DEMANDS THAT THE FUNDAMENTAL RIGHT OF THE CHILDREN OF THIS STATE TO RECEIVE A PUBLIC EDUCATION MEANS THAT STUDENTS MUST HAVE THE OPPORTUNITY TO BECOME CREATIVE INDIVIDUALS, EAGER LEARNERS, CRITICAL THINKERS, AND CONTRIBUTING MEMBERS OF SOCIETY;

(b) ACHIEVING THIS VISION REQUIRES COMMITMENT ON THE PART OF PARENTS, STUDENTS, TEACHERS, ADMINISTRATORS, AND THE GENERAL ASSEMBLY TO REVITALIZE THE STATE'S PUBLIC SCHOOLS AND PROVIDE SUFFICIENT RESOURCES FOR OPERATION AND REPAIR OF THE STATE'S PUBLIC SCHOOLS;

(c) TO ADOPT A COMPREHENSIVE STATE POLICY THAT WILL ACHIEVE THIS VISION, IT IS ESSENTIAL TO CONDUCT AND FUND A COMPREHENSIVE STUDY OF THE STATE PUBLIC SCHOOL SYSTEM AND A REPORT ON THE CONDITION OF COLORADO PUBLIC SCHOOLS, INCLUDING AT A MINIMUM ASSESSING THE ABILITY OF PUBLIC SCHOOLS TO PROVIDE ADEQUATE SCHOOL FACILITIES, STATE-OF-THE-ART TECHNOLOGY IN EVERY CLASSROOM, AND SAFE, SECURE ENVIRONMENTS THROUGH THE ADOPTION OF MINIMUM SAFETY AND SECURITY STANDARDS;

(d) BASED ON INFORMATION CURRENTLY AVAILABLE TO THE GENERAL ASSEMBLY, IT APPEARS THAT STATE EDUCATION POLICY SHOULD BE FORMULATED TO ACHIEVE THE FOLLOWING MINIMUM GOALS:

- (I) INCREASED AVAILABILITY OF PROGRAMS TO FACILITATE AND ENHANCE SCHOOL READINESS OF CHILDREN;

(II) ENHANCED AVAILABILITY OF QUALITY PUBLIC SCHOOL CHILD CARE PROGRAMS, INCLUDING PRESCHOOL AND BEFORE-SCHOOL AND AFTER-SCHOOL PROGRAMS;

(III) AVAILABILITY OF A QUALIFIED PROFESSIONAL NURSE IN EVERY SCHOOL;

(IV) ACHIEVEMENT OF A CLASS SIZE AND STUDENT-TO-TEACHER RATIO THAT IS APPROPRIATE TO EACH GRADE LEVEL;

(V) AVAILABILITY OF FULL-DAY KINDERGARTEN IN ALL SCHOOL DISTRICTS;

(VI) INCREASED AVAILABILITY OF SCHOOL COUNSELORS IN EVERY PUBLIC SCHOOL;

(VII) EQUITABLE DISTRIBUTION OF RESOURCES AMONG URBAN, SUBURBAN, AND RURAL SCHOOLS AND BETWEEN WEALTHY AND LOWER-INCOME SCHOOL DISTRICTS;

(VIII) ACCESS TO NEW TECHNOLOGIES IN EVERY CLASSROOM;

(IX) INCREASED AVAILABILITY OF A QUALITY, STATE-LICENSED TEACHER IN EACH CLASSROOM;

(X) SAFETY AND ORDER IN EVERY PUBLIC SCHOOL;

(XI) ENSURING A HEALTHY AND SAFE LEARNING ENVIRONMENT IN EACH PUBLIC SCHOOL BY ENSURING THAT EACH SCHOOL IS IN GOOD REPAIR, WITH ADEQUATE HEATING, LIGHTING, AND OTHER MECHANICAL SYSTEMS;

(XII) INCREASED ASSISTANCE FOR EARLY CHILDHOOD EDUCATION PROGRAMS, INCLUDING EARLY CHILDHOOD DEVELOPMENT AND EDUCATION SERVICES BY LICENSED PERSONNEL FOR ALL CHILDREN WITH ACCESS ASSURED REGARDLESS OF INCOME;

(e) ONE OUTCOME OF A COMPREHENSIVE STUDY OF THE STATE PUBLIC SCHOOL SYSTEM SHOULD BE VERIFICATION OF THE GOALS SPECIFIED IN PARAGRAPH (d) OF THIS SUBSECTION (2) AND IDENTIFICATION OF ANY ADDITIONAL GOALS TO DIRECT THE GENERAL ASSEMBLY IN FORMULATING STATE EDUCATION POLICY AND IN PROVIDING FUNDING FOR PUBLIC EDUCATION WITHIN THE STATE;

(f) IT IS ALSO ESSENTIAL TO DETERMINE WAYS IN WHICH TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO MEET ITS CONSTITUTIONAL OBLIGATION TO SUPERVISE PUBLIC SCHOOLS, INCLUDING ITS RESPONSIBILITY TO MONITOR PUBLIC SCHOOLS AND TO PROVIDE TECHNICAL ASSISTANCE IN COMPLYING WITH ACCREDITATION REQUIREMENTS.

(3) **Comprehensive education study - contract with private entity.** (a) ON OR BEFORE DECEMBER 1, 2000, THE DEPARTMENT OF EDUCATION, THROUGH A REQUEST FOR PROPOSALS, SHALL CONTRACT WITH A PRIVATE ENTITY, REFERRED TO IN THIS SECTION AS THE "CONTRACT ENTITY", TO CONDUCT A TWO-YEAR COMPREHENSIVE STUDY OF PUBLIC EDUCATION IN COLORADO, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION. A SELECTION COMMITTEE, PURSUANT TO THE STATE PROCUREMENT RULES ADOPTED UNDER SECTION 24-102-401, C.R.S., SHALL REVIEW THE SUBMITTED PROPOSALS AND RECOMMEND THE ENTITY WITH WHICH THE DEPARTMENT SHALL CONTRACT TO CONDUCT THE STUDY. THE SELECTION COMMITTEE SHALL CONSIST OF THE COMMISSIONER OF EDUCATION AND THE FOLLOWING MEMBERS APPOINTED BY THE STATE CONTROLLER:

(I) FOUR PERSONS WHO ARE MEMBERS OF SCHOOL DISTRICT BOARDS OF EDUCATION;

(II) FOUR PERSONS WHO ARE EMPLOYED AS SCHOOL DISTRICT

SUPERINTENDENTS IN SCHOOL DISTRICTS THROUGHOUT THE STATE.

(b) IN APPOINTING PERSONS TO SERVE ON THE SELECTION COMMITTEE, THE STATE CONTROLLER SHALL ENSURE THAT THE APPOINTED PERSONS ARE REPRESENTATIVE OF THE VARIOUS GEOGRAPHIC AREAS OF THE STATE, OF URBAN AND RURAL SCHOOL DISTRICTS, OF LARGE AND SMALL SCHOOL DISTRICTS, AND OF THE ECONOMIC, CULTURAL, AND ETHNIC DIVERSITY OF THE STATE.

(4) **Comprehensive education study - contents.** AT A MINIMUM, THE COMPREHENSIVE STUDY OF PUBLIC EDUCATION IN COLORADO SHALL INCLUDE AN EXAMINATION AND REVIEW OF THE FOLLOWING ISSUES AND ITEMS:

(a) THE SKILL LEVEL AND OVERALL QUALITY OF PUBLIC SCHOOL TEACHERS WITHIN THE STATE AND WAYS TO INCREASE THEIR PROFICIENCY AND ABILITIES;

(b) THE ACADEMIC PERFORMANCE LEVELS OF ALL STUDENTS ENROLLED IN PUBLIC SCHOOLS THROUGHOUT THE STATE AND WAYS TO ENHANCE THEIR ACADEMIC PROFICIENCY;

(c) THE EFFECTIVENESS OF THE COLORADO STATEWIDE ASSESSMENT PROGRAM IMPLEMENTED PURSUANT TO SECTION 22-7-409, INCLUDING BUT NOT LIMITED TO THE METHODS APPLIED IN DETERMINING WHAT CONSTITUTES PROFICIENT PERFORMANCE ON ASSESSMENTS, AND ANY PROPOSED CHANGES IN IMPLEMENTING THE SYSTEM;

(d) THE LEVEL OF PARENTAL AND COMMUNITY INVOLVEMENT IN PUBLIC SCHOOLS IN THE STATE AND WAYS TO PROMOTE AND ACHIEVE GREATER PARENTAL AND COMMUNITY INVOLVEMENT;

(e) THE DEGREE TO WHICH STUDENTS AND TEACHERS ARE SAFE IN THE PUBLIC SCHOOLS THROUGHOUT THE STATE AND THE SECURITY MEASURES EMPLOYED BY PUBLIC SCHOOLS, INCLUDING BUT NOT LIMITED TO MEASURES TO ENSURE PEDESTRIAN SAFETY IN AREAS SURROUNDING EACH PUBLIC SCHOOL;

(f) PROGRAMS TO FACILITATE AND ENHANCE PRESCHOOL CHILDREN'S SCHOOL READINESS, ESPECIALLY WITH REGARD TO READING READINESS;

(g) THE AVAILABILITY OF FINANCIAL AND PROFESSIONAL ASSISTANCE FOR EARLY CHILDHOOD EDUCATION PROGRAMS, INCLUDING BUT NOT LIMITED TO THE PROVISION OF EARLY CHILDHOOD DEVELOPMENT AND EDUCATION SERVICES TO ALL CHILDREN BY LICENSED PERSONNEL;

(h) THE AVAILABILITY OF QUALITY PUBLIC SCHOOL CHILD CARE PROGRAMS, INCLUDING BUT NOT LIMITED TO PRESCHOOL AND BEFORE- AND AFTER-SCHOOL PROGRAMS;

(i) THE DEGREE TO WHICH EACH PUBLIC SCHOOL HAS AVAILABLE TO IT A REGISTERED PROFESSIONAL NURSE AND WAYS TO INCREASE THE NUMBER OF REGISTERED PROFESSIONAL NURSES EMPLOYED IN PUBLIC SCHOOLS, IF NECESSARY;

(j) THE DISTRIBUTION AND ADEQUACY OF RESOURCES AMONG URBAN, SUBURBAN, AND RURAL SCHOOLS AND AMONG SCHOOLS IN WEALTHY AND LOWER-INCOME SCHOOL DISTRICTS AND WAYS TO PROVIDE A MORE EQUITABLE BALANCE OF RESOURCES AND RESOLVE DISPARITIES BETWEEN COST PRESSURES AND FUNDING AMONG ALL SCHOOL DISTRICTS AND SCHOOLS WITHIN THE STATE;

(k) THE RANGE OF CLASS SIZES AND STUDENT-TO-TEACHER RATIOS IN PUBLIC SCHOOLS THROUGHOUT THE STATE, A RECOMMENDATION IDENTIFYING OPTIMUM CLASS SIZES AND STUDENT-TO-TEACHER RATIOS, BY GRADE LEVELS, AND WAYS TO ACHIEVE THESE OPTIMUMS;

(l) THE EXTENT TO WHICH SCHOOL DISTRICTS WITHIN THE STATE ARE PROVIDING FULL-DAY KINDERGARTEN CLASSES, THE EXTENT TO WHICH PARENTS DESIRE GREATER AVAILABILITY OF FULL-DAY KINDERGARTEN CLASSES, AND THE WAYS TO INCREASE THE AVAILABILITY

OF FULL-DAY KINDERGARTEN CLASSES THROUGHOUT THE STATE, IF DESIRED;

(m) THE EXTENT TO WHICH SCHOOL COUNSELORS ARE AVAILABLE TO STUDENTS IN PUBLIC SCHOOLS THROUGHOUT THE STATE, THE SERVICES PROVIDED BY SCHOOL COUNSELORS, THE EXTENT TO WHICH STUDENTS AND PARENTS DESIRE GREATER AVAILABILITY OF SCHOOL COUNSELORS, AND THE WAYS TO INCREASE THE AVAILABILITY OF SCHOOL COUNSELORS, IF DESIRED;

(n) THE DEGREE TO WHICH MODERN COMPUTER TECHNOLOGY AND ADEQUATE ELECTRICAL POWER ARE ACCESSIBLE IN CLASSROOMS THROUGHOUT THE STATE, MINIMUM STANDARDS AND GUIDELINES FOR AVAILABILITY OF TECHNOLOGY IN PUBLIC SCHOOLS, AND WAYS TO PROVIDE GREATER ACCESS TO SUCH TECHNOLOGY;

(o) MINIMUM STANDARDS FOR SCHOOL BUILDINGS WHICH MAY SERVE AS GUIDELINES FOR SCHOOL DISTRICT BOARDS OF EDUCATION IN MEETING INSTRUCTIONAL SUPPORT SERVICES NEEDS AND SAFETY AND SECURITY NEEDS;

(p) THE PHYSICAL CONDITION OF PUBLIC SCHOOL BUILDINGS AND OTHER PUBLIC EDUCATIONAL FACILITIES THROUGHOUT THE STATE, INCLUDING BUT NOT LIMITED TO LIGHTING, VENTILATION, PLUMBING AND HEATING, AND SPACE; THE ESTIMATED COST OF ENSURING THAT EVERY FACILITY IS STRUCTURALLY SOUND AND ADEQUATE FOR THE NEEDS OF STUDENTS IN EACH PUBLIC SCHOOL; AND THE ABILITY OF EACH SCHOOL DISTRICT TO MEET THAT COST;

(q) THE STUDENT TRANSPORTATION SYSTEM IN EACH SCHOOL DISTRICT.

(5) **Comprehensive education study - statistical report.** (a) IN ADDITION TO THE INFORMATION SPECIFIED IN SUBSECTION (4) OF THIS SECTION, THE CONTRACT ENTITY, AS PART OF THE COMPREHENSIVE STUDY OF EDUCATION, SHALL PREPARE A REPORT ADDRESSING THE FOLLOWING DATA:

(I) A TEN-YEAR HISTORY OF THE AMOUNT OF CATEGORICAL FUNDING ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY, INCLUDING A COMPARISON OF SUCH FUNDING WITH THE CATEGORICAL FUNDING LEVELS IN OTHER STATES AND A COMPARISON OF SUCH FUNDING TO THE ACTUAL AGGREGATE SCHOOL DISTRICT EXPENDITURES INCURRED, SPECIFYING SUCH AMOUNTS ON A PER-PUPIL BASIS, ADJUSTED FOR INFLATION;

(II) A TEN-YEAR COMPILATION OF SCORES EARNED BY COLORADO STUDENTS ON NATIONALLY ADMINISTERED, STANDARDIZED COLLEGE ENTRANCE EXAMINATIONS AND, TO THE EXTENT AVAILABLE, ON ASSESSMENTS ADMINISTERED UNDER THE COLORADO STATEWIDE ASSESSMENT PROGRAM, AGGREGATED BY ETHNICITY, INCOME LEVEL, LANGUAGE, AND HANDICAPPING CONDITION, AND A COMPARISON OF THE COLLEGE ENTRANCE EXAMINATION SCORES WITH THOSE ACHIEVED BY STUDENTS IN OTHER STATES;

(III) BEGINNING WITH FISCAL YEAR 1988-89, A COMPARISON OF THE ACTUAL AMOUNT OF FUNDING ANNUALLY APPROPRIATED FOR SCHOOL FINANCE WITH THE AMOUNT THAT WOULD HAVE BEEN REQUIRED TO FUND INFLATION AND ENROLLMENT GROWTH UNDER THE PROVISIONS OF THE "PUBLIC SCHOOL FINANCE ACT OF 1988", AS IT EXISTED ON JULY 1, 1988;

(IV) A COMPARISON OF THE AMOUNT OF COMPENSATION EARNED BY TEACHERS EMPLOYED BY SCHOOL DISTRICTS IN THIS STATE WITH THE AMOUNT OF COMPENSATION EARNED BY TEACHERS EMPLOYED BY SCHOOL DISTRICTS IN OTHER STATES;

(V) THE NUMBER OF TEACHERS WHO HAVE RETIRED, VOLUNTARILY LEFT EMPLOYMENT AS TEACHERS, OR BEEN DISMISSED EACH YEAR FOR THE PRECEDING TEN YEARS, IN EACH SCHOOL DISTRICT;

(VI) THE STUDENT-TO-COUNSELOR RATIO IN PUBLIC MIDDLE, JUNIOR HIGH, AND HIGH SCHOOLS THROUGHOUT THE STATE STATED FOR

EACH SCHOOL DISTRICT AS A WHOLE AND FOR EACH PUBLIC MIDDLE, JUNIOR HIGH, AND HIGH SCHOOL INDIVIDUALLY;

(VII) THE STUDENT-TO-REGISTERED NURSE RATIO IN EACH PUBLIC SCHOOL THROUGHOUT THE STATE, STATED FOR EACH SCHOOL DISTRICT AS A WHOLE AND FOR EACH PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, AND HIGH SCHOOL INDIVIDUALLY;

(VIII) THE STUDENT-TO-LICENSED-ADMINISTRATOR RATIO IN EACH SCHOOL DISTRICT IN THE STATE;

(IX) THE STUDENT-TO-TEACHER RATIO IN EACH PUBLIC SCHOOL THROUGHOUT THE STATE, STATED FOR EACH SCHOOL DISTRICT AS A WHOLE AND FOR EACH PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, AND HIGH SCHOOL INDIVIDUALLY;

(X) THE STUDENT-TO-COMPUTER RATIO IN EACH PUBLIC SCHOOL THROUGHOUT THE STATE, STATED FOR EACH SCHOOL DISTRICT AS A WHOLE AND FOR EACH PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, AND HIGH SCHOOL, THE AVERAGE AGE OF THE COMPUTERS USED IN EACH PUBLIC SCHOOL AND IN EACH SCHOOL DISTRICT IN THE STATE, AND THE AVAILABILITY OF TEACHER TRAINING AND THE NECESSARY INFRASTRUCTURE TO SUPPORT STATE-OF-THE-ART COMPUTER TECHNOLOGY IN EACH PUBLIC SCHOOL IN THE STATE; AND

(XI) THE GRADUATION, DROP-OUT, AND ATTENDANCE RATES FOR EACH PUBLIC SCHOOL IN THE STATE FOR THE PRECEDING TEN YEARS.

(b) FOLLOWING COMPLETION OF THE TWO-YEAR STUDY CONTRACTED FOR PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL MAINTAIN THE DATA COLLECTED PURSUANT TO THIS SUBSECTION (5) AND SUBMIT AN ANNUAL REPORT OF SUCH DATA TO THE GOVERNOR AND TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

(6) **Comprehensive education study - report.** ON OR BEFORE OCTOBER 1, 2002, THE CONTRACT ENTITY SHALL SUBMIT TO THE DEPARTMENT AND TO A JOINT MEETING OF THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND TO THE GOVERNOR A REPORT OF THE INFORMATION OBTAINED PURSUANT TO THE COMPREHENSIVE STUDY OF EDUCATION CONDUCTED PURSUANT TO THIS SECTION, INCLUDING AN EXECUTIVE SUMMARY.

(7) **Legislative response.** BASED ON THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (6) OF THIS SECTION AND THE ANNUAL REPORT RECEIVED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL ADOPT MEASURES TO CORRECT OR REMEDY DEFICIENCIES FOUND TO EXIST BETWEEN THE STATE'S ACTUAL PERFORMANCE AND THE EDUCATION PUBLIC POLICY GOALS AS DECLARED BY THE GENERAL ASSEMBLY IN SUBSECTION (2) OF THIS SECTION, INCLUDING ANY SIGNIFICANT RESTRUCTURING OF THE METHOD BY WHICH ELEMENTARY, SECONDARY, OR POSTSECONDARY EDUCATION IS FINANCED, THEREBY ALLOWING THE GENERAL ASSEMBLY, PURSUANT TO ARTICLE X, SECTION 20 OF THE STATE CONSTITUTION AND SECTION 24-75-201.1, C.R.S., TO EXAMINE AND MODIFY THE LIMITATIONS ON THE LEVEL OF STATE GENERAL FUND APPROPRIATIONS FOR PUBLIC EDUCATION."

Renumber succeeding sections accordingly.

The motion was declared LOST by the following roll call vote:

YES		15	NO		20	EXCUSED		0	ABSENT		0
Anderson	N		Evans	N		Musgrave	N		Tanner	Y	
Andrews	N		Feeley	Y		Nichol	Y		Tebedo	N	
Arnold	N		Hernandez	Y		Owen	N		Teck	N	
Blickensderfer	N		Hillman	N		Pascoe	Y		Thiebaut	Y	
Chlouber	N		Lacy	N		Perlmutter	Y		Wattenberg	N	
Congrove	N		Lamborn	N		Phillips	Y		Weddig	Y	
Dennis	N		Linkhart	Y		Reeves	Y		Wham	N	
Dyer	Y		Martinez	Y		Rupert	Y		Mr. President	N	
Epps	N		Matsunaka	Y		Sullivant	N				

SB 00-186 by Sen. Anderson; Rep. Allen--Education Reform

Senator Linkhart moved to amend the Report of the Committee of the Whole to show that the following Lacy/Hillman floor amendment to SB00-186 did not pass:

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 6, page 481, strike lines 54 through 57 and substitute the following:

"Page 110, strike lines 1 through 8 and substitute the following:

"SECTION 33. 22-25-104 (6), Colorado Revised Statutes, is amended to read:

22-25-104. Colorado comprehensive health education program - role of department of education - recommended curriculum guidelines - allocation of funds - rules and regulations. (6) Any curriculum and materials developed and used in teaching";

The motion was declared LOST by the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	Y	Owen	N	Teck	N
Blickensderfer	N	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	N	Lacy	N	Perlmutter	Y	Wattenberg	Y
Congrove	N	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	N	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	N
Epps	N	Matsunaka	Y	Sullivan	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Wattenberg, the Report of the Committee of the Whole, as amended, was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

SB00-186, as amended, declared passed on Second Reading.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, March 9, was laid over until Friday, March 10, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Judiciary The Committee on Judiciary has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

COMMISSION ON JUDICIAL DISCIPLINE

for terms expiring July 1, 2003:

Michael J. Norton of Englewood, Colorado, to serve as an attorney member, appointed;

C. Suzanne Mencer of Littleton, Colorado, to serve as a non-attorney member, appointed;

Preston C. White of Colorado Springs, Colorado, to serve as a non-attorney member.

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1239

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1326

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1421

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1254

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1377

Judiciary After consideration on the merits, the committee recommends that HB00-1343 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

 Amend reengrossed bill, page 10, line 7, strike "PERTAINING TO" and substitute "OF";

 line 8, strike "BUT NOT LIMITED TO".

TRIBUTES--A POINT OF INTEREST

Honoring William A. Scheitler by Senator Hernandez

On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Friday, March 10, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate

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