

First Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 01-0383.02 Jeff Conway

SENATE BILL 01-064

SENATE SPONSORSHIP

Cairns

HOUSE SPONSORSHIP

(None)

Senate Committees

Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE EDUCATION ACCESS SCHOLARSHIP**
102 **FOR OUR YOUTH TUITION SCHOLARSHIP PROGRAM, AND MAKING**
103 **AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the Education Access Scholarship for our Youth ("EASY") tuition scholarship program ("EASY scholarship program") to provide funding for any student to attend any public school, eligible nonpublic school, or nonpublic home-based educational program.

Requires the state department of education ("department") to file a report with the state board of education ("state board") regarding the implementation of the EASY scholarship program between July 1, 2001,

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.

and August 15, 2001. Directs the department to include in the report:

- The estimated number of students who are expected to participate in the EASY scholarship program;
- An estimate of the additional educational moneys required by the EASY scholarship program;
- The department's plan to receive and use public and private funding for the EASY scholarship program and to distribute the funding; and
- Each school district's plan for publicizing to students the EASY scholarship program.

Permits all students enrolled in kindergarten through grade 12 in any public school, eligible nonpublic school, or nonpublic home-based educational program to participate in the EASY scholarship program.

Directs each parent or guardian to annually enroll his or her child in an eligible nonpublic school or a public school and to complete a form that serves as an application to receive a warrant. Requires the form to be kept on file for one year. Requires the form to disclose the educational options available to the parent or guardian and how to participate in the EASY scholarship program.

Requires each eligible nonpublic school to annually file with the department the names of students and their parents or guardians who seek to participate in the EASY scholarship program for that school year and the respective school in which each is enrolled. Directs the department to issue and send to each eligible nonpublic school a warrant in the name of an officer of the school and the student and his or her parent or guardian no later than November 15 of each budget year. Specifies that the department is to send the warrants in the order that the forms were received. Permits each eligible nonpublic school to withhold up to \$5 from each warrant for administrative costs.

Permits an eligible nonpublic school to accept EASY scholarship students only if the school:

- Meets at least the minimum number of hours of instruction and contact during the school year as is required for school districts; and
- Is maintained and operated in compliance with all pertinent health and safety laws, unless it meets an exemption based on religious or philosophical grounds.

Permits the commissioner of education to receive public and private moneys for the EASY scholarship program. Specifies that moneys are to be distributed as warrants drawn on the treasury that are only valid with the signatures of the student's parent and an eligible nonpublic school official. Prior to July 1, 2012, sets the value of the warrant at the actual value of the published annual tuition at the eligible nonpublic school or the calculated value, whichever is less. On and after July 1, 2012, sets the value of the warrant at the actual published value of the tuition or the

amount of the state average per pupil operating revenues, whichever is less.

Prohibits an eligible nonpublic school from charging more for tuition for an EASY scholarship student than for other students. Clarifies that an eligible nonpublic school receiving EASY scholarship moneys does not come under state or local regulation because of receiving such moneys. Specifies that the department can retain a portion of the moneys in the fund for administrative costs.

Defines calculated value for eligible nonpublic school tuition as the amount of the base year tuition plus 10% for each school year after the base year. Permits a home school to receive EASY scholarship moneys of up to \$1,000 per year if the money is used for educational materials, the warrant is signed by the parent or guardian, and receipts are presented.

Directs each school district to file a form with the department that lists the names and addresses of the students and their parents or guardians who enroll in a public school of the school district and the public school in which each is enrolled.

Requires the department to issue and send to each public school a warrant in the name of the principal of the school and the student and his or her parent or guardian no later than November 15 of each applicable budget year. Directs the department to send the warrants in the order that the forms were received. Permits each school district to withhold up to \$5 for administrative costs. Sets the warrant amount at the state share of the school district's total program divided by the school district's total pupil enrollment.

Directs each school district to provide monthly to the department a certification of pupil enrollment and a listing of those students enrolled since August 1 or that are no longer enrolled. Requires the state board to adjust any equal monthly payments under the "School Finance Act". Permits the school district to validate the warrant if the parent or guardian has not signed the warrant after receiving adequate notice.

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

2 **SECTION 1.** Title 22, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 54.5**

5 **Education Access Scholarship for our Youth -**

6 **EASY Scholarships**

7 **22-54.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND

1 MAY BE CITED AS THE "EDUCATION ACCESS SCHOLARSHIPS FOR OUR
2 YOUTH ACT".

3 **22-54.5-102. Legislative declaration.** THE GENERAL ASSEMBLY
4 HEREBY FINDS THAT PROVIDING PARENTS WITH A GREATER NUMBER OF
5 EDUCATION CHOICES FOR THEIR CHILDREN WILL IMPROVE THE QUALITY OF
6 EDUCATION IN THE STATE. THE GENERAL ASSEMBLY FURTHER FINDS THAT
7 NONPUBLIC SCHOOLS PROVIDE A QUALITY EDUCATION THAT IS COMPETITIVE
8 WITH AND OFTEN SUPERIOR TO THAT PROVIDED BY PUBLIC SCHOOLS AND
9 THAT USING PUBLIC SCHOLARSHIPS IN ASSISTING ALL PARENTS TO ENROLL
10 THEIR CHILDREN IN ANY PUBLIC OR NONPUBLIC SCHOOL SERVES THE PUBLIC
11 GOOD. THE GENERAL ASSEMBLY FURTHER FINDS THAT AN OVERALL GOAL
12 OF FOSTERING THE EMPOWERMENT OF PARENTS AND TEACHERS WITHIN THE
13 STATE'S SYSTEM OF PUBLIC EDUCATION WOULD YIELD WIDE-RANGING AND
14 PROFOUND BENEFITS AS WELL AS INCREASE PARENTAL INVOLVEMENT IN
15 THE EDUCATION OF THE STATE'S CHILDREN. THE GENERAL ASSEMBLY
16 THEREFORE ADOPTS THIS ARTICLE AND SECTION 22-54-123 AS MEASURES
17 TO IMPROVE EDUCATIONAL OPPORTUNITIES AND THE QUALITY OF
18 EDUCATION FOR ALL COLORADO STUDENTS.

19 **22-54.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "COMMISSIONER" MEANS THE COMMISSIONER OF EDUCATION
22 APPOINTED PURSUANT TO SECTION 22-2-110.

23 (2) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF EDUCATION
24 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

25 (3) "EASY SCHOLARSHIP PROGRAM" MEANS THE EDUCATION
26 ACCESS SCHOLARSHIPS FOR OUR YOUTH TUITION SCHOLARSHIP PROGRAM
27 CREATED IN SECTION 22-54.5-104.

1 (4) "ELIGIBLE NONPUBLIC SCHOOL" MEANS A NONPUBLIC SCHOOL
2 THAT MEETS THE ELIGIBILITY REQUIREMENTS SPECIFIED IN SECTION
3 22-54.5-106 FOR PARTICIPATION IN THE EASY SCHOLARSHIP PROGRAM.

4 (5) "NONPUBLIC SCHOOL" MEANS ANY NONPUBLIC SCHOOL
5 OPERATING IN THIS STATE. "NONPUBLIC SCHOOL" DOES NOT INCLUDE A
6 CHARTER SCHOOL ESTABLISHED PURSUANT TO THE PROVISIONS OF ARTICLE
7 30.5 OF THIS TITLE.

8 (6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
9 CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE
10 CONSTITUTION.

11 **22-54.5-104. EASY scholarship program - creation.** (1) THERE
12 IS HEREBY CREATED THE EDUCATION ACCESS SCHOLARSHIP FOR OUR YOUTH
13 TUITION SCHOLARSHIP PROGRAM, ALSO KNOWN AS THE EASY
14 SCHOLARSHIP PROGRAM, TO PROVIDE FUNDING FOR EACH STUDENT IN
15 COLORADO TO ATTEND ANY PUBLIC OR ELIGIBLE NONPUBLIC SCHOOL OR
16 NONPUBLIC, HOME-BASED EDUCATION PROGRAM. FUNDING FOR STUDENTS
17 TO ATTEND ELIGIBLE NONPUBLIC SCHOOLS AND NONPUBLIC, HOME-BASED
18 EDUCATION PROGRAMS SHALL BE PROVIDED IN ACCORDANCE WITH THIS
19 ARTICLE. FUNDING FOR STUDENTS TO ATTEND PUBLIC SCHOOLS SHALL BE
20 PROVIDED IN ACCORDANCE WITH ARTICLE 54 OF THIS TITLE.

21 (2) ON OR AFTER JULY 1, 2001, BUT PRIOR TO AUGUST 15, 2001,
22 THE DEPARTMENT SHALL SUBMIT TO THE STATE BOARD A REPORT
23 REGARDING THE IMPLEMENTATION OF THE EASY SCHOLARSHIP PROGRAM.
24 IN ADDITION TO ANY OTHER INFORMATION PROVIDED BY THE DEPARTMENT,
25 THE REPORT SHALL INCLUDE:

26 (a) THE ESTIMATED NUMBER OF STUDENTS WHO ARE EXPECTED TO
27 PARTICIPATE IN THE EASY SCHOLARSHIP PROGRAM;

1 (b) AN ESTIMATE OF THE AMOUNT OF ADDITIONAL EDUCATION
2 MONEYS REQUIRED BY THE PROVISIONS OF THIS ARTICLE;

3 (c) THE DEPARTMENT'S PLAN TO RECEIVE AND USE PUBLIC AND
4 PRIVATE FUNDING FOR THE EASY SCHOLARSHIP PROGRAM AND THE
5 DEPARTMENT'S PLAN FOR DISTRIBUTING THE FUNDING RECEIVED AMONG
6 STUDENTS; AND

7 (d) EACH SCHOOL DISTRICT'S PLAN FOR PUBLICIZING TO STUDENTS
8 THE PROVISIONS OF THE EASY SCHOLARSHIP PROGRAM.

9 **22-54.5-105. EASY scholarship program - procedure.** (1) ANY
10 STUDENT ENROLLED IN ANY ONE OF GRADES ONE THROUGH TWELVE OR IN
11 KINDERGARTEN, IF KINDERGARTEN IS OFFERED, IN ANY PUBLIC OR ELIGIBLE
12 NONPUBLIC SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN THE EASY
13 SCHOLARSHIP PROGRAM AS PROVIDED IN THIS ARTICLE AND IN SECTION
14 22-54-123.

15 (2) (a) PRIOR TO SEPTEMBER 15, 2001, AND PRIOR TO SEPTEMBER
16 15 OF EACH SUCCEEDING BUDGET YEAR, EACH PARENT OR GUARDIAN
17 ENROLLING HIS OR HER CHILD IN AN ELIGIBLE NONPUBLIC SCHOOL FOR
18 THAT SCHOOL YEAR SHALL COMPLETE AND FILE WITH THE SCHOOL A FORM
19 THAT SERVES AS AN APPLICATION TO RECEIVE A WARRANT PURSUANT TO
20 THIS ARTICLE. THE FORM OF THE APPLICATION SHALL BE DETERMINED BY
21 THE ELIGIBLE NONPUBLIC SCHOOL AND THE PARENT OR GUARDIAN SHALL
22 PROVIDE, AT A MINIMUM, THE NAMES AND ADDRESSES OF SUCH PARENT OR
23 GUARDIAN AND THE CHILD OR CHILDREN ENROLLING IN THE ELIGIBLE
24 NONPUBLIC SCHOOL. THE COMPLETED FORMS SHALL BE KEPT ON FILE AT
25 THE ELIGIBLE NONPUBLIC SCHOOL FOR AT LEAST ONE CALENDAR YEAR.
26 THE FORM SHALL ALSO CONTAIN A STATEMENT OF DISCLOSURE THAT, AS
27 PROVIDED IN STATE STATUTE, THE PARENT OR GUARDIAN MAY ENROLL HIS

1 OR HER CHILD OR CHILDREN IN ANY PUBLIC SCHOOL, INCLUDING A CHARTER
2 SCHOOL, THAT IS LOCATED WITHIN OR OUTSIDE OF HIS OR HER SCHOOL
3 DISTRICT OF RESIDENCE OR ANY ELIGIBLE NONPUBLIC SCHOOL OR ANY
4 NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM. THE FORM SHALL ALSO
5 CONTAIN A BRIEF DESCRIPTION OF HOW THE CHILD MAY PARTICIPATE IN THE
6 EASY SCHOLARSHIP PROGRAM PURSUANT TO THIS ARTICLE AND SECTION
7 22-54-123. THE FORM SHALL ALSO CONTAIN A STATEMENT THAT THE
8 PARENT OR GUARDIAN, BY SIGNING, ACKNOWLEDGES THAT HE OR SHE HAS
9 READ AND UNDERSTANDS THE DISCLOSURES CONTAINED ON THE FORM.

10 (b) PRIOR TO OCTOBER 1, 2001, AND PRIOR TO OCTOBER 1 OF EACH
11 SUCCEEDING BUDGET YEAR, EACH ELIGIBLE NONPUBLIC SCHOOL SHALL
12 COMPLETE AND FILE WITH THE DEPARTMENT A FORM, SPECIFIED BY RULE
13 OF THE STATE BOARD, THAT SETS FORTH THE NAMES AND ADDRESSES OF
14 THE STUDENTS AND THEIR PARENTS AND GUARDIANS WHO SEEK TO
15 PARTICIPATE IN THE EASY SCHOLARSHIP PROGRAM FOR THAT SCHOOL
16 YEAR AND HAVE ENROLLED IN THE ELIGIBLE NONPUBLIC SCHOOL. NO
17 LATER THAN NOVEMBER 15 OF EACH BUDGET YEAR, THE DEPARTMENT
18 SHALL ISSUE AND SEND TO EACH ELIGIBLE NONPUBLIC SCHOOL THAT
19 SUBMITS A FORM PURSUANT TO THIS PARAGRAPH (b) A WARRANT FOR EACH
20 ENROLLED STUDENT SPECIFIED IN THE FORM. THE WARRANTS SHALL BE
21 ISSUED IN THE NAME OF AN OFFICER OF THE SCHOOL AND THE RESPECTIVE
22 STUDENT AND HIS OR HER PARENT OR GUARDIAN. THE DEPARTMENT SHALL
23 SEND SUCH WARRANTS IN THE ORDER THAT THE FORMS WERE RECEIVED
24 FROM THE ELIGIBLE NONPUBLIC SCHOOLS. EACH ELIGIBLE NONPUBLIC
25 SCHOOL MAY WITHHOLD UP TO FIVE DOLLARS FROM EACH WARRANT
26 ISSUED PURSUANT TO THIS SECTION FOR ADMINISTRATIVE COSTS. A
27 WARRANT ISSUED PURSUANT TO THIS SECTION SHALL BE REDEEMABLE AS

1 PROVIDED IN SECTION 22-54.5-107 (2).

2 **22-54.5-106. EASY scholarship program - eligible nonpublic**
3 **schools.** (1) A NONPUBLIC SCHOOL SHALL ONLY ACCEPT STUDENTS AND
4 RECEIVE MONEYS DRAWN FROM WARRANTS PURSUANT TO THIS ARTICLE IF
5 IT HAS COMPLIED WITH THE FOLLOWING REQUIREMENTS:

6 (a) THE NONPUBLIC SCHOOL SHALL MEET AT LEAST THE MINIMUM
7 NUMBER OF HOURS OF PLANNED TEACHER-PUPIL INSTRUCTION AND
8 TEACHER-PUPIL CONTACT DURING THE SCHOOL YEAR AS ARE REQUIRED FOR
9 SCHOOL DISTRICTS IN SECTION 22-32-109 (1) (n); AND

10 (b) THE NONPUBLIC SCHOOL SHALL BE MAINTAINED AND OPERATED
11 IN COMPLIANCE WITH ALL PERTINENT ORDINANCES AND LAWS INVOLVING
12 THE FACILITY, INCLUDING RULES AND REGULATIONS ADOPTED PURSUANT
13 THERETO, RELATIVE TO THE HEALTH AND SAFETY OF ALL PERSONS UPON
14 THE PREMISES.

15 **22-54.5-107. EASY scholarship program - fund - creation -**
16 **warrants - eligible nonpublic schools.** (1) THE COMMISSIONER IS
17 AUTHORIZED TO SEEK PUBLIC AND PRIVATE MONEYS AND THE DEPARTMENT
18 OF EDUCATION IS AUTHORIZED TO ACCEPT SUCH MONEYS FOR THE
19 PURPOSES SET FORTH IN THIS ARTICLE. SUCH MONEYS SHALL BE DEPOSITED
20 IN THE EASY SCHOLARSHIP PROGRAM FUND, WHICH FUND IS HEREBY
21 CREATED, AND SUCH MONEYS SHALL BE EXPENDED BY THE DEPARTMENT,
22 SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY. ANY MONEYS
23 CREDITED TO THE FUND AND UNEXPENDED AT THE END OF ANY GIVEN
24 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE
25 GENERAL FUND.

26 (2) (a) THE DEPARTMENT SHALL DISTRIBUTE ALL MONEYS
27 RECEIVED PURSUANT TO THIS SECTION AMONG ALL STUDENTS ATTENDING

1 ELIGIBLE NONPUBLIC SCHOOLS PURSUANT TO THIS ARTICLE. DISTRIBUTION
2 OF MONEYS TO EACH STUDENT SHALL BE IN THE FORM OF A WARRANT
3 DRAWN ON THE TREASURY. THE WARRANT SHALL BE SIGNED BY A PARENT
4 OR LEGAL GUARDIAN OF SUCH STUDENT, THE STUDENT, AND THE CHIEF
5 ADMINISTRATIVE OFFICER OF THE ELIGIBLE NONPUBLIC SCHOOL OR HIS OR
6 HER DESIGNEE; EXCEPT THAT THE WARRANT SHALL BE VALID IF SIGNED
7 ONLY BY THE PARENT OR GUARDIAN AND SUCH OFFICER OR DESIGNEE. THE
8 ELIGIBLE NONPUBLIC SCHOOL MAY REDEEM THE WARRANT THROUGH THE
9 STATE TREASURER'S OFFICE FOR THE AMOUNT STATED ON THE FACE OF THE
10 WARRANT.

11 (b) PRIOR TO JULY 1, 2012, THE VALUE OF THE WARRANT
12 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE THE
13 ACTUAL PUBLISHED VALUE OF ANNUAL TUITION AT THE ELIGIBLE
14 NONPUBLIC SCHOOL IN WHICH THE STUDENT ENROLLS OR THE CALCULATED
15 VALUE SET FORTH IN SECTION 22-29-108, WHICHEVER IS LESS.

16 (c) ON AND AFTER JULY 1, 2012, THE VALUE OF THE WARRANT
17 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE THE
18 ACTUAL PUBLISHED VALUE OF ANNUAL TUITION AT THE ELIGIBLE
19 NONPUBLIC SCHOOL IN WHICH THE STUDENT ENROLLS OR THE AMOUNT OF
20 THE STATE AVERAGE PER PUPIL OPERATING REVENUES, AS DEFINED IN
21 SECTION 22-54-103 (12), WHICHEVER IS LESS.

22 (3) AN ELIGIBLE NONPUBLIC SCHOOL SHALL NOT CHARGE ANY
23 STUDENT RECEIVING EASY SCHOLARSHIP PROGRAM MONEYS TUITION IN AN
24 AMOUNT THAT EXCEEDS THE PUBLISHED AMOUNT OF TUITION CHARGED TO
25 OTHER STUDENTS ENROLLED IN THE ELIGIBLE NONPUBLIC SCHOOL.

26 (4) AN ELIGIBLE NONPUBLIC SCHOOL THAT ENROLLS EASY
27 SCHOLARSHIP PROGRAM STUDENTS MAY ACCEPT MONEYS PURSUANT TO

1 THIS ARTICLE AND SHALL NOT BE SUBJECT TO REGULATION BY ANY STATE
2 AGENCY OR POLITICAL SUBDIVISION AS A RESULT OF ACCEPTING SAID
3 MONEYS.

4 (5) THE DEPARTMENT MAY USE UP TO ONE-HALF OF ONE PERCENT
5 OF THE TOTAL AMOUNT OF MONEYS ANNUALLY APPROPRIATED TO THE
6 EASY SCHOLARSHIP PROGRAM FUND, OR FIVE HUNDRED THOUSAND
7 DOLLARS, WHICHEVER IS LESS, TO OFFSET THE ADMINISTRATIVE COSTS
8 INCURRED IN IMPLEMENTING THE EASY SCHOLARSHIP PROGRAM.

9 **22-54.5-108. EASY scholarship program - nonpublic school**
10 **tuition - calculated value - repeal.** (1) PRIOR TO JULY 1, 2012, THE
11 AMOUNT OF TUITION THAT IS REIMBURSED TO AN ELIGIBLE NONPUBLIC
12 SCHOOL PURSUANT TO A WARRANT ISSUED UNDER THIS ARTICLE MAY BE
13 CALCULATED ACCORDING TO THE FORMULA SET FORTH IN SUBSECTION (2)
14 OF THIS SECTION. SUCH CALCULATION SHALL RELY ON THE 2001-02
15 SCHOOL YEAR AS THE BASE YEAR AND A BASE YEAR TUITION AMOUNT OF
16 TWO THOUSAND FIVE HUNDRED DOLLARS.

17 (2) THE CALCULATED VALUE FOR TUITION THAT MAY BE PAID ON A
18 WARRANT ISSUED PURSUANT TO THIS ARTICLE FOR ANY ELIGIBLE
19 NONPUBLIC SCHOOL SHALL BE THE BASE YEAR TUITION AMOUNT INCREASED
20 BY TEN PERCENT OF THE BASE YEAR TUITION AMOUNT FOR EACH SCHOOL
21 YEAR AFTER THE BASE YEAR.

22 (3) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2012.

23 **22-54.5-109. EASY scholarship program - home-based**
24 **educational program.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF
25 THIS ARTICLE, THE PARENT OR LEGAL GUARDIAN OF A STUDENT WHO
26 ATTENDS A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM PURSUANT
27 TO SECTION 22-33-104.5 MAY RECEIVE A WARRANT FOR AN EASY

1 SCHOLARSHIP SUBJECT TO THE FOLLOWING CONDITIONS:

2 (a) MONEYS RECEIVED UNDER THIS SECTION SHALL BE USED ONLY
3 TO DEFRAY THE COST OF EDUCATIONAL MATERIALS;

4 (b) THE AMOUNT RECEIVED UNDER THIS SECTION SHALL BE NO
5 MORE THAN ONE THOUSAND DOLLARS PER SCHOOL YEAR FOR EACH
6 NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM, WITHOUT REGARD TO
7 THE NUMBER OF STUDENTS ENROLLED IN THE PROGRAM;

8 (c) THE WARRANT ISSUED PURSUANT TO THIS SECTION REQUIRES
9 THE SIGNATURE OF THE PARENT OR GUARDIAN WHO IS IN CHARGE AND IN
10 CONTROL OF THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM TO BE
11 VALID; AND

12 (d) THE WARRANT ISSUED PURSUANT TO THIS SECTION SHALL ONLY
13 BE AVAILABLE UPON PRESENTATION TO THE DEPARTMENT OF ALL
14 RELEVANT RECEIPTS FOR THE EXPENSES OF SUCH EDUCATIONAL MATERIALS
15 INCURRED DURING THAT SCHOOL YEAR.

16 (2) (a) PRIOR TO OCTOBER 1, 2001, AND PRIOR TO OCTOBER 1 OF
17 EACH SUCCEEDING APPLICABLE BUDGET YEAR, EACH NONPUBLIC
18 HOME-BASED EDUCATIONAL PROGRAM THAT SEEKS TO RECEIVE A WARRANT
19 FOR AN EASY SCHOLARSHIP PURSUANT TO THIS SECTION SHALL COMPLETE
20 AND FILE WITH THE DEPARTMENT:

21 (I) A FORM, SPECIFIED BY RULE OF THE STATE BOARD, THAT SETS
22 FORTH THE NAME OF THE PARENT OR GUARDIAN WHO IS IN CHARGE AND IN
23 CONTROL OF THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM FOR
24 THAT SCHOOL YEAR; AND

25 (II) ALL RELEVANT RECEIPTS FOR EXPENSES DESCRIBED IN
26 PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION.

27 (b) NO LATER THAN NOVEMBER 15 OF EACH BUDGET YEAR, THE

1 DEPARTMENT SHALL ISSUE AND SEND TO EACH NONPUBLIC HOME-BASED
2 EDUCATIONAL PROGRAM THAT SUBMITS A FORM AND RECEIPTS PURSUANT
3 TO PARAGRAPH (a) OF THIS SUBSECTION (2) A WARRANT ISSUED IN THE
4 NAME OF THE PARENT OR GUARDIAN WHO IS IN CHARGE AND IN CONTROL
5 OF THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM. THE
6 DEPARTMENT SHALL SEND SUCH WARRANTS IN THE ORDER THAT THE FORMS
7 WERE RECEIVED FROM THE NONPUBLIC HOME-BASED EDUCATIONAL
8 PROGRAMS. DISTRIBUTION OF MONEYS TO EACH NONPUBLIC HOME-BASED
9 EDUCATIONAL PROGRAM PURSUANT TO THIS SECTION SHALL BE IN THE
10 FORM OF A WARRANT DRAWN ON THE TREASURY. THE NONPUBLIC
11 HOME-BASED EDUCATIONAL PROGRAM MAY REDEEM THE WARRANT
12 THROUGH THE STATE TREASURER'S OFFICE FOR THE AMOUNT STATED ON
13 THE FACE OF THE WARRANT.

14 **SECTION 2.** Article 54 of title 22, Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW SECTION to read:

16 **22-54-123. Public school students - EASY scholarship program.**

17 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ON OR
18 BEFORE THE SECOND MONDAY OF SEPTEMBER, 2001, AND ON OR BEFORE
19 THE SECOND MONDAY OF SEPTEMBER OF EACH SUCCEEDING SCHOOL YEAR,
20 EACH PARENT OR GUARDIAN SHALL ENROLL HIS OR HER CHILD AS A
21 STUDENT IN A PUBLIC SCHOOL, AN ELIGIBLE NONPUBLIC SCHOOL, AS
22 DEFINED IN SECTION 22-54.5-103 (4), OR A NONPUBLIC HOME-BASED
23 EDUCATIONAL PROGRAM, AS DEFINED IN SECTION 22-33-104.5 (2) (a), TO
24 RECEIVE FUNDING PURSUANT TO THIS SECTION OR ARTICLE 54.5 OF THIS
25 TITLE.

26 (2) (a) PRIOR TO SEPTEMBER 15, 2001, AND PRIOR TO SEPTEMBER
27 15 OF EACH SUCCEEDING BUDGET YEAR, EACH PARENT OR GUARDIAN

1 ENROLLING HIS OR HER CHILD IN A PUBLIC SCHOOL FOR THAT SCHOOL YEAR
2 SHALL COMPLETE AND FILE WITH THE SCHOOL A FORM THAT SERVES AS AN
3 APPLICATION TO RECEIVE A WARRANT PURSUANT TO THIS SECTION. THE
4 FORM OF THE APPLICATION SHALL BE DETERMINED BY THE SCHOOL
5 DISTRICT AND THE PARENT OR GUARDIAN SHALL PROVIDE, AT A MINIMUM,
6 THE NAMES AND ADDRESSES OF SUCH PARENT OR GUARDIAN AND THE CHILD
7 OR CHILDREN ENROLLING IN THE PUBLIC SCHOOL. THE COMPLETED FORMS
8 SHALL BE KEPT ON FILE AT THE PUBLIC SCHOOL FOR AT LEAST ONE
9 CALENDAR YEAR. THE FORM SHALL ALSO CONTAIN A STATEMENT OF
10 DISCLOSURE THAT, AS PROVIDED IN STATE STATUTE, THE PARENT OR
11 GUARDIAN MAY ENROLL HIS OR HER CHILD OR CHILDREN IN ANY PUBLIC
12 SCHOOL, INCLUDING A CHARTER SCHOOL, THAT IS LOCATED WITHIN OR
13 OUTSIDE OF HIS OR HER SCHOOL DISTRICT OF RESIDENCE OR ANY ELIGIBLE
14 NONPUBLIC SCHOOL OR ANY NONPUBLIC HOME-BASED EDUCATIONAL
15 PROGRAM. THE FORM SHALL ALSO CONTAIN A BRIEF DESCRIPTION OF HOW
16 THE CHILD MAY PARTICIPATE IN THE EDUCATION ACCESS SCHOLARSHIPS
17 FOR OUR YOUTH TUITION SCHOLARSHIP PROGRAM PURSUANT TO THIS
18 SECTION AND ARTICLE 54.5 OF THIS TITLE. THE FORM SHALL ALSO CONTAIN
19 A STATEMENT THAT THE PARENT OR GUARDIAN, BY SIGNING,
20 ACKNOWLEDGES THAT HE OR SHE HAS READ AND UNDERSTANDS THE
21 DISCLOSURES CONTAINED IN THE FORM.

22 (b) PRIOR TO OCTOBER 1, 2001, AND PRIOR TO OCTOBER 1 OF EACH
23 SUCCEEDING BUDGET YEAR, EACH SCHOOL DISTRICT SHALL COMPLETE AND
24 FILE WITH THE DEPARTMENT A FORM, SPECIFIED BY RULE OF THE STATE
25 BOARD, THAT SETS FORTH THE NAMES AND ADDRESSES OF THE STUDENTS
26 AND THEIR PARENTS AND GUARDIANS WHO ARE ENROLLING IN PUBLIC
27 SCHOOLS OF THE SCHOOL DISTRICT FOR THAT BUDGET YEAR AND THE

1 RESPECTIVE PUBLIC SCHOOL IN WHICH EACH STUDENT IS ENROLLED.

2 (c) NO LATER THAN NOVEMBER 15 OF EACH BUDGET YEAR, THE
3 DEPARTMENT SHALL ISSUE AND SEND TO EACH SUCH PUBLIC SCHOOL A
4 WARRANT FOR EACH STUDENT REPORTED AS ENROLLED IN THE PUBLIC
5 SCHOOL. THE WARRANT SHALL BE ISSUED IN THE NAME OF THE PRINCIPAL
6 OF THE SCHOOL AND THE STUDENT AND HIS OR HER PARENT OR GUARDIAN.
7 THE DEPARTMENT SHALL SEND SUCH WARRANTS IN THE ORDER THAT THE
8 FORMS WERE RECEIVED FROM THE SCHOOL DISTRICTS. EACH SCHOOL
9 DISTRICT MAY WITHHOLD UP TO FIVE DOLLARS FROM EACH WARRANT
10 ISSUED PURSUANT TO THIS SECTION FOR ADMINISTRATIVE COSTS.

11 (d) EACH WARRANT DESCRIBED IN PARAGRAPH (c) OF THIS
12 SUBSECTION (2) SHALL BE IN THE AMOUNT OF THE STATE SHARE OF THE
13 DISTRICT'S TOTAL PROGRAM, AS DETERMINED PURSUANT TO SECTION
14 22-54-104, DIVIDED BY THE NUMBER OF STUDENTS ENROLLED IN THE
15 SCHOOL DISTRICT. EACH WARRANT SHALL BE CREDITED TO THE SCHOOL
16 DISTRICT ONLY UPON SIGNATURE OF THE SCHOOL PRINCIPAL AND THE
17 STUDENT'S PARENT OR GUARDIAN, EXCEPT AS OTHERWISE PROVIDED IN
18 SUBSECTION (4) OF THIS SECTION.

19 (3) FROM OCTOBER THROUGH MAY OF EACH BUDGET YEAR,
20 BEGINNING WITH THE 2001-02 BUDGET YEAR, EACH SCHOOL DISTRICT
21 SHALL PROVIDE MONTHLY TO THE DEPARTMENT A CERTIFICATION OF PUPIL
22 ENROLLMENT AND A LISTING OF THOSE STUDENTS, ALONG WITH THEIR
23 RESPECTIVE PARENTS AND GUARDIANS, WHO ARE EITHER IN ADDITION TO
24 THE ENROLLMENT SET ON AUGUST 1 OF THAT BUDGET YEAR OR ARE NO
25 LONGER ENROLLED IN THE PUBLIC SCHOOL. THE STATE BOARD SHALL
26 ACCORDINGLY ADJUST ANY REMAINING MONTHLY PAYMENTS AS SET FORTH
27 IN SECTION 22-54-115.

1 (4) IF A PARENT OR GUARDIAN DOES NOT SIGN THE WARRANT
2 ISSUED PURSUANT TO THIS SECTION WITHIN THIRTY DAYS AFTER ISSUANCE,
3 THE SCHOOL DISTRICT SHALL PROVIDE ADEQUATE NOTICE TO THE PARENT
4 OR GUARDIAN OF HIS OR HER OBLIGATION TO SIGN SUCH WARRANT. IF THE
5 PARENT OR GUARDIAN DOES NOT SIGN THE WARRANT WITHIN THIRTY DAYS
6 AFTER RECEIVING SUCH NOTICE, THE WARRANT SHALL BECOME EFFECTIVE
7 UPON THE SIGNATURE OF THE PRINCIPAL OF THE PUBLIC SCHOOL.

8 **SECTION 3.** 22-32-109 (1), Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10 **22-32-109. Board of education - specific duties - repeal.** (1) In
11 addition to any other duty required to be performed by law, each board of
12 education shall have and perform the following specific duties:

13 (dd) TO CARRY OUT ITS DUTIES PURSUANT TO THE "EDUCATION
14 ACCESS SCHOLARSHIPS FOR OUR YOUTH ACT", ARTICLE 54.5 OF THIS
15 TITLE, AND SECTION 22-54-123, INCLUDING PUBLICIZING TO STUDENTS AND
16 PARENTS WITHIN THE SCHOOL DISTRICT HOW STUDENTS MAY PARTICIPATE
17 IN THE PROGRAM CREATED BY SAID ACT.

18 **SECTION 4. Appropriation.** In addition to any other
19 appropriation, there is hereby appropriated, out of any moneys in the state
20 education fund, created in section 17 of article IX of the state constitution,
21 not otherwise appropriated, to the department of education, for the fiscal
22 year beginning July 1, 2001, the sum of _____ dollars (\$) and _____
23 FTE, or so much thereof as may be necessary, for the implementation of
24 this act.

25 **SECTION 5. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.