

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0352.01 Jane Ritter

HOUSE BILL 11-1277

HOUSE SPONSORSHIP

Massey and Solano,

SENATE SPONSORSHIP

Bacon,

House Committees

Education
Appropriations

Senate Committees

Education

A BILL FOR AN ACT

101 **CONCERNING STATUTORY CHANGES INVOLVING K-12 EDUCATION, AND**
102 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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>.)

Section 1 of the bill provides that neither the general assembly nor the state board of education shall impose upon a school district or a local board of education (local board) any new mandate or increase in the level of service for an existing state mandate beyond the existing level of service required by law (new mandate) unless the state provides

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
May 9, 2011

SENATE
Amended 2nd Reading
May 6, 2011

HOUSE
3rd Reading Unamended
April 25, 2011

HOUSE
Amended 2nd Reading
April 21, 2011

additional moneys to reimburse the school district or local board for the costs of the new mandate. If additional moneys are not provided, the new mandate shall be optional on the part of the school district or local board. If a bill is introduced before the general assembly that imposes upon a school district or a local board any new mandate, each school district or local board that is affected by the new mandate shall have 7 days after the date of such bill's introduction to prepare and submit to the director of research of the office of legislative council (director) or his or her designee a brief summary of the fiscal impact of the new mandate upon the budget of the school district or local board. The director or his or her designee shall include with his or her analysis each brief summary that is timely received.

Section 2 of the bill amends the definition of "high-risk student" for purposes of alternative education campuses to include those students who are over traditional school age or lack adequate credit hours for his or her age.

Section 3 removes references to specific dates for the application process for a school to apply to be designated as an alternative education campus.

Section 4 makes changes allowing more timely access to school and student academic growth and performance data.

Sections 5 - 10 amend statutory language so that it is no longer mandatory for the state review panel to review restructuring options and district and school turnaround plans.

Sections 11 and 12 add provisions allowing school districts with fewer than 1,000 students to submit a single plan that satisfies both district and school plan requirements.

Section 13 repeals the calculation for enrollment stability at a public school.

Section 14 amends the method for identifying a school for receipt of the governor's distinguished improvement award to include schools that demonstrate growth across multiple years.

Sections 15 - 27 and 35 include multiple changes to the "Exceptional Children's Educational Act" to conform to changes in local and federal regulations and practices.

Sections 28 - 33 address accreditation, certification, and reporting requirements for on-line programs.

Section 34 changes the school counselor corps reporting deadline from April to May.

Section 36 directs the staff of the legislative council to request from the department of education information on the fiscal impact of proposed legislation on the local school districts.

1 **SECTION 1.** Article 32 of title 22, Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW SECTION to read:

3 **22-32-142. Local fiscal impact summaries.** (1) IF A BILL IS
4 INTRODUCED BEFORE THE GENERAL ASSEMBLY THAT IMPOSES UPON A
5 SCHOOL DISTRICT, SCHOOL DISTRICT BOARD OF EDUCATION, OR BOARD OF
6 COOPERATIVE SERVICES ANY NEW MANDATE OR INCREASE IN THE LEVEL
7 OF SERVICE FOR AN EXISTING MANDATE BEYOND THE EXISTING LEVEL OF
8 SERVICE REQUIRED BY LAW, OTHER THAN FOR THE REPURPOSING OF
9 EXISTING TIME OR RESOURCES, EACH SCHOOL DISTRICT, SCHOOL DISTRICT
10 BOARD OF EDUCATION, OR BOARD OF COOPERATIVE SERVICES THAT IS
11 AFFECTED BY THE NEW MANDATE OR INCREASE SHALL HAVE SEVEN DAYS
12 AFTER THE DATE OF THE BILL'S INTRODUCTION TO PREPARE AND SUBMIT
13 TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE
14 GENERAL ASSEMBLY, OR HIS OR HER DESIGNEE, A BRIEF SUMMARY OF THE
15 FISCAL IMPACT OF THE NEW MANDATE OR INCREASE UPON THE BUDGET OF
16 THE SCHOOL DISTRICT OR SCHOOL DISTRICT BOARD OF EDUCATION.

17 (2) IF THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
18 OF THE GENERAL ASSEMBLY, OR HIS OR HER DESIGNEE, PREPARES AN
19 ANALYSIS OF THE FISCAL IMPACT OF AN INTRODUCED BILL THAT IMPOSES
20 UPON A SCHOOL DISTRICT, SCHOOL DISTRICT BOARD OF EDUCATION, OR
21 BOARD OF COOPERATIVE SERVICES A NEW MANDATE OR INCREASE IN THE
22 LEVEL OF SERVICE FOR AN EXISTING STATE MANDATE BEYOND THE
23 EXISTING LEVEL OF SERVICE REQUIRED BY LAW, OTHER THAN FOR THE
24 REPURPOSING OF EXISTING TIME OR RESOURCES, AND A SCHOOL DISTRICT,
25 SCHOOL DISTRICT BOARD OF EDUCATION, OR BOARD OF COOPERATIVE
26 SERVICES THAT WILL BE AFFECTED BY THE BILL SUBMITS TO THE DIRECTOR
27 OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY,

1 OR HIS OR HER DESIGNEE, A BRIEF SUMMARY OF THE FISCAL IMPACT OF THE
2 NEW MANDATE OR INCREASE UPON THE BUDGET OF THE SCHOOL DISTRICT,
3 SCHOOL DISTRICT BOARD OF EDUCATION, OR BOARD OF COOPERATIVE
4 SERVICES, THEN THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE
5 COUNCIL, OR HIS OR HER DESIGNEE, SHALL INCLUDE THE BRIEF SUMMARY
6 WITH HIS OR HER ANALYSIS.

7 **SECTION 2.** 22-7-604.5 (1) (a) (VI) (B), the introductory portion
8 to 22-7-604.5 (1.5), and 22-7-604.5 (1.5) (l), (1.5) (m), and (2) (a),
9 Colorado Revised Statutes, are amended, and the said 22-7-604.5 (1.5) is
10 further amended BY THE ADDITION OF A NEW PARAGRAPH, to
11 read:

12 **22-7-604.5. Alternative education campuses - criteria -**
13 **application - rule-making.** (1) A public school may apply to the state
14 board for designation as an alternative education campus. The state board
15 shall adopt rules specifying the criteria and application process for a
16 public school to be designated an alternative education campus. The rules
17 shall include but need not be limited to:

18 (a) Criteria that a public school must meet to be designated an
19 alternative education campus, including but not limited to the following:

20 (VI) (B) Serving a student population ___ ___ in which more than
21 ninety-five percent of the students have either an individualized education
22 program pursuant to section 22-20-108 or ___ meet the definition of a
23 high-risk student contained in subsection (1.5) of this section, OR ANY
24 COMBINATION OF THESE TWO CRITERIA THAT EQUALS AT LEAST
25 NINETY-FIVE PERCENT OF THE STUDENT POPULATION; or

26 (1.5) As used in this section, unless the context otherwise requires,
27 a "high-risk student" means a student enrolled in a secondary public

1 school who:

2 (l) Is a homeless child, as defined in section 22-1-102.5 (2) (a); ~~or~~

3 (m) Has a documented history of a serious psychiatric or

4 behavioral disorder, including but not limited to an eating disorder,

5 suicidal behaviors, or deliberate, self-inflicted injury; OR

6 (n) IS OVER TRADITIONAL SCHOOL AGE FOR HIS OR HER GRADE

7 LEVEL AND LACKS ADEQUATE CREDIT HOURS FOR HIS OR HER GRADE

8 LEVEL.

9 (2) (a) ~~On or before October 1, 2002, and on or before October 1~~

10 ~~each year thereafter, the~~ A district school board for a public school that

11 desires to be considered an alternative education campus pursuant to this

12 section shall file with the state board a request for designation as an

13 alternative education campus. The request shall be in a form approved by

14 the state board and shall contain sufficient information to establish that

15 the public school meets the requirements of the rules adopted pursuant to

16 paragraph (a) of subsection (1) of this section. ~~On or before November~~

17 ~~15, 2002, and on or before November 15 each year thereafter, The state~~

18 board shall approve the designation of alternative education campus for

19 any public school for which a request is filed pursuant to this subsection

20 (2) that is found by the state board to meet the requirements of the rules

21 adopted pursuant to paragraph (a) of subsection (1) of this section.

22 **SECTION 3.** 22-11-203 (2) and (3), Colorado Revised Statutes,

23 are amended to read:

24 **22-11-203. Student longitudinal academic growth - calculation**

25 **- data - research.** (2) (a) For each school year, the department shall

26 provide to each school district in the state academic growth information

27 for each student enrolled in the district public schools, based on the

1 statewide assessment results for the preceding school years. WITHIN TEN
2 DAYS AFTER THE INFORMATION IS PROVIDED TO EACH SCHOOL DISTRICT,
3 the department shall also provide the ACADEMIC growth information to
4 each district public school for the students enrolled in the district public
5 school. UPON RECEIPT OF THE ACADEMIC GROWTH INFORMATION, THE
6 PRINCIPAL OF EACH DISTRICT PUBLIC SCHOOL SHALL ENSURE THAT
7 APPROPRIATE EDUCATORS IN THE SCHOOL WHO WORK DIRECTLY WITH A
8 STUDENT HAVE ACCESS TO THE NECESSARY ACADEMIC GROWTH
9 INFORMATION CONCERNING THAT STUDENT.

10 (b) For each school year, the department shall provide to the
11 institute academic growth information for each student enrolled in the
12 institute charter schools, based on the statewide assessment results for the
13 preceding school years. WITHIN TEN DAYS AFTER THE INFORMATION IS
14 PROVIDED TO THE INSTITUTE, the department shall also provide the
15 ACADEMIC growth information to each institute charter school for the
16 students enrolled in the institute charter school. UPON RECEIPT OF THE
17 ACADEMIC GROWTH INFORMATION, THE PRINCIPAL OF EACH INSTITUTE
18 CHARTER SCHOOL SHALL ENSURE THAT APPROPRIATE EDUCATORS IN THE
19 SCHOOL WHO WORK DIRECTLY WITH A STUDENT HAVE ACCESS TO THE
20 NECESSARY ACADEMIC GROWTH INFORMATION CONCERNING THAT
21 STUDENT.

22 (3) The academic growth information required by subsection (2)
23 of this section shall include, but need not be limited to:

24 (a) Information on whether each student made at least one year's
25 academic growth in one year's time in the preceding school year;

26 (b) Whether the student made adequate academic growth for the
27 preceding school year as calculated for the student pursuant to subsection

1 (1) of this section;

2 (c) The longitudinal academic growth calculated for each student
3 to attain catch-up, keep-up, or move-up growth, as described in
4 subsection (1) of this section; and

5 (d) The amount of growth for each student that would result in the
6 student scoring at the partially proficient, proficient, and advanced
7 achievement levels within one, two, and three years; AND

8 (e) SCHOOL PERFORMANCE INDICATORS AS CALCULATED
9 PURSUANT TO SECTION 22-11-204.

10 **SECTION 4.** 22-11-306 (1) (c), Colorado Revised Statutes, is
11 amended to read:

12 **22-11-306. Accredited with turnaround plan - school district**
13 **or institute - plan content - adoption.** (1) (c) Within the time frames
14 specified in state board rule, the local school board shall submit the
15 adopted district turnaround plan to the commissioner for review by the
16 state review panel. The state review panel shall critically evaluate the
17 adopted district turnaround plan and make recommendations to the
18 commissioner and the state board concerning the issues specified in
19 section 22-11-208 (3). The commissioner ~~shall~~ MAY approve the adopted
20 district turnaround plan or suggest modifications to the plan, taking into
21 consideration any recommendations of the state review panel. The local
22 school board shall revise the adopted district turnaround plan, if
23 necessary, and resubmit the plan for approval within the time frames
24 specified by state board rule.

25 **SECTION 5.** 22-11-406 (1) (a), (1) (c), (2) (a), and (2) (c),
26 Colorado Revised Statutes, are amended to read:

27 **22-11-406. School turnaround plan - contents.** (1) (a) If the

1 state board, pursuant to section 22-11-210, directs a district public school
2 to adopt a turnaround plan, the local school board, in accordance with
3 time frames specified in state board rules, shall adopt a school turnaround
4 plan, as described in subsection (3) of this section, for the district public
5 school. Each district public school turnaround plan shall also be subject
6 to evaluation by the state review panel and approval MAY BE SUBJECT TO
7 REVISIONS REQUESTED by the commissioner as provided in this subsection
8 (1).

9 (c) Within the time frames specified in state board rule, the local
10 school board shall submit the adopted school turnaround plan to the
11 commissioner for evaluation by the state review panel. The state review
12 panel shall critically evaluate the adopted school turnaround plan and
13 make recommendations to the commissioner and the state board
14 concerning the issues specified in section 22-11-210 (4). The
15 commissioner shall approve the school turnaround plan or MAY suggest
16 modifications to the plan, taking into consideration any recommendations
17 of the state review panel AND MAY REQUIRE THAT THOSE PLAN
18 MODIFICATIONS BE MADE PRIOR TO THE DATE WHEN THE STATE BOARD
19 ENTERS INTO AN ACCREDITATION CONTRACT WITH THE DISTRICT
20 PURSUANT TO SECTION 22-11-206. The local school board shall revise the
21 school turnaround plan, if necessary, and resubmit the plan for approval
22 within the time frames specified in state board rule. The local school
23 board shall ensure that the final, approved school turnaround plan is in
24 effect for the district public school within the time frames specified in
25 state board rule.

26 (2) (a) If the state board, pursuant to section 22-11-210, directs an
27 institute charter school to adopt a turnaround plan, the institute, in

1 accordance with time frames specified in state board rules, shall adopt a
2 school turnaround plan, as described in subsection (3) of this section, for
3 the institute charter school. Each institute charter school turnaround plan
4 shall also be subject to evaluation by the state review panel and approval
5 MAY BE SUBJECT TO REVISIONS REQUESTED by the commissioner as
6 provided in this subsection (2).

7 (c) Within the time frames specified in state board rule, the
8 institute shall submit the adopted school turnaround plan to the
9 commissioner for evaluation by the state review panel. The state review
10 panel shall critically evaluate the adopted school turnaround plan and
11 make recommendations to the commissioner and the state board
12 concerning the issues specified in section 22-11-210 (4). The
13 commissioner shall approve the school turnaround plan or MAY suggest
14 modifications to the plan, taking into consideration any recommendations
15 of the state review panel AND MAY REQUIRE THAT THOSE PLAN
16 MODIFICATIONS BE MADE PRIOR TO THE DATE WHEN THE STATE BOARD
17 ENTERS INTO AN ACCREDITATION CONTRACT WITH THE INSTITUTE
18 PURSUANT TO SECTION 22-11-206. The institute shall revise the school
19 turnaround plan, if necessary, and resubmit the plan for approval within
20 the time frames specified in state board rule. The institute shall ensure
21 that the final, approved school turnaround plan is in effect for the institute
22 charter school within the time frames specified in state board rule.

23 **SECTION 6.** 22-11-208 (1) (d), Colorado Revised Statutes, is
24 amended to read:

25 **22-11-208. Accreditation - annual review - supports and**
26 **interventions - rules.** (1) (d) The state board by rule shall establish the
27 time frames in which the department shall review school district and

1 institute performance and determine and report each school district's and
2 the institute's appropriate accreditation category, and the time frames in
3 which the school districts and the institute shall adopt their respective
4 plans and submit them for review and publication on the data portal. A
5 SCHOOL DISTRICT WITH ONE THOUSAND STUDENTS OR FEWER SHALL ONLY
6 BE REQUIRED TO SUBMIT A SINGLE PLAN TO SATISFY THE SCHOOL DISTRICT
7 AND SCHOOL PLAN REQUIREMENTS.

8 **SECTION 7.** 22-11-210 (2), Colorado Revised Statutes, is
9 amended to read:

10 **22-11-210. Public schools - annual review - plans - supports**
11 **and interventions - rules.** (2) (a) The department shall annually review
12 each public school's performance and, based on the rules of the state
13 board, recommend to the state board that the public school shall
14 implement a performance, improvement, priority improvement, or
15 turnaround plan for the coming school year. Based on the department's
16 recommendation, the state board shall notify the local school board for
17 the public school, or the institute if the public school is an institute charter
18 school, regarding the type of plan the public school shall implement. The
19 local school board or the institute shall place the public school in the
20 district or institute accreditation category that correlates to the public
21 school's plan, based on the school district's or institute's school
22 accreditation process.

23 (b) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
24 CONTRARY, A SCHOOL DISTRICT WITH ONE THOUSAND STUDENTS OR FEWER
25 MAY SUBMIT A SINGLE PLAN TO SATISFY THE SCHOOL DISTRICT AND
26 SCHOOL PLAN REQUIREMENTS, SO LONG AS THE PLAN MEETS ALL STATE
27 AND FEDERAL REQUIREMENTS FOR SCHOOL AND DISTRICT PLANS. A

1 SCHOOL DISTRICT WITH MORE THAN ONE THOUSAND BUT FEWER THAN ONE
2 THOUSAND TWO HUNDRED STUDENTS MAY, UPON REQUEST AND AT THE
3 DEPARTMENT'S DISCRETION, SUBMIT A SINGLE PLAN TO SATISFY THE
4 SCHOOL DISTRICT AND SCHOOL PLAN REQUIREMENTS, SO LONG AS THE
5 PLAN MEETS ALL STATE AND FEDERAL REQUIREMENTS FOR SCHOOL AND
6 DISTRICT PLANS.

7 **SECTION 8. Repeal.** 22-11-503 (3) (d) (III), Colorado Revised
8 Statutes, is repealed as follows:

9 **22-11-503. Performance reports - contents - rules.** (3) In
10 addition to any information specified by rule of the state board, each
11 school performance report shall include the following information
12 concerning the operations and environment of the public school that is the
13 subject of the report:

14 (d) As calculated pursuant to state board rule, information
15 concerning:

16 (III) ~~Student enrollment stability at the public school, meaning the~~
17 ~~percentage of students enrolled in the public school on October 1 of the~~
18 ~~applicable school year who were still enrolled in the public school on~~
19 ~~February 1 of the same school year;~~

20 **SECTION 9.** 22-11-603 (1), Colorado Revised Statutes, is
21 amended to read:

22 **22-11-603. Governor's distinguished improvement awards -**
23 **rules.** (1) The state board shall annually present financial awards to the
24 public schools in the state demonstrating the highest rates of student
25 longitudinal growth, INCLUDING LONGITUDINAL GROWTH ACROSS
26 MULTIPLE YEARS, as measured by the Colorado growth model. The
27 technical advisory panel convened pursuant to section 22-11-202 shall

1 recommend to the state board, and the state board shall establish by rule,
2 the method by which to identify schools that demonstrate the highest rate
3 of student longitudinal growth in a ONE OR MORE school year YEARS, as
4 measured by the Colorado growth model. The technical advisory panel
5 shall take school size into account in preparing its recommendations.

6 **SECTION 10.** 22-20-102 (1), (3), and (4), Colorado Revised
7 Statutes, are amended to read:

8 **22-20-102. Legislative declaration.** (1) The general assembly,
9 recognizing the obligation of the state of Colorado to provide educational
10 opportunities to all children that will enable them to lead fulfilling and
11 productive lives, declares that the purpose of this article is to provide
12 means for identifying and educating those children who are exceptional.
13 To this end, it is necessary to define specific responsibilities for
14 identifying and serving children with disabilities that appropriately reflect
15 the continuum of services that recognizes the capabilities of all state
16 agencies, including special classes in public schools and the establishment
17 of special schools, programs for children with disabilities who are
18 confined to their homes or hospitals, and instruction in institutions of the
19 state for ~~exceptional~~ children WITH DISABILITIES. The final determination
20 for the placement in a special education program of any eligible
21 ~~exceptional~~ child WITH A DISABILITY shall be made by a child's individual
22 family service program for a child from birth through two years of age
23 and a child's individualized education program team for a child from three
24 to twenty-one years of age as designated by the governing board of the
25 responsible administrative unit or by the governing authority of a
26 state-operated program.

27 (3) It is further the intent of this article to ensure that there is a

1 coordination of all services available to children with disabilities and to
2 promote interagency operating agreements or contracts between
3 administrative units, other public agencies, nonprofit organizations, and
4 ~~eligible facilities~~ APPROVED FACILITY SCHOOLS for the provision of
5 appropriate services for children with disabilities.

6 (4) It is further the intent of the general assembly that this article,
7 and the rules promulgated pursuant to this article by the state board, align
8 closely with the federal "Individuals with Disabilities Education
9 Improvement Act", of 2004", 20 U.S.C. sec. 1400 et seq., as amended,
10 and its implementing regulations, 34 CFR part 300, and 34 CFR part 303
11 as they pertain IT PERTAINS to child find, in order to minimize the number
12 of rules, regulations, and policies to which administrative units,
13 state-operated programs, and ~~eligible facilities~~ APPROVED FACILITY
14 SCHOOLS are subject.

15 **SECTION 11.** 22-20-103 (4), (5), (9), (10), the introductory
16 portion to 22-20-103 (12), 22-20-103 (12) (a), (14), (18), (20) (b), (21),
17 and (28), Colorado Revised Statutes, are amended, and the said
18 22-20-103 is further amended BY THE ADDITION OF THE
19 FOLLOWING NEW SUBSECTIONS, to read:

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

22 (2.5) "APPLICABLE REVENUES" MEANS THOSE REVENUES, AS
23 DEFINED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
24 THIS ARTICLE, THAT SUPPORT SPECIAL EDUCATION EXPENDITURES.

25 (2.7) "APPROVED FACILITY SCHOOL" MEANS AN EDUCATIONAL
26 PROGRAM THAT IS OPERATED BY A FACILITY TO PROVIDE EDUCATIONAL
27 SERVICES TO STUDENTS PLACED IN THE FACILITY AND THAT, PURSUANT TO

1 SECTION 22-2-407, HAS BEEN PLACED ON THE LIST OF FACILITY SCHOOLS
2 THAT ARE APPROVED TO RECEIVE REIMBURSEMENT FOR PROVIDING THOSE
3 EDUCATIONAL SERVICES TO STUDENTS PLACED IN THE FACILITY. AN
4 EDUCATIONAL PROGRAM PROVIDED BY AN ADMINISTRATIVE UNIT AT A
5 FACILITY IS NOT AN APPROVED FACILITY SCHOOL BUT IS AN EDUCATIONAL
6 PROGRAM OF THE ADMINISTRATIVE UNIT THAT DOES NOT REQUIRE
7 APPROVAL BY THE DEPARTMENT.

8 (4) "Child find" means the program component of the IDEA that
9 requires states to find, identify, locate, evaluate, and serve all children
10 with disabilities, from birth to twenty-one years of age. Specific
11 responsibilities for child find are described in section 22-20-118. Child
12 find includes:

13 (a) Part C child find, which means the program component of
14 IDEA that requires states to find, identify, locate, evaluate, and serve
15 children WITH DISABILITIES from birth through two years of age; and

16 (b) Part B child find, which means the program component of
17 IDEA that requires states to find, identify, locate, evaluate, and serve
18 children WITH DISABILITIES from three to twenty-one years of age.

19 (5) (a) "Children with disabilities" means:

20 (I) Those persons from three to twenty-one years of age who, by
21 reason of one or more of the following conditions, are unable to receive
22 reasonable benefit from general education: ~~Long-term physical~~
23 ~~impairment or illness, significant limited intellectual capacity, significant~~
24 ~~identifiable emotional disorder, specific learning disability, or speech or~~
25 ~~language impairments.~~

26
27 (A) AUTISM SPECTRUM DISORDERS;

- 1 (B) A HEARING IMPAIRMENT, INCLUDING DEAFNESS;
- 2 (C) A SERIOUS EMOTIONAL DISABILITY;
- 3 (D) AN INTELLECTUAL DISABILITY;
- 4 (E) MULTIPLE DISABILITIES;
- 5 (F) AN ORTHOPEDIC IMPAIRMENT;
- 6 (G) OTHER HEALTH IMPAIRMENT;
- 7 (H) A SPECIFIC LEARNING DISABILITY;
- 8 (I) A SPEECH OR LANGUAGE IMPAIRMENT;
- 9 (J) TRAUMATIC BRAIN INJURY;
- 10 (K) A VISUAL IMPAIRMENT, INCLUDING BLINDNESS;
- 11 (L) DEAF-BLINDNESS; AND
- 12 (M) A PRESCHOOLER WITH A DISABILITY.

13 (II) THOSE PERSONS FROM BIRTH THROUGH TWO YEARS OF AGE
14 WHO HAVE BEEN DETERMINED TO BE AN INFANT OR A TODDLER WITH A
15 DISABILITY.

16 (b) Notwithstanding the provisions of paragraph (a) OR (b) of this
17 subsection (5), for purposes of child find activities, "children with
18 disabilities" means persons from birth to twenty-one years of age.

19 (8.7) "EDUCATIONAL PLACEMENT" MEANS THE PROVISION OF
20 SPECIAL EDUCATION SERVICES, INCLUDING BUT NOT LIMITED TO THOSE
21 POINTS ALONG THE CONTINUUM OF ALTERNATIVE PLACEMENTS.
22 "EDUCATIONAL PLACEMENT" DOES NOT MEAN A SPECIFIC PLACE, SUCH AS
23 A SPECIFIC CLASSROOM OR SCHOOL.

24 (9) ~~"Eligible facility" means an approved facility school, as
25 defined in section 22-2-402 (1).~~

26 (9.5) "EMERGENCY PUBLIC PLACEMENT" MEANS A PUBLIC
27 PLACEMENT MADE NECESSARY BECAUSE OF AN IMMINENT DANGER TO A

1 CHILD OR OTHERS.

2 (10) "Equipment" means that equipment used especially for the
3 instruction or assessment of children with disabilities. ~~that is approved by~~
4 ~~the state board. The state board shall publish a list of the types of~~
5 ~~approved equipment.~~

6 (12) "Exceptional ~~children~~ CHILD" means:

7 (a) ~~Those children~~ A CHILD defined in subsection (5) of this
8 section as ~~children~~ A CHILD with ~~disabilities~~ A DISABILITY. An
9 administrative unit shall serve every child with a disability from three to
10 twenty-one years of age, AND MAY SERVE children with disabilities from
11 birth through two years of age. ~~and persons enrolled in special~~
12 ~~educational programs or receiving special educational services deemed~~
13 ~~to be "exceptional children" for all purposes of this article.~~

14 (12.3) "FACILITY" MEANS A DAY TREATMENT CENTER,
15 RESIDENTIAL CHILD CARE FACILITY, OR OTHER FACILITY LICENSED BY THE
16 DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-104,
17 C.R.S., OR A HOSPITAL LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH
18 AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103, C.R.S.

19 (12.7) "FOSTER HOME" SHALL HAVE THE SAME MEANING AS A
20 "FOSTER CARE HOME" AS DEFINED IN SECTION 26-6-102 (4.5), C.R.S., AND
21 SHALL BE LICENSED BY THE DEPARTMENT OF HUMAN SERVICES OR
22 CERTIFIED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES OR CERTIFIED
23 BY A CHILD PLACEMENT AGENCY AS DEFINED IN SECTION 26-6-102 (2),
24 C.R.S.

25 (13.3) "GROUP HOME" MEANS A CONGREGATE CARE FACILITY
26 LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO
27 SECTION 26-6-104, C.R.S.

1 (14) "IDEA" means the federal "Individuals with Disabilities
2 Education Improvement Act", of 2004", 20 U.S.C. sec. 1400 et seq., as
3 amended, and its implementing regulations, 34 CFR part 300, and ALSO
4 34 CFR part 303 as they pertain IT PERTAINS to child find.

5 (18) "Least restrictive environment" means ~~programs used to~~
6 ~~educate a child with a disability using the delivery system most~~
7 ~~appropriately meeting the needs of the child. To the maximum extent~~
8 ~~appropriate, as determined by the child's IEP team, subject to the appeals~~
9 ~~procedures outlined in section 22-20-108 (3), the term means an~~
10 ~~environment in which a child with a disability is educated with children~~
11 ~~without disabilities, unless the nature or severity of the disability is such~~
12 ~~that education in general education classes with the use of supplementary~~
13 ~~aids and services cannot be achieved satisfactorily, or, when provided~~
14 ~~with supplementary aids and services, the nature or severity of the~~
15 ~~disability is so disruptive that the education of other children in such~~
16 ~~classes would be significantly impaired~~ THAT:

17 (a) TO THE MAXIMUM EXTENT APPROPRIATE, CHILDREN WITH
18 DISABILITIES, INCLUDING CHILDREN IN PUBLIC OR PRIVATE INSTITUTIONS
19 OR OTHER CARE FACILITIES, ARE EDUCATED WITH CHILDREN WHO DO NOT
20 HAVE DISABILITIES; AND

21 (b) SPECIAL CLASSES, SEPARATE SCHOOLING, OR OTHER REMOVAL
22 OF CHILDREN WITH DISABILITIES FROM THE GENERAL EDUCATIONAL
23 ENVIRONMENT OCCURS ONLY IF THE NATURE AND SEVERITY OF THE
24 DISABILITY IS SUCH THAT EDUCATION IN GENERAL CLASSES WITH THE USE
25 OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE SATISFACTORILY
26 ACHIEVED.

27 (19.7) (a) "PARENT" MEANS:

1 (I) A BIOLOGICAL OR ADOPTIVE PARENT OF A CHILD;
2 (II) A FOSTER PARENT;
3 (III) A GUARDIAN GENERALLY AUTHORIZED TO ACT AS A CHILD'S
4 PARENT, OR AUTHORIZED TO MAKE EDUCATIONAL DECISIONS FOR THE
5 CHILD, BUT NOT THE STATE IF THE CHILD IS A WARD OF THE STATE;
6 (IV) AN INDIVIDUAL ACTING IN THE PLACE OF A BIOLOGICAL OR
7 ADOPTIVE PARENT, INCLUDING BUT NOT LIMITED TO A GRANDPARENT,
8 STEPPARENT, OR OTHER RELATIVE, AND WITH WHOM THE CHILD LIVES, OR
9 AN INDIVIDUAL WHO IS LEGALLY RESPONSIBLE FOR THE CHILD'S WELFARE;
10 OR
11 (V) AN EDUCATIONAL SURROGATE PARENT ASSIGNED BY THE
12 RESPONSIBLE ADMINISTRATIVE UNIT CONSISTENT WITH RULES
13 PROMULGATED BY THE STATE BOARD IN ACCORDANCE WITH THIS ARTICLE.
14 (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
15 PARAGRAPH (b), THE BIOLOGICAL OR ADOPTIVE PARENT, WHEN
16 ATTEMPTING TO ACT AS A PARENT PURSUANT TO THIS ARTICLE, AND WHEN
17 MORE THAN ONE PARTY IS QUALIFIED PURSUANT TO PARAGRAPH (a) OF
18 THIS SUBSECTION (19.7) TO ACT AS A PARENT, SHALL BE PRESUMED TO BE
19 THE PARENT FOR PURPOSES OF THIS SUBSECTION (19.7) UNLESS THE
20 BIOLOGICAL OR ADOPTIVE PARENT DOES NOT HAVE LEGAL AUTHORITY TO
21 MAKE EDUCATIONAL DECISIONS FOR THE CHILD.
22 (II) IF A JUDICIAL DECREE OR ORDER IDENTIFIES A SPECIFIC PERSON
23 OR PERSONS LISTED IN SUBPARAGRAPHS (I) TO (IV) OF PARAGRAPH (a) OF
24 THIS SUBSECTION (19.7) TO ACT AS THE PARENT OF A CHILD OR TO MAKE
25 EDUCATIONAL DECISIONS ON BEHALF OF A CHILD, THEN THE PERSON OR
26 PERSONS SHALL BE DETERMINED TO BE THE PARENT FOR PURPOSES OF THIS
27 ARTICLE.

1 (20) "Public agency" means a public agency that:

2 (b) Is legally authorized to place a child in ~~an eligible~~ A facility or
3 another out-of-home placement, INCLUDING BUT NOT LIMITED TO A GROUP
4 HOME OR A FOSTER HOME.

5 (21) "Public placement" means the placement of a child with a
6 disability in ~~an eligible~~ A facility or another out-of-home placement,
7 INCLUDING BUT NOT LIMITED TO A GROUP HOME OR FOSTER HOME, by a
8 court or public agency.

9 (22.7) "SPECIAL EDUCATION EXPENDITURES" MEANS THOSE
10 EXPENDITURES THAT ARE INCURRED BY AN ADMINISTRATIVE UNIT,
11 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR
12 PROFESSIONAL SERVICES ASSOCIATED WITH SPECIAL EDUCATION
13 REFERRALS AND EVALUATIONS OF CHILDREN WHO MAY HAVE A DISABILITY
14 AND THE PROVISION OF SPECIAL EDUCATION SERVICES AS IDENTIFIED ON
15 AN INDIVIDUAL STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM.
16 SPECIAL EDUCATION EXPENDITURES DO NOT INCLUDE THE COSTS OF THE
17 GENERAL EDUCATION PROGRAM. SPECIAL EDUCATION EXPENDITURES
18 SHALL BE SUPPLEMENTAL TO THE GENERAL EDUCATION PROGRAM AND
19 SHALL BE ABOVE WHAT IS PROVIDED BY THE ADMINISTRATIVE UNIT,
20 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR
21 GENERAL EDUCATION STUDENTS AND STAFF AND MAY INCLUDE:

- 22 (a) SPECIAL EDUCATION TEACHERS;
- 23 (b) HOME-HOSPITAL TEACHERS FOR STUDENTS WITH DISABILITIES;
- 24 (c) SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE
25 PATHOLOGY ASSISTANTS;
- 26 (d) SPECIALTY TEACHERS;
- 27 (e) SPECIAL EDUCATION INSTRUCTIONAL PARAPROFESSIONALS;

- 1 (f) EDUCATIONAL INTERPRETERS;
- 2 (g) SCHOOL NURSES;
- 3 (h) OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
- 4 ASSISTANTS;
- 5 (i) PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS;
- 6 (j) SCHOOL PSYCHOLOGISTS;
- 7 (k) SCHOOL SOCIAL WORKERS;
- 8 (l) AUDIOLOGISTS;
- 9 (m) ORIENTATION AND MOBILITY SPECIALISTS;
- 10 (n) OTHER SPECIAL EDUCATION PROFESSIONALS;
- 11 (o) SPECIAL EDUCATION ADMINISTRATORS AND OFFICE SUPPORT;
- 12 (p) OTHER NONCERTIFIED OR NONLICENSED SUPPORT;
- 13 (q) EMPLOYEE BENEFITS FOR SPECIAL EDUCATION STAFF;
- 14 (r) SUPPLIES, MATERIALS, AND EQUIPMENT USED FOR INDIVIDUAL
- 15 STUDENTS' SPECIAL EDUCATION PROGRAMS AND SERVICES;
- 16 (s) PURCHASED SERVICE CONTRACTS FOR PERSONAL SERVICES;
- 17 (t) TUITION TO OTHER ADMINISTRATIVE UNITS AND APPROVED
- 18 TUITION RATES TO APPROVED FACILITY SCHOOLS FOR SPECIAL EDUCATION;
- 19 (u) STAFF TRAVEL RELATED TO SPECIAL EDUCATION;
- 20 (v) PROFESSIONAL DEVELOPMENT FOR SPECIAL EDUCATION STAFF,
- 21 OR ALL STAFF, IF THE CONTENT OF THE PROFESSIONAL DEVELOPMENT IS
- 22 SPECIFIC TO SERVICES FOR CHILDREN WITH DISABILITIES;
- 23 (w) OTHER PURCHASED SERVICES RELATED TO SPECIAL
- 24 EDUCATION;
- 25 (x) DUES, FEES, AND OTHER EXPENDITURES SPECIFIC TO THE
- 26 SPECIAL EDUCATION PROGRAM; AND
- 27 (y) PARENT COUNSELING AND TRAINING, AS DEFINED BY THE IDEA

1 AND ITS IMPLEMENTING REGULATIONS.

2 (28) "State-operated program" means an approved school program
3 supervised by the department and operated by:

4 (a) The Colorado school for the deaf and THE blind;

5 (b) The department of corrections; or

6 (c) The department of human services, including but not limited
7 to the division of youth corrections and the mental health institutes. at
8 Fort Logan and Pueblo.

9 **SECTION 12.** 22-20-104 (1), (2) (a), and (4), Colorado Revised
10 Statutes, are amended to read:

11 **22-20-104. Administration - advisory committee - rules.**

12 (1) (a) This article shall be administered by the department.
13 Administration of this article shall include the recommendation to the
14 state board of reasonable rules necessary to implement this article,
15 including but not limited to:

16 (I) Minimum standards for administrative units, state-operated
17 programs, ~~eligible facilities~~ APPROVED FACILITY SCHOOLS, and personnel;

18 (II) Criteria for determining disability and eligibility for special
19 ~~educational~~ EDUCATION services;

20 (III) Procedures regarding the identification of ~~exceptional~~
21 children WITH DISABILITIES, including but not limited to part C child find
22 and part B child find activities described in section 22-20-118;

23 (IV) Requirements for parental consent, including but not limited
24 to parental consent for the evaluation of children with disabilities and the
25 initial provision of special education services;

26 (V) Required IEP content and procedures for IEP development,
27 review, and revision;

1 (VI) Application of school discipline procedures to children with
2 disabilities;

3 (VII) Required procedural safeguards;

4 (VIII) Procedures for special education dispute resolution;

5 (IX) Extended school year services; AND

6 (X) Requirements pursuant to the IDEA regarding children with
7 disabilities who are enrolled in private schools; and

8 ~~(XI) Criteria for administrative units to satisfy in adopting
9 program plans to identify and serve gifted children.~~

10 (b) The state board shall adopt appropriate recommendations as
11 rules to implement this article following public comment and hearing.

12 The rules promulgated by the state board shall be in accord with the
13 legislative declarations set forth in sections 22-20-102 and 22-20-102.5.

14 (c) An administrative unit, a state-operated program, or an eligible
15 APPROVED facility SCHOOL that provides plans, programs, or services that
16 do not comply with the rules adopted by the state board will be provided
17 by the department with a detailed analysis of any discrepancies noted
18 along with specific recommendations for their correction. Applicable
19 federal and state funding will be provided or continued for a reasonable
20 period of time, as determined by the department, to allow the
21 administrative unit, state-operated program, or eligible APPROVED facility
22 SCHOOL an opportunity to comply with such rules. ~~An administrative unit
23 may establish a claim for variance based upon conditions indigenous to
24 or unique to the administrative unit.~~

25 (2) (a) In order to assist the state board in the performance of its
26 responsibilities for the implementation of this article, the state board shall
27 appoint a state special education advisory committee of an appropriate

1 size. The members of the advisory committee shall be representative of
2 the state population and shall be composed of persons involved in or
3 concerned with the education of children with disabilities, including
4 parents of children with disabilities ages birth through twenty-six years;
5 individuals with disabilities; teachers; representatives of institutions of
6 higher education that prepare special education and related services
7 personnel; state and local education officials, including officials who
8 carry out activities under section 22-33-103.5; administrators of programs
9 for children with disabilities; representatives of other state agencies
10 involved in the financing or delivery of related services to children with
11 disabilities; representatives of private schools, district charter schools,
12 and institute charter schools; at least one representative of a vocational,
13 community, or business organization concerned with the provision of
14 transition services to children with disabilities; a representative from child
15 welfare services in the department of human services established pursuant
16 to section 26-5-102, C.R.S.; and representatives from the division of
17 youth corrections in the department of human services and from the
18 department of corrections. A majority of the members of the advisory
19 committee shall be individuals with disabilities or parents of children with
20 disabilities. Members shall be appointed for ~~one-year or two-year~~ terms
21 AS DETERMINED BY THE BY-LAWS OF THE ADVISORY COMMITTEE. Any
22 additions to the composition of the advisory committee shall be made
23 pursuant to the procedures of the state board.

24 (4) To comply with this section, the department shall maintain a
25 SPECIAL EDUCATION data and information system on children, personnel,
26 costs, and revenues, and such data and information shall be used to ensure
27 that state moneys provided to administrative units under the provisions of

1 section 22-20-106 AND OTHER APPLICABLE REVENUES are being spent
2 only on special education ~~services and programs~~ EXPENDITURES.

3 **SECTION 13.** 22-20-106 (2) (a) (I), (3), (5), (6), and (7),
4 Colorado Revised Statutes, are amended to read:

5 **22-20-106. Special education programs - early intervening**
6 **services - rules.** (2) (a) (I) Each administrative unit, state-operated
7 program, and ~~eligible~~ APPROVED facility SCHOOL shall submit a
8 comprehensive plan to the department pursuant to the rules promulgated
9 by the state board indicating how the administrative unit, state-operated
10 program, or ~~eligible~~ APPROVED facility SCHOOL will provide for the
11 education of all children with disabilities. Each comprehensive plan shall
12 include the type and number of children with disabilities served, the
13 services to be provided, and the estimated resources necessary.

14 (3) (a) Each administrative unit, state-operated program, and
15 ~~eligible~~ APPROVED facility SCHOOL shall make available special education
16 services as specified by the IEP for any child with a disability for whom
17 it is responsible, as defined by the rules adopted by the state board
18 pursuant to this article. ~~For the purpose of implementing the program~~
19 ~~plan adopted by each administrative unit pursuant to section 22-20-104.5,~~
20 ~~each administrative unit shall ensure that its constituent schools and~~
21 ~~school districts make available appropriate special provisions for gifted~~
22 ~~children to the extent that funds are provided for such implementation.~~

23 GENERAL EDUCATION SERVICES ARE THE RESPONSIBILITY OF THE SCHOOL
24 DISTRICT IN WHICH A FOSTER HOME IS LOCATED, AND SPECIAL EDUCATION
25 SERVICES ARE THE RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN
26 WHICH A FOSTER CARE HOME IS LOCATED. GENERAL EDUCATION SERVICES
27 ARE THE RESPONSIBILITY OF THE SCHOOL DISTRICT IN WHICH A GROUP

1 HOME IS LOCATED, AND SPECIAL EDUCATION SERVICES ARE THE
2 RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN WHICH A GROUP HOME
3 IS LOCATED. THE ADMINISTRATIVE UNIT IN WHICH THE GROUP HOME IS
4 LOCATED MAY SEEK TUITION COSTS CONSISTENT WITH SECTION 22-20-109
5 (2.5).

6 (b) In providing ~~these~~ SPECIAL EDUCATION services, an
7 administrative unit, state-operated program, or ~~eligible~~ APPROVED facility
8 SCHOOL may pay for ~~salaries and employee benefits of certified special~~
9 ~~education teachers and special education staff; equipment; professional~~
10 ~~development for teachers and staff who have pupil contact; mileage~~
11 ~~expenses incurred by staff; or any other expenses related to special~~
12 ~~education~~ SPECIAL EDUCATION EXPENDITURES AS DEFINED IN SECTION
13 22-20-103 (22.7).

14 (c) The district of residence shall pay the tuition costs for a child
15 with a disability in an ~~eligible~~ APPROVED facility SCHOOL pursuant to
16 sections 22-20-108 (8) and 22-20-109 (1). Special education services
17 may be provided by community centered boards in cooperation with
18 administrative units.

19 (5) Each administrative unit shall employ a director of special
20 education. Each state-operated program or ~~eligible~~ APPROVED facility
21 SCHOOL shall employ or contract in writing for a director of special
22 education. A director of special education shall meet qualification
23 standards promulgated by rule of the state board.

24 (6) Each administrative unit, state-operated program, and ~~eligible~~
25 APPROVED facility SCHOOL shall employ or contract in writing for a
26 sufficient number of appropriately licensed AND ENDORSED special
27 education teachers and staff to adequately carry out those functions for

1 which it is responsible, as defined by the rules promulgated by the state
2 board pursuant to this article, including but not limited to child
3 identification, IEP development, and professional development for school
4 staff.

5 (7) Any administrative unit or state-operated program planning to
6 utilize federal funds from any source for the education of children with
7 disabilities as provided in this article shall obtain prior approval from the
8 department for the use of such funds. The use of such funds in the
9 administrative unit or state-operated program shall be FOR SPECIAL
10 EDUCATION EXPENDITURES AS DEFINED IN SECTION 22-20-103 (22.7) AND
11 in accordance with rules as established by the state board, which are not
12 in conflict with federal law or regulations.

13 **SECTION 14.** 22-20-107 (1), Colorado Revised Statutes, is
14 amended to read:

15 **22-20-107. Authority to contract with institutions of higher**
16 **education or community centered boards.** (1) An administrative unit
17 may contract with an institution of higher education, or a community
18 centered board, as provided in section 27-10.5-104, C.R.S., for the
19 provision by the administrative unit of an education and training program
20 for children with disabilities. If such AN agreement is arrived at by the
21 two agencies, the administrative unit shall place the responsibility for
22 administering the program with the director of special education OF THE
23 ADMINISTRATIVE UNIT.

24 **SECTION 15.** 22-20-107.5 (1), Colorado Revised Statutes, is
25 amended to read:

26 **22-20-107.5. District of residence of a child with a disability -**
27 **jurisdiction.** (1) Notwithstanding the provisions of section 22-1-102 (2),

1 for the purposes of this article the district of residence of a child with a
2 disability is the school district in which such child lives on a day-to-day
3 basis, INCLUDING A CHILD PLACED IN A FOSTER HOME PURSUANT TO
4 SECTION 19-1-115.5 (1), C.R.S.; except that:

5 (a) If a child with a disability is homeless, as defined by section
6 22-1-102.5, the provisions of section 22-1-102 (2) (h) shall apply;

7 ~~(b) If a child with a disability is living at one of the regional~~
8 ~~centers, including satellite homes of such centers, operated by the~~
9 ~~department of human services or any other facility operated by or under~~
10 ~~contract to the department of human services or at the Colorado mental~~
11 ~~health institutes at Pueblo or Fort Logan, an eligible facility, or the~~
12 ~~Colorado school for the deaf and the blind, such child shall be deemed to~~
13 ~~reside where the parent or guardian of such child resides; THE CHILD~~
14 ~~SHALL BE DEEMED TO RESIDE WHERE THE CHILD'S PARENT RESIDES IF THE~~
15 ~~CHILD IS LIVING AT ONE OF THE FOLLOWING:~~

16 (I) A REGIONAL CENTER THAT IS OPERATED BY THE DEPARTMENT
17 OF HUMAN SERVICES;

18 (II) A FACILITY;

19 (III) A GROUP HOME;

20 (IV) A MENTAL HEALTH INSTITUTE OPERATED BY THE
21 DEPARTMENT OF HUMAN SERVICES; OR

22 (V) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND;

23 (c) If a child lives in ~~one of the~~ A regional centers or the CENTER,
24 A mental health institutes at Pueblo or Fort Logan or in an eligible
25 INSTITUTE, A facility, OR A GROUP HOME, and the district of residence
26 cannot be determined due to the inability to locate a parent or guardian or
27 due to the homelessness of a parent, or guardian, the child shall be

1 considered a resident of the school district in which ~~such~~ THE regional
2 center, mental health institute, ~~or eligible~~ facility, OR GROUP HOME is
3 located.

4 **SECTION 16.** 22-20-108 (1) (b), (4), (4.5) (e), (4.7) (a) (IV),
5 (4.7) (b), the introductory portion to 22-20-108 (5), 22-20-108 (5.5), (7),
6 (8), and (9), Colorado Revised Statutes, are amended to read:

7 **22-20-108. Determination of disability - enrollment.**

8 (1) (b) The development of an IEP for a child with ~~disabilities~~ A
9 DISABILITY and determination of EDUCATIONAL placement shall be made
10 by the child's IEP team, including but not limited to the child's parent and
11 qualified professional personnel designated by the responsible
12 administrative unit or state-operated program. The composition of the
13 IEP team and the procedures to be used for developing the child's IEP
14 shall be prescribed by rules promulgated by the state board pursuant to
15 this article.

16 (4) Each child determined to have a disability by the
17 multidisciplinary team pursuant to paragraph (a) of subsection (1) of this
18 section shall be provided with an IEP developed by the child's IEP team
19 pursuant to paragraph (b) of subsection (1) of this section and shall be
20 reviewed annually. The IEP for each child enrolled in a school district or
21 ~~the state charter school institute~~ AN INSTITUTE CHARTER SCHOOL shall
22 specify whether the child shall achieve the content standards adopted by
23 the district in which the child is enrolled or by the state charter school
24 institute or whether the child shall achieve individualized standards which
25 would indicate the child has met the requirements of his or her IEP. For
26 each child attending school in an ~~eligible~~ APPROVED facility SCHOOL or
27 state-operated program, the IEP shall specify whether the child shall

1 achieve state or local content standards, or whether the child shall achieve
2 individualized standards which would indicate that the child has met the
3 requirements of his or her IEP. When a child with a disability is to be
4 placed outside of the district of residence, the receiving agency,
5 institution, administrative unit, state-operated program, or ~~eligible~~
6 APPROVED facility SCHOOL providing the SPECIAL EDUCATION services
7 shall cooperate in the development of the IEP. The IEP shall be
8 coordinated with all individual plans required by other federal or state
9 programs in order to provide for maximum coordination of service to the
10 child with a disability, which may include the provision of appropriate
11 special education services for the child with a disability, by agreement or
12 contract with public agencies, nonprofit organizations, or ~~eligible~~
13 facilities APPROVED FACILITY SCHOOLS. Any court of record, the
14 department of human services, or any other public agency authorized by
15 law to place a child in an ~~eligible~~ A facility shall notify in writing the
16 child's administrative unit of residence, the administrative unit in which
17 the child will receive special education services, and the department of
18 such placement within fifteen CALENDAR days after the placement. An
19 administrative unit of residence that disapproves of the placement shall
20 do so in writing pursuant to subsection (8) of this section.

21 (4.5) (e) Nothing in this subsection (4.5) shall require an
22 administrative unit, a state-operated program, or an ~~eligible~~ APPROVED
23 facility SCHOOL to expend additional resources or hire additional
24 personnel to implement the provisions of this section.

25 (4.7) (a) In developing an IEP pursuant to subsection (4) of this
26 section for a child who is deaf or hard of hearing, in addition to any other
27 requirements established by the state board, the IEP team shall consider

1 the related services and program options that provide the child with an
2 appropriate and equal opportunity for communication access. The IEP
3 team shall consider the child's specific communication needs and, to the
4 extent possible under paragraph (g) of this subsection (4.7), address those
5 needs as appropriate in the child's IEP. In considering the child's needs,
6 the IEP team shall expressly consider the following:

7 (IV) The provision of appropriate, direct, and ongoing language
8 access to teachers of the deaf and hard of hearing and EDUCATIONAL
9 interpreters and other specialists who are proficient in the child's primary
10 communication mode or language; and

11 (b) To enable a parent to make informed decisions concerning
12 which educational options are best suited to the parent's child, all of the
13 educational options provided by the administrative unit, STATE-OPERATED
14 PROGRAM, OR APPROVED FACILITY SCHOOL and available to the child at
15 the time the child's IEP is prepared shall be explained to the parent.

16 (5) In formulating recommendations for placement of THE LEAST
17 RESTRICTIVE ENVIRONMENT FOR a child with a disability, the IEP team
18 shall:

19 (5.5) The administrative unit or state-operated program shall
20 consider the cost to the administrative unit or state-operated program
21 when choosing between two or more appropriate EDUCATIONAL
22 placements.

23 (7) (a) If an out-of-district placement by an administrative unit
24 appears to be necessary, it is the responsibility of the child's IEP team of
25 the administrative unit of residence to determine whether the child
26 requires a more restrictive setting based on the unique needs of the child.
27 It is the responsibility of the special education director of the

1 administrative unit of residence to place the child in the least restrictive
2 placement ENVIRONMENT consistent with the EDUCATIONAL placement
3 decision of the IEP team.

4 (b) If it becomes necessary for a court or public agency to place
5 a child in a public placement:

6 (I) Prior to such public placement, the court or public agency shall
7 work cooperatively with the affected administrative unit or units, as
8 defined by rules promulgated by the state board pursuant to this article,
9 to ensure that appropriate special education services are available for the
10 child;

11 (II) Notwithstanding the provisions of subparagraph (I) of this
12 paragraph (b), the court or public agency may make the public placement
13 without first cooperating with the affected administrative unit or units if
14 an emergency public placement is required for ~~the safety of the child.~~

15 (c) In no event shall the public agency place a child in an
16 administrative unit or ~~eligible~~ APPROVED facility SCHOOL that is unable
17 to ensure the provision of special education services that are appropriate
18 for the child. The costs of educating ~~such children~~ THE CHILD shall be the
19 responsibility of the school district of residence, and ~~such~~ THE school
20 district shall pay tuition costs in accordance with section 22-20-109.

21 (8) Notwithstanding the provisions of paragraph (c) of subsection
22 (7) of this section, if a court or public agency makes a public placement
23 but fails to comply with the notification requirements of subsection (4) of
24 this section, ~~such~~ THE court or public agency shall be responsible for the
25 tuition costs for the child until such time as the required notification is
26 made. If a child's administrative unit of residence does not provide
27 written notice of disapproval of a placement in an ~~eligible~~ A facility by a

1 court or a public agency within fifteen CALENDAR days after the
2 notification made pursuant to subsection (4) of this section, the placement
3 shall be deemed to be approved. An administrative unit of residence may
4 disapprove a placement in ~~an eligible~~ A facility by a court or public
5 agency only on the basis of the unavailability of appropriate special
6 education services in the administrative unit in which the child will be
7 placed. If the administrative unit of residence disapproves the placement
8 in the ~~eligible~~ facility, it shall ensure that the child receives a free
9 appropriate public education until an appropriate placement can be
10 determined. If the administrative unit of residence disapproves the
11 placement in the ~~eligible~~ facility, the disapproval shall be subject to
12 appeal as provided for in subsection (3) of this section.

13 (9) If a teacher of a child with a disability determines that the
14 child's presence in a general education classroom is so disruptive that
15 other children's learning in the class is significantly impaired, the teacher
16 may utilize the district's or the state charter school institute's regular
17 in-school disciplinary procedure unless it would be inconsistent with the
18 child's IEP or ~~would constitute a disciplinary change of placement as~~
19 ~~defined by the rules promulgated by the state board~~ WITH THE IDEA'S
20 STUDENT DISCIPLINE PROTECTIONS FOR CHILDREN WITH DISABILITIES.
21 Alternatively, the teacher may request a review of the child's IEP,
22 behavior plan, or both to consider changes in services or EDUCATIONAL
23 placement. In making any such determination for EDUCATIONAL
24 placement or a plan of discipline for the child, the IEP team shall apply
25 the rules promulgated by the state board regarding IEP reviews and
26 school discipline procedures and protections for children with disabilities
27 AS SPECIFIED BY THE IDEA AND ITS IMPLEMENTING REGULATIONS.

1 **SECTION 17.** 22-20-109, Colorado Revised Statutes, is amended
2 to read:

3 **22-20-109. Tuition - rules.** (1) (a) An administrative unit of
4 residence may contract with another administrative unit or a ~~community~~
5 ~~centered board or an eligible facility~~ AN APPROVED FACILITY SCHOOL to
6 provide a special education program for a child with a disability. ~~In such~~
7 ~~an instance, the community centered board or the eligible facility where~~
8 ~~the child receives a special education program shall document to the~~
9 ~~department a list of costs of providing such special education program~~
10 ~~and the applicable revenues. Notwithstanding any provision of section~~
11 ~~22-32-115 to the contrary, the tuition charge for educating a child with a~~
12 ~~disability in a community centered board or an eligible facility shall be~~
13 ~~established by the department and approved by the state board. Such~~
14 ~~tuition charge shall be the maximum amount the administrative unit of~~
15 ~~residence shall be obligated to pay for the special education program;~~
16 ~~except that the school district of residence may pay a higher tuition charge~~
17 ~~than the charge established and approved pursuant to this subsection (1)~~
18 ~~for students in need of specialized services, which services were included~~
19 ~~in the IEP but were not included in the tuition charge established pursuant~~
20 ~~to this subsection (1).~~ AN ADMINISTRATIVE UNIT MAY PURCHASE
21 SERVICES FROM ONE OR MORE ADMINISTRATIVE UNITS WHERE AN
22 APPROPRIATE SPECIAL EDUCATION PROGRAM EXISTS. THE TWO
23 ADMINISTRATIVE UNITS SHALL NEGOTIATE A CONTRACT, INCLUDING BUT
24 NOT LIMITED TO THE COST OF THE SPECIAL EDUCATION PROGRAM, THAT
25 NEED NOT BE APPROVED BY THE DEPARTMENT.

26 (b) AN ADMINISTRATIVE UNIT MAY CONTRACT FOR SPECIAL
27 EDUCATION SERVICES WITH AN APPROVED FACILITY SCHOOL PURSUANT TO

1 RULES PROMULGATED BY THE STATE BOARD.

2 (2) (a) ~~The state board shall promulgate rules to define the~~
3 ~~contract approval process to define the types and amounts of costs in~~
4 ~~excess of the state average per pupil revenues, as defined in section~~
5 ~~22-54-103 (12), and to define other applicable revenues that a school~~
6 ~~district of residence of a child with a disability shall pay as tuition to~~
7 ~~educate that child elsewhere at a community centered board or an eligible~~
8 ~~facility. These rules shall include, but need not be limited to, the~~
9 ~~limitations on the number of staff members per number of students, the~~
10 ~~amount of equipment necessary for classroom instruction of the child, the~~
11 ~~number of days of school, and any other expenses involved in the~~
12 ~~provision of educational services as determined by the child's IEP.~~
13 ~~However, these rules shall not require that, in calculating the amount of~~
14 ~~the tuition charge for educating a child with a disability in any community~~
15 ~~centered board or eligible facility, the costs incurred by a community~~
16 ~~centered board or eligible facility in providing such special education~~
17 ~~program be reduced by the amount of revenues, if any, received by the~~
18 ~~community centered board or eligible facility as donations or special~~
19 ~~education grants. The school district of residence shall be responsible for~~
20 ~~paying as tuition any excess costs above the state average per pupil~~
21 ~~revenues to provide these services. WHEN A CHILD WITH A DISABILITY IS~~
22 ~~PUBLICLY PLACED IN AN APPROVED FACILITY SCHOOL, THE APPROVED~~
23 ~~FACILITY SCHOOL SHALL DOCUMENT TO THE DEPARTMENT A LIST OF COSTS~~
24 ~~OF PROVIDING THE SPECIAL EDUCATION PROGRAM AND THE APPLICABLE~~
25 ~~REVENUES. NOTWITHSTANDING ANY PROVISION OF SECTION 22-32-115 TO~~
26 ~~THE CONTRARY, THE TUITION CHARGE FOR EDUCATING A CHILD WITH A~~
27 ~~DISABILITY IN AN APPROVED FACILITY SCHOOL SHALL BE ESTABLISHED BY~~

1 THE DEPARTMENT AND APPROVED BY THE STATE BOARD. THE TUITION
2 CHARGE SHALL BE THE MAXIMUM AMOUNT THE SCHOOL DISTRICT OF
3 RESIDENCE SHALL BE OBLIGATED TO PAY FOR THE SPECIAL EDUCATION
4 PROGRAM; EXCEPT THAT THE SCHOOL DISTRICT OF RESIDENCE MAY PAY A
5 HIGHER TUITION CHARGE THAN THE CHARGE ESTABLISHED AND APPROVED
6 PURSUANT TO THIS SUBSECTION (2) FOR A STUDENT IN NEED OF
7 SPECIALIZED SERVICES, WHICH SERVICES WERE INCLUDED IN THE
8 STUDENT'S IEP BUT WERE NOT INCLUDED IN THE TUITION CHARGE
9 ESTABLISHED PURSUANT TO THIS SUBSECTION (2).

10 (b) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE
11 CONTRACT APPROVAL PROCESS AND THE METHOD FOR DETERMINING THE
12 TUITION RATE THAT A SCHOOL DISTRICT OF RESIDENCE OF A CHILD WITH
13 A DISABILITY SHALL PAY AS TUITION TO EDUCATE THAT CHILD AT AN
14 APPROVED FACILITY SCHOOL. THE RULES FOR DETERMINING A TUITION
15 RATE SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE LIMITATIONS ON
16 THE NUMBER OF STAFF MEMBERS PER NUMBER OF STUDENTS, THE NUMBER
17 OF SCHOOL DAYS, ALL SPECIAL EDUCATION EXPENDITURES AS DEFINED IN
18 SECTION 22-20-103 (22.7) AND SPECIFIED BY THE CHILD'S IEP, OTHER
19 EDUCATION COSTS, AND APPLICABLE REVENUES ASSOCIATED WITH THE
20 APPROVED FACILITY SCHOOL'S EDUCATIONAL PROGRAM. THE RULES
21 SHALL NOT REQUIRE THAT, IN CALCULATING THE AMOUNT OF THE TUITION
22 CHARGE FOR EDUCATING A CHILD WITH A DISABILITY IN AN APPROVED
23 FACILITY SCHOOL, THE COSTS INCURRED BY THE APPROVED FACILITY
24 SCHOOL IN PROVIDING THE SPECIAL EDUCATION PROGRAM BE REDUCED BY
25 THE AMOUNT OF REVENUES, IF ANY, RECEIVED BY THE APPROVED FACILITY
26 SCHOOL AS DONATIONS OR SPECIAL EDUCATION GRANTS. THE SCHOOL
27 DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING AS TUITION

1 ANY EXCESS COSTS ABOVE THE STATE AVERAGE PER PUPIL REVENUES TO
2 PROVIDE THESE SERVICES PURSUANT TO SECTION 22-54-129 (2).

3 (c) IN ADDITION TO ANY OTHER TUITION COSTS THAT A SCHOOL
4 DISTRICT OF RESIDENCE IS REQUIRED TO PAY PURSUANT TO THIS SECTION,
5 THE SCHOOL DISTRICT MAY PAY THOSE COSTS DOCUMENTED TO AND
6 APPROVED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION (2).
7 NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (2), A SCHOOL
8 DISTRICT OF RESIDENCE SHALL NOT BE REQUIRED TO PAY COSTS INCURRED
9 BY AN APPROVED FACILITY SCHOOL IN PROVIDING EDUCATIONAL SERVICES
10 AT THE APPROVED FACILITY SCHOOL DURING THE MONTHS OF JUNE, JULY,
11 OR AUGUST.

12 (2.5) (a) WHEN A CHILD WITH A DISABILITY IS PLACED OUT OF THE
13 HOME IN A GROUP HOME AND ATTENDS SCHOOL IN AN ADMINISTRATIVE
14 UNIT OTHER THAN THE CHILD'S ADMINISTRATIVE UNIT OF RESIDENCE AND
15 THE SCHOOL DOES NOT PROVIDE THE CHILD WITH AN ON-LINE PROGRAM
16 PURSUANT TO ARTICLE 30.7 OF THIS TITLE, THE DISTRICT OF RESIDENCE
17 SHALL BE RESPONSIBLE FOR PAYING THE TUITION CHARGE FOR EDUCATING
18 THE CHILD TO THE ADMINISTRATIVE UNIT OF ATTENDANCE.

19 (b) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL NOT
20 CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS
21 INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD
22 MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)

23 (c) (II).

24 (c) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL PROVIDE
25 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE AND TO THE DISTRICT
26 OF RESIDENCE, IF IT IS NOT AN ADMINISTRATIVE UNIT, IN ACCORDANCE
27 WITH THE RULES ADOPTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION

1 (2) OF THIS SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL
2 IN A SCHOOL OF THE DISTRICT OF ATTENDANCE. THE NOTICE SHALL BE IN
3 WRITING AND SHALL ALSO BE SENT TO THE SPECIAL EDUCATION DIRECTORS
4 FOR THE ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF
5 THE ADMINISTRATIVE UNIT OF ATTENDANCE DOES NOT INTEND TO SEEK
6 TUITION COSTS, NOTIFICATION IS NOT REQUIRED. THE STATE BOARD SHALL
7 ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE
8 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH (c).

9 (d) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED
10 PURSUANT TO A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT
11 OF ATTENDANCE, THE DISTRICT OF ATTENDANCE IF IT IS NOT AN
12 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF RESIDENCE, AND
13 THE DISTRICT OF RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT.

14 (3) ~~In addition to any other tuition costs that a school district of~~
15 ~~residence is required to pay pursuant to this section, the school district~~
16 ~~may pay those costs documented to and approved by the department~~
17 ~~pursuant to subsection (1) of this section. Notwithstanding the provisions~~
18 ~~of subsection (1) of this section, a school district of residence shall not be~~
19 ~~required to pay costs incurred by an approved facility school, as defined~~
20 ~~in section 22-2-402 (1), in providing educational services at the approved~~
21 ~~facility school during the months of June, July, or August.~~

22 (4) (a) When a child with a disability enrolls and attends a school
23 in a ~~district~~ AN ADMINISTRATIVE UNIT other than the child's ~~district~~
24 ADMINISTRATIVE UNIT of residence pursuant to the provisions of section
25 22-36-101, and the school does not provide the child an on-line program
26 pursuant to article 30.7 of this title, the district of residence shall be
27 responsible for paying the tuition charge for educating the child to the

1 ~~district ADMINISTRATIVE UNIT of attendance. The district of attendance~~
2 ~~shall not charge the district of residence tuition for the excess costs~~
3 ~~incurred in educating a child with a disability unless the child meets the~~
4 ~~criteria for funding pursuant to section 22-20-114 (1)(c) (II). The district~~
5 ~~of attendance shall provide notice to the district of residence in~~
6 ~~accordance with state board rules adopted pursuant to paragraph (b) of~~
7 ~~this subsection (4) when a child with a disability applies to enroll in a~~
8 ~~school in the district of attendance. The amount of the tuition charge~~
9 ~~shall be determined pursuant to a contract entered into between the two~~
10 ~~districts pursuant to subsection (1) of this section. Under the~~
11 ~~circumstances described in this subsection (4), the provisions of section~~
12 ~~22-20-108 (8) shall not apply.~~

13 (b) ~~For the 2004-05 budget year and budget years thereafter, the~~
14 ~~state board shall adopt rules to specify the content, manner, and timing of~~
15 ~~the notice that a district of attendance shall give a district of residence~~
16 ~~pursuant to paragraph (a) of this subsection (4).~~

17 (c) ~~THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL NOT~~
18 ~~CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS~~
19 ~~INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD~~
20 ~~MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)~~
21 ~~(c) (II).~~

22 (d) ~~THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL PROVIDE~~
23 ~~NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE AND TO THE DISTRICT~~
24 ~~OF RESIDENCE, IF IT IS NOT AN ADMINISTRATIVE UNIT, IN ACCORDANCE~~
25 ~~WITH THE RULES ADOPTED PURSUANT TO THIS PARAGRAPH (d) WHEN A~~
26 ~~CHILD WITH A DISABILITY APPLIES TO ENROLL IN A SCHOOL OF THE~~
27 ~~DISTRICT OF ATTENDANCE. THE NOTICE SHALL BE IN WRITING AND SHALL~~

1 ALSO BE SENT TO THE SPECIAL EDUCATION DIRECTORS FOR THE
2 ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF THE
3 ADMINISTRATIVE UNIT OF ATTENDANCE DOES NOT INTEND TO SEEK
4 TUITION COSTS, NOTIFICATION IS NOT REQUIRED. THE STATE BOARD SHALL
5 ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE
6 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH (d).

7 (e) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED
8 PURSUANT TO A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT
9 OF ATTENDANCE, THE DISTRICT OF ATTENDANCE IF IT IS NOT AN
10 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF RESIDENCE, AND
11 THE DISTRICT OF RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT.
12 UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (4), THE
13 PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

14 (5) (a) When a child with a disability enrolls in and attends a
15 district charter school pursuant to the provisions of part 1 of article 30.5
16 of this title or an institute charter school pursuant to part 5 of article 30.5
17 of this title, including a district or institute charter school that provides an
18 on-line program pursuant to article 30.7 of this title, the district of
19 residence shall be responsible for paying to the district or institute charter
20 school the tuition charge for the excess costs incurred in educating the
21 child. ~~The district or institute charter school shall not charge the district~~
22 ~~of residence tuition for the excess costs incurred in educating a child with~~
23 ~~a disability unless the child meets the criteria for funding pursuant to~~
24 ~~section 22-20-114 (1) (c) (H). The tuition responsibility shall be reflected~~
25 ~~in a contract between the district or institute charter school and the district~~
26 ~~of residence in a form approved by the chartering district. The district or~~
27 ~~institute charter school shall provide notice to the district of residence in~~

1 ~~accordance with state board rules adopted pursuant to subsection (7) of~~
2 ~~this section when a child with a disability applies to enroll in the district~~
3 ~~or institute charter school. The amount of the tuition charge shall be~~
4 ~~determined pursuant to rules adopted by the state board pursuant to~~
5 ~~subsection (7) of this section. Under the circumstances described in this~~
6 ~~subsection (5), the provisions of section 22-20-108 (8) shall not apply.~~

7 (b) Nothing in this subsection (5) shall be construed to apply to
8 the charter contract entered into between a charter school and the
9 chartering local board of education pursuant to part 1 of article 30.5 of
10 this title OR TO ALLOW A CHARTER SCHOOL TO SEEK TUITION COSTS FROM
11 ITS CHARTERING AUTHORITY.

12 (c) THE DISTRICT OR INSTITUTE CHARTER SCHOOL SHALL NOT
13 CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS
14 INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD
15 MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)
16 (c) (II).

17 (d) THE DISTRICT OR INSTITUTE CHARTER SCHOOL SHALL PROVIDE
18 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE, THE DISTRICT OF
19 RESIDENCE IF IT IS NOT AN ADMINISTRATIVE UNIT, AND THE
20 ADMINISTRATIVE UNIT OF ATTENDANCE IN ACCORDANCE WITH STATE
21 BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION
22 WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE DISTRICT OR
23 INSTITUTE CHARTER SCHOOL. THE NOTICE SHALL BE IN WRITING AND
24 SHALL BE SENT TO THE SPECIAL EDUCATION DIRECTORS FOR THE
25 ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF THE
26 DISTRICT OR INSTITUTE CHARTER SCHOOL DOES NOT INTEND TO SEEK
27 TUITION COSTS, NO NOTIFICATION IS REQUIRED.

1 (e) THE AMOUNT OF THE TUITION CHARGED SHALL BE DETERMINED
2 PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO
3 SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY SHALL BE
4 REFLECTED IN A CONTRACT BETWEEN THE CHARTER SCHOOL, THE
5 ADMINISTRATIVE UNIT OF RESIDENCE, THE DISTRICT OF RESIDENCE IF IT IS
6 NOT AN ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF
7 ATTENDANCE INCLUDING THE STATE CHARTER SCHOOL INSTITUTE, AND
8 THE CHARTERING SCHOOL DISTRICT IF IT IS NOT AN ADMINISTRATIVE UNIT.
9 THE CONTRACT SHALL BE IN A FORM APPROVED BY THE CHARTERING
10 ENTITY. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (5),
11 THE PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

12 (6) (a) When a child with a disability enrolls in and attends an
13 on-line program pursuant to article 30.7 of this title that is not provided
14 by a district or institute charter school, the district of residence shall be
15 responsible for paying to the provider of the on-line program the tuition
16 charge for the excess costs incurred in educating the child. ~~The provider~~
17 ~~of the on-line program shall not charge the district of residence tuition for~~
18 ~~the excess costs incurred in educating a child with a disability who~~
19 ~~receives educational services from the provider of the on-line program~~
20 ~~unless the child meets the criteria for funding pursuant to section~~
21 ~~22-20-114 (1) (c) (II). The tuition responsibility shall be reflected in a~~
22 ~~contract between the district of attendance and the district of residence in~~
23 ~~a form approved by the state board. The on-line provider shall provide~~
24 ~~notice to the district of residence in accordance with state board rules~~
25 ~~adopted pursuant to subsection (7) of this section when a child with a~~
26 ~~disability applies to enroll in the on-line program. The amount of the~~
27 ~~tuition charge shall be determined pursuant to rules adopted by the state~~

1 board pursuant to subsection (7) of this section. Under the circumstances
2 described in this subsection (6), the provisions of section 22-20-108 (8)
3 shall not apply.

4 (b) THE PROVIDER OF THE ON-LINE PROGRAM SHALL NOT CHARGE
5 THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS INCURRED IN
6 EDUCATING A CHILD WITH A DISABILITY WHO RECEIVES EDUCATIONAL
7 SERVICES FROM THE PROVIDER OF THE ON-LINE PROGRAM UNLESS THE
8 CHILD MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION
9 22-20-114 (1) (c) (II).

10 (c) THE ON-LINE PROVIDER SHALL PROVIDE NOTICE TO THE
11 ADMINISTRATIVE UNIT OF ATTENDANCE, THE ADMINISTRATIVE UNIT OF
12 RESIDENCE, AND THE DISTRICT OF RESIDENCE IF IT IS NOT AN
13 ADMINISTRATIVE UNIT, IN ACCORDANCE WITH STATE BOARD RULES
14 ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION WHEN A CHILD
15 WITH A DISABILITY APPLIES TO ENROLL IN THE ON-LINE PROGRAM. THE
16 NOTICE SHALL BE IN WRITING AND SHALL ALSO BE SENT TO THE SPECIAL
17 EDUCATION DIRECTORS FOR THE ADMINISTRATIVE UNITS OF RESIDENCE
18 AND OF ATTENDANCE. IF THE ON-LINE PROVIDER DOES NOT INTEND TO
19 SEEK TUITION COSTS, NOTIFICATION IS NOT REQUIRED.

20 (d) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED
21 PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO
22 SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY SHALL BE
23 REFLECTED IN A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT
24 OF RESIDENCE, THE DISTRICT OF RESIDENCE IF IT IS NOT AN
25 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF ATTENDANCE, AND
26 THE DISTRICT OF ATTENDANCE IF IT IS NOT AN ADMINISTRATIVE UNIT.
27 UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (6), THE

1 PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

2 (7) For the 2004-05 budget year and budget years thereafter, the
3 state board shall promulgate rules pertaining to the education of children
4 with disabilities in charter schools and rules pertaining to the education
5 of children with disabilities through on-line programs. Both sets of rules
6 shall include, but need not be limited to, rules to:

7 (a) Specify the content, manner, and timing of the notice that a
8 charter school or on-line provider shall ~~give a district of residence~~
9 PROVIDE pursuant to subsections (5) and (6) of this section, respectively;

10 (b) Define the types and amounts of allowable costs in excess of
11 the per pupil funding for the child with a disability, as determined
12 pursuant to article 54 of this title, and any other state and federal revenues
13 received for educating the child, that a charter school or on-line program
14 may charge as tuition to a district of residence;

15 (c) Define other applicable revenues that a district of residence of
16 a child with a disability shall apply in paying the tuition charge for excess
17 costs incurred in educating the child at a charter school or through an
18 on-line program;

19 (d) Specify the limitations on the number of staff members per
20 number of students that a charter school or on-line program shall provide
21 in educating children with disabilities;

22 ~~(e) Specify the amount and types of equipment necessary for~~
23 ~~instruction of children with disabilities;~~

24 (f) and (g) (Deleted by amendment, L. 2006, p. 332, § 9, effective
25 August 7, 2006.)

26 (h) Identify any other expenses involved in the provision of
27 educational services to children with disabilities in accordance with each

1 child's individualized education program;

2 (i) Establish a dispute resolution process for disagreements
3 resulting from contracts entered into pursuant to subsection (5) or (6) of
4 this section; and

5 (j) Specify elements to be included in a contract between a charter
6 school and a district of residence as ENTITIES described in paragraph (a)
7 of subsection (5) of this section.

8 (8) Repealed.

9 **SECTION 18.** 22-20-112, Colorado Revised Statutes, is amended
10 to read:

11 **22-20-112. Length of school year.** (1) An administrative unit
12 may conduct special educational EDUCATION programs as prescribed in
13 this article for any length of time; except that the administrative unit must
14 meet the minimum length of time as established by law for school
15 districts.

16 (2) Each administrative unit, state-operated program, and eligible
17 APPROVED facility SCHOOL shall provide extended school year services to
18 a child with a disability only if the child's IEP team determines that
19 extended school year services are necessary to provide the child with a
20 free appropriate public education.

21 **SECTION 19.** 22-20-114 (1) (a) and (1) (c) (II), Colorado
22 Revised Statutes, are amended to read:

23 **22-20-114. Funding of programs.** (1) Subject to the provisions
24 of subsection (3) of this section, for the 2005-06 budget year and each
25 budget year thereafter, the total amount appropriated to the department for
26 the payment of costs incurred by administrative units for the provision of
27 special education programs shall be distributed to each administrative unit

1 that provides educational services for children with disabilities as follows:

2 (a) (I) Five hundred thousand dollars to ~~each~~ administrative unit
3 UNITS that ~~enrolls~~ ENROLL children with disabilities:

4 (A) For whom tuition is paid by the administrative units for the
5 children to receive educational services at ~~eligible facilities~~ APPROVED
6 FACILITY SCHOOLS; and

7 (B) For whom parental rights have been relinquished by the
8 parents or terminated by a court, the parents of whom are incarcerated,
9 the parents of whom cannot be located, the parents of whom reside out of
10 the state but the department of human services has placed the children
11 within the administrative unit, or CHILDREN WITH DISABILITIES who are
12 legally emancipated.

13 (II) The moneys appropriated pursuant to subparagraph (I) of this
14 paragraph (a) shall be distributed in each budget year to administrative
15 units based upon each administrative unit's share of the aggregate number
16 of children with disabilities who are specified in subparagraph (I) of this
17 paragraph (a); except that an administrative unit shall not receive an
18 amount that exceeds the aggregate amount of tuition paid by that
19 administrative unit for the specified children with disabilities to receive
20 educational services at ~~eligible facilities~~ APPROVED FACILITY SCHOOLS
21 during the immediately preceding budget year. For purposes of this
22 paragraph (a), the number of children with disabilities that are specified
23 in subparagraph (I) of this paragraph (a) shall be based upon the count
24 taken in December of the immediately preceding budget year.

25 (c) (II) An administrative unit that provides special education
26 services to children who have one or more of the following disabilities
27 may receive funding pursuant to this paragraph (c):

1 (A) ~~A vision disability~~ VISUAL IMPAIRMENT, INCLUDING
2 BLINDNESS, as defined by the state board;

3 (B) A hearing ~~disability~~ IMPAIRMENT, INCLUDING DEAFNESS, as
4 defined by the state board;

5 (C) ~~A concomitant hearing and visual impairment, the
6 combination of which causes severe communication and other
7 developmental and educational needs to the extent that the child cannot
8 be accommodated in a special education program solely for children with
9 deafness or children with blindness~~ DEAF-BLINDNESS, AS DEFINED BY THE
10 STATE BOARD;

11 (D) A ~~significant identifiable~~ SERIOUS emotional disability as
12 defined by the state board;

13 (E) Autism SPECTRUM DISORDERS as defined by the state board;

14 (F) A traumatic brain injury as defined by the state board;

15 (G) Multiple disabilities as defined by the state board; or

16 (H) ~~Significant limited intellectual capacity~~ AN INTELLECTUAL
17 DISABILITY as defined by the state board.

18 **SECTION 20.** 22-20-114.5 (1) (b), (2) (a), (3) (a), (3) (a.5), and
19 (3) (b) (II), Colorado Revised Statutes, are amended to read:

20 **22-20-114.5. Special education fiscal advisory committee -**
21 **special education high-cost grants - definitions - repeal.** (1) As used
22 in this section, unless the context otherwise requires:

23 (b) "High costs" means the costs incurred by an administrative
24 unit above a threshold amount determined pursuant to paragraph (e) of
25 subsection (3) of this section in providing special ~~educational~~ EDUCATION
26 services, either directly or by contract, to a child with disabilities
27 regardless of the child's district of residence.

1 (2) (a) There is hereby created the Colorado special education
2 fiscal advisory committee in the department. The committee shall consist
3 of ~~thirteen~~ TWELVE members as follows:

4 (I) ~~The state director for exceptional student services in the~~
5 ~~department~~ A REPRESENTATIVE FROM THE UNIT IN THE DEPARTMENT
6 RESPONSIBLE FOR THE ADMINISTRATION OF SPECIAL EDUCATION
7 PROGRAMS;

8 (II) ~~The state director for grants fiscal management in the~~
9 ~~department;~~

10 (III) A special education director from a board of cooperative
11 services with expertise in special education finance selected ~~jointly by the~~
12 ~~state director for exceptional student services and the state director for~~
13 ~~grants fiscal management~~ BY THE STATE BOARD BASED ON A
14 RECOMMENDATION FROM THE STATEWIDE ASSOCIATION THAT REPRESENTS
15 BOARDS OF COOPERATIVE SERVICES;

16 (IV) A business official from a small rural administrative unit to
17 be selected by the state board based on a recommendation from a
18 statewide association of school executives;

19 (V) A business official from a large urban or suburban
20 administrative unit to be selected by the state board based on a
21 recommendation from a statewide association of school executives; and

22 (VI) Eight special education specialists with appropriate statewide
23 geographic representation to be selected by the state board based on
24 recommendations from a statewide consortium of special education
25 directors.

26 (3) (a) An administrative unit that incurs high costs in providing
27 special ~~educational~~ EDUCATION services to a child with disabilities may

1 apply for a high cost grant to recover all or a portion of such high costs.
2 To receive a grant, an administrative unit shall apply to the committee in
3 a form and manner determined by the committee and provide such
4 information as may be requested by the committee to document the
5 administrative unit's high costs.

6 (a.5) Of the total amount appropriated in a budget year for the
7 purpose of awarding grants pursuant to this section, the committee shall
8 use fifty percent of the amount to award grants to administrative units that
9 have one or more children being served in an out-of-district placement for
10 special ~~educational~~ EDUCATION services and fifty percent of the amount
11 to award grants to administrative units with one or more children being
12 served in an in-district placement for special ~~educational~~ EDUCATION
13 services.

14 (b) (II) (A) In awarding grants pursuant to this section to
15 administrative units that have one or more children being served in an
16 out-of-district placement for special ~~educational~~ EDUCATION services, the
17 committee shall first prioritize those administrative units that spent the
18 highest percentages, based on the administrative unit's annual audited
19 operating expenses, in the preceding budget year on high costs incurred
20 in providing special education services to children in such out-of-district
21 placements.

22 (B) In awarding grants pursuant to this section to administrative
23 units with one or more children being served in an in-district placement
24 for special ~~educational~~ EDUCATION services, the committee shall first
25 prioritize those administrative units that spent the highest percentages,
26 based on the administrative unit's annual audited operating expenses, in
27 the preceding budget year on high costs incurred in providing special

1 educational EDUCATION services to children in such in-district
2 placements.

3 SECTION 21. 22-20-116, Colorado Revised Statutes, is amended
4 to read:

5 22-20-116. Minimum standards for educational interpreters
6 for the deaf in the public schools - committee to recommend
7 standards - rules. (1) The general assembly hereby finds that
8 interpreting services in administrative units, state-operated programs, and
9 eligible facilities APPROVED FACILITY SCHOOLS for students who are deaf
10 or hard of hearing need to be improved and that the absence of state
11 standards for evaluating educational interpreters allows for
12 inconsistencies in the delivery of educational information to students who
13 are deaf or hard of hearing. The general assembly recognizes that
14 educational interpreters in such educational settings must not only
15 interpret the spoken word but must also convey concepts and facilitate the
16 student's understanding of the educational material. The general
17 assembly also finds that standards should be based on performance and
18 should be developed with input from the deaf community and from
19 persons involved in instructing deaf students. Therefore, the general
20 assembly enacts this section for the purpose of developing appropriate
21 standards for persons employed as educational interpreters in
22 administrative units, state-operated programs, and eligible facilities
23 APPROVED FACILITY SCHOOLS.

24 (2) For purposes of this section, "educational interpreter" means
25 a person who uses sign language in an administrative unit, a
26 state-operated program, or an eligible facility APPROVED FACILITY SCHOOL
27 for purposes of facilitating communication between users and nonusers

1 of sign language and who is fluent in the languages used by both deaf and
2 nondeaf persons.

3 (3) to (5) Repealed.

4 (6) After review and study of the recommendations of the
5 interpreter standards committee, the state board, on or before July 1,
6 1998, shall promulgate rules setting minimum standards for educational
7 interpreters for the deaf employed by or in an administrative unit, a
8 state-operated program, or an ~~eligible~~ APPROVED facility SCHOOL. The
9 state board may revise and amend such minimum standards as it deems
10 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 must submit to the employing administrative unit,
13 state-operated program, or ~~eligible~~ APPROVED facility SCHOOL.

14 (7) On or after July 1, 2000, in addition to any other requirements
15 that an administrative unit, a state-operated program, or an ~~eligible~~
16 APPROVED facility SCHOOL may establish, any person employed as an
17 educational interpreter for deaf students on a full-time or part-time basis
18 by or in an administrative unit, a state-operated program, or an ~~eligible~~
19 APPROVED facility SCHOOL shall meet the minimum standards for
20 educational interpreters for the deaf as established by rules of the state
21 board.

22 **SECTION 22.** Article 20 of title 22, Colorado Revised Statutes,
23 is amended BY THE ADDITION OF A NEW SECTION to read:

24 **22-20-119. Implementation of change of disability categories**
25 **for children with disabilities.** ON OR BEFORE NOVEMBER 1, 2011, THE
26 DEPARTMENT SHALL DEVELOP GUIDELINES AND TIMELINES TO BE USED BY
27 ADMINISTRATIVE UNITS AND STATE-OPERATED PROGRAMS FOR

1 DEVELOPING LOCAL SYSTEMS AND INFRASTRUCTURE THAT INCORPORATE
2 THE DISABILITY CATEGORIES SET FORTH IN SECTION 22-20-103 (5) (a).
3 THE GUIDELINES SHALL ADDRESS NECESSARY REVISIONS TO MODEL FORMS
4 AND LOCAL TRAINING NEEDS, PURSUANT TO SECTION 2-2-802, C.R.S. THE
5 TIMELINES SHALL ENCOURAGE ADMINISTRATIVE UNITS AND
6 STATE-OPERATED PROGRAMS TO IMPLEMENT THE DISABILITY CATEGORIES
7 AND RELATED ELIGIBILITY CRITERIA ESTABLISHED IN SECTION 22-20-103
8 (5) (a) AS SOON AS POSSIBLE AFTER THE STATE BOARD ISSUES
9 IMPLEMENTING RULES, TO BE ADOPTED ON OR BEFORE DECEMBER 1, 2012.
10 ADMINISTRATIVE UNITS AND STATE-OPERATED PROGRAMS SHALL HAVE
11 UNTIL JULY 1, 2016, TO IMPLEMENT ANY NECESSARY CHANGES WITHOUT
12 LOSS OF SPECIAL EDUCATION FUNDING OR INCURRING ANY OTHER
13 PENALTIES.

14 **SECTION 23.** 22-11-307, Colorado Revised Statutes, is amended
15 BY THE ADDITION OF A NEW SUBSECTION to read:

16 **22-11-307. Accreditation of public schools.** (2.5) IN ADOPTING
17 ITS SCHOOL ACCREDITATION POLICIES FOR ITS ON-LINE PROGRAMS, AS
18 DEFINED IN SECTION 22-30.7-102 (9), A LOCAL SCHOOL BOARD OR THE
19 INSTITUTE BOARD SHALL INCLUDE A REVIEW OF THE ON-LINE PROGRAM'S
20 ALIGNMENT TO THE QUALITY STANDARDS OUTLINED IN SECTION
21 22-30.7-105 (3) (b).

22 **SECTION 24.** 22-30.7-103 (3), Colorado Revised Statutes, is
23 amended to read:

24 **22-30.7-103. Division of on-line learning - created - duties.**

25 (3) **Duties.** The on-line division shall have the following duties:

26 (a) To consult with the state board in its creation of quality
27 standards pursuant to section 22-30.7-105 for use by authorizers; in

1 ~~preparing and submitting annual reports to the on-line division pursuant~~
2 ~~to section 22-30.7-109;~~

3 (b) To evaluate applications for certification of multi-district
4 programs using criteria adopted by rules promulgated by the state board
5 pursuant to section 22-30.7-106 and to recommend that the state board
6 grant or deny certification based upon the criteria;

7 ~~(c) To establish a review process and timeline whereby the on-line~~
8 ~~division shall review a multi-district program two years after its initial~~
9 ~~certification pursuant to section 22-30.7-106, which review process shall~~
10 ~~include input from stakeholders, including but not limited to input from~~
11 ~~students, parents, and school districts in which a learning center of the~~
12 ~~multi-district program is located;~~

13 (d) To recommend to the state board on or before September 1,
14 2007, a process, timeline, and standard MOU form for use by
15 multi-district programs and school districts in crafting memoranda of
16 understanding pursuant to section 22-30.7-111 regarding the placement
17 of learning centers within the boundaries of a school district. At a
18 minimum, the standard MOU form shall include the information specified
19 in section 22-30.7-111 (1) (b).

20 ~~(e) To establish annual reporting requirements for on-line~~
21 ~~programs pursuant to the provisions of section 22-30.7-109;~~

22 ~~(f) To evaluate reports submitted by on-line programs pursuant to~~
23 ~~section 22-30.7-109, as such evaluation is described in section~~
24 ~~22-30.7-110;~~

25 ~~(g) To publish annual reports concerning on-line programs and~~
26 ~~supplemental programs and other information about on-line learning in~~
27 ~~a clearly identifiable section on the department's web site;~~

1 (h) To compile the reports submitted by authorizers and school
2 districts pursuant to section 22-30.7-109 and prepare a summary report to
3 be submitted on or before February 1, 2009, and on or before June 1 each
4 year thereafter JUNE 1, 2014, AND ON OR BEFORE JUNE 1 EVERY FIVE
5 YEARS THEREAFTER, to the state board and the education committees of
6 the house of representatives and the senate, or any successor committees;

7 (i) To establish a process and timeline for documenting and
8 tracking complaints concerning on-line programs;

9 (j) To collect resources to support the implementation of quality
10 on-line programs and make the resources available to on-line programs
11 upon request; and

12 (k) To use the final report of the Trujillo commission on on-line
13 education, which report was released February 15, 2007, as a basis for the
14 recommendations, criteria, standards, reporting requirements, and rules
15 required pursuant to this subsection (3);

16 (l) TO ANNUALLY COLLECT AND REVIEW INFORMATION
17 CONCERNING SOUND FINANCIAL AND ACCOUNTING PRACTICES AND
18 RESOURCES FOR EACH ON-LINE PROGRAM. THE INFORMATION MAY BE THE
19 SAME INFORMATION SUBMITTED BY ON-LINE CHARTER SCHOOLS PURSUANT
20 TO SECTION 22-30.5-109 (1); AND

21 (m) IF THE ON-LINE DIVISION HAS REASON TO BELIEVE THAT AN
22 ON-LINE PROGRAM IS NOT IN SUBSTANTIAL COMPLIANCE WITH ONE OR
23 MORE OF THE STATUTORY OR REGULATORY REQUIREMENTS APPLICABLE
24 TO ON-LINE PROGRAMS, TO PROVIDE NOTICE TO THE ON-LINE PROGRAM,
25 AND ITS AUTHORIZER, AND REQUIRE THAT THE ON-LINE PROGRAM,
26 TOGETHER WITH ITS AUTHORIZER, ADDRESS A PLAN FOR COMING INTO
27 COMPLIANCE. THE PLAN MAY BE INCLUDED IN THE SCHOOL PLAN

1 REQUIRED PURSUANT TO SECTION 22-11-210 (2).

2 **SECTION 25. Repeal.** 22-30.7-109, Colorado Revised Statutes,
3 is repealed as follows:

4 **22-30.7-109. On-line programs - reports - rules.** ~~(1) (a) On an~~
5 ~~annual date to be determined by rules promulgated by the state board~~
6 ~~pursuant to paragraph (d) of this subsection (1), an authorizer of an~~
7 ~~on-line program shall submit a report to the on-line division. The report~~
8 ~~shall include, at a minimum:~~

9 ~~(I) An indication of the degree to which the on-line program has~~
10 ~~satisfied the quality standards established by rules promulgated by the~~
11 ~~state board pursuant to section 22-30.7-105;~~

12 ~~(II) The ratio of adults to students at the on-line program;~~

13 ~~(III) The number of on-line teachers employed by the on-line~~
14 ~~program who satisfy the requirements specified for a highly qualified~~
15 ~~teacher as such requirements are described in the federal "No Child Left~~
16 ~~Behind Act of 2001", 20 U.S.C. sec. 6301 et seq.; and~~

17 ~~(IV) The annual budget of the on-line program, which budget~~
18 ~~shall account for all state funding received by the on-line program, in~~
19 ~~accordance with existing budgetary reporting requirements under state~~
20 ~~law.~~

21 ~~(b) For the purposes of this section, "adult", as the term is used in~~
22 ~~subparagraph (II) of paragraph (a) of this subsection (1), shall not be~~
23 ~~construed to mean only a licensed teacher.~~

24 ~~(c) In publishing the ratio of adults to students at an on-line~~
25 ~~program pursuant to section 22-30.7-103(3)(g), the on-line division shall~~
26 ~~include language that clarifies that the ratio of adults to students at the~~
27 ~~on-line program is not a representation of the ratio of licensed teachers to~~

1 ~~students at the on-line program.~~

2 (d) ~~On or before January 1, 2008, the state board shall promulgate~~
3 ~~rules establishing a timeline by which an authorizer of an on-line program~~
4 ~~shall submit a report to the on-line division as described in paragraph (a)~~
5 ~~of this subsection (1) and defining what constitutes "a reasonable amount~~
6 ~~of time" for purposes of this section.~~

7 (2)(a) ~~The on-line division shall review each report submitted by~~
8 ~~an on-line program pursuant to subsection (1) of this section.~~

9 (b) ~~If the on-line division determines that an on-line program~~
10 ~~needs to take corrective action for the purpose of complying with one or~~
11 ~~more of the quality standards established by rules promulgated by the~~
12 ~~state board pursuant to section 22-30.7-105, the on-line division shall~~
13 ~~provide notice to the on-line program of the on-line division's~~
14 ~~determination and provide the on-line program a reasonable amount of~~
15 ~~time to submit a plan for taking the corrective action.~~

16 (c) ~~If the on-line division determines that an on-line program that~~
17 ~~has received notice from the on-line division as described in paragraph~~
18 ~~(b) of this subsection (2) has not submitted a plan for taking corrective~~
19 ~~action within a reasonable amount of time, the on-line division shall~~
20 ~~notify the state board and include with the notification recommendations~~
21 ~~for actions the state board may take to address the situation.~~

22 **SECTION 26.** ~~Article 30.7 of title 22, Colorado Revised Statutes,~~
23 ~~is amended BY THE ADDITION OF A NEW SECTION to read:~~

24 **22-30.7-109.5. On-line programs - report to authorizer and**
25 **department.** ~~EACH ON-LINE PROGRAM SHALL ANNUALLY SUBMIT TO ITS~~
26 ~~AUTHORIZER AND TO THE DEPARTMENT INFORMATION, PURSUANT TO~~
27 ~~STATE BOARD RULES, CONCERNING SOUND FINANCIAL AND ACCOUNTING~~

1 PRACTICES AND RESOURCES. A MULTI-DISTRICT, ON-LINE PROGRAM SHALL
2 NOTIFY ITS AUTHORIZER AND THE DEPARTMENT OF ANY INTENT TO AMEND
3 THE PROGRAM'S APPLICATION FOR CERTIFICATION, WHICH SHALL INCLUDE
4 ANY INTENT TO EXPAND GRADE LEVELS SERVED BY THE PROGRAM, ANY
5 INTENT TO CHANGE EDUCATION SERVICE PROVIDERS, OR OTHER INTENDED
6 CHANGES, AS DEFINED BY THE STATE BOARD. IF THE DEPARTMENT
7 CONCLUDES THAT THE ON-LINE PROGRAM SHOULD NOT BE PERMITTED TO
8 AMEND ITS APPLICATION FOR CERTIFICATION, BASED ON THE QUALITY
9 STANDARDS ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION
10 22-30.7-105, THE DEPARTMENT SHALL NOTIFY THE AUTHORIZER AND THE
11 ON-LINE PROGRAM OF ITS DECISION WITHIN THIRTY DAYS OF RECEIVING
12 THE NOTIFICATION FROM THE PROGRAM. THE AUTHORIZER SHALL THEN
13 HAVE THIRTY DAYS TO APPEAL THE DEPARTMENT'S DECISION TO THE
14 STATE BOARD, PURSUANT TO THE STATE BOARD'S ADMINISTRATIVE
15 POLICIES.

16 **SECTION 27. Repeal.** 22-30.7-110, Colorado Revised Statutes,
17 is repealed as follows:

18 **22-30.7-110. Reviews of multi-district programs - rules.**

19 ~~(1) Using the review process and timeline established by the on-line~~
20 ~~division pursuant to section 22-30.7-103 (3) (c), the on-line division shall~~
21 ~~review each multi-district program two years after the initial certification~~
22 ~~of the program and every three years thereafter. In reviewing a~~
23 ~~multi-district program, the on-line division shall consider the criteria~~
24 ~~established by rules promulgated by the state board pursuant to section~~
25 ~~22-30.7-106 (4).~~

26 ~~(2) (a) If the on-line division determines that a certified~~
27 ~~multi-district program no longer meets one or more of the criteria~~

1 established by rules promulgated by the state board pursuant to section
2 22-30.7-106 (4), the on-line division shall notify the multi-district
3 program and the authorizer of the program and provide a reasonable
4 amount of time for the authorizer to submit a plan for taking corrective
5 action to satisfy the criterion or criteria at issue.

6 (b) If the on-line division determines that an authorizer that has
7 received notice from the on-line division as described in paragraph (a) of
8 this subsection (2) has not submitted a plan for taking corrective action
9 within a reasonable amount of time, the on-line division shall notify the
10 state board and include with such notification recommendations for
11 actions the state board may take to address the situation.

12 (3) On or before January 1, 2008, the state board shall promulgate
13 rules to determine what constitutes "a reasonable amount of time" for the
14 purposes of this section.

15 **SECTION 28.** 22-91-105 (2), Colorado Revised Statutes, is
16 amended to read:

17 **22-91-105. Reporting.** (2) On or before April MAY 15, 2009,
18 and on or before April MAY 15 each year thereafter, the department shall
19 submit to the education committees of the senate and the house of
20 representatives, or any successor committees, a report that, at a minimum,
21 summarizes the information received by the department pursuant to
22 subsection (1) of this section. The department shall also post the report
23 to its web site.

24 **SECTION 29.** 29-1-304.9, Colorado Revised Statutes, is
25 amended to read:

26 **29-1-304.9. Fiscal note.** (1) For any proposed legislation
27 introduced after December 31, 2009, that may have a fiscal impact on a

1 county, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES, the staff
2 of the legislative council shall consider and provide in the local
3 government impact section of the accompanying fiscal note, when
4 possible, taking into account reasonable time constraints, the following:

5 (a) A reasonable and timely estimate of the fiscal impact on the
6 counties, SCHOOL DISTRICTS, OR BOARDS OF COOPERATIVE SERVICES
7 chosen in accordance with subsection (2) of this section that would result
8 from the proposed legislation; and

9 (b) Potential staffing and other administrative aspects of the
10 proposed legislation.

11 (2) In order to compile the information required by subsection (1)
12 of this section, the staff of the legislative council shall request from a
13 statewide association of county commissioners OR THE DEPARTMENT OF
14 EDUCATION fiscal INFORMATION regarding the impact of the proposed
15 legislation on certain counties to be determined by the association,
16 SCHOOL DISTRICTS, OR BOARDS OF COOPERATIVE SERVICES, TO BE
17 DETERMINED BY THE DEPARTMENT OF EDUCATION.

18 (3) The staff of the legislative council shall consider the
19 information received from the association, SCHOOL DISTRICTS, OR BOARDS
20 OF COOPERATIVE SERVICES, if any, when completing the local government
21 impact section of any fiscal note.

22 **SECTION 30.** 22-30.5-503 (3.5), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **22-30.5-503. State charter school institute - establishment -**
25 **rules.** (3.5) (d) THE STATE BOARD SHALL PROMULGATE RULES TO
26 ESTABLISH PROCESSES, GUIDELINES, AND ELIGIBILITY FOR A SINGLE
27 SCHOOL OR CONSORTIUM OF SCHOOLS TO APPLY FOR GRANTS AND

1 PROGRAMS PURSUANT TO THIS SECTION.

2 SECTION 31. 22-30.5-103 (6.7), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 22-30.5-103. Definitions. As used in this part 1, unless the
5 context otherwise requires:

6 (6.7) "School food authority" means:

7 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO
8 SECTION 22-30.5-603;

9 SECTION 32. 22-30.5-104 (7) (b), Colorado Revised Statutes,
10 is amended to read:

11 22-30.5-104. Charter school - requirements - authority.

12 (7) (b) A charter school may negotiate and contract with a school district,
13 the governing body of a state college or university, the state of Colorado,
14 a school food authority, A CHARTER SCHOOL COLLABORATIVE, a board of
15 cooperative services, another district charter school, an institute charter
16 school, or any third party for the use of a school building and grounds, the
17 operation and maintenance thereof, and the provision of any service,
18 activity, or undertaking that the charter school is required or chooses to
19 perform in order to carry out the educational program described in its
20 charter contract. Any services for which a charter school contracts with
21 a school district shall be provided by the district at cost. The charter
22 school shall have standing to sue and be sued in its own name for the
23 enforcement of any contract created pursuant to this paragraph (b).

24 SECTION 33. 22-30.5-502 (10.5), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 22-30.5-502. Definitions. As used in this part 5, unless the
27 context otherwise requires:

1 (10.5) "School food authority" means:

2 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO
3 SECTION 22-30.5-603;

4 **SECTION 34.** 22-30.5-507 (8) (b), Colorado Revised Statutes,
5 is amended to read:

6 **22-30.5-507. Institute charter school - requirements -**
7 **authority.** (8) (b) An institute charter school may negotiate and contract
8 with a school district, the governing body of a state college or university,
9 a school food authority, A CHARTER SCHOOL COLLABORATIVE, a board of
10 cooperative services, another institute charter school, a district charter
11 school, or any third party for the use of a school building and grounds, the
12 operation and maintenance thereof, and the provision of any service,
13 activity, or undertaking that the institute charter school is required to
14 perform in order to carry out the educational program described in its
15 charter contract. The institute charter school shall have standing to sue
16 and be sued in its own name for the enforcement of any contract created
17 pursuant to this paragraph (b).

18 **SECTION 35.** 22-30.5-603, Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW SUBSECTION to read:

20 **22-30.5-603. Charter school collaborative - creation -public**
21 **status - structure.** (3.5) A CHARTER SCHOOL COLLABORATIVE MAY ACT
22 AS A SCHOOL FOOD AUTHORITY PURSUANT TO THE PROVISIONS OF THE
23 FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

24 **SECTION 36.** 22-32-120 (8), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **22-32-120. Food services - facilities - school food authorities -**
27 **rules.** (8) As used in this section, "school food authority" means:

1 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO
2 SECTION 22-30.5-603;

3 **SECTION 37.** 22-54-123 (2), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **22-54-123. National school lunch act - appropriation of state**
6 **matching funds.** (2) As used in this section, unless the context
7 otherwise requires, "school food authority" means:

8 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO
9 SECTION 22-30.5-603;

10 **SECTION 38.** 22-54-123.5 (1) (c), Colorado Revised Statutes, is
11 amended to read:

12 **22-54-123.5. School breakfast program - appropriation -**
13 **low-performing schools.** (1) (c) A district charter school, ~~or an institute~~
14 charter school, OR A CHARTER SCHOOL COLLABORATIVE that is a school
15 food authority shall only be eligible to receive moneys pursuant to this
16 section if it is a low-performing school. A district charter school or an
17 institute charter school that is a school food authority that receives
18 moneys pursuant to this section shall use such moneys to create, expand,
19 or enhance its school breakfast program with the goal of improving the
20 academic performance of the students attending the district charter school
21 or the institute charter school.

22 **SECTION 39.** 22-54-123.5 (2) (b), Colorado Revised Statutes,
23 is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to
24 read:

25 **22-54-123.5. School breakfast program - appropriation -**
26 **low-performing schools.** (2) As used in this section:

27 (b) "School food authority" means:

1 (I.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO
2 SECTION 22-30.5-603;

3 **SECTION 40.** 22-82.7-102 (5), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **22-82.7-102. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (5) "School food authority" means:

8 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO
9 SECTION 22-30.5-603;

10 **SECTION 41.** 22-82.9-103 (2.5), Colorado Revised Statutes, is
11 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12 **22-82.9-103. Definitions.** As used in this article, unless the
13 context otherwise requires:

14 (2.5) "School food authority" means:

15 (a.3) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO
16 SECTION 22-30.5-603;

17 **SECTION 42. Appropriation - adjustments in 2011 long bill.**

18 For the implementation of this act, the cash funds appropriation made in
19 the annual general appropriation act for the fiscal year beginning July 1,
20 2011, to the department of education, management and administration, for
21 the division of on-line learning, is decreased by thirty-five thousand one
22 hundred seventy-three dollars (\$35,173) and 0.2 FTE. Said sum shall be
23 from the state education fund created in section 17 (4) (a) of article IX of
24 the state constitution.

25 **SECTION 43. Act subject to petition - effective date.** This act
26 shall take effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part shall not take effect
5 unless approved by the people at the general election to be held in
6 November 2012 and shall take effect on the date of the official
7 declaration of the vote thereon by the governor.