

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0637.01 Julie Pelegrin x2700

**HOUSE BILL 19-1151**

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**HOUSE SPONSORSHIP**

**Geitner,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING SCHOLARSHIPS FOR CHILDREN WITH DISABILITIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the Colorado special education opportunity scholarship program (program) to provide scholarships to parents of eligible students with disabilities to use in purchasing services from an education provider or other educational services as selected by the parent. The department of education (department) must select up to 3 entities (scholarship facilitators) to implement the program by establishing and maintaining an account for each participating eligible student. The administrative costs of the scholarship facilitators are paid from money

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

deposited in each account.

An eligible student who participates in the program receives a scholarship in an amount equal to the statewide per pupil revenues plus the amount of per pupil special education funding plus a proportional share of the funding for students with multiple disabilities if the eligible student has multiple disabilities. The eligible student must not be enrolled in a public school so long as the student is receiving a scholarship. The parent of a participating eligible student must use the money in the student's account to purchase educational services or materials, as described in the bill, and maintain a record of and receipts for services and materials purchased. A parent may not accept any payment, rebate, or illegitimate refund from a provider from whom the parent purchases educational services or materials. The bill establishes the process for investigating and addressing, if necessary, any alleged misuse of scholarship money.

The bill specifies the duties of the scholarship facilitators, including publicizing the program, reporting specified information to the department, establishing the method for paying money out of the accounts, monitoring parents' use of the money in the accounts, and approving educational services providers.

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

**SECTION 1.** In Colorado Revised Statutes, **add** article 56.5 to title 22 as follows:

**ARTICLE 56.5**

**Special Education Opportunity Scholarships**

**22-56.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 56.5 IS THE "COLORADO SPECIAL EDUCATION OPPORTUNITY SCHOLARSHIP ACT".

**22-56.5-102. Definitions.** AS USED IN THIS ARTICLE 56.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHILD WITH MULTIPLE DISABILITIES" MEANS A PERSON WHO IS AT LEAST FIVE YEARS OF AGE BUT LESS THAN TWENTY-TWO YEARS OF AGE WHO HAS ONE OR MORE OF THE DISABILITIES SPECIFIED IN SECTION 22-20-114 (1)(c)(II)(D) TO (1)(c)(II)(F) AND (1)(c)(II)(H).

1           (2) "CONVICTED" MEANS CONVICTED BY A JURY VERDICT OR BY  
2 ENTRY OF A VERDICT OR ACCEPTANCE OF A GUILTY PLEA OR A PLEA OF  
3 NOLO CONTENDERE BY A COURT.

4           (3) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
5 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

6           (4) "ELIGIBLE STUDENT" MEANS A PERSON WHO IS AT LEAST FIVE  
7 YEARS OF AGE BUT LESS THAN TWENTY-TWO YEARS OF AGE AND WHO  
8 RECEIVES EDUCATIONAL SERVICES PURSUANT TO AN INDIVIDUALIZED  
9 EDUCATION PROGRAM, AS DEFINED IN SECTION 22-20-103, OR RECEIVES  
10 ACCOMMODATIONS PURSUANT TO A 504 PLAN, CREATED PURSUANT TO  
11 SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C.  
12 SEC. 794, AS AMENDED, BECAUSE THE PERSON HAS BEEN DIAGNOSED AS  
13 HAVING ONE OR MORE OF THE FOLLOWING CONDITIONS:

- 14           (a) AN AUTISM SPECTRUM DISORDER;
- 15           (b) A SERIOUS EMOTIONAL DISABILITY;
- 16           (c) AN INTELLECTUAL DISABILITY;
- 17           (d) A SPECIFIC LEARNING DISABILITY;
- 18           (e) A SPEECH OR LANGUAGE IMPAIRMENT; OR
- 19           (f) A TRAUMATIC BRAIN INJURY.

20           (5) "PARENT" MEANS A BIOLOGICAL PARENT, ADOPTIVE PARENT,  
21 OR LEGAL GUARDIAN.

22           (6) "PROGRAM" MEANS THE SPECIAL EDUCATION OPPORTUNITY  
23 SCHOLARSHIP PROGRAM CREATED IN SECTION 22-56.5-103.

24           (7) "PROVIDER" INCLUDES A SPECIALIZED INSTRUCTIONAL  
25 SERVICES PROVIDER, SUPPLEMENTAL EDUCATION SERVICES PROVIDER, AND  
26 PRIVATE SCHOOL.

27           (8) "SCHOLARSHIP" MEANS THE MONEY RECEIVED BY THE PARENT

1 OF AN ELIGIBLE STUDENT PURSUANT TO THIS ARTICLE 56.5.

2 (9) "SCHOLARSHIP ACCOUNT" MEANS THE ACCOUNT CREATED AND  
3 MAINTAINED BY THE SCHOLARSHIP FACILITATOR TO RECEIVE THE  
4 SCHOLARSHIP MONEY AWARDED TO EACH PARENT OF AN ELIGIBLE  
5 STUDENT WHO PARTICIPATES IN THE PROGRAM.

6 (10) "SCHOLARSHIP FACILITATOR" MEANS AN ENTITY THAT THE  
7 STATE BOARD CONTRACTS WITH PURSUANT TO SECTION 22-56.5-104 TO  
8 ADMINISTER THE PROGRAM.

9 (11) "SCHOOL DISTRICT OF RESIDENCE" MEANS AN ELIGIBLE  
10 STUDENT'S SCHOOL DISTRICT OF RESIDENCE AS DESCRIBED IN SECTION  
11 22-20-107.5.

12 (12) "STATE AVERAGE PER PUPIL REVENUES" HAS THE SAME  
13 MEANING AS PROVIDED IN SECTION 22-54-103.

14 (13) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION  
15 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

16 (14) "SUPPLEMENTAL EDUCATION SERVICES" MEANS TUTORING  
17 SERVICES AND OTHER ACADEMIC ENRICHMENT SERVICES.

18 **22-56.5-103. Special education opportunity scholarship**  
19 **program - created - eligibility - scholarship amount.** (1) THERE IS  
20 CREATED IN THE DEPARTMENT THE SPECIAL EDUCATION OPPORTUNITY  
21 SCHOLARSHIP PROGRAM TO PROVIDE SCHOLARSHIP MONEY TO ENABLE THE  
22 PARENT OF AN ELIGIBLE STUDENT TO SELECT THE EDUCATION PROVIDER  
23 AND EDUCATIONAL SERVICES THAT MOST EFFECTIVELY MEET THE NEEDS  
24 OF THE ELIGIBLE STUDENT. THE STATE BOARD SHALL CONTRACT WITH UP  
25 TO THREE SCHOLARSHIP FACILITATORS AS PROVIDED IN SECTION  
26 22-56.5-104 TO ADMINISTER THE PROGRAM.

27 (2) A PARENT MAY APPLY TO PARTICIPATE IN THE PROGRAM AS

1 PROVIDED IN SECTION 22-56.5-106 IF THE PARENT'S STUDENT:

2 (a) RESIDES IN COLORADO;

3 (b) IS ELIGIBLE TO ENROLL IN KINDERGARTEN THROUGH TWELFTH  
4 GRADE IN A PUBLIC SCHOOL IN THE STATE;

5 (c) DURING THE SCHOOL YEAR PRECEDING THE FIRST SCHOOL YEAR  
6 IN WHICH THE STUDENT WOULD PARTICIPATE IN THE PROGRAM, WAS  
7 ENROLLED IN A PUBLIC SCHOOL IN THE STATE OR WAS NOT ENROLLED IN A  
8 PUBLIC SCHOOL OR A PRIVATE SCHOOL AND WAS NOT PARTICIPATING IN A  
9 NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM; AND

10 (d) IS AN ELIGIBLE STUDENT.

11 (3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2) OF THIS  
12 SECTION TO THE CONTRARY, A STUDENT IS NOT ELIGIBLE TO PARTICIPATE  
13 IN THE PROGRAM:

14 (a) WHILE THE STUDENT IS ENROLLED IN AN APPROVED FACILITY  
15 SCHOOL, AS DEFINED IN SECTION 22-2-402, OR IN A SCHOOL OPERATED BY  
16 A JUVENILE DETENTION FACILITY;

17 (b) IF THE STUDENT OR THE STUDENT'S PARENT ACCEPTS ANY  
18 PAYMENT OR REBATE, IN ANY MANNER OR FORM, OR REFUND THAT IS NOT  
19 A DIRECT RESULT OF EARLY CESSATION OF SERVICES OR A RETURN OF  
20 MATERIALS OR RESOURCES AND CREDITED BACK TO THE PARENT'S  
21 SCHOLARSHIP ACCOUNT, FROM A PROVIDER FROM WHICH THE PARENT  
22 PURCHASED SERVICES, MATERIALS, OR RESOURCES USING SCHOLARSHIP  
23 MONEY RECEIVED THROUGH THE PROGRAM; OR

24 (c) IF THE SCHOLARSHIP FACILITATOR SUSPENDS THE PARENT'S  
25 AND THE STUDENT'S PARTICIPATION IN THE PROGRAM AS PROVIDED IN  
26 SECTION 22-56.5-105.

27 (4) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2) OF THIS

1 SECTION TO THE CONTRARY, A PARENT OF AN ELIGIBLE STUDENT WHO  
2 MEETS ALL OF THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS  
3 SECTION, EXCEPT THE REQUIREMENT DESCRIBED IN SUBSECTION (2)(c) OF  
4 THIS SECTION, MAY APPLY TO PARTICIPATE IN THE PROGRAM. THE  
5 SCHOLARSHIP FACILITATORS MAY ANNUALLY ACCEPT UP TO A TOTAL OF  
6 SEVEN HUNDRED FIFTY ELIGIBLE STUDENTS WHOSE PARENTS APPLY TO  
7 PARTICIPATE IN THE PROGRAM PURSUANT TO THIS SUBSECTION (4).

8 (5) (a) FOR EACH SCHOOL YEAR IN WHICH A PARENT OF AN  
9 ELIGIBLE STUDENT PARTICIPATES IN THE SCHOLARSHIP PROGRAM, THE  
10 DEPARTMENT SHALL TRANSMIT TO THE SCHOLARSHIP FACILITATOR FOR  
11 DEPOSIT INTO THE PARENT'S SCHOLARSHIP ACCOUNT THE FOLLOWING  
12 AMOUNT, AS CALCULATED BY THE DEPARTMENT:

13 (I) AN AMOUNT EQUAL TO THE STATE AVERAGE PER PUPIL  
14 REVENUES FOR THE APPLICABLE SCHOOL YEAR; PLUS

15 (II) ONE THOUSAND TWO HUNDRED FIFTY DOLLARS, AS SPECIFIED  
16 IN SECTION 22-20-114 (1)(b); PLUS

17 (III) THE PER PUPIL FUNDING AMOUNT FOR CHILDREN WITH  
18 MULTIPLE DISABILITIES THAT THE DEPARTMENT CALCULATES PURSUANT  
19 TO SECTION 22-56.5-109 (1)(b) FOR THE ELIGIBLE STUDENT'S SCHOOL  
20 DISTRICT OF RESIDENCE FOR THE APPLICABLE SCHOOL YEAR, IF THE  
21 ELIGIBLE STUDENT IS A CHILD WITH MULTIPLE DISABILITIES.

22 (b) AN ELIGIBLE STUDENT MAY NOT BE ENROLLED IN A PUBLIC  
23 SCHOOL IN ANY SCHOOL YEAR IN WHICH THE ELIGIBLE STUDENT RECEIVES  
24 A SCHOLARSHIP.

25 (6) THE STATE MONEY THAT IS DEPOSITED TO A PARENT'S  
26 SCHOLARSHIP ACCOUNT AND ANY INTEREST EARNED ON MONEY IN THE  
27 ACCOUNT DO NOT CONSTITUTE TAXABLE INCOME TO THE PARENT.

1           **22-56.5-104. Scholarship facilitator - selection - duties.** (1) NO  
2 LATER THAN SEPTEMBER 1, 2019, THE DEPARTMENT SHALL ISSUE A  
3 REQUEST FOR PROPOSALS FOR UP TO THREE ENTITIES THAT THE STATE  
4 BOARD SHALL CONTRACT WITH TO ACT AS THE SCHOLARSHIP  
5 FACILITATORS. THE STATE BOARD SHALL SELECT ENTITIES THAT HAVE  
6 DEMONSTRATED SUCCESS IN ADMINISTERING FINANCIAL ACCOUNTS AND  
7 ARE CAPABLE OF EFFICIENTLY IMPLEMENTING A SYSTEM FOR PAYMENT BY  
8 ELECTRONIC FUNDS TRANSFER OF MONEY FROM SCHOLARSHIP ACCOUNTS.  
9 THE STATE BOARD SHALL SELECT THE SCHOLARSHIP FACILITATORS AND  
10 ENTER INTO CONTRACTS WITH THE SCHOLARSHIP FACILITATORS NO LATER  
11 THAN JANUARY 1, 2020, WHICH CONTRACTS ARE SUBJECT TO ANNUAL  
12 REVIEW AND RENEWAL.

13           (2) A SCHOLARSHIP FACILITATOR MAY RETAIN FROM EACH  
14 SCHOLARSHIP ACCOUNT UP TO TEN PERCENT OF THE AMOUNT THAT IT  
15 ANNUALLY RECEIVES FROM THE DEPARTMENT FOR EACH ACCOUNT TO  
16 OFFSET THE COSTS THAT THE SCHOLARSHIP FACILITATOR INCURS IN  
17 ADMINISTERING THE PROGRAM. THE CONTRACT BETWEEN A SCHOLARSHIP  
18 FACILITATOR AND THE STATE BOARD MUST NOT INCLUDE ANY ADDITIONAL  
19 AMOUNT OF REMUNERATION TO THE SCHOLARSHIP FACILITATOR FROM THE  
20 STATE.

21           (3) IN ADDITION TO ANY OTHER DUTIES SPECIFIED IN THIS ARTICLE  
22 56.5, A SCHOLARSHIP FACILITATOR HAS THE FOLLOWING DUTIES:

- 23           (a) PUBLICIZING THE PROGRAM;
- 24           (b) CREATING AND PUBLICIZING THE LISTS OF APPROVED  
25 PROVIDERS;
- 26           (c) CREATING AND DISTRIBUTING THE AGREEMENT FORM  
27 DESCRIBED IN SECTION 22-56.5-106 (2);

1 (d) ACCEPTING AND REVIEWING APPLICATIONS AND AGREEMENT  
2 FORMS THAT PARENTS SUBMIT PURSUANT TO SECTION 22-56.5-106,  
3 NOTIFYING PARENTS WHO ARE ACCEPTED INTO THE PROGRAM, AND  
4 CREATING AND MAINTAINING A SEPARATE SCHOLARSHIP ACCOUNT FOR  
5 EACH APPLICANT WHO IS ACCEPTED INTO THE PROGRAM;

6 (e) EXPLAINING TO PARENTS WHO PARTICIPATE IN THE PROGRAM  
7 THE REQUIREMENTS IMPOSED ON PARENTS PURSUANT TO THIS ARTICLE  
8 56.5, INCLUDING THE AUTHORIZED PURPOSES FOR WHICH THE  
9 SCHOLARSHIPS MAY BE SPENT, HOW TO WITHDRAW MONEY FROM THE  
10 SCHOLARSHIP ACCOUNTS, THE AGREEMENT FORM DESCRIBED IN SECTION  
11 22-56.5-106 (2), AND THE PROCESS FOR ENFORCING THE REQUIREMENTS  
12 OF THIS ARTICLE 56.5 DESCRIBED IN SECTION 22-56.5-105;

13 (f) DEVELOPING AND IMPLEMENTING A SYSTEM FOR DISTRIBUTING  
14 MONEY FROM SCHOLARSHIP ACCOUNTS, WHICH SYSTEM MAY INCLUDE BUT  
15 IS NOT LIMITED TO DEBIT CARDS, ELECTRONIC PAYMENT CARDS, OR OTHER  
16 MEANS OF ELECTRONIC PAYMENT THAT THE SCHOLARSHIP FACILITATOR  
17 FINDS TO BE COMMERCIALY VIABLE OR COST-EFFECTIVE;

18 (g) DEPOSITING MONEY RECEIVED FROM THE DEPARTMENT TO THE  
19 APPROPRIATE SCHOLARSHIP ACCOUNTS, DISBURSING MONEY FROM  
20 SCHOLARSHIP ACCOUNTS, AND INVESTING UNUSED MONEY AS PROVIDED  
21 IN SUBSECTION (4) OF THIS SECTION;

22 (h) MONITORING PARENTS' USE OF MONEY DISBURSED FROM  
23 SCHOLARSHIP ACCOUNTS AS PROVIDED IN SECTION 22-56.5-105;

24 (i) SUSPENDING A PARENT FROM THE SCHOLARSHIP PROGRAM,  
25 TRANSFERRING TO THE STATE TREASURER ANY MONEY REMAINING IN THE  
26 PARENT'S ACCOUNT, AND NOTIFYING THE DEPARTMENT OF THE  
27 SUSPENSION, AS PROVIDED IN SECTION 22-56.5-105; AND



1 (j) SUBMITTING TO THE DEPARTMENT AN ANNUAL AUDIT,  
2 PREPARED BY AN INDEPENDENT AGENCY, OF THE ACCOUNTS MAINTAINED  
3 BY THE SCHOLARSHIP FACILITATOR AND THE SCHOLARSHIP FACILITATOR'S  
4 ADMINISTRATIVE COSTS.

5 (4) WITH THE CONSENT OF THE PARENT, A SCHOLARSHIP  
6 FACILITATOR MAY INVEST ANY MONEY IN A SCHOLARSHIP ACCOUNT THAT  
7 IS NOT IMMEDIATELY REQUIRED TO BE DISBURSED USING THE  
8 INVESTMENTS AUTHORIZED FOR THE STATE TREASURER IN SECTION  
9 24-36-113. THE SCHOLARSHIP FACILITATOR SHALL CREDIT THE AMOUNT  
10 OF INVESTMENT INCOME EARNED ON THE MONEY IN EACH SCHOLARSHIP  
11 ACCOUNT TO THE ACCOUNT.

12 (5) A SCHOLARSHIP FACILITATOR SHALL POST AND MAINTAIN A  
13 SURETY BOND OR LETTER OF CREDIT IN THE AMOUNT THAT THE  
14 DEPARTMENT ESTIMATES THE SCHOLARSHIP FACILITATOR WILL RECEIVE  
15 TO DEPOSIT IN SCHOLARSHIP ACCOUNTS IN A SCHOOL YEAR. THE BOND  
16 MUST BE CONDITIONED TO PROVIDE INDEMNIFICATION TO THE STATE IN  
17 CASE OF THE LOSS OF THE STATE MONEY DEPOSITED IN THE SCHOLARSHIP  
18 ACCOUNTS.

19 **22-56.5-105. Scholarship facilitator - program administration.**

20 (1) (a) NO LATER THAN MARCH 15, 2021, AND NO LATER THAN MARCH  
21 15 EACH YEAR THEREAFTER, EACH SCHOLARSHIP FACILITATOR SHALL  
22 REPORT TO THE DEPARTMENT FOR EACH ELIGIBLE STUDENT WHO  
23 PARTICIPATES IN THE PROGRAM FOR THE NEXT SCHOOL YEAR USING AN  
24 ACCOUNT MAINTAINED BY THE SCHOLARSHIP FACILITATOR:

25 (I) THE ELIGIBLE STUDENT'S NAME, ADDRESS, AND SCHOOL  
26 DISTRICT OF RESIDENCE;

27 (II) IF THE ELIGIBLE STUDENT DID NOT PARTICIPATE IN THE

1 PROGRAM IN THE PRECEDING SCHOOL YEAR WITH ANY SCHOLARSHIP  
2 FACILITATOR:

3 (A) THE NAME OF THE PUBLIC SCHOOL IN WHICH THE ELIGIBLE  
4 STUDENT WAS ENROLLED IN THE PRECEDING SCHOOL YEAR OR A  
5 STATEMENT THAT THE ELIGIBLE STUDENT HAS NOT PREVIOUSLY ENROLLED  
6 IN A PUBLIC SCHOOL OR A PRIVATE SCHOOL OR PARTICIPATED IN A  
7 NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM; OR

8 (B) A STATEMENT THAT THE PARENT OF THE ELIGIBLE STUDENT IS  
9 APPLYING TO PARTICIPATE IN THE PROGRAM PURSUANT TO SECTION  
10 22-56.5-103 (4) AND THE DATE AND TIME AT WHICH THE PARENT  
11 SUBMITTED THE APPLICATION TO THE SCHOLARSHIP FACILITATOR; AND

12 (III) WHETHER THE ELIGIBLE STUDENT IS A CHILD WITH MULTIPLE  
13 DISABILITIES.

14 (b) AS SOON AS PRACTICABLE AFTER RECEIVING THE NOTICE FROM  
15 THE DEPARTMENT DESCRIBED IN SECTION 22-56.5-109 (1)(a), A  
16 SCHOLARSHIP FACILITATOR SHALL NOTIFY EACH PARENT WHO APPLIES TO  
17 THE SCHOLARSHIP FACILITATOR TO PARTICIPATE IN THE PROGRAM  
18 PURSUANT TO SECTION 22-56.5-103 (4) AS TO WHETHER THE PARENT IS  
19 ACCEPTED INTO THE PROGRAM.

20 (c) IF A PARENT WITHDRAWS FROM THE PROGRAM DURING A  
21 SCHOOL YEAR, THE APPLICABLE SCHOLARSHIP FACILITATOR SHALL REPORT  
22 THE NAME AND ADDRESS OF THE WITHDRAWN ELIGIBLE STUDENT TO THE  
23 DEPARTMENT AS SOON AS PRACTICABLE AFTER RECEIVING NOTICE FROM  
24 THE PARENT.

25 (2) (a) A SCHOLARSHIP FACILITATOR SHALL MONITOR EACH  
26 PARENT'S USE OF THE MONEY DEPOSITED IN THE PARENT'S SCHOLARSHIP  
27 ACCOUNT TO ENSURE THAT THE PARENT COMPLIES WITH THE AGREEMENT

1 DESCRIBED IN SECTION 22-56.5-106 (2). THE SCHOLARSHIP FACILITATOR  
2 MAY REQUIRE EACH PARENT TO SUBMIT RECEIPTS FOR THE PURCHASES  
3 DESCRIBED IN SECTION 22-56.5-107 (1)(b) AND (2).

4 (b) IF A SCHOLARSHIP FACILITATOR HAS REASONABLE CAUSE TO  
5 BELIEVE THAT A PARENT IS IN VIOLATION OF THE AGREEMENT, THE  
6 SCHOLARSHIP FACILITATOR SHALL REFER THE MATTER TO THE  
7 DEPARTMENT FOR INVESTIGATION. BASED ON THE RESULTS OF THE  
8 INVESTIGATION, AND AFTER PROVIDING TO THE PARENT NOTICE AND AN  
9 OPPORTUNITY TO BE HEARD IN PERSON OR IN WRITING, IF THE STATE  
10 BOARD DETERMINES THAT:

11 (I) THE PARENT HAS VIOLATED THE AGREEMENT FOR THE FIRST  
12 TIME OR COMMITTED A SECOND OR SUBSEQUENT VIOLATION THAT DOES  
13 NOT INCLUDE THE MISUSE OF MONEY DEPOSITED IN THE PARENT'S  
14 SCHOLARSHIP ACCOUNT, THE DEPARTMENT SHALL NOTIFY THE  
15 SCHOLARSHIP FACILITATOR, AND THE SCHOLARSHIP FACILITATOR SHALL  
16 GIVE THE PARENT THIRTY DAYS TO CURE THE VIOLATION, WHICH MAY  
17 INCLUDE REFUNDING ANY MISUSED MONEY TO THE PARENT'S SCHOLARSHIP  
18 ACCOUNT. IF THE PARENT FAILS TO CURE THE VIOLATION, THE  
19 FACILITATOR SHALL IMMEDIATELY CLOSE THE PARENT'S ACCOUNT AND  
20 REQUIRE THE PARENT TO REPAY THE AMOUNT OF ANY MISUSED MONEY,  
21 AND THE PARENT MAY NOT REAPPLY TO PARTICIPATE IN THE PROGRAM AT  
22 A LATER DATE.

23 (II) A PARENT HAS VIOLATED THE AGREEMENT FOR A SECOND OR  
24 SUBSEQUENT TIME IN A MANNER THAT INCLUDES THE MISUSE OF MONEY  
25 DEPOSITED IN THE PARENT'S SCHOLARSHIP ACCOUNT, THE DEPARTMENT  
26 SHALL NOTIFY THE SCHOLARSHIP FACILITATOR, AND THE SCHOLARSHIP  
27 FACILITATOR SHALL IMMEDIATELY CLOSE THE PARENT'S SCHOLARSHIP

1 ACCOUNT AND REQUIRE THE PARENT TO REPAY THE AMOUNT OF ANY  
2 MISUSED MONEY EXPENDED BY THE PARENT FROM THE ACCOUNT. THE  
3 PARENT MAY NOT REAPPLY TO PARTICIPATE IN THE PROGRAM AT A LATER  
4 DATE.

5 (c) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)(b) OF  
6 THIS SECTION TO THE CONTRARY, IF, FOLLOWING AN INVESTIGATION BY  
7 THE DEPARTMENT, THE STATE BOARD DETERMINES THAT A PARENT HAS  
8 VIOLATED THE PORTION OF THE AGREEMENT DESCRIBED IN SECTION  
9 22-56.5-106 (2)(f), THE DEPARTMENT SHALL NOTIFY THE SCHOLARSHIP  
10 FACILITATOR, AND THE SCHOLARSHIP FACILITATOR SHALL IMMEDIATELY  
11 CLOSE THE PARENT'S SCHOLARSHIP ACCOUNT AND REQUIRE THE PARENT  
12 TO REPAY THE AMOUNT OF THE PAYMENT, REBATE, OR ILLEGITIMATE  
13 REFUND. THE PARENT MAY NOT REAPPLY TO PARTICIPATE IN THE PROGRAM  
14 AT A LATER DATE.

15 (d) IF A SCHOLARSHIP FACILITATOR CLOSES A SCHOLARSHIP  
16 ACCOUNT PURSUANT TO SUBSECTION (2)(b) OR (2)(c) OF THIS SECTION,  
17 THE SCHOLARSHIP FACILITATOR SHALL TRANSFER ANY REPAID AMOUNT  
18 AND ANY AMOUNT REMAINING IN THE PARENT'S SCHOLARSHIP ACCOUNT  
19 TO THE STATE TREASURER FOR DEPOSIT INTO THE GENERAL FUND.

20 (e) A SCHOLARSHIP FACILITATOR SHALL IMMEDIATELY NOTIFY A  
21 PARENT IF THE FACILITATOR REFERS THE PARENT'S USE OF A SCHOLARSHIP  
22 ACCOUNT TO THE DEPARTMENT FOR INVESTIGATION. A SCHOLARSHIP  
23 FACILITATOR SHALL PROHIBIT A PARENT FROM WITHDRAWING MONEY  
24 FROM THE PARENT'S SCHOLARSHIP ACCOUNT WHILE THE DEPARTMENT IS  
25 INVESTIGATING THE ACCOUNT AND UNTIL THE STATE BOARD DETERMINES  
26 THAT THE PARENT HAS NOT VIOLATED THE AGREEMENT, THE PARENT  
27 CURES THE VIOLATION, OR THE ACCOUNT IS CLOSED.

1 (3) IF A PARENT WITHDRAWS FROM THE PROGRAM DURING A  
2 SCHOOL YEAR, THE SCHOLARSHIP FACILITATOR SHALL CLOSE THE PARENT'S  
3 SCHOLARSHIP ACCOUNT AND TRANSFER THE BALANCE OF THE MONEY IN  
4 THE SCHOLARSHIP ACCOUNT AS OF THE DATE OF THE PARENT'S  
5 WITHDRAWAL FROM THE PROGRAM AS PROVIDED IN SUBSECTION (2)(d) OF  
6 THIS SECTION.

7 **22-56.5-106. Special education opportunity scholarship**  
8 **program - application - participation requirements.** (1) (a) TO  
9 PARTICIPATE IN THE PROGRAM IN A SCHOOL YEAR THAT BEGINS ON OR  
10 AFTER JULY 1, 2020, A PARENT MUST APPLY TO A SCHOLARSHIP  
11 FACILITATOR NO LATER THAN FEBRUARY 1 IMMEDIATELY PRECEDING THE  
12 FIRST SCHOOL YEAR IN WHICH THE PARENT'S ELIGIBLE STUDENT WOULD  
13 PARTICIPATE IN THE PROGRAM. THE PARENT MUST SUBMIT THE  
14 APPLICATION DIRECTLY TO THE SCHOLARSHIP FACILITATOR IN A MANNER  
15 THAT CREATES A WRITTEN OR ELECTRONIC RECORD OF THE APPLICATION  
16 AND THE DATE AND TIME THE SCHOLARSHIP FACILITATOR RECEIVES THE  
17 APPLICATION.

18 (b) AT A MINIMUM, THE APPLICATION MUST DEMONSTRATE THAT  
19 THE PARENT'S CHILD MEETS THE REQUIREMENTS SPECIFIED IN SECTION  
20 22-56.5-103 (2) OR (4) TO PARTICIPATE IN THE PROGRAM AND MUST  
21 INCLUDE THE SIGNED AGREEMENT FORM DESCRIBED IN SUBSECTION (2) OF  
22 THIS SECTION. AT THE PARENT'S REQUEST, THE SCHOOL DISTRICT OR  
23 PUBLIC SCHOOL, IF ANY, IN WHICH THE CHILD WAS ENROLLED IN THE  
24 SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD  
25 PARTICIPATES IN THE PROGRAM SHALL PROVIDE THE DOCUMENTATION  
26 NECESSARY TO DEMONSTRATE THE CHILD'S ELIGIBILITY FOR THE  
27 PROGRAM.

1           (2) A PARENT WHO ENROLLS AN ELIGIBLE STUDENT IN THE  
2 PROGRAM MUST, BY SUBMITTING A SIGNED, WRITTEN FORM PROVIDED BY  
3 THE SCHOLARSHIP FACILITATOR, AGREE TO:

4           (a) ENSURE THAT THE ELIGIBLE STUDENT IS EXEMPT FROM THE  
5 COMPULSORY ATTENDANCE REQUIREMENTS BY MAINTAINING THE  
6 ELIGIBLE STUDENT'S ENROLLMENT IN A PRIVATE SCHOOL OR  
7 PARTICIPATION IN A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM, AS  
8 AUTHORIZED IN SECTION 22-33-104 (2)(b) AND (2)(i), RESPECTIVELY, SO  
9 LONG AS THE PARENT ELECTS TO RECEIVE A SCHOLARSHIP THROUGH THE  
10 PROGRAM, UNTIL THE STUDENT COMPLETES TWELFTH GRADE;

11           (b) IF THE ELIGIBLE STUDENT IS PARTICIPATING IN A NONPUBLIC  
12 HOME-BASED EDUCATIONAL PROGRAM, NOTIFY THE SCHOOL DISTRICT  
13 THAT THE ELIGIBLE STUDENT IS PARTICIPATING IN THE PROGRAM AS  
14 PROVIDED IN SECTION 22-33-104.5 (3)(e);

15           (c) IF THE ELIGIBLE STUDENT ENROLLS WITH AN APPROVED  
16 PROVIDER, AFFIRM THAT THE ELIGIBLE STUDENT REMAINS IN GOOD  
17 STANDING WITH THE APPROVED PROVIDER AT WHICH THE ELIGIBLE  
18 STUDENT IS ENROLLED;

19           (d) COMPLY WITH THE REQUIREMENTS SPECIFIED IN SECTION  
20 22-56.5-107 REGARDING USE OF THE MONEY DEPOSITED IN THE PARENT'S  
21 SCHOLARSHIP ACCOUNT;

22           (e) AFFIRM THAT THE PARENT WILL NOT TRANSFER OR USE ANY  
23 MONEY DEPOSITED IN THE SCHOLARSHIP ACCOUNT FOR THE BENEFIT OF A  
24 PERSON OTHER THAN THE ELIGIBLE STUDENT;

25           (f) AFFIRM THAT THE PARENT AND THE ELIGIBLE STUDENT WILL  
26 NOT ACCEPT ANY PAYMENT OR REBATE, IN ANY MANNER OR FORM, OR  
27 REFUND THAT IS NOT A DIRECT RESULT OF EARLY CESSATION OF SERVICES

1 OR A RETURN OF MATERIALS OR RESOURCES AND CREDITED BACK TO THE  
2 PARENT'S SCHOLARSHIP ACCOUNT, FROM A PROVIDER FROM WHICH THE  
3 PARENT PURCHASED SERVICES, MATERIALS, OR RESOURCES USING  
4 SCHOLARSHIP MONEY RECEIVED THROUGH THE PROGRAM;

5 (g) ANNUALLY NOTIFY THE SCHOLARSHIP FACILITATOR AS  
6 PROVIDED IN SUBSECTION (3) OF THIS SECTION AS TO WHETHER THE  
7 PARENT WILL OR WILL NOT PARTICIPATE IN THE PROGRAM FOR THE NEXT  
8 SCHOOL YEAR; AND

9 (h) IMMEDIATELY NOTIFY THE SCHOLARSHIP FACILITATOR IF THE  
10 PARENT CHOOSES TO WITHDRAW FROM THE PROGRAM DURING A SCHOOL  
11 YEAR.

12 (3) BY FEBRUARY 1 OF EACH YEAR, EACH PARENT WHO IS  
13 PARTICIPATING IN THE PROGRAM MUST NOTIFY THE SCHOLARSHIP  
14 FACILITATOR AS TO WHETHER THE PARENT WILL PARTICIPATE IN THE  
15 PROGRAM IN THE NEXT SCHOOL YEAR OR WILL WITHDRAW FROM THE  
16 PROGRAM. IF A PARENT CHOOSES TO CONTINUE PARTICIPATING IN THE  
17 PROGRAM, THE SCHOLARSHIP FACILITATOR MUST CONFIRM THAT THE  
18 PARENT'S ELIGIBLE STUDENT CONTINUES TO MEET THE PARTICIPATION  
19 REQUIREMENTS SPECIFIED IN SECTION 22-56.5-103 AND THE PARENT MUST  
20 SUBMIT A NOTARIZED, SWORN STATEMENT THAT HE OR SHE IS IN  
21 COMPLIANCE WITH THE AGREEMENT DESCRIBED IN SUBSECTION (2) OF THIS  
22 SECTION.

23 (4) A PARENT IS DEEMED TO PARTICIPATE IN THE PROGRAM UNTIL  
24 ONE OF THE FOLLOWING EVENTS OCCURS:

25 (a) THE PARENT'S ELIGIBLE STUDENT COMPLETES TWELFTH GRADE;

26 (b) THE PARENT'S STUDENT BECOMES INELIGIBLE TO PARTICIPATE  
27 AS PROVIDED IN SECTION 22-56.5-103 (3); OR

1 (c) THE PARENT NOTIFIES THE SCHOLARSHIP FACILITATOR, AS  
2 PROVIDED IN SUBSECTION (2)(g) OR (3) OF THIS SECTION, THAT THE  
3 PARENT IS WITHDRAWING FROM THE PROGRAM.

4 (5) EACH PARENT WHO PARTICIPATES IN THE PROGRAM MUST  
5 MAINTAIN A LOG OF THE EDUCATIONAL INSTRUCTION AND SERVICES THAT  
6 THE PARENT OR THE ELIGIBLE STUDENT PURCHASES USING MONEY  
7 WITHDRAWN FROM THE SCHOLARSHIP ACCOUNT AND RECEIPTS FOR THE  
8 PURCHASES. THE PARENT MUST MAINTAIN THE LOG AND RECEIPTS FOR AT  
9 LEAST TWO YEARS FOLLOWING THE DATE OF CREATION OR PURCHASE AND  
10 MAKE THE LOG AND RECEIPTS AVAILABLE FOR INSPECTION BY THE  
11 SCHOLARSHIP FACILITATOR UPON FIFTEEN DAYS' WRITTEN NOTICE.

12 **22-56.5-107. Scholarship uses.** (1) A PARENT WHO ELECTS TO  
13 RECEIVE A SCHOLARSHIP MAY USE THE MONEY DEPOSITED INTO THE  
14 PARENT'S SCHOLARSHIP ACCOUNT FOR THE FOLLOWING PURPOSES:

15 (a) ENROLLMENT IN, OR TUITION, FEES, OR COSTS OF BOOKS  
16 ASSOCIATED WITH ENROLLMENT IN, AN APPROVED PRIVATE SCHOOL OR AN  
17 APPROVED PRIVATE ONLINE PROGRAM;

18 (b) A COMPLETE COURSE OF STUDY FOR A PARTICULAR CONTENT  
19 AREA OR GRADE LEVEL, INCLUDING ANY REQUIRED SUPPLEMENTAL  
20 MATERIALS;

21 (c) CONTRACTED SERVICES PROVIDED BY A PUBLIC SCHOOL OR BY  
22 A SCHOOL DISTRICT, INCLUDING CLASSES. A STUDENT WHO RECEIVES  
23 SERVICES UNDER A CONTRACT AS DESCRIBED IN THIS SUBSECTION (1)(c)  
24 IS NOT CONSIDERED ENROLLED IN A PUBLIC SCHOOL FOR ANY PURPOSE;

25 (d) INSTRUCTIONAL MATERIALS, INCLUDING DIGITAL DEVICES,  
26 DIGITAL PERIPHERY DEVICES, AND ASSISTIVE TECHNOLOGY DEVICES THAT  
27 ALLOW A STUDENT TO ACCESS INSTRUCTION OR INSTRUCTIONAL CONTENT;



1 AND

2 (e) SPECIALIZED INSTRUCTIONAL SERVICES PURCHASED FROM  
3 APPROVED PROVIDERS THAT THE PARENT SELECTS. SPECIALIZED  
4 INSTRUCTIONAL SERVICES MAY INCLUDE, BUT ARE NOT LIMITED TO:

5 (I) APPLIED BEHAVIOR ANALYSIS SERVICES; AND

6 (II) SERVICES PROVIDED BY A SPEECH-LANGUAGE PATHOLOGIST OR  
7 A SCHOOL SPEECH-LANGUAGE PATHOLOGIST, AS BOTH ARE DEFINED IN  
8 SECTION 12-43.7-103.

9 (2) A PARENT MAY APPLY TO THE SCHOLARSHIP FACILITATOR FOR  
10 PERMISSION TO USE THE MONEY DEPOSITED IN THE PARENT'S SCHOLARSHIP  
11 ACCOUNT FOR A PURPOSE THAT IS NOT LISTED IN SUBSECTION (1) OF THIS  
12 SECTION BUT THAT WILL ADVANCE THE ELIGIBLE STUDENT'S EDUCATIONAL  
13 ATTAINMENT. THE SCHOLARSHIP FACILITATOR SHALL PRESENT ALL SUCH  
14 REQUESTS IN WRITING TO THE STATE BOARD WITH A RECOMMENDATION  
15 CONCERNING WHETHER TO GRANT THE REQUEST. THE STATE BOARD, IN  
16 DETERMINING WHETHER TO GRANT A PARENT'S REQUEST, SHALL ENSURE  
17 THAT THE DETERMINATION PROVIDES THE WIDEST DEGREE OF PARENTAL  
18 CHOICE AND PROTECTS THE BEST INTERESTS OF ELIGIBLE STUDENTS, AND  
19 THE STATE BOARD SHALL NOT UNREASONABLY DENY THE PARENT'S  
20 REQUEST.

21 **22-56.5-108. Providers - approved list.** (1) BY JULY 1, 2020,  
22 THE SCHOLARSHIP FACILITATORS SHALL PREPARE AND MAINTAIN A  
23 CENTRAL LIST OF APPROVED PROVIDERS THAT A PARENT MAY USE IN  
24 PURCHASING EDUCATIONAL SERVICES USING MONEY DEPOSITED IN THE  
25 PARENT'S SCHOLARSHIP ACCOUNT. THE SCHOLARSHIP FACILITATORS SHALL  
26 ANNUALLY MAKE THE LIST OF APPROVED PROVIDERS AVAILABLE TO THE  
27 PUBLIC.

1 (2) TO BE INCLUDED ON THE LIST OF APPROVED PROVIDERS:

2 (a) A SPECIALIZED INSTRUCTIONAL SERVICES PROVIDER WHO IS A  
3 MEMBER OF A REGULATED PROFESSION MUST BE CREDENTIALLED AND IN  
4 GOOD STANDING;

5 (b) A SPECIALIZED INSTRUCTIONAL SERVICES PROVIDER WHO IS A  
6 MEMBER OF A PROFESSION THAT IS NOT REGULATED MUST DEMONSTRATE  
7 THAT HE OR SHE HAS THE NECESSARY EDUCATION AND EXPERIENCE TO  
8 PROVIDE EFFECTIVE SERVICES THAT WILL ADVANCE AN ELIGIBLE  
9 STUDENT'S EDUCATIONAL ATTAINMENT; AND

10 (c) A SUPPLEMENTAL EDUCATION SERVICES PROVIDER OR PRIVATE  
11 SCHOOL THAT SERVES STUDENTS ENROLLED IN KINDERGARTEN OR IN ANY  
12 OF GRADES ONE THROUGH TWELVE MUST DEMONSTRATE THAT IT HAS BEEN  
13 IN OPERATION FOR AT LEAST TWO YEARS AND THAT EACH EMPLOYEE WHO  
14 HAS CONTACT WITH STUDENTS HAS OBTAINED A FINGERPRINT-BASED  
15 CRIMINAL HISTORY RECORD CHECK AND HAS NOT BEEN CONVICTED OF OR  
16 RECEIVED A DISPOSITION OR ADJUDICATION FOR AN OFFENSE LISTED IN  
17 SECTION 22-60.5-107 (2.5)(a)(I) TO (2.5)(a)(III).

18 (3) (a) A PROVIDER MAY APPLY TO A SCHOLARSHIP FACILITATOR  
19 TO BE INCLUDED ON THE LIST OF APPROVED PROVIDERS BY SUBMITTING  
20 DOCUMENTATION THAT DEMONSTRATES THAT THE APPLICANT MEETS THE  
21 APPLICABLE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS  
22 SECTION. BEFORE SUBMITTING AN APPLICATION, A SPECIALIZED  
23 INSTRUCTIONAL SERVICES PROVIDER MUST SUBMIT TO THE COLORADO  
24 BUREAU OF INVESTIGATION A COMPLETE SET OF THE PERSON'S  
25 FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY  
26 THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION.  
27 THE APPLICANT MUST SUBMIT THE FINGERPRINTS TO OBTAIN A

1 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE  
2 COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF  
3 INVESTIGATION TO DETERMINE WHETHER THE PERSON HAS A CRIMINAL  
4 HISTORY. THE PERSON MUST PAY TO THE COLORADO BUREAU OF  
5 INVESTIGATION THE FEE THAT THE BUREAU ESTABLISHES FOR CONDUCTING  
6 THE CRIMINAL HISTORY RECORD CHECK. UPON COMPLETING THE CRIMINAL  
7 HISTORY RECORD CHECK, THE BUREAU SHALL FORWARD THE RESULTS TO  
8 THE SCHOLARSHIP FACILITATOR.

9 (b) A SCHOLARSHIP FACILITATOR SHALL NOT INCLUDE A  
10 SPECIALIZED INSTRUCTIONAL SERVICES PROVIDER ON THE LIST OF  
11 APPROVED PROVIDERS IF THE CRIMINAL HISTORY RECORD CHECK  
12 DEMONSTRATES THAT THE SPECIALIZED INSTRUCTIONAL SERVICES  
13 PROVIDER HAS BEEN CONVICTED OF, OR RECEIVED A DISPOSITION OR BEEN  
14 ADJUDICATED FOR, AN OFFENSE LISTED IN SECTION 22-60.5-107 (2.5)(a)(I)  
15 TO (2.5)(a)(III).

16 (c) A SCHOLARSHIP FACILITATOR SHALL REVIEW EACH  
17 APPLICATION IT RECEIVES AND, UPON DETERMINING THAT THE APPLICANT  
18 MEETS THE APPLICABLE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF  
19 THIS SECTION AND IS NOT DISQUALIFIED UNDER THE PROVISIONS OF  
20 SUBSECTION (3)(b) OF THIS SECTION, INCLUDE THE APPLICANT ON THE LIST  
21 OF APPROVED PROVIDERS. THE SCHOLARSHIP FACILITATOR MAY REMOVE  
22 A PROVIDER FROM THE LIST IF THE SCHOLARSHIP FACILITATOR HAS REASON  
23 TO BELIEVE THAT THE PROVIDER NO LONGER MEETS THE APPLICABLE  
24 REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, IF THE  
25 PROVIDER VIOLATES THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION,  
26 OR IF THE PROVIDER OR AN EMPLOYEE OF THE PROVIDER IS CONVICTED OF  
27 AN OFFENSE SPECIFIED IN SECTION 22-60.5-107 (2.5)(a)(I) TO (2.5)(a)(III).

1 IF THE SCHOLARSHIP FACILITATOR FINDS THAT A PROVIDER DOES NOT  
2 MEET THE REQUIREMENTS OR REMOVES A PROVIDER FROM THE APPROVED  
3 LIST, THE PROVIDER MAY APPEAL THE SCHOLARSHIP FACILITATOR'S ACTION  
4 TO THE STATE BOARD. THE SCHOLARSHIP FACILITATOR AND THE STATE  
5 BOARD, IN DETERMINING WHETHER TO INCLUDE A PROVIDER ON THE LIST  
6 OF APPROVED PROVIDERS, SHALL ENSURE THAT THE DETERMINATION  
7 PROVIDES THE WIDEST DEGREE OF PARENTAL CHOICE AND PROTECTS THE  
8 BEST INTERESTS OF ELIGIBLE STUDENTS.

9 (4) (a) A PARENT MAY APPLY TO A SCHOLARSHIP FACILITATOR TO  
10 PURCHASE SERVICES FROM A PROVIDER THAT IS NOT ON THE APPROVED  
11 LIST. THE SCHOLARSHIP FACILITATOR SHALL REVIEW THE PROVIDER'S  
12 QUALIFICATIONS AND SHALL NOT UNREASONABLY DENY THE PARENT'S  
13 REQUEST. IF THE SCHOLARSHIP FACILITATOR DENIES A PARENT'S REQUEST,  
14 THE PARENT MAY APPEAL THE DENIAL TO THE STATE BOARD. THE STATE  
15 BOARD SHALL REVIEW THE PROVIDER'S QUALIFICATIONS AND SHALL NOT  
16 UNREASONABLY DENY THE PARENT'S REQUEST. THE SCHOLARSHIP  
17 FACILITATOR AND THE STATE BOARD, IN DETERMINING WHETHER TO  
18 GRANT A PARENT'S REQUEST TO PURCHASE SERVICES FROM A PROVIDER  
19 THAT IS NOT ON THE APPROVED LIST, SHALL ENSURE THAT THE  
20 DETERMINATION PROVIDES THE WIDEST DEGREE OF PARENTAL CHOICE AND  
21 PROTECTS THE BEST INTERESTS OF ELIGIBLE STUDENTS.

22 (b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (4)(a) OF  
23 THIS SECTION TO THE CONTRARY, THE SCHOLARSHIP FACILITATOR AND THE  
24 STATE BOARD SHALL NOT APPROVE A REQUEST TO PURCHASE SERVICES  
25 FROM A PROVIDER WHO HAS BEEN CONVICTED OF OR RECEIVED A  
26 DISPOSITION OR AN ADJUDICATION FOR AN OFFENSE LISTED IN SECTION  
27 22-60.5-107 (2.5)(a)(I) TO (2.5)(a)(III) OR THAT EMPLOYS, IN POSITIONS

1 THAT INVOLVE CONTACT WITH STUDENTS, PERSONS WHO HAVE BEEN  
2 CONVICTED OF OR RECEIVED A DISPOSITION OR AN ADJUDICATION FOR AN  
3 OFFENSE LISTED IN SECTION 22-60.5-107 (2.5)(a)(I) TO (2.5)(a)(III).

4 (5) A PROVIDER OR ANY OTHER ENTITY FROM WHICH A PARENT  
5 PURCHASES MATERIALS, RESOURCES, OR SERVICES USING MONEY  
6 WITHDRAWN FROM A SCHOLARSHIP ACCOUNT SHALL NOT, IN ANY MANNER,  
7 SHARE WITH, OR REBATE OR REFUND, EXCEPT AS A RESULT OF EARLY  
8 CESSATION OF SERVICES OR RETURN OF MATERIALS OR RESOURCES TO, THE  
9 PARENT OR ELIGIBLE STUDENT ANY MONEY THAT IT RECEIVES FROM A  
10 SCHOLARSHIP ACCOUNT. IF A PARENT OR ELIGIBLE STUDENT RECEIVES A  
11 REFUND, THE PARENT MUST IMMEDIATELY DEPOSIT THE AMOUNT OF THE  
12 REFUND INTO THE PARENT'S SCHOLARSHIP ACCOUNT.

13 **22-56.5-109. Special education opportunity scholarship**  
14 **program - funding - department - state board - duties.** (1) (a) NO  
15 LATER THAN APRIL 15, 2021, AND NO LATER THAN APRIL 15 EACH YEAR  
16 THEREAFTER, THE DEPARTMENT SHALL IDENTIFY THE FIRST SEVEN  
17 HUNDRED FIFTY PARENTS WHO APPLY TO PARTICIPATE IN THE PROGRAM  
18 PURSUANT TO SECTION 22-56.5-103 (4), BASED ON THE INFORMATION THE  
19 DEPARTMENT RECEIVES FROM THE SCHOLARSHIP FACILITATORS PURSUANT  
20 TO SECTION 22-56.5-105 (1), AND REPORT THE NAMES OF THE IDENTIFIED  
21 PARENTS TO THE SCHOLARSHIP FACILITATORS TO WHICH THE IDENTIFIED  
22 PARENTS APPLIED.

23 (b) BASED ON THE INFORMATION THAT THE DEPARTMENT RECEIVES  
24 FROM A SCHOLARSHIP FACILITATOR PURSUANT TO SECTION 22-56.5-105  
25 (1) CONCERNING EACH ELIGIBLE STUDENT WHO PARTICIPATES IN THE  
26 PROGRAM, THE DEPARTMENT SHALL ANNUALLY CALCULATE THE AMOUNT  
27 TO BE DISTRIBUTED TO THE SCHOLARSHIP FACILITATOR FOR EACH

1 PARENT'S SCHOLARSHIP ACCOUNT AS PROVIDED IN SECTION 22-56.5-103  
2 (5)(a).

3 (c) THE DEPARTMENT SHALL ANNUALLY CALCULATE THE PER PUPIL  
4 FUNDING AMOUNT FOR AN ELIGIBLE STUDENT WHO IS A CHILD WITH  
5 MULTIPLE DISABILITIES AND IS RECEIVING A SCHOLARSHIP. THE  
6 DEPARTMENT SHALL DIVIDE THE TOTAL AMOUNT THAT THE SCHOOL  
7 DISTRICT OF RESIDENCE OF THE ELIGIBLE STUDENT RECEIVES PURSUANT TO  
8 SECTION 22-20-114 (1)(c) FOR THE APPLICABLE SCHOOL YEAR BY THE SUM  
9 OF THE TOTAL NUMBER OF CHILDREN WITH MULTIPLE DISABILITIES  
10 ENROLLED IN THE SCHOOL DISTRICT PLUS THE NUMBER OF CHILDREN WITH  
11 MULTIPLE DISABILITIES WHO RESIDE IN THE SCHOOL DISTRICT AND RECEIVE  
12 A SCHOLARSHIP THROUGH THE PROGRAM FOR THE APPLICABLE SCHOOL  
13 YEAR.

14 (2) BASED ON THE CALCULATIONS THAT THE DEPARTMENT  
15 COMPLETES PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE  
16 DEPARTMENT SHALL ANNUALLY FORWARD TO EACH SCHOLARSHIP  
17 FACILITATOR THE MONEY TO BE DEPOSITED IN EACH SCHOLARSHIP  
18 ACCOUNT THAT THE SCHOLARSHIP FACILITATOR MAINTAINS FOR THE  
19 APPLICABLE BUDGET YEAR. THE DEPARTMENT SHALL ALLOCATE THE  
20 MONEY FROM THE FOLLOWING APPROPRIATIONS TO THE DEPARTMENT FOR  
21 THE APPLICABLE BUDGET YEAR:

22 (a) THE AMOUNT APPROPRIATED TO THE DEPARTMENT PURSUANT  
23 TO SUBSECTION (4) OF THIS SECTION; AND

24 (b) THE AMOUNT APPROPRIATED TO THE DEPARTMENT FOR  
25 DISTRIBUTION AS SPECIAL EDUCATION FUNDING PURSUANT TO SECTION  
26 22-20-114 (1)(b) AND (1)(c).

27 (3) THE DEPARTMENT SHALL ANNUALLY COMPARE THE LIST OF

1 ELIGIBLE STUDENTS WHO ARE RECEIVING SCHOLARSHIPS THROUGH THE  
2 PROGRAM WITH THE LISTS OF STUDENTS ENROLLED IN SCHOOL DISTRICTS  
3 AND INSTITUTE CHARTER SCHOOLS TO AVOID DUPLICATE PAYMENTS.

4 (4) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO  
5 THE DEPARTMENT AN AMOUNT EQUAL TO THE AMOUNT DESCRIBED IN  
6 SECTION 22-56.5-103 (5)(a) MULTIPLIED BY THE NUMBER OF ELIGIBLE  
7 STUDENTS WHO ELECT TO RECEIVE A SCHOLARSHIP THROUGH THE  
8 PROGRAM FOR THE APPLICABLE BUDGET YEAR.

9 **SECTION 2. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2020 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.