

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.*

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 THAT REQUIRES THE HIRING
7 OF ADDITIONAL FTE, ___ ___ EACH SCHOOL DISTRICT, SCHOOL DISTRICT
8 BOARD OF EDUCATION, OR BOARD OF COOPERATIVE SERVICES THAT IS
9 AFFECTED BY THE NEW MANDATE ___ SHALL HAVE SEVEN DAYS AFTER THE
10 DATE OF THE BILL'S INTRODUCTION TO PREPARE AND SUBMIT TO THE
11 DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL
12 ASSEMBLY, OR HIS OR HER DESIGNEE, A BRIEF SUMMARY OF THE FISCAL
13 IMPACT OF THE NEW MANDATE ___ UPON THE BUDGET OF THE SCHOOL
14 DISTRICT OR SCHOOL DISTRICT BOARD OF EDUCATION.

15 (2) IF THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
16 OF THE GENERAL ASSEMBLY, OR HIS OR HER DESIGNEE, PREPARES AN
17 ANALYSIS OF THE FISCAL IMPACT OF AN INTRODUCED BILL THAT IMPOSES
18 UPON A SCHOOL DISTRICT, SCHOOL DISTRICT BOARD OF EDUCATION, OR
19 BOARD OF COOPERATIVE SERVICES A NEW MANDATE THAT REQUIRES THE
20 HIRING OF ADDITIONAL FTE, AND A SCHOOL DISTRICT, ___ SCHOOL
21 DISTRICT BOARD OF EDUCATION, OR BOARD OF COOPERATIVE SERVICES
22 THAT WILL BE AFFECTED BY THE BILL SUBMITS TO THE DIRECTOR OF
23 RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY, OR
24 HIS OR HER DESIGNEE, A BRIEF SUMMARY OF THE FISCAL IMPACT OF THE
25 NEW MANDATE ___ UPON THE BUDGET OF THE SCHOOL DISTRICT, SCHOOL
26 DISTRICT BOARD OF EDUCATION, OR BOARD OF COOPERATIVE SERVICES,
27 THEN THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, OR HIS

1 OR HER DESIGNEE, SHALL INCLUDE THE BRIEF SUMMARY WITH HIS OR HER
2 ANALYSIS.

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

8 **22-7-604.5. Alternative education campuses - criteria -**
9 **application - rule-making.** (1) A public school may apply to the state
10 board for designation as an alternative education campus. The state board
11 shall adopt rules specifying the criteria and application process for a
12 public school to be designated an alternative education campus. The rules
13 shall include but need not be limited to:

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

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

22 (1.5) As used in this section, unless the context otherwise requires,
23 a "high-risk student" means a student enrolled in a ~~secondary~~ public
24 school who:

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

26 (m) Has a documented history of a serious psychiatric or
27 behavioral disorder, including but not limited to an eating disorder,

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

2 (n) IS OVER TRADITIONAL SCHOOL AGE FOR HIS OR HER GRADE
3 LEVEL AND LACKS ADEQUATE CREDIT HOURS FOR HIS OR HER GRADE
4 LEVEL.

5 (2) (a) ~~On or before October 1, 2002, and on or before October 1~~
6 ~~each year thereafter, the~~ A district school board for a public school that
7 desires to be considered an alternative education campus pursuant to this
8 section shall file with the state board a request for designation as an
9 alternative education campus. The request shall be in a form approved by
10 the state board and shall contain sufficient information to establish that
11 the public school meets the requirements of the rules adopted pursuant to
12 paragraph (a) of subsection (1) of this section. ~~On or before November~~
13 ~~15, 2002, and on or before November 15 each year thereafter, The state~~
14 board shall approve the designation of alternative education campus for
15 any public school for which a request is filed pursuant to this subsection
16 (2) that is found by the state board to meet the requirements of the rules
17 adopted pursuant to paragraph (a) of subsection (1) of this section.

18 **SECTION 3.** 22-11-203 (2) and (3), Colorado Revised Statutes,
19 are amended to read:

20 **22-11-203. Student longitudinal academic growth - calculation**
21 **- data - research.** (2) (a) For each school year, the department shall
22 provide to each school district in the state academic growth information
23 for each student enrolled in the district public schools, based on the
24 statewide assessment results for the preceding school years. **WITHIN TEN**
25 **DAYS AFTER THE INFORMATION IS PROVIDED TO EACH SCHOOL DISTRICT,**
26 the department shall also provide the **ACADEMIC** growth information to
27 each district public school for the students enrolled in the district public

1 school. UPON RECEIPT OF THE ACADEMIC GROWTH INFORMATION, THE
2 PRINCIPAL OF EACH DISTRICT PUBLIC SCHOOL SHALL ENSURE THAT
3 APPROPRIATE EDUCATORS IN THE SCHOOL WHO WORK DIRECTLY WITH A
4 STUDENT HAVE ACCESS TO THE NECESSARY ACADEMIC GROWTH
5 INFORMATION CONCERNING THAT STUDENT.

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

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

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

22 (b) Whether the student made adequate academic growth for the
23 preceding school year as calculated for the student pursuant to subsection
24 (1) of this section;

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

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

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

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

8 **22-11-306. Accredited with turnaround plan - school district**
9 **or institute - plan content - adoption.** (1) (c) Within the time frames
10 specified in state board rule, the local school board shall submit the
11 adopted district turnaround plan to the commissioner for review by the
12 state review panel. The state review panel shall critically evaluate the
13 adopted district turnaround plan and make recommendations to the
14 commissioner and the state board concerning the issues specified in
15 section 22-11-208 (3). The commissioner ~~shall~~ MAY approve the adopted
16 district turnaround plan or suggest modifications to the plan, taking into
17 consideration any recommendations of the state review panel. The local
18 school board shall revise the adopted district turnaround plan, if
19 necessary, and resubmit the plan for approval within the time frames
20 specified by state board rule.

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

23 **22-11-406. School turnaround plan - contents.** (1) (a) If the
24 state board, pursuant to section 22-11-210, directs a district public school
25 to adopt a turnaround plan, the local school board, in accordance with
26 time frames specified in state board rules, shall adopt a school turnaround
27 plan, as described in subsection (3) of this section, for the district public

1 school. Each district public school turnaround plan shall also be subject
2 to evaluation by the state review panel and approval MAY BE SUBJECT TO
3 REVISIONS REQUESTED by the commissioner as provided in this subsection
4 (1).

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

22 (2) (a) If the state board, pursuant to section 22-11-210, directs an
23 institute charter school to adopt a turnaround plan, the institute, in
24 accordance with time frames specified in state board rules, shall adopt a
25 school turnaround plan, as described in subsection (3) of this section, for
26 the institute charter school. Each institute charter school turnaround plan
27 shall also be subject to evaluation by the state review panel and approval

1 MAY BE SUBJECT TO REVISIONS REQUESTED by the commissioner as
2 provided in this subsection (2).

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

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

21 **22-11-208. Accreditation - annual review - supports and**
22 **interventions - rules.** (1) (d) The state board by rule shall establish the
23 time frames in which the department shall review school district and
24 institute performance and determine and report each school district's and
25 the institute's appropriate accreditation category, and the time frames in
26 which the school districts and the institute shall adopt their respective
27 plans and submit them for review and publication on the data portal. A

1 SCHOOL DISTRICT WITH ONE THOUSAND STUDENTS OR FEWER SHALL ONLY
2 BE REQUIRED TO SUBMIT A SINGLE PLAN TO SATISFY THE SCHOOL DISTRICT
3 AND SCHOOL PLAN REQUIREMENTS.

4 SECTION 7. 22-11-210 (2), Colorado Revised Statutes, is
5 amended to read:

6 22-11-210. Public schools - annual review - plans - supports
7 and interventions - rules. (2) (a) The department shall annually review
8 each public school's performance and, based on the rules of the state
9 board, recommend to the state board that the public school shall
10 implement a performance, improvement, priority improvement, or
11 turnaround plan for the coming school year. Based on the department's
12 recommendation, the state board shall notify the local school board for
13 the public school, or the institute if the public school is an institute charter
14 school, regarding the type of plan the public school shall implement. The
15 local school board or the institute shall place the public school in the
16 district or institute accreditation category that correlates to the public
17 school's plan, based on the school district's or institute's school
18 accreditation process.

19 (b) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
20 CONTRARY, A SCHOOL DISTRICT WITH ONE THOUSAND STUDENTS OR FEWER
21 MAY SUBMIT A SINGLE PLAN TO SATISFY THE SCHOOL DISTRICT AND
22 SCHOOL PLAN REQUIREMENTS, SO LONG AS THE PLAN MEETS ALL STATE
23 AND FEDERAL REQUIREMENTS FOR SCHOOL AND DISTRICT PLANS. A
24 SCHOOL DISTRICT WITH MORE THAN ONE THOUSAND BUT FEWER THAN ONE
25 THOUSAND TWO HUNDRED STUDENTS MAY, UPON REQUEST AND AT THE
26 DEPARTMENT'S DISCRETION, SUBMIT A SINGLE PLAN TO SATISFY THE
27 SCHOOL DISTRICT AND SCHOOL PLAN REQUIREMENTS, SO LONG AS THE

1 PLAN MEETS ALL STATE AND FEDERAL REQUIREMENTS FOR SCHOOL AND
2 DISTRICT PLANS.

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

5 **22-11-503. Performance reports - contents - rules.** (3) In
6 addition to any information specified by rule of the state board, each
7 school performance report shall include the following information
8 concerning the operations and environment of the public school that is the
9 subject of the report:

10 (d) As calculated pursuant to state board rule, information
11 concerning:

12 (III) ~~Student enrollment stability at the public school, meaning the~~
13 ~~percentage of students enrolled in the public school on October 1 of the~~
14 ~~applicable school year who were still enrolled in the public school on~~
15 ~~February 1 of the same school year;~~

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

18 **22-11-603. Governor's distinguished improvement awards -**
19 **rules.** (1) The state board shall annually present financial awards to the
20 public schools in the state demonstrating the highest rates of student
21 longitudinal growth, INCLUDING LONGITUDINAL GROWTH ACROSS
22 MULTIPLE YEARS, as measured by the Colorado growth model. The
23 technical advisory panel convened pursuant to section 22-11-202 shall
24 recommend to the state board, and the state board shall establish by rule,
25 the method by which to identify schools that demonstrate the highest rate
26 of student longitudinal growth in a ONE OR MORE school year YEARS, as
27 measured by the Colorado growth model. The technical advisory panel

1 shall take school size into account in preparing its recommendations.

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

4 **22-20-102. Legislative declaration.** (1) The general assembly,
5 recognizing the obligation of the state of Colorado to provide educational
6 opportunities to all children that will enable them to lead fulfilling and
7 productive lives, declares that the purpose of this article is to provide
8 means for identifying and educating those children who are exceptional.
9 To this end, it is necessary to define specific responsibilities for
10 identifying and serving children with disabilities that appropriately reflect
11 the continuum of services that recognizes the capabilities of all state
12 agencies, including special classes in public schools and the establishment
13 of special schools, programs for children with disabilities who are
14 confined to their homes or hospitals, and instruction in institutions of the
15 state for ~~exceptional~~ children WITH DISABILITIES. The final determination
16 for the placement in a special education program of any eligible
17 ~~exceptional~~ child WITH A DISABILITY shall be made by a child's individual
18 family service program for a child from birth through two years of age
19 and a child's individualized education program team for a child from three
20 to twenty-one years of age as designated by the governing board of the
21 responsible administrative unit or by the governing authority of a
22 state-operated program.

23 (3) It is further the intent of this article to ensure that there is a
24 coordination of all services available to children with disabilities and to
25 promote interagency operating agreements or contracts between
26 administrative units, other public agencies, nonprofit organizations, and
27 ~~eligible facilities~~ APPROVED FACILITY SCHOOLS for the provision of

1 appropriate services for children with disabilities.

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

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

16 **22-20-103. Definitions.** As used in this article, unless the context
17 otherwise requires:

18 (2.5) "APPLICABLE REVENUES" MEANS THOSE REVENUES, AS
19 DEFINED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
20 THIS ARTICLE, THAT SUPPORT SPECIAL EDUCATION EXPENDITURES.

21 (2.7) "APPROVED FACILITY SCHOOL" MEANS AN EDUCATIONAL
22 PROGRAM THAT IS OPERATED BY A FACILITY TO PROVIDE EDUCATIONAL
23 SERVICES TO STUDENTS PLACED IN THE FACILITY AND THAT, PURSUANT TO
24 SECTION 22-2-407, HAS BEEN PLACED ON THE LIST OF FACILITY SCHOOLS
25 THAT ARE APPROVED TO RECEIVE REIMBURSEMENT FOR PROVIDING THOSE
26 EDUCATIONAL SERVICES TO STUDENTS PLACED IN THE FACILITY. AN
27 EDUCATIONAL PROGRAM PROVIDED BY AN ADMINISTRATIVE UNIT AT A

1 FACILITY IS NOT AN APPROVED FACILITY SCHOOL BUT IS AN EDUCATIONAL
2 PROGRAM OF THE ADMINISTRATIVE UNIT THAT DOES NOT REQUIRE
3 APPROVAL BY THE DEPARTMENT.

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

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

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

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

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

22 (A) AUTISM SPECTRUM DISORDERS;

23 (B) A HEARING IMPAIRMENT, INCLUDING DEAFNESS;

24 (C) A SERIOUS EMOTIONAL DISABILITY;

25 (D) AN INTELLECTUAL DISABILITY;

26 (E) MULTIPLE DISABILITIES;

- 1 (F) AN ORTHOPEDIC IMPAIRMENT;
- 2 (G) OTHER HEALTH IMPAIRMENT;
- 3 (H) A SPECIFIC LEARNING DISABILITY;
- 4 (I) A SPEECH OR LANGUAGE IMPAIRMENT;
- 5 (J) TRAUMATIC BRAIN INJURY;
- 6 (K) A VISUAL IMPAIRMENT, INCLUDING BLINDNESS;
- 7 (L) DEAF-BLINDNESS; AND
- 8 (M) A PRESCHOOLER WITH A DISABILITY.
- 9 (II) THOSE PERSONS FROM BIRTH THROUGH TWO YEARS OF AGE
- 10 WHO HAVE BEEN DETERMINED TO BE AN INFANT OR A TODDLER WITH A
- 11 DISABILITY.

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

15 (8.7) "EDUCATIONAL PLACEMENT" MEANS THE PROVISION OF
16 SPECIAL EDUCATION SERVICES, INCLUDING BUT NOT LIMITED TO THOSE
17 POINTS ALONG THE CONTINUUM OF ALTERNATIVE PLACEMENTS.
18 "EDUCATIONAL PLACEMENT" DOES NOT MEAN A SPECIFIC PLACE, SUCH AS
19 A SPECIFIC CLASSROOM OR SCHOOL.

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

22 (9.5) "EMERGENCY PUBLIC PLACEMENT" MEANS A PUBLIC
23 PLACEMENT MADE NECESSARY BECAUSE OF AN IMMINENT DANGER TO A
24 CHILD OR OTHERS.

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

1 ~~approved equipment.~~

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

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

10 (12.3) "FACILITY" MEANS A DAY TREATMENT CENTER,
11 RESIDENTIAL CHILD CARE FACILITY, OR OTHER FACILITY LICENSED BY THE
12 DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-104,
13 C.R.S., OR A HOSPITAL LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH
14 AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103, C.R.S.

15 (12.7) "FOSTER HOME" SHALL HAVE THE SAME MEANING AS A
16 "FOSTER CARE HOME" AS DEFINED IN SECTION 26-6-102 (4.5), C.R.S., AND
17 SHALL BE LICENSED BY THE DEPARTMENT OF HUMAN SERVICES OR
18 CERTIFIED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES OR CERTIFIED
19 BY A CHILD PLACEMENT AGENCY AS DEFINED IN SECTION 26-6-102 (2),
20 C.R.S.

21 (13.3) "GROUP HOME" MEANS A CONGREGATE CARE FACILITY
22 LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO
23 SECTION 26-6-104, C.R.S.

24 (14) "IDEA" means the federal "Individuals with Disabilities
25 Education Improvement Act", ~~of 2004~~, 20 U.S.C. sec. 1400 et seq., as
26 amended, and its implementing regulations, 34 CFR part 300, and ALSO
27 34 CFR part 303 as ~~they pertain~~ IT PERTAINS to child find.

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

13 (a) TO THE MAXIMUM EXTENT APPROPRIATE, CHILDREN WITH
14 DISABILITIES, INCLUDING CHILDREN IN PUBLIC OR PRIVATE INSTITUTIONS
15 OR OTHER CARE FACILITIES, ARE EDUCATED WITH CHILDREN WHO DO NOT
16 HAVE DISABILITIES; AND

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

23 (19.7) (a) "PARENT" MEANS:

24 (I) A BIOLOGICAL OR ADOPTIVE PARENT OF A CHILD;

25 (II) A FOSTER PARENT;

26 (III) A GUARDIAN GENERALLY AUTHORIZED TO ACT AS A CHILD'S
27 PARENT, OR AUTHORIZED TO MAKE EDUCATIONAL DECISIONS FOR THE

1 CHILD, BUT NOT THE STATE IF THE CHILD IS A WARD OF THE STATE;
2 (IV) AN INDIVIDUAL ACTING IN THE PLACE OF A BIOLOGICAL OR
3 ADOPTIVE PARENT, INCLUDING BUT NOT LIMITED TO A GRANDPARENT,
4 STEPPARENT, OR OTHER RELATIVE, AND WITH WHOM THE CHILD LIVES, OR
5 AN INDIVIDUAL WHO IS LEGALLY RESPONSIBLE FOR THE CHILD'S WELFARE;
6 OR

7 (V) AN EDUCATIONAL SURROGATE PARENT ASSIGNED BY THE
8 RESPONSIBLE ADMINISTRATIVE UNIT CONSISTENT WITH RULES
9 PROMULGATED BY THE STATE BOARD IN ACCORDANCE WITH THIS ARTICLE.

10 (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
11 PARAGRAPH (b), THE BIOLOGICAL OR ADOPTIVE PARENT, WHEN
12 ATTEMPTING TO ACT AS A PARENT PURSUANT TO THIS ARTICLE, AND WHEN
13 MORE THAN ONE PARTY IS QUALIFIED PURSUANT TO PARAGRAPH (a) OF
14 THIS SUBSECTION (19.7) TO ACT AS A PARENT, SHALL BE PRESUMED TO BE
15 THE PARENT FOR PURPOSES OF THIS SUBSECTION (19.7) UNLESS THE
16 BIOLOGICAL OR ADOPTIVE PARENT DOES NOT HAVE LEGAL AUTHORITY TO
17 MAKE EDUCATIONAL DECISIONS FOR THE CHILD.

18 (II) IF A JUDICIAL DECREE OR ORDER IDENTIFIES A SPECIFIC PERSON
19 OR PERSONS LISTED IN SUBPARAGRAPHS (I) TO (IV) OF PARAGRAPH (a) OF
20 THIS SUBSECTION (19.7) TO ACT AS THE PARENT OF A CHILD OR TO MAKE
21 EDUCATIONAL DECISIONS ON BEHALF OF A CHILD, THEN THE PERSON OR
22 PERSONS SHALL BE DETERMINED TO BE THE PARENT FOR PURPOSES OF THIS
23 ARTICLE.

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

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

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

5 (22.7) "SPECIAL EDUCATION EXPENDITURES" MEANS THOSE
6 EXPENDITURES THAT ARE INCURRED BY AN ADMINISTRATIVE UNIT,
7 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR
8 PROFESSIONAL SERVICES ASSOCIATED WITH SPECIAL EDUCATION
9 REFERRALS AND EVALUATIONS OF CHILDREN WHO MAY HAVE A DISABILITY
10 AND THE PROVISION OF SPECIAL EDUCATION SERVICES AS IDENTIFIED ON
11 AN INDIVIDUAL STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM.
12 SPECIAL EDUCATION EXPENDITURES DO NOT INCLUDE THE COSTS OF THE
13 GENERAL EDUCATION PROGRAM. SPECIAL EDUCATION EXPENDITURES
14 SHALL BE SUPPLEMENTAL TO THE GENERAL EDUCATION PROGRAM AND
15 SHALL BE ABOVE WHAT IS PROVIDED BY THE ADMINISTRATIVE UNIT,
16 STATE-OPERATED PROGRAM, OR APPROVED FACILITY SCHOOL FOR
17 GENERAL EDUCATION STUDENTS AND STAFF AND MAY INCLUDE:

- 18 (a) SPECIAL EDUCATION TEACHERS;
- 19 (b) HOME-HOSPITAL TEACHERS FOR STUDENTS WITH DISABILITIES;
- 20 (c) SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE
21 PATHOLOGY ASSISTANTS;
- 22 (d) SPECIALTY TEACHERS;
- 23 (e) SPECIAL EDUCATION INSTRUCTIONAL PARAPROFESSIONALS;
- 24 (f) EDUCATIONAL INTERPRETERS;
- 25 (g) SCHOOL NURSES;
- 26 (h) OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
27 ASSISTANTS;

- 1 (i) PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS;
- 2 (j) SCHOOL PSYCHOLOGISTS;
- 3 (k) SCHOOL SOCIAL WORKERS;
- 4 (l) AUDIOLOGISTS;
- 5 (m) ORIENTATION AND MOBILITY SPECIALISTS;
- 6 (n) OTHER SPECIAL EDUCATION PROFESSIONALS;
- 7 (o) SPECIAL EDUCATION ADMINISTRATORS AND OFFICE SUPPORT;
- 8 (p) OTHER NONCERTIFIED OR NONLICENSED SUPPORT;
- 9 (q) EMPLOYEE BENEFITS FOR SPECIAL EDUCATION STAFF;
- 10 (r) SUPPLIES, MATERIALS, AND EQUIPMENT USED FOR INDIVIDUAL
- 11 STUDENTS' SPECIAL EDUCATION PROGRAMS AND SERVICES;
- 12 (s) PURCHASED SERVICE CONTRACTS FOR PERSONAL SERVICES;
- 13 (t) TUITION TO OTHER ADMINISTRATIVE UNITS AND APPROVED
- 14 TUITION RATES TO APPROVED FACILITY SCHOOLS FOR SPECIAL EDUCATION;
- 15 (u) STAFF TRAVEL RELATED TO SPECIAL EDUCATION;
- 16 (v) PROFESSIONAL DEVELOPMENT FOR SPECIAL EDUCATION STAFF,
- 17 OR ALL STAFF, IF THE CONTENT OF THE PROFESSIONAL DEVELOPMENT IS
- 18 SPECIFIC TO SERVICES FOR CHILDREN WITH DISABILITIES;
- 19 (w) OTHER PURCHASED SERVICES RELATED TO SPECIAL
- 20 EDUCATION;
- 21 (x) DUES, FEES, AND OTHER EXPENDITURES SPECIFIC TO THE
- 22 SPECIAL EDUCATION PROGRAM; AND
- 23 (y) PARENT COUNSELING AND TRAINING, AS DEFINED BY THE IDEA
- 24 AND ITS IMPLEMENTING REGULATIONS.
- 25 (28) "State-operated program" means an approved school program
- 26 supervised by the department and operated by:
- 27 (a) The Colorado school for the deaf and THE blind;

- 1 (b) The department of corrections; or
- 2 (c) The department of human services, including but not limited
- 3 to the division of youth corrections and the mental health institutes. at
- 4 Fort Logan and Pueblo.

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

7 **22-20-104. Administration - advisory committee - rules.**

8 (1) (a) This article shall be administered by the department.
9 Administration of this article shall include the recommendation to the
10 state board of reasonable rules necessary to implement this article,
11 including but not limited to:

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

14 (II) Criteria for determining disability and eligibility for special
15 ~~educational~~ EDUCATION services;

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

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

22 (V) Required IEP content and procedures for IEP development,
23 review, and revision;

24 (VI) Application of school discipline procedures to children with
25 disabilities;

26 (VII) Required procedural safeguards;

27 (VIII) Procedures for special education dispute resolution;

1 (IX) Extended school year services; AND

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

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

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

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

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

21 (2) (a) In order to assist the state board in the performance of its
22 responsibilities for the implementation of this article, the state board shall
23 appoint a state special education advisory committee of an appropriate
24 size. The members of the advisory committee shall be representative of
25 the state population and shall be composed of persons involved in or
26 concerned with the education of children with disabilities, including
27 parents of children with disabilities ages birth through twenty-six years;

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

20 (4) To comply with this section, the department shall maintain a
21 SPECIAL EDUCATION data and information system on children, personnel,
22 costs, and revenues, and such data and information shall be used to ensure
23 that state moneys provided to administrative units under the provisions of
24 section 22-20-106 AND OTHER APPLICABLE REVENUES are being spent
25 only on special education ~~services and programs~~ EXPENDITURES.

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

1 **22-20-106. Special education programs - early intervening**
2 **services - rules.** (2) (a) (I) Each administrative unit, state-operated
3 program, and ~~eligible~~ APPROVED facility SCHOOL shall submit a
4 comprehensive plan to the department pursuant to the rules promulgated
5 by the state board indicating how the administrative unit, state-operated
6 program, or ~~eligible~~ APPROVED facility SCHOOL will provide for the
7 education of all children with disabilities. Each comprehensive plan shall
8 include the type and number of children with disabilities served, the
9 services to be provided, and the estimated resources necessary.

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

19 GENERAL EDUCATION SERVICES ARE THE RESPONSIBILITY OF THE SCHOOL
20 DISTRICT IN WHICH A FOSTER HOME IS LOCATED, AND SPECIAL EDUCATION
21 SERVICES ARE THE RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN
22 WHICH A FOSTER CARE HOME IS LOCATED. GENERAL EDUCATION SERVICES
23 ARE THE RESPONSIBILITY OF THE SCHOOL DISTRICT IN WHICH A GROUP
24 HOME IS LOCATED, AND SPECIAL EDUCATION SERVICES ARE THE
25 RESPONSIBILITY OF THE ADMINISTRATIVE UNIT IN WHICH A GROUP HOME
26 IS LOCATED. THE ADMINISTRATIVE UNIT IN WHICH THE GROUP HOME IS
27 LOCATED MAY SEEK TUITION COSTS CONSISTENT WITH SECTION 22-20-109

1 (2.5).

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

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

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

20 (6) Each administrative unit, state-operated program, and ~~eligible~~
21 APPROVED facility SCHOOL shall employ or contract in writing for a
22 sufficient number of appropriately licensed AND ENDORSED special
23 education teachers and staff to adequately carry out those functions for
24 which it is responsible, as defined by the rules promulgated by the state
25 board pursuant to this article, including but not limited to child
26 identification, IEP development, and professional development for school
27 staff.

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

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

11 **22-20-107. Authority to contract with institutions of higher**
12 **education or community centered boards.** (1) An administrative unit
13 may contract with an institution of higher education, or a community
14 centered board, as provided in section 27-10.5-104, C.R.S., for the
15 provision by the administrative unit of an education and training program
16 for children with disabilities. If such AN agreement is arrived at by the
17 two agencies, the administrative unit shall place the responsibility for
18 administering the program with the director of special education OF THE
19 ADMINISTRATIVE UNIT.

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

22 **22-20-107.5. District of residence of a child with a disability -**
23 **jurisdiction.** (1) Notwithstanding the provisions of section 22-1-102 (2),
24 for the purposes of this article the district of residence of a child with a
25 disability is the school district in which such child lives on a day-to-day
26 basis, INCLUDING A CHILD PLACED IN A FOSTER HOME PURSUANT TO
27 SECTION 19-1-115.5 (1), C.R.S.; except that:

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

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

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

14 (II) A FACILITY;

15 (III) A GROUP HOME;

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

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

19 (c) ~~If a child lives in one of the A regional centers or the CENTER,
20 A mental health institutes at Pueblo or Fort Logan or in an eligible
21 INSTITUTE, A facility, OR A GROUP HOME, and the district of residence
22 cannot be determined due to the inability to locate a parent or guardian or
23 due to the homelessness of a parent, or guardian, the child shall be
24 considered a resident of the school district in which such THE regional
25 center, mental health institute, or eligible facility, OR GROUP HOME is
26 located.~~

27 **SECTION 16.** 22-20-108 (1) (b), (4), (4.5) (e), (4.7) (a) (IV),

1 (4.7) (b), the introductory portion to 22-20-108 (5), 22-20-108 (5.5), (7),
2 (8), and (9), Colorado Revised Statutes, are amended to read:

3 **22-20-108. Determination of disability - enrollment.**

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

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

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

17 (4.5) (e) Nothing in this subsection (4.5) shall require an
18 administrative unit, a state-operated program, or an eligible APPROVED
19 facility SCHOOL to expend additional resources or hire additional
20 personnel to implement the provisions of this section.

21 (4.7) (a) In developing an IEP pursuant to subsection (4) of this
22 section for a child who is deaf or hard of hearing, in addition to any other
23 requirements established by the state board, the IEP team shall consider
24 the related services and program options that provide the child with an
25 appropriate and equal opportunity for communication access. The IEP
26 team shall consider the child's specific communication needs and, to the
27 extent possible under paragraph (g) of this subsection (4.7), address those

1 needs as appropriate in the child's IEP. In considering the child's needs,
2 the IEP team shall expressly consider the following:

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

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

12 (5) In formulating recommendations for ~~placement of~~ THE LEAST
13 RESTRICTIVE ENVIRONMENT FOR a child with a disability, the IEP team
14 shall:

15 (5.5) The administrative unit or state-operated program shall
16 consider the cost to the administrative unit or state-operated program
17 when choosing between two or more appropriate EDUCATIONAL
18 placements.

19 (7) (a) If an out-of-district placement by an administrative unit
20 appears to be necessary, it is the responsibility of the child's IEP team of
21 the administrative unit of residence to determine whether the child
22 requires a more restrictive setting based on the unique needs of the child.
23 It is the responsibility of the special education director of the
24 administrative unit of residence to place the child in the least restrictive
25 ~~placement~~ ENVIRONMENT consistent with the EDUCATIONAL placement
26 decision of the IEP team.

27 (b) If it becomes necessary for a court or public agency to place

1 a child in a public placement:

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

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

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

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

1 agency only on the basis of the unavailability of appropriate special
2 education services in the administrative unit in which the child will be
3 placed. If the administrative unit of residence disapproves the placement
4 in the eligible facility, it shall ensure that the child receives a free
5 appropriate public education until an appropriate placement can be
6 determined. If the administrative unit of residence disapproves the
7 placement in the eligible facility, the disapproval shall be subject to
8 appeal as provided for in subsection (3) of this section.

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

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

26 **22-20-109. Tuition - rules.** (1) (a) An administrative unit of
27 residence may contract with another administrative unit or a community

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

22 (b) AN ADMINISTRATIVE UNIT MAY CONTRACT FOR SPECIAL
23 EDUCATION SERVICES WITH AN APPROVED FACILITY SCHOOL PURSUANT TO
24 RULES PROMULGATED BY THE STATE BOARD.

25 (2) (a) ~~The state board shall promulgate rules to define the~~
26 ~~contract approval process to define the types and amounts of costs in~~
27 ~~excess of the state average per pupil revenues, as defined in section~~

1 ~~22-54-103 (12), and to define other applicable revenues that a school~~
2 ~~district of residence of a child with a disability shall pay as tuition to~~
3 ~~educate that child elsewhere at a community centered board or an eligible~~
4 ~~facility. These rules shall include, but need not be limited to, the~~
5 ~~limitations on the number of staff members per number of students, the~~
6 ~~amount of equipment necessary for classroom instruction of the child, the~~
7 ~~number of days of school, and any other expenses involved in the~~
8 ~~provision of educational services as determined by the child's IEP.~~
9 ~~However, these rules shall not require that, in calculating the amount of~~
10 ~~the tuition charge for educating a child with a disability in any community~~
11 ~~centered board or eligible facility, the costs incurred by a community~~
12 ~~centered board or eligible facility in providing such special education~~
13 ~~program be reduced by the amount of revenues, if any, received by the~~
14 ~~community centered board or eligible facility as donations or special~~
15 ~~education grants. The school district of residence shall be responsible for~~
16 ~~paying as tuition any excess costs above the state average per pupil~~
17 ~~revenues to provide these services. WHEN A CHILD WITH A DISABILITY IS~~
18 ~~PUBLICLY PLACED IN AN APPROVED FACILITY SCHOOL, THE APPROVED~~
19 ~~FACILITY SCHOOL SHALL DOCUMENT TO THE DEPARTMENT A LIST OF COSTS~~
20 ~~OF PROVIDING THE SPECIAL EDUCATION PROGRAM AND THE APPLICABLE~~
21 ~~REVENUES. NOTWITHSTANDING ANY PROVISION OF SECTION 22-32-115 TO~~
22 ~~THE CONTRARY, THE TUITION CHARGE FOR EDUCATING A CHILD WITH A~~
23 ~~DISABILITY IN AN APPROVED FACILITY SCHOOL SHALL BE ESTABLISHED BY~~
24 ~~THE DEPARTMENT AND APPROVED BY THE STATE BOARD. THE TUITION~~
25 ~~CHARGE SHALL BE THE MAXIMUM AMOUNT THE SCHOOL DISTRICT OF~~
26 ~~RESIDENCE SHALL BE OBLIGATED TO PAY FOR THE SPECIAL EDUCATION~~
27 ~~PROGRAM; EXCEPT THAT THE SCHOOL DISTRICT OF RESIDENCE MAY PAY A~~

1 HIGHER TUITION CHARGE THAN THE CHARGE ESTABLISHED AND APPROVED
2 PURSUANT TO THIS SUBSECTION (2) FOR A STUDENT IN NEED OF
3 SPECIALIZED SERVICES, WHICH SERVICES WERE INCLUDED IN THE
4 STUDENT'S IEP BUT WERE NOT INCLUDED IN THE TUITION CHARGE
5 ESTABLISHED PURSUANT TO THIS SUBSECTION (2).

6 (b) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE
7 CONTRACT APPROVAL PROCESS AND THE METHOD FOR DETERMINING THE
8 TUITION RATE THAT A SCHOOL DISTRICT OF RESIDENCE OF A CHILD WITH
9 A DISABILITY SHALL PAY AS TUITION TO EDUCATE THAT CHILD AT AN
10 APPROVED FACILITY SCHOOL. THE RULES FOR DETERMINING A TUITION
11 RATE SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE LIMITATIONS ON
12 THE NUMBER OF STAFF MEMBERS PER NUMBER OF STUDENTS, THE NUMBER
13 OF SCHOOL DAYS, ALL SPECIAL EDUCATION EXPENDITURES AS DEFINED IN
14 SECTION 22-20-103 (22.7) AND SPECIFIED BY THE CHILD'S IEP, OTHER
15 EDUCATION COSTS, AND APPLICABLE REVENUES ASSOCIATED WITH THE
16 APPROVED FACILITY SCHOOL'S EDUCATIONAL PROGRAM. THE RULES
17 SHALL NOT REQUIRE THAT, IN CALCULATING THE AMOUNT OF THE TUITION
18 CHARGE FOR EDUCATING A CHILD WITH A DISABILITY IN AN APPROVED
19 FACILITY SCHOOL, THE COSTS INCURRED BY THE APPROVED FACILITY
20 SCHOOL IN PROVIDING THE SPECIAL EDUCATION PROGRAM BE REDUCED BY
21 THE AMOUNT OF REVENUES, IF ANY, RECEIVED BY THE APPROVED FACILITY
22 SCHOOL AS DONATIONS OR SPECIAL EDUCATION GRANTS. THE SCHOOL
23 DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING AS TUITION
24 ANY EXCESS COSTS ABOVE THE STATE AVERAGE PER PUPIL REVENUES TO
25 PROVIDE THESE SERVICES PURSUANT TO SECTION 22-54-129 (2).

26 (c) IN ADDITION TO ANY OTHER TUITION COSTS THAT A SCHOOL
27 DISTRICT OF RESIDENCE IS REQUIRED TO PAY PURSUANT TO THIS SECTION,

1 THE SCHOOL DISTRICT MAY PAY THOSE COSTS DOCUMENTED TO AND
2 APPROVED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION (2).
3 NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (2), A SCHOOL
4 DISTRICT OF RESIDENCE SHALL NOT BE REQUIRED TO PAY COSTS INCURRED
5 BY AN APPROVED FACILITY SCHOOL IN PROVIDING EDUCATIONAL SERVICES
6 AT THE APPROVED FACILITY SCHOOL DURING THE MONTHS OF JUNE, JULY,
7 OR AUGUST.

8 (2.5) (a) WHEN A CHILD WITH A DISABILITY IS PLACED OUT OF THE
9 HOME IN A GROUP HOME AND ATTENDS SCHOOL IN AN ADMINISTRATIVE
10 UNIT OTHER THAN THE CHILD'S ADMINISTRATIVE UNIT OF RESIDENCE AND
11 THE SCHOOL DOES NOT PROVIDE THE CHILD WITH AN ON-LINE PROGRAM
12 PURSUANT TO ARTICLE 30.7 OF THIS TITLE, THE DISTRICT OF RESIDENCE
13 SHALL BE RESPONSIBLE FOR PAYING THE TUITION CHARGE FOR EDUCATING
14 THE CHILD TO THE ADMINISTRATIVE UNIT OF ATTENDANCE.

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

20 (c) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL PROVIDE
21 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE AND TO THE DISTRICT
22 OF RESIDENCE, IF IT IS NOT AN ADMINISTRATIVE UNIT, IN ACCORDANCE
23 WITH THE RULES ADOPTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION
24 (2) OF THIS SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL
25 IN A SCHOOL OF THE DISTRICT OF ATTENDANCE. THE NOTICE SHALL BE IN
26 WRITING AND SHALL ALSO BE SENT TO THE SPECIAL EDUCATION DIRECTORS
27 FOR THE ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF

1 THE ADMINISTRATIVE UNIT OF ATTENDANCE DOES NOT INTEND TO SEEK
2 TUITION COSTS, NOTIFICATION IS NOT REQUIRED. THE STATE BOARD SHALL
3 ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE
4 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH (c).

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

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

18 (4) (a) When a child with a disability enrolls and attends a school
19 in a ~~district~~ AN ADMINISTRATIVE UNIT other than the child's ~~district~~
20 ADMINISTRATIVE UNIT of residence pursuant to the provisions of section
21 22-36-101, and the school does not provide the child an on-line program
22 pursuant to article 30.7 of this title, the district of residence shall be
23 responsible for paying the tuition charge for educating the child to the
24 ~~district~~ ADMINISTRATIVE UNIT of attendance. ~~The district of attendance~~
25 ~~shall not charge the district of residence tuition for the excess costs~~
26 ~~incurred in educating a child with a disability unless the child meets the~~
27 ~~criteria for funding pursuant to section 22-20-114 (1) (c) (II). The district~~

1 of attendance shall provide notice to the district of residence in
2 accordance with state board rules adopted pursuant to paragraph (b) of
3 this subsection (4) when a child with a disability applies to enroll in a
4 school in the district of attendance. The amount of the tuition charge
5 shall be determined pursuant to a contract entered into between the two
6 districts pursuant to subsection (1) of this section. Under the
7 circumstances described in this subsection (4), the provisions of section
8 22-20-108 (8) shall not apply.

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

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

18 (d) THE ADMINISTRATIVE UNIT OF ATTENDANCE SHALL PROVIDE
19 NOTICE TO THE ADMINISTRATIVE UNIT OF RESIDENCE AND TO THE DISTRICT
20 OF RESIDENCE, IF IT IS NOT AN ADMINISTRATIVE UNIT, IN ACCORDANCE
21 WITH THE RULES ADOPTED PURSUANT TO THIS PARAGRAPH (d) WHEN A
22 CHILD WITH A DISABILITY APPLIES TO ENROLL IN A SCHOOL OF THE
23 DISTRICT OF ATTENDANCE. THE NOTICE SHALL BE IN WRITING AND SHALL
24 ALSO BE SENT TO THE SPECIAL EDUCATION DIRECTORS FOR THE
25 ADMINISTRATIVE UNITS OF RESIDENCE AND OF ATTENDANCE. IF THE
26 ADMINISTRATIVE UNIT OF ATTENDANCE DOES NOT INTEND TO SEEK
27 TUITION COSTS, NOTIFICATION IS NOT REQUIRED. THE STATE BOARD SHALL

1 ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE
2 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH (d).

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

10 (5) (a) When a child with a disability enrolls in and attends a
11 district charter school pursuant to the provisions of part 1 of article 30.5
12 of this title or an institute charter school pursuant to part 5 of article 30.5
13 of this title, including a district or institute charter school that provides an
14 on-line program pursuant to article 30.7 of this title, the district of
15 residence shall be responsible for paying to the district or institute charter
16 school the tuition charge for the excess costs incurred in educating the
17 child. ~~The district or institute charter school shall not charge the district~~
18 ~~of residence tuition for the excess costs incurred in educating a child with~~
19 ~~a disability unless the child meets the criteria for funding pursuant to~~
20 ~~section 22-20-114 (1) (c) (H). The tuition responsibility shall be reflected~~
21 ~~in a contract between the district or institute charter school and the district~~
22 ~~of residence in a form approved by the chartering district. The district or~~
23 ~~institute charter school shall provide notice to the district of residence in~~
24 ~~accordance with state board rules adopted pursuant to subsection (7) of~~
25 ~~this section when a child with a disability applies to enroll in the district~~
26 ~~or institute charter school. The amount of the tuition charge shall be~~
27 ~~determined pursuant to rules adopted by the state board pursuant to~~

1 subsection (7) of this section. Under the circumstances described in this
2 subsection (5), the provisions of section 22-20-108 (8) shall not apply.

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

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

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

24 (e) THE AMOUNT OF THE TUITION CHARGED SHALL BE DETERMINED
25 PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO
26 SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY SHALL BE
27 REFLECTED IN A CONTRACT BETWEEN THE CHARTER SCHOOL, THE

1 ADMINISTRATIVE UNIT OF RESIDENCE, THE DISTRICT OF RESIDENCE IF IT IS
2 NOT AN ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF
3 ATTENDANCE INCLUDING THE STATE CHARTER SCHOOL INSTITUTE, AND
4 THE CHARTERING SCHOOL DISTRICT IF IT IS NOT AN ADMINISTRATIVE UNIT.
5 THE CONTRACT SHALL BE IN A FORM APPROVED BY THE CHARTERING
6 ENTITY. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (5),
7 THE PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

8 (6) (a) When a child with a disability enrolls in and attends an
9 on-line program pursuant to article 30.7 of this title that is not provided
10 by a district or institute charter school, the district of residence shall be
11 responsible for paying to the provider of the on-line program the tuition
12 charge for the excess costs incurred in educating the child. ~~The provider~~
13 ~~of the on-line program shall not charge the district of residence tuition for~~
14 ~~the excess costs incurred in educating a child with a disability who~~
15 ~~receives educational services from the provider of the on-line program~~
16 ~~unless the child meets the criteria for funding pursuant to section~~
17 ~~22-20-114 (1) (c) (II). The tuition responsibility shall be reflected in a~~
18 ~~contract between the district of attendance and the district of residence in~~
19 ~~a form approved by the state board. The on-line provider shall provide~~
20 ~~notice to the district of residence in accordance with state board rules~~
21 ~~adopted pursuant to subsection (7) of this section when a child with a~~
22 ~~disability applies to enroll in the on-line program. The amount of the~~
23 ~~tuition charge shall be determined pursuant to rules adopted by the state~~
24 ~~board pursuant to subsection (7) of this section. Under the circumstances~~
25 ~~described in this subsection (6), the provisions of section 22-20-108 (8)~~
26 ~~shall not apply.~~

27 (b) THE PROVIDER OF THE ON-LINE PROGRAM SHALL NOT CHARGE

1 THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS INCURRED IN
2 EDUCATING A CHILD WITH A DISABILITY WHO RECEIVES EDUCATIONAL
3 SERVICES FROM THE PROVIDER OF THE ON-LINE PROGRAM UNLESS THE
4 CHILD MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION
5 22-20-114 (1) (c) (II).

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

16 (d) THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED
17 PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO
18 SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY SHALL BE
19 REFLECTED IN A CONTRACT ENTERED INTO BY THE ADMINISTRATIVE UNIT
20 OF RESIDENCE, THE DISTRICT OF RESIDENCE IF IT IS NOT AN
21 ADMINISTRATIVE UNIT, THE ADMINISTRATIVE UNIT OF ATTENDANCE, AND
22 THE DISTRICT OF ATTENDANCE IF IT IS NOT AN ADMINISTRATIVE UNIT.
23 UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (6), THE
24 PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

25 (7) For the 2004-05 budget year and budget years thereafter, the
26 state board shall promulgate rules pertaining to the education of children
27 with disabilities in charter schools and rules pertaining to the education

1 of children with disabilities through on-line programs. Both sets of rules
2 shall include, but need not be limited to, rules to:

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

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

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

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

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

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

22 (h) Identify any other expenses involved in the provision of
23 educational services to children with disabilities in accordance with each
24 child's individualized education program;

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

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

4 (8) Repealed.

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

7 **22-20-112. Length of school year.** (1) An administrative unit
8 may conduct special educational EDUCATION programs as prescribed in
9 this article for any length of time; except that the administrative unit must
10 meet the minimum length of time as established by law for school
11 districts.

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

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

19 **22-20-114. Funding of programs.** (1) Subject to the provisions
20 of subsection (3) of this section, for the 2005-06 budget year and each
21 budget year thereafter, the total amount appropriated to the department for
22 the payment of costs incurred by administrative units for the provision of
23 special education programs shall be distributed to each administrative unit
24 that provides educational services for children with disabilities as follows:

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

27 (A) For whom tuition is paid by the administrative units for the

1 children to receive educational services at ~~eligible facilities~~ APPROVED
2 FACILITY SCHOOLS; and

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

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

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

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

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

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

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

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

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

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

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

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

16 **22-20-114.5. Special education fiscal advisory committee -**
17 **special education high-cost grants - definitions - repeal.** (1) As used
18 in this section, unless the context otherwise requires:

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

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

27 (I) ~~The state director for exceptional student services in the~~

1 ~~department~~ A REPRESENTATIVE FROM THE UNIT IN THE DEPARTMENT
2 RESPONSIBLE FOR THE ADMINISTRATION OF SPECIAL EDUCATION
3 PROGRAMS;

4 (II) ~~The state director for grants fiscal management in the~~
5 ~~department;~~

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

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

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

18 (VI) Eight special education specialists with appropriate statewide
19 geographic representation to be selected by the state board based on
20 recommendations from a statewide consortium of special education
21 directors.

22 (3) (a) An administrative unit that incurs high costs in providing
23 ~~special educational~~ EDUCATION services to a child with disabilities may
24 apply for a high cost grant to recover all or a portion of such high costs.
25 To receive a grant, an administrative unit shall apply to the committee in
26 a form and manner determined by the committee and provide such
27 information as may be requested by the committee to document the

1 administrative unit's high costs.

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

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

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

26 **SECTION 21.** 22-20-116, Colorado Revised Statutes, is amended
27 to read:

1 **22-20-116. Minimum standards for educational interpreters**

2 **for the deaf in the public schools - committee to recommend**

3 **standards - rules.** (1) The general assembly hereby finds that

4 interpreting services in administrative units, state-operated programs, and

5 ~~eligible facilities~~ APPROVED FACILITY SCHOOLS for students who are deaf

6 or hard of hearing need to be improved and that the absence of state

7 standards for evaluating educational interpreters allows for

8 inconsistencies in the delivery of educational information to students who

9 are deaf or hard of hearing. The general assembly recognizes that

10 educational interpreters in such educational settings must not only

11 interpret the spoken word but must also convey concepts and facilitate the

12 student's understanding of the educational material. The general

13 assembly also finds that standards should be based on performance and

14 should be developed with input from the deaf community and from

15 persons involved in instructing deaf students. Therefore, the general

16 assembly enacts this section for the purpose of developing appropriate

17 standards for persons employed as educational interpreters in

18 administrative units, state-operated programs, and ~~eligible facilities~~

19 APPROVED FACILITY SCHOOLS.

20 (2) For purposes of this section, "educational interpreter" means

21 a person who uses sign language in an administrative unit, a

22 state-operated program, or an ~~eligible facility~~ APPROVED FACILITY SCHOOL

23 for purposes of facilitating communication between users and nonusers

24 of sign language and who is fluent in the languages used by both deaf and

25 nondeaf persons.

26 (3) to (5) Repealed.

27 (6) After review and study of the recommendations of the

1 interpreter standards committee, the state board, on or before July 1,
2 1998, shall promulgate rules setting minimum standards for educational
3 interpreters for the deaf employed by or in an administrative unit, a
4 state-operated program, or an eligible APPROVED facility SCHOOL. The
5 state board may revise and amend such minimum standards as it deems
6 necessary. The state board shall promulgate rules that set forth the
7 documentation that a person seeking employment as an educational
8 interpreter for the deaf must submit to the employing administrative unit,
9 state-operated program, or eligible APPROVED facility SCHOOL.

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

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

20 **22-20-119. Implementation of change of disability categories**
21 **for children with disabilities.** ON OR BEFORE NOVEMBER 1, 2011, THE
22 DEPARTMENT SHALL DEVELOP GUIDELINES AND TIMELINES TO BE USED BY
23 ADMINISTRATIVE UNITS AND STATE-OPERATED PROGRAMS FOR
24 DEVELOPING LOCAL SYSTEMS AND INFRASTRUCTURE THAT INCORPORATE
25 THE DISABILITY CATEGORIES SET FORTH IN SECTION 22-20-103 (5) (a).
26 THE GUIDELINES SHALL ADDRESS NECESSARY REVISIONS TO MODEL FORMS
27 AND LOCAL TRAINING NEEDS, PURSUANT TO SECTION 2-2-802, C.R.S. THE

1 TIMELINES SHALL ENCOURAGE ADMINISTRATIVE UNITS AND
2 STATE-OPERATED PROGRAMS TO IMPLEMENT THE DISABILITY CATEGORIES
3 AND RELATED ELIGIBILITY CRITERIA ESTABLISHED IN SECTION 22-20-103
4 (5) (a) AS SOON AS POSSIBLE AFTER THE STATE BOARD ISSUES
5 IMPLEMENTING RULES, TO BE ADOPTED ON OR BEFORE DECEMBER 1, 2012.
6 ADMINISTRATIVE UNITS AND STATE-OPERATED PROGRAMS SHALL HAVE
7 UNTIL JULY 1, 2016, TO IMPLEMENT ANY NECESSARY CHANGES WITHOUT
8 LOSS OF SPECIAL EDUCATION FUNDING OR INCURRING ANY OTHER
9 PENALTIES.

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

12 **22-11-307. Accreditation of public schools.** (2.5) IN ADOPTING
13 ITS SCHOOL ACCREDITATION POLICIES FOR ITS ON-LINE PROGRAMS, AS
14 DEFINED IN SECTION 22-30.7-102 (9), A LOCAL SCHOOL BOARD OR THE
15 INSTITUTE BOARD SHALL INCLUDE A REVIEW OF THE ON-LINE PROGRAM'S
16 ALIGNMENT TO THE QUALITY STANDARDS OUTLINED IN SECTION
17 22-30.7-105 (3) (b).

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

20 **22-30.7-103. Division of on-line learning - created - duties.**

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

22 (a) To consult with the state board in its creation of quality
23 standards pursuant to section 22-30.7-105 for use by authorizers; ~~in~~
24 ~~preparing and submitting annual reports to the on-line division pursuant~~
25 ~~to section 22-30.7-109;~~

26 (b) To evaluate applications for certification of multi-district
27 programs using criteria adopted by rules promulgated by the state board

1 pursuant to section 22-30.7-106 and to recommend that the state board
2 grant or deny certification based upon the criteria;

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

9 (d) To recommend to the state board on or before September 1,
10 2007, a process, timeline, and standard MOU form for use by
11 multi-district programs and school districts in crafting memoranda of
12 understanding pursuant to section 22-30.7-111 regarding the placement
13 of learning centers within the boundaries of a school district. At a
14 minimum, the standard MOU form shall include the information specified
15 in section 22-30.7-111 (1) (b).

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

18 (f) ~~To evaluate reports submitted by on-line programs pursuant to~~
19 ~~section 22-30.7-109, as such evaluation is described in section~~
20 ~~22-30.7-110;~~

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

24 (h) To compile the reports submitted by authorizers and school
25 districts pursuant to section 22-30.7-109 and prepare a summary report to
26 be submitted on or before February 1, 2009, and on or before June 1 each
27 year thereafter JUNE 1, 2014, AND ON OR BEFORE JUNE 1 EVERY FIVE

1 YEARS THEREAFTER, to the state board and the education committees of
2 the house of representatives and the senate, or any successor committees;

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

5 (j) To collect resources to support the implementation of quality
6 on-line programs and make the resources available to on-line programs
7 upon request; and

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

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

17 (m) IF THE ON-LINE DIVISION HAS REASON TO BELIEVE THAT AN
18 ON-LINE PROGRAM IS NOT IN SUBSTANTIAL COMPLIANCE WITH ONE OR
19 MORE OF THE STATUTORY OR REGULATORY REQUIREMENTS APPLICABLE
20 TO ON-LINE PROGRAMS, TO PROVIDE NOTICE TO THE ON-LINE PROGRAM,
21 AND ITS AUTHORIZER, AND REQUIRE THAT THE ON-LINE PROGRAM,
22 TOGETHER WITH ITS AUTHORIZER, ADDRESS A PLAN FOR COMING INTO
23 COMPLIANCE. THE PLAN MAY BE INCLUDED IN THE SCHOOL PLAN
24 REQUIRED PURSUANT TO SECTION 22-11-210 (2).

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

27 **22-30.7-109. On-line programs - reports - rules.** ~~(1)(a) On an~~

1 ~~annual date to be determined by rules promulgated by the state board~~
2 ~~pursuant to paragraph (d) of this subsection (1), an authorizer of an~~
3 ~~on-line program shall submit a report to the on-line division. The report~~
4 ~~shall include, at a minimum:~~

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

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

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

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

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

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

25 ~~(d) On or before January 1, 2008, the state board shall promulgate~~
26 ~~rules establishing a timeline by which an authorizer of an on-line program~~
27 ~~shall submit a report to the on-line division as described in paragraph (a)~~

1 of this subsection (1) and defining what constitutes "a reasonable amount
2 of time" for purposes of this section.

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

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

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

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

20 **22-30.7-109.5. On-line programs - report to authorizer and**
21 **department.** EACH ON-LINE PROGRAM SHALL ANNUALLY SUBMIT TO ITS
22 AUTHORIZER AND TO THE DEPARTMENT INFORMATION, PURSUANT TO
23 STATE BOARD RULES, CONCERNING SOUND FINANCIAL AND ACCOUNTING
24 PRACTICES AND RESOURCES. A MULTI-DISTRICT, ON-LINE PROGRAM SHALL
25 NOTIFY ITS AUTHORIZER AND THE DEPARTMENT OF ANY INTENT TO AMEND
26 THE PROGRAM'S APPLICATION FOR CERTIFICATION, WHICH SHALL INCLUDE
27 ANY INTENT TO EXPAND GRADE LEVELS SERVED BY THE PROGRAM, ANY

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

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

14 **22-30.7-110. Reviews of multi-district programs - rules.**

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

22 ~~(2) (a) If the on-line division determines that a certified~~
23 ~~multi-district program no longer meets one or more of the criteria~~
24 ~~established by rules promulgated by the state board pursuant to section~~
25 ~~22-30.7-106 (4), the on-line division shall notify the multi-district~~
26 ~~program and the authorizer of the program and provide a reasonable~~
27 ~~amount of time for the authorizer to submit a plan for taking corrective~~

1 ~~action to satisfy the criterion or criteria at issue.~~

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

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

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

13 **22-91-105. Reporting.** (2) On or before ~~April~~ MAY 15, 2009,
14 and on or before ~~April~~ MAY 15 each year thereafter, the department shall
15 submit to the education committees of the senate and the house of
16 representatives, or any successor committees, a report that, at a minimum,
17 summarizes the information received by the department pursuant to
18 subsection (1) of this section. The department shall also post the report
19 to its web site.

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

22 **29-1-304.9. Fiscal note.** (1) For any proposed legislation
23 introduced after December 31, 2009, that may have a fiscal impact on a
24 county, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES, the staff
25 of the legislative council shall consider and provide in the local
26 government impact section of the accompanying fiscal note, when
27 possible, taking into account reasonable time constraints, the following:

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

5 (b) Potential staffing and other administrative aspects of the
6 proposed legislation.

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

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

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

20 **22-30.5-503. State charter school institute - establishment -**
21 **rules.** (3.5) (d) THE STATE BOARD SHALL PROMULGATE RULES TO
22 ESTABLISH PROCESSES, GUIDELINES, AND ELIGIBILITY FOR A SINGLE
23 SCHOOL OR CONSORTIUM OF SCHOOLS TO APPLY FOR GRANTS AND
24 PROGRAMS PURSUANT TO THIS SECTION.

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

27 **22-30.5-103. Definitions.** As used in this part 1, unless the

1 context otherwise requires:

2 (6.7) "School food authority" means:

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

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

7 **22-30.5-104. Charter school - requirements - authority.**

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

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

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

24 (10.5) "School food authority" means:

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

27 **SECTION 34.** 22-30.5-507 (8) (b), Colorado Revised Statutes,

1 is amended to read:

2 **22-30.5-507. Institute charter school - requirements -**
3 **authority.** (8) (b) An institute charter school may negotiate and contract
4 with a school district, the governing body of a state college or university,
5 a school food authority, A CHARTER SCHOOL COLLABORATIVE, a board of
6 cooperative services, another institute charter school, a district charter
7 school, or any third party for the use of a school building and grounds, the
8 operation and maintenance thereof, and the provision of any service,
9 activity, or undertaking that the institute charter school is required to
10 perform in order to carry out the educational program described in its
11 charter contract. The institute charter school shall have standing to sue
12 and be sued in its own name for the enforcement of any contract created
13 pursuant to this paragraph (b).

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

16 **22-30.5-603. Charter school collaborative - creation -public**
17 **status - structure.** (3.5) A CHARTER SCHOOL COLLABORATIVE MAY ACT
18 AS A SCHOOL FOOD AUTHORITY PURSUANT TO THE PROVISIONS OF THE
19 FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

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

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

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

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

1 **22-54-123. National school lunch act - appropriation of state**
2 **matching funds.** (2) As used in this section, unless the context
3 otherwise requires, "school food authority" means:

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

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

8 **22-54-123.5. School breakfast program - appropriation -**
9 **low-performing schools.** (1) (c) A district charter school, ~~or an institute~~
10 charter school, OR A CHARTER SCHOOL COLLABORATIVE that is a school
11 food authority shall only be eligible to receive moneys pursuant to this
12 section if it is a low-performing school. A district charter school or an
13 institute charter school that is a school food authority that receives
14 moneys pursuant to this section shall use such moneys to create, expand,
15 or enhance its school breakfast program with the goal of improving the
16 academic performance of the students attending the district charter school
17 or the institute charter school.

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

21 **22-54-123.5. School breakfast program - appropriation -**
22 **low-performing schools.** (2) As used in this section:

23 (b) "School food authority" means:

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

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

1 **22-82.7-102. Definitions.** As used in this article, unless the
2 context otherwise requires:

3 (5) "School food authority" means:

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

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

8 **22-82.9-103. Definitions.** As used in this article, unless the
9 context otherwise requires:

10 (2.5) "School food authority" means:

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

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

14 For the implementation of this act, the cash funds appropriation made in
15 the annual general appropriation act for the fiscal year beginning July 1,
16 2011, to the department of education, management and administration, for
17 the division of on-line learning, is decreased by thirty-five thousand one
18 hundred seventy-three dollars (\$35,173) and 0.2 FTE. Said sum shall be
19 from the state education fund created in section 17 (4) (a) of article IX of
20 the state constitution.

21 **SECTION 43. Act subject to petition - effective date.** This act
22 shall take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part shall not take effect

1 unless approved by the people at the general election to be held in
2 November 2012 and shall take effect on the date of the official
3 declaration of the vote thereon by the governor.