

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0312.01 Jane Ritter x4342

SENATE BILL 13-002

SENATE SPONSORSHIP

Hudak,

HOUSE SPONSORSHIP

Hamner,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DESIGNATION OF BOARDS OF COOPERATIVE**
102 **SERVICES AS LOCAL EDUCATION AGENCIES FOR PURPOSES OF**
103 **FEDERAL LAW.**

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>.)

The bill allows boards of cooperative services (BOCES) to act as local education agencies for the purposes of federal law, including for the receipt of federal grants. BOCES may apply to any division within the department of education, and all divisions must inform BOCES of and

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

SENATE
Amended 2nd Reading
January 28, 2013

allow them to apply for all federal and state grant moneys for which they are eligible.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-5-114.5 as
3 follows:

4 **22-5-114.5. Designation as local education agency - rules.**

5 (1) ___ ANY BOARD OF COOPERATIVE SERVICES MAY ACT AS A LOCAL
6 EDUCATION AGENCY FOR A PARTICIPATING MEMBER OR CONSORTIUM OF
7 MEMBERS THAT CHOOSES TO APPLY FOR, RECEIVE, OR ADMINISTER A
8 GRANT THROUGH A GRANT PROGRAM CREATED BY A FEDERAL OR STATE
9 STATUTE OR PROGRAM. THE PROVISIONS OF THIS SECTION SHALL NOT
10 APPLY TO FEDERAL FORMULA GRANT MONEYS UNLESS ALLOWED BY THE
11 "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", PUB.L.
12 89-10.

13 (2) A BOARD OF COOPERATIVE SERVICES MAY APPLY TO THE
14 DEPARTMENT FOR FEDERAL OR STATE MONEYS RECEIVED BY THE
15 DEPARTMENT ONLY WITH THE APPROVAL OF TWO OR MORE OF ITS
16 PARTICIPATING MEMBER SCHOOL DISTRICTS THROUGH A VOTE BY THE
17 BOARD OF DIRECTORS OF THE BOARD OF COOPERATIVE SERVICES. IF A
18 BOARD OF COOPERATIVE SERVICES APPLIES FOR STATE OR FEDERAL GRANT
19 MONEYS ON BEHALF OF PARTICIPATING MEMBER SCHOOL DISTRICTS, THE
20 PARTICIPATING MEMBER SCHOOL DISTRICTS ARE NOT ELIGIBLE TO APPLY
21 FOR THE SAME STATE OR FEDERAL GRANT MONEYS.

22 (3) A BOARD OF COOPERATIVE SERVICES MAY APPLY TO ANY
23 DIVISION WITHIN THE DEPARTMENT FOR ANY FEDERAL AND STATE GRANT
24 MONEYS FOR WHICH IT IS ELIGIBLE. ALL DIVISIONS WITHIN THE
25 DEPARTMENT MUST TREAT BOARDS OF COOPERATIVE SERVICES AS LOCAL

1 EDUCATION AGENCIES AND INFORM THEM OF AND ALLOW THEM TO APPLY
2 FOR ALL FEDERAL AND STATE GRANT MONEYS FOR WHICH THEY ARE
3 ELIGIBLE.

4 (4) AN ELIGIBLE GRANTEE OR CONSORTIUM OF GRANTEES MAY
5 DESIGNATE A BOARD OF COOPERATIVE SERVICES AS THE FISCAL MANAGER
6 FOR A STATE OR FEDERAL GRANT. THE GRANTEE OR CONSORTIUM OF
7 GRANTEES REMAINS RESPONSIBLE FOR ENSURING THAT ALL THE
8 REQUIREMENTS OF THE GRANT ARE MET.

9 (5) THE STATE BOARD MAY PROMULGATE RULES TO ESTABLISH
10 PROCESSES AND GUIDELINES FOR A BOARD OF COOPERATIVE SERVICES TO
11 APPLY FOR STATE OR FEDERAL GRANT MONEYS PURSUANT TO THIS
12 SECTION.

13 **SECTION 2. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.