

## CHAPTER 101

---

**EDUCATION - UNIVERSITIES AND COLLEGES**


---

**HOUSE BILL 08-1079**

BY REPRESENTATIVE(S) Jahn, Borodkin, Casso, Curry, Fischer, Gagliardi, Green, Kerr A., Kerr J., Lambert, Lundberg, Massey, McFadyen, Merrifield, Middleton, Primavera, Rice, Romanoff, Rose, Scanlan, Soper, Stafford, Summers, and Todd; also SENATOR(S) Bacon, Boyd, Gibbs, Groff, Isgar, Schwartz, Shaffer, Tapia, Tochtrop, Tupa, Williams, and Windels.

**AN ACT****CONCERNING STATE ASSISTANCE FOR VOCATIONAL EDUCATION.**

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

**SECTION 1.** Article 8 of title 23, Colorado Revised Statutes, is amended to read:

**ARTICLE 8****State Assistance for Career and Technical Education**

**23-8-101. Legislative declaration.** Nothing in this article shall be construed to prohibit or limit existing programs of ~~vocational~~ CAREER AND TECHNICAL education in any grade level, the value of which is specifically recognized by the general assembly.

**23-8-101.5. Definitions.** As used in this article, unless the context otherwise requires:

(1) "BOARD" MEANS THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION CREATED IN SECTION 23-60-104.

~~(1)~~ (2) "Board of cooperative services" shall have the same meaning as set forth in section 22-5-103 (2), C.R.S.

~~(2)~~ (3) "Board of cooperative services' per pupil operating revenues" means the amount received by a board of cooperative services as tuition for students enrolled in an approved ~~vocational~~ CAREER AND TECHNICAL education program.

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(3)(4) "Institute charter school" means a charter school that enters into a charter contract with the state charter school institute pursuant to part 5 of article 30.5 of title 22, C.R.S.

(4)(5) "Institute charter school's per pupil operating revenues" means the amount received by an institute charter school pursuant to the provisions of section 22-54-115 (1.3), C.R.S., for any budget year, divided by the number of pupils enrolled in the institute charter school for that budget year, minus the minimum amount per pupil required by section 22-30.5-513, C.R.S., to be allocated for capital reserve or risk management purposes.

**23-8-102. School districts, boards of cooperative services, and institute charter schools conducting career and technical education courses - eligibility for state funds.** (1) Any school district, board of cooperative services, or institute charter school of the state conducting any course of ~~vocational~~ CAREER AND TECHNICAL education approved pursuant to section 23-8-103 by the ~~state board for community colleges and occupational education, referred to in this article as the "board";~~ is entitled to ~~vocational~~ CAREER AND TECHNICAL education program support from ~~funds~~ MONEYS appropriated for ~~the~~ THAT purpose by the general assembly. The amount of ~~vocational~~ CAREER AND TECHNICAL education program support ~~which~~ THAT a SCHOOL district, board of cooperative services, or institute charter school is entitled to receive pursuant to THE provisions of this article shall be computed as follows:

(a) The cost of providing the approved ~~vocational~~ CAREER AND TECHNICAL education programs of the SCHOOL district, board of cooperative services, or institute charter school shall be computed in accordance with paragraph (c) of this subsection (1). The cost so computed shall be divided by the number of full-time equivalent students to be served by the programs, and the result shall be designated, for purposes of this article, as the SCHOOL district's, board of cooperative services', or institute charter school's ~~vocational~~ CAREER AND TECHNICAL education program cost per full-time equivalent student.

(b) As ~~vocational~~ CAREER AND TECHNICAL education program support, the state shall provide, to each school district, each board of cooperative services, and each institute charter school conducting an approved ~~vocational~~ CAREER AND TECHNICAL education program for each twelve-month period beginning July 1, eighty percent of the first one thousand two hundred fifty dollars, or part thereof, by which the SCHOOL district's, board of cooperative services', or institute charter school's approved ~~vocational~~ CAREER AND TECHNICAL education program cost per full-time equivalent student exceeds seventy percent of the SCHOOL district's per pupil operating revenues, as defined in section 22-54-103 (9), C.R.S., seventy percent of the board of cooperative services' per pupil operating revenues, or seventy percent of the institute charter school's per pupil operating revenues, for the school budget year during which ~~such~~ THE twelve-month period begins. In addition, if the SCHOOL district's, board of cooperative services', or institute charter school's approved ~~vocational~~ CAREER AND TECHNICAL education cost per full-time equivalent student exceeds seventy percent of its per pupil operating revenues by an additional amount in excess of one thousand two hundred fifty dollars, the state shall provide fifty percent of ~~such~~ THE additional amount.

(c) For the purpose of computing approved ~~vocational~~ CAREER AND TECHNICAL education program costs, the following shall be included:

(I) The cost of providing the services of instructional personnel for the time involved;

(II) The cost of services to be provided by another education agency or institution;

(III) The cost of necessary books and supplies; and

(IV) The cost of equipment approved for purchase by the board.

(V) Repealed.

(1.5) ANY MONEYS THAT ARE TRANSFERRED FROM THE DEPARTMENT OF EDUCATION TO THE BOARD TO BE USED BY THE BOARD TO PROVIDE CAREER AND TECHNICAL EDUCATION PROGRAM SUPPORT TO A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR INSTITUTE CHARTER SCHOOL PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND WHICH MONEYS ARE SO USED, SHALL NOT BE CONSIDERED A STATE GRANT FOR THE PURPOSE OF CALCULATING WHETHER THE BOARD QUALIFIES AS AN ENTERPRISE, AS DEFINED IN SECTION 24-77-102 (3) (b).

(2) To be eligible to receive ~~such funds~~ THE MONEYS APPROPRIATED PURSUANT TO SUBSECTION (1) OF THIS SECTION, the SCHOOL district, board of cooperative services, or institute charter school ~~must~~ SHALL assume the obligation of paying the balance of the program costs.

(3) The provisions of this section shall not be construed to prevent ~~any~~ A school district, board of cooperative services, or institute charter school from conducting any course in ~~vocational~~ CAREER AND TECHNICAL education with costs in excess of those for which state ~~vocational~~ CAREER AND TECHNICAL education program support ~~funds~~ MONEYS are approved by the board.

(4) ~~Funds~~ MONEYS made available under this article shall be distributed quarterly on the basis of ~~expenditure estimates~~ THE REPORT OF ACTUAL EXPENDITURES furnished to the board by participating school districts, boards of cooperative services, and institute charter schools AT THE END OF THE PREVIOUS FISCAL YEAR. As soon as practicable after July 1 of each year, beginning in 1971, each participating school district, board of cooperative services, and institute charter school shall file with the board a report ~~comparing estimated and~~ OF actual expenditures for all ~~vocational~~ CAREER AND TECHNICAL education programs ~~financed~~ FOR WHICH THE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR INSTITUTE CHARTER SCHOOL IS ELIGIBLE TO RECEIVE MONEYS pursuant to the provisions of this article during the preceding twelve-month period. ~~The board shall determine if such expenditures coincide with the estimates of such school district, board of cooperative services, or institute charter school and shall adjust the next quarterly payment as may be necessary to accommodate any underpayment or overpayment of state funds to the school district, board of cooperative services, or institute charter school.~~

(5) If the appropriations to implement subsections (1) to (4) of this section are less than the total amount required to pay the ~~vocational~~ CAREER AND TECHNICAL education program support for approved ~~vocational~~ CAREER AND TECHNICAL education courses, the board shall prorate the amount to be paid each school district, board of cooperative services, and institute charter school in the same proportion that the appropriation bears to ~~such~~ THE total amount so required for distribution. Any unexpended balance of ~~any such~~ AN appropriation shall revert to the general fund at the end of the fiscal year for which the appropriation is made.

(6) The provisions of this section shall not apply to the Colorado customized training program created in section 23-60-306. For the purposes of this section, the costs of such program shall not be included in computing approved ~~vocational~~ CAREER AND TECHNICAL education program costs, and trainees in ~~such~~ THE COLORADO CUSTOMIZED TRAINING program shall not be counted in computing the number of full-time equivalent students to be served by approved ~~vocational~~ CAREER AND TECHNICAL education programs. Nothing in this section shall preclude the use of school district ~~vocational~~ CAREER AND TECHNICAL EDUCATION program sites as delivery sites for specific training programs funded by the Colorado customized training program.

(7) The provisions of this section shall not apply to the Colorado existing industry training program created pursuant to section 23-60-307. For the purposes of this section, the costs of such program shall not be included in computing approved ~~vocational~~ CAREER AND TECHNICAL education program costs, and trainees in ~~such~~ THE COLORADO EXISTING INDUSTRY TRAINING program shall not be counted in computing the number of full-time equivalent students to be served by approved ~~vocational~~ CAREER AND TECHNICAL education programs. Nothing in this section shall preclude the use of school district ~~vocational~~ CAREER AND TECHNICAL EDUCATION program sites as delivery sites for specific training programs funded by the Colorado existing industry training program.

**23-8-103. Standards for eligibility for grants.** (1) The board shall not approve ~~vocational~~ CAREER AND TECHNICAL education program support to be provided under section 23-8-102 unless the courses of ~~vocational~~ CAREER AND TECHNICAL education conducted by a school district, board of cooperative services, or institute charter school meet the standards prescribed in subsection (2) of this section.

(2) Any ~~such~~ course APPROVED PURSUANT TO SUBSECTION (1) OF THIS SECTION shall:

(a) Be designed to provide students with an entry-level occupational skill OR PREPARE STUDENTS FOR FURTHER EDUCATION;

~~(b) Be of sufficient duration to provide entry level skills and related knowledge required by business and industry;~~

(c) Have a technical advisory committee that functions at the state, regional, or local level to assist school districts, boards of cooperative services, and institute charter schools in planning and conducting their ~~vocational~~ CAREER AND TECHNICAL education curricula;

(d) Be conducted in facilities that are sufficiently equipped to permit adequate training and education; ~~such~~ THE facilities may be located within or outside the school district, or, in the case of a program conducted by a board of cooperative services, within or outside any of the school districts participating in the board of cooperative services, and they may be housed in buildings that are not owned or operated by a school district, a board of cooperative services, or an institute charter school; AND

(e) Meet an employment potential ~~which~~ THAT is found to exist by any survey of the board concerning economic opportunities.

(3) In approving CAREER AND TECHNICAL EDUCATION programs and ~~vocational~~ CAREER AND TECHNICAL education program support ~~funds~~ MONEYS under this article, the board shall attempt to avoid unnecessary duplication in either facilities or staffing for ~~vocational~~ CAREER AND TECHNICAL education in any school district, board of cooperative services, institute charter school, or area of this state; and, where feasible, sharing of facilities shall be required by the board.

(4) The board shall adopt such rules and regulations as may be necessary to administer the provisions of this article.

**23-8-104. Reports.** (1) This article shall be effective on January 1, 1974, and ~~thereafter until the general assembly provides otherwise by law.~~

(2) On or before ~~November 1~~ of each year during the effective period of this ~~article~~ FEBRUARY 28, 2009, AND ON OR BEFORE FEBRUARY 28 EACH YEAR THEREAFTER, the board shall submit A REPORT to the joint budget committee and to the ~~house and senate committees on~~ education ~~a report~~ COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, on the implementation and results of programs funded pursuant to this article, including:

(a) The ~~specific nature of the~~ types of programs funded;

(b) The numbers of students and full-time equivalent students served; ~~by each type of approved program;~~

(c) The total cost and the full-time equivalent student cost; ~~of each type of approved program;~~

(d) ~~With respect to each type of approved program;~~ The employment experience PLACEMENT of those students who ~~participated in the program~~ COMPLETED THE PROGRAMS, including job placement and ~~tenure~~ CONTINUING EDUCATION; and

(e) ~~Such~~ Other aspects of the programs ~~as~~ THAT will enable the general assembly to evaluate the results, cost effectiveness, and viability of the approved programs and to determine whether or not this article should be extended.

**23-8-105. Change of name - authorization.** THE REVISOR OF STATUTES IS AUTHORIZED, WHERE APPROPRIATE, TO CHANGE ALL REFERENCES TO "VOCATIONAL EDUCATION" IN THE COLORADO REVISED STATUTES TO "CAREER AND TECHNICAL EDUCATION".

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 7, 2008