

## CHAPTER 292

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 96-1203**

BY REPRESENTATIVES Adkins, Allen, Armstrong, Berry, Clarke, DeGette, George, Gordon, Grampas, Kaufman, Keller, Knox, Layba, Mace, Morrison, Reeser, Saliman, Schwarz, Swenson, Tucker, and Tupa;  
also SENATORS Norton, Hernandez, Johnson, Linkhart, Martinez, Matsunaka, Meiklejohn, Pascoe, L. Powers, and Weddig.

**AN ACT****CONCERNING AT-RISK STUDENTS IN PUBLIC SCHOOLS, AND MAKING APPROPRIATIONS THEREFOR.**

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

**SECTION 1.** 22-33-102, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-33-102. Definitions.** As used in this article, unless the context otherwise requires:

(4.7) "INFORMAL HEARING" MEANS AN OPPORTUNITY FOR A CHILD TO EXPLAIN HIS OR HER POSITION REGARDING A DISRUPTION IN THE CLASSROOM OR AN INCIDENT CONSTITUTING GROUNDS FOR DISCIPLINE.

**SECTION 2.** 22-33-105 (2) (b), (3), (5) (a), and (5) (b), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

**22-33-105. Suspension, expulsion, and denial of admission.** (2) In addition to the powers provided in section 22-32-110, the board of education of each district may:

(b) Suspend, on the grounds stated in section 22-33-106, a pupil from school for not more than another ten school days, or may delegate such power to its executive officer; except that the latter may extend a suspension to an additional ten school days if necessary in order to present the matter to the next meeting of the board of education, BUT THE TOTAL PERIOD OF SUSPENSION PURSUANT TO THIS PARAGRAPH (b) AND PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL NOT EXCEED TWENTY-FIVE

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

## SCHOOL DAYS.

(3) (a) If a pupil is suspended pursuant to subsection (2) of this section, the suspending authority shall immediately notify the parent, guardian, or legal custodian of ~~such~~ THE pupil that the pupil has been suspended and of the grounds for ~~such~~ THE suspension, the period of ~~such~~ THE suspension, and the time and place for ~~such~~ THE parent, guardian, or legal custodian to meet with the suspending authority to review ~~such~~ THE suspension.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3), a suspended pupil shall:

(I) Be required to leave the school building and the school grounds immediately, following a determination by the parent, guardian, or legal custodian and the school of the best way to transfer custody of the pupil to the parent, guardian, or legal custodian; AND

(II) ~~No pupil shall~~ NOT be readmitted to a public school until ~~such~~ A meeting BETWEEN THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN AND THE SUSPENDING AUTHORITY has taken place or until, in the discretion of the suspending authority, the parent, guardian, or legal custodian of the suspended pupil has substantially agreed to review the suspension with such suspending authority; except that, if the suspending authority cannot contact the parent, guardian, or legal custodian of such pupil or if such parent, guardian, or legal custodian repeatedly fails to appear for scheduled meetings, the suspending authority may readmit ~~such~~ THE pupil. THE MEETING SHALL ADDRESS WHETHER THERE IS A NEED TO DEVELOP A REMEDIAL DISCIPLINE PLAN FOR THE PUPIL IN AN EFFORT TO PREVENT FURTHER DISCIPLINARY ACTION.

(c) A PUPIL SUSPENDED FOR A PERIOD OF TEN DAYS OR LESS SHALL RECEIVE AN INFORMAL HEARING BY THE SCHOOL PRINCIPAL OR THE PRINCIPAL'S DESIGNEE PRIOR TO THE PUPIL'S REMOVAL FROM SCHOOL, UNLESS AN EMERGENCY REQUIRES IMMEDIATE REMOVAL FROM SCHOOL, IN WHICH CASE AN INFORMAL HEARING SHALL FOLLOW AS SOON AFTER THE PUPIL'S REMOVAL AS PRACTICABLE. ANY PUPIL SUSPENDED FOR MORE THAN TEN DAYS SHALL BE GIVEN THE OPPORTUNITY TO REQUEST A REVIEW OF THE SUSPENSION BEFORE AN APPROPRIATE OFFICIAL OF THE SCHOOL DISTRICT.

(d) THE SUSPENDING AUTHORITY SHALL:

(I) MAKE EVERY REASONABLE EFFORT TO MEET WITH THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE PUPIL DURING THE PERIOD OF SUSPENSION;

(II) NOT EXTEND A PERIOD OF SUSPENSION BECAUSE OF THE FAILURE OF THE SUSPENDING AUTHORITY TO MEET WITH THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN DURING THE PERIOD OF SUSPENSION;

(III) PROVIDE AN OPPORTUNITY FOR A PUPIL TO MAKE UP SCHOOL WORK DURING THE PERIOD OF SUSPENSION. THE INTENT OF THIS PROVISION IS TO PROVIDE AN OPPORTUNITY FOR THE PUPIL TO REINTEGRATE INTO THE EDUCATIONAL PROGRAM OF

THE DISTRICT FOLLOWING THE PERIOD OF SUSPENSION WHICH THE SCHOOL DISTRICT SHOULD TAKE INTO CONSIDERATION WHEN DETERMINING THE AMOUNT OF CREDIT A STUDENT WILL RECEIVE FOR THIS MAKEUP WORK.

(5) (a) Whenever a petition filed in juvenile court alleges that a child ~~between the ages of~~ AT LEAST fourteen YEARS OF AGE ~~to~~ BUT UNDER eighteen YEARS OF AGE has committed an offense that would constitute a crime of violence, as defined in section 16-11-309, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section 19-1-119 (5), C.R.S. Upon receipt of such information, the board of education of the school district OR ITS DESIGNEE shall ~~meet in executive session, as allowed by section 24-6-402 (4) (h), C.R.S., for the purpose of conducting a hearing to~~ determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. THE DETERMINATION MAY BE MADE IN EXECUTIVE SESSION TO THE EXTENT ALLOWED BY SECTION 24-6-402 (4) (h), C.R.S. If the board of education OR ITS DESIGNEE, in accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, ~~the board shall determine if sufficient grounds exist to expel the student at that time and shall proceed with the expulsion.~~ IT MAY PROCEED WITH SUSPENSION OR EXPULSION IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION AND SECTION 22-33-106. Alternatively, the board OF EDUCATION OR ITS DESIGNEE may determine that it will wait until the conclusion of the juvenile proceedings to consider the expulsion matter, in which case it shall be the responsibility of the district to provide ~~said~~ THE student with an appropriate alternate education program or a home-based education program DURING THE PERIOD PENDING THE RESOLUTION OF THE JUVENILE PROCEEDINGS. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section 19-1-119, C.R.S., shall remain confidential.

(b) No student who is being educated in an alternate education program or a home-based education program pursuant to paragraph (a) of this subsection (5) shall be allowed to return to the education program in the public school until there has been a disposition of the charge. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the school district may proceed in accordance with section 22-33-106 to expel the student. THE TIME THAT A STUDENT SPENDS IN AN ALTERNATE EDUCATION PROGRAM PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL NOT BE CONSIDERED A PERIOD OF EXPULSION.

**SECTION 3.** 22-33-106 (1) (c.5) and (1) (d), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

**22-33-106. Grounds for suspension, expulsion, and denial of admission.**

(1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:

(c.5) (I) Declaration as an habitually disruptive student PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH (c.5), which expulsion shall be mandatory.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who ~~caused a~~ HAS BEEN SUSPENDED PURSUANT TO PARAGRAPH (a), (b), (c), OR (d) OF THIS SUBSECTION (1) THREE TIMES DURING THE COURSE OF THE SCHOOL YEAR FOR CAUSING A MATERIAL AND SUBSTANTIAL disruption in the classroom, on school grounds, on school vehicles, or at school activities or events, ~~more than five times during the school year~~ because of behavior ~~which~~ THAT was initiated, willful, and overt on the part of the child. ~~and which required the attention of school personnel to deal with the disruption; except that no~~

(III) THE STUDENT AND THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN SHALL HAVE BEEN NOTIFIED IN WRITING OF EACH SUSPENSION COUNTED TOWARD DECLARING THE STUDENT AS HABITUALLY DISRUPTIVE PURSUANT TO THIS PARAGRAPH (c.5).

(IV) NO child shall be declared to be an habitually disruptive student prior to the development of a remedial discipline plan for ~~such~~ THE child ~~in accordance with the conduct and discipline code of the school district. Nothing shall prohibit a school district from defining "habitually disruptive student" in its conduct and discipline code so long as such definition is no less stringent than the definition in this paragraph (c.5).~~ THAT SHALL ADDRESS THE CHILD'S DISRUPTIVE BEHAVIOR, HIS OR HER EDUCATIONAL NEEDS, AND THE GOAL OF KEEPING THE CHILD IN SCHOOL. THE REMEDIAL DISCIPLINE PLAN SHALL BE DEVELOPED AFTER THE FIRST SUSPENSION FOR A MATERIAL AND SUBSTANTIAL DISRUPTION AND REVIEWED AND MODIFIED AFTER THE SECOND SUSPENSION. THE DISTRICT SHALL ENCOURAGE AND SOLICIT THE FULL PARTICIPATION OF THE CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN IN THE DEVELOPMENT OF THE REMEDIAL DISCIPLINE PLAN.

(d) (I) Serious violations in a school building or in or on school property, which suspension or expulsion shall be mandatory; except that expulsion shall be mandatory for the following violations: Carrying, bringing, using, or possessing a ~~deadly weapon as defined in section 18-1-901 (3) (c), C.R.S.;~~ DANGEROUS WEAPON without the authorization of the school or the school district; the sale of a drug or controlled substance as defined in section 12-22-303, C.R.S.; or the commission of an act which if committed by an adult would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act ~~by an elementary school student~~ that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

(II) AS USED IN THIS PARAGRAPH (d), "DANGEROUS WEAPON" MEANS:

(A) A FIREARM, WHETHER LOADED OR UNLOADED, OR A FIREARM FACSIMILE;

(B) ANY PELLETT OR "BEE-BEE" GUN OR OTHER DEVICE, WHETHER OPERATIONAL OR NOT, DESIGNED TO PROPEL PROJECTILES BY SPRING ACTION OR COMPRESSED AIR;

(C) A FIXED BLADE KNIFE WITH A BLADE THAT MEASURES LONGER THAN THREE INCHES IN LENGTH OR A SPRING LOADED KNIFE OR A POCKET KNIFE WITH A BLADE LONGER THAN THREE AND ONE-HALF INCHES; OR

(D) ANY OBJECT, DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE, WHETHER ANIMATE OR INANIMATE, USED OR INTENDED TO BE USED TO INFLICT DEATH OR SERIOUS BODILY INJURY.

**SECTION 4.** The introductory portion to 22-33-107 (3) (b) and 22-33-107 (3) (b) (I), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

**22-33-107. Enforcement of compulsory school attendance.** (3) (b) The board of education of each school district shall adopt and implement policies and procedures concerning children who are habitually truant. ~~who are enrolled in public schools under the jurisdiction of such board of education. Such~~ THE policies and procedures ~~may include, but need not be limited to, the following~~ SHALL INCLUDE PROVISIONS FOR THE DEVELOPMENT OF A PLAN. THE PLAN SHALL BE DEVELOPED WITH THE GOAL OF ASSISTING THE CHILD TO REMAIN IN SCHOOL AND, WHEN PRACTICABLE, WITH THE FULL PARTICIPATION OF THE CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN. APPROPRIATE SCHOOL PERSONNEL SHALL MAKE ALL REASONABLE EFFORTS TO MEET WITH THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE CHILD TO REVIEW AND EVALUATE THE REASONS FOR THE CHILD'S TRUANCY. THE POLICIES AND PROCEDURES MAY ALSO INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING:

(I) ~~Requiring a meeting between the parent of the child who is habitually truant and appropriate school personnel to review and evaluate the reasons for the child being habitually truant, such meeting to be held not later than ten school days after the child's fourth unexcused absence in a month or tenth unexcused absence in a school year;~~

**SECTION 5.** Title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW ARTICLES to read:

#### **ARTICLE 37**

#### **Grant Program for In-school or In-home Suspension**

**22-37-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "IN-SCHOOL SUSPENSION ACT".

**22-37-102. Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE PURPOSE OF THIS ARTICLE IS TO PROVIDE MEANS FOR ENCOURAGING EXPERIMENTATION IN THE MANAGEMENT OF STUDENTS SUSPENDED FROM PUBLIC SCHOOLS AND TO EVALUATE PROGRAMS THAT WILL PROVIDE CONTINUOUS EDUCATION, SUPERVISION, AND DISCIPLINE TO SUSPENDED STUDENTS IN ORDER TO MAINTAIN THE EDUCATION OF A SUSPENDED STUDENT AND PREVENT THE CONTINUATION OF DISRUPTIVE BEHAVIOR, FURTHER SUSPENSION, OR EXPULSION OF THE STUDENT.

**22-37-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ELIGIBLE PARTICIPANT" MEANS ANY PUBLIC SCHOOL, AS DEFINED IN SECTION 22-1-101, THAT ENROLLS STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADES OR ANY PUBLIC OR PRIVATE AGENCY OPERATING IN CONJUNCTION WITH ANY SUCH PUBLIC SCHOOL.

(2) "IN-HOME SUSPENSION" MEANS A SUSPENSION PURSUANT TO SECTION 22-33-105 IN WHICH THE STUDENT IS SUSPENDED FROM PARTICIPATION IN REGULAR SCHOOL ACTIVITIES BUT RECEIVES CONTINUOUS EDUCATIONAL INSTRUCTION, SUPERVISION, AND DISCIPLINE IN A HOME ENVIRONMENT.

(3) "IN-SCHOOL SUSPENSION" MEANS A SUSPENSION PURSUANT TO SECTION 22-33-105 IN WHICH THE STUDENT IS SUSPENDED FROM PARTICIPATION IN REGULAR SCHOOL ACTIVITIES BUT REMAINS IN THE SCHOOL ENVIRONMENT AND RECEIVES CONTINUOUS EDUCATIONAL INSTRUCTION, SUPERVISION, AND DISCIPLINE.

(4) "PROGRAM" MEANS AN IN-SCHOOL OR IN-SCHOOL DISTRICT SUSPENSION PROGRAM OR IN-HOME SUSPENSION PROGRAM AUTHORIZED PURSUANT TO THIS ARTICLE.

(5) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.

(6) "SUSPENDED STUDENT" MEANS A STUDENT SUSPENDED PURSUANT TO SECTION 22-33-105.

**22-37-104. Qualification.** (1) ANY ELIGIBLE PARTICIPANT MAY SUBMIT A PROPOSAL TO THE STATE BOARD FOR A GRANT FOR THE DEVELOPMENT OF A PROGRAM UNDER THIS ARTICLE, WHICH MAY INVOLVE SELECTED GRADE LEVELS WITHIN A PUBLIC SCHOOL.

(2) A PROGRAM SHALL:

(a) PROVIDE SUPERVISION, DISCIPLINE, COUNSELING, AND CONTINUOUS EDUCATION FOR A SUSPENDED STUDENT WITH THE GOAL OF MAINTAINING THE EDUCATION OF A SUSPENDED STUDENT AND PREVENTING FURTHER DISRUPTIVE BEHAVIOR, SUBSEQUENT SUSPENSION, OR EXPULSION;

(b) PROVIDE FOR A TRANSITIONAL STAGE FROM IN-SCHOOL OR IN-HOME SUSPENSION TO REGULAR SCHOOL ACTIVITIES;

(c) INCLUDE AN AGREEMENT BY THE PARTICIPATING PUBLIC SCHOOL THAT ANY STUDENT SUSPENDED FOR THE REASONS SPECIFIED IN SECTION 22-33-106 (1) (a) OR (1) (b) SHALL BE INCLUDED IN THE PROGRAM;

(d) INCLUDE AN EVALUATION PHASE BASED ON THE COLLECTION OF DATA THAT SHALL MEASURE EFFECTIVENESS OF THE PROGRAM; AND

(e) INCLUDE PROVISIONS FOR THE DISSEMINATION OF THE RESULTS OF THE PROGRAM TO THE STATE BOARD, SCHOOL BOARD OF THE PARTICIPATING PUBLIC SCHOOL, PARENTS, GUARDIANS, OR LEGAL CUSTODIANS WITH STUDENTS ATTENDING THE PARTICIPATING PUBLIC SCHOOL, AND ANY OTHER INTERESTED PERSONS.

(3) A PROGRAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO, ANY OF THE FOLLOWING:

(a) PROGRAMS THAT UTILIZE NEW INSTRUCTIONAL, COUNSELING, OR DISCIPLINARY CONCEPTS;

(b) PROGRAMS THAT UTILIZE CURRENT PUBLIC SCHOOL STAFF OR OTHER PERSONNEL;

(c) PROGRAMS THAT ENCOURAGE PARENTAL PARTICIPATION AND INVOLVEMENT;

(d) PROGRAMS THAT EMPLOY INDIVIDUALIZED INSTRUCTION, COMPUTER-ASSISTED INSTRUCTION, OR OTHER AUTOMATED EQUIPMENT FOR INSTRUCTION;

(e) PROGRAMS THAT PROVIDE BEHAVIORAL MODIFICATION OR ANGER MANAGEMENT TECHNIQUES.

(4) EACH PROPOSAL MUST INCLUDE A BREAKDOWN OF ALL COSTS THAT WOULD BE INCURRED UPON APPROVAL OF THE PROGRAM.

**22-37-105. Administration.** (1) THE STATE BOARD SHALL HAVE THE AUTHORITY TO APPROVE PROGRAMS UNDER THIS ARTICLE, THE TOTAL STATED COSTS OF WHICH SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR EACH INDIVIDUAL PROGRAM IN ANY ONE YEAR AND FIVE HUNDRED THOUSAND DOLLARS, IN THE AGGREGATE, FOR ALL PROGRAMS IN ANY ONE YEAR.

(2) EACH GRANT SHALL BE FOR A PERIOD OF TWO YEARS, SUBJECT TO REVIEW BY THE STATE BOARD OF THE EFFECTIVENESS OF THE PROGRAM AND THE ADHERENCE OF THE PROGRAM TO THIS ARTICLE. ALL GRANTS SHALL BE RENEWABLE FOR ADDITIONAL TWO-YEAR PERIODS UPON FURTHER APPLICATION TO THE STATE BOARD.

(3) THE STATE BOARD SHALL HAVE THE AUTHORITY TO ADOPT RULES NECESSARY FOR THE ADMINISTRATION OF THIS ARTICLE.

**22-37-106. Reporting.** ALL PUBLIC SCHOOLS RECEIVING FUNDS UNDER THIS ARTICLE SHALL SUBMIT TO THE STATE BOARD ON OR BEFORE THE BEGINNING OF EACH SCHOOL YEAR OF THE PARTICIPATING PUBLIC SCHOOL A REPORT THAT CONTAINS A STATEMENT OF COSTS INCURRED FOR THE APPROVED PROGRAM, THE ETHNIC, RACIAL, AND GENDER COMPOSITION OF THE SUSPENDED STUDENTS PARTICIPATING IN THE PROGRAM FROM THE PREVIOUS YEAR, THE EXPECTED TOTAL NUMBER OF PARTICIPANTS IN THE CURRENT SCHOOL YEAR, THE RATE OF RECIDIVISM, AND THE OVERALL EFFECTIVENESS OF THE PROGRAM.

**22-37-107. Funding.** THE DEPARTMENT OF EDUCATION MAY PURSUE ADDITIONAL SOURCES OF FUNDING FOR THE FINANCING OF IN-SCHOOL OR IN-HOME SUSPENSION PROGRAMS, INCLUDING BUT NOT LIMITED TO GRANTS, DONATIONS, AND CONTRIBUTIONS FROM PUBLIC OR PRIVATE SOURCES AND ANY FUNDS AVAILABLE PURSUANT TO ARTICLE 20 OF THIS TITLE.

### **ARTICLE 38**

#### **Pilot Schools for Students Expelled from Sixth through Ninth Grades**

**22-38-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO PILOT SCHOOLS ACT".

**22-38-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS

AND DECLARES THAT:

(a) IT IS THE GOAL OF THE STATE OF COLORADO TO PROVIDE EDUCATIONAL OPPORTUNITIES TO ALL STUDENTS WHO CHOOSE TO PURSUE SUCH OPPORTUNITIES;

(b) TO MAINTAIN DISCIPLINE IN THE PUBLIC SCHOOLS, IT IS SOMETIMES ESSENTIAL FOR THE PUBLIC SCHOOLS TO EXPEL STUDENTS;

(c) STUDENTS WHO ARE EXPELLED FROM PUBLIC SCHOOLS ARE MUCH MORE LIKELY THAN THEIR FORMER CLASSMATES TO FAIL TO OBTAIN A HIGH SCHOOL EDUCATION AND TO HAVE EARLY CONTACTS WITH THE CRIMINAL JUSTICE SYSTEM;

(d) PROVIDING STUDENTS IN THE SIXTH THROUGH NINTH GRADES WHO HAVE BEEN EXPELLED WITH THE OPPORTUNITY TO CONTINUE THEIR EDUCATION IN A PROPER SETTING WILL ENHANCE THE POSSIBILITY THAT THEY WILL CONTINUE THEIR EDUCATION AND BECOME PRODUCTIVE MEMBERS OF SOCIETY;

(e) THE BEST WAY TO PROMOTE A DESIRE TO STAY IN SCHOOL IS TO INTERVENE IN A STUDENT'S ACADEMIC CAREER PRIOR TO THE STUDENT ENTERING HIGH SCHOOL; AND

(f) AS STUDENTS WHO ARE EXPELLED FROM PUBLIC SCHOOLS NO LONGER BELONG TO ANY SCHOOL DISTRICT, IT IS APPROPRIATE FOR THE STATE TO DEVISE PROGRAMS TO MEET THEIR NEEDS.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THIS ARTICLE IS ENACTED FOR THE FOLLOWING PURPOSES:

(a) TO COMPLEMENT THE PRESENT DISCIPLINARY SYSTEMS IN EXISTENCE AT COLORADO PUBLIC SCHOOLS;

(b) TO ENCOURAGE DIVERSE APPROACHES TO EDUCATING CHILDREN WHO HAVE BEEN EXPELLED;

(c) TO PROVIDE STUDENTS WHO HAVE BEEN EXPELLED WITH THE OPPORTUNITY TO CONTINUE THEIR EDUCATION;

(d) TO DETERMINE THE MOST EFFECTIVE MEANS OF ADDRESSING THE EDUCATIONAL, PSYCHOLOGICAL, CULTURAL, AND OTHER NEEDS OF THOSE STUDENTS WHO HAVE BEEN EXPELLED; AND

(e) TO PROVIDE RESOURCES FOR DEVELOPMENT OF AN EXTENDED DAY, YEAR-ROUND PROGRAM FOR STUDENTS WHO REQUIRE MORE INTENSE SUPERVISION AND INSTRUCTION.

**22-38-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AT-RISK STUDENT" MEANS A STUDENT WHO IS IN THE SIXTH, SEVENTH, EIGHTH, OR NINTH GRADE, WHO IS UNDER SEVENTEEN YEARS OF AGE, AND WHO HAS BEEN THE SUBJECT OF AT LEAST ONE SUSPENSION IN THE PAST YEAR.



(2) "EXPELLED STUDENT" MEANS A STUDENT WHO IS IN THE SIXTH, SEVENTH, EIGHTH, OR NINTH GRADE, WHO IS UNDER SEVENTEEN YEARS OF AGE, AND WHO HAS BEEN EXPELLED FROM SCHOOL PURSUANT TO SECTION 22-33-105 FOR A PERIOD IN EXCESS OF THIRTY DAYS.

(3) "PILOT SCHOOL" MEANS A SCHOOL CREATED PURSUANT TO THIS ARTICLE BY A SCHOOL DISTRICT, COMBINATION OF SCHOOL DISTRICTS, BOARD OF COOPERATIVE SERVICES PURSUANT TO SECTION 22-5-104, OR A PRIVATE ENTITY OPERATING PURSUANT TO A CONTRACT WITH THE STATE BOARD.

(4) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.

**22-38-104. Pilot schools - requirements - authority.** (1) THE STATE BOARD MAY PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF NOT MORE THAN TWO FULL-TIME RESIDENTIAL PILOT SCHOOLS AND NOT MORE THAN TWO YEAR-ROUND NONRESIDENTIAL PILOT SCHOOLS PURSUANT TO THE FOLLOWING PROVISIONS:

(a) THE STATE BOARD SHALL CONSIDER PLACEMENT OF THE PILOT SCHOOLS IN GEOGRAPHIC AREAS OF THE STATE THAT SHALL PROVIDE THE EASIEST ACCESS TO THE MAXIMUM NUMBER OF EXPELLED AND AT-RISK STUDENTS ELIGIBLE TO ATTEND THE PILOT SCHOOLS. THE STATE BOARD IS URGED TO CONSIDER PLACEMENT OF ONE PILOT SCHOOL IN THE DENVER METROPOLITAN AREA; ONE IN THE SOUTHEASTERN PART OF THE STATE SOUTH OF THE 39TH PARALLEL AND EAST OF THE CONTINENTAL DIVIDE; ONE IN THE NORTHEAST PART OF THE STATE NORTH OF U.S. INTERSTATE 70, EAST OF THE CONTINENTAL DIVIDE; AND ONE WEST OF THE CONTINENTAL DIVIDE.

(b) A PILOT SCHOOL SHALL BE A PUBLIC, NONSECTARIAN, NONRELIGIOUS, NON-HOME-BASED SCHOOL.

(c) A PILOT SCHOOL SHALL BE ADMINISTERED AND GOVERNED BY A BOARD OF DIRECTORS IN A MANNER AGREED TO BY THE PILOT SCHOOL APPLICANT AND THE STATE BOARD.

(d) A PILOT SCHOOL SHALL BE SUBJECT TO ALL FEDERAL AND STATE LAWS AND CONSTITUTIONAL PROVISIONS PROHIBITING DISCRIMINATION ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, GENDER, NATIONAL ORIGIN, RELIGION, OR ANCESTRY. ENROLLMENT DECISIONS SHALL BE MADE IN A NONDISCRIMINATORY MANNER SPECIFIED BY THE PILOT SCHOOL APPLICANT IN THE PILOT SCHOOL APPLICATION.

(2) NOT MORE THAN TWO PILOT SCHOOLS SHALL EACH HAVE A MINIMUM OF SIXTY STUDENTS WHO DO NOT RESIDE AT THE SCHOOL, APPROXIMATELY TWO-THIRDS OF WHOM SHALL BE EXPELLED STUDENTS, AND THE REMAINDER OF WHOM SHALL BE AT-RISK STUDENTS ADMITTED BY THE PILOT SCHOOL IN THE MANNER SPECIFIED IN THE PILOT SCHOOL APPLICATION.

(3) NOT MORE THAN TWO PILOT SCHOOLS SHALL EACH HAVE A MINIMUM OF SIXTY STUDENTS, TWO-THIRDS OF WHICH SHALL BE EXPELLED STUDENTS AND ONE-THIRD OF WHICH SHALL BE AT-RISK STUDENTS. THESE SCHOOLS SHALL MAKE AVAILABLE FULL-TIME RESIDENTIAL FACILITIES FOR ALL EXPELLED STUDENTS WHO, IN THE DETERMINATION OF THE PILOT SCHOOL, MAY BENEFIT FROM AN ENVIRONMENT

DIFFERENT FROM THOSE CONDITIONS THAT MAY HAVE CONTRIBUTED TO THE STUDENT'S EXPULSION. THESE SCHOOLS SHALL ONLY ADMIT EXPELLED AND AT-RISK STUDENTS WHO ARE IN THE SIXTH GRADE OR SEVENTH GRADE IF COMPELLING CIRCUMSTANCES EXIST FOR ADMITTING SUCH STUDENTS TO RESIDENTIAL FACILITIES.

(4) A PILOT SCHOOL SHALL OPERATE ON A YEAR-ROUND BASIS AND OFFER SERVICES FOR AN EXTENDED PERIOD OF MORE THAN EIGHT HOURS DURING EACH EDUCATIONAL DAY.

(5) A PILOT SCHOOL SHALL BE ACCOUNTABLE TO THE STATE BOARD FOR PURPOSES OF ENSURING COMPLIANCE WITH APPLICABLE LAWS AND CONTRACT PROVISIONS AND THE REQUIREMENT OF SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION.

(6) A PILOT SCHOOL MAY REQUIRE A PARENT OR LEGAL GUARDIAN AND THE STUDENT TO ENTER INTO A MUTUAL RESPONSIBILITY AGREEMENT ACCORDING TO THE TERMS OF WHICH A PARENT, LEGAL GUARDIAN, OR STUDENT PROVIDES SERVICES TO THE PILOT SCHOOL OR AGREES TO MAKE A FINANCIAL CONTRIBUTION TO THE PILOT SCHOOL.

(7) THE STATE BOARD SHALL PROMULGATE GUIDELINES FOR ASSESSING THE ABILITY OF THE PARENT OR LEGAL GUARDIAN OF A STUDENT TO MAKE A FINANCIAL CONTRIBUTION TO A PILOT SCHOOL TO COVER PART, OR ALL, OF THE COSTS OF TUITION FOR THAT STUDENT AT THE PILOT SCHOOL. THE GUIDELINES SHALL PROVIDE FOR A PROCESS TO BE USED BY PILOT SCHOOLS TO ASSESS THE FINANCIAL RESOURCES OF A PARENT OR LEGAL GUARDIAN THAT COULD BE REASONABLY APPLIED TO OFFSET THE COSTS OF A STUDENT'S EDUCATION WITHOUT IMPOSING A FINANCIAL HARDSHIP ON THE PARENT, LEGAL GUARDIAN, OR FAMILY OF THE STUDENT ATTENDING THE PILOT SCHOOL.

(8) PURSUANT TO CONTRACT, A PILOT SCHOOL MAY OPERATE FREE FROM SPECIFIED SCHOOL DISTRICT POLICIES, STATE STATUTES, STATE REGULATIONS, AND CONTRACT REQUIREMENTS OTHERWISE APPLICABLE TO SCHOOLS LOCATED IN THE SCHOOL DISTRICT WHERE THE PILOT SCHOOL IS LOCATED. UPON REQUEST OF THE PILOT SCHOOL, THE STATE BOARD MAY RELEASE THE PILOT SCHOOL FROM ANY SCHOOL DISTRICT POLICIES, STATE STATUTES, STATE REGULATIONS, OR CONTRACT REQUIREMENTS. ANY WAIVER MADE PURSUANT TO THIS SUBSECTION (8) SHALL BE FOR THE TERM OF THE CONTRACT FOR WHICH THE WAIVER IS MADE.

(9) (a) A PILOT SCHOOL SHALL BE RESPONSIBLE FOR ITS OWN OPERATION INCLUDING, BUT NOT LIMITED TO, PREPARATION OF A BUDGET, COMPILATION OF ANY DATA REQUIRED BY THIS ARTICLE, CONTRACTING FOR SERVICES, AND PERSONNEL MATTERS.

(b) A PILOT SCHOOL MAY NEGOTIATE AND CONTRACT WITH A SCHOOL DISTRICT, THE GOVERNING BODY OF A STATE COLLEGE OR UNIVERSITY, OR ANY THIRD PARTY FOR THE USE OF A SCHOOL BUILDING AND GROUNDS, THE OPERATION AND MAINTENANCE THEREOF, AND THE PROVISION OF ANY SERVICE, ACTIVITY, OR UNDERTAKING THAT THE PILOT SCHOOL IS REQUIRED TO PERFORM IN ORDER TO CARRY OUT THE EDUCATIONAL PROGRAM DESCRIBED IN ITS CONTRACT. A PILOT SCHOOL MAY CONTRACT WITH THE STATE FOR THE USE OF ANY AVAILABLE STATE FACILITY IN ORDER TO CARRY OUT THE EDUCATIONAL PROGRAM DESCRIBED IN ITS CONTRACT.

ANY SERVICES FOR WHICH A PILOT SCHOOL CONTRACTS WITH THE STATE BOARD OR ANY SCHOOL DISTRICT SHALL BE PROVIDED TO THE PILOT SCHOOL AT COST.

**22-38-105. Applications for the right to operate pilot schools - contents.**

(1) THE STATE BOARD SHALL PROMULGATE REGULATIONS FOR THE APPLICATIONS TO BE SUBMITTED FOR THE RIGHT TO OPERATE A PILOT SCHOOL THAT SHALL INCLUDE:

(a) A DESCRIPTION OF THE APPLICANT, ITS EXPERIENCE IN PROVIDING EDUCATIONAL, COUNSELING, SOCIAL, AND OTHER NECESSARY SERVICES TO EXPELLED AND OTHER STUDENTS, AND, IN THE CASE OF NONPROFIT ORGANIZATIONS, ITS BALANCE SHEETS AND OPERATING STATEMENTS FOR THE PREVIOUS FIVE YEARS;

(b) INFORMATION REGARDING THE EDUCATIONAL BACKGROUND, EXPERIENCE, AND QUALIFICATIONS OF PERSONNEL WHO WILL SERVE ON THE BOARD OF DIRECTORS AND OPERATE THE SCHOOL;

(c) THE MISSION STATEMENT OF THE PROPOSED PILOT SCHOOL;

(d) THE GOALS, OBJECTIVES, AND PERFORMANCE STANDARDS TO BE ACHIEVED BY THE PILOT SCHOOL;

(e) A DESCRIPTION OF THE STANDARDS UPON WHICH THE PILOT SCHOOL WILL SELECT AND ADMIT EXPELLED AND AT-RISK STUDENTS AND DETERMINE WHEN AN EXPELLED STUDENT WILL BE ADMITTED AS A RESIDENTIAL STUDENT;

(f) A DESCRIPTION OF THE PILOT SCHOOL'S EDUCATIONAL PROGRAM, STUDENT PERFORMANCE STANDARDS, CURRICULUM, AND STUDENT CONDUCT CODE;

(g) A DESCRIPTION OF THE PILOT SCHOOL'S PLAN FOR EVALUATING STUDENT PERFORMANCE, THE TYPES OF ASSESSMENTS THAT WILL BE USED TO MEASURE STUDENT PROGRESS TOWARD ACHIEVEMENT OF THE SCHOOL'S STUDENT PERFORMANCE STANDARDS, THE TIME LINE FOR ACHIEVEMENT OF SUCH STANDARDS, AND THE PROCEDURES FOR TAKING CORRECTIVE ACTION IN THE EVENT THAT STUDENT PERFORMANCE AT THE PILOT SCHOOL FALLS BELOW SUCH STANDARDS;

(h) EVIDENCE THAT THE PROPOSED PILOT SCHOOL IS ECONOMICALLY SOUND, A PROPOSED BUDGET FOR THE TERM OF THE CONTRACT, AND A DESCRIPTION OF THE MANNER IN WHICH AN ANNUAL AUDIT OF THE FINANCIAL AND ADMINISTRATIVE OPERATIONS OF THE PILOT SCHOOL IS TO BE CONDUCTED;

(i) A DESCRIPTION OF THE GOVERNANCE AND OPERATION OF THE PILOT SCHOOL, INCLUDING THE NATURE AND EXTENT OF PARENTAL, PROFESSIONAL EDUCATOR, SOCIAL SERVICES, AND COMMUNITY INVOLVEMENT;

(j) AN EXPLANATION OF THE RELATIONSHIP THAT WILL EXIST BETWEEN THE PROPOSED PILOT SCHOOL AND ITS EMPLOYEES;

(k) A DESCRIPTION OF THE INSURANCE THAT THE PILOT SCHOOL WILL OBTAIN;

(l) A DESCRIPTION OF HOW THE PILOT SCHOOL PLANS TO MEET THE RESIDENTIAL NEEDS OF ITS STUDENTS AND, IF THE PILOT SCHOOL PLANS TO PROVIDE

TRANSPORTATION FOR STUDENTS, A PLAN FOR ADDRESSING THEIR TRANSPORTATION NEEDS;

(m) A DESCRIPTION OF HOW THE SCHOOL WILL ASSIST STUDENTS IN ADAPTING TO A PUBLIC SCHOOL OR OTHER APPROPRIATE LEARNING OR WORK ENVIRONMENT UPON THE STUDENT'S DEPARTURE FROM THE PILOT SCHOOL;

(n) A DESCRIPTION OF HOW THE RESIDENTIAL PILOT SCHOOLS WILL TRANSITION THE STUDENT BACK INTO THE HOME ENVIRONMENT IF THE STUDENT WILL BE RETURNING HOME;

(o) A DESCRIPTION OF HOW THE PILOT SCHOOL WILL INVOLVE PARENTS IN ORDER TO ENHANCE STUDENTS' PERFORMANCE IN THE PILOT SCHOOL, INCLUDING THE USE OF ANY MUTUAL RESPONSIBILITY CONTRACTS AUTHORIZED PURSUANT TO SECTION 22-38-104 (6);

(p) A DESCRIPTION OF THE PILOT SCHOOL'S PLAN TO SPONSOR PERIODIC MEETINGS, CONFERENCES, OR TRAINING SEMINARS TO PROVIDE INFORMATION CONCERNING EXPELLED OR AT-RISK STUDENTS TO PERSONNEL IN THE SCHOOL DISTRICT OR SCHOOL DISTRICTS THAT REPRESENT THE GEOGRAPHIC AREA IN WHICH THE PILOT SCHOOL IS LOCATED;

(q) IDENTIFICATION OF THE ENTITY THAT WILL EVALUATE THE PILOT SCHOOL AS REQUIRED PURSUANT TO SECTION 22-38-114;

(r) A DESCRIPTION OF HOW THE PILOT SCHOOL PLANS TO FOSTER AN AWARENESS OF CULTURAL NEEDS; AND

(s) ANY OTHER INFORMATION DEEMED NECESSARY BY THE STATE BOARD.

(2) IF ACCEPTED, THE APPLICATION SHALL SERVE AS THE BASIS OF A CONTRACT BETWEEN THE STATE BOARD AND THE APPLICANT.

**22-38-106. Application process for pilot school contract.** (1) THE STATE BOARD SHALL APPOINT A SELECTION COMMITTEE TO REVIEW APPLICATIONS FOR EACH OF THE PILOT SCHOOLS ESTABLISHED PURSUANT TO THIS ARTICLE AND TO MAKE RECOMMENDATIONS TO THE STATE BOARD AS TO WHETHER A PILOT SCHOOL SHOULD BE ESTABLISHED IN AN AREA AND WHICH APPLICANT SHOULD BE SELECTED. THE STATE BOARD SHALL APPOINT, AS MEMBERS OF OR ADVISORS TO THE COMMITTEE, MEMBERS FROM THE COUNTY DEPARTMENTS OF SOCIAL SERVICES FROM EACH REGION IN WHICH A PILOT SCHOOL IS TO BE ESTABLISHED. THE COMMITTEE MAY ALSO INCLUDE PERSONS FROM LOCAL SCHOOL DISTRICTS, LOCAL LAW ENFORCEMENT AGENCIES, LOCAL PROBATION DEPARTMENTS, COMMUNITY-BASED ORGANIZATIONS, PARENT GROUPS, AND ANY OTHER INTERESTED PRIVATE CITIZENS.

(2) APPLICATIONS MUST BE FILED WITH THE STATE BOARD BY OCTOBER 1, 1996, TO BE ELIGIBLE FOR THE AWARD OF CONTRACTS FOR OPERATION DURING THE 1997-98 SCHOOL YEAR. IF THE STATE BOARD FINDS THE PILOT SCHOOL APPLICATION IS INCOMPLETE, IT SHALL REQUEST THE NECESSARY INFORMATION FROM THE APPLICANT.

(3) AFTER GIVING REASONABLE PUBLIC NOTICE, THE STATE BOARD MAY HOLD

COMMUNITY MEETINGS IN THE AREA WHERE EACH PILOT SCHOOL IS TO BE LOCATED.

(4) THE STATE BOARD SHALL SELECT APPLICANTS FOR CONTRACTS FOR OPERATION OF PILOT SCHOOLS IN A PUBLIC HEARING, UPON REASONABLE PUBLIC NOTICE, BY DECEMBER 15, 1996.

**22-38-107. Negotiation of pilot school contract.** (1) THE STATE BOARD SHALL ENTER INTO NEGOTIATIONS FOR A CONTRACT TO OPERATE A PILOT SCHOOL WITH EACH APPLICANT IT HAS SELECTED. THE CONTRACT SHALL BE FOR FIVE YEARS' DURATION, COMMENCING UPON THE DATE OF ITS EXECUTION, AND SHALL SET FORTH THE TERMS UNDER WHICH THE PILOT SCHOOL SHALL OPERATE. THE CONTRACT MAY BE RENEWED FOR AN ADDITIONAL PERIOD OF UP TO FIVE YEARS. THE CONTRACT SHALL INCORPORATE THE PERTINENT PROVISIONS FROM THE APPLICATION AND SHALL PROVIDE FOR TERMINATION FOR CAUSE. THE CONTRACT SHALL REFLECT ALL AGREEMENTS REGARDING THE RELEASE OF THE PILOT SCHOOL FROM STATE BOARD POLICIES AND STATE STATUTES AND REGULATIONS.

(2) THE STATE BOARD'S DECISIONS REGARDING THE AWARD AND CONTENTS OF A CONTRACT SHALL BE FINAL AND SHALL NOT BE REVIEWABLE BY APPEAL, CERTIORARI, MANDAMUS, INJUNCTION, OR OTHERWISE.

**22-38-108. Pilot school contracts - renewal of application - grounds for nonrenewal or revocation.** (1) A PILOT SCHOOL RENEWAL APPLICATION SHALL BE SUBMITTED TO THE STATE BOARD NO LATER THAN SIX MONTHS BEFORE THE EXPIRATION OF THE ORIGINAL CONTRACT AND SHALL CONTAIN:

(a) A REPORT ON THE PROGRESS OF THE PILOT SCHOOL IN ACHIEVING THE GOALS, OBJECTIVES, STUDENT PERFORMANCE STANDARDS, CONTENT STANDARDS, AND OTHER TERMS OF THE INITIAL APPROVED PILOT SCHOOL APPLICATION;

(b) A FINANCIAL STATEMENT IN A FORMAT DETERMINED BY THE STATE BOARD THAT DISCLOSES THE COSTS OF ADMINISTRATION, INSTRUCTION, AND OTHER SPENDING CATEGORIES FOR THE PILOT SCHOOL FOR EACH OF THE YEARS OF THE CONTRACT. SUCH A STATEMENT SHALL BE UNDERSTANDABLE TO THE GENERAL PUBLIC AND SHOULD ALLOW COMPARISON OF SUCH COSTS TO OTHER SCHOOLS OR OTHER COMPARABLE ORGANIZATIONS.

(c) A REPORT ON THE POPULATION OF THE PILOT SCHOOL THAT DISCLOSES THE FOLLOWING:

(I) THE ETHNIC, RACIAL, AND GENDER COMPOSITION OF THE SCHOOL AND THE AGES OF THE STUDENTS WHO HAVE ATTENDED THE SCHOOL SINCE ITS INCEPTION;

(II) DISCIPLINARY RECORDS OF THE STUDENTS, INCLUDING THE DATES, REASONS, AND BACKGROUND FOR EACH DISCIPLINARY INCIDENT;

(III) RECORDS OF STUDENT CONTACTS WITH THE JUVENILE OR CRIMINAL JUSTICE SYSTEMS;

(IV) DATA ON THE DROPOUT OR GRADUATION RATES OF THE STUDENTS;

(V) INFORMATION ON THE ATTENDANCE OF THE STUDENTS; AND

(VI) INFORMATION ON THE SUCCESS OF THE SCHOOL IN EDUCATING EXPELLED STUDENTS.

(2) A PILOT SCHOOL MAY BE CLOSED OR A RENEWAL APPLICATION MAY BE DENIED BY THE STATE BOARD IF THE STATE BOARD DETERMINES THAT THE PILOT SCHOOL:

(a) COMMITTED A MATERIAL VIOLATION OF ANY OF THE CONDITIONS, STANDARDS, OR PROCEDURES SET FORTH IN THE APPLICATION;

(b) FAILED TO MEET OR MAKE REASONABLE PROGRESS TOWARD ACHIEVEMENT OF THE CONTENT STANDARDS OR PUPIL PERFORMANCE STANDARDS IDENTIFIED IN THE PILOT APPLICATION;

(c) FAILED TO MEET GENERALLY ACCEPTED STANDARDS OF FISCAL MANAGEMENT; OR

(d) VIOLATED ANY PROVISION OF LAW FROM WHICH THE PILOT SCHOOL WAS NOT SPECIFICALLY EXEMPTED.

(3) A DECISION BY THE STATE BOARD TO CLOSE A PILOT SCHOOL OR NOT TO RENEW A PILOT SCHOOL APPLICATION IS SUBJECT TO JUDICIAL REVIEW PURSUANT TO THE PROVISIONS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT".

**22-38-109. Pilot school employees.** (1) ANY TEACHER EMPLOYED BY A SCHOOL DISTRICT WHO BECOMES A TEACHER EMPLOYED BY A PILOT SCHOOL SHALL BE DEEMED TO CONTINUE TO BE A TEACHER WITHIN THE SCHOOL DISTRICT FOR SENIORITY PURPOSES IN THE EVENT THAT TEACHER RETURNS TO THAT SCHOOL DISTRICT.

(2) EMPLOYEES OF A PILOT SCHOOL MAY ELECT TO BECOME MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION, THE DENVER PUBLIC SCHOOLS RETIREMENT SYSTEM, OR OTHER TAX-DEFERRED ANNUITY PROGRAM, WHICHEVER IS APPLICABLE. IF THE EMPLOYEE MAKES SUCH AN ELECTION, THE PILOT SCHOOL AND THE TEACHER SHALL CONTRIBUTE AMOUNTS AS REQUIRED BY SUCH ASSOCIATION, SYSTEM, OR PROGRAM.

(3) PILOT SCHOOLS MAY EMPLOY AS TEACHERS NONCERTIFIED INDIVIDUALS OR PERSONS WHO DO NOT BELONG TO THE COLLECTIVE BARGAINING GROUP THAT REPRESENTS TEACHERS IN THE PLACE WHERE THE SCHOOL IS LOCATED. SUCH PERSONS MUST BE APPROVED BY THE STATE BOARD OF EDUCATION.

**22-38-110. Pilot school evaluation - report.** (1) THE STATE BOARD SHALL EVALUATE THE PILOT SCHOOLS BASED UPON THE PROGRESS OF THE PILOT SCHOOL IN ACHIEVING THE GOALS, OBJECTIVES, STUDENT PERFORMANCE STANDARDS, CONTENT STANDARDS, AND OTHER TERMS OF THE INITIAL APPROVED PILOT APPLICATION AS WELL AS RELEVANT INFORMATION ABOUT THE COSTS AND FISCAL MANAGEMENT OF THE PILOT SCHOOLS.

(2) THE STATE BOARD SHALL PREPARE AN ANNUAL REPORT ON THE PROGRESS AND EFFICIENCY OF THE PILOT SCHOOLS TO BE PRESENTED TO THE GENERAL ASSEMBLY NO

LATER THAN JANUARY 15, 1998, AND THE FIRST MONDAY OF EACH YEAR THEREAFTER. THE STATE BOARD MAY REQUIRE PILOT SCHOOLS TO SUBMIT DATA ON AN APPROPRIATE PERIODIC BASIS FOR THE PURPOSE OF PREPARING THE ANNUAL REPORT.

**22-38-111. Pilot schools - admission of students.** (1) EXPELLED STUDENTS AND ANY AT-RISK STUDENTS OTHERWISE ELIGIBLE TO ATTEND SIXTH THROUGH NINTH GRADES AND UNDER SEVENTEEN YEARS OF AGE MAY VOLUNTARILY APPLY TO ANY PILOT SCHOOL. NO STUDENT SHALL BE COMPELLED TO ATTEND A PILOT SCHOOL. EACH PILOT SCHOOL SHALL DEVISE ITS OWN APPLICATION AND ADMISSION PROCEDURES. AN APPLICATION SHALL, AT A MINIMUM, INCLUDE:

- (a) THE NAME, ADDRESS, GENDER, RACE, ETHNICITY, AND AGE OF THE STUDENT;
- (b) IF THE STUDENT WAS EXPELLED, THE REASONS FOR THE EXPULSION, THE DATE OF THE EXPULSION, AND THE DISCIPLINARY RECORD OF THE STUDENT;
- (c) WHETHER THE STUDENT IS APPLYING TO BE A FULL-TIME RESIDENTIAL STUDENT;
- (d) A STATEMENT FROM THE STUDENT EXPLAINING WHY HE OR SHE WOULD BENEFIT FROM THE PILOT SCHOOL PROGRAM;
- (e) ACADEMIC RECORDS FOR THE PRIOR THREE YEARS, INCLUDING CLASSES TAKEN, GRADES OR EVALUATIONS RECEIVED, GRADE POINT AVERAGE, RESULTS OF ANY DIAGNOSTIC TESTING, AND RESULTS OF STANDARDIZED TESTS;
- (f) THE STUDENT'S AND PARENT'S, GUARDIAN'S, OR LEGAL CUSTODIAN'S CONSENT TO SUBMIT TO DRUG TESTING IF REQUIRED BY THE PILOT SCHOOL;
- (g) INFORMATION CONCERNING THE FINANCIAL RESOURCES AND INCOME OF THE PARENT OR LEGAL GUARDIAN OF THE STUDENT CONSISTENT WITH THE STATE BOARD'S GUIDELINES PROMULGATED PURSUANT TO SECTION 22-38-104 (7);
- (h) INFORMATION ABOUT THE EXTRACURRICULAR ACTIVITIES, SPORTS, HOBBIES, OR OUT-OF-SCHOOL EMPLOYMENT OF THE STUDENT BEFORE EXPULSION; AND
- (i) ANY OTHER APPLICATION INFORMATION REQUIRED BY THE PILOT SCHOOL TO WHICH THE STUDENT IS APPLYING.

(2) EACH STUDENT IS ELIGIBLE TO APPLY TO THE PILOT SCHOOL SERVING THE COUNTY WHERE THE STUDENT RESIDES. A STUDENT MAY ALSO APPLY TO ANY OTHER PILOT SCHOOL THAT HAS NOT FILLED ALL OF ITS SIXTY STUDENT SLOTS.

(3) STUDENTS ADMITTED TO A PILOT SCHOOL MAY CONTINUE TO BE ENROLLED AT THE PILOT SCHOOL AFTER THE EXPIRATION OF ANY PERIOD OF EXPULSION FROM THEIR ORIGINAL SCHOOLS. STUDENTS OF PILOT SCHOOLS WHO WERE NOT ORIGINALLY ENROLLED AS EXPELLED STUDENTS MAY CONTINUE TO BE ENROLLED PURSUANT TO THE POLICIES AND REGULATIONS ADOPTED BY THE PILOT SCHOOL.

**22-38-112. Discipline and expulsion of students.** (1) A PILOT SCHOOL MAY

DISCIPLINE, SUSPEND, AND EXPEL STUDENTS AS PROVIDED IN ARTICLE 33 OF THIS TITLE.

(2) BASED UPON A REASONABLE BELIEF THAT A STUDENT IS USING DRUGS, A PILOT SCHOOL MAY REQUIRE A STUDENT TO SUBMIT TO DRUG TESTING AFTER PROVIDING NOTICE TO THE STUDENT'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

**22-38-113. Notification requirements.** (1) WITHIN FIVE DAYS OF EXPELLING A STUDENT, THE SCHOOL DISTRICT THAT EXPELLED THE STUDENT SHALL:

(a) NOTIFY THE STUDENT AND THE STUDENT'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE STUDENT'S OPPORTUNITY TO APPLY TO A PILOT SCHOOL;

(b) PROVIDE THE STUDENT'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN WITH A COPY OF THE STUDENT'S ACADEMIC AND DISCIPLINARY RECORDS; AND

(c) NOTIFY THE APPROPRIATE PILOT SCHOOL OF THE STUDENT'S EXPULSION.

**22-38-114. Evaluation.** A PILOT SCHOOL SHALL CONTRACT WITH ONE OR MORE UNIVERSITIES TO MONITOR AND TRACK THE PROGRESS OF STUDENTS IN THE PILOT SCHOOL.

**22-38-115. Funding.** (1) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN SERVICES MAY PURSUE ADDITIONAL SOURCES OF FUNDING FOR THE FINANCING OF PILOT SCHOOLS, INCLUDING BUT NOT LIMITED TO GRANTS, DONATIONS, AND CONTRIBUTIONS FROM PUBLIC OR PRIVATE SOURCES AND ANY FUNDS AVAILABLE PURSUANT TO ARTICLE 20 OF THIS TITLE.

(2) A PILOT SCHOOL MAY HAVE ACCESS TO ANY PUBLIC OR PRIVATE FUNDING SOURCES AVAILABLE FOR VOCATIONAL TRAINING, INCLUDING ANY FUNDS AVAILABLE PURSUANT TO ARTICLE 8 OF TITLE 23, C.R.S.

**SECTION 6. Appropriation - adjustment in 1996 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 1996, the sum of five hundred fifty-seven thousand eight hundred fifty-three dollars (\$557,853) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1996, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1)(c) and (1)(e) is reduced by five hundred fifty-seven thousand eight hundred fifty-three dollars (\$557,853).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by five hundred fifty-seven thousand eight hundred fifty-three dollars (\$557,853).



**SECTION 7. Effective date.** This act shall take effect July 1, 1996.

**SECTION 8. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 1996