

CHAPTER 235

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 03-053

BY SENATOR(S) McElhany, Andrews, Chlouber, Evans, Jones, Keller, Lamborn, May, Phillips, and Sandoval;
also REPRESENTATIVE(S) King, Cloer, Crane, Larson, Smith, Spence, Stafford, Stengel, Weddig and Williams S.

AN ACT

CONCERNING OPERATIONS OF THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, AND, IN CONNECTION THEREWITH, CREATING AN INDEPENDENT GOVERNING BOARD FOR THE SCHOOL.

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

SECTION 1. Repeal. 22-80-101, Colorado Revised Statutes, is repealed as follows:

~~**22-80-101. School located at Colorado Springs.** There shall be permanently maintained in the city of Colorado Springs, in the county of El Paso, an institution for the support and education of the deaf and the blind residing within the state of Colorado.~~

SECTION 2. Article 80 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-80-101.5. Definitions. FOR PURPOSES OF THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD OF TRUSTEES" MEANS THE GOVERNING BOARD OF THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND ESTABLISHED IN SECTION 22-80-103.

(2) "SCHOOL" MEANS THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND DESCRIBED IN SECTION 22-80-102.

SECTION 3. 22-80-102 (1) and the introductory portion to 22-80-102 (2), Colorado Revised Statutes, are amended, and the said 22-80-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

22-80-102. Educational institution. (1) (a) THERE SHALL BE PERMANENTLY MAINTAINED IN THE CITY OF COLORADO SPRINGS, IN THE COUNTY OF EL PASO, AN INSTITUTION FOR THE SUPPORT AND EDUCATION OF DEAF AND BLIND CHILDREN RESIDING WITHIN THE STATE OF COLORADO, TO BE KNOWN AS THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND. THE SCHOOL SHALL BE A BODY CORPORATE. THE SCHOOL SHALL INCLUDE SUCH OTHER FACILITIES AND PROGRAMS LOCATED WITHIN THE STATE AS MAY BE ESTABLISHED AND MAINTAINED PURSUANT TO LAW.

(b) The ~~Colorado school, for the deaf and the blind~~ THE MAIN CAMPUS OF WHICH SHALL BE located in the city of Colorado Springs, in the county of El Paso, is declared to be one of the educational institutions of the state of Colorado and has for its object the education of the children of the state who, by reason of the impairment of their sense of hearing or of sight, cannot be advantageously educated in the other schools or educational institutions of the state. Said school shall not be regarded or classed as a reformatory or charitable institution.

(2) In addition to ~~being~~ INCLUDING a long-term residential school, the ~~Colorado school for the deaf and the blind~~ shall be a resource to school districts, state institutions, and other approved education programs. Resource services shall include, but shall not be limited to, the following:

(3) (a) FOR PURPOSES OF FEDERAL LAW, THE SCHOOL SHALL BE A LOCAL EDUCATIONAL AGENCY, DEEMED TO BE A PUBLIC AUTHORITY LEGALLY CONSTITUTED WITHIN THE STATE FOR EITHER ADMINISTRATIVE CONTROL OR DIRECTION OF, OR TO PERFORM A SERVICE FUNCTION FOR, PUBLIC ELEMENTARY SCHOOLS OR SECONDARY SCHOOLS IN THE STATE.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, THE SCHOOL SHALL NOT BE A LOCAL EDUCATIONAL AGENCY FOR THE PURPOSES OF THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., OR THE FEDERAL "CHILD NUTRITION ACT OF 1966", 42 U.S.C. SEC. 1771 ET SEQ.

(4) (a) THE SCHOOL MAY, IN THE DISCRETION OF THE BOARD OF TRUSTEES, PROVIDE ADDITIONAL EDUCATIONAL SERVICES ON A LOCAL OR REGIONAL BASIS IN THE STATE. IN PROVIDING THE SERVICES, THE SCHOOL SHALL SEEK TO EMPLOY INNOVATIVE DELIVERY SYSTEMS, WHICH MAY INCLUDE DELIVERY OF SERVICES THROUGH:

(I) INTERGOVERNMENTAL AGREEMENTS WITH SCHOOL DISTRICTS OR OTHER LOCAL GOVERNMENTAL ENTITIES;

(II) PARTNERSHIPS WITH BOARDS OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE; OR

(III) CHARTER SCHOOLS CHARTERED BY THE BOARD OF TRUSTEES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4).

(b) THE BOARD OF TRUSTEES IS AUTHORIZED TO GRANT CHARTERS TO APPLICANTS THAT PROPOSE A CHARTER SCHOOL THAT IS DESIGNED TO PROVIDE EDUCATIONAL SERVICES SOLELY TO STUDENTS WHO WOULD QUALIFY FOR ADMISSION TO THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND. THE BOARD OF TRUSTEES SHALL

PROMULGATE RULES GOVERNING THE CONTENTS OF, PROCEDURES FOR, APPROVAL OF, AND APPEALS PERTAINING TO, A CHARTER APPLICATION SUBMITTED PURSUANT TO THIS PARAGRAPH (b) AND RENEWAL OF A CHARTER. THE RULES SHALL REFLECT THE UNIQUE NEEDS OF AND RESPONSIBILITIES OF EDUCATING CHILDREN WITH HEARING OR SIGHT IMPAIRMENT.

(5) THE SCHOOL MAY ENTER INTO CONTRACTS AND RECEIVE FEDERAL MATCHING FUNDS FOR MONEYS SPENT IN PROVIDING STUDENT HEALTH SERVICES AS PROVIDED IN SECTION 26-4-513 (6) OR 26-4-531, C.R.S.

SECTION 4. 22-80-103, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22-80-103. Board of trustees - appointments - powers - duties - fund created - repeal. (1) (a) THERE IS HEREBY CREATED BY A **TYPE 1** TRANSFER IN THE DEPARTMENT OF EDUCATION A BOARD OF TRUSTEES FOR THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND. THE BOARD OF TRUSTEES SHALL CONSIST OF SEVEN MEMBERS WHO ARE RESIDENTS OF COLORADO, APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE. OF THESE SEVEN MEMBERS, AT LEAST ONE APPOINTEE SHALL BE A BLIND PERSON AND AT LEAST ONE APPOINTEE SHALL BE A DEAF PERSON.

(b) IN MAKING APPOINTMENTS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE GOVERNOR SHALL GIVE DUE CONSIDERATION TO ESTABLISHING AND MAINTAINING A GEOGRAPHICAL AND URBAN AND RURAL BALANCE AMONG THE BOARD MEMBERS. NO MORE THAN FOUR OF THE SEVEN MEMBERS SHALL BE MEMBERS OF THE SAME POLITICAL PARTY. THE COMMISSIONER OF EDUCATION OR HIS OR HER DESIGNEE SHALL SERVE AS AN EX OFFICIO NONVOTING MEMBER OF THE BOARD OF TRUSTEES. THE TERMS OF OFFICE OF THE BOARD OF TRUSTEES SHALL BE FOUR YEARS; EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED, FOUR MEMBERS SHALL SERVE FOUR-YEAR TERMS AND THREE MEMBERS SHALL SERVE TWO-YEAR TERMS, AS DESIGNATED BY THE GOVERNOR. THE GOVERNOR MAY REMOVE ANY MEMBER FOR MISCONDUCT, INCOMPETENCE, OR NEGLIGENCE OF DUTY AND SHALL FILL ALL VACANCIES THAT OCCUR.

(c) (I) NOTHING IN THIS SUBSECTION (1) SHALL BE CONSTRUED TO PREVENT THE GOVERNOR FROM APPOINTING MEMBERS TO THE BOARD OF TRUSTEES WHO HAVE SERVED PREVIOUSLY AS MEMBERS OF THE ADVISORY BOARD DESCRIBED IN SECTION 22-80-104.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 1, 2005.

(2) THE BOARD OF TRUSTEES SHALL ELECT A CHAIR ANNUALLY FROM AMONG ITS MEMBERS. MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION BUT ARE ENTITLED TO BE REIMBURSED FOR NECESSARY TRAVEL EXPENSES INCURRED IN THE EXERCISE OF THEIR OFFICIAL DUTIES AT THE RATE AUTHORIZED FOR STATE EMPLOYEES. IN ADDITION, A MEMBER WITH SENSORY IMPAIRMENT IS ENTITLED TO BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN OBTAINING NECESSARY ASSISTANCE TO FULFILL HIS OR HER DUTIES AS A MEMBER OF THE BOARD OF TRUSTEES.

(3) THE BOARD OF TRUSTEES IS AUTHORIZED TO PROMULGATE RULES PURSUANT TO SECTION 24-1-115 (8), C.R.S., TO IMPLEMENT PROVISIONS OF LAW RELATING TO

OPERATION OF THE SCHOOL.

(4) IN ADDITION TO ANY OTHER POWERS GRANTED BY LAW TO THE BOARD OF TRUSTEES, THE BOARD SHALL HAVE THE FOLLOWING POWERS:

- (a) TO HAVE AND USE A CORPORATE SEAL;
- (b) TO SUE AND BE SUED IN ITS OWN NAME;
- (c) TO INCUR DEBTS, LIABILITIES, AND OBLIGATIONS, SUBJECT TO ANY LIMITATIONS IMPOSED THEREON PURSUANT TO LAW;
- (d) TO COOPERATE AND CONTRACT WITH THE STATE OR FEDERAL GOVERNMENT OR AN AGENCY OR INSTRUMENTALITY THEREOF AND TO APPLY FOR AND RECEIVE GRANTS OR FINANCIAL ASSISTANCE FROM ANY OF SUCH ENTITIES;
- (e) TO ACT ON BEHALF OF THE STATE OF COLORADO PURSUANT TO A STATUTORY AUTHORIZATION;
- (f) TO ACQUIRE, HOLD, LEASE, SELL, OR OTHERWISE DISPOSE OF REAL OR PERSONAL PROPERTY OR A COMMODITY OR SERVICE;
- (g) TO DO OR PERFORM AN ACT AUTHORIZED BY THIS ARTICLE BY MEANS OF AN AGENT OR BY CONTRACT WITH A PERSON, FIRM, OR CORPORATION;
- (h) TO PROVIDE FOR THE NECESSARY EXPENSES OF THE BOARD OF TRUSTEES IN THE EXERCISE OF ITS POWERS AND THE PERFORMANCE OF ITS DUTIES AND REIMBURSE A BOARD MEMBER FOR EXPENSES AS PROVIDED IN SUBSECTION (2) OF THIS SECTION;
- (i) TO DETERMINE ELIGIBILITY OF STUDENTS AND PROCEDURES FOR ADMISSION TO THE SCHOOL;
- (j) TO PROVIDE FOR THE STUDENTS OF THE SCHOOL NECESSARY BEDDING, FOOD, AND MEDICAL SERVICES AND SUCH OTHER THINGS AS MAY BE PROPER FOR THE HEALTH AND COMFORT OF THE STUDENTS WITHOUT COST TO THEIR PARENTS;
- (k) TO PROVIDE FOR THE PROPER KEEPING OF ACCOUNTS AND RECORDS AND FOR BUDGETING OF FUNDS;
- (l) TO ACT AS A PUBLIC ENTITY FOR PURPOSES OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.;
- (m) TO SET TUITION AND OTHER FEES FOR NONRESIDENTS OF THE STATE AND TO ENTER INTO CONTRACTS FOR THE ADMISSION OF NONRESIDENT STUDENTS INTO THE SCHOOL; AND
- (n) TO EXERCISE ANY OTHER POWERS THAT ARE ESSENTIAL TO CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

(5) (a) THE BOARD OF TRUSTEES IS AUTHORIZED TO RECEIVE GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES IN ACCORDANCE WITH CONDITIONS

PRESCRIBED BY THE DONOR; BUT NO GIFT, GRANT, OR DONATION SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED THERETO REQUIRE THE USE OR EXPENDITURE THEREOF IN A MANNER CONTRARY TO LAW. GIFTS, GRANTS, AND DONATIONS RECEIVED BY THE BOARD OF TRUSTEES MAY BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND TRUST FUND CREATED IN PARAGRAPH (b) OF THIS SUBSECTION (5), OR MAY BE TRANSFERRED TO A NONPROFIT ENTITY DESCRIBED IN SECTION 24-1-107.5 (2) (a) (II) (F), C.R.S. THE BOARD OF TRUSTEES MAY SELL OR CONVEY BY BILL OF SALE, DEED, OR OTHER LEGAL INSTRUMENT ANY PROPERTY, REAL OR PERSONAL, RECEIVED AS A GIFT, DONATION, OR BEQUEST, UPON SUCH TERMS AND CONDITIONS AS THE BOARD OF TRUSTEES DEEMS TO BE IN THE BEST INTEREST OF THE SCHOOL AND ITS STUDENTS.

(b) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND TRUST FUND IS HEREBY CREATED, AND REFERRED TO IN THIS SUBSECTION (5) AS THE "TRUST FUND". THE TRUST FUND SHALL CONSIST OF MONEYS ACQUIRED FROM PRIVATE SOURCES AND ANY MONEYS RECEIVED BY THE SCHOOL AND DEPOSITED WITH THE STATE TREASURER PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AND ANY INTEREST EARNED THEREON. ALL INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE TRUST FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE TRUST FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(c) THE BOARD OF TRUSTEES IS HEREBY AUTHORIZED TO EXPEND SUCH AMOUNTS FROM THE TRUST FUND AS THE BOARD OF TRUSTEES DEEMS TO BE IN THE BEST INTEREST OF THE SCHOOL AND ITS STUDENTS.

(6) TITLE TO ANY GIFT, DONATION, OR BEQUEST RECEIVED BY THE BOARD OF TRUSTEES ON BEHALF OF THE SCHOOL SHALL VEST IN THE BOARD OF TRUSTEES. TITLE TO ALL OTHER PROPERTY AND OTHER ASSETS OF THE SCHOOL SHALL VEST IN THE STATE BOARD OF EDUCATION, BUT THE BOARD OF TRUSTEES SHALL HAVE COMPLETE JURISDICTION OVER THE MANAGEMENT OF THE SCHOOL.

(7) THE BOARD OF TRUSTEES SHALL TRANSMIT, ON OR BEFORE JANUARY 1, 2005, AND ON OR BEFORE JANUARY 1 OF EACH YEAR THEREAFTER, A REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES THAT CONTAINS THE FOLLOWING:

(a) ALL SCHOOL ACCOUNTABILITY REPORT DATA FOR THE SCHOOL, AS SPECIFIED BY THE DEPARTMENT OF EDUCATION;

(b) ALL TRAINING, MENTORING, AND PROFESSIONAL DEVELOPMENT ACTIVITIES ARRANGED FOR THE SCHOOL'S TEACHERS; AND

(c) ANY PARENTAL EDUCATION AND PARENTAL INVOLVEMENT COMPONENTS IN THE SCHOOL'S PROGRAM.

SECTION 5. 22-80-104 (1) and (2), Colorado Revised Statutes, are amended, and the said 22-80-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-80-104. Advisory board created - terms - compensation - repeal.

(1) There is hereby created the advisory board for the ~~Colorado~~ school, ~~for the deaf and the blind.~~ ~~Said~~ WHICH board shall advise and consult with the ~~commissioner of education~~ BOARD OF TRUSTEES with respect to the management of the ~~Colorado~~ school ~~for the deaf and the blind~~ and the education of the students of ~~said~~ THE school.

(2) The advisory board shall consist of five members to be appointed by the governor for terms of four years each; except that, in the case of a vacancy, the appointment shall be for the remainder of the unexpired term. Persons holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S. Neither the superintendent of the ~~Colorado~~ school ~~for the deaf and the blind~~ nor any other employee of said school shall be a member of the advisory board. The members of the advisory board shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. ~~The advisory board shall advise and consult with the state board of education on matters of policy. The commissioner of education shall consider candidates for superintendent recommended by the board, together with other candidates being considered.~~

(4) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2005.

SECTION 6. 22-80-105, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22-80-105. Superintendent and officers - appointment - compensation.

(1) THE BOARD OF TRUSTEES SHALL HAVE CHARGE OF THE GENERAL INTERESTS OF THE SCHOOL AND, PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, SHALL SET APPROPRIATE QUALIFICATIONS FOR A SUPERINTENDENT AND SHALL APPOINT AND FIX THE COMPENSATION OF THE SUPERINTENDENT.

(2) THE SUPERINTENDENT AND ALL TEACHING EMPLOYEES DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL BE PERSONS WHO ARE:

(a) COMPETENT EDUCATORS OF DEAF CHILDREN, BLIND CHILDREN, OR CHILDREN WITH MULTIPLE DISABILITIES OR SENSORY IMPAIRMENTS; AND

(b) ACQUAINTED WITH SCHOOL MANAGEMENT AND CLASS INSTRUCTION OF DEAF CHILDREN, BLIND CHILDREN, OR CHILDREN WITH MULTIPLE DISABILITIES OR SENSORY IMPAIRMENTS.

(3) AS PART OF THE INTERVIEW PROCESS FOR THE SUPERINTENDENT, THE BOARD OF TRUSTEES MAY INVOLVE DEAF INDIVIDUALS AND BLIND INDIVIDUALS TO ASSIST IN THE ASSESSMENT OF SUPERINTENDENT CANDIDATES.

SECTION 7. 22-80-106 (1), Colorado Revised Statutes, is amended to read:

22-80-106. Duties of superintendent - publications. (1) (a) The superintendent shall be the principal executive officer of the school. The superintendent shall be the purchasing agent for the ~~commissioner of education~~ BOARD OF TRUSTEES and, under such ~~regulations~~ RULES as the ~~commissioner~~ BOARD OF TRUSTEES may prescribe, shall have charge of the premises, property, and students. With the approval of the

~~commissioner of education~~ BOARD OF TRUSTEES, pursuant to section 13 of article XII of the state constitution, the superintendent shall appoint all other officers and employees in the school and fix the compensation for all nonteaching employees. All officers and employees, in the discharge of their duties, shall be wholly subordinate to the superintendent, and all orders to them shall come from or through the superintendent or by his or her authority. The superintendent shall see that all officers, agents, and employees of the school faithfully discharge their duties, and the superintendent shall be held directly responsible to the ~~commissioner of education~~ BOARD OF TRUSTEES for the economy, efficiency, and success of the SCHOOL'S internal management.

(b) ~~The deletion of the residency requirement for the superintendent, which requirement was originally contained in section 27-35-106 (1) (a), C.R.S. 1973, prior to its deletion pursuant to chapter 256, Session Laws of Colorado 1975, shall not in itself be construed as cause for any change in the superintendent's salary.~~

SECTION 8. 22-80-106.5 (1) and (4), Colorado Revised Statutes, are amended to read:

22-80-106.5. Compensation of teachers. (1) Except as otherwise provided in subsection (3) of this section, beginning with the budget year 1996-97 and for budget years thereafter, the teachers employed by the ~~Colorado~~ school for the deaf and the blind shall be compensated in accordance with the provisions of the salary schedule, salary policy, or combination salary schedule and salary policy adopted pursuant to section 22-63-401, as of January 1 of the previous fiscal year, by resolution of the board of education of the school district within the boundaries of which the ~~Colorado~~ MAIN CAMPUS OF THE school for the deaf and the blind is located. Funding for the compensation of teachers employed by the ~~Colorado~~ school for the deaf and the blind shall be included in the line item appropriation to the ~~Colorado~~ school for the deaf and the blind in the general appropriations bill and shall not affect the amount of state funds distributed to the school district within the boundaries of which the ~~Colorado~~ MAIN CAMPUS OF THE school for the deaf and the blind is located.

(4) ~~For the budget year 1996-97, the general assembly shall appropriate sufficient moneys to the Colorado school for the deaf and the blind to fund the salary schedule, salary policy, or combination salary schedule and salary policy applicable to the Colorado school for the deaf and the blind pursuant to subsection (1) of this section. Funding for said salary schedule, salary policy, or combination salary schedule and salary policy shall include compensation for any teachers held harmless under subsection (3) of this section.~~

SECTION 9. Repeal. 22-80-107, Colorado Revised Statutes, is repealed as follows:

22-80-107. Bond of superintendent. ~~The superintendent, before entering upon the duties of his office, shall give bond, payable to the people of the state of Colorado, in such amount, and with such sureties, not less than two, as are approved by the commissioner of education, conditioned for the faithful performance of the duties of his office, which bond shall be filed in the office of the secretary of state.~~

SECTION 10. 22-80-108, Colorado Revised Statutes, is amended to read:

22-80-108. Interest in contracts - penalty. Neither the ~~commissioner of education~~ BOARD OF TRUSTEES nor any treasurer, superintendent, or other officer or agent OF THE SCHOOL shall be directly or indirectly interested in any contract or other agreement for building, repairing, furnishing, or supplying ~~said~~ THE school, and no drawbacks or secret discounts whatever shall be given to or received by any such person on account of any articles or materials furnished to or labor done for ~~said~~ THE school. Any person violating the provisions of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

SECTION 11. 22-80-109, Colorado Revised Statutes, is amended to read:

22-80-109. Who may be admitted. (1) Every blind and every deaf citizen of the state of Colorado under twenty-one years of age is eligible to receive an education in ~~said~~ THE school, unless such person has a physical or mental condition which would render his OR HER instruction impractical, provided that such person meets enrollment criteria established by the ~~department of education in consultation with the advisory board created in section 22-80-104~~ BOARD OF TRUSTEES. Qualified applicants, who meet the enrollment criteria, shall be admitted at the request of either the applicant's school district of residence, parent, or guardian.

(2) All applicants above the age of twenty-one years may be admitted at the option of the ~~commissioner of education~~ BOARD OF TRUSTEES. FOR PURPOSES OF FEDERAL LAW, PERSONS MAY BE ADMITTED PURSUANT TO THIS SECTION AND QUALIFY FOR FEDERAL EDUCATIONAL ASSISTANCE. THE SCHOOL MAY PROVIDE ADULT EDUCATIONAL SERVICES AND RECEIVE SUCH FEDERAL MONEYS AS ARE ALLOWED UNDER FEDERAL LAW.

SECTION 12. 22-80-110, Colorado Revised Statutes, is amended to read:

22-80-110. Nonresident students - admission. Applicants for admission to the school from other states, if within the ages prescribed by section 22-80-109, may be admitted upon payment to the superintendent of such a sum quarterly as the ~~commissioner of education~~ BOARD OF TRUSTEES determines, to be not less than the total cost per capita of the students for the year immediately preceding the year in which the application is made. A failure on the part of the person so admitted or of his OR HER parents, guardian, or friends to make such payments to the superintendent shall be just cause for immediate dismissal of the student. No resident of another state or a territory shall be received or retained to the exclusion of any resident of the state of Colorado. The superintendent shall account for all moneys that may come into his OR HER hands by virtue of his OR HER office at each regular meeting of the ~~advisory~~ board OF TRUSTEES in an itemized statement, duly crediting the amounts to the persons from whom they are received.

SECTION 13. Repeal. 22-80-111, Colorado Revised Statutes, is repealed as follows:

22-80-111. Counties to pay expense. ~~In all cases where persons sent to the school are too poor to furnish themselves with sufficient clothing and to pay the expenses of transportation to and from the school, the judge of the county court of the county where any such person resides, upon the application of any relative or friend of such person or of any officer of his town or county, if he deems such person a~~

~~proper subject for the care of said school, shall make an order to that effect, which shall be certified by the clerk of the court to the superintendent of said school, who shall provide the necessary clothing and transportation at the expense of the county; and, upon his rendering the proper accounts therefor, semiannually, the county shall allow and pay the same out of the county treasury.~~

SECTION 14. 22-80-112, Colorado Revised Statutes, is amended to read:

22-80-112. Pupils subject to rules. All pupils ~~placed in the school by parents, guardians, or other persons~~ OF THE SCHOOL are required to conform to ~~the~~ ALL APPLICABLE rules OF THE BOARD OF TRUSTEES and THE regulations AND POLICIES of the school, and any failure to comply with the same will subject the offender, at the option of the ~~commissioner of education~~ BOARD OF TRUSTEES, to a loss of the privileges of the school.

SECTION 15. 22-80-113 (2), Colorado Revised Statutes, is amended to read:

22-80-113. Educational training - expenditures. (2) In each instance, the institution selected or the skilled person employed for the educational training of such deaf-blind student or student who has a multiple physical disability of hearing, sight, and speech shall be approved by the ~~commissioner of education~~ BOARD OF TRUSTEES.

SECTION 16. 22-80-114, Colorado Revised Statutes, is amended to read:

22-80-114. Expenditures, how made. Any moneys expended under authority of section 22-80-113 shall be expended under the direction and control of the ~~commissioner of education~~ SUPERINTENDENT, and the state treasurer is authorized, upon presentation of vouchers of ~~said commissioner~~ THE SUPERINTENDENT duly issued and certified as provided by law, to draw warrants in payment thereof.

SECTION 17. 22-80-116, Colorado Revised Statutes, is amended to read:

22-80-116. Programs for parents. In furtherance of the objectives of the ~~Colorado~~ school, ~~for the deaf and the blind~~ the ~~commissioner of education~~ BOARD OF TRUSTEES, with the aid of the superintendent, may make such bylaws as are necessary to provide a program of instruction in understanding the needs, problems, and education of the deaf and the blind for parents of deaf and blind children who may attend any of the schools in Colorado. In addition to other provisions, the ~~commissioner of education~~ BOARD OF TRUSTEES may provide for the cooperation of the school with other interested state agencies in carrying out this program.

SECTION 18. 24-1-107.5 (2) (a) (II) (D) and (2) (a) (II) (E), Colorado Revised Statutes, are amended, and the said 24-1-107.5 (2) (a) (II) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

24-1-107.5. Nonprofit entities created or supported by state agencies and state-level authorities - requirements - legislative declaration. (2) (a) (II) The provisions of this paragraph (a) shall not limit:

(D) The Colorado educational and cultural facilities authority from financing facilities and capital expenditures or refunding or refinancing outstanding

indebtedness as authorized in sections 23-15-107 to 23-15-110, C.R.S.; ~~and~~

(E) State-supported institutions of higher education from creating or using nonprofit entities to issue obligations for or assist in the financing of capital expenditures on behalf of or for the benefit of such institutions; AND

(F) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, AS PROVIDED FOR IN ARTICLE 80 OF TITLE 22, C.R.S., FROM USING NONPROFIT ENTITIES, SUCH AS FOUNDATIONS, INSTITUTES, OR SIMILAR ORGANIZATIONS, AS AUTHORIZED IN SECTION 22-80-103, C.R.S.

SECTION 19. 24-1-115 (7), Colorado Revised Statutes, is amended, and the said 24-1-115 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-1-115. Department of education - creation. (7) ~~The department of education shall supervise, manage, and control the Colorado school for the deaf and the blind, as provided for in article 80 of title 22, C.R.S., which is transferred by a type 2 transfer to the department of education and allocated to the commissioner of education.~~

(8) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, AS PROVIDED FOR IN ARTICLE 80 OF TITLE 22, C.R.S., AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF EDUCATION.

SECTION 20. Effective date. (1) This act shall take effect July 1, 2004; except that sections 18 and 20 of this act shall take effect September 1, 2003.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: May 2, 2003