

## CHAPTER 139

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**EDUCATION - PUBLIC SCHOOLS**

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**SENATE BILL 05-050**

BY SENATOR(S) Hillman, Bacon, Entz, Evans, Fitz-Gerald, Hanna, Isgar, Keller, Kester, Shaffer, Tapia, Teck, Tochtrop, Tupa, Williams, and Windels;  
also REPRESENTATIVE(S) Merrifield, Balmer, Benefield, Berens, Boyd, Brophy, Buescher, Carroll T., Clapp, Coleman, Frangas, Gallegos, Garcia, Green, Harvey, Hodge, Hoppe, Larson, Madden, Marshall, Massey, May M., Paccione, Riesberg, Rose, Schultheis, Solano, Stafford, Stengel, Todd, Vigil, and Weissmann.

**AN ACT**

**CONCERNING AUTHORIZATION OF SCHOOL DISTRICTS TO REFUSE TO COMPLY WITH THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001".**

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

**SECTION 1.** Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-32-110.6. Board of education - specific powers - "No Child Left Behind Act of 2001".** (1) EFFECTIVE JULY 1, 2005, A SCHOOL DISTRICT BOARD OF EDUCATION MAY ADOPT A RESOLUTION STATING ITS INTENT TO DECLINE ONE OR MORE OF THE FEDERAL FUNDING SOURCES OF THE "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", AS REAUTHORIZED AND AMENDED IN THE "NO CHILD LEFT BEHIND ACT OF 2001", 20 U.S.C. SEC. 6301 ET SEQ., AND THEREBY BE EXEMPT FROM THE REQUIREMENTS OF SAID FEDERAL ACT THAT ACCOMPANY THE DECLINED FUNDING SOURCES AND ARE IDENTIFIED BY SAID FEDERAL ACT AS AVAILABLE FOR EXEMPTION. THE RESOLUTION SHALL REMAIN IN PLACE UNTIL RESCINDED BY THE SCHOOL DISTRICT BOARD OF EDUCATION.

(2) IF A SCHOOL DISTRICT CHOOSES TO ADOPT A RESOLUTION TO DECLINE FEDERAL FUNDING SOURCES AS PROVIDED IN THIS SECTION, THE SCHOOL DISTRICT'S ACTION IN DECLINING FEDERAL FUNDS AND THEREBY BEING EXEMPT FROM SPECIFIED FEDERAL REQUIREMENTS SHALL NOT AFFECT THE SCHOOL DISTRICT'S ACCREDITATION STATUS, AND THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION SHALL NOT IMPOSE ANY FORM OF SANCTION ON THE SCHOOL DISTRICT FOR ITS ACTION IN DECLINING FEDERAL FUNDS AND IN NOT COMPLYING WITH THE FEDERAL

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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.*

REQUIREMENTS FROM WHICH IT IS EXEMPT.

**SECTION 2. 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.

Became Law: May 7, 2005