

CHAPTER 106

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 07-1077

BY REPRESENTATIVE(S) Casso, Benefield, Garcia, Kerr A., Labuda, Madden, Merrifield, Solano, Summers, and Todd;
also SENATOR(S) Tupa.

AN ACT

CONCERNING IMPOSITION OF REQUIREMENTS ON PROVIDERS OF SUPPLEMENTAL EDUCATION SERVICES.

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

SECTION 1. Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-129. Department of education - approved supplemental education services providers - list. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "SUPPLEMENTAL EDUCATION SERVICES" MEANS TUTORING SERVICES AND OTHER ACADEMIC ENRICHMENT SERVICES REQUIRED TO BE PROVIDED TO ELIGIBLE STUDENTS PURSUANT TO 20 U.S.C. SEC. 6316 (e) AND THAT ARE PROVIDED TO STUDENTS IN ADDITION TO THE STANDARD CURRICULUM OF INSTRUCTION PROVIDED DURING THE SCHOOL DAY.

(2) THE DEPARTMENT SHALL ANNUALLY ISSUE A REQUEST FOR PROPOSALS THROUGH WHICH PROVIDERS OF SUPPLEMENTAL EDUCATION SERVICES MAY APPLY TO THE DEPARTMENT TO BE INCLUDED ON THE LIST OF APPROVED SUPPLEMENTAL EDUCATION SERVICES PROVIDERS. THE DEPARTMENT SHALL REVIEW THE APPLICATIONS AND INCLUDE ON THE LIST THE APPLYING PROVIDERS THAT MEET THE CRITERIA SPECIFIED IN SUBSECTION (3) OF THIS SECTION. THE DEPARTMENT SHALL ANNUALLY POST ON ITS WEBSITE THE LIST OF APPROVED SUPPLEMENTAL EDUCATION SERVICES PROVIDERS FOR USE BY SCHOOL DISTRICTS IN SELECTING PROVIDERS OF SUPPLEMENTAL EDUCATION SERVICES TO MEET THE REQUIREMENTS OF 20 U.S.C. SEC. 6316 (e).

(3) TO BE INCLUDED ON THE LIST OF APPROVED PROVIDERS OF SUPPLEMENTAL EDUCATION SERVICES, A PROVIDER SHALL:

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

(a) DEMONSTRATE THAT EACH TUTOR EMPLOYED BY THE PROVIDER MEETS THE REQUIREMENTS SPECIFIED FOR PARAPROFESSIONALS UNDER 20 U.S.C. SEC. 6319 (c);

(b) ENSURE THAT ALL PERSONNEL EMPLOYED BY THE PROVIDER WHO INTERACT WITH STUDENTS COMPLY WITH THE FINGERPRINTING AND CRIMINAL HISTORY RECORD CHECK REQUIREMENTS SPECIFIED FOR EDUCATOR LICENSEES IN SECTION 22-60.5-103;

(c) IN PROVIDING ADVERTISING AND INFORMATIONAL MATERIALS TO PARENTS AND STUDENTS, REFRAIN FROM MAKING ANY REPRESENTATIONS AS TO WHETHER A SCHOOL DISTRICT SHALL PAY ALL OR ANY PORTION OF THE COST OF THE SUPPLEMENTAL EDUCATION SERVICES PROVIDED BY THE PROVIDER; AND

(d) COMPLY WITH ANY ADDITIONAL REQUIREMENTS SPECIFIED BY THE DEPARTMENT IN THE ANNUAL REQUEST FOR PROPOSALS.

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 8, 2007, if adjournment sine die is on May 9, 2007); 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 9, 2007