

CHAPTER 311

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 08-1204

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also SENATOR(S) Williams, Bacon, Gibbs, Groff, Penry, Sandoval, Shaffer, Spence, Tupa, and Windels.

AN ACT

CONCERNING THE PROVISION OF PRESCHOOL THROUGH TWELFTH-GRADE EDUCATIONAL SERVICES TO STUDENTS WHO RECEIVE EDUCATIONAL SERVICES IN FACILITIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

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

**PART 4
FACILITY SCHOOLS UNIT**

22-2-401. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) A SIGNIFICANT NUMBER OF CHILDREN IN COLORADO ARE PLACED IN DAY TREATMENT CENTERS, RESIDENTIAL CHILD CARE FACILITIES, OTHER OUT-OF-HOME PLACEMENT FACILITIES, OR HOSPITALS AND RECEIVE THEIR EDUCATION THROUGH PROGRAMS PROVIDED BY THESE FACILITIES;

(b) ALTHOUGH THESE FACILITIES STRIVE TO PROVIDE THE BEST EDUCATIONAL PROGRAMS POSSIBLE WITHIN LIMITED RESOURCES AND UNDER DIFFICULT CIRCUMSTANCES, STUDIES INDICATE THAT STUDENTS WHO RECEIVE EDUCATIONAL SERVICES THROUGH FACILITY PROGRAMS ARE MORE LIKELY TO REPEAT A GRADE LEVEL, MORE LIKELY TO PERFORM BELOW GRADE LEVEL, MORE LIKELY TO DROP OUT OF SCHOOL, LESS LIKELY TO BE EMPLOYED, LESS LIKELY TO CONTINUE INTO HIGHER EDUCATION, AND MORE LIKELY TO BE EVENTUALLY ARRESTED AND INCARCERATED;

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

(c) EACH FACILITY INDEPENDENTLY PROVIDES AN EDUCATIONAL PROGRAM THAT, IN MOST INSTANCES, IS NOT CONSISTENT IN THE AREAS OF COURSE WORK, ACADEMIC CREDITS, GRADUATION STANDARDS, OR CURRICULUM WITH ANY OTHER EDUCATIONAL PROGRAM PROVIDED BY A FACILITY OR WITH ANY EDUCATIONAL PROGRAM PROVIDED BY A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL. THIS LACK OF CONSISTENCY MAKES IT EXTREMELY DIFFICULT FOR A STUDENT TO MOVE FROM ONE FACILITY TO ANOTHER OR TO MOVE FROM A FACILITY TO A SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL AND PUTS THE STUDENT ALMOST HOPELESSLY BEHIND IN MEETING STANDARDS FOR COMPLETING A GRADE LEVEL OR FOR GRADUATION.

(d) EACH STUDENT WHO RECEIVES AN EDUCATIONAL PROGRAM THROUGH A FACILITY PARTICIPATES IN THE COLORADO STUDENT ASSESSMENT PROGRAM. HOWEVER, THE STUDENT'S SCORES ARE USUALLY NOT INCLUDED IN CALCULATING A SCHOOL'S ACADEMIC PERFORMANCE RATING, AND THE TRANSITORY NATURE OF THE STUDENT'S EDUCATIONAL CAREER MAKES IT DIFFICULT, IF NOT IMPOSSIBLE, FOR AN EDUCATION PROVIDER TO LONGITUDINALLY TRACK THE STUDENT'S ACADEMIC GROWTH.

(e) BECAUSE OF THE UNIQUENESS OF THE POPULATION SERVED BY EACH FACILITY, IT IS IMPORTANT FOR EACH FACILITY TO MAINTAIN A SIGNIFICANT DEGREE OF CONTROL OVER THE EDUCATIONAL PROGRAM PROVIDED BY THE FACILITY. HOWEVER, BY PARTNERING WITH THE DEPARTMENT OF EDUCATION TO PROVIDE AN EDUCATIONAL PROGRAM THAT, AS MUCH AS PRACTICABLE, IS CONSISTENT AMONG THE FACILITIES, EACH FACILITY CAN VASTLY IMPROVE THE QUALITY OF EACH STUDENT'S OVERALL ACADEMIC EXPERIENCE WHILE THE STUDENT RECEIVES EDUCATIONAL SERVICES FROM THE FACILITY AND WHEN THE STUDENT TRANSFERS TO ANOTHER FACILITY OR TO A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL.

(2) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT CREATING A UNIT WITHIN THE DEPARTMENT OF EDUCATION TO WORK WITH FACILITIES TO CREATE CONSISTENCY WITH REGARD TO CURRICULUM, STANDARDS, AND TRACKING OF STUDENT PERFORMANCE WITHIN FACILITY EDUCATION PROGRAMS WILL RAISE THE OVERALL QUALITY OF THE EDUCATION PROVIDED TO THESE STUDENTS, THEREBY HELPING THESE STUDENTS MEET THEIR FULL POTENTIAL BOTH ACADEMICALLY AND AS FULLY CONTRIBUTING ADULTS WITHIN THE COMMUNITY.

(3) THE GENERAL ASSEMBLY FURTHER FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, CREATING THE FACILITY SCHOOLS UNIT WITHIN THE DEPARTMENT OF EDUCATION AND THE FACILITY SCHOOLS BOARD TO WORK WITH APPROVED FACILITY SCHOOLS TO STANDARDIZE THE EDUCATIONAL SERVICES PROVIDED TO STUDENTS IN APPROVED FACILITY SCHOOLS AND IMPLEMENTING A DATA SYSTEM TO MAINTAIN THE RECORDS OF STUDENTS WHO RECEIVE EDUCATIONAL SERVICES FROM APPROVED FACILITY SCHOOLS WILL ENABLE APPROVED FACILITY SCHOOLS TO PROVIDE EACH STUDENT A MORE CONSISTENT AND COHERENT EDUCATION, THEREBY IMPROVING EACH STUDENT'S LIKELIHOOD OF ACHIEVING STATE ACADEMIC STANDARDS. THE FACILITY SCHOOLS UNIT, THE FACILITY SCHOOLS BOARD, AND THE DATA SYSTEM ARE THEREFORE IMPORTANT ELEMENTS OF ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS AND MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION

17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

22-2-402. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPROVED FACILITY SCHOOL" MEANS AN EDUCATIONAL PROGRAM THAT IS OPERATED BY A FACILITY TO PROVIDE EDUCATIONAL SERVICES TO STUDENTS PLACED IN THE FACILITY AND THAT, PURSUANT TO SECTION 22-2-407 (2), HAS BEEN PLACED ON THE LIST OF FACILITY SCHOOLS THAT ARE APPROVED TO RECEIVE REIMBURSEMENT FOR PROVIDING EDUCATIONAL SERVICES TO STUDENTS PLACED IN A FACILITY.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(3) "FACILITY" MEANS A DAY TREATMENT CENTER, RESIDENTIAL CHILD CARE FACILITY, OR OTHER FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-104, C.R.S., OR A HOSPITAL LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103, C.R.S.

(4) "PLACED IN A FACILITY" MEANS A STUDENT IS IN A FACILITY DUE TO:

(a) A COURT ORDER OR OTHER ACTION BY A PUBLIC ENTITY IN COLORADO; OR

(b) THE STUDENT'S DETERMINATION, IF THE STUDENT IS A HOMELESS CHILD AS DEFINED IN SECTION 22-1-102.5.

(5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A JUNIOR COLLEGE DISTRICT.

(6) "STATE BOARD OF EDUCATION" OR "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(7) "STUDENT" MEANS A CHILD OR YOUTH WHO HAS ATTAINED THREE YEARS OF AGE ON OR BEFORE AUGUST 1 AND WHO IS UNDER TWENTY-ONE YEARS OF AGE.

(8) "UNIT" MEANS THE FACILITY SCHOOLS UNIT CREATED WITHIN THE DEPARTMENT PURSUANT TO SECTION 22-2-403.

22-2-403. Facility schools unit - created. (1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT THE FACILITY SCHOOLS UNIT. THE HEAD OF THE UNIT SHALL BE THE DIRECTOR OF FACILITY SCHOOLS AND SHALL BE APPOINTED BY THE COMMISSIONER OF EDUCATION IN ACCORDANCE WITH SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) THE FACILITY SCHOOLS UNIT AND THE OFFICE OF THE DIRECTOR OF FACILITY SCHOOLS SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT, THE COMMISSIONER OF EDUCATION, AND THE STATE BOARD OF EDUCATION AS IF THE SAME WERE TRANSFERRED TO THE

DEPARTMENT BY A **TYPE 2** TRANSFER AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

22-2-404. Facility schools board - created - membership. (1) THERE IS HEREBY CREATED THE FACILITY SCHOOLS BOARD TO ADOPT CURRICULUM STANDARDS AND SET GRADUATION REQUIREMENTS FOR FACILITY SCHOOLS AND TO COLLABORATE WITH AND ADVISE THE UNIT. THE FACILITY SCHOOLS BOARD SHALL CONSIST OF SEVEN MEMBERS APPOINTED BY THE STATE BOARD AS PROVIDED IN THIS SECTION. THE STATE BOARD SHALL APPOINT THE INITIAL MEMBERS OF THE FACILITY SCHOOLS BOARD ON OR BEFORE NOVEMBER 1, 2008. THE FACILITY SCHOOLS BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(2) THE STATE BOARD SHALL APPOINT THE MEMBERS OF THE FACILITY SCHOOLS BOARD AS FOLLOWS:

(a) TWO PERSONS WHO REPRESENT SCHOOL DISTRICTS WITHIN COLORADO, ONE OF WHOM SHALL HAVE EXPERTISE IN SPECIAL EDUCATION;

(b) ONE PERSON WHO REPRESENTS STATE-LEVEL CHILD PLACEMENT AGENCIES WITHIN COLORADO;

(c) ONE PERSON WHO REPRESENTS COUNTY DEPARTMENTS OF SOCIAL SERVICES WITHIN COLORADO;

(d) TWO PERSONS WHO REPRESENT FACILITIES WITHIN COLORADO; AND

(e) ONE PERSON WHO REPRESENTS STUDENTS WHO RECEIVE EDUCATIONAL SERVICES PROVIDED BY FACILITY SCHOOLS IN COLORADO. THE STATE BOARD MAY CHOOSE A PERSON WHO, AS A CHILD, RECEIVED EDUCATIONAL SERVICES PROVIDED BY A FACILITY SCHOOL OR WHO IS A PARENT OF A STUDENT WHO IS RECEIVING OR FORMERLY RECEIVED EDUCATIONAL SERVICES PROVIDED BY A FACILITY SCHOOL.

(3) (a) IN APPOINTING THE MEMBERS OF THE FACILITY SCHOOLS BOARD, THE STATE BOARD SHALL SEEK TO ENSURE THAT THE MEMBERSHIP OF THE FACILITY SCHOOLS BOARD COLLECTIVELY HAS EXPERTISE IN THE AREAS OF:

(I) CURRICULUM AND ASSESSMENT;

(II) EDUCATING STUDENTS WHO ARE PLACED IN FACILITIES;

(III) MENTAL HEALTH;

(IV) SPECIAL EDUCATION SERVICES; AND

(V) SCHOOL FINANCE.

(b) THE STATE BOARD SHALL ENSURE THAT MEMBERS OF THE FACILITY SCHOOLS BOARD ARE REPRESENTATIVE OF THE VARIOUS GEOGRAPHIC AREAS OF THE STATE

AND ARE REPRESENTATIVE OF THE ETHNIC AND RACIAL DIVERSITY AND GENDER BALANCE WITHIN THE STATE.

(4) MEMBERS OF THE FACILITY SCHOOLS BOARD SHALL SERVE THREE-YEAR TERMS; EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED, TWO MEMBERS SHALL SERVE ONE-YEAR TERMS AND TWO MEMBERS SHALL SERVE TWO-YEAR TERMS. THE STATE BOARD MAY REAPPOINT A PERSON TO SERVE SUCCESSIVE TERMS ON THE FACILITY SCHOOLS BOARD.

(5) MEMBERS OF THE FACILITY SCHOOLS BOARD SHALL SERVE WITHOUT COMPENSATION BUT MAY RECEIVE REIMBURSEMENT FOR REASONABLE TRAVEL EXPENSES INCURRED IN FULFILLING THEIR DUTIES ON THE FACILITY SCHOOLS BOARD. THE DEPARTMENT STAFF SHALL ASSIST THE FACILITY SCHOOLS BOARD IN PERFORMING ITS DUTIES.

22-2-405. Facility schools unit - duties. (1) IN ADDITION TO ANY OTHER DUTIES THAT MAY BE REQUIRED BY LAW, THE UNIT SHALL:

(a) DEVELOP AND MAINTAIN, AS PROVIDED IN SECTION 22-2-407, THE LIST OF APPROVED FACILITY SCHOOLS;

(b) MAKE RECOMMENDATIONS TO THE FACILITY SCHOOLS BOARD REGARDING THE CURRICULUM FOR USE IN THE APPROVED FACILITY SCHOOLS;

(c) MAKE RECOMMENDATIONS TO THE FACILITY SCHOOLS BOARD REGARDING GRADUATION REQUIREMENTS FOR STUDENTS IN APPROVED FACILITY SCHOOLS. THE UNIT'S RECOMMENDATIONS SHALL FOLLOW THE COMPREHENSIVE GUIDELINES FOR HIGH SCHOOL GRADUATION REQUIREMENTS SPECIFIED BY THE STATE BOARD PURSUANT TO SECTION 22-2-106 (1) (a.5);

(d) MAINTAIN, AND MAKE AVAILABLE AS PROVIDED BY LAW, STUDENT INFORMATION AND RECORDS FOR THE STUDENTS WHO RECEIVE EDUCATIONAL SERVICES FROM APPROVED FACILITY SCHOOLS;

(e) ENSURE THAT EACH STUDENT WHO RECEIVES EDUCATIONAL SERVICES FROM AN APPROVED FACILITY SCHOOL AND WHO, UPON LEAVING THE FACILITY, WILL RESIDE IN COLORADO RECEIVES A UNIQUE IDENTIFYING NUMBER, AS PROVIDED IN RULES ADOPTED PURSUANT TO SECTION 22-7-603.5 (4), IF THE STUDENT HAS NOT ALREADY BEEN ASSIGNED A NUMBER BY THE DEPARTMENT; AND

(f) COMMUNICATE AND COLLABORATE WITH THE DEPARTMENT OF HUMAN SERVICES, THE COUNTY DEPARTMENTS OF SOCIAL SERVICES, AND REFERRING AGENCIES REGARDING THE PLACEMENT AND TRANSFER OF STUDENTS IN FACILITIES, INCLUDING BUT NOT LIMITED TO COMMUNICATION CONCERNING ACADEMIC TESTING PRIOR TO AND FOLLOWING PLACEMENT AND OTHER ACADEMIC AND ACHIEVEMENT TESTING.

(2) IN COMPLYING WITH THE DUTIES SPECIFIED IN PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION, THE UNIT SHALL:

(a) ADOPT DATA REPORTING PROTOCOLS AND RECORDS TRANSFER PROCEDURES

FOR USE BY APPROVED FACILITY SCHOOLS; AND

(b) IN PURCHASING A DATA SYSTEM TO MAINTAIN THE RECORDS OF STUDENTS WHO ARE RECEIVING EDUCATIONAL SERVICES FROM APPROVED FACILITY SCHOOLS, ENSURE THAT THE DATA SYSTEM SELECTED IS COMPATIBLE WITH THE SYSTEM USED BY SCHOOL DISTRICTS IN SERVING A MAJORITY OF THE STUDENTS ENROLLED IN PUBLIC SCHOOLS OF THE STATE.

22-2-406. Facility schools board duties - curriculum - graduation standards - rules. (1) IN ADDITION TO ANY OTHER DUTIES PROVIDED BY LAW, THE FACILITY SCHOOLS BOARD SHALL:

(a) ADOPT CURRICULUM TO BE PROVIDED BY APPROVED FACILITY SCHOOLS. AT A MINIMUM, THE FACILITY SCHOOLS BOARD SHALL ALIGN THE CURRICULUM FOR THE CORE SUBJECTS OF READING, WRITING, MATHEMATICS, SCIENCE, HISTORY, AND GEOGRAPHY WITH THE STATE MODEL CONTENT STANDARDS ADOPTED PURSUANT TO SECTION 22-7-406 AND THE ASSESSMENTS ADMINISTERED THROUGH THE COLORADO STUDENT ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409. THE CURRICULUM SHALL INCLUDE A RANGE OF COURSE WORK FROM WHICH AN APPROVED FACILITY SCHOOL MAY SELECT COURSES THAT MEET THE NEEDS OF THE STUDENTS WHO ARE PLACED AT THE FACILITY.

(b) ADOPT ACCOUNTABILITY MEASURES, INCLUDING ACADEMIC PERFORMANCE MEASURES, TO BE APPLIED TO APPROVED FACILITY SCHOOLS AND THE STUDENTS RECEIVING EDUCATIONAL SERVICES THROUGH THE APPROVED FACILITY SCHOOLS; AND

(c) AWARD A HIGH SCHOOL DIPLOMA TO A STUDENT WHO, WHILE RECEIVING SERVICES THROUGH AN APPROVED FACILITY SCHOOL, MEETS THE GRADUATION REQUIREMENTS THE FACILITY SCHOOLS BOARD SHALL ESTABLISH PURSUANT TO SUBSECTION (3) OF THIS SECTION AND WHO APPLIES FOR THE AWARD OF A HIGH SCHOOL DIPLOMA FROM THE FACILITY SCHOOLS BOARD.

(2) THE FACILITY SCHOOLS BOARD MAY MAKE RECOMMENDATIONS TO THE STATE BOARD AND TO THE DEPARTMENT OF HUMAN SERVICES REGARDING ANY OF THE FOLLOWING ISSUES:

(a) THE PROCESS FOR PLACING A CHILD OR YOUTH IN A FACILITY WHEN THE PLACEMENT IS INITIATED BY A PUBLIC ENTITY AND METHODS FOR IMPROVING THE INVOLVEMENT OF SCHOOL DISTRICTS IN SUCH PLACEMENT DECISIONS;

(b) THE PROCESS FOR PLACING A CHILD OR YOUTH IN A FACILITY WHEN THE PLACEMENT IS INITIATED BY ACTION BY OR REQUEST OF A PRIVATE PERSON AND METHODS BY WHICH SCHOOL DISTRICTS MAY BE INVOLVED IN SUCH PLACEMENT DECISIONS;

(c) METHODS AND STRATEGIES FOR IMPROVING THE QUALITY OF EDUCATIONAL SERVICES PROVIDED BY APPROVED FACILITY SCHOOLS AND FOR IMPROVING THE EDUCATIONAL OUTCOMES FOR STUDENTS WHO RECEIVE EDUCATIONAL SERVICES FROM APPROVED FACILITY SCHOOLS;

(d) METHODS FOR RECRUITING AND RETAINING HIGHLY QUALIFIED TEACHERS AND PARAPROFESSIONALS FOR EMPLOYMENT IN APPROVED FACILITY SCHOOLS;

(e) THE PROVISION OF APPROPRIATE SERVICES FOR STUDENTS WITH DISABILITIES, INCLUDING THE PROCESS FOR DEVELOPING AND REVIEWING INDIVIDUALIZED EDUCATION PROGRAMS;

(f) METHODS OF REIMBURSING APPROVED FACILITY SCHOOLS FOR THE EXCESS COSTS INCURRED IN PROVIDING EDUCATIONAL SERVICES TO STUDENTS WITH DISABILITIES, INCLUDING DIRECT AND INDIRECT COSTS;

(g) THE LIABILITY OF THE SCHOOL DISTRICTS OF RESIDENCE FOR PROVIDING A FREE AND APPROPRIATE PUBLIC EDUCATION FOR THE STUDENTS WHO ARE PLACED IN A FACILITY AND PROCEDURES TO ENSURE STUDENTS' RIGHTS TO RECEIVE EDUCATIONAL SERVICES;

(h) THE OVERSIGHT AND MONITORING OF APPROVED FACILITY SCHOOLS; AND

(i) ANY OTHER ISSUES THAT ARE DETERMINED BY THE FACILITY SCHOOLS BOARD TO BE WITHIN ITS PURVIEW AND THAT ARE INTENDED TO IMPROVE EDUCATIONAL OUTCOMES FOR STUDENTS RECEIVING EDUCATIONAL SERVICES FROM APPROVED FACILITY SCHOOLS OR TO PROMOTE THE EFFICIENT DELIVERY OF EDUCATIONAL SERVICES TO STUDENTS WHO ARE PLACED IN FACILITIES.

(3) THE FACILITY SCHOOLS BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., TO ESTABLISH PROCEDURES BY WHICH A STUDENT WHO PARTICIPATES IN AN APPROVED FACILITY SCHOOL MAY APPLY TO RECEIVE A HIGH SCHOOL DIPLOMA AWARDED BY THE FACILITY SCHOOLS BOARD. THE FACILITY SCHOOLS BOARD SHALL ALSO, BY RULE, ESTABLISH THE GRADUATION REQUIREMENTS THAT A STUDENT RECEIVING EDUCATIONAL SERVICES THROUGH AN APPROVED FACILITY SCHOOL SHALL MEET TO BE AWARDED THE FACILITY SCHOOL'S HIGH SCHOOL DIPLOMA. IN ADOPTING THE GRADUATION REQUIREMENTS, THE FACILITY SCHOOLS BOARD SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE UNIT AND SHALL ENSURE THAT THE GRADUATION REQUIREMENTS FOLLOW THE GUIDELINES FOR HIGH SCHOOL GRADUATION REQUIREMENTS SPECIFIED BY THE STATE BOARD PURSUANT TO SECTION 22-2-106 (1) (a.5).

22-2-407. List of approved facility schools - application - criteria - rules.

(1) PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., THE FACILITY SCHOOLS BOARD SHALL PROMULGATE RULES FOR THE CREATION AND MAINTENANCE AS PROVIDED IN THIS SECTION OF A LIST OF FACILITY SCHOOLS THAT ARE APPROVED TO RECEIVE REIMBURSEMENT FOR PROVIDING EDUCATIONAL SERVICES TO STUDENTS PLACED IN THE FACILITY. IN ADDITION TO THE RULES SPECIFIED IN THIS SECTION, THE FACILITY SCHOOLS BOARD SHALL ADOPT SUCH ADDITIONAL RULES AS MAY BE NECESSARY FOR THE IMPLEMENTATION OF THE LIST PURSUANT TO THIS SECTION.

(2) (a) THE FACILITY SCHOOLS BOARD BY RULE SHALL SPECIFY:

(1) THE PROCEDURES BY WHICH A FACILITY SCHOOL MAY APPLY TO THE UNIT FOR

PLACEMENT ON THE LIST OF APPROVED FACILITY SCHOOLS;

(II) THE INFORMATION THAT EACH FACILITY SCHOOL SHALL PROVIDE IN THE APPLICATION;

(III) THE REPORTING REQUIREMENTS FOR APPROVED FACILITY SCHOOLS; AND

(IV) THE CRITERIA THAT A FACILITY SCHOOL SHALL MEET TO BE PLACED ON THE LIST OF APPROVED FACILITY SCHOOLS.

(b) THE UNIT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) AND SHALL PLACE ON THE LIST OF APPROVED FACILITY SCHOOLS THOSE APPLICANTS THAT MEET THE CRITERIA SPECIFIED BY RULE OF THE FACILITY SCHOOLS BOARD. THE UNIT SHALL NOTIFY EACH APPLICANT REGARDING PLACEMENT ON THE LIST OF APPROVED FACILITY SCHOOLS. IF THE UNIT DENIES AN APPLICANT PLACEMENT ON THE LIST, THE UNIT SHALL EXPLAIN THE BASIS FOR THE DENIAL. AN APPLICANT THAT IS DENIED MAY REAPPLY FOR PLACEMENT ON THE LIST FOLLOWING CORRECTION OF THE CAUSE FOR DENIAL.

(3) AN APPROVED FACILITY SCHOOL SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS IN ORDER TO REMAIN ON THE LIST OF APPROVED FACILITY SCHOOLS:

(a) ADOPT AND IMPLEMENT THE CURRICULUM AND GRADUATION REQUIREMENTS SPECIFIED BY THE FACILITY SCHOOLS BOARD PURSUANT TO SECTION 22-2-406 (1) (a) AND (3);

(b) DEMONSTRATE COMPLIANCE WITH THE ACCOUNTABILITY MEASURES ADOPTED BY THE FACILITY SCHOOLS BOARD PURSUANT TO SECTION 22-2-406 (1) (b);

(c) COMPLY WITH THE REPORTING AND RECORDS TRACKING REQUIREMENTS SPECIFIED BY THE UNIT PURSUANT TO SECTION 22-2-405 (1) (d) AND (2); AND

(d) COMPLY WITH ANY OTHER REQUIREMENTS SPECIFIED BY RULE OF THE FACILITY SCHOOLS BOARD.

(4) THE UNIT SHALL PERIODICALLY, AS PROVIDED BY RULE OF THE FACILITY SCHOOLS BOARD, REVIEW EACH APPROVED FACILITY SCHOOL TO DETERMINE WHETHER THE APPROVED FACILITY SCHOOL IS IN COMPLIANCE WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION. IF THE UNIT DETERMINES THAT AN APPROVED FACILITY SCHOOL IS OUT OF COMPLIANCE, THE UNIT SHALL GIVE THE APPROVED FACILITY SCHOOL NOTICE OF THE LACK OF COMPLIANCE. IF THE APPROVED FACILITY SCHOOL DOES NOT COME INTO COMPLIANCE WITHIN THIRTY DAYS AFTER RECEIVING THE NOTICE, THE UNIT SHALL REMOVE THE FACILITY SCHOOL FROM THE LIST OF APPROVED FACILITY SCHOOLS. A FACILITY SCHOOL THAT IS REMOVED FROM THE LIST OF APPROVED FACILITY SCHOOLS MAY REAPPLY FOR PLACEMENT ON THE LIST AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

SECTION 2. 24-1-115, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

24-1-115. Department of education - creation. (12) THE DEPARTMENT OF EDUCATION SHALL INCLUDE THE FACILITY SCHOOLS UNIT ESTABLISHED IN SECTION 22-2-403, C.R.S., AND ITS POWERS, DUTIES, AND FUNCTIONS, AS IF THE UNIT WERE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF EDUCATION.

(13) THE DEPARTMENT OF EDUCATION SHALL INCLUDE THE FACILITY SCHOOLS BOARD ESTABLISHED IN SECTION 22-2-404, C.R.S., AND ITS POWERS, DUTIES, AND FUNCTIONS, AS IF THE BOARD WERE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF EDUCATION.

SECTION 3. 22-2-103 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

22-2-103. Department of education. (1) The department of education shall include the following:

(g) FACILITY SCHOOLS UNIT;

(h) FACILITY SCHOOLS BOARD.

SECTION 4. 22-2-107 (1) (p), Colorado Revised Statutes, is amended to read:

22-2-107. State board - powers - repeal. (1) The state board has the power:

(p) (I) To maintain a list of facilities which it has approved to receive reimbursement for the provision of educational services to children with disabilities placed outside of their districts of residence but within Colorado.

(II) THIS PARAGRAPH (p) IS REPEALED, EFFECTIVE JULY 1, 2008.

SECTION 5. 22-2-130 (1) (c), Colorado Revised Statutes, is amended, and the said 22-2-130 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-2-130. Supplemental on-line education grant program - legislative declaration - definitions - creation - eligibility - award - fund - repeal. (1) The general assembly finds that:

(b.5) EDUCATIONAL PROGRAMS PROVIDED FOR STUDENTS IN OUT-OF-HOME PLACEMENT OR THROUGH DAY TREATMENT FACILITIES ARE GENERALLY SMALL AND HAVE DIFFICULTY ACCESSING RESOURCES OR EMPLOYING A LARGE NUMBER OF TEACHERS. SUPPLEMENTAL ON-LINE EDUCATION COURSES ARE ESPECIALLY HELPFUL AND NECESSARY FOR FACILITY SCHOOLS TO ENABLE THEM TO PROVIDE A MUCH WIDER VARIETY OF COURSES AND TO HELP THEIR STUDENTS MEET GRADUATION STANDARDS.

(c) It is therefore in the best interests of the state to help small or rural school districts, charter schools, ~~and~~ BOCES, AND FACILITY SCHOOLS provide supplemental on-line education courses to their students by allowing these school districts, charter schools, FACILITY SCHOOLS, and BOCES to apply for grants to help them overcome their financial and technical barriers.

SECTION 6. 22-2-130 (2) (f) (III), (3), (4), (6) (b), and (6) (c), Colorado Revised Statutes, are amended, and the said 22-2-130 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-2-130. Supplemental on-line education grant program - legislative declaration - definitions - creation - eligibility - award - fund - repeal. (2) As used in this section, unless the context otherwise requires:

(c.5) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

(f) "Supplemental on-line education course" means an education course that is:

(III) Purchased by an eligible school district, eligible charter school, ~~or~~ BOCES, OR FACILITY SCHOOL from a provider to augment the education program provided by the eligible school district, eligible charter school, ~~or~~ BOCES, OR FACILITY SCHOOL.

(3) There is hereby created the supplemental on-line education grant program to assist an eligible school district, AN eligible charter school, ~~or~~ A BOCES, OR A FACILITY SCHOOL in providing supplemental on-line education courses to students. Subject to available appropriations, the state board shall award grants pursuant to this section to assist eligible school districts, eligible charter schools, ~~and~~ BOCES, AND FACILITY SCHOOLS in removing financial and technical barriers to providing supplemental on-line education courses. Grants awarded pursuant to this section shall be used for one or more of the following purposes:

(a) As additional reimbursement for the cost of purchasing supplemental on-line education courses; or

(b) To increase the eligible school district's, eligible charter school's, ~~or~~ BOCES'S, OR FACILITY SCHOOL'S ability to access supplemental on-line education courses by:

(I) Providing technical equipment or hiring technical specialists to audit and configure computer networks;

(II) Providing staff development and training for onsite personnel; or

(III) Providing financial assistance to help hire site coordinators or other personnel needed to facilitate on-line access.

(4) An eligible school district, AN eligible charter school, ~~or~~ A BOCES, OR A FACILITY SCHOOL may apply to the department, in accordance with the procedures and time frames adopted by rule of the state board pursuant to subsection (5) of this section, to receive moneys through the grant program. The department shall administer the grant program as provided in this section.

(6) (b) In selecting grant recipients, the state board shall give priority to grant applications from eligible school districts, eligible charter schools, ~~or~~ BOCES, OR FACILITY SCHOOLS that have been financially or technologically unable to provide

supplemental on-line education courses in the past and that demonstrate the greatest need for a grant to be able to begin providing supplemental on-line education courses. In addition, the state board shall consider:

(I) The degree to which students enrolled in the eligible school district or eligible charter school, or in a school operated by a BOCES OR IN A FACILITY SCHOOL require supplemental on-line education courses to be able to meet the higher education admission standards adopted by the Colorado commission on higher education; and

(II) Other revenue sources available to the eligible school district, eligible charter school, ~~or~~ BOCES, OR FACILITY SCHOOL to assist in overcoming the financial and technological barriers to providing supplement on-line education programs.

(c) A grant awarded pursuant to this section shall not exceed five thousand dollars in a fiscal year. An eligible school district, AN eligible charter school, ~~or~~ A BOCES, OR A FACILITY SCHOOL may receive grants in consecutive years.

SECTION 7. 22-7-703 (4), Colorado Revised Statutes, is amended to read:

22-7-703. Definitions. As used in this part 7, unless the context otherwise requires:

(4) "School" means any public school in the state, including but not limited to a traditional public school of a school district, ~~and~~ a charter school, AND AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1).

SECTION 8. 22-7-705 (4), Colorado Revised Statutes, is amended to read:

22-7-705. Teacher development grant program - application. (4) An institute charter school OR APPROVED FACILITY SCHOOL that submits an application pursuant to this part 7 shall not be required to submit the application to any school district or to include in the application a statement of support for or opposition to the application by a local board of education.

SECTION 9. 22-7-901 (2) and (5), Colorado Revised Statutes, are amended, and the said 22-7-901 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-7-901. Definitions. As used in this part 9, unless the context otherwise requires:

(2) "Eligible applicant" means an eligible public school OR AN ELIGIBLE FACILITY SCHOOL that applies for a grant pursuant to this part 9 or a collaborative group of eligible public schools OR A COLLABORATIVE GROUP OF ELIGIBLE FACILITY SCHOOLS applying jointly for a grant pursuant to this part 9.

(2.5) "ELIGIBLE FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1), THAT IS DETERMINED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-903 TO BE ELIGIBLE TO RECEIVE GRANTS PURSUANT TO THIS PART 9.

(5) "Read-to-achieve assessment" means an instrument that is approved and identified by the state board pursuant to section 22-7-504 (1) by which a school district OR FACILITY SCHOOL may assess the reading readiness or the literacy and reading comprehension levels of individual students, which instrument is designated by rule of the state board pursuant to section 22-7-906 (1) (e).

SECTION 10. 22-7-903, Colorado Revised Statutes, is amended to read:

22-7-903. Determination of eligible schools. On an annual basis to be determined by the read-to-achieve board, the department shall prepare and submit to the board a list of all eligible public schools AND ELIGIBLE FACILITY SCHOOLS. In determining whether a public school OR FACILITY SCHOOL is eligible, the department shall apply the rules promulgated by the state board pursuant to section 22-7-906 (1) (a). The department shall publish the list on the department's web site.

SECTION 11. The introductory portion to 22-7-905 (1) and 22-7-905 (3) (a), Colorado Revised Statutes, are amended to read:

22-7-905. Read-to-achieve board - duties - grant process. (1) The read-to-achieve board shall solicit and review applications only from eligible applicants for grants pursuant to this section. The read-to-achieve board may award grants pursuant to this section for periods of one to three years. Each application, at a minimum, shall describe the type of program to be provided by the eligible applicant to enhance the reading readiness or literacy and reading comprehension skills of kindergarten pupils and first-, second-, and third-grade pupils at the school OR FACILITY SCHOOL. Each grant awarded shall be used to supplement and not supplant any moneys currently being used on such programs. Such programs may include, but need not be limited to:

(3) The read-to-achieve board shall select those eligible applicants that will receive grants pursuant to this section and the duration and amount of each grant. In selecting the eligible applicants, the read-to-achieve board, at a minimum, shall take into account the following criteria:

(a) The number of kindergarten and first-, second-, and third-grade pupils enrolled at the eligible applicant's school OR RECEIVING SERVICES THROUGH THE ELIGIBLE APPLICANT'S FACILITY SCHOOL whose reading readiness or literacy and reading comprehension skills are below grade level;

SECTION 12. 22-7-906 (1) (e) and (1) (g), Colorado Revised Statutes, are amended, and the said 22-7-906 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-7-906. Rules. (1) The state board shall promulgate rules for the administration of this part 9, including but not limited to:

(a.5) CRITERIA THE DEPARTMENT SHALL APPLY IN DETERMINING WHETHER A FACILITY SCHOOL IS AN ELIGIBLE FACILITY SCHOOL THAT MAY APPLY INDIVIDUALLY OR AS PART OF A COLLABORATIVE GROUP OF ELIGIBLE FACILITY SCHOOLS APPLYING JOINTLY FOR A GRANT PURSUANT TO THIS PART 9;

(e) The designation of a valid, reliable read-to-achieve assessment for schools AND FACILITY SCHOOLS to use in assessing students' reading proficiency;

(g) A method for tracking the progress of students who move from one school OR FACILITY SCHOOL to another school OR FACILITY SCHOOL within the state while participating in read-to-achieve programs.

SECTION 13. 22-7-908 (1), Colorado Revised Statutes, is amended to read:

22-7-908. Read-to-achieve cash fund - created. (1) There is hereby established in the state treasury the read-to-achieve cash fund, referred to in this section as the "cash fund". The cash fund shall consist of moneys transferred thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. Subject to appropriation by the general assembly, moneys in the cash fund shall be used to provide grants ~~to schools~~ pursuant to this part 9 and to the reading assistance grant program created pursuant to section 22-88-102. Any moneys not provided as grants ~~to schools~~ may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest derived from the deposit and investment of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

SECTION 14. 22-20-103 (9), Colorado Revised Statutes, is amended to read:

22-20-103. Definitions. As used in this article, unless the context otherwise requires:

(9) "Eligible facility" means ~~a group care facility or home, community centered board, hospital, or state-licensed day treatment facility that offers a school program providing special education services to children with disabilities that has been approved by the state board of education~~ AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1).

SECTION 15. 22-20-109 (1) and (2), Colorado Revised Statutes, are amended to read:

22-20-109. Tuition. (1) An administrative unit of residence may contract with another administrative unit OR a community centered board or an eligible facility ~~approved by the state board pursuant to section 22-2-107(1)(p)~~ to provide a special education program for a child with a disability. In such an instance, the community centered board or the eligible facility where the child receives a special education program shall document to the department a list of costs of providing such special education program and the applicable revenues. Notwithstanding any provision of section 22-32-115 to the contrary, the tuition charge for educating a child with a disability in a community centered board or an eligible facility shall be established by the department and approved by the state board. Such tuition charge shall be the maximum amount the administrative unit of residence shall be obligated to pay for the special education program; except that the school district of residence may pay a higher tuition charge than the charge established and approved pursuant to this subsection (1) for students in need of specialized services, which services were

included in the IEP but were not included in the tuition charge established pursuant to this subsection (1).

(2) The state board shall promulgate rules to define the contract approval process, to define the types and amounts of costs in excess of the state average per pupil operating revenues, as defined in section 22-54-103 (12), and to define other applicable revenues that a school district of residence of a child with a disability shall pay as tuition to educate that child elsewhere at a community centered board or an eligible facility. ~~approved by the state board pursuant to section 22-2-107 (1) (p)~~. These rules shall include, but need not be limited to, the limitations on the number of staff members per number of students, the amount of equipment necessary for classroom instruction of the child, the number of days of school, and any other expenses involved in the provision of educational services as determined by the child's IEP. However, these rules shall not require that, in calculating the amount of the tuition charge for educating a child with a disability in any community centered board or eligible facility, the costs incurred by a community centered board or eligible facility in providing such special education program be reduced by the amount of revenues, if any, received by ~~such~~ THE community centered board or eligible facility as donations or special education grants. The school district of residence shall be responsible for paying as tuition any excess costs above the state average per pupil operating revenues to provide these services.

SECTION 16. 22-20-114 (1) (a), Colorado Revised Statutes, is amended to read:

22-20-114. Funding of programs. (1) Subject to the provisions of subsection (3) of this section, for the 2005-06 budget year and each budget year thereafter, the total amount appropriated to the department for the payment of costs incurred by administrative units for the provision of special education programs shall be distributed to each administrative unit that provides educational services for children with disabilities as follows:

(a) (I) Five hundred thousand dollars to each administrative unit that enrolls children with disabilities:

(A) For whom tuition is paid by the administrative units for the children to receive educational services at ELIGIBLE facilities; ~~approved by the state board pursuant to section 22-2-107 (1) (p)~~; and

(B) For whom parental rights have been relinquished by the parents or terminated by a court, the parents of whom are incarcerated, the parents of whom cannot be located, the parents of whom reside out of the state but the department of human services has placed the children within the administrative unit, or who are legally emancipated.

(II) The moneys appropriated pursuant to subparagraph (I) of this paragraph (a) shall be distributed in each budget year to administrative units based upon each administrative unit's share of the aggregate number of children with disabilities who are specified in subparagraph (I) of this paragraph (a); except that an administrative unit shall not receive an amount that exceeds the aggregate amount of tuition paid by that administrative unit for the specified children with disabilities to receive educational services at ELIGIBLE facilities ~~approved by the state board pursuant to~~

~~section 22-2-107 (1) (p)~~ during the immediately preceding budget year. For purposes of this paragraph (a), the number of children with disabilities that are specified in subparagraph (l) of this paragraph (a) shall be based upon the count taken in December of the immediately preceding budget year.

SECTION 17. 22-24-102, Colorado Revised Statutes, is amended to read:

22-24-102. Legislative declaration. The general assembly hereby finds, determines, and declares that there are substantial numbers of students in this state whose educational potential is severely restricted because a language other than English is their primary means of communication. The general assembly recognizes the need to provide for transitional programs to improve the English language skills of these students. The general assembly declares that, in order to improve educational and career opportunities for every student in this state, it is the purpose of this article to provide for the establishment of an English language proficiency program in the public schools AND FACILITY SCHOOLS and to provide for the distribution of moneys to the several school districts, ~~and~~ the state charter school institute, AND FACILITY SCHOOLS to help defray the costs of such program.

SECTION 18. 22-24-103 (3) and the introductory portion to 22-24-103 (4), Colorado Revised Statutes, are amended, and the said 22-24-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-24-103. Definitions. As used in this article, unless the context otherwise requires:

(2.5) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

(3) "Program" means the English language proficiency program created by this article. Design and implementation of programs shall be the function of the districts, ~~and~~ the state charter school institute, AND THE FACILITY SCHOOLS.

(4) "Student whose dominant language is not English" means a public school OR FACILITY SCHOOL student whose academic achievement and English language proficiency are determined by the student's school district, ~~or~~ the state charter school institute, OR THE FACILITY SCHOOL, using instruments and tests approved by the department, to be impaired because of the student's inability to comprehend or speak English adequately due to the influence of a language other than English and who is one or more of the following:

SECTION 19. 22-24-104, Colorado Revised Statutes, is amended to read:

22-24-104. English language proficiency program established - funding.

(1) There is hereby established an English language proficiency program for students in kindergarten and grades one through twelve whose dominant language is not English.

(2) The purpose of the program is to provide assistance to districts, ~~and~~ institute charter schools, AND FACILITY SCHOOLS having students whose dominant language is not English.

(3) ~~No~~ A district, ~~or~~ AN institute charter school, OR A FACILITY SCHOOL shall NOT be eligible for more than two fiscal years of state entitlement moneys on behalf of a student identified for inclusion in this state-assisted program.

(4) (a) The general assembly shall make an annual appropriation to the department for the implementation of this article. Funding for the program shall be from the department to the districts, ~~and to~~ the state charter school institute, AND THE FACILITY SCHOOLS on a per-student basis. That portion of the annual appropriation scheduled for distribution to the districts, ~~and~~ the state charter school institute, AND THE FACILITY SCHOOLS shall be paid to the districts, ~~and~~ the state charter school institute, AND THE FACILITY SCHOOLS upon the determination, pursuant to section 22-24-106 (1) (d), of the number of students in each district, ~~or~~ institute charter school, OR FACILITY SCHOOL to be included in the program.

(b) The general assembly shall annually make a separate appropriation to the department of education to cover the state's share of the estimated cost pursuant to the provisions of this section. If the amount of the appropriation made is less than the total amount determined to be the state's actual share of support to be provided all eligible students pursuant to the provisions of this section, then the amount to be distributed to any district, ~~or~~ to the state charter school institute, OR TO A FACILITY SCHOOL shall be in the same proportion as the amount of the appropriation made bears to such total amount determined to be the state's actual share.

(c) (I) An amount equal to seventy-five percent of the appropriation made to the department for the 1998-99 fiscal year plus any increase in the annual appropriation made to the department over the appropriation made for the 1998-99 fiscal year or the amount needed to fully fund the program pursuant to this subparagraph (I), whichever is less, shall be used by the districts, ~~and~~ the state charter school institute, AND THE FACILITY SCHOOLS for students certified to be within section 22-24-103 (4) (a) or (4) (b). No such student shall be funded for more than an amount equal to four hundred dollars per year or an amount equal to twenty percent of the state average per pupil operating revenues, as defined in section 22-54-103 (12) for the preceding year as annually determined by the department, whichever is greater.

(II) The remainder of the annual appropriation shall be used by the districts, ~~and~~ the state charter school institute, AND THE FACILITY SCHOOLS for students certified to be within section 22-24-103 (4) (c). No such student shall be funded for an amount greater than two hundred dollars per year or an amount equal to ten percent of the state average per pupil operating revenues, as defined in section 22-54-103 (12), for the preceding year as annually determined by the department, whichever is greater.

(III) Any appropriated moneys not distributed by the department pursuant to subparagraph (I) of this paragraph (c) may be distributed by the department pursuant to subparagraph (II) of this paragraph (c). Any appropriated moneys not distributed by the department pursuant to subparagraph (II) of this paragraph (c) may be distributed pursuant to subparagraph (I) of this paragraph (c).

(5) Each district, ~~and~~ the state charter school institute, AND EACH FACILITY SCHOOL shall provide the programs for district, ~~and~~ institute charter school, AND FACILITY SCHOOL students whose dominant language is not English; except that

districts, ~~and~~ the state charter school institute, AND THE FACILITY SCHOOLS may cooperate in carrying out the provisions of this article.

(6) Nothing in this article shall be construed to prohibit use of moneys made available under this article by a district, ~~or~~ the state charter school institute, OR A FACILITY SCHOOL for bilingual programs, English-as-a-second-language programs, or any other method of achieving the purposes of this article. Districts, ~~and~~ the state charter school institute, AND FACILITY SCHOOLS conducting such programs shall receive moneys made available under this article only on the basis of the number of students whose dominant language is not English enrolled in such programs.

SECTION 20. 22-24-105, Colorado Revised Statutes, is amended to read:

22-24-105. District - powers and duties. (1) It is the duty of each district, ~~and~~ the state charter school institute, AND EACH FACILITY SCHOOL to:

(a) Identify, through the observations and recommendations of parents, teachers, or other persons, students whose dominant language may not be English;

(b) (I) Assess such students, using the entire instrument or technique approved by the department, to determine if their dominant language is not English;

(II) Repealed.

(c) Certify each year to the department those students in the district, ~~or~~ in institute charter schools, OR IN FACILITY SCHOOLS whose dominant language is not English, including specification of the number of non-English languages identified as dominant languages and of the number of students who speak each non-English language as their dominant language;

(d) Administer and provide programs for students whose dominant language is not English.

(2) The assessment described in paragraph (b) of subsection (1) of this section and the certification described in paragraph (c) of subsection (1) of this section shall be conducted on at least an annual basis and each district, ~~and~~ the state charter school institute, AND EACH FACILITY SCHOOL shall present the results therefrom to the department for inclusion in the relevant annual report of achievement of accreditation indicators required by section 22-11-105.

SECTION 21. 22-24-106 (1), Colorado Revised Statutes, is amended to read:

22-24-106. Department - powers and duties - advisory commission. (1) It is the duty of the department to:

(a) Develop and approve a single instrument or technique to be used by districts, ~~and~~ the state charter school institute, AND FACILITY SCHOOLS in identifying eligible students;

(a.3) Establish statewide levels of proficiency on the entire instrument or technique approved pursuant to paragraph (a) of this subsection (1);

(a.7) Establish, by rule, any accommodations that shall be allowed and in what situations accommodations shall be allowed for an eligible student when such student is taking an assessment pursuant to section 22-7-409;

(b) Provide assistance, on request, to districts, ~~and~~ the state charter school institute, AND FACILITY SCHOOLS in the identification and assessment of students;

(c) Audit the identification and testing procedures used by the districts, ~~and~~ the state charter school institute, AND FACILITY SCHOOLS and evaluate the effectiveness of the programs conducted by districts, ~~and~~ the state charter school institute, AND FACILITY SCHOOLS;

(d) Determine which students are to be counted as eligible for purposes of calculating the district's, ~~or~~ the state charter school institute's, OR THE FACILITY SCHOOL'S entitlement;

(e) Allocate such moneys, out of annual appropriations to the department, on a per-student basis;

(f) Disaggregate testing data to track the academic progress of students who have been identified as having a dominant language other than English but who have been enrolled in a public school of the state OR ONE OR MORE FACILITY SCHOOLS for three years or longer or have subsequently been assessed as proficient in English.

SECTION 22. 22-25-102 (2), Colorado Revised Statutes, is amended to read:

22-25-102. Legislative declaration. (2) Since the enactment of this article the general assembly has further determined that the insidious attractions of gangs and substance abuse are endangering the youth of Colorado and, by doing so, are endangering all Colorado citizens. Accordingly, the general assembly finds and declares that the implementation of educational programs in the public schools, INCLUDING FACILITY SCHOOLS, is necessary to assist young people in avoiding gang involvement and substance abuse.

SECTION 23. 22-25-102 (3) (c), Colorado Revised Statutes, as enacted by House Bill 08-1224, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

22-25-102. Legislative declaration. (3) The general assembly further finds that:

(c) It is therefore appropriate for the general assembly to expand the "Colorado Comprehensive Health Education Act" to include funding for local student wellness programs that are coordinated with local comprehensive health education programs in public schools, INCLUDING FACILITY SCHOOLS.

SECTION 24. The introductory portion to 22-25-103 (5.5), Colorado Revised Statutes, as enacted by House Bill 08-1224, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

22-25-103. Definitions. As used in this article, unless the context otherwise requires:

(5.5) "Local student wellness program" means a program adopted by a school district, ~~or~~ board of cooperative services, OR FACILITY SCHOOL that is coordinated with health education and is designed to provide services to students in one or more of the following areas:

SECTION 25. 22-25-103 (5), Colorado Revised Statutes, is amended, and the said 22-25-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-25-103. Definitions. As used in this article, unless the context otherwise requires:

(3.3) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

(5) "Local comprehensive health education program" means a health education program instituted by a school board, ~~or~~ board of cooperative services, OR FACILITY SCHOOL in accordance with the requirements of this article.

SECTION 26. 22-25-104 (1), (3) (b) (III), and (6), Colorado Revised Statutes, are amended to read:

22-25-104. Colorado comprehensive health education program - role of department of education - recommended curriculum guidelines - allocation of funds - rules. (1) There is hereby created the Colorado comprehensive health education program, which shall be a voluntary program in which school districts, ~~and~~ boards of cooperative services, AND FACILITY SCHOOLS may participate through the creation of local comprehensive health education programs. Implementation of the Colorado comprehensive health education program shall be a cooperative effort among the department of education, the Colorado commission on higher education, the department of public health and environment and other health education professionals, and participating school districts and boards of cooperative services.

(3) (b) The guidelines developed by the department of education pursuant to paragraph (a) of this subsection (3) shall include, but shall not be limited to, the following for preschool, kindergarten, and grades one through twelve:

(III) The recommended training which the school district OR THE FACILITY SCHOOL may require for staff who instruct in local comprehensive health education programs.

(6) (a) Any curriculum and materials developed and used in teaching sexuality and human reproduction shall include values and responsibility and shall give primary emphasis to abstinence by school-aged children.

(b) School officials shall receive prior written approval from a parent or guardian before his or her child may participate in any program discussing or teaching sexuality and human reproduction. Parents must receive, with the written permission slip, an overview of the topics and materials to be presented in the curriculum.

(c) THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (6) SHALL NOT APPLY TO A LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAM PROVIDED BY A FACILITY SCHOOL.

SECTION 27. 22-25-104.5, Colorado Revised Statutes, is amended to read:

22-25-104.5. Law-related education program - creation. (1) (a) There is hereby created, within the Colorado department of education prevention initiatives unit, the Colorado law-related education program for the purpose of promoting behavior which will reduce THROUGH EDUCATION the incidence of gang or other antisocial behavior and substance abuse by students in the public schools through ~~education~~ SCHOOL SYSTEM.

(b) Under the program, each school district AND FACILITY SCHOOL in the state is strongly encouraged to implement a law-related education program pursuant to the requirements of this article, which program shall specifically address the development of resistance to antisocial gang behavior and substance abuse without compromising academics.

(2) (a) A law-related education program implemented by a school district OR FACILITY SCHOOL may be designed to promote responsible citizenship and reduce antisocial behavior without compromising academics. Specific grade levels should be determined by school districts AND FACILITY SCHOOLS based on local curricular frameworks and review of what is known about existing and promising programs. All topics addressed in such law-related education program shall be taught in a manner which is appropriate for the ages of the students to be instructed.

(b) The topics for instruction in a law-related education program ~~implemented by a school district~~ shall include instruction on the United States constitution and the declaration of independence and may include, but need not be limited to, the following:

(I) The rights and responsibilities of citizenship;

(II) The foundations and principles of American constitutional democracy;

(III) The role of law in American society;

(IV) The organization and purpose of legal and political systems;

(V) The disposition to abide by law;

(VI) The opportunities for responsible participation;

(VII) The alternative dispute resolution approach including mediation and conflict resolution.

(c) (Deleted by amendment, L. 2000, p. 372, § 25, effective April 10, 2000.)

(3) and (4) (Deleted by amendment, L. 99, p. 106, § 1, effective March 24, 1999.)

(5) (a) The state board shall promulgate guidelines to provide grants to and to assist school districts AND FACILITY SCHOOLS in the implementation of effective, comprehensive law-related education programs addressing gang awareness and substance abuse resistance. Such guidelines shall include, but shall not be limited to, the following:

- (I) Suggested topics for instruction;
- (II) Suggested texts and other instructional materials; and
- (III) The necessary training for instructors.

(b) The state board shall make such guidelines available to all school districts AND FACILITY SCHOOLS for use in implementing law-related education programs.

(c) The department of education, through the coordinator and staff of the prevention initiatives unit, shall be responsible for implementation, monitoring, and administration of the program and shall maintain certifications and records and act as a statewide clearinghouse for information and assistance for the ~~school district~~ law-related education programs.

(6) (a) All school districts AND FACILITY SCHOOLS are encouraged to create programs for the training of instructors and administrators in gang awareness and substance abuse resistance education in order to provide effective instruction to students concerning the dangers of gang involvement and substance abuse. ~~by the students in the school district.~~

(b) Upon the request of school district officials, the state board shall assist school district officials in the preparation of plans for the creation by school districts of training programs for instructors and administrators in gang awareness and substance abuse resistance education.

(7) (a) Each school district AND FACILITY SCHOOL may prepare an annual report concerning the progress of the school district OR FACILITY SCHOOL in implementing a law-related education program. The report shall be filed with the state board on or before October 1 of each year.

(b) Each annual report ~~of a school district~~ prepared pursuant to paragraph (a) of this subsection (7) shall include, but shall not be limited to, an analysis by school district OR FACILITY SCHOOL officials of the effect of the law-related education program on the incidence of gang involvement and substance abuse by the students in the school district OR FACILITY SCHOOL.

SECTION 28. 22-25-105, Colorado Revised Statutes, is amended to read:

22-25-105. Review of local comprehensive health education programs - allocation of funds by the state board of education. (1) ~~Any~~ A school district, FACILITY SCHOOL, or board of cooperative services ~~which~~ THAT is seeking funding for a local comprehensive health education program under this article shall file an application with the department of education in such form as the department of education shall require. Such application shall include provisions for the

implementation of a law-related education program for the purpose of reducing the incidence of gang involvement and substance abuse by students through education.

(2) The commissioner or the commissioner's designee, with the assistance of the executive director of the department of public health and environment or his OR HER designee, shall review all applications for review of local comprehensive health education programs submitted to the department of education.

(3) (a) The state board of education shall establish a review and prioritization process for the allocation of available funds to school districts, ~~or~~ boards of cooperative services, AND FACILITY SCHOOLS based upon applications submitted to the department of education and giving due consideration to the guidelines developed pursuant to section 22-25-104 (3) (a). Funding may be made available to districts OR FACILITY SCHOOLS to implement portions of a comprehensive health education program, according to the needs of the individual school district OR FACILITY SCHOOL. Pursuant to ~~such~~ THE review and prioritization process, the state board of education shall allocate available funds to ~~such~~ school districts, ~~or~~ boards of cooperative services, ~~as~~ AND FACILITY SCHOOLS BASED ON WHETHER the state board of education finds ~~have~~ THAT A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES, OR A FACILITY SCHOOL HAS planned or developed A local comprehensive health education ~~programs which~~ PROGRAM THAT will serve the objectives of this article. Funding for local comprehensive health education programs may include, but shall not be limited to, the implementation of training programs, in-service education institutes, and curriculum development programs for staff who shall instruct in comprehensive health education. ~~No~~ THE STATE BOARD OF EDUCATION SHALL NOT ALLOCATE funds ~~shall be allocated~~ to school districts, BOARDS OF COOPERATIVE SERVICES, OR FACILITY SCHOOLS pursuant to the provisions of this subsection (3) until the department determines the amount of money that will be available for allocation from the Colorado comprehensive health education fund.

(b) If moneys are not available in the Colorado comprehensive health education fund sufficient to fund programs in every school district, the department may establish pilot programs for school districts ~~which~~ THAT express an interest in developing or expanding a program and in which there is a need for such program.

SECTION 29. 22-25-107 (1), Colorado Revised Statutes, is amended to read:

22-25-107. Reports required. (1) Each school district, FACILITY SCHOOL, or board of cooperative services ~~which~~ THAT receives funding for a local comprehensive health education program pursuant to this article shall annually file a written report with the department of education concerning the status of the education program. ~~Such~~ THE report shall include such information and data as the department of education shall require, including but not limited to the information received in the public forum held pursuant to section 22-25-106 (4), ~~and such~~ IF APPLICABLE. THE report shall be filed on or before such date as the department of education shall determine.

SECTION 30. 22-26-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-26-102. Definitions. As used in this article, unless the context otherwise

requires:

(3.5) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

SECTION 31. 22-26-103 (2), Colorado Revised Statutes, is amended to read:

22-26-103. Purchase of services - assistance. (2) The department may enter into contractual relations with any private for-profit or nonprofit agency, organization, or institution under which such agency, organization, or institution, provides to students ENROLLED IN A PUBLIC SCHOOL OR IN A FACILITY SCHOOL the equivalent of an approved gifted and talented educational program and the department acts as a liaison between ~~local~~ THE school ~~districts~~ DISTRICT OR THE FACILITY SCHOOL and the private agency, organization, or institution, including informing ~~local~~ school districts AND FACILITY SCHOOLS of available educational services, selecting students for such programs, selecting teachers, students preparing to enter teaching, and instructors in teacher education who will teach or participate in an educational program, and providing tuition and transportation assistance pursuant to this article.

SECTION 32. 22-26-107, Colorado Revised Statutes, is amended to read:

22-26-107. Applications. ~~Any~~ A secondary school student enrolled in ~~any~~ A public school OR FACILITY SCHOOL in Colorado may apply, through ~~his~~~~local~~ THE STUDENT'S school district OR FACILITY SCHOOL, to the department to attend an approved gifted and talented educational program which is provided by the department through contract. ~~Such~~ Students may also apply for tuition assistance and for assistance to defray transportation expenses. Students shall be selected pursuant to criteria established by rule and regulation as provided in section 22-26-104.

SECTION 33. 22-26-108, Colorado Revised Statutes, is amended to read:

22-26-108. Teacher participation. In making a contract with a private for-profit or nonprofit agency, organization, or institution, the department may provide for the participation for limited periods of time of teachers, employed by ~~local~~ school districts OR FACILITY SCHOOLS, who have demonstrated expertise in a given subject matter or in the teaching of gifted and talented students, of students preparing to enter teaching, and of instructors in teacher education. Whenever a teacher employed by a ~~local~~ school district OR FACILITY SCHOOL performs services in an approved gifted and talented educational program, the teacher shall continue to be paid by the school district OR FACILITY. Teachers, students preparing to enter teaching, and instructors in teacher education participating in an approved gifted and talented educational program pursuant to this article may apply to the department for assistance to defray transportation expenses.

SECTION 34. 22-27.5-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-27.5-102. Definitions. As used in this article, unless the context otherwise requires:

(4.5) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

SECTION 35. 22-27.5-103 (1), (2), and (4), Colorado Revised Statutes, are amended, and the said 22-27.5-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-27.5-103. Dropout prevention activity grant program - created - applications. (1) There is hereby created a grant program to fund before- and after-school arts-based and vocational activity programs for students enrolled in grades six through twelve. The goal in funding arts-based and vocational activity programs is to reduce the number of students who choose to drop out of school prior to graduation. A FACILITY SCHOOL, a qualified school, with the approval of its district board, or a qualified community organization in partnership with a qualified school, may apply to the department, in accordance with procedures and time lines adopted by rule of the state board, to receive moneys through the dropout prevention activity grant program. The department shall administer the grant program as provided in this article and pursuant to rules adopted by the state board.

(2) In any year in which the department of revenue notifies the department of education that moneys have been designated for the fund pursuant to section 39-22-2802, C.R.S., or in which the department of education receives other gifts, grants, or donations for the fund, the department of education shall notify the FACILITY SCHOOLS AND THE district boards, in the manner provided by rule of the state board, of the amount of money to be deposited in the fund and available for grants pursuant to this section. The notice may also specify the time and procedure for applying for a grant from the dropout prevention activity grant program. Each district board shall forward the notice to the qualified schools of the school district. The department shall also post the notice on the department website as notice to qualified community organizations that may be interested in applying for moneys through the grant program.

(3.5) (a) A FACILITY SCHOOL THAT CHOOSES TO SEEK A GRANT THROUGH THE DROPOUT PREVENTION ACTIVITY GRANT PROGRAM SHALL APPLY TO THE DEPARTMENT, IN ACCORDANCE WITH THE PROCEDURES AND USING THE APPLICATION FORM SPECIFIED BY RULE OF THE STATE BOARD, FOR A GRANT THROUGH THE DROPOUT PREVENTION ACTIVITY GRANT PROGRAM.

(b) A FACILITY SCHOOL THAT RECEIVES A GRANT THROUGH THE DROPOUT PREVENTION ACTIVITY GRANT PROGRAM SHALL USE THE MONEYS RECEIVED TO PROVIDE ARTS-BASED OR VOCATIONAL ACTIVITY PROGRAMS ONLY TO STUDENTS ENROLLED IN GRADES SIX THROUGH TWELVE.

(4) A qualified community organization that chooses to seek a grant through the dropout prevention activity grant program shall enter into a partnership agreement with a qualified school OR A FACILITY SCHOOL pursuant to which the qualified community organization may operate an arts-based or vocational activity program in collaboration with the qualified school OR FACILITY SCHOOL for students enrolled in any of grades six through twelve. At a minimum, the partnership agreement shall specify the amount of the grant to be requested from the grant program and describe the arts-based or vocational activity program for which the grant would be used.

The qualified school's participation in the partnership agreement shall be subject to the approval of the school's district board. A qualified community organization that applies for a grant through the dropout prevention activity grant program shall submit a copy of the signed partnership agreement with its grant application.

SECTION 36. 22-27.5-104 (2), Colorado Revised Statutes, is amended to read:

22-27.5-104. Dropout prevention activity grant program - rules - awarding grants. (2) The department shall review each grant application received from A FACILITY SCHOOL, a qualified school, or a qualified community organization pursuant to section 22-27.5-103 and shall make recommendations to the state board concerning whether the grant should be awarded and the amount of the grant. If the department determines an application is missing any information required by rules to be included with the application, the department may contact the applicant to obtain the missing information. In making its recommendations, in addition to any criteria identified by rule of the state board, the department shall:

(a) Give first priority to applications to fund arts-based or vocational activity programs at qualified schools that experience high dropout rates for the three school years preceding the year in which the application is submitted AND TO FUND ARTS-BASED OR VOCATIONAL ACTIVITY PROGRAMS AT FACILITY SCHOOLS;

(b) Consider the percentage of students enrolled at the affected qualified school OR FACILITY SCHOOL who are minority students or students who qualify for free or reduced-cost lunch pursuant to the provisions of the federal "National School Lunch Act", 42 U.S.C. sec. 1751 et seq., with the goal of funding arts-based and vocational activity programs at qualified schools AND FACILITY SCHOOLS that enroll high percentages of minority students and students who qualify for free or reduced-cost lunch;

(c) Consider the format of the arts-based or vocational activity program for which funding is requested and determine the cost-effectiveness of the program, the number of students who will be able to participate, and the quality of the participatory experience offered, with the goal of funding arts-based and vocational activity programs that provide a large number of students the opportunity to directly participate in and experience an arts-based or vocational activity;

(d) Consider whether the arts-based or vocational activity program for which funding is requested includes a partnering relationship with businesses in the community or a component of community service, with the goal of funding those arts-based and vocational activity programs that demonstrate a connection with the community outside the school OR FACILITY SCHOOL and provide a benefit to that community.

SECTION 37. 22-27.5-106 (1), Colorado Revised Statutes, is amended to read:

22-27.5-106. Dropout prevention activity grant programs - report. (1) Each FACILITY SCHOOL, qualified school, and qualified community organization that receives a dropout prevention activity program grant shall, in each year that it receives the grant, report to the department a description of the arts-based or vocational activity program and the projects accomplished through the program and

an indication of the number of students who participated in the program.

SECTION 38. 22-33-201.5, Colorado Revised Statutes, is amended to read:

22-33-201.5. Definitions. For purposes of this part 2, unless the context otherwise requires:

(1) "Educational services" means any of the following types of services to provide instruction in the academic areas of reading, writing, mathematics, science, and social studies:

- (a) Tutoring services;
- (b) Alternative educational programs;
- (c) Vocational education programs.

(2) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

SECTION 39. Part 2 of article 33 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-33-204.5. Legislative declaration. THE GENERAL ASSEMBLY FINDS THAT A STUDENT WHO IS PLACED IN A RESIDENTIAL CHILD CARE FACILITY OR OTHER FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES OR IN A HOSPITAL OR WHO IS RECEIVING EDUCATIONAL SERVICES THROUGH A DAY TREATMENT CENTER IS, IN MOST CASES, DEALING WITH SIGNIFICANT BEHAVIORAL AND EMOTIONAL ISSUES. THESE ISSUES MAKE IT DIFFICULT, IF NOT IMPOSSIBLE, FOR THE STUDENT TO FUNCTION WITHIN A REGULAR SCHOOL AND OFTEN SEVERELY IMPACT THE STUDENT'S ABILITY TO PARTICIPATE IN A FACILITY SCHOOL. THE GENERAL ASSEMBLY FURTHER FINDS THAT, ALTHOUGH A STUDENT WHO IS PLACED IN A FACILITY CANNOT BE EXPELLED DUE TO THE NATURE OF THE PLACEMENT, THE STUDENT IS AT RISK OF BEING UNABLE TO PROSPER ACADEMICALLY AND SHOULD BE CONSIDERED AN AT-RISK STUDENT FOR PURPOSES OF SECTION 22-33-205.

SECTION 40. 22-33-205 (1) (a), (1) (b), and (2) (a) and the introductory portion to 22-33-205 (2) (b), Colorado Revised Statutes, are amended to read:

22-33-205. Services for expelled and at-risk students - grants - criteria. (1) (a) There is hereby established in the department of education the expelled and at-risk student services grant program, referred to in this section as the "program". The program shall provide grants to school districts, to charter schools, to alternative schools within school districts, to nonpublic, nonparochial schools, to boards of cooperative services, TO FACILITY SCHOOLS, and to pilot schools established pursuant to article 38 of this title to assist them in providing educational services to expelled students pursuant to section 22-33-203 (2) and to students at risk of expulsion.

(b) In addition to school districts, charter schools, alternative schools within school districts, nonpublic, nonparochial schools, boards of cooperative services,

FACILITY SCHOOLS, and pilot schools, the department of military and veterans affairs may apply for a grant pursuant to the provisions of this section to assist the department with a program to provide educational services to expelled students; except that nonpublic, nonparochial schools may only apply for a grant pursuant to the provisions of this section to fund educational services that have been approved by the state board pursuant to section 22-2-107. The department shall follow application procedures established by the department of education pursuant to subsection (2) of this section. The department of education shall determine whether to award a grant to the department of military and veterans affairs and the amount of the grant.

(2) (a) The state board by rule shall establish application procedures by which a school district, a charter school, an alternative school within a school district, a nonpublic, nonparochial school, a board of cooperative services, A FACILITY SCHOOL, or a pilot school may annually apply for a grant under the program. At a minimum, the application shall include a plan for provision of educational services, including the type of educational services to be provided, the estimated cost of providing such educational services, and the criteria that will be used to evaluate the effectiveness of the educational services provided.

(b) The state board shall determine which of the ~~applying school districts, charter schools, alternative schools within school districts, nonpublic, nonparochial schools, boards of cooperative services, and pilot schools~~ APPLICANTS shall receive grants and the amount of each grant. In awarding grants, the state board shall consider the following criteria:

SECTION 41. 22-37-102, Colorado Revised Statutes, is amended to read:

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 OR FACILITY 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.

SECTION 42. 22-37-103 (6), Colorado Revised Statutes, is amended, and the said 22-37-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-37-103. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

(6) "Suspended student" means a student suspended pursuant to section 22-33-105 OR OTHERWISE SUSPENDED BY A FACILITY SCHOOL.

SECTION 43. 22-37-104 (1), (2) (c), (2) (e), and (3) (b), Colorado Revised Statutes, are amended to read:

22-37-104. Qualification. (1) ~~Any~~ AN 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 OR FACILITY SCHOOL.

(2) A program shall:

(c) Include an agreement by the participating public school OR FACILITY SCHOOL that ~~any~~ A student suspended for the reasons specified in section 22-33-106 (1) (a) or (1) (b) shall be included in the program;

(e) Include provisions for the dissemination of the results of the program to the state board; THE PARTICIPATING FACILITY SCHOOL; THE school board or governing board of the participating public school; THE 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:

(b) Programs that utilize current public school OR FACILITY SCHOOL staff or other personnel;

SECTION 44. 22-37-106, Colorado Revised Statutes, is amended to read:

22-37-106. Reporting. THE FACILITY SCHOOLS AND 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 OR FACILITY 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.

SECTION 45. 22-51-101, Colorado Revised Statutes, is amended to read:

22-51-101. Legislative declaration. It is declared to be the policy of this state to furnish financial aid to school districts and the state charter school institute of the state for the transportation of pupils to and from their places of residence and the public schools which they attend, including transportation for purposes of special education and vocational education, and for board in lieu of transportation. IT IS FURTHER DECLARED TO BE THE POLICY OF THIS STATE TO FURNISH AID TO FACILITY SCHOOLS FOR THE TRANSPORTATION OF PUPILS IN FACILITIES TO AND FROM THE FACILITIES IN WHICH THEY RESIDE AND THE FACILITIES IN WHICH THEY RECEIVE EDUCATIONAL SERVICES.

SECTION 46. 22-51-102 (3) and (4), Colorado Revised Statutes, are amended, and the said 22-51-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-51-102. Definitions. As used in this article, unless the context otherwise requires:

(2.5) "FACILITY" MEANS ANY OF THE FOLLOWING FACILITIES THAT OPERATES A FACILITY SCHOOL:

(a) A DAY TREATMENT CENTER, RESIDENTIAL CHILD CARE FACILITY, OR OTHER FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-104, C.R.S.;

(b) A HOSPITAL LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103, C.R.S.

(2.7) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

(3) "Pupil transportation" means:

(a) The transportation of pupils regularly enrolled in the public schools through grade twelve to and from their places of residence and the public schools in which enrolled, including any site attended for special education or vocational education, and to and from one school of attendance and another in vehicles owned or rented and operated by a school district or state charter school or under contract with a school district or state charter school; AND

(b) THE TRANSPORTATION OF STUDENTS WHO ARE RECEIVING EDUCATIONAL SERVICES FROM FACILITY SCHOOLS TO AND FROM THE FACILITY IN WHICH THE STUDENTS RESIDE AND THE PLACE AT WHICH THE STUDENTS RECEIVE THE EDUCATIONAL SERVICES.

(4) "Reimbursement entitlement" means the amount of reimbursement to which a school district, ~~or~~ a state charter school, OR A FACILITY SCHOOL is entitled under the provisions of section 22-51-104.

SECTION 47. 22-51-103 (2), Colorado Revised Statutes, is amended to read:

22-51-103. Creation of the public school transportation fund. (2) For the 2006-07 budget year and each budget year thereafter, the net amount recovered by the department of education during the applicable budget year pursuant to section 22-51-105 as overpayments made to school districts, ~~and~~ the state charter school institute, AND FACILITY SCHOOLS shall be transferred to the state treasurer for deposit in the public school transportation fund. Such amount shall be available for appropriation to the department in the budget year in which the transfers are made or in subsequent budget years.

SECTION 48. 22-51-104 (1), (1.5), and (2), Colorado Revised Statutes, are amended to read:

22-51-104. Methods of determining reimbursement entitlement. (1) Except as otherwise provided in subsection (1.5) of this section, for financial aid in providing pupil transportation, for entitlement periods ending on June 30, 1988, and thereafter, each school district, ~~and~~ the state charter school institute, AND EACH FACILITY SCHOOL shall have a reimbursement entitlement in an amount determined as follows:

(a) Thirty-seven and eighty-seven one-hundredths cents for each mile traveled by vehicles operated by or for the school district, ~~or~~ the institute, OR THE FACILITY SCHOOL in providing pupil transportation during the entitlement period. The number of miles traveled shall be determined by the state board of education based upon information submitted pursuant to section 22-51-105.

(b) Thirty-three and eighty-seven one-hundredths percent of any amount by which the school district's, ~~or~~ the institute's, OR THE FACILITY SCHOOL'S current operating expenditures for pupil transportation during the entitlement period exceeded the school district's, ~~or~~ institute's, OR FACILITY SCHOOL'S reimbursement entitlement under the provisions of paragraph (a) of this subsection (1); and

(c) Not more than sixty percent of the costs of contracts entered into by a school district pursuant to section 22-32-110 (1) (w) or entered into by the state charter school institute OR A FACILITY SCHOOL for the purpose of conserving fuel or reducing operating or capital expenditures, or both, for pupil transportation under public transportation programs which comply with the code of federal regulations, Title 49, parts 390 to 397, or successor regulations thereto. Reimbursement entitlements under this paragraph (c) shall not be greater than those the school district, ~~or~~ the institute, OR THE FACILITY SCHOOL would otherwise receive if it operated its own vehicles or contracted for the exclusive transportation of pupils.

(1.5) (a) Repealed.

(b) Notwithstanding the provisions of subsection (1) of this section, for entitlement periods ending on June 30, 1989, and thereafter, ~~neither~~ a school district, ~~nor~~ the state charter school institute, AND A FACILITY SCHOOL shall NOT receive a reimbursement entitlement in an amount which is less than its reimbursement entitlement for the preceding entitlement period. For purposes of this paragraph (b), the reimbursement entitlement for the preceding entitlement period shall be the amount to which the school district, ~~or~~ the institute, OR THE FACILITY SCHOOL would have been entitled under the formula in subsection (1) of this section, and not the amount it actually received for the preceding entitlement period, if different from the amount under said formula.

(2) In no event shall the reimbursement entitlement of ~~any~~ A school district, ~~or~~ the institute, OR A FACILITY SCHOOL under the provisions of subsection (1) of this section for any entitlement period exceed ninety percent of the total amount expended by the school district, ~~or~~ the institute, OR THE FACILITY SCHOOL during said entitlement period for current operating expenditures for pupil transportation.

SECTION 49. 22-51-105, Colorado Revised Statutes, is amended to read:

22-51-105. Certifications by school boards, governing boards, and facility schools - rules. (1) On or before August 15 of each year, the school board of each school district entitled to and desiring reimbursement under this article, ~~and~~ the state charter school institute board, AND EACH FACILITY SCHOOL ENTITLED TO AND DESIRING REIMBURSEMENT UNDER THIS ARTICLE shall certify to the state board of education, on forms to be provided by the commissioner of education, such information as the board shall deem necessary to determine the reimbursement entitlement of the district, ~~or~~ the institute, OR THE FACILITY SCHOOL including, but

not limited to, the total amount of the school district's, ~~or~~ the institute's, OR THE FACILITY SCHOOL'S current operating expenditures for pupil transportation during the preceding entitlement period, the total number of miles traveled and the total number of pupils transported on October 1, or the school day nearest said date, during the preceding entitlement period by vehicles operated by or for the school district, ~~or~~ the institute, OR THE FACILITY SCHOOL in providing pupil transportation, and the transportation route descriptions in effect on said date.

(2) The department of education shall promulgate rules ~~and regulations~~ to allow for verification of the accuracy and appropriateness of the route mileages submitted by school districts, ~~and~~ the institute, AND FACILITY SCHOOLS pursuant to subsection (1) of this section. If the department determines that an overpayment has been made due to the submission of inaccurate or inappropriate route mileages, the department shall recover from the school district, ~~or~~ the institute, OR THE FACILITY SCHOOL an amount equal to the overpayment plus a penalty of not more than twenty percent of the overpayment.

SECTION 50. 22-51-106 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

22-51-106. Certification to and payment by state treasurer - deficiency in fund. (1) (a) On or before October 15 of each year, the commissioner of education shall certify to the state treasurer the amount of the advance reimbursement entitlement of each school district, ~~and~~ the state charter school institute, AND EACH FACILITY SCHOOL for the current entitlement period and the amount of the final reimbursement entitlement of each school district, ~~and~~ the institute, AND EACH FACILITY SCHOOL for the preceding entitlement period. The state treasurer shall thereupon pay from the public school transportation fund directly to the treasurer of each school district which has elected under the law to withdraw its funds from the custody of the county treasurer, ~~and~~ directly to the treasurer of the state charter school institute, AND DIRECTLY TO THE TREASURER OF EACH FACILITY SCHOOL the amount certified as the total reimbursement entitlement of the school district, ~~or~~ the institute, OR THE FACILITY SCHOOL; and, for all other school districts, the state treasurer shall pay to the county treasurer of the county in which each school district has its headquarters the amount certified as the total reimbursement entitlement of each district, and the county treasurer shall forthwith credit to the general fund of each district in the county the amount certified therefor.

(b) For purposes of this section:

(I) "Advance reimbursement entitlement" means an amount ~~which~~ THAT a school district, ~~or~~ the state charter school institute, OR A FACILITY SCHOOL is entitled to receive in the current entitlement period as an advance payment of its reimbursement entitlement for such period and which is equal to twenty percent of the reimbursement entitlement of the school district, ~~or~~ the institute, OR THE FACILITY SCHOOL for the preceding entitlement period.

(II) "Final reimbursement entitlement" means the reimbursement entitlement of a school district, ~~or~~ the state charter school institute, OR A FACILITY SCHOOL for the preceding entitlement period less any advance reimbursement entitlement received by said district, ~~or~~ the institute, or THE FACILITY SCHOOL for said period.

(III) "Total reimbursement entitlement" means the advance reimbursement entitlement and the final reimbursement entitlement of a school district, ~~or~~ the state charter school institute, OR A FACILITY SCHOOL.

(2) (a) In the event the amount of money appropriated by the general assembly to the public school transportation fund is less than the amount of the total reimbursement entitlements of all of the school districts, ~~and~~ of the state charter school institute, AND OF ALL OF THE FACILITY SCHOOLS authorized by this section, the amount to be distributed to each school district, ~~and~~ the institute, AND EACH FACILITY SCHOOL shall be in the same proportion as the amount which the appropriation made bears to the total amount of the reimbursement entitlements of all school districts, ~~and~~ of the state charter school institute, AND OF ALL FACILITY SCHOOLS.

SECTION 51. 22-51-107, Colorado Revised Statutes, is amended to read:

22-51-107. Requirements for participation. Unless otherwise authorized by the commissioner of education, a school district, ~~or~~ the state charter school institute, OR A FACILITY SCHOOL shall not be entitled to any reimbursement under this article if the school district, ~~or~~ the institute, OR THE FACILITY SCHOOL has not filed the certifications required by section 22-51-105 on or before the date provided in said section or has not complied with the rules ~~and regulations~~ promulgated by the state board of education pursuant to section 22-51-108.

SECTION 52. 22-51-108, Colorado Revised Statutes, is amended to read:

22-51-108. Rules. The state board of education shall promulgate rules ~~and regulations~~ for the administration of this article. Such rules ~~and regulations~~ shall include reasonable and adequate standards of safety in the maintenance and operation of buses, the maintenance of records by school districts, ~~and by~~ the state charter school institute, AND FACILITY SCHOOLS, the length of bus routes, the number of children to be transported in the various types of buses, and such other rules ~~and regulations~~ pertaining to pupil transportation as will promote the welfare of the students and afford reasonable protection to the public.

SECTION 53. 22-60.5-112.5 (1) (a) (III) and (2) (a) (III), Colorado Revised Statutes, are amended to read:

22-60.5-112.5. National credential - fee assistance - one-time payments. (1) (a) For the 2002-03 budget year, the 2004-05 budget year, and each budget year thereafter, subject to available appropriations, the department of education shall assist persons who are seeking national credentials by paying a portion of the fees charged for such national credential. The general assembly shall annually appropriate, if available, moneys from the state education fund, created in section 17 (4) of article IX of the state constitution, to the department of education to be used for the purposes of this section. Fee assistance pursuant to this section shall be available to any person who:

(III) Is employed as a teacher in a public school OR AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1), in this state at the time of applying for fee assistance pursuant to this section; and

(2) (a) To apply for national credential fee assistance pursuant to this section, a person shall present to the department of education the following items:

(III) Proof that the person is employed as a teacher at a public school OR AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1), in this state at the time of applying for national credential fee assistance.

SECTION 54. 22-81.5-103 (2), Colorado Revised Statutes, is amended to read:

22-81.5-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Facility school" means ~~a school that is operated by a residential child care facility, a residential treatment center, or another facility included on the facility list maintained by the state board pursuant to section 22-2-107 (1) (p) and that receives a portion of the per pupil operating revenues of one or more school districts to provide educational services for children who are included on the roll of out-of-district placed children~~ AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

SECTION 55. 22-82.7-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-82.7-102. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

SECTION 56. 22-82.7-103 (1), (3) (a), and (3) (e), Colorado Revised Statutes, are amended to read:

22-82.7-103. Start smart nutrition program - creation - administration - objectives. (1) There is hereby created the start smart nutrition program to ensure that each student in Colorado public schools AND FACILITY SCHOOLS has an opportunity to begin each day with a nutritious breakfast.

(3) The objectives of the program are to:

(a) Appropriate moneys from the state budget to eliminate the reduced price paid by Colorado students participating in the school breakfast program AND TO OFFSET THE COSTS INCURRED BY FACILITY SCHOOLS IN PROVIDING THE SCHOOL BREAKFAST PROGRAM TO STUDENTS WHO ARE RECEIVING EDUCATIONAL SERVICES FROM THE FACILITY SCHOOLS;

(e) Encourage charter schools, ~~and~~ school districts, AND FACILITY SCHOOLS to participate in the school breakfast program;

SECTION 57. 22-82.7-104 (1), Colorado Revised Statutes, is amended to read:

22-82.7-104. Program funding - appropriation. (1) The general assembly

shall annually appropriate by separate line item in the annual general appropriation bill an amount of not less than seven hundred thousand dollars and not more than one million five hundred thousand dollars to the fund created in section 22-82.7-105 to allow school districts to provide free breakfasts to children participating in the school breakfast program who would otherwise be required to pay a reduced price for breakfast AND TO OFFSET THE COSTS INCURRED BY FACILITY SCHOOLS IN PROVIDING BREAKFASTS TO STUDENTS WHO ARE PLACED IN THE FACILITY AND ARE ELIGIBLE TO PARTICIPATE IN THE SCHOOL BREAKFAST PROGRAM. The appropriation to the fund shall be in addition to any appropriation made by the general assembly pursuant to section 22-54-123 or 22-54-123.5 (1).

SECTION 58. 22-82.7-106, Colorado Revised Statutes, is amended to read:

22-82.7-106. Program - procedures. The department shall develop procedures to allocate and disburse the moneys in the fund among participating school districts, ~~and~~ institute charter schools, AND FACILITY SCHOOLS each year, in an equitable manner and in compliance with the requirements of the federal "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

SECTION 59. 22-82.7-107 (2), Colorado Revised Statutes, is amended to read:

22-82.7-107. No individual entitlement. (2) The department in administering the program and a school district, the state charter school institute, ~~or~~ a charter school, OR A FACILITY SCHOOL in implementing the program may not create and shall not be deemed to create a legal entitlement in any participant to assistance provided pursuant to the program.

SECTION 60. 22-88-101 (2) and (7), Colorado Revised Statutes, are amended to read:

22-88-101. Definitions. As used in this article, unless the context otherwise requires:

(2) ~~"Eligible facility" means a facility approved by the state board of education pursuant to section 22-2-107 (1) (p) to receive reimbursement for the provision of educational services to children with disabilities placed outside of their districts of residence but within Colorado.~~ "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

(7) "Student with a print disability" means a student enrolled in kindergarten or one of grades one through twelve, including in ~~an eligible~~ A facility SCHOOL, who experiences difficulties in achieving the state model content standards adopted pursuant to section 22-7-406 and for whom the student's school district does not receive state or federal moneys for special education services either directly from the department or through an administrative unit.

SECTION 61. 22-88-102 (1), Colorado Revised Statutes, is amended to read:

22-88-102. Reading assistance grant program - creation - rules. (1) There is hereby created the reading assistance grant program to provide grants to organizations that provide and distribute to school districts and ~~eligible facilities~~

FACILITY SCHOOLS accessible educational materials for students with print disabilities. The grant program shall be designed to assist organizations in the development and distribution of comprehensive materials and equipment that help a student with a print disability effectively access the written word, especially in the areas of reading, writing, mathematics, and science. The materials and equipment may include digital audio books, four-sided tapes, digital audio playback devices, reading software, and other technology to assist a student with a print disability.

SECTION 62. 22-88-103 (1) (a) and (1) (f), Colorado Revised Statutes, are amended to read:

22-88-103. Reading assistance grant program - application - criteria. (1) An organization that seeks a grant pursuant to this article shall submit an application to the department in accordance with rules promulgated by the state board pursuant to section 22-88-102 (3). The application shall describe the organization's proposed plan to provide and distribute accessible educational materials to students with print disabilities and shall include the following information:

(a) The number of school districts and ~~eligible facilities~~ FACILITY SCHOOLS to which the organization provides accessible educational materials at the time of application and the estimated number of school districts, ~~eligible facilities~~ FACILITY SCHOOLS, and students with print disabilities the organization expects to serve if awarded a grant;

(f) A detailed description of how the organization will implement its plan to provide and distribute accessible educational materials, including but not limited to a time frame for distribution of accessible educational materials to school districts and ~~eligible facilities~~ FACILITY SCHOOLS;

SECTION 63. 22-88-105 (1) (a), (1) (c), and (2) (b), Colorado Revised Statutes, are amended to read:

22-88-105. Reporting requirements. (1) On or before October 1, 2007, and on or before October 1 each year thereafter, an organization that receives a grant pursuant to this article shall submit a report to the department after the completion of each academic year in which the organization receives a grant pursuant to this article. The report shall include the following information:

(a) The number of school districts and ~~eligible facilities~~ FACILITY SCHOOLS that received accessible educational materials for students with print disabilities from the organization as a result of the grant and the number of students with print disabilities who received such materials from a school district or ~~an eligible~~ A facility SCHOOL;

(c) A description of the type and quantity of accessible educational materials produced, developed, and distributed to the school districts and ~~eligible facilities~~ FACILITY SCHOOLS by the organization;

(2) On or before January 1, 2008, and on or before January 1 each year thereafter, the department shall submit to the governor and the education committees of the senate and the house of representatives, or any successor committees, a report on the

reading assistance grant program. The report shall include the following information:

(b) A compilation and summary of the number of school districts and ~~eligible facilities~~ FACILITY SCHOOLS and the number of students with print disabilities who received accessible educational materials from a grant recipient pursuant to this article; and

SECTION 64. 23-3.9-101 (3), Colorado Revised Statutes, is amended to read:

23-3.9-101. Definitions. As used in this article, unless the context otherwise requires:

(3) "Facility school" means ~~a school that is operated by a residential child care facility, a residential treatment center, or another facility included on the facility list maintained by the state board of education pursuant to section 22-2-107 (1) (p), C.R.S., and that receives a portion of the per pupil operating revenues of one or more school districts to provide educational services for children who are included on the roll of out-of-district placed children~~ AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1), C.R.S.

SECTION 65. 23-8-101.5, Colorado Revised Statutes, is amended to read:

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

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

~~(2) "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 education program.~~

(2) "EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES, AN INSTITUTE CHARTER SCHOOL, OR A FACILITY SCHOOL.

(3) "EDUCATION PROVIDER'S PER PUPIL OPERATING REVENUES" MEANS:

(a) FOR A SCHOOL DISTRICT, THE DISTRICT'S PER PUPIL OPERATING REVENUES, AS DEFINED IN SECTION 22-54-103 (9), C.R.S.;

(b) FOR A BOARD OF COOPERATIVE SERVICES, THE AMOUNT RECEIVED BY A BOARD OF COOPERATIVE SERVICES AS TUITION FOR STUDENTS ENROLLED IN AN APPROVED VOCATIONAL EDUCATION PROGRAM;

(c) FOR AN INSTITUTE CHARTER SCHOOL, 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; AND

(d) FOR A FACILITY SCHOOL, THE STATE AVERAGE PER PUPIL REVENUES.

(4) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1), C.R.S.

~~(5)~~ (5) "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) "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.~~

SECTION 66. 23-8-102 (1), (2), (3), (4), and (5), Colorado Revised Statutes, are amended to read:

23-8-102. Education providers conducting vocational education courses - eligibility for state funds. (1) ~~Any school district, board of cooperative services, or institute charter school~~ AN EDUCATION PROVIDER of the state conducting any A course of vocational 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 education program support from funds appropriated for the purpose by the general assembly. The amount of vocational education program support ~~which a district, board of cooperative services, or institute charter school~~ THAT AN EDUCATION PROVIDER is entitled to receive pursuant to provisions of this article shall be computed as follows:

(a) The cost of providing the approved vocational education programs of the ~~district, board of cooperative services, or institute charter school~~ EDUCATION PROVIDER 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 ~~district's, board of cooperative services', or institute charter school's~~ EDUCATION PROVIDER'S vocational education program cost per full-time equivalent student.

(b) As vocational education program support, the state shall provide, to each ~~school district, each board of cooperative services, and each institute charter school~~ EDUCATION PROVIDER conducting an approved vocational 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 ~~district's, board of cooperative services', or institute charter school's~~ EDUCATION PROVIDER'S approved vocational education program cost per full-time equivalent student exceeds seventy percent of the ~~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~~ EDUCATION PROVIDER'S per pupil operating revenues, for the school budget year during which such twelve-month period begins. In addition, if the ~~district's, board of cooperative~~

~~services', or institute charter school's~~ EDUCATION PROVIDER'S approved vocational 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 additional amount.

(c) For the purpose of computing approved vocational 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.

(2) To be eligible to receive such funds, the ~~district, board of cooperative services, or institute charter school~~ EDUCATION PROVIDER must assume the obligation of paying the balance of the program costs.

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

(4) Funds made available under this article shall be distributed quarterly on the basis of expenditure estimates furnished to the board by participating ~~school districts, boards of cooperative services, and institute charter schools~~ EDUCATION PROVIDERS. 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~~ EDUCATION PROVIDER shall file with the board a report comparing estimated and actual expenditures for all vocational education programs financed 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~~ THE EDUCATION PROVIDER 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~~ EDUCATION PROVIDER.

(5) If the appropriations to implement subsections (1) to (4) of this section are less than the total amount required to pay the vocational education program support for approved vocational education courses, the board shall prorate the amount to be paid each ~~school district, board of cooperative services, and institute charter school~~ EDUCATION PROVIDER in the same proportion that the appropriation bears to such total amount so required for distribution. Any unexpended balance of any such

appropriation shall revert to the general fund at the end of the fiscal year for which the appropriation is made.

SECTION 67. 23-8-103, Colorado Revised Statutes, is amended to read:

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

(2) Any such course shall:

(a) Be designed to provide students with an entry level occupational skill;

(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~~ EDUCATION PROVIDERS in planning and conducting their vocational education curricula;

(d) Be conducted in facilities that are sufficiently equipped to permit adequate training and education; such 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~~ AN EDUCATION PROVIDER;

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

(3) In approving programs and vocational education program support funds under this article, the board shall attempt to avoid unnecessary duplication in either facilities or staffing for vocational education in ~~any school district, board of cooperative services, institute charter school~~; AN EDUCATION PROVIDER or WITHIN AN 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.

SECTION 68. 23-8-101.5, Colorado Revised Statutes, as amended by House Bill 08-1079, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

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.

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

~~(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 career and technical education program. "EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES, AN INSTITUTE CHARTER SCHOOL, OR A FACILITY SCHOOL.~~

(4) "EDUCATION PROVIDER'S PER PUPIL OPERATING REVENUES" MEANS:

(a) FOR A SCHOOL DISTRICT, THE DISTRICT'S PER PUPIL OPERATING REVENUES, AS DEFINED IN SECTION 22-54-103 (9), C.R.S.;

(b) FOR A BOARD OF COOPERATIVE SERVICES, THE AMOUNT RECEIVED BY A BOARD OF COOPERATIVE SERVICES AS TUITION FOR STUDENTS ENROLLED IN AN APPROVED VOCATIONAL EDUCATION PROGRAM;

(c) FOR AN INSTITUTE CHARTER SCHOOL, 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; AND

(d) FOR A FACILITY SCHOOL, THE STATE AVERAGE PER PUPIL REVENUES.

(5) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1), C.R.S.

~~(4)~~ (6) "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.

~~(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.~~

SECTION 69. 23-8-102 (1), (1.5), (2), (3), (4), and (5), Colorado Revised Statutes, as amended by House Bill 08-1079, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

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~~ AN EDUCATION PROVIDER of the state conducting ~~any~~ A course of career and technical education approved pursuant to section 23-8-103 by the board is entitled to career and technical education program support from moneys appropriated for that purpose by the general assembly. The amount of career and technical education program support that a ~~school district, board of cooperative services, or institute charter school~~ AN EDUCATION PROVIDER is entitled to receive pursuant to the provisions of this article shall be computed as follows:

(a) The cost of providing the approved career and technical education programs of the ~~school district, board of cooperative services, or institute charter school~~ EDUCATION PROVIDER 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~~ EDUCATION PROVIDER'S career and technical education program cost per full-time equivalent student.

(b) As career and technical education program support, the state shall provide, to each ~~school district, each board of cooperative services, and each institute charter school~~ EDUCATION PROVIDER conducting an approved 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~~ EDUCATION PROVIDER'S approved 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~~ EDUCATION PROVIDER'S per pupil operating revenues, for the school budget year during which the twelve-month period begins. In addition, if the ~~school district's, board of cooperative services', or institute charter school's~~ EDUCATION PROVIDER'S approved 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 the additional amount.

(c) For the purpose of computing approved 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~~ AN EDUCATION PROVIDER 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 the moneys appropriated pursuant to subsection (1) of this section, the ~~school district, board of cooperative services, or institute charter school~~ EDUCATION PROVIDER shall assume the obligation of paying the balance of the program costs.

(3) The provisions of this section shall not be construed to prevent ~~a school district, board of cooperative services, or institute charter school~~ AN EDUCATION PROVIDER from conducting any course in career and technical education with costs in excess of those for which state career and technical education program support moneys are approved by the board.

(4) Moneys made available under this article shall be distributed quarterly on the basis of the report of actual expenditures furnished to the board by participating ~~school districts, boards of cooperative services, and institute charter schools~~ EDUCATION PROVIDERS 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~~ EDUCATION PROVIDER shall file with the board a report of actual expenditures for all career and technical education programs for which the ~~school district, board of cooperative services, or institute charter school~~ EDUCATION PROVIDER is eligible to receive moneys pursuant to the provisions of this article during the preceding twelve-month period.

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

SECTION 70. 23-8-103, Colorado Revised Statutes, as amended by House Bill 08-1079, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

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

(2) Any 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) (Deleted by amendment, L. 2008, p. 310, §1, effective August 5, 2008.)

(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~~ EDUCATION PROVIDERS in planning and conducting their career and technical education curricula;

(d) Be conducted in facilities that are sufficiently equipped to permit adequate training and education; 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~~ AN EDUCATION PROVIDER; and

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

(3) In approving career and technical education programs and career and technical education program support moneys under this article, the board shall attempt to avoid unnecessary duplication in either facilities or staffing for career and technical education in ~~any school district, board of cooperative services, institute charter school, or~~ AN EDUCATION PROVIDER OR WITHIN AN 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.

SECTION 71. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2008, the sum of five hundred twenty-three thousand five hundred sixty-eight dollars (\$523,568) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 72. Effective date. (1) This act shall take effect upon passage; except that:

(a) Sections 23 and 24 of this act shall take effect only if House Bill 08-1224 is enacted and becomes law and said sections shall take effect on the date that said House Bill 08-1224 takes effect;

(b) Sections 68 to 70 of this act shall take effect only if House Bill 08-1079, enacted at the second regular session of the Sixty-sixth General Assembly, becomes law, and said sections shall take effect on the date that said House Bill 08-1079 takes effect.

SECTION 73. 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: May 27, 2008