

CHAPTER 113

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 09-1125

BY REPRESENTATIVE(S) Merrifield, Massey, Benefield, Gagliardi, Middleton, Pace, Peniston, Priola, Scanlan, Solano, Summers, Weissmann, Apuan, Kerr A., Labuda, Todd, Fischer, Green, Ryden, Schafer S.;
also SENATOR(S) Hudak, Boyd, Gibbs, Groff, Heath, King K., Newell, Romer, Tapia, Tochtrop, Williams.

AN ACT

CONCERNING LIMITATIONS ON THE INCENTIVES LOCAL EDUCATION PROVIDERS MAY PROVIDE FOR PARTICIPATION IN PUBLIC EDUCATIONAL PROGRAMS.

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

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

22-1-127. Incentives for school enrollment or attendance - prohibited - exceptions - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ITEM OF VALUE" MEANS AN ITEM, CASH, OR AN INSTRUMENT OR DEVICE THAT CAN BE USED TO OBTAIN CASH, CREDIT, PROPERTY, SERVICES, OR ANY OTHER THING OF VALUE, WHICH ITEM, CASH, OR INSTRUMENT OR DEVICE EXCEEDS TWENTY DOLLARS IN VALUE.

(b) "LOCAL EDUCATION PROVIDER" MEANS:

(I) A SCHOOL DISTRICT, OTHER THAN A JUNIOR COLLEGE DISTRICT, ORGANIZED AND EXISTING PURSUANT TO LAW;

(II) A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE THAT OPERATES ONE OR MORE PUBLIC SCHOOLS;

(III) A PUBLIC SCHOOL OF A SCHOOL DISTRICT, INCLUDING BUT NOT LIMITED TO A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE;

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

(IV) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE; AND

(V) THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION 22-30.5-503.

(c) "PARENT" MEANS THE BIOLOGICAL OR ADOPTIVE MOTHER OR FATHER OR STEPMOTHER OR STEPFATHER OF A CHILD OR ANY OTHER PERSON HAVING LEGAL OR PHYSICAL CUSTODY OF A CHILD.

(2) A LOCAL EDUCATION PROVIDER SHALL NOT OFFER OR PROVIDE TO A SCHOOL-AGED CHILD OR THE CHILD'S PARENT AN ITEM OF VALUE PRIOR TO, UPON, OR AFTER ENROLLING IN OR ATTENDING AN EDUCATIONAL PROGRAM OPERATED BY THE LOCAL EDUCATION PROVIDER UNLESS:

(a) THE LOCAL EDUCATION PROVIDER MAKES THE ITEM OF VALUE AVAILABLE TO THE CHILD CONTINUOUSLY OR AT REGULAR INTERVALS THROUGHOUT THE SCHOOL YEAR AND CEASES PROVIDING THE ITEM OF VALUE IF THE CHILD LEAVES THE EDUCATION PROGRAM PRIOR TO THE END OF THE SCHOOL YEAR;

(b) THE LOCAL EDUCATION PROVIDER AWARDS THE ITEM OF VALUE AT THE END OF THE SCHOOL YEAR OR UPON MATRICULATION IN RECOGNITION OF STUDENT PERFORMANCE; OR

(c) THE LOCAL EDUCATION PROVIDER PAYS THE ITEM OF VALUE TO THE SCHOOL-AGED CHILD OR TO HIS OR HER PARENT IN EXCHANGE FOR SERVICES RENDERED BY THE CHILD OR BY THE CHILD'S PARENT AT THE REQUEST OF THE LOCAL EDUCATION PROVIDER. FOR PURPOSES OF THIS PARAGRAPH (c), "SERVICES RENDERED" DOES NOT INCLUDE SCHOOL ATTENDANCE OR ENROLLMENT.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 16, 2009