

## CHAPTER 241

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**EDUCATION - PUBLIC SCHOOLS**


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**SENATE BILL 11-266**

BY SENATOR(S) Bacon and King K., Grantham, Guzman, Heath, Jahn, King S., Mitchell, Newell, Roberts, White, Williams S.; also REPRESENTATIVE(S) Ramirez and Kerr A., Casso, Conti, Fields, Gardner B., Labuda, Lee, Massey, Miklosi, Murray, Pabon, Schafer S., Summers, Todd, Williams A.

**AN ACT**

**CONCERNING BACKGROUND CHECKS FOR EMPLOYEES OF ENTITIES THAT CONTRACT TO PERFORM SERVICES FOR PUBLICSCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 22-32-122, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-32-122. Contract services, equipment, and supplies.** (1.5) (a) FOR A CONTRACT EXECUTED PURSUANT TO SUBSECTION (1) OF THIS SECTION THAT INCLUDES SERVICES PERFORMED FOR A PUBLIC SCHOOL, THE CONTRACT SHALL INCLUDE A PROVISION REQUIRING A CRIMINAL BACKGROUND CHECK FOR ANY PERSON PROVIDING SERVICES UNDER THE CONTRACT, INCLUDING ANY SUBCONTRACTOR OR OTHER AGENT OF THE CONTRACTING ENTITY, IF THE PERSON PROVIDES DIRECT SERVICES TO STUDENTS, INCLUDING BUT NOT LIMITED TO TRANSPORTATION, INSTRUCTION, OR FOOD SERVICES. THE CRIMINAL BACKGROUND CHECK SHALL, AT A MINIMUM, MEET THE REQUIREMENTS OF SECTION 22-32-109.7 AND ANY OTHER REQUIREMENTS OF THE SCHOOL DISTRICT WITH WHICH THE CONTRACT IS ENTERED. THE CONTRACTING ENTITY SHALL BE RESPONSIBLE FOR ANY COSTS ASSOCIATED WITH THE BACKGROUND CHECK. THE RESULTS OF THE BACKGROUND CHECK NEED NOT BE PROVIDED WITH THE SUBMISSION OF THE BID BUT SHALL BE MADE AVAILABLE UPON REQUEST OF THE SCHOOL BOARD IN COMPLIANCE WITH THE PROVISIONS OF SECTION 24-72-305.3, C.R.S.

(b) THE BACKGROUND CHECK DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) SHALL BE REQUIRED ONLY FOR THOSE PERSONS WHO HAVE REGULAR, BUT NOT INCIDENTAL, CONTACT WITH STUDENTS AT LEAST ONCE A MONTH.

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

(c) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1.5) SHALL NOT APPLY TO A FACULTY MEMBER FROM AN INSTITUTION OF HIGHER EDUCATION WHO CONTRACTS TO TEACH FOR THE SCHOOL DISTRICT AND WHO HAS UNDERGONE A BACKGROUND CHECK THAT MEETS THE REQUIREMENTS OF SECTION 22-32-109.7 AND ANY OTHER REQUIREMENTS OF THE SCHOOL DISTRICT IN WHICH THE FACULTY MEMBER WILL BE TEACHING.

**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, Colorado crime information center, for fingerprint based background checks, for the fiscal year beginning July 1, 2011, the sum of three hundred ten thousand five hundred dollars (\$310,500) cash funds, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 3. 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, 2011