

CHAPTER 188

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 12-1345

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also SENATOR(S) Bacon, Aguilar, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hudak, Jahn, King K., Newell, Nicholson, Schwartz, Spence, Steadman, Williams S.

AN ACT

CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT AND MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, 22-54-104, **amend as added by House Bill 12-1201** (5) (g) (I) (C); and **add** (5) (a) (XIX) as follows:

22-54-104. District total program. (5) For purposes of the formulas used in this section:

(a) (XIX) FOR THE 2012-13 BUDGET YEAR, THE STATEWIDE BASE PER PUPIL FUNDING IS \$5,843.26, WHICH IS AN AMOUNT EQUAL TO \$5,634.77 SUPPLEMENTED BY \$208.49 TO ACCOUNT FOR INFLATION.

(g) (I) For the 2010-11 budget year and each budget year thereafter, the general assembly determines that stabilization of the state budget requires a reduction in the amount of the annual appropriation to fund the state's share of total program funding for all districts and the funding for institute charter schools. The department of education shall implement the reduction in total program funding through the application of a negative factor as provided in this paragraph (g). For the 2010-11 budget year and each budget year thereafter, the department of education and the staff of the legislative council shall determine, based on budget projections, the amount of such reduction to ensure the following:

(C) That, for the 2012-13 budget year, the sum of the total program funding for

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

all districts, including the funding for institute charter schools, after application of the negative factor, is not less than ~~five billion two hundred twenty-nine million five hundred sixty thousand three hundred forty-six dollars (\$5,229,560,346)~~ FIVE BILLION TWO HUNDRED EIGHTY-SIX MILLION EIGHT HUNDRED NINETY-EIGHT THOUSAND THREE HUNDRED EIGHTY-TWO DOLLARS (\$5,286,898,382); except that the department of education and the staff of the legislative council shall make mid-year revisions to replace projections with actual figures including, but not limited to, actual pupil enrollment, assessed valuations, and specific ownership tax revenue from the prior year, to determine any necessary changes in the amount of the reduction to maintain a total program funding amount for the 2012-13 budget year that is consistent with this sub-subparagraph (C).

SECTION 2. In Colorado Revised Statutes, 22-54-124, **amend** (3) (a) (III) (A) as follows:

22-54-124. State aid for charter schools - use of state education fund moneys - definitions. (3) (a) (III) (A) The total amount of state education fund moneys to be appropriated for all eligible districts and for all eligible institute charter schools for the 2003-04 ~~2004-05, 2005-06, and 2007-08 budget years and each budget year thereafter~~ THROUGH 2011-12 BUDGET YEARS shall be an amount equal to five million dollars; EXCEPT THAT, for the 2006-07 budget year, ~~seven~~ AN ADDITIONAL TWO million eight hundred thousand dollars shall be appropriated ~~for all eligible districts and for all eligible institute charter schools from the state education fund.~~ FROM THE STATE EDUCATION FUND AND SHALL BE USED FOR THE PURPOSES OF THIS SECTION, AND for the 2008-09 budget year, an additional one hundred thirty-five thousand dollars shall be appropriated from the state education fund and shall be distributed pursuant to section 22-54-133, as said section existed prior to its repeal in 2010. THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS TO BE APPROPRIATED FOR ALL ELIGIBLE DISTRICTS AND FOR ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS FOR THE 2012-13 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER IS SIX MILLION DOLLARS.

SECTION 3. In Colorado Revised Statutes, 22-5-103, **amend** (2) as follows:

22-5-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Board of cooperative services" OR "BOCES" means a regional educational service unit designed to provide supporting, instructional, administrative, facility, community, or any other services contracted by participating members.

SECTION 4. In Colorado Revised Statutes, 22-5-119, **amend** (3) introductory portion as follows:

22-5-119. Supplemental on-line education services - legislative declaration - contract. (3) On or before August 1, 2007, and on or before August 1 of each year thereafter THROUGH AUGUST 1, 2011, AND ON OR BEFORE AUGUST 1, 2012, AND ON OR BEFORE AUGUST 1 OF EVERY THIRD YEAR THEREAFTER, the mountain BOCES, subject to available appropriations, shall contract with a provider ~~on an annual basis~~ to provide supplemental on-line education courses to school districts, charter schools, and BOCES that choose to purchase the courses. At a minimum,

the contract shall provide that:

SECTION 5. In Colorado Revised Statutes, **add 22-5-122** as follows:

22-5-122. Assistance for implementing and meeting state educational priorities - financing. (1) (a) FOR THE 2012-13 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, A BOCES MAY RECEIVE STATE MONEYS IN ADDITION TO ANY OTHER MONEYS RECEIVED PURSUANT TO THIS ARTICLE BY SUBMITTING A PLAN TO THE STATE BOARD, IN A FORM AND MANNER SPECIFIED BY RULE OF THE STATE BOARD, THAT DETAILS HOW THE BOCES WILL USE THE ADDITIONAL MONEYS TO ASSIST ITS PARTICIPATING SCHOOL DISTRICTS IN IMPLEMENTING AND MEETING THE STATE'S EDUCATIONAL PRIORITIES AS DETERMINED BY THE COMMISSIONER OF EDUCATION PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE STATE BOARD MAY SPECIFY ADDITIONAL INFORMATION THAT BOCES ARE REQUIRED TO INCLUDE IN A PLAN SUBMITTED PURSUANT TO THIS PARAGRAPH (a).

(b) FOR THE 2012-13 FISCAL YEAR, A BOCES THAT SEEKS ADDITIONAL MONEYS SHALL SUBMIT A PLAN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE STATE BOARD ON OR BEFORE AUGUST 1, 2012. FOR THE 2013-14 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, A BOCES THAT SEEKS ADDITIONAL MONEYS SHALL SUBMIT A PLAN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE STATE BOARD ON OR BEFORE MAY 1 OF THE PRECEDING FISCAL YEAR.

(c) FOR THE 2013-14 FISCAL YEAR, AND EACH FISCAL YEAR THEREAFTER, IF A BOCES THAT SUBMITS A PLAN TO THE STATE BOARD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) ALSO SUBMITTED A PLAN IN THE PREVIOUS FISCAL YEAR, THE BOCES SHALL INCLUDE A REPORT DETAILING THE RESULTS OF THE PREVIOUS YEAR'S PLAN IN ITS NEW PLAN SUBMISSION.

(2) ON OR BEFORE JUNE 1, 2012, ON OR BEFORE MARCH 1, 2015, AND ON OR BEFORE MARCH 1 EVERY THIRD YEAR THEREAFTER, THE COMMISSIONER OF EDUCATION, IN CONSULTATION WITH A STATEWIDE ASSOCIATION IN THE STATE THAT REPRESENTS ONE OR MORE BOCES IN THE STATE AND A COUNCIL CREATED BY THE COMMISSIONER OF EDUCATION THAT ADVISES THE COMMISSIONER AND THE DEPARTMENT OF EDUCATION REGARDING THE NEEDS AND CONCERNS OF RURAL SCHOOL DISTRICTS IN THE STATE, SHALL DETERMINE THE STATE'S EDUCATIONAL PRIORITIES FOR THE PURPOSES OF THIS SECTION. THE PRIORITIES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, EDUCATOR EFFECTIVENESS, SCHOOL DISTRICT ACCREDITATION AND ACCOUNTABILITY, AND STANDARDS AND ASSESSMENTS FOR PRESCHOOL THROUGH ELEMENTARY AND SECONDARY EDUCATION.

(3) A BOCES MAY DEVELOP A MEMORANDUM OF UNDERSTANDING WITH A SCHOOL DISTRICT THAT IS CONTIGUOUS TO THE AREA OF THE BOCES, BUT THAT IS NOT A MEMBER OF THE BOCES, TO ENABLE THE DISTRICT TO PARTICIPATE WITH THE BOCES IN THE PLAN SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS SECTION. IN ADDITION, TWO OR MORE ADJOINING BOCES MAY COLLABORATE REGARDING THE IMPLEMENTATION OF A PLAN SUBMITTED PURSUANT TO THIS SECTION.

(4) (a) THE DEPARTMENT OF EDUCATION SHALL ESTABLISH A METHOD TO ALLOW THE MEMBER SCHOOL DISTRICTS OF A BOCES THAT CHOOSES NOT TO SUBMIT A PLAN PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION TO SUBMIT

A PLAN AS A CONSORTIUM OF DISTRICTS OR AS A NEWLY FORMED BOCES TO THE STATE BOARD AND TO RECEIVE MONEYS TO ASSIST THE DISTRICTS IN IMPLEMENTING AND MEETING THE STATE EDUCATIONAL PRIORITIES AS DETERMINED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(b) A MEMBER DISTRICT OF A BOCES THAT HAS SUBMITTED A PLAN PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY CHOOSE NOT TO PARTICIPATE IN THE BOCES PLAN TO ASSIST THE MEMBER DISTRICTS IN IMPLEMENTING AND MEETING THE STATE'S EDUCATIONAL PRIORITIES. IF A MEMBER DISTRICT CHOOSES NOT TO PARTICIPATE, THE BOCES SHALL WORK WITH THE OTHER MEMBER DISTRICTS IN THE BOCES TO IMPLEMENT THE PLAN.

(5)(a) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS TO THE DEPARTMENT OF EDUCATION FOR THE PURPOSES OF THIS SECTION. OF THE AMOUNT APPROPRIATED, THE DEPARTMENT MAY RETAIN UP TO ONE HUNDRED TWENTY THOUSAND DOLLARS ANNUALLY FOR THE PURPOSE OF FUNDING A DEPARTMENTAL LIAISON FOR RURAL SCHOOL DISTRICTS AND UP TO FIFTY THOUSAND DOLLARS ANNUALLY FOR THE PURPOSE OF FUNDING THE DEPARTMENT'S ONGOING SUPPORT OF A COUNCIL CREATED BY THE COMMISSIONER OF EDUCATION THAT ADVISES THE COMMISSIONER AND THE DEPARTMENT REGARDING THE NEEDS AND CONCERNS OF RURAL SCHOOL DISTRICTS. THE DEPARTMENT SHALL DISTRIBUTE THE REMAINING AMOUNT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (5).

(b) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE THE REMAINING AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS SECTION, AFTER SUBTRACTING THE AMOUNTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5), AS FOLLOWS:

(I) EQUALLY DISTRIBUTE FORTY-FIVE PERCENT TO THE BOCES THAT SUBMIT PLANS PURSUANT TO SUBSECTION (1) OF THIS SECTION;

(II) DISTRIBUTE FORTY-FIVE PERCENT BASED ON THE TOTAL NUMBER OF MEMBER SCHOOL DISTRICTS OF THE PARTICIPATING BOCES AND NONMEMBER SCHOOL DISTRICTS THAT PARTICIPATE WITH THE BOCES AS DETAILED IN A MEMORANDUM OF UNDERSTANDING ENTERED INTO PURSUANT TO SUBSECTION (3) OF THIS SECTION; AND

(III) DISTRIBUTE TEN PERCENT BASED ON THE TOTAL NUMBER OF STUDENTS ENROLLED IN THE MEMBER SCHOOL DISTRICTS OF THE PARTICIPATING BOCES AND ENROLLED IN THE NONMEMBER SCHOOL DISTRICTS THAT PARTICIPATE WITH THE BOCES AS DETAILED IN A MEMORANDUM OF UNDERSTANDING ENTERED INTO PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(c) ANY STATE MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS SECTION SHALL NOT BE USED TO SUPPLANT THE LEVEL OF STATE MONEYS APPROPRIATED TO SUPPORT AND FOR USE BY BOCES DURING THE 2011-12 FISCAL YEAR.

(6) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., FOR THE ADMINISTRATION OF THIS SECTION.

(7) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, A PROGRAM TO ASSIST SCHOOL DISTRICTS IN IMPLEMENTING AND MEETING THE STATE'S EDUCATIONAL PRIORITIES IS A PROGRAM FOR ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 6. In Colorado Revised Statutes, 22-20-103, **amend** (5) (a) (I) (K) and (5) (a) (I) (L); **repeal** (5) (a) (I) (M); and **add** (5) (a) (III) as follows:

22-20-103. Definitions. As used in this part 1, unless the context otherwise requires:

(5) (a) "Children with disabilities" means:

(I) Those persons from three to twenty-one years of age who, by reason of one or more of the following conditions, are unable to receive reasonable benefit from general education:

(K) A visual impairment, including blindness; AND

(L) Deaf-blindness. ~~and~~

(M) ~~A preschooler with a disability.~~

(III) THOSE PERSONS FROM THREE THROUGH EIGHT YEARS OF AGE WHO HAVE BEEN DETERMINED PURSUANT TO 34 CFR 300.8 (b) TO BE CHILDREN EXPERIENCING DEVELOPMENTAL DELAYS.

SECTION 7. In Colorado Revised Statutes, **add** 22-2-141 as follows:

22-2-141. Early literacy assessment tool - request for proposals - software - hardware - training - distribution - legislative declaration. (1) (a) BY OCTOBER 1, 2012, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR THE PURCHASE OF AN EARLY LITERACY ASSESSMENT TOOL THAT TEACHERS MAY USE TO OBTAIN REAL-TIME ASSESSMENTS OF THE READING SKILL LEVELS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES AND, BASED ON THE ASSESSMENT RESULTS, GENERATE INTERVENTION PLANS AND MATERIALS.

(b) AT A MINIMUM, THE REQUEST FOR PROPOSALS SHALL INCLUDE THE PURCHASE OF:

(I) SOFTWARE THAT, AT A MINIMUM:

(A) PROVIDES INDIVIDUALIZED ASSESSMENTS WITH IMMEDIATE RESULTS;

(B) STORES AND ANALYZES ASSESSMENTS RESULTS, RECOMMENDS ACTIVITIES THAT ARE ALIGNED WITH THE ASSESSMENT RESULTS, AND ASSISTS IN TRACKING STUDENT PERFORMANCE AND IDENTIFYING STRATEGIES TO IMPROVE STUDENT PERFORMANCE;

(C) PROVIDES STUDENT GROUPING RECOMMENDATIONS BASED ON THE ASSESSMENT SCORES AND PROVIDES PROPOSED LESSON PLANS ON A SHORT-TERM CYCLE; AND

(D) ASSISTS IN GENERATING AND POPULATING INDIVIDUALIZED PLANS TO IMPROVE STUDENTS' READING SKILLS; AND

(II) TRAINING IN USING THE SOFTWARE FOR TEACHERS OR OTHER PERSONNEL SELECTED BY EACH LOCAL EDUCATION PROVIDER.

(c) THE REQUEST FOR PROPOSALS SHALL INCLUDE THE PURCHASE OF A SUFFICIENT NUMBER OF SOFTWARE LICENSES FOR EACH LOCAL EDUCATION PROVIDER IN THE STATE TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF ITS KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES; EXCEPT THAT THE DEPARTMENT MAY DRAFT THE CONTRACT TO PHASE IN THE REQUIREMENTS OF THIS PARAGRAPH (c) OVER MULTIPLE BUDGET YEARS BASED ON AVAILABLE APPROPRIATIONS.

(2) THE DEPARTMENT SHALL SELECT FROM AMONG THE RESPONSES RECEIVED AND ENTER INTO A CONTRACT FOR THE PURCHASE OF SOFTWARE LICENSES AND TRAINING NO LATER THAN MARCH 1, 2013. IN NEGOTIATING THE TERMS OF THE CONTRACT, THE DEPARTMENT SHALL INCLUDE PERFORMANCE MEASURES, WHICH MAY INCLUDE STUDENT OUTCOMES, AS CONDITIONS AFFECTING THE AMOUNTS PAYABLE UNDER THE CONTRACT.

(3) (a) AS SOON AS PRACTICABLE AFTER ENTERING INTO THE CONTRACT, THE DEPARTMENT SHALL NOTIFY THE LOCAL EDUCATION PROVIDERS AND PROVIDE INFORMATION EXPLAINING:

(I) THE SOFTWARE LICENSES PURCHASED;

(II) THE AVAILABILITY OF TRAINING IN THE USE OF THE SOFTWARE INCLUDING DATES, TIMES, AND LOCATIONS; AND

(III) THE PROCEDURES AND TIME LINES BY WHICH EACH LOCAL EDUCATION PROVIDER MAY APPLY TO RECEIVE THE SOFTWARE LICENSES AND TRAINING TO IMPLEMENT THE EARLY LITERACY ASSESSMENT TOOL.

(b) BASED ON THE LEVEL OF AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL SELECT THE LOCAL EDUCATION PROVIDERS WHO WILL RECEIVE THE EARLY LITERACY ASSESSMENT TOOL, INCLUDING THE TRAINING, FROM AMONG THOSE THAT APPLY. IN SELECTING AMONG THE APPLICANTS, THE DEPARTMENT SHALL:

(I) SELECT LOCAL EDUCATION PROVIDERS FROM VARIOUS REGIONS OF THE STATE AND OF VARYING STUDENT POPULATION SIZE;

(II) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS IN READING; AND

(III) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF SCHOOLS THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE

I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(c) A LOCAL EDUCATION PROVIDER THAT IS SELECTED TO RECEIVE THE EARLY LITERACY ASSESSMENT TOOL IN ONE BUDGET YEAR IS NOT REQUIRED TO REAPPLY IN SUBSEQUENT BUDGET YEARS. THE DEPARTMENT SHALL, TO THE EXTENT POSSIBLE WITHIN AVAILABLE APPROPRIATIONS, ANNUALLY INCREASE THE NUMBER OF LOCAL EDUCATION PROVIDERS THAT RECEIVE THE EARLY LITERACY ASSESSMENT TOOL.

(d) THE DEPARTMENT MAY CHOOSE TO PROVIDE THE EARLY LITERACY ASSESSMENT TOOL ONLY TO THOSE SCHOOLS OF A SELECTED SCHOOL DISTRICT THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(4) DURING THE 2014 REGULAR LEGISLATIVE SESSION AND DURING THE 2016 REGULAR LEGISLATIVE SESSION, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR'S OFFICE, THE JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(a) THE PERCENTAGE OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES THROUGHOUT THE STATE THAT ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL;

(b) THE LOCAL EDUCATION PROVIDERS THAT HAVE RECEIVED THE EARLY LITERACY ASSESSMENT TOOL;

(c) THE IMPROVEMENTS, IF ANY, IN THE READING SKILL LEVELS OF STUDENTS WHO RECEIVED OR ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL; AND

(d) THE AMOUNT OF APPROPRIATIONS REQUIRED TO PURCHASE AN ADEQUATE NUMBER OF SOFTWARE LICENSES TO ENABLE THE LOCAL EDUCATION PROVIDERS IN THE STATE TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF THE KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES IN THE STATE.

(5) AS USED IN THIS SECTION, "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT; A CHARTER SCHOOL THAT ENROLLS STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES; AND A PUBLIC SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES THAT ENROLLS STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES.

(6) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PURCHASING AN EARLY LITERACY ASSESSMENT TOOL AS DESCRIBED IN THIS SECTION FOR THE USE OF LOCAL EDUCATION PROVIDERS IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 8. In Colorado Revised Statutes, **add** 22-30.5-112.2 as follows:

22-30.5-112.2. Charter schools - at-risk supplemental aid - definitions - legislative declaration. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADJUSTED DISTRICT PER PUPIL REVENUES" HAS THE SAME MEANING AS DEFINED IN SECTION 22-30.5-112.1 (1) (a).

(b) "ASCENT PROGRAM" MEANS THE ACCELERATING STUDENTS THROUGH CONCURRENT ENROLLMENT PROGRAM CREATED IN SECTION 22-35-108.

(c) "AT-RISK PUPILS" HAS THE SAME MEANING AS DEFINED IN SECTION 22-54-103 (1.5).

(d) "DISTRICT PER PUPIL REVENUES" HAS THE SAME MEANING AS DEFINED IN SECTION 22-30.5-112 (2) (a.5) (II).

(e) "QUALIFYING SCHOOL DISTRICT" HAS THE SAME MEANING AS DEFINED IN SECTION 22-30.5-112.1.

(2) (a) FOR THE 2012-13 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT OF EDUCATION FOR ALLOCATION TO SCHOOL DISTRICTS THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID FOR THOSE SCHOOL DISTRICTS AND DISTRICT CHARTER SCHOOLS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE AT-RISK SUPPLEMENTAL AID IS ADDITIONAL FUNDING AND DOES NOT SUPPLANT ANY OTHER FUNDING PROVIDED PURSUANT TO THIS ARTICLE.

(b) (I) EACH QUALIFYING SCHOOL DISTRICT SHALL RECEIVE AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK PUPILS IN A DISTRICT CHARTER SCHOOL AUTHORIZED BY THE QUALIFYING SCHOOL DISTRICT PRIOR TO JULY 1, 2004, IS LESS THAN THE PERCENTAGE OF AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF THE SCHOOL DISTRICT'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM.

(II) EACH DISTRICT CHARTER SCHOOL IN A QUALIFYING SCHOOL DISTRICT THAT WAS INITIALLY AUTHORIZED PRIOR TO JULY 1, 2004, SHALL RECEIVE AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK STUDENTS IN THE DISTRICT CHARTER SCHOOL EXCEEDS THE PERCENTAGE OF AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH ONE HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

(III) EACH DISTRICT CHARTER SCHOOL IN A SCHOOL DISTRICT THAT IS NOT A

QUALIFYING DISTRICT AND WHOSE PERCENTAGE OF AT-RISK PUPILS EXCEEDS THE PERCENTAGE OF AT-RISK PUPILS IN THE CHARTERING SCHOOL DISTRICT SHALL RECEIVE AT-RISK SUPPLEMENTAL AID. THE AMOUNT OF THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH ONE HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

(3) IF THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION IS INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK SUPPLEMENTAL AID CALCULATED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL REDUCE EACH SCHOOL DISTRICT'S AND EACH DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID PROPORTIONATELY.

SECTION 9. In Colorado Revised Statutes, 22-30.5-513, **add** (4.5) as follows:

22-30.5-513. Institute charter schools - definitions - funding - at-risk supplemental aid - legislative declaration. (4.5) (a) FOR THE 2012-13 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE CHARTER SCHOOL INSTITUTE THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.5) FOR EACH INSTITUTE CHARTER SCHOOL WHOSE PERCENTAGE OF AT-RISK PUPILS IS LESS THAN THE PERCENTAGE OF AT-RISK PUPILS IN THE ACCOUNTING DISTRICT. AT-RISK SUPPLEMENTAL AID IS ADDITIONAL FUNDING AND DOES NOT SUPPLANT ANY OTHER FUNDING ALLOCATED PURSUANT TO THIS SECTION. THE CHARTER SCHOOL INSTITUTE SHALL PASS THROUGH ONE HUNDRED PERCENT OF AN INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID TO THE INSTITUTE CHARTER SCHOOL.

(b) THE INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO ONE-HALF OF THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF THE ACCOUNTING DISTRICT'S PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF THE ACCOUNTING DISTRICT'S ADJUSTED PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM.

(c) FOR PURPOSES OF THIS SUBSECTION (4.5), UNLESS THE CONTEXT OTHERWISE REQUIRES, "ACCOUNTING DISTRICT'S PER PUPIL REVENUES" HAS THE SAME MEANING AS THE TERM "DISTRICT PER PUPIL REVENUES" DEFINED IN SECTION 22-30.5-112.

(d) IF THE APPROPRIATION TO THE CHARTER SCHOOL INSTITUTE IS INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK SUPPLEMENTAL AID CALCULATED PURSUANT TO THIS SUBSECTION (4.5), THE CHARTER SCHOOL INSTITUTE SHALL REDUCE EACH INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID PROPORTIONATELY.

SECTION 10. In Colorado Revised Statutes, 22-54-114, **add** (4) (c) as follows:

22-54-114. State public school fund. (4) (c) FOR THE 2012-13 BUDGET YEAR

AND EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID PURSUANT TO SECTIONS 22-30.5-112.2 AND 22-30.5-513, UP TO THREE MILLION EIGHT HUNDRED THIRTY-NINE THOUSAND SIX HUNDRED TWENTY-SEVEN DOLLARS, FROM ANY AMOUNTS RECOVERED AND RECEIVED BY THE DEPARTMENT OF EDUCATION DURING THE APPLICABLE BUDGET YEAR.

SECTION 11. Legislative declaration. (1) The general assembly finds that:

(a) To comply with federal requirements, the state must assess students' achievement of the state standards in mathematics, English language arts, and science during grade ten, eleven, or twelve using an assessment that is aligned with the state standards;

(b) The state administers a statewide assessment in mathematics, reading, writing, and science to students enrolled in tenth grade, which assessment is aligned with the content standards adopted by the state board. This assessment is necessary for the state to meet the federal high school testing requirements and costs the state over one million dollars per year to administer.

(c) The state also administers the ACT to all students enrolled in eleventh grade. While the ACT includes questions in the areas of mathematics, English language arts, and science, it is not comprehensive enough nor sufficiently aligned with the Colorado standards to meet the federal high school testing requirements. However, the ACT is of great value to students who are planning to continue into postsecondary education because it is considered by most postsecondary institutions in making admissions decisions. The ACT also costs the state over one million dollars per year to administer.

(d) The state could save significant amounts by administering only the ACT as the statewide assessment for students in grades ten, eleven, and twelve. However, augmenting the ACT with additional questions so that it is sufficiently aligned with Colorado's standards to satisfy the federal high school testing requirements would cost several million dollars.

(e) Colorado is participating with the common core state standards initiative, which has developed standards in the areas of mathematics and English language arts, and the state board of education recently adopted the common core state standards for mathematics and English language arts as Colorado's state model content standards in these subjects. So far, the common core state standards have been adopted by forty-seven other states.

(f) Because the trend among the majority of states is to adopt the common core state standards and all states are required by federal law to administer an assessment during grades ten through twelve that is aligned with each state's standards, it is the intent and expectation of the general assembly that ACT, Inc., will soon reconfigure the ACT to align with the common core state standards at a sufficient level to enable the states, including Colorado, to administer the ACT as a means of complying with the federal high school testing requirements without having to pay several million dollars to augment the test.

SECTION 12. In Colorado Revised Statutes, 22-32-109, **amend** (1) (nn); and **add** (1) (oo) as follows:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(nn) To ensure that each student who enrolls in the sixth grade in a public school of the school district, including but not limited to a district charter school, on the day of enrollment is registered with the state-provided, free on-line college planning and preparation resource, commonly referred to as "CollegeInColorado.org". The school district, the department of education, and the department of higher education shall collaborate to monitor the implementation of this paragraph (nn) and to ensure optimal interactivity between the various data bases and student record systems employed by school districts and college in Colorado. ~~Each public school shall assist each student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan no later than the beginning of ninth grade but may assist the student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan in any grade prior to ninth grade.~~

(oo) (I) TO ADOPT POLICIES TO REQUIRE EACH SCHOOL OF THE SCHOOL DISTRICT, INCLUDING THE CHARTER SCHOOLS, TO ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, REFERRED TO IN THIS PARAGRAPH (oo) AS AN "ICAP", NO LATER THAN THE BEGINNING OF NINTH GRADE. THE BOARD OF EDUCATION MAY REQUIRE THE SCHOOLS OF THE SCHOOL DISTRICT TO ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S ICAP IN ANY GRADE PRIOR TO NINTH GRADE. EACH STUDENT'S ICAP SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN SECTION 22-2-136 AND THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SAID SECTION.

(II) THE BOARD OF EDUCATION SHALL FURTHER REQUIRE EACH SCHOOL OF THE SCHOOL DISTRICT TO ASSIST EACH STUDENT WHO IS ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE PLAN EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL SERVICES OR COURSES.

SECTION 13. In Colorado Revised Statutes, 22-32-109.5, **add** (4) as follows:

22-32-109.5. Board of education - specific duties - testing requirements - basic skills placement or assessment tests - intervention plans. (4) (a) EACH SCHOOL DISTRICT MAY ADMINISTER TO STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE IN THE SCHOOLS OF THE SCHOOL DISTRICT THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED

FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE SCHOOL DISTRICT MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH SCHOOL DISTRICT TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

(b) IF A SCHOOL DISTRICT CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THAT THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

SECTION 14. In Colorado Revised Statutes, add 22-30.5-117 as follows:

22-30.5-117. Basic skills placement or assessment tests - intervention plans.

(1) EACH CHARTER SCHOOL THAT INCLUDES ANY OF GRADES NINE THROUGH TWELVE MAY ADMINISTER TO STUDENTS ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

(2) IF A CHARTER SCHOOL CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL

PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE CHARTER SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

SECTION 15. In Colorado Revised Statutes, **add 22-30.5-525 and 22-30.5-526** as follows:

22-30.5-525. Individual career and academic plans. (1) EACH INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, REFERRED TO IN THIS SECTION AS AN "ICAP", NO LATER THAN THE BEGINNING OF NINTH GRADE BUT MAY ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S ICAP IN ANY GRADE PRIOR TO NINTH GRADE. EACH STUDENT'S ICAP SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN SECTION 22-2-136 AND THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SAID SECTION.

(2) EACH INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT WHO IS ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE PLAN EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL SERVICES OR COURSES.

22-30.5-526. Basic skills placement or assessment tests - intervention plans. (1) EACH INSTITUTE CHARTER SCHOOL THAT INCLUDES ANY OF GRADES NINE THROUGH TWELVE MAY ADMINISTER TO STUDENTS ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE INSTITUTE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH INSTITUTE CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

(2) IF AN INSTITUTE CHARTER SCHOOL CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE

BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

SECTION 16. In Colorado Revised Statutes, 22-30.5-505, **amend** (3) (f) as follows:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (3) The mission of the institute board shall be to foster high-quality public school choices offered through institute charter schools, including particularly schools that are focused on closing the achievement gap for at-risk students. In discharging its duties pursuant to this part 5, the institute shall:

(f) Ensure that each student who enrolls in the sixth grade in an institute charter school, on the day of enrollment, is registered with the state-provided, free on-line college planning and preparation resource, commonly referred to as "CollegeInColorado.org". The institute, the department, and the department of higher education shall collaborate to monitor the implementation of this paragraph (f) and to ensure optimal interactivity between the various data bases and student record systems employed by institute charter schools and college in Colorado. ~~Each institute charter school shall assist each student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan no later than the beginning of ninth grade but may assist the student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan in any grade prior to ninth grade.~~

SECTION 17. In Colorado Revised Statutes, 22-2-136, **amend** (2) (a) as follows:

22-2-136. Additional duty - state board - individual career and academic plans - standards - rules. (2) In establishing the standards for individual career and academic plans, the state board shall ensure, at a minimum, that:

(a) Each individual career and academic plan includes a career planning and guidance component and a portfolio that reflects, at a minimum:

(I) The student's efforts in exploring careers, including interest surveys that the student completes;

(II) The student's academic progress, including the courses taken, any remediation or credit recovery, and any concurrent enrollment credits earned;

(III) FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT CHOOSE TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, THE STUDENT'S SCORES ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS ADMINISTERED PURSUANT TO SECTION 22-30.5-117, 22-30.5-526, OR 22-32-109.5 (4), ANY INTERVENTION PLAN CREATED FOR THE STUDENT PURSUANT TO SAID SECTIONS, AND THE STUDENT'S PROGRESS IN MEETING THE INTERVENTION PLAN;

~~(H-5)~~ (IV) The student's progress in visual arts and performing arts courses;

~~(HH)~~ (V) The student's experiences in contextual and service learning;

~~(IV)~~ (VI) The student's college applications and resume, as they are prepared and submitted; and

~~(V)~~ (VII) The student's postsecondary studies as the student progresses;

SECTION 18. In Colorado Revised Statutes, 22-7-1009, **amend** (1) as follows:

22-7-1009. Diploma endorsements - adoption - revisions. (1) On or before July 1, 2011, or as soon thereafter as fiscally practicable, the state board shall adopt criteria that a local school board, BOCES, or institute charter high school may apply if the local school board, BOCES, or institute charter high school chooses to endorse high school diplomas to indicate that students have achieved postsecondary and workforce readiness. The criteria shall include, but need not be limited to, the required minimum level of postsecondary and workforce readiness that a student must achieve to receive a readiness endorsement on his or her diploma from the local school board, BOCES, or institute charter high school, **BASED ON WHETHER THE STUDENT INTENDS TO PURSUE A CAREER AND TECHNICAL EDUCATION CERTIFICATE; ENROLLMENT IN AN OPEN, MODIFIED OPEN, OR MODERATELY SELECTIVE INSTITUTION OF HIGHER EDUCATION; OR ENROLLMENT IN A SELECTIVE INSTITUTION OF HIGHER EDUCATION.** In identifying the required minimum level of postsecondary and workforce readiness, the state board shall ensure that the minimum level of postsecondary and workforce readiness reflects the expectations for postsecondary and workforce readiness that are applied nationally and internationally.

SECTION 19. In Colorado Revised Statutes, 22-11-204, **amend** (4) (b) (II) as follows:

22-11-204. Performance indicators - measures. (4) The department shall determine the level of attainment of each public high school, each school district, the institute, and the state as a whole on the postsecondary and workforce readiness indicator by using, at a minimum, the following measures:

(b) For each school district and the institute, the department shall calculate:

(II) Beginning with the ~~2011-12 school year~~ FIRST SCHOOL YEAR FOR WHICH CRITERIA ARE ADOPTED PURSUANT TO SECTION 22-7-1009 (1) FOR AWARDING DIPLOMAS THAT ARE ENDORSED FOR POSTSECONDARY AND WORKFORCE READINESS and for each school year thereafter, the overall percentage of all students graduating from the district public high schools or from the institute charter high schools who receive diplomas that are endorsed for postsecondary and workforce readiness as described in section 22-7-1009 (1) and the percentage who receive diplomas that are endorsed for exemplary demonstration of postsecondary and workforce readiness as described in section 22-7-1009 (2); and

SECTION 20. In Colorado Revised Statutes, 22-2-112, **add** (4) as follows:

22-2-112. Commissioner - duties. (4) (a) THE COMMISSIONER SHALL ENSURE THAT THE DEPARTMENT, SUBJECT TO AVAILABLE APPROPRIATIONS, ANNUALLY ALLOCATES MONEYS TO SCHOOL DISTRICTS, DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS TO REIMBURSE THEM FOR THE COSTS OF ADMINISTERING BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS PURSUANT TO SECTIONS 22-32-109.5, 22-30.5-117, AND 22-30.5-526, RESPECTIVELY, TO STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE. THE DEPARTMENT SHALL ALLOCATE MONEYS TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE THE STUDENT IS ENROLLED IN GRADES NINE THROUGH TWELVE.

(b) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ADMINISTERING BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS TO STUDENTS IN GRADES NINE THROUGH TWELVE IS AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND IS A COMPONENT OF ACCOUNTABILITY REPORTING AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 21. Legislative declaration. (1) The general assembly hereby declares that:

(a) The use of inflexible "zero-tolerance" policies as a means of addressing disciplinary problems in schools has resulted in unnecessary expulsions, out-of-school suspensions, and referrals to law enforcement agencies;

(b) Involvement of students in the criminal or juvenile justice systems should be avoided when addressing minor misbehavior that is typical for a student based on his or her developmental stage;

(c) State laws must allow school administrators and local boards of education to use their discretion to determine the appropriate disciplinary response to each incident of student misconduct;

(d) Each school district of the state is encouraged, in creating and enforcing a school conduct and discipline code, to protect students and staff from harm, provide opportunities for students to learn from their mistakes, foster a positive learning community, keep students in school, and show mindful consideration of negative impacts that can occur as a result of involvement with the criminal justice system;

(e) School discipline policies and practices must apply equally to all students regardless of their economic status, race, gender, ethnicity, religion, national origin, sexual orientation, or disability; and

(f) Each school district of the state is encouraged to include in its school conduct and discipline code a specific policy that:

(I) States which violations of the code require a referral to law enforcement due to the serious nature of the violation or as a result of a state or federal reporting law;

(II) States which violations of the code may result in a referral to law enforcement, subject to the discretion of a school administration or a local board of education; and

(III) States factors that the school district will consider when making a determination as to whether to refer a student to law enforcement, which factors, at a minimum, include:

(A) The age of a student;

(B) The disciplinary history of a student;

(C) Whether a student has a disability;

(D) The seriousness of a violation;

(E) Whether a violation threatened the safety of any student or staff member; and

(F) Whether a lesser intervention would properly address a violation.

(2) Now, therefore, the general assembly determines and declares that:

(a) To ensure that the best interests of Colorado schools are being served, in accordance with section 2-2-1201, Colorado Revised Statutes (C.R.S.), the legislative service agencies of the general assembly shall conduct a post-enactment review of this act and report their conclusions to the education committees of the house of representatives and senate, or any successor committees, and to the persons described in section 2-2-1201 (3), C.R.S.;

(b) Notwithstanding the provisions of section 2-2-1201 (3), C.R.S., the legislative service agencies of the general assembly shall complete the post-enactment review of this act four years after this act becomes law;

(c) Notwithstanding the provisions of section 2-2-1201 (2) (a), C.R.S., the review shall not make the determinations described in said section 2-2-1201 (2) (a), C.R.S., but shall include any information reported to the division of criminal justice by school resource officers and other law enforcement officers pursuant to section 22-32-146, C.R.S., as described in section 13 of this act; and by district attorneys pursuant to section 20-1-113, C.R.S., as described in section 20 of this act; and

(d) The members of the education committees of the house of representatives and

senate, or any successor committees, are encouraged to consider whether to:

(I) Continue to require school resource officers and other law enforcement officers and district attorneys to report such information to the division of criminal justice; or

(II) Enact legislation to repeal such reporting requirements.

SECTION 22. In Colorado Revised Statutes, 22-32-109.1, **amend** (1), (2) introductory portion, (2) (a), and (2) (b); and **add** (1.5) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements.

(1) **Definitions.** ~~Each school district board of education shall adopt a mission statement for the school district, which statement shall include making safety a priority in each public school of the school district.~~ AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACTION TAKEN" MEANS A SPECIFIC TYPE OF DISCIPLINE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING CATEGORIES OF DISCIPLINE:

(I) IN-SCHOOL SUSPENSION;

(II) OUT-OF-SCHOOL SUSPENSION;

(III) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;

(IV) EXPULSION;

(V) REFERRAL TO A LAW ENFORCEMENT AGENCY; OR

(VI) ANY OTHER FORM OF DISCIPLINE, WHICH SHALL BE OFFICIALLY IDENTIFIED AS PART OF A BOARD POLICY.

(b) "BULLYING" MEANS ANY WRITTEN OR VERBAL EXPRESSION, OR PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF, THAT IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS PROHIBITED AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT NOT LIMITED TO ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE OR AGAINST WHOM FEDERAL AND STATE LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASES DESCRIBED IN SECTION 22-32-109 (1) (II) (I). THIS DEFINITION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR TO PREVENT THE EXPRESSION OF ANY RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS.

(c) "DANGEROUS WEAPON" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-102 (4).

(d) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR IS AUTHORIZED PURSUANT TO SECTION 22-60.5-111

TO TEACH, AND IS PRIMARILY ENGAGED IN TEACHING DURING A MAJORITY OF THE INSTRUCTIONAL MINUTES PER SCHOOL DAY.

(e) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

(f) (I) "REFERRAL TO LAW ENFORCEMENT" MEANS A COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT AGENCY, WHICH COMMUNICATION:

(A) IS INITIATED BY THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE; AND

(B) CONCERNS BEHAVIOR BY A STUDENT THAT THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE BELIEVES MAY CONSTITUTE A VIOLATION OF THE SCHOOL CONDUCT AND DISCIPLINE CODE OR A CRIMINAL OR DELINQUENT OFFENSE AND FOR WHICH THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE REQUESTS AN INVESTIGATION OR OTHER INVOLVEMENT BY A LAW ENFORCEMENT AGENCY.

(II) "REFERRAL TO LAW ENFORCEMENT" DOES NOT INCLUDE:

(A) CONTACT WITH A LAW ENFORCEMENT AGENCY THAT IS MADE FOR THE PURPOSE OF EDUCATION, PREVENTION, OR INTERVENTION REGARDING A STUDENT'S BEHAVIOR; OR

(B) ROUTINE OR INCIDENTAL COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT OFFICER.

(g) "RESTORATIVE JUSTICE" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-32-144 (3).

(h) "SCHOOL VEHICLE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 42-1-102 (88.5), C.R.S.

(1.5) **Mission statement.** EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY FOR ALL STUDENTS AND STAFF A PRIORITY IN EACH PUBLIC SCHOOL OF THE SCHOOL DISTRICT.

(2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, ~~if~~ AS NECESSARY IN RESPONSE TO ANY RELEVANT DATA COLLECTED BY THE SCHOOL DISTRICT, any existing plans or policies already in effect. ~~which~~ IN ADDITION TO THE AFOREMENTIONED PARTIES, EACH SCHOOL DISTRICT BOARD OF EDUCATION, IN ADOPTING AND IMPLEMENTING ITS SAFE SCHOOL PLAN, MAY CONSULT

WITH VICTIMS ADVOCACY ORGANIZATIONS, SCHOOL PSYCHOLOGISTS, AND LOCAL LAW ENFORCEMENT AGENCIES. THE PLAN, AT A MINIMUM, shall include ~~but not be limited to~~; the following:

(a) **Conduct and discipline code.** (I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. THE SCHOOL DISTRICT SHALL TAKE REASONABLE MEASURES TO ENSURE THAT EACH STUDENT OF EACH PUBLIC SCHOOL IN THE SCHOOL DISTRICT IS FAMILIAR WITH THE CODE. The code shall include, but ~~shall~~ NEED not be limited to:

(Ⓐ) (A) General policies on student conduct, safety, and welfare;

(Ⓑ) (B) General policies and procedures for dealing with students who cause a disruption ~~in the classroom~~; on school grounds, in a school ~~vehicles as defined in section 42-1-102 (88.5), C.R.S.~~; VEHICLE, or at a school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. ~~and~~, THE POLICY SHALL STATE THAT, upon the third such removal from a teacher's class, ~~to~~ THE TEACHER MAY remove the disruptive student from ~~such~~ THE teacher's class for the remainder of the term of the class; EXCEPT THAT A DISRUPTIVE STUDENT SHALL NOT BE REMOVED FROM A TEACHER'S CLASS FOR THE REMAINDER OF THE TERM OF THE CLASS UNLESS THE PRINCIPAL OF THE STUDENT'S SCHOOL OR HIS OR HER DESIGNEE HAS DEVELOPED AND IMPLEMENTED A BEHAVIOR PLAN FOR THE STUDENT. A BEHAVIOR PLAN MAY BE DEVELOPED AFTER THE FIRST SUCH REMOVAL FROM CLASS AND SHALL BE DEVELOPED AFTER THE SECOND REMOVAL FROM CLASS. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. ~~A behavior plan may be developed after the first such removal from class, and shall be developed after the second such removal from class.~~ Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

(Ⓒ) (C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive ~~by causing a disruption in the classroom, on school grounds, in school vehicles, or at school activities or sanctioned events for a third time during a single school year or calendar year~~ STUDENTS;

(Ⓓ) (D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

(Ⓔ) (E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion,

shall be imposed in accordance with the provisions of sections 22-33-105 and 22-33-106;

~~(VI)~~ (F) A specific policy concerning gang-related activities ~~in the school~~, on school grounds, in school vehicles, ~~or~~ AND at school activities or sanctioned events;

~~(VII)~~ (G) Written prohibition, consistent with section 22-33-106, of students from bringing OR POSSESSING dangerous weapons, drugs, or other controlled substances ~~to school~~, on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT and from using drugs OR other controlled substances ~~or tobacco products~~ on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(H) WRITTEN PROHIBITION OF STUDENTS FROM USING OR POSSESSING TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;

~~(VIII)~~ (I) A written policy concerning searches on school grounds, including SEARCHES OF student lockers;

~~(IX)~~ (J) A dress code policy that ~~encourages school pride and unity, promotes uniformity of dress, and defines and prohibits~~ students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress; ~~and~~

~~(X)~~ (A) (K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1) (c); character building; and the designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, SCHOOL PSYCHOLOGISTS, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(B) For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1) (ll) (I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

(II) IN CREATING AND ENFORCING A SCHOOL CONDUCT AND DISCIPLINE CODE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), EACH SCHOOL DISTRICT BOARD OF EDUCATION, ON AND AFTER AUGUST 1, 2013, SHALL:

(A) IMPOSE PROPORTIONATE DISCIPLINARY INTERVENTIONS AND CONSEQUENCES, INCLUDING BUT NOT LIMITED TO IN-SCHOOL SUSPENSIONS, IN RESPONSE TO STUDENT MISCONDUCT, WHICH INTERVENTIONS AND CONSEQUENCES ARE DESIGNED TO REDUCE THE NUMBER OF EXPULSIONS, OUT-OF-SCHOOL SUSPENSIONS, AND REFERRALS TO LAW ENFORCEMENT, EXCEPT FOR SUCH REFERRALS TO LAW ENFORCEMENT AS ARE REQUIRED BY STATE OR FEDERAL LAW;

(B) INCLUDE PLANS FOR THE APPROPRIATE USE OF PREVENTION, INTERVENTION, RESTORATIVE JUSTICE, PEER MEDIATION, COUNSELING, OR OTHER APPROACHES TO ADDRESS STUDENT MISCONDUCT, WHICH APPROACHES ARE DESIGNED TO MINIMIZE STUDENT EXPOSURE TO THE CRIMINAL AND JUVENILE JUSTICE SYSTEM. THE PLANS SHALL STATE THAT A SCHOOL ADMINISTRATION SHALL NOT ORDER A VICTIM'S PARTICIPATION IN A RESTORATIVE JUSTICE PRACTICE OR PEER MEDIATION IF THE ALLEGED VICTIM OF AN OFFENDING STUDENT'S MISCONDUCT ALLEGES THAT THE MISCONDUCT CONSTITUTES UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S.; A CRIME IN WHICH THE UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED IN SECTION 18-3-602, C.R.S.; OR VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S.;

(C) ENSURE THAT THE IMPLEMENTATION OF THE CODE COMPLIES WITH ALL STATE AND FEDERAL LAWS CONCERNING THE EDUCATION OF STUDENTS WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103 (5); AND

(D) ENSURE THAT, IN IMPLEMENTING THE CODE, EACH SCHOOL OF THE SCHOOL DISTRICT SHOWS DUE CONSIDERATION OF THE IMPACT OF CERTAIN VIOLATIONS OF THE CODE UPON VICTIMS OF SUCH VIOLATIONS, IN ACCORDANCE WITH THE PROVISIONS OF TITLE IX OF THE UNITED STATES CODE AND OTHER STATE AND FEDERAL LAWS.

(b) **Safe school reporting requirements.** A policy whereby the principal of each public school in a school district shall submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of such school district concerning the learning environment in the school during that school year. The board of education of the school district annually shall compile the reports from every school in the district and shall submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report shall be made available to the general public. Such report shall include, but need not be limited to, the following specific information for the preceding school year:

(I) The total enrollment for the school;

(II) The average daily attendance rate at the school;

(III) Dropout rates for grades seven through twelve, if such grades are taught at the school; ~~and~~

(IV) The number of conduct and discipline code violations, each of which violations shall be reported only in the most serious category that is applicable to that violation, including but not limited to specific information ~~on~~ IDENTIFYING the number of, and the action taken with respect to, each of the following types of violations:

(A) ~~Carrying, bringing, using, or Possessing~~ a dangerous weapon on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT without the authorization of the school or the school district;

(B) Use or possession of alcohol on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(C) Use, possession, or sale of a drug or controlled substance on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(D) Use or possession of A tobacco ~~products~~ PRODUCT on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students;

(F) Commission of an act on school grounds, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered first degree assault, as described in section 18-3-202, C.R.S., second degree assault, as described in section 18-3-203, C.R.S., or vehicular assault, as described in section 18-3-205, C.R.S.;

(G) Behavior on school ~~property~~ GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying ~~as described by subparagraph (X) of paragraph (a) of this subsection (2)~~; and other behavior that creates a threat of physical harm to the student or to other students;

(H) Willful destruction or defacement of school property;

(I) Commission of an act on school grounds, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered third degree assault, as described in section 18-3-204, C.R.S., or disorderly conduct, as described in section 18-9-106 (1) (d), C.R.S., but not disorderly conduct involving firearms or other deadly weapons, as described in section 18-9-106 (1) (e) and (1) (f), C.R.S.;

(J) Commission of an act on school grounds IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered robbery; and

(K) Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record;

~~(V) For purposes of subparagraph (IV) of this paragraph (b), "action taken" means the specific type of discipline, including but not limited to the following categories of discipline:~~

~~(A) In-school suspension;~~

~~(B) Out-of-school suspension;~~

~~(C) Classroom removal in accordance with board policy;~~

~~(D) Expulsion;~~

~~(E) Referral to a law enforcement agency, or~~

~~(F) Any other form of discipline, which shall be officially identified as part of a board policy;~~

~~(VI) The conduct and discipline code violations required to be reported pursuant to subparagraph (IV) of this paragraph (b) shall specifically identify each conduct and discipline code violation by a student with a disability and each action taken with respect to each violation by a student with a disability;~~

~~(VII) The average class size for each public elementary school, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school; For purposes of this subparagraph (VII), "full-time teacher" means a person who is licensed pursuant to article 60.5 of this title or is authorized pursuant to section 22-60.5-111 to teach, and is primarily engaged in teaching during a substantial majority of the instructional minutes per school day. AND~~

~~(VIII) On and after August 8, 2001, The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs.~~

SECTION 23. In Colorado Revised Statutes, **add** 22-32-146 as follows:

22-32-146. School use of on-site peace officers as school resource officers - notifications of arrests and notices issued - reporting requirements. (1) IF A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT ARRESTS A STUDENT OF THE SCHOOL, THE OFFICER SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ARREST WITHIN TWENTY-FOUR HOURS AFTER THE ARREST.

(2) IF A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT ISSUES A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF A STUDENT OF THE

SCHOOL IN COURT OR AT A POLICE STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT, THE OFFICER SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE WITHIN TEN DAYS AFTER THE ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE.

(3) A SCHOOL RESOURCE OFFICER SHALL BE FAMILIAR WITH THE PROVISIONS OF THE CONDUCT AND DISCIPLINE CODE OF THE SCHOOL TO WHICH HE OR SHE IS ASSIGNED.

(4) COMMENCING AUGUST 1, 2013, AND CONTINUING EACH AUGUST 1 THEREAFTER, EACH LAW ENFORCEMENT AGENCY EMPLOYING OR CONTRACTING WITH ANY LAW ENFORCEMENT OFFICER WHO IS ACTING OR HAS ACTED IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., IN AGGREGATE FORM WITHOUT PERSONAL IDENTIFYING INFORMATION, DATA ABOUT THE CASES HANDLED BY THE AGENCY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT. EACH SUCH REPORT SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION RELATING TO THE PRECEDING TWELVE MONTHS:

(a) THE NUMBER OF STUDENTS INVESTIGATED BY THE OFFICER FOR DELINQUENT OFFENSES, INCLUDING THE NUMBER OF STUDENTS INVESTIGATED FOR EACH TYPE OF DELINQUENT OFFENSE FOR WHICH THE OFFICER INVESTIGATED AT LEAST ONE STUDENT;

(b) THE NUMBER OF STUDENTS ARRESTED BY THE OFFICER, INCLUDING THE OFFENSE FOR WHICH EACH SUCH ARREST WAS MADE;

(c) THE NUMBER OF SUMMONSES OR TICKETS ISSUED BY THE OFFICER TO STUDENTS; AND

(d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT WHOM THE OFFICER ARRESTED OR TO WHOM THE OFFICER ISSUED A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF THE STUDENT IN COURT OR AT A POLICE STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT.

SECTION 24. In Colorado Revised Statutes, **amend** 22-33-102 as follows:

22-33-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Academic year" means that portion of the school year during which the public schools are in regular session, beginning about the first week in September and ending about the first week in June of the next year, or that portion of the school year which constitutes the minimum period during which a pupil must be enrolled.

(2) "Adult" means a person who has reached the age of twenty-one years.

(3) "Board of education" means the school board, board of directors, and board of education of a school district.

(4) "DANGEROUS WEAPON" MEANS:

(a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3) (h), C.R.S.;

(b) ANY PELLET GUN, BB GUN, OR OTHER DEVICE, WHETHER OPERATIONAL OR NOT, DESIGNED TO PROPEL PROJECTILES BY SPRING ACTION OR COMPRESSED AIR;

(c) A FIXED-BLADE KNIFE WITH A BLADE THAT EXCEEDS THREE INCHES IN LENGTH;

(d) A SPRING-LOADED KNIFE OR A POCKET KNIFE WITH A BLADE EXCEEDING THREE AND ONE-HALF INCHES IN LENGTH; OR

(e) ANY OBJECT, DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE, WHETHER ANIMATE OR INANIMATE, THAT IS USED OR INTENDED TO BE USED TO INFLICT DEATH OR SERIOUS BODILY INJURY.

(5) "DELINQUENT ACT" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103 (36), C.R.S.

~~(4)~~(6) "Executive officer" means the superintendent of schools or ~~that~~ THE head administrative officer designated by ~~the~~ A board of education to execute its policy decisions.

~~(4.5)~~(7) "General educational development tests" or "GED" means the battery of tests given at an authorized testing center, which tests are designed and published by the GED testing service of the American council on education to measure the major outcomes and concepts generally associated with four years of high school education. Each GED testing center must have a current contract with the American council on education and be authorized by the commissioner of education.

(8) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

~~(4.7)~~(9) "Informal hearing" means an opportunity for a child to explain his or her position regarding a disruption ~~in the classroom~~ or an incident ~~constituting~~ THAT OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT AND THAT CONSTITUTED grounds for discipline.

~~(5)~~(10) "Parent" means the mother or father of a child or any other person having custody of a child.

(11) "SCHOOL VEHICLE" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-1-102 (88.5), C.R.S.

~~(6)~~(12) "State board" means the state board of education.

SECTION 25. In Colorado Revised Statutes, 22-33-105, **amend** (2) (c),(3) (d) (III), and (6) as follows:

22-33-105. Suspension, expulsion, and denial of admission. (2) In addition to the powers provided in section 22-32-110, the board of education of each district may:

(c) Deny admission to, or expel for any period not extending beyond one year, any child whom the board of education, in accordance with the limitations imposed by this article, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. A board of education may delegate such powers to its executive officer or to a designee who shall serve as a hearing officer. If the hearing is conducted by a designee acting as a hearing officer, the hearing officer shall forward findings of fact and recommendations to the executive officer at the conclusion of the hearing. The executive officer shall render a written opinion within five days after a hearing conducted by the executive officer or by a hearing officer. The executive officer shall report on each case acted upon at the next meeting of the board of education, briefly describing the circumstances and the reasons for the executive officer's action. ~~When delegated, an appeal may be taken from~~ A CHILD WHO IS DENIED ADMISSION OR EXPELLED AS AN OUTCOME OF THE HEARING SHALL HAVE TEN DAYS AFTER THE DENIAL OF ADMISSION OR EXPULSION TO APPEAL the decision of the executive officer to the board of education, AFTER WHICH TIME THE DECISION TO GRANT OR DENY THE APPEAL SHALL BE AT THE DISCRETION OF THE BOARD OF EDUCATION. The appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of education. No board of education shall deny admission to, or expel, any child without a hearing, if one is requested by the parent, guardian, or legal custodian of the child, at which evidence may be presented in the child's behalf. If the child is denied admission or expelled, the child shall be entitled to a review of the decision of the board of education in accordance with section 22-33-108.

(3) (d) The suspending authority shall:

(III) Provide an opportunity for a pupil to make up school work during the period of suspension FOR FULL OR PARTIAL ACADEMIC CREDIT TO THE EXTENT POSSIBLE. The intent of this provision is to provide an opportunity for the pupil to reintegrate into the educational program of the district AND TO HELP PREVENT THE PUPIL FROM DROPPING OUT OF SCHOOL BECAUSE OF AN INABILITY TO REINTEGRATE INTO THE EDUCATIONAL PROGRAM following the period of suspension. ~~which~~ The school district should take THIS INTENT into consideration when determining the amount of credit a student will receive for this makeup work.

(6) When a pupil is expelled by a school district, ~~for the remainder of the school year;~~ the PUPIL'S parent, guardian, or legal custodian is responsible for seeing that the ~~compulsory school attendance statute is complied with~~ PUPIL COMPLIES WITH THE PROVISIONS OF THIS ARTICLE during the period of expulsion. ~~from such school district.~~

SECTION 26. In Colorado Revised Statutes, 22-33-106, **amend** (1) introductory portion, (1) (c.5) (I), (1) (c.5) (II), (1) (c.5) (III), (1) (d), (2) introductory portion, (3) introductory portion, (4) (a), and (4) (b) (I); and **add** (1) (g), (1.2), and (1.5) as follows:

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following ~~shall~~ MAY be grounds for suspension or expulsion of a child from a public school during a school year:

(c.5) (I) ~~Declaration as an A habitually disruptive student. pursuant to the provisions of this paragraph (c.5).~~

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has ~~been suspended pursuant to paragraph (a), (b), (c), or (d) of this subsection (1) three times during the course of the school year for causing~~ CAUSED a material and substantial disruption ~~in the classroom; on school grounds, or in a school vehicle, as defined in section 42-1-102 (88.5), C.R.S., or at A school activities~~ ACTIVITY or events because of behavior that was initiated, willful, and ~~overt on the part of the child~~ SANCTIONED EVENT THREE OR MORE TIMES DURING THE COURSE OF A SCHOOL YEAR. Any student who is enrolled in a public school may be subject to being declared ~~an~~ A habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each ~~suspension~~ DISRUPTION counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5) and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(d) (I) ~~Serious violations in a school building or in or on school property, which suspension or expulsion shall be mandatory, except that expulsion shall be mandatory for the following violations: Carrying, bringing, using, or possessing a dangerous weapon without the authorization of the school or the school district; the sale of a drug or controlled substance as defined in section 12-22-303, C.R.S.; or the commission of an act which if committed by an adult would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.~~

(II) ~~As used in this paragraph (d), "dangerous weapon" means:~~

(A) ~~A firearm, whether loaded or unloaded;~~

(B) ~~Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;~~

(C) ~~A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches; or~~

(D) ~~Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.~~

(III) ~~Notwithstanding the provisions of subparagraph (I) of this paragraph (d), carrying, bringing, or possessing a dangerous weapon without the authorization of the school or the school district shall not require mandatory expulsion if, when the~~

~~student discovers that he or she has carried, brought, or is in possession of a dangerous weapon, the student notifies a teacher, administrator, or other authorized person in the school district as soon as possible and delivers the dangerous weapon to the teacher, administrator, or other authorized person. Nothing in this subparagraph (H) shall be construed as prohibiting a school district from expelling a student under the circumstances specified in this subparagraph (H) if such expulsion would be in accordance with the school district's discipline code.~~ COMMITTING ONE OF THE FOLLOWING OFFENSES ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT:

(I) POSSESSION OF A DANGEROUS WEAPON WITHOUT THE AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;

(II) THE USE, POSSESSION, OR SALE OF A DRUG OR CONTROLLED SUBSTANCE AS DEFINED IN SECTION 12-22-303, C.R.S.; OR

(III) THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE 18, C.R.S., OR ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18, C.R.S., OTHER THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD DEGREE ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN ADULT.

(g) PURSUANT TO SECTION 22-12-105 (3), MAKING A FALSE ACCUSATION OF CRIMINAL ACTIVITY AGAINST AN EMPLOYEE OF AN EDUCATIONAL ENTITY TO LAW ENFORCEMENT AUTHORITIES OR SCHOOL DISTRICT OFFICIALS OR PERSONNEL.

(1.2) EACH SCHOOL DISTRICT IS ENCOURAGED TO CONSIDER EACH OF THE FOLLOWING FACTORS BEFORE SUSPENDING OR EXPELLING A STUDENT PURSUANT TO A PROVISION OF SUBSECTION (1) OF THIS SECTION:

(a) THE AGE OF THE STUDENT;

(b) THE DISCIPLINARY HISTORY OF THE STUDENT;

(c) WHETHER THE STUDENT HAS A DISABILITY;

(d) THE SERIOUSNESS OF THE VIOLATION COMMITTED BY THE STUDENT;

(e) WHETHER THE VIOLATION COMMITTED BY THE STUDENT THREATENED THE SAFETY OF ANY STUDENT OR STAFF MEMBER; AND

(f) WHETHER A LESSER INTERVENTION WOULD PROPERLY ADDRESS THE VIOLATION COMMITTED BY THE STUDENT.

(1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ACCORDANCE WITH THE PROVISIONS OF 20 U.S.C. SEC. 7151, A STUDENT WHO IS DETERMINED TO HAVE BROUGHT A FIREARM TO A SCHOOL, OR TO HAVE POSSESSED A FIREARM AT A SCHOOL, SHALL BE EXPELLED FOR A PERIOD OF NOT LESS THAN ONE YEAR; EXCEPT THAT THE SUPERINTENDENT OF THE STUDENT'S SCHOOL DISTRICT MAY MODIFY THIS REQUIREMENT FOR A STUDENT ON A CASE-BY-CASE BASIS IF SUCH MODIFICATION IS IN WRITING.

(2) Subject to the district's responsibilities under article 20 of this title, the following ~~shall~~ MAY be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:

(3) The following ~~shall~~ MAY constitute additional grounds for denial of admission to a public school:

(4)(a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.

(b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:

(I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

SECTION 27. In Colorado Revised Statutes, 22-11-302, **amend** (1) (e); and **add** (1) (f) as follows:

22-11-302. School district accountability committees - powers and duties.

(1) Each school district accountability committee shall have the following powers and duties:

(e) ~~TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school accountability committee for the principal's OF EACH school shall provide input and recommendations to the district accountability committee and the district administration concerning the principal's evaluation~~ OF THE SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS TITLE; AND

(f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING THE CREATION AND ENFORCEMENT OF ITS SCHOOL CONDUCT AND DISCIPLINE CODE.

SECTION 28. In Colorado Revised Statutes, 22-11-503, **amend** (3) (c) as follows:

22-11-503. Performance reports - contents - rules. (3) In addition to any information specified by rule of the state board, each school performance report shall include the following information concerning the operations and environment of the public school that is the subject of the report:

(c) As described in state board rule, the occurrence of each of the ~~following~~ types

of incidents DESCRIBED IN SECTION 22-32-109.1 (2) (b) (IV), expressed as a number and as a percentage of the total occurrences of all of the incidents;

- ~~(f) Substance abuse - drugs;~~
- ~~(H) Substance abuse - alcohol;~~
- ~~(III) Substance abuse - tobacco;~~
- ~~(IV) Felony assaults;~~
- ~~(V) Fights;~~
- ~~(VI) Possession of dangerous weapons; and~~
- ~~(VII) Other violations of the code of conduct at the public school;~~

SECTION 29. In Colorado Revised Statutes, 22-37-103, **amend** (3) as follows:

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

(3) "In-school suspension" means a ~~suspension pursuant to section 22-33-105 in~~ PERIOD OF TIME DURING which, PURSUANT TO SECTION 22-33-105, the student is ~~suspended~~ PROHIBITED from ~~participation~~ PARTICIPATING in regular school activities but remains in the school environment and ~~receives continuous~~ CONTINUES TO RECEIVE educational instruction, supervision, and discipline.

SECTION 30. In Colorado Revised Statutes, **add** 20-1-113 as follows:

20-1-113. Reporting of criminal proceedings involving public school students.

(1) ON OR BEFORE AUGUST 1, 2013, AND ON OR BEFORE EACH AUGUST 1 THEREAFTER, THE DISTRICT ATTORNEY OF EACH JUDICIAL DISTRICT, OR HIS OR HER DESIGNEE, SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., INFORMATION ABOUT OFFENSES ALLEGED TO HAVE BEEN COMMITTED BY A STUDENT THAT HAVE OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT WITHIN THE JUDICIAL DISTRICT DURING THE PRECEDING TWELVE MONTHS.

(2) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE NUMBER OF OFFENSES FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES, THE DISPOSITION OF EACH CASE, AND THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT THAT THE DISTRICT ATTORNEY PROSECUTED.

(3) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE, TO THE EXTENT PRACTICABLE AND TO THE EXTENT THAT SUCH INFORMATION IS COLLECTED BY THE DISTRICT ATTORNEY AS OF THE EFFECTIVE DATE OF THIS SECTION:

(a) THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE DISTRICT ATTORNEY

BY A LAW ENFORCEMENT AGENCY AND WERE NOT FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES; AND

(b) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT ATTORNEY REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM OR OTHER ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES.

SECTION 31. In Colorado Revised Statutes, 24-31-303, **amend** (1) (i); and **add** (1) (j) as follows:

24-31-303. Duties - powers of the P.O.S.T. board. (1) The P.O.S.T. board has the following duties:

(i) To promulgate rules and regulations that establish the criteria that shall be applied in determining whether to recommend peace officer status for a group or specific position as provided in section 16-2.5-201 (4), C.R.S.; AND

(j) TO ESTABLISH STANDARDS FOR TRAINING OF SCHOOL RESOURCE OFFICERS, AS DESCRIBED IN SECTION 24-31-312.

SECTION 32. In Colorado Revised Statutes, **add** 24-31-312 as follows:

24-31-312. School resource officer training. (1) ON OR BEFORE JANUARY 1, 2014, THE P.O.S.T. BOARD SHALL IDENTIFY A SCHOOL RESOURCE OFFICER TRAINING CURRICULUM TO PREPARE PEACE OFFICERS.

(2) TO THE EXTENT PRACTICABLE, THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL INCORPORATE THE SUGGESTIONS OF RELEVANT STAKEHOLDERS AND ADVOCATES.

(3) (a) IN ASSIGNING PEACE OFFICERS TO SERVE AS SCHOOL RESOURCE OFFICERS PURSUANT TO SECTION 22-32-146, C.R.S., EACH LAW ENFORCEMENT AGENCY IS ENCOURAGED TO ENSURE THAT SUCH PEACE OFFICERS HAVE SUCCESSFULLY COMPLETED THE SCHOOL RESOURCE OFFICER TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, OR WILL COMPLETE SAID TRAINING WITHIN SIX MONTHS AFTER BEGINNING THE ASSIGNMENT.

(b) ON AND AFTER JANUARY 1, 2015, EACH COUNTY SHERIFF AND EACH MUNICIPAL LAW ENFORCEMENT AGENCY OF THE STATE SHALL EMPLOY AT LEAST ONE PEACE OFFICER WHO HAS SUCCESSFULLY COMPLETED THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(4) FOR THE PURPOSES OF SECTION 22-32-146, C.R.S., THE TRAINING CURRICULUM PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE A MEANS OF RECOGNIZING AND IDENTIFYING PEACE OFFICERS WHO SUCCESSFULLY COMPLETE THE TRAINING CURRICULUM.

(5) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE PROVISIONS TO ALLOW FOR THE AWARDING OF CREDIT TO A PEACE OFFICER WHO HAS SUCCESSFULLY COMPLETED A SCHOOL RESOURCE OFFICER CERTIFICATION CURRICULUM OFFERED BY ONE OR MORE

PUBLIC OR PRIVATE ENTITIES, WHICH ENTITIES SHALL BE IDENTIFIED BY THE P.O.S.T. BOARD.

(6) THE P.O.S.T. BOARD MAY CHARGE A FEE TO EACH PEACE OFFICER WHO ENROLLS IN THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE AMOUNT OF THE FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE P.O.S.T. BOARD IN PROVIDING THE CURRICULUM.

SECTION 33. In Colorado Revised Statutes, 24-33.5-503, **amend** (1) (y) and (1) (z); and **add** (1) (aa) as follows:

24-33.5-503. Duties of division. (1) The division has the following duties:

(y) To develop, in cooperation with the department of corrections and the state board of parole, a parole board action form; ~~and~~

(z) To provide training on the Colorado risk assessment scale and the administrative release guideline instrument as required by section 17-22.5-404 (2) (c), C.R.S.; AND

(aa) TO RECEIVE THE INFORMATION REPORTED TO THE DIVISION BY LAW ENFORCEMENT AGENCIES PURSUANT TO SECTION 22-32-146, C.R.S., AND BY DISTRICT ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S., AND PROVIDE THE INFORMATION, AS SUBMITTED TO THE DIVISION, TO ANY MEMBER OF THE PUBLIC UPON REQUEST, IN A MANNER THAT DOES NOT INCLUDE ANY IDENTIFYING INFORMATION REGARDING ANY STUDENT. IF THE DIVISION PROVIDES THE INFORMATION TO A MEMBER OF THE PUBLIC UPON REQUEST PURSUANT TO THIS PARAGRAPH (aa), THE DIVISION MAY CHARGE A FEE TO THE PERSON, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE DIVISION IN PROVIDING THE INFORMATION.

SECTION 34. In Colorado Revised Statutes, 22-2-117, **amend** (1.5) as follows:

22-2-117. Additional power - state board - waiver of requirements - rules. (1.5) Notwithstanding any provision of this section or any other provision of law, the state board shall not waive requirements contained in article 11 of this title or sections ~~22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and 22-33-104 (4)~~ SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND (2), 22-32-109.1 (2) (a), 22-32-146, AND 22-33-104 (4).

SECTION 35. In Colorado Revised Statutes, 22-30.5-116, **amend** (2) as follows:

22-30.5-116. Charter schools - school bullying policies required. (2) For the purposes of this section, "bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ SECTION 22-32-109.1 (1) (b).

SECTION 36. In Colorado Revised Statutes, 22-30.5-502, **amend** (2.5) as follows:

22-30.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(2.5) "Bullying" shall have the same meaning as set forth in ~~section 22-32-109.1~~
(2) (a) (X) (B) SECTION 22-32-109.1 (1) (b).

SECTION 37. In Colorado Revised Statutes, 18-1.3-204, **amend** (2.3) (a) as follows:

18-1.3-204. Conditions of probation. (2.3) (a) When granting probation, the court may, as a condition of probation, require any defendant who is less than eighteen years of age at the time of sentencing to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the court shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education.

SECTION 38. In Colorado Revised Statutes, **amend** 19-2-207 as follows:

19-2-207. Juvenile parole board - authority. The board shall have the authority to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services under section 19-2-601 or 19-2-907 in such a manner as is in the best interests of the juvenile and the public. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the board shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education. The board shall promulgate rules that establish criteria under which its parole decisions are made. The board shall have the duties and responsibilities specified in part 10 of this article.

SECTION 39. In Colorado Revised Statutes, 19-2-1002, **amend** (1) (a), (3) (b) (I), and (9) (c) (I) as follows:

19-2-1002. Juvenile parole. (1) **Juvenile parole board - hearing panels authority.** (a) The juvenile parole board, referred to in this part 10 as the "board", established pursuant to section 19-2-206 is authorized to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services as provided in sections 19-2-601 and 19-2-907. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the board shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education. The board may modify any of its decisions, or those of the hearing panel, except an order of discharge.

(3) (b) (I) In addition to any other conditions, the hearing panel may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the hearing panel shall not require any such juvenile to attend a school from which he or she has

been expelled without the prior approval of that school's local board of education.

(9) **Parole discharge.** (c) The board may discharge a juvenile from parole before completion of the mandatory six-month parole period when the board finds that the juvenile meets, at a minimum, all of the following conditions of special achievement:

(I) Graduation from a public or accredited nonpublic high school or completion of a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.;

SECTION 40. In Colorado Revised Statutes, **amend** 25-9-106.5 as follows:

25-9-106.5. Education and experience - substitution allowed. Water and wastewater facility operator applicants must have a high school diploma or have successfully completed the GED as defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that experience or relevant training may be substituted for the high school diploma or GED. Education, training as established under section 25-9-104 (2), and cross-experience may be substituted for experience requirements for certification as a water facility operator, as a water distribution system operator, as a domestic wastewater facility operator, as a wastewater collection system operator, as an industrial wastewater treatment facility operator, or as a multiple facility operator; except that at least fifty percent of any experience requirement shall be met by actual on-site operating experience in a water facility or a wastewater facility, as the case may be. For the lowest classification of operator in each category, the board may establish rules allowing complete substitution of education for experience for any applicant who passes the applicable examination. For purposes of this section, "cross-experience" means that experience as a wastewater treatment facility operator may be substituted for experience requirements for certification as water treatment facility operator and vice versa.

SECTION 41. In Colorado Revised Statutes, 22-33-203, **amend** (2) (b) and (3) as follows:

22-33-203. Educational alternatives for expelled students. (2) (b) The educational services provided pursuant to this section are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the CONDUCT AND discipline code of the school district providing the educational services and the provisions of part 1 of this article. Except as required by federal law, the expelling school district is not required to provide educational services to any student who is suspended or expelled while receiving educational services pursuant to this section until the period of the suspension or expulsion is completed.

(3) If a student is expelled ~~for the remainder of the school year~~ and the student is not receiving educational services pursuant to this section, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from some other source; except that the school district need not contact a student's parent or guardian after the student is enrolled in another school district or in an independent or parochial school or if the student is committed to the department of human services or is sentenced pursuant to article 2 of title 19, C.R.S.

SECTION 42. In Colorado Revised Statutes, 22-30.5-505, **amend** (9) as follows:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (9) The institute shall ensure that each institute charter school addresses the expulsion, suspension, and education of expelled or suspended students in a manner consistent with the intents and purposes of ~~sections 22-33-106 and 22-33-203~~ SECTIONS 22-33-105, 22-33-106, AND 22-33-203.

SECTION 43. In Colorado Revised Statutes, 22-38-103, **amend** (2) as follows:

22-38-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Expelled student" means a student who ~~is in the sixth, seventh, eighth, or ninth grade, who is under seventeen years of age, and who has been expelled from school pursuant to section 22-33-105. for a period in excess of thirty days.~~

SECTION 44. In Colorado Revised Statutes, 22-93-101, **amend** (1) as follows:

22-93-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Bullying" shall have the same meaning as set forth in ~~section 22-32-109.1~~ (2) (a) (X) (B) SECTION 22-32-109.1 (1) (b).

SECTION 45. In Colorado Revised Statutes, 2-2-1201, **add** (8) as follows:

2-2-1201. Accountability clauses - post-enactment review of implementation of bills by legislative service agencies - definitions - repeal. (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN CONDUCTING THE POST-ENACTMENT REVIEW OF HOUSE BILL 12-1345, ENACTED IN 2012, THE LEGISLATIVE SERVICE AGENCIES SHALL NOT BE SUBJECT TO:

(I) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION; OR

(II) THE REQUIREMENT IN SUBSECTION (3) OF THIS SECTION THAT THE LEGISLATIVE SERVICE AGENCIES COMPLETE THE POST-ENACTMENT REVIEW NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE TWO-YEAR OR FIVE-YEAR ANNIVERSARY, AS APPLICABLE, OF THE ENACTMENT OF HOUSE BILL 12-1345.

(b) IN CONDUCTING THE POST-ENACTMENT REVIEW OF HOUSE BILL 12-1345, THE LEGISLATIVE SERVICE AGENCIES SHALL SUBMIT TO THE MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, ANY INFORMATION REPORTED TO THE DIVISION OF CRIMINAL JUSTICE BY SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS PURSUANT TO SECTION 22-32-146, C.R.S., AND BY DISTRICT ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S. THE COMMITTEE MEMBERS ARE ENCOURAGED TO CONSIDER WHETHER TO:

(I) CONTINUE TO REQUIRE SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS AND DISTRICT ATTORNEYS TO REPORT SUCH INFORMATION

TO THE DIVISION OF CRIMINAL JUSTICE; OR

(II) INTRODUCE LEGISLATION TO REPEAL SUCH REPORTING REQUIREMENTS.

(c) THE LEGISLATIVE SERVICE AGENCIES SHALL COMPLETE THE POST-ENACTMENT REVIEW OF HOUSE BILL 12-1345 NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE FOUR-YEAR ANNIVERSARY OF THE ENACTMENT OF THE BILL.

(d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2016.

SECTION 46. Accountability. Four years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 21 of this act, and report their conclusions to the education committees of the House of Representatives and Senate, or any successor committees.

SECTION 47. 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, 2012, the sum of \$1,000,000, or so much thereof as may be necessary, for the implementation of section 22-2-112 (4), Colorado Revised Statutes.

SECTION 48. Appropriation - adjustments in 2012 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for the school counselor corps program is increased by \$480,000. Said sum is from the state education fund created in section 17 (4) (a) of article IX of the state constitution.

(b) The cash funds appropriation for state aid for charter school facilities is increased by \$1,000,000. Said sum is from the state education fund created in section 17 (4) (a) of article IX of the state constitution.

(c) The general fund appropriation for the state share of districts' total program funding is increased by \$57,232,000.

(d) The cash funds appropriation for the state share of districts' total program funding is decreased by \$228,551. Said sum is from the state education fund created in section 17 (4) (a) of article IX of the state constitution.

(e) The cash funds appropriation for hold-harmless full-day kindergarten funding is increased by \$74,671. Said sum is from the state education fund created in section 17 (4) (a) of article IX of the state constitution.

(f) The cash funds appropriation for facility school funding is increased by \$153,000. Said sum is from the state education fund created in section 17 (4) (a) of

article IX of the state constitution.

SECTION 49. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$1,300,000, or so much thereof as may be necessary, for allocation to the grant programs, distributions, and other assistance subsection of the assistance to public schools section, for the implementation of section 22-5-122, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of audit recoveries credited to the state public school fund pursuant to section 22-54-114 (4), Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$3,839,627, or so much thereof as may be necessary, for allocation to the public school finance unit for the payment of at-risk supplemental aid to school districts, district charter schools, and institute charter schools pursuant to sections 22-30.5-112.2 and 22-30.5-513, Colorado Revised Statutes.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$3,000,000, or so much thereof as may be necessary, for allocation to the assessments and data analyses subsection of the management and administration section, for the implementation of section 22-2-141, Colorado Revised Statutes.

SECTION 50. Appropriation to the department of education for the fiscal year beginning July 1, 2012. In section 2 of House Bill 12-1335, **amend** Part III (2) (A) Footnote 8, as follows:

Section 2. Appropriation.

8 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Pursuant to Section 22-35-108 (2) (a), C.R.S., the purpose of this footnote is to specify what portion of this appropriation is intended to be available for the Accelerating Students Through Concurrent Enrollment (ASCENT) Program for FY 2012-13. It is the intent of the General Assembly that the Department of Education be authorized to utilize up to ~~\$1,198,549~~ \$1,211,689 of this appropriation to fund qualified students designated as ASCENT Program participants. This amount is calculated based on an estimated 205 participants funded at a rate of ~~\$5,846.58~~ \$5,910.68 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

SECTION 51. 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 19, 2012