

CHAPTER 102

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 14-058

BY SENATOR(S) Todd, Johnston, Jones, Kerr, Nicholson;
also REPRESENTATIVE(S) Murray, Court, Ginal, Hamner, Holbert, Labuda, Priola, Ryden, Young.

AN ACT

CONCERNING HIGH SCHOOL EQUIVALENCY EXAMINATIONS IN COLORADO.

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

SECTION 1. In Colorado Revised Statutes, 2-2-1303, **amend** (1) introductory portion, (1) (b) introductory portion, and (1) (b) (II) as follows:

2-2-1303. Membership - selection - terms. (1) The council ~~shall consist~~ CONSISTS of forty-four members as follows:

(b) Thirty-five voting members representing each of the senate ~~districts~~ DISTRICT in the state and five at-large members. The five at-large members must be selected to help ensure diversity on the council, with an express concern for adequate rural representation. Members described in this paragraph (b) ~~shall~~ MUST meet the following qualifications at the time of appointment:

(II) Be enrolled in and attending a Colorado junior high, middle, or high school, including an on-line or charter school or approved facility school as defined in section 22-2-402, C.R.S.; BE participating in a nonpublic, home-based educational program; BE participating in a ~~general equivalency degree~~ HIGH SCHOOL EQUIVALENCY EXAMINATION program; or have obtained a high school ~~or general equivalency diploma~~ THROUGH SUCCESSFUL COMPLETION OF A HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S.

SECTION 2. In Colorado Revised Statutes, 13-6-203, **amend** (3) as follows:

13-6-203. Qualifications of judges. (3) In counties of Class C and Class D, ~~no~~ A person ~~shall be~~ IS NOT eligible for appointment to the office of county judge

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

unless he OR SHE has graduated from high school or has ~~attained the equivalent of a high school education as indicated by the possession of a certificate of equivalency issued by the department of education, based upon the record made on the general educational development test~~ SUCCESSFULLY COMPLETED A HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S.

SECTION 3. In Colorado Revised Statutes, 17-22.5-404, **amend** (4) (a) (XI) as follows:

17-22.5-404. Parole guidelines. (4) (a) In considering offenders for parole, the state board of parole shall consider the totality of the circumstances, which include, but need not be limited to, the following factors:

(XI) Whether the offender SUCCESSFULLY completed or worked toward completing a high school diploma, a ~~general equivalency degree~~ HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S., or a college degree during his or her period of incarceration.

SECTION 4. In Colorado Revised Statutes, 17-32-105, **amend** (1) introductory portion and (1) (d) as follows:

17-32-105. Development of correctional education program - goals and objectives - performance objectives - evaluation - transfers of custody - reports.

(1) On and after July 1, 1990, the correctional education program ~~shall have responsibility~~ IS RESPONSIBLE for the ~~provision of~~ PROVIDING educational services to persons in correctional facilities under the control of the department and for ~~the development and implementation of~~ DEVELOPING AND IMPLEMENTING a comprehensive competency-based educational and vocational program, which ~~program shall~~ MUST conform to the goals and objectives outlined in this subsection (1). The correctional education program may be implemented in phases with the goals and objectives implemented in all facilities in the order specified in this subsection (1); except that the goal and objective stated in paragraph (a) of this subsection (1) ~~shall~~ MUST be implemented in all correctional facilities no later than July 1, 1991, and the entire program ~~shall~~ MUST be completely implemented in all correctional facilities no later than July 1, 1992. The program shall continue to operate instructional services currently offered in correctional facilities until such services are incorporated in or replaced by instructional services offered under the correctional education program. The correctional education program ~~shall~~ MUST encompass the following goals and objectives:

(d) Fourth, to provide every person in a correctional facility who has an expectation of release from custody within five years and who has demonstrated the intellectual capacity with the opportunity to ~~obtain the equivalent of a high school education~~ SUCCESSFULLY COMPLETE A HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S. A person who wishes to receive a standard high school diploma ~~shall~~ MUST meet the graduation requirements established by the school district where he or she was last enrolled or pass ~~an~~ THE HIGH SCHOOL equivalency examination. To be eligible to receive credit for completion of a course required for the receipt of a high school diploma, a person ~~shall have satisfied~~ MUST SATISFY the requirements for ~~such~~ THE course AS

established by the school district where he or she was last enrolled.

SECTION 5. In Colorado Revised Statutes, 18-1.3-204, **amend** (2.3) (a) as follows:

18-1.3-204. Conditions of probation - interstate compact probation transfer cash fund - creation. (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~~ THE SUCCESSFUL COMPLETION OF A HIGH SCHOOL EQUIVALENCY EXAMINATION, as that term is defined in section 22-33-102 ~~(7)~~ (8.5), 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 6. In Colorado Revised Statutes, **amend** 19-2-207 as follows:

19-2-207. Juvenile parole board - authority. The board ~~shall have the authority to~~ MAY 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~~ THAT 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~~ THE SUCCESSFUL COMPLETION OF A HIGH SCHOOL EQUIVALENCY EXAMINATION, as that term is defined in section 22-33-102 ~~(7)~~ (8.5), 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~~ HAS the duties and responsibilities specified in part 10 of this article.

SECTION 7. 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~~ MAY 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~~ THE SUCCESSFUL COMPLETION OF A HIGH SCHOOL EQUIVALENCY EXAMINATION, as that term is defined in section 22-33-102 ~~(7)~~ (8.5), 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~~ THE SUCCESSFUL COMPLETION OF A HIGH SCHOOL EQUIVALENCY EXAMINATION, as that term is defined in section 22-33-102 ~~(7)~~ (8.5), 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 SUCCESSFUL completion of a ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION, as that term is defined in section 22-33-102 ~~(7)~~ (8.5), C.R.S.;

SECTION 8. In Colorado Revised Statutes, 22-2-112, **amend** (2) as follows:

22-2-112. Commissioner - duties. (2) In accordance with section 22-2-107 (1) (c), the commissioner shall establish requirements enabling residents of this state who are seventeen years of age or older or who are sixteen years of age and satisfy the requirements of section 22-33-104.7 to ~~earn a high school equivalency certificate upon satisfaction of said requirements~~ SUCCESSFULLY COMPLETE A HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5).

SECTION 9. In Colorado Revised Statutes, 22-32-132, **amend** (2) (b) as follows:

22-32-132. Diplomas - veterans. (2) Notwithstanding any provision of subsection (1) of this section to the contrary, a board of education of a school district may award a diploma:

(b) Even though an honorably discharged veteran has already ~~received a general educational development high school equivalency certificate~~ SUCCESSFULLY COMPLETED A HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5).

SECTION 10. In Colorado Revised Statutes, 22-33-102, **repeal** (7); and **add** (8.5) as follows:

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

(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.~~

(8.5) "HIGH SCHOOL EQUIVALENCY EXAMINATION" MEANS THE

STATE-BOARD-APPROVED BATTERY OF TESTS THAT ARE DESIGNED TO MEASURE THE MAJOR OUTCOMES AND CONCEPTS GENERALLY ASSOCIATED WITH FOUR YEARS OF HIGH SCHOOL EDUCATION AND THAT ARE ADMINISTERED AT A TESTING CENTER THAT HAS BEEN APPROVED BY THE DEPARTMENT OF EDUCATION BASED ON GEOGRAPHIC NEED AND TESTING VOLUME.

SECTION 11. In Colorado Revised Statutes, **amend 22-33-104.7** as follows:

22-33-104.7. Eligibility for the general educational development tests. (1) A student who is sixteen years of age and who submits written evidence of a need to take the ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION to be eligible for an educational or vocational program is eligible to sit for the ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION after complying with all statutory and regulatory requirements in regard to ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION testing.

(2)(a) A student who is sixteen years of age and who is subject to the jurisdiction of the juvenile court is eligible to sit for the ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION if the judicial officer or administrative hearing officer who has responsibility for the student's case finds that sitting for the ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION is in the student's best interests based on:

(I) The number of credits that the student has earned toward high school graduation and the number needed to graduate;

(II) The outcome of previous credit recovery and school reengagement plans, if any, created for the student by the school in which the student was most recently enrolled; and

(III) The desires of the student and the student's parent concerning returning to school or sitting for the ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION.

(b) Before sitting for the ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION, a student who is eligible pursuant to paragraph (a) of this subsection (2) shall comply with all statutory and regulatory requirements in regard to ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION testing.

SECTION 12. In Colorado Revised Statutes, 22-33-203, **amend (2) (a)** as follows:

22-33-203. Educational alternatives for expelled students. (2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), upon request of a student or the student's parent or guardian, the school district shall provide, for any student who is expelled from the school district, any educational services that are deemed appropriate for the student by the school district. The educational services provided ~~shall~~ MUST be designed to enable the student to return to the school in which he or she was enrolled prior to expulsion, to successfully complete the ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION, or to enroll in a nonpublic, nonparochial school or in an alternative school, including but not limited to a charter school or a pilot school established pursuant to article 38 of this title. The expelling school district shall determine the amount of credit the student ~~shall~~ MUST receive toward graduation for the educational services provided pursuant to this section.

SECTION 13. In Colorado Revised Statutes, 22-38-104, **amend** (10) as follows:

22-38-104. Pilot schools - requirements - authority. (10) In addition to the students enrolled at each pilot school pursuant to section 22-38-111, a pilot school may enter into an agreement pursuant to section 22-33-203 (2) with a school district or with a board of cooperative services to provide educational services to enable expelled students to either return to school or successfully complete the ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5). Students receiving such services ~~shall~~ ARE not be considered to be enrolled at the pilot school, and, if the pilot school provides full-time residential facilities, students receiving such services need not reside at the pilot school.

SECTION 14. In Colorado Revised Statutes, 23-7-110, **amend** (1), (2) (b), and (3) as follows:

23-7-110. Tuition classification of students who successfully complete high school or a high school equivalency examination in Colorado.

(1) Notwithstanding any other provision of this article to the contrary, a student, other than a nonimmigrant alien, ~~shall~~ MUST be classified as an in-state student for tuition purposes if:

(a) The student attended a public or private high school in Colorado for at least three years immediately preceding the date the student either graduated from a Colorado high school or SUCCESSFULLY completed a ~~general equivalency diploma~~ HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S., in Colorado; and

(b) Except as provided in subsection (3) of this section, within twelve months after graduating or SUCCESSFULLY completing a ~~general equivalency diploma~~ HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S., in Colorado, the student is admitted to a Colorado institution or attends an institution of higher education under a reciprocity agreement pursuant to section 23-1-112.

(2) (b) The institution shall not count a student described in paragraph (a) of this subsection (2) as a resident for any purpose other than tuition classification; except that the student is eligible for the college opportunity fund program pursuant to the provisions of part 2 of article 18 of this title upon confirmation of the student's uniquely identifying student number provided by the local education provider where the student graduated from high school or SUCCESSFULLY completed his or her ~~general equivalency diploma~~ HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S., and may be eligible for institutional or other private financial aid programs.

(3) A student who satisfies the requirements of paragraph (a) of ~~subsection~~ SUBSECTION (1) of this section, who is subject to the provisions of paragraph (a) of subsection (2) of this section, and who graduated or SUCCESSFULLY completed his or her ~~general equivalency diploma~~ HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S., prior to September 1, 2013, but was not admitted to an institution within twelve months after graduating or completing the ~~general~~ HIGH SCHOOL equivalency ~~diploma, shall~~ EXAMINATION, MUST be

classified as an in-state student for tuition purposes so long as the student has been physically present in Colorado on a continuous basis for at least eighteen months prior to enrolling in the institution.

SECTION 15. In Colorado Revised Statutes, **amend** 23-54-101 as follows:

23-54-101. University established - role and mission - governance. There is hereby established a university at Denver, to be known as Metropolitan state university of Denver, which shall be a comprehensive institution with modified open admission standards at the baccalaureate level; except that nontraditional students at the baccalaureate level who are at least twenty years of age shall only have as an admission requirement a high school diploma, ~~a GED~~ ^{THE SUCCESSFUL COMPLETION OF A high school equivalency certificate EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S.,} or the equivalent thereof. Metropolitan state university of Denver shall offer a variety of liberal arts and science, technical, and educational programs. The university may offer a limited number of professional programs. In furtherance of its role and mission, Metropolitan state university of Denver may offer master's degree programs that address the needs of its urban service area.

SECTION 16. In Colorado Revised Statutes, 24-37.5-703.5, **amend** (5) (g) as follows:

24-37.5-703.5. Education data subcommittee - created - duties - repeal. (5) The education data subcommittee shall have the following duties:

(g) To identify a method or methods, if feasible, for assigning a unique student identifier as part of the department of education record integration tracking system or an alternative tracking system employing interagency data-sharing, for each person enrolled in an adult basic education program or ~~A high school general~~ ^{A high school general} equivalency ~~diploma~~ ^{EXAMINATION} program.

SECTION 17. 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~~ ^{HIGH SCHOOL EQUIVALENCY EXAMINATION}, as defined in section 22-33-102 ~~(7)~~ (8.5), C.R.S.; except that experience or relevant training may be substituted for the high school diploma or ~~GED~~ ^{SUCCESSFUL COMPLETION OF THE HIGH SCHOOL EQUIVALENCY EXAMINATION}. 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~~ ^{MUST} 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 18. In Colorado Revised Statutes, 25-20.5-502, **amend** (1) as follows:

25-20.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(1) "School-based health center" means a clinic established and operated within a public school building, including charter schools and state-sanctioned ~~GED~~ HIGH SCHOOL EQUIVALENCY EXAMINATION programs associated with a school district, or on public school property by the school district. School-based health centers are operated by school districts in cooperation with hospitals, public or private health care organizations, licensed medical providers, public health nurses, community health centers, and community mental health centers. The term "school-based health center" includes clinics or facilities authorized to provide clinic services ~~under~~ PURSUANT TO section 26-4-513, C.R.S., or authorized to apply for and receive medical assistance payments under a contract entered into pursuant to section 26-4-531, C.R.S.

SECTION 19. In Colorado Revised Statutes, 26-2-708, **amend** (1) as follows:

26-2-708. Assistance - assessment - individual responsibility contract - waivers for domestic violence. (1) Subject to the provisions of the federal law, the provisions of this section, and available appropriations, a county department shall perform an assessment for a new participant who is eighteen years of age or older, or who is sixteen years of age or older but has not yet attained the age of eighteen years of age and has not completed high school or ~~obtained a certificate of~~ SUCCESSFULLY COMPLETED A high school equivalency EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S., and is not attending high school or participating in a high school equivalency EXAMINATION program. The initial assessment ~~shall~~ MUST be completed no more than thirty days after the submission of the application for assistance under the works program. Updated assessments may be conducted at the discretion of the county department.

SECTION 20. In Colorado Revised Statutes, 28-3-1702, **amend** (1) (c) (III) as follows:

28-3-1702. Legislative declaration. (1) The general assembly hereby finds and declares that:

(c) An evaluation of similar programs for eligible youth operating in other states indicates that:

(III) Eighty percent of the students in these programs ~~obtained a GED~~ SUCCESSFULLY COMPLETED A HIGH SCHOOL EQUIVALENCY EXAMINATION, either during the time in which they were participating in the programs or within one year after graduating from the programs; and

SECTION 21. In Colorado Revised Statutes, 28-3-1703, **amend** (2) as follows:

28-3-1703. Definitions. As used in this part 17, unless the context otherwise

requires:

(2) ~~"GED" "HIGH SCHOOL EQUIVALENCY EXAMINATION" means a certificate that demonstrates that a person has passed the STATE-BOARD-APPROVED battery of tests given at a testing center authorized by the commissioner of education that are designed to measure the major outcomes and concepts generally associated with four years of high school education AND THAT ARE ADMINISTERED AT A TESTING CENTER THAT HAS BEEN APPROVED BY THE DEPARTMENT OF EDUCATION BASED ON GEOGRAPHIC NEED AND TESTING VOLUME.~~

SECTION 22. In Colorado Revised Statutes, 28-3-1704, **amend** (1) as follows:

28-3-1704. Youth challenge corps program - authority - youth challenge corps program fund - creation. (1) The department is hereby authorized to operate a youth challenge corps program through the use of National Guard or other facilities and equipment for the purpose of providing eligible youth with a program to help them obtain a high school ~~diplomas or GEDs~~ DIPLOMA OR SUCCESSFULLY COMPLETE A HIGH SCHOOL EQUIVALENCY EXAMINATION, increase their employment potential, and enhance their education and life skills. The program ~~shall~~ MUST be structured as a five-and-one-half-month residential phase that focuses on education and practical life skills, followed by a twelve-month, post-residential phase that involves skilled and trained mentors who support the program graduates. The department ~~shall~~ is not be obligated to implement the program if adequate appropriations or federal or other moneys are not available.

SECTION 23. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 2014