

Colorado Department of Education

LEGISLATIVE

SUMMARY

2008



Sixty-Sixth General Assembly, Second Regular Session

COLORADO DEPARTMENT OF EDUCATION
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cde Improving
Academic
Achievement

A summary of the legislation affecting education
from the Sixty-Sixth General Assembly,
Second Regular Session in 2008
with the statutory citations

Prepared annually for Colorado public school superintendents, principals, school board presidents, private schools, education agencies, Department of Education staff and other interested persons.

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September 2008

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NOTE: The general assembly adjourned sine die on the 119th legislative day, May 6, 2008. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Monday, August 4, 2008. The effective date for such bills is therefore 12:01 a.m., on Tuesday, August 5, 2008, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106(5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Monday, August 4, 2008. There were no referendum petitions filed on legislation passed in the 2008 session.

The following are summaries of 2008 bills as prepared by the General Assembly Office of Legislative Services with selected clarification and/or notation by the Colorado Department of Education.

APPROPRIATIONS

H.B. 08-1375 General appropriation - long bill. Provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2008. Sets the grand total for the operating budget at \$18,366,882,459 of which \$6,520,527,731 is from the general fund, \$1,108,460,823 is from general fund exempt, \$5,077,410,428 is from cash funds, \$1,579,494,122 is from reappropriated funds, and \$4,080,989,355 is from federal funds.

Appropriates \$837,679,021 for capital construction projects of which \$180,574,268 is from the capital construction fund, \$608,374,386 is from cash funds, and \$48,730,367 is from federal funds.

Makes additional changes in appropriations for the 2007-2008 calendar year.

EFFECTIVE April 28, 2008
 PORTIONS VETOED April 28, 2008

A SUMMARY OF FEDERAL AND STATE FUNDING FOR EDUCATION IS AS FOLLOWS:

Funding Source	FY 2007-08 Appropriation	FY 2008-09 Appropriation
General Fund	\$ 3,064,213,254	\$ 3,175,366,143
Cash Funds	15,076,949	606,969,031
Cash Funds Exempt/ Reappropriated	492,437,514	15,466,543
Federal Funds	496,999,395	497,653,179
<u>Grand Total</u>	\$ 4,068,616,142	\$ 4,295,454,896

CRIMINAL LAW AND PROCEDURE

H.B. 08-1085 Colorado bureau of investigation - identification unit fund. Creates the Colorado bureau of investigation identification unit fund for moneys paid to offset the costs incurred by the Colorado bureau of investigation in conducting criminal history record checks. Excludes the fund from the statutory limits on cash fund reserves.

EFFECTIVE August 5, 2008

Added 24-33.5-426; 24-75-402(5)(t).

EDUCATION – PUBLIC SCHOOLS

S.B. 08-038 Regional service areas and councils - coordination of services. Requires the state board of education (state board) to create 12 regional service areas (regional area) throughout the state. Encourages individuals and organizations in a regional area to convene a regional service council (regional council) and to develop and submit a comprehensive service plan (plan) to the state board for coordinating services and programs throughout the regional area. Requires the state board to adopt rules implementing the act. Requires the state board to approve a plan submitted by a regional council prior to granting funding. Details the programs and services a regional council may provide. Authorizes the state board to make grants to eligible regional councils using a baseline funding amount as well as a per pupil amount. Requires regional councils to submit an annual written report to the state board and the department of education.

EFFECTIVE June 2, 2008

Added 22-5.5-0 (entire article).

S.B. 08-089 Special education programs - early intervening services. Defines early intervening services as services for children in kindergarten through grade 12, with an emphasis on children in kindergarten through grade 3, who have not been identified as children with disabilities but who need additional academic and behavioral supports to succeed in a general education environment. Allows an administrative unit to use no more than 15% of the funding it receives under the "Exceptional Children's Educational Act" to provide early intervening services to students. Requires administrative units to report information to the department of education on

the number of students receiving early intervening services. Directs the state board of education, by rule, to determine the activities and programs, and the associated expenses, that qualify as early intervening services. Allows the state board to promulgate other necessary rules.

EFFECTIVE July 1, 2008

Added 22-20-106(3.5); 22-20-103(8.3); 22-20-103(8.5).

S.B. 08-123 School lunch program - eliminate reduced-cost category. Creates the child nutrition school lunch protection program (program) and child nutrition school lunch protection program fund to eliminate the reduced price paid by children for reduced-cost lunches in kindergarten through second grade. Authorizes multi-district online programs operating in learning centers to participate in the program. Requires the department of education to develop procedures for the implementation of the program.

EFFECTIVE August 5, 2008

Added 22-82.9-0 (entire article).

S.B. 08-129 School districts - school district boards - institute charter schools - healthy beverages policy. Requires each school district board of education (district board) and the state charter school institute (institute) to adopt and implement a policy that prohibits, except as specified by rules promulgated by the state board of education (state board) or the institute board, the sale of beverages to students from any source.

Requires the state board and the institute board to promulgate rules establishing exceptions to the policy for the sale of beverages that satisfy minimum nutritional requirements and for the sale of beverages at specific school events.

EFFECTIVE August 5, 2008

Repealed 22-32-134; added 22-32-134.5; amended 22-32-136(3)(a)(II); added 22-30.5-505(13); 22-30.5-517.

S.B. 08-130 Innovation schools - plans - designation - statutory waivers - collective bargaining agreement waivers – report. Allows a public school or group of public schools to submit to its school district board of education

(local board) an innovation plan (plan) to allow the school or group of schools to implement innovations within the school or group of schools, including but not limited to innovations in delivery of educational services, personnel administration and decision-making, and budgeting. Requires the local board to review each submitted plan and approve the school as an innovation school or the group of schools as an innovation school zone or reject the plan. Allows a local board to initiate creation of a plan in collaboration with one or more schools of the school district. Specifies the minimum contents of a plan, including the level of support needed from the personnel employed at the affected schools. Encourages schools, groups of schools, and local boards to consider innovations in specified areas and to seek public and private funding to offset the costs of developing and implementing the plans.

Following creation or approval of one or more plans, allows a local board to submit the plan to the commissioner of education (commissioner) and the state board of education (state board) and seek designation as a district of innovation. Directs the commissioner and state board to review and comment on the plan, and directs the state board to make the designation unless the plan would likely result in lower academic achievement or would be fiscally unfeasible. Requires the state board to provide a written explanation if it does not make the designation.

Directs the state board to grant any statutory and regulatory waivers requested in the plan for the district of innovation. Specifies statutes that the state board may not waive. Requires a district of innovation to demonstrate how the affected schools will comply with the intent of the waived statutes or rules. Allows for modification of the waivers based on modifications made to the plan.

Requires the collective bargaining agreement (agreement) for each district of innovation to allow for waiver of identified terms of the agreement for personnel at an innovation school or a school within an innovation school zone. Allows a district of innovation to hold elections in innovation schools and in each school within an innovation school zone to approve the waivers, and requires waivers to be approved by a vote of at least 60 percent of the personnel at the affected school who are members of the collective bargaining unit. Specifies that a district of innovation is not required to seek waivers of terms of the agreement. If an employee of a school that receives a waiver of a term of an agreement requests a transfer, directs the district to make every reasonable effort to

transfer the employee. Allows for modification of the waivers, with a vote, based on revisions to the plan for the innovation school or innovation school zone.

Requires the local board of a district of innovation to review the performance of each innovation school or school within an innovation school zone every 3 years following approval of the plan to determine whether the school is achieving or making adequate progress toward achieving the academic performance results specified in the plan. Allows the local board to revise the plan in collaboration with the affected school and subject to the consent of specified personnel at the affected school. Allows a local board to revoke a plan and a school's innovation status or the designation of an innovation school zone if the affected school or schools do not improve at a sufficient rate.

Beginning March 2010, requires the commissioner and the state board annually to report to the governor and the education committees of the general assembly concerning implementation of the act and to post the report on the department of education's web site.

Allows the local board of a district of innovation to delegate to an innovation school or a school in an innovation school zone certain duties and powers relating to personnel.

EFFECTIVE May 28, 2008

Added 22-32.5-0 (entire article); amended 22-32-109(1)(f)(l); 22-32-110(1)(h).

S.B. 08-150 Retirement plan - confidentiality of member and investment information. Specifies that all information, rather than only financial information or information identifying a medical or psychological state, found in the record of a member of a school district retirement plan is confidential. Allows the board of trustees of a school district retirement association to use its discretion regarding disclosure of certain investment information, which disclosure would reveal confidential information or jeopardize the value of the association's investments.

EFFECTIVE August 5, 2008

Amended 22-64-216(1); 22-64-216(2); 22-64-216(3).

S.B. 08-181 School response framework - required elements - department of public safety - web site - classes at community colleges. Requires the department of public safety

(department) to post on its web site a description of the national incident management system (NIMS) and a listing of on-line course and courses at community colleges related to NIMS.

Requires a school district board of education and the state charter school institute to adopt a school response framework with specified elements.

Directs the state board for community colleges and occupational education to allow licensed educators to take at community and occupational colleges any classes identified by the department as related to NIMS without charge to the extent that space is available.

EFFECTIVE May 14, 2008

Added 24-33.5-110; amended 22-32-109.1(4); added 22-30.5-503.5; amended 22-1-125(5); 23-60-202(1)(c).

S.B. 08-208 Educators - background checks - reporting information - access to records - sealing of records. Requires district charter schools and institute charter schools (charter schools) to perform background investigations on employment applicants. Requires charter schools to request fingerprints from current employees for purposes of criminal history record checks when the school, upon information or belief, has reason to believe that the current employee has been convicted of a felony or a misdemeanor, other than a traffic offense.

Authorizes the governing body of a charter school to receive information from the department concerning a prospective employee. Authorizes the department of education (department) to collect a fee from a charter school that requests a background check.

Requires the department to determine whether a person's educator's license or certification has ever been denied, suspended, revoked or annulled, in this state or any other state, and permits the department to disclose its findings, upon request, to a school district, a private school, or a charter school. Requires the department to notify a licensed or certified educator's employer if the department denies, suspends, revokes or annuls a license or certification of an educator.

Permits the department to have access to a charter school employment applicant's or current employee's juvenile delinquency record. Permits the department to have access to the

judicial department's ICON system and to criminal records for an applicant or current employee when conducting a criminal background check. Clarifies that the department is a criminal justice agency for purposes of obtaining criminal history information.

Requires each charter school to submit to the department each year a list of its non-licensed and licensed employees' names and personal information for the department to maintain a database of these employees. Requires the department to submit annually a list of all employees of the charter schools to the Colorado bureau of investigation.

Requires a charter school to notify the department when the school learns that one of its employees has been convicted of a criminal offense other than a misdemeanor traffic offense. Requires a charter school to notify the department if an employee is dismissed or resigns as a result of an allegation of unlawful behavior involving a child.

Grants immunity from civil liability for a previous employer of an applicant that releases negative information about the applicant, so long as the information is true. Grants immunity for a charter school that relies on information from a previous employer about an applicant that is false, so long as the charter school did not know that the information is false.

Requires a charter school employee or applicant that is petitioning to seal his or her criminal record to notify the charter school and permit the charter school to inquire into the facts of the offense concerning which the employee is attempting to seal the records.

EFFECTIVE May 29, 2008

Amended 22-2-119 IP(1); added 22-2-119(1)(b.5); amended 22-2-119(2); added 22-2-119(5); 22-30.5-110.5; 22-30.5-110.7; 22-30.5-511.5; amended 22-2-111(3)(a); 22-60.5-103(4); added 22-60.5-103(5.5); amended 22-60.5-103(6)(b); 22-60.5-107(2)(b)(VII); added 22-60.5-107(2)(b)(VII.5); 22-60.5-107(9); amended 22-60.5-108; added 19-1-304(1)(a)(XVII); amended 19-1-304 IP(1)(c); 19-1-304(1)(c)(IX); 19-1-304(1)(c)(X); added 19-1-304(1)(c)(XI); 19-1-304(2)(a)(XVII); amended 24-72-302(3); added 24-72-308(1)(f)(III).

S.B. 08-212 Preschool through postsecondary education alignment - school readiness - preschool through elementary and secondary education standards - system of assessments -

postsecondary and workforce planning, preparation, and readiness assessments - postsecondary and workforce readiness. Makes legislative findings concerning the importance of aligning education standards and assessments from preschool through postsecondary and workforce readiness

Directs the state board of education (state board) to adopt a description of school readiness and standards for preschool through elementary and secondary education (PESE standards). Directs the state board to review the school readiness description and PESE standards every six years and adopt revisions, if appropriate.

Directs the state board to adopt assessments that are aligned with the school readiness description and a system of assessments that are aligned with the PESE standards (PESE assessments). Directs the state board to adopt scoring criteria to measure students' levels of school readiness and attainment of the PESE standards. Specifies the minimum requirements and expectations for the PESE assessments. Directs the state board to review the school readiness and PESE assessments every six years and adopt revisions, if appropriate.

Directs the department of education (department) to implement a pilot program to collect data concerning postsecondary and workforce planning, preparation, and readiness assessments (PWR assessments) from vendors and from school district boards of education, boards of cooperative services, and district and institute charter schools (local education providers) that volunteer to participate in the pilot program. Directs the state board to apply the collected data in creating standards for grades nine through 12, and directs the state board and the Colorado commission on higher education (CCHE) to apply the data in adopting PWR assessments. Directs the state board to adopt rules for implementation of the pilot program. Specifies the duties of a local education provider that chooses to participate in the pilot program, and directs the department, pursuant to state board rules, to distribute moneys to participating local education providers to assist in defraying the costs of administering the PWR assessments.

Directs the state board and the CCHE to adopt the description of postsecondary and workforce readiness (PWR). Specifies that the adopted PWR description shall include the minimum level of English competency required for demonstrating PWR. Directs the state board and the CCHE to review the PWR description every six years and adopt revisions, if appropriate.

Requires the description of school readiness, the PESE standards, and the PWR description to be aligned so that attainment of the PESE standards will culminate in PWR.

Directs the state board and the CCHE to adopt PWR assessments that are aligned with the PWR description, taking into account the information received through the pilot program. Directs the state board and the CCHE to adopt scoring criteria to measure students' levels of PWR. Requires the state board and the CCHE to review the PWR assessments every six years and adopt revisions, if appropriate.

Directs the state board to adopt the criteria by which a school district board of education (local school board), a board of cooperative services (BOCES), or an institute charter high school may choose to endorse a student's high school diploma to indicate that the student has demonstrated PWR (readiness endorsement) or to endorse a student's diploma to indicate outstanding achievement. Following adoption of the criteria, directs the state board to consult with the CCHE and the higher education governing boards for approval of the criteria. Allows the state board to also adopt criteria for a range of other endorsements indicating focus and achievement in specified areas. Directs the state board to review the criteria every six years and adopt revisions, if appropriate.

Directs the state board and the CCHE to work with specified interest groups throughout the state in fulfilling their duties under the act. Allows the state board and the CCHE to appoint task forces, and provides for staff support to the state board and the CCHE to assist them in fulfilling their duties under the act. Authorizes the department and the department of higher education to accept and expend public and private gifts, grants, and donations to carry out the purposes of the act.

Requires the commissioner of education and the executive director of the department of higher education to convene meetings of education professionals at least annually in each of the regional service areas in the state. Specifies the persons to be involved in convening the meetings and the persons to be invited to attend the meetings. Identifies the purpose of the meetings as providing a forum in which education professionals can collaborate in the planning, design, and implementation of the alignment of the preschool through postsecondary public education systems. Allows each regional service area to submit recommendations to the state board, the CCHE,

and the education committees of the general assembly.

Directs the department to prepare and submit to the federal department of education for peer review and approval an amended state plan as required under the federal "No Child Left Behind Act of 2001." Directs the department to include in the state plan only those components of the aligned preschool through postsecondary education systems that are required by or subject to approval under federal law, but specifies that the state board and the CCHE are encouraged to adopt descriptions, standards, assessments, and other components that exceed the minimum federal law requirements.

Requires each local education provider to review its standards in comparison with the PESE standards and to revise them as necessary to ensure they meet or exceed the PESE standards and that they are aligned from preschool through 12th grade. Following review and revision of standards, directs each local education provider to adopt curricula that are aligned with the PESE standards. Directs each local education provider to review and revise, if necessary, its PESE standards and curricula every six years.

Requires each local education provider that operates a preschool or kindergarten program to provide an individualized readiness plan for each preschool and kindergarten student to assist the student in progressing toward school readiness. Allows the local education provider to use assessments to determine each student's progress. Directs the local education provider to administer the state school readiness assessment to students in kindergarten and to use the assessment results to measure students' progress toward school readiness. Specifies that the results of the state school readiness assessment shall not be reported for individual students and shall not be used to prohibit any student from enrolling in 1st grade. Directs the department, the child care division in the department of human services, and the staff of the early childhood policy team in the lieutenant governor's office to assist local education providers in implementing the individualized readiness plans, school readiness, and the state school readiness assessment.

Requires each local education provider that operates a high school to review its high school curricula and revise or adopt curricula that are aligned with the PWR description, with the goal of ensuring that each student who successfully completes the curricula will be prepared to demonstrate PWR prior to or upon attaining a high school diploma. Identifies the curricula as

the postsecondary and workforce readiness program (PWR program) for the high school. Allows a local school board to allow a district charter high school to adopt its own PWR program. Allows a local education provider to adopt multiple PWR programs, so long as all are designed to prepare a student to demonstrate PWR prior to or upon attaining a high school diploma.

Requires each local education provider to require each high school student, beginning in 9th grade and continuing through 12th grade, to enroll in the PWR program. Allows a local education provider to permit a student with disabilities to demonstrate attainment of PWR through a differentiated plan if required by the student's individualized education program. Directs the department, the department of higher education, and the state institutions of higher education to assist local education providers in implementing the PWR program.

Directs each local education provider that operates a high school to administer to students in the 9th, 10th, and 11th grades the PWR assessments adopted by the state board and the CCHE. Requires the local education provider to provide to each student a printed copy of the student's assessment results, and requires a teacher or counselor to review each student's PWR assessment results with the student and his or her parents, if practicable, to determine the areas in which the student needs continued instruction to demonstrate PWR. Requires each high school student's final transcript to describe the student's level of PWR based on the student's level of performance in the PWR program and on the PWR assessments. Prohibits a local education provider from using a student's results on the PWR assessments to prohibit the student from participating in a dual enrollment program. Specifies that a student who demonstrates PWR is eligible to participate in a dual enrollment program.

If a student enrolled in 11th or 12th grade whose dominant language is not English has not demonstrated attainment of the standard for English language competency and has not demonstrated PWR, requires the local education provider to provide to the student additional services and supports to assist the student in attaining the standard. Directs the general assembly to address the cost of providing the services and supports.

Allows a school district, BOCES, or institute charter high school to choose to grant a student a readiness endorsement or an endorsement indicating outstanding achievement on the

student's high school diploma, based on the criteria adopted by the state board and approved by the CCHE and the higher education governing boards. For a student who receives a readiness endorsement makes certain guarantees regarding admission to Colorado public institutions of higher education.

Requires the department, in consultation with the department of higher education, to contract with an entity to conduct a study of the costs anticipated in implementing the alignment of the preschool through postsecondary education systems as provided in the act. Specifies the contents of the cost study and dates by which the entity shall submit reports to the department and the department of higher education. Directs the department to submit the reports to the joint budget committee and the education committees of the general assembly as soon as possible following receipt. Directs the department to submit reports to the education committees of the general assembly concerning implementation of school readiness, the PESE standards, and PWR.

Delays the requirement that the state board adopt guidelines for high school graduation requirements to coincide with the adoption of the school readiness description, the PESE standards, and the PWR description. Directs the state board to take into account the PWR description and the PESE standards and to align the high school graduation requirements with them. Directs the department to modify the academic growth model as necessary to ensure that it measures growth over time toward attainment of the PESE standards and PWR.

Requires the CCHE, following adoption of the PWR description, to revise the minimum academic admission standards for first-time freshmen students if necessary to ensure they are aligned with the PWR description. Requires the department of higher education annually to report to the education committees of the general assembly concerning the enrollment, first-year college grades, and types of academic or career and technical degrees attained by high school graduating classes.

Requires the department to alter the method of calculating academic performance ratings to ensure that a school is not penalized by inadvertent errors committed in administering an assessment, or, if the calculation cannot be altered, to provide a footnote on the school's accountability report specifying what the school's academic performance rating would have been if the scores caused by inadvertent error in administration were not included in the

calculation. Directs the state board to adopt rules defining "inadvertent error", and allows the commissioner of education to determine what is and is not inadvertent error.

EFFECTIVE May 14, 2008

Added 22-7-1000 (entire part 10); amended 22-2-106 IP(1)(a.5); added 22-2-106(1)(a.5)(II); amended 22-2-106(1)(a.5)(V); 22-32-109(1)(kk)(I); added 22-35-104(1.5); 23-1-113(5); 23-1-113(6); 23-1-113(7); 23-1-113(8); 23-1-113(9); 23-1-113(10); amended 23-1-121(2)(c); added 22-7-604.3(3.5); 27-7-604(3)(e).

H.B. 08-1019 Students in out-of-home placement - child welfare education liaison - enrollment - transfer of records - educational stability.

Requires each school district and the state charter school institute to appoint a person to act as the child welfare education liaison (liaison) for the district or for institute charter schools. Allows a board of cooperative services to appoint a child welfare education liaison to act on behalf of the school districts that are members of the board. Specifies the liaison's duties.

When a student in out-of-home placement (student) transfers from one school to another, requires the school district or school to transfer the student's records within five school days after receiving a request for transfer from the county department of social services (county department) that has legal custody of the student. Specifies that the school district or school may comply with the transfer requirement by releasing the student's records to a county department employee for the sole purpose of transferring the records to the new school. Prohibits the school district from delaying the transfer of the student's records for any reason.

Requires a school district or school to enroll a transferring student within five school days after receiving the student's records, regardless of whether the school district or school has received the student's immunization records, the student can comply with any school uniform requirements, or the student can comply with any other preenrollment requirements. Allows the school district or school to deny enrollment to a student under specified circumstances. Requires the school to suspend a student if it does not receive the student's immunization records within 14 days after the student enrolls and to so notify the student's legal guardian.

When a student transfers, requires the sending school to certify to the receiving school the course work that the student has fully or partially completed. Requires the receiving school to accept the student's certified course work as if it had been completed at the receiving school and to apply all of the student's certified course work toward completion of the student's requirements for continuing to the next grade or for graduation. Allows the receiving school to award the student elective credit for course work that does not align with the receiving school's curriculum.

Requires a student to receive an excused absence for any time the student is out of school due to a required court appearance or participation in court-ordered activities, and directs the social worker assigned to the student to verify the absences. Requires a school to waive all fees for a student, and prohibits the school from limiting the student's opportunity to participate in activities because of the fee waiver.

If a county department recommends an out-of-home placement for a child or a change in placement, requires the parties to the proceeding to promote educational stability for the child by taking into account the child's existing educational situation and selecting a change of placement that would enable the child to remain in the existing educational situation or transfer to a similar situation.

EFFECTIVE April 17, 2008

Added 22-32-138; 19-3-213(1)(d); 25-4-902(3).

H.B. 08-1021 Compensatory education - education of exceptional children - gifted children. Amends the definition of "gifted children" to include children who are four years of age. Defines a "highly advanced gifted child" as a gifted child who has been identified by an administrative unit, using criteria and a process established by rules promulgated by the state board of education (state board), to be a highly advanced gifted child. Permits an administrative unit to include in its program plan provisions to identify and serve highly advanced gifted children who are either four years of age and for whom early access to kindergarten is deemed appropriate by the administrative unit or five years of age and for whom early access to first grade is deemed appropriate by the administrative unit. Requires an administrative unit that includes in its program plan provisions to identify and serve highly advanced gifted children to make available upon request to any

person the administrative unit's criteria and process for identifying a highly advanced gifted child for whom early access to kindergarten or first grade is deemed appropriate. Allows an administrative unit that includes in its program plan provisions to identify and serve highly advanced gifted children to charge a fee for any assessments or other procedures that the administrative unit performs for the purpose of identifying a highly advanced gifted child for whom early access to kindergarten or first grade is deemed appropriate. Prohibits an administrative unit from charging such a fee for any such assessments or other procedures if the child who is the subject of such assessments or other procedures is eligible for a reduced-cost meal or free meal pursuant to the federal "National School Lunch Act."

Requires the state board to establish criteria and a process that an administrative unit shall use to make determinations regarding the advanced placement of highly advanced gifted children. Allows a school district to count and receive funding for pupils enrolled in a kindergarten education program who are highly advanced gifted children, who are four years of age, and for whom early access to kindergarten is deemed appropriate by an administrative unit. Allows a school district to count and receive funding for pupils enrolled in first grade who are highly advanced gifted children, who are five years of age, and for whom early access to first grade is deemed appropriate by an administrative unit.

EFFECTIVE May 14, 2008

Amended 22-20-103(12)(b); 22-20-103(13); added 22-20-103(13.5); amended 22-20-104.5(1); added 22-20-104.5(1.5); 22-20-104.5(5); amended 22-54-103(10)(a)(IV)(B); 22-54-103(10)(b)(I).

H.B. 08-1024 Longitudinal growth model. Eliminates the requirement that the model recommended to and adopted by the state board of education (state board) for determining longitudinal analysis of the Colorado student assessment program (CSAP) assessments be a mixed-effects statistical model. Removes the reference to the state board's authority to adopt a hierarchical linear model.

EFFECTIVE February 14, 2008

Amended 22-7-604.3(2)(a); 22-7-604.3(3)(a); 22-11-305(1)(b)(I).

H.B. 08-1027 Building inspection requirements - public schools - junior colleges - fire safety codes - fees - enforcement - cash fund created. Clarifies the role of the division of oil and public safety in delegating the responsibility of performing inspections of public school buildings and junior college district buildings to a building department or a 3rd-party inspector. Requires a memorandum of understanding between the division and a building department that wishes to perform inspections. Repeals the limit on the fee that the division may charge to perform an inspection and the requirement that the fee be mandatory. Grants rule-making authority to the director of the division to implement the program.

Authorizes the division of fire safety to charge a fee for the inspection of buildings and structures to ensure that they are in compliance with fire codes. Grants enforcement authority to such division.

Creates the fire safety inspection cash fund for paying the expenses of the fire suppression program. Requires the director the division of fire safety to enforce fire code violations.

Exempts the public safety inspection fund from the limit on uncommitted cash fund reserves.

EFFECTIVE August 5, 2008

Amended 22-32-124(2)(a); 22-32-124(2)(b); 22-32-124(2)(c); 22-32-124(3); 23-71-122(1)(v)(II); 23-71-122(1)(v)(III); 23-71-122(1)(v)(IV); 23-71-122(1)(v)(VII); 24-33.5-1203(1)(p); added 24-33.5-1207.7; 24-33.5-1213; 24-75-402(10); amended 9-1-101.

H.B. 08-1157 Colorado youth advisory council – membership. Establishes a youth advisory council to formally advise and make recommendations to elected officials on issues affecting youth in Colorado. Establishes eligibility for membership, terms of office, and the process for appointment to the council.

Outlines the duties of the council, including reporting requirements. Creates the youth advisory council cash fund. Repeals the part effective July 1, 2013.

EFFECTIVE May 29, 2008

Added 2-2-1300 (entire part 13); 2-3-1203(3)(z)(V).

H.B. 08-1159 State charter school institute - exclusive chartering authority - conversion of

charter schools - institute charter school application contents. Specifies that the state charter school institute (institute) and the state charter school institute board (institute board) are subject to the open records and open meetings laws.

Clarifies that a school district board of education (local board) in the same manner in which it retained exclusive authority to authorize charter schools within the geographic boundaries of the school district (exclusive authority), may seek to recover exclusive authority. Requires the state board of education (state board), within 60 days after receiving a resolution requesting exclusive authority, to decide whether to grant exclusive authority. If the state board denies exclusive authority, requires the state board to provide a written explanation of the basis for denial.

If a party challenges a grant of exclusive authority, specifies that the challenge must include supporting documentation. If a local board chooses to respond to the challenge, requires the local board to submit to the challenger and the state board a copy of its response in writing with supporting documentation. Directs the state board to give the challenger an opportunity to rebut the local board's arguments at a public meeting. Directs the state board to provide a written explanation of the basis for its decision in granting or denying exclusive authority in response to the challenge.

Clarifies that an institute charter school located within the boundaries of a school district that recovers exclusive authority continues to be under the control of the institute, unless the school converts to a district charter school. Specifies that a local board that receives exclusive authority retains the exclusive authority until revoked or voluntarily relinquished.

For purposes of granting exclusive authority, directs the state board to find that the local board can show a recent pattern of providing fair treatment to its charter schools. Deletes the provision that automatically grants exclusive authority to school districts with a specified percentage of low-income students enrolled in charter schools. Directs the state board to grant continuing exclusive jurisdiction to a local board with no history of considering charter school applications or authorizing charter schools so long as the local board meets specified requirements. If the state board denies exclusive authority, allows the local board to reapply as soon as it determines it has cured the reason for denial.

Specifies procedures by which a charter school, a charter school applicant, or an organization that represents charter schools may request revocation of a local board's exclusive authority and the grounds for revocation. Requires the state board to rule on the request for revocation within 60 days after receiving the request. If the state board revokes a local board's exclusive authority, requires the state board to provide a written explanation of the basis for its decision. Allows the local board to apply to recover exclusive authority as soon as it determines it has resolved the issue that was the basis for revocation.

Specifies procedures by which an institute charter school may apply to a school district to convert to a district charter school. Provides that conversion to a district charter school does not relieve an institute charter school of preexisting contractual obligations or relationships; except that the institute charter school is no longer subject to oversight by the institute. Specifies procedures by which a charter school of a school district may convert to an institute charter school. Provides that conversion to an institute charter school does not relieve a district charter school of preexisting contractual obligations or relationships; except that the district charter school is no longer subject to oversight by the school district.

Clarifies that the mission of the institute board is to foster high-quality public school choices particularly directed at closing the achievement gap for at-risk students. Directs the institute board to ensure that the board members' names and information concerning institute board meetings are posted and updated on the department of education's web site. Directs the institute to collect and update specified student enrollment data from institute charter schools. Requires each institute charter school authorized after July 1, 2008, to include the phrase "state charter school" in its name.

Expands the required information on an institute charter application. Requires the institute to notify the local board and the school district accountability committee of applications it receives for institute charter schools, and specifies the notice contents. Prior to ruling on an application for an institute charter school, requires the institute board to hold a public meeting in the school district in which the institute charter school would be located, and specifies requirements for the public meeting.

EFFECTIVE April 17, 2008

Added 22-30.5-503(8); amended 22-30.5-504(4); 22-30.5-504 IP(5)(a); 22-30.5-504(5)(a)(I)(B); 22-30.5-504(5)(b); added 22-30.5-504(5)(d); amended 22-30.5-504(6); 22-30.5-504(7); added 22-30.5-504(7.5); 22-30.5-504(10); amended 22-30.5-505 IP(3); added 22-30.5-505(3.5); 22-30.5-505(12); 22-30.5-507(1)(c); amended 22-30.5-510(1)(a); added 22-30.5-510(1)(a.3); 22-30.5-510(1)(a.5); amended 22-30.5-510(1)(b); added 22-30.5-510(1)(d); amended 22-30.5-510(2); 22-30.5-503(1)(b)(II).

H.B. 08-1162 Educators - authorizations - military spouses. Creates a military spouse interim authorization that allows a school district to employ, as a teacher, a special services provider, a principal, or an administrator, a military spouse who is certified or licensed in another state but who has not yet completed the educator licensure process in Colorado.

EFFECTIVE March 19, 2008

Added 22-60.5-111(7.5).

H.B. 08-1168 Financial literacy - standards - assessments. Directs the state board of education to adopt standards for financial literacy, to identify which of the financial literacy standards are appropriately assessed within a mathematics assessment, and to include those standards in the mathematics assessment that will be part of the new system of assessments. Allows for inclusion of the remaining financial literacy standards in other assessments.

Requires each school district to adopt financial literacy standards, to revise its curricula as necessary to include the financial literacy standards, and to adopt assessments that are aligned with the financial literacy standards.

EFFECTIVE June 5, 2008

Added 22-7-406(1)(c); 22-7-406(1)(d); amended 22-7-407(4); added 22-7-406(1)(c); amended 22-7-407(4); 22-7-1005(2)(a).

H.B. 08-1204 Facility schools for students placed outside the home - facility schools unit - facility schools board - duties - eligibility for grant programs. Creates the facility schools unit (unit) within the department of education (department). Specifies the duties of the unit, including:

- **Developing and maintaining the list of facility schools that are approved to**

receive reimbursement for education services provided to students who are placed at the facility (approved facility schools);

- Making recommendations to the facility schools board concerning curriculum and graduation requirements;
- Maintaining student information and records for students enrolled in approved facility schools;
- Collaborating with other agencies concerning the placement of students in approved facility schools;
- Adopting data reporting protocols and records transfer procedures for use by approved facility schools; and
- Purchasing and implementing a data system for student records.

Creates the facility schools board (board) as a type 1 board within the department. Directs the state board of education to appoint the members of the board to represent specified groups and to provide specified areas of expertise. Establishes terms and compensation for members of the board. Specifies the duties of the board, including:

- Adopting curriculum to be provided by approved facility schools;
- Adopting accountability measures to be applied to approved facility schools and their students;
- Promulgating rules for graduation requirements for students receiving services from approved facility schools and awarding a high school diploma to a student who, while receiving services from an approved facility school, meets the graduation requirements and applies for a high school diploma from the board.

Authorizes the board to make recommendations to the state board of education and the department of human services regarding specified issues pertaining to students receiving services from approved facility schools.

Directs the board to promulgate rules for creation and maintenance of the list of approved facility schools, including but not limited to rules for procedures by which facility schools may apply, the contents of the application, reporting requirements for approved facility schools, and the criteria that a facility school must meet to be placed on the list. Directs the unit to review applications and place facility schools that meet the requirements on the list. Specifies the minimum requirements that a facility school must meet to remain on the list, including adopting the curriculum and graduation

requirements adopted by the board, demonstrating compliance with the accountability measures adopted by the board, and complying with the student information reporting and tracking requirements established by the unit. Requires the unit to periodically review the approved facility schools to ensure they meet the statutory requirements, to provide a notice of noncompliance to an approved facility school that does not meet the requirements, and to remove the facility school from the list if it does not come into compliance within 30 days after receiving the notice. Allows a facility school that is removed from the list to reapply for placement on the list.

Makes approved facility schools eligible to participate in all categorical programs and all applicable education grant programs.

EFFECTIVE May 27, 2008

Added to and amended certain sections and parts of titles 22 and 23. Added 24-1-115(12); 24-1-115(13).

H.B. 08-1223 Department of education - training - dyslexia and literacy challenges. Allows the department of education (department) to make available to school districts, administrative units, residential treatment facilities, correctional facilities, and local education agencies technical assistance and training (training) pertaining to students with literacy challenges, including dyslexia. Requires the department to develop any training provided based on a tiered continuum of intensity for intervention within the response to intervention model. Encourages the department to coordinate the training with current best practices and work occurring in teacher preparation programs at state institutions of higher education. Requires the department to make an annual report to the state board of education and the education committees of the house of representatives and senate concerning the activities and status of the training.

EFFECTIVE August 5, 2008

Added 22-2-133.

H.B. 08-1224 Wellness - policies - local student wellness programs. Encourages school districts to expand their local wellness policies to adopt goals for several areas emphasizing healthy choices and lifestyles, including physical education, nutrition, and mental health counseling.

Expands the Colorado Comprehensive Health Education Act to include local student wellness programs that are coordinated with health education. Allows funding for local student wellness programs only in budget years in which the amount available in the Colorado comprehensive health education fund exceeds the amount available in the 2007-08 budget year, and allows funding for local student wellness programs only from the excess moneys. Allows funding for a local student wellness program only if the school district has adopted an expanded local wellness policy. In school districts in which the student enrollment exceeds 1,500, allows funding for a local student wellness program that includes physical education only if every person teaching physical education in the school district or board of cooperative services is licensed and endorsed in physical education.

EFFECTIVE August 5, 2008

Added 22-32-136(5.5); 22-25-102(3); 22-25-103(5.5); amended 22-25-104(1); 22-25-104(2); 22-25-104(3); 22-25-104(4); 22-25-104(5); 22-25-105; 22-25-106(1); 22-25-107(1).

H.B. 08-1317 Interstate compact - educational opportunities for children of military families.

Creates an interstate compact on educational opportunity for military children. Directs the governor to enter into a compact on educational opportunity for military children (compact) with other states to remove barriers to educational success that children of military families (military children) encounter because of frequent moves and deployment of their parents.

Enacts the following provisions through the compact:

- Facilitates the timely enrollment of military children who would otherwise face difficulties in the transfer of education records from a previous school district or in the variations in entrance or age requirements;
- Facilitates the student placement process by allowing waivers to ensure that military children are not disadvantaged by variations in attendance requirements, scheduling, grading, course content, or assessment;
- Streamlines qualifications and eligibility for enrollment, educational programs, and participation in extracurricular programs for military children;
- Facilitates the on-time graduation of military children;

- Provides for the promulgation and enforcement of administrative rules to implement the provisions of the compact;
- Provides for the uniform collection and sharing of information between and among states participating in the compact, schools, and military families;
- Promotes coordination between this compact and any other compacts that affect military children; and
- Promotes flexibility and cooperation among the educational system, military parents, and military children to achieve educational success for the student.

Creates the interstate commission on educational opportunity for military children (commission). Establishes membership on the commission, meeting requirements, and powers and duties of the commission. Gives the commission rule-making authority to effectively and efficiently achieve the purposes of the compact. Outlines oversight, enforcement, dispute resolution, and financing for the commission. Allows for the withdrawal from the compact by a member state under certain conditions.

EFFECTIVE August 5, 2008

Added 22-90-0 (entire article); 24-60-2400 (entire part 34).

H.B. 08-1335 Public schools - financial assistance for capital construction.

In order to increase the level of state financial assistance provided to school districts, boards of cooperative services, charter schools, and the Colorado school for the deaf and blind (applicants) so that public school facility capital construction projects can be completed more quickly, replaces existing programs that authorize the provision of capital construction assistance to school districts and charter schools through matching grants from the school construction and renovation fund and the school capital construction expenditures reserve and loans from the permanent school fund with a new financial assistance program. In creating the new program:

- Creates the public school capital construction assistance fund (assistance fund), and, for any fiscal year commencing on or after July 1, 2008, requires the following moneys to be credited to the assistance fund:

- The greater of 35% of the gross amount of income received during the fiscal year from income, mineral royalties, and interest derived from state public school lands (public school lands income) or an amount of such income equal to the total amount of lease payments to be made by the state under the terms of lease-purchase agreements entered into under the act less the total amount of matching moneys paid to the state for use in making such lease payments in accordance with the act (matching moneys);
 - All net proceeds from the sale of certificates of participation payable to the state under the terms of such lease-purchase agreements;
 - All matching moneys; and
 - Lottery proceeds that would otherwise be transferred to the general fund pursuant to the state constitution.
- Requires an emergency reserve of at least one million dollars to be maintained within the assistance fund during each fiscal year commencing on or after July 1, 2008, and allows the public school capital construction assistance board (board), subject to the approval of the state board of education (state board), to expend moneys from the reserve only to address a public school facility emergency.
 - Requires all interest and income earned on the deposit and investment of moneys in the assistance fund to be credited to the assistance fund.
 - Effective July 1, 2008, abolishes the school construction and renovation fund, the school capital construction expenditures reserve, the school capital construction expenditures reserve fund, and the lottery proceeds contingency reserve fund, and transfers their balances to the assistance fund.
 - Creates the division of public school capital construction assistance (division) as a type 2 agency within the department of education. States that the function of the division is to provide professional and technical support to the board so that financial assistance can be provided for public schools in an equitable, efficient, and effective manner, and specifies the powers and duties of the division.
- Creates the board as a type 1 agency within the department of education. Specifies the means of appointment, terms, and required qualifications of the members of the board, and states that the function of the board is to protect the health and safety of students, teachers, and other persons using public school facilities and maximize student achievement by ensuring that the condition and capacity of public school facilities are sufficient to provide a safe and uncrowded environment that is conducive to students' learning. Specifies the following duties:
 - Requires the board to perform its function by ensuring the most equitable, efficient, and effective use of the state revenues dedicated to provide financial assistance for capital construction projects by assessing public school capital construction needs throughout the state and providing expert recommendations to the state board regarding the appropriate prioritization and allocation of such financial assistance, and specifies the powers and duties of the board.
 - Requires the board to establish public school facility construction guidelines (guidelines) for use by the board in assessing and prioritizing public school capital construction needs, reviewing applications for financial assistance, and making recommendations to the state board regarding appropriate allocation of financial assistance from the assistance fund only. Requires the guidelines to identify and describe the capital construction, renovation, and equipment needs in public school facilities and means of addressing those needs that will provide educational and safety benefits at a reasonable cost and to address considerations relating to health and safety issues, technology, building site requirements, building performance standards and guidelines, the functionality of existing and planned public

- school facilities for core educational programs, the capacity of existing and planned public school facilities, public school facility accessibility, and the historic significance of existing public school facilities and the potential to meet current programming needs by rehabilitating such facilities.
- Requires the board to conduct with the assistance of the division, or contract for, a financial assistance priority assessment (assessment) of public school facilities throughout the state, and requires the guidelines to be applied in conducting the assessment. Requires the assessment of each public school facility capital construction project to be based on the condition of the facility, air and water quality in the facility, facility space requirements, the ability to accommodate educational technology, facility site requirements, and facility demographics, and requires the assessment to include five-year projections regarding these criteria.
 - Requires the board, or the division upon the board's request, to establish a database to store the data collected through the assessment and to make the data collected available to the public in an easily accessible form that complies with any federal or state laws or regulations concerning privacy.
 - With respect to financial assistance, requires the board to establish an annual application timeline and specifies application requirements, evaluation criteria, and matching moneys requirements, as well as factors to be considered in determining the amount of required applicant matching moneys or the waiver of matching moneys requirements, but also allows the state board to establish or cause to be established interim financial assistance application deadlines and applications for the 2008-09 fiscal year only and to designate department personnel to preliminarily review financial assistance applications until the board and the director of the division have been appointed.
 - Specifies that applications for financial assistance shall be in a form prescribed by the board, and establishes items to be included in the application.
 - Requires the board, taking into consideration the assessment, to prioritize financial assistance applications for eligible public school facility capital construction projects based on the following criteria, in descending order of importance:
 - Projects that address safety hazards or health concerns, including security concerns;
 - Projects that will relieve overcrowding;
 - Projects that are designed to incorporate technology into the educational environment; and
 - All other projects.
 - Requires the board to annually submit a prioritized list of projects recommended for financial assistance to the state board, and requires the state board to approve, disapprove, or modify financial assistance awards.
 - Specifies that, subject to state board authorization, the board may provide financial assistance to applicants as matching grants or by instructing the state treasurer to enter into lease-purchase agreements on behalf of the state to finance public school facility capital construction.
 - Allows applicants to apply for financial assistance, but requires a charter school to notify its chartering authority (authorizer) in advance that it intends to apply for financial assistance and to forward its application for financial assistance to the authorizer, which must then forward the application to the board together with a letter indicating the authorizer's position regarding the application.
 - Specifies procedures by which an award of financial assistance may be made to address an unanticipated

public school facility emergency that makes all or a significant portion of a public school facility unusable for educational purposes or threatens the health or safety of persons using the facility.

- Limits the total amount of annual lease payments payable by the state in any fiscal year, and requires payments above lower specified limits to be made only from applicant matching moneys.
- Specifies additional procedural and legal requirements relating to lease-purchase agreements, including, but not limited to, requirements that the board enter into a sublease-purchase agreement on behalf of the state for any public school facility financed by a lease-purchase agreement with the applicant that will use the facility and that the state treasurer approve any such sublease-purchase agreement.
- Requires legal ownership of any public school facility financed by a lease-purchase agreement to be transferred from the state to the applicant upon the fulfillment of both the state's obligations under the lease-purchase agreement and the applicant's obligations under the sublease-purchase agreement.
- Requires continued payment of specified capital construction assistance awarded to school districts or charter schools prior to the end of the 2007-08 fiscal year.
- Specifies that the board and division exercise their powers and duties subject to open meeting and records laws.
- Specifies program reporting and auditing requirements.

PORTIONS EFFECTIVE May 22, 2008

PORTIONS EFFECTIVE July 1, 2008

Repealed and reenacted 22-43.7-0 (entire article); amended 22-32-127(1)(a); 22-32-127(4); 22-41-102(1); 22-41-102(3); repealed 22-41-106; added 24-1-115(11); amended 24-82-801(4); 2-3-115(1)(b); 2-3-115(2)(c); 2-3-115(2)(e); 2-3-1304(1)(a.6); 2-3-1304(1)(b); 22-5-111(2); 22-54-117(2); 22-54-117(3); 23-15-103(8)(a)(VIII); 23-15-117; 36-1-116(1); repealed 22-54-117(1.5); 22-54-117(1.6); 22-54-117(1.7); 2-3-1203(3)(dd)(VII); 24-75-201.1(4).

H.B. 08-1336 School attendance - reporting of unexcused absences - services for truant

students. Requires the state board of education to adopt guidelines for the standardized calculation of unexcused absences of students from school. Requires a school district to report annually to the department of education (department) concerning the number of students who are habitually truant. Requires the department to post this information on the internet. Allows the department to post information on the internet concerning effective, research-based, truancy- and dropout-prevention programs for the benefit of school districts.

Allows a school district to include truant students when identifying students who are at risk of suspension or expulsion from school. Allows certain entities to apply for grants from the expelled and at-risk student services grant program to serve students who are truant.

EFFECTIVE August 5, 2008

Added 22-33-104(4)(c); 22-33-107(4); 22-33-107(5); amended 22-33-202(1); 22-33-205(1)(a); 22-33-205(2)(b)(III).

H.B. 08-1344 School employment background checks - timelines - verification of the results - background check updates - waiver of sovereign immunity for failure to perform background check - license action post on web site - settlement agreement requirements.

Requires the department of education (department) to respond to a background query within 10 days with the information that it possesses after receiving the request and within 10 days after receipt of the information that it must request from another source. Requires a school district to verify the results of the background check. Requires the department to forward fingerprint check updates to each school district and charter school in the state. Directs the school districts and charter schools to cross-check its employee lists with the updates. Directs a school district board of education to report to the department within 10 days after a dismissal or resignation as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of the evidence.

Creates a cause of action against a school district or the department when the school district or the department fails to perform an education employment required background check prior to hiring an individual who will work with children or in a setting with children and the individual then commits a crime against a child.

Waives sovereign immunity for the cause of action.

After denying, annulling, suspending, or revoking an educator license, requires the department to post the name of the person and the basis for the action on its web site. After denying, annulling, suspending, or revoking a license because the holder was convicted of felony child abuse or felony unlawful sexual behavior, directs the department to release the name of the individual to the public and directs the department to enter into a settlement agreement with the individual that bars the individual from teaching at a public or private school in the U. S.

EFFECTIVE June 5, 2008

Added 22-2-119(3); 22-2-119(4); amended 22-32-109.7(3); added 13-80-103.9; 24-10-106(1)(h); 22-60.5-107(8); amended 22-60.5-108.

H.B. 08-1370 School counseling - school counselor corps grant program. Makes legislative findings concerning the importance of school counseling services for students in middle, junior high, and high schools (secondary students). Creates the school counselor corps grant program (program) as a program to provide three-year grants to school districts, boards of cooperative services, and charter schools to use in increasing the number of school counselors for secondary students and the level of school counseling services provided.

Directs the state board of education (state board) to adopt rules to implement the program. Requires the department of education (department) to administer the program. Specifies the minimum information to be included on grant applications and the minimum criteria for the department and the state board to apply in awarding grants. Directs the department and the state board to work with experts in school counseling in administering the grants. Requires the department to report to the education committees of the general assembly concerning implementation of the program.

EFFECTIVE May 27, 2008

Added 22-91-0 (entire article).

H.B. 08-1384 Teacher recruitment and retention - teaching and learning conditions survey - national board certification - exchange educators. Requires the department of

education (department) to administer a biennial teaching and learning conditions survey to all teachers to be used for planning and designing future programs. Requires the department to provide stipends to a teacher who is employed by a school district, a board of cooperative services, or a charter school and who holds a national board for professional teaching standards certification. Requires the department to contract with an outside source to conduct two studies concerning the effectiveness of the annual stipends awarded to teachers who hold a national board for professional teaching standards certification.

Creates an exchange teacher interim authorization for participants in nationally recognized exchange programs who are certified or licensed to teach in another country.

EFFECTIVE May 27, 2008

Added 22-2-500 (entire part 5); 22-60.5-111(7.7); amended 22-63-205(1).

H.B. 08-1386 School leadership academy program - board - rules. Creates the school leadership academy program (program) within the department of education (department) to provide comprehensive leadership and professional training to qualified persons for leadership positions in public schools.

Creates the school leadership academy board (board) within the department. Establishes duties of the board. Requires the board to report annually to the commissioner of education and the education committees of the house of representatives and the senate. Establishes the minimum contents of the report. Requires the board to adopt policies and procedures for the purposes of the program and to submit the policies and procedures to the state board of education (state board) for approval. Requires the state board to review the policies and procedures and either approve or recommend changes to the policies and procedures. Requires the board to immediately incorporate any changes to the policies and procedures that are recommended by the state board. Requires the board to set forth curricular components for the program. Requires the board to advise the state board concerning the promulgation of rules establishing standards and criteria for the approval of proposed induction programs for initial principal licensees and for the review of approved induction programs for initial principal licensees. Sets a review and repeal date of July 1, 2017, for the board.

Requires that the department receive at least \$50,000 in gifts, grants, or donations prior to implementing the program. Authorizes the program as a permissible recipient of funding from the state education fund.

Establishes the principal academy within the program for professional and leadership training of principals and potential principals. Specifies minimum curricula that shall be included in the training provided by the principal academy. Requires the department, in selecting participants for the principal academy, to use criteria adopted by the board.

Requires the state board to consult with the board concerning the promulgation of rules establishing standards and criteria for the approval of proposed induction programs for initial principal licensees and for the review of approved induction programs for initial principal licensees.

EFFECTIVE August 5, 2008

Added 22-13-0 (entire article); 2-3-1203(3)(dd)(X); amended 22-60.5-304(3).

H.B. 08-1388 School finance - base per pupil funding - full-day kindergarten funding and programs - district's pupil enrollment - required district budget allocations - limitation on total additional district property tax revenue - small attendance center aid - charter school capital construction - funding for approved facility schools - declining pupil enrollment study - conflicts of interest for state board of education and state charter school institute board members - high cost grants - Colorado preschool program - kindergarten facility capital construction - school district budget requirements - national teaching credential - alternative teacher compensation plan grants.

Amends the "Public School Finance Act of 1994" as follows:

- For the 2008-09 budget year, increases the statewide base per pupil funding to \$5,270.13, which reflects an increase over the preceding budget year of 2.2% for inflation, plus one percentage point, plus an additional \$19.72 per pupil.
- Beginning in the 2008-09 budget year, provides school districts (districts) with supplemental kindergarten enrollment funding to be used in furtherance of a full-day kindergarten program. Includes a district's supplemental kindergarten enrollment in the district's funded pupil count for the applicable budget year.

- Beginning in the 2008-09 budget year, allows a district to average the district's pupil enrollment for the applicable budget year and up to the 4 immediately preceding budget years when determining the district's funded pupil count.
- For the purpose of averaging a district's pupil enrollment from prior budget years to determine the district's funded pupil count, excludes a pupil who received services through an approved facility school from a district's pupil enrollment for the 2004-05 through 2007-08 budget years.
- Beginning in the 2008-09 budget year, requires a district to increase the minimum dollar amount it budgets per pupil for both the district's instructional supplies and materials account and the district's capital reserve fund by at least the rate of inflation.
- Eliminates the requirement that each district that participates in the Colorado preschool program (CPP) allocate the amount it receives for the purposes of the district's preschool program to a separate fund.
- Modifies the limitations on the total amount of additional property tax revenues that a district may request permission from the voters in the district to raise and expend.
- Requires every school of a district, charter school of a district, and institute charter school to include in the materials for pupil registration the pupil application form to participate under the federal "National School Lunch Act" or, if the school does not participate in the federal nutrition programs, the family economic data survey form created by the department of education (department).
- Beginning in the 2008-09 budget year, limits small attendance center aid to districts or institute charter schools that received the aid prior to the 2008-09 budget year.
- For the 2008-09 budget year, appropriates an additional \$5 million from the state education fund for charter school capital construction purposes.
- Requires that, of the additional amount appropriated for charter school capital construction in the 2008-09 budget year, \$135,000 shall be distributed to a qualifying charter school for the deaf or blind. Requires the charter school to use the moneys solely for operating costs

that are not defrayed by other funding sources.

- Beginning in the 2008-09 budget year, establishes a mechanism for the department to distribute funding to each approved facility school to provide educational services for the entire budget year to students who receive educational services at the facility school. Modifies existing provisions to conform to the funding mechanism.
- For each district that provided children with a full day of kindergarten through the CPP in the 2007-08 budget year, requires that the district receive hold-harmless full-day kindergarten funding in an amount that allows the same number of children in the district to attend a full day of kindergarten in the 2008-09 budget year and each budget year thereafter as attended a full day of kindergarten through the CPP in the 2007-08 budget year.
- Encourages districts that offered a full-day kindergarten program prior to the 2008-09 budget year to use the moneys received for full-day kindergarten to expand the district's existing program, rather than defray the costs of the existing program.
- Encourages districts that provide a full-day kindergarten program to comply with the program standards established for the CPP by the state board of education (state board), as they may apply to a full-day kindergarten program.
- In offering a full-day kindergarten program, encourages districts, when enrolling children in the program, to prioritize children who are homeless.
- Directs districts to use a certain percentage of funding from supplemental kindergarten enrollment to provide access to a full-day kindergarten program.
- Specifies the amount that the general assembly intends to appropriate to districts to offer full-day kindergarten programs for the 2009-10 through 2013-14 budget years.
- Requires the department, upon the request of a district, to provide technical assistance necessary for the implementation of a full-day kindergarten program.
- Directs the department to contract with a private person or entity to conduct a study to evaluate how declining pupil enrollment in districts statewide impacts the students that remain in the districts

with declining enrollment and to recommend possible remedies to any negative impacts that declining enrollment may have on students.

- For the 2008-09 budget year, for each district that reported to the department pupils who were receiving educational services through an approved facility school, requires that the district receive hold-harmless facility school funding for each pupil that the district reported to the department in the 2007-08 budget year.

Prohibits a member of the state board from serving as an officer, employee, or board member of the state charter school institute or the institute board during his or her term of office. Prohibits a member of the state charter school institute board from serving as a member of the state board during his or her term of office.

Eliminates the requirement that districts and institute charter schools that participate in the summer school grant program provide reading, writing, or mathematics education services through the program to students entering the 4th grade.

Beginning in the 2008-09 budget year, increases the appropriation to fund grants to administrative units as reimbursement for costs incurred in providing special education services to children with disabilities in the preceding budget year.

- Amends the "Colorado Preschool and Kindergarten Program Act" as follows:
- Beginning in the 2008-09 budget year, allows a total of 20,160 children to participate in the CPP statewide.
- Beginning in the 2008-09 budget year, eliminates the option for districts to provide a full day of kindergarten to children through the CPP.
- Beginning in the 2008-09 budget year, allows a district that applies to participate in the CPP to apply for permission to receive funding for a 9-month program but to use up to half of the moneys to prepare to offer a preschool program and the remainder of the moneys to offer a 4.5 month preschool program.
- Requires a district to use CPP moneys only to pay the district's cost of providing preschool services directly to children enrolled in the district's preschool program.
- Authorizes the revisor of statutes to change all references to the Colorado

preschool and kindergarten program and to the state preschool and kindergarten program that appear in the Colorado Revised Statutes to the Colorado preschool program and to change all references to a district or district's preschool and kindergarten program that appear in the Colorado Revised Statutes to a district or district's preschool program.

Expands the purposes for which a district may contract bonded indebtedness to include acquiring, constructing, or improving any capital asset that the district is authorized to own by law.

Establishes the full-day kindergarten facility capital construction fund. Specifies that the moneys in the fund shall be used to provide grants or matching grants to any district or institute charter school that is renovating or renting a facility, or purchasing a temporary facility, that will be used to provide a full-day kindergarten program.

If a school district board of education (district board) determines after it has adopted a budget that the use of a portion of the district's beginning fund balance is necessary, allows the district board to adopt a resolution specifically authorizing the use of the fund balance. Authorizes a district board to review and change its adopted budget at any time prior to January 31 of the fiscal year for which the budget was adopted.

Beginning in the 2008-09 budget year, requires a district that does not report any full-day kindergarten pupils in the district's October 1 count to hold the moneys received for full-day kindergarten programs in a reserve in the district's general fund until the district enrolls one or more children in a full-day kindergarten program. Directs the financial policies and procedures advisory committee created in the department to establish tracking requirements deemed necessary by the committee for the moneys districts receive through supplemental kindergarten enrollment.

Modifies the eligibility criteria for a person who is seeking a national teaching credential to allow the person to receive assistance from the department to retake the national credential exam or to participate in a portion of the national credential program.

Beginning in the 2009-10 budget year, allows the department to withhold 2% of the amount payable to each approved facility school to

offset the costs incurred by the facility schools unit created in the department.

Creates the alternative teacher compensation plan grant program in the department to provide funding to one or more districts to support the design and development of an alternative teacher compensation plan that is tailored to the receiving district.

Repeals the summer school grant program for facility schools. Eliminates the preschool and kindergarten fund that is created in each district.

EFFECTIVE May 22, 2008

Added to, amended, and repealed certain sections and parts of title 22; added 24-48.5-109(2)(b).

SENATE JOINT RESOLUTIONS

S.J.R. 08-011 (Senate Joint Resolution)
Commemoration of career and technical education month. February 2008 has been designated Career and Technical Education Month by the Association for Career and Technical Education.

Profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational system.

Career and technical education provides Americans with a school-to-careers connection and is the backbone of a strong and well-educated workforce, fosters productivity in business and industry, and contributes to America's leadership in the international marketplace.

Career and technical education gives high school students experience in practical, meaningful applications of relevant academic skills such as reading, writing, and mathematics, thus improving the quality of their education, retaining under-represented youth in school, and giving all students leadership opportunities in their fields and in their communities.

Career and technical education offers individuals lifelong opportunities to learn new skills, which prepare them for post-secondary opportunities and provide them with high-skill, high-wage, and high-demand career choices.

The ever-increasing cooperative efforts of career and technical educators, business, and industry

stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for career fields forecasted to experience the largest and fastest growth in the next decade.

Colorado career and technical education programs are a vital part of our state's education system and 37% of high school students from over 160 school districts are enrolled in one or more career and technical education programs.

Student success in Colorado career and technical education programs is impressive; of the over 80,000 students at the secondary level who were enrolled in programs, 94% of those students who completed the program were employed in jobs related to their field of study or continuing their education one year later.

Career and technical education in Colorado is rigorous; nearly two-thirds of high school students enrolled in a program enter into some kind of postsecondary program, and the nearly 30,000 postsecondary students enrolled have over 600 career and technical education programs to choose from.

The members of the Colorado General Assembly proclaim the month of February as Career and Technical Education Month.

Adopted by the General Assembly February 22, 2008.

HOUSE JOINT RESOLUTIONS

H.J.R. 08-1020 (House Joint Resolution)
Encouraging school districts to make open enrollment information readily available on school district web sites. Section 22-36-101, Colorado Revised Statutes (C.R.S.) provides for open enrollment options within school districts and across school boundaries.

Information concerning open enrollment options should be easily available to parents to help them make informed decisions about the enrollment of their children in public schools.

Many school districts operate public web sites on the internet for the purpose of making available information about the school districts and about individual schools within the school districts.

Many parents use the internet as a method of gathering information about the open enrollment process.

The department of education has recognized the importance of making information to parents via the internet.

School districts should support the efforts of the department of education by making open enrollment information as easily available to parents as possible.

The members of the General Assembly, encourage each school district that operates a school district web site to make open enrollment information as easily available to parents as possible by including the following information on the school district's web site:

(1) One or more web pages that summarize school district open enrollment policies and procedures for interdistrict and intradistrict open enrollment and transfers;

(2) Information concerning the eligibility of a student to participate in school activities if the student has transferred from one school to another school either within the school district or within another school district;

(3) Information concerning the open enrollment application process, including how and where to obtain an application;

(4) Information concerning open enrollment time lines, including how long an enrollment shall remain valid;

(5) Contact information for one or more individuals employed by the school district who are responsible for answering questions from parents concerning the open enrollment process; and

(6) A tab or link on the home page of the school district web site that links viewers to open enrollment information, is clearly labeled with language that includes the words "open enrollment", and is available at all time of the year.

Adopted by the General Assembly May 6, 2008.

H.J.R. 08-1022 Recognition of home education day in Colorado. The state recognizes the importance of parental choices in pursuit of educational excellence and the significance of family involvement in education.

The state of Colorado recognizes the rights of parents to direct the education and upbringing of their children.

Home education is a part of America's national heritage, as evidenced in the formative years of home-educated Americans such as George Washington, Thomas Jefferson, John Quincy Adams, Abraham Lincoln, Theodore Roosevelt, Franklin D. Roosevelt, Abigail Adams, Patrick Henry, John Jay, Booker T. Washington, Andrew Carnegie, Thomas Edison, Mark Twain, and Ansel Adams.

Thousands of parents in Colorado have chosen to teach their children at home.

The tens of thousands of students who are being taught at home save the state and local governments at least one hundred million dollars every year.

Home-educating parents should be commended for their extraordinary sacrifice and the commitment they bring to the education of their children.

Studies have found that, on average, home-educated students in grades one through twelve score between the seventy-fifth and ninetieth percentiles on national standardized tests.

Studies have also found that home-educated students consistently score high on standardized tests, regardless of the educational background of their parents.

Recently in California, an appellate state court ruled that parents must be certified teachers to home educate their children in that state; now therefore,

(1) The members of the Colorado General Assembly declare that:

(a) Home education is a legitimate alternative to classroom attendance for the instruction of children;

(b) Any regulation of nonpublic home-education programs should be sufficiently flexible to accommodate a variety of circumstances; and

(c) Parents need not be licensed teachers to teach their children at home in Colorado.

(2) We honor, thank, and celebrate home educators and the home-educated children of this state and recognize April 11, 2008, as Home Education Day in Colorado.

Adopted by the General Assembly April 11, 2008.

EDUCATION – UNIVERSITIES AND COLLEGES

S.B. 08-017 Community colleges and occupational education - teachers and professionals - credentials - fees - authority.

Retains authority in the state board for community colleges and occupational education (state board) for establishing minimum qualifications necessary for teachers and other professionals in occupational education at both the secondary and postsecondary levels. Places with the SBCCOE the authority for issuing credentials, including establishing and charging fees, for postsecondary occupational education teachers and professionals, but allows the state board to delegate to a postsecondary institution the authority to issue the credentials. Retains in the department of education the authority for issuing credentials, including establishing and charging fees, for junior high school, middle school, and high school occupational education teachers and professionals. Authorizes the department of education to enter into a memorandum of understanding with the state board to allow the state board for one year to issue credentials to secondary-level teachers and professionals.

EFFECTIVE May 20, 2008

Added 22-2-132; amended 23-60-304(3).

S.B. 08-018 Higher education governance - roles of the department of higher education and the Colorado commission on higher education - private occupational school division - obsolete provisions. Clarifies the roles of the department of higher education and the Colorado commission on higher education. Consolidates the statutes related to the private occupational school division. Repeals obsolete higher education provisions.

EFFECTIVE May 28, 2008

Added to, amended, and repealed certain sections and parts of titles 12, 23, 24, and 39.

S.B. 08-133 Teach Colorado grant initiative - scholarships for teacher candidates. Creates the teach Colorado grant initiative (grant initiative) in the department of higher education (department) to award grants to public institutions of higher education to fund scholarship programs for students who are enrolled or who are enrolling in

approved teacher preparation programs with the intent to teach in high-need content areas in Colorado public schools upon graduation.

Requires the department to implement and administer the grant initiative and to collaborate annually with the department of education in determining the high-need content areas.

Directs the department in awarding the grants to public institutions of higher education to give special consideration to scholarship programs that meet certain criteria, including the need for teachers in high-need content areas and in rural and high-poverty school districts

Limits the amount of each scholarship to no more than the amount of in-state tuition charged by the awarding public institution of higher education for 30 semester hours of credit.

Requires the Colorado commission on higher education to report to the education committees of the senate and house of representatives concerning the grant initiative. Authorizes the department to seek and accept gifts, grants, and donations for implementation of the grant initiative.

EFFECTIVE May 12, 2008

Added 23-3.3-900 (entire part 9).

H.B. 08-1058 Athlete agents - registration - contracts with student athletes. Enacts the "Uniform Athlete Agents Act", drafted by the national conference of commissioners on uniform state laws, and amends and repeals statutes that previously limited the activities and conduct of athlete agents making contracts with college athletes.

Provides for the uniform registration of athlete agents seeking to represent college athletes pursuing commercial endorsement contracts or contracts to become professional athletes (agency contracts). Requires athlete agents to register with the division of registrations in the department of regulatory agencies within seven days after contact with a student athlete in this state. Requires athlete agents to disclose certain information in order to be registered. Provides for reciprocal registration with other states that have adopted the uniform act.

- Imposes certain requirements and disclosures to be given to student athletes in an agency contract, including:
- The amount and method of calculating the athlete agent's compensation;

- The name of any unregistered person receiving compensation because the student athlete signed the agreement;
- A description of reimbursable expenses and services to be provided; and
- Warnings disclosing the cancellation and notice requirements under the uniform act.

Decreases the time period of the statutory right of a student athlete to cancel an agency contract, without penalty, from 15 days to 14 days after the agency contract is signed.

Requires both the athlete agent and the student athlete to give notice of an agency contract made with an athlete agent to the athletic director of the affected educational institution within 72 hours after signing the agency contract or before the student athlete's next scheduled athletic event, whichever occurs first.

Gives the educational institution a statutory right of action against an athlete agent or former student athlete for damages, including losses and expenses incurred as a result of the educational institution being penalized, disqualified, or suspended from participation by an athletics association or conference or as a result of reasonable self-imposed disciplinary actions taken to mitigate sanctions. Allows for the recovery of costs and reasonable attorney fees to the prevailing party.

- Prohibits an athlete agent from:
- Providing materially false or misleading information or making a materially false promise or representation with the intent of inducing a student athlete to enter into an agency contract;
- Furnishing anything of value to a student athlete or another person before the student athlete enters into the agency contract;
- Violating certain registration requirements.

Imposes criminal penalties for such violations.

EFFECTIVE July 1, 2008

Added 23-16-200 (entire part 2); amended 23-16-102 IP; repealed 23-16-103; amended 23-16-104; repealed 23-16-105; amended 23-16-107(1); repealed 23-16-108; added 24-34-102(2.5); 24-34-104(45)(f).

H.B. 08-1079 State assistance for vocational education. Replaces the term "vocational education" with the term "career and technical

education" in specified statutes. Requires specified moneys to be distributed based on actual, rather than estimated, expenditures by participating school districts, boards of cooperative services, and institute charter schools. Amends the standards for eligibility for grants of specified moneys. Changes the date by which the state board for community colleges and occupational education shall report to the joint budget committee and the education committees of the house of representatives and senate concerning the implementation and results of specified programs. Amends the mandatory contents of the report.

Authorizes the revisor of statutes, where appropriate, to change all references to "vocational education" in the Colorado Revised Statutes to "career and technical education."

EFFECTIVE August 5, 2008

Amended 23-8-0 (entire article).

GOVERNMENT – LOCAL

H.B. 08-1111 Flag of the United States - purchase for display - only made in the United States. Specifies that any state agency or local government that purchases a flag of the United States for display may only display such flag if it has been made in the United States.

EFFECTIVE September 11, 2009

Added 24-15.5-0 (entire article); 29-10.5-0 (entire article).

GOVERNMENT – STATE

S.B. 08-001 Public safety - schools - school safety resource center. Creates in the department of public safety (department) the school safety resource center to assist schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations. Sets forth the duties of the center. Authorizes the center to employ staff. Authorizes the department to contract for services to fulfill the duties of the center.

Creates in the department the school safety resource center advisory board (advisory board) to recommend the policies of the center. Describes the members of the advisory board,

including the appointing authority of each member.

Repeals the advisory board following sunset review in 2017.

Requires the director of the center to report to the executive director of the department concerning the efficacy and value of the services provided by the center to schools. Requires the executive director of the department to report to the education and judiciary committees of the house of representatives and senate concerning the efficacy and value of the services provided by the center to schools.

EFFECTIVE May 13, 2008

Added 24-33.5-1800 (entire part 18); 2-3-1203(3)(dd)(XI).

S.B. 08-122 Disclosure of wage information by employee - discrimination prohibited. Makes it a discriminatory or unfair labor practice for an employer to discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee because the employee inquired about, disclosed, compared, or otherwise discussed wages; to require as a condition of employment nondisclosure by an employee of his or her wages; or to require an employee to sign a waiver denying the employee the right to discuss wages. Exempts employers who are exempt from the "National Labor Relations Act."

EFFECTIVE August 5, 2008

Added 24-34-402(1)(i).

S.B. 08-147 State-assisted facilities - energy efficiency. Repeals an exemption for facilities constructed with local government severance tax and mineral leasing funds from the requirement that state-assisted facilities be designed, constructed, and renovated pursuant to a high performance standard certification program. Authorizes the department of personnel (department) to rely on any national or locally appropriate fuel escalating methodology approved by the department in performing life-cycle cost analyses.

Directs the state board of housing to adopt a nationally recognized high energy performance building standard program for publicly assisted housing projects and to report annually on the program to the general assembly. Allows the executive director of the department of local

affairs to exempt a particular publicly assisted housing project from the program based on extenuating circumstances.

EFFECTIVE August 5, 2008

Amended 24-30-1301(13)(b)(II); 24-30-1301(13)(b)(III); 24-30-1305(3)(b); added 24-32-718(4).

H.B. 08-1025 Governor's energy office - creation - duties. Statutorily creates the governor's energy office within the office of the governor. Specifies that the director is the head of the office. Establishes duties and powers of the office and the director.

- The energy office shall implement and administer a wind for schools project.
- Adopt policies for the implementation of the wind for schools grant program.
- Establish and manage a program to improve energy efficiency in public schools.

EFFECTIVE March 18, 2008

Added to and amended sections and parts of titles 22, 24, 25, 30, 31, 36, 39, and 40.

H.B. 08-1048 State emblems - size of state seal. Establishes that the size of the state seal shall be specified by the secretary of state.

EFFECTIVE August 5, 2008

Amended 24-80-901.

H.B. 08-1207 Procurement - environmentally preferable products. Repeals the requirement that the state procure environmentally preferable services and specifies that the environmentally preferable products preference does not apply to the purchase of services, including construction services. Requires a governmental body to award contract to a bidder who offers environmentally preferable products unless the specifications used in the solicitation contain environmentally preferable product criteria or selecting an environmentally preferable product would otherwise be disadvantageous to the state. Requires invitations for bids for products to describe the availability of the purchasing preference for environmental products. Bases the 5% ceiling for increased costs of procuring environmentally preferable products solely on the bid price and clarifies that the analysis of increased costs includes the costs of ownership and a life-cycle analysis. Directs the governor's

energy office to maintain a list of entities that certify whether products are environmentally preferable.

EFFECTIVE August 5, 2008

Amended 24-103-207.5.

H.B. 08-1267 Public safety - school safety resource center - school mapping system. Requires the school safety resource center (center) in the department of public safety (department) to designate at least one but not more than 3 schools to participate in a cooperative effort to create a first responder school mapping system (mapping system) to provide first responders immediate access to maps of school buildings and other information in the event of an emergency at a school building. Allows the participant schools to contract with one or more public or private entities with experience in creating mapping systems. Requires the participant schools, before entering into any contract or otherwise proceeding with plans for the creation of the mapping system, to submit the contract or plans to the center to approve or disapprove. Requires the department to reimburse the participant schools for the direct and indirect costs of creating the mapping system.

Specifies that the act takes effect either upon passage or upon the effective date of Senate Bill 08-001, whichever is later; except that this act shall only take effect if Senate Bill 08-001 is enacted and becomes law.

NOTE: S.B. 08-001 became law on May 13, 2008.

EFFECTIVE May 13, 2008

Added 24-33.5-1802(3.3); amended 24-33.5-1803(3)(f).

H.B. 08-1274 Address confidentiality program - program changes. Makes the following changes to the address confidentiality program for victims of domestic violence, a sexual offense, or stalking that is administered by the secretary of state:

- Modifies the definition of the term "actual address" to include an individual's county and voting precinct number;
- Changes the way the secretary of state designates an application assistant;
- Eliminates restrictions on the substitute address designated by the secretary of state;

- Eliminates the requirement that a program application be delivered to the secretary of state;
- Permits a family member of a program applicant other than a parent, spouse, or child to become a program participant if such person's participation is necessary to ensure the safety of the applicant;
- Requires the consent of any person other than the applicant who is 18 or older to be a program participant;
- Temporarily exempts a substitute address from being used in the administration of any public assistance, social services, welfare, or medical assistance program where the actual address and other individual identifying information is confidential and protected from public disclosure; and
- Requires a school district to use a substitute address for admission purposes and to verify student enrollment information with the secretary of state.

EFFECTIVE June 2, 2008

Added 24-21-104(3)(d)(XIII); 24-21-104(3)(d)(XIV); amended 24-21-203(1); 24-21-203(4); 24-21-203(5); 24-21-204(2); 24-21-204(5); 24-21-205 IP(1); 24-21-205(3)(j); 24-21-208(3); added 24-21-208(8.5); amended 24-21-208(9); 24-21-214(4)(a); 24-21-214(4)(c).

H.B. 08-1364 Data - interdepartmental data protocol - cash fund - preschool uniquely identifying student numbers. Directs the chief information officer (CIO) in the office of information technology created in the governor's office to convene the data protocol development council (council) consisting of representatives from executive branch state agencies. Identifies the minimum contents of the data protocol, and directs the CIO and the council to set time lines for implementation of the data protocol.

Creates the interdepartmental data protocol cash fund (cash fund) for gifts, grants, and donations received by the office of information technology for implementation of the act. States that the CIO is not required to implement the act until at least \$113,500 is credited to the cash fund and that the act is to be implemented without using state moneys. Requires the CIO to report to the governor and the state, veterans, and military affairs committees of the general assembly concerning the data protocol.

Clarifies that the data protocol shall not nullify any existing memoranda of understanding nor

prohibit the creation of new memoranda of understanding among state agencies concerning data sharing. Provides that the data protocol shall not prohibit the release or sharing of data with nongovernmental entities or individuals pursuant to the open records statutes or pursuant to contract. With the implementation of the data protocol, authorizes state agencies to share and release data.

Directs the commissioner of education and the executive director of the department of human services to convene a working group to review issues concerning, and adopt protocols for, assigning a uniquely identifying student number to children who receive government-subsidized early childhood education services. Requires the commissioner to report the working group's findings to the CIO. Following adoption of the protocols for uniquely identifying student numbers, requires the state board of education and the state board of human services to adopt rules as necessary for assignment of the numbers.

EFFECTIVE August 5, 2008

Added 24-37.5-700 (entire part 7); 22-2-134; 26-6-121.

LABOR AND INDUSTRY

S.B. 08-193 Public contracts for services - illegal aliens - exceptions to contract requirements - federal electronic employment eligibility verification program - creation of department program. Updates the definition of a federal electronic employment eligibility verification program to reflect the program's new name. Excludes certain types of agreements from the definition of public contract for services as used in the law relating to public contracts for services and illegal aliens.

Creates the department program in the department of labor and employment, which program requires participating contractors that enter into a public contract for services to affirm that the contractor has examined the legal work status of each employee who is newly hired for employment to perform work under the public contract for services. Modifies the precontract certification required of a prospective contractor to limit the scope of the statement about its employees and to require future participation in the federal electronic employment eligibility verification program or the department program. Requires all public contracts for services to include a provision that requires a contractor to

use the federal electronic employment eligibility verification program or the department program to verify the employment eligibility of certain employees. Clarifies that nothing in the act requires a contractor to violate any terms of participation in the federal electronic employment eligibility verification program.

EFFECTIVE May 13, 2008

Amended 8-17.5-101(1); added 8-17.5-101(3.3); 8-17.5-101(3.7); 8-17.5-101(4.5); amended 8-17.5-101(5); 8-17.5-101(6); 8-17.5-102-(1); 8-17.5-102(2)(b)(I); 8-17.5-102(2)(b)(II); 8-17.5-102(5)(a); added 8-17.5-102(5)(c); 8-17.5-102(6).

H.B. 08-1180 Unemployment insurance - benefits - eligibility - quitting job to accompany transferred military spouse. Removes the limitation that a transfer must be during time of war or armed conflict and for medical-related purposes in order for an individual who relocates with an active-duty military spouse to be eligible for unemployment insurance benefits.

- Requires the division of employment and training in the department of labor and employment to:
- Maintain records of claims made and amounts awarded to individuals who quit a job to relocate with an active-duty military spouse who is transferred; and
- Annually report such information to specified legislative committees.

Specifies that an award of benefits under these circumstances shall not affect an employer's premium.

Effective July 1, 2018, repeals the provision allowing unemployment benefits to individuals who relocate with a military spouse.

EFFECTIVE June 2, 2008

Amended 8-73-108(4)(s).

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 08-059 Commercial driver's licenses - testing - limits on fees. Replaces the statutory limit on the fees that may be charged for a commercial driver's license test with a limit set by the department of revenue by rule.

EFFECTIVE August 5, 2008

Amended 42-2-406(3).

H.B. 08-1098 Registration - parking privileges for persons with disabilities - fee - repeal. Repeals the fee for the issuance of a placard that allows a disabled person to use parking privileges for persons with disabilities.

EFFECTIVE August 5, 2008

Repealed 42-3-204(2)(e).

H.B. 08-1121 Commercial driver's licenses - traffic violations - masking of convictions - permits.

- Prohibits the masking of convictions related to a commercial driver's license by the following: Prohibiting the sealing or expunging of conviction records;
- Expanding the definitions of "convicted" or "conviction" to include an adjudication of guilt, an administrative determination, a forfeiture of bail, the payment of a fine or court cost, a violation of a condition of release without bail, and a deferred sentence;
- Prohibiting deferred judgments and diversion programs.

Limits a commercial instruction permit to one year. Requires a court to notify the department of revenue of a conviction related to a commercial driver's license within five days of conviction.

EFFECTIVE July 1, 2008

Added 24-72-308(3)(e); 42-1-102(19)(e); 42-2-106(1)(f); amended 42-2-121 IP(5)(a); added 42-2-121(5)(a)(V); 42-2-121(5)(a)(VI); 42-4-1715(1)(b)(I)(E); 42-4-1715(1)(b)(I)(F); amended 42-4-1715(2); 42-4-1715(4)(b); added 42-4-1719.

NATURAL RESOURCES

S.B. 08-218 Federal mineral lease revenues - allocation. Beginning July 1, 2008, modifies the allocation of federal mineral lease (FML) revenues, other than FML revenues generated by oil shale production on oil shale lands that current law segregates from other FML revenues, as follows:

- Segregates the portion of FML revenues attributable to bonus payments from

other FML revenues, and requires 50% of the bonus payment revenues to be transferred to a newly created local government permanent fund (permanent fund) and 50% of the bonus payment revenues to be transferred to a newly created higher education maintenance and reserve fund (maintenance and reserve fund).

- For any fiscal year in which the total amount of FML revenues received by the state declines by at least 10%, allows the general assembly to appropriate and the executive director of the department of local affairs (DOLA) to make formula-based direct distributions of permanent fund moneys to counties and municipalities to the extent necessary to prevent any reduction from the prior fiscal year in the amount of formula-based direct distributions of FML revenues to counties and municipalities.
- Allows the general assembly to annually appropriate investment earnings of the maintenance and reserve fund for controlled maintenance projects of state-supported institutions of higher education, but only allows use of fund principal to mitigate reductions in general fund appropriations for operating expenses of state-supported institutions of higher education necessitated by a general fund revenue shortfall.
- For the 2008-09, 2009-10, and 2010-11 fiscal years, requires the lesser of 48.3% of the FML revenues, other than bonus payments, or \$65,000,000 of such revenues to be transferred to the state public school fund.
- For the 2011-12 fiscal year or during any succeeding fiscal year, requires the lesser of 48.3% of the FML revenues, other than bonus payments, or \$65,000,000 multiplied by 104% per year to be transferred to the state public school fund.
- For the 2008-09 fiscal year, requires the lesser of 10% of the FML revenues, other than bonus payments, or \$14,000,000 to be paid into the Colorado water conservation board construction fund.
- For the 2009-10 fiscal year or during any succeeding fiscal year, requires the lesser of 10% of the FML revenues, other than bonus payments, or \$14,000,000 multiplied by 104% per year to be paid into the Colorado water conservation board construction fund.
- Requires 40% of the FML revenues, other than bonus payments, to be credited to the local government mineral impact

fund, requires the executive director of DOLA to distribute 50% of the revenues so credited as mineral impact grants in a manner that gives priority to those communities most substantially and directly impacted by energy production on federal mineral lands and to multi-jurisdictional and large projects, and requires the executive director of DOLA to make formula-based direct distributions of 50% of the revenues so credited to counties and municipalities.

- For the 2008-09 fiscal year, requires the lesser of an additional 1.7% of the FML revenues, other than bonus payments, or \$3,300,000 to be credited to the local government mineral impact fund and distributed directly by the executive director of DOLA to each school district within a county that receives formula-based direct distributions of FML revenues on the basis of both the formula used to make direct distributions to counties and the percentage of the total funded pupil count of all school districts within the county attributable to the district's funded pupil count.
- For the 2009-10 fiscal year and for each succeeding fiscal year, requires the lesser of an additional 1.7% of the FML revenues, other than bonus payments, or \$3,300,000 multiplied by 104% per year to be credited to the local government mineral impact fund and distributed directly by the executive director of DOLA to each school district within a county that receives formula-based direct distributions of FML revenues on the basis of both the formula used to make direct distributions to counties and the percentage of the total funded pupil count of all school districts within the county attributable to the district's funded pupil count.
- Requires the lesser of all FML revenues, other than bonus payments, in excess of the amounts credited to the local government mineral impact fund for distribution to counties, municipalities, and school districts, transferred to the state public school fund, or paid into the Colorado water conservation board construction fund or the first \$50,000,000 of such revenues to be transferred to a newly created higher education federal mineral lease revenues fund (revenues fund). Requires any remaining FML revenues to be transferred to the maintenance and reserve fund.

- Allows the general assembly to appropriate moneys in the revenues fund to directly pay for or pay the costs of financing capital construction projects at state-supported institutions of higher education that are included on a specified prioritized list of such projects approved pursuant to a joint resolution of the general assembly, and also allows the general assembly to appropriate such moneys to the department of education for distribution by the department, or any board or division within the department that the department may designate, to school districts for capital construction projects at area vocational schools. Requires priority consideration to be given to projects located in communities that are substantially impacted by energy production or conversion activities.

EFFECTIVE June 4, 2008

Amended 34-63-102(1)(a); 34-63-102(2)(a); 34-63-102(3)(a); 34-63-102(3)(c)(II)(A); 34-63-102(4); 34-63-102(5)(a)(I); added 34-63-102(5.3); 34-63-102(5.4); 34-63-102(5.5); 23-19.9-0 (entire article); amended 34-63-104(1).

PROFESSIONS AND OCCUPATIONS

H.B. 08-1383 Nurses - inactive license status. Creates an inactive status for professional and practical nursing licenses. Prohibits nurses with inactive licenses from practicing nursing, and specifies that a violation of the prohibition constitutes grounds for discipline and criminal penalties. Describes procedures for nurses to request inactive license status and reactivation of inactive licenses. Sets forth bases for the state board of nursing to deny a reactivation application. Empowers the board to reactivate inactive licenses pursuant to the reactivation schedule and payment of reactivation fees as determined by the director of registrations within the department of regulatory agencies.

EFFECTIVE June 2, 2008

Added 12-38-118.5; amended 12-38-117(1)(x); 12-38-118(1); 12-38-108(1)(b)(I).

TAXATION

H.B. 08-1013 Sales tax - exemption for a sale that benefits a Colorado school. Creates a state

sales tax exemption for a sale that benefits a Colorado school, which includes public and nonpublic kindergarten through 12th grade schools, if the sale is made by any of the following:

- A school;
- An association or organization of parents and school teachers;
- A booster club or other club, group, or organization whose primary purpose is to support a school activity; or
- A school class or student club, group, or organization.

Limits the exemption to a sale from which all proceeds, less only the actual cost of the item sold, are donated to a school or a school-approved student organization.

Permits a county or municipality that establishes a sales tax pursuant to statutory authority to create a similar sales tax exemption.

EFFECTIVE August 5, 2008

Repealed and reenacted 29-2-105(1)(d); 29-2-106(4)(a); added 39-26-725.

H.B. 08-1059 Property tax - revenue distributions - timing - de minimis amounts. Allows a county treasurer to distribute property tax revenues to any town, city, school district, or special district on a quarterly basis or annual basis rather than on a monthly basis if the amount collected for the entity falls below \$100 or \$50, respectively.

EFFECTIVE August 5, 2008

Amended 39-10-107(1).

H.B. 08-1083 Local government severance tax fund - direct distribution - employee residence report - mineral leasing fund - energy impact assistance advisory committee. With respect to the current employee-based direct distribution of the moneys in the local government severance tax fund to counties and municipalities, requires the executive director of the department of local affairs (executive director) to allocate the moneys to counties based on the number of severance-related employees and mining and well permits issued and on the overall mineral production in each county. Requires the moneys allocated to each county to be further distributed to each municipality within the county and to the county itself based on the number of severance-related employees, the amount of road miles, and on population. Requires the executive director to prepare a

biennial report for each member of the general assembly about the effectiveness of the allocation and distribution.

Requires the executive director to consider the economic needs of a political subdivision for purposes of making a discretionary grant from the local government severance tax fund.

Modifies the employee residence report used in part to calculate the distribution payments to local governments from the local government severance tax fund. Requires the report to be filed with the department of local affairs.

Modifies the composition of the energy impact assistance advisory committee. Requires senate consent for the governor's appointments to the committee. Requires the committee to make recommendations based on certain criteria to the executive director regarding the distribution of moneys derived from mineral extraction within the state.

Requires the executive director to deliver to the state auditor a detailed accounting of the distributions from the mineral leasing fund and the local government severance tax fund.

EFFECTIVE August 5, 2008

Amended 34-63-102(3)(b)(I); 34-63-102(3)(b)(II); 34-63-102(5)(b)(I); 34-63-102(5)(c); 39-29-103 IP(1); 39-29-104(1); 39-29-105(1)(b); 39-29-106(2)(b); 39-29-110(1)(b)(I); 39-29-110(1)(c); 39-29-110(1)(c.5); 39-29-110(1)(d); 39-29-110(1)(e); 39-29-110(1)(f); added 39-29-110(2.5); amended 39-29-110(3).

H.B. 08-1084 Severance taxes - credit allowed for prior payment of impact assistance - study regarding improvement of the credit. Requires a group of specified state governmental officials and other stakeholders to determine how best to improve the impact assistance credit so that any major infrastructure needs of communities impacted by the energy and mineral industry are addressed. Requires the group to recommend proposed legislation to the agriculture, livestock, and natural resources committee of the house of representatives and the agriculture, natural resources, and energy committee of the senate no later than January 31, 2009.

EFFECTIVE August 5, 2008

Added 39-29-107.5(5).

H.B. 08-1275 Property tax - loss of exempt status - incorrect filing of annual report -

forgiveness of taxes owed. Forgives the balance of property taxes owed by a religious, charitable, or educational organization (organization) on or after August 5, 2008, if the organization:

- Filed an application for exemption and was granted an exemption from general taxation on real and personal property;
- After receiving an exemption from property tax, filed an annual report required for the continuation of property tax-exempt status but filed the report incompletely or incorrectly; and
- Was denied tax-exempt status for one or more property tax years as a result of the incomplete or incorrect filing and received a property tax bill for such year or years.

Specifies that any waiver of the balance of taxes owed by an organization shall be contingent upon the reestablishment of the organization's tax-exempt status by the state board of equalization. Authorizes the state board of equalization to reestablish such tax-exempt status.

Authorizes the state board of equalization to waive the filing deadline for the annual report that an organization is required to file to maintain its property tax-exempt status if the report is filed by the filing deadline but is incomplete or incorrect when filed.

EFFECTIVE August 5, 2008

Added 39-3-137; amended 39-9-109(5).

H.B. 08-1358 Sales tax - exemption for sale by an association or organization of parents and teachers of public school students that is a charitable organization. Creates a state sales tax exemption for sales by an association or organization of parents and teachers of public school students that is a charitable organization. Permits a county or municipality that establishes a sales tax pursuant to statutory authority to create a similar sales tax exemption.

EFFECTIVE September 1, 2008

Repealed and reenacted 29-2-105(1)(d); added 39-26-102(6.8); amended 39-26-718.

H.B. 08-1395 Property tax - property leased by governmental entities - tax exemption. On and after January 1, 2009, allows a property tax exemption to the state, a political subdivision, or a state-supported institution of higher education (governmental entity) that enters into a rental or

lease agreement for a part of real property for at least a one-year term, with or without the right to purchase such property, so long as the governmental entity uses the property for the purposes of the governmental entity.

Requires any governmental entity that enters into a lease or rental agreement or that is already in a lease or rental agreement on or after January 1, 2009, and that is exempt from the levy and collection of property taxes, to file a copy of the lease or rental agreement with the county assessor's office. Requires a governmental entity to notify the county assessor's office in the event that the lease or rental agreement is terminated prior to the term stated in such lease or rental agreement.

EFFECTIVE August 5, 2008

Amended 39-3-124(1).