

**Colorado Department of Education**

# **LEGISLATIVE**

# **SUMMARY**

# **2007**



**Sixty-Sixth General Assembly, First Regular Session**

**COLORADO DEPARTMENT OF EDUCATION**  
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**High Standards**  
**Challenging Assessments**  
**Rigorous Accountability Measures**

A summary of the legislation affecting education  
from the Sixty-Sixth General Assembly,  
First Regular Session in 2007  
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 2007

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|---|---|---|--|--|--|--|

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## INDEX

|                                      |   |    |
|--------------------------------------|---|----|
| <b>APPROPRIATIONS</b>                |   |    |
| S.B. 07-239                          | General appropriations .....  | 5  |
| <b>CHILDREN AND DOMESTIC MATTERS</b> |   |    |
| H.B. 07-1129                         | Juvenile restorative justice programs .....   | 6  |
| H.B. 07-1248                         | Before-and-after school project .....   | 6  |
| H.B. 07-1255                         | Child abduction prevention .....  | 6  |
| <b>COURTS</b>                        |   |    |
| S.B. 07-043                          | Health care providers emergency assistance in competitive sports .....                | 6  |
| <b>CRIMINAL LAW AND PROCEDURE</b>    |   |    |
| S.B. 07-096                          | Theft from at-risk adult or at-risk juvenile .....                                    | 6  |
| S.B. 07-114                          | Criminal law changes – child abuse, internet luring, mental health records theft..... | 7  |
| H.B. 07-1050                         | Flag displays at public buildings or grounds .....                                    | 7  |
| H.B. 07-1326                         | Sex offenders register identity .....   | 7  |
| <b>EDUCATION - PUBLIC SCHOOLS</b>    |   |    |
| S.B. 07-016                          | Compulsory school attendance .....  | 8  |
| S.B. 07-020                          | Commissioner of education qualifications .....  | 8  |
| S.B. 07-026                          | Full-day kindergarten excess costs .....  | 8  |
| S.B. 07-041                          | Public school facilities act.....   | 8  |
| S.B. 07-050                          | Truancy proceedings .....   | 9  |
| S.B. 07-059                          | Start smart nutrition program.....  | 9  |
| S.B. 07-140                          | Teacher identifier system and commission .....  | 9  |
| S.B. 07-148                          | Fast college fast jobs pilot program .....  | 9  |
| S.B. 07-192                          | Read-to-achieve program .....   | 10 |
| S.B. 07-199                          | School finance .....  | 10 |
| S.B. 07-215                          | On-line education programs.....   | 12 |
| S.B. 07-227                          | Safe school plan .....  | 13 |
| S.B. 07-255                          | Federal individuals with disabilities in education act .....                          | 13 |
| H.B. 07-1048                         | Longitudinal analysis of assessments .....  | 14 |
| H.B. 07-1049                         | Fast-growing school districts’ bonded debt limit.....                                 | 14 |
| H.B. 07-1059                         | School security grant program .....   | 14 |
| H.B. 07-1066                         | On-line education courses.....  | 14 |
| H.B. 07-1077                         | Tutoring services providers’ standards .....  | 15 |
| H.B. 07-1091                         | Extend alternative teacher contracts .....  | 15 |
| H.B. 07-1118                         | High school graduation guidelines .....   | 15 |
| H.B. 07-1178                         | Charter school facilities .....   | 15 |
| H.B. 07-1232                         | Military dependent supplemental pupil aid .....                                       | 15 |
| H.B. 07-1237                         | Modifications to state public school fund .....                                       | 16 |
| H.B. 07-1238                         | Small attendance center aid .....   | 16 |
| H.B. 07-1239                         | School bond cap increase for fast-growing districts .....                             | 16 |
| H.B. 07-1243                         | Science, tech., engineering, math after-school-education pilot grant program.....     | 17 |
| H.B. 07-1244                         | Education of gifted students .....  | 17 |
| H.B. 07-1270                         | Educational data systems review and study.....  | 17 |
| H.B. 07-1271                         | Family literacy education grant program .....   | 17 |
| H.B. 07-1292                         | Content standards for human sexuality .....   | 17 |
| H.B. 07-1320                         | State education data technology system .....  | 17 |
| H.B. 07-1345                         | School accountability reports .....   | 18 |
| H.B. 07-1348                         | Extend initial accreditation contracts .....  | 18 |
| S.J.R. 07-008                        | Recognition of Colorado school psychologists .....                                    | 18 |
| S.J.R. 07-016                        | Career and Technical Education Month .....  | 19 |
| S.J.R. 07-034                        | Recognition of Colorado Parent-Teacher Association.....                               | 19 |
| S.J.R. 07-043                        | Recognition of Colorado YMCA Advocacy Day.....  | 20 |
| H.J.R. 07-1014                       | Recognition of community mental health centers and organizations .....                | 21 |
| H.J.R. 07-1021                       | Recognition of Liberty Day and Liberty Month .....                                    | 21 |
| H.J.R. 07-1030                       | Recognition of Colorado charter schools .....   | 22 |
| H.J.R. 07-1031                       | Colorado Pedestrian Month.....  | 22 |
| H.J.R. 07-1033                       | National Library Week in Colorado .....   | 23 |
| H.J.R. 07-1035                       | Recognition of Home Education Day in Colorado .....                                   | 24 |
| H.J.R. 07-1037                       | Recognition of public education and public school teachers in Colorado .....          | 24 |
| H.J.R. 07-1050                       | Joint task force for study of behavioral health issues .....                          | 25 |
| H.R. 07-1009                         | National Arts Advocacy Day.....   | 26 |

|  |   |
|--|---|
| <b>EDUCATION – UNIVERSITIES AND COLLEGES</b> |   |
| S.B. 07-019                                  | Teacher preparation programs review..... 26   |
| <b>ELECTIONS</b>                             |   |
| H.B. 07-1074                                 | Disclosure requirements under Colorado campaign finance law ..... 27                  |
| <b>GOVERNMENT - STATE</b>                    |   |
| S.B. 07-045                                  | Fees for copies of public records ..... 27  |
| S.B. 07-051                                  | Energy efficiency in state-assisted facilities..... 27                                |
| S.B. 07-197                                  | Safe-2-tell program and electronic hotline ..... 28                                   |
| S.B. 07-210                                  | Establish independent ethics commission – article XXIX of state constitution ..... 28 |
| H.B. 07-1314                                 | Rules for lawful presence of persons seeking benefits..... 29                         |
| <b>HEALTH AND ENVIRONMENT</b>                |   |
| S.B. 07-153                                  | Quarantine and isolation by local health officers ..... 29                            |
| H.B. 07-1347                                 | Immunization registry act ..... 29  |
| <b>HEALTH CARE POLICY AND FINANCING</b>      |   |
| S.B. 07-211                                  | Health care for children..... 30  |
| <b>HUMAN SERVICES – SOCIAL SERVICES</b>      |   |
| H.B. 07-1062                                 | Early childhood councils ..... 30   |
| H.B. 07-1274                                 | Commission for blind or visually impaired individuals..... 31                         |
| <b>LABOR AND INDUSTRY</b>                    |   |
| H.B. 07-1073                                 | Public contract for services – federal basic pilot program..... 31                    |
| H.B. 07-1087                                 | Wind for schools grant program ..... 32   |
| <b>TAXATION</b>                              |   |
| H.B. 07-1309                                 | Oil and gas severance tax interest for energy efficiency of public schools ..... 32   |

**NOTE:** The general assembly adjourned sine die on the 115<sup>th</sup> legislative day, May 4, 2007. 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 Thursday, August 2, 2007. The effective date for such bills is therefore 12:01 a.m., on Friday, August 3, 2007, 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 Thursday, August 2, 2007.

The following are summaries of 2007 bills as prepared by the General Assembly Office of Legislative Services with selected clarification or notation by the Department of Education.

## **APPROPRIATIONS**

**S.B. 07-239 General appropriation - long bill.** Makes appropriations 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, 2007. Sets the grand total for the operating budget at \$17,048,815,203 of which \$6,175,958,232 is from the general fund, \$1,038,126,000 is from general fund exempt, \$630,220,465 is from cash funds, \$5,347,292,144 is from cash funds exempt, and \$3,857,218,362 is from federal funds.

Appropriates \$774,215,472 for capital construction projects of which \$238,499,185 is from capital construction fund exempt, \$2,090,000 is from cash funds, \$493,230,718 is from cash funds exempt, and is \$40,395,569 federal funds.

Makes additional changes in appropriations for the 2006-2007 calendar year.

EFFECTIVE May 2, 2007

PORTIONS VETOED May 2, 2007

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

| <b>Funding Source</b>     | <b>2006-07<br/>Appropriation</b> | <b>2007-08<br/>Appropriation</b> |
|---------------------------|----------------------------------|----------------------------------|
| <b>General Fund</b>       | <b>\$ 2,874,213,080</b>          | <b>\$ 3,064,213,254</b>          |
| <b>Cash Funds</b>         | <b>14,636,398</b>                | <b>15,076,979</b>                |
| <b>Cash Funds Exempt</b>  | <b>475,905,886</b>               | <b>492,437,514</b>               |
| <b>Federal Funds</b>      | <b>488,006,352</b>               | <b>496,888,395</b>               |
| <b><u>Grand Total</u></b> | <b>\$ 3,852,761,716</b>          | <b>\$ 4,068,616,142</b>          |

## CHILDREN AND DOMESTIC MATTERS

**H.B. 07-1129 Restorative justice - consideration of restorative justice programs - coordinating council.** Encourages each local juvenile services planning committee to consider restorative justice programs when developing its resources plan. Creates the restorative justice coordinating council in the judicial department to provide assistance and education related to restorative justice programs.

Directs the Tony Grampsas youth services board to consider in the grant award process whether a grant program applicant includes restorative justice components.

EFFECTIVE March 29, 2007

Amended 19-2-211 C.R.S.; added 19-2-213; 2-3-1203(3)(dd); amended 25-20.5-202(2)(b)(III).

**H.B. 07-1248 Colorado student before-and-after-school project - eligibility - fund.** Creates the Colorado student before-and-after-school project within the Tony Grampsas youth services program to provide funding for before-and-after-school programs primarily for youth enrolled in grades 6 through 8. Describes the types of before-and-after-school programs that qualify for funding. Directs the Tony Grampsas youth services board to award the grants using the existing application and award process.

Creates the Colorado student before-and-after-school program fund. Appropriates funds to the department of public health and environment, prevention services division, prevention partnerships, Tony Grampsas youth services program for the Colorado student before-and-after-school project.

EFFECTIVE July 1, 2007

Added 25-20.5-205.

**H.B. 07-1255 Uniform child abduction prevention act.** Enables a court in a child-custody proceeding to issue an abduction prevention order with provisions the court determines necessary to protect the safety of the child after it finds evidence of a credible risk that a party will abduct a child to another state or a foreign jurisdiction. Lists the possible risk factors associated with child abduction and the safeguards that may be included in a prevention order to reduce the risk of abduction. Allows a

party to obtain a court order directing law enforcement to take physical custody of the child if the court determines that the wrongful abduction of the child is imminent. Establishes the duration of the abduction prevention order. Incorporates the jurisdictional rules and the rules relating to cooperation and communication between courts as provided in the "Uniform Child Custody Jurisdiction and Enforcement Act".

NOTE: In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent has recently engaged in activities that may indicate a planned abduction, including seeking to obtain the child's birth certificate or school or medical records.

An abduction prevention order may include a prohibition of the respondent directly or indirectly from removing the child from school or a child-care or similar facility.

EFFECTIVE May 14, 2007

Added 14-13.5-0 (entire article).

## COURTS

**S.B. 07-43 Health care providers rendering emergency assistance - competitive sports - exemption from civil liability - exceptions.** Exempts from civil liability certain licensed and certified health care providers who, in good faith and without compensation, render emergency care or emergency assistance, including sideline or on-field care as a team health care provider, to an individual injured while engaging in a competitive sport sponsored by a public or private school, college, or university or by a league, club, or organization that promotes sporting events. Specifies that the exemption does not include acts or omissions that are grossly negligent, willful and wanton, or outside the scope of the license or certificate held by the health care provider.

EFFECTIVE July 1, 2007

Added 13-21-108.2.

## CRIMINAL LAW AND PROCEDURE

**S.B. 07-96 Theft - at-risk adult or at-risk juvenile.** Creates a new classification for theft from an at-

risk adult or at-risk juvenile when the theft is committed by a person in a position of trust, whether or not in the presence of the at-risk individual. Specifies that if a person commits theft against an at-risk individual while acting in a position of trust, he or she commits a Class 5 felony if the value of the item involved is less than \$500, and a Class 3 felony if the value of the item is \$500 or more. Theft from the at-risk individual by means other than the use of force or intimidation is a Class 4 felony, regardless of the value of the item.

**EFFECTIVE July 1, 2007**

Added 18-6.5-102(3.5); amended 18-6.5-103(5); added 17-1-164; amended 24-75-302(2)(t); 24-75-302(2)(u); 24-75-302(2)(v); 24-75-302(2)(w); added 24-75-302(2)(x).

**S.B. 07-114 Substantive criminal law - crime clarifications - no bail for child abuse resulting in death - conforming changes for internet luring - gravity knife - mental health records.** Clarifies the authority to prosecute distribution of alcohol as contributing to the delinquency of a minor.

Prohibits a court from granting a defendant bail pending sentencing if the defendant is convicted of child abuse resulting in death. Requires a person convicted of internet luring of a child to register as a sex offender. Prohibits the use of the purported age of a child as a defense for criminal conduct that depends on the defendant being in a position of trust. Clarifies the penalties for second degree kidnapping.

Defines "gravity knife" to include a butterfly knife.

Adds internet luring of a child to the list of offenses that are subject to the crimes against children surcharge. Clarifies the crime of internet luring of a child.

Adds mental health records to the theft of medical records crime.

Repeals the requirement that the director of the joint budget committee staff certify to the revisor of statutes that a certain amount of money is transferred to the drug offender treatment fund.

**EFFECTIVE July 1, 2007**

Amended 12-47-903(5); 16-4-201.5(1)(e); 16-4-201.5(1)(f); added 16-4-201.5(1)(g); amended 16-22-103(1); 18-1-503.5(1); 18-3-302(4); 18-12-101(1)(e); 18-24-101(2)(b); 18-24-101(2)(c); added 18-24-101(2)(d); amended 18-3-306(1); 18-3-6(2);

18-4-412(2)(a); 18-4-412(2)(b); repealed 18-18-404(1)(b); 18-18-404(1.1); 18-18-405(2)(b); 18-1.3-201(2)(d); 18-1.3-201(2.1); 18-18-405(2.1); 18-18-405(2.3)(b); 18-18-405(2.5)(c); 18-18-405(2.6).

**H.B. 07-1050 Flag displays on flagstuffs of public buildings or grounds - prohibition - exceptions.** Prohibits the display of certain flags on the permanent flagstuffs of public buildings or grounds. Repeals the petty offense involving flag displays that may cause a breach of the peace. Expands the types of flags allowed to be displayed on permanent flagstuffs of public buildings or grounds to include: Prisoner of war and missing in action flags; veteran commemorative flags; United States or state armed forces or military commemorative flags; foreign nation flags on special, ceremonial occasions; and flags for educational, cultural, or historical purposes with the prior permission of the chief administrative officer of the building or grounds.

**EFFECTIVE August 3, 2007**

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.

Amended 18-11-205(1); 18-11-205(2); 18-11-205(4)(a)(IV); added 18-11-205(4)(a)(V); 18-11-205(4)(a)(VI); 18-11-205(4)(a)(VII).

**H.B. 07-1326 Sex offenders - registration - child sex crime offenders - register email addresses, instant-messaging identities, or chat room identities - reasonable effort to verify.** Requires a sex offender who has been convicted of a child sex crime, when registering as a sex offender, to provide any email address, instant-messaging identity, or chat room identity prior to using the address or identity. Exempts registering a work email address if the email address is supplied by an employer primarily for work, the address includes the employer by name or other identifier, and the offender is not the owner of the company. Requires a reasonable effort be made to verify the information provided, including requiring the registrant to sign a statement that the information provided is accurate.

**EFFECTIVE July 1, 2007**

Added 16-22-108(2.5); amended 16-22-108(3)(e); 16-22-108(3)(f); added 16-22-108(3)(g); amended 16-22-109 IP(1); added 16-22-109(1)(g); 18-3-412.5(1)(k); 17-1-165; amended 24-75-302(2)(t); 24-75-302(2)(u); 24-75-302(2)(v).

## EDUCATION – PUBLIC SCHOOLS

**S.B. 07-16 Compulsory school attendance - minimum age.** Effective July 1, 2008, lowers the minimum age of compulsory school attendance from 7 to 6 years of age. Specifies that a parent who educates his or her child through a nonpublic home-based education program is not required to establish the program until the child is 7 years of age. Allows a parent of a child who began attending preschool or kindergarten at 5 or 6 years of age to notify the child's school of the parent's wish that the child not advance to first grade in the following school year. Requires a school that receives such notice to comply with the parent's wish.

EFFECTIVE July 1, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.

Amended 22-33-104 IP(1)(a); added 22-33-104(1)(d); amended 22-33-104(5)(a); 22-33-104.5(3)(e); 22-33-107(3)(a).

**S.B. 07-20 Commissioner of education - qualifications - review.** Prescribes qualifications for the office of commissioner of education. Requires the state board of education to review annually the job performance of the commissioner of education, including considering the comments and opinions of school district superintendents and school board members, and to report its findings annually to the education committees of the general assembly.

EFFECTIVE March 22, 2007

Amended 22-2-110; added 22-2-106(1)(b.5).

**S.B. 07-26 Full-day kindergarten excess costs - local mill levy authorization.** Authorizes a school district, upon voter approval, to impose an additional mill levy for purposes of funding the school district's excess full-day kindergarten costs. Allows the question submitted to the voters to also include a question of whether to impose an additional mill levy of a stated amount and limited duration to fund the capital construction needs associated with the school district's full-day kindergarten program. Specifies that a school district that imposes the additional full-day kindergarten mill levy shall:

- Use evidence-based research demonstrating appropriate programs and methods in developing its full-day kindergarten program;
- Not limit the ability of parents to enroll a child in a half-day kindergarten program in the school district; and
- Not participate in the full-day kindergarten component of the Colorado preschool program.

Allows a school district that funds a portion of its full-day kindergarten program with the additional mill levy to charge tuition to out-of-district pupils enrolled in the locally funded portion of the full-day kindergarten program.

EFFECTIVE March 7, 2007

Added 22-54-108.5; amended 22-45-103(1)(a)(l); added 22-45-103(1)(h); amended 22-30-201(1)(b); 22-30-202(1)(b)(ll); 22-44-110(6); 22-54-103(11); 22-54-106(5); 22-54-106(7).

**S.B. 07-41 Public School Facilities Act - advisory committee for public school capital construction - duties - facility and safety priorities - grant priority assessment.** Creates the "Public School Facilities Act". Establishes the advisory committee for public school capital construction within the department of education. Specifies how the advisory committee is to be constituted and the qualifications of its members. Specifies the duties of the advisory committee.

Requires the advisory committee to assist school districts by:

- Reviewing certain grant applications submitted by school districts and submitting to the state board of education lists of recommended recipients and grant amounts;
- Identifying critical capital outlay needs;
- Implementing state and federal grant-related projects; and
- Assisting school districts too small to maintain their own construction staff.

Requires the advisory committee to establish facility and safety priorities for use in reviewing grant applications and making funding award recommendations to the state board. Specifies that the facility and safety priorities shall identify and describe needs in school districts that will provide educational and safety benefits at a reasonable cost. Requires the advisory committee to submit the facility and safety priorities to the state board. Requires the state board to apply the priorities in awarding grants.

Requires the advisory committee to review school capital construction grants and make



annual recommendations to the state board concerning recommended grant recipients. Requires the state board to review the recommendations and approve a list of school districts and charter schools to receive grants from capital construction projects. Repeals the advisory committee on July 1, 2017, following review.

Requires the department to conduct a grant priority assessment using the facility and safety priorities. Requires the department to assess or contract for the assessment of school buildings and facilities in certain school districts based on pupil enrollment and per-pupil assessed valuation. Specifies that the grant priority assessment shall be designed and maintained to provide timely data on certain issues for each school building and facility in the school districts included in the assessment.

Specifies that for the 2007-08 and 2008-09 budget years, the state board, from excess lottery moneys, shall approve and order payment of the costs incurred in establishing the facilities and safety priorities and in conducting or contracting for the grant priority assessment of school buildings.

**EFFECTIVE May 25, 2007**

Added 22-43.7-200 (entire part 2); 2-3-1203(3)(dd); amended 22-43.7-103(2); 22-43.7-103(3); 22-43.7-103.5(1)(a); 22-43.7-104; 22-43.7-105(4)(c.5); 22-43.7-105(7); 22-43.7-106 IP(1); 22-54-117(1.6)(a).

**S.B. 07-50 Truancy proceedings - representation by school district employee.** Allows a school district board of education, by resolution, to authorize one or more employees of the school district to represent the school district in truancy proceedings, even though the employee is not an attorney.

**EFFECTIVE March 22, 2007**

Added 13-1-127(7); 13-1-127(1)(k); 13-1-127(1)(l); 22-32-110(1)(mm); amended 22-33-108(4).

**S.B. 07-59 Start smart nutrition program - fund.** Creates the start smart nutrition program and fund to eliminate the reduced price paid by children who are eligible for reduced price breakfasts under the federal "National School Lunch Act". Requires the department of education to develop procedures for the implementation of the program.

**EFFECTIVE May 15, 2007**

Added 22-82.7-0 (entire article).

**S.B. 07-140 Teachers - quality teachers commission - teacher identifier system - pilot program - quality teachers fund.** Creates the quality teachers commission in the department of education to study the teacher gap in Colorado and creates a teacher-identifier system. Defines membership of the commission. Allows the commission to function for a 2-year period. Requires the commission annually to report the outcomes of its duties to the education committees of the general assembly. Requires the commission to develop a unique teacher identifier system protocol. Requires the commission to obtain approval from the general assembly for the implementation of the protocol in a pilot program in the second year.

Instructs the department to implement the teacher identifier system protocol statewide if the general assembly grants approval, subject to available funding. Creates the quality teachers fund to consist of gifts, grants, and donations. Repeals the commission effective July 1, 2009.

**EFFECTIVE April 11, 2007**

Added 22-68-0 (entire article).

**S.B. 07-148 Fast college fast jobs pilot program - creation - requirements.** Creates the fast college fast jobs pilot program to enable students to simultaneously complete the requirements for a high school diploma and an associate's degree or a career and technical education certificate within 5 years. Allows certain school districts to participate in the pilot program by entering into a contract with an institution of higher education to provide a fast college fast jobs education program. Identifies the high schools in which a participating school district may operate a fast college fast jobs program. Specifies the requirements for a fast college fast jobs program, the requirements a student must meet to participate in the program, and the minimum requirements for the contract between the school district and the institution of higher education.

Requires the governing board for the institution of higher education to adopt guidelines for the institution's participation in the pilot program. Requires the governing board and the Colorado commission on higher education to approve each contract between a school district and an

institution of higher education for operation of a fast college fast jobs program.

Requires the school district and the institution of higher education to negotiate payment and the amount of tuition, costs of student support services, and costs of other fees and books for each student who participates in the fast college fast jobs program. Specifies that a student who participates in a fast college fast jobs program is not eligible for a stipend from the college opportunity fund. Allows the school district to include students who participate in the fast college fast jobs program in its pupil enrollment for school finance purposes, but reduces by 15 percent the per pupil revenue amount for students who enroll in at least 12 credit hours of higher education courses as of October 1 of any budget year.

Requires the school district to report to the department of education specified information concerning implementation of the fast college fast jobs program, and directs the department to submit a summary report to certain committees of the general assembly and to the governor.

**EFFECTIVE April 2, 2007**

Added 22-35.5-0 (entire article); 22-54-103(10)(e.7); amended 22-54-103(10)(f); added 23-1-107(6); 23-60-202(1)(n).

**S.B. 07-192 Educational accountability - read-to-achieve grant program.** Continues the read-to-achieve board for 7 years and schedules the next sunset review to be done pursuant to the statute governing the sunset review of advisory committees rather than the statute governing the sunset review of regulatory agencies. Allows appointing authorities to remove board members for neglect of duty, and defines "neglect of duty" to include missing 3 consecutive board meetings or at least 3/4 of the meetings in any one calendar year. Authorizes the commissioner of education to appoint a designee to the board. Requires the board to report annually to the governor and to the education committees of the general assembly on the effectiveness of the program. Adds one parent and removes one elementary school principal from the board.

Recreates the read-to-achieve grant program within the department of education. Allows only eligible public schools and collaborative groups of eligible schools to apply for grants from the program, and requires the department annually to prepare a list of eligible schools using rules promulgated by the state board of education.

Allows the board to determine recipients of grant moneys from the program. Holds grant recipients, regardless of form, accountable for satisfying statutory requirements. Requires grant recipients to use a read-to-achieve assessment to demonstrate that the pupils enrolled in the intensive literacy programs funded by the grant were reading, at the time of enrollment, below grade level for kindergarten pupils and first-, second-, and third-grade pupils. Adds kindergarten and first grade to the grade levels for which grant moneys may be used to fund intensive literacy programs. Requires the state board to promulgate rules for the administration of the program.

**EFFECTIVE May 22, 2007**

Added 22-7-900 (entire part 9); repealed 24-34-104(38)(f); added 2-3-1203(3)(aa)(IV); amended 22-7-504 IP(3); 22-7-505(1)(b); 22-7-507(1)(a); 24-75-217(3)(c); 24-75-1104.5(1)(h); 22-88-104; repealed 22-7-506; 22-2-124(9)(a)(l).

**S.B. 07-199 School finance - kindergarten pupil enrollment - minimum per pupil funding - on-line funding - capital reserve fund - local and state shares of district total program - declining enrollment districts with new charter schools - state aid for charter schools - conflicts of interest for state board of education and state charter school institute board members - repayment of overpayments of state funding - reimbursement of high costs for educational services for children with disabilities - Colorado preschool and kindergarten program - unoccupied district facilities - exclusive chartering authority - full-day kindergarten program development plans - standard budget report format - joint education committee categorical program recommendation - speech pathologist credentials - annual report regarding the base per pupil funding increase.**

Amends the "Public School Finance Act of 1994" in the following respects:

- For the 2007-08 budget year, increases the statewide base per pupil funding to \$5,087.61, which reflects an increase over the preceding budget year of 3.6% for inflation plus one percentage point.
- Beginning in the 2007-08 budget year, allows a school district to count and receive funding for a pupil enrolled in first grade who is at least 5 years old on or before October 1 of the applicable budget year, if the pupil has attended at least 120 days of kindergarten in a state other than Colorado.
- Beginning in the 2007-08 budget year, changes the minimum per pupil funding from a

stated dollar amount to a stated percentage of the statewide average per pupil funding, excluding on-line funding, for the applicable budget year. Specifically, for the 2007-08 budget year, increases minimum per pupil funding to an amount equal to 94.3% of said average and for the 2008-09 budget year and future budget years, increases minimum per pupil funding to an amount equal to 95% of said average.

- Disconnects on-line funding from minimum per pupil funding beginning in the 2007-08 budget year, and continues to fund on-line pupils pursuant to the existing statutory formula.

- Beginning in the 2007-08 budget year, allows a school district that sells lands or buildings, collects payments in lieu of the reservation or dedication of sites and land areas for schools, or collects contributions as a result of a voluntary agreement with a developer, and deposits the proceeds of the payments or collections into the district's capital reserve fund to reduce the total amount of per pupil revenues that the district is required to allocate to the fund by an amount equal to the amount of the payments or collections deposited into the fund.

- Beginning in the 2007 property tax year, for a school district that has obtained voter approval to retain and spend revenues in excess of the property tax revenue limitation imposed on the district by section 20 of article X of the state constitution (TABOR), eliminates the requirement that the district reduce its mill levy so that the district generates the maximum amount of property tax revenue that it can retain under the property tax revenue limits imposed by TABOR.

- Requires each school district that has obtained voter approval to retain and spend excess property tax revenue to levy the lesser of: The number of mills levied by the district for the immediately preceding property tax year; the number of mills that will generate the district's total program for the applicable budget year, minus the minimum state share; or 27 mills.

- Requires each school district that has not obtained voter approval to retain and spend excess property tax revenue to levy the lesser of: The number of mills levied by the district for the immediately preceding property tax year; the number of mills that will generate the district's total program for the applicable budget year, minus the minimum state share; the number of mills that will generate the maximum amount of property tax revenue that the district can retain under the property tax revenue limits imposed by TABOR; or 27 mills.

- Sets a \$300,000 cap for the total amount of aid that a declining enrollment school district in which a new district charter school opens may receive in the budget year in which the new district charter school opens.

- Allows a charter school that operates in a facility that is listed on the state inventory of real property and improvements and that is obligated to make lease payments for use of the facility to receive moneys appropriated for charter school capital construction.

Restricts the employment and the elected and appointed offices that a member of the state board of education or the state charter school institute board may hold during his or her term of office.

Allows a school district or group care facility or home that has received an overpayment of state funding an amount of time to repay the overpayment, without interest, that is equal to the number of years since the last audit of the district, facility, or home. Allows a district, facility, or home that is unable to repay the overpayment within the specified period to enter into an agreement with the department of education for the repayment of the remaining amount, with interest. Changes the interest rate charged on repayments of overpayments, when applicable, to a rate that is equal to the earnings on the treasury pooled funds for the previous fiscal year.

Clarifies that an administrative unit that incurs high costs in providing special educational services to a child with disabilities may apply for a high-cost grant to recover all or a portion of the costs, regardless of the child's district of residence. In awarding high-cost grants, directs the Colorado special education fiscal advisory committee to first prioritize certain administrative units with one or more children being served in an out-of-district placement before prioritizing administrative units with one or more children being served in an in-district placement.

Amends the Colorado Preschool and Kindergarten Program Act (CPKP) as follows:

- For the 2007-08 budget year, allows a total of 16,360 children to participate annually in the CPKP statewide; and for the 2008-09 budget year and future budget years, allows a total of 19,860 children to participate annually in the CPKP statewide.

- Requires the district preschool and kindergarten program advisory council to assess whether alternative community providers for the CPKP are available at least once every 2 years instead of once every 5 years.

- Increases the maximum number of pupils that may be in a preschool class to 16, and limits the maximum number of pupils in a full-day kindergarten class to 20.

- Makes an institute charter school eligible to apply for CPKP funding.
- Requires the board of education of a school district with a pupil enrollment that was less than or equal to 750 pupils in the preceding budget year to consider the feasibility of contracting-out the CPKP before expending money for capital projects to provide facilities for the CPKP.

Allows a school district that has an unoccupied facility to sell the facility or use it for a different purpose rather than maintain the facility for potential use by a charter school.

Prohibits the state board from denying exclusive chartering authority to a local board of education based on a school district moratorium regarding charter schools that was in existence prior to July 1, 2004, but was repealed on or before October 1, 2004.

Requires each local board of education to develop a plan to potentially phase in a full-day kindergarten program in the school district to be funded with state or local moneys provided specifically for such program. Directs each local board to consider specified issues when developing the plan. Requires each local board to submit its plan to the department by February 1, 2008.

Requires each school district's annual budget to be in a standard budget report format determined by the state board. Directs the state board to establish the standard budget report format by rule no later than July 1, 2008, with input from the financial policies and procedures advisory committee created in the department. Requires each local board of education to submit its adopted annual budget to the department on or before January 31, 2009, and on or before January 31 each year thereafter.

Beginning in the 2008-09 budget year, allows the education committees of the general assembly to submit to the joint budget committee a joint recommendation regarding the allocation of the required increase in total state funding for all categorical programs. Directs the joint budget committee to consider the recommendations, if any, when developing the annual general appropriation bill.

For a school district with a pupil enrollment of 3,000 pupils or less, allows the district to hire a speech pathology assistant with a bachelor's degree in speech communication and does not require the assistant to have a degree higher than a bachelor's degree.

Repeals the statutory provisions requiring certain school districts, district charter schools, and institute charter schools to submit an annual report to the state board, the governor, and the education committees of the general assembly specifying how they plan to use the increase in the statewide base per pupil funding during the next budget year.

**EFFECTIVE May 9, 2007**

Added, amended and repealed various articles of title 22 (2, 20, 28, 30.5, 32, 33, 44, 54, 55, and 60.5).

**S.B. 07-215 On-line education programs - division of on-line learning - advisory board - certification multi-district programs - learning centers.** Repeals the statute authorizing on-line education programs. Creates a new article under title 22 on-line programs. Allows a school district, a group of school districts, a board of cooperative services, or the state charter school institute to authorize an on-line program. Sets forth criteria for the creation and administration of on-line programs. Requires the state board of education to promulgate rules establishing quality standards for on-line programs.

Creates the division of on-line learning in the department of education. Sets forth the duties of the on-line division.

Creates the on-line learning advisory board in the department of education. Requires the advisory board to report annually to the state board. Requires the advisory board to meet at least once every 3 months. Requires the advisory board to make recommendations to the state board regarding any provisions of the new article that should not be waived by the state board. Establishes a sunset review and repeal date of July 1, 2009, for the advisory board.

Requires an authorizer or prospective authorizer of a multi-district on-line program to apply to the on-line division for certification of the multi-district program. Requires the state board to promulgate rules for the on-line division to use in the certification of multi-district programs.

For the 2007-08 budget year, limits those students a school district may count in the school district's on-line pupil enrollment. Beginning in the 2008-09 budget year, removes limits on the students who may receive funding in an on-line program and funds on-line students in a single-district on-line program at the district's per-pupil funding amount. Creates the on-line education cash fund, and transfers to the cash fund \$830,000 of the moneys recovered

from overpayments to school districts or the state charter school institute. Requires the general assembly to appropriate annually moneys from the cash fund to the department to be used for the purposes of the new article.

Requires an authorizer of an on-line program to report annually to the on-line division. Requires the state board to promulgate rules establishing a timeline by which an authorizer of an on-line program shall report annually to the on-line division.

Requires the on-line division to review each multi-district program 2 years after the initial certification of the program and every 3 years thereafter. Requires the state board to promulgate rules establishing criteria that the on-line division shall consider in reviewing a multi-district program.

Requires a multi-district program that intends to offer instruction to students within a learning center to seek to enter into a memorandum of understanding with the school district in which the learning center would be located. Specifies considerations that shall be included in a memorandum of understanding between a multi-district program and a school district. Requires school districts and multi-district programs to make good-faith efforts to craft and enter into memoranda of understanding regarding the provision of instruction by multi-district programs within learning centers. Requires a multi-district program that intends to offer instruction to students within a learning center and the school district in which the learning center shall be located to hold at least one public meeting at which they shall receive public input concerning the proposed learning center. Sets forth conditions under which a school district may refuse to enter into a memorandum of understanding. Allows a multi-district program to appeal to the state board a decision by a school district to refuse to enter into a memorandum of understanding with the multi-district program.

**EFFECTIVE July 1, 2007**

Added, repealed and amended various articles of title 22, (2, 20, 30.5, 30.7, 33, and 54); added 2-3-1203(3)(v)(III) and 24-1-115(10).

**S.B. 07-227 Safe school plan - immunity.**

Clarifies that a school district board of education, a teacher, or any person acting in good faith pursuant to a safe school plan is immune from criminal prosecution and civil liability. Allows a person claiming immunity

from prosecution to file a motion with the court. At a hearing held prior to trial, states that the movant shall bear the burden of establishing the right to immunity by a preponderance of the evidence, and clarifies that a person who does not seek or is not granted immunity from prosecution is still entitled to an affirmative defense at trial pursuant to the statute.

Allows a person acting in good faith and in conformance with a safe school plan who is wrongfully disciplined by the school district to sue the school district in district court within 2 years after the alleged wrongful action by the school district.

**EFFECTIVE May 3, 2007**

Amended 22-32-109.1(9)(a); 22-32-109.1(9)(c); 22-32-109.1(9)(e).

**S.B. 07-255 Federal individuals with disabilities in education act - child find program - allocation of responsibilities.** Allocates specific responsibilities of the child find program of the federal "Individuals with Disabilities Education Improvement Act of 2004" between the department of education and the department of human services. Requires the department of education to be fully responsible for the screening and evaluation of children with disabilities. Further requires the department of education to work in conjunction with the department of human services in accepting and directing referrals to appropriate service agencies, assisting with the transition of a child with disabilities from the developmental disabilities system to the public education system at age 3, and working with the department of human services in the area of public education and outreach concerning early intervention services, as needed and appropriate.

Requires the department of human services to be fully responsible for developing and implementing a statewide plan for public education outreach and awareness concerning early intervention services and for providing intake and case management services once a referral is made. Further requires the department of human services to work in conjunction with the department of education in accepting and directing referrals to appropriate service agencies and in assisting with the transition of a child with disabilities from the developmental disabilities system to the public education system at age 3.

Leaves with community centered boards the responsibility for developing an individualized plan for a child with a disability. Requires the development of the plan to be coordinated with child find evaluations conducted by administrative units.

Specifies the funding mechanism for costs incurred by administrative units in conducting child find responsibilities.

**EFFECTIVE May 31, 2007**

Amended 22-20-102; 22-20-103; 22-20-104(1)(a); 22-20-104(1)(b); added 22-20-118; 27-10.5-102(2.5); 27-10.5-102(13.5); 27-10.5-102(17.5); amended 27-10.5-103; 27-10.5-105(2); 27-10.5-106(2); 27-10.5-106(3); 27-10.5-113; added 27-10.5-140; 22-20-114(1)(a.5); amended 22-20-114(1)(c)(l); 22-7-402(8.5); 22-7-504(5)(b); 22-33-106(1)(c).

**H.B. 07-1048 Academic growth calculation - adaptation of existing model reports.** Directs the governor to appoint and the department of education to convene a new technical advisory panel to assist the department and the state board of education in developing a longitudinal growth model to measure the academic growth of students. Establishes requirements and a timeline for development and implementation of the model. Requires the department to calculate adequate longitudinal growth for each student by August 15 of each year and to distribute student-level and school-level reports on academic growth by September 15 of each year.

Directs the panel to develop a new method to identify schools that demonstrate the highest rate of academic growth for purposes of the governor's distinguished improvement awards.

Repeals the requirement that a portion of the in-year cost recovery from the use of unique student identifiers be used to fund the calculation of academic growth of students.

**EFFECTIVE February 6, 2007**

Amended 22-7-604.3; 22-11-305(1); repealed 22-54-114(2.5).

**H.B. 07-1049 Bonded indebtedness - fast-growing school districts - timing for issuing debt.** Allows a school district that has satisfied the fast growth requirements for 3 consecutive fiscal years and is therefore permitted to increase its bonded debt limitation to issue debt during the 3rd fiscal year in which the district experiences fast growth or during the fiscal year

following the 3rd fiscal year in which the district experiences fast growth.

**EFFECTIVE March 30, 2007**

Amended 22-42-104(1.3).

**H.B. 07-1059 School safety - school security infrastructure grant program.** Allows school districts and charter schools to apply for moneys from the school capital construction expenditures reserve, the contingency reserve that is created in the state public school fund and into which certain lottery proceeds are transferred, and the school construction and renovation fund for the purpose of remodeling or renovating the infrastructure of school property to prevent intruders from entering schools and endangering children.

**EFFECTIVE May 3, 2007**

Amended 22-54-117(1.5)(a); 22-54-117(1.6)(a); 22-43.7-104(1); 22-43.7-105(5)(b).

**H.B. 07-1066 Supplemental on-line education courses - contract - grant program - repeal.** Requires the mountain board of cooperative services (Mountain BOCES), subject to available appropriations, to contract with a provider on an annual basis to provide supplemental on-line education courses to an eligible school district, an eligible charter school, and a board of cooperative services (BOCES) that chooses to purchase the courses. Requires the contractor to provide supplemental on-line education courses to a purchasing school district, charter school, or BOCES at a cost of no more than \$200 per student per semester course. Requires the Mountain BOCES to submit an annual report concerning the provision of on-line services pursuant to the contract to the education committees of the general assembly, the joint budget committee, and the department of education.

Creates the supplemental on-line education grant program. Allows school districts, charter schools, and BOCES that enroll fewer than 3,000 students, and meet certain other requirements, to apply to the department of education for a \$5,000 grant for the purpose of facilitating access to supplemental on-line education services in their school district, charter school, or BOCES.

Repeals the authority for the contract and the grant program effective July 1, 2010.

**EFFECTIVE May 23, 2007**

Added 22-5-119; 22-2-130.

**H.B. 07-1077 Supplemental education services - approved providers.** Directs the department of education annually to issue a request for proposals through which providers of supplemental education services may apply to be included on the department's list of approved providers. Instructs the department to review the responses and, based on specified criteria, identify those providers who are included on the approved list, and post the approved list on its website for use by school districts in selecting providers. Specifies the criteria for inclusion on the approved list.

**EFFECTIVE August 3, 2007**

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.

Added 22-2-129.

**H.B. 07-1091 Educator licensure - alternative teacher program - one-year extension.** Allows a school district or independent school that employs an alternative teacher to extend the one-year alternative teacher training program for one additional year if the alternative teacher is unable to complete the program due to unforeseen circumstances and the employer expects that the alternative teacher can complete the program during the additional year. Allows the department of education to extend an alternative teacher license for one additional year based on written evidence that the employing school district or independent school intends to extend the alternative teacher's contract for one additional year.

**EFFECTIVE March 14, 2007**

Amended 22-60.5-102(4); 22-60.5-102(5); 22-60.5-201(1)(a)(IV); 22-60.5-205(1); 22-60.5-206(2)(e); 22-60.5-206(3); added 22-60.5-207(2).

**H.B. 07-1118 State board - school districts - high school - graduation guidelines.** Requires the state board of education to adopt, on or before July 1, 2008, a comprehensive set of guidelines for the establishment of high school graduation requirements. Allows school district boards of education to retain the authority to develop their own unique graduation requirements, so long as those local graduation requirements meet or exceed any minimum standards or basic core

competencies or skills identified in the state board guidelines. Directs the state board to take into account recommendations from various groups, utilize standards-based education as the framework, and acknowledge the importance of obtaining core competency skills and standards when it develops the guidelines.

Creates the state graduation guidelines development council. Outlines membership on and duties of the council. Repeals the council, effective July 1, 2008.

Directs local school boards to establish local high school graduation requirements, utilizing the state board's guidelines.

Directs the Colorado commission on higher education to review and align its academic admission standards with the state board's guidelines.

**EFFECTIVE May 2, 2007**

Added 22-2-106(1)(a.5); 22-7-414; 22-32-109(1)(kk); 23-1-113(4).

**H.B. 07-1178 Charter schools - purchasing school district property.** Allows a charter school that is operating in a school district building to purchase the building and grounds from the school district, at the school district's discretion, according to terms established by mutual agreement of the parties. Specifies that, if a charter school vacates a school building and grounds that the charter school has purchased from a school district, the school district that sold the building and grounds has the right of first refusal to purchase the property at fair market value or in accordance with other terms of purchase established by mutual agreement of the parties.

**EFFECTIVE May 31, 2007**

Added 22-30.5-104(7)(d).

**H.B. 07-1232 School finance - military dependent supplemental pupil enrollment aid.** For the 2007-08 budget year through the 2010-11 budget year, allows a school district to apply to the department of education for military dependent supplemental pupil enrollment aid for the cost of educating pupils who are enrolled in the district as of February 1 of the applicable budget year, who were not enrolled in the district or in any other school district in the state on October 1 of the applicable budget year, and who are the dependents of a full-time active duty member of

the United States military or dependents of a member of the United States military reserve forces who has been called to active duty (military dependent supplemental pupil enrollment).

Specifies that a district shall be eligible for aid only if the district's military dependent supplemental pupil enrollment represents either an increase equal to or greater than 1 % over the district's pupil enrollment for the applicable budget year or an increase equal to or greater than 25 pupils over the district's pupil enrollment for the applicable budget year.

Specifies that an eligible district shall receive aid as calculated by computing a number equal to the district's military dependent pupil enrollment, multiplied by an amount equal to 1/2 of the district's per pupil revenues for the applicable budget year.

Requires a school district to submit an estimated and an actual count of the eligible district's military dependent supplemental pupil enrollment to the department by specified dates to be eligible to receive the aid. Directs the department to submit a request to the general assembly for a supplemental appropriation in an amount that will fully fund the authorized aid.

Directs the general assembly, subject to available appropriations, to appropriate the aid to the department to be distributed by the department. Specifies the method by which the aid shall be distributed in the event that the amount appropriated is insufficient to distribute the full amount of aid to each eligible district.

**EFFECTIVE August 3, 2007**

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.

Added 22-54-128.

**H.B. 07-1237 State public school fund - contingency reserve fund - capital construction expenditures reserve fund - lottery proceeds contingency reserve fund.** Specifies that the publishing costs associated with the annual printing of the laws enacted by the general assembly concerning education shall be paid out of the state public school fund rather than out of the public school income fund.

Creates the contingency reserve fund in the state treasury to replace and to be used for the same purposes as the contingency reserve

created in the state public school fund. Relocates certain provisions regarding the contingency reserve and the contingency reserve fund.

Creates the school capital construction expenditures reserve fund in the state treasury to replace and to be used for the same purposes as the school capital construction expenditures reserve created in the state public school fund.

Creates the lottery proceeds contingency reserve fund in the state treasury to replace and to be used for the same purposes as the contingency reserve that is created in the state public school fund and into which certain lottery proceeds are transferred.

**EFFECTIVE April 26, 2007**

Amended 22-2-112(1)(i);

**H.B. 07-1238 Small attendance center aid - state public school transportation fund.** Authorizes moneys in the public school transportation fund that are recovered by the department of education as overpayments made to school districts and the state charter school institute to be appropriated to the department for use in the budget year in which the moneys are recovered. Specifies that the moneys from such overpayments that are appropriated from the fund shall not be included in the calculation of total state funding for all categorical programs.

**EFFECTIVE June 1, 2007**

Amended 22-51-103(2); added 22-51-103(3).

**H.B. 07-1239 Bonded indebtedness - limit increase - fast-growing school districts.** For any bonded indebtedness approved at the 2008 general election, increases the limit on bonded indebtedness for any school district that has satisfied the fast-growth requirements for each of the 3 preceding fiscal years or for 3 consecutive fiscal years that include the 3rd fiscal year in which the school district has satisfied the fast-growth requirement. Specifies that the increased limit for a district shall be the greater of the current limit or 30% of the latest valuation for assessment of the taxable property in such district.

**EFFECTIVE August 3, 2007**

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.



Amended 22-42-104 IP(1); 22-42-104 IP(1.3); added 22-42-104(1.4).

**H.B. 07-1243 Science, technology, engineering, and mathematics after-school education pilot grant program.** Creates the science, technology, engineering, and mathematics (STEM) after-school education pilot grant program in the office of economic development.

Permits a provider that coordinates STEM after-school education programs to apply for a grant to defray the administrative and personnel costs associated with coordinating the programs and to directly support secondary schools' participation in the programs. Allows the director of the office of economic development to award grants to one or more providers that meet the eligibility criteria of the grant program.

Establishes the STEM after-school education pilot grant program fund. Permits the director to accept gifts, grants, and donations for the fund. Requires grant recipients to report annually to the director, and requires the director to provide a summary report concerning the grant program to the business affairs and labor and education committees of the general assembly and to the governor.

Repeals the grant program, effective July 1, 2010.

**EFFECTIVE May 2, 2007**

Added 24-48.5-109.

**H.B. 07-1244 Exceptional children -educational programs - gifted students.** Requires a school district, a board of cooperative services, and the state charter school institute (an "administrative unit") to adopt and submit to the department of education a program plan to identify and serve gifted children. Requires an administrative unit to implement its program plan to the extent that funds are provided for implementation. Requires each administrative unit to ensure that its constituent schools and school districts make available appropriate special provisions for gifted children to the extent that funds are provided for the special provisions.

**EFFECTIVE July 1, 2007**

Amended 22-20-102.5; 22-20-103(3.4); 22-20-104.5(1); 22-20-106(3)(a); 22-20-104(1

**H.B. 07-1270 Educational data systems - third party review and study - report.** Directs the office of information technology within the office of the governor to issue a request for proposals to conduct a comprehensive assessment of the state's educational data technology system. Outlines the parameters of the assessment. Requires the findings and recommendations of the assessment to be reported by the department of education to the state board of education and the education committees of the general assembly on or before December 1, 2007.

Repeals the act, effective July 1, 2008.

**EFFECTIVE July 1, 2007**

Added 22-2-131; 22-54-114(6).

**H.B. 07-1271 Family literacy education grant program.** Repeals the stipulation that no general fund moneys be appropriated to implement the family literacy education grant program. Repeals the conditional repeal of the "Colorado Family Literacy Act of 2002".

**EFFECTIVE May 30, 2007**

Amended 22-2-124(9).

**H.B. 07-1292 Instruction concerning human sexuality - science-based content standards.** Requires school districts, charter schools, institute charter schools, and teen pregnancy prevention programs that offer instruction concerning human sexuality to maintain science-based content standards for the instruction. Specifies the minimum requirements for the content standards. Excuses a school district, charter school, or institute charter school that is receiving, upon July 1, 2007, direct or indirect funding from the federal government for the provision of an abstinence education program pursuant to 42 U.S.C. sec. 710, from adopting the content standards in any year that the school district, charter school, or institute charter school receives the funding.

**EFFECTIVE July 1, 2007**

Added 22-1-110.5(5); 22-1-110.5(6); 22- 1-110.5(7); 22-1-110.5(8); 22-1-110.5(9); amended 22-25-104(3)(a); 22-25-110(2); 25.5-5-603(2)(b).

**H.B. 07-1320 Data collection - education data advisory committee - data dictionary.** Enacts the Data Reporting and Technology Act, and makes

legislative findings concerning the intended goals of implementing a single statewide education data collection and management system.

Creates the education data advisory committee (EDAC). Specifies the membership of the committee. Identifies the EDAC's duties, which pertain generally to reviewing statutory and regulatory data reporting requirements, making recommendations for elimination or combination of them, and providing information and training to school districts and public schools concerning data submission. Repeals the EDAC, effective July 1, 2017, following sunset review.

Requires the department of education to create a data dictionary to define the education data elements collected by the state and the methods and protocols by which school districts and public schools submit the education data. Specifies the contents of the data dictionary. On or before August 1, 2007, directs the department to submit to the state board of education, the education committees of the general assembly, the governor, school districts, and the EDAC a status report on creation of the data dictionary. Directs the department to complete the data dictionary by October 1, 2007. Recognizes the eligibility of the data dictionary for funding from the state education fund. Directs the commissioner of education to ensure that the department requests funding in the fiscal year 2008-09 budget for the on-going costs of the data dictionary.

Requires the department to provide notice within a specified time period to school districts and public schools regarding changes in data collection requirements. Directs the department to hold informational meetings regarding changes in data collection requirements and to provide notice of the changes through an electronic mail list. Requires the department to update information on the department web site within specified time periods. Requires the state board, within 90 days after a statutory change pertaining to data collection, to adopt rules to implement the change, and gives school districts and public schools 90 days after publication of the rules to implement the change.

Extends to July 1, 2008, the date for implementation of the unique student identifying number at specified state colleges.

**EFFECTIVE May 23, 2007**

Added 22-2-300 (entire part 3); repealed 22-2-116(2); added 22-2-112(3); amended 23-5-127(4)(b); added 2-3-1203(3)(dd).

**H.B. 07-1345 Educational accountability - school accountability reports.** Deletes language requiring that the school accountability reports be formatted as specified in statute, and outlines information that is required to be in the reports. Adds additional information that shall or may be included in the reports.

**EFFECTIVE May 23, 2007**

Repealed and reenacted 22-7-605; 22-7-606.

**H.B. 07-1348 Accreditation - initial contracts.** Extends the term of initial school district accreditation contracts to July 1, 2008.

**EFFECTIVE May 14, 2007**

Amended 22-11-201(6)(a).

## **SENATE JOINT RESOLUTIONS**

**S.J.R. 07-008 (Senate Joint Resolution) Recognition of Colorado School Psychologists.** In 2001, Surgeon General David Satcher released a National Action Agenda for Children's Mental Health, which stated that the nation is facing a public crisis in mental health for children and adolescents.

In the United States, one in ten children and adolescents suffer from mental illness severe enough to cause some level of impairment, yet, in any given year, it is estimated that fewer than 20% of these children receive necessary treatment.

The long-term consequences of untreated childhood disorders are costly, in both human and fiscal terms.

The Surgeon General's report found that the school system is the largest provider of mental health services to children and adolescents and, for many of these children, is the only source of mental health care.

School psychology is one of three unique areas of psychological practice as defined by the American Psychological Association.

The philosophy of practice and the techniques used in school psychology have emphasized health promotion, disease prevention, early detection, and direct services to children, as needed.

School psychologists are working to remove barriers to children's learning in every school district in Colorado, and are often the only mental health service available to children and parents in certain counties.

School psychologists develop programs to train teachers and parents regarding effective teaching and learning strategies, develop successful techniques to manage behavior at home and in the classroom, and develop programs to work with students with disabilities or special talents.

Colorado school psychologists deserve recognition for their hard work to give Colorado students a brighter and healthier future.

The members of the Colorado General Assembly concur that they recognize Colorado school psychologists' efforts to enhance the mental health and educational competence of all children; and acknowledge that Colorado school psychologists strengthen working relationships between teachers, parents, and service providers in the community.

Adopted by the General Assembly January 29, 2007.

**S.J.R. 07-016 Commemoration of career and technical education month.** February 2007 has been designated Career and Technical Education Month by the Association for Career and Technical Education.

The structure and nature of the modern workplace reflect the rapid and profound economic and technological changes in our society, thereby placing new responsibilities on our education system.

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

Career and technical education gives high school students 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 education, and giving all students leadership opportunities in their fields of study and in their communities.

Career and technical education teaches lifelong skills that prepare individuals for postsecondary opportunities and provides 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 and national economies by preparing graduates for career fields with forecasts for the largest and fastest growth in the next decade.

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

Of the more than 80,000 Colorado secondary students enrolled in career and technical education this year, 94% of those who completed the program were either employed in jobs related to their fields of study one year later or were continuing their education, which reflects the impressive success of these programs.

Career and technical education in Colorado is rigorous, with nearly two-thirds of participating high school students entering postsecondary programs and with the nearly 30,000 postsecondary students having over 600 career and technical education fields from which to choose.

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

Adopted by the General Assembly February 28, 2007.

**S.J.R. 07-34 Recognition of the Colorado Parent-Teacher Association and its one-hundredth anniversary.** In 1907, the Colorado Congress of Mothers was established to ensure that all Colorado children would be offered a quality education and better health.

Colorado Governor Oliver Shoup signed an act in 1919 to create the Colorado Child Welfare Bureau, which provided for the promotion of community organizations in every county in the state.

In 1920, Colorado Congress of Mothers' President Margaret Crawford Campbell urged the creation of "a parent-teacher association in every school in the state".

The Colorado Congress of Mothers changed its name in 1924 to the Colorado Congress of Parents and Teachers to better reflect the comprehensive nature of the organization.

The Colorado Congress of Parents and Teachers supported a law in 1937 allowing counties to enact a mill levy for the establishment of county libraries and another law that increased and stabilized financial support for public schools.

During World War II, the Colorado Congress of Parents and Teachers supported efforts in support of "maintaining the home front" while still supporting legislation for better teacher salaries and safer construction of school buses.

In 1957, the Colorado Congress of Parents and Teachers contributed to new childhood immunization programs by conducting surveys in cooperation with the state health department.

In 1964, Governor John Love proclaimed October as "PTA Enrollment Membership Month" in Colorado for all subsequent years of his administration.

Past Colorado Parent-Teacher Association President Mary Lou Anderson established the Reflections Program with the National PTA in 1969 to promote arts recognition and achievement, and, since its inception, over 10 million students have participated in the program.

During 1975 and 1976, the Colorado Congress of Parents and Teachers, known today as the Colorado PTA, participated in the Violence on Television Program, which helped to improve the quality of television programs.

First Lady Nancy Reagan recognized the Colorado PTA in 1987 for its efforts to support the "Just Say No" drug prevention campaign.

In 1999, the Colorado PTA united with the state and the nation in mourning the victims of the Columbine High School tragedy.

The Colorado PTA participated in 2000 in a successful coalition to pass a state constitutional amendment to increase and stabilize revenues for kindergarten through 12<sup>th</sup>-grade education.

The Colorado PTA supported successful legislation during this legislative session pertaining to school security and organ donation in the wake of the school-shooting death of Emily Keys.

The Colorado PTA has been advocating for children, families, and public schools for the past 100 years.

The Colorado PTA continues its mission of supporting and speaking on behalf of children, assisting parents in developing skills to raise and protect their children, and encouraging greater parental involvement.

The members of the Colorado General Assembly fully support the mission of the Colorado PTA and commemorate the occasion of its 100<sup>th</sup> anniversary, "A Century Dedicated to Children".

Adopted by the General Assembly April 19, 2007.

S.J.R. 07-043 Recognition of Colorado YMCA Advocacy Day. Colorado YMCAs are part of an international movement serving more than 45 million people in more than 120 countries.

Colorado YMCAs have a strong presence in a national movement with 20.2 million members located in every state and territory of the United States.

The first YMCA in Colorado was established in Denver in 1875, two years before the Colorado General Assembly was convened.

Colorado YMCAs serve more than 523,000 people in diverse communities statewide, bringing together young and old, men and women, and people of all faiths, backgrounds, and incomes.

Colorado YMCAs raise more than \$2.6 million annually for scholarships, subsidies, and other community services and, in so doing, relieve some of the financial burden on government.

Colorado YMCAs serve nearly 165,000 youth during non-school hours and give children the opportunity to participate in a wide range of activities, including teen clubs, sports leagues, family nights, community service projects, and gang prevention programs.

Colorado YMCAs are the largest providers of child care in the state, serving more than 7,900 children per day and offering affordable, high-quality child care to working families, regardless of their abilities to pay.

Colorado YMCAs provide health and fitness programs as an integral part of their mission, focusing on preventative health care, healthy lifestyles, and rehabilitative services with an

emphasis on childhood obesity prevention, adult fitness, and programs for active older adults.

Colorado YMCAs teach the following four core values in all of their programs: Respect, responsibility, honesty, and caring.

Colorado YMCAs partner with neighborhood organizations, working with local and county governments, including police and fire departments, public housing developments and children's services, schools, churches, and other community and civic organizations.

Colorado YMCAs are volunteer-founded, volunteer-based, and volunteer-led organizations with nearly 12,200 volunteers who give their time to meet the needs of their local communities.

The members of the Colorado General Assembly proclaim April 25, 2007, to be Colorado YMCA Day in the state of Colorado.

Adopted by the General Assembly April 25, 2007.

## HOUSE JOINT RESOLUTIONS

H.J.R. 07-1014 Recognition of Community Mental Health Centers and Behavioral Health Organizations in Colorado. Mental health disorders and illnesses affect approximately 20% of the population, but most of these disorders are treatable.

Persons with mental disorders who have access to local, community-based prevention, intervention, and treatment services are much less likely to require the more expensive alternatives of hospitalization or incarceration, and their chances of becoming homeless are greatly reduced.

For over 40 years, nonprofit community mental health centers and clinics have provided comprehensive mental health services to indigent and underinsured citizens of Colorado by partnering with the state to best utilize available local, state, and federal funding.

Behavioral health organizations have successfully administered the mental health benefits of the state Medicaid program for over a decade, saving the state of Colorado millions of dollars while connecting clients with available community mental health services, thereby improving treatment outcomes.

Community mental health centers and behavioral health organizations work with other services providers and mental health advocates to

promote treatments for children and adults that include 24-hour emergency evaluations and acute treatment, primary care integration, substance abuse treatment, case management, early intervention, school-based counseling, vocational training, family services, clubhouses, older adult services, parenting education, and housing assistance.

In 2006, community mental health centers and clinics served approximately 95,000 Colorado citizens, about 30,000 of whom were under 18 years of age.

Of the total number of persons served by the centers, approximately 35% were Medicaid clients while others received services through various funding sources.

Community mental health centers and clinics served an extremely diverse population in 2006, including 68.1% Caucasian, 18.5% Hispanic, 5.3% African-American, 4.6% multiracial, 1.3% American Indian/Alaskan, 0.6% Asian-American, 0.2% Native Hawaiian, and 1.3% of other descent.

Community mental health centers, working with behavioral health organizations, serve as the outpatient safety-net providers for mental health care in all regions of the state, and the centers are the medical homes for many children and adults with mental disorders or illnesses who would otherwise be unable to access much-needed mental health treatment.

The members of the Colorado General Assembly recognize the vital role played by community mental health centers and behavioral health organizations in Colorado's system of health care. The members express their appreciation and gratitude to all those individuals who dedicate time, energy, and hard work to this challenging but critical area of community health care.

Adopted by the General Assembly February 14, 2007.

H.J.R. 07-1021 Recognition of Liberty Day and Liberty Month in Colorado. We as Americans enjoy our liberties as a result of the documents that our founding fathers created, those documents being the Declaration of Independence and the United States Constitution with its Bill of Rights.

James Madison was a contributing author of the Virginia Plan, which was the model and the basis of discussion for forming a new constitution in the Constitutional Convention of 1787, and the

**new constitution replaced the Articles of Confederation and established our new form of government.**

**James Madison kept written records of the debates in the Constitutional Convention of 1787, which debates and compromises finally produced the Constitution of the United States.**

**Such records were not made public until the last signer James Madison, died, and his wife, Dolley Madison, sold the records to the United States government, and they were published around 1840.**

**James Madison wrote many of the newspaper articles that outlined the reasons that the states should endorse the new constitution.**

**These articles, which were co-written with Alexander Hamilton and John Jay, became known as the Federalist Papers and still stand as some of the best arguments for our form of government, a representative republic.**

**James Madison served in the United States House of Representatives from 1789 until 1797, during which time he introduced into Congress the Bill of Rights, which was ratified by the states in 1791.**

**James Madison served as Secretary of State from 1801 until 1809 and as President of the United States from 1809 until 1817.**

**Friday, March 16, 2007 is the birthday of James Madison.**

**The Colorado General Assembly has resolved that Friday, March 16, 2007 be proclaimed Liberty Day in Colorado and that March 2007 be proclaimed Liberty Month in Colorado.**

**Adopted by the General Assembly March 16, 2007.**

**H.J.R. 07-1030 Recognition of Colorado charter schools. There are at least 130 operating charter schools in Colorado with a combined enrollment of over 53,000 students.**

**Through innovation and a focus on quality education, charter schools contribute to the statewide efforts to improve education in Colorado.**

**Charter schools serve a broad diversity of students, including low-income, ethnic minorities, and children with disabilities or other special needs.**

**Charter schools have struggled to find adequate financing for facilities and continue to need support in financing and maintaining facilities.**

**On many occasions, charter schools have had to overcome adversity to exist.**

**The founders of charter schools have been some of the most courageous and focused educators in their struggle to get their schools authorized.**

**The academic achievement of the students in charter schools has consistently been among the highest in the state.**

**Charter schools have helped all public schools in the state focus on the appropriate mission of academic excellence and achievement.**

**Charter schools are not created as alternatives to non-charter public schools but rather as a crucial part of offering choice in education to parents and students.**

**Charter schools enhance what school districts already offer.**

**Charter schools encourage community and parental involvement in the education of the state's youth.**

**This year marks the fourteenth anniversary of the passage of the Charter Schools Act.**

**The members of the Colorado General Assembly join the Colorado League of Charter Schools in celebrating the accomplishments and contributions of charter schools to public education; and proclaim the week commencing April 2, 2007, as "Colorado Charter Schools Week" in Colorado.**

**Adopted by the General Assembly April 20, 2007.**

**H.J.R. 07-1031 Colorado pedestrian month, Colorado walk to school month, and Colorado walks Wednesdays. Walking contributes to improved health, safer streets, stronger communities, and a cleaner natural environment.**

**Children walk to and from neighborhood schools during the busiest times of the day when many motorists are rushing to and from work.**

**On average in the United States, a pedestrian is killed in a traffic crash every 108 minutes, with children age 15 and younger accounting for 8% of pedestrian fatalities and 28% of all pedestrian injuries in 2005.**

Hundreds of children and adults could be saved each year if every community made pedestrian safety a priority.

The Centers for Disease Control and Prevention recommends that neighborhoods and local agencies work together to identify and create safe routes to school.

"Complete Streets" are designed and operated to enable safe access for all users, including people who use wheelchairs, have vision impairments, and for older adults and children.

In the United States, 66% of adults are obese and 17% of children are overweight.

More than 60% of all adults in the United States do not engage in the recommended amount of physical activity, and this lack of regular physical exercise can lead to illness and chronic diseases that result in billions of dollars in health care costs each year.

Increasing regular moderate physical activity among the more than 88 million inactive Americans over the age of 15 might reduce annual health care costs by as much as \$76.6 billion.

The Institute of Medicine of the National Academies recommends fighting childhood obesity by encouraging communities to improve the streets, sidewalks, and street-crossing safety of routes to school, develop programs to encourage walking and bicycling to school, and build schools within walking and bicycling distance of the neighborhoods they serve.

Adults, children, and adolescents can improve their health by engaging in moderate-intensity physical activities, such as walking, regularly during the week.

Walking is an ideal low-impact exercise that has multiple health benefits such as the ability to reduce the risk of heart disease and cancer, lower total cholesterol, raise healthy HDL cholesterol, lower blood pressure, maintain healthy bones and muscles, stabilize blood sugar, improve immunity, and relieve stress.

The U.S. Department of Health and Human Services defines a healthy community as "one that embraces the belief that health is more than merely an absence of disease; a healthy community includes those elements that enable people to maintain a high quality of life and productivity".

More than one quarter of all daily household car trips are one mile or less and almost half are under five miles.

The "Intermodal Surface Transportation Efficiency Act of 1991", subsequently reauthorized in 2005 as the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users", calls for all states to consider the needs of pedestrians and bicyclists whenever new roads are constructed or existing roads are reconstructed.

Children, parents, and community leaders throughout the world are joining together to evaluate pedestrian safety in their communities and celebrate International Walk to School Month each October.

The members of the Colorado General Assembly have resolved that:

- (1) The month of October shall permanently be designated as "Colorado Pedestrian Month".
- (2) The month of October shall permanently be designated as "Colorado Walk to School Month" to coincide with "International Walk to School Month".
- (3) Every Wednesday throughout the year shall permanently be designated as "Colorado Walks Wednesdays".
- (4) The Colorado General Assembly encourages the residents of Colorado to participate in "Colorado Pedestrian Month", "Colorado Walks Wednesdays", and "Colorado Walk to School Month", and to increase their awareness of pedestrian safety while finding ways to increase the number of walking trips into their daily lives.

Adopted by the General Assembly April 20, 2007.

H.J.R. 07-1033 National library week in Colorado. Our nation's public, academic, school, and specialized libraries support the quality of life in their communities and serve as a transforming force in those communities.

Librarians are trained professionals who assist people of all ages and backgrounds in finding and interpreting the information they need to live, learn, and work in the 21st century.

As places for opportunity, education, self-help, and lifelong learning, libraries are part of the "American Dream".

Libraries provide a world of knowledge both in person and online.

Libraries are crucial to the national discourse on intellectual freedom, equity of access, and narrowing the "digital divide".

Libraries across America are celebrating National Library Week, April 15-21, 2007, with the "Campaign for America's Libraries".

The Members of the Colorado General Assembly:

- (1) Proclaim the week commencing April 15, 2007, as "National Library Week" in Colorado;
- (2) Encourage all residents of Colorado to visit their libraries to take advantage of the wonderful library resources available; and
- (3) Thank librarians and library workers for making information accessible to all who walk through the library's doors.

Adopted by the General Assembly April 20, 2007.

H.J.R. 07-1035 Recognition of home education day in Colorado.

The state of Colorado is committed to excellence in education.

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.

Home education is the fastest growing educational alternative in this country, and thousands of parents in Colorado have chosen to teach their children at home.

Studies have found that, on average, home-educated students in grades one through twelve score between the 75th and 90th percentiles on national standardized tests.

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

Home-educated young men and women regularly serve as interns and aides in the Colorado House of Representatives and Senate.

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

It is appropriate that Colorado home educators and home-educated children be recognized for their contribution to the diversity and quality of education in Colorado.

Volunteer organizations such as Christian Home Educators of Colorado and hundreds of home-education support groups throughout the state provide a network of support, resources, and encouragement to thousands of home-educating families.

The Members of the Colorado General Assembly, honor, thank, and celebrate home educators and the home-educated children of the state and recognize April 13, 2007, as Home Education Day in Colorado.

Adopted by the General Assembly April 20, 2007.

H.J.R. 07-1037 The recognition of public education and public school teachers in Colorado. Although Thomas Jefferson was committed to the economic philosophy of free enterprise, he maintained that public education was crucial to preserving a free society and could survive only if held under public control.

Horace Mann, Henry Barnard, and other supporters of the "common school movement" in the 19th century argued for the necessity of tax-supported, nondenominational, and publicly controlled schools for American children.

These early proponents of public education asserted that if the public did not control the common school, then sectarian interests would rule and impose their particular political, economic, or religious doctrines on the students, forcing some to withdraw in order to



preserve their rights of conscience, and the schools would no longer be equal and open to all.

The basic concept of publicly controlled, free, universal, and equal education for all children has been expanded steadily over the past two hundred years and is serving American children well in the 21st century.

The foundation of freedom and democracy is a strong, effective system of public schools where every child in America, kindergarten through twelfth grade, has the opportunity to receive a free education in a safe, nurturing environment.

Public schools are the backbone of the nation, providing young people with the tools they need to become productive citizens.

More than 93% of all school-age children in Colorado, or 794,026 students, are enrolled in Colorado public schools.

A first-rate public education system depends on a network of partnerships involving parents, teachers, children, and communities.

In addition to a child's family, knowledgeable and skillful teachers can have a profound impact on a child's success in school and throughout life.

Although many people spend their lives building careers, teachers spend their careers building lives.

Tuesday, May 8, 2007 is National Teacher Day, a day to honor and acknowledge the lasting contributions that all teachers have made to our lives.

That the Colorado General Assembly hereby:

- (1) Recognizes and expresses its appreciation to Colorado school teachers for their work and dedication and encourages all Coloradans to continue to support those individuals who educate the state's children; and
- (2) Recognizes the importance of Colorado's system of public schools, which is the bedrock of every community in the state and one of the basic foundations of a free society.

Adopted by the General Assembly May 4, 2007.

H.J.R. 07-1050 Concerning the creation of a joint task force for the study of behavioral health issues. Mental disorders are common in the United States, with approximately 57.7 million people age 18 or older suffering from a diagnosable mental disorder in a given year.

Mental disorders are the leading cause of disability in the United States for ages 15 through 44.

Colorado ranks 19% higher than the national average in per capita consumption of alcoholic beverages.

In 2005, an estimated 19.7 million Americans were classified as current illicit drug users and 126 million aged 12 or older were current drinkers.

In Colorado, there are 17,300 people with a serious mental illness who are left untreated due to a lack of appropriated resources.

Children and adolescents in Colorado experience over one-third of the severe mental health disorders in the state, yet only approximately half of the children from low-income families receive care for such disorders.

There are an estimated 30,000 adolescent substance abusers in Colorado.

Colorado spends just over \$64 per capita on publicly funded mental health care, which is 21% below the national average.

Nationwide, \$27 per United States resident is spent on publicly funded substance abuse treatment compared to \$7.50 spent per resident in Colorado.

Six out of ten people receiving mental health services in Colorado are receiving services outside of the mental health system, and instead must seek care in other systems such as Corrections and Social Services.

In fiscal year 2006, 43% of the youth in mental health treatment had been referred by the criminal justice system.

Several state agencies are involved in the treatment of persons with mental health and substance abuse disorders.

Many other states have organized departments and state agencies to coordinate and create single behavioral health service systems for mental health and substance abuse treatment

resulting in the maximization of public funding streams for services and treatment and a better coordination of efforts to treat those in need.

In order to best serve Coloradans, these state agencies need to coordinate their efforts to serve all persons in need and to maximize public funding for mental health and substance services.

The Colorado General Assembly has resolved that there is created a task force for the study of behavioral health funding and treatment, whose duty shall be to study mental health and substance abuse services in order to coordinate the efforts of state agencies and streamline the services provided and to maximize federal and other funding sources.

The task force shall consist of fourteen members including the executive director of the department of education or his or her designee.

The task force shall consult with interested parties to assist the task force in its work, which parties may include community mental health centers, mental health institute administrators, the Colorado mental health planning and advisory council, mental health and substance abuse service users, county commissioners, parole and probation officers, school district representatives, substance abuse treatment providers, law enforcement representatives, hospital representatives, developmental disability representatives, representatives of the judicial system, residential treatment providers, and other persons whose assistance the task force may find helpful.

The task force shall receive information and testimony and shall present a report to the Health and Human Services Committees of the Senate and the House of Representatives on or before January 31, 2008, regarding any findings and legislative recommendations.

Adopted by the General Assembly May 4, 2007.

H.R. 07-1009 National Arts Advocacy Day. The arts are one of the basic expressions of humanity.

The arts represent a unique way of expressing human intelligence and fostering aesthetic experiences.

The arts contribute to the creative, collaborative, and critical-thinking skills necessary for a global work force.

A design component of education is to meet the needs of all students.

The arts are inherently valuable as core disciplines themselves and are a valuable and useful component of effective instruction in other core disciplines.

Arts education is one of the academic indicators used to determine the accreditation status of school districts in Colorado.

Arts education has a demonstrated ability to increase attendance rates, graduation rates, and student achievement and to facilitate higher scholastic achievement, especially for at-risk students.

Arts education has a demonstrated ability to remediate delinquent behavior.

There is a widespread concern that high-stakes testing, accountability, and the new Colorado college admission requirements are leading to reductions in access to arts education for Colorado students.

The experience of many schools across Colorado, as well as much research, shows that a strong arts education program, integrated throughout the curriculum, leads to higher academic achievement, higher graduation rates, and greater success in postsecondary education.

The Members of the Colorado General Assembly reaffirm the importance of the arts as an essential part of a classic, well-rounded, strong academic education and encourage school districts to ensure equal opportunity and access to the study of and participation in the arts as part of a core curriculum within the school day for all Colorado students.

Adopted by the General Assembly March 12, 2007.

## **EDUCATION – UNIVERSITIES AND COLLEGES**

S.B. 07-19 Teacher preparation programs - review schedule. Clarifies that the Colorado commission on higher education shall establish a schedule for review of teacher preparation programs that ensures each teacher preparation program is reviewed not more frequently than once every 5 years.

EFFECTIVE August 3, 2007

Added 1-45-103(14.5); 1-45-103(16.5); 1-45-103(6)(c); 1-45-108.5.

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.

Amended 23-1-121(4)(a)(II)

## ELECTIONS

**H.B. 07-1074 Political organizations - disclosure of contributions and spending.** Defines "political organization" to mean a political organization defined in section 527 (e) (1) of the federal "Internal Revenue Code of 1986" that is engaged in influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and that is exempt, or intends to seek any exemption, from taxation pursuant to section 527 of the code.

Requires any political organization to report to the appropriate officer in accordance with existing disclosure and reporting requirements under the "Fair Campaign Practices Act" (FCPA):

- Any contributions the political organization receives, including the name and address of each person who has contributed \$20 or more to the political organization in the reporting period, and the occupation and employer of each natural person who has made a contribution of \$100 or more to the political organization; and
- Any spending by the political organization that exceeds \$20 in any one reporting period.

Prohibits any political organization from accepting a contribution, or undertaking spending, in currency or coin exceeding \$100.

Specifies that nothing in the act shall be construed to:

- Require any political organization to make any additional disclosure pursuant to the act to the extent the political organization is already providing disclosure as a committee or political party in a manner that satisfies the disclosure or reporting requirements of the FCPA; or
- Authorize the secretary of state to require disclosure of the name of any natural person that is a member of an entity unless the natural person has made a contribution to a political organization in the amount of \$20 or more in a reporting period.

EFFECTIVE July 1, 2007

## GOVERNMENT – STATE

**S.B. 07-45 Public records - fees for providing copies.** Authorizes custodians of certain public records, including county clerk and recorders, to charge a fee for copies of the records in an amount not to exceed 25¢ per standard page or the actual cost of copies provided in a form other than on a standard page; except that:

- The executive director of the department of personnel may continue to charge fees reflecting the direct and indirect costs of responding to requests for public records of which the executive director is the custodian; and
- Institutions of higher education may charge reasonable fees for certified copies of student transcripts.

The fee for public records applies to the state, any agency, institution, or political subdivision of the state, any foundation, or any local government-financed entity. A political subdivision is defined to mean every county, city and county, city, town, school district, special district, public highway authority, regional transportation authority, and housing authority within the state.

Government agencies that currently charge more than 25 cents per page for copies will be able to recover a portion of their costs through research and retrieval fees whenever a record is not readily available.

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.

Amended 24-72-205(1); 24-72-205(2); added 24-72-205(5); amended 30-1-103(2)(j).

**S.B. 07-51 State-assisted facilities - energy efficiency - standards.** Requires the state architect to adopt a high performance standard certification program for state-assisted facilities of 5,000 or more square feet that are at least 25% financed with state funds or funds guaranteed or insured by a state agency or department. Requires the substantial renovation, design, or construction of such facilities to achieve the highest performance certification attainable. Deems a certification level to be attainable if the increased initial costs of achieving the certified performance level can be recouped from decreased operational costs within 15 years.

Specifies exemptions. Requires the department of personnel and administration to annually report to the general assembly regarding the implementation of the high performance standard certification program.

**EFFECTIVE September 1, 2007**

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.

Added 24-30-1301(7.5); amended 24-30-1301(13); added 24-30-1301(15); 24-30-1305(9).

**S.B. 07-197 Public safety - schools - anonymous electronic reporting hotline - confidentiality of records.** Sets forth the duties and functions of the safe-2-tell program and electronic hotline to allow persons in schools a means to report dangerous, violent, or criminal activities anonymously. The program is administered by a private, nonprofit organization. Requires the program to establish methods to ensure the anonymity of a person who calls the safe-2-tell hotline. Requires the program to keep safe-2-tell records confidential and to produce them only upon court order.

**EFFECTIVE May 3, 2007**

Added 16-15.8-0 (entire article); 22-1-126.

**S.B. 07-210 Amendment 41 implementation - establishment of independent ethics commission - membership - appointments - powers and duties - advisory opinions and letter rulings - dismissal of frivolous complaints - subpoena powers - judicial review.** Implements article XXIX of the state constitution, concerning ethics in government, enacted by the voters at the 2006 general election, in the following respects:

- Establishes the independent ethics commission in the office of administrative courts in the department of personnel. Specifies requirements pertaining to the appointment and terms of commission members, the reimbursement of expenses incurred by commission members, and the powers and duties of the commission.

- Requires the major political parties to have equal numbers of members appointed to the commission.

- Requires the commission to prepare a response to a request for an advisory opinion from a public officer, member of the general assembly, local government official, or government employee as to whether particular

action by such individual satisfies the requirements of article XXIX not more than 20 business days after the request is made to the commission. Permits any individual who is not a public officer, member of the general assembly, local government official, or government employee to submit a request to the commission for a letter ruling concerning whether potential conduct of the person making the request satisfies the requirements of article XXIX. In such case, requires the commission to issue a response to the request as soon as practicable.

- Specifies that each advisory opinion or letter ruling, as applicable, issued by the commission shall be a public document and requires each such document to be promptly posted on a website that shall be maintained by the commission; except that, in the case of a letter ruling, requires the commission to redact the name of the person requesting the ruling or other identifying information before it is posted on the website.

- Requires the commission to dismiss as frivolous any complaint filed under article XXIX that fails to allege that a public officer, member of the general assembly, local government official, or government employee has accepted or received any gift or other thing of value for private gain or personal financial gain. For purposes of the act, defines "private gain" or "personal financial gain" to mean any money, forbearance, forgiveness of indebtedness, gift, or other thing of value given or offered by a person seeking to influence an official act that is performed in the course and scope of the public duties of a public officer, member of the general assembly, local government official, or government employee.

- Requires the commission to adopt reasonable rules as may be necessary for the purpose of administering and enforcing the provisions of article XXIX and any other standards of conduct and reporting requirements as provided by law. Requires any such rules to be promulgated in conformity with the "State Administrative Procedure Act".

- Authorizes the commission to employ staff.

- Specifies that no subpoena requiring the attendance of a witness or the production of documents shall be issued by the commission unless a motion to issue any such subpoena has been made by one member of the commission and approved by no fewer than 4 members of the commission.

- Specifies that any final action of the commission concerning a complaint is to be subject to judicial review by the district court for the city and county of Denver.

**EFFECTIVE April 26, 2007**

NOTE: S.B. 07-210 and H.J.R. 07-1029 are companion measures to:

- 1) set up the ethics commission required under amendment 41 and,
- 2) ask the Colorado supreme court to clarify some of the confusing language.

A preliminary court injunction of May 31, 2007 suspended the gift bans in sections 2 and 3 of amendment 41 because they “could impair first amendment rights” and that S.B. 07-210 does not suffice to cure the first amendment problems.

*While the injunction suspends the gift ban, state employees should adhere to any existing policies regarding gifts, and take steps to maintain the public trust.*

The next legal step is a full trial on the merits of the constitutional challenge, after which the court could lift the preliminary injunction or make it permanent. The case could then be appealed. Therefore, the final outcome of the case may not be known for some time.

The ruling does not impact other parts such as lobbying limitations for recent legislators or senior government employees, and presumably, also does not prohibit the ethics commission established by S.B. 07-210 from adopting rules and enforcing other parts of amendment 41.

Added 24-18.5-0 (entire article).

**H.B. 07-1314 Public benefits - proof of lawful presence - rules.** Requires the executive director of the department of revenue (DOR) to issue permanent rules providing for additional forms of identification recognized by the federal government and a waiver exemption process for persons applying for federal or state or local public benefits. Specifies that emergency rules issued prior to March 1, 2007, remain in effect until new rules are promulgated.

EFFECTIVE March 1, 2007

NOTE: The DOR has posted 1 CCR 201-17, rules for evidence of lawful presence (legal ID) in the U.S. on the DOR website, effective August 1, 2007.

*CDE units that issue licenses and contracts will need to be aware of and follow these rules. Contracts, loans, grants, or similar benefits issued by CDE or school districts will need to comply with the lawful presence rules.*

The rules apply to individuals over 18 years of age who are applying for benefits as defined in H.B. 07-1314. Due to the detail contained in the rules, they cannot be adequately summarized in this report.

Amended 24-76.5-103(5).

## HEALTH AND ENVIRONMENT

**S.B. 07-153 Local health officer - quarantine and isolation orders.** Allows local health officers to establish, maintain, and enforce a quarantine, including the physical control over property and persons, to protect the public health. Requires a local health officer to respect the creed or tenets of religion of any person, if sanitary and quarantine laws and rules are complied with by such person.

EFFECTIVE April 20, 2007

Added 25-1-611.5; 25-1-611.7; amended 25-1-650 IP(1); 25-1-650(1)(a); added 25-1-650.5; 25-1-650.7; repealed 25-1-633; 25-1-646.

**H.B. 07-1347 Immunization registry - department powers - expansion and access.** In order to expand the immunization registry and increase access to immunizations, authorizes the department of public health and environment (DPHE) to address:

- Mechanisms for maximizing federal funds to purchase, distribute, and deliver vaccines;
- Methods to reduce the administrative burdens of providing immunizations to individuals in Colorado;
- Options for Colorado to more effectively purchase, distribute, and deliver vaccines to underinsured and uninsured individuals;
- Options for the most cost-effective use of funds;
- Pursuit of private and public partnerships for funding for the immunization registry; and
- Methods for implementing the findings of the department.

Authorizes the department of public health and environment to establish a comprehensive immunization tracking system to include all persons in Colorado who voluntarily participate in the system. Requires records in the system to be confidential except under specific circumstances. Makes the unauthorized release or the sale of confidential immunization records a class 1 misdemeanor. Subjects a business entity that sells such records to a civil penalty.

Allows an individual or parent or guardian of an individual to exclude immunization information from the comprehensive immunization tracking system.

**NOTE:** To enable the gathering of epidemiological information and investigation and control of communicable diseases, the DPHE may establish a comprehensive immunization tracking system with immunization information gathered by state and local health officials from a list of sources including:

- Schools
- Parents, legal guardians, or persons authorized to consent to immunization.

**EFFECTIVE April 26, 2007**

Amended 25-2-122(2)(c)(l); 25-4-1004(1)(b); 25-4-1705(5)(e); 25-4-1705(8); 25-4-1705(10); 25-4-1707; 25-4-1708; added 25-4-2400 (entire part 24); amended 25-4-901(1)(b); 25-4-906(1); 26-2-111.1.

## **HEALTH CARE POLICY AND FINANCING**

**S.B. 07-211 Health care for children - advisory committee - chief medical officer - presumptive eligibility - lawful presence - access and quality of care - clinical standards.** Establishes an advisory committee in the department of health care policy and financing (HCPF) to develop and oversee the implementation of a plan to provide health coverage for all low-income children in Colorado by the end of 2010. Specifies duties of the advisory committee. Requires the advisory committee to submit, at least annually, reports and recommendations to specified committees of the general assembly.

Authorizes the executive director of the department to appoint a chief medical officer. Specifies qualifications and duties of the chief medical officer.

Establishes presumptive eligibility for medicaid for children under 18 years of age whose parent or guardian's declaration establishes financial eligibility.

For the baby and kid care program under medicaid:

- Establishes presumptive eligibility for children who meet the income level requirements; and
- Provides for 12-month enrollment following eligibility except for defined circumstances and ensures continuous

enrollment, if eligible, for the children's basic health plan.

For the children's basic health plan:

- Establishes presumptive eligibility for children who meet the income level requirements; and
- Ensures continuous enrollment between the children's basic health plan and medicaid, if eligible for medicaid.

Excludes from the requirement to prove lawful presence, pregnant women and individuals over 18 and under 19 years of age who remain eligible for medical benefits after their 18th birthday.

Directs the department to report to specified committees of the general assembly on measures of access and quality of care received by children eligible for benefits through the department.

Directs the department to develop clinical standards and methods for collecting, analyzing, and disclosing information concerning clinical performance. Directs the department to review the data generated and make recommendations concerning strategies to improve health outcomes.

**PORTIONS EFFECTIVE July 1, 2007**

**PORTIONS EFFECTIVE January 1, 2008**

Added 25.5-1-202; 25.5-1-105.5; 25.5-5-204(2.5); amended 25.5-5-205(3)(d); 25.5-8-109(3); 25.5-8-109 IP(4); 25.5-8-109(4)(b); 24-76.5-103(3)(e)(III); 24-76.5-103(3)(f); added 24-76.5-103(3)(g); 25.5-1-113.5; 25.5-1-109.5; 2-3-1203(3)(y).

## **HUMAN SERVICES – SOCIAL SERVICES**

**H.B. 07-1062 Early childhood education and care - early childhood councils - early childhood advisory team - funding - voluntary child care credentialing system - evaluation - early childhood cash fund - analysis of child care assistance program funds and policies.** Repeals the pilot program for community consolidated child care services, and establishes a statewide system of early childhood councils that incorporates existing pilot program councils with newly designated councils.

Directs the various participating counties to designate a convening entity for each council, and requires the convening entity to approve council members. Creates an application

process to receive designation as a council. Outlines the essential community representation on a council, as well as suggested participation.

Sets forth the duties of the councils, including but not limited to increasing and sustaining the quality, accessibility, capacity, and affordability of early childhood services for children 5 years of age or younger and their parents.

Outlines the application process for funding for a council. Allows a council to request from the state department of human services (DHS) a waiver of any rule that would prevent it from implementing council projects.

Creates the early childhood council advisory team in the office of the lieutenant governor, and outlines its membership and functions. Directs the department to develop and maintain a statewide voluntary child care credentialing system that shall include, but need not be limited to, the councils. Directs the department, together with the advisory team, to contract with a third party to prepare an independent evaluation of the statewide system of early childhood councils to determine its effectiveness in serving children and families.

Creates the early childhood cash fund. Authorizes and directs the office of the state auditor to conduct a performance audit of the use of moneys from the child care assistance program. Defines areas to be assessed and reports to be made based on findings.

EFFECTIVE May 31, 2007

**NOTE:** The early childhood council advisory team in the office of the lieutenant governor will provide advice concerning the activities of, and provide operational support for the early childhood councils. The advisory team shall be convened by the office of lieutenant governor, with input, cooperation, and support services from the DHS, the CDE, and the department of public health and environment (DPHE).

Amended, added, repealed, repealed and reenacted articles of title 26 (6, 6.5 and added 24-44-5.- (entire article).

**H.B. 07-1274** Individuals who are blind or visually impaired - commission. Creates the Colorado commission for individuals who are blind or visually impaired within the department of human services (DHS). Specifies the membership of the commission.

Requires the commission to:

- Make recommendations concerning the provision of vocational rehabilitation services, job placement services, and vocational training for individuals who are blind or visually impaired;
- Make recommendations concerning the provision of independent living services for individuals who are blind or visually impaired;
- Make recommendations concerning responsibilities for establishing and carrying out a business enterprise program for individuals who are blind or visually impaired;
- Serve as a liaison between the blind and visually impaired community and the general assembly, the governor, and Colorado state departments and agencies;
- Serve as an information resource to the state and the blind and visually impaired community; and
- Make recommendations concerning responsibilities for developing and administering any other program that will further the provision of services to individuals who are blind or visually impaired.

Sets the procedures for operation of the commission and appointment of its members. Authorizes the commission to issue a report with recommended legislation to the general assembly and the governor. Provides for review of the commission prior to its repeal, effective July 1, 2012.

EFFECTIVE August 3, 2007

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.

Added 26-8.7-0 (entire article); 24-1-120(5)(l); 2-3-1203(3)(y); 40-17-104(4)(d).

## LABOR AND INDUSTRY

**H.B. 07-1073** Public contract for services - use of federal basic pilot program. In connection with a public contract for services, modifies the language of a pre-contract certification and a required provision of the contract to reflect that the federal basic pilot program is used to confirm the employment eligibility of all employees who are newly hired for employment in the United States.

EFFECTIVE August 3, 2007

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 4 of this report.

Amended 8-17.5-102(1); 8-17.5-102(2)(b)(l).

IP(1)(a); added 39-29-109.5; amended 39-29-110(1)(a)(l); 39-29-111(1).

**H.B. 07-1087 Office of energy management and conservation - wind for schools grant program.** Establishes the wind for schools grant program and specifies that the program shall be administered by the office of energy management and conservation within the office of the governor. Requires the office to review grant applications from qualified schools and to determine whether a grant should be awarded to that qualified school for a wind power project. Limits the aggregate amount of grants a qualified school may receive to \$5,000.

Requires that the office use at least \$50,000 from the existing resources of the office for the implementation of the wind for schools grant program. Specifies that the office may meet the minimum expenditure requirement over one or more fiscal years.

**EFFECTIVE April 16, 2007**

Added 22-89-0 (entire article).

## **TAXATION**

**H.B. 07-1309 Oil and gas - severance tax - monthly estimated payments and withholding payments - electronic payments.** Requires estimated tax and withholding payments related to the oil and gas severance tax to be made on a monthly basis instead of quarterly. Requires the payments to be made electronically.

For a period of 3 years, requires additional interest earned in the severance tax funds as a result of the more frequent and electronic estimated tax and withholding payments to be transferred to a new fund and continuously appropriated to the governor's energy office to be used for a program to improve the energy efficiency of public schools.

Creates an exception to the requirement that tax information be kept confidential in order to permit the department of revenue to provide the legislative council staff with the information it needs to calculate the additional interest earned.

**EFFECTIVE May 30, 2007**

Added 39-21-113(15); amended 39-22-606(4); 39-22-606(5)(a); added 39-22-606(5)(a.5); amended 39-22-606 IP(5)(b); 39-22-606(5)(c)(l); 39-29-109