

Colorado Department of Education

LEGISLATIVE

SUMMARY

2001



Sixty-Third General Assembly, First Regular Session

COLORADO DEPARTMENT OF EDUCATION

201 E. COLFAX AVE.
DENVER, COLORADO 80203-1799
FAX (303) 830-0793

**"To lead, to serve, and to promote
quality education for all."**

A summary of the legislation affecting education
that passed the Sixty-Third General Assembly,
First Regular Session in 2001,
along 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.

Susan L. Million
Legislative Information Services
Phone: 303/866-6808
E-mail: million_s@cde.state.co.us

Karen L. Stroup, Chief of Staff and Legislative Liaison

William J. Moloney
Commissioner of Education
State of Colorado

July 2001

COLORADO STATE BOARD OF EDUCATION

Pat M. Chlouber Chairman	Randy DeHoff Vice Chairman	John Burnett	Evie Hudak	Clair Orr	Jared Polis	Gully Stanford
Third Congressional Dist. Leadville	Sixth Congressional Dist. Littleton	Fifth Congressional Dist. Colorado Springs	Second Congressional Dist. Arvada	Fourth Congressional Dist. Kersey	Member-at-Large Boulder	First Congressional Dist. Denver

NOTE: Web address on the Colo. Dept. of Education Home Page: <http://www.cde.state.co.us/>
(Choose "Laws & Regulations", then under Links choose State Education Legislation.)

To see complete bills: <http://www.state.co.us>, click on Legislature, then General Assembly Home Page.

INDEX

APPROPRIATIONS	
S.B. 01-212	General appropriations 1
CHILDREN AND DOMESTIC MATTERS	
S.B. 01-47	Mandatory reporting of child abuse..... 2
H.B. 01-1168	Juvenile justice code changes 2
H.B. 01-1260	School attendance law – access to records..... 2
CRIMINAL LAW AND PROCEDURE	
H.B. 01-1229	Sex offender supervision..... 2
EDUCATION - PUBLIC SCHOOLS	
S.B. 01-49	Colorado preschool program 3
S.B. 01-76	School district collective bargaining agreements 3
S.B. 01-80	Safe schools bullying policy 3
S.B. 01-82	Public school funding – requirements of amendment 23 3
S.B. 01-91	Full-day kindergarten pilot program 4
S.B. 01-98	School improvement – academic performance 4
S.B. 01-120	New definition in preschool program 6
S.B. 01-123	Preschool program funding..... 6
S.B. 01-129	Financing public schools..... 7
S.B. 01-204	Public school funding – implement amendment 23 10
S.B. 01-222	K-12 capital construction funding..... 12
S.B. 01-237	Charter schools - funding capital construction needs..... 12
H.B. 01-1041	Colorado preschool program assistance and training..... 12
H.B. 01-1129	Extracurricular athletic activities 12
H.B. 01-1146	Performance evaluation of superintendent..... 12
H.B. 01-1163	Colorado information technology education grant program 12
H.B. 01-1186	School district critical shortage hirings 13
H.B. 01-1196	Statewide assessments – return writing portion 13
H.B. 01-1215	School report cards – reporting requirements 13
H.B. 01-1222	School report cards – attendance information 13
H.B. 01-1232	Education funding – use of 1% increase 13
H.B. 01-1262	Public school funding – implement amendment 23 14
H.B. 01-1272	Textbook funding 14
H.B. 01-1292	Character education programs 15
H.B. 01-1348	Use of scores of special education students 15
H.B. 01-1365	Science and technology education center grant program..... 15
S.J.R. 01-15	Colorado children’s day..... 16
H.J.R. 01-1014	Closing the learning gap..... 16
H.J.R. 01-1037	Recognition of achievement of Girls, Inc. 16
H.J.R. 01-1043	Colorado pedestrian month and walk-to-school day 17
H.J.R. 01-1047	Work keys assessments in Colorado’s schools..... 17
ELECTIONS	
H.B. 01-1070	Fair campaign practices act–electronic filing 18
GOVERNMENT - STATE	
S.B. 01-88	Criminal history record checks – elderly and disabled..... 18
S.B. 01-149	State defined contribution plan changes 19
H.B. 01-1057	PERA – participation by retirees who return to work 19
H.B. 01-1359	Open meetings and public records..... 19
H.B. 01-1381	Utility cost-savings measures 21
HEALTH CARE POLICY AND FINANCING	
H.B. 01-1401	Primary care/preventive grant program..... 22
MOTOR VEHICLES AND TRAFFIC REGULATION	
S.B. 01-3	Commercial vehicle definition – excludes school buses..... 22
H.B. 01-1017	Motor vehicle registration program 23
H.B. 01-1025	Motor vehicle records privacy..... 23
H.B. 01-1402	Emissions inspection contract..... 23
PUBLIC UTILITIES	
H.B. 01-1061	Telecommunications – unauthorized services 24

The following are summaries of 2001 bills as prepared by the General Assembly Office of Legislative Services with selected clarification or notation by the Department of Education.

APPROPRIATIONS

S.B. 01-212 General appropriation act - 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, 2001. Sets the grand total for the operating budget at \$12,907,978,335, of which \$5,703,694,497 is from the general fund, \$1,257,560,443 is from cash funds, \$3,183,930,010 is from cash funds exempt, and \$2,762,793,385 is from federal funds.

Appropriates \$578,470,502 for capital construction, of which \$346,773,365 is capital construction fund exempt funds, \$53,358,735 is from cash funds, \$157,326,670 is from cash funds exempt, and \$21,011,732 is from federal funds.

Makes additional changes in appropriations for the 1993-94, 1997-98, 1998-99, 1999-2000, and 2000-01 fiscal years.

EFFECTIVE May 3, 2001

PORTIONS VETOED May 3, 2001

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

	2000-01 Appropriation	2001-02 Appropriation
General Fund	\$ 2,143,484,864	\$ 2,286,324,068
Cash Funds	12,456,123	13,600,926
Cash Funds Exempt	127,600,423	247,231,723
Federal Funds	265,680,414	270,982,997
<u>Grand Total</u>	<u>\$ 2,549,221,824</u>	<u>\$ 2,818,139,714</u>

NOTE: The effective date for a bill enacted without a safety clause and without an effective date indicated in the bill is August 8, 2001, the day following the expiration of the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1(3) of the state constitution unless a referendum petition is filed against the act within such time period. If a referendum petition is filed, the act, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor

CHILDREN AND DOMESTIC MATTERS

S.B. 01-47 Mandatory reporting - child abuse. Adds licensed professional counselors, licensed marriage and family therapists, and unlicensed psychotherapists to the list of persons required to report child abuse or suspected child abuse.

EFFECTIVE July 1, 2001

Added 19-3-304(2)(x); 19-3-304(2)(y); 19-3-304(2)(z) C.R.S.

H.B. 01-1168 Juvenile justice - mandatory sentences - speedy trial - reporting juvenile delinquency petitions to schools. Clarifies that the court shall impose a mandatory minimum 5-day detention for any juvenile charged with certain felony or misdemeanor weapons offenses. Clarifies the timing of the trial when a juvenile is held without bail or when a juvenile's bail is revoked or increased. Narrows the reporting of juvenile delinquency petitions to petitions involving felonies, first-degree misdemeanors, and other selected misdemeanors. Requires reasonable good faith reporting to the juvenile's principal within 3 working days after the petition is filed. If the prosecuting attorney, in good faith, is not able to contact the principal, directs the prosecuting attorney to contact the superintendent of the juvenile's school district.

EFFECTIVE July 1, 2001

Amended 19-2-911(2); 19-2-304(5).

H.B. 01-1260 School Attendance Law of 1963 - access to records - court enforcement. Allows a criminal justice agency investigating a matter under the "School Attendance Law of 1963" to seek, prior to adjudication, disciplinary and truancy information from the juvenile's school. Clarifies the juvenile court has enforcement power for violations of any orders it makes under the "School Attendance Law of 1963".

EFFECTIVE June 1, 2001

Amended 19-1-303(2)(c); 19-1-104(1)(k); 22-33-108(1); 22-33-108(1.5).

CRIMINAL LAW AND PROCEDURE

H.B. 01-1229 Sex offenders - lifetime registration - intensive supervision probation - sexually violent predator - counseling or treatment - appropriation. Requires an offender convicted as an adult of sexual assault, first or second degree sexual assault as they existed prior to July 1, 2000, sexual assault on a child, sexual assault on a child by one in a position of trust, sexual assault on a client by a psychotherapist, incest, or aggravated incest to register quarterly as a sex offender for the remainder of the offender's life. Sets forth the registration procedure. Changes the permissive condition of an intensive supervision probation program to a requirement, and subjects those convicted of specified offenses involving unlawful sexual behavior and sentenced to probation to an intensive supervision probation program. Charges the probation department, in coordination with the evaluator completing the mental health sex offense specific evaluation, to complete the sexually violent predator risk assessment.

Eliminates the court's option of making a specific finding that treatment with another facility or person, other than those specified by statute, is warranted in connection with a sex offender's probation or alcohol and drug treatment. Eliminates the state board of parole's option to determine that treatment with another facility or person, other than those specified by statute, is warranted as a condition of parole for a sex offender.

Appropriates \$358,497 from the offender services fund to the division of probation and related services in the judicial department for the sex offender intensive supervision program.

EFFECTIVE May 30, 2001

Added 18-3-412.5(3)(a)(1.5); amended 18-3-412.5(7)(c); 16-13-807(1)(a); added 16-13-807(4); amended 18-3-414.5(2); added 16-11-204(2)(d); 16-7-402(3); 17-2-201(5.8); 18-3-412.5(3.9).

EDUCATION - PUBLIC SCHOOLS

S.B. 01-49 Colorado preschool program - district council - community providers.

Requires school district preschool program councils to assess, at least once every 5 years, whether alternative community providers are available and to ensure the highest quality service at the lowest cost.

EFFECTIVE March 28, 2001

Amended 22-28-105(2)(a.3).

S.B. 01-76 School district collective bargaining agreements - public disclosure.

Requires each school district board of education ("school board") to provide copies of all collective bargaining agreements entered into by the school board to the state board of education ("state board") and the largest public library in the school district. Requires each school board to post copies of all current collective bargaining agreements on its website, if available. Instructs the state board and libraries receiving the collective bargaining agreements to make copies available for public inspection. Compels each school board to make copies of the collective bargaining agreements available for public inspection at its main offices.

EFFECTIVE August 8, 2001

Added 22-32-109.4; 22-2-109(1)(r); 24-90-109(1)(q).

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

S.B. 01-80 Safe schools - bullying policy.

Requires each school district to consult with student councils, where available, when adopting and implementing a safe school plan or when revising existing plans or policies concerning safe schools. Requires each school district to include a specific policy in the school district conduct and discipline code concerning bullying prevention and education. Defines bullying to mean any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school

grounds, in school vehicles, at a designated school bus stop, or at school activities or sanctioned events.

Requires each school to submit, in the annual report to the state board of education, information concerning the school's policy on bullying prevention and education, including information related to the development and implementation of any bullying prevention programs.

EFFECTIVE August 8, 2001

Amended 22-32-109.1 IP(2); 22-32-109.1(2)(a)(VIII); 22-32-109.1(2)(a)(IX); added 22-32-109.1(2)(a)(X); 22-32-109.1(2)(b)(VIII).

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

S.B. 01-82 Public school funding – requirements of amendment 23 - accountability.

Establishes state policies relating to section 17 of article IX of the state constitution (amendment 23) as follows:

- Explains that for school district budget years 2001-02 through 2010-11, the general assembly is required to annually increase the statewide base per pupil funding for public education from preschool through 12th grade and the total state funding for all categorical programs by the rate of inflation plus one percentage point;
- Explains that for the school district budget year 2011-12 and each school district budget year thereafter, the general assembly is required to annually increase the statewide base per pupil funding for public education from preschool through 12th grade and the total state funding for all categorical programs by the rate of inflation;
- Requires each public school district (district) to include in its accreditation contract with the state board of education (state board) a continuous plan explaining how the district will use the additional education funding received pursuant to the requirements of amendment 23. Requires each district to annually update the

plan to reflect any changes in the use of amendment 23 funding. Specifies that the plan is to include a statement concerning the need for increased funding for textbooks and whether said need will be addressed in the plan. For districts with total enrollment or more than 6,000 pupils, requires the plan to include a statement concerning the need for lower class sizes and whether said need will be addressed by the plan. When submitting data concerning student assessments, requires districts to include an accounting of the impact of additional amendment 23 funding on student achievement; and

- Makes legislative findings regarding the implementation of amendment 23.

EFFECTIVE May 30, 2001

Added 22-55-0 (entire article); amended 22-7-603(3)(d); added 22-11-201(4)(c).

S.B. 01-91 Full-day kindergarten - pilot program - authority to contract - report - funding - appropriation. Permits school districts to offer kindergarten educational programs on a full-day basis as a pilot program, between the effective date of the act and July 1, 2006. Sets the minimum number of hours of instruction and contact for any full-day kindergarten at 900 hours, which can be reduced to no fewer than 870 hours for parent-teacher conferences, staff in-service programs, and closings. Specifies that such full-day kindergarten programs are in addition to any existing programs and are to serve those students attending a school that received an academic performance grade of "F" in the prior year. Permits a school district board of education to contract with any other public or private entity, including but not limited to a childcare center or a head start agency, to provide the full-day kindergarten program and to place a teacher with such provider.

On or after July 1, 2005, directs the department of education ("department") to contract for a review and analysis of the effectiveness of full-day kindergarten in raising student achievement. Directs the department to present the results of such review and analysis to the general assembly

on or before December 1, 2005. States that the full-day kindergarten pilot program moneys should come from the state education fund.

Appropriates \$2,853,075 from the state education fund to the department of education for implementation of the act.

EFFECTIVE May 29, 2001

Added 22-32-110(1)(II); amended 22-32-109(1)(n)(I); 22-32-109(1)(n)(II)(A); 22-32-119; 22-54-103(10)(b); 22-54-103(10)(f).

S.B. 01-98 Academic performance - school accountability reports - terminology - school improvement plans - non-English statewide assessments - study - non-public home-based educational programs - teacher pay incentive program - teacher loan forgiveness pilot program - curriculum-based, achievement college entrance exam - study - appropriations. Changes terminology in existing education statutes as follows:

- Changes "school report card" to "school accountability report"
- Changes school "grades" to school "ratings";
- Changes the school ratings of "A", "B", "C", "D", and "F" to "excellent", "high", "average", "low", and "unsatisfactory", respectively; and
- Changes the school improvement ratings of "A", "B", "C", "D", and "F" to "significant improvement", "improvement", "stable", "decline", and "significant decline", respectively.

Delays until the 2001-02 school year the use of the results of the curriculum-based, achievement college entrance exam ("ACT exam") in the calculation of a public high school's overall academic performance rating. Permits a student to show a need to take the ACT exam on the national testing date rather than the statewide testing date, and requires the department of education ("department") to pay for the test.

Deletes the separate school improvement designations for schools with academic performance grades of "A" and "B". Directs that the terms and data elements in school accountability reports are to be defined in the chart of accounts and personnel

classification system. Clarifies that school accountability reports reflect the results in reading, writing, and math for all students tested. Clarifies that test scores are used in the calculation of the school's overall academic performance rating. Directs the department to print on the school accountability report a notation if a school failed to report data. Permits a school district, at its own expense, to include additional information with the school accountability report that does not refute the report. Requires the key for the pie charts showing student performance on the school accountability reports to include the label "no score". Extends the date for delivery of the accountability reports from August 15 to September 15.

Requires the number of librarians employed at the school to be included in the school accountability reports. For school accountability reports issued on or after July 1, 2002, deletes the notation of "Classroom Suspensions" and "Other Felonies as Defined by Statute". Requires school accountability reports, on and after July 1, 2002, to include the following information:

- Substance abuse incidents segregated by drugs, alcohol, and tobacco;
- Student enrollment stability, defined as the percentage of students enrolled in the school on October 1 who are still enrolled on February 1 of the same academic year; and
- Students eligible for free lunch.

Deletes the 45-day deadline for the department to return comments and suggestions on a school improvement plan. Permits the state board of education ("state board") to remove a school district's accreditation, pursuant to a plan adopted by rule of the state board, after no significant improvement over 3 years in the assessment scores of a school operating under a school improvement plan.

Exempts from the calculation of a school's rating the score of any student who enrolls in the public school after February 1, rather than after October 1, of the school year in which the assessment is administered. Clarifies that the provision explaining which scores of students whose dominant language is not English are included in a school's

rating shall apply regardless of the language in which the assessment is administered. Requires the academic performance ratings calculated for the 2000-01 school year to include all scores of non-English assessments.

Clarifies that a student attending a non-public school or nonpublic home-based educational program is not required to take a statewide assessment, even though the student may be attending a public school for part of the day and included in that public school's pupil count.

Allows parents of a habitually truant student who intend to begin home-schooling to notify any school district within the state instead of specifically notifying the school district superintendent. Clarifies that a home-school student who subsequently enrolls in a public school may be tested by that school district for placement purposes. Requires a public school to accept home-school transcripts for credit, except when testing does not verify their accuracy. Clarifies that a home-schooled child has the same rights as a public school student of the school district in which the child resides or is enrolled and may participate on an equal basis in extracurricular or inter-scholastic activities.

Establishes in the department a teacher pay incentive program to assist poorly-performing school districts in recruiting and maintaining quality teachers. Awards grants through the program to public schools with a "low" or "unsatisfactory" rating for the 2000-01 school year through a formula based on the number of students enrolled in the school. Awards bonuses to those schools that subsequently receive school improvement ratings of "significant improvement" or "improvement". Requires the department to report in February 2005, to the governor and the education committees of the senate and the house of representatives on the effectiveness of the program and whether the program should continue. Specifies the minimum amount of the yearly bonuses and limitations on who may receive a bonus.

Directs the department, in conjunction with an appointed study committee, to conduct a study regarding student assessments administered to students whose dominant

language is not English. Requires the department to submit a report of the study's findings and recommendations to the state board and the education committees of the senate and the house of representatives no later than December 31, 2001. Describes the appointment of members to the study committee. Specifies the study topics.

Includes in the list of accreditation indicators the percentage of students in each school district whose dominant language is not English. Requires annual assessment and certification of students whose dominant language is not English and inclusion of the information in the annual report of achievement of accreditation indicators.

Authorizes the Colorado commission on higher education ("CCHE") to develop and maintain a teacher loan forgiveness pilot program for the academic years 2001-02 through 2007-08. Directs that the program provide payment for all or part of the principal and interest of the education loans of first-year teachers employed in Colorado public schools or facility schools in the areas of math, science, special education, or linguistically diverse education. Authorizes the CCHE to receive gifts, grants, and donations and to expend those private moneys or moneys from the Colorado student obligation bond authority for the program. Creates the teacher loan forgiveness fund. Requires the CCHE to report to the education committees of the senate and the house of representatives on the program on or before each December 15 from 2002 through 2007. Permits each qualified teacher to receive up to \$2000 in loan forgiveness for each of the first 4 years of teaching. Sets forth the qualifications for teachers to participate in the program.

Requires the department to contract with an independent, third-party expert for a study of the use of the ACT exam. Directs the department to report the results of the study to the governor, the state board, and the education committees of the senate and the house of representatives before December 1, 2001. Specifies the study contents.

Requires the department to review and update all statewide assessments, including non-English assessments, as necessary to maintain the integrity of the assessments.

Appropriates \$12,630,000 from the state education fund to the department for the implementation of the teacher incentive pay program. Appropriates \$50,000 from the state education fund to the department for the study of non-English statewide assessments. Appropriates \$50,000 from the state education fund to the department for the study of the ACT exams. Appropriates \$411,953 from the state education fund to the department for the review and update of statewide assessments. Appropriates \$25,000 from the state education fund to the department to include non-English scores in school ratings for one year. Appropriates \$50,000 from the state education fund to the department to reconfigure the school accountability reports to accommodate two new items.

PORTIONS EFFECTIVE June 8, 2001
July 1, 2002

Amended, added, and repealed portions of 22-1, 22-2, 22-7, 22-11, 22-24, 22-30.5, 22-33, 16-11 and added 23-3.9-0 (entire article).

S.B. 01-120 Preschool program - eligibility - significant family risk factors - definition - district council - criteria. Defines "significant family risk factors" for purposes of the Colorado preschool program. Clarifies that a school district preschool program council may define eligibility criteria that is in addition to such criteria established in statute.

EFFECTIVE August 8, 2001

Amended 22-28-105(2)(e.9); added 22-28-106(1)(a.5).

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

S.B. 01-123 Preschool program - required budgeting for program costs - allocation of moneys to preschool program fund. For any school district participating in the state preschool program, requires a portion of the district's per pupil operating revenues to be budgeted and allocated to the district's preschool program fund. Creates the preschool program fund for school districts.

Limits expenditures from the fund to payment of costs of providing preschool program services to children enrolled in the district's preschool program. Provides that any unexpended funds at the end of a budget year shall remain in the fund.

EFFECTIVE May 23, 2001

Added 22-54-105(4); 22-45-103(1)(g).

S.B. 01-129 School finance - preschool program - charter schools - capital construction funding - "National School Lunch Act" funding - summer school grant program - school improvement - student assessments - drug testing of district personnel - appropriations. Increases the statewide base per pupil fund for the 2001-02 budget year from \$4,002 to \$4,202. Beginning in the 2001-02 budget year, increases the minimum funding for districts to \$5,100 per pupil. Specifies that, in complying with the maintenance of effort requirement in section 17 of article IX of the state constitution, the general assembly shall appropriate an amount of moneys from the general fund equal to the maintenance of effort base plus an amount equal to:

- 5.92% of the maintenance of effort base if Senate Bill 01-119 becomes law;
- 5.80% of the maintenance of effort base if Senate Bill 01-119 does not become law.

Defines "at-risk funded pupil count" as the greater of the number of at-risk pupils for the applicable budget year, the number of at-risk pupils averaged over 2 years, or the number of at-risk pupils averaged over 3 years. Expands the definition of "at-risk pupil" to include students who are not eligible for free lunch, whose dominant language is not English, and whose CSAP scores are not included in calculating a school's performance grade or who took the CSAP in a language other than English. Increases the at-risk factor for districts with a funded pupil count of greater than 50,000. Requires a district to use any additional at-risk funding it receives due to the expansion of the definition or increase in the at-risk factor to implement the district's English language proficiency program. Requires each district with over 6,000 students that

receives at-risk funding to annually submit a report to the department of education specifying how the at-risk funding was used. Directs the department to annually submit a summary of the district reports to the general assembly.

Effective July 1, 2001, authorizes districts to submit a ballot question seeking authorization to collect and spend additional property tax revenue to provide a supplemental cost of living adjustment for the district. Allows such question to be placed on the ballot by initiative petition. Limits the amount of property tax revenue that a district can generate for this purpose for any given budget year. Requires additional voter approval for any subsequent mill levy increases to generate the maximum allowable amount of property tax revenue for this purpose.

Increases the maximum number of children that can participate in the state preschool program from 9,050 to 10,050 for the 2001-02 budget year and budget years thereafter. Reauthorizes the full-day kindergarten component of the preschool program for the 2001-02 budget year and increases the maximum number of children that can participate in the full-day kindergarten component from 500 to 1,000. Prohibits the department of education from granting waivers that allow more than 1,000 full-day kindergarten children.

For the 2001-02 budget year and budget years thereafter, allows a school district to retain the actual amount of a charter school's per pupil share of the central administrative overhead costs for services actually provided to the charter school; except that this amount shall not exceed 5% of the district per pupil revenues for each pupil enrolled in the charter school. Requires school districts, within 90 days after end of the fiscal year, to provide an itemized accounting of its central administrative overhead costs and an itemized accounting of all actual costs of the district services the charter school chose to purchase from the district. Calls for a reconciliation between the charges to the charter school and the actual costs with payment to the owed party. Allows any dispute between the district and charter school to be reviewed by the department of education with the cost being the

responsibility of the requesting party. For any charter school that includes provision of transportation services by the school district in its charter, requires the charter school and the district to develop a transportation plan.

Requires the general assembly to appropriate state education fund moneys for the 2001-2002 budget year and subsequent budget years for the purpose of assisting qualified charter schools that expend a specified percentage of their operating revenues for capital construction with their capital construction needs. Requires those state education fund moneys to be appropriated to the department of education, distributed to districts, and allocated to qualified charter schools in amounts equal to 130% of the minimum amount of moneys per pupil that a school district must budget as a capital or risk management reserve multiplied by the number of qualified charter school pupils in a charter school or school district.

Requires an amount of state education fund moneys to be appropriated to the school capital construction expenditures reserve equal to the amount of state education fund moneys appropriated to the department of education for allocation to school districts and qualified charter schools. Directs the state auditor to review and annually report to the general assembly on the amount of state education fund moneys spent on school district and charter school capital construction. Requires bond proceeds from bonds issued by a school district pursuant to voter approval obtained on or after July 1, 2001, to be allocated to qualified charter schools within the district in proportion to the ratio of the qualified charter school's pupil enrollment at grade levels that are also served by one or more similarly situated noncharter public schools that will benefit from bond proceeds to the total pupil enrollment of all schools in the district that will receive bond proceeds.

Requires the general assembly to make annual appropriations for the state's match for the federal "National School Lunch Act". Directs the department of education to develop procedures to allocate and disburse those state moneys among participating school districts consistent with the Act. Imposes limitations on the use of these

state moneys. In calculating the amount of tuition paid by a school district in educating a child with a disability, specifies that the costs incurred by a community centered board or facility in providing the special education program shall not be reduced by the amount of any revenues received by that community centered board or facility as donations or special education grants.

Creates the summer school grant program in the department of education to provide funding to school districts for the operation of summer school reading programs for students between 3rd and 4th grade and 4th and 5th grade who score unsatisfactory on the reading CSAPs. Sets the amount of the program grants at \$100 per student enrolled in the summer school program. Creates the summer school grant program fund. Requires each district that participates in the summer school grant program to submit an annual report to the department, specifying the number of eligible students enrolled in the district and the program, the reading and writing performance levels of students in the program, and any other information the state board of education may require.

Establishes a 2-year grant program for schools that receive an academic performance grade of "F" on the school report card prepared for the 2000-01 school year. Grants are only available for the 2001-02 and 2002-03 school years and are awarded in the following amounts:

- For eligible elementary schools, \$75,000 per year;
- For eligible middle or junior high schools, \$100,000 per year; and
- For eligible high schools, \$125,000 per year.

Authorizes an additional award of \$25,000 if the school has made "adequate progress" by improving by 0.5 or greater from the standard deviation over the immediately preceding year's overall standardized, weighted total score on the school report card. By January 1, 2002, and January 1, 2003, requires the department of education to submit a report on the grant program to the governor, the senate and house education committees, and the local board of education for each school district that received a school improvement grant.

Modifies provisions concerning existing school improvement plans to:

- Eliminate the option of "F" schools to convert immediately to an independent charter school, thereby requiring all "F" schools to file a school improvement plan;
- Beginning in 2003, for schools that received an "F" on the school report card prepared for the immediately preceding academic year, require the state board of education to notify those schools no later than May 1 if the school will receive an "F" on the report card prepared for that academic year;
- Eliminate the specific elements of the school improvement plan that are listed in statute and authorize the state board to adopt rules specifying the elements of that plan, including, where possible, the incorporation of requirements of federal programs related to student achievement;
- Extend the operation of "F" schools under a school improvement plan from 1 year to 2 years prior to being required to convert to an independent charter school if the school receives an "F" after the second year of operation under the plan.

Beginning in 2003, modifies the notification of student assessment results for schools that received an "F" on the school report card for the immediately preceding academic year to require notification of results by May 1 to allow for earlier conversion to an independent charter school if required. States that the department of education shall release the results of assessments administered in languages other than English at the same time it releases the English language test results.

Modifies the timeline for the conversion of "F" schools to independent charter schools as follows:

- By May 1, notification of "F" sent to local board;
- By May 10, state board issues requests for proposals (RFPs) for independent charter school;
- Between May 10 & August 15, pursuant to state board rules,

responses to RFPs are due, review committees are formed, applicants are selected, and local boards are notified of selected applicants;

- By August 15, negotiations between selected applicant and local board conclude and application accepted by local board;
- After August 15, independent charter school opens.

Requires the existing state data reporting system for collecting and reporting performance indicators from each public school to be capable, no later than June 1, 2002, of:

- Storing all CSAP scores from CSAP assessments administered during the 2001-02 school year and each succeeding school year;
- Performing longitudinal analyses of individual student assessment results, classroom assessment results, and entire school assessment results with respect to those CSAP assessments; and
- Longitudinally tracking the CSAP assessment results of students who transfer from one school district to another and whose annual assessments are administered by different districts.

Increases from 17 to 22 the maximum number of boards of cooperative services (BOCES) that can receive state moneys if approved by the state board of education. Clarifies that tobacco moneys in the read-to-achieve fund remain in the fund and do not revert to the tobacco litigation settlement trust fund at the end of any fiscal year. Allows all categorical programs to be listed together in the general appropriations bill for purposes of complying with section 17 of article IX of the state constitution. Specifies how the pupil enrollment of districts involved in a deconsolidation approved by voters at the 2000 general election is to be determined for budget years prior to the deconsolidation that are used in determining pupil count.

Specifies that any unexpended moneys remaining in the contingency reserve at the end of a fiscal year shall remain in the contingency reserve and shall not be transferred to the general fund or any other

fund. Requires any district's repayment of supplemental assistance made from the contingency reserve to be credited to the contingency reserve. Allows a school district to notify the state board of education to transfer a portion of the school district's monthly allocation of the state's share of total program to the division of vocational rehabilitation for the school district's participation in school-to-work alliance programs.

Authorizes school districts to create school safety programs, which may include drug testing of all personnel who apply for, transfer to, or are promoted to safety-sensitive positions and of personnel who are in safety-sensitive positions if there is probable cause to believe the person is using illegal drugs. Requires future collective bargaining agreements entered into with unions representing personnel in safety-sensitive positions to contain drug-testing policies for said personnel.

Provides additional moneys to fund the school finance program for the 2001-02 fiscal year by appropriating \$846,638 from the state public school fund and \$8,868,480 from the state education fund. Appropriates the additional following amounts for the 2001-02 fiscal year:

- \$2,472,644 from the state public school fund for the federal "National School Lunch Act";
- \$50,000 from the state public school fund for grants to BOCES;
- \$2,900,000 from the state education fund for the school improvement grant program;
- \$5,308,961 for charter school capital construction;
- \$5,308,961 to the school capital construction expenditures reserve;
- \$945,800 for the summer school grant program; and
- \$388,000 and 2.0 FTE for the state data reporting system to longitudinally track CSAP scores.

Amends the 2000-01 general appropriations act to reduce the general fund appropriation and increase the cash funds exempt appropriation to the department of education for public school transportation and reduce the general fund appropriation and increase the cash funds exempt appropriation to the department of human

services, division of child welfare, for family and children's programs. Amends the 2001-02 general appropriations act to reduce the general fund appropriation and increase the cash funds exempt appropriation to the department of human services, division of child welfare, for family and children's programs and increase the general fund appropriation and decrease the cash funds exempt appropriation to the department of education for the state share of districts' total program funding.

PORTIONS EFFECTIVE April 16, 2001
July 1, 2001

Amended and added to portions of 22-5, 22-7, 22-20, 22-28, 22-30.5, 22-32, 22-42, 22-54, 24-75 and 2-3.

S.B. 01-204 Public school funding - implementation of amendment 23 - annual joint resolution procedures - definitions. Establishes state policies relating to section 17 of article IX of the state constitution (amendment 23) as follows:

- Makes legislative declarations concerning the increased education funding requirements of amendment 23, the duty and intent of the general assembly to comply with said requirements, and the duty and intent of the general assembly to ensure the viability of the state education fund (fund) established by amendment 23 in order to meet the long-term requirements of the increased education funding requirements without adversely affecting the financial condition of the state and other state programs and services.
- Defines the terms "categorical programs", "inflation", and "total state funding for all categorical programs".
- Requires the general assembly, acting by joint resolution sponsored by the chair and vice-chair of the joint budget committee and prepared in cooperation with the education committees of the senate and house of representatives, to annually certify the amount of moneys in the fund that should be considered available for appropriation for the next state fiscal year after taking into consideration an analysis prepared by the

staff of legislative council. Requires the joint resolution to contain certain information related to the amount of moneys that should be considered available from the fund, the general fund, and any other fund to meet the increased funding requirements of amendment 23 and to fund other programs consistent with amendment 23 while protecting the long-term solvency of the fund. Encourages the general assembly to appropriate from the fund no more than the amount certified in said joint resolution.

- Requires the staff of the legislative council, with the assistance of the state auditor, the office of state planning and budgeting, the state treasurer, the department of education, and the joint budget committee, to conduct a review of the model used to forecast revenues in and expenditures from the fund and the spending requirements of the "Public School Finance Act of 1994", including: A determination of the reasonableness of the assumptions used to forecast revenues and expenditures, a revision to said assumptions if necessary; information on the financial stability of the fund; projections of the amount of total state moneys required to meet the increased funding requirements of amendment 23 and the availability of moneys in funds other than the general fund and the state education fund to meet said requirements; revenue projections for the fund; an estimate of the maximum amount of moneys that can be appropriated from the fund and the minimum amount of moneys that can be appropriated from the general fund to meet the funding requirements of amendment 23 without adversely impacting the solvency of the fund or the ability of the general assembly to comply with said funding requirements in future years; and estimates of the impact of various levels of general fund appropriations above the minimum level required by amendment 23 on the amount of moneys available in the fund for other programs authorized by amendment 23.

- Requires legislative council staff to transmit copies of the analysis to the joint budget committee, the office of state planning and budgeting, and the education committees of the senate and the house of representatives.
- Specifies that for state fiscal years 2001-02 through 2010-11, the general assembly is required to annually appropriate from the general fund an amount equal to the amount of general fund appropriations for total program pursuant to the "Public School Finance Act of 1994" for the immediately preceding state fiscal year, known as the maintenance of effort base, plus an amount annually determined by the general assembly that is equal to at least 5% of the maintenance of effort base, unless Colorado personal income grows less than 4½% between the 2 calendar years immediately preceding the state fiscal year in which an appropriation is made. Specifies that the maintenance of effort base includes any adjustments made pursuant to a supplemental appropriation bill or bills for that fiscal year and the general fund appropriation for business incentive agreements negotiated by school districts.
- Specifies that for school district budget years 2001-02 through 2010-11, the general assembly is required to annually increase the statewide base per pupil funding for public education from preschool through 12th grade and the total state funding for all categorical programs by at least the rate of inflation plus one percentage point.
- Specifies that for school district budget years 2011-12 and each school district budget year thereafter, the general assembly is required to annually increase the statewide base per pupil funding for public education from preschool through 12th grade and the total state funding for all categorical programs by at least the rate of inflation.

EFFECTIVE May 30, 2001

Added 22-55-0 (entire article).

S.B. 01-222 K-12 capital construction - state assistance in funding construction projects - exception to restriction on appropriation. Modifies the prohibition against the general assembly appropriating general fund moneys for public school capital construction in any fiscal year 2000-01 through 2010-11 if general fund revenues do not exceed a specified amount so that the prohibition is not applicable for fiscal year 2001-02.

EFFECTIVE May 30, 2001

Amended 24-75-201.1(4)(c).

S.B. 01-237 Charter schools - funding capital construction needs. Makes a legislative declaration regarding the development of methods to fund the capital construction needs of charter schools and encouraging interested persons to meet and develop a legislative proposal regarding capital construction funding for charter schools for consideration at the 2002 regular session. Delays the requirement that a portion of bond proceeds from bonds issued by a school district pursuant to voter approval obtained on or after July 1, 2001, be allocated to qualified charter schools within the district under certain circumstances so that the requirement applies to bond proceeds from district bonds issued pursuant to voter approval obtained on or after July 1, 2002.

EFFECTIVE May 30, 2001

Amended 22-42-104.5(1).

H.B. 01-1041 Colorado preschool program - assistance and training - on-site visits - compliance with state law. Requires the department of education ("department"), upon the request of a school district, to provide necessary technical assistance to the school district for the submission of a preschool program proposal and to provide ongoing training of personnel. Directs the department to select annually a reasonable number of school districts for on-site visits. Requires the department to determine whether the following comply with all applicable state laws:

- The screening process and the eligibility criteria;
- The district preschool program council; and
- The school district's quality assurance activities, evaluation efforts, and financial activities regarding the preschool program.

EFFECTIVE March 20, 2001

Added 22-28-107(4).

H.B. 01-1129 Extracurricular athletic activities - reserved positions - fees. Allows a school district, for each athletic activity offered, to reserve for students enrolled in the district of the school of participation a certain number of positions on athletic teams at each level of competition. Allows the school of participation in certain circumstances to charge a nonenrolled student the actual cost of postseason participation in an individual athletic activity.

EFFECTIVE February 22, 2001

Added 22-32-116.5(5.5); amended 22-32-116.5(6).

H.B. 01-1146 Local boards of education - performance evaluation of superintendent. Authorizes and places exclusive responsibility with a local board of education to conduct the performance evaluation of the superintendent of the school district.

EFFECTIVE August 8, 2001

Amended 22-9-106(4).

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

H.B. 01-1163 Colorado information technology education grant program - rules - fund. Creates the Colorado information technology education grant program ("grant program") to provide moneys to applying school districts, charter schools, and facility schools to use in integrating information technology education into the ninth-grade through twelfth-grade curriculum in public

schools. Instructs the department of education ("department") to implement the grant program, including making recommendations concerning grant recipients to the state board of education ("state board"). Instructs the state board to award grants based on the department's recommendations, beginning with the 2002-03 school year, so long as appropriations are available.

Directs the state board to adopt rules for the implementation of the grant program. Specifies the information to be included in grant applications and the criteria to be applied in selecting grant recipients. If a facility school receives a grant and subsequently ceases operations, specifies that any hardware or software purchase by the facility school with grant moneys shall revert to the school district in which the facility school was operating. Clarifies that the grant program does not affect any school district's ability to enter into agreements with any private entity. Requires annual reports from grant recipients and from the department, and specifies the report contents.

Creates the information technology education fund ("fund"). Directs the department to seek any available moneys to use in implementing the grant program. Allows the department to retain a percentage of the moneys appropriated to the fund to cover the department's costs incurred in implementing the grant program.

EFFECTIVE June 1, 2001

Added 22-81.5-0 (entire article).

H.B. 01-1186 Retired employees - employment after retirement - reduction of PERA benefits. Subjects any PERA service retiree employed by a PERA employer during the month of the effective date of retirement to a daily 5 % reduction in retirement benefits for any part of a day that the retiree works during such month.

EFFECTIVE July 1, 2001

Amended 24-51-1101(1.5)(a); 24-51-1102.

H.B. 01-1196 Statewide assessments - return writing portion. If requested by a

school district, requires a developer of a statewide assessment to return to the school district the student responses to the essay and appropriate paragraphs of the writing portion of the statewide assessment. Requires the school district making the request to pay for the actual cost of photocopying and mailing these portions of the tests.

EFFECTIVE March 19, 2001

Added 22-7-409(1.1).

H.B. 01-1215 School report cards - elementary schools - teacher qualifications. For elementary schools only, eliminates information on school report cards concerning the percentage of teachers teaching in a subject in which the teacher received a degree.

EFFECTIVE March 28, 2001

Amended 22-7-605 IP(6)(c)(I); amended 22-7-605(6)(c)(I.5).

H.B. 01-1222 School report cards - elementary schools - attendance rates. For the school report cards for elementary schools only:

- Eliminates information on student drop out rates; and
- Replaces a chart on student drop out rates with a chart on attendance rates.

EFFECTIVE March 28, 2001

Amended 22-7-605 IP(5)(c)(I); added 22-7-605(5)(c)(I.5); amended 22-7-605(5)(c)(III); added 22-7-605(5)(c)(IV).

H.B. 01-1232 Education funding - use of 1% increase in per pupil funding - statement - compilation. For any school district in which there are more than 6,000 pupils, requires the school district board of education ("district school board") to approve and submit to the department of education ("department") a statement concerning the use of the constitutionally required 1% increase in the statewide base per pupil funding. Establishes required

elements for the statement. Requires the district school board to approve the statement as part of its budget process at a public meeting following specified, public notice. Directs the department to compile the statements and submit them to the governor, the state board of education, and the education committees of the general assembly.

Clarifies that school districts are to pass the 1% increase in per pupil funding on to all charter schools. For charter school contracts and renewals entered into between July 1, 2001, and July 1, 2010, requires the charter school to state how the school will use the increase in funding.

EFFECTIVE April 16, 2001

Added 22-32-109.6; amended 22-30.5-112(2)(a)(III); 22-30.5-105(2); 22-30.5-110(2).

H.B. 01-1262 Public school funding - implementation of amendment 23 - state education fund. Establishes state policies relating to the state education fund created by section 17 of article IX of the state constitution (amendment 23) as follows:

- Codifies the state education fund created by amendment 23.
- Requires the legislative council, in consultation with the office of state planning and budgeting, to calculate the amount of state income tax revenues that must be diverted to the state education fund during any state fiscal year no fewer than 4 times per year and to certify to the department of revenue the amount of state income tax revenues that the department must transfer to the state treasurer for deposit into the state education fund on the first business day of each month.
- Specifies circumstances under which the legislative council, in consultation with the office of state planning and budgeting, may adjust the amount of transfers to the state education fund to ensure that the correct amount is transferred to the fund in each state fiscal year.
- Specifies that, except as otherwise provided by law, all moneys in the state education fund are subject to

annual appropriation by the general assembly to the department of education for the purpose of compliance with the requirements of amendment 23 and for any other purpose that is consistent with the requirements of amendment 23 and authorized by law.

- Specifies the manner in which moneys in the state education fund may be invested.
- Specifies that moneys credited to the state education fund, appropriated from the fund, or distributed from the fund and expended by any school district are exempt from constitutional limitations on state and local government fiscal year spending and the statutory limitation on general fund appropriations growth.

EFFECTIVE June 5, 2001

Added 22-55-0 (entire article).

H.B. 01-1272 Textbooks - funding - district plan - appropriation. For the 2001-02 school year, increases state funding to school districts by an amount determined by multiplying \$20 by the school district's funded pupil count as of October 1, 2001. For the 2002-03 school year, increases state funding to school districts by an amount determined by multiplying \$21 by the school district's funded pupil count as of October 1, 2002. Requires each school district to adopt a plan for the use of such moneys. Requires the plan to:

- Specify which schools will receive what new textbooks;
- Use the moneys first to buy new textbooks in the subjects of mathematics, reading, writing, and science, unless the district makes a specific finding that all of the textbooks in those subjects are up-to-date; and
- Pass the increased funding per pupil through to charter schools.

Requires any moneys received by a school district and not expended by July 1, 2003, to be transferred back to the state education fund. Effective July 1, 2003, repeals the provisions of the act.

Appropriates \$14,095,340 from the state education fund to the department of education for the implementation of the act.

EFFECTIVE May 29, 2001

Added 22-54-105(1)(b)(III).

H.B. 01-1292 Character education programs - development - reports - fund. Recognizes that core character qualities help give youth the basic interpersonal skills and attributes that are critical building blocks for successful relationships. Acknowledges each school district's authority to exercise control over the specific instruction of students, yet declares a significant state-wide interest in providing direction to school districts with regard to character education for Colorado's youth. Encourages school districts to develop and strengthen character education instruction to students in Colorado's schools.

Strongly encourages each school district to establish a character education program designed to help students cultivate the qualities of character that will promote an upright, moral, and desirable citizenry and better prepare students to become positive contributors to society. Encourages the school district to work with the parents and legal guardians of students enrolled in the school district in the development of any character education program. Allows the department of education ("department") to collect information related to character education and requires the department to serve as a character education resource for parents, school districts, and boards of cooperative services. Allows the department to store electronically all information collected.

Allows each school district to submit to the department a report concerning any character education program developed. Allows each school district to submit such report electronically, consistent with rules promulgated by the state board of education. On or before January 15, 2002, and on or before each January 15 thereafter, requires the department to submit to the house of representatives and senate education committees an executive summary of any school district reports received.

Creates the character education fund, and authorizes the department to receive grants, gifts, donations, and contributions from any source, public or private, for the purpose of implementing this act.

EFFECTIVE June 5, 2001

Added 22-29-0 (entire article).

H.B. 01-1348 Student with disabilities - alternate exams - use of CSAP scores. Authorizes the state board of education ("state board"), by rule, to exempt a school from receiving an academic performance grade if more than 95% of the students at the school have individual educational programs. Requires a school to establish a public process to ensure accountability before an exemption may be granted. Clarifies that the scores achieved by a student who is eligible for the state's alternate assessment or another assessment approved by rule of the state board, as determined by an annual review of the student's individual educational program, will not be used to calculate a school's academic performance or academic improvement grade.

Specifies that any student who is not eligible for an alternate assessment for students with disabilities but who has an individual educational program shall be assessed at the grade level in which the student is enrolled.

In provisions describing the school report card, clarifies that the scores of students who are eligible for an alternate assessment for students with disabilities are not used to calculate a school's academic performance grade, and that the percentages of students whose scores are included and students whose scores are not included in calculating the grade are specified in a chart.

EFFECTIVE May 30, 2001

Amended 22-7-604 IP(1); added 22-7-604(1.5); amended 22-7-409(1.2)(d)(I)(A); 22-7-409(1.2)(d)(II); 22-7-605(7)(d)(V).

H.B. 01-1365 Science and technology education center grant program - creation - appropriation. Recognizes the creation of a

science and technology education center grant program as an approved use of moneys in the state education fund. Creates the science and technology education center grant program ("grant program") to provide start-up and operating moneys to science and technology education centers. Defines "science and technology education" as educational activities that stimulate learning through space flight simulations or through simulations related to astronomy or space exploration. Beginning on or before January 2, 2002, instructs the state board of education ("state board") to award annually science and technology education center grants to selected applying centers, subject to available appropriations. Specifies the application contents and the criteria to be applied in awarding grants.

Directs the state board to specify the amount to be awarded to each grant recipient and caps the amounts that may be awarded for start-up and operating costs. Requires grant recipients to obtain dollar-for-dollar matching funds.

Creates the science and technology education center grants advisory board ("advisory board"). Directs the advisory board to review grant applications and make recommendations to the state board for the issuance of grants, including the amount of each grant. Repeals the advisory board on July 1, 2011, subject to sunset review.

Instructs the state board to promulgate rules for the implementation of the grant program. Directs the department to seek public and private funding for the grant program. Creates the science and technology education fund for the payment of science and technology education center grants.

Appropriates \$1,400,000 from the state education fund to the department of education for implementation of the grant program.

EFFECTIVE June 5, 2001

Added 22-81-200 (entire part 2); amended 22-81-101; 22-81-103 IP; added 2-3-1203(3)(x).

SENATE AND HOUSE JOINT RESOLUTIONS

S.J.R. 01-15 Colorado Children's Day - As parents, teachers, mentors, and leaders, we all share the responsibility for modeling positive behavior to the children of Colorado; and

It is appropriate that we reserve a specific day each year to celebrate and honor our children and their significant accomplishments in schools, churches, and daycare centers and in their communities;

The senate of the 63rd general assembly of the state of Colorado, with concurrence of the house of representatives has proclaimed that Wednesday, March 7, 2001, and the 1st Wednesday of March thereafter, be Colorado Children's Day. Each adult citizen of Colorado is encouraged to set aside a special time to support, embrace, and listen to a child of Colorado.

Adopted March 23, 2001

H.J.R. 01-1014 Closing the Learning Gap - The house of representatives has resolved with the concurrence of the senate, that closing the learning gap is an important goal of Colorado's education reform program; and that the state board of education and the Colorado department of education are urged to take all appropriate steps to make closing the learning gap a central element of educational accountability in Colorado.

Adopted March 23, 2001

H.J.R. 01-1037 Recognition of the achievements of Girls Inc. - Girls, Inc. is a national nonprofit organization that has championed the rights of girls since 1945, and currently serves 350,000 young girls 6 to 18 years of age at over 1,000 sites nationwide; and

For over 50 years, Girls Inc. has provided ground-breaking and vital educational programs to millions of American girls, particularly those in high-risk, underserved areas; and

Girls Inc. teaches and encourages girls to use critical thinking skills; and

Girls Inc. develops research-based informal education programs that address subjects such as math, science education, leadership training, substance abuse prevention, pregnancy prevention, adolescent health, and sports participation; and

These programs are tailored to meet specific needs of the community, including dropout prevention and intervention programs to help girls stay in school; and

Girls Inc. has helped to produce educated, skilled, and resourceful women for Colorado's future; therefore,

The members of the Colorado general assembly recognize the extraordinary efforts of Girls Inc. and the importance of the work of Girls Inc. in encouraging girls to take risks, master the challenges they face, and overcome the obstacles in their daily lives.

Adopted May 7, 2001

H.J.R. 01-1043 Colorado pedestrian month and walk-to-school day – Walking contributes to improved health, safer streets, stronger communities, and a cleaner natural environment; and

Children walk to and from neighborhood schools during the busiest time of the day, when many motorists are rushing to and from work; and

Each year in the United States, an estimated 5,700 pedestrians are killed, including more than 800 children; and

The Walkable America Checklist, created by the National Safety Council, enables Coloradans to determine the “walkability” of their communities; and

Children, parents, and community leaders are joining together throughout the nation of October 2, 2001, to walk to school and to evaluate pedestrian safety in their communities; therefore

The general assembly declares the month of October 2, 2001, to be Walk-to-School Day, and that all Coloradans are urged to con-

sider the safety of pedestrians on this day and every day.

Adopted April 30, 2001

H.J.R. 01-1047 Work keys assessments in Colorado's schools – The members of the 63rd general assembly of the state of Colorado recognizes that it is crucial that all students develop the ability to make informed educational choices; and

Multiple options for postsecondary education exist via universities, colleges, technical schools, apprenticeships, and job training programs that lead to employment; and

Successful employment is an important indicator of educational effectiveness; and

The state of Colorado is experiencing a shortage of skilled workers in many areas and the future economic growth of the state depends on a highly trained workforce; and

The educational institutions of this state should help to fill the growing labor shortage by giving students an opportunity to enhance their employability and develop the skills necessary to succeed in a vocation in which they will be productive and will achieve personal satisfaction; and

Students should know and be able to demonstrate the minimum skills necessary for successful employment; and

Accountability measures are essential in determining the success of schools and students; and

Work Keys is a national system developed by American College Testing (ACT) that connects knowing with doing by assessing students' aptitude in eight essential workplace skills: Applied mathematics, applied technology, listening, locating information, observation, reading for information, teamwork, and writing; and

Work Keys testing allows students to gauge how well prepared they are for typical entry-level jobs in fields that interest them and empowers students to utilize their educational opportunities to enhance their preparedness; and

Work Keys testing helps to enhance the skill level of this state's workforce by encouraging partnerships, cooperation, and communication between educators, employers, labor organizations, and government agencies; and

The members of the 63rd general assembly of the state of Colorado, encourage schools and school districts to utilize ACT Work Keys in an effort to increase and assess students' workplace skills.

Adopted May 7, 2001

ELECTIONS

H.B. 01-1070 Fair Campaign Practices Act - electronic filing - reports filed with county clerk and recorder. Requires a candidate committee, political committee, issue committee, and political party to include, when registering with the appropriate officer, a statement of any intent to electronically file reports required by the "Fair Campaign Practices Act" (FCPA) that may be filed electronically on a web site operated and maintained by the secretary of state. No later than January 1, 2002, requires the secretary of state to modify the existing system that allows electronic filing of FCPA reports required to be filed with the secretary of state or create a new system to enable electronic filing, through utilization of the Internet, of reports required to be filed with a county clerk and recorder.

Before January 1, 2006, allows each county clerk and recorder who has the technology available to access the internet to use the electronic filing system to transmit any FCPA report filed with the clerk and recorder to the secretary of state. On and after January 1, 2006, requires each county clerk and recorder to use the electronic filing system to transmit any FCPA report filed with the clerk and recorder to the secretary of state. Requires a county clerk and recorder to convert any report that is not electronically filed into electronic format before transmitting the report to the secretary of state.

Before January 1, 2006, allows any person required to file an FCPA report with a county clerk and recorder to electronically file the report if the county clerk and recorder with

whom the report must be filed has the technology available to access the Internet. On and after January 1, 2006, allows any person required to file an FCPA report with a county clerk and recorder to electronically file the report.

No later than January 1, 2002, requires the secretary of state to post on an existing or new web site, for free read-only access, campaign reports required to be filed under the FCPA with a county clerk and recorder that are electronically transmitted to the secretary of state or electronically filed on the electronic filing system. Requires the secretary of state to post any such report no later than 48 hours after receiving the report in electronic form. Authorizes the secretary of state to promulgate rules governing the posting and electronic filing of campaign reports.

Specifies that the new requirements relating to electronic filing and posting of campaign reports shall not be construed to require the secretary of the state to review reports electronically filed by persons required to file reports with a county clerk and recorder or to impose any new enforcement duties upon the secretary of state.

Makes an appropriation to the department of state from the department of state cash fund.

EFFECTIVE August 8, 2001

Added 1-45-108(3)(f); amended 1-45-109(1); added 1-45-109(7); 1-45-109(8); 1-45-109(9).

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

GOVERNMENT – STATE

S.B. 01-88 Criminal history record checks - care providers - elderly - individuals with disabilities. Adds persons caring for the elderly and persons caring for individuals with disabilities as 2 additional categories for which an organization is authorized to access criminal history record information to determine an individual's employment or volunteer status with the organization. Makes changes to comply with federal criminal history record requirements.

Authorizes the department of human services, the department of public health and environment, and the department of education to serve as authorized agencies for dissemination of criminal history records under federal law. Permits those departments to identify by rule those entities that may serve as qualified entities and to promulgate all reasonable and necessary rules to implement the act. Requires any authorized agency accessing criminal history record information to do so only through the Colorado bureau of investigation.

EFFECTIVE June 5, 2001

Amended 24-72-305.3.

S.B. 01-149 Public employee's retirement association (PERA) - defined contribution plan - district attorneys - election to participate - alternative retirement benefit study. Allows district attorneys to participate in the existing state defined contribution plan. Reduces the number of days allowed for an eligible employee to elect to participate in a defined contribution plan or the PERA from 60 to 30.

Requires the state auditor, with the assistance of a professional actuarial or pension consulting firm, to conduct a study comparing the benefits provided by the PERA with the benefits provided by other defined benefit and defined contribution retirement plans for public and private sector employees. States the study shall also include any topics recommended by the board of trustees of the association or by the legislative audit committee. Requires the auditor to complete the study by December 1, 2001, and to file copies of the report with the committee and the board.

EFFECTIVE June 1, 2001

Amended 24-51-305(1); 24-54.7-102(4); 24-54.7-106(2)(a); 24-54.7-106(2)(b); added 24-51-614.

H.B. 01-1057 Public employee's retirement association (PERA) - 401(k) plan - retiree participation. Allows a retiree who receives a benefit from the PERA who returns to

work for a PERA employer to make voluntary contributions from their wages to the 401(k) plan administered by PERA. Specifies that the voluntary contributions by retirees shall not be subject to matching employer contributions and shall not be subject to regular member and employer contributions to PERA.

EFFECTIVE July 1, 2001

Amended 24-51-1401(2); 24-51-1402(1); 24-51-1402(2); 24-51-1402(3); 24-51-1404.

H.B. 01-1359 Open meetings and public records - recording of executive sessions - exceptions - notice of executive session - access to records - attorney fee awards - records used in rule-making. Requires discussions that occur during an executive session of a state or local public body, except discussions concerning students, to be recorded in the same manner and media in which minutes of open meetings are recorded, and specifies that a public body satisfies the recording requirement by making any form of electronic recording of the discussions in an executive session. Requires the record to include a reference to the statutory citation that authorizes the executive session, the actual content of the discussion, and a signed statement from the chair of the executive session attesting that any written minutes substantially reflect the substance of the discussion. Clarifies that the requirement that the record reflect the "actual content of the discussion" does not require the minutes of the executive session to contain a verbatim transcript of the discussion. Requires public bodies to retain the record of an executive session for at least 90 days after the date of the executive session.

Makes an exception to the recording requirement if, based on the opinion of the attorney representing the public body and who is in attendance at the executive session, the discussions constitute a privileged attorney-client communication. Specifies the procedure for designating all or a portion of the discussions during an executive session as a privileged attorney-client communication and the required contents of the record of the executive session.

Specifies that no portion of the record of an executive session shall be open to public inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of the public body or unless a court finds, upon a showing of grounds sufficient to support a reasonable belief that the executive session was held in violation of the open meetings law, and after an in camera review of the record of the session, that the executive session was held in violation of the open meetings law. If a court finds an executive session to have been held in contravention of the open meetings law, requires the record of the session to be open to public inspection. Authorizes an award of court costs and attorney fees to the prevailing party if the court finds that:

- An applicant seeking access to the record of an executive session failed to show grounds sufficient to support a reasonable belief that the executive session was held in violation of the open meetings law; and
- The action was frivolous, vexatious, or groundless.

Requires a state or local public body to include in the public announcement made by the body concerning the topic for discussion in the executive session the following information:

- A reference to the specific statutory citation that authorizes the body to conduct an executive session; and
- The identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session was authorized.

Clarifies that despite the prohibition against taking any formal action in an executive session, a public body may review, approve, and amend the minutes of an executive session during an executive session.

Specifies that state or local public bodies are not authorized to meet in an executive session to discuss personnel matters that:

- Concern a member of the state or local public body or an elected official;

- Concern the appointment of a person to fill the office of a member of the state or local public body or an elected official; or
- Do not require the discussion of matters personal to particular employees.

For purposes of records submitted by or on behalf of an applicant or candidate for an executive position, eliminates the requirement that an applicant or candidate who is not a finalist make a written request to avoid release of said records to the public. Modifies the definition of "finalist" to:

- Specify that a finalist is an applicant or candidate for an executive position as the chief executive officer of a state agency, institution, or political subdivision or agency therefor;
- Eliminate from the definition those applicants or candidates who are chosen for an interview or who are still being considered after a certain period;
- Specify that a finalist is a member of the final group of applicants or candidates required by law to be made public; and
- Specify that if 3 or fewer applicants or candidates for the chief executive officer position qualify for the position, said applicants or candidates are considered finalists.

Requires any person who is denied access to an alleged public record to file a written notice of intent to file an application with the district court with the custodian of the record at least 3 business days prior to filing said application. Authorizes an award of court costs and reasonable attorney fees to the prevailing applicant in an action to compel the custodian of public records to permit the inspection of the records in the event the court finds that the denial of the right to inspect was improper. Authorizes an award of court costs and reasonable attorney fees to the custodian of public records in an action to compel the custodian to permit the inspection of the records in the event the court finds that the denial of the right to inspect was proper and the action was frivolous, vexatious, or groundless. Prohibits an award of court costs and attorney fees to a person seeking access to the records of a state or local

public body that the person has sued if the court finds that the records being sought are related to the pending litigation and can be obtained through the discovery process authorized by the Colorado rules of civil procedure. Eliminates the personal liability of a custodian who denies the right of inspection of a public record.

Authorizes the official custodian of records of a public body who is unable, in good faith, after exercising reasonable diligence and making reasonable inquiry, to determine if disclosure of a public record is prohibited to apply to the local district court for a determination concerning whether disclosure of the record is prohibited. Specifies that in such cases, if the court finds that the custodian, in good faith, after exercising reasonable diligence and making reasonable inquiry, was unable to determine if disclosure of the public record was prohibited without a ruling by the court, attorney fees shall not be awarded regardless of the outcome of the application.

Specifies that for purposes of certain provisions of the public records act and the open meetings law, the members of the Colorado reapportionment commission are considered to be elected officials.

Clarifies that, except for records that are trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data, all information, including conclusions and underlying research data from studies, reports, published papers, and documents, used by an agency in the development of or as the basis for a proposed rule constitutes a public document open for public inspection.

EFFECTIVE August 8, 2001

Added 24-6-402(2)(d.5); amended 24-6-402 IP(3)(a); 24-6-402(3)(b); 24-6-402 IP(4); 24-6-402(4)(f); 24-72-204(3)(a)(XI)(A); 24-72-204(5); added 24-72-204(5.5); amended 24-72-204(6)(a); added 24-72-202(8); amended 24-4-103(4)(a.5).

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

H.B. 01-1381 Utility cost-savings measures - state agencies - analysis and recommendations - cost-savings contracts - criteria - financing - assessment by Colorado housing and finance authority - local governments and special districts - guarantee of cost savings - deposit requirements - time of payment - reporting. Permits any state agency to enter into a contract for an analysis and recommendations pertaining to energy conservation measures that would significantly increase utility cost savings and operation and maintenance cost savings in buildings or other facilities owned or rented by the state agency. Authorizes payment for the analysis and recommendations from moneys appropriated to the state agency for operating expenses or utilities or for the deferral of such payment into a subsequent utility cost-savings contract.

Allows a state agency to enter into a utility cost-savings contract if the energy analysis and recommendations indicate that annual payments for utility cost-savings measures are expected to be equal to or less than the sum of utility and operation and maintenance cost savings achieved by implementation of such measures and the state personnel director or the director's designee approves such analysis and recommendations.

Permits a utility cost-savings contract to include lease-purchase or other authorized financing agreements. Exempts such lease-purchase agreements from legislative authorization requirements. Exempts such contracts from statutory requirements related to construction contracts with public entities and construction bidding for public projects.

Allows any savings realized from a utility cost-savings contract to be transferred by the state agency from a utilities item of appropriation to an operating expense item for the purposes of making an annual payment on a lease-purchase agreement under such contract. Provides that such a contract shall not constitute or give rise to an indebtedness within the meaning of any constitutional or statutory debt limitation.

Modifies terminology in the local government energy conservation measures law to conform with the provisions governing

utility cost-savings measures for state buildings as follows:

- Changes references to an "energy conservation measure" to a "utility cost-savings measure" and expands the definition of that term by adding certain measures;
- Instead of specifying that energy conservation measures must reduce energy consumption, specifies that utility cost-savings measures must increase utility cost savings and operation and maintenance cost savings;
- Defines "utility cost-savings contract" to include both energy performance contracts and cost-savings contracts;
- Expands the definition of "energy performance contract", specifies that utility cost savings and operation and maintenance cost savings are utilized in calculating savings under such a contract, and limits the maximum term of such a contract to 25 years.

Requires the Colorado housing and finance authority, acting through the E-Star Colorado program, to submit to the governor and the general assembly by December 31, 2001, an assessment of existing energy conservation and efficiency programs and standards established by governmental and private entities.

Specifies that the board of a political subdivision ("board") may enter into a utility cost-savings contract with the entity or person who performed the energy analysis and provided the recommendations.

Specifies that an energy performance contract must require the party contracting with the local government to provide a written guarantee of the cost savings for the first 3 years of the contract instead of the entire term. Eliminates the requirement of a deposit of an amount equal to the guaranteed savings of energy costs for the first year of the contract. Subject to a specified exception, requires that remaining payments under the contract be made within 12 years, instead of 10 years, from the date of the execution of the contract.

Modifies the board's annual reporting requirement of energy consumption reduc-

tions and savings by requiring this report for the first 2 years of the contract.

Adds special districts to those political subdivisions that may utilize utility cost-savings measures.

EFFECTIVE August 8, 2001

Added and amended portions of 24-30, 24-75, 29-4, and 29-12.5.

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

HEALTH CARE POLICY AND FINANCING

H.B. 01-1401 Comprehensive primary and preventative care grant program – modification of definitions - qualified provider - uninsured or medically indigent patient. For purposes of the comprehensive primary and preventative care grant program, modifies the definition of "qualified provider" to include an entity that:

- Provides comprehensive primary care services free of charge;
- Serves a population or area that lacks adequate health care services for low-income, uninsured persons; and
- Completes initial screening for eligibility for the state medical assistance program, children's basic health plan, and any other relevant government health care program.

Modifies the definition of "uninsured or medically indigent patient" to include a patient whose yearly family income is below 200% of the federal poverty level rather than 185% of the federal poverty level.

EFFECTIVE June 5, 2001

Added 26-4-1002(3); amended 26-4-1003(5); 26-4-1003(7).

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 01-3 Commercial vehicles - school buses and vehicles. Changes the definition

of "commercial vehicle" to exclude school buses that are regulated by the state board of education or school vehicles that have a gross vehicle weight rating of less than 26,001 pounds from regulation by the department of public safety so long as the school district does not receive remuneration for the use of such vehicle.

EFFECTIVE August 8, 2001

Amended 42-4-235(1)(a)(I).

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

H.B. 01-1017 Motor vehicle registration - periodic registration program - 5-year and 2-year periods - appropriation. Allows the department of revenue to establish by rule a periodic vehicle registration program whereby an owner of a utility trailer or mobile machinery can elect to register such vehicle for a 5-year period upon payment of a 5-year registration fee and 5-year specific ownership tax, commencing January 1, 2002. Allows the department of revenue to establish by rule a periodic vehicle registration program whereby an owner of a motor vehicle that is of a model year 1982 or newer that is not a motorcycle can elect to register such vehicle for a 2-year period upon payment of a 2-year registration fee and a 2-year specific ownership tax, commencing January 1, 2002.

Authorizes the department of revenue to perform and be paid for vehicle identification number inspections whenever the department determines it is necessary or convenient in carrying out its duties.

Appropriates \$102,527 and 1.3 FTE to the department of revenue for the implementation of this act.

EFFECTIVE May 30, 2001

Amended 42-3-102; added 42-5-202(2.5); amended 42-3-105(1)(b); 42-6-107(1)(b).

H.B. 01-1025 Motor vehicle records - privacy. Requires anyone desiring to inspect motor vehicle or driver records maintained by the department of revenue to sign an

affidavit of intended use, along with the existing requestor release form, that indicates that the requestor will not resell or transfer the information or use it in a manner that is not authorized under law. Makes a person who resells or transfers information or uses it in a manner that is not authorized under law liable to any injured party for treble damages, reasonable attorney fees, and costs.

EFFECTIVE August 8, 2001

Amended 24-72-204(7)(a); 24-72-204(7)(c); 42-1-206(1)(b); 42-1-206(3.7)(a); 42-1-206 IP (3.7)(b); 42-1-206(3.7)(b)(I); 42-1-206(3.7)(b)(IV); added 42-1-206(5).

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

H.B. 01-1402 Emissions inspection - contract - clean screen - appropriation. Directs the department of public health and environment and the executive director of the department of revenue to renew the motor vehicle enhanced emissions inspection contract to ensure that, on or after December 31, 2001, inspection services in the enhanced program area will not be interrupted by the expiration of the previous contract and that such services will be provided to maximize convenience and minimize costs to vehicle owners. Limits the renewed contract to a term of 2 years, and allows the contract to be renewed for a single 4-year term or to be rebid. Directs the air quality control commission ("commission") to consider alternative technologies for implementation at the end of the 2-year period, and mandates that the new contract require the contractor to provide any such necessary alternative inspection technologies. Repeals the requirement for emissions stickers. Exempts collectors' items of model year 1970 and earlier from the emissions program if the commission so determines. Adjusts the standards for enforcement action against inspection centers and the contractor.

Authorizes the commission to promulgate a rule to expand the operation of the clean screen motor vehicle emissions inspection program in the enhanced emissions program area. Authorizes operation of the

clean screen program in the Larimer and Weld county portions of the basic emissions program area as expeditiously as possible, and allows the Pikes Peak area council of governments to petition the commission to exclude the El Paso county portion of the basic emissions program area.

If the commission expands the clean screen program:

- Creates an enterprise under section 20 of article X of the state constitution and vests the enterprise with authority to collect and distribute fees for operation of the clean screen program;
- Requires clerks to collect an emissions inspection fee for each 1982 and newer motor vehicle registered in the program area and to transmit such fee, less a 3 1/3 % vendor's fee, to the enterprise. Directs the enterprise to transmit the fees to the state treasurer for deposit in the newly created clean screen fund.
- Directs the enterprise to pay out the moneys in the trust account monthly to the entity that performed the inspection upon receipt by the enterprise, through the department of revenue, of a notification from the entity of the number of first-time inspections within an inspection cycle completed by the entity in the previous month.

Requires the contractor to notify the department of revenue of 1982 and newer motor vehicles it has determined, either through an inspection or a clean screen, comply with the inspection requirements. Allows a county clerk and recorder to issue a registration for a 1982 and newer motor vehicle when the department of revenue notifies the clerk, in accordance with information provided to the department by the contractor, that such vehicle does not need an emissions inspection. Sets fees for inspections. During the 2-year renewal period, requires the commission to hold a hearing to determine such fees during any subsequent renewal or rebid contract, to be based upon costs plus an amount determined by the commission, not to exceed 10% or \$25.

Appropriates \$46,490 from the clean screen fund and 0.6 FTE to the department of revenue for programming costs associated with the act.

EFFECTIVE June 5, 2001

Amended and added to portions of 42-3, 42-4, 42-12, and 43-4.

PUBLIC UTILITIES

H.B. 01-1061 Telecommunications - unauthorized services. Prohibits a telecommunications service provider or a person providing billing for such provider from charging or billing a customer for unauthorized services. Relieves a customer from liability for goods or services when such goods or services are unauthorized. Requires the public utilities commission of the state of Colorado to maintain and keep available data regarding the incidence of complaints concerning violations of this act.

Pursuant to federal law, exempts providers of wireless services.

EFFECTIVE August 8, 2001

Added 40-15-113.

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.