

Colorado Department of Education

LEGISLATIVE

SUMMARY

2004



Sixty-Fourth General Assembly, Second Regular Session

COLORADO DEPARTMENT OF EDUCATION

201 E. COLFAX AVE.

DENVER, COLORADO 80203-1799

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**High Standards
Challenging Assessments
Rigorous Accountability Measures**

A summary of the legislation affecting education
that passed the Sixty-Fourth General Assembly,
Second Regular Session in 2004,
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.

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August 2004

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NOTE: Web address on the Colorado Department of Education Home Page: <http://www.cde.state.co.us/>
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INDEX

APPROPRIATIONS	
H.B. 04-1422	General appropriations 5
H.B. 04-1464	Assistance to public school capital construction 6
AGRICULTURE	
H.B. 04-1089	Create agriculture promotion task force 6
CHILDREN AND DOMESTIC MATTERS	
H.B. 04-1451	Multi-agency services provided to children 6
CRIMINAL LAW AND PROCEDURE	
H.B. 04-1054	Vehicular accidents 7
H.B. 04-1254	Investigation of child care providers 7
H.B. 04-1311	Identity theft 7
EDUCATION - PUBLIC SCHOOLS	
S.B. 04-62	Databases of school district employees 8
S.B. 04-68	School district bond redemption fund 8
S.B. 04-83	Alternative education campuses for high risk students 8
S.B. 04-103	Nutritional choices in school vending machines 8
S.B. 04-144	Pilot efficiency reviews for limited number of school districts 8
S.B. 04-152	Prohibit payment of teacher on charge of offense 9
S.J.R. 04-36	Colorado legislative education reform caucus 9
S.J.R. 04-40	American patriotism in Colorado 9
H.B. 04-1002	Use of flag - recitation of pledge of allegiance 10
H.B. 04-1010	Elimination of teacher development advisory council 10
H.B. 04-1055	School district capital construction matching grants 10
H.B. 04-1092	Teachers serving in administrative capacities 11
H.B. 04-1104	Educator licensure 11
H.B. 04-1124	Accountability reports – adequate yearly progress (AYP) 11
H.B. 04-1137	Prohibit student statements without parents in expulsion hearing 11
H.B. 04-1141	Charter schools 12
H.B. 04-1202	Colorado history day 13
H.B. 04-1217	School accountability reports (SARs) 13
H.B. 04-1230	School directors elected by districts 13
H.B. 04-1360	Financial education resource bank materials 14
H.B. 04-1362	State institute charter schools 14
H.B. 04-1363	Extracurricular activities not offered in school district of residence 15
H.B. 04-1375	Limited education regarding alternative sexual lifestyles 15
H.B. 04-1397	School finance 15
H.B. 04-1433	Longitudinal measurement of student academic growth 17
H.J.R. 04-1048	Honor life of portrait painter Lawrence Williams 17
H.J.R. 04-1064	Encourage federal financial assistance for all needs migrant workers’ children 18
H.R. 04-1014	National safety on the internet 19
EDUCATION – UNIVERSITIES AND COLLEGES	
S.B. 04-189	College opportunity fund 19
H.B. 04-1037	Academic credit for American sign language 20
H.B. 04-1039	Teacher loan forgiveness pilot program eligibility 20
H.B. 04-1361	Area vocational schools name change and credit transfers 20
ELECTIONS	
H.B. 04-1121	Campaign finance contributions 21
GOVERNMENT – LOCAL	
S.B. 04-02	Local government audit exemption 21
GOVERNMENT - STATE	
S.B. 04-132	Modify existing PERA benefit plans 21
S.B. 04-143	Construction contracts for public projects 22
S.B. 04-244	Statewide internet portal authority 22
HEALTH CARE POLICY AND FINANCING	
S.B. 04-177	Autistic children under Medicaid’s home and community-based services 23

HUMAN SERVICES – SOCIAL SERVICES

H.B. 04-1271	Pilot program for placement of children in out-of-home settings	23
H.B. 04-1277	Early childhood and school readiness commission	24

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 04-159	Blood alcohol content level of a driver	24
H.B. 04-1021	Consumption of alcohol.....	24
H.B. 04-1025	Emissions control certificates for new diesel vehicles.....	24
H.B. 04-1076	Prohibit driving motor vehicles in passing lane	25
H.B. 04-1231	Commercial drivers' licenses	25
H.B. 04-1262	Post notice of cameras to detect traffic control signal offenses	25
H.B. 04-1368	Repeal requirement to file report after motor vehicle accident.....	25

PROFESSIONS AND OCCUPATIONS

H.B. 04-1127	Limit use of professional titles of nurses	25
--------------	--	----

TRANSPORTATION

H.B. 04-1309	Safe routes to school for bicyclists and pedestrians.....	26
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NOTE: The effective date for a bill enacted without a safety clause and without an effective date indicated in the bill is August 4, 2004, 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.

The following are summaries of 2004 bills as prepared by the General Assembly Office of Legislative Services with selected clarification or notation by the Department of Education.

APPROPRIATIONS

H.B. 03-1422 General appropriation - long bill. Makes appropriations for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2004. Sets the grand total for the operating budget at \$13,800,989,326, of which \$5,820,521,777 is from the general fund, \$1,479,916,704 is from cash funds, \$3,270,417,474 is from cash funds exempt, and \$3,230,133,371 is from federal funds.

Appropriates \$265,757,856 for capital construction, of which \$9,273,940 is capital construction fund exempt, \$19,400,000 is from cash funds, \$210,400,354 is from cash funds exempt, and \$26,683,562 is from federal funds.

Makes additional changes in appropriations for the 2003-2004 fiscal years.

EFFECTIVE April 26, 2004
 PORTIONS VETOED April 26, 2004

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

	2003-04 Appropriation	2004-05 Appropriation
General Fund	\$ 2,417,670,435	\$ 2,555,671,589
Cash Funds	15,233,415	14,743,794
Cash Funds Exempt	461,334,608	457,019,405
Federal Funds	380,677,569	413,109,122
<u>Grand Total</u>	\$ 3,274,916,027	\$ 3,440,543,910

APPROPRIATIONS – Cont'd.

H.B. 04-1464 Department of education - additional personnel authorized - assistance to public schools. Amends the FY 2004-05 appropriation for the department of education authorizing an increase in the number of FTE from 1.0 FTE to 2.0 FTE to improve the department's ability to efficiently administer the school district capital construction assistance program, and to enhance the department's ability to provide technical consultation and administrative services to school districts to evaluate the need for capital construction expenditures and the districts' plans for expending any assistance received from the school capital construction expenditures reserve.

The department will research other state departments to determine if their expertise can be tapped to assist the program.

EFFECTIVE June 4, 2004

Sec. 2, Part III, of H.B. 04-1422 Long Appropriations Bill.

AGRICULTURE

H.B. 04-1089 Agriculture promotion task force - creation - duties - report. Establishes the Colorado agriculture promotion task force, consisting of 11 members appointed by 7-1-04.

Directs the task force to study the following issues:

- The benefits and detriments of requiring governmental entities to give purchasing preferences to Colorado-produced agricultural commodities.
- Methods for improving the state's agricultural industry and encouraging and supporting the economic development of agriculture in rural Colorado.
- Measures to add value to the state agricultural commodities.
- Better methods for responding to new and changing markets and obtaining competitive advantage for the state's agriculture industry.

Requires the task force to report its findings and recommendations to the agriculture, livestock, and natural resources committee of the house of representatives and the agriculture, natural resources, and energy committee of the senate by 1-10-05. Repeals the task force on 5-1-05.

EFFECTIVE June 4, 2004

Added 35-28-124 C.R.S. (Colorado Revised Statutes).

CHILDREN AND DOMESTIC MATTERS

H.B. 04-1451 Collaborative management authority - services to children and families - memorandums of understanding - minimum requirements - reports - review. Authorizes each county department of social services and local representatives of judicial districts, health departments, school districts, each community mental health center, and each mental health assessment and service agency to enter into a memorandum of understanding ("MOU") to promote a collaborative system of local-level interagency oversight and to establish individualized service and support teams to coordinate and manage the provision of services to children and families who would benefit from integrated multi-agency services. Encourages these agencies to enter into MOUs by region, but allows flexibility. Recommends that the agencies seek input, support, and collaboration from key stakeholders in the private and non-profit sectors, as well as from parent advocacy or family advocacy organizations. Specifies minimum requirements of each MOU.

Authorizes departments and agencies that provide oversight to the parties to the MOU to issue waivers of state rules necessary for effective implementation of the MOUs that would not compromise the safety of children.

On or before 1-1-07, and by each 1-1 thereafter, requires each interagency oversight group to provide a report to the executive director of each department or agency that is a party to any MOU entered into pursuant to this act.

Requires specified executive directors, a director of a county department of social services, a director of a local mental health center, a superintendent of a school, a representative from a statewide parent advocacy or family advocacy organization, and a member of the judiciary to meet at least annually with the governor to review the reports prepared by the interagency oversight groups to identify barriers encountered in collaborative management development or implementation or reinvestment of moneys and to discuss and effectuate solutions to these barriers.

EFFECTIVE May 28, 2004

Added 24-1.9-0 (entire article); 26-5-105.5(3.2)(c); 19-1-125(2)(d); amended 13-32-101(1)(a).

CRIMINAL LAW AND PROCEDURE

H.B. 04-1054 Vehicular accidents - death or personal injuries - leaving the scene - duty of vehicle occupant to report accident. Specifies that it is not an offense for the driver of a vehicle to leave the scene of an accident involving death or injury for the purpose of reporting the accident if the driver has first fulfilled certain requirements. Makes it a class 2 misdemeanor traffic offense for a vehicle occupant to fail to report an accident if the driver is physically incapable of doing so.

EFFECTIVE July 1, 2004

Amended 42-4-1601(1); added 42-4-1601(1.5); no change in existing law 42-4-1607(1); added 42-4-1607(3).

H.B. 04-1254 Abuse or neglect - sexual abuse - child care centers - family child care homes - investigation - notice to parents - uninvolved students - determination - written basis - deadline. Requires the state department of human services to adopt rules that specify that, prior to notice of an investigation of institutional abuse being sent to the parents or guardians of children in child care centers or family child care homes who are uninvolved with the incident that prompted the investigation, the state department or the county department of social services shall ensure that:

- The incident is at the level of a medium, severe, or fatal incident of abuse or neglect or involves sexual abuse;
- The state department or county department has determined whether the notice to the parents or guardians of uninvolved students is essential to the investigation or is necessary for the safety of the children in the facility;
- The state department or county department has stated in writing the basis for the determination and a supervisor has provided written approval of the determination.

Requires the notice of investigation to be sent to the parents or guardians within 72 hours after the determination is made.

EFFECTIVE June 4, 2004

Added 19-3-308(4.5)(a.5).

H.B. 04-1311 Identity theft - social security number limits - destruction of documents containing personal identifying information - unlawful possession of personal identifying information. Prohibits the display of a person's social security number on a license, pass, or certificate, issued by a public entity, unless it is necessary to further the purpose of the pass or required by state or federal law. Proscribes a public entity from requesting a person's social security number over the phone, via the internet, or by mail unless it is required by federal law or is essential to the public entity's service.

Requires public and private entities to develop a policy for disposal of documents containing personal identifying information. Considers a public entity that is compliant with the state archives act to have met its policy development obligation. Exempts a recycler or disposal firm from verifying that the documents contained in the products it receives for disposal or recycling have been properly destroyed or disposed of as required by this law.

Allows an insured to require that an insurance company not display the insured's social security number on the insured's insurance identification card or proof of insurance card. Requires the insurer to reissue the card without the social security number, if the insured makes the request. Prohibits an insurance company, after 1-1-06, from issuing an insurance identification card or proof of insurance card displaying the insured's social security number.

Makes it a class 1 misdemeanor to possess another's personal identifying information with the intent to use the information, or to aid or permit another to use the information, to unlawfully gain a benefit or to injure or defraud another.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Added 24-72.3-0 (entire article); 6-1-712; 24-72-204(2)(a)(VII); 10-3-129; 18-5-117.

EDUCATION – PUBLIC SCHOOLS

S.B. 04-62 Nonlicensed employee database - purge process - annual list to CBI. Requires a school district to submit the name, date of birth, and social security number of each nonlicensed person employed by the district from the human resource electronic data communications and reporting system to the department of education.

Directs the department to create and maintain a database of the information. At the beginning of each semester, compels the school district to notify the department when a nonlicensed employee no longer works for the school district. Directs the department to purge the database at least annually.

Directs the department, beginning 11-15-04, and by 8-1 each year thereafter, to provide a list of the current employees of each school district to the Colorado bureau of investigation.

EFFECTIVE April 8, 2004

Added 22-32-109.8(11); amended 22-2-111(3).

S.B. 04-68 School district - bond redemption fund - financial institution - escrow instructions - state treasurer's consent. With regard to the requirement that each school district select a Colorado commercial bank or depository trust company that has full trust powers to administer the school district's bond redemption fund, makes an exception if a school district places the funds in an escrow account with a financial institution and the escrow instructions are acceptable to the state treasurer. Requires the escrow instructions, at a minimum, to prohibit the transfer of funds to the school district without the state treasurer's written consent.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Amended 22-45-103(1)(b)(I); 22-45-103(1)(b)(V); added 22-45-103(1)(b)(VII); amended 22-40-105(5).

S.B. 04-83 Alternative education campuses - high-risk students. Provides that a secondary school in which more than 95% of the students are high-risk may seek designation as an alternative education campus. Requires a school's application for designation to include an agreement to establish and report on accountability measures of student academic

progress, and progress in other nonacademic areas, and to establish benchmarks for showing academic progress. Provides that, if a secondary school that is designated as an alternative education campus fails to meet its benchmarks, the state board of education may require the school district to submit a school improvement plan for the school. Specifies changes to the state accountability reports for a secondary school designated as an alternative education campus.

EFFECTIVE April 20, 2004

Added legislative declaration; amended 22-7-604.5 IP(1); 22-7-604.5(1)(a)(VI)(B); 22-7-604.5(1)(a)(VI)(C); added 22-7-604.5(1)(a)(VI)(D); amended 22-7-604.5(1.5); 22-7-604.5(2.5).

S.B. 04-103 School nutrition - vending machines - school district policies. Encourages each school district board of education to adopt a policy by resolution, on or before 7-1-04, which states that by the 2006-07 school year at least 50% of all items offered in each vending machine or adjoining set of vending machines in each school of the school district shall meet acceptable nutritional standards for foods and beverages.

EFFECTIVE April 20, 2004

Added 22-32-134.

S.B. 04-144 School districts - pilot efficiency reviews - state auditor - report - repeal. Requires the state auditor to conduct a review of up to 3 school districts, for the 2004-05 school district budget year, to identify administrative savings that can be gained through best practices in organization, service delivery, human resources, facilities, finance, transportation, technology management, and other non-instructional expenditures. Clarifies that the participation of the school districts is only on a voluntary basis. Allows the state auditor to consult with state departments and other entities with relevant expertise.

Directs the state auditor's office to submit its findings in a written report to each school district reviewed, to the members of the legislative audit committee of the general assembly, and to the education committees of the senate and the house of representatives. Specifies that the report may recommend whether the reviews should be expanded to other school districts and may recommend specific legislation.

Authorizes the state auditor to accept gifts, grants, and donations from private or public sources and to deposit the moneys in the school district pilot efficiency review fund. Permits the state auditor to conduct as many audits as the moneys in the fund allows. Provides for the repeal of the section if the fund receives no moneys by 1-1-05. Repeals the provisions of the act effective 9-1-05.

EFFECTIVE June 4, 2004

Added 2-3-117.

S.B. 04-152 Payment of teacher - prohibition - criminal charges - reinstatement - back pay. Prohibits a school district from paying a teacher after a recommendation for dismissal if the teacher is charged with an offense for which the teacher's license, certificate, endorsement, or authorization is required to be denied, annulled, suspended, or revoked if convicted. Specifies that if the final disposition of the case does not result in a conviction for the offense and the teacher has not been dismissed, the board of education is required to reinstate the teacher, to provide the teacher with back pay and lost benefits, and to restore lost service credit.

EFFECTIVE April 13, 2004

Amended 22-63-302(3).

Senate Joint Resolution (S.J.R.) 04-36 The Colorado Legislative Education Reform Caucus. WHEREAS, Educating the children of the state of Colorado is one of the most important duties that the state, its families, and its local school districts undertake each year. The Colorado Department of Education accounts for approximately 43% of the state's general fund expenditures.

The combination of the importance of educating Colorado's children, with the position that education holds in the state's budget, requires the state to consider ways to reform education to create a more effective, higher-performing system. For the past decade, Colorado, with direction from legislators and governors of both parties, has been a national leader in education reform.

To continue its history of innovative education programs, the state must focus on supporting and creating economically efficient programs.

Sound education policy requires a consistent focus on the best interests of students, parents, citizens, and taxpayers.

The General Assembly should continually engage in a dialogue regarding the best way to educate the children of the state of Colorado and the best way to use the state's limited resources for education.

One way to ensure the General Assembly maintains a dialogue on education issues is to form a bipartisan caucus of members interested in education reform.

The stated mission of the Colorado Legislative Education Reform Caucus, a bipartisan caucus formed by members of the Sixty-fourth General Assembly, is:

- To provide a forum for discussing different ideas for education reform, including school accountability, education standards, school choice, open enrollment, charter schools, home schools, and other innovative ideas promoting principles of education reform;
- To allow different viewpoints to have an opportunity to work collaboratively on strategies to improve education for the children of Colorado;
- To support efforts to find innovative programs that keep Colorado at the forefront of education advancement in the nation;
- To work as a collaborative partner with the education community in providing the best education opportunities for the children of Colorado.

The General Assembly urges its members to join the Colorado Legislative Education Reform Caucus and to play a part as the Caucus fulfills its mission statement.

The General Assembly urges Colorado's institutions, both public and private, to work with the Colorado Legislative Education Reform Caucus as it strives to provide new, innovative education programs for the children of Colorado.

Adopted by the General Assembly May 4, 2004.

Senate Joint Resolution (S.J.R.) 04-40 American Patriotism in Colorado Schools. WHEREAS, The services provided to this country by veterans who have served on active duty in the military are deserving of special recognition among our school children. Until the 9-11-01, terrorist attacks on the World Trade Center and the Pentagon, several generations of relative peace and prosperity in the nation dulled the recognition of the

extraordinary sacrifices of those heroes who served in uniform.

The military response of the United States to that cowardly attack on our innocent countrymen has, yet again, placed the service men and women of the armed forces in harm's way defending our nation, its citizens, and our ideals.

Children in the United States have been blessed, due to the valor of American service men and women, never to have known firsthand the pain and suffering endured by those in military service who have protected the United States from its adversaries in the past.

The population of veterans, especially those who fought during World War II and the Korean and Vietnam conflicts, is aging, and students in Colorado schools may, therefore, not have had the opportunity to know or come in contact with those in our society who served.

The Senate of the 64th General Assembly of the State of Colorado, and the House of Representatives concurring herein:

(1) That we, the members of the 64th General Assembly, recognize the sacrifices made by veterans serving our country and protecting democratic values worldwide,

(2) That we respectfully urge school district boards of education throughout Colorado to develop and institute a curriculum, to be presented on or before Veterans Day or Memorial Day each year, designed to instill a sense of patriotism and an awareness of the great sacrifices made by veterans of the United States Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, Colorado National Guard, and Colorado Reserve to preserve and promote liberty and democratic values worldwide.

Be It Resolved, that copies of this Joint Resolution be provided to the Honorable Bill Owens, Governor of Colorado; the Honorable John Andrews, President of the Senate of Colorado; the Honorable Lola Spradley, Speaker of the House of Representatives of Colorado; the Colorado Department of Education for dissemination to each public school district in the state; the Association of Colorado Independent Schools; and the Colorado Community of Homeschooling Families.

Adopted by the General Assembly May 4, 2004.

H.B. 04-1002 Use of flag - pledge of allegiance. Requires each school district to provide an opportunity each school day for willing students

to recite the pledge of allegiance in public elementary and secondary schools. Exempts any person not wishing to participate in the recitation of the pledge of allegiance.

EFFECTIVE March 17, 2004

Amended 22-1-106.

H.B. 04-1010 Teacher development advisory council - repeal. Repeals the teacher development advisory council ("council"). Directs the state board of education and the department of education to assume the functions of the council in implementing the teacher development grant program.

EFFECTIVE February 20, 2004

Repealed 22-7-703(1); amended 22-7-706; 22-7-704(2)(a); 22-7-704(2)(b); repealed 22-7-705(3); amended 22-7-707 IP(3); repealed 2-3-1203(3)(w)(II).

H.B. 04-1055 School district capital construction - state matching grants. Subject to the approval of the capital development committee of the general assembly, allows the state board of education to approve and order payments of moneys from the school construction and renovation fund to provide matching grants to school districts that are undertaking qualified capital construction projects and for the expenses incurred by the state board in administering the school district capital construction assistance program without the payments being subject to appropriation by the general assembly. Allows the state board to make a matching grant contingent upon the passage of a bonded indebtedness ballot question in the school district awarded the grant during the fiscal year for which the grant is to be awarded.

Changes the deadline by which the state board must submit a list of school districts and charter schools recommended to receive matching grants to the capital development committee from October 1 of the fiscal year for which financial assistance is being sought to August 16 of the fiscal year, gives the committee until September 15 of the fiscal year to determine the number of projects on the list to be funded, and specifies that the entire list shall be deemed approved if not acted upon by the committee by the September 15 deadline. Eliminates the existing requirement that the capital development committee submit the list of projects it has approved for matching grants to

the joint budget committee so the general assembly can amend the general appropriation bill to make appropriations for matching grants. Repeals a statutory provision concerning appropriations for matching grants for the 2002-03 fiscal year.

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Amended 22-43.7-103(4); 22-43.7-105(6); 22-43.7-105(6.5).

H.B. 04-1092 **Teacher occupying an administrative position - reassignment - years of service.** Permits a school district board of education to consider the years of service accumulated by a teacher while serving in an administrative position in determining where to place the teacher on the salary schedule upon the teacher's reassignment.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Amended 22-63-206(2).

H.B. 04-1104 **Educator licensure - authorizations - survey of new teachers repealed - educator professional standards board repealed - rules.** Repeals and reenacts the statutory provision for issuance of teaching authorizations. Renames and amends the criteria for existing authorizations. Repeals the type IV authorization extension. Creates the following new authorizations: The temporary educator eligibility authorization; the career and technical education authorization; the school speech-language pathology assistant authorization; the educational interpreter authorization; the junior reserve officer training corps instructor authorization; the literacy instruction authorization; and the principal authorization.

Repeals the requirement that an alternative teacher license applicant demonstrate basic competencies, and clarifies that the state board of education shall determine whether the applicant has demonstrated the necessary subject matter knowledge. Repeals the provision that allows an alternative teacher license applicant or a provisional teacher license applicant to substitute 5 years of successful work experience for a baccalaureate degree.

Repeals the educator professional standards board. Repeals the annual survey of educators who are in their first and third years of employment as teachers.

Requires a person who is employed in a teacher-in-residence program to meet the content area education requirements specified by rule of the state board and to pass an assessment of subject matter knowledge prior to being employed in a teacher-in-residence program.

Authorizes school districts to design and implement individualized alternative principal programs for persons employed under the principal authorization.

Directs the department of education to provide annually to the department of higher education a list of the persons who receive educator licenses and the Colorado institutions at which they completed their preparation programs and a list of persons who have held educator licenses for 2 years.

Postpones the expiration of certain rules of the state board pertaining to educator licensure.

EFFECTIVE May 28, 2004

Amended 22-60.5-102(1); 22.60.5-102(11); repealed and reenacted 22-60.5-111; further amended, added and repealed various parts of 22-60.5; 22-1; 22-2; 22-9; 22-27; 22-32; 22-61; and Sec. 1(1)(c) of S.B. 04-195.

H.B. 04-1124 **Accountability reports - adequate yearly progress of subgroups.** Adds to the state school accountability report a chart reflecting whether subgroups of students are making adequate yearly progress toward grade-level performance in reading and mathematics. Removes information concerning who prepared and verified the report.

EFFECTIVE March 8, 2004

Added 22-7-605(4)(c.5); amended 22-7-605(4)(d).

H.B. 04-1137 **Expulsion - student incriminating statements - parental involvement.** Prohibits the use in an expulsion hearing of a student statement regarding an alleged act that would result in mandatory expulsion, unless the statement is signed by the student and a parent, guardian, or legal or physical custodian is present when the statement is signed or a reasonable attempt is made to contact the

parent, guardian, or legal or physical custodian prior to having the student sign the statement.

States that a reasonable attempt to contact the parent, guardian, or legal or physical custodian includes calling each phone number provided by the parent, guardian, legal or physical custodian, or student.

Makes an exception to the requirement when:

- The parent, guardian, or legal or physical custodian and the student execute a waiver of the requirement after an advisement of the right; or
- The student makes deliberate misrepresentations that affect the applicability of the requirement and the school official relies on those misrepresentations in good faith.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Added 22-33-106.3.

H.B. 04-1141 Charter schools - waivers - application process - appeals - financing - reporting - withholding of moneys - accreditation. Requires a charter school to complete annually a governmental audit that complies with the requirements of the department of education. Directs the state board of education to identify, by rule, the state statutes and state rules that are automatically waived for all charter schools, and clarifies that a charter school may apply for waiver of additional state statutes and rules. Instructs the state board to review waivers of state statutes and rules periodically, rather than every 2 years. Requires each charter contract to include a statement specifying the manner in which the charter school will comply with the intent of the waived statutes and rules. Requires each charter contract to specify the mandatory financial information the charter school must report, deadlines for reporting such information, and the circumstances under which the chartering school district may withhold a portion of the charter school's monthly payment for noncompliance with the financial reporting.

With regard to the charter application contents:

- Requires specification of measurable annual achievement goals that are based on the state accreditation indicators;
- Requires a description of how the charter school will collect and use student longitudinal assessment data;

- Repeals the requirement that the application include a plan for the displacement of pupils, teachers, and other employees;
- Repeals the requirement that the application include evidence that the terms and conditions of employment have been addressed with affected employees and their representatives.

Clarifies that, if a local board of education does not review a charter application, the refusal to review is deemed a denial of the application and is appealable. If a local board chooses to unilaterally impose conditions on a charter applicant or a charter school, requires the local board to adopt a resolution imposing the conditions. Repeals the provisions allowing a person to appeal a local board's decision to approve a charter application.

Makes the following changes in the time line for a local board's review and approval of charter applications:

- Requires a local board to give the charter applicant reasonable opportunity to provide additional information for an incomplete application;
- Directs the local board to notify the state board within 15 days after denying or refusing to review a charter application;
- If the local board approves the charter application after remand from the state board, requires the local board and the charter applicant to complete the charter contract within 90 days after remand.

Repeals the provision that allows a local board to limit the number of charter schools in the school district, and prohibits a local board from adopting a moratorium on charter schools in the school district. Requires each local board to report annually to the department such information as the department requests to evaluate the effectiveness of charter schools. Repeals provisions limiting the number of charter schools. Prohibits a chartering authority from restricting the number of pupils a charter school may enroll, except as negotiated for specified purposes. Repeals the 5-year cap on the term of a charter. Repeals the provision that allows nonrenewal or revocation of a charter on the grounds that operation of the charter school is not in the interest of pupils residing within the school district. Adds a requirement that the annual report on charter schools prepared by the department include comparisons to comparable groups of pupils in other public schools.

Clarifies that the charter contract between a charter school and the authorizing school district shall provide funding to the charter

school in the amount of 100% of the district per pupil revenues and 100% of the district per pupil on-line funding; except that the school district may withhold the actual amount of overhead administrative costs applicable to the charter school, up to 5% of the per-pupil funding. Repeals language stating that funding and service agreements shall be neither a financial incentive nor a financial disincentive to establishment of a charter school. Repeals the requirement that the department provide technical assistance to charter applicants.

Requires a charter school to comply with all of the state financial budgeting and reporting requirements that apply to school districts. Allows a charter school to seek a determination from the state board regarding whether the chartering district has improperly withheld funding from the charter school. Establishes procedures for making the determination. If the state board determines the chartering district improperly withheld funding from the charter school, and the district does not pay within 30 days after the determination, allows the department to withhold the amount due to the charter school from the funding due to the school district and pay it directly to the charter school.

Allows a charter school to seek a determination from the state board regarding whether a school district has improperly failed to pay the charter school the tuition charged for the excess costs incurred in educating a child with disabilities. Establishes procedures for making the determination. If the state board determines the school district failed to pay the excess costs, and the school district does not pay within 30 days after the determination, allows the department to withhold the amount of the excess costs from the funding due to the school district and pay it directly to the charter school.

Authorizes the state board to revoke or withhold accreditation of a school district if the district has not complied with a written directive or order of the state board to the district.

Specifies that the statutory provision allowing a local government to refuse to comply with an unfunded state mandate does not apply to an order from the state board pertaining to a charter school.

Amends the provisions concerning reimbursement for transportation costs to allow the state charter school institute to receive reimbursement in the same manner as a school district.

States that specified sections of the act are contingent on the passage of House Bill 04-1362.

EFFECTIVE June 3, 2004

NOTE: House Bill 04-1362 was signed by the Governor June 3, 2004.

Added, amended, repealed and reenacted various parts of 22-30.5; 22-1; 22-2; 22-11; 22-37; 22-51; and 29-1.

H.B. 04-1202 Colorado History Day. Directs the department of education to assist the school districts of the state in developing and promoting programs for elementary and secondary students that engage the students in the process of discovery and interpretation of historical topics. Authorizes the department of education to accept gifts, grants, and donations in furtherance of the objectives specified in the act.

EFFECTIVE May 21, 2004

Added legislative declaration; 22-1-104(5).

H.B. 04-1217 School accountability reports - questions parents should ask. For school accountability reports prepared after the effective date of the act, replaces the page on school history with a page containing questions and options for a parent based upon the academic performance of the school in which the parent's child is enrolled. Requires the department of education, in collaboration with statewide stakeholders, to develop the questions and options. Authorizes the addition of a school's web site address on the school's report.

EFFECTIVE April 13, 2004

Repealed and reenacted 22-7-605(8); amended 22-7-605(3)(b)(II)(B).

H.B. 04-1230 School directors - election from director districts. Authorizes procedures to put to a vote of the electors of a school district the question of whether local school board of education directors should be elected from director districts rather than from the school district at-large. Sets forth specifications for director districts where some or all members of the local school board of education are voted on by the eligible electors of a director district. Requires school districts in which directors are elected from a director district to determine by the March 1 following the year in which the school district chooses to elect directors by

director district, by 3-1-12, and by March 1 every 10 years thereafter, whether the populations of the director districts are as equal as possible and, if necessary, to revise the boundaries of the director districts.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Amended 22-31-105(2); added 22-31-105(6.5); amended 22-31-105(7)(a); 22-31-109; 22-31-110(1)(b).

H.B. 04-1360 Financial literacy curriculum - resource bank. Requires the state board of education to create a resource bank of materials pertaining to financial literacy, and specifies the minimum content of the resource bank. Upon the request of a school district or a charter school, requires the department of education to provide technical assistance to the school district or charter school in designing a financial literacy curriculum. Directs the department to contract with one or more entities for implementation of the act.

Encourages each school district to adopt a financial literacy curriculum and to make successful completion of courses on financial literacy a graduation requirement.

EFFECTIVE June 4, 2004

Added 22-2-127; 22-32-135.

H.B. 04-1362 Charter schools - alternative authorization - state charter school institute - institute charter schools - application and process - financing. Creates the state charter school institute as an independent agency in the department of education. Permits the institute to authorize a form of charter school to be known as an "institute charter school" which exists independent of a school district. Creates a board to oversee the operations of the institute. Allows the institute board to promulgate rules regarding the authorization of institute charter schools. States that the institute and institute charter schools are to be deemed part of the thorough and uniform system of free public schools in the state. Clarifies that the institute is not to be deemed a school district. Encourages the institute to emphasize the authorization of institute charter schools that service at-risk students. Considers the institute to be a local

education agency for purposes of federal law and an administrative unit for purposes of special education law.

Allows a school district to retain exclusive authority to authorize charter schools within the school district's boundaries if the school district meets criteria that demonstrate to the state board of education a commitment to, and oversight of, charter schools. Specifies the minimum criteria a school district must demonstrate. Makes an exception to meeting the criteria if the total enrollment of the school district is less than 3000 students or if the percentage of free or reduced-cost lunch students enrolled in the district's charter schools is near to or exceeds the overall percentage of free or reduced-cost students enrolled in the district as a whole. If a school district has not retained exclusive jurisdiction, clarifies that the institute and the school district have concurrent jurisdiction within the school district. Permits a party to challenge a grant of exclusive authority within 30 days after the state board grant of exclusive authority. Permits a grant of exclusive authority to continue so long as the school meets the requirements and submits a resolution to the state board annually.

Specifies that the institute board consists of 9 members who are appointed by the governor, the president of the senate, and the speaker of the house of representatives. Describes the powers and duties of the institute board. Permits the hiring of staff for the institute and the contracting for services. Specifies that all positions classified as professional officers and professional staff of the institute are exempt from the state personnel system. Authorizes the institute to receive gifts, grants, and donations and creates the state charter school institute fund. Specifies that the institute is not required to receive applications until there is at least \$50,000 in the fund and is not required to review applications until there is at least \$150,000 in the fund.

Permits an appeal to the state board of an institute board decision to deny, revoke, or not renew an institute charter. Permits the state board to reverse the institute board's decision if it finds the decision was contrary to the best interests of the pupils or community. Specifies that an institute charter school is a public school in the state, unaffiliated with a school district, and subject to accreditation by the state board. Provides that institute charter schools are generally subject to provisions similar to the "Charter Schools Act".

Adjusts the funding for institute charter schools and certain district charter schools based on the percentage of the pupil enrollment eligible for free lunch in an institute charter school or in a charter school authorized by a school district that has retained exclusive authority to authorize charter schools and has more than 40% of its pupil enrollment consisting of at-risk pupils. Specifies the requirements for paying for federally required educational services.

Requires an institute charter school annually to certify to the state board and the institute the number of pupils enrolled in the institute charter school. Directs the department to withhold a portion of the state share of equalization funding from the school district in which the institute charter school is located and to forward the withheld amount to the institute. Permits the department to retain up to 2% of the amount withheld for administrative costs. Permits the institute to retain up to 3% of the amount withheld for oversight and management costs.

Requires each institute charter school to budget for instructional supplies, capital reserve, and risk management.

Requires a school district and its charter schools to negotiate annually for the payment of direct costs of authorizing and overseeing the charter school. Prohibits the withholding of moneys to cover direct costs by the school district if the parties have not agreed to the terms of the payment.

Amends the "Public School Finance Act of 1994" to specify the process by which the moneys are withheld and transmitted to institute charter schools. Permits an institute charter school to receive state education fund moneys. Allows an institute charter school to benefit from some provisions of the "Colorado Educational and Cultural Facilities Authority Act".

EFFECTIVE July 1, 2004

Added 22-30.5-500 (entire part 5); amended and added various parts of 22-2; 22-7; 22-11; 22-20; 22-24; 22-30.5; 22-32; 22-33; 22-54; 22-55; 23-8; 23-15; 24-1; 24-50.

H.B. 04-1363 Extracurricular activities - not offered in school district of residence or attendance. Specifies that, if an activity is not offered at a public school within a student's school district of residence or school district of attendance, the student may participate in the activity at a public school within a contiguous school district or at the nearest public school

with the facilities for that activity. If the student participates in the activity in a contiguous school district, authorizes the school district to select the school of participation.

EFFECTIVE March 1, 2004

Amended 22-32-116.5(2)(b); 22-32-116.5(2)(c).

H.B. 04-1375 School districts - curriculum - human sexuality - student excused - parental notice - outline - exemption. Prohibits a school district from offering a planned curriculum that includes discussion of or instruction concerning human sexuality unless the school district provides to the parent or guardian written notification of the ability to excuse the student from that portion of the curriculum and a detailed outline of the topics and materials in that portion of the curriculum. Encourages school districts to disseminate policies that minimize undue attention or embarrassment for excused students. Clarifies that local comprehensive health education programs are exempt from these restrictions.

EFFECTIVE July 1, 2004

Added 22-1-110.5.

H.B. 04-1397 School finance - funding formula - charter school reporting requirements - capital construction - special education. Amends the "Public School Finance Act of 1994" and related public education statutory provisions in the following respects:

Total Program Funding Formula

- For purposes of determining preschool and pupil enrollment, specifies that a school district shall only count and receive funding for preschool, kindergarten, and first-grade pupils who reach a specified age as of, on, or before October 1 of the applicable school year.
- Reduces the at-risk factor in the total program funding formula from 11.5% to 11.2% for the 2004-05, 2005-06, and 2006-07 budget years.
- For the 2004-05 budget year, increases the statewide base per pupil funding to \$4,666.29 to account for a 1.1% inflation rate plus one percentage point.
- Allows an adjustment to the cost of living factor in the formula based on the increase in teacher income rather than on inflation.
- Makes technical corrections to the formula.

State Board Oversight

- Allows the state board to put a school district on accreditation notice if the school district fails to comply with a written directive or order from the state board.
- Precludes a charter school and the state board from waiving the requirements of the finance act.

School District & Charter School Requirements

- Requires any contract between a charter school and a local board of education to specify the financial information the charter school must report to the school district, the deadline for such reporting in order to enable the school district to comply with its financial reporting requirements, and the circumstances under which the school district may withhold monthly payments because of the charter school's failure to comply with its reporting requirements.
- Requires a charter school to comply with all of the state financial budgeting and reporting requirements that apply to school districts.
- Authorizes a school district, under the circumstances described in the contract between the school district and the charter school, to withhold a portion of a charter school's monthly payment.
- Allows a charter school to seek a determination from the state board regarding whether the school district has improperly withheld funding from the charter school, and establishes procedures for making the determination. If the state board determines the school district improperly withheld funding from the charter school and the school district does not pay within 30 days after the determination, allows the department of education (department) to withhold the amount of the improperly withheld funds from the funding due to the school district and pay it directly to the charter school.

School District Capital Construction

- For the 2004-05 budget year, suspends the requirement that school districts receive the same level of funding that charter schools receive for capital construction.
- For the 2004-05 state fiscal year, requires the general assembly to appropriate \$2.5 million from the state education fund to the school construction and renovation fund and \$2.5 million from the state education fund to the school capital construction expenditures reserve to fund public school capital construction.
- Acknowledges that, for the 2003-04 budget year, an additional \$3,690,377 was made available to school districts as supplemental assistance for capital expenditures to address immediate safety hazards or health concerns within school facilities.

Special Education

- When a child with a disability enrolls in and attends a school in a district other than the child's district of residence, and the school does not provide an on-line program to the child:
 - Requires the district of residence to pay the tuition charge to the district of attendance for educating the child.
 - Precludes a district of attendance from charging the district of residence tuition for the excess costs incurred in educating a child with a disability who receives educational services from the district of attendance for less than a percentage of time specified by state board rules.
 - Requires the state board to adopt rules concerning, and the district of attendance to provide, notice to the district of residence when a child with a disability applies to enroll in a school in the district of attendance.
 - When a child with a disability enrolls in and attends a charter school, including a charter school that provides an on-line program, or enrolls in and attends an on-line program that is not provided by a charter school:
 - Requires the district of residence to pay to the charter school or the provider of the on-line program the tuition charge for the excess costs incurred in educating the child.
 - Requires the tuition responsibility to be reflected in a contract between the charter school or the district of attendance and the district of residence in a form approved by the chartering district or the state board, respectively.
 - Requires the charter school or on-line provider to provide notice to the district of residence in accordance with state board rules when a child with a disability applies to enroll in the charter school or the on-line program.
 - Specifies the amount of the tuition charge is to be determined pursuant to state board rules.
 - Requires the state board to adopt rules pertaining to the education of children with disabilities in charter schools and rules pertaining to the education of children with disabilities through on-line programs, and specifies what the rules are to include.

Administration of Finance Act

- Allows the department to transfer an amount specified by the General Assembly in the long bill for that budget year, from the amount appropriated for the state share of districts' total program funding, to offset the direct and indirect administrative costs incurred by the department in implementing the provisions of the finance act.
- Requires the state aid of each district to be reduced proportionately.

Appropriation

- Appropriates \$2.5 million from the state education fund to the school construction and renovation fund to provide matching grants for eligible capital construction projects.

Effective Date

- Provides that specified sections governing charter schools do not take effect if House Bill 04-1141 becomes law.

EFFECTIVE May 28, 2004

NOTE: House Bill 04-1141 was signed by the governor June 3, 2004.

Amended and added to various parts of 22-54; 22-2; 22-11; 22-20; 22-30.5; 22-32; 22-54; 24-75.

H.B. 04-1433 Assessments - longitudinal student academic growth - model and calculation - diagnostic academic growth information - school accountability reports - governor's distinguished improvement awards. Requires the department of education to choose a public or private entity to develop a model to calculate students' annual academic growth for diagnostic purposes. Directs the department to calculate annually the amount of each student's and each school's academic growth in reading, writing, and mathematics over the periods between the administration of the Colorado student assessment program (CSAP) assessments, which calculation shall apply to the model and be based on student CSAP scores.

Directs the department to convene a technical advisory panel of experts on the measurement of longitudinal growth for accountability purposes. Directs the panel to review the model and to report to the department, the state board of education, the education committees of the senate and the house of representatives, and the governor. Requires the state board to adopt a statistical model to calculate diagnostically annual academic growth. Specifies the required characteristics of the model.

Requires the department to calculate what constitutes sufficient academic growth for each student for each school year. Specifies requirements for the calculation. Directs the department to use available data to review and revise the calculation as necessary. Beginning with the 2004-05 school year, directs the department to provide diagnostic academic growth information for each:

- Student enrolled in a school district;
- Public school in a school district;

- Student enrolled in a charter school; and
- Student receiving a voucher, if the injunction on the Colorado Opportunity Contract Pilot Program is vacated.

Authorizes rule-making by the state board for procedures and time frames. Repeals the existing academic growth pilot program and school improvement measurement. Adds the academic growth of students rating to the school accountability reports. Beginning with the 2003-04 school year, requires the department annually to assign a rating for the academic growth of students, based on the proportion of students who make CSAP scale score gains. Sets as the ratings: "Significant decline", "decline", "stable", "improvement", and "significant improvement".

Requires the state board annually to present governor's distinguished improvement awards to the public schools in the state demonstrating the most academic growth of students based on the statistical model used to calculate academic growth of students. Directs the state board to present the financial award to at least one school in each of the 5 categories of schools: "Unsatisfactory", "low", "average", "high", and "excellent".

EFFECTIVE June 3, 2004

Added 22-7-604.3; repealed 22-7-603.7; amended 22-7-604(6); 22-7-605(4)(b)(II)(A); 22-7-605(4)(b)(II)(C); 22-7-605(5)(e)(II); 22-7-605(8)(a); 22-11-301(1); 22-11-302(1); 22-11-302(3); 22-11-303(1); added 22-11-305; amended 22-7-602(8); 22-7-603(1); 22-7-609.6; 22-54-114(2.5); 18-1.3-407(3.4)(c).

House Joint Resolution (H.J.R.) 04-1048 Honoring the life of portrait artist Lawrence Williams. WHEREAS, Lawrence Williams, the artist who painted the presidential portraits in the 3rd-floor rotunda of the Colorado state capitol, passed away on 7-30-03.

Lawrence Williams was considered one of the most sought-after portrait artists in history, and his portraits have covered a vast range of business, professional, military, and diplomatic personalities.

In the fall of 1974, Lawrence Williams became interested in the approaching American Bicentennial celebration and began painting a series of portraits of all of the presidents of the US, using official photographs that Williams obtained from the Library of Congress in Washington, DC.

In 1979, Mr. and Mrs. Harry Sullivan of Phoenix, AZ donated a collection of Lawrence Williams' original oil paintings, entitled "Gallery of Presidents", to the Colorado State Board of Education.

After circulating the collection throughout public schools across Colorado, Lawrence Williams painted a portrait of President Ronald Reagan and added it to the collection; and Lawrence Williams' "Gallery of Presidents" was officially unveiled on Colorado Day 1982, at its current location of the third-floor rotunda of the state capitol.

The Colorado Department of Education (CDE) purchased the portrait of President George H. W. Bush from Lawrence Williams in 1989 and donated the portrait to the state capitol.

The portrait of President Bill Clinton was also painted by Lawrence Williams, who donated the portrait to the White House and with the assistance of Colorado State Senator Doug Linkhart, the National Archives agreed to loan the portrait to the state of Colorado for display in the capitol rotunda.

The portrait of President of George W. Bush, also painted by Lawrence Williams, was acquired by the Capitol Building Advisory Committee with funds donated by the Stroehle family of Black Hawk, Colorado.

The members of the 64th General Assembly extend their deep and heartfelt sympathy to the family of Lawrence Williams and pay tribute to a man who has contributed greatly to the state of Colorado.

Adopted by the General Assembly April 8, 2004.

NOTE: The CDE is listed as the owner of about 40 presidential portraits starting with George Washington by the Smithsonian National Portrait Gallery (info submitted by the Colorado State Publications Library). Assistant Commissioner Roy Brubaker and his assistant Roma Duffy are the CDE staff members who processed this gift. All information regarding the gift and subsequent placement of the portraits is located in the State Archives.

House Joint Resolution (H.J.R.) 04-1064
Encouragement of federal legislation for
educational needs of migrant workers' children
of all types. WHEREAS, migrant labor in many industries in the U.S. constitutes a critically important part of the workforce.

Historically, migrant labor has primarily had its largest role in the agricultural economy. For at least 35 years, the federal government and many states, including Colorado, have had programs providing financial assistance to public schools for various issues associated with the educational needs of the children of agricultural migrant works.

Changes in the U.S. economy in recent years have added new and different types of jobs to those traditionally performed by migrant workers in the agricultural sector of the economy.

Many of these new fields have developed in the service industries associated with growing economic activities such as tourism, gaming, and the needs of high technology.

In addition to the migrant workers that are so important to agriculture, migrant workers in these other emerging areas of our economy will be a vital part of the growth and expansion of these industries.

The educational needs of the children of all migrant workers should continue to be a major concern of the federal and state governments. Children of all types of migrant workers can suffer from performance problems in our public schools due to many factors, including the effects of attending multiple schools necessitated by the cyclical relocation needs of their parents.

These performance problems can be detrimental to educational environment of our public schools if not addressed with sufficient financial resources.

The educational needs of children of migrant workers are felt in, and affect, many communities in Colorado.

It would benefit Colorado and other states if federal programs providing financial assistance for children of migrant workers would include money for assistance for children of migrant workers in all industries, not only the agricultural industry.

The members of the 64th General Assembly encourage the President of the U.S. and the U.S. Congress to take action to ensure that federal programs providing financial assistance for the educational needs of children of migrant workers include sufficient resources to enable public schools to meet the educational needs of children of migrant workers in all sectors of our economy.

Adopted by the General Assembly May 5, 2004.

House Resolution (H.R.) 04-1014 National Safety on the Internet. WHEREAS, in the U.S., 48 million children between the ages of 5 and 17 use computers.

The population of 5- to 17-year-olds in the U.S. currently spend 5 billion hours on-line annually. Worldwide, 70 million youth under the age of 18 access the Internet.

The majority of teenagers' on-line use occurs after school, at home, when working parents are often not at home; and 90% of those age 15 to 24 use the Internet, with almost half of them using it once per day or more; and approximately 3 out of 4 young people have access to the Internet at home, and nearly 1 in 3 has access from their own bedroom.

Nine out of 10 children between ages of 8 and 16 have viewed pornography on the Internet, with most being accessed unintentionally when, often in the process of doing homework, a child used a seemingly innocent sounding word in an Internet search for information or pictures; 62% of parents of teenagers are unaware that their children have accessed objectionable websites; 89% of Internet sexual solicitations were made in either chat rooms or instant messages; 30% of the girls responding to a Girl Scout research study reported that they had been sexually harassed in a chat room, but only 7% told a parent about the harassment, most fearing their parents would overreact and ban computer usage altogether.

In 1996, the Federal Bureau of Investigation was involved in 113 cases involving Internet crimes against children, but in 2001, the FBI opened 1,541 cases against suspects of Internet crimes involving child pornography or abuse.

Declaring June as National Internet Safety Month will provide national awareness of the dangers of the Internet while offering education about how to be safe, responsible, and accountable on the Internet.

The members of the House of Representatives of the 64th General Assembly, declare June as Internet Safety Month.

National Internet Safety Month provides an opportunity to educate the people of the state of Colorado on the dangers of the Internet and the importance of being safe and responsible on-line.

National and community organizations should be recognized and applauded for their work in promoting awareness of the dangers of the Internet and for providing information on developing the critical thinking and decision-making skills to be safe on-line.

Internet safety organizations, law-enforcement agencies, educators, and volunteer should increase their efforts to raise the awareness of on-line safety.

Copies of the resolution to be sent to Governor Bill Owens, Commissioner of Education William Moloney, the Colorado Association of School Boards for distribution to its membership, the Colorado Attorney General's Office, and County Sheriffs of Colorado, Inc. for distribution to its membership.

Adopted by the House of Representatives of the Colorado General Assembly April 16, 2004.

EDUCATION – UNIVERSITIES AND COLLEGES

S.B. 04-189 College opportunity fund - program - performance contracting - fee-for-service contracting - enterprise status. Establishes the college opportunity fund program in the department of higher education, to be administered by the Colorado student loan program (CSLP). Establishes the college opportunity fund and specifies that the fund shall be a trust fund for the benefit of eligible undergraduate students and shall consist of a stipend for each student. Requires the general assembly, beginning with the state fiscal year commencing 7-1-05, and for each state fiscal year thereafter, to make an annual appropriation, in trust for the students, to the fund.

Requires a student to apply for the program, and requires the CSLP to determine the student's eligibility for the stipend. Specifies that, if a student does not apply for or is determined ineligible for the program, the student shall be responsible for paying the student's total in-state tuition amount. Sets out the process for an institution of higher education to receive the stipend on behalf of a student. Prohibits a state institution of higher education from billing a student for any additional amount to make up for a reduction during the same fiscal year in the stipend amount or to compensate for issues relating to the timing of stipend payments.

Requires a private institution of higher education to enter into a performance contract with the department if the institution intends to receive a stipend paid on behalf of a student. Specifies further qualifications that a private institution must meet to receive a stipend on behalf of a student. Specifies that a student who attends a private institution may receive 50% of the stipend amount set for students enrolled in state institutions and that the amount of the stipend for the student may increase in proportion to the percentage of unfunded enrollment growth that is appropriated to the governing boards in subsequent years. Specifies how the unfunded enrollment growth will be calculated.

The commission shall work with the department of education to notify annually eighth-grade students of the state's contribution to the college opportunity fund on behalf of resident students and the manner in which the students may receive additional information regarding financial resources for higher education including but not limited to the amount of the stipend and a student's ability to use specific websites to explore financial and academic options for preparing to enter college.

EFFECTIVE July 1, 2004

Added legislative findings and declaration; 23-18-0 (entire article); 23-5-129; 23-5-130; 23-1-109.7; amended 23-1-113.3(2)(a); 24-1-114(5)(b); 23-1-104(1)(a)(I); 23-1-104(1)(d); added 23-5-101.7; amended 23-5-101.5(2)(b)(II); 23-5-102; 23-5-103(1); added 24-77-102(16)(b)(I.5); amended 24-36-120(4); repealed 23-41-104.6(7); 23-1-104(1.5); 23-1-104(2); 23-1-105(2); 23-1-105(3).

H.B. 04-1037 Academic credit - American sign language - policies and procedures. Permits a higher education institution to offer one or more elective courses in American sign language (ASL). Requires the Colorado commission on higher education (CCHE) to adopt policies and procedures to require higher education institutions to treat ASL as a foreign language for purposes of granting and receiving academic credit. Directs CCHE to adopt policies that:

- Allow students to receive academic credit either by completing the courses or by demonstrating proficiency in ASL; and
- Permit ASL academic credit to be counted toward satisfaction of a higher education institution's foreign language requirements, except those requirements related to the content of an academic major, and toward satisfaction of the foreign language entrance requirements of the institution.

Permits school districts to offer one or more elective courses in ASL. Allows school districts to treat ASL as a foreign language and to:

- Grant academic credit for completion of an ASL course or demonstrated proficiency in ASL; and
- Count completion of an ASL course or demonstrated proficiency in ASL toward the fulfillment of any foreign language requirement for graduation.

Allows the Colorado school for the deaf and the blind, upon request, to provide assistance for the implementation of this act to CCHE, higher education institutions, the state board of education, and school districts.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Added 23-1-128; 22-32-133; 22-80-118.

H.B. 04-1039 Teacher loan forgiveness pilot program - eligibility. Beginning in the 2004-05 academic year, extends the teacher loan forgiveness pilot program to allow for payment of all or part of the principal and interest of the educational loans of a teacher who is hired for a qualified position, teaching math, science, special education, or linguistically diverse education, regardless of how long the teacher has been teaching.

EFFECTIVE April 13, 2004

Amended 23-3.9-102(1)(a); 23-3.9-102(2)(d).

H.B. 04-1361 Area vocational schools - name change - credit transfers. Allows the governing body of an area vocational school to identify the area vocational school as a technical college. Directs the state board for community colleges and occupational education to adopt policies to ensure the transfer of postsecondary course credits from area vocational schools to institutions within the state system of community and technical colleges. Clarifies that any postsecondary course credits earned by a student while enrolled in an area vocational school may be transferred into an associate degree program at a community college or into another degree program at a 4-year institution in accordance with existing state credit transfer policies.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Amended 23-60-103(1); added 23-60-800 (entire part 8).

ELECTIONS

H.B. 04-1121 Campaign finance - contributions to persons involved in the political process.

Authorizes a political committee to receive and accept moneys contributed to it by a corporation or labor organization for disbursement to a candidate committee or political party without depositing such moneys in an account separate from the account required to be established for the receipt and acceptance of all contributions by all committees or political parties in accordance with the state constitution.

Authorizes a candidate to accept:

- The aggregate contribution limit for a primary election at any time after the date of the primary election in which the candidate is on the primary election ballot; or
- The aggregate contribution limit for a general election at any time prior to the date of the primary election in which the candidate is on the primary election ballot.

Authorizes a candidate committee to expend contributions received and accepted for a general election prior to the date of the primary election in which the candidate is on the primary election ballot. Permits the candidate committee of a candidate who wins the primary election to expend contributions received and accepted for the primary election in the general election.

Authorizes a candidate's candidate committee to reimburse the candidate at any time for expenditures the candidate has made on behalf of the candidate committee. Specifies that any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is made is to be treated only as an expenditure and not as a contribution to and an expenditure by the candidate's candidate committee. Regardless of when the expenditure is reimbursed, requires the expenditure to be reported at the time it is made in accordance with the reporting requirements of the "Fair Campaign Practices Act" (FCPA).

Authorizes any political committee that has registered with the federal election commission

to file with the appropriate officer a copy of the registration filed with the federal election commission. Insofar as the registration contains substantially the same information required by the disclosure requirements of the FCPA, specifies that the political committee is considered to have registered with the appropriate officer for purposes of the disclosure requirements of the FCPA and is authorized to accept or make contributions as permitted by law. Specifies that any political committee that satisfies this registration requirement of the act is subject to all other legal requirements pertaining to contributions and disclosure applicable to political committees.

EFFECTIVE May 21, 2004

Amended 1-45-103.7; added 1-45-108(1)(e); amended 1-45-108 IP(3); added 1-45-108(3.5).

GOVERNMENT – LOCAL

S.B. 04-02 Audits of local governments – exemption. Any local government where revenues or expenditures for any fiscal year commencing on or after 1-1-04, are at least \$100,000 but not more than \$500,000 may, with the approval of the state auditor, be exempt from a local government audit.

EFFECTIVE August 4, 2004.

Amended 29-1-604(2).

GOVERNMENT – STATE

S.B. 04-132 Public employees' retirement association - member account interest rate - contribution calculation, reporting, and payment requirements - suspension of matchmaker program - amortization of overfunding - employer contributions to the health care trust fund - service retirement eligibility - annual benefit increase. Reduces the rate of interest credited to the member contribution accounts of members of the public employees' retirement association (PERA) from 80% of the actuarial investment assumption rate to a maximum of 5% per year, effective July 1, 2004. Requires the PERA board to set the rate of interest to be credited each calendar year, subject to the maximum of 5%.

Changes the due date for contributions and contribution reports to PERA to 5 days after the date members are paid.

Reflects the reduction in the employer contribution rate table in the state and school division and in the judicial division that began in 2000 as provided by existing law. Further provides for the calculation, reporting, and payment of contributions to PERA.

Requires that matching employer contributions on members' voluntary contributions to tax-deferred retirement programs terminate for payroll periods that end after the last day of the calendar month following the effective date of the act, and thereafter resume only when PERA's assets exceed 110% of actuarial liabilities. Removes the one percent of salary limit on year-to-year changes in the amount of matching contributions.

Considers a division to be overfunded and requires a reduction in the employer contribution rate when the actuarial value of assets exceeds 110% rather than 100% of liabilities. Allows the amortization of overfunding for 30 years for overfunding up to 115% and for 20 years for overfunding in excess of 115%. Allows for the calculation of any decrease in employer contribution rates due to overfunding. Removes restrictions governing the minimum and maximum percentage change in employer contribution rates due to overfunding.

Changes the due date for contributions to the association's 401(k) plan to 5 days after the date members are paid and requires the contributions to be delivered to the service provider designated by the association.

Reduces the portion of employer contributions that is placed in the health care trust fund from 1.1% to 1.02% of salary.

For any person who becomes a member of the association on or after 7-1-05, specifies:

- The age and service credit requirements for service retirement eligibility; and
- That the annual increase applied to benefits shall be the lesser of 3% or the increase in the consumer price index.

PORTIONS EFFECTIVE April 30, 2004, July 1, 2004, July 1, 2005

Amended 24-51-101(28)(c); 24-51-407(3); added 24-51-407(4); amended 24-51-401(1.7); added 24-51-401(1.8); amended 24-51-401(2); 24-51-408.5(4); 24-51-408.5(5); 24-51-408.5(6)(a); 24-51-408.5(6)(a.5); 24-51-408.5(6)(b); 24-51-408.5(7); 24-

51-1402(4); 24-51-208(1)(f); added 24-51-602(1)(a.5); 24-51-1002(1)(a.5).

S.B. 04-143 Construction contracts with public entities - partial payments - payment bonds.

Modifies the mandatory payment retention system that public entities use for contract awards for the construction, alteration, or repair of any highway, public building, public work, or public improvement, structure, or system by authorizing public entities to make partial payments of the monthly amount due under a contract until 50% of the public project has been satisfactorily completed when the contract exceeds \$150,000 rather than \$80,000.

For a contract with a public entity that exceeds \$150,000 rather than \$80,000, allows the contractor to deposit acceptable securities with the public entity in lieu of having a percentage of the contract price withheld.

Requires a contractor that is awarded a state contract to deliver a performance bond and a payment bond to the state when the contract exceeds \$100,000 rather than \$50,000.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Amended 24-91-103(1); 24-91-105; 24-105-202 IP(1); 38-26-106(1).

S.B. 04-244 Statewide internet portal authority - creation - board of directors - powers and mission of the authority - limitation on fees and charges - financing - bonds - annual report.

Creates the Colorado statewide internet portal authority. Includes the authority within the definition of a "special purpose authority" for purposes of the state fiscal policies relating to section 20 of article X of the state constitution. Designates the members of the board of directors of the authority.

Specifies the powers and mission of the authority, including the provision of electronic access for members of the public to electronic information, products, and services maintained or distributed by a state agency or local government through a statewide internet portal and direction to contract with a statewide internet portal integrator.

Specifies the sources of funding for the authority. Authorizes the issuance of bonds and notes of the authority payable from revenues of

the authority. Specifies that such bonds and notes shall not be a debt of the state. Provides that all moneys received by the authority are held as trust funds.

Requires the authority to make an annual report within 6 months after the end of the 2004-05 fiscal year, and each fiscal year thereafter, to the state, veterans, and military affairs committee of the senate or other committee of reference designated by the president of the senate and to the information and technology committee of the house of representatives or other committee of reference designated by the speaker of the house.

EFFECTIVE June 3, 2004

Added 24-37.7-0 (entire article); 24-77-102(15)(b)(XV).

HEALTH CARE POLICY AND FINANCING

S.B. 04-177 Medicaid - home- and community-based services - autism. Establishes the "Home- and Community-based Services for Children with Autism Act" and requires the department of health care policy and financing to seek the federal authorization necessary to implement the provisions of the act. Defines which children are eligible to receive the home- and community-based services and what services shall be provided under the act.

Specifies that no child may receive services in an amount in excess of \$25,000 annually. Requires the department to utilize the services of existing service provider agencies and limits the amount a service provider agency may retain for administrative costs. Limits the provision of services under the act to available appropriations from the Colorado autism treatment fund, which is established. Requires the state department to develop the service provisions and a care planning process in consultation with parents of children with autism and medical professionals who have expertise in treating children with autism.

Establishes 2 alternative funding sources:

- If House Bill 04-1421 becomes law, beginning at the end of fiscal year 2004-05 and for each fiscal year thereafter allocates to the fund up to \$1,000,000 from unexpended tobacco settlement moneys.
- If House Bill 04-1421 does not become law, beginning in fiscal year 2005-06 allocates to the

fund up to \$1,000,000 from tobacco settlement moneys currently allocated for tobacco education, prevention, and cessation.

Sets forth varying effective dates for a number of sections of the act contingent on the passage of House Bill 04-1421.

EFFECTIVE January 1, 2005

NOTE: (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report. (2) House Bill 04-1421 was approved in part and vetoed in part by the Governor, June 4, 2004.

Added 26-4-691; 26-4-692; 26-4-693; 26-4-694; 26-4-695; 26-4-303(1)(n); amended 24-22-115(1); 24-75-1104(1)(d); 25-3.5-807(2)(a).

HUMAN SERVICES – SOCIAL SERVICES

H.B. 04-1271 Placement of children - out-of-home - dedicated family homes - pilot program - private moneys. Subject to available appropriations, requires the department of human services to license dedicated family homes and to designate no more than 10 county departments of social services and child placement agencies ("CPAs") to recruit, train, monitor, and investigate house parents to operate dedicated family homes. Clarifies that county departments and CPAs participate in the pilot program only on a voluntary basis.

Specifies that private moneys received are to be used to reserve a bed or beds in a specified dedicated family home to which a child and his or her siblings may return until each child attains the age of 18. Subject to available appropriations, allows the state department to allocate private moneys for specified house parent inducements. Allows the state department to seek the acquisition or construction of property, facilities, or structures to be operated as dedicated family homes.

Directs the state department to submit a report on the effectiveness of dedicated family homes to the house and senate health, environment, welfare, and institutions committees no later than 12-31-07. Repeals the program 7-1-08. Defines "dedicated family home". Prohibits a house parent from operating a dedicated family home if the house parent has been convicted of certain offenses.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Added 26-6-400 (entire part 4); 26-6-102(2.7); amended 26-6-104 IP(7)(a)(l).

H.B. 04-1277 Early childhood and school readiness commission - continued study - membership - duties - report - funding - repeal. Changes the name of the child care commission to the early childhood and school readiness commission. Requires the commission to perform additional duties related to school readiness. Expands the membership of the commission from 15 to 17 members, and makes modifications to current membership requirements. Requires the commission to report to the general assembly on or before 11-1-05, and again on or before 7-1-07, concerning the matters studied by the commission and any recommendations to the general assembly.

Authorizes the state department of human services to accept grants, gifts, and donations for the purposes associated with implementing the act, creates the early childhood and school readiness cash fund, and makes the moneys in the cash fund subject to annual appropriation by the general assembly to the state department and to the legislative council for the direct and indirect costs associated with implementation. Authorizes the state department to enter into a contract for staff assistance if the commission receives gifts, grants, and donations sufficient to fund the staff assistance. Requires compensation for commission members who are members of the general assembly to be approved by the chair of the legislative council and paid by vouchers and warrants. Specifies that if the cash fund does not contain moneys sufficient to pay the members of the commission for each fiscal year from fiscal year 2004-05 to fiscal year 2006-07 by December 1 of the start of each such fiscal year, the act shall be repealed. Extends the repeal date of the commission from 7-1-04, to 7-1-07, unless repeal is required prior to 7-1-07 due to insufficient funds to compensate members of the commission.

EFFECTIVE June 4, 2004

Amended 26-6-301; 26-6-302(1); 26-6-303(3); added 26-6-303(4); 26-6-303(5); 26-6-303(6); amended 26-6-304; 26-6-305; 26-6-306(1); added 26-6-306.5; amended 26-6-307; 26-6.5-106 IP(5); 26-6.5-106(9)(b).

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 04-159 Driving under the influence - delayed or second test samples. Authorizes the department of public health and environment to allow testing of a sample of blood, breath, saliva, or urine to determine the blood alcohol content of a driver without the collection or preservation of a second or delayed sample.

EFFECTIVE April 1, 2004

Amended 42-4-1301(6)(c).

H.B. 04-1021 Consumption of alcohol - driving under the influence - reduced blood alcohol content - tastings - local authorization - hotel or restaurant licensee - partially consumed container of vinous liquor - reseal and remove container from premises. For purposes of determining whether a person is driving under the influence of alcohol, lowers the blood alcohol content level to 0.08 grams of alcohol per 100 milliliters of blood or per 210 liters of breath. Defines "tastings" to mean the sampling of malt, vinous, or spiritous liquors on the premises of certain liquor licensees. Permits a county, city and county, or municipality to adopt an ordinance or resolution that authorizes tastings subject to certain limitations. Increases to \$1,000 the amount of malt, vinous, and spiritous liquors that a hotel and restaurant licensee may annually purchase from a retail liquor store. Authorizes a hotel or restaurant licensee to permit a customer to reseal and remove from the premises one opened container of partially consumed vinous liquor under certain circumstances.

EFFECTIVE July 1, 2004

Added and amended various parts of 42-2; 42-4; 12-47; 17-1; 18-3; 24-75.

H.B. 04-1025 Diesel vehicles - emissions inspections. Exempts a new diesel vehicle from getting an emissions inspection when it is sold, unless the current emissions certificate expires within 12 months.

EFFECTIVE July 1, 2004

Amended 42-4-406(1)(b); 42-4-414(2)(c).

H.B. 04-1076 Prohibitions - driving in passing lane. If the speed limit is 65 miles per hour or more, prohibits driving in the passing lane of a highway except when passing or turning left, or when the volume of traffic does not permit the motor vehicle to safely return to a nonpassing lane.

EFFECTIVE July 1, 2004

Added 42-4-1013.

H.B. 04-1231 Commercial drivers' licenses - authority of department of revenue - issuance of licenses - disqualification - information sharing - conformity with federal law. Directs the department of revenue to adopt and effectuate any licensing sanction imposed by federal statutes or rules governing commercial motor vehicle safety.

Requires the department to maintain, for at least 3 years, records of a commercial driver's license application and of the applicant's convictions, disqualifications, and licensing actions affecting commercial driving privileges. Directs the department to share such information with law enforcement authorities, the federal secretary of transportation, prospective employers, and the applicant upon request.

Prohibits the issuance of a commercial driver's license to any person who is subject to a federal disqualification order based on an imminent hazard to public safety. Requires prior clearance by the federal transportation security administration before a person may obtain, renew, upgrade, or transfer a hazardous materials endorsement. For purposes of such clearance, allows fingerprinting of an applicant for a hazardous materials endorsement by any authorized person or agency. Prohibits the holder of a commercial driving learner's permit from obtaining a hazardous materials endorsement.

Specifies certain state-law offenses pertaining to drinking and driving, and pertaining to conduct at or near railroad crossings, as those covered by the terms "driving under the influence" and "railroad crossing offense" in federal law and rules.

Applies to offenses committed and commercial drivers' licenses issued or renewed on or after 7-1-05.

EFFECTIVE July 1, 2005

Amended 42-2-403(1); 42-2-403(3); added 42-2-403(2)(e); 42-2-404(1.5); amended 42-2-405(1); 42-2-405(3).

H.B. 04-1262 Automated vehicle identification system - traffic control signal - notice. Requires a jurisdiction, using an automated vehicle identification system to detect traffic control signal disobedience, to conspicuously post a sign at a reasonable distance notifying the public of the automated vehicle identification system.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Amended 42-4-110.5(2)(d).

H.B. 04-1368 Financial responsibility - department of revenue - accident report - repeal. Repeals the requirement that the owner or operator of a motor vehicle file a report with the department of revenue after a motor vehicle accident if such person failed to comply with the financial responsibility law.

EFFECTIVE August 4, 2004

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see 5 of this report.

Repealed 42-7-202; 42-4-1606(2); 42-4-1606(4)(a)(II); 42-4-1607(2); amended 42-7-301 IP(1); 42-7-303 IP(1); 42-7-504.

PROFESSIONS AND OCCUPATIONS

H.B. 04-1127 Nurses - title protection. Restricts persons who are not licensed as registered professional nurses or licensed practical nurses from using the title of "nurse", "registered nurse", or "licensed practical nurse" or the abbreviations for such titles. Allows a person who provides nonmedical support services to use the title "Christian Science nurse" when providing such services to a member of his or her religious organization.

EFFECTIVE May 12, 2004

Amended 12-38-123(1)(b).

TRANSPORTATION

H.B. 04-1309 Bicyclists and pedestrians - safe routes to school - federal funds - grants. Directs the transportation commission to establish and the department of transportation to administer, a safe routes to school program to distribute federal funds to local governments.

Lists examples of the types of projects that are eligible for funding under the program. Specifies the criteria to be used in awarding grants under the program.

Directs the executive director of the department to create an advisory committee to make recommendations to the commission, which shall award grants. States that the committee shall include representatives of certain statewide groups.

Authorizes the department to allocate funds received from specified federal sources to projects under the program. States that funds from grants awarded under the program may not be used as a substitute for currently available funds for similar activities.

EFFECTIVE June 5, 2004

Added 12-22-1600 (entire part 16).