

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

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Bill Ritter, Jr.  
Governor

September 15, 2008

The Honorable Abel Tapia  
Senate Committee on State, Veterans and Military Affairs  
State Capitol  
Denver, CO 80203

The Honorable Paul Weissmann  
House Committee on State, Veterans and Military Affairs  
State Capitol  
Denver, CO 80203

*Reference: Additional Report pursuant to C.R.S. 24-76.5-103(9)*

Dear Senator Tapia and Representative Weissmann,

Please find enclosed the following annual compliance report required pursuant to C.R.S. 24-76.5-103(9) for the years July 1, 2006 to June 30, 2007 and July 1, 2007 to June 30, 2008.

The report from the Colorado Department of Education was not included in the previous submission.

Please note that all necessary and required reports have now been submitted.

If you have any questions, please find contacts for each department contained in the submitted report.

Sincerely,

Stephanie Villafuerte  
Deputy Chief of Staff  
Governor Bill Ritter, Jr.



# COLORADO DEPARTMENT OF EDUCATION

201 East Colfax Avenue • Denver, Colorado 80203-1799  
303.866.6600 • [www.cde.state.co.us](http://www.cde.state.co.us)

**Dwight D. Jones**  
Commissioner of Education

**Robert K. Hammond**  
Deputy Commissioner

**Kenneth R. Turner**  
Deputy Commissioner

September 5, 2008

The Honorable Abel Tapia, Chairman  
Senate Committee on State, Veterans and Military Affairs  
The Honorable Paul Weissmann, Chairman  
House Committee on State, Veterans and Military Affairs  
Colorado State Capitol  
200 East Colfax Avenue  
Denver, Colorado 80203

Dear Senator Tapia and Representative Weissmann,

Enclosed is the compliance report as required by § 24-76.5-103(9), C.R.S. for the Colorado Department of Education. The Department has two offices that provide this state public benefit as related to the verification of lawful presence requirements. Each office has prepared a compliance report to the Senate and House Committees on State, Veterans and Military Affairs.

Please do not hesitate to contact me if you have any questions regarding this document at 303.866.6646.

Sincerely,

Dwight D. Jones  
Commissioner of Education

**COMPLIANCE REPORT**

**PURSUANT § 24-76.5-101 et seq., C.R.S.**

**“Restrictions on Public Benefits”**

September 5, 2008

**Colorado Department of Education  
Educator Licensing Unit  
2006-2007**

Annual Compliance Report Pursuant to §24-76.5-101 et seq.

For the Year August 1, 2006 to August 1, 2007, the Colorado Department of Education, Educator Licensing Unit took the following actions in compliance with § 24-76.5-101 et seq.:

- Educator Licenses and Authorizations
  - The Educator Licensing Unit processed **22,718** applications from applicants who were required to provide photo identification documents and signed affidavits of lawful presence as required by HB06S-1023.
  - All applicants provided one of the acceptable forms of photo identification documents prior to the issuance of their license or authorization.
  - None of the applicants needed to qualify through the waiver process.
  
- Cost of Compliance
  - Verifying identification documents and processing affidavits of lawful presence takes on average 4-5 minutes per application.
  - An additional 15-20 minutes per application was required to return denied affidavits of lawful presence and/or photo identification verification.

**Colorado Department of Education  
Educator Licensing Unit  
2006-2007**

Annual Compliance Report Pursuant to § 24-76.5-101 et seq.

As it relates to the issuance of a license or authorization in compliance with § 22-60.5 101 et seq., C.R.S.

- Each applicant must submit to a full criminal history check on a 10-print fingerprint card and be cleared through the Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation (FBI) per § 22-60.5-103, C.R.S.
- Each applicant is required to submit required documentation applicable to the type of license or authorization requested as outlined in § 22-60.5-101 et seq., C.R.S.
- All photo identification documents must be valid and must be notarized by a notary.
- All affidavit forms must be signed and dated by the applicant.

Cost of Compliance

- The Educator Licensing Unit has incurred additional FTE hours related to the implementation of HB06S-1023 to monitor and process the new requirements related to the affidavit forms and photo identification verification.

No applicant issued a license or authorization has been identified as being in the United States illegally.

**Colorado Department of Education  
Educator Licensing Unit  
2007-2008**

Annual Compliance Report Pursuant to §24-76.5-101 et seq.

For the Year August 1, 2007 to August 1, 2008, the Colorado Department of Education, Educator Licensing Unit took the following actions in compliance with § 24-76.5-101 et seq.:

- Educator Licenses and Authorizations
  - The Educator Licensing Unit processed **29,842** applications from applicants who were required to provide photo identification documents and signed affidavits of lawful presence as required by HB06S-1023.
  - All applicants provided one of the acceptable forms of photo identification documents prior to the issuance of their license or authorization.
  - None of the applicants needed to qualify through the waiver process.
  
- Cost of Compliance
  - Verifying identification documents and processing affidavits of lawful presence takes on average 4-5 minutes per application.
  - An additional 15-20 minutes per application was required to return denied affidavits of lawful presence and/or photo identification verification.

- **Colorado Department of Education  
Educator Licensing Unit  
2007-2008**

Annual Compliance Report Pursuant to § 24-76.5-101 et seq.

As it relates to the issuance of a license or authorization in compliance with § 22-60.5 101 et seq., C.R.S.

- Each applicant must submit to a full criminal history check on a 10-print fingerprint card and be cleared through the Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation (FBI) per § 22-60.5-103, C.R.S.
- Each applicant is required to submit required documentation applicable to the type of license or authorization requested as outlined in § 22-60.5-101 et seq., C.R.S.
- All photo identification documents must be valid and must be notarized by a notary.
- All affidavit forms must be signed and dated by the applicant.

Cost of Compliance

- The Educator Licensing Unit has incurred additional FTE hours related to the implementation of HB06S-1023 to monitor and process the new requirements related to the affidavit forms and photo identification verification.

No applicant issued a license or authorization has been identified as being in the United States illegally.

**Colorado Department of Education  
Payments for Grants, Contracts, Purchases, and to Individuals**

Annual Compliance Report Pursuant to Section 24-76.5-101 et seq.

Compliance with existing state law as it relates to grants, contracts, purchases, and payments to individuals.

The Colorado Department of Education requires the following documentation prior to issuing a grant, contract, purchase order or payment to an individual:

- Each individual payee must submit a completed IRS form W-9.
- Each individual payee must also complete, sign, and submit an affidavit of citizenship as follows below.
- Each individual payee must provide a copy of one of the acceptable forms of identification as per HB06S-1023.

**COLORADO DEPARTMENT OF EDUCATION  
VERIFICATION OF LAWFUL PRESENCE  
AFFIDAVIT  
For Compliance with CRS 24-76.5**

I, \_\_\_\_\_, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

I am a United States citizen, or

I am a Permanent Resident of the United States, or

I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit or I am a sole proprietor entering into a contract or purchase order with the State of Colorado. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit or prior to entering into a contract with the State. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Social Security Number



All documents are reviewed for completion and a notation is entered into the COFRS accounting system that the documentation has been verified per CRS 24-76 and the date of verification. Once this review is completed and the documentation is acceptable, the contract, grant, purchase order, or payment can be processed.

#### Cost of Compliance

2006-2007

The Colorado Department of Education issued 19,271 regular payment vouchers to businesses, school districts and individuals during Fiscal Year 2007. Each vendor payment request is reviewed to determine whether the vendor is an individual, thus requiring additional lawful presence verification. It is estimated that the cost of requesting, verifying and processing the affidavits of lawful presence and related documentation takes, on average, 10 minutes per individual.

2007-2008

The Colorado Department of Education issued 18,009 regular payment vouchers to businesses, school districts and individuals during Fiscal Year 2008. Each vendor payment request is reviewed to determine whether the vendor is an individual, thus requiring additional lawful presence verification. It is estimated that the cost of requesting, verifying and processing the affidavits of lawful presence and related documentation takes, on average, 10 minutes per individual.

It is estimated that over 1,200 affidavits have been processed to date and to the best of our knowledge we have not identified any individual as being in the United States illegally.