

ARTICLE 80

SCHOOL FOR THE DEAF AND THE BLIND

22-80-101. School located at Colorado Springs - repeal. (Repealed)

Source: L. 77: Entire article added, p. 1090, § 2, effective July 1. L. 2003: (2) added by revision, pp. 1577, 1586, §§ 1, 20.

22-80-101.5. Definitions.

For purposes of this article, unless the context otherwise requires:

(1) "Board of trustees" means the governing board of the Colorado school for the deaf and the blind established in section 22-80-103.

(2) "School" means the Colorado school for the deaf and the blind described in section 22-80-102.

Source: L. 2003: Entire section added, p. 1577, § 2, effective July 1, 2004.

22-80-102. Educational institution.

(1) (a) There shall be permanently maintained in the city of Colorado Springs, in the county of El Paso, an institution for the support and education of deaf and blind children residing within the state of Colorado, to be known as the Colorado school for the deaf and the blind. The school shall be a body corporate. The school shall include such other facilities and programs located within the state as may be established and maintained pursuant to law.

(b) The school, the main campus of which shall be located in the city of Colorado Springs, in the county of El Paso, is declared to be one of the educational institutions of the state of Colorado and has for its object the education of the children of the state who, by reason of the impairment of their sense of hearing or of sight, cannot be advantageously educated in the other schools or educational institutions of the state. Said school shall not be regarded or classed as a reformatory or charitable institution.

(2) In addition to including a long-term residential school, the school shall be a resource to school districts, state institutions, and other approved education programs. Resource services shall include, but shall not be limited to, the following:

(a) Assessment and identification of educational needs;

(b) Special curricula;

- (c) Equipment and materials;
- (d) Supplemental related services;
- (e) Special short-term programs;
- (f) Program planning and staff development;
- (g) Programs for parents, families, and the public;
- (h) Research and development to promote improved educational programs and services.

(3) (a) For purposes of federal law, the school shall be a local educational agency, deemed to be a public authority legally constituted within the state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in the state.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (3) to the contrary, the school shall not be a local educational agency for the purposes of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., or the federal "Child Nutrition Act of 1966", 42 U.S.C. sec. 1771 et seq.

(c) Notwithstanding subsection (3)(b) of this section, the school is a residential child care facility pursuant to section 26-6-905 and may act as a school food authority for the purposes of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., or the federal "Child Nutrition Act of 1966", 42 U.S.C. sec. 1771 et seq.

(4) (a) The school may, in the discretion of the board of trustees, provide additional educational services on a local or regional basis in the state. In providing the services, the school shall seek to employ innovative delivery systems, which may include delivery of services through:

(I) Intergovernmental agreements with school districts or other local governmental entities;

(II) Partnerships with boards of cooperative services created pursuant to article 5 of this title;
or

(III) Charter schools chartered by the board of trustees pursuant to paragraph (b) of this subsection (4).

(b) The board of trustees is authorized to grant charters to applicants that propose a charter school that is designed to provide educational services solely to students who would qualify for admission to the Colorado school for the deaf and the blind. The board of trustees shall promulgate rules governing the contents of, procedures for, approval of, and appeals pertaining to, a charter application submitted pursuant to this paragraph (b) and renewal of a charter. The rules shall reflect the unique needs of and responsibilities of educating children with hearing or

sight impairment.

(5) The school may enter into contracts and receive federal matching funds for moneys spent in providing student health services as provided in section 25.5-5-301 (6) or 25.5-5-318, C.R.S.

Source: L. 77: Entire article added, p. 1090, § 2, effective July 1. L. 91: Entire section amended, p. 524, § 1, effective April 17. L. 2003: (1) and IP(2) amended and (3), (4), and (5) added, p. 1577, § 3, effective July 1, 2004. L. 2006: (5) amended, p. 2006, § 65, effective July 1. L. 2024: (3)(c) added, (HB 24-1206), ch. 18, p. 47, § 5, effective March 12.

22-80-103. Board of trustees - appointments - powers - duties - fund created.

(1) (a) There is created in the department of education a board of trustees for the Colorado school for the deaf and the blind. The board of trustees is a **type 1** entity, as defined in section 24-1-105, and exercises its powers and performs its duties and functions under the department of education. The board of trustees consists of seven members who are residents of Colorado, appointed by the governor with the consent of the senate. Of these seven members, at least one appointee must be a person who is blind and at least one appointee must be a person who is deaf. The governor shall ensure that, of the seven members of the board of trustees, at least one appointee is the parent of a child who is deaf or blind or both.

(b) In making appointments pursuant to subsection (1)(a) of this section, the governor shall give due consideration to establishing and maintaining a geographical and urban and rural balance among the board members. No more than four of the seven members may be affiliated with the same political party. The commissioner of education or the commissioner's designee shall serve as an ex officio nonvoting member of the board of trustees. The terms of office of the board of trustees is four years; except that the terms shall be staggered so that no more than four members' terms expire in the same year. The governor may remove any member for misconduct, incompetence, or neglect of duty and shall fill all vacancies that occur.

(2) The board of trustees shall elect a chair annually from among its members. Members of the board shall receive no compensation but are entitled to be reimbursed for necessary travel expenses incurred in the exercise of their official duties at the rate authorized for state employees. In addition, a member with sensory impairment is entitled to be reimbursed for reasonable expenses incurred in obtaining necessary assistance to fulfill his or her duties as a member of the board of trustees.

(3) The board of trustees is authorized to promulgate rules pursuant to section 24-1-115 (8), C.R.S., to implement provisions of law relating to operation of the school.

(4) In addition to any other powers granted by law to the board of trustees, the board shall have the following powers:

(a) To have and use a corporate seal;

(b) To sue and be sued in its own name;

(c) To incur debts, liabilities, and obligations, subject to any limitations imposed thereon pursuant to law;

(d) To cooperate and contract with the state or federal government or an agency or instrumentality thereof and to apply for and receive grants or financial assistance from any of such entities;

(e) To act on behalf of the state of Colorado pursuant to a statutory authorization;

(f) To acquire, hold, lease, sell, or otherwise dispose of real or personal property or a commodity or service;

(g) To do or perform an act authorized by this article by means of an agent or by contract with a person, firm, or corporation;

(h) To provide for the necessary expenses of the board of trustees in the exercise of its powers and the performance of its duties and reimburse a board member for expenses as provided in subsection (2) of this section;

(i) To determine eligibility of students and procedures for admission to the school;

(j) To provide for the students of the school necessary bedding, food, and medical services and such other things as may be proper for the health and comfort of the students without cost to their parents;

(k) To provide for the proper keeping of accounts and records and for budgeting of funds;

(l) To act as a public entity for purposes of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.;

(m) To set tuition and other fees for nonresidents of the state and to enter into contracts for the admission of nonresident students into the school; and

(n) To exercise any other powers that are essential to carrying out the provisions of this article.

(5) (a) The board of trustees is authorized to receive gifts, grants, and donations from private or public sources in accordance with conditions prescribed by the donor; but no gift, grant, or donation shall be accepted if the conditions attached thereto require the use or expenditure thereof in a manner contrary to law. Gifts, grants, and donations received by the board of trustees may be transmitted to the state treasurer who shall credit the same to the Colorado school for the deaf and the blind trust fund created in paragraph (b) of this subsection (5) or may be transferred to a nonprofit entity described in section 24-1-107.5 (2)(a)(II)(F), C.R.S. The board of trustees may sell or convey by bill of sale, deed, or other legal instrument any property, real or personal,

received as a gift, donation, or bequest, upon such terms and conditions as the board of trustees deems to be in the best interest of the school and its students.

(b) The Colorado school for the deaf and the blind trust fund is hereby created, and referred to in this subsection (5) as the "trust fund". The trust fund shall consist of moneys acquired from private sources and any moneys received by the school and deposited with the state treasurer prior to July 1, 2004, and any interest earned thereon. All income derived from the deposit and investment of moneys in the trust fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the trust fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(c) The board of trustees is hereby authorized to expend such amounts from the trust fund as the board of trustees deems to be in the best interest of the school and its students.

(6) Title to any gift, donation, or bequest received by the board of trustees on behalf of the school shall vest in the board of trustees. Title to all other property and other assets of the school shall vest in the state board of education, but the board of trustees shall have complete jurisdiction over the management of the school.

(7) Notwithstanding section 24-1-136 (11)(a)(I), the board of trustees shall transmit, on or before January 1, 2005, and on or before January 1 of each year thereafter, a report to the education committees of the senate and house of representatives that contains the following:

(a) All school performance report data for the school, as specified by the department of education;

(b) All training, mentoring, and professional development activities arranged for the school's teachers; and

(c) Any parental education and parental involvement components in the school's program.

Source: L. 77: Entire article added, p. 1091, § 2, effective July 1. L. 97: Entire section amended, p. 1139, § 8, effective May 28. L. 2003: Entire section R&RE, p. 1579, § 4, effective July 1, 2004. L. 2009: (7)(a) amended, (SB 09-163), ch. 293, p. 1546, § 54, effective May 21; (1)(a) amended, (SB 09-090), ch. 291, p. 1441, § 8, effective August 5. L. 2017: IP(7) amended, (HB 17-1267), ch. 242, p. 998, § 20, effective August 9. L. 2022: (1) amended, (SB 22-013), ch. 2, p. 29, § 36, effective February 25; (1)(a) amended, (SB 22-162), ch. 469, p. 3360, § 30, effective August 10.

22-80-104. Advisory board created - terms - compensation - repeal. (Repealed)

Source: L. 77: Entire article added, p. 1091, § 2, effective July 1. L. 86: (3) added, p. 412, § 19, effective March 26. L. 87: (2) amended, p. 906, § 12, effective June 15. L. 91: Entire section amended, p. 525, § 2, effective April 17; (3) repealed, p. 694, § 7, effective April 20. L. 2003:

(1) and (2) amended and (4) added, p. 1581, § 5, effective July 1, 2004.

22-80-105. Superintendent and officers - appointment - compensation.

(1) The board of trustees shall have charge of the general interests of the school and, pursuant to section 13 of article XII of the state constitution, shall set appropriate qualifications for a superintendent and shall appoint and fix the compensation of the superintendent.

(2) The superintendent and all teaching employees described in subsection (1) of this section shall be persons who are:

(a) Competent educators of deaf children, blind children, or children with multiple disabilities or sensory impairments; and

(b) Acquainted with school management and class instruction of deaf children, blind children, or children with multiple disabilities or sensory impairments.

(3) As part of the interview process for the superintendent, the board of trustees may involve deaf individuals and blind individuals to assist in the assessment of superintendent candidates.

Source: L. 77: Entire article added, p. 1091, § 2, effective July 1. L. 91: Entire section amended, p. 525, § 3, effective April 17. L. 96: Entire section amended, p. 1800, § 26, effective June 4. L. 2003: Entire section R&RE, p. 1582, § 6, effective July 1, 2004.

22-80-106. Duties of superintendent - publications.

(1) (a) The superintendent shall be the principal executive officer of the school. The superintendent shall be the purchasing agent for the board of trustees and, under such rules as the board of trustees may prescribe, shall have charge of the premises, property, and students. With the approval of the board of trustees, pursuant to section 13 of article XII of the state constitution, the superintendent shall appoint all other officers and employees in the school and fix the compensation for all nonteaching employees. All officers and employees, in the discharge of their duties, shall be wholly subordinate to the superintendent, and all orders to them shall come from or through the superintendent or by his or her authority. The superintendent shall see that all officers, agents, and employees of the school faithfully discharge their duties, and the superintendent shall be held directly responsible to the board of trustees for the economy, efficiency, and success of the school's internal management.

(b) (Deleted by amendment, L. 2003, p. 1582, § 7, effective July 1, 2004.)

(2) Repealed.

(3) Publications of the school circulated in quantity outside of the executive branch shall be issued in accordance with the provisions of section 24-1-136, C.R.S.

Source: L. 77: Entire article added, p. 1091, § 2, effective July 1. L. 79: (1)(b) amended, p. 1636, § 32, effective July 19. L. 83: (3) amended, p. 833, § 35, effective July 1. L. 96: (1)(a) amended, p. 1801, § 27, effective June 4; (2) repealed, p. 1235, § 74, effective August 7. L. 2003: (1) amended, p. 1582, § 7, effective July 1, 2004.

22-80-106.5. Compensation of teachers.

(1) (a) Except as otherwise provided in subsection (3) of this section, beginning with the budget year 1996-97 and for budget years thereafter through the 2014-15 budget year, the teachers employed by the school shall be compensated in accordance with the provisions of the salary schedule, salary policy, or combination salary schedule and salary policy adopted pursuant to section 22-63-401, as of January 1 of the previous fiscal year, by resolution of the board of education of the school district within the boundaries of which the main campus of the school is located.

(b) Beginning with the 2015-16 budget year and for budget years thereafter, the teachers that the school employs shall be compensated in accordance with the salary schedule adopted pursuant to section 22-63-401 as of January 1 of the preceding fiscal year by resolution of the board of education of the school district within which the main campus of the school is located and with the salary policies that the board of trustees adopts to implement the salary schedule. If the school district does not have a salary schedule as of January 1 of the preceding fiscal year, the school shall use the salary schedule most recently adopted before that date.

(c) Funding for the compensation of teachers employed by the school shall be included in the line item appropriation to the school in the general appropriation bill and shall not affect the amount of state funds distributed to the school district within the boundaries of which the main campus of the school is located.

(2) For purposes of this section, "teacher" includes any employee licensed as a teacher pursuant to section 22-60.5-201, as a special services provider pursuant to section 22-60.5-210, or as a principal pursuant to section 22-60.5-301.

(3) Notwithstanding the provisions of subsection (1) of this section, any teacher who, when compensated in accordance with the provisions of the salary schedule, salary policy, or combination salary schedule and salary policy, would receive less compensation than he or she received from the Colorado school for the deaf and the blind in the budget year 1995-96 shall continue receiving the amount he or she received in the budget year 1995-96 until compensation of that teacher in accordance with the provisions of the salary schedule, salary policy, or combination salary schedule and salary policy would result in an increase in compensation over the amount received in the budget year 1995-96.

(4) (Deleted by amendment, L. 2003, p. 1583, § 8, effective July 1, 2004.)

Source: L. 96: Entire section added, p. 1801, § 28, effective June 4. L. 2003: (1) and (4) amended, p. 1583, § 8, effective July 1, 2004. L. 2014: (1) amended, (SB 14-168), ch. 193, p. 714, § 1, effective August 6.

22-80-107. Bond of superintendent - repeal. (Repealed)

Source: L. 77: Entire article added, p. 1092, § 2, effective July 1. L. 2003: (2) added by revision, pp. 1583, 1586, §§ 9, 20.

22-80-108. Interest in contracts - penalty.

Neither the board of trustees nor any treasurer, superintendent, or other officer or agent of the school shall be directly or indirectly interested in any contract or other agreement for building, repairing, furnishing, or supplying the school, and no drawbacks or secret discounts whatever shall be given to or received by any such person on account of any articles or materials furnished to or labor done for the school. Any person violating the provisions of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

Source: L. 77: Entire article added, p. 1092, § 2, effective July 1. L. 79: Entire section amended, p. 702, § 74, effective July 1; entire section amended, p. 1636, § 33, effective July 19. L. 89: Entire section amended, p. 843, § 108, effective July 1. L. 2002: Entire section amended, p. 1529, § 236, effective October 1. L. 2003: Entire section amended, p. 1583, § 10, effective July 1, 2004.

22-80-109. Who may be admitted.

(1) Every blind and every deaf citizen of the state of Colorado under twenty-one years of age is eligible to receive an education in the school, unless such person has a physical or mental condition which would render his or her instruction impractical, if such person meets enrollment criteria established by the board of trustees. Qualified applicants, who meet the enrollment criteria, shall be admitted at the request of either the applicant's school district of residence, parent, or guardian.

(2) All applicants above the age of twenty-one years may be admitted at the option of the board of trustees. For purposes of federal law, persons may be admitted pursuant to this section and qualify for federal educational assistance. The school may provide adult educational services and receive such federal moneys as are allowed under federal law.

Source: L. 77: Entire article added, p. 1092, § 2, effective July 1. L. 91: Entire section amended, p. 526, § 4, effective April 17. L. 2003: Entire section amended, p. 1584, § 11, effective July 1, 2004.

22-80-110. Nonresident students - admission.

Applicants for admission to the school from other states, if within the ages prescribed by section 22-80-109, may be admitted upon payment to the superintendent of such a sum quarterly as the board of trustees determines, to be not less than the total cost per capita of the students for the year immediately preceding the year in which the application is made. A failure on the part of the person so admitted or of his or her parents, guardian, or friends to make such payments to the superintendent shall be just cause for immediate dismissal of the student. No resident of another state or a territory shall be received or retained to the exclusion of any resident of the state of Colorado. The superintendent shall account for all moneys that may come into his or her hands by virtue of his or her office at each regular meeting of the board of trustees in an itemized statement, duly crediting the amounts to the persons from whom they are received.

Source: L. 77: Entire article added, p. 1092, § 2, effective July 1. L. 2003: Entire section amended, p. 1584, § 12, effective July 1, 2004.

22-80-111. Counties to pay expense - repeal. (Repealed)

Source: L. 77: Entire article added, p. 1092, § 2, effective July 1. L. 2003: (2) added by revision, pp. 1584, 1586, §§ 13, 20.

22-80-112. Pupils subject to rules.

All pupils of the school are required to conform to all applicable rules of the board of trustees and the regulations and policies of the school, and any failure to comply with the same will subject the offender, at the option of the board of trustees, to a loss of the privileges of the school.

Source: L. 77: Entire article added, p. 1093, § 2, effective July 1. L. 2003: Entire section amended, p. 1585, § 14, effective July 1, 2004.

22-80-113. Educational training - expenditures.

(1) The superintendent of the Colorado school for the deaf and the blind is authorized to expend any moneys necessary, out of the appropriation for the support of the Colorado school for the deaf and the blind, to provide for the educational training of eligible deaf-blind students or students who have a multiple physical disability of hearing, sight, and speech who are residents of the state of Colorado in institutions located outside of the state of Colorado which are equipped to provide for the educational training of such students or by the employment of a skilled person, as a home teacher, trained in the work of teaching deaf-blind students or students

who have a multiple physical disability of hearing, sight, and speech; except that the compensation of any such skilled person as a home teacher shall not be greater, in any one instance, than the expense of the education of any such deaf-blind pupil or pupil who has a multiple physical disability of hearing, sight, and speech if resident in any named institution located outside of the state of Colorado.

(2) In each instance, the institution selected or the skilled person employed for the educational training of such deaf-blind student or student who has a multiple physical disability of hearing, sight, and speech shall be approved by the board of trustees.

(3) Such deaf-blind students or students who have a multiple physical disability of hearing, sight, and speech who are unable to receive instruction in a special class in a public school may be provided an education in a special class at the Colorado school for the deaf and the blind if there are a sufficient number of such students to warrant the establishment of a class.

(4) No later than October 5 each year, the Colorado school for the deaf and the blind shall notify the department of education of the pupils' placement at the Colorado school for the deaf and the blind. The Colorado school for the deaf and the blind is entitled to receive, from the department of education, an amount equal to the state average per pupil revenues, as defined in section 22-54-103 (12), for the current fiscal year for those students in attendance. The Colorado school for the deaf and the blind shall bill the department of education for the applicable portion of such amount at the conclusion of each month during which such pupils continue to be placed at the Colorado school for the deaf and the blind.

Source: L. 77: Entire article added, p. 1093, § 2, effective July 1. L. 88: (4) amended, p. 820, § 28, effective May 24. L. 90: (4) amended, p. 1084, § 45, effective May 31. L. 93: (1) to (3) amended, p. 1652, § 52, effective July 1. L. 94: (4) amended, p. 821, § 46, effective April 27. L. 2003: (2) amended, p. 1585, § 15, effective July 1, 2004. L. 2010: (4) amended, (HB 10-1013), ch. 399, p. 1915, § 44, effective June 10.

22-80-114. Expenditures, how made.

Any moneys expended under authority of section 22-80-113 shall be expended under the direction and control of the superintendent, and the state treasurer is authorized, upon presentation of vouchers of the superintendent duly issued and certified as provided by law, to draw warrants in payment thereof.

Source: L. 77: Entire article added, p. 1093, § 2, effective July 1. L. 2003: Entire section amended, p. 1585, § 16, effective July 1, 2004.

22-80-115. Readers for blind - expenses of deaf students. (Repealed)

Source: L. 77: Entire article added, p. 1094, § 2, effective July 1. **L. 91:** Entire section repealed, p. 526, § 5, effective April 17.

22-80-116. Programs for parents.

In furtherance of the objectives of the school, the board of trustees, with the aid of the superintendent, may make such bylaws as are necessary to provide a program of instruction in understanding the needs, problems, and education of the deaf and the blind for parents of deaf and blind children who may attend any of the schools in Colorado. In addition to other provisions, the board of trustees may provide for the cooperation of the school with other interested state agencies in carrying out this program.

Source: L. 77: Entire article added, p. 1094, § 2, effective July 1. **L. 2003:** Entire section amended, p. 1585, § 17, effective July 1, 2004.

22-80-117. Study group - creation - appointments - duties - report. (Repealed)

Source: L. 91: Entire section added, p. 526, § 6, effective April 17; entire section repealed, p. 526, § 6, effective January 1, 1992.

22-80-118. Provide assistance - public education - American sign language.

(1) The school may, upon request, provide assistance, advice, and guidance to:

(a) The Colorado commission on higher education regarding the adoption of the policies and procedures involving American sign language described in section 23-1-128 (3), C.R.S.;

(b) Higher education institutions regarding the development, establishment, and teaching of American sign language courses; and

(c) (Deleted by amendment, L. 2005, p. 767, § 33, effective June 1, 2005.)

(d) School district boards of education in implementing American sign language policies described in section 22-32-133.

Source: L. 2004: Entire section added, p. 256, § 3, effective August 4. **L. 2005:** (1)(b) and (1)(c) amended, p. 767, § 33, effective June 1.

22-80-119. Standardized immunization policy required.

On or before July 1, 2011, the school shall annually provide to the parent or legal guardian of each student enrolled in the school the standardized immunization document developed and

updated by the department of public health and environment pursuant to section 25-4-902 (4), C.R.S. For the purposes of this section, the school shall have the discretion to determine the method of distribution of the standardized immunization document, including but not limited to providing a copy to parents and legal guardians, providing the standardized immunization document in a newsletter or handbook, or providing to parents and legal guardians an electronic copy of the standardized immunization document. For purposes of this section, solely posting a copy of the standardized immunization document on a website or in a central area of the school is not sufficient to satisfy the notice requirements of this section; however, the school is encouraged to post the standardized immunization document on its website.

Source: L. 2010: Entire section added, (SB 10-056), ch. 50, p. 192, § 4, effective August 11; entire section amended, (HB 10-1422), ch. 419, p. 2128, § 191, effective August 11.
