

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0011.03 Julie Pelegrin x2700

HOUSE BILL 12-1149

HOUSE SPONSORSHIP

Beezley, Holbert, Acree, Balmer, Becker, Murray, Ramirez, Summers

SENATE SPONSORSHIP

Johnston,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PARENTS' AUTHORITY TO REQUEST INTERVENTIONS FOR**
102 **LOW-PERFORMING SCHOOLS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under existing law, if a public school fails to improve under a turnaround plan or operates under a priority improvement or turnaround plan for more than 5 consecutive school years, the state board of education (state board) directs the board of education of the school district (local school board) or the state charter school institute (institute)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
March 1, 2012

HOUSE
Amended 2nd Reading
February 29, 2012

to take action to reconfigure the public school. The bill authorizes the parents of students enrolled in a public school that has operated under a priority improvement or turnaround plan for 2 consecutive years to submit a petition to the state board requesting the state board to direct the local school board or the institute to take action to reconfigure the public school immediately. The petition must be signed by more than 50% of the families of the students enrolled in the public school, and the parents must submit the petition by November 1 of the year preceding the year in which the public school would be reconfigured. If the state board receives such a petition, it must place consideration of the request on the agenda of the next regularly scheduled public state board meeting. The state board may choose to deny the petition, direct an action to take effect in the next school year, or reconsider the petition in the next school year. If the state board chooses to direct an action, it may ask the commissioner of education to convene the state review panel to evaluate the public school and make recommendations or it may direct the local school board or the institute to take action.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-11-210, **add** (7)
3 as follows:

4 **22-11-210. Public schools - annual review - plans - supports**
5 **and interventions - rules.** (7) (a) NOTWITHSTANDING ANY PROVISION OF
6 THIS ARTICLE TO THE CONTRARY, THE PARENTS OF STUDENTS ENROLLED
7 IN A PUBLIC SCHOOL THAT OPERATES UNDER A PRIORITY IMPROVEMENT OR
8 TURNAROUND PLAN FOR A COMBINED TOTAL OF **AT LEAST TWO**
9 CONSECUTIVE SCHOOL YEARS MAY REQUEST THAT THE STATE BOARD
10 DIRECT THE LOCAL SCHOOL BOARD, FOR A DISTRICT PUBLIC SCHOOL, OR
11 THE INSTITUTE, FOR AN INSTITUTE CHARTER SCHOOL, TO **REFORM THE**
12 **PUBLIC SCHOOL BY IMPLEMENTING AN ACTION SELECTED BY THE LOCAL**
13 **SCHOOL BOARD OR THE INSTITUTE FROM AMONG THE ACTIONS SPECIFIED**
14 **IN PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION. TO REQUEST THAT**
15 **THE STATE BOARD DIRECT THE LOCAL SCHOOL BOARD OR THE INSTITUTE**
16 **TO REFORM THE PUBLIC SCHOOL,** THE PARENTS SHALL SUBMIT TO THE

1 STATE BOARD A PETITION SIGNED BY AT LEAST SIXTY PERCENT OF THE
2 FAMILIES OF THE STUDENTS ENROLLED IN THE SCHOOL; EXCEPT THAT, IF
3 THE PARENTS SUBMIT THE PETITION AFTER THE PUBLIC SCHOOL OPERATES
4 UNDER A PRIORITY IMPROVEMENT OR TURNAROUND PLAN FOR A COMBINED
5 TOTAL OF MORE THAN TWO CONSECUTIVE SCHOOL YEARS, THE PETITION
6 SHALL BE SIGNED BY MORE THAN FIFTY PERCENT OF THE FAMILIES OF THE
7 STUDENTS ENROLLED IN THE SCHOOL. WHEN SUBMITTING A PETITION TO
8 THE STATE BOARD, THE PARENTS SHALL SIMULTANEOUSLY PROVIDE A
9 COPY OF THE PETITION TO THE AFFECTED PUBLIC SCHOOL AND TO THE
10 APPROPRIATE LOCAL SCHOOL BOARD IF THE AFFECTED PUBLIC SCHOOL IS
11 A SCHOOL OF A SCHOOL DISTRICT. THE PARENTS SHALL SUBMIT THE
12 PETITION BY NOVEMBER 1 OF THE CALENDAR YEAR PRIOR TO THE
13 CALENDAR YEAR IN WHICH THE ACTION TO REFORM THE PUBLIC SCHOOL
14 WOULD TAKE EFFECT, OR BY JANUARY 15 OF THE CALENDAR YEAR IN
15 WHICH THE DIRECTED ACTION WOULD TAKE EFFECT IF THE SCHOOL
16 DISTRICT OR THE INSTITUTE APPEALS THE DETERMINATION OF THE PLAN
17 THE PUBLIC SCHOOL IS REQUIRED TO ADOPT. EACH PETITION SHALL
18 IDENTIFY THE PUBLIC SCHOOL TO WHICH IT APPLIES AND SHALL INCLUDE
19 THE FOLLOWING STATEMENT AT THE TOP OF EACH PAGE: "BY SIGNING THIS
20 PETITION, A PERSON AFFIRMS THAT HE OR SHE IS THE PARENT OR LEGAL
21 GUARDIAN OF A STUDENT CURRENTLY ENROLLED IN THE PUBLIC SCHOOL
22 IDENTIFIED ON THIS PETITION AND THAT HE OR SHE UNDERSTANDS THAT
23 ONLY ONE SIGNATURE PER FAMILY IS ALLOWED ON THIS PETITION AND
24 DUPLICATE SIGNATURES WILL NOT BE COUNTED." A VALID PETITION SHALL
25 INCLUDE THE SIGNATURE OF NO MORE THAN ONE BIOLOGICAL OR
26 ADOPTIVE PARENT OR LEGAL GUARDIAN FROM EACH STUDENT'S
27 HOUSEHOLD. IF A PETITION INCLUDES THE SIGNATURE OF MORE THAN ONE

1 BIOLOGICAL OR ADOPTIVE PARENT OR LEGAL GUARDIAN FROM A
2 STUDENT'S HOUSEHOLD, THE PETITION SHALL REMAIN VALID, BUT ONLY
3 ONE SIGNATURE FROM A HOUSEHOLD WILL BE COUNTED IN DETERMINING
4 WHETHER THE PETITION MEETS THE REQUIREMENTS FOR NUMBER OF
5 SIGNATURES SPECIFIED IN THIS PARAGRAPH (a).

6 (b) UPON RECEIVING A PETITION PURSUANT TO THIS SUBSECTION
7 (7), THE STATE BOARD SHALL PLACE CONSIDERATION OF THE PETITION ON
8 THE AGENDA FOR ITS NEXT REGULARLY SCHEDULED PUBLIC BOARD
9 MEETING. FOLLOWING CONSIDERATION AT THE PUBLIC MEETING, THE
10 STATE BOARD MAY ACCEPT OR REJECT THE PETITION REQUEST OR MAY
11 CHOOSE TO RECONSIDER THE PETITION REQUEST IN THE NEXT SCHOOL
12 YEAR. IN CONSIDERING THE PETITION, THE STATE BOARD SHALL CONSIDER
13 WHETHER THE PUBLIC SCHOOL HAS DEMONSTRATED IMPROVEMENT IN ITS
14 LEVEL OF ACHIEVEMENT ON THE PERFORMANCE INDICATORS IN THE
15 PRECEDING TWO YEARS. IF IT ACCEPTS THE REQUEST, THE STATE BOARD
16 MAY DIRECT THE COMMISSIONER TO ASSIGN THE STATE REVIEW PANEL TO
17 EVALUATE THE PUBLIC SCHOOL'S PERFORMANCE AND MAKE
18 RECOMMENDATIONS AS PROVIDED IN SUBSECTION (5) OF THIS SECTION OR
19 THE STATE BOARD MAY DIRECT THE LOCAL SCHOOL BOARD OR THE
20 INSTITUTE TO REFORM THE PUBLIC SCHOOL BY IMPLEMENTING ONE OF THE
21 ACTIONS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (5) OF THIS
22 SECTION. THE STATE BOARD MAY RECOMMEND THAT THE LOCAL SCHOOL
23 BOARD OR THE INSTITUTE IMPLEMENT A PARTICULAR ACTION SPECIFIED IN
24 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION.

25 (c) WITHIN THIRTY DAYS AFTER RECEIVING A DIRECTION FROM THE
26 STATE BOARD PURSUANT TO THIS SUBSECTION (7) TO REFORM A PUBLIC
27 SCHOOL, THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL SELECT

1 FROM AMONG THE ACTIONS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION
2 (5) OF THIS SECTION THE ACTION OR ACTIONS IT WILL IMPLEMENT TO
3 REFORM THE PUBLIC SCHOOL. AT THE PUBLIC MEETING AT WHICH IT MAKES
4 THE SELECTION, THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL,
5 UPON REQUEST, TAKE TESTIMONY FROM THE PARENTS OF STUDENTS
6 ENROLLED IN THE PUBLIC SCHOOL THAT IS THE SUBJECT OF THE ACTION.
7 THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL IMPLEMENT THE
8 ACTION TO TAKE EFFECT IN THE FOLLOWING SCHOOL YEAR; EXCEPT THAT
9 THE STATE BOARD MAY GRANT AN EXTENSION OF TIME OF UP TO ONE FULL
10 SCHOOL YEAR TO IMPLEMENT THE REFORM ACTION BASED ON A SHOWING
11 BY THE LOCAL SCHOOL BOARD OR THE INSTITUTE THAT IT IS NOT FEASIBLE
12 TO IMPLEMENT THE ACTION IN THE NEXT SCHOOL YEAR WITH THE LEVEL
13 OF INTEGRITY NECESSARY TO MAKE THE REFORM ACTION SUCCESSFUL.

14 **SECTION 2. No appropriation.** The general assembly has
15 determined that this act can be implemented within existing
16 appropriations, and therefore no separate appropriation of state moneys
17 is necessary to carry out the purposes of this act.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2012 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.