

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

30th Legislative Day

Thursday, February 9, 2012

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Prayer	By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator King S.	15
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Roll Call	Present--34	17
	Excused--1, Boyd.	18
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Guzman, reading of the Journal of Wednesday, February 8, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

Judiciary	After consideration on the merits, the Committee recommends that SB12-122 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	31
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	Amend printed bill, page 2, line 4, after "(2)" insert "(a)".	36
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	Page 2, line 8, strike "AN AGENCY," and substitute "A PRIVATE PROBATION SUPERVISION PROVIDER".	38
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	Page 2, line 9, strike "CORPORATION, OR PERSON".	41
		42
	Page 2, line 10, strike "NOT:" and substitute "NOT HAVE A FINANCIAL INTEREST IN AN ENTITY THAT PROVIDES".	43
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	Page 2, strike lines 11 through 14.	46
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	Page 2, after line 17 insert:	48
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	(b) FOR PURPOSES OF THIS SUBSECTION (2), "PRIVATE PROBATION SUPERVISION PROVIDER" MEANS A NONGOVERNMENTAL AGENCY, CORPORATION, OR PERSON THAT HAS AN AGREEMENT WITH A PROBATION DEPARTMENT TO PROVIDE CONTRACT, PROBATION, OR CASE MANAGEMENT SERVICES, AND DOES NOT INCLUDE COMMUNITY CORRECTIONS, MENTAL HEALTH CENTERS, OR DIVERSION SERVICES PROVIDERS."	50
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Judiciary	After consideration on the merits, the Committee recommends that SB12-131 be referred to the Committee of the Whole with favorable recommendation.	58
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Judiciary	After consideration on the merits, the Committee recommends that SB12-125 be postponed indefinitely.	62
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- Education After consideration on the merits, the Committee recommends that **SB12-145** be referred to the Committee of the Whole with favorable recommendation. 1
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- Education After consideration on the merits, the Committee recommends that **HB12-1001** be referred to the Committee of the Whole with favorable recommendation. 5
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- Education After consideration on the merits, the Committee recommends that **SB12-061** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 10
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Amend printed bill, page 4, line 12, strike "WHICH INVOLVEMENT" and substitute "THAT". 15
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Page 6, strike lines 12 through 14 and substitute: 17
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"(s) IF THE PROPOSED CHARTER SCHOOL INTENDS TO CONTRACT WITH AN EDUCATION MANAGEMENT PROVIDER: 19
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 (I) A SUMMARY OF THE PERFORMANCE DATA FOR ALL OF THE SCHOOLS THE EDUCATION MANAGEMENT PROVIDER IS MANAGING AT THE TIME OF THE APPLICATION OR HAS MANAGED PREVIOUSLY, INCLUDING DOCUMENTATION OF ACADEMIC ACHIEVEMENT AND SCHOOL MANAGEMENT SUCCESS; 22
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 (II) AN EXPLANATION OF AND EVIDENCE DEMONSTRATING THE EDUCATION MANAGEMENT PROVIDER'S CAPACITY FOR SUCCESSFUL EXPANSION WHILE MAINTAINING QUALITY IN THE SCHOOLS IT IS MANAGING; 27
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 (III) AN EXPLANATION OF ANY EXISTING OR POTENTIAL CONFLICTS OF INTEREST BETWEEN THE GOVERNING BOARD OF THE PROPOSED CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER; AND 31
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 (IV) A COPY OF THE ACTUAL OR PROPOSED PERFORMANCE CONTRACT BETWEEN THE GOVERNING BOARD FOR THE PROPOSED CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER THAT SPECIFIES, AT A MINIMUM, THE FOLLOWING MATERIAL TERMS: 34
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 (A) PERFORMANCE EVALUATION MEASURES; 38
 (B) THE METHODS OF CONTRACT OVERSIGHT AND ENFORCEMENT THAT THE GOVERNING BOARD WILL APPLY; 39
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 (C) THE COMPENSATION STRUCTURE AND ALL FEES THAT THE PROPOSED CHARTER SCHOOL WILL PAY TO THE EDUCATION MANAGEMENT PROVIDER; AND 41
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 (D) THE CONDITIONS FOR CONTRACT RENEWAL AND TERMINATION." 44
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Page 7, strike lines 20 through 27 and substitute: 47

"(c) ~~If such board finds the charter school application is incomplete, the board shall request the necessary information from the charter applicant and give the charter applicant reasonable opportunity to provide additional information to the local board of education for review. The charter school application shall be reviewed by the district accountability committee prior to consideration by the local board of education.~~ WITHIN FIFTEEN DAYS AFTER RECEIVING A CHARTER SCHOOL APPLICATION, THE SCHOOL DISTRICT SHALL DETERMINE WHETHER THE APPLICATION SATISFIES THE REQUIREMENTS SPECIFIED IN SECTION 22-30.5-106(1) AND IS THEREFORE COMPLETE. IF THE APPLICATION IS NOT COMPLETE, THE SCHOOL DISTRICT SHALL NOTIFY THE CHARTER APPLICANT WITHIN THE FIFTEEN-DAY PERIOD AND PROVIDE A LIST OF THE INFORMATION REQUIRED TO COMPLETE THE CHARTER APPLICATION. THE CHARTER APPLICANT HAS FIFTEEN DAYS AFTER THE DATE IT RECEIVES THE NOTICE TO PROVIDE THE REQUIRED INFORMATION TO THE LOCAL BOARD OF EDUCATION FOR REVIEW. THE LOCAL BOARD OF EDUCATION IS NOT REQUIRED TO TAKE ACTION ON THE CHARTER APPLICATION IF THE CHARTER APPLICANT DOES NOT PROVIDE THE REQUIRED INFORMATION WITHIN THE FIFTEEN-DAY PERIOD. THE SCHOOL DISTRICT MAY REQUEST ADDITIONAL INFORMATION DURING THE REVIEW PERIOD AND PROVIDE REASONABLE TIME FOR THE CHARTER APPLICANT TO RESPOND. THE 48
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SCHOOL DISTRICT MAY, BUT IS NOT REQUIRED TO, ACCEPT ANY ADDITIONAL INFORMATION THE CHARTER APPLICANT PROVIDES THAT THE SCHOOL DISTRICT DOES NOT REQUEST. THE DISTRICT ACCOUNTABILITY COMMITTEE SHALL REVIEW THE COMPLETE CHARTER SCHOOL APPLICATION AT LEAST FIFTEEN DAYS, IF POSSIBLE, BEFORE THE LOCAL BOARD OF EDUCATION TAKES ACTION ON THE APPLICATION."

Page 8, strike lines 1 through 4.

Page 8, line 23, strike "FIVE" and substitute "FOUR".

Page 8, strike lines 26 and 27 and substitute:

"(b) DURING THE TERM OF A CHARTER, THE SCHOOL DISTRICT SHALL ANNUALLY REVIEW THE CHARTER SCHOOL'S PERFORMANCE. AT A MINIMUM, THE REVIEW INCLUDES THE CHARTER SCHOOL'S PROGRESS IN MEETING THE OBJECTIVES IDENTIFIED IN THE PLAN THE CHARTER SCHOOL IS REQUIRED TO IMPLEMENT PURSUANT TO SECTION 22-11-210 AND THE RESULTS OF THE CHARTER SCHOOL'S MOST RECENT ANNUAL FINANCIAL AUDIT. THE SCHOOL DISTRICT SHALL PROVIDE TO THE CHARTER SCHOOL WRITTEN FEEDBACK FROM THE REVIEW AND SHALL INCLUDE THE RESULTS OF THE CHARTER SCHOOL'S ANNUAL REVIEW IN THE BODY OF EVIDENCE THAT THE LOCAL BOARD OF EDUCATION TAKES INTO ACCOUNT IN DECIDING WHETHER TO RENEW OR REVOKE THE CHARTER AND THAT SUPPORTS THE RENEGOTIATION OF THE CHARTER CONTRACT."

Page 9, strike lines 1 through 8.

Page 9, line 9, strike "LOCAL BOARD OF EDUCATION" and substitute "SCHOOL DISTRICT".

Page 10, line 18, strike "reasonable" and substitute "reasonable SIGNIFICANT".

Page 11, line 12, strike "FOURTH" and substitute "THIRD".

Page 11, line 17, strike "THIRTY" and substitute "FIFTEEN".

Page 11, line 18, strike "DECIDES" and substitute "WILL CONSIDER".

Page 11, line 19, strike "STAFF OF THE".

Page 12, strike lines 3 through 6 and substitute "PURSUANT TO SECTION 22-30.5-108.

(6) EACH SCHOOL DISTRICT SHALL ADOPT PROCEDURES FOR CLOSING A CHARTER SCHOOL".

Page 12, line 8, strike "POLICY" and substitute "PROCEDURES".

Page 12, strike lines 9 through 12 and substitute:

"(a) WHEN PRACTICABLE AND IN THE BEST INTEREST OF THE STUDENTS OF THE CHARTER SCHOOL, THE CHARTER SCHOOL CONTINUES TO OPERATE THROUGH THE END OF THE SCHOOL YEAR. IF THE SCHOOL DISTRICT DETERMINES IT IS NECESSARY TO CLOSE THE CHARTER SCHOOL PRIOR TO THE END OF THE SCHOOL YEAR, THE SCHOOL DISTRICT SHALL WORK WITH THE CHARTER SCHOOL TO DETERMINE AN EARLIER CLOSURE DATE."

Page 12, strike lines 17 through 19 and substitute:

"(c) THE CHARTER SCHOOL MEETS ITS FINANCIAL, LEGAL, AND REPORTING OBLIGATIONS DURING THE PERIOD THAT THE CHARTER SCHOOL IS CONCLUDING OPERATIONS."

Page 14, line 10, strike "WHICH INVOLVEMENT" and substitute "THAT".

Page 16, strike lines 14 through 17 and substitute:

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"(s) IF THE PROPOSED INSTITUTE CHARTER SCHOOL INTENDS TO CONTRACT WITH AN EDUCATION MANAGEMENT PROVIDER:

(I) A SUMMARY OF THE PERFORMANCE DATA FOR ALL OF THE SCHOOLS THE EDUCATION MANAGEMENT PROVIDER IS MANAGING AT THE TIME OF THE APPLICATION OR HAS MANAGED PREVIOUSLY, INCLUDING DOCUMENTATION OF ACADEMIC ACHIEVEMENT AND SCHOOL MANAGEMENT SUCCESS;

(II) AN EXPLANATION OF AND EVIDENCE DEMONSTRATING THE EDUCATION MANAGEMENT PROVIDER'S CAPACITY FOR SUCCESSFUL EXPANSION WHILE MAINTAINING QUALITY IN THE SCHOOLS IT IS MANAGING;

(III) AN EXPLANATION OF ANY EXISTING OR POTENTIAL CONFLICTS OF INTEREST BETWEEN THE GOVERNING BOARD OF THE PROPOSED INSTITUTE CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER; AND

(IV) A COPY OF THE ACTUAL OR PROPOSED PERFORMANCE CONTRACT BETWEEN THE GOVERNING BOARD FOR THE PROPOSED INSTITUTE CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER THAT SPECIFIES, AT A MINIMUM, THE FOLLOWING MATERIAL TERMS:

(A) PERFORMANCE EVALUATION MEASURES;

(B) THE METHODS OF CONTRACT OVERSIGHT AND ENFORCEMENT THAT THE GOVERNING BOARD WILL APPLY;

(C) THE COMPENSATION STRUCTURE AND ALL FEES THAT THE PROPOSED INSTITUTE CHARTER SCHOOL WILL PAY TO THE EDUCATION MANAGEMENT PROVIDER; AND

(D) THE CONDITIONS FOR CONTRACT RENEWAL AND TERMINATION."

Page 17, strike lines 16 through 21 and substitute "certified letter. ~~If the institute finds the institute charter school application is incomplete, the institute shall request the necessary information from the applicant.~~ WITHIN FIFTEEN DAYS AFTER RECEIVING AN INSTITUTE CHARTER SCHOOL APPLICATION, THE INSTITUTE SHALL DETERMINE WHETHER THE APPLICATION SATISFIES THE REQUIREMENTS SPECIFIED IN SECTION 22-30.5-509 (1) AND IS THEREFORE COMPLETE. IF THE APPLICATION IS NOT COMPLETE, THE INSTITUTE SHALL NOTIFY THE APPLICANT WITHIN THE FIFTEEN-DAY PERIOD AND PROVIDE A LIST OF THE INFORMATION REQUIRED TO COMPLETE THE INSTITUTE CHARTER APPLICATION. THE APPLICANT HAS FIFTEEN DAYS AFTER THE DATE IT RECEIVES THE NOTICE TO PROVIDE THE REQUIRED INFORMATION TO THE INSTITUTE FOR REVIEW. THE INSTITUTE IS NOT REQUIRED TO TAKE ACTION ON THE INSTITUTE CHARTER APPLICATION IF THE APPLICANT DOES NOT PROVIDE THE REQUIRED INFORMATION WITHIN THE FIFTEEN-DAY PERIOD. THE INSTITUTE MAY REQUEST ADDITIONAL INFORMATION DURING THE REVIEW PERIOD AND PROVIDE REASONABLE TIME FOR THE APPLICANT TO RESPOND. THE INSTITUTE MAY, BUT IS NOT REQUIRED TO, ACCEPT ANY ADDITIONAL INFORMATION THE APPLICANT PROVIDES THAT THE INSTITUTE DOES NOT REQUEST."

Page 18, line 10, strike "FOR A PERIOD OF five" and substitute "five FOR A PERIOD OF FOUR".

Page 18, strike lines 18 through 27 and substitute:

~~"(2) An institute charter school shall submit an annual report to the institute on the institute charter school's progress in achieving the goals, objectives, pupil performance standards, content standards, targets for the measures used to determine the levels of attainment of the performance indicators, and other terms of the pending charter contract. The institute shall consider, during the review of a renewal application, the annual reports submitted by the institute charter school during the term of the pending charter contract.~~ DURING THE TERM OF A CHARTER CONTRACT, THE INSTITUTE SHALL ANNUALLY REVIEW THE INSTITUTE CHARTER SCHOOL'S PERFORMANCE. AT A MINIMUM, THE REVIEW INCLUDES THE INSTITUTE CHARTER SCHOOL'S PROGRESS IN MEETING THE OBJECTIVES IDENTIFIED IN THE PLAN THE INSTITUTE CHARTER SCHOOL IS REQUIRED TO IMPLEMENT PURSUANT TO SECTION 22-11-210 AND THE RESULTS OF THE INSTITUTE CHARTER SCHOOL'S MOST RECENT ANNUAL FINANCIAL AUDIT.

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THE INSTITUTE SHALL PROVIDE TO THE INSTITUTE CHARTER SCHOOL WRITTEN FEEDBACK FROM THE REVIEW AND SHALL INCLUDE THE RESULTS OF THE INSTITUTE CHARTER SCHOOL'S ANNUAL REVIEW IN THE BODY OF EVIDENCE THAT THE INSTITUTE BOARD TAKES INTO ACCOUNT IN DECIDING WHETHER TO RENEW OR REVOKE THE CHARTER CONTRACT AND THAT SUPPORTS THE RENEGOTIATION OF THE CHARTER CONTRACT."

Page 19, strike line 1.

Page 19, line 2, strike "BOARD".

Page 19, line 15, strike "reasonable" and substitute "reasonable SIGNIFICANT".

Page 20, line 17, strike "FOURTH" and substitute "THIRD".

Page 20, line 19, strike "THIRTY" and substitute "FIFTEEN".

Page 20, line 20, strike "DECIDES" and substitute "WILL CONSIDER".

Page 21, line 25, strike "A POLICY THAT ESTABLISHES".

Page 22, line 1, strike "POLICY" and substitute "PROCEDURES".

Page 22, strike lines 2 through 5 and substitute:

"(a) WHEN PRACTICABLE AND IN THE BEST INTEREST OF THE STUDENTS OF THE INSTITUTE CHARTER SCHOOL, THE INSTITUTE CHARTER SCHOOL CONTINUES TO OPERATE THROUGH THE END OF THE SCHOOL YEAR. IF THE INSTITUTE DETERMINES IT IS NECESSARY TO CLOSE THE INSTITUTE CHARTER SCHOOL PRIOR TO THE END OF THE SCHOOL YEAR, THE INSTITUTE SHALL WORK WITH THE INSTITUTE CHARTER SCHOOL TO DETERMINE AN EARLIER CLOSURE DATE."

Page 22, strike lines 11 through 13 and substitute:

"(c) THE INSTITUTE CHARTER SCHOOL MEETS ITS FINANCIAL, LEGAL, AND REPORTING OBLIGATIONS DURING THE PERIOD THAT THE INSTITUTE CHARTER SCHOOL IS CONCLUDING OPERATIONS."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-146** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

The House has adopted and transmits herewith HJR12-1010.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

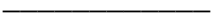
HJR12-1010 by Representative(s) Todd and Massey; also Senator(s) Newell and White--Concerning recognition of the film, television, and video gaming industry in Colorado.

Laid over one day under Senate Rule 30(e).

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SENATE SERVICES REPORT

Correctly Printed: SB12-148.
Correctly Reengrossed: SB12-009, 010, 013, 033, 048 and 066.



On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, February 9 was laid over until Friday, February 10, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB12-030.
General Orders -- Second Reading of Bills -- Consent Calendar: SB12-037, SB12-055, SB12-040, SB12-031, SB12-074, SB12-096.
General Orders -- Second Reading of Bills: SB12-011, SB12-015, SB12-079, SB12-020, SB12-056, SB12-042, SB12-058, SB12-051, SB12-097, SB12-035, SB12-072.
Consideration of Resolutions: SJR12-006, SJR12-007.



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, February 10, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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