

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 20, 2009  
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB09-090 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 9, strike lines 7 and 8 and substitute the  
2 following:

3 "(c) TWO PERSONS APPOINTED BY THE EXECUTIVE DIRECTOR OF  
4 THE DEPARTMENT OF HIGHER EDUCATION AS FOLLOWS:

5 (I) ONE PERSON WITH EXPERTISE IN IMPLEMENTING AN APPROVED  
6 TEACHER PREPARATION PROGRAM, AS DEFINED IN SECTION 23-1-121 (1)  
7 (a), C.R.S., AT AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE; AND

8 (II) ONE PERSON WITH EXPERTISE IN THE".

9 Page 19, strike lines 2 through 4 and substitute the following:

10 "(1.5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF  
11 THIS SUBSECTION (1.5), A PARENT SHALL NOT BE ELIGIBLE TO SERVE ON A  
12 SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE IF HE OR SHE IS EMPLOYED  
13 BY, OR IS A RELATIVE OF A PERSON WHO IS EMPLOYED BY, THE SCHOOL  
14 DISTRICT, INCLUDING BEING EMPLOYED AT A PUBLIC SCHOOL OF THE  
15 SCHOOL DISTRICT.

16 (b) IF A SCHOOL DISTRICT MAKES A GOOD FAITH EFFORT BUT IS  
17 UNABLE TO IDENTIFY A SUFFICIENT NUMBER OF PARENTS WHO ARE  
18 WILLING TO SERVE ON A SCHOOL ACCOUNTABILITY COMMITTEE AND WHO

1 ARE NOT EXCLUDED FROM SERVING AS PROVIDED IN PARAGRAPH (a) OF  
2 THIS SUBSECTION (1.5), ONE OR MORE PARENTS WHO ARE EMPLOYED BY,  
3 OR ARE RELATED TO A PERSON WHO IS EMPLOYED BY, THE SCHOOL  
4 DISTRICT, INCLUDING BEING EMPLOYED AT A PUBLIC SCHOOL OF THE  
5 SCHOOL DISTRICT, MAY SERVE ON THE SCHOOL ACCOUNTABILITY  
6 COMMITTEE.

7 (c) As used in this ~~section~~ SUBSECTION (1.5), unless the context  
8 otherwise requires, "related" or "relative" means a person's spouse, son,  
9 daughter, sister, ~~or~~ brother, MOTHER, OR FATHER."

10 Page 24, line 1, strike "OR MORE MEMBERS" and substitute "MEMBER".

11 Page 34, after line 24, insert the following:

12 "SECTION 22. 22-30.5-104 (6) (a) and (6) (b), Colorado Revised  
13 Statutes, are amended to read:

14 **22-30.5-104. Charter school - requirements - authority.**

15 (6) (a) Pursuant to contract, a charter school may operate free from  
16 specified school district policies and free from state rules, as provided in  
17 paragraph (b) of this subsection (6). Pursuant to contract, a local board  
18 of education may waive locally imposed school district requirements,  
19 without seeking approval of the state board; except that a charter school  
20 shall not, by contract or otherwise, operate free of the requirements  
21 contained in the "Public School Finance Act of 1994", article 54 of this  
22 title, THE REQUIREMENTS SPECIFIED IN PART 4 OF ARTICLE 11 OF THIS TITLE  
23 CONCERNING SCHOOL ACCOUNTABILITY COMMITTEES, or the requirements  
24 contained in the "Children's Internet Protection Act", article 87 of this  
25 title.

26 (b) The state board shall promulgate rules identifying state statutes  
27 and state rules that are automatically waived for all charter schools. A  
28 school district, on behalf of a charter school, may apply to the state board  
29 for a waiver of a state statute or state rule that is not automatically waived  
30 for charter schools by rule. Notwithstanding any provision of this  
31 subsection (6) to the contrary, the state board may not waive ANY  
32 STATUTE OR RULE RELATING TO SCHOOL ACCOUNTABILITY COMMITTEES  
33 AS DESCRIBED IN SECTION 22-11-401, any statute or rule relating to the  
34 assessments required to be administered pursuant to section 22-7-409, any  
35 statute or rule necessary to prepare the school accountability reports

1 pursuant to part 6 of article 7 of this title, any statute or rule necessary to  
2 implement the provisions of the "Public School Finance Act of 1994",  
3 article 54 of this title, or any statute or rule relating to the "Children's  
4 Internet Protection Act", article 87 of this title.

5           **SECTION 23.** 22-30.5-507 (7), Colorado Revised Statutes, is  
6 amended to read:

7           **22-30.5-507. Institute charter school - requirements -**  
8 **authority.** (7) Pursuant to the charter contract, an institute charter  
9 school may operate free from specified statutes and state board rules. The  
10 state board may waive state statutory requirements or rules promulgated  
11 by the state board; except that the state board may not waive ANY  
12 STATUTE OR RULE RELATING TO SCHOOL ACCOUNTABILITY COMMITTEES  
13 AS DESCRIBED IN SECTION 22-11-401, any state statute or rule relating to  
14 the assessments required to be administered pursuant to section 22-7-409,  
15 any state statute or rule necessary to prepare the school accountability  
16 reports pursuant to part 6 of article 7 of this title, or any statute or rule  
17 necessary to implement the provisions of the "Public School Finance Act  
18 of 1994", article 54 of this title, or any state statute or rule relating to the  
19 "Children's Internet Protection Act", article 87 of this title. Any waiver  
20 of state statute or state board rule made pursuant to this subsection (7)  
21 shall be for the term of the contract for which the waiver is made. A  
22 request for a waiver may be submitted to the institute as a part of the  
23 application for an institute charter school."

24 Renumber succeeding section accordingly.

25 Page 34, line 25, before "This", insert "(1)".

26 Page 35, after line 7, add the following:

27           "(2) Notwithstanding the provisions of subsection (1) of this  
28 section:

29           (a) Sections 2, 3, 10, 11, 12, 13, 14, and 16 of this act shall not  
30 take effect if Senate Bill 09-163 is enacted and becomes law; and

31           (b) Sections 22 and 23 of this act shall take effect only if Senate  
32 Bill 09-163 is enacted and becomes law."

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