

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0307.01 Julie Pelegrin

HOUSE BILL 11-1270

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A BILL FOR AN ACT

101 CONCERNING PARENTAL AUTHORITY TO EFFECT TRANSFORMATIONS
102 OF LOW-PERFORMING PUBLIC 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 the bill, the parents of students enrolled in a low-performing public school may submit a petition to the school district board of education (local school board) to close the school or convert the school to a charter school or an innovation school. The petition must be signed by more than 50% of the parents of the students enrolled in the

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.

low-performing school. The school district may not prevent parents from collecting signatures on school district property for the petition. The parents may not pay a person to collect signatures.

The local school board must respond to a petition in writing within 30 days after receiving the petition. The written response will be followed by a public hearing at which the parents may testify concerning the petition and the response. The local school board may accept the parents' petition and recommendation; accept the petition, but recommend implementing the alternative action to that recommended by the parents; or reject the petition and recommendation. The local school board may reject the parents' recommendation only for limited reasons. If the parents are dissatisfied with the local school board's response, they may appeal to the state board of education (state board). The parents and the local school board may submit to the state board data in support of their respective positions. The state board must decide the appeal within 30 days after receiving the request. If the state board finds that the local school board does not have sufficient grounds for rejecting the parents' recommendation, the local school board must work with the parents to implement the recommendations. The state board's decision is final.

If the local school board and parents agree to close a low-performing school, the closure must occur by the end of the next school year. A student of the closed school will have priority placement into a higher-performing school of the school district as selected by the student's parent.

If the school board and parents restructure the low-performing school, they will create an advisory group of 5 parents, selected by the parent group, and 3 representatives of the school district, selected by the local school board. Within 45 days after responding to the petition, or after receiving the state board's decision if there is an appeal, the local school board, in collaboration with the advisory group, will issue a request for proposals to restructure the school as a charter school or to restructure it as an innovation school. Persons or groups that choose to respond will have 75 days to do so. Within 60 days after the response time closes, the advisory group will review the proposals received and select a person or group to manage the operations of the school. Within 90 days after selection, the local school board will complete negotiations on the charter contract or complete the process for designation as a district of innovation, whichever is applicable. The restructured school will continue operations in the same building. Following restructuring, the school will continue to be subject to the statutory accountability provisions.

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

1 **SECTION 1.** Part 4 of article 11 of title 22, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **22-11-407. School reorganization - parent petition.** (1) As
5 USED IN THIS SECTION:

6 (a) "ADVISORY GROUP" MEANS THE GROUP OF FIVE PARENTS AND
7 THREE REPRESENTATIVES OF A LOCAL SCHOOL BOARD CREATED PURSUANT
8 TO PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION TO OVERSEE THE
9 RESTRUCTURING OF AN ELIGIBLE PUBLIC SCHOOL.

10 (b) "ELIGIBLE PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL
11 DISTRICT, WHICH SCHOOL IS REQUIRED TO ADOPT A PRIORITY
12 IMPROVEMENT PLAN FOR A SECOND CONSECUTIVE SCHOOL YEAR OR IS
13 REQUIRED TO ADOPT A TURNAROUND PLAN.

14 (c) "PARENT" MEANS A CHILD'S BIOLOGICAL PARENT, ADOPTIVE
15 PARENT, OR LEGAL GUARDIAN OR ANOTHER ADULT PERSON RECOGNIZED
16 BY THE CHILD'S SCHOOL AS THE CHILD'S PRIMARY CAREGIVER.

17 (2) (a) THE PARENTS OF THE STUDENTS ENROLLED IN AN ELIGIBLE
18 PUBLIC SCHOOL MAY, IN ACCORDANCE WITH THIS SECTION, PRESENT TO
19 THE LOCAL BOARD OF EDUCATION FOR THE ELIGIBLE PUBLIC SCHOOL A
20 PETITION TO:

21 (I) CLOSE THE ELIGIBLE PUBLIC SCHOOL AND GIVE EACH STUDENT
22 ENROLLED IN THE ELIGIBLE PUBLIC SCHOOL PRIORITY PLACEMENT INTO A
23 HIGHER-ACHIEVING SCHOOL OF THE SCHOOL DISTRICT, AS SELECTED BY
24 THE STUDENT'S PARENT; OR

25 (II) CONVERT THE ELIGIBLE PUBLIC SCHOOL TO A CHARTER
26 SCHOOL PURSUANT TO THE PROVISIONS OF PART 1 OF ARTICLE 30.5 OF THIS
27 TITLE OR TO AN INNOVATION SCHOOL PURSUANT TO ARTICLE 32.5 OF THIS

1 TITLE.

2 (b) TO BE VALID, A PETITION PRESENTED PURSUANT TO THIS
3 SUBSECTION (2) SHALL BE SIGNED BY MORE THAN FIFTY PERCENT OF THE
4 FAMILIES OF THE STUDENTS ENROLLED IN THE ELIGIBLE PUBLIC SCHOOL.
5 A VALID PETITION MAY INCLUDE NO MORE THAN ONE ADULT SIGNATURE
6 FROM EACH STUDENT'S HOUSEHOLD.

7 (c) A SCHOOL DISTRICT SHALL NOT PREVENT PARENTS FROM
8 COLLECTING SIGNATURES ON SCHOOL DISTRICT PROPERTY FOR A PETITION
9 PURSUANT TO THIS SECTION. A PERSON SHALL NOT RECEIVE
10 REMUNERATION OF ANY KIND IN EXCHANGE FOR OR DIRECTLY OR
11 INDIRECTLY RELATED TO COLLECTING SIGNATURES FOR A PETITION
12 PURSUANT TO THIS SECTION.

13 (3) (a) WITHIN THIRTY DAYS AFTER RECEIVING A PETITION
14 PURSUANT TO SUBSECTION (2) OF THIS SECTION, A LOCAL SCHOOL BOARD
15 SHALL RESPOND TO THE PETITIONING PARENTS IN WRITING. NO SOONER
16 THAN TEN DAYS, BUT WITHIN FIFTEEN DAYS, AFTER PROVIDING THE
17 WRITTEN RESPONSE, THE LOCAL SCHOOL BOARD SHALL HOLD A PUBLIC
18 HEARING AT WHICH THE LOCAL SCHOOL BOARD SHALL ALLOW THE
19 PETITIONING PARENTS TO TESTIFY CONCERNING THE PETITION AND THE
20 RESPONSE.

21 (b) A LOCAL SCHOOL BOARD MAY RESPOND TO A PETITION BY:

22 (I) ACCEPTING THE PARENTS' PETITION AND IMPLEMENTING THE
23 REQUESTED ACTION AS PROVIDED IN THIS SECTION;

24 (II) ACCEPTING THE PARENTS' PETITION BUT RECOMMENDING
25 IMPLEMENTATION OF THE ALTERNATIVE ACTION TO THAT RECOMMENDED
26 BY THE PETITION, AS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF
27 THIS SECTION; OR

1 (III) REJECTING THE PARENTS' PETITION.

2 (c) A LOCAL SCHOOL BOARD MAY RECOMMEND IMPLEMENTING THE
3 ALTERNATIVE ACTION OR REJECT THE PARENTS' PETITION BASED ONLY ON:

4 (I) DOCUMENTED VALID FISCAL REASONS RELATED TO
5 IMPLEMENTING THE PARENTS' RECOMMENDATION;

6 (II) THE LACK OF AVAILABLE MANAGEMENT OPTIONS FOR
7 CONVERTING THE ELIGIBLE PUBLIC SCHOOL, IF THE PETITION
8 RECOMMENDED CONVERSION TO A CHARTER SCHOOL OR AN INNOVATION
9 SCHOOL; OR

10 (III) THE LACK OF AVAILABLE OPTIONS FOR PLACING STUDENTS IF
11 THE ELIGIBLE PUBLIC SCHOOL CLOSES, IF THE PETITION RECOMMENDED
12 CLOSING THE ELIGIBLE PUBLIC SCHOOL.

13 (4) (a) IF THE LOCAL SCHOOL BOARD RESPONDS AS PROVIDED IN
14 SUBPARAGRAPH (II) OR (III) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS
15 SECTION, THE PETITIONING PARENTS MAY APPEAL THE LOCAL SCHOOL
16 BOARD'S DECISION TO THE STATE BOARD WITHIN THIRTY DAYS AFTER
17 RECEIVING THE DECISION. THE PARENTS' APPEAL SHALL BE IN WRITING
18 AND ACCOMPANIED BY ANY DATA THE PARENTS CHOOSE TO SUBMIT IN
19 SUPPORT OF THEIR RECOMMENDATION. THE PARENTS SHALL PROVIDE A
20 COPY OF THE WRITTEN APPEAL AND ALL SUBMITTED DATA TO THE LOCAL
21 SCHOOL BOARD. THE LOCAL SCHOOL BOARD MAY SUBMIT A WRITTEN
22 STATEMENT OF ITS GROUNDS FOR REJECTING THE PARENTS'
23 RECOMMENDATION AND ANY DATA TO SUPPORT THOSE GROUNDS. THE
24 LOCAL SCHOOL BOARD SHALL PROVIDE A COPY OF THE STATEMENT OF
25 GROUNDS AND ALL SUBMITTED DATA TO THE PARENTS.

26 (b) THE STATE BOARD SHALL REVIEW THE SUBMITTED DATA, AS
27 WELL AS ANY OTHER DATA IT MAY FIND RELEVANT, AND EITHER REVERSE

1 OR UPHOLD THE LOCAL SCHOOL BOARD'S DECISION WITHIN THIRTY DAYS
2 AFTER RECEIVING THE APPEAL. THE STATE BOARD MAY UPHOLD THE
3 LOCAL SCHOOL BOARD'S DECISION ONLY IF IT FINDS THAT THE DECISION
4 MEETS ONE OR MORE OF THE GROUNDS STATED IN PARAGRAPH (c) OF
5 SUBSECTION (3) OF THIS SECTION. THE STATE BOARD SHALL PROVIDE
6 WRITTEN COPIES OF ITS DECISION, INCLUDING THE GROUNDS FOR THE
7 DECISION, TO THE PARENTS AND TO THE LOCAL SCHOOL BOARD. IF THE
8 STATE BOARD FINDS THAT THE LOCAL SCHOOL BOARD DOES NOT HAVE
9 GROUNDS TO REJECT THE RECOMMENDATION OF THE PARENTS, THE LOCAL
10 SCHOOL BOARD SHALL WORK WITH THE PARENTS, AS PROVIDED IN THIS
11 SECTION, TO IMPLEMENT THE RECOMMENDATIONS MADE IN THE PETITION.
12 THE DECISION OF THE STATE BOARD IS FINAL AND NOT SUBJECT TO APPEAL.

13 (5) IF A LOCAL SCHOOL BOARD AND PARENTS CLOSE AN ELIGIBLE
14 SCHOOL PURSUANT TO THIS SECTION, THE CLOSURE SHALL BE FULLY
15 ACCOMPLISHED NO LATER THAN THE END OF THE SCHOOL YEAR THAT
16 IMMEDIATELY FOLLOWS THE SCHOOL YEAR IN WHICH THE PARENTS SUBMIT
17 THE PETITION.

18 (6) (a) IF A LOCAL SCHOOL BOARD AND PARENTS RESTRUCTURE AN
19 ELIGIBLE PUBLIC SCHOOL PURSUANT TO THIS SECTION, THE PARENTS SHALL
20 SELECT FROM AMONG THOSE WHO SIGNED THE PETITION FIVE PARENTS
21 WHO WILL REPRESENT THEM ON AN ADVISORY GROUP THAT WILL OVERSEE
22 THE RESTRUCTURING. THE LOCAL SCHOOL BOARD SHALL SELECT THREE
23 REPRESENTATIVES TO SERVE ON THE ADVISORY GROUP.

24 (b) WITHIN FORTY-FIVE DAYS AFTER THE LOCAL SCHOOL BOARD
25 RESPONDS TO THE PETITION, OR WITHIN FORTY-FIVE DAYS AFTER THE
26 STATE BOARD'S DECISION IF THE PARENTS APPEAL THE LOCAL SCHOOL
27 BOARD'S INITIAL RESPONSE, THE LOCAL SCHOOL BOARD SHALL ISSUE A

1 REQUEST FOR PROPOSALS TO RESTRUCTURE THE SCHOOL. THE REQUEST
2 FOR PROPOSALS SHALL REQUEST RESPONSES TO RESTRUCTURE THE SCHOOL
3 AS A CHARTER SCHOOL AND RESPONSES TO RESTRUCTURE THE SCHOOL AS
4 AN INNOVATION SCHOOL. THE ADVISORY GROUP SHALL COLLABORATE
5 WITH THE LOCAL SCHOOL BOARD IN CREATING THE REQUEST FOR
6 PROPOSALS.

7 (c) ANY PERSON OR GROUP THAT CHOOSES TO RESPOND TO THE
8 REQUEST FOR PROPOSALS SHALL HAVE SEVENTY-FIVE DAYS TO DO SO.
9 RESPONDENTS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, PARENTS, THE
10 ADMINISTRATION AND STAFF OF THE ELIGIBLE PUBLIC SCHOOL, AN
11 EXISTING CHARTER MANAGEMENT OR EDUCATION MANAGEMENT
12 ORGANIZATION, OR A NEW DEVELOPMENT GROUP OR ANY COMBINATION
13 THEREOF. AT A MINIMUM, EACH RESPONSE TO THE REQUEST FOR
14 PROPOSALS SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN PART
15 1 OF ARTICLE 30.5 OF THIS TITLE FOR CHARTER SCHOOL APPLICATIONS OR
16 WITH THE REQUIREMENTS SPECIFIED IN ARTICLE 32.5 OF THIS TITLE FOR
17 INNOVATION SCHOOLS, WHICHEVER IS APPLICABLE.

18 (d) THE ADVISORY GROUP SHALL REVIEW ALL OF THE RESPONSES
19 RECEIVED TO THE REQUEST FOR PROPOSALS. NO LATER THAN SIXTY DAYS
20 AFTER THE CLOSE OF THE RESPONSE PERIOD, THE ADVISORY GROUP SHALL
21 SELECT A PERSON OR GROUP TO MANAGE THE OPERATIONS OF THE
22 ELIGIBLE PUBLIC SCHOOL. WITHIN NINETY DAYS AFTER THE ADVISORY
23 GROUP MAKES ITS SELECTION, THE LOCAL SCHOOL BOARD SHALL:

24 (I) COMPLETE NEGOTIATIONS ON A CHARTER CONTRACT WITH THE
25 SELECTED PERSON OR GROUP PURSUANT TO PART 1 OF ARTICLE 30.5 OF
26 THIS TITLE IF THE ELIGIBLE PUBLIC SCHOOL IS CONVERTED TO A CHARTER
27 SCHOOL; OR

1 (II) DESIGNATE THE ELIGIBLE PUBLIC SCHOOL AS AN INNOVATION
2 SCHOOL AND COMPLETE THE PROCEDURES FOR DESIGNATION OF THE
3 SCHOOL DISTRICT AS A DISTRICT OF INNOVATION PURSUANT TO ARTICLE
4 32.5 OF THIS TITLE IF THE ELIGIBLE PUBLIC SCHOOL IS CONVERTED TO AN
5 INNOVATION SCHOOL.

6 (e) AN ELIGIBLE PUBLIC SCHOOL THAT IS CONVERTED TO A
7 CHARTER SCHOOL OR AN INNOVATION SCHOOL PURSUANT TO THIS SECTION
8 SHALL CONTINUE OPERATIONS IN THE BUILDING IN WHICH THE SCHOOL
9 WAS LOCATED PRIOR TO CONVERSION.

10 (7) FOLLOWING CONVERSION PURSUANT TO THIS SECTION, A
11 PUBLIC SCHOOL OF A SCHOOL DISTRICT SHALL CONTINUE TO BE SUBJECT TO
12 THE PROVISIONS OF THIS ARTICLE.

13 **SECTION 2. Act subject to petition - effective date.** This act
14 shall take effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part shall not take effect
20 unless approved by the people at the general election to be held in
21 November 2012 and shall take effect on the date of the official
22 declaration of the vote thereon by the governor.