

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0494.01 Jane Ritter x4342

HOUSE BILL 12-1261

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HOUSE SPONSORSHIP

Solano, Massey, Todd

SENATE SPONSORSHIP

(None),

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House Committees

Education  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING EFFECTIVE EDUCATORS IN LOW-PERFORMING,  
102 HIGH-NEEDS SCHOOLS.

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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/billssummaries>.)*

The bill provides that highly effective and effective educators, as rated by the statewide performance evaluation system to be implemented, and satisfactory educators, as rated by the current system, are given the first opportunity to apply, interview, and be considered for available positions in low-performing, high-needs schools. The effective educators

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.

in low-performing, high-needs schools grant program (grant program) is created to help schools recruit and retain educators with highly effective, effective, and satisfactory performance evaluation ratings. The grant program will take effect with the 2013-14 school year. The state board of education is authorized to promulgate rules for the implementation and administration of the grant program. The effective educators in low-performing, high-needs schools compensation fund is established to fund the grant program. The department of education is authorized to accept gifts, grants, and donations to fund the grant program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 94 to title  
3 22 as follows:

4 **ARTICLE 94**

5 **Effective Educators in**

6 **Low-Performing, High-Needs Schools**

7 **22-94-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
8 BE CITED AS THE "EFFECTIVE EDUCATORS IN LOW-PERFORMING,  
9 HIGH-NEEDS SCHOOLS ACT".

10 **22-94-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
11 HEREBY FINDS AND DECLARES THAT:

12 (a) EDUCATOR QUALITY IS ONE OF THE LEADING FACTORS THAT  
13 RESULTS IN THE GREATEST IMPACT ON STUDENT ACHIEVEMENT;

14 (b) RESEARCH SHOWS THAT STUDENTS IN LOW-PERFORMING,  
15 HIGH-NEEDS SCHOOLS ARE ASSIGNED LESS EFFECTIVE AND LESS  
16 EXPERIENCED EDUCATORS AT MORE THAN DOUBLE THE RATE OF STUDENTS  
17 IN HIGH-PERFORMING, LOW-NEEDS SCHOOLS, A PRACTICE COMMONLY  
18 REFERRED TO AS THE TEACHER OR EDUCATOR EQUITY GAP;

19 (c) RESEARCH ALSO SHOWS THAT STUDENTS WHO HAVE AN  
20 INEFFECTIVE TEACHER CAN LOSE MORE THAN A FULL YEAR OF ACADEMIC

1 GROWTH;

2 (d) CURRENT FEDERAL LANGUAGE ADDRESSING THIS ISSUE STATES  
3 THAT LOCAL EDUCATION AUTHORITIES MUST ENSURE THAT LOW-INCOME  
4 AND MINORITY STUDENTS ARE NOT TAUGHT BY UNQUALIFIED,  
5 OUT-OF-FIELD, OR INEXPERIENCED TEACHERS AT HIGHER RATES THAN  
6 OTHER STUDENTS;

7 (e) THE COLORADO DEPARTMENT OF EDUCATION, WITH THE HELP  
8 OF THE QUALITY TEACHER COMMISSION, HAS PROPOSED AN EXPANSION OF  
9 THE FEDERAL DEFINITION OF EDUCATOR EQUITY GAP WITH THE GOAL OF  
10 ENSURING THAT:

11 (I) LOW-INCOME AND MINORITY STUDENTS ARE TAUGHT AND  
12 SERVED BY EFFECTIVE OR HIGHLY EFFECTIVE TEACHERS AND LEADERS;

13 (II) STUDENTS WHO HAVE BEEN IDENTIFIED AS BELOW PROFICIENT  
14 ARE TAUGHT AND SERVED BY EFFECTIVE AND HIGHLY EFFECTIVE  
15 TEACHERS AND LEADERS;

16 (III) STUDENTS WHO HAVE BEEN ASSIGNED A TEACHER OR LEADER  
17 WHO HAS BEEN RATED INEFFECTIVE OR PARTIALLY EFFECTIVE RECEIVE THE  
18 SUPPORT NEEDED TO STAY ON TRACK WITH THEIR LEARNING; AND

19 (IV) NO STUDENT IS ASSIGNED TO AN INEFFECTIVE OR PARTIALLY  
20 EFFECTIVE TEACHER TWO OR MORE YEARS IN A ROW.

21 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT IT IS IN THE  
22 BEST INTERESTS OF THE STUDENTS OF COLORADO TO CREATE WAYS TO  
23 CLOSE THE EDUCATOR EQUITY GAP BY:

24 (a) INCREASING THE NUMBER OF HIGHLY EFFECTIVE AND  
25 EFFECTIVE TEACHERS AND LEADERS IN THE STATE'S LOW-PERFORMING,  
26 HIGH-NEEDS SCHOOLS; AND

27 (b) REWARDING THE LOW-PERFORMING, HIGH-NEEDS SCHOOLS

1 THAT CHOOSE TO EMPLOY LEADERS AND TEACHERS WHO HAVE BEEN  
2 PROVEN TO BE HIGHLY EFFECTIVE OR EFFECTIVE.

3 **22-94-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION,  
6 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

7 (2) "EDUCATOR WITH AN EFFECTIVE PERFORMANCE EVALUATION  
8 RATING" MEANS AN EDUCATOR WHO HAS RECEIVED TWO OR MORE  
9 CONSECUTIVE STATE-LEVEL PERFORMANCE EVALUATION RATINGS OF  
10 "EFFECTIVE", OR THE LOCAL-LEVEL EQUIVALENT.

11 (3) "EDUCATOR WITH A HIGHLY EFFECTIVE PERFORMANCE  
12 EVALUATION RATING" MEANS AN EDUCATOR WHO HAS RECEIVED TWO OR  
13 MORE CONSECUTIVE STATE-LEVEL PERFORMANCE EVALUATION RATINGS  
14 OF "HIGHLY EFFECTIVE", OR THE LOCAL-LEVEL EQUIVALENT.

15 (4) "EDUCATOR WITH A SATISFACTORY PERFORMANCE  
16 EVALUATION RATING" MEANS AN EDUCATOR WHO IS EMPLOYED AT THE  
17 TIME HE OR SHE APPLIES FOR AN AVAILABLE POSITION AND WHO, PRIOR TO  
18 THE STATEWIDE IMPLEMENTATION OF THE PERFORMANCE EVALUATION  
19 RATING SYSTEM, HAS RECEIVED TWO OR MORE CONSECUTIVE  
20 PERFORMANCE EVALUATION RATINGS OF "SATISFACTORY", OR A TEACHER  
21 WHO:

22 (a) PRIOR TO THE STATEWIDE IMPLEMENTATION OF THE  
23 PERFORMANCE EVALUATION RATING SYSTEM, WAS LAID OFF AS A RESULT  
24 OF A DROP IN ENROLLMENT, TURNAROUND, PHASE-OUT, REDUCTION IN  
25 PROGRAM, OR REDUCTION IN BUILDING, INCLUDING CLOSURE,  
26 CONSOLIDATION, OR RECONSTITUTION; AND

27 (b) PRIOR TO BEING LAID OFF AS A RESULT OF ONE OR MORE OF THE

1 REASONS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (9), HAD  
2 RECEIVED TWO OR MORE CONSECUTIVE PERFORMANCE EVALUATION  
3 RATINGS OF "SATISFACTORY" UNDER THE EVALUATION SYSTEM IN PLACE  
4 PRIOR TO THE STATEWIDE IMPLEMENTATION OF THE PERFORMANCE  
5 EVALUATION RATING SYSTEM.

6 (5) "FUND" MEANS THE EFFECTIVE EDUCATORS IN  
7 LOW-PERFORMING, HIGH-NEEDS SCHOOLS COMPENSATION FUND CREATED  
8 IN SECTION 22-94-106.

9 (6) "GRANT PROGRAM" MEANS THE EFFECTIVE EDUCATORS IN  
10 LOW-PERFORMING, HIGH-NEEDS SCHOOLS GRANT PROGRAM ESTABLISHED  
11 IN SECTION 22-94-105.

12 (7) "HIRING COMMITTEE" MEANS AT LEAST MORE THAN ONE  
13 INDIVIDUAL INVOLVED IN THE ACT OF HIRING, SUCH AS DESCRIBED IN  
14 SECTION 22-63-202 (2) (c.5) (I).

15 (8) "LOW-PERFORMING, HIGH-NEEDS SCHOOL" MEANS A SCHOOL  
16 THAT IS REQUIRED TO SUBMIT A PRIORITY IMPROVEMENT OR TURNAROUND  
17 PLAN PURSUANT TO SECTION 22-11-210.

18 (9) "PERFORMANCE EVALUATION RATING SYSTEM" MEANS THE  
19 STATEWIDE PERFORMANCE EVALUATION RATING SYSTEM BASED ON  
20 EDUCATOR EFFECTIVENESS IMPLEMENTED PURSUANT TO ARTICLE 9 OF THIS  
21 TITLE.

22 (10) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION,  
23 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE  
24 STATE CONSTITUTION.

25 **22-94-104. Recruitment of effective educators.** (1) BEGINNING  
26 WITH THE 2013-14 SCHOOL YEAR, THERE SHALL BE ESTABLISHED A  
27 METHOD OF EDUCATOR RECRUITMENT, THE PURPOSE OF WHICH IS TO

1 ENSURE THAT HIGHLY EFFECTIVE, EFFECTIVE, AND SATISFACTORY  
2 EDUCATORS HAVE THE FIRST OPPORTUNITY TO APPLY, INTERVIEW, AND BE  
3 CONSIDERED FOR AVAILABLE POSITIONS IN LOW-PERFORMING, HIGH-NEEDS  
4 SCHOOLS. LICENSED EDUCATORS WITH HIGHLY EFFECTIVE, EFFECTIVE, OR  
5 SATISFACTORY PERFORMANCE EVALUATION RATINGS IN THEIR LATEST  
6 EVALUATIONS SHALL HAVE THE FIRST OPPORTUNITY TO APPLY FOR,  
7 INTERVIEW, AND BE CONSIDERED BY THE HIRING COMMITTEE FOR AN  
8 AVAILABLE POSITION IN A LOW-PERFORMING, HIGH-NEEDS SCHOOL.

9 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-32.5-108  
10 TO THE CONTRARY, AN INNOVATION SCHOOL OR A LOW-PERFORMING,  
11 HIGH-NEEDS SCHOOL MAY NOT SEEK A WAIVER OF THIS SECTION.

12 **22-94-105. Effective educators in low-performing, high-needs**  
13 **schools grant program - criteria - rules - notice of funding through**  
14 **gifts, grants, and donations - repeal.** (1) THERE IS HEREBY CREATED IN  
15 THE DEPARTMENT THE EFFECTIVE EDUCATORS IN LOW-PERFORMING,  
16 HIGH-NEEDS SCHOOLS GRANT PROGRAM. THE PURPOSE OF THE GRANT  
17 PROGRAM IS TO PROVIDE FUNDING TO SCHOOL DISTRICTS TO SUPPORT  
18 STUDENT ACADEMIC ACHIEVEMENT AND THE RECRUITMENT AND  
19 RETENTION OF EDUCATORS WITH HIGHLY EFFECTIVE, EFFECTIVE, OR  
20 SATISFACTORY PERFORMANCE EVALUATION RATINGS IN LOW-PERFORMING,  
21 HIGH-NEEDS SCHOOLS.

22 (2) (a) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM  
23 AS PROVIDED IN THIS ARTICLE AND PURSUANT TO THE RULES ESTABLISHED  
24 BY THE STATE BOARD.

25 (b) A LOW-PERFORMING, HIGH-NEEDS SCHOOL MAY APPLY TO THE  
26 DEPARTMENT, IN ACCORDANCE WITH PROCEDURES AND TIME FRAMES  
27 ESTABLISHED BY THE STATE BOARD, TO RECEIVE GRANT MONEYS TO HELP

1 SUPPORT STUDENT ACADEMIC ACHIEVEMENT AND TO RECRUIT AND RETAIN  
2 HIGHLY EFFECTIVE, EFFECTIVE, AND SATISFACTORY EDUCATORS FOR  
3 LOW-PERFORMING, HIGH-NEEDS SCHOOLS.

4 (c) THE CRITERIA FOR AWARDING GRANTS SHALL, AT A MINIMUM,  
5 INCLUDE:

6 (I) A REQUIREMENT FOR AWARDING GRANTS TO THOSE  
7 LOW-PERFORMING, HIGH-NEEDS SCHOOLS WITH A HIGH PERCENTAGE OF  
8 EDUCATORS WITH HIGHLY EFFECTIVE, EFFECTIVE, AND SATISFACTORY  
9 PERFORMANCE EVALUATION RATINGS, OR TO THOSE LOW-PERFORMING,  
10 HIGH-NEEDS SCHOOLS THAT HAVE AS PART OF THEIR SCHOOL  
11 IMPROVEMENT PLAN A FINANCIAL INCENTIVE PLAN FOR RECRUITING AND  
12 RETAINING EFFECTIVE EDUCATORS; AND

13 (II) A REQUIREMENT THAT THE GRANT APPLICATION BE  
14 CONNECTED TO AND CONSISTENT WITH THE SCHOOL'S IMPROVEMENT OR  
15 TURNAROUND PLAN.

16 (d) IN ORDER TO BE CONSIDERED FOR A GRANT, A GRANT  
17 APPLICATION MUST INCLUDE WRITTEN APPROVAL BY THE SCHOOL'S  
18 ACCOUNTABILITY COMMITTEE.

19 (3) MONEYS AWARDED TO A LOW-PERFORMING, HIGH-NEEDS  
20 SCHOOL PURSUANT TO THE GRANT PROGRAM SHALL BE USED TO SUPPORT  
21 STUDENT ACADEMIC ACHIEVEMENT AND THE RECRUITMENT AND  
22 RETENTION OF EDUCATORS WITH HIGHLY EFFECTIVE, EFFECTIVE, AND  
23 SATISFACTORY PERFORMANCE EVALUATION RATINGS FOR  
24 LOW-PERFORMING, HIGH-NEEDS SCHOOLS.

25 (4) THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE  
26 WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE  
27 24, C.R.S., FOR THE IMPLEMENTATION OF THE GRANT PROGRAM. AT A

1 MINIMUM, THE RULES SHALL SPECIFY THE PROCEDURES AND TIME FRAMES  
2 FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT APPLICATION, THE  
3 INFORMATION TO BE PROVIDED BY THE SCHOOL APPLICANT, ANY  
4 ADDITIONAL CRITERIA FOR AWARDING GRANTS, AND ANY REPORTING  
5 REQUIREMENTS.

6 (5) THE DEPARTMENT SHALL REVIEW EACH GRANT APPLICATION  
7 RECEIVED PURSUANT TO THIS SECTION AND SHALL MAKE  
8 RECOMMENDATIONS TO THE STATE BOARD CONCERNING WHETHER A  
9 GRANT SHOULD BE AWARDED TO A SCHOOL APPLICANT AND THE AMOUNT  
10 OF THE GRANT TO BE AWARDED. IF THE DEPARTMENT DETERMINES IN ITS  
11 REVIEW THAT AN APPLICATION IS MISSING ANY INFORMATION REQUIRED  
12 BY RULE OF THE STATE BOARD, THE DEPARTMENT MAY CONTACT THE  
13 SCHOOL TO OBTAIN THE MISSING INFORMATION.

14 (6) SUBJECT TO AVAILABLE APPROPRIATIONS AND MONEYS IN THE  
15 FUND, BEGINNING IN THE 2013-14 SCHOOL YEAR THE STATE BOARD SHALL  
16 ANNUALLY AWARD GRANTS UNDER THE GRANT PROGRAM TO APPLYING  
17 LOW-PERFORMING, HIGH-NEEDS SCHOOLS, TAKING INTO ACCOUNT THE  
18 DEPARTMENT'S RECOMMENDATIONS.

19 (7) NOTHING IN THIS ARTICLE REQUIRES A LOW-PERFORMING,  
20 HIGH-NEEDS SCHOOL TO PARTICIPATE IN THE GRANT PROGRAM OR TO  
21 MODIFY THE TERMS OF AN EXISTING EDUCATOR COMPENSATION PLAN OR  
22 CONTRACT.

23 (8) (a) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT  
24 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR  
25 THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE DEPARTMENT MAY NOT  
26 ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS  
27 THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE



1 STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC  
2 MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE  
3 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE EFFECTIVE  
4 EDUCATORS IN LOW-PERFORMING, HIGH-NEEDS SCHOOLS COMPENSATION  
5 FUND CREATED IN SECTION 22-94-106.

6 (b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,  
7 THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN  
8 THE DEPARTMENT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS,  
9 GRANTS, OR DONATIONS FOR THE GRANT PROGRAM AND SHALL INCLUDE  
10 IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303  
11 (3), C.R.S.

12 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2017.

13 **22-94-106. Effective educators in low-performing, high-needs**  
14 **schools compensation fund - creation.** (1) THERE IS HEREBY CREATED  
15 IN THE STATE TREASURY THE EFFECTIVE EDUCATORS IN LOW-PERFORMING,  
16 HIGH-NEEDS SCHOOLS COMPENSATION FUND FOR THE PURPOSE OF FUNDING  
17 THE EFFECTIVE EDUCATORS IN LOW-PERFORMING, HIGH-NEEDS SCHOOLS  
18 GRANT PROGRAM. THE FUND SHALL CONSIST OF ALL MONEYS  
19 APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY AND ANY GIFTS,  
20 GRANTS, DONATIONS, AND OTHER MONEYS RECEIVED BY THE DEPARTMENT  
21 FOR THE IMPLEMENTATION OF THE GRANT PROGRAM PURSUANT TO  
22 SECTION 22-94-105 (8). THE MONEYS IN THE FUND SHALL BE ANNUALLY  
23 APPROPRIATED BY THE GENERAL ASSEMBLY. ANY UNEXPENDED AND  
24 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY  
25 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT OR BE  
26 CREDITED OR TRANSFERRED TO THE GENERAL FUND NOR BE TRANSFERRED  
27 TO ANY OTHER FUND. ANY INTEREST DERIVED FROM THE DEPOSIT AND

1 INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND  
2 SHALL NOT BE CREDITED TO THE GENERAL FUND. MONEYS IN THE FUND  
3 SHALL BE USED FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH  
4 IMPLEMENTING THIS ARTICLE.

5 (2) THE DEPARTMENT MAY RETAIN UP TO ONE PERCENT OF THE  
6 MONEYS ANNUALLY APPROPRIATED TO THE FUND TO OFFSET THE ACTUAL  
7 ADMINISTRATIVE COSTS INCURRED IN ADMINISTERING THE GRANT  
8 PROGRAM.

9 **22-94-107. Reports.** (1) ON OR BEFORE JANUARY 1, 2015, AND  
10 EVERY JANUARY 1 THEREAFTER, THE DEPARTMENT SHALL INCLUDE WITH  
11 ITS ANNUAL REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF  
12 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,  
13 THE FOLLOWING INFORMATION CONCERNING THE RESULTS OF THE GRANT  
14 PROGRAM:

15 (a) A LISTING OF LOW-PERFORMING, HIGH-NEEDS SCHOOLS  
16 RECEIVING GRANTS AND THE GRANT AMOUNTS;

17 (b) STUDENT ACHIEVEMENT DATA FOR SCHOOLS THAT RECEIVED  
18 GRANTS THROUGH THE GRANT PROGRAM;

19 (c) THE NUMBER OF EDUCATORS WITH HIGHLY EFFECTIVE,  
20 EFFECTIVE, AND SATISFACTORY PERFORMANCE RATINGS AT EACH  
21 LOW-PERFORMING, HIGH-NEEDS SCHOOL THAT RECEIVED GRANT MONEYS;

22 (d) HOW THE GRANT MONEYS WERE USED;

23 (e) A DESCRIPTION OF THE EFFORTS THE DEPARTMENT HAS TAKEN  
24 TO PROCURE GIFTS, GRANTS, AND DONATIONS FOR THE FUND PURSUANT TO  
25 SECTION 22-94-105 (8); AND

26 (f) ANY OTHER INFORMATION SPECIFIED BY RULE OF THE STATE  
27 BOARD.

1           **SECTION 2.** In Colorado Revised Statutes, 22-32.5-108, **amend**  
2 (1) as follows:

3           **22-32.5-108. District of innovation - waiver of statutory and**  
4 **regulatory requirements.** (1) Upon designation of a district of  
5 innovation, the state board shall waive any statutes or rules specified in  
6 the school district's innovation plan as they pertain to the innovation  
7 schools or innovation school zones of the district of innovation; except  
8 that the state board shall not waive:

9           (a) Any statutes specified in section 22-2-117 (1) (b);

10           (b) Any provision of article 64 of this title; ~~or~~

11           (c) Any statutes that are not included in this title, including but not  
12 limited to article 51 of title 24, C.R.S.; OR

13           (d) ANY PROVISION OF SECTION 22-94-104.

14           **SECTION 3. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly (August  
17 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within such period, then the act, item, section, or part will not take effect  
21 unless approved by the people at the general election to be held in  
22 November 2012 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.