

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0678.02 Jane Ritter x4342

HOUSE BILL 12-1240

HOUSE SPONSORSHIP

Kerr A.,

SENATE SPONSORSHIP

(None),

House Committees

Education

Finance

Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING STATUTORY CHANGES TO K-12 EDUCATION.

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>.)

The bill contains several statutory changes proposed by the department of education (department), including:

- ! A requirement will be placed on the office of legislative legal services to report any introduced legislation concerning education data to the education data advisory committee.
- ! The date for the adoption of graduation guidelines by 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.

state board of education is extended from December 15, 2011, to May 15, 2013. The provision that the state board of education receive, maintain, and post copies of collective bargaining agreements are repealed.

- ! The pool of potential sources for gifts, grants, and donations for S.B. 10-191 is expanded by allowing the department to accept moneys outside of federal moneys.
- ! The date for the inclusion of diploma endorsements in performance indicators is extended.
- ! The criteria for awarding the John Irwin Schools of Excellence Award is changed to include those schools with the highest level of attainment on the performance indicator concerning student achievement levels.
- ! The difference between an "on-line program" and an "on-line school" is clarified.
- ! The military dependent supplemental pupil enrollment aid program is repealed.
- ! The number of charter school food authorities is increased from 6 to 10 and the deadline is extended to 2016.
- ! Ongoing deficit is defined.
- ! The department will notify a local board of education if it approves a letter of intent on emergency reserves.
- ! The requirement that a school district receiving an impact assistance grant must certify the amount of that grant to the state board of education is removed.
- ! Specifies that if a charter school or institute charter school offers a full-day kindergarten program, the supplemental funding should be passed to the charter school or institute charter school.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-2-106, **amend** (1)

3 (a.5) introductory portion as follows:

4 **22-2-106. State board - duties.** (1) It is the duty of the state
5 board:

6 (a.5) To adopt, on or before ~~December 15, 2011~~ MAY 15, 2013,
7 a comprehensive set of guidelines for the establishment of high school
8 graduation requirements to be used by each school district board of

1 education in developing local high school graduation requirements. Each
2 school district board of education shall retain the authority to develop its
3 own unique high school graduation requirements, so long as those local
4 high school graduation requirements meet or exceed any minimum
5 standards or basic core competencies or skills identified in the
6 comprehensive set of guidelines for high school graduation developed by
7 the state board pursuant to this paragraph (a.5). In developing the
8 guidelines for high school graduation, the state board shall utilize the
9 recommendations of the state graduation guidelines development council
10 established in section 22-7-414, as it existed prior to July 1, 2008, and
11 shall:

12 **SECTION 2.** In Colorado Revised Statutes, 22-32-109, **amend**
13 (1) (kk) (I) as follows:

14 **22-32-109. Board of education - specific duties.** (1) In addition
15 to any other duty required to be performed by law, each board of
16 education shall have and perform the following specific duties:

17 (kk) (I) To undertake a community-based process to develop a
18 blueprint for the education system in the community and to determine the
19 skills students will need to be successful after graduation. Each board of
20 education shall seek input from the community at large, which may
21 include, but need not be limited to, students, parents, business persons,
22 neighboring school districts, and regional boards of cooperative services.
23 Each board of education shall use this blueprint, together with the
24 guidelines for high school graduation requirements developed by the state
25 board pursuant to section 22-2-106 (1) (a.5), to establish local high school
26 graduation requirements applicable to students enrolling in ninth grade
27 beginning in the ~~2012-13~~ 2014-15 school year. To assist the state board

1 of education in fulfilling its duties under part 10 of article 7 of this title,
2 each board of education shall provide to the state board of education
3 information concerning the blueprint and the input received in developing
4 the blueprint. A board of education that has undertaken a comprehensive
5 community-based process and has revised its high school graduation
6 requirements within the previous two years shall not be required to
7 develop a new blueprint for the education system in its community or
8 make any revisions to its high school graduation requirements.

9 **SECTION 3.** In Colorado Revised Statutes, 22-2-109, **repeal** (1)
10 (r) as follows:

11 **22-2-109. State board of education - additional duties - teacher**
12 **standards - principal standards.** (1) The state board of education shall:

13 ~~(r) Receive the true and correct copies of all school district~~
14 ~~collective bargaining agreements submitted pursuant to the "Colorado~~
15 ~~School Collective Bargaining Agreement Sunshine Act", section~~
16 ~~22-32-109.4, and shall:~~

17 ~~(I) Create a repository for all of said current collective bargaining~~
18 ~~agreements that is available to the public for inspection during regular~~
19 ~~business hours in a convenient and identified location; and~~

20 ~~(H) Post copies of all of said current collective bargaining~~
21 ~~agreements on the department's web site. The posting may be done~~
22 ~~through a link to an individual school district's web site.~~

23 **SECTION 4.** In Colorado Revised Statutes, **add** 22-2-308 as
24 follows:

25 **22-2-308. Data reporting requirements - office of legislative**
26 **legal services.** NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-505,
27 C.R.S., THE OFFICE OF LEGISLATIVE LEGAL SERVICES, CREATED IN SECTION

1 2-3-501, C.R.S., SHALL NOTIFY EDAC OF ANY LEGISLATION INTRODUCED
2 THAT CREATES BY SPECIFIC LANGUAGE A NEW DATA REPORTING
3 REQUIREMENT TO ANY STATE OR FEDERAL AGENCY.

4 **SECTION 5.** In Colorado Revised Statutes, 22-9-105.7, **amend**
5 (1) as follows:

6 **22-9-105.7. Great teachers and leaders fund - created - gifts,**
7 **grants, and donations.** (1) The department is authorized to seek, accept,
8 and expend ~~federal grants~~ GIFTS, GRANTS, AND DONATIONS for the
9 implementation of section 22-9-105.5; except that the department may not
10 accept a gift, grant, or donation ~~except from federal moneys~~ that is subject
11 to conditions that are inconsistent with this or any law of the state. The
12 department shall transmit all ~~federal~~ moneys received to the state
13 treasurer, who shall credit the same to the great teachers and leaders fund,
14 which fund is hereby created and referred to in this section as the "fund".
15 Moneys in the fund are continuously appropriated to the department for
16 the direct and indirect costs associated with implementing section
17 22-9-105.5.

18 **SECTION 6.** In Colorado Revised Statutes, 22-11-204, **amend**
19 (4) (a) (II) as follows:

20 **22-11-204. Performance indicators - measures.** (4) The
21 department shall determine the level of attainment of each public high
22 school, each school district, the institute, and the state as a whole on the
23 postsecondary and workforce readiness indicator by using, at a minimum,
24 the following measures:

- 25 (a) For each public high school, the department shall calculate:
- 26 (II) ~~Beginning with the 2011-12 school year and for each school~~
27 ~~year thereafter~~ AS SOON AS THE DATA IS AVAILABLE, the percentage of

1 students graduating from the public high school who receive a diploma
2 that includes a postsecondary and workforce readiness endorsement as
3 described in section 22-7-1009 (1) and the percentage who receive a
4 diploma that includes an endorsement for exemplary demonstration of
5 postsecondary and workforce readiness as described in section 22-7-1009
6 (2); and

7 **SECTION 7.** In Colorado Revised Statutes, 22-11-602, **amend**
8 (2) as follows:

9 **22-11-602. Colorado school awards program - John Irwin**
10 **schools of excellence awards - rules.** (2) Of the moneys available for
11 the program pursuant to this part 6, one third shall be awarded to the
12 public schools ~~whose~~ WITH THE HIGHEST level of attainment on the
13 performance indicator concerning student achievement levels, as
14 calculated pursuant to section 22-11-204 (3). ~~is within the top eight~~
15 ~~percent of all public schools in the state.~~ An award granted pursuant to
16 this section shall be known as a "John Irwin Schools of Excellence
17 Award".

18 **SECTION 8.** In Colorado Revised Statutes, 30-25-302, **repeal** (5)
19 (b) as follows:

20 **30-25-302. Eligibility - determination of impact - procedures**
21 **- legislative declaration.** (5) (b) ~~Any school district which receives an~~
22 ~~impact assistance grant pursuant to this section shall certify the amount~~
23 ~~of said grant to the state board of education.~~

24 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-112, **add** (2)
25 (c) (III) as follows:

26 **22-30.5-112. Charter schools - financing - definitions -**
27 **guidelines.** (2) (c) (III) IF A CHARTER SCHOOL OPERATES A FULL-DAY

1 KINDERGARTEN PROGRAM, FOR PURPOSES OF CALCULATING THE CHARTER
2 SCHOOL'S FUNDING PURSUANT TO THIS SUBSECTION (2), THE NUMBER OF
3 PUPILS ENROLLED IN THE CHARTER SCHOOL SHALL INCLUDE THE
4 SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION
5 22-54-103 (15).

6 **SECTION 10.** In Colorado Revised Statutes, 22-30.5-112.1, **add**
7 (3) (c) as follows:

8 **22-30.5-112.1. Charter schools - definitions - exclusive**
9 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**

10 (3) (c) IF A CHARTER SCHOOL OPERATES A FULL-DAY KINDERGARTEN
11 PROGRAM, FOR PURPOSES OF CALCULATING THE CHARTER SCHOOL'S
12 FUNDING PURSUANT TO THIS SUBSECTION (3), THE NUMBER OF PUPILS
13 ENROLLED IN THE CHARTER SCHOOL SHALL INCLUDE THE SUPPLEMENTAL
14 KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION 22-54-103 (15).

15 **SECTION 11.** In Colorado Revised Statutes, 22-30.5-513, **add**
16 (2) (b.5) as follows:

17 **22-30.5-513. Institute charter schools - definitions - funding.**

18 (2) (b.5) IF AN INSTITUTE CHARTER SCHOOL OPERATES A FULL-DAY
19 KINDERGARTEN PROGRAM, FOR PURPOSES OF CALCULATING THE INSTITUTE
20 CHARTER SCHOOL'S FUNDING PURSUANT TO THIS SUBSECTION (2), THE
21 NUMBER OF PUPILS ENROLLED IN THE INSTITUTE'S CHARTER SCHOOL SHALL
22 INCLUDE THE SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED
23 IN SECTION 22-54-103 (15).

24 **SECTION 12.** In Colorado Revised Statutes, 22-30.7-107, **repeal**
25 (3) as follows:

26 **22-30.7-107. Funding.** (3) ~~For the 2008-09 budget year, and for~~
27 ~~each budget year thereafter, an authorizer that is providing an on-line~~

1 ~~program may receive funding for each student enrolled in the on-line~~
2 ~~program, regardless of whether the student was included in the pupil~~
3 ~~enrollment or on-line pupil enrollment of a school district or institute~~
4 ~~charter school for the preceding school year.~~

5 **SECTION 13.** In Colorado Revised Statutes, 22-30.7-102,
6 **amend** (9) and **add** (9.5) as follows:

7 **22-30.7-102. Definitions.** As used in this article, unless the
8 context otherwise requires:

9 (9) "On-line program" means a full-time, on-line education
10 program ~~or school~~ authorized pursuant to this article that delivers a
11 sequential program of synchronous or asynchronous instruction from a
12 teacher to a student primarily through the use of ~~technology. via the~~
13 ~~internet in a virtual or remote setting.~~ THE INTERNET. "On-line program"
14 does not include a supplemental program. ACCOUNTABILITY FOR EACH
15 STUDENT IN AN ON-LINE PROGRAM IS ATTRIBUTED BACK TO A DESIGNATED
16 SCHOOL THAT HOUSES THE ON-LINE PROGRAM.

17 (9.5) "ON-LINE SCHOOL" MEANS A FULL-TIME, ON-LINE EDUCATION
18 SCHOOL AUTHORIZED PURSUANT TO THIS ARTICLE THAT DELIVERS A
19 SEQUENTIAL PROGRAM OF SYNCHRONOUS OR ASYNCHRONOUS
20 INSTRUCTION FROM A TEACHER TO A STUDENT PRIMARILY THROUGH THE
21 USE OF THE INTERNET. AN ON-LINE SCHOOL HAS AN ASSIGNED SCHOOL
22 CODE AND OPERATES WITH ITS OWN ADMINISTRATOR, A SEPARATE
23 BUDGET, AND A COMPLETE INSTRUCTIONAL PROGRAM. AN ON-LINE
24 SCHOOL IS RESPONSIBLE FOR FULFILLING ALL REPORTING REQUIREMENTS
25 AND WILL BE HELD TO STATE AND FEDERALLY MANDATED
26 ACCOUNTABILITY PROCESSES.

27 **SECTION 14.** In Colorado Revised Statutes, 22-32-109.4,

1 **amend** (3) (a) and **repeal** (3) (b) as follows:

2 **22-32-109.4. "Colorado School Collective Bargaining**
3 **Agreement Sunshine Act" - board of education - specific duties.**

4 (3) In addition to any other duty required to be performed by law, each
5 board of education shall cause, within thirty days following August 8,
6 2001, a true and correct copy of each collective bargaining agreement
7 entered into by the board of education and in effect as of said date and all
8 subsequent collective bargaining agreements entered into by the board of
9 education, within thirty working days following the date of ratification of
10 each agreement, to be:

11 (a) Posted on the web site of the school district; ~~if the school~~
12 ~~district maintains a web site;~~

13 (b) ~~Filed with the state board of education;~~

14 **SECTION 15.** In Colorado Revised Statutes, 22-32-120, **amend**
15 (7) (b) (V) as follows:

16 **22-32-120. Food services - facilities - school food authorities -**
17 **rules.** (7) On or before October 1, 2009, the state board of education
18 shall promulgate rules establishing:

19 (b) A timeline, standards, and procedures for the department of
20 education to use in granting or denying authorization as a school food
21 authority to a district charter school or an institute charter school. The
22 standards shall include, at a minimum, the following requirements:

23 (V) The department of education shall not grant authorization as
24 a school food authority to more than ~~six~~ TEN applicant district charter
25 schools or institute charter schools until July 1, 2011+ 2016, including any
26 district charter schools or institute charter schools that have been granted
27 provisional authorization pursuant to subsection (6) of this section.

1 **SECTION 16.** In Colorado Revised Statutes, 22-44-102, **add**
2 (7.5) as follows:

3 **22-44-102. Definitions.** As used in this part 1, unless the context
4 otherwise requires:

5 (7.5) "ONGOING DEFICIT" MEANS ANY NEGATIVE AMOUNT
6 REPORTED IN THE ANNUAL FINANCIAL AUDIT OR SUBMITTED THROUGH THE
7 DEPARTMENT'S FINANCIAL DATA-COLLECTION PROCESS BY THE SCHOOL
8 DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR
9 CHARTER SCHOOL INSTITUTE IN THE UNASSIGNED FUND BALANCE FOR
10 GOVERNMENTAL FUNDS OR UNRESTRICTED NET ASSETS FOR PROPRIETARY
11 FUNDS AS IDENTIFIED IN THE STANDARD STATEWIDE CHART OF ACCOUNTS.

12 **SECTION 17.** In Colorado Revised Statutes, 22-44-105, **add** (1)
13 (c.4) as follows:

14 **22-44-105. Budget - contents - mandatory.** (1) The budget shall
15 be presented in the standard budget report format established by the state
16 board of education by rule pursuant to subsection (5) of this section. The
17 standard budget report format established by the state board shall be
18 substantially consistent from year to year and shall adhere to the
19 following guidelines:

20 (c.4) UPON REVIEW OF THE LETTER OF INTENT SUBMITTED TO THE
21 STATE TREASURER AND THE DEPARTMENT OF EDUCATION, THE
22 DEPARTMENT OF EDUCATION WILL NOTIFY THE BOARD OF EDUCATION OF
23 THE ACCEPTANCE, IF APPROPRIATE, OF THE USE OF REAL PROPERTY OR A
24 LETTER OF CREDIT FOR THE ESTABLISHMENT OF A DISTRICT EMERGENCY
25 RESERVE PURSUANT TO PARAGRAPH (c.5) OF THIS SUBSECTION (1).

26 **SECTION 18.** In Colorado Revised Statutes, 22-54-115, **amend**
27 (1) (a) as follows:

1 **22-54-115. Distribution from state public school fund.** (1) No
2 later than June 30 of each year, the state board shall determine the amount
3 of the state's share of the district's total program for the budget year
4 beginning on July 1, and the total thereof for all districts, which amount
5 shall be payable in twelve approximately equal monthly payments during
6 such budget year; except that:

7 (a) Such payments shall be adjusted following the certification of
8 pupil enrollments, the certification of valuations for assessment to the
9 state board pursuant to section 22-54-112 (1) and (2), ~~the certification of~~
10 ~~the amount of any impact assistance grants on behalf of school districts~~
11 ~~pursuant to section 30-25-302, C.R.S.~~, and the certification of any
12 payments in lieu of taxes received by school districts pursuant to section
13 39-3-114.5, C.R.S.;

14 **SECTION 19.** In Colorado Revised Statutes, **repeal** 22-54-128.

15 **SECTION 20. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.