

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-1026.01 Julie Pelegrin x2700

HOUSE BILL 15-1321

HOUSE SPONSORSHIP

Pettersen and Wilson, Buckner

SENATE SPONSORSHIP

(None),

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO SUPPORT RURAL SCHOOL DISTRICTS, AND,**
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 exempts a school district that is rural and enrolls fewer than 1,000 students (small rural district) from the requirements to:

- ! Adopt a district policy for increasing and supporting parent engagement in public schools;
- ! Identify an employee to act as a point of contact for parent engagement training and resources; and

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.*

- ! Perform certain duties of the school district and school accountability committees that relate to increasing parent engagement.

Under current law, if a school district enrolls 500 or fewer students, a member of the school district board of education may serve on a school accountability committee, and the district accountability committee may serve as a school accountability committee. Under the bill, this provision applies to each small rural district.

Under current law, each school district board of education and board of cooperative services (BOCES) must provide written notice of special meetings to the board members. The bill allows the board of education of a school district that is rural and enrolls 6,500 students or fewer (rural district) and a BOCES that includes a rural district to deliver the written notice by electronic mail.

Under current law, each school district must report its expenditures at the district level and at the school-site level. The bill allows a small rural district to report expenditures only at the district level, except for school-site level expenditures that are partially charged to a district charter school.

The bill allows a person who is employed in multiple educator roles simultaneously to receive a single performance evaluation that takes into account the person's performance in each of the roles. Under current law, both an administrator and a principal must serve on a school district's personnel performance evaluation council, in addition to a teacher and specified residents of the school district. Under the bill, if a school district does not employ both a superintendent and a principal, the person who is employed as both the superintendent and the principal may serve on the council.

The bill directs the general assembly to appropriate \$10 million for the 2015-16 budget year to the department of education to distribute to small rural districts and institute charter schools that are located within small rural districts. The money is distributed on a per pupil basis. If the rural district is the authorizer for a district charter school, the rural district must distribute the full per pupil share of the amount received to the district charter school.

Under current law, the amount of revenue that a school district may receive from mill levy overrides cannot exceed 25% of the school district's total program. The bill increases the limit to 30% of total program for small rural districts.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-32-142, **add** (1)

1 (d) as follows:

2 **22-32-142. Parent engagement - policy - communications -**
3 **incentives.** (1) (d) NOTWITHSTANDING ANY PROVISION OF THIS
4 SUBSECTION (1) TO THE CONTRARY, A SCHOOL DISTRICT IS NOT REQUIRED
5 TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (1)
6 IF THE DEPARTMENT OF EDUCATION DETERMINES THAT THE SCHOOL
7 DISTRICT IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL
8 DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST
9 LARGE, URBANIZED AREA, AND THE SCHOOL DISTRICT ENROLLS FEWER
10 THAN ONE THOUSAND STUDENTS.

11 **SECTION 2.** In Colorado Revised Statutes, 22-11-302, **add** (3)
12 as follows:

13 **22-11-302. School district accountability committee - powers**
14 **and duties.** (3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1)
15 OF THIS SECTION TO THE CONTRARY, THE DISTRICT ACCOUNTABILITY
16 COMMITTEE FOR A SCHOOL DISTRICT IS NOT REQUIRED TO IMPLEMENT THE
17 REQUIREMENTS SPECIFIED IN PARAGRAPH (g) OF SUBSECTION (1) OF THIS
18 SECTION IF THE DEPARTMENT DETERMINES THAT THE SCHOOL DISTRICT IS
19 RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND
20 THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE,
21 URBANIZED AREA, AND THE SCHOOL DISTRICT ENROLLS FEWER THAN ONE
22 THOUSAND STUDENTS.

23 **SECTION 3.** In Colorado Revised Statutes, 22-11-401, **amend**
24 (4) (c) as follows:

25 **22-11-401. School accountability committee - creation -**
26 **qualifications - elections.** (4) Notwithstanding any provision of this
27 section to the contrary:

1 (c) In a school district ~~with five hundred or fewer enrolled~~
2 ~~students~~ THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE
3 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
4 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
5 ENROLLS FEWER THAN ONE THOUSAND STUDENTS, a member of the local
6 school board may serve on a school accountability committee, and the
7 district accountability committee may serve as a school accountability
8 committee.

9 **SECTION 4.** In Colorado Revised Statutes, 22-11-402, **add** (2)
10 as follows:

11 **22-11-402. School accountability committee - powers and**
12 **duties - meetings.** (2) NOTWITHSTANDING ANY PROVISION OF
13 SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, THE SCHOOL
14 ACCOUNTABILITY COMMITTEE FOR A PUBLIC SCHOOL IS NOT REQUIRED TO
15 IMPLEMENT THE REQUIREMENTS SPECIFIED IN PARAGRAPH (h) OF
16 SUBSECTION (1) OF THIS SECTION IF THE DEPARTMENT DETERMINES THAT
17 THE PUBLIC SCHOOL'S SCHOOL DISTRICT IS RURAL, BASED ON THE
18 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
19 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THE
20 SCHOOL DISTRICT ENROLLS FEWER THAN ONE THOUSAND STUDENTS.

21 **SECTION 5.** In Colorado Revised Statutes, 22-32-108, **amend**
22 (2) as follows:

23 **22-32-108. Meetings of the board of education - legislative**
24 **intent.** (2) (a) The secretary of the board shall cause written notice of any
25 special meeting to be mailed or delivered to each member of the board
26 stating the time, place, and purpose of the meeting; if the notice is
27 delivered, it shall be in the hands of the member no later than twenty-four

1 hours prior to the hour set for the meeting, and if it is mailed, it shall be
2 mailed no later than seventy-two hours prior to the hour set for the
3 meeting.

4 (b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS
5 SUBSECTION (2) TO THE CONTRARY, IF THE DEPARTMENT OF EDUCATION
6 DETERMINES THAT A SCHOOL DISTRICT IS RURAL, BASED ON THE
7 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
8 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THE
9 SCHOOL DISTRICT ENROLLS SIX THOUSAND FIVE HUNDRED STUDENTS OR
10 FEWER, THE SECRETARY OF THE BOARD FOR THE SCHOOL DISTRICT MAY
11 COMPLY WITH THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2)
12 BY DELIVERING THE WRITTEN NOTICE OF A SPECIAL MEETING TO EACH
13 BOARD MEMBER BY ELECTRONIC MAIL AT LEAST TWENTY-FOUR HOURS
14 BEFORE THE HOUR SET FOR THE MEETING.

15 **SECTION 6.** In Colorado Revised Statutes, 22-5-105, **amend** (1)
16 as follows:

17 **22-5-105. Organization of board of cooperative services -**
18 **meetings.** (1) (a) At its first meeting, the members of the board of
19 cooperative services elected as set forth in section 22-5-104 shall ~~proceed~~
20 ~~to~~ elect from their membership a president, a vice-president, a secretary,
21 and a treasurer, whose terms of office ~~shall be~~ ARE for two years, unless
22 their terms of office as board members expire earlier, in which case the
23 officership shall similarly expire. The duties of the president,
24 vice-president, secretary, and treasurer of the board of cooperative
25 services ~~shall be~~ ARE the same as set forth for similar offices of boards of
26 education in sections 22-32-105 to 22-32-107. Similarly, meetings of the
27 board of cooperative services ~~shall be~~ ARE called, held, and conducted as

1 set forth in section 22-32-108; except that, pursuant to section 22-5-104
2 (5), a board of cooperative services may conduct meetings electronically,
3 including by using video or audio conferencing technology.

4 (b) A BOARD OF COOPERATIVE SERVICES THAT INCLUDES IN ITS
5 MEMBERSHIP AT LEAST ONE SCHOOL DISTRICT THAT THE DEPARTMENT OF
6 EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF
7 THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM
8 THE NEAREST LARGE, URBANIZED AREA, AND THAT ENROLLS SIX
9 THOUSAND FIVE HUNDRED STUDENTS OR FEWER, MAY PROVIDE NOTICE OF
10 SPECIAL MEETINGS BY ELECTRONIC MAIL AS PROVIDED IN SECTION
11 22-32-108 (2) (b).

12 **SECTION 7.** In Colorado Revised Statutes, 22-44-304, **amend**
13 (1) (d) as follows:

14 **22-44-304. Financial reporting - on-line access to information**
15 **- repeal.** (1) (d) (I) Additionally, commencing July 1, 2015, each local
16 education provider shall post in a format that can be downloaded and
17 sorted, for free public access, the local education provider's actual
18 expenditures, including but not limited to actual salary expenditures and
19 actual benefit expenditures reported by job category specified in the
20 standard chart of accounts, at the local education provider level and at the
21 school-site level.

22 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
23 THIS PARAGRAPH (d) TO THE CONTRARY, A SCHOOL DISTRICT THAT THE
24 DEPARTMENT DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF
25 THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM
26 THE NEAREST LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN
27 ONE THOUSAND STUDENTS IS NOT REQUIRED TO REPORT EXPENDITURES AT

1 THE SCHOOL-SITE LEVEL EXCEPT FOR THOSE SCHOOL-SITE LEVEL
2 EXPENDITURES THAT THE SCHOOL DISTRICT CHARGES ANY PORTION OF TO
3 A DISTRICT CHARTER SCHOOL.

4 **SECTION 8.** In Colorado Revised Statutes, 22-9-106, **add** (4.3)
5 as follows:

6 **22-9-106. Local boards of education - duties - performance**
7 **evaluation system - compliance - rules - repeal.**

8 (4.3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
9 CONTRARY, A PERSON WHO IS EMPLOYED IN MULTIPLE ROLES
10 SIMULTANEOUSLY MAY RECEIVE A SINGLE EVALUATION THAT TAKES INTO
11 ACCOUNT THE PERSON'S PERFORMANCE OF HIS OR HER RESPONSIBILITIES
12 IN EACH ROLE. THE PERSON'S SUPERVISOR SHALL CONDUCT THE
13 EVALUATION OR, IF THE PERSON IS EMPLOYED AS A SCHOOL DISTRICT
14 SUPERINTENDENT, THE LOCAL BOARD OF EDUCATION SHALL CONDUCT THE
15 PERSON'S EVALUATION.

16 **SECTION 9.** In Colorado Revised Statutes, 22-9-107, **add** (1.5)
17 as follows:

18 **22-9-107. School district personnel performance evaluation**

19 **councils - duties.** (1.5) IF A SCHOOL DISTRICT DOES NOT EMPLOY A
20 PRINCIPAL AND AN ADMINISTRATOR, BUT EMPLOYS A SINGLE PERSON AS
21 BOTH PRINCIPAL AND ADMINISTRATOR, THE SCHOOL DISTRICT IS IN
22 COMPLIANCE WITH PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION IF
23 THE PERSON EMPLOYED AS BOTH PRINCIPAL AND ADMINISTRATOR SERVES
24 ON THE ADVISORY SCHOOL DISTRICT PERSONNEL PERFORMANCE
25 EVALUATION COUNCIL IN ADDITION TO THE REQUIRED TEACHER AND
26 RESIDENTS OF THE SCHOOL DISTRICT.

27 **SECTION 10.** In Colorado Revised Statutes, **add** 22-54-136 as

1 follows:

2 **22-54-136. Additional funding - small rural districts - eligible**
3 **charter schools - definitions - repeal.** (1) AS USED IN THIS SECTION,
4 UNLESS THE CONTEXT OTHERWISE REQUIRES:

5 (a) "ELIGIBLE INSTITUTE CHARTER SCHOOL" MEANS AN INSTITUTE
6 CHARTER SCHOOL THAT HAS A SMALL RURAL DISTRICT AS ITS ACCOUNTING
7 DISTRICT.

8 (b) "PER PUPIL DISTRIBUTION AMOUNT" MEANS AN AMOUNT EQUAL
9 TO TEN MILLION DOLLARS DIVIDED BY THE SUM OF THE TOTAL FUNDED
10 PUPIL COUNT FOR THE 2015-16 BUDGET YEAR OF ALL SMALL RURAL
11 DISTRICTS AND THE TOTAL STUDENT ENROLLMENT FOR THE 2015-16
12 BUDGET YEAR OF ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS.

13 (c) "SMALL RURAL DISTRICT" MEANS A DISTRICT IN COLORADO
14 THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON
15 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE
16 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
17 ENROLLS FEWER THAN ONE THOUSAND STUDENTS.

18 (2) FOR THE 2015-16 BUDGET YEAR, THE GENERAL ASSEMBLY
19 SHALL APPROPRIATE TEN MILLION DOLLARS TO THE DEPARTMENT OF
20 EDUCATION TO DISTRIBUTE TO SMALL RURAL DISTRICTS AND TO ELIGIBLE
21 INSTITUTE CHARTER SCHOOLS AS PROVIDED IN THIS SECTION. A SMALL
22 RURAL DISTRICT AND AN ELIGIBLE INSTITUTE CHARTER SCHOOL THAT
23 RECEIVE MONEYS PURSUANT TO THIS SECTION MAY USE THE MONEYS ONLY
24 FOR NONRECURRING EXPENSES RELATED TO AT LEAST ONE OF THE
25 FOLLOWING PURPOSES:

26 (a) IMPLEMENTING ACCOUNTABLE EDUCATION REFORM;

27 (b) IMPLEMENTING AN ACCOUNTABLE PROGRAM TO MEET STATE

- 1 ACADEMIC STANDARDS;
- 2 (c) REDUCING CLASS SIZES;
- 3 (d) EXPANDING TECHNOLOGY EDUCATION;
- 4 (e) IMPROVING STUDENT SAFETY;
- 5 (f) EXPANDING THE AVAILABILITY OF PRESCHOOL AND
- 6 KINDERGARTEN PROGRAMS;
- 7 (g) PROVIDING PERFORMANCE INCENTIVES FOR TEACHERS;
- 8 (h) IMPLEMENTING ACCOUNTABILITY REPORTING; OR
- 9 (i) IMPLEMENTING PUBLIC SCHOOL BUILDING CAPITAL
- 10 CONSTRUCTION.

11 (3) (a) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO

12 EACH SMALL RURAL DISTRICT AN AMOUNT EQUAL TO THE PER PUPIL

13 DISTRIBUTION AMOUNT MULTIPLIED BY THE SMALL RURAL DISTRICT'S

14 FUNDED PUPIL COUNT FOR THE 2015-16 BUDGET YEAR.

15 (b) EACH SMALL RURAL DISTRICT THAT IS THE AUTHORIZER FOR A

16 CHARTER SCHOOL SHALL DISTRIBUTE TO THE CHARTER SCHOOL ONE

17 HUNDRED PERCENT OF AN AMOUNT EQUAL TO THE AMOUNT RECEIVED

18 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) DIVIDED BY THE

19 FUNDED PUPIL COUNT OF THE SMALL RURAL DISTRICT FOR THE 2015-16

20 BUDGET YEAR, MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN

21 THE CHARTER SCHOOL FOR THE 2015-16 BUDGET YEAR. THE DISTRICT

22 CHARTER SCHOOL MAY USE THE MONEYS IT RECEIVES PURSUANT TO THIS

23 PARAGRAPH (b) ONLY FOR NONRECURRING EXPENSES RELATED TO AT

24 LEAST ONE OF THE PURPOSES SPECIFIED IN SUBSECTION (2) OF THIS

25 SECTION.

26 (4) THE DEPARTMENT OF EDUCATION SHALL CALCULATE FOR EACH

27 ELIGIBLE INSTITUTE CHARTER SCHOOL AND DISTRIBUTE TO THE STATE

1 CHARTER SCHOOL INSTITUTE AN AMOUNT EQUAL TO THE PER PUPIL
2 DISTRIBUTION AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS
3 ENROLLED IN THE ELIGIBLE INSTITUTE CHARTER SCHOOL. THE STATE
4 CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO EACH ELIGIBLE
5 INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT
6 RECEIVED FOR THE ELIGIBLE INSTITUTE CHARTER SCHOOL PURSUANT TO
7 THIS SUBSECTION (4).

8 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

9 **SECTION 11.** In Colorado Revised Statutes, 22-54-108, **amend**
10 (3) (b) (I); and **add** (3) (b) (IV) as follows:

11 **22-54-108. Authorization of additional local revenues.**

12 (3) (b) (I) Except as otherwise provided in subparagraphs (II), ~~and~~ (III),
13 AND (IV) of this paragraph (b), the total additional local property tax
14 revenues that may be received pursuant to elections held pursuant to this
15 section shall not exceed under any circumstances twenty percent of the
16 district's total program, as determined pursuant to section 22-54-104 (2),
17 or two hundred thousand dollars, whichever is greater.

18 (IV) (A) ON AND AFTER THE EFFECTIVE DATE OF THIS
19 SUBPARAGRAPH (IV), AND SUBJECT TO THE PROVISIONS OF
20 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (IV), THE TOTAL
21 ADDITIONAL LOCAL PROPERTY TAX REVENUES THAT A SMALL RURAL
22 DISTRICT MAY RECEIVE PURSUANT TO AN ELECTION HELD PURSUANT TO
23 THIS SECTION SHALL NOT EXCEED UNDER ANY CIRCUMSTANCES THIRTY
24 PERCENT OF THE SMALL RURAL DISTRICT'S TOTAL PROGRAM, AS
25 DETERMINED PURSUANT TO SECTION 22-54-104 (2), OR TWO HUNDRED
26 THOUSAND DOLLARS, WHICHEVER IS GREATER, PLUS AN AMOUNT EQUAL
27 TO THE MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE

1 SMALL RURAL DISTRICT COULD HAVE GENERATED FOR THE 2001-02
2 BUDGET YEAR IF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION
3 22-54-107.5, THE SMALL RURAL DISTRICT SUBMITTED A QUESTION TO AND
4 RECEIVED APPROVAL OF THE ELIGIBLE ELECTORS OF THE DISTRICT AT AN
5 ELECTION HELD IN NOVEMBER 2001.

6 (B) REGARDLESS OF THE APPLICABILITY OF SECTION 22-54-104 (5)
7 (g), FOR PURPOSES OF THIS SUBPARAGRAPH (IV), A SMALL RURAL
8 DISTRICT'S TOTAL PROGRAM IS THE AMOUNT CALCULATED PURSUANT TO
9 SECTION 22-54-104 (2).

10 (C) FOR PURPOSES OF THIS SUBPARAGRAPH (IV), A "SMALL RURAL
11 DISTRICT" IS A DISTRICT IN COLORADO THAT THE DEPARTMENT OF
12 EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF
13 THE DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST
14 LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN ONE
15 THOUSAND STUDENTS.

16 **SECTION 12. Appropriation.** For the 2015-16 state fiscal year,
17 \$10,000,000 is appropriated to the department of education. This
18 appropriation is from the state education fund created in section 17 (4) (a)
19 of article IX of the state constitution. To implement this act, the
20 department may use this appropriation for per pupil distributions
21 authorized in section 22-54-136, C.R.S.

22 **SECTION 13. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.