

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-1026.01 Julie Pelegrin x2700

HOUSE BILL 15-1321

HOUSE SPONSORSHIP

Pettersen and Wilson, Buckner

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO SUPPORT RURAL SCHOOL DISTRICTS.

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

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.

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)

3 (d) as follows:

4 **22-32-142. Parent engagement - policy - communications -**

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

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

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

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

23 **22-11-401. School accountability committee - creation -**
24 **qualifications - elections.** (4) Notwithstanding any provision of this
25 section to the contrary:

26 (c) In a school district ~~with five hundred or fewer enrolled~~
27 ~~students~~ THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE

1 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
2 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
3 ENROLLS FEWER THAN ONE THOUSAND STUDENTS, a member of the local
4 school board may serve on a school accountability committee, and the
5 district accountability committee may serve as a school accountability
6 committee.

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

9 **22-11-402. School accountability committee - powers and**
10 **duties - meetings.** (2) NOTWITHSTANDING ANY PROVISION OF
11 SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, THE SCHOOL
12 ACCOUNTABILITY COMMITTEE FOR A PUBLIC SCHOOL IS NOT REQUIRED TO
13 IMPLEMENT THE REQUIREMENTS SPECIFIED IN PARAGRAPH (h) OF
14 SUBSECTION (1) OF THIS SECTION IF THE DEPARTMENT DETERMINES THAT
15 THE PUBLIC SCHOOL'S SCHOOL DISTRICT IS RURAL, BASED ON THE
16 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
17 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THE
18 SCHOOL DISTRICT ENROLLS FEWER THAN ONE THOUSAND STUDENTS.

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

21 **22-32-108. Meetings of the board of education - legislative**
22 **intent.** (2) (a) The secretary of the board shall cause written notice of any
23 special meeting to be mailed or delivered to each member of the board
24 stating the time, place, and purpose of the meeting; if the notice is
25 delivered, it shall be in the hands of the member no later than twenty-four
26 hours prior to the hour set for the meeting, and if it is mailed, it shall be
27 mailed no later than seventy-two hours prior to the hour set for the

1 meeting.

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

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

15 **22-5-105. Organization of board of cooperative services -**
16 **meetings.** (1) (a) At its first meeting, the members of the board of
17 cooperative services elected as set forth in section 22-5-104 shall ~~proceed~~
18 ~~to~~ elect from their membership a president, a vice-president, a secretary,
19 and a treasurer, whose terms of office ~~shall be~~ ARE for two years, unless
20 their terms of office as board members expire earlier, in which case the
21 officership shall similarly expire. The duties of the president,
22 vice-president, secretary, and treasurer of the board of cooperative
23 services ~~shall be~~ ARE the same as set forth for similar offices of boards of
24 education in sections 22-32-105 to 22-32-107. Similarly, meetings of the
25 board of cooperative services ~~shall be~~ ARE called, held, and conducted as
26 set forth in section 22-32-108; except that, pursuant to section 22-5-104
27 (5), a board of cooperative services may conduct meetings electronically,

1 including by using video or audio conferencing technology.

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

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

12 **22-44-304. Financial reporting - on-line access to information**
13 **- repeal.** (1) (d) (I) Additionally, commencing July 1, 2015, each local
14 education provider shall post in a format that can be downloaded and
15 sorted, for free public access, the local education provider's actual
16 expenditures, including but not limited to actual salary expenditures and
17 actual benefit expenditures reported by job category specified in the
18 standard chart of accounts, at the local education provider level and at the
19 school-site level.

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

1 A DISTRICT CHARTER SCHOOL.

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

4 **22-9-106. Local boards of education - duties - performance**
5 **evaluation system - compliance - rules - repeal.**

6 (4.3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
7 CONTRARY, A PERSON WHO IS EMPLOYED IN MULTIPLE ROLES
8 SIMULTANEOUSLY MAY RECEIVE A SINGLE EVALUATION THAT TAKES INTO
9 ACCOUNT THE PERSON'S PERFORMANCE OF HIS OR HER RESPONSIBILITIES
10 IN EACH ROLE. THE PERSON'S SUPERVISOR SHALL CONDUCT THE
11 EVALUATION OR, IF THE PERSON IS EMPLOYED AS A SCHOOL DISTRICT
12 SUPERINTENDENT, THE LOCAL BOARD OF EDUCATION SHALL CONDUCT THE
13 PERSON'S EVALUATION.

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

16 **22-9-107. School district personnel performance evaluation**
17 **councils - duties.** (1.5) IF A SCHOOL DISTRICT DOES NOT EMPLOY A

18 PRINCIPAL AND AN ADMINISTRATOR, BUT EMPLOYS A SINGLE PERSON AS
19 BOTH PRINCIPAL AND ADMINISTRATOR, THE SCHOOL DISTRICT IS IN
20 COMPLIANCE WITH PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION IF
21 THE PERSON EMPLOYED AS BOTH PRINCIPAL AND ADMINISTRATOR SERVES
22 ON THE ADVISORY SCHOOL DISTRICT PERSONNEL PERFORMANCE
23 EVALUATION COUNCIL IN ADDITION TO THE REQUIRED TEACHER AND
24 RESIDENTS OF THE SCHOOL DISTRICT.

25 **SECTION 10.** In Colorado Revised Statutes, **add** 22-54-136 as
26 follows:

27 **22-54-136. Additional funding - small rural districts - eligible**

1 **charter schools - definitions - repeal.** (1) AS USED IN THIS SECTION,
2 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

23 (3) (a) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO
24 EACH SMALL RURAL DISTRICT AN AMOUNT EQUAL TO THE PER PUPIL
25 DISTRIBUTION AMOUNT MULTIPLIED BY THE SMALL RURAL DISTRICT'S
26 FUNDED PUPIL COUNT FOR THE 2015-16 BUDGET YEAR.

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

1 CHARTER SCHOOL SHALL DISTRIBUTE TO THE CHARTER SCHOOL ONE
2 HUNDRED PERCENT OF AN AMOUNT EQUAL TO THE AMOUNT RECEIVED
3 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) DIVIDED BY THE
4 FUNDED PUPIL COUNT OF THE SMALL RURAL DISTRICT FOR THE 2015-16
5 BUDGET YEAR, MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN
6 THE CHARTER SCHOOL FOR THE 2015-16 BUDGET YEAR. THE DISTRICT
7 CHARTER SCHOOL MAY USE THE MONEYS IT RECEIVES PURSUANT TO THIS
8 PARAGRAPH (b) ONLY FOR NONRECURRING EXPENSES.

9 (4) THE DEPARTMENT OF EDUCATION SHALL CALCULATE FOR EACH
10 ELIGIBLE INSTITUTE CHARTER SCHOOL AND DISTRIBUTE TO THE STATE
11 CHARTER SCHOOL INSTITUTE AN AMOUNT EQUAL TO THE PER PUPIL
12 DISTRIBUTION AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS
13 ENROLLED IN THE ELIGIBLE INSTITUTE CHARTER SCHOOL. THE STATE
14 CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO EACH ELIGIBLE
15 INSTITUTE CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT
16 RECEIVED FOR THE ELIGIBLE INSTITUTE CHARTER SCHOOL PURSUANT TO
17 THIS SUBSECTION (4).

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

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

21 **22-54-108. Authorization of additional local revenues.**

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

1 (IV) (A) ON AND AFTER THE EFFECTIVE DATE OF THIS
2 SUBPARAGRAPH (IV), AND SUBJECT TO THE PROVISIONS OF
3 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (IV), THE TOTAL
4 ADDITIONAL LOCAL PROPERTY TAX REVENUES THAT A SMALL RURAL
5 DISTRICT MAY RECEIVE PURSUANT TO AN ELECTION HELD PURSUANT TO
6 THIS SECTION SHALL NOT EXCEED UNDER ANY CIRCUMSTANCES THIRTY
7 PERCENT OF THE SMALL RURAL DISTRICT'S TOTAL PROGRAM, AS
8 DETERMINED PURSUANT TO SECTION 22-54-104 (2), OR TWO HUNDRED
9 THOUSAND DOLLARS, WHICHEVER IS GREATER, PLUS AN AMOUNT EQUAL
10 TO THE MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE
11 SMALL RURAL DISTRICT COULD HAVE GENERATED FOR THE 2001-02
12 BUDGET YEAR IF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION
13 22-54-107.5, THE SMALL RURAL DISTRICT SUBMITTED A QUESTION TO AND
14 RECEIVED APPROVAL OF THE ELIGIBLE ELECTORS OF THE DISTRICT AT AN
15 ELECTION HELD IN NOVEMBER 2001.

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

20 (C) FOR PURPOSES OF THIS SUBPARAGRAPH (IV), A "SMALL RURAL
21 DISTRICT" IS A DISTRICT IN COLORADO THAT THE DEPARTMENT OF
22 EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF
23 THE DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST
24 LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN ONE
25 THOUSAND STUDENTS.

26 **SECTION 12. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.