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## 2010 Colorado General Assembly Jefferson County School District Legislative Report

Provided below is a summary of current legislative issues as of May 9, 2010.

### **Budget Issues:**

The School Finance Act ([HB 10-1369](#)) has passed both houses and is awaiting consideration by the Governor.

The table below compares the original FY 2009-10 appropriation, the final FY 2009-10 (after the \$130 million statewide reduction in January) and the amount recommended in the FY 2010-11 school finance act for Jefferson County.

### **Funding for the Jefferson County School District**

	<b>TOTAL</b>	<b>State Support</b>	<b>Property Tax and SO Tax</b>
FY 2009-10 <i>Original</i>	\$571,533,515	\$360,763,896	\$210,469,619
FY 2009-10 <i>Final</i>	\$562,271,317	\$354,492,585	\$207,778,732
<b>FY 2010-11 Proposed</b>	\$542,085,462	\$334,844,261	\$207,241,201
<i>\$ Difference from 09-10 Final</i>	(\$20,185,855)	(\$19,648,324)	(\$537,531)
<i>% Difference from 09-10 Final</i>	-3.6%	-5.5%	-0.3%

The FY 2010-11 **Long Bill**, [H.B. 10-1376](#), has been signed by the Governor.

### **Legislation**

[S.B. 10-050](#) (Sen. Spence): **Contract Renewal for K-12 Teachers**. The bill increases from 3 to 5 years the time a probationary teacher must be employed prior to becoming nonprobationary. Once nonprobationary, teachers can receive 5 year contracts, which can be renewed at the end of each 5 year period based on satisfactory evaluation. *Status:* Pending in Senate Education.

Jefferson County School Board Position: **Support with amendments** to eliminate the additional

evaluation requirements contained in the bill.

**S.B. 10-114** (Sen. M. Carroll, Rep. Weissmann). **Taxpayer Transparency Act of 2010.** The current version of the bill does not contain any web posting requirements. The bill now specifies that each **state** contract shall be open to the public, and that “the records relating to the costs or any performance measures under the contract that are made, maintained, or kept by any party to the contract shall be available to the governmental body. Only records that are in the possession of the governmental body pursuant to this paragraph shall be subject to inspection.” *Status:* Passed the Senate; passed House State Affairs; **passed House Second Reading; pending House Third Reading.**

**S.B. 10-161** (Sen. K. King, Rep. Massey). **Charter School Collaboratives.** Authorizes a charter school to contract with a BOCES or another charter school for buildings and services. Authorizes a board of cooperative services to contract with a district charter school or an institute charter school to provide services and buildings. The bill authorizes charter schools to form collaboratives to perform any function appropriately performed by a charter school, including applying for state or federal grants. If the charter school collaborative was formed with the consent of the authorizers of the member charter schools, the collaborative may serve as a local education agency or administrative unit. *Status:* Passed the Senate; **passed House Education; pending House Appropriations. Amended to allow the Charter School Institute to act as a Local Education Agency and fiscal agent to apply for competitive grants.**

**S.B. 10-191** (Sens. Johnston and Spence, Reps. Scanlan and Murray). **Principal and Teacher Effectiveness** **This is the official bill summary from the bill as passed by the Senate:** The bill creates a strategy based on educator effectiveness to develop greater opportunities for educators and enhance education for students throughout Colorado. **Sections 1** and **2** make legislative findings and adds definitions. **Section 3** requires the state board of education to work with the ~~governor's state council for educator effectiveness as created by executive order~~, to promulgate rules concerning a system to evaluate the effectiveness of educators. *In promulgating the rules, the state board is required to conform to a timeline established in statute in Section 5 of the bill. The general assembly is then tasked with reviewing the rules in a bill separate from the annual rule review bill, and may repeal individual rules in that bill.* **Section 4** repeals the state licensed personnel performance evaluation council.

**Section 5** ~~references the~~ *codifies the Governor's council for educator effectiveness, created by executive order, as the state council and lists additional the purpose and duties for the council. Among those duties are developing, on or before March 1, 2011, recommendations for the state board regarding teacher and principal evaluations and granting and revoking nonprobationary status. The council is also charged with accomplishing the following tasks and making appropriate recommendations concerning each item to the state board on or before March 1, 2011:*

- Developing a set of guidelines for establishing ~~levels of effectiveness~~ *performance standards* for different categories of educators;
- Making recommendations regarding career ladders for teachers and principals; ~~and making recommendations concerning~~
- Making recommendations regarding a state plan for the equitable distribution of highly effective teachers and principals;
- Making recommendations regarding *the implementation and testing of the system, including a cost analysis study;*

- Making recommendations regarding *the involvement of parents in a child's education as it relates to teacher effectiveness*;
- *Developing statewide definitions of principal and teacher effectiveness, to be centered on a demonstrated ability to achieve and sustain adequate student academic growth*;
- *Making recommendations regarding measuring effectiveness through a set of quality standards; and*
- *Making recommendations concerning the use of evaluation data for decisions in the areas of compensation, promotion, retention, removal, and professional development.*

*The recommendations of the council to the state board shall reflect a consensus vote, and for any issue on which the council was unable to reach consensus, the council shall provide to the state board the reasons it was unable to reach consensus.*

*On or before September 1, 2011, the state board shall promulgate rules addressing each of the council's duties and recommendations. If the council fails to make recommendations to the state board by ~~December 31, 2010~~ March 1, 2011, the state board shall, on or before ~~March~~ September 1, 2011, promulgate rules concerning any of the items with which the council was charged to make recommendations.*

*In promulgating rules, the state board shall adhere to the following timeline:*

- *2011-2012 school year: The department of education will work with school districts and boards of cooperative services to assist with development of evaluation systems based on quality standards;*
- *On or before January 15, 2012: The state board shall provide to the general assembly the rules promulgated based on the council's recommendations;*
- *2012-2013 school year: Initial implementation and testing of the system per the council's recommendations;*
- *2013-2014 school year: Statewide implementation of the system per the council's recommendations. Demonstrated effectiveness shall begin to be considered in the acquisition of probationary or nonprobationary status;*
- *2014-2015 school year: Statewide implementation of the system shall be finalized and demonstrated effectiveness shall begin to be considered in the acquisition or loss of probationary or nonprobationary status.*

*On or before November 1, 2011, the department of education (department) shall create and make available to school districts and boards of cooperative services a resource bank of assessments and tools to assist in developing local-level evaluation systems that meet the provisions of the system.*

*The bill contains a provision directing that the department shall not be obligated to implement the bill until sufficient funds have been obtained through gifts, grants, and donations to the great teachers and leaders fund, which is created in Section 6.*

**Section 6** *creates the great teachers and leaders fund and authorizes the department to accept gifts, grants, and donations for the purposes of implementing the provisions of the bill. Section 7* requires a school district board of education or board of cooperative services to meet or exceed the guidelines established by the state board when creating its performance evaluation system. *Upon the adoption of the system based on quality standards, one of the standards for measuring effectiveness shall be directly related to classroom instruction and shall require that at least fifty percent of the teacher's evaluation be determined by the academic growth of the teacher's students. The district accountability committee shall provide input and recommendations concerning the assessment tools used to measure student academic growth as it relates to teacher evaluations. For the purposes of measuring effectiveness, expectations of student academic growth shall take into account diverse factors, including but not limited to, special education, student mobility, and classrooms with a student population in which ninety-five*

*percent meet the definition of high-risk student. Standards are provided for a school district board of education to use when evaluating principals.*

*Teachers and principals whose performance has been deemed ineffective shall be provided with a remediation plan that includes professional development opportunities that are intended to help the teacher or principal achieve an effective rating in his or her next performance evaluation. The bill includes an appeal process for teachers and principals who object to a rating of ineffectiveness. At a minimum, a nonprobationary teacher may appeal his or her rating to the superintendent or his or her designee.*

**Section 8.** *School district accountability committees are given the additional duty of providing input and recommendations concerning the development and use of assessment tools for teacher evaluations.* **Section 9.** *School accountability committees are given the additional duty of providing input and recommendations to district accountability committees concerning principal evaluations and professional development plans.* **Sections 7 and 10 and 13** *redefine a probationary teacher as a teacher who has not completed 3 consecutive years of demonstrated effectiveness or a nonprobationary teacher who has had 2 consecutive years of demonstrated ineffectiveness, as defined by rule of the state board.* **Sections 8 and Section 11** *requires teacher placement by mutual consent of the teacher and the receiving school. Each teacher employment contract shall contain a provision stating that the teacher may be assigned to a particular school only upon the consent of the receiving school. If a teacher is unable to secure a position after 2 hiring cycles, he or she will be placed on unpaid leave without benefits until he or she earns a position, at which time his or her benefits and years of experience will be reinstated.*

**Section 9 12** *allows demonstrated effectiveness to be a factor in cancelling employment contracts when there is a justifiable decrease in the number of teaching positions.* **Section 14** *allows for a gradual phase-in of the system by providing an employing school district, beginning in the 2010-2011 school year, with the option to renew a teacher's contract on either a probationary or nonprobationary status or not to renew the contract of a probationary teacher who has completed his or her third year of employment.*

*Status: Passed the Senate; passed House Education; scheduled for House Appropriations on May 10 at 1:30.*

**H.B. 10-1013** (Rep. Middleton, Sen. Romer). **Modifications to School Finance Administration.** Makes a variety of changes to the School Finance Act as recommended by CDE. Most of the changes are technical in nature or repeal obsolete provisions. *Status: Passed the House; passed Senate Education; passed Senate Appropriations. Pending Senate Second Reading.*

Jefferson County School Board Position: **Support**

**H.B. 10-1131** (Rep. Scanlan, Sen. Gibbs). **Colorado Kids Outdoor Grant Program.** Creates the Colorado kids outdoors grant program in the dept. of natural resources to provide grants for programs that allow youth to participate in outdoor activities in the state, including programs that emphasize the environment and experiential, field-based learning. *Status: Passed the House; passed Senate Education; passed Senate Appropriations; passed Senate Second Reading. Pending Senate Third Reading.*

Jefferson County School Board Position: **Monitor**

**H.B. 10-1274** (Rep. Schafer, Sen. Johnston). **Out of Home Juvenile Transition Public Schools.** The bill requires the department of human services to provide written notification to a school district 10 days prior to enrollment of a student who has been placed in out-of-home placement and is

identified as potentially presenting a risk to himself or herself or the community. *Status:* Passed the House; passed Senate Education; passed Senate Second Reading. Pending Senate Third Reading.

**HB 10-1345** (Rep. T. Carroll). **Emergency Powers Over Charter Schools.** The bill grants a school district or the state charter school institute that has authorized a charter school the ability to request from the commissioner of education the power for an external entity to have control over a charter school that is considered to be in an emergency situation. The commissioner may grant a temporary order, a preliminary order, an order of reorganization, or an order authorizing a petition for bankruptcy if all parties have been given notice and an opportunity to be heard. The commissioner may appoint the authorizer or a separate entity to act as a fiduciary to take control over the operations of the school. Powers that are permitted and prohibited under an order are outlined in the bill. The processes for obtaining and issuing an order are detailed. If an authorizer or entity appointed by the commissioner as a fiduciary determines that excess benefit transactions have occurred, as defined in the bill, the options available to the authorizer or fiduciary are set forth. A fiduciary or authorizer and the commissioner are granted immunity for actions taken in good faith. *Status:* Passed the House; passed Senate Education; pending Senate Second Reading.

Jefferson County School Board Position: **Monitor.**

**HB 10-1412** (Rep. T. Carroll). **Charter School and Authorizer Standards.** (NOTE: Though no formal action has been taken on HB 1343 and HB 1344, it is likely that HB 10-1412 will replace those bills and they will be postponed indefinitely.) The bill creates the charter school and charter authorizer standards review committee, which is charged with making recommendations to the state board of education and the education committees of the house of representatives and the senate concerning standards for charter schools and charter school authorizers. The bill creates the 13-member committee with specific appointments reflecting charter school and school district interests and expertise. The bill sets forth procedures for the committee and outlines the areas in which the committee is required to make recommendations. After receiving the committee's recommendations, the board is required to adopt by rule standards for charter schools and charter school authorizers based on those recommendations. The committee is repealed, effective July 1, 2012. *Status:* Passed the House; passed Senate Education; pending Senate Second Reading.

**HB 10-1430** (Reps. Solano and Scanlan, Sen. Hudak). **New K-12 Assessment System.** **Section 1** states the legislature's intent to replace the current assessments administered in the 9th, 10th, and 11th grades, starting in the 2010-11 academic year. **Sections 2-4** address changes to assessments administered under the existing CSAP. Detailed language concerning the statewide assessments administered through the CSAP is repealed and replaced with a general requirement to administer the CSAP in reading, writing, mathematics and science. However, the department of education will:

Replace the 9th-grade CSAP assessments with the postsecondary and workforce planning assessment, to be administered by the state starting in the 2010-11 academic year;

Replace the 10th-grade CSAP assessments with the postsecondary and workforce preparation assessment, to be administered by the state starting in the 2011-12 academic year; and

Replace the 11th-grade curriculum-based, achievement college entrance exam with the postsecondary and workforce readiness assessment to be administered by the state starting in the 2012-13 academic year.

The CSAP is repealed, effective July 1, 2013. **Sections 5-12** address the new statewide assessment system that the state board is developing. The dates for adopting the new system and related changes are extended; the state board is required to adopt the postsecondary and workforce planning, preparation, and readiness assessments within the next 3 years and to ensure that the entire system is in place no later than the 2013-14 academic year. The system is to include statewide, summative assessments only in mathematics and reading, as adopted by the state board working with a state consortia. The system will also include formative and interim assessments adopted and administered by the local education providers. The state board, by rule, will specify minimum parameters for the interim assessments. The results of the statewide summative assessments and the postsecondary and workforce readiness assessments are the only assessment data that the department may collect and include in the Colorado growth model. The local education providers are to use the results of the formative and interim assessments for diagnostic purposes.

The state board will convene an assessment stakeholder committee to assist in designing the system. The department will also work with the committee to create a resource bank of interim assessments, best practices, rubrics, and other tools to support local education providers adopting and implementing their assessments. To the extent practicable and economically feasible, the new system is to include on-line and electronic assessments. All of the assessments included in the system must be valid and reliable, measure twenty-first century skills, and provide relevant, useable information. *Status: Passed the House; pending consideration in Senate Education.*

**SCR 10-002** (Sens. Williams and Romer, Rep. Benefield). **General Assembly Authority to Enact Additional Education Funding.** The concurrent resolution authorizes the general assembly to enact statutes that result in additional state revenues without prior voter approval if the resulting revenues are used for various purposes relating to the funding of preschool through postsecondary education. These additional revenues are not subject to the constitutional limitations on fiscal year spending. The concurrent resolution does not otherwise affect the prior voter approval requirement for the generation of additional state revenues for any purpose other than the purposes specified in the concurrent resolution. *Status: Passed Senate Education; pending Senate Second Reading. NOTE: This was also introduced as HCR 10-1002, with the same sponsors, which has passed House Education and is pending House Second Reading.*

#### **Signed by the Governor**

- S.B. 10-001** (Sens. Shaffer and Penry; Rep. A. Kerr): **Eliminate PERA's Unfunded Liability.**
- S.B. 10-008** (Sen. Johnston, Rep. Scanlan): **Average Daily Membership Study.**
- S.B. 10-018** (Sen. King, Rep. Merrifield): **School Awards Program Fund.**
- S.B. 10-036** (Sen. Johnston, Rep. Merrifield): **Program Results for Educator Preparation**
- S.B. 10-056** (Sen. Boyd, Rep. Riesberg): **Immunization Information for School Children.**
- S.B. 10-065** (Sen. Keller, Rep. Pommer). **Department of Education Supplemental**
- S.B. 10-081** (Sen. Sandoval, Rep. Solano). **Farm to School Interagency Task Force.**
- S.B. 10-062** (Sen. Steadman, Rep. Peniston): **Categorical Education Programs.**
- S.B. 10-111** (Sen. King, Rep. Massey). **Institute Charter Schools.**
- S.B. 10-154** (Sen. Sandoval; Rep. Middleton) **High Risk Student Alternative Ed Campus.**
- H.B. 10-1026** (Reps Solano and Benefield, Sens. Hodge and Hudak). **Quality Childcare Incentive Program.**
- H.B. 10-1028** (Rep. Benefield, Sen. Hodge). **Early Childhood Universal Application.**
- H.B. 10-1030** (Rep. Peniston, Sen. Steadman). **Early Childhood Teacher Scholarships.**
- H.B. 10-1034** (Rep. Massey, Sen. King). **School Speech Language Pathology Asst.**
- H.B. 10-1036** (Rep. Scanlan and Massey, Sen. Romer). **Public School Fin. Info. Transparency On-Line.**
- H.B. 10-1064** (Rep. Schafer, Sen. Spence). **Ineligible Student Arbitration Process.**
- H.B. 10-1107** (Rep. Fischer, Sen. M. Carroll). **Urban Renewal Area Ag Land.**

[H.B. 10-1183](#) (Rep. Middleton; Sen. Johnston). **Alternative School Finance Models.**

[H.B. 10-1232](#) (Rep. Baumgardner, Sen. K. King). **School Bus Vehicle.**

#### **Bills Postponed Indefinitely/Killed/Lost/Withdrawn**

[S.B. 10-005](#) (Sen. Hudak, Rep. Benefield): **Continuity of Services in Kindergarten.**

[S.B. 10-017](#) (Sen. King, Rep. Stephens): **Weighted Student Funding Formula Grants.**

[S.B. 10-026](#) (Sen. Romer; Rep. Middleton): **College in Colorado to CDE.**

[S.B. 10-069](#) (Sen. Brophy, Rep. Sonnenberg). **Transfer K-12 Education Savings to the HUTF.**

[S.B. 10-089](#) (Sen. Schultheis, Rep. Sonnenberg). **Public Schools Religious Bill of Rights.**

[S.B. 10-091](#) (Sen. Harvey, Rep. Stephens). **School Transparency On-Line Financial Database.**

[S.B. 10-107](#) (Sen. Williams, Rep. Todd). **Schools' Use of American Indian Mascots.**

[S.B. 10-131](#) (Sen. Shaffer, Rep. Solano). **Quality Full-Day Kindergarten Incentives.**

[H.B. 10-1015](#) (Rep. Massey and Middleton, Sen. King). **Stable Funding for Small School Districts.**

[H.B. 10-1066](#) (Rep. Massey, Sen. Sandoval). **CDE Food Service Distribution.**

[H.B. 10-1082](#) (Rep. McNulty, Sen. Penry). **Bar Felons from School Employment.**

[H.B. 10-1136](#) (Rep. S. King). **K-12 Schools Emergency Safety Drills.**

[H.B. 10-1162](#) (Rep. Soper, Sen. Bacon). **Retainage Construction Contracts.**

[H.B. 10-1207](#) (Rep. Lambert, Sen. King). **Modifications to PERA.**

[H.B. 10-1253](#) (Rep. Peniston, Sen. Spence). **Gifted and Exceptional Children Education Act.**

[H.B. 10-1254](#) (Rep. Sonnenberg, Sen. Brophy). **Assessment High School Graduation Requirement.**

[H.B. 10-1272](#) (Rep. McCann, Sen. Steadman). **Contribution Limits School District and RTD Directors.**

[H.B. 10-1295](#) (Rep. Lambert, Sen. Lundberg). **Income Tax Credits for Nonpublic Education.**

[H.B. 10-1296](#) (Rep. Swalm, Sen. Penry) **Incent Enrollment of Quality Kids in Private Schools.**

[H.B. 10-1343](#) (Rep. T. Carroll). **Charter School Governance Standards.**

[H.B. 10-1344](#) (Rep. T. Carroll). **Authorizing Standards Charter Schools.**

[H.B. 10-1354](#) (Reps. Benefield and Looper, Sen. Morse). **Approval of Legislative Interim Studies.**

[H.B. 10-1397](#) (Rep. Peniston, Sen. Carroll) **Employee Accrued Sick Time**

[H.B. 10-1406](#) (Rep. A. Kerr). **Green Schools Energy Efficiency.**

[H.B. 10-1419](#) (Rep. Middleton, Sen. Bacon). **Charter School Application Process.**

#### **Pending Consideration by the Governor**

[S.B. 10-054](#) (Sen. Hudak, Rep. Levy): **Education Services for Juveniles Charged as Adults.**

[S.B. 10-106](#) (Sen. Bacon, Rep. Looper). **Food Systems Advisory Council.**

[H.B. 10-1035](#) (Rep. Massey and Solano, Sen. Steadman). **Eligibility Child Care Assistance Program.**

[H.B. 10-1171](#) (Rep. Benefield, Sen. Steadman). **Repeal of School Reporting Requirements.**

[H.B. 10-1273](#) (Rep. Merrifield, Sens. Spence and Steadman). **Arts Education for Workforce Development.**

[H.B. 10-1335](#) (Rep. Massey) **BOCES School Food Program.**

[H.B. 10-1336](#) (Rep. Schafer, Sen. Newell) **Colorado Department of Public Safety Expenditures for School Safety.**

#### **Resolutions**

[SJR 10-1021](#) (Sen. Kopp, Rep. Jim Kerr). **Deer Creek Middle School Shooting.**

*This report has been compiled on behalf of Jefferson County School District by Tomlinson & Associates.*