

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0700.01 Julie Pelegrin x2700

HOUSE BILL 16-1440

HOUSE SPONSORSHIP

Wilson and Pettersen,

SENATE SPONSORSHIP

(None),

House Committees

Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REDUCING ADMINISTRATIVE REQUIREMENTS THAT**
102 **PERTAIN TO THE ELEMENTARY AND SECONDARY PUBLIC**
103 **EDUCATION SYSTEM.**

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 prohibits the state board of education (state board) and the department of education from publishing the educator effectiveness ratings for a grade level, subject area, school, or school district if the number of educators in the reported group is small enough to enable a person to identify an individual educator's effectiveness rating.

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.

Under current law, a small rural school district or a public school of a small rural school district may submit a performance plan every 2 years instead of annually if the school district is accredited or accredited with distinction or if the public school is operating under a performance plan. The bill extends this provision to all school districts and public schools.

Under current law, the department makes the core course level participation and performance reports available on its website starting in the 2016-17 academic year. The bill delays public reporting of this information for 2 years.

The bill requires the state board to ensure that policies, guidelines, and rules do not impose an undue burden on local education providers and, when appropriate to avoid an undue burden, to adopt guidelines, policies, and rules that apply specifically to rural local education providers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-9-104, **add** (3) as
3 follows:

4 **22-9-104. State board - powers and duties - rules.** (3) THE
5 STATE BOARD AND THE DEPARTMENT SHALL NOT MAKE PUBLICLY
6 AVAILABLE THE EDUCATOR EFFECTIVENESS RATINGS FOR A GRADE LEVEL,
7 SUBJECT AREA, PUBLIC SCHOOL, OR SCHOOL DISTRICT IF THE NUMBER OF
8 EDUCATORS FOR THE GRADE LEVEL, SUBJECT AREA, PUBLIC SCHOOL, OR
9 SCHOOL DISTRICT IS SMALL ENOUGH TO ENABLE A PERSON TO DETERMINE
10 AN INDIVIDUAL EDUCATOR'S EFFECTIVENESS RATING.

11 **SECTION 2.** In Colorado Revised Statutes, 22-11-210, **amend**
12 (2) (b) (II) as follows:

13 **22-11-210. Public schools - annual review - plans - supports**
14 **and interventions - rules - repeal.** (2) (b) (II) A ~~small rural~~ school
15 district THAT IS AUTHORIZED TO SUBMIT A SINGLE PLAN PURSUANT TO
16 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND that is authorized
17 pursuant to section 22-11-303 (4) to submit a school district performance

1 plan every two years may submit a single plan to satisfy the school district
2 and school plan requirements only if each of the public schools that is
3 included in the single plan is authorized pursuant to section 22-11-403 (4)
4 to submit a school performance plan every two years. ~~As used in this~~
5 ~~subparagraph (II), a small rural school district is a school district in~~
6 ~~Colorado that the department determines is rural based on the geographic~~
7 ~~size of the school district and the distance of the school district from the~~
8 ~~nearest large, urbanized area, and that enrolls fewer than one thousand~~
9 ~~two hundred students.~~

10 **SECTION 3.** In Colorado Revised Statutes, 22-11-303, **amend**
11 (4) (a); and **repeal** (4) (b) as follows:

12 **22-11-303. Accredited or accredited with distinction -**
13 **performance plan - school district or institute - contents - adoption.**

14 (4) (a) Notwithstanding the provisions of paragraph (a) of subsection (1)
15 OR PARAGRAPH (a) OF SUBSECTION (2) of this section to the contrary, the
16 local school board of a ~~small rural~~ school district OR THE INSTITUTE
17 BOARD may adopt and submit to the department a school district
18 performance plan for the school district OR THE INSTITUTE as described
19 in subsection (3) of this section every two years so long as the school
20 district OR THE INSTITUTE maintains the status of accredited or accredited
21 with distinction.

22 (b) ~~As used in paragraph (a) of this subsection (4), a small rural~~
23 ~~school district is a school district in Colorado that the department~~
24 ~~determines is rural, based on the geographic size of the school district and~~
25 ~~the distance of the school district from the nearest large, urbanized area,~~
26 ~~and that enrolls fewer than one thousand two hundred students.~~

27 **SECTION 4.** In Colorado Revised Statutes, 22-11-403, **amend**

1 (5) (a); and **repeal** (5) (b) as follows:

2 **22-11-403. School performance plan - contents.**

3 (5) (a) Notwithstanding any provision of this section to the contrary, the
4 school principal and the school district superintendent, or his or her
5 designee, ~~of~~ FOR a DISTRICT public school, ~~of a small rural school district~~
6 OR THE SCHOOL PRINCIPAL FOR AN INSTITUTE CHARTER SCHOOL, may
7 adopt a school performance plan for the public school as described in
8 subsection (3) of this section every two years so long as the state board,
9 pursuant to section 22-11-210, requires the public school to implement a
10 performance plan.

11 (b) ~~As used in paragraph (a) of this subsection (5), a small rural~~
12 ~~school district is a school district in Colorado that the department~~
13 ~~determines is rural, based on the geographic size of the school district and~~
14 ~~the distance of the school district from the nearest large, urbanized area,~~
15 ~~and that enrolls fewer than one thousand two hundred students.~~

16 **SECTION 5.** In Colorado Revised Statutes, 22-11-503.5, **amend**
17 (4) as follows:

18 **22-11-503.5. Student performance by course level - report -**
19 **definitions.** (4) Commencing with the ~~2016-17 academic year~~ 2017-18
20 SCHOOL YEAR, the department shall also make the core course level
21 participation and performance reports available on the department's
22 website.

23 **SECTION 6.** In Colorado Revised Statutes, 22-2-106, **add** (1) (i)
24 as follows:

25 **22-2-106. State board - duties.** (1) It is the duty of the state
26 board:

27 (i) TO ENSURE THAT THE RULES PROMULGATED BY THE STATE

1 BOARD AND THE POLICIES AND GUIDELINES ADOPTED BY THE DEPARTMENT
2 PURSUANT TO THIS TITLE DO NOT IMPOSE AN UNDUE ADMINISTRATIVE OR
3 FINANCIAL BURDEN ON SCHOOL DISTRICTS, CHARTER SCHOOLS, OR BOARDS
4 OF COOPERATIVE SERVICES AND, WHEN APPROPRIATE TO AVOID IMPOSING
5 AN UNDUE BURDEN, TO PROMULGATE RULES AND INSTRUCT THE
6 DEPARTMENT TO ADOPT POLICIES AND GUIDELINES THAT SPECIFICALLY
7 APPLY TO RURAL SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOARDS OF
8 COOPERATIVE SERVICES, AS IDENTIFIED BY THE DEPARTMENT.

9 **SECTION 7.** In Colorado Revised Statutes, 22-7-1211, **amend**
10 (1) and (2) (c.5); and **add** (4) as follows:

11 **22-7-1211. Early literacy grant program - created.** (1) There
12 is hereby created in the department the early literacy grant program to
13 provide ~~moneys~~ MONEY to local education providers to implement literacy
14 support and intervention instruction programs, including but not limited
15 to related professional development programs, to assist students in
16 kindergarten and first, second, and third grades to achieve reading
17 competency. The state board by rule shall establish the application
18 timelines and the information to be included in each grant application. A
19 local education provider may apply individually or as part of a group of
20 local education providers. A rural school district that is a member of a
21 board of cooperative services may seek assistance in writing the grant
22 application from the board of cooperative services. A board of
23 cooperative services may apply for a grant to provide instructional
24 support in literacy for small rural school districts ~~as described in section~~
25 22-11-303 (4)(b), that are members of the board of cooperative services.

26 (2) The department shall review each grant application received
27 and recommend to the state board whether to award the grant and the

1 duration and amount of each grant. In making recommendations, the
2 department shall consider the following factors:

3 (c.5) In the case of a board of cooperative services that applies for
4 a grant to provide instructional support in literacy, the number of small
5 rural school districts, ~~as described in section 22-11-303 (4) (b)~~, the
6 number of kindergarten and first-, second-, and third-grade students
7 enrolled in the small rural school districts, and the resources available to
8 the small rural school districts that will receive instructional support as a
9 result of the grant;

10 (4) FOR PURPOSES OF THIS SECTION, "SMALL RURAL SCHOOL
11 DISTRICT" MEANS A SCHOOL DISTRICT IN COLORADO THAT THE
12 DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE
13 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
14 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
15 ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED STUDENTS IN
16 KINDERGARTEN THROUGH TWELFTH GRADE.

17 **SECTION 8.** In Colorado Revised Statutes, 22-7-1210, **amend**
18 (5) (b) introductory portion and (5) (b) (III.5) as follows:

19 **22-7-1210. Early literacy fund - created.** (5) (b) A local
20 education provider may use the per-pupil intervention ~~moneys~~ MONEY
21 only as follows:

22 (III.5) For a local education provider that is a small rural school
23 district as ~~described in section 22-11-303 (4) (b)~~ DEFINED IN SECTION
24 22-7-1211, to purchase from a board of cooperative services the services
25 of a literacy specialist to provide educator professional development in
26 literacy and other support in implementing the requirements of this part
27 12; or

1 **SECTION 9. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2016 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.