

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-0700.01 Julie Pelegrin x2700

HOUSE BILL 16-1440

HOUSE SPONSORSHIP

Wilson and Pettersen,

SENATE SPONSORSHIP

Johnston and Holbert,

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.*

HOUSE
Amended 3rd Reading
April 29, 2016

HOUSE
Amended 2nd Reading
April 28, 2016

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 **TEACHER** EFFECTIVENESS RATINGS FOR A GRADE LEVEL,
7 SUBJECT AREA, PUBLIC SCHOOL, OR SCHOOL DISTRICT IF THE NUMBER OF
8 **TEACHERS** FOR THE GRADE LEVEL, SUBJECT AREA, PUBLIC SCHOOL, OR
9 SCHOOL DISTRICT IS SMALL ENOUGH TO ENABLE A PERSON TO DETERMINE
10 AN INDIVIDUAL **TEACHER'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 (H), 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 
17 **SECTION 5.** In Colorado Revised Statutes, 22-2-106, **add** (1) (i)
18 as follows:

19 **22-2-106. State board - duties.** (1) It is the duty of the state
20 board:

21 (i) TO ENSURE THAT THE RULES PROMULGATED BY THE STATE
22 BOARD AND THE POLICIES AND GUIDELINES ADOPTED BY THE DEPARTMENT
23 PURSUANT TO THIS TITLE IMPOSE THE LEAST POSSIBLE ADMINISTRATIVE OR
24 FINANCIAL BURDEN ON SCHOOL DISTRICTS, CHARTER SCHOOLS, OR BOARDS
25 OF COOPERATIVE SERVICES AND, WHEN APPROPRIATE TO REDUCE
26 POTENTIAL ADMINISTRATIVE BURDEN,  TO PROMULGATE RULES AND
27 INSTRUCT THE DEPARTMENT TO ADOPT POLICIES AND GUIDELINES THAT

1 SPECIFICALLY APPLY TO RURAL SCHOOL DISTRICTS, CHARTER SCHOOLS,
2 AND BOARDS OF COOPERATIVE SERVICES, AS IDENTIFIED BY THE
3 DEPARTMENT.

4 **SECTION 6.** In Colorado Revised Statutes, 22-7-1211, **amend**
5 (1) and (2) (c.5); and **add** (4) as follows:

6 **22-7-1211. Early literacy grant program - created.** (1) There
7 is hereby created in the department the early literacy grant program to
8 provide ~~moneys~~ MONEY to local education providers to implement literacy
9 support and intervention instruction programs, including but not limited
10 to related professional development programs, to assist students in
11 kindergarten and first, second, and third grades to achieve reading
12 competency. The state board by rule shall establish the application
13 timelines and the information to be included in each grant application. A
14 local education provider may apply individually or as part of a group of
15 local education providers. A rural school district that is a member of a
16 board of cooperative services may seek assistance in writing the grant
17 application from the board of cooperative services. A board of
18 cooperative services may apply for a grant to provide instructional
19 support in literacy for small rural school districts ~~as described in section~~
20 ~~22-11-303 (4) (b)~~, that are members of the board of cooperative services.

21 (2) The department shall review each grant application received
22 and recommend to the state board whether to award the grant and the
23 duration and amount of each grant. In making recommendations, the
24 department shall consider the following factors:

25 (c.5) In the case of a board of cooperative services that applies for
26 a grant to provide instructional support in literacy, the number of small
27 rural school districts, ~~as described in section 22-11-303 (4) (b)~~, the

1 number of kindergarten and first-, second-, and third-grade students
2 enrolled in the small rural school districts, and the resources available to
3 the small rural school districts that will receive instructional support as a
4 result of the grant;

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

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

14 **22-7-1210. Early literacy fund - created.** (5) (b) A local
15 education provider may use the per-pupil intervention ~~moneys~~ MONEY
16 only as follows:

17 (III.5) For a local education provider that is a small rural school
18 district as ~~described in section 22-11-303 (4) (b)~~ DEFINED IN SECTION
19 22-7-1211, to purchase from a board of cooperative services the services
20 of a literacy specialist to provide educator professional development in
21 literacy and other support in implementing the requirements of this part
22 12; or

23 **SECTION 8. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2016 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.