

CHAPTER 217

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 15-1321

BY REPRESENTATIVE(S) Pettersen and Wilson, Arndt, Court, Ginal, Hamner, Kraft-Tharp, Lontine, Mitsch Bush, Rosenthal, Ryden, Salazar, Vigil, Windholz, Young, Hullinghorst;
also SENATOR(S) Grantham and Donovan, Aguilar, Baumgardner, Crowder, Garcia, Guzman, Heath, Hodge, Jahn, Johnston, Jones, Kefalas, Merrifield, Newell, Roberts, Scott, Sonnenberg, Steadman, Todd, Ulibarri.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, 22-32-142, **add** (1) (d) as follows:

22-32-142. Parent engagement - policy - communications - incentives.

(1) (d) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (1) TO THE CONTRARY, A SCHOOL DISTRICT IS NOT REQUIRED TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (1) IF THE DEPARTMENT OF EDUCATION DETERMINES THAT THE SCHOOL DISTRICT IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THE SCHOOL DISTRICT ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

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

22-11-302. School district accountability committee - powers and duties.

(3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, THE DISTRICT ACCOUNTABILITY COMMITTEE FOR A SCHOOL DISTRICT IS NOT REQUIRED TO IMPLEMENT THE REQUIREMENTS SPECIFIED IN PARAGRAPH (g) OF SUBSECTION (1) OF THIS SECTION IF THE DEPARTMENT DETERMINES THAT THE SCHOOL DISTRICT IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THE SCHOOL DISTRICT ENROLLS FEWER THAN ONE THOUSAND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

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

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

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

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

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

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

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

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

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

22-5-105. Organization of board of cooperative services - meetings. (1) (a) At

its first meeting, the members of the board of cooperative services elected as set forth in section 22-5-104 shall ~~proceed to~~ elect from their membership a president, a vice-president, a secretary, and a treasurer, whose terms of office ~~shall be~~ ARE for two years, unless their terms of office as board members expire earlier, in which case the officership shall similarly expire. The duties of the president, vice-president, secretary, and treasurer of the board of cooperative services ~~shall be~~ ARE the same as set forth for similar offices of boards of education in sections 22-32-105 to 22-32-107. Similarly, meetings of the board of cooperative services ~~shall be~~ ARE called, held, and conducted as set forth in section 22-32-108; except that, pursuant to section 22-5-104 (5), a board of cooperative services may conduct meetings electronically, including by using video or audio conferencing technology.

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

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

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

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) TO THE CONTRARY, A SCHOOL DISTRICT THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE IS NOT REQUIRED TO REPORT EXPENDITURES AT THE SCHOOL-SITE LEVEL EXCEPT FOR THOSE SCHOOL-SITE LEVEL EXPENDITURES THAT THE SCHOOL DISTRICT CHARGES ANY PORTION OF TO A DISTRICT CHARTER SCHOOL.

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

22-9-106. Local boards of education - duties - performance evaluation system - compliance - rules - repeal. (4.3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A PERSON WHO IS EMPLOYED IN MULTIPLE ROLES SIMULTANEOUSLY MAY RECEIVE A SINGLE EVALUATION THAT TAKES INTO ACCOUNT THE PERSON'S PERFORMANCE OF HIS OR HER RESPONSIBILITIES IN EACH ROLE. THE PERSON'S SUPERVISOR SHALL CONDUCT THE EVALUATION OR, IF THE PERSON IS EMPLOYED AS A SCHOOL DISTRICT SUPERINTENDENT, THE LOCAL BOARD OF EDUCATION SHALL CONDUCT THE PERSON'S EVALUATION.

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

22-9-107. School district personnel performance evaluation councils - duties.

(1.5) IF A SCHOOL DISTRICT DOES NOT EMPLOY A PRINCIPAL AND AN ADMINISTRATOR, BUT EMPLOYS A SINGLE PERSON AS BOTH PRINCIPAL AND ADMINISTRATOR, THE SCHOOL DISTRICT IS IN COMPLIANCE WITH PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION IF THE PERSON EMPLOYED AS BOTH PRINCIPAL AND ADMINISTRATOR SERVES ON THE ADVISORY SCHOOL DISTRICT PERSONNEL PERFORMANCE EVALUATION COUNCIL IN ADDITION TO THE REQUIRED TEACHER AND RESIDENTS OF THE SCHOOL DISTRICT.

SECTION 10. In Colorado Revised Statutes, **add** 22-54-137 as follows:

22-54-137. Additional funding - small rural districts - eligible charter schools - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

(a) IMPLEMENTING ACCOUNTABLE EDUCATION REFORM;

(b) IMPLEMENTING AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS;

(c) REDUCING CLASS SIZES;

(d) EXPANDING TECHNOLOGY EDUCATION;

(e) IMPROVING STUDENT SAFETY;

(f) EXPANDING THE AVAILABILITY OF PRESCHOOL AND KINDERGARTEN PROGRAMS;

(g) PROVIDING PERFORMANCE INCENTIVES FOR TEACHERS;

(h) IMPLEMENTING ACCOUNTABILITY REPORTING; OR

(i) IMPLEMENTING PUBLIC SCHOOL BUILDING CAPITAL CONSTRUCTION.

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

(b) EACH SMALL RURAL DISTRICT THAT IS THE AUTHORIZER FOR A CHARTER SCHOOL SHALL DISTRIBUTE TO THE CHARTER SCHOOL ONE HUNDRED PERCENT OF AN AMOUNT EQUAL TO THE AMOUNT RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) DIVIDED BY THE FUNDED PUPIL COUNT OF THE SMALL RURAL DISTRICT FOR THE 2015-16 BUDGET YEAR, MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN THE CHARTER SCHOOL FOR THE 2015-16 BUDGET YEAR. THE DISTRICT CHARTER SCHOOL MAY USE THE MONEYS IT RECEIVES PURSUANT TO THIS PARAGRAPH (b) ONLY FOR NONRECURRING EXPENSES RELATED TO AT LEAST ONE OF THE PURPOSES SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

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

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

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

22-54-108. Authorization of additional local revenues. (3) (b) (I) Except as otherwise provided in subparagraphs (II), ~~and~~ (III), AND (IV) of this paragraph (b), the total additional local property tax revenues that may be received pursuant to elections held pursuant to this section shall not exceed under any circumstances twenty percent of the district's total program, as determined pursuant to section 22-54-104 (2), or two hundred thousand dollars, whichever is greater.

(IV) (A) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (IV), AND SUBJECT TO THE PROVISIONS OF SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (IV), THE TOTAL ADDITIONAL LOCAL PROPERTY TAX REVENUES THAT A SMALL RURAL DISTRICT MAY RECEIVE PURSUANT TO AN ELECTION HELD PURSUANT TO THIS SECTION SHALL NOT EXCEED UNDER ANY CIRCUMSTANCES THIRTY PERCENT OF THE SMALL RURAL DISTRICT'S TOTAL PROGRAM, AS DETERMINED PURSUANT TO SECTION

22-54-104 (2), OR TWO HUNDRED THOUSAND DOLLARS, WHICHEVER IS GREATER, PLUS AN AMOUNT EQUAL TO THE MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE SMALL RURAL DISTRICT COULD HAVE GENERATED FOR THE 2001-02 BUDGET YEAR IF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-54-107.5, THE SMALL RURAL DISTRICT SUBMITTED A QUESTION TO AND RECEIVED APPROVAL OF THE ELIGIBLE ELECTORS OF THE DISTRICT AT AN ELECTION HELD IN NOVEMBER 2001.

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

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

SECTION 12. In Colorado Revised Statutes, 22-44-105, **amend as amended in House Bill 15-1339** (4) (b) (IV) as follows:

22-44-105. Budget - contents - mandatory. (4) (b) In implementing and maintaining the financial and human resource reporting system pursuant to paragraph (a) of this section, the state board of education shall adhere to, but is not limited to, the following guidelines:

(IV) (A) The reporting system must require and the standard chart of accounts must include the reporting of actual expenditures, including but not limited to actual salary expenditures and actual benefit expenditures reported by job category specified in the standard chart of accounts, at the school-site level, school district level, state charter school institute level, and board of cooperative services level.

(B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV) TO THE CONTRARY, A SCHOOL DISTRICT THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE IS NOT REQUIRED TO REPORT EXPENDITURES AT THE SCHOOL-SITE LEVEL EXCEPT FOR THOSE SCHOOL-SITE LEVEL EXPENDITURES THAT THE SCHOOL DISTRICT CHARGES ANY PORTION OF TO A DISTRICT CHARTER SCHOOL.

SECTION 13. Appropriation. For the 2015-16 state fiscal year, \$10,000,000 is appropriated to the department of education. This appropriation is from the state education fund created in section 17 (4) (a) of article IX of the state constitution. To implement this act, the department may use this appropriation for per pupil distributions authorized in section 22-54-137, C.R.S.

SECTION 14. Effective date. (1) This act takes effect upon passage; except that:

(a) Section 7 of this act takes effect only if House Bill 15-1339 does not become law; and

(b) Section 12 of this act takes effect only if House Bill 15-1339 does become law, in which case section 12 of this act takes effect upon passage of this act or upon passage of House Bill 15-1339, whichever is later.

SECTION 15. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 2015