

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0700.01 Julie Pelegrin x2700

**HOUSE BILL 16-1440**

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**HOUSE SPONSORSHIP**

**Wilson and Pettersen,**

**SENATE SPONSORSHIP**

**Johnston and Holbert,**

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**House Committees**  
Education

**Senate Committees**  
Finance

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**A BILL FOR AN ACT**

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

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**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/bills summaries>.)*

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.

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

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**SECTION 1.** In Colorado Revised Statutes, 22-11-210, **amend**

4

(2) (b) (II) as follows:

5

**22-11-210. Public schools - annual review - plans - supports**

6

**and interventions - rules - repeal.** (2) (b) (II) A ~~small rural~~ school

7

district THAT IS AUTHORIZED TO SUBMIT A SINGLE PLAN PURSUANT TO

8

SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND that is authorized

9

pursuant to section 22-11-303 (4) to submit a school district performance

10

plan every two years may submit a single plan to satisfy the school district

11

and school plan requirements only if each of the public schools that is

12

included in the single plan is authorized pursuant to section 22-11-403 (4)

13

to submit a school performance plan every two years. ~~As used in this~~

14

~~subparagraph (II), a small rural school district is a school district in~~

15

~~Colorado that the department determines is rural based on the geographic~~

16

~~size of the school district and the distance of the school district from the~~

17

~~nearest large, urbanized area. and that enrolls fewer than one thousand~~

1 ~~two hundred students.~~

2 **SECTION 2.** In Colorado Revised Statutes, 22-11-303, **amend**  
3 (4) (a); and **repeal** (4) (b) as follows:

4 **22-11-303. Accredited or accredited with distinction -**  
5 **performance plan - school district or institute - contents - adoption.**

6 (4) (a) Notwithstanding the provisions of paragraph (a) of subsection (1)  
7 OR PARAGRAPH (a) OF SUBSECTION (2) of this section to the contrary, the  
8 local school board of a ~~small rural~~ school district OR THE INSTITUTE  
9 BOARD may adopt and submit to the department a school district  
10 performance plan for the school district OR THE INSTITUTE as described  
11 in subsection (3) of this section every two years so long as the school  
12 district OR THE INSTITUTE maintains the status of accredited or accredited  
13 with distinction.

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

19 **SECTION 3.** In Colorado Revised Statutes, 22-11-403, **amend**  
20 (5) (a); and **repeal** (5) (b) as follows:

21 **22-11-403. School performance plan - contents.**

22 (5) (a) Notwithstanding any provision of this section to the contrary, the  
23 school principal and the school district superintendent, or his or her  
24 designee, ~~of~~ FOR A DISTRICT public school, ~~of a small rural school district~~  
25 OR THE SCHOOL PRINCIPAL FOR AN INSTITUTE CHARTER SCHOOL, may  
26 adopt a school performance plan for the public school as described in  
27 subsection (3) of this section every two years so long as the state board,

1 pursuant to section 22-11-210, requires the public school to implement a  
2 performance plan.

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

8

9 **SECTION 4.** In Colorado Revised Statutes, 22-2-106, **add** (1) (i)  
10 as follows:

11 **22-2-106. State board - duties.** (1) It is the duty of the state  
12 board:

13 (i) TO ENSURE THAT THE RULES PROMULGATED BY THE STATE  
14 BOARD AND THE POLICIES AND GUIDELINES ADOPTED BY THE DEPARTMENT  
15 PURSUANT TO THIS TITLE IMPOSE THE LEAST POSSIBLE ADMINISTRATIVE OR  
16 FINANCIAL BURDEN ON SCHOOL DISTRICTS, CHARTER SCHOOLS, OR BOARDS  
17 OF COOPERATIVE SERVICES AND, WHEN APPROPRIATE TO REDUCE  
18 POTENTIAL ADMINISTRATIVE BURDEN,  TO PROMULGATE RULES AND  
19 INSTRUCT THE DEPARTMENT TO ADOPT POLICIES AND GUIDELINES THAT  
20 SPECIFICALLY APPLY TO RURAL SCHOOL DISTRICTS, CHARTER SCHOOLS,  
21 AND BOARDS OF COOPERATIVE SERVICES, AS IDENTIFIED BY THE  
22 DEPARTMENT.

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

25 **22-7-1211. Early literacy grant program - created.** (1) There  
26 is hereby created in the department the early literacy grant program to  
27 provide ~~moneys~~ MONEY to local education providers to implement literacy

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

13 (2) The department shall review each grant application received  
14 and recommend to the state board whether to award the grant and the  
15 duration and amount of each grant. In making recommendations, the  
16 department shall consider the following factors:

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

24 (4) FOR PURPOSES OF THIS SECTION, "SMALL RURAL SCHOOL  
25 DISTRICT" MEANS A SCHOOL DISTRICT IN COLORADO THAT THE  
26 DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE  
27 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE

1 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT  
2 ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED STUDENTS IN  
3 KINDERGARTEN THROUGH TWELFTH GRADE.

4 **SECTION 6.** In Colorado Revised Statutes, 22-7-1210, **amend**  
5 (5) (b) introductory portion and (5) (b) (III.5) as follows:

6 **22-7-1210. Early literacy fund - created.** (5) (b) A local  
7 education provider may use the per-pupil intervention ~~moneys~~ MONEY  
8 only as follows:

9 (III.5) For a local education provider that is a small rural school  
10 district as ~~described in section 22-11-303 (4) (b)~~ DEFINED IN SECTION  
11 22-7-1211, to purchase from a board of cooperative services the services  
12 of a literacy specialist to provide educator professional development in  
13 literacy and other support in implementing the requirements of this part  
14 12; or

15 **SECTION 7. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2016 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.