

CHAPTER 126

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 01-1232

BY REPRESENTATIVE(S) Spence, Alexander, Bacon, Borodkin, Boyd, Coleman, Daniel, Fritz, Hefley, Jahn, King, Lee, Mace, Romanoff, Sinclair, Stengel, Vigil, Weddig, White, and Williams S.;
also SENATOR(S) Matsunaka, Dyer (Arapahoe), Fitz-Gerald, Hanna, Hernandez, Nichol, Perlmutter, Tupa, and Windels.

AN ACT

CONCERNING PLANS TO USE THE CONSTITUTIONALLY MANDATED ONE PERCENT INCREASE IN STATE FUNDING FOR PUBLIC SCHOOLS.

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

SECTION 1. Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-109.6. Board of education - specific duties - class size reduction plans - alternative student achievement plans. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) THE VOTERS APPROVED SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION WITH THE INTENT THAT THE INCREASED FUNDING OF PUBLIC EDUCATION BE USED FOR SPECIFIC AND ACCOUNTABLE PURPOSES TO IMPROVE THE STATE'S PUBLIC SCHOOLS;

(II) ELEMENTARY SCHOOL TEACHERS SUPPORT REDUCING CLASS SIZE IN EARLY GRADES; AND

(III) PARENTS HAVE INDICATED THAT REDUCING CLASS SIZE, ESPECIALLY IN EARLY GRADES, IS ONE OF THEIR TOP PRIORITIES FOR PUBLIC SCHOOLS.

(b) IT IS THE GENERAL ASSEMBLY'S DUTY TO ENSURE THAT THE ONE PERCENT INCREASE IN STATEWIDE BASE PER PUPIL FUNDING REQUIRED BY SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION BE USED IN A MANNER INTENDED BY THE VOTERS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

(a) "CLASS" MEANS A NON-ELECTIVE CLASS IN KINDERGARTEN OR THE FIRST, SECOND, OR THIRD GRADE OR ANY COMBINATION OF KINDERGARTEN OR THE FIRST, SECOND, OR THIRD GRADES IN A PUBLIC SCHOOL, WHICH CLASS PROVIDES INSTRUCTION IN ONE OR MORE OF THE FIRST PRIORITY STATE MODEL CONTENT STANDARDS AREAS OF READING, WRITING, MATHEMATICS, SCIENCE, HISTORY, OR GEOGRAPHY, AS DESCRIBED IN SECTION 22-7-406 (1) (a).

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(c) "LOCAL BOARD OF EDUCATION" MEANS THE BOARD OF EDUCATION OF A SCHOOL DISTRICT EXISTING PURSUANT TO LAW.

(d) "ONE PERCENT INCREASE" MEANS THE ONE PERCENT INCREASE IN THE STATEWIDE BASE PER PUPIL FUNDING FOR STATE FISCAL YEARS 2001-02 THROUGH 2010-11 REQUIRED BY SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION.

(e) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO LAW.

(f) "TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR AUTHORIZED BY A LETTER OF AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111, TO TEACH AND IS PRIMARILY ENGAGED IN TEACHING KINDERGARTEN OR THE FIRST, SECOND, OR THIRD GRADE.

(3) (a) ON OR BEFORE SEPTEMBER 30, 2001, ON OR BEFORE JUNE 30, 2002, AND ON OR BEFORE EACH JUNE 30 THEREAFTER UNTIL AND INCLUDING JUNE 30, 2010, ANY SCHOOL DISTRICT WITH A TOTAL ENROLLMENT OF MORE THAN SIX THOUSAND PUPILS SHALL, AS PART OF ITS BUDGET PROCESS, STATE HOW IT PLANS TO USE THE ONE PERCENT INCREASE DURING THE NEXT BUDGET YEAR. SUCH STATEMENT SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

(I) ALL SPECIFIC USES OF THE ONE PERCENT INCREASE TO RAISE STUDENT ACHIEVEMENT, REDUCE CLASS SIZE, OR OTHER PURPOSES;

(II) THE AVERAGE STUDENT-TO-TEACHER RATIO IN KINDERGARTEN AND GRADES ONE THROUGH THREE IN THE SCHOOL DISTRICT, THE NUMBER OF THESE CLASSES IN WHICH THE STUDENT-TO-TEACHER RATIO EXCEEDS SEVENTEEN TO ONE, AND THE NUMBER OF CLASSES IN WHICH THE STUDENT-TO-TEACHER RATIO EXCEEDS TWENTY-THREE TO ONE;

(III) WHETHER THE SCHOOL DISTRICT PLANS TO USE ANY PORTION OF THE ONE PERCENT INCREASE TO REDUCE CLASS SIZE IN ANY KINDERGARTEN OR IN ANY CLASS IN GRADES ONE THROUGH THREE, AND, IF SO, THE STRATEGIES TO REDUCE CLASS SIZE.

(IV) IF THE SCHOOL DISTRICT HAS ANY KINDERGARTEN CLASS OR ANY CLASSES GRADES ONE THROUGH THREE WITH A STUDENT-TO-TEACHER RATIO EXCEEDING SEVENTEEN TO ONE AND CHOOSES NOT TO USE THE ONE PERCENT INCREASE TO DECREASE CLASS SIZE, WHY THE SCHOOL DISTRICT BELIEVES THAT CLASS SIZE REDUCTION IN EARLY GRADES SHOULD NOT BE A PRIORITY FOR THE USE OF THE ONE

PERCENT INCREASE;

(b) THE DISTRICT SCHOOL BOARD SHALL ADOPT THE STATEMENT REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (3) AS PART OF ITS BUDGET AT A PUBLIC MEETING. COPIES OF THE PROPOSED STATEMENT SHALL BE DISTRIBUTED AT LEAST THIRTY DAYS PRIOR TO THE PUBLIC MEETING TO ALL MEMBERS OF THE SCHOOL ADVISORY COUNCIL ESTABLISHED PURSUANT TO SECTION 22-7-106 AT ALL SCHOOLS IN THE SCHOOL DISTRICT. ON OR BEFORE OCTOBER 15, 2001, ON OR BEFORE JULY 15, 2002, AND ON OR BEFORE EACH JULY 15 THEREAFTER TO AND INCLUDING JULY 15, 2011, THE DISTRICT SCHOOL BOARD, AS PART OF ITS REGULAR BUDGET REPORTING, SHALL FORWARD A COPY OF THE STATEMENT TO THE DEPARTMENT.

(c) ON OR BEFORE NOVEMBER 30, 2001, ON OR BEFORE OCTOBER 1, 2002, AND ON OR BEFORE EACH OCTOBER 1 THEREAFTER UNTIL AND INCLUDING OCTOBER 1, 2010, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR, THE STATE BOARD, AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES A SUMMARY AND COMPILATION OF THE SCHOOL DISTRICT STATEMENTS ADOPTED PURSUANT TO THIS SUBSECTION (3).

(4) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, IN CALCULATING THE AMOUNT OF FUNDING TO BE PAID TO A CHARTER SCHOOL BY THE AUTHORIZING SCHOOL DISTRICT PURSUANT TO SECTION 22-30.5-112, THE AMOUNT OF THE ONE PERCENT INCREASE ATTRIBUTABLE TO STUDENTS ENROLLED IN THE CHARTER SCHOOL SHALL BE REFLECTED IN THE CALCULATION.

SECTION 2. 22-30.5-112 (2) (a) (III), Colorado Revised Statutes, is amended to read:

22-30.5-112. Charter schools - financing - guidelines. (2) (a) (III) (A) For budget year 2000-2001 and budget years thereafter, except as otherwise provided in paragraph (a.3) of this subsection (2), each charter school and the authorizing school district shall negotiate funding under the contract at a minimum of ninety-five percent of the district per pupil revenues for each pupil enrolled in the charter school. The school district may choose to retain up to five percent of the district per pupil revenues for each pupil enrolled in the charter school as payment for the charter school's portion of central administrative overhead costs incurred by the school district.

(B) FOR BUDGET YEARS 2001-02 THROUGH 2010-11, THE MINIMUM AMOUNT OF FUNDING SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) SHALL REFLECT THE ONE PERCENT INCREASE IN THE STATEWIDE BASE PER PUPIL FUNDING FOR STATE FISCAL YEARS 2001-02 THROUGH 2010-11 RECEIVED BY THE SCHOOL DISTRICT AS REQUIRED BY SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 3. 22-30.5-105 (2), Colorado Revised Statutes, is amended to read:

22-30.5-105. Charter schools - contract contents - regulations - repeal. (2) (a) The contract between the charter school and the local board of education shall reflect all agreements regarding the release of the charter school from school district policies.

(b) (I) ANY CONTRACT BETWEEN THE CHARTER SCHOOL AND THE LOCAL BOARD OF EDUCATION APPROVED ON OR AFTER JULY 1, 2001, BUT PRIOR TO JULY 1, 2010, SHALL INCLUDE A STATEMENT SPECIFYING HOW THE CHARTER SCHOOL INTENDS TO USE THE ONE PERCENT INCREASE IN THE STATEWIDE BASE PER PUPIL FUNDING FOR STATE FISCAL YEARS 2001-02 THROUGH 2010-11 REQUIRED BY SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION TO RAISE STUDENT ACHIEVEMENT.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2011.

SECTION 4. 22-30.5-110 (2), Colorado Revised Statutes, is amended to read:

22-30.5-110. Charter schools - term - renewal of charter - grounds for nonrenewal or revocation - repeal. (2) A charter school renewal application submitted to the local board of education shall contain:

(a) A report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, and other terms of the initial approved charter application; ~~and~~

(b) A financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that will allow comparison of such costs to other schools or other comparable organizations, in a format required by the state board of education; AND

(c) (I) FOR RENEWAL APPLICATIONS SUBMITTED ON OR AFTER JULY 1, 2001, BUT PRIOR TO JULY 1, 2010, A STATEMENT SPECIFYING HOW THE CHARTER SCHOOL INTENDS TO USE THE ONE-PERCENT INCREASE IN THE STATEWIDE BASE PER PUPIL FUNDING FOR STATE FISCAL YEARS 2001-02 THROUGH 2010-11 REQUIRED BY SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION TO RAISE STUDENT ACHIEVEMENT.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2011.

SECTION 5. 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: April 16, 2001