

# K-12 EDUCATION

## Charter Schools

**SB 12-061** (Enacted)

*Charter School Applying Authorizing Revoking*

**SB 12-067** (Enacted)

*For-profit and Nonprofit Charter Schools*

**SB 12-121** (Enacted)

*BEST Program and Charter School Institute*

**HB 12-1225** (Postponed Indefinitely)

*Model Charter School Authorizer Designation*

## Wellness and Safety

**SB 12-068** (Enacted)

*No Trans Fats in Public School Foods*

**SB 12-098** (Postponed Indefinitely)

*CPR Training for High School Students*

**HB 12-1345** (Enacted)

*Financing of Public Schools  
(includes provisions of SB 12-046, Discipline in Public Schools)*

## School Finance, Financial Policies, and Procedures

**SB 12-145** (Enacted)

*Cap 2011-12 School Land Revenues Transfers*

**SB 12-179** (Postponed Indefinitely)

*Public School Capital Construction Oversight*

**HB 12-1090** (Enacted)

*No School Pupil Enrollment Counts on Holidays*

**HB 12-1306** (Postponed Indefinitely)

*Adjusting Pupil Enrollment Counts*

**HB 12-1345** (Enacted)

*Financing of Public Schools*

## Parental Involvement

**SB 12-036** (Enacted)

*Parental Consent for Surveys in K-12 Schools*

**SB 12-160** (Enacted)

*Parent Involvement in Education*

**HB 12-1049** (Postponed Indefinitely)

*Parental Rights Regarding Statewide Education Assessment*

**HB 12-1149** (Postponed Indefinitely)

*Parents Request Action on Low-performing Schools*

## Early Childhood Learning and Intervention Services

**HB 12-1013** (Enacted)

*Interventions for Middle School Students*

**HB 12-1218** (Postponed Indefinitely)

*Early Childhood and School Readiness Commission*

**HB 12-1238** (Enacted)

*Ensuring K-3 Literacy Education*

## High School Completion and Instruction

**HB 12-1043** (Enacted)

*Concurrent Enrollment for Early High School Grads*

**HB 12-1146** (Enacted)

*Funding for Dropout Recovery Programs*

## Assessments

**HB 12-1091** (Postponed Indefinitely)

*Reduce Student Assessments to Federal Requirements*

**HB 12-1240** (Enacted)

*Statutory Changes to K-12 Education  
(includes provisions of SB 12-172, Multi-state Student Assessments)*

**HB 12-1345** (Enacted)

*Financing of Public Schools  
(includes provisions of SB 12-047, Basic Skills Testing in High School)*

## Administration and Teachers

**SB 12-057** (Enacted)

*Indigenous Language Instruction*

**HB 12-1118** (Postponed Indefinitely)

*School Collective Bargaining Open to Public*

**HB 12-1135** (Postponed Indefinitely)

*Teacher Involvement Teacher Preparation*

**HB 12-1261** (Enacted)

*Effective Educators Low-performing Schools*

**HB 12-1333** (Postponed Indefinitely)

*Public School Employees Labor Organizations*

## K-12 EDUCATION (Cont.)

### On-line Education and Digital Learning

**HB 12-1124** (Enacted)  
*Colorado Digital Learning Study*

**HB 12-1212** (Enacted)  
*BOCES Multi-district On-line  
Education Programs*

### Statutory and Policy Changes

**HB 12-1001** (Enacted)  
*Rule Review Evaluation of Educator  
Effectiveness*

**HB 12-1240** (Enacted)  
*Statutory Changes to K-12 Education*

The General Assembly considered a variety of K-12 education-related legislation during the 2012 session. Major topics addressed include: charter schools; wellness and safety; school finance, financial policies, and procedures; parental involvement; early childhood learning and intervention services; high school completion and instruction; assessments; administration and teachers; on-line and digital learning; and statutory and policy changes concerning K-12 education.

### Charter Schools

The General Assembly considered several bills related to charter schools in the 2012 legislative session. **Senate Bill 12-061** repeals and reenacts sections of law related to the minimum elements of charter school applications, the deadlines for filing applications and authorizing new charters, the review and renewal of charters, and the process by which an authorizer — a local school district board of education or the state Charter School Institute (CSI) — may revoke a charter.

Some of the new requirements for charter school applications include:

- showing evidence of proper insurance coverage;
- a statement of any plans to include food services;
- a facilities plan;
- discipline policies;
- plans for serving special needs and at-risk students; and
- detailed information concerning plans to use an education management provider.

The bill increases a district charter school's initial period of operation from three to four years, and specifies that a CSI charter school's initial period of operation is four years, instead of three to five years. In addition, the bill requires the authorizer and the charter school to jointly review the school's academic performance and most recent financial audit at least annually. If, under the state's education accountability laws, a charter school is required to implement a turnaround plan for two consecutive years, the school must provide evidence to the authorizer that the school is making sufficient improvement. If the authorizer finds that evidence is not sufficient, or if the charter school is required to implement a turnaround plan for three consecutive years, the authorizer may revoke the charter. Finally, the bill requires charter school authorizers to adopt procedures and time lines for the review and renewal process, and to adopt a policy for closing a charter school following revocation or nonrenewal of a charter.

Also making a number of changes to charter school law is **Senate Bill 12-121**. Under the Building Excellent Schools Today Act (BEST), recipients of public school capital construction grants must pay a portion of the cost of the funded project, unless a waiver is granted. The Public School Capital Construction Assistance Board (BEST board) makes recommendations to the State Board of Education (SBE) concerning construction grants to public schools, including determining the amount of matching funds the recipient must contribute. Matching funds are calculated as a percentage of a construction project's total cost. With respect to charter schools, SB 12-121:

- changes the factors the BEST board considers when determining the financial capacity of a charter school to provide matching funds;
- specifies that a charter school match percentage must be between the highest and lowest match percentage for a school district in the same grant cycle;
- creates the Charter School Matching Funds Loan Program to assist eligible charter schools in obtaining the matching moneys required for state financial assistance; and
- exempts the loans from the new loan program from the calculation of the total amount of annual lease-purchase payments permitted in a fiscal year.

Under current law, the CSI may act as the local education agency (LEA) and fiscal agent for district charter schools or institute charter schools that apply for non-formulaic, competitive state and federal grants, and the CSI is allowed to act as the fiscal agent for grants awarded to charter schools. SB 12-121 specifies that either a charter school or a consortium of charter schools may use the CSI as the LEA and fiscal agent for the purposes of grant management and liability.

Under current law, the CSI may only authorize charter schools where the local school district does not retain exclusive chartering authority. SB 12-121 broadens the CSI's authority, allowing it to charter a school in any school district that has been identified under state accountability laws as accredited with a turnaround plan. The CSI maintains the charter even if the district attains a higher accreditation level in the future.

Finally, SB 12-121 continuously appropriates all moneys in the CSI fund. The bill directs the CSI to create an account in the fund to pay its administrative costs. The account may consist only of moneys retained by the CSI from the institute charter schools' adjusted per-pupil revenues and per-pupil online funding. At the end of each budget year, if the remaining balance in the account exceeds 10 percent of total adjusted per-pupil funding, the CSI must refund the excess to institute charter schools on a per-pupil basis.

**House Bill 12-1225**, which was postponed indefinitely, also sought to address issues related to charter school authorizers. As introduced, the bill would have created a program in the Colorado Department of Education (CDE) to designate charter school authorizers as best practices or "model" authorizers. The bill would have allowed school districts and the CSI to seek designation as a model authorizer by submitting an application to the CDE, along with evidence of best practices and a fee. The bill specified that, once designated, model authorizers could have established their own requirements, procedures, and time lines for the application, review, and renewal of charter contracts. A model authorizer's final decision concerning a charter or charter contract would have been more difficult to appeal.

Also addressing charter schools was **Senate Bill 12-067**. The bill requires, effective July 1, 2013, charter schools to be organized as nonprofit corporations, and it prohibits a local board of education or the CSI from authorizing a charter with a for-profit entity, or entering into a charter

contract directly with a for-profit entity. In addition, the bill clarifies that charter schools may contract with a third party entity to manage the educational services the charter school provides, and the education management provider is not required to be a nonprofit entity.

## **Wellness and Safety**

Recognizing that dietary intake of trans fats raises the risk of cardiovascular disease, the General Assembly passed **Senate Bill 12-068**. Beginning September 1, 2013, SB 12-068 prohibits public schools from making available food or beverages that contain industrially produced trans fat. For the purposes of the bill, industrially produced trans fat means vegetable shortening, margarine, or any type of partially hydrogenated vegetable oil that is labeled as containing trans fat. The prohibition applies on school grounds during school days and during before- and after-school school-sanctioned extracurricular activities or child care programs. Excluded from the prohibition are foods provided as part of a federal meal program, foods made available as part of a fund-raising effort, and foods that are donated to the school to be given to a student for consumption off school premises and not during the school day.

As introduced, **Senate Bill 12-098**, which was postponed indefinitely, would have required public high schools to offer students training in cardiopulmonary resuscitation and the use of an automated external defibrillator (CPR/AED training). Further, successful completion of the training would have been required as a condition of high school graduation.

The provisions of Senate Bill 12-046, which was recommended by the Task Force on School Discipline and was deemed lost, were added to **House Bill 12-1345**, concerning financing of public schools. Only the provisions related to school discipline are summarized here. Please refer to the **School Finance, Financial Policies, and Procedures and Assessments** sections of this document for summaries of the other provisions of the bill. HB 12-1345 changes the statutory grounds for suspension or expulsion of a student to increase the discretion of school administrators and local boards of education. The only circumstances under which expulsion remains mandatory are those that involve a student who has brought a firearm to school. The bill encourages school districts to consider each of the following factors before suspending or expelling a student:

- the age of the student;
- the student's disciplinary history;
- whether the student has a disability;
- the seriousness of the violation;
- whether the violation threatened the safety of any student or staff member; and
- whether a lesser intervention would appropriately address the violation.

The bill requires school district accountability committees to provide input to the local board of education concerning the creation and enforcement of its school conduct and discipline code (code). In creating and enforcing the code, the local board of education must:

- impose proportionate disciplinary interventions and consequences in response to student misconduct. The interventions and consequences must be designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement;

- include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct that are designed to minimize student exposure to the criminal and juvenile justice system;
- ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities; and
- ensure that, in implementing the code, schools show due consideration of the impact on victims of certain violations of the code.

The bill also requires, prior to January 1, 2014, the Peace Officer Standards and Training (P.O.S.T.) board to identify a training curriculum to prepare peace officers to serve as school resource officers (SROs). To the extent practicable, the training curriculum must incorporate the suggestions of relevant stakeholders. In addition, the curriculum must include a means of recognizing and identifying peace officers who successfully complete the training curriculum. In assigning peace officers to serve as SROs, law enforcement agencies are encouraged to ensure that the officers have either successfully completed the curriculum, or will complete it within six months of being assigned. The bill requires, on and after January 1, 2015, each county sheriff and each municipal law enforcement agency to employ at least one officer who has successfully completed the training.

The bill further requires that, if an SRO or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event on school grounds arrests a student, the officer must notify the principal within 24 hours of the arrest. If the SRO or other law enforcement officer issues a summons, ticket, or other notice that requires the student to appear in court or at a police station for investigation of an offense allegedly committed on school grounds, the officer must notify the principal within 10 days of the issuance. The bill also requires SROs to be familiar with the provisions of the code of the school to which he or she is assigned.

Finally, the bill contains a number of provisions related to data collection and reporting including:

- requiring, beginning August 1, 2013, an annual report to the Division of Criminal Justice (division) from law enforcement agencies that employ or contract with law enforcement officers acting in an official capacity on school grounds of aggregate, nonidentifying data about the cases handled by the agency on school grounds; and
- requiring, beginning August 1, 2013, a report to the division from the district attorney of each judicial district about offenses alleged to have been committed by a student that have occurred on school grounds during the preceding 12 months.

The division must provide the information collected from law enforcement agencies and district attorneys to any member of the public upon request in a manner that does not include any identifying information about any student.

## **School Finance, Financial Policies, and Procedures**

*Student counts.* During the 2012 legislative session, the General Assembly considered two bills related to student counts. Under current law, to determine pupil enrollment under the School Finance Act of 1994 (SFA), K-12 school districts count their student population on October 1 of

each year. **House Bill 12-1090** modifies this date-specific definition of the count day to provide an alternate day in any year that October 1 falls on a weekend, a major religious holiday, or another day on which schools are not in session. By July 1, 2012, the SBE will define by rule which holidays qualify as major religious holidays.

The second bill addressing student counts was postponed indefinitely. As introduced, **House Bill 12-1306** would have created a process for school districts to seek supplemental funding for enrollment gains after School Finance Act funding had been calculated. Under the bill, school districts and institute charter schools would have been permitted to compare the total number of students enrolled in grades 3 to 11 on the October 1 pupil count day with the total number of students in these grades who participate in statewide student assessments in the spring. If the number of tested students was greater than the number enrolled as of October 1, the CDE would have been required to fund each additional student at the per-pupil on-line funding amount.

**State school lands.** Current law provides that all interest and income earned on the investment of moneys in the public school fund, except interest and income transferred for purposes of the BEST program, be transferred to the State Public School Fund through FY 2012-13. **Senate Bill 12-145** caps the FY 2011-12 transfer at \$15 and ensures that, for FY 2011-12, after the transfer for the BEST program, the remaining interest and income remain in the fund and become a part of the principal of the fund. In addition, the bill ensures that all proceeds from the sale of timber on public school lands, rental payments for the use of the surface of the lands, and rent or lease payments for minerals on the lands are deposited into the Permanent School Fund to become a part of the principal of the fund for FY 2011-12. The bill caps at \$21 million the FY 2011-12 transfer from royalties and other payments for the depletion or extraction of natural resources to the State Public School Fund.

**Public school capital construction.** **Senate Bill 12-179**, which was postponed indefinitely, addressed issues related to public school capital construction and the BEST program. Under current law, the Public School Capital Construction Assistance (PSCCA) board recommends awards and grants from the BEST financial assistance fund. The bill would have barred individuals with a financial interest in projects funded by the PSCCA board from serving on that board. The bill also sought to alter PSCCA board reporting requirements to include new financial data. In addition, as introduced, the bill would have eliminated the discretion of certain school districts to use the Division of Fire Safety compliance process.

**School finance.** **House Bill 12-1345**, the annual School Finance Act, was amended to include the provisions of two bills that were deemed lost prior to the passage of HB 12-1345: SB 12-046 (Discipline in Public Schools) and SB 12-047 (Basic Skills Testing in High School). This section summarizes only the provisions of the bill related to school finance; the other provisions are summarized in the **Wellness and Safety** and **Assessments** sections, respectively. With regard to school finance, HB 12-1345 changes the "Public School Finance Act of 1994" by modifying the funding for K-12 public schools in FY 2012-13. The bill increases the statewide base per pupil funding to \$5,843.26 to reflect a 3.7 percent inflation rate.

Under current law, the state's share of total program funding includes a negative factor that reduces total program funding to \$5.23 billion. HB 12-1345 increases the total program funding amount in FY 2012-13 by \$57.0 million to hold total per pupil funding constant and to account for

increases in student enrollment. As a result, the bill sets total program funding for FY 2012-13 at \$5.287 billion. This represents a 16.11 percent reduction from what funding levels would have been without the negative factor.

In addition to changes to total program, the bill modifies the funding for other public school programs as follows:

*Charter school capital construction* — Under current law, \$5 million is annually appropriated from the State Education Fund for charter school capital construction costs for eligible districts and institute charter schools. Beginning in FY 2012-13, this bill increases the annual appropriation to \$6 million.

*Supplemental on-line education services contracts* — Beginning August 1, 2012, the bill specifies that the Mountain Board of Cooperative Services (BOCES) shall contract once every three years with an entity that sells supplemental on-line education courses for school districts and charter schools. Under current law, the Mountain BOCES enters into this type of contract on an annual basis.

*Assistance for meeting state educational priorities* — Beginning in FY 2012-13, the bill provides \$1.3 million in additional funding for BOCES to assist their member school districts in meeting the educational priorities determined by the Commissioner of Education. To receive funding, BOCES are required to submit a plan to the SBE for their districts. If a BOCES does not submit a plan, member districts may submit a plan as a consortium of districts or as a newly formed BOCES for meeting the state's educational priorities.

*Children with disabilities* — The bill extends the statutory definition of "children with disabilities" to include children aged three through eight who have been determined to experience developmental delays as defined by federal regulations.

*Counselor Corps Grant Program* — The bill increases the State Education Fund appropriation in the 2012 Long Bill for the school counselor corps program by \$480,000.

*Early literacy assessment tool* — The bill requires the CDE, by October 1, 2012, to issue a request for proposals (RFP) for the purchase of an early literacy assessment tool to obtain real-time assessments of reading skill levels of students enrolled in kindergarten through third grades in order to generate intervention plans and materials. By March 1, 2013, the CDE must enter into a contract, and as soon as possible thereafter notify local education providers and allow them to apply to receive software licenses and training to implement the early literacy assessment tool.

*At-risk supplemental aid* — The bill provides additional aid for certain school districts and charter schools. This aid is in addition to other funding provided through the School Finance Act. School districts and charter schools will receive at-risk supplemental aid in the following circumstances:

- for charter schools authorized by a district prior to July 1, 2004, in a district with more than 40 percent at-risk students:
  - school districts will receive at-risk supplemental aid for charter schools that have a smaller percentage of at-risk students than the district; and

- ▶ charter schools will receive at-risk supplemental aid if they have a higher percentage of at-risk students than the authorizing district.
- for charter schools authorized by a district either before or after July 1, 2004, in a district with less than 40 percent at-risk students:
  - ▶ charter schools will receive at-risk supplemental aid if the school's percentage of at-risk students exceeds the district's percentage of at-risk students.
- for charter schools authorized by the CSI, the CSI will receive at-risk supplemental aid if the percentage of at-risk students in those schools is less than the accounting district's percentage of at-risk students.

## **Parental Involvement**

The General Assembly considered several bills related to parental involvement in education. **Senate Bill 12-160** modifies the composition of the Colorado State Advisory Council for Parent Involvement in Education (SACPIE) and specifies definitions affecting the composition of school and district accountability committees. SACPIE was created in 2009 to inform public education entities concerning best practices and strategies for increasing parent involvement in public education to help improve the quality of public education and raise the level of students' academic achievement. **Senate Bill 12-036** addresses surveys given in public schools. Under current law, school districts must obtain written parental consent before requiring student participation in a survey, analysis, or evaluation that addresses or requests certain personal student information. SB 12-036 adds assessments to the list of documents for which prior parental consent is required, though statewide assessments such as Colorado Student Assessment Program assessments are exempted. For a parent's consent to be valid, the district must make a written copy of the survey, analysis, evaluation, or assessment available for inspection at convenient locations and times.

Two additional bills addressing parental involvement were postponed indefinitely. As introduced, **House Bill 12-1049** would have prohibited a school district from penalizing a student if the student's parent did not permit him or her to participate in the statewide student assessment program. Prior to administering assessments, the bill would have required districts to inform parents of their rights concerning student participation in the assessment program. The bill also sought to prohibit the CDE from lowering the level of attainment or otherwise penalizing a school due to parental refusal to allow participation in statewide assessments. **House Bill 12-1149** would have allowed the parents of students in a public school that had been designated as low-performing for two consecutive years to petition the SBE to restructure the school, replace school management, reorganize the school as a charter or innovation school, or close the school.

## **Early Childhood Learning and Intervention Services**

**Early childhood learning.** **House Bill 12-1238** repeals, reenacts, and renames the Colorado Basic Literacy Act as the Colorado Reading to Ensure Academic Development (READ) Act. The bill replaces the Read-to-Achieve Grant Program with the Early Literacy Grant Program, and directs the SBE, no later than March 31, 2013, to adopt rules to implement the bill and grant program.



Under HB 12-1238, each local education provider (LEP, i.e., school district, BOCES, charter school) must provide students in kindergarten through third grade the instruction and evidence-based interventions necessary to ensure, to the greatest extent possible, that early-grade students develop the reading skills necessary to enable them to succeed in later grades.

Beginning in FY 2012-13, the bill requires LEPs to report to the CDE the number of early-grade students with significant reading deficiencies, as defined by rule of the SBE. Beginning in the 2013-14 academic year, each LEP must measure reading competency for early-grade students using a combination of assessments approved by the CDE. CDE is required to create a list of approved instructional programs and professional development tools for LEPs to use to improve reading instruction, and to provide regional training, technical assistance, and coaching as necessary.

When a student with significant reading deficiencies is identified, the bill creates a process for teachers, parents, and other personnel to create a Reading to Ensure Academic Development (READ) plan. The READ plan is part of the student's academic record until the student achieves reading competency, and must follow the student if he or she enrolls in another school or district. If a student with a significant reading deficiency is identified as having a disability that impacts his or her progress in developing reading skills, the LEP must integrate into the student's individualized education program (IEP) intervention instruction and strategies to address reading issues, rather than developing a READ plan for the student.

The bill also creates a process for parents and educators to determine if a student should advance to the next grade level in the next academic year. If the student is completing third grade, the joint decision is subject to approval of the school district superintendent, or his or her designee. If the student does not advance, the LEP must provide more rigorous instructional services to the student. This new process only applies to children who enroll in kindergarten beginning in 2013-14, and does not apply to children with disabilities, with limited English proficiency, or to students who have already been retained.

The bill creates the Early Literacy Grant Program to provide funding to LEPs to implement literacy support and intervention instruction programs for early-grade learners. The CDE will evaluate grant applications, and the SBE will award the grants. The Early Literacy Fund will support the implementation of the bill and provide a source of funds for the grant program. Beginning in FY 2012-13, any remaining money in the Read-to-Achieve Fund, and 5 percent of tobacco settlement moneys (up to \$8.0 million), are transferred into the fund. Beginning in FY 2013-14, the bill also diverts a portion of the interest earned on money in the Public School Fund to the Early Literacy Fund. Beginning in FY 2013-14, the bill requires that the CDE use:

- \$1.0 million to provide literacy support on a regional basis to LEPs;
- \$4.0 million for the Early Literacy Grant program; and
- the remaining money to fund LEPs using per-pupil intervention moneys (PPIM).

PPIM is calculated by dividing the total amount of remaining funds available by the total number of early-grade students in public schools who have been identified as having a significant reading deficiency, and who received services under a READ plan in the previous budget year. That per-pupil amount is then paid to an LEP based on the actual number of reading deficient early-grade students in that public school or district multiplied by the PPIM amount. An LEP that receives PPIM may use the funding to provide full-day kindergarten, to operate a summer school literacy program, purchase tutoring services, or to provide other targeted interventions.

Another bill concerning early learning, **House Bill 12-1218**, was postponed indefinitely. The bill sought to continue the Early Childhood and School Readiness Legislative Commission through July 1, 2017. Under current law, the commission, which was created in 2009 to examine issues related to school readiness and early childhood education, including health care, mental health, parental involvement, family support, and early learning, is scheduled to expire on July 1, 2012.

*Intervention services.* Finally, a bill recommended by the Educational Success Task Force addressing interventions for middle school students, **House Bill 12-1013**, requires that local boards of education consider adopting procedures to identify middle school students whose behavior makes them at risk for dropping out. These procedures may also specify appropriate interventions.

## **High School Completion and Instruction**

Under current law, public schools must assist students and parents or legal guardians in developing and maintaining the student's individual career and academic plan (ICAP). The ICAP must be developed anytime following grade six, but no later than grade nine. **House Bill 12-1043** requires that, when developing the ICAP, schools inform students and parents of the requirements for, and benefits of, concurrent enrollment. Concurrent enrollment programs permit a high school student to take college or career and technical courses that earn both high school and college credit simultaneously. In addition, the bill requires a school district superintendent or chief administrator who approves applications for concurrent enrollment to give priority consideration to qualified students who will have completed their high school graduation requirements by the time they concurrently enroll.

**House Bill 12-1146** allows community colleges to enter into an agreement with one or more LEPs to establish a dropout recovery program allowing a student who has dropped out of high school, or a student who is at-risk of dropping out of high school, to complete his or her high school graduation requirements exclusively at the community college. Any individual age 16 to 21 who has dropped out of school may participate. Students who are enrolled in school, but at-risk of dropping out, may participate with permission of the school district. A participating student who is enrolled in at least seven credit hours per semester is counted as full-time in the school district's funded pupil count. The LEP pays the student share of the tuition for each course completed by the student through the dropout recovery program in an amount negotiated by the LEP and the community college.

## **Assessments**

The General Assembly considered three bills related to assessments. **House Bill 12-1240** contains the provisions of Senate Bill 12-172, which was deemed lost prior to the passage of HB 12-1240. Only the provisions of HB 12-1240 pertaining to assessments are summarized here. The other provisions are summarized in the **Statutory and Policy Changes** section of this document. Under HB 12-1240's assessment provisions, Colorado is required to participate, at least until January 1, 2014, as a governing board member in a multi-state consortium that is developing assessments in English language arts and mathematics. The bill further requires that, when adopting reading, writing, and math assessments aligned with state standards, the SBE rely on the assessments

developed by the consortium. Finally, the bill strongly encourages the SBE, by January 1, 2014, to conduct a fiscal and student achievement benefit analysis as to whether the state should remain a consortium governing board member.

The provisions of Senate Bill 12-047, which was recommended by the Task Force on School Discipline and was deemed lost, were added to **House Bill 12-1345**, concerning financing of public schools. Only the provisions related to assessments are summarized here. Please refer to the **School Finance, Financial Policies, and Procedures** and **Wellness and Safety** sections of this document for summaries of the other provisions of the bill. HB 12-1345 permits a school district, a charter school, or the CSI to administer basic skills placement tests to students in grades 9 through 12. The tests are the same placement tests in reading, writing, and mathematics that are used by community colleges to place first-year freshman students. The tests may be administered as often as deemed necessary; however, the state will only reimburse the cost to administer each of the test units once for each student in grades 9 through 12. The bill appropriates \$1.0 million from the State Education Fund to reimburse the local cost to administer the tests. If a district, a charter school, or the CSI chooses to administer the tests, the student's score must be included in his or her ICAP and must be analyzed to determine the student's level of postsecondary and workforce readiness. If the student's scores indicate that he or she is at-risk of not being unable to demonstrate readiness prior to graduation, school personnel must work with the student and the student's parent to create an intervention plan that identifies necessary courses and support services that the student requires to achieve postsecondary and workforce readiness.

Finally, the General Assembly considered and postponed indefinitely, **House Bill 12-1091**. The bill would have, beginning in 2013, reduced the number of statewide assessments administered by the CDE, allowing only those that are required under federal law. The bill would have eliminated: writing tests in grades three through ten; reading and math tests in grade nine; and reading, math, and science tests in grade ten. The bill would have required the General Assembly to appropriate any cost savings from eliminating statewide assessments to the Colorado Preschool Program.

## **Administration and Teachers**

**Senate Bill 12-057** allows the CDE to authorize instructors to teach Native American language and culture courses in public schools. The instructor must be an adjunct professor in Native American languages or, if no such instructor can be identified, an expert authorized by the CDE. The bill also allows schools to grant general education or world language credit for students who successfully complete a Native American language course.

**House Bill 12-1261** requires the CDE, subject to available appropriations, to award a stipend of \$4,800 to public school teachers and principals holding a certification from the National Board for Professional Teaching Standards (NBPTS) who are employed in low-performing, high-needs schools. A low-performing, high-needs school is defined as any school that is accredited with a priority improvement plan or a turnaround plan.

The General Assembly considered, and postponed indefinitely, two bills related to labor organizations and collective bargaining. **House Bill 12-1118** would have required that collective bargaining negotiations between school district administrators or school board members and employee representatives be open to the public. **House Bill 12-1333** would have permitted an

employee of a public school to request an automatic payroll deduction, or cancel an existing deduction, for dues paid to a labor organization and would have established time lines for such requests. In addition, the bill would have required a labor organization that received dues via an automatic payroll deduction to provide the employee annual written financial information that disclosed how the dues were spent. The bill also sought to permit an employee to join or quit the labor organization at any time.

Also postponed indefinitely was **House Bill 12-1135**, which would have allowed school districts, when conducting teacher evaluations, to recognize the work of teachers who participated as cooperating teachers with students enrolled in teacher preparation programs at institutions of higher education. The bill also would have required the Colorado Commission on Higher Education to modify the rules for educator preparation programs to require a minimum number of contact hours with cooperating teachers, and set deadlines for cooperating teachers to achieve increasing levels of qualification.

### **On-line Education and Digital Learning**

Recommended by the Joint Budget Committee, **House Bill 12-1212** eliminates the authority for a BOCES to authorize a single-district, on-line educational program. Under current law, a BOCES can authorize either a single-district or multi-district program.

**House Bill 12-1124** requires, subject to the receipt of sufficient money from public and private donations, the CDE to commission a study of digital learning in Colorado. The study must address how to effectively integrate digital learning into schools, how to make high-quality digital content and learning available to all students, and the costs of integrating digital learning into the statewide system of public education. The bill requires the CDE to select a Colorado-based vendor to conduct the study, and report its name to the SBE, the Governor, and the education committees of the General Assembly by July 1, 2012. The vendor cannot be a provider of digital learning or related technologies, or otherwise have a conflict of interest in conducting the study. The completed study is to be submitted to the SBE, the Governor, and the House and Senate education committees by January 31, 2013.

### **Statutory and Policy Changes**

Senate Bill 10-191 required the General Assembly to review and approve the rules adopted by the SBE for implementation of the statewide system to evaluate the effectiveness of licensed personnel in school districts and BOCES. **House Bill 12-1001**, which was recommended by the Committee on Legal Services, continues the SBE rules, as they were adopted by the SBE on November 9, 2011.

**House Bill 12-1240** contains statutory changes proposed by the CDE including:

- extending several deadlines including the deadlines by which:
  - ▶ the SBE must adopt high school graduation guidelines;
  - ▶ the CDE must include diploma endorsements as indicators of student performance; and
  - ▶ a cost study of diploma endorsements is conducted;

- repealing the requirement that the SBE receive, maintain, and post copies of collective bargaining agreements;
- requiring the Office of Legislative Legal Services inform the Educational Data Advisory Committee (EDAC) of any introduced legislation that creates a new data-reporting requirement on K-12 education;
- allowing the CDE to accept private donations from any source to implement teacher evaluation laws;
- modifying the criteria for awarding Schools of Excellence awards;
- repealing the requirement that school districts certify the amount of an impact assistance grant to the SBE;
- providing that, for charter schools that operate a full-day kindergarten program, the schools may include their supplemental kindergarten enrollment in calculating the school's negotiated funding under the charter contract;
- clarifying the difference between an "on-line program" and an "on-line school;"
- increasing from six to ten the number of charter school food authorities;
- defining "ongoing deficit;"
- requiring the CDE to notify a local board of education if it approves a letter of intent on emergency reserves;
- repealing the military dependent supplemental pupil enrollment aid program;
- clarifying language around charter school preschools and adding a charter school representative to District Preschool Program Advisory Councils;
- clarifying the definition of education management provider; and
- making clarifying definitions related to "technology devices."

HB12-1240 also includes the provisions of Senate Bill 12-172, which was deemed lost. Those provisions are summarized in the **Assessments** section of this document.