

Report to the Colorado General Assembly

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**COMMITTEE ON
PUBLIC EDUCATION:**

Recommendations for 1973



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 191

November, 1972

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OF THE
COLORADO GENERAL ASSEMBLY

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* * * * *

The Legislative Council, which is composed of six Senators, six Representatives, plus the Speaker of the House and the Majority Leader of the Senate, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

**COMMITTEE ON
PUBLIC EDUCATION:
RECOMMENDATIONS FOR 1973**

**Legislative Council
Report to the
Colorado General Assembly**

**Research Publication No. 191
November, 1972**

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LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

December 11, 1972

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REP. HIRAM A. McNEIL

REP. PHILLIP MASSARI

REP. CLARENCE QUINLAN

To Members of the Forty-ninth Colorado General Assembly:

In accordance with the provisions of House Joint Resolution No. 1033, 1971 Session, Senate Joint Resolution No. 11, 1972 Session, and Senate Joint Resolution No. 36, 1972 Session, the Legislative Council submits the accompanying report and recommendations pertaining to matters of public education.

The report of the Committee on Public Education was accepted by the Legislative Council for transmission with recommendation for favorable consideration by the first regular session of the Forty-ninth Colorado General Assembly.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/pm

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REP. PHILLIP MASSARI

REP. CLARENCE QUINLAN

Representative C. P. (Doc) Lamb
Chairman
Colorado Legislative Council
Room 46, State Capitol
Denver, Colorado 80203

Dear Mr. Chairman:

In accordance with the provisions of House Joint Resolution No. 1033, 1971 Session, Senate Joint Resolution No. 11, 1972 Session, and Senate Joint Resolution No. 36, 1972 Session, the Committee on Public Education submits the following report for consideration by the Legislative Council.

This report is submitted with recommendations in three specific areas which have been under consideration this year -- the continuation of the Educational Achievement Act, a modification in the Program Planning, Budgeting, and Evaluating System, and a proposal for implementation of the extended school year on a pilot basis.

In addition, the accompanying report contains four bills recommended to the 1972 Session but which have been further modified by the Committee in its work in the 1972 interim period. One of these four bills concerns school recall elections and the remaining three relate to school construction needs.

Representative C. P. (Doc) Lamb
December 11, 1972
Page Two

The Committee also reviewed and is recommending five bills prepared for submission but not enacted in the 1972 General Assembly. These bills concern pupil retention programs, boards of cooperative services, and financing of school facilities.

Respectfully submitted,

/s/ Senator Chester Enstrom
Chairman
Committee on Public Education

CE/pm

FOREWORD

The Committee on Public Education was established by the Legislative Council pursuant to the directive of House Joint Resolution No. 1033 of the First Regular Session of the Forty-eighth General Assembly.

As discussed in the report, the Committee is submitting six legislative proposals relating to the extended school year; program planning, budgeting, and evaluation systems; school construction needs; and recall petitions for school directors.

Bills prepared and recommended for action in the 1972 session have been reviewed and are again recommended for favorable consideration by the 1973 General Assembly. These recommendations concern pupil retention programs, boards of cooperative services, and financing of school facilities.

Members serving on the Committee were:

Sen. Chester Enstrom	Rep. Charles Edmonds
Chairman	Rep. Harold Evetts
Rep. Jean Bain	Rep. Paul Hamilton
Vice Chairman	Rep. Wayne Knox
Sen. Allen Dines	Rep. Leo Lucero
Sen. Kingston Minister	Rep. Harold McCormick
Sen. Al Ruland	Rep. Laura Miller
	Rep. Austin Moore
	Rep. Anthony Mullen
	Rep. Clarence Quinlan

The Committee held seven regular meetings and two joint meetings with the Committee on State and Local Finance to review proposals for a new school foundation act.

The Committee expresses its appreciation to the many people who testified and provided helpful information to the committee. In particular, the Committee wishes to thank the members of the State Board of Education for their attendance at the Committee meetings and interest in the Committee's work. In addition, helpful information and assistance was supplied by the State Department of Education, the staff of the Early Childhood Project of the Education Commission of the States, and Dr. Arthur R. Partridge and his colleagues, the University of Northern Colorado.

Staff members of the Legislative Council assigned to this Committee were Stanley Elofson, Principal Analyst, and Ms. Joyce Emerson, Research Assistant. Ms. Rebecca C. Lennahan and Michael T. Risner, Staff Attorneys for the Legislative Drafting Office, assisted in the preparation of the Committee's bills.

December, 1972

Lyle C. Kyle
Director

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COMMITTEE FINDINGS AND RECOMMENDATIONS

This year, as in previous years, the Committee on Public Education has considered a number of topics of concern to education in Colorado. This report is submitted with specific recommendations in three areas under study this year -- the continuation of the Educational Achievement Act; a modification of the program planning, budgeting, and evaluating system for school districts; and legislation to facilitate implementation of the extended school year.

In addition, eight bills prepared by the committee for submission to the 1972 session have been reviewed and are recommended with some changes included in these bills. Other issues brought to the attention of the committee are included in this report, although no specific recommendations are submitted on these matters.

In developing recommendations this year, the committee has been aware of the need for increasing the state general support level for school districts through a new school foundation act. In this regard, two joint meetings were held with the Committee on State and Local Finance. Subsequent to these meetings, the committee expressed, in a letter to the Committee on State and Local Finance, its view on the relationship of categorical expenditures for particular educational needs to the general educational support level under a new school foundation act.

In this letter, the Committee on Public Education attempted to point out that particular educational needs exist over and above those that can be met under the general educational support program. The committee believes that these needs can best be met by state categorical support for programs that have been specifically designed to meet certain identifiable needs of students in Colorado. The letter states that:

[i]t would be educationally and financially advantageous to fund these programs apart from the general foundation support program, thus assuring that the monies will be expended to assist students with special needs with a resulting overall improvement in the entire educational program.

Because of the nature of these programs, it cannot be assumed that school districts will be able to operate these programs without categorical assistance.

As noted in the letter to the Committee on State and Local Finance, there are three proposals which the committee has studied during the 1971 and 1972 interims for which the committee believes state categorical support is necessary. These are reading improvement through the Educational Achievement Act, pupil retention programs, and boards of cooperative services. The committee concluded that from an educational point of view, these programs should be given high priority, thus assuring that monies will be expended to assist students with special needs with a resulting overall improvement in the entire educational program. A copy of the letter to the Committee on State and Local Finance is appended to this report.

Educational Achievement Act

Considerable time was spent by the committee in reviewing the status, accomplishments, and need for continuation of state support for remedial reading programs. The present state program is conducted through the Educational Achievement Act. This act was passed in 1969 on a pilot basis to determine effective methods of improving reading of children behind their grade level in reading ability. In 1971, the act was amended to remove all references to pilot programs, although the appropriation did not provide sufficient funds for all school districts to operate reading improvement programs.

Information presented indicates that the pilot program approach served the state well by providing valuable experience and techniques for successful reading programs. School children were benefited through the program by improvement in their reading skills. Other benefits include improved school attendance, increased perception in school work, and considerable parent involvement through a volunteer teacher aide program. The program coordinator for the Denver Public Schools stated that the program had brought about more dramatic improvements than any other program observed in the last 20 years.

The committee concluded that the program should now be expanded to a state-wide effort and recommends that the following concepts be incorporated as the basis for which the program be continued:

- (1) The act should be drafted to provide assistance to school districts for remedial reading programs only. Expenditures for the maintenance of reading levels should be borne out of the general school budget rather than out of any state categorical funds for reading. The act will need to provide a definition of remedial reading levels to provide a basis for disbursement of funds.

(2) State funds for reading improvement should be disbursed solely on the basis of student need, not on the basis of school attendance.

(3) Local school districts should provide 25 percent funding to match state funds of 75 percent. A majority of the committee supported a provision to permit the State Board to waive all or part of the local matching funds on the basis of financial needs of the economically poorest school districts. Other committee members, however, opposed this idea noting problems of inequity in distribution of the funds.

(4) An estimate of \$7,583,328 was provided by the State Department as the amount of funding necessary to provide remedial reading programs throughout the state. Using this figure, with the 75 percent state funding, the state appropriation would be \$5.69 million.

(5) At the request of local school districts, Boards of Cooperative Services would be permitted to submit reading programs.

(6) The State Department would receive program applications from the school districts and the State Board would approve programs for funding and make the decisions concerning distribution according to the standards contained in the act. Only programs approved by the State Board would qualify for funding. The State Department would be provided funds to employ personnel necessary for administration of the act and to assist school districts with the establishment of reading programs, based on the knowledge gained from the pilot programs previously funded.

(7) A total of five percent of the suggested appropriation is recommended for continuation of research and development of remedial reading programs by the State Department.

A draft bill is to be prepared for introduction in January to carry out these recommendations, but the committee has not formulated specific legislation on this subject at this time. Realistically, the General Assembly will be interested in comparing the effects of these concepts with the impact of a new school finance plan. As indicated earlier, however, the committee believes that a categorical program in this area will be of educational value above that which can be gained from a corresponding amount in the general educational support program.

Extended School Year -- Bill A

The committee recommends a bill to provide for pilot programs for an extended school year. The bill does not specify a particular plan but is designed with enough flexibility to allow school districts to experiment with various plans for year-round utilization of school facilities.

Information presented to the committee indicates that several school districts in Colorado are interested in establishing programs for an extended school year. One of the principal reasons for this interest is the significant gain which can be made in the use of school facilities through the use of school buildings throughout the year. Second, and possibly more important in the long run, the school that operates on an extended calendar, by offering extra courses, can improve on the quality of education by providing educational enrichment for gifted children, remedial help for the slower learner, and a greater variety of educational choices for the average student. Third, a school district operating a program with a modification in the traditional school calendar can increase flexibility for students and teachers by providing alternative vacation schedules, including the possibility of offering teachers the opportunity for employment throughout the year instead of the traditional nine month employment period.

Bill A provides for pilot programs for an extended school year and includes necessary amendments to the teacher tenure act, the School Attendance Law, and the Public School Foundation Act. Although programs for an extended school year have some impact on the retirement system, particularly if teachers are permitted to teach the entire year, there appears to be no necessity to amend the retirement act at this time until the full effect of the program can be analyzed at the completion of the pilot stage.

Under this proposal, a school district may operate a pilot program with modifications in the traditional school calendar if the program is approved by the State Board of Education. Each school district operating an approved pilot program would be eligible for full state foundation support even though the school program scheduled for each student might be less than 180 days as required in the Public School Foundation Act.

With regard to employment contracts in school districts operating pilot programs, the bill provides a 45 day period for (1) a tenure teacher to notify a school board that he does not intend to remain under contract during the next year, (2) for school boards to notify a non-tenure teacher

that his employment contract will terminate at the end of the current employment period, and (3) for a non-tenure teacher to notify a school board that he does not intend to accept reemployment for the succeeding academic year.

Teacher tenure provisions are amended by providing a new definition of an "academic year" which allows teachers employed in pilot programs to qualify as employees for a full academic year if they perform services for the number of days in which a pupil must be enrolled as determined by the State Board.

A new definition of an "academic year" is also included in the School Attendance Law to provide that a period other than September through June may be considered an academic year for pilot programs. In addition, the bill provides flexibility in the compulsory number of days of school attendance for pupils who are enrolled in pilot programs approved by the State Board.

The Public School Foundation Act would be amended to provide that school districts operating pilot programs could file reports on the counting of pupils, in addition to an estimate of pupils, at a time other than November 10, as is currently required in the School Foundation Act.

Program Planning, Budgeting, and Evaluating System (PPBES) -- Bill B

The PPBES method of accounting has been described as setting forth certain major objectives, defining programs essential to these goals, identifying resources to the specific types of objectives, and systematically analyzing the alternatives available. "Evaluation" is added to the system to insure analysis of the results of the program. The objective of the PPBES system in education is to provide a budget format which relates pupil achievement programs to expenditures.

Pursuant to S.J.R. No. 36, adopted in the 1972 session, the committee was directed to review plans for the implementation of the PPBES act as provided in Article 42 of Chapter 123, C.R.S. 1963 (1971 Supp.).

Implementation of the act requires a level of computer technology which is not presently available in all school districts. Therefore, the committee concluded that PPBES can best be implemented at the present time on a pilot basis and that all school districts could benefit from experience which can be obtained from pilot programs rather than from a man-

datory requirement that PPBES be initiated in all districts. The pilot approach would enable selected school districts to develop model systems which can be duplicated in similar districts throughout the state, thus eliminating unnecessary "trial and error" in every district.

Bill B would amend the PPBES Act by removing the mandatory provision that all school districts establish and maintain a PPBES accounting system by July 1, 1973, with the penalty of forfeiting ten percent of their state support monies.

The new provision permits the Board of Education to designate not less than three school districts for pilot projects for implementation of new budgeting and accounting systems. These programs must be in operation by January 1, 1974, and school districts participating in such programs would be reimbursed for all or part of the cost of implementing the program as determined by the State Department of Education.

The recommended appropriation for the fiscal year beginning July 1, 1973, is \$200,000.

Recommendations from the 1971 Interim Study

During the 1971 interim period, the Committee on Public Education prepared eight bills which were submitted, with favorable Legislative Council recommendation, to the 1972 General Assembly. One of these bills was placed on the Governor's call; the other bills were not on the call and could not be considered in the 1972 session.

The bills from the 1971 interim included proposals to strengthen the operation of boards of cooperative services (BOCS), to provide for pupil retention programs, to assist school districts in the construction of educational facilities, and to amend the present statute concerning recall elections of school board members. Since background information and drafts of these bills are included in last year's Committee report, (Legislative Council Research Publication No. 177, November, 1971), only a few comments need to be made to supplement that report. However, four bills which are related to the 1971 recommendations are included in this report since the recommendations to the 1973 session have been changed from last year's recommendations. These bills concern consideration of school structures in county subdivision regulations, leasehold agreements for school districts, advisory assistance in the planning and construction of school facilities, and requirements of the petitions for recall of school district directors.

No changes are recommended, except for obvious changes in dates, for the pupil retention bill (Bill B in last year's report), and three of the bills concerning the financing of school construction -- exemption from Colorado income tax for school bonds (Bill D), levy for the capital reserve fund of school districts (Bill E), and establishment of a school bond guarantee loan fund (Bill F).

School Sites, Buildings, and Structures. In regard to the bill concerning the provision for school sites, buildings, and structures (Bill C in last year's report), part of the committee's recommendation was added to Senate Bill 35 enacted in the last session. Senate Bill 35 concerned subdivision regulations and provided that the regulations, to be adopted by the county commissioners, must include provisions governing reservation of sites and land areas for schools (and parks) when "reasonably necessary" to serve a proposed subdivision.

One of the recommendations is that school structures be added to this statute to provide that requirements could include the provision of school facilities as well as sites and land areas. This amendment would be placed in section 106-2-34 (4) (b) as enacted in Senate Bill 35 (Bill C).

Under Section 106-2-37, as enacted in Senate Bill 35, school boards are required to submit to the board of county commissioners specific recommendations concerning the adequacy of school sites in subdivision areas involving 20 or more dwelling units. Bill C would add the requirement that school boards include in their report to the county commissioners information on the adequacy of school structures.

With these amendments to existing law, sections 5 and 6 of proposed Bill C of last year would not be necessary. The remaining sections of that bill are recommended to provide a means of legalizing lease arrangements which school districts find necessary in fast-growing areas of the state (Bill D).

Advisory Assistance by CDE. Bill E of this report is a redraft of a bill submitted last year to authorize the Colorado Department of Education to provide advisory assistance in the planning and construction of educational facilities. On request of school districts, this unit of the Department would provide advice in the planning stages of financing and constructing school buildings. This bill would provide a source of independent expertise to many school districts which do not have adequate staff to assist in their planning for capital construction. Costly errors in financing and construction could be avoided by such school districts through the use of this independent source of information.

School Board Recall Procedures. Included in this report is another bill (Bill F), revised from the proposed legislation submitted last year, which would amend the requirements concerning signatures on petitions for the recall of school directors. Two major revisions are recommended.

The first would be an amendment to section 123-31-38 (1) (c) to provide that the required number of signatures be changed from at least 40 percent of the entire vote cast at the last election of the incumbent to at least 20 percent of the voters registered at the time the board petition is filed with the secretary of the board of education. However, in a provision that would apply only to the largest districts, not more than 30,000 signatures would be necessary.

The second provision is a limitation on the length of time in which the signatures could be collected. The recommendation is that a 60-day limitation be placed on the circulation of the petitions to avoid the use of the petition process as a threat against school board members. This period of time should be sufficient for the circulation of petitions which are serious in intent.

Other Items of Consideration

The committee considered several items which should be mentioned although no formal recommendations are submitted with this report.

Student Discipline. Under the directives of S.J.R. No. 11 of the 1972 session, the committee sought the assistance of Dr. Arthur R. Partridge of the University of Northern Colorado. Dr. Partridge and his colleagues prepared a report entitled "Discipline in the Public Schools" from which several draft bills were prepared and presented to the committee. The bills which were drafted for the committee included: (1) a provision to define the due process rights of students in expulsion proceedings; (2) a requirement that school boards adopt and publish policies that specify the standards of acceptable behavior and set forth the substantive and procedural due process rights of students; (3) a provision to permit a teacher to suspend a student from a particular classroom; (4) a provision for suspension, expulsion, or denial of admission of a student if he exhibits behavior which is inimicable to the welfare or safety of school personnel; and (5) expungement of references to expulsion or suspension from a student's school record. However, the report stated and it appeared to the committee that discipline is not simply a statutory problem with statutory solutions, but involves more complex interrelationships, such as student attitudes and the school environment.

It, therefore, was suggested to the committee that it may be advantageous to conduct a study of teacher training and certification with special emphasis on an examination of the preparation of teachers to deal with discipline in the classroom. In this regard, the committee requested the State Board to review and assign a priority to a proposed study of teacher training and certification. The State Board indicated that such a study should be given high priority, second only to continuation of studies on school finance.

Copies of the report from Dr. Partridge and the draft legislation to carry out the recommendations of the report are available in the Legislative Council office.

Drug Education. The United Parents of Denver presented a proposal to the committee to utilize mental health personnel to assist with drug education in the public schools. Because of the committee's lack of expertise in this area, the Alcohol and Drug Abuse Advisory Council was asked to respond to this proposal. However, the Council did not consider this matter at its meeting and no response of Council action or recommendations was received, thus the Committee did not believe that it could submit a recommendation based on the limited information which it had received.

The committee is aware that the Committee on Hospitals is recommending a bill which provides for comprehensive health education in the public schools, and that drug education is a component of this bill. Therefore, the Committee on Public Education submits no separate proposal.

Early Childhood Education. At the request of the committee, the Early Childhood Education Project of the Education Commission of the States developed and circulated a questionnaire for departments and agencies which operate programs relating to early childhood development. The results of the survey have been compiled and information is available on the number of programs in operation in Colorado relating to early childhood development, the purpose of the programs, the types and numbers of children served, and the sources of funding. This information is available in the publication "State Programs for Young Children in Colorado". Comments to this report are currently being obtained from the interested state agencies. Further consideration can be given to the need for greater coordination in this area after the comments to this report have been received.

TEXT

BILL A

A BILL FOR AN ACT

CONCERNING PILOT PROGRAMS FOR AN EXTENDED SCHOOL YEAR.

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

SECTION 1. 123-18-7 (3), Colorado Revised Statutes 1963 (1967 Supp.), is amended to read:

123-18-7. Employment contracts - written. (3) Every employment contract hereafter executed pursuant to subsection (1) of this section shall contain a damages provision. Pursuant to said provision a teacher or chief administrative officer shall agree to pay damages to the school district, and the board thereof shall be authorized to collect or withhold damages from compensation due or payable to said teacher or chief administrative officer in an amount up to and including one-twelfth of the annual salary specified in said employment contract. Said damages shall be paid by the teacher or chief

EXPLANATION

The purpose of this bill is to provide statutory authorization to facilitate the implementation of extended school year programs on a pilot program basis. Necessary amendments would be made to the teacher tenure act, the School Attendance Law, and the Public School Foundation Act. These amendments would provide the flexibility necessary in the statutes to allow school districts to modify the traditional school calendar.

The State Board of Education would approve the pilot programs under the standards specified in section 123-38-5 (4) on page 18 of this report.

TEXT

administrative officer or withheld from his salary if the teacher or chief administrative officer abandons, breaches, or otherwise refuses to perform services for said school district pursuant to the contract, unless the teacher or chief administrative officer has given written notice to the board of education thereof on or before the fifteenth day of July that he will not fulfill the obligations of his contract during the succeeding academic year (OR IF A SCHOOL DISTRICT OPERATES A PILOT PROGRAM APPROVED BY THE STATE BOARD OF EDUCATION UNDER SECTION 123-38-5 (4), THEN SAID NOTICE SHALL BE GIVEN TO THE BOARD NOT LESS THAN FORTY-FIVE DAYS BEFORE THE COMMENCEMENT OF SERVICES UNDER THE EMPLOYMENT CONTRACT) or after the beginning of the academic year, unless the teacher has given at least thirty days written notice to the board thereof during the academic year to the effect that he wishes to be relieved of his contract for the remainder of the year as of a certain date. Said damages shall not exceed ordinary and necessary expenses of a board of education to secure the services of a suitable replacement teacher or chief administrative officer.

EXPLANATION

Requires a teacher who is employed in an approved pilot program to notify the school board, not less than 45 days prior to the commencement of services under his contract, that he does not intend to be under contract during the next year. This change is consistent with the 45 day prior notification requirement for teachers in schools operating on a traditional school calendar.

TEXT

SECTION 2. 123-18-10, Colorado Revised Statutes 1963 (1967 Supp.), is amended to read:

123-18-10. Automatic reemployment. A teacher employed by a school district on a full-time basis who has not acquired tenure shall be deemed to be reemployed for the succeeding academic year at the salary which he would be entitled to receive under the general salary schedule unless the board thereof shall cause written notice to the contrary to be given to said teacher on or before the fifteenth day of April of the academic year during which said teacher is employed (OR IF A SCHOOL DISTRICT OPERATES A PILOT PROGRAM APPROVED BY THE STATE BOARD OF EDUCATION UNDER SECTION 123-38-5 (4), THEN SAID NOTICE MUST BE GIVEN TO THE TEACHER NOT LESS THAN FORTY-FIVE DAYS BEFORE THE TERMINATION OF THE EMPLOYMENT CONTRACT). Said teacher shall be presumed to have accepted such employment for the succeeding academic year unless he shall cause written notice to the contrary to be given to said board on or before said fifteenth day of April (OR IF THE DISTRICT OPERATES A PILOT PROGRAM APPROVED BY THE STATE BOARD OF EDUCATION UNDER SECTION 123-38-5 (4), SUCH NOTICE SHALL BE GIVEN TO SAID BOARD NOT LESS THAN FORTY-FIVE DAYS BEFORE THE TERMINATION OF THE EMPLOYMENT CONTRACT).

EXPLANATION

Requires a local school board to give a non-tenure teacher in pilot programs not less than 45 days notice that his employment contract will terminate upon completion of the current employment period. The 45 day period is based on the approximate length of time provided for notice to non-tenure teachers in schools on traditional school calendars of their not being reemployed.

Requires a non-tenure teacher employed in a pilot program to give notice to the school board 45 days prior to termination of his employment contract that he does not intend to accept reemployment for the succeeding academic year.

The 45 days is based on the notice requirement of April 15 for non-tenure teachers employed on traditional school calendars.

TEXT

SECTION 3. 123-18-12 (1), Colorado Revised Statutes 1963 (1971 Supp.), is amended to read:

123-18-12. Tenure - required service. (1) Except as otherwise provided in subsection (2) of this section, any teacher employed as a teacher in the same school district, including the time prior to and after July 1, 1967, continuously and without interruption for three full academic years and who was or shall thereafter be reemployed for the fourth academic year immediately succeeding in such school district shall have tenure as a teacher in such school district, without further action on the part of the board or the teacher, during efficiency and good behavior and continuous employment. A TEACHER EMPLOYED AS A TEACHER IN A PILOT PROGRAM APPROVED BY THE STATE BOARD UNDER SECTION 123-38-5 (4) IS DEEMED TO BE EMPLOYED FOR AN ACADEMIC YEAR IF HE PERFORMS SERVICES FOR THE MINIMUM PERIOD DURING WHICH A PUPIL MUST BE ENROLLED IN ANY TWELVE-MONTH PERIOD. A TEACHER WHO IN ANY TWELVE-MONTH PERIOD PERFORMS SERVICES AS A TEACHER FOR MORE THAN SUCH MINIMUM PERIOD IS DEEMED TO BE EMPLOYED FOR SUCH ADDITIONAL PERIOD IN THE SUCCEEDING ACADEMIC YEAR. THE EMPLOYMENT OF ANY TEACHER EMPLOYED AS A TEACHER IN SUCH A PILOT PROGRAM FOR SUCH

EXPLANATION

Permits adjustment in the term "academic year" for tenure purposes to allow teachers employed in a pilot program to qualify as employees for a full academic year if they perform services for the number of days in which a pupil must be enrolled.

Teachers performing services for more than the minimum number of days in which a pupil must be enrolled may have their additional teaching time applied to the succeeding academic year for purposes of acquiring tenure.

TEXT

MINIMUM PERIOD IN SUCCESSIVE TWELVE-MONTH PERIODS SHALL BE DEEMED CONTINUOUS. The above provisions of this subsection (1) notwithstanding, a teacher employed after the first day of the academic year shall be deemed to have served the first full academic year if the period of continuous and uninterrupted employment during that year shall include the last ninety days of the academic year. Such tenure shall be effective upon the first day of performance of services by said teacher of the fourth academic year. Sections 123-18-12 to 123-18-17 shall not apply to a person who holds only a letter of authorization; a chief executive officer of a school district; a part-time teacher; a substitute teacher; or any teacher who shall have attained the age of sixty-five years. In no event shall tenure be withheld if the teacher meets the requirements set forth in this subsection (1).

SECTION 4. 123-20-2 (6), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

123-20-2. Definitions. (6) "Academic year" means that portion of the school year during which the public schools are in regular session, beginning about the first week in September and

EXPLANATION

This amendment provides that a period other than September through June may be considered as the academic year under the compulsory school attendance law. The change would apply only to pilot programs approved by the State Board.

TEXT

ending about the first week in June next following OR THAT PORTION OF THE SCHOOL YEAR WHICH CONSTITUTES THE MINIMUM PERIOD DURING WHICH A PUPIL MUST BE ENROLLED IN A PILOT PROGRAM APPROVED BY THE STATE BOARD OF EDUCATION UNDER SECTION 123-38-5 (4).

SECTION 5. 123-20-5 (1), Colorado Revised Statutes 1963, is amended to read:

123-20-5. Compulsory school attendance. (1) Every child who has attained the age of seven years and is under the age of sixteen, except as provided by this section, shall attend public school for at least one hundred seventy-two days during each school year, OR FOR THE SPECIFIED NUMBER OF DAYS IN A PILOT PROGRAM WHICH HAS BEEN APPROVED BY THE STATE BOARD UNDER SECTION 123-38-5 (4).

SECTION 6. 123-30-9 (15), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

123-30-9. Board of education - specific duties. (15) To determine, prior to the end of a school year, the length of time during which the schools of the district shall be in session during the next following school year, but in no event shall said schools be in session for less than one hundred seventy-two days

EXPLANATION

Provides flexibility in the compulsory number of days of school attendance for pilot programs approved by the State Board.

Technical change to require that school boards which operate a pilot program determine the number of days of operation for the next school year. The number of days cannot be less than that specified by the State Board for the approved pilot program.

TEXT

during such following school year, OR FOR THE SPECIFIED NUMBER OF DAYS IN A PILOT PROGRAM WHICH HAS BEEN APPROVED BY THE STATE BOARD OF EDUCATION UNDER SECTION 123-38-5 (4).

SECTION 7. 123-38-4 (2) (a), Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

123-38-4. Reports to state board. (2) (a) On or before November 10 of each year, OR AT SUCH DATE OR IN SUCH MANNER AS THE STATE BOARD DEEMS APPROPRIATE FOR THOSE SCHOOL DISTRICTS WHICH OPERATE A PILOT PROGRAM WHICH HAS BEEN APPROVED BY THE STATE BOARD UNDER SECTION 123-38-5 (4), the secretary of the board of education of each school district shall certify the following to the state board:

SECTION 8. 123-38-5 (3), Colorado Revised Statutes 1963 (1969 Supp.), is amended, and the said 123-38-5 is further amended by the ADDITION OF A NEW SUBSECTION, to read:

123-38-5. Basis of equalization support by each school district and the state. (3) A school district to be eligible for state support under provisions of this article must have elected to accept and to become subject to the terms and conditions of this article, must maintain a full twelve-grade

EXPLANATION

Permits the State Board to establish an alternate deadline, other than November 10, for school districts operating pilot programs to file reports on the counting of pupils to comply with the requirements for state foundation support.

A school district operating a pilot program would receive the same funding per ADAE as schools which have scheduled 180 days, provided that the school district meets the other requirements for state equalization support.

TEXT

program, and must have scheduled one hundred eighty actual days of school during the regular school year, OR THE SPECIFIED NUMBER OF DAYS IN A PILOT PROGRAM WHICH HAS BEEN APPROVED BY THE STATE BOARD UNDER SUBSECTION (4) OF THIS SECTION.

(4) The state board may approve pilot programs which are designed to evaluate the advantages and disadvantages of modifications in the traditional school calendar through increased use of school facilities and which the state board finds offer educational opportunities equivalent to those offered in a one hundred eighty-day school program. Each pilot program approved under this subsection (4) shall specify the minimum number of days of school for which a pupil must be enrolled during any twelve-month period. Any school district which operates a pilot program approved under this subsection (4) shall be eligible for full state support under the provisions of this article. The state board shall prescribe rules and regulations for the submission of proposals for pilot programs, the evaluation of such proposals, and other matters necessary for the administration of this subsection (4).

EXPLANATION

New subsection (4) provides the standards for approval by the State Board of pilot programs for a modified school calendar. The State Board would establish rules and regulations for the approval of pilot programs.

School districts operating approved pilot programs would be eligible for full state equalization support.

TEXT

SECTION 9. 123-38-10 (2), Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

123-38-10. State public school fund. (2) No later than the first day of December of each year, OR ON SUCH DATE OR IN SUCH MANNER AS THE STATE BOARD DEEMS APPROPRIATE FOR THOSE SCHOOL DISTRICTS WHICH OPERATE A PILOT PROGRAM WHICH HAS BEEN APPROVED BY THE STATE BOARD UNDER SECTION 123-38-5 (4), the state board shall determine the estimated requirements to provide each eligible school district the amount it is entitled to receive from the state during the next ensuing fiscal year of the state. The appropriation by the general assembly shall be based on the requirements necessary to provide all eligible school districts the amounts they are each entitled to receive from the state, pursuant to the provisions of this article, during the next ensuing fiscal year of the state.

SECTION 10. 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.

EXPLANATION

This amendment would provide flexibility for the State Board in setting a deadline other than December 1 for estimating the amount of state equalization support which a school district operating a pilot program would be entitled to receive for the ensuing fiscal year.

TEXT

BILL B

A BILL FOR AN ACT

AMENDING THE "PROGRAM PLANNING, BUDGETING, AND EVALUATING SYSTEM (PPBES) ACT", AND MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION IN RELATION THERETO.

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

SECTION 1. 123-42-4, Colorado Revised Statutes 1963 (1971 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

123-42-4. Establishment of system by selected school districts.

The state board of education shall designate not less than three school districts making application therefor to establish pilot programs not later than January 1, 1974, implementing new budgeting and accounting systems. The department of education may reimburse each district operating such a pilot program for all or any portion of the cost of accounting which is in addition to the accounting required under section 123-33-2.

SECTION 2. 123-42-6, Colorado Revised Statutes 1963 (1971

EXPLANATION

The mandatory provision for participation by all school districts in a PPBES system would be removed from the present law and pilot programs would be utilized to develop and implement new budgeting and accounting systems.

Removes the mandatory provision from the present law that all school districts establish and maintain a PPBES accounting system by July 1, 1973, with the penalty of forfeiting ten percent of their state support monies.

Permits the Board of Education to designate not less than three school districts for pilot projects for implementation of new budgeting and accounting systems. School districts will be reimbursed for all or part of the cost as determined by the Department of Education.

TEXT

Supp.), is amended to read:

123-42-6. Reports. Each school district of this state PARTICIPATING IN A PILOT PROGRAM shall report to the state board of education no later than January 1 and July 1 of each year following the institution of such system concerning its experience with such system during the previous six months.

SECTION 3. Repeal. 123-42-3 and 123-42-5, Colorado Revised Statutes 1963 (1971 Supp.), are repealed.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 1973, the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, for the implementation of this act.

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.

EXPLANATION

Removes the mandatory provision from the present law that all school districts file reports on the implementation of PPBES and provides that only those school districts that are participating in a pilot program must comply.

Repeals the present provision for development of a PPBES manual by the Department of Education (123-42-3); and repeals the penalty of forfeiture of ten percent of state support monies which was required of all school districts which did not establish PPBES by July 1, 1973 (123-42-5).

An appropriation of \$200,000 would provide for reimbursement for all or part of the school district's costs for implementation of PPBES plus additional administrative costs.

TEXT

EXPLANATION

BILL C

A BILL FOR AN ACT

CONCERNING THE PROVISION OF SCHOOL STRUCTURES, AND PROVIDING FOR
CONSIDERATION THEREOF UNDER COUNTY SUBDIVISION REGULATIONS.

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

SECTION 1. 106-2-34 (4) (b) (i), Colorado Revised Statutes 1963,
as amended by section 7 of chapter 81, Session Laws of Colorado 1972,
is amended to read:

106-2-34. Subdivision regulations. (4) (b) (i) Sites and land
areas for schools and parks AND EFFECTIVE SEPTEMBER 1, 1973, SCHOOL
STRUCTURES when such are reasonably necessary to serve the proposed
subdivision and the future residents thereof. Such provisions may
include:

SECTION 2. 106-2-37 (2), Colorado Revised Statutes 1963, as
enacted by section 8 of chapter 81, Session Laws of Colorado 1972, is
amended to read:

This bill would amend provisions in Senate Bill 35 as enacted in the 1972 session. Subdivision regulations required of county governments must include provisions for school structures when reasonably necessary to serve the proposed subdivision. Also the adequacy of school structures would need to be reported to county commissioners by school boards in their review of subdivision plans for 20 or more dwellings.

Provides that subdivision regulations adopted by county commissioners must include provisions for school structures in addition to sites and land areas when reasonably necessary to serve the proposed subdivision.

EXPLANATION

TEXT

106-2-37. Referral and review requirements. (2) The agencies named in this section shall make recommendations within twenty-four days after the mailing by the county or its authorized representative of such plans unless a necessary extension of not more than thirty days has been consented to by the subdivider and the board of county commissioners of the county in which the subdivision area is located. The failure of any agency to respond within twenty-four days or within the period of an extension shall for the purpose of the hearing on the plan be deemed an approval of such plan, except that where such plan involves twenty or more dwelling units, a school district shall be required to submit within said time limit specific recommendations with respect to the adequacy of school sites AND, EFFECTIVE SEPTEMBER 1, 1973, THE ADEQUACY OF SCHOOL STRUCTURES.

SECTION 3. 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.

With regard to subdivision areas involving 20 or more dwelling units, a school district is required to report to the board of county commissioners on the adequacy of school structures in addition to the adequacy of school sites.

TEXT

EXPLANATION

BILL D

A BILL FOR AN ACT

CONCERNING THE PROVISION OF SCHOOL SITES, BUILDINGS, AND STRUCTURES.

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

SECTION 1. 123-30-10 (3), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

123-30-10. Board of education - specific powers. (3) To purchase or lease real property for school sites, BUILDINGS, OR STRUCTURES, or for any school purpose authorized by law; to determine the location of each school site, building, or structure; and to construct, erect, repair, alter, and remodel buildings and structures.

SECTION 2. Article 30 of chapter 123, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

123-30-27. Leases for periods exceeding one year. (1) Whenever the term of a rental or leasehold agreement under which a school district becomes entitled to the use of real property for a school

School districts would be given specific statutory authority to lease buildings for school facilities under this bill. A lease or rental agreement for a period of over one year would constitute an indebtedness of the district and would be subject to voter approval similar to a bond issue. An advantage to this procedure is that the agreement would not be subject to the bonded indebtedness limitations of the district. Some districts at their maximum bonded indebtedness capacity may find leasing of facilities to be the only available means of furnishing school facilities.

Specifically grants to school directors the power to purchase or lease buildings.

Rental or lease agreement greater than one year would constitute an indebtedness for the district.

TEXT

EXPLANATION

site, building, or structure is greater than one year, the obligation to make rental payments under the agreement shall constitute an indebtedness of the district. Under any such agreement title shall be considered to have passed to the school district at the time of execution of the agreement for purposes of determining liability for or exemption from property taxation.

(2) No board of education shall enter into a rental or leasehold agreement of the type which constitutes an indebtedness unless it shall be first approved by a majority of the registered qualified electors of the district voting at an election held pursuant to this section. The board of education may submit to the registered qualified electors of the district the question of entering into such a rental or leasehold agreement at any general election, regular biennial school election, or special election called for the purpose. The secretary of the board of education shall give notice of an election to be held pursuant to this section in the same manner and for the same length of time as is required by law for notices of election of school directors, which notices shall also contain a statement of the term of the proposed rental or leasehold agreement, the amount of rental payments for which the district would be

Question of leasing or renting a school site or facility must be submitted to the voters for approval in accordance with other school election procedures.

TEXT

EXPLANATION

obligated, the purpose of the agreement, and the day, the place or places of the election, and that the polls and ballot boxes shall be kept open from seven a.m. to seven p.m.

(3) The manner and place of conducting elections held pursuant to this section, and all other election procedures relating thereto, shall be as provided by law for the approval of contracting a bonded indebtedness of the district.

(4) The amount of any indebtedness incurred by a school district by means of rental or leasehold agreements having terms of more than one year shall not be subject to the limitation imposed by law on the amount of bonded indebtedness which may be incurred by a school district.

(5) The question or questions of entering into a rental or leasehold agreement of the type which constitutes an indebtedness of the district may be submitted or resubmitted after the same or any other such question or questions have previously been rejected at an election held pursuant to this section; but no such question shall be submitted or resubmitted at any election held less than one hundred twenty days after a previous submission of such question, and the board of education of any school district shall not submit any

Exempts such lease agreement indebtedness from bonded indebtedness limitations.

TEXT

EXPLANATION

question or questions of entering into such an agreement at more than two elections within any twelve-month period.

SECTION 3. 123-33-3 (3), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

123-33-3. Funds. (3) (a) Bond redemption fund: The revenues from a tax levy for the purpose of satisfying bonded indebtedness obligations, both principal and interest, shall be recorded in the bond redemption fund. The bond redemption fund may include more than one subsidiary account for which a separate tax levy is made to satisfy the obligations of bonded indebtedness, including a separate tax levy to satisfy the obligations of bonded indebtedness incurred by a former school district. The revenues from each separate tax levy shall be held in trust for the purpose of satisfying the obligations of the bonded indebtedness for which the tax levy was made; provided; EXCEPT that revenues, if any, remaining to the credit of a separate subsidiary account after satisfaction of all such obligations of that subsidiary account, may be transferred to another subsidiary account in the same fund.

(b) THE REVENUES FROM A TAX LEVY FOR THE PURPOSE OF MAKING RENTAL PAYMENTS FOR WHICH THE DISTRICT IS OBLIGATED UNDER A RENTAL OR

Provides that revenues from a tax levy for a lease arrangement shall be recorded in the bond redemption fund.

TEXT

LEASEHOLD AGREEMENT HAVING A TERM OF MORE THAN ONE YEAR SHALL ALSO BE RECORDED IN THE BOND REDEMPTION FUND. SUBSIDIARY ACCOUNTS MAY BE ESTABLISHED IF SEPARATE TAX LEVIES ARE MADE FOR DIFFERENT RENTAL OR LEASEHOLD AGREEMENTS, AND THE REVENUES IN SUBSIDIARY ACCOUNTS MAY BE HANDLED IN THE SAME MANNER AS REVENUES FROM A TAX LEVY TO SATISFY BONDED INDEBTEDNESS OBLIGATIONS.

SECTION 4. 123-38-19, Colorado Revised Statutes 1963 (1969 Supp.), is amended BY THE ADDITION OF A NEW SUBSECTION to read:

123-38-19. Limitation on general fund budget. (3) For purposes of this section, expenditures for "debt service" include rental payments for which a district is obligated under a rental or leasehold agreement having a term of more than one year which constitutes an indebtedness of the district under section 123-30-27. Expenditures for rental payments under an agreement having a term of one year or less which does not constitute an indebtedness of the district shall be subject to the limitation contained in this section.

SECTION 5. Effective date. This act shall take effect July 1, 1973.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for

EXPLANATION

Includes expenditures for lease agreements of more than one year under "debt service" expenditures.

EXPLANATION

TEXT

the immediate preservation of the public peace, health, and safety.

TEXT

EXPLANATION

BILL E

A BILL FOR AN ACT

CONCERNING ADVISORY ASSISTANCE BY THE DEPARTMENT OF EDUCATION IN THE
PLANNING AND CONSTRUCTION OF EDUCATIONAL FACILITIES, AND MAKING
AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 1 of chapter 123, Colorado Revised Statutes
1963, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

123-1-15. Commissioner - facilities planning - duties. (1) (a)

Subject to the supervision of the state board, it shall be the duty of
the commissioner, upon request of a school district:

(b) To advise and assist school districts by providing them with
information on the planning and construction of educational
facilities;

(c) To review the planning for the construction of educational
facilities by school districts. Such review shall be based upon data

Many school districts do not have adequate staff or expertise available to assist with their planning for capital construction. This bill would provide that the CDE, at the request of school districts, would advise and assist local districts with facility planning including use of demographic data, projected enrollment, space use, educational specifications, and other factors as indicated.

School administrators and board members having no previous experience in the issuance of school bonds need advice from an independent source to avoid costly errors.

TEXT

including educational specification, demographic data, information on land use and development, projected school enrollment, facilities inventory, space utilization, and other data required by the commissioner.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the fiscal year beginning July 1, 1973, to the department of education, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, for the purpose of implementing this act.

SECTION 3. 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.

EXPLANATION

Bond companies or others with vested interests in the bond issues are frequently the only source of advice available to school districts concerning bond issues.

Bill would permit employment of a specialist in the CDE who could provide independent counsel for districts requesting advice on the issuance of school bonds in addition to facility planning.

TEXT

EXPLANATION

BILL F

A BILL FOR AN ACT

CONCERNING SIGNATURES ON PETITIONS FOR THE RECALL OF SCHOOL DIRECTORS.

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

SECTION 1. 123-31-28 (1) (c), (d), and (e) (i), Colorado Revised Statutes 1963 (1965 Supp.), are amended to read:

123-31-28. Recall of school directors. (1) (c) The petition shall be signed by registered electors of the school district equal in number to at least ~~forty-per-cent-of-the-entire-vote-cast-at-the-last~~ ~~preceeding-election-for-all-candidates-for-the-position-occupied-by-the~~ ~~incumbent-sought-to-be-recalled~~; TWENTY PERCENT OF THE REGISTERED ELECTORS OF THE DISTRICT, EXCEPT THAT NO MORE THAN THIRTY THOUSAND SIGNATURES SHALL BE REQUIRED; ~~provided;--that~~ AND FURTHER, if the school district does not have a director district plan of representation, and if more than one person were elected to fill the office of school director at the last preceding election for the position occupied by the incumbent sought to be recalled, then the

This bill would change the basic requirement of signatures for recall petitions for school directors from 40 percent of the voters at the last election to 20 percent of the registered electors of the district. Signatures will not be counted if signed more than 60 days prior to the date the petition is filed.

Provides that the number of signatures required on petitions for the recall of school directors be changed from at least 40 percent of the entire vote cast at the last election of the incumbent to at least 20 percent of the voters registered at the time the petition is filed with the secretary of the board of education. In no instance would more than 30,000 signatures be required in any one school district.

TEXT

petition shall be signed by registered electors of the school district equal in number to at least ~~forty-per-cent-of-such-entire-vote-cast-for--all--candidates--for--school--director~~; TWENTY PERCENT OF THE REGISTERED ELECTORS OF THE DISTRICT OR THIRTY THOUSAND, WHICHEVER IS LESS, divided by the number of school directors elected at such last preceding election.

(d) Any such recall petition may be circulated and signed in sections; ~~provided,--that~~ BUT each section shall contain a full and accurate copy of the title and text of the petition. The signatures need not all be on one sheet of paper, but each sheet shall contain an oath, subscribed to by the person circulating such sheet, that the signatures thereon are genuine. Each person signing the petition shall add to his signature the date of his signing and his place of residence, AND NO SIGNATURE SHALL BE COUNTED IF IT WAS SIGNED TO THE PETITION MORE THAN SIXTY DAYS PRIOR TO THE DATE ON WHICH THE PETITION IS FILED WITH THE SECRETARY OF THE BOARD OF EDUCATION.

(e) (i) Any such petition shall be deemed sufficient if signed by the requisite number of registered electors of the district WITHIN THE PERIOD SPECIFIED BY PARAGRAPH (d) OF THIS SUBSECTION (1), unless a protest in writing under oath shall be filed in the county court of

EXPLANATION

The number of people which represents 20 percent of the registered voters is divided by the number of school directors elected at preceding election to determine number of necessary signatures in school districts without director district plans.

Instances have been reported in which the recall election petitions, circulated over a long period of time, have been held as a threatened action against school board members. The additional language would provide that no signature to a recall petition shall be counted if signed more than 60 days prior to the date of filing the petition with the board of education. The 60-day limitation is suggested as providing sufficient time for the circulation of bona fide petitions for a recall election.

TEXT

the county in which the headquarters of the district is located, by some registered elector of the district, within fifteen days after such petition was filed, setting forth specifically the grounds of such protest. Upon receipt of a protest, the clerk of the county court shall forthwith mail a copy of the protest to the person or persons named in the petition as representing the signers thereof and to the secretary of the board of education, giving notice of the time and place for hearing such protest. The hearing shall be held in the county court of the county in which the headquarters of the district is located. Such hearing shall be summary and not subject to delay, and shall be concluded within thirty days after the petition was filed. The result of the hearing shall be forthwith certified to the person or persons representing the signers of such petition and to the secretary of the board of education.

SECTION 2. 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.

EXPLANATION

APPENDIX

Copy of the Memorandum
dated November 29, 1972,
from the Committee on Public Education
to the Committee on State and Local Finance
Concerning Categorical Programs in Education

The Legislative Council Committee on Public Education, in the course of its deliberations, has concluded that the quality of education in Colorado can be greatly enhanced by the state's appropriation for categorical programs designed to meet specific needs. Our committee has concluded that particular needs for state assistance exist over and above the accomplishments of the general educational support program.

The areas in which the foundation level of support does not appear to be adequate to meet the special needs of students are:

- (1) reading improvement through the Educational Achievement Act;
- (2) pupil retention programs; and
- (3) boards of cooperative services, plus the existing categorical programs of special education, pupil transportation, and vocational education.

While this is not to say that the standard educational program should be neglected for the benefit of these special programs, the Committee does believe that it would be in the best interests of the state's overall educational effort to fund these programs on a categorical basis rather than to presuppose that school districts will be able to operate these programs without special assistance.

From an educational point of view, these programs should be given high priority because they have been specifically designed to meet the identifiable needs in the Colorado student population. Students with special needs can be identified and provided with educational programs that have high success ratios. It would be educationally and financially advantageous to fund these programs apart from the

general foundation support program, thus assuring that the monies will be expended to assist students with special needs with a resulting overall improvement in the entire educational program.

The 1972-73 appropriations, the 1973-74 estimated costs, and the total number of pupils to be served by these programs is attached as Appendix A.

Reading Improvement (Educational Achievement Act)

The Educational Achievement Act became effective in 1969. Since the inception of the Act, the State Department of Education has been operating pilot programs in 67 to 69 school districts each year. For 1972-73, the State Department of Education is operating 21 projects in 67 school districts, including five BOCS. Although all references to pilot programs were stricken from the act in 1971 (Chapter 304, Laws of 1971), the State Board has only been able to operate demonstration programs designed to develop alternative methods for teaching children to read. The allocation of funds to certain local school districts has been based on a competitive grant process. Therefore, only a few school districts have participated in the program and a number of other districts which offered plans for reading improvement were not funded.

The initial appropriation for 1969-70 was \$2,000,000 with the current year's appropriation at \$1,000,000. Although the appropriation has been reduced since the inception of the program, the Committee on Public Education has been favorably impressed with the results of the programs that have been operated within the limited budgetary resources provided under the act.

Every school district has pupils who qualify as low achievers in reading under the criteria set forth in the present law. The State Department of Education estimates that approximately 52,662 pupils in Colorado are below their grade level in reading as identified by the Educational Achievement Act. Therefore, it is not justifiable to provide state funds for low achievers in one school district without providing funds for low achievers in another school district.

The pilot program stage has been completed and information is available on alternative reading methods for those students who are not responsive to the regular reading programs. This information needs to be disseminated to all school districts together with financial resources so that

each school district throughout the state can develop its own plan to meet its own needs utilizing what has been learned from the pilot projects about successful reading improvement programs.

Categorical funding would be appropriate for a state-wide reading improvement program based on the premise that categorical funds should be used to meet needs that are not being met by the standard educational program. Adequate funds should be made available to all school districts to assist this significant number of pupils with reading difficulties. In addition, categorical funds would be advisable because under the present foundation law, the state would have little control over the expenditure of funds for specific purposes. Thus, there might be little, if any reading improvement if the participating district is not held accountable for improving the reading level of its students.

Boards of Cooperative Services (BOCS)

Strengthening of the system of BOCS in Colorado is recommended by the Committee as a means of providing educational services throughout the state. These educational services would not otherwise be possible in many school districts and may be furnished on a more economical basis through a regional approach rather than a single school district basis. It is important to note that the proposed bill continues a voluntary approach toward school districts joining BOCS and also the present flexibility programs formulated by BOCS.

BOCS represent a system of delivering educational services for purposes of enhancing educational opportunity. The Committee bill is designed to stimulate activity in the formulation of BOCS and to provide some state funding for programs offered by BOCS.

Pupil Retention Programs

During the 1971 interim period, the Committee gave extensive consideration to providing assistance to school districts in the formulation of pupil retention programs to meet special needs of pupils who may be identified as potential dropouts. Testing procedures have been developed which can identify students at an early age who are likely to face serious educational problems. Most of these students are not mentally or physically handicapped but they will have special needs or problems within the school setting. After the identification of these children, special programs can be developed to meet the needs of these children so that they can successfully complete their education.

Under the draft legislation prepared by the Committee last year, the development of pupil retention programs would be required of those districts with a dropout rate in excess of the average for the state and those districts in which more than 100 students dropped out during the last year. Other districts may submit programs but would not be required to do so.

The Committee recommends that funds be appropriated by the General Assembly to assist in the financing of pupil retention programs. The Committee is less concerned with the total, final amount of the appropriation than it is with providing adequate state support at some level to initiate local programs of pupil retention. Without state assistance and encouragement to school districts with the most severe dropout problems, action by local school districts to provide monies for this purpose out of their general school funds does not look promising. We believe the state should stimulate action in this area.

Other Categorical Programs

In addition to the programs described above, there are, of course, other categorical programs which we realize will need to be funded. While we have not studied the needs in these areas this year, we simply point out the continuing need for the programs.

Special Education. Section 123-22-8, C.R.S. 1963, as amended, mandates that every school district in Colorado establish and maintain special educational programs for the education of handicapped children. It is inherent in the enactment of the Handicapped Children Educational Act that the General Assembly is convinced that there are children who have special needs and who require special services over and above those provided by the regular school program.

Although the number of children who are in need of special services as defined by the 1967 "Handicapped Children Educational Act" is contingent upon the results of a survey being conducted by the State Department of Education pursuant to the "Education of Children with Learning Disabilities Act of 1972", the interim Committee on Public Education believes that subject to the findings of the survey now in progress, it will be necessary to continue funding special education on a categorical basis.

Pupil Transportation, of course, represents a financial burden for some school districts but not for others.

Our Committee would anticipate some form of continued state categorical support for school districts with transportation expenses.

Vocational education, with a \$6.5 million state appropriation this year, will continue to require state categorical support.