



CSCA & CCHS/CR Weekly Legislative Narrative May 3-7, 2010

Overview

The legislature worked tirelessly last week in an attempt to move through the enormous calendar of bills still waiting consideration. With almost 50 new pieces of legislation introduced in the last two weeks, the General Assembly will be working right up to the scheduled adjournment date of this Wednesday, May 12th. Majority leaders in both chambers have scheduled the remainder of committee work to occur on Monday. Tuesday and Wednesday are both designated for finishing the floor work on any remaining bills, as well as leaving time for conference committees and consideration of amendments that took place in the opposite chamber.

SB10-191 Ensuring Quality Instruction through Educator Effectiveness (EQUITEE) (Sens. Johnston & Spence / Reps. Scanlan & Murray)

This week, SB 191 survived a major hurdle passing the House Education Committee in a meeting that lasted nearly eleven hours and finished early Friday morning. The final vote was preceded by heartfelt statements by several former teachers on the committee about the increased burden on teachers. Despite those sentiments, a majority of representatives supported the amended bill and it passed by a 7-6 vote.

This was the last House Education Committee meeting for committee chairman, Rep. Mike Merrifield (D-Colorado Springs). He used the opportunity to thank his colleagues and to take witnesses to task over their support for this “unfunded mandate” but not others, specifically a bill he introduced early in the session that was killed due to its costs.

Rep. Merrifield structured testimony so that opposition and support took turns throughout the afternoon and evening. Those testifying in support included the Douglas County AFT, Denver Area Superintendents, A+ Denver, Stand for Children, the Colorado Children’s Campaign, and individual principals, teachers and school board members. Opposition included the Colorado Education Association, the Jefferson County Education Association and individual teachers and school board members.

The bill was amended in the House committee to make the following changes:

- Non-probationary portability: Beginning with the 2014-15 school year, a non-probationary teacher hired by a different school district may provide evidence as to his or her student academic growth to retain non-probationary status.
- A requirement that, in the absence of a collective bargaining agreement, a teacher may appeal a rating of ineffective to a mutually agreed upon neutral third party and the cost for such appeal will be borne equally by the district and teacher.
- Each employment contract shall contain a provision stating that a teacher may be assigned to a particular school only with the consent of the hiring principal and with input from at least two practicing teachers.

The bill will be before the House Appropriations Committee Monday afternoon at 1:30 and is expected to be debated on the House floor that afternoon.

HB10-1430 Assessment System Changes (Reps. Solano & Scanlan / Sen. Hudak)

Rep. Solano introduced her annual assessment bill attempting to eliminate CSAPS on May 6. This year's bill took a slightly different path than it has in the past, but ultimately wound up in the same place. Rep. Solano consulted with the Department of Education (CDE), school districts, fellow legislators, and the governor's office regarding the direction of this legislation. On March 27, there was a draft that was supported by all the above mentioned parties, which included language from CO's Race to the Top Application regarding the definition of assessments, how formative, interim and summative assessments should be used in the growth model and by the state and districts. The introduced version of HB 1430 contained that language, but also eliminated the 9th and 10th grade CSAP and accelerated the use of the new postsecondary and workforce readiness assessment for high school to this coming fall. (The legislature passed an amendment in HB 1413 that actually extended the timeline for the implementation of the new new postsecondary and workforce readiness assessment out by a year from the current timeline of the 2012 school year.) CDE, many school districts, CASE and CASB all opposed the bill.

When the bill was heard in House Education, Rep. Solano also offered an amendment to eliminate the writing CSAP at all grades and mandate that school districts continue to assess writing at their own costs. The bill passed the House easily out of deference to Rep. Solano. The bill was heard in Senate Education this past Friday, and the Senators had grave concerns about the bill after hearing from the opponents to the bill. It was laid over to Monday at the request of Senate sponsor Hudak so that she can work on amendments.

** With so many pieces of legislation moving through the chambers so quickly, here is a rundown of the week's activity:

Active Legislation:

Note – Summaries of these bills are on www.t2salazar.com

- *HB10-1013 Modifications to School Finance Act (Rep. Middleton / Sen. Romer)*
 - o On Friday 5/7 the Senate Appropriations committee passed HB10-1013 unamended to the Senate floor.
 - o This bill has been amended to extend deadlines in SB 08-212 CAP4K, provide a one-year assurance for school cash flow funding in the event Amendment 61 passes, and eliminate the military count for a mid-year supplemental that hasn't been funded in two years.
- *HB10-1273 Arts Education for Workforce Development (Rep. Merrifield / Sens. Spence and Steadman)*
 - o On Wednesday 5/4 Representative Merrifield announced he was dissolving the conference committee for HB10-1273 and accepting Senate amendments to the bill. The Senate Education committee amended the bill to change the language from requiring school districts to adopt graduation requirements around the arts to strongly encouraging the State Board to adopt arts guidelines for graduation.
- *HB10-1383 College Invest & HB10-1388 General Fund Cash Transfers (JBC)*
 - o On Wednesday 5/4 the House adopted the conference committee reports for both these budget balancing bills. HB10-1383 was amended to require the General Assembly to spend down the 4% statutory reserve to 1.5% prior to accessing the scholarship dollars. This puts the K-12 budget \$25 million 'in the hole' starting in FY11-12. These bills will now go to the Governor for signing.
- *SB10-108 Higher Education Core Courses (Sen. K. King / Rep. Middleton)*

- On Wednesday 5/4 the House passed SB10-108 on third reading and final passage.
- *SB10-190 Senior Homestead Exemption (Sens. White & Keller / Reps. Pommer & Riesberg)*
 - On Wednesday 5/5 the House Appropriations committee passed HB10-190 unamended to the House floor. This future budget-balancing bill is anticipated to provide about \$91M in revenue for the next fiscal year.
- *SB10-205 School District Bonded Indebtedness Elections (Sen. Bacon / Reps. Scanlan & Murray)*
 - Last week this bill passed through the Senate Education committee, both 2nd and 3rd reading and was introduced in the House on Friday and assigned to the Education committee.
 - This bill is a protection for school districts in the event that Amendment 61 passes in the November election. Currently school districts borrow money interest-free until they receive their property tax payments in April. Amendment 61 prohibits the state from doing that, so this bill allows districts to go to their local voters for additional funding to cover cash flow until property taxes are collected.
- *SB10-212 Repeal Most TABOR Refund Mechanisms (Sen. Cadman / Rep. Weissmann)*
 - Last week this bill passed through the Senate Finance committee, both 2nd and 3rd reading and was introduced in the House on Friday and assigned to the Finance committee.

Postponed Indefinitely:

- The following concurrent resolutions have been defeated in the legislature:
 - *SCR10-006 Amendment 23 & Public Education Rate of Growth (Sen. Lundberg)*
 - This resolution would have allowed the General Assembly to set the rate of growth for public education funding if the rate of inflation reaches 5% or greater.
 - *SCR10-007 Sales & Use Tax of Tangible Personal Property (Sen. Lundberg)*
 - This resolution would have voided two acts enacted by the General Assembly (HB10-1192 & HB10-1193) and signed into law in 2010, codified the Department of Revenue's special regulation related to the sales or use tax of sales of computer software, and specified that there shall be no sales or use tax liability for any Colorado purchases made by a Colorado purchaser from a retailer that does not have a physical presence in the state of Colorado.
 - *SCR10-008 Clarification of Tax & Fees in TABOR (Sen. Brophy / Rep. McNulty)*
 - This resolution would have defined a "tax" to be a charge imposed by a district that is not a fee or a fine, but includes a special assessment. A "fee" was defined to mean a charge imposed by a district that, at the time of its creation, is intended to:
 - (1) Be levied only to defray the cost of the particular government service provided to those charged;
 - (2) Be reasonably related to the overall cost of that government service; and
 - (3) Not be levied for the purpose of raising revenue for a general public purpose.
 - *HCR10-007 Transfer of GOCO Moneys to State Education Fund (Rep. Sonnenberg)*
 - On Monday 5/3 the House Education committee postponed indefinitely HCR10-007.

- This resolution would have allowed the transfer of all available net proceeds minus any moneys required to pay bonds issued by law by the trust fund board of every state-supervised lottery game to the State Education Fund if the General Assembly declared a state fiscal emergency. The emergency would be declared by adopting a joint resolution approved by a 2/3 majority vote of the members of both houses of the General Assembly and the Governor.
 - *SB10-206 Distribution of State Share of Limited Gaming Revenue (Sen. White / Rep. Scanlan)*
 - On Wednesday 5/5 the Senate Finance committee voted to postponed indefinitely SB10-206. This bill would have removed the triggers and exceptions related to the distributions, commencing with FY 2010-11 and every state fiscal year thereafter, of the 50% of the limited gaming fund allocated to the state general fund or such other fund as the General Assembly provides.

Upcoming Dates

- Bill Hearings –
 - Monday
 - House Education
 - SB10-205 Reps. Scanlan and Murray - School District Bonded Indebtedness Elections
 - (The committee will consider any other bills assigned to it at this time)
 - House Finance
 - SB10-212 Rep. Weissmann - Repeal Most TABOR Refund Mechanisms
 - House Appropriations
 - SB10-191 Rep. Scanlan and Murray - Principal And Teacher Effectiveness
 - (The committee will consider any other bills assigned to it at this time)
 - Senate Education
 - HB10-1430 Sen. Hudak - New K-12 Educational Assessment System (FOR ACTION ONLY.)
 - SB10-050 Sen. Spence - Contract Renewal For K-12 Teachers
 - Senate Finance
 - HB10-1428 Sen. Romer – Student Loans
 - Senate State, Veterans and Military Affairs
 - SCR10-004 Sens. Romer & Tapia - Games With Element Of Chance (For action only.)
 - Tuesday
 - No scheduled committee work for education bills. The remainder of the floor work is scheduled for this time.
 - Wednesday – ADJOURNMENT SINE DIE midnight