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## Charting the Capitol Legislative Wrap Up - May 13, 2015

### Hard at Work for You

The Colorado State Legislature concluded the 2015 General Assembly last Wednesday, May 6. The League was hard at work until the very end advocating for charter schools across the state and for the 101,000+ children who attend them.

While we weren't able to accomplish all of the ambitious goals we set this session, we still managed to come away with a number of positive victories that will keep things moving in the right direction for Colorado charters and their students.

Below is an overview of the positive developments. Be sure to keep an eye out in the coming months for more in-depth analyses of the 2015 legislative session and what it means for you.

But first, we would be remiss if we didn't say THANK YOU to everyone who helped our efforts at the Capitol this year. From those of you who participated in our Governmental Affairs Committee and helped map out legislative priorities, to those of you who took time out of your busy schedule to contact legislators or testify at the Capitol. We could never do this without you and are incredibly grateful for your continued commitment and support.

### Holding Strong on Facilities Dollars

Heading into this legislative session, the League had high hopes for what additional dollars we might be able to attain to address the unique needs of charter schools. The further the session went along, however, the clearer it became that the once-hoped-for windfall of K-12 dollars was not going to materialize. Whether because of commitments to TABOR refunds, reserve balances, or a number of other statutorily-mandated allocations, by the time available revenue was distributed across these required areas, there were very few dollars left to devote to K-12.

Despite this situation and the general lack of appetite for earmarking dollars for anything but per-pupil revenue (see below), **the League was able to keep the Charter Capital Construction Funding that was committed as part of 2014's agreements intact.** This was no small feat in what ended up being an extremely tight budget year. Charter schools that qualify for Capital Construction dollars in 2015-16, **will see a nearly 50 percent increase in per-pupil Capital Construction dollars (from \$169/student this year to approximately \$250/student in the 2015-16 school year).**

In just two years' time, **League advocacy efforts have successfully raised the overall amount dedicated to Charter Capital Construction Funding from \$7 million in 2013-14 to \$22 million going into the 2015-16 school year.** We hope to continue to build on these advances in years to

come.

## An Increase in Per-Pupil Funding

In addition to the Capital Construction Funding increase, next year will also bring a sizable rise in state per-pupil revenue. That's because legislators are required to meet constitutional minimums related to growth and inflation, an amount that resulted in a 2.8 percent increase for the 2015-16 school year. Combine this with the additional \$25 million legislators were able to dedicate to a continued buy-down of the "Negative Factor" as part of [Senate Bill 15-267](#), **and average per-pupil funding across the state will rise from \$7,026 this year to \$7,295 next year.** [Click here to download](#) a district-by-district breakdown of where 2015-16 per-pupil revenue should land as a result of the passage of SB15-267.

One other element of SB15-267 that is worth noting is the inclusion of an additional \$5 million in per-pupil funding for at-risk students across the state, **funds that League efforts were able to ensure will be distributed to charter schools on a full pro-rata basis for each at-risk student enrolled with no risk of administrative or other fees being taken off the top.**

## Testing Relief

Something we heard loud and clear going into this legislative session was that charter schools needed to see meaningful relief from a statewide testing system that has become overly burdensome in many ways. As such, **the League was a consistent part of the chorus calling for reductions to our state's assessment system.** This started with charter representation on the Standards and Assessments Task Force that met over the summer and into the fall, and continued with efforts at the Capitol this spring.

Legislators finally got down to legitimate business on this subject in the session's final weeks, and a compromise deal was reached - embodied in [House Bill 15-1323](#) - that attempts to balance the concerns of a wide range of education stakeholders and interest groups.

Does HB15-1323 go far enough? Probably not. Will the conversations need to continue? Most likely. But as far as the limitations of the current political environment are concerned, this was about as far as the conversation was going to be able to be pushed at this stage if anything was to be accomplished at all.

The League looks forward to ongoing engagement on this subject as we continue to work as a state to identify the proper assessment and accountability system for our schools and our children. In the meantime, here are some of the main provisions of the compromise lawmakers reached in the session's final days:

- Apart from the ACT, state-mandated testing will be eliminated in 11th and 12th grades.
- Pending federal approval (not a guarantee as CDE first has to apply for flexibility from federal requirements in order to be able to implement this provision), 10<sup>th</sup> grade PARCC testing would also be eliminated to be replaced by a college-and-career readiness test such as ACT Aspire, which takes less time to administer.
- Annual PARCC testing will continue in grades 3-9 (largely out of compliance with the requirements of current federal statute).
- Statewide science tests will continue to be administered, once in elementary, once in middle and once in high school (also in compliance with the requirements of current federal statute).
- Statewide social studies tests will only be given in some schools each year but in every school at least once every three years.
- Paper and pencil tests will be made available to individual schools that request them.
- School readiness and READ Act assessments will be significantly streamlined to eliminate redundancies and other unnecessary elements.
- State accreditation ratings for districts and schools will be suspended for the 2015-16 school year.
- Parents will have to be notified about their rights to opt students out of tests, and districts and schools are prohibited from punishing or discriminating against students who don't take tests. Districts and schools will also have to provide annual testing calendars and information

about the purposes of tests to their students and families.

- Pending federal approval (again, not a guarantee), a pilot program would be created that would allow for greater experimentation with alternate assessments by schools and districts that could ultimately result in the adoption of a new set of assessments used across the state - although a lot would have to happen for all this to fall into place.

If you're interested in more details on any of these elements, [follow this link](#) to a two-page summary of HB15-1323 and [this link](#) to a copy of full bill text.

## Nod to Networks

The League-sponsored measure that codifies the concept of charter school networks in statute -[House Bill 15-1184](#) - completed its legislative journey when Governor John Hickenlooper signed it into law on April 8th.

Follow the links below to more complete details on the bill, but at its most basic, the new legislation does the following:

- Defines the concept of a charter school network in statute:
  - Charter school networks - or the existence of multiple charter schools overseen by a single charter operator - have existed in Colorado for a number of years. In fact, as of the 2014-15 school year, approximately 65 of the 214 charter schools that exist in Colorado operate under a network-type arrangement. Despite the prevalence of this type of structure, it has yet to be recognized in statute through simple codification of the concept itself. House Bill 15-1184 changes that and adds certain important protections moving forward.
- Brings policy in line with current practice by making explicit provision for the following in Colorado law:
  - A charter school network may oversee multiple schools under a single charter contract.
  - A charter school network may be governed by one governing body.
  - A charter school network may make expenditures from any lawful source for central office purposes.

Click [here](#) for a more in-depth overview of what the bill does, and [here](#) for a final version of the bill itself.

## Other Legislation of Note

- Governmental Immunity/School Safety ([SB15-213](#)):
  - Throughout the session, the League joined other stakeholders in advocating for changes to proposed legislation that would make it possible to sue schools and districts for acts of school violence ([SB15-213](#), also known as the "Claire Davis School Safety Act"). While fully supportive of the intent of the legislation and its desire to improve school safety, we disagreed strongly with how it proposed to get there ([click here](#) for a document explaining the League's position and some of our concerns with the bill). **We advocated for amendments that would strengthen the bill towards its stated intent and reduce some unintended consequence of the proposed language. While we were able to extract some meaningful concessions**, the legislation was approved by both chambers and now heads to the Governor where his signature is expected. This will definitely be an area to monitor closely in the months and years ahead, and you can fully expect the League to remain actively engaged in conversations around the roll-out of this measure and potential future modifications to it.
- Denver Public Schools' PERA true-up ([HB15-1391](#)):
  - The League also engaged closely in advocacy efforts related to a true-up of Denver

Public Schools' PERA employer contribution rate. Since merging with PERA in 2009, the DPS division has had a contribution rate over 3.5 percentage points higher than the rest of the districts in the state - this despite their overall fund being in a much stronger position relative to other districts. [HB15-1391](#) sought to change this by holding legislators to a commitment they made in 2009 to revisit DPS' contribution rate after five years. The League engaged closely on this issue because an adjustment of the contribution rate represents a savings of over \$2.2 million dollars annually for DPS charters. **With League support, the measure was finally approved on the last day of session and represents a significant source of savings for the approximately 50 charter schools that DPS now authorizes.**

- AEC Accountability Review ([HB15-1350](#)):
  - One of the things we've heard consistently is that the current performance evaluation criteria for Alternative Education Campuses (AECs) needs to be revisited and likely revised. Because of this need, **the League was fully supportive of [HB15-1350](#), which calls on CDE to convene stakeholder meetings throughout 2015 to review state statutes and State Board of Education rules relating to the performance indicators for the accreditation of AECs** and to formulate recommendations for how these might be modified for distribution to the Colorado Commissioner of Education and the education committees of both the Colorado House and Senate by no later than December 1, 2015. This bill gained final legislative approval in the session's final days.
- Authorizer Standards and Accountability ([SB15-216](#)):
  - Finally, we made a valiant effort on [SB15-216](#) - the League-backed measure that would have injected far more consistency and accountability into charter authorizing practices across the state. Unfortunately this bill fell victim to partisan politics in the session's final days. Despite garnering bipartisan support in the Senate, it was assigned to the State, Veterans, and Military Affairs Committee, also known as the "kill committee," by House leadership when it made its way over to that chamber several weeks ago. True to its name, that committee killed it on a party-line vote. This obviously disappoints us greatly, but we are far from giving up. We will continue to push for efforts to inject more standards and accountability into the charter authorizing process.

Thank you again for all of your support throughout this legislative session. We look forward to engaging with you throughout the summer to identify the key areas the League should advocate for as we head into 2016.

Sincerely,

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