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## Charting the Capitol Legislative Updates - April 30, 2015

### End in Sight

One week to go in the 2015 legislative session, and some clarity is finally starting to emerge on this year's top priorities. There are many final details to hash out in the remaining days and surprises could still surface, but the broad contours of where such hot topics as testing and funding will land for the 2015-16 school year appear to be taking shape.

Read on for further details on these and other topics the League is working on closely, and feel free to reach out to Dan Schaller at [dschaller@coloradoleague.org](mailto:dschaller@coloradoleague.org) or Jessica Johnson at [jmjohnson@coloradoleague.org](mailto:jmjohnson@coloradoleague.org) should you have any questions.

### 2015-16 School Finance Act Introduced and Moving Quickly

Going into the 2015 legislative session, there were high hopes for what might be able to be accomplished to further improve the school finance picture in 2015-16. As the session has progressed, however, lawmakers have confronted some sobering realities related to fiscal limitations such as TABOR refunds and increased Medicaid rolls.

The overall amount available for K-12 education next year has come down significantly from original projections. When this year's version of the School Finance Act ([Senate Bill 15-267](#)) was recently introduced, the only funding included above the constitutionally-required minimum was an additional \$25 million towards a buy down of the "[negative factor](#)" (basically additional per-pupil revenue for next school year).

While we would have preferred to see more money available so that specific charter priorities might be addressed, the situation is not without its silver linings. Specifically,

- We were able to hold the line on the Charter Capital Construction Funding committed to us as part of last year's agreements (which was no guarantee in this year's tight K-12 environment). That's an additional \$8.5 million toward capital construction needs for next year, raising the overall amount in this bucket to \$22 million, an increase of **214 percent** in just two years' time. If your charter school qualifies for [Capital Construction dollars](#), you should receive approximately \$250 per student in Capital Construction funding, up from \$169 per student this year.
- Also, if the current agreement around the School Finance Act holds true (which appears likely - it is very close to passing out of the House) 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 per-pupil revenue would land should SB15-267 pass in its

current form.

## Clearing the Field on Testing

While some 11 measures on testing have been brought to the table for consideration this session, most of them have been cleared away recently as general consensus builds for one primary proposal in each chamber - [HB15-1323](#) in the House and [SB15-257](#) in the Senate. The two measures have a lot in common (see [attached](#) for a side-by-side comparison created by *Chalkbeat Colorado*). A couple of scenarios are likely - A. one of these bills will emerge as the last man standing, or B. both will pass and the two chambers will have to come together to hash out a last-minute compromise on any remaining differences.

Here's a brief overview of what these two bills have in common and what differences remain to be worked out in the session's final days:

- Apart from the ACT, both would eliminate state-mandated testing in 11th and 12th grades
- Both would eliminate state-mandated testing in Social Studies
- Both would provide for an ongoing paper-and-pencil option
- Both would create pilot programs that, pending federal approval, would enable a select group of local education providers to experiment with the use of alternative assessments as a possible replacement for state assessments in the future
- Both would make 2015-16 a hold harmless year for purposes of the state's school and district accreditation system
- Both would streamline school readiness and READ assessments to eliminate certain redundancies and unnecessary elements
- SB15-257 would eliminate state-mandated 9th grade testing; HB15-1323 would not
- Pending federal approval, SB15-257 would allow local education providers to use a vertically-aligned, standards-based battery of assessments in lieu of state assessments; HB15-1323 would not

As the last-minute deliberations around these proposals continue, we'll be sure to update you on developments, but in the meantime, please don't hesitate to send feedback to [dschaller@coloradoleague.org](mailto:dschaller@coloradoleague.org) on any specific questions or concerns you might have.

## League Continues to Push for Improvements to School Liability Bill

[Senate Bill 15-213](#), the bill that would make it possible to sue schools and districts for certain acts of school violence, cleared the Senate last week with a 25-9 final vote. Before leaving that chamber, it was amended to soften certain provisions (see [this story](#) from *Chalkbeat Colorado* for further details), but the League still has significant concerns related to its overly broad terminology and likely unintended consequences. As it moves over to the House, the League will be actively pursuing further amendments aimed at such areas as raising the standard of care and ensuring the proper use of criminal justice procedures. [Click here](#) for a one-pager explaining the League's position and concerns about this bill. Click the following links to read editorials by the [Aurora Sentinel](#) and [The Denver Post](#) to get their take on this proposed piece of legislation.

## Feds Weigh in on Opt-Out Debate

Late last week the U.S. Department of Education rejected the Colorado Department of Education's (CDE) request for a waiver that would allow districts to not count opt-out students toward their required 95 percent test participation minimum. CDE developed this request in response to the Colorado State Board of Education's decision in February to exempt schools and districts from penalties associated with high opt-out rates. By rejecting this waiver, the U.S. Department of Education (USDOE) is essentially signalling that schools and districts that fall below the 95 percent participation threshold could face sanctions from the federal government. Follow [this link](#) to a complete copy of the USDOE letter.

## League Authorizer Bill Hits Roadblock

Despite passing the Senate with bipartisan support and having a Democratic sponsor in the House, [Senate Bill 15-216](#) - the League-backed measure that would inject more consistency and accountability into charter authorizing practices across the state - was assigned to the House State, Veterans, and Military Affairs Committee, also known as the "kill committee." This means the bill will face a very steep uphill battle in terms of getting a fair hearing in the House.

We are very disappointed by this development, but that doesn't mean we're going down without a fight. The bill will be heard in the House State, Veterans and Military Affairs Committee next Monday afternoon, May 4, starting at 1:30 PM, and the League is lining up people to testify in order to make it as difficult as possible for lawmakers to reject this important proposal. If you have any interest in testifying, please contact Dan Schaller at [dschaller@coloradoleague.org](mailto:dschaller@coloradoleague.org). In the meantime, please follow [this link](#) to a simple Action Alert that will enable you to quickly contact your legislator and signal to him/her that all children deserve access to the sorts of high-quality school options that SB15-216 would provide. Please forward this Action Alert to your school's families and staff.

## AEC Bill Advances

[House Bill 15-1350](#), legislation that would direct CDE to convene a series of stakeholder meetings aimed at reviewing and revising the current indicators used to evaluate Alternative Education Campus (AEC) performance in Colorado, moved out of the House Education Committee with minimal amendments last week and then met with near-unanimous support when it reached the House floor. It now heads to the Senate where continued support is expected. Click [here](#) for the latest version of the bill.

## In Case You Missed It: League Networks Bill Signed into Law!

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

See the links below for more complete details on what the bill accomplishes, 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.
- 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, and THANK YOU to everyone who worked hard over the past several months to help us map out the proposal and then usher it smoothly across the finish line.

## League Legislative Tracker

Finally, if you're looking for details on other education-related legislation not highlighted in this newsletter, be sure to check out our [Legislative Tracker](#) for information on all current education bills.

And if you have questions or would like more background on any of this legislation, please don't hesitate to reach out. We'd be happy to provide further context, and invite you to send responses to [dschaller@coloradoleague.org](mailto:dschaller@coloradoleague.org) or call 303-989-5356, ext.105.

Sincerely,

The League Policy and Advocacy Team

Dan Schaller  
Director of Advocacy  
[dschaller@coloradoleague.org](mailto:dschaller@coloradoleague.org)  
303.989.5356 x105

Jessica Johnson  
Director of Policy and Legal Initiatives  
[jmjohnson@coloradoleague.org](mailto:jmjohnson@coloradoleague.org)  
303.989.5356 x121

Nora Flood  
President  
[nflood@coloradoleague.org](mailto:nflood@coloradoleague.org)  
303.989.5356 x109

Stacy Rader  
Director of Communications  
[srader@coloradoleague.org](mailto:srader@coloradoleague.org)  
303.989.5356 x112

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Colorado League of Charter Schools | 2696 S. Colorado Blvd. | Suite 250 | Denver | CO | 80222