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## BB, April 5, 2013

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### Regional day attendees get private lesson on school finance reform bill

Consistent with their rather herculean efforts to answer all questions and concerns about SB 213, **Sen. Johnston's** office came running – literally – when **Jane Urschel** called with questions from Garfield Re-2 Superintendent **Susan Birdsey**, who was with her board members for CASB's Regional Day at the Capitol.

Jane called Sen. Johnston's office Wednesday morning to get an answer to Susan's concern that under the amended bill, local districts would not see an increase in funds if/when their voters approved a local mill levy increase to meet the local share obligation of her district as it is defined in the bill.

Within the hour, **Damion LeeNatali** and **Will Gohl** – Sen. Johnston's "brain trust" – came to CASB to explain the complex details of the bill to Susan and her board members. Despite Ken DeLay's efforts to confuse everyone with his "what if" scenarios, we all learned a lot about the amended bill and Susan was reassured that her district would receive the benefit if voters approved a mill levy increase.

### Private lesson highlights:

#### State/local share and mill levy elections

- The determination of the state and local shares of a district's Total Program is based on three factors: assessed valuation per pupil, median income and concentration of poverty.
- No district will ever be required to go for a local mill levy increase and no district will ever see a reduction in their state funding, even if their voters approve a local increase.

- If the new state/local calculation results in an increased local share – i.e., the local share is calculated to be 8 mills and a district currently assesses only 4 mills – the district may (but need not) ask its voters to approve an increased mill levy.
- If the voters approve the increase, the amount of the state's share will remain the same and the district will retain the additional dollars generated by the additional mills. Moreover, the increase in mills will not count towards the district's override cap unless or until the district seeks additional mills in excess of the 8 mills necessary to fund its local share of Total Program.
- The bill also includes a state mill levy match, which will narrow the discrepancy between the amounts generated by mill levies across the state and provide state funds to districts whose mills generate less than the statewide average.

### Vouchers

- The bill does not permit or otherwise address vouchers. The bill increases and simplifies funding by providing 1 FTE for every high school student regardless of seat time and allows districts discretion to determine how to spend these funds. This provision is intended to make it easier for districts to count and fund students in district-approved programs, such as online programs where seat time creates funding issues.

In theory, districts could elect to give the funds to parents for private school tuition as they can now (unless and/or until a court says otherwise), but parents cannot force a district to do so and that is not the purpose of these provisions.

### Backpack funding

- The amended bill still includes the provisions requiring districts to send the state share of their ELL and at-risk dollars to building principals who would have total discretion over how to use the funds.
- CASB is adamantly opposed to this provision, which it believes violates local control and threatens the continuity and quality of programs in our districts.
- Bill sponsors are looking to CASB to craft language that "builds more leadership capacity at the building level," while allowing district leadership to retain ultimate control over budgeting and programming decisions. We are currently crafting an amendment, which we expect to be introduced by **Rep. Hamner** when the bill is heard in the House Education Committee on Monday, April 15.

In all, it was a highly productive and educational "lesson" and we are grateful to Sen. Johnston and his staff for their commitment to resolving these complex policy issues in such a collaborative manner.

A more detailed analysis of the major components of the amended bill can be found at [Ed News Colorado](#).

## Bills at a Glance: Summary and status of bills that affect school boards

### **HB 13-1047 EXTRACURRICULAR PARTICIPATION ACROSS SCHOOL DISTRICTS**

Sen. Todd (D); Rep. Schafer (D)

The bill clarifies that if a student chooses to participate in an activity at a public school other than his or her school of attendance, the school district shall choose the school at which the student may participate. The bill was amended to include a list of factors to be considered when the school makes its determination.

**Status:** Approved by Senate Education

**CASB position:** Monitor

### **HB 13-1211 ENGLISH LANGUAGE PROFICIENCY PROGRAMS**

Reps. Buckner (D) and Navarro-Ratzlaff (R)

The bill repeals and reenacts the existing English Language Proficiency Act (ELPA). The bill expands the time to provide ELL services from 2 to 5 years but does not bring new money to the ELL categorical. The bill also increases district's program requirements consistent with federal law, increases CDE oversight and resource support obligations, and establishes additional reporting requirements (which are consistent with those required by Title III). The bill creates a \$250,000 award fund and a \$6.5 million support fund to be distributed to districts on a per pupil basis to support professional development and new reporting requirements. The bill also includes new funding to support an additional 5 FTE for CDE.

**Status:** House Education Committee Refer Amended to Appropriations

**CASB position:** Monitor

### **HB 13-1095 HOME SCHOOL STUDENTS PARTICIPATION IN ACTIVITIES**

Sen. Marble (R); Rep. Stephens (R)

Under the bill, a school district, a public school, or an interscholastic organization cannot require a student who is enrolled in a

nonpublic home-based educational program to enroll in or complete course credits as a condition of participating in an extracurricular activity, unless the activity is an extension of a course.

**Status:** Approved by Senate Education Committee

**CASB position:** Monitor

#### **HB 13-1222 FAMILY CARE ACT FAMILY MEDICAL LEAVE ELIGIBILITY**

Sen. Ulibarri (D); Rep. Peniston (D)

Under the federal "Family and Medical Leave Act" (FMLA), an employee is entitled to 12 workweeks of leave during a 12-month period to care for a spouse, child or parent of the employee who has a serious health condition. The bill expands the group of family members for whom employees in Colorado may take FMLA leave to include a person to whom the employee is related by civil union or domestic partnership.

**Status:** Introduced in Senate (Assigned to Health & Human Services)

**CASB position:** Monitor

#### **SB 13-217 K-12 ACCREDITATION CRITERIA ALTERNATIVE ED CAMPUS**

Sen. Hudak (D); Rep. Pettersen (D)

The bill authorizes the state board of education to consider the unique circumstances and challenges posed by students enrolled in alternative education campuses when establishing the criteria applied in determining the appropriate accreditation category for each school district and the state charter school institute.

**Status:** Approved by Senate Education Committee

**CASB position:** Monitor

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[House Education Committee Members & Schedule](#)

[Senate Education Committee Members & Schedule](#)

CASB makes it easy for you to keep track of education bills through our master bills list via [Colorado Capitol Watch](#). Visit the list to learn more about education-related legislation, including the date each bill was introduced and CASB's position.

#### Address **Colorado Association of School Boards**

2253 S. Oneida St., Ste. 300

Denver, CO 80224

#### Phone

303-832-1000 or 800-530-8430

#### Fax

303-832-1086

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