

Colorado and Federal Legislative Wrap 2021

Governance/Policy

1. House Bill 1103: Academic Content Standards
 - a. Requires that the state board of education revise its academic content standards for reading, writing, and civics to include media literacy
 - b. CDE will also be required to create an online resource bank on media literacy issues

2. House Bill 1304: Department of Early Childhood
 - a. Effective 7/1/22, the law creates the Department of Early Childhood
 - b. The department will be tasked with rolling out the state's universal preschool system
 - c. Will become the regulatory agency for programs that are now spread across various agencies

3. House Bill 1055: Compensation for School District Board Members
 - a. Removes the restriction on compensation for a president or vice-president of a school district board
 - b. Allows for compensation of members
 - c. Modification to compensation cannot occur during an officer's or member's term in office

4. House Bill 1010: Diverse K-12 Educator Workforce Report
 - a. CDE and department of higher education will create a workgroup on diversity in the educator workforce
 - b. Workgroup will
 - i. Investigate barriers to the preparation, retention, and recruitment of diverse educators
 - ii. Consider strategies to increase diversity
 - iii. Submit a written report of its findings to the education committees

5. House Bill 1217: Military Family Open Enrollment in Public Schools
 - a. Requires school districts, charter school, and CSI schools to accept the school liaison address for the military installation for purposes of demonstrating residency for inbound active-duty military members participating in open enrollment
 - b. Requires school to grant guaranteed automatic matriculation to the child of an inbound active duty military member while the child remains in the school, and priority preference for younger siblings of the child for enrollment in subsequent school years

6. Senate Bill 116: Prohibit American Indian Mascots
 - a. Prohibits use of American Indian mascots by public schools as of June 1, 2022
 - b. Imposes a fine of \$25,000 per month for each month that a public school continues to use a mascot after such date

Human Resources

1. Healthy Families and Workplaces Act
 - a. HFWA remains in effect, and starting January 1, 2022, applies to all employers (not just those with 16 or more employees)
 - b. Paid Sick Leave
 - i. Employers must provide each employee one hour of paid sick leave for every 30 hours worked, up to 48 hours per year (can exceed if permitted by employer)
 - ii. Employees must be allowed to roll over up to 48 hours of unused paid leave, but an employer can restrict an employee from using more than 48 hours of paid sick leave in a year
 - iii. Employers are not required to pay out unused paid sick leave upon termination
 - iv. Qualifying reasons for taking leave:
 1. Mental or physical illness, injury or health condition that prevents employee from working;
 2. Needs to obtain medical diagnosis, care, or treatment;
 3. Needs to obtain preventive care;
 4. Needs to care for a family member who falls under the three categories above;
 5. Employee or employee's family member has been the victim of domestic abuse, sexual assault, or criminal harassment, and the use of leave is to:
 - a. Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition cause by domestic abuse, sexual assault, or harassment;
 - b. Obtain services from a victim services organization;
 - c. Obtain mental health or other counseling;
 - d. Seek relocation due to domestic abuse, sexual assault, or harassment; or
 - e. Seek legal services, including preparation for or participation in a civil or criminal proceedings relating to abuse or harassment

6. Due to a public health emergency, a public official closed either:
 - a. The employee's place of business; or
 - b. The school or place of care of the employee's child, requiring the employee needing to be absent to care for the child
- v. Pay Rate
 1. Same hourly rate or salary and with the same benefits as the employee normally earns
 2. Not less than minimum wage
- c. Public Health Emergency-Related Paid Leave
 - i. Employees who normally work 40 or more hours per week receive supplemental leave up to 80 hours
 - ii. Employees who work less than 40 hours receive the greater of:
 1. The number of hours of the employee is scheduled for work in the upcoming 14-day period, or
 2. The number of hours worked on average in the 14-day period prior to the declaration
 - iii. Employers may consider paid time off already accrued
 - iv. Qualifying reasons for leave
 1. Self-isolate (or care for a family member who is self-isolating) due to being diagnosed with, or having symptoms of, the public health emergency illness;
 2. Seek or obtain (or care for a family member needing) medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency;
 3. Seek for oneself (or care for a family member needing) preventive care concerning the public health emergency illness;
 4. If employee is excluded from work due to exposure;
 5. Being unable to work due to a health condition that may increase susceptibility or risk;
 6. To care for a child or other family member whose school, child care provider, or other care provider is unavailable, closed, or providing remote instruction due to the public health emergency.
 - v. Pay Rate
 1. Same rate and benefits as typically earned, not including overtime, bonuses, or holiday pay

2. American Rescue Plan: ESSER II & III

a. Tax Credits

- i. ARP extends tax credits to employers that continue to voluntarily offer paid leave and emergency FMLA under the FFCRA through September 30, 2021
 - b. ESSER II
 - i. Enacted in December 2020
 - ii. Provides \$54.3 for the ESSER Fund (Elementary and Secondary Emergency Relief)
 - iii. Distributed according to same process as ESSER I
 - iv. 90% flow to local education agencies based on Title I formula
 - v. Colorado was allocated \$519,324,311
 - c. ESSER III
 - i. Enacted March 2021 (part of ARP)
 - ii. Added \$123 billion to ESSER
 - iii. Colorado will receive almost \$1.17
 - iv. 90% will flow to districts through Title I formula
 - v. Heavy emphasis on addressing the learning impacts of COVID-19 by requiring local education agencies to use at least 20% of funding for this purpose
- 3. Senate Bill 172: Educator Pay Raise Fund
 - a. Creates a state account dedicated to increasing the pay of teachers and other school personnel
 - b. Only goes into effect if a ballot measure to increase taxes to raise money for the fund is passed no later than November 2027
 - c. Money raised will be distributed by the CDE to districts, charters, and BOCES
- 4. Senate Bill 058: Approval of Alternative Principal Programs
 - a. Authorizes school districts, BOCES, higher education, nonprofits, charter schools, CSI, nonpublic schools, or any combination thereof to create an alternative principal program
 - b. Program must meet the statutory requirements
 - c. Person completing the program while employed by a school district, BOCES, or charter school may qualify for an initial or professional principal license
- 5. House Bill 1108: Gender Identity Expression Anti-discrimination
 - a. Amends the definition of “sexual orientation” and adds definitions of the terms “gender expression” and “gender identity”.
 - b. Adds the terms “gender expression” and “gender identity” to statutes prohibiting discrimination against members of a protected class, including:
 - i. CCRC
 - ii. Employment

- iii. Enrollment in a charter school, CSI school, public school, or pilot school
 - iv. Local school boards' written policies regarding employment, promotion, and dismissal
 - v. Assignment or transfer of a public-school teacher
 - vi. Enrollment or classification of students at private occupational schools
 - c. Places of public accommodation may not deny an individual full and equal enjoyment of facilities, privileges, accommodations on the basis of gender identity.
 - d. No clarity in the law, which among other things revises the School Code (section 22-32-109) regarding discrimination, as to whether the individual's gender identity or gender expression may be constrained by parents. Seeing that many trainings err on the side of conceding to a student's request without parental consent. But I do advise that you, in cases where you do not suspect abuse, at least inform parents and advise them of the way that this sort of scenario will play out in the building.
 - e.
6. House Bill 1133: Seizure Training & Individual Action Plans
- a. Requires K-12 public schools, and strongly encourages nonpublic schools, to provide annual seizure-related training to school personnel who have direct contact with or supervise students who have a seizure disorder
7. House Bill 1104: Professional Educator Licensure Renewal Period
- a. Extends the renewal period for professional teacher, special services educator, principal, and administrator licenses from 5 to 7 years

Student Handbook/Code of Conduct

1. House Bill 1221: Bullying Prevention and Education
- a. Current law requires each school district and charter school to adopt a safe school plan that includes:
 - i. A conduct and discipline code with a specific bullying policy
 - ii. Safe school reporting requirements
 - b. This bill requires the CDE to utilize a stakeholder process when updating the model bullying prevention and education policy
 - i. Must include parents of bullied students
 - ii. Must differentiate between a conflict and bullying
 - iii. Must clarify the role of cyberbullying
2. House Bill 1059: Online Student Protections

- a. Regarding online education services, the law prohibits LEPs from:
 - i. Prohibiting the online student's parent from being in the same room while the student participates in online instruction, but the person leading the instruction may require a disruptive parent to leave the area the student is in
 - ii. Suspending or expelling an online student based on an item observed in the student's physical environment or the student's behavior while participating in online instruction, unless the behavior constitutes one of the statutory grounds for suspension or expulsion

Finance

1. House Bill 1164: Increase to Mill-Levy Rates
 - a. School districts are allowed to slowly raise their mill-levy rates to levels previously approved by voters up to 27 mills
 - b. Expected to increase property tax revenues for school districts by \$91.7 million in the 2021-22 fiscal year
 - c. Normally required voter approval is no longer necessary
2. House Bill 1259: Process for Funding LEPs for Extended Learning Opportunities
 - a. CDE is directed to streamline the application process and other requirements relating to the award of money to LEPs to implement one or more extended learning opportunities to address COVID-19 learning impacts
 - i. Extended learning opportunities include summer school programming, extended school days or weeks, high-impact tutoring, creative enrichment tied to academic gains, social-emotional supports, and additional mental health supports tied to academic success
 - b. LEPs must establish an internal progress-monitoring system to monitor progress
3. House Bill 1006: Fifth-day School Enrichment Programs Funding
 - a. Creates the fifth-day academic enrichment and support grant program
 - b. Awards grants on a 3-year cycle to one or more eligible community-based nonprofit organizations and to eligible rural school districts to provide supplemental educational program to preschool through high school-aged children on the fifth day of the week for children in schools that have a 4-day school week
4. Senate Bill 157: Increase Cap Charter School Moral Obligation Bonds

- a. Increases the cap for the aggregate outstanding principal amount of qualified charter school bonds for which the general assembly may restore reserve fund requirements from \$500 million to \$750 million

Academics and Student Support Services

1. **House Bill 1273: CDE Report Concerning School Psychologists**
 - a. Requires the CDE to prepare an annual report on the number of pupils enrolled in public schools, and the total number of licensed school psychologists in the state
 - b. Includes number of licensed psychologists employed by a school district, BOCES, or CSI who are reported as full-time equivalent employees
2. **Senate Bill 106: Successful High School Transitions**
 - a. Amends the high school innovative learning pilot program (ILOP) to allow a school of school district to participate in an ILOP with a district or independently
 - b. Requires all applicants to demonstrate how their innovative learning plan disproportionately benefits underserved students
 - c. In selecting applicants, the CDE and state board must consider whether the ILOP includes opportunities for students to participate in apprenticeships, internships, and technical training or skills program, teacher training opportunities, concurrent enrollment, and industry certificates
3. **Senate Bill 067: Strengthening Civics Education**
 - a. Specifies information and issues that public schools must teach in providing courses on civil government
 - b. Directs the state board of education to review the state civic standards and update them as necessary to include the identified information and issues
 - c. **Three branches of Govt, formation of US gov and CO gov, application of original docs to modern society.**
4. **Senate Bill 056: Expand Cannabis-based Medicine at Schools**
 - a. Under current law, school districts must permit primary caregivers to possess and administer cannabis-based medicine on school grounds and school principals are given discretion to permit the storage, possession, and administration
 - b. This bill removes the discretion and makes it mandatory to implement policies allowing for storage, possession, and administration of cannabis-based medicine by school personnel

- c. School personnel are not required to administer medical marijuana and cannot be retaliated against for refusing
 - d. Volunteer school personnel may administer medical marijuana
5. House Bill 1200: Revise Student Financial Literacy Standards
- a. Directs the state board to review standards relating to the knowledge and skills that a student should acquire in school to ensure that that financial literacy standards for 9-12 grade include an understanding of the costs associated with obtaining a postsecondary degree or credential and how to budget for and manage the payment of those costs
 - b. Includes training on FAFSA and CASFA, credit cards, homeownership and mortgages, retirement, etc.
 - c. Requires school districts and charter schools to inform the student and the student's parents of the importance of completing the FAFSA and CASFA and to provide help in completing the forms if requested
6. Senate Bill 119: Increase Access to High-Quality Credentials
- a. Expands the definition of a qualified industry-credential program to include a career and technical education program that, upon completion, results in an industry-recognized credential with labor market value aligned with a high-skill, high-wage, in-demand job
 - b. Each participating school district, nonparticipating school district on behalf of its participating charter schools, and CSI to report to the CDE the total number of pupils who successfully complete a program or course with demographic information
 - c. Each participating school district and charter school must communicate how industry-recognized credentials are aligned with postsecondary degrees and high-skill, high-wage, in-demand jobs
7. Senate Bill 151: Literacy Curriculum Transparency
- a. Amends the READ act to require each LEP to submit the following information to the CDE:
 - i. Core and supplemental reading curriculum, or a detailed description of the curriculum, by grade, used in each of its schools;
 - ii. Core and supplemental reading instructional programs and intervention reading instruction, services, and other supports provided in each of its schools;
 - iii. The number of students enrolled in kindergarten and 1-3 grade who have READ plans, and the number of students who have achieved reading competency
 - iv. LEP's budget and narrative explanation for use of READ money
8. Senate Bill 013: Reversing COVID-related Learning Loss

- a. Directs the CDE to identify educational products, strategies, and services that have effectiveness in reversing student learning loss
- b. CDE must create resource bank of educational products, explanations of strategies, and models of professional development
- c. LEPs may submit information to CDE concerning successful strategies