

# 2013 End of Session Report

State Board of Education and Colorado Department of Education

MAY 2013

Brandeberry McKenna (BBMK) is pleased to provide the following report to the State Board of Education (SBE) and the Colorado Department of Education (CDE).

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## SECTION 1 STATE BOARD OF EDUCATION POSITIONS

SB13-002 by Sen. Hudak and Rep. Hamner allows BOCES to be designated as local education agencies for the purposes of federal grant funding. The bill passed early in session and was signed into law on March 22. The SBE supported SB13-002.

SB13-053 by Sen. Kerr and Rep. Hamner requires that CDE and the Department of Higher Education establish a procedure for the electronic exchange of unit record data for students enrolled in Colorado public schools. The two departments must collaborate to identify the student data relevant to high school students' transitions to postsecondary education. CDE is required to get student authorization for certain data transfers. The SBE supported SB13-053.

SB13-217 by Sen. Hudak and Rep. Petterson authorizes CDE, in the accreditation process, to consider the circumstances of students at alternative education campuses. The SBE supported SB13-217.

HB1081, Comprehensive Human Sexuality K-12 Education by Rep. Duran and Sen. Todd passed after much debate just days before the session came to a close. The bill requires that any school district offering curriculum related to human sexuality do so in a comprehensive manner. The practical implication of this is that school districts will not be able to offer an abstinence-only curriculum, though abstinence can be taught as part of a comprehensive approach. The bill also created a grant program at the Colorado Department of Public Health and Environment. CDE may still apply for Title V abstinence-only grants, but the ability of school districts to benefit from these funds is severely limited. The SBE opposed HB13-1081.

## SECTION 2 SCHOOL FINANCE

Without a doubt, one of the biggest debates of the 2013 legislative session occurred over SB13-213 by Sens. Johnston and Heath and Rep. Hamner. The Future School Finance Act, which was finalized by the legislature on May 1, is contingent upon voter approval of additional revenues for K-12 education. If it goes into effect, SB213 will make significant changes to the way Colorado distributes funding. More resources will be concentrated on at-risk and English Language Learner students, local school districts will be incentivized to ask their voters for financial support and the state will shift to an average-daily-membership system for counting students as opposed a single count date.

SB13-260 by Sens. Hudak and Steadman and Rep. Hamner was referred to as the “classic” school finance bill. Generating much less controversy than SB13-213, it will provide funding for the K-12 system for the upcoming 2013/2014 school year. Base per pupil funding will now be \$5,594.28 to reflect a 1.9 percent inflation rate. Additionally, the bill increased the number of slots in the Colorado Preschool Program by 3,200; increased charter school capital construction funding from \$6 million annually to \$7 million annually; refinanced the READ Act to change the funding source from the permanent fund to the State Education Fund; Created a Great Teachers and Leaders Fund (teacher pipeline); and increased Tier B special education funding by \$20 million.

## SECTION 3 UPDATES TO EDUCATOR EFFECTIVENESS (SB191)

As the implementation of SB191 progresses, the legislature used the 2013 session to address two topics: confidentiality of evaluation scores and effectiveness of locally developed evaluation systems.

HB1220 by Rep. Salazar and Sen. Todd clarifies that districts, BOCES, SBE and CDE may collect information about an individual educator’s performance rating and student assessment results linked to the individual educator. In all other circumstances, the identity of individual educators must remain confidential. The bill passed both Chambers and has been sent to Governor for his approval.

HB1257 by Rep. Hamner and Sen. Todd underwent significant changes from the introduced version. As introduced, the bill would have required local school boards wishing to develop their own professional evaluation system to do so “in conjunction with the superintendent and any teachers’ association that either has a master employment contract or that shows support from a majority of the teachers.” The version of the bill that was adopted by the legislature codifies rules already adopted by the SBE. CDE is given explicit authority to monitor the implementation of local licensed personnel evaluation systems. If CDE determines a district is not in substantial compliance with statutory and regulatory requirements, it can determine the appropriate remedy to correct the noncompliance including, but not limited to, extending the time frame for compliance; adjusting accreditation category; and as a last resort requiring the school district to implement some or all of the state model system.

## **SECTION 4 PERMANENT FUND**

SB13-112 by Sen. Steadman and Rep. Gerou reduced the previously approved transfer of revenues due to the Permanent Fund by \$24.8 million. Under previous actions by the General Assembly, more funds would have been diverted from the Permanent Fund to support both operating and capital expenses incurred by school districts.

HB13-1274 by Rep. Hullinghorst and Sen. Kerr authorizes the State Treasurer to enter into one or more lease-purchase agreements on behalf of the State Land Board to acquire, construct, renovate or improve commercial real property. The goal of the legislation is to diversify the holdings of the State Land Board so as to assure a more stable source of revenue for the Permanent Fund and the BEST program.

## **SECTION 5 CDE BUDGET**

The Joint Budget Committee hearings on the CDE budget were relatively uneventful this year. The exception was the discussion of the ASCENT program during the committee's consideration of the Department's supplemental funding request. Legislative staff and committee members believed that the footnote included in the 2012 Long Bill was intended to serve as a "hard cap" on the number of students in the ASCENT program. Based on past practices and other communication with prior legislative staff, CDE staff believed it was expected that the Department would request additional funding through the supplemental process if more students were approved for the program than had been estimated. After much discussion, all parties came to the same understanding and will use the number of students identified in the Long Bill as a cap on program participation going forward.

Per the Department's request, \$556,728 and 3.2 new FTE were granted to support the Department's accountability and improvement work to implement SB09-163. CDE also received an increase of \$4.2 million cash funds to continue the development and administration of new statewide assessments.

## **SECTION 6 OTHER BILLS OF INTEREST**

SB13-214 by Sen. Schwartz and Rep. Fischer was a Capitol Development Committee bill. It requires that the BEST program retain enough cash at the end of the fiscal year to cover the next year's obligations. It also gives the Capitol Development Committee of the legislature review authority over the list of projects approved by the BEST board and the SBE.

HB13-1006 by Reps. Moreno and Exum and Sen. Giron creates the "Breakfast After the Bell Nutrition Program." The bill requires schools with 80 percent or more of students eligible for free and reduced lunch to offer a free breakfast to each student enrolled in the school after the beginning of the school day. The 80 percent threshold is for FY 2014/2015. After that, the threshold becomes 70 percent.

HB13-1056 by Rep. Wilson and Sen. Giron would have created a pilot program to incentivize rural schools and rural school districts to offer multiple Advanced Placement classes to students. Participating schools would have received \$500 for each student who completed an AP course and teachers/mentors would have received \$50 for each student who completed the AP exam. The bill died in the Senate Appropriations Committee.

HB13-1171 by Rep. Primavera and Sen. Todd addresses the use of epinephrine auto-injectors in emergency situations in school settings. This bill also underwent substantial changes between introduction and passage primarily at the request of school nurses. In its final form, the bill allows (but does not require) the governing authority of a school to adopt a policy to authorize the school nurse or other designated school personnel to administer an epinephrine auto-injector to any student that is believed in good faith to be experiencing anaphylaxis. The governing authority may also adopt a policy to acquire and maintain a stock supply and may make arrangements with manufacturers to obtain such supply for free or at a reduced price. The SBE is required to adopt rules for implementation and CDE must compile an annual report.

HB13-1211 by Reps. Bucker and Navarro and Sens. Kerr and Roberts would have made significant changes to the way the State supports districts in providing services to English Language Learners. The bill died in the Senate Appropriations Committee. In addition to providing six FTE to CDE to support schools in providing the best possible services, the bill would have also extended the time for funding from two to five years and required that districts report certain data to CDE.

Finally, there was much discussion about a possible bill to re-design Colorado's teacher licensure system. In April, the conclusion was reached that more time was needed to develop consensus about how to change the system. Sen. Johnston has pledge to continue the conversations over the Summer and Fall in hopes of bringing forward legislation for the 2014 session.

## SECTION 7 COMPREHENSIVE LIST OF K-12 LEGISLATION

| <b>Bill #</b> | <b>Sponsors</b>               | <b>Short Title</b>                                 | <b>Final Status</b> |
|---------------|-------------------------------|--|---------------------|
| SB13-002      | Hudak/Hamner                  | Designate BOCES as Local Education Agencies        | Passed              |
| SB13-015      | Roberts/Hamner                | Local Board of Ed Meeting Electronic Participation | Passed              |
| SB13-031      | Giron/Pettersen               | Tuition For Dropout Recovery Program Students      | Passed              |
| SB13-033      | Giron/Duran                   | In-state Classification Co High School Completion  | Passed              |
| SB13-053      | Kerr/Hamner                   | Exchange of Student Data K-12 and Postsecondary    | Passed              |
| SB13-071      | Hudak/Fields                  | Student ID Number for Adult Education Programs     | Passed              |
| SB13-112      | Steadman/Gerou                | Cap 2012-13 School Land Revenue Transfers          | Passed              |
| SB13-138      | King/Garcia & McLaughlan      | School Resource Officer Programs in Public Schools | Passed              |
| SB13-139      | Roberts/Coram                 | Supplemental On-Line Education Services            | Passed              |
| SB13-143      | Grantham/Peniston             | Institute Charter School Assistance Fund           | Passed              |
| SB13-193      | Hudak/Kraft-Tharp             | Increasing Parent Engagement in Public Schools     | Passed              |
| SB13-213      | Johnston/Hamner               | Future School Finance Act                          | Passed              |
| SB13-214      | Schwartz/Fischer              | BEST Program Oversight and Funding                 | Passed              |
| SB13-217      | Hudak/Pettersen               | K-12 Accreditation Criteria Alternative Ed Campus  | Passed              |
| SB13-260      | Hudak/Hamner                  | Financing of Public Schools                        | Passed              |
| SB13-279      | Kerr/Gerou                    | K-12 School Energy Resource Efficiency             | Passed              |
| HB13-1005     | Fields/Hamner                 | Basic Ed & Career Tech Ed Pilot Program            | Passed              |
| HB13-1006     | Moreno/Giron                  | K-12 Breakfast after the Bell Nutrition Program    | Passed              |
| HB13-1021     | Fields/Hudak                  | Improving School Attendance                        | Passed              |
| HB13-1023     | Murray & Fields/Balmer & Kerr | Academic Acceleration School District Policy       | Passed              |

| <b>Bill #</b> | <b>Sponsors</b>   | <b>Short Title</b>                                    | <b>Final Status</b> |
|---------------|-------------------|---|---------------------|
| HB13-1047     | Schafer/Todd      | Extracurricular Participation Across School Districts | Passed              |
| HB13-1081     | Duran/Todd        | Comprehensive Human Sexuality K-12 Education          | Passed              |
| HB13-1095     | Stephens/Marble   | Home School Students Participation in Activities      | Passed              |
| HB13-1165     | Wilson/Heath      | Creation of a Manufacturing Career Pathway            | Passed              |
| HB13-1171     | Primavera/Todd    | Emergency Use of Epinephrine Injectors In Schools     | Passed              |
| HB13-1219     | Hamner/Todd       | Statutory Changes to K-12 Education                   | Passed              |
| HB13-1220     | Salazar/Todd      | Confidentiality K-12 Educator Performance Data        | Passed              |
| HB13-1257     | Hamner/Todd       | Developing Local-level Educator Evaluation Systems    | Passed              |
| HB13-1274     | Hullinghorst/Kerr | State Board of Land Commissioners Real Prop Inv       | Passed              |
| SB13-006      | Balmer            | No Reduction in K-12 Education to Expand Medicaid     | Failed              |
| SB13-009      | Renfroe/Saine     | School Board Policies Allowing Concealed Carry        | Failed              |
| SB13-017      | Marble            | Opt-In Opt-Out Option Teacher's Union Membership      | Failed              |
| SB13-024      | Hill              | Prohibit Discrimination Labor Union Participation     | Failed              |
| SB13-069      | Marble/Holbert    | Income Tax Credits for Nonpublic Education            | Failed              |
| SB13-131      | Hill              | Tax Credit for Suppl Ed Serv Provided to Child        | Failed              |
| SB13-141      | Hill              | School Employee Participation in Labor Unions         | Failed              |
| SB13-164      | Brophy            | Repeal Residency Requirements for School Boards       | Failed              |
| HB13-1056     | Wilson            | Advanced Placement Incentives Pilot Program           | Failed              |
| HB13-1073     | Landgraf          | Portability of Nonprobationary Teacher Status         | Failed              |
| HB13-1089     | Humphrey/Renfroe  | Academic Freedom Acts                                 | Failed              |
| HB13-1094     | Dore              | Tax Credit for School-related Expenditures            | Failed              |

| <b>Bill #</b> | <b>Sponsors</b> | <b>Short Title</b>                                  | <b>Final Status</b> |
|---------------|-----------------|---|---------------------|
| HB13-1106     | Everett         | Prohibit Discrimination Labor Union Participation   | Failed              |
| HB13-1170     | Humphrey/Hill   | Policies Allowing Concealed Carry in Public Schools | Failed              |
| HB13-1172     | Priola/Renfroe  | K-12 Public School Accountability                   | Failed              |
| HB13-1176     | Saine/Marble    | Income Tax Credits for Nonpublic Education          | Failed              |
| HB13-1211     | Buckner         | English Language Proficiency Programs               | Failed              |
| HB13-1244     | Fields          | Continuation of Ed Success Task Force               | Failed              |
| HB13-1313     | Peniston/Hodge  | Local Public Bodies and Executive Session           | Failed              |