

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

Bill #	Sponsors	Short Title	Final Status
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 & McLauchlan	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

Bill #	Sponsors	Short Title	Final Status
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

Bill #	Sponsors	Short Title	Final Status
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