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News Release

Board of Education Adopts Rules for Healthy Beverages

The Colorado State Board of Education yesterday unanimously approved rules to implement Senate Bill 08-129, which requires that the state board promulgate rules describing the beverages that school districts and schools may permit to be sold to students. Under the proposed rules, each beverage described by a school district must satisfy minimum nutritional standards for beverages.

The board also unanimously approved two amendments. The first, from board member Evie Hudak, prohibited the sale of diet sodas in high schools. (The drafted rules already prohibited their availability in elementary and middle schools). The second amendment, submitted by board vice-chair Bob Schaffer, added a requirement that beverages available in schools be produced in Colorado "to the greatest extent possible."

The law approved by the Colorado State Legislature required that the Colorado State Board of Education approve rules that incorporate science-based standards established by a national organization. Local school district boards of education may adopt more restrictive policies based on these rules.

David Thorp, director of state and local affairs for the American Beverage Association, told the board in a public hearing that the rules "strike the right balance to preserve the health and wellness of students."

Shepard Nevel, vice-president of policy for the Colorado Health Foundation, said the foundation strongly supported the rules. Obesity rates have doubled in Colorado since 1995, he said, "and a growing body of research shows that healthier students perform better academically."

A letter read into the record from the Rural School Caucus pleaded that the state board only adopt the minimum rules required and to uphold the underlying concept of local control in the state.

Board member Peggy Littleton urged school teachers to follow the new rules in order to model healthier practices.

Board chair Pamela Jo Suckla said she was "adamantly opposed" to approving the rules while recognizing that the board was obligated to follow the law, which required approval of some form of minimum rules. "As humans we have a right to decide what we eat and don't eat," she said, recalling how the "ten-cent soda" and "nickel candy bar" were frequently all she had to eat as a child.

Board vice-chair Schaffer also characterized the initial legislation as "dubious at best...the rules are inconsistent with our state's traditions with local control."

And board member Randy DeHoff said a more effective means of attacking obesity issues would be to put an acceptable measure of obesity rates in the school district accreditation criteria.

The new rules take effect on July 1, 2009. If a school district currently contracts with a beverage vendor, the rules would take effect when that contract expires.

The rules allow portion sizes to increase from elementary to middle to high school. They permit low-fat milk, low-fat flavored milk, milk substitutes approved by the U.S. Department of Agriculture and juice in elementary and middle schools. High school students can buy the same beverages plus low-calorie sport drinks and other low-calorie beverages.

High School Assessment Pilot

As part of the Colorado Achievement Plan for Kids (Senate Bill 08-212), Colorado is implementing a pilot program to evaluate postsecondary and workforce readiness assessments. The program is

officially known as the "Postsecondary/Workforce Readiness – Planning, Preparation and Readiness Assessment Pilot."

This week the Colorado State Board of Education unanimously updated rules, originally adopted in October, for implementing the pilot program.

Senate Bill 08-212 seeks to establish a seamless pathway from preschool into college or the workplace. Essential to that pathway is an understanding of what it means to be ready for education after high school or for the workforce and a plan to ensure that students take the necessary courses and master the content.

Within that context, the high school assessment pilot seeks to gauge the effectiveness of various assessment tools in evaluating student preparation. The pilot will evaluate assessments that include postsecondary and workforce planning and preparation beginning in eighth grade. Currently, the state of Colorado uses the Colorado Student Assessment Program (CSAP) as its summative measure of student achievement relative to Colorado Model Content standards in grades three through 10. In 11th grade, all students take the Colorado ACT.

Under a timeline distributed by Holly Baker, principal consultant at the Colorado Department of Education, the pilot will be conducted in spring 2009. A final report will be delivered to the state board by Jan. 30, 2010 and the state board will adopt one or more assessments for statewide deployment by Dec. 15, 2010.

The state board adopted the permanent Rules for the Administration of the Postsecondary and Workforce Readiness Assessments Pilot Program on Sept. 11, 2008. The Office of Legislative Legal Services staff recommended the department make four minor revisions to the permanent rules to be compliant with the law. The revisions approved this week were designed to provide clarity for both vendors and districts involved in the pilot.

Rules on Counting Attendance and Truancy

The state board this week unanimously approved permanent rules pertaining to the standardized calculation for counting attendance and truancy. House Bill 08-1336 requires that on or before Thursday, Jan. 1, 2009 that the state board shall adopt rules establishing a standardized calculation for counting unexcused absences of students, including the circumstances in which a student is absent for part of a

school day and the format for reporting the information to the department. The rules are scheduled to go into effect on Friday, Jan. 30, 2009.

Scott Groginsky, education initiatives director for the Colorado Children's Campaign, told the state board that House Bill 08-1336 improves dropout prevention in three ways by:

- Requiring school districts to report their number of habitually truant students to CDE
- Standardizing the definition of an unexcused absence
- Broadening the target of Expelled and At-Risk Student Services (or EARSS) grants from habitually truant students to all truants.

"We know from research that truancy is one of the top predictors of dropouts, and Colorado law has for many years defined habitual truant as a student missing four days per month or 10 days per year," said Groginsky. "But up until now, CDE has aggregated student days missed with the numbers of students, which obscures the number of habitually truant students. Starting next year, this information will be publicly disclosed through this law and rule."

Other action:

The Colorado State Board of Education:

- Adopted 12 regional service areas. Senate Bill 08-038 calls for the state board to divide Colorado into 12 regional service areas. The Colorado BOCES Association worked closely with the Colorado Department of Education in the establishment of the 12 proposed regions, which were based on two primary components: 1) geographical regions/physical barriers and 2) not splitting a BOCES (Board of Cooperative Educational Services). The vision for the regional service areas is to create effective ways to align the state's education system and maximize resources in order to expand and extend delivery of services and to serve as an efficient and effective link to leverage scarce resources for education reform initiatives.
- Approved a request by Douglas County Schools for a waiver of specific educator licensing rules. Douglas County Schools requested a waiver from the Colorado State Board of Education two years ago to start an internal pilot teacher preparation program. The program was created for hard-to-fill endorsement

areas. The waivers allow Douglas County Schools to be responsible for the hiring and performance of educators in its district, to prepare and grant endorsements in hard-to-fill and non-existent areas for teachers to teach in Douglas County, to hire non-licensed individuals and to set its own probation, dismissal and termination policies. The waivers were granted for an additional two year period.

- Adopted the “School Readiness” description. The description is: “School Readiness describes both the preparedness of a child to engage in and benefit from learning experiences, and the ability of a school to meet the needs of all students enrolled in publicly funded preschool or kindergarten. School Readiness is enhanced when schools, families and community service providers work collaboratively to ensure that every child is ready for higher levels of learning in academic content.” The description of school readiness will serve as a bookend to descriptions of postsecondary and workforce readiness being developed under Senate Bill 08-212. These descriptions will guide final selection of new statewide model content standards.
- Approved of accreditation contracts, submitted by Colorado school districts as required by statute and state board rule. In May 2008, the state board extended current accreditation contracts to permit an orderly and effective implementation of the new accreditation process resulting from the revised accreditation rules. The new accreditation contracts will be in effect for the remaining term of the contract through June 30, 2014.
- Approved revisions to the state board’s procedures governing exclusive chartering authority.
- Approved revisions to the state board’s operating procedures.
- Approved revisions to the state board’s procedures pertaining to charter school appeals.
- Approved emergency initial authorizations (27 total).
- Approved emergency renewal authorizations (two).
- Certified amounts payable to school districts for the Public School Finance Act of 1994.

- Approved the five-year re-authorization of the Teacher Preparation Program at Colorado State University.

Farewell

Board chair Pamela Jo Suckla and state board member Evie Hudak were bid farewell during a reception following the meeting. A series of distinguished speakers including Colorado Lt. Gov. Barbara O'Brien, Colorado State Treasurer Cary Kennedy, Colorado Association of School Boards executive director Ken DeLay, Colorado Association of School Executives deputy executive director Bruce Caughey, and Commissioner of Education Dwight D. Jones (among many others) thanked the outgoing board members for their years of voluntary service and dedication to Colorado students.

For more information, contact Mark Stevens, 303-866-3898 or Megan McDermott, 303-866-2334 in the CDE Office of Communications. To sign up for the CDE e-mail news service, please visit

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