

# *A Charter School Leader's Guide to the 2015 Colorado Legislative Session*

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*A Charter School Leader's Guide to the 2015 Legislative Session* was written by Isaac Radner, Policy and Advocacy Intern at the Colorado League of Charter Schools.

This Guide is provided as a resource to Colorado charter schools and is intended to help charter school leaders learn about the education-related bills passed in 2015, and understand how these changes directly impact Colorado charter school operations.

This Guide is in no way intended to provide or act as a replacement for advice from legal counsel. Should you have questions about the legislative bills referenced in this Guide, contact the Colorado League of Charter Schools or your school's legal counsel for proper interpretation and guidance.

# Introduction

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Dear Colorado Charter School Leader,

The Colorado League of Charter Schools is pleased to present this report entitled *A Charter School Leader's Guide to the 2015 Colorado Legislative Session* for your review and information. This Guide is intended to provide a simple to read, one-stop document to help you 1) learn about the education-related bills passed in 2015 and 2) understand how these changes directly impact Colorado charter school operations.

The 2015 Colorado legislative session resulted in some major policy changes for Colorado's public schools. The League engaged heavily at the Capitol on behalf of charter schools to improve and clarify current law, as well as to help enact new policies to benefit charter schools both in terms of practice and finance.

As always, the League is here to help you make sense of all these state policy changes. Please email us at [charter411@coloradoleague.org](mailto:charter411@coloradoleague.org) for general questions and information. You can also contact Jessica Johnson, Director of Policy & Legal Initiatives, or Dan Schaller, Director of Advocacy, for more information on how legislative changes will affect your school, or with questions that may arise during the 2016 Colorado General Assembly.

Thank you for all your hard work serving Colorado's children. None of these positive changes for charter schools would be possible without your continued success providing high-quality, public education options for students.

Sincerely,



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*P.S. Be sure to encourage your school's parents, teachers, board members, etc. to sign up for the Colorado Charter Advocacy Network (Colorado CAN) to receive emails and action alerts when policy changes are being considered that could affect charter schools. Visit [www.coloradoleague.org](http://www.coloradoleague.org) and click "Advocacy/Take Action."*

## I. Bills Affecting Charter School Operations

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a. [HB 15-1023: Changes to the Age Limitation for Persons Served in a Day Treatment Center](#)

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**PRIME SPONSORS:**

Susan Lontine (D), House District 1  
Irene Aguilar (D), Senate District 32

**OVERVIEW:**

This bill changes the lower and upper age limit for persons served by a day treatment center from at least 5 years of age to at least 3 years of age and from less than 18 years of age to less than 21 years of age, unless the person who is 21 years of age is completing an educational program.

**Section 1: Amends C.R.S. § 26-06-102 (2.5)**

Definitions. As used in this article, unless the context otherwise requires:

(2.5)(a)(I) A day treatment center means a facility that:

(A) Provides 24-hour care for groups of 5 or more children that are three years of age or older, but less than twenty-one years of age.

(B)(2) Nothing in this subsection (2.5) prohibits a person who reaches twenty-one years of age after the commencement of the academic year from attending an educational program at the day treatment center through the end of the semester in which the twenty-first birthday occurs or until the person completes the program, whichever comes first.

**EFFECTIVE DATE:**

March 13, 2015

## **b. HB 15-1032: Licensed Mental Health Professionals as Authorized Providers for Minors**

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### **PRIME SPONSORS:**

Jonathan Singer (D), House District 11  
Irene Aguilar (D), Senate District 32

### **OVERVIEW:**

Under current law, a professional person may render mental health services to a minor who is at least 15 years of age with the minor's consent. "Professional person" includes a person licensed to practice medicine or psychology. This bill specifies that other licensed mental health professionals, such as licensed social workers, marriage and family therapists, professional counselors, and addiction counselors, may also render mental health services to minors.

### **Section 1: Amends C.R.S. § 27-65-103 (2)**

(2) Notwithstanding any other provision of law, a minor who is fifteen years of age or older, whether with or without the consent of a parent or legal guardian, may consent to receive mental health services to be rendered by a facility or by a professional person or licensed mental health professional in any practice setting. Such consent shall not be subject to disaffirmance because of minority. The professional person or licensed mental health professional rendering mental health services to a minor may, with or without the consent of the minor, advise the parent or legal guardian of the minor of the services given or needed.

### **EFFECTIVE DATE:**

March 20, 2015

## **c. HB 15-1170: Measures to Raise Level of Postsecondary and Workforce Readiness**

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### **PRIME SPONSORS:**

Tracy Kraft-Tharp (D), House District 29 | Jim Wilson (R), House District 60  
Rollie Heath (D), Senate District 18 | Owen Hill (R), Senate District 10

### **OVERVIEW:**

This bill amends the postsecondary and workforce readiness indicator to include and weight equally the percentages of students in each school, district, and the state of Colorado who, in the school year following their graduation from high school, enroll in a career and technical education program, community college, or a four year institution of higher education. This bill clarifies that the school district and school accountability committees must each include a community member who is involved in business or industry. Finally, this bill creates the position of postsecondary and workforce readiness statewide coordinator.

### **Section 1: Amends C.R.S. § 22-11-204**

(4)(a), (b), and(c) Beginning in the 2016-17 school year the CDE shall calculate the percentages of students in each public school, each district and CSI, and the state who, in the school year immediately following graduation from high school, enroll in a career and technical education program, community college, or four-year institution of higher education. The department shall weight each postsecondary enrollment option equally in determining a school's, a district's, and the state's level of attainment of this measure.

(5)(a), (b), and (c) Beginning in the 2016-17 school year, the CDE shall, during its determination of the level of attainment of each public school, each school district and CSI, and the state as a whole on the performance indicator, disaggregate the percentage of students in each public school, each school district and CSI, and the state as a whole who, in the year immediately following graduation from high school, enroll in a career and technical education program, community college, or four-year institution of high education.

### **Section 2: Amends C.R.S. § 22-11-301**

(1)(d) Each school district accountability committee must include at least one person who is involved in business or industry in the community within the school district boundaries.

### **Section 3: Amends C.R.S. § 22-11-401**

(1)(a)(v) Each school accountability committee must include at least one person who is involved in business or industry in the community.

### **Section 6: Adds C.R.S. § 24-46.3-302**

(1)(a) Creates the position of Postsecondary and Workforce Readiness Statewide Coordinator to work under the direction of the State Work Force Development Council. The Statewide Coordinator will work with and coordinate efforts of schools and various businesses and organizations to raise the level of postsecondary and workforce readiness that Colorado high school graduates achieve.

### **EFFECTIVE DATE:**

May 26, 2015

## **d. HB 15-1184: The Definition and Operations of Charter School Networks**

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### **PRIME SPONSORS:**

Susan Lontine (D), House District 1

Owen Hill (R), Senate District 10

### **OVERVIEW:**

This bill codifies the concept of charter school networks in statute, defining a charter school network as a charter school that subsequently organizes an additional charter school. This bill also addresses the issues of expenditure and the authorization of charter school networks and their schools.

### **Section 1: adds C.R.S. § 22-30.5-104.7**

(1) Defines a charter school network as a charter school that subsequently organizes an additional school or schools pursuant to the same statutory authority. A charter school network is responsible for the governance, oversight, and monitoring of compliance and performance for each school, as required by the charter contract or contracts and by state and federal laws.

(2) Notwithstanding any provision to the contrary, a charter school network:

(a) May hold one or more charter contracts through one or more authorizers;

(b) May be governed by a single governing body;

(c)(I-III) May use one or more charter school contracts if the charter school network operates more than one school. The authorizer must accredit each school holding a distinct school code operating under the same contract separately. The authorizer can renew or revoke the contract of one school without taking action against other schools in the network.

(d)(I) Is authorized to make necessary and appropriate expenditures from any lawful source for central office purposes and to allocate funds among the schools that it operates, except that a charter school network shall not spend mill levy override revenues or proceeds from bonded indebtedness that are allocated for a school authorized by one authorizer to support a school authorized by a different authorizer.

(5) The authorizer of a school that is part of a charter school network shall assess and report separately on the performance of each charter school within the performance framework and hold each school independently accountable for its performance.

### **EFFECTIVE DATE:**

August 5, 2015

## **e. HB 15-1270: Pathways in Technology Early College High School Authorization**

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### **PRIME SPONSORS:**

Crisanta Duran (D), House District 5 | Mike Foote (D), House District 12  
Nancy Todd (D), Senate District 28 | Laura Woods (R), Senate District 19

### **OVERVIEW:**

The bill authorizes the operation of a limited number of pathways in technology early college high schools (p-tech schools) in the state, detailing the design and application requirements, approval process, operation, and funding.

### **Section 1: Adds C.R.S. § 22-35.3-103**

(1) A Pathways in Technology Early College High School, or P-Tech school, is a public school that includes grades nine through fourteen and is designed to prepare students for high-potential careers in industry by enabling them to graduate with a high school diploma and an industry-recognized associate degree. Students in a P-Tech school may also earn pre-apprenticeship certificates and other industry-recognized certificates in addition to an associate degree. A P-Tech school is operated as a collaborative effort by a local education provider, a community college, and one or more local high-growth industry employers. Throughout grades nine through fourteen, a P-Tech school integrates high school and college courses and certificate programs that are informed by current and projected industry standards and focused on science, technology, engineering, and mathematics with mentoring, job shadowing, internships, pre-apprenticeship training, and other workplace experiences.

### **EFFECTIVE DATE:**

August 5, 2015

## **f. [HB 15-1273: Additional Reporting Requirements for School Discipline Reports](#)**

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### **PRIME SPONSORS:**

Polly Lawrence (R), House District 39

Linda Newell (D), Senate District 26

### **OVERVIEW:**

The bill adds sexual assaults and the unlawful use of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event to the current list of conduct and discipline code violations that a school, law enforcement officer and agency, and district attorney is required to report as part of the safe school reporting requirements. This bill is a response to the inconsistent and incomplete reporting and collection of data to and by the task force created in 2011 to assess practices and statutes concerning zero-tolerance practices by school. The original reporting requirements were specified in [HB 12-1345](#).

### **Section 2: Amends C.R.S. § 22-32-109.1**

(1)(e.5) “Law enforcement” includes any law enforcement agency, law enforcement office, or school resource officer.

(2)(b) Schools must annually submit reports to their school district, which will then be compiled by the CDE, which include the following:

(IV)(C.5) All discipline code violations involving the unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event.

(IX) The number of acts of sexual violence on school grounds, in a school vehicle or at a school activity or sanctioned event. Any information must be reported as aggregate data and must not include any personally identifying information. “Sexual violence” means a physical sexual act perpetrated against a person’s will of where a person is incapable of giving consent.

### **EFFECTIVE DATE:**

June 5, 2015

**g. [HB 15-1274: The Creation of Career Pathways for Students](#)**

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**PRIME SPONSORS:**

Alec Garnett (D), House District 2 | Jovan Melton (D), House District 41  
Andy Kerr (D), Senate District 22 | Laura Woods (R), Senate District 19

**OVERVIEW:**

Based upon the model developed for creating the manufacturing career pathway, this bill directs the state work force development council to coordinate multiple agencies and industries in the design of industry-driven career pathways for critical occupations in growing industries. This bill describes the values, goals, and design and creation process of career pathways.

**EFFECTIVE DATE:**

August 5, 2015

## **h. HB 15-1275: Apprenticeships and Internships in Concurrent Enrollment Programs**

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### **PRIME SPONSORS:**

Faith Winter (D), House District 35

Rollie Heath (D), Senate District 18 | Vicki Marble (R), Senate District 23

### **OVERVIEW:**

The bill clarifies that a local education provider may include course work related to apprenticeship programs and internship programs in the programs that are available for concurrent enrollment, and directs the Concurrent Enrollment Advisory Board to create recommendations to assist local education providers in creating cooperative agreements to include apprenticeship and internship programs in the available concurrent enrollment programs. This bill also directs the Colorado Commission on Higher Education to create a tuition assistance program for students who, though they meet the income eligibility requirements for a Pell grant, do not qualify for the Pell grant because the career and technical assistance program in which they are enrolled does not meet the Pell grant's minimum credit hour requirements.

### **Section 1: Amends C.R.S. § 22-35-103**

Definitions:

(6)(a) "Concurrent Enrollment" means the simultaneous enrollment of a qualified student in a local education provider and in one or more postsecondary courses, including academic or career and technical education courses, which may include course work related to apprenticeship programs or internship programs, at an institution of higher education pursuant to the provisions of this article.

### **Section 3: Adds C.R.S. § 22-35-103 (6)(f)**

The concurrent enrollment advisory board shall collaborate with persons from the Department of Education, the Department of Labor and Employment, the community college system, the local district junior colleges, area vocational schools, and the Colorado Work Force Development Council to create recommendations to advise and assist local education providers in creating cooperative agreements to include course work related to apprenticeship programs and internship programs as options within a local education provider's concurrent enrollment program.

### **Section 5: Adds C.R.S. § 23-3.3-11**

The Colorado Commission on Higher Education shall establish a tuition assistance program for students enrolled in career and technical education certificate programs that meet the income eligibility requirements for the Federal Pell Grant but do not qualify for the grant because their certificate program does not meet the Pell Grant minimum credit hour requirements.

### **EFFECTIVE DATE:**

May 22, 2015

i. **[HB 15-1321: Flexibility and Funding for Rural School Districts](#)**

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**PRIME SPONSORS:**

Brittany Pettersen (D), House District 28 | Jim Wilson (R), House District 60  
Kevin Grantham (R), Senate District 2 | Kerry Donovan (R), House District 3

**OVERVIEW:**

- This bill exempts rural school districts serving fewer than 1,000 students from certain duties involving parent engagement.
- Under current law, if a school district enrolls fewer than 500 students, a member of the school district board of education may serve on a school accountability committee and the district accountability committee may serve as a school accountability committee. This bill replaces the requirement of serving fewer than 500 students with the requirement of being a rural school district serving fewer than 1,000 students.
- This bill allows each secretary of the board and board of cooperative services (BOCES) of a rural school district serving 6,500 students or fewer to send notices of special meetings to board members by electronic mail.
- Under current law, each school district must report its expenditures at the district level and at the school-site level. This bill allows a rural district serving fewer than 1,000 students to report expenditures only at the district level, except for school-site level expenditures that are partially charged to a district charter school.
- This bill allows a person who is employed in multiple educator roles to receive a single performance evaluation.
- Under current law, both an administrator and a principal must serve on a school district's personnel performance evaluation council. Under this bill, if a school district does not employ both a superintendent and a principal, the person who is employed as both the superintendent and the principal may serve on the council.
- This bill directs the general assembly to appropriate \$10 million for the 2015-16 budget year to the department of education to distribute on a per pupil basis to rural districts serving fewer than 1,000 students. If the rural district is the authorizer for a district charter school, the rural district must distribute the full per pupil share of the amount received to the district charter school.
- Under current law, the amount of revenue that a school district may receive from mill levy overrides cannot exceed 25% of the school district's total program. This bill increases that limit to 30% of total program for small rural districts.

**Section 1: Adds C.R.S. § 22-32-142 (1)(d)**

Any rural school district that enrolls fewer than 1,000 students in K-12 is exempt from the following requirements:

(1)(a-c)

- Adopting a district policy for increasing and supporting parent engagement in public schools
- Providing training concerning best practices and skills for district and school personnel in working with parents
- Identifying an employee to act as a point of contact for parent engagement trainings and resources

**Section 2 and Section 4: Adds C.R.S. § 22-11-302 (3) and C.R.S. § 22-11-402 (2)**

School district and school accountability committees in rural school districts serving fewer than 1,000 students in K-12 are exempt from certain activities, aimed at increasing parent engagement, specified in in of C.R.S. § 22-11-302 (1)(g) and C.R.S. § 22-11-402 (1)(h) .

**Section 3: Amends C.R.S. § 22-11-401 (4)(c)**

(4)(c) In a rural school district serving fewer than 1,000 students in K-12, a member of the local school board may serve on a school accountability committee, and the district accountability committee may serve as a school accountability committee.

**Section 5 and Section 6: Amends C.R.S. § 22-32-108 (2) and C.R.S. § 22-5-105 (1)**

The secretary of the board for a school district that serves 6,500 students or fewer in K-12 and a board of cooperative services (BOCES) that includes at least one school district that serves 6,500 students or fewer in K-12 may send notifications of special meetings by electronic mail.

**Section 7 and Section 12: Amends C.R.S. § 22-44-304 (1)(d) and C.R.S. § 22-44-105 (4)(b)(IV)**

A rural school district serving fewer than 1,000 students in K-12 is not required to report expenditures at the school-site level except for those school-site level expenditures that the school district charges any portion of to a district charter school.

**Section 8: Adds C.R.S. § 22-9-106 (4.3)**

(4.3) A person who is employed in multiple roles simultaneously by their school district or board of cooperative services (BOCES) may receive a single evaluation that takes into account the person’s performance of his or her responsibilities in each role.

**Section 9: Adds C.R.S. § 22-9-107 (1.5)**

(1.5) A person employed as both principal and administrator can serve on the advisory school district personnel performance evaluation council.

**Section 10: Adds C.R.S. § 22-54-137**

(2) For the 2015-16 budget year, the general assembly shall appropriate \$10 million to the department of education to distribute to rural school districts serving fewer than 1,000 students in K-12 and to eligible institute charter schools.

(3)(a-b)

- The department of education shall distribute to each small rural district an amount equal to the per pupil distribution amount multiplied by the small rural district’s funded pupil count for the 2015-16 budget year.
- Each small rural district that is the authorizer for a charter school shall distribute to the charter school 100% of an amount equal to the amount received pursuant to paragraph (a) of this subsection (3) divided by the funded pupil count of the small rural district for the 2015-16 budget year, multiplied by the number of students enrolled in the charter school for the 2015-26 budget year.

(4) The department of education shall calculate for each eligible institute charter school and distribute to the state charter school institute an amount equal to the per pupil distribution amount multiplied by the number of students enrolled in the eligible institute charter school. The state charter school institute shall distribute to each eligible charter school 100% of the amount received for the eligible institute charter school pursuant to this subsection (4).

**Section 11: Amends C.R.S. § 22-54-108 (3)(b)(IV)**

(3)(b)(IV) The total additional local property tax revenues that a rural school district serving fewer than 1,000 students in K-12 may receive pursuant to this section shall not exceed under any circumstances 30% of the districts total program, or \$200,000, whichever is greater, plus an amount equal to the maximum dollar amount of property tax revenue that the small rural district could have generated for the 2001-02 budget year if the small rural district submitted a question to and received approval of the eligible electors of the district at an election held in November 2001.

**EFFECTIVE DATE:**

May 22, 2015

**j. [HB 15-1323: Reducing Assessment Requirements in Colorado Schools](#)**

**PRIME SPONSORS:**

John Buckner (D), House District 40 | Jim Wilson (R), House District 60  
Chris Holbert (R), Senate District 30 | Andy Kerr (D), Senate District 22

**OVERVIEW:**

This bill outlines several changes to the State’s current assessment and testing requirements. This bill: <sup>1</sup>

- Eliminates the 11<sup>th</sup> grade PARCC-developed English Language Arts and Math state assessments;
- Retains science state assessments, once per level (elementary, middle, and high school with no 12th grade testing);
- Allows districts and charters to request a paper / pencil format of online assessments;
- Replaces the 10<sup>th</sup> grade PARCC assessments with an assessment that is aligned to both the Colorado Academic Standards and the 11<sup>th</sup> grade college entrance exam;
- Allows for more flexibility in testing English language learners;
- Creates a two-phase assessment pilot program for districts and the State;
- Requires schools to supply an assessment calendar and other assessment information for parents
- Requires districts and charters to adopt policies allowing parents to excuse their students from participating in state assessments;
- Eliminates redundancies between the READ Act and school readiness assessment requirements;
- Implements the 2014-15 accreditation ratings and school plan types during the 2015-16 school year; (new 2015 district ratings and school plan types will not be assigned and the accountability clock will pause and will not advance a year on July 1, 2016);
- Clarifies the use of state assessments in educator effectiveness evaluation

	<b><u>Existing Statue 2014-15</u></b>	<b><u>HB 15-1323 &amp; SB 15-056 starting in 2015-16</u></b>
<b>English Language Arts</b>	Grades 3-11	Grades 3-9*
<b>Math</b>	Grades 3-8 and three times in high school	Grades 3-9*
<b>Science</b>	Once in elementary, once in middle, and once in high school	Once in elementary, once in middle and once in high school (not in 12th grade)
<b>Social Studies</b>	Once in elementary, once in middle, and once in high school	Once in elementary, once in middle, and once in high school (not in 12th grade) using a sampling approach (once every three years in each school)

<sup>1</sup> <http://www.cde.state.co.us/cdedepcom/2015legislativechangestoassessment>

<b>10th grade assessment aligned to state academic standards and the 11th grade curriculum-based college entrance exam</b>	Not required	Grade 10
<b>Curriculum-based, achievement college entrance exam (reading, math and science, with optional writing portion)</b>	Grade 11	Grade 11

*\*CDE must apply to the U.S. Department of Education (USDoE) for a waiver necessary to administer English language arts and math assessments to 9th graders instead of 10th, 11th or 12th graders. Note that CDE has submitted a formal question to USDoE in this regard and is awaiting that response.*

**Section 1: Adds C.R.S. § 22-7-1006.3**

**Language Arts Assessment**

(1)(a)(I) The CDE shall administer a state assessment in English Language Arts and a state assessment in mathematics to all students enrolled in grades three through nine in public schools throughout the state.

**Science Assessment**

(1)(a)(II) The CDE shall administer a state assessment in science to students enrolled in public elementary, middle, and high schools throughout the state. The CDE shall select the specific grades in which to administer the state science assessment, ensuring that students take the science assessment once in elementary school, once in middle school, and once in high school; except that the CDE shall not administer the state science assessment to students enrolled in 12<sup>th</sup> grade.

**Testing in Pen / Paper Format**

(1)(a)(II)(d) If all or any portion of a state assessment requires a student to use a computer to take the assessment, at the request of a local education provider (including individual charters), the CDE must administer the portions of the state assessment that require a computer in a format that a student may complete using pencil and paper. Each local education provider shall report to the CDE the number of students it enrolls who will take the state assessment in a pencil and paper format.

***Continued in Section 3 which adds C.R.S. § 22-7-1013 (6)***

(6) Each local education provider (including charter schools) shall adopt and implement a written policy by which the local education provider will decide whether the students enrolled by the local education provider will use pencil and paper to complete any portion of a state assessment administered pursuant to section 22-7-1006.3 that the students would otherwise complete using a computer. The policy must ensure that the local education provider makes the decision in consultation with parents. The local education provider may decide that the students in one or more of the public schools, or in one or more of the classrooms of the public schools, operated by the local education provider will use pencil and paper to complete the computerized portions of a state assessment. Each year before the start of fall semester classes, the local education provider shall distribute copies of the policy to the parents of students enrolled in the local education provider and post a copy of the policy on the local education provider's web site.

## **The Alignment of 10<sup>th</sup> Grade Assessments with the College Entrance Exam**

### ***Continuing again in Section 1 which adds C.R.S. § 22-7-1006.3***

(2)(a) The CDE shall select and the state shall pay the costs of administering an assessment that is aligned with the state academic standards for students enrolled in tenth grade and with the assessment selected pursuant to paragraph (b) of this subsection (2).

(2)(b) The CDE shall select and the state shall pay the costs of administering an assessment that is administered throughout the United States and relied upon by the institutions of higher education, referred to in this section as the “curriculum-based, achievement college entrance exam”. Each local education provider shall administer the curriculum-based achievement college entrance exam for students enrolled in eleventh grade.

### **Flexibility for English Language Learners (ELL)**

(4)(a)(I) The CDE in collaboration with local education providers shall administer the English versions of the state assessments and may administer an assessment adopted by the state board in languages other than English, as may be appropriate for English Language Learners; except that a student who has participated in an English language proficiency program, as provided in Article 24 of the Title, for more than a total of three school years is ineligible to take the state assessments in a language other than English.

(5)(a) Notwithstanding any provision of this section to the contrary, a student who is an ELL and who has been enrolled in a school in the U.S. for fewer than twelve months is not required to take the English Language Arts assessment. The year in which the student does not take the English Language Arts assessment is included as one of the three or five years, as applicable, in which the student may take the state assessment in his or her native language as provided in subsection (4) of this section.

(5)(b) If allowed by federal law or by waiver of federal law, in the first 24 months in which an ELL student is enrolled in a school in the U.S. and takes the English Language Arts assessment, the CDE shall not include the student’s scores in calculating achievement of the performance indicators pursuant to part 2 of Article 11 of this Title for the local education provider that enrolls the student.

### **Adds C.R.S. § 22-7-1006.5**

#### **Assessment Pilot Program**

C.R.S. § 22-7-1006.5 creates a two-phase pilot program with the intention of allowing districts and charters to administer assessments that provide more timely and relevant data to inform instruction throughout the school year while continuing to provide comparative data for state accountability purposes.

The first phase of the program will take place over the 2015-16 and 2016-17 school years. During this phase districts and charters will, individually or in combination with other districts and charters, and with the help of their Personnel Performance Evaluation Councils (if applicable), create or select assessments in each of the subject areas required for statewide assessments. The assessments that a district or charters choose must:

- Assess students in each of the subject areas required for statewide assessments in at least one elementary, one middle school, and one high school grade;
- Provide sufficient data each school year to disaggregate and report for student subgroups;
- Provide sufficient data each school year to measure, for each student enrolled in the grades assessed, the student’s progress in meeting the state academic standards.

After administering the assessment for two school years, the district or charter shall submit to the CDE the results for each year and demonstrate that the assessments are valid and reliable and the results are comparable to the results obtained on state assessments administered in the same school years. After reviewing

this data the CDE will recommend two districts or charters to the State Board to participate in the second phase of the pilot.

Phase two of the program will take place over the 2017-18 and 2018-19 school years. During this phase, the two districts or charters selected in phase one will create or select assessments in each of the subjects and grades required for statewide assessments. These assessments are subject to the same guidelines as the assessments in phase one. The district or charter must, after administering the assessments for two years, submit the results to the CDE, and based on this data they will either recommend to the State Board of Education one local assessment for approval as the new state assessment or recommend that the State continue administering the existing state assessments.

### **Section 3: Adds C.R.S. § 22-7-1013 (8)**

#### **Supplying an Assessment Calendar and Other Assessment Information to Parents**

(7)(a) Each local education provider (including charter schools) shall adopt and implement procedures by which the local education provider, or the public schools that the local education provider operates, shall annually distribute to the parents of students enrolled by the local education provider an assessment calendar. At a minimum, the assessment calendar must specify the estimated hours each testing day that specific classes or grades will take each assessment and identify whether the assessment is required by federal law or state law or selected by the local education provider. The procedures shall specify the timing for distribution of the calendar and require that the calendar is distributed to parents and posted on the local education provider's web site.

(7)(b)(I)(A-C) In addition to the calendar, each local education provider (including charter schools) shall provide written information to the parents of students enrolled by the local education provider that describes:

- The state and local assessments that the local education provider will administer during the school year, identifying the assessments that the local education provider is required by federal law to administer, any additional state assessments that the local education provider is required by C.R.S. § 22-7-1006.3 to administer, the assessments that the local education provider is required by other state law to administer, and the additional assessments that the local education provider chooses to administer;
- The anticipated calendar for administering the state and local assessments during the school year;
- The purposes of the state assessments administered pursuant to C.R.S. § 22-7-1006.3 and any additional local assessments that the local education provider administers and the manner in which the department of education and the local education provider uses the assessment results.

#### **Parent Excusal from State Assessments**

(8)(a) Each local education provider (including individual charters) shall adopt and implement a written policy and procedure by which a student's parent may excuse the student from participating in one or more of the state assessments administered pursuant to C.R.S. § 22-7-1006.3

(8)(b) If a parent excuses his or her student from participating in a state assessment, a local education provider shall not impose negative consequences, including prohibiting school attendance, imposing an unexcused absence, or prohibiting participation in extracurricular activities, on the student or on the parent.

#### **Section 4: Amends C.R.S. § 22-7-1205**

##### **The READ Act and School Readiness Assessments**

(1)(a.5) Each local education provider is required to administer a reading assessment to students enrolled in kindergarten during the first 90 days of the school year. If the local education provider administers the reading assessment within the first 60 days of the school year, it is not required to administer the literacy component of the school readiness assessment as provided in C.R.S. § 22-7-1014 (1)(a).

(1)(b) If a teacher finds, based on a student's scores of the approved reading assessments, that the student may have a significant reading deficiency, the teacher shall administer to the student one or more diagnostic assessments within 60 days after the previous assessment to determine the student's specific reading skill deficiencies.

(1)(d) If, based on a student's scores on the approved reading assessments in a specific school year, a teacher finds that student demonstrates reading competency appropriate for his or her grade level, the local education provider is not required to administer the approved interim reading assessments to the student for the remainder of the specific school year.

#### **Section 6: Amends C.R.S. § 22-7-1014**

(1)(a) Beginning in the fall semester of 2013, each local education provider that provides a preschool or kindergarten program shall ensure that each student enrolled in a preschool or kindergarten program operated by the local education provider receives an individualized readiness plan that addresses the preschool standards or kindergarten standards, as appropriate, and knowledge and skill areas in which a student needs assistance to make progress toward school readiness. If a student is identified as having a significant reading deficiency as provided in C.R.S. § 22-7-1205, the local education provider shall include the student's READ plan created pursuant to C.R.S. § 22-7-1206 as a component of the student's individualized readiness plan.

(2)(a) Each local education provider shall administer the school readiness assessment within the first 60 days of the school year to each student enrolled in a kindergarten program operated by the local education provider to measure each student's level of school readiness. If the local education provider administers the READ Act assessment in the first 60 days of the school year to students enrolled in the kindergarten program, the local education provider is not required to administer the literacy component of the school readiness assessment.

#### **Section 7-9: Amends C.R.S. § 22-11-207, 22-11-208, and 22-11-210**

##### **2014-15 Accreditation Ratings**

###### **C.R.S. § 22-11-208**

(1.5) For the 2015-16 school year, the CDE shall not assign accreditation ratings for school districts and the Charter School Institute. For the 2015-16 school year, each school district and the institute shall continue to implement the plan type that was assigned for the preceding school year. The CDE shall assign accreditation ratings for school districts and the institute for the 2016-17 school year and each school year thereafter.

###### **C.R.S. § 22-11-207 and 22-11-210**

The State Board shall not allow a school district, the Charter School Institute, or an individual school to remain at accredited with priority improvement plan or below for longer than a total of five consecutive school years before removing the school district's or the institute's accreditation as provided in C.R.S. § 22-11-209.

For purposes of calculating whether a school district, the Charter School Institute, or individual school is accredited with priority improvement or below for longer than a total of five consecutive school years, the CDE shall exclude the 2015-16 school year, during which the department does not assign accreditation ratings as provided in C.R.S. § 22-11-208 (1.5), from the calculation and shall count the 2016-17 school year as if it were consecutive to the 2014-15 school year.

## **Section 10: Amends C.R.S. § 22-9-106**

### **State Assessments and Educator Effectiveness Evaluations**

(2.5)(b)(II)(A) For the 2014-15 academic year and every year thereafter, a local board shall implement a licensed personnel evaluation system based on the quality standards established pursuant to this article and rule of the State Board, including student academic growth; except that, for the 2014-15 academic year only, a local board may determine at what percentage, if any, to weigh student academic growth toward the final level of effectiveness assigned to any person receiving an evaluation pursuant to this article. In no instance may a local board weigh student academic growth, as used in determining a final level of effectiveness, at greater than 50%. For the 2014-15 academic year, a local board shall not use the results of the state assessments administered pursuant to C.R.S. § 22-7-1006.3 in measuring student academic growth for purposes of determining a person's level of effectiveness.

(2.5)(I) A local board may use the results of the state assessments administered pursuant to C.R.S. § 22-7-1006.3 in the 2014-15 school year only as a baseline data for measuring student academic growth in the 2015-16 school year and schools years thereafter.

(2.5)(II) A local board may use the results of state assessments administered pursuant to C.R.S. § 22-7-1006.3 as a measure of the student academic growth for evaluations prepared for the school year in which the assessments are administered only if the local board receives the results by the date by which probationary teachers and nonprobationary teachers must receive the written evaluation report as provided in paragraph (c) of subsection (1) of this section—two weeks before the last class day of the school year. If a local board does not receive the results of the state assessments in time to use them in the written evaluation report prepared for the school year in which the assessments are administered, the local board shall use the results of the state assessments as measures of student academic growth for educator evaluations and professional development in the school year following the school year in which the assessments are administered. In any year in which a local board does not receive the state assessment results by the deadline for the written evaluation reports, the local board must use alternate measures of student academic growth, including the results of local assessments if available.

### **EFFECTIVE DATE:**

May 20, 2015

k. [HB 15-1350: Reviewing Performance Measures for Accrediting an Alternative Education Campus](#)

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**PRIME SPONSORS:**

Brittany Pettersen (D), House District 28  
Owen Hill (R), Senate District 10

**OVERVIEW:**

In response to the findings of the task force created in HB14-1202, this bill is designed to implement a reevaluation of the accountability framework currently imposed on Alternative Education Campuses (AEC) in order to add new criteria that will allow one to better capture the success of high-risk students served by AECs. This bill requires the department of education to convene stakeholder meetings for the purpose of reviewing performance indicators for the accreditation AEC schools. The department must invite representatives from AEC campuses, school authorizers, and others.

**Section 2: Adds C.R.S. § 22-11-210 (1.5)**

(1.5) The department of education shall:

- (a) Convene stakeholder meetings for the purpose of reviewing state statutes and the state board's rules relating to the performance indicators for an AEC campus.
- (b) Submit recommendations relating to the accreditation of AEC campuses to the commissioner, the stakeholders who participated in the meetings, the education committees of the House of Representatives and of the Senate, and the state board no later than December 1, 2015.
- (c)(I-XV) Invite, but is not limited to inviting, one representative from a school district or authorizer with more than one AEC campus, one representative from a charter AEC campus, a member representing the state charter school institute, and others to the stakeholder meetings.

**EFFECTIVE DATE:**

June 5, 2015

I. [SB 15-014: Administration of Marijuana to Student on School Grounds by Parent or Caregiver](#)

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**PRIME SPONSORS:**

Irene Aguilar (D), Senate District 32

Jonathan Singer (D), House District 11

**Overview:**

This bill allows for the adoption of a policy by a school district which permits a student's parent or a medical professional who accompanies a student to school to possess and administer medical marijuana to the student in an appropriate location on school grounds, on a school bus, or at a school sponsored event.

**Section 8: Amends C.R.S. § 22-1.5-106 (12)(b)(IV)**

(12)(b)(IV) A patient or primary caregiver shall not possess medical marijuana or otherwise engage in the use of medical marijuana in or on the grounds of a school or in a school bus; except when the possession or use occurs in accordance with a school district board policy established pursuant to C.R.S. § 22-1-119.3.

**Section 9: Amends C.R.S. § 22-1-119.3 (3)(c)**

(3)(c) A student shall not possess or self-administer medical marijuana on school grounds upon a school bus, or at any school sponsored event; except that a school district may adopt a policy, in accordance with this section, that authorizes a student's parent or a medical professional who accompanies a student to school, on the school bus, or to any school sponsored event and assists the student with the administration of medical marijuana in an appropriate location on school grounds, upon a school bus, or at any school-sponsored event. A policy permitting a parent or medical professional to administer medical marijuana to a student must require that the student hold a valid recommendation for medical marijuana, that the administering parent be the student's primary caregiver or that the administering medical professional be employed specifically to assist the student in administering medical marijuana, and that the location and method of administration of medical marijuana does not create significant risk to other students.

**EFFECTIVE DATE:**

May 18, 2015

**m. [SB 15-020: Education to Prevent Child Sexual Abuse and Assault](#)**

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**PRIME SPONSORS:**

Linda Newell (D), Senate District 26

Beth McCann (D), House District 8

**OVERVIEW:**

This bill requires the director of the school safety resource center to appoint a person to collect and make available to school personnel, parents, and students materials and training regarding the awareness and prevention of child sexual abuse and assault.

**Section 1: Adds C.R.S. § 24-33.5-1803 (3)(I)**

The school safety resource center shall provide materials and training as described in C.R.S. § 24-33.5-1809 to personnel in school districts and charter schools, parents, and students regarding the awareness and prevention of child sexual abuse and assault.

**Section 2: Adds C.R.S. § 24-33.5-1809**

(1) The director of the school safety resource center shall appoint a person to collect and provide materials and to provide training to school personnel, parents, and students regarding the prevention of child sexual abuse and assault. The person appointed shall include materials and training that are specific to the prevention of sexual abuse and assault of children with developmental disabilities.

**Sections 3, 4, and 5: Adds C.R.S. § 22-32-109.1 (2.5), C.R.S. § 22-30.5-120, and C.R.S. § 22-30.5-527**

Each school district, charter school, and institute charter school is encouraged, as part of its safe school plan, to:

- Adopt a child sexual abuse and assault prevention plan. Each school district is encouraged to include in the plan delivery of a comprehensive, age-appropriate, curricula for K-12 regarding child sexual abuse and assault awareness and prevention.
- Include in the child sexual abuse and assault prevention plan professional development for school personnel and parents in preventing, identifying, and responding to child sexual abuse and assault.

**EFFECTIVE DATE:**

June 5, 2015

n. [SB 15-051: Legal Recourse for Student Sanctioned or Ineligible for Extracurricular Activity](#)

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**PRIME SPONSORS:**

Nancy Todd (D), Senate District 28

Kevin Priola (R), House District 30

**OVERVIEW:**

Current law provides that any student who is sanctioned or found to be ineligible to participate in an activity may appeal the sanction or finding. A student who has completed the appeal process may file a petition or complaint with a group of sitting or retired judges or other group of neutral arbitrators. This bill eliminates the option to file a petition or complaint with a group of sitting or retired judges or other group of neutral arbitrators. Instead, a student who has completed the appeal process may seek a preliminary injunction or restraining order.

**Section 1: Amends C.R.S. § 22-32-116.5 (9.5)(b)**

(9.5)(b) A student who has completed the appeal process described in paragraph (a) of this subsection (9.5) may seek a preliminary injunction or restraining order from a court of competent jurisdiction.

**EFFECTIVE DATE:**

August 5, 2015

**o. SB 15-056: Reducing Frequency of Statewide Social Studies Assessment**

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**PRIME SPONSORS:**

Andy Kerr (D), Senate District 22

Tracy Kraft-Tharp (D), House District 29

**OVERVIEW:**

This bill allows the Department of Education to choose to administer the social studies assessment annually to a representative sample of public schools so long as it administers the assessment in each public school at least once every three years. If the department chooses a three-year assessment schedule, a school district or a charter school that is not included in that year's sample of schools may ask the department to administer the assessment in that school.

**Section 2: Amends C.R.S. § 22-7-1006.3 (1)(a) as added by HB 15-1323**

(1)(a) The Department of Education shall administer a state assessment in social studies to students enrolled in public elementary, middle, and high schools throughout the state. The department shall select the specific grades in which to administer the state social studies assessment, ensuring that the students take the state social studies assessment once in elementary school, once in middle school, and once in high school; except that the department shall not administer the state social studies assessment to students enrolled in twelfth grade. The department shall administer the social studies assessment in a representative sample of public schools each year so long as the department administers the social studies assessment in each public school at least once every three years. A school district, for one or more of the schools in the school district that are not included in the representative sample, or a charter school that is not included in the representative sample, may request that the department administer the assessment in the district school, or charter school. The department shall administer the social studies assessment in the requested school in the school year following the school year in which it receives the request.

**EFFECTIVE DATE:**

May 20, 2015

**p. [SB 15-184: Reassessment of Methods to Address Truancy in Students](#)**

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**PRIME SPONSORS:**

Chris Holbert (R), Senate District 30  
Rhonda Fields (D), House District 42

**OVERVIEW:**

Imposing a sentence of detention on a juvenile who violates a court order to attend school has not been shown to improve the likelihood that the juvenile will attend school, and it does not address the underlying causes of the juvenile's truancy. This bill directs the chief judge in each judicial district to convene a meeting of community stakeholders to seek alternatives to the use of detention as a sanction for truancy. For schools who are interested in joining the discussion, contact the local judicial district's chief judge to obtain meeting dates/times and other information.

**Section 1: Adds C.R.S. § 13-5-145**

(2) The chief judge in each judicial district, or his or her designee, shall convene a meeting of community stakeholders to create a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction for truancy.

(3) The chief judge in each judicial shall adopt a policy for addressing truancy cases no later than March 15, 2016.

**EFFECTIVE DATE:**

August 5, 2015

q. [SB 15-213: Limited Waiver of Governmental Immunity for Incidents of School Violence](#)

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**PRIME SPONSORS:**

Bill Cadman (R), Senate District 12 | Mark Scheffel (R), Senate District 4  
Dickey Lee Hullinghorst (D), House District 10 | Crisanta Duran (D), House District 5

**OVERVIEW:**

This bill amends the "Colorado Governmental Immunity Act" (CGIA) to recognize that a duty of reasonable care exists with respect to public school districts, charter schools, and their employees to protect students, faculty, staff, and others from harm that is reasonably foreseeable; and it waives sovereign immunity in connection with claims against public schools and charter schools in connection with acts of school violence that result in injury or death. The duty of reasonable care standard does not take full effect until July 1, 2017. In the meantime, review of this standard is part of the charge of the School Safety and Youth in Crisis Committee created via SB 15-214.

**Section 2: Adds C.R.S. § 24-10-106.3**

(2)(b) "Crime of violence" means that the person committed, conspired to commit, or attempted to commit murder, first degree assault, or a felony sexual assault.

(3) All school districts and charter schools and their employees in this state have a duty to exercise reasonable care to protect all students, faculty, and staff from acts committed by another person when the harm is reasonably foreseeable, while such students, faculty, and staff are within the school facilities or are participating in school-sponsored activities.

(4) Notwithstanding any other provision of this article, a public school district or charter school is immune from liability in all claims for injury that lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by the claimant except as otherwise provided in this section or in this article. Sovereign immunity is waived under the CGIA with respect to school districts and charter schools for a claim of a breach of the duty of care established in subsection (3) of this section by the school district or charter school arising from an incident of school violence. An employee of a public school, school district, or a charter school is not subject to suit under this section in his or her individual capacity unless the employee's actions or omissions are willful and wanton.

(5) A public school, school district, or charter school shall not be found negligent under this section solely as a result of not expelling or suspending a student.

(6) Nothing in this section shall be construed to constitute a waiver of sovereign immunity by a school district or charter school if the injury arises from any act, or failure to act, of an employee of the school district or charter school if the act is the type of act for which the school district or charter school employee would be or heretofore has been personally immune from liability.

(7) In addition to the immunity provided in this section, the school district and charter school shall also have the same immunity as a school district or charter school employee for any act or failure to act, of an employee of the school district or charter school if the act is the type of act for which the school district or charter school employee would be or heretofore has been personally immune from liability.

(9)(a) The maximum amount of damages that may be recovered under this article in any single occurrence from a school district or charter school for a claim brought under this section is governed by the limits set forth in C.R.S. § 24-10-114(1)—\$350,000 to one person in any single occurrence and \$990,000 to multiple persons in any single occurrence; except that no person can recover more than \$350,000.

(9)(b)(I) A plaintiff who files an action under this section for an incident of school violence that occurs on or after the effective date of this section and on or before July 1, 2017, shall file the action in the district court, and no compensatory damages shall be awarded. The court shall not issue a declaratory judgment regarding the negligence of the public school, school district, or charter school; however, in such action, the plaintiff is entitled to full discovery regarding the incident of school violence.

(9)(b)(II) The above paragraph is repealed, effective July 1, 2018.

**EFFECTIVE DATE:**

June 3, 2015

r. **SB 15-214: Creation of the School Safety and Youth in Crisis Committee**

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**PRIME SPONSORS:**

Bill Cadman (R), Senate District 12 | Mark Scheffel (R), Senate District 4  
Dickey Lee Hulinghorst (D), House District 10 | Crisanta Duran (D), House District 5

**OVERVIEW:**

This bill creates the School Safety and Youth in Crisis Committee to:

- Study issues relating to school safety and the prevention of threats to the safety of students, teachers, administrators, employees, and volunteers
- Study and evaluate programs and methods for identifying and monitoring students in crisis
- Develop standardized criteria for school personnel to use in assessing the potential threat posed by one or more students
- Study and evaluate the implementation of SB 15-213
  - The duty of school districts and charter schools and their employees to exercise reasonable care to protect all students, faculty, and staff from harm resulting from acts of violence when the harm is reasonably foreseeable;
  - Any statutory provisions that may require modification to reflect local community circumstances and standards;
  - Any recommendations the committee may have concerning steps that a school district or charter school may take to satisfy its duty of reasonable care.

**EFFECTIVE DATE:**

June 3, 2015

s. [SB 15-235: Increasing Funding Cap for the Child Nutrition School Lunch Protection Program](#)

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**PRIME SPONSORS:**

Pat Steadman (D), Senate District 31

Millie Hamner (D), House District 61

**OVERVIEW:**

This bill increases the maximum amount that the general assembly may appropriate to the Child Nutrition School Lunch Protection Program from \$1.5 million to \$2.5 million.

**Section 1: Amend C.R.S. § 22-82.9-105 (1)**

(1) The general assembly shall annually appropriate by separate line item in the annual general appropriation bill an amount of not less than eight hundred fifty thousand dollars and not more than two million five hundred thousand dollars to the department to allow school food authorities to provide lunches at no charge for children in state-subsidized early childhood education programs administered by public schools or in kindergarten through fifth grade, participating in the school lunch program, who would otherwise be required to pay a reduced price for lunch. The appropriation to the department for the program shall be in addition to any appropriation made by the general assembly pursuant to C.R.S. § 22-54-123 or 22-54-123.5 (1). The department may expend not more than two percent of the moneys annually appropriated for the program to offset the direct and indirect costs incurred by the department in implementing the program pursuant to this article.

**EFFECTIVE DATE:**

May 1, 2015

t. **[SB 15-281: Concerning Public Review of Priority Improvement and School Turnaround Plans in Institute Charter Schools](#)**

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**PRIME SPONSORS:**

Owen Hill (R), Senate District 10

Tracy Kraft-Tharp (D), House District 29

**OVERVIEW:**

Under current law, the state charter school institute must hold a public meeting to review an institute charter school's proposed school priority improvement plan or school turnaround plan before the plan is finally adopted. This bill moves the responsibility of holding the public meeting from the charter school institute to the institute charter school, and requires the charter school institute to ensure that the institute charter school complies with the meeting requirements.

**Section 1: Amends C.R.S. § 22-30.5-520 (2)(c) and adds (2)(d)**

(2)(c) The institute charter school shall hold a public hearing after the plan is written to review the required plan before final adoption. The institute charter school shall hold the public hearing within the geographic boundaries of the school district in which the institute charter school is located. The date of the public hearing must be at least thirty days after the date on which the institute charter school provides the written notice. A member of the school accountability committee is encouraged to attend the public hearing.

(2)(d) The charter school institute shall ensure that the institute charter school complies with the requirements of this subsection (2).

**Section 2: Amends C.R.S. § 22-11-402 (1)(g)**

(1)(g) Each school accountability committee has the duty to publicize a public hearing held pursuant to section 22-32-142 (2), or, if the school is an institute charter school, to publicize and hold a public hearing pursuant to section 22-30.5-520 (2), to review a written public school priority improvement or school turnaround plan. A member of the school accountability committee is encouraged to attend the public hearing.

**Section 3 and 4: Amends C.R.S. § 22-11-405 (2)(b) and 22-11-406 (2)(b)**

The school accountability committee for the institute charter school shall hold a public meeting as required in section 22-30.5-520 (2) to receive input concerning possible strategies to be included in the school priority improvement plan and school turnaround plan, advise the institute concerning preparation of the school priority improvement plan, and make recommendations to the institute concerning the contents of the school priority improvement plan, taking into account recommendations received at the public meeting. The institute shall create and adopt the school priority improvement plan, taking into account the advice and recommendations of the school accountability committee. Before adopting the school priority improvement plan, the institute shall ensure that the institute charter school holds a public hearing to review the written plan as required in section 22-30.5-520 (2).

**EFFECTIVE DATE:**

August 5, 2015

**u. [SB 15-290: Creation of Colorado Student Leaders Institute](#)**

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**PRIME SPONSORS:**

Nancy Todd (D), Senate District 28  
James Wilson (R), House District 60

**OVERVIEW:**

This bill creates the Colorado Student Leaders Institute (CSLI) to operate as a pilot program through the summer of 2019. The CSLI is a four week program for students entering 10<sup>th</sup> or 11<sup>th</sup> grade who demonstrate exceptional intellectual curiosity, creativity, and maturity. The CSLI combines courses, lectures, and seminars, with enrichment classes in music, art, and theater. Students who participate in the CSLI must also complete a history research project as part of a competition held during the institute and complete a public service practicum. Each student who successfully completes the CSLI will receive 3 hours of postsecondary academic credit from the host institution.

**Section 1: Adds C.R.S. § 24-44.3-103**

(1) There is created in the office of the lieutenant governor the Colorado Student Leaders Institute to operate as a pilot program through the summer of 2019. The CSLI is a competitive residential summer academic program for students who are entering 10<sup>th</sup> or 11<sup>th</sup> grade in the coming fall semester. The CSLI operates for four weeks each summer during which time students who are accepted to the CSLI attend college-level classes, lectures, and seminars as well as enrichment activities, including concerts and theatrical productions.

(4) The host institution shall award three hours of postsecondary academic credit to each student who successfully completes the CSLI.

**EFFECTIVE DATE:**

June 6, 2015

## II. Bills Affecting Charter School Finance

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## **a. HB 15-1348: Modifications to Statutory Provisions Governing Urban Redevelopment**

### **PRIME SPONSORS:**

Dickey Lee Hulinghorst (D), House District 10 | Polly Lawrence (R), House District 39  
Rollie Heath (D), Senate District 18 | David Balmer (R), Senate District 27

### **OVERVIEW:**

This bill makes various modifications to statutory provisions regarding urban redevelopment. Notably, this bill modifies the number of commissioners that must serve on an Urban Renewal Authority (URA), specifying certain requirements that must be fulfilled, and requires the URA and each property tax entity meet and attempt to negotiate an agreement governing the types and limits of tax revenues of each taxing entity to be allocated to the urban renewal plan.

### **Section 1: Amends C.R.S. § 31-25-104 (2)(a) and adds (2.5)**

(2)(a) Except as provided in subsection (2.5) of this section a URA consists of thirteen commissioners, not fewer than ten of whom must be appointed by the mayor, who shall designate the chairperson for the first year. One such commissioner must also be an elected member of a board of education of a school district levying a mill levy within the boundaries of the URA area.

(2.5) When the governing body of a municipality designates itself as the URA or transfers an existing URA to the governing body pursuant to C.R.S. § 31-25-115 (1), an authority consists of the same number of commissioners as the number of members of the governing body. In addition, one additional commissioner on the authority must be appointed who is an elected member of a board of education of a school district levying a mill levy within the boundaries of the URA area.

### **Section 2: Amends C.R.S. § 31-25-107 (9.5)**

(9.5)(a) Before any urban renewal plan containing any tax allocation provisions that allocates any taxes of any public body other than the municipality may be approved by the municipal governing body pursuant to section (4) of this section, the governing body shall notify the board of county commissioners of each county and the governing boards of each other public body whose property tax revenues would be allocated under such proposed plan. Representatives of the municipal governing body and each board of county commissioners and each public body shall then meet and attempt to negotiate an agreement governing the types and limits of tax revenues of each taxing entity to be allocated to the urban renewal plan.

(9.5)(d) In an absence of agreement between the municipality and any taxing entity as described in paragraph (a) of this subsection (9.5), the parties must submit to mediation of the issue of appropriate allocation of urban renewal project costs among the municipality and all other taxing entities whose taxes will be allocated pursuant to an urban renewal plan. Within ninety days, the mediator must issue his or her finding of fact as to the appropriate allocation of costs and shall promptly transmit such information to the parties.

(9.5)(e) Notwithstanding any other provision of this section, a city and county is not required to reach an agreement with a county satisfying the requirements of this subsection (9.5).

### **EFFECTIVE DATE:**

August 5, 2015

## **b. HB 15-1367: New Ballot Measure on Rate and Distribution of Retail Marijuana Sales Tax**

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### **PRIME SPONSORS:**

Millie Hamner (D), House District 61  
Pat Steadman (D), Senate District 31

### **OVERVIEW:**

Revenue collected from the marijuana excise tax, proposed and approved in the 2013 Proposition AA, is predicted to be \$58 million more than originally estimated. Pursuant to Colorado’s Taxpayer Bill of Rights (TABOR), Colorado voters must decide whether the state should retain and spend this excess revenue or whether it must be refunded. If necessary, this bill refers a ballot issue to the voters at the November 3, 2015 statewide election to allow the state to retain and spend the excess revenue, dividing the spending between the public school capital construction assistance fund, youth programs, law enforcement services, substance abuse programs, etc. and the general fund. If voters reject the ballot issue, this bill establishes conditional mechanisms for refunding the excess revenue.

### **Section 8: Adds C.R.S. § 39-28.8-602, 39-28.8-603, and 39-28.8-606**

#### **C.R.S. § 39-28.8-602**

(1)(a) A refund of state revenues may be required if, for the fiscal year 2014-15, fiscal year spending is greater than twelve billion eighty million dollars or if the revenue from retail marijuana taxes is greater than sixty-seven million dollars. The amount of the potential refund is equal to the combined amount by which fiscal year spending and retail marijuana taxes exceed these amounts, or the actual amount of the revenue from retail marijuana taxes for the fiscal year 2014-15, whichever is less.

#### **C.R.S. § 39-28.8-603**

(1) If a proposition AA blue book refund is required under C.R.S. § 39-28.8-602, then at the election held on November 3, 2015, the secretary of state shall submit to the registered electors of the state for their approval or rejection of the following ballot issue: “May the state retain and spend state revenues that otherwise would be refunded for exceeding an estimate included in the ballot information booklet for proposition AA and use these revenues to provide forty million dollars for public school building construction and for other needs, such as law enforcement, youth programs, and marijuana education and prevention programs, instead of refunding these revenues to retail marijuana cultivation facilities, retail marijuana purchasers, and other taxpayers?”

#### **C.R.S. § 31-28.8-606**

(1)(a) If the voters vote to allow the state to retain and spend the excess revenue from the marijuana excise tax, 40 million dollars of the excess revenue shall be transferred to the Public School Capital Construction Assistance Fund created in C.R.S. § 22-43.7-104 (1).

(1)(b) If the voters vote to allow the state to retain and spend the excess revenue from the marijuana excise tax, the general assembly shall appropriate 12 million dollars for any use authorized in C.R.S. § 39-28.8-501.

### **EFFECTIVE DATE:**

June 4, 2015

## **c. [HB 15-1387: Elimination of Transfer of Medical Marijuana to Retail Marijuana at Time Retail License Becomes Effective](#)**

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### **PRIME SPONSORS:**

Dan Pabon (D), House District 4 | Robert Rankin (R), House District 57  
Pat Steadman (D), Senate District 31 | Kent Lambert (R), Senate District 9

### **OVERVIEW:**

Current law allows the operator of a licensed medical marijuana center, an optional premises cultivation license, or a licensed medical marijuana-infused products business to apply for a retail marijuana establishment license. At the time an applicant's retail marijuana establishment license becomes effective, the applicant is allowed to transfer medical marijuana inventory to retail marijuana inventory tax-free. In 2013, voters approved the ballot measure Proposition AA which created a marijuana excise tax, and stated that the first \$40 million raised by this tax annually shall be transferred to the public school capital construction assistance fund. However, the process of tax-free transfers has reduced the amount of tax revenue collected and transferred to the public school capital construction assistance fund. This bill eliminates the tax-free transfer of medical marijuana to retail marijuana at the time that a retail marijuana establishment license becomes effective.

### **Section 1: Amends C.R.S. § 12-43.4-104 (1)(a)(III-IV)**

(1)(a)(III-IV) An applicant can indicate a desire to surrender a medical marijuana license and apply for a retail marijuana license, or an applicant can apply for a retail marijuana license while retaining their medical marijuana license. In both cases, if the retail license is granted the applicant shall, at the time the retail license becomes effective, identify the medical marijuana inventory that will become retail marijuana inventory. Except that beginning on July 1, 2016, an applicant shall not be allowed to transfer medical marijuana inventory from a medical marijuana center or from a medical marijuana-infused products manufacturer to any retail marijuana establishment. Beginning on July 1, 2016, the only transfer of medical marijuana allowed pursuant to this subparagraph (IV) is the transfer of medical marijuana inventory from a medical marijuana cultivation facility to a retail marijuana cultivation facility.

### **EFFECTIVE DATE:**

June 6, 2015

## **d. SB 15-082: Authority of Counties to Establish a County Workforce Development Program**

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### **PRIME SPONSORS:**

Vicki Marble (R), Senate District 23 | Mary Hodge (D), Senate District 25  
Dominick Moreno (D), House District 32 | Polly Lawrence (R), House District 39

### **OVERVIEW:**

This bill authorizes a county to establish a workforce development program to provide financial assistance to high school graduates in the county who pursue post-secondary education or training from an accredited institution of higher education or certified training program. Any county that establishes a workforce development program may also establish a workforce development fund to accept contributions for the purpose of the program and offer incentives to those who contribute to the workforce development fund.

### **Section 1: Adds C.R.S. § 30-11-126**

(3) Any county may establish a workforce development program, to be known as “Bright Future Colorado”, to provide financial assistance to county residents who pursue post-secondary education or training from an accredited institution of higher education or certified training program. Any county that establishes a workforce development program may also establish a workforce development fund to accept contributions for the purpose of the program.

(4)(a) Notwithstanding any law to the contrary, a county that has established a workforce development program may offer an incentive, in the form of a county property tax credit or rebate, to a residential or commercial property owner in the county who contributes to a county workforce development fund.

### **EFFECTIVE DATE:**

August 5, 2015

## **e. SB 15-138: ASCENT Program Funding**

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### **PRIME SPONSORS:**

Kerry Donovan (D), Senate District 5  
Jim Wilson (R), House District 60

### **OVERVIEW:**

This bill clarifies that a local education provider may spend the ASCENT program funding that it has received on behalf of students who enroll in an institution of higher learning during the budget year in which it received the funding *and* on behalf of students who, by May 1 of that budget year, are admitted in to an institution of higher education to participate in the ASCENT program during the following budget year.

### **Section 1: Amends C.R.S. § 22-35-108 (3)**

(3)(b) A local education provider that receives ASCENT program funding, as described in section 22-54-104 (4.7), in a budget year may expend the ascent program funding on behalf of ASCENT program participants who enroll in an institution of higher education during that budget year and on behalf of ASCENT program participants who, by May 1 of that budget year, are admitted to an institution of higher education to participate in the ASCENT program during the next budget year.

(3)(c) The local education provider shall certify to the department by May 10 of each year the list of ASCENT program participants who are admitted to an institution of higher education to participate in the ASCENT program during the next budget year. At the end of the budget year in which the local education provider receives the ASCENT program funding, the local education provider shall remit to the department any remaining amount of the ASCENT program funding that the local education provider is not using for an ASCENT program participant who is included on the certified list.

### **EFFECTIVE DATE:**

May 13, 2015

## **f. SB 15-145: Supplemental Appropriation to the Department of Education**

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### **PRIME SPONSORS:**

Kent Lambert (R), Senate District 9  
Millie Hamner (D), House District 61

### **OVERVIEW:**

This bill details various supplemental appropriations made to the Colorado Department of Education. Please follow the link to the bill to view the appropriations.

### **EFFECTIVE DATE:**

March 11, 2015

## **g. SB 15-166: Adjustments to Total Program Funding**

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### **PRIME SPONSORS:**

Pat Steadman (D), Senate District 31

Millie Hamner (D), House District 61

### **OVERVIEW:**

Because the actual pupil count is lower than anticipated when the general assembly appropriated moneys for total program funding for the 2014-15 budget year, and because the local share of total program funding is higher than anticipated, the general assembly is able to, by reducing the dollar amount of the negative factor, reduce the difference between actual statewide total program funding and calculated statewide total program funding for the 2014—15 budget year. This bill adjusts the minimum amount of total program funding, after application of the negative factor, to \$5,930,091,660 for the 2014-15 budget year.

### **Section 2: Amends C.R.S. § 22-54-104 (5)(g)(I)(E)**

(5)(g)(I)(E) For the 2014-15 budget year, the sum of the total program funding for all districts, including the funding for the institute charter schools, after application of the negative factor, is not less than five billion nine hundred thirty million ninety-one thousand six hundred sixty dollars (\$5,930,091,660) except that the department of education and the staff of the legislative council shall make mid-year revisions to replace projections with actual figures.

### **EFFECTIVE DATE:**

March 13, 2015

## **h. SB 15-208: Capital Construction Expenditures and Nonmonetary Adjustments**

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### **PRIME SPONSORS:**

John Kefalas (D), Senate District 14  
J. Paul Brown (R), House District 59

### **OVERVIEW:**

This bill grants the state controller authority, with certain requirements, to allow any department, institution, or agency of the state, including any institution of higher education, to expend moneys differently from the authority granted by an item of appropriation for a capital construction budget item if the capital construction, controlled maintenance, or capital renewal project requires a nonmonetary adjustment for its timely continuation and the nonmonetary adjustment is due to unforeseen circumstances arising while the general assembly is not meeting in regular or special session.

### **Section 1: Adds C.R.S. § 24-75-111.5**

(1) For the purposes of this section, “nonmonetary adjustment” means a change that does not affect the amount of the appropriation, including a name change, an extension of time for completion, a scope change, a transfer between departments, or other such similar changes.

(2) For fiscal years commencing on or after July 1, 2015, the controller may allow, under certain circumstances (see subsection (2)(a-b)), any department, institution, or agency of the state, including any institution of higher education, to expend moneys differently from the authority granted by an item of appropriation for a capital construction budget item if the capital construction, controlled maintenance, or capital renewal project that the appropriation was for requires a nonmonetary adjustment for its timely continuation and the nonmonetary adjustment is due to unforeseen circumstances arising while the general assembly is not meeting in regular or special session during which such a nonmonetary adjustment would be legislatively addressed.

(4) Nonmonetary adjustments must be consistent with the original purpose for which the appropriation was made and may not change the amount of the appropriation.

### **EFFECTIVE DATE:**

May 29, 2015

### III. Bills Affecting Employment and Professional Development

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b. <a href="#">SB 15-262</a> : Updates to States Regulating Blanket Sickness and Accident Insurance	46

**a. [HB 15-1391: Reduction in DPS' PERA Contribution Rate](#)**

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**PRIME SPONSORS:**

Lois Court (D), House District 6 | Jim Wilson (R), House District 60  
Pat Steadman (D), Senate District 31

**OVERVIEW:**

In 2009, the general assembly enacted legislation to merge DPS' retirement system into the public employee's retirement association (PERA). This bill reduces DPS' employer contribution rate from 13.75% to 10.15% to bring DPS' employer contribution rate in line with that of all other school districts in the state. This amounts to a total savings of over \$22 million per year for DPS schools, including DPS charter schools.

**EFFECTIVE DATE:**

January 1, 2015

## **b. SB 15-262: Updates to Statutes Regulating Blanket Sickness and Accident Insurance**

### **PRIME SPONSORS:**

Tim Neville (R), Senate District 16

Angela Williams (D), House District 7

### **OVERVIEW:**

This bill updates the current Colorado law with respect to blanket sickness and accident insurance and expands and clarifies the scope of the insurance commissioner's discretionary authority to approve different types of permitted coverage groups.

### **Section 1: Adds C.R.S. § 10-16-215**

(1) Blanket sickness and accident insurance is declared to be that form of sickness and accident insurance covering special groups of not less than ten persons as enumerated under a policy or contract issued to:

(c) A college, school, or other institution of learning or to the head or principal of the college, school, or other institution of learning, who shall be deemed the policyholder, covering students or teachers

(e) Any religious, charitable, recreational, education or civic organization, or branch of any religious, charitable, recreational, educational, or civic organization, which organization shall be deemed the policyholder, covering all members or participants defined by reference to activities or operations of the policyholder.

(4) Nothing in this section relieves an employer from any requirement to obtain coverage under the "Workers Compensation Act of Colorado", articles 40-47 of title 8 C.R.S. No policy issued under this section may qualify as or substitute for a health benefit plan under federal law. Nothing in this section affects the legal liability of policyholders for the death of or injury to any member of the group. No Policy issued under this section may qualify as or substitute for general liability insurance.

### **EFFECTIVE DATE:**

August 5, 2015