Thank you for the opportunity to represent CASE before the Colorado General Assembly during the 2019 legislative session. I believe we were able to once again increase CASE’s profile, advocate on behalf of school districts, and gain key advocates with members of the Joint Budget Committee and General Assembly.

Please find below summaries of CASE priorities, including bills supported and opposed, an FYI on bills that school districts should be aware of, and a general overview of session.

CASE Priorities

Below is a link to the full list of bills CASE tracked. By clicking here, you can find full bill information, legislator votes, and fiscal notes.

portrait view: https://coloradocapitolwatch.com/bill-tracker-votes/0/4741/2019/0/

landscape view: https://coloradocapitolwatch.com/bill-analysis/4741/2019/0/

Funding

This session was critical for education funding. CASE helped and led in the efforts to increase and improve school funding in the School Finance Act (SB19-246), which in its final form includes:

- $6,951.53 base per pupil funding
- $100M buy down of the Budget Stabilization Factor
- $20M for rural school districts
- $3.9M for the ASCENT program
- $22M for additional funding for Tier B Special Education categorical

HB19-1262 was an important win for school districts and Governor Polis, which provides $175 million for school districts to implement full day kindergarten programs. The bill requires districts to submit plans for how they can phase these classes in without charging families extra money. The Governor will sign the bill this week.

CASE took a position of strong support and led the lobbying effort on the following bills: HB19-1002, Leadership Professional Development For School Principles, creating the School Leadership Pilot Program in CDE to provide experiential professional development for principles.

HB19-1134, Identification And Interventions For Students With Dyslexia, creating a dyslexia work group and pilot program in CDE.

HB19-1186, School Employment Background Check Clarification, expanding options for school employees to obtain fingerprints for criminal history background checks.

HB19-1201, Board Of Education Executive Session Negotiations Strategy, clarifying that schools boards may discuss negotiation strategies for collective bargaining in executive session.

SB19-039, Inter-district Transportation Of Students, restoring the repealed statute that permits a school district to furnish transportation to a student in a geographically adjacent school
district, or to reimburse for the cost to transport that student, only if the adjacent school district consents to the transportation of students to the receiving school district.

SB19-104, Elimination Of Duplicate Regulation Of School Building, creating a commission to identify and address duplicate regulations related to school-based childcare programs.

**CASE successfully opposed and help kill the following bills:**

HB19-1053, Computer Science Courses Offered In Schools, that would have required districts to annually report information regarding high school computer science courses.

HB19-1094, Internet Link To Basic Like Skills Ed Courses, that would have required information in school performance reports regarding the availability of courses covering basic life skills, such as financial literacy, nutrition, etc.

HB19-1112, Child Safety Accounts, that would have creates a program for children directly affected by a school safety incident to receive funding to attend a nonpublic school or home school.

HB19-1116, Hunter Education Courses In Public Schools, that would have required all seventh graders to complete a course offered by a hunter education provider if the LEP enters an agreement with the education provider.

HB19-1151, Special Education Opportunity Scholarships, to provide scholarship money for special education parents to select a LEP of their choosing, including nonpublic schools.

HB19-1243, 16-Year Olds Voting School District Elections, that would have allowed 16 year olds to participate in school district elections.

HB19-1249, Safety & Accountability In School Districts, which would have put stringent standards on school boards in bidding on contracts for professional services, such as conducting cost-benefit analyses prior to the RFP, conducting public meetings regarding bids, and allowing current personnel to bid after other proposals have been submitted.

SB19-048 Protect Students From Harmful Material, that would have required electronic educational materials and portals to include protective software and allow parents to bring civil action against a private entity that violates the requirements.

SB19-087 Students Subjected To A School Safety Incident, which would have made exceptions to state law for students subjected to school safety incident regarding 529 accounts and public schools of choice.

**School districts should be aware of the changes made in the following bills:**

HB19-1032, Comprehensive Human Sexuality Education, requires schools that receive grants for sex education programs to not teach abstinence only and to include curriculum related to the LGBT community. (The bill was significantly amended and weakened in the last days of session)

HB19-1194, School Discipline For Preschool Through Second Grade, that limits circumstances in which a student in preschool through 2nd grade can be suspended from school.

HB19-1192, Inclusion Of American Minorities In Teaching Civil Government, requires that schools teach the history, culture and contributions of minority populations.
SB19-049, Statute Of Limitation Failure Report Child Abuse, increases the statute of limitations for failure to report child abuse from 18 months to 3 years when a mandatory reporter has reasonable cause to know or suspect that a child has been subject to unlawful sexual behavior or who has observed the child being subject to circumstances or conditions that would reasonably result in unlawful sexual behavior.

SB19-094, Extend School Finance Interim Committee, extends the interim committee for one additional year.

SB19-176, Expanding Concurrent Enrollment Opportunities, Beginning in FY 2020-21 LEPs must offer concurrent enrollment to high school students. An administrator may not unreasonably deny a student’s request for permission to concurrently enroll, and an LEP may not limit the number of postsecondary courses in which a student may enroll, unless the LEP is unable to provide access for reasons related to technological capacity.

SB19-199, READ Act Implementation Measures, requires:
- Programming and services be evidence-based and focus on reading competency in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension.
- If a student’s reading skills are below grade-level expectations or the student is identified as having a significant reading deficiency, LEPs must employ multi-tiered systems of support, which at a minimum must include a daily literacy block of research-based instruction.
- LEPs include additional information, including designated curriculum and intervention programs, in the annual READ plan the LEP submits to CDE.

SB19-204, Public School Local Accountability Systems, creates the Local Accountability System Grant Program in CDE to support local accountability systems that supplement the state accountability system.

General Overview

The 2019 Legislative Session ended on May 3rd after 120 days per the Colorado Constitution. With control over both chambers and the governorship, Democrats were able to push through many of their top priorities. Major themes included the state budget, education funding, environmental protection and climate change, economic security, health care affordability and election reform.

The Budget

The Joint Budget Committee (JBC) is a six-member committee with three members from each chamber and the majority reflects the majority in their respected chamber. This session there are four Democrats and two Republicans that sit on the JBC. The JBC meets starting in October and reviews every department to propose a budget for the next fiscal year (July 1, 2019-June 30, 2020). Key highlights in the 2019-20 budget:
- $300 million for transportation funding (a deal cut by leadership in both parties)
- $175 million for full day kindergarten
- 1% rate increase for most healthcare providers
- 3% pay hike for all state employees
- Tuition rate freeze for institutions of higher education (except MSU)
Education

Full-day kindergarten was a major priority for Governor Polis during his first State of the State address. The bill passed with majority support in the House and unanimous consent in the Senate. The bill does not mandate that children must attend full-day classes or that districts must offer them. Instead, the bill requires districts to submit a plan for how they could phase these classes in without charging families extra money. The final appropriation is for $175 million, roughly $52 million under the Governor's original request.

The School Finance Act (SB19-246) set the new statewide base per pupil funding at $6,951.53 (increase of $182) and paid down the budget stabilization factor by $100 million. The bill also included an additional $20 million for rural school districts and $3.9 million for ASCENT program participants.

Environment

One of the most contentious bills this session was on oil and gas reform, Senate Bill 181. It gives more control to local governments to approve or deny drilling permits within their jurisdiction. The bill passed despite deep opposition from Republicans and the oil and gas industry. The bill also fundamentally changed the priorities of the Colorado Oil and Gas Conservation Commission (COGCC) to focus on health, safety and the environment first rather than on fostering development.

Democrats also took aim at greenhouse gas emissions. House Bill 1261 sets new statewide targets for reducing greenhouse gas emissions to combat climate change, including an ambitious 50 percent cut by 2030.

House Bill 1313 sought to establish targets for Xcel Energy to reduce carbon dioxide emissions by 80 percent by 2030 and allow other utilities to opt-in to clean energy plans. Utilities may also apply to the PUC for authorization to issue ratepayer-backed securities when closing an electric generating facility. The provisions in House Bill 1313 were ultimately amended into the PUC sunset bill (SB19-236).

Business and Employment

The Equal Pay for Equal Work Act was signed by the Governor and prohibits gender-based wage discrimination and asking for a prospective employee’s wage history. The law penalizes employers when gender is found to play a role in wages.

Democrats decided in the final two weeks to forego a proposal to offer a statewide paid family leave (FAMLI) program this legislative session after receiving push back from Colorado business groups. The proposal would have provided up to 12 weeks of leave with up to $1,000 a week in benefits and job protection. In its new form, Senate Bill 188 directs the Department of Labor and Employment to conduct a study on paid family leave’s viability. They’re hoping to re-introduce the plan in 2020.

A plan did move forward to allow local governments to set their own minimum wage above the statewide minimum wage. The final version of the bill sets the implementation date back for January 1, 2021, with the possibility for petition before the 2020 election.
Health Care Affordability

Colorado could be the first state in the country to offer state-run health insurance. House Bill 1312 directs state agencies to study the idea of a public health insurance option, and report back to the legislature this fall. The hope is that by competing against private insurers, the state could drive costs down. The bill enjoyed bipartisan support, but it faces a tough challenge from federal regulators, who’d need to sign off on the plan.

Another bipartisan bill, House Bill 1168, will create a reinsurance program to lower health care costs. The state would take on some of the highest medical bills on Colorado’s individual market, which would allow some providers to lower premiums for health care. The plan has a $237 million price tag, but the state will split it with the federal government. Reinsurance was a key campaign promise for Governor Polis.

Election Reform

Colorado became the 13th state to join the national agreement to elect the president by national popular vote and the first swing state to do so. The agreement doesn’t kick in until enough states join the pact to award a majority of electoral votes to the popular vote winner.

Significant changes were made to Colorado’s election code. House Bill 1278 changes procedures regarding voter registration, ballot access requirements, procedures for in-person voting, and extending polling hours on election day. The bill also allows 17-year olds to participate in primaries if they will be of age in time for the general election.

In addition, Senate Bill 235 sets up a system to automatically register voters. Notably, the new law would register Coloradans to vote when applying for or renewing a driver’s license or identification card. The new elector then receives notice that they have been registered to vote and they are given the option to opt-out or affiliate with a party.

Buzzworthy

Several other bills generated a lot of public interest this session resulting in many long nights, packed committee hearings and contentious floor debates.

Democrats successfully passed House Bill 1177, known as the Red Flag Bill. The bill allows a court to issue an order that would require an individual to surrender any firearms if they are deemed an extreme risk. The bill received a lot of backlash from pro-Second Amendment groups.

Anti-vaccination groups came out in full force against House Bill 1312 which would have required additional immunizations for students and makes it more difficult to receive a non-medical or personal exemption. The bill did not survive the Senate.

A bill that would promote comprehensive sexual education in schools was significantly weakened in the final days of session. House Bill 1032 would require schools that receive grants for sex education programs to not teach abstinence only and to include curriculum related to the LGBT community. Conservative groups sent out a call to action early in the session to combat the bill.
Referred Measures

Voters will have their say on a couple referred measures on the 2019 November ballot including measures to:

· Allow the state to keep and spend any revenue surplus over the TABOR cap. The additional funds will be spent evenly between transportation, K-12 schools, and higher education. (HB 1287)

· Levy a tax on decriminalized sports betting revenue and use the funds for the State Water Plan. (HB 1327)

· Governor Polis’s late session push for a referred measure to raise taxes on cigarette and tobacco products and establish a new tax on nicotine products (like the popular JUUL) did not pass the Senate. Revenue from the taxes would have been distributed to fund health care and education programs. (HB 1333)

Interim Committees

8 newly formed committees will meet over the interim:

· Committee on PTSD Support for Peace Officers
· Committee on Zero Waste
· Committee on Tax Expenditure Evaluation
· Committee on Investor Owned Utilities Energy Choices
· Committee on Affordable Health Care
· Committee on Making Higher Education Attainable
· Committee on Prison Population Management
· Committee on Health Care Market Competition

8 standing interim committees were reapproved:

· Sales and Use Tax Simplification Task Force
· Early Childhood and School Readiness Commission
· Transportation Legislation Review Committee
· Opioid & Other Substance Use Disorders Study Committee
· Wildfire Matters Review Committee
· Committee on Water Resources
· Committee on Wildfire Matters
· Committee on School Finance

Each interim committee will meet 5-6 times over the coming months and each has been authorized to propose 2-3 bills to the General Assembly for the 2020 session.