CASE hit the ground running when the 2020 legislative session convened earlier this month, and we are currently involved in and tracking nearly 50 bills related to public education. The CASE Legislative Committee met last Friday to review and discuss all of this legislation and took official association positions for each bill. We are so appreciative of the committee members and other CASE members who attend these meetings to help shape our advocacy strategies and positions on bills. If you haven’t ever attended one of these meetings, I encourage you to participate; they provide a great opportunity both to learn about the latest news from the Capitol as well as to share your feedback and ask questions about specific bills and legislative issues.

To see the complete list of bills CASE is working on and tracking, please click here. This list is updated in real time throughout the legislative session.

As always, please don’t hesitate to contact me with any questions at lescarcega@co-case.org.

- Lisa Escárcega, CASE Executive Director

**Committee approves bill that would create new review schedule for state standards**

Yesterday, the House Education Committee unanimously approved CASE-supported House Bill 1032, which creates a new schedule for the review and revision of the state academic standards. Current law calls for the State Board of Education to review and make changes to the standards every six years, and this legislation would create a staggered schedule in which one-third of the standards are reviewed for the first two-year period, followed by the next one-third in the two years after that, before the last one-third is reviewed within a final two-year period. If approved, the State Board of Education would be required to complete their review and revision of all standards by July 1, 2026.

CASE member Ben Lausten testified in support of House Bill 1032 in the committee hearing. One of the key benefits of the legislation is that it would make the standards review and revision process more manageable so that only one-third of the P-12 standards are up for consideration in a two-year window and that any changes resulting from the review would be implemented on a staggered basis.

The bill next moves to the House for their vote and we expect it to pass with strong support from both Democrats and Republicans.

**Bill prohibiting racial discrimination based on hairstyle follows national trend**

A number of states have recently passed legislation to ban policies or practices that punish individuals of color who wear their hair in natural styles including braids, dreadlocks and Afros. Colorado has followed suit with the introduction of House Bill 1048, which would prohibit
discrimination on the basis of hairstyles associated with race traits. The protection against discrimination would apply to the workplace and public schools.

California and New York were the first to pass into law legislation like this last summer; other states including New Jersey, Michigan, Wisconsin, Illinois and Kentucky have introduced their own legislation since then. A high-profile incident in December 2018 that attracted national media attention really brought this issue to the forefront when a referee forced a black high school student to either cut off his dreadlocks or forfeit his wrestling match. The incident quickly went viral on social media with many civil rights activists, politicians and even celebrities condemning the referee and stating that the student was unfairly forced to choose between his personal identify or conforming to a school mandate.

The CASE Legislative Committee voted at its meeting last week to support House Bill 1048. Proponents of the bill hope that it will allow students to wear their natural hairstyles without fear of punishment or pressure to change based on outside expectations. It will be considered by the House Education Committee next week.

Learn more: California becomes first state to ban discrimination based on one’s natural hair (Los Angeles Times, July 3, 2019)

Banning ethnic hairstyles ‘upholds this notion of white supremacy.’ States pass laws to stop natural hair discrimination (USA Today, October 14, 2019)

Concerns from the field about legislation regarding behavior analysts in schools

New legislation would mandate that school districts allow a behavior analyst to provide medically necessary services to a student during school hours, if the parents request it. CASE, CASB, the Colorado Rural Alliance and the Statewide Consortium of Special Education Directors are opposed to House Bill 1058 as it is written, based on several potential unintended consequences and concerns, including:

- Districts can already establish agreements with behavior analysts to provide specific services to students during the school day. Those agreements are customized to the unique needs of the student and tailored to ensure minimal disruption within the school day. The one-size-fits-all nature of House Bill 1058 complicates a district’s ability to ensure these agreements work for both the student receiving the services, as well as other students within their class.
- House Bill 1058 allows a parent to determine who provides the behavior analyst services, as well as where and when they do it. This creates a unilateral decision-making dynamic in which the school and district can’t work collaboratively with the parents the same way that they do now.
- The threshold for proving that services are medically needed is that there are impairments in the student interfering with their ability to thrive and adapt. This is a
subjective and vague standard open to different interpretations that could vary widely based on the person evaluating the student.

The Statewide Consortium of Special Education Directors has worked extensively with the bill sponsor to articulate these concerns and seek to find a path forward that assuages them. We hope that there might be amendments to bill that would allow us to reconsider our oppose position and will keep you posted in the coming weeks on the status of House Bill 1058.

**Bill providing employee protections for off-duty activities triggers human resources worries**

The CASE Legislative Committee voted to oppose House Bill 1089, which would prohibit an employer from firing an employee who engages in activities outside work hours that are allowed under state law, even if they are not allowed under federal law. Practically speaking, this would provide employment protection for an individual who uses marijuana during their off-duty time.

CASE’s primary concern with this bill is that marijuana can impact an individual’s behavior for an extended period of time after it’s use. If a teacher were to consume marijuana one night and come to school the next day still feeling the effects, that could impact their instructional ability in the classroom and possibly impact their judgement.

Medical research indicates that marijuana stays in a person’s system for several days or even weeks. This negates the argument of supporters of the bill that it’s similar to alcohol use, which typically effects an individual for much less time.

House Bill 1089 will be heard by the House Business Affairs and Labor Committee in late February, and unless changes are made, CASE will be testifying in opposition to the bill.

**Coming up**

- The Educator Pay Raise Fund legislation, Senate Bill 89, is up in the Senate Education Committee today. As we shared with you in the last BriefCASE, this bill would create a new state program to support districts in raising teacher salaries to a required minimum amount, with priority given to the highest need districts. It is among CEA’s highest priority bills this session and the CASE Legislative Committee voted to monitor the legislation.

- We hope you’re registered to attend next week’s CASE Winter Leadership Conference, which will feature our session on February 7 focused solely on legislative and policy issues. Governor Polis’ Senior Policy Advisor Allie Kimmel will provide a briefing on the Governor’s education initiatives, Carol Hedges from the Colorado Fiscal Policy Institute will break down current budget and funding dynamics, and CASE Lobbyist Elisabeth Rosen will offer a legislative update.
• CASE Legislative Committee meetings are open to any members who wish to attend, and the next meeting will be held at the conclusion of the CASE Winter Leadership Conference on February 7 at the Westin Hotel in Westminster, with an approximate 1:30pm start time. We would love to have you join us!
• Public Education Day at the Capitol is coming up on March 11 and will showcase the outstanding work taking place in Colorado public education. CASE in partnership with the Colorado Rural Alliance, Our Schools Our Community and several school districts, is hosting this event both to raise awareness among legislators about what’s happening in K-12, as well as to provide members with the chance to see the legislative process up close. Watch for more details in the weeks ahead.