

BriefCASE: March 16, 2021

**Legislation to reduce CMAS testing this spring inches closer to becoming law**

House Bill 1161, which would scale back CMAS testing this spring, has passed out of both the House and Senate and should land soon on the Governor's desk for his signature. The bill directs the Colorado Department of Education to request a federal waiver that would reduce the number of tests administered this spring in light of the significant impacts and complications posed by the pandemic.

Key provisions of House Bill 1161 include (should the federal waiver be approved):

- Grades 3, 5 & 7 only required to take the literacy CMAS test. The math test requirement would be waived.
- Grades 4, 6 & 8 only required to take the math CMAS test. The literacy exam requirement would be waived.
- As part of the federal waiver request, CDE would ask for approval for the science test requirement to be waived for all grades.
- No CMAS test for social studies would be administered to any grade. This is a state requirement so would not be included in the federal waiver request.
- CMAS data cannot be used in teacher evaluations.
- Parental opt out options are not impacted by this bill and parents maintain the right to hold their children out of CMAS testing with no penalty to the student or school.

CASE has created an infographic that clearly summarizes the many pieces of House Bill 1161; please feel free to share this with your staff and/or any members of your community who would find it helpful.

As we have shared with you in previous communications, our hope for this legislation headed into the 2021 session was for a complete suspension of CMAS tests this spring. Although this bill does not go as far as we had initially wanted, it represents many hours of negotiations and discussion with multiple stakeholders, legislative leadership, the Governor's office and CDE. We believe it's the best compromise possible given the competing viewpoints on CMAS testing and we're so appreciative of the bill sponsors for their advocacy for a bill that would reduce CMAS testing as much as possible.

CASE testified in support of House Bill 1161 in both the House and Senate Education Committees and we were fortunate to have our voice represented by a number of members who shared their expertise and insights with legislators. A special thank you to CASE President Monica Johnson (Strasberg School District), CASE President-elect Jill Lliteras (St Vrain Valley School District), Jason Koenig (Cherry Creek School District), Dr. Bill Dallas (Fountain-Fort Carson School District) and Sed Keller (Fountain-Fort Carson) for testifying on behalf of CASE with such poise and lending your knowledge to the legislative process.

We anticipate that the bill will land on Governor Polis' desk within a week and he has already indicated his support for the legislation and intent to sign it into law.

**New legislation seeks to revamp some elements of student discipline**

If you've been following the Legislature for the last couple of years, you know that student discipline has increasingly been an area that lawmakers have wanted to focus on and make changes to.

Senate Bill 182 takes aim at this topic with the goal of reducing the student-to-prison pipeline and it notes that in 2017-18, more than 4,000 students were arrested or ticketed for non-violent misdemeanors at school. The legislation further states that non-white and/or students with special needs are far more likely to be arrested or ticketed than white students and students without special needs.

Highlights of the bill include:

- Requirement that schools seek alternative means of discipline that avoid suspension, and that schools pursue preventative measures (such as restorative or trauma-informed approaches) for behavioral issues. Codes of conduct would have to be changed to reflect this.
  - Changes to codes of conduct would also need to reflect a commitment to discipline that is age- and developmentally appropriate.
  - Schools would be required to demonstrate that they use behavioral management strategies.
- Requirement that schools provide data on disciplinary incidents and the school's subsequent action, disaggregated by race, gender, socioeconomic status and indication of whether the student has special needs.
  - Districts would be required to develop a policy to address disproportionate discipline practices across different student groups, and to communicate this improvement plan to parents.
- Elevates the criteria for selecting a school resource officer, including considering the number of tickets and arrests on the officer's record.
- Reduction in student interaction with law enforcement and a prohibition on handcuffing elementary school students.

Senate Bill 182 was crafted in coordination with Governor Polis' office and has very strong support among lawmakers, particularly Democrats. Some of the urgency around this bill was spurred on by media reports of young students being handcuffed in schools, along with a larger activist movement to reduce police presence in schools and the disproportionate number of minority students experiencing discipline that involves law enforcement.

The CASE Legislative Committee voted at our meeting last Friday to take a "monitor" position on this legislation and we will keep you posted as the bill moves through the legislative process.

### **Other bills to watch**

We are lobbying and/or tracking well over 50 bills at this point in the legislative session. Other bills to be aware of include:

- [House Bill 1129](#): Would extend the deadline for teacher READ Act training to the beginning of the 2022-23 school year. CASE is in support of this legislation.
- [House Bill 1133](#): Requires annual seizure-related training for any school or district employee who is in direct contact with a student who has a seizure disorder. We're so appreciative of our members, including CASE Legislative co-chair Lori Cooper, and the Statewide Consortium of Special Education Directors, for their hard work behind the scenes to help get this bill to a place that we can support it.

- [Senate Bill 17](#): Would make changes to certain provisions of current law related to sexual misconduct of an employee against a student. Right now, a secondary school educator who has sexual conduct with a student age 18 or older may not be breaking the law. This bill would change that, such that if sexual conduct occurs between an educator and a student age 18 or older, the educator may be found guilty of a crime of abuse of public trust by an educator, if that educator is at least 4 years old than the student.
- [Senate Bill 53](#): This bill was signed into law yesterday by Governor Polis, and protects current levels of student funding for districts, despite the dip in students for 2020-21 due to the pandemic.

For a complete list of the bills that CASE is tracking and working on, click [here](#).

### **New Parent Advocacy Network picks up steam**

CASE is so pleased to offer our new Parent Advocacy Network in partnership with CEA, the Colorado Rural Alliance, PTA and CASB. As we've shared with you, this new initiative is meant to create a direct link between parents and the highest advocacy priorities of our associations; we are working to help inform parents about the legislation most critical to our members, so that they can get involved and help support our efforts.

This group meets at least monthly and the next meeting is this Thursday, March 18, with a meeting in English from 5pm to 6pm and a meeting for Spanish-speaking parents from 6pm to 7pm. Participation in the Parent Advocacy Network continues to grow with members from across the state, and we want to add to the ranks to ensure every district has representation!

Please share this opportunity with your school and district parents; they can learn more and sign up by clicking [here](#).

### **Upcoming CASE Legislative Committee meetings**

Did you know that all CASE members, not just committee members, are encouraged and welcome to attend our Legislative Committee meetings? This is a great way to get and stay informed about the fast-moving legislative and policy issues that currently stand to impact K-12, and we'd love to have you participate.

Mark your calendar for these upcoming meetings, all of which are held via Zoom:

April 2, 1:30pm to 4pm

April 16, 1:30pm to 4pm

April 30, 1:30pm to 4pm

If you'd like to receive regular notice about these meetings along with the Zoom call-in information, please email CASE Director of Communications & Strategic Partners Melissa Gibson at [mgibson@co-case.org](mailto:mgibson@co-case.org) and we'll gladly add you to the email distribution list!