

# 2009 K-12 EDUCATION LEGISLATION

## Accountability and Reform

**HB 09-1057** (Enacted)

*Parental Leave for Academic Activities*

**HB 09-1243** (Enacted)

*Increase High School Graduation Rates*

**HB 09-1280** (Enacted)

*National Guard Youth Challenge Corps*

**HB 09-1304** (Postponed Indefinitely)

*Suspend Writing CSAP & Grades 9 and 10 CSAP*

**HB 09-1343** (Enacted)

*Early Childhood and School Readiness Commission*

**SB 09-090** (Enacted)

*Parent Involvement in Education*

**SB 09-123** (Enacted)

*Healthy Choices Dropout Prevention*

**SB 09-163** (Enacted)

*Education Accountability System*

## Capital Construction

**SB 09-257** (Enacted)

*Improve Public School Capital Construction Program Efficiency*

## Schools of Choice

**SB 09-089** (Enacted)

*State Charter School Institute*

**SB 09-130** (Postponed Indefinitely)

*Scholarships for Children with Autism Pilot*

**SB 09-230** (Enacted)

*Charter School Food Authority*

## School Districts and Students

**HB 09-1082** (Enacted)

*Recordings of Board of Education Public Meetings*

**HB 09-1125** (Enacted)

*Limit Incentives for School Attendance*

**HB 09-1312** (Enacted)

*Renewable Energy Loans for Schools*

**HB 09-1319** (Enacted)

*Concurrent Enrollment*

**SB 09-057** (Postponed Indefinitely)

*Public School Financial Transparency*

**SB 09-285** (Enacted)

*Career and Technical Education Concurrent Enrollment*

## Nutrition and Wellness

**SB 09-033** (Enacted)

*Early Childhood Education Services Free Lunch*

**SB 09-046** (Postponed Indefinitely)

*Healthy Snacks in Schools*

**SB 09-131** (Deemed Lost)

*Require Physical Activity in Public Schools*

**SB 09-226** (Enacted)

*School Food Allergy Policy*

## School Safety

**HB 09-1009** (Postponed Indefinitely)

*Require Public School Emergency Drills*

**SB 09-029** (Postponed Indefinitely)

*School Bus Safety Belts*

**SB 09-237** (Enacted)

*Grounds for Mandatory Expulsion*

## 2009 K-12 EDUCATION LEGISLATION (Cont.)

### School Finance

**HB 09-1182** (Enacted)

*Changes to On-line Education Funding*

**HB 09-1189** (Enacted)

*Per Pupil Funding for State Education Programs*

**HB 09-1250** (Enacted)

*Federal Moneys to Counties for School Districts*

**SB 09-176** (Enacted)

*Charter School District Bond Elections*

**SB 09-256** (Enacted)

*Financing of Public Schools*

**SB 09-291** (Enacted)

*School Finance for Districts that Reinstate TABOR*

**HJR 09-1020** (Enacted)

*Interim Committee to Study School Finance*

### Teachers and Other Personnel

**HB 09-1065** (Enacted)

*Educator Identifier System*

**HB 09-1240** (Enacted)

*Colorado Teacher of the Year Program*

**SB 09-160** (Enacted)

*Alternative Teacher Programs and Licensure*

### Accountability, Reform, and Parental Involvement

***Education accountability system.*** The General Assembly passed legislation to align the state's accountability and accreditation systems into a single system that meets federal standards. **Senate Bill 09-163** repeals, reenacts, and amends the "Educational Accreditation Act of 1998." The bill sets forth accountability duties and procedures for:

- the State Board of Education (SBE);
- the Commissioner of Education and the Colorado Department of Education (CDE);
- school district boards of education, including governing boards of boards of cooperative educational services (BOCES), and the State Charter School Institute (CSI);
- district and school accountability committees; and
- schools.

The bill also changes School Accountability Reports (SARs) to School Performance Reports, and specifies the contents of the new performance report.

Under Senate Bill 09-163, the SBE is required to:

- review the performance of the statewide public education system and set, reaffirm, or revise statewide targets for grades 3 through 12 for measuring the performance of schools, school districts, and the CSI in:
  - ▶ student longitudinal growth;
  - ▶ student achievement on the Colorado Student Assessment Program (CSAP);
  - ▶ postsecondary and workforce readiness; and
  - ▶ progress made in closing achievement and growth gaps;
- adopt, with the assistance of a commissioner-appointed technical advisory panel, the Colorado growth model to measure student longitudinal growth;

- enter into annual accreditation contracts with school districts and the CSI and accredit the school districts and CSI based on performance under the accreditation contract;
- promulgate rules to establish accreditation categories. The rules must establish objective, measurable criteria to be applied by the CDE in determining the appropriate accreditation for districts and the CSI, placing the greatest emphasis on attainment of performance indicators. The categories include, but are not limited to:
  - ▶ "accredited with distinction";
  - ▶ "accredited";
  - ▶ "accredited with improvement plan";
  - ▶ "accredited with priority improvement plan"; and
  - ▶ "accredited with turnaround plan";
- remove school district or CSI accreditation if the district or CSI has been in the "accredited with priority improvement plan" category or lower for five consecutive school years;
- based on a school's performance, and considering the recommendations of the CDE, direct the school to adopt a performance, improvement, priority improvement, or turnaround plan; and
- direct a school district or the CSI to restructure a school if the school fails to make adequate progress under its turnaround plan or operates under a priority improvement or turnaround plan for a combined total of five consecutive school years, taking the recommendations of the state review panel created to evaluate such plans into account.

The bill authorizes the CDE to seek and accept gifts, grants, and donations for the implementation of the bill and strongly encourages CDE to apply for federal moneys. The Commissioner of Education and the CDE are tasked with supporting the SBE, school districts, the CSI, and schools in fulfilling their accountability duties by:

- making annual calculations of what will constitute adequate academic growth for each student based on the growth model. The CDE must formulate the calculation in such a way that adequate longitudinal academic growth means:
  - ▶ catch-up growth for a student who scored at the unsatisfactory or partially proficient level on the CSAP in the previous academic year, which is the amount of academic growth necessary to score at the proficient achievement level within three years or by the tenth grade, whichever comes sooner; and
  - ▶ keep-up growth for a student who scored at the proficient or advanced achievement level on the CSAP in the previous academic year, which is the amount of academic growth necessary to score at the proficient achievement level for the succeeding three years or until the tenth grade, whichever is sooner;
- providing student academic growth information to the school and school district or CSI, including information on:
  - ▶ whether the student made at least one year's academic growth in the preceding school year;
  - ▶ whether the student made adequate academic growth for the preceding school year;
  - ▶ the adequate longitudinal academic growth calculated for each student to attain catch-up, keep-up, or move-up growth; and

- ▶ the amount of growth for each student that would result in the student scoring at the partially proficient, proficient, and advanced achievement levels within one, two, and three years;
- measuring the performance of each school, each district, the CSI, and the state on each performance indicator — student longitudinal academic growth, student achievement levels on the CSAP or ACT, postsecondary and workforce readiness, and progress made in closing the achievement and growth gaps;
- creating a state review panel to evaluate and provide recommendations concerning the improvement, priority improvement, or turnaround plans for schools, districts, and the CSI;
- performing an annual accreditation review for and assigning an accreditation category to each district and the CSI;
- reviewing each school's performance annually and recommending to the SBE that the school adopt a performance, improvement, priority improvement, or turnaround plan;
- providing technical assistance and support to schools, districts, and the CSI that are accredited at a low accreditation category or that have been directed to adopt an improvement, priority improvement, or turnaround plan; and
- creating and maintaining the Education Data and Growth Exchange Portal for publishing:
  - ▶ school, district, CSI, and state performance reports;
  - ▶ the accreditation category for each district and the CSI;
  - ▶ the performance, improvement, priority improvement, or turnaround plan for each school, each district, and the CSI; and
  - ▶ other data.

School district boards of education (local school boards) and the CSI have the following duties under the bill:

- for each local school board, appointing or electing a school district accountability committee that consists of parents, teachers, administrators, and business people;
- adopting, with the advice of the school accountability committee, an annual priority improvement or turnaround plan, depending on the accreditation category;
- if a turnaround plan is adopted, submitting the plan to the Commissioner of Education for review by the state review panel and approval;
- submitting the final version of the performance, improvement, priority improvement, or turnaround plan to the CDE for publication on the Education Data and Growth Exchange Portal, and implementing the plan;
- adopting policies for the accreditation of schools that are comparable to, and at least as rigorous as, the state-level accreditation policies;
- assigning an accreditation category to each school each year that corresponds to the type of plan the school is required by the CDE to adopt;
- restructuring or closing schools based on direction from the SBE;
- submitting the final version of each school's performance, improvement, priority improvement, or turnaround plan to the CDE for publication on the Education Data and Growth Exchange Portal; and
- reporting data to the CDE as required.

District accountability committees are required to:

- recommend priorities to the local school board for spending district moneys;
- prepare and submit to the local school board recommendations for the performance, improvement, priority improvement, or turnaround plan;
- review charter school applications before they are considered by the local school board; and
- compile the performance, improvement, priority improvement, and turnaround plans received from schools, and take them into account when preparing the draft district plan.

The bill establishes the following duties for schools:

- to establish a school accountability committee that consists of:
  - ▶ the principal;
  - ▶ teachers;
  - ▶ parents;
  - ▶ adult members of an organization of parents, teachers, and students; and
  - ▶ persons from the community;
- to create and adopt, with the advice of the school accountability committee and in the case of a district school, with the approval of the school district superintendent, a school performance or improvement plan; and
- to annually implement a performance, improvement, priority improvement, or turnaround plan, as directed by the SBE.

The school accountability committee is given specific duties in the bill to support the school and the district or the CSI, including:

- making recommendations to the school principal regarding priorities for spending school moneys;
- advising and submitting recommendations to the principal and school district superintendent on the preparation and contents of a school performance or improvement plan;
- advising and submitting recommendations to the local school board or the CSI on the preparation and contents of a school priority improvement or turnaround plan if required; and
- meeting at least quarterly to discuss whether district leadership, personnel, and infrastructure are advancing or impeding the implementation of the district's plan.

The bill replaces the SAR with School Performance Reports. The CDE is required, under the bill, to publish a School Performance Report for each school, a District Performance Report for each school district, an Institute Performance Report for the CSI, and a State Performance Report. The CDE is required to continuously update the information on the reports within 60 days after data becomes available. The reports must include, at a minimum:

- level of attainment on each performance indicator;
- for School Performance Reports, a comparison of the school's levels of attainment on each performance indicator with other schools in the district and the state;

- for District Performance Reports and the Institute Performance Report, a comparison of levels of attainment on the performance indicators with other districts and the CSI;
- comparisons of student performance over time and among student groups;
- rates of completion, mobility, and truancy; and
- any additional information that may be required by federal law.

The bill also requires that School Performance Reports include the following information about the operations and environment of the school:

- the name of the school, the type of school program provided at the school, the school year for which the information in the performance report is provided, the school's street address, telephone number, e-mail address, and the web site address of the school district or the public school;
- the percentages of students who are not tested or whose scores are not included in determining attainment of the performance indicators;
- the occurrence of drug, alcohol, tobacco, assault, weapons, and code of conduct violation incidents;
- information concerning student enrollment, the number of students who are eligible for free or reduced-cost lunch, student enrollment stability, average daily attendance, and, for elementary schools, the availability of a preschool program, full-day kindergarten program, and before- and after-school programs;
- information concerning the staff employed at the school, including the number of persons employed in each category and a job description for each category;
- students-per-classroom-teacher ratios for each grade level;
- the average number of years of teaching experience among the teachers;
- the number of teachers who hold master's or doctoral degrees;
- for junior high, middle, and high schools, the percentage of teachers who are teaching in the subject areas in which they received their bachelor's or graduate degrees;
- the number of teachers who have three or more years of teaching experience;
- the number of professional development days included in the school year;
- information concerning whether courses and programs that are not included in the statewide assessments are available to students and, to the extent they are available on the school's or school district's web site, internet links to descriptions of these courses and programs; and
- information concerning programs and services that are available at the school to support student health and wellness.

***Parental involvement.*** The General Assembly also debated measures pertaining to parents' involvement in their children's education. **House Bill 09-1057** creates the Parental Involvement in K-12 Education Act, which requires employers with 50 or more employees to allow full-time employees up to 18 hours of leave per school year to participate in school activities with their children. Part-time employees receive a portion of the leave, depending on the number of hours worked. Employers may require that the leave be taken in no longer than three-hour increments or may require the presence of the employee if his or her absence would result in a safety hazard or a halt of service or production.

**Senate Bill 09-090** creates the Colorado State Advisory Council for Parent Involvement in Education to advise state agencies on best practices and strategies for increasing parent involvement in public education and promoting family and school partnerships. The bill also establishes the Parent Involvement in Education Grant Program, which provides grants to school districts and BOCES on behalf of public schools to assist the schools in increasing parental involvement. The bill sets eligibility requirements for the schools and identifies the types of programs that can be funded under the grant program. Finally, the bill amends current law pertaining to school district accountability committees and school advisory councils.

***Dropout prevention.*** The General Assembly considered several bills intended to address the issue of student dropouts. **House Bill 09-1243** creates the Office of Dropout Prevention and Student Re-engagement (office) in the CDE, with a director appointed by the Commissioner of Education. The CDE is encouraged to direct federal funding to the office and, in addition, is directed to seek and accept gifts, grants, and donations to fund the operations of the office. The CDE is not required to implement the bill until it has received enough donations to fund the office. In addition to outlining duties of the new office, the bill adds new duties for local education providers (LEPs) and the SBE.

The office is tasked with:

- providing assistance to LEPs in:
  - ▶ analyzing student dropout, graduation, completion, mobility, truancy, suspension, and expulsion rates;
  - ▶ analyzing safety or discipline incidences and student academic growth data at the state and local levels; and
  - ▶ creating and evaluating student graduation and completion plans;
- reviewing LEPs' policies pertaining to attendance, truancy, disciplinary actions under the LEPs' code of conduct, behavioral expectations, dropout prevention, and student engagement and re-engagement to identify effective strategies for and barriers to reducing the student dropout rates and increasing student engagement and re-engagement within the state;
- developing interagency agreements and cooperating with other state and federal agencies and private, nonprofit agencies to reduce student dropout rates and to increase student engagement and re-engagement;
- identifying high priority and priority LEPs based on rules promulgated by the SBE and providing technical assistance on dropout prevention and student engagement and re-engagement programs, estimating the costs of implementing such programs, and identification and recommendation of successful approaches used by other LEPs;
- compiling effective policies and strategies for dropout prevention and student re-engagement from Colorado and other states in consultation with the Governor's Office, the P-20 Education Coordinating Council, LEPs in Colorado with low dropout rates, state and national experts in the area of dropout prevention, and federal government officials who administer dropout reduction initiatives and programs, and using this information to provide technical assistance to high priority and priority LEPs and to recommend state policies concerning dropout prevention and student engagement to the SBE and General Assembly;
- conducting an annual assessment of statewide student attendance data in order to assess the overall incidence, causes, and effects of student dropout, engagement, and re-engagement in Colorado;

- administering the Student Re-engagement Grant Program to provide grants to LEPs in providing dropout prevention and student engagement programs in high school; and
- annually reporting findings and recommendations.

The SBE must promulgate rules for the implementation of the bill, including rules:

- establishing the criteria to identify high priority and priority LEPs;
- implementing the Student Re-engagement Grant Program; and
- defining and calculating the student dropout rate, graduation rate, completion rate, student engagement and re-engagement rate, truancy rate, student mobility rate, student suspension rate, and student expulsion rate.

Any rules already promulgated regarding these topics are to be reviewed by the SBE when developing the new rules.

LEPs are tasked with:

- conducting a practices assessment in consultation with community partners and state and local governments. High priority LEPs must complete the initial assessment by June 30, 2010, and priority LEPs must do so by June 30, 2011. All other LEPs are encouraged to conduct a practices assessment, but it is not required. At a minimum, the practices assessment must address:
  - ▶ attendance and truancy reporting and enforcement policies and definitions;
  - ▶ risk factors and remedies applicable to students who are failing one or more courses, have experienced traumatic life events, or have lost academic interest or motivation and to students whose presence or actions are perceived to be detrimental to other students;
  - ▶ interaction with the judicial system in enforcing compulsory school attendance;
  - ▶ interaction with the juvenile justice system;
  - ▶ coordination with child welfare services;
  - ▶ grading policies;
  - ▶ policies for grade repetition and remediation;
  - ▶ course completion requirements and policies; and
  - ▶ policies and practices relating to factors that affect a student's success, such as addressing ethnicity, language, and cultural barriers between students' homes and school and student acquisition of behavioral, social, and emotional skills;
- adopting student graduation and completion plans. Based on the completed practices assessment, high priority LEPs must adopt a student graduation and completion plan by October 1, 2010, and priority LEPs must do so by October 1, 2011. A copy of the plan must be submitted to CDE. All other LEPs are encouraged to adopt a student graduation and completion plan, but it is not required. At a minimum, the plan must include:
  - ▶ the percentage by which the LEP anticipates reducing the student truancy rate and dropout rate and the timeline for achieving the reductions;
  - ▶ the percentage by which the LEP anticipates increasing the student attendance, graduation, and completion rates and the timeline for achieving the increases;
  - ▶ other objectives that the LEP identifies that are designed to result in improved dropout prevention, improved student attendance, and improved student engagement and re-engagement;

- ▶ the manner in which the LEP will measure success in achieving the goals and objectives of the student graduation and completion plan;
- ▶ the manner in which school staff and parents will work together to address the risk factors and remedies for students; and
- ▶ a description of the supports the LEP will provide to a student who leaves a public school prior to graduation or completion; and
- notifying parents of the dropout status of their student.

House Bill 09-1243 also creates the Student Re-engagement Grant Program to provide grant moneys to LEPs to use to provide educational services and supports to students to maintain student engagement and support student re-engagement in high school.

**Senate Bill 09-123** creates the Healthy Choices Dropout Prevention Pilot Program in the CDE. Under the program, school districts may apply for grants on behalf of schools that meet the definition of "at-risk school" established in the bill. The grants are intended to provide services to enhance the academic achievement and physical and mental health of adolescent students in order to improve student attendance and reduce dropouts. The Commissioner of Education, or the Commissioner's designee, will, subject to the receipt of sufficient gifts, grants, or donations, determine which schools will receive grants and the amount of the grants.

To be eligible for a grant, a school must meet the definition of "at-risk school" established in the bill and have a coordinated school health team. The bill requires that the grants be used only to provide activities outside of the regular school day to sixth, seventh, and eighth grade students. The activities must include:

- opportunities for physical exercise;
- academic assistance, including tutoring;
- nutrition counseling;
- mental health counseling; and
- health education.

Finally, **House Bill 09-1280** authorizes the Department of Military and Veterans Affairs to operate a National Guard Youth Challenge Corps Program. The department is directed to apply for federal funding and is authorized to accept gifts, grants, and donations for the program. The purpose of the program is to develop life and work skills and increase educational levels for high school dropouts between the ages of 16 and 18. The program has an intensive, five-and-a-half month residential phase that is followed by a year-long post-residential mentoring phase.

**Assessments.** **House Bill 09-1304**, which was postponed indefinitely by the House Education Committee, would have prohibited, during the 2009-10 and 2010-11 school years, the CDE from administering Colorado Student Assessment Program (CSAP) assessments that are not specifically required under federal law. The discontinued assessments would have included the writing assessment for students in grades 3 through 8 and all assessments for students in grades 9 and 10.

**Early childhood education.** **House Bill 09-1343** creates a ten-member legislative commission for the continued study of issues related to early childhood and school readiness. Issues to be studied by the commission include the areas of health, mental health, parental involvement, family support, child care, and early learning. The commission is required to submit an annual report to the General Assembly.

## **Capital Construction**

**Senate Bill 09-257**, which was recommended by the Joint Select Committee on Job Creation and Economic Growth, makes several changes to the Build Excellent Schools Today Act (BEST) to allow more efficient implementation of the act. The bill authorizes the General Assembly to appropriate moneys from any legally available source to the Public School Capital Construction Fund if the fund balance would otherwise be insufficient to cover lease payments made under lease-purchase agreements to repay BEST certificates of participation (COPs). It also prohibits lease payments from being made from sources that would disqualify interest earned in the COPs from federal tax-exempt status.

Senate Bill 09-257 grants the State Treasurer sole discretion to determine the state's entry into any BEST lease-purchase agreement to ensure that the state enters into such agreements only when market conditions are favorable and allows the State Treasurer flexibility in entering into lease-purchase agreements involving only a portion of a public school receiving BEST financial assistance, or all or a portion of a different public school facility within the same school district.

Because the priority assessment required by the BEST Act is not yet complete, the bill permits the consideration of applications for BEST funding until FY 2009-10, whether the priority assessment is complete or not. Currently, the Public School Capital Construction Assistance Board must factor in the priority assessment findings when considering applications after FY 2008-09.

The bill also removes the director of the Division of Public School Capital Construction Assistance from the Public School Capital Construction Assistance Board as an ex officio member.

## **Schools of Choice**

**Charter schools.** The General Assembly considered several bills impacting charter schools. **Senate Bill 09-089** exempts the CSI from the state procurement code upon a vote by the CSI board. It also adds institute charter schools to the Charter School Capital Facilities Financing Act, which allows the State Treasurer to make bond payments for institute charter schools to help them obtain favorable bond ratings. The bill creates the Institute Charter School Capital Construction Assistance Fund within the state treasury for the purpose of funding the construction of institute charter school buildings.

**Senate Bill 09-230** allows district charter schools and institute charter schools to become School Food Authorities (SFAs) when unable to contract for food services through the district or the CSI. Becoming an SFA will allow a charter school to offer free and reduced-cost lunch through the federal National School Lunch Program and the School Breakfast Program.

**Scholarships.** The General Assembly also considered a bill that, as introduced, would have created the Colorado Scholarships for Children with Autism Pilot Program. **Senate Bill 09-130** would have provided scholarships to be used to attend a nonpublic school to students with autism or autism spectrum disorder. The bill was postponed indefinitely in the House Education Committee.

## **School Districts and Students**

The General Assembly considered a number of bills impacting school districts and students during the 2009 legislative session.

**School district transparency.** Two bills considered in the 2009 legislative session addressed transparency of school district decision-making and finances. **House Bill 09-1082** requires school district boards of education to make an audio recording of regular and special meetings of the board at which votes are taken. The recordings must be made available to the public and must be retained for a minimum of 90 days. **Senate Bill 09-057**, which was postponed indefinitely by the House Education Committee, would have required school districts to post financial information on an online searchable budget database.

**Loan program for school districts.** Legislation facilitating the procurement of renewable energy loans to fund energy efficiency projects at schools across the state also passed during the 2009 legislative session. Under **House Bill 09-1312**, schools may apply for loans from the State Treasurer to fund projects such as purchasing energy efficient school buses or installing solar panels on a school building. Loans and projects are monitored by the State Treasurer and the Governor's Energy Office.

**Incentives for attendance.** The legislature passed a bill addressing the issue of LEPs offering incentives to students to encourage enrollment in the 2009 legislative session. **House Bill 09-1125** prohibits LEPs from offering gifts worth more than \$20 to students or their parents as an incentive to enroll in a particular school.

**Concurrent enrollment.** The General Assembly also addressed concurrent enrollment programs for secondary school students. Concurrent enrollment programs allow students to take postsecondary courses while enrolled in high school. **House Bill 09-1319** repeals current statute pertaining to concurrent enrollment programs, and creates the Concurrent Enrollment Programs Act, which contains three major provisions. The bill:

- establishes a new concurrent enrollment program for ninth through twelfth graders;
- creates the Concurrent Enrollment Advisory Board within the CDE; and
- establishes the Accelerating Students through Concurrent Enrollment (ASCENT) program for twelfth graders.

A qualified ninth, tenth, eleventh, or twelfth grader may apply to the school district for approval to participate in the concurrent enrollment program. Upon approval, a qualified full-time student may enroll in up to six college credit hours, and a part-time student may enroll in up to three college credit hours. Only twelfth graders may enroll in college-level basic skills courses. Each student enrolled in the program must develop an academic plan with his or her high school.

In order for a school district to offer a concurrent enrollment program, the school district must enter into a cooperative agreement with a higher education institution that details how academic credits will be awarded, tuition payment, eligibility for interscholastic activities, the development of an academic program for each student, and the authorization of College Opportunity Fund stipends, if applicable.

The Concurrent Enrollment Advisory Board created in the bill is tasked with the following:

- establishing guidelines for the administration of the ASCENT program;
- advising and assisting school districts and higher education institutions in preparing cooperative agreements; and
- making recommendations as necessary to the General Assembly, the SBE, and the Colorado Commission on Higher Education concerning the improvement or updating of state policies related to the ASCENT program.

A qualified twelfth grader who has completed at least 12 college credit hours, is not in need of basic skills coursework, and has been accepted into a postsecondary degree program at a higher education institution, may be selected by his or her school principal to participate in the ASCENT program. The program allows students to enter into a fifth year of high school for the purposes of concurrent enrollment. The bill directs the SBE to promulgate rules for the implementation of the program.

Finally, the bill sets forth a number of reporting requirements for the CDE and Department of Higher Education, and permits the departments to compel school districts and higher education institutions to submit certain data.

**Senate Bill 09-285**, which was recommended by the Joint Select Committee on Job Creation and Economic Growth, makes clarifying changes to House Bill 09-1319. Specifically, the bill:

- clarifies that concurrent credits may be earned in career and technical education courses;
- permits students to apply credits toward either an academic degree or a career and technical certificate; and
- adds representatives of career and technical program providers to the Concurrent Enrollment Advisory Board.

## **Nutrition and Wellness**

**Nutrition.** The legislature debated two measures related to school nutrition. The Child Nutrition School Lunch Protection Program provides at least \$850,000 towards eliminating the reduced price paid under the federal school lunch program by eligible children in kindergarten through second grade. **Senate Bill 09-033** makes program moneys available to children enrolled in state-subsidized preschool programs offered in public schools. **Senate Bill 09-046**, which was

postponed indefinitely in the Senate Education Committee, would have required school district boards of education and the CSI to adopt policies regulating the sale of snack foods. The bill listed the types of foods that were allowable in a snack food policy. Generally, fruits, vegetables, nuts, and low-fat cheeses were allowed.

**Wellness. Senate Bill 09-226** requires the SBE to promulgate rules for management of food allergies and anaphylaxis among students enrolled in the public schools of the state. It further requires the CSI and each local school district to adopt a food allergy and anaphylaxis policy and provide notice of such a policy to the parent or legal guardian of each student. As introduced, **Senate Bill 09-131**, which was deemed lost when the House and Senate adhered to their positions on the bill, would have required school districts to adopt policies to incorporate 150 minutes of physical activity each week for students in kindergarten through 12th grade.

### **School Safety**

The General Assembly considered several pieces of legislation addressing school safety. Current law requires a school district board of education to expel a student who carries, brings, uses, or possesses a dangerous weapon, including a firearm or a firearm facsimile that could be reasonably mistaken for an actual firearm, on school grounds. **Senate Bill 09-237** removes firearm facsimile from the definition of "dangerous weapon." The bill adds to the list of grounds for suspension or expulsion carrying, using, actively displaying, or threatening with a firearm facsimile and requires school districts to develop a policy to authorize a student to bring a firearm facsimile on school property. **House Bill 09-1009** would have required all public schools — elementary, secondary, and postsecondary — to conduct at least two emergency safety drills each year. The bill was postponed indefinitely by the House Education Committee. **Senate Bill 09-029**, as introduced, would have required anyone riding a school bus to wear a three-point shoulder and lap safety belt. The House Education Committee postponed the bill indefinitely.

### **School Finance**

The legislature funded an interim committee to study school finance during the 2009 interim. **House Joint Resolution 09-1020** creates a ten-member interim committee charged with studying the funding for students in public schools statewide to determine necessary modifications to the "Public School Finance Act of 1994" to fund education reform and to determine appropriate funding factors and formulas and the allocation of resources that will ensure that all students in public schools in the state are receiving a thorough and uniform education.

**Charter school participation in bond elections. Senate Bill 09-176** allows school districts to include charter schools in long-range planning for capital construction. The bill requires that school districts considering a bond election to finance capital construction invite district charter schools to take part in planning for the election. The invitation must be submitted by June 1 of the applicable election year. Charter schools may request that a school district board of education submit a ballot question to approve a special mill levy, but the charter school must pay for any cost of submitting the ballot question.

***Distribution of federal moneys.*** Currently 43 counties receive federal moneys through the Secure Rural Schools Act as a result of having national forest lands in the county. **House Bill 09-1250** changes the amount of these federal moneys that counties must use for public schools. Schools previously received a minimum of 5 percent of the national forest payments, and the bill increases this amount to a minimum of 25 percent.

***State share of total program for school districts that "re-Bruce."*** The legislature also addressed changes to the School Finance Act regarding the state share of a district's total program. **Senate Bill 09-291** stipulates that the state will not increase its share of total program should a school district choose to reinstate Taxpayer's Bill of Rights (TABOR) limits through a local election. The state portion will be calculated based on the local contribution as if the district were still exempted from the property tax limit.

***Clarifying changes to school finance.*** **House Bill 09-1182** and **House Bill 09-1189**, recommended by the Joint Budget Committee, make clarifying changes regarding funding for the administrative costs of the Division of On-line Learning within CDE and funding for facility schools, respectively. Under House Bill 09-1182, the Division of On-Line Learning is now authorized to receive funding through the State Education Fund. House Bill 09-1189 simplifies the process for the pupil counting and funding process for facility schools.

***School Finance Act.*** **Senate Bill 09-256**, the annual school finance act, is expected to provide \$5.7 billion in FY 2009-10, of which \$3.7 billion comes from state sources, mainly the General Fund. The bill increases the statewide base per pupil funding from \$5,250.41 to \$5,507.68, meeting the inflation-plus-one-percent requirement of Amendment 23. The bill also maintains the supplemental kindergarten funding of 8 percent of per pupil revenue through FY 2009-10.

The bill does the following:

- requires each school district to set aside approximately 1.93 percent of its FY 2009-10 total program funding into a fiscal emergency restricted reserve account, which will be released for expenditure by school districts on January 29, 2010, if the General Assembly takes no action to enact a rescission;
- requires school districts to return any unspent money received for full-day kindergarten in FY 2008-09 prior to the end of the fiscal year;
- creates a \$250,000 Centers of Excellence Award Program for schools with high rates of academic growth and at least 75 percent at-risk student enrollment. Money for the award program will be transferred from the Read-to-Achieve Cash Fund in FY 2009-10;
- makes a one-time transfer of \$1.75 million to the Closing the Achievement Gap Cash Fund from the Read-to-Achieve Cash Fund;
- requires that one-half of the increase in the appropriation for the Expelled and At-Risk Student Services Grant Program go to applicants that will reduce the number of truancy cases requiring court involvement and that reflect the best interests of students and families, including providing services and supports that offer an alternative to guardian ad litem representation in truancy proceedings;
- if an institute charter school resides in a school district that does not receive sufficient state funding to fully cover per pupil funding, requires the CDE to submit a supplemental request for the amount that the institute charter school is short;

- removes the requirement that school districts set aside specific amounts of their budgets for capital needs, risk management activities, and instructional supplies and materials;
- increases the cap on the amount of additional local property tax revenue that a school district may raise and spend from 20 percent of total program funding to 25 percent, and specifies that specific ownership taxes are no longer included in the limit;
- requires the CDE to prepare a study examining the feasibility of a residential school for students who are in need of greater academic support and who are at risk of academic failure;
- requires every student enrolled in sixth grade to register with "CollegeInColorado.org"; and
- prior to the start of ninth grade, requires each student to submit an individual career and academic plan to the school district.

The bill also modifies TABOR reserve requirements for school districts. Specifically, it authorizes school districts to designate real property as all or a portion of their required TABOR reserve if they have already provided for a 3 percent General Fund reserve in a given budget year. It also authorizes the state to invest in certificates of participation issued by a school district as long as the security meets certain minimum rating standards. Finally, while the bill does not provide additional funding for charter school capital construction, it encourages the Governor to allocate a portion of the money received by the state from the federal American Recovery and Reinvestment Act for such purposes.

## **Teachers and Other Personnel**

The legislature passed several measures affecting teachers. **House Bill 09-1065** creates an educator identifier system to assign unique, secure, and confidential identifiers for all educators employed by a school district or LEP. Information gathered by the system is for the following purposes:

- studying the teacher gap and identifying possible solutions;
- studying teacher training and development and teacher mobility and retention issues;
- improving teaching and student learning, and using data to recognize, reward, and develop the careers of individual teachers;
- matching educators to students;
- allowing the state to gather baseline data about the distribution of highly qualified teachers and to take actions to address any inequities in the distribution of highly qualified teachers throughout the state;
- enabling teachers to enhance their instruction using performance and longitudinal growth data; and
- gathering information about the number of teachers and principals rated at each performance level in each LEP's teacher and principal evaluation system.

***Teacher of the year program.*** **House Bill 09-1240** creates the Colorado Teacher of the Year Program to honor and reward the teacher named as the Teacher of the Year. The bill requires the SBE to adopt rules to create and implement the program. The rules adopted by the board may provide the Colorado Teacher of the Year with cash gifts, computer hardware, other teaching supplies, money for professional development, or a sabbatical. If the award includes a sabbatical, the rules may authorize funds for paying a substitute teacher. The program is funded through gifts, grants, and donations.

***Licensure.*** **Senate Bill 09-160** makes changes to the state's current alternative licensure programs, as recommended by the Governor's P-20 Council. Currently, there are two alternative licensure programs: the one-year Alternative Licensure Program and the two-year Teacher-in-Residence Program. Under the bill, the two programs become known as the one-year alternative licensure program and the two-year alternative licensure program, respectively. The bill specifies the duties of the CDE and the SBE in reviewing and approving alternative licensure programs.