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Legislative session productive for K-12 bills and funding

But major measures weren't brand-new initiatives

Significant education policy issues were on the table at the Capitol this year, a contrast to some recent sessions, when K-12 funding was pretty much the only thing anybody talked about.

Not that school finance wasn't important this year – lawmakers approved some important funding increases for 2019-20. But they also passed bills to pay for full-day kindergarten, reform the READ Act literacy program, expand concurrent enrollment and curtail the use of expulsion and suspension in the early grades.

The legislature also passed batches of smaller bills in two areas, teacher recruitment and retention and student health and safety.

Educator evaluation was the one big issue that was raised but that didn't go anywhere this year. There was talk all session legislation to dial back annual evaluations for some educators or reduce the weight given student test scores in evaluations. Introduced late in the session, SB 19-247 would have done the latter, but sponsors couldn't gain enough support to advance it.

Although it turned out to be a busy session for K-12 issues, nothing really new was on the table. Major bills either fine-tuned existing laws and programs, or they achieved goals that had been thwarted in past sessions. And high-profile debates over energy policy, health care, guns, economic security and more generally overshadowed education

Here's what happened on the big issues:

Full-day kindergarten – Some legislators have long advocated the state pick up the cost of full-day kindergarten, but it took a push from Gov. Jared Polis to help make it happen. There was some initial debate about how much money to allocate, and the final legislation (HB 19-1262) provides \$174 million for next year. An additional \$25 million was taken from the BEST school construction fund to help districts cover the costs of implementing expanded kindergarten. As a side effect of the bill, funding that districts now can use for the Colorado Preschool Program or for kindergarten will be funneled to preschool, opening up more than 5,000 additional slots for that program.

Young student literacy – The 2012 READ Act provided procedures and funding for school districts to improve the literacy skills of K-3 students, with the goal of all students being able to read at grade level by the third grade.

A Joint Budget Committee staff analysis released last November found that READ Act hadn't significantly reduced the percentage of K-3 students with significant reading deficiencies.

A bipartisan group of lawmakers introduced SB 19-199, which specified in detail how districts should teach reading, required training of teachers to teach reading, created a system of outside evaluation to gauge how districts are doing, set standards for how much daily literacy instruction struggling students should receive, gave the state Department of Education greater oversight over district efforts and gave the State Board of Education more control over how districts spend literacy funds.

The initial version of the bill struck many district leaders as too prescriptive, leading to extensive behind-the-scenes discussions and fine-tuning of the bill. The original themes remain in the final bill, but the details have been finessed.

Expulsion and suspension – Early childhood and school reform advocates long have pushed to reduce or even ban the use of expulsions and out-of-school suspensions for K-2 students, arguing that using those often irrevocably blights students' educational progress. Some administrators, especially from small districts, say they need the flexibility to use expulsion and suspension in some cases. Advocates broke through this year with passage of HB 19-1194, which nevertheless was amended to give administrators leeway to use those methods as a last resort.

Concurrent enrollment – Lawmakers also paid attention to the other end of K-12 spectrum and passed legislation (SB 19-176) to expand opportunities for students who want to take college classes while still in high school. Although increasing numbers of students have done this in recent years, some educators and legislators have been concerned that participation is uneven across the state and that students aren't well enough informed about their options.

The bill more clearly defines concurrent enrollment as classes that don't carry additional costs for students and do provide credit, requires all districts to provide concurrent enrollment and seeks to better publicize the programs.

Regulation of online schools – Despite controversy and stalemate in the past, this issue was lower key this session and did result in legislation, SB 19-129. This bill requires better tracking of students who leave multi-district online schools after the annual fall enrollment count (this is a funding issue) and also closes a loophole that basically allowed low-performing schools to avoid the state accountability clock by changing authorizers.

Two of the hottest issues of 2019, comprehensive sex education requirements and procedures for requesting immunization exemptions, involve schools but weren't driven by education interest groups. Rather, health advocacy organizations were pushing these bills, opposed by many Republicans and conservative parent groups.

K-12 funding – The secret ingredient in the 2019-20 K-12 budget was increased revenue from local property taxes. That meant the state didn't have to devote significant additional funds to Total Program Funding, which supports basic school operations. That allowed the legislative to devote money to some educational extras.

Here are the highlights of the key provisions authorized in both the state budget bill and the school finance act, SB 19-246:

- Total Program Funding will be about \$7.4 billion in state and local funds.
- Average per-pupil funding increases from \$8,123 this year to \$8,476.
- The Budget Stabilization Factor will drop by \$100 million to about \$572 million. Another way to look at this is the BS Factor means each district will get 7.2 percent less funding than it would have otherwise.
- Other provisions of the finance act include \$20 million for per-pupil distribution to rural districts, \$22 million for Tier B special education funding and a \$40 million transfer to the State Education Fund to provide a cushion for 2020-21 school spending.

(Get district-by-district details on 2019-20 school funding in the spreadsheet at the bottom of this legislative staff memo:

http://leg.colorado.gov/sites/default/files/documents/2019A/bills/fn/2019a_sb246_r3.pdf)

Lawmakers also made important decisions about school construction grants in HB 19-1055, which affects the Building Excellent Schools Today program. Those include:

- Maximum annual lease payments by BEST are increased from \$100 million to \$105 million next year and \$110 million a year thereafter.
- The BEST board also is allowed to increase the amount of cash grants for two years.
- All marijuana excise taxes now will flow to BEST. They previously were split with another education fund.
- \$25 million will be taken from BEST to aid districts with full-day kindergarten implementation costs.
- Facilities funding for charter schools is increased.

When you add it all up, through individual bills and riders to the school finance act, lawmakers also added more than \$400 million in targeted education funding.

Other – and bigger – school finance issues were *not* on the agenda in 2019.

- There were no proposals to rewrite the school finance formula. A legislative study committee that's worked for two years on the issue without results was reauthorized for another year.

- The idea of creating a uniform statewide mill levy in school districts, favored by some Joint Budget Committee members, was discussed but not advanced. (This is something would require voter approval.)
- The same thing – nothing – happened with another favorite JBC idea, tinkering with the mill levy override system, which has exacerbated equity gaps between rich and poor districts.

One late-breaking funding plan would have provided some highly earmarked funding for preschool and enrichment programs. This was HB 19-1333, the proposal to significantly increase tobacco taxes and impose new taxes on e-cigarettes. But died during a late-night Senate floor vote during the last week.

Other issues of note

There weren't single big bills on two other policy issues, support for educators and student health and safety, but there were lots of smaller measures on those subjects.

Educator support bills included measures to train principals, provide tax credits for early childhood educators, forgive some teacher loans and provide incentives for rural teachers. But in most cases those bills merely expand eligibility for existing programs or contain fairly modest amounts of funding.

Measures to address student health and safety including modest increases in funding for behavioral health, school nurse and counseling services, funding for a pilot program in comprehensive physical education, expansion of subsidized school meals to high schools and more funding for special education programs.

Education interests were somewhat on the sidelines for the two most controversial school health proposals, new requirements for comprehensive sex education (HB 19-1032) and new rules for filing school immunization exemption forms (HB 19-1312). Both were pushed by health advocacy groups and fiercely opposed by conservative groups. The sex ed bill passed; the immunization bill died when the legislature adjourned.

There were about 80 K-12-related bills introduced during the 2019 session, many of them narrow or technical. Others were little-noticed "statement" bills – think the annual Republican measure to allow concealed weapons on school grounds. About 50 K-12 bills passed

Although it turned out to be a busy year for K-12 issues, the debates started slowly. Five of eight major bills were introduced after the halfway point on March 4.

Learn more about every 2019 education bill that was introduced in 2019 through the information and links in this bill tracker from Capitol Editorial Services.

<https://www.coloradocapitolwatch.com/bill-analysis/5171/2019/0/>

If you just want to learn about the bills that passed, use this tracker:

<https://www.coloradocapitolwatch.com/bill-analysis/5407/2019/0/>