

Legislative Summary 2022



May 2022

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Introduction

This summary provides an overview of the actions impacting K-12 education during the second regular session of Colorado's 73rd General Assembly. This summary discusses what did and did not happen and presents issues and priorities for the November 2022 election and the next legislative session.

CASB's legislative priorities are established through CASB's Resolutions Process:

- Each summer, CASB issues a Call for Resolutions request to every member school board as an opportunity to provide input on public education issues for the next legislative session; this year's deadline is August 30, 2022. CASB compiles the proposed resolutions, prepares research data, and distributes the information to the Legislative Resolutions Committee (LRC).
- The members of CASB's Legislative Resolutions Committee (LRC) review the submitted resolutions and develop recommendations to be considered at CASB's Annual Delegate Assembly.
- 3. The CASB Delegate Assembly will meet on Saturday, October 22 during CASB's Fall Conference and Delegate Assembly where delegates will adopt resolutions. The Delegate Assembly is the foundation of CASB's governance structure, provides critical direction to CASB when it represents members' interests before state and national policymakers, and is the official body that establishes CASB's legislative "roadmap" for issues critical to public education for the foreseeable future.

Please contact <u>Matt Cook</u> if you have suggestions, concerns, or other ideas on how the presentation of this information could be helpful to you as an advocate for Colorado's children. Thank you for your support and advocacy on behalf of the students in Colorado public schools.

Key Terms & Concepts

Appropriation	The amount of money made available to the various departments of state government from a specific source such as the General Fund, the Highway Users Tax Fund, etc., and for a specific purpose.
Appropriation Bill/Long Bill	The bill that allocates funding for state departments.
Budget Stabilization Factor (Negative Factor)	In FY 2009-10, Colorado's legislature created a new factor in the school finance formula due to the Great Recession and economic downturn that put pressure on the state's budget. The factor is a state budget tool that proportionally reduces the amount of total funding for each school district. The factor reduces state aid to districts.
C.R.S.	Colorado Revised Statutes, the compilation of Colorado laws.
Gallagher Amendment	Enacted in 1982 as an amendment to the Colorado Constitution, it previously set forth guidelines for determining the actual value of property and the valuation for assessment of such property and was repealed in 2020.
General Fund	The primary operating fund of the state. By law, all state monies are required to go into the General Fund unless otherwise specified. Also, all interest derived from monies in a fund is to be credited to the General Fund unless specified otherwise.
Joint Budget Committee (JBC)	The General Assembly's permanent fiscal and budget review agency, which writes the annual appropriations bill, called the Long Bill, for the operations of state government. The JBC has six members: the Chairman and one majority and one minority member of the House Appropriations Committee, and the Chairman and one majority and one minority member of the Senate Appropriations Committee.
Mill	One-thousandth of a dollar, a mill is a rate similar

	to a percentage (a percentage is one hundredth). One mill = \$0.001, or one-tenth of one penny.
Mill levy	A tax rate, measured in mills, representing the portion of a property's value collected by a government entity's tax (called a levy) to fund its budget. One mill produces \$1 in tax income for every \$1,000 of assessed value.
Postpone indefinitely (PI)	A motion to postpone indefinitely a bill has the same effect as moving to kill a measure.
School Finance Act	The Public School Finance Act is a formula used to determine state and local funding amounts for the state's 178 school districts and the Charter School Institute. Total Program is a term used to describe the total amount of money each school district receives under the School Finance Act.
Tax Incremental Funding (TIF)	An economic development funding program that permits municipalities to use tax revenues resulting from economic development to fund new public construction.
Taxpayer Bill of Rights (TABOR)	A provision in Colorado's Constitution limiting revenues and requiring voters to approve tax increases.

2022 Legislative Bill Summary

Below is a list of bills in which CASB was engaged on behalf of its members. Please note the following process CASB uses to <u>register on bills</u> and what our registration means:

- **1. Why do we register?** Colorado law requires that a professional lobbyist registers with the Secretary of State on a bill before speaking to legislators about a specific piece of legislation. The options for registration include: "support," "monitor," "amend," or "oppose." CASB complies with that law by ensuring that its lobbyist, Matt Cook, is registered before advocating a position with legislators.
- **2. What do the different terms mean?** Individual organizations with a lobbying presence may interpret these terms differently, but from CASB's standpoint, we define these terms when registering on legislation as follows:
 - Support: CASB registers in support of bills that promote the beliefs and resolutions as
 adopted by the CASB Delegate Assembly. Registration in support of a bill does not
 mean that the bill cannot be improved, or that we do not have concerns about some
 provisions. It does mean that, on balance, we believe the positives outweigh any
 concerns. A registration in support of a bill means that CASB may continue to work with
 legislators to improve the bill.
 - Monitor: CASB takes a monitor position on bills for three possible reasons. First, CASB is truly neutral on the bill. This could mean that while the bill impacts school boards and the districts they serve, we do not have strong guidance on a position to take. Second, CASB could decide to monitor a bill because the motivation or underlying reason for the bill is unclear. In this case, CASB registers in order to permissibly ask questions about legislative intent. Finally, CASB could take a monitor position on a bill because the bill needs some work before CASB could determine whether to take a position of support or oppose.
 - Amend: CASB takes an amend position on bills that need some work before CASB could determine whether to take a position of support or oppose. By taking a position of amend, CASB may work with legislators to make changes or amendments that would change our position.
 - Oppose: CASB takes a position of oppose on bills that clearly contradict the beliefs and
 resolutions adopted by the CASB Delegate Assembly. By taking a position of oppose,
 CASB may work with legislators to make changes or amendments that would change
 our position.
- **3. How does CASB decide its position on specific bills?** The beliefs and resolutions adopted by the CASB Delegate Assembly guide the internal decision-making process for CASB's

positions on bills. Each day, CASB staff review the bills introduced and offer feedback on the position that the organization should take to <u>CASB's Legislative Resolutions Committee (LRC)</u>. The CASB Legislative Resolutions Committee reviews resolutions presented by CASB members and develops recommendations to be considered at CASB's Annual Delegate Assembly. It also meets during the legislative session for a briefing on legislative issues and to determine CASB's position on individual pieces of legislation. The committee is made up of at least one school board member from each <u>CASB region</u>.

In the political process, registering "support," "monitor," "amend," or "oppose" is a required gateway for your CASB lobbyist to engage with legislators and represent the needs of members. We may initially take a monitor position on a bill that addresses an issue our members widely support, but is poorly worded or has problematic or concerning provisions. Some bills offer easy decisions of support or opposition, but others are written in a way that requires a judgment call on how to navigate the political process and best represent member needs.

Our members play a critical role in advocacy and helping determine CASB's legislative platform and priorities and in advocating to further these priorities. We welcome questions about bills or our position on a bill throughout the legislative session and encourage members to get involved in our advocacy efforts.

2022 Legislative Summary Passed/Enacted

BOARD OF EDUCATION

HB22-1110 - Board of Education Executive Session

Effective date: April 4, 2022

Summary: This bill allows boards of education to convene in executive session to discuss negotiations concerning the terms of an employment contract with one or more superintendent finalists if (1) the board has named more than one candidate as a finalist and (2) the board holds an open public forum to conduct interviews with each of the finalists. The bill also allows a board to, in addition to interviewing finalists in a public forum, interview finalists in executive session.

Additionally, the bill authorizes boards to instruct personnel and representatives to begin contract negotiations with one or more candidates in executive session, including the necessary process to prioritize, for the purposes of negotiation, one or more finalists after public forums have been completed. Prioritizing among the finalists and beginning negotiations with one or more of the finalists does not constitute formal action or adoption by the board; such formal action only occurs when the board votes during a public session and no formal adoption is deemed to have taken place until a public vote has occurred.

CASB Policy Impact: CASB sample policy BEC, Executive Sessions as well as CASB's Open Meetings Law and Executive Session resources, will be updated to reflect the bill's changes.

HB22-1265 - Sunset Education Data Advisory Committee

Effective date: June 8, 2022

Summary: This bill continues the Education Data Advisory Committee (EDAC) that is currently scheduled to sunset on July 1, 2022, and requires EDAC, when requesting data reporting, to inform school districts and public schools of whether the request is mandatory/required by law, required as a condition for receiving a benefit, or voluntary.

Additionally, when there is a difference between EDAC's designation of a data reporting request and CDE's final determination, this bill requires the State Board to engage in a public information session with the opportunity for public input to allow EDAC and CDE to discuss their perspectives.

SB22-054 - Recommend Community School For Turnaround Plan

Effective date: August 10, 2022

Summary: This bill authorizes the State Review Panel to recommend that one or more district public schools be converted to a community school if the district or district school fails to make substantial progress under its turnaround plan or continues on performance watch for the full five years.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-137 - Transition Back to Standard K-12 Accountability

Effective date: April 13, 2022

Summary: This bill makes the following adjustments to the school accountability system:

- Requires CDE to include data concerning the percentage of students who contributed to the state longitudinal academic growth indicator for 2021-22.
- Requires CDE to use the statewide targets required for the 2018-19 school year when determining the level of attainment on performance indicators for public schools and districts for the 2021-22 school year.
- Requires CDE to count the accreditation rating for 2023-24 for schools and districts that are under performance watch as if it were consecutive with the 2019-20 school year for the purpose of calculating consecutive years on performance watch. A change in an accreditation rating in 2022-23 may be factored into the consecutive year's calculation.
- Allows the State Board of Education to consider a school or district's accreditation rating for the 2022-23 school year in determining whether to continue previously required or direct new state interventions.
- Allows the State Board of Education to award school transformation grants in fiscal year 2022-23 for up to 3 budget years to school districts, the Charter School Institute, or charter schools that are implementing an improvement plan.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-197 - Innovation School Zones with Alternative Governance

Effective date: August 10, 2022

Summary: This bill allows an innovation school zone to use an alternative governance structure and requires an innovation zone with an alternative governance structure to submit information regarding the structure to the local board of education.

The bill also requires a local board and innovation zone with an alternative governance structure to use a dispute resolution process, conducted by a neutral third party, to resolve conflicts regarding the administration of the innovation plan.

Furthermore, the bill requires the local board to review the performance of an innovation zone with alternative governance, as well as each school within the innovation zone, at the same time.

CASB Policy Impact: There is no impact on CASB's sample policies.

CHILD WELFARE & PROTECTION

HB22-1240 - Mandatory Reporters

Effective date: August 10, 2022

Summary: This bill creates the Mandatory Reporter Task Force in the Office of the Child Protection Ombudsman to analyze best practices and recommend changes to training requirements and reporting procedures. Specifically, the task force will analyze the effectiveness of mandatory reporting and its relationship with systemic issues, including the disproportionate impact of mandatory reporting on under-resourced communities, communities of color, and persons with disabilities.

The task force will consist of several members, including one representative from CDE to be appointed by the Commissioner of Education, and one representative from a statewide education organization that includes rural areas, to be appointed by the Child Protection Ombudsman. Task force membership appointments must be made on or before December 1, 2022, and the task force must hold its first meeting by January 1, 2023.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-064 - Neighborhood Youth Organizations

Effective date: March 17, 2022

Summary: This bill lowers the minimum age of a Neighborhood Youth Organization (NYO; i.e., Boys & Girls Clubs) from 6 to 5, allows an NYO to have an electronic or written attendance tracking process, requires an NYO to primarily operate out of a facility it owns, leases, or has been granted access to use, and requires an NYO to offer programs and services that are evidence- or research-based, age-appropriate, and foster supportive relationships with peers and adults while offering character and leadership development, academic supports, job skills training, behavioral health supports, health and nutrition services, and other critical resources

and services that a community identifies as necessary, with a focus on serving low-income populations.

CASB Policy Impact: There is no impact on CASB's sample policies.

EARLY CHILDHOOD EDUCATION

HB22-1010 - Early Childhood Educator Income Tax Credit

Effective date: August 10, 2022

Summary: This bill, for 5 income tax years, provides a refundable income tax credit, ranging from \$750-\$1,500, for eligible early childhood educators who earn an adjusted gross income below specified thresholds, have held an early childhood professional credential, and are employed with an eligible early childhood education program.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1070 - Special Districts Early Childhood Development

Effective date: August 10, 2022

Summary: This bill allows an early childhood development service district to be entirely within or entirely without, or partly within and partly without, the territory of one or more special districts, municipalities, counties, or other existing taxing entities and authorizes a service district to seek, accept, and spend gifts, grants, or donations from private or public sources for the purposes of providing, directly or indirectly, early childhood development services to children from birth through age eight.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1197 - Effective Date of Department of Early Childhood

Effective date: March 1, 2022

Summary: This bill moved up the start date for the new Department of Early Childhood from July 1, 2022, to March 1, 2022, and included an appropriation of \$3.8 million to the Department of Early Childhood.

HB22-1295 - Department Early Childhood and Universal Preschool Program

Effective date: July 1, 2022 (except that sections on definitions, rulemaking, effective date, safety clause, and LCOs are effective April 25, 2022)

Summary: This bill establishes duties for the new <u>Department of Early Childhood</u>, to officially launch on July 1, 2022, and creates the universal preschool program, which will provide 4-year-olds with 10 hours a week of tuition-free preschool in public school classrooms or private settings, such as child care centers, churches, or homes licensed to provide preschool, beginning in the fall of 2023.

A <u>Local Coordinating Organization (LCO)</u>, as identified in the bill, is a community agency or organization (including school districts, BOCES, and charter school networks) responsible for supporting local access and equitable delivery of early childhood and family support programs. In year one, LCOs must, at minimum, coordinate a mixed delivery system of Universal Preschool in their community. Some LCOs may be prepared to take on a larger scope of work in the first year, while others may need to build this up over time.

The Department of Early Childhood has just opened applications for LCOs. A proposed LCO map and school district guide has been released along with the application. The application is due June 20, 2022. The transition team will be offering virtual office hours to answer applicant questions Mondays at 12:30 p.m. and Wednesdays at 5 p.m. To download the application and catchment area map, click here.

Lisa Roy was named as the new Executive Director of the Department of Early Childhood; watch the May Early Childhood Town Hall to learn more about Local Coordinating Organizations (LCOs) and meet the new Executive Director.

CASB Policy Impact: There is no impact on CASB's sample policies at this time; however, CASB will monitor the progress of this process and will alert members of any policy changes.

ELECTIONS

HB22-1060 - Contribution Limits School Dist Dir Candidate

Effective date: July 1, 2022

Summary: This bill sets the maximum amount of aggregate contributions that a person, excluding a small donor committee, may make to a school district director's candidate committee—and that a candidate committee may accept from any one person—at \$2,500. The maximum amount of aggregate contributions that a small donor committee may make to a school director's candidate committee—and that a candidate committee may accept from a small

donor–at \$25,000. Either of these monetary amounts must be adjusted in accordance with the adjustments made to other contribution limits as specified in the Colorado Constitution and candidate committees are subject to existing campaign finance disclosure requirements.

CASB Policy Impact: While this does not impact any of CASB's sample policies, CASB's school board director candidate election and Fair Campaign Practices Act materials will be updated to reflect this change.

HB22-1156 - Public Official Reporting Requirements Modification

Effective date: August 10, 2022

Summary: This bill makes certain changes to the candidate reporting requirements under the Fair Campaign Practices Act, including changing the post-election report filing deadline from 30 days to 35 days, exempting incumbent candidates seeking reelection who have filed their personal disclosure statement within 180 days before January 10 from having to file an annual personal disclosure statement for that year, and clarifying that an incumbent candidate seeking reelection who files a personal disclosure statement within 180 days before January 10 meets the annual personal disclosure reporting requirements.

CASB Policy Impact: There is no impact on CASB's sample policies; however, CASB's Election resources may be updated to reflect the bill's requirements.

HB22-1273 - Protections for Elections Officials

Effective date: June 2, 2022

Summary: This bill establishes election officials (including a member or secretary of a board of directors authorized to conduct public elections) and workers as a protected class against doxing, which is the release of personal information on the internet for the purpose of threatening a person or their family. Doxing an election official would constitute a Class 1 Misdemeanor penalty, carrying with it a fine of up to \$1,000 and/or imprisonment in county jail of up to 364 days. The bill would also allow professional election workers to file a request to government entities to remove their personal information from online records if the person feels the release of their information could pose a threat to their safety.

The bill also prohibits intimidating, threatening, or coercing an election official while they are performing official duties or retaliating against them for performing their official duties. Threatening an election official is a Class 2 Misdemeanor which will be punished by a fine of up to \$750 and or up to 120 days imprisonment.

CASB Policy Impact: CASB's Election resources may be updated to reflect these protections.

SB22-153 - Internal Election Security Measures

Effective date: June 2, 2022

Summary: This bill <u>increases election security measures</u> for the Secretary of State's office, designated election officials for counties, candidates for elected office, and voters. These measures focus on improving election security and integrity by adding eligibility and certification requirements for county clerk and recorder employees and county-designated election officials and limiting access to voting equipment and devices.

While these changes do *not* apply to a school's designated election official, the bill also requires the Secretary of State to certify the abstract of votes if a county's canvass board fails to do so by the applicable deadline, which may impact school election timelines.

CASB Policy Impact: CASB's Election resources, particularly the election timelines, will be updated as necessary to reflect the bill's changes.

FINANCE

HB22-1024 - Sales and Use Tax Exemption Municipal Public School Construction

Effective date: August 10, 2022

Summary: This bill expands the existing sales and use tax exemption by requiring home rule cities to exempt sales of construction and building materials used in public school construction from sales and use tax, resulting in a one-time increase in state expenditures in FY 2022-23 and a decrease in local sales tax revenue for home rule cities that currently do not exempt sales of construction and building materials used in public school construction from sales and use tax.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1029 - Compensatory Direct Distribution to Public Employees' Retirement Association

Effective date: June 7, 2022

Summary: This bill restores a suspended direct distribution payment of \$380 million to PERA (\$225 million that was not made in 2020 due to pandemic-related budget cuts, plus an estimated \$155 million in order to reduce two future direct distributions in fiscal years 2023-24 and 2024-25).

HB22-1146 - Investment of Public School Fund Study and Report

Effective date: May 26, 2022

Summary: This bill, which was proposed by the <u>Legislative Interim Committee on School Finance</u>, creates a working group to consider opportunities to improve earnings on the deposit and investment of money in the public school fund.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1171 - Department of Education Supplemental

Effective date: March 1, 2022

Summary: This bill outlines the supplemental appropriations made to the Department of

Education.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1186 - Adjustments to School Funding Fiscal Year 2021-22

Effective date: March 1, 2022

Summary: This bill made mid-year adjustments to the 2021 School Finance Act in order to maintain total program funding after application of the budget stabilization factor at the level anticipated in the original appropriation. The bill also appropriated money outside the school finance formula to mitigate the impacts of the pandemic on at-risk pupil counts, resulting in a one-time net reduction in state expenditures and varying impacts to districts depending on changes in pupil counts and local share.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1202 - At-risk Student Measure for School Finance

Effective date: May 3, 2022

Summary: This bill identifies a new at-risk measure for use in the school funding formula, including the percentage of students eligible for school lunch programs, students receiving benefits through Medicaid and the Children's Basic Health Plan, as well as student needs that are weighted based on at least 5 socioeconomic neighborhood factors, linked to each student's census block group. The bill also directs CDE to convene a working group – to include superintendents and CASB membership – to prepare for the implementation of the new at-risk measure in the 2023-24 budget year. Members must be appointed to this working group by August 1, 2022, and the working group must convene on or before August 15, 2022.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1252 - Public School Contract Terms and Conditions

Effective date: July 1, 2022 (applies to contracts executed on or after this date)

Summary: This bill amends certain provisions relating to public school contracts to align with an existing provision in the Procurement Code. The bill requires specified provisions to be included in a public school contract, states that a public school contract is deemed to include such provisions if they are inadvertently or otherwise omitted, and specifies that certain specified types of terms or conditions in a public school contract, including any provision that conflicts with Colorado law or rules or any provision required to be included in a public school contract, are void.

CASB Policy Impact: CASB sample policy DJE, Bidding Procedures will be reviewed and revised as necessary to reflect the bill's changes.

HB22-1310 - 529 Account Apprenticeship Expenses

Effective date: January 1, 2023

Summary: This bill clarifies what qualifies as a qualified distribution from a 529 account to align with the federal <u>Setting Every Community Up for Retirement Enhancement Act of 2019</u>, which expanded qualified distributions from a qualified state tuition program (529 account) to include expenses for fees, books, supplies, and equipment required for the participation of a designated beneficiary in certain apprenticeship programs.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1320 - Achieving a Better Life Experience Savings Accounts

Effective date: January 1, 2023

Summary: This bill changes the administration and operation of Achieving a Better Life Experience (ABLE) and 529 savings accounts by allowing someone other than the person with a disability to open and have signature authority for an ABLE account, prohibiting the state from filing a claim against an ABLE account upon the owner's death for outstanding debts for qualified disability expenses, and allowing a taxpayer to deduct certain contributions to an ABLE account from their federal taxable income; these changes will decrease state income tax revenue.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1329 - 2022-23 Long Bill

Effective date: July 1, 2022

Summary: The 2022-2023 Long Bill allocates funding for state departments; see <u>CASB's Long Bill Legislative Alert (March 30, 2022)</u> for details.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1331 - Supplemental Funding for Facility Schools

Effective date: August 10, 2022

Summary: This bill requires CDE to distribute supplemental payments to facility schools that are approved by CDE as of October 1, 2022, above and beyond the current daily per pupil revenue rate as established for the 2022-23 state fiscal year (for 2022-23 only); this bill includes an appropriation of \$5.1 million to CDE.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1341 - Marijuana Tax Cash Fund

Effective date: April 25, 2022

Summary: This bill restores corrected language to allow the General Assembly to appropriate money from the marijuana tax cash fund for the same fiscal year in which it is received and delays transfers from the fund to the BEST fund (instead of transferring \$100 million to BEST on June 1, 2022, the bill requires a staggered transfer schedule to BEST of \$50 million on June 1, 2022, \$30 million on June 1, 2023, and \$20 million on June 1, 2024). Additionally, the bill implements a 15% reserve requirement for the marijuana tax cash fund.

HB22-1390 - Public School Finance

Effective date: May 26, 2022

Summary: This bill is the 2022 School Finance Act that sets the funding levels for Colorado's 178 school districts. Base per pupil funding is \$7,478.16, next year's Total Program Funding is \$8.42 billion, and the Budget Stabilization Factor (BSF) is reduced to \$321.2 million. The bill also accomplishes the following:

- American Indian Mascots. Provides schools that were notified that their mascot may not comply with the <u>ban on American Indian mascots</u> on or after May 1, 2022, with a one-year deadline after notification to comply.
- Moratorium on BOCES Opening Physical Schools. Extends the moratorium on BOCES opening physical schools within a school district's boundaries without the approval of the local Board of Education through December 31, 2022.
- Nonresident Parent Tuition. Prohibits school districts that permit a student whose parent/legal guardian is a resident of the state, but not the district, to attend school in the district from requiring the parent to pay tuition, regardless of when during the school year, or under what circumstances, the student enrolls in or attends school in the district.
 - Note: this new statutory language already reflects CASB sample policy language in policies JFABA, JFBA, and JFBB, but these policies will be reviewed and revised as necessary to include the appropriate legal citation.
- Audit Flexibility for Rural Schools. Allows the State Board to approve and order
 payments from the contingency reserve fund for supplemental assistance to rural or
 small rural school districts that an unusual financial burden caused by the withholding of
 local property taxes because of a delay in filing the audit report due to extraordinary
 problems that could not have been reasonably foreseen or prevented.
- Updated Definitions for School Counselors, Psychologists, and Social Workers. Updates the definitions of certain professionals in the Colorado K-5 Social and Emotional Health Act to include those professionals who hold a temporary educator eligibility authorization and are working to attain a special services provider license.
- Removal of Caps for the ASCENT Program. Removes the cap of 500 ASCENT slots and instead allows for all qualified students to participate in the program. The bill also reduces the number of postsecondary credits required to qualify from 12 to 9. There is no longer an ASCENT slot allocation process.
 - LEPs will certify to CDE during October Count each year the number of ASCENT students participating in the program. Please know that CDE is still working to determine how to implement these changes and will continue to communicate regularly about these changes through both the CDE Office of Postsecondary & Workforce Readiness (PWR) News and the CE/ASCENT/TREP Google Group (to join this group, please contact Erica Ryan).
 - Note: CASB sample policy IHCDA will be reviewed and revised as necessary to reflect these changes.

- Repeal Requirement for Concurrent Enrollment Student Tuition Repayment. LEPs
 can no longer require repayment from students who do not complete concurrent
 enrollment courses or earn a failing grade. See <u>CDE's ASCENT & CE Programs</u>
 2022-23 <u>Update</u>.
 - Note: CASB sample policy IHCDA will be reviewed and revised as necessary to reflect this change.

CASB Policy Impact: The following CASB sample policies will be reviewed and revised as necessary: IHCDA, Concurrent Enrollment; JFABA, Nonresident Tuition Charges; JFBA, Intra-District Choice/Open Enrollment; JFBB, Inter-District Choice/Open Enrollment.

SB22-127 - Special Education Funding

Effective date: May 26, 2022

Summary: This bill increases CDE's distributions to administrative units (AUs) from \$1,250 to \$1,750 for each child with a disability who receives SPED services, increases the appropriation to CDE to fund children receiving SPED services, and requires the SPED fiscal advisory committee to analyze and report on SPED funding, the effectiveness of the current model, a high-cost SPED trust fund, and current disability categories.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-202 - State Match for Mill Levy Override Revenue

Effective date: May 26, 2022

Summary: This bill creates a fund for Colorado school districts that currently have a voter-approved Mill Levy Override (MLO) in place; these districts could then apply for a state match for some portion of the local MLO.

The eligibility methodology for which districts will receive a match under the provisions of this bill is complex. The fiscal note for the bill provided a preliminary list of eligible districts, however, this is merely an estimate; the actual list of eligible districts for 2022-23, and the amounts of match that they will receive, will not be finalized until after the elections in November 2022. Additionally, CDE's School Finance Unit has discovered that the districts listed as eligible in the fiscal note are likely not the exact list of districts that will be eligible for 2022-23 funding. Given all of this uncertainty, it is strongly recommended that districts hold off on budgeting any revenue from this bill until after CDE is able to produce the final model post-election cycle this fall.

SB22-214 - General Fund Transfer to Public Employees' Retirement Association Payment Cash Fund

Effective date: May 17, 2022

Summary: This bill transfers \$198.5 million to PERA.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-238 - 2023 and 2024 Property Tax

Effective date: May 16, 2022

Summary: This bill reduces property tax assessment rates and taxable valuations for the 2023 and 2024 tax years, and requires that the state government reimburse local governments—including school districts—for a portion of the resulting property tax revenue reductions (backfill). See the bill's fiscal note for a detailed explanation.

CASB Policy Impact: There is no impact on CASB's sample policies.

HIGHER EDUCATION

HB22-1049 - Prohibiting Transcript and Diploma Withholding

Effective date: April 21, 2022

Summary: This bill prohibits a postsecondary institution from refusing to provide or conditioning the provision of a transcript or diploma upon payment of a debt, charging a higher, penalizing fee for obtaining a transcript or diploma due to outstanding debt, or otherwise using transcript or diploma issuance as a tool for debt collection if a current or former student needs their transcript or diploma to apply for a job, continue their education, apply for aid, or join the military. The bill also prohibits a postsecondary institution from withholding a student's transcript or diploma for an unpaid debt other than debt for tuition, room and board fees, or financial aid funds (i.e., parking tickets).

HB22-1107 - Inclusive Higher Education Opportunities

Effective date: August 10, 2022

Summary: This bill creates the Inclusive Higher Education Grant Program to support state institutions of higher education in establishing or expanding programs for students with intellectual or developmental disabilities.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1155 - In-state Tuition for Colorado High School Graduates

Effective date: May 26, 2022

Summary: This bill changes the classification requirements for in-state student tuition to provide that a student who has either attended a public or private high school in Colorado for at least one year immediately preceding the date the student graduated from a Colorado high school or was physically present in Colorado for at least one year immediately preceding the date the student successfully completed a high school equivalency exam, and the student has been physically present in Colorado for at least 12 consecutive months prior to enrolling in a higher ed institution.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1255 - Improve Higher Education for Students with a Disability

Effective date: April 21, 2022

Summary: This bill requires the Department of Higher Education, beginning in 2024, to submit data related to postsecondary outcomes for students with a disability and creates a postsecondary services advisory committee, to include a member of CDE's Office of Special Education, to make recommendations on necessary services and best practices to improve successful outcomes for students with disabilities attending higher ed institutions; the committee's reports are due by June 15, 2023, and June 14, 2024, and the committee will be discontinued June 30, 2024.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1349 - Postsecondary Student Success Data System

Effective date: August 10, 2022

Summary: This bill requires the Department of Higher Education (CDHE) to develop student success measures regarding the progression of students through postsecondary education and

the impact of postsecondary pathways on a student's career opportunities and success and further requires CDHE to create and maintain a statewide student success data system.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-008 - Higher Education Support for Foster Youth

Effective date: May 26, 2022

Summary: This bill requires all Colorado public institutions of higher education to provide financial assistance to Colorado students who have been in foster care or qualifying students who were placed in noncertified kinship care. The bill also requires school district child welfare education liaisons to provide students in out-of-home placements with information and assistance about the tuition waiver for qualifying students.

CASB Policy Impact: CASB sample regulation JFABE*-R, Students in Foster Care will be reviewed and revised as necessary to reflect the bill's changes.

INSTRUCTION

HB22-1168 - Public School Hunter Education Seventh Grade Course

Effective date: August 10, 2022

Summary: This bill allows local education providers (school districts, charters, and BOCES) to partner with a qualified instructor to provide a hunter education course to all 7th graders. The course must be taught by an instructor certified by the Division of Parks and Wildlife and must satisfy the requirements of a certified hunter education course, except that hands-on activities are not required.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1215 - Study of Expanding Extended High School Programs

Effective date: June 3, 2022

Summary: This bill directs CDE, CDHE, and the State Work Force Development Council to convene a task force to design and recommend policies to support the statewide development of and funding for early college programs, P-TECH schools, and other programs that integrate secondary, postsecondary, and work-based learning opportunities.

SB22-004 - Evidence-based Training in Science of Reading

Effective date: August 10, 2022

Summary: This bill requires school districts, BOCES, and charter schools to ensure that each K-3 principal, as well as each K-3 administrator with responsibility that pertains to K-3 programs, completes or has completed evidence-based training in the science of reading, by the beginning of the 2024-2025 school year and each year thereafter.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-140 - Expansion of Experiential Learning Opportunities

Effective date: July 1, 2022

Summary: This bill requires the Colorado Department of Labor and Employment (CDLE) to partner with other entities, including CDE, to provide incentives to eligible employers to create high-quality, work-based learning opportunities for adults and youth to address the worker shortage.

CASB Policy Impact: There is no impact on CASB's sample policies.

LEGAL

HB22-1272 - Repeal of Attorney Fees on Motions to Dismiss

Effective date: June 8, 2022

Summary: Under current law, a defendant may be awarded reasonable attorney fees in tort actions if the case is dismissed on motion of the defendant prior to trial. This bill states that a defendant may not be awarded reasonable attorney fees if the case is dismissed on motion prior to trial in a case in which the plaintiff brought non-frivolous claims based on good faith in order to challenge precedent or for a similar reason.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-115 - Clarifying Terms Related to Landowner Liability

Effective date: April 7, 2022

Summary: This bill clarifies terms related to landowner liability and declares that the Colorado Court of Appeals and Supreme Court decisions in *Rocky Mountain Planned Parenthood, Inc. v.*

Wagner should not be relied upon concerning:

- Whether third-party criminal activity can be anticipated based on how controversial the landowner's goods or services are; and
- That a landowner could be liable for harm predominantly caused by third-party criminal activity.

Essentially, the bill narrows the circumstances in which landowners may be civilly liable for damages caused by third-party criminal conduct. While the bill is not meant to impact the <u>Claire Davis School Safety Act</u>, it is yet to be seen how this bill and the *Wagner* decision may affect litigation related to the Claire Davis School Safety Act.

CASB Policy Impact: There is no impact on CASB's sample policies.

PERSONNEL

HB22-1057 - Public Employees' Retirement Association Employment After Teacher Retirement

Effective date: March 17, 2022

Summary: This bill temporarily allows a PERA service retiree who is a teacher to receive salary without a reduction in benefits if the service retiree is hired as a substitute teacher by a district or charter school in which there is a critical shortage of qualified substitute teachers. Additionally, a service retiree who is hired as a substitute teacher under these circumstances does not count against the additional 10 service retirees that a state college or university or an employer in the school or Denver Public Schools Division may hire. This temporary provision expires on July 1, 2025.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1101 - Public Employees' Retirement Association Service Retiree Employment in Rural Schools

Effective date: March 17, 2022

Summary: This bill extends and expands the program established by <u>HB17-1176</u> (which was previously scheduled to sunset at the end of the 2022-23 school year) by allowing a PERA service retiree to work full-time without any reduction in the service retiree's retirement benefits for a rural school district, BOCES, or charter school located within a rural school district that has a critical shortage of qualified individuals by making the program permanent and adding school nurses and paraprofessionals to those who are eligible for post-PERA retirement full-time

employment (teachers, bus drivers, and food services cooks were previously included under HB17-1176).

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1220 - Removing Barriers to Educator Preparation

Effective date: May 26, 2022

Summary: This bill creates the Student Educator Stipend Program to provide funding to eligible students participating in required clinical practice as student educators and the Educator Test Program Stipend to award funding to approved licensure prep programs. The bill also allows CDE to issue an interim educator eligibility authorization to a person enrolled in an approved alternative teacher preparation program who has not yet met the requirements for the applicable initial educator license; school districts are able to employ a person who holds this interim authorization.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1248 - Extend School Leadership Pilot Program

Effective date: May 24, 2022

Summary: This bill repeals the current repeal date of July 1, 2022, to continue the School Leadership Program indefinitely and appropriates up to \$250,000 to CDE for the program.

CASB Policy Impact: There is no impact on CASB's sample policies.

<u>HB22-1350 - Regional Talent Development Initiative Grant Program</u>

Effective date: May 26, 2022

Summary: This bill establishes the Regional Talent Development Initiative Grant Program (using federal American Rescue Plan Act of 2021 (ARPA) and state funding) to fund talent development initiatives across the state that meet regional labor market needs and specified grant program goals, including those that meet workforce development needs in areas as they recover from the negative economic impacts of COVID-19; school districts are eligible to apply for a grant from this program.

SB22-069 - Learning Disruption Effect on Teacher Evaluation

Effective date: May 31, 2022

Summary: This bill prohibits a school district or BOCES from using student academic growth measures in evaluating the performance of licensed educators for the 2021-22 and 2022-23 school years. CDE has created <u>FAQs</u> addressing this bill and <u>SB22-070</u>.

CASB Policy Impact: There is no impact on CASB's sample policies.

<u>SB22-070 - Kindergarten Through Twelfth Grade Licensed Personnel Performance</u> <u>Evaluations</u>

Effective date: May 24, 2022

Summary: This bill directs CDE to create rubrics for evaluating personnel who are consistently rated highly effective and for measuring the performance of licensed personnel in a limited number of specialized teacher or principal roles. CDE must also provide free evaluator training and other supports for conducting evaluations.

The bill also directs the State Board to adopt rules ensuring that, for evaluations completed for the 2023-24 school year and onwards, 30% of an educator's evaluation is based on the academic growth of students (with it being permissible for up to 10% of this 30% to be based on measures of collective student academic growth) and the remainder of the evaluation is based on the educator's attainment of quality standards. Evaluations for licensed personnel who have been employed for less than one year must not include data that was created before their date of employment with the school district or BOCES.

CASB Policy Impact: CASB sample policy GCO, Evaluation of Licensed Personnel and accompanying regulation GCO-R will be reviewed and may be revised as necessary to reflect the bill's changes.

SB22-097 - Whistleblower Protection Health & Safety

Effective date: May 31, 2022

Summary: Current law provides whistleblower protections for workers who raise a reasonable concern about health or safety related to a public health emergency. This bill expands this protection to *all* health and safety concerns, regardless of whether there is a declared public health emergency.

CASB Policy Impact: CASB sample policy GBAB*, Workplace Health and Safety Protection will be reviewed and revised as necessary to reflect the bill's changes.

SB22-165 - Colorado Career Advisor Training Program

Effective date: June 3, 2022

Summary: This bill creates the Colorado Career Advisor Training Program in CDE to provide training programs and courses to career advisors to equip the advisors with the skills and training necessary to help guide individuals toward meaningful careers. CDE will administer the program, with free trainings that will be available beginning in the 2022-23 school year, and will provide grants to eligible entities; visit CDE's Office of Postsecondary & Workforce Readiness for more information.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-171 - Privacy Protections for Educators

Effective date: May 26, 2022

Summary: This bill adds teachers, principals, administrators, special services providers, and education support professionals (educators) to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family (protection against doxing). Personal information means the home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, or a personal photograph of a protected person; directions to the home of a protected person; or photographs of the home or vehicle of a protected person.

It is unlawful for a person to knowingly make available on the internet personal information about a protected person or the protected person's immediate family if the dissemination of personal information poses an imminent and serious threat to the protected person's safety or the safety of the protected person's immediate family and the person making the information available on the internet knows or reasonably should know of the imminent and serious threat.

A protected person may submit a written request to a state or local government official to remove personal information from records that are available on the internet. If a state or local government official receives the written request, then the state or local government official must not knowingly make available on the internet personal information about the protected person or the protected person's immediate family.

The bill also amends the Colorado Open Record Act's definition of "personnel file" to include the specific date of an educator's absence from work.

CASB Policy Impact: CASB sample policy GBJ, Personnel Records and Files will be reviewed and revised as necessary to reflect the bill's changes. CASB's member legal resources addressing CORA will also be updated.

SAFETY & HEALTH

HB22-1003 - Youth Delinquency Prevention and Intervention Grants

Effective date: May 19, 2022

Summary: This bill establishes the 2-year Delinquency Prevention and Young Offender Intervention Pilot Grant Program to award grants to local governments and agencies, not including school districts, to fund projects to reduce crime among youth.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1052 - Promoting Crisis Services to Students

Effective date: June 8, 2022

Summary: This bill requires public school student ID cards to include contact information for Colorado Crisis Services (CCS) and the Safe2Tell Program or, if a school does not issue student ID cards, requires the school to display outreach materials from CCS.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1120 - School Security Disbursement Program Recreation

Effective date: May 19, 2022

Summary: This bill revives and recreates the School Security Disbursement Program (which was repealed on July 1, 2021) to provide funding for school districts, BOCES, and charter schools to implement school security improvements, including capital construction that improves the security of a school facility or vehicle, training in student threat assessment, training for peace officers on interactions with students, school emergency response training, student resiliency programs, and the development of other training and best practices related to school safety incident response. This program is now set to sunset on July 1, 2032.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1243 - School Security and School Behavioral Health Services Funding

Effective date: May 19, 2022

Summary: This bill creates the School Security Disbursement Program Cash Fund in the Department of Public Safety to provide federal American Rescue Plan Act of 2021 (ARPA) funds to districts, charters, and BOCES to improve security, behavioral, and mental health in schools.

HB22-1260 - Access to Medically Necessary Services for Students

Effective date: August 10, 2022

Summary: This bill requires administrative units (AUs) to adopt a policy that addresses how a student who has a prescription from a qualified health-care provider for medically necessary treatment (including applied behavioral analysis (ABA) therapy) receives such treatment in the school setting as required by applicable federal and state laws, including Section 504 and Title II of the Americans with Disabilities Act (ADA). This policy must be adopted by July 1, 2023, and must:

- Include a notice to the parent/legal guardian of the student that Section 504 and the ADA
 provide rights and protections to students to access medically necessary treatment
 required by the student to have meaningful access to the benefits of a public education,
 or to attend school without risks to the student's health or safety due to the student's
 disabling medical condition;
- Address the process in which a private health-care specialist may observe the student, collaborate with instructional personnel, and provide medically necessary treatment in the school setting; and
- Provide notice of a student's right to appeal the decision of an AU concerning access to medically necessary treatment in the school setting.

This policy must be publicly available on the AU's website and available to parents/legal guardians and students upon request.

Beginning July 1, 2024, and each July 1 afterward, each AU must compile and provide the total number of requests for access to a student by a private health-care specialist—and whether the access was authorized or denied—to CDE.

Beginning January 2025, and each January afterward, CDE is required to make the information reported by AUs available on its website and report the information to the House of Representatives and Senate Education Committees as part of the existing SMART presentation.

CASB Policy Impact: CASB may draft a new policy and/or accompanying policy documents to reflect the bill's requirements.

HB22-1274 - Sunset Colorado Interagency Working Group on School Safety

Effective date: August 10, 2022

Summary: This bill continues the Colorado Interagency Working Group on School Safety that is currently scheduled to sunset on September 1, 2022.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1275 - Sunset School Safety Resource Center Advisory Board

Effective date: August 10, 2022

Summary: This bill continues the School Safety Resource Center Advisory Board, which was scheduled to sunset on September 1, 2022, indefinitely.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1278 - Behavioral Health Administration

Effective date: July 1, 2022* (generally, some exceptions specific to BHA administration apply)

Summary: This bill creates the <u>Behavioral Health Administration (BHA)</u> (set to launch on July 1, 2022) to implement a coordinated, cohesive, and effective behavioral health system in the state. The BHA will be required to ensure that school-based services are available statewide and school districts will be able to enter into intergovernmental agreements with other political subdivisions or BHA-licensed providers to purchase behavioral health services.

The BHA will also take over responsibility for the temporary youth mental health services program (created by <u>HB21-1258</u>), as well as most of the behavioral health programs that are currently handled by the Office of Behavioral Health in the Colorado Department of Human Services.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1289 - Health Benefits for Colorado Children and Pregnant Persons

Effective date: June 7, 2022

Summary: This bill makes changes to health insurance coverage for low-income pregnant people and children in low-income families and requires the <u>Colorado Department of Health</u> <u>Care Policy & Financing</u> to create an outreach and enrollment strategy for enrolling eligible groups into new coverage options that must include a method for providing information related

to eligibility and enrollment to school districts, charters, and nonprofit partners for outreach purposes.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1358 - Clean Water in Schools and Child Care Centers

Effective date: August 10, 2022

Summary: This bill requires PreK-8 district, charter, and BOCES schools and child care centers to test drinking water sources and remediate drinking water sources with lead levels at or above 5 parts per billion.

For PreK-5 schools, this testing must be conducted on or before May 31, 2023, by having a state-certified laboratory measure the lead content of water drawn from each drinking water source. For schools serving students in grades 6-8, this testing must be conducted by November 30, 2024.

Schools must publish the test results and any remediation plans on their websites within 30 days after receiving the results and report such results to the <u>Water Quality Control</u> Commission.

If the test results show that a water source contains lead levels at or above 5 parts per billion, the school must:

- shut off the water source as soon as possible;
- put up a warning sign/label;
- provide notice of the test results to all employees and parents within 2 business days after receiving the results;
- determine mediation steps within 30 days after receiving the test results; and
- Complete all necessary remediation steps within 90 days after receiving the test results.

The Colorado Department of Public Health and Environment is responsible for providing training, technical assistance, and funds to help schools comply.

HB22-1376 - Supportive Learning Environments for K-12 Students

Effective date: May 26, 2022

Summary: This bill makes the following changes relating to school discipline, use of restraint and seclusion, data reporting and availability, enforcement authority, and school resource officers (SROs):

CDE Data Reporting and Availability

- By August 31, 2023, requires CDE to standardize the reporting method that school districts use to collect and report data relating to suspensions, expulsions, arrests, referrals, chronic absenteeism, incidents of violence, harassment, bullying, and existing safe school reporting requirements;
- By August 31, 2024, requires CDE to create publicly-accessible district profile reports including a district's chronic absenteeism rates, number of in-school and out-of-school suspensions, number of expulsions, number of students handcuffed, number of referrals and arrests, number of students physically restrained, and number of students placed in seclusion (these profiles must also include data collected relating to school climate); and
- Adds school counselors, school social workers, and school nurses to the list of professionals who must be counted and included in the CDE commissioner's annual report to the State Board, as well as expands the report to track part-time employees.

Safe School Reporting Requirements

- Updates existing safe school reporting requirements to provide that district
 policies requiring the principal of each school in the district to annually submit a
 written report to the local board be in accordance with the standardized methods
 identified and adopted through CDE's data standardization stakeholder process;
- Requires reports to include any disciplinary incidents involving (1) a student being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students or (2) other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record.
 - In these instances, in addition to providing information on such disciplinary incidents in the compiled report, the report filing also needs to include school and district code; location of incidents; description of the behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incident; and descriptive information of the student or students involved in the incidents, including, but not limited to, gender, grade level, ethnicity, race, and whether the student has Section 504 accommodations or an IEP.
- Requires local school boards to annually review and submit data to CDE concerning the number and types of disciplinary incidents and the disciplinary actions taken in response to such incidents.

■ CDE is then required to collect such data at the individual student level and report disaggregated student data by gender; grade level; race; ethnicity; disability; whether the student has a 504 plan or IEP; English language learner; free and reduced-price lunch; and homeless status; CDE may not report individual student data in meeting the bill's requirements.

Use of Restraints

- Amends the definition of "physical restraint" to mean the use of bodily, physical force to involuntarily limit an individual's freedom of movement for more than 1 minute.
 - If a physical restraint is more than 1 minute but less than 5 minutes, the notification requirement is a written notice to the parent on the day of the restraint; the notice must include the date, student's name, and the number of restraints that day that lasted between 1 and 5 minutes.
 - If a physical restraint is 5 minutes or more, the school administration must mail, fax, or email a written report of the incident to the student's parent no more than 5 calendar days after the use of the restraint on the student.
- By June 30, 2023, and every June 30 thereafter, requires school districts to submit the data from the annual review on the use of restraints to CDE;
- Requires CDE to make training available on the Protection of Individuals from Restraint and Seclusion Act and on CDE's rules for administration of such act to individuals certified in the use of restraint;
- Provides that CDE has enforcement authority over the restraint investigation decisions;
- Prohibits an SRO or law enforcement officer (LEO), acting in the officer's official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event from using handcuffs on a student, unless there is a danger to themselves or others or unless handcuffs are used during a custodial arrest that requires transport.

Seclusion

Require that a seclusion room, if used, have at least one window for monitoring when the door is closed. If a window is not feasible, monitoring would have to be possible through a video camera; a student placed in a seclusion room would need to be continually monitored. Further, the room would need to be a safe space free of injurious items and must not be used by school staff for storage, custodial, or office space.

SROs

Requires the Peace Officer Standards and Training (P.O.S.T.) Board, with respect to the hiring, training, and evaluation of SROs and in consultation with stakeholders—including school board members, SROs, and others—to create a model policy for selecting SROs. CDE is required to post the model policy on its website and distribute the policy to districts and charters for consideration and possible adoption.

- The model policy must, at a minimum, require:
 - A candidate to demonstrate, whenever possible, a record of experience developing positive relationships with youth, which may include participation in youth or community policing programs;
 - A candidate to voluntarily apply to serve as an SRO;
 - The employing law enforcement agency and school district to jointly create an evaluation process to evaluate SROs; and
 - That a local board of education or superintendent may terminate a contract with an SRO based on the findings of an evaluation.

CASB Policy Impact: CASB sample policy ADD, Safe Schools and its accompanying exhibit, ADD-E; sample policy JKA, Use of Physical Intervention and Restraint and its accompanying documents, JKA-R, JKA-E-1, and JKA-E-2 will be reviewed and revised as necessary to reflect the bill's changes. CASB may also draft a new policy to align with the P.O.S.T. Board's model policy addressing school resource officers, as appropriate.

HB22-1414 - Healthy Meals for All Public School Students

Effective date: If approved by voters at the November 2022 election, no more than 30 days following the official canvas of votes

Summary: This bill refers the question of free school meals to Colorado voters during the November 2022 election. If approved, the bill would create the Healthy School Meals for All Program in CDE to provide reimbursement to participating school food authorities (SFAs) for offering meals without charge to all students, beginning in the 2023-24 fiscal year.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-037 - Tony Grampsas Youth Services Program

Effective date: March 17, 2022

Summary: The Tony Grampsas Youth Services Program provides funding to local organizations for prevention, intervention, and education programs for youth and their families designed to prevent youth crime and violence, youth marijuana use, and child abuse and neglect. This bill makes several changes to the program, including but not limited to, eliminating state agencies and state-operated programs from the list of entities that can apply for a grant to participate in the program (Colorado public schools, districts, and BOCES may still apply) and, for entities providing services for the Colorado student before-and-after-school project, specifying that the services may include alcohol, tobacco, and other drug use intervention, prevention, and education components.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-113 - Artificial Intelligence Facial Recognition

Effective date: August 10, 2022

Summary: This bill creates a 15-member task force—including one member who represents a local school board and will be appointed by the legislature—to consider the use of facial recognition services by state agencies and local governments. The bill also prohibits school districts and charters from entering into new contracts for facial recognition services from the bill's effective date of August 10, 2022, through July 1, 2025 (existing contracts may continue, including existing contracts that are renewed).

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-147 - Behavioral Health-care Services for Children

Effective date: May 17, 2022

Summary: This bill creates the Colorado Pediatric Psychiatry Consultation and Access Program (CoPPCAP) to support primary care providers in identifying and treating mild to moderate behavioral health conditions in children in primary care practices or school-based health centers. The bill also provides \$5 million to fund the program for the benefit of increasing the presence of school health professionals in schools to respond to the pandemic's negative health impacts and \$1.5 million to fund the already existing School-based Health Center Grant Program.

CASB Policy Impact: There is no impact on CASB's sample policies.

STUDENTS

HB22-1294 - Special Education Services in Charter Schools

Effective date: August 10, 2022

Summary: This bill makes several changes relating to special education (sped) services in charter schools, including:

 Allowing a charter school to develop and administer an enrollment preference plan to give preference to children with disabilities (ensuring compliance with providing a FAPE in the least restrictive environment pursuant to IDEA) and allowing a charter school to

- allow parents to voluntarily provide information regarding the existence of a child's disability;
- Allowing district-authorized charter schools to participate in the Charter School Institute's administrative unit (AU) for special education purposes; and
- Allowing the State Board to designate a charter school network or charter school collaborative that meets specified criteria as an alternative AU to provide sped services.

The bill also establishes the financial responsibilities of charter schools and alternative AUs and clarifies that a charter school is not required to pay its authorizing school district for federally required educational services that are not available to the school.

CASB Policy Impact: CASB's sample policies addressing relations with charter schools will be reviewed and revised as necessary to reflect the bill's changes.

HB22-1366 - Improving Students' Postsecondary Options

Effective date: May 26, 2022

Summary: (courtesy of CDE's Office of Postsecondary & Workforce Readiness)

The bill establishes several new programs concerning postsecondary career and education options for students, including:

- Establishing the postsecondary, workforce, career, and education grant program in the
 department of education (CDE) to provide grants to local education providers to improve
 the training of school educators and administrators, to support students and families in
 developing career and education plans for after high school, and to increase the number
 of students for whom applications for free financial aid are completed.
 - Potential impacts for the field: The grant program will be available for LEPs to apply. It is a 3-year program intended to support increasing financial aid application completion and improvement of ICAP processes. Approximately \$800,000 will be available for the entire 3-year grant cycle. Expect to see information about this grant in late 2022.
- Creating regional postsecondary and workforce coordinators in the CDE to train educators concerning financial aspects of postsecondary options.
 - Potential impacts for the field: These coordinators will be available to support LEPs in their financial aid application completion and will liaise with the Department of Higher Education's outreach team (referenced below) to support training.
- Updating the financial literacy resource bank to include more information and training concerning postsecondary financial aid.
 - Potential impacts for the field: This financial literacy resource bank already exists here and was previously funded through different sources. This bill re-establishes

a position within CDE to update this resource bank and to provide information and support to LEPs across the state.

- Creating stipends for teachers who successfully complete financial aid training.
 - Potential impacts for the field: Look out for more information about these stipends in typical CDE communications channels.
- Adding a requirement to individual career and postsecondary education plans to include information about available state and federal financial aid.
 - Potential impacts for the field: Most ICAP processes already include information about financial aid application completion. This bill makes the provision of such information a requirement of the ICAP process.
- Requiring the department of higher education (CDHE) to use technology to assist students and families in completing postsecondary state and federal financial aid applications.
 - <u>Potential impacts for the field:</u> This provision of the bill provides funding to maintain the existing <u>FAFSA Completion Project</u> on the CDHE website and build an outreach team to support FAFSA and CAFSA completion statewide.
- Requiring the CDHE to make certain improvements to streamline the Colorado application for financial aid.
 - Potential impacts for the field: This provision requires CDHE to make improvements to the Colorado Application for Student Aid.

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-207 - Prevention of Title IX Misconduct in Public Schools

Effective date: June 7, 2022

Summary: This bill creates the Title IX Regulation Study in CDE and requires CDE to contract with a third-party contractor to conduct the study. This third-party contractor is required to consult with CDE, a sexual misconduct advisory committee within the Colorado Department of Higher Education, a K-12 advocacy organization, and a Colorado student government organization in studying the Title IX regulations with an emphasis on examining:

- The best practices for prevention, notification, training, and responding to sex-based discrimination and harassment in public schools;
- The gaps between state and federal law regarding Title IX; and
- Whether Title IX regulations place limits on state law and whether Colorado may adopt more stringent standards in state statute.

The study group must submit a report to the legislature by either January 31, 2023, or March 30, 2023—depending on whether the third-party contractor is a public university.

CASB Policy Impact: There is no impact on CASB's sample policies; however, CASB will monitor the study and any future legislation stemming from this study. Additionally, school boards should note that the <u>U.S. Department of Education has announced its intent to propose major revisions to the current Title IX.</u>

MISCELLANEOUS

<u>HB22-1131 - Reduce Justice-involvement for Young Children</u>

Effective date: June 7, 2022

Summary: This bill creates the Pre-adolescent Services Task Force to examine gaps in services for children aged 10 to 13 that would be created if the minimum age of prosecution of juveniles is increased from 10 to 13. Task force membership must include 2 representatives from public schools or school districts, one of whom must be from a rural or small rural school district and one representative who must be from an urban school district (the Commissioner of Education will appoint both members); the task force must convene by August 1, 2022, and report its findings and recommendations by December 30, 2022.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1159 - Waste Diversion and Circular Economy Development Center

Effective date: August 10, 2022

Summary: This bill creates the Circular Economy Development Center in CDPHE to grow existing markets, create new markets, and provide support to create a sustainable circular economy for recycled commodities; the center would be at least partially funded through the Front Range Waste Diversion Enterprise.

The bill also removes limitations for Enterprise grant program applicants to allow grants to fund more than 50% of infrastructure or equipment and allows the Enterprise to allocate up to 50% of the annual fund revenue in any single grant award.

HB22-1257 - 2022 Criminal And Juvenile Justice Commission Recommendations

Effective date: April 7, 2022; Sections 3 & 4 effective July 1, 2023 (relating to clarifications and revised duties for probation officers)

Summary: This bill makes changes to the powers of probation officers, requires the Judicial Department to create a system of individualized behavioral responses, and makes changes to sentencing reform provisions enacted through <u>SB21-271</u> (primarily regarding previous felony offenders who are not permitted to possess a weapon, including those who commit the felony of possession of a handgun by a juvenile or unlawfully providing or permitting a juvenile to possess a handgun).

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1297 - Daylight Saving Time Year Round

Effective date: August 10, 2022 (except that the bill action would not be triggered until conditions are met)

Summary: This bill would make "Coordinated Universal Time" the year-round standard in Colorado, but only if federal law is enacted to allow states to remain on daylight saving time year-round and at least four states in the current mountain standard time zone (e.g., New Mexico, Wyoming, Utah, and Montana), in addition to Colorado, enact legislation making daylight saving time the states' standard time throughout the year.

CASB Policy Impact: There is no impact on CASB's sample policies.

<u>HB22-1306 - Broadband Deployment Board Grant Processes</u>

Effective date: June 2, 2022

Summary: This bill would update the requirements for awarding grants from the <u>Broadband</u> <u>Deployment Board (BDB)</u> to:

- Require that applications comply with finalized federal regulations regarding the use of such funds;
- Reduce the notice and comment period for reviewing a grant application from 60 to 45 days;
- Exempt a grantee from the requirement to complete an approved project in 2 years or less if the project is delayed by a supply chain disruption;
- Require the BDB to apply the updated requirements to previously denied applications;
 and
- Establish a process and remedies for appealing grant application decisions.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1355 - Producer Responsibility Program for Recycling

Effective date: August 10, 2022

Summary: This bill creates a statewide program to provide recycling services to covered entities, including K-12 public schools, beginning in 2025. The program will be funded by producers of products that use covered materials (packaging materials and paper products) and aims to increase the rate of recycling in the state and increase the usage of recyclable materials. The bill provides that the program must contract with service providers to provide covered entities with access to recycling services at no charge to the covered entity.

CASB Policy Impact: There is no impact on CASB's sample policies.

HB22-1383 - Employment Opportunities for Juveniles

Effective date: August 10, 2022

Summary: This bill provides funding to the Department of Human Services to expand its existing career and technical education and vocational training programs for youth involved in the juvenile justice system/under DHS custody.

The bill also prohibits employers from asking applicants for information relating to involvement in the juvenile justice system (employers may continue to conduct criminal background checks for records that are publicly available).

CASB Policy Impact: There is no impact on CASB's sample policies.

SB22-144 - Public and Nonprofit Entities Rideshare Contracts

Effective date: May 27, 2022

Summary: This bill allows <u>transportation network companies (TNCs, such as Uber and Lyft)</u> to contract with schools, governments, and tax-exempt entities, subject to Public Utilities Commission regulations regarding the required inclusion of safety provisions for student transportation if the TNC is providing school-related services and being paid by a school or school district.

SB22-193 - Air Quality Improvement Investments

Effective date: June 2, 2022

Summary: The bill creates several grant programs in the Colorado Energy Office and the Department of Public Health and Environment with the purpose of reducing air pollution, including the Electrifying School Buses Grant Program, which is intended to allow school districts, charter schools, or nonprofits acting on their behalf to apply for grant money to help finance:

- The procurement and maintenance of electric school buses, the conversion of fossil-fuel buses to electric, charging infrastructure, and electrical upgrades;
- The retirement of fossil-fuel-powered school buses; and
- The district's or charter's administrative costs associated with such procurements, conversions, maintenance, etc.

2022 Bills that Died

These are the bills that were postponed indefinitely (failed/lost), or were laid over (rescheduled), until after the end of the legislative session, effectively letting the bills die on the calendar due to the time constraints of this year's legislative session:

- <u>HB22-1002</u> Fifth Year High School Concurrent Enrollment (CASB supported)
- HB22-1009 Continue Workforce Diploma Pilot Program
- <u>HB22-1019</u> Modifications to Qualified State Tuition Programs (CASB opposed)
- HB22-1021 Reduce State Income Tax Rate (CASB opposed)
- <u>HB22-1064</u> Prohibit Flavored Tobacco Regulate Synthetic Nicotine (CASB supported)
- <u>HB22-1066</u> Public Education Curriculum and Professional Development Information (CASB opposed)
- <u>HB22-1069</u> Parent Authority to Request Public School Reforms (CASB opposed)
- <u>HB22-1106</u> Concealed Handguns on School Grounds (CASB opposed)
- HB22-1126 Eligible Educator Classroom Expenses Tax Credit
- HB22-1136 Ultrasound Video Demonstration in Sex Education
- <u>HB22-1201</u> Standards for Immunization Requirements
- HB22-1203 Income Tax Credits for Nonpublic Education
- HB22-1206 Prohibit Discriminatory Practices in Schools (CASB opposed)
- <u>HB22-1207</u> Choice in Low-performing School Districts (CASB opposed)
- HB22-1216 Uniform Restrictive Employment Agreement Act
- <u>HB22-1236</u> Parent's Bill of Rights (CASB opposed)
- HB22-1395 Transportation Innovation Grant Program
- HB22-1396 Math Achievement Accelerator Grant Program
- SB22-039 Funding for Educational Opportunities (CASB opposed)
- SB22-044 Use of Student Growth in Educator Evaluations (CASB supported)
- SB22-071 Learning Pods for Home-school Programs (CASB opposed)
- <u>SB22-084</u> 529 Plan Education Loan Payment Eligible Distribution (CASB opposed)
- <u>SB22-085</u> Colorado Safe Student Protection Program
- SB22-087 Healthy Meals for All Public School Students
 - Reintroduced as <u>HB22-1414 Healthy Meals for All Public School Students</u> which would still provide funding for school meals with the caveat that the bill only becomes effective upon the approval of a ballot question put to voters in the November 2022 election.
- <u>SB22-088</u> Tuition Assistance for Building Trade Certificates
- SB22-101 Colorado School Resource Officer Grant Program
- SB22-131 Protect Health of Pollinators and People
- SB22-135 Standard Time in Colorado

The November Election

2022 is a general state election year. School districts may submit tax and revenue measures to voters during this year's state general election on Tuesday, November 8, 2022. Visit CASB's **Elections website** for information and resources on ballot elections.

Ballot Measures

There are several ballot issues that voters may be considering in Colorado this fall. Here are the ones impacting education:

Statewide Ballot Initiatives			
Initiative #31	State Income Tax Rate Reduction	Reduce the state income tax rate from 4.55% to 4.40% for tax years commencing on or after January 1, 2022.	On the ballot
Initiative #45	Sales Tax Reduction	Reduce the state sales and use tax rate from 2.90% to 2.89% from July 1, 2023, to June 30, 2025.	Title set Expired
Initiative #46	Temporary Sales Tax Rate Reduction	Reduce the state sales and use tax rate from 2.90% to 2.89% from January 1, 2023, to December 31, 2024.	Title set Expired
Initiative #47	Temporary Sales Tax Rate Reduction	Reduce the state sales and use tax rate from 2.90% to 2.89% from January 1, 2023, to December 31, 2024.	Title set Expired
Initiative #63	Additional Dedicated Revenue to the State Education Fund	Directs the state legislature to allocate one-third of one percent of all revenue received from individual, corporation, estate, and trust federal taxable income to the state education fund and allows the state to spend the money as a voter-approved revenue change to be used specifically for efforts to attract, retain, and compensate teachers and student support professionals.	Approved for circulation
Initiative #75	Concerning Property Valuation	Limit annual growth in assessed values for property to inflation, limited to 3%.	Title set Withdrawn
Initiatives #83 - 88	Establishment of a New School Meals Program	Relating to the creation and funding of the Healthy School Meals for All Program (HB22-1414)	Title set

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