

# COLORADO PTA LEGISLATIVE COMMITTEE

APRIL 10, 2017

## PTA LEGISLATIVE PRIORITIES FOR 2017 AND TOP-PRIORITY BILLS

S=Support O=Oppose M=Monitor ^=Note Change \*=Conditional  
1=Highest priority 2=Moderately high priority 3=Moderate priority

### **\*\*\* EDU. QUALITY & EQUITY – SCHOOL FINANCE\*\*\***

#### **O 1 SB 39 (Lundberg) – Education Income Tax Credits for Nonpublic Schools**

The bill establishes an income tax credit for income tax years beginning on or after January 1, 2018, allowing taxpayers to claim a credit when they enroll a child in a private school or provide a scholarship to a child for enrollment in a private school and the private school issues a credit certificate for either enrolling a child in the school or providing a scholarship to a child for enrollment. The credit may be carried forward for 3 years but may not be refunded. In addition, the credit may be transferred, subject to certain limitations. The bill also establishes an income tax credit for \$1,000 for taxpayers who use home-based education for a child who was enrolled on a full-time basis in a public school in the state prior to being taught at home; and \$500 for a child who was enrolled on a half-time basis in a public school prior to being taught at home.

#### **O 1 SB 61 (Hill & A.Williams/Sias) – Additional Funding Charter Schools Operating Costs**

The bill requires school districts to distribute revenue they receive from ongoing local property tax mill levies equally, on a per-student basis, to their charter schools. The bill does not require districts to redistribute to charter schools any amount of the mill levy revenue that was distributed before the 2017-18 budget year. The bill directs CDE to calculate a mill levy equalization payment for institute charter schools in the amount of the per pupil share of the mill levy overrides of the institute charter school's accounting district.

#### **O 1 SB 200 (Priola) – Reward Excellence With Annual Redirected Dollars**

The bill creates the “Rewarding Excellence With Annual Redirected Dollars Act” to award funding to districts that achieve success in student performance above that of their peer districts. The bill directs CDE to annually identify peer districts by categorizing all districts as either non-rural or rural and then group the districts within those categories based on demographically similar student populations. Once peer districts are identified, CDE must compare those districts to determine which ones outperform their peers using objective measures of student performance. The program is funded by redirecting 1% of statewide total program funding, after application of the negative factor, for the applicable budget year. CDE must distribute 35% of the excellence funding to the top 20 highest-performing districts in equal shares, and the remaining 65% of excellence funding to those districts on a per-pupil basis.

#### **M SB 267 (Guzman & Sonnenberg/J.Becker & K.Becker) – Sustainability of Rural Colorado**

The bill eliminates annual statutory transfers of General Fund revenue to the Highway Users Tax Fund (HUTF) and the capital construction fund for the next 3 state fiscal years and transfers the amounts that would have gone to the HUTF into the Public School Fund for the sole purpose of reducing, proportionally to the extent feasible, the financial impacts of inconsistent funding of the state share of district total program on rural and small rural school districts. The bill cuts

every state department's funding by 2%. The bill makes the Hospital Provider Fee an enterprise and establishes a board to oversee it. The bill lowers the Referendum C cap by the amount of the HPF. The bill eliminates transfers to transportation established by SB09-228.

**S 3 HB 1042 (Wilson) – Increase Funding for Full-Day Kindergarten**

The bill increases the supplemental kindergarten enrollment funding of 0.58 to 0.16 of a full-day pupil for the 2017-18 budget year and each budget year thereafter.

**S 2 HB 1082 (Pabon) – BEST Technology Grants**

The bill requires that the next \$5 million of retail marijuana excise tax revenue, after the first \$40 million goes to the BEST capital construction fund, be used for BEST grants for technology, to incorporate hardware and devices in schools.

**S 2 HB 1324 (McLachlan & Pettersen) – Educational Opportunities Tax Incentives**

For income tax years commencing on or after January 1, 2018, the bill allows state income tax deductions in amounts equal to the full amounts of both contributions made to CollegeInvest and distributions of investment earnings taken from the plan, dependent upon the amount of the taxpayer's federal adjusted gross income. The bill also allows state income tax credits for each of the first 5 years that a teacher teaches in one or more rural schools in the same rural school district, and a one-time credit up to a specified maximum amount against tuition and fees paid for the educator preparation program by student teachers who have worked in one or more rural schools in the same rural school district for at least a specified number of days during an academic year.

**\*\*\*EDU. QUALITY & EQUITY – PARENT ENGAGEMENT\*\*\***

**\*\*\*EDU. QUALITY AND EQUITY – EARLY CHILDHOOD\*\*\***

**S 1 SB 110 (Kefalas & Crowder) – Accessibility of Exempt Family Child Care - SIG**

The bill increases the accessibility of legal child care by expanding the circumstances under which an individual can care for children from multiple families for less than 24 hours without obtaining a child care license, to include all children from the same family, as long as it does not exceed 4 children, with no more than 2 under age 2.

**S 2 HB 1002 (Pettersen & Exam/Kerr) – Child Care Expenses Income Tax Credit Extension**

The bill extends for 3 more years the income tax credit that allows individuals who have a federal adjusted gross income of \$25,000 or less to claim a refundable state income tax credit for child care expenses. The tax credit is equal to 25% of eligible child care expenses that the individual incurred during the taxable year, up to a maximum amount of \$500 for a single dependent or \$1,000 for 2 or more dependents.

**S 1 HB 1106 (Wilson & Pettersen) – Extend Early Childhood Leadership Commission**

The bill changes the repeal date for the ECLC to 2023; expands its duties to include families of pregnant women and children; and increases its membership from 20 to 25 members, allowing new members to represent programs providing early childhood services to military families.

**\*\*\*EDU. QUALITY AND EQUITY – OTHER\*\*\***

**S 2 SB 107 (Merrifield/McLachlan) – Reward Access to Arts Ed in Public Schools**

The bill creates an additional performance indicator in accreditation that measures the degree to which school or district provides access to courses or educational programs in dance, drama and theater, music, and visual arts, and the State Board of Education to determine how much additional credit it will count toward the performance rating in its accreditation.

**S 3 SB 272 (Priola/Lundeen & Pettersen) – Measures of Postsecondary & Workforce Readiness**

Adds to the measurement of the performance indicator for postsecondary and workforce readiness for high schools the extent to which students are prepared to enroll in postsecondary general education core courses in reading, writing, and math without needing remediation, as determined by the SBE.

**S 2 HB 1022 (Salazar) – Teaching Competent History in Public Schools**

The bill mandates the funding of instruction in public schools of history and civil government of the United States and Colorado, including but not limited to the history, culture, and contributions of American Indians, Hispanic Americans, African Americans, and Asian Americans. The bill changes the frequency of forums that school districts must convene to discuss the standards in history and civil government from every 10 years to every 2 years.

**S 2 HB 1160 (Hamner & Wilson/Fields & Priola) – K-3 English Learner Reading Assessment Language**

The bill allows a district or charter school to decide whether a student enrolled in kindergarten through 3<sup>rd</sup> grade who is an English learner takes the reading assessments in English or in the student's native language, if there is an approved assessment available in that language. The district or charter school may also administer the assessments in English if requested by the student's parent. If a student who is an English language learner takes the reading assessments in his or her native language, the district or charter school must determine the level of English proficiency at which the student will take the reading assessments in English and communicate that proficiency level to the student's parent.

**S 3 HB 1181 (Pettersen & Lundeen/Todd & Priola) – Required State Assessment for 9<sup>th</sup> Grade Students**

The bill repeals the requirement for districts to administer the state assessments in math and English language arts to 9<sup>th</sup>-grade students and instead administer a state-selected 9<sup>th</sup>-grade assessment that is aligned with the 9<sup>th</sup>-grade content standards and the assessment administered to 10<sup>th</sup>-grade students. CDE must ensure that, under the testing schedule, 9<sup>th</sup>-grade students take the state-selected assessment in the spring semester.

**S 3 HB 1184 (Duran/Grantham) – Modern Technology Education in Public Schools**

The bill directs the SBE, in the course of revising the academic standards, to incorporate into the standards for each subject skills relating to the use of information and communications technologies to find, evaluate, create, and communicate information and create a resource bank of materials pertaining to computer science programs, including model standards, samples of curricula, and materials for professional educator development. In addition, the bill creates a grant program in CDE that awards grants that will enable a teacher or teachers in a school district to teach computer science courses.

**^S 3 HB 1271 (Pettersen/Priola) – Standards for Innovation Districts**

The bill requires the SBE to apply the same standard that it applies for waiving statutes and rules for school districts in other circumstances to determine whether to waive statutes or rules for a district of innovation, rather than existing law in which the SBE is only required to grant any waivers of state statute or rule that are necessary to implement the innovation plan. After granting a waiver, the state board may revoke the waiver if it receives evidence of good and just cause for the revocation, which is the same standard for revoking a waiver granted to a school district in other circumstances.

**M HB 1287 (Hamner & Rankin/Kerr & Priola) – Achieving a Vision for Education**

The bill creates a strategic planning legislative steering committee to lead the statewide effort to establish a vision for education in the state and create a strategic statewide education plan to achieve the vision. The bill creates an executive advisory board consisting of representatives from CDE and CDHE, a co-chair of the ECLC, and a representative from the Governor's office. The chair and vice chair of the steering committee will appoint a statewide advisory board consisting of representatives of the pertinent education stakeholder groups from around the state. The steering committee must contract with a nonprofit, non-advocacy organization to act as facilitator for the steering committee and the advisory boards. Beginning November 15, 2017, the steering committee must submit an annual report to the SBE, the CCHE, the Governor, and the Legislature's Education Committees summarizing the work it completes each year and recommending legislative and regulatory changes, if necessary.

**S 2 HB 1294 (Weissman) – Counting ASCENT Students in Graduation Rate**

The bill clarifies that a student who participates in the ASCENT program, which allows the student to remain enrolled as a high school student while concurrently enrolled in postsecondary courses during the school year immediately following the student's 12<sup>th</sup>-grade year, is counted in the enrolling district's graduation rate in the year the student completes high school graduation requirements.

**M HB 1301 (Michaelson Jenet/Fields & Holbert) – No Withholding Student Transcripts for Library Fines**

The bill removes the authority of district, charter school, or school operated by a BOCES to withhold records required for enrollment in another school or institution of higher education or a student's grades, transcripts, or diploma for failure to pay any fine or fee assessed to return or replace textbooks or library resources, or to return other school property.

**\*\*HEALTH & SAFETY – MENTAL HEALTH/SUICIDE PREV.\*\***

**S 1 SB 68 (Todd/Singer) – School Counselors Early Support for Students**

Under current law, a public school that includes any of grades 7 through 12 is eligible to receive a grant through the Behavioral Health Care Professional Matching Grant Program. The bill adds elementary schools to the list of public schools eligible to receive a grant. Under current law, a public middle, junior, or high school is eligible to receive a grant through the Counselor Corps Grant Program. The bill adds elementary schools to the list of schools eligible to receive a grant.

**S 1 HB 1207 (Lee/Priola) – No Detention Facility Requirement Youth Ages 10-12**

The bill removes the requirements for the Division of Youth Corrections to receive, detain, or provide care for any juvenile who is 10 years of age and older but less than 13 years of age, unless the juvenile has been arrested or adjudicated for a felony or a weapons charge that is a

misdemeanor or felony. Provisions remain in statute for other programs and services for the age group that will no longer require placement of the juvenile in a detention facility.

**S 1 HB 1210 (Lontine & Buckner/Fields & Priola) – School Discipline for Preschool Through 2<sup>nd</sup> Grade**

The bill prohibits a district, BOCES, charter school, or public preschool program from expelling a student, except as specifically required by federal law, and allows the enrolling entity to impose an out-of-school suspension on the student only under specified circumstances for 3 school days. Under additional specified circumstances, the enrolling entity may extend the out-of-school suspension to a total of 5 school days. Each district and charter school must ensure that its school discipline code reflects the requirements specified in the bill. Districts are required to adopt prevention and early intervention strategies to reduce the need for early childhood and early elementary grade suspensions and expulsions.

**S 2 HB 1211 (Coleman/Priola) – Educators Professional Development Discipline Strategies**

The bill creates the Discipline Strategies Pilot Program to provide money to districts, BOCES, and charter schools for professional development for educators in the use of culturally responsive methods of student discipline for students enrolled in preschool through 3rd grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade. The pilot program must be paid for exclusively with gifts, grants, and donations.

**S 3 HB 1276 (Lontine/Gardner & Fields) – Restrict Restraints on Public School Students**

With certain exceptions, the bill prohibits the use of a chemical, mechanical, or prone restraint on a public school student and requires each district and the Charter School Institute to report annually to CDE each documented use of restraint. The bill requires the SBE to promulgate rules on or before November 1, 2017, establishing a process by which a student or a parent or legal guardian of a student may formally complain about the use of restraint or seclusion by any employee or volunteer of any school. The bill requires each district and CSI to include in its conduct and discipline code information concerning its policies for the use of restraint and seclusion on students, including information concerning the process for filing a complaint.

**S\* 2 HB 1320 (Michaelson Jenet & Landgraf/Coram & Fenberg) – Age of Consent Outpatient Psychotherapy for Minors**

The bill lowers the age of consent from 15 years of age and older to 10 years of age and older for a minor to seek and obtain outpatient psychotherapy services from a licensed mental health professional, without the consent of his or her parent or guardian. The bill clarifies that the age of consent for a minor seeking inpatient psychotherapy or other inpatient mental health services without the consent of a parent or legal guardian remains 15 years of age or older.

**\*\*HEALTH & SAFETY – OTHER\*\***

**S 2 SB 27 (Court/Melton) – Increase Penalty Texting While Driving**

The bill increases the penalty for text messaging while driving from a \$50 fine and 1 point assessed against the violator's driver's license for a first offense and a \$100 fine and 1 point assessed against the violator's driver's license for a second or subsequent offense, to a \$300 fine and 4 points for each offense. A driver may not be cited for text messaging while driving unless the driver was also operating the motor vehicle in a careless and imprudent manner.

**O 2 SB 116 (T.Neville/Van Winkle) – Concealed Handgun Carry Without a Permit**

The bill allows a law-abiding person to carry a concealed handgun without a permit, but it preserves current laws restricting the carrying of concealed handguns on certain property including public schools.

**M HB 1064 (Willet/Fields) – Misuse of Electronic Images by a Juvenile**

The bill creates the crime of misuse of electronic images by a juvenile. The offense prohibits juveniles from knowingly distributing, displaying, or publishing through digital or electronic means, or possessing, a sexually explicit image of themselves or of another juvenile who, as depicted in the image, is within 4 years of age of the charged juvenile. If a juvenile is charged with the crime of misuse of electronic images by a juvenile, he or she cannot be charged with sexual exploitation of a child. It is an affirmative defense to the distribution offense if the juvenile committed the act as a result of coercion, intimidation, or harassment.

**S 2 HB 1230 (Salazar & Esgar/Guzman & Kagan) – Protect CO Residents From Federal Government Overreach**

The bill prevents the state or a political subdivision from (1) providing the race, ethnicity, national origin, immigration status, or religious affiliation of a Colorado resident to the federal government without determining it is for a legal and constitutional purpose; (2) aiding or assisting the federal government in creating, maintaining, or updating a registry for the purpose of identifying Colorado residents based on race, ethnicity, national origin, immigration status, or religious affiliation; (3) aiding or assisting the federal government or a federal agency in marking or otherwise placing a physical or electronic identifier on a person based on his or her race, ethnicity, national origin, immigration status, or religious affiliation; and (4) aiding or assisting, including using state or local lands or resources, the federal government in interning, arresting, or detaining a person based on his or her race, ethnicity, national origin, immigration status, or religious affiliation.

**S 2 HB 1256 (Foote) – Oil & Gas Facilities Distance From School Property**

The bill requires the Colorado Oil and Gas Conservation Commission to require that oil and gas production facilities and wells to be located at least 1,000 feet from school buildings and other high-occupancy buildings. The bill clarifies that the minimum 1,000-foot distance from which newly permitted oil and gas production facilities and wells must be located from any school applies to the school property line and not the school building. The bill further clarifies that it does not apply if a school commences operations near oil and gas facilities or wells that are already actively in use or permitted.

**S 2 HB 1302 (Lee) – Juvenile Sexting Crime**

The bill creates the crime of posting private images by a juvenile, prohibiting a juvenile from knowingly distributing, displaying, or publishing, through digital or electronic means, a sexually explicit image of himself or herself or of another juvenile to the view of more than one other person or to the view of another person without their consent, without a request to be supplied with the image or images and thereby causing emotional distress, or when there was a reasonable expectation that the image would remain private. The bill also creates the crime of possessing private images by a juvenile, when it is a sexually explicit image of another juvenile without the depicted juvenile's consent or after the depicted juvenile rescinds his or her consent, unless the person was coerced, intimidated, or harassed into committing the offense. A juvenile whose conduct satisfies either offense cannot be charged with sexual exploitation of a child, unless the person is under 18 years of age and the child is at least 14 years of age or less than 4 years younger than the person unless the person discloses publicly any sexually exploitative material

that depicts the child or distributes, displays, or publishes, with the intent to obtain a pecuniary benefit from anyone, sexually exploitative material that depicts the child. The bill states it is not a violation of sexual exploitation of a child if a person under 18 was coerced, intimidated, or harassed into disclosing publicly a sexually exploitative image. The bill requires the School Safety Resource Center to make available a sexting curriculum for school districts to use.

**S 1 HB 1306 (Exum & McLachlan) – Test Lead in Public Schools’ Drinking Water**

The bill directs the Department of Public Health and Environment to establish a grant program to test for lead in public schools' drinking water. CDPHE will give the highest priority to the oldest public elementary schools, then the oldest public schools that are not elementary schools, and then all other public schools. CDPHE may also consider ability to pay in administering the program. CDPHE is directed to use its best efforts to complete all testing and analysis by June 30, 2020. The public school must provide at least 10% local matching funds and give the test results to its local public health agency, its supplier of water, its school board, and CDPHE, which may use up to \$300,000 per year for 3 years for grants beginning on or after July 1, 2017, from the Water Quality Improvement Fund if there is money available after fully funding existing programs.