

2015 End of Session Report

State Board of Education and Colorado Department of Education

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Brandeberry McKenna (BBMK) is pleased to provide the following report to the State Board of Education (SBE) and the Colorado Department of Education (CDE).

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SECTION 1 SESSION OVERVIEW

Divided Control. These two words are the best way to summarize the 2015 Legislative Session. With Republicans in control of the Senate and Democrats in control of the House, fewer bills made it through the entire process and the demise of many bills was easily predicted.

There was bipartisan cooperation on a handful of topics including workforce development. In passing HB1170 (Increasing Postsecondary and Workforce Readiness), HB1230 (Innovative Industry Workforce Development Program), HB1270 (Pathways in Technology Early College High Schools), and HB1276 (WORK Act) the legislature created new programs and provided funding to train more skilled workers for the Colorado economy. On the final day of session, the legislature also adopted SB15-282 to provide a new economic development tool for rural Colorado, Jump Start Colorado.

The State committed to be a partner with the National Western Stock Show, the City and County of Denver and Colorado State University via the passage of HB15-1344 by Reps. Duran and Jon Becker and Sens. Sonnenberg and Steadman. Upon the expiration of existing certificates of participation, used to fund a prison, in 2019, the bill authorizes the execution of 20 year term lease purchase

agreements not to exceed \$250 million to finance the construction of CSU facilities at the National Western Center and the capital complex master plan.

Additionally, Republicans and Democrats work together to pass a bill, HB15-1043 by Reps. Saine and McCann and Sens. Cooke and Johnston making a fourth offense for driving under the influence a felony punishable by prison time. The topic of school safety also brought people together culminating in the passage of SB15-213 limiting immunity for school districts in an act of school violence and SB15-214 creating an Interim Committee on Safe Schools and Youth Mental Health.

Efforts to work on police protocol were driven by national events with a half dozen measures introduced. Not all passed, but bills to enhance data on officer-related shootings (SB15-217), ensure access to previous personnel information during the hiring process (SB15-218) and to require protocol development for using a multi-agency team or involving another law enforcement agency for investigations of peace officer-involved shootings (SB15-219) all were adopted.

Another key topic for consideration over the last four months was the definition and extent of standards and assessment in the P-12 world. On the last day of session, legislators reached a compromise that will decrease the number of tests administered to students and the amount of time students spend testing. Additionally, school districts will be able to experiment with how local assessments could be used to meet state and federal accountability requirements. Perhaps because of the intense focus on testing and standards, the legislature adopted a remarkably smaller number of bills related to education in 2015.

A number of fiscal-related proposals, considered by many stakeholders to be important for the long-term health of the state budget were killed in the waning days of session. HB15-1388 would have reduced the \$23 billion unfunded liability of Colorado's Public Employees Retirement Association by issuing pension obligation bonds. It died in the Senate Finance Committee on the second to last day of the session. HB15-1389 would have defined the Hospital Provider Fee as an enterprise, meaning the revenue generated by the fee would not be counted towards the TABOR revenue cap. The practical implication would have been to eliminate TABOR refunds and allow the General Assembly to allocate almost \$600 million in additional revenue next year. This bill died in the Senate State Affairs Committee on May 5.

For the second year in a row, efforts to change the litigation environment for owner-occupied multi-family housing failed when SB15-177 died in the House State Affairs committee. The coalition in support of the change included local governments, business groups and affordable housing advocates who squared off against plaintiff attorneys and representatives of homeowners associations.

SECTION 2 ASSESSMENTS

There were almost a dozen bills introduced in the 2015 session related to reducing the level of assessment, changing how assessment data is used and changing the Colorado Academic Standards. While several of these proposals including HB15-1123 Federal Testing Requirements Option For Local

Ed Providers by Rep. Tate, HB15-1125 CO State Academic Standards & Flexible Assessments by Rep. Lundeen and Sen. Holbert (supported by the State Board), HB15-1208 Repeal of Common Core Education Standards by Rep. Klingenschmitt, SB15-003 Ed Evaluations Fifty Percent Academic Growth by Sen. Merrifield, and SB15-073 Restrict Statewide Tests To Federal Requirements by Sen. Merrifield were introduced early in the session, all met their demise in April.

In the final days of the session, HB15-1323 and SB15-257 became the vehicles around which compromise was negotiated. At the end, HB15-1323 was adopted and SB15-257 died on the calendar.

BBMK and CDE staff will provide a more detailed summary of the final legislation under separate cover but key highlights include the following:

- English Language Arts and Math will continue to be required in third through ninth grade. Science will be tested once in elementary, middle and high school. Students will be tested in 10th and 11th grade as well using tests that are aligned to each other and state standards.
- For any state assessment that requires a student to use a computer, a pencil and paper format must be available for districts upon request.
- Districts must adopt a policy to allow a student's parent to excuse the student from participating in one or more state assessment.
- There will be an assessment pilot program to allow local education providers to create or select assessments that can be shown to be valid, reliable and comparable to state assessments.
- Testing requirements from the READ Act and the School Readiness Assessments have been harmonized and reduced.
- District accreditation ratings will not be assigned in the 2015-2016 school year and the five-year accountability clock for districts and schools in Priority Improvement or Turnaround will not include the 2015-16 school year.
- For the 2014-15 school year, local school boards may not use the results of statewide assessments in measuring the student growth component of educator evaluations.

SB15-1323 did not include a continuation of social studies testing. However, under the terms of SB15-056, Frequency Of Statewide Social Studies Testing by Senator Kerr and Rep. Kraft-Tharp, social studies tests will continue to be administered using a sampling method. Beginning in 2015-16, the Department may administer the social studies assessment in a representative sample of public schools each school year so long as the department administers the social studies assessment in each public school at least once every three years.

Finally, it is worth mentioning SB15-223, Remove Penalty When Parent Opts Child Out of Test. In addition to codifying a parent's ability to refuse testing for their child, this bill would have prohibited the state from penalizing a school or district for parent-opt out. The bill died in the House on a close vote of 6-5 towards the very end of the session.

SECTION 3 DATA AND DATA PRIVACY

As the 2015 legislative session began, many stakeholders including parents, school districts and technology providers came together in hopes of producing legislation to advance student data privacy. However, the legislature made very little progress in this arena. All three major bills related to data privacy which included HB15-1108, Protections Collection And Release Student Data, HB15-1199, Student & Teacher Data Privacy & Security Act and SB15-173, School District Data Protection and Transparency failed. Again, CDE staff and BBMK will provide additional, detailed information under separate cover. Highlights of SB15-173, which was the vehicle that moved the farthest through the process, include the following.

- Defining operators as an entity operating an internet website, online service (including cloud computing services), online application or mobile application with knowledge that product will be used primarily for public school purposes and is designed and marketed for public school purposes.
- A prohibition on operators from engaging in targeted advertising using student information acquired through the use of the operator's website, service or application.
- A prohibition on operators selling student information.

HB15-1273, Comprehensive School Discipline Reporting by Rep. Lawrence and Senator Newell was also adopted by the legislature. It included a requirement that schools and districts report disciplinary actions related to marijuana use as a separate reporting category.

SECTION 4 RURAL SCHOOLS

There were several bills introduced with a goal of supporting rural school districts during the 2015 legislative session.

HB15-1124 Rural School Districts Waiver Statute And Rules sponsored by Rep. Buck and HB15-1155, Flexibility for Rural School Districts by Rep. Wilson both died in committee. Together these bills would have allowed rural school districts to request automatic waivers of certain state statutes and SBE rules. Several of these components were incorporated into HB15-1321, Flexibility and Funding for Rural School Districts by Reps. Pettersen and Wilson, which also provided \$10 million in one-time funding for the 2015-16 school year for rural districts. HB15-1321 passed late in the session with broad bipartisan support.

HB15-1201, BOCES & Centralized Operating Services Grants sponsored by Rep. Rankin and Senator Todd, would have created grants to enable boards of cooperative services (BOCES) to provide centralized operating services to rural school districts. The goal was to reduce operating overhead

costs for small districts thus increasing the amount of time available to support instruction. The bill did not succeed. It was supported by the State Board of Education.

HB15-1339, School District Financial Transparency Reporting by Rep. Fields would have required local education providers to submit information regarding school-level financial information to the department of education rather than having a vendor come and sweep the information from each school district's website. This was a recommendation of the Financial Policies and Procedures Advisory Committee composed of CFO's and other financial staff from local districts. Even with an amendment to make the method of compliance optional and strong sponsors, the bill died in a surprising manner in the Senate Appropriations Committee on the second to last day of the session. The State Board supported HB15-1339.

SECTION 5 WORKFORCE DEVELOPMENT

Workforce development was a major priority of the 2015 session.

HB15-1170, Increasing Postsecondary And Workforce Readiness by Rep. Kraft-Tharp and Senator Hill directs that the percentage of high school graduates who enroll in a career and technical education program be added to the accountability framework. Additionally, the department is required to give each postsecondary enrollment option (career and technical, community college, four-year institution) equal weight in calculating performance.

HB15-1270, Pathways In Technology Early College High Schools by Rep. Duran and Senator Todd passed the House and Senate as well. The bill authorizes the operation of a limited number of pathways in technology early college high schools (p-tech schools) in the state. A p-tech school enrolls students in grades 9 through 14 in an educational program that focuses on science, technology, engineering, and mathematics, combining high school and college-level course work with workplace educational experiences.

HB15-1274, Creation Of Career Pathways For Students by Rep. Garnett and Senator Kerr passed both the House and Senate and directs the state work force development council to coordinate multiple agencies and industries in the design of industry-driven career pathways for critical occupations in growing industries. It also establishes how many career pathways must be established within each year of the bill's passage.

HB15-1275, Career & Tech Ed In Concurrent Enrollment by Rep. Winter and Senator Heath clarifies that a local education provider may include course work related to apprenticeship programs and internship programs in programs available for concurrent enrollment. It also directs the concurrent enrollment advisory board to collaborate with specified stakeholders and organizations to create recommendations to assist local education providers in creating cooperative agreements to include apprenticeship programs and internship programs in the available concurrent enrollment programs.

SECTION 6 SCHOOL SAFETY

Given the terrible events at Arapahoe High School in December of 2013, the legislature took a close look at school safety issues this year. They passed SB15-213, Waive Government Immunity For acts of School Violence by Senator Cadman and Rep. Hullinghorst. The bill allows school districts and charter schools to be held liable if they fail to exercise reasonable care in protecting students, faculty and staff from reasonably foreseeable acts of violence while at the school or engaged in school activities. The bill applies only to incidents of school violence that include murder, first degree assault and sexual assault.

SB150-214, Interim Committee Safe Schools Youth Mental Health by Senator Scheffel and Rep. Duran, creates the school safety and youth mental health committee. This interim committee will study issues relating to school safety including an evaluation of programs and methods for identifying and monitoring students in crisis along with the development of standardized criteria for school personnel to use in assessing the potential threat posed by one or more students. It will also make recommendations to the education committees of the general assembly.

SECTION 7 SCHOOL FINANCE

SB15-267, The School Finance by Senator Hill and Rep. Hamner set the statewide base per pupil funding amount for the 2015-16 budget year at \$6,292.39. This represents an inflationary increase of 2.8 percent. Additionally, the school finance contained an allocation of \$25 million towards buying down the negative factor. HB15-1321, described above, allocated an additional \$10 million for rural school districts. In total the state will be spending \$138 million more this year relative to last in total program funding.

HB15-1334, Legislative Oversight Committee On School Finance by Rep. Hamner and Senator Hill, would have created the legislative oversight committee on school finance to study tax policy issues relating to school finance and the components of a new school finance system. However, the bill was killed in the Senate Appropriations Committee.

SB15-045, Tax Credits for Nonpublic Education by Senator Lundberg would have created a private school tuition income tax credit. This bill died in the House Education Committee late in April.

SECTION 8 OTHER BILLS OF INTEREST

HB15-1196, CO Flex Accounts for Education Services by Rep. Lundeen and Senator Hill would have created the Colorado flexible lifetime learning expenditures account program to enable a parent, by directing the use of public moneys deposited to a savings to select the educational programs and services that most effectively meet the needs of the parent's child. HB15-1196 did not pass.

HB15-1324, Implementing Student Learning Objectives Processes by Rep Young and Senator Scott would have created a student learning objectives process consortium for educators and

administrators who work with student learning objectives processes, to exchange information, expertise, and best practices around designing, creating, and implementing student learning objectives processes. The bill died in the Senate.

Has it passed, HB15-1326, Student Not Affected By District Accreditation Status by Rep. Moreno would have prohibited the Colorado commission on higher education and institutions of higher education from considering the accreditation status of the school district or the state charter school institute from which a student graduates in making admissions decisions and in awarding financial assistance.

HB15-1350, Review Performance Rules Alternative Education Campuses by Rep Pettersen and Senator Hill did pass and will require the department of education to convene stakeholder meetings for the purpose of reviewing state statutes and state board rules relating to the performance indicators for the accreditation of public schools that are classified as alternative education campuses.

SB15-216, School District Exclusive Chartering Authority by Senator Hill and Rep Fields, a bill supported by the State Board, died in the House. The bill would have made it more difficult for districts with lower performance ratings to get and maintain exclusive chartering authority.

SB15-290, Colorado Student Leaders Institute by Senator Todd and Representative Wilson passed on the last day of the legislative session. It will establish the Colorado Student Leaders Institute in the office of the lieutenant governor to operate as a pilot program through the summer of 2019. The institute, hosted by an institution of higher education in Colorado, is an annual, 4-week, summer residential educational program for students who are entering tenth or eleventh grade that combines courses, lectures, and seminars, with enrichment classes in music, art, and theater.

SECTION 9 CDE BUDGET

In addition to the school finance component of the CDE budget, the Board and Department submitted a small number of funding requests to the Joint Budget Committee (JBC). Most were approved. Our request for slightly over \$1 million and FTE supported by the General Fund to continue to provide support to districts as they implement educator effectiveness and other recently adopted laws was approved in part. The JBC approved 6 FTE for Educator Evaluation and 2.5 for Field Communication but denied the request for 2 FTE in Educator Instructional Support. The legislature granted almost \$3.5 million to the BEST program to ensure an on-going process to identify and prioritize critical public school capital construction needs. Finally, they approved approximately \$75,000 to continue to support the work of the State Review Panel.

SECTION 10 COMPREHENSIVE LIST OF K-12 LEGISLATION

Bill #	Sponsors	Short Title	Final Status
HB15-1001	Pettersen/Todd	Early Childhood Educator Scholarships	Failed
HB15-1003	Tyler/Todd	Fund Safe Routes To School Program	Failed
HB15-1020	Wilson	Funding for Full-day Kindergarten	Failed
HB15-1080	Joshi/Hill	School Participation in Breakfast After The Bell	Failed
HB15-1088	Winter	Interagency Farm-to-school Grant Program	Failed
HB15-1104	Navarro	Educator Expenses State Income Tax Deduction	Failed
HB15-1105	Everett/Marble	Revising CO Ed Accountability Measures	Failed
HB15-1108	Lundeen/Woods	Protections Collection And Release Student Data	Failed
HB15-1123	Tate	Fed Test Requirements Option For Local Ed Providers	Failed
HB15-1124	Buck	Rural School Districts Waiver Statute And Rules	Failed
HB15-1125	Lundeen/Holbert	CO State Academic Standards & Flexible Assessments	Failed
HB15-1146	Wilson/Todd	Colorado Student Leaders Institute	Failed
HB15-1155	Wilson	Flexibility For Rural School Districts	Failed
HB15-1165	Salazar/Ulibarri	Schools' Use Of American Indian Mascots	Failed
HB15-1170	Kraft-Tharp/Hill	Increasing Postsecondary And Workforce Readiness	Passed
HB15-1184	Lontine/Hill	Charter School Networks Authority	Passed
HB15-1190	Windholz	Assistance To Public Schools For Career Pathways	Failed
HB15-1196	Lundeen/Hill	CO Flex Accounts For Education Services	Failed
HB15-1199	Everett/Marble	Student & Teacher Data Privacy & Security Act	Failed
HB15-1200	Priola/Hill	Highly Effective Teachers & Low Performing Schools	Failed
HB15-1201	Rankin/Todd	BOCES & Centralized Operating Services Grants	Failed

Bill #	Sponsors	Short Title	Final Status
HB15-1208	Klingenschmitt	Repeal of Common Core Education Standards	Failed
HB15-1221	Buckner/Kerr	Employee Leave Attend Child's Academic Activities	Failed
HB15-1240	Fields	Reduce Student Contacts With Law Enforcement	Failed
HB15-1270	Duran/Todd	Pathways In Technology Early College High Schools	Passed
HB15-1273	Lawrence/Newell	Comprehensive School Discipline Reporting	Passed
HB15-1274	Garnett/Kerr	Creation Of Career Pathways For Students	Passed
HB15-1275	Winter/Heath	Career & Tech Ed In Concurrent Enrollment	Passed
HB15-1321	Pettersen	Flexibility & Funding For Rural School Districts	Passed
HB15-1322	Pettersen	Study Of Local Ed Provider Data Reporting Requirements	Failed
HB15-1323	Buckner & Wilson	Changes To Assessments In Public Schools	Passed
HB15-1324	Young/Scott	Implementing Student Learning Objectives Processes	Failed
HB15-1326	Moreno	Student Not Affected By District Accreditation Status	Failed
HB15-1334	Hamner/Hill	Legislative Oversight Committee On School Finance	Failed
HB15-1339	Fields	School District Financial Transparency Reporting	Failed
HB15-1349	Fields	Grow Your Own Teacher A Colorado Initiative	Failed
HB15-1350	Pettersen/Hill	Review Performance Rules Alternative Educ. Campuses	Passed
HB15-1369	Pettersen	Define Tuition Status Unaccompanied Homeless Youth	Failed
SB15-003	Merrifield	Ed Evaluations Fifty Percent Academic Growth	Failed
SB15-045	Lundberg	Tax Credits For Nonpublic Education	Failed
SB15-050	Heath	Awarding CO's Excellent Scholar's Program	Failed
SB15-051	Todd/Priola	Ineligible Students Appeal Process Injunctions	Passed

Bill #	Sponsors	Short Title	Final Status
SB15-056	Kerr/Kraft-Tharp	Frequency Of Statewide Social Studies Testing	Passed
SB15-063	Donovan	Alternative Energy For Schools Grant Program	Failed
SB15-073	Merrifield	Restrict Statewide Tests To Federal Requirements	Failed
SB15-077	Neville T/Neville P	Parent's Bill of Rights	Failed
SB15-108	Steadman/Hamner	Direct Appropriations For CDE Programs	Passed
SB15-111	Lambert/Hamner	Educator Licensure Cash Fund Continuous Appropriation	Passed
SB15-138	Donovan	ASCENT Program Funding	Passed
SB15-145	Lambert/Hamner	Supplemental Approp Dept Education	Passed
SB15-173	Holbert/Pabon	School District Data Protection And Transparency	Failed
SB15-184	Holbert/Fields	No Detention For Failure To Attend School	Passed
SB15-201	Kerr/Young	Cert Authorizers of Multi-District On-line Schools	Failed
SB15-213	Cadman/Hullinghorst	Waive Gov Immunity For Acts of School Violence	Passed
SB14-214	Scheffel/Duran	Interim Committee Safe Schools Youth Mental Health	Passed
SB15-215	Hill/Buckner	Changes To Assessments In Public Schools	Failed
SB15-216	Hill/Fields	School District Exclusive Chartering Authority	Failed
SB15-223	Holbert/Lebsock	Remove Penalty When Parent Opts Child Out Of Test	Failed
SB15-233	Marble/Everett	Revising CO Ed Accountability Measures	Failed
SB15-234	Steadman/Hamner	Increasing Cap On Appropriation For School Lunches	Passed
SB15-257	Hill/Becker J	Ed Standards & Assessments & Flexibility Pilot Program	Failed
SB15-267	Hill/Hamner	School Finance	Passed
SB15-280	Scheffel/Wilson	Hold Harmless On-line Pupil Count In Size Factor	Failed
SB15-290	Todd/Wilson	Colorado Student Leaders Institute	Passed

SECTION 11 LOOKING AHEAD

Given that is not an election year, we anticipate that legislators will be focused more on policy and less on politics over the next several months. Of course, there will also be a little bit of quiet time while many legislators take a break after a challenging and complex legislative session.

The legislature has given the green light to a few Interim Committees including the Early Childhood and School Readiness Legislative Commission, the Interim Committee on School Safety and Youth in Crisis and a committee to study services for the blind under the Vocational Rehabilitation division.

Additionally, the Transportation Legislative Review Committee and the Water Resources Review Committee will meet as usual. The oversight committee for Connect for Health Colorado has been renamed the Colorado Health Insurance Exchange Oversight Committee and given permission to meet over the Interim. Finally, the legislature adopted a study of respite care which will not have legislative members but will include stakeholders. In addition to monitoring Interim Committees, BBMK will continue to attend meetings of the Colorado Cost Commission on Affordable Health Care and the Connect for Health Board of Directors.

We believe that one of the most significant conversations that will occur over the interim will be around the state budget. While the economy continues to thrive in many parts of Colorado, the varying Constitutional requirements impacting the budget continue to drive greater spending on K-12 education while simultaneously not allowing the state to keep all the revenue it is collecting under current tax rates. With HB14-1398, efforts were made this legislative session to address the situation by changing how the Hospital Provider Fee is counted for revenue purposes. That legislation failed in the final days of the session. If the legislature cannot generate consensus over the Interim for a change to state budgeting, the 2016 session will be marked by cuts to existing programs and continued refunds to taxpayers.

As always, the BBMK team will spend a great deal of time over the Summer and Fall meeting with legislators and engaging in policy discussions with our clients and members of the General Assembly. We look forward to providing additional information.