



Legislation 2008 Final Report

The 2008 Legislative Session began on January 9 and concluded on May 7, 2008. With it being an election year, there were a record number of bills introduced that pertained to education. This report will discuss key topics and legislation during the 2008 legislature. This update is not intended to address every bill.

School Finance

HB 1388 was one of the best school finance acts for kids that the legislature has passed. Because of the 2007 Mill Levy Stabilization Act, the legislature had additional funding for K-12 beyond the minimum constitutional requirements. Highlights include:

- The General Assembly for the first time funded the base per pupil funding over the Amendment 23 requirement of inflation + 1% + growth by adding \$20 million to the base. For the 2008-09 budget year, increases the statewide base per pupil funding by \$182.52 for a total of \$5,270.13.
- \$40 million for Full-day Kindergarten.
- \$34.5 million for capital construction associated with offering Full-day Kindergarten.
- 6,254 additional preschool slots.
- 5th year of declining enrollment averaging and a study of declining enrollment.
- Creation of a \$2 million high-cost in-district special education grant pool.
- Funds facility school students for 12 mos of the year, but limits responsibility for payment of excess costs to the traditional 9 mos school year.
- Expanded capacity for bonding and flexibility for override elections.
- Allocates \$300,000 for Science, Technology, Engineering and Math after-school pilot programs.
- Additional \$5 million for charter school capital construction for a total of \$10 million for 08-09. Of the \$5 million additional funding, \$135,000 will be distributed to the Rocky Mountain School for the Deaf in Jefferson County.

One of the main issues of controversy surrounded at-risk funding for charter schools. Amendments in both the House and Senate would have changed the funding for charter schools to limit at-risk funding to only those students enrolled and qualifying for free or reduced lunch. The League of Charter Schools vehemently opposed this move, despite increased funding for some of the most at-risk charter schools. School districts did not necessarily support the change in funding unanimously, but there was concern that because many charters do not have a formal lunch program, students are not filling out the proper forms in order for the district to receive at-risk funding for those eligible pupils in charters. In the end, the compromise will require every public school, including charter schools, to include in the materials for pupil registration the form to participate in the national free/reduced lunch program. Registration materials shall include an explanation to parents that the form will be used by the school, district, or state charter institute to determine eligibility for at-risk funding on behalf of the students and that filling out the form ensures the district or school will receive at-risk funding to which it is entitled. If a public school, including a charter school, does not participate in the national nutrition programs, they are required to provide the "Family Economic Data Survey" created by CDE to identify those students who qualify as at-risk.

Another controversial issue came down to the insertion of a defeated bill, SB 65, that creates seed money for alternative teacher compensation programs, and the insertion of language by the Senate that eliminated a school district's ability to require a senior to take a minimum number of credits. Under SB 65 CDE is required to offer technical assistance and funding to school districts in designing and developing alternative teacher

compensation plans. Grants will be administered based on State Board rules, including teacher, parent and community involvement, available to all teachers in the district, and money awarded to support plans that use various methods to determine student performance. Compensation models must:

- Be on top of existing pay schedules
- Be based on broad multi-dimensional criteria for assessing performance, not just student CSAP scores
- Be included in a teacher's retirement or pension calculation
- Include a procedure for challenging adverse decisions under the plan to ensure fairness to all teachers
- Include a process for continual evaluating the alternative compensation plan on an on-going basis

The original version of the bill contained a \$2 million appropriation for this program statewide. The House Appropriations Committee killed this bill because of the evidence that individual school districts had spent as much as \$7 million to get a program started. When prioritizing funding to be spent from the State Education Fund, House Appropriations saw other bills as a higher priority. When the bill was defeated, Senate sponsors Spence and Windels amended it into HB 1388.

Sen. Mitchell also had a hotly-contested amendment that would have required school districts to let students take only one class their senior year if they had already met or were going to meet the districts graduation requirements. This amendment was opposed for several reasons: violation of local control, contradiction of research indicating students needed a minimum number of courses to be successful in post-secondary options, measure was in conflict with rules for minimum number of contact hours required to secure pupil funding.

A conference committee appeared to hammer out the differences of the bill by leaving in SB 65 at its \$2 million price tag and altering the Mitchell language to have districts create a policy where a student could obtain a waiver from minimum course requirements during a student's senior year. This report was rejected by the House. A second conference committee resolved the issues by limiting SB 65 money to \$1 million and eliminating the language entirely regarding minimum number of credits for a senior.

The School Finance Act was signed by the Governor on May 19.

Colorado Achievement Plan for Kids

SB 212 was one of the most debated and time-consuming pieces of legislation this session. The genesis of the bill came from discussions conducted within the sub-groups of the Governor's P-20 Council regarding adequacy of the existing standards and the utility of the current assessments. Recommendations were made by the P-20 Council to modify current high school assessments and have a portfolio of assessments added in the high school years to determine high school and post-secondary readiness which included the ACT assessments of EXPLORE, PLAN, and the ACT, known as EPAS.

When CAP4K was introduced, many called the bill a "do nothing bill" in light of the fact that it didn't dictate outcomes. The governor's office called it a "process bill" where the process for determining new standards, assessments, and a working model between K-12 and higher education were established. Both the departments of Higher Education and Education were on board with the bill. Many education stakeholders supported the concept outlined in CAP4K of basing our education system on 21st century skills and increasing the number of students graduating from high school and seeking post-secondary degrees and certificates. Concerns with the bill were about specific details, primarily the cost and funding for implementation, necessary supports for students and teachers/administrators, and how Colorado would meet federal approval under No Child Left Behind emerged very early in the process.

Amendments were added to insert a cost study analysis. By 9/15/08, CDE is required, in consultation with DHE, to contract with an independent entity to conduct a study of the costs of implementing CAP4K. The

contractor must have expertise in Colorado school finance and national school finance issues and higher education finance. Areas of review must include:

- Reviewing, adopting and implementing standards and curricula to meet or exceed the newly adopted PESE standards, including support services for English language competency;
- Implementing the assessment system for evaluation of the PESE standards;
- Implementing the school readiness description and assessments, including developing individual readiness plans;
- Incorporation career and technical education standards into the curricula;
- Aligning PESE curricula with PWR description and administering the postsecondary and workforce planning, preparation, and readiness assessments;
- Making changes to postsecondary admissions process;
- Reviewing, adopting, and implementing standards in teacher preparation programs.

The cost study will be done in phases following adoption of each major component of CAP4K, and the results of each phase must be reported to the Joint Budget Committee and House and Senate Education Committees.

Other amendments were added that created a mechanism for conversation between practitioners in higher education and K-12. Regional conversations will be established for practitioners to discuss what the standards should be, what the assessments should focus on and be used for, what kind of supports students and professionals need to achieve the new standards, what diploma options and graduation requirements on a state level should look like, and what are the costs incurred to make all of this happen in the field. Other conversations with members of the general public will also take place to enhance this process.

One of the most controversial amendments occurred in the Senate on 2nd Reading. The four sponsors of the bill (Senators Penry (R) and Romer (D) and Representatives Witwer (R) and Scanlan (D)) agreed that rather than letting CDE and DHE determine the high school standards and assessments, the bill was going to mandate the ACT testing system of EPAS (mentioned above). This divided the education stakeholders with several school districts, CASE and CEA supporting the measure and CDE, CASB and some school districts opposing the measure. The compromise reached in the House Education committee creates a pilot where districts can participate using approved high school assessments and submit their data and reasons for using the assessments. CDE will gather the information and use it to inform their decision on new high schools standards and a statewide assessment. Until a choice is made and approval from the federal Department of Education is gained, Colorado will have to continue giving the current CSAPs.

The introduced version of SB 212 had a provision for English language competency to be required in order for a student to be deemed post-secondary and workforce ready. The Senate did not feel that this language was strong enough and alternate amendment was added inserting SB 98 into the bill. SB 98, discussed later in this report, was amended by Senator Mitchell into CAP4K. The language required every school district to establish English language competency as a mandatory high school graduation requirement for all students graduating in spring 2013 or later. The bill required every district to develop its own definition for “English language competency”. This insertion seemed awkward in this ‘process’ bill. It also was the only graduation requirement in the bill. At the time of the SB 98’s introduction, sponsor Senator Mitchell promised to kill the bill if CAP4K adequately addressed the issue of English language competency as a prerequisite for high school graduation. There was widespread agreement that CAP4K was the more appropriate vehicle to address the issue, though finding consensus on how to address it was not easy and took until the final days of the legislative session. Nevertheless, a compromise was reached and CAP4K directs the State Board to identify minimum levels of English language competency as a content standard and a graduation requirement; for more detail refer to the CAP4K section of this report.

Other concerns with CAP4K revolved around the timeline—some feeling it was too short, others feeling it was too fast. The final timeline is as follows:

School District Responsibilities under CAP4K:

School Readiness description and assessment

- **Beginning in the fall semester of 2012**, requires local education providers to create individual readiness plans (IRPs) for each preschool student entering the school system.
- **Beginning in the fall semester of 2013**, requires local education providers to create or revise IRPs for each kindergartner in the school system.

Postsecondary and Workforce Readiness (PWR) Description

- **By 12/15/11**, each local education provider required to review and revise local content standards to meet or exceed state standards and to ensure students' demonstration of PWR attainment by completion of the 12th grade.
- **By 7/1/17 and every six years thereafter**, requires local education providers to review content standards and make any standards and curricula revisions necessary to meet or exceed changes to the state standards.
- **By 12/15/11**, requires local education providers to review and align high school curricula to PWR state standards and create programs that allow for differing post-graduation goals.
- **Requires all students enrolled by 12/15/12** to be included in PWR programs (no opt outs).

Postsecondary and Workforce Readiness (PWR) Assessments

- **On or before 12/15/12**, requires each public high school to administer the assessments to every student in grades 9-12.

CDE/State Board Responsibilities under CAP4K:

School Readiness Description

- **By 12/15/08**, State Board of Education required to adopt a description of school
- **By 7/1/15 and every 6 years**, State Board of Education required to review the school readiness description and standards

School Readiness Assessment

- **By 12/15/10**, State Board of Education required to adopt one or more assessments

Preschool through Elementary and Secondary Education (PESE) Standards

- **By 12/15/09**, State Board of Education required to adopt PESE standards
- **By 7/1/15 and every 6 years**, State Board required to review the PESE standards

Preschool through Elementary and Secondary Education (PESE) Assessments

- **By 12/15/10**, State Board of Education required to adopt a system of assessments aligned with the PESE standards
- **By 7/1/16**, State Board required to review the PESE assessments

Postsecondary and Workforce Readiness (PWR) Pilot Program

- **Beginning in 2008-09 school year**, CDE shall conduct a voluntary pilot program where school districts choosing to participate shall administer any of the assessments selected for the pilot by the department.
- **By 12/15/10**, the State Board and CCHE shall select one or more postsecondary and workforce assessments.

Postsecondary and Workforce Readiness (PWR) Description

- **By 12/15/09**, State Board of Education and CO Commission on Higher Education (CCHE) required to jointly adopt a PWR description

Postsecondary and Workforce Readiness (PWR) Assessments

- **By 12/15/10**, State Board of Education and CCHE are required to jointly adopt one or more assessments.

- **By 7/1/16 and every 6 years thereafter**, State Board and CCHE are required to jointly review the PWR assessments and scoring criteria.

Diploma Endorsements

- **By 7/1/11**, State Board of Education required to adopt criteria that may be used by local education providers to endorse high school diplomas to indicate PWR.
- **By 7/1/17 and every 6 years thereafter**, State Board required to review the diploma endorsements.

Graduation Guidelines

- **Extends the deadline** for the SBE to adopt guidelines for high school graduation requirements from 7/1/08 to **12/15/09**.

Regional Meetings

- **Beginning 08-09** academic year, directs the Commissioner of Education and Executive Director of the Department of Higher Education to conduct at least annual meetings of professional educators in P-12 and higher education regarding implementation and supports necessary for students to meet standards.

State NCLB Plan

- **As soon as practicable under federal law**, CDE shall submit to USDOE amendments to the State Plan for peer review approval with changes made after selection of PESE standards, PWR descriptions, and all assessment changes.

Cost Study

- **By 9/15/08**, requires CDE in consultation with DHE to contract with an independent entity to conduct a study of the costs of implementing CAP4K.
- Specifies the cost study to be done in phases following adoption of each major component of CAP4K and for the results of each phase to be reported to the Joint Budget Committee and House and Senate Education Committees:
 - **On or before March 1, 2010**, report of the costs pertaining to adoption and implementation of the school readiness description, PESE standards, PWR description and English language competency standards;
 - **On or before October 1, 2010**, a report of the costs pertaining to implementation of the school readiness assessments, the system of assessments aligned with PESE and PWR standards, and the postsecondary and workforce planning, preparation, and readiness assessments;
- **On or before October 1, 2011**, a report of the costs pertaining to implementation of the diploma endorsements.

Reporting Requirements

- **By 2/15/09 and each year thereafter through 2012**, requires CDE to submit an annual report to the legislature summarizing the actions taken by the SBE, CCHE, and local education providers in adopting the requirements of CAP4K.
- **By 2/15/13 and each year thereafter**, requires CDE to submit an annual report to the legislature on the implementation of all of school readiness, PESE standards, PWR readiness.

CCHE/DHE Responsibilities under CAP4K:

Postsecondary and Workforce Readiness (PWR) Pilot Program

- **By 12/15/10**, the State Board and CCHE shall select one or more postsecondary and workforce assessments.

Postsecondary and Workforce Readiness (PWR) Description

- **By 12/15/09**, State Board of Education and CO Commission on Higher Education (CCHE) required to jointly adopt a PWR description

Postsecondary and Workforce Readiness (PWR) Assessments

- **By 12/15/10**, State Board of Education and CCHE are required to jointly adopt one or more assessments
- **By 7/1/16 and every 6 years thereafter**, State Board and CCHE are required to jointly review the PWR assessments and scoring criteria.

Cost Study

- **By 9/15/08**, requires CDE in consultation with DHE to contract with an independent entity to conduct a study of the costs of implementing CAP4K.

Teacher Prep Programs

- **By 12/15/12**, requires teacher preparation programs to include training on how to teach to PESE standards created in CAP4K.

The Governor signed SB 212 into law on May 14.

School Counselor Legislation

HB 1370 aims to provide more state support for increasing the number of school counselors at the junior and high school levels. Specifically, the bill creates the School Counselor Corps Grant Program within CDE and provides \$5 million of annual state funding beginning the 2008-09 year. Effective this July 1 2008, school districts may apply to CDE for grant funding; awarded monies must be used to increase the number of counselors at middle, junior, and/or high schools, and to provide professional development services for school district counselors. Any awarded dollars must only be used to supplement existing counselor-related services and cannot supplant existing funds. The bill charged the State Board of Education with promulgating rules for the Grant Program which were adopted at the June 2008 board meeting and awarding funds to applicants that must include in their grant application such elements as a description of the planned use of the funds, the plan for continuing to fund increased counseling services when the grant runs out, and the current ratio of students to counselors in the intended recipient school. In determining grant awards, the State Board must consider such elements as the dropout rate and free and reduced lunch student population of the recipient schools, whether the school district has adopted standards for their counselors, the district's efforts to meet the postsecondary needs of students, and the likelihood that the district will continue to offer increased counseling services upon the expiration of the grant.

For the 2006-07 school year, the student to counselor ratio was 500:1, and there is widespread recognition of the inadequate level of counseling services for all students, particularly those in junior and high school. The Preparation and Transitions Subcommittee of the P-20 Council discussed this issue throughout their meetings last fall, and their final recommendations to the Governor included increased support for school counselors. HB 1370 is based in large part on this recommendation, and the bill has the support of the Governor's office. The bill was signed by the Governor on May 27.

School Safety Legislation

Three key bills pertaining to school safety enjoyed bipartisan support and passed successfully through the legislative process. The first, SB 1 was a priority bill for Governor Ritter and creates the School Safety Resource Center within the state Department of Public Safety. The purpose of the Center is to help foster a sense of coordination and sharing of information among school districts, law enforcement agencies, emergency responders, and community members with the intent of preventing and preparing for emergency and crisis situations in schools. The School Safety Resource Center will serve as a resource for school districts by helping them develop safety plans that include a focus on prevention and intervention, as well as assisting districts in their recovery from a crisis or emergency situation. During its first year, the Center will operate on a pilot basis and serve one to five school districts or regions; district and regional participation is voluntary. SB 1 was signed by the Governor on May 13.

HB 1267 requires the School Safety Center created in SB 1 to select between one and three schools from each of its pilot districts or regions to participate in creating a first responder school mapping system. The mapping system will provide emergency personnel with immediate electronic access to school maps and schematics, which will better enable first responders to address school crisis situations. Participating pilot sites may

contract with an outside party for assistance in creating the mapping system, and the Department of Public Safety will reimburse them for the cost. HB 1267 was signed by Governor Ritter on May 13.

The last of the bills pertaining to school safety is SB 181, which requires school districts to develop emergency plans that align with the federal National Incident Management System (NIMS). Current state statute requires all school districts to have a school safety and crisis management policy, but NIMS is more comprehensive and includes requirements for collaboration with emergency responders to designate responsibility for various elements of emergency situations, regular conducting of safety drills, and ongoing education requirements around school safety and NIMS for key school district personnel.

Because of concerns that small rural districts might lack the resources to meet the deadlines and requirements spelled out in SB 181, the bill was amended to afford more flexibility by allowing each district to select the date by which it hopes to be NIMS-compliant, and to change this date as necessary. Additionally, language was added to the bill directing districts to implement various provisions of NIMS only to the extent that they are able; the language also acknowledges the need for state support and assistance for districts in their long-term efforts to become fully compliant with NIMS. SB 181 was signed by the Governor on May 14.

Standards and High School Graduation Requirements

There were fewer pieces of legislation this year pertaining to standards and high school graduation requirements than there were in the 2007 session, though two bills bear mentioning. The first, HB 1168, requires that the State Board include financial literacy in the state model content standards, and that state assessments be subsequently revised to reflect this. As it was originally introduced, this bill was disconnected from CAP4K and the fiscal note was well over half a million dollars. However, HB 1168 and its associated costs were ultimately folded into the standards review process created in CAP4K, and the State Board must incorporate financial literacy into the state standards at the same time as it updates standards in all content areas. Because CAP4K requires a thorough review of our current state standards and assessments, whatever standards and assessments that are ultimately adopted must include financial literacy. HB 1168 was signed by the Governor on June 5.

The second bill, SB 98, was killed in the legislative process but would have required every school district to establish English language competency as a mandatory high school graduation requirement for all students graduating in spring 2013 or later. The bill would have required every district to develop its own definition for “English language competency”; the bill sponsor argued that it wasn’t so much a mandate for school districts as it was ensuring that issuance of a high school diploma means the recipient is prepared to succeed in society and the workplace. In contrast, opponents to SB 98 cited the fact that districts would receive no additional funding to meet this new requirement, and that state funding for ESL is woefully inadequate as it is. Additionally, there was concern that the bill would have allowed every district to define “competency” differently and there would be no consistency across the state. This potential for variance in the rigor of the standard, coupled with the argument that such a requirement violates local control, was the basis for much of the cited opposition to the bill.

At the time of the bill’s introduction, sponsor Senator Shawn Mitchell (R) promised to kill it if CAP4K adequately addressed the issue of English language competency as a prerequisite for high school graduation. There was widespread agreement that CAP4K was the more appropriate vehicle to address the issue, though finding consensus on how to address it was not easy and took until the final days of the legislative session. Nevertheless, a compromise was reached and CAP4K directs the State Board to identify minimum levels of English language competency as a content standard and a graduation requirement; for more detail refer to the CAP4K section of this report. SB 98 was subsequently killed by the House Education Committee with the bill sponsor’s blessing.

Assessments

Though legislation related to state assessments is a hot topic in nearly every session, it was particularly so this year. There were a number of bills introduced that pertained to CSAP testing; all but one was defeated in the legislative process.

The provisions of HB 1186 (Representative Solano/Senator Windels) were familiar to many education stakeholders and policymakers; this particular bill has been introduced three years in a row. HB 1186 would have eliminated the penalty factored into a school's rating for any student who did not take the CSAP due to parent refusal, and an amendment added later stipulated that if the student state testing participation rate dropped below 97%, the removal of the penalty would no longer apply (NCLB requires 95% student participation). However, though the bill passed out of the House with relatively strong support, there was not enough votes to get it passed out of the Senate Education Committee in its current form. An amendment added there dramatically gutted and changed HB 1186: the penalty provision would have remained in state statute, but CDE would have been required to notify any school whose rating has been negatively affected due to parents opting their children out of CSAP testing. At their own expense, these schools will have the option of including in the SAR an explanation stating that the lower rating is due to students not taking the test and not the actual test scores. CDE had been strongly opposed to HB 1186 in its original version, and indicated that this amendment would mitigate that opposition.

HB 1186 was sent to conference committee, where representatives from both the House and Senate attempted to come to an agreement about the changes made to the bill. Ultimately, the committee agreed to leave the penalty provision in law, remove the school notification option as described above, and instead amend the bill to direct schools not to penalize students who don't take the CSAP. Many supporters of HB 1186 were very disappointed by this final version, and we expect to see legislation in future sessions attempting again to address the penalty issue. The bill was vetoed by the Governor on June 5.

The issue of penalizing schools because of inadvertent errors in test administration resurfaced in the CAP4K debate. Rep. Joe Rice amended CAP4K to require CDE to define "inadvertent error" through rules and let the Commissioner determine if a school's rating should be altered because of a misadministration of the CSAP. CDE has the option to either recalculate a school's rating without the students' scores who have a -0.5 associated with them or to give the school the rating including those scores with a notation indicating what the rating would have been without those scores. Each year at least one school is assigned a lower rating due to an inadvertent misadministration of CSAP. See CAP4K summary for more information.

In addition to sponsoring HB 1186, Representative Solano (D) also carried HB 1357 which was highly controversial and eventually killed by the Senate Education Committee. This legislation proposed to align Colorado's assessment system with the minimum federal requirements; this would result in the elimination of all writing CSAPs in grades three through eight, as well as the elimination of all ninth and tenth grade CSAPs. The Colorado Department of Education would have been charged with applying to the U.S. Department of Education for a waiver under NCLB to use the ACT as the only high school level assessment. An amendment approved by the House Education Committee specified that that if a waiver to use ACT was not approved, Colorado would keep the 10th grade CSAP to ensure compliance with NCLB and also continue to offer the ACT. The money saved from the elimination of the tests would have been put towards the Dropout Prevention Activity Grant Program, Career and Technical Education, and the Teacher Development Grant Program.

Supporters of HB 1357 argued that Colorado is currently over-complying with federal testing requirements and that CSAP tests have little relevance and use to teachers, students, and their families. Opponents to the bill, which included CASE, CASB, and CDE, countered that CAP4K should be the vehicle for discussion and changes to our state tests, and that some districts who might want to continue offering writing assessments would be forced to do so at their own cost.

Though HB 1357 was killed, language was added to CAP4K that in a small way addresses one of the issues Representative Solano was concerned with. CAP4K requires that once new statewide assessments are adopted, only those tests required by federal law be submitted as part of the state plan. This language in no way prohibits the adoption of assessments that go beyond minimum federal requirements, but those tests would not be included in the state plan. The intent is to ensure some flexibility at the state level so that Colorado is able to make changes to its assessments as necessary and only needs to obtain permission from the U.S. Department of Education for assessments in the state plan. Currently, every CSAP test (whether it is required or not by NCLB) is a part of our state plan, and this limits our ability to make changes. See the CAP4K summary for more information.

Senator Mike Kopp (R) sponsored two other assessment bills that were killed in the Senate Education Committee. The first, SB 61, would have required any student not scoring at least partially proficient on their math, reading, or writing 10th grade CSAP to take an exit exam in the same subject area(s). Passing the exit exam(s) would have been a condition for graduating high school, and there was little support for this bill among education stakeholders. Aware of this, Senator Kopp opted to kill his own bill and after working with CDE, introduced a new bill that was less prescriptive than SB 61.

In contrast to SB 61, SB 199 was not tied to high school graduation but still required any eleventh grader not earning at least a “partially proficient” on their tenth grade writing, reading, or math CSAP tests to take exams in that subject matter(s). Students would have taken an initial test in January of their junior year and then a second test in June of that same year. During those months, the student’s school would be required to provide remedial curriculum for the relevant subject matter and a student earning high marks on the exams would be eligible to receive one to two credit hours at Colorado institutions of higher education. There was no funding attached to SB 199, so school districts would have had to offer these new exams—and the remedial curriculum—at their own expense.

There was great concern about the addition of new tests on top of the current state assessment system; an eleventh-grader earning less than a partially proficient score on his or her tenth grade CSAPs could be facing as many as six new assessments with no guarantee of improved academic achievement. CASE, CASB, and CEA were all opposed to SB 199 and expressed concern that the bill preempted the process established in CAP4K. Ultimately, the Senate Education Committee opted not to pass the bill and it was killed on a party-line vote.

Teacher Retention and Principal Leadership Legislation

Late in the session, two significant bills were introduced pertaining to teachers and principals. The first HB 1386 creates the School Leadership Academy Program within CDE to provide leadership training and professional development for individuals moving into administrative positions in public schools. The Program is voluntary and is based on the fact that school leaders are under increasing pressure to improve student and school performance and that Colorado lacks a comprehensive system that provides this support and training. The new Program will include a Principal Academy to train both current principals and new/prospective principals. HB 1386 additionally creates the thirteen-member School Leadership Academy Board to adopt rules, standards, and monitor the program; members of the new Board will be appointed by the Commissioner but must include principals at elementary, junior, and high school levels, representatives from CASE, CASB, and CEA, a BOCES representative, a dean from a teacher preparation program, and several other at-large members.

CASE worked closely with bill sponsor Representative Merrifield to craft the provisions of HB 1386, and it enjoyed strong bipartisan support. The new School Leadership Academy Program will be funded with some state funding, but primarily through gifts, grants, and donations. A provision of the bill stipulates that the Program cannot start until at least \$50,000 in grant moneys has been received. HB 1386 easily sailed through both the House and Senate as was signed by the Governor on May 27.

The second bill HB 1384 directs CDE to administer a biennial survey to all Colorado public school teachers to gather data around teaching and learning conditions. Specifically, the survey must assess any relationship between teacher retention and teaching and learning conditions, as well as any correlation between school administration and teaching and learning conditions. The survey results will be used to help inform and shape professional development, school improvement plans, and education reform at both the state and local levels.

In addition to the survey component, HB 1384 also requires CDE to award on a pilot basis a stipend for any public education teacher who is certified by the National Board for Professional Teaching Standards. Beginning in the 2008-09 school year and ending in 2010-11, a teacher will be awarded a \$1,600 stipend, and if that teacher also teaches in a school that received a low or unsatisfactory SAR rating, they will receive an additional \$3,200. CDE provides the stipends to school districts, who in turn must issue them to the teacher. At the end of the three-year pilot program, CDE must contract with a third party to conduct a study to assess the effectiveness of National Board certification on student achievement. A second study must also be conducted evaluating the effectiveness of the stipends in encouraging more teachers to get National Board

certified; the study must identify whether higher levels of certification have a positive impact on teacher retention.

The final provision of HB 1384 grants CDE the ability to issue interim licenses to teachers who are licensed in another country and participating in a nationally-recognized exchange program. The bill passed both the House and Senate and was signed by the Governor on May 27.

Schools of Innovation

Garnering quite a bit of press coverage this session was SB 130, which creates a new process for schools and school districts to seek waivers from state statute and regulation. The stated intent of the bill is to provide greater flexibility to school districts and school principals, and to give them more control over budgeting issues, curriculum, hiring/personnel issues, length of the school day, and teacher compensation.

Under the provisions of SB 130, an individual school or group of schools can apply to their local board for waiver of specific state laws and rules; the school board can choose to approve or reject the application and the school(s) can reapply at any time. Similarly, a school district can apply to the State Board of Education for waivers, and the State Board must approve the application unless the proposals are financially unfeasible or would likely compromise student achievement. Applications for waivers must be part of a larger Innovation Plan in which the school(s) or district detail how being granted innovation status (i.e. receiving waivers) would enhance their ability to serve students, what new innovations would be implemented, the proposed budget, staffing, and educational plans, the estimated cost savings or impacts, expected student academic improvements, and the level of community, personnel, and student support for the plan.

The issue of waivers for collective bargaining agreements was particularly contentious at the time the bill was introduced, and language was added clarifying that these agreements can only be waived provided at least 60% of the affected bargaining unit at each school affected gives their approval. Additional amendments to the bill specify that no school or district would ever be exempt from PERA, CSAP testing, SAR, or NCLB requirements; nor would they be subject to any changes in state funding. Finally, SB 130 states that a majority of parents, teachers, and other staff must approve before a school or district can apply for innovation status, and that an innovation program must be reviewed every three years to determine whether it is effective and should continue.

During debate about the bill, there was some discussion about whether SB 130 is really necessary given the process that already exists for districts to apply to the State Board of Education for waivers. Bill sponsors pointed out that the current process can be time-consuming and onerous for districts; SB 130 creates a more streamlined and clear process for both schools and school districts to use in pursuing new ways to meet the needs of their students. The bill was signed by the Governor on May 28.

Health and Wellness Legislation

Several key bills pertaining to student health and wellness were introduced this session; all but one of them passed. HB 1224 expands the Colorado Comprehensive Health Education Act so that funds can be offered to school districts that expand their wellness offerings to include elements like mental health counseling, licensed or endorsed P.E. teachers, and nutrition services. The bill encourages districts to expand their wellness policies by October 2008 to incorporate these offerings, and it requires CDE and the Department of Higher Education to collaborate in developing course work and/or endorsements for P.E. HB 1224 was signed by Governor Ritter on April 24.

SB 129 pertains to school beverage policies, and requires the State Board of Education to set standards no later than November 2008 regarding the minimum nutritional standards for beverages sold in school. The standards must be based on national science-based guidelines, and once they are set by the State Board, school districts must adopt their own policy that is aligned with the State Board standards, on or before July 2009. The standards set by the State Board will follow the beverage guidelines that any school district with a current Coke or Pepsi contract currently conforms with. SB 129 was signed by the Governor on April 25.

The last of the health and wellness bills is SB 173, which was killed by the Senate Appropriations Committee. It would have created a new grant program funded with \$1 million from the State Education Fund; the program would have awarded monies to school districts meeting minimum nutritional standards in the foods it served, as well as to districts offering certain amounts of P.E. and health education. In addition to the high fiscal note, there was also concern about how specific and prescriptive SB 173 was. For a district to be eligible for funding, it would need to meet requirements around the type of milk served to students, servings per week of non-fried fish, and allowable milligrams of sodium in lunch entrees. The general view among legislators was that the bill was far too directive and detailed in its provisions.

Tax Exempt Status for PTCO and Foundations

Through careful work of Rep. Joe Rice (D) and Jerry Sonnenberg (R), both PTCOs and other non-profit sales from school groups are now exempt from state sales tax. Both of these bills were introduced independently of each other but had the same goal in mind—eliminate the paperwork and headache that fundraising brought to school groups. As introduced HB 1358 only applied to parent-teacher organizations and HB 1013 only applied to foundations and booster clubs. The bills were taken to conference committee so that they could have identical definitions and provisions to apply to all non-profit entities engaging in sales and fundraising. Although the bills limit the exemption to state sales tax, there is a strong directive in the bill to have the local and county entities do the same. The bills were sent to the governor for his consideration and both were signed on May 21.