

AUGUST

POLICY STRATEGIES

State Board of Education & Colorado Department of Education

2022 End of Session Report

It has been a pleasure to represent the State Board and the Department of Education at the legislature this year. Please do not hesitate to contact me if you have a specific question or need.

Sincerely,

Jennifer Mello

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Major Bills - Positions

State Board of Education & Colorado Dept. of Education

HB22-1215 Study Of Expanding Extended High School Programs – SUPPORT 6-1

PASSED. *By Reps. McCluskie (D) and Bacon (D) & Sen. Bridges (D).* Creates a Secondary, Postsecondary, and Work-Based Learning Integration Program Development Task Force to develop and recommend ways to support the sustainable expansion and alignment of programs that integrate secondary, postsecondary, and work-based learning opportunities..

HB22-1220 Removing Barriers To Educator Preparation – AMEND/OPPOSE 4-3

PASSED. *By Reps. McLachlan (D) and Kipp (D) & Sens. Coram (R) and Zenzinger (D).* Creates two grant programs to support student teachers and candidates for teacher licensure. Requires CDE to adopt an alternative licensure path that does not require the use of tests to demonstrate content knowledge. We engaged extensively on this legislation, negotiating multiple amendments to ensure implementability. We also communicated the State Board's position adopted on April 28 that the Board would oppose unless the section creating an alternative licensure path was removed.

HB22-1248 Extend School Leadership Pilot Program – SUPPORT 6-1

PASSED. *By Reps. McLachlan (D) and Ortiz (D) & Sen. Simpson (R).* Continues and makes permanent the school leadership pilot program.

HB22-1376 Supportive Learning Environments For K-12 Students AMEND/OPPOSE 7-0

PASSED. *By Reps. Herod (D) and Young (D) & Sens. Priola (R) and Winter (D).* Requires CDE to compile data and create reports related to chronic absenteeism, suspensions, expulsions, frequency of restraints, referrals to law enforcement, and school-related arrests. In partnership with other stakeholders, we helped to secure a number of changes to the bill including: ensuring confidentiality of student-level data and compliance with state and federal data privacy laws; clarification that CDE's enforcement authority regarding restraint investigation is the same as the procedures outlined for state complaints under IDEA; clarification that school personnel are not prohibited from taking any lawful actions necessary including seclusion or restraint when necessary to keep students and staff safe from harm during an emergency, as defined by State Board rule; and instead of a predetermined rule-making process for reporting restraints from one to five minutes, there is now flexibility to determine if rules are needed.

SB22-004 Evidence-based Training In Science Of Reading – SUPPORT 6-1

PASSED. *By Sens. Rankin (R) and Bridges (D) & Rep. McCluskie (D).* Requires elementary school administrators and reading specialists be trained in scientifically and evidence-based reading instruction. Encourages directors of public libraries to work with CDE to offer evidence-based training to librarians working with early grade readers.

SB22-137 Transition Back To Standard K-12 Accountability – SUPPORT 7-0

PASSED. *By Sens. Coram (R) and Zenzinger (D) & Reps. McLachlan (D) and Young (D).* The bill, which was crafted based on resolutions adopted by the Board in December 2021, provides a transition back to the accountability system for schools and districts. No school or district can come onto the accountability clock or advance on the accountability clock. Directs state resources to schools and districts based on their current academic needs. Allows a way for schools and districts to show academic progress, in addition to the state accountability measures.

SB22-192 Opportunities For Credential Attainment – SUPPORT 7-0

PASSED. *By Sens. Zenzinger (D) and Simpson (R) & Reps. Esgar (D) and Catlin (R).* The bill requires the development of stackable credential pathways and provides funding for the adult education and literacy grant program within CDE and non degree credential programs at community colleges, technical colleges, and local district colleges.

Major Bills

State Board of Education & Colorado Dept. of Education

Capital Development & Budget Actions

Item	Status
Funding of State Board Room Remodel	Fully funded at \$1.8 million
R-04 Departmental Infrastructure	Funded with slight modifications at \$648,145 and 6.2 FTE
R-06 Expanding Resources for School Improvement	Fully funded at \$2 million

Major Bills

Bill #	Short Title	Sponsors	Status
HB22-1002	Fifth Year High School Concurrent Enrollment	House: M. Weissman (D), J. Bacon (D) Senate: J. Buckner (D)	FAILED - However, bill was added to school finance (HB22-1390) in its entirety. Expands access to enrollment in postsecondary courses.
HB22-1260	Access To Medically Necessary Services For Students	House: M. Froelich (D); Senate: R. Fields (D), C. Simpson (R)	PASSED - Requires an administrative unit to allow reasonable accommodations for medically necessary services in a school setting to a student who has a medical diagnosis and presents an accompanying prescription
HB22-1294	Special Education Services In Charter Schools	House: D. Michaelson Jenet (D), M. Young (D) Senate: R. Zenzinger (D), R. Gardner (R)	PASSED - Allows charter schools to form alternative administrative units to provide special education services.
HB22-1349	Postsecondary Student Success Data System	House: M. Duran (D), P. Will (R) Senate: K. Priola (R), J. Bridges (D)	PASSED - Requires the Department of Higher Education to develop measures of student success and a postsecondary student success data system. CDE is required to provide information that DHE deems necessary to implement and operate the data system.
HB22-1350	Regional Talent Development Initiative Grant Program	House: J. McCluskie (D), J. Rich (R) Senate: P. Lundeen (R), J. Bridges (D)	PASSED - Creates the Regional Talent Development Initiative Grant Program within the Office of Economic Development to develop or expand talent development initiatives in identified regions of the state.

Major Bills

State Board of Education & Colorado Dept. of Education

Major Bills

Bill #	Short Title	Sponsors	Status
HB22-1358	Clean Water In Schools And Child Care Centers	House: E. Sirota (D) Senate: R. Fields (D), F. Winter (D)	PASSED - Requires eligible schools, childcare centers, and family childcare homes to test and remediate for the presence of lead in drinking water sources. CDPHE will provide training, technical assistance, and funds for compliance.
HB22-1366	Improving Students' Postsecondary Options	House: C. Kipp (D); Senate: J. Bridges (D)	PASSED - Creates grant and stipend programs including the Postsecondary, Workforce, Career, and Education Grant Program within CDE to increase the number of students completing federal and state financial aid applications. Requires CDE to update information in the financial literacy resource bank to include resources about financial aid.
HB22-1374	Foster Care Success Act	House: D. Michaelson Jenet (D) Senate: D. Moreno (D)	PASSED - Requires CDE to identify goals for improving foster youth educational attainment and expands annual education reporting requirements related to foster youth. Creates Fostering Educational Opportunities for Youth in Foster Care program at DHS.
HB22-1390	Public School Finance	House: B. McLachlan (D), J. McCluskie (D) Senate: R. Zenzinger (D), P. Lundeen (R)	PASSED - In addition to providing funding via the school finance formula, included several small technical statutory fixes and the provisions of HB22-1002.
HB22-1414	Healthy Meals For All Public School Students	House: D. Michaelson Jenet (D), S. Gonzales- Gutierrez (D) Senate: R. Fields (D), B. Pettersen (D)	PASSED - Conditional upon approval at the Nov 2022 election, creates the Healthy School Meals for All program to provide free meals to all students. Requires the state apply to participate in a federal direct certification demonstration project.
SB22-044	Use Of Student Growth In Educator Evaluations	Senate: T. Story (D) House: M. Froelich (D), C. Kipp (D)	FAILED - The bill would have changed the purpose of licensed educator performance evaluations by eliminating requirements that a specific percentage of the evaluation be based on student academic growth. It also would have limited the use of collective growth measures.
SB22-069	Learning Disruption Effect On Teacher Evaluation	Senate: T. Story (D) House: M. Froelich (D), B. McLachlan (D)	PASSED - Restricts the use of the Colorado growth model for student academic measures, as a component of licensed educator performance evaluation for the 21/22 and 22/23 school years.
SB22-070	Kindergarten Through Twelfth Grade Licensed Personnel Performance Evaluations	Senate: J. Bridges (D) House: B. McLachlan (D), J. McCluskie (D)	PASSED - Makes changes to performance evaluations for K12 personnel including requiring that student academic performance make up 30 percent of a teacher's or principal's evaluation.

Major Bills

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Bill #	Short Title	Sponsors	Status
SB22-127	Special Education Funding	Senate: R. Zenzinger (D), B. Kirkmeyer (R) House: C. Larson (R), J. McCluskie (D)	PASSED - Increases special education funding and requires the Special Education Fiscal Advisory Committee to complete a report on special education funding.
SB22-144	Public And Nonprofit Entities Rideshare Contracts	Senate: R. Zenzinger (D) House: J. Rich (R), C. Kipp (D)	PASSED - The bill clarifies that the Public Utilities Commission has authority to regulate Transportation Network Companies. The bill was heavily amended throughout the process. TNCs providing services to students under a contract with a school or district must adhere to several safety related requirements. In addition, the amendments require the PUC to coordinate with CDE to promulgate rules implementing minimum enhanced safety standards for TNCs, personal vehicles, and TNC drivers when providing services under contract with school or district.
SB22-197	Innovation School Zones With Alternative Governance	Senate: C. Hansen (D), J. Coleman (D) House: J. Bacon (D)	PASSED - The bill allows a local school board to delegate management activities to another organization for an innovation school zone. It creates a dispute resolution process for innovation schools/zones and local school boards utilizing a neutral third party. If a local board votes to revoke innovation status based on insufficient academic progress, the zone may submit a written request to the State Board and the Commissioner of Education to review and comment on the local school board's determination. The State Board is required to hold a public hearing and issue comments and recommendations for the consideration of the local school board. The local school board must include a discussion of the State Board's comments but are not bound by them.
SB22-202	State Match For Mill Levy Override Revenue	Senate: B. Rankin (R), R. Zenzinger (D) House: J. McCluskie (D)	PASSED - The bill distributes state funds to eligible school districts to match local money raised through mill levy overrides according to a statutory formula.

Your bill chart remains active and contains a list of all K-12 related legislation. [Click here.](#)

Session Overview

Big Bills

In many ways, the most hotly contested bills in Colorado's 2022 Legislative Session demonstrate that Colorado continues to reflect and initiate progressive trends seen across the country.

[HB22-1279 Reproductive Health Equity Act](#) yielded the longest floor debate in recent history (almost 24 hours) over the codification of the right to have an abortion or to continue a pregnancy, as well as the right to use or refuse contraceptive care.

[HB22-1326 Fentanyl Accountability And Prevention](#) attempts to address fentanyl-related deaths. It provoked extensive debate about law enforcement vs. treatment.

[HB22-1244 Public Protections From Toxic Air Contaminants](#) was, in part, a reaction to the Environmental Protection Agency's downgrade in air quality designation for the Denver region. The bill will create a study at CDPHE, while maintaining health standards for a set of pollutants.

[HB22-1295 Department Early Childhood And Universal Preschool Program](#) created the new Department to deliver on the promise of free preschool for four-year-olds.

[HB22-1355 Producer Responsibility Program For Recycling](#) charges manufacturers of packaged goods a fee that will go toward creating a statewide recycling program.

[SB22-230 Collective Bargaining For Counties](#) will require bargaining rights only for some county employees. It sets a precedent for future efforts to require collective bargaining for municipalities, colleges, and K-12 school districts.

[SB22-238 2023 And 2024 Property Tax](#) sets a \$700 million reduction in property tax over the next two years to help people contend with an increasing tax burden due to soaring property values in Colorado.

This Word Cloud represents the frequency of bill subjects across the 657 bills introduced during the 2022 Session





Federal ARPA Money

The federal government has disbursed \$4 trillion for loans and other programs related to COVID-19 Pandemic Relief. As of January 2022, Colorado had received \$63.17 billion in direct assistance from 22 federal programs, divided into five big buckets - personal assistance \$23.3 billion (37%); business assistance \$21.1 billion (33%); state and local government assistance \$10.8 billion (17%); health care programs \$5.1 billion (8.1%); and education \$2.9 billion (4.6%).

The legislature received \$2.6 billion in federal pandemic relief funds. Close to \$1 billion went to the Revenue Loss Restoration Fund. The remaining \$1.6 billion was spent on Behavioral Health, Housing, Economic Recovery, and Workforce projects. The following is a sampling of the most significant decisions to allocate federal money.



FY22-23 Budget Update

This year, the vast amount of COVID-relief federal funding available certainly eased the budget process. However, budget writers remain very concerned about what they describe as a long-term structural deficit. They are worried that there will not be sufficient General Fund revenue to cover expenses in the next few budget cycles.

The total FY22-23 budget is \$37.73 billion, encapsulating all funds for state operations. It includes \$13.72 billion in proposed General Fund spending, increasing \$1.48 billion (12%) from 2021-22. The budget proposes \$637.5 million for capital construction and IT projects, considerably higher than the 2021-22 total of \$367.7 million. The 15% General Fund reserve will total \$2.03 billion. Other key elements of this year's budget include a 3% raise for State Employees amounting to \$75.3 million and a 2% overall increase in community provider rates.

The six departments with the largest budgets for FY22-23 are:

- Health Care Policy & Financing (Medicaid) (\$14.19 billion),
- Education (\$7.18 billion)
- Higher Education (\$5.4 billion)
- Human Services (\$2.64 billion)
- Transportation (\$1.78 billion)
- Corrections (\$993.3 million)

Looking Ahead



Interim Committees

There are several ongoing interim committees, as well as a few new ones created this year. These committees are authorized to meet during the 2022 interim and, this year, most of them must conclude their work by October 15. Note, these committees are separate from the Year-Round Committees, all of which are also authorized to meet during the 2022 interim.

Committees Authorized During the 2022 Session

- The Jail Standards Oversight Committee & the Jail Standards Commission (HB22-1063)
- Interim Committee on Judicial Discipline (SB22-201)
- Facial Recognition Task Force (SB22-113)

Ongoing Interim Committees

- Colorado Youth Advisory Council Review Committee
- Early Childhood and School Readiness
- School Finance Committee
- Tax Policy Oversight Committee
- Pension Review Commission & Subcommittee
- Sales and Use Tax Simplification Task Force
- Statewide Health Care Review Committee
- Transportation Legislation Review Subcommittee
- Water Resources Review Committee
- Wildfire Matters Review Committee



November 2022 Ballot Initiatives

As of early May, only one initiative has been confirmed for the November 2022 ballot; #31 [State Income Tax Rate Reduction](#). Additionally, HB22-1414 links with the [Healthy School Meals for All Program](#) ballot initiative which is expected to be approved for signature circulation soon.

Seven initiatives have their titles set and approved for signature circulation. Each initiative requires 124,632 valid signatures to be approved for the November 2022 ballot:

- #54 [Petitions](#)
- #56 [Unlawful Murder of a Child](#)
- #58 [Access to Natural Medicine](#)
- #61 [Legal Possession and Use of Entheogenic Plants and Fungi](#)
- #63 [Additional Dedicated Revenue to the State Education Fund](#)
- #80 [Campaign Expenditure Limits](#)
- #82 [Minimum Reimbursement Fee for Covered Dental Procedures Performed by Medicaid Providers](#)

There are over 45 additional initiatives that have been title-set but not yet approved for signature circulation. The majority are related to the liquor code and sales/property tax. More details can be found on the [Colorado Secretary of State](#) website. Legislative Council Staff has compiled a great [resource](#) for the initiative filing process.



Election Preview – Races to Watch

General Election

Most eyes are on the Senate where Republicans are mounting a credible effort to flip control of the Chamber. Democrats currently control the Senate 20-15, which means Republicans have to hold all their existing seats and pick up three additional seats to take over. These races will determine control of the Senate.

- **Senate District 3.** Pueblo. Incumbent Nick Hinrichsen (D) vs. Stephen Varela (R)
- **Senate District 8.** Central Mountains. Open Seat. Dylan Roberts (D) vs. Matt Soloman (R)
- **Senate District 11.** El Paso County. Open Seat. Winner of Democratic primary Tony Exum or Yolanda Avila vs. Dennis Hisey (R)
- **Senate District 15.** Northern Colorado. Janice Marchman (D) vs. Incumbent Rob Woodward (R)
- **Senate District 20.** Jefferson County. Open Seat. Lisa Cutter (D) vs. Tim Walsh (R)
- **Senate District 24.** Adams County. Open Seat. Kyle Mullica (D) vs. Courtney Potter (R)
- **Senate District 27.** Arapahoe County. Open Seat. Tom Sullivan (D) vs. winner of Republican primary Julie Marie Shephard or Tom Kim

It is far less likely that the control of the House will change as a result of the 2022 election. However, there are several interesting races resulting from changing district boundaries produced by redistricting. Several incumbent Democrats who used to have relatively safe seats, will now face a more competitive landscape.

- **House District 13.** Summit County. Incumbent (and Chair of the Joint Budget Committee) Julie McCluskie (D) vs. David Buckley (R)
- **House District 18.** Manitou Springs. Incumbent Marc Snyder (D) vs. the winner of Republican primary Shana Black or Summer Groubert
- **House District 26.** Routt County. Open Seat. Meghan Lukens (D) vs. winner of Republican primary Savannah Wolfson or Glenn Lowe
- **House District 28.** Jefferson County. Open Seat. Leanne Emm (D) vs. winner of Republican primary Dan Montoya or Amara Hildebrand
- **House District 38.** Littleton. Incumbent David Ortiz (D) vs. Jaylen Mosqueira (R)
- **House District 50.** Greeley. Incumbent Mary Young (D) vs. Ryan Gonzalez (R)
- **House District 59.** Durango. Incumbent Barbara McLachlan (D) vs. winner of Republican primary Shelli Shaw or Alexander Winkler
- **House District 61.** Arapahoe County. Open Seat. Eliza Hamrick (D) vs. Caroline Cornell (R)

Primaries

Colorado's primary is June 28th. Most competitive primaries take place in safe seats, where the candidate who wins the primary wins the general election. Several incumbent legislators are facing intra-party battles. Most notably, Republican House Minority Leader Hugh McKean and Senate Minority Whip Paul Lundeen.

Key Democratic Primaries

- **House District 6.** Central/West Denver. Elisabeth Epps vs. Katie March
- **House District 34.** Adams County. Sam Nazim vs. Jenny Wilford
- **House District 42.** Arapahoe County. Mandy Lindsay (incumbent) vs. Gail Pough
- **House District 57.** Pitkin/Garfield/Eagle. Cole Buerger vs. Elizabeth Velasco
- **House District 62.** Southern Colorado. Donald Valdez (incumbent) vs. Robert Dimick

Key Republican Primaries

- **Senate District 9.** Northern El Paso County. Paul Lundeen (incumbent) vs. Lynda Zamora Wilson
- **Senate District 27.** Arapahoe County. Tom Kim vs. JulieMarie Shepherd Macklin
- **House District 21.** El Paso County. Mary Bradfield (incumbent) vs. Ken Dent
- **House District 25.** Jefferson County. Colin Larson (incumbent) vs. Dede Wagner
- **House District 51.** Larimer County. Hugh McKean (incumbent) vs. Austin Hein
- **House District 55.** Mesa County. Rick Taggart vs. Trish Weber
- **House District 63.** Eastern Plains. Richard Holtorf (incumbent) vs. Jesse Vance