

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0306.01 Christy Chase

HOUSE BILL 09-1057

HOUSE SPONSORSHIP

Kerr A., Carroll T., Apuan

SENATE SPONSORSHIP

Bacon, Groff

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PARENTAL INVOLVEMENT IN KINDERGARTEN THROUGH**
102 **TWELFTH GRADE EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows an employee of an employer who employs at least 10 employees in this state to take unpaid leave for the purpose of attending parent-teacher conferences or other academic activities related to the educational advancement of the employee's child. Limits the unpaid leave to 6 hours per month and 40 hours in any academic year.

Permits the employer to require the employee to take leave in no greater than 3-hour increments and to provide written verification from

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the school or school district of the academic activity necessitating the leave. Requires the employee to provide the employer with at least 3 days' notice of the leave except in emergency situations where the employee is not aware of the need for leave 3 days in advance. Directs employees to make reasonable attempts to schedule conferences or other activities outside of regular work hours.

Allows an employee to elect to substitute accrued paid vacation leave, personal leave, or other types of paid leave for unpaid leave. Specifies that an employer that provides comparable leave to its employees is in compliance with the act and is not required to provide its employees any additional leave.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that the involvement of parents and
4 legal guardians in school-sponsored academic activities is critical to the
5 successful education of Colorado's children. The general assembly
6 acknowledges and commends those employers that have policies and
7 procedures in place to allow their employees time off from work to attend
8 a child's academic activities, thereby fostering parental involvement in
9 their child's education. However, in some cases, parents and legal
10 guardians who have children enrolled in public or private school may be
11 unaware of the total education their children are receiving because the
12 parents or guardians are unable to take time off from work to attend a
13 child's academic activities. Therefore, the general assembly finds,
14 determines, and declares that the enactment of provisions to allow a
15 parent or guardian to attend a child's academic activities without fear of
16 jeopardizing the parent's or guardian's employment will enhance the
17 success of the child in school and ultimately as a citizen of this state.

18 (2) The general assembly also finds, determines, and declares that
19 the participation of parents and legal guardians in their children's school

1 activities is an important element in fostering a productive and positive
2 relationship between family and school. Such participation creates a
3 supportive academic environment for children as well as for educators.
4 In such an environment, the educators can communicate more frequently
5 with parents and guardians about issues that affect their children, which
6 strengthens the bonds between the school and the parents or legal
7 guardians and enhances the quality of education obtained by each student.

8 **SECTION 2.** Title 8, Colorado Revised Statutes, is amended BY
9 THE ADDITION OF A NEW ARTICLE to read:

10 **ARTICLE 13.3**

11 **Parental Involvement in K-12 Education Act**

12 **8-13.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
13 BE CITED AS THE "PARENTAL INVOLVEMENT IN K-12 EDUCATION ACT".

14 **8-13.3-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "ACADEMIC ACTIVITY" MEANS, BUT IS NOT LIMITED TO, A
17 PARENT-TEACHER CONFERENCE, TUTORING, OR OTHER ACTIVITY OR EVENT
18 RELATED TO THE EDUCATIONAL ADVANCEMENT OF AN EMPLOYEE'S CHILD
19 OR ANY CHILD FOR WHOM THE EMPLOYEE HAS PRIMARY LEGAL
20 RESPONSIBILITY.

21 (2) "ACADEMIC YEAR" MEANS THE PERIOD, NOT TO EXCEED
22 TWELVE CONSECUTIVE MONTHS, ALLOTTED BY A SCHOOL FOR THE
23 COMPLETION OF ONE GRADE LEVEL OF STUDY.

24 (3) (a) "EMPLOYEE" MEANS ANY PERSON WORKING FOR ANOTHER
25 FOR HIRE IN THE STATE OF COLORADO IN A NONEXECUTIVE OR
26 NONSUPERVISORY CAPACITY WHO IS THE PARENT OR LEGAL GUARDIAN OF
27 A CHILD ENROLLED IN A PUBLIC OR PRIVATE SCHOOL IN COLORADO IN ANY

1 GRADE FROM KINDERGARTEN THROUGH TWELFTH GRADE.

2 (b) "EMPLOYEE" DOES NOT INCLUDE INDEPENDENT CONTRACTORS,
3 DOMESTIC SERVANTS EMPLOYED IN AND ABOUT PRIVATE HOMES, OR FARM
4 AND RANCH LABOR.

5 (4) "EMPLOYER" MEANS A PERSON WHO REGULARLY ENGAGES THE
6 SERVICES OF AT LEAST TEN EMPLOYEES AT THE SAME TIME IN THIS STATE.
7 "EMPLOYER" INCLUDES THE STATE AND ALL POLITICAL SUBDIVISIONS OF
8 THE STATE.

9 **8-13.3-103. Unpaid leave for involvement in academic**
10 **activities.** (1) AN EMPLOYEE EMPLOYED BY AN EMPLOYER IS ENTITLED
11 TO TAKE UNPAID LEAVE, NOT TO EXCEED SIX HOURS IN ANY ONE-MONTH
12 PERIOD AND NOT TO EXCEED FORTY HOURS IN ANY ACADEMIC YEAR, FOR
13 THE PURPOSE OF ATTENDING AN ACADEMIC ACTIVITY FOR OR WITH THE
14 EMPLOYEE'S CHILD. IN THE ALTERNATIVE, AN EMPLOYER AND EMPLOYEE
15 MAY AGREE TO AN ARRANGEMENT ALLOWING THE EMPLOYEE TO TAKE
16 PAID LEAVE TO ATTEND AN ACADEMIC ACTIVITY AND TO WORK THE
17 AMOUNT OF HOURS OF PAID LEAVE TAKEN AT ANOTHER TIME.

18 (2) AN EMPLOYER MAY REQUIRE THAT THE LEAVE BE TAKEN IN NO
19 LONGER THAN THREE-HOUR INCREMENTS AND THAT THE EMPLOYEE
20 PROVIDE WRITTEN VERIFICATION FROM THE SCHOOL OR SCHOOL DISTRICT
21 OF THE ACADEMIC ACTIVITY.

22 (3) AN EMPLOYEE SHALL MAKE A REASONABLE ATTEMPT TO
23 SCHEDULE ACADEMIC ACTIVITIES FOR WHICH LEAVE MAY BE TAKEN UNDER
24 THIS SECTION OUTSIDE OF REGULAR WORK HOURS. IN SCHEDULING
25 ACADEMIC ACTIVITIES FOR WHICH LEAVE MAY BE TAKEN, SCHOOLS AND
26 SCHOOL DISTRICTS SHALL MAKE THEIR BEST EFFORTS TO ACCOMMODATE
27 THE SCHEDULES OF EMPLOYEES WITH CHILDREN IN THE SCHOOL OR

1 SCHOOL DISTRICT.

2 (4) IN ORDER TO TAKE LEAVE UNDER THIS SECTION, AN EMPLOYEE
3 SHALL PROVIDE THE EMPLOYER WITH NOTICE OF THE NEED FOR LEAVE AT
4 LEAST THREE DAYS IN ADVANCE OF THE ACADEMIC ACTIVITY. IN THE CASE
5 OF AN EMERGENCY WHERE THE EMPLOYEE IS NOT AWARE OF THE NEED FOR
6 THE LEAVE THREE DAYS IN ADVANCE, THE EMPLOYEE SHALL PROVIDE THE
7 EMPLOYER WITH NOTICE OF THE LEAVE AS SOON AS POSSIBLE ONCE HE OR
8 SHE BECOMES AWARE OF THE NEED FOR THE LEAVE. THE NOTICE TO THE
9 EMPLOYER SHALL INCLUDE THE WRITTEN VERIFICATION SPECIFIED IN
10 SUBSECTION (2) OF THIS SECTION, IF REQUIRED BY THE EMPLOYER.

11 (5) NOTHING IN THIS SECTION REQUIRES THAT PARENTAL LEAVE BE
12 PAID LEAVE, NOR SHALL THIS SECTION BE CONSTRUED TO PROHIBIT AN
13 EMPLOYER FROM PROVIDING ITS EMPLOYEES WITH LEAVE PROVISIONS OR
14 LEAVE BENEFITS THAT ARE GREATER THAN THE REQUIREMENTS FOR LEAVE
15 AS DESCRIBED IN THIS SECTION.

16 (6) AN EMPLOYEE MAY ELECT TO SUBSTITUTE ACCRUED PAID
17 VACATION LEAVE, PERSONAL LEAVE, OR OTHER PAID LEAVE FOR UNPAID
18 LEAVE PROVIDED PURSUANT TO THIS SECTION.

19 (7) AN EMPLOYER MAY SATISFY THE REQUIREMENTS OF THIS
20 SECTION, AND SHALL NOT BE REQUIRED TO PROVIDE ADDITIONAL LEAVE
21 TO ITS EMPLOYEES, IF THE EMPLOYER:

22 (a) MAKES AVAILABLE TO ITS EMPLOYEES AN AMOUNT OF LEAVE
23 SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS
24 SECTION; AND

25 (b) ALLOWS ITS EMPLOYEES TO USE THE LEAVE FOR THE SAME
26 PURPOSES AND UNDER THE SAME CONDITIONS AS THOSE APPLICABLE TO
27 LEAVE UNDER THIS ARTICLE.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 shall take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly that is
4 allowed for submitting a referendum petition pursuant to article V,
5 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
6 sine die is on May 6, 2009); except that, if a referendum petition is filed
7 against this act or an item, section, or part of this act within such period,
8 then the act, item, section, or part, if approved by the people, shall take
9 effect on the date of the official declaration of the vote thereon by
10 proclamation of the governor.