

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0787.01 Christy Chase x2008

HOUSE BILL 16-1002

HOUSE SPONSORSHIP

Buckner, Fields

SENATE SPONSORSHIP

Kerr,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF AN EMPLOYEE OF AN EMPLOYER WHO**
102 **EMPLOYS AT LEAST FIFTY EMPLOYEES TO TAKE UP TO EIGHTEEN**
103 **HOURS OF LEAVE FROM WORK FOR PURPOSES OF ATTENDING HIS**
104 **OR HER CHILD'S ACADEMIC ACTIVITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

In 2009, the general assembly enacted the "Parental Involvement in K-12 Education Act" (2009 act), which allowed an employee of an employer who is subject to the federal "Family and Medical Leave Act"

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.

HOUSE
Amended 2nd Reading
February 3, 2016

to take leave from work for the purpose of attending academic activities for or with the employee's child. Under the 2009 act, academic activities included parent-teacher conferences or meetings related to special education services, interventions, dropout prevention, attendance, truancy, or discipline issues. The leave was allowed for an employee who is the parent or legal guardian of a child enrolled in a public or private school or in a nonpublic home-based educational program in this state in kindergarten through twelfth grade.

Leave under the 2009 act was limited to 6 hours per month and 18 hours in any academic year. The 2009 act permitted employers to:

- ! Restrict the use of leave in cases of emergency or other situations that may endanger a person's health or safety or if the employee's absence would halt the employer's service or production; and
- ! Limit the leave to 3-hour increments at a time and require the employee to submit written verification from the school or school district of the activity necessitating the leave.

An employee was required to provide the employer with at least one week's notice of the leave except in emergency situations.

The 2009 act specified that the 2009 act would repeal on September 1, 2015. The repeal provision was never amended, so the 2009 act repealed on September 1, 2015.

The bill recreates and reenacts the 2009 act with some modifications as follows:

- ! Renames the act the "Parental Involvement in Preschool Through Twelfth Grade Education Act" and expands the scope to allow leave to attend academic activities for a child in preschool;
- ! Expands the types of academic activities for which a parent is entitled to leave from work to allow parents to attend meetings with school counselors in which the employee's child is directly participating or to attend academic achievement ceremonies;
- ! Requires school districts and institute charter schools to post on their websites, and include in district-wide or school-wide communications sent to parents and the community at large, information about the act;
- ! Requires the Colorado state advisory council for parent involvement in education to also provide information about the act to the extent possible within existing resources; and
- ! Continues the act indefinitely and amends the original repeal date in the 2009 act to specify that the repeal was to apply only to the 2009 act.

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


2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments,** part 1 of article 13.3 of title 8 as follows:

4 **8-13.3-101. Short title.** THE SHORT TITLE OF THIS ARTICLE IS THE
5 "PARENTAL INVOLVEMENT IN KINDERGARTEN THROUGH TWELFTH GRADE
6 EDUCATION ACT".

7 **8-13.3-102. Definitions.** AS USED IN THIS PART 1, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "ACADEMIC ACTIVITY" MEANS THE FOLLOWING MEETINGS OR
10 CONFERENCES REGARDING THE EMPLOYEE'S CHILD OR ANY CHILD FOR
11 WHOM THE EMPLOYEE HAS PRIMARY LEGAL RESPONSIBILITY:

- 12 (a) A PARENT-TEACHER CONFERENCE; OR
- 13 (b) A MEETING RELATED TO: SPECIAL EDUCATION SERVICES, AS
14 DEFINED IN SECTION 22-20-103, C.R.S.; RESPONSE TO INTERVENTION, AS
15 DEFINED IN SECTION 22-2-133 (4) (b), C.R.S.; DROPOUT PREVENTION;
16 ATTENDANCE; TRUANCY; OR DISCIPLINARY ISSUES.

17 

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

21 (3) (a) "EMPLOYEE" MEANS ANY PERSON WORKING FOR ANOTHER
22 FOR HIRE IN THE STATE OF COLORADO IN A NONEXECUTIVE OR
23 NONSUPERVISORY CAPACITY WHO IS THE PARENT OR LEGAL GUARDIAN OF
24 A CHILD ENROLLED IN A PUBLIC OR PRIVATE SCHOOL OR IN A NONPUBLIC
25 HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION
26 22-33-104.5, C.R.S., IN COLORADO IN ANY GRADE FROM KINDERGARTEN
27 THROUGH TWELFTH GRADE.

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

4 (4) "EMPLOYER" MEANS AN EMPLOYER, AS DEFINED IN THE
5 FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993", PUB.L. 103-3, AS
6 AMENDED, 29 U.S.C. SEC. 2601, ET SEQ.

7 **8-13.3-103. Leave for involvement in academic activities.**

8 (1) (a) AN EMPLOYEE EMPLOYED BY AN EMPLOYER IS ENTITLED TO TAKE
9 LEAVE, NOT TO EXCEED SIX HOURS IN ANY ONE-MONTH PERIOD AND NOT
10 TO EXCEED EIGHTEEN HOURS IN ANY ACADEMIC YEAR, FOR THE PURPOSE
11 OF ATTENDING AN ACADEMIC ACTIVITY FOR OR WITH THE EMPLOYEE'S
12 CHILD. ALTERNATIVELY, AN EMPLOYER AND EMPLOYEE MAY AGREE TO AN
13 ARRANGEMENT ALLOWING THE EMPLOYEE TO TAKE PAID LEAVE TO
14 ATTEND AN ACADEMIC ACTIVITY AND TO WORK THE AMOUNT OF HOURS OF
15 PAID LEAVE TAKEN WITHIN THE SAME WORK WEEK.

16 (b) AN EMPLOYEE WHO WORKS LESS THAN A FULL-TIME SCHEDULE
17 IS ELIGIBLE FOR A PORTION OF THE LEAVE SPECIFIED IN PARAGRAPH (a) OF
18 THIS SUBSECTION (1) BASED ON THE PERCENT OF A FULL-TIME SCHEDULE
19 THE EMPLOYEE WORKS.

20 (c) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1),
21 AN EMPLOYER MAY LIMIT THE ABILITY OF AN EMPLOYEE TO TAKE LEAVE
22 PURSUANT TO THIS SECTION:

23 (I) IN CASES OF EMERGENCY OR OTHER SITUATIONS THAT MAY
24 ENDANGER A PERSON'S HEALTH OR SAFETY; OR

25 (II) IN A SITUATION WHERE THE ABSENCE OF THE EMPLOYEE
26 WOULD RESULT IN A HALT OF SERVICE OR PRODUCTION.

27 (2) AN EMPLOYER MAY REQUIRE THAT THE LEAVE BE TAKEN IN NO

1 LONGER THAN THREE-HOUR INCREMENTS AND THAT THE EMPLOYEE
2 PROVIDE WRITTEN VERIFICATION FROM THE SCHOOL OR SCHOOL DISTRICT
3 OF THE ACADEMIC ACTIVITY.

4 (3) AN EMPLOYEE SHALL MAKE A REASONABLE ATTEMPT TO
5 SCHEDULE ACADEMIC ACTIVITIES FOR WHICH LEAVE MAY BE TAKEN UNDER
6 THIS SECTION OUTSIDE OF REGULAR WORK HOURS. IN SCHEDULING
7 ACADEMIC ACTIVITIES FOR WHICH LEAVE MAY BE TAKEN, SCHOOLS AND
8 SCHOOL DISTRICTS SHALL MAKE THEIR BEST EFFORTS TO ACCOMMODATE
9 THE SCHEDULES OF EMPLOYEES WITH CHILDREN IN THE SCHOOL OR
10 SCHOOL DISTRICT.

11 (4) IN ORDER TO TAKE LEAVE UNDER THIS SECTION, AN EMPLOYEE
12 MUST PROVIDE THE EMPLOYER WITH NOTICE OF THE NEED FOR LEAVE AT
13 LEAST ONE CALENDAR WEEK IN ADVANCE OF THE ACADEMIC ACTIVITY,
14 AND THE NOTICE SHALL INCLUDE THE WRITTEN VERIFICATION SPECIFIED
15 IN SUBSECTION (2) OF THIS SECTION IF REQUIRED BY THE EMPLOYER. IN
16 THE CASE OF AN EMERGENCY WHERE THE EMPLOYEE IS NOT AWARE OF THE
17 NEED FOR THE LEAVE ONE CALENDAR WEEK IN ADVANCE, THE EMPLOYEE
18 SHALL PROVIDE THE EMPLOYER WITH NOTICE OF THE LEAVE AS SOON AS
19 POSSIBLE ONCE HE OR SHE BECOMES AWARE OF THE NEED FOR THE LEAVE
20 AND SHALL PROVIDE THE EMPLOYER WITH WRITTEN VERIFICATION, AS
21 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, UPON RETURN TO WORK.

22 (5) NOTHING IN THIS SECTION:

23 (a) REQUIRES THAT PARENTAL LEAVE BE PAID LEAVE; OR

24 (b) PROHIBITS AN EMPLOYER FROM PROVIDING ITS EMPLOYEES
25 WITH LEAVE PROVISIONS OR LEAVE BENEFITS THAT ARE GREATER THAN
26 THE REQUIREMENTS FOR LEAVE AS DESCRIBED IN THIS SECTION.

27 (6) AN EMPLOYEE OR EMPLOYER MAY ELECT TO SUBSTITUTE

1 ACCRUED PAID VACATION LEAVE, SICK LEAVE, PERSONAL LEAVE, OR
2 OTHER PAID LEAVE FOR UNPAID LEAVE PROVIDED UNDER THIS SECTION,
3 AND THE EMPLOYER SHALL ALLOW THE EMPLOYEE TO USE HIS OR HER
4 ACCRUED PAID LEAVE FOR THE SAME PURPOSES AS, AND WITH NOTICE
5 REQUIREMENTS NO MORE STRINGENT THAN, THOSE APPLICABLE TO LEAVE
6 UNDER THIS ARTICLE.

7 (7) AN EMPLOYER MAY SATISFY THE REQUIREMENTS OF THIS
8 SECTION AND IS NOT REQUIRED TO PROVIDE ADDITIONAL LEAVE TO ITS
9 EMPLOYEES IF THE EMPLOYER:

10 (a) MAKES AVAILABLE TO ITS EMPLOYEES AN AMOUNT OF PAID OR
11 UNPAID LEAVE, INCLUDING VACATION LEAVE, SICK LEAVE, OR PERSONAL
12 LEAVE, SUFFICIENT TO MEET THE REQUIREMENTS OF THIS SECTION; AND

13 (b) ALLOWS ITS EMPLOYEES TO USE THE LEAVE FOR THE SAME
14 PURPOSES AS, AND WITH NOTICE REQUIREMENTS NO MORE STRINGENT
15 THAN, THOSE APPLICABLE TO LEAVE UNDER THIS ARTICLE.

16 **8-13.3-104. Notice to parents.** EACH SCHOOL DISTRICT IN THE
17 STATE AND EACH INSTITUTE CHARTER SCHOOL AUTHORIZED UNDER PART
18 5 OF ARTICLE 30.5 OF TITLE 22, C.R.S., SHALL POST ON ITS WEBSITE AND
19 INCLUDE IN DISTRICT-WIDE OR SCHOOL-WIDE COMMUNICATIONS SENT TO
20 PARENTS AND THE COMMUNITY AT LARGE INFORMATION REGARDING THE
21 LEAVE GRANTED TO EMPLOYEES UNDER THIS PART 1 TO ATTEND A CHILD'S
22 ACADEMIC ACTIVITIES. TO THE EXTENT POSSIBLE WITHIN EXISTING
23 RESOURCES AND EFFORTS, THE COLORADO STATE ADVISORY COUNCIL FOR
24 PARENT INVOLVEMENT IN EDUCATION, CREATED IN SECTION 22-7-303,
25 C.R.S., SHALL ALSO PROVIDE INFORMATION ABOUT LEAVE THAT MAY BE
26 GRANTED TO EMPLOYEES TO ATTEND A CHILD'S ACADEMIC ACTIVITIES.

27 **SECTION 2.** In Session Laws of Colorado 2009, **amend**

1 8-13.3-104, Colorado Revised Statutes, as added by section 2 of chapter
2 340, as follows:

3 **8-13.3-104. Repeal.** This ~~article~~ PART 1 is repealed, effective
4 September 1, 2015.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2016 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.