

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

REENGROSSED

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

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.

HOUSE
3rd Reading Unamended
February 9, 2009

HOUSE
Amended 2nd Reading
February 6, 2009

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 or in a
11 nonpublic home-based educational program pursuant to section
12 22-33-104.5, C.R.S., may be unaware of the total education their children
13 are receiving because the parents or guardians are unable to take time off
14 from work to attend a child's academic activities. Therefore, the general
15 assembly finds, determines, and declares that the enactment of provisions
16 to allow a parent or guardian to attend a child's academic activities
17 without fear of jeopardizing the parent's or guardian's employment will
18 enhance the success of the child in school and ultimately as a citizen of
19 this state.

(2) The general assembly also finds, determines, and declares that the participation of parents and legal guardians in their children's school activities is an important element in fostering a productive and positive relationship between family and school. Such participation creates a supportive academic environment for children as well as for educators. In such an environment, the educators can communicate more frequently with parents and guardians about issues that affect their children, which strengthens the bonds between the school and the parents or legal guardians and enhances the quality of education obtained by each student.

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

ARTICLE 13.3

Parental Involvement in K-12 Education Act

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

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

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

(a) A PARENT-TEACHER CONFERENCE; OR

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

(2) "ACADEMIC YEAR" MEANS THE PERIOD, NOT TO EXCEED TWELVE CONSECUTIVE MONTHS, ALLOTTED BY A SCHOOL FOR THE

1 COMPLETION OF ONE GRADE LEVEL OF STUDY.

2 (3) (a) "EMPLOYEE" MEANS ANY PERSON WORKING FOR ANOTHER
3 FOR HIRE IN THE STATE OF COLORADO IN A NONEXECUTIVE OR
4 NONSUPERVISORY CAPACITY WHO IS THE PARENT OR LEGAL GUARDIAN OF
5 A CHILD ENROLLED IN A PUBLIC OR PRIVATE SCHOOL OR IN A NONPUBLIC
6 HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION
7 22-33-104.5, C.R.S., IN COLORADO IN ANY GRADE FROM KINDERGARTEN
8 THROUGH TWELFTH GRADE.

9 (b) "EMPLOYEE" DOES NOT INCLUDE INDEPENDENT CONTRACTORS,
10 DOMESTIC SERVANTS EMPLOYED IN AND ABOUT PRIVATE HOMES,
11 SEASONAL WORKERS, OR FARM AND RANCH LABOR.

12 (4) "EMPLOYER" MEANS AN EMPLOYER, AS DEFINED IN THE
13 FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993", PUB.L. 103-3, AS
14 AMENDED.

15 **8-13.3-103. Leave for involvement in academic activities.**

16 (1) (a) AN EMPLOYEE EMPLOYED BY AN EMPLOYER IS ENTITLED TO TAKE
17 LEAVE, NOT TO EXCEED SIX HOURS IN ANY ONE-MONTH PERIOD AND
18 NOT TO EXCEED EIGHTEEN HOURS IN ANY ACADEMIC YEAR, FOR THE
19 PURPOSE OF ATTENDING AN ACADEMIC ACTIVITY FOR OR WITH THE
20 EMPLOYEE'S CHILD. IN THE ALTERNATIVE, AN EMPLOYER AND EMPLOYEE
21 MAY AGREE TO AN ARRANGEMENT ALLOWING THE EMPLOYEE TO TAKE
22 PAID LEAVE TO ATTEND AN ACADEMIC ACTIVITY AND TO WORK THE
23 AMOUNT OF HOURS OF PAID LEAVE TAKEN WITHIN THE SAME WORK WEEK.

24 (b) AN EMPLOYEE WHO WORKS LESS THAN A FULL-TIME SCHEDULE
25 SHALL BE ELIGIBLE FOR A PORTION OF THE LEAVE SPECIFIED IN PARAGRAPH
26 (a) OF THIS SUBSECTION (1) BASED ON THE PERCENT OF A FULL-TIME
27 SCHEDULE THE EMPLOYEE WORKS.

1 (c) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1),
2 AN EMPLOYER MAY LIMIT THE ABILITY OF AN EMPLOYEE TO TAKE LEAVE
3 PURSUANT TO THIS SECTION IN CASES OF EMERGENCY OR OTHER
4 SITUATIONS THAT MAY ENDANGER A PERSON'S HEALTH OR SAFETY AND
5 THAT NECESSITATE THE PRESENCE OF THE EMPLOYEE.

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

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

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

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

(6) AN EMPLOYEE OR EMPLOYER MAY ELECT TO SUBSTITUTE ACCRUED PAID VACATION LEAVE, SICK LEAVE, PERSONAL LEAVE, OR OTHER PAID LEAVE FOR UNPAID LEAVE PROVIDED PURSUANT TO THIS SECTION, AND THE EMPLOYER SHALL ALLOW THE EMPLOYEE TO USE SUCH ACCRUED PAID LEAVE FOR THE SAME PURPOSES AS, AND WITH NOTICE REQUIREMENTS NO MORE STRINGENT THAN, THOSE APPLICABLE TO LEAVE UNDER THIS ARTICLE.

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

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

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

8-13.3-104. Repeal. THIS ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2015.

SECTION 3. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is

1 allowed for submitting a referendum petition pursuant to article V,
2 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
3 sine die is on May 6, 2009); except that, if a referendum petition is filed
4 against this act or an item, section, or part of this act within such period,
5 then the act, item, section, or part, if approved by the people, shall take
6 effect on the date of the official declaration of the vote thereon by
7 proclamation of the governor.