A BILL FOR AN ACT

CONCERNING THE ABILITY OF AN EMPLOYEE OF AN EMPLOYER WHO EMPLOYS AT LEAST FIFTY EMPLOYEES TO TAKE UP TO EIGHTEEN HOURS OF LEAVE FROM WORK FOR PURPOSES OF ATTENDING HIS 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://leg.colorado.gov.)

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 of
1993" 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 The repeal provision was never amended, so the 2009 act repealed on September 1, 2015.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 the following modifications:

- School districts and institute charter schools must 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;

- The Colorado state advisory council for parent involvement in education must also provide information about the act to the extent possible within existing resources; and

- The act continues indefinitely and the original repeal date in the 2009 act is amended to specify that the repeal was to apply only to the 2009 act.

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

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

**PART 1**

**PARENTAL INVOLVEMENT**
8-13.3-101. Short title. The short title of this Part 1 is the "Parental Involvement in Kindergarten Through Twelfth Grade Education Act".

8-13.3-102. Definitions. As used in this Part 1, 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; response to intervention, as defined in section 22-2-133 (4)(b); 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 completion of one grade level of study.

(3) (a) "Employee" means any person working for another for hire in the state of Colorado in a nonexecutive or nonsupervisory capacity 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 pursuant to section 22-33-104.5 in Colorado in any grade from kindergarten through twelfth grade.
   (b) "Employee" does not include independent contractors, domestic servants employed in and about private homes, seasonal workers, or farm and ranch laborers.

(4) "Employer" means an employer, as defined in the
8-13.3-103. Leave for involvement in academic activities.

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

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

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

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

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

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

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

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

(5) NOTHING IN THIS SECTION:
(a) REQUIRES THAT PARENTAL LEAVE BE PAID LEAVE; OR
(b) PROHIBITS 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 UNDER THIS SECTION,
AND THE EMPLOYER SHALL ALLOW THE EMPLOYEE TO USE HIS OR HER
ACCRUED PAID LEAVE FOR THE SAME PURPOSES AS, AND WITH NOTICE
REQUIREMENTS NO MORE STRINGENT THAN, THOSE APPLICABLE TO LEAVE UNDER THIS PART 1.

(7) AN EMPLOYER MAY SATISFY THE REQUIREMENTS OF THIS SECTION AND IS NOT 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 PART 1.

8-13.3-104. Notice to parents. Each school district in the state and each institute charter school authorized under part 5 of article 30.5 of title 22 shall post on its website and include in district-wide or school-wide communications sent to parents and the community at large information regarding the leave granted to employees under this part 1 to attend a child's academic activities. To the extent possible within existing resources and efforts, the Colorado state advisory council for parent involvement in education, created in section 22-7-303, shall also provide information about leave that may be granted to employees to attend a child's academic activities.

SECTION 2. In Session Laws of Colorado 2009, amend 8-13.3-104, Colorado Revised Statutes, as added by section 2 of chapter 340, as follows:

8-13.3-104. Repeal. This article part 1 is repealed, effective September 1, 2015.
SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.