

CHAPTER 86

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 20-1128

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 also SENATOR(S) Zenzinger and Priola, Bridges, Danielson, Ginal, Hansen, Lee, Moreno, Pettersen, Story, Todd, Winter.

AN ACT**CONCERNING EDUCATION REQUIREMENTS FOR EDUCATORS TO INCREASE AWARENESS OF SPECIAL EDUCATION ISSUES.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Every student needing special education services in kindergarten through twelfth grade is covered by the "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, and its implementing regulations, 34 CFR 300. This federal law states that every child with a disability is entitled to a free and appropriate education, with special education services delivered in the least restrictive environment possible, and must be provided with specially designed instruction according to the student's individualized education program (IEP).

(b) Inclusive classroom environments where students with special needs are included in general education classrooms benefit students both with and without disabilities;

(c) Despite federal and state guidelines making sure special education students get a proper education, many students with disabilities and their families are being left behind in Colorado;

(d) In 2018, less than ten percent of students who had an IEP were meeting grade level expectations in grades three through eight, and less than sixty percent of

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students identified with a disability graduate high school in four years;

(e) Moreover, thirty-three percent of all students who have been suspended in kindergarten through second grade had an IEP; and

(f) Educator preparation programs in Colorado are not required to prepare teacher and administrator candidates on special education laws and regulations, creating great variability among educators on the knowledge of federal and state laws regarding special education and best practices for inclusive classrooms.

(2) Therefore, the general assembly declares that teachers, special services providers, principals, and administrators should be aware of special education laws and requirements and effective special education practices, including but not limited to inclusive learning environments, as part of the professional development requirements for renewal of educator licenses, and that the teaching of special education laws and effective special education practices should be required for all students in Colorado's educator preparation programs.

SECTION 2. In Colorado Revised Statutes, 22-60.5-110, **amend** (3)(b) introductory portion, (3)(b)(I), (3)(b.5), (3)(c)(X), and (3)(c)(XI); and **add** (3)(b.7) and (3)(c)(XII) as follows:

22-60.5-110. Renewal of licenses. (3) (b) A professional licensee shall complete such ongoing professional development within the period of time for which such professional license is valid. Such professional development may include, but need not be limited to, in-service education programs, including programs concerning juvenile mental health issues and the awareness and prevention of youth suicide; ~~and~~ training in preventing, identifying, and responding to child sexual abuse and assault; AND LAWS AND PRACTICES RELATING TO THE EDUCATION OF STUDENTS WITH DISABILITIES IN THE CLASSROOM, INCLUDING BUT NOT LIMITED TO CHILD FIND AND INCLUSIVE LEARNING ENVIRONMENTS; college or university credit from an accepted institution of higher education or a community, technical, or local district college; educational travel that meets the requirements specified in subsection (3)(d) of this section; involvement in school reform; service as a mentor teacher for teacher candidates participating in clinical practice, as defined in section 23-78-103; internships; and ongoing professional development training and experiences. The state board of education, by rule, may establish minimum criteria for professional development; except that such criteria shall not:

(I) Specify any particular type of professional development activity as a requirement or partial requirement for license renewal, EXCEPT AS PROVIDED IN SUBSECTION (3)(b.7) OF THIS SECTION;

(b.5) In adopting minimum criteria for professional development activities, the state board, by rule, may require all or a portion of the professional development activities to be related to increasing the license holder's competence in his or her existing or potential endorsement area; ~~or to~~ increasing the professional licensee's skills and competence in delivery of instruction in his or her existing or potential endorsement area; ~~or in~~ the teaching of literacy; OR INCREASING AWARENESS OF LAWS AND PRACTICES RELATING TO EDUCATING STUDENTS WITH DISABILITIES IN THE CLASSROOM, INCLUDING BUT NOT LIMITED TO CHILD FIND AND INCLUSIVE LEARNING

ENVIRONMENTS.

(b.7) (I) IN SELECTING PROFESSIONAL DEVELOPMENT ACTIVITIES FOR RENEWAL OF A PROFESSIONAL TEACHER, SPECIAL SERVICES, PRINCIPAL, OR ADMINISTRATOR LICENSE, IN ADDITION TO THE OTHER REQUIREMENTS SET FORTH IN THIS SECTION, THE PROFESSIONAL LICENSEE SHALL COMPLETE TEN OF THE CLOCK HOURS OF PROFESSIONAL DEVELOPMENT REQUIRED DURING THE TERM OF ANY PROFESSIONAL LICENSE IN PROFESSIONAL DEVELOPMENT ACTIVITIES RELATING TO INCREASING AWARENESS OF LAWS AND PRACTICES RELATING TO EDUCATING STUDENTS WITH DISABILITIES IN THE CLASSROOM, INCLUDING BUT NOT LIMITED TO CHILD FIND AND INCLUSIVE LEARNING ENVIRONMENTS.

(II) A LICENSEE WHO HAS LESS THAN THREE YEARS LEFT IN THE LICENSE RENEWAL PERIOD ON JUNE 30, 2020, HAS UNTIL THE END OF THE NEXT APPLICABLE RENEWAL PERIOD TO COMPLETE THE REQUIREMENTS ESTABLISHED IN SUBSECTION (3)(b.7)(I) OF THIS SECTION AND MAY SUBMIT CLASSES AND ACTIVITIES COMPLETED WITHIN FIVE YEARS PRIOR TO JUNE 30, 2020, TO SATISFY THE REQUIREMENTS OF SUBSECTION (3)(b.7)(I) OF THIS SECTION.

(III) NOTHING IN SUBSECTION (3)(b.7)(I) OF THIS SECTION PROHIBITS A LICENSEE FROM APPLYING A SINGLE PROFESSIONAL DEVELOPMENT COURSE OR ABILITY TO ONE OR MORE CONTENT OR HOURLY REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION OR BY RULE OF THE STATE BOARD OF EDUCATION.

(c) In selecting professional development activities for the renewal of a professional license pursuant to this section, each licensee shall choose those activities that will aid the licensee in meeting the standards for a professional educator, including but not limited to the following goals:

(X) Effective organization and management of human and financial resources to create a safe and effective working and learning environment; ~~and~~

(XI) Awareness of warning signs of dangerous behavior in youth and situations that present a threat to the health and safety of students and knowledge of the community resources available to enhance the health and safety of students and the school community; AND

(XII) AWARENESS OF LAWS AND PRACTICES RELATING TO EDUCATING STUDENTS WITH DISABILITIES IN THE CLASSROOM, INCLUDING BUT NOT LIMITED TO CHILD FIND AND INCLUSIVE LEARNING ENVIRONMENTS.

SECTION 3. In Colorado Revised Statutes, 22-60.5-111, **amend** (14)(c)(II) and (14)(c)(III); and **add** (14)(c)(IV) as follows:

22-60.5-111. Authorization - types - applicants' qualifications - rules. (14) **Principal authorization.** (c) At a minimum, a person's individualized alternative principal program shall ensure that:

(II) The person receives coaching and mentoring from one or more licensed principals and administrators and continuing performance-based assessment of the person's skills development; except that, if the person participates in an

individualized alternative principal program offered by a nonpublic school, the person must receive coaching and mentoring from one or more principals and administrators who have three or more years of experience in a nonpublic school; ~~and~~

(III) The person demonstrates professional competencies in subject matter areas as specified by rule of the state board of education pursuant to section 22-60.5-303; AND

(IV) THE PERSON RECEIVES EDUCATION AND TRAINING THAT PROVIDES THE PERSON WITH AN OVERVIEW OF TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; THE "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; INDIVIDUALIZED EDUCATION PROGRAMS; AND CHILD FIND AND THAT TEACHES EFFECTIVE SPECIAL EDUCATION CLASSROOM PRACTICES, INCLUDING BUT NOT LIMITED TO INCLUSIVE LEARNING ENVIRONMENTS.

SECTION 4. In Colorado Revised Statutes, 22-60.5-205, **add** (2)(i) as follows:

22-60.5-205. One-year and two-year alternative teacher programs - legislative declaration - standards and evaluation - duties of department - duties of the state board of education - fees. (2) Designated agencies are hereby authorized to implement one-year alternative teacher programs or two-year alternative teacher programs, which two-year programs were formerly known as teacher in residence programs, as follows:

(i) AN ALTERNATIVE TEACHER PROGRAM MUST INCLUDE COURSE WORK THAT PROVIDES ALTERNATIVE TEACHERS WITH AN OVERVIEW OF TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; THE "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; INDIVIDUALIZED EDUCATION PROGRAMS; AND CHILD FIND AND THAT TEACHES EFFECTIVE SPECIAL EDUCATION CLASSROOM PRACTICES, INCLUDING BUT NOT LIMITED TO INCLUSIVE LEARNING ENVIRONMENTS.

SECTION 5. In Colorado Revised Statutes, 22-60.5-305.5, **add** (3)(a.5) as follows:

22-60.5-305.5. Alternative principal preparation program - legislative declaration. (3) In designing an individualized alternative principal program, the school district, charter school, or nonpublic school shall, at a minimum, ensure that:

(a.5) THE PROGRAM PROVIDES INFORMATION AND TRAINING THAT INCLUDES AN OVERVIEW OF TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29

U.S.C. SEC. 701 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; THE "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; INDIVIDUALIZED EDUCATION PROGRAMS; AND CHILD FIND AND THAT TEACHES EFFECTIVE SPECIAL EDUCATION CLASSROOM PRACTICES, INCLUDING BUT NOT LIMITED TO INCLUSIVE LEARNING ENVIRONMENTS.

SECTION 6. In Colorado Revised Statutes, 23-1-121, **add** (2)(c.7) as follows:

23-1-121. Commission directive - approval of educator preparation programs - review. (2) The commission shall adopt policies establishing the requirements for educator preparation programs offered by institutions of higher education. The department shall work in cooperation with the state board of education in developing the requirements for educator preparation programs. At a minimum, the requirements must ensure that each educator preparation program complies with section 23-1-125, is designed on a performance-based model, and includes:

(c.7) COURSE WORK THAT PROVIDES EDUCATOR CANDIDATES WITH AN OVERVIEW OF TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; THE "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS; INDIVIDUALIZED EDUCATION PROGRAMS; AND CHILD FIND AND THAT TEACHES EDUCATORS EFFECTIVE SPECIAL EDUCATION CLASSROOM PRACTICES, INCLUDING BUT NOT LIMITED TO INCLUSIVE LEARNING ENVIRONMENTS;

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: March 24, 2020