

CHAPTER 340

LABOR AND INDUSTRY

HOUSE BILL 09-1057

BY REPRESENTATIVE(S) Kerr A., Carroll T., Apuan, Casso, Court, Ferrandino, Fischer, Frangas, Gagliardi, Green, Hullinghorst, Kefalas, Labuda, McCann, McFadyen, Merrifield, Middleton, Miklosi, Peniston, Primavera, Ryden, Scanlan, Vigil, Benefield, Pace, Pommer, Todd;
also SENATOR(S) Bacon, Groff, Boyd, Heath, Hudak, Shaffer B., Carroll M., Romer, Williams.

AN ACT**CONCERNING PARENTAL INVOLVEMENT IN KINDERGARTEN THROUGH TWELFTH GRADE EDUCATION.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that the involvement of parents and legal guardians in school-sponsored academic activities is critical to the successful education of Colorado's children. The general assembly acknowledges and commends those employers that have policies and procedures in place to allow their employees time off from work to attend a child's academic activities, thereby fostering parental involvement in their child's education. However, in some cases, parents and legal guardians who have children enrolled in public or private school or in a nonpublic home-based educational program pursuant to section 22-33-104.5, Colorado Revised Statutes, may be unaware of the total education their children are receiving because the parents or guardians are unable to take time off from work to attend a child's academic activities. Therefore, the general assembly finds, determines, and declares that the enactment of provisions to allow a parent or guardian to attend a child's academic activities without fear of jeopardizing the parent's or guardian's employment will enhance the success of the child in school and ultimately as a citizen of 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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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 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, C.R.S., 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 LABOR.

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

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 ANY ACADEMIC YEAR, FOR THE PURPOSE OF ATTENDING AN ACADEMIC ACTIVITY FOR OR WITH THE EMPLOYEE'S CHILD. IN THE ALTERNATIVE, 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 SHALL BE ELIGIBLE FOR A PORTION OF THE LEAVE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) BASED ON THE PERCENT OF A FULL-TIME SCHEDULE THE EMPLOYEE WORKS.

(c) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1), AN EMPLOYER MAY LIMIT THE ABILITY OF AN EMPLOYEE TO TAKE LEAVE PURSUANT TO THIS SECTION IN CASES OF EMERGENCY OR OTHER SITUATIONS THAT MAY ENDANGER A PERSON'S HEALTH OR SAFETY OR 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 SHALL PROVIDE THE EMPLOYER WITH NOTICE OF THE NEED FOR LEAVE AT LEAST ONE CALENDAR WEEK IN ADVANCE OF THE ACADEMIC ACTIVITY, AND THE NOTICE SHALL 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 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 allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2009