

STATE AND FEDERAL LEGISLATION WITH IMPLICATIONS FOR SCHOOL HEALTH AND WELLNESS



THE COLORADO EDUCATION INITIATIVE

FEDERAL SCHOOL HEALTH AND WELLNESS LEGISLATION

In 2004, the federal reauthorization of the Child Nutrition and WIC Reauthorization Act included a requirement that all school districts establish a local wellness policy as a condition of receiving federal meal reimbursement.

In 2010, federal legislation reauthorized the nutrition act, now called the **Healthy, Hunger-Free Kids Act** ([Public Law 111-296](#)). The Healthy, Hunger-Free Kids Act requires schools participating in the USDA's School Meal Programs to:

- Meet new [nutrition standards](#) for breakfast and lunch meal patterns
- Implement nutrition standards for all snack foods and beverages sold to children at school during the school days. The new "[Smart Snacks in Schools](#)" rules allow schools to offer healthier snack foods to children while limiting junk food.
- Strengthen **local wellness policies** by adding rules for public input, transparency, and implementation (rules anticipated in 2014).

CDE Resources for [Wellness Policy](#) updates. CDE Resources for [Meal Pattern](#) changes.

STATE EDUCATION LEGISLATION

House Bill 07-1118 - State High School Graduation Guidelines, as required by state statute ([22-2-106, C.R.S.](#)) in May 2013, the Colorado State Board of Education adopted a comprehensive set of guidelines to be used by each school district's board of education in establishing requirements for students to receive a high school diploma. These guidelines call for students to demonstrate minimum academic competencies and skills, and successful completion of an Individual Career and Academic Plan (ICAP) by the time of high school graduation. Graduation requirements for all subject matter areas or courses (such as physical education or health education) are still determined at the district-level.

Senate Bill 08-212 - "Colorado's Achievement Plan for Kids" (CAP4K) was signed into law in May 2008. CAP4K is a landmark education reform initiative that creates an aligned preschool to postsecondary educational system. The law establishes **new standards and new assessments** that enable all students to graduate high school with the skills and the knowledge to succeed in today's 21st century, competitive global economy (C.R.S. 22-7-1001 et seq.).

- For school health and wellness, SB 08-212 created, for the first time, **Comprehensive Health Education** and updated **Physical Education Content Standards** for Colorado.

Senate Bill 09-163 - The Education Accountability Act of 2009 aligns school and district accountability systems into a single system. The law modernizes reporting of state, district and school performance information and establishes a new system of support and intervention that includes "turnaround" schools and districts (C.R.S. 22-11-101 et seq.).



- For school health and wellness, SB09-163 requires, for the first time, the **reporting of all non-tested content areas, including school health and wellness indicators as a measurement of school performance in the Report Card March**. The law requires schools to post a link to their district wellness policy and to report on specific wellness services, including:

- Opportunities for physical activity
- Existence of a wellness committee or team
- Required health education and physical education classes
- Availability of a licensed school nurse
- School-based health centers
- Breakfast participation



Senate Bill 10-191 - The **Ensuring Quality Instruction Through Educator Effectiveness Act** changes the way both principals and teachers are evaluated in Colorado with the ultimate goal of continuously supporting educators' professional growth, and in turn, accelerating student results. The new evaluation requirements include opportunities for reflection, review, professional development and growth (C.R.S. 22-9-102 et seq.).

- For school health and wellness, the evaluation will be based on statewide quality standards which define what it means to be an effective teacher or principal. This includes establishing a safe, inclusive and respectful learning environment for a diverse population of students and demonstrating school culture and equity leadership.
- Specialized Service Professionals (SSPs) including school nurses, occupational therapists, physical therapists, audiologists, counselors, psychologists, social workers and speech-language pathologists are included in the state evaluation system and will elevate the contribution these personnel make to improving student outcomes.

House Bill 12-1345 - **Section 21**, the "**Fair Discipline in Schools Act**," gives schools discretion over suspensions and eliminates mandatory expulsions (except in cases involving firearms). It allows schools to set up graduated discipline systems that assign punishments commensurate with offenses. The enacted law also ensures more training for school officials to better deal with discipline issues and streamlines the reporting of disaggregated data to better understand how discipline policies are applied and to whom (C.R.S. 22-32-109.1 et seq.).

- For school health and wellness, instituting fair discipline practices in schools improves student engagement and is a crucial component to ensuring all students have an equal opportunity to learn.

House Bill 1294 - **Student Data Privacy Act** works to protect privacy of students' personal information during data collection.

House Bill 13-1021 - The **Improving School Attendance Act** requires each school district to monitor student attendance and to identify each student who is chronically absent (10 percent or more of the school year); each student who has a significant number of unexcused absences; and each student who is habitually truant (4 unexcused absences in one month or 10 unexcused absences in one school year) (C.R.S. 22-33-104 et seq.).

STATE SCHOOL HEALTH AND WELLNESS LEGISLATION

Physical Activity and Nutrition

HB 08-1224- Local student wellness programs- Encourages school districts to expand their local wellness policies to adopt goals for several areas emphasizing healthy choices and lifestyles, including physical education, nutrition, and mental health counseling. Expands the Colorado Comprehensive Health Education Act to include local student wellness programs that are coordinated with health education and allow CDE to provide funding for Student Wellness to Colorado school districts.

Senate Bill 08-129 Healthy beverages policy- Requires each school district to adopt and implement a policy that prohibits, except as specified by rules promulgated by the state board of education the sale of beverages to students. Required the state board and the institute board to promulgate rules establishing exceptions to the policy for the sale of beverages that satisfy minimum nutritional requirements and for the sale of beverages at specific school events (link to board rules). (C.R.S. 22-32-134.5).

House Bill 11-1069 - Colorado's **Physical Activity law** requires all public elementary schools to provide students with a minimum of 600 minutes of physical activity per month (30 minutes per school day). Each school district board of education and institute charter school must **adopt a physical activity policy** that ensures each elementary student's schedule satisfies the law's requirements for a minimum amount of opportunity to engage in physical activity (C.R.S. 22-32-136.5 et seq.). Click [here](#) for a fact sheet.

HB 1156 - Eligibility Age School Lunch Protection Program- Extends the age of eligibility for the Child Nutrition School Lunch Protection Program (increasing it from second to fifth grade)- providing free meals to students who qualify for reduced cost meals through fifth grade.

Senate Bill 12-068, prohibits public schools from making foods with industrial **trans-fats** available to students. This includes all food and beverages made available to students on school grounds during each school day and extended school day, including foods served or sold in:

- School cafeterias
- School stores
- Vending machines
- Other food service entities on school grounds

The law excludes the school meal program that is part of the US Department of Agriculture as well as school fundraisers (C.R.S. 22-32-136.3 and C.R.S. 22-30.5-524).

House Bill 13-1006 creates the “**Breakfast After the Bell Nutrition Program**” which requires more than 360 Colorado schools to offer a free, nutritious breakfast after the first bell for all students. Every school with 80% of students eligible for free or reduced-cost lunch must offer a free breakfast to each student in the school starting the 2014-2015 school year. Every school with 70% of students eligible for free or reduced-cost lunch must offer a free breakfast to each student in the school starting the 2015-2016 school year. Small rural school districts with a student population of fewer than 1000 are exempt from the program, but may participate if eligible (C.R.S. 22-82.8-101 et seq.).



Health Education

House Bill 07-1292 - The **Healthy Youth Act** calls for the adoption of science-based, culturally relevant and sensitive and medically accurate content standards for instruction of human sexuality that also fosters a positive self-concept. Click [here](#) for a fact sheet.

House Bill 13-1081 - Comprehensive Human Sexuality K – 12 Education updated the definition of “comprehensive human sexuality education” as evidence-based, comprehensive, medically accurate culturally sensitive, and includes positive youth development principles (meaning it focuses on enhancing the interests, skills and abilities of youth versus focusing solely on risks and dangers). The enacted law created the comprehensive human sexuality education grant program in the Colorado Department of Public Health and Environment.

Healthy School Environment

SB 018 - Sale of Nicotine Products-This bill prohibits nicotine to be distribution to minors. This was the existing law but this bill helps clarify and streamline language in statute related to sale to minors. The bill was supported by some tobacco advocates, CDPHE, and retailers.

Senate Bill 94-100 - Since 1994, tobacco use has been prohibited on all school property by students, staff and visitors; “tobacco use” now includes the lighting, chewing, smoking, ingestion or application of any tobacco products, including electronic devices, such as e-cigarettes.

Senate Bill 08-088 makes possession of tobacco products by minors under 18 illegal. It updated the definition of tobacco products and defined “use” as the lighting, chewing, smoking, ingestion or application of any tobacco product and **House Bill 11-1016** also updated to include electronic devices, such as e-cigarettes (C.R.S. 25-14-301 et seq.).

HB 1301 - Safe Routes to School- Appropriated funds (\$700k) to create infrastructure supporting safe transportation to school for children in low-income neighborhoods (schools with greater than 50% of the students eligible for free or reduced lunches). This includes better sidewalks, bike routes, lighted routes, etc. to enable children to walk and bike to school more safely.

Senate Bill 13-283 added prohibition of the use of retail marijuana on all school property became state law (C.R.S. 25-14-103.5).

Senate Bill 13-048 - Transportation Infrastructure gives cities and counties the option of using a portion of the highway users tax fund to plan, design, construct, and maintain infrastructure for walking, biking, and public transportation. These improvements in infrastructure for active transportation can significantly increase Coloradan’s opportunities to integrate physical activity into their daily lives (C.R.S. 43-4-207 and 43-4-208).

Social, Emotional, and Mental Health

House Bill 08-1019 - Transfer Education Records for Foster Children provides support for children who are in out-of-home placements, including but not limited to foster care placements, provides guidance on establishing stable educational environments, such as ensuring proper school placement, transfer, and enrollment of foster children (C.R.S. 22-32-138).



House Bill 10-1274 - Out-of-Home Juvenile Transition to Public School System highlights that schools should help ensure a successful transition for students back into the public school system after receiving care in day treatment facilities, facility schools, or hospitals. It also emphasizes that medical, mental health, sociological, and scholastic achievement data should be shared to the extent possible between various entities and school districts to ensure a successful transition back to school. House Bill 10-1274 amends the language in House Bill 08-1019 to state that each school district and state

charter school institute must designate an employee of the school district or the institute to act as the child welfare education liaison for the district or for state charter schools (C.R.S. 22-32-138).

House Bill 11-1254 - Colorado's **Anti-Bullying law** prohibits bullying any student for any reason including on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services. The law also defines bullying to **include cyberbullying** and **updates reporting requirements** (C.R.S. 22-93-101 et seq.). Click [here](#) for a fact sheet.

Senate Bill 13-031 - The **Tuition for Dropout Recovery Program** clarifies that a district or school that operates a dropout recovery program must pay the student share of the tuition for each postsecondary course in which a student enrolls while participating in the program, not just for those courses that the student completes (C.R.S. 22-35-109.5).

Senate Bill 13-033 - The **ASSET Law** allows all Colorado high school graduates to pay in-state tuition at Colorado's public colleges and universities, regardless of citizenship (C.R.S. 23-7-110).

House Bill 13-1007 - The **Early Childhood and School Readiness Legislative Commission** renews and extends authorization of the Early Childhood and School Readiness Commission through 2018. The Commission works on improvements related to early childhood and school readiness, including the areas of health, mental health, parental involvement, family support, child care and early learning (C.R.S. 26-6.5-201).

House Bill 13-1239 - Creation Of A Statewide Youth Development Plan requires the state to develop a comprehensive plan for youth development in order to quantify existing and needed services and to align existing limited resources to help promote positive youth development, which allows youth to be involved in state level initiatives (C.R.S. 26-1-111.3).

Senate Bill 13-138 - School Resource Officer Programs in Public Schools expressly includes and defines school resource officers as community partners for the purposes of school safety, readiness, and incident management. The school safety resource center is required to create and provide templates and guidance to school districts and schools seeking school safety funding (C.R.S. 22-32-109.1).

Senate Bill 13-193 - Increasing Parent Engagement in Public Schools requires school districts to appoint a district-level parent engagement liaison to serve as the Colorado Department of Education's point of contact for parent involvement. District accountability committees and school accountability committees must increase parent engagement in public schools by publicizing openings on district and school accountability committees, soliciting

parents to serve on the district and school accountability committees, and assisting school personnel in communications with parents. Schools with a Priority Improvement or Turnaround Plan must include parent involvement activities in their Unified Improvement Plans (UIP) (C.R.S. 22-32-142).

Senate Bill 13-266 - Creating a Coordinated Behavioral Health Crisis Response System calls for the creation of a statewide behavioral health crisis response system. This system will include: a 24-hour state-wide crisis telephone hotline, walk-in crisis services and crisis stabilization units, mobile crisis services, residential and respite crisis services, and a public information campaign (C.R.S. 27-60-103).

School Health Services

Senate Bill 97-101 creates the **School Health Services Program in Colorado**, which helps pay for health services for children in public schools. In 2008, subsequent enforcements to the law, **CCR 2505-10** and **CRS 25.5-5-318**, require reimbursement funds be used to provide enhanced health and health related services to all district students, not just those that qualify for Medicaid services. These health services can include, but are not limited to:

- hiring a district wellness coordinator
- additional nursing support
- nutrition and physical activity efforts
- medical supplies and equipment
- mental health support for students and families
- resources to provide access to vision, dental, and mental health

House Bill 04-1451 - Collaborative Management Program led to the creation of the Collaborative Management Program (CMP), a voluntary program aimed to provide children and families coordination of services across multiple agencies, including school districts, by county. The program provides fiscal incentives to communities that meet their goals in the area of health

services. Thirty-five of the state's 64 counties currently participate in the program (C.R.S. 4-1.9-101 et seq.).

House Bill 08-1370 - School counselor corps grant program makes legislative findings concerning the importance of school counseling services for students in middle, junior high, and high schools. Creates the school counselor corps grant program as a program to provide 3-year grants to school districts, boards of cooperative services, and charter schools to use in increasing the number of school

Senate Bill 11-12 - Policy for student possession and administration of prescription medication act eliminates statutory language requiring a student to have a treatment plan before he or she may possess or self-administer medication to treat his or her asthma, food or other allergy, anaphylaxis, or other related, life-threatening condition.

House Bill 1276 - Grant Program to Train High School Students in CPR bill allows school districts, charter schools, institute charter schools and boards of cooperative services to apply for grants to train high school students on cardiopulmonary resuscitation. Grants would be financed through the General Fund and administered by the Department of Education.

House Bill 1288 - Student Immunizations Prior to School Attendance requires schools to have data available on the immunization rates at each school.

Senate Bill 13-008 - Eliminating the Waiting Period Under CHP+ eliminates the requirement for children to be uninsured for three months before enrolling in the Child Health Plan Plus (CHP+). CHP+ is a low-cost public health insurance for children and pregnant women who earn too much to qualify for Medicaid but cannot afford private health insurance (C.R.S. 25.5-8-109).

House Bill 13-1171 - The Emergency Use of Epinephrine Injectors in Schools allows schools and school districts to adopt policies for Use of Epinephrine

Injectors, including designating personnel, and to acquire the devices. The State Board of Education adopted regulations governing such district policies.

Senate Bill 13-200 - Expanding Medicaid Eligibility in Colorado enables Coloradoans earning up to 133 percent of the federal poverty level to qualify for Medicaid coverage. This measure will reduce the number of uninsured children in Colorado and improve the quality and continuity of care for children covered by Medicaid (C.R.S. 25.5-5-201).

Senate Bill 13-230 - School-Based Health Center Program appropriates additional funding for School-Based Health Centers in Colorado.

ADDITIONAL SCHOOL HEALTH SERVICE STATUTES AND RULES

COLORADO REVISED STATUTES:

C.R.S. 12-38-101, Nurse Practice Act – Regulates the practice of nursing by creating a Board of Nursing.

C.R.S. 19-3-304, Individuals required to report child abuse and neglect – Lists persons required to report abuse or neglect, including public or private school officials or employees.

C.R.S. 22-1-116, School Children – sight and hearing tests – Mandates vision and hearing screening in school for grades K,1,2,3,5,7,& 9. Parents are notified when a deficiency is found.

C.R.S. 22-1-119, Students – dispensing of drugs to – liability – School staff are exempt from liability for administering medications with parental approval.

C.R.S. 22-1-119.3, Administration of prescription medication – A district board of education can adopt a policy for student possession and administration of prescription medication.

C.R.S. 22-1-119.5, Asthma, food allergy, and anaphylaxis health management – self-administered medications – Responsible students are allowed to carry and self-administer emergency medication such as inhalers and epinephrine auto injectors.

C.R.S. 22-2-135, Food allergy and anaphylaxis management – rules – The State Board of Education shall adopt and implement a policy for the management of food allergies and anaphylaxis among students enrolled in the public schools of the school district.

BEST PRACTICES GUIDE FOR HEALTHY SCHOOLS

The Colorado Education Initiative publishes an annual guide that showcases best practices for physical activity, nutrition, health education, workplace wellness, social, emotional, and mental health, and school health services in Colorado school districts and schools.

Learn more at www.coloradoinitiative.org/resources/healthy-schools-best-practices-guides.

C.R.S. 22-20-101, Education of Exceptional Children (Special Education) – Education of children with disabilities under the **Individuals with Disabilities Education Improvement Act** (IDEIA).

CRS 22-1-110, Effect of use of alcohol and controlled substances to be taught – This statute requires that students, kindergarten through grade twelve, study the effects of alcohol and controlled substances on the human system should be included in other branches of study and taught thoroughly and comparably to other branches of study.

CRS 22-25-106, Comprehensive Health Education Act – This law passed in 1990 and recommends quality implementation guidelines for comprehensive health education programs.

C.R.S. 22-32-139, Food allergy and anaphylaxis policy required – School districts must have a policy on managing food allergy and anaphylaxis for students.

C.R.S. 22-60.5-210, Types of special services licenses issued – term – Requires all special service providers to be licensed and endorsed by the Colorado Department of Education to work in public schools, including school nurses.

C.R.S. 22-60.5-213, Approved induction program – To obtain a Professional Special Service license, an approved induction program must be completed. **C.R.S. 25-1-122, Reporting of certain diseases and conditions** – Requires reporting, without patient consent, of occurrences of certain diseases and conditions by any person having knowledge of such.

C.R.S. 25-4-902, Immunizations prior to attending school – No child shall attend school unless the parent/guardian has presented up to date immunizations to the school. Parents/guardians have 14 days from notice of non-compliance to obtain the required immunizations for their child or to have on file signed personal, medical or religious exemptions.

BOARD OF HEALTH RULES

6 CCR 1010-6 – Rules and Regulations Governing Schools

FEDERAL LAW

IDEIA – Individuals with Disabilities Education Improvement Act – Requires schools to educate students who qualify with a disability under IDEIA in the least restrictive environment possible. This includes providing free and appropriate education including related services such as nursing and other health services ([Pub. L. 108-446](#)).

Section 504 of the Rehabilitation Act – To ensure equal access to education, schools are required to provide accommodations for students who have been identified with a disability under Section 504, including services of nursing and health services.