



THE
COLORADO
EDUCATION
INITIATIVE

School Health and Wellness

State and Federal Legislation and Policy

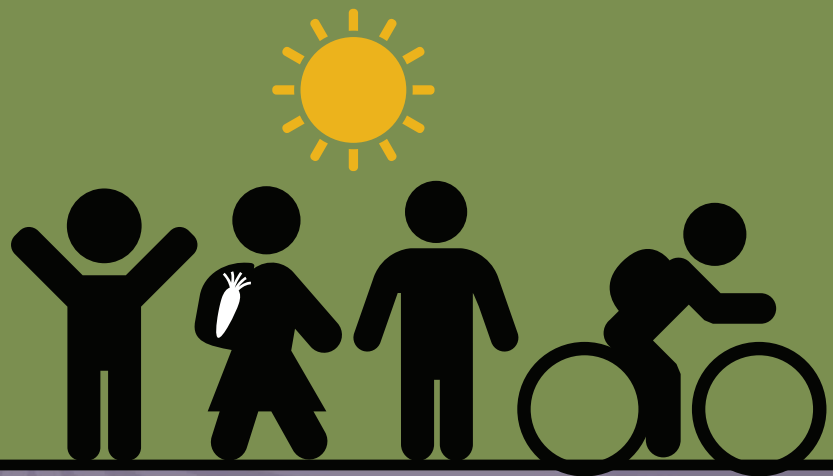


TABLE OF CONTENTS

Federal School Health and Wellness Legislation	3
State Education Legislation	3
State School Health and Wellness Legislation	5
Additional School Health Service Statutes and Rules	9
Colorado State Board of Health: Code of Colorado Regulations	10
Federal Law Related to Disabilities	10
Healthy Schools Best Practices Guide	10

SCHOOL HEALTH AND WELLNESS: STATE AND FEDERAL LEGISLATION AND POLICY



THE
COLORADO
EDUCATION
INITIATIVE

Developing school or district wellness plans, policies, or programs? Updating your existing efforts? This resource highlights state and federal policies, statutes, and regulations that influence local school and district health and wellness policies and practices.

FEDERAL SCHOOL HEALTH AND WELLNESS LEGISLATION

Public Law 111-296: Healthy, Hunger-Free Kids Act. In 2010, federal legislation reauthorized the nutrition act — now called the Healthy, Hunger-Free Kids Act. It requires schools that participate in the U.S. Department of Agriculture’s (USDA) school meal programs to:

- Meet new nutrition standards for national school lunch and breakfast programs.
- Implement [nutrition standards](#) for all snack foods and beverages sold to children at school during the school days. The new “[Smart Snacks in School](#)” guidelines allow schools to offer healthier snack foods to children while limiting unhealthy items.
- Strengthen local wellness policies by adding rules for public input, transparency, and implementation (rules anticipated in 2015).

To help local educational agencies comply with this legislation, the Colorado Department of Education (CDE) has created a range of [wellness policy](#) resources as well as information about [meal pattern changes](#).

Public Law 108-265: Child Nutrition and Women, Infants, and Children (WIC). This 2004 federal reauthorization includes a requirement that all school districts establish a local wellness policy as a condition of receiving federal meal reimbursement.

STATE EDUCATION LEGISLATION

House Bill 14-1294: Student Data Privacy Act. Under this legislation, the privacy of students’ personal information is protected during data collection. The law requires the Colorado State Board of Education to publish an inventory and dictionary of current and proposed student-level data in the student data system that is used to report data required by state and federal education mandates. CDE must not provide individual student data to other organizations or agencies outside the state except under specified circumstances. The department may use only aggregate data in public reports and must develop a detailed data security plan (C.R.S. 22-2-309).

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



House Bill 12-1345, Section 21: Fair Discipline in Schools Act. This law 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. It 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.).

- Instituting fair discipline practices in schools improves student engagement and is a crucial component to ensuring all students have an equal opportunity to learn.

Senate Bill 10-191: Ensuring Quality Instruction Through Educator Effectiveness Act. This law changes the way Colorado principals and teachers are evaluated. The ultimate goal is to continuously support educators' professional growth and, in turn, accelerate student achievement. The new evaluation requirements include opportunities for reflection, review, professional development, and growth (C.R.S. 22-9-102 et seq.):

- Evaluations are based on statewide quality standards that 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 incorporated into the new evaluation system, elevating their contribution to improving student achievement.

Senate Bill 09-163: Education Accountability Act of 2009. School and district accountability systems are aligned into a single system under this legislation. The law modernizes the reporting of state, district, and school performance information and establishes a new system of support and intervention that includes schools and districts with turnaround plans (C.R.S. 22-11-101 et seq.).

SB 09-163 requires, for the first time, the reporting of all non-tested content areas — including school health and wellness indicators — as measurements of school performance in state report cards. 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.
- Availability of school-based health centers.
- Participation in the USDA School Breakfast Program.

Senate Bill 08-212: Colorado's Achievement Plan for Kids (CAP4K). 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 assessments that enable all students to graduate from high school with the skills and knowledge to succeed in today's 21st century, competitive global economy (C.R.S. 22-7-1001 et seq.).

SB 08-212 creates, for the first time, comprehensive health education and updated physical education [content standards](#) for Colorado.

House Bill 07-1118: State High School Graduation Guidelines. As required in May 2013 by state statute (C.R.S. 22-2-106), the Colorado State Board of Education adopted a comprehensive set of revised 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 high school students to demonstrate minimum academic competencies and skills, and successfully complete an Individual Career and Academic Plan (ICAP) before graduation. Graduation requirements for all subject-matter areas or courses (such as physical education or health education) still are determined at the district level. CDE has created several resources to help schools and districts develop [graduation guidelines](#).

STATE SCHOOL HEALTH AND WELLNESS LEGISLATION

PHYSICAL ACTIVITY AND NUTRITION

House Bill 14-1156: Eligibility Age School Lunch Protection Program. This law extended the age of eligibility for the Child Nutrition School Lunch Protection Program from second to fifth grade. The program provides free meals to students who qualify for reduced-cost meals through fifth grade (C.R.S. 22-82.9-104 et seq.).

House Bill 13-1006: Breakfast After the Bell Nutrition Program. Qualifying schools must offer a free, nutritious breakfast to all students after the first bell. The law became effective in the 2014-2015 school year in schools where 80 percent or more of students qualify for free or reduced-cost meals. In the 2015-2016 school year, eligibility will change to schools where 70 percent or more of students qualify for free or reduced-cost meals. School districts with fewer than 1,000 students are exempt from the program, but may participate if students meet the above eligibility requirements for free or reduced-cost meals (C.R.S. 22-82.8-101 et seq.).

Senate Bill 12-068: Prohibiting Trans Fats. Public schools are prohibited from making foods with industrial trans fats available to students. The legislation 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 USDA school meal program's school fundraisers (C.R.S. 22-32-136.3 and C.R.S. 22-30.5-524).

House Bill 11-1069: Colorado's Physical Activity Law. All public elementary schools must provide students with an opportunity for a minimum of 600 minutes of physical activity per month (an average of 30 minutes per school day). Each school district's board of education and state charter school institute school must adopt a physical activity policy that ensures each elementary student's schedule satisfies the law's requirements for a minimum opportunity to engage in physical activity (C.R.S. 22-32-136.5 et seq.). The Colorado Public Health Association provides a [fact sheet](#) with recommendations for increasing physical activity in schools.

House Bill 08-1224: Local Student Wellness Programs. Under this legislation, school districts are encouraged to expand their local wellness policies to adopt goals for several areas. The law emphasizes healthy choices and lifestyles, including physical education, nutrition, and mental health counseling.

It also expands the Colorado Comprehensive Health Education Act to include local student wellness programs that are coordinated with health education and allows CDE to provide grant funding for student wellness to Colorado school districts (C.R.S. 22-32-136 et seq.).

Senate Bill 08-129: Healthy Beverages Policy. Each school district is required to adopt and implement a policy that prohibits — except as specified by rules promulgated by the Colorado State Board of Education— the sale of beverages to students. It also requires the state board of education and the state charter school institute board to promulgate rules ([1 CCR 301-79](#)) that establish exceptions to the policy for the sale of beverages and satisfy minimum nutritional requirements for the sale of beverages at specific school events (C.R.S. 22-32-134.5).

HEALTH EDUCATION

House Bill 13-1081: Comprehensive Human Sexuality K-12 Education. This law updates the definition of “comprehensive human sexuality education” as evidence-based, comprehensive, medically accurate, and culturally sensitive. It includes positive youth development principles, meaning it focuses on enhancing the interests, skills, and abilities of youths versus focusing solely on risks and dangers (C.R.S. 22-1-128). It also creates the Colorado Department of Public Health and Environment’s comprehensive human sexuality education grant program.

C.R.S. 22-1-110: Effect of Use of Alcohol and Controlled Substances to be Taught. This statute requires that kindergarten through grade 12 students study the effects of alcohol and controlled substances on the human system. This topic should be included in other branches of study, and taught thoroughly and comparably to other branches of study.

C.R.S. 22-25-106: Comprehensive Health Education Act. Passed in 1990, this law recommends quality implementation guidelines for comprehensive health education programs.

HEALTHY SCHOOL ENVIRONMENT

House Bill 14-1301: Safe Routes to School. This law appropriates funds (\$700,000) to create infrastructure that supports safe transportation to school for children in low-income neighborhoods (schools with greater than 50 percent of students who are eligible for free or reduced-cost meals). Infrastructure includes better sidewalks, bike routes, and lighted routes to enable children to walk and bike to school more safely (C.R.S. 43-1-1601).

Senate Bill 14-215: Marijuana-Related Revenue. This legislation specifies how sales tax dollars from retail marijuana sales will be spent. It also allocates funds for youth health surveys in middle and high schools and for school health professionals (C.R.S. 39-28.8-501).

Senate Bill 13-283: Implementation of Amendment 64 (Use and Regulation of Marijuana). The use of retail marijuana is prohibited on all school property (C.R.S. 25-14-103.5).

Senate Bill 13-048: Transportation Infrastructure. Provisions of this law allow cities and counties to use 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 Coloradans’ opportunities to integrate physical activity into their daily lives (C.R.S. 43-4-207 and 43-4-208).

Senate Bill 08-088: Teen Tobacco Use Prevention Act. Possession of tobacco products by minors under 18 is illegal under this law. The legislation updates the definition of tobacco products and defines “use” as the lighting, chewing, smoking, ingestion, or application of any tobacco product. [House Bill 11-1016](#) updates the law to include electronic devices such as e-cigarettes (C.R.S. 25-14-301 et seq.).

C.R.S. 25-14-103.5: Since 1994, tobacco use by students, staff, and visitors has been prohibited on all school property. Subsequent legislation (see SB 08-088 above) updated the definition of “tobacco use” to include the lighting, chewing, smoking, ingestion, or application of any tobacco products, including electronic devices such as e-cigarettes. Additionally, SB 13-283 (above) addressed the use of retail marijuana on school property.

SOCIAL, EMOTIONAL, AND MENTAL HEALTH

House Bill 13-1239: Creation of a Statewide Youth Development Plan. The state is required to develop a comprehensive plan for youth development under this law. The plan must quantify existing and needed services, and align existing limited resources to help promote positive youth development, which allows youths to be involved in state-level initiatives (C.R.S. 26-1-111.3).

House Bill 13-1007: Early Childhood and School Readiness Legislative Commission. This law 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 health, mental health, parental involvement, family support, child care, and early learning (C.R.S. 26-6.5-201).

Senate Bill 13-266: Creating a Coordinated Behavioral Health Crisis Response System. Through this legislation, the state issued a request for proposals to create a statewide behavioral health crisis response system that includes a 24-hour statewide 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).

Senate Bill 13-193: Increasing Parent Engagement in Public Schools. School districts are required to appoint a district-level parent engagement liaison to serve as CDE’s point of contact for parent involvement. District 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 these 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 (C.R.S. 22-32-142).

Senate Bill 13-138: School Resource Officer Programs in Public Schools. This law expressly includes and defines school resource officers as community partners in 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 13-033: ASSET Law. All Colorado high school graduates are allowed to pay in-state tuition at Colorado’s public colleges and universities, regardless of citizenship (C.R.S. 23-7-110).

Senate Bill 13-031: Tuition for Dropout Recovery Program. 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 the courses that the student completes (C.R.S. 22-35-109.5).

House Bill 11-1254: Colorado’s Anti-Bullying Law. Bullying any student is prohibited for any reason, including 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.).

House Bill 10-1274: Out-of-Home Juvenile Transition to Public School System. This law highlights schools’ responsibilities in helping students successfully transition 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 among various entities and school districts to ensure a successful transition back to school. The law amends the language in [HB 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 08-1019: Transfer Education Records for Foster Children. Support for children in out-of-home placements — including but not limited to foster care placements — is provided along with guidance for establishing stable educational environments such as ensuring proper school placement, transfer, and enrollment of foster children (C.R.S. 22-32-138).

SCHOOL HEALTH SERVICES

House Bill 14-1276: Grant Program to Train High School Students in CPR. School districts, charter schools, state charter school institute schools, and boards of cooperative educational services (BOCES) can apply for grants to train cardiopulmonary resuscitation (CPR) to high school students. Grants are financed through the state’s general fund and administered by CDE (C.R.S. 22-1-129).

Senate Bill 13-230: School-Based Health Center Program. This law appropriates additional funding for school-based health centers in Colorado.

Senate Bill 13-200: Expanding Medicaid Eligibility in Colorado. Coloradans earning up to 133 percent of the federal poverty level can qualify for Medicaid coverage. The law reduces the number of uninsured children in Colorado and improves the quality and continuity of care for children covered by Medicaid (C.R.S. 25.5-5-201).

Senate Bill 13-008: Eliminating the Waiting Period under CHP+. This law eliminates the requirement that children be uninsured for three months before enrolling in Child Health Plan Plus (CHP+), 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 08-1370: School Counselor Corps Grant Program. Legislative findings highlight the importance of school counseling services for students in middle, junior high, and high schools. The law created the school counselor corps grant program to provide three-year grants to school districts, BOCES, and charter schools to increase the number of school counselors (C.R.S. 22-91-101 et seq.).

House Bill 04-1451: Collaborative Management Program. This law created the Collaborative Management Program (CMP), a voluntary program that provides coordinated services to children and families by county across multiple agencies, including school districts. CMP provides fiscal incentives to communities that meet their health services goals. Thirty-five of the state’s 64 counties currently participate in the program (C.R.S. 4-1.9-101 et seq.).

Senate Bill 97-101: School Health Services Program in Colorado. This legislation helps to pay for health services for children in public schools. In 2008, subsequent enforcements to the law — Colorado Code of Regulations 2505-10 and C.R.S. 25.5-5-318 — required that reimbursement funds be used to provide enhanced health and health-related services to all district students, not just those who qualify for Medicaid services. These health services can include, but are not limited to:

- Employment of 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.

ADDITIONAL SCHOOL HEALTH SERVICE STATUTES AND RULES

Search [here](#) for Colorado Revised Statutes.

C.R.S. 12-38-101: Nurse Practice Act. Regulates the practice of nursing by creating the Colorado State 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 screenings in grades K-3, 5, 7, and 9. Parents are notified when a deficiency is found.

C.R.S. 22-1-119: Liability in Dispensing Drugs to Students. Exempts school staff from liability for administering medications with parental approval.

C.R.S. 22-1-119.3: Administration of Prescription Medication. Allows a district board of education to 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. Permits responsible students to carry and self-administer emergency medication such as inhalers and epinephrine auto injectors.

C.R.S. 22-2-135: Rules for Food Allergy and Anaphylaxis Management. Allows the state board of education to adopt and implement a policy for managing food allergies and anaphylaxis among students enrolled in the public schools of the school district.

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

C.R.S. 22-32-139: Food Allergy and Anaphylaxis Policy Required. Ensures school districts 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 SSPs, including nurses, to be licensed and endorsed by CDE to work in public schools.

C.R.S. 22-60.5-213: Approved Induction Program. Requires completion of an approved induction program to obtain a Professional Special Services License.

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. Prohibits children from attending school unless the parent or guardian has presented up-to-date immunizations to the school. Parents or guardians have 14 days from notice of noncompliance to obtain the required immunizations for their child or to have on file signed personal, medical, or religious exemptions.

COLORADO STATE BOARD OF HEALTH: CODE OF COLORADO REGULATIONS

6 CCR 1010-6: Rules and Regulations Governing Schools. These guidelines provide minimum sanitation requirements for operating and maintaining schools, and minimum standards for exposure to toxic materials and environmental conditions to safeguard the health of school occupants and the general public.

FEDERAL LAW RELATED TO DISABILITIES

Public Law 108-446: Individuals with Disabilities Education Improvement Act (IDEIA). This legislation requires schools to educate students who qualify with a disability under IDEIA in the least restrictive environment possible. This law includes providing free and appropriate education, including related services such as nursing and other health services.

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

HEALTHY SCHOOLS BEST PRACTICES GUIDE

The Colorado Education Initiative publishes an annual guide showcasing [best practices](#) that address health and wellness in Colorado school districts and schools.





THE
COLORADO
EDUCATION
INITIATIVE

1660 Lincoln Street
Suite 2000
Denver, CO 80264
303-736-6477
coloradoedinitiative.org

The Colorado Education Initiative is an independent nonprofit working in partnership with the Colorado Department of Education to unlock the unique potential of every student by incubating innovation, shining a spotlight on success, and investing in sustainable change that improves outcomes for all students. CEI envisions that every student in Colorado is prepared and unafraid to succeed in school, work, and life, and ready to take on the challenges of today, tomorrow, and beyond. This resource was developed in partnership with the Colorado Department of Public Health and Environment.

©2015 The Colorado Education Initiative