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BillBoard is a semimonthly

newsletter on the latest developments at the state capitol that impact K–12 education. It is distributed during the legislative session to school board members, superintendents, legislators, governor's office, various statewide organizations, BOCES executive directors and the Colorado Council of School Board Attorneys.

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A Message from Executive Director Ken DeLay: The Battle for the Negative Factor

How much should we settle for? \$100 million? \$200 million? Should we kill the [Student Success Act](#)? Can we kill it? What should be done with Sen. Johnston's plans to redirect BEST revenues? Can anything be done? Who is in charge at the Capitol?

We are not sure of the answer to any of these questions. Legislative battles over contentious issues are by their nature long and uncertain in their outcome, often to the very last minute. This Battle for the Negative Factor, as we have named it, is as contentious as any fight we have had at the legislature and the results still hang very much in the balance.

There are, however, a few things we do know. We know that the budget proposed by the governor this past December explicitly named as one of its assumptions that the negative factor will remain at \$1 billion for the next several years. Taking the governor at his word, even if we are successful in obtaining \$100 million to buy down the negative factor this year, the negative factor would still remain at \$900 million for the next several years, rather than \$1 billion, unless we are successful in our fights for more money

in future years. Even a small victory this year will leave much work to be done.

We also know there is enough money in various programs proposed within the Student Success Act and other bills already in the queue at the legislature to fund a buy down of the negative factor of more than \$150 million. If all the new monies proposed for gifted and talented, ADM, transparency, READ and other similar programs legislators favor were added to the \$100 million already proposed to buy down the negative factor, we would be north of \$150 million toward the negative factor. If we could do away with new mandates and bills attaching more strings to existing mandates and redirect those monies to buy down the negative factor, we might have a deal we could live with for this year.

Finally, we know that the governor's budget proposes spending levels for school finance that will keep a balance of at least \$400 million in the State Education Fund for many years to come. The State Education Fund is a state savings account for money that is collected from taxpayers for the sole purpose of funding the education of Colorado kids. The governor's staff and the Joint Budget Committee argue that keeping such a hefty balance in the State Education Fund is necessary to ensure that there will not be deep cuts to school finance in the future.

We disagree with this policy. Local, elected school boards know how to manage budgets. School boards and their superintendents know how to make tough cuts, hold the line on salaries, maintain adequate reserves for future contingencies and do more with less. They have been doing these things for the past five years. School boards, in summary, can run a budget as well as the state, maybe better. School boards can hedge against possible future cuts as well as the state does, maybe better.

Rather than maintaining a large state reserve, revenues collected for education should be put into the [School Finance Act \(HB 1298\)](#) so that local school boards and their staff can provide services to kids. That money should not be parked in a state savings account. If in the future the legislature must again cut school finance, it will do so. Local school boards will again determine how best to make those cuts in local communities. In the meantime, however, monies collected for our public schools will have been used in the way taxpayers intended those monies to be used – for kids.

Winston Churchill in his memoirs of World War II recounted that the only time during the war he genuinely feared losing was in 1941 and 1942, when the German U-boats were literally starving England to death by sinking ships bringing food to the island. By the end of 1942, the Allies had cracked the German codes and perfected the convoy system to protect shipping crossing the Atlantic. Great Britain's survival, and then victory, was assured.

As food and medical supplies were the lifeblood of Great Britain in World War II, school finance is the lifeblood of our public schools. Over the past five years, the Colorado legislature has taken more than \$3 billion out of school finance through the negative factor. The negative factor is now projected to continue at a rate of \$1 billion a year for the foreseeable future. During the same five years that the negative factor was created and imposed on school finance, a half dozen new and major education reform bills have been implemented in Colorado.

The legislature is literally starving our districts to death. If public education in Colorado is to build a better future, we must win this Battle for the Negative Factor – this year and for the next several years – and we must stop the new mandates. We have gotten into legislation \$100 million new dollars against the negative factor only with the help of many local school board members and superintendents. We must continue to focus legislative attention on the negative factor, rather than new mandates, but we can only do so if board members and superintendents sustain their efforts. We need all of you in this fight.

Join other school boards that have **adopted resolutions**/submitted letters calling upon the legislature to eliminate the negative factor and restore education funds! If your board adopts a resolution or sends a letter/email, please send a copy to your legislators and to [CASB](#)! Download a [sample resolution](#) here.

Next steps in the Battle for the Negative Factor: Build your local lobbying team

Legislative attention this week has been focused on the long bill, which details the state's budget for 2014-15, and we don't expect HB 1292, the Student Success Act, or HB 1298, the School Finance Act, to hit the House floor until late next week.

We were disappointed by the debate (or lack thereof) and limited scope of the amendments adopted by the House Education Committee last week and will move to an oppose position on the Student Success Act if we do not see meaningful change on the House floor.

We have identified **two critical areas for change at this time:**

1. Restoring BEST
2. Increasing the pay down of the negative factor

But we need YOUR help to be successful! Please contact [Michelle Murphy](#) or [Jane Urschel](#) with questions or concerns.

BEST

CASB is working with House republicans to introduce an amendment on the House floor that will eliminate the provisions

decimating the BEST program by specifically allocating the \$40 million generated for BEST pursuant to Proposition AA for full-day kindergarten, technology and charter school purposes. This allocation wrongfully prioritizes these matters over the critical health and safety needs of small and/or high poverty districts in a manner that violates the BEST statutes and the voters' intent when they approved Amendment 64 and Proposition AA. [Read the memo outlining CASB's position on BEST.](#)

Negative Factor

We're also working to eliminate new mandates (ADM and transparency) and redistribute the earmarked dollars included in the bill (READ, ELL and the implementation fund) to increase the pay down of the negative factor and/or be allocated to our neediest students in an equitable manner that will benefit all districts.

Local Action Required

We need your help to educate all 100 legislators on the impact of the negative factor in your community so that they have the information and political will necessary to fight back against House and Senate Leadership and the bipartisan list of bill sponsors. We cannot allow 25 legislators to rule the day on these critical issues.

We need school board members and superintendents to **act now** to build your local coalitions and reach out to your legislators. We are asking each of you to:

- Bring together teams that include (at least) one board member, the superintendent, one administrator, one teacher and one parent in your community.
- Reach out to your legislators here in Denver – or while they are back home – and discuss the critical issues at stake for your schools and students.

You must **help them understand the complexities of school finance** and the devastating impact of the mandates and forced cuts over the past four years. You must **urge them to restore funding to your district** through the pay back of the negative factor because local boards – not the state legislature – are in the best position to determine how to allocate any new dollars.

We have numerous resources available to support your efforts on our [Erasing the Negative Factor webpage](#). In the coming weeks, we will issue action alerts on the various issues that will generate short and succinct emails to your representatives on the critical issues at play. Engage your coalition by asking each member to forward these alerts to their respective communities, thereby multiplying the impact and power of your district's voice.

There is power in numbers folks and we can't do it without you!

Bills at a Glance

Track bills and learn about CASB's position on education-related legislation through [Colorado Capitol Watch](#).

HB 14-1288 STUDENT IMMUNIZATIONS PRIOR TO SCHOOL ATTENDANCE

Rep. Pabon (D) and Sen. Aguilar (D)

This bill would require that parents who refuse to have their children immunized before enrolling in school demonstrate that they have received reliable medical information about the benefits and risks of immunizations.

CASB position: Monitor

Status: Approved by House on third reading (March 24)

HB 14-1314 SCHOOL DISTRICT AND CHARTER SCHOOL MILL LEVY OVERRIDES

Rep. Pettersen (D) and Sen. Kerr (D)

The bill requires a school district that authorizes a charter school to include the charter school in the planning process to seek voter approval for additional local revenues to meet operating expenses.

CASB position: Monitor

Status: Approved by House Education Committee (March 24)

SB 14-165 K-12 ACADEMIC GROWTH PERFORMANCE EVALUATION

Sen. Kerr (D) and Johnston (D); Rep. Peniston (D) and Murray (R)

This bill would give districts flexibility in how much, if any, to base teacher evaluations on student growth during the 2014-15 school year. Teachers would continue to be evaluated on professional practice and low evaluations would count toward possible loss of nonprobationary status.

CASB position: Monitor

Status: Approved by House Education Committee (March 26)

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UPDATED: Must-have tools and resources for school board members

1. **Download and share** our one-page handout on [School Finance 101: What Every Coloradan Should Know About Education Funding](#).

2. **Educate** yourself about the financial impact the negative factor has had on your district.

For [Three Years of the Negative Factor \(2011-2014\)](#), Colorado School Finance Project chart.

For [2013-2014 information](#), District-by-District comparison, pay attention to column I, 2013-2014 Negative Factor with Supplemental.

For [2012-2013 information](#), District-by District table, pay attention to column O, Total Negative Factor.

For [2011-2012 information](#), District-by-District table, pay attention to column O, Total Negative Factor.

3. **Prepare** to attend and testify at a committee hearing by reading these [lobbying tips](#).

Save the date!
CASB Fall Conference & Delegate Assembly
September 26-27, 2014
Pueblo Marriott and Convention Center

Address **Colorado Association of School Boards**
2253 S. Oneida St., Ste. 300
Denver, CO 80224

Phone
303-832-1000 or 800-530-8430

Fax
303-832-1086

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