

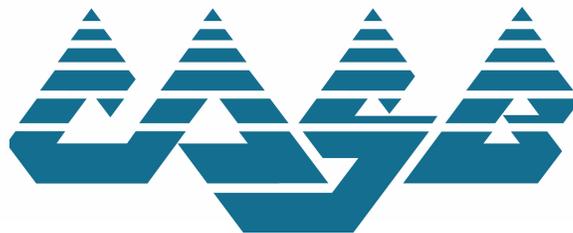


# **81st Annual Delegate Assembly**

**Saturday, October 23, 2021**

**9:00 a.m.**

**The Hilton  
Fort Collins, CO**





# Colorado Association of School Boards

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Dear CASB Member,

We look forward to seeing you at the upcoming 2021 Fall Conference & Delegate Assembly on Friday, October 22, and Saturday, October 23, in Fort Collins. Delegate check in will begin at 8:00 a.m. on Saturday and the Assembly will commence at 9:00 a.m.

Through their Delegate, every CASB member board receives a vote and the resolutions adopted at the Assembly help to guide our organization in advocating for laws, rules, and regulations that will support each and every student in Colorado. These resolutions, in conjunction with guidance from the CASB Board of Directors, the Federal Relations Network, and the Legislative Resolutions Committee, provide the foundation for CASB efforts at the State Capitol in Denver and on Capitol Hill in Washington D.C.

The Assembly begins with adopting the standing resolutions that “roll over” from year to year. The standing resolutions highlight the foundational elements of the CASB legislative platform. Following the standing resolutions, Delegates will debate new legislative resolutions submitted by CASB members. This process ensures that resolutions reflect the current issues and concerns of Colorado boards of education.

CASB Delegates are excellent practitioners of representative democracy each year and I am always impressed by the thoughtful and respectful dialogue which occurs at our Delegate Assembly.

Thank you for your active participation in the 2021 Delegate Assembly and your commitment to serving students through your local board work.

Sincerely,

A handwritten signature in black ink, appearing to read "John Wittler".

John Wittler  
CASB President

## About CASB's Delegate Assembly

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The Delegate Assembly is the foundation of CASB's governance structure and provides critical direction as CASB represents members' interests before state and national policymakers. Working with CASB's advocacy staff, the Legislative Resolutions Committee (LRC), and the Federal Relations Committee (FRN), designated delegates from local boards help ensure that CASB reflects the interests of boards of education across the state.

The Delegate Assembly is made up of up to 178 delegates who are appointed/designated by their local school boards in 12 geographic regions throughout Colorado (see pages 37-38). Each board casts one vote, so your board's representation at the Delegate Assembly is of the utmost importance to both your district and to CASB.

The Delegate Assembly and the Business Meeting chart CASB's future in three significant ways:

- Elects CASB's Board of Directors
- Amends CASB's bylaws to ensure a responsive and effective association
- Adopts CASB's advocacy agenda, the legislative "road map" for issues critical to public education for the foreseeable future

## What Does it Mean to be a Delegate?

### *Roles and Responsibilities*

- Attend two annual meetings — the Delegate Assembly and the Business Meeting — meetings are held during the fall conference and annual convention
- Help formulate CASB's legislative priorities and activities and adopt resolutions to guide the advocacy agenda
- Elect CASB's Board of Directors
- Amend CASB's bylaws

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# 2021 CASB Legislative Resolutions Committee

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*Chair: Kathy Plomer - Adams 12 Five Star Schools (Large District)*

## **Region**

1	Jon Kleve	Holyoke RE-1J
2	Shawna Calhoon	Bethune School District
3	Sandra Lundquist	Rocky Ford R2
3	Dee Leyba	East Otero R-1
4	DJ Anderson	Poudre School District
4	Jennifer Lieber	Weld RE-4
5	Anne Egan	Cherry Creek Schools
5	Laura Mitchell	Adams 12 Five Star Schools
5	Kelly Perez	Littleton Public Schools
6	Barb Clementi	Pueblo School District 60
6	Susan Mellow	Cheyenne Mountain 12
6	Julie Ott	Colorado Springs D-11
7	Kim Brack	Steamboat Springs RE-2
7	Jnl Linsacum	Moffat County RE-1
8	Tracey Carisch	Summit School District
9	Neal Walters	Upper Rio Grande School District
10	Dustin Sandidge	DeBeque 49-JT
11	Tim Taplin	Ridgway R-2
12	Mary Lynne Herr	Bayfield 10 Jt-R
12	Tammy Hooten	Montezuma-Cortez RE-1

## **Ex-Officio**

Nate Donovan - Poudre School District	FRN Chair
Kathleen Gebhardt - Boulder Valley School District	Director at Large/NSBA Director
John Wittler - Vilas RE-5	CASB Board of Directors, President

## **Friends of Legislative Resolutions Committee**

Dale McCall - Colorado BOCES Association	Friends of Leg Res Committee
Michelle Murphy - Colorado Rural Schools Alliance	Ex-Officio

## **Colorado Council of School Board Attorneys**

Cindy Dude	Anderson, Dude & Lebel P.C.
Chris Esser	Jeffco Public Schools
Adele Reester	Lyons, Gaddis, Kahn, Hall, Jeffers, Dworak & Grant P.C.

## **CASB Legislative Contact**

Matt Cook	Colorado Association of School Boards
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## 2021 CASB Federal Relations Network

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*Chair: Nate Donovan, (Congressional District 2) Poudre School District*

### **Congressional District 1**

Sally Daigle  
Sheridan School District

Caty Husbands  
Englewood Schools

### **Congressional District 2**

Nate Donovan, FRN Chair  
Poudre School District

Kitty Sargent  
Boulder Valley School District

### **Congressional District 3**

Doreen Newcomb  
Custer County C-1

Paul Pitton  
Mesa County Valley 51

### **Congressional District 4**

Debra Gustafson  
Weld RE-3J

### **Congressional District 5**

John Graham  
District No. 49

Karin Reynolds  
Academy District 20

### **Congressional District 7**

Lori Goldstein  
Adams 12 Five Star Schools

### **Ex-Officio**

Matt Cook  
Director of Public Policy & Advocacy

Dale McCall  
Executive Director, Colorado BOCES

Kathy Plomer  
Adams 12 Five Star Schools

John Wittler  
President, CASB Board of Directors

Cheri Wrench  
CASB, Executive Director

## Delegate Assembly Agenda

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- 7:00 – 8:30 a.m.            Breakfast and Networking
- 8:00 – 8:45 a.m.            Delegate Check-in
- 9:00 a.m. – 12:00 p.m.    Delegate Assembly convenes  
Report of the CASB President  
Report of the CASB Executive Director  
Adopt rules  
Presentation of report from Legislative  
Resolutions Committee and Federal Relations Network
- 12:00 p.m.                  Assembly adjourns

# Proposed Rules of Procedure for CASB Delegate Assembly

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*The rules are adopted at the onset of the deliberations of the Delegate Assembly, at which time they are subject to discussion and amendment.*

The following rules of procedure are proposed for adoption by the Delegate Assembly:

1. Except as modified below, the Assembly shall operate by the rules prescribed in “Robert’s Rules of Order, Newly Revised.”
2. Amendments to resolutions shall be in writing and presented to the CASB board president or designee prior to discussion of the amendment in the Delegate Assembly. *(See form on opposite page.)*
3. In speaking to a motion, a delegate will be limited to three minutes. A delegate shall identify herself/himself before speaking on an issue.
4. A delegate who has spoken once on a question will not be recognized again for the same question until others who wish to speak have spoken. At that time, the delegate will be allowed two minutes for rebuttal.
5. All voting shall be through the electronic voting system or through paper ballots, if needed. Actions shall be taken by majority vote of the member boards with a representative present and voting.
6. Any resolution not published and distributed to members in this booklet shall be considered a resolution from the floor. To present a resolution from the floor, a delegate shall submit the proposed resolution in writing to the board president or designee prior to consideration. When recognized, the delegate shall make a motion that the resolution be considered. If the motion is seconded, the delegate offering the floor resolution shall be allowed three minutes to speak to the motion. The motion to consider a resolution from the floor requires an affirmative vote of two-thirds of the board delegates represented and voting. If the motion to consider passes, the floor resolution will then be considered on its merits in the same manner as any other resolution.

# Amendment Form

*Copy this page for proposed amendments. Additional forms will be available at the Delegate Assembly.*

## ***AMENDMENT***

I move to amend Resolution # \_\_\_\_\_ by (choose appropriate statement):

- Inserting or adding;
- Striking out; or
- Striking out and inserting or substituting language as follows:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
School District

# Standing Resolutions

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## **Student Academic Growth and Achievement**

### **Forward with a Favorable Recommendation**

**SR1** - The Colorado Association of School Boards (CASB) supports a system of accountability that stresses local measures that inform instruction and separately acknowledges a need for a statewide system that allows measurement of school and district effectiveness and comparison between school districts.

**SR2** - CASB opposes any state mandates beyond the federal minimums with respect to assessment and educator licensure to assure local boards' flexibility to allocate instructional time and place the best teacher in every classroom.

**SR3** - Colorado school boards' constitutional authority includes the right to develop schools and programs to supplement current programs and ensure student access to diverse learning opportunities.

## **Finance**

### **Forward with a Favorable Recommendation**

**SR4** - The state must provide Colorado's public schools with adequate and reliable funding pursuant to a formula that balances federal, state and local revenue sources and is intended to fully fund the legal requirements for and meet the educational needs of all Colorado students. Further, the state must increase the total annual appropriation of state special education funding by at least at the cost of inflation and caseload growth, to reduce unreimbursed special education expenditures at the local level.

**SR5** - New legislation must expressly consider cost at the state and local levels and be fully funded before it may be enforced by the state.

**SR6** - Existing mandates that are ineffective or that have a larger cost than benefit must be rescinded so local boards may dedicate those financial resources to better use.

## **Local Governance**

### **Forward with a Favorable Recommendation**

**SR7** - Colorado's Constitution acknowledges the diverse nature of Colorado school districts and establishes locally elected school boards vested with control of instruction as the guarantor of educational quality responsive to local needs.

**SR8** - Control of instruction, including efforts to restructure and fund public education, must be guided by student needs, improved academic growth and achievement, with responsible use of financial resources as determined by the locally elected school board.

**SR9** - Essential functions of the local board of education's constitutional authority include establishing the course of curriculum and instruction, the process for determining the terms and conditions of employment for school district employees, and the budget to be used to implement the local community's priorities.

## **Federal Standing Resolutions**

### **Forward with a Favorable Recommendation**

#### **Full Funding of the Individuals with Disabilities Act (IDEA)**

**FSR1** - The Colorado Association of School Boards calls on the United States Congress to meet the funding requirements of the Individuals with Disabilities Act (IDEA). Since the implementation of IDEA in the early 1970s, Congress has never fully funded the Act as written. The nation's most vulnerable students deserve the adequate funding required to provide each and every student the resources needed to achieve their full academic potential.

#### **Career and Technical Education**

**FSR2** - To be successful contributing members of a global society, Colorado students need access to Career and Technical Education in addition to other academic and extracurricular activities. The Colorado Association of School Boards supports ongoing and sustainable funding by the United States Congress to support the "Strengthening the Career and Technical Education for the 21st Century" Act, such as by providing resources to lessen the financial impact of a qualified instructor entering the field of Career and Technical Education. Career and Technical Education must be available to all Colorado students regardless of where they live within the state.

#### **School Nutrition Funding**

**FSR3** - The Colorado Association of School Boards supports enhancements to the various federal nutrition programs to allow for the most flexibility in menu choices, a reduction in regulations, and maximum reimbursements to Colorado schools. Colorado community schools are an important source of healthy meals and nutrition education for the state's preschool and K-12 students. Further, CASB supports programs to allow school meal programs to locally source ingredients produced in Colorado.

## 2022 Legislative Session Resolutions — Consent Agenda

Several resolutions were submitted that uphold long-standing goals of CASB. The Legislative Resolutions Committee (LRC) has forwarded all of these resolutions with a “Favorable Recommendation,” which means the Committee was unanimously supportive of the intent of the resolution.

These resolutions are being placed on a CONSENT Agenda to allow the full Delegate Assembly to review the resolutions and also vote on them in an efficient manner. The Consent Agenda will be voted on using the following rules:

1. The Consent Agenda will be displayed for the Delegate Assembly.
  - a. At this point any delegate can ask to have a resolution removed from the Consent Agenda.
2. The delegate from the board of education which submitted the resolution will have 30 seconds to speak to the resolution. The resolutions will be addressed in the order they appear on the Consent Agenda.
3. Once all Consent Agenda resolutions have been reviewed, the process for approval will follow the same format as a non-Consent Agenda item:
  - a. A Motion to approve the Consent Agenda will be called for;
  - b. A Second to the Motion must be made;
  - c. The delegates will have an opportunity to discuss the Consent Agenda items;
    - i. The delegates will vote to approve the Consent Agenda.
    - ii. If the delegates approve the Consent Agenda, then the Delegate Assembly will proceed to the next item on the Agenda
    - iii. If the delegates do not approve the entire Consent Agenda, then each item on the Consent Agenda will be considered separately.

# RESOLUTIONS ON THE CONSENT AGENDA

**Submitted by — Poudre School District**

**Consent Agenda Resolution #1**

**Forward with a Favorable Recommendation**

**Resolution: Educator evaluations**

CASB supports continued reform in the teacher evaluation process to encourage courageous conversations between administrators and teachers that lead to real goal setting and effective feedback. Evaluations are more effective when trust and communication are paramount, rather than rigidly imposed accountability measures that discourage continuous improvement in teaching methods.

**Rationale Statement:**

The teacher evaluation process needs reform to encourage innovative teaching and learning.

**Submitted by — Montezuma-Cortez RE-1**

**Consent Agenda Resolution #2**

**Forward with a Favorable Recommendation**

**Resolution: CASB to support additional funding for rural schools**

Colorado rural school districts have great difficulty attracting and retaining teachers and other staff, including bus drivers. The inability to pay competitive salaries is a major cause of this problem. Colorado rural school buildings are generally significantly older. Most older buildings are not energy efficient, require substantial maintenance costs, and have significant limitations in the ability to upgrade technology. Colorado rural students make up significant numbers who are considered at risk; many of their families are unable to afford technology tools and internet access. Many students live in remote areas with little or inadequate internet access. The state of Colorado needs to assure that all students have necessary technology and internet access. The median household income in many rural districts is significantly lower than in metro areas. As a result, rural voters are reluctant to vote for any type of tax that would increase funding for public schools, adding additional burden to already strapped rural school budgets. In consideration of all of these facts CASB advocates for increased school funding to support rural Colorado students and their communities.

**Rationale Statement:**

Additional funding is needed to:

- Attract and retain high-quality teachers and other staff,
- Replace outdated school buildings
- Provide technology for every student
- Address inadequate, non-existent, and unaffordable internet access for students in many parts of the state
- upgrade technology

The underlying problem that needs to be addressed are:

- Lack of equitable and adequate funding
- Attract quality teachers and other staff
- Provide facilities that enhance 21st century learning.
- Provide needed technology
- These are common challenges in all rural areas of the state

**Submitted by — Legislative Resolutions Committee**

**Consent Agenda Resolution #3**

**Forward with a Favorable Recommendation**

**Resolution: Oppose Prop #119 — CASB supports full funding of current public education before enacting new programs**

CASB is opposed to the Learning Enrichment and Academic Progress (LEAP) ballot Proposition #119. The state of Colorado should first fully fund Pre-K to 12 education, as was the intent of voters when they approved Amendment 23 to the Colorado Constitution, before instituting new programs that may or may not help our students. By reducing the funds available to construct classrooms via the Building Excellent Schools Today (BEST) many students across the state will be forced to continue their pursuit of their education in unsafe and inadequate school buildings. CASB encourages voters to reject the LEAP ballot Proposition #119.

**Rationale Statement:**

Since 2009 the Colorado General Assembly has tracked the debt owed to Colorado students resulting from the non-payment of funds approved by Colorado voters under Amendment 23 to the Colorado Constitution. The Budget Stabilization Factor (BSF) now stands at a cumulative \$9.3 billion. For the 2021-22 school year alone Colorado students will not benefit from more than \$572 million for their education that voters clearly intended them to have. Colorado must repay this debt owed to our students before implementing any new programs.

The initiative sets up a new entity called the Colorado Learning Authority to administer the funds. This board will administer millions of dollars of new revenue with no sunset to the initiative and no evaluation built in to assess the impact of how tax dollars are spent. The LEAP program would put in place a convoluted system of taxes and fund transfers to implement this new and as yet unproven program. Placing new taxes on the sale of recreational marijuana will only enhance the myth that marijuana sales taxes have “solved” the funding problems for Colorado schools. This appointed board sits within the Colorado Department of Education but is not run by CDE. There is no provision requiring anyone with education expertise or experience is part of the Learning Authority and no accountability to the voters.

The Colorado School Trust Lands were set aside to ensure an inter-generational benefit for Colorado schools. Today the State Land Board manages more than 2.8 million acres for the benefit of current and future generations of students. These critical revenues fund the hugely successful Building Excellent School Today program. BEST is oftentimes the only source of funds available to communities to build quality schools. Colorado should jealously guard these precious state lands to ensure they continue to benefit students.

**Submitted by — Legislative Resolutions Committee**

**Consent Agenda Resolution #4**

**Forward with a Favorable Recommendation**

**Resolution: Oppose Initiative #27 — CASB supports current levels of property tax to fund Colorado public education**

CASB is opposed to the permanent reduction of Colorado property taxes as proposed by Initiative #27. Property taxes are an important component for funding Colorado PreK to 12 public education. Colorado students currently bear the burden of the \$572 million reduction due to the Budget Stabilization Factor and chronic underfunding due to Colorado’s Constitutional Tax Code. As the Colorado economy begins to recover from the COVID-19 health pandemic, now is not the time to further reduce the much-needed dollars available to fund the success of Colorado students.

**Rationale Statement:**

Colorado taxpayers enjoy relatively low taxes. The state ranks in the lower third of states in regard to tax burden. A strong investment in public education pays multiple dividends for the state's economy and, more importantly, its students. Colorado ranks in the bottom quarter of states in terms of overall financial support for students. A permanent reduction in the Colorado property tax would further hamper the ability of the Colorado General Assembly to carry out their legally required duty to provide a thorough and uniform system of free public schools throughout the state.

**Submitted by — St. Vrain Valley Schools**

**Consent Agenda Resolution #5**

**Forward with a Favorable Recommendation**

**Resolution: Pass the School Finance Act by the 100th day of each legislative session**

CASB will work with members of the Joint Budget Committee and House and Senate Education Committees to pass legislation that requires the School Finance Act to be adopted by both chambers of the General Assembly no later than the 100th day of the legislative session each year.

**Rationale Statement:**

The Colorado General Assembly convenes each year for a regular session that may last no more than 120 days. *Colo. Const. Art. V, Section 7.*

Arguably, the two most important bills passed by the legislature each year are the state’s budget (Long Bill) and the school funding bill (School Finance Act). These bills are important because they fund our public schools, transportation system, healthcare safety net, parks and open space, and much much more.

However, especially with the School Finance Act, the time frame within which the bill is passed is almost as important as the financial resources it provides. In order to adequately staff our schools, properly equip our students with the necessary textbooks and technology, and prepare our buildings and facilities for the following school year, districts need certainty about the resources that will be available from the state. The longer the state delays in passing the School Finance Act the more difficult it is to prepare for the following year.

The Deadline Schedule approved by the Speaker of the House and Senate President typically requires the legislature to pass the School Finance Act by the 100th day of the regular session, which is approximately April 20th of each year.

However, over the last five years, the School Finance Act has not passed until the last three days of each legislative session demonstrating an extreme lack of discipline on the part of the legislature and necessitating a new law designed to maintain a schedule that is in the best interest of the public good.

Not only has the delayed passage of the School Finance Act caused difficulties for school budget offices, but it has also opened the legislation up to nefarious actions of opportunistic special interest groups. A favorite tactic of special interests that cannot get their bills through the Education and Appropriation Committees is to amend the concepts into the School Finance Act, essentially holding school funding hostage until a majority of the members of each chamber agree to fund their pet project. This tactic undermines the integrity of the entire legislative process. It contradicts the principle of having a “single subject” for each bill, and it puts our schools at a disadvantage in preparing for the following school year.

**Submitted by — Poudre School District**

**Consent Agenda Resolution #6**

**Forward with a Favorable Recommendation**

**Resolution: State funding future ballot measures**

CASB supports current efforts to build a coalition addressing Colorado state funding requirements resulting from TABOR or other provisions that may result in a future statewide referendum or initiative for a ballot measure amending the Colorado Constitution.

**Rationale Statement:**

Self-explanatory. State funding needs reform.

**Submitted by — Poudre School District**

**Consent Agenda Resolution #7**

**Forward with a Favorable Recommendation**

**Resolution: Federal E-Rate broadband funding**

CASB supports expansion of and funding for the E-Rate program for school broadband connectivity to include efforts for students in a virtual learning environment lacking reliable internet connections.

**Rationale Statement:**

Increased broadband support is essential for educational access and equity.

**Submitted by — Poudre School District**

**Consent Agenda Resolution #8**

**Forward with Favorable Recommendation**

**Resolution: Federal funding for COVID-19 impacts**

CASB supports additional federal funding for school districts to compensate for COVID-19 related expenses and shortfalls in budgets resulting from economic effects of the pandemic.

**Rationale Statement:**

School districts are still dealing with impacts from the pandemic and need additional funding to address these issues.

**Submitted by — St. Vrain Valley Schools**

**Consent Agenda Resolution #9**

**Forward with a Favorable Recommendation**

**Resolution: Standard contract provisions for school contracts**

CASB will work with the Colorado Department of Education to develop statutory protections for school contracts similar to those contained in § 24-106-109, C.R.S.

**Rationale Statement:**

Section 24-106-109, C.R.S. reads as follows:

Any term or condition in any contract entered into by the state that requires the state to indemnify or hold harmless another person, except as otherwise authorized by law, or by which the state agrees to binding arbitration or any other binding extra-judicial dispute resolution process in which the final resolution is not determined by the state, or by which the state agrees to limit liability of another person for bodily injury, death, or damage to tangible property of the state caused by the negligence or willful misconduct of such person or such person’s employees or agents shall be void ab initio; except that the contract containing that term or condition shall otherwise be enforceable as if it did not contain such term or condition. All contracts entered into by the state, except for contracts with another government, shall be governed by Colorado law notwithstanding any term or condition to the contrary.

However, § 24-106-109, C.R.S. falls within the state Procurement Code and only applies to “Governmental bodies” within the following definition:

(18) “Governmental body” means any department, commission, council, board, bureau, committee, institution of higher education, agency, government corporation, or other establishment or official, other than an elected official, *of the executive branch of state government in this state* .... Section 24-101-301 (18), C.R.S., *emphasis added*.

Since this provision only applies to offices under the executive branch, it doesn’t apply to public schools or school districts. School districts are established by the legislative branch of government. *See Colo. Const. Art. IX, Section 2.*

Thus, schools and districts are left to negotiate “choice of law” and “venue” in every contract they enter with a vendor. They have to ensure no vendor contract includes a binding arbitration clause or general indemnification provision. And, they must negotiate limitations of liability provisions. All of these protections are afforded to agencies under the executive branch of government and should be extended to schools and districts as well.

**Submitted by — Adams 12 Five Star Schools**

**Consent Agenda Resolution #10**

**Forward with a Favorable Recommendation**

**Resolution: Standard of review for appeals of new charter school applications**

CASB supports a standard of review for new charter school application appeals to the State Board of Education that is the same for the Charter School Institute and Local District Boards of Education. The standard of review for appeals for both chartering authorities should be whether the chartering authority’s decision was arbitrary and capricious, which is the common standard of review for nearly all administrative reviews.

The current language for the Charter School Institute states:

C.R.S. 22-30.5-510 (5): “Within sixty days after receipt of a notice of appeal by the state board and after reasonable public notice, the state board shall review the decision of the institute and determine whether the decision was arbitrary and capricious.”

The current language for local boards of education reads:

C.R.S. 22-30.5-108 (3)(a) (referring to the first appeal) and (3)(d) (referring to the second appeal): The State Board of Education is directed, for both the first and second appeal, to determine whether a local board’s decision was “contrary to the best interests of the pupils, school district, or community.”

**Rationale Statement:**

Currently there is variance in statute between the standard of review for new charter school application appeals between The Charter School Institute and local district boards of education.

The standard of review should be the same for both chartering entities;

- Respecting the research and review process conducted by each chartering authority.
- Good authorizing practices are independent of the entity doing the authorizing. Local boards of education practice in-depth and thorough review processes to make decisions on charter schools.
- The arbitrary and capricious standard is the common standard used by states who specify a standard of review and for nearly all administrative reviews.
- The current “best interests of the pupils, school district, or community” standard for local district boards of education is subjective and without definition.
- The “best interest” standard has only been applied to students of the new charter school. Detrimental impacts to existing students has not been part of the “best interest” standard.
- The arbitrary and capricious standard holds local boards of education to their responsibility to make fair and justifiable decisions on charter schools.

## Submitted by — Colorado Springs School District 11

### Consent Agenda Resolution #11

#### Forward with a Favorable Recommendation

#### **Resolution: CASB is opposed to granting BOCES the ability to operate schools within the boundaries of a school district without the agreement of the elected Board of Education.**

CASB supports local control by elected Boards of Education within the state. The Colorado Constitution in Article IX, Section 15 clearly states that locally elected Boards of Education have control of instruction within their district boundaries. This includes the ability to regulate the number and type of schools that operate within the district boundaries. The attempt by the Education reEnvisioned BOCES (Boards of Cooperative Education Services) to operate “brick and mortar” schools without the consent of the duly elected local Board of Education is a violation of the state constitution and the applicable laws that regulate how BOCES operate. These schools are counting students and receiving funding from the State of Colorado using the school finance formula. CASB is opposed to granting BOCES the ability to operate schools within the boundaries of a school district without the agreement of the elected Board of Education.

#### **Rationale Statement:**

The challenge with these types of brick and mortar schools is that it creates a new format of publicly funded K12 education without the accountability of traditional or charter schools. BOCES schools do not have a formalized application process, do not have the oversight authority of traditional and charter schools and do not provide local property tax revenue to subsidize school finance funding. Most importantly, BOCES authorized schools can be operated by for-profit individuals, partnerships and corporations, unlike traditional and charter schools. In summary, a BOCES authorized school provides too easy a path for a school to operate without accountability. If this process is allowed to continue, BOCES schools will eventually replace traditional and charter schools throughout the state.

The following is a summary of the ERBOCES dispute with Colorado Springs School District 11:

“At the beginning of the 2020-2021 school year, Education reEnvisioned BOCES (“ERBOCES”), without the permission of Colorado Springs School District 11 (theDistrict), contracted with the Colorado Literacy and Learning Center (“CLLC”) to operate Orton Academy within the geographic boundaries of the District. On August 31, 2020, after the District voiced its objections, ERBOCES filed a complaint with the El Paso County District Court (the “District Court”) against the District seeking a declaratory judgment authorizing ERBOCES to continue to operate Orton Academy within the geographic boundaries of the District without permission. The District filed its Answer, Counterclaim and Third-Party Claim on October 16, 2020. In the counterclaim and third-party claim, the District alleged that operation of Orton Academy within the District’s boundaries without permission from the District violates Article IX, Sec. 2 of the Colorado Constitution. Article IX, Sec. 2 provides that local boards of education shall have control over instruction in the public schools of their respective districts.

The District sought a declaratory judgment that ERBOCES and CLLC were required to obtain the District's permission to operate Orton Academy within the District's boundaries, and that, having not received permission, Orton Academy must cease operating within the District. The parties agreed to a briefing schedule on cross-motions for summary judgment on the legal issue of whether ERBOCES and the CLLC were required to obtain the District's permission before operating Orton Academy within the District. On February 5, 2021, the parties filed their motions for summary judgment. On March 31, 2021, the District Court granted ERBOCES' motion, thereby ruling in ERBOCES' favor. Specifically, the District Court held that C.R.S. § 22-5-111(2) authorized ERBOCES to operate a school within the geographic boundaries of the District even though the District was not a member of ERBOCES and even though the District had not consented to the operation of the school within its geographic boundaries. The District Court further held that the operation of Orton Academy without the consent of the District did not violate Article IX, Section 15 of the Colorado Constitution. In May 2021, the District filed a Notice of Appeal with the Colorado Court of Appeals. Upon information and belief, ERBOCES, as a result of the District Court's decision, intends to create and operate new BOCES schools in Woodland Park, Lewis Palmer, Academy, and Pueblo school districts, apparently with no plans to obtain the consent of those school districts."

**Submitted by — Poudre School District**

**Consent Agenda Resolution #12**

**Forward with a Favorable Recommendation**

**Resolution: Charter school waivers**

CASB supports the adoption of policies and legislation amending the Colorado Charter Schools Act regarding the process of obtaining waivers from Colorado law, including requiring the requesting charter school to provide a written rationale for seeking each such waiver.

**Rationale Statement:**

Charter schools should be required to state a rationale for seeking waivers from Colorado law.

# Local Governance

**Submitted by — Moffat County RE-1**

**Resolution #13**

**Resolution: Administration of Marijuana to Qualified Students**

CASB encourages the Colorado General Assembly to repeal the requirement to store medical marijuana on school property and further repeal the language that staff can volunteer to administer medically prescribed marijuana.

**Rationale Statement:**

Districts should not store a drug that has the potential of abuse. If the drug is stolen, the district could be found liable. Nor should school personnel be put in the position to volunteer to possess, administer, or assist in the administration of medical marijuana. The liability and the potential to be coerced or pressured into such action could put the employee in a compromised position. References: CRS 22-1-119.3 and CRS 22-1-119.3 (3)(d)(l)

## **Submitted by — Poudre School District**

### **Resolution #14**

#### **Resolution: Superintendent selection**

CASB supports clarifying the Colorado Open Meetings Law subsection pertaining to school boards that itemizes what topics can be discussed in executive session to add the following: If a school board names more than one finalist for a superintendent opening, and If there is a public forum with the finalists where finalists answer questions from members of the public, Then the Board of Education can meet in executive session to interview each of the finalists, and can also meet in executive session to deliberate on the merits of the finalists (though not to vote on which finalist should be selected for the job – which still must be done in public).

#### **Rationale Statement:**

We want to clarify the executive sessions law to encourage more districts to name multiple finalists for the superintendent position rather than a single finalist. Right now, the laws on hiring a superintendent allow school boards to name a single finalist for the position of superintendent. There is an incentive to delay the selection of finalists and to name only one finalist for a superintendent position. Naming multiple finalists should be encouraged because it provides more opportunities for public input and scrutiny. Although the open meetings law allows some discussion in executive session for purposes of determining positions subject to negotiations, for example, school districts have faced numerous, duplicative legal challenges in recent years. Such discussions are especially sensitive and demand strict confidentiality during the superintendent selection process, and districts should not have to devote public resources to litigation. Clarifying the law would allow districts to continue to discuss finalists in executive session without risk of costly lawsuits that detract from their educational mission. Why is it important to clarify this law and clearly allow interviews of and deliberation on finalists in executive session? While in theory it is great to have everything done in public, in practice, candidates will not be as forthcoming on difficult interview questions in public and do not want negative things said about them in public. Boards need to be able to ask difficult questions and discuss frankly the pros and cons of candidates in order to determine who is the best fit for a district. Search firms also advise that for many of the most qualified candidates, confidentiality is essential. Given those facts, some candidates may refuse to participate in a finalist round if all interviews and deliberations are in public, thus depriving our districts of otherwise excellent candidates.

**Resolution #15**

**Resolution: Legislation requiring candidates for Boards of Education to undergo fingerprinting and background checks that are currently required of all Colorado educators and support staff**

School employees in Colorado (and in some cases per individual district, volunteers) undergo fingerprinting and background checks. Currently, school board members are not subject to legally required fingerprinting and background checks, however, many assume that anyone involved with schools, including the school board, undergoes a background check. Throughout our state, school board members interact with students, but are not held to the same level of accountability as teachers, administrators, and support staff. When school board members are excluded from the fingerprint and background check policy, it increases the possibility of the district being embarrassed in the future, and even more atrocious, a child being subject to a person guilty of a sexual offense against a child. It also sends the message that those who approve the policies are above them. Whether school board candidates are elected or appointed they have huge responsibilities and oversight and should be held to the same fingerprinting and background checks as all school employees.

The only assurance that school districts have now that board candidates have not been convicted of commission of a sexual offense against a child is the completion of the notarized form Affidavit of School Director Candidate on Qualifications for Office at the time of applying to be a candidate.

“This is to certify that I, \_\_\_\_\_, a candidate for the office of School Director of the \_\_\_\_\_ School District, do fully meet the qualifications of the office I am seeking as set forth in Colorado statute. Further, I affirm that I have never been convicted of commission of a sexual offense against a child.<sup>1</sup>”

<sup>1</sup>For purposes of this document, “convicted” includes having pleaded guilty or nolo contendere or having received a deferred judgment and sentence; except that a person shall not be deemed to have been convicted if the person has successfully completed a deferred sentence. C.R.S. 22-31-107 (5)(c).

For purposes of this document “sexual offense against a child” means any of the offenses described in sections 18-3-305, 18-3-405, 18-3-405.3, 18-3-504(2), 18-6-301, 18-6-302, 18-6-403, 18-6-404, and 18-7-402 to 18-7-406, C.R.S., and any of the offenses described in sections 18-3-402 to 18-3-404 and 18-7-302, C.R.S., where the victim is less than eighteen years of age. “Sexual offense against a child” also means attempt, solicitation, or conspiracy to commit any of the offenses specified in this paragraph. C.R.S. 22-31-107 (5)(b).”

In our research we found four states that require fingerprinting and background checks for school board candidates: Delaware; Missouri; New Jersey; Ohio. There may be additional states that also require the same for board candidates and/or members, however, in our preliminary search these four states were the only ones found.

The following CASB sample policies outline fingerprinting recommendations and procedures for school district staff: GCE/GCF Professional Staff Recruiting/Hiring; GCE/GCF-R Professional Staff Recruiting/Hiring (Regulation); GDE/GDF Support Staff Recruiting/Hiring; GDE/GDF-R Support Staff Recruiting/Hiring (Regulation); GDG Part Time and Substitute Support Staff Employment. You'll note the policies include all persons working in a school district. In addition, the following Colorado Revised Statutes outline some of the laws regarding fingerprinting and background checks for district staff: 20 U.S.C. 6312 (c)(6) (teacher licensure requirements under Every Student Succeeds Act); C.R.S. 24-5-101 (effect of criminal conviction on employment); C.R.S. 22-32-109.8 (non-licensed personnel - submittal of fingerprints and name-based criminal history record check); C.R.S. 22-2-119.3 (6)(d) (name-based criminal history record check - definition); C.R.S. 13-80-103.9 (liability for failure to perform an education employment required background check); C.R.S. 22-32-109.7 (duty to make inquiries prior to hiring); C.R.S. 22-32-109.8 (non-licensed personnel - submittal of fingerprints and name-based criminal history record check).

**Rationale Statement:**

There have been instances of seated board members being charged and/or found guilty of criminal activity against children. Requiring fingerprinting and background checks of school board candidates would bring to light any criminal offenses against children disqualifying the candidate from running and being elected to the school board. This doesn't cover the current seated board members; in time these members will be term-limited out of their offices and all new board candidates will be subject to background checks. In our research we found that some school advocates worry that requiring these procedures for school board candidates may discourage people from applying to become a board member. However, we feel this is a small price to pay to ensure that students are kept safe from potential criminals and predators. This procedure should discourage anyone with a criminal background from applying therefore helping to keep our students safe. Of particular note in the legal references regarding fingerprinting and background checks is C.R.S. 13-80-103.9, liability for failure to perform an education employment required background check. Currently this only applies to school employees and in most cases contractors, but in today's litigious society, we feel it won't be long before all persons affiliated with a school district will be held liable should crimes against children come to light. Requiring background checks and fingerprinting of school board candidates will ensure candidates truly have not been convicted of a criminal offense when they sign the Affidavit of School Director Candidate on Qualifications for Office, thus ensuring students in the school district are safe from persons who may commit offenses against children.

# Finance

**Submitted by — Poudre School District**

**Resolution #16**

**Resolution: State funding equity**

CASB supports the adoption of policies and legislation to change the Public School Finance Act of 1994 to provide more equity among districts generally and more support for rural school districts. The state funding formula needs to be updated to better reflect the needs of modern educational environments, such as recognizing advances in educational technology, innovation and creativity in delivering educational programs, online and other blended learning opportunities complementing seat time requirements, and equity for high-poverty districts. It is time to modernize these requirements with methods more compatible with existing technology for measuring and reporting attendance and work time.

**Rationale Statement:**

More equity in state funding is needed.

**Submitted by — RE-1 Valley & District 49**

**Resolution #17**

**Resolution: October count**

CASB encourages the General Assembly and the Colorado Department of Education (CDE) to revise the student enrollment count system from one count day to two count dates with 10-day count windows, the first on October 1 and the second on February 15, and for per pupil funding to follow student enrollment. CASB also encourages CDE to collaborate with districts, charter schools, superintendents and their respective professional associations to ensure any new system serves the needs of all schools across the state.

**Rationale Statement:**

Adding an additional student count date in the spring would make it easier to plan for the beginning of the fiscal year budget. This would also allow student funding to follow the student if he/she moves mid-year. For many rural and/or smaller districts, especially those with a high population of special needs students, the migration of students from one district to another throughout the year can put undue strain on already nominal budgets. Many school districts recognize a significant amount of growth after the October count. Educational funding should be supported for those new students.

**Submitted by — Campo School District Re-6**

**Resolution #18**

**Resolution: Supporting minimum salary level for educators in Colorado’s public schools**

More than 6,000 Colorado classroom educators currently earn a salary below \$40,000 per year. With increasing costs of living, particularly in rural regions of the state, many teachers are unable to sustain careers in education and many students are hesitant or unwilling to pursue careers in the field. CASB is therefore resolved to support legislation related to establishing a minimum salary of \$40,000 for all classroom educators, with the state augmenting current salaries to attain these levels. Further, a mechanism to provide support to local school districts for increased PERA contributions based on this new minimum salary has also been developed and will be implemented (if passed by the state legislature). This optional program for local districts and educational agencies will allow schools to provide a livable wage for all licensed educators while maintaining current salary expenditure levels for local school districts.

**Rationale Statement:**

At present, many school districts are unable to provide a professional wage for educators working in schools, districts and BOCES agencies. As salaries continue to increase in nearly all non-education sectors, the state must provide support to allow local school districts to pay a wage reflective of their professional status as educators. Rural school districts are particularly impacted by issues of being limited in offering low wages due to limited property tax revenues and a dearth of other funding sources that may be available to larger school districts (e.g. contributions by larger businesses and other community and parent organizations). The increase of individual salaries to a minimum level of \$40,000 per year will lead to an educator labor force that is both more focused on their primary roles related to teaching and learning and a more consistent presence in the classroom due to enhanced retention.

# Student Academic Growth and Achievement

**Resolution #19**

**Resolution: CASB to support biennial CMAS testing**

CASB advocates that § 22-7-1006.3, C.R.S., be changed to require biennial statewide CMAS testing instead of annual testing.

Additionally, in order to comply with federal requirements, in the non-CMAS testing years, each school district administer a locally determined, nationally normed assessment instead of a statewide standardized test.

**Rationale Statement:**

CDE is required to annually “administer a state assessment in English language arts and a state assessment in mathematics to all students enrolled in grades three through eight in public schools throughout the state,” § 22-7-1006.3 (1) (a) (I), C.R.S.

Federal law imposes requirements for school districts to administer annual assessments, but provides states the flexibility for locally determined options for the selection and oversight of such tests.

The data from these assessments have provided insights into trends and has helped identify pockets of success and areas of challenges. It gives generalized information about what is working and where additional resources or training may be needed. And, it allows parents and CDE to hold schools accountable for high standards.

However, given the nature of the tests - i.e., a single point in time, high stakes, “opt-outs,” results delayed by six months or more, etc. - the value of the assessments for providing feedback to individual students is quite limited. Students, parents, teachers, schools, and districts learn much more about individual student performance from relevant and timely tests administered by teachers in students’ classroom experience. Indeed, many colleges and universities are moving away from an emphasis on SAT scores and relying more heavily on performance in class to evaluate prospective students precisely because it is a more predictive indicator of future academic success.

Additionally, schools are increasingly receiving mixed messages about what is expected of them. On the one hand, they are being challenged to “reimagine public education.” Still, on the other hand, they are being locked into a rigid testing system that stifles creativity and drives very traditional instructional methods.

In order to retain the benefits of our current system while also allowing more flexibility, the state should shift to a biennial testing regimen. Data received from tests administered biennial will still provide statistically relevant insights into trends and identify pockets of success and failure. It can still be used to hold teachers, schools, and districts accountable for high standards. However, it also provides enough time between testing periods that teachers are not constantly preparing for the next round of testing.

Instead, they can experiment with unique and innovative practices to help keep education relevant with our dynamic and ever-changing society.

# Miscellaneous

**Submitted by — Colorado Springs School District 11**

**Resolution #20**

**Resolution: Climate Change Action**

CASB urges the Colorado General Assembly and federal government to take swift action on climate change to protect today’s students and provide school districts with the resources needed to counteract the adverse effects of climate change while implementing practices to slow global warming, and to assist those districts dependent on tax revenues from the fossil fuel industry to transition away from those revenue sources.

**Rationale Statement:**

The Colorado Association of School Boards is committed to the safety, well-being, and future success of each and every child. The consequences of climate change adversely affect students' physical and mental health and negatively impact student achievement. If left unaddressed, the consequences of climate change will harm all Americans, especially children and those living in poverty, and saddle future generations with the costly burden of a dangerously damaged planet.

Adapting to climate change and reducing its impacts will require infrastructure and energy source changes which will increasingly drain funding resources of local communities from other priorities, including from public education, impacting district budgets across the state. Early implementation of thoughtful remediation plans can aid in maintaining funding. The global impact, urgency, and magnitude of the challenge of addressing climate change calls for leadership in all sectors of society, all institutions and by all elected is neither partisan nor political. Local, state, and national policies should be guided by available science.

Climate change is of critical importance to our students and demands school leaders to be responsive and forward-thinking, both in the use of school resources and in the education and career preparedness of their students.

# CASB Board of Directors

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## EXECUTIVE COMMITTEE

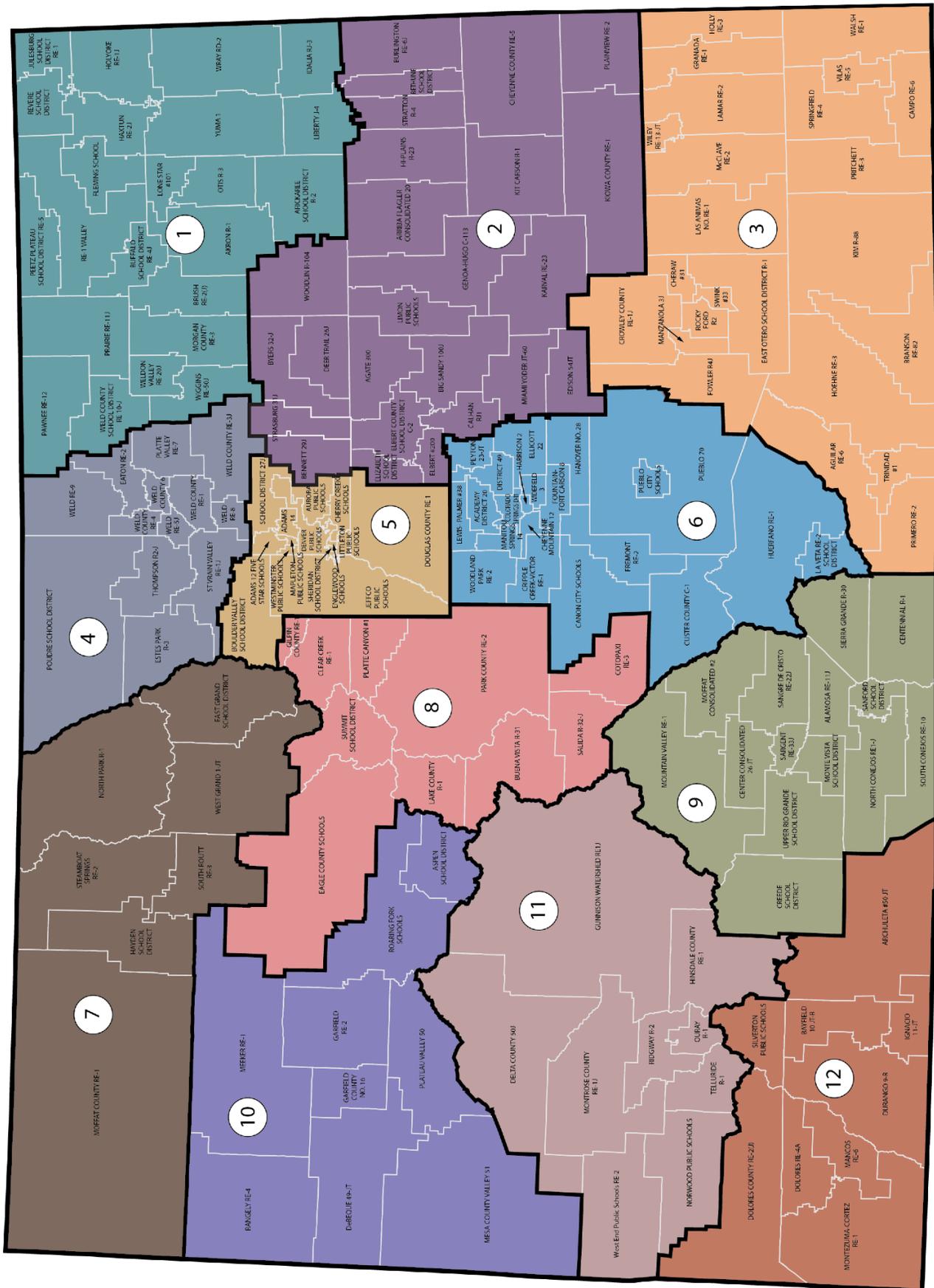
- Region 3**      **John Wittler - PRESIDENT**  
Vilas RE-5
- Region 4**      **Richard “Dick” Martyr, Ph.D. - 2021-22 PRESIDENT-ELECT**  
St. Vrain Valley RE-1J
- Region 6**      **Monica Furey Peloso - IMMEDIATE PAST PRESIDENT**  
Cheyenne Mountain 12
- Region 5**      **Kathleen “Kathy” Gebhardt - Director at Large/NSBA Director**  
Boulder Valley School District
- Region 7**      **Jo Ann Baxter, Ph.D.**  
Moffat County RE-1
- Region 4**      **Laura Case**  
Estes Park R-3
- Region 4**      **Nate Donovan**  
Poudre School District
- Large District**      **Kathy Plomer**  
Adams 12 Five Star Schools

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| <b>Region 8</b> <b>Michele “Shelly” Jarnot</b><br>Eagle County Schools |  |

**LD\* =Large District**

# DISTRICTS BY CASB REGION



## REGION 1

Akron R-1  
Arickaree Schod District R-2  
Brush RE-2(J)  
Buffalo School District RE-4J  
Fleming School  
Haxtun RE-2J  
Holyoke Re-1J  
Idalia RJ-3  
Julesburg School District RE-1  
Liberty J-4  
Lone Star #101  
Morgan County Re-3  
Otis R-3  
Pawnee Re-12  
Peetz Plateau School District RE-5  
Prairie RE-11J  
RE-1 Valley  
Revere Schod District  
Weld County Schod District RE 10  
Weldon Valley RE-20J  
Wiggins RE-50J  
Wray RD-2  
Yuma 1

## REGION 2

Agate 300  
Ariba-Flagler Consolidated 20  
Bennett 29J  
Bethune School District  
Big Sandy 100J  
Burlington RE-6J  
Byers 32-J  
Calhan RJ1  
Cheyenne County Re-5  
Deer Trail 26J  
Edison 54JT  
Elbert #200  
Elbert County School District C-2  
Elizabeth Schod District  
Genoa-Hugo C-113  
Hi-Plains R-23  
Karval RE-23  
Kiowa County RE-1  
Kit Carson R-1  
Limon Public Schools  
Miami Yoder JT-60  
Plainview RE-2  
Strasburg 31J  
Stratton R-4  
Woodlin R-104

## REGION 3

Aguilar Re-6  
Branson RE-82  
Campo RE-6  
Cheraw #31  
Crowley County RE-1J  
Fowler R4J  
Granada RE-1  
Hoehne RE-3  
Holly RE-3  
Kim R-88  
East Otero Schod District R-1  
Lamar RE-2  
Las Animas No. Re-1  
Manzanda 3J  
McClave RE-2  
Primerio RE-2  
Pritchett RE-3  
Rocky Ford R2  
Springfield RE-4  
Swink #33  
Trinidad #1  
Vilas RE-5  
Walsh RE-1  
Wiley RE-13-Jt

## REGION 4

Eaton RE-2  
Estes Park R-3  
Poudre School District  
St. Vrain Valley RE-1J  
Thompson R2-J  
Weld County 6  
Weld County RE-1  
Weld County RE-3J  
Weld RE-4  
Weld RE-5J  
Weld Re-8  
Weld RE-9  
Weld County District RE-7

## REGION 5

Adams 14  
Boulder Valley Schod District  
Englewood Schools  
Littleton Public Schools  
Mapleton Public Schools  
School District 27J  
Sheridan School District  
Westminster Public Schods

## REGION 6

Academy District 20  
Cañon City Schools  
Cheyenne Mountain 12  
Colorado School for the Deaf  
and the Blind  
Colorado Springs D-11  
Cripple Creek-Victor RE-1  
Custer County C-1  
District No. 49  
Ellicott 22  
Fountain-Fort Carson 8  
Fremont RE-2  
Hanover No. 28  
Harrison 2  
Huerfano Re-1  
La Veta RE-2 Schod District  
Lewis-Palmer #38  
Manitou Springs 14  
Peyton 23-Jt  
Pueblo 70  
Pueblo School District 60  
Widefield 3  
Woodland Park Re-2

## REGION 7

East Grand School District  
Hayden School District  
Moffat County RE-1  
North Park R-1  
South Routt RE-3  
Steamboat Springs RE-2  
West Grand 1-JT

## REGION 8

Buena Vista R-31  
Clear Creek RE-1  
Cotopaxi RE-3  
Eagle County Schods  
Gilpin County RE-1  
Lake County R-1  
Park County RE-2  
Platte Canyon #1  
Salida R-32-J  
Summit School District

## LARGE DISTRICTS

Adams 12 Five Star Schods  
Aurora Public Schods  
Cherry Creek Schools  
Denver Public Schools  
Douglas County RE-1  
Jeffco Public Schools

## REGION 9

Alamosa Re-11J  
Centennial R-1  
Center Consolidated 26JT  
Creede Schod District  
Moffat Consolidated #2  
Monte Vista School District  
Mountain Valley RE-1  
North Conejos RE-1-J  
Sanford School District  
Sangre de Cristo RE-22J  
Sargent RE-33J  
Sierra Grande R-30  
South Conejos RE-10  
Upper Rio Grande School  
District

## REGION 10

Aspen School District  
DeBeque 49-JT  
Garfield County No. 16  
Garfield Re-2  
Meeker RE-1  
Mesa County Valley 51  
Plateau Valley 50  
Rangely RE-4  
Roaring Fork Schools

## REGION 11

Delta County 50J  
Gunnison Watershed RE1J  
Hinsdale County RE-1  
Montrose County RE-1J  
Norwood Public Schools  
Ouray R-1  
Ridgway R-2  
Telluride R-1  
West End Public Schods RE-2

## REGION 12

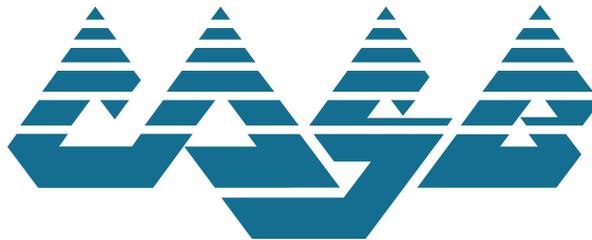
Archuleta #50 JT  
Bayfield 10 Jt-R  
Dolores County RE-2(J)  
Dolores RE-4A  
Durango 9-R  
Ignacio 11-JT  
Mancos Re-6  
Montezuma-Cortez RE-1  
Silverton Public Schools

## **Mission Statement**

*Advancing excellence in public education and equity for each and every student through effective leadership by the collective action of locally elected boards of education.*

## **Vision Statement**

*The Colorado Association of School Boards through leadership, service, training and advocacy prepares local boards of education to advance a system of public schools where all students are challenged to meet their full potential.*



Colorado Association of School Boards

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