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2016 Legislative Wrap-up

The 2016 session of the General Assembly was a lot like breakfast hash. You're not exactly sure what's in it, but you're pretty

sure you've seen it before. With little money available to work with, legislators mostly settled for warmed-over bills that had been defeated in previous sessions.

In summarizing the session, we ask: Do you want the good news first or the not-so-good news? Being glass-half-full types, we'll start with the good news.

The Good News

School finance

The Joint Budget Committee has played a larger role in the past few years in crafting the School Finance Act. The JBC sharpened up its pencils and was able to craft a package that pleased almost no one. The negative factor was held level at \$831 million. No small feat, but cold comfort to Colorado school districts that have been toiling under the weight of these cuts for the past seven years. There will, however, be a small increase in per-pupil funding for most districts.



Reps. Bob Rankin (R) and Millie Hamner (D) proposed a study of Colorado school finance. The proposal never gained traction and was eventually shelved. Our take is if legislators want to study school finance, they would do well to dust off any number of studies that have been conducted over the years. A quick glance through these studies would reveal that Colorado doesn't have a funding problem; it has a systemic, structural fiscal problem. The economy of the Centennial State is among the most robust in the nation, and we have seen record-low unemployment and soaring corporate growth. That, to date, has not translated into better funding for public education, transportation or colleges and universities. Your Colorado legislature is the only one in the entire U.S. of A. that is not able to make tax policy. A complex knot of tax policies embedded in the Colorado Constitution hampers what little control is available to legislators. Until the governor, state legislators and voters get serious about dealing with the mess that is Colorado's constitutional tax code, the outlook will remain dismal.

Building Excellent Schools Today (BEST)

The BEST program got a shot in the arm with [Senate Bills 16-72](#) and [16-35](#). These bills raised the limit on the amount of money available for lease/purchases and will work to introduce new money via better investments in the Public School Fund. The hope is these combined efforts will help address the backlog of critical school construction projects needed, but unfunded, around the state. The BEST program has proven to be highly successful in helping school districts replace old and dilapidated buildings. SB 72 and 35 should ensure that BEST continues to thrive.



Rural teachers

Sen. Nancy Todd (D), a former teacher and sponsor of [Senate Bill 16-104](#), was able to help rural districts in recruiting and retaining new teachers. The bill aims to make it easier for student teachers to do their student teaching in a rural district. It also establishes a cadet teacher program to support rural students who want to teach in a rural setting. The hope is that this bill is the first step in a longer journey to solving the problem of highly effective teachers being in every classroom, regardless of what ZIP code the classroom is in.



Rural districts face a massive challenge in hiring teachers. This is due in large part to the lower salaries these rural districts are able to offer. This point was mentioned repeatedly during testimony on SB 104. Competition for teachers is fierce, especially in math, science and world languages. When a rural district offers a salary 20 percent lower than a metro-area district, the rural district often loses that battle.

Student data privacy

A few short years ago, if someone had told us that almost our entire lives would be online, we might have responded, “What is ‘online’?” The pace of innovation with the Internet – cloud data storage and on-demand data, to name two developments – has been swift. You can order a pizza in Hong Kong and have it delivered back home in Colorado.



Not surprisingly, education has increasingly faced challenges in balancing how student data is collected, used and shared. Classroom teachers have found innovative and creative ways to use technology, but oftentimes, these efforts have been several steps ahead of policies and regulations to ensure student privacy is secure. In an attempt to address these issues, **Reps. Paul Lundeen** (R) and **Alec Garnett** (D) sponsored [House Bill 16-1423](#) – The Student Data Privacy Act. The idea for such a bill has been around for several years, but a correct balance that would ensure security while not stifling innovation could not be reached. The version presented this year had broad bipartisan support in both chambers and was approved with little or no opposition. We fully expect to see additional bills related to student data privacy in years to come. Now is the time for school board members to educate themselves on these issues.

The dead zone

We don't typically speak of “death” as a good thing. However, there are always a few bills that

deserve to meet their fate on the killing floors of House and Senate committee rooms.

Proposals headed to the great legislative graveyard include:

- Mandated civics testing before a student graduates
- New rules for school districts on awarding professional-service contracts
- A new and unwieldy system to address whistleblower complaints
- A new commission to hear complaints against boards of education, BOCES and charter school boards
- Tax exemptions for telecommunication companies that would have had huge impacts on local revenue
- Burdensome changes to the Colorado READ Act
- Tax credits for non-public education



As anybody who watches the “Walking Dead” knows, just when you think something is really, truly dead, it pops right back up to chase you. Beware of the attack of the zombie bills in future legislative sessions!

The Not-So-Good News

School finance

The School Finance Act – [House Bill 16-1422](#) – is like a lot of bills: Some elements are good for school boards and some are not. We mentioned the “good” above, but there is still much to concern school board members.

Two charter school bills played a big role in the School Finance Act this year. Senate Bills 16-187 and 16-188 were stand-alone bills that would have dramatically changed the laws regarding how school districts work with charter schools, including on the matter of sharing mill levy funding. Senators who supported the bills tried to shoehorn many of the provisions of SB 187 and 188 into the School Finance Act, using hastily crafted amendments. These amendments came literally at the eleventh hour – 11:08 p.m., to be exact, on May 5 – and were not well received. Many senators felt they had been ambushed and said they did not have sufficient time to study the impact that the amendments would have on the School Finance Act. Ultimately, the mill levy sharing elements of SB 188 were pulled, and a compromise was made to include some items from SB 187. These include single audits for network charter schools, additional accounting for district services and notification of vacant or unused land held by a district. With multiple education groups agreeing to the compromise in HB 1422, SB 187 and 188 were killed by the House Education Committee. Rest assured, the idea of mill levy equalization will be back next session.



Candidate information

School board elections are vitally important to local communities, and it is critical that the taxpayers know who is running for election. Many school districts do a good job of sharing candidate information, and some could do it better. That brings us to [House Bill 16-1225](#), which will require school districts to post basic candidate information on their websites. Most of us would agree this is a good policy . . . but do we really need a law? Even in the rare instance that a school district didn't post this information, it was most likely an oversight. Also, county clerks and the secretary of state's office have candidate information. We truly believe that districts were not hiding this information, but now we have a new law.



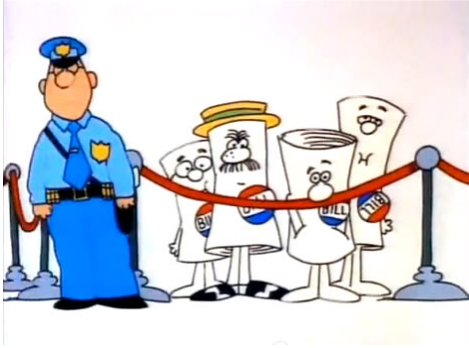
Medical marijuana

While Colorado voters have “de-criminalized” marijuana through constitutional amendments, marijuana remains illegal under federal law. This change in state law brought many families to Colorado to gain access to medical marijuana for their children who have medical needs not alleviated with traditional pharmaceuticals. This session, many of these parents came to the Colorado Capitol to share their compelling stories. Children wracked by seizures that reduced their quality of life who are now seizure-free, for example. The hearts of school board members go out to these families, though our heads must remain conscious of the legal implications. CASB testified in opposition to House Bill 16-1373 due to the concerns about federal law, potential loss of federal funds and safety and security concerns. Following CASB's testimony, the bill was significantly amended, including a provision exempting districts that lose federal funds due to the administration of medical marijuana on school grounds. CASB's legal and policy experts have been deeply engaged on this issue. We are circulating to the school attorneys' council a draft sample policy on this important issue and will meet with those attorneys to receive feedback on June 3. After incorporating this feedback, we plan to release a sample policy to membership soon.



Thank you to our members

Your Colorado legislature presented more than 680 bills. Read that again: MORE THAN 680 BILLS. Does any reasonable person really believe that Colorado needed, or more importantly wanted, 680 new laws?



When it's all said and done, the governor will sign about 200 bills, which means CASB and others played good defense on hundreds of proposals that didn't deserve to be added to state statutes.

That is why we on the CASB advocacy team say: THANK YOU! We are honored to have such a thoughtful and engaged membership. You folks stayed up to date on the issues and were ready, willing and able to make your opinions known. Several times we called on you to contact your legislators. You responded in an impactful way:

- More than 100 CASB members emailed or called their senators and representatives
- More than 160 locally elected school board members attended CASB's Days at the Capitol
- 14 superintendents attended CASB's Days at the Capitol
- Nearly 80 students received a firsthand glimpse of their government in action while attending CASB's Days at the Capitol

For all of this and much more we again say thank you. Now, about this upcoming election . . .

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