



2023 School Board Member

Leadership Workbook

Excellence in public education through effective leadership and
the collective action of locally elected school boards.



*“Knowledge is of no value unless
you put it into practice.”*

-Anton Chekhov

Illustration created by Tracy DeMeo

FOREWORD

If you were recently elected to public office, congratulations! The students of Colorado appreciate your commitment and passion to care for their future. You are embarking on a complex and hopefully rewarding journey of school board governance. There is a lot of content to learn, but most importantly you will learn to work with a team of colleagues to effectively govern your local school district.

The CASB Leadership Workbook is an exceptional resource for new and experienced school board members. This resource as well as the CASB New School Board Members Handbook are excellent resources to learn how to govern effectively and to learn the vital role that school board members play in the education of our youth.

Some of the skills required to be an effective school board member include developing positive relationships, learning about public school finance and legal issues, and learning how to develop policy to articulate the board's vision for the school district.

Here is a summary of what is included in this workbook:

Chapter One—this chapter discusses board member roles, and board meetings, including executive sessions to adhere to the Open Meetings Law (OML)

Chapter Two—this chapter is all about relationships—school board members, the superintendent, and the community

Chapter Three—this chapter focuses on student safety and board legal requirements to ensure compliance

Chapter Four—this chapter addresses personnel issues and how the school board maintains a quality workforce

Chapter Five—this chapter introduces policy adoption and how school board members engage in advocacy at the state and federal levels

Chapter Six—this chapter highlights one of the primary concerns for school boards: district finances and the budget process, and finally

Chapter Seven—this chapter reviews the services that CASB provides its members

CASB is always available to support and facilitate professional learning opportunities for school board members. Student learning is your primary objective, but the board is also responsible for the growth and development of the personnel in your district—including your own. Students appreciate that you take your learning seriously and govern effectively.

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INTRODUCTION



CASB's *School Board Member Leadership Workbook* is your guide to effective governance and strong board leadership. Throughout this book, you will find helpful information about Colorado's educational system and your role in that system. We encourage you to consult this workbook often to answer frequently asked questions about state and local level education challenges relating to relationships, student success, personnel, and finance.

You can use this workbook in conjunction with the CASB New Board Member Handbook to begin your tenure as a new school board member. The workbook provides deeper conversations about your roles as individuals serving on a board and as members of the collective board team. We have provided you with several tools to begin conversations about a variety of issues, from connecting with the community to communicating about financial issues. Use this workbook, along with the CASB website and professional development opportunities, to hone your skills and effectiveness as a board member.

In this workbook you will find:



LEADERSHIP LEARNING OPPORTUNITIES

Questions in workbook margins will prompt you to delve deeper into specific topics relating to the issues addressed on that page. Take some time on your own or as a team to ponder these questions aimed at understanding confidentiality, maximizing meetings, building relationships, and developing a shared vision.



BOARD RESOURCES

In the back of this workbook, you will find a number of exercises to help your board team identify district challenges, gauge your board's work, engage your community. These exercises, designed to spur deep thought and rich conversation among your board members, can be used often throughout the school year.



TOOLS TO KNOW

Throughout the workbook you will find this icon. This represents tools that as a board member you should be aware of. These can be found on the CASB website as well as a variety of other locations.



EXCLAMATION POINT

Pay attention to all exclamation points that you find throughout the book. These will be important bits of information that you will want to take note of during your tenure as a board member.

Annual Agenda



JAN

- ☐ Board team assessment (Ch 1)
- ☐ Advocacy work (Ch 5)
- ☐ Tax collection for current fiscal year begins (Ch 6)

FEB

- ☐ Advocacy work (Ch 5)
- ☐ Budget season (Ch 6)
- ☐ CASB Winter Leadership Conference (Ch 7)
- ☐ CASB Days at the Capitol (Ch 5)

MAR

- ☐ Non-renewals (Ch 4)
- ☐ Budget season (Ch 6)
- ☐ Advocacy work (Ch 5)

APR

- ☐ Non-renewals (Ch 4)
- ☐ Budget season (Ch 6)
- ☐ Advocacy work (Ch 5)

MAY

- ☐ Preliminary budget presented to BOE (Ch 6)
- ☐ End-of-year celebrations (Ch 2, 3, and 4)
- ☐ Graduation ceremonies (Ch 3)
- ☐ Non-renewals (Ch 4)

JUN

- ☐ BOE must adopt budget (Ch 6)
- ☐ End-of-year celebrations (Ch 2, 3, and 4)
- ☐ Graduation ceremonies (Ch 3)
- ☐ Retreat Scheduled

JUL

- ☐ Candidate season in odd-years (Ch 1 and 7)
- ☐ Fiscal year begins (Ch 6)

AUG

- ☐ Candidate season in odd-numbered years (Ch 1 and 7)
- ☐ Fresh start with constituents (Ch 2)
- ☐ District receives preliminary property valuation statements from county assessors (Ch 6)
- ☐ CASB First Semester Regional Meetings (Ch 7)

SEP

- ☐ Candidate season in odd-numbered years (Ch 1 and 7)
- ☐ Fresh start with constituents (Ch 2)
- ☐ CASB First Semester Regional Meetings (Ch 7)

OCT

- ☐ CASB Fall Conference & Delegate Assembly (Ch 5)
- ☐ District certifies pupil count for funding (Ch 6)
- ☐ Candidate season in odd-numbered years (Ch 1 and 7)
- ☐ Fresh start with constituents (Ch 2)

NOV

- ☐ New member, new team (Ch 1)
- ☐ School Board Elections (Odd years)
- ☐ Onboarding your new members (See New Board Member Handbook)
- ☐ Advocacy prep for upcoming legislative session (Ch 5)

DEC

- ☐ CASB Annual Convention and Student Leadership Strand (Ch 7)
- ☐ District receives preliminary property valuation statement from county assessor (Ch 6)
- ☐ Advocacy prep for upcoming legislative session (Ch 5)
- ☐ Board team building (Ch 1)

CHAPTER 1: Serving on your local Board of Education

The community board of education is one of the oldest forms of government. Boards of education were established almost 200 years ago, and their predecessors, called school committees, date back to the 1640s. Locally elected boards of education are also important forms of government. In Colorado, 178 individual boards of education vitally ensure approximately 883,000 students have an opportunity to succeed and become informed citizens and leaders of our republic.



There are some basic requirements that qualify you for board service, and you can read those on the *Becoming a Candidate CASB* website page.

The work of the board follows three main principles (*To ensure that the young people of your community gain the knowledge and skills they need to be successful, not only in the classroom, but also in the world*):

1.

The board is elected by the public and as a result, the board conducts its work in public.



2.

The board is expected to follow state and federal law.



3.

The board is a team and it must work as a team.



BOARD STRUCTURE

In Colorado, boards of education are comprised of five, six, or seven members. Depending on the school district's plan of representation, board members may be elected at-large, by director district, or by a combination of the two. Each member on your board of education has the same number of votes on an issue — *one*. That means if you want to make changes you believe will benefit students, then you need to work with your fellow board members to make it happen. **It is the collective challenge of the board and its individual members to always bear in mind that an individual school board member has no individual authority.** The board may only take action, make decisions, and direct district operations as a full board acting in its corporate role.



WORKING AS A TEAM

As a board member, you are a member of several teams. You and your fellow board members are a team. The board and superintendent are part of a team. Finally, no board can be effective unless your local community is also on the team.



ONE OF MANY AND WORKING TOGETHER

The work of the board is carried out as a group. Although individual board members may have different ideas, the goal is to work towards consensus. In order to implement changes, you must build coalitions with your fellow board members.

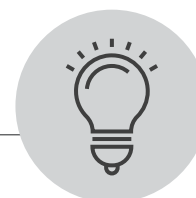
In order to work together, the full board should start with a discussion to establish how the board will work, known as a 'personal agreement' or 'board norms'.



Typical Norms/Expectations:

- The right for every member of the board to be heard
- The responsibility of each board member to:
 - Do their fair share of the work
 - Comply with board policies
 - Be prepared for meetings
 - Declaring if you have a conflict of interest on a particular item before the board

Many boards have a written board member code of conduct that lists the duties and responsibilities of board members, as well as a board member code of ethics that establishes board norms and behaviors. These types of documents help to avoid problems and facilitate understanding for board members.



Does your board have a clear set of board operating procedures for communication, decision-making, board norms or personal agreements, etc.?

CHAPTER 1: Serving on your local Board of Education



BOARD OFFICERS

Colorado law requires officers be elected by the entire board. C.R.S. § 22-32-104 *et seq.* After each regular biennial school election (held in November of each odd-numbered year), the board secretary calls a special meeting of the board, called the board's organizational meeting, for the purpose of electing board officers. The officers of a school board are as follows:

- President
- Vice-President
- Secretary
- Treasurer

One person may simultaneously hold the offices of secretary and treasurer, or the offices of assistant secretary and assistant treasurer, if there are such offices.

Each officer of the board may have additional duties assigned to them by board policy or state law. As an example, some boards require the board president to speak to the media related to actions of the board.

Most of the laws relating to school boards and their powers and duties are found in Title 22, Article 32, Colorado Revised Statutes. This article contains laws relating to the organization of the board, the duties of the officers, meetings of the board, powers and duties, and so forth. When answers to specific questions are required, school boards should consult this article of the law and legal counsel.



Board Officer Positions

POSITION	CHOSEN	TERM	DUTIES	NOTES
Board President	Elected by majority of board (by roll call or secret ballot with the outcome recorded in the meeting's minutes)	2 years	<p>Presides over board meetings</p> <p>Signs written contracts to which the district may be a party when the contract has been authorized by the board</p> <p>Signs official reports of the district, except when otherwise provided by law.</p>	<p>Votes on all issues as part of the alphabetical roll call vote required by law</p> <p>On most boards, the president cooperates with the superintendent to build the agenda for board meetings</p>
Vice President	Elected by majority of board (by roll call or secret ballot with the outcome recorded in the meeting's minutes)	2 years	In the absence or inability of the president, the vice president shall have and perform all of the powers and duties of the president	
Secretary	Appointed by the board	At the pleasure of the board	<p>Notifies each board member of all special meetings</p> <p>Keeps and preserves minutes of each meeting</p> <p>Acts as custodian of the district seal</p> <p>Attests any written contract to which the district may be a party when the contract has been authorized by the board, and affixes the seal thereto</p> <p>Causes all notices of election to be published and posted when required by law</p> <p>Performs other duties as assigned by the board</p>	<p>One person can hold the position of secretary and treasurer simultaneously</p> <p>May or may not be a member of the board</p> <p>May be compensated for service in an amount determined by the board</p> <p>In the absence or inability of the secretary, the assistant secretary, if any, or an officer of the board designated by the president if there is no assistant secretary shall perform the duties of the secretary</p>
<p><i>Assistant Secretary: Same appointment process, term of service, duties, and notes of the secretary. The law permits but does not require boards to have an assistant secretary.</i></p>				
Treasurer	Appointed by the board	At the pleasure of the board	<p>Accounts for all moneys belonging to the district, or coming into its possession, and renders reports thereof when required by the board</p> <p>Signs, in writing or by facsimile, all warrants, orders, or checks drawn in payment of lawfully incurred and properly authorized obligations of the district (and secures the written countersignature of any other person designated by the board)</p> <p>Bears legal responsibility for administering receipts and disbursements and taking care of accounting processes</p> <p>Performs other duties as assigned by the board</p>	<p>One person can hold the position of secretary and treasurer simultaneously</p> <p>May or may not be a member of the board</p> <p>May be compensated for service in an amount determined by the board</p> <p>In the absence or inability of the treasurer, the assistant treasurer, if any, or an officer of the board designated by the president if there is no assistant treasurer or other custodians appointed by the board shall perform the duties of the treasurer</p>
<p><i>Assistant Treasurer: Same appointment process, term of service, duties, and notes of the treasurer. The law permits but does not require boards to have an assistant treasurer.</i></p>				

CHAPTER 1: Serving on your local Board of Education

KEY WORKS OF SCHOOL BOARDS

The National School Boards Association publishes a guidebook (The Key Work of School Boards Guidebook, 2020) for school board members which “provides a reliable guide through the scope of pertinent areas where boards can make an impact through leadership and governance.” The model below highlights the five key areas for effective school board governance.



VISION:

Effective school boards establish a clear vision with high expectations for quality teaching and learning that supports strong student outcomes.

ACCOUNTABILITY:

Boards are accountable to their communities for ensuring high academic standards, transparency, efficient and effective operations, and a commitment to continuous improvement.

POLICY:

Policy is how a board sustainably exercise power to serve students. Through policy, school boards establish a set of cohesive guidelines able to transform vision into reality.

COMMUNITY LEADERSHIP:

Through public advocacy and strategic engagement, school boards share their concerns and needs with legislators, public office holders, and the community.

GOVERNANCE TEAM RELATIONSHIPS:

Both the school board and the superintendent have essential leadership roles that are interconnected but different. Effective school boards lead as a united team with the superintendent, each in their respective roles, with strong collaboration and mutual trust. (The Key Work of School Boards Guidebook, NSBA 2020)



PUBLIC BOARD MEETINGS

The board of education is elected by the public, and, as a result, the board conducts its business in public. School board meetings must be open to the public under the Colorado Open Meetings Law (also known as the Colorado Sunshine Law). C.R.S. § 24-6-401 *et seq.*

A public meeting is any gathering of three or more members of the board at which any public business is discussed or at which any formal action may be taken, regardless of whether the meeting occurs in person, by telephone, electronically, or by other means of communication. These meetings are open to the public at all times.



Colorado boards of education are required by law to provide full and timely notice to the public of any board meeting by posting information regarding the meeting and its agenda at the board’s designated posting location in the district or on the district’s website **no later than 24 hours before** the meeting begins. Publicizing meetings in this way meets the legal requirement for the meetings the board schedules as part of its annual calendar, called “regular meetings.”

SPECIAL MEETINGS

Other board meetings are scheduled as needed throughout the school year. These are called “**special meetings**” and they have additional notice requirements, including providing a statement of the purpose for the special meeting as well as providing notice to each board member.

WORK SESSIONS

Some boards also meet for “**work sessions**,” which can either be regular meetings or special meetings of the board, depending on how they are scheduled. Work sessions are opportunities for boards to learn about particular issues, and typically the board does not vote during these meetings.



REGULAR BOARD MEETING	SPECIAL BOARD MEETING	WORK SESSION OR RETREAT
<ul style="list-style-type: none">• Board establishes schedule of regular board meetings• Notice required• May take action	<ul style="list-style-type: none">• Called by the board president or upon the written request of a majority of the members• Special notice requirements• No business other than stated in notice, unless reasonably related and unanimous agreement• May take action	<ul style="list-style-type: none">• Type of regular or special meeting• To receive information and for discussion• No action• Notice required, including the topics for discussion and study, must be provided

Board members also “**meet**” in **social settings**, at community events, or at educational trainings (e.g., CASB Annual Convention). Such gatherings do not constitute board meetings subject to the legal transparency requirements so long as board members **do not use them to discuss public business or take formal action**. However, some boards, out of an abundance of caution, notify the public of events where three or more board members are scheduled to attend.



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The CASB
Connections
Podcast —
[Creating a policy
focused school
board meeting](#) —
is a great place to
learn more.

BOARD MEETINGS

School board meetings can be very formal or informal, depending on local custom. Generally, boards use Robert's Rules of Order to maintain a common understanding of board process. Board presidents lead board meetings, following the board's agenda, which is normally prepared by the board president in cooperation with the superintendent.

AMENDING AN AGENDA

A board may amend its agenda in accordance with board policy, usually a majority vote of board members present during regular meetings. To amend the agenda for a special meeting, all members must be present and vote to amend. Although boards possess the authority to modify the agenda, they should exercise the authority with caution. Boards have a legal duty to provide agenda information in advance of the meeting when possible. A drastic departure from the stated agenda that results in sudden board action on a matter of great importance is likely to draw sharp criticism from the public and may spark costly litigation.

VOTING

In board meetings, the board acts through voting in open session. Voting must occur by roll call, in alphabetical order, and with each member present orally voting. C.R.S. § 22-32-108 *et seq.* (Exceptions: members with a conflict of interest abstain from voting, and the board may excuse a member from voting for good cause.) If the board has adopted an electronic participation policy, board members participating remotely pursuant to that policy are considered present and may vote.

PUBLIC PARTICIPATION IN BOARD MEETINGS

School board meetings are generally open to the public. Most boards permit public comment periods during those meetings. Maintaining order and a professional environment ensures the public is respectfully heard and protects the board's ability to efficiently accomplish the public's business. To assure compliance with constitutional rights, boards should adopt and follow policy, such as CASB's sample policy, Public Participation at School Board Meetings (BEDH).

There is no Colorado law that requires local boards of education to allow for public comment at board meetings. However, most boards have policy related to when public comment will be heard, how much of the meeting is set aside for public comment, and what agenda items or subjects may be commented on at a board meeting.



The CASB
Connections
Podcast — [Legal
Topics 101: The
Colorado Open
Meetings Law Part I](#)
— provides
additional
information.

EXECUTIVE SESSION

The board can meet privately, without the public, only in limited circumstances established by law. That part of the board meeting is called executive session. The law provides for **only nine purposes for a board to convene in executive session at regular and special board meetings**. Moreover, the law articulates very specific procedures the board must follow to enter executive session. In addition, most portions of executive session must be recorded. The board cannot adopt any proposed policy, resolution, or regulation or take formal action in executive session, except for the review, approval, and amendment of the minutes of an executive session.

These limitations and restrictions do not imply that executive session is frowned upon. In fact, used appropriately, these private discussions are vital to the board's work. Knowing the parameters of executive sessions will help boards meet the substantive and procedural requirements of the law.



THE NINE PURPOSES FOR ENTERING EXECUTIVE SESSION:

1. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest. However, no executive session shall be held to conceal the fact that a member of the local public body has a personal interest in such property transaction. C.R.S. § 24-6-402(4)(a).
2. Conferences with an attorney for the school board for the purpose of receiving legal advice on specific legal questions. The mere presence or participation of an attorney at an executive session is not sufficient to satisfy this requirement. C.R.S. § 24-6-402(4)(b).
3. Matters required to be kept confidential by federal or state law or rules and regulations. The board must announce the specific citation of the statute or rules that are the basis for such confidentiality before holding the executive session. C.R.S. § 24-6-402(4)(c).
4. Specialized details of security arrangements or investigations. C.R.S. § 24-6-402(4)(d).
5. Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, including strategy for negotiations relating to collective bargaining or employment contracts, and instruction of negotiators. Discussion of negotiations relating to collective bargaining or employment contracts (other than negotiations for an individual employee's contract) must occur in a public meeting, unless an executive session is otherwise allowed. C.R.S. § 24-6-402(4)(e).
6. Personnel matters; except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. If the employee(s) does not request an open meeting, the board may hold the discussion in executive session. The board may, at its discretion, invite the employee into the session. Discussion of personnel policies that do not require discussion of matters specific to a particular employee are not considered "personnel matters." Discussions concerning a member of the board, any elected official, or the appointment of a board member are not considered personnel matters. C.R.S. § 24-6-402(4)(f).
7. Consideration of any documents protected under the mandatory nondisclosure provision of the Colorado Open Records Act, except that consideration of work product documents and documents subject to the governmental or deliberative process privilege must occur in a public meeting, unless an executive session is otherwise allowed. C.R.S. § 24-6-402(4)(g).
8. Discussion of individual students where public disclosure would adversely affect the person or persons involved. C.R.S. § 24-6-402(4)(h).
9. Negotiations concerning the terms of an employment contract with one or more superintendent finalists if the board has named more than one finalist and holds a forum open to the public to conduct interviews with each of the finalists. The board may also, in addition to interviewing finalists in a public forum, interview finalists in executive session. C.R.S. § 24-6-402(4)(i).

STEPS TO CONVENE IN EXECUTIVE SESSION

1. The board president announces in open session the topic of the executive session and the specific citation to the statute authorizing the board to meet in executive session.
2. The board president identifies in open session the particular matter to be discussed **in as much detail as possible** without compromising the purpose for which the executive session is authorized. In crafting this announcement, the board president may factor in how much the public already knows about the particular matter and provide additional detail when describing the topic to be discussed consistent with this public knowledge. This information should be incorporated into the board motion to convene an executive session. The following is a sample motion:

"I move that the board of education convene into executive session to discuss/review _____, pursuant to C.R.S. § 24-6-402 _____ [see list of permissible topics for the precise statutory reference]."
3. The board votes whether to convene in executive session. Upon the affirmative vote of two-thirds of the quorum present, the board then goes into executive session. The board may determine which individuals will be invited to join members of the board in executive session.

RULES FOR EXECUTIVE SESSION

The discussion during executive session cannot stray from the matter(s) stated as the purpose(s) for going into executive session.

The board is not allowed to adopt any proposed policy, resolution, regulation, or take any formal action in an executive session.

If the board wishes to confer with its attorney during an executive session and it did not specifically announce its intent to do so prior to convening the executive session, the board should return to public session, make an additional topic announcement citing the statutory authority for conferring with its attorney, and vote on whether to convene in executive session for this purpose.

CHAPTER 1: Serving on your local Board of Education

RULES FOR EXECUTIVE SESSION CONT.

The board must maintain a log of the amount of time spent on each topic during executive session and include the log in the minutes for that session. The minutes of any board meeting at which the board convenes in executive session must be posted on the board's website not later than 10 business days following the meeting at which the minutes are approved by the board. If the board does not maintain a website, the minutes must be published in the same manner as the board regularly provides public notice. In addition, discussions that occur at executive session must be electronically recorded, with two exceptions. First, if the executive session is held to discuss an individual student matter, boards are not required to make any record of the executive session. Second, if the executive session is held to receive legal advice from an attorney on a particular matter, an electronic recording must be made of the statutory citation authorizing the board to meet, but the board is not required to record the actual discussion. The recording must be retained for at least 90 days following the meeting at which the executive session occurred.

ADVISORY COMMITTEES

From time to time the board may wish to seek the input of the community on a particular topic. The board may convene a committee to accomplish this work. The board should thoughtfully consider the need for a committee and keep the number of committees to a minimum. Some guidelines are helpful in regard to committees:

- **Board appointments** — The board appoints the members of the committee, which may consist of board members, community members, district staff, etc.
- **Scope of the committee** — The board should have a clearly written statement about the following:
 - Type of work the committee is to do
 - How long the committee has to complete their work
 - How information will be reported back to the board
- **Decision-making authority is advisory in nature** — It is very important that all members of the committee understand that they are only making an advisory report to the board of education. The final decision will be made by the board members.

COMPLYING WITH THE LAW

Colorado law grants wide latitude to the elected board of education. The Colorado Constitution states that boards of education

“ . . . shall have control of instruction in the public schools of their respective districts.” (Colo. Const., Art. IX, § 15):

The Colorado Legislature has the ability to pass laws to direct boards in their work. Local school districts are creatures of statute, formed by the law and subject to the law. Individual board members are held accountable to the electorate, but the district itself is held accountable by the state through the district's accreditation. Thus, to ensure local schools remain accredited, boards must comply with state and federal law. Understanding these obligations help boards define the important role they play in the education of students in their communities.



THE FOLLOWING ARE SELECTED LISTS OF THE BOARD'S DUTIES AND POWERS UNDER THE LAW:

***DUTIES* BOARDS OF EDUCATION**

MUST:

Hold regular and special meetings in public and keep required records of these meetings

Adopt policies and regulations for the efficient administration of the affairs of the district and as required by law

Adopt policies for accreditation of district school

Adopt academic standards and a plan of implementation of such standards

Adopt student enrollment policies, including intra- and inter-district choice

Adopt conflict-of-interest policies for board members

Determine the educational programs to be carried on in the schools of the district and prescribe the textbooks for any course of instruction or study in such programs

Adopt the school district calendar

Provide instructions about the use and effect of tobacco, alcohol, and controlled substances

Require development of student Individual Career and Academic Plans (ICAP)

Adopt a student discipline and conduct code, mission statement, and safe school plan

Educate children with disabilities

Adopt a student publications code

Enforce the school attendance law

Employ all personnel required to maintain district operations and carry out the educational program

Ensure that required background checks are conducted prior to hiring district personnel

Provide an in-service program for district teachers, including mandatory reporting obligations

Implement a licensed personnel evaluation system

Adopt a salary schedule or salary policy

Keep complete and accurate financial and accounting records

Protect public deposits in authorized investments and depositories

Adopt a budget for each fiscal year

Certify necessary tax levies to the county commissioners

Protect student information

Preserve and dispose of district records in accordance with the law

Adopt a medically necessary treatment in school setting policy

***POWERS* BOARDS OF EDUCATION**

MAY:

Acquire, take, and hold real personal property; sell or lease property

Purchase and construct buildings

Provide furniture, equipment, library books, "and everything needed to carry out the educational program"

Determine which schools will be operated and maintained, and fix the attendance boundaries of each school

Furnish transportation for students

Provide food services for students

Provide textbooks for enrolled students free of charge or for a reasonable rental fee

Require enrolled students to have suitable supplies

Charge tuition as permitted by law and fees reasonably necessary for textbooks, expendable supplies, and school-sponsored extracurricular activities, programs, and events

Procure supplies and equipment required to carry on the musical, dramatic, athletic, and equivalent programs of the district

Exclude books, magazines, papers, or other publications determined by the board to be of an immoral or pernicious nature

Suspend, expel, and deny admission to students for statutory reasons

Employ a chief executive officer to administer the affairs and the programs of the district, pursuant to a contract

Adopt policies related to all aspects of employment

Enter into master agreements with school employees

Discharge or otherwise terminate the employment of all personnel, subject to the Teacher Employment, Compensation and Dismissal Act

Reimburse board members and employees of the district for expenses incurred in the performance of their duties

Procure group life, health, or accident insurance covering employees of the district

Issue tax-anticipation notes

Issue bonds after an election

Enter into agreements with other school districts, state and local agencies, or other entities as permitted by law to carry out the board's policies and district services

Procure insurance coverage for the district, including buildings, structures, equipment, vehicles, personal property, and its directors and employees

Provide for the necessary expenses of the board in the exercise of its powers and the performance of its duties

Accept, use, or expend gifts, donations, or grants to the district, unless prohibited to law

Maintain membership in established school board organizations

Sue and be sued

CHAPTER 1: Serving on your local Board of Education

PROHIBITIONS & PROTECTIONS

In general, school board members are covered by the Colorado Governmental Immunity Act. C.R.S. § 24-10-101 *et seq.* The Act shields school board members from liability for good faith actions taken in the performance of their official duties. This usually means the board/school district will defend and indemnify board members in litigation arising from the individual's board service.

As arms of the state, school boards are government entities and are bound by the limitations on government set forth in the U.S. Constitution and Colorado Constitution. This means that local boards cannot abridge the civil rights of students, personnel, or others. Immunity does not apply if a reasonable person in the official's position would have known that the action violated clearly established law.

What if I have questions about our board's compliance with law?

If you are concerned about the legal implications of an upcoming issue before your board, approach the superintendent and board president with your concerns. The board's attorney may have already provided advice about how to proceed, the attorney may be attending the meeting to confer with the entire board, or perhaps no one has yet reached out to the attorney and your inquiry may spark that connection.

If the board action that worries you is one the board took in the past, again, the first person to approach with your concern is either the board president or superintendent. The objective of that conversation is to raise the issue promptly so that the board's attorney can provide timely counsel to the board on how to move forward.

Legal Advice

The board may seek legal advice on any matter, but the most common topics of conversation between the board and its attorney involve personnel, contracts, and civil rights. Because the attorney represents the interests of the district, not individuals, the attorney's analysis may not please every board member. Nevertheless, the board as a whole is the client, and it accepts or rejects the attorney's advice in the same way the board takes any other action — by majority rule. Members who disagree with the board's legal position remain bound by attorney-client privilege and executive session confidentiality and may not divulge the content of those privileged and confidential conversations. Board members with personal legal questions should seek advice from their own private attorneys.

THE BOARD'S SPOKESPERSON

An individual board member does not have the right to speak for the rest of the board unless specifically authorized by the board to do so. This authorization can be implied, as when talking to the public about decisions the board already has approved. Or it can be direct, as when the board asks an individual member (usually the president) to issue a public statement about the district or a particular position taken by the board. Many boards have adopted policies in this area to guide the board and individual member's conduct.



A board member should exercise care in writing letters to the editor and in making statements to the press. The member should not attempt to predict future actions of the board. If the matter about which the member is expressing an opinion has nothing to do with education, it is advisable to refrain from signing it as "Member, _____ School Board." *When writing or speaking about something related to education, a member should be very clear to state at the outset that the opinions expressed are his or her own and not the board's unless the board has previously taken a stand on the issue.*

MEETING WITH CONSTITUENTS

A school board member may occasionally be asked to meet with a group of parents, taxpayers, staff members, or special interest groups to discuss a particular issue. The issue may be one that involves considerable controversy.

On such occasions, it is advisable to exercise a degree of discretion. Consider discussing your intent with the superintendent or board president before committing to meet with the group. The group should clearly understand that the member speaks for himself or herself, not for the board. Unless the board has taken some kind of action on the issue, it is advisable to avoid making statements that reflect upon the board's attitude toward the question. The member also may wish to avoid statements that could mistakenly imply that he or she intends to serve as the group's champion when the issue is before the board. Whether the board member agrees or disagrees with the group's point of view, the group needs to know that what the member says must not be looked upon as a commitment of the entire board.

A board member has a continuing obligation to hear various points of view, consider all sides of a question, and then vote his or her convictions when the time comes for board action. If members have made advance statements or commitments, they find it difficult to fulfill this obligation.

CONFLICT OF INTEREST

Public office is not to be used for the profit, gain, or private interest of any individual. To maintain public confidence in the office and to prevent the use of public office for private gain, it is important for members of the board of education to publicly disclose any potential conflict of interest.

The board is required to adopt a policy relating to conflicts of interest for its own members. C.R.S. § 22-32-109(1)(y). A board member who has a personal or private interest in any matter proposed or pending before the board must disclose that interest to the board, abstain from voting on the matter, and refrain from attempting to influence other members of the board on the matter. C.R.S. § 24-18-109(3)(a). State law creates a narrow exception allowing a board member with a conflict to vote if the board member has made specific disclosures. C.R.S. § 24-18-109(3)(b), 24-18-110.

CHAPTER 1: Serving on your local Board of Education

Situations that present a potential conflict of interest for a member of the board of education generally are those in which a board member will derive a private financial benefit from board actions.



Use the CALM/PASS resource to help you remember how to handle complaints. You can find it under Board Resources at the end of the workbook.

Members of the board of education should familiarize themselves with the board's conflict of interest policy and state laws on standards of conduct.

HANDLING COMPLAINTS

The opportunity to hear complaints or expressions of concern about district operations will confront every board member. Of course, the member will wish to listen with courtesy and sincerity, but generally speaking, it is advisable to refer the person to the superintendent or administrator who has responsibilities in the area of concern. It is rarely advisable for the board member to assume direct responsibility for a problem, particularly when student or staff relations are involved.

While board members should reflect what is heard from the community during board policy discussions, board members can best serve their constituents' immediate needs by telling them whom to contact about their concerns (i.e., the superintendent or administrator who has responsibilities in the area of concern).

A discussion among board members with the superintendent about the process of handling complaints is worthwhile. Maintaining good public relations is essential to the well-being of the district. This is an area of board operations that should not be overlooked. The **Board Resources** at the end of the *School Board Member Leadership Workbook* provide hypothetical situations to help you prepare for challenging situations.



You can also check out our CASB Connections Podcasts focused on Rural and Equity issues.

ENSURING OPPORTUNITY, ACCESS, AND INCLUSION

The promise of public education is that every child succeeds in school and life. To realize this promise, children must be provided resources, supports, and interventions based on their needs. The nation's school boards are uniquely positioned to fulfill this promise to all students.

School board members have the positioning and power to employ the key levers to create more equitable outcomes:

- Ensuring equity in school funding.
- Ensuring access to high-quality and high-level curriculum.
- Ensuring access to effective teachers.
- Ensuring safe and supportive school climates.
- Fostering meaningful community engagement.



BOARD SELF-EVALUATION

Boards should evaluate their own effectiveness by determining their purpose, goals, roles, and core values. Once these facets are determined, boards can continuously measure their success against their agreed-upon descriptions. Effective boards measure their success by:

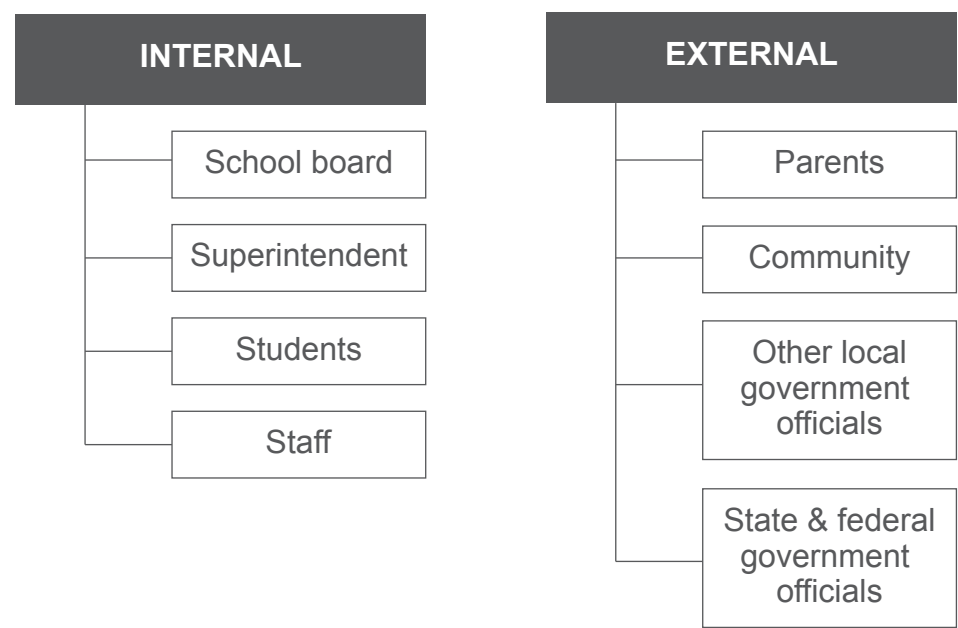
- Building a debriefing session into the conclusion of meetings to assess how the meeting went and what they can improve upon
- Holding sessions two to three times a year to assess their work and progress toward the board goals
- Regularly engaging in school board training
- Observing other governance teams

The **Board Resources** at the end of the *School Board Member Leadership Workbook* provide evaluation tools on board performance, essential governing elements, and team governing effectiveness. CASB consultants offer board assessments to assist in boards' team development.

CHAPTER 2: Relationships, Roles, and Communications

CULTIVATING RELATIONSHIPS TAKES TIME AND EFFORT

Good relationships are the very foundation of effective board work. Without them, even the best plans cannot be enacted. To maintain the support needed for a successful school district, the local board of education must build productive working relationships, both internally and externally.



Productive relationships must be nurtured. A successful board devotes a significant amount of time and attention to its relationships and to clear, two-way communication with the variety of audiences it serves.



BOARD AND SUPERINTENDENT

An important endeavor of a school board is to employ a superintendent and to hold the superintendent responsible for managing the district in accordance with federal law, state law, and the school board's policies. The board routinely evaluates the superintendent, since he/she is the board's sole employee. If necessary, the board also has the authority to terminate the superintendent.

In contrast to the laws in some states, Colorado statutes do not define the duties and responsibilities of the superintendent. They do, however, spell out a board of education's authority to employ a superintendent of schools to administer the affairs of the district. C.R.S. § 22-32-110(1)(g). As a result, a board must set forth the superintendent's duties and responsibilities in board policy and/or the superintendent's contract.

If the school district is to be operated efficiently and effectively, it is essential that there be an understanding among board members and the superintendent regarding the functions and responsibilities of the board versus the superintendent and staff. Taking the time necessary to have clarity on roles and responsibilities will pay dividends because in many cases, strained relationships between a board and the superintendent are caused by misunderstandings or disregard for the responsibilities each is expected to assume. Board members are encouraged to discuss these issues with the superintendent and arrive at understandings before problems arise. A board should assist the superintendent by ensuring that none of its members violate the understandings of a working relationship. If the superintendent is infringing upon the functions of the board, a prompt reminder from the board is in order.



The CASB Connections Podcast: Governing the Right Way: The Role and Responsibilities of School Board Members is a great podcast where two board presidents share their wisdom and insights gained from years of experience with boards that have stayed within the guardrails, as well as those that have driven through them.



BOARD OF EDUCATION

- 1.** To serve as a representative of the community in providing direction for district programs and ensuring that the school system operates efficiently and effectively
- 2.** To adopt policy, plan school services, and evaluate the quality and effectiveness of district services



SUPERINTENDENT

- 1.** To serve as principal adviser to the board on all matters having to do with the district and education in general
- 2.** To serve as the executive administrator of the district with the responsibility for seeing that the policies and directives of the board are implemented

CHAPTER 2: Relationships, Roles, and Communications

ROLES AND RESPONSIBILITIES (PARTIAL LIST)



BOARD OF EDUCATION

- Ensures educational programs are designed to achieve desired end results for students
- Accredits the district's schools
- Serves as a legislative body, adopting policies and regulations pertinent to the affairs of the district
- Recognizes the superintendent as the professional leader of the staff and adviser to the board
- Establishes written policies for the administration of the schools; considers policy recommendations from the superintendent, staff, and community; revises policies as necessary
- Adopts policies governing financial transactions; receives and reviews periodic reports relating to the financial status and transactions of the district
- Adopts policies that ensure proper operations and adequate maintenance of transportation services and adequate maintenance of the buildings and grounds of the district
- Adopts policies relating to the employment of personnel; appoints instructional personnel upon recommendation of the superintendent
- Prohibits its members from assuming responsibilities of the full board or assuming responsibilities of administration
- Authorizes the superintendent to prepare a budget for board consideration; considers the proposal and makes revisions that appear to be necessary; holds public hearings; adopts a budget and an appropriation resolution; authorizes the superintendent to implement and administer the adopted budget



SUPERINTENDENT

- Ensures educational programs are achieving the board's desired end results for students
- Administers the affairs of the district in conformity with the policies and regulations adopted by the board
- Implements the directives of the board
- Serves as professional leader of the staff and adviser to the board
- Conducts studies and investigations necessary to the development of policies; makes recommendations with respect to policies; advises the board and provides information and materials to assist the board in its deliberations
- Assumes responsibility for administering the financial affairs of the district pursuant to established policy; provides periodic reports to the board relating to financial status and transactions
- Advises the board on the transportation, operation, and maintenance needs of the district; supervises the operation and maintenance of school plants in accordance with board policy
- Determines instructional personnel requirements, qualifications, and duties for the approval of the board; nominates instructional personnel for employment upon board approval
- Works with the board as a whole; keeps all members informed; does not usurp board responsibilities or prerogatives
- Prepares a proposed budget for board consideration; interprets the proposal to the board; provides the board with pertinent data and information; implements and administers the budget upon board approval



EXPECTATIONS

Both the board and superintendent should have high expectations of one another in order to serve the school district efficiently and effectively. The board should expect assistance, cooperation, and professional leadership from its superintendent. A superintendent should be expected to recommend changes in district programs and board policies whenever it is believed that they are necessary. Without exception, a superintendent should put into effect the policies and plans adopted by the board.

The following are examples of board and superintendent expectations of one another:



BOARD OF EDUCATION

A superintendent should expect that the board will:

- Carry out its duties and function in an ethical and responsible manner
- Give authority commensurate with the responsibilities it expects the superintendent to assume
- Hold the superintendent accountable for situations and problems he or she has been given authority to correct or control and, likewise, not hold the superintendent accountable when denied such authority
- Stand behind and support the superintendent if he/she is carrying out the policies and directives of the board
- Provide objective counsel and advice; offer any criticism in a constructive manner
- Adopt policies to guide the superintendent in the performance of his/her duties
- View the superintendent as a professional educator and administrator; give due consideration to the superintendent's recommendations on matters pertaining to education and the administration of the schools
- Keep current with education program trends and actively participate in workshops and conferences designed for school board members
- Follow meeting agendas and established school board meeting procedures so the board can be adequately prepared to respond to questions



SUPERINTENDENT

The board should expect that the superintendent will:

- Administer the operations of the school district in conformity with directives and policies adopted by the board; be accountable to the board in all related matters
- Assume responsibility for serving as the administrative officer of the district and as adviser to the board
- Facilitate preparation of board meeting agendas
- Provide recommendations, advice, information, and materials to assist the board in its deliberations
- Keep the board advised of changes, innovations, and trends in education that might be applicable to the district
- Keep the board fully informed on all matters of its concern
- Keep the board informed of student achievement data and other information affecting the district's accreditation
- Utilize the professional competencies of the staff in conducting studies, evaluating programs, and developing recommendations for consideration by the board
- Make an effort to work with all board members on an equal basis and not unduly rely on certain individuals
- Accurately interpret the needs of the school system to the board and to the public
- Consistently strive to improve the district's instructional programs
- Make a conscious effort to maintain good staff and community relations
- Operate the district in a fiscally sound manner
- Support board decisions
- Ask to be relieved of his/her contract if unable to perform as expected

CHAPTER 2: Relationships, Roles, and Communications

SUPERINTENDENT EVALUATION



The responsibility to evaluate the superintendent's performance rests exclusively with the board. C.R.S. § 22-9-106(4)(b). The evaluation process is often laid out in the superintendent's contract and/or board policy and regulation and should be established well before the board sits down to formally evaluate the superintendent. It is important to approach an evaluation as an ongoing process, not a single event. The **Board Resources** at the end of the *School Board Member Leadership Workbook* is a good place to start with insights, tips, and standards.

A good place to begin the conversation is to mutually agree upon a mission, purpose, and performance goals that will be discussed and monitored during the year. The board and superintendent should determine the best way to monitor progress on an ongoing basis.

Eventually, the board will prepare a written evaluation that will:

- Identify the superintendent's performance strengths and weaknesses
- Set forth recommendations and plans for improvement, including recommendations for additional education and training
- Identify sources of data upon which the evaluation document is based



Does our process for evaluating the superintendent include opportunities for discussion with the superintendent around the instrument used as well as the attainment of the superintendent's goals?

The superintendent's evaluation report is public information, as it relates to the performance of the superintendent in fulfilling adopted school district objectives, fiscal management of the district, district planning responsibilities, and supervision and evaluation of district personnel. C.R.S. § 22-9-109(1)(a). This means that most, if not all, of the superintendent's summative evaluation report must be disclosed to the media and/or members of the public upon request. Boards should confer with legal counsel before releasing the superintendent's evaluation pursuant to an open records request.

TERMINATING THE RELATIONSHIP

CASB believes that a critical link in a board's responsibility to students is the superintendent's success as an educational leader. It is important to have a frank and open discussion during the evaluation process to address issues that might affect the superintendent's continued employment. A board should never retain an ineffective or unsatisfactory superintendent because of sentiment or lack of courage to terminate the employment relationship.

When a superintendent change is necessary, the board should proceed in an orderly and courteous manner to accomplish the change with minimal confusion and disruption in the community. The superintendent's contract will address how the employment relationship may be terminated — both voluntarily and involuntarily. CASB recommends that a board work with legal counsel to ensure the termination of a superintendent's employment complies with the provisions of the contract and applicable law.



HIRING A NEW SUPERINTENDENT

Who is qualified to serve as a superintendent?

- Superintendents are not required by law to hold a professional license. As long as they meet the qualifications set by the board, any person may serve as superintendent. A board may determine it is necessary or desirable for the superintendent to hold an administrator's license issued by the Colorado Department of Education.
- To obtain an administrator's license, an individual must demonstrate knowledge in basic management, leadership, decision-making and problem-solving, communication and human relations, personnel administration, resource utilization, child growth and development, and knowledge and application of standards-based education. C.R.S. § 22-60.5-308.

How are candidates assessed?

- A board should decide upon the required qualifications, salary, other terms of the contract, and procedures to be observed in the selection process. Consideration should be given to qualified people within the school system as well as those applying from the outside.
- The entire board may wish to take part in screening applications, but this can become time-consuming. Many boards utilize consultants to assist in an initial screening process that usually reduces the applicant number to around four or five. These candidates should be invited to a formal interview with the board.
- The interview process should reduce the number of candidates to two or three. State law requires that a board make public the finalist or finalists it is considering for the superintendent's position no later than 14 days prior to employing a finalist to fill the position. A board cannot make a final offer of employment until this 14-day waiting period has passed. C.R.S. § 24-6-402(3.5).

How is the board's choice announced?

- The final decision on the superintendent is the responsibility of the entire board. Unanimous election is desired, but not required. The appointment should be announced in the form of a prepared board statement and should share the qualifications of the person selected. Announcements should not be made until the person has accepted the position.

Is a contract required?

- Yes. The law requires a written contract for the superintendent, but the terms of the contract are left largely to negotiations between the board and the individual. C.R.S. § 22-63-202. Typically, the contract defines the board-superintendent relationship, the superintendent's salary, and other terms of service, including the annual evaluation process and grounds for termination. Boards should review and understand the terms of their superintendent's contract and are advised to seek legal counsel when negotiating or renegotiating their superintendent's contract.

CHAPTER 2: Relationships, Roles, and Communications

BOARD AND STUDENTS

Board members have the privilege of engaging in two-way conversations with students. Follow these best practices to engage your students and create an open pathway for future conversations:

- Listen, share, listen, and listen some more. Don't be quick to answer.
- Acknowledge their concerns.
- Students want to hear what you have to say, and they want to know you are authentic.
- Brainstorm together. Collaboration is always appreciated. Take all of their ideas to heart.
- Keep the door open for further discussion and let them know this.
- If possible, meet with students at a designated time during their school day as arranged by an administrator or staff. Make sure to comply with any board policies related to communicating with students. Do not arrange one-on-one meetings offsite.

Students may not know nor understand the role the school board plays in district decisions. It is always helpful to give them a very quick summary of the role of the board and an individual serving on the board. Encourage them to attend a board meeting to gain a better perspective and to share their voice.

Finally, there are some key principles for sustaining youth involvement in your work:

- Respect
- Positive communication
- Investment
- Meaningful involvement

The most effective way to solve complex challenges is to bring multiple perspectives together through collaboration. Elevating the student voice and collaborating with students is a great place to start!

BOARD AND STAFF

The board employs the superintendent to be the professional leader of the district's employees and should not undermine that authority. The board also should foster a positive, respectful relationship with its superintendent and staff in order to help build a positive school climate for employees and the students they serve.

The school board has the ability to promote goodwill and understanding between the board and district employees. Well-informed teachers, administrators, and support personnel create a positive public image with respect to their schools and school district.

All district personnel, both licensed and classified, should be governed by written policies concerning duties, salaries, insurance, absences, leaves, resignations, dismissal, and other items applicable to a particular group.

The board should keep in mind that the teacher stands at the focal point in delivering educational services. Such services cannot be adequately provided without the leadership, cooperation, and assistance of all personnel. Board policies should ensure that there will be



Promote and attend the Student Leadership Strand at Convention!



The CASB Connections Podcast strand on Student Voice offers multiple episodes to inspire you on ways to include student voice in your work.



opportunities for the ideas, concerns, and expertise of employees to be given due consideration as efforts are made to improve board policies and district services.

The board should provide opportunities for employees to participate in professional growth activities, provide in-service programs as needed, and demonstrate interest in the financial and professional security of school employees. The board has the ability to show appreciation and respect to all district employees.

COMMUNICATION WITH STAFF

Many boards and superintendents deem it necessary to use a variety of processes for communicating with staff. Board meetings are open to all employees, and it is important that the staff be familiar with the work of the board. The following ideas are examples of communication processes:

- Periodically schedule meetings with various staff representatives to gain firsthand knowledge of the workings of various departments
- Ask the superintendent to meet with staff and then report to the board
- Schedule informal gatherings to become better acquainted with employees
- Meet with committees representing employees
- Utilize the district communication channels to keep employees informed of the board's vision and actions
- Ask for staff committees to study specific problems and issues
- Establish appropriate avenues for communicating with administrative personnel as well as licensed and support staff
- Coordinate board-staff communications through the superintendent
- Develop a schedule for regular school visits
- Schedule informal visits to schools and classrooms, either for volunteer purposes or drop-ins, through the principals of the various schools with the full knowledge of the superintendent and fellow board members
- Share all information gleaned through school visits with the full board-superintendent team; these visits are not to be used as inspections or for supervisory or administrative purposes



In what ways do you involve staff in your engagement process?

CHAPTER 2: Relationships, Roles, and Communications

BOARD AND COMMUNITY

Attention to nurturing continuous two-way communication with the community will ensure the school district is meeting the community's needs and gaining public support. Some school districts choose to engage professional communications personnel, while others take on the role themselves.

Written school board policy will provide guidance to the administration for quality communication and outline actions the school board will take in providing the public with information. Written policy reinforces the intent of the board to establish an open flow of information between the school district and the community.

CREATING A COMMUNICATION PLAN

The National School Public Relations Association (NSPRA), in *School Public Relations: The Complete Book*, suggests the following guidelines for boards in developing communication plans:

- **Recognize citizens have the right to know**
- **Appoint a committee**
- **Develop a policy statement**
- **Develop guidelines**
- **Appoint a researcher**
- **Check out other district plans**
- **Develop goals for communication**
- **Develop a list of communication techniques**
- **Create social media protocol**
- **Prepare the committee's report**
- **Hire necessary staff**
- **Develop an evaluation process**

BUILDING A QUALITY COMMUNITY RELATIONS PROGRAM

The following steps will help in building a quality community relations program:

- **Interpret the needs and values of the community**
- **Communicate district goals, progress, and news**
- **Support community involvement**

School districts thrive as a result of the community's satisfaction with its schools.



Listen to the CASB Connections Podcast on creating a communications plan.



What community engagement initiatives are currently in place, what are their purposes, and who are the participants?



COMMUNITY RELATIONS CHECKLIST

- ☐ School board policy specifying community relations goals and objectives
- ☐ Implementation plan specifying aspects of the communication or community relations program and the person responsible for each aspect
- ☐ Media communication plan
- ☐ Adequate budgetary provisions and delegated community relations responsibilities
- ☐ Superintendent understanding the need to regularly report on progress of community relations program
- ☐ Good communication flow stressed by school board
- ☐ Community relations training for district employees
- ☐ District publication(s) for employees
- ☐ Communication plan for parents and nonparents
- ☐ Feedback plan for internal and external stakeholders
- ☐ Meetings scheduled for communication and feedback
- ☐ Citizen advisory committees
- ☐ School board members active in school and community events as well as other public service and government agencies
- ☐ Appropriate chain of command for resolving complaints or grievances raised by internal or external stakeholders
- ☐ Process for evaluating communication efforts on an annual basis
- ☐ Designated spokesperson for the board
- ☐ Public access to board agendas, policies, financial data, student achievement data, and other information
- ☐ Public surveys, community conversations, and other tools used before the board takes action on major policy items
- ☐ Plans to showcase district programs and student achievement at board meetings



Social media has changed the way the community talks about their schools and district. Carefully consider how you use it to communicate with your school community. Check your board and administrative policies to ensure you understand the rules to follow.

SOCIAL MEDIA TIPS FOR SCHOOL BOARD MEMBERS

- Clarify that your views are personal, not representing the board.
- Avoid connecting with other board members on social media due to Colorado Open Meetings Law.
- Direct complaints to appropriate school staff or administrators.
- Separate personal posts from board and school information.
- Decide on the frequency of your posts to provide fresh content.
- Avoid sharing uncertain or inaccurate information.
- Follow and friend only useful resources.
- Refrain from engaging in arguments with community members or critics.
- Be cautious about sharing others' information on social media, and don't allow false, biased, or defamatory posts on your pages.
- Promote your social media presence through email auto-signature.



HANDLING CRITICISM

A school board member's job is to discern what is best for all children, while a parent's job is to discern what is best for his/her child. As a board member, there may be pressure from a community member in regard to what is best for that community member's child. It is advantageous to listen, be informed, and direct them to the proper channels in the system (e.g., the superintendent or administrator who has responsibilities in the area of concern).

Occasionally, external audiences may come to board meetings and express concerns. These events should be anticipated and the board should have a well-developed and communicated protocol in place for public comment. The school board policy should address avenues for hearing and addressing public input which may involve criticism. Procedures should address the amount of time individuals are permitted to speak, the expected civil tone, and a statement that the board will not make decisions on issues not included on the agenda.

MEDIA RELATIONS

The news media plays an important role in efforts to communicate with the public at large. School boards must understand they are responsible for communicating with the public and the media is not responsible for being the public relations agent.

As a school board media plan is developed, the following checkpoints may be helpful in assessing the media relationship:

- **Have a written policy**
- **Be aware of upcoming issues**
- **Designate district spokespersons**
- **Be accessible**
- **Be accurate**
- **Expect anything you say to show up in the news**
- **Avoid media confrontation**
- **Use plain language**
- **Be fair to media outlets**
- **Learn how to be interviewed**
- **Appreciate the work of reporters**



Does your board follow the CASB website's Newsletter and Media Releases page to stay current with events and trends?

CHAPTER 2: Relationships, Roles, and Communications

COMMUNITY ENGAGEMENT

Community engagement is a long-term effort to generate dialogue around broad issues affecting a school district and its community. Engagement is not a newsletter, survey, or effort to gain buy-in from the community. Engagement involves face-to-face discussions about important education issues, which give the school board insight into community values. Engagement creates a shared sense of direction and willingness to allocate responsibility if done correctly.

Ideas for successfully engaging the community:

Start with the correct issue: The community does not need to be engaged on every decision made by the school board. Engage the community in the big issues with broad impact such as:

- District budget priorities
- School district's mission and vision
- Graduation guidelines
- Superintendent searches

Frame the issue in community terms: Use terms that are attractive and meaningful so that citizens will choose to engage and attend meetings.

Create conversation, not education: This occurs face-to-face and is most effective in small groups. Discussions can take place in homes, churches, workplaces, recreation centers, schools, and any place citizens feel comfortable gathering. The best discussions are guided, not managed. Agendas are important, but there should be freedom for participants to share their thoughts. Facilitation should come from a school board member or outside facilitator, and notes should be kept from each meeting. This is a time to listen instead of educating participants on what the board is doing.

Keep the conversations going: Asking community members to discuss issues only when the school district has a need, rather than when the community has insights to share, can create distrust. Instead, think about having several groups of participants discussing several different issues. Many times, a group may want to have more than one meeting on a topic, and the benefits may outweigh the time allocation.

Staff and students are important: Be sure to include these groups in the engagement process. Staff should be kept informed in regard to what you are hearing from the community. This gives them an understanding of community values, which helps them in their district role.

The **Board Resources** at the end of the *School Board Member Leadership Workbook* provide some key principles for you to consider as you start or refine your efforts.



**CRISIS COMMUNICATION**

School districts must have a crisis communication plan in place, with the hope that it is never used. A crisis might include an angry protest, weather events, personnel issues, a school shooting, a death or suicide, or any number of events or tragedies that may affect the school district. The safety and security of students and staff is paramount and should determine the manner in which a crisis is communicated to the public.

The crisis communication plan should designate spokespersons and important methods and channels of communications (TV, radio, social media, district website, etc.). It should provide guidelines regarding what information is communicated, who will receive the information, in what order the information will be communicated, and much more.

CHAPTER 3: Student Safety and Compliance

Our schools have the goal of providing every student with a quality education that prepares them for post-secondary success. Whether students choose to go on to college, enter the military, or start their career upon graduation, our schools work to equip them with the skills needed to be successful in the community and world.

Colorado public education serves nearly 900,000 students and school boards are the caretakers of their education. This chapter discusses important laws and practices districts must comply with in order to keep students safe at school and promote their education and social development.

SAFE AND WELCOMING SCHOOLS

To provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, state law requires the board of education to adopt and implement a **safe schools plan**. C.R.S. § 22-32-109.1.

As a starting point, boards must adopt a mission statement for the district that includes making safety a priority and also adopt a student conduct and discipline code.

Each local board also must adopt a crisis management policy and approve the district's overall safety plan.

A critical component of ensuring a safe learning environment is the inclusion of a bullying prevention and education policy. Each school district must ensure that its bullying prevention and education policy is updated on an ongoing basis to incorporate the approaches, policies, and practices outlined in **CDE's Model Bullying Prevention and Education Policy**.

Additionally, school districts will soon be required to adopt a new policy specifically protecting students from harassment and discrimination at school, pursuant to state law changes enacted by Senate Bill 23-296. Schools must follow new procedures designed to protect students who allege they have been harassed or discriminated against at school, to promote fair, impartial, and prompt investigations into any allegations, and to increase student awareness of the investigation process. Schools must adopt a new policy governing these procedures and protections by July 1, 2024. During the 2023-2024 academic year, school districts should ensure that the bill's requirements are reviewed and a new policy for the 2024-2025 academic year is developed and implemented, in order to comply with state law and ensure that students are protected, safe, and informed at school.

In addition, local boards are responsible, to the extent possible, for developing written agreements with law enforcement officials, the juvenile justice system, and social services to keep each school environment safe.



MENTAL HEALTH SUPPORTS AND SERVICES

Mental health concerns for our youth are a high priority for school boards and districts, and districts are in a unique and influential position to assist children with mental health. When school-based mental health services are available, students are substantially more likely to seek mental health support, as services may reduce the stigma in seeking help. However, many schools in Colorado lack full-time mental health and substance use providers in schools, adequate mental health and social-emotional learning training for school staff, and access to mental health services where transportation to mental health centers is a challenge.

School boards are not required to adopt a policy on promoting mental health, but they are “encouraged” to expand wellness policies to include goals for “providing increased access to mental health counseling and services,” among other wellness goals. C.R.S. 22-32-136 (5.5). Additionally, boards are required to adopt a policy concerning screening of students for mental health concerns. C.R.S. 22-32-109.2.

Many school boards utilize CDE’s Colorado Multi-Tiered System of Supports (MTSS) to promote student mental health. This is a prevention-based framework used to improve the outcomes of each student, to engage the school with student’s family, and uncover mental health concerns if applicable. CDE provides MTSS resources on its website to assist school boards with implementation. Additionally, to learn more about mental health needs in our schools, the School Mental Health Toolkit by Mental Health Colorado is a helpful place to start.



The CASB Connections Podcast strand on Mental Health offers multiple episodes to help you explore the Multi-Tiered System of Supports for students, as well as the difference between respect and dignity.



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CLAIRE DAVIS SCHOOL SAFETY ACT

Local boards and school districts should be mindful of potential liability for school violence due to the passage of the *Claire Davis School Safety Act* in 2015. C.R.S. § 24-10-106.3. The Act waives governmental immunity if the district fails to exercise “reasonable care” to protect students, faculty, and staff from “reasonably foreseeable” “incident[s] of school violence” that occur(s) at school or a school-sponsored activity. C.R.S. § 24-10-106.3(4). This means victims or their families can sue districts for liability if they fail to ensure that students, faculty, and staff are protected from violence on school property or at school events.

An “incident of school violence” is defined as an occurrence at a public school or public school-sponsored activity in which a person commits or attempts to commit murder, first degree assault, or felony sexual assault, causing serious bodily injury or death to another person. C.R.S. §§ 24-10-106.3(2)(b), (c). An incident of school violence may be between students, staff members, or any other persons. A district may be liable for up to \$350,000 for an injury to one person in a single occurrence and up to \$990,000 for an injury to two or more persons in a single occurrence. C.R.S. § 24-10-106.3(9)(a). In crafting its safe schools policy and other policies, districts should be aware of this law and its impact on districts.

PARENTAL NOTIFICATION OF EMPLOYEE CRIMINAL CHARGES

School districts are required to notify students’ parents when an employee or former employee is charged with certain criminal offenses. C.R.S. § 22-1-130.

For the purposes of the parental notification requirement, employee means a person whose employment by the school district requires or required the employee to be in contact with students or whose work area gives or gave the employee access to students. It includes former employees if the person was employed by the school district at any time within 12 months before an offense is charged. C.R.S. § 22-1-130(2)(a).

Districts must notify parents when the employee or former employee has been charged with any of the following criminal offenses¹ (C.R.S. § 22-1-130(3)(b)):

- felony child abuse, as specified in C.R.S. § 18-6-401;
- a crime of violence, as defined in C.R.S. § 18-1.3-406, except second degree assault, unless the victim is a child²;
- felony involving unlawful sexual behavior, as defined in C.R.S. § 16-22-102(9);
- felony domestic violence, as defined in C.R.S. § 18-6-800.3;
- felony indecent exposure, as described in C.R.S. § 18-7-302; or
- level 1 or level 2 felony drug offense, as described in C.R.S. § 18-18-401 *et seq.*

1. These are the types of felony offenses that require the denial, suspension, or revocation of a teacher license if the employee were a teacher.

2. State law defines “crime of violence” to include the following: any crime against an at-risk adult or juvenile; murder; first or second degree assault; kidnapping; a sexual offense; aggravated robbery; first degree arson; first degree burglary; escape; criminal extortion; and first or second degree unlawful termination of pregnancy. C.R.S. § 18-1.3-406(2).



The notification must be given to those parents of students enrolled in the school in which the employee is employed or was employed at the time of the alleged criminal offense, or with whom the school district has reason to believe the employee may have had contact as part of his/her employment. C.R.S. § 22-1-130(4)(c).

School districts must notify students' parents within two school days after the employee's preliminary hearing for the criminal offense is held, waived, or deemed waived by the employee. If the criminal offense is not eligible for a preliminary hearing, the school district must notify parents within two school days after the date on which the employee is charged with the criminal offense. C.R.S. § 22-1-130(4)(a). If the school district notifies parents of an employee's arrest or pending criminal charges and such notice "substantially conforms" with the notice requirements, the school district is not required to provide an additional notice once the employee or former employee is formally charged. C.R.S. § 22-1-130(4)(b). However, school districts should consult with legal counsel prior to notifying parents of an employee's arrest or pending criminal charges, as it is possible the employee or employee's attorney may seek to prevent and/or challenge the notification.

Furthermore, school districts are required to "monitor the criminal proceedings" when the school district receives information from the Colorado Bureau of Investigation, via the Colorado Department of Education's "subsequent arrest" reporting database, that an employee or former employee has been arrested for one of the above-listed criminal offenses. C.R.S. § 22-1-130(3)(a).

The notice must include:

- name of employee or former employee;
- employment position;
- employment status, i.e., whether the person remains employed by the school district;
- length of employment with the school district;
- alleged criminal offense that the employee or former employee has been charged with, including the violation of statute or code; and
- a statement that, under state and federal law, a person is presumed innocent until proven guilty.

(C.R.S. § 22-1-130(5)(a))

The school district may choose to include in the notice additional information to parents regarding the underlying facts relating to the charge. However, the district cannot disclose the identity of any alleged victim. C.R.S. § 22-1-130(5)(b).

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The law also dictates how the notice must be sent to parents. Notice must be provided to parents “in the same manner” by which the school district notifies parents of important school business, which may include “email notification or other electronic communication sent directly to parents or by first-class mail.” C.R.S. § 22-1-130(4)(d).

Importantly, if a delay in parent notification is requested by “the appropriate law enforcement agency,” the school district “shall delay notification to parents until the request is withdrawn.” C.R.S. § 22-1-130(4)(e). Thus, it is critical for the school district to be in close communication with the police and/or district attorney to determine whether a delay in notification is required.

BOARD’S ROLE IN STUDENT DISCIPLINE

The school board must adopt a written student conduct and discipline code. C.R.S. § 22-32-109.1(2)(a). Enforcement of the board’s student conduct and discipline code is generally an administrative function carried out by the building principal or classroom teachers.

A board’s student discipline policies are sometimes challenged in court, but the courts will generally defer to the decisions of school officials in enacting rules of conduct if the rule relates to legitimate school concerns, such as avoiding disruption, maintaining a safe school environment, or promoting learning. However, if the rule infringes on the constitutional rights of a student, it will be judged by a higher standard, generally balancing the student’s and the school’s interests.

In addition to policy development, a board of education may become involved in student discipline when it is necessary to expel a student from school or deny admission to a student. In many districts, the board has delegated authority to an administrator or third party to hear an expulsion or denial of admission case. However, even when such authority is delegated, the student must be provided an opportunity to appeal a decision to expel or deny admission to the student. In those cases, the board of education acts as an impartial decision-maker, listening to the recommendations of the administration and the defense of the student. C.R.S. §§ 22-33-105, 22-33-106. All parties, including the board, are often represented by legal counsel during the proceeding.

SPECIAL EDUCATION — FEDERAL & STATE LAW OVERVIEW

“Special education” is a broad term used to describe the education of children with disabilities. Special education in Colorado is required and governed by a complex framework of statutes and regulations, most notably the *Individuals with Disabilities Education Act* (IDEA) (20 U.S.C. § 1400 *et seq.*), Section 504 of *The Rehabilitation Act of 1973* (Section 504) (29 C.F.R. § 794), the *Elementary and Secondary Education Act* (ESEA) (20 U.S.C. § 6301), the *Colorado Exceptional Children’s Educational Act* (ECEA) (C.R.S. § 22-20-101 *et seq.*), and the federal and state administrative regulations pertaining to these statutes.



This framework requires administrative units³ to provide a **free appropriate public education (FAPE)** in the **least restrictive environment (LRE)** to public school students with disabilities. This has been interpreted by courts to require two things of public schools: (1) the school must substantially comply with the procedures set forth in the law, and (2) the school must offer an individualized education program (IEP) “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” *Endrew F. v. Douglas County School District*, 137 S.Ct. 988 (2017).

WHO RECEIVES SPECIAL EDUCATION SERVICES?

“Children with disabilities” means students from 3 to 21 years of age who are unable to receive reasonable benefit from general education due to one or more of the statutorily-defined disability categories. Such children are eligible to receive special education and related services provided by administrative units pursuant to the IDEA and the ECEA. In addition, students may receive special education and related services pursuant to Section 504.

Administrative units are obligated to seek out and identify children who may have a disability and be in need of special education. This is called “child find.” The child find duty is triggered when the school district has reasonable suspicion to believe that a student is a “child with a disability.” *D.T. by & through Yasiris T. v. Cherry Creek Sch. Dist. No. 5*, 55 F.4th 1268 (10th Cir. 2022). When an administrative unit identifies a child who may have a disability, the child must receive an initial evaluation performed by members of a school IEP team, subject to parental consent. The components included in an initial evaluation are determined by the IEP team review of relevant “domains” of child functioning based on the perceived needs of the individual child. The IEP team must then determine if the child is eligible for special education services. Once the IEP team determines a child is eligible for special education services, the team, including the parent, must develop an IEP containing certain mandatory components, including educational programs and services designed to meet the child’s individual needs. A child must be reevaluated at least every three years unless the administrative unit and the parent agree that a reevaluation is unnecessary.

A child with a disability who is placed voluntarily by his/her parent in a private school does not have the same right to FAPE, or the procedural protections that accompany it, as a public school student. Rather, private school students as a group have a right, at a minimum, to a “proportionate share” of the administrative unit’s federal funding under IDEA as determined by the “timely and meaningful consultation” process between the administrative unit and private school representatives.



Check out the CASB Connections Podcast — The Coffee Cart Program: A SPED Program to learn about this program that is a job and life skills curriculum for high school special education students with the goal of helping each student seek, obtain, and retain employment after high school.

3. Every school district in the state shall be either an administrative unit in itself or in a BOCES that the CDE designates as an administrative unit or participate in a multi-district administrative unit. C.R.S. § 22-20-106(1)(a); 1 CCR 301-8, Rule 2220-R-3.01(2).

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DISPUTE RESOLUTION

In the event of a dispute between the parent of a child with a disability and an administrative unit, the parent and the administrative unit have the right to an impartial due process hearing as set forth in the IDEA and the ECEA. In Colorado, an Administrative Law Judge (ALJ), conducts a due process hearing, much like a formal court proceeding. The ALJ considers the information and testimony offered by each side and issues a written decision. The IDEA mandates that the parents and administrative unit participate in a resolution session or mediation before a due process hearing is held, unless both parties waive the requirement.

If both parties agree, they may choose to participate in mediation, rather than filing a due process complaint. Mediation is an informal, voluntary process in which a neutral person assists the parties in communicating and exploring possible options for resolving conflict. The goal of special education mediation is to help the parties reach their own mutually acceptable resolution of the disputed issues related to a student's special education services.

In addition, the parties have the right to utilize the State Complaint process to resolve a dispute. Under that process, a State Complaints Officer (SCO) will conduct an informal investigation, considering the information and interviews of the parties involved, and issue a written decision.

DISCIPLINE OF STUDENTS WITH DISABILITIES

The IDEA includes extensive provisions governing the discipline of children with disabilities. The regulations are based on the principle that a child should not be penalized for conduct that is a result of the child's disability or disabilities. Therefore, when a child with disabilities engages in misconduct and is subjected to disciplinary exclusion from school, administrative units must take certain steps to determine whether the conduct was a function of the child's disability. This is often referred to as a **manifestation determination review (MDR)**.

Prior to removing a child with disabilities from school for more than 10 consecutive days or 10 cumulative days in one school year for disciplinary reasons, the administrative unit must conduct an MDR. If it is determined that the child's conduct was a manifestation of his/her disability, the child cannot be excluded from school. The IEP team should meet to identify additional actions and supports, including developing or reviewing the **behavior intervention plan (BIP)**, to ensure the student's successful return to the placement from which the child was removed. The parent and administrative unit also may agree to a change of placement as part of reviewing the child's IEP and BIP. If it is determined that the child's conduct was not a manifestation of his/her disability, the child may be excluded from school consistent with the administrative unit's code of conduct and discipline policies. Importantly, administrative units must continue to provide FAPE to students with disabilities who have been excluded from school for disciplinary reasons.



In addition, a student may be unilaterally removed by the administrative unit and placed in an interim alternative placement in specific situations described in the law.

Discipline of students with disabilities is a complex process and administrative units should consult their legal counsel.

For more information on special education in Colorado, visit the CDE website:
<https://www.cde.state.co.us/cdesped>.

STATE ACCOUNTABILITY & ACCREDITATION

The **Colorado Education Reform Act of 1993** created a system of academic standards in Colorado. C.R.S. § 22-7-401 *et seq.* (repealed in 2015). The system was intended to serve as an anchor for educational reform, promote authentic assessment of student learning, reinforce accountability and encourage equity.” *Id.*

Five years later, Colorado began an accreditation program to assist the State Board of Education in supervising the state’s public schools and assessing student performance in relation to the state’s academic standards. A major focus of the accreditation program is to close the achievement gap between children of poverty and color and their counterparts in the educational system.

In 2007, the state legislature modified the accountability system by emphasizing the importance of the student growth metric. To facilitate this, the Colorado Department of Education (CDE) developed the **Colorado Growth Model** to determine how individual students progress from year to year based on the state standards. As explained by the CDE⁴, the Colorado Growth Model offers a way for educators to understand how much growth a student made from one year to the next compared to a student’s “academic peers.” The growth model compares each student’s performance to other Colorado students in the same grade who had similar scores on state assessments in past years. The model then produces a student growth percentile, much like children’s height and weight growth charts. If a student grew academically as well or better than 60 percent of his or her academic peers, he or she would be at the 60th percentile.

In 2008, the state legislature expanded Colorado’s education standards to promote post-secondary success by passing the **Preschool to Postsecondary Alignment Act**, also referred to as the **Colorado Achievement Plan for Kids Act of 2008 (CAP4K)**. C.R.S. § 22-7-1001 *et seq.* CAP4K required the State Board of Education and the Colorado Commission of Higher Education (CCHE) to create a seamless system of public education standards, expectations, and assessments. This system is intended to ensure that a student who achieves the required level of proficiency on state academic standards as the student progresses through the K-12 education system will graduate high school ready for postsecondary and workforce success.

4. <https://www.cde.state.co.us/accountability/coloradogrowth>; <http://www.cde.state.co.us/accountability/growth-fact-sheet-for-parents>

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In 2009, after development of the Colorado Growth Model, the state accountability and accreditation systems were significantly overhauled by the **Education Accountability Act of 2009**. C.R.S. § 22-11-101 *et seq.* The main purposes of the Act were to: (1) align school and district accountability systems into a single system, (2) modernize and align reporting of state, district, and school performance information, (3) create a fairer, clearer, and more effective cycle of supports and intervention, and (4) enhance state, district, and school oversight of improvement efforts.⁵ The Act required the State Board of Education to adopt rules implementing the state's new accreditation and accountability system, which were adopted in the spring of 2010.

In 2018, the legislature passed House Bill 18-1355, the Public Education Accountability System, which made changes to the state accountability and accreditation system. C.R.S. § 22-11-101 *et seq.* The stated purpose of the changes is to ensure all students receive a high-quality education that prepares them for college, career, and life, and to ensure that school districts have the support and oversight to achieve that goal. The key changes in this 2018 update were related to: (1) the Accountability Clock/Performance Watch process and (2) adjustments to delegation of authority over Performance Indicator calculations and the Request to Reconsider process.⁶

Practically, the accountability system begins when schools and districts receive performance ratings each year. These reports are called the District Performance Frameworks and School Performance Frameworks.⁷

The frameworks measure performance based on three key performance indicators:

- **Academic achievement** (measured by scores on state assessments);
- **Academic growth** (measured by the growth model); and
- **Post-secondary and workforce readiness** (measured by graduation rates, dropout rates, scores on a standardized college entrance exam, and matriculation into college or career certificate program)

State-identified measures and metrics for each of these performance indicators are combined for an overall evaluation of a school's or a district's performance. Districts receive an accreditation rating based on their overall evaluation. Schools are required to implement a specific plan based on their overall evaluation.

5. <https://www.cde.state.co.us/accountability/stateaccountabilityregulations>

6. <https://www.cde.state.co.us/accountability/stateaccountabilityregulations>; <https://www.cde.state.co.us/accountability/housebill1355-factsheet>

7. <https://www.cde.state.co.us/accountability/performanceframeworks>;

<http://www.cde.state.co.us/communications/fact-sheet-school-and-district-accountability-parent-resource>



Districts receive one of the following accreditation ratings:

- Accredited with distinction
- Accredited
- Accredited with improvement plan
- Accredited with priority improvement plan
- Accredited with turnaround plan
- Unaccredited

Schools must adopt and implement one of four plan types under the School Performance Framework:

- Performance plan
- Improvement plan
- Priority Improvement plan
- Turnaround plan

In addition, the “**Growth to Standard**” measure (described in more detail on page 43) is included in the district and school performance frameworks. If the student is already performing at grade level, the metric is designed to determine how much yearly growth is needed for the student to maintain their current level of performance.

Although the Growth to Standard measure has been included in Colorado educational accountability law since 2009 (previously known as “Adequate Growth”), revised State Board of Education rules provide flexibility as to the specific calculation methodology. During 2018 and 2019, the **Technical Advisory Panel for Longitudinal Growth (TAP)** worked to develop the new measure. Called the “On Track Growth” measure, it will combine elements of both achievement and growth methodologies. It is intended to show whether a student is currently making enough growth to reach a specified achievement target within a defined timeframe⁸. In 2023, CDE announced that starting in 2024, the On Track Growth indicator will account for 10% of points in the school performance framework, weighted alongside a growth indicator (55%) and an achievement indicator (35%).

The State Board of Education’s accreditation rules specify the content and terms of the accreditation contract between each school district and the state board. The rules also determine the appropriate accreditation category for each district, including consideration of the district’s performance challenges and progress made under current improvement efforts. Lastly, the rules specify the circumstances in which CDE may recommend the removal of a district’s accreditation, or take other action to impact consistently low-performing schools and districts.

8. <https://www.cde.state.co.us/accountability/ontrackgrowth>; <https://www.cde.state.co.us/accountability/ontrackgrowthfactsheet>

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Local school boards are required to assign accreditation categories to schools in a manner that is aligned with and meets or exceeds the rigor of the state's accreditation system for districts and is in accordance with the Act and the State Board of Education's accreditation rules. As discussed in Chapter 5 of this workbook, policymaking is one of the board's most important jobs. Colorado educational accountability law emphasizes this important role by requiring each local school board to adopt policies for the accreditation of its schools.

Each district and school are also required to create an annual improvement plan based upon the district's or school's accreditation category. The CDE developed “**unified improvement plans**” (UIPs) to support schools and districts in their performance management efforts. The UIP template is designed to meet state as well as federal accountability requirements and to support planning as a critical component of “continuous improvement.”⁹

Finally, Colorado educational accountability law requires that state, district, and school performance reports are made available. School districts must report statutorily required information to CDE, which places all data onto its online data portal called School View®. Visit www.schoolview.org to see your district's performance report and UIP.

In August 2019, the State Board of Education approved updates to the Rules for the Administration of Statewide Accountability Measures as required by HB18-1355. 1 CCR 301-1. However, in response to the disruptions created by COVID-19, the Colorado legislature paused the state's accountability system for the 2020-21 and 2021-22 school years (see HB21-1161). To date, the performance framework pause is lifted, reinstating the accountability system. Due to requirements imposed by HB21-1294, the legislative audit committee completed an evaluation of the accountability system, released in December 2022. It found that Colorado's system provide a “reasonable and appropriate basis” for measuring the performance of districts and public schools. However, changes to the accountability system may be upcoming due to pending litigation. Review CASB's and CDE's website for up-to-date information.

STATE HIGH SCHOOL GRADUATION REQUIREMENTS

Students are expected to complete more coursework in high school than ever before, due to the implementation of the Colorado Academic Standards, coupled with new admission requirements for higher education institutions. State and local policymakers acknowledge the importance of obtaining core-competency skills to succeed in the 21st century, including proficiency in math, science, and written and verbal communication. **The challenge for local boards is to empower students to develop 21st-century skills and knowledge through the careful and evidence-based implementation of graduation requirements that will prepare students for postsecondary and workforce success.**

9. <https://www.cde.state.co.us/uiip>



In 2007, the state legislature passed House Bill 07-1118, which was intended to spur local boards to adopt high school graduation requirements consistent with a standards-based education system. As amended by CAP4K, the law requires local boards to adopt graduation requirements that meet or exceed the graduation guidelines adopted by the State Board of Education. High school graduation guidelines were first adopted by the State Board of Education in May 2013 and then revised in September 2015.

For more information on graduation guidelines, see the CDE website:
<https://www.cde.state.co.us/postsecondary/graduationguidelines>.

FEDERAL ACCOUNTABILITY

The Elementary and Secondary Education Act of 1965 (ESEA) is the primary federal education legislation and has undergone several reauthorizations, the latest of which is the **Every Student Succeeds Act of 2015 (ESSA)**. Importantly, the ESSA eliminated several requirements of the previous law (No Child Left Behind Act) and provided more discretion to states and local school boards regarding the development of state plans and accountability systems. It also added new federal accountability requirements.

The ESSA most significantly impacts Title I schools and programs (which receive federal financial assistance targeted at low-income students), but it affects all school districts, schools, and students. The ESSA requires states to develop a statewide accountability system, with long-term and interim progress goals, for all students and specific disaggregated groups. The system must be based on five indicators: academic achievement and growth in English language arts and mathematics, English language proficiency for English learners, graduation rates, and school quality or student success. Colorado's state plan, approved by the U.S. Department of Education in May 2018, builds upon the existing state accountability system to focus even more on ensuring historically disadvantaged populations are meeting performance expectations and graduating ready for postsecondary and workforce pathways.¹⁰

The ESSA prohibits the U.S. Department of Education from requiring states to adopt specific state academic standards, including Common Core standards. Instead, it allows states to develop their own challenging academic content and achievement standards in math, reading/language arts, and science that are aligned with entrance requirements for respective state institutions of higher education and state career and technical education standards. The ESSA defers to states and school districts policies opting-out of state standardized assessments, but maintains that states assess at least 95 percent of students.

10. <https://www.cde.state.co.us/accountability/federalaccountability>; <http://www.cde.state.co.us/fedprograms/essa>

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The ESSA also eliminated the Title I School Improvement Grant (SIG) program and requires states to set aside a specific percent of their respective Title I allocations for school improvement efforts independently designed and managed by states and school districts. The ESSA also requires states to identify schools for “comprehensive support” and “targeted support and improvement” and establish exit criteria for schools that are identified to exit such status. Such schools would be the lowest performing five percent of schools in a state; high schools that graduate less than two-thirds of their students; and schools in which a subgroup is consistently underperforming in the same manner as a school under the previous two categories for a state-determined number of years. Per the CDE, Colorado’s accountability system already included these indicators; accordingly, Colorado’s identification of schools for support and improvement under the ESSA relies upon the data from the multi-year School Performance Frameworks.¹¹

For more information about ESSA and its implementing regulations, visit the U.S. Department of Education’s website: <https://www.ed.gov/esea>. For more information about Colorado’s ESSA state plan, visit the CDE’s website:

<http://www.cde.state.co.us/fedprograms/essa> and
<https://www.cde.state.co.us/accountability/federalaccountability>

CHOICES IN EDUCATION

Colorado law requires every child who turns six before August 1 of each year to attend either, public school, private school that provides a basic academic education, or be instructed at home. C.R.S. § 22-33-104. However, beginning with the 2020-21 school year, students who have attained the age of five years on or before October 1 are eligible for full-time funding. C.R.S. § 22-54-103(10)(b). Students’ families are able to choose the best option for their child: <https://www.cde.state.co.us/choice>.

PUBLIC SCHOOL OPEN ENROLLMENT

Colorado provides many avenues for parents to select a public school for their child to attend. In most cases, a family chooses for their child to attend the neighborhood school in their local school district. However, Colorado law requires school districts to have open enrollment policies that allow students within the district to select any school or program in the district, provided there is space available in the requested school. This is called “intra-district” choice. Students who are not residents of the school district also may request to attend school within the district on a space-available basis. This is called “inter-district” choice. No tuition can be charged to Colorado parents who enroll their students in another district within the timelines and procedures established by the district of choice. The district of choice is not required to enroll nonresident students after the pupil enrollment count day. C.R.S. § 22-36-101 *et seq.*

11. <https://www.cde.state.co.us/accountability/federalaccountability>



PRIVATE SCHOOL AND HOME SCHOOL STUDENT PARTICIPATION

Home-based instruction and nonpublic schools are recognized as legitimate alternatives to public school attendance. As such, the parent or guardian takes on all of the responsibility for the student's education, subject to certain requirements. C.R.S. § 22-33-104.5.

The term “nonpublic school” applies to private, parochial, and independent schools that provide education to children of compulsory school age. Nonpublic schools are required by state law to provide a basic academic education to enrolled students and comply with certain requirements, but are otherwise not subject to the jurisdiction of the State Board of Education nor any local board of education. See C.R.S. §§ 22-1-106, 22-1-108, 22-1-109, 22-33-104, 22-1-114, 25-1-107(1)(m).

Students attending a nonpublic school or home-based school are permitted to participate in a school district's extracurricular or interscholastic activities. C.R.S. § 22-32-116.5.

COLLEGE COURSEWORK

High school students have an opportunity to enroll in courses offered by institutions of higher education under the **Concurrent Enrollment Programs Act**. C.R.S. § 22-35-101 *et seq.* It is possible for students to obtain both high school and college credit for coursework taken pursuant to a concurrent enrollment program.

In addition, students may enroll in postsecondary courses through the “**Accelerating Students through Concurrent Enrollment**” (**ASCENT**) program administered by the CDE. The ASCENT program allows a student to concurrently enroll in postsecondary courses in the year directly following the year in which the student was enrolled in 12th grade. The Concurrent Enrollment Programs Act specifies how school districts must count ASCENT program students for purposes of per pupil funding. C.R.S. § 22-35-108.

DISTRICT CHARTER SCHOOLS

Colorado was one of the first states in the nation to implement charter schools. In 1993, the Colorado General Assembly enacted the **Charter Schools Act**, which authorizes a local board of education to enter into a charter with parents, teachers, or others to operate a school. C.R.S. § 22-30.5-101 *et seq.*

CHAPTER 3: Student Safety and Compliance

A charter school is a public, nonsectarian, nonreligious, non-homebound school that continues to be a part of the public school district in accordance with the terms and conditions of the charter it negotiates with its district. Each charter school must be organized as a nonprofit entity and must have its own independent governing board, even if the charter school is managed by a private, for-profit management provider. The charter school and its board are accountable to the local school board for compliance with the charter. Charter schools are subject to all laws governing public schools, but specific requirements are often waived by the State Board. The charter school is responsible for its own operation, including budget, personnel, and contracts. Students enrolled in the charter school are included in the pupil enrollment of the school district within which the pupil resides.

The charter application process and the contract between the district and the charter school are heavily regulated by state law. Smaller school districts that do not have existing charters and staff familiar with these laws should seek assistance from legal counsel or knowledgeable consultants as soon as possible after the district learns a charter school application will be submitted to the school board.

The board should adopt a local policy and regulation to govern the charter application process, including all contracts and appeals of local board decisions, and to govern all aspects of the board's oversight of the charter school. CASB sample policies and procedures contain the requirements for charter school applications and oversight we believe to be necessary by law or best practice. These policies and regulations should be in place before an application is submitted.

CHARTER SCHOOL INSTITUTE

In 2004, the **Charter School Institute (CSI)** was formed to encourage the creation of charter schools serving at-risk students and to model best practices in charter school authorizing. C.R.S. § 22-30.5-501 *et seq.* The board of directors for CSI is comprised of nine people, seven of whom are appointed by the governor (with consent of the senate), and the remaining two members are appointed by the Colorado commissioner of education. C.R.S. § 22-30.5-505.

CSI cannot approve a charter school within the boundaries of a school district if the local board has exclusive chartering authority to authorize charter schools. A local board may voluntarily cede its exclusive authority and allow CSI to open a school within its boundaries, or it may be forced to share authorizing authority if a challenge to that authority is upheld by the State Board of Education. C.R.S. § 22-30.5-504. For school districts with less than 3,000 students, the local school board is granted exclusive chartering authority by law. C.R.S. § 22-30.5-504(5)(b)(I). All other school boards must demonstrate to the State Board of Education that they have treated charter schools in a fair and equitable manner to retain their exclusive chartering status once it has been challenged.



All charter schools authorized by a local school board will continue to be district charter schools, even if the district loses exclusive chartering authority, unless the charter schools go through a process to convert to institute charter schools. Likewise, an institute charter school that is located within the geographic boundaries of a school district that recovers authority to authorize charter schools, or that permitted the establishment of the institute charter school within its geographic boundaries, does not convert to a district charter school unless the institute charter school applies to and is approved by the local school board. C.R.S. § 22-30.5-504.

The application and requirements for an institute charter school are essentially the same as those for district charter schools. Institute charter school students are included in the funded pupil count of the district where the school is located. The funding is then transferred out of the state equalization payments that otherwise would have been paid to the school district. In this way, the funding is based solely on state funds, using the same per pupil funding formula currently in place for school districts. C.R.S. § 22-30.5-513.

ONLINE PROGRAMS AND SCHOOLS

School districts may incorporate online coursework into the district's curriculum to enhance, supplement, or enrich the existing curriculum and provide an alternative means of instruction. These supplemental online courses can be an effective tool to expand the educational opportunities for students at all levels of achievement.

State law allows school districts and charter schools to operate online education programs and schools in which students can enroll and take all of their coursework over the Internet. A 2007 state law created a statutory framework for oversight of online education schools and programs. C.R.S. § 22-30.7-101 *et seq.* State Board of Education rules set forth quality standards for the operation of online schools and programs (1 CCR 301-71), and CDE provides support through the Schools of Choice Unit.

In 2011, the legislature shifted some of the oversight responsibilities to local districts. School districts that authorize online programs are now required to review their online program's alignment with the State Board of Education's quality standards as part of its accreditation process. CDE continues to collect information regarding online schools' financial and accounting practices. Each student in an online school is evaluated, tested, and monitored at the same intervals as other students of the same grade level in the student's regular school and takes all state assessments.

CHAPTER 3: Student Safety and Compliance

Accountability for each student in an online program is attributed to the designated school that houses the online program. Online programs are statutorily defined as those with fewer than 100 students and online schools as those with 100 or more students. Online schools have their own school codes, a separate budget, and a complete instructional program, and are subject to all state and federal accountability and reporting requirements. Online programs and schools may be “single district” serving only students who reside within a single district, or “multi-district” serving students from two or more school districts. C.R.S. § 22-30.7-102.

Colorado students are eligible to participate in online programs or schools offered by other districts. A student participating in the online program or school may also participate in any extracurricular or interscholastic activity offered by the district. C.R.S. § 22-30.7-108.

Colorado school districts, charter schools, and BOCES may apply for funding for students who qualify for per pupil funding for online enrollment. Per pupil funding for online students is set by the School Finance Act.

INNOVATION SCHOOLS AND SCHOOL ZONES

The state legislature passed the **Innovation Schools Act of 2008 (Innovation Act)** to encourage creativity and innovation by giving greater autonomy and managerial flexibility to school leaders. C.R.S. § 22-32.5-101 *et seq.* Recognizing the ultimate responsibility for controlling instruction continues to lie with the local school board, the Innovation Act strongly encourages a local board to delegate to each of its schools a high degree of autonomy in implementing curriculum, making personnel decisions, organizing the school day, determining the most effective use of resources, and generally organizing the delivery of high-quality educational services.

A school's designation as an innovation school will affect its autonomy. A group of schools within a school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education, may jointly submit to their local school board a plan to create an innovation school zone. The Innovation Act prescribes specific steps that must be followed to seek designation as an innovation school or school zone, including providing evidence that a majority of the administrators and teachers employed at each school consent to designation as an innovation school or school zone.



The local school board also may initiate or collaborate with one or more schools to create an innovation school or school zone, which may include the entire district. Through policy, the board can establish its desired focus areas for innovation schools and any limitations the board believes are necessary. An increasing number of districts and schools are seeking innovation status as a means to obtain more flexibility and waive burdensome and expensive state mandates. Support is available to schools, districts, and school boards through the CDE Schools of Choice Office. CDE also monitors the performance of innovation schools and produces an annual report for the legislature.

CHAPTER 4: Personnel Move the District Forward

Successful school districts are first about people. Quality instruction, sound fiscal management, visionary leadership, and effective governance cannot happen without a capable staff, beginning with the superintendent, and the policies and contracts necessary to carry forward the school district's mission. Before taking any personnel action consult school board policies.

EMPLOYMENT PRACTICES

Board policies should include guidelines for the selection and appointment of personnel. It is the school board's responsibility, by official action, to approve the appointments of all instructional personnel who work for the district. The courts have held that while the administration may directly hire and terminate the employment of non-instructional personnel, the responsibility to hire and terminate the employment of instructional personnel belongs to the board and may not be delegated to others.

This does not mean that board members must be deeply involved in seeking out and screening teacher candidates. That is a proper administrative function. It does mean that the board must approve the appointment recommendations made by the superintendent or administrative staff regarding instructional personnel.

The superintendent is held accountable for the performance of all employees. Accordingly, it is important that he or she be given authority to select people the administration believes would be best suited to the positions. If the board feels a recommendation should not be accepted, the superintendent should provide another recommendation.

EMPLOYEE BACKGROUND CHECKS

Prior to the employment of any person, in accordance with state law, the district is required to conduct criminal history background checks and contact previous employers regarding an applicant's fitness for employment. C.R.S. §§ 22-32-109(1)(f), 22-32-109.7, 22-32-109.8, 22-32-109.9, 22-32-122(4), 22-60.5-103. Licensed employees are fingerprinted during the licensure process with the Colorado Department of Education. In addition, pursuant to House Bill 1166 (effective April 18, 2019), an applicant must submit to a name-based criminal history record check if the fingerprint-based criminal history check reveals a record of arrest without disposition. In all cases where credit information or reports are used in the hiring process, the district shall comply with the Fair Credit Reporting Act and applicable state law. 15 U.S.C. § 1681 *et seq.* The district is required to conduct reference checks of applicants and to see that the applicants selected for classified positions are fingerprinted. Licensed employees are fingerprinted during the licensure process.



NEGOTIATING PROCESSES

Colorado law neither requires nor prohibits collective bargaining between the board and an employee union or association. In 1976, the Colorado Supreme Court ruled that a school district may enter into a master agreement with a group of employees on a collective basis. *Littleton Education Association v. Arapahoe County School District*, No. 6, 191 Colo. 411, 553 P.2d 793 (1976).

Colorado school districts use a variety of approaches for negotiation with employees, ranging from very informal models, often called “meet and confer,” to more formal collective bargaining agreements. Boards that engage in collective bargaining with their teachers’ union are bound by the Colorado Open Meetings Law and Proposition 104, which requires that negotiations related to collective bargaining and employment contracts (except an individual employee’s contract) between school district and union representatives must take place in public. C.R.S. § 24-6-402(4)(e)(II). However, school boards may convene in executive session “for the purpose of developing the strategy of the school district for negotiations related to collective bargaining or employment contracts.” C.R.S. § 24-6-402(4)(e)(III). Thus, a distinction between the “development of strategy” (permitted in executive session) and “discussion” (still prohibited in executive session) must be made by the school board in consultation with legal counsel.

EDUCATOR EFFECTIVENESS

Educators are central to student achievement. School board members must lead the charge to ensure a quality teacher is in every classroom so students will learn the skills necessary to thrive in today’s world.

Colorado law imposes requirements for evaluating licensed personnel and altered tenure eligibility.

CHAPTER 4: Personnel Move the District Forward

TEACHER EMPLOYMENT, COMPENSATION, AND DISMISSAL ACT OF 1990

The Teacher Employment, Compensation, and Dismissal Act of 1990 (TECDA) is a comprehensive law that sets forth specific practices to be observed in the process of teacher employment and dismissal. C.R.S. § 22-63-101 *et seq.* "Teacher" means any person who holds a teacher's license issued pursuant to the provisions of article 60.5 of this title and who is employed to instruct, direct, or supervise the instructional program. "Teacher" does not include those persons holding authorizations and the chief administrative officer of any school district. C.R.S. § 22-63-103(11).

This means that classroom teachers, as well as most principals, assistant superintendents, educators, are subject to the laws. TECDA excepts the superintendent and persons holding letters of authorization from the definition of "teacher." The key provisions in TECDA are as follows.

LICENSURE

All persons who fall under the definition of "teacher" must have a teaching license or letter of authorization issued by the CDE. The board may not enter into a contract for instructional services with persons who do not have a teaching license or letter of authorization. C.R.S. § 22-63-201. Further, the board may not order the payment of salaries to teachers if they do not have a current license or letter of authorization. C.R.S. § 22-63-402.

CONTRACTS

All employment contracts entered into with teachers must be in writing. C.R.S. § 22-63-202(1). The contract must contain a damage provision. If the teacher abandons, breaches, or otherwise refuses to perform services providing that pursuant to the contract, the board may collect or withhold an amount equal to the ordinary and necessary expenses to secure the services of a suitable replacement or 1/12th of the annual salary, whichever is less. The teacher is exempt from such penalties if a resignation is submitted 30 days prior to the beginning of the school year. After the beginning of the school year, the teacher is exempt from damages if a 30-day notice of resignation is provided. C.R.S. § 22-63-202(2).



School districts do not need to issue written employment contracts to part-time or substitute teachers. However, these employees must have a teaching license or substitute authorization. C.R.S. §§ 22-63-202(1), 22-60.5-111(6). **Part-time teachers**, as defined by TECDA, are teachers who normally perform services less than four hours during each regular school day. C.R.S. § 22-63-103(6). **Substitute teachers** are teachers who normally perform services for four hours or more during each regular school day, but work on one continuous assignment for a total of less than 90 regular school days during the academic year, or for less than one semester or its equivalent. The definition of a “substitute teacher” also includes an itinerant teacher who performs services on a day-to-day or similar short-term basis during the school year as a replacement teacher. It does not include any non-probationary or probationary teacher who is assigned as a permanent substitute teacher within a school district. C.R.S. § 22-63-103(10).

TECDA also permits school districts to hire “**alternative teachers**” participating in a state-approved alternative teacher preparation program. C.R.S. § 22-63-201(1)(b). Alternative teacher programs offer an opportunity for nontraditional teacher candidates to enter the profession and for school districts to customize the preparation of their teacher candidates. These programs are designed to provide nontraditional candidates with adequate supervision and education in teaching methods and practices as they “learn the ropes” and work toward initial teacher licensure. An alternative teacher may be offered a contract containing terms and conditions that differ from other teacher contracts. C.R.S. § 22-60.5-207.

SALARY SCHEDULES

School boards must adopt a salary schedule. This may be based on job description, job definition, performance demonstrated by the teacher, or a combination of the salary schedule and salary policy for teachers prior to or in conjunction with the adoption of the budget for the following fiscal year. All teachers must be compensated as provided in the salary schedule or policy. During the contract year, the board must schedule or policy must remain in effect until changed or modified by the board. Additionally, the board cannot change the schedule or policy to reduce the salary of any teacher. A teacher’s salary may be modified for any succeeding school year in accordance with the schedule or policy, but no teacher’s salary may be reduced unless the new schedule or policy provides for a general reduction in the salaries of all teachers. C.R.S. § 22-63-401.

The law permits a reduction in salary if an individual’s job classification is changed, the teacher is reassigned, or the teacher has been relieved of additional duties for which he or she received additional compensation. C.R.S. § 22-63-401(3). It is advisable to consult legal counsel in such cases and whenever a change in the salary schedule or policy is contemplated.

CHAPTER 4: Personnel Move the District Forward

PROBATIONARY TEACHERS AND NON-RENEWAL

A “**probationary teacher**” is a teacher who has not completed three consecutive years of demonstrated “effectiveness” or a non-probationary teacher who has two years of demonstrated “ineffectiveness.” C.R.S. § 22-63-103(7). That is, **non-probationary status** is earned after three consecutive years of demonstrated effectiveness; non-probationary status is lost after two consecutive years of less than effective ratings. **Effective** and **ineffective**, as well as **partially effective** and **highly effective**, are statutory terms that are defined by State Board of Education rules. 1 C.C.R. 301-87.

A probationary teacher does not have the right to annual renewal of his/her teacher contract. The board of education has complete discretion when it reviews the annual contracts and decides which probationary teachers it wishes to re-employ. C.R.S. § 22-63-203. To preserve the concept of annual contracts, it is important that care be taken throughout board policies and procedures that no statements are made, either directly or indirectly, that would imply a probationary teacher’s annual contract will automatically be renewed.

A probationary teacher shall be deemed to be re-employed for the next school year at the salary that he/she would be entitled to receive under the general salary schedule or policy unless the board of education formally votes not to renew the teacher’s contract and notifies the teacher of its decision, in writing, prior to June 1 of the school year the teacher is employed. C.R.S. § 22-63-203(3). This process of non-renewal requires the board to vote in a legally constituted public meeting not to re-employ the probationary teacher for the succeeding school year. The board also must take action to see that written notice is delivered to the individual teacher prior to June 1.

A probationary teacher who is notified of contract non-renewal may request and receive the reasons for **non-renewal** from the superintendent. C.R.S. § 22-63-203(4)(b). Non-renewal may be based on any rational and bona fide cause or ground deemed sufficient and may not be based on the teacher’s exercise of a constitutional or legally protected right.

Given the technical requirements associated with non-renewal it is recommended that boards consult with legal counsel for guidance through the non-renewal process.



*You can access
an overview
memo, samples,
and tools to assist
with the
non-renewal
process on the
CASB website.*



DISMISSAL PROCEDURES

Dismissing a teacher is a complicated matter. Proceed only under the advice of legal counsel. It is important to distinguish between the terms “**non-renewal**” and “**dismissal**.” As discussed above, “*non-renewal*” is the involuntary termination of employment of a probationary teacher by a board at the expiration of a specific contractual period; i.e., the process whereby the board takes appropriate action to establish that a probationary teacher shall not be re-employed for the following school year. C.R.S. §§ 22-63-103(5), 22-63-203. “*Dismissal*” means the involuntary termination of employment of a *non-probationary or probationary* teacher for any reason other than a justifiable decrease in teaching positions during the school year while the teacher’s annual contract is still in effect. C.R.S. §§ 22-63-103(4), 22-63-301.

The legal grounds for dismissal of a teacher are physical or mental disability, incompetence, neglect of duty, immorality, unsatisfactory performance, insubordination, conviction of a felony (including acceptance certain pleas or deferred sentence), or other good and just cause. C.R.S. § 22-63-301.

TECDA provides specific procedures and timelines for teacher dismissals. C.R.S. § 22-63-302. **The superintendent should proceed with a teacher dismissal only under the direction and guidance of legal counsel.** One can reasonably expect that the case will be challenged in court, alleging violations of TECDA’s procedural requirements and/or on substantive grounds.

To initiate the dismissal process, the superintendent recommends to the board, at a board meeting, that the teacher be dismissed. Once the superintendent recommends dismissal, written notice of the intent to dismiss must be sent to the teacher. The teacher has the right to request a hearing before an impartial hearing officer. **If the teacher does not request a hearing, the board may take action to dismiss the teacher at its next regular meeting or at a special meeting called for that purpose. C.R.S. §§ 22-63-302(2), (3).**

The hearing officer is to be selected jointly by the teacher and superintendent, with all expenses paid by the school district. The hearing shall be open to the public, unless either the teacher or superintendent requests a private hearing, but no findings of fact or recommendations shall be adopted by the hearing officer in any private hearing. The superintendent bears the burden of proof, meaning they are required to prove that the recommendation for the dismissal of the teacher was for the reason(s) given in the notice of dismissal and that the dismissal was in compliance with the law. C.R.S. §§ 22-63-302(4)-(8).

CHAPTER 4: Personnel Move the District Forward

The hearing officer recommends either dismissal or retention. The board reviews the hearing officer's findings and recommendation, and subsequently may order, in writing, that the teacher be dismissed, retained, or placed on probation for one year. If the board dismisses the teacher over the hearing officer's recommendation of retention, the board shall write a conclusion and reasons, which must be supported by the hearing officer's findings of fact. The teacher may appeal the board's dismissal by filing an action for review with the court of appeals. C.R.S. §§ 22-63-302(9), (10).

Subject to limited exceptions, the school district must continue to pay a teacher for up to 100 days after the dismissal recommendation has been accepted by the board for review. If a teacher's compensation is discontinued and the board ultimately takes action to retain the teacher, any compensation beyond the 100 days must then be paid to the teacher. C.R.S. § 22-63-302(3). In addition, a teacher may be suspended temporarily during the contractual period until the date of dismissal as ordered by the board. C.R.S. § 22-63-202(3).

The board may take immediate action to dismiss a teacher, without a hearing, when the teacher is found guilty of certain criminal offenses involving unlawful sexual behavior or sale of controlled substances. C.R.S. § 22-63-302(11).

REDUCTION IN FORCE

A board may cancel a teacher's employment contract during the contractual period if there is a justifiable decrease in the number of teaching positions, or a "reduction in force". Procedures for a **reduction in force (RIF)** must be addressed in a contract between the board and employees, or in board policy. C.R.S. § 22-63-202(3). Generally, a RIF occurs when there is a program change or a financial exigency to create a justifiable reduction in the number of teaching positions.

Boards must give significant consideration to teachers' performance or "merit," as reflected in their performance evaluations, when determining which contracts to cancel. Each school board's RIF policy or contract also must include consideration of length of service in the district and probationary and non-probationary status, but only after the consideration of merit and only if such consideration is in the best interest of students. C.R.S. § 22-63-202(3).

MUTUAL CONSENT / DISPLACEMENT

The concept of "**mutual consent**" affects school districts' ability to transfer non-probationary teachers who are displaced as a result of board action taken pursuant to a drop in enrollment, turnaround, phase-out, reduction in program, or reduction in building. In summary, both the teacher and receiving school's principal must consent prior to the teacher's transfer. Mutual consent has limited application in smaller districts because the consent requirements only apply when a displaced teacher's transfer places him/her under the supervision of a new principal. C.R.S. § 22-63-202(2)(c.5). Mutual consent is a complex process and districts should discuss these requirements with legal counsel before taking any personnel action.



PORTABILITY

“**Portability**” is a complex concept that allows a teacher to take his/her non-probationary status with him/her when the teacher is hired to teach in another school district so long as the teacher received an effective rating in two prior performance evaluations. C.R.S. § 22-63-203.5. Portability took effect in the 2014-15 school year and could impact a district’s hiring processes and decisions.

The statute is not clear as to when a teacher must assert the right to portability, and districts are encouraged to address this through policy language. CASB’s sample policy states that a teacher seeking recognition of non-probationary status must do so either during the hiring process or within a short, defined period of time after hire.

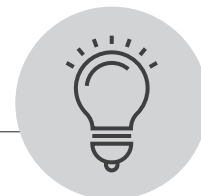
Portability cannot be asserted by probationary teachers, and years of employment in a prior district do not transfer when a probationary teacher takes a job in another school district.

Portability is the right of the teacher; as such, a teacher may assert the right and provide appropriate documentation of their status, fail to assert the right, or voluntarily waive the right. However, a 2021 Colorado Supreme Court case made clear that school districts cannot require teachers to waive their right to portability as a condition of employment. *Poudre Sch. Dist. R-1 v. Stanczyk*, 489 P.3d 743 (2021). As the issues regarding portability are complex, boards are encouraged to consult with local counsel on this issue.

RESIGNATIONS

Resignations are not effective until acted upon by the board. When a licensed employee resigns or is dismissed under circumstances that may give rise to a loss of his/her professional license, the district has a mandatory duty to report this to the Commissioner of Education. The CDE then will follow its own procedures to determine whether the employee’s license will be withdrawn.

If an employee is dismissed or resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of the evidence, the district also must immediately notify the CDE and provide any information requested concerning the circumstances of the dismissal or resignation. Furthermore, the district cannot enter into a settlement agreement that would restrict the district from sharing any relevant information pertaining to the employee related to a conviction for child abuse or a sexual offense against a child with the CDE or another school district related to the incident upon which the dismissal or resignation was based. C.R.S. § 22-32-109.7(3).



Do you regularly review the CASB Special Policy Updates to ensure that policies are kept current and in compliance with legislative changes?

CHAPTER 5: How to Lead Through Policy & Advocacy

WHAT IS POLICY?

Colorado law requires school boards to adopt policies and prescribe regulations necessary for the efficient administration of the district C.R.S. § 22-32-109(1)(b). This is a broad mandate, but Colorado law requires specific policies that boards are required to adopt, in areas such as personnel, instruction, and school safety. Even if there is not a legal mandate, school boards should consider adopting policies that would benefit their districts as long as the policies are not prohibited by law. It is essential, therefore, for the board to think through the principles by which it wants the school district to be governed, ensure all proposed principles are in compliance with Colorado law, and to record these principles in the form of comprehensive written policies.

Policymaking is the voice of the board and should be responsive to the board's community. The Board's policies speak even when the board is not convened, and anchor the school district by providing consistency and stability. To that end, it is crucial that district policies are made readily accessible to the community, ideally through an online policy manual that community members can review at their convenience. Boards should understand that policies have the force of law in their districts, and that boards are also required to comply with their own policies. Failure of district staff to comply with policies or failure to implement policies required by law could lead to lawsuits against the district, complaints from parents, and a lack of consistency and reliability within the district.

Policies also provide the board with a framework to:

- Keep the community informed about the board's philosophy and actions
- Provide a forum for involving the community in the district's educational programs
- Improve board/superintendent/staff relationships
- Provide a means for staff members to assess their individual roles in achieving the board's stated results
- Notify staff, students, and community of their rights and responsibilities
- Provide fair, reasonable, consistent, and impersonal treatment of issues
- Eliminate the need to make a new decision each time there is a recurring situation
- Comply with state and federal laws that require specific policies
- Foster stability, continuity, and accountability



The CASB Connections Podcasts — What is Policy? and Creating a Policy-Focused School Board Meeting — provide helpful and easy ways to get up to speed on your policy making role.



DEVELOPING POLICIES

Boards develop policies when they are legally required, or when the community necessitates a certain policy. When developing policies, boards should engage the staff, students, parents, and community members in order to receive input and to help develop policies that are meeting the needs of the community.

School boards typically adopt policies that fall into the following general categories:

- Organization of the school district
- School board operations
- School administration
- Fiscal management
- Support services such as transportation and food service
- Facilities
- Personnel
- Instruction – philosophy and programs
- Students – discipline, conduct, attendance, grading, etc.
- Community and parent relations
- Relations with other education agencies and organizations



Make sure to listen to the CASB Connections Podcast — The Legal Framework of Policy Making.

REVIEWING POLICIES

In addition to developing policies, Boards are responsible for regularly reviewing existing policies and modifying them if needed.

Boards should regularly review CASB's Special Policy Updates (SPUs), which are published 3-4 times per year. An SPU describes policies that should be updated, based on changes in legislation or CDE's rules, and updates policies in CASB's sample policy bank accordingly. SPUs also provide samples for any new policies that are required by law or recommended by CASB.

Boards should also set up a policy review system such that policies are periodically reviewed to ensure they continue to meet the needs of the district.



RESOURCES

Policymaking is simpler and more effective when school boards utilize their resources. Boards can reach out to professionals in each school district who can be asked to collect data and provide research, offer expert opinions, and present the board with options for policymaking. Boards also can benefit from the experiences of neighboring districts. The district's legal counsel also can help make informed local policy decisions. Finally, CASB provides essential policy guidance to member boards.

CHAPTER 5: How to Lead Through Policy & Advocacy

IMPORTANT QUESTIONS TO ASK IN THE POLICY ADOPTION PROCESS

By consistently using a defined approach to policy adoption and by asking the right questions, a board can see beyond immediate circumstances and formulate sound policy on the basis of agreed-upon criteria. A policy analysis model should recognize legal and other practical constraints, yet remain focused on objective outcomes. Local criteria are important, including the mission and goals of the school district and the context of the community being served.

When considering policy options, these questions should be asked:

- 1. How does the policy advance the best educational interests and equity of all students?**
- 2. How does this policy support the mission and goals of the district?**
- 3. What do current educational literature and research say that is relevant to the policy?**
- 4. What is the relationship of the policy to recent changes in education?**
- 5. How is the policy related to other Board policies? Does it duplicate or contradict another policy? Is it relevant?**
- 6. Is compliance with the policy likely to be consistent?**
- 7. How can the board evaluate the effectiveness of the policy?**
- 8. What external support does the policy require?**
- 9. What will it cost, in human and fiscal terms, to implement the policy?**
- 10. What steps will be taken to implement and enforce the policy?**
- 11. Is the policy clear and realistic?**
- 12. How is the policy affected by federal and state law?**



THE POLICY ADOPTION PROCESS

An essential policy is one that outlines the process of policy adoption. Maintaining such a policy assists the board in approaching policymaking in a concise and consistent way.

Since there are many factors to consider with the development and revision of board policy, a board should adopt a policy regarding the process it wishes to follow to accomplish this important task. **CASB sample policy BG, School Board Policy Process**, illustrates one workable process. Contact CASB's policy staff for a copy of the most current sample policy.

WHAT IS ADVOCACY?

School board members are elected to represent their community. In order to adequately represent their communities, the role includes promoting legislation that would benefit students, teachers, administrators, and innovative practices in education. CASB members are strong voices for public education at the Colorado Capitol with the Colorado General Assembly and on Capitol Hill in Washington D.C. with the U.S. Congress, and the CASB advocacy team assists CASB members in making their voices heard.



The CASB Connections podcast series on advocacy covers the topic of "what is a delegate?"

LEGISLATIVE PRIORITIES

When legislative proposals concerning education are under development and up for consideration, CASB's advocacy team promotes the interests of local school boards and provides information, data, advice, and assistance to legislators on CASB members' behalf.

CASB members are involved in developing CASB's legislative priorities. The process begins during the annual Fall Delegate Assembly with the adoption of resolutions.

Adopted resolutions provide a framework in guiding CASB's advocacy efforts as well as set the direction for the legislative program for the following year. Each member school board has the opportunity to propose resolutions and appoint and send a delegate to discuss, debate, amend, and vote on resolutions that reflect the current priorities of local boards. Resolutions approved by the Delegate Assembly are important in influencing statewide policy.

Some of CASB's resolutions are "standing resolutions," which remain the same year by year and form the foundation of Colorado K-12 advocacy efforts. Several of CASB's standing resolutions will be described below, and the remaining standing resolutions can be found on CASB's website.

CHAPTER 5: How to Lead Through Policy & Advocacy

1. PRESERVING LOCAL CONTROL

Local Control is a foundational constitutional element concerning school boards and public education. The public school system in Colorado grew out of an intentional commitment to local control. Rather than establishing a centralized, state-administered system, Colorado's constitutional framers "... made the choice to place control 'as near the people as possible' by creating a representative government in miniature to govern instruction." *Owens v. Congress of Parents, Teachers and Students*, 92 P.3d 933, 939 (Colo. 2004). This choice was one that set Colorado apart—only six states in the nation have a constitutional provision for local governance. See Colo. Const., Art. IX, Sect. 15.

Local control in Colorado is not a matter of personal political views, national trends, or public opinion; it is a matter of state constitutional law. Understanding what the state constitution means by "control of instruction" is an essential step toward understanding local school boards' roles in public education.

The Colorado Supreme Court possesses the ultimate authority to interpret the state's constitution. The court emphasized that "control of instruction requires power or authority to guide and manage both the action and practice of instruction as well as the quality and state of instruction." *Denver Bd. of Educ. v. Booth*, 984 P.2d 639, 648 (Colo. 1999). The court further explained that such control allows localities to "tailor educational policy to suit the needs of [each] district, free from state intrusion." *Owens*, at 935.

The court also has decided that districts maintain control over instruction primarily by maintaining control over locally raised funds. *Booth*, at 648. The court confirmed its conclusion by articulating several benefits flowing from the control of local boards over locally raised tax dollars. *Owens*, at 941-44. Some of these benefits include:

- Empowering electors, including parents, with control over instruction;
- Providing taxpayers with a means to participate in the management of public education;
- Granting a community the freedom to devote more money to educating its children than the state-guaranteed minimum amount;
- Enabling the local citizenry greater influence and participation in the decision-making process on how local tax dollars are spent;
- Ensuring each district has the opportunity for experimentation, innovation, and a healthy competition for educational excellence.

Local school boards are constitutionally entrusted with meeting the needs of students in their communities and must exercise this authority responsibly to ensure this governance model remains relevant and respected by voters and state and federal policy-makers.

In sum and practically speaking, "local control of instruction" refers to the ability of individual school boards to make decisions on issues such as curriculum, personnel, budget, school calendars, graduation requirements, and classroom policy.



2. SECURING ADEQUATE AND RELIABLE FUNDING

An additional standing resolution is CASB's commitment to promoting legislation that will adequately fund Colorado's public schools. 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.

3. STUDENT ACADEMIC GROWTH

Several of CASB's standing resolutions address student academic growth and achievement. This is accomplished through promoting 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. Additionally, 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. Finally, CASB promotes any programs or legislation which will support school boards' constitutional authority to develop schools and programs to supplement current programs and ensure student access to diverse learning opportunities.

JOIN THE CASB DIGITAL ADVOCACY NETWORK

Text CASB to 52886. You will receive a text message back to "opt-in."

CHAPTER 5: How to Lead Through Policy & Advocacy

LEGISLATIVE RESOLUTIONS COMMITTEE

The **Legislative Resolutions Committee (LRC)** is a dedicated group of CASB members appointed by the CASB board president. Committee members review and vote to determine positions on Colorado legislation related to K-12 education. The LRC meets every other week during the General Assembly session. The resolutions adopted by the CASB Delegate Assembly inform and guide the LRC's decisions. During the Delegate Assembly, members of the LRC are available to answer delegate's questions and to offer insight into particular issues. The LRC provides a great opportunity for CASB member involvement in the legislative process and as well as "boots on the ground" education in current state legislation.

FEDERAL RELATIONS NETWORK

While a majority of CASB's advocacy efforts are directed toward issues at the state level, CASB does not ignore federal issues coming from our nation's capital that impact local school districts. The CASB **Federal Relations Network (FRN)** builds bridges between Colorado's Congressional Delegation and local school board members. The FRN team also works closely with the staff of the National School Boards Association (NSBA) to inform and influence lawmakers in the capital.

Once a year the FRN and interested CASB members travel to Washington D.C. for a face-to-face meeting with our United States representatives and senators. The trip is often in conjunction with the NSBA Advocacy Institute to ensure that members of Congress do not forget the important role local school boards play in educating students. The committee closely follows federal legislation and keeps members informed about federal issues that affect Colorado public schools.



The CASB Connections Podcast series on Advocacy features three different board members who explain their own approach to advocating.

ADVOCACY TOOLS AND TIPS

ADVOCACY BEGINS AT HOME

School board members advocate for local schools by working with their legislators. School board members can request certain policy changes, inform legislators about issues in their community, and provide input on legislation if the legislator introduces a bill. To build meaningful connections with legislators, school board members should invite legislators to visit local schools to see first-hand how state policies affect students, teachers, and administrators.

School board members have strength in numbers and should not be afraid to work with surrounding school districts in order to plan meetings with legislators. This not only enables increased board member participation, but also provides the legislator with a broad perspective of ideas from around their district and region.

Legislators are more receptive to invitations during the legislative "off-season" from June to December. This does not mean that once the General Assembly session begins in January, legislators no longer communicate with constituents. In fact, the CASB advocacy team offers several ways to work with legislators during the legislative session.



CASB DAYS AT THE CAPITOL

Through CASB's Days at the Capitol program, CASB members can visit and tour the capitol, view the senate or house in session, and meet with their legislators. Significant numbers of CASB members attend **Days at the Capitol** every year, in February during the legislative session.

The program includes a separate day for students offering tomorrow's leaders an opportunity to observe and engage in the political process up close and personal.

CASB ADVOCACY TIPS

Stay up to date with the latest information from the CASB advocacy team:

- The **School Board Advocate** is published twice a month during the General Assembly session from January to May and once a month from August to November
- The **CASB Bill Tracker** is available online and updated daily while the General Assembly is in session
- The CASB advocacy team hosts monthly electronic legislative updates while the General Assembly is in session
- The CASB advocacy team hosts **legislative wrap-up meetings** around the state following the completion of the session

Stay connected with legislators:

- Follow state and federal legislators on Facebook, Twitter, Instagram, and any other social media platforms they utilize
- Interact with legislators utilizing personal or district social media accounts



How can we determine which political leaders are most favorable to our district and recognize their efforts on behalf of our students? How do we build relationships and awareness with all political leaders — those who are supportive as well as less supportive of our schools?



Find your district's key legislators on the CASB website.

CHAPTER 6: School Finance & Budgets Keep the Doors Open

Citizens of a school district expect a school board to be efficient in the operation of their schools, to be accountable for use of the district's money, and responsible for protecting public assets. This chapter provides an overview of school funding and budgeting processes.

Understanding Local/State Share of School Funding in Colorado

Your District's Total Program Calculation

every district calculation begins with a "base" per pupil amount, which must increase by inflation each year.

\$8,076.41

Base amount for 2023-2024

The base is run through a formula that takes into account economies of scale, additional costs needed to educate every student, and the Negative Factor:

Total Program funding is different for every district due to:

- District characteristics**
 - District Size
 - Cost of Living
 - Personnel Costs
- Student characteristics**
 - At-risk Kids
 - English Language Learner
- Budget Stabilization Factor** (Negative Factor) applied in order to reduce Total Program amount.

LOCAL SHARE of TOTAL PROGRAM

Once the district's Total Program Funding is calculated, the local share of funding is determined.

$$\text{Local Share Per District} = \text{Residential and Nonresidential Property Tax} + \text{Specific Ownership Tax}$$

- Local property taxes make up the majority of local share.
- All local property taxes stay local.
- The majority of school districts are not able to reach their Total Program calculation through local share alone.

STATE SHARE of TOTAL PROGRAM

The state "backfills" the difference between the Total Program calculation and the local contribution — this amounts to the district's state share.

- This equalization allows each district to receive its Total Program amount regardless of the amount of local taxes raised.
- Since 2009-10, the state has not been able to meet its obligation to backfill districts to meet their Total Program Funding — the Budget Stabilization Factor tracks the shortfall in state share.

Categoricals

The state provides supplemental allocations for:

- Special Education
- Vocational Education
- Transportation
- Gifted & Talented
- English Language Proficiency
- Small Attendance Center

These programs are not adequately funded even with the categorical allocations.

2023 -24 Statewide Local/State Share

State Sources \$4.8 billion
 Local Sources \$4.1 billion

54%
46%

The state/local share varies widely by school district because of factors outside of a district's control: property wealth and commercial / residential mix vary significantly.



PUBLIC SCHOOL FINANCE ACT OF 1994

The major allocation of state funds for financing schools comes through the **Public School Finance Act of 1994 (School Finance Act)** (as amended), which is updated annually by legislators to set funding amounts and make necessary changes. C.R.S. § 22-54-101 *et seq.* Under the School Finance Act, state and local general fund revenues are distributed to school districts on a per pupil basis. Each district's per pupil funding amount includes a base per pupil amount and additional per pupil funding based on characteristics, or "factors," applicable to the district, such as cost of living, the number of at-risk pupils in the district, and the size of the district. This additional funding of the factors is designed to ensure that each school district has the resources to provide an adequate educational opportunity to every student regardless of local property values.

Legislators often consider reforming the calculation of the school finance factors, so that districts receive adequate funding for each student that takes into account each districts' unique circumstances. For example, a new formula for the at-risk pupil factor was originally introduced in the 2022 School Finance Act, postponed in the 2023 School Finance Act, and is subject to change after more data is collected and considered. For up-to-date information, visit CDE's website.

The total amount of funding received by a district under the School Finance Act — state aid and local property tax — is frequently referred to as **"total program" funding**. **The practice of using both state and local revenue to fund the School Finance Act is intended to offset large disparities in the ability of local school districts to raise money from local property tax.**

SOURCES OF REVENUE

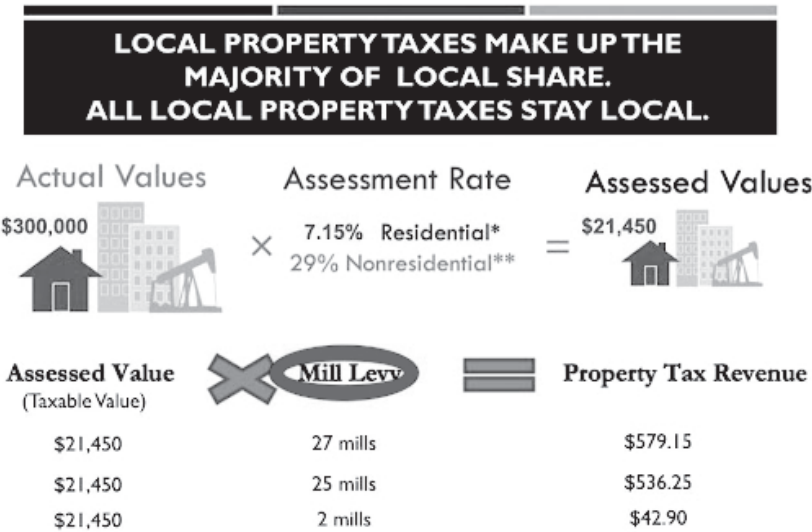
The state's contribution to a district's funding comes mostly from state income and sales taxes, which are primarily deposited in the state General Fund. State aid, allocated annually through the School Finance Act, is the primary source of state revenue for school districts. Most of the remaining state revenue is used to fund categorical programs, which include special education, English language proficiency education, gifted and talented education, small attendance centers, transportation, and vocational education.

Federal revenue is generally provided for specific programs. Examples of these programs include special education, vocational education, compensation for the impact of federal facilities in the district, and assistance to districts for at-risk students. Use of federal revenues is strictly regulated by federal law.

CHAPTER 6: School Finance & Budgets Keep the Doors Open

LOCAL REVENUE AND MILLS

Local tax rates against property are always computed in mills. A mill is one one-thousandth of a dollar of taxable value (.001). For example: One mill produces \$1 in tax income for every \$1,000 of the assessed (taxable) value of the property it is levied against. A mill levy of one mill could also be stated as a local property tax rate of .1% against the taxable (assessed) value of property. Taxes are paid on the assessed value of the property and mill rates vary from about 2 to 27 mills at the local level. The example below demonstrates several scenarios based on various mill levy rates.



About 30 years ago, local taxes actually funded the bulk of total program funding. However, since that time, a complex interplay between several state statutory and constitutional tax and spending laws has significantly limited the amount of revenue generated by local property taxes. Now, the local share raises only 39 percent and the state backfills 61 percent.

STATE SHARE AND RECENT LEGISLATION

The state aid provided to a school district is intended to make up the difference between the amount of the total program funding set by the School Finance Act and the amount raised by local property taxes. State aid varies from district to district to ensure that each district, regardless of local property values, receives the total program funding set by the formula in the School Finance Act.



AMENDMENT 23 AND THE BUDGET STABILIZATION FACTOR

In the 2000 election, Colorado voters made an important commitment to our public schools by passing **Amendment 23** to amend the Colorado Constitution. Colo. Const., Art. IX, § 17. Amendment 23 was intended by its proponents to provide a stable and predictable funding base for Colorado school districts. Amendment 23 requires annual per pupil funding to increase from year to year at a rate no less than the rate of inflation. Similarly, the total funding for the categorical programs funded under the School Finance Act also must be increased each year by at least the rate of inflation.

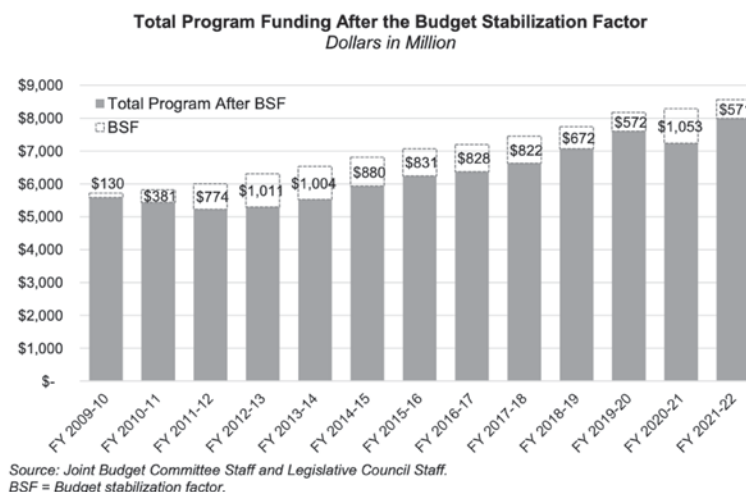
In each of the last eleven fiscal years, the legislature has applied a **Budget Stabilization Factor (BSF)**, formerly known as the “negative factor,” to the funding formula in the School Finance Act. The BSF defunds part of the “factor funding” required by the funding formula in the School Finance Act. The legislature took this step because falling state revenues as a result of the recent recession required the legislature to use school finance revenues to fund other parts of the state government. After the recession ended, the legislature has been unable to restore these cuts.

However, in recent years, legislators have prioritized reducing the budget stabilization factor. From the record high of over \$1 billion in FY 2020-2021, the budget stabilization factor was back to its pre-pandemic level of \$503 million in FY 2021-2022, and further reduced to \$321 million in FY 2022-2023. Additionally, in the 2023 School Finance Act, lawmakers further reduced the budget stabilization factor for FY 2023-2024 to \$141 million, and expressed their commitment to ending the budget stabilization factor by fiscal year 2024-2025. Many hope that the budget stabilization factor will finally come to an end, but its fate is uncertain and will rely on the economic and legislative conditions in the upcoming legislative sessions.

For FY 2023-2024, the budget stabilization factor amounts to approximately 1.5 percent of the funding most school districts in Colorado would receive under the School Finance Act if the BSF were not applied. Districts have cumulatively lost over \$10 billion in state share funding since the BSF took effect as shown here.



The CASB Conversations webinar: What You Need to Know About the Mill Levy Correction is a great resource to help you get up to speed quickly on this topic.



CHAPTER 6: School Finance & Budgets Keep the Doors Open

Conversely, on a per pupil basis, a district that receives significant additional funding as a result of the factors will lose more money per pupil than a district that relies less heavily on factor funding to compensate for unique local conditions. This happens because the total per pupil funding, after adjustments of the factors for local conditions, is higher in the district with local factors (primarily at-risk students and rural factors) and the BSF is applied as a percentage of total per pupil funding.

In 2015, the Colorado Supreme Court rejected the school finance lawsuit, *Dwyer v. Colorado* 357 P.3d 185 (Colo. 2015). The Dwyer plaintiffs, a group of school districts and parents, challenged the constitutionality of the legislature's implementation of Amendment 23 in the state constitution and the use of the "negative factor" (BSF) mechanism.

The plaintiffs argued the intent of Amendment 23 was to mandate minimum increases in education funding every year. However, the court held that the legislature did not violate the state constitution by applying the BSF starting in 2010, despite Amendment 23. The court found the mandatory increases applied only to base funding, not to the factors in the school finance formula that are intended to equalize funding for districts based on size, at-risk populations, cost-of-living, and personnel costs.

This means that the legislature has great discretion to annually determine any increase or decrease in education funding as long as the total allocations are at least the base amount from the prior year as adjusted for population growth and inflation.

GALLAGHER AND TABOR

In 1982, Colorado voters added the **Gallagher Amendment** to the Colorado Constitution to limit increases in residential property taxes. A decade later, voters added the **Taxpayer's Bill of Rights (TABOR)** to limit state and local taxes and revenues and to impose a broad array of additional limits on government and elections. **And in 2020, voters repealed the Gallagher Amendment removing this tax policy from the Colorado Constitution.**

Some of the key effects over the years of Gallagher and TABOR provisions on the funding of school finance include:

- Since 1992, the interaction of these two constitutional provisions has deeply eroded the local property tax base of school finance. As a result of the unintended effects of this interaction, the state's local taxpayers now pay about 39 percent of the tab for school finance and the state's general fund pays about 61 percent. At the time TABOR was passed, the local contribution and the state contribution were roughly equal at 50 percent each. This shift has required the state to make up for lost local revenue and has put additional strains on the state's general operating budget.



- By state statute, the mill levies paid by different school districts had been
- standardized to be the same in nearly every school district in Colorado at the time TABOR was passed in 1992. Since 1992, the combined effects of TABOR and Gallagher have caused mill levies to fall in wealthy and rapidly growing school districts and to remain high in school districts with low growth and low property values.
- The total revenues collected by the state and local governments have not kept pace
- with the growth of the Colorado economy since 1992 as a result of the restrictions in TABOR and Gallagher.

PROPOSITION HH AND PROPERTY TAX REFORM

After the Gallagher Amendment was repealed, the General Assembly did not establish a new method for calculating property taxes. This omission led to unintended negative consequences as property values in Colorado have surged significantly since 1982. Without the Gallagher Amendment's adjustments, many homeowners were confronted with substantial increases in their property's assessed value, resulting in higher property taxes that were unaffordable for many Coloradans. In an effort to address these skyrocketing property tax bills, legislators presented Proposition HH to Colorado voters in the November 2023 election. One aim of this proposition was to lower property taxes by reducing the assessed value rate for residential properties. To ensure that local governments didn't suffer from a loss of property tax revenue, the Proposition would have permitted the state to exceed the TABOR revenue cap and utilize those funds to reimburse (or "backfill") local governments for any revenue shortfalls. However, in November 2023, voters rejected Proposition HH. Consequently, the future of a permanent solution to Colorado's escalating property taxes remains uncertain. However, it is likely that legislators will work on a temporary solution during a Special Session, and a permanent solution during the 2024 Legislative Session.

CHAPTER 6: School Finance & Budgets Keep the Doors Open

SCHOOL BUILDINGS AND GROUNDS

A significant portion of the education dollar is spent on the construction, maintenance, and operation of school facilities. The school board is responsible for providing adequate educational facilities, keeping them in the proper state of repair, and operating them in a manner that ensures the learning experience of students takes place in clean and comfortable surroundings.

Colorado law authorizes boards of education to determine the location of public schools and erect necessary buildings and structures. C.R.S. § 22-32-110(1)(b). Major construction projects are generally financed by the sale of bonds, but boards sometimes finance lesser projects using capital reserve funds or other funding arrangements.

FUNDING OF CAPITAL CONSTRUCTION PROJECTS

Traditionally, school districts have funded school capital construction through the issuance of general obligation bonds, paid back through property tax revenues with only limited assistance from the state. General obligation bonds may be issued only if approved by voters in the school district. Low assessed property values in some districts limit the ability of those school districts to keep up with the capital needs in the district.

The state struggled for several years to find ways to meet the capital needs of school districts unable to meet those needs with local mill levies. In 2008, the state legislature adopted legislation known as **Building Excellent Schools Today (BEST) Act**. The BEST legislation was designed to use the growth in the Public School Fund — money and resources that reside in a state trust fund originally created as a result of federal lands dedicated to Colorado's public schools when Colorado became a state — to create resources for school construction.

The money utilized under the BEST legislation is generated from interest earnings, lease payments, and mineral royalties earned on the school trust lands and other investments. It is not tax revenue. By using these funds, the state has been able to create a pot of hundreds of millions of dollars to address high-priority school capital construction needs. Under BEST, school districts are expected to bear part of the costs for these construction projects, according to the ability of local taxpayers and the school district.

Districts with the most immediate health and safety needs as a result of the poor condition of their buildings are the top priorities for supplemental assistance from the state. Utilizing district matches and financing for increased project dollars, BEST has funded \$3.3 billion in projects. BEST has improved health, safety, and security in more than 525 schools, improving the learning environment for at least 325,000 students. At this time, limited funds are available through BEST, but additional funds may be available at some time in the future. Most school districts still must rely primarily on traditional sources of funding for school construction or other creative local solutions to meet their needs.



IN BRIEF: BONDED INDEBTEDNESS

Bonded indebtedness may be incurred only to:

- Acquire or purchase buildings or grounds
- Remodel or add to any school building
- Construct school buildings
- Equip or furnish school buildings, in conjunction with building, adding to, or remodeling a school building
- Improve school grounds
- Fund floating indebtedness
- Acquire, construct, or improve a capital asset
- Support charter school capital construction or the charter schools' land and facilities needs
- Construct a building to lease to a state institution of higher learning

Creating bonded indebtedness must be approved at an election, which can only be held in November each year. The process of incurring bonded indebtedness is complex and will require the assistance of competent fiscal agents and bond counsel.

(C.R.S. § 22-42-102)

PLANNING FOR NEW BUILDINGS

The most successful school facility and community master planning is achieved by early and frequent communication between school districts and other local government leaders. Sharing information such as enrollment trends, proposed residential areas, or developments and other factors affecting the number of students and future need for school capacity will help avoid conflicts.

State law requires school boards to consult with the local planning commission prior to acquiring a school site. A board must advise the commission in writing of the site's location and confirm that the proposed site will "conform to the adopted plan of the community insofar as is feasible." C.R.S. § 22-32-124(1)(a). State law also requires the board to consult with the Colorado Geological Survey regarding potential swelling soil, mine subsidence, and other geologic hazards "to determine the geologic suitability of the site for its proposed use." C.R.S. § 22-32-124(1)(b).

After site selection and before construction of any structure or building on the site, a board must submit a site development plan to the planning commission for review. As long as the district follows the required planning commission review process, the board has the ultimate authority to determine the location of its public schools and erect the necessary buildings and structures. All buildings and structures must be constructed in conformance with the state, not local, standards of the Colorado Department of Public Safety.

CHAPTER 6: School Finance & Budgets Keep the Doors Open

CHARTER SCHOOL FUNDING

Charter schools authorized by a local school board are funded from the local school district's budget. C.R.S. §§ 22-30.5-112, 22-30.5-112.3. The exact level of funding will be set in the authorizing contract between the local board and the charter school. However, funding levels for a charter school also are tightly regulated by statute. In general, a charter school will receive for each student 100 percent of the school district's per pupil funding, less amounts negotiated to be retained by the school district for administrative costs for services provided by the district to the charter school. In most cases, those administrative costs cannot exceed five percent of the per pupil funding received by the charter school, and cannot exceed 15 percent for charter schools in districts with 500 or fewer pupils. There are special rules for online charter schools.

Each time the school district decides to submit to local voters a request to approve either a mill levy for additional operating revenues or a bond issue for school district capital needs, the board must include charter schools in the district in the planning process. Boards are encouraged to include funding for the capital needs of the charter schools in the district's question, and charter schools may request this of the board. However, the board is not required to include charter schools in a revenue or bond question submitted to the voters, but if it does not include charter schools it must provide to the charter schools the reasons for its denial. C.R.S. § 22-30.5-401 *et seq.*

Additionally, school districts that collect revenue from mill levies in addition to the total program mill levy and that also authorize an innovation school or a charter school must either:

- adopt a plan or policy for distributing these mill levy override revenues to all the district schools, including charter schools, for the benefit of specified groups of students enrolled in the school district; or
- distribute 95% of the per pupil amount of the revenue to the innovation schools and charter schools of the school district (per pupil distribution). C.R.S. § 22-32-108.5.

The law specifies the requirements for the plan or policy and the requirements that apply if the school district makes a per pupil distribution. If the local board of education decides to adopt a plan or policy for distributing revenue, such plan or policy must be in place and posted on the school district's website.



UNIVERSAL PRESCHOOL FUNDING

In 2020, Colorado voters approved Proposition EE to provide State-funded voluntary preschool services for every child in the year before they are eligible for kindergarten, known as the Colorado Universal Preschool Program (UPK). C.R.S. § 26.5-4-201 *et seq.* The enacting legislation also created a new state department, the Colorado Department of Early Childhood (CDEC), which is responsible for implementing the program. Previously, Colorado funded preschool services for some high-risk children through the now-discontinued Colorado Preschool Program.

UPK began in the 2023-2024 academic year. It was established to provide high-quality, voluntary, preschool programming to children throughout the state. The program is a mixed delivery system, meaning families select an appropriate setting for their child: licensed community-based, school-based, or a home-based preschool setting, and are matched with an appropriate provider. UPK is available to all children in the year preceding eligibility for kindergarten and provides additional preschool services for children who are in low-income families or who meet identified qualifying factors.

UPK is funded through Proposition EE, state funding that was previously appropriated through School Finance, and additional General Funds. All of this funding is consolidated within the Preschool Program Cash Fund with distributions out of it being made in strict accordance with the prioritization schemes that state law provides. The prioritization requirements are intended to ensure that all eligible children with disabilities are funded at the number of hours determined by their IEP, and all eligible 4-year-olds are funded at a minimum of 10 hours a week.

Funding for the program is distributed directly to participating school districts and private providers. In turn, school districts and private providers are able to subcontract with Administrative Units to provide preschool services to both general and special education students.

A preschool provider that receives any amount of Universal Preschool funding distributed by CDEC can only use the funds to pay the costs of providing preschool services directly to eligible children enrolled by the preschool provider or by a subcontracted preschool provider. C.R.S. § 26.5-4-208(5).

Universal Preschool dollars can be used to cover the following general education and special education costs:

- Teacher and paraprofessional salaries and benefits;
- The cost of providing to teachers and paraprofessionals any professional development activities associated with the preschool services;
- The costs incurred in purchasing supplies and materials used in providing the preschool services;
- Any additional costs that a preschool provider would not have incurred but for the services provided in conjunction with the preschool services; and
- A reasonable allocation of overhead costs.

More details regarding the UPK program process, funding for UPK, and the prioritization schedule can be found on CDEC's website, as the details are subject to change due to funding, enrollment projections, and the specific location of the program.

CHAPTER 6: School Finance & Budgets Keep the Doors Open

ACCOUNTING FOR DISTRICT FUNDS

Colorado law requires that district money be deposited and disbursed through specified funds. The funds described below are specified in law. C.R.S. § 22-45-103.

GENERAL FUND

Expenditures for day-to-day district operations are accounted for in the general fund. This includes all transactions not accounted for in another fund. Although the law provides that expenditures for certain purposes may be made out of other district funds, money may be expended out of the general fund for any purpose for which the board is authorized to expend money. In other words, money in the general fund may be budgeted and spent for any lawful purpose.

BOND REDEMPTION FUND

The revenue for satisfying bonded indebtedness obligations, both principal and interest, is deposited in the bond redemption fund. The fund may include subsidiary accounts for each obligation of bonded indebtedness.

In this fund, the revenue from each separate tax levy is held in trust to satisfy the obligations of bonded indebtedness for which the levy is made. Revenue remaining in an account after all obligations have been satisfied shall be transferred to another account in the fund that still has outstanding obligations. If all obligations of the bond redemption fund have been satisfied, the board may transfer the balance in the fund to the general fund.

The board must select a third-party custodian to administer this fund, unless the county treasurer maintains the accounts and funds of the school district. This third-party custodian is responsible for making payments from the bond redemption fund, for administering the fund and for investing the money as provided by law and upon the direction of the school district.

CAPITAL RESERVE FUND

The board determines the amount to be maintained in its capital reserve fund. Money received from gifts, donations, and tuition receipts also may be deposited in this fund. The money in this fund may be accumulated from year to year and used when needed. Expenditures are limited to long-range capital outlay expenditures and may be made only for the following purposes:

- Acquisition of land; improvements, construction of structures, or addition to existing structures; and acquisition of equipment and furnishings
- Alterations and improvements to existing structures
- Acquisition of school vehicles or other equipment
- Any installment purchase agreement or lease agreement with an option to purchase for a period not to exceed 20 years and any lease agreement without an option to purchase
- Any software licensing agreement
- Acquiring computer equipment



The board, through adoption of an appropriate resolution, must authorize expenditures from the fund. The law requires that the resolution specifically set forth the purpose of the expenditure; the estimated total cost of the project; the location of the structure to be constructed, added to, altered, or repaired; a description of any school vehicles or equipment to be purchased; and where such equipment will be installed. It is advised that boards look closely at the detailed provisions of the law before authorizing capital reserve fund expenditures.

SPECIAL BUILDING AND TECHNOLOGY FUND

A board can call a special election to ask the voters for authority to set a mill levy for a special building and technology fund. Expenditures from the special building and technology fund are limited to acquiring land; acquiring or constructing structures; maintaining structures to enhance their function, protect their value, and extend their economic life; and the purchase and installation of instructional and informational technology, including expenditures for software and staff training related to the new technology. The board, through adoption of an appropriate resolution, must authorize expenditures from the fund. Any money in the fund that have not been authorized for expenditure within three years after being recorded in the fund shall revert to the capital reserve fund.

RISK MANAGEMENT RESERVES FUND

Money allocated by state law for risk management, including insurance, shall be recorded in a fund solely for the management of risk. Unencumbered money in this fund may be transferred to the capital reserve fund or to any other fund established solely for the management of risk-related activities by action of the board.

TRANSPORTATION FUND

The revenues from a voter-approved transportation tax or fee imposed to pay excess transportation costs must be deposited in the transportation fund. Expenditures in the fund are limited to payment of transportation costs. Any money remaining in the fund at the end of any fiscal year must remain in the fund and be used to reduce the levy for transportation costs in future years.

FULL-DAY KINDERGARTEN FUND

The revenues from a tax levy for the purpose of paying excess full-day kindergarten program costs shall be deposited in the full-day kindergarten fund of the district. Expenditures for the fund are limited to payment of excess full-day kindergarten program costs, as authorized in the district's budget. Any money remaining in the fund at the end of any fiscal year must remain in the fund and be used to reduce the levy for excess full-day kindergarten program costs in future years.

The revenues from a tax levy to meet capital construction needs associated with a district's full-day kindergarten program shall be credited to the capital construction account in the district's full-day kindergarten fund. Money in the account must be used to meet the district's capital construction needs associated with the full-day kindergarten program and may not be expended by the district for any other purpose. Any money remaining in the account at the end of the fiscal year must remain in the account and may be budgeted in the next fiscal year.

CHAPTER 6: School Finance & Budgets Keep the Doors Open

SUPPLEMENTAL CAPITAL CONSTRUCTION, TECHNOLOGY, AND MAINTENANCE FUND

The revenue from a tax levy for the purpose of providing ongoing cash funding for the capital construction, new technology, existing technology upgrades, and maintenance needs of a school district, and no other money other than interest and income credited to the fund, must be deposited in the supplemental capital construction, technology, and maintenance fund of the district. The board may expend money from the fund only for the purposes of providing cash funding for the aforesaid reasons.

TOTAL PROGRAM RESERVE FUND

The board must deposit the property tax revenues that it collects from a tax levy imposed pursuant to C.R.S. § 22-54-107(5) in the total program reserve fund of the district. The board may expend money from the total program reserve fund only to offset the amount of a reduction in the district's state share caused by application of the budget stabilization factor (BSF); except that, in a budget year in which the board levies for its total program the number of mills calculated pursuant to C.R.S. § 22-54-106(2)(a)(II), if the balance of the total program reserve fund exceeds an amount equal to the district's total program for that budget year multiplied by the BSF calculated pursuant to C.R.S. § 22-54-104(5)(g) for that budget year, the board may expend the amount of the excess balance. Any money remaining in the fund at the end of a fiscal year must remain in the fund and may be used in future years only for the reasons stated here.

THE BUDGET

The annual budget is the financial plan for the operation of the school system. It provides the framework for both expenditures and revenues for the year and future years and translates into financial terms the district's educational programs and objectives of the district. Colorado school districts are required to operate on a July 1 to June 30 fiscal year. Board members should become familiar with state law relating to school district budgets. C.R.S. § 22-44-101 *et seq.*

BUDGET ADOPTION PROCESS

Generally, a board delegates to the superintendent overall responsibility for annual budget preparation, budget presentation, and budget administration. As part of this responsibility, the superintendent should provide a budget preparation calendar that ensures the district meets all the deadlines established by law. The budget must be presented in a summary format that is understandable by a layperson. Many school districts choose to include staff and community input in the budget preparation process.

As part of the process, each school-level accountability committee must make recommendations to the principal relative to priorities for expenditures of district funds by the school. The information from school-level committees is shared with the district accountability committee. All of this information is taken into consideration on a district-wide basis as the budget is prepared.



It is a board's responsibility to review the proposed budget in open session, make such changes as it may deem necessary, and adopt a budget and appropriation resolution prior to the end of the fiscal year. After adoption of the budget, a board may review and change the budget with respect to both revenues and expenditures at any time prior to January 31 of the fiscal year for which the budget was adopted. If money for a specific purpose other than property taxes becomes available to meet a contingency after January 31, a board may adopt a supplemental budget for expenditures not to exceed that amount. C.R.S. § 22-44-110. Once adopted, the budget becomes the plan and legal authority for receiving and spending money.

APPEAL FOR REVENUE INCREASE

Total program funding received by a school district may not exceed the amount of total program funding allowed under the School Finance Act unless a board holds a successful election to seek additional funds in November, either in conjunction with the general election or the regular school biennial election. C.R.S. § 22-54-108.

For most districts, the maximum amount of additional local property tax revenue that can be requested from the voters cannot exceed 25 percent of the district's total program funding for the first budget year in which the additional revenues will be collected, or \$200,000, whichever is greater. However, small rural districts may seek additional local property tax revenues in an amount not to exceed 30 percent of the district's total program funding, or \$200,000, whichever is greater. Districts are advised to seek legal counsel about the specific procedures that must be followed in conducting the election and the requirements under the Fair Campaign Practices Act pertaining to this election.

CASH FLOW LOAN PROGRAM

Upon application by a school district and approval by the state treasurer, any school district may participate in an interest-free loan program. The program is designed to mitigate the impact of collecting property taxes at the end of the fiscal year rather than at the beginning. This law allows the state treasurer to issue tax and revenue anticipation notes for school districts. Payments of principal on the notes will be made from property taxes as those revenues are received by the school district. C.R.S. §§ 22-54-110, 29-15-112.

FINANCIAL ACCOUNTING AND REPORTS

The board may decide to have the district's money received and disbursed through the office of the county treasurer, or it may elect to have district money received by the county treasurer paid over to the treasurer of the district. The law requires the county treasurer to provide an itemized statement of account not later than the 10th day of each month. C.R.S. § 22-45-108.

CHAPTER 6: School Finance & Budgets Keep the Doors Open

FINANCIAL ACCOUNTING

The law requires school district financial records to be kept in accordance with generally accepted principles of governmental accounting. Appropriate entries from the adopted budget are made in the records for the respective funds. C.R.S. § 22-45-102.

A board has the responsibility to oversee the district's fiscal affairs. State law requires that a board receive a quarterly financial report for the general fund and on any other funds in accordance with the board's request. More frequent reports can be requested so a board can fulfill its trustee responsibilities. The quarterly report must include several comparisons so a board can review the current state of revenues and expenditures. C.R.S. § 22-45-102. All financial and audit reports are public records.

School districts are also required to post financial information online in downloadable format and to link to CDE's website where additional district reports may be found. C.R.S. § 22-44-301 *et seq.*

CREATING DEBT

A board is authorized to borrow money on a short-term basis with repayment to be made within six months. C.R.S. § 22-40-107. Limits on the amount to be borrowed and interest rates are defined by statute.

The Colorado Constitution provides that a political subdivision (which includes a school district) cannot incur any multiple-year fiscal obligations or contract a general obligation debt by loan in any form unless the debt is approved by the voters. Colo. Const., Art. X, § 20. Generally, debt is not created by an obligation that can be met out of current district revenues (within one year's budget) or by an obligation that does not obligate payments out of future revenues. Under Colorado law, discretionary or contingent obligations in future years do not constitute debt.

INSTALLMENT PURCHASE

State law requires the district to submit any installment purchase or lease agreement to a vote of the people when the repayment obligations in the agreement extend beyond one year. This same restriction applies to expenditures from the capital reserve fund for an installment purchase or lease agreement with an option to purchase for a period exceeding one year and not to exceed 20 years. C.R.S. § 22-45-103(1)(c)(II.5).

However, Colorado courts have held that the election requirement does not apply to these types of agreements, even though the terms may be greater than one year, if the district's obligation to make payments under the agreement is subject to annual appropriation by the board of the funds necessary to pay those amounts. These are, in the courts' view, discretionary or contingent obligations.



TOP 10 THINGS TO GET RIGHT WHEN DEVELOPING YOUR BUDGET

1. Hold the public hearings required by law and adopt the budget by the deadline.
2. Remember to certify your mill levy to the county by the deadline.
3. Only use a portion of fund balance you have actually “realized” (accounted for).
4. Use one-time only revenue once (non-recurring vs recurring).
5. Identify and address anything that is small now but will be bigger next year or in future years.
6. Estimate revenue accurately and realistically.
7. Budget for cost increases related to contracts and agreements.
8. Adopt a budget with an adequate contingency for unexpected surprises.
9. Collaboratively involve key stakeholders in the development of the budget.
10. Use an enrollment forecast that you have confidence in.

THE BOARD’S RELATIONSHIP WITH ITS AUDITOR

Strong lines of communication between a school board and the auditor it has hired can be the cornerstone to a strong foundation for ensuring taxpayers that their funds are being well cared for.

School boards are required to provide for an annual audit of the district’s financial statements for each fiscal year, pursuant to the Colorado Local Government Audit Law. C.R.S. § 29-1-601 *et seq.* The audit must be conducted in accordance with generally accepted auditing standards by a certified public accountant licensed to practice in Colorado. The auditor must ensure that a school district is complying with the Financial Policies and Procedures Handbook adopted by the State Board of Education. The audit must be completed not later than five months after the close of the fiscal year and, in fact, school boards may at their own discretion require more frequent intervals for audits, whether they are comprehensive in nature or on specific programs. C.R.S. § 29-1-606. The audit report must contain a report of receipts and expenditures of each fund, and must be filed with the state auditor in accordance with the timeline set out in state law. C.R.S. § 29-1-603.

The overall responsibility for the review of the financial affairs and reporting to the public at large is one of the most important roles of a school board. The audit serves several important purposes. It attests to the accuracy of the financial reporting and fiscal status of a district. It also provides an opportunity for a board and staff to find new and improved ways of doing business.

CHAPTER 6: School Finance & Budgets Keep the Doors Open

After reviewing a district's records and verifying the accuracy of the financial numbers for the prior year's activity, the work of a board and its auditor is just beginning. The next steps should include:

- A presentation of the results of the audit to the board in public session. This can involve a frank conversation with the auditor either at a public board meeting or at a public work session. Discussion topics would include areas that are being managed well, as well as concerns or areas where the district might benefit from additional improvements. To generate a good dialogue with the auditor, each board member should review the management letter to the board of education and the audit document itself. Being prepared for this important discussion means being prepared to ask good questions.
- A discussion with the staff on what the next steps will be to address any issues presented by the auditor.
- Formal acceptance of the annual fiscal year audit during a regular board meeting.
- Perhaps the most important function a board can perform in relation to the audit is asking good questions during the auditor's presentation to the board. Questions from the board to its auditor need not be technical, and, in fact, often serve the public, fellow board members and the staff better by being of a more practical nature.

QUESTIONS POSED TO THE AUDITOR COULD INCLUDE:

1. How would you describe the overall financial condition of the district?
2. Did your plan to audit the district's financials change in any way? If the plan changed why did it change?
3. Did you encounter any difficulties in dealing with management in performing the audit?
4. Were the financial statements completed in a timely manner by management?
5. In the course of your audit, were there any significant deficiencies or material weaknesses in internal controls that came to the forefront and need to be addressed?
6. What opportunities does the district have to improve its financial record keeping?

The strength of a school district will be reinforced by both supporting the work of the auditor and helping to bring important questions and answers on how well the district is operating. By doing so, a board has the opportunity to build trust and reinforce the public's faith in the board's stewardship of taxpayer funds.

[illegible]

CHAPTER 7: CASB and You

The Colorado Association of School Boards (CASB) provides resources, consultants, and a variety of services to support Colorado School District Boards of Education. In addition to this Leadership Workbook and the New Board Members Handbook, CASB provides a wealth of information and resources on our website (casb.org) related to legal, policy, and advocacy services. CASB also provides consultants to facilitate professional development and help school boards govern effectively. Please do not hesitate to contact CASB if you need support in any area that supports your school board.

MEMBERSHIP

Membership in the Association is open to the boards of all Colorado school districts, Boards of Cooperative Educational Services (BOCES), the State Board of Education. Member boards of education represent nearly all of the K-12 student population in Colorado. CASB also offers affiliate memberships to other organizations.

BENEFITS OF BELONGING

CASB offers a diverse range of benefits and services that are included in membership dues and additional fee-based customized solutions that are offered at rates far below market value.

MEMBERSHIP BENEFITS & SERVICES INCLUDED WITH CASB DUES:

- Policy leadership and support
- Legal information and updates
- Advocacy and lobbying
- A variety of monthly virtual calls
- CASB Connections podcasts
- CASB Conversations webinars
- Board governance support
- Unlimited phone and email support

AFFILIATE MEMBERSHIP

CASB offers affiliate memberships, which provides resources, training, and membership pricing to all of our events. Please contact us for more information.

FEE-BASED SOLUTIONS & SPECIAL PROJECTS

- Policy projects
- Policy updates based on legislation and court decisions
- Board effectiveness workshops and retreats

EVENTS

- Regional Meetings
- Fall Conferences and Delegate Assembly
- Annual Convention
- Winter Legislative Conference



POLICY SERVICES

CASB offers a menu of policy services designed to promote effective school board governance and assist boards with their essential policy role.

POLICY MEMBER BENEFITS

Benefits of CASB membership include:

- Unlimited phone and email consultations with policy experts
- Sample policies on individual topics upon request
- Review of individual policies
- Policy manual audit service (spot-check of board's policy manual for legally required policies, as well as feedback on organization and format)

CUSTOM POLICY SOLUTIONS

CASB's custom policy options offer a variety of ways to ensure that local school board policy remains relevant and complies with applicable law. Contact CASB for current fees, which are either a flat fee or fee based on district size, depending on the service.

POLICY SUPPORT SERVICE

CASB's policy support service is a user-friendly, informative, and comprehensive approach to keeping policies up-to-date and includes:

- **CASB Core Policy Online:** An invaluable resource that allows users to search CASB's sample policies online anytime, and includes links to current state statutes and regulations.
- **Policy Updates (*Special Policy Updates*):** Policy newsletters regarding changes to federal and state law and policy implications; includes updates to CASB sample policies.

ONLINE DISTRICT POLICY SERVICE

Transforms the board's policy manual into a user-friendly, online policy manual. CASB hosts the manual online and performs all updates at the district's request.

POLICY MANUAL OVERHAUL PROJECT

CASB will work with the board and district staff to create a comprehensive, customized policy manual, using CASB's Core Manual as a starting point. In this process, CASB will:

- review the policy manual to identify areas where policy is lacking or needs improvement,
- revise policies to reflect local practices and legal requirements,
- re-code policies as needed,
- create a draft manual and revise it according to district feedback, and
- manage the project from beginning to end.

At the conclusion of the project, the district will receive the final manual in electronic form.

CHAPTER 7: CASB and You

CASB CORE SAMPLE POLICY PACKAGE

A comprehensive, attorney-reviewed sample policy manual that includes all legally required policies, as well as numerous other policies addressing virtually every issue likely to arise in a public school district. This package is recommended for boards wanting a set of policies to function as a guide to all practices. Formatted in the NSBA letter-coding system, the Core is a starting point for board policy. As with any off-the-shelf product, it is crucial that the board customize the manual. The manual will be provided in electronic format. The board will receive an orientation session upon request.

POLICY MANUAL RE-CODING PROJECT

For boards not currently using the NEPN/NSBA letter codes for policies, CASB will reformat the policy manual to the current NEPN/NSBA coding system, including a new table of contents, allowing greater ease for referencing and updating.

POLICY TRAINING SESSIONS

CASB offers policy training sessions on a variety of topics, including how to keep a policy manual current, policy manual orientation, key policy areas, and more.

CASB POLICY GOVERNANCE SERVICE®

CASB provides comprehensive facilitation and consultation if a board wishes, to establish a specific framework for effective governance using the Policy Governance® model. More information is available on the CASB website.

LEGAL RESOURCES

MEMBER LEGAL RESOURCES

CASB's legal team provides general legal information to member boards of education, administrators, school attorneys, and others as a benefit of CASB membership. Members are welcome to use CASB Member Legal Resources and contact the CASB legal team any time they are needed, as a benefit of CASB membership. CASB does not charge members for these services, no matter how often a member requests them. These services include:

- Correspond directly with members on legal questions;
- Develop memos and resource documents on legal issues affecting school districts throughout the state (e.g., COML, CORA, non-renewal process, elections);
- Provide updates on legal issues affecting school districts throughout the state (e.g., recent court decisions, legislative changes);
- Provide legal seminars and training sessions for school board members and administrators;
- Support CASB's development of sample policies as required by legislative or judicial action;



- Review legislation and assist with CASB's advocacy efforts;
- Write amicus curiae ("friend of the court") briefs to support school districts on issues of statewide importance;
- Participate on task forces and committees with education community stakeholders to influence and develop education policy.

We note that the services of CASB's legal team are informational and advisory only, and are not intended to supplant the services of legal counsel employed by school districts. Thus, CASB's legal team will recommend that the board consult with the board's legal counsel when it appears that legal services are needed which are beyond the scope of CASB member legal resources.

LEGAL SEMINARS & TRAINING

CASB's legal team offers training and seminars to board members and administrators to provide an understanding of the board's and district's rights and obligations under the law. In addition, CASB members may request specialized training tailored to their local concerns for a flat fee. Such retreats and presentations are customized to the board's needs and may relate to any topic from board governance to special education laws.

CONFERENCES & BOARD DEVELOPMENT

CASB believes that local school districts can only be as good as the quality of their leadership. To that end, CASB offers school board leaders numerous training, education, and networking opportunities throughout the year to strengthen their governance skills.

FALL REGIONAL MEETINGS

CASB hosts meetings in each of its 12 regions annually to enable school board members to network with colleagues and share challenges and success stories with neighboring districts. Board members receive necessary tools to start conversations in their communities and position their board to influence state education policy.

FALL CONFERENCE AND DELEGATE ASSEMBLY

The Delegate Assembly is the foundation of CASB's governance structure and provides critical direction to CASB when it represents members' interests before state and national policymakers. This conference is an opportunity for members to grow in their role as a school board member through professional development sessions.

ANNUAL CONVENTION

CASB's signature event is the largest gathering of school board members in the state and provides a unique opportunity to learn, connect, grow, and gain inspiration. Attendees hear from national speakers, focus on statewide education initiatives and directives, and have a chance to network and share experiences with other education leaders throughout the state.

CHAPTER 7: CASB and You

WINTER LEGISLATIVE CONFERENCE

CASB provides school board members the opportunity to meet with their state legislators, learn about legislative issues impacting public education, and spend time at the state capitol to watch the House and Senate in action.

CASB CONNECTIONS PODCASTS AND CASB CONVERSATIONS WEBINARS

Through the lens of school board development, join CASB staff, members and guests as they explore public education topics in order to connect with members in their leadership development journey. Series topics include:

- Advocacy
- Board Candidate
- COVID-19
- Equitable Outcomes
- Governance
- Legal
- Mental Health
- Policy
- Rural
- Student Voice
- Voices of Education in Colorado

COMMUNICATION BENEFITS

Members receive up-to-date education, legislative, and conference information through CASB's website (www.casb.org), publications, email newsletters, and social media channels. CASB also provides communication tools, templates, and resources to help you engage your public on key education-related priorities.

MONTHLY VIRTUAL CALLS

- Rural Board Member Roundtable
- Mountain Resort Meeting
- New Board Member Cafe
- Board President Cafe
- Key People Cafe (superintendent secretaries and secretaries to the board)



ADVOCACY SERVICES

CASB's advocacy team represents school boards at the state and federal levels by lobbying members of the Colorado General Assembly and U.S. Congress and by staying abreast of key legislative issues that relate to education.

CASB advocates for local school boards in the following ways:

- **Lobbies the state legislature** based on the resolutions adopted by the CASB Delegate Assembly, the legislative priorities established by the CASB Board of Directors, and input from the Legislative Resolutions Committee.
- **Hosts Days at the Capitol** in February in order to strengthen the voice of school boards by giving school board members from across the state a chance to experience the legislative process firsthand.
- **Sends legislative updates and alerts** on a regular basis during the legislative session. CASB makes it simple and quick for board members to contact legislators and make their voices heard. CASB's School Board Advocate online newsletter is distributed every other week during the legislative session to inform members about the latest developments at the state capitol that impact K-12 education.
- **The annual Legislative Summary**, published after the legislative session ends, provides an overview of the actions impacting K-12 education during the last legislative session. This summary discusses what did and did not happen during the session; presents key issues and priorities; provides a bill summary for key legislation; and, sets the stage for the upcoming election.
- **Provides federal advocacy** by responding to lobbying requests from the NSBA. Through CASB's Federal Relations Network, the advocacy team and committee members also correspond with Colorado's Congressional Delegation to convey the position of local boards of education on federal issues.
- **Legislative Resolutions Committee** calls can be attended by all CASB members.

SCHOOL BOARD EFFECTIVENESS

CASB provides opportunities for growth and skill-building for governing teams, board members, and superintendents at every experience level. CASB offers custom workshops and retreats for school boards' continuous improvement and unique needs. CASB consultants work with school boards in the following general areas:

- | | |
|--|--|
| • Team-building and leadership | • Effective meetings |
| • High-performance governing | • Vision and goal-setting |
| • Constituent and community engagement | • Trust-building |
| • Roles and responsibilities | • Evaluating board and/or superintendent effectiveness |

On behalf of a local board of education, CASB consultants will work with district/site staff, community leaders, BOCES, and others.

CHAPTER 7: CASB and You

PARTNERSHIP PROGRAM

CASB offers a Partnership Program for businesses and organizations that offer products and services to Colorado school districts, as well as sponsorship and exhibitor opportunities at our annual convention and conferences.

ASSOCIATION GOVERNANCE

CASB's bylaws, which were adopted by the membership, provide the structure for the governance of the Association. The Association is guided and governed by a 23-member Board of Directors composed of school board members representing the 12 CASB Regions across the state. The Board of Directors serves as the governing body of the Association when the membership is not assembled.

For purposes of Association governance:

- The state is divided into 12 CASB Regions.
- The 23-member Board of Directors is comprised of local school board members who are elected as Directors at the Annual Meeting to represent the 12 CASB Regions.
 - A Director is elected from each Region.
 - For the more populous Regions, the bylaws provide for the election of more than one Director.
 - Four additional Directors on the Board are elected to represent the six school districts in the state that have the greatest number of students and that hold active membership in the Association.
- Directors are elected for three-year terms.
- The Board of Directors annually elects officers (president and president-elect).
- The Executive Committee of the Board consists of the president, president-elect, immediate past president, four others elected from the members of the Board of Directors, and a director-at-large who is a member of the NSBA Board of Directors.
- The Board of Directors appoints CASB's Executive Director, who serves as the Chief Executive Officer of the Association.

ACRONYMS

AASA	American Association of School Administrators	CMAS	Colorado Measures of Academic Success
ACT	American College Test	CML	Colorado Municipal League
ADA	Americans with Disabilities Act	CORA	Colorado Open Records Act
ADD	Attention Deficit Disorder	COSA	Colorado Organization of Superintendent's Assistants
ADHD	Attention Deficit Hyperactivity Disorder	CRSA	Colorado Rural Schools Alliance
AFT	American Federation of Teachers	CSDSIP	Colorado School Districts Self-Insurance Pool
AP	Advanced Placement	CSBO	Colorado School Business Officials
ASCENT	Accelerating Students Through Concurrent Enrollment	CSFP	Colorado School Finance Project
BEST	Building Excellent Schools Today	CSI	Charter School Institute
BOCES	Board of Cooperative Educational Services	CTE	Career and Technical Education
CAESP	Colorado Association of Elementary School Principals	DAC	District Assessment Coordinator or District Accountability Committee
CAP4K	Colorado Achievement Plan for Kids (SB 08-212)	DBO	Department of Business Officials
CASB	Colorado Association of School Boards	DHS	Department of Human Services
CASBO	Colorado Association of School Business Officials	DOE	Department of Education (federal)
CASE	Colorado Association of School Executives	ECS	Education Commission of the States
CASSA	Colorado Association of Superintendents and School Administrators	EEOC	Equal Opportunity Employment Commission
CBA	Colorado BOCES Association	ELL	English Language Learners
CCC	Colorado Children's Campaign	ESEA	Elementary and Secondary Education Act
CCHE	Colorado Commission on Higher Education	ESSA	Every Student Succeeds Act
CCSBA	Colorado Council of School Board Attorneys	FAPE	Free Appropriate Public Education
CCSSO	Council of Chief State School Officers	FERPA	Family Rights and Privacy Act
CDE	Colorado Department of Education	FLSA	Fair Labor Standards Act
CDEC	Colorado Department of Early Childhood	FMLA	Family Medical Leave Act
CDHE	Colorado Department of Higher Education	FOIA	Freedom of Information Act
CDPHE	Colorado Department of Public Health and Environment	FRL	Free and Reduced Price Lunch
CEA	Colorado Education Association	FRN	Federal Relations Network
CFT	Colorado Federation of Teachers	FTE	Full-time equivalent
CHSAA	Colorado High School Activities Association	GED	General Education Development
CIPA	Children's Internet Protection Act	GPA	Grade Point Average
CLCS/ The League	Colorado League of Charter Schools	HB	House Bill
CEI	Colorado Education Initiative	HIPAA	Health Insurance Portability and Accountability Act
		HIPPA	Health and Individual Personal Privacy Act



LD	Learning Disabled	PTA / PTO	Parent-Teacher Association / Parent-Teacher Organization
LEA	Local Education Agency	R or RE	Reorganized
LEP	Limited English Proficiency	RFI	Request for Information
LEP	Local Education Provider	RFP	Request for Proposal
MTSS	Multi-Tiered System of Supports	RFQ	Request for Qualifications
NACSA	National Association of Charter School Authorizers	RIF	Reduction in force
NAEP	National Assessment of Educational Progress	SACPIE	State Advisory Council for Parent Involvement in Education
NASB	National Association of State Boards of Education	SAED	Supplemental Amortization Equalization Disbursement (PERA term)
NCAA	National Collegiate Athletic Association	SAT	Scholastic Aptitude Test
NCSL	National Conference of State Legislators	SB	Senate Bill
NEA	National Education Association	SBE	State Board of Education
NFHS	National Federation of High School Associations	SDFSC	Safe and Drug Free Schools and Communities
NREA	National Rural Education Association	SEA	State Educational Agency (see CDE)
NSBA	National School Boards Association	SMART	Specific, Measurable, Attainable, Research-based, Time-phased
OCR	Office of Civil Rights	SMI	Severely Mentally Impaired
P-20	Preschool through higher education	SPED	Special education
PARCC	Partnership for Assessment of Readiness for College and Careers	SPMP	Skilled Professional Medical Personnel
PBIS	Positive Behavioral Interventions and Supports	SRO	School Resource Officer
PEBC	Public Education Business Coalition	STAR	Standardized Test for Assessment of Reading
PERA	Public Employees' Retirement Association	STEM	Science, technology, engineering, and math
PLACE	Program for Licensing Assessments for Colorado Educators	STEAM	Science, technology, engineering, arts, and math
PPR	Per Pupil Revenue	TABOR	Taxpayers Bill of Rights
PPRA	Protection of Pupil Rights Amendment	TIF	Tax Incremental Funding
PSAT	Preliminary SAT	UFLP	Unfair Labor Practice
IB	International Baccalaureate	UPK	Universal Preschool
ICAP	Individual Career and Academic Plan	UIP	Unified Improvement Plan
IDEA	Individuals with Disabilities Education Act	USDOE	United States Department of Education
IEP	Individualized Education Program		
J or JT	Joint		
JBC	Joint Budget Committee (Colorado General Assembly)		

GLOSSARY

504

Section 504 of the Rehabilitation Act of 1973. A civil rights statute that prohibits discrimination on the basis of disability.

ACCOUNTABILITY COMMITTEES (DISTRICT = DAC AND SCHOOL = SAC)

Committee created by law that includes parents, teachers and administrators. Makes recommendations about budget and school improvement.

ACCREDITATION

A process for the State Board of Education to fulfill its constitutional responsibility for supervising the state's public schools and to encourage excellence by assessing student performance in relation to state academic standards. Categories of accreditation include: Accredited with distinction, Accredited, Accredited with improvement plan, Accredited with priority improvement plan, Accredited with turnaround plan, Unaccredited.

ADMINISTRATIVE UNIT

A sufficiently large school district or BOCES that is responsible for distributing special-education funds and delivering education services to students with disabilities.

ADVANCED PLACEMENT (AP)

The designation of the College Board for college-preparatory courses that high school students can take to earn college credit. Students must master a generally rigorous higher level of coursework and pass an accompanying test to earn college credit.

ALTERNATIVE EDUCATION

Schools or classrooms that are designed to serve students who aren't succeeding in the traditional school or classroom environment. Students who are failing academically or may have learning disabilities or behavioral problems may need a different setting. Alternative schools or classrooms have flexible schedules, smaller teacher-student ratios, counseling support, and modified curricula.

AMENDMENT 23

Constitutional change requiring K-12 funding to increase by inflation plus 1 percent from 2001-2011 and by inflation after that.

AMERICAN FEDERATION OF TEACHERS (AFT)

One of two national teachers unions. The other is the National Education Association (NEA).

ANNEXATION

Joining a school district or parts of a district with a receiving district.

ACCELERATING STUDENTS THROUGH CONCURRENT ENROLLMENT (ASCENT) PROGRAM

Allows student participation in concurrent enrollment courses directly following their 12th grade year. Students remain in their Local Education Provider (LEP) for one additional year and the LEP receives ASCENT specific per-pupil state funding that is used to pay their college tuition at the resident community college rate. Students receive their high school diplomas at the end of their ASCENT year.

ASSESSMENTS

Tests or other tools that measure students' skills and knowledge. Formative assessments are used so instruction can be adjusted as needed to improve learning. Summative assessments evaluate the student's overall mastery of the subject matter.

AUTHENTIC LEARNING

Education focused on real-world complex problems. Students use a variety of avenues to develop solutions. Mutually beneficial relationships are established connecting students with businesses, scientific endeavors and public entities in their community.

BEST HEALTH PLAN

Colorado Boards of Education Self-Funded Trust Inc., is a multi-employer/employee health benefit program.

BLENDED LEARNING

Combination of face-to-face and online student instruction designed to offer more personalized and student-centered learning.

BOARDMANSHIP

Describes the skills school board members need in order to work together effectively and ensure competent governance of a local school district.

BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES)

Typically, a group of school districts that join together for a better and/or more efficient use of funds.



BUILDING EXCELLENT SCHOOLS TODAY (BEST)

A competitive grant program for public school construction.

CHARTER SCHOOL

A public, nonsectarian, nonreligious, non-homebound school that operates as part of its authorizing school district in accordance with the terms and conditions of the charter contract.

CHARTERING AUTHORITY

The ability of a local board to determine whether to open charter schools in the school district.

CHILDREN'S INTERNET PROTECTION ACT (CIPA)

A national law designed to limit children's exposure to sexually explicit material. It requires schools using federal discounts for internet access to filter obscene content.

CLASSIFIED STAFF

School district employees who are not required to have Colorado teaching credentials as a condition of employment. Bus drivers, janitors and cafeteria workers are examples of classified staff.

COLORADO ACADEMIC STANDARDS

The written standards established by Colorado that outline what a student should know and be able to do at each grade level. The state assessment system is based on and aligned with these academic standards.

COLORADO ACHIEVEMENT PLAN FOR KIDS (CAP4K)

Sets a plan for establishing P-20 standards. (SB 08-212)

COLORADO EARLY COLLEGE

Tuition-free charter high schools that provide high school students access to college courses by partnering with a variety of higher education institutions, allowing students to earn an associate's degree or higher upon high school graduation.

COLORADO EDUCATION ASSOCIATION (CEA)

An affiliate of the National Education Association.

COLORADO EDUCATION INITIATIVE (CEI)

Formerly Colorado Legacy Foundation (CLF), CDE's 501(3) corporation that receives grants and promotes work in select areas.

COLORADO FEDERATION OF TEACHERS (CFT)

An affiliate of the American Federation of Teachers.

COLORADO GROWTH MODEL

Collection of data enabling parents, educators and community members to easily evaluate growth in student achievement over time in public schools across the state.

COLORADO OPEN RECORDS ACT (CORA)

Requires that most public records be available to the public.

COMMON CORE STATE STANDARDS

Academic standards determined by a coalition of states to establish a common set of knowledge and skills that students should develop in K-12 education in order to graduate from high school prepared for college or careers.

CONCURRENT ENROLLMENT

The Concurrent Enrollment Programs Act created the simultaneous enrollment of a qualified student in a local education provider and in one or more post-secondary courses, including academic or career and technical education courses, which may include course work related to apprenticeship or internship programs, at an institution of higher education.

CONSOLIDATION

Joining two or more school districts or parts of districts to create a single new school district.

CURRICULUM (PLURAL CURRICULA)

The subject matter, skills and processes that are taught so students will achieve identified standards of knowledge and skill.

DESIGN THINKING

An approach to creative problem solving that employs skills of empathy, synthesis, brainstorming, and prototyping and that challenge definition. Students utilize their intuitiveness and ability to recognize patterns and construct ideas in order to express themselves in building solutions.

GLOSSARY

DISAGGREGATED DATA

Information that has been sorted according to certain criteria or subdivisions. For example, test results can be sorted by groups of students with similar characteristics, such as economic disadvantage, race or ethnicity, disabilities or English proficiency. Teachers and parents can then determine how each group is performing.

DROP-OUT RATE

The proportion and time at which students leave school before graduating. Reasons may include failing grades, suspension or expulsion, lack of interest, economic hardship, pregnancy, marriage, peer conflict, incarceration, lack of attendance and use of alcohol or drugs.

DUAL CREDIT / DUAL ENROLLMENT

Dual credit refers to students completing college-level courses via their high school classes and earning college and high school credit simultaneously. Courses are taught by college approved high school faculty or adjunct college faculty. Dual enrollment refers to students taking courses concurrently at two separate institutions such as their high school and a local community college or university. Students earn college credit through both avenues.

EDUCATIONAL EQUITY

The intentional allocation of resources, instruction, and opportunities according to need.

ENGLISH LANGUAGE LEARNERS (ELL)

Instruction involves programs or approaches used to teach English to those who do not speak English as their first language. Formerly known as Limited English Proficiency (LEP).

EX OFFICIO

Literally means “by virtue of one’s office”. The term refers to the practice that allows a member of an official group, such as a school board, to designate someone to fill a certain role at the group’s request.

EXECUTIVE SESSION

A private portion of a meeting of a school board or other governing body that can be held only for purposes specified by law, from which the general public and press are excluded.

EVERY STUDENT SUCCEEDS ACT (ESSA)

National law defining the federal government’s role in K-12 education. Reauthorized the Elementary and Secondary Education Act (ESEA).

FEDERAL RELATIONS NETWORK (FRN)

The National School Boards Association and CASB program for federal lobbying.

FIDUCIARY

The concept of stewardship, referring to a person or persons having duties, on behalf of others, that require good faith, trust and special confidence. Fiduciary duty is to act for someone else’s benefit, while subordinating one’s personal interests. The term is often used in conjunction with managing money or property for another, using a very high standard of care. A school board acts as the community’s trustee of public funds for the schools and therefore has a fiduciary responsibility to use those funds for the benefit of the community.

FISCAL YEAR (FY)

All financial accounts are to be completed by the end of the 12-month period known as the fiscal year, which begins July 1 and ends June 30.

FREE AND REDUCED LUNCH (FRL) PROGRAM

See National School Lunch Program.

GALLAGHER AMENDMENT

Enacted in 1982 as an amendment to the Colorado Constitution. It sets forth guidelines for determining the actual value of property and the valuation for assessment of such property.

GENERAL EDUCATION DEVELOPMENT (GED)

A nationally recognized measure of high school-level knowledge and skills. In Colorado, GED has been replaced by the “high school equivalency examination.”

GRIEVANCE

A formal, written complaint from an employee regarding working conditions or violation of board policy.

**GIFTED EDUCATION**

Refers to the education of children identified with above-average intellectual potential.

HEAD START

A federally sponsored comprehensive child development program serving children from birth to age five, pregnant women and their families. Child-focused programs are offered with the goal of increasing school readiness of young children in low-income families.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

Protects the privacy of individually identifiable health information.

HOME SCHOOL

A school conducted by parents or legal guardians for their own children.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

A written instructional plan for students with disabilities who are designated as special education students under federal law.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

A federal law that requires states to provide all eligible children with disabilities a free, appropriate public education (FAPE) from infancy through age 21, consistent with a state's more specific legal provisions.

INTERNATIONAL BACCALAUREATE (IB)

The IB program is offered at the elementary, middle, and high school levels and can be school-wide or course-specific. IB classes and assessments involve research, writing, and hands-on evaluations challenging students to apply what they've learned through scenario-based testing. College credit is earned based on high school IB exam scores.

THE LEAGUE

Colorado League of Charter Schools

LICENSED STAFF

Within a school district there are employees who, by law, must hold certain Colorado credentials as a condition of employment. This level of personnel includes teachers, principals and others.

MILL

One thousandth of a dollar, a mill is a rate similar to a percentage (a percentage is one hundredth). One mill = \$0.001, or one tenth of one penny.

MILL LEVY

A tax rate, measures in mills, representing the portion of a property's value collected by a government entity's tax (called a levy) to fund its budget. One mill produces \$1 in tax income for every \$1,000 of assessed value.

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP)

Often referred to as the Nation's Report Card, NAEP is a standards-based test sponsored by the U.S. Department of Education as a means of measuring student achievement so that student performance in one state can be compared with that of another. NAEP exams are given to a representative sample of the student population in grades 4, 8, and 12 in every state.

NATIONAL EDUCATION ASSOCIATION (NEA)

One of two national teachers unions. The American Federation of Teachers (AFT) is the second organization.

NATIONAL SCHOOL LUNCH PROGRAM

Formerly known as the Federal Free or Reduced Lunch Program, meals are provided free or at a low cost to children who are determined eligible according to federal guidelines based on family income

POLICY

A general statement a school board or other governing authority adopts to indicate a desired condition, direction or belief.

POLICY GOVERNANCE®

Policy Governance® is a governance model that some school boards use to provide policy leadership. It is a system of interrelated principles that uses policies to express board values and perspectives in all areas with clear authority and accountability for all significant roles.

POVERTY RATE

The economic level of a school's student enrollment, which is generally determined by the percentage of students who are eligible to receive free or reduced price meals by participating in the National School Lunch Program.

GLOSSARY

PROFESSIONAL DEVELOPMENT

Ongoing, systemic learning activities designed to enhance the professional knowledge, skills and attitudes of educators to achieve specific objectives toward the goal of increasing student achievement. Also known as in-service training.

PROPRIETARY FUNCTIONS

In school districts these include activities such as hosting athletic contests, leasing or renting school-owned facilities or engaging in any similar revenue-yielding activity.

PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION (PERA)

Manages pensions and other benefits for public employees.

PUBLIC ENGAGEMENT OR INVOLVEMENT

The sustained, active interest and participation of parents, community members and other taxpayers in supporting and improving schools.

QUORUM

Defined by statute or in the bylaws of a board or other governing body as the number or proportion of members that must be present in order to conduct business. Commonly, a majority of members constitute a quorum.

READ ACT

The Colorado READ Act establishes a process for districts to identify K-3 students who read below grade level and work with their parents to provide extra reading support before students reach the fourth grade.

REDUCTION IN FORCE (RIF)

Occurs when a teacher or other staff member's contract is canceled as a result of budget or program cuts.

REFERRED MEASURE

Any ballot question or ballot issue submitted by the General Assembly or the governing body of any political subdivision to the eligible electors of the state or political subdivision.

REGULAR BOARD MEETING

A scheduled board meeting that is held at least monthly during the school year, but may also be held when school is not in session.

REMEDIATION

The process of providing extra instruction to help a student improve in a particular subject area identified in the student's Academic Improvement Plan (AIP).

ROOT CAUSE

The deepest underlying cause or causes of performance challenges. They become the focus of major improvement strategies.

RULES/REGULATIONS

Mandates issued by the State Board of Education or other state and federal agencies to guide, require or limit school district operations. Rules and regulations stem from state statutes or federal law and may identify procedures for carrying out the requirement.

SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES (SDFSC)

National grants program authorized in 1994, intended to prevent youth drug and alcohol use.

SCHOOL DISTRICT

A defined geographic and government area, overseen by a locally elected school board and usually managed by a superintendent in which the public schools serve students who either live within the area's boundaries or enroll through school choice or legal transfer from a different school district.

SCHOOL-COMMUNITY PARTNERSHIP

A voluntary relationship between a school and a community group or business that meets the needs and uses the resources of both partners for their mutual benefit.

**SCHOOL-WIDE PROGRAMS**

Comprehensive school improvement programs accessible to all students, particularly those who are low achievers and at risk of failure. The programs are funded by a school's Title I money, which is based on an enrollment of at least 40 percent low income students.

SPECIAL BOARD MEETING

A board meeting convened for a special purpose by the proper procedures to decide a specific item of business.

SPECIFIC, MEASURABLE, ATTAINABLE, RESEARCH-BASED, TIME-PHASED (SMART)

Usually refers to elements of well-written student learning objectives for students with and without disabilities.

STANDARDS-BASED TEST

An assessment that shows how a student's performance compares to some standard of knowledge or skill. A criterion-referenced test (CRT) is a standards-based test.

STATE BOARD OF EDUCATION

Authorized by the Colorado State Constitution to provide general supervision of public schools. Comprised of seven elected officials representing Colorado's congressional districts for six-year terms.

STATUTES

Laws created by state or federal legislation.

TAX INCREMENTAL FUNDING (TIF)

An economic development funding program that permits municipalities to use tax revenues resulting from economic development to fund new public construction.

TAXPAYER BILL OF RIGHTS (TABOR)

Provision in Colorado's Constitution limiting revenues and requiring voters to approve tax increases.

TEACHING AND LEARNING CONDITIONS SURVEY (FORMERLY THE TEACHING, EMPOWERING, LEADING, AND LEARNING (TELL SURVEY))

An anonymous online survey of all school-based licensed educators and education support professionals promotes discussions in schools and districts about instruction, planning time, professional development, school improvement and related policy issues.

THE COLLEGE BOARD

A mission-driven not-for-profit organization connecting students to college success and opportunity through the SAT (Scholastic Aptitude Test) and Advanced Placement (AP) program.

TITLE I

Title I of the Elementary and Secondary Education Act of 1965 establishes the largest federal aid program for elementary and secondary schools. Funding is based on the number of low-income students enrolled in a school. Title I money pays for extra educational services for children who are behind or at risk of falling behind in school.

TITLE IX

Title IX of the Education Amendments Act of 1972 states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.



TURNAROUND

Along with Priority Improvement, a type of plan assigned to schools and districts not meeting expectations in achievement, growth and postsecondary workforce readiness, as determined by the School and District Performance Frameworks.

UNIFIED IMPROVEMENT PLAN (UIP)

Used to streamline improvement planning components of state and federal accountability requirements. Shifts from planning as an "event" to planning as a component of "continuous improvement". The plans also provide a mechanism for external stakeholders to learn about schools' and districts' improvement efforts.

HANDLING COMPLAINTS — CALM / PASS FRAMEWORK

Receiving Complaints **CALM**

Present yourself professionally, positively, and with an attitude of concern when you use these steps to receive a complaint.


C *Compliment*
FOCUS IN A POSITIVE DIRECTION:
"Thank you for your interest in the school."
"You have been a long-time supporter of our school district and that is very appreciated."

A *Ask*
START WITH AN ASSUMPTION THAT THE CHAIN OF COMMAND WAS FOLLOWED:
"What did the teacher say to you when you asked about the issue?"
 IF INDIVIDUAL REFUSES TO START THERE, TRY THE FOLLOWING:
"Okay, if you didn't talk to the teacher, then what did the principal say when you shared this concern with her/him?"

L *Listen*
HOLD ANY JUDGEMENTS; PRACTICE DEEP LISTENING
 • Use good eye contact
 • Refrain from nodding or gesturing
 ONLY ASK QUESTIONS FOR CLARIFICATION:
"Who is the person you mentioned?"
"When did you say this happened?"

M *Mimic*
SUMMARIZE WHAT YOU HEARD WITH A SHORT & CONCISE PARAPHRASE, WITH NO AGREEMENT OR EDITORIAL COMMENT
"Let me see if I understood your concern clearly..."
"Do I understand your concerns?"

SOURCE: *The Art of School Boarding*, Jim Burgett



Hand Off Complaints **PASS**

It is not your job to understand the complaint -- this would take hearing from all sides. Respond with a sense of direction and assistance rather than compassion and understanding.

P *Point*
DEFER OR REFER THE INDIVIDUAL TO THE CHAIN OF COMMAND:
"Board policy requires that you start with the person closest to your concern. In most cases, problems are resolved more quickly when the chain of command is followed."

A *Avoid*
AVOID ANY PROMISE OF ACTION AND ASSURANCE YOU UNDERSTAND THE ISSUE
 When you only hear from one individual it is nearly impossible to have the whole story and to understand the full situation.

S *Share (your role)*
SHARE YOUR ROLE, POSITION IN THE CHAIN OF COMMAND, AND RELIANCE ON THE SYSTEM TO FUNCTION AS DESIGNED
"As one board member, I do not have the power, authority, or legal standing to take action on your complaint. If you go through the proper chain of command and are not satisfied, I would be happy to help you talk about how to share your concern with the board as a unit."

S *Summarize*
REDIRECT THE INDIVIDUAL TO SOMEONE IN THE CHAIN OF COMMAND
"Thanks again for sharing your concern with me. Please, at your earliest convenience, contact ____ at the school office and share with her. Please let her know exactly why you elected not to go directly to the ____, but decided to go to her. If for some reason you still have concerns and aren't comfortable moving to the next level on the chain of command, I will gladly set up the meeting for you."

Following your conversation, don't forget to share the concern with your superintendent - your only point of contact in the chain of command.

TEAMING / CONVERSATION SCENARIOS

Use these simplified situations to discuss the “what and how” of great governing. Consider core values and norms in play (or not) within each scenario. Use during planned strengthening conversations at meetings, on the road with peers, or over coffee with a mentor. For next level work: Share challenges from board history and member experience; pose a brief case study from a recent encounter.

1. A parent confronts a board member at the local gas station. With a lot of frustration, the **parent pleads with the board member to do something**, anything about “the way teachers are wearing rags and workout clothes to school.” Not only is it a bad example, the parent says, it’s one more sign that our schools just aren’t doing the job.

Ideas for the board member? Ideas for the board member in follow-up? What ideas come to mind for the development of your governing team? What issues and challenges might be linked to this little episode?

2. One community member after another appears frustrated at **what to do to help students improve**. Everybody knows our facilities need big-time help. Nobody wants low achievement scores. Money is tight all around. The way out or the way on to something better seems confusing. And at the last board meeting most of the leadership time was spent on detailing and discussing bid specs, field trip arrangements, boring principal reports, and really getting into some juicy personnel issues.

Ideas for the maximizing the opportunities? Ideas for the board? Ideas for the management team? What governing-level issues/challenges might be rooted to this brief snapshot?

3. It seems like almost every night – but at least off and on for almost two weeks – **your board’s newest member** has received phone calls from a friend who is demanding that a teacher be fired for not respecting parents.

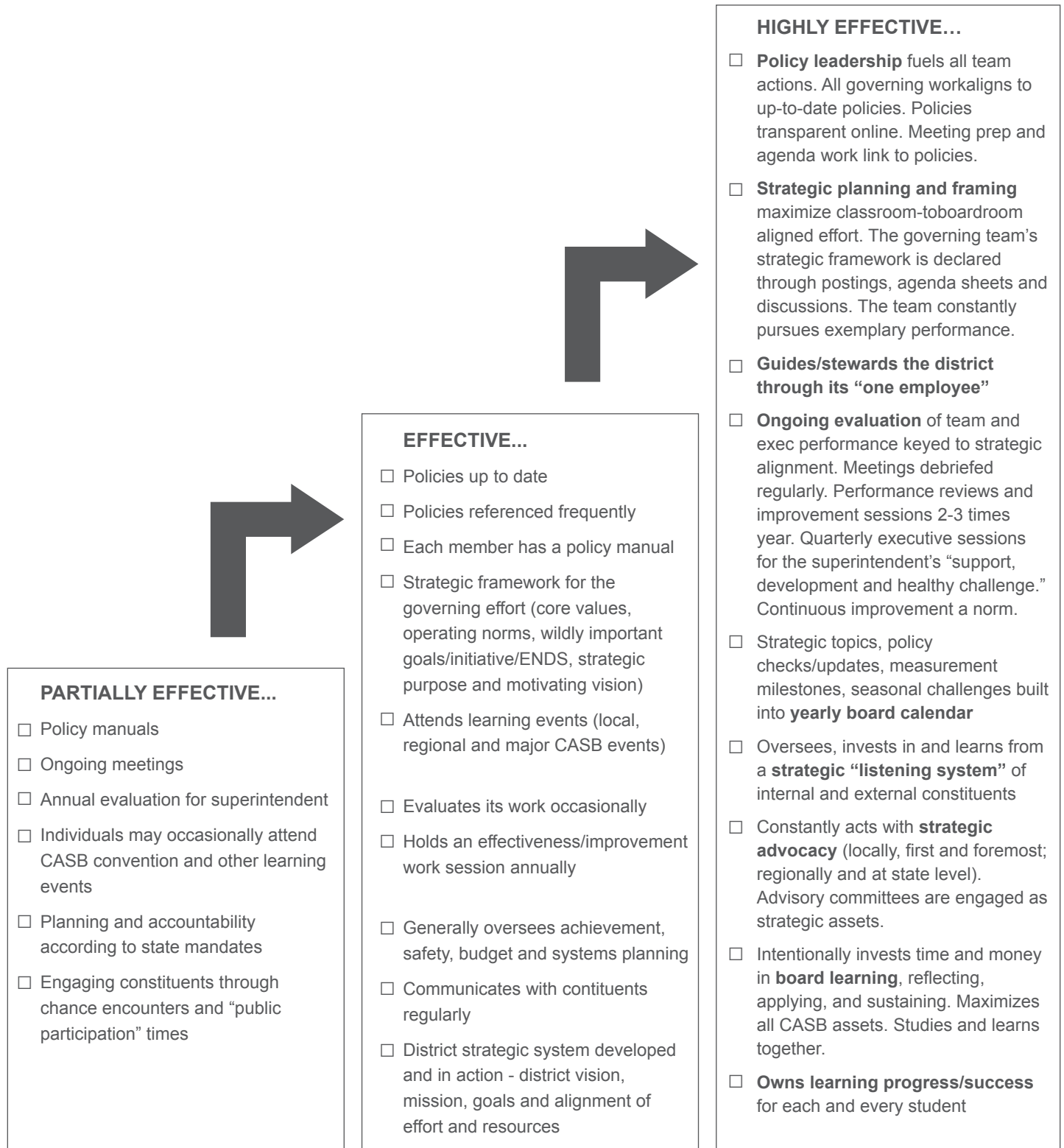
What advice might a veteran give the rookie? What traps might the newbie have fallen into during any or all the conversations? What governing-level issues/challenges might be linked to this tough process? Role play a variety of responses to the caller.

4. During a varsity baseball game a board member is approached by several parents who complain about peeling paint on the dugouts. The member agrees with their concerns and promises to take care of it. Later, the member goes to the director of facilities and asks for the dugouts to be painted before the next home game.

Ideas? What might be key roles for the board of education? What governing-level issues/challenges might be linked to this situation? How might new understandings and shared supports develop?

EVALUATING THE BOARD / PERFORMANCE CHECKLISTS

Here's a concept tool describing three sets of performance characteristics for a governing team. Encouragement: Complete solo then engage in a team process to "take a step of improvement" or "go next level."



EVALUATING the SUPERINTENDENT / 8 ELEMENTS

In a successful governing environment, school board members and their “one employee” are all focused, accountable, and continuously learning/improving together within an aligned and prioritized strategic framework. In this context, intentional boards support, develop and healthily challenge the superintendent in two to four work/executive sessions a year. The following worksheet is designed for those sessions, not as a stand-alone assessment tool, but to kick-start discussions about the elements of effective leadership and how the board and its “one employee” are advancing excellence together.

PERFORMANCE	COMMAND LEVEL	BRIEF APPRECIATION/COMMENT/IDEA
1. Advocacy & engagement	Distinguished Strong Moderate Limited	
2. Board relations	Distinguished Strong Moderate Limited	
3. Instruction / Student achievement	Distinguished Strong Moderate Limited	
4. Instruction / Staff development	Distinguished Strong Moderate Limited	
5. Facilities	Distinguished Strong Moderate Limited	
6. Finances	Distinguished Strong Moderate Limited	
7. Personnel	Distinguished Strong Moderate Limited	
8. Student support & services	Distinguished Strong Moderate Limited	

TOP 20 POLICIES TO KNOW FOR NEW BOARD MEMBERS

Below are 20 of the most important policies that new board members should be aware of. In addition to these 20, CASB has a list of all the policies that are required by law on our website. Contact CASB if you have any questions regarding these policies.

1. **AC** — Nondiscrimination/Equal Opportunity
2. **BBA** — School Board Powers and Responsibilities
3. **BC** — School Board Member Conduct
4. **BCB** — School Board Member Conflict of Interest
5. **BE** — School Board Meetings
6. **BEC** — Executive Sessions
7. **BEDH** — Public Participation at School Board Meetings
8. **BG** — School Board Policy Process
9. **CBI** — Evaluation of Superintendent
10. **DB** — Annual Budget
11. **DJE** — Bidding Procedures
12. **EBCE** — School Closings and Cancellations
13. **GCQF** — Discipline, Suspension and Dismissal of Professional Staff
14. **IC/ICA** — School Year/School Calendar/Instruction Time
15. **IKF** — Graduation Requirements
16. **JLF** — Reporting Child Abuse/Child Protection
17. **JRA/JRC** — Student Records/Release of Information on Students
18. **JRCB** — Privacy and Protection of Confidential Student Information
19. **KDB** — Public's Right to Know/Freedom of Information
20. **KE** — Public Concerns and Complaints



Colorado Association of School Boards

CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

As a member of my local Board of Education, I will strive to improve public education, and to that end I will:

- Attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
- Recognize that I should endeavor to make policy decisions only after full discussion at publicly held board meetings;
- Render all decisions based on the available facts and my independent judgment and refuse to surrender that judgment to individuals or special-interest groups;
- Encourage the free expression of opinion by all board members and seek systematic communications between the board and students, staff and all elements of the community;
- Work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;
- Communicate to other board members and the superintendent expression of public reaction to board policies and school programs;
- Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards association;
- Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;
- Avoid being placed in a position of conflict of interest;
- Take no private action that will compromise the board or administration and respect the confidentiality of information that is privileged under applicable law; and
- Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

- National Association of School Boards

CASB's Mission

The Colorado Association of School Boards, through leadership, service, training, and advocacy, engages and supports local boards of education to advance a system of public schools where each and every student is equipped to meet their full potential.

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ColoSchoolBoards



CASBConnect



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