

# FINAL RESOLUTIONS

## 75<sup>th</sup> Annual Delegate Assembly

Adopted  
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Denver Marriott West  
Golden, CO



Colorado Association of School Boards  
[www.casb.org](http://www.casb.org)

## Resolutions

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## Presentation of Resolutions

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*CASB's standing resolutions represent philosophy and belief statements that are core to the work of local school boards. The legislative agenda establishes CASB's legislative priorities. These resolutions provide the foundation for CASB's advocacy work and demonstrate the ongoing commitment of local boards of education to fundamental principles and beliefs.*

**The control of public school systems is best governed by locally elected boards of education and not legislated at the state or federal level. Local school boards are elected by their communities to ensure accountability in meeting student needs, provide effective oversight of educational programs and determine the efficient use of resources.**

# Governance

**In accordance with the Colorado Constitution, Article IX, Sections 15 and 16, local boards of education are responsible for the organization of the learning environment; the implementation of curriculum; the selection of textbooks; and the configuration of school facilities, staffing and necessary programs in which to create safe and academically rich opportunities for students.**

## **Standing resolutions**

### **1.1 Local control**

The principle of local control is derived from the involvement of the local community, and the local board is the sole and final guarantor of educational quality.

### **1.2 Diverse nature of school districts**

Local control of instruction is the most effective approach to school governance due to the diverse nature of Colorado school districts.

### **1.3 Charter schools**

The constitutional principle that local control of instruction is vested in locally elected boards of education means local boards must retain the requisite authority to approve, renew or nonrenew charter schools and all local choice options. Local boards recognize the benefits of positive relationships with charter schools and make decisions that are in the best interests of their students.

### **1.4 Accountability**

It is the responsibility of each local board of education to monitor and report to the public with regard to the district's progress towards accomplishing locally defined goals and objectives identified through the state's accountability program.

### **1.5 Choice with accountability**

CASB supports the principle of school choice with accountability, believing that all education institutions supported by public funds should be required to meet the same legislatively established requirements as all other public schools. It is important that the demographic makeup of the local community is reflected in all schools of choice supported by public funds.

*Rationale: Charter schools are eligible for waivers and/or eligible to obtain waivers from numerous state and federal requirements, including educator licensure, evaluation and dismissal. All public schools should have access to such waivers under the same standards applied to charter schools.*

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## **Legislative agenda**

### **1.6 Local control**

CASB opposes efforts to shift control over public schools away from local boards of education, whether by state or federal legislative action, regulation, court decision or initiative. CASB supports efforts to maintain the decision-making authority of locally elected school boards.

*Rationale: Control of instruction is vested in local boards of education by Article IX, Section 15 of the Colorado Constitution. Local boards of education are accountable to the local electorate and are in the best position to make decisions regarding curriculum, textbooks and materials, instructional delivery, personnel, fiscal management and local choice options.*

### **1.7 Respect unique differences among school districts**

CASB opposes the imposition of universal solutions in response to district-specific issues.

*Rationale: School districts in Colorado are unique and extremely diverse, ranging from urban and suburban districts to small rural districts. Beyond the size differences, school districts have different technology resources, student populations and staffing structures. This diversity is a primary reason that local control of instruction is the most effective approach to school governance in Colorado.*

### **1.8 Colorado Department of Education**

CASB supports the Colorado Department of Education's work to provide technical assistance, support and training to all school districts as they work to implement state reforms. CASB will continue to partner with the state to develop and provide resources to help local boards of education understand the requirements of state laws, as well as their role in local implementation.

### **1.9 Focus new laws on desired outcomes**

CASB opposes prescriptive legislation that restricts school districts' autonomy in developing and utilizing innovative methods to achieve educational goals. State policy-makers may specify desired outcomes but school districts must retain the authority to determine the means by which those outcomes will be accomplished.

*Rationale: An outcome-based approach to legislation allows districts to determine the best way to achieve stated goals in a way that makes the most sense locally.*

### **1.10 Charter schools**

CASB urges the General Assembly to re-establish a local board's authority in charter school matters by authorizing the local board to make decisions related to district charter schools without reversal by the State Board of Education absent substantial evidence of an arbitrary or capricious decision by the local board.

*Rationale: Members of local school boards are in the best position to evaluate the costs and benefits of proposed charter schools within their communities. Those decisions should receive deference from the State Board of Education, given the Colorado Constitution's provisions concerning local control of instruction. Relationships between district charter schools, the local board of education and the community will benefit if issues are worked out locally without undue intervention from the state.*

### **1.11 Flexibility in new laws and regulations**

CASB urges state policy-makers, including the General Assembly, the State Board of Education and the Colorado Department of Education, to ensure that new laws and regulations will give particular consideration to the unique needs of small and rural school districts, allowing the flexibility these communities may require for sensible implementation.

*Rationale: Though Colorado's population center is in the Front Range metropolitan area, Colorado's cultural richness comes, too, from its small and rural communities. State policy-makers often do not consider this diversity and develop laws and regulations without sufficient regard for the needs of small and rural school districts. With thoughtful development of law and regulation, state policy-makers can liberate small and rural districts to focus on achieving results for students rather than crafting contortionist responses to state mandates.*

## **Annual Resolution**

### **1.12 School board input on proposed legislation, rules and guidance**

CASB supports legislation requiring the General Assembly, the State Board of Education and the Colorado Department of Education to ensure that local school boards have a formal voice in the legislative, regulatory and guidance processes and to ensure that local school districts are consulted and their concerns are addressed before the state adopts any new legislation, regulations or guidance affecting schools. In addition, Legislative Council Staff shall be required to estimate the cost of any new, expanded or revised mandate to large, midsize and small school districts, respectively, by consulting a representative sample of such school districts that will be affected by such legislation and to include this cost estimate in the fiscal impact statement that accompanies any such bill.

*Rationale: The voice of local school districts has not been adequately considered in the education legislation, rules and guidance adopted in recent years. Local districts are in the best position to advise and inform on the impact of proposed rules and legislation, and guardrails must be put in place to limit the state's overreach into the affairs of local districts. The process for input should be designed to minimize the administrative burden on local districts, provide adequate time for thoughtful feedback and obtain feedback from districts that are representative of the state demographic. By way of example, the time frame to submit a fiscal-impact statement for pending legislation should be lengthened beyond the current five-day period.*

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# Board Leadership

**Boards of education demonstrate responsible, ethical and professional leadership in all aspects of their work.**

## **Standing resolutions**

### **2.1 Open deliberation**

CASB encourages open deliberation by boards of education, in accordance with the spirit and intent of state law.

### **2.2 School board training**

CASB encourages school board members to receive ongoing training and professional development in order to maintain an understanding of the complex issues related to public education. CASB supports such training through state and regional workshops, conferences and governance development opportunities.

### **2.3 Leadership team**

CASB supports the incorporation of the superintendent in board of education training and team building as a means of augmenting the work of the school district.

### **2.4 Leadership in planning and budgeting**

CASB encourages board of education leadership in strategic planning and budget development that reflects the community's values and diverse needs.

### **2.5 Participation in organizations supportive of public education**

CASB encourages boards of education to participate in and support professional activities and organizations that provide unified leadership for grassroots support and advocacy for public education.

### **2.6 Participation in the political process**

CASB encourages school board members to actively engage in the political process to influence decision makers in support of public education and invite policy-makers into their districts to highlight local successes and provide a clear understanding of the challenges created by overreaching policies and unfunded mandates.

*Rationale: School board members are increasingly engaging their legislators and, by doing so, have begun to positively influence public policy and shape legislation like never before. School board members must expand this effort by inviting legislators into their districts to highlight their successes and increase awareness of the serious and unique challenges districts face as they work to implement current state mandates with limited resources.*

### **2.7 Student involvement in governance**

CASB encourages local boards of education to examine best practices for considering student opinion when making decisions at the school and district level.

**2.8 Greening of schools**

CASB supports the leadership of local boards of education in their efforts to adopt and implement energy management and conservation plans for the purpose of reducing energy consumption, increasing energy efficiency and increasing the use of renewable energy sources.

**2.9 Promote social and cultural proficiency**

CASB encourages boards of education to recognize and celebrate the diverse social and cultural backgrounds of all students, parents/guardians and district personnel and to make a conscious effort to build healthy and diverse teaching and learning environments where all people feel welcome and are treated with dignity and respect.

*Rationale: Diversity enriches the educational experience and promotes personal growth and a healthy society by challenging stereotypes, encouraging critical thinking and helping students and staff learn to communicate effectively with people of varied backgrounds. Diversity enhances America's economic competitiveness. Sustaining the nation's prosperity in the 21st century requires us to make effective use of the talents and abilities of all our citizens in work settings that bring together individuals from diverse backgrounds and cultures.*

**2.10 Collaboration with local governments and other stakeholders**

CASB encourages local boards of education to actively engage in discussions with local governments and other local stakeholders to identify shared interests and ensure the most efficient and productive use of local resources. CASB will work with the respective state associations to promote and support this work.

*Rationale: Many local boards are working collaboratively with their respective local governments, for example to enhance local broadband services, streamline building processes and otherwise meet the needs of their communities. This resolution calls on all boards to take steps to build relationships with local governments and other stakeholders. The resolution also calls on CASB to work with other state associations to support and promote these local efforts.*

**Legislative agenda****2.11 Political party affiliation**

CASB opposes any effort to have school board director candidates stand for election based upon a political party platform or affiliation.

*Rationale: Is it not in the best interest of public education to have partisan politics become a factor in school board elections or decision-making. It is important that school board candidates make their views on K-12 education known prior to the election and not be bound by a political party platform.*

### **2.12 Term limitation: local action**

CASB opposes the limitation of two terms that may be served by a school board member and encourages local boards to submit a question to their electors to extend the number of terms for school board directors in keeping with their local communities.

*Rationale: Colorado is one of only a handful of states to impose term limits on local officials. Term limits have an impact on local school boards, as school board members who are still willing and able to serve are unable to seek office after serving two terms. As uncompensated volunteers, school board members acquire essential skills and knowledge during their service, and this expertise is lost when experienced members are barred from continuing to serve.*

### **2.13 High cost of conducting elections**

CASB urges the General Assembly to address issues that contribute to the escalating costs of conducting local elections, with the goal of reducing these expenses. Because the election process is fundamental in our democracy, CASB urges the state to subsidize the cost of conducting elections at the local level because of the significant financial impact of elections on local entities such as school districts that participate in the process but have no say over factors related to cost nor an ability to forecast how much to budget for an election because of all the variables involved.

*Rationale: School districts are required by state law to pay a pro rata share of a county's election expenses following any election in which they have candidates or issues on the ballot. This is an expense that cannot be accurately forecast for budget purposes because it varies from county to county and from election to election. Among the many factors that determine how much the election will cost in any year are the number of public entities that participate in the election and whether the state will have a question on the ballot. The current system for allocating election expenses needs a massive overhaul that includes a new funding mechanism and changes to law that will result in cost savings.*

### **2.14 Student health and wellness**

Responsibility and oversight of student health and wellness programs, including nutritional standards and physical education, should be governed primarily by local boards of education. CASB opposes state nutritional requirements and encourages local boards of education to develop student health and wellness policies and programs based on the diverse needs of their students and the values of their communities. CASB urges the state to take all action necessary to maximize local school districts' flexibility through waivers from federal nutritional and other health and wellness requirements.

*Rationale: Increasingly, state and federal laws mandate nutrition, health and wellness standards for local school districts. Many of these well-intended programs are drastically underfunded and do not align with the local needs and values of students and their families. School districts should have the flexibility to engage local stakeholders as they work to develop health and wellness policies. Certain federal laws, including the Healthy, Hunger-Free Schools Act, allow states to grant their local districts waivers from certain federal requirements. CASB urges the state to take any and all action necessary to maximize local flexibility through waivers from the Healthy, Hunger-Free Schools Act and other federal health and wellness requirements.*

**2.15 Student health, safety and achievement**

CASB recognizes the close correlation between student health and safety, and achievement. CASB supports alignment between and among state and local organizations around issues of student health and safety.

*Rationale: Students must feel healthy, safe and supported in order to achieve. As districts strive to create and sustain safe and positive learning environments for all individuals, CASB and local districts should work with state and local partner organizations to increase awareness, implement programs and generate resources to enhance student health and safety.*

**2.16 Behavioral health programs**

CASB recognizes students and school district employees have behavioral (mental) health needs that impact the health and safety of school district communities. Local boards are best positioned to determine the extent of those needs and the means and priority of addressing those needs within the K-12 setting through use of education and other community resources. CASB supports alignment between and among state and local organizations around issues of behavioral health.

*Rationale: As districts strive to create and sustain safe and positive learning environments for all individuals, CASB and local boards should work with state and local partner organizations to increase awareness of behavioral health needs, implement effective programs and generate new sources of revenue to support such efforts.*

**2.17 Coalition for state ballot measure regarding term limits**

CASB supports a statewide ballot initiative to remove Colorado's constitutionally imposed term limits for locally elected school directors and other locally elected officials.

*Rationale: As recognized in Resolution 2.11, Colorado is one of only a handful of states to impose term limits on local officials. Given the ever-rising costs of local elections and the immense work to be done locally, it is difficult for local school boards to put a term-limits exemption on the local ballot and get it passed. An efficient means to solve this ongoing and increasing problem would be a statewide ballot measure in partnership with the Colorado Municipal League and Special District Association of Colorado, among others, carving out school board members and other local officials.*

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# Finance

**The state must provide school districts with adequate funding from a reliable source pursuant to a formula that balances state and local revenue sources and is structured to equitably meet the educational needs of all students served by public schools in Colorado.**

## Standing resolutions

### 3.1 Use of public moneys for private education programs

The use of public moneys for private educational programs requires adherence to uniform legislated standards and assessment, accreditation requirements and nondiscrimination in student enrollment and employment policies.

### 3.2 Needs of students guide reform, finance

All efforts to restructure and fund public education should be guided by student needs, improved academic achievement and responsible use of financial resources as determined by the locally elected school board, which is accountable to its voters and best able to identify community and district funding priorities.

## Legislative Agenda

### 3.3 School finance

CASB supports comprehensive reform of Colorado's school finance structure that addresses the unique and changing needs of local school districts to include:

- a) Per-pupil funding to a level necessary for a student without special needs to meet the Colorado Academic Standards and other legislated accountability requirements;
- b) Adjustments to the per-pupil base funding to equitably reflect added costs of education for students with risk factors;
- c) Adjustments to the per-pupil base funding based on verifiable indicators that impose costs beyond a district's control, such as district size and cost of living;
- d) Identification and implementation of a consistent definition for determining the actual number of "at-risk" students for funding purposes;
- e) Adequate and equitable funding for factors and categorical programs, including funding for English language learners, at-risk students, gifted students, special-education students and career and technical education programs, at a level sufficient to cover the costs associated with providing services to students served by those programs;
- f) Funding for transportation that takes into consideration the unique circumstances districts face in transporting students;

- g) Funding for costs associated with enrollment fluctuations and averaging for declining-enrollment districts;
- h) Preservation of local control when allocating resources and flexibility when implementing mandated programs;
- i) Funding for full-day kindergarten, early childhood education and alternative education to ensure that all children have a proper educational foundation to be successful in school;
- j) Adjustment to the per-pupil base funding for school districts to reflect the impact to school districts of public school choice, including but not limited to the impacts resulting from an immediate loss of student enrollment as well as impacts related to the ongoing oversight of choice programs;
- k) An increase in funding for the lowest funded or “floor” school districts to address the disparity in per-pupil funding among Colorado school districts;
- l) Long-term remedies for funding public education in Colorado, including a solution to the predicted insolvency of the State Education Fund;
- m) A “hold harmless” provision for any changes made to the calculations of school finance per-pupil revenue, factors or categoricals so that there are not winners and losers during these difficult budget times;
- n) A “hold harmless” provision for enrollment decreases in school districts with 50 to 200 students;
- o) Adjustments to the per-pupil base funding to reflect costs resulting from districts’ unique geography.

*Rationale: Effective education must meet the needs of all students, including students with special needs, at-risk students, English language learners and/or gifted students. The current funding formula does not attend to the concentrations of risk factors and changing demographics of current student populations and, as a result, does not equitably address the needs of school districts across the state. The severe underfunding of categorical programs significantly impacts local districts’ ability to fund necessary educational programs. Increases in state funding for these programs/populations should be distributed to districts through annual increases to the appropriate factor/categorical.*

*Rationale for deletion (d): This language was added last year. Discussions with school finance experts indicate that the concept of a “graduated funding scale” does not apply in the context of “at risk” funding.*

### **3.4 Unfunded mandates**

CASB urges the General Assembly to fully fund the implementation costs for any statutory or regulatory mandates imposed on schools and districts. Compliance with new laws should be conditional upon receipt of sufficient funding from the state. School districts should be given the option to partially implement programs to the extent of state funding allocated for this purpose.

*Rationale: Every year, the state and federal governments pass legislation requiring action by local school districts without providing funding for these mandates. Without full reimbursement, districts must cut other vital programs to meet the increased costs to stay within the changing legal mandates. It is unrealistic to expect local governments to continue to absorb new requirements that are not fully funded. It is reasonable to expect that if lawmakers fail to provide sufficient funding to implement a mandate, they should not be in a position to enforce the requirement.*

### **3.5 Special education**

CASB urges the General Assembly to make increased funding for special education a priority until such time as funding is adequate to meet the needs of special-education students without diverting funds from other important student services and programs that benefit all students.

*Rationale: Inadequate state and federal special-education funding results in local districts subsidizing special-education costs. The financial impact on school districts from insufficient funding for this state and federal mandate is profound.*

### **3.6 Out-of-district placements**

CASB supports full reimbursement by the state of all actual costs of instruction to school districts for nonresident children who are placed by the courts, a government entity or nonprofit or for-profit agencies in group homes, foster homes or detention facilities within their boundaries or institutions outside of the district.

*Rationale: Issues related to students in foster care, group homes and detention facilities have a financial impact on school districts, particularly smaller districts in rural areas. Often these students are sent to foster homes in mid-year or even at the end of the year and have severe problems that require immediate placement into treatment facilities. This is a significant expense for school districts.*

### **3.7 Tuition charge for excess costs**

CASB urges the General Assembly to address the financial burden the tuition charge for the excess costs incurred in educating a child with a disability places on the district of residence when parents choose to have their child attend a school other than a school in the district of residence.

*Rationale: Because the special-education program has never been fully funded by the state and federal government, it must be subsidized to a large extent by a local school district's general fund. As opportunities for education choice continue to expand, the issues associated with determining which entity is ultimately required to subsidize the unreimbursed expenses associated with special education can be a source of friction between the district of residence and the school the child attends.*

### **3.8 High-cost grant program for special education**

Until such time as special-education costs are fully reimbursed by the state and federal government, CASB supports an immediate increase in funding for the high-cost grant program sufficient to reimburse the full cost to adequately meet the needs of students receiving special-education services in severe-needs categories.

*Rationale: In the 2006 legislative session, the state created a program to address the expense of high-cost special-education students that begins to address this important issue. Although the high-cost pool does not by any means solve the issue, it is an important step and the first of its kind at the state level in Colorado.*

### **3.9 Capital facility needs**

CASB urges the General Assembly to ensure adequate funding for the Building Excellent Schools Today (BEST) grant program and to increase the program's statutory capacity to allow for the funding of additional matching grants, so long as such action does not threaten the viability of the school land trust and/or other programs funded by the trust.

*Rationale: The BEST program was enacted in 2008 to address the disparity among school districts with regard to their ability to pay for capital facilities. Despite its great success, the legislature has implemented increased oversight over BEST funds and failed to increase the statutory cap. As a result, BEST can no longer issue matching grants for new school construction or major renovation projects. Moreover, the revenue generated for BEST by the excise tax on marijuana sales is considerably less than expected and, during the 2014 session, the legislature directed that 12.5 percent of that money be diverted to a fund to support charter school construction, in violation of proposition AA and Amendment 64.*

### **3.10 Tax policy reform**

CASB urges the General Assembly to commit to finding and placing on the ballot a fair and equitable solution to Colorado's fiscal crisis caused by the following conflicting amendments to the state's constitution: TABOR, Amendment 23 and the Gallagher Amendment.

*Rationale: Finding an answer to improved financial support for schools can't be a reality until a solution to the TABOR/Gallagher/Amendment 23 conflict is resolved. Over time, more and more of the responsibility for funding public schools has shifted to the state budget because of these provisions in our state constitution, which also increases the temptation by state policy-makers to make decisions that properly belong with locally elected boards of education. In addition, due to the Gallagher Amendment, property taxes for the business community are at a rate nearly four times that placed on residential property owners, often making it difficult for school districts to garner the support of the business community when going to the voters for a mill levy increase. These and other fiscal constraints are compromising the state's ability to provide basic services to its citizens and must be addressed.*

### **3.11 Double TABOR reserve**

CASB supports an amendment to the state constitution exempting state money appropriated for school finance from local TABOR reserve requirements because the effect is a double TABOR reserve.

*Rationale: Currently, the state must reserve 3 percent of its budget to fulfill the emergency reserve requirements of the TABOR amendment. Each school district also reserves 3 percent of its funds for this purpose. The School Finance Act allows school districts to fulfill their TABOR reserve by leveraging property in lieu of cash reserves. However, the constitutional requirement for a reserve is still in effect. Thus, much of the money that schools receive is reserved at what amounts to a 6 percent rate. Because the state portion of per-pupil operating revenue is merely a transfer of tax money from one government entity to another, it should not be subjected to the same reserve requirement twice.*

### **3.12 School trust lands**

CASB supports efforts by a coalition of stakeholders interested in optimizing all aspects of the school trust lands, including improving the management and accountability for such lands so that they provide a more substantial and reliable source of revenue over time for the support of public schools.

*Rationale: In 1876, when Colorado became a state, the federal government in the state's Enabling Act, granted sections 16 and 36 in every township, or approximately 4.4 million acres, to the state for the support of common schools. The Colorado State Board of Land Commissioners (State Land Board) manages the school trust lands and the state treasurer manages the permanent fund. A coalition has been formed to review issues related to the school trust lands with the goal of increasing revenues for schools. There are both short-term and long-term goals that have surfaced in the discussion. The coalition has had some success with the legislature aimed at increasing the corpus of the permanent fund. However, as part of their effort to balance the state budget, the 2009, 2010 and 2011 legislatures passed legislation that diverts interest income from the permanent fund for fiscal year 2008-09 through fiscal year 2012-13. It is important to protect the corpus of this trust for the benefit of future generations of children.*

### **3.13 Sales-and-use tax exemption for school construction**

CASB encourages legislation that would make school building construction materials exempt from local sales and use taxes.

*Rationale: Current financial conditions make it imperative that school districts maximize the value received for all of their expenditures, including investments in capital facilities. Some local governments choose to grant a tax exemption only if these materials are purchased directly by a school district and impose taxes if building supplies are purchased by a school district's contractor. This practice adds substantial additional costs to school construction projects and can result in a reduction in the size and quality of school facilities promised to taxpayers. Imposition of these taxes upon contractors fails to recognize that school districts lack qualified staff and sufficient human resources to directly make these purchases. Eliminating this loophole will allow school districts to honor facilities commitments made to taxpayers while placing districts and local governments on equal footing in negotiating joint development and use of these facilities.*

**3.14 Financial support of districts with declining enrollment**

CASB urges the General Assembly to provide financial relief and additional resources to support declining enrollment school districts.

*Rationale: Demographic changes within the school district are not within the control of a board of education. Each year, a board in a district with declining enrollment must consider budget reallocations to offset the loss in per-pupil revenue from declining enrollment. Many of these costs cannot be simply reduced and must be part of a long-range plan that includes facility needs and personnel. While the General Assembly did add a declining-enrollment factor to the School Finance Act, additional remedies to bridge the funding gap must be found, including incentives for cooperation across school districts and/or simplification of the voluntary consolidation process, where feasible.*

**3.15 Gaming impact grants**

CASB urges the General Assembly to make local school districts an “eligible local governmental entity” as that term is defined in state law to receive distribution of the Colorado Department of Education of Local Affairs (DOLA) gaming-impact funds.

*Rationale: Gaming impacts some school districts in the state, particularly those in the regions near where gaming is allowed. These impacts include nontraditional employment hours of parents that can affect student-parent interaction and parental involvement in their child’s learning.*

**3.16 Transparency in school district budgets**

To foster a better and more complete understanding of government in action, CASB supports the use of modern technology to inform citizens about how school districts prioritize and expend public funds but only to the extent that ongoing and timely disclosure of information can be provided without creating an undue administrative and economic burden on local districts, particularly small districts with limited staff to satisfy the requirements.

*Rationale: As public entities, school districts are subject to laws requiring that records relating to expenditure of public funds are posted on their website and open to public inspection upon request. In 2014, the legislature amended current transparency laws to require, among other things, increased reporting at the district and school level, as well as the creation of a state-level website that will translate and present local districts’ data to ensure clarity and comparability by laypersons. CASB will monitor the implementation of these requirements in an effort to limit the increased burden on school districts, particularly small districts with limited staff available to satisfy the new requirements.*

**3.17 Focus on solution to fiscal crisis not unfunded mandate**

CASB urges the General Assembly to focus its efforts on creating a solution to the underlying problems of the state’s financial difficulties and to refrain from passing any new education-related legislation and/or additional unfunded mandates, except for legislation that would positively impact school funding, especially for P-12.

**3.18 Protecting local mill levy revenue**

CASB opposes any action of the General Assembly that would reduce the amount school districts are able to raise via mill levy overrides.

*Rationale: Should the General Assembly change the way total program funding is calculated in order to reduce the base and thereby have a lower level for calculating future K-12 funding increases, not only would it take longer for school districts to get back to 2007-08 funding levels, but it would also negatively impact existing or future mill levy overrides.*

### **3.19 Eliminate the negative factor and restore per-pupil funding**

As statewide revenues increase, CASB urges the General Assembly to eliminate the negative factor and restore per-pupil funding, rather than targeting funds for specific mandates, to allow local districts to fund and/or restore programs consistent with their local community values and unique district needs.

*Rationale: All districts have been impacted by the reductions to K-12 funding in recent years, but each district has made different cuts depending on its local needs and circumstances. As districts continue to consider budget cuts, state-imposed mandates have increased local program and reporting obligations.*

### **3.20 Revenue study**

It is both the responsibility and the privilege of the General Assembly to lead Colorado through these turbulent economic times. CASB requests the legislature complete a detailed study that identifies and provides for all potential sources of revenue at the state level and report back to the General Assembly and the public at large.

### **3.21 Align education and behavioral health funding**

CASB urges the General Assembly to align existing state law and regulation to enable school districts to partner with other state agencies to access state funding to serve students with significant behavioral health needs.

*Rationale: Currently, school districts receive some state and federal funding to serve students with special needs, including behavioral (mental) health needs. This funding falls far short of the actual costs of a child's education and related services mandated by federal and state law. Colorado's Child Mental Health Treatment Act, administered by the Colorado Department of Human Services, provides funding for students with mental health needs to access community, residential and transitional treatment services. However, this funding may be secured only if the family pursues the services, not when those services are recognized as essential by the local school district. Parents and parent advocates often refuse to access this funding because of a mistaken belief that it limits their ability to select how and where those services can be provided. Aligning these funding streams will ensure students receive necessary behavioral health services while ensuring efficient use of state and local resources.*

### **3.22 Elimination of the negative factor**

In order to ensure resources for quality K-12 education in our state, CASB calls upon the Colorado General Assembly to honor the intent and language of Amendment 23 by making its highest priority to immediately eliminate the negative factor in K-12 education funding and restore funds lost due to its use to date. We call upon the legislature to embrace their commitment to education in Colorado and restore the lost funds within the next three years.

*Rationale: In 2000, the voters approved Amendment 23, a constitutional change requiring K-12 funding to increase by inflation plus 1 percent from 2001 through 2011 and thereafter by inflation. In 2009, the legislature reinterpreted Amendment 23 to apply only to base per-pupil funding, but not to the factors (variables) such as size, cost of living and number of at-risk students in a district. Also, the legislature established a new negative factor deemed "budget stabilization" to make across-the-board cuts to education spending. With the negative factor as a constant, all districts suffer. Now, as state revenues are increasing, the legislature must make it a priority to eliminate the negative factor and return to the intent of Amendment 23.*

**3.23 Student count**

CASB urges the General Assembly to direct the Colorado Department of Education to collaborate with district and charter school boards of education and superintendents, as well as their professional associations, to develop a system for counting student enrollment that is more equitable than the current single-day “October count” model but without substantially increasing the compliance burden on school personnel.

*Rationale: An alternate student count system (e.g., adding a second enrollment count day in February) would allow districts to make mid-term adjustments when students come and go during the school year. Educating children isn't based on an annual decision. Month-to-month or day-to-day decisions are necessary and may require different resources. Many school districts recognize a significant amount of growth after the October count. Educational funding should be supported for those new students.*

**3.24 “Sin tax” initiatives**

CASB opposes citizen-led initiatives to fund K-12 education with revenues from “sin taxes,” dollars generated from sources that school districts generally do not support expanding or promoting, e.g. recreational marijuana, alcohol sales and gambling.

**Annual Resolutions****3.25 Hospital provider fee**

CASB urges the General Assembly to free up critical state dollars for K-12 education by designating the hospital provider fee as an “enterprise.”

*Rationale: The hospital provider fee is charged to hospitals that participate in Medicaid and is based on patient revenues. Revenue from the fees counts towards the TABOR limit, even though most of the money goes straight back to the hospitals and is not revenue for the state. While not a permanent solution, designating the hospital provider fee as an enterprise would eliminate the state's obligation to issue taxpayer refunds in the short term.*

**3.26 Local revenue increases**

Any savings at the state level resulting from increases in local property tax revenues pursuant to the school finance state/local share formula must be used to buy down the negative factor and cannot be used to balance the state budget.

*Rationale: It is estimated that revenues from local property taxes will generate additional revenues for FY 2015-16. These additional revenues will free up the state dollars currently allocated to K-12, pursuant to the calculation of the Total Program under the School Finance Act. Consistent with the legislative intent as stated in SB 15-267, CASB urges the state not to divert the freed-up funds but to use them, instead, to pay down the negative factor.*

# Student Achievement

**The core responsibility of a local school board is to adopt and implement policies and practices that increase student achievement.**

## **Standing resolutions**

### **4.1 Standards-based education**

CASB endorses the Colorado Academic Standards (CAS) and encourages local districts to develop and adopt local content standards that meet or exceed the Colorado Academic Standards and implement formative and summative assessments to cause improvement in student academic achievement that will allow Colorado students to compete with students throughout the world.

*Rationale: In the 1990s, CASB delegates adopted a resolution endorsing local content standards and, subsequently in 1999, the delegates revised that resolution to endorse the state's model content standards. The current revisions are necessary to reflect the adoption of the Colorado Academic Standards (CAS) by the State Board in 2009, pursuant to CAP4K, in English language proficiency and 10 content areas: dance, drama and theater arts, mathematics, music, reading, writing and communicating, science, social studies, visual arts and world languages. In 2010, the CAS for mathematics and English language arts were revised to incorporate the Common Core Standards after the State Board determined that the Common Core Standards were aligned with the CAS and reflected Colorado's focus on college and career readiness and the values of the educators who developed the CAS. By law, all Colorado districts were required to implement the CAS, or standards that meet or exceed CAS, in the 2013-14 school year.*

### **4.2 Purpose of educational accountability system**

The purpose of the educational accountability system is to support districts and schools in ensuring that all students meet the state's academic standards and that those students who have done so continue to progress.

### **4.3 State data collection**

An effective state data collection system must directly support student learning, align with all state-level data collection systems, eliminate redundancies and minimize the burden on local school districts while safeguarding the privacy of students, their parents and teachers.

### **4.4 Improvement of low-performing schools and districts**

It is crucial that low-performing schools and districts receive all the necessary resources, support, time and flexibility needed to improve student achievement.

### **4.5 Dialogue between P-12 and higher education**

Ongoing dialogue between early childhood education systems, P-12 schools and post-secondary institutions is necessary to ensure that all students have the opportunities and skills needed for success.

## **Legislative Agenda**

### **4.6 High school graduation requirements**

CASB opposes any effort by state policy-makers to set uniform or differentiated high school graduation requirements because it is a violation of the state constitutional principle of local control of instruction.

*Rationale: In May 2013, pursuant to CAP4K legislation passed in 2008, the State Board adopted graduation guidelines that were based on the recommendations of the Graduation Guidelines Advisory Council. Under the law, local boards are required to engage their communities and adopt graduation requirements that meet or exceed the State Board's guidelines prior to the 2014-15 school year. The current graduation guidelines, which were not subjected to the full rule-making process, establish minimum requirements for local board's graduation policies and leave little room for true community engagement on this issue.*

### **4.7 High school exit exam**

CASB opposes a mandated state or federal high school exit exam.

*Rationale: Currently, there is no Colorado law requiring that a diploma be contingent upon an exit examination score, but the State Board of Education's graduation guidelines do require local board policies to include "minimum academic competencies," most examples of which are scores on standardized assessments, including TCAP, CSAP, PARCC, ACT and SAT.*

### **4.8 Evidence of school performance**

CASB opposes the imposition of universal solutions and measurements in response to district-specific issues as outlined in current law. CASB urges the legislature to direct the Colorado Department of Education to study and reformulate the current accreditation system in order to provide a more accurate account of student performance which considers a full body of evidence about school performance; is differentiated to consider local factors and unique populations of students; takes improvement strategies and measures into account; and reflects the unique context in which school districts function.

*Rationale: The current formula used to impose a state accreditation rating on school districts appears to have a strong correlation to the socioeconomic status of the community in which a school or district resides. The current formula identifies students with multiple risk factors multiple times, significantly weighting and skewing the results of the calculation. Further, school districts that serve at-risk populations are held to a higher standard of accountability through the use of Adequate Growth Targets. The current formula discounts the unique and important differences among and between Colorado's schools and communities and unfairly penalizes school districts that serve the most vulnerable children in the state. Applying a metric that paints districts with one broad brush and creates further inequity among districts is inconsistent with Colorado's values.*

### **4.9 State designated low-performing schools**

CASB opposes any state or federal effort to remove any school, regardless of its performance record, from a local school district governed by a locally elected board of education.

*Rationale: There are no quick fixes that address the significant challenges facing many of our schools. Instead of conversion to a charter school, the state should partner with the local district to provide the necessary resources and technical assistance to achieve the desired results.*

#### **4.10 Online schools**

CASB supports thoughtful use of online schools and programs to supplement local school districts' current programs and ensure students' access to blended learning. Online schools and programs must be obligated to report data (as is required of traditional schools and programs) that allows local boards, online providers and families to make appropriate decisions about the best learning environment for local communities and individual students. CASB supports increased oversight and support for multidistrict online authorizers in order to ensure that all students have access to high-quality educational opportunities and urges the state to implement the recommendations of the Online Task Force convened pursuant to HB 14-1382.

*Rationale: There are issues unique to online schools that should be addressed through accreditation and oversight to ensure that students are well served by all programs offered in the state. HB 14-1382 required the convening of an Online Task Force to review best practices and policies for authorizing and administering multidistrict online schools, provide the State Board of Education with recommendations regarding quality standards and practices for authorizers and provide recommendations to the State Board of Education and General Assembly regarding the regulatory and statutory changes that are necessary to certify authorizers of multidistrict online schools. CASB supported the task force recommendations, and we urge the legislature to take action consistent therewith.*

#### **4.11 Home schooling**

CASB supports legislation that holds parents of home-schooled children accountable for their child's reasonable academic progress and urges the General Assembly to enact meaningful education standards for home-based education programs and other measures, including notification to the student's home district of a home-school program and record-keeping requirements. This would facilitate collaboration between the home school and the school district in which the child resides in order to best meet the child's needs.

*Rationale: Home schooling is a viable alternative to available education opportunities, and many parents provide an exemplary education for their children. However, school districts have also had experiences with home-schooled children who re-enroll in public school that indicate some children are not receiving appropriate educational services through their home-school experience. It is important for the state to re-examine its accountability program for home schools. The current requirement that home-schooled students only need to meet the 13<sup>th</sup> percentile on a nationally standardized test in order to remain in a home-based education program is not sufficient. Annual testing would provide an accountability framework comparable to public schools. Annual test scores would also be helpful if the child chooses to re-enroll in a public school so the school can determine an appropriate placement.*

#### **4.12 Public education in the 21st century**

CASB urges state and local policy-makers to forge a new working relationship in redesigning Colorado's public education system for the 21st century, with a focus on improving student achievement and holding each level of the system accountable, from preschool through post-secondary education, in a manner that:

- a) Eliminates bureaucratic mandates and fragmentation so that multilevel communication and interaction can take place to enhance student academic success;
- b) Offers all students a rigorous, developmentally appropriate curriculum designed to provide opportunities and choice, regardless of the post-secondary path they choose;
- c) Engages the assets of the full community;
- d) Utilizes data and technology to individualize education for students and to incorporate new learning into the design;
- e) Provides psychological and health services, academic and career, technical and vocational education opportunities for all students, particularly at the middle and high school level;
- f) Closes the achievement gap by focusing on quality teaching and learning opportunities;
- g) Implements standards-based education fully in a seamless curriculum, so one level of the system builds on the next and the end result is known and understood from the beginning;
- h) Provides sufficient resources at every level of the system to meet the challenge;
- i) Preserves the ability of local communities to address local needs and challenges in a creative manner.

*Rationale: While school districts are making progress in closing the student achievement gap, too many students still fall below the proficiency level. Even when gaps are known, the education system is not always responsive because of lack of communication, scarce resources and low expectations. In an ideal world, schools would be organized around students' needs from early age and designed to enhance success at the post-secondary level with the required skills and knowledge for students to be successful in the 21st century. The intent of this resolution is to set a framework for dialogue about a next-generation system of education designed with the best interests of students in mind.*

#### **4.13 Broadband Internet access**

CASB encourages state support to assure that quality, affordable broadband services are available to school districts across the state.

*Rationale: The ability of any school to engage in 21st century learning activities is limited by access to broadband Internet services. Whereas the students in the smallest schools located in the most remote regions of Colorado are the most likely to benefit from distance-learning opportunities made possible by broadband Internet, these same schools are the least likely in Colorado to be able to secure quality and affordable broadband services. Currently, even some metropolitan school districts must take extreme measures—e.g., shutting down all Internet use within the school or district—simply to permit necessary Internet-based functions, such as filing necessary reports with the state or attempting to secure student/class access. Moreover, with Colorado’s new assessment framework, broadband Internet access is essential. Broadband Internet access must be universally available across the state of Colorado for the thorough and uniform delivery of education relevant for the 21st century.*

#### **4.14 Enforcement of attendance and truancy laws for kindergarten students**

CASB supports legislation requiring students enrolled in kindergarten to be subject to the same attendance and truancy laws that apply to all students age 6 and older.

*Rationale: Early childhood and kindergarten have proven to be the most productive ways of closing achievement gaps. Colorado does not require students to attend school until they are 6 years of age. If a parent decides to enroll his or her child in a district kindergarten class at the age of 5, there is no legal recourse for attendance or truancy. Changing state law to state that regardless of age, once a child is enrolled in a public school, all attendance and truancy laws apply would provide districts with the ability to have the same recourse for kindergarten students as for all other students.*

#### **4.15 Turnaround efforts**

CASB supports discretion at the State Board level to continue the accreditation of those school districts identified as priority improvement or turnaround status evidencing improvement or those with special circumstances for which one of the state’s alternative solutions would not be clearly effective.

#### **4.16 State assessments**

CASB supports the study and critical analysis of mandated assessments in Colorado. State assessments have an important role to play in the accreditation of schools and districts, but the administration of such tests should be limited so as not to be redundant, overly disruptive to the educational environment or compromising of essential instructional time. Assessments for secondary students should be given as end-of-course exams rather than by grade level and no assessments should be mandated for students in the 12th grade.

#### **4.17 Reduce state assessments to federal minimums**

CASB urges the state to reduce the number and frequency of testing and assessments by using minimum federal assessment testing requirements as a baseline in addition to local assessments that will also measure growth for state accreditation.

**4.18 Opt out of state assessments**

CASB urges the state to ensure that there be no negative consequences for local districts, schools, and educators when parents/students opt out of state assessments.

*Rationale: Current law allows parents to opt their students out of state-mandated assessments without consequence for the student. The legislation is silent as to the imposition of consequences on school districts, schools and/or educators. Such consequences could include a loss of accreditation status and/or negative impact on the student growth component of a teacher's evaluation. Such consequences are not an issue for the 2015-16 school year due to the state accreditation hold and the prohibition on the use of state assessments when the results are not received by the district at least two weeks prior to the end of the school year.*

**4.19 Alternative assessment system**

CASB urges the General Assembly to provide an option for individual school districts to adopt, subject to State Board approval, an alternative assessment system incorporating nationally- or state-normed assessments.

*Rationale: The purpose of such flexibility would be for districts to create assessment systems that are sensitive to local priorities while still providing the state a way to hold districts accountable for student performance and growth.*

**4.20 Collection and use of student data**

CASB urges the legislature to impose stringent parameters around the collection, sharing and use of student data, including requiring parental approval prior to collecting sensitive data, and enforcing the protections of the Family Educational Rights and Privacy Act (FERPA). The legislature should not impose new constraints on the collection of data by school districts or mandate the collection of data by Colorado Department of Education that compromises the privacy of students, parents or teachers, nor should this data collection be tied to receipt of state funds.

*Rationale: Current state and federal laws provide significant protections around student and teacher data that must be honored by the state and local districts. Collection of data without articulation of why and how it will be used does not directly support student learning, increases risk of student and staff tracking and profiling, exposes students and staff to the unmanaged use and sale of data to unauthorized vendors or researchers and increases the burden on already heavily tasked school districts. Student data collected by the state to track teacher performance may not be protected from disclosure because it does not include a student identifier. That data must remain confidential so that it cannot be used to inappropriately label schools and/or districts. Parents have the right to opt their students out of the collection of sensitive data but should not be given the right to opt their students out of the collection of educational/instructional data.*

**4.21 School readiness assessments**

CASB urges the General Assembly to provide school districts flexibility with regard to school readiness assessments and planning.

## **Annual Resolutions**

### **4.22 Concurrent enrollment**

CASB urges the General Assembly to eliminate existing concurrent-enrollment policies and practices that create obstacles and/or inequities for districts wishing to offer college-level courses to high school students. Regional exclusivity should be abandoned at the community college level to create an environment of open competition.

*Rationale: Under current practice, high schools must apply to their regional community college to request higher-education classes for students and can enter into a contract with another community college only if they get a formal release from the college in their region. Schools should be allowed to negotiate with different community colleges and, ultimately, enter into a contractual arrangement with the college that best fits their academic and financial needs.*

### **4.23 Hold harmless for accreditation/accountability**

CASB supports extending for two years the current “hold harmless” policy prohibiting the state from lowering school- or district-accreditation ratings and/or adding years for purposes of calculating the amount of time a school or district is accredited as priority improvement or below. CASB urges the General Assembly to allow districts to submit local data to raise their accreditation rating during the hold-harmless period.

*Rationale: Teachers and students are in the process of learning a new system of state testing. In the interest of fairness and effectiveness, knowledge of familiarity with the new system should be developed prior to using it as a basis for accreditation or accountability. However, if the hold-harmless period is extended, schools and districts should have the right to submit local data as evidence to support raising their accreditation rating consistent with the reconsideration process that is permitted under the law.*

### **4.24 High school assessments (ACT test)**

CASB supports the use of the 11th grade ACT test to fulfill the federal high school testing requirements for mathematics, English language arts and science.

*Rationale: CASB supports the use of the 11<sup>th</sup> grade ACT to satisfy all federal high school testing requirements. The ACT is a nationally recognized test, which has meaning and value to students. This will both give a comparison of how our students are doing nationally and reduce the motivation for students to opt out of the tests.*

# Personnel

**Personnel policies, practices and relationships that support the hiring, evaluation and retention of quality employees in an atmosphere of trust and shared accountability provide the working foundation for successful district operations and student learning.**

## **Standing resolutions**

### **5.1 Articulation of vision and goals to staff**

Boards of education that clearly articulate district vision and goals to staff will be successful.

### **5.2 Staff professional development**

CASB supports staff professional development, which includes an understanding of developmentally appropriate learning environments, curricula and assessments beginning with early childhood education as an important element for school improvement and a key factor for successful implementation of standards-based education and integration of technology into the classroom.

### **5.3 Employee evaluation**

CASB encourages local boards of education to make employee evaluation a priority by providing the necessary resources to implement a quality evaluation system and monitoring the implementation of that system.

### **5.4 Establishing terms and conditions of employment**

An essential function of the local board of education's constitutional authority is to establish the process by which terms and conditions of employment for school district employees are determined.

## **Legislative agenda**

### **5.5 Incentives to enter teaching profession**

CASB supports legislation that creates incentives to enter the teaching profession and remain in Colorado to teach.

*Rationale: There are various models in place in other states and from other professions to encourage interested persons to pursue a profession where there is a genuine shortage. In some areas of Colorado, and in some subject areas, the provider shortage is acute. Rural areas in the state are particularly hard hit. An example of an incentive would be a state income tax credit that does not require additional state or local tax dollars to fund the program or redirect existing funds.*

### **5.6 Teacher contracts**

CASB supports legislation that would impose penalties on licensed school personnel who enter into contracts with more than one school district for the same academic year, as well as change the deadline date by which a licensed employee must give written notice to a school district that he or she will not fulfill the obligations of the employment contract.

*Rationale: The current law, which allows teachers to resign up to 30 days before the start of the academic year, poses a hardship for school districts. The pool of teaching candidates in smaller districts for “hard-to-recruit” instructional areas such as English as a second language, upper-level secondary mathematics and science, foreign languages, special education and so forth is significantly limited in comparison to larger districts. The closer to the opening of the school year late resignations are statutorily allowed, the more likely smaller districts will need to reduce or eliminate academic programs for students or rehire ineffective educators so students can meet college entrance course requirements. The statute should permit including a liquidated-damages provision of a specified amount (e.g., \$1,500) that a teacher must pay if he or she terminates the contract without sufficient notice to the district.*

### **5.7 Public employee retirement**

CASB supports legislation that strengthens the actuarial funding of the Public Employee Retirement fund and ensures the long-term viability of the pension program for existing and future school district employees, while reducing the financial impact on school districts.

*Rationale: PERA is an important benefit that attracts and retains quality professionals in the teaching and school district support professions. The long-term financial viability of PERA is crucial for school employees. At the same time, it is important that any adjustments made to the rates employers must pay to preserve the financial stability of the fund be done in a manner that does not cause undue hardship for employers, including school districts, during tough economic times.*

### **5.8 Educator effectiveness**

CASB supports the implementation of SB 10-191 in a fair and equitable fashion. Local school boards must retain the flexibility needed to design their own systems of evaluation that fit the needs of their community with guidance from the resource bank established by the Colorado Department of Education.

*Rationale: The passage of SB 10-191 ushered in a new era of educator evaluations. Much of the work to design this system has been done by the state and is available for adoption, in whole or part, by local school boards. However, the local boards are ultimately responsible for the design and implementation of an educator-evaluation system that meets their local needs.*

### **5.9 Nonrenewing ineffective educators**

CASB supports continued legislative efforts to clarify portions of SB 10-191 to protect the ability of school districts to retain, dismiss or nonrenew educators based upon a clear set of performance expectations. The process for nonrenewing an ineffective educator must be clear and fair to both the educator and the school district.

### **5.10 Licensure redesign**

CASB supports efforts to redesign the state educator licensing system to help widen the available applicant pool, elevate the profession and remove unnecessary costs and barriers to licensure and renewal. CASB opposes legislation linking the loss of an educator’s license to local performance evaluation ratings.

**5.11 Teacher preparation and induction programs**

CASB supports state initiatives to align teacher preparation and induction programs with the practice standards adopted pursuant to SB 10-191. CASB will work to ensure that the state provides adequate funding and other information-based resources to assist schools and districts as they work to accomplish such alignment in their local programs. CASB opposes any effort to eliminate alternative licensure programs as an alternative pathway to licensure and any mandates that limit local discretion with regard to the design of teacher-preparation and induction programs.

*Rationale: Recent research shows teacher-preparation programs are not preparing teachers adequately to meet the needs of today's students and standards-based systems. Further, the quality of induction programs varies significantly by district and even by school. The state has a meaningful role to play in synthesizing the research for effective induction and identifying new sources of revenue to support the implementation of such programs by local boards of education. Further, as the recipients of the products of state teacher-preparation programs, CASB encourages collaboration between and among institutions of higher education and K-12 educators to ensure teacher-preparation programs are equipping educators with the skills they need to be successful upon graduation.*

**5.12 Mandatory collective bargaining**

CASB opposes state legislative intrusion into school districts' employment relationships through mandates related to collective bargaining.

*Rationale: Colorado permits, but does not require, its local governments to bargain over terms of employment. CASB opposes any efforts to make collective bargaining mandatory.*

**5.13 Mandatory public bargaining-strategizing in executive session**

CASB supports legislation clarifying that board deliberations regarding strategies related to collective bargaining negotiations may be conducted in executive session.

*Rationale: Decisions about how to hold collective-bargaining sessions should be left to local boards. CASB opposed Proposition 104, a ballot measure that created unique obligations for school boards in negotiations by requiring an open meeting any time "members of a board of education, school administration personnel, or a combination thereof" discuss a collective-bargaining agreement with a representative of an employees' group. Proposition 104 also prohibits school boards from conferring in executive session about negotiations related to collective bargaining or employment contracts (other than an individual employment contract)—something that every other local or state public body is authorized to do. The prohibition against strategizing in executive session exceeds the intended scope of Prop 104.*

#### **5.14 Mitigate damages for probationary teachers**

CASB urges the General Assembly to amend the Teacher Employment, Compensation and Dismissal Act to require the mitigation of damages available to teachers under the law.

*Rationale: Under current law, a nonprobationary teacher who does not receive written notice of the board's nonrenewal action by June 1 is automatically deemed to be re-employed for the succeeding academic year at the salary the teacher would be entitled to receive under the district's salary schedule. This resolution calls for a statutory change in order to overturn a Colorado Supreme Court decision holding that a school district owed a teacher (who had not been properly nonrenewed) a full year's wages, even though the teacher secured a new position in another school district. When damages are mitigated, a court must reduce the amount awarded to an injured party by any amounts that would offset their injury. For example, if a teacher does not receive notice of nonrenewal by June 1st but finds employment elsewhere, then the amount of damages the teacher could receive from the first school district would be the salary due under the salary schedule minus the amount of money the teacher earned in the new position. So, if a teacher would have earned \$45,000 on the salary schedule but takes a new position making \$32,000, then the amount the teacher could be awarded under TECDA from the original district would be \$13,000 [\$45,000-\$32,000].*

### **Annual Resolutions**

#### **5.15 Timely return of state assessment data**

CASB urges the state to work to ensure that state assessment results are returned to school districts with sufficient time to incorporate that data into teacher evaluations in the year in which the assessments are administered.

*Rationale: HB 1323 prohibits local districts from using state assessment data in the calculation of student growth for the then-current school year if the results are not received by the district on or before the last two weeks of the year. State assessment data received prior to that time must be used in teacher evaluations for the following school year.*

#### **5.16 Student growth**

CASB supports amending SB 191 to allow school districts flexibility to determine the impact, if any, of student growth from zero to 50 percent of a teacher or principal's annual evaluation.

*Rationale: The current requirement that student growth constitutes 50 percent of a teacher's annual evaluation reduces local control over educator evaluations.*

# Community

**Local boards should engage in strategic and long-range planning with significant involvement from the community to provide leadership and direction for the district and to regularly engage their constituents so that the board's policies and actions reflect the diverse communities they serve.**

## **Standing Resolutions**

### **6.1 Role of parents**

CASB believes in the fundamental principle that parents/guardians are the foundation of each student's education, and this important role should be respected when a local board adopts curriculum and when CASB advocates on behalf of local boards.

### **6.2 Parental involvement**

CASB supports partnerships between parents/guardians and schools that encourage parental/guardian involvement both in classrooms and outside of school.

### **6.3 Safe schools**

CASB urges local school boards to work with parents, students, community organizations, youth and family serving agencies, behavioral (mental) health providers, the business community, law enforcement and the judiciary to develop and implement effective policies and programs that will ensure continued safe and violence-free schools.

### **6.4 Relationships with governmental and community agencies**

CASB supports efforts to build relationships with local governmental entities and community organizations to strengthen, support and maximize the resources for public education.

### **6.5 Coordination of services**

CASB supports voluntary coordination of school, human and social services, including with Colorado preschool programs, Head Start programs, child-care centers and local early childhood councils, to ensure that children and families receive necessary assistance so children enter school ready to learn and to avoid duplication of services.

## **Legislative Agenda**

### **6.6 School organization process**

Any decisions about school district consolidation or deconsolidation should only be made by local districts in conjunction with local communities.

*Rationale: On occasion, state policy-makers begin analyzing the size of school districts to determine what size is optimum for efficiency and effectiveness. There are also issues related to school district boundaries and size when enrollment is declining or when a district is experiencing rapid growth in one area. All of these concerns should be addressed at the local level through the planning that takes place in the school organization process, without the state imposing solutions on a local community.*

### **6.7 Flexibility on CPP requirements**

Any state legislation and regulations addressing the Colorado Preschool Program (CPP) must allow for local community flexibility to ensure that school districts have the authority to spend resources with high-quality community-based programs that meet local needs.

*Rationale: The Colorado Preschool Program may be delivered in locally approved and chosen settings. This local decision-making authority must be retained.*

### **6.8 Programs for nonviolent juvenile offenders**

CASB supports appropriation of additional state funding provided to local school districts to address the needs of nonviolent juvenile offenders as an alternative to detention/incarceration.

*Rationale: Detaining juveniles in facilities operated by the Division of Youth Corrections poses significant direct and indirect costs, including costs to society resulting from juveniles receiving limited educational services while incarcerated. Investing additional resources into educational programs designed to provide meaningful education and job skills to nonviolent juvenile offenders will reduce the rate of recidivism and the direct costs of future incarceration while increasing the safety and economic health of our communities.*

### **6.9 CPP advisory council**

CASB supports state legislation that would include at least one local school board member on each school district Colorado Preschool Program (CPP) Advisory Council if a member expresses interest in serving on the council.

*Rationale: Duties of the CPP Advisory Council include those that board members can excel at, such as connecting and coordinating with community providers (private child care, Head Start), parental involvement and implementation of the program. There are many examples of board members serving on advisory committees that recommend actions to the board (e.g., wellness, policy, budget). It is important that this council include locally elected school board members who serve as representatives of the community and bring a wide range of expertise to education policy issues.*

### **6.10 Regional building permits and inspections**

CASB urges the General Assembly to adopt legislation allowing school districts the option to utilize local building departments that provide permits and inspection services, where available, rather than requiring electrical and plumbing inspections to be performed by the state.

*Rationale: Under current law, the inspection of electrical and plumbing systems in public schools must be performed by state inspectors employed by the Department of Regulatory Agencies (DORA), while building and fire inspections may be delegated by the state to local departments. Allowing districts to obtain electrical and plumbing permits from regional building departments will alleviate the current backlog at state inspection offices and allow districts to complete projects in a timely and cost-effective manner.*

# Federal Issues

**P-12 public schools should be governed at the local level. Any federal education requirements should be limited, fully funded and judiciously made.**

## **Standing Resolutions**

### **7.1 Local control**

CASB opposes efforts to shift control over public schools away from local school boards, whether by federal or state legislative action, regulation, court decision or initiative. CASB supports efforts to restore decision-making authority to locally elected boards of education.

### **7.2 Role of federal government**

The federal government's role is to conduct and support research to develop and promote best practices and to communicate information so that states and local school boards can determine how best to improve student achievement. The fundamental role of the federal government in education is to help ensure equal educational opportunities for every child. The federal government should not set achievement standards or impose a national assessment.

### **7.3 Implementation of federal mandate**

Implementation of any federal program or other requirement that is not fully funded should become optional at the district level.

### **7.4 Reimbursement for federal impact**

The federal government should reimburse, in a timely manner, local districts for any costs, lost revenue or other financial impact resulting from the implementation of federal activities.

*Rationale: Impact aid provides a payment in lieu of taxes (PILT) to local school districts for lost tax revenue due to the presence of tax-exempt federal property (such as a military base) and/or increased expenditures due to enrollment of federally connected children. Impact aid provides funding to about 15 school districts in Colorado and the use of the funds is determined by the locally elected school board.*

### **7.5 School board involvement in federal policy**

School board members should actively engage in federal policy discussions by inviting congressional representatives into their districts to highlight local successes and provide a clear understanding of the challenges created by overreaching federal policies and unfunded mandates.

[Moved from annual resolution 7.14]

## **Legislative Agenda**

### **7.6 Federal investment in education**

CASB supports full funding for federally mandated programs.

*Rationale: The federal government's practice of imposing requirements without providing sufficient funding significantly increases the pressure on school districts' operating budget to the detriment of other programs. By way of example, federal funding for the Individuals with Disabilities Education Act (IDEA) has consistently fallen far short of the 40 percent contribution amount established when the law was enacted. Additionally, federal dollars should be distributed in a manner that allows all districts to satisfy federal requirements. Competitive grants should only be used to encourage districts to explore and implement innovative approaches to education.*

### **7.7 Choice with accountability**

CASB supports educational choice with uniform accountability for all publicly funded educational institutions.

*Rationale: A level playing field requires uniform accountability for all publicly funded educational institutions. Fair and uniform accountability among all schools, including online and charter schools, is necessary to effectively compare and identify those educational opportunities that best support student achievement.*

### **7.8 Eligibility for free and reduced-price school lunch**

Eligibility for free and reduced-price school lunches should be calculated on the basis of all bona fide income or loss.

*Rationale: Families in many rural school districts combine their farm and ranch activities with hourly wage jobs to provide a more stable income. Unfortunately, the procedure for qualifying for free and reduced-price lunches excludes losses from farm and ranch activities when they are combined with an hourly wage job. This puts these families at a disadvantage for qualifying for free or reduced-price school lunches.*

### **7.9 ESEA/NCLB**

CASB supports the reauthorization of the federal Elementary and Secondary Education Act/ No Child Left Behind Act (ESEA/NCLB) in a manner that provides adequate funding to support implementation, ensures transparency and affords states and local districts flexibility to develop education and accountability systems that ensure all students will develop the 21<sup>st</sup> century skills and abilities necessary for success in a global economy. Critical amendments include:

- a) Incorporating multiple measures of student growth for all students over time (longitudinal growth) as the primary measure of school success;
- b) Creating financial incentives to allow local boards of education to develop innovative approaches to address local impediments to student growth, including staffing and technology;
- c) Allowing states flexibility (with accountability) to determine how best to assess and measure learning progress for special-education students in accordance with their individual education plans;

- d) Providing flexibility in assessing the progress of English language learners until they become proficient in English;
- e) Providing support and resources to schools not meeting annual growth goals rather than sanctions;
- f) Providing flexibility for local boards to make educationally sound decisions;
- g) Delineating the role of the executive branch in education and strengthening the voice of local school boards;
- h) Allowing states and school districts flexibility to use local assessments for state accountability and allowing states to authorize innovative approaches to accountability;
- i) Providing flexibility for states to determine appropriate employee licensure and evaluation requirements.

*Rationale: While we support the ESEA/NCLB waivers granted to the state by the federal government, we do not believe that waivers are an effective form of governance. ESEA/NCLB should be reauthorized and amended to allow the state and local boards of education flexibility to design and implement state-level education reforms and local innovations and/or corrective actions in a manner that meets the specific needs of the students in each district. CASB opposes provisions allowing for private school vouchers and/or the “portability” of Title I funds, which would require that Title I funds “follow the child” to his or her district or charter school. Currently, Title I funds are allocated to school districts which can determine how best to allocate those funds to the schools and communities most in need. Portability would tie districts’ hands and eliminate flexibility with regard to the allocation of Title I dollars.*

#### **7.10 Expansion or elimination of military facilities**

CASB urges Congress and the military to involve local school boards and communities when considering the expansion or elimination of military installations, such as the proposed expansion of the Piñon Canyon Maneuver Site, so that locally elected officials, including school board members, along with the public have an opportunity to not only voice their opinions but also to fully explore the economic impacts such expansion would have on the community.

*Rationale: The expansion, reduction or elimination of military installations inevitably impacts the local community. In some cases, the impact is positive, but in others it is negative and threatens the viability of entire communities. Regardless, when the federal government is making land-use decisions, the local community should be included early in the process and should have a meaningful role.*

### **7.11 Preserving Secure Rural Schools (SRS) funding**

CASB urges Congress to pass a 10-year reauthorization of the Secure Rural Schools and Community Self-Determination Act (SRSCA) to ensure that rural school districts with National Forest Lands within their boundaries continue to get support from the federal government to help offset the loss of tax revenue that would be used to fund local schools.

*Rationale: In 1908, rural communities entered into a contract through which counties that housed National Forest Land received a 25 percent share of revenues from forest harvests to fund critical rural services, including education. This revenue-sharing program worked well until the 1990s, when natural resource policies dramatically reduced timber harvests on National Forest Lands. In 2000, Congress reaffirmed its commitment to the contract by passing and funding the Secure Rural Schools and Community Self-Determination Act (SRSCA). In 2008, the SRSCA was reauthorized for an additional four years but with rural community payments decreasing by 10 percent annually. The SRSCA was reauthorized for fiscal year (FY) 2013, but the full funding amount for FY 2013 for all counties that elect to receive a share of the state payment is 95 percent of the FY 2012 amount. On April 16, 2015, SRS was reauthorized retroactively (P.L. 114-10) for FY 2014. For FY 2014, SRS will provide \$285 million to 729 rural counties, parishes and boroughs across the nation. It is set to expire at the end of FY 2015. It is time for a strategic, long-term plan to resume and continue SRSCA funding in a manner that provides rural forested communities and schools with funding to offset the loss of tax revenue that would otherwise come to the community.*

### **7.12 Federal funding directly allocated to local boards of education**

CASB supports the ability of local school boards of education, boards of cooperative services or consortiums of school boards to directly seek federal funding should the state of Colorado refuse to accept federal education funds.

### **7.13 Flexibility of federal title funding**

CASB urges Congress to allow local school districts the flexibility to use federal title funding in a manner that best suits the needs of the district. Formulaic requirements tie the hands of local school districts.

*Rationale: Requirements placed on the use of federal funds often prevent districts from using the funding in the most efficient and effective manner.*

### **7.14 Honor existing state regulation regarding the use of student restraint**

CASB opposes federal regulations regarding the use of physical restraint where states have adequate protections in place.

*Rationale: In response to concerns regarding the protection of students from physical restraint or improper seclusion at school, the Colorado Department of Education convened a task force including legislators, educators, parents of students with disabilities, advocates for children and families, and specialized providers. This task force met for more than three years and developed a comprehensive set of rules regulating the use of restraint in Colorado's schools. The state and other agencies have spent considerable time and expense providing training regarding these rules and safe practices for students. Developing new federal regulations fails to honor the collaborative work accomplished in Colorado (and many other states) and will create confusion and the need for additional training and administrative expenditures.*

**7.15 Eliminate federal nutrition requirements**

CASB supports the restoration of local flexibility for school districts struggling to comply with federal nutritional requirements. Congress should support school districts that are assuming greater responsibility for the health and nutrition of students through administrative and regulatory flexibility, adequately funded incentives and grants that enable them to further expand their local commitment.

*Rationale: It is imperative that federal policy assures that school districts are supported, not undermined, by unfunded mandates or under-resourced requirements. The Healthy, Hunger-Free Kids Act of 2010 imposes numerous new responsibilities on school districts without sufficient federal funding and resources. The Act unreasonably limits food choices available to students, impacts school fundraisers and will require districts to redirect financial resources to the school food authority and/or shift additional costs to students and their families through increased meal prices. The unfunded or underfunded mandates will inevitably result in the loss of programs and/or jobs at the local level. The Act expires on Sept. 30, 2015, and CASB is fighting for a reauthorization that recognizes the impact of the Act on districts and provides the flexibility necessary to provide healthy meals to students.*

**7.16 Modernize and expand the E-Rate program**

CASB supports the expansion and modernization of the E-Rate program so that all schools can provide students with the 21<sup>st</sup> century skills necessary to be competitive in a global economy. Any effort to modernize the program must increase E-Rate resources rather than redirecting inadequate resources away from current program participants. CASB also calls for a permanent exemption for E-Rate from the Anti-Deficiency Act.

**Annual Resolutions****7.17 Sequestration**

CASB urges Congress to fully restore public education funding to pre-sequestration levels and to amend the Budget Control Act of 2011 and forge a solution that will eliminate the threat of across-the-board cuts to education.

*Rationale: After a \$2.8 billion reduction to K-12 programs and Head Start because of sequestration, which imposed across-the-board budget cuts in 2013, federal investments in education are being restored. Enactment of the Bipartisan Budget Act in December 2013 provided a two-year reprieve and \$63 billion in relief from sequestration. Subsequently, the House and Senate Appropriations Committees restored more than 80 percent of the budget cuts to education programs in FY 2014, in an effort to return to pre-sequestration levels. Sequestration is again a possibility if a budget deal is not reached in the next fiscal year, which begins Oct. 1, 2015.*

### **7.18 Opting out of state assessments**

CASB urges Congress to provide an opportunity for parents/students to opt out of state assessments without accreditation consequences for local districts or schools.

*Rationale: In its current form, ESEA requires a 95 percent participation rate on all state assessments used for accountability, and our most recent federal waiver required that districts lose one accreditation rating if they failed to meet the 95 percent participation rating in at least two content areas. Last session, the state legislature approved language allowing parents to opt students out of state-mandated assessments without consequence for the student. The legislation is silent as to the imposition of consequences on school districts and schools, and it is not entirely clear as to whether the federal government will excuse students who opt-out of assessments from the 95 percent calculation. Notably, both the House and Senate versions of the ESEA reauthorization provide a means for students who opt out to not be counted against the 95 percent requirement. State consequences are not an issue for the 2015-16 school year due to the state accreditation hold imposed by HB 1323.*

### **7.19 Student data privacy**

CASB urges Congress to update FERPA in a manner that addresses the new and emerging reality of how schools collect, store, manage and work with student data in the 21<sup>st</sup> century, without imposing new or burdensome data-collection or -release requirements for states or local districts. CASB supports legislation limiting online providers' use and sale of data collected from students.

*Rationale: A number of federal student-privacy bills have been introduced in the past 12 months. Several of those bills seek to reform FERPA, others seek to limit online vendors use of data and still others combine the two approaches. Through this resolution, CASB supports legislation "modernizing" FERPA but does not impose new and/or burdensome data collection and/or release requirements for local districts.*

### **7.20 Drug-Free Schools Act**

CASB urges Congress to amend the Drug-Free Schools and Communities Act or take other action necessary to allow for the administration of non-psychoactive cannabinoid oils to students on school grounds under medical supervision when prescribed by a treating physician.

*Rationale: Students with significant medical needs are migrating to Colorado to pursue treatment with non-psychoactive cannabinoid oil for intractable medical conditions such as Dravet's syndrome. Mainstream medical facilities like Children's Hospital and Memorial Hospital are allowing administration of cannabinoid oils to children in their facilities under compassionate-care policies. In the current environment, caregivers may decide to medicate their children during the school day without the school's knowledge or cooperation because staff in the school setting cannot facilitate administration of therapeutic cannabinoid oils without putting the school's federal funding at risk. This undermines our ability to partner with the parent to truly do what is best for the child. Providing an exception would allow the schools to apply the same constraints used for the administration of all other medications during the school day, which would increase overall student safety.*

## **Mission Statement**

*Advancing excellence in public education through effective leadership by locally elected boards of education.*

## **Vision Statement**

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



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