

Memorandum for Elizabeth School District Board of Directors and Superintendent

Prepared by: Director Chris Richardson

Date: October 14, 2017

Subject: Results of 2017 Fall Legislative Delegate Assembly

1. Standing Resolutions: Reviewed - no changes proposed by the delegate assembly.

a. Local Governance:

SR1: Colorado's Constitution acknowledges the diverse nature of Colorado school districts and establishes locally elected school boards vested with control of instruction as the guarantor of educational quality responsive to local needs.

SR2: Control of instruction, including efforts to restructure and fund public education, must be guided by student needs, improved academic growth and achievement, with responsible use of financial resources as determined by the locally elected school board.

SR3: Essential functions of the local board of education's constitutional authority include establishing the course of curriculum and instruction, the process for determining the terms and conditions of employment for school district employees, and the budget to be used to implement the local community's priorities.

b. Finance:

SR4: The state must provide Colorado's public schools with adequate and reliable funding pursuant to a formula that balances federal, state and local revenue sources and is intended to fully fund the legal requirements for and meet the educational needs of all Colorado students.

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

SR6: Existing mandates that are ineffective or that have a larger cost than benefit must be rescinded so local boards may dedicate those financial resources to better use.

c. Student Academic Growth and Achievement:

SR7: CASB supports a system of accountability that stresses local measures that inform instruction and separately acknowledges a need for a statewide system that allows measurement of school and district effectiveness and comparison between school districts.

SR8: CASB opposes any state mandates beyond the federal minimums with respect to assessment and educator licensure to assure local boards' flexibility to allocate instructional time and place the best teacher in every classroom.

SR9: Colorado school boards' constitutional authority includes the right to develop schools and programs to supplement current programs and ensure student access to diverse learning opportunities.

2. Twenty-four resolutions were submitted from various CASB member school districts for consideration. The results of the delegate actions are listed below for each:

a. The Colorado Association of School Boards recognizes that a structural change is needed in how the State funds K-12 education and other critical state and local programs. This structural change includes addressing the negative impact of constitutional provisions like TABOR and Gallagher, which have put significant strain on the State budget. This has caused the Colorado General Assembly to subject K-12 education to significant budget cuts through the mechanism formerly known as the "negative factor". Such budget cuts are contrary to the voters' intent in passing Amendment 23, which called for the State to sustain K-12 education funding at a level equal to the growth in inflation plus enrollment. These budget cuts also significantly threaten the ability for K-12 educators to provide every Colorado child with a thorough and uniform education. We therefore support actively advocating for the adoption of policies and legislation to provide the General Assembly with greater flexibility in setting the State budget. Specifically, we support policies that address the structural imbalance within the state budget created by the current constraints of our state constitution. (Minor amendment made- Passed 62-4).

b. The Colorado Association of School Boards supports allowing Boards of Education to meet in executive session with school district staff for the purpose of determining our positions with respect to employee negotiations. (Passed 58-7).

c. The Colorado Association of School Boards supports repeal of the Claire Davis act. (Significantly amended. Now states CASB will work with legislature to amend the statute to return governmental immunity protections to the school districts and better define terms such as "reasonably foreseen harm" that currently exist. - Passed 62-3).

d. The Colorado Association of School Boards supports the modification of the requirements of SB 191 to allow individual school districts to establish the impact of student test scores anywhere from 20-50 percent in the annual evaluation of teachers. (Passed 35-31.)

e. The Colorado Association of School Boards supports sustainable methods of funding the construction and maintenance of school building and school district facilities. Allowing impact fees to be charged for the purposes of constructing and maintaining schools is one possible solution. (Passed 39-21).

f. The Colorado Association of School Boards supports full funding of the Individuals with Disabilities Education Act (IDEA). (Amended to include full funding for Colorado Exception Children Education Act and to that such funding would be in addition to funding provided by formula - Passed 59-6).

g. The Colorado Association of School Boards supports the use of end of course assessments for the state required high school science and social studies exams. (Passed 42-24).

h. CASB urges the General Assembly to eliminate existing concurrent enrollment policies and practices that create obstacles 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. (Passed 59-8).

i. The Colorado General Assembly in cooperation with the Colorado Department of Education will develop and support an ongoing system to determine whether Colorado tax dollars invested in public education are producing measurable improvements in student outcomes. (WITHDRAWN).

j. The Colorado General Assembly will develop and support a school funding system that provides equitable per-pupil funding across districts. Development of an equitable system of funding would necessarily include the following elements:

- The local share of per-pupil funding would vary directly across districts as a function of the total assessed, per-pupil property value in each district.
- An updated school funding formula that is renewed every 5-10 years considering changing educational costs, changing costs of living and changing impacts of economies of scale. (WITHDRAWN - duplicates prior resolution)

k. The Legislature shall direct the Colorado Department of Education to collaborate with district or charter school boards of education and superintendents (as well as their professional associations, CASE and CASB respectively), to develop a system for counting student enrollment that is more equitable than the current single-day "October-count" model. (Passed: 37-29).

l. CASB urges the United States Congress to amend the Drug Free Schools and Communities Act to include an exception for the administration of non-psychoactive cannabinoid oils to students on school grounds under medical supervision when prescribed by a treating physician. (Passed: 38-25).

i. Reallocate revenue from marijuana retail sales to school districts for high needs special education students. (Amended but, failed 19-27).

m. CASB supports full federal funding of the Individuals with Disabilities Education Act (IDEA). (WITHDRAWN - duplicates prior resolution).

n. CASB urges the General Assembly to grant automatically and unconditionally to all public school districts the identical, automatic waivers and relief from statutes and regulations currently enjoyed by charter schools. (Passed 48-15).

o. CASB urges the State Board of Education to revise School Performance Frameworks (SPFs) to provide equity statewide for homogeneous and non-homogeneous student populations in addition to matriculation requirements. (Passed 54-8).

p. Colorado school boards will work to develop policies to protect all students regardless of immigration status. (Amended but, Failed 25-39).

q. CASB encourages Colorado school boards to continue to expand social-emotional health supports within Colorado schools. The requirements to educate "the whole child" requires thoughtful legislation, and increased and sustainable funding. (Amended, Failed 18-47).

r. CASB encourages the Colorado General Assembly to continue the additional funding of Rural Schools that was approved in SB 17-267 titled the "Sustainability of Rural Colorado." (Passed 56-8).

s. CASB encourages revisions to allow the Colorado Department of Education (CDE) flexibility to adjust current timelines for Academic Standard Review. Currently, all 10 content areas are updated in one year, followed by a two-year implementation period; for a total of six years for the entire cycle. (Passed 58-5).

t. Give schools choice when they partner with community colleges for concurrent enrollment. (WITHDRAWN - Duplicates prior resolution).

u. The Colorado Association of School Boards advocate that all annual marijuana excise tax collections be allocated to the Building Excellent Schools Today program, as was the intent of the voting public when recreational marijuana was legalized in Colorado, that these marijuana excise tax dollars are allowed to be used for long term financing of projects, and that the Colorado Department of Education Capital Construction Program also be allowed to allocate additional marijuana excise tax revenues as matching grant awards to support maintenance and operations mill levy override questions passed by school districts. (Passed 51-13).

v. CASB supports waiver and funding regulation requirement changes to ease the burden on small rural school districts. (Passed 55-8).

w. The Colorado Association of School Boards (CASB) urges the Colorado Governor, General Assembly and the Public Employees Retirement Association (PERA) Board of Trustees to undertake all necessary steps to ensure that PERA remains a sustainable and effective vehicle to provide retirement benefits to its member employees and ensure the financial burden placed on PERA employers does not become a barrier to hiring employees. (Passed 58-6).

3. Follow on actions. Several resolutions from the floor were anticipated for discussion but the delegation ran out of available time at the venue. These resolutions will be considered at the annual convention meeting in December.

4. Recommendations. Of the twenty-four resolutions originally proposed, I believe the Elizabeth School District should support the outcome of the delegation votes. However, the district should carefully monitor the direction CASB takes in lobbying regarding the following subjects:

a. Changes in student count methodology. Though discussion in the room centered around simplifying and ensuring equity, the rationale provided in the delegate booklet is focused on increasing funding to districts that grow after the October count. A new system that potentially lowers funding after the start of the school year (and well into the budget year) could negatively impact our district.

b All bids to divert further marijuana revenue to schools. There was a disturbing acceptance that the state revenue produced by marijuana sales rightfully "belongs" to the schools. With the passage of time, many seem to forget that "for the children" was a successful campaign tactic that runs counter to a long standing commitment to drug-free schools. Though we should continue to demand adequate and equitable funding from the state, publicly demanding that be allocated specifically from marijuana revenues sends mixed signals regarding our commitment to a safe and healthy school environment.

c. Preservation of PERA. This is a very important topic but, like all others that could impact classroom funding, we need to work to ensure that proposed "fixes" do not further erode districts' discretionary spending and/or top line budget revenues.

5. Conclusion. These conferences are informative and relatively low attendance (less than 50% of member districts attended) provides an opportunity to magnify our voice in directing CASB's legislative lobbying efforts.