

# FINAL RESOLUTIONS

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

Adopted  
Saturday, Oct. 15, 2016

Fort Collins Marriott  
Fort Collins, CO



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

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# Standing Resolutions

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The Colorado Association of School Boards (CASB) has adopted the following Standing Resolutions as expressions of the organization's foundational beliefs in regard to Local Governance, Finance, and Student Academic Growth and Achievement. These Standing Resolutions were approved by the CASB Board of Directors, the CASB Legislative Resolutions Committee and adopted by the CASB Delegate Assembly in October 2016.

## 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.

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- SR6** Existing mandates that are ineffective or that have a larger cost than benefit must be rescinded so local boards may dedicate those financial resources to better use.

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## **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.

# 2017 Legislative Session Resolutions

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Submitted by local boards of education or CASB's Legislative Resolutions Committee, the following resolutions adopted in October 2016 form the basis of the CASB Legislative Advocacy platform at both the state and federal levels.

## Local Governance

- LR1** CASB supports locally elected school boards' constitutional right to operate school districts free of most state regulatory control if the school district meets standards for student academic growth and/or achievement and fiscal solvency.

*Rationale: Addresses CASB Board of Directors' Annual Goal #4 from the 2016-2017 Board of Directors' Strategic Plan, which states: "CASB will actively pursue the restoration of Colorado's constitutional balance of authority and responsibility between state officials and locally elected school boards."*

- LR2** CASB supports repeal of the law stripping school districts of governmental immunity.

*Rationale: Removing governmental immunity from school districts and holding them responsible for a school shooting or act of violence does not assist school districts in providing for the safety of their students and school communities. The current legislation, while well-intended, creates ambiguous standards and will likely drive up insurance and legal costs. School districts in Colorado have lost coverage by insurers who decided not to operate in the Colorado market following passage of SB15-213.*

- LR3** CASB supports the authority of local boards of education to hold accountable multidistrict online charter schools operating within their boundaries and to make decisions, including continued operation or closure, based on achievement standards that align with state law and the needs of the local community.

*Rationale: Local school boards are in the best position to evaluate the costs and benefits of multidistrict online schools operating within their communities, as they do with traditional schools and district-authorized charter schools. Those decisions, including operation or closure based on performance, are entitled to deference from the State Board of Education pursuant to the Colorado Constitution's provision for local control of instruction. Relationships between multidistrict schools, local boards of education and communities will benefit if issues are worked out locally without undue intervention from the state.*

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**LR4** CASB supports the modification of state law regarding annual teacher evaluations to allow local school districts to set the impact of student test scores anywhere from zero to 50 percent.

*Rationale: The current state law requirement that student test scores count as 50 percent of annual teacher evaluations reduces local control over educator evaluations. In the past, state law has permitted local school boards to set the percentage based on changing conditions, including the introduction of new test instruments.*

**LR5** CASB supports allowing local boards of education to meet in executive session with school district staff for the purpose of determining positions with respect to employee negotiations.

*Rationale: The intent of Proposition 104 was to require employee negotiations to be held in public. Giving employee groups the advantage of being able to meet privately to develop their negotiating positions and strategies while denying school boards the same opportunity was not the intent. Clarifying the law to allow school boards to meet in executive session with school district staff for the purpose of determining bargaining positions would equalize negotiations by allowing school boards and school districts the same opportunities as employee groups.*

**LR6** CASB supports legislation to address case-law decisions that have held school districts liable for payment of contracts that employees have not fulfilled and to reinstate the authority of local boards to establish the terms of employment.

*Rationale: Case law in Colorado has allowed an educator to collect a full salary in one school district even if the individual works full time in another school district and is unavailable to provide services to the first school district. In at least one decision, the Colorado Supreme Court included a footnote suggesting statutory changes were needed. Employment law in Colorado must be considered through an equitable lens, that incentivizes individuals to mitigate loss and preserves public resources.*

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- LR7** CASB supports legislation authorizing peace officers who serve as school resource officers or with school district security services to retain their peace officer status.

*Rationale: Colorado’s public school districts are not currently authorized by state law to operate as law enforcement agencies. Also, current Colorado law excludes from the definition of peace officers those officers who have not been employed by a law enforcement agency for at least six months within the last three years. Minor statutory revisions would permit school districts to hire individuals with the skills and temperament to operate effectively within public schools and to provide training focused on the needs of public schools. For school districts that may not have the desire or resources to create and operate a law enforcement agency, a legislative fix is necessary to enable school districts to employ peace officers, such as former and retired law enforcement officials, and for those peace officers to remain protected under state law as long as they meet appropriate ongoing training requirements.*

- LR8** CASB urges the U.S. Congress to amend the Safe and Drug-Free Schools and Communities Act to include an exception for the administration of non-psychoactive cannabinoids to students on school grounds under medical supervision.

*Rationale: Students with significant medical needs are migrating to Colorado to pursue treatment with non-psychoactive cannabinoids for intractable medical conditions such as Dravet syndrome. Mainstream medical facilities like Children’s Hospital and Memorial Hospital are allowing administration of cannabinoids to children in their facilities under compassionate-care policies. The state clearly established the right of students to receive medical marijuana at school, which seems to be at odds with federal law. This undermines the ability of schools to partner with the parent for the sake of the child.*

## **Finance**

- LR9** CASB urges the adoption of a new Colorado School Finance Act with additional funding that addresses the lack of adequacy and equity in our current system.

*Rationale: The Colorado School Finance Act was approved in 1994. Since that time, various legislative and economic factors have changed the Colorado K-12 state funding landscape dramatically. These factors have led to funds not being distributed equally among all Colorado school districts. CASB believes every child, regardless of where the child lives in the state, is entitled to a quality education. The only remedy to these funding issues is a comprehensive rewrite of the Colorado School Finance Act to make additional funds available so that all school districts receive an equitable share of state funding.*

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**LR10** We urge the legislature to address the current broken system of taxation and funding in the state of Colorado. The legislature must take the lead by referring a plan that will update the current constitutional constraints.

*Rationale: Under the Taxpayer’s Bill of Rights (TABOR), the Colorado General Assembly has the ability to refer a measure to Colorado voters seeking their approval on new taxes but is otherwise unable to create tax policy. The General Assembly is also authorized to refer measures to begin to untangle TABOR and other constraints in Colorado’s Constitution, but has never done so.*

**LR11** CASB must advocate to address the constraints in the Colorado Constitution, to allow the state to retain the revenue it collects and to afford the General Assembly greater flexibility in setting the state budget.

*Rationale: Despite an improvement in Colorado’s economy, the state budget is still facing shortfalls due to the constraints of TABOR, Gallagher and other provisions of the state constitution. Colorado’s Constitution forces TABOR-mandated rebates to be rendered at the expense of critical state and local programs receiving General Fund support, including K-12 education. Budget cuts, including those accomplished through the mechanism of the “negative factor,” significantly threaten the ability of K-12 educators to provide every Colorado child with a thorough and uniform education.*

**LR12** CASB urges the General Assembly to reallocate revenue from marijuana retail sales to school districts for high-needs special education students.

*Rationale: Distribution of marijuana tax revenue to school districts is very limited, and no revenue goes to schools or classrooms for traditional purposes. The current formula should be changed so that revenue from marijuana taxes goes to high-needs special education students. Districts are required to fund from state and local sources 84 percent of special education expenses for eligible students. Increasing funding for these students using any available revenue, including marijuana tax dollars, furthers state policies regarding students with disabilities and assists school districts working to serve these students.*



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**LR13** CASB supports moving the Hospital Provider Fee from the General Fund into an enterprise fund.

*Rationale: The Hospital Provider Fee does not belong in the General Fund because these dollars are fees directed for a specific purpose. Moving this fee to an enterprise fund would help free up the state's general funds for education and other uses.*

**LR14** CASB supports alternative methods of funding, including but not limited to allowing impact fees, for the construction and maintenance of school buildings and school district facilities.

*Rationale: No mechanism currently exists to allow for an ongoing source of funding for building new schools and school district facilities or for meeting maintenance needs to keep existing school buildings and district facilities in good repair. A long-term, sustainable solution to funding the construction and ongoing maintenance needs of school buildings and district facilities is badly needed.*

**LR15** CASB supports full federal funding of the Individuals with Disabilities Education Act (IDEA).

*Rationale: The federal law requiring schools to meet the needs of students with disabilities offers current federal funding of approximately 16-17 percent of the actual cost. It is time to increase federal funding to the 40 percent standard set by the initial legislation.*

## **Student Academic Growth and Achievement**

**LR16** CASB supports the use of the ACT, PSAT or SAT tests to satisfy federal and state requirements for standardized testing in high school, including at the 9th-grade level.

*Rationale: These tests are more meaningful to students than a specific state test and give students a reason to participate and perform well. These exams also provide a way to compare Colorado students with students across the country.*

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**LR17** CASB supports the use of end-of-course assessments for the state-required high school science and social studies exams.

*Rationale: As with mathematics, high school students take courses relevant to these exams in different years. This proposal would allow students to take the exams in closer proximity to the related course and not potentially years later, or even worse, earlier.*

**LR18** 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.

*Rationale: The current system of regions for community colleges has created an exclusivity that hinders public schools. Under current practice, high schools must apply to their appointed regional community college to request higher-education classes for students who have indicated an interest in a particular class. If the community college denies the request while another college is willing to grant it, a release must be requested from and granted by the community college that initially denied the class request before the college that is willing to provide the class can do so. This process is burdensome and, in practice, has limited the course offerings available to students.*

## **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.*



Colorado Association of School Boards

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