



Do's and Don'ts for Boards – Upcoming Election

With the upcoming election, many school boards have introduced ballot issues and must also keep in mind statewide ballot measures. When considering these important issues, boards must comply with the Fair Campaign Practices Act, which prohibits political subdivisions of the state, such as school districts, from spending money or encouraging electors to vote in favor of or against ballot questions or ballot issues. Boards are absolutely prohibited from making contributions to campaigns for public office, such as donating money to or endorsing a presidential or state office candidate. Boards may pass resolutions supporting or opposing ballot measures or ballot issues, which can be distributed in the typical way the board provides information to the public, without using paid advertising. Additionally, boards may issue factual summaries of the pros and cons of ballot measures and ballot issues, as long as the issue is a matter of “official concern.” This factual summary must be even-handed and cannot state an opinion in favor of or against any particular issue. Review CASB’s [Fair Campaign Practices Act Overview](#) and [Do's and Don'ts](#) to ensure your board follows the FCPA’s requirements in the weeks preceding the election.

Starting 2025: New Training for Expulsion Hearing Officers

Starting January 1, 2025, expulsion hearing officers must complete a five-hour training program within thirty days of starting their role. This training, available on the Colorado Department of Education’s (CDE) [website](#), must be supplemented annually by taking additional discipline training. These requirements stem from **HB23-1291**, which reformed suspension and expulsion procedures and introduced measures to prevent conflicts of interest for hearing officers.

Under the new law, superintendents cannot serve as hearing officers in cases where they were involved in the investigation or reporting of the incident in question. Additionally, non-superintendent hearing officers cannot have a “conflict of interest” with regard to the student(s) or victim(s) involved. Although the bill does not explicitly define conflicts of interest, it likely refers to situations where the hearing officer has a close personal relationship with the student(s) or played a significant role in the investigation.

For smaller districts, meeting these conflict of interest requirements may be challenging, as the designated hearing officers often hold multiple roles and may have close personal connections with more students. One potential solution is for neighboring districts to collaborate by “sharing” superintendents who can serve as a hearing officer for one another. Not only does this simplify the procedure, but it also ensures that hearings remain impartial and fair. For more information, review C.R.S. 22-33-105, contact CASB’s legal team, or review our [suspension resource](#) published after the 2023 bill passed.

Task Force Update

Task forces are often created by the Colorado legislature to analyze education issues and make recommendations through a final report. The [Disproportionate Discipline Task Force Report](#) was recently released. Disproportionate discipline is when a group of students (based on any personal characteristic, such as race) is represented at a significantly higher or lower rate within discipline actions than their representation in the student population. The task force report analyzed a variety of issues surrounding discipline and made recommendations. Legal issues, particularly how state laws account for suspension and expulsion, were considered. Current law allows for inconsistent treatment across districts, as the same behavior may result in vastly different disciplinary outcomes. Reporting categories are overly broad, making it difficult to analyze data. The task force recommended legislative changes to align suspension/expulsion categories with data collection needs and identified the need for additional resources and legislative action to address workforce shortages and improve discipline practices.

New Title IX Resources

The U.S. Department of Education recently released [new Title IX resources](#) to assist districts in implementing the 2024 regulations.

- [Impact on Title IX Coordinator Duties](#) provides details on new and updated requirements for the TIXC role.
- [Nondiscrimination Based on Pregnancy or Related Conditions & Parental Family, or Marital Status](#) clarifies questions about what “pregnancy or related conditions” includes, how Title IX applies to parental status, and how a student can receive pregnancy-related reasonable modifications.

For more information on Title IX, see CASB’s [July 29 Legal Update](#), or CASB sample policy AC-R-3 if your district subscribes to Policy Support Services.

Upcoming Events

Friday-Saturday, 18-19 October

[Fall Conference & Delegate Assembly](#)

Pueblo, Colo.

Fall Conference will include a presentation on recent legislative updates, Title IX, and other recent federal regulations

Thursday-Saturday, 5-7 December

[CASB 84th Annual Convention](#)

Colorado Springs, Colo.

This year’s keynote presenters will be Heather R. Younger, John K. Coyle, and Alex Boyé