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Politics, politics ... and more politics

It's an election year, so expect things to get political this session



By Jane Urschel, Ph.D.
Deputy Executive Director

Colorado's 70th General Assembly convened on Jan. 13, and the session started not with a bang or a whimper but with politics.

Just days before the gavel sounded to open the session, Senate Republicans released a legal memo declaring that a proposed plan concerning the hospital provider fee – the governor's top priority – is unconstitutional.

Thus were hard lines drawn in the sand, fueled by politics and, of course, TABOR.

The dose of politics is no surprise. This is an election year.

The Republicans hold a one-person majority (18-17) in the Senate. The Democrats control the House by a 34-to-31 majority. Both sides will be fighting to claim the other chamber or, at a minimum, to protect their majorities, and all the while, legislators will be keeping any eye on constituencies back home.

We should expect politics writ large throughout the session.

Still, there is work to be done. Here are three legislative issues we believe will dominate the session.

K-12 funding not a piggy bank

Previous legislatures have used the State Education Fund to balance the budget when the state revenues dropped in the last decade. In the 2014 session, bipartisan leadership decreased the negative factor by \$110 million and in 2015 by \$25 million. 2016 finds a slowing of recent economic growth, creating budgetary challenges for the next two fiscal years.

Shortly before the start of the session, the Legislative Council reported that K-12 enrollment is lower than expected, which lowers the amount needed for the School Finance Act by \$24 million. Also, the local property tax revenues came in \$135 million higher than projected.

The combined amount of \$159 million presents a few options for the legislature: An additional "buy down" of the negative factor, allocation of some one-time revenues to K-12, or use all of that money elsewhere such as refilling the state's reserve.

CASB strongly advocates for sending the \$135 million in higher-than-expected property tax revenues to school districts. This is money collected by local districts for public education. Furthermore, lawmakers said last spring that if the budget picture improved, and if additional property tax revenues were raised, those funds should go to K-12 education.

The big picture on the budget

More generally, the state budget will take center stage during the legislative session as lawmakers look to close the structural deficit.

The governor's proposed budget proclaims "we must all share in the pain!" That means a \$50 million increase to the negative factor, a \$20 million cut to higher education, and a \$100 million cut to the hospital provider fee (HPF). The HPF was created in 2009 and is collected per hospital bed. There is a federal match for programs funded by the HPF, but it counts against the TABOR cap. If the fund were classified as an enterprise fund, it would be exempt from TABOR limits, thus adding dollars to the budget without reaching the TABOR limit.

Negotiations on the HPF have stalled as a result of a recent legal opinion that "HPF cannot qualify as an enterprise, because it does not qualify as a government-owned business." The governor's budget director, Henry Sobanet, disagrees, saying "TABOR explicitly provides for this structure. To say HPF can't be an enterprise makes no sense!"

Stay tuned for more politics and more legal opinions on this issue.



**2016 CASB
WINTER LEGISLATIVE
CONFERENCE**

Coming soon

CASB's Winter Legislative Conference will take place Feb. 25-26 at the Brown Palace Hotel and Holiday Inn Express. This is the gathering that gets you up to speed and gets you involved in state and federal legislative efforts important to public education in Colorado. [Click here](#) for a complete list of our speakers and panels. To register, [click here](#).

Assessments and accountability

With the reauthorization of the federal Every Student Succeeds Act (ESSA) and with the advent of new leadership at the CDE, CASB anticipates new approaches to assessment and accountability. To that point, the Joint Budget Committee recently questioned the CDE about how the additional flexibility and authority granted to the states will impact the need for items such as assessments, accountability and educator effectiveness.

The CDE believes the requirements in current state law meet the requirements of ESSA. However, ESSA requires an additional non-academic indicator to factor into the school and district accountability system. Colorado does not have this in place. There may be a fiscal impact. Otherwise, the CDE expects funding to be similar to what we currently have under No Child Left Behind. With support from stakeholders, the CDE would recommend broadening our state system to include the new additional indicator required in ESSA, with the additional benefit of ensuring a single state/federal accountability system.

The new law allows parents to opt students out of assessments but also requires the state to continue to measure the progress of 95 percent of students as part of the accountability system. The law includes a pilot program allowing seven states to develop innovative assessment systems. The CDE, legislators and some school districts are looking closely at this pilot opportunity.

We expect legislation on assessment and accountability to materialize during this session.

From a kid on field trips to board member to CASB advocate ...

Matt Cook joins Jane Urschel at the Colorado Capitol



By Matt Cook
Director of Public Policy & Advocacy

As a student at Eastridge Elementary School in Aurora, the highlight of the school year was always the spring field trip to the Colorado Capitol. I vividly remember dozens of big yellow school buses parked all around the capitol building and hundreds of schoolkids making the trek up the hill to see the sights. The best part of the trip, of course, was lunch in Civic Center Park after the capitol tour. My mom didn't let us drink much soda, but if there was a special occasion, like a field trip, we could count on a can of Orange Crush in our sack lunch.

Years later, as a member of the Aurora Public Schools Board of Education, I had the opportunity to testify on several bills at the statehouse. Once, I took the opportunity to bring my own children along. I had a grand vision of showing them how our republic works and their role in the process. I was quickly disabused of that notion by my son, who, when I asked him what he liked best about his trip to the statehouse, replied, "The vending machines in the basement."

I recalled several of these "capitol" memories recently as I trekked up the hill as the newly minted "Director of Public Policy and Advocacy" for the Colorado Association of School Boards. "How in the world am I going to do this job?" is the additional thought that crossed my mind more than once.

CASB has long been a vitally important voice for the 178 locally elected school boards in Colorado. And yet the job of school boards has never been more difficult. Beset by federal and state mandates, communities split by political divides and the constant demand to do "more" with "less," our locally elected leaders would be forgiven for throwing in the towel and going home.

However, there is something special about the school board members I have met around Colorado.

- They have a true heart for servant leadership.
- They want to make it better than they found it.
- They understand that an investment in education is the single greatest gift we can provide our young people.

CASB is much like a family. We may disagree, even throw a few harsh words at each other, but at the end of the day we are family. In my new role, I am blessed to be a member of a tremendous team. We need you on the team as well. CASB is only as strong as our member boards. We need you to come to the capitol and speak to your state representatives and senators. They need to hear that the rules and regulations they propose have real-world impacts. Help CASB tell your story – rural, urban, big or small – your voice is important. Your voice speaks for our future, the students of Colorado. I look forward to the opportunity to work with you.

And who knows, I might even buy you a can of Orange Crush soda.



Join us for CASB's Days at the Capitol

Our first [Day at the Capitol](#) is next Thursday, Jan. 28. Each CASB region is assigned a day, but members are encouraged to attend whenever it is convenient. Board members will gather for a breakfast briefing with CASB's advocacy team and then visit the Colorado Legislature to see the House and Senate in action and attend education committee meetings.

Many issues important to public education will be up for discussion and debate this legislative session, and local school board members must make their voices heard.

No one can speak for local control of public education like board members – and that means you! If you have never attended, this is a good way to get an introduction to what goes on at the capitol.

School Board Advocate is CASB's semimonthly newsletter on our advocacy efforts and the latest developments at the state capitol that impact K–12 education.



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