2016-2017 COLORADO BOCES ASSOCIATION LEGISLATIVE PLATFORM

It is the mission of the Boards of Cooperative (Educational) Services (BOCES) to promote, lead, and support cooperative and collaborative efforts to maximize the educational opportunities of Colorado's learners by serving as a voice for BOCES across Colorado, providing professional development opportunities, technical assistance, advocacy, research, and promotion of BOCES knowledge, products, and services.

The Colorado BOCES Association is made up of twenty (20) BOCES. The 20 BOCES are governed by an appointed board of locally elected school board members. The local BOCES also utilize a Superintendent's Advisory Council to advise the BOCES staff and Board of Directors.

The Colorado BOCES Association, in alliance with the Association of Educational Service Agencies (AESA), believes that educational service agencies (ESAs) provide leadership to help all students reach high standards of performance. BOCES provide high quality, cost-efficient regional services in Colorado. Therefore, the Colorado BOCES Association promotes and supports the following premises:

➢ BOCES are created by school districts and are closer to the districts and their schools than are State Education Agencies (SEAs), regional educational laboratories and universities.

➢ BOCES are best positioned to assist districts with professional development and technical assistance to support improved student achievement.

➢ The role of BOCES has been identified in state and federal law and recognized by the Colorado State Legislature, Colorado State Board of Education and the Colorado Department of Education as a Local Education Agency (LEA), thus BOCES can effectively carry out the regional leadership role in ensuring equity and access to programs and services for students in Colorado.

➢ BOCES must be eligible to receive funding from all federal and state education formulas and grants, with the support of their member districts, in order to carry out federal, state and local education initiatives.

➢ The Colorado BOCES Association believes that all students benefit from high quality academic and career/technical opportunities.
2016-2017 Colorado BOCES Association Legislative Platform

Many of the following proposed platforms are in support of platforms developed by other Colorado educational agencies, such as CASB and CASE, as well as specific viewpoints of the Colorado BOCES Association and its members.

Federal Issues

The Colorado BOCES Association (CBA) believes that preK-12 public schools should be governed at the local level. Any federal education requirements should be limited, fully funded and judiciously made. CBA also believes that BOCES should continue to be governed by locally elected school board members.

Based upon the Mission and Beliefs of the Colorado BOCES Association, the Association believes:

➢ 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 is to help ensure equal educational opportunity for every child. The federal government should not set achievement standards or impose a national assessment.

➢ The Colorado BOCES Association (CBA) 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. CBA supports efforts to restore decision-making authority to locally elected Boards of Education.

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

➢ States should have flexibility in determining student achievement measures and proficiency including, but not limited to, individual student growth measures.

➢ BOCES are in the best position to assist school districts with technical assistance, professional training, and other services needed to meet the requirements of the IDEA, ESSA, the Carl Perkins Career and Technical Education Act, and other federal programs.

➢ Utilization of provisions and funds from the Higher Education Act (HEA) to support BOCES in the delivery of Alternative Teacher and Principal Licensure Programs thereby increasing the pool of highly qualified teachers and principals.

➢ Direct funding to Educational Service Agencies (BOCES) through Higher Education Title II monies to assist with alternative licensure programs and other professional development for teachers, principals and certification for paraprofessionals.

➢ Support the continued expansion and modernization of the E-Rate program so that all schools can provide students with the 21st century skills necessary to be competitive in a global economy.

➢ Increase the funding of the E-Rate program as an integral part of Universal Service and the Universal Service Fund to reduce or eliminate the digital divide that faces many of our rural Colorado school districts and BOCES. Allow E-Rate funds to be used to support data applications in rural school districts.

➢ Congress must provide a permanent exemption from the federal Anti-Deficiency Act for the Universal Service Fund to ensure access to the E-rate funds for all eligible agencies.

➢ Maintain and streamline Federal Medicaid reimbursements for health services that schools provide to children.

➢ Complete the reauthorization of the Federal Career and Technical Education Act with maximum
flexibility provided to school districts (especially rural districts) in the implementation.

- CBA will monitor federal and state implementation of ESSA and IDEA to ensure that regulations do not go beyond the intent of the law.

- Congress must limit the authority of the United States Department of Education and State Education Agencies to insure that BOCES (Educational Service Agencies) are eligible to receive and administer all federal funds on behalf of their member school districts.

- CBA supports full funding for federally mandated programs. Federal dollars are more efficient, effective and have longer-lasting effects when they are distributed by formula through states to local school districts, rather than by competitive grants that often disadvantage those school districts most in need because of limited capacity for the grant-writing process.

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

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

- Families in many rural school districts combine their farm and ranch activities with hourly-wage jobs to provide a more stable income flow. Unfortunately, the procedure for qualifying for free and reduced-price lunches exclude 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. This also puts rural districts at a disadvantage to qualify for other federal funding sources.

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

**Every Student Succeeds Act (ESSA)**

- Use multiple measures of student growth over time (longitudinal data) as the primary measure of school success.

- Provide flexibility in assessing the progress of English language learners until they become proficient in English.

- Allow states to determine how best to assess and measure learning progress for special education students in accordance with their individual education plans (IEPs).

**Federal Funding for Education**

- Fully fund IDEA, Title I and all other federally mandated programs. Eliminate all unfunded mandates.

- Distribute federal dollars by formula rather than by competitive grants. Grant writing requires time and energy which could be better spent working directly with students to improve achievement.

- Reimburse, in a timely manner, local districts for any costs, lost revenue or other financial impact resulting from federal activities or placement of federal facilities and/or personnel in school districts, i.e., federal impact funding

- Secure Rural Schools Act – It is essential to provide funding for this program in the continuing resolution or provide retroactive funding for the current year in the final Appropriations Act.
Reauthorization of the Healthy, Hunger-Free Kids Act

➢ Restore local flexibility necessary to provide healthy meals to students and avoid food waste.
➢ Provide sufficient federal funding to address the impacts of mandates.
➢ We oppose Block-Grant Funding to the states for this program as states may decide to use these funds for other unintended purposes.

Student Data Privacy

➢ Update FERPA to address 21st century needs of schools to collect, store, manage and work with student data without imposing new or burdensome data collection or release requirements.
➢ Limit online providers’ use and sale of data collected from students.

Sequestration

➢ CBA 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 90 percent of the budget cuts to education programs in FY 2014, in effort to return to pre-sequester levels. Sequestration is again a possibility if a budget deal is not reached in the next fiscal year, which begins October 1, 2017.

Opting out of State Assessments

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

STATE ISSUES

➢ CBA strongly supports moving the Hospital Provider fee from the general fund into an enterprise fund to free-up state funds to support K-12 education and other legislative-determined state priorities.
➢ CBA 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.
➢ CBA supports repeal of the law stripping school districts of governmental immunity.

Rationale: Removing governmental immunity from school districts and holding them responsible for any school shooting or act of violence does nothing to assist school districts in assuring the safety of their students and school communities. The current legislation, while well-intended, creates ambiguous standards and will only drive up insurance and legal costs.

➢ CBA supports the use of the PSAT and 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.

➢ CBA 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.

➢ CBA believes 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, providing effective oversight of educational programs and determining the efficient use of resources.

➢ CBA believes that, 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, the configuration of school facilities, staffing, and necessary programs in which to create safe and academically rich opportunities for students.

➢ Continue to provide the HB 1345 funds and when additional funding becomes available, BOCES should be provided with additional state and federal funding and resources to provide instructional support and technical expertise to school districts to improve student achievement and assure that a quality PK-12 program is provided in Colorado.

➢ CBA believes that the State of Colorado should strengthen regional service delivery for school districts by utilizing, building and maximizing capacity within the current BOCES system.

➢ BOCES should be recognized as the organizational structure in Colorado to provide professional development and technical assistance for school districts to support systemic school improvement and closing the achievement gap.

➢ CBA believes in the establishment of partnerships between multiple BOCES, CDE and other organizations to build the capacity of individual BOCES and multiple BOCES to deliver high quality cost effective services to all school districts in Colorado.

➢ CBA believes that rural districts are a reflection of their rural communities and are the center of their communities and believe that many state and federal directives become unfunded mandates that are difficult or impossible to implement in their small rural districts. These districts are often the largest employer in the community.
CBA believes that rural districts have very limited administrative staff and lack specialized resources that larger districts have when implementing state and federal legislative reforms. These limited resources must be considered by the state and federal policy makers when enacting new mandated statutes and/or administrative practices.

CBA believes any decisions about school district consolidation or deconsolidation should be voluntary and decisions to share services should only be made by local districts and local boards of education.

CBA supports state financial incentives for local school districts to share services with other districts or BOCES to increase effectiveness and efficiency.

CBA supports the establishment of a Constitutional Commission to study and make recommendations to the state legislature, governor and the public-at-large on a new tax structure to support the essential services of government desired by the people of Colorado.

CBA urges the General Assembly to reestablish a local board’s authority in charter school matters by authorizing the local board to make such decisions related to district charter schools without reversal by the State Board absent substantial evidence of an arbitrary or capricious decision by the local board.

CBA urges the General Assembly to refrain from enacting prescriptive legislation that restricts the ability of school districts and BOCES to maintain autonomy in developing and utilizing innovative methods to achieve educational goals. CBA urges state policymakers to specify the outcomes desired in legislation rather than the means by which the outcome will be accomplished.

CDE should continue their efforts to refine a comprehensive standardized efficient and effective statewide data collection and data management system that allows appropriate access to data provided to all approved educational agencies (including BOCES) within acceptable confidentiality guidelines.

CBA urges state policymakers, 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.

School Finance

Amendment 23 AND THE NEGATIVE FACTOR

Restoration of the negative factor must be the top priority of the State Legislature.

The purpose and intent of voter support for Amendment 23 was to provide stable and predictable funding increases for Colorado school districts. The application of the “Negative Factor” beginning in the 2009-10 school year forced all Colorado school districts to make cuts to important educational programs, destroyed the equities built into the School Finance Funding Formula and violates Amendment 23.

CBA believes the state must provide school districts and BOCES with an adequate amount and reliable source of funding based on a balance of state and local revenue sources, structured to equitably meet the educational needs of those students served by public schools in Colorado (especially small rural remote districts).

CBA believes all efforts to restructure and fund public education must be guided by student needs, improved academic achievement and responsible use of financial resources as determined by locally elected school boards who are accountable to their voters and best able to identify community and district funding priorities.
➢ CBA believes the state must continue to fund the Boards of Cooperative Education Services and increase funding when monies become available to assist school districts with the implementation of state priorities.

➢ CBA 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 all general education students (a student without any special needs) to meet Colorado academic content standards and other legislated accountability requirements;

b) Adjustments to the base-funding to equitably reflect added costs of education for students with risk factors; i.e., Special Education, English Language Learners and poverty;

c) Adjustments to the per-student base cost that should be based on verifiable indicators that impose costs that are 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 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 (distance and sparcity of population in rural districts);

g) Funding for costs associated with enrollment fluctuations and averaging for declining-enrollment districts (minimum 5 year averaging);

h) Preservation of local control when allocating resources and flexibility when implementing mandated programs;

i) Full funding for pre-school, full-day kindergarten and special education to ensure that all children have a proper educational foundation to be successful in school;

j) An increase in funding for the lowest funded or “floor” school districts to address the disparity in per pupil funding among Colorado school districts, the current floor is 95% of the state average per pupil funding;

k) 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 times.

I) Long-term remedies for funding public education in Colorado.

➢ CBA urges the General Assembly to make compliance with new laws conditional upon receipt of sufficient new funding from the state. School districts should be given the option to partially implement programs if the state funding is not adequate to implement the new state requirements.

➢ CBA urges the General Assembly to maintain or expand current funding levels for the Building Excellent Schools Today (BEST) grant program.
Restore Funding for the Negative Factor

➢ As statewide revenues increase, the Colorado BOCES Association urges the General Assembly to restore funding for the negative factor before funding new programs. The state should restore funding for the negative factor, rather than targeting funds for specific programs to allow local districts to fund and/or restore programs consistent with their local community values and unique district needs.

Special Education

➢ When additional funds become available, CBA 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.

Out-of District Placements

➢ CBA 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.

Tuition Charge for Excess Costs

➢ CBA urges the general assembly to address the financial burden the tuition charges and excess costs, incurred in educating a child with a disability, that are placed on the district of residence when parents, courts, and other agencies choose to have children attend a school outside the district of residence.

High-Cost Grant Program for Special Education

➢ Until such time as special education costs are fully reimbursed by the state and federal government, CBA supports increased funding when additional funds become available for the high-cost grant program to assist districts in meeting the needs of special education students with severe needs.

Student Achievement/Accountability

Purpose of Educational Accountability System

➢ CBA believes 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. CBA believes the core responsibility of a local school board is to adopt and implement policies and practices that increase student achievement.

State Data Collection

➢ CBA believes that the state must have an effective state data collection system (data pipeline) that directly supports student learning, aligns with all state-level data collection systems, eliminates redundancies and minimizes the data burden on local school districts and BOCES.

State Accreditation
CBA urges the State Board of Education and the Department of Education to implement Colorado’s accreditation system with appropriate technical and financial assistance in partnership with the local boards of education and BOCES. CBA urges CDE to build capacity in the field (i.e., districts, BOCES) regions by providing funding to support the State Accreditation process.

**Technology/Distance Learning/Professional Development**

**State Supplemental Online Program**

- CBA supports additional funding for the State Supplemental Online program to insure affordable access to students in rural Colorado and our member school districts.

**Broadband Internet Access**

- CBA strongly supports a state investment to assure that quality, affordable broadband services are available to all school districts and BOCES. Adequate, affordable and quality broadband services are essential as the State of Colorado implements online student assessments and to support quality online professional development for staff statewide. 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 adequate broadband capacity, these same schools are the least likely in Colorado to be able to secure quality and affordable broadband services. 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.

**State Data Collection – Hardware, Software and Trainers**

- If and when additional funds become available, CBA believes the state should develop and fund a state data collection system that supports districts, schools and BOCES in ensuring that all students meet the state’s academic standards.

  The State of Colorado should provide funding for technology, hardware, software and training to support the state data system, including the PARCC and other online tests.

  CBA believes that the State of Colorado should fund professional development for all educators that is necessary to implement all school reforms, student assessments or other new programs or mandates. Funds should be provided to BOCES and districts to support local/regional professional development programs to incorporate blended learning and other use of technology to enhance instruction in the classroom.

**Online Schools and Programs**

- CBA supports efforts to modify the accreditation process to address the unique characteristics of multi-district online schools and programs and to facilitate collaboration between online schools and physical schools in meeting students’ needs. The accountability measures and academic performance for online programs must be the same as traditional public schools for accountability purposes. CBA supports the state certifying authorizers of multi-district online programs rather than the state approving multi-district online schools and urges the state to implement the recommendations of the Online Task Force convened pursuant to HB 14-1382.
Flexibility in New Laws and Regulations

➢ CBA urges state policy makers, including the General Assembly, the State Board of Education and the Colorado Department of Education, to consider how new laws and regulations impact small and rural school districts and ensure the flexibility these districts and communities require for sensible implementation.

Personnel/Licensure

➢ CBA believes personnel policies, practices and relationships that support the hiring evaluation and retention of quality employees in an atmosphere of trust and shared accountability will provide the working foundation for successful district/BOCES operations and student learning.

Incentives to Enter a Teaching or Administrative Profession

➢ CBA supports legislation that creates incentives to enter the teaching and administrative profession and remain in Colorado to teach. This is necessary to address the shortage of teachers, administrators and special education service professionals to serve our member districts.

Performance-based Licensure Renewal

➢ CBA endorses efforts to streamline licensure renewal by automatically approving the renewal of educators found highly effective by a local school district’s/BOCES evaluation system. The state and local districts are deeply engaged in efforts to implement SB 191 and provide quality evaluations of educator effectiveness. When a local district/BOCES has determined an educator to be highly effective through a rigorous evaluation system, the state need not spend time and effort considering the educator’s license renewal application.

Teacher Preparation and Induction Programs

➢ CBA supports state guidelines (not mandates) for teacher and administrator preparation and locally administered induction programs. 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 school districts and BOCES. Further, as the recipients of the products of state teacher preparation programs, BOCES throughout Colorado 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.

Alternative Teacher and Principal Preparation Programs

➢ CBA strongly opposes any efforts to increase requirements or eliminate alternative teacher and principal preparation programs. These programs are currently high quality programs that allow an additional pathway into the teaching and administrative profession. This additional pathway is essential to rural school districts as they struggle to recruit and retain quality teachers and administrators. The state should provide additional financial incentives to individual school districts and BOCES to support those wishing to enter the teaching or administrative profession through alternative licensing.
Other Colorado BOCES Association Positions

➢ State and federal financial investments to incentivize cooperative delivery of programs and services between school districts and BOCES to improve effectiveness and efficiency in Colorado’s public education system.

➢ Consistent with the state initiatives determined by the Commissioner of Education as per HB 13-1345 along with the establishment of partnerships between the BOCES and the Colorado Department of Education that recognizes and provides funding to BOCES as an integral essential component of delivery of services in an effective and efficient manner to school districts (especially rural districts) in Colorado.

➢ The governance of BOCES by locally elected Board of Education members appointed to the BOCES Board with school superintendents serving in an advisory role.

➢ When new monies become available, the establishment of incentives for Colorado’s higher education institutions to develop new programs and expand current programs to address the shortage and increase the supply of high quality teachers, special education providers and principals to meet the needs of all districts and BOCES.

➢ When new monies become available, provide incentives to expand the capacity of alternative teacher and principal licensure programs to increase the supply of high quality teachers and principals to meet the current and projected needs of Colorado’s school districts and BOCES.

➢ CBA believes any decisions about school district consolidation or deconsolidation should be voluntary and decisions to share services should only be made by local districts and local boards of education.

➢ CBA supports state financial incentives for local school districts to share services with other districts or BOCES to increase effectiveness and efficiency.

Alternative Assessment System

➢ CBA 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. CBA believes that pilot programs to develop alternative assessment systems should be supported by the General Assembly, the State Board and CDE.

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.

School Readiness Assessments

➢ CBA urges the State Board of Education to continue to provide school districts flexibility with regard to school readiness assessments.

Concurrent Enrollment

➢ CBA 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 only enter into a contract with another community college 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 agreement with the college that best
fits their academic and financial needs.

Reduce State Assessments to Federal Minimums

➢ CBA 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 locally determined assessments that will also measure growth for state accreditation.

Opt Out of State Assessments

➢ CBA urges the state to provide an opportunity for parents/students to opt out of state assessments without any negative consequences for local districts, SCHOOLS, EDUCATORS AND STUDENTS. The conflict between the 95 percent federal participation requirement and the current State Board position must be resolved.