



# **A Handbook on K-12 Issues for Colorado School Board Reformers**

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**INDEPENDENCE**  
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# About the Independence Institute

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A central role of an effective think tank is to produce quality research and analysis. For more than 30 years we have provided research resulting in changes in law and policy. But we have never been content with just research. We are more than a think tank. We are an “action tank.” We put our ideas into action through groundbreaking litigation, activist training, work on ballot initiatives, new media, and investigative reporting. We don’t just fight on paper. We fight for freedom

on the streets, in the statehouse, in the media, on the ballot, and in the courts.

## **Our Mission**

The mission of the Independence Institute is to empower individuals and to educate citizens, legislators, and opinion makers about public policies that enhance personal and economic freedom.

# About the Education Policy Center

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The Independence Institute has been a leader in addressing the pressing issues facing education in modern America. The Institute’s Education Policy Center promotes issues such as school choice, school accountability, and teachers’ rights through its in-house publications, print media, Internet, radio, television, and briefings. Calling for greater involvement of parents in the role of educating children, this Colorado think tank was the first in the state to promote ideas such as educational vouchers, charter schools, educator accountability, and public school report cards.

## **Our Mission**

The mission of the Independence Institute’s Education Policy Center is to advance K-12 public policy that empowers parents with the freedom to choose the most beneficial form of education for their children, fosters the development of effective delivery and support systems that enhance student learning, and provides accountability for the productive use of taxpayer dollars directed to education.

## **Our Blog: [Ed Is Watching](#)**

On the Education Policy Center’s official blog, we highlight policies that affect Colorado families and their schooling decisions.





# Issues: Choice and Innovation

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## Open Enrollment

Open enrollment policies enable parental choice by allowing students to enroll in public schools or public school districts other than those to which they would ordinarily be assigned. There are two types of open enrollment:

- Intradistrict open enrollment refers to students' ability to enroll in public schools other than their assigned neighborhood schools within their public school district's boundaries.
- Interdistrict open enrollment refers to students' ability to enroll in public schools outside of their public school district's boundaries.

Intradistrict open enrollment has been available in Colorado since 1990. Interdistrict open enrollment was added in the 1994-1995 school year. School districts must craft their own open enrollment policies. Unlike some other states, Colorado's open enrollment system is not limited to predetermined urban school districts

or areas. Thus, Colorado has one of the least restrictive open enrollment systems in the United States.

Generally, school districts must make an effort to accept students wishing to open enroll if there is adequate space and staff available. However, such requests can be denied if:

- The school requested does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet special needs of the pupil or does not offer a particular program requested.
- The pupil does not meet the established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance.
- The student has been expelled or is prohibited from enrolling for certain reasons defined in statute.

Deadlines and application procedures for open enrollment vary by school district.



## Lessons and Observations

- Individual district school boards must craft their own open enrollment policies within the confines of Colorado statute. This potentially allows school boards to tailor their policies to encourage open enrollment into certain schools or programs, or to create pathways through which families from both inside and outside the district can more easily find the schools that best meet their students' needs.
- Colorado's strong open enrollment laws create healthy competition between school districts, and even between schools within districts. Each student gained equates to more funding for schools and districts, which creates a strong incentive to attract and retain students. School board members should be keenly aware of their district and school performance relative to their neighbors, and attuned to the needs in their geographic area when it comes to creating, modifying, or expanding academic or other programs.

## Key Resources

**Colorado Open Enrollment Statute**, [https://www.cde.state.co.us/sites/default/files/documents/choice/download/openenrollment\\_2009.pdf](https://www.cde.state.co.us/sites/default/files/documents/choice/download/openenrollment_2009.pdf)

**School Choice for Kids Open Enrollment Page**, <http://schoolchoiceforkids.org/colorado-open-enrollment/>

**Colorado Department of Education Open Enrollment Information Page**, <https://www.cde.state.co.us/choice/openenrollment>

## Charter Schools

Charter schools are public schools that are given additional flexibility to innovate through waivers exempting them from certain state requirements. For more information on these waivers, see the [Colorado Department of Education's Waiver Requests](#) page. Charter flexibility allows for a wide variety of different educational models that provide parents and students with additional options when selecting a school. Some charters focus on rigorous classical education models, others utilize more experiential learning approaches, and still others focus specifically on at-risk students, teen parents, or juvenile offenders.

While charter schools must be authorized by a school district's board of education or by the [Charter School](#)

[Institute](#), they are operated by their own boards instead of by school districts. These boards are often made up of parents, community members, or teachers who [make enormous sacrifices to start a school](#). The primary charter school advocacy and support organization in the state is the [Colorado League of Charter Schools](#). It is important to note that charter schools are not private schools. Charter schools:

- Cannot charge tuition
- Cannot have special entrance requirements
- Are bound by federal and state public school laws
- Must administer state academic tests and conform to state academic standards
- May not discriminate
- Must accept students with disabilities and/or special needs if possible
- May not teach religion

## Overview of Charter Schools in Colorado

In the [2018-19 school year](#), there were nearly 120,000 Colorado public school students enrolled at 250 charter campuses across the state; this accounts for 13 percent of the state's total public school enrollment. Despite arguments that charter schools promote racial segregation, in 2017-18, minority students made up 51 percent of Colorado's charter school enrollment—a slightly higher percentage than in traditional public schools (45 percent).

Also, in 2017-18, Colorado charters did serve relatively fewer low-income children, with roughly 43.7 percent of charter students qualifying for free or reduced-price lunches under the National School Lunch Program compared to 47 percent of traditional public school students. The percentage of charter school students from low-income backgrounds has roughly doubled since 2001, and large urban districts like Denver Public Schools have larger percentages of low-income children enrolled in charter schools. For more information, see the Colorado Department of Education's [2016 State of Charter Schools Triennial Report](#).

Similarly, based on evidence from 2015-16 (the latest year for which such figures are available), charters in Colorado serve a slightly smaller percentage of special education students (6.3 percent) than traditional public schools (10.3 percent). While this "special education gap" is often cited by charter opponents, a large part



of it is explained by differences in the identification of special needs children by charters and traditional public schools. It is also heavily affected by application patterns. For more information, see [\*Understanding the Charter School Special Education Gap: Evidence from Denver, Colorado\*](#).

Colorado is one of more than 43 states with a charter school law. Passed in 1993, Colorado's charter law is now more than 25 years old. For more information on the bipartisan, choice-focused push for charter schools in Colorado, see [\*On the Road of Innovation: Colorado's Charter School Law Turns 20\*](#).

## Charter Funding Issues

Charter schools face unique funding challenges. Across the United States, charter schools tend to be underfunded compared to traditional public schools.

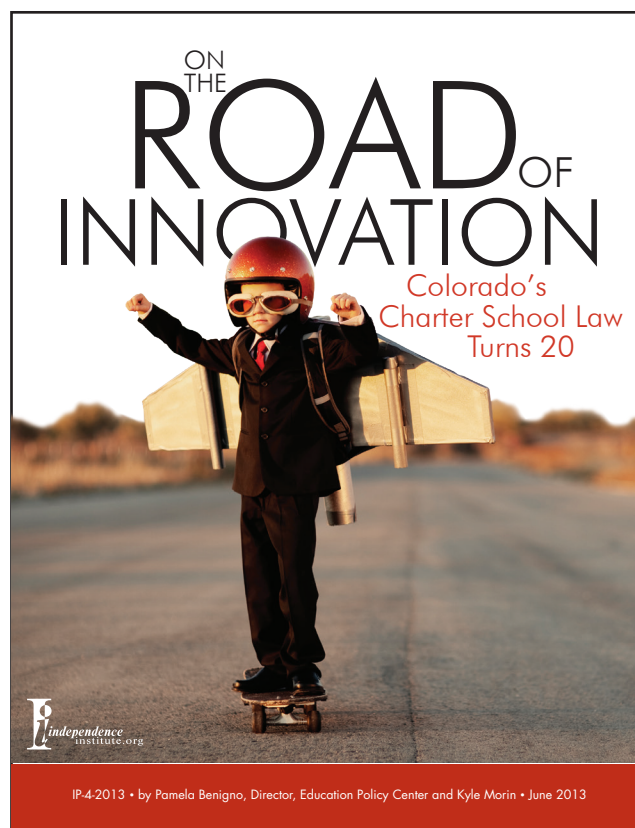
In Colorado, charter schools receive the same amount of state per-pupil revenue (PPR) as traditional public schools. However, some of that revenue may be charged back by a school district for central administrative costs associated with services provided to the school. Districts with enrollments under 500 students can withhold up to 15 percent of the PPR while those with more than 500 students can withhold up to 5 percent. Charter schools will often purchase other services, such as for instance sanitation, from their authorizing districts. Additionally, charter schools can be charged for direct services associated with school oversight, these services may include, for example, contract negotiations. Charters also receive some money for capital needs through the Charter School Capital Construction Fund. For more information on how charters schools are funded, refer to the Colorado Department of Education's [\*Understanding Colorado School Finance and Categorical Program Funding brochure\*](#).

Charter funding inequity has historically been exacerbated by their frequent exclusion from district bond issues and mill levy overrides (MLO). Bond issues are voter-approved long-term debt obligations financed through property taxes. These are generally used to finance capital projects. MLOs, which much like bond issues rely on property taxes, are effectively voter-approved tax increases which are typically used to fund "soft" projects or initiatives like starting new programs, hiring teachers, or purchasing new textbooks or equipment. With the passage of 2017's HB 1375 Colorado's lawmakers made clear their intention to begin addressing the issue of charter funding inequity, with the new legislation requiring school districts to either fully to share MLO revenue with charter schools or to devise a plan for how to otherwise equitably distribute the revenue. 2019-20 will be the first academic year to see the law fully in effect.

A challenge that persists is the fact that although charters must be included in conversations about bond issues, they are often not included in district bond requests. Thus, despite assistance from the Charter School Capital Construction Fund, charter schools find themselves in a uniquely challenging position because they must pay for their own facilities out of their allotted per-pupil revenue. Traditional public schools do not face this challenge, as their school facilities are funded at the district level using general

fund money, certificates of participation (COPs), or voter-approved bond issues. On average, Colorado charter schools spend more than \$725 from per-pupil operating revenue on facilities-related costs.

Despite frequent arguments to the contrary, recent research on Colorado and other states clearly shows that most charters do not and cannot make up for lower funding through the solicitation or use of private philanthropic money.



## Charter School Academic Performance

Despite generally lower resources, charter schools across the United States tend to perform as well as, or better than, their traditional public school counterparts. Thus, on a dollar-for-dollar basis, [charter schools are generally more productive than traditional public schools](#). While the flexibility offered to charter schools results in a wide range of school quality, charters as a whole perform very well. They are [showing positive results across the nation](#) despite some variation, especially for disadvantaged minority students. In particular, urban charter schools are [producing significantly higher academic growth](#) for students than traditional public schools.

The positive trend in charter school performance is also evident in Colorado. In the state's *State of Charter Schools Triennial Report*, Colorado charters "generally outperform non-charter schools on state performance measures, overall and with educationally disadvantaged subgroups."

There is variation in charter performance based on specific models used, demographic factors, and other considerations, but charters in Colorado are generally performing very well. Well-run charter schools offer powerful public school choices to parents and students.

## Lessons and Observations

1. School board members should remember that all charter school students are public school students. Many charter opponents treat charter students as somehow external to or different than other district students. This is simply not the case.
2. School boards play an important role when it comes to authorizing charter schools to operate in their districts. This creates exciting opportunities for school boards to encourage innovation and choice within their districts, as well as a means of providing more specialized education to meet the demands of their communities. However, it is also a large responsibility. The nature of charter schools means that some will be stronger than others, and it is up to school board members to exercise their best judgment when approving schools. Board members should also monitor their charter schools' performance and listen to feedback from charter parents in order to make informed decisions on reauthorization of existing schools.

3. Funding inequities for charter students persist in much of the state. School board members should ensure equitable funding for all public school students under any applicable mill levy overrides. School boards should also work to include charter schools in bond issues, alleviating some of the facility-related financial burdens that charter schools may face.

## Key Resources

Colorado Department of Education Charter Schools Information Page, <https://www.cde.state.co.us/cdechart>

Understanding School Finance Brochure, <https://www.cde.state.co.us/cdefinance/fy2018-19brochure>

Colorado League of Charter Schools, <http://coloradoleague.org/>

Ross Izard, *The Challenges of Opening a Charter School: Three Colorado Case Studies*, [https://i2i.org/wp-content/uploads/2017/08/IP-3-2017\\_web\\_g.pdf](https://i2i.org/wp-content/uploads/2017/08/IP-3-2017_web_g.pdf)

## The Story of the Douglas County Choice Scholarship Program

In 2011 Douglas County Schools, the state's third largest school district, launched its pilot Choice Scholarship Program (CSP). Students residing within the district's boundaries who had been enrolled in a Douglas County public school for at least one year



SCHOOL CHOICE

were eligible to apply for a scholarship under the CSP and could receive as much as 75 percent of per-pupil funding toward their education at a participating non-public school.

Before the program's first academic year could even commence, plaintiffs including the ACLU and Americans United for Separation of Church and State moved to challenge the CSP. The Denver District Court enjoined the program shortly before CSP participants were scheduled to begin attending their schools; subsequently, the District Court struck the program down. The Colorado Court of Appeals then sided with the Douglas County Board and issued a ruling favorable to the scholarship program, but this decision was overturned by a 2015 Colorado Supreme Court decision which declared that the Choice Scholarship Program provided government aid to religious institutions.

The Douglas County case made its way to the United States Supreme Court, which vacated the Colorado ruling and directed the state court to reconsider its decision in light of the 2017 decision in *Trinity Lutheran v. Comer*. Before the Colorado Supreme Court could revisit the case, the newly-elected Douglas County Board of Education voted unanimously to terminate the Choice Scholarship Program in December of 2017.

With the ending of the program, Colorado's educational choice landscape effectively reverted back to what it had been prior to 2011, as all rulings were rendered moot and the Court handed down no decision to clarify the status of private school choice in the state.

In July of 2019 the United States Supreme Court announced that it intends to hear the case of *Espinoza v. Montana Department of Revenue*. The petitioners, a group of mothers who wanted to send their children to religious private schools with money from a scholarship funded in part with the help of a modest tax credit, are challenging a state rule that barred funding from the program on the grounds that it helped finance religious institutions. Though the case is not perfectly analogous to what happened in Douglas County, it stands to clarify some aspects of the constitutionality of state-level Blaine provisions,

which are written into a number of state constitutions to bar state aid from benefitting "sectarian" institutions.

## **Innovation Schools and Waivers**

In 2008 the Colorado General Assembly adopted SB 130, the Innovation Schools Act. According to a [description](#) from the Colorado Department of Education website, the Act "provides a pathway for schools and districts to develop innovative practices, better meet the needs of individual students and allow more autonomy to make decisions at the school level." The description continues:

*The Act allows schools greater control over matters such as educational programming, personnel selection and evaluation, calendars and scheduling, and budgeting. Under the Act, a public school or group of public schools may submit an innovation plan to a local board of education outlining the innovative practices the school or schools intend to implement and identifying the state laws or rules and local policies that the school(s) seek to waive. Once approved by a local board of education, the district submits the innovation plans and waiver requests to the Colorado State Board of Education for approval.*

In 2018-19, Colorado had 102 [innovation schools serving about 47,500 students across 16 districts](#).

Denver, for whom the Act was primarily written, has by far the most such schools with 51. Next is innovative District 49 near Colorado Springs, with 11.

Waiver requests can address state laws and regulations, and/or district policies. Individual schools also may opt out of collective bargaining provisions with a 60 percent vote from affected employees. The school finance formula and the requirement to take state assessments are primary areas for which waivers cannot be provided. Innovation plans require later reports that show evidence of sustained or boosted academic performance. Possible areas that could be requested for flexibility in an innovation plan include the following:

- School curriculum and program
- School calendar
- School governance
- Provision of special services (e.g., special education, English language)



- Teacher recruitment, training, professional development, and dismissal
- Performance standards for teachers and principals

## Lessons and Observations

Two primary opportunities exist. First, a local board of education may foster a school-level culture of innovation and encourage creative requests for waivers. They can develop relationships with effective principals to bring discrete problems and opportunities into public dialogue. More ambitiously, a board may lead a broad innovation effort along the lines of Falcon District 49, Kit Carson, Burlington, or Holyoke.

1. Not all policy waivers require Innovation Schools Act procedures. State-level waivers may be needed for some items, but the local board can empower much of the innovation process through its own policy-making authority and the bully pulpit.
2. Innovation schools can be a useful tool in many situations, but they are not a panacea. They help to create the conditions to succeed by removing barriers, but they do not guarantee success. There have been [promising signs](#) that these schools can help improve performance, but this progress has been slow and overall results have been mixed.
3. Consider that a new charter school may be preferred to an innovation school. The waiver power makes the two entities potentially very similar, but charters have more and easier access to needed waivers to enact their programs and policies.

## Key Resources

Colorado Department of Education, Innovation Schools (*Includes lists of schools, guidance on process, available waivers, and detailed reports*), <http://www.cde.state.co.us/choice/innovationschools>.

Colorado Department of Education, “2019 Innovation Schools Annual Report,” (March, 2019), <http://www.cde.state.co.us/choice/2019innovationreport>.

Chalkbeat Colorado, “After Years of Stagnation, Colorado’s Innovation Schools See Breakthrough in Improvement, Data Show” (August 2017), <http://www.cpr.org/news/story/denver-innovation-schools-showmixed-results>.

District 49, Innovation Overview, <http://www.d49.org/Page/496>.

## Online and Blended Learning

Both full-time online education and blended learning use Internet technology to deliver instruction to students. However, full-time online education is regulated by unique Colorado statutes. Blended learning is most often utilized within a traditional brick-and-mortar school in individual classrooms or as part of a school’s overall program.

Colorado has both full-time online schools and full-time online programs. Many models enable students to access courses entirely from home, while others provide a physical location for students to access courses and receive help.

Families from any location in Colorado, have numerous online multi-district schools to choose from. Some school

districts have authorized single-district schools or programs that serve only students who reside in their district. For a list of full-time online schools and programs visit the Colorado Department of Education’s “[Online Schools and Programs](#)” page. Blended learning can take many forms, but, as its name suggests, blends online learning with more traditional classroom instruction or guidance.

Blended learning has been defined as, “a formal education program in which a student learns at least in part through online delivery of content and instruction with some element of student control over time, place, path, and/or pace and at least in part at a supervised brick-and-mortar location away from home.”

[The Clayton Christensen Institute for Disruptive Innovation](#) has identified four blended learning models:

- **Model 1 Rotation:** Students alternate between face-to-face instruction and online lesson delivery in a classroom, computer lab or at home.
- **Model 2 Flex:** The curriculum is delivered online



usually in a learning lab while teachers provide on-site support in the form of tutoring or small group instruction.

- **Model 3 Self-blend:** Students take traditional courses at school and self-selected online courses at home.
- **Model 4 Enriched Virtual:** Students take classes online at home and check in with teachers for face-to-face learning as needed.

The benefits of effective integration of technology in a classroom include reducing the amount of time teachers spend on tasks like attendance, grading, data aggregation and analysis, and skills practice, thereby enabling teachers to focus on high-impact instructional strategies and personalized attention. Blended learning can give a teacher flexibility to have students who have mastered the material to move ahead to the next online module while she personally works with students who are struggling.

To learn more about blended learning in Colorado school districts, see *School District Partnerships Help Colorado K-12 Blended Learning Take Flight* by Krista Kafer.

## Lessons and Observations

1. Blended learning can be an innovative way to raise academic achievement and provide students with a personalized education. It can also be a way to reduce costs in some instances. However, it is not right for every situation. Educator buy-in is the key to success. Board members should work closely with educators and school leaders to decide which model, if any, fits best in a given situation.
2. Blended learning requires a certain level of investment in the network infrastructure, software, and hardware tools required to make such models work. Additionally, some students may need to be provided with technology for any work required at home. Board members should be aware of these start-up costs, but should also be aware of the potential benefits offered by blended learning.
3. Blended learning can be supported through changes to the way schools are funded in Colorado. This requires a state-level policy shift, as school districts' ability to influence funding is somewhat limited. However, school

board members can and should investigate innovative new ways of allocating funds within their districts, particularly in cases where doing so could allow individual schools to build specialized programs like blended learning if they so choose. Perhaps the most promising example of such a funding mechanism is student-based budgeting. Additionally, school board members should pay close attention to strategies used by other districts to cover blended learning-related costs.

## Key Resources

Colorado Department of Education: Online Schools and Programs, <https://www.cde.state.co.us/onlinelearning/schools>

*School District Partnerships Help Colorado K-12 Blended Learning Take Flight*, [https://i2i.org/wp-content/uploads/2014/07/IP\\_2\\_2014\\_web\\_b.pdf](https://i2i.org/wp-content/uploads/2014/07/IP_2_2014_web_b.pdf)

Clayton Christensen Institute for Disruptive Innovation, <http://www.christenseninstitute.org/>

International Association for K-12 Online Learning <https://www.inacol.org/>

## Career and Technical Education

Technical training at the middle and high school levels has long been around, but in recent years Career and Technical Education (CTE) programs have garnered renewed and considerable attention. Though the umbrella term of CTE tends to elude a simple and concise definition, the overarching aim of CTE is to emphasize instruction in skills and practical training so as to better integrate a student's education at the secondary level with their post-graduation careers, whatever these may be. This means that education under the auspices of CTE is not necessarily synonymous with the sort of vocational training that prepares students to enter the workforce immediately upon graduating high school, but may instead entail preparation for career paths that do require postsecondary schooling.

Career and Technical Education programs tend to be subdivided into sixteen sets of career pathways, namely:

- Agriculture, Food, and Natural Resources
- Architecture and Construction



- Arts, A/V Technology, and Communications
- Business Management and Administration
- Education and Training
- Finance
- Government and Public Administration
- Health Science
- Hospitality and Tourism
- Human Services
- Information Technology
- Law, Public Safety, Corrections, and Security
- Manufacturing
- Marketing
- Science, Technology, Engineering, and Mathematics
- Transportation, Distribution, and Logistics

Even a superficial glance at the above categories reveals that many of the areas of career training under the CTE umbrella are not merely the sort of instruction in low-skill jobs that the conventional idea of vocational education generally entails.

According to data made available by the Colorado Community College System, over 106,000 high schoolers (or 37 percent of the statewide total) and nearly 30,000 middle schoolers in Colorado were enrolled in CTE programs in 112 schools across 52 school districts in the academic year 2017-18. The same report also presents figures about student outcomes, these include high school graduation

rates that are 8 percentage points higher than the statewide total, as well as a 98 percent employment, postsecondary enrollment, or military enlistment rate for CTE concentrators. Finally, the report notes that the most popular CTE career clusters in Colorado were Management and Administration (20 percent of CTE enrollment), Arts, A/V Technology and Communication (13 percent), and STEM (10 percent).

Effective instructors are key to the success of CTE programs. The Colorado Department of Education makes available a set of parameters that prospective instructors must meet in order to be authorized to teach CTE courses. Crucially, in addition to courses in teaching and leadership, those wishing to provide career and technical instruction must possess at least seven years of verifiable, paid, non-teaching occupational experience in the specific field they wish to teach in. Information outlining the requirements for each specific teaching credential is available on the dedicated CDE website.

## Lessons and Observations

1. Career and Technical Education programs provide an important way of tailoring a student's education to his or her academic needs and capacities and to his or her postsecondary career interests. Moreover, by including a broad range of career clusters and subfields, CTE allows schools and school districts





to tailor the educational program to the needs and specificities of its community. Consequently, school and district administrators should pay special attention to the characteristics of their communities in order for programs of CTE instruction to work to their fullest potential.

2. There is much talk of a wide “skills gap” that exists in the U.S. labor market (especially in the various skilled trades), meaning that there is a large number of positions that remain unfilled because employers cannot find qualified applicants. CTE programs can provide a means of addressing this issue by training students for jobs that are in high demand in their school’s respective town, state, or region.

## Key Resources

Career and Technical Education (CTE) Authorization General Information, [https://www.cde.state.co.us/cdeprof/cte\\_generalinfo](https://www.cde.state.co.us/cdeprof/cte_generalinfo)

Career and Technical Education Standards and Academic Alignment, <https://www.cde.state.co.us/contentareas/careerandtechnicaled>

Colorado Career and Technical Education, <http://coloradostateplan.com>

ExcelinEd CTE Playbook Series, <https://www.excelined.org/cte-playbook-series/>

## Issues: Dollars and Cents

### School Funding Facts

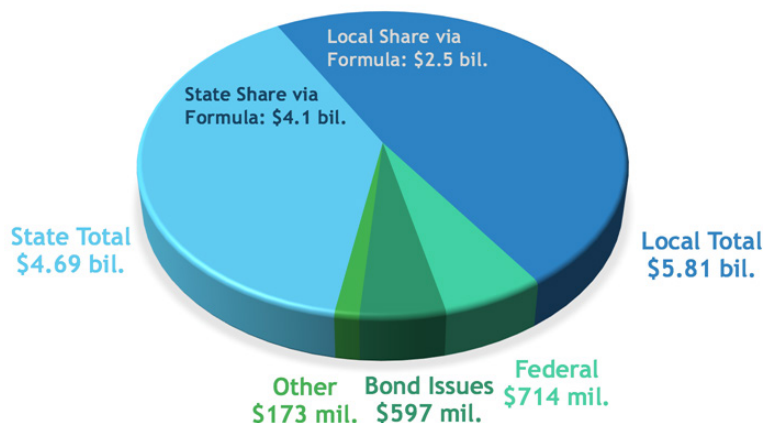
Colorado K-12 public schools are funded through a combination of state, local, and federal tax dollars, in addition to various revenues collected through fees and private grants.

Though many observers speak of funding levels only in the context of per-pupil revenue under the annual School Finance Act (averaging an estimated \$8,476 across the state in 2019-20), this figure excludes billions of dollars in additional revenue. According to Colorado Department of Education data from 2017-18, the most recent year for which full data are available, this revenue was \$11.9 billion, or roughly \$13,860 per student.

Comparing state-by-state school funding data remains a challenge. In attempting to measure the same things and drawing from the same pool of information, two different credible entities can report two different results depending on what specific data is included and what factors are adjusted for. Additionally, it bears mentioning that most state rankings represent statewide averages which necessarily conceal the fact that some schools or districts spend more than others depending on their specific demographics and needs. In the most recent studies produced by some outlets that publish school finance rankings, Colorado ranks as follows:

- National Center for Education Statistics: 39th
- United States Census Bureau: 37th
- National Education Association: 35th
- Ed Week: 42nd

### 2017-18 SOURCES OF K-12 REVENUE IN COLORADO



## Lessons and Observations

1. Especially in the past, the argument was made that Colorado ranks 49th in the nation in school funding. Though this line is now certainly outdated and no longer cited, when it was in use, the argument was misleading as it relied heavily on measures factoring in per-capita income.
2. One should be generally wary of state-by-state K-12 revenue and expenditure comparisons, given how many different categories and sources of funding there are and hence how easy it might be to produce a set of rankings that reflect a specific policy objective.
3. Finally, it is imperative to note the fact that neither spending nor revenue translate directly into classroom results and dollars are one among many factors.

## Key Resources

Ross Izard, *Counting the Cash Again: An Update on Colorado School Finance* (October 2016– Figures may now be outdated, but still has valuable insights), [https://i2i.org/wp-content/uploads/2016/10/IP-7-2016\\_FINAL.pdf](https://i2i.org/wp-content/uploads/2016/10/IP-7-2016_FINAL.pdf).

CDE, District Revenues and Expenditures, <http://www.cde.state.co.us/cdefinance/RevExp.htm>.

National Education Association, Rankings of States and Estimates of School Statistics, <http://www.nea.org/home/44479.htm>.

U.S. Department of Education, Digest of Education Statistics, <http://nces.ed.gov/programs/digest/>.

U.S. Census Bureau, Annual Survey of School System Finances, <https://www.census.gov/programs-surveys/school-finances.html>

## School Finance Formula

The primary (but not exclusive) source of funding for Colorado K-12 school districts is the [School Finance Act formula](#), created and annually reauthorized by the state's General Assembly. The legislature sets the base funding amount and adjusts it according to a district's size, cost-of-living, personnel costs, and share of at-risk (low-income) students to determine **Per Pupil Revenue (PPR)**. Students in multi-district online programs are funded at a lower standard rate.

The number of students enrolled during the October 1 fall count window helps to determine a district's current-year **Total Program** funding. **The Funded Pupil Count** used in the formula calculation may differ from the actual student enrollment. For example, districts with declining enrollment are protected by being able to take an average pupil count from the current year and up to four previous years. The extra students counted in the formula are often referred to as "Phantom Students".

School Finance Act allotments to districts are paid for by a combination of local and state funds. The **Local Share** consists of money collected from a standard property tax assessment and specific ownership taxes on vehicle registrations. These revenues provide the first portion of school funding in any given school district. The difference between the local share and the calculated Total Program amount is then backfilled by the **State Share** from the Colorado treasury, an amount paid out on a monthly basis by CDE (eventually adjusted from original projections to match precise figures).

[Total Program in 2019-20](#) is estimated at \$7.6 billion, of which State Share is \$4.6 billion.

A term commonly heard in Colorado education funding debates is the **"Negative Factor"** (**now called the "Budget Stabilization Factor"**). This theoretical figure refers to the difference between the current Total Program and the amount available in Total Program had the state scrupulously followed the funding increase requirements of Amendment 23. This figure currently stands at about \$572.4 million for the 2019-20 school year.

The Budget Stabilization Factor is best understood as the amount of money that would be allocated to K-12 education in the absence of other state funding obligations in unrelated areas like health care. It is a reflection of increasing budgetary pressures, not malice on the part of lawmakers. The legislature's authority to use the Budget Stabilization Factor under Amendment 23 was upheld by the Colorado Supreme Court in [Dwyer v. State](#).

## Additional Funding Sources

Whether one is measuring the total tax revenues received by Colorado K-12 agencies, or the total funds available for operating expenses, the amount of money allocated through the state's School Finance Act represents only a portion of total funds. Other sources of revenue include:

- **State categorical programs:** Dollars assigned for special education, transportation, small attendance centers, and other specific allocations from the legislature are not distributed on a per-student basis through the school finance formula. Approximately \$248.5 million was appropriated for categoricals in 2017-18.
- **Local mill levy overrides:** Voter-approved property tax funds supplement the general fund or other specific initiatives without counting against the state's obligation to backfill the school finance formula. Over \$1.2 billion in revenue was authorized under voter-approved as of 2017-18.
- **Federal funds:** In 2017-18, roughly \$714 million was appropriated through CDE for everything from Title I for schools with high densities of low-income kids to competitive grant programs for state K-12 education initiatives. (A smaller amount of additional federal funds are allocated through local districts.)
- **Local and state facilities funding sources:** The primary option to pay for facilities outside the general budget is to finance debt through local bond elections. The state also has made available the competitive BEST (Building Excellent Schools Today) matching grant program and a loan program for capital improvements in "growth districts."

## Lessons and Observations

The only area in which local school boards can actively drive changes to revenue is through a local mill levy override or debt-increasing bond campaign. In the best interests of making wise use of taxpayer dollars, this approach should not be leaned on before streamlining administrative overhead and seeking flexible options for financing employee PERA pensions, among other initiatives.

## Key Resources

CDE, Understanding Colorado School Finance, <http://www.cde.state.co.us/cdefinance/generalinfo>.

CDE, School Finance Funding (district level details): 2004-05 to present, <http://www.cde.state.co.us/cdefinance/sfdetails>.

Colorado Joint Budget Committee: Appropriations Report Fiscal Year 2018-2019, [https://leg.colorado.gov/sites/default/files/fy18-19apprept\\_0.pdf](https://leg.colorado.gov/sites/default/files/fy18-19apprept_0.pdf)

## K-12 Financial Transparency

The national movement toward greater transparency of government financial activities affects school districts and other local education agencies, too. Colorado in

recent years has been at the forefront of the movement.



In 2010 the Colorado General Assembly passed House Bill 1036, also known as the Public School Financial Transparency Act. Signed into law by then-Governor Bill Ritter, the Act requires "local education providers" – including school districts, the Charter School Institute, charter schools, and Boards of Cooperative Education Services (BOCES) – to post a wide range of financial information online in a free and downloadable format. [Early levels of compliance](#) ranged from incomplete and shoddy to "going above and beyond the call of duty," with user-friendly, searchable databases.

The passage of the 2014 Student Success Act (House Bill 1292) included a [revamping of K-12 financial transparency requirements](#). In 2017, the state released a [website](#) where citizens can compare K-12 expenditures across districts and schools. The website supersedes and replaces the requirement for school districts to post financial information on their own sites.



## Lessons and Observations

1. The first state legislative effort to promote online K-12 financial transparency in Colorado occurred in 2009. Even before a bill passed, a number of school districts (including Falcon 49 and Jefferson County) moved ahead of the curve to build greater trust with the public. Nothing in state law prevents districts from taking additional steps beyond existing requirements.
2. School boards ought not to discontinue all current financial transparency reporting practices simply because state requirements change in 2017. Many posted documents and other data will remain useful.

## Key Resources

Colorado Department of Education, Financial Transparency, <https://www.cde.state.co.us/cdefinance/sffinancialtransparency>.

Financial Transparency for Colorado Schools website, <https://coloradok12financialtransparency.com/#/>

## Student-Based Budgeting

[Colorado school districts are at the forefront of the move to student-based budgeting \(SBB\)](#)—also known as student-based allocation (SBA) or “backpack funding.” Such systems are most clearly identified by designating a significant share of per-pupil funding to follow each student to the school where he or she is being served. That money should reach the school in the form of actual dollars that can be spent flexibly at school leaders’ discretion, not as district programs or staffing formulas. In essence, SBB extends Colorado’s established system of “local control” beyond district headquarters to decision-makers closer to individual students. It also bolsters parental choice, by directing more dollars to follow students directly to where they learn. SBB promotes the following established benefits:

- **Transparency:** to show more clearly how many funds are distributed to individual schools, and for which purposes

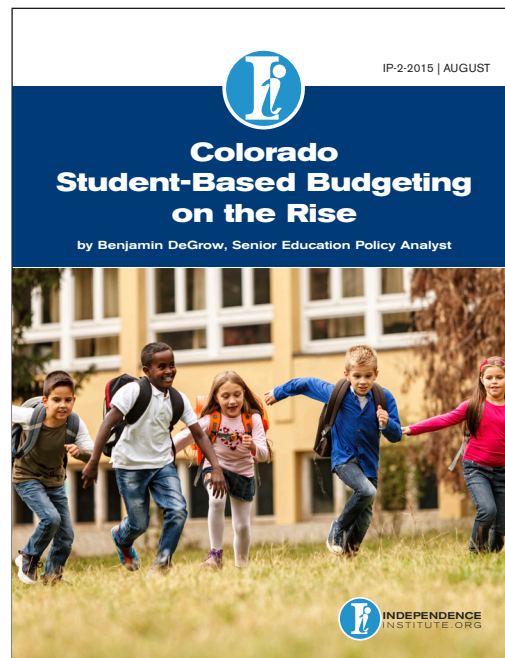
- **Equity:** to ensure a rough parity of funds distributed based on actual identified student need
- **Flexibility:** to give school leaders and communities the power and responsibility to make more program decisions with budgeted dollars

In addition, Colorado’s SBB practitioners demonstrate a level of diversity in detail and implementation.

Several important lessons can be gleaned, especially from the most robust (District 49 – Falcon) and oldest (Poudre, Denver, Douglas County) SBB programs. Adams 12 and Jefferson County also launched similar initiatives.

## School Board Role:

Little is needed except to set the direction for the superintendent or other district leaders to pursue development of SBB. Certainly, no state intervention is needed, just school board-level oversight to ensure progress is made toward smarter spending in service of student needs.



## Lessons and Observations

1. District leadership needs to set the standard for a culture shift. But the chief business or financial officer role is crucial to success, using accounting tools to expand opportunities for smarter school-level decision-making.
2. District officials need to communicate regularly with building leaders their risks and opportunities, and be patient for a two- to three-year transformation to occur. Principals need to be prepared to justify their decisions with their respective communities and to highlight the successes enabled by a rational and inclusive SBB process.
3. There will always be limitations to funds that can be empowered at the school level, but they are likely fewer than you think. SBB districts should constantly look at ways to preserve and expand both the revenue streams and budget areas under school-level autonomy.

4. Enable individual schools to carry over funds in “savings accounts” to be used for local priorities. This approach stifles the “use-it-or-lose-it” mentality and empowers student-centered programming and creative solutions at the building level.
5. Examine and pursue ways to use SBB to reward schools for meeting performance targets based on multiple valid measures aligned with local academic goals.

## Key Resources

Ben DeGrow, *Colorado Student-Based Budgeting on the Rise* (2015), <https://i2i.org/wp-content/uploads/2015/08/IP-2-2015-2.pdf>.

Georgetown University, Edunomics Lab, <http://edunomicslab.org/>.

Lisa Snell, Reason Foundation, *A Handbook for Student-Based Budgeting, Principal Autonomy, and School Choice* (2013) [http://reason.org/files/student\\_based\\_budgeting\\_handbook.pdf](http://reason.org/files/student_based_budgeting_handbook.pdf).

Christian Barnard, Reason Foundation, *Weighted Student Funding Yearbook*, <https://reason.org/wp-content/uploads/weighted-student-formula-yearbook-2019.pdf#page=25>.

## Course-Level Funding

Many Colorado secondary students may benefit from the flexibility to choose primarily digital (but also face-to-face career tech) courses from outside their district while maintaining enrollment in their home school. Students’ ability to “self-blend” courses in this manner is hampered by school district control of per-pupil funding and course options. As of August 2018, 13 states had bypassed the old system and enacted a version of Course Choice or Course Access.

In order to maximize student choice and access, some share of per-pupil revenue or other dedicated funding stream needs to be portable and student-directed. A central agency can oversee and advertise the course catalog. The preferred form of quality oversight would be to tie at least half of the funding to successful course completion.

**School Board Role:** Creating statewide student-centered course access must be done through the

General Assembly. Under such a system, though, innovative school districts could leverage their educational strengths to compete in course offerings.

## Lessons and Observations

1. Unresolved disputes about ownership of student achievement data under the state’s current accountability system would require additional changes.
2. There is significant reason to believe this would be the type of program that doesn’t affect a huge number of students, but could make a significant impact for those it does affect.

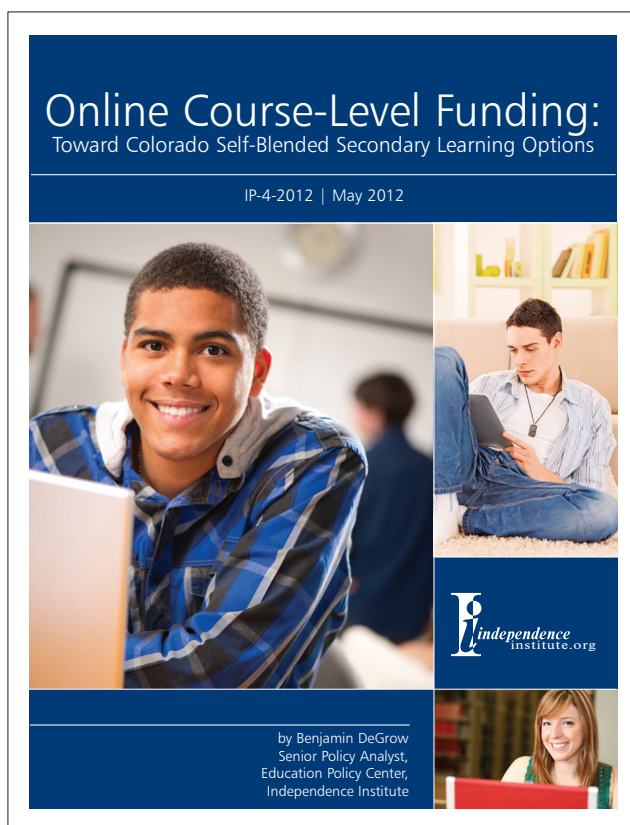
## Key Resources

Ben DeGrow, *Online Course-Level Funding: Toward Colorado Self-Blended Secondary Learning Options*, [https://i2i.org/wp-content/uploads/2012/05/IP-4-2012-OnlineCourse-LevelFunding\\_highres.pdf](https://i2i.org/wp-content/uploads/2012/05/IP-4-2012-OnlineCourse-LevelFunding_highres.pdf).

Foundation for Excellence in Education, Course Access, <http://excelined.org/courseaccess/>.

Louisiana Course Choice, <https://lacourses.net/>.

Julie Young, “Next Generation Virtual Programs,” *Education Next*, <http://educationnext.org/next-generation-virtualprograms/>.



# Issues: Teachers and Unions

## Teacher Tenure and Senate Bill 191

Teacher tenure is a statutory provision that provides near-complete job security once a teacher has been employed for a certain period of time. In the past, Colorado simply required three years of continuous employment as a teacher in order to qualify for tenure, which in our state is known as “non-probationary status.” Once a teacher is granted non-probationary status, it often becomes extremely difficult and expensive for districts to let him or her go without first completing an arduous and expensive type of due process—even if that teacher is not effective in the classroom.

In 2014, a California judge handed down an important decision in *Vergara v. California* that destroyed the state’s teacher tenure statute on the basis that it disproportionately harmed vulnerable student populations by keeping ineffective teachers in classrooms. After examining evidence of the effects of ineffective teachers on students, the judge stated in his opinion that “The evidence is compelling. Indeed, it shocks the conscience.” During the *Vergara* case in California, it was posited that only [2.2 teachers were dismissed](#) for unsatisfactory performance each year out of California’s total teaching force of 275,000. That amounts to a statewide performance-based dismissal rate of .0008 percent. In 2009, a large study showed that there had been [zero formal dismissals](#) in Denver Public Schools during a three-year period.

A statutory focus on seniority-based job protection also trickles into local district union contracts, where last-in, first-out (LIFO) policies often force layoff or displacement decisions to be made on the basis of years of service in a district rather than effectiveness.

Passed in 2010, Colorado’s [Senate Bill 191](#) (SB 191) significantly altered the landscape surrounding teacher effectiveness and tenure.

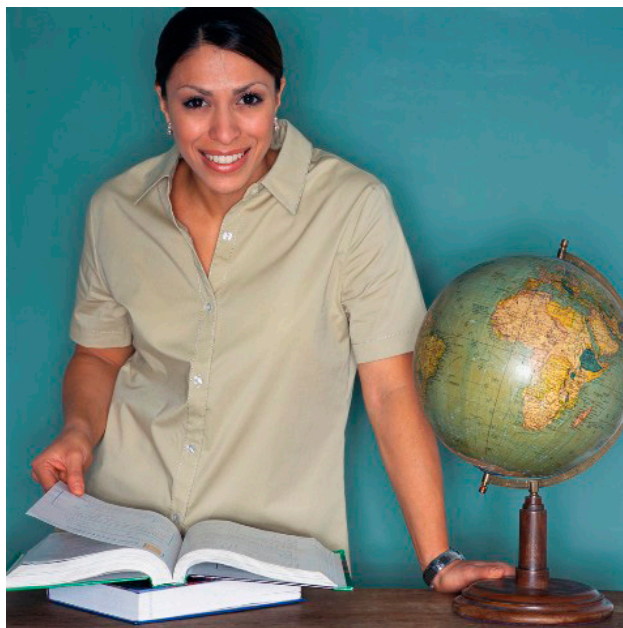
The bill was unanimously supported by Republicans, though it caused deep rifts in the Democratic Party. SB 191 was vehemently opposed by the Colorado Education Association, Colorado’s largest teachers union. SB 191 had four primary effects:

- Requiring that 50 percent of teacher and principal effectiveness ratings be tied to multiple measures of student academic growth
- Requiring that teacher effectiveness ratings be tied to the earning or loss of non-probationary status (nonprobationary status can be earned after three consecutive years of demonstrated effectiveness and lost after two years of demonstrated ineffectiveness)
- Requiring the “mutual consent” of both a teacher and a principal when placing the teacher into a new school.
- Requiring effectiveness ratings be a significant factor in layoff decisions, with seniority considered after effectiveness instead of the other way around.

Basing the earning of non-probationary status on teachers’ effectiveness in the classroom—and allowing teachers to lose such status if they perform poorly—is an important step toward reforming teacher tenure. However, such provisions rely on evaluation systems that can meaningfully differentiate teacher performance using multiple measures of effectiveness.

It is important to note that while local school boards can build their own unique teacher evaluation systems within certain parameters set forth by SB 191, they cannot directly alter statutory provisions related to teacher tenure.

For more detailed information on teacher tenure reform, SB 191, and educator evaluations, see [Eternal LIFO: Unlawful Layoff Procedures in Unionized Colorado School Districts](#).





## Educator Evaluations

[Research consistently shows](#) that teaching is the single most important school-related factor in students' academic performance. It is therefore critically important to ensure that every student has an effective teacher. Thus, the fundamental goal of any educator evaluation system should be to meaningfully determine how effective a teacher is with his or her students.

Unfortunately, evaluation systems that rely solely upon subjective classroom observations have proven themselves to be inadequate by [classifying nearly 100 percent of teachers as effective](#). Similar patterns can be seen in Colorado, where [93.5 percent of teachers were rated effective or highly effective](#) in 2016-17 under the state model teacher evaluation system. Less than 1 percent of teachers received a rating of ineffective. In the absence of other forms of effectiveness measurement, these systems treat all teachers as being exactly the same in terms of performance. They implicitly encourage the idea that teachers are simply interchangeable widgets—a notion called the “Widget Effect.”

A system that does not meaningfully differentiate performance makes it impossible to reward great teachers, build performance-based compensation systems, or dismiss ineffective teachers. It is therefore critically important that evaluation systems find ways to augment subjective evaluations of teacher effectiveness. The [Measures of Effective Teaching study](#), a massive, multi-year examination of evaluation systems conducted by research institutions like the RAND Corporation, Harvard, and Stanford, also found that the best results were achieved by combining student learning data thoughtfully with subjective measures of effectiveness. (Note that while some aspects of the MET study [have been critiqued](#), it is the largest random assignment study conducted on teacher evaluation systems).

### Evaluation Requirements under SB 191

Passed in 2010, Colorado's [Senate Bill 191](#) attempts to address issues with strictly subjective evaluations by requiring that 50 percent of teacher and principal evaluations be comprised of objective student learning data. Many misconceptions have arisen about this requirement, with some making the

argument implicitly or explicitly that the entire 50 percent of evaluations allotted to student learning data must be allotted to state tests or median growth percentiles calculated under the Colorado Growth Model. The reality is more nuanced.

It is true that SB 191 and its [associated rules](#) require that state assessment data and Colorado Growth Model data be incorporated when appropriate. However, there is no requirement for how these data should be weighted within the 50 percent of evaluations



dedicated to student learning data, or even if they should be applied individually (results from only one teacher) or collectively (results from all teachers in a school, or a specific subset of those teachers). Additional measures—student learning objective results based on pre- and post-tests at the course level, district assessments, school performance frameworks, and even teacher-developed assessments—[can also be used](#), giving teachers, schools, and districts the flexibility to design assessment systems that work best for them. Indeed, some districts have been [developing and utilizing such systems for quite some time](#). Expectations for student academic growth are required by law to take into account factors such as special needs students, student mobility, and instances in which teachers have very high percentages of low-income students.

Similarly, there are a number of serious misconceptions about SB 191's requirements regarding teachers rated ineffective. A non-probationary teacher rated ineffective one year is not summarily fired, as is often implied. Instead, he or she is given a remediation plan—including professional development opportunities—designed to help him or her achieve an effective rating on their next evaluation. If the teacher receives an ineffective rating again in the following year, his or her nonprobationary status is revoked.

This gives a district or school the ability to cancel the teacher's contract should they so choose, but does not require that they do so.

### Lessons and Observations

1. Teachers are the single most important school-related factor in students' academic achievement. School boards should work closely with teachers and district staff to develop meaningful, rigorous ways to evaluate teachers' performance in the classroom. These evaluations should include both subjective, observational components and multiple measures of student learning well suited to the district's programs and needs.
2. Teacher buy-in is an important factor in the success of any evaluation system. Teachers should be closely involved in the development and implementation of district evaluation systems. School board members should work with district administration to clearly understand and explain to teachers and the public how the evaluation system works, the factors included in the system, the possible outcomes of negative evaluations under SB 191, and the importance of rigorous evaluation.
3. Although state law provides for nonprobationary status for teachers, school board members should develop policies that prioritize performance over seniority in cases of teacher displacement or reductions in force. In districts under collective bargaining agreements, school board members should include these issues in negotiations.

### Key Resources

Colorado Department of Education Educator Effectiveness Page, <https://www.cde.state.co.us/educatoreffectiveness>

Colorado Department of Education SB 191 Information Page, <https://www.cde.state.co.us/educatoreffectiveness/faqs>

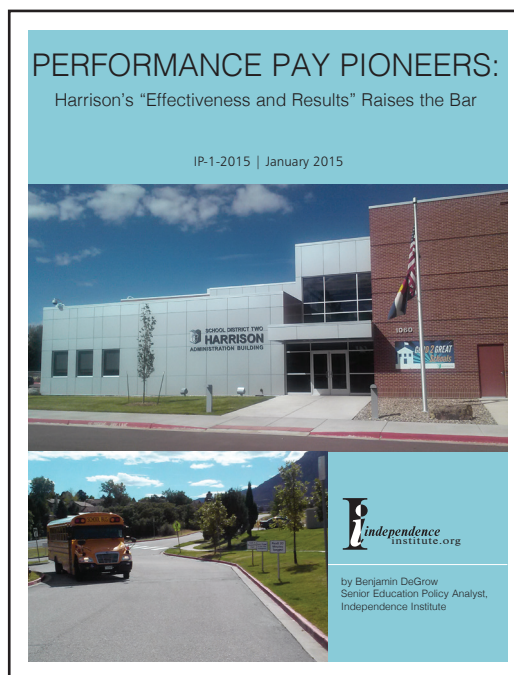
Colorado Growth Model FAQ, <http://www.schoolview.org/GMFAQ.asp>

Colorado Department of Education Measures of Student Learning Guidance, <http://www.cde.state.co.us/educatoreffectiveness/measuresofstudentlearningguidanceteacher>

### Compensation Reform

The prevailing traditional system of teacher compensation is based strictly on years of experience and graduate credit and degrees earned. The traditional salary schedule rose to prominent usage during the 1920s to 1950s as a way to combat unfair discrimination. It has become entrenched through a combination of administrative convenience and union political and negotiating power. Various K-12 compensation reforms have been attempted in the past, to varying degrees of success. First, it is important to understand the different types of compensation reform and related concepts:

- **Strategic compensation** is a comprehensive description that entails various means of linking pay to the promotion of strategic group or individual objectives
- **Performance(-based) pay or Pay for performance** distinguishes individual salary earnings based on objective measures of student academic data and/or professional evaluations
- **Merit pay** is an alternative definition of "performance pay" that often carries a connotation of linking compensation solely or primarily to student test scores
- **Incentive pay** offers bonuses for meeting professional goals, or provides incentives to work in hard-to-serve schools or fill extra roles (e.g., mentorship)
- **Differential pay** gives extra pay to teachers based on non-traditional external qualifications or



service in a harder-to-fill capacity (e.g., math, special education)

- **Market-based pay** is a form of differential pay that uses measures of supply and demand to pay teachers different amounts by specialty or job description

Reformers need to be clear regarding their goals. Compensation reform can be built and used as a tool to accomplish one or more of the following objectives:

1. Motivate current teachers to put forth more effort
2. Incentivize high-quality teachers to continue in the profession
3. Attract new quality teachers into the workforce

The research supporting the effectiveness of the first approach is mixed and somewhat weak. The evidence for achieving the other two objectives is somewhat stronger. Direct links between revised pay systems and large-scale improved student achievement are limited and unclear. But other reasons exist for pursuing sensible compensation reform: to build an excellent teaching workforce focused on achieving district goals.

Examples of Colorado school districts that have implemented significant versions of compensation reform include Denver Public Schools, Jefferson County, Douglas County, Harrison 2, Mesa 51, and Eagle County. Numerous Colorado public charter schools have also incorporated their own kind of non-traditional pay plans.

## Lessons and Observations

1. There is no one-size-fits-all pay plan that promises the most effective results for all K-12 systems. Current conditions and policy goals have to be considered carefully.
2. Engage teachers and principals in the process of studying and crafting a pay plan, but make certain to include a broader group of stakeholders in the process. Do not concede the power to any third-party group, including an exclusive union bargaining agent.
3. Reforming compensation will be less effective if done in isolation from a review of evaluations, professional development, student assessment, and recruitment and hiring.
4. Give serious consideration to a strategic pay plan that addresses not only teachers, but also principals

and other district personnel. Discuss it as systemic innovation.

## Key Resources

Ben DeGrow, *Performance Pay Pioneers, Harrison's 'Effectiveness and Results' Raises the Bar*, [https://i2i.org/wp-content/uploads/2015/02/IP\\_1\\_2015\\_web.pdf](https://i2i.org/wp-content/uploads/2015/02/IP_1_2015_web.pdf).

Ben DeGrow, *Douglas County, Building a Better Education Model*, <https://i2i.org/douglas-county-building-a-better-education-model/>

Ben DeGrow, *Pioneering Teacher Compensation Reform, K-12 Educator Pay Innovations in Colorado*, [https://i2i.org/wp-content/uploads/2011/04/IP\\_2\\_11\\_Web-1.pdf](https://i2i.org/wp-content/uploads/2011/04/IP_2_11_Web-1.pdf).

Ben DeGrow, *The Ignacio Market-Driven Compensation System and Why It Fell Short*, [https://i2i.org/wp-content/uploads/2011/01/IP\\_3\\_2005\\_Web-1.pdf](https://i2i.org/wp-content/uploads/2011/01/IP_3_2005_Web-1.pdf).

Colorado Department of Education, School/District Staff Statistics (including employee salaries and turnover rates), <http://www.cde.state.co.us/cdereval/staffcurrent>

Vanderbilt University, National Center on Performance Incentives, <https://my.vanderbilt.edu/performanceincentives/> Marcus Winters, *Teachers Matter* (2012), <http://www.manhattan-institute.org/teachersmatter/>

## Collective Bargaining Reform

Of Colorado's 178 school districts, fewer than 40 have a formal bargaining relationship with one or more employee unions. Recent bargaining reforms in other states show the fiscal benefits that may be realized from adopting this approach. The few high-quality academic studies of the question all show that restrictive bargaining policies have a negative impact on student learning.

The dynamics of union negotiations can make it difficult for reform-minded school board directors to effect positive change. They can overcome three primary obstacles:

1. **Prior Contract Terms:** Timing will determine a great deal of strategy. Certain elements of a negotiated agreement may be off-limits to discuss or change except in years when the contract's



terms are set to expire. Pursue fiscally responsible and student-centered reforms as the previously negotiated scope allows. Study the current agreement to make sure current deadlines are being met, then work toward a more flexible agreement or other arrangements.

**2. Board-Staff Alignment:** A competent, focused, and aligned district negotiating team can make a huge difference in favor of pursuing reform goals and strategies. Think carefully about what can address union privileges, focus personnel policies on smart, performance-based systems, and can reasonably promote individual teachers' working environment, benefits, and culture.

**3. Open Negotiations Law:** Under Proposition 104, which 70 percent of Colorado voters approved in 2014, all negotiation sessions and board meetings about negotiation sessions must be held in public. Under the hot light of transparency, it is difficult for union negotiators to defend unreasonable positions. With proper alignment (#2) in place as well, the burdens of Prop 104 on board strategy do not have to be a hindrance.

Commonsense changes that can be pursued include the following:

**1. Stop using seniority to place teachers:** SB 191 (2010) helps empower school boards to end provisions that favor less effective but more senior teachers in deciding transfers and avoiding layoffs. Procedures like coin flips are sometimes used to make personnel decisions.

**2. Encourage more decision-making authority at the school level,** including collaboration between building principals and effective master teachers.

There are also a number of other lessons and changes that can be applied by school districts interested in maintaining local control and scaling back union involvement in their school districts. These lessons and changes are covered in detail in the Independence Institute's [\*Education Labor Handbook: A Guide to Collective Bargaining Reform in Colorado\*](#).

School boards should consider exploring alternatives to the traditional bargaining model. The following options are available, based on local conditions and an

understanding of the potential disruptions that may come with each:

1. The example of some Colorado school districts can be followed by terminating exclusive bargaining or other negotiation privileges entirely
2. Districts may switch from the traditional monopoly bargaining scheme to an informal, non-binding, meet-and-confer arrangement with teachers in an open and transparent setting. [California offers a few examples](#) of K-12 teachers adopting something more akin to the faculty senate model
3. Teachers from districts in other states have pursued a [local-only union](#) by seceding from the state and national union chapters, reducing dues rates while putting more burden on local union leaders. This change is not achieved without some friction. (Such a change must be initiated by the teachers, and not by the school board.)



## Lessons and Observations

Colorado is one of only nine states that has no defined public-sector labor law, providing the greatest opportunity to reform restrictive policies and interest group privileges at the local school board level. The board of education is in the driver's seat for this conversation. Be thoughtful and strategic, but seize the opportunity to set the reform agenda at the union bargaining table.

1. When possible, start the renegotiation of a collective bargaining agreement from scratch rather than tinker around the edges of the existing contract. It is easier to achieve a lean, efficient, and flexible contract when the starting point is neutral, the focus is on student achievement, and the public is able to watch.
2. Think carefully about the transition from union to non-union arrangements. Individual teachers have legitimate concerns about security. Guide the transition, and demonstrate good faith in rewarding teacher professionalism and welcoming input from individual teachers.

3. If currently a non-union district, continue to focus on keeping your professional teachers happy and respected.

### Key Resources

Ben DeGrow, “Nine Key Changes at the Bargaining Table: A Policy Handbook for Colorado School Reform Leaders,” <https://i2i.org/wp-content/uploads/2011/09/IB-2011D-Web.pdf>.

Ben DeGrow, “The State of K-12 Union Contract Transparency,” [https://i2i.org/wp-content/uploads/2015/02/IB\\_B\\_2015\\_Web.pdf](https://i2i.org/wp-content/uploads/2015/02/IB_B_2015_Web.pdf).

California Teachers Empowerment Network, “No Contracts in Clovis, Snowline, or Warner Springs,” <http://www.ctenhome.org/>.

Independent Teachers CBA Page, <https://independentteachers.org/contract-information/>.

Independent Teachers, Local-Only Union Option, <http://www.independentteachers.org/membership-options/local-onlyunion-option/>.

### Dues Deduction and Union Privileges

Most local teachers unions in Colorado are affiliated with the Colorado Education Association and National Education Association. Members must belong to all three union levels, and on average remit about \$800 a year in dues. Colorado teachers have legislated right-to-work protections, which prevent them from losing their jobs for refusing to join or subsidize a union. Still, that right is generally proscribed in three different ways through local policies:

1. In nearly all bargaining districts, only representatives of the union are allowed to communicate with new and veteran teachers through induction and orientation sessions, district mailboxes and email systems, and other forms of official communication. Teachers may not be aware that other options exist.

2. Teachers can join the union at any time. But in many districts, teachers who belong to the union can only terminate their membership [during a limited window of time](#), in many cases by visiting the union office in person to submit forms.
3. Thanks to the United States Supreme Court’s 2018 decision in *Janus v. AFSCME* public sector employees can no longer be assessed what were known as “agency fees,” “dues equivalencies,” or “fair-share provision fees.” In Colorado, the practice of collecting such fees was not widespread, though it was in force in a handful of districts.

**School Board Role:** School boards do not have absolute power over union membership policies (such as #2 above). But they can make stipulations as long

as district resources are involved, or stop making those resources available. Even if a union is denied use of public payroll to collect dues, yet continues to force onerous opt-out provisions on its members, boards can use district resources to notify teachers of their options.

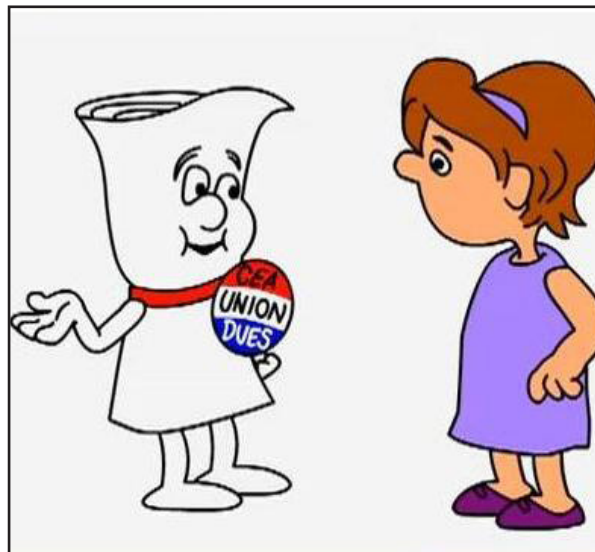
Labor unions are private organizations that have accorded to themselves a number of tax-funded privileges. While these

privileges most often are established and enforced through the terms of formal collective bargaining agreements, they are known to occur in non-union districts as well. Opportunities for reform lie not only at the union negotiating table, but also through the board’s unilateral policymaking authority.

Key examples of common privileges that can be addressed through one of these primary means include the following:

#### 1. End union payroll dues deduction services.

Collecting funds for groups that finance local board candidates creates real and potential conflicts of interests. Suspending the privilege still allows educators the option to support a union through private transactions.



**2. Allow union members to opt out at any time (see #2 above).** Employees could be set free from tight timelines and onerous procedures to opt out of union membership.

**3. Provide equal access to district systems.**

Honor teachers' right to know about their various [membership options](#) by repealing measures that give unions free and privileged use of school district property and communication systems, as well as exclusive access to events and information.

**4. End / Bring accountability to union release days.** Many agreements allow educators tax-funded release time from classroom responsibilities to perform union business—including lobbying—an [unaccountable practice](#) that should end.

**5. Make unions pay for their officers' services.**

No local teachers union should be subsidized for the extended leave time their presidents and other officers receive to perform union service. State union officers on leave from district employment still may accrue PERA service, even though the union reimburses salary and other benefits.

## Lessons and Observations

Establish fair and appropriate local labor reform policies that can only be altered or rescinded by a public board vote or action.

## Key Resources

Ben DeGrow and Ross Izard, *Education Labor Handbook: A Guide to Collective Bargaining Reform in Colorado*, <https://i2i.org/wp-content/uploads/2016/05/Education-Labor-Handbook-Web-Final.pdf>.

Ben DeGrow, "Colorado Schools and Association Release Time: Making the Privilege Accountable to Citizens," [https://i2i.org/wp-content/uploads/2011/01/IP\\_1\\_2010\\_Web-1.pdf](https://i2i.org/wp-content/uploads/2011/01/IP_1_2010_Web-1.pdf).

Independent Teachers website, Membership Options, <http://www.independentteachers.org/membershipoptions/>.

Independent Teachers website, Revocation Periods, <http://www.independentteachers.org/revoking-membership/>.

# Issues: Testing and Accountability

## Colorado Academic Standards and Common Core

Colorado uses the Colorado Academic Standards. The [Colorado Department of Education](#) describes these standards as "the expectations of what students need to know and be able to do at the end of each grade. They also stand as the values and content organizers of what Colorado sees as the future skills and essential knowledge for our next generation to be more successful."

Standards differ significantly from curricula and materials such as textbooks. The Colorado Department of Education [provides a helpful description](#) of the difference:

"Educational standards help teachers ensure their students have the skills and knowledge they need to be on course toward college or career readiness by providing clear goals for student learning at each grade level. Standards establish what students need to learn, but they

do not dictate how teachers should teach.

Instead, schools and teachers decide how best to help students reach the standards. Put another way, standards are not a curriculum (lesson plans); it's up to school districts to design curricula that aligns to the standards."

Technically speaking, then, there is no "Common Core curriculum." However, the nature of academic standards and their alignment with Common Core-based assessments such as PARCC necessarily result in some influence on curricula and materials used in the classroom. It is impossible to fully disentangle standards from curricula and assessments.

There is often confusion about the [Common Core State Standards](#) and how they relate to the Colorado Academic Standards. A new version of the Colorado Academic Standards was created in 2008 by the Colorado's Achievement Plan for Kids Act, or CAP4K. These standards were officially adopted



by the Colorado State Board of Education in 2009. The Common Core State Standards were also being developed during this time, and Colorado was one of six states asked to provide feedback during that process.

In 2010, the Colorado State Board of Education also adopted the Common Core State Standards in English Language Arts and Math. These standards were folded into the Colorado Academic Standards. Thus, the Colorado Academic Standards encapsulate the entirety of the Common Core State Standards, but the Common Core State Standards do not encapsulate the entirety of the Colorado Academic Standards.

Colorado has academic standards in the following content areas:

- Colorado Arts:
  - Music
  - Visual Arts
  - Theatre
  - Dance
- Comprehensive Health
- Mathematics (Includes CCSS)
- Physical Education
- Reading, Writing, and Communicating (Includes CCSS)
- Science
- Social Studies
- World Languages

## Controversy Regarding the Common Core State Standards

The Common Core State Standards have garnered a significant criticism since their introduction. In particular, this criticism has focused on the Race to the Top (RTT) program's role in incentivizing states to adopt the standards. Created in 2009 with a portion of the \$800 billion American Recovery and Reinvestment Act, RTT set aside \$4.35 billion in competitive grant money for state education reform. States' chances of winning this money were tied to their adoption of a [number of educational reforms](#), each of which was worth a certain number of points out of a total of 500. Forty of these 500 points were tied to "adopting common standards," which was most easily attainable by adopting the Common Core State Standards.

Contrary to popular conception, Race to the Top did not explicitly require the adoption of the Common Core State Standards. Yet the functional result of its competitive points system was that most states did adopt the standards. Thus, the Common Core State Standards have raised significant concerns about the federal role in education, the use of competitive grants by the federal government, and whether standards are best developed in a one-size-fits-all fashion or on a state-by-state basis.

Some national education experts contend that the implementation of Common Core has been [flawed](#), and that the quality and rigor of the standards [may not be as high as advertised](#).

The Colorado State Board of Education reviewed [state standards](#) in 2018.

## Lessons and Observations

1. School board members cannot directly affect the Colorado Academic Standards, nor can they opt not to use them. However, school boards can exercise their constitutional right to control curricula, materials, and instruction in their districts. Clear avenues for parents with concerns about textbooks or other curricular materials should be created. This should include a formal, transparent review process that allows for participation by community members, parents, students, teachers, board representatives, and district officials.



2. Board members should pay close attention to what is being taught in their district's classrooms, and should be prepared to raise issues with district officials or school leaders should they find them.
3. If problems are found, there are a variety of options at a school board's disposal, including curricular shifts or transitioning to new materials. A strong district academic staff can be immensely helpful during such processes, particularly when it comes to monitoring the impact of new curricula or materials on student achievement.

## Key Resources

Colorado Academic Standards Information page, <https://www.cde.state.co.us/standardsandinstruction/coloradostandards>

Common Core State Standards as a part of the Colorado Academic Standards, [http://www.cde.state.co.us/contentareas/ccss\\_in\\_the\\_colorado\\_standards](http://www.cde.state.co.us/contentareas/ccss_in_the_colorado_standards)

Colorado Academic Standards History and Development, <https://www.cde.state.co.us/standardsandinstruction/cashistoryanddevelopment>

## Assessment

The State of Colorado requires a number of assessments in various subject and at various grade levels. In the 2017-18 school year, the following tests are required:

- CMAS (Colorado Measures of Academic Success) English language arts and math in grades 3 through 8.
- CMAS Science in grades 5, 8, and 11 .
- Social studies in grades 4, 7, and 11 (to be done on a sampling basis)
- PSAT in English language arts and mathematics in grades 9 and 10
- College entrance exam (SAT) in 11th grade

## Lessons and Observations

1. School boards may not opt out of administering state-mandated assessments. However, board members should work closely with district administration to ensure that these tests are administered as efficiently and smoothly as possible in order to minimize their impact on school business and student learning.

2. Board members should note that research conducted for a legislatively mandated Standards and Assessments Task Force found that a large percentage of overall testing and preparation time is accounted for by district- and school-level assessments not mandated by state or federal law. In cases where lost instructional time is a concern, the easiest place to make reductions is in non-mandated school and district assessments. However, these assessments are often viewed as valuable by educators, and discretion should be used.

## Key Resources

Colorado Department of Education Overview of CMAS, <https://www.cde.state.co.us/assessment/cmas>

Colorado Department of Education Assessment Fact Sheet, <https://www.cde.state.co.us/communications/factsheetsandfaqs-assessment>

## Accreditation and Accountability

Colorado's school and district accountability system is primarily based on School and District Performance Frameworks (SPFs and DPFs). These frameworks determine accreditation ratings for schools and districts. The possible accreditation ratings for districts are:

- **Accredited with Distinction:** The district meets or exceeds statewide attainment on the performance indicators and is required to adopt and implement a Performance Plan.
- **Accredited:** The district meets statewide attainment on the performance indicators and is required to adopt and implement a Performance Plan.
- **Accredited with Improvement Plan:** The district is required to adopt and implement an Improvement Plan.



- **Accredited with Priority Improvement Plan:** The district is required to adopt and implement a Priority Improvement Plan.
- **Accredited with Turnaround Plan:** The district is required to adopt and implement a Turnaround Plan.

School performance frameworks assign one of four types of plans based on performance:

- **Performance Plan:** The school meets or exceeds statewide attainment on the performance indicators and is required to adopt and implement a Performance Plan.
- **Improvement Plan:** The school is required to adopt and implement an Improvement Plan.
- **Priority Improvement Plan:** The school is required to adopt and implement a Priority Improvement Plan.
- **Turnaround Plan:** The school is required to adopt and implement a Turnaround Plan.

Performance frameworks are available in one- and three-year versions, with the three-year versions generally being favored. In 2019, the ratings or plan types attached to performance frameworks included the following three indicators:

- **Academic achievement:** How students performed on achievement tests in English language arts, math, and science. Specifically, this indicator examines whether students scored at or above proficiency. This indicator is weighted at 40 percent of a school's total score in elementary and middle school, and 30 percent in high schools and school districts.
- **Academic Growth:** How much students grew academically year-over-year in comparison to their academic peers, or students with similar score histories. Students are then classified into three growth categories: Catching Up, Keeping Up, or Moving Up. This indicator relies on the [Colorado Growth Model's](#) median growth percentile calculation, and is less prone to statistical bias than raw achievement scores. It is possible, for instance, for a child with very low academic achievement scores to exhibit very high growth. This indicator is weighted at 60 percent of school's total score in elementary and middle schools, and 40 percent in high schools and school districts.



- **Postsecondary and Workforce Readiness:** Used only for high schools and school districts, this indicator includes graduation rates, dropout rates, and average SAT composite scores. It is weighted at 30 percent in the frameworks in which it is included.

School and district performance frameworks can be found by visiting the Colorado Department of Education's [SchoolView system](#). Some parents and concerned community members also rely on [schoolgrades.org](#).

## Lessons and Observations

1. Student success should be the goal of every school board in Colorado. Yet measuring success requires that school board members be able to find and interpret state-level academic achievement data. These data can illustrate trends, show impacts, and provide easily comparable points of reference between schools and districts.
2. School board members should know how to find and interpret both district and school performance frameworks, and should use these frameworks to dig deeper into academic performance. In particular, data produced by the Colorado Growth Model can be very informative, as it is less susceptible to statistical trends based on demography than raw proficiency scores.
3. District chief academic officers are excellent sources of data, analysis, and comparison for busy school board members. However, presentation makes a great deal of difference when it comes to interpreting data, and some district officials may not present information in a way that school board members find helpful. Board members should be prepared to discuss the data based on their own research, and to request further information if necessary.



## Key Resources

Colorado Department of Education SchoolView Portal, <http://www.cde.state.co.us/schoolview/performance>

Colorado Department of Education Assessment Home Page, <http://www.cde.state.co.us/assessment>

Colorado Department of Education Accountability, Performance and Support Home Page, <https://www.cde.state.co.us/accountability>

# Issues: Governance and More

## Miscellaneous Transparency Initiatives

In addition to complying with basic Open Meetings Law standards, providing online financial transparency and complying with the spirit of Proposition 104 in conducting open union negotiations, there are other advances in transparency that local school boards should consider pursuing.

The following list of questions, though not exhaustive, could open the door to changes in local policy and practice that promote good government and greater accountability to parents and taxpayers:

1. Does our district live-stream board meetings and employee union negotiations (if applicable) online?
2. Does our district provide the public an online method to sign up to comment during board meetings?
3. Are relevant documents and agenda items publicly posted on the website in a timely manner, using a service such as Board Docs?
4. Does the district's website include a searchable database of contracts, including the superintendent's contract and agreements of \$10,000 or more with private vendors?
5. Since curriculum and textbook review is one of the board's primary responsibilities, is there policy that ensures public observation and reporting?
6. Is basic information (including contact information) for school board members easily accessible on the district's website?
7. Is the information for how to submit a Colorado Open Records Act (CORA) request easy to locate and access on the district's website?
8. Do the district's board meetings allow individual directors the opportunity to remove items from the consent agenda for public discussion?

## Key Resources

Ballotpedia, Transparency Checklist, [http://ballotpedia.org/Transparency\\_checklist](http://ballotpedia.org/Transparency_checklist)

## State Board of Education

The Colorado State Board of Education is a seven-member elected board entrusted by the state constitution with “general supervision of the public schools.”

Each Congressional district elects one member on a partisan basis to serve a six-year term of office. As of August 2019, Board members are:

- Steve Durham (R), 5th District
- Angelika Schroeder (D), 2nd District
- Jane Goff (D), 7th District
- Rebecca McClellan (D), 6th District
- Debora Scheffel (R), 4th District
- Valentina Flores (D), 1st District
- Joyce Rankin (R), 3rd District

The State Board selects a Commissioner of Education and oversees the implementation of initiatives through the Colorado Department of Education. For many enacted K-12 laws, the General Assembly grants the State Board rulemaking authority. Among the State Board's other primary responsibilities are overseeing teacher licensure and related disciplinary cases, approving waiver and innovation requests, and hearing charter school appeals in cases of disputes with an authorizer.

## Key Resources

CDE, State Board of Education, <http://www.cde.state.co.us/cdeboard>.

## Other Resources

American Enterprise Institute, <https://www.aci.org/>

Center for Education Reform, <http://edreform.com>

Chalkbeat, [chalkbeat.org](http://chalkbeat.org)

Choice Media, <http://choicemedia.tv>

Education Next, <http://educationnext.org>

Foundation for Excellence in Education, <http://excelined.org/>

Thomas B. Fordham Institute, <http://edexcellence.net/>

University of Arkansas, Dept. of Education Reform, <http://www.uaedreform.org/>



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ADDITIONAL RESOURCES on this subject can be found at: <https://i2i.org/education>.

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