COLORADO LEAGUE of CHARTER SCHOOLS

Colorado League of Charter Schools
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Dear Governor Polis:

The Colorado League of Charter Schools respectfully requests that you veto House Bill 24-1260. This bill would effectively prohibit any employer (public or private) from requiring the attendance of any employee at a meeting where representatives of the employer hold forth on any subject deemed "religious" or "political." The bill has a number of appropriate exceptions for religious institutions and for the State itself as well as for narrow topics like mandatory training on compliance with specific laws. The League does not object to some of the basic goals of this bill.

Our major concern is that the proponents of the bill steadfastly refused to give any accommodation to the concerns of local public bodies – a class including, of course, public charter schools. Many local bodies made their concerns known to the proponents and pointed out that local public bodies were themselves inherently "political" and that many of the tasks they were required to undertake – through their employees – would be compromised by the inability to require employees to attend a meeting to discuss a matter that might be deemed "political."

This very concern is addressed in the bill, but only as to the State itself. The bills say:

> With regard to the state of Colorado, the prohibitions [on requiring attendance at political meetings] … apply only to meetings and communications relating to the decision of a state employee to join or support a fraternal or labor organization.[1]

Had identical language been applied to local public bodies, we would have no objection to this bill. But instead, no such exception exists for the thousands of local "political" bodies, including over 260 charter schools, that are, by definition, regularly required to carry out tasks for the public that fall under the rubric "political."

An example of this problem in the charter school context might help. When a charter school engages in a facility construction or remodeling project, it is required to give notice to local planning authorities and submit a site plan for approval or discussion.[2] Suppose this plan concerns a renovation to a local charter school that would add new spaces for physical education and performing arts. And suppose the site plan goes before the local planning commission and is not approved. The planning commission at this point is required to appeal to the local school board.[3] The body hearing that appeal is a political entity (the school district board of education).

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[1] H.B. 24-1260, p. 5, ll. 7-10.

[2] C.R.S. § 22-32-124(1.5).

[3] A recent instance of this exact scenario played out for a charter school, but in relation to a middle-school-and-preschool-related expansion. And teachers were required to attend an ordinary staff meeting at which they were urged to come to the board of education meeting in a show of support.

The appellant is a political entity (the local planning authority). The appellee is a local public entity (the charter school). And one key subject of the appeal is whether the plans for renovation are appropriate in relation to the rules and regulations of the local planning authorities.

Now suppose the charter school wishes to have its PE teachers and drama and music teachers appear before the local school board, perhaps alongside parents and students, to discuss the need for the facility and the aspects of the plan that would make teaching PE or drama or music better. Thus, the charter school calls a meeting of the affected faculty to prepare for the appeal. One topic of the meeting will be to prepare those teachers for questions they may face about aspects of the site plan. There is no question that under House Bill 1260 this is a "political meeting." It is a "matter[] relating to … regulations …."[4] Thus, the charter school cannot require employees to attend this meeting even to just discuss the issue and plans. Nor can the charter school invoke the idea that this is part of regular teacher "duties"; the common understanding of a charter school PE, music, or drama teacher's essential job duties never includes "attend meetings of boards of education to advocate in relation to planning and zoning issues." Under HB1260, any teacher can, for any reason, refuse to attend a meeting to discuss whether they should help in this advocacy for the school. The school has no recourse and indeed must invite such non-attendance by stating explicitly that the meeting is purely voluntary.

This is just one example, of one type of issue, for one local public body. But the problem is pervasive. Everything a local public body does is to some degree "political." We expect something "political" occurs with one of our thousands of local political and public bodies virtually every week, and perhaps more frequently. We participated in meetings of the proponents at which various local governmental entities tried to make this very point, using a variety of examples, and none of these concerns were addressed.

Finally, we cannot help but recall the SB23-111 signing statement from last year in which you indicated that it was time to let public employment law in Colorado settle after an intensive period of new enactments. Signing HB24-1260 would run contrary to this commitment. House Bill 1260 should be vetoed, not because it represents a fundamentally flawed intention, but because it has only half-addressed a legitimate issue of efficiency and effectiveness in relation to all of those "political" bodies that serve the public interest.

Thank you for your consideration of this request.

Sincerely,

Dan Schaller
President

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[4] H.B. 24-1260, p. 4, ll. 15-17.