

## **CBE Message to Superintendents**

### **CBE Information/Action:**

- On Thursday, June 3, CBE voted to hire Wyatt, Tarrant, & Combs, LLP to file litigation to challenge the scholarship tax credits included in HB563 as unconstitutional.
- On Wednesday, June 2, Frankfort BOE and Warren County BOE had voted to work with CBE up to and including filing litigation. The individual district actions were necessary for appropriate legal standing and venue for such litigation to be filed by CBE.
- The suit is expected to be filed on Monday, June 7.
- This suit is ONLY focused on the scholarship tax credit portion of HB 563; Nothing to do with open borders/boundaries is included in the suit.
- Based on advice from legal counsel, we believe there are multiple sections in KY's Constitution that render HB 563 unconstitutional - with respect to scholarship tax credits for private schools.
- The ONLY named defendants in the suit are the KY Finance & Administration Cabinet and the KY Dept of Revenue.
- We are seeking injunctive relief to halt the private school tax credits from being implemented, otherwise HB563 (tax credits) goes into effect on June 28, 2021. IF relief is granted, ONLY this section of HB 563 will be impacted. Open borders section will remain in effect.
- CBE does not charge annual dues for membership and membership is determined at the time of an assessment for just cause or purpose.
- CBE further approved an assessment of \$0.50 per ADA based on 2018-19 ADA per district in order to cover the legal fees and related costs of the litigation.

### **What do Supt's need to know now?**

- This information is provided for informational purposes only. No action is necessary on your behalf at this point.
- CBE acts on the behalf of participating public school districts and has taken the necessary action at this point.
- There were 168 of 173 districts (almost every KY district) that joined CBE in the last action taken. To determine if your school district has participated in CBE, ask your CFO to provide a MUNIS vendor report for "Council for Better Education" and/or "CBE".
- CBE plans to use our Educational Coops to communicate after July 4<sup>th</sup>, the next steps regarding local board discussions and the CBE assessment process. CBE has sufficient funds on hand to deal with any immediate legal expenses.
- Currently, we envision local board's adopting a brief resolution that will be provided to you along with talking points to inform your local BOE in July 2021.
- We do encourage you to notify your BOE of CBE's action and more detailed conversations to occur in July 2021.
- If asked for public response, we encourage you to refer all media inquiries to Tom Shelton - CBE Executive Secretary and Spokesperson.
- In the meantime, if you have any questions, please contact Matt Robbins or Tom Shelton.
- Tom's email address is [tom.shelton13@gmail.com](mailto:tom.shelton13@gmail.com) and his telephone number is (859) 351-6884.

CBE is a corporation with representative superintendent officers that geographically represents KY public school districts.

### **CBE Officers are as follows:**

- Matt Robbins – Daviess Co
- Jesse Bacon – Bullitt Co
- Jay Brewer - Dayton Independent
- Rob Clayton – Warren Co
- Thom Cochran – Johnson Co
- Scott Hawkins – Woodford Co
- Matt Thompson – Montgomery Co
- Patricia Sheffer - Union Co
- Henry Webb – Kenton Co