COLORADO
Department of Education

August 7, 2026

Peter Hilts, Superintendent
District 49
10850 East Woodmen Road
Peyton, CO 80831
Via: philts@d49.org

Ken Witt, Executive Director
Education ReEnvisioned BOCES
430 Beacon Lite Rd., Suite 150
Monument, CO 80132
Via: ken@edreenvisioned.org

Re:Potential Dissolution of ERBOCES

August 7, 2026

Dear Mr. Witt and Superintendent Hilts,

We are writing to address the possibility that Education ReEnvisioned BOCES will need to begin the dissolution process in the upcoming weeks. Based on statements of Pikes Peak State College to the press, we understand that Pikes Peak is withdrawing from the BOCES effective August 15, 2026. We understand that ERBOCES has been actively seeking a new partner and has not announced a qualified new member for the BOCES. Therefore, in the absence of an eligible partner, by August 16, ERBOCES will no longer be eligible to exist as a BOCES, operate schools and programs, or receive state funding. We expect that ERBOCES will be required to begin the dissolution process.

The department is deeply concerned that ERBOCES has not informed its students and families about the potential dissolution of the BOCES. We request that the BOCES communicate immediately with its families about the anticipated disruption to their schools and programs. CDE does not have contact information for your families and is unable to communicate with them directly. However, the department is willing to support transition efforts to minimize disruption. For

example, for students enrolled in multi-district online schools, we can provide a list of other online schools in the state if families would like to continue with online schooling. There are a number of high-quality multi-district and single-district online schools that would have capacity for immediate enrollment.

If there are other authorizers that want to take on the responsibility of authorizing the BOCES' multi-district online schools, the department is willing to facilitate an expedited process to change the schools' authorizers.

In addition to our care for impacted students, we want to express our concerns regarding the management of the ERBOCES fund balance and assets as the BOCES enters the dissolution process. Recent actions from the ERBOCES board have not demonstrated the reasonable and necessary use of public funds. For example, the ERBOCES board voted last week to approve a loan of up to $3 million for Merit Academy, a Woodland Park school that is not authorized or operated by ERBOCES. We are unaware of any statutory authority for such an intergovernmental loan and see no basis for concluding that a loan for the benefit of another district's constituents can plausibly be considered a reasonable and necessary expense of the BOCES. The timing is particularly troubling because ERBOCES is aware that dissolution of the BOCES may be necessary. If Merit Academy disputes the funding from Woodland Park, the proper recourse is to bring the matter before the State Board of Education for review.

For District 49 and Superintendent Hilts, as the sole remaining member of this BOCES, we implore you to take immediate action to protect the fund balance and assets of the BOCES. The articles of incorporation for ERBOCES state that, if dissolved, the net assets will be distributed equally among the sponsoring entities of the BOCES. The public trust demands that you take an active role in the preservation of public funds here.

The department also questions whether all the remaining funds and assets of ERBOCES should be transferred as a windfall to District 49. From the department's data, less than 500 students attending ERBOCES schools and programs reside in District 49. We understand that ERBOCES currently has a fund balance of over $15 million. This fund balance does not reflect funds reserved to serve the students of District 49. These reserves were accumulated to serve students spread out all over the state. As a matter of equity, funds that remain after dissolution of ERBOCES

should be returned to the State Education Fund to serve all Colorado students. We ask that District 49 partner with the department in assuring the equitable distribution of funds from the ERBOCES dissolution.

In summary, the department requests the following:

- Immediate communication from ERBOCES to the families enrolled in its schools and programs about the need to seek alternative options.
- That ERBOCES not finalize or proceed with the loan to Merit Academy.
- That ERBOCES begin the orderly dissolution process and protect the remaining public funds.
- That District 49, as the sole remaining member of the BOCES, take immediate steps to protect the public funds that ERBOCES has in its reserves.
- That District 49 partner with the department on the return of public funding to the State Education Fund.

As stated above, without another qualifying member, ERBOCES is not eligible to operate schools or programs or receive state funds. However, the department is willing to create an expedited process, if requested, to consider the transfer of authorization of the BOCES' multi-district online schools to a new authorizer in order to avoid disruption to students and families.

As time is of the essence, we seek your immediate response to these issues.

Sincerely,

Susana Córdova

Dr. Susana Córdova
Commissioner
Colorado Department of Education