



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
September 10, 2014, Part 3

BE IT REMEMBERED THAT on September 10, 2014,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

Paul Lundeen (R), Chairman
Marcia Neal (R), Vice Chairman
Elaine Gantz Berman (D)
Jane Goff (D)
Pam Mazanec (R)
Debora Scheffel (R)
Angelika Schroeder (D)



1 CHAIRMAN LUNDEEN: The State Board will come
2 back to order. The next item on the agenda is a
3 Disciplinary Proceeding Concerning OAC Case No. ED 2013-
4 0014. Is there any discussion?

5 Hearing none I would ask is there a motion?

6 MS. NEAL: Concerning Disciplinary
7 Proceeding OAC Case No. ED 2013-0014, I move to affirm
8 the order of the Administrative Law Judge in its
9 entirety.

10 CHAIRMAN LUNDEEN: Is there any objection?
11 Oh, I'm sorry. We do need a second. There is a second
12 to the motion. Thank you very much.

13 Is there any objection?

14 Hearing none, the motion carries.

15 We now move into a series of rulemaking
16 notices. A series -- there are several. So Item 14.01
17 is the next item on the agenda. It's a request for a
18 rule notice -- or, excuse me -- a Notice of Rulemaking
19 concerning Rules for the Administration, Certification,
20 and Oversight of Co Online Programs. Commissioner and
21 staff, prepare to provide an overview.

22 MR. HAMMOND: Yes, and as you stated we have
23 a series of these and we'll try and go through these as
24 quickly as you desire. You had the emergency rules at
25 the last meeting. This is simply the notice for



1 permanent rules that were issued. So in each case we'll
2 describe briefly what it and answer questions.

3 UNIDENTIFIED VOICE: Mr. Chair?

4 CHAIRMAN LUNDEEN: Yeah, absolutely, and why
5 don't you, at the beginning of this, set up the context
6 for all of those listening to us, what the rulemaking
7 process look like so they know what a notice of
8 rulemaking is all about.

9 MS. NEAL: I have a question that she might
10 --

11 UNIDENTIFIED VOICE: Yes.

12 MS. NEAL: -- I'm glad you said that because
13 I was thinking about that. We do this all the time. Do
14 these rules come pretty much out of the legislation or do
15 you take the legislation and invent the rules, propose
16 the rules, or whatever it is you do with them?

17 MR. HAMMOND: We pull it right out of a hat.

18 (Laughter.)

19 MS. NEAL: I always wondered about that.

20 MR. HAMMOND: With a lot of comment, okay.
21 But our rules have to follow the statute or we then get
22 slapped on the hand by legislative legal counsel. But
23 this is a notice of rulemaking. As Carey would say, when
24 we do a notice it's a 45 -- you're the expert -- it's 45
25 days, or 30 days --



1 MS. MARKEL: Permanent notice of rulemaking
2 opens up the comment period (indiscernible) feedback to
3 staff that will then be kept, collated, and that feedback
4 will be provided to you along with staff responses and
5 any edits or changes. The rulemaking hearing will occur
6 at the November Board meeting, and at that time people
7 can come and testify but they will also have provided
8 written comments if they weren't able to get there in
9 person.

10 CHAIRMAN LUNDEEN: So today we begin the
11 process that invites public comment. The public comment
12 is expanded and amplified 60 days hence at our next
13 meeting, or at that meeting.

14 MS. NEAL: Thirty.

15 CHAIRMAN LUNDEEN: Well, 45 days --

16 UNIDENTIFIED VOICE: Could you clarify the
17 public participation is to staff (indiscernible).

18 CHAIRMAN LUNDEEN: Your little green light
19 is not on.

20 MS. MARKEL: Public participation, because
21 of the nature of how this works, while they make comments
22 to you all they are filtered through us in the State
23 Board Office. So if you receive, for example, comments,
24 (indiscernible), because the whole purpose of having a
25 rulemaking is to allow rulemaking to occur in an open and



1 transparent manner. So if someone comes to you with a
2 concern, thank them for the concern but always direct
3 them back to us so that we can make sure that we've
4 captured it, staff can respond to it, and that we have
5 written documentation.

6 MR. HAMMOND: It's all logged. It's kept
7 track of.

8 MS. NEAL: Okay. I just got thinking about
9 that. We've been doing this for five years.

10 CHAIRMAN LUNDEEN: Well, and it helps the
11 public understand what this process looks like, and the
12 fact that they are invited to engage vigorously in the
13 process, to the extent that they care to.

14 With that, since we've consumed all the
15 oxygen in the room, we'll give you exactly three words to
16 summarize.

17 UNIDENTIFIED VOICE: Thank you, Mr. Chair.
18 So this set of rules is related to H.B. 14-1382, which is
19 related to online education and did a couple of things
20 that resulted in you needing to revisit rules. One is
21 that there was a change in definition around online
22 schools and online programs, and so these rules will
23 update those definition to reflect the definition present
24 in statute. So the previous question, this is an example
25 of where we need to update rules just to align with what



1 is strictly dictated in statute, word for word.

2 And, additionally, it established a need to
3 establish new rules that are rules governing the way that
4 authorizers of multi-district online schools will
5 document student count, which you all recall because we
6 did emergency rules around this so that we could have
7 something in place time for this fall's October count.
8 So this is really just the introduction of permanent
9 rulemaking. The draft of rules we've given you is the
10 same one that we presented at the time of emergency
11 rules.

12 There is a committee, a task force, I think,
13 actually -- yes, they are a task force. I'm sorry. I
14 apologize. There is a task force also created by the
15 same piece of legislation which is looking at a number of
16 other issues related to online, and multi-district online
17 in particular, and that group has agreed to help us with
18 gathering and soliciting feedback and input from the
19 field about these rules. So we expect to hear from them.
20 We also will post these rules on our website and put an
21 email address out there so we can just collect any other
22 individual feedback, and as was previously described, we
23 will bring that to you in the future stages of
24 rulemaking. That's it.

25 CHAIRMAN LUNDEEN: Excellent. Good.



1 MS. SCHEFFEL: When do we vote on these
2 again?

3 MS. MARKEL: November.

4 MS. SCHEFFEL: So we would have one more
5 meeting to look at this draft.

6 UNIDENTIFIED VOICE: Yes. Yep.

7 MS. SCHEFFEL: And was this prompted by -- I
8 think certainly we voted on the multi-district online
9 application. So is it prompted by that experience?

10 MS. MARKEL: Mr. Chair, if I man --

11 CHAIRMAN LUNDEEN: Please.

12 MS. MARKEL: -- just clarify two things.

13 The rulemaking hearing will occur in November
14 (indiscernible). If, at that time, the Board is ready to
15 vote at the conclusion of the hearing, that's when you
16 would vote. If the Board is not ready to vote, at that
17 time we would vote in December.

18 With regard to what was the impetus for
19 these rules, there was a separate piece of legislation
20 that was run. It had nothing to do with multi-district
21 online. It was a separate piece of legislation
22 (indiscernible).

23 MS. SCHEFFEL: So what happens in October?

24 MS. MARKEL: Nothing happens in October.

25 What happens in October, I will file -- what happens



1 today or tomorrow is I will file with the Secretary of
2 State's Office a notice of rulemaking. That opens the
3 floodgates for the public to start engaging in process.
4 So between now and November, comments will be submitted,
5 staff will engage (indiscernible). So that's what occurs
6 between now and November, and at the November meeting you
7 will hear from folks who come in and testify
8 (indiscernible).

9 CHAIRMAN LUNDEEN: Okay. Other questions
10 regarding process or this specific issue?

11 Then in that case I will entertain a motion.

12 MS. NEAL: I move to approve the Notice of
13 Rulemaking Hearing for the Rules Concerning the Rules for
14 the Administration, Certification, and Oversight of
15 Colorado Online Programs.

16 CHAIRMAN LUNDEEN: Okay. Is there a second?
17 There are two seconds.

18 Without any objection, hearing none, the
19 motion carries.

20 The next item, Mr. Commissioner, is, I believe -- well,
21 I've got quite an introduction on this -- is request for
22 Emergency Rules for the Administration of Adult Education
23 and Literacy Grant Program, pursuant to 24-4-1036,
24 Colorado Revised Statutes. The State Board is authorized
25 to adopt emergency rules if it finds that immediate



1 adoption of the rule is imperative, necessary to comply
2 with state or federal law or federal regulation, or for
3 the preservation of public health, safety, or welfare,
4 and delay an adoption of the rules would be contrary to
5 the public interest.

6 Mr. Commissioner, is your staff prepared to
7 explain the necessity for these proposed emergency
8 revisions to the rules for administration, certification,
9 and oversight of the Colorado online program, to be clear
10 about what we're speaking.

11 MR. HAMMOND: Yes, they are, with great
12 clarity, Mr. Chair. It would be H.B. 1085, which was
13 initiated last year along with a variety of other grant
14 programs that necessitated a lot of emergency rules. And
15 so with that I'm going to turn it over to Rebecca. And
16 then we also -- the flip side of that is a notice of
17 rulemaking that comes next. So, Rebecca.

18 MS. HOLMES: Thank you. Thank you, Mr.
19 Chair.

20 CHAIRMAN LUNDEEN: Please.

21 MS. HOLMES: So as the Commissioner
22 mentioned, this is in reference to new legislation, 14-
23 1085, that was passed in the 2014 session. It is not
24 often we come to you with items about adult education but
25 that is housed inside CDE. And these dollars are to be



1 granted out this year, which is what necessitates
2 emergency rulemaking. This is the first time that the
3 Office of Adult Basic Education will have state dollars
4 in addition to their federal dollars, and essentially the
5 goal of the Adult Education and Literacy Act of 2014 is
6 to offer a path for historically low-achieving adults
7 obtain basic skills but also to work with their workforce
8 centers, via a system of local partnership to enter
9 training leading to employment.

10 The grant program will be authorized through
11 the Office of Adult Basic Education here at CDE, and so
12 Margaret Kirkpatrick is here to walk you through the
13 emergency rules which, to your point, Madam Vice Chair,
14 have been written as closely as possible to the statute
15 that passed this spring.

16 CHAIRMAN LUNDEEN: Please, proceed.

17 MS. KIRKPATRICK: Thank you, Mr. Chairman.

18 The Adult Education and Literacy Grant Program funds
19 local workforce development partnerships composed of
20 basic skills providers, employment skills training
21 providers, and employment placement services. These
22 partnerships will build upon existing services, allowing
23 for the provision of additional collaborations, and
24 bringing opportunities for local collaborations to serve
25 those hardest-to-serve Colorado students, age 17 and



1 above, to gain skills needed for employment.

2 The funds will be distributed to the
3 workforce development partnerships through the adult
4 education agencies, thus ensuring that lower-achieving
5 adult learners are the focus of the provision of skills.

6 The statute also requires collaboration at
7 the state level involving representatives from community
8 colleges, Department of Labor and Employment, and local
9 education provides to oversee these programs. These
10 collaborations will increase communication between all
11 these partners and serve to identify the unmet state
12 needs and identify areas where adult education should be
13 provided. Approval of these emergency rules will allow
14 funds to go out to begin these local partnerships.

15 The draft rules have been posted on the CDE
16 website for almost four weeks and were distributed to a
17 number of stakeholders, including local adult education
18 programs, Department of Labor, community colleges,
19 community-based organizations, and private employers, all
20 potential partner members, for informal comment.

21 UNIDENTIFIED VOICE: I'll simply add the
22 total grant amount is just shy of \$1 million, \$960,000
23 this year, and there is also an advisory board that has
24 been put into place, led by Margaret Kirkpatrick, which
25 met for the first time last week in order to have



1 advisory conversations, given that these dollars cross
2 over the purview of so many different state agencies and
3 areas of work.

4 MS. NEAL: And since these are emergency
5 rules, have you had time to receive comments? Have there
6 been many comments, questions about this?

7 MS. KIRKPATRICK: Yes. We have received
8 seven respondents, all from the area of -- from adult
9 education providers. They were largely asking for
10 clarification or for definitions and pointing out some
11 grammatical errors. Many of what they had asked for
12 clarification will, in fact, be clarified in the request
13 for proposal which we are currently working on for a
14 draft. And we had hoped to keep the rules as general as
15 possible to allow for local partnerships to customize
16 their services as being most relevant to the local needs.

17 CHAIRMAN LUNDEEN: Dr. Scheffel?

18 MS. SCHEFFEL: Who are the workforce
19 development partners? There's a lot of different ones
20 that people can choose from, or who are they? Is it
21 military? Is it community colleges that would pay
22 tuition? Who are they?

23 MS. KIRKPATRICK: The workforce development
24 partners are those programs who, like the one-stop
25 centers, who provide employment and placement services.



1 MS. SCHEFFEL: Okay. And that's why it says
2 one-stop partner?

3 MS. KIRKPATRICK: Yes.

4 MS. SCHEFFEL: So these are employment
5 services.

6 MS. KIRKPATRICK: Yes.

7 MS. SCHEFFEL: Somebody could go in and try
8 to get a job, and gain some training.

9 MS. KIRKPATRICK: Yes.

10 MS. SCHEFFEL: Or not training?

11 MS. KIRKPATRICK: There's also --

12 CHAIRMAN LUNDEEN: Please. You can go
13 ahead.

14 MS. KIRKPATRICK: There's also skills
15 partners that -- the three partner representatives are
16 adult education, skills training, and workforce
17 placement, essentially. The skills training partners --
18 and there is a long list of them too, taken from statute
19 -- does include community colleges, apprenticeship
20 programs, higher ed programs.

21 MS. SCHEFFEL: So those entities would write
22 grants to get some of this money.

23 MS. KIRKPATRICK: Yes.

24 MS. SCHEFFEL: Okay. Thank you.

25 CHAIRMAN LUNDEEN: Dr. Schroeder?



1 MS. SCHROEDER: Is it possible for some of
2 the for-profit technical colleges to be participating in
3 this?

4 MS. KIRKPATRICK: Mr. Chair? The statute
5 includes, as training providers, state institutions or
6 area vocational schools, apprenticeship programs,
7 community-based --

8 MS. SCHROEDER: I read it, and I read it
9 with skepticism, because I am -- we are all aware of some
10 of the for-profit technical schools that charge
11 tremendous amounts of tuition.

12 UNIDENTIFIED VOICE: Mr. Chair, private
13 occupational institutions are not allowed to be included
14 in a partnership to use these grant dollars.

15 MS. SCHROEDER: Okay. Is that specified in
16 there?

17 UNIDENTIFIED VOICE: It's in the rules and
18 in the legislation. Is that correct?

19 MS. SCHROEDER: I mean, I didn't quite catch
20 it, to be honest with you, when I read it.

21 UNIDENTIFIED VOICE: The allowable programs
22 are listed.

23 MS. SCHROEDER: Okay.

24 UNIDENTIFIED VOICE: So the programs that
25 would be funded would have to be one of the allowable



1 programs.

2 MS. NEAL: And those that you're mentioning
3 wouldn't be there.

4 MS. SCHROEDER: Yeah. I just couldn't tell
5 that they were not allowable because they are -- they
6 certainly are preparing students for occupations. So I
7 actually want to know that they're not allowed.

8 I noticed that under 2.02.11, any other
9 necessary information is identified by the Department.
10 So that's kind of general. So I wondered whether we want
11 to know what is the cost to students, to participants of
12 any of the programs that are applying for -- I mean, the
13 programs apply for the grant, but what are they charging
14 students, so that we have a sense for what is this
15 costing our young people.

16 And then my second question is, I don't know
17 if we want to know this or not, but these vocational
18 programs, do we want to know what the demand is for the
19 occupations that are being prepared for, so that we can
20 be somewhat confident that there are jobs in that
21 particular -- I mean, it probably needs to be by area, by
22 region, since these are regional cases. Is that in
23 there, the demand?

24 MS. KIRKPATRICK: Yes. It's part of the
25 needs assessment, and what would be required at the



1 applicant is to identify the local employment picture
2 that the partnership was looking to serve.

3 MS. SCHROEDER: Okay. So that will be the
4 application form that we have some idea whether we're
5 training them for something they may or may not --

6 MS. KIRKPATRICK: Exactly.

7 MS. SCHROEDER: Thank you very much.

8 CHAIRMAN LUNDEEN: Jane?

9 MS. GOFF: Yes. Along with that I could
10 benefit from reminder clarification again. When we talk
11 about adult education who is that, because it's one thing
12 to be looking at workforce development from the
13 perspective of high school almost graduate, transitioning
14 into next-stage, versus, for example, some of the
15 population that is between the 19-to-21-year-old group
16 and even beyond.

17 So maybe some clarity about our interaction
18 with the adult ed world, what is that? Is that adult,
19 literally old people, like us, who need to or want to go
20 continue building work -- entry-level or not -- skills?
21 Who does that apply to?

22 UNIDENTIFIED VOICE: The focus of adult
23 education traditionally in Colorado has been for the full
24 spectrum of adults who need either additional basic
25 skills or those services to transition. So we do have



1 presently the majority population that we serve is
2 between 24 and 45. And since the partnerships here
3 require a transitional program between basic skills
4 acquisition and skills training and employment, there
5 really is going to be a focus on those, probably at the
6 younger end, but certainly there is no provision or
7 requirement of any age. And we would look to serve all
8 adults who could benefit from the program within the
9 limits of the partnerships.

10 MS. GOFF: Thank you. So the access to the
11 grant applications, the access to the program, where,
12 again, if someone who is 45 years old and they are
13 looking to participate in activities that provide these
14 services, where do they -- how do they know? I mean,
15 they have to have the responsibility themselves to find
16 out, but, you know, the clarity about where that will be
17 available and how that will be made known, build
18 awareness about is something I would think we would be
19 interested in knowing how to talk to people about.

20 UNIDENTIFIED VOICE: One of the requirements
21 in our fee, as it is presenting being developed, is that
22 the partnership would have to delineate their outreach
23 activities, because before the money went out we would
24 want to be very concerned that a full -- that they were
25 making every effort to reach that population that can



1 best be served. So we are going to be looking for that
2 in the applications as they come to us. And there will
3 be -- the statute also has one FTE -- a provision for one
4 FTE in order to supervise and provide technical
5 assistance for the partnerships developed by this grant,
6 and that will be part of the new person's responsibility
7 is to ensure, to give partnerships who need it technical
8 assistance, especially in building partnership and
9 services, transition services, and in outreach, so that
10 we do make sure that everybody who can benefit is at
11 least aware of these opportunities.

12 MS. GOFF: Thank you.

13 CHAIRMAN LUNDEEN: Okay. Other questions on
14 this issue?

15 Okay. Hearing no more questions I would
16 accept a motion.

17 MS. NEAL: I move, pursuant to CRS 24-4-
18 103(6) CRS that immediate adoption of the rules for the
19 administration of the Adult Education and Literacy Grant
20 Program is imperatively necessary in order to provide
21 funding for the workforce development partnership through
22 which eligible adults receive basic education in literacy
23 and numeracy that leads to additional skills acquisition,
24 postsecondary credential attainment, and employment.

25 CHAIRMAN LUNDEEN: Excellent. That is a



1 proper motion. Is there a second?

2 MS. NEAL: Longest motion I ever gave.

3 CHAIRMAN LUNDEEN: Dr. Scheffel seconds --
4 except for the consent.

5 MS. NEAL: Oh, yeah, right.

6 CHAIRMAN LUNDEEN: Is there any opposition?
7 Hearing no opposition, the motion carries.

8 The next item is 14.03. In the next item we
9 will request an issue to issue a notice of rulemaking
10 concerning rules for the administration of the Adult
11 Education and Literacy Grant Program, which we are
12 familiar with at this point.

13 Commissioner, would you like to provide any
14 additional overview?

15 UNIDENTIFIED VOICE: This is quite simple.
16 So since you all just approved emergency rules this would
17 open, as Ms. Markel explained, the formal rulemaking
18 process, beginning today.

19 MS. NEAL: We did the emergency and now
20 we're doing the --

21 UNIDENTIFIED VOICE: -- opening the
22 permanent process.

23 CHAIRMAN LUNDEEN: We have a so moved. Is
24 that adequate or do we have to have all the chapter and
25 verse in the record?



1 MS. MARKEL: We need a second.

2 CHAIRMAN LUNDEEN: I see. There is a motion
3 and a second. Is there any objection?

4 Hearing none, seeing none, the motion
5 carries.

6 MS. NEAL: Thank you.

7 CHAIRMAN LUNDEEN: Thank you. The next item
8 is consideration of the rules for the administration of
9 the School Counselor Corps Grant Program. At the August
10 13, 2014 State Board meeting, the State Board conducted a
11 rulemaking hearing on the rules for Colorado Counselor
12 Corps Grant Program. Those rules are back before the
13 Board for consideration of a vote.

14 Mr. Commissioner.

15 MR. HAMMOND: Thank you. This is our second
16 hearing on the topic. We've had a couple of questions at
17 the August meeting, and so with that, as we conduct the
18 hearing, I will turn it over to Rebecca and Misty.

19 UNIDENTIFIED VOICE: Thank you. Mr. Chair,
20 primarily your questions at the past meeting were about
21 the ASCA model, and we provided you with a great deal of
22 information, I think, on the same day as that meeting.
23 But Misty Ruthven wants to not only introduce the
24 rulemaking process, where we are, what we've done with
25 the feedback that we've received, but also introduce the



1 staff member that the grant program has allowed to hire.

2 MS. RUTHVEN: Thank you. Good afternoon,
3 Mr. Commissioner, Mr. Chair, Madam Vice Chair, and
4 members of the Board. It's a pleasure to be with you
5 this afternoon.

6 As you know, my name is Misty Ruthven and
7 I'm the Director of Postsecondary Readiness here at CDE,
8 and I'm very pleased to be joined by Eve Pugh, who is the
9 newest member of our team. Eve is the Counselor
10 Coordinator, and she is recently joining us from Byers
11 School District, where she was a counselor for more than
12 10 years, and also the Counselor of the Year. So we are
13 very pleased to have Eve on our team.

14 CHAIRMAN LUNDEEN: Welcome.

15 MS. NEAL: Very good. Welcome.

16 MS. RUTHVEN: So as we've discussed, you are
17 familiar with the Counselor Corps Grant Program. This is
18 a program that began in 2008, that currently funds one-
19 third of school districts in our state with the current
20 allocation of \$8 million. This discussion, update of
21 rules, was precipitated by the passage of S.B. 14-150,
22 from the most recent legislative session. As a brief
23 reminder, that increased funding for the Counselor Corps
24 from \$5 million to \$8 million, it increased the duration
25 of years from three to four years, and it also opened and



1 expanded the criteria to make sure it include additional
2 districts that could apply in future years.

3 As an additional mention is the purpose of
4 the Counselor Corps Grant is to increase the graduation
5 rate, decrease the dropout rate, and just a few steps
6 from the legislative report that you all have seen, as a
7 brief reminder, that has done so to the tune of
8 increasing graduation rates by around 5 percent,
9 decreasing dropout rates by nearly that same amount, and
10 in a single year 13 more students from the represented
11 schools and students with Counselor Corps went on to
12 higher education, from 2012 to 2013.

13 So as we bring the rules, the draft rules
14 forward to all of you, we definitely have received public
15 comment from two primary organizations. Those are CASB
16 as well as the Colorado Community College System. The
17 nature of those -- we received a small technical
18 amendment from CASB and then the Colorado Community
19 College System brought forward several best practices.
20 Where possible, we certainly were able to incorporate, as
21 long as there was a statutory basis for some of that,
22 some of which we were unable to incorporate because
23 there's not statutory authority to do so.

24 We also distributed these rules with
25 multiple other education and well as our other partners



1 of school counselors. So that included CASE, the Royal
2 Council, all past and present school Counselor Corps
3 grantees, Colorado Council on High School and College
4 Relations, which also includes high school admissions and
5 high school counselor -- excuse me -- college admissions
6 folks and high school counselors, as well as the higher
7 education institutions themselves and the Department of
8 Higher Education. So they were widely distributed over
9 the past several months and that was the public comment
10 that was received during that time, were from CASB and
11 the Colorado Community College System.

12 CHAIRMAN LUNDEEN: Okay. Questions? Dr.
13 Scheffel.

14 MS. SCHEFFEL: I appreciated the provision
15 of the standards for the model, right. And so what
16 happens today, or just remind me where we are? Are there
17 any safeguards that could be built into the rules? What
18 I hear from folks in schools that are concerned about
19 counselors, they love the fact that they help kids get
20 ready to go to college, help them understand what's
21 necessary, when assessments are given, how to prepare
22 their resume -- all that is great. What some folks are
23 concerned about is what else goes on, in terms of advice
24 for kids from school counselors. And it's kind of
25 implied in the language -- increasing number of school



1 counselors and the level of school counselors, and the
2 whole social-emotional piece, student behaviors, mental
3 health and suicide prevention, 2.01(5)(b).

4 Anyway, what safeguards could be written
5 into these rules to give people that are concerned about
6 the meaning of that language, language that would suggest
7 that school counselors are not pushing their own values
8 on kids in these counseling sessions, particularly around
9 mental health?

10 MS. RUTHVEN: Mr. Chair?

11 CHAIRMAN LUNDEEN: Please. Good question.

12 MS. RUTHVEN: The national language, or
13 national model language was struck in combination with
14 S.B. 14-150, and the addition of the language that you
15 just mentioned is new to the Counselor Corps statute. So
16 with that, we will be developing, in partnership with the
17 school counseling community and institutions of higher
18 education and their school counseling programs, Colorado-
19 specific school counseling standards to dive deeper into
20 specific best practices that are working across Colorado.

21 MS. SCHEFFEL: So that's pretty ambiguous
22 and I think the public still has a lot of concern about
23 what that language means. And I'm just saying that given
24 that these are the rules that are going to guide how the
25 money gets spent, parents' kids are subject to this



1 counseling, particularly around mental health, what could
2 be written into these rules to suggest that these
3 individuals stay away from issues that are privacy --
4 privately held beliefs of kids and their families?

5 UNIDENTIFIED VOICE: Before you answer, can
6 I interject?

7 CHAIRMAN LUNDEEN: Let her answer and then
8 you can follow up. Go ahead.

9 MS. RUTHVEN: Mr. Chair, one thing also to
10 keep in mind is that certainly as we've discussed within
11 the Counselor Corps model, that districts and schools,
12 that part of the process is that they determine what they
13 need most, and that may or may not be within the realm
14 that you're referring to. We have heard from many school
15 counselors, as well as districts, that their primary
16 focus of this grant is career and academic counseling as
17 well as college counseling. Any district-based or
18 school-based policies that they have established around
19 other behavioral discussions, those definitely supersede
20 any guidance that would be provided.

21 MS. SCHEFFEL: So you're saying that the
22 districts that receive these funds would define mental
23 health and how the level of counseling is enhanced based
24 on these funds. Is that what you're saying.

25 MS. RUTHVEN: Mr. Chair?



1 CHAIRMAN LUNDEEN: Please.

2 MS. RUTHVEN: We do rely heavily on the
3 districts to make those determinations of what they need
4 most.

5 MS. SCHEFFEL: How would the parents have a
6 window on that? How would parents understand what a
7 district was doing with these funds, in terms of mental
8 health counseling?

9 MS. RUTHVEN: Mr. Chair?

10 CHAIRMAN LUNDEEN: Please.

11 MS. RUTHVEN: Certainly local school boards
12 can and have set policies that govern all of their
13 professionals and their health professionals as well. So
14 I think, in general, those would differ so much from
15 school district to school district that the grant simply
16 allows districts to enhance what they are interested in
17 providing, but if there was a district policy that
18 governed the topics that a school counselor was able to
19 cover, then that would be what we would both defer to and
20 send a parent to as well.

21 MS. SCHEFFEL: So I guess my question is, as
22 we approve these rules, is there anything that we could
23 add to this language that would help the local districts
24 explore what's defined as mental health counseling and
25 the level of counseling for parents, because they're the



1 main ones that, from a school perspective, it's like hey
2 we're providing a service. From the parent perspective,
3 it's like I don't know what you're talking to my child
4 about, and I'd like to know, and I'd like to know the
5 stance that's being taken.

6 So is there any language that could be added
7 to these rules to provide guidelines that would give the
8 public some sense of clarity on what they could expect
9 and not expect?

10 MR. HAMMOND: I guess the question I'd ask
11 the staff, we talked about this. That is really is -- if
12 we add something do we go beyond the legislative intent
13 and beyond statute? And based on our discussion I
14 believe the answer to that would be yes if we included
15 such. It's not -- that would not be in accordance with
16 the statute.

17 MS. SCHEFFEL: Well, would we want to define
18 level of counseling? Would that help?

19 CHAIRMAN LUNDEEN: Which section are you
20 looking at, Deb?

21 MS. SCHEFFEL: I'm looking at 2.0(6) -- use
22 the monies to either increase the number of counselors or
23 the level of school counseling. I mean, how is that
24 defined?

25 UNIDENTIFIED VOICE: Mr. Chair, can I just



1 clarify? 2.06 or 2.01?

2 MS. SCHEFFEL: 2.0 and then (6). 2.0(6).

3 CHAIRMAN LUNDEEN: First section.

4 MS. SCHEFFEL: Under definitions, and it's
5 not defined. And the same thing with 2.01(5)(b) --
6 student support services, career planning, pre-collegiate
7 services, collegiate admissions, but it's the "or mental
8 health and suicide prevention" piece that parents are
9 concerned about, particularly the mental health piece.
10 Not defined. So is it an opportunity for us to put some
11 parameters around how those words are defined in these
12 rules?

13 UNIDENTIFIED VOICE: So, Mr. Chair, we can
14 state the statute but the bill itself does not provide
15 definition on mental health, and so adding that, I think
16 we'd want to be cautious to not go beyond the intent of
17 the statute. In terms of level of school counseling,
18 there is also not a definition, to my memory, in the
19 statute about that. It's been interpreted to mean
20 quality.

21 MR. HAMMOND: This was really meant to be a
22 local control decision, in this particular area
23 (indiscernible).

24 MS. SCHEFFEL: I guess my question is, do we
25 need those words in there? Could we just strike them?



1 Do we have to have "level of" and do we have to have
2 "mental health"?

3 UNIDENTIFIED VOICE: Refresh my memory. How
4 do we assume that local control is presumed? I mean, do
5 we?

6 UNIDENTIFIED VOICE: Mr. Chair, any
7 counselor who is funded through this program is
8 absolutely still an employee of their local school
9 district, governed by any policies around practices that
10 that local board would put in place. And so any data
11 that was collected or funding the RFP would certainly
12 defer to local board policy.

13 UNIDENTIFIED VOICE: You could add on to the
14 end of that "school counseling provided per the wishes of
15 local school district or hiring district."

16 MS. SCHEFFEL: I guess my question is do we
17 need those two words in there, "level of" and "mental
18 health"?

19 UNIDENTIFIED VOICE: So "raise the level of
20 school counseling provided" is word-for-word in the
21 statute. We need to scan for the mental health
22 reference, if you don't mind.

23 (Pause.)

24 UNIDENTIFIED VOICE: So, Mr. Chair, what I
25 would request time to consider if this is something the



1 Board would like us to look at is the original
2 legislation, because this year's legislation was
3 essentially an expansion of the original bill. We'd need
4 to consult both pieces of legislation.

5 CHAIRMAN LUNDEEN: Okay. Fair enough. So
6 in terms of process then, we are stepping back. We will
7 reconsider this next month, or are we just asking for a
8 little bit of time to go through this today? What
9 exactly are you asking for?

10 UNIDENTIFIED VOICE: I think we can do it
11 today, given that it's a grant program to go out this
12 year and we're at the end of the process --

13 CHAIRMAN LUNDEEN: Right.

14 UNIDENTIFIED VOICE: -- where the current
15 rules will expire. We'd have to take on another process.

16 CHAIRMAN LUNDEEN: Okay. So then let's push
17 on through additional questions. Elaine, I know you had
18 a question. I have a couple of questions. Let's get
19 them all on the table so we have an opportunity to bring
20 them back.

21 MS. BERMAN: So this is probably a question
22 that is not limited to the school counselor program but
23 just counselors in general. But do you have a sense of
24 the primary reasons that students go visit school
25 counselors and how their time is spent? Because I



1 certainly have my experiences with school counselors. I
2 just finished a project with them -- nothing to do with
3 the State Board. So I'll comment on my experience, but
4 first why don't you go.

5 UNIDENTIFIED VOICE: Mr. Chair, so what we
6 hear from school counselors, and also what they report to
7 us through the School Counselor Corps is that more than
8 80 percent of their time is spent in direct services to
9 students. So that could be group counseling or what's
10 called classroom guidance, where a certain topic on
11 career or college readiness is selected to discuss with
12 an entire classroom during a day, or it might be an
13 activity such as completing a resume, finding an
14 internship, discussions about finding a job or applying
15 to college, et cetera.

16 We hear from the reports that we receive
17 from school counselors that the primary reasons that
18 students, at the beginning of the process of adding
19 additional counselors, especially if it had a heavy
20 caseload, that many of those are helping students with
21 their academic journey and preparing them to ensure that
22 they are on the right academic path for them. And then
23 as that progresses and as the program is able to expand
24 through Counselor Corps, then that conversation changes
25 and expands into career and college conversions



1 throughout the student's career, and that they are
2 constantly checking back in about the academic
3 conversations as well that really support the student as
4 a whole student, to connect them with their academic
5 journey.

6 MS. BERMAN: So my understanding is one of the reasons,
7 or the primary reason, actually, that the School
8 Counselor Corps program was started was because regular
9 school counselors were so inundated with individual
10 student issues that they could not spend the time that
11 they were supposed to be spending getting kids --
12 providing the additional services needed to get them to
13 college.

14 In my experience dealing with school
15 counselors is that kids come to school counselors with a
16 myriad of problems. Colorado has one of the highest
17 suicide rates in the country. It's like, I don't want to
18 get into a big argument but I'm really puzzled by what
19 you said, because if it wasn't for the school counselor
20 for these kids to talk to, I don't know who they would
21 talk to.

22 So I don't -- in terms of a counseling
23 approach, they are professionals, they are certified like
24 a teacher is certified. That's what their job is. And
25 mental health issues in Colorado, Deb, have completely



1 exploded. That's why we have school violence. That's
2 why we have high suicide rates. So I take great, great
3 exception to you saying that you do not think that school
4 counselors should be dealing with mental health issues.
5 If they don't deal with them in school and they can't
6 talk to their parents, who the heck -- who is supposed to
7 take care of them? You have really, really touched a
8 sore spot with me.

9 MS. SCHEFFEL: Good. My point is that there
10 need to be parameters around what their role is, and I'm
11 just saying what kind of language can we put in to give
12 transparency around their role.

13 MS. BERMAN: But you want to take the word
14 "mental health" out of there when mental health issues is
15 one of the top issues in the state of Colorado, and that
16 is the reason we have so many -- why school violence, why
17 Colorado has one of the worst school violence in the
18 United States.

19 MS. SCHEFFEL: To say that school violence
20 is because we don't have enough counselors is a --

21 MS. BERMAN: It's because we have mental
22 health issues.

23 MS. SCHEFFEL: But to say that school
24 counselors are going to address the issues --

25 MS. BERMAN: Who should address them, Deb?



1 MS. SCHEFFEL: That is not the issue here.
2 I'm talking about the rules.

3 MS. BERMAN: I know it is the issue.

4 MS. SCHEFFEL: No, it isn't. No. We're
5 talking about --

6 MS. BERMAN: Okay. Well, I'm going to stop.
7 I'm just saying that I completely disagree with you, once
8 again.

9 CHAIRMAN LUNDEEN: Jane has a question. I
10 have a couple more questions to get on the table, so go
11 ahead, Jane.

12 MS. GOFF: I don't have a question. I have
13 a -- some knowledge and some observation. A lot of the
14 role of the school counselor, among other capacities in
15 schools, is pretty much spelled out in their job
16 description or their placement posting or hiring posting.
17 It's also pretty well spelled out in the licensure
18 requirements, in the standards, in the program
19 guidelines, in the content of the prep programs, it's
20 spelled out what the expectations are.

21 One of the things that, in addition to the
22 mental health topics, there are -- everything -- all the
23 efforts around dropout prevention, dropout recovery,
24 career, I think this particular grant program and the
25 origin of this was so heavily based on the idea of ICAP.



1 It's to institute the academic and career planning tool.
2 So the counselors all across the state have been trained
3 in this. It's not that mental health or, in other words,
4 creating -- giving access to kids for their well-being of
5 making decisions, life, and it's all part of mental
6 health.

7 But counselors do play a vital role in the -
8 - literally, mental health issues, such as helping kids
9 work through. That's part of their job. It's part of
10 their training. It's an expectation. But they have the
11 training and the skill to be ready to assist, guide with
12 mental health issues. It's everything from behavior to
13 emotional needs that young people have.

14 So I would say you're both right. I am
15 righter.

16 (Laughter.)

17 MS. GOFF: I don't know that it needs to put
18 --

19 CHAIRMAN LUNDEEN: Pam. You have a question.

20 MS. MAZANEC: Well, I think that all this,
21 and Dr. Scheffel included, agrees with Ms. Berman that
22 counselors provide an important role, particularly in
23 making sure we get kids graduating and going on to a
24 productive career or postsecondary education. But let's
25 be clear that what Dr. Scheffel, I think, is trying to



1 express here, as we've all heard of examples of high
2 school counselors taking pregnant young students to
3 Planned Parenthood to seek an abortion or handing out
4 birth control.

5 Maybe nobody wants to talk about that but
6 those are the kind of parameters that I think a lot of
7 parents, me included, are concerned about, our counselors
8 taking a role that they should not. And that is
9 something that deserves our attention, and not to be
10 pooh-poohed as not caring about mental health. Of course
11 we all care about the mental health of our students. But
12 I think there should be some barrier between what school
13 counselors are doing to help our students when it might
14 cross over into a line of private family business.

15 So I just want to say I think that's a valid
16 issue. It's not crazy. It's not out of the realm of
17 what we should be talking about.

18 CHAIRMAN LUNDEEN: Okay. Dr. Scheffel and
19 then --

20 MS. SCHEFFEL: And my only point is just can
21 we define it? I'm just saying when schools receive the
22 funds and kids are subject to mental health counseling
23 and a higher level of counseling, what might they expect
24 is in that bucket? And I guess I don't think it's
25 defined in these rules. And maybe you're saying it



1 shouldn't be; the local district defines it. But I guess
2 I'm feeling like, on this Board, as we look at the rules,
3 perhaps we can provide some definitional support that
4 provides clarity for the public, because they're the ones
5 paying for the grant, ultimately.

6 CHAIRMAN LUNDEEN: Okay. So I sense that
7 we've gathered the information we're looking for, but let
8 me go ahead and put my two questions on the table. The
9 first has been aired out pretty well. It's what
10 provisions can we provide to the parents on protection
11 that the counseling isn't contravening what, in fact,
12 they, in their household and their family, have chosen as
13 a pathway. And so trying to figure out how to create a
14 box around that that is appropriate for the state to do
15 is my first question.

16 The second is, really, I'm trying to
17 understand this best practices piece, where that is, and
18 where the guts -- is that the 01(2)(c) section? I'm just
19 not finding, because I wanted to read more -- read that
20 portion a little more clearly. Am I looking at the right
21 thing?

22 UNIDENTIFIED VOICE: Mm-hmm.

23 CHAIRMAN LUNDEEN: Okay. So give me a --
24 while you're answering the pre-existing question, let me
25 kind of chew on that a little bit more.



1 UNIDENTIFIED VOICE: So the original --
2 again, I think always in making rules our attempt is to
3 both honor the public comment that was issued in the
4 comment period and probably even more important that we
5 stay as close to the statutory intent as possible. So
6 there is language in the original statute that reads --
7 and this is 22-91102(i) -- "Professional school
8 counselors are trained to provide comprehensive programs
9 that facilitate the development of the whole child in the
10 areas of academic, career, and personal and social
11 needs." The second bill, which is the bill that passed
12 in 2014, I think made a more specific point there in
13 relation to the advisory board for the grant program,
14 indicated that it needed to include people who understood
15 career and technical education, student support services,
16 career planning, pre-collegiate services and college
17 admissions, and mental health and suicide prevention."

18 CHAIRMAN LUNDEEN: So where does that take
19 us? Does that get anybody over a threshold they're
20 trying to get over?

21 MS. SCHEFFEL: So, excuse me. That was from
22 the statute?

23 UNIDENTIFIED VOICE: The first reading is
24 from the statute in the original rule. The second
25 reading is from the new statute that expanded the program



1 from \$5 million to \$8 million.

2 MS. SCHEFFEL: So actually your language is
3 more general than what's in the statute. So, in other
4 words, it should cover the concerns of the State Board,
5 because it's not as specific. It's more general, leaving
6 the discretion more up to the local school districts.

7 UNIDENTIFIED VOICE: And, Mr. Chair, if I
8 may?

9 CHAIRMAN LUNDEEN: Please, go ahead.

10 UNIDENTIFIED VOICE: And to reinforce the
11 mental health piece, the mental health and suicide
12 prevention language is specific to the creation of an
13 advisory board and the potential membership of that, and
14 not an expectation necessarily for counselors within the
15 program.

16 CHAIRMAN LUNDEEN: Okay. I'm still trying
17 to figure out whether I've gotten my questions answered
18 or not. Is everybody else getting --

19 MS. SCHEFFEL: Just that in the rules we
20 could let that language apply to who is on the advisory
21 board as opposed to what the counselors actual raise as
22 their task. Is that what you're saying?

23 UNIDENTIFIED VOICE: Well, it is in statute.
24 I mean, the interpretation is important to note that in
25 statute the professional school counselors that are to be



1 funded by the program are counselors who are trained to
2 provide comprehensive programs aimed at the whole child,
3 including areas of academic, career, personal, and social
4 needs. So the personal and social, I think, would be
5 relevant to the skills of the counselor, those funded by
6 the program, and then the mental health and suicide
7 counselors governs the staff on the -- or the volunteers,
8 if you will, on the advisory board

9 MS. SCHEFFEL: So I guess I'd like to see
10 that distinction made in the rules.

11 UNIDENTIFIED VOICE: Mr. Chair?

12 CHAIRMAN LUNDEEN: Please.

13 UNIDENTIFIED VOICE: So -- and please help
14 us determine how we can make this clear. So 2.01(5), the
15 beginning of that section is creation of an advisory
16 board, and then 2.01(5)(b) is underneath that, so it
17 would be a clause that speaks to the creation of an
18 advisory board.

19 UNIDENTIFIED VOICE: To be more specific,
20 the reference to mental health and suicide prevention in
21 the rules is referencing the membership of the advisory
22 board.

23 CHAIRMAN LUNDEEN: And the members are
24 specified in statute?

25 UNIDENTIFIED VOICE: Yes.



1 UNIDENTIFIED VOICE: Mr. Chair, may I
2 address your question about best practices?

3 CHAIRMAN LUNDEEN: Yeah.

4 UNIDENTIFIED VOICE: So the comprehensive
5 state-based counseling model that is referenced in
6 2.01(2)(c), we are looking to the University of Colorado,
7 Colorado Springs, to assist us with literature review for
8 Colorado-based best practices, as well as a review of the
9 past six years of Counselor Corps reports from successful
10 grantees, and that will develop and inform the
11 development of the comprehensive school counseling model
12 for Colorado.

13 CHAIRMAN LUNDEEN: Okay. Other questions?

14 Okay. I would ask for a motion.

15 Okay. Hang on a second. Elaine?

16 MS. BERMAN: I move that we accept the rules
17 as written.

18 MS. NEAL: I've got it here. I've got all
19 the legalese here. Well, I was trying to read the rules.

20 I move to approve the rules -- it was truly
21 short -- I move to approve the rules concerning the
22 Colorado Counselor Corps Program.

23 CHAIRMAN LUNDEEN: Is there a second?

24 MS. BERMAN: Second.

25 CHAIRMAN LUNDEEN: There is a second. Okay.



1 Staff, call the roll.

2 MS. MARKEL: Elaine Gantz Berman.

3 MS. BERMAN: Aye.

4 MS. MARKEL: Jane Goff.

5 MS. GOFF: Aye.

6 MS. MARKEL: Paul Lundeen.

7 CHAIRMAN LUNDEEN: No.

8 MS. MARKEL: Pam Mazanec.

9 MS. MAZANEC: No.

10 MS. MARKEL: Marcia Neal.

11 MS. NEAL: Aye.

12 MS. MARKEL: Dr. Scheffel.

13 MS. SCHEFFEL: No.

14 MS. MARKEL: Dr. Schroeder.

15 MS. SCHROEDER: Aye.

16 CHAIRMAN LUNDEEN: Okay. The motion

17 carries. The next item --

18 MS. NEAL: Can I make a brief comment? I
19 think we're seeking perfection, and so far we never seem
20 to get there. You know, that was where I came from. I
21 knew nobody would listen, but that if we have an advisory
22 group, you know, it's up to the local group to make that
23 really clear what they expect from their advisory group,
24 and if that doesn't happen I don't think we have the
25 power here to make it happen. So that's where I was.



1 CHAIRMAN LUNDEEN: Fair enough. Thank you.

2 All right, 14.05, the next item on the
3 agenda, request to issue a notice of rulemaking
4 concerning rules for the administration of the waiver of
5 statute and rule.

6 Mr. Commissioner.

7 MR. HAMMOND: I'll turn that over to Ms.
8 Rebecca Holmes.

9 MS. HOLMES: Thank you. Mr. Chair, this is
10 the last one from our are.

11 CHAIRMAN LUNDEEN: This is the controversial
12 one, I want you to know.

13 (Laughter.)

14 MS. HOLMES: All right, Mr. Chair. So H.B.
15 1292 made some changes in the definition of what would be
16 automatically a risk for charter schools, and actually,
17 all of us here should be thrilled at these changes
18 because it means fewer of them will have to come here for
19 you to review and approve.

20 So now, instead of defining automatic waiver
21 which is something which is delegated from the Board to
22 staff to review and approve, instead they are things
23 given at the time of establishing a contract. So when a
24 charter school exists they have these waivers. This
25 means that we need to revisit the set of rules that



1 identify the specific statute which will be automatically
2 waived, and this is because the criteria for which those
3 would be selected has changed in statute.

4 So previously there wasn't a clear criteria,
5 and our practice had been to bring to you those that had
6 been very frequently, the logic being that that meant you
7 would not have to see them as often, and that because
8 they had been frequent, you had reviewed rules and
9 replacement plans a lot of times, and we could follow
10 your pattern of what you had accepted in replacement
11 plans.

12 Now the statute is specific in saying that
13 things should be put on the list if they are not too
14 confusing, essentially. I can read you the specific
15 language, but just trying to -- would you like to hear
16 the language?

17 CHAIRMAN LUNDEEN: Please.

18 MS. HOLMES: That "in promulgating the list
19 of automatic waivers, the State Board shall consider the
20 overall impact and complexity of the requirements
21 specified in statute and the potential consequences that
22 waiving statute may have on the practices of a charter
23 school." So specifically, on conversations with the
24 League of Charter Schools, while this is being bantered
25 around in the legislature, we identified, in talking with



1 them, some areas where sometimes there has been confusion
2 from charter schools about what receiving a waiver meant.

3 So two quick examples. One is that
4 sometimes charter schools receiving waivers to teacher
5 licensure thought that also meant they were waiving
6 federal, highly qualified requirements. This caused
7 problems for charter schools because when the highly
8 qualified audits happened midyear they would find out
9 from their authorizer that they had staff that were not
10 qualified and could not be in their positions, and had to
11 terminate staff and replace staff midyear, which was
12 quite disruptive. We would like the opportunity, and it
13 is now in this statute, says, that staff has the
14 opportunity, and you have the opportunity to review
15 replacement plans around licensure because it is
16 confusing.

17 Another one that is called out in statute to
18 be not automatic is calendar, for the same reason that is
19 has a pattern of causing confusion which has gotten some
20 charter schools in trouble previously. Specifically, in
21 that case, it's that charter schools sometimes believe
22 that in waiving the statute that says that it is the
23 district's responsibility to establish a calendar, and
24 giving them the authority to establish their own
25 calendar, that that frees them up from the requirement of



1 contact hours, which it does not. So it is confusing.

2 So for those that are confusing, the statute
3 is saying we should still be reviewing those to ensure
4 that charters don't get themselves in trouble just being
5 confused about what flexibility they have received.

6 So that is what's in statute and we need to
7 revisit those rules. The draft rules that you've been
8 given have already been informed by the Legislative
9 Council group associated with the Colorado League of
10 Charter Schools, and we will continue to engage with them
11 to get feedback over the time of, you know, formal input
12 to rulemaking. But I wanted you to know that already
13 they have been engaged in helping us create the draft
14 rules that are in front of you.

15 CHAIRMAN LUNDEEN: Okay. So questions?
16 This is, I will notice, a notice of rulemaking.

17 MS. HOLMES: Just notice.

18 CHAIRMAN LUNDEEN: It's the heads-up, 60
19 days down the road we're going to come back to this and
20 take action, which is to hear additional public comment.

21 MS. HOLMES: That's correct.

22 CHAIRMAN LUNDEEN: Get ready for the 90 days
23 out on a vote with the shortest we're 60 days out on a
24 vote.

25 So having said that, are there questions for



1 further clarification at this point?

2 Hearing none, I will ask for a motion.

3 MS. NEAL: I move to approve the notice of
4 rulemaking hearing for the rules for the administration
5 of the waive of statute and rule, 1 CCR 301-35.

6 CHAIRMAN LUNDEEN: Is there a second?

7 MS. SCHROEDER: Sure.

8 CHAIRMAN LUNDEEN: There is a second. Is
9 there any objection?

10 Hearing none, the motion carries. I told
11 you it was controversial.

12 MS. HOLMES: I know. You're so tricky.

13 MR. HAMMOND: Thank you.

14 CHAIRMAN LUNDEEN: Item 16.01 is a request
15 for emergency rules for the administration of the English
16 Language Proficiency Act, pursuant to 24-4-103(6),
17 Colorado Revised Statute. The State Board is authorized
18 to adopt emergency rules if it finds that immediate
19 adoption of the rules is imperatively necessary to comply
20 with a state or federal law or federal regulation, or for
21 the preservation of the public health, safety, or
22 welfare, and delay an adoption of the rules would be
23 contrary to the public interest.

24 Commissioner?

25 MR. HAMMOND: Thank you. This is -- well,



1 I'm just going to turn this over a second time to Keith.

2 I wasn't paying attention.

3 (Laughter.)

4 CHAIRMAN LUNDEEN: I was.

5 MR. HAMMOND: I was doing something else.

6 You caught me on that one. You were so fast, okay? But
7 go ahead, Keith.

8 MR. OWEN: Mr. Chair?

9 CHAIRMAN LUNDEEN: Please. You're on.

10 MR. OWEN: Thank you. The new English
11 Language Proficiency Act, ELPA, and H.B. 14-1298,
12 includes three funding programs for Colorado's educators
13 to meet the legal requirements of services for English
14 learners to develop their English proficiency while
15 learning grade-level content. The original ELPA program,
16 which this year will be about \$16,700,000, remains as a
17 per-pupil allocation expanded from two years to five
18 years, to defer the cost of English language proficiency
19 programs. Rules for the ELPA program were amended only
20 as necessary to implement this new law.

21 The new support program, which is about \$27
22 million, provides significant increase in funding to
23 districts to offset the cost of providing professional
24 development for educators who may work with English
25 learners. No new rules are required for this program.



1 And then the new rules that are required for
2 the new ELPA Excellence Award program, which is a
3 \$500,000 annual award program, which is new, for schools,
4 districts, and for charter schools, the State Board of
5 Education, by law, must set rules for this award program.
6 The rules before you meet that requirement and are
7 consistent with and mirror the criteria distribution
8 reporting specifications in the law.

9 The emergency rules today will allow us to
10 get the money to the award winners as soon as possible in
11 this school year. It will also allow them to use the
12 money in this current school year to maximize support for
13 English learners, and also to highlight successful
14 programs, both in school districts and charter schools,
15 and help us get the information out to the rest of the
16 state about successful practices.

17 So today we're looking at emergency rules
18 for this and then also starting the rulemaking process
19 for the formal rules for ELPA.

20 And with that I've got Ms. Liliana Graham,
21 who is the Director of our ELA programs here at the
22 Department, and Mr. Patrick Chapman, who oversees. He is
23 the Executive Director for Federal Programs here. We are
24 happy to answer any questions you might have.

25 CHAIRMAN LUNDEEN: Vice Chair?



1 MS. NEAL: This is a grant program. I'm
2 just curious. Where does the grant funding come from.

3 MR. OWEN: Mr. Chair? H.B. 14-1298 lays out
4 three kind of streams of funding, and one is the original
5 ELPA program, which school districts have been getting.
6 There is a new support program, which is about \$27
7 million, that's going into school districts to support
8 across the state English learners. And then the ELPA
9 Excellence Award program is an award program for charter
10 schools and for school districts that have exemplary
11 English language learner programs. And the rules that
12 you'll be acting on today will help govern the way that
13 we get that money out and those awards to schools and
14 districts.

15 So there are three components to ELPA. The
16 third one is the award program.

17 MS. NEAL: But the money itself all comes
18 from the State. It's not coming from some other fund.

19 MR. OWEN: Mr. Chair? Yes, that's correct.

20 MS. NEAL: Thank you.

21 MR. OWEN: This is all state money.

22 CHAIRMAN LUNDEEN: Okay. Dr. Scheffel?

23 MS. SCHEFFEL: Oh, thank you. Can you just
24 say what's assessed in this program? It's a little vague
25 because it says "English language proficiency." Is that



1 oral language? Written language? Both? And at what
2 levels? Is it a linguistic assessment? Conversational?
3 I mean, what's assessed?

4 MR. OWEN: Mr. Chair?

5 CHAIRMAN LUNDEEN: Please.

6 MR. OWEN: Specific to the ELPA Excellence
7 Award program, or for the ELPA program in general?

8 MS. SCHEFFEL: Well, in general, and then
9 these rules.

10 MR. OWEN: Okay. Ms. Chair, I might let
11 Liliana Graham, our Director of English Language Programs
12 kind of talk to that specific point them.

13 MS. GRAHAM: The state has a mandated
14 English language proficiency assessment and the current
15 assessment is the WIDA. It's called Access for ELLs, and
16 that's given annually. That is also used in the criteria
17 for excellence. We're using not the actual scores but
18 growth from year to year. As to what's tested, we test
19 reading, writing, speaking, and listening.

20 MS. SCHEFFEL: Thank you.

21 MR. OWEN: Mr. Chair, I might add, too, for
22 the award program we're also looking at the individual --
23 the growth of EL students in math, on CMAS, and also in
24 language arts in CMAS as well.

25 CHAIRMAN LUNDEEN: Okay. Other questions on



1 this emergency rule portion? No? Then I would seek a
2 motion.

3 MS. NEAL: I move, pursuant to CRS 24-4-
4 103(6) CRS that immediate adoption of the rules for the
5 administration of the rules for the administration of the
6 English Language Proficiency Act is imperatively
7 necessary in order to implement the changes in statute
8 and to provide funding for the English Language
9 Proficiency Act Excellence Award Program.

10 CHAIRMAN LUNDEEN: Okay. There is a second.
11 Is there any objection?

12 Hearing none, the motion carries.

13 The next item continues in the same theme,
14 request to issue notice of rulemaking, again, starting
15 the very beginning of the clock, concerning rules for the
16 administration of the English Language Proficiency Act.

17 Mr. Commissioner, I assume that these people
18 are going to talk to us about this.

19 MR. HAMMOND: Yes, and as stated, this is a
20 notice. Dr. Owen?

21 MR. OWEN: Mr. Chair, this is just the
22 notice that that will be happening. There will be a
23 process of outreach, just like the other rules. This is
24 just notification of that process.

25 CHAIRMAN LUNDEEN: Sounds good. A motion is



1 in order.

2 MS. NEAL: I move to approve the notice of
3 rulemaking hearing for the rules for the administration
4 of English Language Proficiency Act.

5 CHAIRMAN LUNDEEN: Is there a second? Dies
6 for lack of a second. There is a second. Dr. Scheffel
7 seconds. Is there any objection?

8 There is no objection. The motion carries.

9 MS. NEAL: That was easy, wasn't it?

10 MR. HAMMOND: Wait until next time.

11 MS. NEAL: Wait until next time. Wait until
12 you come back.

13 CHAIRMAN LUNDEEN: Item 16.03 is a request
14 for emergency rules for the administration of the School
15 Turnaround Leaders Development Program, pursuant to 24-4-
16 103(6), CRS. The State Board is authorized to adopt
17 emergency rules if it finds that immediate adoption of
18 the rules is imperatively necessary to comply with a
19 state or federal law or federal regulation, or for the
20 preservation of the public health, safety, and welfare,
21 and delaying adoption of the rules would be contrary to
22 the public interest.

23 Commissioner?

24 MR. HAMMOND: Again, I'll turn this over to
25 Dr. Owen, but this is a grant program that was issued



1 last year. Money needs to get out to those who want to
2 apply. And I'll turn it over to you, Keith.

3 MR. OWEN: Mr. Chair? So S.B. 14-124
4 repeals the School Leadership Academy Program and
5 replaces it with the School Turnaround Leaders
6 Development Program. There are two grants inside of this
7 program that these rules will govern. The providers of
8 Turnaround Leadership Development Programs, there is a
9 designer grant that will help cede grants to turnaround
10 leadership providers, and then there is a leader grant,
11 the second component, which is a grant to support school
12 districts, CSI, charter schools to train aspiring
13 leaders, school and district staff to help put them
14 through either district-developed programs that meet
15 certain criteria or, for example, programs like the
16 University of Virginia's Darden School of Business
17 partnership that we have, specific to turnarounds.

18 So this is an exciting grant. These rules,
19 emergency rules, are necessary in order for us to get the
20 funding out to school districts in this current school
21 year. And then our hope is to develop a process as part
22 of the formal rulemaking piece that will come after this
23 piece is done, that will allow us to annually get funds
24 out to schools and districts in a way to support
25 turnaround leadership in the state.



1 So with that I'll take any questions.

2 CHAIRMAN LUNDEEN: Yeah. Let me ask you to
3 kind of expand. We talked about this, about how this is
4 not rewarding, you know, just more money for a bad
5 problem, but this, in fact, is precedent upon a change of
6 direction. So expand on that concept, if you would,
7 please.

8 MR. OWEN: Sure. Mr. Chair, one of the
9 things is we've seen the volume of schools and districts
10 that are coming closer to entering year five, which we'll
11 have more discussions about that in October and November,
12 year five on our accountability clock. I think as the
13 General Assembly put rules -- you know, the legislation
14 together to govern S.B. 163, which is our Accountability
15 Act, I think they're starting to understand, as well,
16 that the supports to help schools and districts when they
17 are labeled with these Improvement, Turnaround, Priority
18 Improvement labels, that it's a necessary ingredient to
19 making the kind of progress that we expect from these
20 schools and districts.

21 And so last year there was lot of discussion
22 as this bill progressed around the supports that are
23 necessary, and one of the things that I think was very
24 helpful with this legislation was that they looked at
25 some successful practices that have been occurring with



1 the Department specific to turnaround leadership, and our
2 partnership with the University of Virginia, our
3 partnership with some of the components of that work
4 that's come out of the Darden School of Business has
5 proven, over the last three years, to be very successful
6 with the school districts that have implemented, with
7 fidelity, the work.

8 And we're excited. I think you're going to
9 even see when the results come in in November and
10 December, for schools and districts that have
11 participated in a lot of these leadership programs, that
12 they're making progress, and many of them are moving off
13 the clock.

14 So again, this is an opportunity for school
15 districts to really push on current leadership. It says
16 do we have the right people? There's competencies that
17 go along with these leadership programs, and they push on
18 the school system to determine whether or not they've got
19 the right person in there. And I think where it's been
20 helpful in is identifying that the district has placed
21 people in positions where they can't be successful, and
22 these leadership programs are helping to now identify
23 that these people should not be in these positions. You
24 need to put in a new administrator. You need to get them
25 the kind of training that they need to be successful.



1 And throughout this experience that we've had with the
2 school districts that's been a fundamental shift in the
3 way that they've approached leadership.

4 Many times I think, Mr. Chair, like you were
5 saying, it was let's provide additional training for the
6 same person, and let's not think about the quality or the
7 capacity, the skills of the individual and the challenges
8 that we've tasked them to undertake.

9 So I think this is an exciting opportunity.
10 Again, we will get an opportunity to see some local,
11 statewide providers develop these leadership components.
12 They can participate, and we might get some additional
13 new energy around leadership programs in the state, in
14 addition to the high-quality ones that we've found
15 nationally.

16 CHAIRMAN LUNDEEN: Thank you. Questions?
17 Angelika.

18 MS. SCHROEDER: I think when I read this
19 there is funding for programs and then there's funding
20 for individual leaders. With respect to the funding for
21 individual leaders, I confess my frustration for schools
22 that do turnaround really are moving right ahead in the
23 leader leagues, and it feels as though it's a revolving
24 door, and then you start all over again. And I'm
25 wondering where there are programs such as this, that is



1 sort of like, I think, a scholarship, whether we can't
2 ask for a commitment, that if we expend the funds for
3 intensive training, and I'm assuming mentoring, et
4 cetera, that we can't say we don't want you to turn
5 around, not go to another state, or et cetera, for some
6 period of time, until the -- particularly until the
7 learning can be implemented with such fidelity that it
8 really changes the culture of the school and it doesn't
9 matter as much that that same person is there.

10 MR. OWEN: Mr. Chair? That's a great point,
11 and we absolutely have worked with our school districts
12 that are in Priority Improvement and Turnaround to
13 consider the impact of tying supports and additional
14 funding to longevity when necessary. But we really
15 think, for the most part, that's better left as a local
16 decision, because there are also opportunities where
17 these programs also start to help point out that the
18 capacity isn't there with the individuals, and then
19 sometimes it's a two-way street. If you've bound
20 yourself to somebody and you start to realize they're not
21 the right individual to carry out the work, then you've
22 kind of locked yourself in.

23 So we try to help districts be careful and
24 craft support pieces --

25 MS. SCHROEDER: You mean after the program



1 has begun with some time expended, that realization
2 occurs.

3 MR. OWEN: That could be one way to do it,
4 absolutely.

5 MS. SCHROEDER: Okay. That makes sense.
6 Thank you.

7 CHAIRMAN LUNDEEN: Okay. Other questions,
8 comments?

9 A motion is in order.

10 MS. NEAL: I move, pursuant to CRS 24-4-
11 103(6) -- am I in the right place? --

12 CHAIRMAN LUNDEEN: Yep.

13 MS. NEAL: -- CRS, that immediate adoption
14 for the rules of the administration of the School
15 Turnaround Leaders Development Program is imperatively
16 necessary in order to comply with 22-13-103 CRS, which
17 requires the Colorado Department of Education to
18 administer the Turnaround Leadership Development Program
19 design grants.

20 CHAIRMAN LUNDEEN: That's a proper motion.
21 Dr. Scheffel seconds. Is there any objection?

22 Hearing none, the motion carries. Thank
23 you.

24 Pressing forward, we are 15 percent of the
25 way there, guys. Hang on.



1 Item 16.04 is the next item on the agenda.
2 It's a request to issue a notice of rulemaking concerning
3 rules for the administration of the School Turnaround
4 Leaders Development Program, about which we have just
5 spoken. Any further comments? Do you want to tee up the
6 fact that this is the beginning of the rulemaking
7 process?

8 MR. OWEN: Mr. Chair?

9 CHAIRMAN LUNDEEN: We are all very familiar
10 with that at this point.

11 I would ask if there are questions? Are
12 there questions?

13 No questions. A motion is in order.

14 MS. NEAL: I move to approve the notice of
15 rulemaking hearing for the rules concerning the
16 administration of the School Turnaround Leaders
17 Development Program.

18 CHAIRMAN LUNDEEN: Is there a second?
19 Several seconds. We'll take Dr. Scheffel to our left
20 here. Any objection?

21 Hearing none, the motion carries. Thank you
22 very much.

23 MS. MARKEL: Mr. Chair?

24 CHAIRMAN LUNDEEN: Yes, ma'am.

25 MS. MARKEL: If I may, our next presenters



1 are not here yet, so I suggest that we take a --

2 CHAIRMAN LUNDEEN: We've got one more rule.

3 MS. MARKEL: Yes.

4 CHAIRMAN LUNDEEN: Okay. But take a -- oh,
5 they're not here for the presentation of this rule.

6 Okay.

7 MS. NEAL: We're early, aren't we?

8 CHAIRMAN LUNDEEN: Yeah. We are running a
9 little bit ahead of schedule, which is what happens when
10 we bake a little more air into the cake.

11 So we'll take a couple-minute break.

12 (Pause.)

13 CHAIRMAN LUNDEEN: The State Board will come
14 back to order. The next item on the agenda is 17.03, is
15 a request to issue a notice of rulemaking concerning
16 rules for governing the Renewable Energy and Energy
17 Efficiency in our Schools Loan Program, 1 CCR 301-85.

18 Mr. Commissioner.

19 MR. HAMMOND: Thank you. This is one of
20 those very unusual rule-setting hearings, that you're
21 going to go through, and, of course, this is -- hello,
22 everybody. Excuse us.

23 CHAIRMAN LUNDEEN: We'll hit the pause
24 button for a second.

25 UNIDENTIFIED VOICE: Here, kitty-kitty.



1 MR. HAMMOND: Give the Commissioner the
2 respect that is due.

3 (Laughter.)

4 UNIDENTIFIED VOICE: We're trying to herd
5 cats here.

6 CHAIRMAN LUNDEEN: So we're talking --
7 Elaine, you're going to like this -- energy efficiency
8 and renewable energy.

9 MS. BERMAN: I love it.

10 CHAIRMAN LUNDEEN: Mr. Commissioner.

11 MR. HAMMOND: Thank you, and what I was
12 starting to say, this is a very unusual situation. This
13 is a notice of rulemaking but it affects another
14 department, another state department.

15 But to kind of explain that to you just a
16 little bit I'm going to turn it over to Ms. Leanne Emm
17 and Scott may also chip in, please.

18 Leanne, please start.

19 MS. EMM: Thank you very much, and, yes,
20 this is somewhat of an unusual rulemaking hearing for
21 you. But I am going to turn it right directly over to
22 Scott Newell and the folks from the Office of Energy to
23 walk through this. So thank you very much.

24 CHAIRMAN LUNDEEN: Thanks for joining us.

25 MR. NEWELL: Hi. Scott Newell, Director of



1 Division of Capital Construction, and we collaborate
2 quite often with the Colorado Energy Office. And we have
3 Andrew and Michael, just those two today. They are going
4 to walk you through the rules and then if you have any
5 questions on how they collaborate with our program I'm
6 happy to answer those as well.

7 CHAIRMAN LUNDEEN: Thank you. Please
8 proceed.

9 MR. SAND: Thank you. Mr. Chair, Mr.
10 Commissioner, my name is Andrew Sand. I'm a Policy
11 Adviser at the Colorado Energy Office. I appreciate the
12 opportunity to talk to you today and begin this process
13 of consultation on the rulemaking. Our office does not
14 have rulemaking authority and that's why -- that's one of
15 the main reasons it is nestled under your rulemaking
16 process.

17 MR. HAMMOND: Well, that was nice of them to
18 do.

19 (Laughter.)

20 MR. SAND: Yes. Renewable Energy and Energy
21 Efficiency in our Schools Loan Program was created in
22 2009 by H.B. 1312. There was a rulemaking proceeding
23 that happened at that point, and following the last
24 legislative session S.B. 14-202 made some changes to the
25 statute that required an update of the rule. At this



1 time I'd like to turn it over to Michael Turner from our
2 office to give some background.

3 MR. TURNER: Thank you. My name is Michael
4 Turner. I'm the Energy Efficiency Program Manager at the
5 Colorado Energy Office. As part of our K-12 energy
6 efficiency program we are responsible for the
7 administration of the Renewable Energy and Energy
8 Efficiency in our Schools Loan Program. The program
9 provides school districts with loans for renewable energy
10 projects and energy efficiency projects if they are
11 (indiscernible) private sector financing.

12 To apply for a loan the school district must
13 receive approval from its board of education and
14 (indiscernible). Applications are submitted to the CEO
15 and must meet specific standards for (indiscernible).
16 The CEO then recommends awards and loans, and loan
17 amounts to the state treasurer. The state treasurer
18 approves loans and provides funds to the public school
19 fund and specifies loan terms. Prior to accepting the
20 loans, school districts must determine the available
21 financial terms for these two things. If the district is
22 unable to repay a loan the state treasurer may withhold
23 funds from the state's share of the district's school
24 finance funding. If the loan is not repaid, the General
25 Assembly must reimburse the public school fund with



1 General Assembly appropriations.

2 The REEES program was started in 2009, as a
3 result of H.B. 1312. It was meant to provide an
4 additional financial resource for school districts
5 looking to implement renewable energy projects or energy
6 efficient (indiscernible) projects in the form of low-
7 interest loans from the Colorado Education Fund. No
8 applications were ever received.

9 I'll turn it back over to Andrew to talk
10 about the changes from S.B. 202.

11 MR. SAND: And I'm Andrew Sand, Policy
12 Advisor, Colorado Energy Office. As Michael said, to
13 date with the program we have not received applications.
14 There are a number of market available options,
15 marketable options, and for other programs within our
16 office that focus on the K-12 program some stakeholders
17 approached the legislators last session to make -- to
18 open this program up and make it more attractive for us.

19 I'm just going to broadly talk about a few
20 of the changes that happened (indiscernible) 202.
21 Essentially, in the original statute there was a
22 definition for Energy Efficient Plus, which focused on UV
23 and electric vehicle and, of course, natural gas buses.
24 What S.B. 202 did last year was expand that definition to
25 energy efficiency more broadly, and, in fact, in the



1 qualifying projects it also includes water efficiency,
2 efficiency for pleats (ph), and a range of different
3 energy efficiency options as well.

4 One of the other major changes for the bill
5 is it also allowed for school districts to enter into
6 third-party ownership for renewable generation, sometimes
7 also referred to as solar gardens, with fractionalized
8 ownership. For schools who potentially can't -- don't
9 have the proper roof pitch or the direction to have solar
10 power, for instance, they could enter into a community
11 solar where its generated offsite.

12 Those are the primary changes of the
13 legislation, that reflected in the redlined prepared by
14 your staff.

15 CHAIRMAN LUNDEEN: Questions? Angelika,
16 please.

17 MS. SCHROEDER: So as I stumbled through
18 these rules I have to say that I'm certainly comfortable
19 with the staff of a large district addressing their
20 requirements and understanding all the terminology. But
21 I started feeling -- I started worrying about what kind
22 of help are we going to give some of our smaller
23 districts in just going thorough this process? And I'm
24 wondering if you could address that, because I don't find
25 this -- I don't find this the simplest application I ever



1 saw, and it's terminology that's new to many of us. It's
2 inside baseball for you guys but probably not for our
3 education staff or volunteers who write grants, et
4 cetera, especially in our smaller districts but maybe
5 even in our larger ones.

6 MR. SAND: Yeah. I would just say that the
7 Energy Office will be available to help walk schools
8 through this process and provide any sort of technical
9 advice that they may require, and as part of the
10 rulemaking, as part of this program, if they need to
11 solicit additional advice, additional technical advice,
12 they can actually use the loan money to do that. But we
13 do have programs at the Energy Office that will be open
14 and available to help facilitate this process, should a
15 school want to apply.

16 MS. SCHROEDER: And how are you going to
17 publicize this?

18 MR. TURNER: Our plans moving forward, on
19 October 16th, we're going to have a stakeholder meeting
20 in our offices, at 1580 Logan, and we will also be taking
21 public --

22 MS. SCHROEDER: Who are your stakeholders?

23 MR. TURNER: Oh. So the stakeholders, we
24 are going to reach out to school districts, to folks who
25 worked on the bill and who participated in the last



1 rulemaking.

2 MS. SCHROEDER: Okay. But our stakeholders
3 -- the districts I'm talking about, Marcia and I and
4 several represent some districts that are pretty far
5 away, and small, and the superintendent, the bus driver,
6 and the principal, and that's kind of the audience that
7 I'm wondering about. And they probably really could
8 engage. I mean, they could benefit from something like
9 this, because their utility bills are a huge portion of
10 their costs.

11 MR. TURNER: Yes. And to that I would say
12 that the REEES loan program is one of several energy
13 efficiency programs that the Colorado Energy Office
14 offers, with rural and small districts being a priority
15 for engagement for our office as well.

16 MS. SCHROEDER: Okay. Great. Thanks.

17 CHAIRMAN LUNDEEN: Marcia.

18 MS. NEAL: Maybe you're -- I was just
19 thinking -- Dr. Owen and I were speaking this morning. I
20 represent the Third Congressional District. They were
21 have a superintendents' meeting in Grand Junction October
22 20th. Maybe if you -- you know, if one of your --
23 there's usually like 30 or 40 superintendents there in
24 the room, and so perhaps you could coordinate and
25 somebody could come over to that meeting. It might be



1 worthwhile.

2 MR. TURNER: Yeah. Absolutely.

3 MR. HAMMOND: Mr. Chair? I don't know who's
4 on your stakeholder group that would be representing the
5 rural. It may be that you have that covered. But given
6 the importance of how we view rurals, we'd be glad to
7 suggest a couple of names for you, if you don't have that
8 representation, because that is an important part of what
9 we believe in.

10 UNIDENTIFIED VOICE: Sure. Our stakeholder
11 process is going to be open and public, and we're happy
12 to take recommendations from the Board.

13 CHAIRMAN LUNDEEN: Deb, I'll come to you in
14 a second. Leanne, I think, wanted to get in on our
15 previous conversation.

16 MS. EMM: Right. Thank you. And one thing
17 that I did want to point out, also, is that with the
18 collaboration between the BEST Program and the Colorado
19 Energy Office, we also -- the BEST Program has a listserv
20 that reaches out to all district facility type people and
21 things like that, and we advertise through that. And we
22 will also be sending out notifications in the Scoop also,
23 so the districts are aware, through those vehicles.

24 CHAIRMAN LUNDEEN: Okay. Deb?

25 MS. SCHEFFEL: Are all these funds state



1 funds or are there some federal funds mingled to provide
2 these grants?

3 UNIDENTIFIED VOICE: These funds are --
4 these are state funds.

5 MS. SCHEFFEL: All state funds? Yeah.
6 Good. Can you give mean example of a sustainability plan
7 and a climate action plan, which is 5.2.6.1.1? What is
8 an example of a climate action plan that would like to
9 receiving these funds?

10 CHAIRMAN LUNDEEN: And let me ask a
11 clarifying question. I may misunderstand. Is there
12 grant money or is there loan money only?

13 UNIDENTIFIED VOICE: So to address the first
14 question, because there haven't been any applications
15 received yet we can't necessarily give you an example of
16 what a climate action plan.

17 MS. SCHEFFEL: Other states are doing this,
18 right? I mean, I think I've seen this language. I just
19 didn't know if there was a place to go, another state,
20 another website.

21 UNIDENTIFIED VOICE: Yeah. Different
22 communities have a variety of different plans that seek
23 to target these types of efficiencies. Sometimes they're
24 rolled into a variety of the different plan names that
25 you mentioned. And so it's put in there as a way to be



1 an inclusive list, to talk about if a community has
2 goals, these are the types of plans that would have
3 energy efficiency goals in them.

4 MS. SCHEFFEL: I was just looking for other
5 states that are doing this, where we could look at
6 examples, but maybe you don't know. If you do, that
7 would be great.

8 UNIDENTIFIED VOICE: Well, what I can speak
9 to is some of our other programs, we have an Energy
10 Management Assistance Program, which really works with
11 schools to identify energy efficiency measures that can
12 be implemented at the school to reduce their energy
13 costs, and that's similar to what we would look for in an
14 application.

15 MS. SCHEFFEL: And a climate action plan?

16 UNIDENTIFIED VOICE: And a climate action
17 plan, to identify the environmental benefits as well.

18 MS. SCHEFFEL: Okay.

19 UNIDENTIFIED VOICE: And, Mr. Chair, it is a
20 loan program.

21 CHAIRMAN LUNDEEN: Okay. Is it a subsidized
22 loan program or just the state is acting as a bank,
23 anticipating recovery of all funds lent?

24 UNIDENTIFIED VOICE: That's my
25 understanding. The state treasurer would be the best



1 person to ask about that, in terms of how they would
2 offer it. But it's -- they would offer a loan based on
3 the average yield plus costs out to the -- of their fund.

4 CHAIRMAN LUNDEEN: Okay. So it's a
5 situation where private banking, normal commercial
6 banking is not willing to lend, the state would consider
7 an application for the purposes of expanding renewable
8 energy or efficient energy.

9 UNIDENTIFIED VOICE: Yes. That's the basic
10 design. There is a requirement that school districts get
11 two proposals from private banks before.

12 CHAIRMAN LUNDEEN: Right. Other questions?
13 Okay. I believe a motion is in order.

14 MS. NEAL: I move to approve the notice of
15 rulemaking hearing for the concerning rules of governing
16 the Renewable Energy and Energy Efficiency in our Schools
17 Loan Program, 1-CCR-301-85.

18 CHAIRMAN LUNDEEN: Second? Jane. Is there
19 any objection?

20 No objection, the motion carries.

21 MS. NEAL: Thank you.

22 CHAIRMAN LUNDEEN: Thanks for coming in,
23 guys.

24 UNIDENTIFIED VOICE: Thank you for your
25 time.



1 CHAIRMAN LUNDEEN: Thanks, Leanne.

2 MS. EMM: Thank you.

3 CHAIRMAN LUNDEEN: All right.

4 MS. NEAL: We're a little early, I think,
5 aren't we?

6 CHAIRMAN LUNDEEN: We are a little bit
7 ahead. We could take a look at meeting dates, and I'm
8 going to hand the gavel to Marcia, and chase you guys out
9 of the room and I'll be right back.

10 MS. NEAL: (Presiding.) Okay. Alrighty.
11 What are we doing here? Oh, we're going to discuss
12 meeting dates. Ms. Markel?

13 MS. MARKEL: Madam Vice Chair, the issue
14 that is before the Board is planning on a date for the
15 February meeting. And based on the various commitments
16 that staff has, I believe the two dates -- if the Board
17 considering a Monday-Tuesday schedule for February, the
18 two dates that I suggested (indiscernible) are the last -
19 - the 29th and 30th or, I believe, the first -- I'm
20 looking at the wrong month -- the 23rd and 24th, which
21 would be the last week of February, or the 2nd and 3rd.

22 MS. NEAL: Just curious. What is the
23 problem we have with February that we can't meet in a
24 regular --

25 MS. MARKEL: Board Member --



1 MS. MAZANEC: I'm the problem.

2 MS. NEAL: You're the problem. We might
3 know.

4 MS. MAZANEC: The 18th is Ash Wednesday,
5 which would not normally be a big deal because we usually
6 have Ash Wednesday services early in the morning and
7 again like 7 at night, but as you on Board days I leave
8 around 7 and get home around 7. It's not a deal-breaker,
9 but I would like to get past it.

10 MS. NEAL: Usually we would be meeting
11 February 11th, and why can't we meet --

12 MS. MARKEL: The reason the Board cannot
13 meet that week is (indiscernible) executive team staff
14 will be (indiscernible).

15 MS. NEAL: Oh. Okay. All right. So we're
16 looking at the 25th? 24th? What --

17 MS. MARKEL: 22nd or 23rd, which would be --
18 there's CASB and CASE and GELP all in February, along
19 with Ash Wednesday. And so we started looking at Monday-
20 Tuesday dates to avoid those potential conflicts.

21 MS. NEAL: But that's, according to my
22 calendar, if I'm looking at correctly, it's 23rd and
23 24th, not 22nd. 22nd is Sunday, isn't it?

24 MS. MARKEL: Right. 23rd and 24th.

25 MS. NEAL: Right.



1 MS. MARKEL: You're correct.

2 MS. NEAL: No problem.

3 UNIDENTIFIED VOICE: I can take it, whatever
4 -- any objections anybody has.

5 CHAIRMAN LUNDEEN: (Presiding.)
6 (Indiscernible.) Elaine?

7 MS. BERMAN: I won't be here.

8 MS. NEAL: She won't be here, and I might
9 not be. Who knows?

10 UNIDENTIFIED VOICE: So we don't care what
11 you're thinking.

12 UNIDENTIFIED VOICE: No, no.

13 MS. MARKEL: The two dates are the first
14 Monday and Tuesday of February, February 2nd and 3rd, or
15 the last, which would be February 23rd and 24th. Those
16 are Monday-Tuesday.

17 CHAIRMAN LUNDEEN: Yeah, and I might suggest
18 maybe you could rear-load the calendar so that Thursday
19 is your heavy day, get Pam out of here so she could get
20 home for services earlier on Wednesday, I mean --

21 UNIDENTIFIED VOICE: I mean, we just had a
22 side conversation and talked about --

23 MS. MAZANEC: Or start a little later in the
24 morning --

25 UNIDENTIFIED VOICE: -- to talk about



1 allowing time. I completely respect that. Plenty of
2 time to attend church services and then either then come
3 and start late in the morning or the opposite, guarantee
4 a departure time from here, so Pam can get --

5 MS. NEAL: What day was that?

6 UNIDENTIFIED VOICE: On the Wednesday, on
7 the 18th.

8 MS. NEAL: The 18th.

9 MS. MAZANEC: The only other concern is we
10 always have public comment that day too, and so if we --
11 you know, well, I like to be here for public comment so,
12 I mean, if there's a lot of public comment I can't get
13 out of here early.

14 MS. NEAL: Whatever they want to do.

15 CHAIRMAN LUNDEEN: So --

16 MS. MARKEL: The third option would be back
17 to the original suggestion, which would be February 18th
18 and 19th, and heavy-load Thursday the 19th, with the bulk
19 of the Board's business, and plan to conclude February
20 18th at 3:00.

21 MS. MAZANEC: Or it could be later than
22 that, just 4:00, 5:00, because services are usually at
23 7:00.

24 MS. NEAL: So you need to be out of here
25 that day by 3, or something like that?



1 MS. MAZANEC: Yeah, like -- no, by like
2 5:00, 5:00 or 5:30.

3 MS. NEAL: Oh. That's okay.

4 UNIDENTIFIED VOICE: How about we move
5 public comment to the next day?

6 MS. NEAL: Move public comment to the next
7 day?

8 UNIDENTIFIED VOICE: Which is what's so hard
9 to --

10 UNIDENTIFIED VOICE: You can't gauge public
11 comment ahead of time, you know.

12 CHAIRMAN LUNDEEN: This will be a riddle for
13 your next chair to unlock, I assure you.

14 MS. NEAL: He doesn't care when we meet.

15 UNIDENTIFIED VOICE: Well, I care. Let's --

16 UNIDENTIFIED VOICE: I like the -- I mean, I
17 --

18 UNIDENTIFIED VOICE: Who is amenable to
19 that? Let's talk about the time.

20 MS. NEAL: Yeah, let's do that.

21 UNIDENTIFIED VOICE: Anyways, we're getting
22 too close to being together too much.

23 CHAIRMAN LUNDEEN: 18th and 19th --

24 UNIDENTIFIED VOICE: Awfully close. Two
25 weeks' time to get over each other? I don't know.



1 CHAIRMAN LUNDEEN: So is that the only item
2 with regard to the calendar? Everything else is clear?

3 MS. MARKEL: Okay.

4 CHAIRMAN LUNDEEN: Okay. So it sounds like
5 you've got a good resolution worked out. I'm going to
6 enforce upon the next chair a solution that will align
7 with what's just been discussed here.

8 UNIDENTIFIED VOICE: Other things are going
9 to come up for people.

10 CHAIRMAN LUNDEEN: All right. We now need
11 to get a video link up. I think the next portion -- is
12 it essentially time, based on the fact that we have to
13 bring a video link up? Am I correct?

14 MS. MARKEL: We are running ahead of time.

15 MS. NEAL: We are way ahead of time.

16 CHAIRMAN LUNDEEN: Well, that is an awesome
17 thing.

18 UNIDENTIFIED VOICE: What is remaining?
19 What's left?

20 CHAIRMAN LUNDEEN: I guess we could do board
21 reports. We could actually take any public comment. I
22 suspect that most public comment is probably completed,
23 so let's do board reports. I know I have one person who
24 is interested in speaking, but I think that in terms of
25 most of the public comment, it may have already happened.



1 Is it specified, or no, in terms of time?

2 MS. MARKEL: Mr. Chair, based on feedback
3 I've received from the public I do anticipate that there
4 will be people --

5 CHAIRMAN LUNDEEN: More people coming in?
6 Okay. So I don't want to mess with that.

7 Okay. So --

8 UNIDENTIFIED VOICE: Board reports.

9 CHAIRMAN LUNDEEN: -- let's do board reports
10 and then we'll kind of check in. Biz, are you reaching
11 out to -- Whitney, or Mr. Kreeger (ph)?

12 UNIDENTIFIED VOICE: Mm-hmm.

13 CHAIRMAN LUNDEEN: And Mr. Whitney high
14 school just arrived. So, no?

15 UNIDENTIFIED VOICE: Mr. Fischer, Professor
16 Fisher has arrived.

17 CHAIRMAN LUNDEEN: Professor Fischer. I'm
18 sorry. So we could potentially move to that.

19 So board reports.

20 MS. NEAL: But I think we probably should,
21 because I think some other people just want to be here to
22 hear.

23 CHAIRMAN LUNDEEN: Okay.

24 MS. NEAL: I mean, I'm guessing, but I think
25 there will be some other --



1 UNIDENTIFIED VOICE: They can watch the
2 video.

3 CHAIRMAN LUNDEEN: Let's do board reports
4 and then we'll take a break. How about that?

5 MS. NEAL: Okay.

6 CHAIRMAN LUNDEEN: Angelika, please proceed.

7 MS. SCHROEDER: Well, I don't remember
8 everything from this month but there is one item that I
9 wanted to share with you. I attended a college
10 roundtable at the University of Colorado that was
11 basically a joint meeting between CSU administration and
12 students, and CU administration and students, and
13 Congresswoman Pelosi and Congressman Polis, and then
14 folks from higher ed and Senator Rollie Heath, and I have
15 now forgotten -- it was a big roundtable. Actually, it
16 was rectangular, but it was a big table.

17 And it was to talk about the cost of college
18 and how to reduce the cost. And there was a little bit
19 of a discussion about that, but the real message that I
20 think especially came from the students and a little bit
21 from some administrators is the lack of understanding
22 that students have about college loans and about finance.

23 MS. NEAL: I've heard that a lot.

24 MS. SCHROEDER: Especially finance. And
25 this is the second or third time that this has come to



1 me, that there are really large concerns, both for young
2 adults who don't know enough about personal finance but
3 also what the kids told us was that their parents also
4 did not understand. So it was more --

5 UNIDENTIFIED VOICE: What?

6 MS. SCHROEDER: Personal finance.

7 UNIDENTIFIED VOICE: It was personal
8 finance.

9 MS. SCHROEDER: And so it made me wonder if
10 we didn't need to -- and even though is the third time
11 I've attended something similar and talked about the fact
12 that personal finance is part of our Colorado standards,
13 that is just not out there. And I'm wondering if we need
14 to be talking about this a little bit more and clarifying
15 what those standards are, and maybe even have a sheet, a
16 publication sheet. Do we have such a thing?

17 UNIDENTIFIED VOICE: (Indiscernible.)

18 MS. SCHROEDER: Okay. This is becoming a
19 bigger and bigger concern.

20 UNIDENTIFIED VOICE: Financial literacy?

21 MS. SCHROEDER: Financial -- thank you.

22 That's a better term -- about loans in general, in
23 particular about college loans. We need to figure out
24 some ways that -- yes, that basic, but in particular, I
25 think what we heard from the students from both



1 universities -- and, by the way, they kind of knock you
2 out. You kind of what every one of them to become
3 President, they're so bright and thoughtful. And
4 applying for loans, what does that mean? What it's going
5 to cost you? What are your options? There are some
6 loans you can work off, all this kind of stuff.

7 The kids are not getting the guidance that
8 they would like to have, and these are the best and
9 brightest at these schools. They're in leadership
10 positions. It sort of makes you wonder for the families
11 where this is the first student who has ever attended
12 college, et cetera, et cetera, the situation might be
13 much more needy than even what these kids were
14 presenting.

15 So I would like to make us aware of some
16 kind of a need and maybe think about what we ought to be
17 doing to bring this out. There are, I think, several
18 national organizations that are pushing for personal --
19 financial literacy, and I don't know, maybe have them
20 make a presentation or we talk about our standards, or
21 something, just to get this a little more out there, in
22 public discussion. Thank you.

23 UNIDENTIFIED VOICE: Who's that organization
24 that teaches personal finance?

25 UNIDENTIFIED VOICE: I think there are a



1 couple of them.

2 UNIDENTIFIED VOICE: Yeah, Mr. Chair. So we
3 do have, in Colorado, our personal financial literacy
4 standards, and we could give an update on those, how
5 they're being implemented in the field, as well as some
6 of the different organizations that provide support.
7 There's the Colorado Council on Economic Education, which
8 does a lot of training and a lot of teacher training for
9 teachers to feel more skilled in teaching personal
10 financial literacy as well, and they do it from
11 kindergarten through, because our standards are
12 kindergarten through, so that teachers at all levels feel
13 comfortable teaching the personal financial literacy
14 standards.

15 UNIDENTIFIED VOICE: I was thinking of the
16 group -- I think Peggy Littleton is involved, Paul? She
17 just did a fundraiser for it, where she was rappelling
18 down the side of a building in Colorado Springs?

19 UNIDENTIFIED VOICE: I think, yes.

20 UNIDENTIFIED VOICE: There was a picture of
21 her. I'll show it to you.

22 CHAIRMAN LUNDEEN: I'm not familiar with
23 that.

24 UNIDENTIFIED VOICE: Then Tyler Hart (ph)
25 teaches it. It's a voluntary organization and they teach



1 personal finance.

2 UNIDENTIFIED VOICE: I'm sure our -- I'm
3 sure our --

4 UNIDENTIFIED VOICE: I can't think of the
5 group --

6 UNIDENTIFIED VOICE: -- our staff would
7 know, and I can try to get some of the lists.

8 UNIDENTIFIED VOICE: I think they do a great
9 job.

10 UNIDENTIFIED VOICE: I cannot think of their
11 name.

12 MS. SCHROEDER: But we ought to think about
13 the public and parents.

14 UNIDENTIFIED VOICE: Mm-hmm, how to get the
15 information out to them?

16 UNIDENTIFIED VOICE: Jane's got her little
17 hand up over there.

18 MS. GOFF: There's a company, I don't know
19 if you'd call it, probably nonprofit, JumpStart, which
20 does a lot of --

21 UNIDENTIFIED VOICE: That's the one I was
22 thinking of.

23 CHAIRMAN LUNDEEN: Daniel's Foundation
24 (indiscernible) too.

25 MS. GOFF: Yeah. Young children primarily



1 geared toward early grades, I think. They are -- they've
2 been working a long time, especially in my knowledge
3 area, in Adams County. So they're quite involved.

4 UNIDENTIFIED VOICE: Thank you, Angelika.
5 That's really important.

6 MS. SCHROEDER: Yeah. I was surprised. I
7 thought we would talk about three-year diplomas and all
8 different -- and we did talk a little bit about different
9 ways to reduce the time and reduce the cost. But that
10 topic took over the conversation.

11 MS. NEAL: Well, actually, I participate in
12 a meeting with John Boehner. We didn't talk about
13 anything like that.

14 UNIDENTIFIED VOICE: What did you talk
15 about?

16 MS. NEAL: He was at a fundraiser.

17 CHAIRMAN LUNDEEN: Okay. Elaine?

18 MS. BERMAN: So I'm doing a bunch of school
19 visits in Marcia's neck of the woods --

20 MS. NEAL: Yeah. She's visiting our
21 schools. Good for her.

22 MS. BERMAN: -- to enlighten me more about
23 rural areas and to see beautiful places like Ouray,
24 Colorado, in the process. So I'll be visiting Huerfano,
25 Alamosa, Center, Durango, Ignacio, Silverton, and Ouray



1 in two days.

2 MS. NEAL: Two days, yeah.

3 UNIDENTIFIED VOICE: Holy moley.

4 MS. BERMAN: Well, that's the intent.

5 Bizy's been helping me. We'll see how we do. And Marcia
6 may be able to join me in Ouray, or any of those.

7 MS. NEAL: It's the only one on my side of
8 the mountain.

9 MS. BERMAN: So when we get back in October
10 -- I'm leaving next Thursday -- and I'll give a report on
11 it. It should be interesting.

12 MS. NEAL: I think she chose some great
13 schools, and you particularly will like Silverton. I
14 love Silverton.

15 MS. BERMAN: That's what Keith said.

16 CHAIRMAN LUNDEEN: Is that the extent of
17 your report?

18 MS. BERMAN: Is that all right that I was
19 short this time?

20 CHAIRMAN LUNDEEN: That's fine. Absolutely.
21 I'm going to prompt you to do more.

22 Board member reports from this side of the
23 table?

24 UNIDENTIFIED VOICE: Actually I just have a
25 check-in question.



1 CHAIRMAN LUNDEEN: A check-in question?

2 Fire away.

3 UNIDENTIFIED VOICE: Months do go quickly
4 and yet they are so full, it's hard to keep track of
5 everything. I am aware, I hope, that all of you who are
6 going to be at the NASB annual meeting, out in our own
7 Westminster, about a month from now, have had a chance to
8 look at the proposed bylaws changes and the proposed
9 changes. There a few -- few.

10 UNIDENTIFIED VOICE: Yeah. I couldn't even
11 find them.

12 UNIDENTIFIED VOICE: There are two new
13 sections. It might be a good idea for me to communicate
14 the body of the material.

15 But the other thing that will be happening
16 is the designation by our board of the voting delegate,
17 because the business meeting is a big part of this
18 gathering at this time of the year. So we need to have a
19 State Board member who is going to be present at the
20 business meeting, which is on the Friday afternoon of the
21 week. So it'll be October 17th, which is Friday
22 afternoon.

23 The other big thing is we are the host
24 state, so I'm not -- I'm hoping you have communicated
25 with --



1 CHAIRMAN LUNDEEN: I have, and I plan on
2 being there on the 16th. I'd like to properly
3 acknowledge you so I want to make sure we've got that all
4 understood well.

5 UNIDENTIFIED VOICE: We have a pretty cool
6 Colorado thing, you know, the opportunity for me, as the
7 president of the organization, to actually introduce the
8 host state and our chair. So that's really nice.

9 CHAIRMAN LUNDEEN: I'm planning to be there
10 to support you on that. I'm looking forward to it.

11 UNIDENTIFIED VOICE: Great agenda. Lots of
12 really timely and meaty topics this year. So things that
13 are really of concern to all of us here, but as well to
14 all state boards. Lots of great topics.

15 That's it on NASB, really. Not too much.
16 There will be a vote in the area meetings for the next
17 president-elect. There is a candidate for that.
18 Nominations from the floor are also always possible.

19 We have a Western Area elect -- no, we
20 don't. Never mind. Well, yes we do, in a sense. Sorry.
21 We have a Western Area director election. The gentleman
22 whose term is at that point was named to the vacancy that
23 existed at that time, so he is running again. There are
24 two other board seats that will be elected. The only
25 officer position that is to be elected will be the



1 president-elect, which happens every year. So that
2 person moves into the progression.

3 I have been having a busy month. I did
4 attend, speaking of attendance month and chronic
5 absenteeism focus, some of the Adams County school
6 districts have coalesced around some attendance projects.
7 So they have come together to promote literature and
8 information and research in a real effort to bring all
9 their districts together in a concerted effort about
10 getting out the importance of attendance at school.

11 I do have a handout. I just did not even
12 think today to put them in my hand. But I will get that
13 to you. I can send it to by email. I have both sides of
14 it so I'll send it to you. It's a great community piece.
15 It says here's what happens when you're not there. There
16 are little pictures that go along with here's the impact
17 missing school has, or the benefits if you are there. So
18 I'll send that out to everybody.

19 And those are the highlights, primarily.
20 I'm looking forward to October.

21 I got to go to -- I went to Back-To-School
22 Night at the high school I went to and the high school I
23 taught at. So had back-to-home-school night adventures.
24 It was great. It was great to see everybody.

25 CHAIRMAN LUNDEEN: Dr. Scheffel, anything?



1 MS. SCHEFFEL: No, thank you.

2 CHAIRMAN LUNDEEN: Fair enough. Well, then
3 let's take a break. Please let's do reconvene -- let's
4 be back in our chair at like 27, 28 after the hour, so
5 right at the bottom of the hour we can get into our U.S.
6 history conversation.

7 UNIDENTIFIED VOICE: I think they were --
8 oh, we need the --

9 CHAIRMAN LUNDEEN: We'll have to get a
10 conference call set up and a couple of things, so we'll
11 take the time to do that. AP U.S. history is the next
12 agenda item at, you know, 28 after the hour, let's say.

13 Thank you very much.

14 (Meeting adjourned)

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C E R T I F I C A T E

I, Kimberly C. McCright, Certified Vendor and Notary, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of May, 2019.

/s/ Kimberly C. McCright
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Certified Vendor and Notary Public

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