



Facility Schools Model Work Group Meeting Notes

September 8, 2023, 9:00 - 11:00 AM Virtual - Zoom Meeting

Work Group Members Present: Laurie Burney, Michele Craig, Wendy Dunaway, Mylynda Herrick, Sonja Hunt, David Molineux, Erin Osterhaus, Betsy Peffer, Steven Ramirez, Deon Roberts, Robin Singer, Judy Stirman, Lindsey Tapp, Barb Taylor, Kevin Tracy, Callan Ware, Laura Writebol

Work Group Members Absent: Sarah Baumgartner, Kari Chapman, Danny Combs, Sandy Malouff, Ann Symalla, Maureen Welch, Cate White

Guest Observers: Annie Haskins, Lori Kochevar, Darren Serrato, Brooke Houtchens

Facilitator & Support: Virginia (G) Winter, Equinox Consultancy LLC

Analysis Team: Nick Stellitano – Dillinger Research & Applied Data

Public Comment: no public comment

Reviewed zoom features as well as the agenda which was distributed in advance and available online.

1. SB23-219 Implementation Updates

- Work group members reviewed the implementation updates provided by DillingerRAD and CDE staff

2. Review Annual Report

- The work group members provided feedback regarding the draft report to the JBC. Edits based on member comments will be incorporated as the report becomes finalized for submission.

3. Draft Guidance on Process for Becoming an Approved Facility School

- Work group members provided feedback for the draft resource guide
 - Timelines or time frames for responses would be helpful
 - Include as many links to resources and supports as possible throughout
 - A visual of the process would be helpful
- Differentiation of the process
 - May need to adjust guidance if multi-site agency or different programming
- Benefits and incentives for multi-site corporations
 - This topic will be brought back to the work group for further discussion

4. Open meetings, Open Records, Code of Ethics Review

- A refresher of related Colorado laws was provided to work group members

Focus group - Specialized Day Schools - conversation with a small set of Work Group members that stayed after break

- As envisioned last year Specialized Day Schools would be a new school type on the continuum - authorized by CDE and overseen by CDE
- Work group members discussed current requirements for CDE to authorize specialized day schools
 - Local/city/county zoning approval
 - Local fire, health, and safety inspections and approval
 - Employee background checks
 - Tracking and reporting facility school incidents

- Work group members suggested exploring what is expected of private schools to operate. Members gave examples of how to improve or expand background checks to include information from other states.
- Further discussion is necessary to clarify school type definition, unique needs of students to be served, and oversight.

Next Steps

- Next meeting dates: Thursday, October 12 @ 9:00 AM
 - Friday, November 3
 - Wednesday, December 6

SB 23-219 Facility Schools Work Group



September 8, 2023

Virtual Meeting



Greetings Facility Schools Workgroup Members and Guest Observers

A few notes prior to the meeting starting:

- Workgroup Members please have your camera on and relevant documents available at the beginning of the meeting.
- If you are a guest observer to our meeting and would like to participate in the public comment portion of the meeting, please submit your name, group or entity you are representing, and public comment topic in an email to: *Darren Serrato_Serrato_D@cde.state.co.us*
- *Note: we request that this is done 24 hours before scheduled meeting times.*
- The Workgroup has allocated time for public comment near the beginning of each meeting. Reference the Agenda, the exact time varies slightly.
- The guidelines for the public comment include: 3 minutes per person, with a maximum of 5 people (or 15 minutes total) allowed.

Facility Schools Work Group Guidelines for Interaction, Deliberation and Collaboration

Amended and recertified using consensus decision making - August 24, 2023

- Be open minded; Avoid bringing any hidden agendas to the table.
- Not afraid to express your opinion.
- Listen to understand, not respond.
- Don't be afraid of change. Expect changes.
- Stay mission-focused; being transparent in why we're here.
- Tap into the variety of perspectives and expertise while being respectful of different points of view
- Full understanding of purpose.
- Challenge ourselves to be innovative.
- Consistent attendance, participation, and engagement.
- Focus and stay on track with the agenda and tasks at hand.
- Create a safe environment to discuss disagreements.
- What is the common denominator we go away with? (i.e. Can we agree on a global fix?)
- Allow all voices to be heard
- Focus on the kids. Keep it kid-focused. Kids and family-focused.
- Patience with opposing viewpoints and creative thinking.
- Come to the meeting prepared; adhere to timelines.
- Allow folks that are speaking to finish their comments without interruption.
- Assume positive intention.
- Respect voices for representing constituencies.
(Appreciate that members may serve as liaisons to a constituency).
- Good access to materials. Maintain the Google drive with the background information which will help us and aid transparency.
- Critique ideas, not people.

Overview of Today's Agenda

Full Work Group 9:00 - 11:00 a.m.

1. SB 23 - 219 Implementation Update
2. Review Annual Report 'outline' - Call for comment on initial DRAFT of report
3. Discuss Draft Guidance on Process for Becoming an Approved Facility Schools
4. Spotlight: Multi-site Guidance - Good Questions To Think About
5. Open Meetings and Colorado Open Records Act (CORA) compliance reminders

5 minute break

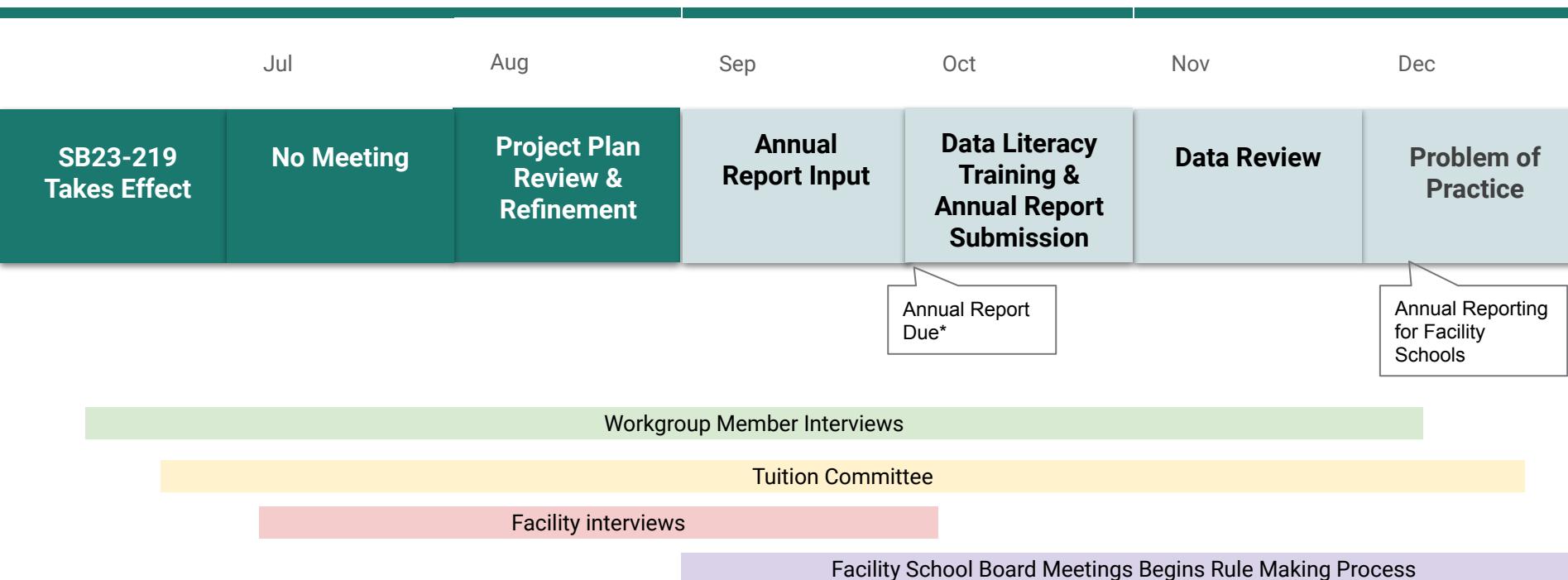
Focus on new Specialized Day Schools - Request for Input on Special Topic

For members that are interested and can stay with us we'll ask you to weigh in on applicant requirements for CDE to authorize a new Specialized Day School

- a. Local/City/County zoning approval,
- b. local fire inspection, and health and safety inspection and approval,
- c. employee background checks,
- d. tracking and reporting of (facility school) incidents

Work Map + Key Events

July through December 2023



Standing Item: Implementation - Update

Data Collection

| Action | Status |
|-----------------------------------|-------------|
| Meetings with Facility Schools | In Progress |
| Updated Monthly Enrollment Report | Finalized |

Shared Operational Services

| Action | Status |
|----------------------------|--------------|
| Grant Release | Completed |
| Grant Deadline | September 8 |
| Grant Recipient Determined | September 29 |

Baseline Funding Model

| Action | Status |
|------------------------|----------|
| Enrollment Projections | Complete |
| Monthly Funding Update | On Going |

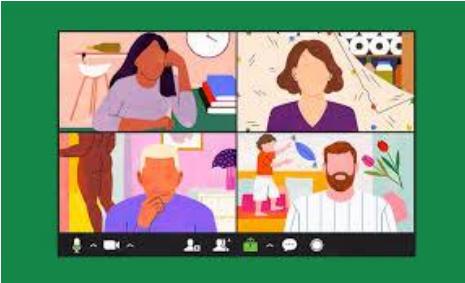
Technical Assistance Center

| Action | Status |
|-------------------------|-------------|
| Develop Job Description | In Progress |

Revision & Support of Licensing/Authorization

| Action | Status |
|----------------------------------|---|
| Draft Interagency Resource Guide | Drafts are being reviewed by stakeholders |

2023 Annual Report - Time for Comment



CONFIDENTIAL- READ ONLY

Executive Summary

Facility Schools provide educational services outside of the traditional classroom to students with physical, behavioral, mental health, or special education needs. Schools are found primarily on the Front Range and operate as day or residential treatment facilities, or in a hospital setting. Each year approximately 6,000 students across the state rely on Facility Schools for critical educational and treatment services, but statewide capacity has decreased by 30% over the last several years. This has led to a decrease in available placement options for students and limited access for students outside the Denver Metro area. This loss of approved Facility School capacity creates significant barriers to academic success for many students and decreases educational opportunities for the state's most vulnerable students.

Let's review using the **content headings**.

Use hand raise feature. Share comment.

Write out your comment if longer than a sentence. Use Chat so we can preserve your comment.

Executive Summary,

Membership and Facilitation,

Implementation Updates,

Implementation Deliverables,

Appendices

Remaining Timeline for 2023 Annual SB 23 219 Report

Rough timeline from today through the end of September

| Who | What | By When |
|-----------------------------|--|--------------------------------|
| OFS Staff/CDE Work Group | Develop annual report outline Work Group read/review BEFORE meeting | WG pre read for 9/8 |
| Work Group | Comments must be in writing and are collected | During 9/8 meeting |
| OFS Staff/CDE | Report finalization | By 9/22 |
| OFS Staff/CDE | Submits report to JBC cc: Facility Schools Work Group | (due October 2nd) |

Discuss Draft Guidance on Process for Becoming an Approved Facility School

We hope you got a chance to review the resource guide developed for providers, per SB23-219 sent via email to the Work Group on August 28th . This is intended to be a quick reference for anyone interested in seeking Facility School approval through CDE. Developed by CDHS, CDE, and HCPF.

What are we doing today?

Due diligence; letting the Work Group know what's been done with the agencies.*

Please give us your thoughts on whether you feel the guidance is clear ... and, or, whether you sense something is missing?

*CDE especially needs thoughts from our Facility Schools representative members or those who are wanting to be a Facility School about anything that's missing or we can make more clear.

Process for Becoming an Approved Facility School Provider Resource Guide Drafted 2023

- Local Inspections/Approvals
- CHDS License
- CDE Facility School Approval
- HCPF Enrollment
- RAE Contract

LOCAL CDHS cannot issue any type of license without local zoning approval, fire inspection, and health department inspection and approval, prior to submitting an application.

Contact your local municipality to find the Building, Planning and Zoning Department and local fire department for your facilities location.

1. Contact and obtain written documentation of zoning approval from the county in which the facility exists and its specific facility type and the population to be served. This approval should also address any limitations in characteristics of youth that may attend the program as well as any limitations in capacity for the facility.
2. The facility will need to have an inspection and approval from the local fire department and from the local health department prior to the issuance of a license.
3. To find your local health department go to:
<https://cdphe.colorado.gov/public-information/find-your-local-public-health-agency>

Colorado Department of Human Services (CDHS), Provider Services Unit (PSU)

In order to become an Approved Facility School through CDE providers must have one of the following licenses:

1. Day Treatment License issued by CDHS - A Day Treatment Facility License is required for any school setting NOT physically within a residential setting or that provides services for youth from the community who are NOT enrolled in their residential program.
- OR -
2. Residential Child Care Facility (RCCF) License issued by CDHS - For Residential Child Care Facility (RCCF, QRTP, PRTF) licenses XXXResource
- OR -
3. Hospital License issued by CDPHE - For Hospital licenses, please see XXX Resource.

Becoming an Approved Facility School: Deep Dive

Large Group Discussion (Administrative)

1. Is the Resource Guide clear and simple to follow?
2. Are there any next steps that are confusing or ambiguous?
3. What additional information or supports could be added to the Resource Guide?

Large Group Discussion (Differentiation - Time Permitting)

4. Should/does this Resource Guide apply to first time Facility School Corporations and Multi-Site Corporations?
5. How if at all, should the resource guide differ?

Large Group Discussion (Strategic - Time Permitting)

6. Are there benefits to multi-site corporations?
7. Should CDE be incentivizing more corporations to become multi-site?
8. If so, how can/should CDE incentive corporations to add additional sites?



Open Meetings

Colorado Sunshine Law – Overview

- “*All meetings of two or more members of any state public body at which public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.*” Section 23-6-402, C.R.S.
- Formation of public policy happens in the public, not in secret
- Ensures transparency in and public access to government



Colorado Sunshine Law – Who and What is Covered?

- Applies to all boards, committees, commissions, authorities or other advisory, policy-making, rulemaking, or other formally constituted bodies and any public or private entity which has been delegated a governmental decision-making function
- Administrative meetings (such as meetings between staff) are NOT required to be open



Colorado Sunshine Law – Meeting Requirements

Three components under the law

1. Public notice
2. Open meeting
3. Meeting minutes and transparency





- Notification posted in a public space so that everyone knows when and where a meeting is taking place
- Posted at least 24 hours in advance
- Given prior to all meetings
- Agenda information included when possible



Colorado Sunshine Law – Open Meetings



- Meetings of two or more members of a public body where any public business is discussed or formal action taken must be open to the public
 - This can include in person, phone, or electronic meetings
- What is exempt?
 - Social gatherings if discussion of public business is not the purpose
 - Staff communicating logistical information to members
 - Executive sessions
 - Only occur under special circumstances and clearly documented



Colorado Sunshine Law – Meeting Minutes and Transparency

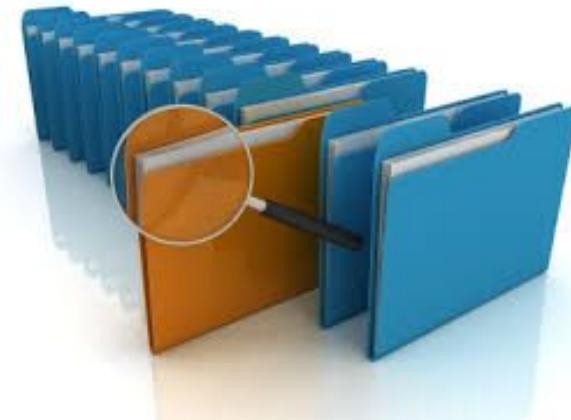
- Public meetings must be documented, and the public must be able to access the minutes
- Meeting minutes should be posted on the board's website
- CDE staffer or board director, unless otherwise designated, is responsible for documenting all meetings



Open Records

Colorado Open Records Act (CORA)

- CORA (Section 24-72-201, et. seq., C.R.S.) allows citizens to gain access to public records
- Intended to ensure transparency in government affairs
- Public records are required to be available for inspection by members of the public upon request



Colorado Open Records Act (CORA)



- “Public records” include any writing “made, maintained, or kept by” the state or any agency
 - Includes board or commission business emails, meeting minutes, official reports and documents
 - Some exceptions, including communications that are personal in nature
- Err on the side of considering all communications to be potentially releasable



Code of Ethics Laws

Code of Ethics – Standards of Conduct



- **Public office = public trust**

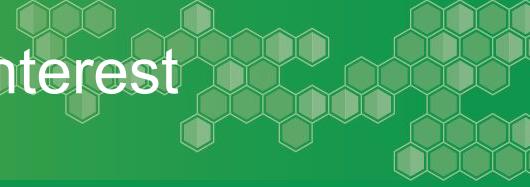
- "The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers. A public officer shall carry out his duties for the benefit of the people of the state." (Section 24-18-103, C.R.S.)

- **Avoid conflicts of interest**

- "A member of the board, commission, council, or committee shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest." (Section 24-18-108.5, C.R.S.)



Code of Ethics – Conflicts of Interest



- When conducting business, members are expected to refrain from:
 - Taking actions that serve their personal interests rather than public interests
 - Taking official actions as board members that have a direct financial benefit to them personally or to a program for which they work or serve
- Prohibits votes, not all participation
- Applies to potential conflicts, not just actual conflicts
- Financial interest includes investment, employment

CONFLICT
OF INTEREST



Code of Ethics – Conflicts of Interest, cont.



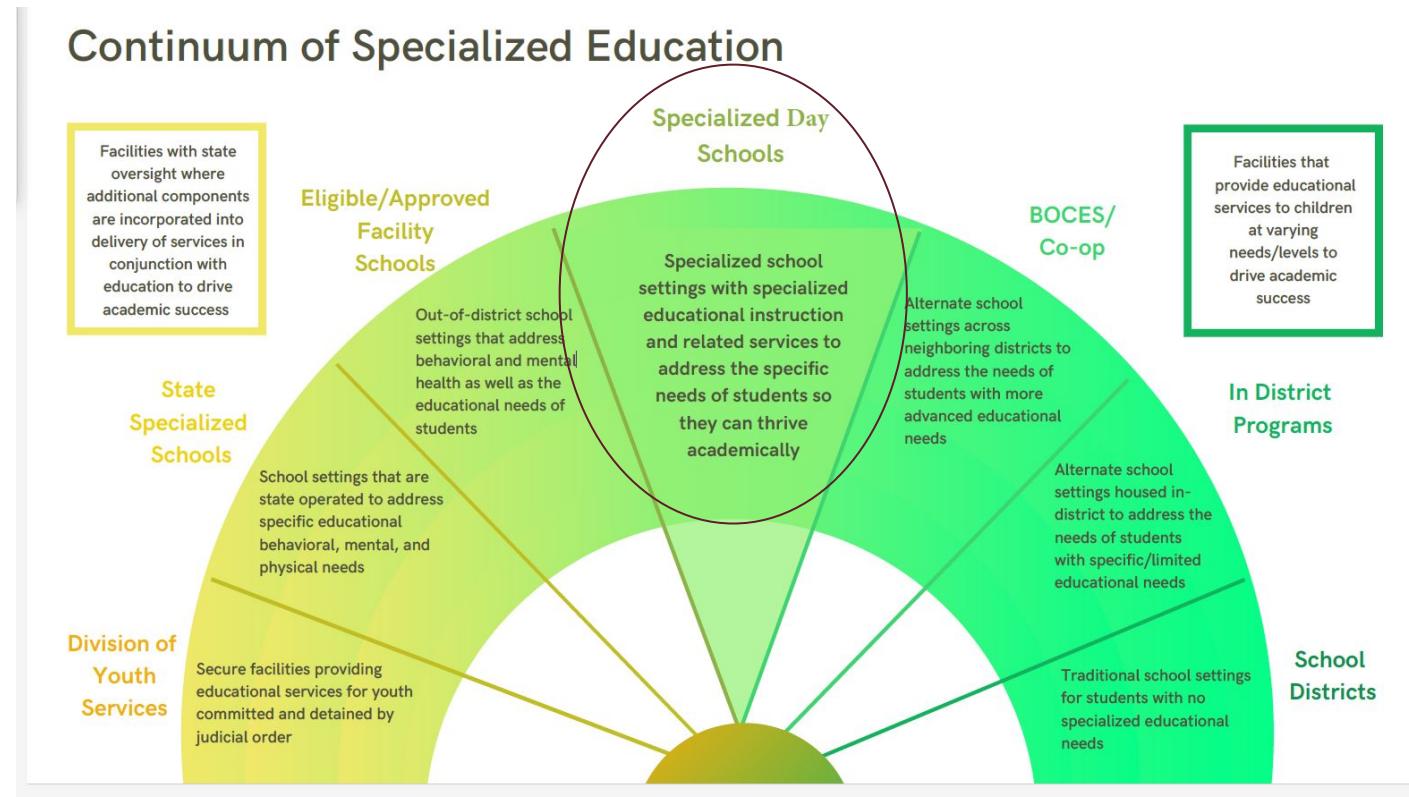
- Prohibits outside employment or compensation “incompatible with the proper discharge of” public duties
 - No gifts, honoraria, or fees/payment that may lead to preferential treatment, impede on independence or impartiality
- Disclose any conflicts of interest at earliest stage possible
 - Refrain from voting, participating in discussions, or attempting to influence other board/commission members



Break and Option to return or not for special topic



Specialized Day Schools - Continuum expansion



Specialized Day Schools - Request for Input

Weigh in on applicant requirements for CDE to authorize a Specialized Day School

- a. Local/City/County zoning approval,
- b. Local fire, health and safety inspections and approval,
- c. Employee background checks
- d. Tracking and reporting of (facility school) incidents



Closing

Thank you for your participation today!!!

**Be on the lookout to receive a copy of the 2023 Annual Report to
the JBC - you will be copied after it is submitted.**

**Our next meeting of this Work Group is
scheduled for
Thursday, October 12th from 9 a.m. - Noon**

