



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
August 13, 2014, Part 4

BE IT REMEMBERED THAT on August 13, 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: Item 15.14 is a request
2 for emergency rules for the administration of the
3 instruction in cardio-pulmonary resuscitation in public
4 school grant -- schools grant program, 1CCR301-95,
5 pursuant to 24-4-1036, Colorado by statutes. And the
6 State Board is authorized to adopt emergency rules if it
7 finds that immediate adoption of the rules is
8 imperatively necessary to comply with state or federal
9 law or federal regulation, or for the preservation of
10 public health, safety or welfare and delay in adoption of
11 rules would be contrary to the public interest.

12 Mr. Commissioner, is staff prepared to
13 explain the necessity for these proposed emergency
14 revisions to the rules for administration of the
15 instruction in cardio-pulmonary resuscitation in public
16 school grants programs? Or 1CCR301-95? Say that three
17 times real fast.

18 MR. HAMMOND: Yes, they are. Ms. Sarah
19 Matthews and Kathy Patrick will make the presentation. I
20 didn't know if you wanted to open it up, Rebecca, with a
21 couple comments. We have emergency rules and then after
22 you do the process on that, then it would make sense --
23 and that's why you see the next item, and that is a
24 separate item, is the notice of rulemaking. These
25 emergency rules only last 120 days. So with that,



1 Rebecca?

2 MS. REBECCA: Thank you. Mr. Chair? So
3 we do have two new grant programs that were created in
4 legislation this last session in the health and wellness
5 area. As was referenced, we have emergency rules in both
6 of them so that we can meet our statutory obligations
7 this year and get the new dollars to schools in a timely
8 fashion.

9 The first set of emergency rules that is
10 before you today is the CPR rules. I will not match our
11 Chair in spelling all of that out. But it's in reference
12 to House Bill 14-12-76. The bill instructs the State
13 Board to establish rules for a grant program that will
14 train high school students in CPR and will provide
15 \$250,000 in total to be granted out to interested
16 schools.

17 Late in the session, there was language
18 added to this bill that creates a requirement for schools
19 to have all coaches trained in CPR. The combination of
20 these two topics -- both a grant for training students in
21 CPR, and a requirement that coaches must be trained in
22 CPR, has created some competing concerns in the field.
23 And since we don't have -- by rule we don't take public
24 comment in emergency rules, I did want to make you aware
25 of the concerns that were brought forward to the



1 Department.

2 Essentially, in navigating those competing
3 concerns, I would say all parties who are interested in
4 this are thrilled that there will be dollars available
5 for schools to increase the number of trained CPR
6 providers, both minors and adults. And the way that the
7 staff has navigated this is with sticking as close as
8 possible to the statutory read of the rules. In honoring
9 -- in the CPR bill, which again is House Bill 14-12-76;
10 in honoring both section one and section two of the bill,
11 which could be read as being in conflict with each other,
12 the rules that we are suggesting, allow schools to use
13 the dollars for both training students in CPR and
14 training coaches in order to bring their coaches into
15 compliance, which they are now statutorily required to do
16 by January 1st of 2015.

17 With that, I will turn it over to staff to
18 walk you through the nuance of this set of rules.

19 UNIDENTIFIED VOICE: Okay. Chairman?

20 CHAIRMAN LUNDEEN: Please.

21 UNIDENTIFIED VOICE: So we've followed
22 very closely with the statute -- the Board has requested
23 to promulgate rules, to talk about the application
24 process, and any reporting qualifications that are to be
25 used for this grant. And so we feel that it is very



1 clear that districts, like Rebecca had said, are very
2 excited about the possibility of being able to train not
3 only students, but also staff or coaches in this process.
4 Is there any questions on -- ?

5 CHAIRMAN LUNDEEN: Ms. Scheffel?

6 MS. SCHEFFEL: So what I've heard is just
7 that there's a -- and you referenced it, right, that
8 there is some concern in the field that what was meant
9 more for students is being kind of diverted to coaches.
10 Can you speak to how that's going to -- how that valiance
11 will be addressed in the rules? I mean is it
12 (indiscernible) people sponsored the bill saying they
13 feel like it's tilted more toward the coaches than the
14 students?

15 UNIDENTIFIED VOICE: Sure, I --

16 MS. SCHEFFEL: So the rules do allow
17 schools to use the funds for either purpose. In the RFP
18 we will honor what we've been told was the intent of the
19 legislation, in preferencing dollars to schools that
20 intend to train coaches and train students in a
21 significant number. So a significant percentage of their
22 population of eligible students who could be trained.
23 What we are referencing in making that decision is in
24 Section 2 of the bill, where it reads: On or after
25 September 1st, 2014, each local education provider may



1 apply for a grant or grant supervised instruction to
2 students in any grades 9 - 12, and school staff in any
3 grades 9 - 12, in cardio-pulmonary resuscitation. And so
4 that read led staff with some obviously policy advice, to
5 believe that with the dollars, are intended to be
6 available both for staff and for students.

7 CHAIRMAN LUNDEEN: Angelika, go ahead.

8 MS. SCHROEDER: But coaches are often not
9 staff.

10 UNIDENTIFIED VOICE: It would only be for
11 staff that are coaches. That these dollars would --

12 MS. SCHROEDER: Okay, so the --

13 UNIDENTIFIED VOICE: All coaches will be
14 required, but only staff coaches can be --

15 MS. SCHROEDER: Will be part of this
16 training. So those non-staff coaches will need to find
17 their own source of training?

18 UNIDENTIFIED VOICE: Correct.

19 UNIDENTIFIED VOICE: And there's a little
20 bit -- can I just add -- there's a little bit of
21 difference -- the training that they're talking about --
22 or instruction for students, is an hour training. Hands-
23 on of -- on CPR and AED training. The coaches -- it's a
24 four hour required certification, which is a two-year
25 certification. So every two years, coaches will have to



1 be recertified. It's a little bit of a different process
2 -- a training process.

3 CHAIRMAN LUNDEEN: Other questions? Dr.
4 Scheffel?

5 DR. SCHEFFEL: Are there are other
6 resources for coaches to be trained in this? I think
7 that was the issue that they were -- there really isn't
8 any other way for students to be trained, but if you add
9 the coaches in, the staff members, kind of dilutes the
10 pool, which is pretty modest at best anyway. What are
11 the other ways that staff will get trained in this,
12 (indiscernible) they would already be trained
13 (indiscernible)?

14 UNIDENTIFIED VOICE: The -- in some
15 districts -- I just happened to talk to Douglas County
16 just earlier this morning, and their district actually
17 mandates that all coaches be certified. So they already
18 have that in place. So it may not be quite as --
19 (indiscernible) difficulty as we think. I think a lot of
20 --

21 MS. SCHEFFEL: That's kind of what I
22 thought, they already have the resource and the
23 requirement.

24 UNIDENTIFIED VOICE: Right, right. Very
25 often they do have trainers in staff in the schools that



1 will be -- you know, that do the training.

2 MS. SCHEFFEL: Is there a way to write
3 that in the rules so that there is a preference for
4 students since there's no other alternative for them to
5 receive this training? Whereas there is another avenue
6 for the coaches?

7 UNIDENTIFIED VOICE: Mr. Chair? Currently
8 the preference around that, because we felt like we had
9 adhere to the statute for the rules, the preference is in
10 the proposed RFP that will be released pending the State
11 Board approval of the rules today.

12 MS. SCHEFFEL: But do we have a copy of
13 the law that just gives the language you just read?
14 Could you just read it again? Where is it again in the
15 law reference that it's --

16 UNIDENTIFIED VOICE: Sure.

17 MS. SCHEFFEL: -- students and coaches?

18 UNIDENTIFIED VOICE: So it's page four,
19 it's section two, 22-1-129.

20 MS. SCHEFFEL: Do we have that?

21 (indiscernible - multiple speakers}

22 UNIDENTIFIED VOICE: I'm sorry? It is 12-
23 26 -- 12-76. Would you like me to read the reference?

24 MS. SCHEFFEL: Yeah, just read it one more
25 time.



1 UNIDENTIFIED VOICE: Sure. So in section
2 two it reads: On or after September 1st, 2014, each local
3 education provider may apply for a grant or grants to
4 provide instruction to students in any of grades 9 - 12
5 and school staff in any of grades 9 - 12 in cardio-
6 pulmonary resuscitation and the use of an automated
7 external defib -- defrib -- defibrillator.

8 MS. SCHEFFEL: So the language is there,
9 yeah. Was there a letter that was supposed -- we were
10 supposed to have access to from somewhere?

11 UNIDENTIFIED VOICE: Mr. Chair, because
12 this is an emergency ruling and hearing, accepting public
13 comment would be in conflict with what the Administrating
14 Procedures Act follows. Allowing public comment for one
15 would mean public comment for all, and then it becomes --
16 then it falls into the (indiscernible) rulemaking
17 process. And so yes, we did receive letters, and the
18 second item on the agenda the next day is those
19 (indiscernible). So there is an opportunity for the
20 public to participate, that is (indiscernible) rulemaking
21 process.

22 CHAIRMAN LUNDEEN: So emergency rule goes
23 into effect immediately, public rulemaking process
24 follows, if it needs to be altered, the timeframe on that
25 would be months?



1 UNIDENTIFIED VOICE: We are hopeful -- Mr.
2 Chair? Our goal is to bring this back and have the Board
3 vote on it for the end of the year, so that the permit
4 rules, and the public have (indiscernible) fairly narrow
5 timeframe. Recognizing that there were concerns.

6 MR. HAMMOND: Mr. Chair?

7 CHAIRMAN LUNDEEN: Sure. Go ahead.

8 MR. HAMMOND: It's -- you know, this is
9 one of those unusual situations and because of the nature
10 of the emergency rules, we've got to get the grant
11 funding out to meet the timelines. And -- but we're
12 trying to respect the legislative intent, even though it
13 wasn't quite written that way. Handling it this way.
14 And so we've tried to seek a balance and I think we've
15 got a pretty good one. It's not perfect, but the way it
16 was written was a bit different. So it's just one of
17 those unusual situations. But then we -- because this
18 goes on for another year, I believe -- am I right? Or is
19 it just one year?

20 UNIDENTIFIED VOICE: No, it's continued.

21 MR. HAMMOND: Okay. Then for the next
22 year, then we'll have (indiscernible) in place, after we
23 do the emergency rules. Then if there is any
24 adjustments, we can make that and if they seek a
25 legislative change next year, they can do that.



1 CHAIRMAN LUNDEEN: Dr. Scheffel?

2 MS. SCHEFFEL: So is there a competition
3 this fall? Or a grant process this fall for funds? In-
4 between now and when the permanent rules are drafted?

5 UNIDENTIFIED VOICE: Yes.

6 MS. SCHEFFEL: So I would just ask that
7 when you write the RFP, that you consider that there's
8 other avenues of support for coaches, as opposed to
9 students. And if we could get a report on that or just
10 get some feedback on that, that would be great.

11 MR. HAMMOND: That's our intent.

12 UNIDENTIFIED VOICE: We can do that.

13 CHAIRMAN LUNDEEN: Okay. Elaine's got a
14 question.

15 MS. BERMAN: Can you remind us where the
16 grant money is coming from? Is it general fund money?

17 UNIDENTIFIED VOICE: It's general fund.
18 General fund.

19 MS. BERMAN: So the legislature
20 appropriated how much money to these grants?

21 UNIDENTIFIED VOICE: \$250,000.

22 MS. BERMAN: \$250,000? What?

23 UNIDENTIFIED VOICE: Isn't that a lot?

24 MS. BERMAN: Everything's relative.

25 Because I don't think we ever discussed this when it was



1 going through the legislature. What -- what was the
2 impetuous for this bill? If you don't know, that's okay.

3 UNIDENTIFIED VOICE: Mr. Chair? The
4 American Heart Association is using this bill off of a
5 model that has been passed in several other state
6 legislatures -- legislatures focused on having students
7 in high school trained in CPR. The other impetus was a
8 young man, I believe in Jefferson County Public Schools,
9 but I will double check, who was a student athlete who
10 had a heart related emergency on the field and was
11 resuscitated by his assistant coach.

12 UNIDENTIFIED VOICE: And Mr. Chair, just
13 to follow on what Associate Commissioner Holmes just
14 stated, in the legislative declaration, it states
15 (indiscernible) in support of the reasons why this is
16 being offered is: For example, the Thompson Valley High
17 School coaches, Jay Denning (ph) and Chad Reye (ph) saved
18 the life of Tommy Enciro (ph), a high school freshman and
19 baseball player who went into cardiac arrest during
20 baseball practice. So that was part of the legislative
21 declaration (indiscernible).

22 CHAIRMAN LUNDEEN: Okay.

23 UNIDENTIFIED VOICE: And I --

24 CHAIRMAN LUNDEEN: Jane? Oh, sorry.

25 MS. BERMAN: I know that I think Deb just



1 touched on this, but it is -- is it a requirement of a
2 coach to know CPR?

3 UNIDENTIFIED VOICE: No it is not
4 required.

5 MS. BERMAN: It is not required?

6 UNIDENTIFIED VOICE: It's not required. I
7 would add, Mr. Chair, that this will also apply to staff
8 coaches and all coaches in charter school settings, and
9 because charter schools are in many cases not members of
10 CHASA, this will be the first time that charter schools
11 have had to come into a compliance regarding the training
12 of their coaches as well.

13 UNIDENTIFIED VOICE: Mr. Chair, if I may,
14 not to hog the microphone, but in response to your
15 question, Member Berman, the following paragraph after
16 that statement is: ...and requiring coaching staff to
17 obtain instruction in the (indiscernible) CPR and use of
18 an AED is an effective way to reduce risk to student
19 athletes, and to increase the number of adults in public
20 schools who are able to comply using these life saving
21 measures. (indiscernible) simply to (indiscernible)
22 Colorado to create grant programs.

23 MS. BERMAN: So there is no -- there is no
24 staff person in the school prior to this legislation
25 that's required to know CPR?



1 UNIDENTIFIED VOICE: Prior to this, there
2 was one staff member at all times has to be certified.
3 One person in the school. And that's the Board of Health
4 rules. So -- at all school activities and school
5 sponsored events, so --

6 UNIDENTIFIED VOICE: Has to have one
7 person that's qualified for CPR.

8 MS. BERMAN: Okay. That's my background
9 info -- thank you very much.

10 CHAIRMAN LUNDEEN: Other questions? Jane?

11 MS. GOFF: This could be one of the
12 elementary questions that teachers want a lot, if you ask
13 it. What about liability? Are we -- who handles that?
14 What if there's a case that comes up, whether it be a
15 student who is going to, or has administered CPR on
16 somebody? What about liability? How are those things
17 handled with kids?

18 UNIDENTIFIED VOICE: Chairman? There is
19 the Good Samaritan Act; every state has it and Colorado
20 has a Good Samaritan Act that allows people in good faith
21 to do to the best of their ability those types of
22 procedures without liability -- risk of liability.

23 MR. HAMMOND: That's correct.

24 MS. GOFF: So the intention is for kids to
25 get training -- life preparation. So this is -- this is



1 not strictly confined to a school situation -- I'm sorry,
2 I just lost -- a school activity related incident. It's
3 life -- it's a life skill.

4 CHAIRMAN LUNDEEN: No response? Other
5 questions? No? Hearing none. A motion is in order.

6 MS. NEAL: I move pursuant to CRS 24-4-103
7 (6) CRS that immediate adoption of the rules for the
8 administration of the instruction in cardio-pulmonary
9 resuscitation in public schools grant program (1) CCR301-
10 95, is imperatively necessary in order to comply with
11 HB14-1276, which requires the Colorado Department of
12 Education to administer a grant program whereby public
13 high schools have access to grant monies to be used in
14 the training of CPR and the use of an automatic --
15 automated (indiscernible) defibrillator.

16 CHAIRMAN LUNDEEN: Is there a second? Dr.
17 Scheffel seconds. Any objection? No objection? Motion
18 carries, thank you.

19 UNIDENTIFIED VOICE: Thank you.

20 MS. NEAL: Thank you.

21 CHAIRMAN LUNDEEN: Next item is the timed
22 item.

23 UNIDENTIFIED VOICE: (indiscernible)

24 CHAIRMAN LUNDEEN: Follow on the
25 conversation we were just having, is a request to issue a



1 notice of rulemaking concerning administration of the
2 instruction in cardio-pulmonary resuscitation in public
3 schools grant program; 1CCR301(95). Mr. Commissioner?

4 MR. HAMMOND: It is the same issue, but it
5 is he notice to start the rulemaking process -- Ms.
6 Markel (indiscernible).

7 MS. NEAL: Because the other one is an
8 emergency, I assume.

9 MR. HAMMOND: That's correct, because they
10 make sure the grant program -- so we're just asking for
11 your approval to proceed.

12 MS. NEAL: Any --

13 CHAIRMAN LUNDEEN: Any further questions?
14 Motion is in order.

15 MS. NEAL: I move to approve the notice of
16 rulemaking hearing for the rules concerning
17 administration of the instruction in cardio-pulmonary
18 resuscitation and public schools grant probably 1CCR301-
19 95.

20 CHAIRMAN LUNDEEN: Second? Jane? Moved
21 and seconded. Any objection? Hearing none, motion
22 carries. Thank you very much.

23 MS. NEAL: Thank you, ladies.

24 UNIDENTIFIED VOICE: Thank you.

25 CHAIRMAN LUNDEEN: Now do we want to



1 (indiscernible - multiple speakers).

2 UNIDENTIFIED VOICE: (indiscernible) your
3 hand.

4 UNIDENTIFIED VOICE: Do you want to do the
5 timed item?

6 CHAIRMAN LUNDEEN: Well, that's -- I'm
7 thinking we probably should do the timed item since it's
8 noted for 2:30 and then we'll come back with you folks.
9 Thank you for being flexible.

10 UNIDENTIFIED VOICE: What did you do to
11 your hand?

12 UNIDENTIFIED VOICE: A 200 pound Mastiff
13 went after my five pound Yorkie, and my hand was in the
14 leash.

15 UNIDENTIFIED VOICE: The Yorkie is okay?

16 UNIDENTIFIED VOICE: The Yorkie is okay.
17 The Yorkie is fine.

18 UNIDENTIFIED VOICE: You saved the Yorkie.

19 UNIDENTIFIED VOICE: Well, how is the
20 Mastiff?

21 UNIDENTIFIED VOICE: He's not under
22 control (indiscernible).

23 UNIDENTIFIED VOICE: A Mastiff apparently
24 attacked her Yorkie. (indiscernible)

25 (Indiscernible - multiple speakers)



1 CHAIRMAN LUNDEEN: Next item on the agenda
2 is an exclusive chartering authority hearing, in which
3 Summit School District is seeking to recover its
4 exclusive chartering authority. During this hearing, the
5 Board is acting in its capacity to consider requests by
6 school districts to grant them exclusive chartering
7 authority. Thank you.

8 In accordance with the Board's exclusive
9 chartering authority procedures, this exclusive
10 chartering authority hearing will not exceed 30 minutes
11 of presentation. The burden of proof is on the school
12 district. Representatives from the school district and
13 any party or entity wishing to present must sign in to
14 speak at the beginning of the hearing, and I've received
15 that now. So does the sign in -- a procedural question --
16 -- does that sign in cease at this point, since we've
17 begun the hearing? Or can I hold it open? Or does it
18 matter?

19 UNIDENTIFIED VOICE: You can hold it open.

20 CHAIRMAN LUNDEEN: All right, so we've not
21 received any written input from charter schools or other
22 parties. After oral presentations, the State Board will
23 deliberate and render a decision. State Board shall
24 consider all information submitted at the time it renders
25 its decision. Colorado State Board of Education will now



1 conduct the hearing in the -- in the request of Summit
2 School District to grant its exclusive chartering
3 authority.

4 The issue before the State Board of
5 Education is whether Summit School District meets the
6 criteria for exclusive chartering authority set forth in
7 22-30.5-504 Colorado revised statutes. The State Board
8 shall grant exclusive chartering authority if the local
9 board demonstrates its compliance with the aforementioned
10 Colorado revised statute and presents to the Board a plan
11 to implement a combination of the authorizing practices
12 described throughout 22-3015-504. In it's application to
13 recover it's exclusive chartering authority summit,
14 asserts it meets the requirements of Colorado Revised
15 Statute 22-3-0.5-504. State Board shall grant exclusive
16 chartering authority to summit if the State Board finds
17 that Durango meets these requirements. Are there any
18 questions about the procedure?

19 UNIDENTIFIED VOICE: You said Durango, and
20 you said Summit.

21 UNIDENTIFIED VOICE: Summit.

22 UNIDENTIFIED VOICE: One or the other.

23 CHAIRMAN LUNDEEN: Summit. Excuse me. I
24 will now call each person who signed up to speak in this
25 matter to address the Board. Given the 30 minute



1 timeline, I would ask each speaker to be as brief as
2 possible in their comments. I'm sure the Board will have
3 questions. Members of the State Board may interrupt you
4 at any time to ask questions. So we have Heidi -- Mr.
5 Commissioner, do you have a comment?

6 MR. HAMMOND: No.

7 CHAIRMAN LUNDEEN: Just waving your hand
8 around? Heidi Pace?

9 MR. HAMMOND: Sorry, Heidi.

10 CHAIRMAN LUNDEEN: And then following
11 Heidi will be Margaret Carlson, and I'm assuming -- well
12 --

13 UNIDENTIFIED VOICE: We're sort of teaming
14 it, yes.

15 CHAIRMAN LUNDEEN: Excellent. Welcome.

16 MS. PACE: Thank you. Good afternoon, Mr.
17 Chairman, Board Members and Commissioner Hammond. I'm
18 Heidi Pace, as you know, Superintendent of Summit School
19 District, RE1. This is Margaret Carlson, President of
20 our Board of Education. We are here today seeking
21 exclusive chartering authority for our local Board of
22 Education to authorize charter schools within our
23 district boundaries. Summit School District has been in
24 full compliance with the provisions of the Charter
25 Schools Act 22-30.5-101, and has no recent history of



1 considering charter school applications or authorizing
2 charter schools. To date there has been one charter
3 school in our district which ceased its operations in
4 1999.

5 This past school year, the Charter
6 Institute received an application for a charter school to
7 be located in Summit, however, the proposed charter
8 school withdrew their application prior to the completion
9 of the approval process. Summit School District has
10 adopted the model CASBE policies on charter schools and
11 will follow those with regard to any charter applications
12 received in the future in a fair and equitable manner.

13 Summit School District had exclusive
14 chartering authority based on CRS22-30.5-504(5)(b)(i),
15 having fewer than 3,000 students. We currently have
16 3,287 students. Losing that authority when our
17 population grew to over 3,000 students was an oversight.
18 The Summit School District Board of Education therefore
19 requests that the State Board of Education designate them
20 as the exclusive authorizer of charter schools in Summit
21 School District, in accordance with state law, and
22 Margaret and I are here and happy to answer any questions
23 that you might have.

24 CHAIRMAN LUNDEEN: Members? Do you have
25 questions? Angelika does have a question.



1 MS. SCHROEDER: Yes. Well, I don't have a
2 question, but I will say that the district where I served
3 as a Board Member while we initially -- I think in mid-
4 90s were somewhat challenged by the development of
5 charter schools. We've had such a good relationship in
6 the last very many years and our charter schools are
7 literally one of our choice schools, and all of our
8 schools in the district are choice schools. I think it's
9 a very helpful way, because the professional development,
10 number of the district-wide efforts include -- include
11 those charter schools.

12 So if I had a preference as to which way
13 new charter schools should grow, I think that's the ideal
14 way, because they get an awful lot of support from within
15 the community. More support from within the community
16 than if they are chartered from outside. That's my
17 personal experience only, but it's really been a very big
18 road, and I think -- I was trying to figure out this
19 morning, I think our first charter will be -- is now 19
20 years old. I think they will celebrate their 20th
21 anniversary next week. It's just one of our schools. It
22 doesn't even (indiscernible).

23 CHAIRMAN LUNDEEN: Dr. Scheffel?

24 MS. SCHEFFEL: Why would you want to take
25 away the option for schools to be chartered, other than



1 just through (indiscernible) -- schools want to have that
2 option, why wouldn't you want them?

3 MS. PACE: Well, they are all our kids and
4 so we always want to be accountable for their education
5 if they are going to be in one of our schools, including
6 if that's a charter school.

7 MS. SCHEFFEL: Aren't you (indiscernible)?

8 MS. PACE: Well, we feel like there's a
9 little bit of removal, if it's not right there with us
10 and local. I come -- my background is in a school
11 district that has a very large charter school. We had a
12 wonderful relationship, and so I think that that's just a
13 really good model, being able to work together more
14 closely.

15 MS. SCHEFFEL: If you're not the exclusive
16 chartering authority, does it undermine what you just
17 referenced?

18 MS. PACE: I -- I've never been in that
19 situation, so I just know the other model works very
20 well.

21 CHAIRMAN LUNDEEN: Questions? Elaine?

22 MS. BERMAN: Well, I'm responding to Deb
23 more than to you guys, but I mean -- I believe in
24 addition to Boulder, that DPS probably has the most
25 charters of any school district and the most successful



1 charters and they have exclusive chartering authority.
2 So we have no reason to believe they won't have a good
3 relationship with their charters if they have charter
4 applications and if things go awry, we can take back to
5 the exclusive charting authority. So I see absolutely no
6 -- no issue whatever, or problem granting them exclusive
7 charter and authority.

8 UNIDENTIFIED VOICE: What would charters
9 say to that?

10 MS. PACE: I think most charters, you know,
11 if they were hostile, they wouldn't like it. But if they
12 are friendly, they would say, fabulous.

13 UNIDENTIFIED VOICE: How many charters do
14 you now have in --

15 MS. PACE: We don't have any.

16 UNIDENTIFIED VOICE: Do you have plans for
17 some? Or do you know?

18 MS. PACE: We don't currently have any in
19 the works.

20 UNIDENTIFIED VOICE: No, our school
21 district is fairly small; we've got 3200 students, but
22 we've got a variety of programming and I think that's
23 probably one of the reasons that there hasn't been a lot
24 of interest in a charter school. We've got a small
25 alternative high school, we've got a dual language



1 elementary school, we're full IB district bonus -- or,
2 alternative high school. So there has not been a lot of
3 action in the community, or the community hasn't felt the
4 need, I don't think, to add more options over the last --

5 UNIDENTIFIED VOICE: Since 1999.

6 UNIDENTIFIED VOICE: Since 1999, there
7 just hasn't been much interest.

8 CHAIRMAN LUNDEEN: Pam, go ahead.

9 MS. MAZANEC: But there are two -- there
10 were two proposals that -- was it two proposals?

11 UNIDENTIFIED VOICE: No.

12 MS. MAZANEC: That went away?

13 UNIDENTIFIED VOICE: There was one charter
14 school that pre-dated both of our time in the district,
15 and did in 1999. And then there was a recent application
16 to the Charter Institute, but they pulled their
17 application prior to the completion of the approval
18 process.

19 MS. MAZANEC: And but you're open to
20 charter schools?

21 UNIDENTIFIED VOICE: Absolutely we've
22 adopted -- we've adopted all the CASBE model policies and
23 we would certainly implement all of those. And as I
24 said, I come from a large school district that had a very
25 large charter school, and we had a great relationship.



1 MS. MAZANEC: Okay, thank you.

2 CHAIRMAN LUNDEEN: Ms. Markel?

3 MS. MARKEL: Mr. (indiscernible - people
4 talking over her and volume is low) --

5 UNIDENTIFIED VOICE: I'm sorry, Angelika
6 was talking to me again, would you start over?

7 MS. MARKEL: Yes, it was just as a factual
8 matter, as part of the process of sending the notice --
9 sending the notice at this point. We provided notice to
10 the Colorado Charter School Institute at this
11 (indiscernible) as well as to this proposed charter
12 school applicant and neither -- there was no response at
13 all (indiscernible).

14 CHAIRMAN LUNDEEN: Dr. Scheffel?

15 MS. SCHEFFEL: How much notice did you --
16 when did you tell (indiscernible)?

17 MS. MARKEL: I think 30 days ago.

18 MR. HAMMOND: Yeah, it's been some time.

19 CHAIRMAN LUNDEEN: Okay, and just as --

20 MS. MARKEL: July 18th.

21 CHAIRMAN LUNDEEN: July 18th? Okay. As a
22 footnote, Mr. Dill is here if anybody has legal
23 questions. Any other questions? Conversation?
24 Thoughts? Okay, a motion is, I believe, in order.

25 MS. NEAL: I move to grant Summit's



1 request for exclusive charter in authority.

2 CHAIRMAN LUNDEEN: A second? Dr.
3 Schroeder? It's been moved and seconded. Staff, please
4 call roll.

5 MS. MARKEL: Elaine Gantz Berman?

6 MS. BERMAN: Aye.

7 MS. MARKEL: Jane Goff?

8 MS. GOFF: Aye.

9 MS. MARKEL: Paul Lundeen?

10 CHAIRMAN LUNDEEN: Aye.

11 MS. MARKEL: Pam Mazanec?

12 MS. MAZANEC: Aye.

13 MS. MARKEL: Marcia Neal?

14 MS. NEAL: Aye.

15 MS. MARKEL: Dr. Scheffel?

16 MS. SCHEFFEL: No.

17 MS. MARKEL: Dr. Schroeder?

18 MS. SCHROEDER: Aye.

19 CHAIRMAN LUNDEEN: Motion carries.

20 UNIDENTIFIED VOICE: Thank you very much.

21 UNIDENTIFIED VOICE: Thank you.

22 CHAIRMAN LUNDEEN: Thank you.

23 UNIDENTIFIED VOICE: Thanks for driving down.

24 CHAIRMAN LUNDEEN: Shall we look back? Margo

25 is here.



1 UNIDENTIFIED VOICE: (Indiscernible)

2 (Indiscernible - multiple speakers at once)

3 CHAIRMAN LUNDEEN: Okay, Board Members are
4 moving to Item 1516 at this point. I believe. Yes, I think I
5 got that right. And this, like the other emergency rule we
6 just dealt with a few minutes ago is kind of in a couplet.
7 There's an emergency rule followed with a notice of rulemaking
8 on the same rule, it would provide for public comment, broader
9 engagement on the same issue as we move past this "emergency".

10 All right, 1516 is a request for emergency
11 rules for the administration of the school health professional
12 grant program, 1CCR301-94, pursuant to 24-4-1036, Colorado
13 Revised Statutes. State Board is authorized to adopt emergency
14 rules, if it finds that immediate adoption of the rules is
15 imperatively necessary to comply with the state or federal law,
16 or federal regulation, or the preservation of public health,
17 safety and welfare, and the delay and adoption of the rules
18 would be contrary to public interest. Mr. Commissioner?

19 MR. HAMMOND: Thank you, Mr. Chair. This
20 issue is two-fold. It's very similar to the last one, except
21 it's very clear. And the emergency rules is really necessary
22 to administer and get out the grant funds. And then you
23 approve that, and we need to turn right around and then approve
24 the notice for rulemaking in a separate action. So with that,
25 Rebecca, do you want to speak, or --?



1 MS. REBECCA: Sure. Thank you. So similarly
2 we will kick off emergency rules so that we can meet our
3 statutory obligations and get dollars to schools as quickly as
4 possible. This is a \$2.5 million grant program that is related
5 to the marijuana sales tax and uses that sales tax to provide
6 those resources for schools to staff health professionals -- so
7 nurses, school psychologists, counselors, social workers; who
8 would serve students who have a high risk of either substance
9 abuse or behavioral health issues.

10 And again, this is related to the marijuana
11 sales tax, so while our stakeholders who we've talked to are
12 all -- unlike the last issue, sort of unanimously excited about
13 this grant program, did want to reference the fact that this
14 money is obviously pending the sales tax dollars being
15 available. And we know that we need to make rules on the grant
16 program, whether or not those dollars will be available and it
17 will issue the RFP in the coming weeks as we know more from our
18 work with the joint budget committee and the governor's office.

19 Kathy, if you want to give us some detail?

20 MS. PATRICK: Sure. So at this point, we're
21 hoping to get an RFP out on or before October 1st, and then
22 subsequently May 1st would be the date that schools can apply
23 for this grant. The rules include the procedures that -- for
24 the application, some priority criteria that we are asking --
25 and again, this very closely follows the legislation and the



1 awards are good -- it will be for up to one year. There is a
2 reporting requirement and also evaluation that the Education
3 Committee at both the Senate and the House will want to review
4 each and every subsequent year of this being funded. So again,
5 we're very close to follow what it is in the legislation -- the
6 requirements for the legislation.

7 CHAIRMAN LUNDEEN: Elaine?

8 MS. BERMAN: I just want to thank you for your
9 advocacy on this, because there's a lot of, lot of, lot of
10 people fighting for this, for the marijuana tax revenue and the
11 fact that we can get some in the schools to help kids with
12 potential substance abuse, is critically important. So good
13 work, team.

14 UNIDENTIFIED VOICE: Thank you.

15 UNIDENTIFIED VOICE: Thank you.

16 CHAIRMAN LUNDEEN: Dr. Scheffel?

17 MS. SCHEFFEL: This is related to substance
18 abuse and behavioral health issue, is that right? And what are
19 those again? Is there a list of those behavior health issues?

20 UNIDENTIFIED VOICE: No we did -- we didn't
21 put a list in. Actually what it will do is that the health
22 professionals will be providing training to staff and to
23 students and families; doing some screening and possible
24 referrals to community based organizations for substance abuse
25 and behavioral health. So there is not a list of --



1 MS. SCHEFFEL: (Indiscernible) behavioral
2 health anywhere?

3 UNIDENTIFIED VOICE: No.

4 MS. SCHEFFEL: Not yet?

5 UNIDENTIFIED VOICE: Not yet.

6 MS. SCHEFFEL: (Indiscernible).

7 UNIDENTIFIED VOICE: We definitely want to
8 include that as we get further down the process.

9 MS. SCHEFFEL: The first RFP is for the first
10 grant iteration - -is it defined in the RFP?

11 UNIDENTIFIED VOICE: There is some reference
12 in the -- in the legislation regarding disciplinary, you know,
13 referrals and so that would probably be the start that they
14 would be looking at. The screening -- there is a number of
15 screening tools that are out there that they can be using to
16 identify kids with substance abuse or behavioral health
17 difficulties. So --

18 MS. SCHEFFEL: (Indiscernible).

19 CHAIRMAN LUNDEEN: Any questions? Okay.
20 Motion is in order.

21 MS. NEAL: I move pursuant to CRS24-4-
22 103(6)CRS that immediate adoption of the rules for the
23 administration of the School Health Grant Program, ICCR301-94
24 is imperatively necessary in order to comply with SB14-215,
25 which -- I didn't know this was so long -- which created the



1 School Health Professional Grant Program; which requires the
2 Colorado Department of Education to administer a grant program
3 during this school year; which increases the level of funding
4 allocated to secondary school health professionals to provide
5 substance abuse and behavioral healthcare to students in public
6 high schools, and have substance abuse or other behavioral
7 needs and to provide training and resources for staff on the
8 implementation of evidence-based programming on substance abuse
9 prevention education.

10 MS. BERMAN: I second it.

11 CHAIRMAN LUNDEEN: A motion; Elaine seconds.

12 Staff, please call the roll.

13 MS. MARKEL: Elaine Gantz Berman?

14 MS. BERMAN: Aye.

15 MS. MARKEL: Jane Goff?

16 MS. GOFF: Aye.

17 MS. MARKEL: Paul Lundeen?

18 CHAIRMAN LUNDEEN: Aye.

19 MS. MARKEL: Pam Mazanec?

20 MS. MAZANEC: Aye.

21 MS. MARKEL: Marcia Neal?

22 MS. NEAL: Aye.

23 MS. MARKEL: Dr. Scheffel?

24 MS. SCHEFFEL: Yes.

25 MS. MARKEL: Dr. Schroeder?



1 MS. SCHROEDER: Yes.

2 CHAIRMAN LUNDEEN: Motion carries. Don't go
3 away. Item 1517; next item on the agenda is a request
4 (indiscernible) notice of rulemaking concerning administration
5 of the School Health Professional Grant Program; 1CCR301-94.
6 Mr. Commissioner?

7 MR. HAMMOND: Same issue as before, but this
8 is formal notice and action for -- of this rulemaking. So same
9 issue.

10 CHAIRMAN LUNDEEN: Questions? No questions?
11 A motion is in order?

12 UNIDENTIFIED VOICE: Does she have to read
13 that whole thing again?

14 CHAIRMAN LUNDEEN: No, no. This is the real
15 rule, therefore it's a shorter motion.

16 MS. NEAL: I move to approve the notice of
17 rulemaking hearing for the rules concerning administration of
18 the School Health Professional Grant Program, 1CCR301-94.

19 CHAIRMAN LUNDEEN: Seconded by Elaine. Is
20 there any opposition? Hearing none, motion carries.

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

22 UNIDENTIFIED VOICE: Thank you.

23 UNIDENTIFIED VOICE: That was.

24 CHAIRMAN LUNDEEN: Okay, we're going to take a
25 very brief break and we'll come back to some emergency rules on



1 online, I believe and it will put us back in at least a linear
2 sequential order on the day.

3 (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 25th day of April, 2019.

/s/ Kimberly C. McCright

Kimberly C. McCright

Certified Vendor and Notary Public

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