



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO

June 8, 2016, Rulemaking and BEST

BE IT REMEMBERED THAT on June 8, 2016, the
above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

Steven Durham (R), Chairman
Angelika Schroeder (D), Vice Chairman
Valentina (Val) Flores (D)
Jane Goff (D)
Pam Mazanec (R)
Joyce Rankin (R)
Debora Scheffel (R)



1 MS. OKES: Reorganization, streamlining,
2 clarification. E is the comparison of all of the changes
3 that came in. There was two extra changes that were
4 suggested and then we internally during our reviews found
5 some changes that we are also proposing that wasn't in the
6 notice rulemaking and those are highlighted. E -- you also
7 have the actual comment that was received is also titled E
8 and then F is the statutory crosswalk that outlines the
9 statute to rules that also include the minimum standard
10 rules that you all revised about a year ago. And then
11 finally, G is the end result if you all approve the rules
12 today with the current changes.

13 So that's the documents, and so we've worked
14 on this for over 16 months with the transportation
15 community statewide. We have a transportation advisory
16 council that is nine regions of the state. Two
17 representatives per region. Right now we have three
18 vacancies so it's 15 people across the state. We held --
19 held eight meetings with the Transportation Advisory
20 Committee going over in detail that have wonderful
21 conversations with them. And then they in turn (inaudible)
22 and held regions each of them in their regions of all of
23 their districts within their regions, so two separate
24 meetings. So we have lots of great dialogue throughout the
25 -- the past several months. We also engaged The Department



1 of Revenue and their CDL experts. Colorado State Patrol,
2 we have a wonderful representative that's partnered with us
3 to make sure that we're addressing things from the state
4 patrols aspect.

5 The Colorado Association of Pupil
6 transportation associations. They've been really
7 wonderfully engaged with us CDOT related to a couple of the
8 rules, RTD related to that and our Federal Motor Carrier
9 Safety Administration. So we've gotten a lot of
10 stakeholders involved. The number one goal was to keep
11 safety. Kids safety is utmost importance and we didn't
12 want to dilute that in any ways and so we made sure we
13 didn't do that. But we also wanted to reduce regulatory
14 burdens whenever possible and I think we've in little ways
15 done that very successfully. We've strengthened or
16 clarified some of the safety to make sure that you know
17 safety is of utmost and we're -- we're doing that but again
18 without burdening the districts.

19 So we're reducing the regulations we'll have
20 these resource guides that will be helpful we think
21 reorganizing them to make them better. So some of the
22 reduced regulations that we've accomplished through these
23 proposed rules were eliminating accident reporting by the
24 districts. Because that's currently already goes to the
25 Department of Revenue, who hands it off to the Department



1 of Transportation, who does a lot of effort to scrub that
2 data, fill in any gaps, make sure it's accurate. They are
3 willing to share that data with us. So why fill out a form
4 that's already available to us in a better way we can get
5 rid of districts doing administrative work, we can get rid
6 of administrative work, and then we can do what we should
7 be doing with that data is really spending the time,
8 analyzing it, what's happening with accidents, what could
9 we do with rule changes, what can we do with training, you
10 know, what can we do to help avoid those accidents. So
11 accomplishing the same goal with less regulation or less --
12 less administrative paperwork.

13 Another one that we had lots of discussion
14 about this changing the minimum age for a school bus driver
15 from 21 to 18. Many of our districts think no it should be
16 21, we don't wanna go any lower. But they recognize that
17 some of the districts especially in the rural districts who
18 are having troubles getting drivers as many school
19 districts are, some of them might want that opportunity to
20 hire a 20 year old and we even heard examples of say well I
21 know a kid who lives on that ranch that I would hire in a
22 heartbeat because he or she has been driving, you know, a
23 hundred thousands of dollars of equipment every day for
24 many, many years and it's reliable, and they would love to
25 be able to hire those.



1 So this allows that option but does not
2 change it at all if you don't want to. And so many don't
3 want to change it and won't but it allows that door for any
4 district that does.

5 We are also changing a requirement from a
6 first date certificate to just training, which may seem
7 like just semantics but a certificate cost \$30, \$40 per
8 driver and that includes small vehicle drivers. So the
9 training aspect is much easier for districts and -- and
10 they thought that was an important change. Other things
11 allowing an inspector to bring his own equipment if the
12 inspection cited a district doesn't have it. Again, a
13 little thing but it can help some districts in a little
14 bit. So a lot of those different things that small changes
15 that we hope to add up to a lot. So I can answer any
16 questions that you have in regards to these.

17 CHAIRMAN DURHAM: Questions, members of the
18 Board. Yes, Ms. Rankin.

19 MS. RANKIN: This a really important issue
20 to me because of the large geographical area of my
21 district. And I had a lot of questions and I did -- I have
22 to tell you I did read it all and I called Jennifer and she
23 went through all the details and answered my questions and
24 I really appreciate that. But I am in one of those
25 districts where you have 18 year olds at the end of the



1 line and they can pick up two or three students on the way
2 in, which is extremely helpful.

3 I also have Grand Junction and Pueblo, which
4 has a whole different situation. So I really felt this
5 addressed everything and I like the groups that you brought
6 together because CDOT was a concern of mine. I still have
7 one question of the parents coming over New Mexico lines to
8 bring their students to the bus stop that then drives them
9 another 45 minutes to get to the school and the safety
10 issue there is still a concern. You don't have to tell me
11 now but I would like the answer to that.

12 CHAIRMAN DURHAM: Okay. All right. Further
13 questions. Yes, Dr. Schroeder.

14 MS. SCHROEDER: So, I think your goal was to
15 put less responsibility on the school districts. But I
16 have to tell you that I only ran this across a few moms but
17 the 18 to 21 thing was not very popular so it seems to me
18 we might need something in there. I mean how many state --
19 how many states have kids 18 driving buses; is that
20 generally accepted?

21 MS. OKES: I -- I'd have to get more
22 specifics. I don't know how many states do that. One of
23 our discussion items on that was in order to get a
24 commercial driver's license at the national level, you have
25 to be 21. But states -- so that's for interstate commerce.



1 But with intrastate commerce, states have the ability to go
2 to 18. Colorado is one of those states that allows CDL
3 licenses to be 18 for intrastate. And so this would match
4 the current CDL because you need a CDL to drive a bus --

5 MS. SCHROEDER: Okay.

6 MS. OKES: -- a big bus. And so, I don't
7 know that specific but that was one of the things to say,
8 well let's be consistent with CDL regulations within the
9 state of Colorado.

10 MS. SCHROEDER: But I'm wondering if parents
11 shouldn't know. I mean, I'm not usually the one that
12 brings forward parents but a couple of parents that I did
13 mention this because I was shocked when I read it myself.
14 I have a personal experience of being on a school bus on a
15 long trip with high school students and it got out of hand
16 when they stopped for snack and so there has to be a sense
17 of authority. The part of the bus driver if it turns out
18 that there isn't a teacher along. So I'm -- I'm weighing
19 the reality of a rural area where kids have been driving
20 since they were 12. And the -- the tremendous
21 responsibility that we're giving to a young person with I
22 don't know how many kids are on a bus, and depending on the
23 ages of what a challenge that can be. And do we want to
24 notify our parents or in what -- in what way do we make
25 sure that this is a really transparent change.



1 MS. OKES: Yes. My understanding is most
2 are a number of school districts that voiced concerns and
3 discussions in as many of those districts have that as a
4 Board policy right now. And so in order to change it, they
5 would have to go through a change to their Board policy
6 which would be done through the local school Board and
7 would go through the open meetings process. So I do
8 believe that if any district were to change they would go
9 through that process.

10 MS. SCHROEDER: So the district policies
11 have incorporated what the rules have been. Is that how
12 that works?

13 MS. OKES: That is my understanding. And I
14 know that we have at least one person here to testify at
15 the second hearing. But so I think she might be a great
16 resource, she's been around for a long time and -- and
17 knows a lot, not only her district but other districts.

18 MS. SCHROEDER: Yeah. I'm trying to get the
19 connection between this change and the perceptions --

20 MS. OKES: Yeah.

21 MS. SCHROEDER: -- that might be out there.
22 We hear of people talking about not having kids drive at
23 all until they're eight -- I mean, we have -- we have this
24 two different points of view right now about when -- when
25 are you a competent driver? At what age? At what brain



1 development? All that stuff and this looks like it's
2 completely contrary to that notion. The other one that I
3 wondered about having been in a district where there was a
4 severe -- a horrible mountain accident. What is the part
5 about eliminating the written tests; why would that be?

6 MS. OKES: Yeah, so --

7 MS. SCHROEDER: A good idea.

8 MS. OKES: -- the reason that we did that,
9 one of the Colorado State Law, requires all drivers of a
10 pupil transportation vehicle, which would include a small
11 vehicle. So if you have a Sedan that you are going to take
12 two or three kids to some event, that would also include
13 those individuals that they take adverse weather condition
14 driving and mountainous driving and so that --

15 MS. SCHROEDER: The actual driving or the --
16 or test or both?

17 MS. OKES: The state law just requires the
18 training no tests associated with that. And so one of the
19 things that we -- that's still a requirement we used to
20 require annually for all drivers. That was changed in
21 these rules to say we don't -- you no longer have to do it
22 annually. One of the examples that we heard several times
23 as well if I'm out on the Eastern Plains, I have two
24 drivers that would ever go into the mountains. The rest of
25 my drivers are only route and they never leave the Eastern



1 Plains. Yet I have to dedicate, you know, an hour of
2 training or how much of training every year for mountainous
3 training when they're not going to be taking kids. And so,
4 that didn't seem like the best use of resources. And so,
5 it's still required that they get that every year but they
6 don't need to train every year on it. And then the test,
7 we had a lot of discussion about what's the value of these
8 tests. So the tests really adding extra value to them or
9 not. And many of them thought, no, the tests weren't
10 really good. Many of the drivers are saying, yup, we were
11 going to test any driver that goes into the mountains.
12 We're gonna still train them every year. But just not do
13 the tests. Some say --

14 MS. RANKIN: Yeah, you are not riding when
15 you're going down the mountain.

16 MS. OKES: -- I like to do the tests and so
17 they're going to still and will work with them to keep
18 providing tests if they would like, but it's just not a
19 requirement. Everybody really thought that it wasn't
20 adding value that the training is what's important.

21 MS. SCHROEDER: So it does seem -- it does
22 seem a lot like we're making things easier for districts
23 and I'm a little worried -- I'm still a little bit worried
24 about how to ensure, I mean, I don't see things in here
25 that actually looks safer in terms of the bus drivers.



1 There might be -- there might be vehicle maintenance issues
2 that are safer but in terms of this, I don't know that
3 we've -- can you tell me what you've added to --

4 MS. OKES: So -- I think --

5 MS. SCHROEDER: -- make driving safe --
6 safer?

7 MS. OKES: -- one of the things when there's
8 six hours of training that's required every year, I think
9 if you can take off some stuff that is not applicable like
10 mountainous truck driving. In that case, if you're never
11 leaving the -- to the mountains, then that frees up time to
12 focus on other things. Some of the other specific training
13 or to make it more safety in 12.05, we added in currently
14 it's -- you cannot use alcohol or use tobacco. We're
15 clarifying that you cannot have alcohol either even if
16 you're not consuming it, you shouldn't be having it at all.

17 But we also clarified marijuana and cannabis
18 products for the drivers. We heard some districts were
19 having more of a problem with that some Southwest. And so,
20 we thought that was a good clarification because even
21 though it's maybe legal or if you have a card, we don't
22 want you possessing it or using it.

23 There still we didn't change, you know, you
24 can't drive while under the influence whether that's just
25 being too tired or sick or any other reasons, so that



1 hasn't changed. The drug and alcohol random testing hasn't
2 changed for CDL drivers and the reasonable suspicion is
3 still there. What we have added or -- or just clarified
4 that some of the vehicle stuff so to make sure that you
5 can't drive in an unsafe manner. We also had provided
6 clarification that districts can retest to do driving test.
7 Again, for any reason, you have to do it once a year a
8 driving test.

9 But we clarified that you can retest if
10 necessary. Some districts weren't sure that they could and
11 so -- and it was also a signal to bus drivers that, yes,
12 you can be retested if there's a reason for the district to
13 want to retest you. So we -- we've done some of those
14 things.

15 MS. SCHROEDER: Thank you.

16 CHAIRMAN DURHAM: Further questions. Dr.
17 Scheffel.

18 MS. SCHEFFEL: My question is, do these
19 rules change? Who oversees school transportation vehicles?
20 In other words, I see references to the National School
21 Transportation Specifications and Procedures group. Does
22 that imply that the -- that the nature of who oversees
23 these transportation vehicles in Colorado has shifted in
24 anyway to some other organization that wasn't involved



1 before or is it just the same groups. Can you speak to
2 that?

3 MS. OKES: Yes. It's -- it's the same
4 group. So in addition to these two sets of rules that
5 we're discussing today, there is the minimum standards
6 rules. And so those are under the Colorado Department of
7 Education and your rules about the vehicles and what the
8 requirements of minimum standards are for those and that
9 these talk to the requirements to maintain and inspect
10 those. But we also referenced that it has to be the
11 manufacturer's minimum standards for each bus. So they
12 have to meet those.

13 MS. SCHEFFEL: So the regulatory oversight
14 is the same as it was before.

15 MS. OKES: It hasn't changed.

16 MS. SCHEFFEL: Okay, thank you.

17 CHAIRMAN DURHAM: Further questions.
18 Hearing none, is there objection to the adoption. First of
19 all, was there a motion on the -- the rule?

20 UNIDENTIFIED VOICE: (Inaudible) I seconded.

21 CHAIRMAN DURHAM: Okay. Just for -- for the
22 record, the first motion is to repeal the rules for the
23 annual inspection and preservation of -- and -- and
24 preventative maintenance of school transportation vehicles.
25 So --



1 UNIDENTIFIED VOICE: Chairman.

2 CHAIRMAN DURHAM: Yes.

3 UNIDENTIFIED VOICE: I think Dr. Emm is
4 trying to (inaudible).

5 CHAIRMAN DURHAM: Yes, Dr. Emm.

6 MS. EMM: I just wondered if -- did you call
7 for testimony?

8 UNIDENTIFIED VOICE: I -- just hard to say.

9 CHAIRMAN DURHAM: I think that's for the
10 next rulemaking hearing as I recall.

11 MS. EMM: Thank you. Thank you.

12 CHAIRMAN DURHAM: Yeah. So (inaudible) is
13 there objection to the -- it's been moved and seconded that
14 the motion to repeal these rules is -- and then we'll --
15 we'll re-enact them in the next motion I presume, okay.
16 Objections, seeing none to the repeal these rules. That
17 motion is declared adopted by a vote of seven to nothing.
18 We'll now proceed to 12.02, which conducts public
19 rulemaking hearings to the operation of school
20 transportation vehicles.

21 The Board voted to approve the notice of
22 rulemaking at its April 13, 2016 Board meeting. A hearing
23 to promulgated these rules was made known through
24 publication of a public notice on April 25, 2016 through
25 the Colorado register and by the state Board notice on June



1 1, 2016. State Board is authorized to promulgate these
2 rules pursuant to 22-2-107(1)(c) CRS. Commissioner is the
3 staff prepared to provide an overview.

4 MS. ANTHES: I think they already have. But
5 well --

6 CHAIRMAN DURHAM: We're hopeful on that
7 account.

8 MS. ANTHES: Continuing on --

9 CHAIRMAN DURHAM: Great. Great when --

10 MS. ANTHES: -- to the next step of this.

11 CHAIRMAN DURHAM: -- when -- then -- so if
12 nothing additional to -- to add, I take it on the overview,
13 okay. Then we have Nancy Lutz signed up to testify Ms.
14 Lutz, from the Calhan School District. Just get close,
15 just close. Tender singing.

16 MS. LUTZ: I -- as he said I'm Nancy Lutz,
17 I'm from Calhan School District. Calhan School District is
18 a small rural district. We have approximately 450 students
19 preschool through 12th grade all in one campus. I have
20 been working for them for 35 years. Driving a school bus,
21 being the director, being the trainer. When you work in a
22 small district, you wear lots of hats. I have been on the
23 Transportation Advisory Council since its inception. We
24 have spent almost two years working on this set of rules.



1 Prior to that, we worked on the update of the minimum
2 standards.

3 This has been a wonderful process actually.
4 So much better than the way we used to do it, because we
5 have input from people all around the state, and we go back
6 to our regions, and we have regional meetings, people ask
7 more questions, we come back together as a group, and we
8 hammer those things out. I feel that this group of rules
9 are simpler, easier to understand, and I believe it will be
10 easier for people to be in compliance.

11 And some of the things that Jennifer has
12 discussed will also be money saving and time saving for
13 districts. In the state of Colorado, I am known as the
14 advocate for small school districts. I'm the small
15 district mouth. I'm always saying, "Wait, wait, wait, you
16 can't do those things, small districts won't be able to
17 comply". So there are some things in here that will
18 absolutely save time and money for small school districts.
19 So I -- I feel that this is a good set of rules.

20 CHAIRMAN DURHAM: Okay. All right.

21 MS. LUTZ: Any questions?

22 CHAIRMAN DURHAM: Very good. Thank you very
23 much.

24 MS. LUTZ: Okay.

25 CHAIRMAN DURHAM: Appreciate your testimony.



1 MS. LUTZ: Thank you.

2 CHAIRMAN DURHAM: (Inaudible). All right.

3 (Overlapping)

4 CHAIRMAN DURHAM: It's 35 years now. She's
5 new at the district.

6 MS. OKES: And thank you for driving for
7 testimony.

8 CHAIRMAN DURHAM: Yeah.

9 UNIDENTIFIED VOICE: Driving a school bus.

10 CHAIRMAN DURHAM: Let's -- all right. Is
11 there a motion on -- on these rules? Dr. Schroeder.

12 MS. SCHROEDER: I don't want to make the
13 motion because I'm going to vote against it.

14 CHAIRMAN DURHAM: If you're going to vote
15 against, may I ask you to reconsider because you've already
16 repealed the one set of rules.

17 MS. SCHROEDER: (Inaudible).

18 CHAIRMAN DURHAM: This is the replacement
19 rule, so we'll have no rules.

20 MS. SCHROEDER: All right. I'll just
21 express my objection to the 18 year old's driving buses.

22 CHAIRMAN DURHAM: Okay.

23 MS. SCHROEDER: I move to repeal the rules
24 for the operation of the school transportation vehicle and
25 re-enact the rules with the amended rules for the



1 operation, maintenance, and inspection of school
2 transportation vehicles.

3 CHAIRMAN DURHAM: Is there a second to this?
4 Ms Rankin seconds. And you gonna hold it -- you hold --
5 and she's gonna hold this against me, but you would want no
6 rules for the next 30 days?

7 MS. SCHROEDER: I got a second.

8 CHAIRMAN DURHAM: Yeah. A little procedural
9 issue there, got you. All right, is there objection to the
10 adoption of that motion? Seeing none, that motion is
11 adopted by a vote of seven to nothing and we now have the
12 rules in place. Thank you.

13 UNIDENTIFIED VOICE: Thank you.

14 CHAIRMAN DURHAM: Thank you. Okay.

15 (Overlapping)

16 CHAIRMAN DURHAM: Okay. We now have 13.01,
17 the -- let's see, the best program grant awards, if I can
18 find it. So let's see here. Would you care to make a
19 motion on that one.

20 MS. SCHROEDER: Sure.

21 CHAIRMAN DURHAM: Dr. Schroeder?

22 MS. SCHROEDER: I move to approved the award
23 of projects on the attached fiscal year 2016-17 Best Grant
24 list for the award amounts. Matching contribution amounts
25 and types of funding is set forth in the published agenda



1 and to direct the Division of Public School Capitol Complex
2 construction to award the approved fiscal year 2016-17 Best
3 Cash Grants.

4 CHAIRMAN DURHAM: Is there a second to that
5 motion? Ms. Rankin seconds the motion. Let's see.
6 Commissioner, would you -- would staff prepare to provide a
7 quick overview, please.

8 MS. ANTHES: Sure. Who's this going to?

9 CHAIRMAN DURHAM: I got Kevin Huber and
10 Scott Newell.

11 MS. ANTHES: Yes, thank you.

12 CHAIRMAN DURHAM: Okay. Right.

13 MS. ANTHES: I'm new with this. I'm just
14 warming.

15 MR. HUBER: Thank you. Kevin Huber,
16 Division of Capital Construction. The list you have in
17 front of you is the product of our last year's worth of
18 work, and for our applicants, even longer than that. We
19 opened our grant application January through February of
20 this year. And then in March and April, we worked with our
21 districts help clarify anything with the grant application,
22 get the budgets in line, make sure we have everything ready
23 to go. And then, at our April Board meeting, we present
24 our capital construction assistance Board with this book,
25 happens to be over 500 pages this year. It includes all



1 the information from the 53 grant applications we got.
2 Those 53 applications totaled over \$250 million in requests
3 for capital needs.

4 Our Board then gets another book with that,
5 and you guys just got an evaluation sheet. Another 240
6 page book that has an evaluation sheet for each grant
7 applicant in there. And then they have the next month to
8 review all of the applications and then score them. That
9 evaluation sheet that you're looking at stemmed from a 2013
10 performance audit from the state auditor's office and has
11 been approved by them in evaluating our grant applications.

12 So our Board reviews all the grant
13 applications for a month, fills out the majority of it,
14 they will have some clarifying questions at the meeting.
15 And we held our meeting on May 24th and 25th of this year,
16 two day meeting. All of our applicants got to come and
17 present to the Board and then our Board asked them any
18 clarifying questions, finished filling out their individual
19 evaluation sheets, and then staff takes those sheets, and I
20 input them into a spreadsheet, and we average the score of
21 all of the sheets for each applicant.

22 First by -- if you look at this sheet by the
23 statutory criteria that we're mandated to use, Priority
24 one, Health and Safety and then Priority two, down the
25 list. So first, we sort all the applications by their



1 priority and as of over the last eight years, we've never
2 made it below Priority one. Then we take all the scores
3 and average those out and make a list, and then we draw a
4 line in the funding we have available to give away. And so
5 for the state portion, you see that's \$60 million is what
6 we are appropriated this year and we were able to hit that
7 mark. You see the list of backup projects on there.

8 Up above (inaudible) 31 awarded
9 applications. You have a lot of schools going for bond
10 elections this year, capital campaign, they're getting
11 ready to -- to start. And so if any of those failed, we
12 didn't wanna leave any money on the table and make sure
13 that we're futilely -- fully utilizing that \$60 million.
14 And so if you guys have any questions about the process or
15 the list, we would be happy to answer them for you.

16 CHAIRMAN DURHAM: Questions from members of
17 the Board? Ms. Mazanec.

18 MS. MAZANEC: I'm sure you're aware, we are
19 hearing some concern that the best award is not giving
20 enough attention to the charter school applications or is
21 not -- not treating them fairly. We have -- we have 12
22 percent of students in charter schools and they're getting
23 0.2 percent of the best grants. Would you care to comment?

24 MR. NEWELL: I would, Mr. Chair.

25 CHAIRMAN DURHAM: Yes, Mr. Newell?



1 MR. NEWELL: (Inaudible) Chair of the
2 Capitol Construction Assistance Board. Yes, we just saw
3 this information this morning actually, and all of the
4 letters and stuff from the charter league. When we get
5 this flash and all the combination of all nine Board
6 members this year, we had eight, because one of our Board
7 members didn't get approved to the legislature at the last
8 minute, he wasn't on the Board officially. So we had eight
9 people doing this. You know, I know what I did on my sheet
10 and I was very surprised when I saw that this year was an
11 exceptional year. Charter schools did a much better job of
12 their applications but so did public schools.

13 Most years, I have many, many projects, I
14 don't even recommend to go the short list because they're
15 so poorly written, they don't meet the requirements, and
16 everything else. I don't think there were two or three out
17 of all the districts that applied this year that I didn't
18 recommend to the short list. It's just -- I think it
19 speaks to the quality of the people in our office, our
20 division staff. The fact that charter schools and public
21 schools are coming in and finally, after all these years
22 asking our staff, what are they looking for? What do we
23 need to have? What kind of master planning needs to go
24 into this? What do we have to do to prove that this
25 project is worthy? And it was very close. I've never had



1 my grades in such a tight range, and I thought we're going
2 to have a lot of ties if everybody else looked at this the
3 way I did.

4 Actually on my sheet, I thought we were
5 gonna have a lot of charters rise to the top, I thought
6 they'd be getting a huge part of that. Unfortunately, as I
7 said many times, it sucks not to be king, and I don't get
8 to make that decision. It's all the Board members scores
9 that go together and when it just shows up, that's the way
10 it is. The only comfort I take from this is that looking
11 at this every year, we've had bond issues that fail, and
12 we've got four or five that are dependent on that and they
13 are very large projects. We're gonna get way down the
14 sheet, I think, if even one or two of those bond seals --
15 bond issues fail next November, but we won't know until the
16 end that it will pick up a lot of charter projects --
17 charter projects that are just below there. There's one in
18 here I think for 16 million, I thought it was excellent
19 application. But there were a number of others that I
20 personally thought were well deserving.

21 So I was a --

22 MS. MAZANEC: (Inaudible).

23 MR. NEWELL: -- little bit surprised. I
24 don't think there's anything in the process that's punitive
25 nor do I think we can go and look at it, you know, I don't



1 even really try to look at that when I'm personally looking
2 at my score sheet. I try to read the information, we do
3 look at the amount, because there is a limited money. But
4 there's nothing in there that says you can't grant a
5 certain amount. So the ranking is the ranking and there
6 are some things that I hope the Board will look at better.
7 I'll just say it right now, and I thank you all, this is my
8 last year, I'm term limited. This Board is appointed me,
9 your Board, three different times to continue on here. It
10 has been a great learning process, and I've enjoyed the
11 work's been very rewarding. So but I am term limited this
12 month, and so I won't be there. But I have offered to come
13 back if they choose to do, you know, a Board retreat to
14 kind of discuss some of these issues and whatnot. I don't,
15 you know, we have, there's -- there's a lot of information
16 to those grants, previous grants things like that. But
17 those things aren't statute, so I don't really let that
18 affect how I score that thing.

19 The -- the other thing that gets in there a
20 lot of times, are you meeting your match? Personally on my
21 sheet, the maximum that I give that, if you meet their
22 match, you get eight. If you meet more than your match,
23 you get nine. If you get way more than your match, you get
24 a 10. If you don't meet your match and there's a waiver
25 request, I graded a seven. There's no other scores to me



1 in that. They're very close so nobody gets thing a huge
2 amount on that. But I think that the process needs to
3 recognize, are you making your match, that's what, you
4 know, the part of the program is. I don't know how
5 everybody else does it, but in training and talking about
6 it we tell them, as long as you're true to whatever your
7 rubric is on all 53 applications or whatever, you'll be
8 fine. Just be consistent. And I hope that's happened. So
9 --

10 MS. MAZANEC: Well, I would say that -- that
11 it was also another issue brought up is that the process,
12 the application process, the grant process is cumbersome.
13 And I think that's probably true for almost all grants.
14 They're competitive grants, they often can be cumbersome
15 and it's harder for charter schools to be able to get the
16 assistance they need to write a good application, you know,
17 not just -- not just time, resources to do it, so that was
18 another complaint. And this is all probably maybe a
19 discussion for the future at best going forward, but my
20 concern is that it just doesn't seem to make sense that we
21 have charter schools who have been applying, you know, and
22 they're 12 percent of the population in Colorado, but
23 they're not getting the grants from best.

24 MR. NEWELL: Well I think that's true this
25 year, I would certainly agree with your statement. I think



1 to the larger issue, you know, maybe I shouldn't waste your
2 time, I don't know that this whole grant process is right
3 for the state. I don't know why the legislature done 200
4 million a year into building schools or doing something
5 instead of having a grant, because I mean, where's the
6 money out of what 12 billion or nine billion or whatever we
7 spend in this state every year. I don't know that this is
8 the best answer, but I know it's the only thing we have
9 right now. And the schools on the top of this list, we
10 have a couple of water projects, one of them the Department
11 of Health talking about 10,000 a day fines. I'm real glad
12 to see it up at the top of the list. There's asbestos in
13 here, there's structural problems, there's nobody on this
14 list that doesn't need money. But everybody below that
15 list needs it badly too.

16 MS. MAZANEC: Excuse me, Newell. Did you
17 say also that if -- if bonds fail then (inaudible).

18 MR. NEWELL: If the bond fails then the
19 project doesn't go forward and the funds that we were
20 matching goes down the list. And like I said, I've never
21 seen a year where all the bonds passed. And they're all
22 over the state in different political, different
23 communities, different -- I mean, a lot of the Western
24 Slope schools here are having man shutdown, and whatnot. I
25 don't know but I would think so as people don't want to



1 raise their taxes if the jobs are going out of their towns.
2 I mean, I don't know, but I'm just saying in the past we've
3 always seen that to be the case.

4 MS. MAZANEC: Well, thank you for your
5 service. So you're doing your last hurrah here at the club
6 room meeting?

7 MR. NEWELL: Yes, I am.

8 MS. MAZANEC: Thank you.

9 MR. NEWELL: Thank you.

10 CHAIRMAN DURHAM: Further question? Yes,
11 Dr. Scheffel?

12 MS. SCHEFFEL: Yeah, I would echo that too.
13 Thanks for doing this work. It's hard to do when you have
14 limited resources and lots of needs. We appreciate it.
15 Well, my question is also just about the procedural piece.
16 Do you review the applications blind?

17 MR. NEWELL.: I'm sorry, do you review what?

18 MS. SCHEFFEL: Review the applications
19 blind? So you white out the type of school it is so you're
20 just really looking at needs or?

21 MR. NEWELL: No, we have a scoring rubric
22 and I think each section of there is about 40 points, one
23 is 30, and you go through and there's line items that are
24 lined up with the statute. And this was part of the audit
25 we did. Kevin mentioned in 2013, how closely does this



1 rubric reflect the legislation. So it's been all re-
2 redesigned the kind of weight, make sure there were stand
3 and compliance with what the law call or requires.

4 CHAIRMAN DURHAM: I don't -- I don't think
5 that was Dr. Scheffel's question. I think the question was
6 -- question was, do you blind scores this, that is --

7 MS. SCHEFFEL: So you don't know what kind
8 of you school it is.

9 CHAIRMAN DURHAM: You don't know which
10 district or school is applying, that name would be
11 scrubbed.

12 MR. NEWELL: No, no. We have all the
13 information, the financial, what bond they've already done
14 in their community or they've never done a bond. We have
15 all that information. Yes, sir. I'm sorry, I didn't
16 understand your question.

17 CHAIRMAN DURHAM: It would be hard to -- it
18 would be hard to conceal that. Yes, Madam?

19 MS. SCHEFFEL: I had a follow up.

20 CHAIRMAN DURHAM: Yes, Dr. Schroeder.

21 MS. SCHEFFEL: So in a lot of times, you
22 know, in reading grants and such that, sometimes there's a
23 procedure that you can put in place if you have somebody
24 preliminarily sort the information, and then white out, you
25 delete the information that identifies what kind of school



1 it is for example. I don't know how hard that would
2 because I don't know how many data points you're dealing
3 with, but you know in the future, maybe having some kind of
4 process that created confidentiality of the nature of the
5 school could create more -- more level playing field, just
6 a thought. Another question is, when you look at the
7 rubric, do you feel like there's words on here that would
8 systematically disadvantage charters.

9 And I don't know the answer, sounds like
10 you've aligned the rubric with the statute but when you
11 look at words like overcrowding, matching funds, leveraging
12 available resources, as you reflect on how charters
13 function, is it likely that they would have a harder time
14 hitting a 10 in those categories as opposed to a
15 traditional public school? And I don't know. I mean, is a
16 charter likely to have an overcrowding issue?

17 I don't know. But just a thought, when you
18 see systematic you know, groups disadvantaged in a process,
19 then you look at the process, and think are there any ways
20 that we could create more equity in the process? I'm just
21 raising issues that you could reflect on.

22 MS. FLORES: But may I ask a question?

23 CHAIRMAN DURHAM: Let him answer this one.

24 UNIDENTIFIED VOICE: And if you don't mind,
25 I'll -- I'll take that one, Mr. Chair. (Inaudible) ,



1 former Director, this is my last hurrah as well. Each
2 year, typically in -- in July or August, we have a lessons
3 learned meeting with the public. The division goes forward
4 with -- with observations they had. The Board comes with
5 theirs and then we consider other things. So just the
6 example used right now with leveraging other funds, that
7 was actually changed last year to help benefit that process
8 because before we talked about specific things that might
9 have been disadvantaging others.

10 And so when we looked at leveraging now and
11 the way we talk to that is, other things you've done if
12 you've got in-kind services or you're -- you're doing other
13 collaborative things with vendors and whatnot that -- that
14 help offset costs or create efficiencies in the project,
15 and then our staff in sections identify those. So it -- it
16 -- we felt they actually enhanced the playing field in some
17 respects because now you're looking at all the things
18 they're doing to provide either cost-efficiencies or
19 additional funds or -- or other services to the project
20 that can get recognized and scored as opposed to maybe how
21 much do you contribute to a cab reserve, and maybe they
22 don't per pupil anymore but they're doing something else
23 and they should be rewarded for that. And -- and yeah,
24 every year we look at those and we -- we say how effective



1 was this or did it not provide the results that we were
2 hoping they -- they would and try to change that.

3 MS. SCHEFFEL: Okay. Thank you.

4 CHAIRMAN DURHAM: Yes, Dr. Flores?

5 MS. FLORES: And my question was, do we fund
6 charter schools? Do we fund buildings? Was --

7 (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 October, 2018.

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

Verbatim Reporting & Transcription, LLC
1322 Space Park Drive, Suite C165
Houston, Texas 77058
281.724.8600