

CDE MEETING AGENDA



VISION
All students graduate ready for college and careers, and prepared to be productive citizens of Colorado.

MISSION
Ensuring equity and opportunity for every student, every step of the way.



Public School Capital Construction Assistance Board Agenda

Date & Time: March 16, 2023, 1:00pm – 3:30pm

Location: Virtual – Microsoft Teams (Live stream YouTube)

Capital Construction Assistance Board Members:

Jane Crisler - Chair	Kevin Haas	Brett Ridgway
Wendy Wyman – Vice Chair	Allison Pearlman	Matt Samelson
Brian Amack	Vaishali McCarthy	Michael Wailes

- I. Call to Order
- II. Roll Call
- III. Approve Agenda
- IV. Approve Previous Meeting Minutes from: February 16, 2023
- V. Board Report
- VI. Staff Report
- VII. Discussion Items:
 - A. May Schedule
 - B. What to Expect in Grant Review
 - C. Legislative Updates
- VIII. Action Items:
 - A. Resolution in Favor of Maximizing Revenues into the Capital Construction Assistance Fund
- IX. Future Meetings:
 - April 20, 2023 – Microsoft Teams
 - May 15-17, 2023 – Microsoft Teams
- X. Public Comment
- XI. Adjournment

CDE MEETING MINUTES



VISION
All students graduate ready for college and careers, and prepared to be productive citizens of Colorado.

MISSION
Ensuring equity and opportunity for every student, every step of the way.



Public School Capital Construction Assistance Board Meeting Minutes

Date & Time: Thursday, February 16, 2023 - 1:00pm-3:30pm

Location: Virtual – Microsoft Teams

Capital Construction Assistance Board Members:

Jane Crisler – Chair	Kevin Haas	Brett Ridgway
Wendy Wyman – Vice Chair	Vaishali McCarthy	Matt Samelson
Brian Amack	Allison Pearlman	Michael Wailes

- I. **Call to Order:** Meeting called to order by Jane Crisler at 1:05pm
- II. **Roll Call:**
Members Present: Brian Amack, Kevin Haas, Allison Pearlman, Brett Ridgway, Matt Samelson, Michael Wailes, Wendy Wyman, Jane Crisler
- III. **Approve Agenda:**
Motion moved: Kevin Haas - *Approve agenda with revisions as discussed.*
Second by: Wendy Wyman
All for: Brian Amack, Kevin Haas, Allison Pearlman, Vaishali McCarthy, Michael Wailes, Jane Crisler, Wendy Wyman
Absent: Matt Samelson, Brett Ridgway
All opposed: None
Motion passed
- IV. **Approve Minutes:** January 19, 2023
Motion moved: Vaishali McCarthy - *Approve minutes as written.*
Second by: Brian Amack
All for: Brian Amack, Kevin Haas, Allison Pearlman, Vaishali McCarthy, Michael Wailes, Jane Crisler, Wendy Wyman
Absent: Matt Samelson, Brett Ridgway
All opposed: None
Motion passed
- V. **Board Report:**
 - Jane: A4LE is working on putting together an event to discuss school funding. They expressed that they want to include BEST in that event to help educate people on the program.

VI. **Staff Report:**

- Andy shared photos from Facility Assessor Mark Hillen of Mesa Elementary in the Pueblo 70 School District.
- The grant application portal has closed and staff is working hard reviewing applications and getting them ready for the CCAB to review.
- BEST Legislative report is finished and has been sent.
- Walsh will hold groundbreaking on March 27th, invite to come.

VII. **Future Meetings:**

- March 16, 2023 – Microsoft Teams
- April 20, 2023 - Microsoft Teams
- May 15-17, 2023 – Microsoft Teams

VIII. **Public Comment:**

Andy read written comment submitted by Kevin Jones, Superintendent of Sierra Grande School District.

IX. **Discussion Items:**

A. List of FY24 BEST Applications

- Andy gave an overview of the FY23-24 BEST Grant applications received and the staffs next steps in the grant round process.
- 57 grants requesting \$568 million from BEST with a project total of \$817 million.
- Six supplemental requests for \$34 million from BEST.
- Sixteen projects are requesting over \$10 million with the largest request at \$59 million (total request of the sixteen largest projects is \$481 million).
- 17 projects are requesting under \$1 million (total of these 17 projects is just under \$6.5 million).

B. Legislative Updates

- Andy updated the CCAB on the most recent legislative updates and potential updates and how they would affect the BEST program.

X. **Adjourn:** Meeting Adjourned by Jane Crisler at 2:14pm



Public School Capital Construction Assistance Board
Meeting Agenda Sheet

MEETING DATE: March 16, 2023

SUBJECT: Draft May Schedule

ITEM TYPE: Discussion

BACKGROUND:

Staff and Board will review the order of review for the May meeting and answer any questions the board may have. All times below are approximate.

Current draft schedule is:

Day 1, major projects: 9:00AM – 3:00PM with two 15-minute breaks and a one-hour lunch

Day 2, smaller projects (roofs, HVAC, security, etc.): 9:00AM – 4:30PM with two 15-minute breaks and a one-hour lunch

Day 3, supplemental requests: 9:00AM – 11:00AM. Recess until 3:00PM to finalize CCAB scoring, and for staff to prepare the prioritized list for voting. If there are any technical difficulties, we will come back only to call a special meeting in the near future.

STAFF RECOMMENDATION:

N/A

STAFF RECOMMENDED MOTION:

N/A

DOCUMENTATION:

Attached Review Order Draft

BEST 2023-2024 Draft Review Schedule

May 15-17th 2023

PROJECT CATEGORY (FOR REVIEW ORDER)	Rev Order	County	Applicant	New/Final Project Title - Staff	Start
1 New/Major	1	Adams	MAPLETON 1	York International PK-12 Rebuild/Renovation	9:00:00 AM Monday
1 New/Major	2	Bent	MC CLAVE RE-2	PK-12 School Replacement	9:15:00 AM
1 New/Major	3	Chaffee	BUENA VISTA R-31	Grove Pre-K Security Upgrades and Renovation	9:33:00 AM
1 New/Major	4	Chaffee	Salida Montessori	PK-8 School Replacement	9:51:00 AM
1 New/Major	5	Clear Creek	CLEAR CREEK RE-1	Carlson ES Replacement	10:09:00 AM
1 New/Major	6	El Paso	Atlas Preparatory School	MS Renovation and Addition	10:24:00 AM
15 minute break					
1 New/Major	7	El Paso	HANOVER 28	Prairie Heights ES Addition/Renovation	10:39:00 AM
1 New/Major	8	El Paso	Mountain Song Community School	K-8 Renovation & Addition	10:54:00 AM
1 New/Major	9	El Paso	PEYTON 23 JT	Peyton MS/HS Addition and Improvements	11:09:00 AM
1 New/Major	10	Elbert	KIOWA C-2	PK-12 School Replacement	11:24:00 AM
1 New/Major	11	Fremont	CANON CITY RE-1	Canon City HS Classroom Wing Replacement	11:42:00 AM
1 hr lunch break					
1 New/Major	12	Garfield	GARFIELD RE-2	Coal Ridge HS Concession and Restroom Facilities	12:12:00 PM
1 New/Major	13	Lake	LAKE COUNTY R-1	Lake County ES Addition/Replacement	1:12:00 PM
1 New/Major	14	Mesa	PLATEAU VALLEY 50	Plateau Valley PK-12 Addition/Replacement	1:27:00 PM
1 New/Major	15	Montezuma	DOLORES RE-4A	Dolores MS/HS Renovation and Addition	1:45:00 PM
1 New/Major	16	Morgan	WELDON VALLEY RE-20(J)	Dolores MS/HS Renovation and Addition	2:00:00 PM
1 New/Major	17	Otero	CHERAW 31	PK-12 Addition & Renovation	2:15:00 PM
1 New/Major	18	Pueblo	PUEBLO COUNTY 70	K-12 Addition/Renovation	2:30:00 PM
1 New/Major	19	San Miguel	NORWOOD R-2J	Skyview MS Addition	2:48:00 PM
1 New/Major	19	San Miguel	NORWOOD R-2J	PK-12 Replacement School	3:03:00 PM
Begin Day 2					
2 Roof	20	Adams	ADAMS 12 FIVE STAR SCHOOLS	Legacy HS Roof Replacement	9:00:00 AM Tuesday
2 Roof	21	Costilla	CENTENNIAL R-1	K-12 Roof Replacement	9:12:00 AM
2 Roof	22	La Plata	BAYFIELD 10 JT-R	Bayfield MS Roof Replacement	9:24:00 AM
2 Roof	23	Larimer	Colorado Early Colleges Fort Collins High School	HS Roof Replacement	9:34:00 AM
2 Roof	24	Otero	ROCKY FORD R-2	Rocky Ford JrSr HS Roof Replacement	9:44:00 AM
2 Roof	25	Ouray	RIDGWAY R-2	Rocky Ford JrSr HS Roof Replacement	9:54:00 AM
2 Roof	26	Pueblo	Pueblo School for the Arts & Sciences	Secondary School Roof Replacement	10:04:00 AM
2 Roof	27	Weld	GREELEY 6	Jones Campus Roof Replacement	10:14:00 AM
2 Roof	28	Weld	GREELEY 6	Bella Academy K-3 Partial Roof Replacement	10:24:00 AM
2 Roof	28	Weld	GREELEY 6	Monfort ES Partial Roof Replacement	10:34:00 AM
15 min break					
3 Other	29	Weld	GREELEY 6	Multiple School Security Cameras	10:49:00 AM
3 Other	30	Alamosa	ALAMOSA RE-11J	Alamosa ES HVAC Phase 2	11:01:00 AM
3 Other	31	Arapahoe	ADAMS-ARAPAHOE 28J	Hinkley HS Mascot Removal	11:13:00 AM
3 Other	32	Delta	DELTA COUNTY 50(J)	DW HS Safety/Security/Fire/Mechanical Upgrades	11:25:00 AM
3 Other	33	El Paso	HARRISON 2	Panorama MS Safety and Mechanical Upgrades	11:37:00 AM
3 Other	34	Fremont	COTOPAXI RE-3	DW HVAC and Electrical Upgrades	11:49:00 AM
1hr lunch break					
3 Other	35	Garfield	Carbondale Community School	K-8 Safety/Security & Roof Replacement	12:01:00 PM
3 Other	36	Grand	EAST GRAND 2	Fraser Valley ES Safety/Roof Improvements	1:01:00 PM
3 Other	37	Grand	EAST GRAND 2	Fraser Valley ES Safety/Roof Improvements	1:13:00 PM
3 Other	38	Huerfano	HUERFANO RE-1	Middle Park HS Safety/HVAC Improvements	1:25:00 PM
3 Other	39	Jefferson	Excel Academy Charter School	Peakview ES and Gardner ES Roof/HVAC Upgrades	1:37:00 PM
3 Other	40	Kit Carson	STRATTON R-4	K-8 Safety & Security Upgrades	1:49:00 PM
3 Other	41	Larimer	ESTES PARK R-3	DW Safety & Security and Gym Roof	2:01:00 PM
3 Other	42	Larimer	THOMPSON R2-J	Estes Park HS Safety Renovation	2:16:00 PM
3 Other	42	Larimer	THOMPSON R2-J	Multiple School Security Upgrades	2:28:00 PM
15 min break					
3 Other	43	Morgan	BRUSH RE-2(J)	Multiple School Security Upgrades	2:40:00 PM
3 Other	44	Morgan	FORT MORGAN RE-3	Thomson Primary School HVAC Replacement	2:55:00 PM
3 Other	45	Morgan	WIGGINS RE-50(J)	DW Health and Safety Upgrades	3:07:00 PM
3 Other	46	Pueblo	Chavez Huerta K-12 Preparatory Academy	Wiggins ES and Event Center HVAC	3:19:00 PM
3 Other	47	Pueblo	PUEBLO COUNTY 70	Cesar Chavez ES Roof & HVAC Replacement	3:31:00 PM
3 Other	48	Pueblo	Pueblo School for the Arts & Sciences Fulton Campus	DW Fire Alarm Upgrades	3:43:00 PM
3 Other	49	Rio Blanco	RANGELY RE-4	Fulton Campus Addition	3:55:00 PM
3 Other	49	Rio Blanco	RANGELY RE-4	DW Roofing and Security Upgrades	4:07:00 PM
Begin Day 3					
4 Supplemental	50	Alamosa	ALAMOSA RE-11J	Supplemental FY23 DW HVAC Upgrades	9:00:00 AM Wednesday
4 Supplemental	51	Baca	WALSH RE-1	Supplemental FY22 PK-12 School Replacement	9:18:00 AM
4 Supplemental	52	Larimer	THOMPSON R2-J	Supplemental FY22 MS Renovation & K-5 Addition	9:39:00 AM
4 Supplemental	53	Montrose	WEST END RE-2	Supplemental FY22 New PK-12	9:57:00 AM
4 Supplemental	54	Otero	ROCKY FORD R-2	Supplemental FY22 PK-12 HS Addition/Renovation	10:18:00 AM
4 Supplemental	55	Weld	JOHNSTOWN-MILLIKEN RE-5J	Supplemental FY22 HS Conversion to MS	10:36:00 AM



Public School Capital Construction Assistance Board
Meeting Agenda Sheet

MEETING DATE: March 16, 2023

SUBJECT: What to Expect in Grant Review

ITEM TYPE: Discussion

BACKGROUND:

General discussion will be held with Board and Staff regarding how to approach the grant review process. Consider reviewing documents from a previous year. What questions can't be answered will inform additional review materials for the April meeting.

Summary books:

<https://www.cde.state.co.us/capitalconstruction/bestgrantinfo>

Agendas and minutes:

<https://www.cde.state.co.us/capitalconstruction/ccab-agendasminutes>

Guidelines and rules:

<https://www.cde.state.co.us/capitalconstruction/ccab-rules>

Below is a summary of board and staff focus for grant review and what staff expect from applicants in submittals. During application review leading up to the May meeting, CCAB should send questions to the director for staff response. Answers will be distributed to all board members. It helps if board members can provide staff with potential applicant questions before the May meeting.

CCAB Members should focus on “recommendations based on objective criteria,” giving feedback on the entire application, not just in your area of expertise. This is a high-level consideration of each project.

Does the solution “ensure the most equitable, efficient, and effective use of state revenues”?

Does the solution “protect the health and safety of students, teachers, and other persons using public school facilities” and “maximize student achievement by ensuring” the facility is “conducive to students' learning”?

“Taking into consideration Facility Insight Assessment data,” prioritize applications based on the criteria below. Also, “consider the condition of the entire public school facility” and “whether it would be more fiscally prudent to replace the entire facility.”

The evaluation tool will also identify the staff recommended priority number of each application:

1. Projects that address safety hazards or health concerns at existing public school facilities, concerns related to security, and projects designed to incorporate technology into the educational environment.
2. Projects that will relieve overcrowding, including but not limited to projects that will allow students to move from temporary instructional facilities into permanent facilities.
3. Projects that will provide career and technical education capital construction.
4. Projects that assist public schools to replace prohibited American Indian mascots.
5. All other projects.

This effort will result in “a prioritized list of projects (with an amount and type of financial assistance)” to submit to the State Board and the Capital Development Committee for their review (if applicable).

Staff are focused on assisting applicants in completing a clear and concise application. Applications may still have remaining issues or concerns when they reach the CCAB, so endorsement of every application should not be assumed. Staff may follow up with additional questions of applicants to identify any unusual factors and provide a summary in the staff comments of the evaluation tool. Staff comments are meant to be based on objective criteria, but may in some cases may point to larger questions the CCAB is encouraged to consider and ask either in the May meeting or before.

Below is an outline of some of the deliverables and considerations staff review with applicants to develop BEST grants.

- Due Diligence
 - Each grant application should include backup documentation of appropriate due diligence to identify the deficiencies and solutions within the application.
 - Due diligence deliverables include: master plan, engineering report/assessment, plans/diagrams, roof audit/assessment, completed questionnaires, detailed schedules and budgets, and more.

- Master Plans
 - A master plan is a comprehensive long-range plan intended to guide growth and development of a school district or charter school. It includes analysis, recommendations, and proposals incorporating: Facility Insight assessment and/or engineer's reports, educational adequacy, economic, community infrastructure, and land use data. It is based on community input, surveys, planning initiatives, existing development, physical characteristics, and social and economic conditions.
 - For replacement schools, major renovation and/or addition projects, a master plan is strongly recommended. They are not required, and BEST does not reimburse for the cost of the master plan development.
- Detailed Budgets
 - A Detailed Project Budget is provided for each application, using a standard excel format with several pages of line items. Staff reviews budgets to determine appropriate line items have been assigned costs, those costs appear to be in alignment with the scope and supported by backup estimates or quotes, and that the backup estimates appear to be complete.
- High Performance Certification Program (HPCP)
 - A facility that is substantially renovated, designed, or constructed with at least 25% state moneys and contains 5,000 or more of building square feet must follow the HPCP.
 - Certification criteria established by the Office of the State Architect. LEED/ US CHPS/ or Green Globes are the certification agencies.
 - If a project qualifies for HPCP but cannot recoup the increased cost within 15 years, an accredited professional shall submit a letter explaining the circumstance.
- History Colorado (HC)
 - At CDE's first notice of a potential BEST applicant involving a property or properties 50 years old or older, CDE will request a determination of historical significance from HC. We have been working with HC to identify project types that could be exempt from this consultation, in order to streamline the process
 - HC may provide a determination of historical significance and provide comments regarding the project. If CDE determines to not implement them in its grant decisions, CDE and HC shall attempt to negotiate a solution. If a solution is not reached, either party may request resolution from the Governor.
 - For any property that HC concludes has historical significance that will be altered or demolished as a result of a BEST grant project in a manner that causes it to lose its historical significance as determined by HC, CDE will facilitate contact between HC and the applicable district to document the school for inclusion in the state library.
 - Because this is a local rule state, it has been the practice of CDE and the CCAB to encourage consultation with HC, but allow the building owner to make the final decision.
- Waivers

- Statute allows an applicant to request, and the board to consider, a reduction in their calculated match percentage. Waiver letters provide an explanation of the necessity for the waiver, and also allows applicants an opportunity to address individual match factors and provide a measured reduction.
- Waiver letters are subject to board approval, and a scoring tool is provided as a resource to assist in making that decision.
- Board members score project applications on their merit without considering a waiver request. The waiver is voted on separately and a project can still be approved even when the waiver is denied.
- Statutory Limit Waiver
 - The board has no authority over a Statutory Limit Waiver.
 - A school district shall not be required to provide any amount of matching moneys in excess of the difference between the school district's limit of bonded indebtedness, as calculated pursuant to section 22-42-104, and the total amount of outstanding bonded indebtedness already incurred by the school district.
 - Board members score project applications on their merit without considering statutory limits.
- Supplementals
 - Itemized list of value engineering and/or cost reduction effort made to bring project into budget prior to requesting additional funds. Identify any items to be added back into project if awarded.
 - Comparative budget showing original grant detailed budget and current proposed total detailed budget, line by line.
 - If unprecedented escalation is claimed, escalation calculations with supporting material price comparison backup and/or third party price index data identifying the actual escalation experienced from time of original submission to supplemental grant submission. The percentage of escalation identified in the original budget must be deducted from escalation claims.
 - If critical scope was removed from the project to meet the original budget, itemized cost of scope to be reintroduced if supplemental grant is awarded.
 - Program plan submitted with original application and current program plan for the project, side-by-side and including the delta between each.
 - Detailed project schedule showing schedule/time impact of added funds.
- Return Grants/Capital Renewal Reserves
 - At a minimum, each qualifying grantee must commit to establishing a capital renewal fund and contributing 1.5% of per pupil base funding annually for purposes of maintaining the fund, starting the fiscal year after construction is complete. October 1 FTE pupil counts, from the facilities that were impacted by the BEST Grant, should be used to calculate the annual contribution. Grantees may contribute more if they so choose.

- A “major renovation” for purposes of the capital renewal requirement is considered any renovation with a cost that exceeds twenty-five percent of the value of the building.
- Applicants who have previously received a BEST grant for a new construction or major renovation project will be asked to demonstrate the establishment and maintenance of such a fund for previously awarded projects as a factor for consideration in approval of this application.

STAFF RECOMMENDATION:

N/A

STAFF RECOMMENDED MOTION:

N/A

DOCUMENTATION:

N/A



Public School Capital Construction Assistance Board
Meeting Agenda Sheet

MEETING DATE: March 16, 2023

SUBJECT: Legislative Updates

ITEM TYPE: Discussion Item

BACKGROUND:

Staff and board will discuss legislative updates as necessary.

1. Match Subcommittee Updates
2. [HB22-1146](#), directed the State Treasurer to convene a working group to “consider opportunities to improve the growth of the public school fund and its distributions for the intergenerational benefit of public schools.” The report was completed on February 28, 2023 and is attached for reference. The working group agreed to two recommendations by consensus:
 - a. The legislature should consider constitutional and statutory changes to allow for greater flexibility related to the current policies of the Permanent Fund including: the requirement that the General Assembly must make up for the loss of principal in the fund; the inability to invest in private companies and real estate; and the current provision requiring \$21 million going to the School Finance Act.
 - b. The legislature and the PSFIB should consider opportunities to pursue impact investing related to the Land Board and Permanent Fund. While the group held extensive discussions regarding additional potential recommendations, no consensus was reached. Key concepts from those discussions are reported below.

Page 18 of the report outlines discussions revolving around BEST. Generally speaking the working group acknowledged the impact of BEST in Colorado and was not in favor of anything that would jeopardize its most significant revenue stream. No specific recommendation related to BEST is outlined in the report.

STAFF RECOMMENDATION:

N/A

STAFF RECOMMENDED MOTION:

N/A

DOCUMENTATION:

Investment of Public School Fund Report, 2.28.2023



COLORADO
Department of Education

Public School Capital Construction Assistance Board
Meeting Agenda Sheet

MEETING DATE: March 16, 2023

SUBJECT: Draft Resolution in Favor of Maximizing Revenues into the Capital Construction Assistance Fund

ITEM TYPE: Action

BACKGROUND:

In response to conversations and requests of the board at the February meeting, staff worked with a few board members to draft a resolution in favor of potential changes to investment and distribution of revenues from the State Land Board into the Capital Construction Assistance Fund.

STAFF RECOMMENDATION:

Review and discuss for potential passage.

STAFF RECOMMENDED MOTION:

N/A

DOCUMENTATION:

Attached Draft Resolution

WHEREAS, the Building Excellent Schools Today (BEST) grant program receives funding from three main sources: State Land Board revenues, marijuana excise taxes, and spillover revenues from the Colorado Lottery; and

WHEREAS, since FY 2014 (and collection of excise taxes), BEST has received an average of about \$140 million in revenues annually, \$80 million of which has come from the State Land Board; and

WHEREAS, BEST has \$62.5 million in annual debt obligations through FY2045; and

WHEREAS, since FY 2014, BEST receives more than \$550 million in grant requests annually; and

WHEREAS, Colorado public schools have about \$15 billion in deferred maintenance; and

WHEREAS, every \$1 million in BEST projects results in creating or maintaining 17.5 direct and indirect jobs in Colorado; and

WHEREAS, healthy school facilities are foundational to ensuring equity and opportunity for every student to ensure all students graduate ready for college, careers, and prepared to be productive citizens of Colorado;

NOW THEREFORE, the Public School Capital Construction Assistance Board supports constitutional and statutory changes that maximize revenues from the State Land Board and Permanent Fund investments into the Capital Construction Assistance Fund to better assist Colorado's public schools in resolving health, safety, and security deficiencies, as long as projected deposits into the Capital Construction Assistance Fund do not decline below a 5-year running average and the changes do not threaten the tax-exempt status of the certificates of participation issued for BEST projects.