

# CDE MEETING AGENDA



**COLORADO**  
Department of Education

## 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:** November 16, 2023, 1:00pm-3:30pm

**Location:** Virtual, Microsoft Teams

### Capital Construction Assistance Board Members:

Jane Crisler – Chair	Vaishali McCarthy	Michael Wailes
Wendy Wyman – Vice Chair	Matt Samelson	George Welsh
Kevin Haas	Lara Vincent	

- I. Call to Order
- II. Roll Call
- III. Approve Agenda
- IV. Approve Previous Meeting Minutes from: October 19, 2023
- V. Board Report
- VI. Staff Report
- VII. Action Items:
  - A.
- VIII. Discussion Items:
  - A. August Retreat Priorities / Policy Review
    - Draft Competitive Procurement Language
  - B. Legislation Discussion
  - C. FY24 Backup Project Award Process
  - D. Board Training and Responsibilities
- IX. Future Meetings:
  - December 21, 2023 – No Meeting
  - January 18, 2024 - Virtual
  - February 15, 2024 - Virtual
- X. Public Comment
- XI. Adjournment

# CDE MEETING MINUTES



**COLORADO**  
Department of Education

## 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, October 19, 2023 - 1:00pm-3:30pm

**Location:** Virtual – Microsoft Teams

### **Capital Construction Assistance Board Members:**

Jane Crisler – Chair	Vaishali McCarthy	Michael Wailes
Wendy Wyman – Vice Chair	Matt Samelson	George Welsh
Kevin Haas	Lara Vincent	

- I. **Call to Order:** Meeting called to order by Wendy Wyman at 1:04pm
- II. **Roll Call:**  
Members Present: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, George Welsh, Wendy Wyman  
Absent: Lara Vincent, Jane Crisler
- III. **Approve Agenda:**  
Motion moved: Kevin Haas - *Approve agenda as presented.*  
Second by: Matt Samelson  
All for: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, Wendy Wyman  
Absent: Lara Vincent, Jane Crisler, George Welsh  
All opposed: None  
Motion passed
- IV. **Approve Minutes: September 21, 2023**  
Motion moved: Matt Samelson - *Approve Minutes as written.*  
Second by: Vaishali McCarthy  
All for: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, Wendy Wyman  
Absent: Lara Vincent, Jane Crisler, George Welsh  
All opposed: None  
Motion passed
- V. **Board Report:**  
Michael attended the Johnstown Milliken Elementary ribbon cutting. The event was great and there was a good turn out from the community.
- VI. **Staff Report:**
  - Working on filling the last CCAB vacancy. Still waiting to hear back on our recommendation.
  - State Land Board will present to State board November 9<sup>th</sup>.
  - Officially kicked off the FY24-25 grant round. The intent to apply form is up on our website.
  - Reviewed new territory maps for RPMs and Facility Assessors.

- Andy shared photos from recent Ribbon Cutting ceremonies and facility Assessor visits around the state.
- Andy went over where we are with FY23-24 cash grants with the upcoming November elections.

VII. **Action Items:**

A. BEST Grant Match Criteria Rule Change

No public testimony was submitted.

Motion moved: Vaishali McCarthy - *Per CRS 22-43.7-106, I move to adopt Rule 4.1 of the Capital Construction Assistance Board rules pertaining to the Building Excellent Schools Today grant program, per the redline document attached to the October 19, 2023 Agenda Sheet.*

Second by: Kevin Haas

All for: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, George Welsh, Wendy Wyman

Absent: Lara Vincent, Jane Crisler

All opposed: None

Motion passed

B. Match Weights

Motion moved: Matt Samelson - *I move to approve the match weights for districts, BOCES, and charters as recommended by the subcommittee.*

Second by: George Welsh

All for: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, George Welsh, Wendy Wyman

Absent: Lara Vincent, Jane Crisler

All opposed: None

VIII. **Discussion Items:**

A. August Retreat Priorities/Policy Review

- Andy reviewed the priority items and their timelines from the August retreat discussion.
- Updates were provided on the GAINS Transition, grant round modifications, scoring criteria review, master planning, grantee training, competitive procurement, COP match returns, recapture clause and lease-purchase agreements.

B. Legislation Discussion

- The State Land Board will present to the State Board of Education on November 9, 2023.
- Staff and CCAB members discussed a possible increase to COP debt capacity and the effects that would have on the BEST program going forward.
- Matt reviewed historic distribution of funds and what that could look like in the future for the BEST program.
- The CCAB suggested staff create talking points for them to use in these discussions.

IX. **Future Meetings:**

- November 16, 2023 – Microsoft Teams
- December 21, 2023 - Canceled

X. **Public Comment:**

None

XII. **Adjourn:** Meeting Adjourned by Wendy Wyman at 2:15pm



Public School Capital Construction Assistance Board  
Meeting Agenda Sheet

**MEETING DATE: November 16, 2023**

**SUBJECT: Review of Priorities from August Retreat**

**ITEM TYPE: Discussion Item**

**BACKGROUND:**

At the August board retreat, staff and board reviewed several topics from the previous grant round’s applicant survey. Staff have reviewed notes and prioritized next steps. The highest prioritized topics are outlined below with our target timelines to address and bring back to the board for review and further discussion.

Topic	Timeline	Responsible Team
<b>GAINS Transition</b>	December 2023	Staff and Board
<b>Grant Round Modifications</b>	March 2024	Staff and Board
<b>Review Scoring Criteria</b>	August 2024 ( <i>implement FY26 grant cycle</i> )	Staff and Board
<b>Program Policies/Guidelines</b> <ul style="list-style-type: none"> <li>• Master Planning</li> <li>• Grantee Training</li> <li>• <b>Competitive Procurement</b></li> <li>• COP Match Returns</li> <li>• Recapture and Lease Purchase Agreements</li> </ul>	Ongoing	Staff and Board

**Updates:**

Competitive Procurement: Staff reviewed state policy and best practice with the Office of the State Architect and will add dollar thresholds to the FY25 BEST application/agreement to clarify when and how professional services and construction services must be competitively procured. BEST also provides written process for procurement. This will be revised accordingly as time allows.

Draft Language:

In alignment with the State of Colorado Office of the State Architect Policies and Procedures (SBP-BSC and SBP-SCP).

Professional Services:

- Professional Services fees estimated to be less than or equal to \$25,000 are considered discretionary and do not require a competitive bid or a Request for Qualification.
- Fees estimated to be between \$25,000 and \$100,000 grantee must contact/interview at least three (3) firms and select the most qualified. Public notification (advertising) is not required.
- Fees estimated to be greater than \$100,000 require both a public notification (advertising) and a Request for Qualification. Minimum solicitation time is 15 days and may include publication by electronic access or in a newspaper of general circulation.

\*If grantee desires the option to carry forward an agreement beyond the scope solicited in a single category above (i.e. a master planning with the option to continue to design phase work), the project team must use the appropriate solicitation process based on estimated dollar values. Alternatively, the grantee may advertise separate Request for Qualifications for Bids for additional phases of work.

**STAFF RECOMMENDATION:**

N/A

**STAFF RECOMMENDED MOTION:**

N/A

**DOCUMENTATION:**

N/A



Public School Capital Construction Assistance Board  
Meeting Agenda Sheet

**MEETING DATE: November 16, 2023**

**SUBJECT: Legislative Discussion**

**ITEM TYPE: Discussion Item**

**BACKGROUND:**

This will be a placeholder for discussions about potential legislation that could affect the Building Excellent Schools Today Grant Program, the Capital Construction Assistance Board, or CDE's Capital Construction Unit.

Discussion Items:

- State Land Board and Social Impact Solutions presentations to the State Board of Education on November 9, 2023.
- Draft slide deck for COPs.
- Other updates from the Board.

**STAFF RECOMMENDATION:**

N/A

**STAFF RECOMMENDED MOTION:**

N/A

**DOCUMENTATION:**

- State Land Board, "How Trust Land Earned \$2.5B for Schools"
- Social Impact Solutions, "Public School Permanent Fund Community Investment"



# How Trust Land Earned \$2.5B for Schools

State Board of Education

November 9, 2023

*An innovative land trust funding Colorado schools since 1876.*



**COLORADO**  
State Land Board

# \$2.5 billion generated (2008-2023):

- BEST: \$1.1 billion
- Permanent Fund: \$755 million
- School Finance Act: \$520 million



Julesburg, 2021



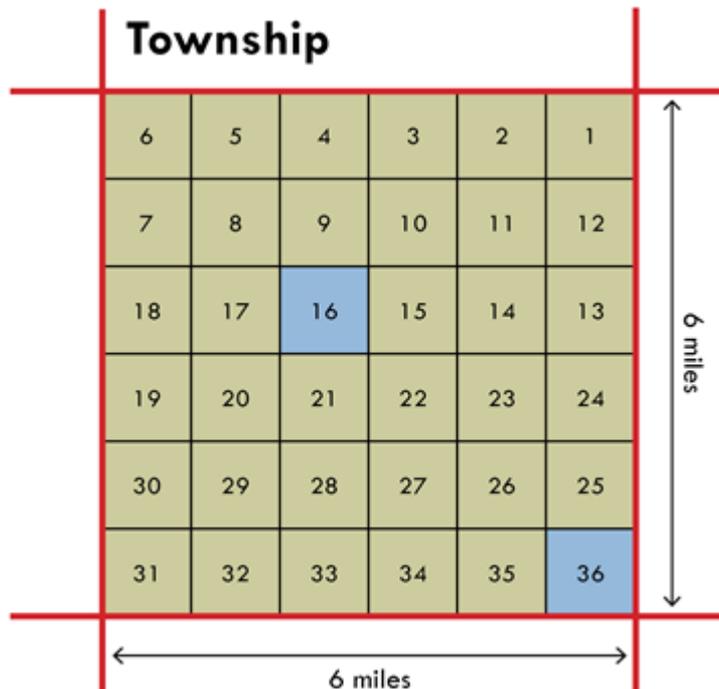
Julesburg, 2023

# FUNDING SCHOOLS

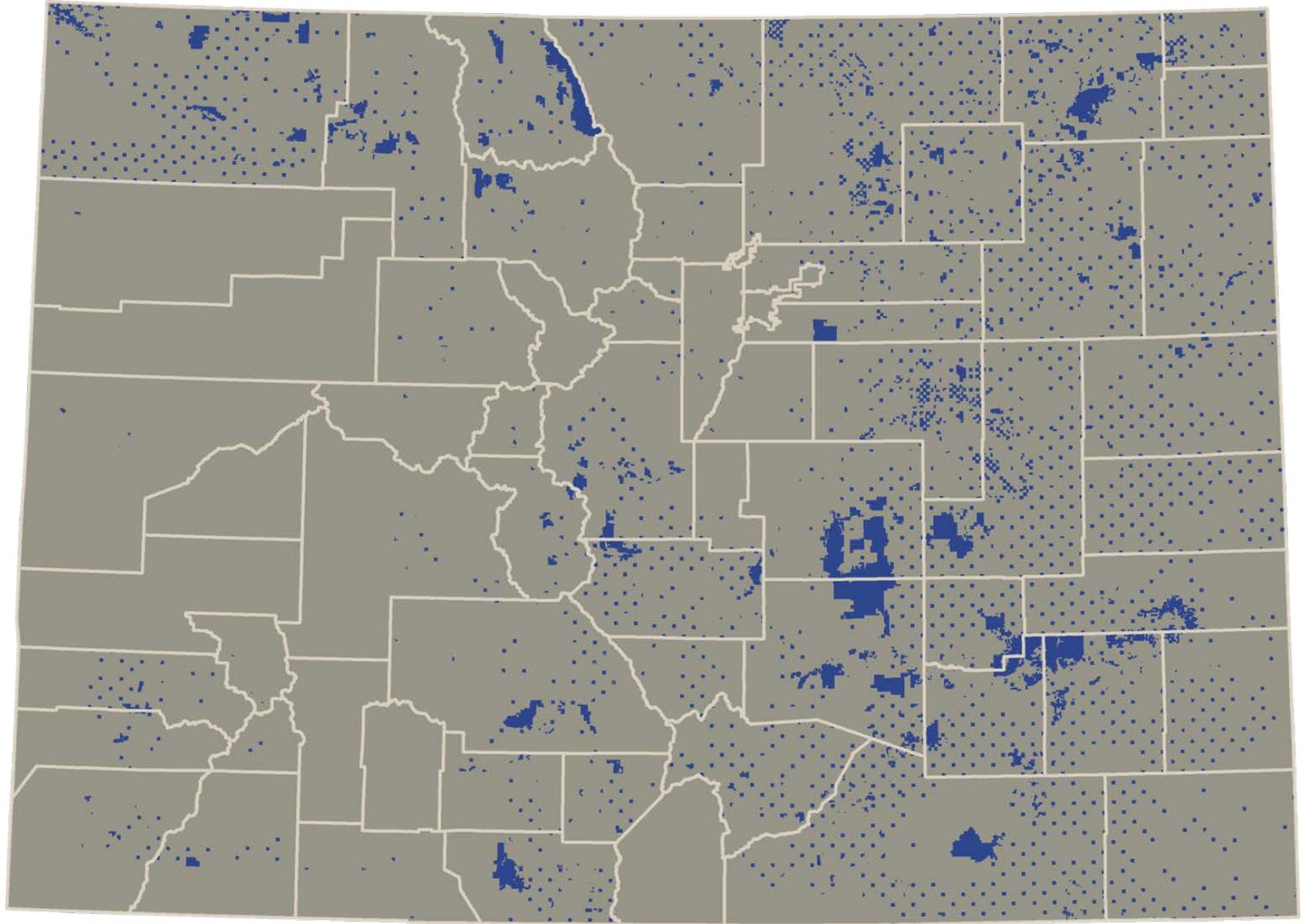


**COLORADO**  
State Land Board

The Colorado Enabling Act (1875): “sections 16 and 36 ... are hereby granted to said state for the support of common schools.”



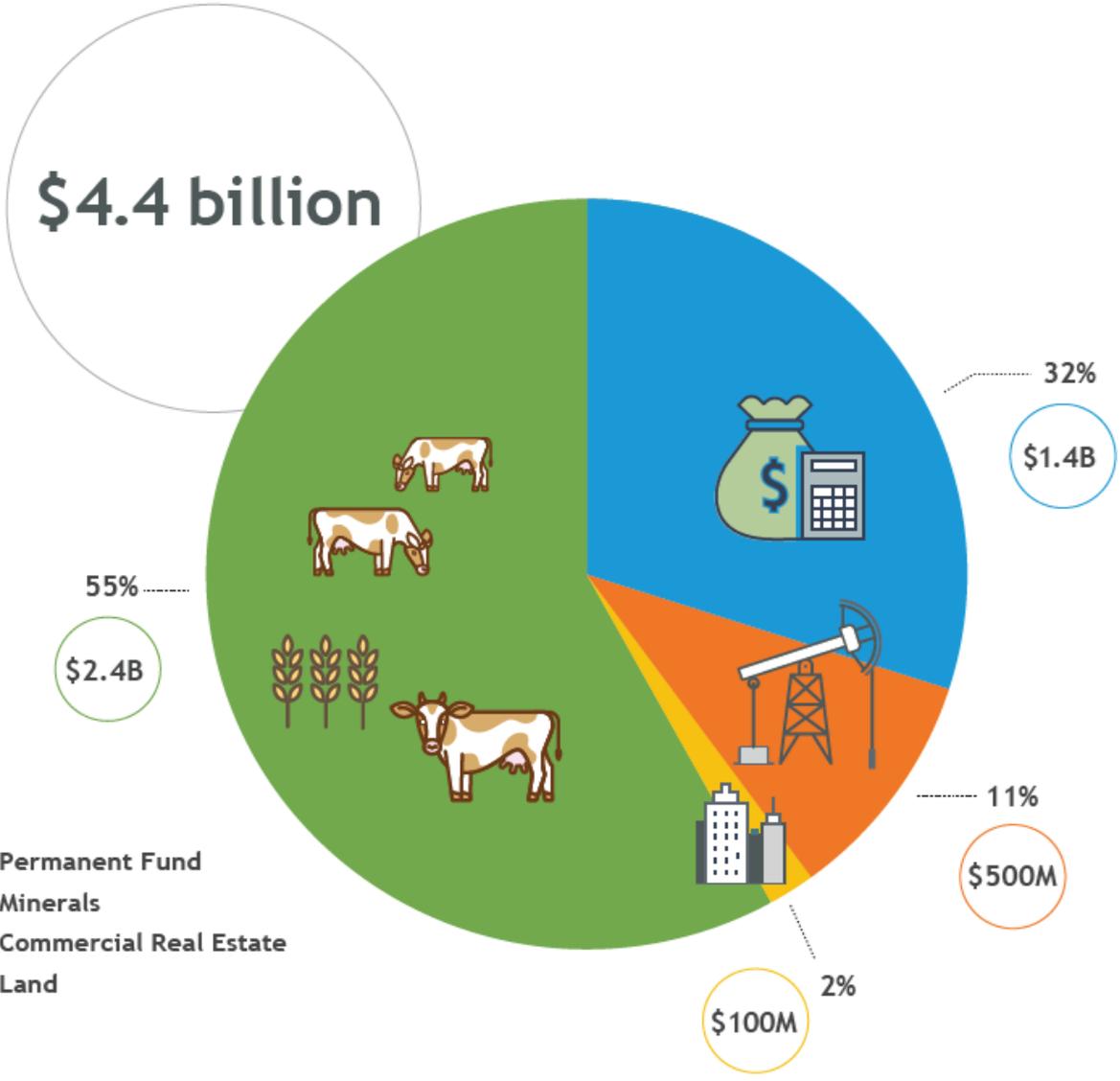
~1900 schoolhouse  
Gilpin, CO



2.8 MILLION ACRES



**COLORADO**  
State Land Board



# THE WHOLE TRUST

**OUR FIDUCIARY DUTY:** the State Land Board, as the trustee, has a **legal and ethical obligation** to act **solely** in the best interest of trust beneficiaries.

**OUR MISSION:** the State Land Board manages an endowment of assets held in perpetual, intergenerational public trusts for the **financial support** of Colorado's **public schools** and other public institutions.

Generate **reasonable and consistent** income over time.

Protect and enhance the **long-term productivity** and sound stewardship of **working** trust lands.

# FIDUCIARY DUTY



**COLORADO**  
State Land Board

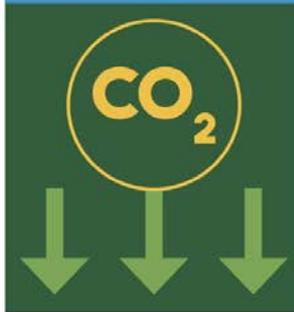
agriculture/crop land



agriculture/grazing



carbon sequestration



commercial real estate



ecosystem services



mining



oil and gas



recreation



renewable energy



rights-of-way



tower sites



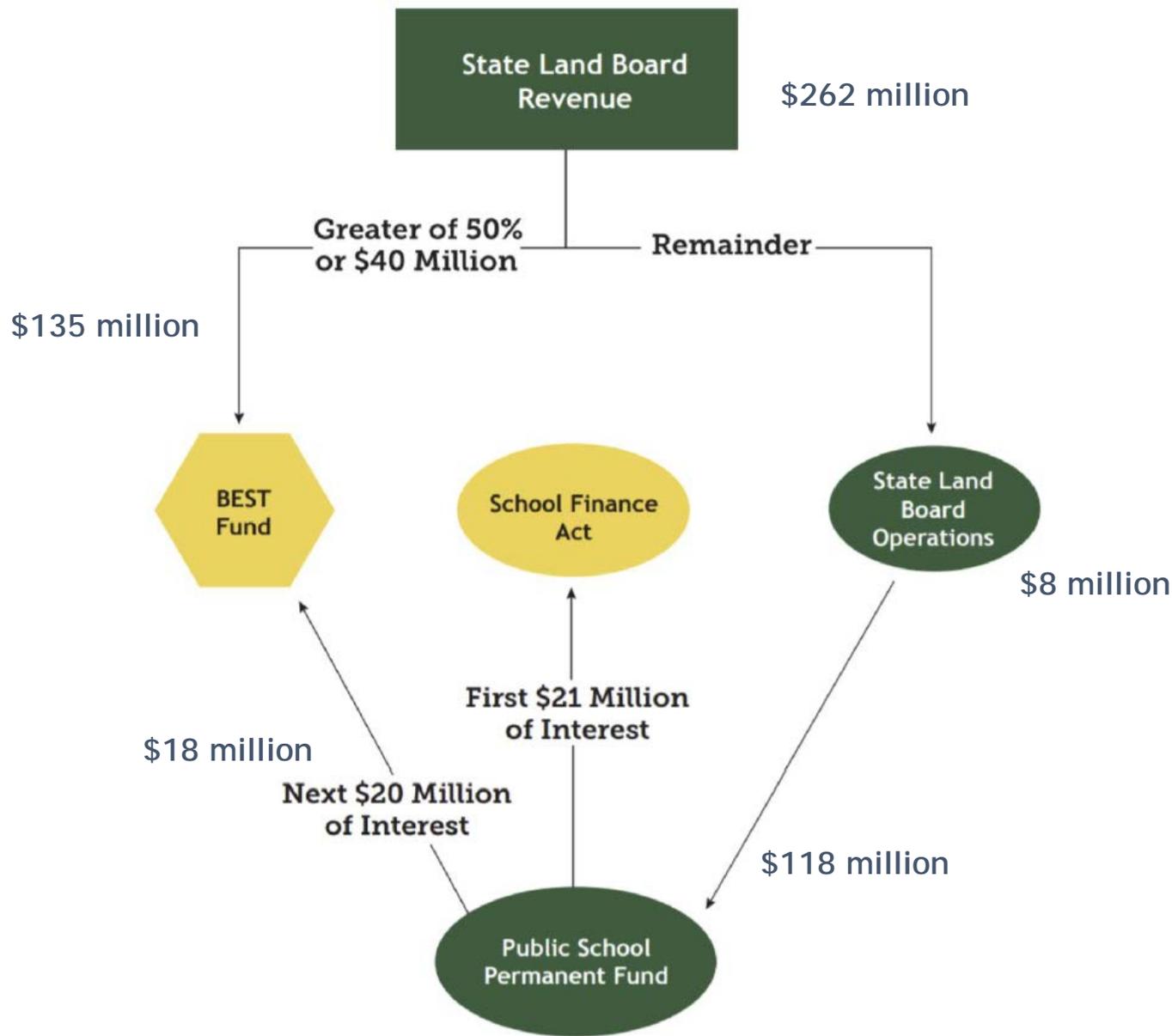
water resources



# HOW WE EARN \$



**COLORADO**  
State Land Board



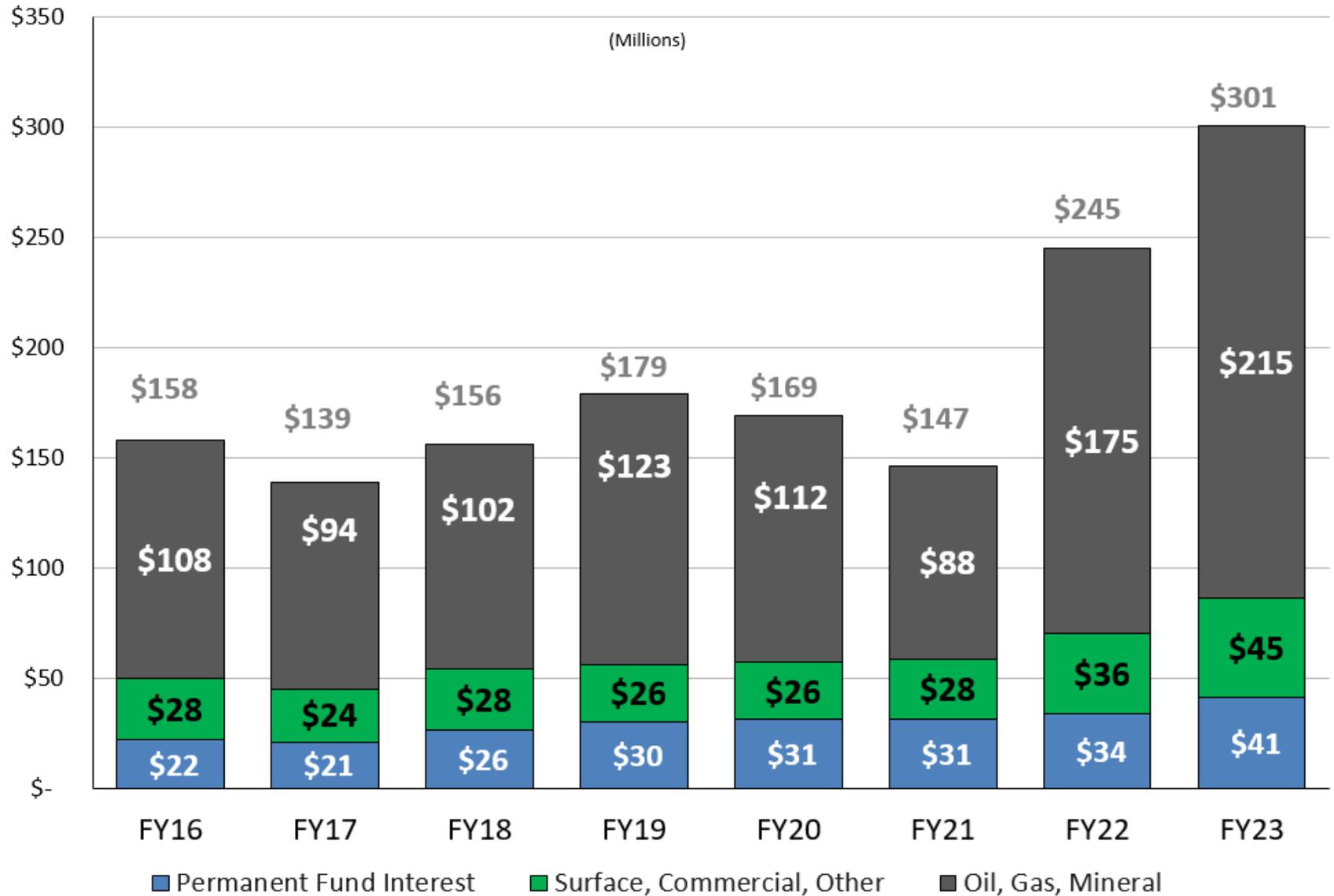
# FY23 DISTRIBUTION



**COLORADO**  
State Land Board



### School Trust Revenue



# EARNINGS



**COLORADO**  
State Land Board



# Investment of Public School Fund Report

February 2023



# HB 22-1146



# \$2.5 billion generated (2008-2023):

- BEST: \$1.1 billion
- Permanent Fund: \$755 million
- School Finance Act: \$520 million



# QUESTIONS?



**COLORADO**  
State Land Board

# Public School Permanent Fund (PSPF) Community Investment

Colorado State Board of Education Nov. 9, 2023



# HB22-1146 Working Group Recommendation

#2: Impact Investing The legislature should consider allowing for opportunities to pursue impact investing related to the Land Board and permanent fund.

1. The Land Board and the Public School Fund Investment Board (PSFIB) should create mission statements that encourage investments to be made for the intergenerational benefit of the public education of school children;
2. The Land Board and the PSFIB should explore education impact investment opportunities within the State School Lands Trust and the Public School Fund.



# Working Group Discussion

"Investing the fund in ways that positively impact Coloradans dramatically amplifies the benefit the 'Trust' is providing. Instead of focusing on the 4% of the fund value that might be distributed each year, focusing instead on the 96% of the fund that is invested could be a game changer for Colorado kids."

"A mission statement for the permanent fund's investment strategy should include impact investment provisions that acknowledge the opportunity to help address major social issues impacting Colorado while also seeking financial returns. The treasurer and the [PSFIB] should build out an impact investment strategy in order to identify impact goals, performance goals, identify metrics to measure the impact of the fund's investments, risk management, etc."

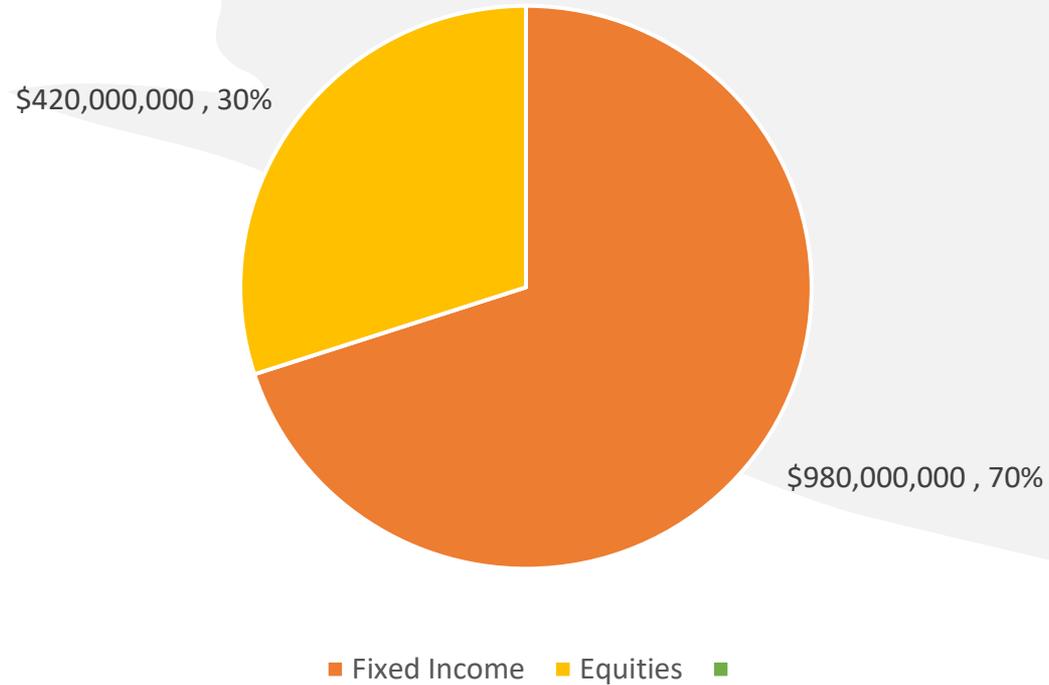
Changes to limitations on the overall investment portfolio of the permanent fund could be necessary in conjunction with a successful impact investment strategy in order to allow for future growth of the fund corpus and a balanced investment approach.

# The Opportunity

Investing the PSPF in Colorado communities while still earning returns comparable to current investments, is a unique opportunity to significantly **amply benefit while still optimizing return.**

# Current Asset Allocation

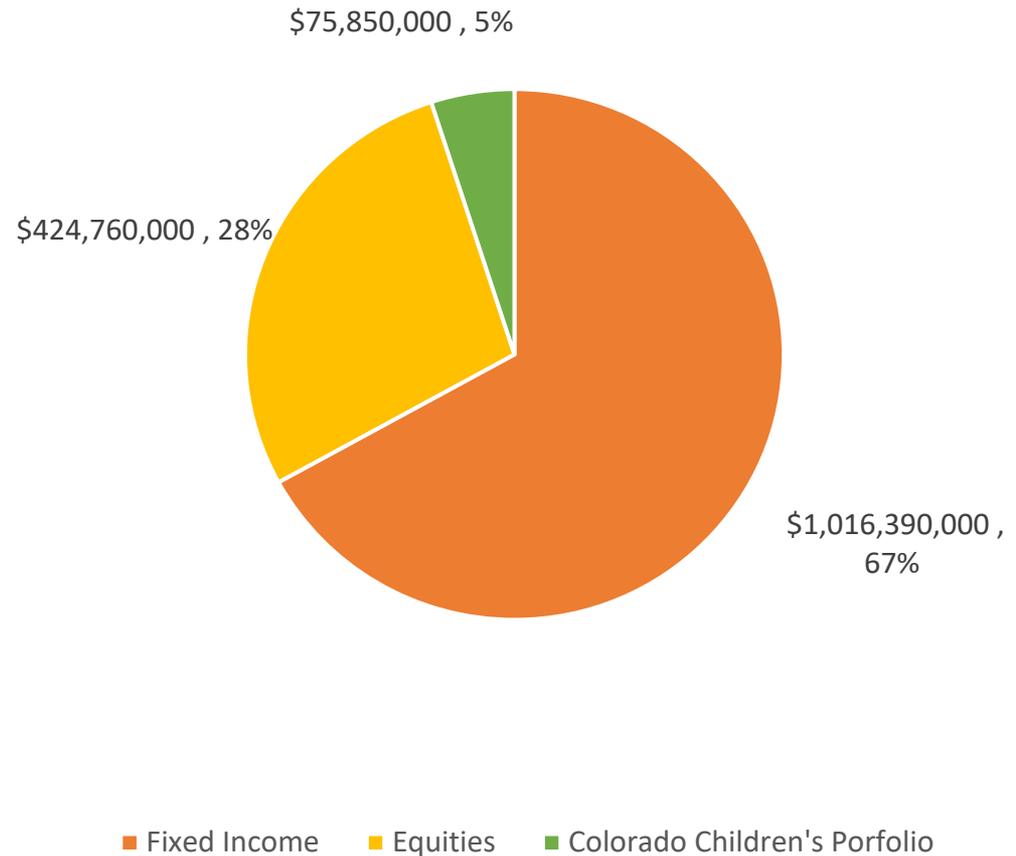
Public School Fund



# Including Community Investments Year One

- Using only a portion of the new revenue into the PSPF (\$117M last year), the State could create a new part of the portfolio—the Colorado Children’s Portfolio.
- The other portfolio pieces still increase in value compared to previous year.
- The Colorado Children’s Portfolio could increase annually up to a total of 30% of the portfolio. It would grow at the rate and to the size the PFIB and Treasurer determined.

## Public School Fund



# The Colorado Children's Portfolio

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## Possible kinds of investments

- District and Charter School bonds
- Teacher mortgages/down payment assistance (mortgage-backed bonds)
- Teacher/district employee housing investments
- Purchase bonds from Middle Income Housing Authority
- Education Impact Investing funds (with CO focus)
- Buy CHFA mortgages
- Invest in CDFIs
- Colorado Mission Fund
- CO-specific VC and private equity

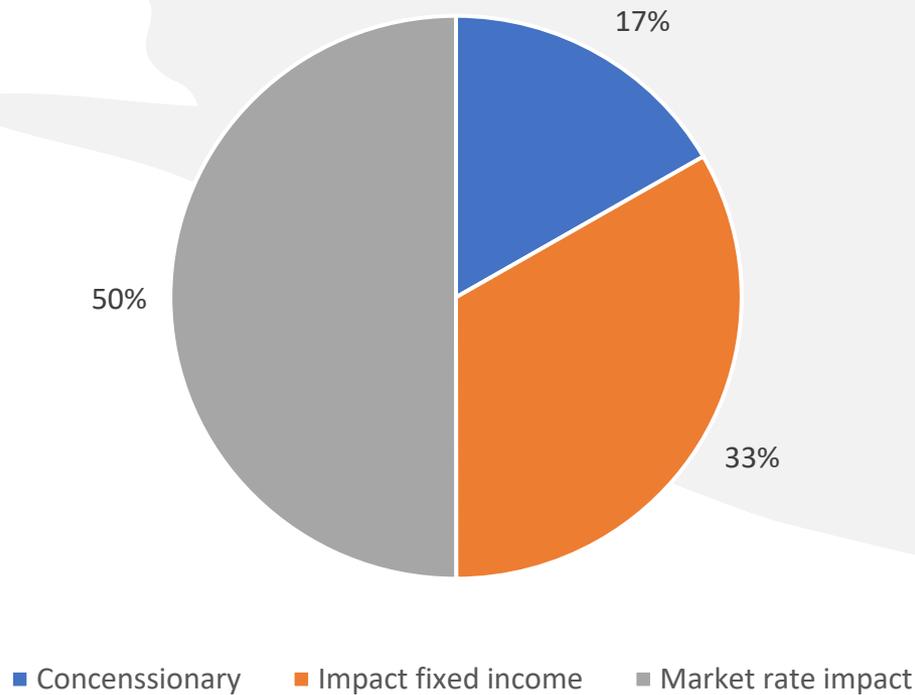
# The Colorado Children's Portfolio

## Guardrails

- The CCP should target a return at least as high as the blended return rate of the other parts of the PSPF
- On a portfolio basis, investments should not sacrifice return for impact
- Impact goals should be explicit, measurable, trackable and reported on

# The Colorado Children's Portfolio: Example Allocation

Colorado Children's Porfolio





Public School Capital Construction Assistance Board  
Meeting Agenda Sheet

**MEETING DATE: November 16, 2023**

**SUBJECT: FY24 Backup Project Award Process**

**ITEM TYPE: Discussion Item**

**BACKGROUND:**

The Capital Construction Assistance Board (CCAB) a rule change at the November 17, 2022 CCAB meeting to establish a process by which staff award grants to backup projects in an attempt to award all appropriated funds available each fiscal year.

22-43.7-109(7)(a) states that... “The board may recommend that any specific project only receive financial assistance if another higher priority project or group of projects becomes ineligible for financial assistance due to the inability of an applicant to raise required matching moneys by a deadline prescribed by the board as a condition of a financial assistance award for the higher priority project or group of projects.”

**STAFF RECOMMENDATION:**

N/A

**STAFF RECOMMENDED MOTION:**

N/A

**DOCUMENTATION:**

- November 2, 2023, communication sent to applicants.
- 1 CCR 303-3 Rules 6.3 and 6.4 of the Capital Construction Assistance Board rules pertaining to the Building Excellent Schools Today Grant Program

Dear FY24 BEST Grant Applicant,

As Election Day, November 7, 2023, approaches we'd like to outline for you the process for finalizing BEST grant awards for bond-contingent and backup projects so that we can all prepare for a quick process to award all remaining funds for this grant round. With approximately \$9 million remaining from the FY24 BEST grant round and \$10 million from SB23-220, we currently have just under \$19 million available to award.

If you have been awarded a BEST grant but your match is bond dependent, we ask that you notify our office of the results as soon as your county clerk has posted official results. November 21, 2023, is the deadline to notify CDE, per the [Financial Policies and Procedures Handbook](#). After November 21, at the latest, we will begin making grant award offers to backup projects.

Our process is as follows:

- BEST will offer any remaining funds from the FY24 grant appropriation to the highest ranked backup project.
- We ask that you respond within five business days, in writing, to confirm that you either accept or decline the offer.
  - The remaining amount available may be less than what was requested in the grant application. Regardless of the amount of the award, you are required to complete the entire project as submitted in your grant application and approved by the Capital Construction Assistance Board (CCAB) and State Board of Education.
  - Accepting the offer is an acknowledgement that you have appropriated and allocated the full amount of matching funds and are able to start your project immediately. You may be asked to provide proof of this.
- If you need more time to officially accept the offer, please let us know immediately, as we may need to ask the CCAB for an extension of time.
- If you must decline the offer, the CCAB will deem the applicant to have withdrawn solely for the purpose of allowing the next-highest priority alternate project to be funded.
- At that point, we will make an offer to the next project on the backup list and continue down the list in an attempt to award all funds available.

You can access the "FY2023-24 List of Recommended Grants" [here](#). Please do not hesitate to reach out to your [Regional Program Manager](#) if you have questions about this process.

Regards,  
Andy Stine

**DEPARTMENT OF EDUCATION**

**Division of Public School Capital Construction Assistance**

**BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM**

**1 CCR 303-3, Rules 6.3 & 6.4**

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- 6.3. Additional actions the Board may take when reviewing an Application:
- 6.3.1. The Board may modify the amount of Financial Assistance requested or modify the amount of Matching Moneys required; and
  - 6.3.2. The Board may recommend funding a Project in its entirety or recommend a partial award to the Project;
    - 6.3.2.1. If a Project is partially funded a written explanation will be provided.
    - 6.3.2.2. If the Board recommends partial funding for a Project and the Applicant declines such funding, the Board will deem the Applicant to have withdrawn its Application.
- 6.4. The Board shall submit to the State Board the prioritized list of Projects.
- 6.4.1. The prioritized list shall include the Board's recommendation to the State Board as to the amount of Financial Assistance to be provided to each Applicant approved by the Board to receive funding and whether the assistance should be in the form of a BEST Cash Grant, BEST Lease-purchase Funding or a BEST Emergency Grant.
  - 6.4.2. When funding State Board-approved alternate Projects, the Board may offer funding to a Project in its entirety or may offer a partial award, based on available appropriations. If the Board offers partial funding to a Project and the Applicant declines such funding, the Board will deem the Applicant to have withdrawn solely for purposes of allowing the next-highest priority alternate Projects to be funded.



**COLORADO**  
Department of Education

Public School Capital Construction Assistance Board  
Meeting Agenda Sheet

**MEETING DATE: November 16, 2023**

**SUBJECT: CCAB Responsibilities and Board Training w/ AG**

**ITEM TYPE: Discussion Item**

**BACKGROUND:**

The Attorney General's Office will present best practices for State boards and commissions, per CRS 24.3.7-102. Then staff and board will review and discuss CCAB responsibilities. Then staff and board will walk through the CCAB Responsibilities slides from previous meetings and engage in a general discussion.

**STAFF RECOMMENDATION:**

N/A

**STAFF RECOMMENDED MOTION:**

N/A

**DOCUMENTATION:**

CCAB Responsibilities document attached. AG presentation will be provided at meeting.



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**COLORADO**  
Department of Education

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# Building Excellent Schools Today

Capital Construction Assistance Board Responsibilities



CRS 22-43.7-106, 109, and 110

- The function of the board is to protect the health and safety of students, teachers, and other persons using public school facilities and maximize student achievement by ensuring that the condition and capacity of public school facilities are sufficient to provide a safe and uncrowded environment that is conducive to students' learning.
- In performing its function, the board shall ensure the most equitable, efficient, and effective use of state revenues dedicated to provide financial assistance for capital construction projects pursuant to the provisions of this article by assessing public school capital construction needs throughout the state and providing expert recommendations based on objective criteria to the state board regarding the appropriate prioritization and allocation of such financial assistance.

# CCAB Responsibilities

1. To establish public school facility construction guidelines.  
**Developed by staff. Reviewed/approved by CCAB. Mostly utilizes best practices by reference.**
2. To conduct or contract for a financial assistance priority assessment.  
**Facility Insight Program.**
3. To review financial assistance applications and submit a prioritized list of projects (with an amount and type of financial assistance) to the state board. Request preliminary review of any or all applications from the division or any department, agency, or institution of state government with expertise or experience in construction management.  
**All staff and CCAB work leading up to May Meeting. Many evaluation criteria are defined in statute.**
4. To establish guidelines for assisting applicants in preparing applications.  
**Staff regular work to support applicants in preparing applications (trainings, website, in-person visits).**
5. To assist applicants in implementing projects through (but not limited to) the preparation of requests for bids or proposals, contract negotiations, contract implementation, and project and construction management.  
**Staff regular work to support completion of projects.**
6. To assist applicants in implementing energy-efficient public school facility design and construction practices.  
**Developed by staff. Rule directs applicants to follow the Office of the State Architect's High-Performance Certification Program.**



7. To authorize the State Treasurer to enter into lease-purchase agreements and to enter into sublease-purchase agreements on behalf of the state.

Legal and administrative steps to engage in lease-purchase financing.

8. To promulgate such rules as are necessary but not limited to:
  1. Conflict of interest rules for board members.
  2. Rules establishing evaluation criteria for matching moneys requirement waivers.
  3. Rules establishing the means by which awarded projects are publicly identified.

Rules are reviewed and revised on a regular basis.

9. The board shall establish an annual financial assistance timeline.

Developed by staff. Reviewed/approved by CCAB.

10. To review and award emergency financial assistance to an applicant at any time.

Separate application process from annual BEST grants.

11. Taking into consideration Facility Insight Assessment data, prioritize applications based on the following criteria (consider the condition of the entire public school facility for which the project is proposed and determine whether it would be more fiscally prudent to replace the entire facility than to provide financial assistance for the renovation project):

1. Projects that address safety hazards or health concerns, concerns related to facility security, and projects designed to incorporate technology in the educational environment.
2. Overcrowding in public school facilities, 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 in facilities.
4. Projects that assist public schools to replace prohibited American Indian Mascots as required by section 22-1-133.
5. All other projects.

Priorities outlined in statute. Staff develop Facility Insight Assessment Data for board use.



Board discussion about other responsibilities or norms.

- Fact Sheet
  - Helping determine the best facts to share
  - Understanding the impact of BEST
  - Understanding the needs of schools in Colorado
- Advocacy
  - Attending ribbon cuttings and ground breakings
  - Responding to constituents
  - Responding to legislators and SBE members
- Consistency
  - Attend meetings, prepare ahead of time, and stay engaged