In Attendance: Dan Jorgenson (APS), Carrie Olson (DPS), Kelly Perez (LPS), and Sue Sava (PEBC)

Staff: Chad Burns, Julie Stelzer, and Cris Veteto

Guests: Coulter Bump, Legal Counsel; there were a number of parents present for the meeting. Those who spoke during Open Forum will be named in that section.

Kelly welcomed everyone to the meeting and called the board meeting to order.

Approval of Agenda
Kelly asked for a motion to approve the agenda. Sue made a motion to amend the agenda and Dan seconded the motion. The agenda was unanimously approved as amended.

The board entered into executive session per C.R.S. § 24-6-402(4)(b) – meeting with the BOCES’ attorney to receive legal advice on specific legal questions concerning compliance with RMSEL’s complaint procedures and proposed policies, and per C.R.S. 24-6-402(4)(f) – meeting regarding a personnel matter and the Executive Director evaluation.

Dan made a motion that the board enter executive session and Sue seconded. The motion was unanimously approved, and the board adjourned to executive session.

After a lengthy period of time in executive session, the board returned and the regularly scheduled meeting was reconvened. Kelly read a statement to all present. She said that RMSEL has policies, but the board has been reviewing policies over the last 90 days to make improvements. She acknowledged that the last 90 days have been hard and challenging, and said that the board has listened and voices have been heard. She said the board will be issuing a statement that will be sent out to all parents via email, and a variety of communication means. Kelly said the board is here as the RMSEL board, not just representatives of their own specific districts. The BOCES board reviews policy, oversees hiring, etc. It has been brought to the attention of the board that one of the board members has been accused of doing something illegal; Kelly said she has not. If a board member does anything illegal, they would no longer be on the board. The board members are elected officials, and as such, they are permitted to talk to people and to keep information as they see fit. The entire board has been listening, and speaks now with one voice. Kelly said that the board has known that Chad is the man to run RMSEL; that has never been in question. They appreciate the voice of the parents with concerns, and know that everyone is concerned for their students. Kelly said the board wants to put better policies in place to improve the process for those who might have a concern in the future. The board hopes the community will come together and say, “We are crew,” concerns were heard, and move forward together. Nobody is leaving, the BEST Grant is great, and the bond is all moving forward. Kelly thanked people for sharing their concerns, and for trusting the board to do what it is supposed to do. Sue added that every board member has listened closely to all parent concerns, as well as joys and celebrations that have also been expressed. The board will be sending out a statement later today to the community that addresses that RMSEL’s desire is always for continuous improvement for students, staff, school leadership and the board. Sue also reaffirmed that legal counsel has advised that no board member has been involved in illegal activity.

Approval of Minutes
Kelly asked for a motion to approve the minutes. Dan made a motion to approve the minutes, and Carrie seconded. The minutes were unanimously approved.

Executive Director Report
Chad read his Executive Director report which is included below in its entirety for the minutes.
Rocky Mountain School of Expeditionary Learning
We Are CREW!

Executive Director Report – October 15, 2019

Communication Summary
1. BEST – Bond Closing October 8, 2019
2. Treanor HL Schematic Design
3. Quarter 1 Student Progress & Conferences
4. Professional Development Case Study Presentation
5. Fall Break

On Tuesday, October 8, 2019, Bond proceeds totaling $7,920,187.10 were transferred to be held by the “Trustee” US Bank in service of funding the 63% match as required by BEST to complete the school addition and renovation totaling $11,900,000.

Over the course of the next three fiscal years the required annual debt service will scale up to a maximum annual debt service totaling $484,000 per year beginning in the 2021-2022 school year. During this time the proceeds will remain held by the trustee and will be expensed in totality at the completion of construction slated for September 1, 2022. As the proceeds are held over this two-year period we will benefit from interest at a rate of approximately 1.75 - 2.00% annually. The interest generated will be restricted to debt service for future years.

Treanor HL Schematic Design

Included in your electronic board packet are two documents, 1) RMSEL SD Drawings Combined, and 2) RMSEL SD Narrative Combined. These two documents reflect the final Schematic Design of the campus additions as well as interior classroom renovations. The team at Treanor HL is now in the process of preconstruction pricing estimates with JHL Construction. In addition to the current preconstruction pricing, work has begun with three subcontractors who are currently conducting ground surveying and environmental phase 1 asbestos mitigation.

We will begin meeting bi-weekly with the team at Treanor HL, JHL Construction, and NV5 to continue construction planning that is slated to begin on June 1, 2020.

Quarter 1 Student Progress & Conferences

We have concluded the first quarter of the 2019-2020 school year. Progress reports were completed by teachers on Monday, October 7, 2019 and Student Led Conferences were scheduled on Thursday, October 10, 2019 (11:00 – 3:30 pm) and Friday, October 11, 2019 (7:30 am – 3:30 pm).

Professional Development Case Study Presentation

Our teaching staff have been engaged in weekly Professional Development (whole staff) and Team Instructional Professional Development (groups of 4 by school level). Our target is:

Long-term Target: I will create and implement multiple rigorous and focused case studies with a commitment to fulfill our vision of student achievement.

Throughout the first semester teachers have been working on writing and developing their spring case studies. This process includes project planning with an accompanying task description, assessment, rubric, fieldwork integration, etc.

Each staff member will have the opportunity to showcase their work on December 11, 2019 during professional development, as we will be conducting a gallery walk and celebration of learning from the first trimester.
Fall Break

Monday, October 21, 2019 – Friday, October 25, 2019 RMSEL will be closed for Fall Break; we will return for Professional Development on Monday, October 28, 2019, and classes resume for students on Tuesday, October 29, 2019.

Open Forum

Kelly said that at this time, the board will offer opportunity for the public to speak regarding items of interest or concern that are not listed on the agenda. It is illegal to discuss district personnel matters or individual student concerns. Persons wishing to speak to the board were asked to sign up, and speakers will address the board in the order listed. Each person will have 3 minutes in which to address the board.

Jay Leaver, parent of a current student and a RMSEL graduate, thanked the board for the opportunity to speak. He said he could not speak at the last meeting because he was in Yellowstone National Park with the 6th graders. He and his wife were involved with doing Ph and temperature surveys around the north basin. He believes RMSEL is doing a wonderful job getting students out into the real world and teaching them problem solving skills. He wants to be on the record regarding the last 90 days; he said all parents want the best education their students can get, want the best teachers, and for the teachers to have the best pay, want to have the best adventure coordinators, the best field trips, and all would like it to cost nothing. Everyone knows that isn’t possible. He said all parents know they have choices about where their children go to school. Jay said his youngest son has been at RMSEL for 14 years now. If he was interested in better test scores and lower costs, he could place his child in another school. He is at RMSEL because he believes in character values and expeditionary learning as an educational model. He said he is uncomfortable imagining the amount of money being spent right now on legal fees and studies that could be spent on children. Jay said he understands that RMSEL is already on a bare bones budget. RMSEL has a brand new 4th/5th grade teacher who does not get to have the support of an educational assistant, which would cost $20-25,000 per year; he asked the board to be cognizant of the need to “rob Peter to pay Paul.”

Kelly asked the students who are present to introduce themselves. Gabby Pisano is a senior, Grace McElhaney is a sophomore, and Aiden Adams is a sophomore; they are all part of the high school student government. Kelly commented that the students are seeing governance take place, so the meeting is a good place to be. Steve Steadman added that he recently witnessed Gabby drilling Aiden on his knowledge of birds, and commended the students.

Paul Dantzer, parent of four students, said he agrees with most of what Jay said. He said as parents, they do have a choice, but they love RMSEL and choose to stay here. He asked Kelly to clarify that no school district is pulling out of the IGA and RMSEL is not losing the BEST grant, which she confirmed both in the positive. He said he has been hearing those rumors, but no one has identified the source of the rumors. The rumors have created divisiveness. He doesn’t like being accused of creating divisiveness. He expressed appreciation to the board for listening over the last 90 days, and said they have been tough. He hopes that at the end, everything comes out for the better. He questioned whether the 2020-2021 bi-annual survey on the agenda should actually be 2019-2020; and it was stated that the year should indeed by 2019-2020. Paul expressed his opinion that the survey should still be done by an external company to create and analyze the data from the survey.

Steve Steadman, grandfather of a RMSEL student and member of the DAC, said he is here to make a general request that RMSEL returns to a place of peace. He wants and expects that. He doesn’t believe it is children who are not getting along, it is adults who have differing views and it has caused aggravation. He wants RMSEL to return to an absolute focus on children. He is not questioning the motives of anyone in this room. Everyone here loves their kids, and want them to be the best people they can be. All are here because they are passionate about that. Steve said, “Let’s stop the fighting. Let’s just end it and put our hands in and say, ‘we can do that.’” Steve asked the board if they are going to do some outreach, to apply the philosophical principal known as Occam’s razor, which says that the simplest answer is often the most likely answer. Occam’s razor has been proven mathematically to tend to be correct. Another thing it might say is the simplest answer is the best, or extraordinary claims require extraordinary proof. He asked that the board use that principal in guiding the collection of data, that it is likely to be the simplest thing versus the most complex. Steve thanked the board for the work they do on behalf of this school that is loved so much by so many
Consent Agenda

There were no items on the consent agenda.

Action Items

There were no action items on the agenda.

Report Items

- Budget Update – Julie said the Management Summary is included in the packet of information the board received. She asked if there were any questions. The management summary is included below in its entirety for the minutes. She noted that RMSEL is in the middle of the audit which started last Wednesday. The auditors completed the fieldwork portion of the audit last week, and she met with the new partner and current partner yesterday to go over the transition between the two, and get some clarity regarding accounting for the bonds and the BEST Grant. The board signed a resolution to prepay one year of the maximum annual debt service, which could be compared to paying the first and last month’s rent of a lease. That money comes from the beginning fund balance, which will be seen in the revised budget in January. There are many adjustments being made to the budget per enrollment, those will be seen in January as well. Julie noted that legal expense will be increased by about $15,000 to cover legal fees incurred over the last ninety days. Kelly asked if the increase in legal fees are in regard to the policy work and the BEST grant; Julie said it is for the policy work. Julie has asked CDE if BEST grant legal fees can be “soft cost” as a part of the project, but does not have an answer to that yet. Dan said that the board prefers that funds be spent on the educational program, but there is also a need to protect the school from having further legal expenses in the future. He agreed with Steve that all want what is best for students. It is hoped that the policy work will mitigate the need for future expense in this area. The policies will clarify what the executive director’s responsibilities are and what the board responsibilities are. Dan said he wants everyone in here to recognize that the board wants to hear everybody’s voice, those on both sides of the recent discussions, and that the truth is usually somewhere in between, but everyone has their own reality and perspective. The goal is to make RMSEL the best program it can be. Dan said he has worked with a lot of superintendents in his position with CDE, that Chad has done a great job at RMSEL, and is on par with or better than most superintendents in the state. Carrie said that part of the legal fees are also related to the legal counsel’s investigation into whether she has done anything illegal as a board member. She wants to be sure the work at RMSEL continues, that Chad knows his responsibilities, the board knows their responsibilities, and the parents know that as well.

Rocky Mountain School of Expeditionary Learning
Management Summary
October 15, 2019

Audit Update

The fieldwork portion of the 6/30/19 audit with CliftonLarsonAllen began on 10/9/19 and is scheduled to end on 10/11/19. The staffing for this year’s audit engagement includes a partner, reviewing manager and two staff auditors for the fieldwork. Only two of these CLA auditors, the partner and staff auditor, were present for the prior year’s audit. Continuity and consistency of audit staff allow for historical understanding of how RMSEL operates as well as allowing the auditors to dig deeply into transactions on a year over year basis. The draft of the 6/30/19 audited financial statements should be available in the next couple of weeks for CLA partner review. To date, we have not been advised of any significant audit findings or issues. We have been informed that there will be a new managing partner, Alison Slife, from CLA assigned to our audit as Mark Elmshauser is retiring.

Bond Closing

On October 8, 2019, the Colorado Educational and Cultural Facilities Authority (CECFA)/RMSEL Education Revenue Bonds Series 2019 closed and $7,920,187.10 was wire transferred from Robert W. Baird & Company to U.S. Bank Global Corporate Trust which is acting as the trustee for the bond issuance. As part of this closing, $484,500 which represents one year of Maximum Annual Debt Service (MADS) was wire transferred to the trustee. Per the resolution signed by the board last week, $484,500 of beginning fund balance will be reflected on the revised budget submitted in January 2020. The details of accounting for this transaction and future construction draws from the BEST Grant.
(37%) and the USB trustee (63%) are currently being worked out including the presentation on the school’s financial statements. I am meeting with Mark Elmshauser and Alison Slife on 10/14/19 to discuss this issue as well as the transition in managing partners on the school’s audit.

Revenue
Per pupil revenue (PPR) is typically paid from DPS on a monthly basis after the first 25% is paid for the first quarter of the fiscal year. The first 25% of PPR funding ($827,653.57) was received in July. It is assumed that one of the monthly payments in the first quarter of 2020 will incorporate any changes in the State’s supplemental budget, if applicable, to reflect any adjustments or rescissions from CDE. PPR was originally budgeted at $8,735.13/FTE X 385 FTE, and $8,735.13/FTE X 379 FTE (10/1/18 count) is the PPR amount that was received was received in July. The PPR and FTE difference funded at 25% explain the budget variance. This line item will be adjusted with the revised budget submitted in January 2020 to reflect the under-enrollment in the high school.

Per the Budget Appropriation resolution approved by the board in June 2019, $350,000 of beginning fund balance is reflected on the budget for Prior Year Budget Carryover (#43503). This is in alignment with the provisions of GASB 54 and the categorization of fund balance assigned for budget carryover.

Per HB 12-1345, $201,186.16 was received in August 2019 to assist the BOCES with meeting state educational priorities determined by CDE. These funds are used to employ key personnel to implement a Response to Intervention (RtI) process for monitoring student achievement with 20% of our school population in grades K-12.

In August, we received $3,196.03 per the READ Act to support reading intervention for students in grades K-3 as identified from state assessment scores. This line item will be adjusted with the revised budget in January.

The amounts reflected in the Fieldwork Carryover-Landmark Trips (#43600) line items include fieldwork fees carried over from 2018-2019 as well as 10% landmark trip allocation from the 2019-2020 fieldwork fees. These amounts are allocated toward funding the landmark 5th grade Sailing trip, 6th grade Yellowstone trip, 8th grade Civil Rights trip, and the high school Colorado Trail trip.

As of August 31, 2019, budgeted enrollment was 385 FTE and actual enrollment was at 367 FTE. This is the reason for the variance showing in the fieldwork fee grouping (#44200), transportation fee (#44500), instructional support supply fee (#44600) and technology fee (#44700) line items. These line items will be adjusted with the revised budget in January.

Classroom revenue (#46400, #46500 and #46550) represents the student contribution toward the 5th grade Sailing ($5,000), 6th grade Yellowstone ($4,800) and 8th grade Civil Rights ($7,200) landmark trips.

School-based fundraising revenue (#47000) is significantly higher than budgeted due to the deferral of DAC fundraising revenue from 2018-2019. This line item will be adjusted with the revised budget in January.

Miscellaneous income (#49000) is greater than anticipated due to the number of student enrollment relinquishments and the non-refundable fieldwork fee deposit. This line item will be adjusted with the revised budget in January.

Interest Income (#80000) – this line item is greater than budget and will be adjusted on the revised budget.

Expenses
Line items with notable variances or exceptions are explained below.

Lease #60020 – this variance is due to a timing difference related to the lease payments of $75,000 to DPS which are due 11/1 and 5/1.

Construction (General) #60032 – this variance is due to the construction of a wall in the old Spanish classroom in order to create two pull-out classrooms for Learning Specialists. This wall construction was not anticipated when the budget was created last May. This expense line item will be adjusted with the revised budget in January 2020.

Legal Expense #62720 – we have been advised by Coulter Bump of Caplan & Earnest LLC that the estimated legal fees to navigate the ongoing parent concerns from the four families with grievances will be in the range of $10,000-
$15,000 depending on the time needed to bring the issue to resolution. This represents a substantial increase to this budgeted line item and will be adjusted on the January 2020 revised budget.

Special Education Fees #65020 – this budget line item will be adjusted on the revised budget submitted in January to reflect actual enrollment as of October 2019 count.

Classroom Supplies #66300, #66400, #66500 & #66600 – these budget line items will be adjusted on the revised budget submitted in January to reflect actual enrollment as of October 2019 count as well as the staffing decrease in high school.

Fieldwork #67000 – these budget line items will be adjusted on the revised budget submitted in January to reflect actual enrollment as of October 2019 count as well as the staffing decrease in high school.

Financial Aid – there remains $23,836.12 in fieldwork fee financial aid (#67800), $2,640.00 in transportation financial aid (#67830), $10,560.00 in instructional support financial aid (#67860) and $3,520.00 in technology financial aid (#67870). These line items will be adjusted in January to reflect actual enrollment as of October 2019 count day. Any unused funds in these line items will be used to offset future budget shortfalls.

Under the RMSEL’s fieldwork fee structure, families with three (3) or more children at RMSEL have the option to take a 10% discount on their fieldwork fees. To date, seven (7) families have opted to take advantage of this discount. Any unused funds in these line items will be used to offset future budget shortfalls.

District Accountability Committee (DAC) Report
Margaret said the meeting last week was postponed to this week. She said that the lottery is coming up in January, and asked about any proposed cost of living increase to fieldwork fees, and when the board would need to have that information available to them for review and vote. Kelly said the board needs the DAC recommendation for the November BOCES meeting.

Discussion Items

- School/Community Relations Policy Review – Dan commented that he reviewed these policies, and he believes they provide the clarity that was previously missing, and he thinks this is a great first step. He did not see anything specific that raised an area of concern for him. Sue said that since RMSEL is a unique institution with 5 districts and PEBC, policies were culled from both CASB and from individual partner districts. She agrees with Dan, she reviewed them carefully and thinks they are a great start. Carrie said that she and Krista had a question about the public comment policy BEDH – public participation in board meetings. She suggested having something available for the public to sign up by 5:00 pm the night before the meeting, so that board members can appropriately plan for the time of the meeting with an idea of how many people want to speak. Kelly expressed concern that if a parent decided in the morning that they wanted to speak, they would be unable to, and she prefers it to remain the way it is now with a sign up list at the meeting. Dan said he agrees, and that in order to have an open process, those present at the meeting have the opportunity to sign up and speak for up to 3 minutes. Sue said she is on the fence because of her job that begins at 8:00, and has been late to work the last couple of meetings; she sees the benefits of both and can see the benefit of knowing ahead of time how many people want to speak. Kelly said that the recent use of public comment is not the norm in her experience over the last six years on the BOCES board. Dan suggested that there be a comment added to the website that if there is knowledge of a large contingency of parents attending the meeting with the desire to speak, to please advise the board/RMSEL of that ahead of time. The board wants the community to know that they are accessible, and would rather hear from people before there is a critical mass. Kelly reiterated that the board is available to meet with parents, and said that two board members can meet individually with community members; if three or more meet, it constitutes a meeting that has to be advertised publicly prior to the meeting. Kelly asked if there were any other comments regarding any specific policies. She said if the policies are approved in November, they will then be posted on the RMSEL website. Chad said that some of the policies in proposal form have already been previously adopted, including GBAA, JBB, and JII. He said that ACR needs names of individuals updated. Chad began to note other policies that may need changes, and Dan asked Chad if, rather than reading thru each one, that Chad provide that to the board. Dan said that as new board members come on board, if they could be provided with these policies electronically, along with the board handbook, it would be helpful.
• 2019-2020 Bi-Annual Survey – Kelly asked Chad to address the survey. Chad said that this is the year for the board to conduct a survey. The last survey was administered in 2017-2018. The board will once again be conducting the survey this year. Sue said they will be identifying anything that needs to be revised in the survey as a result of conversations over the last couple of months. She said Dan is an expert on survey validity, and has volunteered to assist in the composing of the survey. The survey will include climate and culture questions that are tailored to hearing from the community in a proactive manner. Dan said he is neutral in terms of the results. He is a program evaluator by training, and part of the conversation he would like to have is whether there are areas of gaps in the survey. He helped in APS and DPS with their various surveys previously; one of his colleagues at CDE has the responsibility in the area of teacher surveys, and he hopes to bring some of that knowledge. The survey is not meant to be a “gotcha” tool, but an assessment and diagnostic tool to provide data to drive improvements. The board and Chad have the same perspective on this. Kelly said the board discussed having a third party consultant come in, the history from that happening in the past was pretty traumatic; the discussion is still fluid and a decision has not been made at this time. The conversation then transitioned to the Equity Audit.

• Multi-Year District Performance Framework Review – Equity Audit – Sue said the board discussed in executive session working with a colleague of hers, Dr. Victoria Massey, who is an African-American woman who has done equity work in communities across the country. She would consult with Sue and Chad to see what RMSEL is doing well and celebrate that, as well as areas that could be improved; for instance, how can RSMEK do better at attracting and sustaining students of color? She said every institution in Colorado wants to know how to improve in that area. Sue understands the value of an organic process, but also the importance of having an external face that is a person of color leading that process. She hopes to work with Dr. Massey to get her thinking, get her ideas, and build a process that will then be brought back to the board. Chad said in preparation for that, he has prepared for the board data from the District Performance Framework across multiple years, which is broken down by English learners, free and reduced lunch, minority students, and students with disabilities. DPS does not report the free and reduced lunch specific to RMSEL, so that line item will always be blank. With Cris’ support, Chad pulled enrollment data over the last 3 years, including the number of applications received, special education enrollment, and intervention tier 2 enrollment, which will provide a good tool for the board to start with. Chad thanked Cris for pulling the data that is reported to the state annually. Kelly said that in order to proceed with trying to procure Dr. Massey as a consultant, it will require a discussion and a vote. Sue said the board received a proposal that is five phases to do a complete equity audit; the first phase is $5,000 and would pull analytics together and suggesting next steps. Phase two is $20,000. Sue suggests voting on the first phase and then coming back for a second vote on phase two later. Kelly asked what the consultant fee would be vs. a flat rate. Sue asked for the board to provide her with a cap amount that is approved to spend for phase one. Dan said he agrees with doing this in stages; and if there is a need following the audit, the future discussions could address that. Sue asked what dollar amount the board wants to set as a cap. Kelly said perhaps the board should ask the finance director. Julie said with the debt service that has been taken on, the under-enrollment in high school, and additional legal expenses, the budget is very tight. Kelly suggested that $3,000 be set as a cap. Dan said he would want to review the proposal before committing to any amount. Sue said that with some of the data work already being provided by Chad and Cris, it would reduce the expense needed. After brief discussion, the board agreed to set a maximum cap of $3,500 for consulting fees. Sue made a motion that the board accept phase one of Dr. Massey’s proposal to do an equity audit, with a lessened commitment of serving as a consultant and a lessened financial commitment of the board to spend up to $3,500 doing phase one of the proposal, in consultation with Sue Sava and Chad Burns. Carrie seconded the motion. The motion was unanimously approved.

• BOCES Manual – Kelly thanked Dan for putting together the manual, and Krista and Carrie for reviewing it. Carrie said there are some places in there that they want to discuss with the board, but due to the duration of this meeting, made a motion to table this discussion to the next meeting. Sue seconded the motion, and it was unanimously passed.

• BOCES 2019-2020 Membership Transition – Kelly said to move this discussion to November after elections are held. Dan said once the election results are certified his position will be vacant. Technically, in his district, he would stay in that seat until swearing in of the new official is made, but he would then no longer be a board member. Usually the board member stays on as a sitting member. Kelly said there is no meeting in December, and hopefully by January a new representative from APS will have been appointed. Dan said he will be here at the November meeting. There was discussion among the board about expectations of board members and elections, etc. It was suggested that be
clarified in the board manual that the board members meet for one BOCES meeting post-election. Sue asked Dan to draft language in that regard, and he said he wants to make sure that meets legal requirements. Kelly noted that CASB members show up for the December meeting, even after the election, so RMSEL is not the only entity in this situation. Dan commented that it relates to the swearing in of new members, but he will draft something in this regard.

**Items for Future Agenda**

- BOCES 2019-2020 Officer Assignments – Kelly said this will be discussed in January.

**Adjournment**

Kelly asked for a motion to adjourn the meeting. Sue made a motion to adjourn, and Carrie seconded the motion. The meeting was unanimously adjourned.

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Kelly Perez, President

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Janice McDonald, Secretary/Treasurer