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Colorado Department of Regulatory Agencies  
Office of Policy, Research and Regulatory Reform

## Read-to-Achieve Board



October 12, 2006

# STATE OF COLORADO

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Bill Owens  
Governor

October 12, 2006

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed the evaluation of the Read-to-Achieve Board. I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2007 legislative committee of reference. The report is submitted pursuant to section 24-34-104(8)(a), of the Colorado Revised Statutes (C.R.S.), which states in part:

The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section...

The department of regulatory agencies shall submit a report and supporting materials to the office of legislative legal services no later than October 15 of the year preceding the date established for termination....

The report discusses the question of whether there is a need for the regulation provided under Section 506 of Article 7 of Title 22, C.R.S. The report also discusses the effectiveness of the Department of Education and staff in carrying out the intent of the statutes and makes recommendations for statutory and administrative changes in the event this regulatory program is continued by the General Assembly.

Sincerely,



Tambor Williams  
Executive Director

# Table of Contents

<b>Executive Summary</b> .....	<b>i</b>
<b>Background</b> .....	<b>1</b>
<i>The Sunset Process</i> .....	<i>1</i>
<i>Methodology</i> .....	<i>1</i>
<i>Profile of the Profession</i> .....	<i>1</i>
<i>History of Read-to-Achieve</i> .....	<i>2</i>
<b>Legal Framework</b> .....	<b>5</b>
<b>Program Description and Administration</b> .....	<b>9</b>
<i>Grant Selection Process</i> .....	<i>11</i>
<i>Performance Measures</i> .....	<i>15</i>
<b>Analysis and Recommendations</b> .....	<b>18</b>
<i>Recommendation 1 – Continue the Read-to-Achieve Board for seven years, until 2014, and schedule the next sunset review to be conducted pursuant to section 2-3-1203, Colorado Revised Statutes.</i> .....	<i>18</i>
<i>Recommendation 2 – Hold grant recipients, regardless of form, accountable for satisfying statutory requirements.</i> .....	<i>21</i>
<i>Recommendation 3 – Direct the various appointing authorities to remove appointees for neglect of duty and define neglect of duty as including missing three consecutive Board meetings.</i> .....	<i>22</i>
<i>Recommendation 4 – Repeal the requirement that no more than six Board members belong to the same political party.</i> .....	<i>25</i>
<i>Recommendation 5 – Authorize the Commissioner of Education to appoint a designee to the Board.</i> .....	<i>25</i>
<i>Administrative Recommendation 1 – Comply with the Colorado Sunshine Act.</i> .....	<i>26</i>
<i>Administrative Recommendation 2 – Establish, on at least an annual basis, the dates on which the Board will meet.</i> .....	<i>27</i>
<b>Appendix A – Sunset Statutory Evaluation Criteria</b> .....	<b>28</b>



## Executive Summary

### Quick Facts

**What Does the Board Do?** The Read-to-Achieve (R2A) Grant Program's mission is to provide funds to improve the literacy and reading comprehension skills among second- and third-grade students whose skills are below grade level, through intensive reading programs. The 11-member R2A Board (Board) developed and continues to revise the R2A grant requirements, within certain statutory limits, reviews and approves R2A grant applications, and then conducts follow-up studies to determine R2A grant-funded program outcomes.

**Who is Involved?** The Board is administratively housed in the Colorado Department of Education. Any Colorado public and charter school, as well as consortia of such schools, may apply for a R2A grant.

**How Does it Work?** R2A grants are awarded in three-year cycles, or cohorts. Schools may apply for grants in increments of one to three years. Whether a particular grant recipient receives funding in subsequent years of the relevant cohort is dependent upon achieving the statutory goal of having assisted 25 percent of participants in reaching grade level reading comprehension and literacy skills.

**What Does it Cost?** In fiscal year 05-06, the Board distributed \$15.7 million in R2A grants, and CDE retained \$39,109 (0.25 percent) to cover its administrative costs. No FTE are specifically allocated to the R2A Grant Program, although CDE has assigned three employees to administer the R2A Grant Program and to staff the Board.

**How Many Schools and Students Have Participated?** In fiscal year 04-05, 374 schools and 22 consortia of schools participated in the R2A Grant Program. These schools delivered R2A-grant funded services to 16,289 second- and third-grade students.

**Where Do I Get the Full Report?** The full sunset review can be found on the internet at:  
<http://www.dora.state.co.us/opr/oprpublications.htm>

### Key Recommendations

**Continue the Board for seven years, until 2014, and schedule the next sunset review to be conducted pursuant to section 2-3-1203, Colorado Revised Statutes.**

The importance of literacy and reading skills cannot be overstated. When a child fails to attain the reading skills necessary to succeed in life, not only does that child suffer, but so too does all of society. That child is unable to fully participate in society, very likely leading to a decreased quality of life. Society, too, loses a potentially productive member. Illiteracy is a lose-lose proposition. So long as insufficient reading comprehension and literacy skills among Colorado's second- and third-grade students continues to be a problem, the R2A Grant Program will be needed and the Board will be needed to oversee it and to assist in the development of new ideas on fighting illiteracy.

**Hold grant recipients, regardless of form, accountable for satisfying statutory requirements.**

The R2A statute permits public and charter schools, and consortia of such schools to participate in the R2A Grant Program. However, the remainder of the R2A statute speaks in terms of schools, not consortia. This includes the statutory requirement that each participating school must assist at least 25 percent of participating students in reaching grade level in reading comprehension. R2A grant participants have various reasons for applying as consortia, including an acknowledgement that as individual schools, they may not be able to reach this statutory requirement, but as a consortiums, they would be able to. Thus, the R2A statute should hold the grant recipient, regardless of form, accountable for satisfying the statutory requirements.

## **...Key Recommendations Continued**

### **Direct the various appointing authorities to remove appointees for neglect of duty and define “neglect of duty” as including missing three consecutive Board meetings.**

Board member attendance at Board meetings has been poor. However, the various appointing authorities lack the statutory authority to remove an appointee for failure to attend Board meetings. Granting the appointing authorities such authority should help to improve Board meeting attendance.

### **Repeal the requirement that no more than six Board members belong to the same political party.**

No more than six of the Board’s 11 members may be from the same political party. However, the mission of the Board is non-political. Additionally, this requirement may cause delays in finding qualified individuals to serve on the Board.

### **Authorize the Commissioner of Education to send a designee to Board meetings.**

By law, the Colorado Commission of Education is a member of the Board. The Commissioner has attended only one Board meeting, but CDE staff has attended all Board meetings. It is reasonable to permit the Commissioner to send a designee to Board meetings.

## **Major Contacts Made in Researching the 2006 Sunset Review of the Board**

Colorado Department of Education  
R2A Board Members  
R2A Grant Recipients

### **What is a Sunset Review?**

A sunset review is a periodic assessment of state boards, programs, and functions to determine whether or not they should be continued by the legislature. Sunset reviews focus on creating the least restrictive form of regulation consistent with the public interest. In formulating recommendations, sunset reviews consider the public's right to consistent, high quality professional or occupational services and the rights of businesses to exist and thrive in a highly competitive market, free from unfair, costly or unnecessary regulation.

Sunset Reviews are Prepared By:  
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## **Background**

### *The Sunset Process*

The regulatory functions of the Read-to-Achieve (R2A) Board (Board) in accordance with Section 506 of Article 7 of Title 22, Colorado Revised Statutes (C.R.S.), shall terminate on July 1, 2007, unless continued by the General Assembly. During the year prior to this date, it is the duty of the Department of Regulatory Agencies (DORA) to conduct an analysis and evaluation of the Board pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the Board should be continued and to evaluate the performance of the Board and staff of the Colorado Department of Education (CDE). During this review, the Board must demonstrate that there is still a need for the Board and that the regulation is the least restrictive regulation consistent with the public interest. DORA's findings and recommendations are submitted via this report to the legislative committee of reference of the Colorado General Assembly. Statutory criteria used in sunset reviews may be found in Appendix A on page 28.

### *Methodology*

As part of this review, DORA staff attended Board meetings; interviewed school administrators of R2A grant recipients, CDE staff and Board members and reviewed Board records, Colorado and federal statutes and the laws of other states.

### *Profile of the Profession*

The Board does not regulate a profession. Rather, the Board developed and continues to revise the R2A grant requirements, within certain statutory limits, reviews and approves R2A grant applications, and then conducts follow-up studies to determine R2A grant-funded program outcomes.

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## *History of Read-to-Achieve*

During the 2000 legislative session, the General Assembly was faced with spending approximately \$112 million that the state realized through its settlement with the nation's tobacco companies during fiscal year 99-00. As a result, the General Assembly, through Senate Bill (SB) 00-071, determined that such funds should be spent to improve the health of Coloradans, on tobacco education initiatives and to improve the literacy of Colorado's public school students.

To achieve these ends, SB 00-071 created seven new programs, established the Tobacco Settlement Cash Fund, and established an endowment trust fund, into which a certain portion of the tobacco settlement funds would be deposited so that the programs created by SB 00-071 would continue to receive adequate funding even after the tobacco settlement funds flowing into the state decreased.

Through SB 00-071, the General Assembly created the following programs and allocated to them the indicated levels of funding based on the tobacco settlement funds received in the fiscal year preceding the actual allocation:

- **The Colorado Nurse Home Visitor Program** – three percent of tobacco settlement funds, not to exceed \$3 million, in fiscal year 00-01, with two percent increases in fiscal years 01-02 through 08-09, not to exceed \$2 million in any fiscal year; and 19 percent, not to exceed \$19 million, in fiscal year 08-09 and in each fiscal year thereafter.
- **The Children's Basic Health Plan Trust** – \$10 million each fiscal year.
- **The Tobacco-Related and Tobacco-Focused Research Grant Program** – eight percent of tobacco settlement funds, not to exceed \$8 million, each fiscal year.
- **The Tobacco Education, Prevention and Cessation Grant Program** – 15 percent of tobacco settlement funds, not to exceed \$15 million each fiscal year.
- **The R2A Grant Program** – 19 percent of tobacco settlement funds, not to exceed \$19 million, each fiscal year.
- **The Colorado State Veterans Trust Fund** – one percent of tobacco settlement funds, not to exceed \$1 million, each fiscal year.
- **The Comprehensive Primary and Preventive Care Grant Program** – six percent of tobacco settlement funds, not to exceed \$6 million, each fiscal year.

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As created in SB 00-071, the R2A Grant Program's (Program's) mission was to provide funds to public and charter schools, as well as consortia of schools, to improve literacy and reading comprehension skills among second- and third-grade students through intensive reading programs. Grants could be for between one and three years, but no grant for any school could be more than \$100,000 for any one year. Administrative costs were capped at no more than one percent of the funds allocated to the Program's cash fund.

Grant funds were to supplement, not supplant any moneys currently being spent on such programs, which included:

- Reading academies operated as schools within schools for intensive reading instruction;
- After school literacy programs;
- Summer school clinics;
- One-on-one or group tutoring services; and
- Extended-day reading programs.

The Board consisted of 11 members, including the Commissioner of Education, a member of the Colorado Senate, a member of the Colorado House of Representatives and seven Governor-appointed members. No Governor-appointed member could serve more than two consecutive three-year terms.

The Board was charged with soliciting and reviewing R2A grant applications, and then recommending to the Colorado Board of Education which grant applications should be accepted.

The Board, and the statutory article creating it and the Program, was scheduled to sunset on July 1, 2005.

Whereas SB 00-071 focused on spending tobacco settlement funds, SB 00-124, enacted the same year as SB 00-071, focused exclusively on literacy and the Program. Senate Bill 00-124 repeated much of SB 00-071, and, with the exception of two provisions, was intended to be harmonized with the earlier bill.

In short, SB 00-124 superceded two provisions in SB 00-071. Namely, SB 00-124 repealed the \$100,000-per school per year cap on R2A funds and established a new sunset date of July 1, 2008.



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Most of the legislation pertaining to the Program over the next six years pertained to reductions in funding for the Program. As the state faced various fiscal difficulties, many of the programs created by SB 00-071, as well as most other state programs, experienced budget cuts.

The 2004 legislative session witnessed more bills that impacted the Program, though more than funding was addressed. House Bill 04-1255 established a new sunset date for the Program as July 1, 2007, and HB 04-1362 expanded the types of schools that can participate in the Program to include institute charter schools. An institute charter school is a public charter school that has been authorized by the State Institute Charter School Board, rather than by a local school district.

Finally, HB 06-1310, in addition to making several revisor-related changes, repealed the one percent cap on administrative costs.

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## Legal Framework

The Read-to-Achieve (R2A) Grant Program (Program) is created in section 22-7-506(1), Colorado Revised Statutes (C.R.S.), and is part of the Colorado Basic Literacy Act (Literacy Act), which is administered by the Colorado Department of Education (CDE). The stated purpose of the Literacy Act reads, in part:

[A]ll pupils can succeed in school if they have the basic skills in reading and writing that are appropriate for their grade levels . . . [F]or success in school, reading is the most important skill, closely followed by writing and mathematics. [ ] It is the intent of the [G]eneral [A]ssembly that, after completion of the third grade, no pupil may be placed at a grade level of schooling that requires literacy skills not yet acquired by the pupil.<sup>1</sup>

As a means to ensuring that no public school student in Colorado advances to fourth grade without the necessary literacy and reading comprehension skills, the Literacy Act requires each school district in the state to assess, on an annual basis, the literacy and reading comprehension level of each student enrolled in kindergarten or first, second or third grade.<sup>2</sup>

If a student's literacy or reading comprehension skills, as determined by the annual assessment, are below grade level, the student's parent(s) or legal guardian(s), teacher and school administration must develop an individual literacy plan or, if available, the student must participate in an intensive literacy program funded through the Program.<sup>3</sup>

The Colorado Board of Education has determined, by rule, that by the end of second grade, students should be able to use strategies to independently gain meaning from printed materials. In short, students should be able to use a range of strategies, such as asking questions and retelling or summarizing information; possess phonemic awareness and possess letter and word recognition.<sup>4</sup>

Similarly, by the end of third grade, students should be fluent readers with a full range of reading strategies to apply to reading a wide variety of increasingly difficult narrative and expository texts. This requires an understanding of the text, letter and word recognition, relevant vocabulary and the ability to read silently and often for an extended period of time.<sup>5</sup>

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<sup>1</sup> § 22-7-502, C.R.S.

<sup>2</sup> § 22-7-504(2), C.R.S.

<sup>3</sup> § 22-7-504(3), C.R.S.

<sup>4</sup> 1 C.C.R. § 301-42-3.03.

<sup>5</sup> 1 C.C.R. § 301-42-3.04.

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Thus, the General Assembly created the Program to administer a grant program to which any public school, charter school or institute charter school may apply for funds to provide reading programs for second- and third-grade students whose literacy and reading comprehension skills are below grade-level.<sup>6</sup>

To assist CDE in administering the Program, the General Assembly created the 11-member R2A Board (Board), no more than six of whom may belong to the same political party, consisting of:<sup>7</sup>

- The Commissioner of Education;
- One member of the State Board of Education, to be appointed by the State Board of Education;
- One member of the Colorado Senate, to be appointed by the President of the Senate;
- One member of the Colorado House of Representatives, to be appointed by the Speaker of the House of Representatives; and
- Seven members appointed by the Governor, with the consent of the Senate:
  - Two members who are second- or third-grade teachers, one of whom works in a rural school district;
  - Two members who are elementary school principals, one of whom works in a rural school district;
  - One member with knowledge of and experience in public education in elementary schools;
  - One member with knowledge of the best practices in reading and reading instruction; and
  - One member who, at the time of appointment, is a parent of a child in second- or third-grade.

Board members who are appointed by the Governor may serve no more than two consecutive, three-year terms.<sup>8</sup> Board members receive no compensation for their service on the Board, but may be reimbursed for their actual and necessary expenses related to serving on the Board.<sup>9</sup>

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<sup>6</sup> § 22-7-506(1), C.R.S.

<sup>7</sup> § 22-7-506(2)(a), C.R.S.

<sup>8</sup> § 22-7-506(2)(b)(I), C.R.S.

<sup>9</sup> § 22-7-506(2)(c), C.R.S.

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The Board is authorized to solicit and review grant applications for reading programs designed to enhance the literacy and reading comprehension skills of second- and third-grade students. Pursuant to section 22-7-506(3)(a), C.R.S., such programs may include, but are not limited to:

- Reading academies operated as schools within schools for intensive reading instruction;
- After school literacy programs;
- Summer school clinics;
- One-on-one or group tutoring services; and
- Extended-day reading programs.

The statute specifically states that R2A funds must “supplement and not supplant any moneys currently being used on such programs.”<sup>10</sup>

In selecting which grant applications to approve, the Board must consider, at a minimum:<sup>11</sup>

- The number of second- and third-grade students enrolled in the applicant-school, or consortium of schools, that have literacy and reading comprehension skills that are below grade level;
- Whether the applicant’s proposed program is based on a research model that has been proven to be successful; and
- The per-student cost of the applicant’s program.

In selecting grant recipients, the Board must, to the extent possible, ensure that grants are awarded to schools in a variety of geographic regions in the state.<sup>12</sup>

Grants may be awarded for between one and three years.<sup>13</sup> If a grant is awarded for more than one year, in order to be eligible for funding in the subsequent years, the grant recipient must demonstrate that at least 25 percent of the students enrolled in the grant-funded reading intensive program improved their reading skills to at least grade level or achieved proficiency on the state assessment in reading for their grade level.<sup>14</sup>

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<sup>10</sup> § 22-7-506(3)(a), C.R.S.

<sup>11</sup> § 22-7-506(3)(c), C.R.S.

<sup>12</sup> § 22-7-506(3)(d), C.R.S.

<sup>13</sup> § 22-7-506(3)(a), C.R.S.

<sup>14</sup> § 22-7-506(3)(e)(I), C.R.S.

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To determine the overall effectiveness of the Program, as well as the effectiveness of the various grant-receiving literacy programs, CDE contracts with an independent evaluator to conduct annual evaluations of the Program.<sup>15</sup>

The Program is funded through annual appropriations from the tobacco settlement between the State of Colorado and the tobacco industry.<sup>16</sup> Appropriations to the Program must equal five percent of the tobacco settlement funds received by the State Treasurer during the preceding fiscal year, not to exceed \$8 million in any fiscal year.<sup>17</sup>

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<sup>15</sup> 1 C.C.R. § 301-47-2.02(4).

<sup>16</sup> §§ 22-7-506(4)(b)(I) and 24-75-1104.5(1)(h), C.R.S.

<sup>17</sup> §§ 22-7-506(4)(b)(I) and 24-75-1104.5(1)(h), C.R.S.

## Program Description and Administration

The Read-to-Achieve (R2A) Board (Board), consists of 11 members. The President of the Colorado Senate and the Speaker of the Colorado House of Representatives each nominate one member of their respective chambers to the Board and the Governor appoints the remaining seven members. The Governor's appointees consist of educators, school administrators and parents of second- or third-grade students, and they must be confirmed by the Senate. No more than six members of the Board may be members of the same political party.

The Board does not meet on a consistently regular basis, though it has met at least annually since it was created in 2000. It was not possible to determine the exact number of times that the Board has met because the Colorado Department of Education (CDE) has not consistently maintained records of Board meetings.

However, a review of the agendas and meeting minutes that are available indicate that the Board met at least three times in fiscal year 00-01, four times in fiscal year 01-02, twice each in fiscal years 02-03 and 03-04, once in fiscal year 04-05 and four times in fiscal year 05-06.

The R2A Grant Program (Program) is funded through allocations from the funds the state receives as a result of the state's settlement with various of the nation's tobacco companies. The Colorado Department of Public Health and Environment (CDPHE) actually receives the settlement funds and then distributes them as the General Assembly, by statute, directs. Table 1 illustrates the Program's total annual funding as well as the total funds distributed to grant recipients and funds spent to cover administrative costs for fiscal years 01-02 through 05-06.

**Table 1**  
**Program Funding and Spending Information**

	FY01-02	FY02-03	FY03-04	FY04-05	FY05-06
Appropriation	\$36,469,492	\$18,444,686	\$13,266,361	\$16,005,321	\$15,770,197
Prior Year Unspent Funds	\$0	\$2,578,998	\$741,948	\$0	\$0
Total Funding	\$36,469,492	\$21,023,684	\$14,008,309	\$16,005,321	\$15,770,197
Funds Distributed to Schools	\$33,508,882	\$21,023,684	\$14,008,309	\$15,992,035	\$15,723,092
Administrative Costs	\$155,435	\$200,288	\$154,664	\$136,765	\$39,109
Administrative Costs as a Percent of Funding	0.43%	0.95%	1.10%	0.85%	0.25%

As Table 1 clearly illustrates, not only has funding for the Program steadily decreased since inception, so too have the funds distributed to grant recipients. In fiscal year 01-02, the Program distributed over \$33.5 million. However, in fiscal year 05-06, the Program distributed a mere \$4.3 million. This represents a decrease of 87 percent.

By statute, administrative costs prior to fiscal year 06-07 could not exceed one percent of the funds appropriated to the Program. Table 1 demonstrates that CDE substantially complied with this restriction on spending.

The Program has no full-time equivalent (FTE) employees specifically allocated to it. However, CDE has assigned three employees to administer the Program, and these employees equate to approximately 0.7 FTE. One employee (approximately 0.3 FTE Consultant) oversees the day-to-day operations of the Program. One employee (approximately 0.2 FTE Principal Consultant) provides assistance as needed, but primarily assists with the Board, an annual tobacco report, and other special projects; and one employee (approximately 0.2 FTE Accountant III) is responsible for calculating and distributing Program dollars to the various grant recipients.

Although no FTE are specifically allocated to the Program, the statute creating the Program and Board has historically allowed the Program to retain no more than one percent of its grant allocation to cover administrative costs. Table 2 illustrates the total administrative costs incurred by the Program for fiscal years 01-02 through 05-06.

**Table 2  
Administrative Costs**

Type of Cost Incurred	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	Total
Auditing Costs	\$0	\$16,995	\$0	\$0	\$0	\$16,995
Tobacco Oversight Costs	\$46,744	\$29,282	\$15,150	\$7,505	\$8,377	\$51,937
External Evaluator	\$35,563	\$48,500	\$50,000	\$28,350	\$10,249	\$126,850
Other Administrative Costs	\$73,128	\$105,511	\$89,514	\$100,910	\$20,483	\$312,930
Total	\$155,435	\$200,288	\$154,664	\$136,765	\$39,109	\$508,712

The Office of the State Auditor conducted an audit of the Program in fiscal year 02-03, which explains the administrative costs in that year and in no other. Notably, the Office of the State Auditor conducted a second audit of the Program in 2006.

Tobacco oversight costs represent the funds retained by CDPHE to administer the tobacco settlement funds.

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The R2A statute requires the Program to conduct an independent evaluation of the effectiveness of the R2A grants. To accomplish this, CDE retains the services of an independent evaluator to compile and analyze the data for the grants issued that year. This analysis includes an evaluation of how well the grant recipient did in achieving its specified achievement goals, how well the grant recipient did in achieving its other goals and what program characteristics or extenuating circumstances contributed to the grant recipient's attainment of its goals, or its failure to attain those goals. To assist in this process, grant recipients are required to submit to the evaluator, on an annual basis, a profile of the reading program, an implementation summary, a survey of the grant recipient's program goals, achievement data tables, an executive summary that includes suggestions for other programs and an internal evaluation.

Other administrative costs include costs associated with outside consultants who conduct site visits and provide technical assistance; networking days that are held to encourage the exchange of ideas among the various grant recipients, experts, CDE staff, etc.; travel; temporary services; postage; printing/reproduction; supplies and materials.

#### *Grant Selection Process*

Participation in R2A grant-funded programs is limited to those second- and third-grade students in Colorado public, charter and institute charter schools who are reading below grade level. Under the Colorado Basic Literacy Act, such students must be placed on individual literacy plans (ILPs), designed to bring their literacy and reading comprehension skills up to grade level.

Schools, or consortia of schools, with such students may apply for R2A grants in order to fund intensive reading programs in an effort to bring those students' reading skills up to grade level. All R2A grant funds must be used to supplement, and not supplant, any monies currently being used to provide literacy and reading comprehension services to eligible students.

Although R2A grants are typically awarded in three-year cycles, they can be issued for a single year. If a multi-year grant is sought, the applicant must so specify in the original grant application.

Grant recipients have generally been divided by the cycle in which they participate. "Cohort I", is the first three-year cycle (2001 through 2004) of the Program and "Cohort II", is the second three-year cycle (2004 through 2007). A grant recipient may be a part of both cohorts, since there is no limitation on the number of years in which a grant recipient may participate in the R2A program.



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To apply for a R2A grant, a school must obtain a Request for Proposal from CDE, which includes an application form and tips on writing a successful grant application.

The grant application must include a signature page and four narrative sections, each of which has a certain point-value attached to it (for a maximum of 60 points), and which address:

**Student and teacher needs (15 points).** An applicant must identify the reading needs of all eligible students to be served, based upon a comprehensive analysis disaggregated academic performance criteria, as well as identify the professional development needs of teachers and other staff in the area of reading instruction, based on a thorough analysis of needs assessment data.

**A research-based plan of action for intensive instruction (25 points).** An applicant must identify a current and transition assessment plan based on Colorado Basic Literacy Act guidelines; describe a specific action plan that fully addresses intensive instruction that has been proven successful; demonstrate a connection between baseline data and the planned intervention; justify the rationale for the choices of instruction; address implementation of allowable activities; and provide evidence of attention to proficiencies for second- and third-grade students, necessary integration with regular classroom instruction, and inclusion of sufficient time.

**Focus, leadership and sustainability (10 points).** An applicant must provide convincing evidence that its school is likely to succeed; address how successful practices and strategies derived from the R2A grant-funded program will be integrated into the on-going operation of the school; and indicate an effective plan for continuation of reform efforts after R2A grant funds have expired.

**A cost-effective budget (10 points).** An applicant must include a cost-effective budget for between one and three years, as appropriate, with narrative and line item descriptions for activities planned, and that provides a clear idea as to how dollars from various funding streams will be leveraged to enhance the effects of this effort.

Additionally, all applications must be accompanied by a document setting forth the applicant's baseline data with respect to eligible students.

Activities that could be funded include programs and materials for intensive reading services for R2A students, professional development for teachers directly related to programs and proficiencies for R2A students and valid and reliable assessments.

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Activities that may not be funded include technological equipment, capital needs, out-of-state travel and conferences that are not specific to the R2A grant-funded program.

Recognizing that not all schools or school districts necessarily have staff who is familiar with applying for grants, and desiring to make R2A funds available to all students who need the services provided thereby, CDE has staff and consultants available to assist schools in the application process.

Once received, grant applications are processed and forwarded to “readers” for review. Readers are selected from a pool of experts in the field of literacy who are associated with other grant programs in CDE, as well as experts outside of CDE who are recommended by other literacy experts. Readers have included Board members, educators, school principals, school system superintendents, literacy coaches and district-level literacy curriculum directors.

Readers are divided into teams of three, and during the Cohort II application cycle, CDE had 29 teams to review R2A grant applications.

The reader review typically takes place between two and three weeks after the application is received by CDE. A typical reader review takes between two and three days. Reader comments and scores are processed and schools are notified of their funding status about one month after submitting the application. Funding is typically distributed between two and four weeks later.

For Cohort II, applications were submitted by November 22, 2004, and awards were announced on December 22, 2004.

Table 3 illustrates, for the fiscal years indicated, the number of schools, and school consortia, and the number of those that were charter schools, that applied for R2A grants, the number of grants that were awarded and the total number of second- and third-grade students who were served by the R2A grant-funded programs. Additionally, this table indicates the percentage of Colorado second- and third-grade students who were on ILPs for the indicated years and who also participated in a R2A grant-funded program.

**Table 3**  
**Participation Information**

	Cohort I			Cohort II	
	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06
Total Number of Schools/Consortia Applying	816	0	0	447	0
Total Number of Schools/Consortia Participating	553	508	483	374/22	350/20
Total Number of Charter Schools	16	12	11	8	8
Total Number of Students Served	27,884	24,551	22,292	16,289	N/A
Percentage of Colorado Students on ILPs Served	75	75	75	52	N/A

It is important to note that the number of students served is not necessarily cumulative from year to year. Some students may be served for two years, and some may only receive services for one year, depending upon their grade level and whether their reading skills reach grade level, thus rendering them ineligible for participation in the R2A grant-funded program.

Finally, as of the time of this writing, figures for fiscal year 05-06 were not yet available with respect to the total number of students served and the percentage of students on ILPs who were served.

If a grant application is denied, or if funding is denied for the second or third year in a grant cycle, the applicant or recipient, as the case may be, may appeal the denial.

If the appeal is based on the denial of a grant application, the appeals process calls for the application to be reviewed by another group of readers.

If the appeal is based on the denial of second or third year funding for failure to make required progress in reading, the Board may consider any extenuating circumstances that led to the failure to achieve the required targets.

During Cohort I, four schools appealed and two won their appeals. During Cohort II, two schools appealed and one won its appeal.

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*Performance Measures*

As Table 1 on page 9, and the discussion that followed it indicated, R2A funding has decreased dramatically since the program began in 2000. As a direct result of this, the Board was forced to decide whether to reduce spending per student, or to reduce the number of students to whom services could be provided. Table 4 illustrates how the Board has balanced these two issues.

**Table 4  
Funding and Students Served**

	Cohort I			Cohort II		
	FY 01-02		FY 02-03	FY 03-04	FY 04-05	FY 05-06
Total Funding	\$33,508,882		\$21,023,684	\$14,008,309	\$16,359,714	\$4,350,115
Funding Per Student	\$1,650	\$1,100	\$950	\$630	\$1,057	\$269
Total Number of Students Served	27,884		24,551	22,292	16,289	Not Available

The first “year” of Cohort I, which is reported as fiscal year 01-02, actually encompassed 18 months and two rounds of funding. Round 1 began in January 2001, and ran through June 30, 2002. Round 2 began on July 1, 2001, and ran through June 30, 2002. As a result, two, separate funding levels are indicated. Schools that participated in Round 1, received the higher rate of funding for each of their students beginning on July 1, 2001.

One of the unique aspects of the R2A grant program is the flexibility participating schools have to utilize different approaches to enhancing literacy. Although all programs must be research-based, they vary considerably. Nevertheless, these programs can be characterized, in general terms, by their structure. Table 5 illustrates, for the fiscal years indicated, the types of structures utilized by grant recipients and the percentage of grant recipients that utilize each.

**Table 5  
Program Structures**

	Cohort I			Cohort II	
	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06
In-Class Support and Assistance	28	25	27	18	Not Available
Pull-Out	40	49	45	49	Not Available
Extended Day	15	11	13	22	Not Available
Summer Program	14	11	10	9	Not Available
Other	2	2	2	1	Not Available

The real question, however, is whether the funds awarded by the Program have improved the reading skills of the students who have participated in R2A grant-funded programs. Under the R2A statute, a school that receives R2A funds must demonstrate that the literacy and reading comprehension skills of at least 25 percent of the students participating in the R2A grant-funded program have increased to grade level or a rating of “proficient” on the Colorado School Assessment Program (CSAP) examination in order for that school to receive R2A funds the following year.

Table 6 illustrates the rate at which R2A schools have achieved this performance measure.

**Table 6  
Schools Meeting Statutory Goal**

	Cohort I			Cohort II	
	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06
Number of Schools Participating	553	508	483	374	350
Number of Schools Failing to Reach Statutory Goal	28	12	19	37	N/A
Number of Schools Meeting Statutory Goal	508	483	441	329	N/A
Number of Schools Meeting Statutory Goal by 50% or More	320	294	276	168	N/A
Number of Schools Meeting Statutory Goal by 75% or More	80	91	81	45	N/A

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Figures reported in the row “Number of Schools Failing to Reach Statutory Goal” do not include figures for schools that failed to report the information to CDE or that decided to not participate in future years of R2A funding. As a result, the “Number of Schools Failing to Reach Statutory Goal” and the “Number of Schools Meeting the Statutory Goal” do not add up to the “Number of Schools Participating.”

Of the 37 schools in fiscal year 04-05 that did not satisfy the statutory goal, the Board determined that 21 could continue to receive R2A funds. This was based on the fact that they were not funded until January 2005, which was half way through the academic year. As a result, it was unrealistic to expect them to achieve the required results in only half the normal time allotted.

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## Analysis and Recommendations

*Recommendation 1 – Continue the Read-to-Achieve Board for seven years, until 2014, and schedule the next sunset review to be conducted pursuant to section 2-3-1203, Colorado Revised Statutes.*

The Read-to-Achieve (R2A) Grant Program (Program) is not a regulatory program. Not surprisingly, the R2A Board (Board) does not oversee a regulatory program. As a result, the application of the sunset criteria to the Board is not warranted.

The sunset criteria, which can be found in Appendix A on page 28, are designed to provide the framework for analyzing a program that regulates an occupation or profession. As such, the sunset criteria emphasize the balance between public protection on the one hand, and over regulation on the other hand. Since the Program does not regulate an occupation or profession, the sunset criteria are, for the most part, inapplicable.

However, the Board oversees the Program, which is intended to reduce illiteracy among Colorado's second- and third-grade students. In this sense, it is possible to explore whether such a goal serves the public interest, and if it does, it is possible to adapt the sunset criteria to the Board by posing the question of whether the Board furthers the goal of increasing the reading skills of Colorado's second- and third-grade students.

Few would question the assertion that individuals must be able to read in order to fully participate in modern society. This has both social and economic ramifications.

According to the Ohio Literacy Resource Center, limited literacy costs businesses and taxpayers an estimated \$20 billion each year in lost wages, profits and productivity.<sup>18</sup> Additionally, 50 percent of the chronically unemployed are not functionally literate and approximately one-third of all welfare recipients are not functionally literate.<sup>19</sup>

Furthermore, according to the U.S. Department of Education,

Research shows that children who read well in the early grades are far more successful in later years; and those who fall behind often stay behind when it comes to academic achievement. Reading opens the door to learning about math, history, science, literature, geography and much more.<sup>20</sup>

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<sup>18</sup> "The Economics of Literacy," Ohio Literacy Resource Center, downloaded on June 23, 2006, from <http://archon.educ.kent.edu/Oasis/Pubs/econlit.htm>.

<sup>19</sup> *Id.*

<sup>20</sup> "Questions and Answers on *No Child Left Behind* – Reading," downloaded on April 25, 2006, from [www.ed.gov/nclb/methods/reading/reading.html](http://www.ed.gov/nclb/methods/reading/reading.html).

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The importance of literacy and reading skills, therefore, cannot be overstated. When a child fails to attain the reading skills necessary to succeed in life, not only does that child suffer, but so too does all of society. That child is unable to fully participate in society, very likely leading to a decreased quality of life. Society, too, loses a potentially productive member. Illiteracy is a lose-lose proposition.

It is logical to conclude, therefore, that the goals of the Program and of the Board to reduce illiteracy serve the public interest. But what role does the Board play in achieving this goal?

In overseeing the Program, the Board has been quite active. First, the Board developed the criteria to be used in determining which grant applications would be funded. As a result, the Board had a direct impact on fighting poor reading skills among Colorado's second- and third-grade students.

Second, the Board conducted and facilitated training sessions around the state for schools and consortia of schools that lacked the expertise necessary to write a winning grant. This was crucial to ensuring that all of Colorado's schools, not just those that could afford experienced grant writers, could fully participate in the Program.

Third, the Board reviews the annual evaluations of the various reading programs funded by Program dollars to get a better idea of what approaches to teaching reading skills work, and which approaches do not work. This information is then shared with all schools to assist future grant applicants in designing reading programs that will have even higher rates of success.

Finally, the Board serves as a formally constituted forum at which educators, school administrators, parents, state education officials and elected officials can freely exchange ideas about childhood literacy issues. This free exchange of ideas can serve as the launching point for future endeavors, such as developing more consistent ways to measure success, and making the Program less administratively burdensome while at the same time ensuring the reporting of more reliable data.

Illiteracy among Colorado's second- and third-grade students is still a problem. As a result, the Program is still needed. So long as the Program is needed, the Board will be needed to oversee not only the grant writing and awarding process, but also to develop new ideas on fighting illiteracy.



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To date the Program has made admirable gains. According to data provided by the Colorado Department of Education (CDE), as reported in Table 3 on page 14, 75 percent of Colorado's second- and third-grade students who were on Individual Literacy Plans (ILPs) participated in reading programs funded with Program dollars during Cohort I. Noticeably fewer of these students have been served during Cohort II, which coincides with similarly noticeable reductions in Program funding.

However, merely serving a needy population does not indicate whether the services provided have been effective in combating illiteracy among the targeted population. Table 6 on page 16 reports the number of schools that were able to raise the reading proficiencies of the students who participated in their Program-funded reading programs. In each year, the vast majority of schools were able to raise at least 25 percent of the participating students' reading levels to grade level or to "proficient" on the Colorado School Assessment Program test. Importantly, a significant number of those schools exceeded that goal by 75 percent or more.

It is clear that the Program is succeeding in improving the reading skills of Colorado's second- and third-grade students, but the battle is far from won. Going forward, the Board will continue to be important in identifying and developing effective reading programs.

Additionally, reductions in Program funding have forced the Board to weigh the Program's priorities. The Board has wrestled with deciding whether R2A grants should be awarded so as to deliver services to more students at lower levels of per-student funding, or fewer students at higher levels of per-student funding.

Based on interviews that a representative of the Department of Regulatory Agencies (DORA) conducted with representatives of various grant recipients, the Board has balanced these competing interests in a satisfactory manner. However, so long as funding levels fluctuate, this is a policy decision that will need to be addressed on a continuing basis.

While all grant recipients interviewed during the course of this sunset review hailed the Program as a positive initiative and all were happy to receive the additional funding, the sole complaint among grant recipients pertains to the fluctuations in funding and the funding cycle. The state's fiscal year runs from July 1 to June 30 each year, which means that the amount of money that will be available for distribution to grant recipients is not generally known until sometime in early to mid June.

However, most schools' academic years run from mid August to mid to late May. As a result, grant recipients must make hiring and employment decisions for the following academic year in April or May, which, obviously, occurs before Program funding is set.

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If Program funding, and thus grant distributions, were constant, the conflict between state fiscal and academic years would not pose a difficult problem. However, funding and grant distributions have not been constant, making it very difficult for grant recipients to make hiring and employment decisions without knowing how much Program money they are going to receive.

While this issue is beyond the scope of this sunset review, which is limited to the Board alone, it is raised here since it represents a consistent source of frustration among grant recipients and is an issue the Board is ideally situated to address if it is continued.

Finally, this sunset review was conducted pursuant to the criteria enumerated in section 24-34-104, Colorado Revised Statutes (C.R.S.), which can be found in Appendix A on page 28. These criteria require DORA to examine, among other things, public protection, over-regulation, program efficiency, board composition, complaint and disciplinary information and scope of practice.

Clearly, these criteria were designed to be used in reviewing regulatory programs. Since the Board is more of an advisory body than a regulatory body, the sunset criteria enumerated in section 24-34-104, C.R.S., are, for the most part, inapplicable.

However, the provisions of section 2-3-1203, C.R.S., were designed specifically for the review of advisory committees. The enumerated criteria include exploring advisory committee expenditures, meeting dates and attendance and major accomplishments. These criteria are more appropriate measures of whether a body such as the Board should be continued.

Since the Board has significantly contributed to the success of the Program in increasing the reading skills of Colorado's second- and third-grade students, since there continues to be a need for the Program and the Board and since the Board is more of an advisory committee than a regulatory body, the Board should be continued for seven years, until 2014, and the next sunset review should be conducted pursuant to section 2-3-1203, C.R.S.

*Recommendation 2 – Hold grant recipients, regardless of form, accountable for satisfying statutory requirements.*

Section 22-7-506(3)(a), Colorado Revised Statutes (C.R.S.), allows individual schools, as well as consortia of schools, to apply for R2A grants. However, the remainder of that statutory section speaks in terms of schools alone, not consortia of schools.

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Importantly, this includes section 22-7-506(3)(e)(II), C.R.S., which conditions subsequent funding on each school raising the reading level of 25 percent of the students participating in R2A grant-funded programs to grade level or “proficient” on the Colorado School Assessment Program test.

At least one consortium applied as such because of the high rate of mobility among its students. In this particular district, it is not unusual for one student to attend two or three schools in a single academic year.

Recognizing this, the district wanted to fund six of its schools to provide some level of continuity. At the end of the academic year, however, two of the six schools in the consortium failed to meet the statutory goal even though the consortium, as a whole, met the goal.

Funding for the two schools was denied for the subsequent academic year and the consortium appealed.

Based on a plain reading of the statute, the Board rightly upheld its original decision and funding was not restored.

If the R2A statute is to allow both individual schools and consortia of schools to receive R2A grants, then the statute should hold the recipient of the grant, regardless of its form, accountable for satisfying all of the R2A grant requirements.

Since it is unfair to allow consortia of schools to apply for and receive grants, but then to hold the individual members of those consortia accountable, the statute should be amended to hold grant recipients, regardless of form, accountable for satisfying all statutory requirements.

*Recommendation 3 – Direct the various appointing authorities to remove appointees for neglect of duty and define neglect of duty as including missing three consecutive Board meetings.*

Board member attendance at Board meetings has been poor. Based on meeting notes provided by CDE staff, and as illustrated in Table 7, the Board met at least 17 times between August 2000 and March 2006.

**Table 7  
Board Member Attendance**

<b>Seat</b>	<b>Aug. 2000</b>	<b>May 2001</b>	<b>June 2001</b>	<b>Oct. 2001</b>	<b>Feb. 2002</b>	<b>March 2002</b>	<b>April 2002</b>	<b>Jan. 2003</b>	<b>June 2004</b>	<b>Jan. 2005</b>	<b>July 2005</b>	<b>Sept. 2005</b>	<b>Oct. 2005</b>	<b>March 2006</b>	<b>TOTAL</b>
Commissioner of Education	X														1
Board of Education	X		X			X					X	X		X	6
Senate	X		X			X		X		X	X	X	X	X	9
House of Representatives	X			X					X	X	X	X	X	X	8
Rural Teacher	X		X	X	XX	X	X	X		X					8
Urban/Rural Teacher	X	X	X	X		X	X	X	X	X	X	X	X	X	13
Rural Principal	X	X	X			X			X	X					5
Urban/Rural Principal	X		X		X	X	X	X		X	X				8
Representative with Experience in Elementary Education	X				X	X	X	X	X	X	X	X	X		10
Representative with Experience in Literacy Education	X	X	X	X	X	X	X	X	X	X	X				11
Parent	X	X	X	X	XX	X	X	X	X						8
<b>TOTAL</b>	<b>11</b>	<b>4</b>	<b>7</b>	<b>5</b>	<b>4+2</b>	<b>9</b>	<b>6</b>	<b>7</b>	<b>6</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>4</b>	<b>4</b>	

X = Present

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While all Board members attended the Board's first meeting in 2000, since then, between six and nine members attended eight meetings, fewer than six members attended five meetings and the notes for three meetings do not reflect who attended the meeting.

In short, no quorum was present at five of the Board's 17 meetings, meaning that no quorum was present at 29 percent of the Board's meetings.

Worse, CDE records indicate that one individual who was appointed to the Board never attended a single meeting.

For individuals who are appointed by the Governor and who have been confirmed by the Senate to serve on this important body, such statistics are inexcusable.

However, according to section 22-7-506(2)(b)(II), C.R.S.,

The [G]overnor, [P]resident of the [S]enate, or [S]peaker of the [H]ouse of [R]epresentatives may remove any [R]ead-to-[A]chieve [B]oard member appointed by him or her for any cause that renders the member incapable or unfit to discharge the duties of the office.

Arguably, these three appointing authorities lack the authority to remove a Board member for failing to attend meetings, or for neglect of duty.

The ability to remove a member of a board, any board, for neglect of duty is common in state-created boards and should serve as grounds for removal from the Board as well. The members of at least 28 other statutorily created boards may be removed for neglect of duty. In at least eight such cases, the statutes authorizing such removal go on to define neglect of duty as missing three consecutive board meetings.

The Board conducts important state business and it is, therefore, necessary that the members appointed to it strive to attend its meetings. When substantial numbers of Board members fail to attend meetings, the business of the Board, and thus the state, suffers.

Since Board member attendance has been a chronic problem, the various appointing authorities should be directed to remove a Board member appointed by that appointing authority for neglect of duty and define neglect of duty as including missing three consecutive Board meetings.

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*Recommendation 4 – Repeal the requirement that no more than six Board members belong to the same political party.*

Section 22-7-506(2)(a), C.R.S., requires that no more than six of the Board's 11 members may be from the same political party.

The mission of the Board is non-political. The mission of the Board is to develop criteria according to which grants are awarded so as to increase the reading skills of Colorado's second- and third-grade students. The political affiliation of the various Board members should be irrelevant.

Indeed, during the course of DORA's discussions with individual Board members and through DORA's observations of Board meetings, partisan politics rarely, if ever, enter into discussions.

Additionally, there is concern that there may be reluctance by certain appointing authorities to fill Board vacancies when the current composition of the Board necessitates the appointment of an individual from the political party other than the appointing authority's own party. As a result, Board positions may remain vacant for long periods of time, thereby depriving the Board of the input from that particular constituency.

Since the mission of the Board rises above partisan politics and since having a fully appointed Board is more important than the political constitution of the Board, the limitation on no more than six Board members coming from the same political party should be repealed.

*Recommendation 5 – Authorize the Commissioner of Education to appoint a designee to the Board.*

Section 22-7-506(2)(a)(I), C.R.S., makes the Commissioner of Education (Commissioner) a member of the Board. However, a review of Table 7 on page 23 reveals that the Commissioner's attendance can be confirmed at only one Board meeting in since 2000.

However, Board meetings are well attended by CDE staff, so the Commissioner has been represented at Board meetings. In the end, therefore, the Commissioner has been represented at Board meetings by a designee even though the R2A statute does not grant this authority to the Commissioner.

Finally, it is common when certain identified positions, such as the Commissioner's, are appointed to various boards in state government to allow that appointee to send a designee in his or her place.

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Since the Commissioner has attended only one Board meeting and since the Commissioner lacks the statutory authority to appoint a designee to the Board, section 22-7-506(2)(a)(I), C.R.S., should be amended to allow the Commissioner to appoint a designee to the Board.

*Administrative Recommendation 1 – Comply with the Colorado Sunshine Act.*

The Colorado Sunshine Act of 1972 (Sunshine Act) defines “state public body” as,

any board, committee, commission or other advisory, policy-making, rule-making, decision-making, or formally constituted body of any state agency . . . to which the state, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the state public body.<sup>21</sup>

According to this definition, the Board is a state public body. As a result, whenever two or more members of the Board gather to discuss public business, such a meeting is deemed to be a public meeting and, with some exceptions, must be open to the public.<sup>22</sup>

While it is true that Board meetings are open to the public, this means little if the public is not aware of the meetings. The drafters of the Sunshine Act recognized this and placed on state public bodies the responsibility to provide “full and timely notice” of all meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance.<sup>23</sup>

Providing notice to the public of Board meetings is something that has not been done. This is problematic for two reasons. First, failure to properly notice Board meetings is a violation of the Sunshine Act and any actions taken by the Board at such meetings may be void.<sup>24</sup>

Second, giving proper, public notice of meetings may allow interested parties, such as educators, parents, grant recipients and others to attend Board meetings, thus lending their input to the deliberations of the Board in its discussions surrounding illiteracy.

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<sup>21</sup> § 24-6-402(1)(d), C.R.S.

<sup>22</sup> § 24-6-402(2)(a), C.R.S.

<sup>23</sup> § 24-6-402(2)(c), C.R.S.

<sup>24</sup> § 24-6-402(8), C.R.S.

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With the rise of the Internet, there is no reason why proper notice of Board meetings cannot be made. CDE maintains a website that offers the perfect platform upon which to give notice of meetings.

Since notice of meetings is required by the Sunshine Act and since proper notice of Board meetings has not, historically, been given, the Board, through CDE staff, should immediately begin providing notice of the time and place of its meetings.

*Administrative Recommendation 2 – Establish, on at least an annual basis, the dates on which the Board will meet.*

As discussed in Recommendation 3, Board member attendance at Board meetings has been poor. One possible explanation for this is the inconsistent manner in which Board meetings are scheduled.

Historically, the Board schedules its next meeting at its current meeting. For example, if the Board met on December 7, the Board would not schedule its next meeting until the conclusion of the meeting on December 7. The Board accomplishes this task by trying to coordinate the schedules of all the members actually present at that Board meeting.

It would be more efficient for the Board, perhaps at its first meeting of a new calendar, fiscal or academic year, to establish its meeting schedule for the upcoming year. In this way, Board members can plan accordingly. If a Board member realizes that he or she will be unable to attend any or most of those meetings, that Board member can then consider resigning his or her position so that the appointing authority can appoint someone who can attend Board meetings consistently.

This should help to increase Board member attendance as well as help to fill vacant positions because individuals interested in serving on the Board will have a better idea as to the time commitments involved in such service.

Since Board member attendance at Board meetings has been poor and since the manner by which the Board currently schedules its meetings is inefficient, the Board should establish, on at least an annual basis, when it will meet.



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## **Appendix A – Sunset Statutory Evaluation Criteria**

- (I) Whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation;
- (II) If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent;
- (III) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters;
- (IV) Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;
- (V) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- (VI) The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;
- (VII) Whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;
- (VIII) Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action;
- (IX) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.