



Colorado State Board of Education

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

March 8, 2017 Meeting Transcript - PART 1

BE IT REMEMBERED THAT on March 8, 2017, the  
above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board Members:

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



1 MADAM CHAIR: Good morning, ladies and  
2 gentlemen. I'd like to call the meeting to order. Ms.  
3 Cordial, would you please read the roll -- call the roll?

4 MS. CORDIAL: Board Member Durham.

5 MR. DURHAM: Here.

6 MS. CORDIAL: Board Member Flores.

7 MS. FLORES: Here.

8 MS. CORDIAL: Board Member Goff.

9 MADAM CHAIR: Board Member Goff.

10 MS. RANKIN: Board Member Goff.

11 MS. GOFF: Here.

12 MR. DURHAM: And we're off to a good start.

13 MS. CORDIAL: Board Member Mazanec.

14 MS. MAZANEC: Here.

15 MS. CORDIAL: Board Member McClellan.

16 MS. MCCLELLAN: Here.

17 MS. CORDIAL: Board Member Rankin.

18 MR. Rankin: Here.

19 MS. CORDIAL: Board Member Schroeder.

20 MADAM CHAIR: Here. Would you all please  
21 stand for the Pledge of Allegiance? Board Member Durham,  
22 would you lead us, please?

23 MR. DURHAM: I pledge allegiance --

24 ALL: I pledge allegiance to the Flag of the  
25 United States of America and to the Republic for which it



1 stands. One Nation under God, indivisible, with liberty and  
2 justice for all.

3 MADAM CHAIR: Thank you. Is there a motion  
4 please to approve the agenda?

5 MS. MCCLELLAN: I move to approve the agenda  
6 as presented.

7 MADAM CHAIR: Thank you. Second?

8 MS. GOFF: Second.

9 MADAM CHAIR: Jane, thank you. Anyone  
10 opposed? Any changes? Thank you. We'll move on next to  
11 consent agenda. Ms. Mazanec, would you be kind enough to  
12 read the consent agenda?

13 MS. MAZANEC: I move to place the following  
14 matters on the consent agenda. Regarding disciplinary  
15 proceedings concerning an application, charge number  
16 2012EC634, direct department staff to issue a notice of  
17 denial and appeal rights to the applicant pursuant to 24-4-  
18 104 CRS.

19 19.02 regarding disciplinary proceedings  
20 concerning the license charge number 2015EC237, signify  
21 acceptance and approval of the terms and conditions of the  
22 settlement agreement by directing the Commissioner to sign  
23 the agreement.

24 19.03 regarding disciplinary proceedings  
25 concerning an application, charge number 2015EC795, direct



1 department staff to issue a notice of denial on appeal  
2 rights to the applicant pursuant to 24-4-104 CRS.

3                   19.04 regarding disciplinary proceedings  
4 concerning a license, charge number 2015EC798, signify  
5 acceptance and approval of the terms and conditions of the  
6 settlement agreement by directing the Commissioner to sign  
7 the agreement.

8                   19.05 regarding disciplinary proceedings  
9 concerning the license, charge number 2016EC152, direct  
10 department staff and the state Attorney General's office to  
11 prepare the documents necessary to request a formal hearing  
12 for the revocation of the holder's license pursuant to 22-  
13 60.5-108 CRS.

14                   19.06 regarding disciplinary proceedings  
15 concerning an application, charge number 2016EC155, direct  
16 department staff to issue a notice of denial and appeal  
17 rights to the applicant, pursuant to 24-4-104 CRS.

18                   19.07 regarding disciplinary proceedings  
19 concerning a license, charge number 2016EC353, signify  
20 acceptance and approval of the terms and conditions of the  
21 settlement agreement by directing the Commissioner to sign  
22 the agreement.

23                   19.08 regarding disciplinary proceedings  
24 concerning a license, charge number 2016EC568, signify  
25 acceptance and approval of the terms and conditions of the



1 settlement agreement by directing the Commissioner to  
2 signing the agreement.

3 19.13 approve for initial emergency  
4 authorization request as set forth in the published agenda.

5 20.01 approve Denver Public Schools' request  
6 for waivers on behalf of DSST schools as set forth in the  
7 published agenda.

8 20.02 approve Denver Public Schools' request  
9 for waivers on behalf of the Boys School of Denver as set  
10 forth in the published agenda.

11 20.03 approve Denver Public Schools' request  
12 for waivers on behalf of Strive Preparatory Schools as set  
13 forth in the published agenda.

14 20.04 approve Douglas County School  
15 District's request for waivers on behalf of Milestone  
16 Academy as set forth in the published agenda.

17 20.05 approve the charter school Institute's  
18 request for waivers on behalf of Caprock Academy as set  
19 forth in the published agenda.

20 20.06 approve Colorado Springs D-11's request  
21 for waivers on behalf of Globe charter school as set forth  
22 in the published agenda.

23 20.07 affirm the Innovation and application  
24 from Greeley Evans School on behalf of Fred -- I don't know  
25 how to pronounce this school -- Tjardes? Tjardes School.



1 UNIDENTIFIED VOICE: Tjardes.

2 MS. MAZANEC: 20.01 approve the 2017 State  
3 Review panelists as set forth in the published agenda. This  
4 is the end of the consent agenda.

5 MADAM CHAIR: That is a proper motion. Is  
6 there a second?

7 MS. MCLELLAN: Second.

8 MADAM CHAIR: Thank you. Any changes?

9 MS. FLORES: I'd like to --

10 MADAM CHAIR: Board Member Flores.

11 MS. FLORES: Excuse me. I'd like to --  
12 20.01, 20.02, 20.03, and basically Douglas and all of those  
13 except for Globe Charter, because they have something that -  
14 - that is different than we've had before, and I think they  
15 need our approval. They're all non-automatic, and we have  
16 to give them a consent.

17 MS. FLORES: So you wanna have a discussion  
18 about them?

19 MS. FLORES: I do, especially the Denver  
20 ones.

21 MADAM CHAIR: Okay. Okay. Any other  
22 changes? I would just like to note -- I don't wanna pull it  
23 all, but I wanted to note for us that 21.01, we're approving  
24 the folks who are working on the review panels, and that's  
25 the information that we've been reading. And I just wanted,



1 you know, every now and then, when we talk about this,  
2 somebody has the question, well who are these people that  
3 are preparing these reports for us? And this is an  
4 opportunity for you. You know, I looked at it very  
5 carefully, to -- particularly to look at the background that  
6 these folks have for these documents. So I'm very fine with  
7 it. But for tomorrow at least, you know now which folks are  
8 the ones that are coming forward, helping us with making  
9 recommendations on these decisions. Ms. Goff?

10 MS. GOFF: I might ask Dr. Flores to repeat  
11 the -- the item she wanted pulled.

12 MADAM CHAIR: The numbers?

13 MS. GOFF: The numbers.

14 MS. FLORES: Excuse me, they're from 20.01.  
15 It's a waiver request, and other than the one from Globe  
16 charter school --

17 MADAM CHAIR: 20.02?

18 MS. FLORES: -- I think all of them non-  
19 automatic.

20 MS. RANKIN: 20.06 as well.

21 MS. FLORES: 20.06, I mean, that one we can  
22 just -- I think that's a regular one but then the others --

23 MADAM CHAIR: So 20.01 through 20.04, would  
24 that be correct?



1 MS. FLORES: Through 20.07, excepting Globe  
2 charter school, which is 20.06.

3 MADAM CHAIR: Okay, 20.07 as well.

4 MS. CORDIAL: So you want to pull 20.07 also?

5 MS. FLORES: Yeah. And it may be that  
6 somebody here can explain.

7 MADAM CHAIR: Can we do that now, Val?

8 MS. FLORES: No, when it comes up.

9 MADAM CHAIR: No, later on. Okay. Yeah,  
10 perfect, thank you. Could you call the roll, please?

11 MR. DURHAM: We did that.

12 MADAM CHAIR: We did?

13 UNIDENTIFIED VOICE: No, we've done that.

14 MADAM CHAIR: No, we -- no, not for the  
15 consent agenda.

16 MR. DURHAM: Oh, on the consent -- oh, on  
17 the...

18 UNIDENTIFIED VOICE: On the initial...

19 MADAM CHAIR: Okay.

20 MR. DURHAM: Okay. And --

21 MADAM CHAIR: Board, we have a -- we have a -  
22 - oh, wait a -- we have a motion to pull -- we need -- do we  
23 have a second to pull?

24 MR. DURHAM: I'll -- I'll second it for  
25 discussion purposes, but I think Dr. Flores has asked those



1 to be removed, which they can't be consent obviously because  
2 there's objection. So I presume that the motion that we're  
3 going to vote on would be the consent agenda absent the  
4 items Dr. Flores removed.

5 MADAM CHAIR: Thank you for clarifying.

6 MR. DURHAM: Okay. Thank you.

7 MADAM CHAIR: Okay.

8 MS. CORDIAL: Board Member Durham.

9 MR. DURHAM: Yes.

10 MS. CORDIAL: Board Member Flores.

11 MS. FLORES: Yes.

12 MS. CORDIAL: Board Member Goff.

13 MS. GOFF: Yes.

14 MS. CORDIAL: Board Member Mazanec.

15 MS. MAZANEC: Yes.

16 MS. CORDIAL: Board Member McClellan.

17 MS. MCCLELLAN: Yes.

18 MS. CORDIAL: Board Member Rankin.

19 MS. RANKIN: Yes.

20 MS. CORDIAL: Board Member Schroeder.

21 MADAM CHAIR: Yes. Thank you. The next item  
22 was the report from our director of State Board Relations,  
23 Ms. Cordial, please.

24 MS. CORDIAL: Thank you, Madam Chair. Good  
25 morning, Madam Chair and Members of the Board and



1 Commissioner Anthes. This morning would not be complete  
2 without my friendly reminder to please speak clearly into  
3 your microphones. And if you've turned your microphone off,  
4 please turn it back on when you're speaking.

5 For those of you needing to connect to CDE's  
6 guest wireless, locate CDE hotspot and the password is  
7 silver, capital S. In your Board packets, you have the  
8 following materials: your events calendar and quick glance  
9 expense report. Also in your Board packets and/or available  
10 on Board docs are the following materials: 8.02, a copy of  
11 the House Bill 171160, for 11.01, the memo regarding --

12 (Sneeze)

13 MS. CORDIAL: -- bless you, the Every Student  
14 Succeeds Act, state plan development, and the accompanying  
15 PowerPoint, the ESSA Hub Committee recommendations  
16 dashboard, and the Colorado draft ESSA state plan.

17 For item 13.01, you have a memo regarding the  
18 rulemaking hearing, administrative rule review. This memo  
19 accompanies all four rulemaking hearings that will be before  
20 you this afternoon. The rule review summary and a redline  
21 copy of the rules for the determination of indigency and  
22 establishing policy on school fees, 1 CCR 301-4.

23 For item 14.01, you have a memo regarding the  
24 standards review and revision process update, the



1 accompanying PowerPoint, and the Computer Science Standards  
2 input meetings summary of findings.

3                   For item 15.01, you have the rule review  
4 memo, the rule review summary, and a redline copy of the  
5 rules for the administrate -- administration of the Second  
6 Chance pilot program, 1 CCR 301-30.

7                   For item 16.01, you have the rule review  
8 memo, the rule review summary and a redline copy of the  
9 rules for the implementation and financing of regional  
10 education and support services, 1 CCR 301-55.

11                   For item 17.01, you have a memo regarding the  
12 Student Data Transparency and Security Act and the  
13 accompanying PowerPoint.

14                   For item 18.01, you have the rule review  
15 memo, the rule review summary, and a redline copy of the  
16 rules for the administration of the postsecondary and  
17 workforce readiness assessments pilot program, 1 CCR 301-77.

18                   For item 19.13, you have a memo regarding the  
19 four initial emergency authorization requests.

20                   For items 21 -- I'm sorry. For items 20.01  
21 through 20.06, you have memos supporting materials  
22 pertaining to the charter school waiver requests.

23                   For item 20.07, you have a memo regarding  
24 Greeley Evans School District's request for waiver on behalf



1 of Fred Tjardes School of Innovation and materials  
2 pertaining to their request.

3 For item 20.01, you have a memo regarding the  
4 2017 state review panel -- panel nominations and the list of  
5 proposed state review panelists.

6 And for Thursday, item 3.01, you have a memo  
7 regarding the accountability clock hearing for Montezuma  
8 Cortez, the accompanying PowerPoints from both the  
9 department and district, the commissioner's recommendation,  
10 the state review panel recommendation, the district's  
11 pathway plan, and their district performance framework.

12 For item 4.01, you have a memo regarding the  
13 2016 Colorado Milken Educators.

14 And for item 6.01, you have a memo regarding  
15 the accountability clock hearing for Julesburg, the  
16 accompanying PowerPoints from both the department and the  
17 district, the commissioner's recommendation, the state  
18 review panel recommendation for both the district and for  
19 destination's Career Academy of Colorado, the district's  
20 plan, the district performance framework, and the school  
21 performance framework. And that concludes my report.

22 MADAM CHAIR: Thank you. Could I ask you to  
23 update the information on the CACE awards reception? What  
24 does -- what's -- what's the correct date?

25 MS. CORDIAL: Denise, what is that date?



1                   MADAM CHAIR: Remember, that's the one that  
2 looks like it's on a Saturday, and I just can't believe it's  
3 on a Saturday.

4                   MS. CORDIAL: It's on a Friday, I think the  
5 14th. They hadn't given us the date yet. Denise reached  
6 out to CACE and gave -- provided us with the date.

7                   MADAM CHAIR: Okay. So since that's in  
8 April, hopefully, we'll have that information sooner,  
9 because I think a number of us that do attend that.

10                  MS. CORDIAL: It's April 28th.

11                  MADAM CHAIR: Oh.

12                  MS. CORDIAL: That's correct.

13                  MADAM CHAIR: So maybe a heads up on that one  
14 would be really helpful. Thank you. The next item is the  
15 report from our commissioner, Dr. Anthes.

16                  MS. ANTHES: Thank you, Madam Chair, Members  
17 of the Board. Good to see you all. Also wanna thank all of  
18 the Members of the Board for the extraordinary amount of  
19 reading that you all have done in the past month to prepare  
20 for this meeting and yeah, everybody has their eye drops at  
21 their -- the ready, and I know that you will have plenty  
22 more reading in the upcoming months. But I do recognize  
23 that you have all had enormous amount of work. And we've  
24 been getting new stuff as it's been coming in because things



1 have been changing so quickly with ESSA, and so also  
2 appreciate your flexibility with that.

3                   So my updates are related to some of the  
4 heavy lifts that we've been working on. So first as ESSA,  
5 we are close to the end of at least our phase of the ESSA  
6 process in submitting our plan to the federal government.  
7 You know, that just starts the plant -- that starts the work  
8 for our districts and schools across the state. But I will  
9 say that I'm quite confident throughout this process that we  
10 have had one of the most robust and rich engagement  
11 processes of most of our state colleagues. We've had over  
12 180 meetings, over 5,000 comments and input received. We've  
13 had, you know, over 40 Spoke meetings. We've had nine Hub  
14 meetings. We finished our last Hub meeting on Monday. And  
15 so we have -- have really, really provided a lot of  
16 opportunity for stakeholder engagement, and it's been  
17 really, really excellent.

18                   I will say that per your instructions, we  
19 have tried to keep the plan, though -- though you may  
20 disagree -- we have tried to keep the plan to a minimum. I  
21 think it's 178 pages. Think the last plan we submitted  
22 might have been 300. So just for -- for reference --

23                   MADAM CHAIR: It's all relative.

24                   MS. ANTHERS: -- to our overall progress, but  
25 we've tried to keep it to a minimum. But I do want just



1 stakeholders to know across -- across the state that all of  
2 the input and engagement, we will have multiple ways of  
3 using that input through the implementation, as well as  
4 other, you know, documents and work that we -- that we  
5 provide to the state. So we've tried to keep the plan that  
6 goes to the federal government to a minimum per your  
7 instructions.

8 I do want to just thank the staff at -- at  
9 CDE for their efforts around this. This has been an added  
10 level of work for them in addition to all of the work they  
11 normally do at the department. So running all those  
12 meetings, being at all those meetings, working weekends to -  
13 - to get the plan done.

14 I also wanna just move on and give some  
15 context that -- that you all know, but we're about to embark  
16 on sort of an unprecedented process here in the state of  
17 Colorado. And there has been, I think, coupled with that  
18 unprecedented process, an unprecedented amount of hard work  
19 that has gone into that from districts, schools, CDE staff,  
20 you all, in preparing for this. And that is that we are at  
21 the end of the five year/six year because of the year of  
22 pause accountability clock, and the Board meeting tomorrow  
23 starts -- starts the process that you all engage in for that  
24 process.



1                   And I just want to share a few of my  
2 reflections as I've embarked on this new role as  
3 commissioner. It was really important to me to understand  
4 what was happening in all of the districts that you all will  
5 be seeing. So I am -- as soon as I was appointed interim  
6 commissioner, I started visiting all of the schools and  
7 districts that will be coming before you. So that was  
8 really important to me before I created a commissioner  
9 recommendation.

10                   And one thing I've learned through all those  
11 visits is -- is just how different each context is and how  
12 the, the strategies really do need to be tailored to the  
13 communities and the context in which -- in which the -- the  
14 execution of these strategies will occur. I really believe  
15 that districts and schools are working hard with urgency to  
16 come up with a rigorous pathway to improvement, and I will  
17 also say that I know we are learning a lot through this  
18 process, as you all will learn a lot through the process, as  
19 the districts have learned a lot through this process. I  
20 know we'll continue to do that.

21                   But I also wanted to just remind us that a  
22 lot of this hard work has already paid off. We have seen  
23 success over the last couple years. And I just wanted to  
24 remind folks we've shared some of this with you before, but  
25 of the 24 districts that were identified with a priority



1 improvement or turnaround plan in 2010, only five are coming  
2 before you in the next couple of months. So just remember  
3 that you're seeing the five that are coming before you, but  
4 originally 24 were on that list. Seventeen of them have  
5 earned their way off the clock and stayed off the clock.  
6 And of the 204 schools that were identified for priority  
7 improvement or turnaround in 2010, only 12 were identified  
8 for six consecutive years. And 85 of them have earned their  
9 way off the clock and stayed off the clock, and 63 have had  
10 different patterns of coming on and off the clock. Forty-  
11 three were closed at some point, and one received  
12 insufficient state data. So just wanted to set the context  
13 for what we're doing. And actually, a lot of progress has  
14 been made in some of this work over the last five years or  
15 six years.

16                   So with that, I just want to thank you all  
17 for your -- I know you all are taking this with great  
18 seriousness and have done an enormous amount of preparation  
19 for it, and for that I'm very grateful. With that, I just  
20 wanted to end on a positive note that we're halfway through  
21 the legislative session, and I know we have 62 days left  
22 according to my countdown. So know there will -- we'll --  
23 we'll get more information from our legislative liaison in a  
24 moment on that, but with that I'm finished. Thank you.



1                   MADAM CHAIR: Thank you, Dr. Anthes. And  
2 thank you to staff for all the work that you've done to help  
3 those districts that sought your help. You can see the kind  
4 of difference that you have made for our Colorado kids. Do  
5 I have any question -- or do we have any questions of Dr.  
6 Anthes? Comments? All right. Next, let's move on to our  
7 legislative report. Ms. Mello? Yeah, I'll give you a  
8 minute. Welcome, good morning.

9                   MS. MELLO: Good morning. Am I -- is this  
10 on?

11                  MADAM CHAIR: Yes.

12                  MS. MELLO: Okay. I have, having some  
13 technical difficulties this morning, so Leanne Emm has  
14 graciously lent me her laptop so I can have the bill to talk  
15 to you about in front of me. My machine decided to just die  
16 this morning, so.

17                  So there's -- there's three main topics I  
18 want to talk with you about, just to give you a preview.  
19 One is you all have a decision to discuss about House Bill  
20 1160. I want to give you an update on the legislation on  
21 which you've already taken a position, support, oppose, just  
22 let you know were all of those things are in the process.  
23 And then also give you an update on the Waiver Bill that  
24 we've been discussing on your behalf. I think I will start



1 backwards down that path unless I -- I -- I think that  
2 you're okay with that based on the looks I'm getting. Okay.

3                   So the Waiver Bill that we have been  
4 discussing, your guidance or request of me was to have  
5 something drafted that essentially allowed the innovation  
6 waiver standard to be more consistent with the existing  
7 standard for district waivers and to incorporate some  
8 ability of the Board to review waivers for cause. Not for  
9 willy-nilly reasons, not just because you feel like it, but  
10 if there's a problem, that the Board would have some  
11 authority to take a look at that situation and see what's  
12 going on. Lots of conversations and -- and learning about  
13 all of that.

14                   The bill will be introduced in the next  
15 couple of days. We have finalized the language, and it  
16 essentially makes the innovation waiver standard the same as  
17 the district waiver standard and gives you the ability to  
18 review those innovation waivers for cause. You did not have  
19 that authority before. Through the process, we learned that  
20 you do actually have the authority to review district  
21 waivers for cause already under statute. So we didn't need  
22 to address that issue in the legislation.

23                   MADAM CHAIR: And can you -- could you share  
24 that with us at some point? Just send us the --



1 MS. MELLO: Absolutely. I don't -- I -- I  
2 requested a copy of it from the drafter at 8:00 this  
3 morning, and I know that she will send it to me very soon,  
4 and I will absolutely get that to you all. The sponsors  
5 will be Representative Brittany Pettersen in the House, who  
6 chairs the House Education Committee, and Senator Kevin  
7 Priola in the Senate, who is on the Senate Education  
8 Committee in the Senate. So we have bipartisan sponsorship.  
9 And I want to reassure stakeholders and interested parties  
10 who are listening -- I know there's tons of people listening  
11 -- that I will be sharing that bill language as soon as I  
12 have it, which should be in the next several hours with all  
13 of them assuming -- I -- I assume that's what the Board is  
14 comfortable with me doing, and that we can certainly have  
15 conversations about it. But you know, there's nothing that  
16 -- that we -- open to feedback and conversation, so there's  
17 not -- there's not -- not a closed door here. And I'm  
18 seeing nods from the Board, so that's -- I assume I'm doing  
19 what you want me to do. So just to update you briefly on --  
20 on the bills that you've taken positions on.

21 MADAM CHAIR: So any questions on the Waiver  
22 Bill, folks? This in no way affects whether districts  
23 should come forward and request waivers. It's more about --  
24 well, it does -- it does cause me to wonder once, give --  
25 given our fantastic memories, once we have granted a waiver,



1 is there a way that we know, say five years down the line,  
2 and a district or a school is on turnaround, do we, how do  
3 we remember -- how do we become reacquainted with a prior  
4 decision? And I don't know that we have a system so far but  
5 -- yeah. That might be something for us to talk -- to talk  
6 about.

7 MS. ANTHES: Later?

8 MADAM CHAIR: Do you want to comment?

9 MS. ANTHES: Sure. Sure. I -- I do think  
10 that if this bill passes, staff can come up with a process  
11 where we are triggered to review at your -- at your request,  
12 you know, waivers that have come through, and we could put  
13 that on a three-year or five-year cycle, where we'd just  
14 give you a little briefing around where the district is and  
15 what the student performance looks like, and just give that  
16 to you all for your consideration.

17 MADAM CHAIR: Ms. Mazanec, do you have a  
18 question, comment?

19 MS. MAZANEC: Are we talking about just  
20 innovation waivers or all waivers?

21 MADAM CHAIR: All waivers.

22 MS. MAZANEC: That's all.

23 MADAM CHAIR: All waivers. Just to make sure  
24 that things are going well for kids. I mean, I make this  
25 basic assumption that the intent of this legislation is to



1 serve Colorado's kids and improve education. And if we  
2 allow districts to waive from that legislation with a  
3 replacement plan, and if that replacement plan is working,  
4 that's great. And if not, then should we have conversation  
5 with the districts?

6 MS. MAZANEC: So -- so charter school  
7 waivers, any -- any kind of waiver.

8 MADAM CHAIR: No, charter school I don't  
9 think are part of this.

10 MS. MAZANEC: This isn't a part of that?

11 MADAM CHAIR: I don't think so. I think  
12 these. Yeah.

13 UNIDENTIFIED VOICE: Madam -- Madam Chair, I  
14 -- I don't believe it affects charter school waivers. It  
15 does affect -- I think the most affected are the innovation  
16 waivers, which -- and -- and I think that when we finally  
17 settled on a bill language was that they are going to be the  
18 same standard for granting those waivers as we'll -- we'll  
19 be conformed to have the same standard for granting all  
20 other waivers. And then the review is -- is new because  
21 those did not expire ever. And so I think that gets a -- I  
22 -- I think we settled on a five-year that we could  
23 affirmatively at that point -- that they don't automatically  
24 expire, but we have a right to go and review them after --  
25 after five years.



1 MS. MAZANEC: After five years. So it's not  
2 an anytime we -- we -- we're gonna review.

3 MADAM CHAIR: Feel like it. No.

4 MS. MAZANEC: Well, and that's what I thought  
5 I heard.

6 MADAM CHAIR: And it's really -- it's -- it's  
7 really intended to...

8 MS. MAZANEC: Okay, great.

9 MS. MELLO: Just a point of clarification, in  
10 -- in making the innovation language consistent with the  
11 existing language about your ability to review district  
12 waivers, it is not an every five-year. It is you have --  
13 this is current law. You have the ability to review  
14 district waivers at any point for cause. Right, so not for  
15 random reasons, but for cause. And the innovations language  
16 would simply mirror that language. And just to -- again  
17 clarify, this has nothing to do with charter school waivers.  
18 At -- at least this particular piece of legislation, we've  
19 never -- the charter school is a whole other issue.

20 MS. MAZANEC: Excuse me.

21 MADAM CHAIR: Board Member Mazanec, go ahead.

22 MS. MAZANEC: So does the existing statute  
23 define the cause or lay -- lay out what cause would mean?  
24 Or did they just say for cause?



1 MS. MELLO: Madam Chair, Board Member  
2 Mazanec, I do not know the answer to that off the top of my  
3 head, but I can certainly find out for you.

4 MADAM CHAIR: I have a hunch that this is  
5 going to -- that we're going to have to have a conversation  
6 at the Board level. And I don't know whether we have to put  
7 it in rules something that is a trigger and something that's  
8 not a trigger just in order to be fair to the districts.

9 MS. MAZANEC: Well, yeah, to be --

10 MADAM CHAIR: Yeah.

11 MR. DURHAM: Consistent.

12 MADAM CHAIR: Consistent.

13 MS. MAZANEC: Right. Thank you.

14 MADAM CHAIR: Continue, Ms. Mello. Thank  
15 you.

16 MS. MELLO: Okay. Thank you. So there are a  
17 handful of bills upon which you have already taken a  
18 position. I'll just go quickly through those and give you  
19 an update on where they are in the process. House Bill  
20 1106, to extend that early childhood leadership commission.  
21 So this is a House bill. Obviously that means it starts in  
22 the House. It is up for conversation on the floor of the  
23 House this week, presuming it passes, and -- and I expect  
24 that it will be based on a very strongly supportive vote in  
25 committee. Then it'll go over to the Senate and work its



1 way through that process. So that bill is kind of almost  
2 halfway done, just like the session is. I don't mean to  
3 correct you, commissioner, but it's actually not 'til Friday  
4 that we're technically halfway done.

5 MR. DURHAM: Who's counting?

6 MS. MELLO: I'm counting. House Bill 1181.  
7 This is the ninth grade testing bill that you all support.  
8 It passed the House on second readings yesterday. So that's  
9 when they have conversation and talk about the bill. It  
10 will be up for third reading today. So we'll have a  
11 recorded vote from the House floor today. Again, I  
12 anticipate that that bill will have a very strong showing of  
13 support. Then we'll head over to the Senate where it's got  
14 bipartisan sponsorship over there.

15 Senate Bill 76 is a very small technical bill  
16 that allows -- there was a grant program created years ago  
17 to give awards to schools that have high academic  
18 achievement. But the department was never given authority  
19 to spend any gifts, grants, and donations they get. So this  
20 simply fixes that. You all support the bill. It is  
21 scheduled -- so it's done in the Senate. It's passed out of  
22 the Senate, and it will be in the House Education Committee  
23 this coming Monday.

24 Senate Bill 114 -- Senate Bill 114 has to do  
25 with the accountability system and some of the options the



1 Board may choose to adopt or a charge school district with  
2 at the end of the clock and also some changing to the way  
3 the accountability frameworks are calculated. That bill was  
4 supposed to be heard several weeks ago now. They took it  
5 off the calendar, and they're basically holding it. It has  
6 not had a committee hearing yet. I think pending some  
7 conversations and actions you all will be doing over here.  
8 So they're waiting to see some of what takes place here  
9 before they move forward with that. I feel like there might  
10 be a question based on facial expressions.

11 MS. GOFF: No. That's novel.

12 MS. MELLO: No, I will keep going. Okay. I  
13 thought that was surprise I was seeing on your face.

14 MS. GOFF: No, that's actually -- I probably  
15 --

16 MADAM CHAIR: Board Member Goff.

17 MS. GOFF: -- should express what -- the face  
18 more. The conversation you referred to has been changed  
19 date wise, so I'm not sure that -- how that will overlap  
20 time wise with the actual session.

21 MS. MELLO: Madam Chair, Board Member Goff --  
22 and I'm staying in close touch with staff about that.  
23 They're keeping me informed on just timeline issues around  
24 that, and, you know, getting -- getting that back to the  
25 legislature, and yes, I -- I -- I hear your point.



1                   Senate Bill 144 is the bill to continue the  
2 Education Data Advisory Committee. This is a group made up  
3 primarily of representatives school districts that work with  
4 the department to try to reduce the data collection burden  
5 on school districts. That bill is through the Senate. It  
6 was up in the House Education Committee on Monday. They  
7 didn't take a vote, having nothing to do with the bill.  
8 There's no problem with the bill per se for other reasons.  
9 So I don't know when that's gonna be rescheduled for House  
10 Education Committee. But it's just starting its journey  
11 through the House. Again, I don't -- I -- I don't  
12 anticipate any problems. I don't think there's any issues  
13 there. That's a bill that you all support.

14                   And then finally, House Bill 1178, which is  
15 administrative flexibility for school districts, this is a  
16 bill we had quite a bit of conversation about when we -- we  
17 met approximately two weeks ago. This is the one that would  
18 allow groups of school districts to apply for waivers and  
19 also has a lot of language around hiring unlicensed teachers  
20 in a teacher shortage situation. The bill is scheduled for  
21 a committee hearing next Monday in the House Education  
22 Committee. The proponents are offering a number of  
23 amendments. I don't think those are finalized yet. If I  
24 get a finalized version of those, I will certainly share  
25 those with you. They -- they -- I think they want to have



1 that dialogue with the Board. I think they're just still  
2 working on what those will look like. So --

3 MADAM CHAIR: Is this one the board opposed  
4 unanimously?

5 MS. MELLO: Correct. The Board did oppose  
6 this bill. Once we see those amendments, once we see what  
7 happens in House Education, that may be a bill we want to  
8 have more conversation about. So okay, any question --

9 MADAM CHAIR: What's that number again?

10 MS. MELLO: It is 1178.

11 MADAM CHAIR: Thank you.

12 MS. MELLO: Okay. Any questions about any of  
13 that? All right. Well, then I will take us to your  
14 decision item for today. House Bill 1160. I -- I think you  
15 all are somewhat familiar with because we did discuss it a  
16 couple of weeks ago, but just to reiterate. The bill's --  
17 and I'm just gonna read the bill summary, because I think  
18 that's the easiest way to ground us all in what the -- the  
19 proponents are trying to achieve. The bill specifies that  
20 if a student enrolled in kindergarten or one of grades one  
21 through three is an English language learner, the school  
22 district or charter school in which the student is enrolled  
23 will decide whether the student takes the reading assessment  
24 required under the READ Act in English or in the student's  
25 native language, if there is an approved assessment



1 available in the student's native language. If the student  
2 takes the assessment in his or her native language and a  
3 parent requests that the student take it in English, the  
4 district has to honor that request. Now I'm not reading  
5 anymore. I'm paraphrasing a little bit. If a student who  
6 has an English language learner takes the reading assessment  
7 in his or her native language, the school district or  
8 charter school must determine the level of English  
9 proficiency at which the student will take the reading  
10 assessments in English and communicate that proficiency  
11 level to the parent. So that is what the bill does. It is  
12 through the House. It did pass the House unanimously and is  
13 waiting for a hearing in the Senate Education Committee.  
14 And I'll turn it over to you all for your discussion.

15 MADAM CHAIR: Colleagues? Board Member  
16 Durham.

17 MR. DURHAM: Thank you, Madam Chair. I'll --  
18 I'll move that the Board oppose this bill as we did last  
19 year.

20 MADAM CHAIR: I think we first need to pass  
21 whether we can reconsider it. Am I wrong?

22 MR. DURHAM: That's a good point. Yeah, I  
23 give notice of intent to reconsider, so --

24 MADAM CHAIR: Board Member Goff.



1 MR. DURHAM: -- so I'll move that we  
2 reconsider. Having voted on the prevailing side, I'll move  
3 we reconsider our action which was -- which was the defeat  
4 of the motion to oppose, which died on three -- by a vote of  
5 what, four to --

6 MS. CORDIAL: Four to two.

7 MR. DURHAM: Four to two or so And I was on  
8 the prevailing side, so I'll make that motion.

9 MADAM CHAIR: Is there a second to that  
10 motion?

11 UNIDENTIFIED VOICE: I second.

12 MADAM CHAIR: Okay. Board Member Goff, you  
13 have a comment?

14 MS. GOFF: I was just gonna clarify that the  
15 fact that our last -- last Friday's regular update meeting  
16 with the Board wasn't a -- was a formal meeting, and we did  
17 take an action. So this is appropriate.

18 MR. DURHAM: Thank you.

19 MADAM CHAIR: Comment. Board Member  
20 McClellan.

21 MS. MCCLELLAN: I had a question for our  
22 attorney. I know that it takes a supermajority for us to  
23 take a formal position on a legislative matter. Does it  
24 take a supermajority for us to make a decision to  
25 reconsider?



1 UNIDENTIFIED VOICE: Neither Robert's rules  
2 nor anything operationally that I know of would require a  
3 supermajority just to reconsider.

4 MS. MCCLELLAN: Thank you.

5 MADAM CHAIR: So I think we have a -- any  
6 other comments first? Could you call the roll?

7 MS. CORDIAL: Mm-hmm.

8 MADAM CHAIR: And the -- the motion is to  
9 reconsider the matter that we voted on, on October 24th.

10 MS. CORDIAL: That's House Bill 1160. Board  
11 Member Durham?

12 MR. DURHAM: Yes.

13 MS. CORDIAL: Board Member Flores.

14 MS. FLORES: Yes.

15 MS. CORDIAL: Board Member Goff.

16 MS. GOFF: No.

17 MS. CORDIAL: Board Member Mazanec.

18 MS. MAZANEC: Yes.

19 MS. CORDIAL: Board Member McClellan.

20 MS. MCCLELLAN: No.

21 MS. CORDIAL: Board Member Rankin.

22 MS. RANKIN: Yes.

23 MS. CORDIAL: Board Member Schroeder.

24 MADAM CHAIR: No.

25 MS. CORDIAL: So that --



1 MADAM CHAIR: It passed.

2 MS. CORDIAL: That passed.

3 MR. DURHAM: Okay, Madam Chair, I'll move  
4 that we oppose House Bill 1160.

5 MS. MAZANEC: I second.

6 MR. DURHAM: If I may --

7 MS. MCCLELLAN: Is there discussion of  
8 (inaudible)?

9 MADAM CHAIR: Board Member McClellan.

10 MS. MCCLELLAN: I just wanted to get in on  
11 the record one more time that this does preserve the right  
12 of a parent to request a test in English if their student --  
13 if their primary instruction and their default test is not  
14 in English. And I -- I think one thing we hear over and  
15 over again is that the teacher's and the student's time is  
16 precious. And for those who are sensitive to the amount of  
17 testing that we require, I think this is respectful in that  
18 for some students, this would be cutting that testing time,  
19 at least for this one exam in half, as well as the  
20 associated costs. So I think the flexibility together with  
21 the intent of the READ Act to assess not their language  
22 skill but their reading skill makes this especially  
23 appropriate, and I hope that my colleagues will consider not  
24 opposing this bill.

25 MR. DURHAM: Madam Chair?



1 MADAM CHAIR: Board Member Durham.

2 MR. DURHAM: Thank you. First of all, the  
3 issue of double testing is one that is, I -- I think, it's -  
4 -it's certainly not on this Board if -- if the local  
5 district decides to give the test in -- in a -- a language  
6 other than English. That's their decision. They don't have  
7 to make that decision. So that's -- if there is double  
8 testing, that's their call, not ours. And -- and it gets  
9 back to the intent, and I -- I -- I try to go through this,  
10 and I think it makes -- I think it does make some sense, and  
11 I have been willing. I met with Representative Lundeen and  
12 some others on this that -- that, you know, a child that  
13 first enrolls speaks no English, reads no English for the  
14 first year, it might make some sense not to test reading  
15 ability in English. But the second year that student's  
16 enrolled, I don't think it makes any sense at all not to  
17 start testing that student in English. And because you --  
18 you, I think the -- the proponents of this bill might very  
19 well be able to make a case for one year. I don't know how  
20 they make a case for four years of testing. If they do,  
21 it's an absolute admission they've failed to -- to make any  
22 progress in the commercial language of this country.

23 So I -- I -- I'm willing to buy part of their  
24 argument. I'm not willing to buy all of it. And I am  
25 working with some legislators on some amendments that might



1 accommodate some of those changes. But you just can't -- I  
2 don't -- I don't think you convince anyone that -- that the  
3 fourth year that a child has been enrolled in a public  
4 school in this state in which they are supposed to being  
5 instructed in English, that you don't want to demonstrate  
6 progress or lack thereof, because the -- the failure to  
7 master the commercial language, I think, dooms a child to  
8 significant economic and other social disadvantages.

9 MADAM CHAIR: Board Member Flores.

10 MS. FLORES: And I also think that -- that it  
11 is -- it's not the -- it's the parent. It lies with the  
12 parent. And most parents want their kids to learn in  
13 English. And I know that some school districts will tell  
14 parents, "Well, we have this program that's in another  
15 language." And remember, it's only in Spanish where this is  
16 done for Spanish kids. And they'll say, "Well, you're in  
17 line. We'll put you, your name is on so that when a dual  
18 language program comes along, and there's a place for you,  
19 then we'll put you in a dual language." Well, no. I mean,  
20 it shouldn't be that way. If a parent wants their kid to be  
21 learning in English, then that should be, you know, that  
22 should be predominant, and usually parents do want their  
23 kids to learn in English. And I have several parents who  
24 have come to me who say, "Well, this doesn't happen in -- in  
25 Denver." I can't speak about other districts but I can



1 speak about Denver, where these kids are on some waiting  
2 list to be placed either on a dual language program because  
3 that's kind of the -- the -- the choice that they're given.  
4 If this little three questions that they're asked, does --  
5 do your parents speak Spanish at home? And that  
6 automatically triggers, you know, that the child needs some  
7 help in -- in Spanish.

8                   But I -- I think this business of three and  
9 four years in just teaching Spanish is just not right. I  
10 mean, we have these early years where we know that brain  
11 development is just optimum for learning languages. This is  
12 the early -- the early years of children in child  
13 development, and we should really take advantage of those  
14 years and -- and get that child if they -- if the parents  
15 choose bilingual education in Spanish, that's fine. We also  
16 have to remember that it's only the kids in Spanish who  
17 speak Spanish that do not get as much of the ESL or as much  
18 as English. You can see that when you're given the data,  
19 kids who speak Chinese and who speak Japanese and such, they  
20 -- they learn English. But it's only our Spanish kids that  
21 do not come up, and I think that's serious. You know, look  
22 at the data and see who are those kids, and it's not because  
23 you know, the Spanish-speaking kids are -- have some genetic  
24 problem where they can't learn, but it's just that they're



1 not taught in English. And that's very important. And most  
2 parents want their kids to be taught in English.

3 MADAM CHAIR: Board Member McClellan.

4 MS. McCLELLAN: Who we just say very gently  
5 and with respect, I think the decision of whether or not  
6 they are instructed in Spanish or in English is a separate  
7 decision than whether or not they are up to speed on their  
8 grade level with the basic reading skills. In -- in  
9 Colorado, our English language learners are already given a  
10 separate test to gauge their level of proficiency in  
11 learning English. So I feel like we're trying to -- to make  
12 the -- the testing under the READ Act do something very  
13 different than its purpose, which is simply to determine  
14 where are they with respect to our expectations for reading  
15 skills in their grade level.

16 MADAM CHAIR: Board Member Mazanec.

17 MS. MAZANEC: Respectfully, I think it can be  
18 disputed as to what the purpose of the READ Act is. I think  
19 that for most of -- most of the understanding at the time  
20 and until this controversy came up about testing in English  
21 or native language, the understanding was that we would know  
22 what the proficiency in English reading assessments was. So  
23 I agree with you, Dr. Flores. It's a tragic waste to not  
24 try and make these children bilingual at a young age,



1 because that is when their most optimal ability to learn a  
2 second language is.

3                   And to your point, Director McClellan, we did  
4 hear that sometime back about how school districts already  
5 were testing and assessing their English language learners  
6 in -- in English. I appreciate that. They can do the same.  
7 Now, I think they should test for reporting purposes to  
8 taxpayers, parents, everyone else in English. And if they  
9 are assessing their proficiency in their native language,  
10 that's good information too.

11                   UNIDENTIFIED VOICE: That's right.

12                   MS. MAZANEC: But that -- that's fine. But  
13 in other words, it can be both ways.

14                   UNIDENTIFIED VOICE: Right.

15                   MS. MAZANEC: But for -- for the purposes of  
16 -- of this assessment and for taxpayers, we need to know how  
17 our children are doing it in the language of -- of this  
18 country.

19                   UNIDENTIFIED VOICE: Madam Chair?

20

21                   MADAM CHAIR: One moment. Let me just make  
22 sure -- anybody else? I thought I saw another hand. Board  
23 Member Goff.

24                   MS. GOFF: I'm trying to separate the two,  
25 and I -- and I'm narrowing it down when I say two. There



1 are -- to me there are actually about three or four strings  
2 of this conversation. Multi-language experience from a very  
3 young age, absolutely yes. That -- that's known to be at a  
4 booster cognitively in so many areas for -- for a lifetime.  
5 What we're talking about here, and if we wanna get a little  
6 bit where we focus on the meaning and the purpose of the  
7 READ Act was to gauge -- is to gauge reading skills. That  
8 is not the same as language, and we don't need to have that  
9 conversation again today. But I'm just imagining  
10 kindergarten -- kindergartners are included in this  
11 delineation here. If you hand a kindergartner who has been  
12 in the country for about a week, maybe a month, and you hand  
13 them an English test to read, to gauge their reading skills,  
14 you're going to do what this Board has often argued against  
15 so many times, and that has set them up for failure. If you  
16 hand an English test in reading, you're not gonna get any  
17 results. You're not gonna have --

18 MS. FLORES: It's not gonna happen the first  
19 year.

20 MS. GOFF: -- you're not gonna have a  
21 baseline. You're not gonna have anything. First grade, so  
22 the child's been here a little bit of time, and they have  
23 taken perhaps by that point in the first year of school,  
24 they've taken a Spanish reading assessment, and possibly, if  
25 parents want to, they have also taken an English reading



1 assessment. If parents are interested and they're aware of  
2 it -- they need to be aware of it. I think that's one thing  
3 we always need to stress. But if they are aware of it, and  
4 they have their child in first grade after a year in this  
5 country, decide that we want to know how their reading is in  
6 English, that is still an option. It's an option. And --  
7 and the bill says that.

8 I would also ask to think about -- I'm just -  
9 - I'm just thinking about young children who are first of  
10 all, if they're recent arrivals they're -- they're  
11 acclimating themselves to so many new things. And if they  
12 have the comfort of knowing there is some gauge to start  
13 their school life with that is in a familiar language,  
14 they're going to -- they're going to set themselves up to do  
15 well, and they're going to set themselves up to progress at  
16 the appropriate pace, reading in the later years. I'm just  
17 saying I don't -- I don't -- I don't agree with you guys  
18 saying that it -- that it makes any sense that it's -- it's  
19 okay to hand a child a reading test in a language they  
20 really don't know. We've all said the same things about  
21 ourselves.

22 MS. FLORES: Not if they're -- excuse me.  
23 Not if they're learning all along in that language.

24 MS. GOFF: True.



1 MS. FLORES: And all I'm saying is that  
2 parents have the right to say, "I'd like to teach my kid in  
3 my language -- my language at home, and the -- and then the  
4 -- my child should learn the language in school." Now if  
5 it's dual, that's fine. Dual Language is fine. And I think  
6 everybody should take advantage of dual language. But when  
7 it's not, then I think we are doing harm. And especially  
8 when parents want their kid to learn the language of the  
9 school of that country. And -- and we should honor that.

10 MS. GOFF: I don't think -- I don't think we  
11 have I -- my perception is we do not have a disagreement on  
12 that. And if I'm not mistaken, and I'm not sure it's  
13 appropriate to perhaps discuss it on -- at this point with  
14 us -- I believe that that bill was amended and  
15 Representative Lundeen was instrumental in that, to add a  
16 part to that bill at the beginning in the preamble or the --  
17 in the -- oh yeah, the preamble -- about the fact that we do  
18 have English readings. English is our goal. And they also  
19 -- the goal of this bill is literacy. It is not language.  
20 And I do -- I don't know. Jennifer --

21 MS. FLORES: But they test always.

22 MS. GOFF: -- maybe if you can help us  
23 whether that should be a consideration at this point. But  
24 the bill is -- bills, when they're introduced in the other  
25 house, rather than the house of origin, they really don't



1 necessarily include amendments. But this bill has passed  
2 the House. It's out of the House. It's unanimously  
3 accepted.

4 MS. MELLO: Madam Chair?

5 MADAM CHAIR: Yes, Ms. Mello.

6 MS. MELLO: You can't amend a bill in the  
7 second chamber, and there was language added to the  
8 legislative declaration in the House. Legislative  
9 declarations don't have the force of law.

10 MADAM CHAIR: Commissioner.

11 MS. ANTHES: Yeah. I just -- I wanted to  
12 invite Alyssa, and Board Member Durham can -- can come up  
13 here, but Alyssa -- Alyssa and Melissa to come up just to  
14 clarify one or two pieces of the law just that might have --  
15 just for -- just so you have that information.

16 MADAM CHAIR: Thank you.

17 MR. DURHAM: I'm going to raise a point of  
18 order here. We're in the middle of a discussion.

19 UNIDENTIFIED VOICE: Yeah.

20 MR. DURHAM: And if someone has specific  
21 questions to staff, that's one thing, but the format in  
22 which this is presented and offered, I object.

23 MADAM CHAIR: Well, then, I have questions.  
24 I would like the clarification of what is the intent of the  
25 READ Act, because I believe there is confusion between the



1 intent of the READ Act and the intent of language -- English  
2 language acquisition for all our kids and the testing  
3 thereof. So I'll pose the question.

4 MS. RANKIN: Director Durham, I've really  
5 appreciated some clarification we have gotten from Alyssa in  
6 the past.

7 MR. DURHAM: Okay. Well, the objection  
8 stands, and I will, at the conclusion of this, ask for a  
9 recess.

10 MADAM CHAIR: What? Go ahead, please.

11 MS. COLSMAN: Madam Chair, Members of the  
12 Board. This is Melissa Colzman.

13 MADAM CHAIR: I'm -- I'm not sure you're on.

14 MS. CORDIAL: She's on. It just -- you have  
15 to speak louder. Yeah.

16 MS. COLSMAN: So associate commissioner of  
17 student learning, thank you. Unfortunately, we can't speak  
18 to the intent of the READ Act. I think that -- but we do  
19 have two points of clarification that we think would be  
20 helpful about what's currently allowed in the READ Act  
21 rules, that you've already adopted and with respect to this,  
22 I mean Alyssa Dorman can share that right now.

23 MS. DORMAN: I -- I have three things, but  
24 two are connected, if that's okay. So I'm Alyssa Dorman.  
25 Excuse me. I'm the executive director for the Office of



1 Literacy, and I oversee the implementation of the Colorado  
2 READ Act. The first point of clarification that I believe  
3 we would want to make is that the term, significant reading  
4 deficiency, which is what we use to identify kids at risk is  
5 already, according to your rules, determined by one singular  
6 assessment. It can be determined by an English or a Spanish  
7 assessment. The assessment matches the language of  
8 instruction. That is one point and your current rules.

9           The second point related to your current  
10 rules is that the ongoing monitoring of student progress,  
11 when -- when tested in Spanish, is also tested in English  
12 for dual language development.

13           And the third is that already our guidance  
14 and the way we collect data for the READ Act allows for the  
15 exemption of students who are English language learners who  
16 are not English proficient in -- in their first year in the  
17 U.S.

18           MS. GOFF: Could you repeat that last part?

19           MS. DORMAN: Our current data collection  
20 practices already allow for the exemption of students who  
21 are English learners in their first year in the United  
22 States.

23           UNIDENTIFIED VOICE: Thank you.

24           MADAM CHAIR: So what does this bill do? Ms.  
25 Mello?



1 UNIDENTIFIED VOICE: It gets around that  
2 rule.

3 MADAM CHAIR: I don't know how. I mean, I'm  
4 -- I'm confused.

5 UNIDENTIFIED VOICE: 'Til fourth grade?

6 MS. GOFF: Could we ask Ms. Dorman another  
7 question?

8 MADAM CHAIR: Yes, in just a second, as soon  
9 as Ms. Mello finishes, absolutely.

10 MS. MELLO: So and I'm just going again refer  
11 specifically to the bill language so that it's not a matter  
12 of my interpretation. The local education providers shall  
13 determine whether a student who is an English language  
14 learner, and whose native language is Spanish, takes the  
15 reading assessments in English or in Spanish. If the  
16 student takes a reading assessment in Spanish, the local  
17 education provider may also administer a reading assessment  
18 in English at the student's request. Now, the bill goes on  
19 to do a few other things. I -- I think that that is --

20 UNIDENTIFIED VOICE: At the student's  
21 parent's request.

22 MS. MELLO: -- at the request of the  
23 student's parents. Forgive me. I think that is the crux of  
24 what you're talking about. So I'll pause there. I'm happy  
25 to go on if you'd like.



1 MADAM CHAIR: Board Member McClellan.

2 MS. MCCLELLAN: I just -- I wanted to touch  
3 on something that Alyssa brought up. If we have a student  
4 that is not instructed in dual language instruction but  
5 strictly in Spanish, and we as a Board support a bill that  
6 would force them -- or if we support the action of forcing  
7 them to take a test in English in addition to Spanish, will  
8 it not still be the case that they will only be assessed in  
9 Spanish, because that is what they are instructed in? Am I  
10 understanding correctly?

11 MS. MELLO: I'm -- I'm going to paraphrase  
12 what I think that you asked.

13 MS. MCCLELLAN: Sure.

14 MS. MELLO: A student who is an -- who is  
15 receiving Spanish instruction --

16 MS. MCCLELLAN: Only?

17 MS. MELLO: -- only, they would take a  
18 Spanish interim assessment in reading. That's what would be  
19 used to determine their significant reading deficiency.

20 MS. MCCLELLAN: Okay. If they also take a  
21 test in English, that does not cause the English test to be  
22 the test on which they are assessed. They continue to be  
23 assessed on the test in Spanish. Am I correct?

24 MS. MELLO: So the -- so there's a little  
25 nuance in what you asked that I want to just break apart. I



1 am -- and we would need to get somebody else to answer. I'm  
2 unaware of programming where Spanish-only instruction is  
3 provided. I'm only aware of programming where Spanish and  
4 English instruction is provided, although the percentages  
5 may differ, and/or the time across the kindergarten to third  
6 grade may differ where it's like 100 percent across  
7 kindergarten and then gradually becomes different across  
8 time. So your question, although posed, doesn't actually  
9 probably get addressed in our current rules, because we were  
10 not writing rules with an understanding that students had a  
11 monolingual instructional program in Spanish only.

12 MS. MCCLELLAN: I may have misunderstood  
13 Board Member -- Dr. Flores's concern as stated. Given your  
14 concerns, Dr. Flores, my impression was that, that you were  
15 concerned that there were children particularly in your  
16 district, in DPS --

17 MS. FLORES: Yes.

18 MS. MCCLELLAN: -- that were not getting  
19 English language or dual instruction, and it sounds like --

20 MS. FLORES: Well, that's true.

21 MS. MELLO: So I am simply not aware of that  
22 because that is not the area in -- the information provided  
23 to us during the time of rulemaking, and through the  
24 interpretation of the attorney general's opinion was related



1 to language instructional programming, where two languages  
2 of instruction were provided, both English and Spanish.

3 MS. MCCLELLAN: So the question of which test  
4 is used to gauge the child's reading ability --

5 MS. MELLO: Yes.

6 MS. MCCLELLAN: -- follows the language the  
7 child is being instructed in.

8 MS. MELLO: That is correct.

9 MS. MCCLELLAN: So if they are forced to also  
10 take a test in English, that test may be superfluous?

11 MS. MELLO: They would not be taking a test  
12 in English to report a reading deficiency. Our rules don't  
13 -- our rules have already removed the requirement for  
14 English testing for determination of a reading deficiency.  
15 So --

16 MADAM CHAIR: But monitoring, there is  
17 requirement that one of the tests be in English. I mean,  
18 were we repeating what we've been doing?

19 MS. MELLO: Yes, our -- our -- our rule of --

20 MADAM CHAIR: This bill addresses that piece,  
21 right? This -- this bill addresses the piece in which we're  
22 required to test in English --

23 MS. RANKIN: Annually.



1 MADAM CHAIR: --Under the Reading Act, under  
2 the READ Act, as we're monitoring progress in reading. Am I  
3 incorrect?

4 MS. MELLO: We are unclear on whether or not  
5 this bill addresses that.

6 MADAM CHAIR: Well, if not, what the heck  
7 does it address?

8 MS. MELLO: I think that's -- that's for --  
9 for opinions from I think our -- our legislative liaison and  
10 our -- our, you know, counsel.

11 UNIDENTIFIED VOICE: Sounds like a good  
12 reason to defeat.

13 MS. FLORES: It is.

14 MADAM CHAIR: Well --

15 MS. FLORES: It's a bad --

16 MADAM CHAIR: No.

17 MS. FLORES: It -- it is a bad bill.

18 MADAM CHAIR: We went through this all last  
19 year, and you voted -- this exact opposite.

20 MS. FLORES: Well, let me explain what  
21 happens in -- in -- in one district that I know.

22 MADAM CHAIR: No, no, no, no. We -- you --  
23 you have done so. I appreciate your concern about teaching  
24 kids in Spanish. We want to figure out --

25 MS. FLORES: Teaching kids in English.



1 MADAM CHAIR: -- under the READ - the READ  
2 Act --

3 MS. FLORES: That's my concern, that they get  
4 English.

5 MADAM CHAIR: Okay. We got it. We've heard  
6 it. We're trying to figure out what was the intent of this  
7 bill, and it was in response to rules that -- a rule that we  
8 passed last year, four to three, that did require Spanish-  
9 speaking kids who were assessed mostly in Spanish to have  
10 one assessment under the READ Act in English. No?

11 MS. MELLO: Madam Chair, that is, I mean, I -  
12 - I can't speak to the proponent's intent. Having heard the  
13 conversation at the Capitol, I would say yes. That is why  
14 the proponents of this bill have brought it forward.

15 MADAM CHAIR: So there is one bill, and I  
16 believe it's in the monitoring. Based on what you're  
17 saying, it's not in the initial diagnosis, but it is in the  
18 monitoring of improvement in reading skills for those  
19 students that have been identified as having a significant  
20 reading deficiency. Did I say this wrong?

21 MS. ANTHERS: It's the term.

22 MADAM CHAIR: It's the term. Got it.

23 UNIDENTIFIED VOICE: SRD.

24 MADAM CHAIR: Well, I keep getting the wrong  
25 D.



1 UNIDENTIFIED VOICE: Not -- not disability  
2 but deficiency.

3 MADAM CHAIR: Deficiency. That's where --  
4 that's where I keep going off. So it's in that monitoring  
5 process that there's a requirement, that's for it to be in  
6 English, for reasons that folks have a little trouble  
7 explaining to me because it doesn't -- the READ Act part  
8 isn't the English acquisition, because we do test them under  
9 the Access Bill, what their English acquisition has been  
10 during the year. So we're basically trying twice to  
11 determine their English capacity, when in fact that  
12 assessment should be a monitoring of their improvement in  
13 getting over their -- this deficiency. I'm stuck on that.  
14 I'm going to write it down. Maybe it'll go in. Thank you.

15 MS. MELLO: So Madam Chair.

16 MADAM CHAIR: Yes.

17 MS. MELLO: Just one point of clarification.  
18 So the -- the ongoing progress monitoring where we ask for  
19 at least -- well, where your rules ask for at least one  
20 assessment in English, that assesses their ability to read  
21 in English. That's different than the Access test, which is  
22 much more broadly assessed -- an assessment of their English  
23 language acquisition. So I just wanted to make that  
24 clarification.



1                   MADAM CHAIR: But it does include read -- I  
2 mean, the access does include reading or not, or is it all  
3 oral?

4                   MS. MELLO: Under the READ Act to determine a  
5 deficiency of reading risk, the Access would not meet that  
6 criteria. It would meet the criteria for measuring the  
7 components of language acquisition, listen, speaking,  
8 reading, writing, but not to examine for a reading deficit.

9                   MADAM CHAIR: Other comments. Board Member  
10 Durham.

11                  MR. DURHAM: Thank you. Just a -- a couple  
12 of observations. And one is the -- I -- I don't know  
13 whether there's any question that the proponents of the bill  
14 think that -- this overturns our rule, and I think that's  
15 purpose of the bill. So I think we should take that debate  
16 off the table. Secondly, I -- I think I'd -- I'd like to  
17 ask Ms. Goff if -- if she thinks it's appropriate -- that --  
18 let -- let's presume that -- let's presume that the argument  
19 is correct. That -- that to take a student who has less  
20 than a year of instruction in American school, who's perhaps  
21 just arrived and given a test in English, it doesn't make  
22 any real sense because we can probably predict the result  
23 without giving the test. Is it your position that -- that  
24 there's no reason to give that test in year two that the  
25 child's here, or in year three that the child's here, or in



1 year four that the child's here? That there's never a  
2 reason, that the taxpayers have no interest in determining  
3 the reading proficiency of our students in English, no  
4 matter whether they've been -- if they've been here for four  
5 years. Is -- is that your position?

6 MS. GOFF: No. No. And -- and it -- it  
7 relates right to what the expressed monitoring purpose of  
8 this bill is. Is that, there is a given that kids are going  
9 to be tested in -- for reading through -- they are going to  
10 be tested at some point in reading, and that will continue.

11 MR. DURHAM: Not -- not for reading in  
12 English, if this bill passes. What -- what --

13 MS. GOFF: I'm not hearing that.

14 MS. RANKIN: But that's a given that that's  
15 only within districts.

16 MR. DURHAM: How -- how would -- how would  
17 you view -- how would you view, if -- if I think I  
18 understand your stated purpose that at some point -- at some  
19 point, it would be appropriate and the state -- and the  
20 taxpayers have an interest in determining progress in  
21 English. And in part I think to get to Dr. Flores's issue,  
22 because if you don't test in English, and I think we've all  
23 heard it said over and over and I think we need to agree  
24 there -- agree there's some degree of truce to it. But if  
25 you don't test something, it doesn't -- doesn't get taught.



1 So at some point, there's an interest. All of us should  
2 have an interest in determining whether or not a district is  
3 making progress in teaching its students. To teach new  
4 comer into -- to speak and read in the commercial language  
5 of the country. Do you agree with that premise?

6 MS. GOFF: Yes, but I don't see that. I -- I  
7 mean we, could be talking about how the -- how we've read  
8 literally, read this because --

9 MR. DURHAM: Well --

10 MS. GOFF: -- there is an intent.

11 MR. DURHAM: I -- I think there's a -- I  
12 mean, let me ask you this question. If -- if this bill were  
13 amended to say that in the first full year that students  
14 here, that -- that the -- the district could do as it chose  
15 and test in a language other than English. But after the  
16 students done here in a full year, that option is removed  
17 and that the district must test in English. So just to be  
18 able to measure progress, how would you view this bill if  
19 that were the issue? Where there crime?

20 UNIDENTIFIED VOICE: In other words it's  
21 making a -- I -- I mean, I'm -- I'm neutral on this right  
22 there. Right at that moment the way you've rephrased it.  
23 In other words, what you're saying is that there is -- there  
24 is acknowledgement of a -- we need to assess in the language  
25 of familiarity depending on how long the child's been here.



1 Is that true? So that, if you've got a first year in the  
2 country, a child whose native language -- dominant language  
3 -- language spoken at home is English or Spanish-

4 MR. DURHAM: Other than English.

5 UNIDENTIFIED VOICE: Other than English.

6 It's -- I believe they should be tested for reading  
7 deficiency. A check on that, in their -- in their -- in  
8 their language.

9 MR. DURHAM: For four years?

10 UNIDENTIFIED VOICE: No. I said if they've  
11 been here less than a year.

12 MR. DURHAM: Less than a year.

13 UNIDENTIFIED VOICE: All right. At that  
14 point, my understanding of the bill and frankly of the READ  
15 Act for a while now, has been that the English language  
16 instruction will be done. Now, I don't know about a  
17 district who's not adhering to that. I don't know. I -- I  
18 just wanna talk about it in general, that there are -- that  
19 English as -- use Spanish because that's our main focus  
20 here. Spanish and English is being taught and to just say  
21 that it isn't, I think, it's kind of far over the edge  
22 without some -- some talk. But there is a chance that kids  
23 need to be monitored for their English progress, their  
24 English reading progress. My understanding of the bill is  
25 that -- that's -- that's one of the purposes. You identify



1 a deficiency or however many they may have, and that becomes  
2 part of the program for that child. But they are always  
3 monitored in their proficiency development. Is that not  
4 right?

5 MS. MCCLELLAN: Jane if we -- you're right.  
6 You are right, but it is reading.

7 MS. GOFF: Yes.

8 MS. MCCLELLAN: We go to school to read. We  
9 can already communicate and speak. And most kids even if a  
10 kid comes in at third grade and I bet because of world  
11 language, I mean at the world -- just how the world is, that  
12 child's going to speak some English. And I mean, it -- it  
13 just -- we need to get their English because after third  
14 grade, they're going to need to be just -- all their  
15 knowledge is basically going to be from books. And when we  
16 -- when we talk about language, we don't -- I mean, we're  
17 not taking into account that a child may -- may not be able  
18 to speak but may be able to read and understand reading and  
19 it has nothing to do with --

20 UNIDENTIFIED VOICE: Board Member McClellan,  
21 could -- could we -- you just sort of jumped in.

22 MS. MCCLELLAN: No. No.

23 UNIDENTIFIED VOICE: I'm sorry, but you just  
24 jumped in. Can we just go in order?



1 MS. MCCLELLAN: Well, that is because -- it  
2 was because --

3 UNIDENTIFIED VOICE: Yes.

4 UNIDENTIFIED VOICE: Board Member McClellan.  
5 I just want to confirm my understanding. It seems to me  
6 that some of us may not be making a differentiation between  
7 the testing that is aimed at determining whether a child has  
8 a significant reading deficiency. Thank you. You got me  
9 started, Madam Chair.

10 UNIDENTIFIED VOICE: You know I'm -- I'm  
11 gonna -- I'm gonna get there.

12 UNIDENTIFIED VOICE: Yeah. A significant  
13 reading deficiency and whether or not the child is making  
14 progress in English language acquisition. Will you please  
15 confirm for my understanding and edification -- will you  
16 confirm my understanding that in fact, our English language  
17 learners in the State of Colorado have a separate test that  
18 the taxpayers can be assured they are taking annually, to  
19 determine their English language acquisition progress. Am I  
20 correct?

21 MS. MCCLELLAN: And it's usually in reading.

22 UNIDENTIFIED VOICE: Right.

23 UNIDENTIFIED VOICE: For English language  
24 learners in the state of Colorado, they take presently the



1 access test to measure their acquisition of English as a  
2 language.

3 UNIDENTIFIED VOICE: Thank you very much. So  
4 that is great reassurance -- that is great reassurance for  
5 Mr. Durham that the taxpayers of the state of Colorado are  
6 getting that information for our English Language Learners  
7 making progress in English language acquisition and the  
8 testing and the READ Act should also similarly be focused on  
9 whether or not in fact the child has a significant reading  
10 deficiency. Thank you.

11 UNIDENTIFIED VOICE: But that's only in the  
12 language they are being tested, right?

13 UNIDENTIFIED VOICE: And they could -- I just  
14 told on Board Member Mazanec, now please let's just try to  
15 take turns. Listen. I didn't hear you call.

16 UNIDENTIFIED VOICE: I did.

17 UNIDENTIFIED VOICE: Access does not test  
18 reading proficiency. Correct? We've had that several times  
19 now. But yes they take the access exam that is for language  
20 acquisition. It is not reading proficiency.

21 UNIDENTIFIED VOICE: The purpose of the  
22 access test is different than the purpose of the READ Act  
23 interim assessments.

24 UNIDENTIFIED VOICE: And second of all, I  
25 think -- I think the issue here -- I'm -- I'm just going to



1 be frank about it. This looks to me like we passed a rule  
2 that said okay, the READ Act allows you to test English  
3 language learners in their native language for reading  
4 proficiency. So what that would tell us is that they are  
5 proficient in their language in reading. The taxpayers and  
6 at least some of us have a great interest for the benefit of  
7 these children that they become proficient readers in  
8 English. We passed a rule that said at least annually  
9 English Language Learners need to be tested for their  
10 proficiency in reading in English. Correct? So I'm going  
11 to be honest. This looks like a way to get around that rule  
12 and I don't understand why anybody thinks it's to the  
13 benefit of English language learners to wait until the  
14 fourth grade to be tested for their reading proficiency in  
15 English. Do I have this wrong, Alyssa?

16 UNIDENTIFIED VOICE: I was just going to make  
17 one point of clarification. Your rule actually allows for  
18 students who are either not English learners to be able to -  
19 -

20 UNIDENTIFIED VOICE: All English, all  
21 learners.

22 UNIDENTIFIED VOICE: Any learner who receives  
23 instruction in English and Spanish has the option to  
24 identify by their reading risk in either English or Spanish.



1 So your rule was generous in aligning to the language of  
2 instruction.

3 UNIDENTIFIED VOICE: Okay. Thank you.

4 UNIDENTIFIED VOICE: Board Member Flores.

5 MS. FLORES: Again, and people out there may  
6 not understand this, but you can read and you can read well  
7 and understand what you're reading and not be very fluent in  
8 how you speak. And those are two different things.  
9 Proficiency -- oral proficiency is one thing and reading  
10 proficiency is another. And what we do -- and this is a big  
11 mistake that's out there, is that we don't get kids reading  
12 until we hear that the proficiency -- the oral proficiency  
13 is at some level that they can take it. And that's not  
14 true. Remember reading is another language -- it's a  
15 language. And they may do -- kids may do very well in  
16 reading and not be very proficient. Meaning what comes out  
17 of their mouth. That's just the truth. And that's why --  
18 and you have to believe this and teachers have to believe  
19 this and they have to be teaching reading you know  
20 immediately because sometimes kids will read before they're  
21 -- they're fluent. So and it is so important to get kids at  
22 that optimal time when they are learning a second language  
23 in those early years. Those early years are optimal. And  
24 we should be teaching that language that they are going to



1 be getting their education for the rest of those other 12  
2 years.

3 MADAM CHAIR: Board Member Durham.

4 MR. DURHAM: Thank you, madam Chair. With  
5 the consent of the second. I'd like to draw my motion and  
6 make a separate motion if that's okay with (inaudible).

7 MADAM CHAIR: Yes, it's okay.

8 MR. DURHAM: Yeah, All right then I think you  
9 -- Madam Chair, I'd like to make a motion that we support  
10 House Bill 1160 if it is amended to allow the first year  
11 that a student is -- is in instruction in a district school  
12 and does not read English to be tested in a language other  
13 than English. But after the first full year of attendance  
14 of that student at a district school in Colorado including  
15 kindergarten, kindergarten counts, I'm sorry, yes. If  
16 they've had a full year, whether it's kindergarten or first  
17 or second, after that first full year then they have to be  
18 tested in English and they have to be tested in English each  
19 subsequent year, which I think gets around -- I'm not  
20 attempting to get around it and I think it's to some extent  
21 accepting the argument that there's little value in testing  
22 someone who has had little or no instruction in English as  
23 to whether they can read in English. But there is an  
24 important value in determining the progress they're making  
25 in English thereafter.



1                   And I would further say, Ms. McClellan, it's  
2 pretty simple to READ Acts are funded separately. And there  
3 are those who say the READ Act was never intended to test  
4 the reading or to -- to promote reading in English. And I  
5 can say from personal experience and involvement that build  
6 at the time that -- that may have been the intent of some  
7 people, but the vast majority of the people who supported it  
8 clearly believe that there is a value in reading English and  
9 that -- that ought to be the ultimate objective and it's  
10 funded to achieve that objective of having kids read in the  
11 commercial -- excuse me -- the commercial language of the  
12 country.

13                   So I'll make that as a motion that in the  
14 first full year they would be exempt from the English  
15 requirement but thereafter and each year thereafter until  
16 Grade four they have to be tested at least once annually in  
17 English and if the bills amended to do that we would support  
18 it, if not we would continue to oppose and I would ask for a  
19 second.

20                   UNIDENTIFIED VOICE: How does that work?

21                   UNIDENTIFIED VOICE: Given there's a bill  
22 that's already passed the House unanimously that's  
23 completely different. I think completely different years  
24 now.

25                   MR. DURHAM: Well, I mean --



1 UNIDENTIFIED VOICE: Just tell me how it  
2 works. You're the experienced person.

3 MR. DURHAM: If someone -- if someone were to  
4 offer that amendment if it were to be adopted and our  
5 position on the bill would change and if we testify on the  
6 bill, we would testify that we would support the bill --

7 UNIDENTIFIED VOICE: Thank you.

8 MR. DURHAM: -- with that change.

9 UNIDENTIFIED VOICE: And then -- and then  
10 they would have to go to a conference committee in order to  
11 --

12 MR. DURHAM: Not necessarily. The procedures  
13 in our position could change on -- if that amendments  
14 adopted we didn't support the bill. That amendments taken  
15 off the bill, we'd be in opposition to the bill.

16 UNIDENTIFIED VOICE: I would agree that their  
17 bills often get changed in the second chamber and there are  
18 the other house can or the other chamber can concur with  
19 those changes or it can go to conference committee. There's  
20 a variety of mechanisms for resolving different versions.  
21 But it is -- it is called -- thank you.

22 MADAM CHAIR: Did anybody else have comments?  
23 Board Member McClellan?

24 MS. MCCLELLAN: Where Mr. Durham indicated  
25 that we currently -- that we would continue to oppose. Are



1 we currently in a position where we are actively opposing  
2 this bill?

3 MR. DURHAM: At the present, no. But if you  
4 know if this motion is --

5 MS. MCCLELLAN: That is my understanding I  
6 just wanted to clarify because your wording threw me off a  
7 bit when you said continue to oppose it wasn't my  
8 understanding that we currently were in active opposition of  
9 this.

10 MR. DURHAM: I'm reading the tea leaves were  
11 likely to be if -- if -- if -- this amendment is not  
12 adopted. This particular motion is not adopted.

13 MS. MCCLELLAN: In the event that you were to  
14 achieve a super majority.

15 MR. DURHAM: I don't need a super majority.

16 MADAM CHAIR: Goff -- Board Member Goff?

17 UNIDENTIFIED VOICE: Okay. I'm gonna try to  
18 -- nearly not confuse me. I'm sorry.

19 UNIDENTIFIED VOICE: Thank you. I'm still  
20 pondering. I think the -- the fact that these students are  
21 all, they are all taking the access at some point. You know  
22 Dr. Flores, you might know the answer right of the access  
23 tests are, or Dr. Anthes too. Are they available? They are  
24 in English. Correct? Access tests, are they all English  
25 tests?



1 UNIDENTIFIED VOICE: Yes.

2 UNIDENTIFIED VOICE: Well, so proficiency in  
3 general is measured.

4 UNIDENTIFIED VOICE: Anyone?

5 UNIDENTIFIED VOICE: In different ways.

6 UNIDENTIFIED VOICE: Yes. But I'm trying to,  
7 you know, I'm trying to get the -- so the real bottom line  
8 is there is an English exam given to these kids. Yeah which  
9 is something that I think we're -- we're in a little  
10 contradictory among ourselves with ourselves sometimes on  
11 this because measuring for deficiency is not necessarily the  
12 same thing as measuring for proficiency. But it's what  
13 happens in your brain.

14 UNIDENTIFIED VOICE: But we do want to know  
15 whether they have a problem.

16 UNIDENTIFIED VOICE: Right!

17 UNIDENTIFIED VOICE: In reading English.

18 That -- that's the issue.

19 UNIDENTIFIED VOICE: That's the essence of  
20 the beginning -- is close to the beginning of being in  
21 school as possible. And I think that's what the READ Act is  
22 that -- one of the main things it wants to do. It's  
23 intended to do. So I'm just thinking about, I mean  
24 basically, it's not a problem reading in Spanish because it  
25 is so that the -- that -- not.



1 UNIDENTIFIED VOICE: That kid could never  
2 read anything.

3 UNIDENTIFIED VOICE: The letter and the and -  
4 - and the sound are the same. It's in English that we have.

5 UNIDENTIFIED VOICE: Right!

6 UNIDENTIFIED VOICE: A lot of problems  
7 because English is not a direct correlation between sound  
8 and letter.

9 UNIDENTIFIED VOICE: Board Member Rankin.

10 UNIDENTIFIED VOICE: I have a question for  
11 Ms. Mello.

12 MS. MELLO: Yes.

13 UNIDENTIFIED VOICE: When -- actually what  
14 you came here with was a bill for us to vote on today. If  
15 we voted today and then it went to the Senate and then it  
16 was amended, would we vote again in a -- at a future date on  
17 this bill that might change the way we voted this time? Is  
18 that the way we do that? I'm just asking for help on that.

19 MS. MELLO: Madam Chair, Madam Vice Chair,  
20 this is new territory for me. As you're legislatively is on  
21 I think there's more than one way we could. I thought that  
22 is certainly one way we could do it. I think the motion  
23 that's on the table -- it is another way we can approach the  
24 issue, so.



1 UNIDENTIFIED VOICE: I have a question for  
2 council -- or we have a question for council, which is do we  
3 need a super majority to take a position on a proposed bill?

4 UNIDENTIFIED VOICE: Right, what Board Member  
5 Durham is offering is a proposed bill not a actual bill, and  
6 do we need a super majority on any of this stuff?

7 UNIDENTIFIED VOICE: Madam Chair, I was just  
8 looking at your operating procedures for exactly that reason  
9 because they are kind of unique to these discussions. So  
10 whether they originally favor consensus which obviously we  
11 don't have here talked about a super majority to take a  
12 position but it talks about the Board will strive for a  
13 super majority and if that can't be established then it  
14 talks about discussing how the bill might be amended to get  
15 the Board to that position of if not consensus a super  
16 majority so.

17 UNIDENTIFIED VOICE: So we are trying to get  
18 to a super majority.

19 UNIDENTIFIED VOICE: Yes.

20 UNIDENTIFIED VOICE: Are prevented from  
21 taking a position if we don't have this super majority then?

22 UNIDENTIFIED VOICE: No your procedures -- we  
23 tried to get an amendment. It says if the Board is a  
24 disagreement regarding the ability to amend the bill, the  
25 third consideration is to support the bill with a simple



1 majority. Now, it talks about (inaudible) and you can  
2 oppose with a simple majority as well. And I saw him kind  
3 of reading as we're going through, because these are their  
4 own piece. I mean separate from how you usually process  
5 things in the (inaudible) .

6 UNIDENTIFIED VOICE: I apologize this was my  
7 question and I'm -- I'm mightily confused now, because if  
8 option three is to just go with a simple majority doesn't  
9 that render the original requirement for a supermajority to  
10 be meaningless?

11 UNIDENTIFIED VOICE: It renders it  
12 aspirational only. Whether that's meaningless or not it's  
13 probably in the eye of the beholder. I mean when it talks  
14 about using words like-

15 UNIDENTIFIED VOICE: Thank you.

16 UNIDENTIFIED VOICE: That was very good.

17 UNIDENTIFIED VOICE: That's why she's an  
18 attorney.

19 UNIDENTIFIED VOICE: That's why we paid her  
20 the big bucks. Aspirational.

21 UNIDENTIFIED VOICE: Okay. Well, I'll renew  
22 my motion. You know I'll restate it that -- that -- that we  
23 would we would post the bill, absent and amendment that  
24 would institute the requirement of a -- of a -- of the READ



1 Act test in English after the student has been enrolled for  
2 one full year.

3 UNIDENTIFIED VOICE: Including kindergarten.

4 UNIDENTIFIED VOICE: And the kindergarten is  
5 included in that year of enrollments. So if kindergartens  
6 are first year and they complete a full year. So -- and I  
7 would I would suggest that there may be such an amendment  
8 and that would give us an opportunity to testify for the  
9 amendment and or against the bill depending on the success  
10 or failure of that effort and ask for a roll call vote.

11 UNIDENTIFIED VOICE: Let me clarify something  
12 else. There -- there is a rule about first year students  
13 not taking their language arts assessment. Is there -- well  
14 I don't think it's just (inaudible). Well I don't know is  
15 there Yeah. That's my question in -- in terms of  
16 identifying a reading deficiency, do we have the same or are  
17 we assessing students in their first year in their native  
18 language to identify or (inaudible) proficiency.

19 UNIDENTIFIED VOICE: That is not a question  
20 that I can answer yes. I don't know that the commissioner  
21 can answer that or if we want to bring additional folks up.

22 UNIDENTIFIED VOICE: I think the answer is  
23 it's up to the district.

24 UNIDENTIFIED VOICE: How?



1 UNIDENTIFIED VOICE: This -- this bill  
2 wouldn't prevent it if it's vote presume or amended.

3 UNIDENTIFIED VOICE: I'm just trying to  
4 figure out whether this is redundant or not redundant or  
5 just -- go ahead. Thank you.

6 UNIDENTIFIED VOICE: Presently, the READ Act  
7 allows -- let me say it a different way. Presently our data  
8 collection process for the READ Act allows for a district to  
9 choose to either test or exempt a student who is a English  
10 learner in their first year in the U.S. So districts are  
11 empowered right now according to our collection procedures  
12 to make that determination.

13 UNIDENTIFIED VOICE: So the amendment is  
14 redundant.

15 UNIDENTIFIED VOICE: It doesn't change that.

16 UNIDENTIFIED VOICE: It doesn't change that.

17 UNIDENTIFIED VOICE: It's not redundant  
18 because it affects the bill and the bill has an effect on  
19 that rule. So it's not redundant.

20 MS. CORDIAL: Madam Chair, would you like me  
21 to call the roll?

22 MADAM CHAIR: Repeat the (inaudible) know how  
23 to vote.

24 UNIDENTIFIED VOICE: The Board Members -- the  
25 Board Member Durham's motion is to oppose House Bill 1160



1 absent and amendment that would institute the requirement of  
2 the READ Act to test in English after the student has been  
3 enrolled in one full year including kindergarten.

4 MADAM CHAIR: Kind of a double negative. Go  
5 ahead with call the vote.

6 MS. CORDIAL: Board Member Durham.

7 MR. DURHAM: Yes.

8 MS. CORDIAL: Board Member Flores.

9 MS. FLORES: Yes.

10 MS. CORDIAL: Board Member Goff.

11 MS. GOFF: Yes.

12 MS. CORDIAL: Board Member Mazanec?

13 MS. MAZANEC: Yes.

14 MS. CORDIAL: Board Member McClellan?

15 MS. MCCLELLAN: No.

16 MS. CORDIAL: Board Member Rankin.

17 MS. RANKIN: Yes.

18 MS. CORDIAL: Board Member Schroeder.

19 MADAM CHAIR: No. Thank you all for that  
20 very thoughtful discussion. I think it's a demonstration of  
21 democracy and elected officials doing their job.

22 UNIDENTIFIED VOICE: And how we get off  
23 schedule.

24 UNIDENTIFIED VOICE: Well, and perhaps  
25 scheduling issues as well. So I will be quick. I will



1 proceed as instructed, which is to essentially try to get an  
2 amendment on to the bill, and I'm gonna stay in touch with  
3 you in terms of that. Thank you.

4 MADAM CHAIR: Thank you very much. My  
5 apologies to the public who came to speak at 10:00. Hope  
6 you enjoyed our discussion. I think we did. So for those  
7 of you who have signed up, please speak- -- trying to speak  
8 for only three minutes. Ms. Cordial will let you know when  
9 your time is up. I want to remind ourselves that Board  
10 Members do not respond or engage in discussion with the  
11 public when you come to speak to us, but for our rules. And  
12 the other thing is because we have some quasi-judicial  
13 responsibilities tomorrow, I wanna make sure that you are  
14 not planning to speak to the two districts that will be  
15 coming before us tomorrow or any forthcoming charter appeal.  
16 So there's -- there are a few items about which we would  
17 prefer that you not speak publicly. So please, Susan  
18 Mellor. Start talking and we all know.

19 MS. MELLOR: Okay. Good morning. My name is  
20 Susan Mellor, and I am president of Jefferson County  
21 Association for Gifted Children. We are an advocacy group  
22 of parents, teachers, and administrators who work tirelessly  
23 for gifted children at Jefferson County.

24 UNIDENTIFIED VOICE: Keep the mic close with  
25 your mouth.



1 MS. MELLOR: Sure.

2 UNIDENTIFIED VOICE: Thank you.

3 MS. MELLOR: Is that better?

4 UNIDENTIFIED VOICE: Yeah.

5 MS. MELLOR: Okay. Wonderful. Under  
6 Colorado's Exceptional Children's Education Act, special  
7 education student and gifted and talented students are  
8 provided for as a separate categorical under the state  
9 funding formula. The current population of gifted students  
10 in Colorado is approximately 69,000. The number of  
11 (inaudible) students is likely to increase, particularly  
12 among at risk students, as we implement the testing of all  
13 second graders for giftedness, established following passage  
14 of former Representative Cherilyn Penniston's Landmark Bill  
15 HB 141102 legislation.

16 What does this have to do with Colorado's  
17 proposed asset plan? More than most people realize today an  
18 increasing number of Colorado companies face winner take all  
19 markets that are dominated by a few very successful  
20 competitors like Amazon, Apple, Facebook, and Google. The  
21 structure of these markets magnifies the impact of even a  
22 small difference in an organizational -- an organization's  
23 level of talent. Research shows the success of a company  
24 relies heavily on its most talented individuals. In short,  
25 to ensure the success of our Colorado companies and the



1 future growth of our economy, the quality of the education  
2 provided to our gifted students is critical. When the  
3 Federal ESSA Recommendation guide -- recommended Guidelines  
4 noted the need to be accountable to GC students eight  
5 separate times, the Colorado GC community chaired.

6                   Unfortunately, we have been deeply  
7 disappointed to see that in Colorado's draft asset planned,  
8 GT is mentioned in passing only once. We have submitted a  
9 detailed letter to your Board and Commissioner office at  
10 this, excuse me, outlining those areas and the proposed as a  
11 plan that must reflect the needs of gifted students in both  
12 academic achievement and annual growth, as well as to go  
13 more accountable knowledge of businesses that depend on  
14 their talented -- talents but also to voters whose tax --  
15 taxes pay for their education. For years, Colorado has been  
16 recognized as a national leader in gifted education. We  
17 hope you decide to change the draft a plan so that we  
18 continue to play that role in the future. Thank you.

19                   UNIDENTIFIED VOICE: Thank you. Michelle  
20 stone, if I read that correctly.

21                   MS. STONE: Thank you for taking public  
22 comments on assets. Appreciate it. I'm a mother of a  
23 Jefferson student and I'm also on the Board of Jefferson  
24 Association for Gifted Children. I'd like to speak further  
25 about the inclusion of gifted population (inaudible). Most



1 educators would agree that measurement of achievement and  
2 growth are essential to effective programming for students,  
3 as it provides an opportunity for multiple categorical  
4 groups of students to be accounted for. We were pleased to  
5 see that the federal guidelines included the gifted, but  
6 we're saddened to see that the gifted population was missing  
7 from CDE's draft. We would like this to be changed. It is  
8 essential that we measure the progress of this group. An  
9 interest of mine is how the world educates its gifted.

10                   Among the developed countries, we are way  
11 behind in this arena. Most nations look to its gifted as a  
12 national interest. Recognizing that these students have the  
13 potential to be future economic drivers, creators, and  
14 leaders. These students are identified early and placed in  
15 programs that intellectually feed and nurture them. These  
16 nations also continually measure the success of these  
17 students. Strict accounting of achievement and most  
18 importantly of growth is kept in order to determine which  
19 programming is effective and to continually tweak and  
20 improve their approach. We know anecdotally that too many  
21 of our gifted students are not being challenged. Studies  
22 show that no child left behind has resulted in the gifted  
23 being left behind. Nationally, six to 10 percent of the  
24 population is deemed gifted. Colorado's student population  
25 is roughly 10 percent. Sadly, however, 20 percent of the



1 nation's high school dropouts and 20 percent of the nation's  
2 prisoners are gifted. Far too many of these students  
3 experience education as redundant and meaningless. Without  
4 challenge, they are at risk of applying their talents in  
5 wrong directions. Clearly, our society loses out on this  
6 great potential. Luckily, Colorado was poised to change  
7 those statistics. Our state is viewed as a leader in the  
8 nation for its approach to the gifted.

9           In attending national conferences, I received  
10 much positive feedback for what we attempt to achieve.  
11 However, while our programs look good on paper, we have no  
12 real data to show us how we are doing. We are asking that  
13 CDE take this opportunity that ESSA is providing and include  
14 gifted in the draft. We ask that this categorical be broken  
15 out to specifically measured their growth. We ask that high  
16 school dropout rates be measured for this group. We also  
17 ask that the proficient exceeds measurement be split apart  
18 so that we can see if these students are truly exceeding as  
19 they should be. As leaders, we have an opportunity and a  
20 duty to show the nation how the education of the gifted  
21 could and should be done. This includes the accountability  
22 and the accountability opportunity that ESSA affords us.  
23 Our nation desperately needs our leadership. There are many  
24 of us from (inaudible) that would be happy to come to the



1 table and help you to quickly amend the draft to include  
2 these suggestions. Thank you for your consideration.

3 UNIDENTIFIED VOICE: Thank you. Sarasin Pio.

4 UNIDENTIFIED VOICE: Thank you. Sarasin Pio  
5 from District 38. I'm not speaking on behalf of my school  
6 Board. I am exhorting you as a parent, as a taxpayer, and  
7 as an elected representative speaking for the thousands of  
8 constituents that elected me to the school Board. Please  
9 implement a regulatory process to ensure you're following  
10 the law for your mandated standardized testing. Federal law  
11 still forbids the measuring of attitudes, values, and  
12 beliefs on standardized tests. Your current contract does  
13 not allow oversight on the test. No one but the student is  
14 allowed to see the test. I have alerted you before that  
15 children have reported the fact that questions ask them to  
16 draw from their personal political and religious  
17 dispositions to answer the questions and have asked for  
18 state oversight to ensure these questions are not on the  
19 assessments. I have been told state oversight would violate  
20 the confidentiality contract.

21 I remind you that you are not and cannot be  
22 absolved of your duty to follow federal law by a contract.  
23 This simple instruction, if any question requires you, the  
24 student, to reveal your personal attitude, values, or  
25 beliefs in order to answer the question, please alert the



1 testing proctor so that an investigation may follow. That  
2 instruction would allow you to protect our kids. You have  
3 the authority to do this as a state regulatory agency. This  
4 is a state mandated assessment. It is not a matter of local  
5 control. I came before you four years now and again months  
6 ago. Asking you to do this instruction by the testing  
7 proctor administering the standardized tests. I have heard  
8 nothing. Currently, there is no protection in place to  
9 ensure our children are not measured using questions that  
10 require personal opinion, vetting their personal attitudes,  
11 values, and beliefs or those of their family as a violation  
12 of current law. And no contract absolves the state agents  
13 of this legal duty. Our children are entrusted in your care  
14 and you must not require children to answer such questions.  
15 This instruction is a simple way to ensure our civil rights  
16 are protected. And I am appalled that our state continues  
17 to fail to do so. Perhaps our president was right,  
18 education is the new arena of civil rights. Thank you.

19 UNIDENTIFIED VOICE: Thank you. Somebody  
20 last name of John.

21 MS. JOHN: Tammy John, and I'm from D38.

22 UNIDENTIFIED VOICE: Thank you.

23 MS. JOHN: I'm disappointed as a parent and  
24 professional that this sport will merely be tweaking the  
25 language of the standards and it is not seriously



1 considering removing common -- removing Colorado out of  
2 common core, the federal takeover of education. Part of the  
3 race to the top and embedding of the common core into the  
4 classroom was the student longitudinal database and  
5 embedding in assessments college and career readiness,  
6 intrusive data collecting. This is an invasion of privacy  
7 upon the family unit. This is simply wrong. I send my  
8 children to our public schools for an academic education. I  
9 have had children in Colorado schools -- in the Colorado  
10 school system now for 18 years. Through my kindergartner  
11 now, I see the difference in education today. Education is  
12 not bipartisan but intrusive, invades privacy, and often is  
13 developmentally inappropriate. The recent article where  
14 teachers expose park questions used on fourth graders, which  
15 were seventh grade reading level questions was all  
16 revealing. Are we sending our children up to fail to sell  
17 products?

18 Teachers have expressed feeling micromanaged  
19 and stressed in many cases and this is spiraling into the  
20 classroom. It used to be children learn through play and at  
21 times didn't recognize they were learning because they liked  
22 school. There is a problem when elementary school children  
23 begin to dislike attending school. The increased pressure  
24 surrounding increased testing for data purposes is  
25 backfiring and creating anxiety and stress in our children.



1 When my fourth grader comes home and makes a comment that  
2 his speech teacher said to him about his future career, I  
3 have a problem with this. My children still believe in  
4 Santa Claus and the tooth fairy. They do not need to think  
5 about adult decisions now. I'm not happy with the village  
6 raising my child. My children are born to me not the  
7 village. I can consult, I can be consulted, be advised, but  
8 at the end of the day, if my minor child were to break the  
9 law, it would be me as the parent responsible, not the  
10 village.

11                   Please stop. Stop removing our freedoms to  
12 raising our children by conforming to a mindset to a  
13 globalistic underlying ideology that is embedded throughout  
14 the common core standards. Data collecting on minors is  
15 intrusive to minors and families and it's simply wrong.  
16 Data is manipulated and it is labeling at its best. And if  
17 you've got the label wrong, it's crippling and damaging to  
18 the child. This was and happened to our deaf son.  
19 Fortunately for our child, he has advocating parents that  
20 did not bend to the advisement of the state ruling and  
21 because of that he is a speaking 4th grader at grade level  
22 reading in fourth grade at our home public school. Thank  
23 you.

24                   MADAM CHAIR: Thank you very much. That's  
25 the end of the list of folks who wanted to speak. Is there



1 anyone else? In that case, despite the fact that we are off  
2 schedule, I would appreciate if we could have maybe a five  
3 minute break instead of a ten minute break folks, please?

4 Mr. Chapman, I'm delighted to see you.

5 MR. CHAPMAN: I'm delighted to be here.

6 UNIDENTIFIED VOICE: Yeah. We're not gonna  
7 give you a -- what do we call that? Truth test?

8 UNIDENTIFIED VOICE: A lie detector.

9 UNIDENTIFIED VOICE: A lie detector on that  
10 one. We'll let the commissioner make a few comments and  
11 then it's all yours and you're gonna make up. Help us make  
12 up our messed up time.

13 MR. CHAPMAN: We can do that.

14 MADAM CHAIR: Commissioner.

15 MS. ANTHERS: Thank you, Madam Chair. So our  
16 next item on the agenda is our -- let's say how long have  
17 you guys been doing this now? For eight months, seven,  
18 eight months?

19 MR. CHAPMAN: Since January of 2016.

20 MS. ANTHERS: So we've given you an update  
21 every month about 90 minutes each month. So today is a  
22 little bit of a milestone. Today is the day that we start  
23 what we're sort of calling the reconciliation of the final  
24 ESSA plan taking in the last comments that we've received,  
25 you know, presenting to you all any areas that you would



1 like to have further discussion. But we are hoping to get  
2 any sort of last direction from you today so that when we  
3 present to you a plan in April, you would hopefully vote for  
4 that or vote on that plan. So that's what we're hoping for  
5 today. Today's kind of a final wrap up.

6 We have provided all the materials to you but  
7 because we've been trying to keep you up to date and do  
8 sections all along over this last eight month process, we  
9 weren't intending on going through every single slide.  
10 Instead, we were going to take our direction from you on  
11 areas you'd like to spend more time on. And so you know, we  
12 are happy we -- we know that there was some areas we'd like  
13 to spend time on impact will give us an overview of the  
14 public comments we've heard to date, and sort of where we  
15 are and the timeline and the process and then we'll take our  
16 direction from you around where you'd like to spend the  
17 majority of your time. So with that, I'll turn it over to  
18 Mr. Chapman.

19 MR. CHAPMAN: Thank you, commissioner. So as  
20 Commissioner Anthes said, we really want to sort of tier  
21 this up for next month and we will come before you next  
22 month and ask for a permission to -- for the U.S. Department  
23 of Education to consider our plan.

24 UNIDENTIFIED VOICE: Even though you will  
25 have had -- you will have-



1 MR. CHAPMAN: Yeah. And we'll cover that in  
2 just a second. First, I want to provide a little bit of an  
3 update with regard to what's happening in Washington, D.C.  
4 that may have an impact on this process. As I believe, we  
5 covered last month, the House did take action to -- voted to  
6 rescind the rules that were proposed by the U.S. Department  
7 of Education under the Obama Administration. We expected  
8 the Senate to take up action on that same topic soon after  
9 the House, but I think they've had a lot of other things on  
10 their plate so they have not yet to -- to take up that issue  
11 of rescinding -- the rescission of the proposed rules. We  
12 have had some outreach from the U.S. Department of Education  
13 asking us what would we like to see happen.

14 And with regard to the state plan  
15 requirements, in particular, and because we're pretty deep  
16 into this process, basically what we said to them and our  
17 sentiment was shared by the other states who are on the call  
18 was please don't add anything. Don't create new stuff for  
19 us to have to reply to even -- even the existing template  
20 would be okay because that's what we've been operating off  
21 of but that we have been focusing on the statute and the  
22 development of our plan and not focusing on the proposed  
23 rules that we would be okay if the template were to remain  
24 the same or if or reduced in some way. But not we were very



1 clear that we do not want any new questions or added  
2 questions.

3                   So really, that's what we've been doing. As  
4 we said, we were gonna do that we were -- keep moving  
5 forward with the understanding that we would be submitting  
6 our plan in April. As our commissioner Anthes mentioned,  
7 this has been a long, long process. Beginning with a  
8 listening tour, so how have we gone about collecting  
9 information to put into the plan? We began the process with  
10 a listening tour that broke up into committees, Hub  
11 committees that oversee -- saw the work or listened to the  
12 work of the spoke committees. And have solicited a lot of  
13 input and met with a lot of stakeholders through that  
14 process. That resulted in the -- the draft that we posted  
15 last month and now we're in the public comment phase of it,  
16 and also working with the governor's office to -- to solicit  
17 any feedback that the governor's office may have.

18                   UNIDENTIFIED VOICE: So we've posted our --  
19 our first draft of the plan on -- on February 10th. We've  
20 posted the Spanish version of the plan on February 24th.  
21 The -- the English version closes next Monday, so the -- the  
22 window for providing public comment on the English version  
23 will expire next Monday. The public comment period for the  
24 Spanish language version will not close until March 27th to  
25 date. As of, well actually, as of last Friday, we've



1 received 173 comments. Those comments were -- are compiled  
2 and reviewed by the Spoke Committee Members and -- and are  
3 working to -- the Spoke Committees are working to  
4 incorporate that feedback as appropriate into a revised  
5 version of the plan.

6 UNIDENTIFIED VOICE: Mr. Chapman?

7 MR. CHAPMAN: Uh-huh.

8 UNIDENTIFIED VOICE: Are you comfortable with  
9 allowing us to -- having us ask questions-

10 MR. CHAPMAN: Certainly.

11 UNIDENTIFIED VOICE: -- as you're going  
12 through? Or I'm giving you this --

13 MR. CHAPMAN: Well, however you would like to  
14 do it is fine by me.

15 UNIDENTIFIED VOICE: That's already answered.  
16 Board Member Rankin?

17 MS. RANKIN: On this page you're just talking  
18 about. Why is it that the public comment for Spanish closes  
19 later than the public comment?

20 MR. CHAPMAN: Because once we -- we had to  
21 have an English version and then get the English version to  
22 the translators, and that translation process took about two  
23 weeks. So the English version, we -- we've posted the  
24 English version soon after we had a draft. So it was posted  
25 on the 10th, and it took us two weeks to develop the Spanish



1 language version. We have to allow a 30 day public comment  
2 period for each, and so that 30 days expires on the 27th.

3 UNIDENTIFIED VOICE: Thank you. Proceed.  
4 No, don't proceed?

5 UNIDENTIFIED VOICE: Yes.

6 UNIDENTIFIED VOICE: Okay.

7 UNIDENTIFIED VOICE: Proceed.

8 MR. CHAPMAN: Okay so who's responding?  
9 Who's -- who's logging in and looking at the plan and  
10 providing comments? This is a chart I'm -- I realize it's  
11 maybe a little bit small. We've had a lot of categories of  
12 folks. So when folks logged on and looked at the plan,  
13 we've asked them a couple of questions. One of the  
14 questions was sort of, "What's your -- who -- who are you  
15 representing. What's your -- what's your job?" And so  
16 forth. And we are pleased to see that there was a fair  
17 amount of -- in fact, most of the comments were from folks  
18 who identified themselves as parents. We've had quite a few  
19 teachers who have logged on and -- and others who have  
20 identified themselves as general public or -- or a taxpayer.  
21 We've also had a number of district administrators and --  
22 and others logging on and providing comments. When we look  
23 at the breakdown of the comments by geographic area, we have  
24 approximately 41 percent coming from urban areas, around 38



1 percent from suburban areas, and around 21 or so percent  
2 from the rural areas.

3 MADAM CHAIR: Board Member Rankin?

4 MS. RANKIN: Back on page five, I notice that  
5 it -- it really stands out when we have some that are not  
6 represented at all. And I'm looking at the Indian tribe  
7 representation. That was very telling to me that no one in  
8 our southwest area was either interested or had access,  
9 internet access. And then when you say other, was that what  
10 you were saying that some people identified as citizens?

11 MR. CHAPMAN: No. We have a category for,  
12 sort of, general public taxpayer, and a number of folks  
13 identified themselves in that category.

14 MS. RANKIN: So who was the other at the end  
15 that seems to have quite a large comp -- in comparison?

16 MR. CHAPMAN: Something other than what was  
17 presented to them as an option, and I'm not -- I don't have  
18 that before me.

19 MS. RANKIN: We have no idea.

20 UNIDENTIFIED VOICE: We do -- we can, maybe,  
21 look up into that and see if there's any other indication  
22 that -- if there's a specified --

23 UNIDENTIFIED VOICE: It's probably the movie  
24 stars, I'm guessing.



1 UNIDENTIFIED VOICE: So somebody behind me is  
2 looking up that information right now and hopefully we'll be  
3 able to give it to you in a few --

4 MS. RANKIN: Are these all self-identified?

5 UNIDENTIFIED VOICE: Yes.

6 MS. RANKIN: Okay, thank you.

7 UNIDENTIFIED VOICE: Proceed. Thank you.

8 MR. CHAPMAN: So in thinking about the areas  
9 on which we're receiving the greatest amount of comments,  
10 we've had -- for the most part, we've had folks looking at  
11 and providing comments with regard to the long term goals,  
12 some of the accountability areas, some of the consultation,  
13 comments about consultation, supports for teachers, supports  
14 for educators. If you see, there's a 67 next to the  
15 academic assessments. We have had some larger groups  
16 submitting comments from, sort of, from a template. A lot  
17 of those general comments are -- are really sort of outside  
18 of the preview of the plan. There are things that are good  
19 information to have, but are really issues that need to  
20 emanate from our state Board or from the state legislature.  
21 And so we can't really necessarily act on those as part of  
22 the ESSA state plan, or we have not been asked to respond to  
23 those questions, but they are useful information to have  
24 never-nevertheless. What kinds of comments have we been



1 receiving? We've received-and this is a really abs -- you  
2 know, as of -- of --

3 MADAM CHAIR: Board Member Rankin.

4 MS. RANKIN: I'm sorry. I've jumped the gun  
5 but it's on this page, and maybe you're going to cover it,  
6 but I would like to know when you get to that point. What  
7 gifted and twice exceptionalist?

8 MR. CHAPMAN: Okay. So the kinds of comments  
9 that we have been receiving -- we have received some  
10 comments questioning or expressing concerns about the -- a  
11 lack of -- and genuine or authentic engagement with parents  
12 and teachers throughout the process as we've developed the -  
13 - the plan. And I do think that we've -- we've certainly  
14 made an attempt as a pretty high level -- 30,000 foot view  
15 engagement. I do think that there's a lot of opportunity as  
16 we move from, sort of, a state plan. Focus to the -- how  
17 these funds will be spent locally and then -- the -- the  
18 development of local ESSA plans. There are a lot of -- lot  
19 of opportunities there for -- for different kinds of  
20 engagements with parents and teachers in that process. We  
21 have received some comments and some concerns about the --  
22 the-the lack -- we have not adequately addressed the needs  
23 of some student groups as part of the plan, and particularly  
24 pulled out the gifted and twice exceptional gifted -- gifted



1 but having a learning disability. And that's -- that's  
2 true.

3                   And so I think in some cases we're just have  
4 run out -- we ran out of time. We have had meetings with  
5 our Gifted Advisory Council and just talking with the people  
6 who provided public comment about opportunities, how we can  
7 look at the plan and -- and make sure that those concerns  
8 are addressed before the plan is final. And I think that  
9 there are, again, a number of opportunities to do that in  
10 the supporting students section, the supporting educators.  
11 So the identification of students, ensuring that their needs  
12 are addressed or considered when school districts in both  
13 cities are considering how to utilize these funds.  
14 Certainly, they can be used in support of gifted students or  
15 supports for educators to provide better, more effective  
16 instruction for gifted students. So we do hear those --  
17 those concerns as expressed by the people who have provided  
18 public comment and -- and -- and want to address them,  
19 before we -- the plan is final.

20                   MADAM CHAIR: Board Member Durham?

21                   MR. DURHAM: Thank you, Madam Chair.

22                   UNIDENTIFIED VOICE: Is there a -- is there a  
23 Federal requirement that that's something that gets  
24 addressed in the plan?



1 MR. CHAPMAN: It's -- and I think that's one  
2 of the issues that we weren't necessarily explicitly asked  
3 about gifted students to -- to respond to how these funds  
4 will be used in support of gifted students. But they  
5 certainly -- it is certainly allowable to use. They did, in  
6 -- in the plan template requirements ask us to address how  
7 students will be supported and -- and as -- given that  
8 gifted students are an allowable use of the funds, if there  
9 can -- the funds can be used in support of gifted students.  
10 That, I think that the -- the desire is to see how they can  
11 be used in support of gifted students. And to clarify that,  
12 we understand that they can be used for gifted students.  
13 So-

14 UNIDENTIFIED VOICE: Are gifted students  
15 protected class?

16 UNIDENTIFIED VOICE: No. But they're an  
17 allowable. They're -- you can use these funds. So they're  
18 -- you can use these funds in support of addressing the  
19 needs of gifted students at the state and local level.

20 UNIDENTIFIED VOICE: They are under special  
21 (inaudible)

22 MADAM CHAIR: Board Member McClellan.

23 MS. MCCLELLAN: Sir. I'm -- I --

24 UNIDENTIFIED VOICE: I can --



1 MS. MCCLELLAN: -- I've had it, one of my  
2 children was classified as gifted and I just found the  
3 testimony that we got from the citizens in the room, to be  
4 compelling particularly with the evidence that they  
5 presented with respect to elevated dropout rates among the  
6 gifted classified students. So I just wanna be on the  
7 record as being supportive of making sure that our plan is  
8 reflective of gifted students as a priority. I think it's  
9 just as important that the curriculum be paced appropriately  
10 for the child whether they are in need of remedial help or  
11 whether they are in need of a more advanced curriculum for -  
12 - for gifted students. So thank you.

13 UNIDENTIFIED VOICE: I -- go ahead.

14 UNIDENTIFIED VOICE: Thank you. Yeah, I  
15 would agree. I think it's a good use of funds. I just, the  
16 only question I have is this, because as civil rights act  
17 and if we're not dealing with pro -- protected class, I  
18 don't know how it gets to be a permissible use under federal  
19 law. I think it should be but I'm not sure on what basis  
20 you think it can be?

21 UNIDENTIFIED VOICE: It's -- it explicitly  
22 states in several areas of the legislation that -- that  
23 these funds can be used in support of meeting the needs of -  
24 - of gifted students. That's new. That was not the case



1 under No Child Left Behind. I think that captured the  
2 interest of a lot of specific --

3 UNIDENTIFIED VOICE: So it's a -- it's a  
4 specific exception under the civil rights -- previous civil  
5 rights statute?

6 UNIDENTIFIED VOICE: Yeah. It broadens the  
7 allowable uses of funds whereas, in the past, it was they're  
8 primarily or almost exclusively directed toward students who  
9 are at risk of non-proficiency. And you -- and now it -- it  
10 broadens it to maximize the potential of all students and  
11 ensure that all students exit K-12 college and career ready.

12 UNIDENTIFIED VOICE: Thank you.

13 MADAM CHAIR: Board Member Rankin.

14 MS. RANKIN: Is this gifted, when we talk  
15 about gifted and twice exceptional, does that mean the Title  
16 I Students are specifically targeted?

17 UNIDENTIFIED VOICE: The Title I Students  
18 historically are those students who are at risk of -- of  
19 non-proficiency. I think one of the impacts of the new law  
20 is that the students above and beyond those students are --  
21 the needs of those students are to be considered. So  
22 considering the needs of all students, how do-how does a  
23 school district want to prioritize the use of its funds. So  
24 it can be used to enhance the education of students who are  
25 not at risk of -- of not meeting the standards.



1 MS. RANKIN: So it can be gifted without  
2 exception?

3 UNIDENTIFIED VOICE: Yes. So it broadens the  
4 use of funds to include payment of AP exam costs, and  
5 concurrent enrollments, and it's not just tutoring and  
6 supplemental instruction.

7 MS. RANKIN: Thank you.

8 UNIDENTIFIED VOICE: Proceed maybe.

9 UNIDENTIFIED VOICE: I do have -- thank you  
10 very much. I have the categories that, of people who have  
11 been signed on as other, including teacher on special  
12 assignment, school program coordinator, teacher consultant,  
13 gifted tutor, arts administrator, educational leader, and  
14 consultant. So that's -- that's how to -- what they  
15 specified. In addition to -- oh and it's, kind of,  
16 continuing to go through some of the concerns. There was  
17 some mixed support for the other indicator. I think there  
18 was a lot of excitement about the -- the possibilities of  
19 the other indicator and then, really the comments were,  
20 "Yeah. This is-this makes sense, that what you're doing we  
21 hope that the -- the state department continues to explore  
22 other opportunities for that other indicator." So this --  
23 they understood that this is a short term. There was  
24 actually some support for the -- the use of it in an ongoing  
25 way, but also hoping that the department continues to



1 consider other options. And then, a couple of comments  
2 along the lines of, "Yeah, the -- the plan meets basic  
3 requirements but it doesn't, you know, change. There are no  
4 big, big ticket change. There's no drama, dramatic change  
5 built into the plan." And we understand that it's an  
6 application for federal funds, and any dramatic change  
7 should emanate from the state Board or the state  
8 legislature. There was some support for the plan, the --  
9 the contents of the plan and particularly, I think the  
10 effort behind it. There was some support for the -- the  
11 long-term goals, stating that they're clear and attainable.  
12 Some general supports for the sections on supporting all  
13 educators and -- and supporting all students. And then a  
14 lot of comments supporting the inclusion of a diverse set of  
15 stakeholders in the development of the plan.

16                   So in -- in your -- your packets, I know that  
17 you had a huge packet of materials this month. We did  
18 include a -- a document that's titled, ESSA Hub Committee  
19 Recommendations dance -- Dashboard. And that's an attempt  
20 to really consolidate the 150 or so page document into an  
21 eight-page document to capture the -- the recommendations  
22 that are built into the plan. To a great degree, the -- the  
23 text from -- in this document under the Hub recommendations  
24 is -- was pulled directly from the plan. So in -- in a lot  
25 of cases, that it's actually how -- that's how it reads in



1 the plan with some -- with some paraphrasing. For the -- to  
2 a larger degree, we had total consensus on these  
3 recommendations and there are a couple of areas where we --  
4 we did have a few folks who couldn't sign onto the -- the  
5 recommendation of the larger Hub. And wondering how best to  
6 proceed through this part of the -- the presentation. If  
7 you want to focus primarily on those areas where there was a  
8 little bit of a difference of opinion, or you really would  
9 like to walk through the recommendations, sort of, quickly  
10 and then just stop me where there is an -- where you have a  
11 question?

12 MADAM CHAIR: Colleagues, do you want to go  
13 particularly to the differences between Spoke and Hub and  
14 then Hub -- within Hub?

15 UNIDENTIFIED VOICE: Yes.

16 UNIDENTIFIED VOICE: Just suggesting  
17 (inaudible)

18 UNIDENTIFIED VOICE: That -- that's -- and so  
19 they are highlighted, and in some cases you don't actually  
20 have the text of the minority opinion if you want to call it  
21 that, but if you look in the Hub, under the Hub  
22 recommendations it says -- indicates that, "Unless otherwise  
23 indicated, this recommendation reflects unanimity among Hub  
24 Committee Members." And in a couple of cases, there's an  
25 asterisk indicating that the Hub was not able to reach total



1 consensus and that there were one -- a couple of folks who  
2 had a different opinion.

3 UNIDENTIFIED VOICE: But you're not  
4 identifying where there are big differences between Spoke  
5 and the -- and where the Hub went?

6 UNIDENTIFIED VOICE: There is we -- I think  
7 we have that in, I don't know if the text is in there, but  
8 there is one area where there was a difference.

9 UNIDENTIFIED VOICE: So is that the way you  
10 all like to approach this? Look at the sort of, an  
11 exceptions piece or do you wanna go through piece by piece?  
12 That's the question.

13 UNIDENTIFIED VOICE: Are we gonna finish this  
14 too, or we gonna jump over (inaudible).

15 UNIDENTIFIED VOICE: Yeah. And so that's  
16 what I'm saying. That, what this -- what the PowerPoint  
17 does, basically walks you through this dashboard by  
18 recommendation -- by recommendation.

19 MS. FLORES: What if --

20 MADAM CHAIR: Board Member Flores.

21 MS. FLORES: -- what if we went on, I think  
22 we, most of us are at the center of the documents, why not  
23 go on the ones where we did vote, where didn't agree?



1 UNIDENTIFIED VOICE: Where there are  
2 differences. Do you wanna do that, or do you wanna go  
3 through piece by piece? Feedback.

4 UNIDENTIFIED VOICE: Goff.

5 MS. GOFF: We can hit a section and sort of  
6 say, hey, you know, in like, for example, standards. There  
7 was -- there was pretty good consensus there. Same with the  
8 assessments, given what we have to respond to in the plan.  
9 And we can --

10 UNIDENTIFIED VOICE: But since we have to  
11 vote on this whole thing, maybe it doesn't make sense to go  
12 --

13 UNIDENTIFIED VOICE: We're voting today?

14 UNIDENTIFIED VOICE: No.

15 UNIDENTIFIED VOICE: Okay.

16 UNIDENTIFIED VOICE: But we will be voting  
17 on, maybe go through piece by piece, at a rapid rate. Does  
18 that -- does that meet-

19 UNIDENTIFIED VOICE: Where we disagree, we  
20 can have a discussion.

21 UNIDENTIFIED VOICE: And then -- right.  
22 Okay.

23 UNIDENTIFIED VOICE: Can I -- can I do the  
24 intro-checking?

25 UNIDENTIFIED VOICE: Sure.



1 UNIDENTIFIED VOICE: Are there -- are there  
2 any of these areas that are still --

3 UNIDENTIFIED VOICE: The microphone.

4 UNIDENTIFIED VOICE: Microphone. Thank you.

5 UNIDENTIFIED VOICE: Blame it all on Goff,  
6 chief. Not your fault. Are there any areas in which the  
7 Hub conversation is still waiting on Spoke or others? Which  
8 one's this Hub still sort of --

9 MS. GOFF: The Hub completed its work Monday.  
10 And so the Hub will not be meeting again. This reflects  
11 their recommendations to the Board.

12 UNIDENTIFIED VOICE: Unless we ask them to.

13 MS. GOFF: Unless you want to, you know.

14 UNIDENTIFIED VOICE: Well, did you, did you  
15 end up where there, there had been discussion between a  
16 minority and the majority opinion?

17 UNIDENTIFIED VOICE: Yeah. What happened is  
18 still --

19 UNIDENTIFIED VOICE: There were a couple of  
20 people who were --

21 UNIDENTIFIED VOICE: I thought there were  
22 still, I thought were still some things hanging a little bit  
23 about a final agreement on some of the things.

24 UNIDENTIFIED VOICE: Well, there is.



1 MS. GOFF: We can draw your attention to what  
2 the, the conversation was, even as recently as Monday, as we  
3 go through. And there are -- there are a couple of areas,  
4 where there were folks who felt they would like to go on the  
5 record, as, as having a separate opinion. And we can cover  
6 those when we come to them.

7 UNIDENTIFIED VOICE: Board Member Goff, just  
8 for clarity. I think on Monday, there was some discussion  
9 of one or two Members that might go back on one of their  
10 discussions. They either missed a Hub meeting, where it was  
11 discussed or something, and so they might write, you know,  
12 one or two things. We told them we were meeting with you  
13 today. And so we encouraged them if they wanted us to  
14 present their other side, that they would need to get that  
15 to us by today. We haven't received that yet. So you know,  
16 we'll be sure that if we, if we receive that, some of them  
17 were thinking about it, so I'm not sure where they landed,  
18 but if we receive any differences of opinions we'll make  
19 sure you get that. But as of today, we don't have those to  
20 share.

21 UNIDENTIFIED VOICE: Well, the -- thank you.  
22 Because that's where I last heard that they would get to us  
23 before now.

24 MS. GOFF: We've requested them and have not  
25 been able to secure.



1 UNIDENTIFIED VOICE: To be honest, there are  
2 only one or two Members. It wasn't, it wasn't like a huge  
3 uprising.

4 UNIDENTIFIED VOICE: Okay.

5 MADAM CHAIR: So folks, how about we have Mr.  
6 Chapman sort of speed through and then, when we get to an  
7 area where you want to have a discussion, please make sure  
8 that you s -- that you speak up, so we don't skip a point.  
9 Does that work?

10 MS. GOFF: That works.

11 UNIDENTIFIED VOICE: Okay.

12 MR. CHAPMAN: Okay. To begin with the  
13 standard section, the recommendation is to inform the U.S.  
14 Department of Education, that we have adopted the required  
15 standards. And there was good consensus on that. With  
16 regard to assessment, the two areas that we're really asked  
17 to respond to, we are, with regard, pertain to, on the one  
18 hand a waiver that we had secured as part of the ESSA waiver  
19 process that enables middle school students to take advanced  
20 math coursework, and then they would take the appropriate  
21 assessment, given the course that they took. We would like  
22 to expand that to include seventh grade, if possible. But  
23 we would have to use a waiver, or access additional waiver  
24 to do that.

25 MADAM CHAIR: Board Member Rankin.



1 MS. RANKIN: That's my question. What, what  
2 does it take to access, what, what can we do? Is it a  
3 difficult process to do? I mean, if we have seventh graders  
4 that can do 10th grade math, I think they should do it.

5 MR. CHAPMAN: Yeah. And so with the plan we  
6 are, with the plan we're taking advantage of what was  
7 offered in statute, and then we would follow, if there's a  
8 desire to do that, then we could follow with a request to  
9 extend that to seventh grade and that would be a part of it,  
10 as a waiver that we would request of the Secretary of  
11 Education.

12 MS. RANKIN: So we would do that after we  
13 accept our plan, or do we do it prior to that?

14 MR. CHAPMAN: I would, I would recommend  
15 getting our plan approved and then pursuing, the additional  
16 waiver. The other issue with regard to assessments is, with  
17 regard to native language assessments, and we're asked to  
18 identify languages that are present to a significant extent  
19 within the population of Colorado, Spanish being that, that  
20 language that is present to a significant extent in, in, in  
21 the plan, discuss some of the, the adaptations and  
22 accommodations that we provide, in, for Spanish and Spanish  
23 language assessments that we do have in place in Colorado.

24 MADAM CHAIR: Board Member McClellan.



1 MS. MCCLELLAN: I just want to make sure that  
2 I understood. I wanna echo Ms. Rankin's valuing of the  
3 greater flexibility for advanced mathematics assessment in  
4 seventh grade. But I also want to make sure I understood  
5 the mechanics. If we pass the plan without incorporating  
6 that desire for the waiver somewhere in the plan, does it  
7 then take a separate, an entirely separate action after the  
8 fact?

9 MR. CHAPMAN: It -- it -- it will take a  
10 separate action regardless. And so we, we would, we don't  
11 pursue a waiver through our state plan. We would pursue the  
12 waiver through the waiver process, that the USDE has in  
13 place. They have a plan, a process for receiving and  
14 reviewing state plans, and then they have a process for  
15 receiving and reviewing waiver requests. But there is  
16 nothing, I don't think there's anything to preclude us from  
17 getting that process going simultaneously.

18 MS. MCCLELLAN: Right. And the reason we  
19 don't include it in the plan is, because we can't be certain  
20 whether or not we'll be successful in obtaining the waiver,  
21 even if we try it for it, I'm I-?

22 MR. CHAPMAN: Or -- or whether our plan  
23 itself will be approved.

24 MS. MCCLELLAN: Okay. I just wanted to make  
25 sure I understood some more.



1 MR. CHAPMAN: So I think that we'll be adding  
2 something that would, might throw the reviewers off from  
3 their task, of, of just reviewing exactly what they have the  
4 discretion to review or, or, and approve, as opposed to  
5 something else which they, the peer reviewers don't have  
6 the, the power or the authority to approve the waiver,  
7 anyway.

8 MS. MCCLELLAN: But it might cause them to  
9 tap the brakes if they see something, you know, that has  
10 been carried.

11 MR. CHAPMAN: Yeah. It just -- yeah. It  
12 just could delay, I guess. Just understand.

13 MS. MCCLELLAN: Thank you very much.

14 MR. CHAPMAN: So it will be cleaner to apply  
15 for it separately.

16 UNIDENTIFIED VOICE: This raises the question  
17 that I have. I thought that I read somewhere that ESSA  
18 changes the process, whereas states were able to get waivers  
19 from NCLB, they would no longer be waivers. So now, I am  
20 from ESSA, so I'm a little bit confused.

21 MR. CHAPMAN: I think it -- the, the, the --  
22 the distinction is in the prohibition of the secretary from  
23 offering waivers, as a, as a condition to get states to do  
24 certain things, which I think they're -- is an attempt to,



1 kind of, prevent maybe what happened under the other  
2 experts.

3 UNIDENTIFIED VOICE: In other words, if we  
4 come forward with a request that is completely different  
5 than the historical --

6 MR. CHAPMAN: Than them offering, hey, you,  
7 if you do this, then you can have a waiver kind of thing.

8 UNIDENTIFIED VOICE: Okay.

9 MR. CHAPMAN: But if it emanates from the  
10 state and that's something that the state wants, we can  
11 pursue those waivers.

12 MADAM CHAIR: Commissioner, did you have a  
13 comment to add?

14 MS. ANTHES: Right. I just wanted to, just  
15 assure you that we are seeking that waiver. We currently  
16 have that waiver. We are seeking it and so but just to  
17 reiterate, that's a separate process. But -- but we've  
18 heard that loud and clear, and so that's -- that is  
19 happening.

20 MADAM CHAIR: Thank you. Board Member  
21 Durham.

22 MR. DURHAM: Thank you. I'm, I'm sure every,  
23 I do have a question. I don't think there was any  
24 disagreement on the language we put in the plan about 95



1 percent. But can -- can you, is that under the assessment  
2 section, can you tell me?

3 MR. CHAPMAN: No. Well, that's in the next -  
4 - the very next section.

5 MR. DURHAM: So it's an accountability.

6 MR. CHAPMAN: Yes.

7 MR. DURHAM: Okay. And because I don't know  
8 that I see that.

9 MR. CHAPMAN: It, it's the --

10 MR. DURHAM: I've seen it, but it's not  
11 reading well.

12 MR. CHAPMAN: Right. It's on Page 24.

13 UNIDENTIFIED VOICE: He's looking at the  
14 dashboard though.

15 MR. CHAPMAN: Yeah, the dashboard.

16 MR. DURHAM: Oh, I'm sorry.

17 UNIDENTIFIED VOICE: But I see that it's  
18 fine.

19 MR. CHAPMAN: I think the pages are numbered  
20 -- oh, yeah, okay.

21 UNIDENTIFIED VOICE: Okay.

22 UNIDENTIFIED VOICE: So it begins on the  
23 bottom of Page 4 and that extends to the top of Page 5.

24 UNIDENTIFIED VOICE: And the reason I've -- I  
25 mean, if I understand this process, I don't think I



1 understood it before today, is that you're gonna to propose  
2 to submit this plan.

3 UNIDENTIFIED VOICE: Director Goff, do you  
4 have your plans?

5 UNIDENTIFIED VOICE: I do, but I'm probably  
6 not -- I'm probably not getting close enough. You're going  
7 to submit this plan before the April 5th deadline. And then  
8 we're going to, at a later point, ask the department to  
9 consider it, that we're going to ask them to consider it as  
10 is or let's suppose at that time, as we go through it piece  
11 by piece, we're going to ask them to consider it as amended?

12 UNIDENTIFIED VOICE: And so I didn't neglect  
13 to cover that as -- I know I was asked to do so. So that  
14 there's a little bit of lack of alignments in -- in  
15 timelines. You guys, your April meeting is on the 13th.  
16 The deadline for submitting our plan and assurances is on  
17 April 3rd. I have had contact with the U.S. Department of  
18 Education on this issue and under pursuant to education  
19 regulations, we -- we can submit our plan, even without the  
20 full approval, and then request the -- that it be withdrawn  
21 from consideration. If at your April meeting you decide  
22 that you want to submit a different plan or no plan at all,  
23 then we would just withdraw it from consideration at that  
24 time.

25 UNIDENTIFIED VOICE: And changes.



1 UNIDENTIFIED VOICE: And -- and with -- and  
2 so we could change it, so we can amend our -- we can submit  
3 our plan, get it on record, reserve our spot and then amend  
4 it.

5 UNIDENTIFIED VOICE: Without withdrawing it?

6 UNIDENTIFIED VOICE: Yes.

7 UNIDENTIFIED VOICE: So -- so if we did --  
8 because I -- on the, on the 95 percent issue, I -- you know,  
9 I've -- I've said before I think the staff has done a  
10 masterful job in dealing with the realities that we face in  
11 Colorado, full well knowing that in terms of pure 95 percent  
12 compliance is not realistic. And I'm -- I mean, if we, as a  
13 Board, and I have no idea whether we would, but decide that  
14 maybe we just make that statement we'll -- do the Colorado  
15 on Board policies impossible to comply? Thank you very  
16 much. We could do that if, if that was the will of the  
17 Board, is that correct?

18 UNIDENTIFIED VOICE: Well, I think that to a  
19 certain extent, that's what we're doing. So the way -- what  
20 we have submitting, or what we are submitting under the 95  
21 percent, it really ignores the proposed rules along those  
22 lines and as a -- as an attempt to reconcile statutes, state  
23 legislation and Board policy. I think that's -- that's what  
24 we've done. If we want to, if we want to go --



1 UNIDENTIFIED VOICE: I think if we describe a  
2 matter for federal policy where they, as I recall in ESSA,  
3 they prohibit coercion of students to participate. So  
4 everybody is on the same page except there is somehow still  
5 a 95 percent in there.

6 UNIDENTIFIED VOICE: We would focus on that.  
7 That provision in the law that seems to allow states and --  
8 and school districts to have local policies or policies that  
9 allow for parent refusals.

10 UNIDENTIFIED VOICE: But that isn't -- that  
11 isn't here?

12 UNIDENTIFIED VOICE: I think the statute sort  
13 of contradicts itself.

14 UNIDENTIFIED VOICE: Yeah, I'll explain it  
15 too.

16 UNIDENTIFIED VOICE: And then, and then we  
17 could focus on, on that aspect of it.

18 UNIDENTIFIED VOICE: Right. I mean, I think  
19 it must say that the Board will not punish districts for  
20 parent opt outs. It has to say that loud and clear because--

21 UNIDENTIFIED VOICE: And what we've said is  
22 we will calculate an accountability participation rate and  
23 parent refusals will be pulled, they will not be included in  
24 the denominator when we're making that calculation. So --  
25 so districts will not be -- or/and schools will not be



1 penalized from an accountability standpoint for their parent  
2 refusals.

3 UNIDENTIFIED VOICE: So in the appropriate  
4 time to go through this, essentially, in line by line, would  
5 be at the meeting which we're gonna, I presume, a fairly  
6 significant amount of time to go through. Raise those kind  
7 of questions, suggest amendments and that sort of things,  
8 not as -- not as appropriate here to do that. Is that fair  
9 statement?

10 UNIDENTIFIED VOICE: Well, we could. I mean  
11 if -- if -- if you would, that's -- if that's one of those  
12 areas where there -- we need to move to greater clarity or  
13 greater resolution, then I would like to, I wo -- I'm fine  
14 with spending that time right now if a, if a -- a special  
15 session would be helpful to go through it in more detail we  
16 could do that. Our hope is that, that there is comfort  
17 among Board Members and what's to be submitted in, in April  
18 so that you guys feel comfortable and -- and voting to, to  
19 have us submit the plan for consideration.

20 UNIDENTIFIED VOICE: And I think -- I think  
21 realistically when you -- you know, look at, started with  
22 Page 1 on the draft and you know, they started with the  
23 paperwork, burden statement -- did you all read that and  
24 then it was fascinating and -- it's estimated would take  
25 2,181 hours to complete this plan.



1 UNIDENTIFIED VOICE: And I think we've  
2 exceeded that.

3 UNIDENTIFIED VOICE: Have you been slacking  
4 off, Mr. Chapman? You see what it seem to mean-

5 UNIDENTIFIED VOICE: And I -- and would there  
6 we grappled with that, what helped us to present it in a  
7 way. And we've tried to really -- have tried to keep you  
8 guys up to date.

9 UNIDENTIFIED VOICE: Well, I -- I appreciate  
10 having the, actually the federal, looks like, template  
11 included because the, the absurdity of the 2,181 hour  
12 statement by the department of the -- U.S. Department of  
13 Education probably calls in the credibility in everything  
14 else they do is, if we don't have 10 times, 100 times to add  
15 as a state in, in that. I mean, given all the meetings, all  
16 the everything, I mean, that is a preposterous statement on  
17 the Department of U.S. DoE

18 UNIDENTIFIED VOICE: I would go on record  
19 totally agreeing with you on that one. But I -- I noticed  
20 that when I read it as well. That's a gross understatement.

21 UNIDENTIFIED VOICE: We expect you to pick up  
22 the pace, Mr. Chapman. Okay. Thank you.

23 UNIDENTIFIED VOICE: Thank you.

24 UNIDENTIFIED VOICE: Commissioner?



1 UNIDENTIFIED VOICE: And this is just a  
2 suggestion, so I can -- but if there are areas like that,  
3 like Mr. Durham's raised that, that you think we do, we  
4 would love to get that direction now so we could change the,  
5 the plan for your April meeting. So in terms of the time we  
6 spend now, I might recommend that Board Members say, are  
7 there areas that you read -- that you are concerned about  
8 and -- and give us some direction on how we could amend it,  
9 so that I do know that your April Board meeting is even more  
10 packed than this one. And so I'm just trying to figure out  
11 a way that we can streamline this process.

12 UNIDENTIFIED VOICE: Board Member McClellan.

13 MS. MCCLELLAN: I would say that I think it's  
14 really important that our plan differentiate between  
15 accountability, participation and regular participation, so  
16 that we have some record of those areas where we've got  
17 holes in the Swiss cheese. We want to make sure that,  
18 particularly given that we may not be able to count on any  
19 kind of backstop at the federal level, that we need to have  
20 something at the state level that, that differentiates  
21 between really complete data and data that's problematically  
22 lacking.

23 UNIDENTIFIED VOICE: And from my  
24 understanding, correct me if I'm wrong, that we will be



1 reporting both rates. So we will -- we are tracking and  
2 will be rep -- publicly reporting both.

3 UNIDENTIFIED VOICE: Board Member Durham.

4 UNIDENTIFIED VOICE: Thank you, Madam Chair.

5 I mean, it's difficult because of this, and we do have full  
6 agendas, but I mean, one of the early things in the -- that  
7 caught my eye and I don't know how it was resolved is, in  
8 the form, the, the U.S. DoE form-

9 UNIDENTIFIED VOICE: What page are you on>

10 UNIDENTIFIED VOICE: On Page 5. The box is  
11 checked that participation by private school children and  
12 teachers. Now I -- I don't know what those requirements are  
13 and before I would consent to have anything submitted  
14 relative to private school, children and teachers I'd wanna  
15 know what it is we're committing them to. That's probably a  
16 long process and may require an amendment as op -- and some  
17 additional time, right? Unless you can answer that question  
18 very simply-

19 UNIDENTIFIED VOICE: Yeah, and -- and-

20 UNIDENTIFIED VOICE: -and I hope I know what  
21 the answer is but I'm afraid of it.

22 UNIDENTIFIED VOICE: And it's for Title I and  
23 we've -- we've met with representatives from private schools  
24 and -- and the school districts that, that have private  
25 schools who are -- private school students who will be able



1 to benefit from title one. And the funds are intended to  
2 benefit the students enrolled in those schools and not the  
3 school itself. And -- and students are -- at private  
4 schools are eligible to receive Title I services if they,  
5 they need them. If they live within the, the boundary of a  
6 school district they can receive -- if their -- that private  
7 school is within the boundaries of a school district, those  
8 private school students are eligible to receive those  
9 services. And really there's the new law that lays out a  
10 process by which we are to ensure that they are aware of the  
11 availability of those services and in the -- the district  
12 and the school are set up to ensure that the students get  
13 them. And if there's an issue, then there's this -- have a  
14 roster to come up with an ombudsman to resolve any conflict  
15 between the private school and the school district.

16 UNIDENTIFIED VOICE: We have a pretty crisp  
17 and clean outline of that requirement and can make sure that  
18 we get that as a follow up to you. That -- that really  
19 describes the requirement and how -- how we will meet it.

20 UNIDENTIFIED VOICE: But the privates, does  
21 the subject, that private school, to any jurisdiction of  
22 U.S. DLE, and are we aiding and abetting that jurisdiction  
23 in this plan, in any fashion?

24 UNIDENTIFIED VOICE: No, that -- it's really  
25 the -- if -- does it make -- is the question does the



1 students accessing those services -- does that make this --  
2 the private school beholden to the feds in any way?

3 UNIDENTIFIED VOICE: We have to comply with  
4 something.

5 UNIDENTIFIED VOICE: It's really -- it's  
6 really about the students and their ability to get those  
7 supplemental services. And so given that the students  
8 received the services and we can -- I can certainly consult  
9 with people who might be able to give you -- Julie or  
10 something -- but my understanding is that it's -- this what  
11 is being -- the agreement that's being formed is how those  
12 students will be able to access those services and that it's  
13 not -- the school does not have to submit paperwork and then  
14 those kinds of things. There's no -- I don't think there's  
15 an administrative burden tied -- created for the school in -  
16 - in this process.

17 UNIDENTIFIED VOICE: Right. And -- and I  
18 apologize for dragging this out.

19 UNIDENTIFIED VOICE: No. I will follow up.

20 UNIDENTIFIED VOICE: I -- I do need to take -  
21 - I do have to, to tend a little business, but could I --  
22 and I'll ask if when I turn, if we can -- if I can still  
23 raise the issue, well to be exact, how we're dealing with  
24 the 95 percent. Excuse me for a minute.



1 UNIDENTIFIED VOICE: Yeah. Do you guys want  
2 to jump to questions of concern or do you want to try to  
3 plow through? It is quarter to 12.

4 UNIDENTIFIED VOICE: I'd like him just to  
5 continue where he was and not jump to this.

6 UNIDENTIFIED VOICE: You didn't like that 150  
7 pages?

8 UNIDENTIFIED VOICE: 150 pages that later. I  
9 just -- this one's shorter I can deal with this.

10 UNIDENTIFIED VOICE: (inaudible).

11 UNIDENTIFIED VOICE: Let's go back to where -  
12 - where he was.

13 UNIDENTIFIED VOICE: Let's see where he is.

14 UNIDENTIFIED VOICE: Okay. And I think the  
15 case that we're making in the plan is that we have made --  
16 provided -- we do provide accommodations and adaptations for  
17 the English learners with regard to Spanish and have the,  
18 the reading and writing assessments, third and fourth grade.  
19 (Inaudible) and I guess they're called something else now,  
20 but we do have native language assessments in grades three  
21 and four. And -- and that's, that's what we've submitted as  
22 part of -- that part of the plan.

23 UNIDENTIFIED VOICE: Board Member McClellan

24 MS. MCCLELLAN: I just wanted to touch on,  
25 with respect to the resources and supports that are



1 available for students that do not speak Spanish and do not  
2 speak English, what are we doing to require districts and  
3 schools to provide supports for those students?

4 UNIDENTIFIED VOICE: I -- their school  
5 districts can provide oral scripts in languages other than  
6 Spanish or English and so it's, it's really -- I don't, I  
7 don't know whether we provide support to school districts  
8 toward that end, but I know that that's allowable. But we  
9 can --

10 UNIDENTIFIED VOICE: There you are.

11 UNIDENTIFIED VOICE: Thank you, Madam Chair.  
12 This is Christina Worth Hawkins in our Assessment unit. She  
13 may be able to give you some more specifics.

14 MS. HAWKINS: Thank you. Good morning. So  
15 we have a variety of supports that are available for  
16 students who speak languages other than Spanish or English.  
17 There are as we mentioned an oral script for translation.  
18 So for students whose language level would require an  
19 assessment that would actually be translated into an actual  
20 language, there is the availability of local translation.  
21 So there could be local translation into any language. And  
22 then there are other accommodations such as translated  
23 directions, so if a student needed only the directions for  
24 example, depending on where they are in their language  
25 acquisition, but could access the rest of the assessment in



1 English, that is available as well. So this part of the  
2 plan is specifically related to an actual full translation  
3 of the assessment, but there are other language supports  
4 that are available to our English learners.

5 UNIDENTIFIED VOICE: Board Member Rankin.

6 MS. RANKIN: Isn't this just based on legally  
7 a certain percentage of students and their language-

8 MS. HAWKINS: Yes. So --

9 MS. RANKIN: Spanish is the only one that  
10 hits that. So that's why we emphasize.

11 MS. HAWKINS: Madam Chair, the -- the plan  
12 asked us to specifically look at the number of students who  
13 would qualify as a significant extent of the population. So  
14 that's what we looked at specifically. And when you look at  
15 Colorado's language in terms of which students speak which  
16 languages, though 80 percent per grade if not more depending  
17 on the grade are exclusively Spanish speakers, and that  
18 number significantly drops to 2 percent or lower depending  
19 on grade level. When you look at other languages. So that  
20 is why the recommendation here is for specifically 5  
21 percent or 1000 students whichever is less per grade level.

22 UNIDENTIFIED VOICE: So it's up to the  
23 district in that case and they fund it also to the extent  
24 that they offer cancellations?

25 MS. HAWKINS: So excuse me?



1 UNIDENTIFIED VOICE: Is the funding at the  
2 district level then, to the extent that they offer  
3 translations in other languages or is there anything in  
4 these title programs that allows those funds to be spent  
5 other than Spanish?

6 UNIDENTIFIED VOICE: They can be used, yes.

7 UNIDENTIFIED VOICE: Okay.

8 UNIDENTIFIED VOICE: So at the, at the local  
9 level.

10 UNIDENTIFIED VOICE: At the local level.

11 Okay, thank you. Onward, onward.

12 UNIDENTIFIED VOICE: Anything more on  
13 assessment? Okay. Moving to accountability, really, I  
14 think, that the only -- what this does is sort of how are we  
15 going to go about establishing our long term goals. How --  
16 what will be the interim targets. What data will we use and  
17 so forth. And really the only area where we did have, I  
18 think, a small minority opinion was with regard to the, the  
19 ambitiousness of our long term goals. We had -- did not  
20 receive that, that concern in writing or that minority  
21 opinion if you will, in writing but that as my -- as I  
22 recall that was where we did. The only area where we had  
23 really any disagreement with regard to the accountability  
24 recommendations.

25 UNIDENTIFIED VOICE: Ambitiousness or lack?



1 UNIDENTIFIED VOICE: I think that they were  
2 hoping for more and certainly Alyssa correct me, but we're  
3 hoping for more ambitious goals.

4 UNIDENTIFIED VOICE: Boar Member Rankin.

5 MS. RANKIN: On that accountability page.  
6 Did you just address the recommendation on a four year  
7 graduation rate?

8 UNIDENTIFIED VOICE: Yeah. The asterisk is  
9 sort of at the end of the -- the graduation sentence, but I  
10 think that that concern was actually more regarding the, the  
11 long term goals. What we're proposing in our plan is to --  
12 and so to use -- to look at both four year grad rate and  
13 extended grad rates.

14 DR. FLORES: But-

15 UNIDENTIFIED VOICE: Board Member Flores.

16 DR. FLORES: Thank you. I think -- I think  
17 the extended one was, was made because of the understanding  
18 that they might take -- it might take longer for -- for some  
19 kids. If -- especially if they're for instance, learning a  
20 second language or for instance if they wanted to take into-

21 MS. HAWKINS: Concurrent enrollment.

22 DR. FLORES: Yeah, concurrent enrollment and  
23 then and take advantage of going to community colleges or  
24 so. And that -- that might take a little longer. And of  
25 course, it's within the law, I think and they can go to



1 school till they're 21 and so but I don't see that as  
2 precluding not being ambitious. In fact I think those kids.

3 UNIDENTIFIED VOICE: Yeah that -- the  
4 asterisk really should be, I think after the goal, the goal  
5 statement. And I don't think we had any concern or  
6 diversion -- divergence of opinion with regard to the grad  
7 rate that -- that the recommendation I believe Alyssa is to  
8 continue pretty much doing what we have been doing, use the  
9 best of the, the rates four year extended.

10 DR. FLORES: Okay. So now, I'm concerned  
11 about your statement when you say it's not ambitious enough.  
12 What do you mean?

13 UNIDENTIFIED VOICE: The what -- the -- when  
14 this was being discussed when we were discussing the  
15 accountability recommendations with the HUB committee there  
16 was one HUB committee Member who felt that -- that our long  
17 term goals could be more ambitious. They were concerned  
18 that they weren't ambitious enough. It's not my concern it  
19 was the concern of one of the HUB, HUB Members.

20 DR. FLORES: And you're understanding of  
21 more ambitious was from that HUB Member was?

22 UNIDENTIFIED VOICE: That as opposed to what  
23 we were proposing that they would propose greater  
24 expectations for growth and achievement over time.



1 UNIDENTIFIED VOICE: Mr. Chapman, as you're  
2 following the current legislation there are, at least, there  
3 is a bill that talks about how-how to measure graduation for  
4 the P-Tech program, for example, which is by design, a five  
5 year program, does this impact this at all?

6 UNIDENTIFIED VOICE: I think it may impact it  
7 in that my understanding of that bill is that you would  
8 count a student as a graduate after four years, even if they  
9 were staying enrolled for that fifth year of the program.  
10 So that the four year rate would include those students that  
11 aren't included now until later on. We have other schools  
12 in the state besides the P-tech.

13 UNIDENTIFIED VOICE: Right.

14 UNIDENTIFIED VOICE: Schools that are focused  
15 on five or six year graduates just because kids have dropped  
16 out and have come back in. And so I think there probably is  
17 still a need for those extended grad rates even with that  
18 bill.

19 UNIDENTIFIED VOICE: I'm wondering if this is  
20 ought to be a topic that we go into. Assuming we survive  
21 the next three or four months, this might in addition to the  
22 English language assessment that we the piece that I would  
23 like us to learn more about, I'm wondering if graduation  
24 rate accountability, the differences also if -- even if  
25 we're talking about competency based education is our four



1 year rate make any sense? Does it make sense to not honor  
2 kids who graduate in three years? I mean, I think that that  
3 whole topic might be rich for discussion to sort of,  
4 identify what are the goals of the Board level and I'm just  
5 shut up now because you're going to be really mad if I start  
6 bringing up this subject.

7 UNIDENTIFIED VOICE: I wanna bring one thing  
8 up.

9 UNIDENTIFIED VOICE: Board Member, McClellan.

10 MS. MCCLELLAN: Thanks. Thank you, Madam  
11 Chair. I did have a quick question and I -- I think I  
12 understand what you mean by this text but I want to confirm  
13 that understanding with respect to the four year plus  
14 extended year, do I understand correctly that the roughly  
15 500 students in Colorado who are included in the ascent  
16 program are super seniors, if you will, who are on their way  
17 toward progress on an associate's degree? Can they go one  
18 extra year or in some cases can they go two extra years  
19 beyond that initial four years? And if so can we have the  
20 plan with respect to goal setting, can the plan reflect that  
21 with those students being counted not as a failure, not in  
22 the failure column but in the success column, if we're  
23 keeping them for the purposes of getting some college  
24 credits in that, that either five or six years?



1 MR. CHAPMAN: So you would like that  
2 clarified within the plan so that to, to indicate they were  
3 not. But there's no punishment, there are no negative  
4 consequences for them taking that extra year to.

5 MS. MCCLELLAN: No, I meant in the data, are  
6 we showing a bifurcated? Is our data bifurcated with  
7 respect to those who graduated strictly in four years being  
8 counted in the success column and that in that particular  
9 data point, are we then indicating that those who are in the  
10 ascent program and are maybe on year five, are those counted  
11 against that success rate? I'm hoping that without running  
12 afoul of federal law that there is some way that we can  
13 reflect that, that is even in that four year graduation data  
14 point. Is there something we can do so that we're not  
15 counting those assents students negatively and my part of my  
16 reason for bringing this up, is that we have such a gap in  
17 middle skills workers. And I know that for many who are in  
18 the ascent program, they are first generation college  
19 attendees. And so I'm hoping that we don't unintentionally  
20 punish good behavior when in fact the ascent program is  
21 addressing a real need in the community and it's positive.

22 UNIDENTIFIED VOICE: Ms. Pearson.

23 MS. PEARSON: I think. Thank you, Madam  
24 Chair. That is the exact reason why we have a long history  
25 in Colorado of doing the extended grad rates. So when we



1 report grad rates, we report four, five, six or seven year  
2 rates and for a kind of, we've had them all and they're  
3 students that don't graduate in four years are not in the  
4 four year grad rate. They're included in the five year or  
5 the sixth year, the seven or whenever they graduate. And  
6 then, for state accountability, what we've done is, we use  
7 the best of the four, five, six, or seven year rate because  
8 it just depends on for the school and the group of students  
9 with the highest rate is and we give them that credit for  
10 that.

11 MS. MCCLELLAN: Is reporting best of that  
12 answer is my question. That's very helpful.

13 MS. PEARSON: When we report, you'll see we  
14 can show you the little try but we've got a chart that shows  
15 all the years out.

16 UNIDENTIFIED VOICE: Excellent, thank you  
17 very much. Ms. Florence.

18 MS. FLORENCE: Yes, thank you. We're into  
19 accountability and one of the things that I'm concerned  
20 about and that's because of listening to the Hub committee  
21 and listening to those discussions. Well, I would agree  
22 that we need to talk about this maybe at greater length but  
23 I really do believe that, if we were in a system where we  
24 were at competency at grade level. Instead of just really  
25 going into what growth. Did they grow at 0.005? You know,



1 and that's growth but it isn't growth. We want kids to be  
2 at grade level and we're not going to do that. I mean, if  
3 we're just going to continue on this kind of, this road and  
4 competency based, you know, I was one of these people way  
5 back when that went through a competency based program. It  
6 was grade level. We never talked about, you know, how much  
7 growth and because growth is important. You can never say  
8 growth is not important.

9 UNIDENTIFIED VOICE: You see this is another  
10 discussion for us to have after we get through all this.

11 MS. FLORENCE: Yes. I'm -- I'm just making  
12 it clear here that we need to talk about grade level and  
13 that kids be at grade level and that's very, very important  
14 and that and another thing that we need to talk about too,  
15 is materials. We need to give school districts tools and by  
16 tools, I mean, textbooks and books and all these tools that  
17 they need that at, at one point back in the, in the Stone  
18 Age, we had textbooks that were at grade level and so it was  
19 easier for kids to get that grade level because they knew  
20 the material that they had to go through to get to grade  
21 level.

22 UNIDENTIFIED VOICE: And remember, Ms.  
23 Florence I appreciate your comments but we -- we have got a  
24 huge task right now. Would be wonderful if we could stick



1 on this essay plan and then we can note. We certainly  
2 should note your concerns agenda.

3 MS. FLORENCE: And my concern is -- is this  
4 whole reform agenda.

5 UNIDENTIFIED VOICE: Okay.

6 MS. FLORENCE: Has taken us into chaos and  
7 we're not-

8 UNIDENTIFIED VOICE: Board Member, Goff.

9 MS. FLORENCE: -dedicated growth level.

10 MS. GOFF: Thank you. Mr. Chapman and those  
11 of you, especially, those on the Hub committee or as. Are -  
12 - Are these questions in line with the assurances or the  
13 questions that we've been asked to provide in the plan that  
14 we submit?

15 MR. CHAPMAN: Yeah. Thank you. That's a  
16 very, very good question. These are the prompts to which we  
17 must respond. This is the information that we are asked to  
18 provide to the U.S. Department of Education as part of our  
19 plan.

20 MS. GOFF: And then, clarify maybe a little  
21 over clarifying one more time but then, down the road, we  
22 still have the -- the opportunity to come back and we will  
23 be working on what's going to be known as the Colorado's  
24 approach to implementing the plan, is that correct?



1 MR. CHAPMAN: Yes. We have in development,  
2 sort of, an annotated version of our plan that will  
3 hopefully speak more directly to the citizens of Colorado.  
4 This is -- Here's what was in the plan. This is what it  
5 means for Colorado. Here's what needs to be done in  
6 implementing the plan.

7 MS. GOFF: So general statement. Some of the  
8 points we've made today and we're bringing up will be  
9 eligible to be discussed again by us in the -- in the  
10 implementation down the road. Just on my -- My main concern  
11 is that for the sake of time today and efficiency and  
12 getting some good material solidly in place, from us that if  
13 this is the outline that is going to be the essence of the  
14 plan we are submitting, this is where we should be focusing  
15 our attention.

16 MR. CHAPMAN: I think we've done our best to  
17 really. Yes to pull out. These are the items that were  
18 discussed by the spoke committees and then later the Hub  
19 committee and these are the, sort of, really reflect the  
20 decisions that are being made, where we had an opportunity  
21 to go one way or another. That said, I think that there's -  
22 - there're a lot of, in the implementation of the plan there  
23 will be, there will be details that surfaced that will  
24 require some additional discussion at that, at that time  
25 together with our stakeholders.



1 UNIDENTIFIED VOICE: Quick, quick.

2 MS. FLORENCE: Yes, in the old Stone Age  
3 times, we used to have a chief mine tests, where parents  
4 knew where their kids were grade level or not and we don't  
5 have that anymore. I think that parents are completely  
6 confused. I think the public is very, very confused when we  
7 give them report cards of this standard or that standard,  
8 that does not really tell them.

9 UNIDENTIFIED VOICE: Board Member, Florence,  
10 please help us get back on track here. I'm going to be  
11 blamed for having us totally off track here, and I'll really  
12 be grateful for your help.

13 MS. FLORENCE: It's not off track, I'm giving  
14 you a reality.

15 MR. CHAPMAN: And then so to, sort of, follow  
16 up on the conversation that was held earlier where, where we  
17 have an option of assessing English learners first year or  
18 getting to assess them the second year. What's in the plan  
19 is that, if you are in the U.S. schools for less than 12  
20 months in our non English proficient, then you do not have  
21 to be assessed although the parent can request that their  
22 child be assessed and if you are a limited English  
23 proficient or fluent English proficient, you would be  
24 expected to participate in the English Language Arts  
25 assessment in year, in year one. As I mentioned earlier,



1 that we are on the recommendation is to, for at least, for  
2 the short term look at reductions in rates of chronic  
3 absenteeism as are other indicator we've included in the  
4 plan. The plans to continue, to continue considering other,  
5 other, other indicators moving forward and if -- if we add  
6 an additional indicator, that we can do that or we can  
7 replace chronic absenteeism as the, the single other  
8 indicator. We can have more than one other indicator and  
9 there was pretty good consensus, especially, within the Hub  
10 for that approach. We're proposing to continue with a  
11 minimum of 16 for student achievement and a minimum of 20  
12 for growth.

13 MS. FLORES: And may I ask.

14 UNIDENTIFIED VOICE: Board Member Flores.

15 MS. FLORES: May I ask why the 20 and why the  
16 16 because as I said that you could even go further down.  
17 Why not 16 -- 16 and 20?

18 MR. DURHAM: Let's speak to that. But I  
19 think, think that we had pretty extensive conversation with  
20 regard to both the, the first, achievement and growth and --  
21 and there was a consensus with -- to continue doing using  
22 the practices that we have been using-

23 MS. FLORES: We had 16, but then it was  
24 changed to 20 when we could have had more consistency with



1 just 16 and more districts could have been included because  
2 of, you know, the smaller districts-

3 UNIDENTIFIED VOICE: Ms. Pearson.

4 MS. PEARSON: Thank you. So the -- to  
5 discuss this pretty extensively, Colorado's practice has  
6 been 16 for achievement and 20 for growth since about 2010  
7 when we've been doing that in accountability. The reason  
8 for that is growth. When we've looked statistically, growth  
9 is much more stable when you get to 20, it's a real, kind  
10 of, data point for when to use that number. Historically,  
11 we use 16. There was a recommendation at one point to move  
12 to 20 for both numbers, but the heart felt pretty strongly  
13 that it was important to have as many schools that's  
14 included and to stick with the 16 that we've been using for  
15 achievement. So-

16 MS. FLORES: Thank you.

17 MR. DURHAM: And then once you just go ahead  
18 and just -- I give you that one.

19 UNIDENTIFIED VOICE: Do you want me to read?

20 MR. DURHAM: Yeah, I'm I want you -- you to  
21 read.

22 UNIDENTIFIED VOICE: This is another area  
23 that we actually had some really good evolution on the  
24 concept and on the work as it went from the spoke, to the  
25 Hub, and then multiple conversations with the Hub. So where



1 the re -- recommendation is landed for students of -- from  
2 major race and ethnicity groups, is to report by individual  
3 race ethnicity group where possible, where that minimum end  
4 has been met. If there are individual groups that don't  
5 meet that minimum end but then combine with other groups  
6 that do not meet the minimum end, that they would be  
7 reporting together as a combined other major racial and  
8 ethnic group. And so that the most students possible would  
9 be included in that disaggregated race ethnicity reporting.

10 UNIDENTIFIED VOICE: Okay. Thanks.

11 MR. DURHAM: All right. As part of our  
12 accountability system, the ESSA asks that we identify some  
13 schools for improvement, two types, one being comprehensive  
14 -- schools identified for comprehensive support and  
15 improvement and another kind of the, the targeted support  
16 and improvement. What we're recommending in our plan is  
17 really, basically, what we've pulled from statute that we're  
18 defining those comprehensive schools as we're required to  
19 under statute being the lowest performing five percent of  
20 Title I schools and any -- any high school with a grad rate  
21 below 67 percent. Those we -- those schools go on the list  
22 for three years as in statute, they exit the list after  
23 three years if they -- if they no longer meet the criteria  
24 for identification. For targeted, we will be looking at  
25 schools that, that will be identified for support. If they



1 have at least one student group that's performing at the  
2 level of the five percent lowest Title I schools. So if  
3 they -- if they have a single student group that, that their  
4 achievement is at the level of the Title I schools that are  
5 being identified for comprehensive improvement, then they  
6 would be identified for targeted support and improvement.  
7 They too will stay on the list for three years, and if after  
8 three years they no longer meet the criteria for  
9 identification, they would be removed and we had good --  
10 good unanimity on that one. Then come back to the  
11 participation requirement, to moving forward in a way that -  
12 - that we have under the waiver. So we've reached an  
13 agreement with the U.S. Department of Education as part of  
14 our waiver. I think the cha -- the change here is that we  
15 will be pulling -- pulling apparent refusals from the  
16 denominator and calculating an accountability participation  
17 rate. If even after we do that, schools or districts have a  
18 participation rate that falls below 95 percent excluding  
19 apparent refusals, they will be asked to consider that as a  
20 data point as part of their unified improvement plan and  
21 address it.

22 UNIDENTIFIED VOICE: So Board Member Durham,  
23 is this the point at which you want to make some  
24 recommendations for -- we're, we're on this topic that you  
25 suggested-



1 MR. DURHAM: The 95 percent.

2 UNIDENTIFIED VOICE: Right. Do you have a  
3 proposal for this indifference.

4 MR. DURHAM: Well, I don't. And that's the  
5 problem. I don't have specific-

6 UNIDENTIFIED VOICE: That's the problem.

7 MR. DURHAM: I don't have a specific  
8 language. Can I generically I give you a proposal? Yes.  
9 But I think if we know we're gonna have to deal with it, we  
10 are going to deal with it when I can write something that  
11 can actually substitute as opposed to trying and finesse  
12 here.

13 UNIDENTIFIED VOICE: So -- just a minute. So  
14 is it realistic to have you write it between now and April  
15 1st. If Mr. Chapman is concerned about dramatic -- or, or  
16 putting in dramatic changes and perhaps having a heads up  
17 beforehand. What are your thoughts about being able to or  
18 wanting, but it would have to fly through the -- it would  
19 have to go through the rest of the Board as well?

20 MR. DURHAM: One of the things we could do is  
21 to pull that section from the plan and -- and send a copy to  
22 the Board and the Board can discuss it and revise it-

23 UNIDENTIFIED VOICE: In April, the April/May?

24 MR. DURHAM: Well, no. I would like to -- if  
25 we can do that, like, today. We could pull that section or



1 not that we have to be done with it today, but get that --  
2 that passage from the plan to you for review and edit.

3 UNIDENTIFIED VOICE: But couldn't we just  
4 say-

5 UNIDENTIFIED VOICE: To be determined.

6 UNIDENTIFIED VOICE: Well, districts -- I  
7 mean, we could say, districts will not be punished for --  
8 parents, for parents who (inaudible)

9 UNIDENTIFIED VOICE: So Board Member Flores,  
10 I don't know what Board Member Durham wants to say.

11 MS. FLORES: Oh, I'm sorry.

12 MR. DURHAM: Well, that's -- it's pretty  
13 close. It's simply an admission and I don't care whether --  
14 maybe admission probably that's right was insertion that  
15 Colorado legislature has spoken and compliance is  
16 impossible. And I understand that good work has been done  
17 but the reality is we're not going to have 95 percent as  
18 measured by traditional methods. And -- and I think the  
19 fallacy of all this is last time I knew, New York had an 80  
20 percent participation, roughly the same as Colorado, as they  
21 can't comply either. I mean, who are we kidding here? The  
22 Federal Government has given us a pro -- a standard that I  
23 don't believe anybody can meet.

24 UNIDENTIFIED VOICE: Well, other states are  
25 meeting it.



1 MR. DURHAM: I don't -- I don't-

2 UNIDENTIFIED VOICE: There're some states  
3 that aren't.

4 MR. DURHAM: I don't buy that for a minute.  
5 That any -- I think you'd have usually have that many people  
6 absent on a day. And so the practical side in could they do  
7 a lot better than we're doing? I would certainly concede  
8 that if they're closer to 95 percent. But we've -- we've  
9 let the federal government create a fiction. We all go  
10 dance around it and say, "Oh my god, we can't." You know,  
11 we have to find a way to comply when the cleanest way is to  
12 just simply put in a statement that says Colorado law and  
13 Board policy prohibit -- prohibit us from complying with the  
14 95 percent period. And if you want to put in, here's what  
15 we will do and let it go at that, I don't care. But I think  
16 without the statement that says Colorado law and state Board  
17 policy prohibit compliance with this section or make  
18 compliance with this section impossible.

19 UNIDENTIFIED VOICE: Action say it doesn't  
20 prohibit. It limits.

21 MR. DURHAM: Makes compliance impossible.

22 MALE\_1: You know, the law just really asks  
23 for us to -- to describe how we will factor it in. And I  
24 think if we're taking -- if we're saying we can be clear and  
25 explicit in saying that we want to take advantage of that



1 passage that allows for parent refusals and to not include  
2 that in our accountability participation rate calculations,  
3 is that sufficient or?

4 MR. DURHAM: I think we just sort of -- I  
5 think we sort of say it in a straightforward pa -- fashion  
6 and I'll make, make a motion simply to include the statement  
7 that Colorado law and state Board policy make attainment of  
8 the 95 percent impossible. And then we can proceed with the  
9 rest of what we have in there is how we will -- how we will  
10 report-

11 UNIDENTIFIED VOICE: Do we have districts  
12 that do comply?

13 UNIDENTIFIED VOICE: Yeah.

14 UNIDENTIFIED VOICE: Can I interrupt?

15 MR. DURHAM: Yes, please.

16 UNIDENTIFIED VOICE: Can I read to you what  
17 we have in the draft? It's not quite as far as you're  
18 saying, Mr. Durham, but I think -- Let me read it to you.

19 MR. DURHAM: Okay.

20 UNIDENTIFIED VOICE: And then tell us what  
21 you want for further feedback. So this is part of what's in  
22 the draft and the section it says per Col --

23 UNIDENTIFIED VOICE: What page is it on?

24 UNIDENTIFIED VOICE: It's on Page 59. It's  
25 says per Colorado state law, districts must have a policy in



1 place to allow parents to excuse their students from the  
2 state assessment. Additionally, school in districts shall  
3 not impose negative consequences, including prohibiting  
4 school attendance, imposing in unexcused absence or  
5 prohibiting participation in extra curricular activities on  
6 the student or on the parent. The Colorado State Board of  
7 Education passed a motion in February 2015 stating that CDE  
8 shall not hold schools and districts liable for the choices  
9 that parents make to excuse their students from the state  
10 assessments. As a result, in Colorado, any accountability  
11 implications for participation are focused on the  
12 accountability participation rate, which does not hold  
13 schools or districts liable for parent decisions with regard  
14 to student participation in the state assessment. So it  
15 doesn't go quite that next level of saying we cannot comply,  
16 but it's -- it's saying what our laws are and how we'll  
17 proceed.

18 MR. DURHAM: But I would say then, I would --  
19 I would go one step further and then strike item three near  
20 the bottom of Page 59 that requires schools and districts  
21 that fall below the participation. Well, I view that as a  
22 penalty, which is why I was considering striking the whole  
23 section. But if we remove anything that requires anybody to  
24 do anything as a result of failing to be 95 percent, then  
25 I'm probably going to be okay with the rest of the language.



1 But you know we're -- we're requiring them -- we are  
2 requiring districts to do something to improve it. As far  
3 as I'm concerned, having to do that is penalty.

4 UNIDENTIFIED VOICE: Number --

5 MR. DURHAM: I would.

6 UNIDENTIFIED VOICE: So that's -- that  
7 relates to, to that takes out parent excusal, Steve, number  
8 three.

9 UNIDENTIFIED VOICE: We need that--

10 UNIDENTIFIED VOICE: That's after --

11 UNIDENTIFIED VOICE: Yeah.

12 UNIDENTIFIED VOICE: That's after, yeah.

13 MR. DURHAM: I don't think it's well.

14 UNIDENTIFIED VOICE: Yeah, I think that's the  
15 intent of it.

16 UNIDENTIFIED VOICE: Yeah. That needs to be  
17 clarified maybe.

18 UNIDENTIFIED VOICE: Yeah. And we can be  
19 really, because we made that change based on your feedback  
20 when we sat and -- whatever meeting that was when we sat,  
21 and the year, we made sure that we wanted it to be clear  
22 that that's the accountability participation, right? Not  
23 any -- not the regular one, when, when we remove parent  
24 refusal so that there's no impact there.

25 MR. DURHAM: Right.



1 UNIDENTIFIED VOICE: So we can strengthen  
2 that language and make sure it's very clear. That it's the  
3 accountability participation, right?

4 UNIDENTIFIED VOICE: Does that help, sir?

5 MR. DURHAM: It helps. It helps. I don't --  
6 I wanna say that we completely closed the issue but and I  
7 think it that this discussion's highlighted what I think is  
8 the problem that we face and I'm not casting blame on anyone  
9 here, but you know, we're up against the deadline. If we  
10 say no, then we're going to be in the September. One of the  
11 amusing things I read, was that the Department of Education  
12 does not allow staggered submissions-

13 UNIDENTIFIED VOICE: Right.

14 MR. DURHAM: -saying that most everybody else  
15 would like a staggered workload by they.

16 UNIDENTIFIED VOICE: If you put May 1-

17 MR. DURHAM: Yeah.

18 UNIDENTIFIED VOICE: If you put May 1, it's  
19 still seen as September.

20 MR. DURHAM: Yeah, they won't look at it for  
21 six months which is-

22 UNIDENTIFIED VOICE: Yeah, I saw that.  
23 Unfriend.

24 MR. DURHAM: Another thing. Well, I it -- it  
25 calls into question the management of the previous



1 administration department. That's that is an inane  
2 statement, but -- but nonetheless, we're up against -- we  
3 either submit them something that, if we change, it's going  
4 to cause considerable pain or we decide not to submit them  
5 something and have time to really go over it line by line in  
6 o -- over the summer and meet the September deadline.  
7 That's -- that's always one of the things I've objected to,  
8 is that we're always running into that. That, you know,  
9 there are some -- I thought there were some advantages to  
10 submitting early but you know, we're-

11 UNIDENTIFIED VOICE: Well, there are.

12 MR. DURHAM: How late are we?

13 UNIDENTIFIED VOICE: There are, but still.

14 MR. DURHAM: But -- but it puts us under very  
15 significant pressures and -- and -- and -- and a good  
16 argument against future motions to change things will be  
17 the, the subsets the outcome. And as I said, I'm not being  
18 critical, let's challenge it just the way it is. I mean,  
19 it's remarkable you got as far as you did as the amount of  
20 time you had. Typically, since you only had 2100 hours to  
21 do it. But -- so maybe that's the broader decision the  
22 Board wants to look at but to be able to say, you know, I  
23 don't know how well the public had a chance to review this.  
24 That's -- when was the final draft posted?



1 UNIDENTIFIED VOICE: Well, there are pro --  
2 there are draft and the draft will change before its final.  
3 It was posted on February 10th. And so it's been up there  
4 for a few weeks.

5 MR. DURHAM: For about a month, give or take.

6 UNIDENTIFIED VOICE: Board Member McClellan.

7 MS. MCCLELLAN: Oh actually I'll hold my  
8 comment.

9 UNIDENTIFIED VOICE: OK.

10 MR. DURHAM: So I don't know what the final  
11 disposition would be but I think that-

12 UNIDENTIFIED VOICE: Are you saying that you  
13 want us to discuss whether we even submit it, in April.

14 MR. DURHAM: Well, I mean-

15 UNIDENTIFIED VOICE: It was your leadership  
16 that got us.

17 MR. DURHAM: Yes, I know. Isn't it  
18 remarkable? Be careful what you wish for, you may get it.

19 UNIDENTIFIED VOICE: Well, pressure -- I  
20 mean, deadlines always do this and they'll do it to us come  
21 September I-

22 UNIDENTIFIED VOICE: And we-

23 UNIDENTIFIED VOICE: -I'm confident.

24 UNIDENTIFIED VOICE: Certainly we can revise  
25 it, amend our plan in an ongoing fashion.



1 UNIDENTIFIED VOICE: Board Member Rankin, did  
2 you have a comment?

3 RANKING: I -- I appreciate trying to  
4 simplify and clarify what we're doing in, o -- o -- on that  
5 note, on Page 21, I just would like to read one sentence.  
6 Twenty one of the thing that's on the Board, yeah, handout.  
7 To strike a balance between maximizing the transparency of  
8 the disaggregated group performance and the inclusion of the  
9 most students in our accountability system. Colorado will  
10 use individual disaggregated groups for any race or ethnic  
11 group that meets the minimum in for any -- for a given  
12 school and a combined group for any individual groups that  
13 have fewer students than the minimum in but combine meet the  
14 minimum end. That is one sentence, and of course it makes a  
15 lot of sense to some people but-

16 UNIDENTIFIED VOICE: Diagram it.

17 UNIDENTIFIED VOICE: -yes, diagram it. But I  
18 -- I think things like this should not be in this document.  
19 I mean, this is what we call transparency to the people, the  
20 taxpayers, the parents of Colorado. It's just not right,  
21 and I object to that. And if it means a special session of  
22 us sitting down together and being, clarifying it more for  
23 the people that pay for this, I am all for having another  
24 session.



1 UNIDENTIFIED VOICE: So that certainly is  
2 direction for the other document. Am I right? Board Member  
3 McClellan.

4 MS. MCCLELLAN: Because I am the newest Board  
5 Member and you may not have had feedback from me on some of  
6 these topics, I want to make sure that I do weigh in. I  
7 definitely favor maximizing the transparency. I don't know  
8 that I can come up with a better wording as cumbersome -- as  
9 it is, it is a complex topic. And I think it is important  
10 to include our intent. If we're able to say it in a way  
11 that sounds like less marbles in our mouth, maybe less  
12 legalese, certainly open to using the simplest and clearest  
13 boiled down language possible but I hope that we continue to  
14 include the intent, which I think is really important. And  
15 with respect to participation rates, whatever we do, I hope  
16 we do continue to discourage the practice of schools having  
17 students that they might anticipate would have a low score  
18 from taking the test. So I think that bifurcation of  
19 parental opt outs, which certainly the school cannot help,  
20 versus the rest of the data, letting us know how complete  
21 that data is, I think that bifurcation is important and  
22 should stay. Thank you.

23 UNIDENTIFIED VOICE: Commissioner.

24 UNIDENTIFIED VOICE: Yes. Thank you, Madam  
25 Chair. So I'm just trying to figure out some -- some ways



1 to so move through this. There's a -- there's a little bit  
2 of a conundrum that if you actually read the template, this  
3 is a highly technical document. And this is one of those  
4 things that we've, you know, are frustrated by, and you go  
5 back and forth on, we have this conversation with our  
6 stakeholder groups too. That like it would be lovely if it  
7 were this big visionary document that was in, you know, but  
8 it's a lot of this work is highly technical. And so that's  
9 some of where the gobbledygook comes from. So definitely  
10 take that point. We can do what we can to clean that up we  
11 can, as Mr. Chapman has said, just as an option, we do have  
12 full rein to amend the plan at any given time and resubmit  
13 to the department. So I think one of the reasons -- well --  
14 well, I won't put words in Mr. Durham's mouth, but to get in  
15 early, to get some sort of an indication from the federal  
16 government that it was approved, then school districts know  
17 what they are expected to do prior to the school year that  
18 they're starting. So that's just one consideration. We  
19 will obviously take direction for you, from you, but we  
20 could continue to go through the plan at a longer time frame  
21 and then we submit an amended plan, even if we submit it at  
22 still in April. So you know, but again, if you're not  
23 comfortable with the plan, submitting in April, then we will  
24 certainly take that direction.



1 UNIDENTIFIED VOICE: And just to your point,  
2 I do think that in some cases we can have -- we can have a  
3 complicated response which the peer reviewers may need in  
4 order to be able to determine whether or not we're  
5 approvable. So in a lot of cases, if we don't -- if we just  
6 include the simplest language, then we engage with this long  
7 back and forth with the U.S. Department of Education saying,  
8 "What do you mean?" So in those kinds of cases, and I did -  
9 - I actually noticed that sentence too, and -- and I do  
10 think in some cases we can say in other words or are really  
11 kind of try and say it simply at the same time as we're  
12 providing that additional detail.

13 UNIDENTIFIED VOICE: Board Member, Durham.

14 MR. DURHAM: Thank you.

15 UNIDENTIFIED VOICE: I -- I don't know if you  
16 know, how many changes we would have if we had six months to  
17 look at it as it's opposed to relatively a small amount of  
18 time. But I do have one specific question. I've had a  
19 couple of texts today and e-mails that, that action is  
20 anticipated on repealing the ESSA accountability rules. If  
21 those in fact are repealed in the next few days would there  
22 be something that we could strike out of this document as a  
23 result of that?

24 UNIDENTIFIED VOICE: Yeah, and -- and in  
25 addition to that -- that and I think it's regardless of



1 whether I'm not exactly sure how it all works but the -- the  
2 U.S. Department of Education is anticipating that, that  
3 repeal the rescission of the rules and they have a new  
4 template ready to send to us that I guess will be available  
5 as -- as of March 13th and so we would look at that new  
6 template and then also look at our plan and -- and really  
7 strike anything that -- that isn't is no longer necessary.  
8 Any information that's no longer necessary to -- to provide.

9 UNIDENTIFIED VOICE: Under your all guidance  
10 as we were developing this there were some areas in  
11 misalignment with the rags and you all really encouraged  
12 just to stay true to Colorado. So our plan is really true  
13 to Colorado and I think the removal of the rags because you  
14 gave us that initial direction. It's really not impacting.

15 UNIDENTIFIED VOICE: It's -- yeah, the -- the  
16 plan but the template if they ask if so far if I ask you  
17 know two questions instead of the -- the number of questions  
18 that were asked in the original template we would be able to  
19 pull any of that information that becomes extraneous at that  
20 time but in writing the plan that we've written we have been  
21 focused on statute and -- and there are several areas where  
22 we're what we're pro -- proposing is consistent with statute  
23 that ignores the rags that had been proposed by the -- the  
24 old administration.



1 UNIDENTIFIED VOICE: That was my  
2 understanding.

3 UNIDENTIFIED VOICE: So with regard to --

4 UNIDENTIFIED VOICE: I think that probably  
5 the final answer is I'm not likely to suggest to sway over  
6 given how far we've come and probably how to be submitted  
7 but I would also say that when we get final approval I would  
8 hope we would have more significant amount of time a lot  
9 tiring, by then the review by all interested parties of the  
10 specific document I think will be more thorough, we may have  
11 more suggestions and I'm not going to be shy about  
12 suggesting changes even if they require immediate amendments  
13 to the -- to plan or immediate requests.

14 UNIDENTIFIED VOICE: Are you talking April?

15 UNIDENTIFIED VOICE: I'm not -- I'm talking  
16 it's on -- I presume that's going to be on the agenda for  
17 April but given our schedule do we have enough time to  
18 actually sit down and -

19 UNIDENTIFIED VOICE: Well, I'm a little  
20 concerned about that and I'm wondering if we should be  
21 thinking or trying to schedule a meeting --

22 UNIDENTIFIED VOICE: We -- we could do that  
23 some other time once it's submitted but I mean for example I  
24 -- I think there is some language in here that gives me a  
25 chance to relitigate my opposition to use cut scores and you



1 know page and just on page nine in the document which I have  
2 highlighted that's going to take some time to do things like  
3 that and I.

4 UNIDENTIFIED VOICE: It's difficult to cut  
5 scores because we asked them to do it.

6 UNIDENTIFIED VOICE: Well we -- yeah I mean  
7 we -- we always set cut scores and that gets back to  
8 fortunately Ms. Koski is not here so she won't be having a  
9 heart attack but coz I know she doesn't like this discussion  
10 particularly well but it's a discussion that I'd like to go  
11 back and have a little bit about cut scores versus uses of  
12 other types of scoring methods. So I think these -- these  
13 are things that are embedded in this plan that there has  
14 been controversy about and I think the -- the final results  
15 are somewhat unsettled in terms of well, how this Board  
16 actually feels about it. I just want a chance to litigate  
17 those at some length.

18 UNIDENTIFIED VOICE: I totally appreciate  
19 your honesty.

20 UNIDENTIFIED VOICE: Yeah, I wanna have a  
21 chance to re -- revisit some of those issues and I -- and I  
22 don't think we should I don't know on how much more things  
23 will change with a new administration they might change a  
24 lot. I don't wanna close any of those doors. So there's  
25 sections of this.



1 UNIDENTIFIED VOICE: My understanding is  
2 we're not closing any doors.

3 UNIDENTIFIED VOICE: We get to vote on it  
4 before we know what's in it?

5 UNIDENTIFIED VOICE: Well, I think we -- I  
6 think we kind of know what's in it. It's not bad.

7 UNIDENTIFIED VOICE: We've done our best to  
8 let you know.

9 UNIDENTIFIED VOICE: Yeah. The question is  
10 do we like what's in it.

11 UNIDENTIFIED VOICE: Yeah.

12 UNIDENTIFIED VOICE: That's the.

13 UNIDENTIFIED VOICE: And we want you to like  
14 what's in it.

15 UNIDENTIFIED VOICE: Yeah. I know.

16 UNIDENTIFIED VOICE: I was trying to be  
17 polite. Obviously I was.

18 UNIDENTIFIED VOICE: We're hungry.

19 UNIDENTIFIED VOICE: But if you keep, if you  
20 keep pushing in that direction you're going to exceed your  
21 2100 hours so. Sorry I think I'm ready to move on and --  
22 and deal with things later and if this is gonna be on the  
23 agenda at the April meetings we're gonna need a couple of  
24 hours at least.



1 UNIDENTIFIED VOICE: So we have some choices,  
2 we could have a three day meeting in April.

3 UNIDENTIFIED VOICE: We would need to.

4 UNIDENTIFIED VOICE: We can have another  
5 meeting before April and just have this be the talk.

6 UNIDENTIFIED VOICE: Collins. Oh your  
7 enthusiasm is killing me.

8 UNIDENTIFIED VOICE: If there just, excuse  
9 me, if there were it would -- it would be helpful so if --  
10 if we had a sort of a special session so that we would have  
11 an opportunity to take the direction from this special  
12 session and incorporate it into the revised draft of the --  
13 the plan prior to the April meeting.

14 UNIDENTIFIED VOICE: Can I make a suggestion.

15 UNIDENTIFIED VOICE: Sir.

16 UNIDENTIFIED VOICE: I do have one I --  
17 specific idea that we could -- we could lay this over until  
18 the conclusion of the two hearings on tomorrow.

19 UNIDENTIFIED VOICE: Tomorrow.

20 UNIDENTIFIED VOICE: I have looked at those,  
21 both those issues and I'm not convinced we're gonna take the  
22 amount of time allotted and we may have an hour or two extra  
23 at the conclusion tomorrow because if we don't then we would  
24 have to vote on this at that time with whatever time we've  
25 had to put into it.



1 UNIDENTIFIED VOICE: Okay so we're not voting  
2 this month.

3 UNIDENTIFIED VOICE: Yeah we have to vote to  
4 allow you submit it conditionally, correct Mr. Chapman.

5 UNIDENTIFIED VOICE: Not until April.

6 UNIDENTIFIED VOICE: Got till April.

7 UNIDENTIFIED VOICE: So this is for  
8 information and we're trying to -- to get direction.

9 UNIDENTIFIED VOICE: We're gonna submit it on  
10 April 3rd.

11 UNIDENTIFIED VOICE: Yeah and so that -- that  
12 -- that was the lack of alignment to which I referred  
13 earlier where.

14 UNIDENTIFIED VOICE: Yeah I remember that.

15 UNIDENTIFIED VOICE: They -- they create  
16 their -- their deadline their window is April 3rd, you guys  
17 meet on the 13th. So we would be submitting the plan with  
18 the assurances and if after April meeting you decide that  
19 you would like us to not submit or submit something else  
20 then we would withdraw it from consideration at that time  
21 and they won't have done anything with it between the third  
22 and the 13th.

23 UNIDENTIFIED VOICE: So you need the deadline  
24 but then.



1 UNIDENTIFIED VOICE: We -- we reserve our  
2 place in line.

3 UNIDENTIFIED VOICE: We also need feedback  
4 from the Governor's Office (inaudible).

5 UNIDENTIFIED VOICE: By the third.

6 UNIDENTIFIED VOICE: By I think by when you  
7 said by the 27th or something like that there.

8 UNIDENTIFIED VOICE: Yeah we were hoping to  
9 get feedback from him earlier than that and we did we've  
10 been working with them all along we don't have any  
11 indications that there are strong differences.

12 UNIDENTIFIED VOICE: We have.

13 UNIDENTIFIED VOICE: Tried putting it laying  
14 it over until the conclusion of the...

15 UNIDENTIFIED VOICE: I do think I do think  
16 given the time that we should take a pause here and try to  
17 address some of these tomorrow to -- if we have time to get  
18 through this and if not we -- we need to have a discussion  
19 about how we move forward and whether staff can submit it on  
20 April 3rd or not. How extensive would be the changes that  
21 we might be recommending. Are you all fine with that?  
22 Super. We're gonna I believe go into executive session.

23 UNIDENTIFIED VOICE: Okay, so just we'll just  
24 close down now and then just be ready willing and able to  
25 talk about it tomorrow.



1 UNIDENTIFIED VOICE: Sorry I'm practically  
2 ignoring you.

3 UNIDENTIFIED VOICE: Okay.

4 UNIDENTIFIED VOICE: And I know you plan to  
5 be here tomorrow to help us with this. Thank you so much  
6 Staff.

7 UNIDENTIFIED VOICE: Thank you.

8 UNIDENTIFIED VOICE: Yes. Of course. you  
9 have a great -- great lunch.

10 MS. CORDIAL: Madam Chair. Madam Chair.  
11 Madam Chair. Would you like me to read us into -- into an  
12 executive session?

13 UNIDENTIFIED VOICE: I'm so sorry. Yes,  
14 please.

15 MS. CORDIAL: An executive session has been  
16 noticed for today's State Board meeting in conformance with  
17 24-6-402 CRS to receive legal advice on specific legal  
18 questions pursuant to 24-6-402(3)(a)(II) CRS in matters  
19 required to be kept confidential by Federal Law or rules or  
20 State statutes pursuant to 24-6-402(3)(a)(III) CRS.

21 MADAM CHAIR: Do I have a motion? Mr. Durham move, do  
22 I have a second? Thank you. Any opposed? The Board will  
23 now convene an executive session.

24 (Meeting adjourned)

25



1 C E R T I F I C A T E

2 I, Kimberly C. McCright, Certified Vendor and  
3 Notary, do hereby certify that the above-mentioned matter  
4 occurred as hereinbefore set out.

5 I FURTHER CERTIFY THAT the proceedings of such  
6 were reported by me or under my supervision, later reduced  
7 to typewritten form under my supervision and control and  
8 that the foregoing pages are a full, true and correct  
9 transcription of the original notes.

10 IN WITNESS WHEREOF, I have hereunto set my hand  
11 and seal this 25th day of October, 2018.

12

13 /s/ Kimberly C. McCright

14 Kimberly C. McCright

15 Certified Vendor and Notary Public

16

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