



**COLORADO**  
Department of Education

Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
March 11, 2014, Part 1

BE IT REMEMBERED THAT on March 11, 2014, the  
above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board  
Members:

Paul Lundeen (R), Chairman  
Marcia Neal (R), Vice Chairman  
Elaine Gantz Berman (D)  
Jane Goff (D)  
Pam Mazanec (R)  
Debora Scheffel (R)  
Angelika Schroeder (D)



1 CHAIRMAN LUNDEEN: The State Board will come  
2 back to order. Staff, please call the roll.

3 MS. MARKEL: Elaine Gantz Berman.

4 MS. BERMAN: (No response.)

5 UNIDENTIFIED VOICE: Where is she?

6 MS. MARKEL: Jane Goff.

7 MS. GOFF: Here.

8 MS. MARKEL: Paul Lundeen.

9 CHAIRMAN LUNDEEN: Good morning.

10 MS. MARKEL: Marcia Neal.

11 MS. NEAL: Here.

12 MS. MARKEL: Pam Mazanec.

13 MS. MAZANEC: Here.

14 MS. MARKEL: Dr. Scheffel.

15 MS. SCHEFFEL: Here.

16 MS. MARKEL: Dr. Schroeder.

17 MS. SCHROEDER: Here.

18 CHAIRMAN LUNDEEN: Please stand for the  
19 Pledge of Allegiance. And I see Senator Keith King, or  
20 President of Council Keith King, or we'll just call him  
21 Keith, would you lead us in the pledge, Keith?

22 MR. KING: Sure. I'd be happy to.

23 ALL: I pledge allegiance to the Flag of the  
24 United States of America and to the Republic for which it  
25 stands. One Nation under God, indivisible, with liberty



1 and justice for all.

2 CHAIRMAN LUNDEEN: Thank you.

3 Do I have a motion to approve the agenda?

4 MS. NEAL: I move to approve the agenda as  
5 published.

6 CHAIRMAN LUNDEEN: Seconded, without  
7 objection. That motion carries.

8 Is there a consent agenda?

9 MS. NEAL: Mr. Chair, I move to place the  
10 following matters on the consent agenda:

11 12.01, regarding disciplinary proceedings  
12 concerning applications, Charge No. 2004EC48, to instruct  
13 Department staff to issue a professional teacher license  
14 and a special services license to the applicant pursuant  
15 to 24-4-104, CRS;

16 12.02, regarding disciplinary proceedings  
17 concerning an application, Charge No. 2012EC1771,  
18 instruct Department staff to issue a notice of denial and  
19 appeal rights to the applicant pursuant to 24-4-104;

20 12.03, regarding disciplinary proceedings  
21 concerning an application, Charge No. 2012EC2570,  
22 instruct Department staff to issue a notice of denial and  
23 appeal rights to the applicant pursuant to 24-4-104, CRS;

24 12.04, regarding disciplinary proceedings  
25 concerning licenses, Charge No. 2012EC3023, instruct



1 Department staff and the state attorney general's office  
2 to prepare the documents necessary to request a formal  
3 hearing for the revocation of the holder's license,  
4 pursuant to 24-4-104, CRS;

5 12.05, regarding disciplinary proceedings  
6 concerning license, Charge No. 2012EC3037, instruct  
7 Department staff and the state attorney general's office  
8 to prepare the documents necessary to request a formal  
9 hearing for the revocation of the holder's license  
10 pursuant to 24-4-104, CRS;

11 12.06, regarding disciplinary proceedings  
12 concerning a license, Charge No. 2013EC3030, instruct  
13 Department staff and the state attorney general's office  
14 to prepare the documents necessary to request a formal  
15 hearing for the revocation of the holder's license  
16 pursuant to 24-4-104, CRS;

17 12.07, approve four initial emergency  
18 authorizations as submitted;

19 12.08, approve Aspen View Academy Teacher  
20 Induction Program;

21 12.09, approval Colorado State University-  
22 Global Campus's request for authorization of its proposed  
23 principal endorsement program;

24 14.04, approve the 2014 State Review Panel  
25 nominees as submitted;



1                               15.01, approve Denver Public Schools'  
2       Innovation Application on behalf of Ashley Elementary  
3       School;

4                               15.02, approve the Colorado Talking Book  
5       Library's request for expenditures from the Mary Jones  
6       Trust, as submitted, and that is the end of the consent  
7       agenda.

8                               CHAIRMAN LUNDEEN: That is a proper motion.  
9       Do I have a second?

10                              Seconded. Any objection? No objection.  
11       The consent agenda carries.

12                              Ms. Markel, would you report to the Board?

13                              MS. MARKEL: Good morning, Mr. Chairman,  
14       members of the Board, just briefly, in your packets this  
15       morning you have a copy of a letter from Senator King,  
16       along with a resolution (indiscernible) as well. You  
17       have a copy of your updated event calendar, updated  
18       expense report. In Section 7 under the Commissioner's  
19       Report you have a legislative update memo from Ms. Mello,  
20       along with copies of the bills (indiscernible). In 7.02,  
21       you have a copy of the fact sheet for the WestEd  
22       (indiscernible).

23                              In Section 8 you have copies of position  
24       statement provided by Sheridan School District and by the  
25       Department for the 10:00 appeal of Sheridan's



1 accreditation rating.

2 CHAIRMAN LUNDEEN: Same as in BoardDocs.  
3 Haven't been updated since BoardDocs?

4 MS. MARKEL: That's correct.

5 CHAIRMAN LUNDEEN: There's nothing  
6 different? Okay. Thank you.

7 MS. MARKEL: In Section 10, you have a  
8 rulemaking hearing scheduled at 1:30 today for updates  
9 and amendments to the accountability rule. You have a  
10 copy of those proposed rules.

11 In Section 12, under Educator Licensure, you  
12 have items. You have a PowerPoint prepared by DCS  
13 regarding the District Alternative Licensure Waiver  
14 application for their presentation later today. You  
15 have, in 12.11, a copy of the proposed Dance Endorsement  
16 Rule of the notice of rulemaking that is scheduled for  
17 later today.

18 And finally for today you have a copy of the  
19 budget and figure setting update, scheduled for Section  
20 13, a continuation of the Commissioner's Report.

21 For tomorrow it will be the first of two of  
22 the Turnaround Priority Improvement school district  
23 presentations before this Board, and you have material  
24 submitted by Vilas and by Westminster.

25 And that is the end of my report, unless



1 there are any questions.

2 CHAIRMAN LUNDEEN: Any questions?

3 I would like to move immediately out of  
4 order and take public comment at this time. Senator  
5 King, who is also the President of Colorado Springs City  
6 Council, has a commitment this afternoon down in the  
7 Springs and so I would invite him to the microphone at  
8 this point.

9 Senator King.

10 MR. KING: Thank you. Thank you for doing  
11 this for me. I've got a City Council meeting that I'm  
12 president of this afternoon and so I appreciate the  
13 opportunity to come and talk to you about something that  
14 is really important and going on in the charter schools,  
15 public schools around the state, and also affecting  
16 what's going on. I think you have a copy of the  
17 resolution that I gave you, and I have over 1,000  
18 signatures and they keep coming in, and they're very  
19 concerned about it. So thank you for letting me do this.

20 I just want to bring you a straight and  
21 simple message that is coming to Colorado this next year  
22 and it's all the results that are going to happen from  
23 all the extra mandated tests that are happening with the  
24 PARCC and CMAS assessments. There are just really too  
25 many mandated tests that are happening as we go through



1 the school year and what's happening.

2 I chaired the Council of Schools, which is  
3 kind of the district accountability arm of the Charter  
4 School Institute, and twice a year we get together to  
5 discuss current issues that are impacting the ability of  
6 us to do a good job with educating our students. At both  
7 of our meetings this year, in talking about this, it was  
8 unanimous among all the schools of the Institute that the  
9 new testing schedule is going to be disastrous for what  
10 we want to do with our students. It takes a lot of  
11 instructional time away from our ability to meet with our  
12 kids and now we're testing all the way up through the  
13 12th grade, which is a dramatic change for high schools  
14 and changes dramatically what we do for those students.

15 The logistics of the computerized test are  
16 preventing us from being able to do a testing at the same  
17 time. We were having to rotate kids in and out. I was  
18 talking to our head of school at our school in Colorado  
19 Springs and he said one of the middle schools that he was  
20 talking to in Colorado Springs will barely be able to get  
21 all their kids tested in the 20-day window that they have  
22 because of the concept of the computerized testing and  
23 all its inefficiencies that are going to happen. So we  
24 are just going to be taking a tremendous amount of  
25 resources and putting them into the mandated tests and



1 changing the instruction strategy that we do.

2 This is especially tragic when it comes to  
3 the fact that we want to spend more time educating our  
4 kids and doing a better job to accelerate their learning.  
5 And I think it's really ironic for the charter schools in  
6 the state of Colorado, where they were really designed to  
7 be innovative and entrepreneurial and get a ways of doing  
8 new assessments. The PARCC assessment, along with the  
9 mandated CMAS tests, are putting everybody right back  
10 into the same box and requiring us to do everything in  
11 the same exact way. And, incidentally, they are making  
12 us drain a lot of the energy of the vision of charter  
13 school leaders across the state as it was determined by a  
14 unanimous vote among the charter school people that are  
15 authorized through the Institute.

16 So right from the educators from both the  
17 right and the left of this perspective, if you look at  
18 the articles I gave you are all complaining about the  
19 mandated tests across the nation, actually -- it's just  
20 not Colorado -- but it's the tremendous intrusion that  
21 it's making into education across the nation, and the  
22 results, I think, will be we will decrease academic  
23 achievement as opposed to the objective of increasing  
24 academic achievement.

25 Public charter schools are supposed to be a



1 laboratory for innovation, and at least what we should do  
2 is allow some opportunity for waivers and some  
3 opportunity for them to not have to take all the mandated  
4 PARCC test both at three-quarters of the way through the  
5 school year and at the end of the school year, to give  
6 them an opportunity to do some things that they want to  
7 do. With that at least why not allow for one year of  
8 pen-and-pencil paper tests that would allow for an  
9 assessment to be given at the same grades and number that  
10 are currently mandated by the TCAP test and do it that  
11 way.

12 For schools like an early college, which I  
13 started and now have over 1,000 kids in them, the testing  
14 window at the end of the year comes right at the time  
15 where the kids are taking their college exams. And we  
16 have two kids graduating from high school this year with  
17 a bachelor's degree, and those kids have gone all through  
18 the process of accomplishing that, and the only way  
19 they're going to be able to do these tests is come back  
20 on a Saturday and do them on a time that is something  
21 that will not conflict with what they are doing already  
22 at the college level. And many of these students have  
23 already demonstrated postsecondary and workforce  
24 readiness by their ability to do the GT Pathways courses  
25 and many of them getting associate degrees. So it's just



1 forcing us back into a box that is taking them backwards  
2 and not forward-looking, and I think it's detrimental to  
3 their educational experience.

4 So it is my belief that the implementation  
5 of the PARCC and CMAS assessments and their impact on the  
6 schools, especially charter schools, warrants a  
7 reconsideration and hopefully a reversal of some of the  
8 mandated tests that are going forward. And I am trying  
9 to work with people in the General Assembly, with you,  
10 with CSI's board, and even trying to approach the  
11 governor to say let's step back and slow down this train  
12 that is going. I think it is going to have a detrimental  
13 impact on academic achievement in the state of Colorado,  
14 and hopefully we step back and re-evaluate.

15 I know the final year that I was in the  
16 legislature we said we were going to do a study about  
17 what the impacts was going to be, what the cost impact  
18 was going to be, and I don't think that's ever been done.  
19 And I think that's something that we should all come  
20 together and say it's time to take a look at the fiscal  
21 impact, the educational projected impact, and the  
22 detrimental impact that this is going to have on the  
23 educational programs in the state of Colorado.

24 So I appreciate your time this morning and  
25 thank you for letting me make my statement.



1                   CHAIRMAN LUNDEEN: Thank you, Senator King.  
2                   Any questions?

3                   I did have one follow-up question, and I  
4                   think that it's worth teasing out, this idea of students  
5                   in high school taking college-level courses. In fact, it  
6                   sounds like you have some approaching bachelor's degrees  
7                   at this point --

8                   MR. KING: Right.

9                   CHAIRMAN LUNDEEN: -- coming back into high  
10                  school to take an assessment. Explain to me the  
11                  circumstances that surround that, if you would.

12                  MR. KING: Well, what has happened is so  
13                  many kids are taking the GT Pathways course sequence. At  
14                  our school we have today, out of the 600 kids, we have  
15                  probably 250 kids on Pikes Peak campus and on UCCS taking  
16                  college-level courses and they're way beyond the level of  
17                  the testing that is in PARCC. And they've already  
18                  demonstrated that they are postsecondary and workforce  
19                  ready with the accomplishments that they've done.

20                  And so they come back and they have really  
21                  zero motivation to take -- they'll have zero motivation  
22                  to take these tests as they come back, especially the  
23                  seniors, because they're so far beyond the competency of  
24                  those tests, and I think they're not going to put their  
25                  heart into them. They've already demonstrated they're



1 postsecondary and workforce ready by what they're doing.  
2 And so it's a system that's one-size-does-not-fit-all  
3 applications, especially at the high school level, and to  
4 now mandate these tests at the high school level is just  
5 a phenomenal step backwards, as far as I'm concerned.

6 CHAIRMAN LUNDEEN: Madam Vice Chair.

7 MS. NEAL: Thank you, Keith. I appreciate  
8 it, and I, too, have wondered, for a long time -- I've  
9 thought about the impact on charter schools. We  
10 encourage charter schools as schools of innovation, doing  
11 things differently, and yet in this process we're forcing  
12 them back into the mold that the other schools need to  
13 follow. And I tend to agree -- we need to find a way in  
14 which you can report your achievement without being  
15 pushed into these blocks. So I hope that will work out  
16 and I thank you for coming.

17 MR. KING: Thank you. I appreciate the  
18 time.

19 CHAIRMAN LUNDEEN: Thank you very much,  
20 Senator.

21 MR. KING: Thank you.

22 CHAIRMAN LUNDEEN: So back into order. The  
23 next item, Commissioner's Strategic Priorities, report  
24 legislative updates.

25 UNIDENTIFIED VOICE: Thank you, Jennifer.



1 We will start off with her. You have a copy in your  
2 packet and she will submit to you a couple more issues.

3 CHAIRMAN LUNDEEN: Good morning.

4 MS. MELLO: Good morning, everyone. So  
5 we're at that kind of interesting point in the session  
6 where the flurry of bills has kind of calmed down a  
7 little bit. At the beginning of the session there's all  
8 these things coming out of the woodwork, and we knew  
9 about some and not others. Now we're kind of in the  
10 heart of some of the really big pieces of legislation  
11 that are moving forward. Those are, in almost all cases,  
12 kind of being actively negotiated and discussed right  
13 now.

14 So our legislative agenda, I would say, is  
15 very substantive but it's not very long. We don't have a  
16 lot of pieces of legislation to talk about today,  
17 although I'm happy to answer any questions about anything  
18 you guys might have.

19 Let's start with the Student Success Act. I  
20 think that's obviously a topic of much interest amongst  
21 folks. So the bill was in the House Education Committee  
22 last Monday. They had about a seven-hour hearing. They  
23 did not take a vote on the bill, and that was quite  
24 intentional. The sponsors of the legislation in the  
25 House, Representative Hamner and Representative Murray --



1 it was interesting to watch, you know, kind of sat at the  
2 table with the witnesses and took extensive notes. And  
3 they have been engaged in a series of meetings with  
4 stakeholders about different portions of the bill, to try  
5 to negotiate out language. I think it's probably fair to  
6 say there's not one part of the bill that will stay the  
7 same going forward, that everything in it is a topic of  
8 active conversation at the Capitol, that things are  
9 changing on all of the pieces every five minutes.

10 So, you know, I can't tell you exactly where  
11 things will land. I think within another week or so we  
12 will have a more specific, new version of the bill to  
13 look at, to consider, to assess. And if there are any  
14 questions about any specific components of it I'm happy  
15 to try to answer those. Keep in mind that we're not  
16 necessarily involved in every single one of the  
17 negotiations. It's not like I knew about all the pieces.

18 CHAIRMAN LUNDEEN: And that dynamism is why  
19 there's not, in this packet -- okay.

20 MS. NEAL: Yes. A question, or comment.  
21 I'm wondering if there's any discussion. What we hear a  
22 lot from the superintendents, of course, is that, you  
23 know, there are all these issues and while they  
24 appreciate the fact that there was \$100 million in that  
25 originally for the negative factor they wonder, frankly,



1 if all of the other things are as necessary. They really  
2 are pushing, as you know, with their letter for relief on  
3 the negative factor. And I have to agree with them when  
4 I look at the governor's budget, you know, in which he's  
5 reversing a payday shift and repaying cash funds. And if  
6 he's willing to do all that, why isn't he willing to, you  
7 know, put some money into the negative factor, the same  
8 thing with the Student Success Act? They've got the \$100  
9 million but then they have all the other stuff.

10 And this is just a comment. But was there  
11 any discussion about increasing the amount of relief for  
12 the negative factor?

13 MS. MELLO: Mr. Chair, Madam Vice Chair,  
14 yes, there was extensive conversation about increasing  
15 the negative factor at the hearing. That was probably 60  
16 percent of the words out of people's mouths at the  
17 hearing were about that.

18 I will add, I had the benefit of being in a  
19 meeting with Henry Sobanet, the governor's budget  
20 director, yesterday, and he shared some -- reminded me, I  
21 guess, of some information that I had kind of -- had  
22 leaked out of my brain, with all this other stuff. The  
23 pay date shift and the repayment of the cash fund, those  
24 are both one-time expenditures. They're each about \$100  
25 million worth but they're one-time expenditures. Whereas



1 if you put -- so let's just say, for example, you were to  
2 take the \$100 million from the pay date shift, put it  
3 into the negative factor, you've now created an ongoing  
4 obligation for the state of \$100 million every year.

5 So I'm not making a judgment.

6 MS. NEAL: No, I understand.

7 MS. MELLO: It's not my place to say whether  
8 that's the right or the wrong thing to do, but I think  
9 that's an important dynamic to understand about some of  
10 those budgeting decisions.

11 MS. NEAL: But I'm glad to hear that there  
12 was discussion, a lot of discussion around that fact,  
13 because that is what they are really -- and, of course,  
14 the other thing they talk about is how the paperwork and  
15 the compliance issues, and every bill that comes along  
16 generally requires more compliance issues, which, for the  
17 rural districts, as you well know (indiscernible).

18 So that was the two things we're hearing the  
19 most about is compliance issues and the negative factor.

20 CHAIRMAN LUNDEEN: Angelika.

21 MS. SCHROEDER: So I guess I'd like to  
22 stress the hesitancy that the legislature has, or the  
23 governor has, about just backfilling the negative factor,  
24 which is that takes money that at one time was -- was it  
25 a categorical, or it was something that was in Amendment



1 21 that was not funded during the recession, and it  
2 changes the character of that money to the base, and that  
3 makes the commitment. Having served on a school board  
4 for eight years, the continuing make cuts, get more  
5 money, make cuts, back and forth and back and forth is  
6 really hard. And so to create an ongoing obligation,  
7 it's very similar to some of the problems that districts  
8 have had where they've spent one-time money on raises  
9 which become part of the base for those teachers, and  
10 then it has to continue.

11 I mean, it looks like the St. Vrain disaster  
12 coming up, and I think that's why a certain amount of  
13 one-time money given to districts as opposed to all of it  
14 fulfilling the negative factor is a very prudent -- it's  
15 conservative, I recognize that, but it's also very  
16 prudent, considering we don't really know whether we're  
17 out of the recession, whether we're going to continue.  
18 There's a lot of the revenues now that come from capital  
19 gain that occurred in the last couple of years, or in the  
20 last year, I guess, that may not be continuing in the  
21 future.

22 So it's a difficult balancing act and I  
23 actually appreciate the fact that the conversation keeps  
24 going back and forth, as opposed to just doing it. I  
25 worry about putting too much -- I don't worry about



1 giving the \$200 or \$300 million but actually using it as  
2 a return to the negative factor worries me a lot, because  
3 then that is a permanent commitment, every year  
4 thereafter, and the legislature is going to have to deal  
5 with that every year, once that -- that becomes then  
6 Amendment 23 where it wasn't Amendment 23 before. It  
7 changes the character of it. I think that's a type of  
8 worry.

9 CHAIRMAN LUNDEEN: Jane.

10 MS. GOFF: Yes. And I don't expect there's  
11 any kind of definite answer on this. I just wonder what  
12 the tenor of conversation is now, what's the status of  
13 continuing conversation about the ADM, the average daily  
14 membership, and transparency part of that bill. Is there  
15 any read on -- does anybody have any read on where the  
16 priorities are for the ways the Success Act -- Student  
17 Success Act now is delineated? It's got three or four  
18 pretty predominant characteristics.

19 MS. MELLO: Mr. Chair.

20 CHAIRMAN LUNDEEN: Go ahead.

21 MS. MELLO: There is a lot of conversation  
22 about those two components. Just characterizing the  
23 testimony I heard from districts at the committee  
24 hearing, I think their perspective is that, you know, the  
25 money that's going to be spent on those two initiatives



1 they think would be better spent reducing the negative  
2 factor or in some other way, and they are worried about  
3 the cost to them of implementing those two measures.  
4 There's language in the current bill that says that the  
5 ADM transfers shouldn't cost them any money. I think  
6 they're skeptical of that, if that's, you know, a  
7 realistic thing.

8 On the other hand, there are people who are  
9 quite strongly supportive of transparency and the shift  
10 to ADM as just the more accurate way to understand our  
11 student population, who are working very hard to make  
12 sure those things stay in the bill. Those are not  
13 conversations that I'm in the middle of so I can't tell  
14 you exactly what's happening, but it's a very active  
15 conversation and I think there's two perspectives that  
16 people are trying to work through and see if they can  
17 find any common ground.

18 CHAIRMAN LUNDEEN: Did you have a question  
19 on this? Okay.

20 Did you want to present on the other items?  
21 Please proceed.

22 MS. MELLO: Sure. Let's move on to House  
23 Bill 1202. This is the one that started out -- the kind  
24 of popular nomenclature was the Douglas County Testing  
25 Bill. It changed dramatically in the House Education



1 Committee. We talked about this a little bit at our last  
2 meeting and I described the changes to you. You now have  
3 the benefit in your packet of actually seeing what those  
4 changes were. They have what's called a pre-amended  
5 version of the bill, so it's not an official version of  
6 the bill because it's not official until it actually goes  
7 to the floor that those amendments have been made. But  
8 it helps you really see the changes that have happened.

9 And again, just to summarize those, the bill  
10 now is -- essentially kind of acknowledges the work the  
11 Department is doing with the WestEd study and then  
12 creates a task force made up of -- you know, it specifies  
13 kind of the different types folks -- you know, school  
14 district folks, charter school folks -- there's a whole  
15 bunch of categories -- who will appoint those, and then  
16 directs this task force to kind of consider all of these  
17 issues, to take the input from the Department study.

18 It does require some additional work on the  
19 part of the Department. The Department has to staff the  
20 task force. It also has to do some research that's in --  
21 at the current version of the bill kind of says we need  
22 more data on, for example, the cost to implement  
23 standards at the district level and at the state level.

24 So I don't think the fiscal note has been  
25 published on that yet. I know it's something the



1 Department has been working on to, you know, now that we  
2 have the language to take a look at it and say, okay,  
3 well, what do we think this would cost us to do? It has  
4 not been scheduled for an appropriations hearing. I  
5 don't expect it to be. It's waiting for an  
6 appropriations hearing. I don't expect it to come up  
7 until after the Student Success Act and the School  
8 Finance Act and the Long bill move through. So we're  
9 probably into early April before we have any action on  
10 that.

11 Any questions about that particular bill?

12 CHAIRMAN LUNDEEN: The political  
13 circumstance around this bill, is that changing as well  
14 as the language in the bill changes?

15 MS. MELLO: Mr. Chair, I think that at the  
16 Capitol if something is a month away we're not talking  
17 about it. I mean, it's not -- I do think -- I think  
18 there has been compromise around the bill. I think more  
19 people are more happy with the bill. But honestly, it's  
20 just kind of on the back burner right now.

21 You know, the Student Success Act, the plan  
22 apparently is for that to be into committee next week,  
23 and there's, you know, a bunch of -- just because I'm not  
24 talking about some of those smaller bills doesn't mean  
25 there's not work that we're doing on them, and we're kind



1 of focused on things that are coming up in the next 24 to  
2 48 hours, more so than -- and that's just not me. I  
3 mean, I would say collectively, at the Capitol, that's  
4 the case. We'll come back to 1202 when it's a little bit  
5 more present.

6 CHAIRMAN LUNDEEN: Okay. Angelika.

7 MS. SCHROEDER: So help me. Where is the --  
8 I mean, when I look at the bill it's just all blocked  
9 out. There isn't -- I don't see in here what there is  
10 left of the bill.

11 MS. MELLO: Mr. Chair.

12 MS. SCHROEDER: Am I missing something?

13 MS. MELLO: Dr. Schroeder, it was a strike  
14 below, so the original bill was just basically deleted  
15 and it was replaced with new language. I don't have --

16 MS. SCHROEDER: Where's the replacement?

17 MS. MELLO: That's what we sent out. It  
18 should say pre-amended at the top. I'm sorry. I don't  
19 have the hard copy that was included in your packets, but  
20 --

21 MS. SCHROEDER: I guess that's not what I  
22 have then. All I have is stuff that's struck out.

23 CHAIRMAN LUNDEEN: I think you've got the  
24 replacement language, the amended nature of a substitute.

25 MS. SCHROEDER: Shaded is what's been added?



1 UNIDENTIFIED VOICE: Yeah. The amendments  
2 by the House.

3 CHAIRMAN LUNDEEN: Yeah, that's the  
4 amendment.

5 MS. MELLO: Yeah. It's shaded because it's  
6 all new language relative to the introduced bill.

7 MS. SCHROEDER: Sorry. I misunderstood.

8 MS. MELLO: No. No problem.

9 MS. SCHROEDER: Okay. Thank you. I just  
10 thought that meant struck. Okay. Thanks.

11 MS. MELLO: I think the other kind of  
12 significant policy bill that's out there that we've  
13 discussed previously, that you all actually have taken a  
14 support position on, is the data privacy bill by  
15 Representative Carole Murray. That will be in committee  
16 tomorrow morning. The bill -- that was an example of a  
17 bill that a lot of stakeholder work was done before it  
18 was introduced, so I don't know that there will be a  
19 need, or that people will express a need for massive  
20 changes to that. I'm not -- I'm -- I don't know if there  
21 will be changes to that. My guess is if there are  
22 changes to it they won't be dramatic, major types of  
23 changes, but that's just a guess. I don't -- I'm  
24 actually meeting with Representative Murray later this  
25 afternoon and would have -- it's too bad we couldn't meet



1 before I came to speak to you all because I will get more  
2 information at that meeting, but I don't have that yet.

3           It's in committee tomorrow. I think in  
4 terms of kind of the typical players at the Capitol, the  
5 districts are okay with the bill. They're not jumping up  
6 and down about it saying, "Oh my gosh. This is the  
7 greatest thing since sliced bread," but they're not  
8 opposed to it either. I mean, they're like of like  
9 (makes hm-hm sound).

10           I have not heard a lot of conversation about  
11 the bill, with, like in the union or the CEA, while, I  
12 mean, I think they're looking at it. You know, we're  
13 also at that point in the session where these big bills  
14 get introduced and then they're in committee like, oh, I  
15 don't know, sometimes two days later. So it is a little  
16 challenging for groups who have processes to figure out  
17 what they think about a bill sometimes.

18           There are number of folks in the reform  
19 community that are working very hard in support of the  
20 bill, in partnership with us, or we're in partnership  
21 with them. I don't mean to imply that we're in charge or  
22 anything. Representative Murray is in charge and we're  
23 all trying to help her.

24           So that's kind of where that is and we'll  
25 see how the Committee hearing goes tomorrow.



1 CHAIRMAN LUNDEEN: Angelika.

2 MS. SCHROEDER: Actually, I'd like to  
3 backtrack to 1202.

4 CHAIRMAN LUNDEEN: Sure. 1202. Back on the  
5 table.

6 MS. SCHROEDER: Sorry. And this question is  
7 for Paul and the Commissioner and the folks who have been  
8 looking at Education 3.0.

9 To the extent that we may be doing a study,  
10 I think it would be very helpful to get an understanding  
11 of what the thoughts are about where assessment is going  
12 as opposed to where it is right now, because we're  
13 probably in 2.0, maybe not even 2.5, in terms of the  
14 assessment models that we're using. And I think it'll be  
15 a waste of time for us to have this study session if  
16 we're constantly just talking about what has been, and  
17 saying yes or no, as opposed to what are some other ways  
18 that this can be done.

19 And I wonder if you have feedback from those  
20 discussions of what are some models of a different way of  
21 developing assessments, I'm not sure that for Colorado  
22 the timing is right. Especially in the process of a  
23 discussion it would not be wise -- I don't think it would  
24 be wise for us not to be looking at here's what could be,  
25 that we believe is better.



1                   CHAIRMAN LUNDEEN: Go ahead, and then I've  
2 got an adjoining comment as well.

3                   MR. HAMMOND: Sure. You've raised a very  
4 good point and one that we've talked about internally,  
5 kind of where do we go next. Jill, do you want to just  
6 bring them up to date real quick where we're at?

7                   MS. PITNER: Sure. Mr. Chair?

8                   CHAIRMAN LUNDEEN: Please.

9                   MS. PITNER: So the discussions about new  
10 metrics are something that we're continuing to discuss  
11 with our Global Education Leaders program. We're in a  
12 subgroup with countries that have been thinking very  
13 differently about how to get at assessment and how to  
14 look at it in new and different ways that are closer to  
15 the classroom.

16                   What we see is probably there are some  
17 different timing of these conversations. The first is  
18 how do we address some of the immediate angst and concern  
19 around the current assessments, within the current laws.  
20 And there are some that require state changes, depending  
21 on what kind of feedback we get about where people are  
22 wanting relief. There are also some that require  
23 literally an act of Congress to have us change.

24                   And so we're looking at, with the  
25 discussions with WestEd, the feedback we're trying to



1 get, and as we're looking at the transition planning  
2 around the accountability system how do we nudge that  
3 along within what we have control to be able to do, and  
4 still address a number of the pain points. But how do we  
5 not lose sight of where we'd like to take the system as  
6 we think about measures that get closer to that 3.0 kind  
7 of vision. And we'll see that. I think that that's more  
8 years out, but I think we want to transition to that. So  
9 we look at that as kind of on-ramping into the model that  
10 we'd like to see.

11 The graduation guidelines is a step in that,  
12 because it's getting kids many opportunity --

13 MS. SCHROEDER: Flexibility.

14 MS. PITNER: -- and a lot more flexibility.

15 So we have some little things that we can build on, but  
16 that's kind of -- so we are being mindful of it, but it  
17 is probably a little bit further out and we have some  
18 opportunity, I think right now, to do some short-term,  
19 immediate relief, and that's what we're trying to  
20 investigate with the WestEd work.

21 MR. HAMMOND: And I would have to say, right  
22 now we are in the muck, if you will, of all of this  
23 hitting us at the same time with doing our diligence to  
24 bring this up. At the same time you will be hearing from  
25 us as we continue forth with this effort. It really



1 leads to the discussion -- and Deborah, you brought this  
2 up even here awhile back -- just what should be the next  
3 -- because it ties into the next generation of  
4 accountability and assessment systems, and what does that  
5 look like.

6 So I know Rebecca, quite frankly, and her  
7 area is rapidly working on this. We're talking about it  
8 internally, that you should see later on, in the next few  
9 months, a discussion come before you about where that  
10 needs to go and some input we want from the public on  
11 that.

12 CHAIRMAN LUNDEEN: And my comment simply was  
13 to commend the question, I think. It's a very insightful  
14 question. It's prescient. It's looking forward. It's  
15 an acknowledgement of the fact that we're at this  
16 pressure point where, in fact, Assessment 2.0 is sitting,  
17 you know, firmly on our head right now and we're trying  
18 to look to 3.0 and struggling to deal with the fact that  
19 we've got kind of an old, one-size-fits-all approach  
20 that's being applied, or trying to be applied right now,  
21 with some difficulty.

22 So there's an expanding conversation, I  
23 think, too, our 1202 begins to speak to that. I think,  
24 you know, Senator King made some comments about it that  
25 were relevant. I think this is -- and I don't know that



1 1202 is necessarily the nexus of the conversation but  
2 certainly this is a large conversation that needs  
3 attention and involvement. So I commend the question.

4 MS. SCHROEDER: So can I follow up on it?

5 CHAIRMAN LUNDEEN: Sure. Please.

6 MS. SCHROEDER: Because this is what I'm  
7 working on with the NASB study group as well, in terms of  
8 student engagement, and assessment is a huge piece of  
9 student engagement.

10 But I'm also reminded that Colorado is one  
11 of the national experts on assessments, at the University  
12 of Colorado. I do remember her saying that there are  
13 formative assessments and summative assessments and never  
14 the two shall meet, that you can't accomplish both. I'm  
15 not convinced of that. I'd love to have some  
16 opportunities to have both kind of really high -- not in  
17 the weeds kind of conversations on what are possibilities  
18 if we start going into 3.0, and not ignore the fact that  
19 we have this expertise available to us pretty easily  
20 before we start -- I mean, we're in the weeds right now  
21 with the technology and the amount of time, et cetera,  
22 and we're not spending the time talking about how can  
23 this be done so much different, and then get in the  
24 weeds.

25 I mean, certainly this has brought to the



1 fore how unprepared we are in Colorado in terms of  
2 technology, which, when we look at our standards, they  
3 say that all our students should be very well-versed in  
4 technology and yet we don't actually have it available to  
5 them. So it's brought out some other problems that we  
6 have, that we're going to have whether we develop our own  
7 assessments or go into a consortium kind of a thing.

8 So there's just a whole lot of questions,  
9 some of which are in the weeds right now, of trying to --  
10 as you said, trying to stick with 2.0, but I'd sure like  
11 us to be able to have some different conversations that  
12 help us understand what could we be doing, how could we  
13 be dealing with the accountability stress that we have.  
14 And we do. We're never going to be able to get away from  
15 that if we have choice. If we have choice, parents want  
16 to know how kids do in the different schools, and we  
17 can't get away from some kind of rich information about  
18 what's happening in each school, but at the same time we  
19 want kids to be learning as opposed to only retrieving.

20 CHAIRMAN LUNDEEN: So I -- Pam, go ahead.

21 MS. MAZANEC: Well, my question is for Jill.  
22 What kind of current relief do you think we can offer? I  
23 appreciate what you said, too. I like the looking  
24 forward. But right now I think our school districts and  
25 our teachers are feeling a massive weight over



1 assessments, and I'm wondering what kind of opportunity  
2 for current relief you think we have.

3 MS. PITNER: Mr. Chair, so --

4 MS. MAZANEC: Or is that based on the WestEd  
5 study?

6 MS. PITNER: I think we'll see some of it  
7 from the WestEd study. There are things that we can make  
8 available. What we want to make sure is that districts -  
9 - some of the things that are a concern for some  
10 districts are not concerns for other districts. So  
11 unintentionally you think you solve a problem somewhere  
12 and you actually made it worse somewhere else.

13 So that's why we're really trying to gather  
14 some good data. But we do have some flexibility with  
15 paper tests for next year that we can look at, and that  
16 could provide some relief for folks. So that's an option  
17 as we see what happens with social studies and science  
18 this year.

19 So there's a range of those types of ideas  
20 that we'll be able to flesh out more fully when we get  
21 the first results, which will be in the end of April, to  
22 see which ones will hit at the greatest pain points that  
23 folks are facing.

24 MR. HAMMOND: And Mr. Chair, if I may.

25 CHAIRMAN LUNDEEN: Please.



1 MR. HAMMOND: I might point out we've tried  
2 to help as much as we can within the current parameters  
3 of the statute, and it quickly gets forgotten. But one  
4 of the biggest things we were able to do this year is to  
5 make the science and social studies count only for  
6 participation. In other words, acknowledging when you're  
7 bringing up an online system, and it's not -- it will be  
8 demanding but nothing like PARCC -- we'll be able to  
9 learn from it, experiment with it. We know there will be  
10 issues at schools at various levels. And so this allows  
11 for that without punishing districts. Just the  
12 participation only counts.

13 So the feedback we've gotten, that was a big  
14 help, you know, sometimes that gets quickly forgotten.

15 MS. PITNER: And, Mr. Chair --

16 CHAIRMAN LUNDEEN: Please.

17 MS. PITNER: -- we also have done further  
18 analysis of the student comments, and 85 percent of the  
19 student respondents in the different grade levels, taking  
20 the field test, said they vastly preferred the online  
21 test to the paper. They're more fun. They learn. We  
22 get comments about kids engaged in the testing and wanted  
23 to keep going because it was engaging.

24 So we also know that we've got kids who are  
25 embracing the online format in ways that we haven't seen



1 with paper, so we want to balance to where we see kids  
2 going, along with the logistical challenges.

3 MR. HAMMOND: And that was about how many  
4 responses?

5 MS. PITNER: Well, that was a subset that we  
6 got 45,000 comments, when you combine all of the  
7 different grade levels. This was taking an analysis of  
8 5,000 of them and doing that analysis on those particular  
9 questions.

10 UNIDENTIFIED VOICE: Wow.

11 CHAIRMAN LUNDEEN: Did I see -- did one of  
12 you have your hand up on this?

13 Okay. Then you were on the privacy bill and  
14 we pulled you back, so let's let you finish that. We've  
15 got a WestEd report coming and then we've got a -- I  
16 don't know whether it's a timed issue on the  
17 accountability hearing or now. Is it time sensitive?

18 MS. MARKEL: It's a timed issue.

19 CHAIRMAN LUNDEEN: Okay. So we'll keep  
20 moving along and stay as close to on time as we possibly  
21 can.

22 MS. MELLO: Mr. Chair, I just had two more  
23 things I want to bring to your attention.

24 So some of you may be aware Senator Johnston  
25 sent out some communications late last week about some



1 legislation that he is looking at that has to do with how  
2 growth is accounted for under the 191 legislation, just  
3 for one year. So let me -- and I want to make sure I get  
4 this right, so forgive me but I'm going to read this to  
5 you.

6                   What the legislation would do would be to  
7 provide some flexibility in how much the district weighs  
8 the growth portion in the final evaluation rating in  
9 2014-15. So the aim is to give another year of practice  
10 with growth measures, with flexibility on how much to  
11 weigh them in the final rating. It's just for that one  
12 year, so this is not an ongoing thing. I think this is  
13 in response to some of the concerns that, just like we've  
14 pointed out on other topics, districts are struggling to  
15 implement a variety of measures, assessments and all of  
16 that, and I think this is a response to some of those  
17 concerns.

18                   Senator Johnston, I think, would describe  
19 the proposal as a way -- as, you know, this is not a  
20 hold-harmless bill. We are not walking away from 191 in  
21 any way, shape, or form. We are giving a little bit of  
22 flexibility to districts, and obviously that extends to  
23 their professional staff, for one year around this growth  
24 provision.

25                   CHAIRMAN LUNDEEN: Madam Vice Chair, please.



1 MS. NEAL: As I recall, did he mention  
2 giving them the choice to either use it or not?

3 MS. MELLO: Mr. Chair, Madam Vice Chair, I  
4 think, yeah. I mean, districts -- yes --

5 MS. NEAL: -- could choose to go ahead --

6 MS. MELLO: -- so if the district felt like  
7 they were totally -- they had that all worked out and  
8 they didn't have a problem with it they can keep moving  
9 forward. If they're still struggling with how to do that  
10 then they get another year to practice on the growth  
11 measure.

12 MS. NEAL: Thank you.

13 MS. MELLO: And the final thing I'll  
14 mention, quickly -- I know we're short on --

15 UNIDENTIFIED VOICE: Before you go on, has  
16 that bill been introduced, Senator Johnston's bill?

17 MS. MELLO: No.

18 UNIDENTIFIED VOICE: Okay. Because when it  
19 is introduced I would encourage the Board that we take a  
20 support position on it, but we'll wait until it's  
21 introduced and then have that discussion.

22 CHAIRMAN LUNDEEN: Okay.

23 MS. MELLO: Just finally, I want to let you  
24 know that House Bill 1182, which is the -- this is the  
25 bill the Department had been working on to deal with the



1 interaction between our accountability system and when we  
2 transition from one test to another, and we have that  
3 data gap here, passed the House unanimously last week,  
4 and we are over in the Senate for a hearing tomorrow  
5 morning in the Senate Education Committee.

6 UNIDENTIFIED VOICE: I apologize. Which  
7 bill was that?

8 MS. MELLO: It's House Bill 1182. This is a  
9 bill that the Department -- well, sorry. If you just  
10 wanted the number I'll shut up. Do you want me to  
11 explain it one more time? Okay.

12 UNIDENTIFIED VOICE: Just the last part.

13 MS. MELLO: Sure. The intention of the bill  
14 is -- so the Department, as they were looking at, you  
15 know, these guys are very smart and they spend a lot of  
16 time high level and strategy, they realized that when we  
17 go from TCAP to PARCC there's going to be a year which we  
18 don't have perfectly comparable data. We also have some  
19 delays on getting the data in the first year. That had  
20 some implications for the accountability system, right,  
21 where we look at performance frameworks and how we  
22 calculate all of that.

23 So again, this is not a hold-harmless. This  
24 is not a time out. It's not any of those kinds of things  
25 that I think some people would have a negative



1 connotation. What it does is it gives the Department  
2 some additional flexibility in looking at other sources  
3 of data that districts might bring to the table if they  
4 feel like their performance rating should be adjusted,  
5 when we're in transition.

6 And I didn't actually do a perfect job of  
7 explaining that. My apologies. And obviously staff here  
8 know a lot about it. We can get you more information if  
9 you'd like.

10 CHAIRMAN LUNDEEN: Okay. So are there other  
11 questions for Jennifer?

12 I appreciate very much the work that you do,  
13 the Board liaisons, on legislation you're doing. I  
14 think, as you pointed out, we're at that season where  
15 things move fairly quickly, so keeping those  
16 communications as open as possible, as things rise up, if  
17 the two of you would continue to communicate out that's  
18 very helpful, I think, to the Board. So thank you all  
19 for your work.

20 MS. MELLO: Thank.

21 MS. NEAL: Thank you, Jennifer.

22 CHAIRMAN LUNDEEN: So here's what we're  
23 going to do right now. We're going to push the WestEd  
24 report to the Commissioner's -- a continuation of his  
25 report this afternoon. We'll take it at that time, while



1 we've got a little bit more time. We'll take a couple of  
2 minutes to reset the room, and then we'll come back for  
3 the accountability hearing on the Sheridan appeal.

4 MS. NEAL: Thank you.

5 CHAIRMAN LUNDEEN: So we'll take a couple of  
6 minutes recess here.

7 (Meeting adjourned)

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C E R T I F I C A T E

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

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IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of March, 2019.

/s/ Kimberly C. McCright  
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