



**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  
April 24, 2015 SPECIAL MEETING

BE IT REMEMBERED THAT on April 24, 2015, the  
above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board Members:

Marcia Neal (R), Chairman  
Angelika Schroeder (D), Vice Chairman  
Steven Durham (R)  
Valentina (Val) Flores (D)  
Jane Goff (D)  
Pam Mazanec (R)  
Debora Scheffel (R)



1 MADAM CHAIR: The State Board will be called  
2 to order. Call the roll, please.

3 UNIDENTIFIED VOICE: Steve Durham.

4 MR. DURHAM: Here.

5 UNIDENTIFIED VOICE: Val Flores.

6 MS. FLORES: Here.

7 UNIDENTIFIED VOICE: Jane Goff.

8 MS. GOFF: Here.

9 UNIDENTIFIED VOICE: Marcia Neal.

10 MADAM CHAIR: Here.

11 UNIDENTIFIED VOICE: Pam Mazanec.

12 MS. MAZANEC: Here.

13 UNIDENTIFIED VOICE: Debora Sheffel.

14 MS. SHEFFEL: Here.

15 UNIDENTIFIED VOICE: Angelika Shroeder.

16 MADAM CHAIR: I assume Angelika may be on her  
17 way.

18 UNIDENTIFIED VOICE: She is on her way.

19 MADAM CHAIR: Oh, okay. In traffic.

20 Purpose of today's meeting is a legislative  
21 update discussion (indiscernible) anything to say or do  
22 you just want me to turn it over to Jennifer?

23 UNIDENTIFIED VOICE: No, since we had an  
24 executive decision prior, we want to move into that so  
25 we'll go with the legislative (indiscernible)



1 UNIDENTIFIED VOICE: Good morning. Good  
2 afternoon. We are full on into the (indiscernible) the  
3 last week of session so some things are moving incredibly  
4 quickly and a lot happening. House Bill 13-39 is the  
5 first bill I wanted to talk about. This is the one that  
6 we had the email about.

7 And I am just sitting here realizing I failed  
8 to communicate the results of that vote (indiscernible) to  
9 the Board. My apologizes. I acknowledge that I should  
10 have done that and I did not. You did as a Board vote to  
11 support that bill. What it does is last year when the  
12 fiscal (indiscernible) legislation was passed, there was a  
13 mechanism put in place whereby the third-party vendor  
14 would come along and sweep the information off district's  
15 websites (indiscernible) that this bill (indiscernible)  
16 financial policies and procedures work group, which is a  
17 standard work group the Department has with the District  
18 CFO and financial ties.

19 Those folks came to the conclusion over the  
20 summer and fall that it would be much easier for districts  
21 to simply submit that information to the Department and  
22 then have the Department give the information to the  
23 vendor. So we're not (inaudible) the requirements  
24 (indiscernible) still have (indiscernible) the same data,  
25 it still has to be transparent. We're just changing the



1 mechanism by which it gets transmitted to make it easier  
2 for districts. That bill just passed the House on second  
3 reading just like in the last 25 minutes passed the House  
4 on the second reading, which it means it will be up on the  
5 House floor on Monday morning for a third reading. That's  
6 when they take the official vote and then it will head  
7 over to the Senate. We've been working on finding a good  
8 solid Senate sponsor for the legislation and -- and we  
9 need to get that wrapped up pretty quickly considering how  
10 fast the bill (indiscernible) but that -- that's what the  
11 bill does, that's where it is in the process, and again,  
12 that's one that you all are in a support --

13 MADAM CHAIR: Have we taken -- liaisons taken  
14 a position on this?

15 UNIDENTIFIED VOICE: Madam Chair, the Board  
16 has -- the liaisons recommended a support position. I  
17 communicated with you all by --

18 UNIDENTIFIED VOICE: (indiscernible)

19 UNIDENTIFIED VOICE: -- in each of the  
20 support --

21 UNIDENTIFIED VOICE: (indiscernible)

22 UNIDENTIFIED VOICE: No, it's okay.

23 MADAM CHAIR: No problem.

24 UNIDENTIFIED VOICE: And I -- I again just  
25 sitting here realizing I should have told you all that the



1 vote (indiscernible) my fault --

2 MADAM CHAIR: (indiscernible) okay. Thank  
3 you.

4 UNIDENTIFIED VOICE: I did not (indiscernible)  
5 and I apologize.

6 MADAM CHAIR: (indiscernible) move on, if you  
7 could tell us what our position is or isn't or the  
8 situation on this bill.

9 UNIDENTIFIED VOICE: Absolutely, Madam Chair.  
10 So I'm just gonna keep moving 'cause I think that's what  
11 you want me to do. Senate Bill 173 expanding protections  
12 for student data security. This is a bill that you also  
13 have taken a support position on. This bill just came off  
14 the House -- excuse me -- the House debated this on the  
15 floor last night in their second reading. There was an  
16 amendment made to it (indiscernible) have any impact on  
17 the Board's position; they did not, and obviously we, you  
18 know, things are just moving so fast this time of year you  
19 have (indiscernible) every right to make that decision  
20 yourself. Once (indiscernible) we'll make sure to get it  
21 out to you.

22 I will tell you they're gonna -- they're  
23 about to do third reading on that bill which means they  
24 will adopt it in the House. However, I'm fairly sure the  
25 bill is gonna go to conference committee so if you do



1 discover that there's some -- there's a concern that we  
2 haven't been aware any changes made, then we'll have an  
3 opportunity (indiscernible) to address (indiscernible)  
4 conference committee.

5           And the reason it goes to conference  
6 committee is because the version that came out of the  
7 Senate and the version that came out of the House are  
8 going to be different. There's two ways you can resolve  
9 that situation. The first chamber, which in this case  
10 could be the Senate, could say yep, we're good with what  
11 the House did, we accept those changes. Or they could say  
12 no, we want to go talk about it some more. And I'm  
13 obviously using every -- every day language to describe  
14 that situation. I believe in this circumstance they're  
15 gonna go to a conference committee.

16           House Bill 13-23, assistance with public  
17 schools. This is, again (indiscernible) kitchen sink  
18 bill. It is their version of codifying the recommendation  
19 (indiscernible) task force. This bill was just debated on  
20 the House floor in second reading. There were some  
21 amendments made; we will get copies of those amendments,  
22 we will take a look at them, and if they're raising new  
23 policy issues obviously we will bring that to you all.  
24 But the implication on being second reading today, again,  
25 is that the House will finalize the bill on Monday. And



1 then it still needs to make it through the entire Senate  
2 in order to become law. It may or may not do so.

3 Senate Bill 257. So you can take everything  
4 I just said about 13-23 and reverse the names of the  
5 chambers --

6 MADAM CHAIR: Okay.

7 UNIDENTIFIED VOICE: So the Senate version of  
8 the kitchen sink bill, the only difference -- there's also  
9 a difference in dates so the Senate debated this bill  
10 extensively last night on the second reading. They just  
11 adopted it on the third reading this morning so now it  
12 will make its way over to the House to see what happened  
13 as well.

14 As we had discussed a couple of different  
15 times, 13-23 and 257 really are the two priority vehicles  
16 moving through the legislature (indiscernible) date that  
17 would make changes to our assessment structure. Some of  
18 257 in particular would make some additional changes to  
19 how we handle our standards. So these are the vehicles  
20 moving right now. They keep changing which is  
21 challenging. We have a (indiscernible) by the way Madam  
22 Chair -- sorry, I (indiscernible) in the beginning.

23 MADAM CHAIR: It's all right.

24 UNIDENTIFIED VOICE: And we are continuing to  
25 watch them very closely and communicate with you all to



1 the best we can about them. So --

2 UNIDENTIFIED VOICE: (indiscernible)

3 UNIDENTIFIED VOICE: -- I wish I could tell  
4 you what's going to happen (indiscernible)

5 MADAM CHAIR: (indiscernible) isn't working.

6 UNIDENTIFIED VOICE: No, and I would  
7 (indiscernible) right now because I'm so tired of working  
8 so much that I look terrible, but that's just a personal  
9 problem.

10 Okay. Continuing along House Bill 12-01  
11 (indiscernible) centralized operating services through  
12 (indiscernible) this is a bill that the Board  
13 (indiscernible) a support position as well. This bill was  
14 up for second reading in the House today. It passed so  
15 that again we'll do (indiscernible) the House will  
16 finalize this bill on Monday morning. It's my  
17 anticipation the bill will go over to the Senate. This is  
18 the one that gives 10 million dollars to small rural  
19 school districts -- excuse me -- I misspoke. This does  
20 have 10 million dollars in it, but it is for a  
21 (indiscernible) program for both these to essentially help  
22 small rural school districts consolidate their back office  
23 (indiscernible) the bigger picture (indiscernible) look,  
24 we have a lot of really small districts in our state. We  
25 have resource and strengths in our state, maybe we can



1 help districts save some money on things like bookkeeping  
2 and IT services if we go out there and run a program to  
3 experiment (indiscernible) with how that might best be  
4 done and to prove to small districts this would really  
5 work and give them the (indiscernible) to -- to do that.

6 Senate Bill 233 revising (indiscernible)  
7 measures in public education. This is the -- another bill  
8 that's still remaining out there, this kitchen sink bill.  
9 This has been referred to the committee on legal services,  
10 legislative council because the internal legislative  
11 committee, it deals with legislation that puts legislators  
12 on interim committees. They were scheduled to meet at  
13 noon today. Both chambers are still on the floor so I  
14 don't know if that meeting's taking place or not.  
15 Sometimes they do two things at the same time. My guess  
16 is that it is not happening right now and that it will be  
17 postponed to later in the day or perhaps even another day  
18 just depending on how things are going over there. But  
19 even it comes out of the legislative council committee,  
20 then it still has to go to the Senate floor for the vote  
21 and go over to the House so with eight days left in the  
22 legislative session time is getting short for  
23 (indiscernible)

24 Senate Bill 267, I just (indiscernible) this  
25 is the (indiscernible) the reason I put it on here it's



1 just an update. You all don't have a position on this  
2 bill. As introduced, the bill provided an additional 25  
3 million dollars on top of what was included in the budget  
4 for school districts (indiscernible) the Senate this  
5 morning that's how it looks.

6 Now, there is a whole lot of talk and  
7 fighting in between those two places. There were a number  
8 of 'em on the conference last night to take more money out  
9 of the State ed fund for the current fiscal year -- well,  
10 excuse me -- it's for the fiscal year we're budgeting to  
11 which is actually the '15-'16 year, but more than the 25  
12 million, and all of those failed, but there was a lot of  
13 (indiscernible) it (indiscernible) elected officials  
14 (indiscernible) your districts may be hearing some of  
15 that, but I just want to give you a heads up because quite  
16 a bit of talk about that one.

17 Let me just pause there because that kind of  
18 concludes by update on all of the different bills that I  
19 think were critical that are important that we've  
20 discussed. I'm happy to answer questions about any other  
21 bills out there, and then we're gonna go to the item we  
22 just added to the agenda about an hour and a half ago  
23 'cause it just happened an hour and a half ago, but  
24 anything on any other bills that are out there, any other  
25 questions?



1 MADAM CHAIR: Any other questions or  
2 comments, Board? Jane, do you have something?

3 MS. GOFF: Yeah, thanks. Can we go back to  
4 233 for a second? It's not typical in my recollection for  
5 bills to be sent to legislative legal services in between  
6 chamber. Is it -- do you know why? What it -- what was  
7 it about that bill that they had to deal with?

8 UNIDENTIFIED VOICE: Madam Chair --

9 MADAM CHAIR: Yes.

10 UNIDENTIFIED VOICE: -- Board Member Goff,  
11 you're right. It doesn't happen very often, but it does  
12 happen whenever a bill puts members of the legislature on  
13 some sort of interim committee or task force. So 233 was  
14 a component of -- that sets of the standard review task  
15 force that has legislative members and that's why it went  
16 to legislative council.

17 MS. GOFF: All right. I guess I'm curious as  
18 to why that happens before the bill's even gone all  
19 through the process. The bill may contain that -- that  
20 component, but why in middle of it where it throws off the  
21 schedule to go to the other chamber. I don't understand -  
22 - I -- I just don't understand that.

23 MADAM CHAIR: Yes.

24 UNIDENTIFIED VOICE: Madam Chair, Board  
25 Member Goff, I understand that it does seem odd and it



1 (indiscernible) allowed at this point and session I'd  
2 always -- I'm like oh, right, I have to remember about  
3 that (indiscernible) council. So all I can tell you is  
4 just a matter of how the rules work in the legislature.

5 MADAM CHAIR: Any other questions  
6 (indiscernible) okay, moving into this last item.

7 UNIDENTIFIED VOICE: So, and I -- I  
8 acknowledge that adding items to an agenda at the last  
9 minute is challenging and frustrating. We didn't know  
10 about this until morning. So please know that it wasn't  
11 that we had been sitting on this for two weeks and just  
12 decided to add it. It just became an issue this morning.  
13 So here's what's going on -- Sheridan School District --  
14 there's been a long conversation with the Department and  
15 the Board around Sheridan School District and how they  
16 have used the (indiscernible) enrollment program --

17 UNIDENTIFIED VOICE: So sorry.

18 UNIDENTIFIED VOICE: -- others  
19 (indiscernible) could speak to 'em more precise  
20 (indiscernible) language about where that is in the  
21 process. My understanding is essentially where we are is  
22 that the Department has found that Sheridan School  
23 District was -- they did an audit. They found that  
24 Sheridan School District was in violation of the law  
25 around school finance and has said that the Sheridan



1 School District therefore needs to repay certain fund that  
2 they should not have received. The total amount  
3 originally was one point two million dollars. Through  
4 action by the commissioner, it's been reduced to I think  
5 to 950,000 approximately -- 944,000.

6 The Sheridan School District, as is their  
7 right, has chosen to sue (indiscernible) and so this is a  
8 matter in active litigation. So that's my understanding  
9 of kind of the process -- the stage we are in the process  
10 in terms of your all's world over here. Now --

11 MS. GOFF: May -- may I ask a question?

12 I didn't hear how much.

13 UNIDENTIFIED VOICE: 944,000.

14 MS. GOFF: 944,000.

15 UNIDENTIFIED VOICE: So the Sheridan School  
16 District has decided that they would like to pursue a  
17 legislative remedy to this situation, which you have in  
18 front of you, and I believe it was also emailed out 'cause  
19 I know you got some folks on the phone (indiscernible) so  
20 you should've gotten this by email around 10:30 or 11:00.  
21 You actually have something that's been drafted as an  
22 amendment to the school buy in (indiscernible) that is not  
23 the form in which they are going to move forward. They  
24 are going to draft their very own bill. It'll be a stand-  
25 alone bill. However, confirmed with the lobbyist this



1 morning and with members of the Sheridan School District's  
2 -- people who work in the school district, the language  
3 that is in this amendment, it was (indiscernible) agenda  
4 (indiscernible)

5 UNIDENTIFIED VOICE: (indiscernible)

6 UNIDENTIFIED VOICE: This exact language  
7 that's before you is what will be in the bill that they  
8 are hoping to introduce this week. We did sit down with  
9 them this morning -- when I say we, myself, me and  
10 (indiscernible) and Allyson Pearson sat down with their  
11 lobbyist, Ann Marcus, and Leanne, can you help me?

12 UNIDENTIFIED VOICE: (indiscernible)

13 UNIDENTIFIED VOICE: Jackie Webb who is the  
14 deputy superintendent for Sheridan, and we had a very  
15 cordial conversation just trying to understand where  
16 everybody was coming from, you know, what the issues were,  
17 what the concerns were. We are recommending as staff and  
18 -- and you all get to take our recommendations or not take  
19 our recommendations, obviously that's your prerogative --  
20 an opposed position on this legislation. And the reason  
21 for that is there's -- there's a number of reasons for it.  
22 One, this is a matter of active litigation. Two, we think  
23 it sets a pretty bad precedent to, you know, the  
24 Department by law (indiscernible) school districts all the  
25 time. That's the (indiscernible) told us to do. To have



1 a school district say we don't like the results of that so  
2 we're gonna go to the legislature and get them to change  
3 that seems concerning as -- as a precedent as a way of  
4 handling these types of matters.

5 And -- and I think one of the things that's  
6 really important to note about this that to the extent  
7 this moves forward, so if the Department (indiscernible)  
8 successful in the litigation -- again, we did not bring --  
9 it was brought against us. The Department prevails in  
10 that action and Sheridan is legally required to repay this  
11 \$940,000. They have seven years interest free to do that.  
12 It's not as if they have to just write a lump-sum check  
13 back to the Department or have it deducted from one year  
14 of their funding.

15 The reason why that's important is we are  
16 talking about a small school district here, relatively  
17 small district, that admittedly has -- has is workin'  
18 really hard to serve its kids and --

19 MS. SHEFFEL: Can I -- can I -- can I  
20 interrupt with a question?

21 UNIDENTIFIED VOICE: Of course.

22 MS. SHEFFEL: So is it Jennifer, is that you  
23 talking?

24 UNIDENTIFIED VOICE: Yes.

25 MS. SHEFFEL: Okay. And you said the



1 Department recommended that we take what position on this  
2 (indiscernible) Sheridan (indiscernible)

3 UNIDENTIFIED VOICE: The (indiscernible) is  
4 recommending an opposed position.

5 MS. SHEFFEL: Say that again, I just couldn't  
6 hear.

7 UNIDENTIFIED VOICE: Opposed, against.

8 MS. SHEFFEL: Opposed, okay.

9 UNIDENTIFIED VOICE: Yes.

10 MS. SHEFFEL: I -- I -- I'd like us to talk  
11 about that. I disagree with that because all of the  
12 confusion with what the Department says, what the Board  
13 says, what -- there's so many details (indiscernible) look  
14 at my notes from where Sheridan presented and then what  
15 happened with how the students were counted, and I don't  
16 know, I -- I -- I guess I look forward to a discussion,  
17 but I know you're trying to finish presenting.

18 UNIDENTIFIED VOICE: A question, Madam Chair.

19 MADAM CHAIR: Go ahead.

20 UNIDENTIFIED VOICE: (indiscernible) I  
21 absolutely we agree we need a discussion about that.  
22 That's why we're -- we're here today. Do you mind if I  
23 just finish with a couple more pieces of information and  
24 then -- and then we a discussion? Will that work for you  
25 Dr. Sheffel?



1 MS. SHEFFEL: Yeah, that's fine. Thank you.

2 UNIDENTIFIED VOICE: Thanks.

3 Madam Chair and (indiscernible) question,  
4 too, but let me just finish presenting a little bit of  
5 information and then I think discussion is critical here.  
6 So what Sheridan will -- their point of view is that this  
7 has been very confusing. They believe that they had some  
8 authority given by the State Board in 2006 to do it the  
9 way they were doing it. They have not provided evidence  
10 of that to the Department, but they say they have it and  
11 I, you know, that's what they say and we've asked for  
12 copies and we haven't gotten 'em.

13 They also would argue that they have changed  
14 their practice. They now understand. They believe they  
15 now have -- they do now understand what the law is and  
16 that they have changed their practice to be in full  
17 compliance with that. And I -- I think their further  
18 argument would be that this is a large sum of money for a  
19 small school district. Their intentions were good. They  
20 were trying to serve kids who needed service. So that's --  
21 -- that's where they are coming from on it. And I -- I  
22 want to make sure you understand that because I think it's  
23 important that you understand both sides of this and where  
24 it's coming from. I want to make it really clear that  
25 this is (indiscernible) position as a Board. We as staff



1 -- we as contract staff will implement whatever your  
2 decision is, but for sake of having the conversation, we  
3 wanted to bring to you a recommendation and then, you  
4 know, it's really up to you all from there.

5 So that kind of concludes the information I  
6 wanted to bring to your attention. I'm happy to answer  
7 any questions or help with the discussion as you see fit,  
8 Madam Chair.

9 MADAM CHAIR: Any other questions for her?

10 UNIDENTIFIED VOICE: I just have a statement.  
11 I had --

12 MADAM CHAIR: You got a monitor?

13 UNIDENTIFIED VOICE: I'm sorry.

14 MADAM CHAIR: I wanted to be sure that --

15 UNIDENTIFIED VOICE: Oh, I'm sorry.

16 MADAM CHAIR: -- you were recording.

17 UNIDENTIFIED VOICE: I had calls from parents  
18 in Sheridan, four parents who called me and said that the  
19 program was -- was really very beneficial to their kids  
20 and -- excuse me -- and I have the names; Paul Martinez,  
21 whose child went to Metro; Stacy Giggli -- Gigoglio (ph),  
22 Anastasia Gustamante (ph), and Bernadette Howell. So  
23 these were the parents that called, and a couple of  
24 parents said that they were halfway through the program,  
25 but then the program I guess was stopped and so they were



1 asking to have the program reinstated. And this program  
2 is the twenty-first century program at Sheridan.

3 So I did get these calls and I just wanted to  
4 -- to make you aware that parents were very happy with  
5 this program and many of these parents said that they  
6 wouldn't have been able to have their kids in community  
7 colleges -- in the community college (indiscernible) it  
8 was one that they spoke about had they -- had this program  
9 not been in place. So I also think that this has been  
10 very confusing. To me, I wish that our attorney general  
11 representatives were here today because I don't know. I  
12 would not vote against (indiscernible)

13 MADAM CHAIR: Jennifer, I'm curious related  
14 to that, this bill doesn't have to do with whether the  
15 program continues or doesn't continue, this program --  
16 this bill has to do with the way that -- is that are they  
17 interactive with the Department?

18 UNIDENTIFIED VOICE: Madam Chair, the bill  
19 simply says that for the budget years 2008, '09, for  
20 budget year 2013, '14, if a local education provider did  
21 what they did, they're not required to refund any State  
22 monies they received as a result.

23 MADAM CHAIR: So it doesn't address whether  
24 the program continues or not at all?

25 UNIDENTIFIED VOICE: Correct.



1 MADAM CHAIR: Okay.

2 UNIDENTIFIED VOICE: I'm sorry. May I speak,  
3 Madam Chair?

4 MADAM CHAIR: Yes.

5 UNIDENTIFIED VOICE: I don't know. I guess  
6 these parents were calling that they --

7 MADAM CHAIR: No, I understand that, but I  
8 just wanted to clarify that the --

9 UNIDENTIFIED VOICE: Okay.

10 MADAM CHAIR: -- this doesn't have to do with  
11 continuing the program; it has to do with --

12 UNIDENTIFIED VOICE: Right.

13 MADAM CHAIR: How the Department and the --  
14 Sheridan interacted.

15 UNIDENTIFIED VOICE: Right.

16 MADAM CHAIR: Any other questions?

17 Yes, Leanne.

18 MS. EMM: Thank you. We have provided  
19 information to Sheridan about how they can continue the  
20 program and within the constraints of the existing laws.  
21 So there are avenues that they can do (indiscernible)  
22 enrollments for the students and also for (indiscernible)  
23 programs under these program. So there are -- there are  
24 opportunities for those students to continue in the  
25 twenty-first century program, but it has to be within the



1 confines of the current existing (indiscernible)

2 MADAM CHAIR: Thank you, Leanne. That is  
3 very helpful.

4 Anybody else? Steve?

5 MR. DURHAM: Thank you, Madam Chair. Given  
6 the -- how closely this legislation is tied to the  
7 litigation I -- I wonder if it might not be appropriate or  
8 almost required that we discuss this in executive session  
9 that -- that what we say about the legislation could have  
10 some -- some impact on the litigation so I would -- I  
11 would suggest that we talk about this, and at least if  
12 we're gonna talk about it in any detail in an executive  
13 session and may add it to the other executive. It's the  
14 other issue we have for the executive session.

15 MADAM CHAIR: Time is the problem, isn't it?  
16 Do we have time to -- to do this? I mean we only have how  
17 many days? Eight days.

18 UNIDENTIFIED VOICE: Madam Chair, I do -- you  
19 have an executive session scheduled --

20 MADAM CHAIR: Yes.

21 UNIDENTIFIED VOICE: (indiscernible)

22 MADAM CHAIR: No, I'm not disagreeing --

23 UNIDENTIFIED VOICE: Yeah, I mean time really  
24 is of the essence. And typically -- I want to acknowledge  
25 that this is a little bit out of our normal process and it



1 wouldn't take a position until it was a bill. We don't  
2 have another meeting scheduled until after the legislature  
3 ends. And so just given we did our best to make a good  
4 decision today to bring this before you since we knew you  
5 all would be together.

6 It is somewhat unusual for you to take a  
7 position on legislation that has yet to be introduced. If  
8 you decide to do anything, my recommendation would be that  
9 you -- your motion (indiscernible) if the bill looks like  
10 what we have in front of us, then here's our position.  
11 And that way if the bill gets introduced in a different  
12 format, we would come back to you -- we would want to come  
13 back to you, we would need to come back to you. So we're  
14 just trying to do our best in -- in challenging  
15 circumstances.

16 MADAM CHAIR: Angelika.

17 MS. SCHROEDER: Given Steve's recommendation,  
18 do we not go into executive session and then reconvene  
19 today --

20 MR. DURHAM: Yes.

21 MS. SCHROEDER: And perhaps take the  
22 position, and then it'd only be a bit of time, but it  
23 would still be today.

24 MR. DURHAM: Yeah, Madam Chair.

25 MADAM CHAIR: Yes.



1 MR. DURHAM: I think unfortunately this is a  
2 bus we don't drive --

3 MADAM CHAIR: (indiscernible)

4 MR. DURHAM: -- that -- if they receive late  
5 bill approval on this, then we'll have to deal with it in  
6 the next eight days --

7 MADAM CHAIR: (indiscernible)

8 MR. DURHAM: Several people. To the extent  
9 we're gonna deal with it, we need to talk about it now I  
10 believe --

11 MADAM CHAIR: (indiscernible)

12 UNIDENTIFIED VOICE: Madam Chair.

13 MADAM CHAIR: Uh-huh. I'm trying to get the  
14 legal -- yes, thank you --

15 UNIDENTIFIED VOICE: If I may offer a bit of  
16 a compromised approach because I think that it would be  
17 helpful to have Attorney -- Attorney --

18 MADAM CHAIR: (indiscernible)

19 UNIDENTIFIED VOICE: (indiscernible) on this  
20 from John (indiscernible) who's handling the litigation.  
21 Would it be possible for the legislative liaisons to have  
22 an earlier meeting next week at which John (indiscernible)  
23 could be present and then you all take a position then and  
24 recommend it to the full Board?

25 MADAM CHAIR: I would like to see that



1 because I -- I'm feeling --

2 UNIDENTIFIED VOICE: Or even a special  
3 meeting --

4 MADAM CHAIR: (indiscernible)

5 UNIDENTIFIED VOICE: -- or -- or an  
6 alternative -- I'm sorry.

7 MADAM CHAIR: I don't know whether that would  
8 be possible, or is there a chance that this will have  
9 progressed and it's too late if you do it next week?

10 UNIDENTIFIED VOICE: Madam Chair, I know this  
11 is such a difficult situation. I will take an alleged  
12 perspective given where we are not presuming what your  
13 position will be, but my suggestion would be to take a  
14 position as quickly as possible. And of course I  
15 understand you would like that to be an (indiscernible)  
16 position and I'm happy to do anything I can to support  
17 that.

18 MADAM CHAIR: Okay.

19 UNIDENTIFIED VOICE: Where's John today?

20 UNIDENTIFIED VOICE: He's in trial today.

21 UNIDENTIFIED VOICE: (indiscernible)

22 UNIDENTIFIED VOICE: Possibility in having it  
23 Monday and it could even be the full Board convened by  
24 telephone. And I --

25 MR. DURHAM: I really don't think that it's



1 necessary to have counsel's advice on where we are on the  
2 legislation --

3 MADAM CHAIR: (indiscernible) about the  
4 litigation.

5 MR. DURHAM: (indiscernible) discussing the  
6 legislation, it's difficult to discuss it in any manner  
7 that might not prejudice our court case so I don't think  
8 we should discuss it any further here simply because of  
9 the nature of -- of -- of -- of the potential prejudice of  
10 our legal case, so I don't think we should discuss it any  
11 more here. Regardless of when we discuss it, we shouldn't  
12 go any further.

13 MADAM CHAIR: I agree with that. And would  
14 Monday be permissible with you (indiscernible)

15 MR. DURHAM: It's all right with me, but it's  
16 -- it's a very -- we're gonna be on a tight time frame.

17 UNIDENTIFIED VOICE: Can I --

18 MADAM CHAIR: Yes, Jane.

19 UNIDENTIFIED VOICE: I have some technical  
20 questions just about this whole thing. It's listed -- it  
21 shows as an amendment proposed to the School Finance Act.

22 MADAM CHAIR: But then it --

23 UNIDENTIFIED VOICE: So I'm having a hard  
24 time understanding -- well, I know I really do understand  
25 it. The ultimate outcome would be if this is -- if this



1 goes to bill, is it separate from the School Finance Act?  
2 Does it have a new number? Regardless of whether or not  
3 we take a position, what does that implicate for us as far  
4 as the whole School Finance Act is concerned? Does that -  
5 - does that put us on record because we support this  
6 amendment then is the expectation that we take some kind  
7 of position on the entire bill? Not that the State Board  
8 can't have a say in any legislation, but we typically do  
9 not chime in. We don't get in the middle of positioning  
10 on money issues. I -- I just --

11 UNIDENTIFIED VOICE: (indiscernible)

12 UNIDENTIFIED VOICE: I just -- I want to know  
13 what -- what the implication is for us and future possible  
14 activity if we say whatever. If we don't -- if we should  
15 choose to go with this.

16 MR. DURHAM: There's no implication.

17 UNIDENTIFIED VOICE: Okay. And then one  
18 other technical. As I read this -- and I thought I -- I  
19 was pretty -- had a good handle on concurrent enrollment  
20 statute.

21 UNIDENTIFIED VOICE: Madam Chair, I would  
22 echo Board Member Durham's cautionary note that we're  
23 getting into --

24 MADAM CHAIR: (indiscernible)

25 UNIDENTIFIED VOICE: -- there's pending



1 litigation that deals directly with the substance of this  
2 proposed bill, and to discuss it in open session could  
3 potentially prejudice that litigation regardless of the  
4 position that the Board takes on it, so if the Board is of  
5 the mind to continue discussions, I would suggest that  
6 there be a motion to go into executive session.

7 MADAM CHAIR: (indiscernible) have a  
8 conversation with the commissioner who agrees with that  
9 that we can handle this in a short exec session.

10 UNIDENTIFIED VOICE: Right now?

11 MADAM CHAIR: And if so, Jennifer, are we  
12 finished?

13 UNIDENTIFIED VOICE: I didn't -- I didn't --  
14 I don't believe I --

15 MADAM CHAIR: Well, (indiscernible) have  
16 enough for a motion --

17 UNIDENTIFIED VOICE: I want -- I need to say  
18 this.

19 MADAM CHAIR: Oh.

20 UNIDENTIFIED VOICE: I totally accept the  
21 fact that there's a proper and appropriate time to discuss  
22 things. I thought my question was really more about --  
23 not about that part of it, but about the -- the -- just  
24 the -- the process and the nature of legislation. I mean  
25 -- I can go either way. I just thought it was more of a



1 technical question.

2 UNIDENTIFIED VOICE: I think that it's gonna  
3 be very hard to get a full answer from Jennifer in open  
4 session without --

5 UNIDENTIFIED VOICE: Okay. Well --

6 MR. DURHAM: I think I -- if the question's  
7 strictly about procedure, I think I can answer it. This -  
8 - at the last minute, the -- this was brought forth as a  
9 potential amendment to the School Finance Act on the floor  
10 of the Senate. The position of the sponsors of the bill  
11 is that there will be no amendments to this bill  
12 whatsoever --

13 UNIDENTIFIED VOICE: To the School Finance  
14 Act.

15 MR. DURHAM: To the School Finance Act. So  
16 it became clear that this would be defeated because of the  
17 agreement between the two houses, at least the sponsors of  
18 both houses for no amendment so it wasn't offered. The  
19 proponents of this amendment are now seeking a late bill  
20 which would -- which would be introduced whenever they  
21 finish the process of getting permission for the late  
22 bill. And -- and that's currently I think where this  
23 stands. To my knowledge, they don't have -- at the  
24 present time, do not have late bill approval, not 100  
25 percent sure of that, but they're actively seeking.



1 Presuming that they get permission to  
2 introduce a late bill then it'll be treated like any other  
3 piece of legislation, has no impact on the School Finance  
4 Act in any fashion.

5 UNIDENTIFIED VOICE: That's -- thank you.

6 MADAM CHAIR: (indiscernible) discuss this  
7 with Jennifer (indiscernible) good to have an exec  
8 session, do you think (indiscernible)

9 UNIDENTIFIED VOICE: I think it's up to the  
10 Board, Madam Chair, whether there's an appetite to discuss  
11 this in executive session --

12 MADAM CHAIR: Yeah. Good because -- even if  
13 decided ultimately not to, so is there a motion that we  
14 include this in our exec session?

15 MR. DURHAM: (indiscernible)

16 MADAM CHAIR: Second.

17 MS. SCHROEDER: Second.

18 MADAM CHAIR: Motion as second. This  
19 concludes the discussion on our exec session. Any other  
20 business (indiscernible) the legislative?

21 UNIDENTIFIED VOICE: Madam Chair, I'm  
22 finished with all the agenda on the legislative items that  
23 you do in regular session.

24 MADAM CHAIR: Okay. Any other questions to  
25 Ms. Mello?



1 UNIDENTIFIED VOICE: Madam Chair, it might be  
2 helpful to have Ms. Mello here for the executive session  
3 along with Deputy Commissioner (indiscernible) and Leanne.

4 MADAM CHAIR: For this first section? Okay.  
5 Do I have a motion to (indiscernible) an executive session  
6 pursuant to 24-6-401-2(3)b(1) CRS concerning a --

7 UNIDENTIFIED VOICE: Legislative matter.

8 MADAM CHAIR: A legislative matter as well as  
9 matter concerning the employee of the State Board of  
10 Education who has requested that the matter be address in  
11 executive session heard by Steve Durham, second by  
12 Angelika Schroeder. Any dissent? Opposed? The motion  
13 passes. The Board will convene in executive session. The  
14 public is excused.

15 UNIDENTIFIED VOICE: Have a good weekend.

16 MADAM CHAIR: Thank you.

17 UNIDENTIFIED VOICE: (indiscernible)

18 MADAM CHAIR: Can I have a motion on the item  
19 on the agenda, please.

20 UNIDENTIFIED VOICE: Sure. So I -- I move  
21 that we oppose the -- as yet not existent bill --

22 UNIDENTIFIED VOICE: (indiscernible)

23 UNIDENTIFIED VOICE: That contains a specific  
24 language in the amendment that was (indiscernible)

25 UNIDENTIFIED VOICE: Second (indiscernible)



1 MADAM CHAIR: Jane second (indiscernible).  
2 All right. Angelika second (indiscernible) that we oppose  
3 the proposed bill.  
4 Call the roll, please.  
5 UNIDENTIFIED VOICE: Steve Durham.  
6 MR. DURHAM: Aye. And I'd like to explain  
7 (indiscernible) I think this does not prejudice how we  
8 ultimately work with commissioner to resolve this issue at  
9 all. I mean, there are all the options remain on the  
10 table. It's just a statement that using -- using  
11 legislation to settle litigation that's as a result of the  
12 audit is a bad idea, and I vote aye.  
13 MADAM CHAIR: Thank you.  
14 UNIDENTIFIED VOICE: Dr. Flores.  
15 MS. FLORES: Aye.  
16 UNIDENTIFIED VOICE: Jane Goff.  
17 MS. GOFF: Aye.  
18 UNIDENTIFIED VOICE: Marcia Neal.  
19 MS. NEIL: Aye.  
20 UNIDENTIFIED VOICE: Pam Mazanec.  
21 MS. MAZANEC: Aye.  
22 UNIDENTIFIED VOICE: Dr. Sheffel.  
23 MS. SHEFFEL: No.  
24 UNIDENTIFIED VOICE: Dr. Schroeder.  
25 MS. SCHROEDER: Aye.



1 UNIDENTIFIED VOICE: Motion passes.

2 MADAM CHAIR: Motion passes. And we will  
3 reconvene in executive session and dismiss those  
4 (indiscernible)

5 UNIDENTIFIED VOICE: (indiscernible).

6 MADAM CHAIR: That does it?

7 UNIDENTIFIED VOICE: Yep. Now we're back on  
8 the --

9 MADAM CHAIR: Okay. We're back in regular  
10 session and we have a couple of decisions to make. And  
11 Pam -- Pam and Deb, thank you since you're there since we  
12 now have one, two, three, four, five people --

13 UNIDENTIFIED VOICE: (indiscernible)

14 MADAM CHAIR: That makes you legal.

15 May I have a motion about the position of  
16 executive assistant?

17 UNIDENTIFIED VOICE: I'd like to make a  
18 motion --

19 UNIDENTIFIED VOICE: I -- go head.

20 UNIDENTIFIED VOICE: Go ahead, Pam.

21 UNIDENTIFIED VOICE: No, no, go ahead.

22 UNIDENTIFIED VOICE: (indiscernible) I'd like  
23 to make a motion that we (indiscernible) to be the interim  
24 director of communications.

25 UNIDENTIFIED VOICE: I'll second that --



1 UNIDENTIFIED VOICE: (indiscernible)  
2 MADAM CHAIR: (indiscernible) second it --  
3 UNIDENTIFIED VOICE: Is the title right?  
4 UNIDENTIFIED VOICE: Interim director of  
5 State Board relations.  
6 UNIDENTIFIED VOICE: Okay.  
7 UNIDENTIFIED VOICE: Not (indiscernible)  
8 UNIDENTIFIED VOICE: (indiscernible)  
9 MADAM CHAIR: Okay. All in favor say aye.  
10 UNIDENTIFIED VOICE: Aye.  
11 UNIDENTIFIED VOICE: That's what I meant.  
12 UNIDENTIFIED VOICE: Aye.  
13 UNIDENTIFIED VOICE: We know.  
14 UNIDENTIFIED VOICE: Pam and Deb, aye.  
15 UNIDENTIFIED VOICE: Aye.  
16 UNIDENTIFIED VOICE: Yes, yes. Yes.  
17 MADAM CHAIR: Thank you. So that's --  
18 UNIDENTIFIED VOICE: (indiscernible)  
19 MADAM CHAIR: Other decisions don't need to  
20 vote necessarily --  
21 UNIDENTIFIED VOICE: No.  
22 MADAM CHAIR: -- but we decided that we would  
23 for the most part hold are most big decisions until May  
24 and (indiscernible) in May at another (indiscernible)  
25 whether we number one, you know, I don't think



1 (indiscernible) question about your position, but a  
2 discussion about whether to have a search for 'em or not  
3 would probably be a common part of that discussion. And -  
4 -

5 UNIDENTIFIED VOICE: So we're gonna hold  
6 (indiscernible) the director position.

7 UNIDENTIFIED VOICE: Yes, because we're gonna  
8 take --

9 MADAM CHAIR: Yeah.

10 UNIDENTIFIED VOICE: We are gonna read your  
11 description and think about whether that is inclusive. I  
12 think we also wanted to ask Robert for a description of  
13 your job as it is today, kind of what Carrie did for us  
14 (indiscernible)

15 MADAM CHAIR: Along with -- along with your  
16 salary, Robert.

17 UNIDENTIFIED VOICE: If you -- if you were to  
18 have a history left of the process (indiscernible)

19 UNIDENTIFIED VOICE: (indiscernible)

20 UNIDENTIFIED VOICE: There's a history of the  
21 process that you could share with us that would be helpful  
22 in making our decision about (indiscernible) or not  
23 (indiscernible) thank you (indiscernible)

24 UNIDENTIFIED VOICE: Feel that would be on  
25 every agenda as a point of discussion until



1 (indiscernible) every agenda (indiscernible)

2 UNIDENTIFIED VOICE: I think it's gonna be an  
3 executive session.

4 UNIDENTIFIED VOICE: Yes --

5 UNIDENTIFIED VOICE: I think -- I think  
6 because we're in open session right now, I would just  
7 caution (indiscernible)

8 UNIDENTIFIED VOICE: Even though  
9 (indiscernible)

10 UNIDENTIFIED VOICE: There is a file  
11 (indiscernible) somewhere that has your original --  
12 original posting --

13 MADAM CHAIR: Job description.

14 UNIDENTIFIED VOICE: I have all that.

15 MADAM CHAIR: You've got all that. Okay.

16 UNIDENTIFIED VOICE: (indiscernible)

17 MADAM CHAIR: Gathered that all together for  
18 us for May.

19 UNIDENTIFIED VOICE: (indiscernible)

20 UNIDENTIFIED VOICE: Yeah, it was a lot of  
21 information that we just don't have right now.

22 UNIDENTIFIED VOICE: Yeah. Thank you.

23 UNIDENTIFIED VOICE: (indiscernible)

24 MADAM CHAIR: Okay --

25 UNIDENTIFIED VOICE: Can I move to adjourn?



1                   MADAM CHAIR: And you'll probably -- press  
2 release has gone out I assume.

3                   UNIDENTIFIED VOICE: (indiscernible)

4                   MADAM CHAIR: Not 'til you talk to the --  
5 okay. Press release will go out second. So you two have  
6 to be really quiet and not tell anybody, okay?

7                   UNIDENTIFIED VOICE: (indiscernible)

8                   (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.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of February, 2019.

/s/ Kimberly C. McCright  
Kimberly C. McCright  
Certified Vendor and Notary Public  
  
Verbatim Reporting & Transcription, LLC  
1322 Space Park Drive, Suite C165  
Houston, Texas 77058  
281.724.8600