



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
November 11, 2015, Part 1

BE IT REMEMBERED THAT November 11, 2015, the
above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

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



1 CHAIRMAN DURHAM: Are we all turned up?
2 State Board of Education will please come to order and,
3 Ms. Burdsall, would you please call the roll?

4 MS. BURDSALL: Board Member Flores?

5 MS. FLORES: Here.

6 MS. BURDSALL: Board Member Goff?

7 MS. GOFF: Here.

8 MS. BURDSALL: Board Member Mazanec?

9 MS. MAZANEC: Here.

10 MS. BURDSALL: Board Member Rankin?

11 MS. RANKIN: Here.

12 MS. BURDSALL: Board Member Scheffel?

13 MS. SCHEFFEL: Here.

14 MS. BURDSALL: Board Member Schroeder?

15 MS. SCHROEDER: Here.

16 MS. BURDSALL: And Chairman Durham?

17 CHAIRMAN DURHAM: Present. The quorum is
18 present. We'll ask Judge Rankin to lead us in the Pledge
19 of Allegiance.

20 MS. RANKIN: As a reminder --

21 CHAIRMAN DURHAM: Everybody stand.

22 MS. RANKIN: As a reminder, it's one nation
23 under God, one praise.

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



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

3 CHAIRMAN DURHAM: Thank you. Okay. Let's
4 see.

5 MS. MAZANEC: Thank you. Thanks for the
6 input.

7 CHAIRMAN DURHAM: Okay. And do we have a --
8 let me see, a motion to approve the agenda?

9 MS. FLORES: I move we approve the agenda.

10 UNIDENTIFIED VOICE: Okay. One second --

11 CHAIRMAN DURHAM: Okay. Is there a second
12 to that motion? Yes. Dr. Scheffel seconds the motion.
13 Is there objection to the adoption of that motion?
14 Seeing none, that motion is adopted by a vote of seven to
15 nothing. Let's see here now. Let's see. Do we have a
16 motion about the consent agenda? Yes.

17 MS. SCHROEDER: I move to place the
18 following matters on the consent agenda. 13.01,
19 regarding disciplinary proceedings concerning an
20 application charge number 2013-EC-1987, direct department
21 staff to issue a notice of denial and appeal rights to
22 the applicant pursuant to Section 24-4-104 CRS.

23 13.02, regarding disciplinary proceedings
24 concerning an authorization and applications, charge
25 number 2014-EC-1021(a), direct department staff to issue



1 a notice of denial and appeal rights to the applicant
2 pursuant to Section 24-4-104 CRS and direct department
3 staff and the State Attorney General's Office to prepare
4 the documents necessary to request a formal hearing for
5 the annulment or revocation of the holder's license and
6 authorization pursuant to Section 22-60.5-108 CRS.

7 13.04, regarding disciplinary proceedings
8 concerning a license, charge number 2015-EC-978, direct
9 department staff and the Attorney General's Office to
10 prepare the documents necessary to request a formal
11 hearing for the revocation of the holder's license
12 pursuant to Section 22-60.5-108 CRS.

13 13.05, approve five initial emergency
14 authorizations as set forth in the published agenda.

15 13.06, approve one renewal emergency authorization as set
16 forth in the published agenda.

17 15.02, approve Denver Public Schools
18 innovation --

19 MS. FLORES: Excuse me.

20 CHAIRMAN DURHAM: Yes, Dr. Flores.

21 MS. FLORES: I want to recall that one.

22 CHAIRMAN DURHAM: Okay.

23 MS. FLORES: And I want to call 15.02, and
24 15.03, and 15.04.

25 CHAIRMAN DURHAM: So there is a request to



1 remove 15.01.

2 MS. SCHROEDER: There's -- there's not a
3 15.01.

4 MS. FLORES: Well, --

5 MS. SCHEFFEL: 15.02 through 15.04.

6 CHAIRMAN DURHAM: 15.02 through 15.04.

7 MS. FLORES: That's correct.

8 CHAIRMAN DURHAM: From the consent agenda.
9 The consent agenda requires unanimous consent. So for
10 those three items, it's withheld and they will be removed
11 from the motion for approval.

12 MS. SCHROEDER: Okay. Shall I continue?

13 CHAIRMAN DURHAM: Please.

14 MS. SCHROEDER: 15.05, approve Falcon School
15 District 49's amended innovation application on behalf of
16 Horizon Middle School as set forth in the published
17 agenda.

18 15.06, approve Falcon School District 49's
19 amended innovation application on behalf of Evans
20 International School as set forth in the published
21 agenda.

22 15.07 dash -- through 15.29, approve the
23 waiver request action items 15.07 through 15.29 inclusive
24 as set forth in the published agenda. This is the end of
25 the consent agenda.



1 CHAIRMAN DURHAM: Is there -- the motion has
2 been made for the approval of the consent agenda,
3 excluding the three items noted by Dr. Flores. Is there
4 a second to that motion? Ms. Goff. It's been moved and
5 seconded. Is there an objection to the approval of the
6 consent agenda as regard by Dr. Schroeder? Seeing none,
7 that motion will be declared adopted on a unanimous vote.
8 Thank you. Now, we'll proceed to the -- let's see,
9 Commissioner Asp, your -- I believe we're on item six,
10 your report.

11 MS. BURDSALL: That -- Bizy -- Mr. Chair.

12 CHAIRMAN DURHAM: Yes. Oh, I'm sorry. Yes.
13 Yes. Ms. Burdsall, your report. I knew we were getting
14 a report somewhere.

15 MS. BURDSALL: Good morning, Chairman
16 Durham, Members of the Board and Interim Commissioner
17 Asp. I'd like to let everybody know that CDE has a new
18 guest wireless and it is called CDE hotspot. It looks
19 like this and we have copies of this sitting outside on
20 the handout table. And just so everybody knows the code
21 of the day for this hotspot is silver, with a capital S.
22 So I wanted to let everyone know of that.

23 And I'd also, love to give my friendly
24 reminder to please speak clearly into your microphones.
25 The audio streaming of these meetings is a critical way



1 in which we ensure the State Board meetings are open to
2 the public. In addition, our radio -- our radio -- our
3 recording becomes our official record of the meeting.
4 And it's truly imperative that your constituents can hear
5 your comments and your votes.

6 So in your Board Packets today you have the
7 following materials: You have the Quick Glance Expense
8 Report in the events calendar. For Item 7.01, you have a
9 copy of the draft 2016 legislative priorities.

10 For Item 8.01, you have the Elementary and
11 Secondary Education Act, Flexibility Waiver Renewal
12 PowerPoint.

13 For Item 10.01, you have the Kindergarten
14 School Readiness PowerPoint, a copy of the Gold Options
15 for Kindergarten Entry Assessment Items and a summary of
16 School Readiness Initiatives within CAP4K, Colorado's
17 Achievement Plan for Kids.

18 For item 12.01, you have a copy of America's
19 Top Colorado High Schools in 2015 by Newsweek High School
20 Rankings.

21 For item 13.07, you have a memo from Colleen
22 O'Neill and Jeff Blandford regarding the educator
23 licensing fees as well as an accompanying PowerPoint.

24 For item 14.01, you have the Draft Policy
25 for Private Gifts, Grants, and Donations.



1 For items 15.02 through 15.06, you have
2 copies of materials pertaining to Denver Public Schools
3 and Falcon School District 49's request for innovation
4 applications.

5 For item 16.01, you have a copy of the rules
6 for the administration of the Exceptional Children's
7 Education Act, both in track changes and a clean version
8 as well as cross (indiscernible) between the Officer of
9 Legislative Legal Services feedback and the rule.

10 For item 16.02, you have a copy of the
11 School Turnaround Leaders Development Grant Program
12 PowerPoint and the evaluation report that will be given
13 to the Colorado Legislature.

14 For item 17.01, you have a copy of the data
15 privacy update on the contracts, a PowerPoint of that.

16 For item 19.01, you have a copy of
17 Colorado's high school graduation menu of options. And
18 moving on to Thursday, for that you will have a copy of
19 the embargoed CMAS PARCC 2015 achievement results,
20 participation results and the accompanying PowerPoint.
21 We'll provide those, the hardcopies to you at the end of
22 the day. We did provide you with the electronic version
23 earlier this week.

24 For item 5.01, you have a memo from Colleen
25 O'Neill regarding the educator preparation and licensing



1 rules, the accompanying PowerPoint, a copy of the redline
2 rules, the exceptions documents, which is a side-by-side
3 of the rule, statute reference, updated information in
4 the rules and justification for those changes. You have
5 a copy of the formal written feedback received regarding
6 the rules as well as staff's response to the written
7 comments.

8 For item 17 -- I'm sorry, 7.01, you have the
9 Postsecondary Workforce Readiness Description PowerPoint.

10 And for item 8.01, you have a memo from
11 Gretchen Morgan regarding the accountability pilot as
12 well as a PowerPoint. For some of you, the PowerPoint
13 may be sitting at your bench in front of you, as well as
14 the Colorado Assessment Pilot Proposal Summary and an
15 overview of Colorado's Assessment Pilot Proposal. And
16 that concludes my report.

17 CHAIRMAN DURHAM: Thank you very much. Any
18 questions? Yes. Ms. Goff.

19 MS. GOFF: Thank you. Unless I missed it,
20 this is the only of our financial relations that we got
21 today.

22 MS. BURDSALL: We started doing just the
23 quick glance, so just the front -- first page to show the
24 high level of where every Board's budget is. But I'd be
25 happy to provide you with the detailed.



1 MS. GOFF: So this is real-time. This is as
2 of when?

3 MS. BURDSALL: As of your -- I'd say
4 September reimbursement if you're just providing me with
5 your October reimbursement, because we're always a month
6 behind. So since we've at the November Board Meeting,
7 between the beginning of November and now --

8 MS. GOFF: Okay.

9 MS. BURDSALL: -- I'll have your October --

10 MS. GOFF: So as of the -- the previous
11 filing date.

12 MS. BURDSALL: Exactly.

13 MS. GOFF: All right. Thank you. I -- I
14 had thoughts at one point of asking if we might have that
15 information printed on this.

16 MS. BURDSALL: Oh, what --

17 MS. GOFF: Because with the other quorum
18 report for each of us, which is public information as
19 well. It's often hard to tell when the ending of that
20 is, unless you --

21 MS. BURDSALL: Sure.

22 MS. GOFF: -- leaf through the entire thing.

23 MS. BURDSALL: Yeah.

24 MS. GOFF: Just curious.

25 MS. BURDSALL: Yeah.



1 MS. GOFF: And we -- as long as we know it -
2 - when the stop date is, that's one thing.

3 MS. BURDSALL: Okay.

4 MS. GOFF: Thank you for considering it.

5 MS. BURDSALL: Yes. We can -- we can add
6 that.

7 MS. GOFF: We'll put the most recent date
8 (indiscernible).

9 MS. BURDSALL: Is that okay?

10 CHAIRMAN DURHAM: Okay. Further questions?
11 Seeing none, Commissioner Asp, your Strategic Priorities
12 Report.

13 MR. ASP: Yes. I'd like to invite Jennifer
14 Mello, our Legislative Liaison, to discuss the
15 Legislative Priorities Document with the Board.

16 MS. MELLO: Good morning. It's lovely to
17 see you all on a nice snowy day. So I thought we would
18 start with the Legislative Priorities today. Just as a
19 reminder, at the last meeting we didn't get a chance to
20 discuss this, but I had provided you with just my
21 suggestions on what I would call almost technical updates
22 to the Legislative Priorities you adopted in 2015.
23 Obviously, this is your document. It's your prerogative.
24 If you want to suggest additional changes or have
25 discussion about particular items, that's -- that's your



1 role.

2 CHAIRMAN DURHAM: Questions for Ms. Mello.

3 Okay. None. Jennifer, are you -- are you picking up any
4 commentary at the capitol about what kinds of education
5 bills might be introduced or are we still in the phase
6 where there's little specific discussion?

7 MS. MELLO: Mr. Chair, yes, there -- I mean,
8 certainly, there is -- it's a little bit more detailed
9 than a rumor, but nothing that we've seen in writing at
10 this point. That's kind of where we are in the phase.
11 There are any number of issues being circulated out
12 there. I'm happy to go through those a little bit. I
13 think perhaps to -- part of what you're asking is do our
14 Legislative Priorities address some of those issues, I
15 would say, yes, we are generally well covered. I mean, I
16 can't promise you for a fact that a bill will come along
17 that we -- we may not have addressed in our Legislative
18 Priorities. But there's nothing particularly new under
19 the sun.

20 There's not a lot of -- at least that I'm
21 hearing of right now, you know, completely brand new
22 ideas and proposals out there. So I think we're
23 relatively well covered. Mr. Chair, would you like me to
24 go through the -- the list of what I'm hearing about
25 might come at the capitol now? Or would you -- do you



1 want me to do that after we finish the Legislative
2 Priorities?

3 CHAIRMAN DURHAM: Any other questions about
4 Legislative Priorities?

5 MS. GOFF: Yes. I do.

6 CHAIRMAN DURHAM: Yes, Ms. Goff.

7 MS. GOFF: Very quick. And, Jennifer,
8 apologies if you went through this with us last month.
9 On the last one, the date of collection in Access, what
10 happened, if anything, to this original, the red-lined
11 safety priority? Where is that? It's gone now. It was
12 -- it was crossed out and --

13 MS. MELLO: Oh.

14 MS. GOFF: -- suggested it be taken out and
15 replaced with our -- actually this more current work of
16 ours anyway.

17 CHAIRMAN DURHAM: (Indiscernible).

18 MS. MELLO: Mr. Chair, Board Member Goff,
19 that was passed last year. So there was legislation last
20 year that addressed the issue of separate reporting for
21 marijuana discipline violations.

22 MS. GOFF: Okay.

23 MS. MELLO: So it -- it just didn't seem
24 necessary to continue to include it in our priorities.

25 CHAIRMAN DURHAM: Yes. Dr. Schroeder.



1 MS. SCHROEDER: Thank you. Do we vote on
2 this today so that it's -- it --

3 CHAIRMAN DURHAM: No. I -- we're -- I think
4 --

5 MS. SCHROEDER: How is it final?

6 MS. MELLO: Mr. Chair, and -- and I'll defer
7 Bizy on protocol, but typically in the past you all have
8 taken a vote to kind of say, yes, these are our
9 priorities for the legislature.

10 MS. SCHROEDER: That's what I thought -- so
11 I was trying to figure out, since this is not a voting
12 item today, when is it -- when are we done, done? So
13 that we can share this with legislatures?

14 UNIDENTIFIED VOICE: Do we do it in
15 December?

16 CHAIRMAN DURHAM: We can certainly schedule
17 it for a vote in December. I think that's plenty of time
18 --

19 MS. SCHROEDER: Well --

20 CHAIRMAN DURHAM: -- for this. Yes,
21 Dr. Schroeder.

22 MS. SCHROEDER: So I had a discussion last
23 night with some legislatures who represent the Poudre
24 School District. And they tell me that they had never
25 heard of the State Board's positions. And so I had



1 discussion with Jennifer and she assured me that, yes, in
2 fact, we do send that to them. Apparently, we send that
3 to them when they are getting a hurricane of other items.

4 And so I was wondering if, perhaps, if, in
5 fact, we are fine with it, if we could vote on it today,
6 so that it could be shared with them at an earlier time
7 then when they get everything else that they can't --
8 apparently can't get. None -- none of these three
9 individuals are on the Education Committees. So they
10 wouldn't be looking as carefully. But they were very --
11 they requested Jennifer's name and they were very
12 interested in seeing what the State Board's position is
13 on items.

14 CHAIRMAN DURHAM: Dr. Flores.

15 MS. FLORES: Since we haven't discussed
16 them, and I think we should discuss them. Don't you
17 think that December would be a better time?

18 MS. SCHROEDER: Well, if that's all we can
19 do. I thought -- this is, what, the second or third time
20 we've had them. So I didn't know whether we were
21 finished with them or not.

22 MS. FLORES: All right.

23 MS. SCHROEDER: So if you have some more
24 items to discuss, then let's do that.

25 MS. FLORES: Yeah. I mean, I think you



1 should continue and I think we just looked at them, but -

2 -

3 MS. SCHROEDER: Okay.

4 MS. FLORES: -- I think we need to have
5 some.

6 MS. SCHROEDER: Okay. That's fine.

7 CHAIRMAN DURHAM: Yes, Ms. Mazanec.

8 MS. MAZANEC: I agree. I -- I would like to
9 take a closer look at them before we vote on them,
10 because they weren't -- it was an information item --

11 MS. SCHROEDER: Okay.

12 MS. MAZANEC: -- and I haven't studied the
13 documents.

14 MS. SCHROEDER: Okay.

15 CHAIRMAN DURHAM: Further, I think -- I
16 think we will lay it over for action to the December
17 meeting. And the December meeting is early in the month.
18 That should be -- should be timely enough for
19 legislatures, I think. Any additional questions?
20 Ms. Mello, you wanted to comment on the other kinds of
21 legislation you've heard about?

22 MS. MELLO: Sure. Chairman Durham, and I'll
23 just say on -- on the legislative priorities, if you have
24 questions or wondering about this in the -- between now
25 and December, obviously feel free to be in touch. And



1 I'm happy to just provide additional information if that
2 helps you in your decision-making process for -- for
3 December. Yeah.

4 So yeah, here's a -- just a general overview
5 of some of the topics I think will be important in the
6 upcoming session around preschool and K-12 education.
7 Obviously, the funding issues I think will be up front,
8 first and foremost. You're all aware I sent you the
9 information last week about Governor's budget proposal,
10 which has proposed an increase by inflation enrollment,
11 but then a 50 million dollar increase in the negative
12 factor. So it is a -- a real dollar increase in funding
13 for K-12. But it does not adequately keep up with growth
14 and inflation would be the very simple way I would
15 describe that.

16 So that is going to be a very, very, very
17 hot topic at the capitol. I think that will actually
18 consume much of the conversation around K-12 issues this
19 particular session. Additionally, I do think we will see
20 some continued discussion of some of the bills we saw
21 last year around our Colorado Academic Standards and the
22 common core. I think we will see continued discussion
23 about testing, the level of testing, the amount of
24 testing, the grades for testing. I don't think that
25 topic has been completely exhausted yet.



1 So we will see more legislation on that.
2 There are some rumors that -- there's been kind of
3 repeated efforts over the last few years to enhance the
4 accountability for online schools. I think we may see
5 some legislation come on that again. There has been some
6 discussion about the GED test, the adult education test
7 and allowing for more options than just the one test that
8 -- that currently we have. I think that schools and
9 districts and the Colorado Education Association may well
10 be bringing forth legislation around another -- another
11 year of timeout.

12 So the last couple of years we've had
13 statutory provisions adopted that for both purposes of
14 educator effectiveness the 191 provisions and the school
15 and district accountability have essentially had a
16 timeout, because of some of the data issues and
17 transitioning the testing system. So I think that it's
18 likely that we will see yet another request for another
19 year of transition time in that. I think we will see --
20 last year we discussed this quite a bit as a group.

21 There was some legislation around charter
22 schools in terms of increasing kind of the standard for
23 districts to maintain exclusive chartering authority. I
24 think that will come back. I don't know that it will be
25 in the exact form as last year, but we will see that. I,



1 also, think there's going to be discussion and -- and
2 legislation around mill levy equity and how mill levies
3 are distributed to charter schools as well as traditional
4 district schools and how CSI kind of is in that mix.

5 Last year there was a bill that you all
6 supported that had to do with kind of providing some
7 incentive funding to BOCES to get them to kind of be more
8 proactive about helping small, rural districts
9 consolidate their back office functions as a way of
10 saving resources. I think that legislation will -- will
11 reappear. I'm now hearing there might be two different
12 bills around school funding task forces. So last year
13 there was a legislation by Representative Hamner and
14 Representative Rankin, primarily, around a task force to
15 kind of look over all of our school funding issues and
16 how we're doing that. I think that will be coming back.

17 There may be additional efforts by other
18 members of the legislature on that. And then the final
19 item I will mention is, the Concurrent Enrollment Program
20 is something that we seem to want to talk about every
21 year at the capitol. So I think we will talk about that
22 again this year. I think on the one hand there's some
23 desire to expand access to the Concurrent Enrollment
24 Program. And then there's, also -- the community
25 colleges have long expressed some concerns about the



1 level of funding they receive under that program, kind of
2 how the funding essentially gets split between the school
3 district and the community college.

4 So they may want to have some conversation
5 about that and -- and what that funding formula looks
6 like. So that's my -- my summary of the rumor mill. I'm
7 almost finished here. In terms of Interim Committee
8 action, the School Safety Committee decided not to move
9 forward with any legislation at this point in time.
10 There are three reports due out soon from the Arapaho
11 High School arbitration case. They said they wanted to
12 wait and see what those had to say before they made any
13 decisions about legislation.

14 The non-legislative members of the School
15 Safety Interim Committee will continue to meet into the -
16 - the legislative session. So the Interim Committee,
17 itself, did not propose any legislation. That doesn't
18 mean that once they have -- those folks have more
19 information from this arbitration reports, they may very
20 well likely decide to introduce some legislation in
21 February or a little bit later into the session. And
22 then, finally --

23 MS. SCHROEDER: Jennifer, can you --

24 MS. MELLO: Oh, of course.

25 MS. SCHROEDER: -- can you remind -- can you



1 just expand a little bit more, because I have forgotten
2 what the Arapaho High School -- what the three -- when
3 you started to describe some events that folks were
4 waiting for. And I can't remember what they are.

5 MS. MELLO: Sure.

6 MS. SCHROEDER: Please.

7 MS. MELLO: Mr. Chair, Madam Vice Chair, the
8 --

9 MS. SCHROEDER: (Indiscernible).

10 MS. MELLO: The -- my understanding is the -
11 - the family of Claire Davis has entered into arbitration
12 with the school district.

13 MS. SCHROEDER: Oh.

14 MS. MELLO: And as part of that arbitration
15 process there is some public reporting expected.

16 MS. SCHROEDER: Okay.

17 MS. MELLO: I -- I'm not familiar enough
18 with the legal details to know why we're going to have
19 three reports, but that's my understanding.

20 MS. SCHROEDER: That's the question. Okay.

21 MS. MELLO: Out of that --

22 MS. SCHROEDER: Thank you.

23 MS. MELLO: -- process there will come some
24 reports. And folks wanted to see that --

25 MS. SCHROEDER: Sure.



1 MS. MELLO: -- before they made any
2 decisions for that legislation.

3 MS. SCHROEDER: Thank you.

4 MS. MELLO: And then, just finally, real
5 quick, the Early Childhood Commission moved forward with
6 three bills. Those were approved by legislative counsel
7 yesterday. So these bills will be introduced at the
8 beginning of January as Interim Committee Bills.

9 The first one allows for a state tax credit
10 for childcare expenses to begin in 2016. That is capped
11 at -- and you have to have an income of less than 85
12 thousand in order to take advantage of that credit. The
13 estimated cost of that is 46.2 million dollars a year to
14 the state. So given the budget situation, that may be an
15 uphill battle. They also, approved legislation to expand
16 -- there's something in place already called the
17 Childcare Assistance Cliff Effect Pilot Program. That
18 was limited to ten counties. Now more counties can
19 participate in the pilot as a result of their second
20 bill, if it passes.

21 And then, finally, they did move forward
22 with the task force to address the childcare needs of low
23 income parents as parents seek to advance their
24 education. That task force would be housed at the
25 Department of Labor and Employment. The Department of



1 Education is a named member of that task force.

2 MS. FLORES: Excuse me. Where will it be
3 held?

4 MS. MELLO: The Colorado Department of Labor
5 and Employment.

6 MS. FLORES: Okay.

7 CHAIRMAN DURHAM: Okay. Any questions of
8 Ms. Mello regarding legislation that we might be seeing
9 during the session? I would -- would presume -- would
10 you plan to have your first meeting with the legislative
11 committee in early January or in December at -- I'm
12 trying to remember when it was last year.

13 MS. MELLO: Mr. Chair, it's -- it's
14 obviously at the discretion of the -- of the committee,
15 itself. I'm happy to meet whenever they want. There
16 might be some good -- we might have some good discussions
17 to start with in December, if that's what you all would
18 like to do. And I apologize.

19 I failed to mention another big bill --
20 sometimes the big ones are so big you almost forget about
21 them, but data privacy, of course, will be a huge topic.
22 And one that you all have instructed us to take a very
23 lead position on. You've, obviously, been doing that
24 internally as a department and -- and with the contacts
25 the department has. You've, also, asked me to do that



1 legislatively. And so we're proceeding with that as
2 well.

3 CHAIRMAN DURHAM: All right. Very good.
4 And we'll -- Dr. Scheffel is -- is the chair of that
5 committee and we'll ask her to schedule a meeting and
6 confer with you when there's -- you think there's enough
7 -- enough to discuss in terms of positions we might want
8 to take on legislation and particularly if Representative
9 Lundeen's privacy bill once there's something on paper
10 that would probably trigger a meeting to discuss that.
11 Anything else? Thank you very much.

12 MS. MELLO: Thank you.

13 CHAIRMAN DURHAM: We'll now proceed to
14 action item 8.01.

15 MS. SCHROEDER: Well, we -- do we need to
16 discuss -- I mean, I'm a little confused now. Apparently
17 there wasn't enough discussion as yet on this to vote.
18 So shouldn't we be discussing it?

19 CHAIRMAN DURHAM: I think we'll discuss it
20 when it's --

21 MS. SCHROEDER: When it's next in front of -
22 -

23 CHAIRMAN DURHAM: When we discuss it at the
24 time --

25 MS. SCHROEDER: Okay.



1 CHAIRMAN DURHAM: -- we take action, I
2 think.

3 MS. SCHROEDER: Got it. Got it.

4 CHAIRMAN DURHAM: So we'll -- we'll get it
5 on --

6 MS. SCHROEDER: Okay.

7 CHAIRMAN DURHAM: -- the December meeting.

8 MS. SCHROEDER: Thank you.

9 CHAIRMAN DURHAM: Okay. We'll proceed now
10 to action -- to action item 8.01, the Elementary and
11 Secondary Education Waiver Request, which we've had on
12 the agenda and, also, had a study session. Any comments
13 from anyone staff on -- yes, Dr. Asp?

14 MR. ASP: Thank you, Mr. Chairman. We --
15 we're here to answer questions, Allyson Pearson and,
16 also, Pat Chapman are available to answer any questions
17 you may have. I feel like we had a very good study
18 session and opportunity to discuss it in depth. So we're
19 happy to take any other questions. We don't have
20 (indiscernible).

21 CHAIRMAN DURHAM: Yeah. Okay.

22 MR. ASP: Thanks.

23 CHAIRMAN DURHAM: Any questions and/or
24 comments from Members of the Board? Yes.

25 MS. SCHROEDER: I'll make a motion.



1 CHAIRMAN DURHAM: Yes. Good point.
2 Dr. Schroeder, would you like to make a motion, please?

3 MS. SCHROEDER: I move to approve the
4 changes that have been made to Colorado's ESEA Waiver
5 Renewal Request since it was first submitted to the US
6 Department of Education in March 2015 and to approve the
7 submission of the ESEA Waiver Renewal Request to the US
8 Department of Education for its consideration of the
9 request.

10 CHAIRMAN DURHAM: Is there a second to that
11 motion?

12 MS. GOFF: Second.

13 CHAIRMAN DURHAM: Ms. Goff. Okay. It's
14 been moved and seconded. Comments on the motion? The
15 Chair will make a few comments. The -- it's clear that
16 we have a -- a very flawed federal statute, because if
17 you -- you have a federal statute in which virtually
18 every Colorado school fails to -- fails to make the grade
19 and every Colorado school would be required to send a
20 letter to all of the parents noting that their -- that
21 their failure.

22 It's clear that this law has long -- if it
23 ever accomplished anything, it is clearly reached the
24 point where it doesn't accomplish anything except grind
25 out lots of paperwork to get waivers from the most



1 owner's provisions. I tried to examine some of -- some
2 of the consequences and did talk to several
3 superintendents and while my inclination is not to -- is
4 not to support -- not to support this waiver, I think a
5 good part of the job of this Board is to try not to make
6 life more difficult for our local school districts. And
7 it's clear that life would be more difficult for many of
8 those school districts without a waiver and would,
9 likely, result in the -- in their waste of tax payer
10 resources.

11 The only -- there are a number of advantages
12 to not having the waiver, one of which would be to try
13 and remind our members of congress that they really ought
14 to do something about this and that the federal intrusion
15 into education is not productive for -- for -- in
16 achieving either their objectives or in achieving the
17 educational objectives of the parents, and teachers, and
18 school boards, and superintendents in this state.

19 I think it's safe to say that No Child Left
20 Behind has been a catastrophic failure and it really is
21 time to move on. And I would strongly suggest if this is
22 not remedied in the next year with some change in
23 statutes that getting a waiver approved in the -- and let
24 me ask what's the term of this waver?

25 MR. ASP: It -- it'll be at the discretion



1 of the US Department of Education. It's likely that they
2 would give us a -- a one-year waiver, but they can give
3 us up to a three-year waiver.

4 CHAIRMAN DURHAM: Let's not ask for more
5 than a one-year waiver. And -- because I think if some
6 action isn't taken, perhaps that it's time for Colorado
7 to put -- put enough pressure on to see that -- that some
8 changes are made at the federal level, because the -- the
9 current situation is intolerably bad. Any further
10 discussion? Yes. Ms. Goff?

11 MS. GOFF: I agree. I appreciate that. We
12 were chatting earlier, I'm sorry I brought it up to them
13 so early in the morning. I -- I made apologies for that,
14 but the -- the situation with ESEA reauthorization right
15 now and what a rollercoaster we've all been on,
16 unnecessarily, I think, it would have been best if folks
17 back there had not made any projections about timeline
18 and just let it -- let it happen when it's going to
19 happen. The latest that I have heard and I believe a lot
20 of you have been in on some of the same conversations is
21 that there is -- they are now projecting that possibly by
22 November 30th, there will be some activity on this,
23 possibly on the floor of a certain chamber.

24 So we've got that. Encouraging, hopefully -
25 - I mean, I'd love to think that would happen. The



1 conference committees between the two chambers have --
2 are yet to be totally finalized, but that is in process.
3 And once that happens, they're -- they trust that things
4 can move along at a good, reasonable, productive pace.

5 So that's what we know. So it's not that --
6 it's not that there's reason to think nothing is
7 absolutely happening and that the whole thing is doomed
8 amidst all the confusion but -- in Washington. But, on
9 the other hand, realistically, until we see it, we don't
10 -- we don't see it. So I do think that for the purposes
11 of the next year, a one-year waiver is -- is reasonable
12 and rational.

13 CHAIRMAN DURHAM: Yes. Dr. Flores.

14 MS. FLORES: Yes. You know, I'm -- I'm
15 really concerned about the testing, the evaluation,
16 because the administration came out on one side saying we
17 were going to have less testing. And, yet, when, you
18 know, experts kind of looked at it, it seemed as if we
19 are going to have more testing than we had before.

20 And so, it -- there isn't really cut in
21 testing. So I -- I -- I really worry about that and
22 wonder if -- I know I had some discussions over with the
23 legislature -- some people with legislature and they were
24 thinking of another test instead of PARCC and they were
25 thinking of ACT Aspire, but, you know, it's still the



1 same old testing and it's still high -- high-stakes
2 testing.

3 It's still not getting at really putting the
4 emphasis on kids who really need the -- really need the
5 emphasis of our putting more work and giving them just
6 all the focus that they need. And I'm talking about kids
7 that are just not making it. And so that's where I think
8 the emphasis needs to be made and not on more and
9 different high-stakes testing. That's what I think and I
10 -- I think we just need to get back to local areas doing
11 what they know best. And that's know best for the
12 children in their communities. I think that's what needs
13 to be done.

14 CHAIRMAN DURHAM: Yes. Ms. Mazanec.

15 MS. MAZANEC: Director Flores, I would just
16 like to say I completely agree on the point. I -- I,
17 also, second Director Durham's -- or Chair Durham, I'm
18 sorry.

19 CHAIRMAN DURHAM: That's okay.

20 MS. MAZANEC: Comments that we -- we need to
21 move away from federal mandates.

22 MS. FLORES: Yes.

23 MS. MAZANEC: And get back to a more local
24 level. And I -- I agree it's a difficult position that
25 we're in, once again, but I really like the idea of a



1 one-year extension and -- and hopefully we can revisit
2 this again next year with the help of our legislatures.

3 CHAIRMAN DURHAM: Yeah. I would -- would
4 comment, Dr. Flores, I did ask staff to evaluate the US
5 Department of Education and the president's call to limit
6 testing to the two percent standard. If we were to meet
7 the -- if we were to exceed the test -- the two percent
8 standard, we'd have to increase our testing about three-
9 fold. So it was probably one of the most for show and
10 less substantive --

11 MS. MAZANEC: Exactly.

12 CHAIRMAN DURHAM: -- announcements made by -
13 - by anyone in the education community in recent memory.
14 So we're already well below that. And we're -- we face
15 significant criticism for what we already -- for what
16 we're already doing. So that provided really no help or
17 no relief.

18 MS. MAZANEC: Yeah.

19 CHAIRMAN DURHAM: And I -- I'm sure there's
20 something profound to say to Ms. Goff about an optimist
21 in the morning. And I -- I hope you're right.

22 MS. GOFF: Yeah. So what?

23 CHAIRMAN DURHAM: We'll -- we'll see if
24 there's any cause for optimism. It's been moved and
25 seconded that we approve --



1 MS. SCHEFFEL: I have something else.

2 CHAIRMAN DURHAM: Oh, yes, Dr. Scheffel.

3 MS. SCHEFFEL: Thank you. This -- I don't
4 know if this -- if you have this data with you, but do
5 you happen to know how many Colorado schools are Title I
6 and did not meet AYP for two years? I don't think we
7 talked about that at the study session.

8 MR. ASP: With the --

9 MS. SCHEFFEL: With the --

10 MR. ASP: With the current targets?

11 MS. SCHEFFEL: Right.

12 MR. ASP: It was -- I don't remember. We
13 have about 660 Title I schools.

14 MS. SCHEFFEL: Title I schools.

15 MR. ASP: The vast majority did not --

16 UNIDENTIFIED VOICE: It was like 86 percent.

17 MR. ASP: I think it was 86 percent, 88
18 percent did not make AYP.

19 MS. SCHEFFEL: AYP. All right. Yeah. I
20 just -- I -- I appreciated the study session. That was a
21 great way to get together and go through the details of
22 the document. I just continue to feel that this waiver
23 doesn't help us.

24 CHAIRMAN DURHAM: Oh, yeah.

25 MS. SCHEFFEL: I feel like it continues to



1 tie us to federal policy in ways that increase regulatory
2 burden and not decrease regulatory burden, which is what
3 the waiver is supposed to be doing. It puts us -- it
4 puts more students under this umbrella of federal policy
5 than if we did not have the waiver. So that instead of
6 just applying it to Title I schools, now we've pulled a
7 whole number of other students under the umbrella of this
8 -- this policy.

9 And so I appreciate all the work that went
10 in to negotiating with the feds and it, certainly, is
11 very extensive document with a lot of work that has gone
12 into it. I just feel like we're continuing to cede our
13 authority as a state to the feds in aligning what we do
14 with their policies. And I think in the end that doesn't
15 serve Colorado students well. Thank you.

16 CHAIRMAN DURHAM: Further comments?

17 MS. FLORES: One more comment.

18 CHAIRMAN DURHAM: Yes. Dr. --

19 MS. FLORES: And that is with --

20 CHAIRMAN DURHAM: -- Flores.

21 MS. FLORES: -- all the schools that are in
22 the bottom five percent or ten percent. Don't you think
23 that if we get another bar just by the idea that you have
24 another scale and it's going to be a -- a scale? You're
25 going to again have a bottom five and ten percent that



1 may be different than the other five percent. I -- I
2 mean, if you have a bell curve and -- and you already
3 take this other and you impose another group of -- of all
4 the schools in the state, you're going to get another ten
5 percent.

6 So we've already done damage, I think, to
7 those ten percent down at the bottom. And now if we
8 impose another year and another year, we just keep --
9 instead of helping, we -- we just create, you know, more
10 chaos as opposed to really helping those -- those schools
11 to -- to get better. I -- I think is -- is what is
12 happening. And I think we've already done it to those
13 ten percent.

14 And we're looking at them and such and
15 surely one or two will appear, but I -- I think we -- we
16 need to stop this whole thing and really help those
17 schools that are at the bottom, really help them, instead
18 of, you know, just getting whip over them. And -- and
19 menacing and destroying them. We need to stop that. And
20 that's what the mandates from Washington asks us to do
21 and we're just going along with them. So that's not a --
22 a very helpful activity that we are cooperating with a
23 federal government in doing and not really helping kids,
24 I think.

25 CHAIRMAN DURHAM: Further discussion?



1 Seeing none, Ms. Burdsall, would you please call the
2 roll?

3 MS. BURDSALL: Board Member Flores?

4 MS. FLORES: Yes. Yes.

5 MS. BURDSALL: Okay. Board Member Goff?

6 MS. GOFF: Yes.

7 MS. BURDSALL: Board Member Mazanec?

8 MS. MAZANEC: Yes.

9 MS. BURDSALL: Board Member Rankin?

10 MS. RANKIN: Yes.

11 MS. BURDSALL: Board Member Scheffel?

12 MS. SCHEFFEL: No.

13 MS. BURDSALL: Board Member Schroeder?

14 MS. SCHROEDER: Yes.

15 MS. BURDSALL: And Chairman Durham?

16 CHAIRMAN DURHAM: No. That motion is
17 adopted by a vote of five to two. We'll proceed to item
18 -- let's see, --

19 MS. BURDSALL: No.

20 CHAIRMAN DURHAM: -- are we item nine --
21 item nine, public comment. We're a little ahead of
22 schedule.

23 UNIDENTIFIED VOICE: Okay.

24 CHAIRMAN DURHAM: So we're -- why don't we
25 start public comment, because it could -- we may not



1 finish it before ten o'clock and then we -- we're a
2 little ahead of schedule so much the better.

3 UNIDENTIFIED VOICE: Let me see --

4 CHAIRMAN DURHAM: So if we have a signup
5 sheet, we'll ahead and start for those that are here and
6 we might renew it then after ten o'clock.

7 MS. FLORES: Or not, you could have a little
8 break now?

9 CHAIRMAN DURHAM: You want a little break?

10 MS. FLORES: Yeah. A little break.

11 CHAIRMAN DURHAM: Why don't we take five
12 minutes and then we'll start public comment at about ten
13 till.

14 (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 January, 2019.

/s/ Kimberly C. McCright

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