



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
December 9, 2015, Part 3

BE IT REMEMBERED THAT on December 9, 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: So we are back, State
2 Board will come back to order. Next item on the agenda
3 is one that is always fun and enjoyable and an honor to
4 participate in. It's the recognition of the 2015 Milken
5 Educator for Colorado. Interim Commission Asp, we'll
6 turn it over to you to conduct the ceremony.

7 MR. ASP: Thank you so much, Mr. Chair, this
8 is indeed quite a pleasure. I'll talk a little bit more
9 about the -- how wonderful it was to be there at the
10 actual ceremony, but let me ask Associate Commissioner
11 Allyson Pearson to come forward and present this award.

12 MS. PEARSON: Good afternoon. This afternoon
13 we will honor Mr. Ryan Moore, our 2015 Colorado Milken
14 Educator. We have provided you with brochures about this
15 program, but let me give you a little background on this
16 award. The Milken Educator Award provides recognition in
17 an unrestricted financial award of \$25,000.00 to
18 exceptional elementary and secondary school teachers,
19 principals and specialists who are furthering excellence
20 in schools throughout the country.

21 Each year exceptional educators are
22 considered without their knowledge by a blue ribbon panel
23 appointed by each state's Department of Education. Jane
24 Goff generously served on our panel this year. Thank
25 you, Jane. The recipient is caught unaware with the news



1 of the \$25,000.00 award, which they can use in any way
2 they choose. The announcement is made during a surprise
3 assembly attended by students and peers, as well as
4 federal, state and local officials, and the media.

5 On October 29th, Ryan Moore of Liberty Point
6 International School in Pueblo, Colorado was named the
7 2015 Colorado Milken Educator. Interim Commissioner Asp
8 helped to present the award with Lowell Milken and the
9 Milken Family Foundation. I will show you a short video,
10 (laughing) a portion of the award assembly and then tell
11 you a bit more about Mr. Moore.

12 (Pause)

13 Mr. Moore was presented with a \$25,000.00
14 check from the Milken Family Foundation in recognition of
15 his exceptional work as a model teacher for the state and
16 the nation. He has been teaching for seven years and is
17 currently an eighth grade science teacher at Liberty
18 Point International School. Prior to teaching, Mr. Moore
19 served as a staff sergeant in the US Army during
20 Operation Iraqi Freedom and as a corrections officer with
21 the Colorado Department of Corrections. At Liberty Point
22 International School he is known as a highly creative
23 teacher who focuses on real world applications of
24 science. He's paired students for genealogy exercises,
25 encouraging them to imagine what their offspring would



1 look like, incorporated ping pong into a class on Newtons
2 Laws, dressed up as George Mendel when teaching genetics
3 and taught atomic structure using black lights and glow
4 in the dark constellations.

5 More than once students have told him
6 that he has made all the difference for them as they are
7 entering high school because he believed in them and
8 encouraged them to succeed. Mr. Moore's long range
9 potential is evidenced by his enthusiasm and passion for
10 students and education. He loves what he does, and his
11 excitement is evident on a daily basis in his class room.

12 Interim Commissioner Asp would you like to
13 say a few words about the day?

14 MR. ASP: Yes, I would. I've had the
15 pleasure to attend several of these Milken Awards
16 ceremonies, both as a district administrator and then in
17 this role. This one was particularly special. I'll talk
18 about why that is in a second, you saw some of it in the
19 video. This is a total surprise as you heard. When you
20 pull up to the school, no one knows about this except the
21 principal, maybe a couple of district officials, the only
22 thing the schools knows is there is an assembly. We are
23 going down to the gym. And also, our CDE staff, Lynn
24 Bamberry and her staff do this incredible job of setting
25 this up, and I don't know if Lynn is still in here or



1 not, yes, she does a great job at this and it is so well
2 orchestrated.

3 But you drive up to the school and there are
4 these huge limo's out front that belong to Lowell Milken.
5 He's quite wealthy, and it looks like the President's
6 there, and they got several people with little walkie
7 talkie things in their ear. But to make a long story
8 short, I was the foil. I had to go there and say hi, I'm
9 here just to - you have a great school and isn't
10 wonderful that we are here. And then I go, there is one
11 other thing we want to tell you.

12 And then I introduce Lowell Milken and he
13 walks out and talks for a while and no one still knows
14 why he's there and then all of the sudden he says here is
15 what we are here to do, and he announces the name,
16 unbeknownst by me, your wife wasn't able to be there. I
17 mean no one knows about this except a couple of people
18 and the place - it didn't do just here, it goes berserk
19 in the most wonderful way and the coolest part here,
20 there are two really cool parts about this, and I have to
21 get my Kleenex out on this one. First of all because,
22 Ryan's daughter who is in his class, she's there to watch
23 her dad get this award, people are going nuts and it's
24 great.

25 Here's the other cool part. What you saw



1 him talking on there, usually is reserved for football
2 players or something else, and give them their due, but
3 here's somebody who makes an incredible difference in the
4 lives of kids and all these cameras and reporters are in
5 his face, asking him all these questions. He was the
6 celebrity and it was terrific and so well deserved. And
7 the last thing Lowell Milken says is hey kids, when you
8 are thinking about growing up, think about being a
9 teacher. Pretty cool stuff. So congratulations Ryan, it
10 was a wonderful day for me.

11 MS. PEARSON: I would now like to present
12 the 2015 Colorado Milken Educator, Mr. Ryan Moore with an
13 obelisk from the Milken Foundation and have him say a few
14 words.

15 (Applause)

16 MR. MOORE: Hello. I'm going to do like my
17 kids, I keep notes on my phone. I was like why are kids
18 always doing that? And then I'm like that's pretty cool,
19 so I start acting like my kids. All right, so thank you
20 guys very much Chairman Durham and the rest of the board.
21 Just thank you so much for recognizing me. We don't get
22 recognized very often as teachers, just when you get in
23 trouble. That's when we get recognized, so this is
24 really awesome. So the Milken Foundation has been a huge
25 blessing obviously.



1 I had to go figure out what all those words
2 meant because I was like what's that mean about -- are we
3 going to get a new computer lab and Dilka was like that's
4 yours. So getting recognized by them and like having
5 them back it is so shocking, it was just amazing. But
6 any time you get recognized, you have to look back and
7 see who's been helping you, who's been supporting you, so
8 I have a short list here of people, and even though they
9 are not here, I just have to say who they are and what
10 they've done for me real quick. So some of them are
11 here.

12 All right, first of all, the Milken
13 Foundation, I'm so excited to be accounted among their
14 members now because there's people that I didn't even
15 know - I've been following them. There's people that I
16 have lesson plans from, that are Milken Foundation award
17 winner 20 years ago and I'm like wow I've been following
18 you this whole time and now I'm with you. It's very
19 amazing just to be put in that group is a huge blessing
20 so I just want to thank them.

21 Mr. Dilka, my principal Brian Dilka, I want
22 to thank him because he took a risk on me. I was a
23 teacher in residency which means I didn't go through your
24 teacher's school. I went and learned all my science
25 stuff and then later I'm like, I'd like to teach science



1 and he gave me an opportunity. I went to college for
2 that and we worked it out and so I really appreciate you
3 doing that. You make it easy for me to be creative in my
4 classroom and I'll keep following you because of that.
5 Because you make my job easy and you took a risk, so I'll
6 keep working for you.

7 Devan Berg, he paired me up with Devan Berg,
8 she's this kooky chemistry teacher at the high school
9 level and she's been my mentor for two years, and if I
10 have problems, I still call her, and she taught me how to
11 teach by state standards, and that sounds dumb, but it
12 makes it really easy. You just look at what you are
13 supposed to teach and then do it. And she was able to
14 convey that to me and so I use that every day.

15 My eight grade team, Mrs. Stevens, Mrs.
16 Boley, Ms. Valencia and Mrs. Amora. We just became an IB
17 school and so we went through all these changes and we
18 had to do all this stuff and we implemented all these new
19 amazing things and they're with me the whole way doing
20 that and I'm so much better of a teach now because of all
21 the things we've done over the last two years.

22 My partner across the hall, Mr. Paycheck,
23 he's a reading teacher for sixth grade, and any time I do
24 something, he's like you know if you added this much,
25 you'd have like nine more things covered. So I'm like



1 yeah. And so all these people are making me better
2 teachers and it's showing up here.

3 My students, the students at our school are
4 working so hard for us and they don't even know it. Over
5 the past three years we implement new things and new
6 things and slowly but surely, they're doing stuff that
7 their siblings that came through never had a chance to
8 do, and they have no idea how hard they're working for
9 us. We just keep adding stuff and changing things and
10 moving forward and so with the new rigor they just keep
11 being successful and so I got to thank them because
12 that's what makes - when you're teaching if your kids are
13 getting it, it makes all the difference in whether you
14 want to go to work or not. And they are getting it.
15 Still working hard for us.

16 My wife and family, they support me. When
17 you are a teacher there is time - you lose your time.
18 There's finances, it's not a huge paycheck. And then the
19 biggest thing is emotions, like they know you are
20 emotionally invested in kids and stuff at work and
21 sometimes it doesn't work out for them and sometimes it
22 does, but I just really appreciate them. I love you
23 Tammy, this is my wife. She's super supportive.

24 And I've got to thank God because this is
25 just the cherry on top of my already amazing life. He's



1 blessed me so much.

2 And the last thing I want to end with here
3 is, we've been talking about school improvements and the
4 new programs we're running. But I really want to talk to
5 you about what my school does best, and that's
6 relationships. Mr. Dilka really pushes that we have
7 relationships with kids, and it used to be a big program
8 and big thing we did, and it was all systematic, but over
9 the last three years, now it's accidental. And I see
10 kids everyday making relationships with adults that
11 they're in the classroom, they are helpful, but I mean
12 just life wise - it's crazy to see how the teachers in my
13 building are reaching kids and just changing their lives.
14 Because some of our demographics are rough demographic.
15 They need adults who care about them.

16 It's just kind of crazy and I am so thankful
17 that my children, including the children at school, but
18 my actual children have come through the school, and I'm
19 just so thankful they came through because I know they
20 are prepared for high school and what's coming in life.
21 But the most thing I'm thankful for is that they came
22 through the school and they know they are loved and
23 that's what they are going to take away from their school
24 experience.

25 Just thank you guys so much and once again



1 the Milken Foundation. But that's kind of a little bit
2 about my school and where I'm at.

3 (Applause)

4 MS. PEARSON: We're going to have you come
5 forward and do a picture with the Commissioner and Joyce
6 Rankin who is your representative.

7 (Pause)

8 CHAIRMAN DURHAM: Okay we are going to come
9 back to order. And we are going to start now with 14 -
10 Item 14, a rule making hearing. Let's see. State Board
11 of Education will now conduct a public rule making
12 hearing for the rules for the administration for the
13 waiver statute and Rule 1 CCR 301-35. Board approved a
14 notice of rulemaking in its October 7th, 2015 board
15 meeting, hearing to promulgate these rules was made known
16 through the publication by public notice on October 25th,
17 2015 through the Colorado Register and by the State Board
18 notice on December 2nd, 2015.

19 The Board is authorized to promulgate these
20 rules pursuant to 22-2-207(1)(c) CRS. Commissioner Asp
21 is the staff prepared to provide an overview and I would
22 observe that no one has signed - has taken the
23 opportunity to sign for testimony?

24 MR. ASP: I thank you, Mr. Chair. These
25 rules similar to the ones earlier today are technical



1 clean ups. They involve the waivers of statute rule
2 regarding charter schools and Gretchen Morgan, Associate
3 Commissioner will take us through these.

4 MS. MORGAN: Great, thank you. So as Dr.
5 Asp indicated, these were brought to us by the Office of
6 Legislative Legal Services and this is because there was
7 a change in statute around charter waiver processes that
8 happened, actually two sessions ago and it really had
9 three parts.

10 One was that -- and I think we are all
11 thankful for this one. It changed the definition of what
12 is an automatic waiver. So they became truly automatic,
13 so that when you were a school with a contract, you do
14 have those waivers, which meant the department didn't
15 have to have processes with those anymore and neither did
16 you.

17 The second change it made, was to change the
18 list of things that were not allowed by this board to be
19 identified as automatic and the idea is that that list
20 can be revisited over time but there were some that -- in
21 a consultation with the League of Chartered Schools were
22 identified as things that where people sometimes getting
23 those waivers in a way where they had no interaction with
24 anyone and truly automatic would set them up for risk.
25 This would be things like, sometimes charter schools were



1 confused when getting a waiver to licensure that they
2 thought they maybe weren't accountable to highly
3 qualified and that at some later date they would have
4 employed people not having met highly qualified
5 requirements, we then do the data collection around
6 highly qualified and they find out, oh my gosh they have
7 a person that they can't employ in a position, and so to
8 try to prevent that kind of confusion those kinds of
9 things were named as being not allowed by this board to
10 be identified automatic list once that automatic thing
11 became truly automatic. So it would ensure some
12 communication would happen with schools so that they
13 wouldn't accidentally get into situations like that.

14 The third thing that changed was the statute
15 and the rules had previously referred to a form provided
16 by CDE as part of what you had to submit to get waivers,
17 and at the time that this -- legislative intent about
18 this was to try and make this process as simple as
19 possible and so they asked the question, do they need to
20 have a separate form, isn't there someplace these waivers
21 and replacement plans are already listed and the answer
22 was yes, they are already listed in the contract. So the
23 statute was changed instead of saying that we would
24 provide, and they would submit a contract and assign
25 board resolution, it just said it would have a complete,



1 like fully executed and complete contract which included
2 their identified waivers and replacement plans.

3 So this revision of rules, you know again,
4 I think was in some ways more given to us from the Legal
5 Services Group and it's -- all of this I think is fine
6 and meets legislative intent pretty smoothly. We didn't
7 receive any feedback from anyone in the field about this
8 either, before today. But there is one, like, really
9 tiny unanticipated wrinkle in here that I just want to
10 note for you. I don't think there is a way for us to fix
11 it today actually, and we've been in discussion with the
12 league about this. But when someone wants to get a
13 waiver that's not on their normal contract renewal cycle.
14 Right, so for example, this fall you got a bunch of
15 waivers from schools seeking school readiness waivers
16 because it was in your requirement, not because it was
17 time for them to renew their contract. This change of
18 statute by trying to remove the other things that made it
19 burdensome like having a form, means that when they want
20 to come off cycle, they actually have to formally amend
21 their contract to be able to submit that contract to us
22 because that's now the only requirement in law, is that
23 they bring the contract.

24 So this is again, I think accidental,
25 annoying and probably not something that we can fix in



1 rule because the statute says this very clear thing. The
2 league is aware of this. The league is interested in
3 trying to figure out at a later date, if they can come up
4 with clever ideas about things you might all be able to
5 do in rule to fix that. We have so far not been able to
6 come up with something that has passed muster in these
7 conversations or they may take this back for a
8 legislative fix, which I think they feel comfortable
9 taking on (Indiscernible) or just amend these rules again
10 if they are able to get that legislation.

11 So again, I just want to be totally clear
12 with you that, you know, I think there is an accidental
13 annoying thing in here. I think the league which is the
14 advocacy here for charter schools is on top of it and
15 will do things to help. But that today this probably is
16 what we can do is just to get our rules in alignment with
17 laws so that we are not in trouble with Legal Services
18 Office. So these are the rules before you.

19 CHAIRMAN DURHAM: Any questions from members
20 of the board. Yes, Dr. Scheffel.

21 MS. SCHEFFEL: Sure, can -- in terms of our
22 2.02(e) the Children's Internet Protection Act, is that
23 there because we needed to put something in there in
24 terms of data privacy or is that what's stipulated goes
25 there? Just trying to figure out what prompted that



1 language.

2 MS. MORGAN: I think that just is in law and
3 our rules did not reflect what was in law.

4 MS. SCHEFFEL: So it just didn't have that?

5 MS. MORGAN: Yeah, it just was missing and
6 they caught it.

7 MS. SCHEFFEL: Could I ask the same question
8 about 2.08(k) the use of onsite peace officers, school
9 resource officers. I'm sorry 2.06 (k). Was that the
10 same thing, we had to put that in there or some other
11 language?

12 MS. MORGAN: Yes, these are just aligning
13 with what is in statute.

14 MS. SCHEFFEL: Okay, thank you.

15 MS. MORGAN: Yeah, we didn't suggest any
16 additions, staff didn't make any suggestions, these came
17 straight from legal counsel.

18 MS. SCHEFFEL: Okay, thank you.

19 MS. MORGAN: Um-hum.

20 CHAIRMAN DURHAM: Okay, any further
21 questions regarding this rule change. This rule by and
22 large affects our own procedures more than anything else.

23 MS. MORGAN: Yes, that's right.

24 CHAIRMAN DURHAM: No real affect on the
25 outside world other than when they can do things.



1 MS. MORGAN: That's right, it really just is
2 what they have to bring to us to that we can then bring
3 things to you. And again, the goal is to really simplify
4 it, like I said, this one little glitchy thing was very
5 much accidental and I trust that the league and others
6 will be able to fix it. It's not horrible either, it's
7 just annoying.

8 CHAIRMAN DURHAM: All right, thank you. Are
9 we ready for a motion?

10 MS. MORGAN: Sure.

11 CHAIRMAN DURHAM: Dr. Schroeder.

12 MS. SCHROEDER: I move to approve the rules
13 for the administration for the waiver of statute and
14 rule.

15 CHAIRMAN DURHAM: Is there a second? A
16 second Ms. Mazanec. Is there an objection to an adoption
17 of that motion? Seeing none, that motion is clear and
18 adopted unanimously. Thank you very much.

19 MS. MORGAN: Thank you.

20 CHAIRMAN DURHAM: The next item is Item 15
21 and we are a whole half hour early, so why don't we try
22 to go to -- start with.

23 UNIDENTIFIED VOICE: Mr. Chair?

24 CHAIRMAN DURHAM: Yes.

25 UNIDENTIFIED VOICE: If I may, a couple of



1 items that we could potentially move forward would be
2 items either 16.01 the ESEA reauthorization briefing or
3 Item 23.01 reducing regulation and red tape.

4 CHAIRMAN DURHAM: Lets do 16 first, why
5 don't we.

6 UNIDENTIFIED VOICE: Okay.

7 CHAIRMAN DURHAM: And what was the other
8 one?

9 UNIDENTIFIED VOICE: 23.01.

10 CHAIRMAN DURHAM: Twenty-three, got it.
11 Thank you. All right, let's try 16, Commissioner Asp is
12 that your item primarily on?

13 MR. ASP: I'd like to introduce it.

14 CHAIRMAN DURHAM: All right, please proceed.

15 MR. ASP: Thank you, Mr. Chair. We wanted
16 to give you an update on the reauthorization of the
17 Elementary and Secondary Education Act. That act was
18 actually reauthorized by vote of the senate earlier
19 today, passed by the house a week or so ago. It was a
20 very strong bi-partisan vote to support this
21 reauthorization bill. A couple of pieces, Allyson
22 Pearson and Pat Chapman will take you into more of the
23 details. This is a very lengthy bill so we are not going
24 to get into all of the details, but there are some things
25 we wanted you to know about it, and the reason you are



1 getting a power point right now is because the bill
2 passed this morning and we wanted to make sure that if we
3 had to there are some things we can change if we needed
4 to.

5 A couple things that I point out to you that
6 we're excited about. One is some flexibility around
7 state assessments that's offered through a pilot
8 provision that you'll hear more about hear. Seven states
9 have the opportunity to engage in different ways of
10 looking at assessment, if not the assessment regulations
11 are similar to what we have in place now, but they
12 changed a little and Ms. Pearson will talk about that.

13 The other side of it is more specification
14 about what accountability needs to look like, but we
15 think in a very freeing way that you'll hear more about
16 from some local districts this afternoon. But
17 essentially what this bill calls for is for states to
18 have a counter relief system that includes other
19 indicators or other measures than a student achievement
20 measures. For example, school climate or opportunity to
21 learn or a number of other pieces that we will learn more
22 about what that means, but it's required now -- now when
23 this bill is implemented. It's required to have a
24 student achievement portion in accountability and then
25 these -- another indicator that the states can choose



1 from that would go into that piece. And we have
2 districts, we've been working with them who are looking
3 at that process right now. So these are very timely for
4 us. You'll hear about assessment pilot a little later on
5 today as well. So with that, let me turn it over to
6 Allyson Pearson.

7 MS. PEARSON: Good afternoon, so again sorry
8 for the last minute power point. We just wanted to make
9 sure we had the all the information that was up there
10 this morning, so been reading through all day long. So a
11 little bit of an overview about where we got this bill is
12 ESSA. It's Every Student Succeeds Act, and that's a
13 compromise that -- bill that was created through the
14 conference committee of the Every Child Succeeds Act from
15 the Senate and the Student Success Act from the House,
16 combined it together, Every Student Succeeds Act. The
17 House approved it last week on December 2nd on a 359 to 64
18 vote, the Senate approved this morning 85 to 12. It's
19 scheduled to be on the President's desk before the end of
20 the year. I've read some things today that said by this
21 Friday, I've read other things that said by the 17th, so
22 it will be quick, it seems like.

23 Waivers will be implemented through August
24 1st of 2016, so in the mean time while we're waiting for
25 that transition, the waiver that you all just approved,



1 and the US Department of Ed just approved for us will be
2 what we implement for the rest of the school year. The
3 implementation timeline for ESSA, because the programs
4 will be implemented for the most part in 2016-17, next
5 school year and the accountability will start taking
6 place in 2017-18, so there's a time to do some
7 adjustment. There's a lot of work that needs to get done
8 that we'll talk about in a little bit. Once the bill is
9 formerly signed and passed into law before it can really
10 be -- some pieces of it can really be implemented.

11 So let me go over assessment requirements.
12 For the most part they are the same but there's a few
13 changes that give some more flexibility in the state. So
14 grades three through eight and high school are still
15 required for English Language, Arts and Math. The change
16 is that they will allow for grade nine to count as high
17 school and that was an area that we've had some
18 conversation with US Department of Ed and the legislature
19 has been really interested in, especially last session.
20 13-23 asked for permission to use our ninth grade test as
21 our high school assessment.

22 US Department of Education didn't allow for
23 that, but now with this change in law you could use the
24 ninth grade test that we have in place as the high school
25 assessment. Science is required to be assessed once per



1 grade level just as it is now and those grade spans are
2 three through five, six through nine and ten through
3 twelve. So the science didn't get the ninth grade
4 adjustment. You may be able to use a nationally
5 recognized high school academic assessment at the high
6 school level. Think about like an 11th ACT, might be an
7 option there. Assessments may be computer adaptive and
8 that's a new change, so think about the end of UA maps
9 kind of assessments that adjust to define where kids are
10 at in terms of grade level, something like would be
11 allowed.

12 The bill also includes assessment
13 notification requirements like what we have in 13.23 that
14 parents need to be notified and have access to what the
15 assessment requirements are for the state and for the
16 district. It also includes funds for audits of state
17 assessments and local assessments. So if you want to use
18 some of the funds allocated through there, you can use
19 that to audit, see -- kind of get a sense of what
20 assessments you are giving and why and if there is room
21 for reduction -- or streamlining things.

22 Some additional requirements we want to talk
23 about opt-out because we know that's been a very timely
24 conversation. The bill requires still the 95 percent
25 participation rate overall and for all the disaggregated



1 groups. So that didn't change in there. How that 95
2 percent requirement is factored in accountability is left
3 up to states to determine. So kind of where we got with
4 the waiver is what we understand right now, but again,
5 there needs to be a regulatory process in the US
6 Department of Ed is going to need to interpret what they
7 believe in the law, but what's written is kind of where
8 we are at with them right now through the waiver, and it
9 explicitly allows states to allow opt-out laws and those
10 need to be recognized and addressed.

11 Additionally there is an assessment pilot
12 option like Dr. Asp talked about. Seven states are going
13 to be allowed to participate in a pilot to -- pilots and
14 different options for assessment systems similar to like
15 what New Hampshire has in place right now. So to think
16 about more performance pace, more embedded assessments in
17 the instruction curriculum, just different ways that we
18 could look at that. So we'll talk to you more about that
19 later this afternoon as well as -- as well as the
20 districts that are coming to talk about the student
21 centered accountability project.

22 This really paves the way for us to move
23 forward with some of the ideas and processes the state
24 was already coming up with and districts were already
25 coming up with. In terms of accountability we're fairly



1 similar to where to we are right now, and again it kind
2 of -- where we have been going with accountability
3 workgroup and suggestions for improving and enhancing the
4 school and district performance frameworks, we're really
5 going in that direction.

6 So what the bill requires in terms of
7 accountability requirements; first looking at achievement
8 on tests -- on state tests, which is a component we
9 already have, but looking at that data disaggregated,
10 which is not something we had been doing specifically
11 that disaggregation for accountability purposes, but it's
12 where the workgroup and where the recommendations have
13 been going anyway. Then looking at English Language
14 proficiency in the accountability framework too, which is
15 something we already do. We include the English Language
16 proficiency growth in our accountability frameworks.
17 Then it asks for an additional academic factor that's
18 disaggregated. That's where they would see growth being
19 put into place. So we are a state that has valued growth
20 pretty highly in the past, and that's where you would fit
21 in growth if you wanted to continue to do that.

22 And then finally this is where Dr. Asp is
23 talking about the other system quality indicator. So
24 this is a different kind of measure than what we've had
25 as a state currently in terms of what we look at for



1 accountability and for points. It could be student
2 engagement, educator engagement, access or completion of
3 advanced course work. There's a lot of options that
4 could be there right now. The results must be
5 disaggregated and looked at that way, but we'll be able
6 to take some of the conversations we've already had with
7 stakeholders, with their ideas about where they would
8 like to move forward and how to broaden how we look at
9 accountability and take those as recommendations to you
10 all as we figure out how we want to implement this.
11 Again we have until the 2017-18 school year so there's
12 plenty of time for stakeholder input there.

13 And finally high schools do need to include
14 graduation rite which is something we already do it. And
15 then they will ask for the extended graduation rites that
16 we do in Colorado. Like we talked about before
17 participation needs to be consideration. This was a
18 change that was happening in some of the negotiation of
19 the bill. At one point that was included in part of the
20 calculations, now it's the participation needs to be
21 considered but it doesn't need to be four points, it's up
22 to states to figure out how that participation rate is
23 considered in. So that's another conversation we'll need
24 to have as a state.

25 School identification and support is similar



1 to how it's been through the waiver process. It's a
2 little bit different, but it's very different then how it
3 was under No Child Left Behind with adequate yearly
4 progress. So states are required to identify at least
5 once every three years and address the lowest performing
6 5 percent of schools, and then schools where less than
7 two thirds of students graduate and schools with
8 struggling disaggregated groups of students. And so how
9 states intervene, how they address that, first it's
10 really up to districts to do for a while and then if the
11 districts are not see progress, if we are not seeing
12 progress with the schools and then the state has a little
13 bit more of a role there.

14 But the performance challenges are asked to
15 be addressed with evidence based interventions. So the
16 US Department of Ed has had regulations around the school
17 improvement grants that have been very specific. They've
18 had five very specific models for how those funds could
19 be spent and what needed to happen for turnaround.
20 Schools, that is not in the bill, I think it is
21 prohibited from being, I don't know, can't prescribe it.

22 So it's really left up again to states and
23 alias about how that looked. 7 percent of the states
24 Title I funds were to be aside for the school
25 improvement. Efforts, there is no longer separate grants



1 but there is a requirement the funds are set aside but
2 how those are used and what models are really left up to
3 the states.

4 And then in terms of educators, this is
5 another area where the laws very different from both the
6 waiver and No Child Left Behind. There's no requirement
7 for teacher evaluation like what we had in the waiver,
8 but you may -- states and districts may use the funds to
9 support that work if they choose too. And then the
10 highly qualified teacher requirement that we had under No
11 Child Left Behind is completely gone. But the states and
12 alias and schools must report on teacher qualifications.
13 So we've been reporting these, but the highly qualified
14 requirement is gone. Thank you.

15 MR. ASP: Okay, with regard to -- so the
16 major changes were really, I think in the accountability
17 provisions and the support for the performing schools.
18 The existing program structure, that's the current
19 structure under the No Child Left Behind is largely
20 maintained, we still have a Title I, Title II, Title III.
21 A lot of the summaries mention the elimination of, I
22 think I've seen 49 programs and I saw 64 programs.

23 The vast majority of those programs were
24 never funded to begin with, so it's not -- we're not
25 necessarily taking a huge hit there, however there are



1 some programs, some significant programs that have been
2 eliminated under the new law. Among those is the Reading
3 First is no longer there. The Math and Science
4 Partnership is eliminated. The school turnaround grants
5 have been eliminated. The EDTAC Grant has been
6 eliminated. A couple of those haven't been funded for
7 several years anyway. In other cases there have been
8 programs that have been sort of combined into a new
9 program. Then the new, the newest program, the program
10 that really didn't exist under No Child Left Behind is
11 the Early Childhood Pre-School Development Program.

12 MS. PEARSON: You all also have a handout
13 where we listed -- we borrowed it from the internet, all
14 the programs that are in there and the allocation.

15 MR. ASP: The authorization level, so it's
16 the Committee for Education Funding, they've sort of
17 listed the major programs and the authorization levels
18 for the next several years, and in some cases, they
19 provide a comparison of current funding levels. Overall
20 the increases in funding are pretty minor. In some cases
21 it's level funding and in other cases it's a slight
22 decline in funding from current levels. There are a
23 couple of new programs as I mentioned that sort of help
24 defray the impact of the cuts that we will be
25 experiencing.



1 With regard to Title I and Title II
2 allocations, for Title I allocations there were a lot of
3 discussion in conference and private conference in House
4 and Senate regarding Title I portability. Title I
5 portability did not make the cut, it's not provided for
6 in the new bill. There is however a pilot program that
7 they'll work with up to 50 school districts on where they
8 can basically pull all their Federal funds into and
9 allocate it to their schools based on poverty, so they
10 can sort of experiment with alternative ways to allocate
11 their Federal funds locally.

12 In general, the Title I funding formula is
13 unchanged. For Title II state allocations, they are
14 adjusting the poverty level, or the waiting of poverty in
15 the allocation to states. Theoretically that should lead
16 to rural areas receiving more funding, and I think that's
17 maybe not going to be the case in Colorado, from what
18 I've read a lot of that was sort of for southern states,
19 where a lot of the poverty is in the rural areas, that's
20 not necessarily the case in Colorado. We don't know
21 exactly how that will play out, or if it will be helpful
22 to our rural school districts. For Title IV one of the
23 changes is that 21st Century School Community Learning
24 Centers will continue to be funded at that -- pretty much
25 the current rate that it's been funded, but there is a



1 new Title IV. For those of you who don't know, there
2 used to be a Title IV under No Child Left Behind, Safe
3 and Drug Free Schools in Communities, that funding for
4 that ran out, I think at least four years ago, so we have
5 not been receiving those funds for several years.

6 The new law creates, sort of blocks a number
7 of programs into a Title IV part A, Student Support and
8 Academic Achievement Grant. There are some requirements
9 associated with that grant and how that's spend locally
10 with some minimum levels and maximum levels for how local
11 school districts can spend those funds, and there is
12 still a Title IV part B, which is the Community Learning
13 Center Grant. There still is and I think it has been and
14 Gretchen can correct me, I think it's been Title V, the
15 Charter School Grant is now in Title IV and there is good
16 funding for that, and I think in some, to a certain
17 extent, expansion of that program.

18 And -- but to quickly run through those, so
19 there's still Title I which is improved instruction, Math
20 and Language Arts instruction for kids who are at risk of
21 non- proficiency, still Title II funds to strengthen the
22 educator workforce, still Title III funds for moving kids
23 to English Language proficiency and academic proficiency
24 and return of some funding for Safe and Drug Free School
25 activities, anti-bullying and those kinds of things and



1 then still the Title IV, 21st Century Schools. States
2 still will have the opportunity to consolidate these
3 programs into a single application and have some broad
4 discretion in the questions that we ask of districts in
5 trying to access those funds.

6 So as mentioned earlier, the Senate did
7 approve the -- reauthorized -- did approve the new bill
8 today. It's expected to go to the President's desk soon
9 for signature. The President is expected to sign it as
10 of -- once it's sign there really is a year that is
11 allowed for the regulatory process from -- there is some
12 text in there that suggest that things that haven't been
13 open to the regulatory process in the past will be open
14 to the regulatory process under this new bill which could
15 be not necessarily a great thing for us, because I think
16 in some ways it gives -- I shouldn't be saying this --
17 the US Department of Education an opportunity to create
18 details that may not necessarily exist in statute.

19 So we are really going to want to monitor
20 that, that process carefully and be a participant in that
21 process. As I said, it's a year long process they will -
22 - if the bill is signed this year they would have until
23 December of next year to wrap up that process. We will
24 have an opportunity to provide implementation -- or
25 provide input into that regulatory process and we intend



1 to do that. State plans are due to the US Department of
2 Education by July 1, I don't think that will be a huge
3 lift for CDE because we have been doing this waiver thing
4 and a lot of what I think we'll be asked to provide to
5 them are similar to the kinds of things we've had to
6 provide for the ESEA flexibility waiver in addition to
7 the whole lengthy list of assurances we will be asked to
8 provide. It does require the State Board of Education's
9 approval and also the development of our plan, there's --
10 written into the law, that there's a requirement that the
11 Governor have an opportunity to review our plan and I
12 think has up to 30 days to either not respond or to sign
13 off on that plan. And I think that's it.

14 MS. PEARSON: Do you have questions? Pat
15 and I have been trying to work our way through the 1,000
16 plus pages.

17 MS. ASP: I'm on like page 300 out of --
18 it's over 1,000 pages.

19 MS. PEARSON: I've been skipping around.

20 CHAIRMAN DURHAM: Why don't we just start by
21 going around the room. I'm sorry.

22 MR. ASP: I thank you Mr. Chair. I just
23 want to point out in terms of the accountability and the
24 assessment provisions of the bill, I think Colorado is
25 very well poised to be a leader in the Country on this as



1 you will hear later on this afternoon, we have a group of
2 districts that have already been exploring and in detail
3 how they could add additional measures to accountability
4 and we are excited to support them and they'll ask the
5 department this afternoon for some additional support.
6 And then we've also been having conversations with
7 districts about assessment pilots that could help us
8 reduce the state assessment burden and turn more of it
9 over to local assessments. You'll hear some districts
10 talk about their interest in that this afternoon as well.
11 So we feel well placed to make good use of the
12 flexibility that's here.

13 CHAIRMAN DURHAM: Okay why don't we just
14 start, we'll just go around the room. Dr. Schroeder?

15 MS. SCHROEDER: So I just want to talk about
16 money. For the -- nothing new, for the seven state
17 pilot, is there funding that goes with that to help the
18 districts? This is not a light lift.

19 MR. ASP: I don't believe so, but I'm not
20 sure.

21 MS. PEARSON: I think you can use the
22 assessment money you get.

23 MR. ASP: Oh that's right, I think it does
24 say -- so states get some -- there's -- we have been
25 receiving money for state assessments, administration,



1 development of state assessments, I think it does say
2 that you can set aside some of those funds in support of
3 that pilot process.

4 MS. SCHROEDER: Okay, so then I see the
5 funding stuff that you handed out, and if I read it
6 correctly, these are the big dollars. These are not --
7 this is not Colorado. I mean I'd like to...

8 MR. ASP: That's the National.

9 MS. SHROEDER: I'd like to think. How do we
10 figure out -- first of all, is everything divided in the
11 same way, so that we have roughly 900,000 kids, of that
12 how many more kids free and reduced lunches do we have?

13 MR. ASP: So it's relative poverty so.

14 MS. SCHROEDER: Right, so it's our free and
15 reduced lunch kids.

16 MR. CHAPMAN: Well it's from census so we'll
17 be talking more about that at a -- during a presentation
18 tomorrow with regard to how Title I funds are allocated,
19 come to school districts. But typically for Title I
20 we're somewhere between 1 and 2 percent of the state --
21 the National appropriation, so we're trying to use some
22 of the numbers of where we are, the relative amount that
23 we get currently and try to project how much money we
24 might be able to get, or we might get -- likely get under
25 the new law. So for example, there's a, I think a pretty



1 minor increase to Title I that called for by this bill.
2 We've been receiving around \$150 million under Title I we
3 would expect to maybe get a slight increase to Title I.

4 MR. ASP: Mr. Chairman, could I add one
5 piece to that and ask Mr. Chapman correctly. So if
6 you're in a school district your Title I allocation
7 depends on your poverty rate in your counties that you
8 serve, it's not about the school district itself
9 necessarily, am I correct in that?

10 MR. CHAPMAN: Well we receive -- we did
11 receive allocations from the US Department of Education
12 at the district level and then were required to make
13 adjustments to those allocations based on what's in
14 statute. But the way it's based on residence, where the
15 kids live and then versus where those kids are served.

16 MS. SCHROEDER: Help me understand what
17 that...

18 MR. CHAPMAN: So when they use census data
19 and look at the number and percentages of families living
20 in poverty within a geographic area...

21 MS. SCHROEDER: Is it a county or a
22 district?

23 MR. CHAPMAN: It's -- they use county
24 information but they actually have our district maps and
25 so they are able to give us district level allocations



1 from the US Department of Education and then we make
2 adjustments to those allocations.

3 MS. SCHROEDER: Right, because we have very
4 few city and county in school district.

5 MR. CHAPMAN: Yeah, where the county and the
6 district are the same, yes.

7 MS. SCHROEDER: But you feel it does come
8 pretty close to district by district as opposed to...

9 MR. CHAPMAN: They give us -- so they have a
10 map of our district boundaries.

11 MS. SCHROEDER: Okay.

12 MR. CHAPMAN: And they provide district
13 level allocations to us and then we make adjustments.

14 MS. SCHROEDER: And it's based on where the
15 kids live, not what district they attend?

16 MR. CHAPMAN: Correct.

17 MS. SCHROEDER: That's one of the backpack
18 issues?

19 MR. CHAPMAN: Yes.

20 MS. SCHROEDER: Thank you very much, thanks
21 for the report.

22 CHAIRMAN DURHAM: Okay. Jane, any
23 questions?

24 MS. GOFF: Not just yet.

25 CHAIRMAN DURHAM: Joyce?



1 MS. RANKIN: I'm not sure. I'm not sure
2 whether this applies, but if this is new how is that
3 going to align with our state laws from last year? And
4 you probably don't have that answer but boy I want to
5 make sure if there is something legislatively, we can
6 suggest this year to clear the pathway for these open
7 flexibility issues I'd like to jump right on that.

8 MS. PEARSON: Great, so we need to dig into
9 more detail and get Mr. Dyl to help us through that. I
10 think from the conversations that I had heard last year
11 on the assessment changes that people are interested in,
12 there may be some flexibility now what's in ESSA in
13 federal law that they may want to revisit.

14 MS. RANKIN: Yes.

15 MS. PEARSON: Maybe not, I don't want to
16 speak for them, but there is some flexibility there that
17 we didn't have last year. In terms of the accountability
18 changes and what we can add into our accountability
19 system, I think, and this was just quick, we need to dig
20 in. I don't necessarily know that we need statutory
21 change to be able to do it, I think we might be able to
22 do it through State Board rule, but it may be a
23 conversation they want to have regardless too.

24 MS RANKIN: Yes.

25 MS. PEARSON: So there is a lot for us to



1 dig in and figure out there.

2 MS. RANKIN: We don't want to come in on the
3 back side of that.

4 MS. PEARSON: Absolutely.

5 MS. RANKIN: And then one more question.

6 The seven pilot programs, I know this all new, but was
7 there a timeline for that for application?

8 MS. PEARSON: I know I read through it last
9 night. I'm trying to remember. I don't think they said
10 the year that they'll take.

11 (Overlapping)

12 MS. RANKIN: Just keep your eye open in any
13 case.

14 MS. PEARSON: Yeah, keep your eye open.
15 It's on page 562. I know I pulled up the page number for
16 you last night.

17 (Overlapping)

18 MS. PEARSON: Yeah, I don't remember.
19 That's definitely something we will talk about later
20 today, and you all have been already hearing about we've
21 been trying to position ourselves so we are ready to go
22 with that if that's something you all wanted to go forward
23 with.

24 MR. RANKIN: Thank you.

25 CHAIRMAN DURHAM: Maz you have any



1 questions?

2 MS. MAZANEC: So there is no Title I
3 portable upend, so that means all the students who live
4 in various places across the state but attend a school in
5 a different district, none of that funding follows them,
6 it stays in their home district?

7 MR. ASP: It's pretty much the same rules.
8 So we do have some flexibility in how we allocate Title I
9 funds and we're trying to take advantage of that through
10 that multi-district online project...

11 MS MAZANEC: The pilot.

12 MR. ASP: And we do make adjustments for our
13 Charter School Institute and Colorado School for the Deaf
14 and the Blind, so we're going try to dig into what
15 flexibility we do have and try and move forward with that
16 flexibility, but there were no changes -- significant
17 changes how it's allocated.

18 MS. MAZANEC: I'll be interested to hear how
19 that pilot is working. And this identify at least once
20 every three years and address, seems really vague, the
21 identify part of course is not, but what the address
22 part...

23 MS. PEARSON: It gets more specific in the
24 law and we didn't want to bother with all that today.

25 MS. MAZANEC: And we don't want to go there.



1 MR. ASP: It's only 12 pages of description.

2 MS. PEARSON: Yeah, it basically talks about
3 LEA and like district responsibility first and then if
4 progress isn't made then what the state does, and we can
5 get into that more with you as we dig in and share all
6 those pieces.

7 MR. CHAPMAN: It would be similar as to how
8 we are using the UIP right now.

9 MS. MAZANEC: Okay.

10 MR. CHAPMAN: As part of the UIP process
11 they would address those areas where they weren't really
12 meeting expectations.

13 MS. MAZANEC: Okay, thank you.

14 CHAIRMAN DURHAM: Dr. Flores?

15 MS. FLORES: I don't have a question.

16 CHAIRMAN DURHAM: Dr. Scheffel?

17 MS. SCHEFFEL: Yeah, thank you. So I'm glad
18 if the reauthorization affords us a little of
19 flexibility. My concern, of course, is that it continues
20 to drive policy through grants and waivers and as we look
21 at what's discretionary and what we have to do, we should
22 be apprized of that and I'm still sorting through, but at
23 home per document, but a couple of things that concern
24 me. Still requires the state education plan have to
25 comply with 11 existing Federal standards, Secretary of



1 Education still has to sign off, expands the role of
2 Government in Pre-School substantially in Section 92.12
3 as another 1 billion in Pre-School and all the data
4 collection that goes along with that, linking post-
5 secondary and labor data and new born screening and
6 health data systems, the Early Learning Challenge Grant,
7 cradle to grave system of government data collection,
8 data gathering information is replete in this document.
9 Also the Section 100.5, trying to get through that, looks
10 at types of assessments and includes subjective
11 assessment of students skills and psychological
12 attributes and I think we should really look at that
13 deeply including attitudes, feelings, values, motivations
14 and then it sent advises schools to be community learning
15 centers, which on the face of it sounds good but when you
16 look at the kind of offerings, health care, wellness
17 programs, environmental literacy, promise neighborhoods,
18 social, health, nutrition, mental health services, I mean
19 it is very additive in terms of the role of government in
20 education and those agenda's insinuated into
21 neighborhoods through schools. So as we look at how the
22 government's using grants and waivers to continue it's
23 incursion into states rights and local control, we should
24 be very savvy about how we view this document.

25 MR. ASP: Yeah, there is one provision I



1 think was in the House version that did make it into the
2 Senate version that was really ultimately passed that
3 does prohibit the US Department of Education from using
4 grants as incentives to get states to -- sort of like,
5 you know with race to the top. We'll give you a race to
6 the top if you do this. It sort of -- it prohibits and
7 I'm not quite sure how much it prohibits, but there's an
8 attempt to limit that, that kind of...

9 MS. SCHEFFEL: I saw the language but then
10 when I looked at what they were actually incentivizing it
11 seemed counter intuitive, inconsistent. Thank you.

12 CHAIRMAN DURHAM: Have you or could you,
13 when we went through ACE to top a lot of those concepts
14 were embedded in state statute, have you identified any
15 of those that might be -- that are in state statute that
16 would be an impediment to our taking full advantage of
17 any opportunities that might be presented by this bill.

18 MS. PEARSON: There is nothing that saw off
19 the bat that said that and I decided oh we've got this in
20 state law that won't allow us to do that, to do anything
21 that gives us more flexibility in the ESSA. I think
22 there's more flexibility that we may want to explore in
23 state law or others may want to explore in state law now
24 that there's some more freedom in the ESSA, but I don't
25 think there is any stark impediments. But again...



1 CHAIRMAN DURHAM: You mean that would give
2 us more flexibility?

3 MS. PEARSON: Yeah.

4 CHAIRMAN DURHAM: We should be in a position
5 as soon as practical to advise the legislature on what
6 those changes might be?

7 MS. PEARSON: Absolutely.

8 CHAIRMAN DURHAM: Working through the
9 legislative committee...

10 MS. PEARSON: Okay.

11 CHAIRMAN DURHAM: To see if we have ideas
12 that would increase flexibility, we should take those
13 across the street. I think also we really want to avoid
14 getting trapped into any of the things Dr. Scheffel
15 mentioned and accepting money that moves us in that
16 direction and/or any regulatory scheme that comes out of
17 this department that would move us in that direction
18 should be -- should be minimized and we -- I'd like
19 whenever we do any plan submission to the Federal
20 Government, if any of that sort of thing is included in
21 the new expansion of the role or what we are trying to
22 get schools to do to be flagged so we have an opportunity
23 to object to those provisions for some kind. Yes, Ms.
24 Rankin.

25 MS. RANKIN: Along those same lines, if



1 there is anything already in place that the flexibility
2 at the local level allows it to be taken away and that's
3 of interest, we should know what that is.

4 MR. CHAPMAN: I'm sorry, could you repeat
5 that.

6 MS. RANKIN: If there's -- if there's
7 flexibility to take away things at the local level...

8 MR. CHAPMAN: Oh, I got you.

9 MS. RANKIN: That they want to do away with
10 or haven't funded yet and are having difficulty the local
11 -- keeping it as local as possible would be the way to
12 go, but not just on the growth, but also on the repeal I
13 guess would be -- that's it. Something for the Legal
14 Department. Thank you.

15 CHAIRMAN DURHAM: I have just one questions,
16 and I think it's a stupid question, but in all of these
17 numbers that you have, you have \$100,381.00, I presume
18 that is \$100 million.

19 MR. CHAPMAN: Yes.

20 CHAIRMAN DURHAM: I couldn't imagine Federal
21 Government funding something that small. Okay, any other
22 questions. Thank you very much, we appreciate it. We
23 got through that in an orderly fashion. The last item we
24 have we have an hour booked for it. A little break, we'd
25 prefer a little break. Lets take five minutes and we'll



1 proceed with Item 15, the rules - the administration of
2 high school equivalency. So we will set a recess for
3 five minutes, sorry.

4 MS. PEARSON: It's okay, thank you.

5 CHAIRMAN DURHAM: Got you there just in
6 time.

7 MS. PEARSON: I'll take the five minutes.

8 CHAIRMAN DURHAM: Take five.

9 (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 25th day of January, 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