



Colorado State Board of Education

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**TRANSCRIPT OF PROCEEDINGS**  
**BEFORE THE**  
**COLORADO DEPARTMENT OF EDUCATION COMMISSION**  
**DENVER, COLORADO**  
**August 10, 2016, Part 1**

BE IT REMEMBERED THAT on August 10, 2016,  
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 MS. CORDIAL: Just a reminder, we have new  
2 buttons on your microphones. So be sure to turn them on  
3 and off when you are speaking or when you are not.

4 CHAIRMAN DURHAM: Thank you.

5 MS. CORDIAL: Board Member Flores?

6 MS. FLORES: Here.

7 MS. CORDIAL: Board Member Goff?

8 MS. GOFF: Here.

9 MS. CORDIAL: Board Member Mazanec?

10 MS. MAZANEC: Here.

11 MS. CORDIAL: Board Member Rankin?

12 MS. RANKIN: Here.

13 MS. CORDIAL: Board Member Scheffel?

14 CHAIRMAN DURHAM: Excused.

15 MS. CORDIAL: Board Member Schroeder?

16 MS. SCHROEDER: Here.

17 MS. CORDIAL: And Chairman Durham?

18 CHAIRMAN DURHAM: Here. Quorum is present.

19 We will come back for the Pledge of Allegiance. Yes,  
20 ma'am?

21 UNIDENTIFIED VOICE: (inaudible).

22 MS. CORDIAL: It's the -- the visitor --  
23 visitor guest.

24 CHAIRMAN DURHAM: Okay. We do -- looks like  
25 we do have a fight. Frankly, right where it's wherever



1 it's convenient. Right over here would be fine.  
2 Whatever it's easiest for you. Ms. Rankin, if you lead  
3 us on the pledge, please.

4 ALL: I pledge allegiance to the Flag of the  
5 United States of America, and to the Republic for which  
6 it stands, one Nation under God, indivisible, with  
7 liberty and justice for all.

8 CHAIRMAN DURHAM: Thank you. Okay. So  
9 we'll now proceed to the approval of the agenda. Do we  
10 have a motion for the agenda?

11 MS. SCHROEDER: I move to approve the agenda  
12 as published.

13 CHAIRMAN DURHAM: Is there a second to that  
14 motion?

15 MS. FLORES: I second.

16 CHAIRMAN DURHAM: Dr. Flores --

17 MS. FLORES: I second.

18 CHAIRMAN DURHAM: Yes, seconds that motion.

19 No amendments so is there objection to the adoption of  
20 the motion to approve the agenda? Hearing none that  
21 motions is adopted by a vote of six to nothing. We do  
22 have a full agenda today, so any questions come up or  
23 request changes, please, please keep in mind we will be  
24 pretty busy today. Next item is the consent agenda, Dr.  
25 Schroeder.



1 MS. SCHROEDER: (inaudible) say that do I  
2 have to --

3 CHAIRMAN DURHAM: No, you can --

4 MS. SCHROEDER: -- like approve the and then  
5 pull it?

6 MS. CORDIAL: And then pull it, yeah.

7 CHAIRMAN DURHAM: You can object. I mean,  
8 any member may object to the inclusion once a motion --

9 MS. SCHROEDER: It could be me?

10 CHAIRMAN DURHAM: Correct.

11 MS. SCHROEDER: Okay. Thank you.

12 CHAIRMAN DURHAM: You remember.

13 MS. SCHROEDER: I move to place the  
14 following matters on the consent agenda. Item 12.01,  
15 approved the list of alternative education campuses for  
16 the 2016-17 school year as set forth in the published  
17 agenda.

18 Item 16.01, regarding disciplinary  
19 proceedings concerning a license, charge number 2014 EC  
20 1228 signify acceptance and approval of the terms and  
21 conditions of the settlement agreement by directing the  
22 commissioner to sign the agreement.

23 16.02, regarding disciplinary proceedings  
24 concerning an application, charge number 2015 EC 270  
25 direct department staff to issue a notice of denial and



1 appeal rights to applicant pursuant to section 24-4-104  
2 CRS.

3 Item 16.03, regarding disciplinary  
4 proceedings concerning a license, charge number 2015 EC  
5 753 signify acceptance and approval of the terms and  
6 conditions of the settlement agreement by directing the  
7 commissioner to sign the agreement.

8 16.04, regarding disciplinary proceedings  
9 concerning a license, charge number 2015 ES 1070 signify  
10 acceptance and approval of the terms and conditions of  
11 the settlement agreement by directing the commissioner to  
12 sign the agreement.

13 Item 16.05, regarding disciplinary  
14 proceedings concerning a license, charge number 2015 EC  
15 1224 signify acceptance and approval of the terms and  
16 conditions of the settlement agreement by directing the  
17 commissioner to sign the agreement.

18 16.06, approved six initial emergency  
19 authorization requests as set forth in the published  
20 agenda. Item.

21 16.07, approved three emergency  
22 authorization renewal requests as set forth in the  
23 published agenda. Item 17.01, appoint Robert -- Roger  
24 Good to the Public School Capitol Construction Assistance  
25 Board for a two-year term effective immediately.



1                   Item 18.01, approved Denver Public Schools  
2 request for designation as a district of innovation  
3 pursuant to 22-32.5107(III) (a) CRS and approve the  
4 request for waivers from State statute on behalf of  
5 McGlone Academy.

6                   Items 18.02 through 18.11 approved the  
7 waiver request action items 18.02 through 18.11 inclusive  
8 as set forth in the published agenda. 19.01, readopt the  
9 resolution in support of Constitution Day. This is the  
10 end of the consent agenda.

11                   CHAIRMAN DURHAM: Is there second to that  
12 motion?

13                   MS. FLORES: I -- I'd like to pull one.

14                   CHAIRMAN DURHAM: As soon as we get -- the  
15 motion has been seconded. Dr. Flores, you'd like to pull  
16 what?

17                   MS. FLORES: I'd like pull 18.01.

18                   CHAIRMAN DURHAM: 18 --

19                   MS. FLORES: 18.01, which is a request from  
20 Denver Public School on behalf of (inaudible) Academy.

21                   CHAIRMAN DURHAM: Okay.

22                   MS. FLORES: I'm sorry.

23                   CHAIRMAN DURHAM: All right. That's  
24 removed. Yes, Dr. Schroeder.

25                   MS. SCHROEDER: I'd like to pull 18.03 and



1 18.09.

2 CHAIRMAN DURHAM: Okay, 18.09 and --

3 MS. SCHROEDER: They're kind of hidden in  
4 there.

5 CHAIRMAN DURHAM: The basis of?

6 MS. SCHROEDER: The basis is the length of  
7 the charter contracts. I'd like for us to -- I'd like to  
8 have some more information possibly from legal counsel  
9 about the effect of having a long-term contract in the  
10 event certain things happen especially under the new ESSA  
11 rules.

12 CHAIRMAN DURHAM: And -- and perhaps counsel  
13 -- counselor, could you do happen to know of top your  
14 head as my understanding is the length of waivers are set  
15 in statute as to coincide with the length -- to coincide  
16 with the length of the contract with the schools, is that  
17 correct?

18 UNIDENTIFIED VOICE: That is.

19 CHAIRMAN DURHAM: And that -- that's  
20 statutory?

21 UNIDENTIFIED VOICE: Mr. Chairman, that's  
22 right. That there is a provision and I'd have to look at  
23 it if you all want before you all to, you know, revoke  
24 whether the Board decides to accept it.

25 CHAIRMAN DURHAM: So it can be revoked but -



1 - but in terms of when the period for which they're  
2 granted that's statutory?

3 UNIDENTIFIED VOICE: That's right.

4 CHAIRMAN DURHAM: Do you -- do you still  
5 wish to re -- remove 18.03?

6 MS. SCHROEDER: No. It's our -- it's our  
7 decision as to whether we approve the waivers.

8 CHAIRMAN DURHAM: Right.

9 MS. SCHROEDER: That what we're doing here.

10 CHAIRMAN DURHAM: Right.

11 MS. SCHROEDER: And in these -- in these two  
12 cases, the waivers -- the contracts with the charters are  
13 very long. And I would like some assurances that in the  
14 event these schools become turnaround schools et cetera.  
15 How do we move forward and how can the district board  
16 move forward when they have such a contract. You know  
17 those -- I'm trying to figure out whether we create some  
18 constraints that don't -- that do or do not protect the  
19 kids in the event of significant changes.

20 MS. MAZANEC: Chairman Durham, (inaudible).

21 CHAIRMAN DURHAM: Yes.

22 MS. MAZANEC: (inaudible).

23 CHAIRMAN DURHAM: Thank you -- thank you,  
24 Ms. Mazanec. Yes (inaudible) ?

25 UNIDENTIFIED VOICE: Thank you, Mr. Chair.





1 (Inaudible) Executive Director of Innovation Pathways.  
2 So essentially, the parameters that are in place, the  
3 waivers being reviewed for charter schools are the length  
4 of their contract. But then in addition to that, at any  
5 point the authors have had the ability to revoke the  
6 waiver if they believe that there's no longer required or  
7 necessary.

8 MS. SCHROEDER: Okay.

9 UNIDENTIFIED VOICE: Additionally then, this  
10 body also has the authority to review every five years.

11 MS. SCHROEDER: We do.

12 UNIDENTIFIED VOICE: Yes.

13 MS. SCHROEDER: Thank you. That's what I  
14 need to know. I just -- it just seemed like a long time  
15 and I know that under ESSA, there are some expectations  
16 now for school boards or school districts to come forward  
17 with recommendations when we've got turnarounds. And I  
18 wanna make sure they were not giving up their  
19 opportunities to do that.

20 UNIDENTIFIED VOICE: So -- so what I just  
21 mentioned is for charter schools, if I can clarify. And  
22 then the school districts --

23 MS. SCHROEDER: Uh-huh.

24 UNIDENTIFIED VOICE: -- their waivers and  
25 innovation plans are for basically indefinitely or until



1 you would like to revoke and review.

2 MS. SCHROEDER: Right. I'm just trying my -  
3 - these are all -- these are both charters?

4 UNIDENTIFIED VOICE: Correct.

5 MS. SCHROEDER: They're getting long  
6 contracts, and I know there's a lot of reasons for long  
7 contracts. But I want to be sure that we protect the  
8 kids in the event there significant changes in the  
9 performance. And it sounds like there are opportunities  
10 for us to look.

11 UNIDENTIFIED VOICE: Correct.

12 MS. SCHROEDER: So I'll pull my pulling.

13 CHAIRMAN DURHAM: So you will withdraw your  
14 request?

15 MS. SCHROEDER: Withdraw my request.

16 CHAIRMAN DURHAM: I think the reason that's  
17 in the statute as I recall is because of bonds that are  
18 often --

19 MS. SCHROEDER: Right.

20 CHAIRMAN DURHAM: So yeah. Okay, perfect.

21 MS. SCHROEDER: No, I'm aware of a long  
22 contracts.

23 CHAIRMAN DURHAM: Okay. Right. So --

24 MS. FLORES: I -- I -- I don't wanna pull  
25 mine.



1 CHAIRMAN DURHAM: No, I understand. No.

2 No, I -- so yours are okay. Yes --

3 MS. FLORES: I'm fine, thank you.

4 CHAIRMAN DURHAM: -- Ms. Goff.

5 UNIDENTIFIED VOICE: (inaudible)

6 MS. GOFF: So all of these lease terms, like  
7 the lease -- lease agreements, how does that come into  
8 this too? If a -- if a school just is designated  
9 turnaround at some point down the road, that to me  
10 doesn't have anything to do with the lease the facilities  
11 and -- what -- where does the contract language coming  
12 with that department. And maybe that, you know, kind of  
13 related to bonds but maybe not necessarily.

14 CHAIRMAN DURHAM: But I think those, you  
15 know I'll take a stab at it and then (inaudible) can  
16 comment. But I think, you know, there -- there is some  
17 risk, you know, that -- that bondholders and lessors  
18 take. And assume and -- and if the school is forced or  
19 goes out of business for a variety of reasons, that's one  
20 of them. But I think it's a risk that bondholder takes  
21 but all passed (inaudible).

22 MS. GOFF: Right. And most commonly, we see  
23 those as part of the charter contract and then you know,  
24 there's a term where those are revisited, so --

25 CHAIRMAN DURHAM: Okay. Further questions?



1 So we have -- thank you. And so we have pulled 18.01 and

2 --

3 MS. ANTHES: Mr. Chair, can I ask for  
4 clarifications?

5 CHAIRMAN DURHAM: Yes.

6 MS. ANTHES: One, Board Member Flores, do  
7 you have a specific question just so we can prepare  
8 Denver Public Schools if -- if they like to call in?

9 MS. FLORES: Yes. My big concern is the  
10 teachers. The teachers do not have to be certified,  
11 they're just taking teachers at will, and I'm very  
12 concerned because I read all the others and they're going  
13 to take teachers that are certified from, you know?  
14 Maybe there are redounded in other places but Denver  
15 doesn't do that. They just straight out say they're not  
16 going to take teachers that are in state, they're gonna  
17 take teachers from out of state and out of the country.  
18 And those are the people they want, out of state and out  
19 of the country, and I just -- and they don't have to be  
20 certified. So I think we're doing such a -- we're trying  
21 to get teachers, homegrown teachers, here in the state of  
22 Colorado, and that just doesn't you know, both well for -  
23 - for our kids. And especially at that school, I do know  
24 that school.

25 MS. ANTHES: Okay. So we'll prepare Denver



1 Public Schools to respond to that.

2 CHAIRMAN DURHAM: Thank you, Commissioner.

3 So let's -- we need to vote on the consent agenda. Is  
4 there objection to ado -- the adoption of the consent  
5 agenda as stated in our motion by Dr. Schroeder with the  
6 exception of 18.01? Is there objection to that motion?  
7 Saying none, that motion is declared adopted by a vote of  
8 6 to nothing. We will now proceed to Ms. -- Ms. Cordial,  
9 your report please.

10 MS. CORDIAL: Thank you, Mr. Chair. Good  
11 morning, Chairman Durham, Members of the Board, and  
12 Interim Commissioner Anthes. Welcome to beautiful Grand  
13 Junction and thank you so much to Colorado -- it's on.  
14 Colorado Mesa University for allowing us to use their  
15 facilities for our August State Board meeting. For those  
16 of you needing to connect to CMU's guest wire list, the  
17 user name is State, capital S, and the password is Board,  
18 capital B. And as always, please remember to turn your  
19 microphones on enough and speak clearly into them, myself  
20 included. So in your packets, you have the following  
21 materials. You have your events calendar.

22 This month, we do not have your quick glance  
23 expense report. We are working on the board member  
24 allocation formula, and we'll have a spreadsheet for you  
25 next month. If there is -- if we welcome input from any



1 board members, if they would like to discuss the formula,  
2 I don't think we'll really make changes to it but just  
3 wrapping up the end of last fiscal year and starting this  
4 fiscal year. Also in your packets you have -- or  
5 available on Board docs are the following materials.

6 For item 10.01, you have a memo regarding  
7 the Colorado Student Data Transparency and Security Act  
8 Implementation Plan and accompanying PowerPoint.

9 For item 11.01, you have a memo regarding  
10 the proposed research evaluation process and accompanying  
11 PowerPoint.

12 For item 12.01, you have a memo regarding  
13 the applications for the alternative education campuses  
14 status for school year 16-17 and the final list for  
15 approval.

16 For item 12.02, you have a memo regarding  
17 the notice of rulemaking for accountability for  
18 alternative education campuses, a redline and clean copy  
19 of the rules, and the rule to statute crosswalk document.

20 For item 14.02, you have a memo regarding  
21 the healthy beverages, rulemaking hearing, the redline  
22 and clean copy of the rules, the rule to statute  
23 crosswalk, response to written comments document, as well  
24 as the comments we have received up until 9:21 a.m.

25 For item 15.01, you have a memo regarding



1 Peetz Plateau waiver request, Peetz Plateau stakeholder  
2 communication resolution request for waiver and  
3 replacement plan document, as well as their kindergarten  
4 readiness report. You also have CDE staffs response  
5 document to Peetz Plateau waiver request.

6 For item 16.06, you of a memo regarding the  
7 six initial emergency authorization requests.

8 For Item 16.07, you have a memo regarding  
9 the three emergency authorization renewal requests.

10 For item 17.01, you have a memo regarding  
11 the appointment of Roger Good to the Public School  
12 Capitol Construction Assistance Board and Roger Good's  
13 resume and bio.

14 For item 17.02, you have a memo regarding  
15 the budget change request for fiscal year 17-18 and the  
16 descriptions of each of those budget change requests.

17 For items 17.03 and 17.04, you have a memo  
18 regarding the notice of rulemaking for the two  
19 transportation rules 1 CCR 30129 and 1 CCR 30126 2 bind  
20 into one rule, a red line and a clean copy of the rules,  
21 and then the rule to statute crosswalk.

22 For item 18.01, you have a memo regarding  
23 Denver Public Schools' request on behalf of McGlone  
24 Academy, state waiver requests for existing -- their  
25 state waiver requests for existing DPS innovation



1 renewals schools and McGlone Academy's proposal and  
2 budget.

3 For item 18.02 through 18.11, you have memos  
4 regard -- memos and supporting materials pertaining to  
5 the charter school waiver requests.

6 For item 18.12, you have a memo regarding  
7 the notice of -- for the waiver of statute and rule, and  
8 the red and clean -- red line and clean copy of the  
9 rules, as well as the rule to statute crosswalk.

10 For item 19.01, you have the draft  
11 resolution in support of Constitution Day.

12 And for item 20.01, you have the proposed  
13 2017 regular State Board meeting dates. For August --  
14 for Thursday, August 11th, item 4.01, you have a memo  
15 regarding the Every Student Succeeds Act, ESSA, state  
16 plan development, the USDE proposed regulations update,  
17 and accompanying PowerPoint, which we have sent to you  
18 but we'll provide you with a hard copy later today with  
19 minor changes. The -- and then the ESSA rules letter to  
20 Secretary King and CDE's comments in response to the  
21 USDE's proposed rules.

22 For item 5.01, you have a memo regarding the  
23 2016 Colorado measure of academic success results. And  
24 that concludes my report.

25 CHAIRMAN DURHAM: Thank you. Questions for





1 Ms. Cordial. Seeing none. Thank you. And before we  
2 proceed to the next item, I do wanna interrupt and just  
3 thank Colorado Mesa University and staff for their  
4 assistance in making this meeting possible as we try and  
5 the State Board tries to get out around the state. And I  
6 wanna thank the -- our staff at the CDE. I know to care  
7 and feeding of Board members away from home is more  
8 difficult, and we recognize that we can be painful at  
9 times and we apologize for that. But we do appreciate  
10 the courtesies you have gone through and the extra work  
11 you've gone to make this meeting possible. Thank you  
12 very much. And the next item Commissioner Anthes, would  
13 you provide your report, please.

14 MS. ANTHERS: Yes. Thank you Mr. Chairman,  
15 Members of the Board. Pleased to be here. Pleased to be  
16 in Grand Junction. Had a nice run this morning watched  
17 the sun rise come over the Mesa's and it was quite  
18 lovely. So I'm loving to come here every month. Though  
19 then there's more care and feeding necessary.

20 CHAIRMAN DURHAM: (inaudible)

21 MS. ANTHERS: So -- but I would also like to  
22 thank Colorado Mesa University for hosting us. And also  
23 just the city of Grand Junction and the Grand Junction  
24 Superintendent Steve Scholtz, and the Grand Junction  
25 School District. Board Member Rankin and I, were able to



1 go to our grand opening yesterday of their new R-5 High  
2 School and Summit School and it was really wonderful to  
3 see they -- I think they start today or the staff starts  
4 today. It was just wonderful to see the excitement of  
5 all the students, and the state of the art building that  
6 they were just able to open.

7 So that was a real pleasure to start our  
8 trip here in Grand Junction. So on to some updates CDE  
9 staff and a few of you went to the Colorado Association  
10 of School Executives conference several weeks ago. CDE  
11 staff gave over 20 presentations at that conference.  
12 From everything to ESSA, accountability policies,  
13 assessment, grad guidelines, creating measures of student  
14 learning. Those are just a few of the topics that we had  
15 great discussions with, with principals and  
16 superintendents across, across the state.

17 I also hosted the traditional Commissioner  
18 luncheon which is a Q and A session for folks that, that  
19 want to ask questions. It was apparently a lot of folks  
20 wanted to ask questions because it was a waiting list  
21 luncheon. And Board Member Scheffel and Board Member  
22 Schroeder joined me at that luncheon as well. Questions  
23 in that lunch included ones about the ESSA process, for  
24 writing our ESSA plan, some pleas for not wanting new  
25 legislation.



1                   We told them that, you know, we had some  
2                   representatives there as well and so the representatives  
3                   were able to hear that as well. And that they -- just  
4                   some pleas for letting, letting them continue to dig into  
5                   the, the quite extensive reform policies that had been  
6                   passed over the past couple of years and letting  
7                   districts focus on -- on work there. So moving on to  
8                   updates on the ESSA plan I'm not gonna spend too long on  
9                   this because you have a presentation on this later.

10                   But just wanted to let you know we're moving  
11                   fast and furious on the planned development. The Hub  
12                   Committee met on Monday. Board Member Schroeder will  
13                   give you an update on that a little bit later. But I  
14                   think the meeting went well and so we're moving forward.  
15                   We're trying to solidify all of the Spoke Committees  
16                   early next week and a lot of -- of pre-work has been  
17                   happening before these folks have even met.

18                   We've had comments and feedback and  
19                   engagement from over 1,500 folks at this point. So we  
20                   are having quite an extensive stakeholder engagement  
21                   process. I presented, as did Chairman Durham and Vice  
22                   Chair Schroeder, at the legislative interim committee.  
23                   And we think that went well as well. We're -- I really  
24                   see us in partnership with the legislative interim  
25                   committee. It's really an education process for all of



1 the different constituent groups and including the  
2 legislature.

3 So that was a great session where we were  
4 just able to answer questions and, and clarify any thing  
5 that they may have had. I'll just give a reminder about  
6 the hard work ahead for this year. We are, you know,  
7 tomorrow we'll be releasing the CMAS scores that really  
8 starts a process for working on our school and district  
9 performance frameworks and assigning plan types to every  
10 district in the state. So that will take Board, Board  
11 Member time and effort there. We will also continue the  
12 ESSA work is, is in-depth, time consuming and a lot of  
13 work. So we will continue to give you updates on all of  
14 your Board meetings about that. And then coming around  
15 December, January the Board will start to -- start  
16 providing directions and recommendations to schools and  
17 districts coming to the end of the accountability clock.

18 So that's the first time this Board has ever  
19 had to provide that sort of direction. And so we know  
20 that that will be a new, a new set of work for us. Board  
21 Member Rankin wanted me to give a quick update, you know,  
22 as on Pueblo 60. That's one of those districts that  
23 you'll be looking at that is, is coming to the end of the  
24 accountability clock. And you have seen some, some news  
25 articles recently about them. So I'm just going to give



1 a, a quick update on where we are with that. As you may  
2 have seen in the -- in the news, the Superintendent there  
3 has resigned. They have hired (inaudible) to do the next  
4 superintendent search. We are in communication and  
5 working with the Board and have offered our support for  
6 however they would like the CDE staff to support them.

7 We are also hearing from the community on  
8 this issue. And our priority is to provide clear factual  
9 transparent information to everyone about the laws that  
10 govern CDE's role in the process and also the State  
11 Board's role in the process. We continue to work with  
12 our district in their capacity, and in their role with us  
13 in the turnaround network. They are a part of our  
14 turnaround network where we give additional supports to  
15 the districts so they continue to work with us there.  
16 And they are scheduled to come in September to -- before  
17 you all with their innovation plan. So with that Mr.  
18 Chair that's my update.

19 CHAIRMAN DURHAM: Thank you, Commissioner.  
20 Any questions for Dr. Anthes? Seeing none. Thank you  
21 very much. We'll now take a short breather while we open  
22 the dial-in-line for the legislative update from Jennifer  
23 Mello.

24 UNIDENTIFIED VOICE: Welcome to the media.  
25 You are joining your conference room. You are the host.



1 Access is immediate. For a menu of available prompts,  
2 press the star key, six and the pound key.

3 MS. MELLO: I'm here.

4 CHAIRMAN DURHAM: All right.

5 MS. MELLO: I think you said go ahead. It's  
6 a little hard to hear you Bizy, is that correct?

7 MS. CORDIAL: Yeah. (Inaudible) you could  
8 hear us.

9 MS. MELLO: Oh. Well, then not very well.

10 CHAIRMAN DURHAM: Let's ask her to give use  
11 the report. Jennifer, did you hear that?

12 MS. MELLO: I can hear you, Chairman. Do  
13 you want me to go ahead?

14 CHAIRMAN DURHAM: Wonderful. Please.

15 MS. MELLO: Okay. I usually start by saying  
16 it's lovely to see you. And of course I can't say that  
17 today but it's lovely to be on the phone with you all. I  
18 hope that Grand Junction is treating you well. I'm sure  
19 that it is. I'll make this fairly quick because I think  
20 the only thing we really have to discuss is the Interim  
21 Committee at the legislature to look at the ESSA. They  
22 had their first meeting last week and they have the next  
23 one is scheduled for August 31st. There are a number of  
24 you both staff and Board Members who were at the meeting  
25 but for those of you who weren't. Basically they started



1 off with a presentation from the National Conference of  
2 State Legislatures to talk about (inaudible) much more of  
3 a general way. What ESSA is, what it says, what it does.  
4 It was very interesting because one of the women who was  
5 presenting lobbies in D.C. For NTSL, and she has good  
6 insight into how some of the pieces of the legislation  
7 came to be. So that was all I think just good background  
8 for the legislature. Obviously, they deal with lots and  
9 lots and lots of issues and so they don't always have the  
10 same kind of time that the State Board has to really dig  
11 into the details on that. I think for the six members of  
12 this committee and for the audience is very helpful  
13 briefing. But then, they turned really much more  
14 specifically to Colorado, Colorado, excuse me. Dr.  
15 Anthes presented and talk about, you know, the process  
16 that the State Board has implemented. The, the Hub and  
17 Spoke and that whole stakeholder engagement process. She  
18 also talked about the response that you all submitted to  
19 the rules, the proposed rules by the Feds and how as a  
20 state were pushing back, to some extent. And, and  
21 there's a belief that the rules -- the proposed rules at  
22 least went beyond the law in terms kind of restricting  
23 options at the state level. So that's -- and then Board  
24 Chairman Durham and Vice Chair Dr. Schroeder gave a  
25 presentation. And I think he's emphasized the desire to



1 partner with the legislature, you know, as we move  
2 forward. And that's kind of what happened. I think what  
3 I would offer is an observation of where the legislature  
4 is and of course it's hard to sum up where a hundred  
5 different individuals from different parties, in  
6 different parts of the state are. But I think the  
7 legislature feels like there may be some opportunities to  
8 change things under ESSA. Dr. Anthes made clear that  
9 there's no -- not necessarily at least you have not  
10 identified any requirement to change state law but that  
11 there may be opportunities for state legislatures --  
12 legislators. And I think that the committee is really  
13 trying to wrap its hands around that. What are the  
14 options? What aren't the options? And how do we  
15 respond. And the committee does have a -- a fairly good  
16 representation from legislators who represent rural parts  
17 of the state. And I think they spoke out most forcefully  
18 about what they're hearing from their constituents  
19 wanting to see more flexibility, wanting to see more  
20 change. So you know, I think that's where the  
21 legislatures head is. Kind of trying to explore what  
22 they can do in terms of enhanced flexibility as we go  
23 forward. Are there any questions about all of that?

24 CHAIRMAN DURHAM: Questions of Ms. Mello?

25 Okay. Thank you very much Ms. Mello for the report. We





1 appreciate it. And --

2 MS. MELLO: Of course.

3 CHAIRMAN DURHAM: With this -- this is easy  
4 you're going to get off and so we'll see you --

5 MS. MELLO: I'll take it.

6 CHAIRMAN DURHAM: We'll see you next month.  
7 Thank you.

8 MS. MELLO: Okay. Sounds good. Enjoy your  
9 meeting. Bye bye.

10 CHAIRMAN DURHAM: We're gonna turn this down  
11 a little bit. How do we -- how long is that?

12 UNIDENTIFIED VOICE: I think it's now --  
13 (Overlapping)

14 CHAIRMAN DURHAM: It did too. Okay. I  
15 think we're good. Thank you. Okay. So next item is  
16 we're ahead of schedule. So are we ahead of schedule?  
17 No.

18 UNIDENTIFIED VOICE: Yeah, we are a little  
19 bit.

20 CHAIRMAN DURHAM: Could we proceed out of  
21 order then for Student Data Transparency and Security  
22 Implementation Act? Are we, are we ready to do that?

23 MS. CORDIAL: They just walked in.

24 CHAIRMAN DURHAM: We have them. So we'll  
25 proceed out of order for item 10. (Inaudible) thank you.



1 (Overlapping)

2 CHAIRMAN DURHAM: All right, identify  
3 yourselves for the tape and so we have your.

4 (Overlapping)

5 UNIDENTIFIED VOICE: Mr. Chair, this is  
6 Marcia Bohannon and Jill Stacey have come to give you an  
7 update on where we are with the implementation of the new  
8 data privacy law. So we'll turn it over to Marcia.

9 MS. BOHANNON: Thank you. Good morning  
10 everybody. Nice to see you.

11 UNIDENTIFIED VOICE: Is the mic on?

12 MS. BOHANNON: It says it is.

13 MS. CORDIAL: Okay. Just speak more  
14 directly into it.

15 CHAIRMAN DURHAM: Move a little closer.

16 UNIDENTIFIED VOICE: But you're really close  
17 to us so we can hear --

18 (Overlapping)

19 MS. BOHANNON: It's everybody else. All  
20 right. Okay. We wanted to give you an update as you  
21 know the data privacy law passed this last session. It's  
22 been signed and it's in place and actually today is the  
23 first deadline for some work that needs to be done. So  
24 we've been madly working on that and trying to get  
25 things, things in line for that. So one of the main



1 things that we wanted to get across to you is that we're  
2 working on it. It's begun. We're working with  
3 districts.

4 We've got a couple different groups together  
5 that we're collaborating with. District and LEA level  
6 groups. Because a lot of the -- a lot of what's stated  
7 in the bill is really about what CDE can do to help, help  
8 the districts with their data privacy and security  
9 challenges. So we've been working with them to -- to try  
10 to ascertain what -- what we can do for them that will  
11 help them and what do they need sooner rather than later.  
12 So we've been working on that.

13 We've also engaged a contractor to help us  
14 put together some of the training as you know there's a  
15 lot of training requirements. Because a lot of this  
16 really is about staff training and -- really every  
17 training for everybody to understand what is, what data  
18 privacy means, what -- what you need to do? The regular  
19 behaviors that we all engage in where we are using data  
20 and computers. How can we do that better and more  
21 securely. So we have engaged a contractor to help with  
22 that.

23 We've -- we've also like I said we've met  
24 with some districts and we've -- we've started working on  
25 contract language because that is the first deadline.



1 That's actually today that we need to have new contracts  
2 with -- any new contract that we put in place needs to  
3 have the new Privacy and Security language and all the  
4 provisions in the law, so we've been working on that and  
5 also talking with the districts on how we can put that in  
6 -- in a way that will help them. So Jill's --

7 CHAIRMAN DURHAM: May -- may I interrupt --

8 MS. BOHANNON: Oh, sorry.

9 CHAIRMAN DURHAM: -- provision applied to  
10 districts as well as the department.

11 MS. BOHANNON: Yes. Yes. So Jill is gonna  
12 walk through the presentation. I want to just give you a  
13 little bit of an overview of what were gonna talk about  
14 so that you guys could sort of stir us because we're not  
15 gonna go through all this. It's pretty detailed. You'll  
16 have it so that if you wanna go look it up and -- and see  
17 details later. But I just want to give you some of the  
18 highlights.

19 The -- the last point I wanted to make is  
20 that there is a requirement for the Board of Education to  
21 participate in vendor hearings if a member of the public  
22 or somebody believes that the vendor is -- is not  
23 following the -- the provisions in the law and there's a  
24 material breach that results in some kind of a data  
25 incident. The Board of Education, The State Board and



1 The Local Boards need to hold a hearing to sort of talk  
2 about that and -- and Jill will talk more about that but  
3 I wanted to just put that out there because that's --  
4 that's an area where you are likely to get involved so --

5 CHAIRMAN DURHAM: Yes, Dr. Schroeder.

6 MS. SCHROEDER: So just a couple of  
7 questions beforehand. One, did -- did the department get  
8 any money? Was there a fiscal note to this?

9 MS. BOHANNON: No.

10 MS. SCHROEDER: No. And then the second  
11 part, when you making your presentation, could you share  
12 with us the most significant concerns that you're hearing  
13 from the districts as you're helping them out. Just  
14 maybe included in the discussion.

15 MS. BOHANNON: Thank you, I certainly will.

16 CHAIRMAN DURHAM: Yes, Ms. Mazanec.

17 MS. MAZANEC: How we gonna talk to each  
18 other (inaudible).

19 CHAIRMAN DURHAM: Just you have to interrupt  
20 I -- I -- without the curvature on the table I won't see  
21 everyone.

22 MS. MAZANEC: Did you say you have engaged a  
23 contractor to help with the -- the breach procedure?

24 MS. BOHANNON: Actually he's helping more  
25 with the training. One of our responsibilities is to



1 provide resources for the districts to provide training  
2 for their staff. And -- and also we -- we are providing  
3 more training for our own staff. So his primary focus is  
4 to work on that because that's a big --

5 MS. MAZANEC: Who is that vendor?

6 MS. BOHANNON: He's an independent -- his  
7 name is Pat Bush. He's Ex-CIO of the state of Delaware.  
8 He's done a lot of work with data privacy and security.  
9 And has been in the environment and state agencies so he  
10 -- he gets it. And so we want to take advantage of his  
11 skills.

12 MS. MAZANEC: Okay. Thank you.

13 MS. STACEY: All right. So I wanted to just  
14 let you know that this slide is primarily filled with the  
15 requirements of the 2014 version of this law. So this is  
16 stuff that we are already complying with but we'll  
17 continue to add to improve as technology improves. We'll  
18 continue to make sure that it's all up to date. And we  
19 will also update any of these necessary things per the  
20 requirements of the new law.

21 Okay, so this is the first slide where we  
22 actually and I'm on August 10th where we actually talk  
23 about the deadlines. And as Marcia mentioned we do have  
24 the deadline for today in terms of updating our contract  
25 language. So we have actually already started sending



1 our new contract language to our vendors and actually  
2 have had quite a good amount of success in that. We've  
3 had a couple of vendors sign on to all our security, all  
4 our privacy requirements with little to no changes so  
5 that's a good thing.

6 We have marked in purple those ones that  
7 have a deadlines specifically required by the law. If  
8 they're not in purple they do not have a due date but we  
9 have assign due dates in order to keep our work moving  
10 forward on these things. I won't go through these March  
11 slides in detail. I do wanna point out a few things as  
12 to answer Angelika's question. We are receiving a lot of  
13 concern from the districts about their need to comply  
14 with the vendor contract language requirements as of  
15 today.

16 And so we are working very hard to help them  
17 with that process. We're working on a template that we  
18 can actually provide to them that they can use and then  
19 we're working on guidance in how to use that template so  
20 that they know what to do with it. We are also working  
21 hard on the requirement to create and maintain -- make  
22 available a sample Student Information Privacy Policy.  
23 And so we are gonna work on that as well. But we intend  
24 to get the rest of this work done by about March 1st of  
25 next year. This is one of our more extended efforts.



1                   And I do wanna point out that while we have  
2                   set a very, very late deadline of this that is for the  
3                   entire roll out of the program, we will not be waiting  
4                   until 2008 or 2018 to actually comply with this. What we  
5                   will be doing is we will be rolling out phases, we'll be  
6                   rolling out materials as they become available. So we're  
7                   going to be consistently working on this providing  
8                   information to the districts and helping them along the  
9                   way. But we wanted to set this deadline for when the  
10                  entire program is completely made up.

11                  CHAIRMAN DURHAM: Yes, Dr. Schroeder.

12                  MS. SCHROEDER: To my (inaudible) which is  
13                  at the center of (inaudible) 2017. This is my discussion  
14                  for sometime about assigning each preschools student  
15                  (inaudible)

16                  MS. STACEY: Yes.

17                  MS. SCHROEDER: You know also to challenge  
18                  as associate with that. Have they been address? It seem  
19                  to me there was a (inaudible) issue? Sorry. I'm so  
20                  sorry.

21                  MS. STACEY: And actually it looks like that  
22                  might have been an earlier version of our presentation.

23                  MS. SCHROEDER: Yeah, because it's not in my  
24                  -- its not in my materials.

25                  MS. STACEY: Yeah, it's not in mine either.





1 But to answer your question yes, we determined. We -- we  
2 per law we created council with CDHS to determine the  
3 facility and the ability to create (inaudible) for Pre-K  
4 students. We determined that it was not feasible and so  
5 we put in place other methods for linking data in order  
6 to fill the same role that that says it would do. So  
7 that's why we actually removed it from the presentation -  
8 -

9 MS. SCHROEDER: Okay.

10 MS. STACEY: -- is because there is an  
11 alternate method to fulfill.

12 MS. SCHROEDER: Okay, that just sort of  
13 triggered my memory about that -- some prior discussions.  
14 Because I think there was a legislator who wanted to --  
15 to do that some time ago and the capacity is just not  
16 there. So now you're gonna have a linkage. You're not  
17 actually gonna have a number starting with age three and  
18 four.

19 MS. BOHANNON: Yeah that's -- that's  
20 correct. And so the --

21 MS. SCHROEDER: Thanks for clarifying.

22 MS. BOHANNON: Yeah, the work we're doing  
23 with CDHS is an example of that.

24 MS. SCHROEDER: So it's gonna be their --  
25 their job to do that part. And we're gonna have the



1 linkage?

2 MS. BOHANNON: It's joint --

3 MS. SCHROEDER: It's a joint effort?

4 MS. BOHANNON: -- It's a joint effort.

5 We're -- we're linking the data. I mean the outcome is  
6 the same to be able to identify who the kids are and  
7 which ones are in which.

8 MS. SCHROEDER: To follow their program  
9 properly.

10 CHAIRMAN DURHAM: Is this with licensed --  
11 any licensed preschool or is it only with those that have  
12 some federal funding?

13 UNIDENTIFIED VOICE: Or state.

14 CHAIRMAN DURHAM: Or state funding.

15 MS. BOHANNON: State funding, yeah. It's  
16 state -- it -- what we're doing with CDHS is with state  
17 funded.

18 CHAIRMAN DURHAM: So on -- there's no  
19 licensure requirements on the private groups that would  
20 require them to participate in this.

21 MS. BOHANNON: Not to participate in this  
22 that I'm aware of. And -- and one clarification I want  
23 to make too and this is the other reason we pulled it  
24 out. The -- the data privacy law actually says that we  
25 will assign a unique identifier to all public school



1 students. It doesn't actually say K -- K3 or Pre-K. So  
2 the question was and we spent a lot of time kind of  
3 reviewing this to see what that really means, does that  
4 include Pre-K. And what we've been able to determine is  
5 that it includes any preschool programs that are operated  
6 by public school, by public schools or -- or districts  
7 that have you know, like Colorado preschool program. And  
8 those programs have already assigned unique identifiers  
9 to those --

10 MS. SCHROEDER: Anyway.

11 MS. BOHANNON: -- kids anyway.

12 MS. SCHROEDER: Uh-huh. Got it.

13 MS. BOHANNON: So we're already in  
14 compliance with the actual law.

15 MS. SCHROEDER: Okay, yeah. Okay, thank  
16 you. Sorry to cut you off --

17 MS. BOHANNON: That's somehow that can  
18 answer. Good question.

19 CHAIRMAN DURHAM: Thank you. Ms. -- okay.  
20 All right.

21 MS. STACEY: So as mentioned by Marcia  
22 earlier there is a requirement that in the case of a  
23 material breach that results in some misuse of data we  
24 are required to evaluate whether or not to terminate the  
25 contract based on a policy approved by you.



1                   We are working on this process and what we  
2                   wanna to do is we really wanna understand how this  
3                   process works and sort of test it in a real world  
4                   environment before we actually make it firm in policy  
5                   which we will then bring to you. So we're anticipating  
6                   bringing that policy to you at some later board date but  
7                   no later than March. Until that policy is actually  
8                   approved we plan to follow -- a process is probably going  
9                   to be quite similar to what we actually include in the  
10                  policy but it just basically includes the requirement for  
11                  a -- a public hearing to be held. Stakeholders will be  
12                  able to provide information and testimony as part of that  
13                  and then we'll work through the termination of the -- of  
14                  the contract should that be what is determined to be  
15                  necessary.

16                  MS. BOHANNON: And just one point on that,  
17                  we wanted to -- to put this out here just to let you know  
18                  that we have thought through this even though it's not  
19                  required yet because it's very possible that there will  
20                  be some -- some parents or some members of the public  
21                  that now that the law has passed feel like they want to  
22                  point out some vendors who are not compliant. So we just  
23                  want to be least you know that we've thought about it.  
24                  And -- and although it's not -- not mandated by law that  
25                  we're ready with the process now. We need to be ready



1 for it.

2 MS. SCHROEDER: Uh-huh.

3 CHAIRMAN DURHAM: Okay.

4 MS. STACEY: One of the other requirements  
5 is to promulgate any rules necessary for this law. Since  
6 we do know that there only needed to be promulgated as  
7 necessary, we are going to be very strategic in what  
8 rules that we are actually going to be taking forward.  
9 Due to changes in privacy and security that happen quite  
10 quickly, we wanna have make sure any rule that we put in  
11 place is flexible enough to ensure that we're always  
12 meeting a high level of privacy and security, protection  
13 of data.

14 So we'll go ahead and -- and keep you in the  
15 loop as we continue to think that through. This is just  
16 showing our general approach and what we do we want to  
17 point out from here is the fact that we are working very  
18 closely with stakeholders including the districts. We're  
19 working to utilize as many resources as we can either  
20 from other states, from nonprofit agencies so that we can  
21 leverage as much existing content as possible to place  
22 less burden on creating new content.

23 This is quite a wordy slide so I won't go  
24 into it in great detail but we wanted to let you know  
25 that we are looking at some potential risks and we are



1 working on mitigation strategies for that. And I just  
2 wanted to point out that that top risk we have already  
3 shown a significant amount of success in mitigating that  
4 risk. So we've had some really great successes with  
5 vendor so far. And then that is the end of our  
6 presentation. So you guys have questions about any of  
7 this.

8 CHAIRMAN DURHAM: Think we'll hold the  
9 questions until we note that Dr. Scheffel has arrived. I  
10 know that this is an issue of significant interest to  
11 her. We'll take a five minute break and try to let her  
12 catch up on this issue and -- and then we'll take general  
13 questions. So and recess for about five minutes.

14 MS. CORDIAL: Mr. -- Mr. Chair.

15 CHAIRMAN DURHAM: Yes.

16 MS. CORDIAL: Before we go back into it, we  
17 maybe want to go into public comment and then -- and then  
18 come back to this. So then it kind of falls into  
19 sequential order with the --

20 CHAIRMAN DURHAM: Yeah, we can.

21 MS. CORDIAL: -- action item after.

22 CHAIRMAN DURHAM: We could do that. So you  
23 all be sticking around at least that long and so -- okay.  
24 All right. So lets see, so now we're in public comment.

25 MS. CORDIAL: We could -- I mean you could



1 still take a break but just go into public comment before  
2 coming back into the data privacy items.

3 CHAIRMAN DURHAM: Why don't we still take  
4 the five minute recess and get organized, okay. All  
5 right. I apologize for the late start. The Board will  
6 come back to order. The Chair will observe that Dr.  
7 Scheffel is present. We will now take a public comment.  
8 I remind everybody that we're limited to three minutes on  
9 the public comment and we'll start with Christian Reese.  
10 I got that right?

11 MS. REESE: Yes, sir.

12 CHAIRMAN DURHAM: Thank you. Ms. Reese.

13 MS. REESE: Thank you, School Board Member,  
14 our Board of Education members for being here in Grand  
15 Junction and being in western Colorado. My name is  
16 Christian Reese. I'm the Executive Director of Club 20  
17 and we represent all 22 western slope counties on lots of  
18 different issues in a bipartisan matter. So there will  
19 be many decisions made by this Board over the next year  
20 as you implement the Every Student Succeeds Act and  
21 several of these decisions touch on longstanding Club 20  
22 education priorities.

23 In particular, Club 20 believes that school  
24 districts should have a high degree of local control  
25 regarding education content and delivery and must utilize



1 this flexibility to create programs that ensure maximum  
2 educational purpose -- proficiency for students. Club 20  
3 also sees our educational system as a team with many  
4 players taking on different roles and ultimately all  
5 having the same goal in mind. Students, parents,  
6 teachers and school administrators should all be held  
7 accountable for ensuring milestones are reached by  
8 students in order for them to successfully move to the  
9 next level of learning and ultimately to complete their  
10 basic education.

11 We also support state and local education  
12 reforms to ensure quality outcomes focused on developing  
13 workforce ready and postsecondary ready graduates. We  
14 need to maintain rigorous education standards that are  
15 competitive with standards of the most successful states  
16 and nations, so that all of our Colorado graduates are  
17 ahead of the pack. To this -- to achieve this level of  
18 success we must promote both content knowledge as well as  
19 learning and behavioral skills.

20 These increased standards will reduce the  
21 need for remedial education for college freshmen and  
22 ensure that those not pursuing higher education are truly  
23 workforce ready. Finally, education should be a seamless  
24 process from preschool through the postsecondary stages  
25 with this shared goal, at all levels, being development





1 of workforce ready graduates who are able to compete  
2 effectively in a global economy. As you all well know  
3 our students are the future of our state and our country.  
4 It is our responsibility -- responsibility to ensure that  
5 they receive the best possible education that is  
6 practical and applicable upon graduation.

7 We ask that you keep these comments in mind  
8 over the next year as you deliberate these very important  
9 decisions that will have significant impacts on our  
10 future. That's why we hope -- that's why we hope that  
11 you maintain Colorado's commitment to local control, high  
12 standards, accountability, and innovation. We look  
13 forward to working with you during the ESSA  
14 implementation to ensure that all Western Slope has a  
15 voice in this process. Thank you very much again for the  
16 opportunity to testify and for being here in western  
17 Colorado and we hope you stay and enjoy our beautiful  
18 community. Thank you.

19 CHAIRMAN DURHAM: Thank you. Luke Ragland.

20 MR. RAGLAND: Thank you Mr. Chair, Members  
21 of the Board, Commissioner Anthes. My name is Luke  
22 Ragland. I'm the Vice President of Policy at Colorado  
23 Succeeds. We're a nonpartisan coalition of business  
24 leaders who are dedicated to improving the state's public  
25 education system. As a fourth generation western sloppy



1 -- western sloper, I'm particularly -- (inaudible).

2 ALL: A sloppy?

3 MR. RAGLAND: I'm particularly happy to be  
4 talking to you on the right side of the divide here in  
5 Colorado. But I'm here today actually on behalf of a  
6 coalition of organizations who have banded together to  
7 create a website called ColoradoSchoolGrades.com. I know  
8 that many of the comments that you hear state Board  
9 Members are often critical. I think while it's important  
10 to keep on -- keep our eye on ways to improve at all  
11 times, I want to make sure we're giving credit where  
12 credit is due. And so I'm here to say thank you for the  
13 work that the State Board of Education and the Colorado  
14 Department of Education have done over the last several  
15 years that have allowed us to create and continue  
16 operating ColoradoSchoolGrades.com.

17 ColoradoSchoolGrades is a free online  
18 resource for parents who are looking to choose a school  
19 or to improve a school. It provides easy to understand  
20 the letter grades for every school in the state of  
21 Colorado. It has been incredibly popular with parents.  
22 We've had in the years that we've been running it over  
23 one million unique users use the site to research a  
24 school. Here in Grand Junction alone, parents have used  
25 the site over 10,000 times. Your work to publish school



1 performance information and data is what makes this  
2 possible. That's because we use the state's school  
3 performance framework to create those grades.  
4 ColoradoSchoolGrades has become an integral tool for  
5 parents who are taking advantage of Colorado's robust  
6 school choice system and our state's commitment to school  
7 choice is working.

8 CDE actually just recently released a  
9 comprehensive report on the states charter sector showing  
10 that students attending charter schools tend to  
11 outperform traditional school -- students in a variety of  
12 grades and subjects. Importantly, this is while charters  
13 are serving a higher percentage of minority students and  
14 with significantly less funding. Looking at eighth grade  
15 NAEP scores in math which allow us to compare across the  
16 entire country, Colorado's general education charter  
17 students outperform similar students in every other state  
18 in the country, literally, number one in the nation.

19 But Colorado's choice fueled improvement  
20 will only be able to continue if parents have the  
21 information to compare school performance, demand school  
22 improvements, and choose the best school for their  
23 individual child. And as the state continues to roll out  
24 new assessments and prepares to implement ESSA, we hope  
25 that the state Board will continue to provide the



1 information that's necessary to create those school  
2 letter grades.

3 Providing parents and the public with easy  
4 to understand school performance information is one of  
5 the most important services that you provide.

6 Critically, this information must be provided in a timely  
7 fashion so that parents have the most accurate  
8 information when they're making school choice decisions.  
9 Now I recognize that this isn't always an easy task. The  
10 State Board of Education and the Colorado Department of  
11 Education staff have some uniquely difficult challenges  
12 this year as they create those new SPF's. But on behalf  
13 of over one million Colorado parents who use our site,  
14 please keep up the good work. We are counting on you.  
15 Thank you.

16 CHAIRMAN DURHAM: Thank you, Mr. Ragland.  
17 Anyone else wish to -- wish to provide comments. Okay.  
18 Seeing none, that's closed. We'll go back to item 10 and  
19 if Ms. Bohannon and Ms. Stacey would return for  
20 questions. Yes.

21 MS. RANKIN: I'm sorry. Did we get through  
22 everyone on the list that had signed up?

23 CHAIRMAN DURHAM: Yes. So just two that  
24 signed -- I'm sorry.

25 MS. GIBSON: (inaudible).



1 CHAIRMAN DURHAM: Oh, okay. Well, but  
2 you're certainly welcome to go ahead. I'm sorry.

3 MS. GIBSON: Okay. Thank you so much.

4 CHAIRMAN DURHAM: You bet. State your name  
5 and away we go.

6 MS. GIBSON: Yes. Good mid-morning. It is  
7 so nice to see all of you. I'm Caryn Gibson,  
8 Superintendent of Delta County Schools and my main reason  
9 of wanting to just visit a little bit is to say thank you  
10 for coming to the Western Slope and spending some time  
11 here. I also have my school Board president here, Ms.  
12 Tammy Smith. And Delta is about 40 minutes from here and  
13 we're -- a school district that has quite a few  
14 challenges like many school districts in the state of  
15 Colorado.

16 But we've had two mine closures and so we're  
17 battling not only with the school finances but also the  
18 declining population. But we're very excited about the  
19 2016-17 school year and teachers come back next week, the  
20 following week our students will be here. And I just  
21 want to remind us all that we work in the best profession  
22 there is. We work with our future. And I think some  
23 things that were said was very -- very well said and  
24 thank you for that and we look forward to the year and  
25 again just want to thank you for being here. Thanks.



1                   CHAIRMAN DURHAM: Thank you very much for  
2 coming to the meeting, we appreciate it. Anyone else?  
3 Okay. Thank you very much. All right. Away we go. For  
4 item 10 -- so we'll start with the kind of general  
5 questions regarding the data privacy implementation.  
6 Anybody like to start? Dr. Scheffel, did you have a  
7 couple of questions?

8                   MS. SCHEFFEL: I did.

9                   CHAIRMAN DURHAM: Okay.

10                  MS. SCHEFFEL: (inaudible) one is  
11 (inaudible). Sorry. The algorithm issue which I get  
12 asked about. Can you just speak to how you would address  
13 that if someone asked you that question because some  
14 parents feel like this is great legislation. It's a  
15 wonderful step in the right direction and Colorado is  
16 kind of on head of that issue nationally. And then some  
17 will say it's a great step in the right direction but we  
18 still don't think it addresses the algorithm issue. And  
19 I'm not even sure exactly what that means except that I  
20 know that as individuals use computers, data tags are  
21 congeal together to create a profile. And then I'm not  
22 sure exactly what happens to that data or why people  
23 continue to ask that question. And I wondered how you  
24 would respond to people ask you that question.

25                  MS. GIBSON: Yeah. I will go ahead and



1 start on that. Algorithms are in just about everything  
2 we do, I mean they're in our Google searches, they're in  
3 our Amazon suggesting products and so there's that  
4 concern as well. But in terms of what data we use and  
5 particularly I think in -- it has affected by whether or  
6 not our vendors are using algorithms. The law  
7 specifically states that our vendors must be transparent  
8 in what data they collect and how they use that. I would  
9 think that the use of particular data that would be used  
10 in algorithms and the fact that they -- they're using  
11 that to perform some sort of analysis would be covered in  
12 what they have to disclose both on their website and  
13 within our contracts with them.

14 MS. SCHEFFEL: And how would -- what would  
15 the language be like that would disclose it? Would they  
16 say, "This vendor intends to use data tags from these  
17 fields to create a profile that would be used in the  
18 following way." I mean is that the kind of language a  
19 parent would look for? What kind of language would they  
20 look for?

21 MS. GIBSON: Yeah. I think that's -- I mean  
22 that would be one way to do it. Really algorithms are  
23 used everywhere.

24 MS. SCHEFFEL: Ubiquitous. Right.

25 MS. GIBSON: Yeah. They really are.



1 They're used in all sorts of things. So I would see that  
2 as Jill said as something that is covered by the law.  
3 And when the vendor posts, you know what data they're  
4 using it for what purpose, I would see them listing the  
5 data elements whether -- whether it's in an algorithm or  
6 not, whatever data elements they actually use to derive  
7 or calculate something, those would be -- those should be  
8 listed and then alongside that would be the use, you know  
9 where -- where that ultimately goes and how they're using  
10 it.

11 So whether it's in and out of rhythm or  
12 whether they're just collecting it and then reporting it  
13 back to us, whatever, I think it should be all included  
14 in those disclosures. So that's -- that's what I would  
15 recommend if I got that question. And then as we move  
16 forward and we see how vendors are posting this kind of  
17 information, then we can -- we can look at that and if we  
18 have questions, we can -- we can push back and ask, you  
19 know is that -- is everything there is it inclusive? But  
20 I think -- I think that's where it should be.

21 MS. SCHEFFEL: And if the parent felt like,  
22 well they're not disclosing the information that  
23 comprises the algorithm, how would they know that? Would  
24 their child be targeted for advertising in some way that  
25 wouldn't make sense based on the tags or I mean what





1 would be the converse of it if that weren't working,  
2 right? What would they notice?

3 MS. GIBSON: The law specifically forbids  
4 targeted advertising. It also forbids any vendor from  
5 creating a profile of a student that's not in service of  
6 the contract and the -- the requirements of the contract.  
7 So I don't know if I understand a situation in which that  
8 would become apparent but if data is being used in any  
9 way that is not explicitly listed in the contract then  
10 that is a violation of the contract.

11 MS. SCHEFFEL: Okay.

12 MS. GIBSON: So whether it has to do with an  
13 algorithm or not, if it's not covered within the contract  
14 then they have the right to -- to bring them forward.

15 MS. SCHEFFEL: Okay. And then I had a  
16 follow up, is this a good time?

17 CHAIRMAN DURHAM: Yes. Dr. Scheffel.

18 MS. SCHEFFEL: And then the other questions  
19 and you may have addressed this already but how are you  
20 supporting districts because we know that this is a state  
21 law and the state Board is, you know been -- you know,  
22 feeling like this is an important issue. But really it's  
23 the districts that in many cases are vulnerable and I'm  
24 wondering how are we supporting them so that they can be  
25 in compliance and understand the risks and the



1 implications of contracts and so forth?

2 MS. GIBSON: Yeah. We -- we have already  
3 assembled a small core team of LA representatives there's  
4 what -- eight or nine people on -- on in this group,  
5 would probably have a couple more. We've met with them  
6 and the idea of this group is for them to provide us with  
7 suggestions and guidance on what they need, what's most  
8 important to them, where should we start because there's  
9 18 months worth of implementation time here and there are  
10 a lot of things in the bill, so we can to a certain  
11 extent some of these things, we can -- we can do when it  
12 makes sense.

13 So we're asking them to provide that  
14 feedback like will help them and what time. There's --  
15 we're also going to expand that group into more of kind  
16 of an advisory groups, it will be more -- more  
17 (inaudible) representatives being able to just provide  
18 feedback on that resources we create. So we're -- we're  
19 actively, basically asking what their opinion is and what  
20 they mean. So we've started that, we also on the  
21 training that's required, we're going to use these groups  
22 as feedback for the training that we're putting together  
23 as well.

24 So basically, any opportunity we get to --  
25 to collect their input we are going to take advantage of



1 it. We're also talking to people like CACE and Caley  
2 which are the -- Caley is the educational technology  
3 leadership, that's part of the -- the CACE group.  
4 They're looking a lot at this data privacy law so they're  
5 providing us feedback as well. And any other, you know  
6 group, I mean I'm going to be -- Jill and I both going to  
7 be talking with Superintendent groups this fall to kind  
8 of let them know what our plans are and to collect their  
9 feedback. So as many ways as we can think of to -- to  
10 collect their requests and what they really need, we're -  
11 - we're trying to do that.

12 MS. SCHEFFEL: And then one other question  
13 is there a vendor that's hired to help implement this?  
14 Implementation or not really, I mean to help support CDE.

15 MS. GIBSON: We have -- we have hired one  
16 contractor to help especially with the training, the  
17 development training material.

18 MS. SCHEFFEL: (inaudible).

19 MS. GIBSON: Yeah, that's okay. His name is  
20 Pat Bush and he's an independent contractor. He's the  
21 ex-CIO from Delaware. So he -- he actually has worked in  
22 this field and has, you know worked in the state agency  
23 and in education for quite some time. So he's helping us  
24 to put together some of the curriculum and actually put  
25 together timelines and you know, we kind of can't do the



1 training until we do a lot of the -- the other pieces.  
2 So he's helping with all of that but his primary focus is  
3 -- is the training components and we -- we won't have him  
4 for too long because of the expense but he's -- he's  
5 definitely valuable help.

6 MS. SCHEFFEL: And as you associate with the  
7 data quality campaign, I think I recognize the name, I'm  
8 not sure.

9 MS. GIBSON: No, he's not -- I mean he's  
10 worked with them like we all have but he's not -- not a  
11 member of that --

12 MS. SCHEFFEL: Okay.

13 MS. GIBSON: -- in that group.

14 MS. SCHEFFEL: Thank you.

15 MS. GIBSON: Okay.

16 MS. MAZANEC: Chairman Durham.

17 CHAIRMAN DURHAM: Yes, Ms. Mazanec.

18 MS. MAZANEC: Interestingly, I heard a data  
19 expert speaking about this issue of tracking on a radio -  
20 - on a radio show the other day. I just want to make  
21 sure I understand this. What -- what we're dealing with  
22 here is the concern is vendors being used in public  
23 schools, tracking data of our children and somehow using  
24 that either to target them or to create a profile that  
25 follows them the rest of their lives. That's separate



1 and apart from the fact that if these children go on  
2 google, of course they're being tracked. It's -- there's  
3 no way to avoid that because all of us are being tracked.  
4 He was explaining, that's the reason why many of these  
5 websites take so much longer to load because they have so  
6 many tracking cookies but --

7 MS. SCHEFFEL: Yeah, I'd like to say that --

8 MS. MAZANEC: -- what we can do about that.

9 MS. GIBSON: Right. And I'd like to say we  
10 could stop that but that's the way some of the -- the  
11 vendors work, that's how they -- that's their business.  
12 Really all we can do is look at the -- the applications  
13 that are used in the public schools and for the purpose  
14 of education and put some controls around those and  
15 that's what the -- the privacy law is addressing that the  
16 either contracts that the districts and CDE are into or  
17 what they're calling the service providers or the what we  
18 think of as click through type agreements which are the -  
19 - the things that we all, you know we all use and just  
20 click, I agree but don't really read it. So I mean the  
21 only (inaudible) way we really can try to get a handle on  
22 it is to look at those things that are specifically used  
23 in schools and that's what the -- the laws is  
24 (inaudible).

25 MS. MAZANEC: I'll be very interesting to



1 see what you see already have some good success with  
2 getting confident vendors to agree to these contracts.  
3 I'll be very interesting to see how this work's going  
4 forward, what kind of speed bumps there are and -- and  
5 what we learn is not covered --

6 MS. GIBSON: Yeah, yes --

7 MS. MAZANEC: -- in the law.

8 MS. GIBSON: -- it will be.

9 MS. MAZANEC: Yeah.

10 CHAIRMAN DURHAM: Other questions? Yes, Ms.  
11 Goff.

12 MS. GOFF: (inaudible) does all this  
13 (inaudible) the laws being signed is one thing but being  
14 ready to implement is another, so do we have a prognosis  
15 on that timeline?

16 MS. BOHANNON: We are -- the -- the law is  
17 be -- coming into effect actually today, so we can do it  
18 at any time. We will -- obviously be -- we won't be  
19 waiting until 2018 to do any rules that are necessary.  
20 We'll be doing those strategically and taking into  
21 account what other rule making efforts are ongoing with  
22 other things. So we'll work with you to determine  
23 timelines and that sort of thing but we are not waiting  
24 until three years from now to do any of that kind of  
25 work.



1                   And I think one of the -- one of the  
2 challenges with rulemaking in this particular area is so  
3 much of it is still playing out. We don't know yet what  
4 we don't know. So our plan is to -- to try to do what we  
5 can to implement the, you know all the provisions of the  
6 bill. But see how it works, see what kinds of additional  
7 help, we might need to whether it's you know to get  
8 vendor compliance or you know whatever it might be to see  
9 where rules would actually be the most useful. One thing  
10 we want to be careful of is not to try to put too much  
11 into rule because it has -- this industry has been  
12 changing over the last few years and we don't want to  
13 bind ourselves with something that doesn't make sense in  
14 another year. So we kind of have to play that -- that  
15 balancing act and figure out where it makes sense. But  
16 yeah we -- we will definitely keep you informed as we  
17 progress but I think some of what we learn over the next  
18 year will help to determine the timelines of that.

19                   MS. GOFF: So it's -- it's really more  
20 nebulous than just saying, this is a pretty cut and dry  
21 this is set of legal language on. So do we really need  
22 any further rules but -- but when you start implementing  
23 it and -- and the number of districts contacts that we  
24 have and that sort of things just curious. But the  
25 thinking on that was up to this point.



1 MS. BOHANNON: Yeah. I think we will have  
2 to be very careful to -- to get district input on that  
3 because it is one thing for us to say, I mean this makes  
4 sense from a rulemaking perspective. But when you've got  
5 so many districts doing things in different ways, when it  
6 comes to the technology, pieces of data security  
7 especially, we just don't want to tie their hands and put  
8 something in rule that they can't follow. So we just --  
9 yeah, it's not -- it's not black and white --

10 UNIDENTIFIED VOICE: Okay.

11 MS. MAZANEC: Sorry.

12 UNIDENTIFIED VOICE: (inaudible) things  
13 (inaudible).

14 UNIDENTIFIED VOICE: Uh-huh.

15 CHAIRMAN DURHAM: Yes, Ms. Rankin. Sorry.

16 MS. RANKIN: Thank you for what you're doing  
17 because I know this is difficult. It's an impossibility  
18 almost to keep everyone safe and secure in this -- this  
19 era of technology. I know Colorado is number one in the  
20 nation for implementing a law such as this and in some  
21 ways, it's difficult being upfront like you are and like  
22 we are with this. I wonder, I'm sure there are other  
23 states that are calling in asking or trying to understand  
24 where we are and I think that they also are having  
25 similar difficulties but is there going to be further





1 communication with them on some of these vendors. I know  
2 we say we're going to post them, I mean it's nice we're  
3 out there and informing everyone else. But I think we  
4 should continue to work with other states that are right  
5 on our heels or -- and when they ask what we're doing and  
6 the problems we're having, get some information from them  
7 so that we can continue to work together to have a more  
8 robust system in our -- in place in our state.

9 UNIDENTIFIED VOICE: Yeah and actually  
10 that's -- that's a really good point. I'm part of a  
11 nationwide group of sort of my counterparts in other  
12 states. And we -- there's a special work group that --  
13 of on data privacy and security and so that is all about  
14 sharing what all the states have learned with each other  
15 and as Pat Bush is part of that and he's -- he's the  
16 contractor that we hired. And what we're going to do is  
17 it were -- were putting -- as we put together our  
18 resources, were going to be sharing that with other  
19 states.

20 And what we're also doing is -- is the one  
21 of his tasks is to go out and look at what other states  
22 already have and bring that to us. So there are regular  
23 meetings that we attend, few -- few times each year just  
24 for that purpose of sharing the information because  
25 everybody is struggling with the same thing. And yeah,



1 our law is looked to be the hardest to implement. So I  
2 don't know if that's good or bad, if we do it right  
3 that's probably good. So it's got its own set of  
4 challenges but -- but yeah a lot of people are watching  
5 what we do but we're -- we're looking back at them to  
6 help us as well.

7 UNIDENTIFIED VOICE: Follow up on that, Mr.  
8 Chair.

9 CHAIRMAN DURHAM: Yes, please.

10 UNIDENTIFIED VOICE: Would it be possible,  
11 when you attend some of these meetings, if something  
12 comes to the surface bring it to us in your reports as to  
13 some of the things maybe we didn't think of were things  
14 that have brought forward. Because I think the public  
15 needs to know in Colorado how we are addressing that, not  
16 just now but as it goes on because these things turn on a  
17 dime as you know. And when the national news is full of  
18 it, I mean I can see where parents are concerned and --  
19 and I think it's -- it's rightly so.

20 MS. RANKIN: Yeah, we can do that. Sure,  
21 okay.

22 CHAIRMAN DURHAM: Yes, Dr. Schroeder.

23 MS. SCHROEDER: So going back to parents,  
24 what -- what's available to them to learn about this  
25 issue as they interact with others and hear some of the



1     panic, what resources do we have, what process do they go  
2     through to ask questions if they have concerns; and to  
3     what extent do you expect them to go just to their  
4     district and what do we have available for them?

5             UNIDENTIFIED VOICE: That's a good question.  
6     I'm glad you raised that. We have an entire page that  
7     has been on place on our web site for quite some time  
8     that's information for parents and it's filled with fact  
9     sheets and other information directly to answer their  
10    questions. In addition, we have a email box for data  
11    privacy. And what we have done is we have set up a  
12    specific question and answers page on our website where  
13    if we get a -- a question from our parent that we think  
14    actually can inform other parents.

15            We have posted the questions and answers  
16    there, so that we can make sure that we're communicating  
17    as broadly as possible. We do have certain processes  
18    where we ask the parents to first work with our district  
19    in terms of -- if they want to see the data that there is  
20    being collected on their child. But for the most part we  
21    are open to questions either from them or from the  
22    districts or from the public in general.

23            MS. SCHEFFEL: And to your point about the  
24    district role there if it's especially data security well  
25    really either one data security or privacy question, it



1 is appropriate for them to go to their district first  
2 because each district handles it a little bit  
3 differently. So we would suggest that they do -- they  
4 start there anyway. Some of the questions that we get  
5 are more statewide so they come directly to us but they  
6 can definitely start with the districts and some have  
7 started there and maybe didn't get the answer that they  
8 wanted and come to us. So we're trying to -- we're  
9 trying to sort of orchestrate that so that they go to the  
10 right place but also be a resource for them if they --  
11 they still have questions.

12 UNIDENTIFIED VOICE: Yeah. Thank you.

13 CHAIRMAN DURHAM: Further questions. I've  
14 just a couple -- is it common for a district to use a  
15 non-secure product that they don't own but it's easy to,  
16 for example to ask students to log in to review lesson  
17 plans or to do -- to view homework assignments or is that  
18 -- is that a public sort of a free service that's offered  
19 by some of these companies; and do schools use that and  
20 encourage students to use that to your knowledge?

21 UNIDENTIFIED VOICE: I -- I don't know that  
22 I would say it's common but I think for small districts  
23 especially there's a larger use of the click through  
24 applications and -- and the more one off type things that  
25 the teacher identifies as something that would work in



1 the classroom. So I think they are sometimes using these  
2 and they don't necessarily realize that they're --  
3 they're not secure. As far as enrollment and that kind  
4 of thing I think that's pretty well covered.

5           They pretty much all of them have student  
6 information systems that are pretty put together well.  
7 It's probably more in the educational arena where a  
8 teacher is interested in something different and they --  
9 this, you know there's things coming every day new  
10 applications out there that they feel like is -- is worth  
11 using and possibly more innovative than what they've been  
12 doing before so they'll -- they'll download those.

13           So that's really what this law is trying to  
14 get to with the click through apps and trying to get some  
15 -- at least have districts vet those and look at those  
16 applications and make sure that they are secure. It's a  
17 very tall order for districts to do that because  
18 especially -- I mean the smaller ones they don't have as  
19 many to deal with but they don't have anyone to look it  
20 over before, you know so then the large ones they've got  
21 thousands of them going on so each district is in kind of  
22 a different level of compliance there but I think it's  
23 relatively common that that's a practice that's -- that's  
24 happening now.

25           CHAIRMAN DURHAM: Okay. And with digital



1 badging, that's something that -- that the department  
2 doesn't have any control over anything to do, but to your  
3 knowledge is digital badging controlled by -- by the  
4 student or the parent in some fashion in the past. So I  
5 wanted something an employer or prospective employer to  
6 know something, I would tell them. Now it may be  
7 available (inaudible) that a certain list of  
8 qualifications that I've met that may or -- may or may  
9 not be relevant to a job application that somehow slipped  
10 through. How big a problem is that?

11 UNIDENTIFIED VOICE: Well I'm not an expert  
12 on digital badges so I'll put that out there now. But to  
13 my knowledge the systems that we've looked at it's  
14 totally up to the parent and the student, what data  
15 actually goes into that system. So it's up to that --  
16 that individual what information to -- to put into the  
17 system and then goes on the digital badge. I personally  
18 would be far more worried about employers looking at  
19 what's on someone's Facebook page than in a digital  
20 badge. But that -- like I said I'm not a -- an expert in  
21 digital badges because we don't have anything to do with  
22 them. I -- their goal is really to provide a way to sort  
23 of let others know about the -- the non-tangible  
24 qualities that a student might have not just the grades  
25 they -- they get in school that might be on a transcript.



1 It's a little more of the -- the softer skills as another  
2 way to display their -- their strengths. But all the  
3 ones I've researched or looked at they've all been very  
4 much what the parent and what the student wants to put in  
5 the system.

6 CHAIRMAN DURHAM: Yes, Dr. Schroeder.

7 MS. SCHROEDER: I just have one more  
8 question. You clarified for us what our responsibility  
9 is (inaudible). Are there specifics of what is the  
10 responsibilities of a school board member as it relates  
11 to this (inaudible) question? What are the questions  
12 they need to be asking and ascertain?

13 UNIDENTIFIED VOICE: Its very similar to  
14 yours.

15 UNIDENTIFIED VOICE: (inaudible)

16 MS. SCHROEDER: Yes. I mean local school  
17 board members.

18 UNIDENTIFIED VOICE: Yes. It's very similar  
19 to your responsibilities in that the public can identify  
20 if they see -- if they got evidence of a material breach  
21 that a -- vendor has committed that results in some kind  
22 of a data incident. They could -- they will take it to  
23 their local school board so they would go through a very  
24 similar project -- process that we laid out for you. So  
25 -- so those are -- that's an area where they need to



1 understand it. And I think just in general they need to  
2 understand the -- the overall issue, you know I'm -- you  
3 -- we've been talking to you guys about for a while  
4 that's not necessarily true of all the local school  
5 boards. So that's one of the pieces that we're adding  
6 into our training.

7 MS. SCHROEDER: Do they have to add policies  
8 or -- or review policies to ensure that they are certain  
9 policies?

10 UNIDENTIFIED VOICE: They have to put in  
11 place a material breach, vendor breach policy, as -- as  
12 you will. There is also a need to manage the parent  
13 complaint process because that is a process that the  
14 local boards only have. It's not something that you  
15 have. But I think aside from the breach process, there  
16 isn't any other official policies that they need to get  
17 involved with.

18 CHAIRMAN DURHAM: Further questions? Thank  
19 you very much. I appreciate it.

20 UNIDENTIFIED VOICE: Thanks.

21 MS. SCHEFFEL: Mr. Chair?

22 CHAIRMAN DURHAM: Yes, I'm sorry. Dr.  
23 Scheffel?

24 MS. SCHEFFEL: Did you say that we write  
25 rules for this law? Is that right? Is there like a





1 deadline for that?

2 UNIDENTIFIED VOICE: 2018. It's -- it's the  
3 deadline for the entire implementation, so there's  
4 nothing soon.

5 CHAIRMAN DURHAM: Okay. Thank you. And  
6 we'll proceed to item 11, post research evaluation  
7 process. We don't change the names to protect the  
8 innocent, I see.

9 UNIDENTIFIED VOICE: No, we're back.

10 CHAIRMAN DURHAM: Oh yes, do we have any  
11 motion?

12 UNIDENTIFIED VOICE: I wanted to, you know,  
13 really make use of their drive down here.

14 CHAIRMAN DURHAM: Yes, I know I went down  
15 there.

16 UNIDENTIFIED VOICE: Just give them all the  
17 presentations over here.

18 CHAIRMAN DURHAM: "Never waste a trip," is  
19 our motto.

20 UNIDENTIFIED VOICE: Drive down or drive up,  
21 or both?

22 UNIDENTIFIED VOICE: Maybe over.

23 CHAIRMAN DURHAM: Drive over.

24 UNIDENTIFIED VOICE: Drive over.

25 MS. CORDIAL: Mr. Chair?



1 CHAIRMAN DURHAM: Yes.

2 MS. CORDIAL: Before the next presentation  
3 begins, I've gotten a couple of e-mails just to remind  
4 and encourage Board Members to speak into their  
5 microphones and turn them on. People that are listening  
6 online can't hear you.

7 UNIDENTIFIED VOICE: Yeah. We won't name  
8 names here to protect the guilty.

9 CHAIRMAN DURHAM: Because we have to name  
10 all the names probably.

11 UNIDENTIFIED VOICE: I don't know. So I'd  
12 like to make a motion, if I may?

13 CHAIRMAN DURHAM: Okay. Please.

14 UNIDENTIFIED VOICE: I'd like to move to  
15 approve the provided process for reviewing research  
16 requests for personally identifiable information.

17 CHAIRMAN DURHAM: Okay. Second to that  
18 motion? Yes, Dr. Flores.

19 MS. FLORES: I second.

20 CHAIRMAN DURHAM: Okay. It's been moved and  
21 seconded, and now we'll have the discussion on action, or  
22 the presentation on action item 11.

23 UNIDENTIFIED VOICE: Okay. So one of the --  
24 one of the responsibilities that you have starts right  
25 now, and that would be to approve the process that CDE



1 would use. I moved my head. I know, I'm sorry. I'll  
2 try to do this. It's my fault. It's not that. So I'll  
3 start over. One of your responsibilities is to approve  
4 the process that CDE uses when we get requests for PII  
5 data for research purposes. So I'm trying not to look  
6 around without because it moves my mic. So as an  
7 example, we'll get several requests, probably a month for  
8 researchers that are interested in Colorado data for  
9 doing particular research projects. Some of those are  
10 researchers that we've actually been working with to do a  
11 project that -- that directly relates to some business  
12 that we're doing.

13 Others are maybe another organization that  
14 is doing generally, you know, national research on  
15 something, and they want Colorado data. So there's a  
16 number of different reasons that we would get these kinds  
17 of request. And over the last year or so, it's really  
18 slowed down, and we basically said, "No, we can't do it."  
19 because we've been sorting through all this, and what's  
20 appropriate to share what's not, what you're comfortable  
21 with, what they're doing with it, all that.

22 So we've spent a lot of time working through  
23 what we can -- how we can allow the right research to go  
24 forward without also allowing other research to happen or  
25 releasing data in inappropriate ways so that it gets used



1 for something we don't need it to be used for or don't  
2 want it to be used for, or the parents don't want it to  
3 be used for. So the Bill specifically states that the  
4 State Board will approve the process we used to do that  
5 so that you have some level of comfort that we're  
6 following a reasonable process of asking the right  
7 questions when people ask for the data, and that we're  
8 protecting it adequately.

9 So that's what we want to talk about today.  
10 And it does state, the law does state that you guys need  
11 to approve this so that's why we were asking for your  
12 approval of it. So we'll walk through that, and we'll  
13 try to keep it at a fairly high level, but drill us down  
14 if you have more questions. I want to make sure that  
15 you're comfortable with it. So Jill, take it away.

16 MS. STACEY: So up here is the actual  
17 legislative requirement, but we already discussed that,  
18 so I'll move on to the first slide. This is outlining  
19 our roles and responsibilities for various team members  
20 or groups. I just want to highlight again the State  
21 Board will have the responsibility of approving the  
22 review process. And I also want to point out that we are  
23 putting together a research approval panel, which will be  
24 the primary people who review and approve any research  
25 requests.



1                   And this will be made up of various  
2 different stakeholders within CDE, people who are  
3 familiar with the researcher, people who are familiar  
4 with the data and how the data should and can be used,  
5 and also representatives from privacy, representatives  
6 from security, in order to make sure that all questions  
7 are being asked of any research that is being proposed.  
8 In terms of what questions we are going to be asking as  
9 part of this review process, it kind of fit into about  
10 three different major buckets.

11                   The first one is, does it comply with law,  
12 and does it comply with available policies and  
13 procedures? We also want to ask if the research is  
14 valid, if the methodology is sound, if we agree with the  
15 need to actually use PII for the research, as opposed to  
16 giving them the identified or aggregate data. And then,  
17 the third is we want to ask and ascertain if this  
18 research is of particular value to Colorado because  
19 that's primary in allowing for any research to move  
20 forward. So this slide, it goes into the specific  
21 process we are proposing. It'll start obviously with the  
22 research. It'll go through the approval process of both  
23 the Research Approval Panel and the Commissioner.

24                   If for example, either one of those groups  
25 does not approve the research, it is kicked out of the



1 process and does not move forward. We have also included  
2 a step after that approval to notify you of the research  
3 so that you are looped in on what we are deciding. We  
4 also will then put in place a data sharing agreement as  
5 required by the law to make sure that all the law's  
6 requirements are reflected in those specific contracts.  
7 And then, we have specific steps after the research is  
8 completed to A, gain all that research for our use,  
9 knowing that it should be of benefit to us, and also to  
10 ensure that all data is destroyed at the end of the  
11 research. So we'll make sure that that happens as well.  
12 And that is it.

13 CHAIRMAN DURHAM: Questions from -- yes, Ms.  
14 Mazanec?

15 MS. MAZANEC: Research Approval Panel, who's  
16 that? Is that within CDE?

17 MS. STACEY: Yes. Yeah. We've had  
18 discussions in the past about the fact that CDE used to  
19 have an IRB, the official one.

20 MS. MAZANEC: Is this new or is this  
21 something that has existed?

22 MS. STACEY: This will be new.

23 MS. MAZANEC: Oh, it will be new.

24 MS. STACEY: The IRB was disbanded because  
25 we're not a research entity, like a university. So it



1 doesn't really apply to us but we do need to have some  
2 group of people that are consistently reviewing the  
3 research requests we get, so that they can compare it.  
4 They know -- they're asking the same questions and it  
5 sort of fulfills a similar role but it's not exactly the  
6 same. What we do require from an IRB perspective, is  
7 that any research that comes forward to us has already  
8 been approved by a university's IRB. So we look to -- to  
9 make sure that they come with approval from an IRB. And  
10 that our group will look at all the questions that were  
11 listed up there is the methodology sound is it a benefit  
12 to Colorado or is it in compliance with laws, is the  
13 security, those kinds of things. So this is our way of  
14 having an internal review panel that can basically get  
15 these requests and weigh in on whether it's reasonable to  
16 move forward or not.

17 MS. MAZANEC: Of course, the IRB, that's  
18 already been provided, is being provided by the  
19 university that wants to do the research?

20 MS. STACEY: Yes. Yes.

21 MS. MAZANEC: I'm wondering what it'll look  
22 like that we'll be notified of the research. Will we --  
23 we'll we get like an email and at least summary of the  
24 research where we could ask for more detailed information  
25 that peaks our interest or peaks our concern?



1 MS. STACEY: Right. I -- I mean, I was sort  
2 of visualizing just maybe a summary, one page to alert  
3 you of what it's about. You know, this is the research  
4 you know, we've gone through these steps, this is the  
5 benefit. Sort of just a summary of how those questions  
6 were answered. And if it's something that you guys want  
7 more details on, then we can bring it forward to you at a  
8 meeting or however you would like.

9 MS. MAZANEC: Thank you.

10 CHAIRMAN DURHAM: Yes. Dr. Scheffel?

11 MS. SCHEFFEL: So I would say this is a good  
12 start, but it doesn't feel like a very rigorous process  
13 to me and just having been done a lot of IRB work and  
14 others on this board have problem, too. But I don't have  
15 a clear sense of why something would be turned down and  
16 it just seems like a nice outline, but I guess I wouldn't  
17 feel good about it because it's not detailed enough to  
18 know why research would be accepted, why it would be  
19 turned away. And I'm thinking back to the Virginia  
20 Research Project that we were partnering with and some of  
21 the calls I got from folks who's had kids in charters, I  
22 mean, it just felt like there were conflicts of interest  
23 with that relationship. I don't know that anyone could  
24 have anticipated that, or at least the perception of  
25 that. But this just you know, looks like an outline, but





1 I don't really know. Like I said, it's way too vague  
2 when you compare it to typical protocols for research.

3 MS. STACEY: Yeah. And I put this slide  
4 back up because several of these questions are yes or no  
5 questions. And if we receive a no answer in any way to  
6 them, we will automatically kick out the research. Does  
7 the research comply with CDE policy? Does it comply with  
8 law? Do we have the resources? Do we have the data?  
9 Does the researcher have IRB approval? Any one of these  
10 if they are given a no answer, and that could be from any  
11 member of the review panel or the commissioner, that  
12 would automatically kick out the research. And we do  
13 look at the contents of the IRB approval to ensure that  
14 the questions that we would have concerns about are also  
15 represented in what they reviewed. Sometimes, they don't  
16 necessarily go into detail on how the data is being used,  
17 so we have actually worked with IRB panels to ensure that  
18 they have asked questions related to how data will be  
19 used in order to ensure that the researcher will protect  
20 that information as well.

21 MS. SCHEFFEL: So there's hardly any  
22 emphasis on human subjects here except the fact that the  
23 research proposals go into the university's IRB.

24 MS. STACEY: Yes.

25 MS. SCHEFFEL: But that doesn't mean the



1 concerns of that entity are not the same concerns that we  
2 have. That would be one missing piece I think is pretty  
3 important. I mean, if parents want to be able to take  
4 their child out of any research project, they should be  
5 able to. They shouldn't have to have their child as part  
6 of a catchment for data, and it shouldn't be a default  
7 that because CDE thinks that this will be helpful that  
8 kids' data could be in the in the subject pool. So I  
9 mean, I don't see that included either.

10 MS. STACEY: And I think part of the  
11 challenge with something like that is for the most part  
12 the research is done with unidentifiable data. So the  
13 only area that you would actually have that kind of a  
14 concern would be is if it is identifiable, and the vast  
15 majority of it will not be. So we would look at the IRB  
16 question, s and as Jill said, we would look at what they  
17 went through, review that, and then we would take a look  
18 at it with our panel. And the people that are gonna be  
19 on our panel are gonna be people that are on the  
20 program's side. It's not gonna be the two of us. I  
21 mean, we'll be there probably, but we're not the ones  
22 that are familiar with the content of the research.

23 So we'll have the program experts, and  
24 they'll be able to look at how it's being used, and what  
25 questions were asked, and whether we need to ask more.



1 The challenge we got in documenting it is sort of  
2 dependent on the particular research. What kind of  
3 questions we would want to ask so we can- One way I would  
4 think of that we might be able to do this is to maybe  
5 walk through our research requests and documented as we  
6 do it, and put that kind of detail in it, and let you  
7 take a look at that and see if that helps to satisfy the  
8 questions, because we would have more details in that  
9 particular case, you think that would be more helpful?

10 MS. SCHEFFEL: Yeah. I just think this is a  
11 pretty important issue. And I think that it's great to  
12 have this initial presentation, but I think we should  
13 look deeply at what would be accepted, what would not,  
14 why not, how do parents have input. There's just a lot  
15 of detail behind these and, you know, people love to get  
16 data as you know. I mean, State Departments are a  
17 goldmine of data. And so, I think having really clear  
18 guidelines in place is so important because the data  
19 doesn't belong to CDE, it belongs to the students and  
20 parents.

21 CHAIRMAN DURHAM: Yes, Ms. -- Goff and then  
22 Dr. Schroeder.

23 MS. GOFF: Dr. Schroeder was -- oh go ahead.

24 UNIDENTIFIED VOICE: Oh, Dr. Schroeder, go  
25 ahead. Either way.



1 MS, SCHROEDER: Thank you.

2 CHAIRMAN DURHAM: Okay.

3 MS. SCHROEDER: Is the research of a  
4 sensitive nature I -- I find that -- a challenging  
5 question and I would think that for whether whomever the  
6 makeup is of a review panel or whatever, I -- I guess I'm  
7 sure you've thought about that but I'll be interested to  
8 know is there a rubric for that, is there -- is there any  
9 kind of general guideline about determining that? It's a  
10 sensitive nature everything about -- everything is  
11 pretty sensitive. So especially in our current education  
12 context there's a lot of sensitivity.

13 MS. BOHANNON: Uh-huh.

14 MS. SCHROEDER: So how does that if -- if  
15 anyone that might be answered by no can be eliminated,  
16 how -- what if it that's the question? The answer to  
17 that would be yes, I think (inaudible) I don't know what  
18 -- what the thinking is on that question. That one --  
19 that one probably gives me more pause than anything else  
20 about this topic right now.

21 MS. BOHANNON: Yeah and it is very open.  
22 It's a very broad question. And we sort of intended it  
23 to be that way because as you mentioned there is a lot of  
24 sensitivity. We would look at things like what data  
25 elements are going to be asked. What is the motivation



1 of the researcher? What are they trying to prove? And  
2 is that something that we might not want to explore in  
3 great detail. There's a lot of different things that can  
4 go in there and it is a somewhat subjective category but  
5 we do want to make sure that we are asking at least the  
6 question of is there anything that would give us pause in  
7 terms of proving the research.

8 MS. SCHROEDER: Or if there is something  
9 like that -- that what additional -- what additional  
10 controls do we need to put in place or is it just -- if  
11 it's that sensitive we just say no, you know so there's -  
12 - there's different degrees of and -- and you're right  
13 that's going to be -- that going to be at the basis of  
14 the hard, you know the hard decisions really.

15 UNIDENTIFIED VOICE: Well basically and I  
16 think this is what you said in the beginning is that all  
17 12 of those really need to be integrated. Because there  
18 is -- there's a positive attribute in each one of those  
19 questions --

20 MS. SCHROEDER: Uh-huh. Yeah.

21 UNIDENTIFIED VOICE: -- or not. That's why  
22 when you say one of them can be answered with no and  
23 their chances are cut dramatically, not completely gone.  
24 So that one question I would think would have to relate  
25 to, you know as a positive reason to go ahead.



1 MS. SCHROEDER: Uh-huh. Yeah.

2 MS. BOHANNON: Right, yeah. And -- and not  
3 every single one of them is black and white, yes or no.  
4 The ones that I highlighted at the top are -- but some of  
5 them are a little bit more subjective and we would weigh  
6 the benefit of the research versus the risk of the  
7 research in order to determine if we do feel like it's  
8 worth any sensitivity or it has a significant benefit or  
9 if it's not.

10 MS. FLORES: May I just add something?

11 CHAIRMAN DURHAM: Yes, Dr. Flores.

12 MS. FLORES: I think that, you know we have  
13 a significant number of second language learners in our  
14 state. And there is a really there's a chasm there. I'm  
15 not a chasm but there's just not enough research ab --  
16 about second language learners that we do need to -- to  
17 help. And so if there was a project dealing with how  
18 they learn better or how they -- I -- I think that would  
19 be a very, very important. I mean we'd have to look at  
20 other things of course but that's an area I think that is  
21 significant. And where there's very little research and  
22 we do need research in that area. So if we in the state  
23 can -- and if we have highly talented researchers that  
24 are looking in that area I don't think we -- we should  
25 not think about stifling such productive research that is



1 so much needed in the area.

2 MS. STACEY: Yeah, I agree. And as Marcia  
3 mentioned, we have a methods of approving research but  
4 putting constraints around it in order to remove the risk  
5 and still allow the benefit. So there's a number of ways  
6 we can move forward of the risk -- riskier research and  
7 mitigate some of those risks.

8 CHAIRMAN DURHAM: Dr. Schroeder.

9 MS. SCHROEDER: So I've got three questions,  
10 comments. My comment I think would be that it seems to  
11 me in listening to my colleagues that we would appreciate  
12 some examples.

13 UNIDENTIFIED VOICE: Okay. Uh-huh.

14 MS. SCHROEDER: I think that would be very,  
15 very helpful for having a deeper understanding since most  
16 of us are not researchers. We may have done one serious  
17 research project and it got us through but we're not  
18 professional researchers anymore.

19 UNIDENTIFIED VOICE: (inaudible)

20 MS. SCHROEDER: This is for folks who come  
21 to CDE for data. It does not apply to a researcher going  
22 to districts and getting data; is that correct?

23 MS. BOHANNON: That's correct.

24 MS. STACEY: That's correct.

25 MS. SCHROEDER: So we don't really have any



1 oversight in that. And that's an avenue that can be used  
2 by a researcher who fails our -- our test. I just want  
3 to be clear on that. And then finally, I could be wrong  
4 but I think there are organizations out there that do  
5 research that are not universities. Am I right? I mean  
6 I'm thinking about Augenblick, whatever the name is  
7 today. And I'm not sure they actually do research, they  
8 do at the -- I know they do at the district level so  
9 maybe they don't do state but I'm just sure there are  
10 other organizations and they don't have an IRB or do  
11 they?

12 MS. BOHANNON: Not necessarily but they  
13 could go to a university IRB.

14 MS, SCHROEDER: Could we ask them to do  
15 that?

16 MS. BOHANNON: Yes.

17 MS, SCHROEDER: Okay.

18 MS. FLORES: (inaudible) students?

19 UNIDENTIFIED VOICE: Well there any  
20 (inaudible) and master students -- university --

21 MS, SCHROEDER: Believe me, they do have to  
22 go through an IRB.

23 MS. FLORES: Many times they ask very  
24 interesting questions in their research.

25 MS, SCHROEDER: Yeah. And then sometimes





1 they don't. And so I -- I like your questions because I  
2 think you can throw out the, gee I just want to know  
3 about this versus this is something that's really going  
4 to make a difference and get lots of what do they do  
5 that, get lots of hits on their dissertation later on  
6 because they've discovered something of merit. Thank  
7 you.

8 MS. BOHANNON: Right.

9 CHAIRMAN DURHAM: Further questions. I  
10 think we'll take this off the table. There's been some  
11 requests for additional information. But let me add one  
12 request. This board regardless of who has -- if this is  
13 a sole responsibility, the Department Board will take  
14 heat for things that don't go right. And I don't know,  
15 I'd like to see at least a part of our approval that  
16 ultimately this request comes to the board for approval.

17 Just as the last Stanford request did, I  
18 think that discussion was a good discussion. The vote  
19 was not unanimous which is perfectly fine and I think we  
20 all learned fro -- and that way the Board knows what  
21 they're getting into and what they're responsible for.  
22 And it comes -- so come for the -- before the board for  
23 approval with the staff recommendation. At least  
24 consider I don't know if there's any interest in that but  
25 add -- add that as an addendum and see how everybody



1 reacts to it down the road. Further questions? Thank  
2 you very much.

3 UNIDENTIFIED VOICE: Thank you.

4 CHAIRMAN DURHAM: Appreciate it.

5 UNIDENTIFIED VOICE: Thank you.

6 CHAIRMAN DURHAM: Okay. We are now at item  
7 12.02, Rulemaking for accountability for alternative  
8 education campus. And Dr. Anthes will instruct that.

9 MS. ANTHERS: Thank you, Mr. Chair. Yes,  
10 this is just a rulemaking process I'll turn it over to  
11 Associate Commissioner Allyson Pearson.

12 CHAIRMAN DURHAM: Thank you.

13 MS. PEARSON: Good morning you all. Is that  
14 on?

15 CHAIRMAN DURHAM: Yes.

16 MS. PEARSON: Okay. So this is just a  
17 rulemaking process. We're just doing the notice of  
18 rulemaking today around the Alternative Education  
19 Campuses. It's coming out of House Bill 16-14-29. That  
20 bill suggested some change or required some changes to  
21 the definition of what makes students eligible to be high  
22 risk students for qualification for Alternative Education  
23 Campuses. There is a listed statute of what those  
24 requirements are. So they've added some definitions and  
25 clarification around that.



1                   In addition the bill also changed the 95  
2                   percent requirement of high risk students down to 90  
3                   percent. That came out of a work group that was  
4                   legislated in 2015. They met last summer into December.  
5                   The final report was done in December and some of those  
6                   recommendations from that report were to make these  
7                   changes to the definition of high risk and to change from  
8                   95 percent down to 90. So all that's in the rules right  
9                   now is just purely aligning the rules with what's in  
10                  statute. We've gone through, we realized after we did all  
11                  this and handed it to you that because the criteria for  
12                  high risk is exactly what's in statute, we could probably  
13                  repeal it and just say see statute instead of having it  
14                  repeated in rule. Right now we've had it in rule. I  
15                  think we'd look to you all if you have any preference for  
16                  having it again in your State Board Rule or just to take  
17                  it out. But this is just very clean just aligning the  
18                  statute, so --

19                  UNIDENTIFIED VOICE: Well, that's  
20                  interesting.

21                  CHAIRMAN DURHAM: Members, any questions?

22                  UNIDENTIFIED VOICE: I have just a comment.  
23                  I mean it's a good reminder we -- we've just finished  
24                  discussing the federal accountability rule -- proposed  
25                  rules --



1 MS. PEARSON: Exactly. Yes, exactly.

2 UNIDENTIFIED VOICE: And we're seeing --  
3 we're not -- we were not complimenting them on the repeat  
4 of statutory language in the rules. So --

5 MS. PEARSON: Yes.

6 UNIDENTIFIED VOICE: -- in the interest of  
7 our own consistency, I suppose we should --

8 MS. PEARSON: Yes.

9 UNIDENTIFIED VOICE: -- consider that for  
10 this particular rulemaking.

11 MS. PEARSON: That's exactly what triggered  
12 it for me. There's part of those rules that we  
13 absolutely do need to keep around what the -- what the  
14 requirements are around the accountability frameworks for  
15 AECs. That's something that you all are asked to do in  
16 law is to put rules into place around those -- the  
17 framework criteria. So we still have rules around this  
18 we just want -- would propose or we could propose taking  
19 out the part that is directly copied over from statute.  
20 And then just says refer back to statute so that's not how  
21 it's written up in your draft because we realized it  
22 afterwards, so --

23 MS. SCHROEDER: I'm kinda flummoxed about  
24 that.

25 MS. PEARSON: I know. I -- I just wanted to



1 put on the table for you all.

2 CHAIRMAN DURHAM: Ms. Mazanec.

3 MS. MAZANEC: This is a really -- this is  
4 it's peaked my interest so the -- the lowering to 90  
5 percent, what kind of impact might that have?

6 MS. PEARSON: Yeah. So this year -- we had  
7 three more schools that had applied that didn't meet the  
8 95 percent criteria but we're above 90. So we you all  
9 with the consent agenda, we recommended approval of that.

10 UNIDENTIFIED VOICE: How many kids are we  
11 talking about?

12 MS. PEARSON: That's a good question. I can  
13 look up how many kids were in those three schools. I  
14 think in the future we'll get more schools applying  
15 because I think you know that legislation didn't pass  
16 until the end of session. Our applications are due in  
17 the summer so I think in the future there may be other  
18 schools that will apply now that they know it's down at  
19 90 percent not at 95 percent. We actually got some  
20 fiscal note for that. We had a half on FTE that came  
21 through because we expect to have more schools that need  
22 assistance. We haven't had any dedicated staff at CDE  
23 that's been funded to help with Alternative Education  
24 campuses so we've been kind of you know, everybody does a  
25 little bit and fills in as we can. And we're really



1 excited to be able to offer more support and services to  
2 the AECs with us now.

3 MS. BOHANNON: Well I think it's in our pack  
4 -- we have information on the cost of that FTE, right?

5 MS. PEARSON: I don't know if it's in your  
6 packet from today. It came through with --

7 UNIDENTIFIED VOICE: What is it legislative?  
8 What kind of cost are we talking about?

9 MS. PEARSON: It was like \$43,000 dollars.  
10 It might be a little bit more than that. I can get you  
11 the exact number. We'll get how many students and that's  
12 renew.

13 UNIDENTIFIED VOICE: And there's something  
14 here on the --

15 CHAIRMAN DURHAM: Dr. Flores is first.

16 UNIDENTIFIED VOICE: All right. Thank you.

17 MS. FLORES: Could you just give us a  
18 definition of -- of -- give us the definition of high  
19 risk in this case? I mean we have --

20 MS. PEARSON: Yeah.

21 UNIDENTIFIED VOICE: It's a big long list in  
22 the rules. It's a big long list in the rule.

23 MS. FLORES: Right. But some examples,  
24 please.

25 MS. PEARSON: Some examples. Okay. So if



1 you -- in your rule copy and I can just go walk through  
2 to it. In 2.04, so as a student that's been committed to  
3 the Department of Human Services following adjudication  
4 as a juvenile delinquent. A student who has dropped out  
5 of school. A student has been expelled or -- or from  
6 school or engaged in behavior that would justify  
7 expulsion. So it's not our traditional at risk in terms  
8 of low income, it's really the high risk students that  
9 the traditional setting of school is not working with.

10 MS. FLORES: And that also includes the new  
11 definition by ESSA which is by the military, military  
12 children and children who are adopted or?

13 MS. PEARSON: Military is not included in  
14 this definition. I think ESSA has military has a -- or  
15 students whose families are in the armed services is that  
16 disaggregated group they want to see the reporting for  
17 those students but they haven't defined them as high  
18 risk. They just want to make sure that information is  
19 transparent.

20 MS. FLORES: And kids who don't have parents  
21 --

22 MS. PEARSON: Yeah. This is definitely kids  
23 that are in foster homes --

24 MS. FLORES: Foster home. Thank you.

25 MS. PEARSON: -- that's in here, absolutely.



1 MS. FLORES: Thank you.

2 CHAIRMAN DURHAM: Yes, Dr. Schroeder.

3 MS, SCHROEDER: So give me the pros and cons  
4 of whether we don't have rules. I mean I don't like to  
5 read laws so -- but -- but I mean in terms of the school  
6 districts --

7 MS. PEARSON: In terms of school districts?

8 MS. SCHROEDER: -- would they prefer not to  
9 have the rules, to the rules --

10 MS. PEARSON: I think we could get --

11 MS, SCHROEDER: -- It sounds like --

12 MS. PEARSON: -- yeah.

13 MS. SCHROEDER: -- they don't add anything?

14 MS. PEARSON: Well this section of the rules  
15 is just a straight copy from statute. So it's a question  
16 of do you want it all in one place in the rules again as  
17 well as in the law or can you just say refer back to the  
18 law. And we can ask that during public comment. So  
19 we're just noticing it today so during the next few  
20 months, we can get feedback on is it helpful to have it  
21 all in one place or are people just they want law -- the  
22 rules streamlined like we were requesting with the ESSA  
23 and we could take it out there.

24 MS. SCHROEDER: Yeah. I think I'd rather  
25 hear from --





1 MS. PEARSON: So we can just ask feedback  
2 for it.

3 MS, SCHROEDER: -- hear from district staff  
4 as to what makes it easier for them to keep up.

5 MS. PEARSON: Okay.

6 MS. SCHROEDER: And then could you remind me  
7 really briefly the different accountability expectations  
8 for the alternative schools.

9 MS. PEARSON: Yeah. So the Alternative  
10 Education Campus frameworks are slightly different. They  
11 have achievement measures in there and growth measures  
12 and Postsecondary Workforce Readiness measures. There  
13 are also student engagement measures looking at  
14 attendance and truancy. So that's always been there.  
15 And then the Postsecondary Workforce Readiness measures,  
16 we look at the completion rate instead of the graduation  
17 rate. They can use both if they want but its completion  
18 rate first because that includes the GED students.

19 Additionally, the expectations on the common  
20 measures that we have across both like on CMAS and on  
21 grad rate and on growth, they are adjusted. Their norm,  
22 you know how we all -- we spent all that time talking  
23 about norming the targets for school industry performance  
24 frameworks. The AEC would have been norms against AEC  
25 schools. So there's pros and cons to doing that but it's



1 really we -- the part of the impetus I think for having  
2 the AEC framework was so that you can differentiate the  
3 AECs and really understand which ones are serving those  
4 students or the students are getting -- performing higher  
5 than others getting a relative.

6 MS. SCHROEDER: So going back to the  
7 comments that we heard from Luke about parents using the  
8 data --

9 MS. PEARSON: Yes.

10 MS, SCHROEDER: -- they need the caveat --

11 MS. PEARSON: Yes.

12 MS, SCHROEDER: -- that the comparisons, you  
13 know --

14 MS. PEARSON: are different, yes.

15 MS, SCHROEDER: -- they need to know which  
16 schools are alternative education campuses.

17 MS. PEARSON: Campuses. Yeah. And so we  
18 put up both -- data sets so all the AEC schools have a  
19 framework on the regular framework. So you could see how  
20 they're doing on the regular framework so it's all  
21 transparent. But then we also post alternative campus  
22 frameworks so you can see on that adjusted framework  
23 that's more tailored to the needs of the students and the  
24 purpose and mission of those schools you can see the  
25 performance there. And I -- Luke's not here anymore, is



1 he? I'm not sure, I can't remember which data set they  
2 used on color school grades because they take the main  
3 file of ours which is the -- the traditional. And I --  
4 I'll go look it up and see --

5 MS, SCHROEDER: Okay.

6 MS. PEARSON: -- what they might do in  
7 there.

8 MS, SCHROEDER: It might be helpful just to  
9 have a greater understanding.

10 MS. PEARSON: Yeah.

11 MS. SCHROEDER: At a parent community level.

12 CHAIRMAN DURHAM: Ms. Rankin is first. Ms.  
13 Rankin and then Dr. Scheffel.

14 MS. RANKIN: I -- I'm trying to look this up  
15 but I'm not quick enough on 16-1429, was there a fiscal  
16 note to that? And I'm concerned about lowering from 95  
17 to 90 percent if it's gonna include more of a fiscal note  
18 on the state and on the education budget.

19 MS. PEARSON: So yes there was a half an FTE  
20 that came through.

21 MS. RANKIN: That's all. I mean, there  
22 wasn't anymore.

23 MS. PEARSON: That was all, it's just a half  
24 FTE.

25 MS. RANKIN: Okay.



1 MS. PEARSON: We have staff all over the  
2 department that are working so hard on AEC work and we  
3 have no funding for it. So this at least was finally a  
4 way that we could -- we've heard a lot from the AECs  
5 about how they feel like we don't give them enough  
6 attention and support for what they need. So --

7 MS. RANKIN: That's why was wondering if  
8 this is gonna explode.

9 MS. PEARSON: This is the way that we can  
10 finally -- we -- we are expecting to have a lot more need  
11 coming from schools, now that are gonna qualify as AECs.

12 MS. RANKIN: That's -- uh-hmm.

13 MS. PEARSON: The frameworks are very  
14 personal and a lot of ways they can -- they can choose  
15 local measures to include. It's kind of a -- you have  
16 your state measures and then they can submit local data  
17 for achievement and for growth and for student engagement  
18 work.

19 MS. RANKIN: So a lot more flexibility.

20 MS. PEARSON: So there's a lot of work on  
21 our part, because we have to basically do these by hand  
22 and vet them and audit them and review and so, we just  
23 know that there's gonna -- and schools need the help in  
24 understanding what measures are useful and what are  
25 meaningful and what the data means to them. So it's a



1 lot of time that we've been trying to help. You all  
2 probably I've heard complaints from us that -- are from  
3 the field that we don't get the frameworks out to them  
4 until later and that's because we don't have staff that  
5 are set aside to do the AECs. So we have to get all the  
6 school ones out and then we go and do the AEC frameworks  
7 and the districts and the schools don't appreciate that  
8 and its understandable, we just don't have the capacity.  
9 So we're hoping with the new FTE, we'll be able to get a  
10 little bit more timely reports. Probably not this year  
11 because we just have the position posted right now but --

12 MS. RANKIN: Thank you.

13 MS. PEARSON: Thanks.

14 CHAIRMAN DURHAM: Yes, Dr. Scheffel.

15 MS. SCHEFFEL: So just to clarify does this  
16 proposal then -- is this the right implication that it  
17 actually reduces the percentage of students that have to  
18 be identified as either high risk or IEP within a school  
19 that's identified as an AEC from 95 to 90. So 90 percent  
20 of the students that go to the school, have to be  
21 identified based on your criteria.

22 MS. PEARSON: Yes.

23 MS. SCHEFFEL: It's either a high risk or on  
24 an IEP.

25 MS. PEARSON: Exactly.



1 MS. SCHEFFEL: And that renders the school  
2 eligible, for different accreditation criteria, than if  
3 they were not an AEC school.

4 MS. PEARSON: For different accountability  
5 criteria.

6 MS. SCHEFFEL: Right. So then the question  
7 is, does that mean that we would have more AECs because -  
8 -

9 MS. PEARSON: Yes.

10 MS. SCHEFFEL: -- but we might have fewer  
11 students?

12 MS. PEARSON: No, but --

13 MS. SCHEFFEL: Because other students are  
14 filling the slots. To mean that -- is how many slots do  
15 we have for students that meet that criteria. So  
16 lowering the threshold would that mean that we would --  
17 we might end up serving fewer students that would  
18 qualify, who -- who are high risk and IEP?

19 MS. PEARSON: I think -- yeah.

20 MS. SCHEFFEL: We might have more schools  
21 for them or not?

22 MS. PEARSON: I think we'll probably have  
23 more schools that qualify as AEC's, there may be a  
24 smaller percentage of students in the schools, that have  
25 reported AEC high-risk conditions. I think a lot of what



1 we heard from the workgroup was, kids, come to these  
2 schools when they're in a hard place, right? And it's  
3 sometimes hard to figure out the exact documentation, to  
4 know that this kid fits in this field or this kid fits in  
5 this field and they want to spend their time on serving  
6 kids, and not trying to do other documentation. So  
7 dropping from 90 to- from 95 down to 90, allows them to  
8 spend their attention, more on instruction and services  
9 for students, than trying to track down all the  
10 documentation, to ensure their on AEC. Does make sense?

11 MS. SCHEFFEL: So the people that want this  
12 would say, we have students that really could benefit  
13 from being in these kinds of schools.

14 MS. PEARSON: Yes.

15 MS. SCHEFFEL: We may not be able to dot  
16 every "I" and cross every "T" but they really do meet  
17 these criteria.

18 MS. PEARSON: I think that's generally --

19 MS. SCHEFFEL: They wanna serve more  
20 students.

21 MS. PEARSON: That's generally --

22 MS. SCHEFFEL: And people who don't want  
23 this would say, you're gonna have more schools that are  
24 then subject to a different set of criteria for  
25 accreditation.



1 MS. PEARSON: Yes. Exactly.

2 MS. SCHEFFEL: So you might be watering down  
3 the accreditation process because more schools fit into  
4 this buckets, right?

5 MS. PEARSON: Exactly.

6 MS. SCHEFFEL: Thank you.

7 CHAIRMAN DURHAM: Further questions or  
8 discussions. Yes, Ms. Goff.

9 MS. GOFF: Just a comment. Demographics  
10 impacted this kinds of --

11 UNIDENTIFIED VOICE: Microphones.

12 MS. GOFF: I'm so sorry. We're all so bad  
13 today. Demographics, the rising rate of homeless kids  
14 and the changing demographics all the time, around foster  
15 kids, have -- that has got to impact what schools  
16 capacity.

17 MS. PEARSON: Absolutely.

18 MS. GOFF: Can be and has to be. So I'm not  
19 surprised, I'm trying to understand the conflict that I'm  
20 sure people in the public and in some districts are  
21 having about. It's just the right thing to be doing. So  
22 messaging it as to whether or not, it comes across as a  
23 deliberate attempt to ease up on high standards or create  
24 some sort of situation for certain groups of kids, that  
25 isn't fair or balanced or warranted, that -- that would





1 be a challenge for all of us. How do you -- how do you  
2 communicate this, so, that it's -- it's understandable  
3 and yet straightforward with high standards.

4 MS. PEARSON: And that's the hard thing  
5 about the AEC trademark. I think you go back and forth,  
6 cause you know those schools are working on so many  
7 different challenges. You go and visit them and the work  
8 they need to do to get kids ready to learn first like  
9 just to get kids in the door and in a state of mind where  
10 they can learn, it's a tremendous amount of work. And  
11 so, it's -- and -- but we also know that there's regular  
12 traditional high schools, that have a lot of kids coming  
13 in like that.

14 Different districts make different decisions  
15 about whether they wanna have an AEC in their district or  
16 whether they have a program within their high school or  
17 just serve kids through their high school. So I think  
18 it's a debate lots of- we have in terms of policy and the  
19 districts have in terms of the best way to serve kids and  
20 meet their needs. But the AECs I've visited and talked  
21 to, they -- they know that because of the environment  
22 they have, they been able to be a little more holistic  
23 and looking at the needs of students. So --

24 CHAIRMAN DURHAM: Yes -- yes.

25 MS. GOFF: A question for Dr. Anthes, again,



1 more of a comment. I recall that the -- around the  
2 formation of the subcommittee that there was a -- there  
3 was -- at some point, there was a designated rep for  
4 alternative education campuses, how it came, how it has  
5 been published. The member of that committee is listed  
6 by school. So I've had a couple not more than a handful.  
7 Why is that charter school --

8 MS. ANTHES: Okay.

9 MS. GOFF: -- why does that charter school  
10 have a separate representative? And I've said, well, my  
11 understanding is that person represents the -- the full  
12 breadth of our alternative Ed program. Which by this  
13 conversation alone, paints a lot broader more accurate  
14 picture of what's involved with the alternative Eds. So  
15 I'm just -- put that in our member card about how to  
16 communicate, what else going on around, all of these  
17 roles.

18 MS. ANTHES: Board Member Goff, I -- I think  
19 we could actually change that. As I thought about that,  
20 when we had the hub committee on Monday, that actually  
21 even like, Stand for Children, actually represents  
22 children advocacy groups. Not necessarily just their  
23 organization. And so, the AEC representative doesn't  
24 necessarily represent just that charter but is, in fact,  
25 a participant in that community. And so, can speak to



1 those issues. So maybe it's a way that we label the hub  
2 committee membership in terms of the stakeholders they  
3 represent.

4 CHAIRMAN DURHAM: Further questions?

5 MS. GOFF: Thank you.

6 CHAIRMAN DURHAM: We would regardless of  
7 whether we think we need new rules, the old rule is  
8 inconsistent with the statutes so we would need to repeal  
9 that. So it would probably be appropriate to proceed  
10 with the notice of rulemaking and then depending on the  
11 feedback we get, we could make a decision simply repeal  
12 existing or repeal and replace. Is there motion? Dr.  
13 Schroeder.

14 MS. SCHROEDER: I move to approve the notice  
15 of rulemaking for Sections 2.04 and 3.01 FII of 1CRS 301-  
16 57 rules, for the administration of accountability for  
17 alternative education campuses.

18 CHAIRMAN DURHAM: Is there a second to that  
19 motion? Has been seconded by Ms. Goff. Is there  
20 objection to the adoption of that motion? Seeing none  
21 the motion for proposed rulemaking is adopted by a vote  
22 of seven to nothing. Thank you very much. You've been  
23 appreciated.

24 UNIDENTIFIED VOICE: When will you get that  
25 feedback?



1 MS. PEARSON: Bizy, help me. We've got --  
2 there's two months that we post after notice it goes out  
3 for two months for feedback and then we do our rulemaking  
4 hearing.

5 UNIDENTIFIED VOICE: Um-hmm.

6 MS. PEARSON: So we do it in October.

7 UNIDENTIFIED VOICE: That gives you time to  
8 get to --

9 MS. PEARSON: We'll get that feedback and  
10 then we'll bring to you what we hear from the feedback be  
11 there repeal and refer to statue or try and keep it in  
12 here.

13 UNIDENTIFIED VOICE: Okay, thank you.

14 CHAIRMAN DURHAM: Okay, all right. The next  
15 item is the executive session and lunch but we are about  
16 to -- we're ahead of schedule or not?

17 MS. BURDSALL: We are a little ahead  
18 schedule.

19 CHAIRMAN DURHAM: We are, so would we like  
20 to see if there's anything on the afternoon agenda that  
21 could be accelerated without providing too much upset to  
22 -- yes.

23 MS. BURDSALL: Mr. Chair, a couple of  
24 suggestions would be, the -- the other notice of  
25 rulemaking says that school district want our



1 transportation rules --

2 CHAIRMAN DURHAM: Oh, yes.

3 MS. BURDSALL: -- that we could quickly do  
4 as well as, the waiver of statute and rule and get all  
5 the notice of rulemakings out the way.

6 CHAIRMAN DURHAM: Okay, what --

7 MS. RANKIN: What are the sections?

8 CHAIRMAN DURHAM: What are those items  
9 numbers?

10 MS. BURDSALL: 17.03 and four are the  
11 transportation rules and then waiver of statute in rule  
12 is 18.12.

13 CHAIRMAN DURHAM: And these are just notice  
14 of rulemaking for those?

15 MS. BURDSALL: Yes, that's correct.

16 CHAIRMAN DURHAM: What did we do last month?  
17 Well, we did temporary rules.

18 MS. BURDSALL: Emergency rules, yes.

19 CHAIRMAN DURHAM: We did emergency rules.

20 MS. BURDSALL: So we can't. So the --

21 CHAIRMAN DURHAM: Okay. So let's go to  
22 17.03 and four Notice of Proposed rulemaking.

23 MS. BURDSALL: Do you like the motion, sir?

24 CHAIRMAN DURHAM: Yes, please. So do we  
25 need one motion or two one on each, probably, right?



1 MS. BURDSALL: Two.

2 CHAIRMAN DURHAM: Let's start with the  
3 motion on 17 --

4 MS. BURDSALL: 03.

5 CHAIRMAN DURHAM: -- 03.

6 UNIDENTIFIED VOICE: Page 20, if you're  
7 looking for it.

8 CHAIRMAN DURHAM: I'm having in trouble,  
9 that's all right.

10 MS. SCHROEDER: Mr. Chair, I move to approve  
11 the notice of rulemaking for the repeal of the rules, for  
12 the annual inspection and preventative maintenance of  
13 school transportation vehicles 1 CRS 301-29.

14 CHAIRMAN DURHAM: Is there a second to that  
15 motion?

16 MS. MAZANEC: I second.

17 CHAIRMAN DURHAM: Ms. Mazanec has second,  
18 has been moved and seconded as objection to the adoption  
19 of the motion for those rulemaking on that topic? Seeing  
20 none that motion is declared adopted. Now we're on to  
21 17.04.

22 MS. SCHROEDER: Mr. Chair, I move to approve  
23 the notice of rulemaking for the rules for the operation  
24 of school transportation vehicles 1 CCR 301-26.

25 UNIDENTIFIED VOICE: I second it.



1 CHAIRMAN DURHAM: Has been moved and  
2 seconded, that most of rulemaking for the rules for the  
3 operation transportation of school transportation  
4 vehicles be approved. Is there objection to the adoption  
5 of that motion? That motion is also concurred adopted by  
6 a vote of seven to nothing and then we'll proceed with  
7 the rulemaking hearing in October. Okay, thank you. All  
8 right, so those two are done, what's the next one?

9 UNIDENTIFIED VOICE: 18.

10 MS. BURDSALL: 18.12.

11 CHAIRMAN DURHAM: 18.12 which would be known  
12 as the rulemaking for the administration of waiver  
13 statute and rule. Okay.

14 UNIDENTIFIED VOICE: Ready?

15 UNIDENTIFIED VOICE: 18.04?

16 MS. BURDSALL: No. 18.12.

17 CHAIRMAN DURHAM: 18 -- 18.12.

18 UNIDENTIFIED VOICE: 18.12, okay.

19 UNIDENTIFIED VOICE: So did you already  
20 move?

21 UNIDENTIFIED VOICE: No. I'm getting ready.

22 CHAIRMAN DURHAM: Oh, okay.

23 CHAIRMAN DURHAM: Yes. Ms. (inaudible) Are  
24 you in charge of this? Yes, please.

25 MS. SCHROEDER: You want me to make the



1 motion?

2 CHAIRMAN DURHAM: Yes, please.

3 MS. SCHROEDER: I move to approve the notice  
4 of rulemaking for sections 2.06, 3.01, and 4.07 of 1 CCR  
5 301-35, rules for the administration of the waiver of  
6 statute and rule.

7 CHAIRMAN DURHAM: Is there a second to that  
8 motion?

9 MS. MAZANEC: I second.

10 CHAIRMAN DURHAM: Yes, Ms. Mazanec seconds.  
11 Any comments or questions about this particular notice of  
12 rule making? Do you -- do you have a presentation you'd  
13 like to make? Just a quick briefing this is -- no  
14 nothing there?

15 UNIDENTIFIED VOICE: I mean, I'm happy to  
16 give a briefing, if it's helpful.

17 CHAIRMAN DURHAM: Give us the nickel version  
18 of --

19 UNIDENTIFIED VOICE: Great.

20 CHAIRMAN DURHAM: -- it, please.

21 UNIDENTIFIED VOICE: So this is a  
22 legislative legal services request and there's two  
23 changes that are both technical updates. One was  
24 prompted and missing. That was -- it was also written  
25 statute, it was a statutory change and the other was





1 prompted by House Bill 161422 from the last session.

2 MS. MAZANEC: So this is just technical --

3 UNIDENTIFIED VOICE: Technical, I'll fix it.

4 CHAIRMAN DURHAM: Okay. All right, it's  
5 been moved and seconded that we issue notice of  
6 rulemaking for administration waivers statutes. Is there  
7 objection to the adoption of that motion? Saying none,  
8 that motion is declared adopted by a vote of seven to  
9 nothing. Okay, the any other suggestion -- we are  
10 remarkably efficient today.

11 UNIDENTIFIED VOICE: We are on a role, this  
12 is wonderful.

13 UNIDENTIFIED VOICE: How about 20?

14 CHAIRMAN DURHAM: Don't get used to it.

15 MS. BURDSALL: Yeah, great idea. Yeah.

16 That 20 --

17 CHAIRMAN DURHAM: Item 20.

18 MS. BURDSALL: 2017 proposed meeting dates.

19 CHAIRMAN DURHAM: Girls meeting date. Okay.  
20 Item 23.

21 UNIDENTIFIED VOICE: She gave us a new one  
22 this morning, right?

23 MS. BURDSALL: We did. We -- we have --

24 CHAIRMAN DURHAM: Yeah, lost it. It's not  
25 me.



1 MS. SCHROEDER: You're very efficient in  
2 terms of running the meeting.

3 CHAIRMAN DURHAM: Yeah.

4 MS. SCHROEDER: Right here, I'm not sure.

5 CHAIRMAN DURHAM: We can't keep practicing  
6 the darn thing, is what you're saying yes. Good  
7 observation.

8 UNIDENTIFIED VOICE: Actually, this gave us  
9 one --

10 MS. BURDSALL: It -- we only made -- since -  
11 - since we posted and proposed, sent you the original  
12 proposed dates. There's been a request to possibly,  
13 instead of originally- so originally we had the August  
14 board meeting date scheduled for the 9th and 10th. The  
15 two weeks in, but it has- there has been a request to  
16 move it back a week to the 17th and 18th, which I've  
17 checked it hasn't, it wouldn't affect any -- any due  
18 date, you know, have any negative effect, in terms of due  
19 dates or stuff getting materials ready. But the purpose  
20 of this would be for the CMAS release that would allow  
21 you a week, potentially a week to get those results  
22 before the Board meeting rather than the day. So that's  
23 really the main reason for wanting to push it back into  
24 the third week of August.

25 MS. SCHROEDER: I think its a really good



1 idea.

2 MS. BURDSALL: Okay.

3 MS. SCHROEDER: Since I was trying to read  
4 the stuff in the car yesterday.

5 MS. BURDSALL: Yeah, but otherwise all of  
6 the dates are the same. They're all the second, third --  
7 second Wednesday, Thursday of each month. And don't have  
8 conflicts with any other conferences or other  
9 organizations.

10 MS. SCHROEDER: That we know of.

11 MS. BURDSALL: That we know of. There's a -  
12 - there's always that.

13 MS. SCHROEDER: Uh-huh.

14 MS. BURDSALL: Yeah.

15 CHAIRMAN DURHAM: Always the unknown. Okay,  
16 so do you need a -- do you need us to simply approve  
17 those?

18 MS. BURDSALL: They'll be on the agenda next  
19 month for approval.

20 CHAIRMAN DURHAM: So that's just  
21 information.

22 MS. BURDSALL: Yeah. And just to give you  
23 time to look and make sure that works with your calendar  
24 and see if there are any conflicts. A conflict we ran  
25 into last year was Ash Wednesday. That's being avoided



1 this coming -- upcoming year. So that's exciting. And  
2 any other holidays where other state agencies are closed  
3 and CDE is opened, we don't run into that this time  
4 either.

5 CHAIRMAN DURHAM: Okay, all right. Any --  
6 any comments or questions on the date. All right, seeing  
7 none.

8 ALL: No.

9 CHAIRMAN DURHAM: All right. Do we wish to  
10 do item 22 since we're still dramatically ahead of  
11 schedule?

12 CHAIRMAN DURHAM: We have a Board -- board  
13 members report on -- on the upcoming activities --

14 MS. SCHROEDER: Sure.

15 CHAIRMAN DURHAM: -- or previous activities.

16 MS. SCHROEDER: Sure.

17 CHAIRMAN DURHAM: Why don't we do that  
18 because that's usually everybody is tired and end of the  
19 meeting doesn't pay much attention to that?

20 UNIDENTIFIED VOICE: We're cranky, that's  
21 what --

22 CHAIRMAN DURHAM: Maybe appropriate. So you  
23 wanna start Ms. Mazanec? With any past or future  
24 upcoming activities.

25 MS. MAZANEC: I'm sorry, I don't have



1 anything -- I don't have anything that comes to mind.

2 UNIDENTIFIED VOICE: Well, it was supposed  
3 to be vacation. So it was supposed to be about our  
4 vacation time. So --

5 MS. MAZANEC: That's right.

6 UNIDENTIFIED VOICE: So I think that's  
7 pretty fair.

8 MS. MAZANEC: If I come up with something  
9 I'll add it at the end.

10 CHAIRMAN DURHAM: Okay. Yes. Okay.  
11 Anybody else? To start, yes.

12 MS. MAZANEC: If you would like to know all  
13 the parades I've been a part of. And also this summer  
14 I've been to the dentist.

15 MS. SCHROEDER: So my question is how many  
16 horses did you march? How many horses did you march  
17 behind? That's been kind of my favorite.

18 MS. MAZANEC: No, I haven't had to do that.  
19 Horses I haven't had to march behind. I would have  
20 mentioned the opening of the school here in Grand  
21 Junction which I'm really pleased to see the advancement  
22 of the look of schools. I mean it really is keeping up  
23 with the times. But Commissioner Anthes talked about  
24 that and I was there with her. But other than that it's  
25 been a very, very busy summer, it will continue to be so.



1 CHAIRMAN DURHAM: Great. Ms. Goff.

2 MS. GOFF: Well, I haven't been traveling  
3 very much except for family activities. So this is a  
4 summer of weddings of the next generation. So I'm  
5 spending a lot of summer -- my summer time looking at not  
6 only my nieces and nephews but thinking -- it's thinking  
7 ahead to their children. And it's hard not to think  
8 about that when you lived the life that we do. But those  
9 who are recently married looking to start their families  
10 and those who have been married for a while with  
11 preschool age and younger kids nowadays. So it's given  
12 me a chance to have some different kinds of conversations  
13 with people in my family.

14 And that's always -- that always good. I've  
15 had the -- the pleasure of listening to a couple of  
16 Webinars. Some centered on ESSA implementation, others  
17 more specific to kid and student issues such as health  
18 and nutrition. So some of the thinking that will  
19 probably come out in our conversation around healthy  
20 beverages is being repeated then in lots of different  
21 ways across the country. And I know that Colorado has  
22 been looked toward for models and examples of how to get  
23 the policies in line and off the ground as -- as we  
24 continue to be called for various reasons on so many  
25 topics. So that's it basically. Looking forward to



1 school starting in my area and most of it's next week. I  
2 know teachers are back this week so I spend time to see  
3 them start up again.

4 CHAIRMAN DURHAM: I hate to see summer end.  
5 Yes, Dr. Scheffel. Yeah and Dr. Flores will be next.

6 MS. SCHEFFEL: You know just a lot of panels  
7 and discussions with the public. I've had a great summer  
8 just making a lot of great connections with the public in  
9 my district. So it's been very gratifying.

10 CHAIRMAN DURHAM: Okay. Dr. Flores.

11 MS. FLORES: I've been working on ESSA and  
12 (inaudible) that are going to participate in that group.  
13 So I think those were great choices of people. Thank  
14 you.

15 CHAIRMAN DURHAM: Dr. Schroeder.

16 MS. SCHROEDER: Well in addition to some  
17 pretty wonderful family time that I've had this summer, I  
18 did attend the case conference which is the best part for  
19 me is an opportunity to in a casual way get to speak to a  
20 lot of my superintendents and their principals and their  
21 administrative staff. I hear maybe in a more comfortable  
22 environment some of their successes and some of their  
23 concerns. I attended a couple, I had time to attend a  
24 couple of sessions, and they were both about the teacher  
25 pipeline which is the concern about teacher shortages in



1 some parts of our State.

2 Not necessarily only the rural areas but  
3 then also pretty promising program in Colorado. It's in  
4 DPS and a couple of other districts that presently escape  
5 me that is like the Teacher Cadet Program but it is more  
6 focused on encouraging students of Color to go into  
7 teaching. And we had some really good discussions in  
8 those particular meetings. The finding is that -- that  
9 young people decide to go into teaching in middle school  
10 which really suggests that our Teacher Cadet Program  
11 could move to a different level.

12 The other discussions that we've had is that  
13 there isn't actually a teacher shortage if we were to  
14 keep more of that 50 percent of the new teachers that  
15 leave in the first three years. So there were some  
16 really thoughtful discussions. Some serious concerns on  
17 how do we do all this given our environment. But I was  
18 very, very pleased. I also had an opportunity -- had an  
19 opportunity to have a brief discussion with one of my  
20 superintendents Frank Reeves from West Grand because I  
21 had planned to tried to on my way, this way to visit some  
22 of my rural districts it just seemed efficient. It was  
23 inefficient because most of the folks just aren't back  
24 yet.

25 And so I will hopefully in nice weather I





1 will make a pass later on this month or early next month.  
2 But what Mr. Reeves told me is that he's planning to  
3 invite his Legislators as well as State Board Members and  
4 as soon as he has chosen a date, he's asked me to notify  
5 all of you because he would love to have other Board  
6 Members as well come up to West Grand. The last time I  
7 was up that way I think it was East Grand I was visiting  
8 for a Board meeting in the evening. We had the snow  
9 storm from you know where and I barely got home so I'm  
10 not going to push it this year. I'm gonna get there  
11 early but I really think the Case Conference has that  
12 opportunity that is a whole lot easier than corresponding  
13 by email for those long distance school districts. Thank  
14 you.

15 CHAIRMAN DURHAM: Doctor Flores.

16 MS. FLORES: Just one addition. I did talk  
17 with the superintendent who attended and who was very  
18 concerned about just the lack of money that was talked  
19 about at the conference. And lack of money for  
20 especially some of these rural districts that are really  
21 hurting that mines have closed and other businesses have  
22 left. And so you know it was- he said it was very bleak  
23 because of you know all those issues.

24 UNIDENTIFIED VOICE: Mr. Chair can I make a  
25 quick comment? I just want to say that I went to that



1 same conference just for a day. But Katie did a great  
2 job I think of addressing the group at lunch. Did a nice  
3 job and I think people really appreciated the tone and  
4 the content and just all that went on there. So thanks  
5 to Katie. Great job.

6 CHAIRMAN DURHAM: Thank you. And then any  
7 other comments? I'll close and I did spend three weeks  
8 in Buffalo New York which the only attraction there would  
9 be a three year old granddaughter and my daughter. Yeah,  
10 you know. Have to focus. I have to focus. Yeah. And  
11 the viewing of pictures is obligatory on the part of  
12 staff so that will occur later. Also I attended two  
13 conferences, a number of the other Board members were at  
14 first which I think was Education Commission of States in  
15 Washington. And -- and I think it's -- its fair to say  
16 and I've thought about this but as a practical matter, as  
17 a public statement, it was a very disappointing meeting.  
18 And I think others can speak for themselves.

19 It was disappointing in a couple of ways.  
20 One it was I thought poorly organized and not  
21 particularly well managed. Two, the content was for the  
22 most part weak. I would say more than for the most part  
23 it was generally -- generally weak content. And finally,  
24 just on a personal thing, and I'm probably the only one  
25 who gets annoyed by the behavior of participants but I



1 was particularly annoyed by the behavior of a number of  
2 the participants in that conference. So I was  
3 fictionally annoyed. I was going to come back and  
4 suggest we not -- if we fund them, we ought to stop. But  
5 I think we ought to at least take some hard look at what  
6 we are anticipating or what we get from our money from  
7 Education Commission of States. Because of that  
8 conferences that I don't find it to be a particularly  
9 good investment.

10                   Secondly, I did attend the ALECC, American  
11 Legislative Exchange Conference Convention in  
12 Indianapolis. And it was, I guess some of the most they  
13 cover a number of topics but on the education front, I  
14 was absolutely taken by the conflict now going on between  
15 in the school choice movement between what standards  
16 should be and are charter schools and alternative schools  
17 an opportunity for experimentation which by definition  
18 you will have some failures and some poor performances  
19 and is that to be tolerated on a going forward basis, or  
20 are those types of schools to be held to a sufficiently  
21 higher standards than we hold public, other public  
22 schools. And watching that played out was very  
23 enlightening and I think we see a lot of it in some of  
24 the policy considerations that we see in front of us  
25 here. Because at least I've always viewed charter



1 private and alternative schools as -- as in some ways  
2 experimental.

3 And -- and it's perhaps, I've always said  
4 the most important element of capitalism is bankruptcy  
5 because you know, what doesn't work and it fails. But  
6 you know, you do have children involved in these failures  
7 and you have to balance that risk. It was a very  
8 interesting debate and discussion and one that I suspect  
9 we'll see more of as this Board moves forward on that  
10 variety of issues. So and Dr. Schroeder would like to  
11 take pass at the Education Commission of the States.

12 MS. SCHROEDER: Mr. Chair can I just comment  
13 in one of your questions. You did ask us to do a review,  
14 if we do not pay fees to the Education Commission of the  
15 States, just so you know that. And if -- if you are all  
16 done with your reports, Ms. Pearson does have the answers  
17 to AEC questions if you want to get that done.

18 CHAIRMAN DURHAM: Okay. But first, Dr.  
19 Schroeder.

20 MS. SCHROEDER: So four of us attended the  
21 ECS conference and it certainly was not my favorite.  
22 They've all not been high level. One of the risks that  
23 they take is that they bring in very often legislators  
24 and policy makers from around the country. I found it  
25 interesting that they had none from Colorado despite the



1 fact that not only are they housed in Colorado but we are  
2 seen as being a very innovative State doing all sorts of  
3 things and yet none of our folks were invited. My  
4 impression was and I think they got off to a really  
5 difficult start because they wanted to answer all the  
6 questions around ESSA and-

7 UNIDENTIFIED VOICE: And they answered none.

8 MS. SCHROEDER: Well, folks answered  
9 questions of what they think it's going to be and they  
10 were so far -- so far off the mark. It was really clear  
11 that they had not had very good help but a legislator who  
12 is also a charter school teacher at the same time is  
13 probably kind of busy and probably just listened or saw  
14 an article somewhere and was just woefully misinformed.  
15 There were parts of it later on. Especially again the  
16 teacher shortage, teacher preps, some of the other areas  
17 where ACS has been a bit stronger in the past. I thought  
18 it was very -- very helpful.

19 Linda Darling Hammond gave a presentation  
20 that made -- made me want to go back and look a little  
21 more carefully about where we're going with the  
22 challenges we have in teachers. The other important fact  
23 that was pointed out is that despite the fact that our  
24 districts are challenged in finding staff, it's nowhere  
25 as bad as it was about five or six years ago. In fact as



1 the shortage is about half what it used to be. So this  
2 is not- probably not the end of the world. But it's  
3 certainly something to start paying some attention to.

4 CHAIRMAN DURHAM: Doctor Flores.

5 MS. FLORES: Just one thing. I thought that  
6 a real handicap for that conference, one of the things  
7 you want to do is you want to talk to these people. I  
8 would have liked to have talked to Linda Darling Hammond  
9 but she wasn't there. I mean she presented Online. And  
10 these people didn't stick around to talk to people like  
11 us who you know, had questions about what was going on.  
12 And unless you talk a really strong effort and knew those  
13 people, you weren't going to get anything. In fact I  
14 think we should ask for our \$750 back that we had to pay  
15 for that conference. That's how you know, I thought it  
16 was one of the worst conferences I've ever been to. And  
17 money was not- you know, it was wasted. Thank you.

18 CHAIRMAN DURHAM: Thank you. And now Dr.  
19 Anthes, you wanted to proceed to --

20 MS. ANTHES: Does Ms. Pearson have some  
21 answers to your AEC questions. She looked it up.

22 CHAIRMAN DURHAM: Okay.

23 MS. PEARSON: Okay. So thank you Chairman.  
24 The three AECs that were below 95 percent but above 90  
25 percent have 798 students in them total from last year.



1 We also had three new AECs that were different schools  
2 that got approved for the first time, they have 392  
3 students in them, but they were above the 95 percent.  
4 The AEC FTE was \$43,896 dollars is what we received for  
5 that. And Colorado school grades, they do not include  
6 the AECs on there.

7 They just take them out. They actually --  
8 I'm glad you asked because they had an incorrect  
9 statement about how we do AEC accountability in Colorado.  
10 So Luke's already written me back. We're getting that  
11 cleared up. But they just -- they just take them out of  
12 the dataset and don't have them included in. So you  
13 can't find any of them on there. So, that's what they  
14 chose to do. Yeah. That's true. Yup. We've got all of  
15 that information on our Website so you can always go and  
16 look up the traditional and alternative frameworks. But  
17 it's not in their format. So thanks.

18 CHAIRMAN DURHAM: Thank you. Any other  
19 questions or business before we go into executive  
20 session?

21 UNIDENTIFIED VOICE: Or we can do 17.01 I  
22 think because I know that person is not here.

23 CHAIRMAN DURHAM: 17.01. What's 17.01?

24 MS. BURDSALL: Oh that was approved on the  
25 consent agenda.



1 CHAIRMAN DURHAM: We moved that to consent.  
2 Right. So all done.

3 MS. MAZANEC: Okay. Mr. Chair.

4 CHAIRMAN DURHAM: Yes.

5 MS. MAZANEC: The person that was selected  
6 gave me a statement to read and could I do that now?

7 CHAIRMAN DURHAM: Please.

8 MS. MAZANEC: Ladies and gentlemen of the  
9 State Board, I've asked Joyce Rankin to read this on my  
10 behalf because of a longstanding vacation plan and  
11 otherwise I would have attended in person. This is from  
12 Roger Good from Steamboat. I wish to express my  
13 appreciation for your support in appointing me to this  
14 role. I believe the Capitol Construction Assistant Board  
15 provides a valuable role in supporting the educational  
16 infrastructure in Colorado. I look forward to working  
17 with the State Board in this role as well as a member of  
18 the local school Board. Thanks for the respect and  
19 confidence in supporting me for this role, signed Roger  
20 Good.

21 CHAIRMAN DURHAM: Thank you very much for  
22 sharing. Would you like to put us into executive session  
23 Ms. Cordial, please. Yeah we will. When we go into  
24 executive session, we'll give everybody a chance to leave  
25 and we'll do that. Okay.





1 MS. CORDIAL: An executive session has been  
2 noticed for today's State Board meeting in conformance  
3 with, 24-6-402(3)(a) CRS to receive legal advice on  
4 specific questions pursuant to 24-6-402(3)(a)(II) serious  
5 in matters required to be kept confidential by Federal  
6 Law or rules or State statute pursuant to 24-6-  
7 402(3)(a)(III) CRS.

8 CHAIRMAN DURHAM: Okay. So do we need a  
9 motion for that or no?

10 MS. CORDIAL: Yes.

11 CHAIRMAN DURHAM: Yeah, we do need it. Is  
12 there a second to the motion (inaudible). Is there an  
13 objection to the adoption of that motion? Seeing none  
14 that motions is adopted unanimously and we will stand in  
15 recess for 10 minutes before we start the executive  
16 session. Okay.

17 (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 October, 2018.

/s/ Kimberly C. McCright  
Kimberly C. McCright  
Certified Vendor and Notary Public

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