



Colorado State Board of Education

**TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO**

January 26, 2017 Meeting Transcript - PART 1

BE IT REMEMBERED THAT on January 26, 2017,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board Members:

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



1 MADAM CHAIR: Good morning, folks. The State
2 Board will come to order. Ms. Cordial, would you please call
3 the roll?

4 MS. CORDIAL: Board Member Durham.

5 MADAM CHAIR: He will be here shortly. He's
6 excused until 10:00 o'clock.

7 MS. CORDIAL: Thank you. Board Member
8 Flores.

9 MS. FLORES: Here.

10 MS. CORDIAL: Board Member Goff.

11 MS. GOFF: Here.

12 MS. CORDIAL: Board Member Mazanec.

13 MS. MAZANEC: Here.

14 MS. CORDIAL: Board Member McClellan.

15 MS. MCCLELLAN: Here.

16 MS. CORDIAL: Board Member Rankin.

17 MS. RANKIN: Here.

18 MS. CORDIAL: Board Member Schroeder.

19 MADAM CHAIR: Here. The first item on our
20 agenda is consideration of the final 2016 school plan types.
21 Commissioner?

22 UNIDENTIFIED VOICE: Yes, thank you, Madam
23 Chair. I will turn this over to Alyssa Pearson, Brenda
24 Bautsch and Jessica Knevels.

25 UNIDENTIFIED VOICE: Thank you. Good



1 morning, you all. You ready for an extra fun board meeting
2 today?

3 MADAM CHAIR: We are ready and excited.

4 UNIDENTIFIED VOICE: Good. So are we. So
5 what we're doing today for this section of the board meeting
6 is going over the 2016 school plan types and CDE's
7 recommended plan types for you all to vote on today. We're
8 going to spend a little time giving you background and
9 overview on the process. We'll talk through the request to
10 reconsider process and how we landed at these final ratings
11 -- or recommendations for ratings. We'll go through kind of
12 the summary of based on our recommendations what the results
13 look like. And then I -- we'll spend a little time updating
14 you on the accountability clock and the next steps. Do you
15 guys need help finding stuff or -- did we make it more -- I
16 know we made it more confusing to you.

17 MADAM CHAIR: I think, we've -- do we have
18 our staff?

19 UNIDENTIFIED VOICE: Yeah, I think we're
20 fine.

21 UNIDENTIFIED VOICE: Okay. Okay. So just the
22 background on why we're doing this and why we're here. The
23 Educational Accountability Act of 2009 requires an annual
24 review of district and school performance. Districts receive
25 a district performance framework that determines their



1 accreditation rating. We did that back in December and
2 shared those with you then. Schools receive a school
3 performance framework which determines their school plan
4 type. That's what we're talking about today.

5 For districts, the commissioner decides upon
6 those final accreditation ratings. Districts on priority
7 improvement or turnaround can appeal those decisions to you
8 all. For schools, the department makes the recommendation to
9 you all and you vote on those school plan types and then
10 there's no appeal process after that. But as you know, we do
11 the request to reconsider process before we even bring these
12 recommendations to you. So purpose of the accountability
13 frameworks and what we're doing here.

14 For districts and schools we want to provide
15 a statewide comparison of student performance that
16 highlights areas of success in our state and areas where
17 schools are -- we can improve both statewide and individual
18 schools and districts that we can help support. We really
19 want to learn from those that are doing well and succeeding
20 with different groups of students and then help and support
21 those that are struggling. And kind of put out our support
22 systems accordingly; it helps us prioritize.

23 And again, also, we really look at the
24 performance framework as a way of describing student
25 performance. They're not about describing what adults are



1 doing in buildings or in districts or how hard people are
2 working, it's really describing the performance of students
3 in those systems so that we know which students are
4 struggling the most in which places. So you all have seen
5 this before, but it's a little more complicated this year,
6 so I want to spend a little time on the school plan types.
7 So the green performance plan, yellow improvement plan,
8 orange priority improvement plan and red turnaround plan;
9 those ratings are specified in state law. We have a few
10 cases with the gray where we have insufficient state data,
11 small tested population.

12 Those we resolve during the requests
13 reconsider process, we don't end up with those. You know, we
14 have some schools in the state where we start there and then
15 we work with them on their local data. Insufficient state
16 data, low participation is a new rating we added this year
17 to try and solve around the situation where we had so much
18 non-participation in schools and districts that we didn't
19 have any data that we could publicly report. So that on the
20 preliminary frameworks was given out.

21 We also through the request to reconsider
22 process had schools and districts ask for an insufficient
23 state data low participation rating. If the data that they
24 had in their school or district was not representative of
25 the entire population because of students not taking the



1 test. And so we'll talk about that a little bit more later.
2 But this is something that's new for this year, so I just
3 wanted to call it out.

4 Additionally, what you'll see on this final
5 school plan types is we have schools that have low
6 participation next to their plan type. So you may see a
7 performance plan-low participation. And that low
8 participation is just about interpretation of the report.
9 Our goal this year with the reports was to make sure that
10 users of them could really understand what the data was that
11 they were looking at.

12 And if there was low participation in the
13 school or the districts, we wanted to make sure we noted
14 that. So that low participation flag or descriptor gets
15 added when a school or district is below 95 percent
16 participation in two or more content areas. And that looks
17 at the actual participation rate. So parent excusal,
18 student, opt-out, whatever the reason is of -- is the -- a
19 student was a non-participant that's in that rate because
20 it's about the interpretation of the data in front of you.
21 For whatever reason a kid wasn't there, they weren't there,
22 and they weren't included in the results.

23 The decrease due to participation is
24 different though. That's where your board motion around not
25 holding schools and districts liable about parents'



1 decisions to opt their students out of testing comes into
2 place. So we calculated a separate participation rate that's
3 an accountability participation rate.

4 And in that calculation, we take the parent
5 excusals out of the denominator. So they're not included in
6 there. And that's what's used to decide whether a school or
7 district gets lowered a rating or not. So it's just the
8 first one is really about low participation but
9 interpretation of the data. And decrease due to
10 participation is really about the accountability impact of
11 not having students test. But remember, no parent excuses
12 are not being held liable that -- for them per your motion.

13 UNIDENTIFIED VOICE: I had a question.

14 UNIDENTIFIED VOICE: Yeah.

15 UNIDENTIFIED VOICE: That last one you said
16 the accountability.

17 UNIDENTIFIED VOICE: Yes.

18 UNIDENTIFIED VOICE: With low participation.

19 UNIDENTIFIED VOICE: Uh-huh.

20 UNIDENTIFIED VOICE: Is that in the light
21 gray in the papers we're going to look at or is that a
22 different -- should that be a different color or?

23 UNIDENTIFIED VOICE: The insufficient state
24 data low participation?

25 UNIDENTIFIED VOICE: Is that the one that you



1 take the students that have excused absences out?

2 UNIDENTIFIED VOICE: That's the one when we
3 just don't have enough data to say.

4 UNIDENTIFIED VOICE: That's what I thought.
5 So when you --

6 UNIDENTIFIED VOICE: Yep.

7 UNIDENTIFIED VOICE: -- take the excused out,
8 you get an accountability. Does that come under those
9 colors?

10 UNIDENTIFIED VOICE: Yes. So you may have a
11 school that earned the points for a performance plan. Say
12 they had half their kids decide to go skiing that day, not
13 parent excusal, this is a made-up example, but half the kids
14 decide "we're not going to take the test. We're going to go
15 skiing". Then the school will end up -- it'll say
16 improvement plan decrease due to participation. They'll have
17 been lowered one level because they're below the 95 percent
18 for reasons other than parent excusal. So does that make
19 sense?

20 UNIDENTIFIED VOICE: Much more.

21 UNIDENTIFIED VOICE: Okay.

22 Reasons other than parent excuse --

23 UNIDENTIFIED VOICE: Other than -- yes. So
24 nobody got that lowered decreased due to participation
25 rating because the parent excusal was removed from the



1 calculations.

2 UNIDENTIFIED VOICE: How many did have that
3 work --

4 UNIDENTIFIED VOICE: We'll get to it. But it
5 is to just remember the exact number it was about -- now the
6 lowered that decreased 31 schools. In the end we had a lot
7 of requests to reconsiders around that and we had a lot of
8 challenges with people coding and knowing where and how-to
9 code parent excusals last year, so there -- we'll get into
10 how many requests we had around that.

11 But there is -- there's a lot more in the
12 preliminary ratings; in the end there's 31 that got that.
13 So, this is a refresher. You all are probably sick of seeing
14 this slide at this point, but just a reminder of what goes
15 into the performance frameworks and the weights. Remember
16 those weights are what we all talked or almost all talked
17 about last June, and where you all decided to put the
18 weighting of the different indicators.

19 But we've got academic achievement measures
20 in there. That's the C mass English language, arts, math,
21 and science test. And that's overall for this aggregated
22 groups. We have academic growth for English language, arts,
23 and math and C mass. We don't have science growth because we
24 don't have the test in consecutive grades. We also have
25 English language proficiency growth, that's -- weights 60



1 percent for elementaries and middles, and 40 percent for
2 high schools. And for post-secondary workforce readiness, we
3 have graduation rates overall and disaggregated dropout
4 rates.

5 The average Colorado ECT composite score,
6 this year that I'll move to SET, and the matriculation rate,
7 and that's weighed 30 percent. So that's what goes into
8 these calculations into this preliminary calculations, and
9 then we do that the request to reconsider process that
10 people bring forward additional information to look at.

11 Okay. So I'm going to turn it over to Jessica
12 and then talk about the request to consider process. Before
13 she starts, I just want to say we had a -- we had more than
14 double the requests than we had in the past. It was a
15 tremendous amount of work. We had a ton of help from people
16 all across the department that we were so appreciative of.

17 People kind of put their work aside, came and
18 helped us reviewed. It was a huge project this year. So,
19 part of the reason why we are here at the end of January
20 instead of December when we usually do this is because just
21 the tremendous volume of what we had, and then going through
22 and checking for consistency across all of them and talking
23 with the districts about it. So, it was a big project.

24 We worked diligently to make sure it was --
25 we were consistent across the board. We're talking to some



1 districts with individual questions or feedback for us as
2 follow up. But I feel pretty confident that as we looked
3 across and went through that we did everything we could to
4 support the districts in helping them provide the best
5 evidence to show their performance as strongly as they can.
6 And that we really looked at the request consistently across
7 them. Jessica.

8 UNIDENTIFIED VOICE: Thanks Elisa. So, right
9 now, good morning everyone. I'll talk a little bit about the
10 recrossed reconsider process. First, I'll provide some
11 background. The request to reconsider process is a process
12 by which a district should participate in a different
13 accreditation rating or plan type assignment. Better
14 describes the district or school's performance.

15 The process begins after the release of the
16 preliminary district school and district performance
17 frameworks and ends with the district accreditation ratings.
18 And school plan types are confirmed by the commissioner
19 and/or the State Board of Education. The commissioner of the
20 Department of Education determines the accreditation ratings
21 for districts, and the State Board of Education determines
22 the school plan type ratings.

23 Today we'll be discussing the districts that
24 participated in the request to reconsider process, for
25 consideration of their school plan type ratings. So here is



1 a summary of the timeline as well as the request that we
2 received. Districts had until November 7th to submit
3 additional evidence for consideration of their preliminary
4 school plan type ratings for the request to reconsider
5 process.

6 Beginning in August and up till the deadline,
7 CDE offered office hours for districts twice per week to
8 receive technical assistance or any other support associated
9 with the request reconsider process. CDE offer -- also
10 offered a draft review process allowing districts to submit
11 a draft of their request to reconsider submission ahead of
12 time to receive detailed feedback from the department.

13 In the end, 46 districts submitted draft
14 requests for 119 schools, which was four times the amount of
15 drafts that we received in 2014 which is the last year we
16 had the request reconsider process. And then by November 7th
17 the department received a record-breaking number of
18 requests, more than double like I always mentioned the
19 number of requests we received. In total, 239 school
20 requests, which included 50 schools which then were
21 requested to lower the rating. Here are the considerations
22 for request to reconsider.

23 There are several. The most popular were in
24 regards to what we call a body of evidence, or in regards to
25 the participation rates, which Elisa got into a little bit



1 earlier. In regards to those districts or I should say
2 school plan types are affected by participation rate. Those
3 are corrected throughout the request to reconsider for the
4 most part. And I'll get into those a little bit in the next
5 slide.

6 So first I'll talk about the approvals and
7 the partial approvals. There were -- of the 239 requests,
8 179 were approved or partially approved. Which is about 75
9 percent of the total requests. So, the majority were
10 approved; 75 were based on the misquoting of the state
11 assessments in regards to those participation rates that
12 Elisa was talking about earlier, 30 were based on a body of
13 evidence, where a district could submit supplemental
14 evidence for the school plan type, 50 where a district
15 requested to lower the rating, 26 were based on a request
16 for insufficient seat data, low participation, and three
17 were for removal of WIDA access of the 2015 results which I
18 mentioned on the last slide -- which were shown on the last
19 slide I should say.

20 UNIDENTIFIED VOICE: Excuse me, did you say
21 50 requested to lower their rating?

22 UNIDENTIFIED VOICE: Yes.

23 UNIDENTIFIED VOICE: Denver Public School is
24 -- part of what's in state law is around the fact that the
25 state assigns a school plan types. We do not accredit



1 schools. And districts are required to have an accreditation
2 system for their schools that meets or exceeds the state
3 standard. And so Denver has a very robust school performance
4 framework of their own that they use with their schools. And
5 when their framework comes out with lower ratings for their
6 schools than what we have, then they come to us and request
7 to lower those schools so that they match up with their
8 system.

9 UNIDENTIFIED VOICE: Oh okay.

10 UNIDENTIFIED VOICE: And they've done this
11 every year since 2010. So this is very -- it's -- it's just
12 how their system works. And because they use a consistent
13 framework across their districts, it's not like they're
14 picking on one school or another. They have their
15 expectations for their school. We defer to those ratings for
16 them.

17 UNIDENTIFIED VOICE: (Indiscernible) want to
18 close schools. They've already closed 15. And so this is
19 like (indiscernible) innovation and then-

20 UNIDENTIFIED VOICE: If they do want to lower
21 or raise a rating up, they go through the regular request to
22 reconsider process, and we vet those through that.

23 UNIDENTIFIED VOICE: I was confused by that.

24 UNIDENTIFIED VOICE: Yeah, it's-

25 UNIDENTIFIED VOICE: Got it.



1 UNIDENTIFIED VOICE: It's a little tricky of
2 a situation.

3 UNIDENTIFIED VOICE: Thanks.

4 UNIDENTIFIED VOICE: Thanks, Elisa. As for
5 the requests that were not approved, there were 60 of them,
6 which is about 25 percent of the total number of requests;
7 33 were based on additional supplemental data that did not
8 support a higher rating after the department's review, 15
9 were based on misquoting of the state assessment in regards
10 to this participation calculations. So even after including
11 additional information for the participation rate, they
12 still were not able to get to 95 percent participation. And
13 then 14 were based on a request for insufficient state data.

14 UNIDENTIFIED VOICE: Well, can I ask about
15 two schools? May I ask about two schools?

16 UNIDENTIFIED VOICE: Sure.

17 UNIDENTIFIED VOICE: That's Lincoln and
18 Manual. And those two were -- I guess on Manual they didn't
19 consider the -- anything, I mean.

20 UNIDENTIFIED VOICE: So --

21 UNIDENTIFIED VOICE: Reconsider like for
22 instance, excuse for the testing and such. And I guess
23 Manual was the same way.

24 UNIDENTIFIED VOICE: So, Abraham Lincoln High
25 School was the district requested to lower their rating



1 based on the -- the local framework. And we approved, you
2 know, we approved their desire to have a higher standard for
3 their schools. For Manual High School, they asked -- they
4 were one of those decrease due to participation schools.

5 They asked to remove that because they said
6 we are six or seven kids away from meeting 95 percent, and
7 so we're close enough, and please raise our rating. That's
8 not what our criteria says about a reason why we can raise a
9 rating up or remove that. And so we just didn't have the
10 information, or they didn't submit that information to be
11 able to approve them.

12 UNIDENTIFIED VOICE: That's why --

13 UNIDENTIFIED VOICE: And I don't know if they
14 met the criteria either. So yeah.

15 UNIDENTIFIED VOICE: Madam Chair.

16 MADAM CHAIR: Yes.

17 UNIDENTIFIED VOICE: Quick question. Could
18 you explain that -- the 14 based on request for insufficient
19 sta -- you mean they requested that they be rated as
20 insufficient data?

21 UNIDENTIFIED VOICE: Yes. So, so, we had some
22 that we had recommended for approval.

23 UNIDENTIFIED VOICE: But they didn't -- they
24 weren't insufficient.

25 UNIDENTIFIED VOICE: They didn't come off as



1 insufficient in the beginning. We had, what was it, 26 that
2 were insufficient at the beginning.

3 UNIDENTIFIED VOICE: Uh-huh; 26 approved.

4 UNIDENTIFIED VOICE: Approve.

5 UNIDENTIFIED VOICE: Yeah.

6 UNIDENTIFIED VOICE: Then we had additional
7 schools that put in, and they said we got a rating, but we
8 don't think this represents us. And some of those had
9 participation rates in 11 percent or 40 percent or 50
10 percent. Others had -- there was a few that had
11 participation rates in the low 90s.

12 And so we looked at that and looking- and we
13 also asked them to submit data to show us that the students
14 that tested were not representative of the students that
15 didn't test. Because if it's a representative sample, then
16 even if you're lower, then you could say this rating shows
17 that, you know, represents your whole school. So, where we
18 kind of drew the line was, at 85 percent participation if
19 they were above that, we said -- and we didn't see a real
20 strong case that they weren't representative, we said no
21 you're not getting insufficient data. You've got 85 percent
22 of your kids tested.

23 You're not showing us that -- that they don't
24 represent the whole population that this rating isn't the
25 right population. So, then we looked at if they were at 85



1 percent or below, then we said okay let's dig further and
2 consider whether or not the data is representative or where
3 we see that to -- to kind of fall out.

4 Mesa 51, Grand Junction area, they submitted
5 29 school requests for insufficient state data. They also
6 submitted local data to us to look and see if those students
7 were representative in or not. And some of those schools,
8 there was a key -- a strong example of the students that did
9 not test, that were either systematically lower or higher
10 than the tested students.

11 And in those cases, we said, okay, you're
12 making a case you're showing us that this isn't
13 representative of your schools. And they did this for all
14 their schools, not just their schools that property
15 improvement or turnaround. They said, here's a performance
16 school that had had low participation, and here's their
17 local data.

18 And if it wasn't representative, we said,
19 you're right, it's not representative. So, even though they
20 had a performance rating they put that information forward
21 because they wanted to be consistent across all their
22 schools. So, some of them had a strong case that said yep,
23 insufficient data, we don't know for sure, others did not.
24 So those 14 that we did not recommend approval just there
25 wasn't evidence there to say, we know for sure these kids



1 aren't representative. So it's an interesting situation
2 though.

3 MADAM CHAIR: Any other questions?

4 UNIDENTIFIED VOICE: Okay.

5 MADAM CHAIR: Go ahead.

6 UNIDENTIFIED VOICE: Sounds good.

7 UNIDENTIFIED VOICE: Great. Thank you.

8 UNIDENTIFIED VOICE: So, those were all of
9 the requests. What we have on the next slides and you all
10 help this think what makes the most sense is the summary of
11 the results. If you approve our recommendation. So, I don't
12 know if you want to stop and vote now, or if you want to see
13 the results, as they are with the recommendations, and then
14 take your vote at the end. I don't know if you have a
15 preference.

16 MADAM CHAIR: I would just get all the
17 information, but I'm also interested in lessons learned from
18 this.

19 UNIDENTIFIED VOICE: Through the request
20 reconsider process?

21 MADAM CHAIR: Right. Yeah. The fact that we
22 did change so many of them.

23 UNIDENTIFIED VOICE: Uh-huh.

24 MADAM CHAIR: Leads me to believe that either
25 there's something that they need to do, or that we need to



1 do differently or both --.

2 UNIDENTIFIED VOICE: Sure.

3 MADAM CHAIR: In order to not have this be a
4 reoccurrence.

5 UNIDENTIFIED VOICE: Yeah, let's talk about
6 that. Thank you for that question.

7 MS. FLORES: And may I add one thing? And
8 do remember that 50 of those were not --

9 MADAM CHAIR: I do. I do. There was --

10 UNIDENTIFIED VOICE: Yeah, there's still a
11 significant. So, I think if you look number wise,
12 participation coding was a tremendous challenge. And so-

13 MADAM CHAIR: And how -- how did that occur?
14 The coding.

15 UNIDENTIFIED VOICE: So, Joyce is not here
16 right now to talk about the process exactly that they go
17 through on their assessment results. But there's a few times
18 during the assessment process that they can mark why a
19 student didn't test and --

20 UNIDENTIFIED VOICE: So that's the teacher?

21 UNIDENTIFIED VOICE: --so that got confused.
22 That's technical assistance and it could be a teacher. It
23 could be the district, when the district submits the data to
24 us. So they're just -- we're working with them and the
25 assessment unit's providing even more technical assistance



1 this year to help them make sure that they get it right.
2 Because when we ask them -- when they requested to change
3 their mis-coding, we said -- we asked for an assurance that
4 they -- this will be yet, and they will get it right in the
5 future.

6 So, we are working to make sure they have all
7 the technical assistance they need to get the coding
8 accurate as we go forward. Because we really would like to
9 not do all these mis-coded requests. It also, you know,
10 we're doing it kind of as one offs, it's not going into the
11 official data source for the assessment results.

12 So, we're going to have, we know when we
13 report to you all the participation rates and the numbers of
14 parent excusals, we know those official numbers that we have
15 here aren't representative because people didn't code their
16 data right. So, we really need to get it -- them to get it
17 right on the first or second or third chance that they get
18 to do that coding.

19 So, we're working to help them this year.
20 We're also working to build in some checks that when we have
21 the data files, and they have the opportunity to do the data
22 clean up with us over the summer, that we can call them up
23 and say, "Are you sure you coded this right?" You've got,
24 you know, 90 percent of your kids that didn't test and not a
25 single student coded as a parent excusal.



1 Is that really what happened in your district
2 and if it is great. But from what we know about -- what
3 we've heard about going on those districts, that wasn't
4 accurate. So, we're trying to put those things in place for
5 that.

6 UNIDENTIFIED VOICE: Okay.

7 UNIDENTIFIED VOICE: The other lessons
8 learned is really around insufficient data. I would say in
9 trying to figure out and get better criteria. We're working
10 with the University of Colorado at Boulder and their
11 measurement experts to help us figure out exactly what those
12 criteria should be for insufficient state data, and what we
13 should look at to decide whether we have enough information
14 on a school or not to give a rating, if we're going to go
15 forward with this and sufficient data pathway in the future,
16 so.

17 MADAM CHAIR: Okay. Thank you. Jane.

18 MS. GOFF: Two things. In the -- I'll go the
19 last one first and then the earlier one. Does insufficient
20 state data tie in at all with the end count issue? Because -
21 -

22 Yeah.

23 MS. GOFF: Are all schools given a rating or
24 a plan?

25 UNIDENTIFIED VOICE: That's a great question,



1 Jane. So, let me go back to that beginning slide. Sorry to
2 make you all dizzy with this. There's actually two that are
3 great. We've always had schools that are so small in
4 Colorado. You know, (Indiscernible) has six enrolled kids
5 now, I think.

6 We're never going to have enough data there
7 to be -- because of their enrollment, to be able to give
8 them a State rating with the State data. Right. They're so
9 tiny. So, we have that situation. We differentiated that
10 situation from those that didn't have enough data because of
11 low participation. They may have 100, 200, 300 kids
12 enrolled, but because of who chose to test, did not test,
13 they had less than 16 kids with scores to use. And then we
14 couldn't put out a rating. So we tried to differentiate
15 those things because there is a difference between being a
16 small system to begin with, and being a system where people
17 are not -- are not choosing to take the State test.

18 MS. GOFF: But the districts and whoever else
19 can, gets individual student results?

20 UNIDENTIFIED VOICE: Absolutely. Absolutely.

21 MS. GOFF: Okay. The other one though. I knew
22 I'd forget. Sorry, if it comes out, I think, I don't want to
23 delay us here.

24 UNIDENTIFIED VOICE: Okay. So we'll go
25 through, kind of talk through the results and then talk



1 about the clock and then if you want to vote at the end.
2 that makes sense. So, here are results from the last year.
3 That's in the bold.

4 We kept the historical data. I know it's nice
5 to see that. If you remember in June, you -- your direction
6 to us is to align the cut scores for the ratings with where
7 they were in '14. So, if you look at turn around and prior
8 improvements, they are very close. You know, we did it based
9 on the preliminary ratings before we had requests to
10 reconsider.

11 So, you don't always know where things are
12 going to land with requests to reconsider. But they are --
13 they're closely aligned. I think what really threw it off
14 the most was the insufficient State data. So, you can see
15 that, you know, there's 56 schools in that category now that
16 were -- in the past would have been -- would have had a
17 rating in there. So, but the majority of our schools again
18 are performance and improvement. We have about 9.5 percent
19 that are turnaround or priority improvement.

20 UNIDENTIFIED VOICE: Which -- when we talk
21 about ESSA, that's the lowest 5 percent. Right?

22 UNIDENTIFIED VOICE: Yes. And if you look at
23 turnaround, ESSA asks for the lowest 5 percent of Title 1
24 schools. And even though that's the turnaround's 3.3 percent
25 of all schools, it's actually just 5 percent of title 1. I



1 think it might be 4.9 percent. These are our traditional
2 schools or (indiscernible right there. So, we're real close
3 --

4 UNIDENTIFIED VOICE: We're real close to the
5 national?

6 UNIDENTIFIED VOICE: Yeah.

7 UNIDENTIFIED VOICE: Okay. Thank you.

8 UNIDENTIFIED VOICE: This is just another
9 visual of showing the schools and the ratings you can see
10 that gray on there of insufficient data is what kind of
11 popped in from the past. But this slide, we wanted to show
12 you the actual student counts and then students enrolled in
13 each of the schools with a different plan types. So, we have
14 about 77,682 students in priority improvement and turnaround
15 schools.

16 We have about 17,000 in schools that we don't
17 have ratings for right now. But the vast majority of our
18 students are in performance or improvement schools.

19 UNIDENTIFIED VOICE: That's a lot of kids.

20 UNIDENTIFIED VOICE: We talked about this a
21 bit already, but we did in the end have 56 schools with
22 insufficient State data low participation. There was 31
23 schools in the end whose final ratings were decreased due to
24 participation rates. Remember without the parent excusals in
25 there, they still didn't meet that 95 percent. And there



1 were 533 schools had that -- who had that descriptor, just
2 for interpretation around low participation. And then also
3 on the frameworks the actual participation rates are right
4 there it's just in the lab -- the header, we just want to
5 make sure there is a descriptor for it and then you just
6 look down on the page and you see the actual participation
7 rates right there.

8 UNIDENTIFIED VOICE: Let me get -- the two
9 content areas, which content areas because it seems like
10 there are only two that --.

11 UNIDENTIFIED VOICE: We look at --

12 UNIDENTIFIED VOICE: -- that are given
13 annually. So, if science and, or--.

14 UNIDENTIFIED VOICE: English Language, Arts,
15 Math and Science. And then for high schools there's ACT as
16 well --.

17 UNIDENTIFIED VOICE: Yeah.

18 UNIDENTIFIED VOICE: -- or, I don't know,
19 college entrance exam.

20 UNIDENTIFIED VOICE: So, to be really clear,
21 if Science or Social Studies is one of those or whatever the
22 other test, in addition --

23 UNIDENTIFIED VOICE: It could be --

24 UNIDENTIFIED VOICE: Does Math and Language
25 Arts have to be one of the content areas?



1 UNIDENTIFIED VOICE: It would -- one of those
2 would need to be. We don't have Social Studies in the
3 framework, since we don't have the data for our schools
4 every year. So, English, Language Arts, Math, or Science.

5 UNIDENTIFIED VOICE: Or Science.

6 UNIDENTIFIED VOICE: Or ACT if you're in high
7 school. If any two of those are below 95 percent, then we
8 put that on there. Sometimes, you know, there's a miss in
9 administration in one Math classroom and it sets off the
10 Math participation rate. And so, if it's not a systemic
11 issue, I'm sorry --.

12 UNIDENTIFIED VOICE: Okay.

13 UNIDENTIFIED VOICE: -- then -- then we don't
14 put that descriptor out there. But the participation rates
15 are still reported right below and there'd be a little red
16 indicator that it was below the 95 percent.

17 UNIDENTIFIED VOICE: Okay, thanks.

18 UNIDENTIFIED VOICE: And then we have done
19 this in the past where you just kind of pulled out some of
20 the online and charter school results, so you can see it.
21 So, this table compares non-online school results compared
22 to online school results. You can just see where the
23 distributions fall in terms of percentages of schools in
24 each category.

25 You'll see there's more online schools that



1 ended up with insufficient State data. There's challenges
2 that some of them feel in terms of being able to test
3 students. So, that's just the comparison. A greater percent
4 that were closed, but you can see how- how that all falls
5 out.

6 And then here are the charter school
7 outcomes. Charters to non-charters, you can see, overall
8 charters had a higher percentage of schools that
9 performance, but also had slightly higher percent of schools
10 that turnaround; just slightly though. Again, had lower
11 percentages of schools that insufficient State data.

12 A lot of charters that we had conversations
13 with really value state assessment and having that
14 information to be able to share with families about how
15 their students are doing.

16 MADAM CHAIR: All right.

17 UNIDENTIFIED VOICE: And those they're just
18 for information for you all.

19 UNIDENTIFIED VOICE: We also look at changes
20 in the ratings. Schools that change levels from the last
21 time and remember, this time we've gone from 2014 was the
22 last time we had ratings to 2016. So, over two years, you
23 would expect to see even more change than we do normally.

24 And normally, we see quite a bit of schools
25 changing levels as it is. But still 66.5 percent of schools



1 receive the same plan type in 2016 as they did in 2014. And
2 then you can see the top row of schools that moved up two or
3 more levels, moved up one level, stayed the same, moved
4 down. And then we had 54 that moved to insufficient State
5 data. The reason that's not 56, this is just using schools
6 that had ratings in 2014 and 2016.

7 UNIDENTIFIED VOICE: Madam Chair? I'm sorry,
8 what is close to me, onlines and charters. How do you define
9 this stuff?

10 UNIDENTIFIED VOICE: No problem. Close means
11 the school actually closed that the district to the school.
12 That means, they actually closed and are no longer in
13 operations.

14 UNIDENTIFIED VOICE: So these were in
15 operation but are no longer there?

16 UNIDENTIFIED VOICE: Yeah.

17 UNIDENTIFIED VOICE: Okay. Great.

18 UNIDENTIFIED VOICE: And we also have
19 alternative education campus performance frameworks. We've
20 talked with you all about this some in the past as well.
21 State law allows us to have another system for developing
22 the school plans types for our alternative education
23 campuses because the schools really have some different
24 missions and different priorities in some ways and different
25 challenges with students.



1 And so, we look at student engagement
2 measures and the AC frameworks that we don't on the
3 traditional frameworks. And we look at the completion rate
4 instead of the graduation rate because a lot of the schools
5 are recovering dropouts. They may be working on GEDs instead
6 of high school diploma. And so, we look at them a little bit
7 differently. So, those- these 90 schools were not in any of
8 the data that you saw previously.

9 We pull them out and look at them a little
10 bit differently and here's the results. You can see the
11 majority of them are- have an AEC performance or an AEC
12 improvement plan. But we do have a greater percentage of
13 them in priority improvement and turnaround on the AEC
14 framework then we do traditional schools. But it's just a
15 way Jessica's pulled this data before.

16 But if you looked at their performance on the
17 traditional framework that are almost all get a turnaround
18 are pretty infrequent rating it just doesn't differentiate
19 and look at what those schools are really trying to
20 accomplish.

21 UNIDENTIFIED VOICE: And this is something
22 we're going to need to pay attention to for ESSA plan,
23 right?

24 UNIDENTIFIED VOICE: Yes.

25 UNIDENTIFIED VOICE: Because the Feds don't



1 recognize?

2 UNIDENTIFIED VOICE: It's mixed on whether
3 they recognize it or not like Marie and another of my staff
4 members have been combing through the comments section of
5 the regulations. And in the comments section, that when the
6 USDE replied to the comments, it seems to acknowledge that
7 you could have a different system of differentiating for
8 your alternative schools. So, we're going to go forward the
9 state law that we do this, right? That we have a different
10 system so.

11 UNIDENTIFIED VOICE: Okay, I just want to
12 make everybody aware that's going to be a- a unique
13 discussion piece because it's-

14 UNIDENTIFIED VOICE: What's going to be a
15 unique discussion piece? Sorry, we were just- it was an
16 important conversation.

17 UNIDENTIFIED VOICE: Yeah, it's fine. We just
18 want to be aware of the fact that we're going to have to
19 talk about this in terms of our plan because they don't
20 specify in the plan in this particular option, but
21 apparently, we're not the only state that has this.

22 UNIDENTIFIED VOICE: Yeah, and we can talk a
23 little bit more when we talk it as the later on
24 identification of schools. Nazzy's (ph) been looking at the
25 data. I'm making sure she's not going to kill me for



1 putting her on the spot. But looking at how many AECs are
2 getting identified in different ways if we use just the
3 straight definitions. So, we'll talk about it later this
4 month.

5 UNIDENTIFIED VOICE: What grade are these
6 AECs? Are they 10 12 or are they nine, 12?

7 UNIDENTIFIED VOICE: Most of the AECs are in
8 the high school grades, but there are a good enough number
9 that are in the middle school and high school and a very
10 small number that are elementary through high school. And
11 those are typically the AECs that serve special needs
12 students that have majority IPs.

13 UNIDENTIFIED VOICE: And online or did we get
14 rid of all the elementary online AECs?

15 UNIDENTIFIED VOICE: A few of the AECs still
16 have some online programming for their younger grades. But
17 the majority of the AECs that are online are in high school,
18 I guess.

19 UNIDENTIFIED VOICE: Maybe- maybe we could
20 get a list of the AECs.

21 UNIDENTIFIED VOICE: Sure. You all approve
22 those every August so we can pull up that most recent list
23 for you.

24 UNIDENTIFIED VOICE: Sorry, I may have a
25 little bit of a newbie question here. And thank you for your



1 patience over the last few weeks answering so many
2 questions. I really appreciate it. I just want to confirm my
3 understanding that this would pick up schools like Hope, but
4 also schools like Endeavor in the Cherry Creek system. Am I
5 correct in understanding this is just one more option for
6 students for whom their traditional local public school
7 isn't quite a fit?

8 UNIDENTIFIED VOICE: Uh-huh.

9 UNIDENTIFIED VOICE: Of, yeah
10 (indiscernible).

11 UNIDENTIFIED VOICE: There's a very specific
12 definition in law that got adjusted last spring, right?
13 About what- about the high-risk criteria for identifying
14 students. It used to be 95 percent the most recent law moved
15 it down to 90 percent of students that meet the high-risk
16 criteria and we can send you the- that specific language.

17 UNIDENTIFIED VOICE: And also -- may I say
18 something?

19 UNIDENTIFIED VOICE: Uh-huh.

20 MS. FLORES: I'm Val Flores. And I also think
21 that there is a national awareness since these schools are
22 rated by, I don't know. It's not News Week, but the other
23 kind of US News and World Report does kind of rate these
24 schools. And we have one in Denver that has always been kind
25 of up there nationally.



1 And so, I think that we shouldn't think that
2 they're not acknowledged and- and there's not a- a- that the
3 country or nationally doesn't think that they're important.
4 I -- personally, I think they're very important. It's a
5 second or third chance for a lot of kids that would not
6 normally, you know, be in school.

7 That would probably end up some places
8 negative, you know, places like jail or whatever. So, they
9 do great things for kids. Go ahead.

10 UNIDENTIFIED VOICE: Absolutely.

11 UNIDENTIFIED VOICE: Oh sorry.

12 UNIDENTIFIED VOICE: I'm sorry. Just an
13 observation. So, we have gone from a total of 72 AEC to 90
14 in the last five years. Is that actual schools or is that --
15 well, it would be. I mean --.

16 UNIDENTIFIED VOICE: Yeah.

17 UNIDENTIFIED VOICE: -- a campus has been
18 created-

19 UNIDENTIFIED VOICE: Or online.

20 UNIDENTIFIED VOICE: -- eighteen times.

21 UNIDENTIFIED VOICE: It may not be a brand-
22 new school, it may be a school that was in existence, but
23 didn't realize that they met the criteria and then they put
24 the application for it. They have to apply to us.

25 UNIDENTIFIED VOICE: My next question, if



1 that -- yes, probably, likely. But also, does that mean
2 there's some programs that have been -- that -- there may
3 not be a new facility or a new structure, but an actual
4 entire program has been adjusted within an existing program
5 to- to suit- suit an AEC population?

6 UNIDENTIFIED VOICE: Do you want to take
7 that?

8 UNIDENTIFIED VOICE: Yeah. For sure. I mean
9 some of the schools while in the past may not actually been
10 AEC schools, they may have been AEC programs as part of a
11 larger school.

12 Right.

13 So then, they would have to go through the
14 school code application process to become a school and then
15 they could apply for AEC status.

16 UNIDENTIFIED VOICE: Okay.

17 UNIDENTIFIED VOICE: So, like Elisa
18 mentioned, some of these schools now may have just been
19 programs in the past. Also, some newer schools have opened
20 to become AECs as well. And we might expect this year, we do
21 expect this year with the change in the law to drop the
22 high-risk percentage from 95-90 percent that will have more
23 AEC apply.

24 UNIDENTIFIED VOICE: Well, I- I thought that
25 past that we'll be addressing that, and we already have.



1 Uh-huh.

2 UNIDENTIFIED VOICE: Uh-huh, yep.

3 UNIDENTIFIED VOICE: We actually already
4 have. The other part of that is there a geographic part of
5 the state where AECs are most predominant? My logical
6 conclusion would be it would be metro area. However, do we
7 have any growth among those schools elsewhere in the state
8 outside the current range area?

9 UNIDENTIFIED VOICE: Yeah, I mean I going to
10 say without having numbers in front of me, most of the AECs
11 are in the metro area as well as the springs area as well.
12 And we do have AECs and are all across the state as well.
13 So, I can tell you exactly where there are more AECs growing
14 but we can definitely give that information.

15 UNIDENTIFIED VOICE: Okay. Thank you.

16 UNIDENTIFIED VOICE: Okay.

17 UNIDENTIFIED VOICE: So, we just wanted to
18 let you all know and everybody here too the where this
19 information will be posted publicly later today after you
20 all vote. On School View, there's a section to this district
21 and school performance frameworks. It has a table kind of
22 like what's up there or just like what's up there where
23 somebody can go select their district. Then once you select
24 the district all the schools in the district display and
25 then over here, you'll get the district reports.



1 And then when you click on a school, you'll
2 get all the school reports. The historical reports are there
3 as well as later on today, that 2016 reports will be there
4 too. So, that will all be publicly available data for people
5 to go to. We also have some visualizations that we've done
6 in the past that we'll have to show. Sorry, takes a little
7 explaining.

8 UNIDENTIFIED VOICE: This like the grass is
9 always greener-

10 UNIDENTIFIED VOICE: Exactly, exactly. So,
11 we've heard from a lot of districts that want to be able to
12 talk about the relationship between the demographics of
13 students in their school and their district and their
14 performance.

15 We know that there can be a relationship
16 between not between the students who are serving what the
17 performance is. As a state, we have said we have
18 expectations for all our students no matter what background
19 they come from and no matter where they are. So, this line
20 up here is the line, the cut point for performance.

21 But what this does below, it shows we have a-
22 by minority right here, we have another slide that we do
23 with free reduced lunch percentages. So you can kind of see
24 the relationship or see where schools are starting from. And
25 that's really interesting because you can go look at schools



1 that have high percentages of free reduced lunch students,
2 but then are also high performing.

3 And then if online, it's all interactive so
4 you can hover over the lines, and then you can see who the
5 schools are. So, it's a way to learn from other schools and
6 districts with similar demographics that have different
7 outcomes.

8 We have 2015, and are we going to have 2016?

9 UNIDENTIFIED VOICE: We'll have 2016, we
10 don't have 2015 because we have the accountability pass that
11 year. Unless we use just the- the overall accountability
12 rating from.

13 UNIDENTIFIED VOICE: Interesting.

14 UNIDENTIFIED VOICE: Now, I'm going to turn
15 it to Brenda to talk about the clock unless you all have
16 general questions first before we talk?

17 UNIDENTIFIED VOICE: Any more questions,
18 folks?

19 UNIDENTIFIED VOICE: Okay.

20 UNIDENTIFIED VOICE: Yeah, on the generality
21 of- I'm very concerned about Denver lowering, the, you know,
22 the- the scale for at least lowering the average or what was
23 lowering score for 15 schools. I'm very much concerned about
24 that. What does that do to the state accountability system
25 when- when a district does that? I mean, they have the right



1 to do that. I understand that. But is that fair? And
2 especially, in a school district that tends to close schools
3 and has closed schools, it has closed 15 schools already.
4 And I know that the- the National Association of the NAACP
5 is investigating. Probably, the Department of Justice most
6 likely is investigating as well.

7 So, I mean, it just doesn't seem fair for the
8 whole state to have an accountability system, and then to
9 say Well, Denver has a more rigorous one. And consequently,
10 we're just going to be more rigorous with ours and lower.
11 You know, the- the rates for our schools. It just doesn't
12 seem fair.

13 MADAM CHAIR: It's a philosophical.

14 UNIDENTIFIED VOICE: It's not philosophical.

15 MADAM CHAIR: Well, it is, because what
16 Denver is demonstrating is a higher standard.

17 UNIDENTIFIED VOICE: But that that's not
18 philosophical. I mean, it's a physical it's not a
19 philosophical.

20 MADAM CHAIR: Okay.

21 UNIDENTIFIED VOICE: They physically have
22 lowered it. It's not philosophy of whether it should or not
23 be.

24 MADAM CHAIR: Well, it's a standard setting.
25 It's exactly like Douglas County saying that there are



1 standard.

2 UNIDENTIFIED VOICE: But there are standard
3 setting, and-

4 MS. FLORES: We set the- we set the minimum
5 standards. The State does not set standards, we have a
6 centrally a local control State and it's up to you just to
7 recommend.

8 UNIDENTIFIED VOICE: I understand- I
9 understand. But I think our- I think we should understand
10 what- what Denver is doing and it's not fair. It isn't fair.
11 And when you have- when you have for instance, I'll just
12 speak about one particular school which you've heard me
13 speak about and that's the -- and that school is the Gilpin
14 Montessori school that was just closed, and it was closed,
15 believe it or not on one point.

16 I mean, we don't know what the SQ are, what
17 the- well what is it in measurement when you have, it could
18 be up or down.

19 MADAM CHAIR: This is a local decision. I
20 don't- am not sure-

21 UNIDENTIFIED VOICE: It is a local decision,
22 but it isn't fair when you have a district that you know has
23 resources, does not place resources in schools. Where I know
24 that it has schools that have 29 kids in kindergarten, 32
25 kids in kindergarten with no help. It has-



1 MADAM CHAIR: What do you suggest. What do
2 you suggest?

3 UNIDENTIFIED VOICE: Well, I suggest that- I
4 suggest that the Attorney General's Office really kind of
5 look into this and-

6 MADAM CHAIR: On what basis, on which
7 grounds?

8 UNIDENTIFIED VOICE: On basis of whether they
9 are giving resources to these schools. I mean I just hear
10 from a lot of school.

11 MADAM CHAIR: But, Dr. Florence that's not
12 our- that's not our sandbox.

13 UNIDENTIFIED VOICE: Well, it's not ours.
14 That's why I'm saying that it's not, that somebody should
15 look into this and we already have the Department of Justice
16 looking into Denver for not doing the right thing.

17 MADAM CHAIR: Okay, but what does that do for
18 our table here.

19 UNIDENTIFIED VOICE: For our table is we
20 should really look at this and maybe talk to our
21 legislators.

22 MADAM CHAIR: With what authority? What
23 authority do we have?

24 MS. FLORES: Well, I'm talking about --.

25 MADAM CHAIR: You're --



1 MS. FLORES: I'm saying --

2 MADAM CHAIR: I need to know what rights we
3 have to interfere in the work of a school district.

4 MS. FLORES: We do when it- when it is so
5 incredibly large and when it is so unfair. I know that the
6 State would not close a school that is-

7 MADAM CHAIR: State doesn't close.

8 MS. FLORES: Well, excuse me, let me just
9 finish.

10 MADAM CHAIR: Sure.

11 MS. FLORES: The State would not close a
12 school. That is- that's the model school in Denver. It's
13 integrated, well-integrated, has 20 percent white kids. It
14 has 30 percent black kids and the rest 50 percent Hispanic
15 kids. It's in the center of the city. Now, it does, it has
16 no enrollment. But in 2012 when I was on the DEC committee,
17 we did tell Denver not to get that other schools --

18 MADAM CHAIR: Dr. Flores --

19 MS. FLORES: Well, let me just explain.

20 MADAM CHAIR: -- we have some work to -- I'm
21 sorry but we have some work to do and this has absolutely
22 nothing to do with our work.

23 MS. FLORES: I know. It really does.

24 MADAM CHAIR: I respect your personal
25 concerns about this as it's your district.



1 MS. FLORES: No, but I haven't explained it.
2 I haven't.

3 MADAM CHAIR: We have and let's put this on
4 the agenda then if we must but right now, we have something
5 we need to do.

6 MS. FLORES: No, I'm just explaining the
7 unfairness of it.

8 MADAM CHAIR: I get it. I've been part of
9 closing schools. It's really hard.

10 MS. FLORES: Well, no, this is really an
11 interesting case.

12 MADAM CHAIR: Dr. Flores.

13 MS. FLORES: It has 30 percent.

14 MADAM CHAIR: We need to take a break.

15 (Off record)

16 UNIDENTIFIED VOICE: Thank you, Madam Chair.
17 This slide displays the progression of ti- over time for
18 schools identified on the clock in 2010. So, on the far left
19 of the slide you'll see there were about 204 schools that
20 are identified as part improvement or turnaround in 2010.

21 And of those, 12 or 6 percent of those
22 schools are still on the clock. So, they are about to enter
23 year sixth of the clock and will come forward for a State
24 Board of Education accountability hearing in the coming
25 months. And there were about 42 percent that stayed off the



1 clock. They came off the clock since 2010 and they stayed
2 off, they remained at an improvement or higher rating, while
3 about 30 percent have fallen back on the clock and come off
4 and on the clock throughout that time period.

5 And then, again around 20 percent were closed
6 at some point, so they have actually just closed and are not
7 included in that 2016 count. And then one of the schools has
8 received an insufficient State data, loped his patient
9 rating and it's still, but is still on the clock.

10 And we showed a similar slide of the, for the district
11 ratings as well that depicted a similar pattern where a
12 large part of the schools that were originally identified
13 have come off the clock. And yes, some have come back on and
14 off the clock, but there's a very small percent, 6 percent
15 that have consecutively stayed on. Yes.

16 UNIDENTIFIED VOICE: Madam chair?

17 MADAM CHAIR: Yes.

18 UNIDENTIFIED VOICE: So, the 43 that were
19 closed, those were closed for a variety of reasons, usually
20 closed by their district or?

21 UNIDENTIFIED VOICE: Yes, that's correct.

22 UNIDENTIFIED VOICE: Okay, thanks.

23 MS. FLORES: Can you say which district was
24 the one who closed the most?

25 UNIDENTIFIED VOICE: I don't have that



1 information.

2 MADAM CHAIR: We haven't closed any schools,
3 right? That's not a State, that's not a state role.

4 UNIDENTIFIED VOICE: That's not a state role.

5 UNIDENTIFIED VOICE: It's been just a local
6 decision, correct.

7 MS. FLORES: But I would say that probably
8 half of those groups were Denver's.

9 UNIDENTIFIED VOICE: This slide depicts the
10 breakdown of priority improvement and turnaround schools by
11 year for the current rating. So, as we've issued the
12 recommendations under consideration today, this is how we
13 would break down in terms of the nu- the year on the clock.

14 So, 107 schools were newly identified as
15 priority improvement or turnaround based on the 2016
16 ratings, whereas 29 had a priority improvement turnaround
17 rating for the first time in 2014, had another rating in
18 2016, so they're on year two of the clock and so forth. And
19 again, there's 12 that have about to enter year six.

20 These are the schools that are entering year
21 six. The red at the top are in turnaround and the rest are
22 in priority improvement. And these are, this is the list of
23 the 12 schools based on the recommended plan types that
24 would come forth for a accountability hearing, where you
25 would consider one of the pathways that we've discussed.



1 And again, these paths, these hearings where
2 you will direct the pathway to one of those schools will
3 occur between March and June with the directed action having
4 to occur prior to June 30th, 2017 before that year six were
5 to occur.

6 UNIDENTIFIED VOICE: I'm either trying not to
7 be heard or -- when I was reading over this, so, the schools
8 have this summer, but districts are next summer. Did I read
9 that right or was that a mistake?

10 UNIDENTIFIED VOICE: The districts are, I
11 don't know if there's anything like.

12 UNIDENTIFIED VOICE: From the same clock,
13 aren't they?

14 UNIDENTIFIED VOICE: They are on the same
15 clock, yes.

16 UNIDENTIFIED VOICE: Okay.

17 UNIDENTIFIED VOICE: Yes.

18 UNIDENTIFIED VOICE: So, I think it said
19 somewhere where I was reading that it was, yeah on when it
20 says -- but this says year five, got it. Maybe that was the
21 problem. Got it. Okay.

22 UNIDENTIFIED VOICE: Yes, yes, there are some
23 schools that we, yes, we have some slight information on the
24 year five schools but yeah there are districts as well.
25 You're correct. Yes, so here- here is the list of your five



1 schools. And the reason we just wanted to highlight these as
2 well was because there is as it states on the next slide.

3 These are the schools that are listed here
4 that will receive visits from the State review panel and
5 those visits are occurring very imminently. So, I can, March
6 through May is typically, when the State review panel
7 conducts a site visit to the year five schools, and so these
8 are the ones that will receive that visit and that
9 evaluation and then you will receive a report from the State
10 review panel with their recommendation for action.

11 And I did want to also note that four of the
12 seven schools and that doesn't count them, and I'll explain
13 the gray in a second, but four of the seven prior turnaround
14 schools are AECs because of the way that the frameworks were
15 for AECs. The first AEC framework was in 2010.

16 So, this is the first cohort of AECs that
17 have consecutively stayed on the clock with an AEC
18 framework. And so, four of the seven are Alternative
19 Education Campuses. And then with the Douglas County School,
20 they are insufficient State data low participation.

21 So, because they didn't receive a rating,
22 they were year five on a clock based on the 2014 frameworks.
23 They didn't receive a rating this year, and so our policy
24 has been that for those schools in that situation the clock
25 is held at that year and then we'll move forward



1 accordingly.

2 MADAM CHAIR: So is this a way to get off the
3 clock?

4 UNIDENTIFIED VOICE: Yeah. So, we talked to a
5 lot about different options for you know, we really have one
6 school in this situation right here near the end of the
7 clock.

8 With an insufficient state reading you could
9 do the reading. You could argue take them off the clock
10 because we don't know. Right? Or you could argue move them
11 forward a year because they've been on there but that didn't
12 seem right. So, where we landed was, for now we'll say
13 you're still on the clock.

14 You're just going to hold where you are. Is
15 this something that we could probably use some policy
16 direction on how to go further? So, we're working on what to
17 do there-

18 MADAM CHAIR: So, this sounds like you are
19 saying this is on our to do list to --

20 UNIDENTIFIED VOICE: I think it's something
21 that probably we'd want to address. This specific school I
22 think the district has a plan there. So, I think in this
23 situation, it might be resolved, but in the grander just
24 policy world of having insufficient State data low
25 participation and what that means because you know we just



1 created it because it seemed like the need, we might want
2 some -- some more clear either rules or statute around that
3 and what happens there.

4 MADAM CHAIR: Okay, great. Go ahead.

5 UNIDENTIFIED VOICE: So, to confirm my
6 understanding it pauses the clock in effect. It's a year
7 that doesn't count but neither does it remove them from the
8 clock?

9 UNIDENTIFIED VOICE: That's what we've
10 proposed doing with them, is that they would just hold it
11 there year five, we are not going to move them forward,
12 we're not going to take them off, we just don't know where
13 they're at right now.

14 UNIDENTIFIED VOICE: Thank you.

15 UNIDENTIFIED VOICE: Thanks.

16 UNIDENTIFIED VOICE: And these groups of
17 schools even though the- they will receive a state review
18 panel visit this year, this Spring, they will receive
19 another framework in Fall 2017, this coming Fall as well.

20 The schools and so at that time they were to
21 receive an improvement rating or higher, they would come off
22 the clock. Otherwise, if they were to remain on the clock
23 then these would be the group of schools that you may see
24 next Spring in 2018 for an accountability hearing and a
25 pathway discussion.



1 MADAM CHAIR: So, are these schools
2 participating in some of the work that the department is
3 doing that we heard about last month?

4 UNIDENTIFIED VOICE: Ye- yes, they, yeah.

5 MADAM CHAIR: The turnaround efforts.

6 UNIDENTIFIED VOICE: Yeah, thank you Madam
7 Chair. That's good- that's a good question. Currently, Minau
8 (ph) Elementary just received a TIG Grant, Tier Intervention
9 Grant, and has been part of tha- that support and has also,
10 is in a district that's participated in the UVA turnaround
11 work as well. You- you'll hear a little bit more from Cortez
12 when they come in March as well.

13 We have been participating with- ou- our UIP
14 team has been very engaged with some of these AECs on the
15 list in providing plenty of support for those leaders and I
16 was able to go out to visit Brighton Heritage Academy with
17 our UIP staff last month to talk to them about what they're
18 doing up there. So, to -- yeah, to varying degrees we try-
19 are trying to reach out to all of those schools.

20 MADAM CHAIR: So, what we might want to talk
21 about is whether we would want some reports on monitoring.
22 Some of the ones in an effort to maybe not have this effort
23 next- next year. Go ahead.

24 UNIDENTIFIED VOICE: Yeah, I have a long,
25 kind of a long those same lines. I would like to know do we



1 have any information about how the students who were in
2 schools that were closed, how they're doing now?

3 I think that would be really helpful as a
4 state to know what's happening to kids as they move from a
5 closed school to a different schools so as performance.
6 Another question I have is about the turnaround efforts. I
7 just read an article that was quite depressing about the
8 results of the SIGs and -- and I'd also like to know how
9 many of our schools that are in turnaround priority
10 improvement status are seeking and receiving the turnaround
11 efforts that we offer and what effect that's having? I'd
12 like both- both of that. It doesn't -- it doesn't have to be
13 right now perhaps- but I think that's part of a bigger
14 discussion.

15 UNIDENTIFIED VOICE: Absolutely.

16 UNIDENTIFIED VOICE: If we're trying very
17 hard to help all schools succeed, how is that working and
18 how are efforts to help them succeed work- working?

19 UNIDENTIFIED VOICE: Absolutely. On your
20 first question about school -- students that were in schools
21 that have been closed there's national studies on that. We
22 feel like we tried to look at some of that in Colorado and
23 it's complicated data to track but I'll pull up what we
24 have, and I can get you some links to the national studies
25 on that.



1 For the SIG results, I think that's very- the
2 national studies like we talked about last month are very
3 similar to what we saw, in Colorado we call them a Tiered
4 Intervention Grants and they were very mixed results over
5 the state. I think you'll hear from the school improvement
6 spoke group later today about from that learning what we've
7 learned about supporting schools and where we're trying to
8 see -- or where we're beginning to see some bigger return on
9 investment when we do more individualized plans and kind of
10 smaller grants and it's actually having and it looks like
11 it's having a larger impact there, from our initial data.

12 We ha- almost have ready for a spreadsheet
13 that shows the schools on priority improvement turnaround
14 this year and the grants and the supports they've received.
15 We- we- we didn't want to give it to you until after you all
16 voted because the school plan types aren't final. We didn't
17 want to have that out, but we can get that to you probably
18 in the next week or so. Making sure with Peter that that's
19 good but we de- we definitely want to be able to show you
20 that. As you saw, we have about, what was it, 107, sorry
21 guys -- 107 schools on year one.

22 So, clearly those schools haven't received
23 support yet or recently because they haven't been on the
24 clock before, but for the other ones we can show you the
25 support they've been getting. And then some of the schools,



1 or a lot of the schools that have received support as you
2 saw have come off the clock as a result, so they may not be
3 in that spreadsheet, but we have that in that PowerPoint
4 from last month.

5 UNIDENTIFIED VOICE: Great, thank you.

6 UNIDENTIFIED VOICE: Thank you.

7 MADAM CHAIR: Board Member Flores.

8 MS. FLORES: We do have, I'm sorry. We do
9 have a big study that was done by the New Yorker on Manual
10 High School when it was first closed to make it up of a
11 smaller school and most of the kids were lost when they
12 closed that school. So, they- the kids never turned up in-
13 in the other schools, whether they moved or what, the- the
14 Denver Public Schools didn't keep a record of where those
15 kids went. And so, it would be assumed that most of those
16 kids did not graduate. They didn't show up in the other high
17 schools. And this was back in the early 2000s. But the- the
18 New Yorker did a great report on that.

19 MADAM CHAIR: Well, do you have access to any
20 of those national studies?

21 UNIDENTIFIED VOICE: Yeah, we can send those
22 to you.

23 MADAM CHAIR: Board members would you- would
24 you be interested in- in that information? Because I know
25 Chicago.



1 UNIDENTIFIED VOICE: Yes, there's that one.

2 UNIDENTIFIED VOICE: They followed. I mean
3 high schools are of a unique situation-

4 UNIDENTIFIED VOICE: Absolutely.

5 UNIDENTIFIED VOICE: -when it comes to
6 closures, there's no question about that. But that would be
7 helpful for us we get that.

8 UNIDENTIFIED VOICE: Yeah, we can get.

9 MADAM CHAIR: Board member Goff.

10 MS. GOFF: For closer to home if we ever, you
11 know, want to look at what's happened in Colorado, I believe
12 it was around 2009 or 2010 perhaps, and I think the name of
13 the school was life skills, it was in DPS and it was closed.
14 And there was a- the DPS administration at the time had --
15 then did pursue a study to follow those kids and find out
16 where they ended up.

17 And I think it wasn't that long ago that it
18 wouldn't still have some- close to time real time meaning
19 for us, but I would -- I would like to see that. I don't
20 remember if there was an end date on that monitoring or
21 following but.

22 MADAM CHAIR: Well, there had to be because
23 they only have four more years.

24 UNIDENTIFIED VOICE: Okay, I don't remember.

25 MADAM CHAIR: Yeah, I do remember that.



1 UNIDENTIFIED VOICE: We don't have any state
2 data on this.

3 UNIDENTIFIED VOICE: No, districts, yeah.

4 UNIDENTIFIED VOICE: I- I'll talk with Dan
5 Jorgensen on our team. He's pulled some stuff together with
6 the national research and I think we were try -- I can't
7 remember right off the top of my head what you were trying
8 to look for in state data, but we'll get back to you on that
9 and see what we can. It's hard within enrollment and where
10 kids go but let me go see what we have.

11 MADAM CHAIR: It's even hard within the
12 district.

13 UNIDENTIFIED VOICE: Yeah.

14 MADAM CHAIR: When Boulder closed some
15 schools.

16 UNIDENTIFIED VOICE: Yeah.

17 MADAM CHAIR: We actually tracked for a while
18 where some of those students went. And it was not an easy
19 task. Is not an easy task, and it wasn't an inexpensive task
20 either. But-.

21 MADAM CHAIR: Right.

22 UNIDENTIFIED VOICE: Yeah.

23 UNIDENTIFIED VOICE: -it was a concern that
24 the district had.

25 UNIDENTIFIED VOICE: And back in- let me try



1 and remember, 2011 or 2012 when Vi -- by '12 or '13
2 (Indiscernible) closed one of their online schools kind of
3 as a response to the accountability system. They saw the
4 performance there and were kind of looking ahead at the
5 impact of the online was having for the whole district and
6 how they were able to serve students.

7 We had a staff member at the department then
8 that worked very closely with them in the closure process
9 and documented it all and had some really strong guidance on
10 how to help ensure students transfer and get -- land in a
11 place. So, we've got that guidance posted, we've used it
12 with a few other schools or shared it with a few other
13 schools.

14 MS. FLORES: And then there's the
15 international study, the National Center for Education
16 Policy which is at Boulder which just came out with a big
17 study on what happens to kids when they close -- when
18 schools are closed. And it's not very positive, it's very
19 negative about what happens to kids.

20 MADAM CHAIR: Go ahead.

21 UNIDENTIFIED VOICE: Thanks, Madam Chair. And
22 just one quick note I failed to mention that two of the
23 schools on here are part of the Pathways Early Grant- Action
24 Grant, as well which is the contemporary learning academy in
25 DPS and Martinez Elementary in Greeley, and this was a



1 really- for them it was taking early action on those
2 accountability pathways that are outlined in law. And so
3 we've provided very small amounts of dollars to them to
4 start helping the plan and in that case both of those are
5 pursuing innovation pathways.

6 MADAM CHAIR: Okay. Thank you. Any other
7 questions? I would entertain -- oh, are you not finished? Go
8 ahead.

9 UNIDENTIFIED VOICE: We're good- we're good.
10 I should have vote on there as the first next steps.

11 MADAM CHAIR: Yes.

12 UNIDENTIFIED VOICE: Right?

13 MADAM CHAIR: I'd like to entertain a motion
14 please.

15 UNIDENTIFIED VOICE: I move to approve the
16 department's recommendation of the 2016 school plan type
17 assignments.

18 MADAM CHAIR: Is there a second?

19 UNIDENTIFIED VOICE: Second.

20 MADAM CHAIR: Thank you. Would you call the
21 vote please?

22 MS. CORDIAL: Board member Durham. Absent,
23 not present. Board member Flores.

24 MS. FLORES: I would say yes to the
25 department and no to Denver Public Schools.



1 MADAM CHAIR: What would you call that vote?
2 The motion is to approve the department's recommendations
3 for 2016 school plan type assignments.

4 MS. FLORES: Well, it's very difficult. I
5 mean, I'm approving the department.

6 MADAM CHAIR: Yes or no ma'am, please.

7 MS. FLORES: No.

8 MADAM CHAIR: Thank you.

9 MS. CORDIAL: Board member.

10 MS. FLORES: With qualifications.

11 MS. CORDIAL: Board member Goff.

12 MS. GOFF: Yes.

13 MS. CORDIAL: Board member Mazanec.

14 MS. MAZANEC: Yes.

15 MS. CORDIAL: Board member McClellan.

16 MS. MCCLELLAN: Yes.

17 MS. CORDIAL: Board member Rankin.

18 MS. RANKIN: Yes.

19 MS. CORDIAL: And board member Schroeder.

20 MADAM CHAIR: Yes.

21 MADAM CHAIR: Thank you. Our next item is the
22 Every Student Succeeds Act state plan development.
23 Commissioner.

24 UNIDENTIFIED VOICE: Thank you, Madam Chair.
25 We are moving on to our favorite topic for Every Student



1 Succeeds Act. So, I am going to turn this over I believe to
2 Alyssa Pearson again and Nazzy (Indiscernible). We
3 practiced this last time and it didn't go very well. Now
4 it's bad. Thank you.

5 UNIDENTIFIED VOICE: Sorry you all, you are
6 going to have to put up with me again, I apologize. So
7 today, we're going to give you an overview of where we're at
8 some of the SSA committee work and state planned
9 development. We're going to focus in on -- do you want to do
10 this slide? I just realized that this is his first slide.

11 UNIDENTIFIED VOICE: The last.

12 UNIDENTIFIED VOICE: Are you sure? Okay.
13 Sorry about that. We're going to give you details on the SSA
14 accountability decision points and where we're at with those
15 and the school improvement decision points and where we're
16 at with those. Kind of an update get some, a chance for you
17 all to provide feedback.

18 Get any directive from you all on those
19 topics. So, in terms of accountability, what we want to do
20 is give you a quick update on the Hub and Spoke work where
21 we've gotten with them in terms of the decision points and
22 the conversations. We'll go through three areas, through the
23 decision points that we have recommendations from the Hub on
24 that we did last week, I believe it was around the minimum
25 and size.



1 The other indicator and the methods and
2 criteria for identifying and exiting schools from those
3 different categories that are in ESSA. Then we want to talk
4 with you all a little bit about the participation decision
5 point and get some direction from you all on that. And then
6 the other topics based on time and how were going to do
7 that. These are the areas that we either started with the
8 Hub and didn't finish with in terms of the major racial and
9 ethnic groups. We started that conversation
10 are going back to look at some other data and options. EL
11 Assessment, Eng- English language, English learner progress
12 indicator. Those two we have not talked to the Hub about
13 yet. We have very strong consensus from stakeholders from a
14 wide range of stakeholders on those recommendations. And
15 then the long-term goals and our measures we didn't get to
16 go back to the Hub about either.

17 So those we have slides for you in the packet
18 if you want to look at it. I think in terms of time we
19 probably don't want to go through those step by step until
20 the Hub has a chance to talk about those at the beginning of
21 February and then we can talk with you about those that the
22 February board meeting. But we can just kind of play it by
23 your own, how we're doing on time and how we get into them.

24 So, since we last talked with you as a board
25 about the accountability decision points which was on



1 December 14th, we closed that survey that we had out on some
2 of the major accountability decision points for public input
3 and we closed that on the 14th and we've been analyzing the
4 survey results. The small work groups because you know the
5 accountability spoke broke up into even smaller spokes
6 because we have so many decision points.

7 They- they took that input we got back from
8 the surveys, they worked and analyzed it together and talked
9 about it on January four- fourth. They also reviewed the
10 feedback from the Hub and from you all from that last
11 meeting and then they had a final recommendation that they
12 prepared to share with the Hub which we did last week. So,
13 all of that kind of has been synthesized and then put back
14 out again.

15 The accountability work group got all of the
16 recommendations and got to see all those pieces. We talked
17 to the Hub and had those votes last week and we started
18 drafting the ESSA steep plan. Part of trying to make sense
19 out of all of it is looking at what the U.S. Department of
20 Ed is asking for in their questions and thinking about how
21 we want to respond, the level of detail, how much of our
22 state system we want to put into our federal plan.

23 So, we've just been, we've been drafting to
24 try and take a look and see what it looks like and get some
25 ideas. Clearly, it's not final because we need direction



1 from the board to say this is good to go but we just wanted
2 to look at it.

3 A bunch of us are also going to DC to get
4 some feedback from peer reviewers on where we are landing
5 and how we're approaching it tomorrow. So, we're headed out
6 later today to do that. All of -- we did not send you all-
7 all the feedback, the detailed feedback in all the survey
8 results and all the work the small subgroups have been
9 doing. It's all posted up, we sent you the link to it
10 though, it's all posted on the ESSA page for the Hub
11 committee under January 19th meeting resources.

12 So, if you want to dig in deep on any of
13 these issues and it's arranged by decision points, you don't
14 have to go through all of that if you just want to look at
15 one of the decision points. You can go see what the survey
16 results were, where the group la- the small group landed,
17 and their recommendation, and how, how all of that was made
18 like made sense out through all of it.

19 So that's all available for you and if you
20 have any questions about anything specific feel free to let
21 us know about that. We just -- we're trying not to overwhelm
22 you with the amount of material because we know there's a
23 lot there. So, the remaining slides, we've tried to keep it
24 high level for today and again if you want to go deep and
25 anything, we can pull up other resources and go into that.



1 The green font on these slides represents the
2 decisions that are needed for the ESSA state plan for the
3 accountability section, and blue you'll see recommendations
4 that are coming from the Hub based on the accountability
5 spokes research, and their discussions, and considerations
6 and all the public input and the survey results that we've
7 got.

8 And the colors in red represent items that we
9 still need some decision from the board about based on the
10 specific options. If we didn't get a solid recommendation
11 from the spoke or Hub and it's coming to you all to talk
12 about or we haven't talked about it with them and we're
13 coming to talk to you all about it. Anything? Okay. So,
14 again here the decision points on where we're at.

15 UNIDENTIFIED VOICE: Are you sure? Okay, go
16 ahead, sorry.

17 UNIDENTIFIED VOICE: Okay. So, the areas
18 where we have recommendations from the Hub for you all that
19 we really want to spend more time on today, we're not more
20 time that go through with you today. Make sure that they
21 align with where you all see things making sense, is around
22 the minimum n which is you know the number of students that
23 we use to put calculations out publicly and hold schools and
24 districts accountable.

25 The other indicator of school quality or



1 student success makes some short term and long-term
2 recommendations around that. And methods and identif- and
3 criteria for identifying exiting schools for these different
4 support. So, in the ESSA there's comprehensive support and
5 improvement schools and targeted support and improvement
6 schools. So, we have recommendations from the Hub on all of
7 those decisions.

8 So, we'll share those with you first and see
9 if you have any input or any concerns about any of those.
10 Then we'll go into the participation decision, what's in
11 law, wha- what some of the options are there and ask you all
12 for some direction on how you'd like us to move forward with
13 that decision point as we do have state board policy in
14 place, so we just would like some direction from you all on
15 that one.

16 And then the other ones in green are still
17 those outstanding decisions that we can talk about today if
18 there's time where we can easily wait till, we have the
19 recommendation from the Hub and more data and then we can
20 talk about that in February with you. Okay? So, in terms of
21 recommendations from the Hub.

22 Turn it over to Tina, she's going to talk
23 first about the minimum n options that number of students,
24 but likely to ask us. Yeah.

25 UNIDENTIFIED VOICE: I apologize. Is it



1 possible where this has occurred that we can get a reminder
2 of where our Hub has diverged from the decision making of
3 the spoke?

4 UNIDENTIFIED VOICE: Yes.

5 UNIDENTIFIED VOICE: And I recognize
6 hopefully that's a minimum of the spokes that were kind of
7 overturned if you will, but it would help my understanding
8 to see where there was serious divergence on the part of the
9 Hub decision making body from the spoke.

10 UNIDENTIFIED VOICE: Absolutely.

11 UNIDENTIFIED VOICE: Thanks so much.

12 UNIDENTIFIED VOICE: Thanks.

13 UNIDENTIFIED VOICE: So, for the minimum n
14 decision point our group had ultimately considered a lot of
15 different recommendations and settled on three options that
16 we had put forth. The first option was to use an n of 16
17 across all indicators. The second option was to essentially
18 maintain our current status quo, which is using an n of 16
19 for our achievement indicators and our PWR indicators such
20 as grad rate and dropout, and then using a minimum n of 20
21 students for our growth measures.

22 And then the third option that we would put
23 forth was using a minimum n of 20 across all of those
24 indicators. Ultimately, our small group had initially
25 recommended option two based on the results of the public



1 survey, there was about 41 percent responded that they
2 preferred option three as their primary choice. So, based on
3 some of that feedback as well as the final regulations that
4 were released indicating the need to use a consistent
5 minimum n across all indicators, our small group did
6 eventually put forth option three as our proposed
7 recommendation.

8 When we presented the information to the Hub
9 last week, ultimately the final decision for the Hub however
10 was to go ahead and propose option two which is to maintain
11 our current minimum n for all of our indicators. Ultimately,
12 there was a concern regarding increasing the minimum n for
13 our achievement and PWR measures just really around our
14 small rural schools making sure that schools weren't
15 essentially being able to mask the results of some of their
16 -- if they have a small student population or especially
17 with some other disaggregated groups and there was also kind
18 of this desire to kind of maintain that same minimum n for
19 consistency purposes and communication and understanding
20 longitudinal trends across the measure.

21 So, ultimately the Hub did decide on option
22 two which would be to again, maintain a six- a minimum n of
23 16 students for achievement and PWR and a minimum n of 20
24 for our growth measures.

25 UNIDENTIFIED VOICE: Remind me how many dist-



1 how many districts would lose, how many district's
2 information we would lose if we went to 20 research groups.

3 UNIDENTIFIED VOICE: So, we focus.

4 UNIDENTIFIED VOICE: If that, if that was the
5 fundamental discussion.

6 UNIDENTIFIED VOICE: Correct. So, actually
7 they'll up being more around the school level because of the
8 school accountability demands in ESSA. So, we did look at
9 some of the information. We looked at both 2016 data
10 acknowledging that's only one year of data.

11 So there is limitations and that because as
12 we know the frameworks in the past have consisted of both
13 one year and three-year options. So, for that reason we also
14 looked back up the 2014 TCAP using an aggregate of three-
15 year data to also, to see how that impact- that impact on
16 schools looking at both one and three year.

17 When we look at one year, we see a much
18 higher percentage or number of schools drop off. So, for
19 example, it's really prevalent and are looking at the
20 elementary level, schools with an elementary grade span,
21 there is a difference of only eight schools when looking at
22 all students category if we're considering only one year of
23 park data.

24 Some of our subgroups in particular are EL
25 subgroup and also our students with disabilities for ELs we



1 lose about 75 schools just with one year of data, and for
2 students with disabilities it's 122. However, if we do look
3 at that three-year aggregate based on TCAP data, for ELs
4 that number drops down to 44 schools and for students with
5 disabilities it drops down to 26. So, we do see fewer
6 schools when we do aggregate the data across years.

7 UNIDENTIFIED VOICE: Can you just briefly
8 review how the summer- how the survey was done and how many
9 participants there were?

10 UNIDENTIFIED VOICE: Yes. I can do that.
11 Sorry, I'm trying to look for my results there. So, I don't-

12 UNIDENTIFIED VOICE: We- I mean, I can talk
13 to broad surveys while you're looking it up. I can talk --

14 UNIDENTIFIED VOICE: Okay.

15 UNIDENTIFIED VOICE: So, we put out surveys
16 at the end of November that were open through the middle of
17 December. We did these prerecorded webinars, so people could
18 go and either listen or they could read. We had a script to
19 and go through that really frame the issue.

20 You know how weedy this stuff is and it's
21 hard just to say what do you think the minimum n should --
22 minimum n size should be. So, we wanted to make sure we
23 frame the information around in terms of impact and what the
24 kind of the context for the decision was. We had pre-
25 recorded webinars on all these different decision points.



1 Put them out for public comment.

2 We announced it in the Scoop and the update
3 and lots of friends and sent it out publicly. People could
4 choose which topic they wanted to give input on. So, you
5 know, we had more responses for some decision points than
6 others because people were just more interested in those
7 decisions than others. I'll let Tina talk about the actual-
8 the individual results she got from the survey because I
9 think she's almost ready. I'm talking slowly.

10 UNIDENTIFIED VOICE: Specifically looking-

11 UNIDENTIFIED VOICE: Yeah.

12 UNIDENTIFIED VOICE: -for this- this
13 particular- the- the n minimum and- and how many people
14 shows chose to complete that survey?

15 UNIDENTIFIED VOICE: So, we had 69
16 respondents for the- this particular decision point. So,
17 that included both the minimum and- and the separate racial
18 ethnic groups as well, which is another decision point. So,
19 were 69 respondents. Of those 41 percent did initially
20 decide on option three as their- so we ad- the way we
21 structured this decision point is we asked all respondents
22 to rank order their preference of the three options.

23 So essentially, assigning a one two and three
24 for each of them. 41 percent did rank option three as their
25 first choice, 36 percent selected option one as their first



1 choice and 23 percent selected option two as their first
2 choice. When we looked at the average ranking across, we did
3 see that option three had the highest ranking overall- or
4 average ranking overall.

5 Option two had the second o- highest and
6 option three had the lowest ever drinking, and that is
7 because a lot of respondents did end up selecting option two
8 as their second choice. So, it was frequently in the middle.

9 UNIDENTIFIED VOICE: Thank you.

10 UNIDENTIFIED VOICE: May I- I guess. thank
11 you. I guess I'm still kind of stuck on why a different
12 number for each. We've been at 16 consistently so far,
13 right? For both or-

14 UNIDENTIFIED VOICE: No.

15 UNIDENTIFIED VOICE: N- So, we've always-
16 we've used 20 for our median growth percentiles. All of our
17 growth measures. So, for our content area as well as English
18 language proficiency growth has always been a mini- minimum
19 n of 20. It's just for achievement and those PWR indicators
20 that we've used the minimum amount of 16.

21 UNIDENTIFIED VOICE: So, the advantage- the
22 advantage of keeping being at 16 for the achievement, that
23 opens up the possibility of having more data that can be
24 reported. It does impact ripples out when you consider how
25 many kids that brings in. I guess- I mean, I'm not the Hub



1 committee, I'm never saying in this yet, but I guess I'd
2 wonder why growth is more is more aggregated and if we're
3 reporting it widespread. I mean, it's not it's not personal
4 and private, it's mo- it's more program measured.

5 So, why- why not raise the number? Why make
6 the minimum number higher for growth? If we're looking at-
7 If we're looking at system wide learning as much as in our
8 case, i- this just important at this level. Not any more
9 important or less important than individual student grow- or
10 student achievement. I just wonder, why a larger numbers
11 necessary to-

12 UNIDENTIFIED VOICE: So, when we-

13 UNIDENTIFIED VOICE: Why are we changing it?
14 You know.

15 UNIDENTIFIED VOICE: Yeah. So, the 16 and 20
16 is what we use right now and m- If you want to get the
17 detailed details, Marie can come and talk but see if I can
18 do at a high level and then, if you guys want to know more.

19 UNIDENTIFIED VOICE: High levels-

20 UNIDENTIFIED VOICE: Back when we first ran
21 the growth model and started rolling that out, Marie and
22 others spent a lot of time looking at the numbers. When you
23 look at the individual growth percentiles and then you
24 aggregate them together to the medians, when that data
25 stabilizes?



1 Because we know, when you are small n, your
2 data tends to be a little bit more volatile across the
3 board. And so, when you look at those distributions, Marie
4 made all these pretty graphs that look by and size and what
5 the medians were. 20 was a mark where that data really
6 stabilized, and we felt more confident in using that for
7 accountability decisions.

8 So, that's where 20 came from for growth is
9 just like that statistical soundness in kind of stability
10 with measure. Was that okay? Okay. So, it's I feel like I'm
11 taking a test. It's like my oral exam. Very well. Tell me if
12 I got it right or not.

13 UNIDENTIFIED VOICE: Okay. Thank you.

14 UNIDENTIFIED VOICE: Okay.

15 MADAM CHAIR: So, part of the discussion
16 among us I think has been the Feds would like us to use a
17 consistent number either 1616 or 2020, and we said, "We have
18 a reason for using 16 for achievement and we have a reason
19 for using 20 for growth." So why not? I mean, I think that's
20 what was the discussion at the Hub, which is why we ended up
21 going back to options.

22 UNIDENTIFIED VOICE: I should not even get
23 into that. I mean. Yeah. I -- I mean -- just some of this --
24 What's complicating this more is some of the -- some of the
25 expectations from the US Department of Education or in the



1 regulations and some of it's in law, and the requirements
2 have the same minimum and is in the regulation. Right now
3 the regulations are in ho-

4 UNIDENTIFIED VOICE: But not in law.

5 UNIDENTIFIED VOICE: -but not in law. Right
6 now, the regulations are on hold. So it's like- I think
7 people want to think about what makes sense for the state
8 and not so much what's necessarily in regulations because we
9 don't know if those regulations are going to go forward or
10 not.

11 UNIDENTIFIED VOICE: So, we might get that
12 flexibility going forward?

13 UNIDENTIFIED VOICE: So, we may have that
14 flexibility anyway, and so I think that's- and it was part
15 of that timing because when the spoke met last, the
16 regulations still were put in p- place and talked about that
17 recommendation and it was just last Friday, right, that the
18 that- the regs got put on hold.

19 So, we're in this very interesting unknown
20 place where it leads us- at least me to think what- what's
21 best for Colorado and what makes the most sense in the
22 system, and we can negotiate with the Feds later.

23 MADAM CHAIR: Okay. Thank you. Board member
24 McClellan?

25 MS. MCCLELLAN: If in the event think that we



1 were to uphold the Hubs recommendation and go with one that
2 may wind up being inconsistent with federal mandates in the
3 event that, that were to impact our access to federal
4 funding at some poi- oh you don't think it would. Well, I- I
5 just wanted to ask if there is, if there's some unforeseen
6 negative consequences for us in going that route, would we
7 be- would we have the legal capacity to go back and revisit
8 that sliver of the decision in the event that we needed to.

9 UNIDENTIFIED VOICE: Yeah, and this is a-
10 this is a good question we should remember to clarify this
11 in the beginning. The way it has worked in the past at least
12 with the US Department, of that- you submit a plan, they
13 review, they'll have peer reviewers, or I think that has
14 been the plan that they'll have pe- peer reviewers on it.
15 They will then give us feedback.

16 They don't say -- I mean if -- I guess if you
17 met the requirements right off, they'd say, yes, you're
18 good. Usually they say give us feedback and ask us to revise
19 or re-think. I've never experienced a flat out no, you
20 don't get another chance, you're not going to get money.
21 They'll come back to us and say, "Hey, remember this doesn't
22 align" and we'll have a chance to put forward our case to
23 them and say, "No, this is why we want to do it anyway" or
24 they'll say, "It's not going to fly, you have to change it,
25 and then we'll figure it out."



1 So, what did -- what did they say, we're not
2 getting thrown out of the nest, was that the -- what they
3 used at the hub meeting? Like, we're not going to get kicked
4 out of the nest if we put something forward, that doesn't
5 comply immediately.

6 UNIDENTIFIED VOICE: What if you want out of
7 the nest?

8 UNIDENTIFIED VOICE: Well that's another
9 conversation for you all to have.

10 UNIDENTIFIED VOICE: \$150 million.

11 UNIDENTIFIED VOICE: That's for you all.

12 UNIDENTIFIED VOICE: Who knows?

13 UNIDENTIFIED VOICE: Board member Flores.

14 MS. FLORES: I will ask of rural school
15 districts. What do schoo -- rural school districts think
16 about of the 16th and the 20th?

17 UNIDENTIFIED VOICE: So I can speak a little
18 bit just in regards to our public survey that we did
19 administer. So we did have a pretty equal split. It was
20 basically about a third of the respondents were from
21 suburban areas, a third were from urban, and a third were
22 from rural, and I will say that the -- when we look at the
23 data just by the rural respondents, they also select option
24 three as their primary choice consistent with the overall
25 survey.



1 UNIDENTIFIED VOICE: Ready, go ahead.

2 UNIDENTIFIED VOICE: Okay. So, right now I
3 think -- well, unless we get different direction from you
4 all because the hub is at 16th and 20th, we'll draft, just
5 write the draft that way to see what it looks like. But
6 again, you all have that, you know, you tell us if you want
7 something different in there, and you can do that later too,
8 we can put the draft, we can put it together, do our draft,
9 put the draft up for public comment and then we can revisit
10 it after we get those public comments as well.

11 MS. FLORES: And when -- when you write
12 draft, you put in there the reasoning, am I right?

13 UNIDENTIFIED VOICE: Yes.

14 MS. FLORES: Okay good.

15 UNIDENTIFIED VOICE: To some degree we're
16 trying -- I think we'll probably put in more reasoning on
17 areas that we know we are asking for a little bit more on
18 but we're also trying to keep it pretty succinct and then we
19 can do more of the reasoning and that process -- negotiation
20 proce -- process later if we need to. So that's, at least
21 philosophically where we're leaning on.

22 MS. FLORES: I am thinking more in terms of
23 having the folks that we want feedback from to have a sense
24 for, why we made the choices we made.

25 Uh-huh.



1 UNIDENTIFIED VOICE: But historically it has
2 been 16.

3 UNIDENTIFIED VOICE: That's what we've been
4 doing, a 16 for achievement, 20 for growth.

5 MADAM CHAIR: Okay, go ahead.

6 UNIDENTIFIED VOICE: So the next decision
7 point that was made. I'm filling in for Dan Jorgensen. He's
8 pretty sick right now. So, if I don't know all the details
9 right away, sorry I'll try and catch up. It was around the
10 other indicators. So federal law requires another indicator
11 of student's success or school quality to be used in your
12 accountability system. The indicator needs to be
13 the same across all elementaries, across all middles, across
14 all high schools in the state. High school and elementary
15 can clearly be different, and needs to be valid, it needs to
16 be reliable, it needs to be comparable, and it needs to be
17 able to disaggregate the measure by student group which
18 actually narrows things down a lot for when people start
19 talking in the beginning about all the different ideas.

20 The short-term recommendation where we got --
21 we've gotten pretty solid input about 80 percent of survey
22 respondents a little more support this recommendation to use
23 in the short term a student engagement measure of change in
24 chronic absenteeism, right? So chronic absenteeism is
25 defined as missing 10 percent or more of the school year for



1 a student, excused or unexcused, but 10 percent of the year,
2 and to use that for elementary and middles and to look at a
3 change metrics.

4 So to see if a school or -- district is
5 seeing improvement there. For the high school indicator,
6 just because there are some differences in how attendance is
7 taken in across high schools in the state and the
8 meaningfulness of the data, that level the group recommended
9 using the post-secondary workforce readiness indicators,
10 specifically the dropout indicator that we already have as a
11 requirement by state law, and disaggregating that and using
12 that for now.

 The hub went with this for the
13 short term thinks this makes sense. They want us to talk
14 more about the long-term plan, which I will show you in a
15 second. I think lots of people are really interested and see
16 as -- see this as an opportunity to think more broadly about
17 our accountability, but when you look at the data that we
18 have currently collected because nobody right now feels game
19 to ask for schools and districts for another data
20 collection, and that meets the -- the re -- the federal
21 requirements for this indicator.

22 This ar -- you know, our -- our options are a
23 little bit narrow for the short term. For the long term, I
24 think we can always go back and amend our state plan, we can
25 always change things that we want to do, and we want to



1 think a little bit more broadly about what some options
2 might be for the long term. So-

3 UNIDENTIFIED VOICE: Excuse me.

4 MADAM CHAIR: Yes.

5 UNIDENTIFIED VOICE: And this -- this
6 indicator, was that required by law?

7 UNIDENTIFIED VOICE: It's required by law.

8 UNIDENTIFIED VOICE: Darn it wasn't
9 regulation?

10 UNIDENTIFIED VOICE: No, but what's
11 interesting about the indicator is that while it's required
12 to be in there, it also -- well, Marie, tell me if this is
13 law or reg. It can't make a difference between whether or
14 not a school is identified for comprehensive or targeted. So
15 it can't -- that's regs?

16 Okay, okay, so that's regs. So they -- they
17 say have it, but then the regulations said, but it can't
18 make a difference. So sometimes I wonder why you have it, if
19 it can't make it --.

20 UNIDENTIFIED VOICE: Cancels itself out.

21 UNIDENTIFIED VOICE: Why do you have it, if
22 you can't make a difference so -- so I think there's some
23 question of, is this enough of a value add that we want it
24 for our state system and want to include it right now.

25 Again, that was regs though, so if those regs are on hold



1 and aren't in place, then -- then the indicator can be used.

2 UNIDENTIFIED VOICE: Might as well get rid of
3 it.

4 UNIDENTIFIED VOICE: So yes -- thank you, the
5 law does say the waiting for the indicator can't be more
6 than the other indicators in terms of achievement in growth,
7 and graduation rate. So this is the -- the small workgroup
8 made a little timeline to show.

9 So right now if we want to be able to have
10 this short-term indicator for the 18 frameworks, which is
11 what the requirement is for -- from ESSA and the U.S.
12 Department of Ed., the data needs be collected now and next
13 year, right? We need to have it in place especially if it's
14 a change indicator, do we able to use an 18 to look at the
15 difference in performance there. So we're thinking that
16 would be use for the 18 frameworks, maybe the 19 frameworks,
17 but then the hub is going to talk some more.

18 The small group had a plan for, how do we do
19 this going forward, how do we continue to have this
20 conversation and think more broadly about what we ma -- may
21 want in accountability, and what indicators and measures we
22 want to -- may want to build as a state to be able to
23 incorporate in the future. But we're just not there right
24 now.

25 UNIDENTIFIED VOICE: Do I have questions?



1 UNIDENTIFIED VOICE: Yeah, your two n's.

2 UNIDENTIFIED VOICE: Board member Durham, I
3 can't see you at all.

4 MR DURHAM: I'm hiding.

5 UNIDENTIFIED VOICE: Yes you are.

6 MR DURHAM: People who are tardy shall be
7 forced to hide. Thank you. Thank you, Madam Chair. I think
8 as I sat through the hub committee meeting on this
9 particular issue, the more I thought about it, it's -- I
10 really think that the, the affected interest groups are
11 pushing hard for as soft a measure as possible.

12 So that in the Hopes perhaps that it might be
13 something that overcomes their failure to meet the hard
14 standards of test scores and, and im -- and student
15 improvement. And so, I certainly don't like the, the concept
16 of student engagement. I particularly don't like it, if it -
17 - if it deals with all absences as opposed to only unexcused
18 absences which I define as those absences that are not
19 sanctioned by the parent.

20 And -- and I don't think this soft measure,
21 unless somebody come up with a really hard, sixth measure
22 should be included, and particularly if it counts to get
23 somebody off the clock, we need to find a hard measure and
24 not a soft measure because I, I have a bad feeling about the
25 trend of student engagement whatever it may be. It's clearly



1 at this point, even the unexcused absences are pretty soft.

2 I guess I would redefine that as truant and,
3 we should, if there's a high degree of truancy perhaps, but
4 absenteeism I don't think is as -- a strict enough measure,
5 particularly if it's going to make a difference so. I think
6 there are lots problems with this and I -- and I -- I think
7 the hub may very well recommend it. It clearly follows the
8 recommendations, I think the spoke committee, but the more
9 I've thought about it, I just don't think it has any
10 meaningful value. Never adds anything to the process, and
11 when we get to plan adoption, I don't think we ought to
12 provide this kind of escape valve for districts looking to
13 find their way to be removed from the clock.

14 MADAM CHAIR: Are you planning to introduce a
15 different one? Because we got to have a measure.

16 MR DURHAM: We have to have a measure and I
17 haven't thought of one. So if we are -- if we end up stuck
18 with, we'll see with -- maybe ask staff to find us the
19 hardest measure they think they can find, and by hardest I
20 mean, the most statistically, justified, clearly measurable
21 standard as opposed to a standard that contains a lot of
22 fluff about how kids feel about school or, you know, we need
23 to be results oriented.

24 Can they read and write? That's really the
25 bottom line, or whether they feel good is, to me, not a



1 particularly important factor.

2 UNIDENTIFIED VOICE: Just because, it's
3 saying -- I mean-

4 UNIDENTIFIED VOICE: Elisa.

5 UNIDENTIFIED VOICE: I think -- I think there
6 could be an option if you all wanted to hold on short term
7 and work on the long term, if you wanted to think about
8 that. I don't know what the US Department of Ed. would do
9 with that. I don't know what you are thinking, you're like -
10 - what are you doing -- saying Elisa?

11 But I think -- I think it's something that
12 you could think about talking about doing. I'm sorry, I
13 neglected to mention at the beginning that there is strong
14 research connection between chronic absenteeism and student
15 achievement in school. So, that's where a lot of this came
16 from.

17 That was one of the other requirements, at
18 least, in the regulations is that there is a connection to
19 student achievement and performance and there is a very
20 strong relationship there between the chronic absenteeism
21 rate which excuse and the unexcused is what the research
22 shows and the actual outcomes. That said, I think -- I think
23 you ought to talk about whether you wanted to put something
24 in or not right now.

25 MADAM CHAIR: Board member Goff.



1 MS. GOFF: Actually, to pick up on what Mr.
2 Durham was saying, I don't disagree. I think this is -- for
3 one thing, is there, is there going to be a need? Do we have
4 it in place? How many hoops do we have to jump through like,
5 others we've jumped through to define chronic absenteeism.
6 It seems like there need to be a pretty clear universal
7 definition agreed to for that.

8 UNIDENTIFIED VOICE: Yep.

9 UNIDENTIFIED VOICE: Then maybe and probably
10 if somewhat accompanying clarification about that versus
11 truancy definition of each for people to make their own
12 news. I -- I know that there has been some push back among
13 the troops in the field about this. Some of these fears, I
14 guess, or worries referenced by -- by Steve.

15 There, you know, it, does this open up for --
16 for the game to be played? Is there a game to be played? Is
17 there any danger of without a real clear standard and a
18 definition for the chronic absenteeism? And I -- I listen to
19 legislative conver -- conversations about this too is the --
20 making really clear what that is and what it isn't and, and
21 making people assured and confident that when their child is
22 out for a long term medical reason or is at home getting
23 home care and going to school and/or family choice about
24 where -- where and when they choose to take their kids out
25 for any reason.



1 And, you know, a lot of our districts have,
2 sort of, I'm going to be really general in yo -- general
3 here. A lot of our districts have an average of 10 days. At
4 that point, the red flags go up. If a student is out for 10
5 days, some define that as unexcused, some say just total. So
6 that, I -- you kno -- I would encourage somebody to be
7 looking at our local district code of the -- code of --.

8 UNIDENTIFIED VOICE: Discipline.

9 MS. GOFF: -- the discipline codes and how
10 they are, how they're defining that kind of thing if we
11 wanted to do this. I am not opposed to it, I'm also not a
12 big fan of it because I do wonder, if there is to get going
13 on it, if there's enough understanding about what that means
14 and how parents understand how that works and what that
15 means for us and if schools do too.

16 So, I'd say, for now, it feels better to say
17 this is probably a possibility of a great start on the long-
18 term plan. Let's take what we learn from this and b -- be
19 creative in how to use that information to, to build better
20 things as well. But I, I would say, I just, I just think we,
21 we have the responsibility along with the spoke committee to
22 make sure that the definition is universally understood and,
23 and in a couple of languages besides English as well, when
24 we start communicating all these things, so, thank you.

25 UNIDENTIFIED VOICE: Board member, McClellan.



1 MS. MCCLELLAN: Thank you, Madam Chair. I
2 hope this isn't too granular a question but when I'm looking
3 at how we're gauging High School post-secondary and
4 workforce readiness, for the component for how we measure
5 graduation rate, I know that at the moment we're talking
6 about a modest number of students statewide if I understand,
7 something in the neighborhood of 500 participating in the
8 ascent program.

9 Is this an area where this board has any
10 latitude in the definition of what goes on the positive side
11 of the ledger in terms of graduation rate with, as it -- as
12 it relates to the ascent program, or do we have no choice
13 but to count a fifth-year senior who's in the ascent program
14 against the graduation rate?

15 UNIDENTIFIED VOICE: Yeah. I believe it and
16 we can check with Jane later on. But, I believe in state
17 statute, it actually says that, until they finish ascent
18 they can't count as a graduate. But what this board has done
19 is really emphasize the importance of looking at extended
20 year graduation rates so the four-year, five-year, six year
21 or seven-year rate, we calculate all of those in Colorado
22 and for accountability, we use the schools best of the four,
23 five, six or seven year.

24 So, if there are students in ascent, if there
25 are students doing concurrent enrollment that are staying



1 longer, if there are recently arrived English learners that
2 need some more time to graduate, we use the best of
3 graduation rates with school doesn't get ding for doing
4 something to help kids get to that level of, of being ready
5 to graduate, if they just need more time.

6 MS. MCCLELLAN: Thank you very much.

7 MADAM CHAIR: Board member Flores.

8 MS. FLORES: I just wanted say that, just
9 because back on the issue of student engagement and
10 absences, sometimes absences are because of family matters.
11 And I know around the Christmas time, we have around
12 Christmas and other holidays, maybe religious holidays, we
13 have kids that miss school and, you know, we know that
14 happens.

15 I know in Denver, one of the things that were
16 some years ago was when, they had year-round schools, and
17 year-round schools kind of, helped in getting achievement up
18 especially, for kids who were, lo -- low economic. Kids who
19 were poor. And then we should look at other avenues.

20 But just because i -- it's very salient and
21 it correlates, I mean, that doesn't mean that that's good
22 especially, when you have, you have it for kids that are
23 maybe more favored economically than those that are not and
24 that seems to me kind of, not -- not right.

25 And if we provided other -- other means,



1 after school programs or even in Denver, again, if we
2 provided transportation for kids, which we don't, for many,
3 for many areas, we do for some, we don't for others, and
4 especially our low economic areas in the southwest and in
5 the northwest, we don't do that.

6 So, you know, i -- it -- it will be difficult
7 and -- and it, it doesn't seem to be fair. Again, I bring up
8 the fairness issue. People who don't have money.

9 MADAM CHAIR: Board Member Durham.

10 MR. DURHAM: Thank you Madam Chair. I think
11 I, I think I agree with Dr. Flores an -- and for also for an
12 additional reason, I think this is a measure that will tend
13 to skew heavily against free and reduced lunch kids for a
14 whole variety of reasons.

15 We know that those, we know that they tend to
16 perform at an academically lower rate and/or lower
17 performance than non-trading or reduced one's kids, so it
18 almost becomes, or certainly has a potential of becoming a
19 redundant measure so that you're going to actually measure
20 the effect of poverty twice in, in this rather than once.

21 And I think if we're going to add a sixth
22 measure, we need to find something that's going to measure
23 tr -- try and measure on a little bit of a different basis
24 because I do think this will skew heavily.

25 I think we could price it down and pre --



1 predict the results of this measure now. So, I think we,
2 hopefully, there's some opportunity for some people who are
3 experts in the field to think about some alternatives
4 substantive approaches.

5 UNIDENTIFIED VOICE: So, I think I hear
6 strong interest in this long-term considerations to be
7 piloted by districts with alternatives, and-

8 UNIDENTIFIED VOICE: Perhaps the board should
9 take some leadership in that after we get this plan done in
10 creating a process for that to, to move forward. So, it
11 doesn't just fall through the crack.

12 MADAM CHAIR: Any other comments, questions?
13 Board member Flores.

14 MS. GOFF: I'm just going to really summarize
15 here. I -- and here's my wish list. I wish this was an
16 opportunity for us to hit the positive incentive type of, of
17 talk. Of course getting kids to be more regular, those who
18 have struggled with it to get them regularly attending
19 school. Yeah, it's a great goal.

20 My worry about this is that it's on con --
21 it's not within those of us who decide what we're going to
22 aim to do. It's not in our control necessarily. I, I would
23 like to see is go to a more positive tone on something that
24 really is a benefit to all kids in general. Something to
25 give them the spirit of moving forward, which is we probably



1 know in most cases does impact treatment levels for the
2 better performance levels improve.

3 I don't know what the answer is. I'm just --
4 I'm, I'm ki -- disappointed in a way that we have to add
5 another one on. I'm -- I think, you know, if frankly
6 personally if we had been given the choice of what are some
7 of those things you and your state and your citizens have
8 been saying is very important in order to tell the full
9 story of a school or a district, what would you think would
10 best portray yourselves in the -- in a fuller story?

11 I wish we had been given the chance to do
12 that rather -- which we could, but rather than have it come
13 out from the get-go. As such a you will think of a good way
14 to show what else. I, I don't -- I don't know if you
15 understand what I'm saying. I just think the tone of this
16 has turned to something that is not really indicative of our
17 -- of our state, and really our country. I --
18 I think this is a good chance to think ahead. I'm hoping we
19 can talk long term on this. I hope we do because it's a good
20 chance and to, to turn the tone a little bit about all of
21 this and get away from what always feels to people like
22 punitive still and that will be that way for a while.

23 But start out punitive, you lessen your
24 chances of getting there proportionately. So, that -- that's
25 I'm sorry to be so high in the clouds, but I, I -- hoping



1 that we take that kind of thinking with us for the long-term
2 planning on this. And that includes all the other goals and
3 interims and benchmarks and thinking that we should be doing
4 on this eventually as well. Thank you for listening.

5 UNIDENTIFIED VOICE: Thank you.

6 MS. FLORES: I hear your tone about positive
7 and I think this area that the feds have put upon us is --
8 is negative. If we had really kind of gone on the area or
9 in the direction of saying early childhood matters and if
10 your school has early childhood or your district has early
11 childhood education or a lower pupil teacher ratios, you
12 know, that would be a positive.

13 And to show that, that this is going in the
14 positive direction. I think if you have, for instance, in --
15 in schools that have a large number of kids that are
16 homeless and we do have in Denver several schools that have
17 large numbers of homeless kids, if we had social workers
18 that would help not only kids, but help families and such, I
19 think this is going in the right direction and if such
20 resources help schools, then that should be highlighted and
21 not, you know, the negative of, oh well, high absenteeism
22 and in performance well, that's just --

23 MADAM CHAIR: Board member Flores, we are
24 just trying to balance the time constraints that we have.

25 MS. FLORES: I know, and I was just adding to



1 Ms. Goff's.

2 MADAM CHAIR: Right. We have an opportunity
3 here that we should certainly take.

4 MS. FLORES: Right.

5 MADAM CHAIR: In the meantime. I think a lot
6 of folks who brought this forward felt that this was
7 information that is already being collected by subgroups and
8 therefore is not an additional burden.

9 MS. FLORES: Yeah, but that's the point.

10 MADAM CHAIR: Is not an additional burden put
11 on school districts at this moment. This gives time for
12 school districts to provide input for us to have some really
13 meaningful discussions as a state. What are you-

14 MS. FLORES: But that's because it's the only
15 thing that shows-

16 MADAM CHAIR: Are you arguing with me or
17 what?

18 MS. FLORES: I am. I'm just saying to you
19 that just because you could-

20 MADAM CHAIR: Did you want me (indiscernible
21 or what. Please stop.

22 MS. FLORES: No.

23 MADAM CHAIR: We need to move on.

24 MS. FLORES: Let me just -- let me just say
25 this. If you have a flashlight and if you go out to a



1 district and that's the only thing that pops up because it
2 pops up, you know, that doesn't mean that that's, that's a
3 correlation to, to -- and -- and we know it's a correlation
4 to poverty. And as a-

5 MADAM CHAIR: Board member Flores, are you
6 finished? We really need to get on. I appreciate your
7 thoughts.

8 MS. FLORES: Just because I speak slowly,
9 please.

10 MADAM CHAIR: Board member.

11 MS. FLORES: That's -- and just because the
12 correlation is that you hit the light and that pops up and
13 that's easy.

14 MADAM CHAIR: Thank you.

15 MS. FLORES: That doesn't mean that it's
16 right or fair.

17 MADAM CHAIR: Thank you.

18 UNIDENTIFIED VOICE: Madam Chair? What about
19 remediation rates or?

20 UNIDENTIFIED VOICE: So, we can -- so high
21 schools is more strict for him. We could add more things to
22 high school because state law already has some other
23 indicators in there. With the dropout rate, with
24 matriculation rate, we can use those that we already have.
25 We could add remediation to, the reason why we haven't so



1 far, the remediation data we -- we have access to is only
2 for Colorado colleges. For so -- for students and schools
3 that leave the state, we have their matriculation to outside
4 the state, but we don't have their remediation rates for
5 outside the state, so we don't know that that data is as
6 representative for some schools which are-

7 UNIDENTIFIED VOICE: Is it being collected by
8 the clearinghouse or not?

9 UNIDENTIFIED VOICE: It is not collected by
10 the clearinghouse. You guys tell me, I need to double
11 check, okay, but.

12 UNIDENTIFIED VOICE: What about mobility?

13 MADAM CHAIR: So, mob -- they'd asked about
14 mobility in that -- in that survey, it was asked about
15 truancy, change and chronic absenteeism, and mobility.
16 Mobility is something that people -- that's really in terms
17 of an actionable item for schools and districts, mobility is
18 really outside of a school or district's control, much more
19 so than some of the other indicators, right? Because people
20 -- families need to move and they need to move for very
21 personal reasons or economic reasons that it's hard for a
22 school to adjust for that.

23 The chronic -- the truancy, I think there are
24 some concerns too about more of the correlations with that
25 data. But that change in chronic absenteeism with something



1 in the survey that was rated more actionable. And it's
2 really looking at a change indicator. So, for those schools
3 that have high poverty rates, that have a lot of chronic
4 absenteeism, it's not saying your -- your rate has to be
5 here, it's that you want to get better at it.

6 So, we were visiting a school on Tuesday.
7 That's the measure they track for themselves. They track it
8 by grade, they're looking at students, they're looking at to
9 measure, to see if they're making improvement in some
10 measure that's meaningful for them because they feel they
11 can impact that.

12 When you're at 50 percent or 60 percent of
13 your students chronically absent, then that's something you
14 can really have an impact on because it's not a one off. A
15 kid goes on vacation with their family or a kid, you know,
16 is out, we can take care of the monthly.

17 UNIDENTIFIED VOICE: Yeah, I just think it's
18 a -- it's certainly difficult though-

19 MADAM CHAIR: It's all difficult.

20 UNIDENTIFIED VOICE: Truancy or absenteeism,
21 absenteeism is probably different at say a high school level
22 than it is in elementary school.

23 UNIDENTIFIED VOICE: Yeah, we're not
24 measuring --

25 UNIDENTIFIED VOICE: Yeah.



1 UNIDENTIFIED VOICE: And it's also difficult
2 for schools to have an impact on, I mean, I hate to use the
3 -- the phrase at the end of the day, but at the end of the
4 day, schools can, and teachers can really encourage, but a
5 lot of that is outside of their control.

6 UNIDENTIFIED VOICE: Uh-huh.

7 UNIDENTIFIED VOICE: And it -- and it -- and
8 it's also not all that meaningful. It sure like to find some
9 sort of measure. I know we need to move on and we can talk
10 about this later, but I'd like to find some sort of measure
11 that matters for all kids in all schools. And it's about
12 what happens when they're in school, not about whether
13 they're there or whether, you know, what is happening with
14 them at school.

15 UNIDENTIFIED VOICE: So, I think you all can
16 have it, if you want him to think about saying, no, we don't
17 want to put forward something short term. We're working on a
18 long-term plan, but right now, we don't feel like we have a
19 measure that we've landed on that we think adds enough value
20 to add to our frameworks and we could see what happens. We
21 can submit that to the US Department of Ed and see, we could
22 have this as a backup plan in case they say, you have to
23 have something now. If that's where you want to all go. So,
24 I think there's some options there.

25 UNIDENTIFIED VOICE: Okay.



1 UNIDENTIFIED VOICE: And then we definitely
2 have a plan for that long term of let's, let's talk more and
3 think about what other options there are and what we want
4 for our schools to your point, Ms. Goff about what -- what's
5 our vision and what do we really want to be saying and so
6 that we could build towards that.

7 MADAM CHAIR: I would suggest that we look at
8 some of the data. On chronic absenteeism as a predictor of
9 achievement because there are actually some studies that are
10 pretty compelling.

11 MS. GOFF: Well, I have no doubt there's a --

12 MADAM CHAIR: Board member Goff.

13 UNIDENTIFIED VOICE: No --.

14 UNIDENTIFIED VOICE: -- predictor, but I'm
15 not sure I want to ding a school for it.

16 MADAM CHAIR: That and a little step beyond
17 what it -- what is -- what's your prediction about how many
18 states will probably go toward this particular extra
19 indicator because one positive of doing this in addition to
20 some other would be that there would -- then there would be
21 some little wider pool where we could talk about how that
22 played out. My only hope would be that out any state who's
23 going to conclude that in their extra indicator list, has a
24 common vision of what that means. I, I just -- I don't think
25 we learn much if we don't have a -- something to grab a hold



1 on to connect the dots. So, a, a, a common definition would
2 be hopefully.

3 UNIDENTIFIED VOICE: We can report back to
4 you after, we're --

5 UNIDENTIFIED VOICE: Yeah --.

6 UNIDENTIFIED VOICE: -- going to meet with
7 other states tomorrow and I think about 10 states have state
8 plans, so that I think that's what you said Pat, and we can
9 look and see what they're proposing so far, but.

10 MS. FLORES: That would be great, yeah.

11 MADAM CHAIR: School identification, please.

12 MADAM CHAIR: Thanks.

13 MS. NELSON: Just to provide some context and
14 background. Good morning everyone. I'm Naseema Jerry Nelson
15 (ph). We do have to identify under the statute two
16 categories of schools, schools that are identified for
17 comprehensive and targeted support and improvements. There
18 is a -- subcategories under each.

19 We have to identify schools that are in the
20 lowest performing 5 percent of Title I schools and ones that
21 are -- any high school that has a graduation rate below 67
22 percent as well as any additional targeted schools which are
23 schools that have chronically low performing student groups.
24 The student groups, any time we're talking about school
25 identification, the four groups that we're talking about are



1 -- are English learners or students with disabilities,
2 students from any major racial ethnics -- ethnicity
3 and students of poverty.

4 The targeted schools or schools that have a
5 consistently underperforming student group but one of the
6 four, if they become chronically underperforming those
7 additional targeted, then they have to be re-categorized or
8 re-identified for additional support. The decision points
9 that we had discussed as part of the small group that were
10 submitted as part of our survey and have brought forth to
11 the hub committee, there was really strong consensus on
12 majority of them with the exception of one, which I'll talk
13 about in just a second.

14 But these were the decision points, and these
15 are the recommendations that our spoke is made to the hub
16 and the hub has supported to bring forth to you and we'd
17 like direction from you in regards to how we should address
18 this and move it forward. We are writing it into the plan as
19 mentioned earlier and we'll continue to look for your
20 direction and support on where we should go with this.

21 For identification of both types of school
22 comprehensive and targeted, the spoke has come --recommended
23 to the hub and hub is recommended to you that to use three
24 years of data for identification. They have -- the
25 recommendation is also to identify schools annually. So in



1 other words, run the analyses each year to see if we have
2 any new schools that are low performing or underperforming
3 for their student groups and on board those schools.

4 And the identification for it to last for
5 three years for the comprehensive not the targeted. The
6 targeted identification, the length of it and the exit
7 criteria are left up to the districts. Far and lowest
8 performing 5 percent, the recommendation is to use the
9 percent -- total percentage points earned on the SPF and use
10 the lowest 5 percent of the Title -- identify the lowest 5
11 percent of Title I schools based on that total percentage of
12 points earned.

13 For the identification of high schools, our
14 spoke committee and the field and the hub all have
15 recommended very strongly that we do what's in best interest
16 of Colorado students, in spite of the fact that the
17 regulations call for using only four-year graduation rate.
18 We would like to propose and move forward with the option of
19 using the four-year grad rate plus the extended grad rate,
20 which is continuing our protocol of using the best of four,
21 five, six- or seven-year grad rate.

22 For the consistently underperforming, this
23 was the area that there was mixed results from the survey.
24 So, therefore, our small group felt that the hubs should
25 weigh in on this and make the determination as to what



1 should be recommended to the state board. There were 40
2 percent of the respondents on the survey felt that the
3 consistently underperforming should be based on all
4 indicators as it states in statute.

5 That definition and that criteria would
6 produce a very small number of schools that would be
7 identified for such support and improvements. Our committee
8 felt that it was more reflective of our state and more
9 appropriate for us to identify using a minimum of the three
10 indicators. Just a reminder that all of the indicators that
11 we have to use include, everything that's in our SPF.

12 So achievement for English language, arts and
13 math, growth for English language arts and math language
14 proficiency progress and PWR and once we have it the other
15 indicator. We've made -- we made some projections based on,
16 one year of data in regards to how those two options would
17 weigh out and we would get a very small number, something in
18 the tune of 60 students, I mean, 60 schools, I'm so sorry,
19 60 schools if we use -- they have to have enough students
20 and each one of those indicators in order for them to even
21 be in the analyses.

22 And therefore, we would only get 60 schools
23 that would get identified for targeted support. The
24 alternative in using a one year of data and using a minimum
25 of three indicators, meaning that if they had too few



1 students, for three of those indicators but they had enough
2 students for to, you know, for three indicators for, like
3 say, if they had achievement English language arts and
4 achievement math and growth math, that's three indicators if
5 they have enough students to be included in that calculation
6 and they are not meeting expectations for those student
7 groups on those three indicators, then they would be
8 identified.

9 That methodology produces somewhere closer to
10 100, its 96 schools that get identified. That's based on one
11 year of data. We do project that once we have three years of
12 data and can use it for analyses, that's going to produce a
13 much larger number of schools. So, but we don't know exactly
14 what that is going to be until we have more years of data.

15 And that's -- that was the hub's
16 recommendation is that we use that minimum of three
17 indicators. For the additional targeted, it's pretty
18 prescriptive in statute that has to be our lowest performing
19 student groups. And for the exit criteria, the
20 recommendation is for the school every year when we run the
21 analyses, any schools that no longer meet that exit criteria
22 after those three years, then they would be exited from
23 support and improvement status. Sorry that was a lot of
24 information very fast. May I clarify anything for you?

25 MADAM CHAIR: Yes, Board Member Goff.



1 MS. GOFF: Yes, we are -- the last bullet
2 there, low performing lowest 5 percent. Title I schools,
3 correct?

4 MS. NELSON: That's a very good question,
5 ma'am. For the comprehensive identification, lowest 5
6 percent does have to be Title I for this additional
7 targeted, initially, when they get identified, it's any
8 school that has a low performing student group, meaning
9 they're in the lowest performing for those student groups.

10 What we are required to do then is to, define
11 an exit criteria which we have done that it's the exit
12 criteria as they no longer meet the identification criteria,
13 we are giving them three years to meet that exit criteria.
14 If they do not meet our exit criteria within those three
15 years and they continue to have low performing student
16 groups and they are Title I, then they become comprehensive.
17 So, any school can be identified for additional targeted but
18 after three years, before they're moved to the comprehensive
19 category and rec -- receive that support, they would have to
20 be Title I first.

21 UNIDENTIFIED VOICE: You know, whenever you
22 all feel it's a good idea, would you -- would you clarify
23 what we're talking about as it relates to the Title I on
24 this law? I mean, we're not -- I'm hoping I am kind of clear
25 on that because I --.



1 UNIDENTIFIED VOICE: Comprehensive, targeted.

2 UNIDENTIFIED VOICE: -- I'm not sure when I -
3 - when I'm speaking with people out there, it doesn't come
4 up as being a kind of a focus point of this -- of the whole
5 law. And that, I think is some -- something that we're all,
6 it's incumbent on all of us to be able to remind folks that
7 the idea is of ESSA and the umbrella says equity and it says
8 Title I and we're -- we supposed to be, to my understanding,
9 focusing on those needs.

10 Not that all schools don't get the attention
11 in this, but when we're talking about allocations and
12 priority list, I think if you would help me, just remind me
13 that you know, a little reminder. Here's where that applies
14 to this particular topic.

15 UNIDENTIFIED VOICE: Sure.

16 UNIDENTIFIED VOICE: I think it's interesting
17 because it's -- the ESSA is different than NCLB and that you
18 know the -- the comprehensive law is 5 percent and its
19 specific Title I schools, but the other identifications are
20 not. Like there for all schools in the state where NCLB was
21 very narrow. We ran adequate yearly progress in all schools,
22 but it only had consequences for the Title I schools. So,
23 it's kind of -- it's moving out and looking at all schools
24 from the state a little bit more than we did previously.

25 UNIDENTIFIED VOICE: It does -- it does feel



1 more double -- double stranded where we are focused on
2 addressing the needs of the at risk, but it does benefit.
3 We're all in it together. Maybe that's what --

4 UNIDENTIFIED VOICE: Yeah, and there are
5 schools -- there's a lot of schools in the state that have
6 at risk children that aren't getting Title I funds.

7 UNIDENTIFIED VOICE: Right.

8 UNIDENTIFIED VOICE: Right, like, you know,
9 there are districts that get their allocation, there is a
10 whole number of reasons why those schools that do have high
11 percentages of at-risk students aren't getting served a
12 Title I of dollars.

13 UNIDENTIFIED VOICE: Okay.

14 MADAM CHAIR: Go ahead.

15 UNIDENTIFIED VOICE: Do you all have any
16 other questions on this? Do you want to -- I think we can
17 move forward with the draft and then you can see how, and we
18 will put it out for public comment and see how it looks and
19 the feedback we get.

20 MADAM CHAIR: Board Member Durham.

21 MR. DURHAM: Just one, when you do that could
22 you please indicate how this differs from current practice.

23 UNIDENTIFIED VOICE: Okay.

24 MR DURHAM: It would be helpful to know,
25 thank you.



1 UNIDENTIFIED VOICE: Okay. And just to
2 clarify different from the current practice in terms of
3 state law different or under the waiver we had similar types
4 of identification but not exact.

5 MR DURHAM: Just the way we do it now.
6 However it is we're doing and now-.

7 UNIDENTIFIED VOICE: Okay.

8 MR DURHAM: How does this change, what
9 changes and then I guess secondly is that change going to
10 result in your judgment of more schools to deal with fewer
11 schools to deal with, what's going to be the result of the
12 change.

13 UNIDENTIFIED VOICE: Okay, that's -- make you
14 like a very complicated picture to explain every single
15 thing like that. Explain that or something like that.

16 UNIDENTIFIED VOICE: It won't be hard.

17 UNIDENTIFIED VOICE: We will figure out how
18 to note that.

19 UNIDENTIFIED VOICE: Ms. Rankin.

20 UNIDENTIFIED VOICE: Yeah.

21 UNIDENTIFIED VOICE: I'd like to see that in
22 a crosswalk with one side being what's now and the other
23 side being what is --

24 UNIDENTIFIED VOICE: Okay.

25 UNIDENTIFIED VOICE: -- recommended I guess



1 is the word I'm looking for. And how many people, Nazzy,
2 were involved in this survey.

3 UNIDENTIFIED VOICE: Say 69 responded?

4 UNIDENTIFIED VOICE: Well, there were 69 and
5 the other one is just the same one.

6 UNIDENTIFIED VOICE: We had 69 as well.

7 UNIDENTIFIED VOICE: Okay. I'm sorry, I just
8 had it open. I opened the wrong one.

9 UNIDENTIFIED VOICE: We didn't set it up so
10 that-

11 UNIDENTIFIED VOICE: Yeah, I don't -- we
12 don't know, now we don't know because we had separate little
13 surveys out.

14 UNIDENTIFIED VOICE: It seems like a very
15 small impact is-

16 UNIDENTIFIED VOICE: We set our insights at
17 70 and then this doesn't count? Okay, so we have one more
18 topic that we need to talk about for accountability today.
19 If that would be okay to do that now and then before we
20 transition to school improvement, which is the participation
21 decision point.

22 So what is in the U.S. Department of Ed's
23 plan template for what we need to cement is really asking us
24 how Colorado will hold schools accountable for the 95
25 percent state assessment participation rate requirement and



1 that's a requirement for -- overall for the school and for
2 individual disaggregated groups and that little box we just,
3 you know, took a little picture for you what the template
4 looks like and what they're asking us for right there.

5 MADAM CHAIR: Is this in the law or in the
6 regs?

7 UNIDENTIFIED VOICE: It is in the law that we
8 need to have this requirement. So here's a little bit of an
9 overview of our different participation policies and
10 requirements that we have going on. So federal law requires
11 that 95 percent of students be assessed, but states decide
12 how participation factors into those accountability systems,
13 okay.

14 Federal law also requires that
15 nonparticipants below 95 percent are counted as non-
16 proficient and we're looking at achievement which is
17 something we have not done in the state and personally I
18 have some concerns about that because I think it leads to
19 some misleading data. So, but today we're just talking about
20 the first part about the participation rate and that impact
21 on accountability.

22 Federal law also recognizes states may have
23 opt out laws. That's about all it says. The regulations
24 didn't address it and again those regulations are on hold
25 now and we had actually, when we had submitted comments on



1 the regulations, we wanted some clarification. What does it
2 mean that you say you recognize our opt out laws and then
3 you have these other requirements over there. So yes, I
4 haven't read those comments. I don't know what they
5 responded to for that one, we will have to look, go back and
6 look.

7 In terms of state policy we have state
8 statute now that acknowledges the rights of parents to
9 excuse children from testing, right and then in that law it
10 prohibits schools and districts from penalizing parents or
11 students from wanting to excuse themselves from testing and
12 then it also doesn't allow -- encouraging students not -- it
13 doesn't prohibit schools and districts from putting an
14 unfair burden on families that want to take the assessments.

15 So schools and districts are walking this
16 very fine line. They feel like they can't encourage people
17 to test. They can't make it hard to opt out, there -- they -
18 - when you talk to them, they're trying to figure out -- a
19 lot of them are trying to figure out how do we walk this
20 line that we're in compliance on both sides. So they're
21 working hard to figure out what that means.

22 As you all well know, there's a state board
23 motion in place from February of 2015 that says districts
24 should not be held liable for parent opt out. So as you saw
25 this morning, that's why we had the policies we do about



1 only lowering when it's not about parent excusal.

2 So we've got that policy in place. And then
3 finally with the state law, districts are required to have a
4 policy in place for how parents can excuse their children
5 from state tests. So each district had to adopt a policy,
6 they've got their own procedures for how to tell a parent
7 that they can, if they want to have their child excused, how
8 to do that.

9 They also have to report every year an
10 assessment calendar to parents, so they know what
11 assessments are given and why over the school year, okay.
12 That's a recap of kind of where we're at.

13 This was the final USD regulations, we turned
14 this in before on Thursday before the regs are on hold. But
15 what was in those regulations, forgot about that I'm sorry,
16 was that our options as a state with the regulations are
17 options where we can lower schools rating, we could give
18 them the lowest rating on the achievement indicator, we
19 could identify them for targeted support and improvement or
20 a sufficiently rigorous state determined action or set of
21 actions. Before it said equally rigorous and they revised
22 after they took comments and that came out to be
23 sufficiently rigorous.

24 That said, these are now on hold. So we'll
25 see what that means. But that's all -- those are the options



1 if a school district was below the 95 percent. And how we
2 can do that on our accountability.

3 MADAM CHAIR: Board member Durham.

4 MR DURHAM: Thank you, madam chair. I would
5 submit that all page 19 is in violation of state law and
6 state board policy.

7 UNIDENTIFIED VOICE: This one?

8 MR DURHAM: 19. I'm sorry, 18.

9 UNIDENTIFIED VOICE: Next page.

10 UNIDENTIFIED VOICE: I'm sorry, you're right.

11 UNIDENTIFIED VOICE: Okay. The federal reg
12 one. Okay.

13 MR DURHAM: Is in violation of state law and
14 state board policy and that we might be well served to
15 simply submit to the department that state law prohibits us
16 from complying with these provisions.

17 UNIDENTIFIED VOICE: Are you okay if I share
18 some of the options that came up --

19 MADAM CHAIR: Yes. Go ahead.

20 UNIDENTIFIED VOICE: -- in this process and
21 then we can talk through it? So option one is to use our
22 current policy, you know, go into what that is in place
23 right now because we do have a policy that meets, I think
24 the board has felt it meets our state law requirements and
25 where we are and what the board's motions and policies are



1 in place.

2 Some of the other ideas we started having a
3 conversation with the spoke on this a little bit and then it
4 was clear the board wanted to be able to talk about this
5 further. So we kind of put things on hold. But some of the
6 other options that were brought forward were -- was an idea
7 of tiered system of interventions based on the participation
8 rates.

9 You know, we have schools that are at 92, 93,
10 94 percent. That's very different than a school at an 11
11 percent or 20 percent or a 0 percent participation rate. So
12 to think about things differently like that, there's a lot
13 of conversation about incentives and if there were a way to
14 build incentives in the system for participation.

15 As we talked about that further, it get --
16 that gets a little challenging because an incentive, if you
17 don't get the incentive, then it feels like you're being
18 held liable. So thi -- this is very complicated and if there
19 was a clear answer on this, I would think that we would have
20 found it and figured out a way. But this is, like, the
21 stickiest policy issue I've ever -- I've ever experienced in
22 my time here.

23 And then the fourth option was really, it's
24 similar to our current policy but it's a little bit -- a
25 little bit different and kind of going back to where we had



1 been in the past around requests to reconsider a policy of,
2 you hold schools and districts accountable and then through
3 request to reconsider they can show, "No, we've worked with
4 families. We've done our -- done our due diligence and
5 because -- but parents still chose to opt out and so please
6 give us our rating back." So, those were some of the
7 options. But let's talk a little bit about what's in current
8 policy right now.

9 UNIDENTIFIED VOICE: Well, how can we give a
10 rating if there is no data?

11 UNIDENTIFIED VOICE: For the -- that's a
12 different case, right? There's definitely -- there's plenty
13 of schools that are not at 95 percent that -- but we have
14 data to give ratings for.

15 UNIDENTIFIED VOICE: Got it.

16 UNIDENTIFIED VOICE: But they --

17 UNIDENTIFIED VOICE: So --

18 UNIDENTIFIED VOICE: -- still don't meet the
19 95 percent.

20 UNIDENTIFIED VOICE: So yeah, you -- you're
21 going to have to set that one.

22 UNIDENTIFIED VOICE: Okay.

23 UNIDENTIFIED VOICE: In some way that --

24 UNIDENTIFIED VOICE: Yes.

25 UNIDENTIFIED VOICE: -- that it make some



1 kind of sense.

2 UNIDENTIFIED VOICE: Yes. And -- yes.

3 UNIDENTIFIED VOICE: Okay.

4 UNIDENTIFIED VOICE: Thank you. So what we
5 have in current policy, you are, not this past summer, the
6 summer before, so that was '15, I spent a lot of time when
7 we needed to get our waiver renewed. Remember, we had to go
8 through that whole waiver renewal process and then the law.
9 Yes to say it was passed after all that. But through that
10 process, we had to figure -- we had to report to the -- we
11 had to have a plan for the US Department of Ed on how we
12 were using participation and accountability.

13 Right after waiver was approved, the US
14 Department of Ed also asked us for a letter. They said we
15 see your participation rates in Colorado, you need to tell
16 us what -- what you're going to do about this and how you're
17 using it for accountability. So we took the language that we
18 put in the waiver and we sent that right back to them. And
19 then they were thinking waiver is going to expire, so we
20 need to have some agreement.

21 So what's in our agreement with them right
22 now is that we calculate and report participation rates
23 overall, and for all the segregated groups. And we've been
24 trying to be very diligent about anytime we put achievement
25 data out, having the participation rate right there because



1 it's an important interpretation that show. That schools and
2 districts that were below the 95 percent would address that
3 in their unified improvement plan. Again, it's an
4 interpretation issue. So as you're analyzing your data and
5 saying where your strengths are and where you may want to
6 focus, you've got to take that participation rate into
7 consideration. We are --

8 MR DURHAM: Excuse me, Madam Chair. It would
9 appear mean that that requirement of including something in
10 a participation plan is in violation of our policy of not
11 providing any penalties for any districts that don't achieve
12 the 95 percent as a result of parent opt out and that --
13 that --that something that under current board policy, we
14 cannot require because it doesn't -- by definition, doesn't
15 need improved.

16 UNIDENTIFIED VOICE: So, the way we've
17 phrased that and when we're working with schools and
18 districts, it's really about addressing it in terms of when
19 you look at your data, you're looking at the participation
20 rate too. I would -- I would be hesitant for a school to
21 write a whole plan on what they need to do for math if the
22 math results are representing 20 percent of their students,
23 right?

24 They want to say this math data from the
25 state represents 20 percent of our students. We want to



1 consider these other local data on our math achievement so
2 that we really understand what our math achievement is. Does
3 it make sense? I see what you're saying, Steve.

4 MR DURHAM: Well, it's -- it's a very clever
5 and thoughtful way about getting around a board policy. And
6 the board -- the policy says there'll be no penalties
7 assessed to a district for failure to meet 95 percent as a
8 result of parental exclu -- exclusions, excuse -- pa --
9 parental excuses. So the -- the -- the question is, does
10 that constitute a penalty and so you want to take it -- I
11 don't know that it's all that definitional because I think
12 it's really black and white. If they're required to do
13 something as a result of parental refusals, that's penalty
14 as far as I am concerned and is prohibited by board policy
15 at the present time.

16 And I think staff has done a very good job
17 trying to -- trying to -- to comply with or trying to meet
18 the demands of more than one master. One master being the
19 United States Department of Education the other being the
20 state board. And I think it's time that we recognize that
21 the Department of Education is not first to be served but
22 students of Colorado are first to be served and the parents
23 of Colorado were first to be served. And there are elected
24 officials at the legislature have a policy which is
25 supported by the policy of this board.



1 Now, I know there are lots of interest groups
2 and edge in the reform community don't like the policy. But
3 if they want us to change our policy, they should go across
4 the street and see if they can pass a bill that will allow
5 districts to penalize students whose parents refuse
6 participation.

7 If they do that, then they can come over here
8 and suggest that we find some enforcement. But for us to
9 just finesse this and say we're doing something we're not
10 doing, well, you've all been very good at it and I'm
11 appreciative. I think it's time to just state the facts as
12 they are and let's see what the United States Department of
13 Education is willing to do about it, if anything.

14 UNIDENTIFIED VOICE: So --

15 MADAM CHAIR: This doesn't make any sense,
16 Steve. Address participation rates and unified impro --
17 that just means you talk about it, right? And you look at
18 how you can have a unified improvement plan for your kids.
19 This is about ki -- this is about student achievement. So
20 are you suggesting we don't have a unifying improvement plan
21 for districts that opt out?

22 MR. DURHAM: I simply would suggest that they
23 don't address the opt out. They may need a unified
24 improvement plan for other reasons, but they don't need one
25 for opt out because there's no penalty or were adverse



1 consequence for opt out and there's no way to prevent opt
2 out. So it's -- I mean, I know what we've done and -- and I
3 know its staffs done and they've done a good job. That's not
4 the issue here.

5 The issue is are we going to just ex -- are
6 we going to be honest and reflect Colorado reality in what
7 we tell the federal government? And if they don't like it,
8 then they should go to the legislature and suggest the
9 legislature make a change because for us to try and enforce
10 penalties on something that the state law prohibits --

11 MADAM CHAIR: I'm not seeing the penalty.
12 Steve, where's the penalty. I'm not --- I'm not-

13 MR DURHAM: Because they -- they have --
14 because they have to come up with a plan to address
15 something that they are not required to address, I view that
16 as a penalty. It may be a matter of semantics or definition.

17 MADAM CHAIR: I think so.

18 MR DURHAM: But I view it as a penalty.

19 UNIDENTIFIED VOICE: I agree. Oh my God.

20 MADAM CHAIR: This is -- makes nice -- makes
21 no sense at all.

22 MS. FLORES: Well, you have some districts
23 like Denver, that really doesn't collect and doesn't allow
24 for parents to agree -- I mean, if you read their consent or
25 not consent for taking the test, it would take several



1 lawyers to understand that. And so in a sense, they are
2 making it difficult for parents to really opt out and so,
3 that -- if they do that, then they lower the rating.

4 UNIDENTIFIED VOICE: Really? I don't think
5 they are allowed to, they don't (indiscernible).

6 MADAM CHAIR: Board member Rankin.

7 MS. RANKIN: Board member, Durham, are you
8 recommending that we not even address any participation of
9 the test, but it's just whoever is there that, what we have
10 is what we need to work with, and submit that because that
11 would comply with our state board, would it not?

12 MR. DURHAM: Provided, I think the only --
13 the only proviso that the only thing that the legislature
14 has excused and the only thing the state board doesn't hold
15 district account -- accountable for is parental -- is
16 parental opt out. I mean, this is not Ferris Bueller's day
17 off, if a kid doesn't want to take the test, there are
18 consequences both to the child and if the district then
19 can't make that stick, to the district.

20 But -- but the law deals only with this one
21 specific kind of opt out. All other kinds of opt out should
22 be addressed and -- and districts have wide latitude as to
23 how to deal with students and/or penalize students who
24 simply on their own decide they've got something better to
25 do that day. But-



1 MS. RANKIN: So -- then -- then leaving off
2 the parental permission to not be there for the test, would
3 -- would agree with our law the way it stands in our state
4 right now.

5 MR. DURHAM: Perhaps one way to do it would
6 be just simply say we will report, we will report all data
7 exclusive.

8 MS. RANKIN: Yes.

9 MR. DURHAM: We will not include in the
10 denominator -- I think it's the denominator. We will not
11 include in the denominator parental opt outs and that we
12 will just inform Federal Government, we are not including
13 those. Let's see what they do.

14 MS. RANKIN: We can do that.

15 UNIDENTIFIED VOICE: When you said the law-.

16 UNIDENTIFIED VOICE: That makes it very
17 simple.

18 MADAM CHAIR: That is what we just did.

19 UNIDENTIFIED VOICE: Isn't it simple?

20 MADAM CHAIR: Right, isn't that we just did?

21 UNIDENTIFIED VOICE: For the state
22 accountability, exactly.

23 UNIDENTIFIED VOICE: That's exactly-.

24 UNIDENTIFIED VOICE: That's exactly what we
25 did.



1 MADAM CHAIR: So, I'm still figuring out what
2 that second item is and why it's not legal to address it
3 because it could include parental opt out, it could include
4 other kind of opt -- Ferris Bueller's Day Off.

5 UNIDENTIFIED VOICE: I think it needs to be
6 specified.

7 MADAM CHAIR: I think maybe it needs to
8 clarified.

9 UNIDENTIFIED VOICE: Clarified that it's only
10 a-.

11 MR. DURHAM: Exclusive of opt out. Yeah, you
12 could do that exclusive of opt out being not in denominator.

13 UNIDENTIFIED VOICE: Exclusive of parental-.

14 MR. DURHAM: Parental opt out yes thank you.

15 UNIDENTIFIED VOICE: Okay. Do you do you all
16 want to hear about the other options, you want to -- it
17 seems like this is where you are landing but you tell me
18 what you would like-.

19 MADAM CHAIR: Well, I would like to hear
20 about the incentives.

21 UNIDENTIFIED VOICE: Okay.

22 MADAM CHAIR: Because I don't know that the
23 incentive piece necessarily goes contrary to option whether
24 that's something that can be added to option one but
25 apparently you guys have some concerns about.



1 UNIDENTIFIED VOICE: Shall I-.

2 MADAM CHAIR: So, I would just like to hear
3 about them.

4 UNIDENTIFIED VOICE: So, some of the
5 potential incentives that were identified, and we did some
6 research with other states because other states were
7 thinking about the students to see is that you would get
8 bonus points in the frameworks if your participation rates
9 were between 95 and 100 percent. You get a notation on your
10 framework instead of maybe noting low participation, you get
11 a high participation notation with the awards that go out to
12 schools and districts that they would only go to the schools
13 and districts with participation rates at 95 percent or
14 above.

15 The benefits of doing that is it values
16 participation, it's not a punishment but there's a
17 conflicting message around parent and school district rule
18 and it may skew the performance ratings some, I guess you
19 could do -- you could do those things on just the
20 accountability participation rate or move the parent
21 excusals from it and then look at that rate for giving --
22 for you doing those bonuses you could do that and kind of
23 take out that conflict. This came from stakeholders from the
24 work group, just to be clear. People were sharing ideas and
25 gathering information. So, I think there's some options



1 there.

2 I think, what I've heard and when people
3 start talking about it and take it down the road is, even if
4 it's an incentive, even if it's only about bonus points,
5 somebody else is going to say well why couldn't I have
6 gotten those. I wanted to get those, and I didn't get those
7 because parents chose -- made this choice but you could do
8 it on the accountability participation rate and you could do
9 it that way.

10 UNIDENTIFIED VOICE: Well certainly, would
11 you recognize high participation with a notation?

12 UNIDENTIFIED VOICE: Yes.

13 UNIDENTIFIED VOICE: We've got some districts
14 that are very upset.

15 UNIDENTIFIED VOICE: Yeah.

16 UNIDENTIFIED VOICE: Because their kids are
17 showing up and so they would like to somehow in their
18 community be acknowledged for that and I don't know whether
19 just acknowledging high participation is punitive to anyone.
20 Yeah, Gold Star.

21 MR. DURHAM: I think-.

22 MADAM CHAIR: Board member Durham.

23 MR. DURHAM: Thank you, Dr. Schroeder. I
24 think we've -- we've discussed in the past that there are
25 districts and I think a large number of them plus interest



1 groups that believe it is unfair because they work hard to
2 get all their tests, all their kids tested and other
3 districts their students, they probably work, if not work at
4 it, at least acquiesce to noncompliance. And I understand
5 the tensions that creates within the education community.
6 But failure to award bonus points because you're complying
7 with state law is a penalty at least in my judgment.

8 MADAM CHAIR: Yeah and I'm not suggesting to
9 bonus points, I am talking strictly about acknowledgement.

10 UNIDENTIFIED VOICE: Is this an area where
11 the working group diverged from the recommendations of the
12 hub? Is this -- can you give us kind of a feel for where
13 they landed, and I recognize there are several options here,
14 so we may not have one that represents a plurality of the
15 working group members.

16 UNIDENTIFIED VOICE: Sure. So, this decision
17 point we actually kind of put on hold for input and
18 everything because the board has strong feelings about this
19 and has policy in place, we want to talk with you all first
20 before we -- it hasn't got to the hub. It hasn't gone out
21 for stakeholder input.

22 MR. DURHAM: And I would agree I think that
23 providing a notation of participation is simply providing
24 factual information so long as it has no consequences and
25 simply noted, I don't have a problem with that, but when you



1 go to the next one providing recognition. Well, what kind of
2 recognition seems probably unnecessary?

3 MADAM CHAIR: Board member Goff?

4 MS. GOFF: Well, another part of that too is
5 -- okay. Well, the third bullet says schools and districts.
6 I guess, what do we have? Really, this is not a really
7 important question for this right now but if this, if the
8 elementary schools are making the district's average
9 participation rate in the high 90s, in the high 90s and the
10 high schools are not helping in that participation rate get
11 where it is, do you -- what would happen you know if you
12 recognize even with a notation or a little thing, the
13 district, that sends, it that didn't send any message at all
14 to me.

15 UNIDENTIFIED VOICE: You're worried that-.

16 MS. GOFF: I mean I'm worried that-.

17 UNIDENTIFIED VOICE: All gets watered out
18 when you combine.

19 MS. GOFF: There are various levels of a
20 district even if it's a one school district, that's
21 something to keep in mind that you know.

22 UNIDENTIFIED VOICE: That's a good point.

23 MS. GOFF: Do we want to tell the whole
24 picture? Not just participation but on the whole picture or
25 not. That's all.



1 MADAM CHAIR: Board member McClellan?

2 MS. MCCLELLAN: In remembering the maps that
3 you shared recently, that kind of outline where we're seeing
4 high rates of opting out and higher rates of participation,
5 I do think that making sure that we're communicating clearly
6 where we basically had holes in the data is beneficial
7 because really what we're trying to get a picture of is
8 where we're getting it right and where we may need more
9 targeted resources or where we're struggling and it's hard
10 to do that where we have holes in the data.

11 So, I think that having that mechanism by
12 which you can give a shout out to the districts that are
13 participating is not inappropriate given that the end goal
14 is to get a clear picture statewide that allows parents
15 whatever the condition of their child's school to be able to
16 make an informed comparison.

17 MADAM CHAIR: Comments?

18 UNIDENTIFIED VOICE: Well, it's a diffi --
19 it's a difficult -- I don't like the idea of incentivizing
20 for the same reasons that member Durham was talking about.
21 We've -- we've made a statement that we're not going to
22 punish parents or districts for opting out. So I -- I don't
23 like the -- I think the best idea is just put the
24 information in as -- as Steve said and leave it at that.

25 I -- I understand that a lot of, well,



1 certainly a lot of districts, maybe some of us, and some
2 parents all think that it's important to have the
3 participation so that we have a clear picture of how schools
4 are -- are doing. And yet we're also saying you have the
5 right to say no, if you feel strongly that you do not want
6 to have your child take it.

7 So it's -- it's difficult to land on a way to
8 do this that would satisfy or make sense for everyone. So I
9 think that -- that member Durham's idea is the best. That we
10 simply say, this is what the participation is, period.

11 UNIDENTIFIED VOICE: Yeah.

12 MADAM CHAIR: But we're not saying that any
13 accountability reports. We're saying it's low participation,
14 if it's low participation, but we're not -- right now we're
15 not showing -

16 UNIDENTIFIED VOICE: If that's accountabil -

17 UNIDENTIFIED VOICE: The districts that have
18 had, in the actual accountability frame.

19 UNIDENTIFIED VOICE: In the framework.

20 MADAM CHAIR: So, all -- all we're doing now
21 is actually being more consistent, for the low
22 participation, it's indicated and now we're adding that for
23 the districts that have above 95 percent, they have high
24 parti -- participation, and we're recognizing that. So we're
25 not really differentiate right now, we're actually not



1 getting the whole picture, we're getting more of the whole
2 picture by identifying the districts.

3 The districts that have high participation
4 rates want their community to know that. This is what I have
5 heard loud and clear from a few of my districts. They want -
6 - they're -- when they see the discussions about low
7 participation, they want to be able to shout out to their
8 community, our students had 90 some percent whatever and
9 they're trying to find ways to show it.

10 And I think it would be really helpful for it
11 to be on the accreditation record. That doesn't -- to my
12 understanding it doesn't penalize anybody.

13 UNIDENTIFIED VOICE: Yeah. I think they paid
14 the newspaper to show it, too.

15 UNIDENTIFIED VOICE: Well, just if it shows
16 up on the thing.

17 UNIDENTIFIED VOICE: Yeah. And we've got-

18 UNIDENTIFIED VOICE: We have --

19 UNIDENTIFIED VOICE: Newspaper to, you know?

20 UNIDENTIFIED VOICE: We have the actual
21 participation rates for everybody posting.

22 UNIDENTIFIED VOICE: Yeah.

23 UNIDENTIFIED VOICE: So on that front page
24 remember we talked about the top part, the high level, and
25 then the actual participation rate today. But we don't call



1 out -- it just it doesn't have that descriptor, so I think
2 that would be an easy option that we could do.

3 UNIDENTIFIED VOICE: So when I looked at
4 comparisons of the accreditations for the different school
5 districts, they did not recognize the district that had very
6 high participation, because it wasn't on their radar,
7 because that's not where they look. They were actually
8 looking on --

9 UNIDENTIFIED VOICE: But that's not
10 necessary, districts can recognize themselves for their --.

11 UNIDENTIFIED VOICE: Yeah.

12 UNIDENTIFIED VOICE: I mean you don't need to
13 be recognized by us for participation, do they?

14 UNIDENTIFIED VOICE: I don't think we should
15 be.

16 UNIDENTIFIED VOICE: Yeah.

17 UNIDENTIFIED VOICE: I just want to make sure
18 that we're being very clear and very fair in differentiating
19 between giving some kind of reward or a penalty, and simply
20 offering basic transparency. So my suggestion is simply
21 that, however we do it, that we find a way of clearly
22 communicating where there are holes in the data due to high
23 rates of opt out, for the sake of transparency and clarity.
24 I think that's one of the basic tenets of good governance is
25 that we offer that transparency, so that -- so that the data



1 we're providing is truthful.

2 UNIDENTIFIED VOICE: Madam Chair, it's school
3 choice week.

4 UNIDENTIFIED VOICE: Thank you. Sorry, we
5 thought, they came and said we have a delivery of towels.

6 UNIDENTIFIED VOICE: I have more at home-

7 UNIDENTIFIED VOICE: Scarves, scarves
8 (indiscernible).

9 UNIDENTIFIED VOICE: Of course.

10 UNIDENTIFIED VOICE: What did they do with
11 you?

12 UNIDENTIFIED VOICE: Okay. So I think what
13 I've been hearing you all say is option one clarified that
14 this is about the accountability participation rate, and
15 kind of excuse was pulled out. Would you like us to have
16 that conversation with the Hub that that whether board
17 instruction is?

18 MADAM CHAIR: Yes, yes.

19 UNIDENTIFIED VOICE: And go from there with
20 that. Okay, we'll write that out, so we can see what that
21 language looks like, and clarify it and then we can talk
22 about it with Hub in the beginning of February, and then if
23 you all want to talk about it, we can bring your -- their
24 responses back to you at that February meeting. We've got
25 time on the agenda for that. Is that-



1 MADAM CHAIR: Folks, okay.

2 UNIDENTIFIED VOICE: Does that fit for you
3 all?

4 MADAM CHAIR: Okay. Steve are you fine with
5 us going to Hub?

6 MR DURHAM: Can you repeat that? I'm sorry.
7 Are you fine with that going to Hub?

8 UNIDENTIFIED VOICE: That we wouldn't take
9 option one. Clarify it's about the accountability
10 participation rate only and bring that to the Hub.

11 MADAM CHAIR: We'll bring the whole
12 discussion to the Hub and let them run around with it.

13 MR. DURHAM: Yeah, okay.

14 UNIDENTIFIED VOICE: Okay. And then I also
15 hear for next year putting on an indication of high
16 participation, we can go look and see. We've got the -- you
17 know, we've got the -- you know, release today but we could
18 go back and see if there's a way that we could buy those for
19 high participation on this year's reports, and my team might
20 kill me for saying that.

21 UNIDENTIFIED VOICE: Yeah, they might kill
22 you.

23 UNIDENTIFIED VOICE: They're getting their
24 daggers out there.

25 UNIDENTIFIED VOICE: So, for next year



1 absolutely is on the list for that recognition there. I just
2 -- as description of the participation rate, okay. Thank
3 you.

4 UNIDENTIFIED VOICE: Uh-huh.

5 UNIDENTIFIED VOICE: I think you can be done
6 with us now. All these slides in here just so you know they
7 can be for your reference. These are the decision points
8 that either are on this one. We started talking about with
9 the Hub and they asked for more information. So we're going
10 to bring back more to them or we didn't -- we ran out of
11 time that last meeting.

12 So we'll talk with them that Monday before
13 your board meeting on Wednesday, so we'll bring that to you.
14 In the materials you get for that because it's Monday to
15 Wednesday, you'll probably see the same things that the Hub
16 will get and then we can update you based on how the
17 conversation on Monday goes. That makes sense?

18 MR DURHAM: Okay.

19 UNIDENTIFIED VOICE: But that's with all
20 these other slides are and I'm just going to click through
21 them, so that we can have the School Improvement spoke ready
22 to go.

23 UNIDENTIFIED VOICE: Can we go back? Just to
24 one slide, page 25.

25 UNIDENTIFIED VOICE: Certainly.



1 UNIDENTIFIED VOICE: Page 25?

2 UNIDENTIFIED VOICE: It's disaggregating
3 minority students?

4 UNIDENTIFIED VOICE: Yes.

5 UNIDENTIFIED VOICE: Tell me how that's
6 determined. Is it self-identified? Is it parents?

7 UNIDENTIFIED VOICE: Yes. It's in the
8 enrollment process for districts, how they collect that
9 information every year. And I -- we could get somebody
10 before the next board meeting to come talk about that
11 process because I -- it probably differs a little bit for
12 each district, but I know CDE has guidelines for doing
13 enrollment and taking all that kind of directory
14 information.

15 UNIDENTIFIED VOICE: Differentiating for each
16 district-

17 UNIDENTIFIED VOICE: Yeah.

18 UNIDENTIFIED VOICE: -- was -- that was what
19 I was curious about. Thank you.

20 UNIDENTIFIED VOICE: Okay. I mean, there's
21 guidelines across the state but I'm sure districts have
22 differences in how they go about doing that. But we can get
23 somebody who actually is the expert on that to come talk
24 with you.

25 MADAM CHAIR: Board member Durham.



1 MR DURHAM: Thank you. This is the issue we
2 voted on some time ago on the recall front of four to three
3 vote on exactly how to do this. So this-

4 UNIDENTIFIED VOICE: Meaning the combined
5 group on?

6 MR DURHAM: So, this going to be back in
7 front of us.

8 UNIDENTIFIED VOICE: This is a little
9 different.

10 UNIDENTIFIED VOICE: This is different.

11 UNIDENTIFIED VOICE: I was just wondering
12 that --

13 UNIDENTIFIED VOICE: This is different than
14 that combined group conversation, that combined group
15 conversation was thinking about English learners, students
16 with disabilities, economically disadvantaged, and the major
17 racial ethnic groups all in one combined group. This is
18 English learners, students with disabilities, students
19 eligible for free or reduced lunch separate each of those
20 separate. And then how do we think specifically the major
21 racial and ethnic groups? How do we do that?

22 The performance frameworks have looked in
23 terms of minority that saw the data as reported by my
24 minority which is defined as, any student who is not white,
25 but with what's in the law of what we've gotten for feedback



1 from a lot of different stakeholders. There's a
2 conversation, we should we be reporting separate? Should we
3 be doing accountability by the separate individual and
4 groups, or major racial ethnic groups?

5 So, it's a little bit different because in
6 this case students aren't getting double counted in the
7 major racial or ethnic groups there and one or another
8 they're not. Whereas with English learners or free reduced
9 lunch they may be in multiple groups.

10 MR. DURHAM: All right, thank you.

11 UNIDENTIFIED VOICE: Yeah, it's-

12 UNIDENTIFIED VOICE: It sounded really
13 familiar to me, too.

14 UNIDENTIFIED VOICE: Yeah. It's similar but
15 not the same.

16 UNIDENTIFIED VOICE: It's similar but-

17 UNIDENTIFIED VOICE: It's a level deeper I
18 think, if you kind of think of it that way. So we're
19 learning, we're looking at some more options than what's on
20 that slide, after the Hubs conversation so the team is
21 running a whole bunch of numbers to see what the impact is
22 of doing a few different other options, so we'll bring that
23 to you in February. Okay. Do you all need a break?

24 UNIDENTIFIED VOICE: Yes.

25 UNIDENTIFIED VOICE: If you want, we -- I



1 think the school improvement group thought they need --
2 could use an hour to do their material maybe a little less,
3 (indiscernible) conversation the other day.

4 UNIDENTIFIED VOICE: While we eat.

5 UNIDENTIFIED VOICE: While you get some food.
6 I don't know, if you're hungry my stomach is growling.

7 MADAM CHAIR: Is it noon? Is it-

8 UNIDENTIFIED VOICE: It's ten of.

9 MADAM CHAIR: It's 10 to 12:00. That's good
10 break of time. What if we take about 15 minutes and chomp
11 lunch, does that work? Guys?

12 UNIDENTIFIED VOICE: And we can bring it back
13 here.

14 UNIDENTIFIED VOICE: Okay.

15 MADAM CHAIR: Do I have to bang the hammer?
16 Break time.

17 (Lunch break)

18 MADAM CHAIR: Folks, can we return to the
19 meeting, please. I need some help. Who is our next
20 presenter? Will that be Ms. Medlar (ph), Mr. Sherman (ph),
21 Mr. Bylsma (ph). I can't see that far. Thank you. Proceed,
22 you guys can flip a coin as to who is first.

23 UNIDENTIFIED VOICE: Thank you.

24 MS. MEDLAR: We flipped a coin already and I
25 lost, so, I'm going first.



1 MADAM CHAIR: Thank you. Ms. Medlar.

2 MS. MEDLAR: So, thank you. So, we have kind
3 of our latest thinking I need to let you know that we are in
4 our rapid iteration process. Things are quickly evolving, I
5 would say not even within the last 24 hours. Did we get new
6 information? So, it's good.

7 So, we have you know just kind of hot off the
8 presses, but just know that things are evolving in a good
9 way. Not that they're jumping from here to there in terms of
10 what we're recommending, but just fine tuning some things.

11 Okay. So, we were able to meet with you guys
12 a while back and I just -- we want to let you know where we
13 are in terms of our spoke and our hub presentation as well.
14 But just to remind you, if you can harken back to about the
15 last hour ago, when Nazzy was presenting on the
16 identification process for those schools that are
17 comprehensive support and targeted support. So, those are
18 the -- the types of schools we're talking about.

19 Based on the recommendations that have been
20 coming from that group and from the hub, these are about the
21 numbers of schools that we're talking about that would be
22 identified. Now, granted these, well, these are based on
23 estimates. They will change over time.

24 But with the continued discussion there,
25 we're talking about 85 to 125 conference schools being



1 identified next year with best data that we have now and
2 then for target schools that would be anywhere from 75 to
3 200. Okay?

4 So, those are the numbers we're talking
5 about. When we had shared with you before, we've really
6 stuck to these three decision areas, the template for the
7 state plan has shifted a bit, but these are really -- this
8 really gets that the -- the bulk of what needs to be decided
9 and presented in that state plan. So, we'll start off with
10 the states supports.

11 So, I'm going to walk you through all this.
12 And then Peter's going to jump in a little bit more with our
13 most -- most recent thinking based on all these groups
14 you've been talking about too, to see now. So, we'll start
15 off here.

16 If you remember the State Department is --
17 has an obligation to provide some support to these schools
18 and so these are the things that we've been asked to look at
19 kind of just flesh out what that would look like, and what
20 does that mean for supports for comprehensive and what does
21 that mean for target schools. So, we had shown this to you
22 before. This is one of the things where, this is where we
23 were, it's so cute. We've come so far since last time.

24 But just, as a -- as a reminder, this is what
25 we had shown you before and really focusing and categorizing



1 those ports around planning, around those evidence-based
2 interventions and around a menu of supports. Okay. So, we're
3 going to go into way more detail about that. This is here,
4 we just want to -- this is actually pulled from a slide that
5 I believe Peter and Nancy presented to you last week, right?
6 So, there should be a reminder to that and that's the reason
7 we have a here's to remind you that there's been a lot of
8 work especially over the last few years around types of
9 supports for these schools.

10 A lot of good experimentation, I would say.
11 And I think some potential positive results. And that's what
12 they were presenting to you before. So, what we're saying is
13 we have some things already in place. We're going to build
14 off of that as we build the system. Okay. So, you're going
15 to hear us maybe even talk about things like the network or
16 connect for success as a part of this system, but we want to
17 at least orient you to this work that's already underway.

18 Also, want to point out as we talk about
19 funding that when we look at tiered intervention grants
20 those are pretty massive grants with fairly mixed results.
21 But then when, you know, as we've gotten better, as
22 departments gotten better, as the field has gotten better,
23 it really targeting what kind of supports are needed.

24 You'll see things like turnaround and connect
25 for success are needing smaller pots of money. Now, they



1 need more access to staff and so there is, that side of this
2 as well. But in terms of grants to the sites that we're able
3 to make them a little bit smaller and have some pretty
4 positive results. Okay. So, this is just to ground during
5 which what's here in now. Okay.

6 So, now, we have done a survey, we've put it
7 out to the spoke and to the public on the sort of proposal
8 of, if we were to do planning supports and build on what we
9 are already doing, folks tended to agree in both the public
10 and with the spoke, with some tweaks, you'll see a little
11 bit of partial agreement there. And essentially what people
12 are asking for is more detail. And so, that's some of the
13 iteration that we are going to share with you later, that
14 Peter's going to talk in more detail about. Okay. So, I'm --
15 I'm going to ask you to hold on, there.

16 But these are generally, what the
17 recommendations have been. And that is that we want to have
18 a strong planning process, that incorporates an external
19 review that can look different and different, we've got --
20 we've got some formal processes, but we also know that there
21 are folks that can be brought in and hired to do this as
22 well. So, there's at least having that external lens in
23 there and really meaningful community engagement in that
24 planning process.

25 We want to be able to match the identified



1 needs of that school. We want to match the action to meet
2 the needs. That it's not just a general thing and we're
3 looking around but it's actually a matching process. That
4 we're differentiating for the school's context, so really
5 considering rural versus urban needs, where they are on the
6 clock, readiness for change, things like that.

7 Pulling in those evidence-based strategies
8 that will get into a little bit more in a second. And then
9 using a three-year cycle this is something that's
10 specifically asked for in the state plan. We were originally
11 set for a year, but to align better, I think with what was
12 being recommended from the accountability group and that
13 identification process, the three-year cycles probably makes
14 more sense and at the end of that cycle, I think some
15 decisions probably need to be made on, and a lot it needs to
16 be aligned with our accountability clock.

17 So, all that work that you guys have been
18 doing for the end of the clock needs to align with this as
19 well. So ideally, if we're identifying a school that is just
20 entering the clock, they've got about three years of working
21 with it and then we can get into that more rigorous action
22 planning for the end of the clock. Obviously, there's some
23 that will be not quite there. So, we will need to work that
24 through as well. But sort of trying to line up the state
25 system with what we're proposing.



1 Okay. So, we don't have that in there. So, we
2 did run this past, our spoke and the hub, and people were
3 generally in agreement, got the thumbs up on that. So, just
4 to let you know, there's people are thinking that's the
5 right direction to go in. Moving on to the next decision
6 area around evidence-based interventions.

7 We had laid out some pros and cons for you
8 last time we met. And pretty much to lay it out that's
9 having a list of pre-identified evidence-based intervention
10 strategies, what have you, will actually really helped to
11 motivate, not motivate, that is not the right word.

12 That would actually help schools and that
13 it's not some of the work's already been done for them so
14 that they can move a little bit more rapidly, they can build
15 on examples. Hopefully, even examples from within our state
16 that we're able to point them toward some concerns that
17 would -- that come from having a pre-vetted list, wanting to
18 make sure that there's rigor in there, that there's capacity
19 by the State Department to be able to do this. People will
20 jump right to action before actually investing in their own
21 planning. It's not just a matter of doing something that's
22 been proven, but actually making sure it matches your
23 identified needs.

24 So, you know, really kind of weighing those
25 two things. When we put it out to the public and to the



1 spoke, what we essentially heard was that -- that both the
2 smoke -- spoke, the spoke and the public actually agreed
3 that some sort of vetting process needed to happen. There's
4 a little bit of difference on how -- how much would be
5 required. So, it was, I think we were really as we read
6 through the comments, it was really more focused on, can you
7 treat it more as a reference list so that people can make
8 informed choices.

9 There needs to be flexibility to make sure
10 that people can innovate at the local level as well and that
11 they then have a rubric that they can refer to to determine
12 whether those are evidence-based or not. Okay. So, the
13 recommendations we really, I think we really tried to say,
14 yes, the state has a role to play here and do some of that
15 pre-vetting.

16 There's actually numerous national resources
17 that we can tap into as well as the way to expand our own
18 capacity. We think that, probably having that be a resource
19 and a reference for schools and districts that it's not they
20 are only limited to a list and that having something like a
21 rubric available so that we can expand it over time as
22 needed would be a smart way to go.

23 We also know that research will continue to
24 evolve and strategies or services that are effective at one
25 point in time may not always be effective later. So, we



1 really want to make sure that flexibility is built in and
2 really emphasize that this is a part of planning. You need
3 to identify those, what's going on in your context. So that
4 then, you're matching it to the appropriate intervention or
5 strategy or partner group.

6 Okay. So, that was essentially what we -- we
7 threw out there. Sorry. I'm -- I'm operating from two
8 different decks, so this is a different one. So, we did run
9 this by the spoke and by the hub and they were in agreement
10 that this was a logical way to go. So, again thumbs up, keep
11 on moving. Okay. So, then we get into the really fun part.

12 UNIDENTIFIED VOICE: Yeah, thanks. So, then
13 we get into the allocation of school impro -- improvement
14 resources, and if you remember even in our conversation with
15 you guys previously, this always generates a lot of
16 discussion as is the case with every group that we meet
17 with. So, knowing that, I'm going to try and frame out sort
18 of the thinking of where we are, and where we are at this
19 point in time and that's where I'll kind of hand things over
20 to Peter to, to give more detail.

21 So, just as a reminder, you've seen this,
22 this po -- pie chart numerous times, but it's always helpful
23 to remind you using estimates or best estimates of funds
24 that we have available to now. The state we think would get
25 over all for ESSA about 150 million. When where -- the



1 portion of dollars that we are talking about is that yellow
2 slice, which is much smaller and that would be about 10, ni
3 -- \$10-million, we're talking about for distribution to
4 these identified schools. So, that's comprehensive and
5 targeted, 95 percent of that needs to be distributed
6 directly to schools. Okay?

7 So, it's -- it's nothing to sneeze at, but
8 it's also not a huge bottomless pit of, of resources. Okay?
9 And then just to remind you, we have bi -- these big ranges,
10 and in schools that will be identified and if anything else,
11 Nazy keeps reminding us these numbers may grow as we pull
12 in and aggregate those three years of data and are able to
13 like pull in more of the rural schools as well. Okay? But
14 this is where we are at at this point in time for planning
15 purposes.

16 We've talked about this, I think I made those
17 big points there too. We've got some things to build off as
18 well. But essentially, the question is, so in -- in that --
19 in that process, how do we -- how do we dole out that money,
20 how do we actually get it out there in an effective way?
21 We've laid out there.

22 Do we do it through a formula process, a
23 competitive process, or a hybrid process. That was what was
24 originally put out there. I think since then, we've also
25 realized that there are some, some limitations of the



1 language that we probably use. So, I'm going to try and walk
2 you through some of these really quickly now and I want to
3 throw out there when we think historically formula, that
4 means that, you know, some calculations are done and an
5 amount of money is made available, and, you know, this
6 district or this school, you'll -- you have access to X
7 amount, right?

8 This is -- this is what you get, provide a
9 budget make -- let's make sure that the actions are
10 allowable and on you go. So, little oversight and leveraging
11 of action from the state's role versus the competitive side
12 where here's a pot of money, here's who's eligible, write
13 your best plan, and some will get awarded and some will not.

14 So, we've kind of have this concept of
15 winners and losers. But, you know, definitely, people
16 putting their best thinking forward and really striving for
17 something there. When we're talking hybrid, we're talking
18 about is there a way to blend some of the elements of -- of
19 two of them, okay?

20 And I want to show you this next piece here
21 because I think the graph is actually pretty interesting.
22 When we threw it, threw these questions out to the public
23 and to our spoke you'll see that for the most part hybrid is
24 coming out sort of a recognition. That something worth a
25 blending of the two, it makes sense. But when you look at



1 sort of the runners up the -- the public tended to push more
2 toward the formula, and the spoke tended to push more toward
3 competitive.

4 So, I think then that what -- that's been
5 doing is provoking us to have a little bit more conversation
6 of why are we getting such a dichotomy there. And when you
7 really peeled away and take away the language of competitive
8 and formula, I think what you're seeing is that the field is
9 asking for predictability in the funds, right? They need to
10 know what's there. It's really hard for them to plan, and if
11 they have a struggling school, they need to know they're
12 going to have access to these resources. So, what we think
13 as we peel it back, that's what we think is being asked for.

14 And when we hear a desire for more of the
15 competitive piece, we th -- what we think we're hearing is,
16 we want innovation, we want investments in strong activities
17 are going to lead to change. That we're not just putting a
18 lot of money out there and we're not sure what's going to
19 happen, or you're getting really mixed results, right? So,
20 how do you balance the two?

21 And so, as a result, this is sort of a
22 general sense of the -- the concepts that we're putting out
23 there for recommendation that we are figuring out a way to
24 differentiate for and provide access to services not
25 necessarily always money, but services at a minimum, but



1 also funds as possible to comprehensive and targeted
2 schools.

3 A larger portion will be allocated to the
4 comprehensive schools. Those are the most struggling
5 schools, and I believe in the law it actually even states
6 that. So, certainly a larger portion would, would be --
7 would be allocated for that. Okay? That, you know, based on
8 discussions, that we're recommending that it would be
9 through a hybrid method that balances predictability with
10 this effective practice, and that it would take on more of a
11 let's look at your needs and then match action and funding
12 to those needs that are established.

13 So, we're calling it tentatively, sort of a
14 needs-based approach rather than a formula or competitive,
15 and that's we want to emphasize and fund planning
16 activities, community engagement, and then those evidence-
17 based intervention strategies and partners and then also the
18 ongoing progress monitoring that's needed.

19 And then finally, we are -- we, the State
20 Department, needs to build in an ongoing review to make sure
21 that nobody is falling through the cracks, right? So, in our
22 current system, sometimes people fall through the cracks.
23 We've got competitive grants where not everyone is able to
24 get them, but then really hold them accountable to, you said
25 you would do this and we're looking for these kinds of



1 student results, after a certain amount of time, we're not
2 seeing that. Is this the best fit or is this -- or is this
3 not really a good resource for you?

4 So, that is generally it. I will let you know
5 that when we presented this to the hub, they -- there was a
6 lot of discussion and they felt like they wanted more detail
7 before they gave their, their thumbs up. On this, they were
8 feeling like we were heading into a fairly good direction,
9 but definitely had a lot of questions and we knew we needed
10 to work to articulate this more.

11 We have since been able to meet with our
12 spoke. I want you to -- I want you to understand this is all
13 within a week. So, we've been working hard and so now,
14 Peter's going to take it from here to show you where we are
15 currently. Okay? Yeah.

16 UNIDENTIFIED VOICE: Excuse me. I'm referring
17 to page 58. If you could go back, please yes.

18 UNIDENTIFIED VOICE: Oh, that's me. I'm
19 sorry. I was watching this computer.

20 UNIDENTIFIED VOICE: Right? It's not -- well
21 not, it's page 58. It's this one. Page numbers are off a
22 little bit between your-

23 UNIDENTIFIED VOICE: They're a little off,
24 yeah.

25 UNIDENTIFIED VOICE: Yeah. There's such a



1 disparity. I mean, there's such a disparity between -- it's
2 this one right here.

3 UNIDENTIFIED VOICE: Here.

4 UNIDENTIFIED VOICE: That one way.

5 UNIDENTIFIED VOICE: That one? Yeah.

6 MS. FLORES: Yeah. There's such a disparity
7 between the formula between the spoke committee and the
8 public committee.

9 UNIDENTIFIED VOICE: Right.

10 MS. FLORES: And I'm wondering how the spoke
11 committee is made up. Is that really made up of, of parents
12 and, and, and administrators and teachers and does that have
13 a good blend of that?

14 UNIDENTIFIED VOICE: I mean, we certainly
15 have the list that we can get you.

16 MS. FLORES: Well, no-

17 UNIDENTIFIED VOICE: Yes. To answer your
18 question-

19 MS. FLORES: I'm very concerned about that
20 disparity. And I'm thinking that that the public may have
21 more of a reality than possibly the spoke committee if it's
22 not -- if it's -- if -- if the spoke committee is made up as
23 is the hub committee, which is a lot of nonprofits and such,
24 I -- I would have wished that that would have been different
25 than maybe we could have chosen a, a person, a parent from



1 each congressional district. And maybe possibly an
2 administrator or teacher somebody who works in the school-

3 UNIDENTIFIED VOICE: So, let me talk -- so we
4 can follow up

5 MS. FLORES: -on each congressional district.

6 UNIDENTIFIED VOICE: We can definitely follow
7 up and send you the list, but I will assure you that it's we
8 worked really hard to get a blend of -- of different types
9 of voices in there. So, we -- and on the spoke results, so
10 committee results, everyone participated.

11 MS. FLORES: Right.

12 UNIDENTIFIED VOICE: So, we have -- we do
13 have parent -- parent representatives. We actually don't, we
14 have teacher representatives, but not necessarily a current
15 teacher just because we were meeting during the school day.

16 MS. FLORES: Right. Do you --.

17 UNIDENTIFIED VOICE: We have -- we have rural
18 and urban district administrators. And they've been very
19 vocal and very active. It's -- it's everyone is, is at the
20 table and -- and voicing.

21 MS. FLORES: Because when you have psy --
22 psychologically, I think when you give people that and they
23 are, you know, they can't make a decision, that's what you
24 come up with. You come up with everybody trying to, you
25 know, try to get on that other side and the other side and



1 the hybrid is -- is -- is perfect for a group that can come
2 to.

3 UNIDENTIFIED VOICE: So what, that's what, so
4 if you can hold with us-

5 MS. FLORES: Well, but-.

6 UNIDENTIFIED VOICE: We want to talk you
7 through what we're proposing for the hybrid because we
8 really -- and that's why I wanted to point out when we peel
9 it back, it's really can we balance this need for
10 predictability with this need for really effective practice.
11 And so that's the hybrid method that we want to propose to
12 you now that this is the hot off the presses part. Can you -
13 - can you hold it in there with us for a sec and then -- and
14 then we'll come back?

15 MS. FLORES: Yes, sure.

16 UNIDENTIFIED VOICE: If that's -- okay.
17 Great. Okay. I'm going to hand it over to you and-.

18 MR. PETER: That's great. Thank you, Madam
19 Chair. So, what we all have also done with our -- with --
20 with these committees and with our work is tried to develop
21 some diagrams because a lot of this is cyclical in nature.
22 There's -- there's a lot of different variables that are
23 moving around.

24 So, if you'll work with -- work with me a
25 little bit on this diagram, the -- excuse me. The purpose of



1 the diagram is really to try to express with you sort of
2 what would be that annual cycle of how we go, the process
3 that we use at CDE to, as Lisa pointed out, to really ensure
4 that we're matching up the needs of our school, identified
5 schools and districts with the resources that we have. And
6 those resources are both dollars and CDE staff and our
7 energy and our support systems, but also partner
8 organizations or other resources that are outside.

9 We know that CDE is not the answer to -- we
10 don't hold the -- the cards for every -- for the solution
11 for all districts and schools out there. So, we've -- we're
12 thinking about a system of how that -- how we can be agile
13 and flexible in that. So let's quickly walk you through
14 this. So, I guess it's counterclockwise.

15 UNIDENTIFIED VOICE: Can we get up there?
16 Would that --

17 MR. PETER: I can.

18 UNIDENTIFIED VOICE: Can you -- is it okay if
19 you talks -- goes up there and walks you through it?

20 UNIDENTIFIED VOICE: Sure.

21 MR. PETER: It's probably easier than, is
22 that right?

23 UNIDENTIFIED VOICE: Okay.

24 UNIDENTIFIED VOICE: Sure.

25 UNIDENTIFIED VOICE: Do we -- does he need a



1 pointer too?

2 UNIDENTIFIED VOICE: Does it need any mics?

3 Can we -- can we have that area please?

4 MR. PETER: Yeah. Just speak up.

5 UNIDENTIFIED VOICE: Are we recording?

6 UNIDENTIFIED VOICE: Use your teacher voice.

7 UNIDENTIFIED VOICE: Yeah. So, let me know if
8 this is not loud enough. So, as you all know we have -- we
9 have a cycle where there is performance readings. Where
10 there are performance readings that are -- that are better
11 set out each year. We want to have a process by which we
12 really think carefully and work with districts around their
13 needs assessment.

14 So, and thinking about what they need, what
15 their root causes are for their school or their districts,
16 and what they need to improve. In some cases, we know that -
17 - that they know that very well, that maybe they've had a
18 formal diagnostic process recently or they've got -- there's
19 a district that has a number of schools that are low
20 performing, and they're -- they've done a lot of analyses of
21 that and they have a pretty good sense of what's needed.

22 Other districts we know don't have that
23 information. Maybe there's new leadership, maybe things have
24 changed in that district, or maybe they just really need
25 support to dig in. So, we think about a differentiated needs



1 assessment process, and we know that that takes time.

2 So, again, some cases on one end of that
3 spectrum, it may be -- there may be a lot of knowledge and
4 it may be just a matter of articulating what -- what are
5 needs in some schools. In others, it might be a much more
6 formal process that might take quite a while, it might take
7 resources, it might take time to schedule, and it might take
8 time to -- to digest that. And we know that the community
9 engagement is a really critical part of that process.

10 So, we think about that -- we think about the
11 fall into the winter being the time to for -- for us to
12 really support schools and districts, to think about that
13 diagnostic needs assessment. And then at some point, we want
14 those schools to be able to apply to us for supports, or to
15 apply for -- for resources.

16 Currently, I know someone asked earlier sort
17 of what's -- what's current and what's future practice.
18 Currently -- right now, we have I think five applications
19 that are open for a lot of the grants that we've been in
20 supports, that we've been talking about over the last few
21 weeks. Some have closed recently, but there are a number of
22 them.

23 And we know that there are some districts
24 that are applying to all five of those, and so that's --
25 that's challenge for us, is to think about working with



1 districts to say, "Hey, you're applying for all of these."
2 And we want the -- each of those processes to have the
3 integrity that they need to have, and some grants and sports
4 have different -- different criteria.

5 What we'd like to do is have more of the -- a
6 sort of a one stop shop or an umbrella application, where
7 after that needs assessment, we can work with districts and
8 schools to apply for supports or to -- and to write up a
9 plan of what they think they would really need to -- to --
10 to be supportive for their efforts. And we think that if we
11 consolidate that in one -- through one process, that we'll
12 be able to support them with a much more holistic sense of
13 what they need, and we think that that would be a lot more
14 efficient with -- in terms of resources as well.

15 So, this -- this funnel sort of represents
16 that process. Then we'll develop a way by which we would
17 select and match those -- those -- the needs of those
18 schools and districts of those identified schools and the
19 supports that are available. So, some of those are CDE
20 supports and some of them may be outside.

21 So, these are really simple -- simplistic way
22 to represent that. But trying to talk about some of our more
23 intensive supports, some of our more moderate supports, the
24 leadership development addresses much more individual or
25 teams of folks. This I didn't -- district identified



1 strategy. So, in some cases as we know, there are a lot of
2 districts that are doing fantastic work.

3 They've got great pipelines that they've
4 built in around, how they support their schools. So, those
5 may -- those districts may say, "Hey we've -- we've got this
6 covered, or we have a lot of infrastructure, or we'd like to
7 tap into some of the things that are offered here." Or there
8 maybe other -- they may say, "Hey we -- we don't want to
9 work with CDE, but we do want to work with an outside
10 organization that we've -- that have been identified or
11 that's been -- that we've heard has been effective.".

12 So, this would be a -- this would be a
13 process that would probably take a couple of months, but we
14 think that it could be an iterative process between CDE
15 working with districts and schools, to ensure that they --
16 that they come out at the other end with the kind of support
17 and the resources that they need. So, in some cases, a
18 school may -- may need quite a bit of money. They may need
19 \$100,000 to implement some of these supports. In other
20 cases, they may need \$20,000 or maybe not -- none at all.

21 And so, I think our goal here is, as Lisa
22 indicated before, rather than sort of simply distribute the
23 same number of dollars out to identified schools, we would
24 rather see this happen, and so the districts and schools can
25 use funds and the support structures as real leverage to --



1 to make changes that they need in their district.

2 So, not only to implement great practices and
3 to think about their systems at the district level, but --
4 but also to think about this in a savvy way around their
5 politics, around their community engagement, and again
6 sometimes it's not the amount of money but it's rather that
7 there is -- that there's perhaps a smaller grant, and as --
8 as you've seen, we've -- we've leveraged I think some
9 smaller grants.

10 And then just finishing out that cycle, so
11 the green box over there, clearly there's sort of
12 implementation and progress monitoring and collecting of
13 data, and looking at the outcomes, those are the things that
14 we -- that we all really care about. So, there's a cycle of
15 evaluation and reporting on these grant structures, and we
16 would make that a little bit more consistent than it is now
17 across different grant structures.

18 And then back around the top, so some of
19 these are multi-year experiences or not. So, schools, we
20 would have would come back around and say, this is -- these
21 are the resources that have been impactful or not. And
22 internally, we would make more strategic decisions around
23 how we allocate resources.

24 UNIDENTIFIED VOICE: So, if I can just point
25 out too, so where that hybrid piece comes in, is that once



1 they're identified, we -- we're committing. We're saying,
2 we'll work with you in some way to help you identify what
3 makes sense, you know, get you some resource or some
4 supports. Right?

5 So, we're -- we're committing to you. It's
6 not a winner or lo -- there's not winners and losers. It's
7 about identifying needs, and then matching supports to match
8 that. Now, there is a, I hate to use the word
9 competitiveness built-in, but just to, you know, anchor it
10 in that original wording, certain supports only have so much
11 capacity, and so we want to be really careful about if we
12 want to make sure people are ready for those supports.

13 And so, those that are ready and -- and want
14 that should be able to get that, but there's a certain
15 number. Those that want it but are not ready, we can then
16 work with them and tailor the supports that then -- and
17 maybe in the following year, that they could get one of
18 those parts. So, that's where we're saying we don't want to
19 just do competitive or formula, we want to actually take the
20 best of both, and -- and -- and build this kind of newer --
21 newer way of doing things. So, just to kind of close the
22 loop on that. Yeah.

23 UNIDENTIFIED VOICE: So, are you saying that
24 prior to this, you had several different grants and
25 districts, or schools could apply for any or all? And now



1 you're saying instead of that, you have a pot of money
2 available to all schools who are in need, being what all
3 schools program improvement in turnaround, or--

4 UNIDENTIFIED VOICE: It'll be schools that
5 are identified under ESSA as -- as-.

6 UNIDENTIFIED VOICE: Under ESSA.

7 UNIDENTIFIED VOICE: Targeted and
8 comprehensive schools.

9 UNIDENTIFIED VOICE: Maybe we should get some
10 more categories. Anyway, so you're going to do that, but
11 then still, they need to come up with an idea that CDE
12 agrees with. Just CDE or the feds too have to agree to. I
13 mean, this -- this looks a little vague to me.

14 UNIDENTIFIED VOICE: Just to acknowledge it
15 is vague, we know that this is -- we do have a couple of
16 other slides that sort of drill down into some of these. So,
17 I think, especially these pieces down at the bottom, that
18 selection matching process, it's something we -- we are
19 working to flush out.

20 But it's -- as a new process, there's a lot
21 of details, and we know the devil's in the details in these
22 things. But we do have a couple slides that-that dig into
23 that more. So, this would be CDE -- a CDE driven process.
24 It's not something that we have to go to the federal
25 government for their approval at all.



1 UNIDENTIFIED VOICE: Okay. So it's CDE
2 driven, but it's also CDE, when you say it's some -- what
3 would you say, matching and-.

4 UNIDENTIFIED VOICE: Uh-huh.

5 UNIDENTIFIED VOICE: Supports and match. But-

6 UNIDENTIFIED VOICE: So, yeah.

7 UNIDENTIFIED VOICE: I'm just -- I'm just
8 worried about schools that might know very well what to do
9 and how to do it and need the funds.

10 UNIDENTIFIED VOICE: Absolutely.

11 UNIDENTIFIED VOICE: So by-.

12 UNIDENTIFIED VOICE: But I'm concerned about
13 CDE so creating winners and losers by saying, "No, we don't
14 agree."

15 UNIDENTIFIED VOICE: So, and -- and that's --
16 I mean some of that is just implementing the law. I mean in
17 the law, it says that the plan needs to be agreed to, you
18 know, that it's essentially the school, the LEA and the
19 state, coming to agreement on that. So, there's -- it's
20 already that sort of an expectation at least for the
21 comprehensive schools.

22 UNIDENTIFIED VOICE: To have to come to
23 agreement on the actual plan?

24 UNIDENTIFIED VOICE: Uh-huh. Uh-huh. And
25 we're -- what we're saying is where-.



1 UNIDENTIFIED VOICE: But the plan could be
2 vague, couldn't it?

3 UNIDENTIFIED VOICE: And if it -- if it -- if
4 they can show that the strategies are selecting, or evidence
5 based, and that it's actually matched to their needs, like
6 yeah, you know, and you -- and you're ready to go off.
7 That's why we're trying to say we've got some districts
8 identified strategies where they don't want to necessarily
9 tap into CDE led supports, and they want to go off on their
10 own. And we know there's districts out there that -- that
11 are very capable and -- and have good reason to do that.

12 You know, that's a part of the system that
13 we're trying to build in there, so that it's not -- CDE has
14 a role to play and making sure that the dollars are being
15 used effectively, and that there's progress monitoring going
16 on checking in, are you doing what you said you would do?
17 But there's -- in some cases, yeah, we can back off.

18 UNIDENTIFIED VOICE: Okay.

19 MADAM CHAIR: I have a question. Do we have
20 the capacity to handle 775 schools?

21 UNIDENTIFIED VOICE: I don't really want to
22 answer that. That would be challenging. Yeah--.

23 MADAM CHAIR: I mean I'm just looking at 162,
24 775.

25 UNIDENTIFIED VOICE: No. And -- and I know



1 that -- I know that with the work jointly with the
2 accountability committee, the -- those -- those ranges those
3 numbers are still in flux.

4 MADAM CHAIR: Okay.

5 UNIDENTIFIED VOICE: But I think as we hone
6 in on that, that we're -- we're -- we're all very acutely
7 paying attention to that. And we know that clearly like we
8 can't -- we can't do some of the intensive sports with that
9 many schools. And so, I think the capacity of our staff and
10 the -- how much -- how much each of these different supports
11 requires is really, those are important factors.

12 And no -- and you know, frankly, that's --
13 that's not changing. Like that's something that we consider
14 all the time now. But I think that this process is a way for
15 us to work more collaboratively, more strategically, and I
16 think more efficiently.

17 MADAM CHAIR: I'm on.

18 UNIDENTIFIED VOICE: It is on.

19 MADAM CHAIR: For those of you who have been
20 around here for a long time, I'm listening to this and then
21 are, there's these, thoughts are coming about the KD audit
22 and some of these other things that we used to do. And I'd
23 like to compare and contrast them. Think about how they
24 worked, how they worked differently than this. I don't know
25 if they were title one or not.



1 UNIDENTIFIED VOICE: I'm sorry, what audit
2 did you say?

3 UNIDENTIFIED VOICE: It's called the KD
4 audit. What is it?

5 MADAM CHAIR: Where CDE folks or CDE
6 representatives, they may have not even been employees, they
7 came into districts to help districts address needs or
8 identify needs or --.

9 UNIDENTIFIED VOICE: So -- yeah.

10 MADAM CHAIR: And I'm just feeling like
11 there's some of this that I've heard before, and I'm trying
12 to figure out what are we doing that's new and different?

13 UNIDENTIFIED VOICE: Right. So, the KD audits
14 have kind of gone by the wayside and we've been
15 concentrating more on the school level audits, so the school
16 sports teams.

17 MADAM CHAIR: The KD audits were district?

18 UNIDENTIFIED VOICE: The KD audits were
19 district level. School support teams for school level, and
20 we have a similar process where we have trained some
21 external vendors to, to do that school support team process,
22 using the same indicators, basically standards and
23 indicators that were used in the KD audits.

24 And that would be wrapped into that whole
25 needs assessment and diagnostic portion of this. There are



1 other processes as well. As Lisa mentioned, there are
2 districts that have auditors, if you want to call them that,
3 support teams that come in and assess their schools and
4 their districts.

5 MADAM CHAIR: That they hire independently.

6 UNIDENTIFIED VOICE: That they hire
7 independently. So we want to keep the door open for that as
8 well. We understand that there are a variety of options for
9 them. You know, if they have a relationship with a group
10 that seems to really meet their needs, we don't want to
11 close the door on them because we have a process of our own.
12 So that whole process, at the school level, would happen in
13 that needs assessment diagnostic portion, but it would not
14 only be limited to the SSTL.

15 However we are in the process internally at
16 looking at the different processes we have to do to conduct
17 those needs assessments so that there's some alignment and
18 continuity from our end on that. So, we do feel that that's
19 like the foundation for moving forward, whether they do it
20 through us, through a team that we helped them identify. But
21 that's like Step one.

22 Some of them might have already gone through
23 it in the past 12 months, where they'll be able to bring
24 those the results of that review into their plan. But, yes,
25 we do believe that that's really the foundation beginning



1 point of that planning phase to determine which one of,
2 which one of these interventions they might want to want to
3 choose.

4 So, our school support team process also does
5 include a planning portion as well. So, it's -- it's not
6 really just coming into review, but we also provide planning
7 support. So, as a result of the review, where do you go from
8 here? And so, I think that lends nicely into this model, as
9 well.

10 UNIDENTIFIED VOICE: Seems like a lot.

11 UNIDENTIFIED VOICE: Well, yes. It is a lot
12 and I think, anyway, to tackle trying to support a lot of
13 schools out there with varying needs is challenging. This is
14 certainly acknowledged. This is very high level. And if
15 there is a future date or if that if you wanted more
16 information as we drill into some of this, we'd be glad to
17 provide that for you. Sure. So, whereas subcommittee did to
18 ask for more information and wanted us to return.

19 Our spoke committee was quite comfortable
20 with this. We had a really, I'd say a vigorous conversation
21 yesterday for a couple of hours. But in the end, we sort of
22 asked thumbs up or down and everyone put their thumb up.
23 There were some questions and suggestions, of course.

24 MADAM CHAIR: Did they have capacity
25 concerns?



1 UNIDENTIFIED VOICE: I'm sorry?

2 MADAM CHAIR: Did they have capacity concerns
3 whether we could actually pull this off?

4 UNIDENTIFIED VOICE: Certainly, that's been
5 part of our conversation.

6 MADAM CHAIR: Okay. Board member Flores?

7 MS. FLORES: You know, I'm just wondering --
8 There are some districts that don't have, you know, all
9 these people that can -- that are riders and such. I'm
10 talking about smaller districts that don't have the capacity
11 to do that. Will the -- when it gets to the competitive part
12 of it, will the department help these people who really need
13 it? And I'm sure there's lots of districts who need it, but
14 really hone in on those districts that are in great need,
15 who don't have other resources and such to help them in the
16 competitive side of that money, to get that competitive
17 money.

18 UNIDENTIFIED VOICE: Mr. Sherman go ahead.

19 MR. SHERMAN: Yes, certainly we do, and we
20 would support smaller districts in that process. And I
21 think, part of that needs assessment process would be
22 helping them formulate what they most need there and I think
23 that that all ends up in a much more positive targeted
24 application and request.

25 MS. MAZANEC: You can just call me Pam Audit.



1 So, we're going to hear about this more. Does -- is this is
2 something we're supposed to approve of today? This is just
3 information, correct? So, we're going to hear more about
4 this because I think all that selection and match and needs
5 assessment diagnostics -- not that I don't think you guys
6 are smart and all that, I just want to make sure that we're
7 not making this harder for districts or schools who need
8 help.

9 UNIDENTIFIED VOICE: Absolutely.

10 MS. MAZANEC: And who may know what they
11 need, and I just don't want to create a different kind of
12 hoop, but hoops, nonetheless.

13 UNIDENTIFIED VOICE: I think, big picture
14 kind of the compare and contrast that you were asking for of
15 what we've done and what we're doing. I think what we've
16 done in the past is a lot of good individual grants and
17 reviews and supports in different places and we've tried out
18 a lot of things and learned a lot of things. But schools and
19 districts kind of had to find their way to them, and the big
20 picture of what this is that we go to them with -- here's
21 the big picture process.

22 Let us help you or you tell us what it is
23 that you need and make sure you get those needs. Because the
24 way it's been -- you all have asked a lot of questions about
25 which schools and districts have come to us asking for help



1 that are on the clock and who's taking it and who hasn't and
2 who's come and who hasn't. And to some degree, we've been up
3 to them. We've definitely done outreach to them, but it
4 hasn't been a comprehensive process, we'll reach out on this
5 grant or that grant.

6 And so what this is really getting at, and
7 its high level right now because we're all just trying to
8 get the big concepts in and then figure out the details is,
9 we go to that, we say "Here's the big picture. Let's work
10 together on what you need and make sure you get some
11 support, and that you don't get lost because you are a
12 little small district and you don't have time to write a
13 grant or you're a big district and you want to do your own
14 thing and so you're not going to jump through the state's
15 hoops because you want to do your own thing.

16 But that we can really make sure everybody
17 gets the funding based on the priority needs and their
18 identification, and that we help find the right place for
19 them. Be it with their own district and doing their own
20 thing or with one of the supports we have with us. So,
21 that's the big picture idea.

22 As we get the numbers, I think we're going to
23 have to talk about capacity and who we prioritize for
24 support. But I think big picture, we really want -- the goal
25 is to make it easier for the districts to make sure that



1 we're getting to all of them and getting them matched up
2 with the right kinds of supports.

3 MADAM CHAIR: Great. Any more questions?
4 Thank you very much, folks. I appreciate this. Great report.
5 Now, I believe we're going to move to a legislative update.
6 Is Ms. Mellow here? Yes, she is. So, we're going to give
7 you a couple of seconds to shift. Ms. Mello, we're going to
8 have to give you a name, a name.

9 (Pause).

10 MADAM CHAIR: Do we have to be online for
11 this or are you going to explain them all?

12 UNIDENTIFIED VOICE: Madam Chair, I hope I
13 can give you enough information orally. I'll try.

14 UNIDENTIFIED VOICE: I've read the little
15 summary but I -- that was yesterday, and this is today. So--.

16 UNIDENTIFIED VOICE: And I apologize. I'm
17 just, I'm just kind of getting all my stuff together here --

18 MADAM CHAIR: Yeah. Take a breath.

19 UNIDENTIFIED VOICE: -- so if I can maybe
20 have just one more minute and then --

21 MADAM CHAIR: Take a breath. We'll eat some
22 chips.

23 UNIDENTIFIED VOICE: Madam Chair, I'm ready
24 if you all are.

25 MADAM CHAIR: Please proceed.



1 UNIDENTIFIED VOICE: Thank you. It's nice to
2 see you all. It's a little bit of an odd angle this time.
3 So, I'll try to face you all the best as I can. I'll try to
4 do some yoga whi -- while I present.

5 We have had two legislative contact meetings,
6 have worked through large for -- a large number of bills
7 that have been introduced. Most of the recommendations so
8 far to monitor, all of that is reflected on your bill chart.
9 That bill chart is updated on a regular basis so if you want
10 to know if a bill is dead or alive you can always call me.
11 But that bill chart is intended to be a tool for you for
12 that kind of information as well. So, the first thing we
13 want to talk with you about today is, the waiver bill.

14 And what I am this is not a piece of
15 introduced legislation. This is you all had asked me to
16 explore legislation around innovation and district waivers.
17 You had some questions about that at the last board meeting.
18 So, I want to respond to those questions and then get your
19 sense of -- sorry. It seems like something interesting
20 happening behind me and we can just talk through what you
21 all want to do about that waiver bill.

22 So, that that is your bill and your decisions
23 at this point. So, there are two main issues. And again, I
24 want to be really clear, especially for those who may be
25 listening, this is not about charter school waivers. This



1 has nothing to do with charter school waivers.

2 This is only related to innovation waivers
3 and district waivers. And I think issues broadly that you
4 all were wondering about, was is there an ability to set a
5 time limit on those waivers when you grant them? And if
6 there was perhaps an ability to have a more consistent
7 standard which is two types of waivers. You, specifically,
8 asked us to look into kind of the legal -- how much legal
9 authority you all have to do that right now and whether
10 legislation is necessary? The answer is -- is yes.

11 If you want to require a time limit on
12 waivers, that would take statutory change. And if you want
13 to change the criteria for either or both of them, that also
14 would require statutory change. It is not something that
15 under the current law, you have the ability to do through a
16 rule making process. So, let me pause there because I'm
17 guessing there may be some dialogue about that.

18 MADAM CHAIR: Board member, Flores.

19 MS. FLORES: So, you're basically saying that
20 we can't say you have -- if we give you this this right, you
21 have to come back to us in three or five years, in order to
22 see whether you're actually doing this and that it's
23 working. So we don't have that right.

24 UNIDENTIFIED VOICE: Dr. Flores, yeah,
25 exactly. Under current statute, the board does not have that



1 right or ability to force the district to come back. So, th
2 -- the outline and I do not have a bill draft and I
3 apologize that is that is a function of the fact that the
4 people of the Capitol are drafting lots and lots of bills
5 right now and we're just in the queue. And it's -- we just
6 don't have anything yet. But the outline, conceptual
7 outline, that we had discussed with board member, Goff and
8 board member, Durham in the (indiscernible) contact meeting,
9 was that there would be a five year, so you would grant
10 waivers for five years and then you can review them for
11 cause after five years.

12 So, it doesn't necessarily -- we got a little
13 pushback from folks at the Capitol about the idea of forcing
14 districts to come back in and kind of justify it all again.
15 But, if you have reason to think there might be a problem or
16 that it's not, you know, being used the way you want it to
17 be or something like that, you would be able to review it
18 for cause after five years.

19 And the other thing I'll just do the timing
20 issues and then we can do the standard issues is that so any
21 waivers that you've already granted, the five years would
22 essentially start once the bill goes into law because I
23 think a lot of people would have questions about that. So,
24 again, let me just pause and see if you want to talk about
25 that amongst yourselves or if you have questions.



1 UNIDENTIFIED VOICE: This is a proposed bill?
2 Right, your proposed bill?

3 UNIDENTIFIED VOICE: Your proposed bill,
4 potentially, yes. Yeah.

5 MADAM CHAIR: And examples of cause would be?

6 MR DURHAM: Would be we probably establish
7 them by policy or rule but things like a deterioration in
8 performance test scores decline in district ratings, school
9 ratings things like that.

10 MADAM CHAIR: Right.

11 Would constitute a legitimate cause?

12 UNIDENTIFIED VOICE: For review, not
13 necessarily for term gratification.

14 MR DURHAM: Right. You just give us the
15 opportunity to revoke but not require us to do so.

16 MADAM CHAIR: So, that would mean that maybe
17 at the end of five years, the district would send a letter
18 to the board that said, we have this waiver statutorily is
19 under review. Now we continue to be accredited with
20 distinction and blah blah blah. We have no changes and then
21 we would say, yes or no? Or I mean, what's the process-

22 MR DURHAM: I think the way the process would
23 work, when you're when you're doing something for a cause
24 is, it would be incumbent on staff to monitor these
25 occasionally. Let us know that there is a problem and then



1 we would kind of issue a show cause notice at that point.

2 MADAM CHAIR: Okay. That makes sense.

3 UNIDENTIFIED VOICE: Okay.

4 MADAM CHAIR: Questions?

5 UNIDENTIFIED VOICE: Does this preclude the
6 local district? I guess, if we granted it, then even if the
7 local district had questions, we still are the ones that
8 make these decisions, or can they question it after the end
9 of five years?

10 UNIDENTIFIED VOICE: Board member, Durham has
11 a response.

12 MR DURHAM: I think a good district can
13 terminate at any time they want.

14 UNIDENTIFIED VOICE: That's why it's so I was
15 hoping that would.

16 MR DURHAM: That's correct. They're not stuck
17 with a with a policy that they voluntarily sought for any
18 period of time.

19 MADAM CHAIR: And for schools of innovation,
20 they automatically, I believe, review those schools. Isn't
21 it every five years?

22 UNIDENTIFIED VOICE: I apologize that's not
23 an area of expertise, but I heard that's from the audience.

24 MADAM CHAIR: I think that's already by
25 statute or rule, I don't know which, but they -- the



1 district itself reviews that this is more about what we what
2 we see and do.

3 MS. RANKIN: I just have follow-up up on
4 that. How did you come to three years? I just think that
5 they've been doing it for five years, any time after that,
6 if there's a cause, the first or second year after the five
7 year, do we have to wait for three years? That would be
8 eight years seems like a relatively long time. I think the
9 first five years is a long time. I think it should be three
10 consistently. But did you have a discussion about that,
11 Board member Durham?

12 MR DURHAM: I think kind of into two parts.
13 Ms. Rankin, it's would be sort of ex post facto for us to
14 expire waivers that currently don't expire in statute. So,
15 you'd have to run for the term of the whatever time is I
16 think, just as a problem as a legal practical side. Five
17 years is perhaps a long time, but I think we were to some
18 extent looking at what we thought we could get past and it
19 could be that we could short period of time might work out
20 and I just don't know.

21 MS. RANKIN: I feel that if we have three
22 years and then renew for three that's six but at least, we
23 have a check and balance before it gets too far down the
24 road. And if we feel we need to do it, I think sooner rather
25 than later. I don't want to get the situation of having



1 intentions of doing something but not being able to do it
2 what we feel.

3 MADAM CHAIR: For example, one of the things
4 that we require as a replacement plan and it would seem to
5 me that it would make sense for us to be able to be to know
6 that after three years, in fact, that replacement plan has
7 been implemented. I think there's absolutely no monitor --
8 from what I can tell there's absolutely no monitoring
9 whatsoever. And so we know even though we may think the
10 placement plan is just fine, we don't know that it's
11 actually going to be implemented. And I think that's that
12 would be the argument.

13 UNIDENTIFIED VOICE: So, so cause could bring
14 them before us which could be lower performance or higher
15 performance and -- and then is the only -- then there would
16 have to be some sort of, I assume, process for what we do
17 about it. If they come before us and how we make those
18 decisions.

19 MADAM CHAIR: Another hearing?

20 UNIDENTIFIED VOICE: Yeah and I just got -- I
21 just need to register that I'm not so sure that I'm really
22 liking this notion altogether and I'm wondering what -- what
23 this bill is going to look like and-

24 UNIDENTIFIED VOICE: Madam Chair, board
25 member, Mazanec, again, this is a board something you all



1 have asked me to explore so you all get to tell me what you
2 want it to look like. Now, I then have to work with the
3 legislature as well. Right I mean they may have something to
4 say about it as well so they're a little bit of a two-way
5 communication street, but I work for you all. And you -- if
6 you all have consensus on certain points, you can tell that
7 to me and I will go do my best to have the legislation
8 reflect that.

9 UNIDENTIFIED VOICE: That really wasn't for
10 you, Jennifer.

11 UNIDENTIFIED VOICE: Oh, I'm sorry.

12 UNIDENTIFIED VOICE: I ha -- I just I have a
13 little bit discomfort around this but, then this was just
14 for the -- the innovation, correct? We're always-.

15 UNIDENTIFIED VOICE: No, innovation and
16 district waivers, not charter school waivers.

17 UNIDENTIFIED VOICE: Okay. Innovation and
18 district waivers.

19 Madam Chair, I -- I believe this came about.
20 When we started granting waivers and then discovered that it
21 was ad infinitum and there were no checks and balances and
22 it was just a forever sort of thing and we felt
23 uncomfortable about -- I mean, maybe the local board isn't
24 paying enough attention and all of a sudden, parents are
25 writing to us and saying there's a problem there. There's



1 nothing we could do unless we had some legislation. Is that
2 correct?

3 MR. DURHAM: Madam Chair, I think yes. I
4 think if you remember, it really kind of started almost with
5 the TS Gold and the waivers and from TS Gold and I think we
6 concluded that the legislature put those kindergarten
7 readiness standards in the law for a reason. And then,
8 virtually everybody opts out. And, perhaps that's okay with
9 the legislature, but it certainly didn't seem to match their
10 intent, and they were opting out in such a way that if
11 particularly, if they used innovation status to opt out,
12 that it turned the statute I think almost meaningless.

13 And if the legislature thinks it's important,
14 if they don't think it's important, they should repeal the
15 statute. If they do, then they should expect some reasonable
16 review mechanism. I don't -- I think there isn't necessarily
17 anything wrong with waiving those per se, in fact, it may be
18 a very good idea. But I think without any review, we're
19 really -- we really should tell the legislature they should
20 repeal the statute because the effect is about to be,
21 they're not going to get what they thought they're going to
22 get.

23 UNIDENTIFIED VOICE: I see -- I'm sorry, I
24 see another question.

25 MADAM CHAIR: Ms. Goff?



1 MS. GOFF: I'd be -- I'm either trying to
2 direct us back to the point of what we're trying to
3 accomplish here or not. I guess, Jennifer, I -- I'm sorry if
4 you already mentioned this and I missed it. Is there
5 interest? Is there enough intrigue over there by someone to
6 consider sponsoring this bill or introducing it?

7 UNIDENTIFIED VOICE: Madam Chair, board
8 member Goff, I do believe we can find sponsors for the
9 legislation and so, okay.

10 UNIDENTIFIED VOICE: You believe so, okay.
11 So then, I guess the next thing that I'm still struggling
12 with my -- was prior. If we're talking about a 3-year window
13 of time when the average contract at least my instinct tells
14 me the average contract is now five-ish years, there's a way
15 to more directly tie the length of this waiver thinking
16 period to the length of the contract.

17 I don't -- I don't recall frankly; there
18 aren't that many waiver requests that are not charter
19 related. But how many of them are -- changed their waiver
20 requests? Once in a while someone will add one or two. But
21 the basic core of waivers that are requested are not that
22 much different each time that the contract comes up for
23 renewal.

24 UNIDENTIFIED VOICE: What -- what contract?

25 UNIDENTIFIED VOICE: Well, I mean a waiver



1 request, sorry. So, even if we say, even if we would, oh,
2 okay, I know.

3 UNIDENTIFIED VOICE: I'm lost.

4 MR. DURHAM: I think, Madam Chair --

5 UNIDENTIFIED VOICE: I'm going down a wrong
6 path.

7 UNIDENTIFIED VOICE: I think you're mixing
8 apples and oranges.

9 UNIDENTIFIED VOICE: I am -- I am and I'm
10 sorry about that. I'm just interested in, if this -- if
11 there is a length of time involved in this, can we put it
12 that -- that it's somehow aligned to something else that
13 goes on.

14 MADAM CHAIR: Well, I think --

15 UNIDENTIFIED VOICE: That's -- that's all I'm
16 saying.

17 MADAM CHAIR: Wasn't the five years in part
18 because of the five-year innovation length anyway that
19 district will be reviewing? Innovation, I'm not sure where
20 your five-year discussion came from.

21 MR. DURHAM: I think it just may have been
22 arbitrary to some extent, but I think there was also some
23 consideration of how often charter school contracts are
24 reviewed, which then triggers the automatic review of their
25 waivers. And charter schools vary anywhere from five-15 or



1 three-15. So, it varies all over the board.

2 I think we're just trying to pick a number
3 that we found defensible.

4 MADAM CHAIR: Well, it --.

5 MR. DURHAM: I think five -- my own
6 conclusion was five years is probably a little simpler
7 across the street than three but, if the board wants to try
8 three, we should try it. I'm ambivalent as to whether we do
9 it in three or five personally. But whatever you all think.

10 UNIDENTIFIED VOICE: I don't know if today's
11 necessarily when we have to get granular about this, but-

12 MR. DURHAM: We do have to put it in a bill.

13 UNIDENTIFIED VOICE: Yeah.

14 MR. DURHAM: And we do need to go to the
15 drafting. So, we need to let Jennifer know to start at three
16 or start at five and it doesn't mean we can't revise that.

17 UNIDENTIFIED VOICE: Just a thought. We've
18 been talking a lot today about two to three years
19 accountability arena.

20 UNIDENTIFIED VOICE: Title one.

21 UNIDENTIFIED VOICE: Yeah, the title one,
22 everything we kind of talked about is in that range. I
23 wonder-

24 UNIDENTIFIED VOICE: Let's just -- I say
25 let's line them up. Let's -- let's keep things that we're



1 trying to do here in the same number of years. It won't be
2 the same years. What is our sort of operating timeline for
3 doing things and in schools or having if they're on waivers,
4 three years, three to four is three years. I -- I'm feeling
5 right now that's enough time to tell if something's
6 happening.

7 UNIDENTIFIED VOICE: So, Madam Chair, if I
8 may, I think what I'm hearing, but I want to check in and
9 you all tell me if I've got this wrong. That at least you
10 would want to start at a three year. Is that your consensus?
11 Is that your direction to me? Well, okay, how about just
12 your direction to me?

13 MR. DURHAM: I wonder if she would kind of
14 sponsor, she's comfortable with.

15 UNIDENTIFIED VOICE: Yeah.

16 UNIDENTIFIED VOICE: Yeah.

17 UNIDENTIFIED VOICE: Yeah, I can do that.

18 UNIDENTIFIED VOICE: Thank you. So, there was
19 one other issue we have to discuss.

20 MADAM CHAIR: Yeah, there's still a second
21 part to this whole bill, which was the innovation the
22 criteria for grantee innovation status. If you've got a
23 district that's in the tank anyway, and it comes and asks
24 for innovation status, and our only criteria can be that
25 it's not going to get worse. I think some of us feel that's



1 extremely low bar.

2 MR. DURHAM: I think we came up with some
3 conceptual language. Do you have that?

4 UNIDENTIFIED VOICE: Yeah. Madam Chair I, I
5 think that the conversation with board member Goff and board
6 member Durham, was that perhaps the standard that's in place
7 right now for district waivers which I'll read that to you.
8 This is from statute. I think this is from Statute.

9 UNIDENTIFIED VOICE: District waivers.

10 UNIDENTIFIED VOICE: District waivers must be
11 approved if the waiver enhances educational opportunity and
12 quality within the district, and the cost of complying with
13 the requirements for which the waiver is requested
14 significantly limit educational opportunity within the
15 district. And the thought was to take that standard and
16 apply them to both waivers.

17 UNIDENTIFIED VOICE: To both.

18 UNIDENTIFIED VOICE: Yeah.

19 MADAM CHAIR: I like that.

20 UNIDENTIFIED VOICE: Repeat it.

21 UNIDENTIFIED VOICE: Sure. District waivers
22 must be approved if the waiver enhances educational
23 opportunity and quality within the district, and the cost of
24 complying with the requirements for which the waiver is
25 requested significantly limit educational opportunity within



1 the district. So you have to approve it if you think it's
2 going to improve the education quality. And if you think the
3 things that you're waiving are -- are costing the district a
4 lot of money that's not helpful.

5 MADAM CHAIR: Or time.

6 UNIDENTIFIED VOICE: I mean to put that in my
7 own words.

8 UNIDENTIFIED VOICE: Time as well.

9 UNIDENTIFIED VOICE: Yeah.

10 UNIDENTIFIED VOICE: That's fine.

11 UNIDENTIFIED VOICE: I like it.

12 UNIDENTIFIED VOICE: Does this, is this going
13 to be -- is this two separate bills?

14 MR DURHAM: No.

15 UNIDENTIFIED VOICE: Or is it -- if we put it
16 all in one does that sort of lead one to believe that all
17 the waiver, that the timeline part of this, oh, never mind.
18 I don't -- I don't -- I'm not putting it as a priority right
19 now. I just wondered if it, if it --

20 MR. DURHAM: I -- I don't--.

21 UNIDENTIFIED VOICE: Two bills or one.

22 MR. DURHAM: There's no problem with the
23 terms of the title restrictions, the constitutional title
24 restrictions for use in one bill, it's perfectly
25 permissible.



1 UNIDENTIFIED VOICE: Okay.

2 UNIDENTIFIED VOICE: And I think simple for,
3 certainly for the, for Jennifer and I think as a practical
4 matter to keep all these issues together, so the legislature
5 can focus on at one time.

6 UNIDENTIFIED VOICE: If we can do it. Yay,
7 it's good.

8 MADAM CHAIR: So we have to make sure we
9 leave out charters.

10 UNIDENTIFIED VOICE: Absolutely. That, that I
11 mean that is been you all have been very clear about that
12 all along and that will-.

13 MADAM CHAIR: It's never our intent.

14 UNIDENTIFIED VOICE: -- be my instructions to
15 the drafter.

16 MR. DURHAM: And we can defend that. They
17 have other constraints.

18 UNIDENTIFIED VOICE: They have their own laws
19 --

20 UNIDENTIFIED VOICE: Yeah.

21 UNIDENTIFIED VOICE: Okay. So I will proceed.
22 I will work very, very hard to actually get a draft bill for
23 you all to consider the next time you all are together and
24 we're talking, which I think is in a couple of weeks,
25 February 8th, I think. So, I think I have and what I need



1 to, to get started. Thank you.

2 MADAM CHAIR: And thanks you too. That's --
3 that's even better. That criteria is better than I could
4 have thought of. It's great.

5 UNIDENTIFIED VOICE: Okay. So, there are four
6 bills that the legislative contacts have recommended, either
7 recommended support or opposition or recommended that the
8 full board just have a discussion. So, we will work through
9 those. I've, I've kind of ordered them in what I, I think
10 might be the shortest conversation to the longest
11 conversation. But of course you will get to decide that not
12 me.

13 Senate Bill 76 is a highly technical, very
14 technical very small change to the statute. All it does is
15 allow the department to spend gifts, grants, or donations
16 money in this particular program, if it gets it. Because the
17 way it got drafted, which was just, this happens sometimes
18 with the capital bills get passed and they, there's some
19 weird thing and it doesn't make sense.

20 The way the statute is right now is for these
21 public-school performance academic performance awards,
22 whatever money were to be given to the district, or to the
23 department, you can't spend it. So, this is very technical
24 in nature. And I, forgive me, your alleged contacts are
25 recommending a support position.



1 MADAM CHAIR: Support, okay.

2 MR. DURHAM: Do you need a motion.

3 UNIDENTIFIED VOICE: Oh do I have to --

4 UNIDENTIFIED VOICE: I think so.

5 MADAM CHAIR: Yes please.

6 MR. DURHAM: I move that we support Senate

7 Bill what, 76.

8 MADAM CHAIR: Yes, 76.

9 UNIDENTIFIED VOICE: I second.

10 MADAM CHAIR: Thank you. Anyone opposed?

11 MS. FLORES: I -- I would like to just add

12 that sometimes high performing schools are not the ones that

13 need the money.

14 MADAM CHAIR: That's a different bill.

15 UNIDENTIFIED VOICE: Well so, this bill does

16 not actually award. There's no money that goes to the

17 districts, they get a trophy. And it's for academic

18 performance. I mean the statute actually specifies the

19 trophy. So, it's very specific.

20 MR. DURHAM: It's a very long, it's a very

21 long story.

22 UNIDENTIFIED VOICE: I was going to invite

23 that but then I --

24 MADAM CHAIR: All right proceed please.

25 UNIDENTIFIED VOICE: I think you have a



1 motion. Did -- did you vote on it?

2 UNIDENTIFIED VOICE: Yeah.

3 UNIDENTIFIED VOICE: We're done.

4 UNIDENTIFIED VOICE: Oh I'm sorry. Okay. Oh
5 yeah.

6 UNIDENTIFIED VOICE: Oh yeah. We flew through
7 that one.

8 UNIDENTIFIED VOICE: Sorry I missed that.
9 Okay. Hospital 1106 extends the early childhood leadership
10 commission. This is an existing entity that will go away
11 unless they reenact it, which is very common practice in
12 Colorado statute. So it's not that there's anything in
13 particular about this entity that's inviting this level of
14 scrutiny. Most of the things like this the State creates
15 have an end date on them, so that people can have a
16 conversation about it.

17 This is essentially a coordinating body
18 between all the different state agencies that have some
19 responsibility in early childhood education. So Dr. Melissa
20 Colman sits on this commission right now on behalf of
21 Department of Ed. There are representatives from the
22 Department of Human Services, the Healthcare Policy and
23 Finance. Excuse me I'm sorry.

24 UNIDENTIFIED VOICE: What?

25 UNIDENTIFIED VOICE: I thought you had a



1 question. I'm sorry.

2 UNIDENTIFIED VOICE: No.

3 UNIDENTIFIED VOICE: Okay. My apologies. So,
4 you know really all this is doing is extending that
5 commission. If the discussion yesterday at the alleged
6 contact meeting, I think staff expressed the opinion that
7 they find this to be a valuable opportunity to interact with
8 other agencies, and had to reduce redundancies and, and that
9 they have had, they have, they've found value in working
10 together and trying to pr -- create more consistency amongst
11 the different programs. Your alleged contacts are
12 recommending a support position on this as well.

13 UNIDENTIFIED VOICE: But without this bill
14 they go away?

15 MADAM CHAIR: Yup.

16 MR. DURHAM: Think --

17 MADAM CHAIR: Sunset it.

18 MR. DURHAM: Yeah.

19 UNIDENTIFIED VOICE: Sunset.

20 UNIDENTIFIED VOICE: Madam Chair I think I
21 need to recommend.

22 UNIDENTIFIED VOICE: I'd hate to vote against
23 something that would actually sunset some legislation.

24 MR. DURHAM: I think, I share that as a
25 general rule of thumb, I think Dr. Colsman indicated that



1 oftentimes this group finds duplicative programs and that
2 they will eliminate those that are unnecessary, and that
3 they've been able to eliminate conflicting rules and
4 regulation. So on that basis it seemed like a good idea to
5 go ahead and let that continue.

6 MADAM CHAIR: Value added. Can I have a
7 motion please. Thank you.

8 MS. GOFF: In accordance with staff
9 recommendation and in consideration of the fact that this is
10 a priority for less early childhood education, I move that
11 we support House Bill 17.

12 MADAM CHAIR: Thank you. Second?

13 UNIDENTIFIED VOICE: I second.

14 MS. GOFF: 17. I'm so sorry. House vote 17 11
15 06. I beg your pardon.

16 UNIDENTIFIED VOICE: I knew what you meant.

17 MADAM CHAIR: Any opposition to that motion?
18 None? Thank you.

19 UNIDENTIFIED VOICE: Okay. The next bill to
20 discuss is House Bill 2082, best building today technology
21 grant funding. So, I went back and took a closer look at
22 this bill between our alleged contact meeting yesterday and
23 today, and so what I'm about to say is a little different
24 than what our discussion yesterday.

25 Just want to flag that for board member



1 Durham and board member Goff. As I'm sure you know the,
2 first 40-million that comes in from marijuana, I think it's
3 marijuana excise tax, it's one of the marijuana tax streams,
4 goes into the best program. What this bill would do is save
5 the next five million that comes in, and this is what's
6 different about our discussion yesterday. Goes -- goes --
7 also goes to the best program but must be used for
8 technology purposes.

9 And it defines technology in the bill. It is
10 not a capital definition of technology, so it's not
11 necessarily -- I always think of those pipes that bring
12 broadbands to schools. I'm sure they're not really pipes
13 but, you know, whatever, that more infrastructure type
14 thing. This is you can actually buy like computers and iPads
15 or, you know, whatever the district will want. Now, it still
16 has to go through the regular grant process, I mean, the
17 districts have to apply for the money, the best board makes
18 that consideration. They make recommendations to you while
19 you still approve those. None of that changes.

20 The other important thing about this bill is
21 that it tells the best board in making their decisions to
22 take into consideration where most of the marijuana revenue
23 comes from. So, what it's trying to say is that most of the
24 marijuana revenue is coming from the metro area. And yet,
25 the metro area, in the perception of the people who are



1 supporting this bill doesn't get its fair share of best
2 funding.

3 I mean, I think that's -- I'm putting that in
4 rather -- rather direct terms, but I'm trying to make it
5 easy to understand. And again, this is not my opinion, this
6 is just I think what the -- the goal here is to say, we
7 think all the money is coming from one place, and that
8 should be taken into consideration when deciding which
9 grants to do.

10 MS. FLORES: For any money this past year but
11 yet for, you know, there are some schools. But yet they went
12 for and asked the public for three quarters of a billion
13 dollars in taxes, which they got, you know. So, some
14 districts can't. Some districts, you know can -- maybe
15 smaller districts cannot do what Denver can do. So, I'm
16 sorry that-

17 UNIDENTIFIED VOICE: Madam Chair, Dr.
18 Florence, I again, I apologize. I don't feel like I'm really
19 on top of my game today, but your boar -- your alleged
20 contacts were recommending in a post position on this bill.
21 It's probably an important piece of information for your
22 conversation.

23 MADAM CHAIR: Yeah, so tell us-

24 UNIDENTIFIED VOICE: I move that we oppose
25 it.



1 MR. DURHAM: Second.

2 UNIDENTIFIED VOICE: Yeah, it's not --

3 MADAM CHAIR: So, what's the -- what's the
4 reasoning, please?

5 MR. DURHAM: I think the reasoning is
6 twofold. One, the whole concept of this program, regardless
7 of funding source, has been to essentially provide equal
8 opportunity to children throughout the state by eliminating
9 the physical facilities differences from district to
10 district, or trying to.

11 And secondly, I think the use of this money
12 for technology when you don't even have enough money to fix
13 leaky roofs is way out of priority, and to -- well, it's
14 nothing certainly, if we had all the money in the world,
15 we'd certainly want to spend some of it on technology, but
16 until we get the physical plant of the State in order,
17 adding another use just dilutes the available funds.

18 MADAM CHAIR: Well, they aren't available,
19 though, right?

20 UNIDENTIFIED VOICE: Yeah.

21 MADAM CHAIR: This is a legislative
22 prerogative as to how-

23 UNIDENTIFIED VOICE: Well, Madam Chair and
24 again board member Durham, I apologize, because I think we
25 had -- I don't think we were -- I was accurately



1 understanding or staff was the bill when we discussed this
2 yesterday.

3 So this is not taking away from the \$40
4 million that already goes. What it is saying is the next
5 five million that comes in goes for it. I don't know that
6 this will change your point, I just want to make sure that
7 we all understand that.

8 MR DURHAM: It doesn't.

9 MADAM CHAIR: Board member McClellan.

10 MS. MCCLELLAN: Thank you so much Madam
11 Chair. I -- I am concerned that many in the State of
12 Colorado in voting in favor of this statewide measure that
13 legalized marijuana in the State of Colorado, may have been
14 doing so in the hopes that this would free up revenue or
15 produce revenue that would help in the funding of our public
16 education system, among other priorities.

17 And it is not my understanding that those
18 voters who may never partake in marijuana themselves, were
19 aware that we were going to follow any kind of formula that
20 would target spending, with the logic of, you smoke it, you
21 spend it. I just don't think that that was the logic that
22 voters were given when they may have voted in favor of the
23 measure. So, I just think it's inconsistent with the promise
24 to the voters.

25 MS. FLORES: Right. And I can think of better



1 ways to spend the \$5-million than technology. I mean, there
2 could be -- like for instance, this year, what the Governor
3 did in recommending giving us \$9.8-million for social
4 services or counselors and such in -- in high schools.

5 MADAM CHAIR: So, that's legislature's
6 prerogative. I mean, I think we all would spend that small
7 amount of money, perhaps in some different ways.

8 MS. FLORES: Well, that's right. But
9 technology, we could use training ESL teachers which we
10 need. We could -- I mean there's-

11 MADAM CHAIR: Thank you.

12 MS. FLORES: I -- I agree with -- with you.

13 MADAM CHAIR: In this one I'd like -- first
14 of all I'd like a motion.

15 UNIDENTIFIED VOICE: I believe there's a
16 motion on the table.

17 MADAM CHAIR: Oh, I'm sorry. Who made it?

18 MR. DURHAM: There's a motion.

19 UNIDENTIFIED VOICE: I just have one more
20 thing to say. Dr. Florence I agree with you 100 percent. And
21 I know there are a hundred people across the street that
22 have their opinions on where every penny over that best
23 grant should be spent.

24 MADAM CHAIR: All right. Call the vote,
25 please? We're opposing, right?



1 UNIDENTIFIED VOICE: Pam made the motion.

2 Sorry?

3 UNIDENTIFIED VOICE: To oppose.

4 UNIDENTIFIED VOICE: Yes to oppose. Board
5 member Mazanec made the motion, and board member Durham
6 seconded.

7 MS. MAZANEC: Thank you. And I slept through
8 it.

9 UNIDENTIFIED VOICE: Board member Durham.

10 MR. DURHAM: Yes.

11 UNIDENTIFIED VOICE: Board member Flores.

12 MS. FLORES: Yes.

13 UNIDENTIFIED VOICE: Board member Goff.

14 MS. GOFF: Yes.

15 UNIDENTIFIED VOICE: Board member Mazanec.

16 MS. MAZANEC: Yes.

17 MS. MCCLELLAN: Board member McClellan.

18 MS. MCCLELLAN: Yes.

19 UNIDENTIFIED VOICE: Board member Rankin

20 MS. RANKIN: Yes.

21 UNIDENTIFIED VOICE: And board member
22 Schroeder.

23 MADAM CHAIR: No. I like technology. I want
24 technology. Schools can't give the park to us because they
25 don't have enough technology.



1 UNIDENTIFIED VOICE: That's right.

2 MR. DURHAM: There's another good reason. I
3 hadn't thought of that one.

4 MADAM CHAIR: I know, I know.

5 UNIDENTIFIED VOICE: Okay. So, I think the
6 vote is to oppose by a vote of six to one.

7 MADAM CHAIR: Correct.

8 UNIDENTIFIED VOICE: Thank you. So, the last
9 bill to discuss is House Bill 2089, parent choice in low
10 performing school districts. This is sponsored by
11 Representative Paul Lundeen who has made a special point of
12 asking me to tell you all that he would have liked to be
13 here to talk to you about this today, he's in committee.

14 I'm going to do my best to explain this bill
15 an -- and kind of easier to understand terms because the
16 bill itself I think is a little challenging to read, and I
17 will do my best --.

18 MADAM CHAIR: It is.

19 UNIDENTIFIED VOICE: And I welcome
20 corrections from people sitting behind me, if I do it wrong.
21 And Alisa, you can always correct me. So, for districts that
22 reach the end of the clock. And as you know you have six of
23 them that you are -- five of them that you are going to be
24 considering shortly. This says that they must take the State
25 share of -- of funding. So, on a per pupil basis whatever



1 the State share is and it's different in every district and
2 give parents control over that money. They set up an account
3 for the parents essentially, put the State share amount into
4 that account, the parent has to spend it on an educational
5 purpose. Those are defined in the bill. There-it's a fairly
6 broad definition.

7 The parent can choose to stay at the school
8 they've been at and then the district keeps that money. The
9 parent can choose to go to a nonsectarian private school
10 with that money, the parent can choose to buy tutoring
11 services with it, or computers with it, or you know,
12 anything that is educational, they -- the parent deems as
13 educationally appropriate for the child.

14 The home district -- so -- so the district
15 that is in -- in the low status that this is occurring in,
16 still owns the accountability for those kiddos. So, when
17 they -- so they still have -- of course parent choice is an
18 important part of our testing system, but they -- they would
19 be expected to take the State assessments. It's a little
20 unclear how you might do that in, for example, a private
21 school.

22 UNIDENTIFIED VOICE: Just go back to the home
23 school and take it.

24 UNIDENTIFIED VOICE: Yeah, well, I mean,
25 there are some logistical I think interesting questions in



1 this.

2 MS. FLORES: Yes.

3 MR. DURHAM: Yes.

4 UNIDENTIFIED VOICE: With the home district,
5 I'll just simplify to say the home district still owns the
6 responsibility for assessment and accountability, for any
7 student who chooses to not be in that district but is using
8 the funding because they reside there.

9 UNIDENTIFIED VOICE: I move -- I move to
10 support.

11 MR. DURHAM: Second.

12 UNIDENTIFIED VOICE: May I ask a question?

13 UNIDENTIFIED VOICE: Sure.

14 MADAM CHAIR: They're there.

15 UNIDENTIFIED VOICE: They're posted, and I
16 sent you the link last night, but just based on our previous
17 meeting, we didn't have a lot of a turnaround time. So, for
18 the next legislative update meeting and for the legislative
19 update at the February board meeting, we can be sure to have
20 those bills for you in advance.

21 UNIDENTIFIED VOICE: Yeah, because I don't
22 remember getting it.

23 UNIDENTIFIED VOICE: Well, it's online.

24 MADAM CHAIR: You got the link last night.

25 UNIDENTIFIED VOICE: Comments?



1 UNIDENTIFIED VOICE: Link online. Do you see
2 it? Is that it?

3 MADAM CHAIR: Are you ready to vote, guys?
4 Any comments?

5 UNIDENTIFIED VOICE: Yeah, I have a few.

6 UNIDENTIFIED VOICE: Well.

7 MR. DURHAM: I have a few comments. I think
8 this bill is not perfect and has its share of technical
9 problems, all of which could be ironed out. But I think, the
10 practical and the question the legislature is going to get
11 to decide and I didn't think in reviewing this bill that the
12 board should sit idly by and without expressing an opinion
13 because I think the opinion -- the opinion is fundamental.

14 I think they're going to get to choose
15 between we have school districts that are by any measure
16 failing, have failed, they have failed at least to kids for
17 almost half of their academic careers because they're --
18 they've been on the clock for six years given the one year
19 that was the one intervening year. So, question is, are we
20 going to keep these kids trapped in these districts or are
21 we going to try and find a way to allow them to seek a
22 better education?

23 And I think that's a worthwhile discussion
24 because we're not talking about act -- we're not talking
25 theoretically about kids that are getting a good education



1 and whether they should be allowed to choose, their parents
2 should be allowed to choose better options for them. We're
3 talking about kids that we know to a moral certainty are not
4 receiving a good education, are not being well served by
5 their districts, and does someone have the moral obligation
6 to try to provide these kids with options that will yield a
7 better alternative?

8 So, I asked for the bill to be on the agenda
9 for the board to make a decision because I believe that the
10 issue couldn't be any more clearly framed than it is framed
11 by this bill and these districts. Thank you.

12 MADAM CHAIR: Board member Flores.

13 MS. FLORES: But didn't we have a Supreme
14 Court decision against vouchers? Isn't that what we just had
15 this past year?

16 MADAM CHAIR: No. I think-

17 UNIDENTIFIED VOICE: Oh you mean against the
18 Douglas County case?

19 MS. FLORES: Against vouchers.

20 MR. DURHAM: No, I think the decision made --
21 .

22 UNIDENTIFIED VOICE: That wasn't on the
23 statewide --.

24 MR. DURHAM: Against nonsec -- the question
25 about sectarian or nonsectarian schools. This -- this bill



1 clearly shows nonsec -- nonsectarian, so that that would --
2 would not bring into play the court decision.

3 MADAM CHAIR: We did have this about 20 years
4 ago and it was deemed unconstitutional.

5 UNIDENTIFIED VOICE: That was a statewide
6 voucher case, you know. Is that what you're talking about?

7 MADAM CHAIR: Yes. You know, I can't
8 remember. I can just sort of -- Oh, Tony, thank you.

9 UNIDENTIFIED VOICE: There have been two
10 statewide decisions on vouchers. I have not yet, I haven't
11 read this bill, but it does sound to me like whoever drafted
12 is very aware of those and has drafted it with those in
13 mind.

14 The first one, the statewide voucher program
15 was found unconstitutional because it violated local control
16 in that it mandated the school districts to use local tax
17 money to fund vouchers. This uses only the state --.

18 MADAM CHAIR: State money.

19 UNIDENTIFIED VOICE: -- PPR and thus avoids
20 that problem. And of course it avoids the more recent
21 problem in the taxpayer's public education case by excluding
22 religious schools.

23 There will be people, should this pass,
24 who'll argue that that violates the free expression clause
25 of the United States Constitution because you're



1 discriminating against people on the basis of religion, but
2 there is a majority on the Colorado Supreme Court who
3 disagrees with that right now, so.

4 MADAM CHAIR: Thank you.

5 UNIDENTIFIED VOICE: Sure.

6 UNIDENTIFIED VOICE: Call a vote?

7 UNIDENTIFIED VOICE: Well, let me --

8 MADAM CHAIR: Member Goff?

9 MS. GOFF: This one is slightly different
10 from at le -- it might have been two years ago we talked
11 about something kind of similar, but I -- I am not --
12 choice's great.

13 What I'm worried about with this kind of bill
14 right now is that -- it's the -- first of all, the -- the
15 overall financial context we're in, asking districts to go
16 through and I know it can be simplified and there are ways
17 to handle it, but the, the mechanics of this right now have
18 me stumped. I know that's not the important point.

19 But when you're taking -- when you're
20 creating accounts and you've already got a district budget
21 based on a certain number of kids, accounts, and the value
22 of each to me, that seems rather complex and burdensome, but
23 that's not the real point either. The real point here is
24 it's -- it's local control in another kind of sense.

25 In a way this is -- this is forcing a school



1 district into providing choice, essentially or opening the
2 door to choice. If the district doesn't choose to take part
3 in a choice program, that's one thing, but being essentially
4 told by law you will create choice to me, that that's a
5 little bit conflictive.

6 The other thing too is that these kids, if
7 you've got students who are -- if -- a student may be
8 sitting in the middle of a turnaround district every day and
9 I guess it's their choice to not take part in a choice
10 program, but in a way it's -- it's like grouping all these
11 students in a district under a category. And what the --
12 what is the expectation of that? I know you -- I know you
13 won't see it that being that complicated.

14 I'm concerned about timelines too. We did
15 talk a bit about it yesterday with, so how long before the
16 choice occurs? Is the district or are the families aware of
17 this? And how -- how -- what -- how -- what kind of other
18 obligations and constrictions and timelines and rules have
19 to be set up so that people realize what kind of timeline
20 they're looking at in terms of finding out, (a) that their
21 district does turn around or even priority improvement? How
22 much time should families be allowed and will that happen?

23 I am not in favor of the, the lack of detail.
24 I'm sorry to say. I have no problem with good quality choice
25 programs, but it needs to be done, in my most basic opinion,



1 from the initiative of the community. And I agree that
2 districts would have that choice, but it doesn't sound, it's
3 not coming across that way to me. So, I oppose it.

4 MADAM CHAIR: Board member Flores?

5 MS. FLORES: And vouchers are just not what I
6 think our constitution that talks about education for our
7 kids was really discussing. In fact, I think there is a
8 statement that says that we are not going to, you know,
9 allow rich people to take over schools. And this is what
10 this will do. I mean, it's not just the Wal-Mart who are
11 coming to this, but it would be everybody, and everybody's
12 in it, (Indiscernible) in it, (Indiscernible) and every
13 billionaire basically has their hands in the till
14 (Indiscernible) education. I'm sorry.

15 And this will open it up to every Tom, Dick
16 and Harry, to have money to open up a private school and
17 have the same scenario that's going on with charter schools.
18 And we know that a lot of charter schools are just money
19 making for certain people, and I -- I just do not agree. I
20 think that we have boards, we have this board, we have local
21 public boards that look over policy, and look over the
22 monies, they're public, they're not private. And I would
23 just hate for us to go in this direction in this state. I'm
24 sorry.

25 MADAM CHAIR: Are we ready to vote?



1 MS. FLORES: Rebecca I think was --

2 MS. MCCLELLAN: Thank you, Madam Chair. My
3 concern is that this might create a relatively unpredictable
4 financial volatility that would be a further challenge for
5 our local elected school boards as they try to meet their
6 budget concerns and serve their students as best, they can
7 in a challenging budget environment. And so, I'll be voting
8 no on this. Thank you.

9 UNIDENTIFIED VOICE: Yeah.

10 UNIDENTIFIED VOICE: When we look at the
11 public schools right now, we're looking only at the ones
12 that are in turnaround status or at the very bottom. If we
13 want to continue down the road we've been going, I think we
14 should stay with the status quo.

15 With a local control state, you can't get any
16 more local than the parents. I think this bill, house bill
17 17-1089, will give an opportunity to all students. And it'll
18 be in charge at the local control. It gives them an option
19 to get out of the turnaround, or falling status that they're
20 in. It's a vote for the students and the opportunities they
21 will have in Colorado.

22 MADAM CHAIR: Board member Durham.

23 MR. DURHAM: Thank you. Thank you, Madam
24 Chair. There -- there really is no more local in the words
25 local control than parents making decisions that are best



1 for their children. So, I don't think we -- did I knock it
2 out or --

3 UNIDENTIFIED VOICE: Oh yeah.

4 MR. DURHAM: Good. Probably knocked it out.
5 Got a little close. Sorry. But, so, I don't know if the
6 local control -- there we go. I don't know if the local
7 control argument works in this case not only for the reason
8 that it puts the parents in charge, but more importantly, if
9 there is ever an example of local control failing, this is
10 it.

11 And so the question is; will the general
12 assembly and will this board tolerate this much failure? And
13 I think that simplifies this issue as just -- makes it just
14 a simple and straightforward as it can get.

15 People with resources can choose any
16 education they want for their children. People without
17 resources are stuck in these districts. This is a chance to
18 give the people who are stuck and don't have choice, choice.

19 Rich people already have choice. You don't
20 need to give them anything. But these districts are by and
21 large economically challenged, and they're certainly
22 performance challenged. So, the question is; are we willing
23 to do anything meaningful for these students? And if we
24 don't do something like this, we'll have these districts in
25 front of us pretty soon. And the question then becomes; are



1 we really going to do anything meaningful for these students
2 then? And I don't think I'll prejudge or speculate that on
3 that, but I'm concerned that the actions that we are likely
4 to take are inadequate, and that we will sentence these
5 children to additional years of failure.

6 MS. MAZANEC: I'm not --.

7 MADAM CHAIR: Ms. Mazanec?

8 MS. MAZANEC: I'm not sure there's anything
9 left to be said now --

10 MS. GOFF: I have a question.

11 MS. MAZANEC: -- but I'm -- I -- I agree
12 there's nothing more local in control than parents. And my
13 concern is that I hope that this board never puts schools or
14 institutions or buildings in front of children.

15 And as I said, this is not -- although I'm a
16 believer in school choice for all, this bill is addressing
17 children who are being failed over and over and over again
18 for years. I can't force them back into that school and back
19 into that same failure for the sake of a building. So, if
20 we're going to put kids first, I think this is an easy
21 decision. I'll be voting yes.

22 MADAM CHAIR: Board member Goff.

23 MS. GOFF: Aside from all of that, what about
24 where is this going to work best? Does this, does this limit
25 the chances of certain kids and parts of the state to even



1 have a chance to take advantage of it? I --

2 UNIDENTIFIED VOICE: Only because they don't
3 have a private school available?

4 MS. GOFF: No, because, no because they're in
5 a -- they're in an area it could be -- it could be small,
6 but it could be a little bigger than tiny small, where there
7 is no other place to go. So, no matter if they chose a
8 private school or-- or another just another school, where do
9 they have to choose?

10 UNIDENTIFIED VOICE: May not be perfect for
11 all children but it would -- it would be good, it's not
12 perfect it can never be perfect.

13 MS. GOFF: I know. I know but--

14 UNIDENTIFIED VOICE: It's not only --

15 MS. GOFF: -- if you've got -- if you've got
16 a small district that is predominantly made up of turnaround
17 situations, sorry, that these kids are in a turnaround
18 situation. And if they don't have access to the choice to
19 begin with what -- what, you know, this is what's hard these
20 days. I'm not blaming anybody. It's just --.

21 UNIDENTIFIED VOICE: (Indiscernible).

22 MADAM CHAIR: That's a basic as -- well, I
23 mean, there's a basic assumption that is being made which is
24 that private schools are better. And there is absolutely no
25 evidence of that either. So, if there's nothing in there



1 that assures that other schools are better how are we
2 helping kids.

3 MADAM CHAIR: Right.

4 MADAM CHAIR: This is kind of silly.

5 MS. FLORES: And then we've had 25 years of
6 ref-

7 UNIDENTIFIED VOICE: We were all out of time.
8 Can we call the vote?

9 MS. FLORES: Well, I'll just say one thing.
10 We have -- we've had 25 years of reform that has basically
11 decimated schools.

12 MADAM CHAIR: Okay Val.

13 MS. FLORES: Public schools. So, I mean-

14 UNIDENTIFIED VOICE: Can we vote please.

15 MS. FLORES: Well, let me just finish my
16 sentence. So, I mean, we -- we haven't had really basic any
17 -- any change for -- for kids in the last 25 kids-

18 MADAM CHAIR: Okay. You finished your
19 sentence. Please.

20 MS. FLORES: -- 25 years other than the
21 privatization, which are charters which have not worked. And
22 then we want to get it even more into privatization.

23 UNIDENTIFIED VOICE: We got more bills to get
24 to.

25 UNIDENTIFIED VOICE: We do?



1 UNIDENTIFIED VOICE: Yep. Okay ready? Oh, do
2 they work

3 UNIDENTIFIED VOICE: Did the whole thing get
4 killed?

5 UNIDENTIFIED VOICE: You'll just have to talk
6 loud.

7 UNIDENTIFIED VOICE: Okay. Well, I'll just go
8 ahead and call it. Board member Durham.

9 MR. DURHAM: Yes.

10 UNIDENTIFIED VOICE: Board member Flores.

11 MS. FLORES: No.

12 UNIDENTIFIED VOICE: Board member Goff

13 MS. GOFF: No. Not yet.

14 UNIDENTIFIED VOICE: Board member Mazanec.

15 MS. MAZANEC: Yes.

16 UNIDENTIFIED VOICE: Board member McClellan.

17 MS. MCCLELLAN: No.

18 UNIDENTIFIED VOICE: Board member Rankin.

19 MS. RANKIN: Yes.

20 UNIDENTIFIED VOICE: Board member Schroeder.

21 MADAM CHAIR: No.

22 UNIDENTIFIED VOICE: Okay. So, that fails.

23 MADAM CHAIR: So, do we oppose it now or do
24 we just leave it? Board member Goff.

25 UNIDENTIFIED VOICE: What was the motion?



1 the motion was to.

2 UNIDENTIFIED VOICE: Support it.

3 MS. MAZANEC: Support it.

4 UNIDENTIFIED VOICE: So, we voted to support
5 it.

6 MS. GOFF: No. we voted to oppose it.

7 UNIDENTIFIED VOICE: Oh, it's back on.

8 UNIDENTIFIED VOICE: We actually --

9 MS. GOFF: We've voted to support it.

10 MR. DURHAM: Not to support it.

11 MS. MAZANEC: Not to support it. Okay.

12 UNIDENTIFIED VOICE: The motion was to
13 support it. You voted not to support it.

14 MS. FLORES: Yes.

15 MS. SCHROEDER: Correct.

16 MS. GOFF: So, there is no statement, it's
17 only the motion that's made.

18 UNIDENTIFIED VOICE: So, we have no position?

19 UNIDENTIFIED VOICE: That's correct. Do you
20 want another motion?

21 UNIDENTIFIED VOICE: No position.

22 MADAM CHAIR: We either have no position or
23 we have another motion. What is your wish?

24 UNIDENTIFIED VOICE: Does someone have a copy
25 of our legislative priorities or procedures handy.



1 MADAM CHAIR: That would be helpful.

2 UNIDENTIFIED VOICE: Because I think it's
3 spelled out there how that works.

4 UNIDENTIFIED VOICE: Yeah, but if had another
5 motion, really you can-

6 UNIDENTIFIED VOICE: Just a sec, just a sec.

7 UNIDENTIFIED VOICE: Do you -- do you want to
8 table this until the next board meeting and we'll get the
9 copy of the procedures, I don't know, unless Bizy can bring
10 them up quickly.

11 UNIDENTIFIED VOICE: Got them right here.

12 MS. GOFF: She's got it think it speaks to
13 that in there.

14 UNIDENTIFIED VOICE: I mean. I-

15 UNIDENTIFIED VOICE: You mean you want to go
16 on record as opposing this versus not supporting it?

17 MS. GOFF: I don't think that's how it is.

18 UNIDENTIFIED VOICE: I don't think that's how
19 it comes out. I think it's, there is another-.

20 UNIDENTIFIED VOICE: Do you know what our
21 procedures are?

22 UNIDENTIFIED VOICE: No. I don't have it in
23 front of me. I don't think the procedures speak to this
24 particular situation. I think you as a board are clearly
25 having a conversation and that is appropriate and-



1 MADAM CHAIR: I think Commissioner Anthes has
2 a good idea we'll just table it till next time.

3 UNIDENTIFIED VOICE: That what?

4 MADAM CHAIR: Table it till next time.

5 UNIDENTIFIED VOICE: Till next time till we
6 figure out whether -- what -- what are-

7 UNIDENTIFIED VOICE: If a super majority
8 cannot agree to support or oppose a bill, the second
9 consideration is how the bill might be amended to enable the
10 board to reach a super majority support. If the board is in
11 disagreement regarding the ability to amend-

12 UNIDENTIFIED VOICE: We are not going to have
13 a super majority either way.

14 UNIDENTIFIED VOICE: Yeah.

15 UNIDENTIFIED VOICE: Okay. So let's just let
16 it go. No?

17 UNIDENTIFIED VOICE: The board.

18 MS. MAZANEC: If we are giving an opinion and
19 four people say "No", three people say "yes", so that's a
20 vote.

21 MADAM CHAIR: That's a vote but it's not a
22 super majority.

23 MS. FLORES: We could make another -- --
24 another -- propose to vote another way.

25 UNIDENTIFIED VOICE: What we can do, one of



1 the options is that, the next board meeting or here I
2 suppose, someone who voted on the prevailing side can move
3 to reconsider and we can take another vote. We can do
4 another motion that's one option. The other is to just let
5 it stand.

6 MR. DURHAM: Point of order Madam Chair.

7 MR. DURHAM: Sure.

8 MADAM CHAIR: There is no motion on the table
9 so there's nothing to debate.

10 MS. GOFF: Not now, there isn't. But we did.

11 MR. DURHAM: If someone wishes to make a
12 motion that's up to the chair whether she wishes to continue
13 this discussion with another motion or wishes or whether
14 the-

15 MADAM CHAIR: I say it is two minutes after
16 two and we have been told that we must vacate at 2:00.

17 MR. DURHAM: What?

18 MADAM CHAIR: And therefore.

19 MS. GOFF: Do we have to two more bills?

20 UNIDENTIFIED VOICE: No. That's it. We're
21 done.

22 UNIDENTIFIED VOICE: We are?

23 MADAM CHAIR: Yeah. Let's just table this
24 guys.

25 UNIDENTIFIED VOICE: Thank you.



1 MADAM CHAIR: Do we need a vote?

2 UNIDENTIFIED VOICE: No.

3 UNIDENTIFIED VOICE: Close us out.

4 UNIDENTIFIED VOICE: Meeting is recessed
5 until February 8th. Thank you.

6 MS. FLORES: Can I just make a statement?

7 MADAM CHAIR: To yourself, yes. Say
8 everything you want but we're not listening.

9 (Meeting adjourned)

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1 C E R T I F I C A T E

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

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

10 IN WITNESS WHEREOF, I have hereunto set my hand
11 and seal this 25th day of October, 2018.

12

13 /s/ Kimberly C. McCright

14 Kimberly C. McCright

15 Certified Vendor and Notary Public

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