



Colorado State Board of Education

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

**May 10, 2017 Meeting Transcript - Prt. 2**

BE IT REMEMBERED THAT on May 10, 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: State Bo -- State Board will  
2 now consider and adopt the final written determination for  
3 the accountability recommendation concerning Aurora Central  
4 High School, Case Number 17-AR-03.

5                   Public testimon -- public testimony will not  
6 be heard at this time. However, department staff, district  
7 staff, and legal counsel are available only to answer any  
8 final questions we may have. Neither department nor district  
9 may provide any additional information unless requested by  
10 the State Board.

11                   Colleagues, do you all have any questions?  
12 The answer is no.

13                   MR. DURHAM: I just had one, one question  
14 that once all these proceedings are over if the Chair plans  
15 to have an opportunity for significant debriefing with staff  
16 about lessons learned in this process and--

17                   MADAM CHAIR: Yes.

18                   MR. DURHAM: -- how we might improve and --

19                   MADAM CHAIR: Yes. And I'm open to any  
20 recommendations from colleagues as to how you want to handle  
21 that. I've casually discussed -- mentioned with staff that  
22 I'm looking forward to it, and they have said likewise, but  
23 --

24                   MR. DURHAM: Okay. Perfect. Thank you.

25                   MADAM CHAIR: -- first of all, we should do



1 it, but second of all, I wonder if we should plan to do it  
2 in June, so that is kind of fresh because I plan to have  
3 total amnesia for -- throughout the month of July, and I  
4 don't know what I'll --

5 UNIDENTIFIED VOICE: August -- or August?

6 MADAM CHAIR: I'm kidding. Or that would be -  
7 -

8 UNIDENTIFIED VOICE: (Indiscernible) all  
9 induced.

10 MADAM CHAIR: Or if that would be too much on  
11 folks, so I'm open to feedback. Brenda.

12 MS. BAUTSCH: I -- well, I think we could do  
13 two things. I think we were thinking more formal, all board  
14 have some public comment on debriefing in August.

15 MADAM CHAIR: We were planning a formal one  
16 anyway in August-

17 MS. BAUTSCH: Yeah.

18 MADAM CHAIR: -- with not just us -- not just  
19 ourselves but also some folks from Districts.

20 MS. BAUTSCH: Yeah. And I was going to -- I  
21 talked to Bizy yesterday, contact you once we are allowed to  
22 talk again to see if you -- would meet and be willing to  
23 talk with me individually, and just get your feedback while  
24 it's still fresh in your mind, and I can do that in June.

25 MR. DURHAM: Good.



1 MADAM CHAIR: Okay. How's that sound?

2 MR. DURHAM: Good. Thank you.

3 MADAM CHAIR: Folks? Okay. I don't want to  
4 exhaust folks, any -- any more than we already have, but  
5 some of this stuff ought to be fresh and -- and then we  
6 ought to think about what are the burning questions that we  
7 have about this.

8 UNIDENTIFIED VOICE: Yeah. It's great.

9 MADAM CHAIR: So I guess I have one other  
10 question, folks. Which is do you want us -- should we read  
11 the final order or no?

12 UNIDENTIFIED VOICE: I don't believe it's  
13 necessary to read the, the full final order. We do have a  
14 motion to amend some of these --

15 MADAM CHAIR: Yes.

16 UNIDENTIFIED VOICE: -- slightly, and I think  
17 that's has enough specificity about where that amendment is,  
18 so that at least for the record, it's going to be clear so I  
19 -- I think we're good there.

20 MADAM CHAIR: Okay. Everybody fine with that?

21 UNIDENTIFIED VOICE: Yes.

22 MADAM CHAIR: So within 30 days of receiving  
23 a copy of the written final determination, the District --  
24 the District shall agree to implement the directed action  
25 pursuant to ter -- to terms to be specified in the revised



1 version of the accreditation contract. Signed copies of the  
2 revised contract will be made available to both parties.

3 So is there a motion on the table? Board  
4 member Rankin, are you ready?

5 MS. RANKIN: Yeah, I am. I -- I -- I believe  
6 I am. I'll try it. Regarding Aurora Central High School, I  
7 move to amend the language in the final written  
8 determination on page five, to change the date from 2018 to  
9 2019.

10 MADAM CHAIR: Thank you. Is there a second  
11 for that amendment?

12 MR. DURHAM: Second.

13 MADAM CHAIR: We have to vote on the  
14 amendment and then go back to the --

15 MR. DURHAM: We should -- no, no, I don't  
16 think everybody ever moved the original; should probably go  
17 back.

18 MADAM CHAIR: Do we do the original first?

19 MR. DURHAM: Make -- you move that so you  
20 have it on the table, then you amend it.

21 MADAM CHAIR: So we did that bass-ackwards.

22 UNIDENTIFIED VOICE: No.

23 MS. RANKIN: Wait. Are -- the things you  
24 handed me are those amendments or motions?

25 MS. CORDIAL: It's more -- it's a motion.



1 There is the motion to approve it as is or alternative  
2 motion to amend it. So I was just under the impression --

3 MS. RANKIN: Okay. So this should be the  
4 amendments; is that correct?

5 MADAM CHAIR: So it should be motion to --

6 MS. RANKIN: Approve.

7 MADAM CHAIR: No motion to I approve and then  
8 with the amendment, is that what you're saying?

9 UNIDENTIFIED VOICE: No.

10 MS. CORDIAL: Yes, so yes. So this is -- so  
11 it's not an alternative motion. It's just your first motion  
12 but --

13 MADAM CHAIR: With an amendment?

14 MS. CORDIAL: With the amendment and then  
15 your second motion will be to approve the amended final  
16 determination. Right?

17 UNIDENTIFIED VOICE: Right.

18 MS. CORDIAL: Yeah. Since there wasn't a  
19 motion already on the table.

20 MADAM CHAIR: So let's put a motion on the  
21 table. And that is motion to in these -- in the originals?

22 MS. CORDIAL: So mo -- yes. Which is motion  
23 one in this -- this version. That -- no. I'm sorry, you're  
24 right. It's motion two in that version.

25 MS. RANKIN: Sh -- should I start again?



1 UNIDENTIFIED VOICE: Yeah.

2 MADAM CHAIR: We would be grateful.

3 MS. RANKIN: Okay.

4 MADAM CHAIR: Sorry.

5 MS. RANKIN: I move to approve the final

6 written determination for Aurora Central High School detern

7 -- concerning implementation of its pathway proposal for its

8 2016 innovation plan with the assistance of an external

9 management as amended.

10 UNIDENTIFIED VOICE: No.

11 UNIDENTIFIED VOICE: No.

12 MS. RANKIN: No?

13 MS. CORDIAL: So I think the first motion

14 should be on this page, motion one, --

15 MS. RANKIN: That's --

16 MS. CORDIAL: -- because that's what she

17 made.

18 MS. RANKIN: That's what I originally did,

19 and now I'm keeping that. Is that what I'm doing?

20 UNIDENTIFIED VOICE: I think so.

21 MADAM CHAIR: Now, we're trying to get a

22 motion on the table to approve the plan --

23 UNIDENTIFIED VOICE: Yes.

24 MADAM CHAIR: -- and then, get a motion on

25 the table.



1 MS. RANKIN: This motion to amend?

2 UNIDENTIFIED VOICE: To amend.

3 MS. CORDIAL: Is it necessary for them to  
4 approve the plan then make an amendment, then approve the  
5 amended plan?

6 UNIDENTIFIED VOICE: I don't -- I don't  
7 necessarily think it is. I think given that we're here to  
8 decide on a proposed final determination, which has been  
9 submitted as a part of the record. And I think we can just  
10 start with the motion to amend that, and then we can have  
11 the motion --

12 UNIDENTIFIED VOICE: That's what she did.  
13 Yup.

14 UNIDENTIFIED VOICE: She didn't. And then  
15 just go to the second motion, which is the motion to approve  
16 the amended version. I -- I think -- I think that's the  
17 question.

18 MADAM CHAIR: The question was, do we vote on  
19 the amendment before we go to the other one?

20 UNIDENTIFIED VOICE: Yes, I think that we  
21 should.

22 MADAM CHAIR: So were there any objections to  
23 the amendment which was to change the date from 2018 to  
24 2019? All agreed?

25 MS. RANKIN: Yes.



1 MADAM CHAIR: Thank you.

2 MS. RANKIN: So moved.

3 UNIDENTIFIED VOICE: Yes.

4 MADAM CHAIR: Now, if you'd be kind enough to  
5 do the final motion.

6 MS. RANKIN: Is that number two on the list?

7 UNIDENTIFIED VOICE: That's number two.

8 UNIDENTIFIED VOICE: That's number two.

9 MS. RANKIN: I move to approve the final  
10 written determination for Aurora Central High School,  
11 concerning implementation of its pathway proposal for its  
12 2016 innovation plan with the assistance of an external  
13 management as amended.

14 MS. CORDIAL: Perfect.

15 MADAM CHAIR: Is there a second, please.

16 MS. MAZANEC: Second.

17 MADAM CHAIR: Thank you, Ms. Mazanec. Let's  
18 vote on it.

19 MS. CORDIAL: Okay. Board Member Durham.

20 MR. DURHAM: No.

21 MS. CORDIAL: Board Member Flores.

22 MADAM CHAIR: She's excused.

23 MS. CORDIAL: Okay. Board Member Goff.

24 MS. GOFF: Yes.

25 MS. CORDIAL: Board Member Mazanec.



1 MS. MAZANEC: Yes.

2 MS. CORDIAL: Board Member McClellan.

3 MS. MCCLELLAN: Yes.

4 MS. CORDIAL: Board Member Rankin.

5 MR. RANKIN: Yes.

6 MS. CORDIAL: Board Member Schroeder.

7 MADAM CHAIR: Yes.

8 MS. CORDIAL: Five to one.

9 MADAM CHAIR: One down, two to go. All  
10 right. That's Aurora Central. Hold on, folks. Hope Online  
11 Academy. Do I have a motion, please, for the final  
12 determination? Did you make one for?

13 UNIDENTIFIED VOICE: No, so that one.

14 MADAM CHAIR: Perhaps there's more I should  
15 have, more that I should have read.

16 State board will now consider and adopt the  
17 final written determination for the accountability  
18 recommendation concerning Hope Online Learning Academy  
19 elementary and middle schools, Case Number 17-AR-04.

20 Public testimony will not be heard at this  
21 time. However, the department staff, district staff and  
22 legal counsel are available only to answer any final  
23 questions we may have. Neither the Department nor district  
24 may provide any additional information unless requested by  
25 the state board. Colleagues, do you have any questions? That



1 was what I meant, I didn't say anything.

2 UNIDENTIFIED VOICE: I just, one -- one  
3 point. Earlier, we had discussed whether or not for these,  
4 the board members going to address any questions to the  
5 department about the understanding of what 2019 would mean  
6 for this one in terms of whether or not we'd be revisiting  
7 the accreditation results in 2018 or I think that'd be,  
8 maybe a good question to ask to clarify that for the record.

9 MADAM CHAIR: Yes, and it means the same  
10 thing that it meant for this last one that we just did.

11 UNIDENTIFIED VOICE: Yes.

12 MADAM CHAIR: But when we were talking, when  
13 we are talking about 2019, we mean the accreditation status  
14 that is generated after the 2018 assessments. Is that  
15 correct?

16 MS. PEARSON: So the, the 2019 frameworks  
17 come out in the fall of 2019 based on the '18-'19 school  
18 year so for 2019, that means two years of implementation for  
19 the '17-'18 school year. The frameworks that will come out  
20 reflecting that '17-'18 school year. That first year of  
21 implementation would be in 2018 and then you'd have the '18-  
22 '19 school year. The framework's reflecting the '18-'19  
23 school year which would be the second year of implementation  
24 of that in the fall of 2019.

25 MADAM CHAIR: That's not the way we



1 interpreted it when we discussed it. We figured that in, in  
2 the spring of 2019, we will be looking at 2018.

3 MS. PEARSON: The spring of 2019. Yes. In the  
4 spring of 2019, you would only have results from the --

5 MADAM CHAIR: The '17 and '18.

6 MS. PEARSON: -- '17-'18 school year, right,  
7 because you'd be testing right then.

8 MADAM CHAIR: 2017 and '18 which is two years  
9 from now. Right. Right. So that's probably for clarification  
10 because how long are we, how long do we want to wait before  
11 we address this again? I think when we talked about this we  
12 said we wanted to look after the results from that 2018  
13 spring assessment. We wanted to go back and looks where the  
14 districts are.

15 UNIDENTIFIED VOICE: So can I clarify or try  
16 and clarify?

17 MADAM CHAIR: You better because I'm not sure  
18 I've made things any clear.

19 UNIDENTIFIED VOICE: Okay. Well, let me. I  
20 think it's good that we're talking about this. So for  
21 example in Hopes what it says, "In the event that Hope fails  
22 to implement its pathway proposal as ordered or in the event  
23 that Hope's elementary or middle school ends a rating of  
24 turnaround plan in 2019." So that refers to after two years  
25 of implementation.



1                   So we're kind of at the end of the school  
2 year now. So 17, 18, 18, 19. The 19 frameworks, they'll come  
3 out at fall. If that fall of 19, the frameworks come out as  
4 turnaround then, then the commissioner sh -- then pursuant,  
5 the commissioner shall again assign a state review panel to  
6 critically evaluate the school's performance. So I guess the  
7 question is.

8                   MADAM CHAIR: Which won't happen until 2020.

9                   UNIDENTIFIED VOICE: It could, it could  
10 happen in the fall of 2019. We'll have to figure out  
11 requests to reconsider process. You know, we should be done  
12 by December of 2019 at the latest. You could send the state  
13 review, review panel then. If there's no request to  
14 reconsider, I think we'd have to talk about with that if you  
15 could do it sooner, but it could happen, yes. It might, it  
16 might start in January of 2020.

17                  UNIDENTIFIED VOICE: That's a really long  
18 time.

19                  UNIDENTIFIED VOICE: So ratings for 2019  
20 would be known by December?

21                  UNIDENTIFIED VOICE: The final ones are done  
22 in December. The preliminary, we usually have on August,  
23 yes, of 19. Exactly. So it's really a question of with the  
24 timing of it because you know we're going to have frameworks  
25 to get in a few months that would be the 2017 framework, but



1 that, those are going to reflect this school year which for  
2 most of the schools and districts haven't been fully  
3 implementing the plans they're putting forward. You know, we  
4 have a few that are already on their pathway.

5 UNIDENTIFIED VOICE: All right. And we were,  
6 we were aware of that --

7 UNIDENTIFIED VOICE: Okay.

8 UNIDENTIFIED VOICE: -- when we had this  
9 discussion that some are already on their way and others,  
10 they haven't hired the principal yet. Nevertheless, it's a  
11 really long way, and we were talking about kids here.

12 Colleagues, comments?

13 UNIDENTIFIED VOICE: It's really like a year  
14 and a half, isn't it? This is 17. It'd be more like a year  
15 and a half if we're talking December 2019. You know, it's  
16 almost two years so.

17 UNIDENTIFIED VOICE: Two and a half.

18 UNIDENTIFIED VOICE: Two and a half, yes.

19 UNIDENTIFIED VOICE: And that's for  
20 triggering state review panel and all of that. That's not to  
21 say that you can't ask the district to the school to come  
22 back in a year cause that's what we've been talking about in  
23 terms of progress monitoring and give you an update, and we  
24 can look at where they are in progress. That's really to  
25 say, "Are you going to trigger this whole review process



1 again?" Do you want to do that a year from now or less than  
2 two years from now? We were very amenable to it. This is  
3 your -- your all's call, so.

4 MADAM CHAIR: Board Member Durham, what are  
5 your thoughts? Are you going to vote no on everything?

6 MR. DURHAM: I might. I would, I would say  
7 this. This particular set of recommendations has bothered me  
8 more than perhaps any of the others, and I, and I think  
9 perhaps should have gotten into with the roar a little bit  
10 but it relates to process generally speaking that by the  
11 time -- by the time this gets to the board, I think lad --  
12 the, what, the hearing we had this morning from Huerfano was  
13 about the first thing that resembled to adversarial. So  
14 these, these have been hearings.

15 These have been quasi-judicial hearings  
16 without, in theory, without controversy. Now, it doesn't  
17 mean that the, that staff shouldn't necessarily try and work  
18 out some arrangements, but unfortunately, the way the time  
19 frames work. It really, I think, forecloses all the other  
20 options the board might have. So I think we ended up. It's  
21 hard. It's hard to, it's hard to vote.

22 It's hard to look for middle ground in --  
23 between the department's recommendations and things that the  
24 board might conclude would make a difference. For example, I  
25 don't think that it's a, as a practical matter in Aurora's



1 case, it wouldn't have, converting it to charter school was  
2 a, was not feasible because the impossible -- doctrine of  
3 impossibility; just couldn't get it done between now and the  
4 start of next school year.

5           So all those options get, all those options  
6 get foreclosed to the board and I think, so I think timing  
7 is a real, real question, and I think that a lot of the  
8 negotiations that go on between the department and the  
9 various schools and districts just don't, don't really  
10 provide an opportunity for meaningful input from the board.  
11 This one was particularly unsettling because there are, you  
12 know, at least four parties and for all practical purposes,  
13 only two of them represented, maybe five parties.

14           And -- and so you, you had, you had I think  
15 the negotiations took place largely with the district in  
16 this instance that as far as I could tell had little or no  
17 skin in the game, and so the agreement that was reached may  
18 or may not reflect the best interest of the students and the  
19 parents and of, and of Hope because I think they were sort  
20 of, they were kind of a bystander in all this, that the  
21 district, the negotiations appeared, appeared to go on and  
22 to satisfy Douglas County and the department which I find a  
23 lot of faults with these particular, with this particular  
24 set of agreements, and -- and they're far and away the most  
25 owners of anything that has been proposed to deal with any



1 of this, of the failing schools with which we've dealt, and  
2 you'd have to ask yourself the question, why here? Why this?  
3 Is there some bias here on the part of those involved? Is it  
4 or is there some other reason and I -- I think I ain't got  
5 your answers.

6 I think that this -- this particular  
7 negotiation, in my view, reached some conclusions that I  
8 don't personally find reasonable, and I don't think with  
9 this board, I'll approve. The, that, that, you know, there  
10 has somebody will have to make a showing me that Aurora  
11 Central High School should be treated substantially better  
12 than this treats Hope.

13 UNIDENTIFIED VOICE: How was Hope treated  
14 badly? I'm trying to figure out.

15 UNIDENTIFIED VOICE: Replaced the board.

16 UNIDENTIFIED VOICE: Part of the board.

17 UNIDENTIFIED VOICE: Almost all the board as  
18 I recall.

19 UNIDENTIFIED VOICE: 4-7.

20 UNIDENTIFIED VOICE: Yeah. So replaced the  
21 majority of the board.

22 UNIDENTIFIED VOICE: Majority.

23 MR. DURHAM: That's not the way private  
24 nonprofit boards are selected, it's completely out of  
25 character. The, so you have that. You have a, a much more



1 onerous managed compone -- component that's been imposed I  
2 think on most of these schools. So it's more  
3 onerous in that regard, and -- and the cost to, cost, I  
4 think it was easy for the district to negotiate issues  
5 relative to the cost of the management company because they  
6 don't pay it.

7 I always like to spend other people's money  
8 so I know how easy it can be. So I think that, I think this  
9 has some real problems and I -- I will say, you know, I --  
10 I, once again, I think we're, we're almost stopped from  
11 picking it apart and saying we ought to do this, we had to  
12 take that out and so on, and because of the timing questions  
13 which, which really handicap us, so I -- I'm, I think gone  
14 of going forward basis. Looking back at my notes to try and  
15 refresh my memory, but I have probably have more notes here  
16 than on the first one and anything else, and I think it was  
17 the most unsettling of the hearings, and I'm certainly not  
18 going to vote for this result.

19 UNIDENTIFIED VOICE: In that last -- I've got  
20 another question in the very last paragraph. When we get  
21 around to that -- to the date. Earns a rating of turnaround,  
22 does that mean a turnaround or turnaround priority  
23 improvement?

24 UNIDENTIFIED VOICE: It means turnaround. The  
25 way the law is written because the law is silent after the



1 end of the five years. The on -- the clear authority of the  
2 board to revisit it, this is a -- a -- associated with  
3 turnaround schools since the board can act early on  
4 turnarounds, the logic was that they could have that  
5 authority would turnaround later but no one else. Is that  
6 makes sense? No. Julie, you want to jump in.

7 UNIDENTIFIED VOICE: So if we got a district  
8 that's been on priority improvement and they stay forever on  
9 priority improvement, we don't have any authority?

10 UNIDENTIFIED VOICE: This -- we're talking  
11 about schools right now.

12 UNIDENTIFIED VOICE: Schools.

13 UNIDENTIFIED VOICE: Yeah.

14 UNIDENTIFIED VOICE: We really need to clean  
15 up bill next year. Stuff doesn't --

16 UNIDENTIFIED VOICE: Politically it's very  
17 tough

18 UNIDENTIFIED VOICE: -- stuff doesn't make  
19 sense. Well, but we're not being fair in a lot of cases. At  
20 least it doesn't seem fair.

21 UNIDENTIFIED VOICE: Correct. I think it's  
22 clear for the -- for turnaround if it gets a turnaround  
23 ranking that -- then the, the board can definitely revisit  
24 that school. However, I don't, I don't think that we're  
25 necessarily -- your necessarily foreclosed for looking at a



1 school, that some priority improvement. The language within  
2 the statute says is, for a period of five consecutive years,  
3 which could be interpreted meaning a rolling five year  
4 period moving forward. And because that, that criteria would  
5 be met and if it was again --

6 UNIDENTIFIED VOICE: If it stays priority.

7 UNIDENTIFIED VOICE: Yeah.

8 UNIDENTIFIED VOICE: Can I do a question for  
9 Dr. --

10 UNIDENTIFIED VOICE: Proceed.

11 UNIDENTIFIED VOICE: Refresh my memory cause  
12 I meant to ask this during the hearing. I don't think I did,  
13 I don't know financial was provided. Who actually does  
14 select these new Board members?

15 UNIDENTIFIED VOICE: It's a good question. I  
16 believe it's them.

17 UNIDENTIFIED VOICE: Them meaning?

18 UNIDENTIFIED VOICE: The Hope, Hope Online  
19 and just for the record we did negotiate this whole thing  
20 and it worked with Hope the whole time, not the district. So  
21 the same procedure we used for any other district, we did  
22 directly with Hope and that district was involved in that  
23 latter parts, but it was solely through Hope. So I believe  
24 that, if my staff can correct me if I'm wrong, but I believe  
25 that Hope will be taking the, the lead on their governing



1 board.

2 UNIDENTIFIED VOICE: Yes. That's how they  
3 have outlined it in their plan. They have certain  
4 competencies that they will look for in selecting members  
5 and Hope will take that charges. It's all written in their  
6 plan as they are taking ownership of it, which is what the  
7 written determination refers to their plan.

8 UNIDENTIFIED VOICE: Thank you, Madam Chair.  
9 I stand corrected, I will say during the course of the  
10 hearing, it certainly appeared to me that the district was  
11 running the show.

12 UNIDENTIFIED VOICE: What I remember is the  
13 district said if things don't change by next year we're  
14 going to pull the charter. I don't know that -- beyond that.  
15 I heard any directions from the district to Hope but I do  
16 remember that and that was sort of a threat, I think, of the  
17 district to Hope, but I don't think it neccesa -- sorry,  
18 reflected what they have and haven't done other than to say  
19 that. I do recall that case and that somewhat overthrown.

20 MADAM CHAIR: Board member Rankin?

21 MS. RANKIN: (Indiscernible).

22 MADAM CHAIR: Are you sure?

23 MS. RANKIN: Yeah.

24 MADAM CHAIR: Okay. Board member Mazanec.

25 MS. MAZANEC: I would just say that it's my



1 understanding that the district has been very supportive of  
2 Hope and worked, worked very well along with Hope. It's my  
3 understanding this is a good agreement. Although, I do share  
4 some of your concern about charter schools having to change  
5 their governing board. I -- I -- I know it's in the law but  
6 it's, it's as opposed to districts and we don't have any  
7 power to say your governing board obviously is not --

8 UNIDENTIFIED VOICE: Yeah. We do when we vote  
9 for their accreditation.

10 MS. MAZANEC: With accreditation but we can't  
11 say to them to change your board, you know.

12 UNIDENTIFIED VOICE: Because the effect of  
13 pulling their accreditation --

14 MS. MAZANEC: Was really drastic.

15 UNIDENTIFIED VOICE: More like it.

16 MS. MAZANEC: Yeah. It seems that it'd be  
17 nice if you could say, you know, obviously this governing  
18 board is not working well. Maybe you should get new members.

19 UNIDENTIFIED VOICE: Similar.

20 MS. MAZANEC: Yeah.

21 MADAM CHAIR: But you're right. It's not the  
22 same. Board member Rankin.

23 MS. RANKIN: I just have to say, there are,  
24 there are many of these situations that I believe that the  
25 law, the intent of the law has to go back to the five years



1 on the accountability clock.

2                   We've got to focus on the kids. But I also  
3 have to take a second look at how much micro-managing we are  
4 trying to do or we even throw out on the table, which is not  
5 a concern of ours as a board. We are so limited by what we  
6 can do, if we really look at the law.

7                   And I had to reread this several times and I  
8 -- I have to point out what the department, the rev --  
9 department reviewed Hope's proposal to engage in a managing  
10 partner and reconstitute its governing board and concluded  
11 that the plan conveys how Hope intends to use its management  
12 partner in the areas of human capital, including  
13 recruitment, professional development, and it goes on and  
14 on.

15                   This to me is the essence of the decision we  
16 have to make today. And therefore, I can move on with making  
17 motion with all that discussion.

18                   MADAM CHAIR: Board member Goff.

19                   MS. GOFF: Thank you. Just a clarification.  
20 We're going back to our conversation about 18 or 18 and 19  
21 or what the end point of that is. Am I in the understanding  
22 shared by the rest of you that this really pertains to the  
23 student achievement evidence or outcomes?

24                   MADAM CHAIR: The accreditation status.

25                   MS. GOFF: Reconstituting or semi



1 reconstituting the board is not the same thing. I mean,  
2 there are, there are tangible evident, evident measures for  
3 that. But I think where I need to get clarity here is if  
4 we're, if we're talking about an 18,19 cycle. What, what,  
5 what does that include? Through what?

6                   We do have and we still have results to get  
7 from 17 which is going to be part of some cycle and then we  
8 will have it at a minimum. And then, beyond that 18, so is -  
9 - I guess I'm, I'm needing help. Is that our two years or  
10 are we talking about this -- this current one we're in right  
11 now. Results from 17 are sort of a adjunct, sort of a  
12 tangential piece of this where the real measurement needs to  
13 come in the next two cycles. Which takes us through the end  
14 of 19.

15                   So I would need -- I just need -- I'm not  
16 saying I'm against this plan, this -- I just need to know  
17 when we can expect, when school can expect and the district  
18 can expect that someone will be to having another  
19 conversation, all of us together and that would be, that  
20 would be my understanding request. So if we have some  
21 clarity on that for sure, I will be a little more at peace  
22 with making this vote.

23                   UNIDENTIFIED VOICE: I don't think there's  
24 any clarity at all. I think that, I think that's what the  
25 agreement says and that if we panic prior to that date, if



1 we feel things are only going badly, we'll use that five  
2 year rolling piece.

3 UNIDENTIFIED VOICE: What would you say Mr.  
4 Durham? It seems to me that we have two pieces. First of  
5 all, we know you can have to have the same in the order --

6 MR. DURHAM: Right.

7 UNIDENTIFIED VOICE: This date.

8 MR. DURHAM: Right. I think, I think as long  
9 as we, the Board at this point, when it's voting on this  
10 motion, makes this intent clear that it's not foreclosing  
11 review under that five-year rolling deadline, and if that is  
12 indeed the intent of the Board, that I should be on the  
13 record right now.

14 But I -- I think you'd have the ability to  
15 revisit it. But if -- if they're silent on the point, I  
16 think there's the possibility at least for this very old  
17 scene that you could only assign this to a review panel. I  
18 mean, if it's a turnaround, I think we need to make clear,  
19 the Board needs to make clear in terms of its understanding  
20 of it, that -- that they're not foreclosed from that other  
21 action.

22 UNIDENTIFIED VOICE: And how do we do that  
23 just in our conversations?

24 MR. DURHAM: Yeah, I think, I -- I think,  
25 you know, if members want to make comment to that effect,



1 about their understanding of it, I think that will help  
2 develop it.

3 UNIDENTIFIED VOICE: So I guess I'll just  
4 throw mine out, which is to say that I'm hoping to hear from  
5 staff each year, as to the status of each of the schools in  
6 the districts that we've been meeting with throughout these  
7 hearings. We don't want to wait, okay, any longer than that.

8 That I think the Board ought to retain its  
9 right to look at schools that worry us before 2019. If in  
10 fact we have some worries, some really serious worries,  
11 things are not improving even if we have the same status,  
12 there still may be some evidence of improvement. The, the,  
13 the biggest risk would be if we saw them going down. I think  
14 that would really catch my attention. But that in terms of a  
15 state review panel, we accept that it would occur after 2018  
16 --

17 UNIDENTIFIED VOICE: 2019.

18 UNIDENTIFIED VOICE: The 2019. How do you  
19 guys feel about that?

20 MS. MCCLELLAN: I -- I conc --

21 MADAM CHAIR: Board member McClellan?

22 MS. MCCLELLAN: I concur. I agree with the  
23 applicability of the rolling five-year application as  
24 needed. And I concur with your comments, generally.

25 UNIDENTIFIED VOICE: Okay. Yes.



1 MS. MCCLELLAN: I don't think they want that.

2 UNIDENTIFIED VOICE: Note some shaking heads.

3 MR. DURNHAM: Yeah, and I -- I just seems  
4 like I'm just here to complicate things today and I  
5 apologize.

6 UNIDENTIFIED VOICE: It's your job.

7 MR. DURNHAM: One another, I think that's  
8 good. Regardless to state, your intent of to say that you're  
9 now foreclose from action. One thing we could do is make a  
10 motion to amend the language. In this to say, if it earns a  
11 rating of prior improvement or turnaround plan in 2019, that  
12 would also go an extra step toward saying that you have the  
13 ability to revisit it under priority improvement.

14 And we already have the -- the language for a  
15 motion to amend the language for the other ones, we just  
16 have to, we would just have to insert that and then have,  
17 make a motion first to amend, and then a second motion to  
18 adopt. If you want to go that route.

19 UNIDENTIFIED VOICE: Well --

20 UNIDENTIFIED VOICE: I can swear you just  
21 told me that we couldn't do that for schools, that it had to  
22 be turned around. Now -- now you have me confused.

23 MR. DURHAM: Just, that was the department.

24 UNIDENTIFIED VOICE: That's right. Sorry.

25 UNIDENTIFIED VOICE: Oh, that wasn't legal.



1 MR. DURHAM: No. And I -- I think where  
2 that's coming from is the idea for cert -- with the  
3 certainty that after the review.

4 UNIDENTIFIED VOICE: What's in the  
5 legislation.

6 MR. DURHAM: Right, you can. And then there's  
7 the more open question is, can you revisit it under priority  
8 improvement plan or the way that I read it, interpret it, is  
9 that it's rolling five-year time period because there's gon  
10 -- you're still going to have the precondition net which is  
11 the five continuous years. So I think you would have the  
12 Body revisit it, after one year potentially.

13 UNIDENTIFIED VOICE: Okay. But we don't  
14 actually have to put it in here?

15 MR. DURHAM: You don't have to, but if you  
16 want it for absolute clarity and to re -- the ability to  
17 revisit and not have that questioned at all, I think could  
18 be -- be better to amend it. And I apologize for not  
19 bringing that up right away but the department has  
20 recommended that, and I think that's a good idea.

21 UNIDENTIFIED VOICE: Excuse me, excuse me.  
22 What? I'm confused. The -- the draft says turnaround.

23 MR. DURHAM: That's right.

24 UNIDENTIFIED VOICE: Why did we have it as  
25 turnaround and now, you're saying it should be priority



1 improvement or turnaround?

2 MR. DURHAM: If -- if we want to be  
3 absolutely clear that you have the ability to revisit it  
4 earlier, if you want to.

5 UNIDENTIFIED VOICE: Yeah.

6 MR. DURHAM: Because that be, as it's written  
7 now, it says that you, in 2019, if it's, only if it's  
8 turnaround then you'll revisit it. But if you all feel that  
9 you want to also, if it's priority improvement still revisit  
10 it, then we could a -- amend, we can amend it right now.

11 UNIDENTIFIED VOICE: Are -- are we talking  
12 about the very last paragraph?

13 MR. DURHAM: That's right.

14 UNIDENTIFIED VOICE: But we're talking about  
15 a state review panel, right?

16 MR. DURHAM: That's right and --

17 UNIDENTIFIED VOICE: So we want to make sure  
18 that we can have the state review panel go see them if  
19 they're priority improvement and not just turnaround?

20 MR. DURHAM: That'd be right. The law allows  
21 you to do that. You know this, before we all got here today  
22 on priority improvement cases, there was that state review  
23 panel review. And so, that's in order to be the same  
24 essentially of putting up the state review panel to get, to  
25 have them reviewed as well.



1 UNIDENTIFIED VOICE: I think it means that we  
2 use, sort of the same criteria three years from now or two  
3 years from now, that we used this time around.

4 UNIDENTIFIED VOICE: Right.

5 MR. DURHAM: That's right.

6 UNIDENTIFIED VOICE: Does this radically  
7 change the understanding of HOPE or Douglas County?

8 MR. DURHAM: Well.

9 UNIDENTIFIED VOICE: Shake your head one way  
10 or the other.

11 UNIDENTIFIED VOICE: It's okay.

12 UNIDENTIFIED VOICE: It's okay? All right,  
13 that's helpful.

14 MR. DURHAM: Is there --

15 UNIDENTIFIED VOICE: I think they definitely  
16 do that on the bottom as well.

17 UNIDENTIFIED VOICE: Oh, it's the district.  
18 I'm wondering who was on the phone.

19 MR. DURHAM: Yeah, if we could ask the  
20 question on the district about, to get their input that'd  
21 probably be helpful.

22 UNIDENTIFIED VOICE: Hi, District, whose  
23 there please?

24 UNIDENTIFIED VOICE: Hi, guys.

25 UNIDENTIFIED VOICE: Hi.



1 UNIDENTIFIED VOICE: Must be Dr. Cook and --

2 UNIDENTIFIED VOICE: Have you been following  
3 our confusing conversation?

4 UNIDENTIFIED VOICE: Yeah. Reasonably,  
5 reasonably.

6 UNIDENTIFIED VOICE: So we're looking at the  
7 terminology at the very end. I think the position of the  
8 Board is that we want to be sure that we're using similar  
9 criterion, so that if the school remains on either priority  
10 improvement or turnaround into the 2019 accreditation status  
11 that we would begin this process over again, as we have done  
12 this time. Do you have a problem with that?

13 UNIDENTIFIED VOICE: We wouldn't be opposed  
14 to that amendment.

15 UNIDENTIFIED VOICE: Thank you. Now, we just  
16 need to figure out how to say it.

17 UNIDENTIFIED VOICE: I think I have it.

18 UNIDENTIFIED VOICE: You have it, fantastic.

19 UNIDENTIFIED VOICE: Let me give it a try and  
20 then.

21 MR. DURHAM: Please, please do.

22 MS. MCCLELLAN: Wait, wait, wait.

23 UNIDENTIFIED VOICE: Wait, wait, wait.

24 UNIDENTIFIED VOICE: Excuse me. The point of  
25 order in this. Is this -- this is different from now the



1 requirements we've imposed on others. Correct?

2 UNIDENTIFIED VOICE: And are you talking  
3 about today?

4 UNIDENTIFIED VOICE: Yes.

5 UNIDENTIFIED VOICE: Yeah, it will be  
6 difference --

7 MR. DURHAM: And I think, and I think we do,  
8 it's possible to revisit Aurora. And I think if we want to  
9 make symmetry between these, we should.

10 UNIDENTIFIED VOICE: Let me just make a point  
11 of order here, Madam Chair.

12 UNIDENTIFIED VOICE: Sure.

13 UNIDENTIFIED VOICE: Council has said, we  
14 don't have to have these, since belt and suspenders. There's  
15 no reason to go back and redo any of this. So I'd move the  
16 previous question.

17 UNIDENTIFIED VOICE: We don't have to do it.  
18 We can do it without changing it. The reason why we would  
19 change it is --

20 UNIDENTIFIED VOICE: Clarity.

21 UNIDENTIFIED VOICE: Clarity, just --

22 UNIDENTIFIED VOICE: So that folks, so that  
23 we're -- we're real clear on what we want to do and what  
24 we're expecting. And push came to shove, we would have the,  
25 assuming we were all speaking into a microphones, we would



1 have the evidence based on our conversations today, that  
2 that was our intent.

3 MR. DURHAM: That's it.

4 UNIDENTIFIED VOICE: Madam Chair, if I may  
5 offer one other thing? As we worked on this language. This  
6 is really phrased as a mandate to the commission, or not a  
7 limitation on the authority of the Board. It's just saying  
8 if in two years, they're still at the bottom, the  
9 commissioner shall and go forth and do the assessment and  
10 bring the matter back. It's not intended to circumscribe the  
11 statutory authority that the Board already has, if that  
12 helps. I don't know if it does.

13 UNIDENTIFIED VOICE: And I think I feel that  
14 way. I think what Mr. Durham's suggesting is in order to  
15 make sure that everyone is clear, that we go ahead and say  
16 it. And Mr. Durham is right, we have, we, as I've said  
17 before we're just trying to work through this to figure out  
18 the best way to do these things, quite honestly. We don't  
19 intend any unfairness, colleagues. Board member McClellan.

20 MS. MCCLELLAN: If our legal counsel in this  
21 matter is telling us that we're on safer ground, being more  
22 clear than I would rather err on the side of clarity.

23 UNIDENTIFIED VOICE: You're the one reading  
24 that.

25 UNIDENTIFIED VOICE: Let me get one thing



1 clear before I read the -- the amendment. The right to  
2 revisit is that the commissioner, the SRP, or the State  
3 Board in 2019.

4 UNIDENTIFIED VOICE: Sounds like the  
5 commissioner.

6 UNIDENTIFIED VOICE: So it says the  
7 commissioner in the draft.

8 UNIDENTIFIED VOICE: Should I? I want to make  
9 sure --

10 UNIDENTIFIED VOICE: Make sure --

11 UNIDENTIFIED VOICE: I put the right thing.

12 MR. DURHAM: Shall again assign a state  
13 review panel. Okay.

14 UNIDENTIFIED VOICE: So

15 UNIDENTIFIED VOICE: Yeah, if I --

16 UNIDENTIFIED VOICE: It's -- if I suffered  
17 this, there's -- there's two parts to this. This process  
18 begins with that recommendation from the commissioner,  
19 there's a review panel. When the -- the -- the criteria  
20 you've been met, the five consecutive years or so, in  
21 failing to -- to meet the turnaround plan, and then by  
22 starting the initial step, then it comes up for your review.  
23 And so I think the idea is that, here -- this is ultimately  
24 teeing it up for you, the state -- the state board to review  
25 it, but that's a necessary first step. If that makes sense.



1 MS. RANKIN: Well, I was going to put the  
2 state board will have the right to revisit after the 2019?  
3 If Hope Online earns priority improvement or turnaround by  
4 2019, the state board has the right to revisit.

5 MS. MAZANEC: But that -- but that would be -  
6 -

7 MS. RANKIN: Has the options.

8 MS. MAZANEC: -- there would be sort of --

9 MS. ANTHERS: No, as if measure.

10 MS. MAZANEC: Okay, that was my question.

11 UNIDENTIFIED VOICE: How about seeing?

12 MS. ANTHERS: Oh, my gosh. That's loud.

13 UNIDENTIFIED VOICE: I -- I think the  
14 cleanest amendment would probably be to do just putting in  
15 the words priority improvement plan or -- or turnaround plan  
16 in 2019, and that would viewed up for your review but also  
17 put on the commissioner the obligation to -- to refer it, if  
18 -- if you want to do that.

19 MS. MAZANEC: So the same language as in  
20 Aurora's?

21 UNIDENTIFIED VOICE: That's right.

22 MS. MAZANEC: And we need to go back and --  
23 and amend that?

24 MADAM CHAIR: Okay.

25 MS. RANKIN: Yeah, we did not have that



1 priority improvement terminology in the rules.

2 MS. GOFF: Yeah, let's go ahead and do it.

3 MS. ANTHERS: So if Hope Online earns priority  
4 improvement or turnaround in 2019, finish that sentence for  
5 me, would you? Somebody?

6 MS. GOFF: I mean, subsequent years.

7 MS. MAZANEC: And we're going to rev --  
8 review it in 2019.

9 MS. GOFF: It say also it's currently in  
10 there about the commission.

11 MS. MAZANEC: It's this one, it's actually in  
12 here. This one, that -- that 2019.

13 MS. RANKIN: Well, it's there but it's not on  
14 my -- it -- it -- it's not on my amendment. I -- I guess I  
15 need to have the amendments.

16 MADAM CHAIR: This one is -- doesn't have the  
17 2019 amendment because it's -- sorry 2019 is our review.

18 MS. ANTHERS: Yeah.

19 MADAM CHAIR: The only thing -- the only  
20 thing we have to do for -- for this particular one is to  
21 change the turnaround and to priority improvement and  
22 turnaround plan.

23 UNIDENTIFIED VOICE: It -- can -- can we do  
24 five minutes.

25 UNIDENTIFIED VOICE: Five minutes folks.



1 (Break)

2 MS. MAZANEC: Regarding Hope Online Learning  
3 Academy, elementary and middle school, I moved to amend the  
4 language in the final written determination on page five to  
5 include a rating of priority improvement or turnaround plan  
6 in 2019.

7 MS. RANKIN: Second.

8 MS. GOFF: Thank you.

9 MS. ANTHERS: Board Member Durham?

10 MR. DURHAM: No.

11 MS. ANTHERS: Board Member Flores excused.  
12 Board Member Goff?

13 MS. GOFF: Yes.

14 MS. ANTHERS: Board Member Mazanec?

15 MS. MAZANEC: Yes.

16 MS. ANTHERS: Board Member McClellan?

17 MS. MCCLELLAN: No.

18 MS. ANTHERS: Board Member Rankin?

19 MS. RANKIN: Yes.

20 MS. ANTHERS: Board Member Schroeder?

21 MADAM CHAIR: Yes.

22 MS. RANKIN: I move to approve the written --  
23 I'm sorry. I moved to approve the final written  
24 determination as proposed by the Department and district for  
25 external management. In addition, to reconstitution of their



1 governing board for Hope Online Learning Academy elementary  
2 and middle schools as filed with the state board on March  
3 22nd, 2017 as amended.

4 MS. MCCLELLAN: And point -- point of order,  
5 may I amend my vote? I thought we were voting on the  
6 underlying motion and not the amendment, and I sincerely  
7 apologize. I meant to vote yes on the amendment. Is that  
8 possible?

9 MS. ANTHERS: Ca -- Yes. Yup.

10 MS. MCCLELLAN: Thank you. Sorry --

11 MR. DURHAM: You know, you can't fix that.

12 MS. MCCLELLAN: -- for the bother.

13 MR. DURHAM: Point of order.

14 MS. RANKIN: No.

15 MR. DURHAM: It's not, and it so won't

16 MS. ANTHERS: Are you happy? Okay.

17 MS. MCCLELLAN: All right, that's fine then.

18 MS. GOFF: Pass anyway.

19 MS. MCCLELLAN: With my apology.

20 MS. GOFF: Pass anyway.

21 MR. DURHAM: Way -- way -- if you want to fix  
22 it, somebody was on the prevailing side needs to vote --  
23 move to reconsider and start over. That's it.

24 MS. ANTHERS: You want to vote for all.

25 MS. MCCLELLAN: It's okay.



1 MS. ANTHES: Okay.

2 MS. RANKIN: Amended.

3 MR. DURHAM: Actually.

4 MS. GOFF: You can't.

5 UNIDENTIFIED VOICE: So now --

6 MS. RANKIN: For years.

7 MADAM CHAIR: -- I need a second to the

8 motion.

9 MS. RANKIN: Second.

10 UNIDENTIFIED VOICE: Second.

11 MADAM CHAIR: Thank you. Ms. Cordial, please

12 call the vote.

13 MS. CORDIAL: Board member Durham?

14 MR. DURHAM: No.

15 MS. CORDIAL: Board Member Flores is excused.

16 Board Member Goff?

17 MS. GOFF: Yes.

18 MS. CORDIAL: Board Member Mazanec?

19 MS. MAZANEC: Yes.

20 MS. CORDIAL: Board Member McClellan?

21 MS. MCCLELLAN: No.

22 MS. CORDIAL: Board Member Rankin?

23 MS. RANKIN: Yes.

24 MS. CORDIAL: Board Member Schroeder?

25 MADAM CHAIR: Yes.



1 MS. GOFF: So explain.

2 MADAM CHAIR: Okay. 12.03 --

3 MS. CORDIAL: Board Member --

4 MADAM CHAIR: (Indiscernible) 5-2.

5 MS. CORDIAL: 4-2.

6 MADAM CHAIR: 4-2 -- 4-3.

7 MR. DURHAM: 4-2.

8 MS. CORDIAL: No, 4-2, one excused.

9 MADAM CHAIR: Excuse me, 4-2. Thank you.

10 MS. CORDIAL: Yeah, and then, do we want to

11 reconsider Aurora Central to include priority improvement?

12 MADAM CHAIR: Sure. We can do that. That's

13 fine with me.

14 UNIDENTIFIED VOICE: And I'll just note for

15 the board that we have Aurora Public Schools back on the

16 phone as well. I think it would be useful to --

17 MADAM CHAIR: Explain to them what

18 (indiscernible)?

19 UNIDENTIFIED VOICE: Yes.

20 MADAM CHAIR: Do I have to do that?

21 MS. MAZANEC: That's why you get paid the big

22 bucks.

23 MS. MCCLELLAN: (Indiscernible) to be the

24 Chair.

25 MADAM CHAIR: Is this Rico. Hello?



1 MR. MUNN: Yeah, Madam Chair, this is Rico  
2 Munn.

3 MADAM CHAIR: So Mr. Munn, we've been going  
4 round and round a bit about the order and the very last part  
5 of the order? It's the very -- the very last paragraph. If  
6 it still fails to implement is 2017 innovation plan or if  
7 the school earns a rating of turnaround plan in 2019, the  
8 Board is -- was change that to putting a turnaround plan or  
9 priority improvement. So in other words, we want to keep the  
10 same expectation that we now have. We have evaluation in the  
11 priority improvement. Do you have any objection to that?

12 MR. MUNN: Well, let me understand; the board  
13 and the commissioner inherently have authority to move if  
14 there's a turnaround plan, but not inherently if there's a  
15 priority improvement plans. So how is that being consistent?

16 MADAM CHAIR: This is in -- as we understand  
17 it, that is correct except that the state board --

18 MS. MAZANEC: No, that's not correct.

19 MADAM CHAIR: Well, in terms of what's in the  
20 law, that is correct.

21 MS. MAZANEC: No, he's saying we only have  
22 authority on turnaround. We have authority on --

23 UNIDENTIFIED VOICE: If you would like me  
24 offer an explanation.

25 MADAM CHAIR: Yeah.



1 UNIDENTIFIED VOICE: The -- the question that  
2 was in front of the board on, on hope, which we addressed,  
3 was the issue of when may the board revisit essentially the  
4 status of schools. One question that was in front of us is  
5 when -- if there's a school district that's on priority  
6 improvement plan and then after five years and then action  
7 is taken, then what if the next year, it's still on the  
8 priority improvement plan?

9 And the way that the statute reads it is that  
10 after five consecutive years, and that it contemplates in my  
11 mind, a rolling five-year period, and each year that it's  
12 five consecutive years occurs again, then the board has the  
13 authority I believe to revisit and take the menu of options  
14 that are in the statute instead of waiting another five  
15 years, for example, to revisit it.

16 And so, the amend -- the -- what the board  
17 was proposing to do was to amend the order to say if, for  
18 example, come 2019, that the school was under priority  
19 improvement plan in the five consecutive years was met once  
20 again that they'd have the ability to reconsider, you know,  
21 what -- essentially what to do under the statute, and that  
22 just to have that reflected in the order, just reflect  
23 what's in the statute and our understanding of the statute.

24 MADAM CHAIR: Mr. Munn?

25 MR. MUNN: So what is your understanding of



1 what is the 2019 plan here, I guess? So what, what make up  
2 for that 2019 plan? I assume the 2018-19 a separate  
3 schedule?

4 MADAM CHAIR: Yes.

5 UNIDENTIFIED VOICE: I think you spoke right  
6 when that beeped. I don't know if he heard you.

7 MADAM CHAIR: Mr. Munn?

8 UNIDENTIFIED VOICE: I don't think he's  
9 there.

10 MADAM CHAIR: I think he just went bye-bye.

11 UNIDENTIFIED VOICE: Oh, did he hang up on  
12 us?

13 MR. MUNN: I apologize, I lost you for a  
14 second.

15 MADAM CHAIR: I'll take that personally.

16 UNIDENTIFIED VOICE: Yes, that was the  
17 understanding.

18 MADAM CHAIR: Yes. That was the understanding  
19 2018-19 school year.

20 MR. MUNN: So that is -- I guess that assumes  
21 that Aurora Central will not perform well enough in '17, '18  
22 to get off the clock for the '18 school performance  
23 framework.

24 MADAM CHAIR: It doesn't assume anything. It  
25 just sort of tells us when the commissioner can begin to



1 take action, which is after the '18, '19 assessment period.

2 MR. MUNN: Well, but you invoke the authority  
3 that your counsel is talking about it as part as being  
4 continuous year. You would have to assume that's continuous,  
5 and therefore that there is not improvement in '17, '18.

6 MADAM CHAIR: That's right. That's right.  
7 That is -- that does assume continuous.

8 MS. PEARSON: So that, that last sentence of  
9 the order it says if Aurora Central High School improves its  
10 school plans type to improvement plan or higher, this order  
11 shall automatically terminate. So if in '18 or '17, the  
12 school are into an improvement plan, this is all done.

13 MADAM CHAIR: Correct. That's correct.

14 MR. MUNN: Right. But so, as it's written  
15 your two sentences conflict because you're taking additional  
16 authority by saying that if there is priority improvement or  
17 a turnaround on '19, you can do something. However, you  
18 can't do it if there has -- if there's been a change in, in  
19 the prior year, which is why when we saw that language  
20 saying if there's turnaround in '19, we understood that that  
21 is the inherent authority of the board. But it's not the  
22 inherent authority of the board if there's priority  
23 improvement, unless you do have an argument for those  
24 consecutive years.

25 UNIDENTIFIED VOICE: I -- I -- just looking



1 at -- the, the assumption would be if that you do not  
2 intermediate year, there is the turnaround or priority  
3 improvement plan, and that's the only way that this where  
4 would com -- be able to, to comply with the law.

5 UNIDENTIFIED VOICE: So as the amended that  
6 last sentence to say, "However, if Aurora Central improves  
7 its plan type to kind of get out the," does that make sense?

8 UNIDENTIFIED VOICE: I think if, if this  
9 whole amendment makes sense because it's addressing the  
10 situation and the condition of if in 2017 or '18, then its  
11 improvement or higher than this -- this plan is done, so.

12 MR. MUNN: With all due respect, I don't like  
13 having an order in place that assumes we don't approve,  
14 which is what my term language does.

15 MS. MAZANEC: I don't think it does.

16 MADAM CHAIR: It doesn't assume that.

17 MS. MAZANEC: How did he assume that? How did  
18 he assume that?

19 MADAM CHAIR: I don't know. If you're off,  
20 you're off and this order no longer is in effect.

21 MR. MUNN: The with the language that says  
22 priority improvement in 2019. Again, that can only happen if  
23 we haven't improved considerably through the year as opposed  
24 to the turnaround language, which can happen regardless if  
25 we go up or down on the scale.



1 MADAM CHAIR: What?

2 UNIDENTIFIED VOICE: He thinks like  
3 backwards. Is he saying it's preferable to be -- to be have  
4 it the only turnaround because that's clear?

5 MS. MAZANEC: Commissioner Anthes. Can we ask  
6 Commissioner Anthes to explain what this means that if in  
7 2018, Aurora Central there's -- is in priority improvement  
8 or turnaround --

9 MS. PEARSON: 2018, yes.

10 MS. MAZANEC: Well, in '18. I guess that  
11 doesn't matter. We're asking that in 2019, if they are in  
12 priority improvement or turnaround, that we can direct the  
13 commissioner to have a state review panel visit -- revisit  
14 Aurora Central High School. If though, in 2018, they are at  
15 improvement, this agreement is null and void.

16 So I'm not following Mr. Munn, where you  
17 think it's assuming that you won't. You, you either are  
18 going to improve or you're not, but you are not going to be  
19 looked at again until 2019 if you're not improving, and if  
20 you do improve, you're off the hook on this agreement. Is  
21 that the way you see it or ho -- how are you seeing it?  
22 Where do you see that it would assume?

23 MR. MUNN: Well, I think part of -- I think  
24 part of the problem is I'm not seeing it. I'm -- I'm driving  
25 down the 405 highway (indiscernible).



1 MS. GOFF: We're glad you're not looking at  
2 it.

3 MR. MUNN: My -- so, our counsel is on his  
4 way to your office. He went there earlier when you first  
5 went over it and left when you ruled. He's on his way back.  
6 He should be there about 10 minutes. If you can hold this  
7 until he's there and able to put eyes on it and just walk  
8 through what it does and doesn't say for us, I'd appreciate  
9 that.

10 MADAM CHAIR: Certainly.

11 MS. MAZANEC: Okay. So we table this?

12 MADAM CHAIR: One moment, please.  
13 Commissioner?

14 MS. ANTHES: Can I ask? So the way I'm  
15 reading it is that what this would do is say the  
16 commissioner for either a turnaround rating or a priority  
17 improvement rating, all this would do is it would make -- it  
18 would make the commissioner say, "Okay, we want a state  
19 review panel back." And it doesn't say anything else and  
20 then we would report back to the board. It doesn't say  
21 anything about action taken or revisiting action or anything  
22 like that. I believe all this line is saying, and I'm asking  
23 for my own clarity that this just would say we want the  
24 state review panel to go back in with either a turnaround or  
25 a priority improvement rating in 2019, is that?



1 MS. MAZANEC: That's the way I read it.

2 MS. ANTHES: So I don't know if that helps,  
3 but it does not force --

4 MS. MAZANEC: It doesn't require any action  
5 on the part of Aurora Central and it doesn't require any  
6 action other than to have the state review panel --

7 MS. GOFF: Certainly, after the state review  
8 panel's visit, that the state board has potentially the next  
9 step to take, right?

10 UNIDENTIFIED VOICE: That's right.

11 MS. ANTHES: All it says is we would report  
12 back to you.

13 UNIDENTIFIED VOICE: That's correct, and then  
14 something could happen or not.

15 MR. DURHAM: It doesn't require anything.

16 UNIDENTIFIED VOICE: It might, but it doesn't  
17 necessarily.

18 MADAM CHAIR: But Mr. Munn, we will just  
19 recess this particular discussion until your legal counsel  
20 returns. Shall we try to --

21 MR. MUNN: Thank you, Madam Chair. I  
22 appreciate that.

23 MADAM CHAIR: Shall we try to get you back on  
24 the line then?

25 MR. MUNN: I'll -- yeah. I'll, I'll, I'll



1 call him, but then he'll let me know when he's there and  
2 we'll connect together.

3 MADAM CHAIR: Okay, great. Thank you.

4 MR. MUNN: Thanks.

5 MADAM CHAIR: Do you want to call Greeley?

6 UNIDENTIFIED VOICE: They are on the line.

7 MADAM CHAIR: They are on line?

8 UNIDENTIFIED VOICE: Yes. So they are -- they  
9 are up to speed, mostly.

10 MADAM CHAIR: They've had the opportunity to  
11 go through all this? Oh, those poor folks. All right.

12 State Board will now consider -- is it okay  
13 if we go on, guys? Now, consider and adopt a final written  
14 determination for the accountability recommendation for  
15 Prairie Heights Middle School and Franklin Middle School,  
16 Case Number 17-AR-03. Public testimony will not be heard at  
17 this time, however, department staff, district staff, and  
18 legal counsel are available only to answer any final  
19 questions we may have.

20 Neither the department nor District may  
21 provide any additional information, unless requested by the  
22 State Board. Colleagues, do you have any questions regarding  
23 these two schools? Within 30 days of receiving a copy of the  
24 written final determination, the district shall agree to  
25 implement the directive action pursuant to the terms to be



1 specified in a revised version of the accreditation  
2 contract. Signed copies of the revised contract will be made  
3 available to both parties. Are we ready for a motion?

4 MS. RANKIN: Yeah.

5 MADAM CHAIR: Board member Rankin, and this  
6 is two different motions, one for Prairie Heights and the  
7 other one for Franklin.

8 MS. RANKIN: We will do first Prairie  
9 Heights, right?

10 MADAM CHAIR: Prairie Heights, yes please.

11 MS. RANKIN: Regarding Prairie Heights Middle  
12 School, I move to amend the language in the final written  
13 determination on page four, to change the date from 2018 to  
14 2019.

15 UNIDENTIFIED VOICE: And.

16 JOYCE RANKIN -- VICE-CHAIRMAN: And to  
17 include a rating of priority improvement or turnaround in  
18 2019.

19 MADAM CHAIR: It's a proper motion. Thank  
20 you. Any objections to that amendment? We're going to need  
21 to call roll, please, Ms. Cordial.

22 UNIDENTIFIED VOICE: Just one point to --  
23 before we take a final vote. I think it will be useful that  
24 I get to ask the district it's opinion of the -- the change  
25 of the language.



1 MADAM CHAIR: Ms. Cordial.

2 MS. CORDIAL: I'm sorry. I thought you wanted  
3 them before I called the roll. I'm sorry.

4 MADAM CHAIR: Oh, I -- I misunderstood you.

5 MS. FLORES: Technically it's open for  
6 discussion.

7 MADAM CHAIR: Is this Dr. Pilch?

8 DR. PILCH: Yes, I'm here.

9 MADAM CHAIR: Hi, Dr. Pilch. Did you hear?  
10 Well, I guess you've heard a lot of this.

11 DR. PILCH: And we have.

12 MADAM CHAIR: We're changing the date to 2019  
13 and also the terminology regarding turn around to include  
14 priority improvement and turnaround in the very last  
15 paragraph of the order.

16 DR. PILCH: Yes.

17 MADAM CHAIR: Are you okay with --

18 DR. PILCH: Can I --

19 MADAM CHAIR: Go ahead.

20 DR. PILCH: I just heard the conversation  
21 with Rico as well. So I think my question was similar. What  
22 happens, you know, if that the -- the schools come off of  
23 priority improvement or turnaround and you know, this spring  
24 or next spring? With this spring's data or next spring's  
25 data. So but I think I find your answer to suffice that --



1 that means you come off.

2 MADAM CHAIR: Correct.

3 DR. PILCH: You come off, you come off. If  
4 I'm reading --

5 MS. MAZANEC: Terminated.

6 MADAM CHAIR: The order is not in effect once  
7 you get off the clock.

8 DR. PILCH: Okay, and so essentially the  
9 change in date gives us one more year to demonstrate  
10 improvement.

11 MADAM CHAIR: That's correct.

12 DR. PILCH: And we would be expected to be  
13 out of either priority improvement or turnaround. I have  
14 that correct?

15 MADAM CHAIR: Yes.

16 DR. PILCH: Okay. I think we're comfortable  
17 with that, Madam Chair.

18 MADAM CHAIR: Thank you. Would you call the  
19 vote, please?

20 MS. CORDIAL: Board member Durham?

21 MR. DURHAM: No.

22 MS. CORDIAL: Board member Flores is excused,  
23 board member Goff.

24 MS. GOFF: Yes.

25 MS. CORDIAL: Board member Mazanec?



1 MS. MAZANEC: Yes.

2 MS. CORDIAL: Board member McClellan?

3 MS. MCCLELLAN: Yes.

4 MS. CORDIAL: Board member Rankin.

5 MS. RANKIN: Yes.

6 MS. CORDIAL: Board member Schroeder.

7 MADAM CHAIR: Yes. And a second motion

8 please.

9 MS. RANKIN: I move to --

10 MADAM CHAIR: (Indiscernible) Prairie

11 Heights.

12 MS. RANKIN: This is still Prairie Heights.

13 UNIDENTIFIED VOICE: Yes.

14 MS. RANKIN: I move to approve the final

15 written determination as proposed by the department and

16 district to direct Prairie Heights Middle School to

17 implement its pathway proposal for its newly approved

18 innovation plan is filed with the state board.

19 UNIDENTIFIED VOICE: Nope.

20 UNIDENTIFIED VOICE: As amended.

21 MADAM CHAIR: She's getting there.

22 MS. RANKIN: On April 24th 2017 --

23 MS. MAZANEC: Wrong one. Bizy's shaking her

24 head.

25 MS. RANKIN: Wrong date?



1 MS. CORDIAL: Just the second one on this  
2 amended page.

3 MS. RANKIN: I'm sorry. I --

4 MADAM CHAIR: Oh, motion two.

5 MS. RANKIN: Motion two? I move to approve  
6 the final written determination for Prairie Heights Middle  
7 School concerning implementation of its pathway proposal for  
8 its newly approved innovation plan, as amended.

9 MADAM CHAIR: Thank you. Call the roll,  
10 please.

11 MS. CORDIAL: Board member Durham.

12 MR. DURHAM: Yes.

13 MS. CORDIAL: Board member Flores is excused;  
14 board member Goff.

15 MS. GOFF: Yes.

16 MS. CORDIAL: Board member Mazanec.

17 MS. MAZANEC: Yes.

18 MS. CORDIAL: Board member McClellan.

19 MS. MCCLELLAN: Yes.

20 MS. CORDIAL: Board member Rankin.

21 MS. RANKIN: Yes.

22 MS. CORDIAL: Board member Schroeder.

23 MADAM CHAIR: Yes. Dr. Pilch we're going to  
24 go through the same gymnastics for Franklin. Will that be  
25 okay?



1 DR. PILCH: Okay.

2 MADAM CHAIR: All right. No objection on  
3 your part, correct?

4 DR. PILCH: No, Madam Chair. We're  
5 comfortable.

6 MADAM CHAIR: Thank you.

7 MS. RANKIN: Regarding Franklin Middle School  
8 I move to amend the language in the final written  
9 determination on page four to change the date from 2018 to  
10 2019 and include a rating of --

11 MS. CORDIAL: Priority improvement.

12 MS. RANKIN: -- -- priority improvement or  
13 turnaround in 2019.

14 MADAM CHAIR: Proper mot -- proper amendment.  
15 Do I have a second?

16 UNIDENTIFIED VOICE: Second.

17 MADAM CHAIR: Thank you. Call the roll.

18 MS. CORDIAL: Board member Durham.

19 MR. DURHAM: No.

20 MS. CORDIAL: Board member Flores is excused;  
21 board member Goff.

22 MS. GOFF: Yes.

23 MS. CORDIAL: Board member Mazanec.

24 MS. MAZANEC: Yes.

25 MS. CORDIAL: Board member McClellan.



1 MS. MCCLELLAN: Yes.

2 MS. CORDIAL: Board Member Rankin.

3 MS. RANKIN: Yes.

4 MADAM CHAIR: Board member Schroeder.

5 MADAM CHAIR: Yes.

6 MS. RANKIN: I move to approve the final

7 written determination for Franklin Middle School concerning

8 implementation of its pathway proposal for its newly

9 approved innovation plan as amended.

10 MADAM CHAIR: Proper motion; do I have a

11 second?

12 UNIDENTIFIED VOICE: Second.

13 MADAM CHAIR: Thank you. Call roll, please.

14 MS. CORDIAL: Board member Durham.

15 MR. DURHAM: Yes.

16 MS. CORDIAL: Board member Flores is excused;

17 board member Goff.

18 MR. GOFF: Yes.

19 MS. CORDIAL: Board member Mazanec.

20 MS. MAZANEC: Yes.

21 MS. CORDIAL: Board member McClellan.

22 MS. MCCLELLAN: Yes.

23 MS. CORDIAL: Board member Rankin.

24 MS. RANKIN: Yes.

25 MS. CORDIAL: Board member Schroeder.



1 MADAM CHAIR: Yes. I think we should go to  
2 16.03?

3 MS. RANKIN: 1600 maybe?

4 UNIDENTIFIED VOICE: Let me get the action  
5 item.

6 MADAM CHAIR: Yeah, action item 16.03. This  
7 is --

8 UNIDENTIFIED VOICE: Do we know that  
9 counsel's not out in the hall?

10 MADAM CHAIR: No, we don't know if counsel's  
11 not out in the hall.

12 UNIDENTIFIED VOICE: (Indiscernible).

13 MADAM CHAIR: That's George.

14 MS. RANKIN: If this is an action  
15 (indiscernible).

16 MADAM CHAIR: No, this is the way I read it.  
17 That's just what it's -- what it says --

18 MS. RANKIN: All right.

19 MADAM CHAIR: This is what I read if I find  
20 it.

21 MS. RANKIN: Yeah. Wait, sorry?

22 MADAM CHAIR: So this is Groundhog Days guys.  
23 We're back to transportation, 16.03.

24 MS. ANTHES: I need to get Leanne down here  
25 though.



1 MADAM CHAIR: Oh. She was here, sorry. So  
2 that's the last thing we have, right? Other than Aurora High  
3 School and public participation. Is that right?

4 MS. CORDIAL: Yeah, I'm just texting Leanne  
5 right now to see if she can come back down really quick.

6 MADAM CHAIR: Okay. I didn't even look. I saw  
7 her here earlier and should not have assumed.

8 UNIDENTIFIED VOICE: That's okay.

9 (Pause).

10 UNIDENTIFIED VOICE: Do we want to take a  
11 quick break or --

12 UNIDENTIFIED VOICE: We're almost done.

13 UNIDENTIFIED VOICE: It's fine with me. I  
14 just didn't know if we were waiting on something, or we're  
15 going ahead with the transportation right now?

16 MADAM CHAIR: We're waiting on Leanne to come  
17 down to come down.

18 (Pause)

19 UNIDENTIFIED VOICE: Didn't we do this last -

20 -

21 MR. DURHAM: Yeah, I think this is --

22 MADAM CHAIR: It's Groundhog Day.

23 MR. DURHAM: This is I think pretty  
24 perfunctory.

25 MADAM CHAIR: Can we do it without her?



1 MR. DURHAM: Yeah.

2 MADAM CHAIR: Commissioner?

3 MR. DURHAM: I'll move.

4 MS. RANKIN: Second.

5 MR. DURHAM: What's proper -- what's the  
6 proper motion to move the -- the adoption of the emergency  
7 rule?

8 MADAM CHAIR: Let's at least get a -- get on  
9 the record an explanation. Commissioner, do you want to give  
10 us an explanation and then we'll --

11 MS. ANTHERS: Thank you, Madam Chair. Yes, I  
12 believe these are just a quick correction to the rules and  
13 we need --

14 MADAM CHAIR: That we passed last year.

15 MS. ANTHERS: Yes. And we need to just make  
16 sure that you do them in the emergency rule so that they  
17 didn't go into the repeal bill this year.

18 MADAM CHAIR: Okay. I'm ready for a motion.

19 MR. DURHAM: Thank you, Madam Chair. I'll  
20 move to approve the emergency rules for operation,  
21 maintenance, and inspection of school transportation  
22 vehicles 1CCR 301-26.

23 MADAM CHAIR: It's a proper motion. Is there  
24 a second?

25 MS. RANKIN: I second.



1 MADAM CHAIR: Are there any questions,  
2 colleagues? Ms. Emm, do you want to explain really fast --

3 UNIDENTIFIED VOICE: What we just voted on?

4 MADAM CHAIR: What we just voted on. Well, we  
5 haven't voted yet.

6 MR. DURHAM: No, we haven't voted yet.

7 UNIDENTIFIED VOICE: Did you already pass  
8 them?

9 MR. DURHAM: Not yet.

10 MADAM CHAIR: Nope.

11 MR. DURHAM: If you'd given us one more  
12 minute.

13 MADAM CHAIR: The motion is on the table.

14 UNIDENTIFIED VOICE: Okay.

15 MS. ANTHES: Let's hope it connects with what  
16 I just said.

17 MR. DURHAM: It will.

18 MADAM CHAIR: This is a test.

19 MS. EMM: Okay. Well, I don't know that the  
20 elevators are -- you know we can get -- get brain vibes  
21 through the elevators but I'll try. Leanne Emm, school  
22 finance and operations.

23 These are emergency rules brought forward to  
24 you after the legislative -- the committee of legisla -- of  
25 legal services identified four technical issues with these



1 rules. And so, we understand that if they are not adopted,  
2 that the rules would be repealed. So that's why we needed to  
3 bring emergency rules to you today. And then we would go  
4 through the formal rule making process starting next week.  
5 Basically it covers four things. One of them was the length  
6 of the bus routes that the rules should include reasonable  
7 and adequate standards for the safety at the length of the  
8 bus routes.

9                   But as we know in Colorado we can't say that  
10 in Craig, you can't drive more than maybe a hundred miles at  
11 a time or something like that. So what we are recommending  
12 is that the proposed rules would allow the local school  
13 boards to establish a maximum student ride time if they so  
14 desired, and that they consider the educational needs and  
15 the boundaries and terrain when they're -- when they're  
16 setting their routes.

17                   Because you just can't do a cookie cutter one  
18 size fits all in Colorado. The second issue is related to  
19 references of the code of federal regulations. And there  
20 were a few references that were not properly cited and  
21 incorporated into the rules. So we made those changes. There  
22 was another part, 18.01, that talked about emergency  
23 evacuation drills that should be conducted following the  
24 procedures in the school bus operator guide.

25                   So either the guide would have to be adopted



1 in the rules or the rules should not require compliance. So  
2 we just eliminated references to the guide. Finally, the  
3 committee on legal services identified that we had a phrase  
4 in there for reasonable size of a container.

5                   And reasonable size was not identified to be  
6 what was reasonable, so we -- we talked to some people and  
7 they recommended 32 ounces. So those are the four things  
8 that these emergency rules address and we would consider --  
9 ask that you consider adopting these and then we'll go  
10 through the formal rule making hearing starting in June.

11                   MADAM CHAIR: Wasn't it June -- it was June  
12 last year that we were going through this.

13                   MS. EMM: These are rules that just will not  
14 --

15                   MADAM CHAIR: Well, that's because I haven't  
16 convinced anybody else to vote no on them. I'm the only one  
17 who votes no on them.

18                   MR. DURHAM: Gift that keep on giving.

19                   MADAM CHAIR: The gift that keeps on giving.  
20 Mrs. Cordial, could you please call -- call the roll?

21                   MS. CORDIAL: Board member Durham?

22                   MR. DURHAM: Yes.

23                   MS. MAZANEC: Well, we don't have to move  
24 first?

25                   MS. CORDIAL: Oh, we did.



1 MR. DURHAM: I did.

2 MS. CORDIAL: Oh yes. Board member Durham  
3 made the motion and board member Rankin second.

4 MS. MAZANEC: Okay.

5 MS. CORDIAL: Board member Flores is excused.  
6 Board member Goff?

7 MS. GOFF: Yes.

8 MS. CORDIAL: Board member Mazanec?

9 MS. MAZANEC: Yes.

10 MS. CORDIAL: Board member McClellan.

11 MS. MCCLELLAN: Yes.

12 MS. CORDIAL: Board member Rankin?

13 MS. RANKIN: Yes.

14 MS. CORDIAL: Board member Schroeder.

15 MADAM CHAIR: Yes.

16 MS. CORDIAL: Thank you.

17 UNIDENTIFIED VOICE: Thank you.

18 MR. DURHAM: Finally wore her down.

19 UNIDENTIFIED VOICE: What?

20 MR. DURHAM: We wore her down.

21 MADAM CHAIR: You wore me down.

22 MS. MAZANEC: Yeah.

23 MADAM CHAIR: Eighteen-year-old drivers, what  
24 can I say?

25 UNIDENTIFIED VOICE: (Indiscernible) that.



1 MADAM CHAIR: I don't like that.

2 UNIDENTIFIED VOICE: I don't see the attorney  
3 yet, so.

4 MADAM CHAIR: So I would say bathroom break,  
5 guys. Huh?

6 UNIDENTIFIED VOICE: Trying to find a  
7 parking, probably.

8 MADAM CHAIR: Yep. Yep. Oh, you want to do  
9 some board member reports?

10 UNIDENTIFIED VOICE: Wait, Bizy's holding her  
11 hand up.

12 MADAM CHAIR: Hi, Bizy.

13 MS. CORDIAL: I believe Aurora -- Aurora's  
14 counsel is going to call in, too. Is that what you said?

15 UNIDENTIFIED VOICE: That's right.

16 UNIDENTIFIED VOICE: So if you just want to  
17 give them the go ahead we can --

18 (Pause)

19 UNIDENTIFIED VOICE: Public comment? We  
20 could do public comment.

21 MADAM CHAIR: We're on -- Mr.

22 (Indiscernible), do you think you could just explain this to  
23 their counsel?

24 (Pause)

25 MADAM CHAIR: Did they get there?



1 UNIDENTIFIED VOICE: I hope so.

2 MADAM CHAIR: All right. I got to go back and  
3 find, that was item 12, right? 12.01. Don't we have to go  
4 back and rescind what we did the last vote?

5 MS. CORDIAL: Yes, I believe your first would  
6 be make a motion to reconsider the motion. To reconsider  
7 the motion for Aurora Central High School's fin -- final  
8 written determination. Is that correct? That they would  
9 first make a motion to reconsider the motion for Aurora  
10 Central's --

11 MADAM CHAIR: Do you want to make that?

12 MS. CORDIAL: -- -- final written  
13 determination.

14 UNIDENTIFIED VOICE: Do I have to say that  
15 (indiscernible)?

16 MADAM CHAIR: Not yet, first we rescind the  
17 vote that we made the last time.

18 MR. DURHAM: Reconsider.

19 MADAM CHAIR: Mr. Durham, would you be  
20 willing to make that motion since you know what it's  
21 supposed to be?

22 MR. DURHAM: I would, but I'm not allowed to  
23 because I didn't vote on the prevailing side. So I'm sorry.

24 MADAM CHAIR: You're not the least bit sorry.

25 (Laughter)



1 UNIDENTIFIED VOICE: I think before we get to  
2 the vote.

3 MADAM CHAIR: Yeah, help us out here.

4 UNIDENTIFIED VOICE: Counsel for Aurora  
5 Public Schools would just like to speak briefly to their  
6 understanding of the -- of the statute and also their  
7 opinion about modifying it to include the priority  
8 improvement plan language. So I think that would be good to  
9 gather their input and have them go on record before we make  
10 the motion perhaps.

11 MADAM CHAIR: Okay.

12 MR. DURHAM: Have they called in?

13 UNIDENTIFIED VOICE: He's on.

14 MR. DURHAM: Okay. Please proceed.

15 UNIDENTIFIED VOICE: And his name is?

16 UNIDENTIFIED VOICE: I apologize, because I  
17 don't not know his last name. Brandon, I imagine he can  
18 introduce himself here.

19 MR. SCHROEDER: Hi, Brandon. Would you please  
20 introduce --

21 MR. EYRE: Hey, my name is Brandon Eyre, I'm  
22 the attorney for Aurora Public Schools. Thanks for taking my  
23 phone call.

24 MADAM CHAIR: Thank you for checking in. Go  
25 ahead.



1                   MR. EYRE: I was speaking with your counsel  
2 earlier and he informed me of the proposed changes. And we -  
3 - we have some concerns with it that we just want to be a  
4 part of the record. We understand the argument that the  
5 statute reads that the board can take action five  
6 consecutive years, the concern with that argument is I  
7 believe the statute also requires that if you interpret it  
8 that way, that the board would be mandated to do a review  
9 after every year.

10                   So even kicking this out to 2019 wouldn't be  
11 possible under the statute, under that interpretation,  
12 because the board would be mandated to do an annual review  
13 because it would always be five consecutive years until  
14 school gets off the clock. And that would be the same for  
15 every district or every school that the board is reviewing  
16 under that interpretation.                   Because of that,  
17 we've always taken a viewpoint that it is a -- a five-year  
18 clock with a restart on it. We understand that there are  
19 some gray area whether or not we have the continuing  
20 jurisdiction of the state board. And if the state board  
21 wants to try to exercise that we understand that. I -- I  
22 think we will take a different position that the statute  
23 doesn't authorize that.

24                   But at this point I think we would like to  
25 propose a compromise. If you add the priority improvement



1 language, we would ask that the shall language, the  
2 commissioner shall assign the state review panel be modified  
3 to may. We feel that any turnaround work takes a little bit  
4 of time to go in and CDE is in a good position to take a  
5 look at what we're doing and see if we're making progress.  
6 And it seems like if we are making substantial progress, but  
7 not quite there yet, a mandatory implementation of the state  
8 review panel may not be the best use of everybody's time.

9 MADAM CHAIR: Commissioner, what are your  
10 thoughts on that?

11 MS. ANTHES: Yeah. I -- I think that it's --  
12 but that would be fine with us. I -- I mean what I think  
13 about is the commissioner's consistency. So I mean that's my  
14 concern, is that how we do it for one district or school and  
15 how we do it for another district or school. So though I'm  
16 fine with that amendment, I do worry about what we just said  
17 for everyone else.

18 MS. MAZANEC: That's my concern, does that  
19 mean that we need to turn around and amend all the other  
20 agreements so the --

21 (Pause).

22 UNIDENTIFIED VOICE: The word shall was never  
23 --

24 MS. MAZANEC: They were two and a half years  
25 down the road after this process, to begin with, right, it's



1 half way to five years. I'm not sure if I have a problem  
2 with the shall.

3 (Pause).

4 MADAM CHAIR: It's shall.

5 UNIDENTIFIED VOICE: Just to speak to that  
6 for a moment. I think one thing to -- for the board to keep  
7 in mind is that the, the commissioner shall make the  
8 recommendation for the State Panel review to look at it, but  
9 it doesn't mandate any sort of board action. If the board  
10 feels that there are measures in, in place that are, are  
11 working fine or just need to order anything out there as  
12 addition -- additional that way.

13 And I understand the arguments of counsel  
14 about the idea next year, that if there had prior  
15 improvement, then is there a mandate? And I think that's  
16 what we're getting into sort of interpretation of what sort  
17 of authority does the board have to, to work within the  
18 statute to maybe -- to come up with sort of flexible plan to  
19 try to address these issues. And I think the board has said  
20 that they believe that two years is the right amount of time  
21 to review it. So I -- I don't think that the "shalling",  
22 which is necessarily that big of a hindrance. I mean, to --  
23 legally that, that it, it shouldn't be there.

24 MADAM CHAIR: Aurora.

25 MR. AURORA: Well, if, if the board's



1 interpretation of statute is that it has ongoing  
2 jurisdiction in these matters, then it's not a question of  
3 whether or not Shall is legally required or not, or, or  
4 legally permissible or not. Again, I do think that's a grey  
5 area that I'm not sure APS would agree with. But if that is  
6 the interpretation, it becomes more of a practical matter of  
7 whether or not mandating that kind of effort for review when  
8 there is significant progress that's already been documented  
9 by CDE, doesn't seem like the best use of resources, and is  
10 a distraction from the turnaround work that we're trying to  
11 accomplish.

12 MADAM CHAIR: So there's no argument --

13 MR. AURORA: It's a practical issue instead  
14 of a legal issue under that interpretation.

15 MADAM CHAIR: Right. As I understand it, the,  
16 the board, assuming they observe progress, would say to the  
17 commissioner, "Let's wait another year." You know, I think  
18 the board has the discretion here.

19 MR. DURHAM: Well, I think that's the point  
20 is -- excuse me. But I think that the point is that the  
21 Shall language does mandate the appointment of the review  
22 panel without it even coming back to the board, and we're  
23 asking for some discretion in that if we're already showing  
24 significant improvements.

25 UNIDENTIFIED VOICE: Excuse me. Shall is the



1 language in the statute?

2 MADAM CHAIR: No. It's in the -- it's in  
3 this. It's right in here.

4 UNIDENTIFIED VOICE: I see it in this  
5 agreement. But says, pursuant to.

6 UNIDENTIFIED VOICE: I think the, the Shall,  
7 that -- that phrase, the phrasing there comes from the  
8 statute itself where it says, if it -- if a desk or  
9 apartment for a school has a, a rating of turnaround trying  
10 to impro -- trying the improvement for five years, the  
11 commission of Shall recommend. I think that's where that --  
12 the source of this.

13 UNIDENTIFIED VOICE: But -- so, assigning the  
14 state review panel to critically evaluate school's  
15 performance and report back to the state board. That doesn't  
16 require any action on the part of the state work.

17 UNIDENTIFIED VOICE: That's correct.

18 UNIDENTIFIED VOICE: And Aurora has concerns  
19 about a state review panel coming back to them?

20 UNIDENTIFIED VOICE: They can speak for them  
21 --

22 MR. MUNN: The state review panel is, is not  
23 a simple process respectfully. It, it is -- can be a very  
24 involved process. But they get -- they get a lot of time out  
25 of school and in a district level. But we sort of sure the



1 board is aware of that, and the question is based upon the  
2 data that the commission already has available, whether she  
3 should be mandated to do that when she might believe it's  
4 not necessarily.

5 MR. EYRE: And this is Brandon Eyre again. I  
6 -- I -- I -- again, I think it goes back to the authority  
7 that the board is claiming that has, because if it is, the  
8 five consecutive year of interpretation, then that language  
9 we've mandated for every year. But it, it wouldn't be within  
10 the board's authority to just skip years because that is  
11 statutorily mandated.

12 It's only under the ongoing jurisdiction  
13 argument that the state board to come back and review that,  
14 and under that, there really isn't a statutory scheme for  
15 that. It is not addressed in the statute, and so we're not  
16 stuck with this statutory language for that review.

17 UNIDENTIFIED VOICE: So I think just to sum  
18 up a little bit of what they're saying. I think the question  
19 is, does the board want to mandate that state review panel  
20 to -- after if we're at the point two and half years from  
21 now, that they're at turnaround or prior to improvement  
22 still, now that would be coming on, you know, seven years,  
23 eight years. Do they want to mandate that review? And  
24 that's, that's the part with that up to the board to vote  
25 and decide that they want to have that mandatory language of



1 Shall, so.

2 MADAM CHAIR: Mr. Durham.

3 MR. DURHAM: Thank you, Madam Chair. I think  
4 it would feel better about my vote all the time. In, in a  
5 large measure, if there's one, I mean in every, every one of  
6 these reviews we've done, there's a recommendation from the  
7 state review panel, which for all intents purposes was  
8 completely ignored.

9 So I think this language being included in  
10 any of these agreements has little impact on and provide  
11 more paper for us, because, you know, while I'm sure the  
12 review panels are given, you know, at least due diligence  
13 in, in terms of consideration. The fact is their  
14 recommendations have rarely been adopted. And so, I -- I --  
15 the more I -- the more I learn about this, the more I think  
16 it's a bad provision every place that --

17 MADAM CHAIR: Here's, here's my concern. I  
18 had -- I've had the same concern aro -- around this Mr.  
19 Durham as you have. I think one of the things that's  
20 happened since the beginning of the state review panel  
21 reviews, is that we've learned that innovation is just not  
22 accomplished what was hoped for.

23 It was believed that -- it was believed that  
24 the additional flexibility that's available to school  
25 districts would be sufficient to allow them to make the



1 changes that were necessary. The reality is in too many  
2 situations, there were not a lot of changes made.

3           And so, I would say innovation by itself is  
4 no longer considered much of a solution. That's one thing I  
5 said. The other thing I would say, and I'm again going back  
6 in history, I don't know whether the state review panels are  
7 as helpful as the old CADI eval -- C-A-D-I evaluations were.

8           But they were considered -- contrary to what  
9 Aurora is saying, they were considered extremely valuable,  
10 and it didn't matter whether the district was -- had schools  
11 that were at risk or whether they were a very -- a, a  
12 district with this -- with an accreditation of distinction.  
13 And in the, the district where I was, it was very high  
14 performing district, and yet having a CADI evaluation was  
15 extremely helpful to the staff and they really appreciated  
16 it.

17           It was a little bit painful in some cases  
18 because here were some outside experts who came in and saw  
19 results in a different light than our staff saw themselves,  
20 but it turned out to be extremely helpful. So I don't share  
21 Aurora's concern about having some outside experts come in  
22 when they're close to actually having them come in and  
23 evaluate and make some suggestions. You know, I don't see  
24 that as a big negative, I see that actually as a po --  
25 positive if it's done well. So those are the two things I'd



1 say about the discussion and I think it can be very, very  
2 helpful to make a big difference.

3 UNIDENTIFIED VOICE: So what we could, we  
4 could decide to change it from Shall to May.

5 MADAM CHAIR: Or we could not change it at  
6 all and not do anything. But then, we're inconsistent  
7 between the districts.

8 UNIDENTIFIED VOICE: Well, I was going to say  
9 if we cha -- changed it to May, that we have to go back and  
10 change the others to May too.

11 MADAM CHAIR: Mr. Munn, did you find no value  
12 at all in having a state review panel come?

13 MR. MUNN: Respectfully none.

14 MADAM CHAIR: Pardon?

15 UNIDENTIFIED VOICE: Respectfully none.

16 MADAM CHAIR: None. That's unfortunate. Then  
17 I don't think that's the intent. So you -- ask yourself, are  
18 you doing the right thing in the wrong way, or are you're  
19 not doing the right thing when you do this? Right? It can be  
20 either or. Colleagues, where do you want to go with this?  
21 Are there some ges -- suggestions from staff?

22 UNIDENTIFIED VOICE: Madam Chair.

23 MADAM CHAIR: Yes.

24 UNIDENTIFIED VOICE: Since we have already  
25 made this determination, and we have tried to make it clear



1 which it seems in a certain case to have maybe muddied it  
2 up, can we go back to the original amendment on this one?  
3 Keep it the way it was.

4 MADAM CHAIR: We just leave it, in which case  
5 it's only turnaround and it's not priority improvement,  
6 which does not preclude us from -- won't preclude me at  
7 least from addressing it if in fact they're not off the  
8 clock.

9 UNIDENTIFIED VOICE: That's correct.

10 MADAM CHAIR: Seems to me that's about the  
11 best solution at this point. And as we move forward, I'd  
12 like for us to do it differently, and we will continue to  
13 keep our eye on all our schools.

14 MS. GOFF: We need to talk about the  
15 legislative changes is what we can do.

16 MADAM CHAIR: Well, the legislative changes,  
17 had they come -- occurred this year, this wouldn't be even a  
18 discussion. I mean, there have been proposals, but that's  
19 next year. Ms. Goff?

20 MS. GOFF: Just -- just to wrap up comment.  
21 There is absolutely nothing that prevents us from -- from  
22 inviting districts in to talk to us. And, you know, back on  
23 the bright side of that, I would always encourage us to do  
24 more of that for -- for them to highlight, showcase,  
25 whatever it is that's working.



1 I just think that that would be a better fit  
2 statewide for general purposes. But if we -- if we leave it  
3 alone, we keep it at the way it is, I -- I just think that  
4 we should take advantage of the options we have for free,  
5 and open request to hear from school districts. And that  
6 could be anybody who's in a -- who's in a five-year  
7 performance category running or -- or the other way, at the  
8 other end of that thing.

9 So I -- I mean, I appreciate it. I do think  
10 this was a little bit short notice in our faces today all of  
11 a sudden, and I do appreciate Aurora's take on it as I do  
12 ours, and our attempts to -- to adjust it for what the cu --  
13 current needs are. But I -- I would say, right now, if we're  
14 going to take any kind of a to -- poll, toll, whatever on  
15 this, I'm fine with going back leaving it alone for now, and  
16 really just paying a lot of attention over the next couple  
17 of years to what the options are for the board to do.

18 And whether that's legislatively or not, I'll  
19 be happy to be there to work on that. So that's it.

20 UNIDENTIFIED VOICE: And, thank you. May I  
21 just --

22 MS. GOFF: Clarify?

23 UNIDENTIFIED VOICE: Yes.

24 MS. GOFF: When you say leave it alone, leave  
25 it as amended with changing 18 to 19.



1 UNIDENTIFIED VOICE: Yes.

2 UNIDENTIFIED VOICE: Thank you.

3 UNIDENTIFIED VOICE: Yes. I was talking in  
4 terms of turn around in the priority --

5 MS. GOFF: In the priority, okay. Slash or no  
6 slash.

7 UNIDENTIFIED VOICE: Okay, thank you. Just to  
8 make sure I read the studies right.

9 MS. GOFF: Thanks.

10 UNIDENTIFIED VOICE: (Indiscernible)

11 MS. GOFF: No, no ma'am. I think our next  
12 item is board report and then public comment.

13 UNIDENTIFIED VOICE: Did we vote on this?

14 MS. CORDIAL: They never like --

15 MADAM CHAIR: There's nothing to vote on.  
16 There's no motion. We're revisiting. Thank you Mr. Munn.  
17 Thank you, Mr. --

18 UNIDENTIFIED VOICE: Mr. Eyre.

19 MADAM CHAIR: -- -- Mr. Eyre.

20 MR. MUNN: Thank you, Board. We appreciate  
21 you listening to our comments.

22 MR. EYRE: Thank you very much.

23 MS. GOFF: Didn't (indiscernible) one bit.

24 UNIDENTIFIED VOICE: Thank you.

25 MADAM CHAIR: So did you get feedback saying



1 we're -- all right. Thank you, Bizy. Are you going to do  
2 this?

3 MS. RANKIN: Do you want me to do it now?

4 MADAM CHAIR: Yes, please.

5 MS. RANKIN: I move to reconsider and amend  
6 the agenda as published and add Westminster's proposed final  
7 written determination to the end of the day on Thursday, May  
8 11th.

9 MADAM CHAIR: It's a proper motion. Do I  
10 have a second?

11 UNIDENTIFIED VOICE: Second.

12 MS. CORDIAL: So -- wait a second.

13 MS. RANKIN: Anybody opposed?

14 MADAM CHAIR: Well, we better call the vote  
15 since you have to have two-thirds or something.

16 MS. RANKIN: We vote on that first, and then  
17 I go to motion two.

18 MS. CORDIAL: Oh, perfect. Okay. Thank you.

19 MS. RANKIN: Call the roll.

20 MADAM CHAIR: Would you call the roll,  
21 please, Ms. Bizy.

22 MS. CORDIAL: Board member Durham.

23 MR. DURHAM: Yes.

24 MS. CORDIAL: Board member Flores is excused.  
25 Board member Goff.



1 MS. GOFF: Yes.

2 MS. CORDIAL: Board member Mazanec.

3 MS. MAZANEC: Yes.

4 MS. CORDIAL: Board member McClellan.

5 MS. MCCLELLAN: Yes.

6 MS. CORDIAL: Board member Rankin.

7 MS. RANKIN: Yes.

8 MS. CORDIAL: Board member Schroeder.

9 MADAM CHAIR: Yes.

10 MS. RANKIN: I move to approve the agenda as

11 amended.

12 MR. DURHAM: I second.

13 MADAM CHAIR: Anyone object? Okay. The agenda

14 is amended to include Westminster's final determination

15 tomorrow --

16 MS. CORDIAL: At the end of the day.

17 MADAM CHAIR: -- at the end of the day. And

18 I hope we have everything in there that we need to have in

19 there.

20 MS. CORDIAL: I sure hope so.

21 MADAM CHAIR: If you could help us with that.

22 MS. CORDIAL: I will.

23 (Pause)

24 MADAM CHAIR: Board reports. Ms. Goff.

25 MS. GOFF: Well, oh, golly.



1 MR. DURHAM: It's a deep subject.

2 MS. GOFF: Yes, it is. Yeah. I guess it's a  
3 board report because it does all lead up to actually sitting  
4 in this chair today. We've had a quite a week. I was out on  
5 I-70 driving West in the middle of the chaos the other day.  
6 So I've been dealing with the totaled car, a rental car, a  
7 mixed up contract totally up-ended schedule as a result. I  
8 was just glad that I had, I left our commissioner in good  
9 shape when I saw her last on that day. Her spirit was  
10 protecting me all the way home. So other than that --

11 MADAM CHAIR: So you got caught in a hail  
12 storm?

13 MS. GOFF: I got blasted badly in the hail  
14 storm. I even got hit on the head by hail storm.

15 MADAM CHAIR: Oh, you were physically --

16 MS. GOFF: I was physically hit.

17 MADAM CHAIR: Oh, my gosh.

18 MS. GOFF: And my car is -- is it's not even  
19 here anymore. Anyway, in the meantime, paying a little  
20 attention of course to a district, school districts, in  
21 what's going on. End of year activities are hot and heavy,  
22 and at the same time, a lot of looking ahead to next year.

23 I continue to be attending leadership group  
24 meetings in Adams County. As a whole, it's not anyone  
25 particular district. The Youth Initiative has a pretty



1 strong agenda of projects and initiatives, looking at data,  
2 working together as a whole community to -- to learn more  
3 about the data and what it takes to help kids. Cradle to  
4 Careers, their theme, so we're -- we work on lots of  
5 different things together. Jefferson County has extended an  
6 offer of superintendency.

7                   There is -- it came down to one finalist.  
8 That should be confirmed next week. Dr. Jason Glass has been  
9 named as the finalist. So as it does go, the domino effect  
10 kicks in and there are some things will change. And just  
11 watching the outcome of our hearings.

12                   And there have been lots of good -- good  
13 questions in general from people. Nothing that, you know,  
14 gets into the territory of our quasi judicial neighborhood,  
15 but people are learning a lot and paying attention in new  
16 ways. So that's it in a nutshell. It's only been what, nine  
17 days since we last met. So there's -- there's only so much  
18 to accumulate in that amount of time. So thank you.

19                   MADAM CHAIR: Ms. Mazanec, do you have any  
20 comments?

21                   MS. MAZANEC: The only thing I have to report  
22 is last Saturday night. I was able to attend a fundraiser  
23 for our local elementary school at the Wings ranch called  
24 the Boot Scootin Boogie, 20th anniversary. It's especially  
25 meaningful to me because I started the Boot Scootin Boogie



1 for clerks for elementary 20 years ago.

2 So it's -- it's -- it's frankly amazing.

3 Twenty years, and the first year we did it, we made \$5,000  
4 and they make anywhere from \$30,000 to \$70,000 these days,  
5 so --

6 MADAM CHAIR: Wow.

7 MS. MAZANEC: -- quite -- quite an event.  
8 Very fun. Thank you.

9 UNIDENTIFIED VOICE: I enjoyed the public  
10 education business coalition luncheon with many of you, and  
11 I can't remember how recently we did reports. So maybe  
12 that's a repeat.

13 But I think in the time since we've done our  
14 last reports, I've met with constituents in Adams County. I  
15 also met with constituents in Douglas County. And I attended  
16 a legislative town hall at the Mission Viejo Hall Library in  
17 Aurora on Saturday, May 6th. And lastly, I'm looking forward  
18 to the NASB new member conference later this month.

19 MADAM CHAIR: Next month.

20 UNIDENTIFIED VOICE: It's less than a month  
21 away, so.

22 UNIDENTIFIED VOICE: Within the next month.

23 MADAM CHAIR: It's June. Yeah.

24 UNIDENTIFIED VOICE: That's fair.

25 MS. MAZANEC: Still technically correct.



1 MS. RANKIN: I was on the western slope for  
2 third Congressional District and went to their  
3 superintendents meeting along with chair -- chairwoman  
4 Schroeder. We had a good visit with the western slope. And  
5 then I had all this material to read. And I had a root  
6 canal, which I can't quite figure out which one is -- that  
7 was pretty much my month.

8 MADAM CHAIR: Sounds awful. Mr. Durham.

9 MR. DURHAM: Thank you, Madam Chair. I have  
10 nothing to report.

11 MADAM CHAIR: Okay. I also enjoyed the  
12 Western superintendent's biannual meeting. Learned some  
13 things that I probably should have learned here, but hadn't  
14 attended some of the reports. So I thought it was actually  
15 very helpful. I also attended the CASE recognition reception  
16 not too long ago.

17 A number of administrators were honored. I  
18 was a little trouble that it was Denver-centric in a lot of  
19 ways. It really just -- folks were just from the Greater  
20 Denver area. I mean, up to Fort Collins and maybe even down  
21 to Colorado Springs. But I guess it's hard to see the  
22 tremendous amount of work that's being done by  
23 administrators all over the state. And that was what I was  
24 reminded of when I attended the Western Slope's conference.  
25 That there's a lot of really great work that's being done



1 frankly all over the state.

2                   Finally, we have public comment. And I guess  
3 I would want to remind any of our speakers of a couple of  
4 things. One, board members do not engage with the public at  
5 this time. Also, a board member, we cannot accept public  
6 comment on quasi judicial matters such as charter school  
7 appeals, disciplinary matters, accounting block hearings,  
8 and the written final determinations. So that somewhat  
9 limits you, Mr. Walker, but please come forward.

10                   MR. WALKER: My 81 year old ears didn't quite  
11 hear what you said. I almost broke out with a hi to former  
12 distinguished state board member, Rico Munn Esq. when he was  
13 talking, but I didn't want the board to have to rule me out  
14 of order, so I didn't do so.

15                   I'm told that one of the reasons he ran for  
16 the board, State Board of Education, because of my  
17 statements in February 2001, Denver Weekly that there had  
18 never been a black or a Latino -- Latino on the State Board  
19 of Education. So that's a plus, I guess. He's just tops as  
20 Executive Director of DORA, and executive director of CCHA.  
21 I'd listen to whatever he said very carefully.

22                   Anyhow, you shouldn't speak when you're  
23 angry. I did so when I last spoke, black studies meeting,  
24 because of the lack of some people that I invited here. So  
25 I'm angry. I didn't intend to speak, but went over to get



1 some soul food at McDonald's and read the editorial. Charter  
2 schools equity and roots -- in reach, Denver Post.

3           They didn't mention that when we tried to get  
4 some funding through Amendment 23 that was gutted by the  
5 Governor 2008, Lobato was overruled by one vote on the  
6 Colorado Supreme Court. Senator Johnson, whose name isn't on  
7 this mess that may be passing across the street, he  
8 sponsored 66 in '14, this is all off top of my head.

9           And the Governor and the Post didn't support  
10 Rollie Heath's very moderate amendment November 2011 for  
11 increased funding. This editorial didn't mention that best  
12 to my knowledge, K through 12 are about 40th in the nation  
13 per cap funding, dead last, and worse when it comes to  
14 higher education, and that George Walker who's been pushing  
15 for funding was told, let no on the January 30th and March  
16 6, the State Board of Education meeting that my comment and  
17 participation was not welcome.

18           Check the verbatim by Sheri Brittany  
19 Peterson, her name is on this mess. The editorial mentioned  
20 that this was pushed through so fast that the public didn't  
21 get to engage. While at large Sergeant at Arms did an  
22 excellent job of intimidating me on April 17th when I came  
23 to testify as possibly the first chair of a lead paint Task  
24 Force, Connecticut 1969 about lead in our schools.

25           Anyhow, I got a document recently from the



1 state we're in I will have standing to bring a suit before  
2 the US District Court, because the governor's office and the  
3 state legislature knowingly and willingly, has been engaging  
4 in de facto discrimination since about 1970.

5           As the number of students or color goes up,  
6 per caps spending goes down. They obviously know we cannot  
7 educate our students, poor students, students of all colors,  
8 students of color without rational reasonable spending. A  
9 state that spends this little for public education, as we  
10 do, at seventh and per cap funding.

11           I'm not against pu -- charter schools,  
12 private schools, but the pie is too small, and the post  
13 knows what it will do to us, if they make even more pieces  
14 of that pie. I'm not against religion. I'm not against  
15 spirituality. Harvard, Yale, are fine schools, were built to  
16 educate preachers, and DU is -- was our first school,  
17 colored college.

18           But I'm against irrational funding that is  
19 des -- designed to destroy public education, weaken public  
20 education, knowing that we have to educate more students of  
21 color. We have to.

22           And I got a letter from Senator Bennett about  
23 a week ago, about a new Supreme Court nominee, and we're  
24 going to try to get the message across that former professor  
25 of mine, Richard Jessor 1970 saying, "See, you should



1 reflect the state. It's up to the state legislature to  
2 provide extra funding." We have to be able to consider race  
3 and ethnicity and decision, and I know the difference. I  
4 would lecture --

5 UNIDENTIFIED VOICE: Mr. Walker.

6 MR. WALKER: -- a -- at Cal Berkeley. I know  
7 the difference between quotas and goals. We have to be able  
8 to consider race. I'm not talking about quotas.

9 UNIDENTIFIED VOICE: Mr. Walker, you've seen  
10 the sign.

11 MR. WALKER: Thank you for the extra  
12 courtesy, Madam Chair.

13 UNIDENTIFIED VOICE: Welcome.

14 MR. WALKER: And -- and thank you for the  
15 courtesy and respect that you've showed to Mr. Rico Munn,  
16 while he was on the board. And now -- and I have friends and  
17 family teaching, living in Aurora, they've got some  
18 problems. But he's top notch, just as this underfunded board  
19 is a good board, but you're not excellent.

20 UNIDENTIFIED VOICE: Thank you.

21 MR. WALKER: You don't have the funding to be  
22 excellent. You can be good, but not excellent.

23 UNIDENTIFIED VOICE: Thank you sir.

24 MR. WALKER: Thank you. Thank you for the  
25 time. Thank you.



1 UNIDENTIFIED VOICE: Mr. Sos --

2 MR. WALKER: I appreciate what you do. Don't  
3 misunderstand that. I appreciate what your dedication and  
4 what you do. Thank you.

5 MR. SILVERMAN: Hello.

6 MADAM CHAIR: Hi. State your name, please.

7 MR. SILVERMAN: Let me get this started. Hi  
8 there, my name is Phil Silverman. I snuck out of work a  
9 couple hours early here today, to come talk to you folks. So  
10 I just want to alert you to a couple of things that have  
11 come to my attention. The -- one of them, they're related  
12 but two different things.

13 One of them, the first thing is that on your  
14 website, there's two different letters regarding vaccine  
15 exemptions, and the two letters actually have completely  
16 opposite information. So you want -- might want to be aware  
17 of that. One letter is dated April 12th, which you --  
18 yourself and Dr. Wolk signed, stating that all a parent  
19 really needs is to sign a letter or a statement of  
20 exemption, in order to exempt their children from vaccines.  
21 And we appreciate this letter. It might have taken three  
22 years for CDPHE to acknowledge actually what the law is, and  
23 that's what the law is.

24 However, so that letter -- that letter is on  
25 your website, and thank you very much. However, there's also



1 a second letter which was sent out to the Boulder Valley  
2 School District, and I think some other school districts,  
3 and it's posted on your website that states completely the  
4 opposite.

5                   And it states in that letter, that a parent  
6 has to use the so-called official CDPHE form, and that  
7 letter frankly is contrary to what the statute says. So you  
8 might want to take a look at that. The second related issue  
9 is, thanks to 14-1288, we know what schools have higher and  
10 lower vaccine exemption rates, and thanks to the folks at  
11 Chalkbeat, they've organized that for us very nicely.

12                   And thanks to millions of dollars given to  
13 Pearson Publishing for state testing. We also know what  
14 schools are higher and lower functioning. Well, a brilliant  
15 woman named Pam Long published an article in the Colorado S  
16 -- I think it's called the Statesman. And she compared those  
17 -- that -- that data.

18                   And it turns out that the higher exempting  
19 schools, are also the highest functioning schools in the  
20 state. So I would urge you to take a look at that data. I  
21 have a copy of those charts, I'd like to -- to give to you.  
22 I'd urge you to look at that data, and carefully think about  
23 that, and think about how we can use our resources more  
24 efficiently and effectively, than chasing down every last  
25 child to get every last shot, that perhaps some of those



1 resources could go to what this gentleman was talking about,  
2 and actually putting that money into education. Thank you.

3 MADAM CHAIR: Thank you.

4 MR. SILVERMAN: Any questions?

5 MADAM CHAIR: No.

6 MR. SILVERMAN: Can I give you these?

7 MADAM CHAIR: So folks, I believe we are  
8 recessed until tomorrow morning at 9:00 a.m.

9 UNIDENTIFIED VOICE: Thank you.

10 UNIDENTIFIED VOICE: Thank you.

11 (Meeting adjourned)

12 (Meeting adjourned)

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1 C E R T I F I C A T E

2 I, Kimberly C. McCright, Certified Electronic  
3 Transcriber, for the State of Colorado, do hereby certify  
4 that the above-mentioned matter occurred as hereinbefore set  
5 out.

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

11 IN WITNESS WHEREOF, I have hereunto set my hand  
12 and seal this 5th day of October, 2018.

13

14 /s/ Kimberly C. McCright

15 Kimberly C. McCright

16 Certified Vendor and Notary Public

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