



Colorado State Board of Education

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

October 11, 2017 Meeting Transcript - PART 2

BE IT REMEMBERED THAT on October 11, 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: Welcome, ladies and gentlemen.
2 The next item on our agenda is recognition of 2017 Online
3 and Blended Educators. Commissioner.

4 COMMISSIONER: Yes, thank you Madam Chair. We
5 are pleased to be honoring the 2017 Online and Blended
6 Educators today. At this time, I will call on Bill
7 Kottenstette, Executive Director of Schools of Choice to
8 come forward.

9 MR. KOTTENSTETTE: All right. Hi everyone.

10 UNIDENTIFIED VOICE: Hi.

11 MR. KOTTENSTETTE: The Choice and Innovation
12 Unit in the Office of -- on -- of Blended and Online
13 Learning are recognizing the school counselor and three
14 teachers with a 2017 Online and Blended Educator Recognition
15 Award.

16 These committed educators demonstrate strong
17 evidence of their positive impact on student performance and
18 academic growth. They are exceptionally resourceful in
19 meeting the individual needs of their students in various
20 ways and are leaders in the online and blended learning
21 field.

22 Principals, Directors and Superintendents of
23 Online and Blended Schools and Programs can nominate
24 applicants. In the application, these nominators have
25 articulated how these educators have improved student



1 outcomes using various methods like differentiating
2 instruction, finding support services in response to
3 individual student needs, building a strong student-teacher
4 relationship to increase attendance, and creating new and
5 innovative strategies for using technology effectively with
6 students and colleagues.

7 To select the awardees, the selection
8 committee utilized the rubric which was informed by state
9 and national standards for quality online schools. Selection
10 relied heavily on responses being evidence-based to prove
11 that the practitioners role in strategies were transferred
12 into positive outcomes and growth for students.

13 The committee selected one online blended
14 learning school counselor, and I apologize, I said three
15 earlier but two online blended teachers. The three
16 recipients are present at today's meeting and I would like
17 to take a moment to recognize each of them.

18 So first, our counselor. Scott Bergamo is the
19 school counselor at the St. Vrain Online Global Academy in
20 the St. Vrain Valley School District. Scott is described as
21 an exceptional educator who utilizes his compassionate and
22 caring attributes to support St. Vrain Online Global Academy
23 students.

24 In his role as a school counselor, Scott
25 guides students in their search to find an appropriate post-



1 secondary setting while helping them to set goals to reach
2 their individual potential. As a result of Scott's efforts,
3 the school's course completion rate is the highest it has
4 ever been and there have also been gains shown on the ACT
5 and SAT tests for the school. Scott would you please speak
6 briefly about your work with the students at St. Vrain.

7 MR. BERGAMO: Well first of all on behalf of
8 the St. Vrain Valley School District and our Board of
9 Education and Donadad -- Dr. Donadad, our superintendent, my
10 principal Joanne. You know, we're very -- very thankful for
11 this recognition.

12 You may say, "What's this guy doing?" This is
13 an individual award but it's a group project. I'll be
14 totally honest with you. We've had tremendous support in our
15 district for the online education. And we opened about seven
16 years ago. Joanne was charged with the duty of opening an
17 online high school in six months.

18 And if anybody can do it, Joanne can. And
19 fortunately, I got to ride her coat tails so to speak as we
20 opened. But the one thing that I- that we are thankful for
21 from the state to -- to our personal district is the support
22 that you have for online learning. Because we were talking
23 during lunch, the thing that we see the most- is that I see
24 as a counselor is kids want hope.

25 Parents want hope. That there's something out



1 there that's going to help their stu -- student -- their
2 student or themselves be successful. Couple examples that I
3 have that I think reflect that is we had a young lady who
4 was a teen mom. She was in an abusive situation with her
5 boyfriend.

6 She wanted to -- to finish high school,
7 couldn't get her current high school, came to us. Joanne
8 would take her Sunday's afternoons- meet her in Erie. Joanne
9 lives in Westminster. And tutor her in Algebra II because we
10 didn't have a math teacher at the time. To help her get
11 through high school because she knew she needed Algebra II
12 to graduate. She graduated from our online high school, is
13 now a nurse.

14 I believe in the Boulder Community Hospital
15 or Longmont United Hospital, one of the two. The one that I
16 personally, hit me last year, had a young lady who was
17 severe depression, severe anxiety. Her mom called me because
18 art -- art students do have our personal emails and phones
19 and text -- they text us, call us, email us 24/7 -- a lot of
20 time in the middle of the night, Joanne is answering her, me
21 not always.

22 But she called and said, "Scott, I need you
23 to call my daughter. She's in the hospital, she's worried
24 about school, she's worried about finishing high school
25 because she's really close." So I had to jump through a



1 bunch of hoops and give a bunch of passwords to a bunch of
2 different people to get a hold of her.

3 Finally, I was able to get a hold of her and
4 she was so thankful that we had the supports in place to
5 help her kind of hold off on school till she could get out
6 of the hospital. She graduated this past summer with us and
7 is now going to Front Range Community College and has been
8 very successful there.

9 Those are just two examples. I go on and on
10 about the number of ways that online education is supporting
11 kids and parents throughout the state. It's the future of
12 education and we're just as again as a district honored to
13 be recognized because it is a group project.

14 And we're thankful for our support from you,
15 from our district, from Joanne and from obviously the people
16 of the state of Colorado who are willing to venture into
17 this great way of giving kids options to be educated. So
18 thank you very much. Appreciated.

19 MR. KOTTENSTETTE: Thank you Scott. The next
20 outstanding online blended- and blended educator, I'd like
21 to recognize is Chad Greiner from Peak Virtual Academy in
22 the Montrose RE-1J School District. As a secondary math
23 teacher, Chad believes all math students can achieve
24 proficiency in math and he works tirelessly to ensure that
25 his students fully understand math.



1 As a result of Chad's teaching, the students
2 at Peak Virtual Academy showed some of the highest growth on
3 the math portion of the state assessment for the 1617 school
4 year with a median growth percentile of 72. Chad's
5 dedication to each and every student leads to strong
6 relationships which in turn leads to active participation,
7 consistent attendance, and student growth. Chad, would you
8 please come forward and say a few words.

9 MR. GREINER: I as well would -- would like
10 to say thanks for the Award Recognition. And any one of our
11 -- our five teachers or counselor would have been qualified
12 for -- for this award. We've got a great school, we work
13 really hard to progress, and I was informed that we just
14 achieved the status of a performance school.

15 So things are really changing, and it's been
16 a great challenge and experience for me to switch over and
17 work with the online blended learning school. Thanks.

18 MADAM CHAIR: Thank you.

19 MR. KOTTENSTETTE: And finally, we have
20 Jessica Glenn. Jessica teaches English Language Arts at
21 Denver Online High School in the Denver Public School
22 District. Jessica is an incredible teacher, leader, and
23 educator. Jessica plays a central role within the English
24 Department and has helped to increase student growth as
25 shown by increases on the NWEA map assessment and on the ACT



1 Jessica has earned a distinguished teacher
2 rating in the past two years in her district based on
3 student growth, parents and student's satisfaction, in
4 classroom and professional observations. Jessica strives to
5 support students in finding their passions and then helping
6 them direct this passion to what they do in her class.
7 Jessica, please come forward and say a few words.

8 MS. GLENN: Thank you. I want to thank you
9 for this recognition and thank my principal, Ian Jones. I
10 feel really lucky to work in DPS and in Denver Online High
11 School where teachers have a lot of voice.

12 My background before teaching was as a
13 journalist and as such the -- I really -- really grew up on
14 that strong relationship between editor and writer. Much of
15 my growth came from people who invested a lot of time in me
16 and my work. And having those really specific detailed
17 feedback conversations and being expected to revise and
18 knowing that that was just part of learning.

19 And so as an online teacher, I -- I -- I do
20 and I should always look for the best online tools and
21 resources to improve my differentiation and how I deliver --
22 deliver my instruction and engage students. But really at
23 the core of what I do is building relationships and being
24 able to give that very specific detailed feedback and having
25 those revision cycles with my students.



1 And I think that's very important to my
2 content area. And I don't think that everyone reali --
3 realizes that online education actually gives you some more
4 freedom to have those kinds of relationships. And so I think
5 it's work that's important and that can't be automated and
6 that it does require manageable class sizes so- so going
7 forward I hope that that's the vision that my school and
8 that other online programs can continue to have. Thank you.

9 MADAM CHAIR: Thank you. So on behalf of the
10 state board, I'd like to extend my congratulations and our
11 thanks for the work that you do for students, for the
12 leadership that you provide. Congratulations. And as we call
13 your name please come forward and receive an award and get
14 your picture taken with your State Board Representative.

15 COMMISSIONER: So the first person will be
16 Scott. Slightly to the left. You're actually too far, a
17 little bit too far. Slip your wardrobe up.

18 UNIDENTIFIED VOICE: Just slightly to the
19 left. It's perfect. Yeah. One, two, congratulations.

20 UNIDENTIFIED VOICE: Again, thank you very
21 much. Congratulations. We're going to make a qui -- we're
22 going to make a quick change in our agenda and move to Item
23 14.01, which is recognition of the 2017 Distinguished
24 Administrator in Support of Culturally and Linguistically
25 Diverse Learners and the recognition of 2017 Culturally and



1 Linguistically Diverse Education Academy Art Contest,
2 Celebrating Diversity Winners. Commissioner, I'll turn over
3 to you.

4 UNIDENTIFIED VOICE: Yes, thank you. We're
5 pleased to be honoring the 2017 Celebrating Diversity Art
6 winners by students. At this time, I will call, Associate
7 Commissioner Melissa Colman to come forward and tell us a
8 little bit about the students.

9 MS. COLSMAN: Great. Thank you, Commissioner
10 and Members of the Board. We'd like to honor our Student
11 Award winners for the language culture -- I'm sorry -- The
12 Culturally and Linguistically Diverse Education Academy Art
13 Contest. This is a contest that is conducted annually at the
14 department and we want to thank Dr. Flores actually for
15 participating in the review process for this, so thank you.

16 We'd like to honor Mr. Rowan Raetz, Ms.
17 Isabella Bravo Versteeg and Ms. Jessica Perez as the
18 Celebrating Diversity Award winners. Last week the Color --
19 I'm sorry -- last spring, the Colorado Department of
20 Education's Office of Culturally and Linguistically Diverse
21 Education held a K12 Art Contest called Celebrating
22 Diversity to showcase talented students.

23 Winners are awarded in the following grade
24 spans: Kindergarten through fifth grade, Middle School,
25 spans of Eig -- sixth grade through eighth grade and High



1 School Grade spans Ninth Grade through 12th Grade. The art
2 competition was held to highlight the artistic talents of
3 students through fine art including photography, digital
4 media, sculpture, et cetera.

5 In addition to their artwork, the students
6 submitted a personal statement to -- to promote reflective
7 and critical thinking regarding their visual art piece and
8 to enhance visual awareness skills and processes.

9 The students were recognized at the 11th
10 Annual CLDE Academy Conference held on May 3rd of this year.
11 Their artwork was featured on the conference's program and
12 is currently featured on the home website of the Office of
13 Culturally and Linguistically Diverse Education through May
14 of 2018. The art pieces submitted were reviewed for the
15 following criteria: relevance to the theme "Celebrating
16 Diversity," visual effectiveness and overall appearance,
17 originality and message.

18 Of the submissions, those from Rowan,
19 Isabella and Jessica rose to the top. Today in our- in our
20 midst, we do have one of our three award winners. So I'd
21 first ask Mr. Rowan Raetz to come forward and stand at the
22 podium while I talk about you. And we do have a -- a
23 PowerPoint to show his artwork and that will be the first
24 piece.

25 To give you a little background on this awar



1 -- awardee, Rowan is a fifth grader at Chinook Trail
2 Elementary in Academy 20 School District. Rowan discovered -
3 - discussed why art is important to him and how it has made
4 a difference in his life. He says that when he's bored, he
5 draws and sketches. It helps him to express what he's
6 thinking and feeling.

7 Rowan's many interests influenced his artwork
8 including flight, space and heritage. His drawing is from a
9 Cherokee Tall Tale and he says his- that his great
10 grandfather, who was a Cherokee, inspired the drawing. When
11 describing his artwork, he says, "I want viewers to
12 understand how clothing, dance and environment are cultural
13 and special. I was trying to express happiness." So at this
14 time, we've invited Rowan to say a few words if he would
15 like.

16 MR. RAETZ: Hello, I am Rowan Raetz, a sixth-
17 grade student from Challenger Middle School in Colorado
18 Springs. For my entry, I made a pencil drawing called
19 "Dancing World" while I was in fifth grade at Chinook Trail
20 Elementary. I named my piece that because ra- there's a
21 character named Rabbit in the drawing and the environment
22 are celebrating life with them through dance.

23 This is a drawing from a Cherokee Tall Tale.
24 It shows the theme of Celebrating Diversity by the
25 characters, environment, clothing and lifestyle. The rabbit



1 is star gazing near a campfire while dancing. This
2 represents how Cherokee people celebrate natural and
3 traditional ways.

4 The clothes in the night sky have geometric
5 designs. It looks like the sky is celebrating, the moon is
6 smiling, Rabbit is using a traditional turtle shell to
7 express happiness in his dancing. Rabbit is proud of his
8 tail.

9 Cherokee people are proud of their heritage.
10 In one told tale, Rabbit loses his tail, but this makes him
11 run fast. Cherokee people have hard times, but they have
12 created new ways to celebrate life.

13 I appreciate my Cherokee heritage because I
14 think all of our differences are cool and unique. It is
15 exciting to be part of that. My great, great grandfather who
16 was Cherokee lived in Ok- Mogi and Musko -- Muskogee,
17 Oklahoma. I want viewers to see my drawing to understand how
18 clothing, dancing and environment are cultural and special.
19 I was trying to express happiness.

20 Art is important to me. Art has made a
21 difference in my life because when I am bored, I love to
22 draw and sketch. It helps me express what I'm thinking and
23 feeling. I like to think about things and put my thoughts
24 into drawings. My interest influenced my artwork like
25 flight, space and heritage.



1 Drawing makes me happy. I like that I could
2 share my art with other people. When my artwork turns out
3 well, looks like the thing I am trying to draw are thoughts
4 and designs in my head.

5 UNIDENTIFIED VOICE: Thank you.

6 MS. COLSMAN: So we'll have a row and sit
7 back down and then we'll have all of the photos towards the
8 end. So this time we can display the art work from Isabella
9 Bravo Versteeg. I'll read about her art and then, I'm not
10 sure if she is in the audience?

11 UNIDENTIFIED VOICE: Yes.

12 UNIDENTIFIED VOICE: I'm not sure.

13 MS. COLSMAN: Okay. So- so I'll go ahead and
14 read about her piece. Isabella is in the sixth grade at
15 Charles Hay World School in Englewood. She says that she was
16 inspired to create her piece from a childhood memory of the
17 fig tree in her grandmother's yard.

18 Isabella remembers climbing the tree, so she
19 could see everything below, giving her a view of life in the
20 neighborhood. She created her art by thinking about her life
21 in America and her life in Mexico. She put the two together
22 to make -- and made the trees of life.

23 When describing her artwork, she feels like
24 it represents her and the diversity in many ways and that
25 being from a diverse background has made her appreciate what



1 she has and all of her opportunities. So please join me in
2 honoring Isabella. I don't believe that she's in the
3 audience, so we will move forward and honor our final
4 awardee.

5 Jessica Perez was a senior at Pinnacle
6 Charter High School in Federal Heights during the 2017/18
7 school year. Jessica said that being an artist has helped
8 her through her life and has helped her see the world in a
9 diverse way. She says she doesn't try to hide her feelings
10 from people.

11 She simply draws them on a piece of paper for
12 anybody to see. Jessica credits art for helping her express
13 herself and to not be afraid of who she is. So please join
14 me in honoring Jessica.

15 UNIDENTIFIED VOICE: Thank you, Ms. Colson.
16 We would also like to honor the 2017 distinguished
17 administrator and support of culturally and linguistically
18 diverse learners. And so I'll turn it back over to Ms.
19 Colson.

20 MS. COLSMAN: Thank you. So today, we'd like
21 to honor Dr. Erika Garcia, the director of Language, Culture
22 and Equity from Sheridan School District Two. The
23 distinguished administrator award honors an administrator
24 who has exhibited excellence in the success of culturally
25 and linguistically diverse learners.



1 The administrator who was chosen must
2 demonstrate how they've created successful outcomes and have
3 supported the academic linguistic and other needs of these
4 diverse learners. The nomination process includes a
5 narrative from a nominator certifying that the nominee has
6 met all other requirements to participate in the grant
7 program. A resume and letters of support were also submitted
8 as additional documentation of the nominee's qualifications.

9 To select the distinguished administrator, a
10 committee reviewed all of the nominators- nominations for
11 the award, and again, we appreciate Dr. Flores participation
12 in that process. Dr. Garcia met the following criteria. She
13 is actively supporting the English language development
14 program within a school or district at the time of the
15 award.

16 She contributes to increased achievement of
17 culturally and linguistically diverse learners. She has the
18 respect and admiration of students, parents and colleagues,
19 and she exhibits distinguished leadership and service to the
20 culturally and linguistically diverse education profession
21 and its community.

22 Dr. Erika Garcia was recognized at the 11th
23 annual CLDE Academy conference held on May 3rd of this year.
24 She was selected based on her experience, passion and
25 expertise with English learners and their families. Dr.



1 Garcia actively serves on the district instructional team,
2 regularly collaborates on projects with a variety of
3 colleagues, conducts regular classroom visits, and serves as
4 a consultant for the implementation of the data team process
5 at the building level.

6 She has demonstrated high competence and
7 experience in all aspects of instruction ranging from
8 preschool to high school. As a result, her instructional
9 knowledge of English Language Learners has transpired into
10 the development of a highly trained and knowledgeable
11 teaching of administrative staff within the district, which
12 has had a positive impact on student performance. Please
13 help me in recognizing Dr. Erika Garcia as she comes
14 forward.

15 DR. GARCIA: Thank you. What a heartwarming
16 experience to receive this recognition. It is an
17 invigorating reminder -- reminder of how rewarding this work
18 is. As I was writing this few lines, so many names and so
19 many faces of students came to mind.

20 Some of them- I taught them English as a
21 second language, some science, but truly they were my
22 teachers. They taught me to persevere through challenges
23 that life brings. They taught me to love and be proud of my
24 Mexican American culture, and that advocating for equity is
25 worth the work. I hope that along the way, I've also impact



1 -- impacted their lives positively at some point. Just in
2 the last two weeks, I happened to interact with two former
3 students from years ago.

4 One of them shared with me that I -- he was
5 inspired by me. He's currently an entrepreneur. Wonderful
6 young man who's very happy and very successful. And another
7 one of my students, he told me that he went on to the
8 university even though he was learning English when I taught
9 him in middle school and he finished his degree.

10 He has a very successful job with the City of
11 Boulder. Very fancy title that I do not remember but he is
12 definitely doing well. He shared with me that even when we
13 just shared time eating lunch together in the classroom,
14 that that was a time that he enjoyed, and he viewed me as a
15 role model.

16 So those words really impacted me. Thank you
17 for taking the time to do this. It rejuvenates my passion to
18 support our linguistically and culturally diverse students,
19 as well as their families, who are of great support to our
20 schools in our districts. Thank you very much.

21 MS. COLSMAN: Thank you. On behalf of the
22 State Board of Education, I'd like to extend congratulations
23 to each of you. Thank you, Dr. Garcia for all your hard work
24 to increase the achievement of culturally and linguistically
25 diverse learners. And to our student artist, I'd like to



1 extend our congratulations and thank you for sharing your
2 beautiful heart.

3 When I call your name, please come forward
4 and have your photo taken with our Commissioner and State
5 Board Member. All right. So I'm going to ask him to be right
6 in the middle. Perfect. Here we go. And then, if you want to
7 -- it shows the front. Perfect. There we go. Yeah, there we
8 go. All right -- Just take a little bit. Better. All right.
9 Ready. One, two.

10 UNIDENTIFIED VOICE: I thought everybody had
11 to be here? No?

12 COMMISSIONER: No.

13 UNIDENTIFIED VOICE: No. Excuse me folks. Our
14 State Board of Education will now conduct a public rule
15 making hearing for the rules for the administration the
16 protection of persons from Restraint Act 1 CCR 301-45. State
17 Board voted to approve the notice of rulemaking on August
18 16, 2017 board meeting. Hearing to propagate these rules was
19 made known through publication of a public notice on
20 September 10, 2017 through the Colorado register and by
21 state board notice on October 4th, 2017. The state board is
22 authorized to promulgate these rules pursuant to 22-2-107 1C
23 CRS. Commissioner steps to prepare to provide an overview.

24 COMMISSIONER: Your Honor, thank you. I will
25 turn this over to Melissa Colsman, Misti Ruthven and Toby



1 King.

2 MS. COLSMAN: Thank you Commissioner. Thank
3 you, Madam Chair. So presenting with me today is Misti
4 Ruthven, Executive Director of Student Pathways and Toby
5 King, Deputy Executive Director of the Exceptional Student
6 Services Unit. I want to take this opportunity to introduce
7 to you a new staff member who is in the audience. Who is our
8 new Executive Director of the Exceptional Student Services
9 Unit and this is Dr. Paul Foster.

10 COMMISSIONER: Welcome.

11 MS. COLSMAN: So Dr. Foster is participating
12 as an observer today, but he will be before you before you
13 know it, so. Very brief orientation to your materials, you
14 do have a memo for this item and you do have a few versions
15 of the rules and I wanted to make sure that for full
16 transparency that you had all of the versions. But I'll help
17 you know which version we're looking at -- at the right
18 time.

19 There is- in addition to the versions of the
20 rules there is a side by side comparison of a rule compared
21 with statute. And we have two other documents that we've
22 provided for you that we think will help you understand what
23 could look like a complicated process. So one is a copy of
24 the Individuals with Disabilities Education Act or IDEA
25 state complaint process and a copy of a state complaint



1 form.

2 As needed, we'll pull out with the documents
3 that will shall need. We'll start off with just a really
4 brief reminder of the statute and rules that were taught-
5 we're speaking about today during the legislative session
6 House Bill 12-17-1276 passed concerning prohibiting the use
7 of certain restraints upon public school students.

8 The bill added language to the protection of
9 persons from Restraint Act for which the state board already
10 has existing rules. The bill did two things, it added
11 language to prohibit the use of prone restraints on students
12 in public schools. It also creates a complaint process for
13 parents, guardians or students who can register a complaint
14 with the department if a prohibited restraint is used in a
15 public school.

16 The complaint process to the extent
17 practicable must reflect the complaint process for filing a
18 state complaint under the federal Individuals with
19 Disabilities Education Act or IDEA. Specifically, the bill
20 requires the state board to establish by rule a process by
21 which parents, guardians and students may file a complaint
22 regarding a public education agency's inappropriate
23 restraint on the student. So what I wanted to do was explain
24 to you a bit- give you a little bit of background with
25 respect to what the process is under the Individuals with



1 Disabilities Act.

2 We're not going to go through that particular
3 piece but for your reference, we've provided a copy of what
4 is behind the state complaint process for the individuals
5 with Disabilities Education Act. So- we- you'll- without
6 going through all of what you'll notice is that it is
7 spelled out in quite detail of what that process should look
8 like.

9 But what I do want to draw your attention to
10 is the state complaints form. In that state complaint form
11 is the outward facing enactment of that seemingly
12 complicated process. At the August state board meeting I
13 know that there was some concern among board members around
14 the complexity of what the rules look like.

15 But the intention of the department is to
16 make sure what the process is very clear in terms of how we
17 act procedurally but we're committed to having a very simple
18 outward facing process for parents, and guardians, and
19 students to file a complaint. So we're providing this state
20 complaint form just as an example of how that ends up
21 looking from the perspective of our constituents.

22 At the August notice of rulemaking state
23 board members noted these two priorities. One is to be to
24 closely adhere to statute and to ensure the process is
25 simple for parents. Since that time, we've requested the



1 Attorney General's Office to review the rules and we've also
2 considered ways to simplify the complaint process. What I'd
3 like to do right now is explain to you- kind conceptually
4 how we see that complaint process working, so that you can
5 see a change that we've had since the August meeting.

6 If you'll recall, in the August meeting the
7 point of contention or the point of discussion was the
8 procedures for students who might file a complaint that --
9 and they may have a -- an individual education plan because
10 of a disability which would fall under more of the federal
11 state complaint process or it might be a student who does
12 not have an individual education plan and they would go
13 through the complaint process that wouldn't involve a
14 disability.

15 We kind of had a almost a dual process going
16 on at that point, which board members noted was seemed
17 cumbersome and complex and seemed like it would be hard for
18 parents to know what process to use. So we're proposing, and
19 we have kind of a simple visual to show that is a single
20 point of contact for all of the complaints, so that parents
21 and guardians or students don't have to guess which process
22 to use.

23 They have a single point of contact. So what
24 we're recommending is that when a student or parent files
25 the complaint about the use of restraint or seclusion, they



1 submit that complaint form that would go to a single point
2 of contact. Right now, we would recommend that that person
3 be the individual who currently receives all of the
4 complaints -- state complaints under the Individuals with
5 Disabilities Education Act.

6 Because that is a really critical piece to
7 accommodate. For complaints that are determined to involve -
8 - I am going to -- I'm gonna backup a little bit. The reason
9 why we wanted to make sure it went through the individuals
10 with disabilities Educa -- Education Act complaint process
11 is that affords students greater protections and remedies
12 than the state complaint process.

13 We wanted to ensure that students with
14 disabilities had their rights intact by going through that
15 process. So the state complaint officer would log and review
16 the complaint and then determine if it involves a student
17 with disability that we would have that go through our state
18 complaint process under the federal IDEA Act and if it does
19 not involved a student with a disability that it would go
20 through the state complaint process established under House
21 Bill 1176.

22 I am sorry, is it 1176 or 1276? 1276. Thank
23 you. So we've had an opportunity then to kind of review that
24 process using this proposed changed framework and we have
25 adjusted the rules to accommodate this single point of



1 contact. So now, I'd ask you to find the draft of the rules
2 that similar to when we went through the READ Act, you'll
3 notice that there are some comments in bubbles. So we
4 thought this would be a helpful way for you to see what has
5 been adjusted since the August notice of rulemaking.

6 So that document should have comments off to
7 the -- to the right-hand side. So what I'll do right now is
8 I will only highlight those things that are changed from the
9 August version for the notice of rulemaking. You'll see the
10 first one in Section 100 Print 2 and the -- these are just
11 technical changes based on recommendations from the Attorney
12 General's office to make sure that we are technically in
13 compliance. Rule 1.003, we have asked to replace the
14 language that is currently here in the draft form with the
15 language that's in the bubble.

16 This is a technical in nature replacement at
17 the recommendation of the Attorney General's office. There
18 are no changes in the proposed rules on page two. We turn to
19 page three, there is another technical in nature change to
20 Section 200 Print 7B1A and the -- the correct term instead
21 of Division of Youth Corrections is really Division of Youth
22 Services, so it's a technical in nature fix.

23 The other tracked changes that you see on
24 this page were in the August notice of rulemaking and they
25 are there to align with the new statute including the death



1 -- including the prohibition of prone restraints. On page
2 four, there are no changes from the August notice of
3 rulemaking which is the adding of definitions to prone
4 position and prone restraint. On page five, there are no
5 changes from the August notice of rulemaking, these add on
6 the aspects that are to bring these into conformity with
7 House Bill 17-1276.

8 There are no changes from August on page six.
9 These are all recommended revisions based on House Bill 17-
10 1276. There are no changes to page seven, but on page eight
11 is where you will see the majority of the changes. So on
12 page eight, there are no changes to Section 2071 or 2072
13 with respect to the August notice of rulemaking where you
14 will see a recommended revision is on Rule 2.073 and that is
15 a recommended change to the process to make it more eff- to
16 make the process more efficient.

17 Again, this is a technical change that really
18 does not substantially change what was in the August notice
19 of rulemaking. Where you will see the first substantial
20 change from August is in Section 2074 and that is the
21 section where we are replacing which the kind of two-tier
22 process or a parallel process of a state complaint under the
23 Federal Individuals with Disabilities Act with a state
24 complaint process under House Bill 17-1276 about a prone
25 restraint.



1 So we are recommending that that entire
2 section of 2.074 is replaced with what's in the the comment
3 box off to the right. What that does is, it details in word
4 from what you see in the flowchart form in front of you. And
5 finally, the- the last piece is in Section 2.075 which is
6 another piece to ensure that the process is more efficient
7 and that change language is over in the comment box.

8 And throughout the rest of the rules, there
9 are no changes from the August notice of rulemaking. While I
10 recognize that it can be hard to look at all of those
11 different bubbles, one of the things that you may want to do
12 so that you can see a clean copy of everything, of what the
13 rules would look like if all of those changes were accepted
14 by the board, is there is a clean copy and at the upper
15 right hand side of the document, it indicates it's a clean
16 copy, annotations incorporated.

17 That means all of the bubble annotations are
18 incorporated in there, so that you can see the rules as they
19 exist. So -- I can talk about the comments that we've
20 received, if the board would like or Madam Chair, if there
21 is just some questions for clarification from board members
22 if that would be.

23 MADAM CHAIR: Colleagues do you have
24 questions, so far? Board member Rankin.

25 MS. RANKIN: On some of these, you said that



1 the AG's office agreed to that, and I just wonder did they
2 look it over after we got done with all these changes on
3 page nine also?

4 UNIDENTIFIED VOICE: Yes.

5 MS. RANKIN: Okay. Thank you.

6 UNIDENTIFIED VOICE: We actually spent quite
7 a bit of time going over a few of the details on here to
8 ensure that we still conformed.

9 MS. RANKIN: One more question. I noticed as
10 we read this there are definitions incorporated in there.
11 And I flip the page and the ones that say, annotations
12 incorporated clean copy it is definitions. But they don't
13 have the definitions of some of the words that we had in the
14 other -- like the prone positioning stuff like that,
15 shouldn't that be under definition, shouldn't that all be up
16 front?

17 UNIDENTIFIED VOICE: I don't think that was
18 in there either?

19 MS. RANKIN: It's just the first page of the
20 clean copy that you've just-

21 UNIDENTIFIED VOICE: Right. So right the
22 definition of prone position is on page four section 2.008D
23 and prone restraint 2.008E. So right- so that-

24 MS. RANKIN: Why wouldn't those be
25 incorporated up at the front where all the other definitions



1 are? Is there a reason for that?

2 UNIDENTIFIED VOICE: The definitions begin at
3 the- on page one, with 2001 and these are existing
4 definitions for this existing set of rules. So, these were
5 added just alphabetically in that particular section, so the
6 definitions are just listed alphabetically.

7 MS. RANKIN: All right.

8 UNIDENTIFIED VOICE: But it's a good
9 question.

10 UNIDENTIFIED VOICE: What is mechanical
11 restraint here.

12 UNIDENTIFIED VOICE: That would be an example
13 of a mechanical restraint.

14 (Indiscernible)

15 MS. RANKIN: It can be a little hard to find
16 like mechanical restraint. Does it define it?

17 UNIDENTIFIED VOICE: Yeah, 2.008B on page 3.
18 Right in the middle of the page

19 MS. RANKIN: I think it can be a little bit
20 hard is because the -- the main term restraint is the
21 alphabetical term and then it's a subcategory of restraint,
22 so it's just a matter of chemical restraint, mechanical
23 restraint and physical restraint and then prone restraint. I
24 think that is probably the same question that board member
25 Rankin had because it's categorized by those bigger



1 categories not by the- the first letter of like mechanical
2 form.

3 UNIDENTIFIED VOICE: And one more question,
4 I'm sorry, if -- if a parent or a student does the first
5 step. They -- they get this form and I looked at the form
6 but how do they know where to get the form or where did they
7 go to get the former.

8 I mean if I was a parent, I would feel
9 hesitant to go to the school. This is where it happened so
10 are, they educated on that or did they get a certain paper
11 when they have their special disabilities students enrolled
12 in the school? I just.

13 MS. RANKIN: So, I'm going to actually ask
14 Mr. King to talk about this and I'm also going to look
15 because there is also within 1276. There's also a section
16 that doesn't relate to state board rules around a complaint
17 process. There are some requirements for schools and
18 districts regarding this and policies. Some of them skim
19 through that to see if there's a connection there but Mr.
20 King.

21 MR. KING: Board member Rankin. The ESSU has
22 five dedicated staff to support people in there and we
23 recognize that we need to do some work on our website to
24 make it very easy to find. And we're currently going through
25 a vision right now to have a better parent, family presence



1 so that things can be found a lot more easily.

2 UNIDENTIFIED VOICE: That's great I -- that
3 answers it, because they could get help to get online. Thank
4 you, Mr. King.

5 UNIDENTIFIED VOICE: Aren't there, at the
6 district level, aren't there often organizations of parents
7 represent students with needs, IDEA kids so they interact
8 with each other and inform each other or is that only in
9 some districts?

10 MR. KING: Chairperson Schroeder, if I may.

11 MADAM CHAIR: Please.

12 MR. KING: Certainly, districts have parent
13 groups especially as it pertains to students with
14 disabilities and parents of children with disabilities
15 receive procedural safeguards that outline some of their
16 protections, where this becomes a little more nebulous for
17 the student without disabilities and how those parents
18 actually access this and say that some of the work that we
19 have to do together to be able to inform districts and
20 create the kind of, I want to say marketing but that's not
21 what I mean. Just awareness information, so the parents are
22 aware of what rights they have.

23 MADAM CHAIR: Questions. Board member Durham.

24 MR. DURHAM: Thank you. Could you tell me in
25 the last 12 months or the last reporting period, when you



1 were reporting, how many complaints have there been? Do you
2 know off the top of your head?

3 MR. KING: Board member Durham, I did ask for
4 that information. I'd have to go back a while ago. I'd have
5 to go through my e-mails to find it. We do not know how many
6 complaints included restraints as we were not the receiving
7 entity for that. I can tell you that we have had an uptake
8 in state complaints as they pertain to students with
9 disabilities because of the nature of being at the beginning
10 of a school year and some other things that have happened in
11 the political landscape nationally.

12 MR. DURHAM: So, those may relate to levels
13 of service or- but the number of restraints. Roughly how
14 many of those are now?

15 MR. KING: That is correct. I'll turn it over
16 to the Doctor Colzman, she has some numbers for you.

17 MS. COLSMAN: So, thank you Dr- Mr. Durham I
18 gave you a new title. And confer here Hood later. So, last
19 spring as this bill came forward, we actually as part of our
20 process to determine like what kind of numbers might we be
21 looking at in order to determine what kind of staff load we
22 might need to do.

23 So, we were actually able to look at an
24 Office of Civil Rights Data Collection that we don't manage
25 but we can access the data. And at that time, if we look at



1 the total number of students who had been involved in
2 Colorado and reported for mechanical restraint was 70 for
3 physical restraint 457, for -- and for seclusion 472.

4 What we don't have is the- with the physical
5 restraint, it doesn't subcategorize the prone restraint but
6 that helped us get a sense. We can also have that as a
7 breakdown of students by disability so that helped us get a
8 ballpark.

9 MR. DURHAM: That's fine. Thank you.

10 MADAM CHAIR: Yes.

11 UNIDENTIFIED VOICE: So, how many restraints,
12 mechanical restraints, I don't even remember in teaching
13 that teacher said mechanical restraints. So, that would be
14 like if you had a police officer and had handcuffs,
15 handcuffs is the only thing I can think of.

16 UNIDENTIFIED VOICE: Right that would be an
17 example of a use. It would typically be a school resource
18 officer who would be using a mechanical restraint.

19 UNIDENTIFIED VOICE: Can you name any others?

20 UNIDENTIFIED VOICE: We can look at the rule
21 and see if there are any other specified in there.

22 UNIDENTIFIED VOICE: I looked at it, but I
23 didn't --

24 UNIDENTIFIED VOICE: Uh-huh.

25 UNIDENTIFIED VOICE: Handcuffs was the only



1 thing I saw, but --

2 UNIDENTIFIED VOICE: Uh-huh.

3 MADAM CHAIR: Doctor are you ready? Dr.
4 Colzman, would you go through the comments please and then
5 also perhaps address the comment the was made earlier today
6 during the public participation.

7 MS. COLSMAN: Absolutely. Absolutely. So, we
8 do apologize that you got the -- you received the responses
9 to written comments rather late yesterday. We actually spent
10 some time making sure that we had consulted -- consulted
11 with counsel on a couple of the comments.

12 So, we have received three written public
13 comments with respect to these rules. And as you noted this
14 morning, there was, during the public, general public
15 comment time and we do actually have a written form of that
16 as well that we will try to respond to the first set of
17 public comments were submitted by Linda Weirnerman, the
18 executive director of the Office of Child's Representative.

19 Her question related to the whether or not a
20 guardian ad litem may fall within or may be one of the
21 proper entities to submit a complaint. And because that is a
22 term that's not specified in statute, we had some
23 discussions with respect to this and through consultation
24 with the -- with counsel from the attorney general's office,
25 we believe that that may fall within the existing definition



1 of parent that's in Section 2.005G. And I will ask our-
2 counsel to explain that for us.

3 UNIDENTIFIED VOICE: Thank you Madam Chair, a
4 member of the board. A guardian ad litem generally is
5 appointed for a specific purpose by a court and sometimes
6 those authorities could extend to educational decision
7 making. That would be very common in my experience, but it
8 can happen. The rules already contain the definition of a
9 surrogate parent that includes anybody who is designated by
10 court order to be an educational decision maker.

11 So, to the extent of a guardian ad litem was
12 appointed with sufficient authority, they would be able to
13 file a complaint under this process. Otherwise typically
14 they can be appointed in circumstances where both parents
15 still have full parental rights and the appointment of a
16 guardian ad litem is for a particular purpose that isn't
17 intended to substitute judgment in circumstances such as
18 these. That helps.

19 MS. COLSMAN: Thank you. So, the next letter
20 we received was from Linda Hundley on behalf of the
21 consortium of directors of Special Education, Michelle
22 Murphy, executive director of Colorado Rural Schools
23 Alliance, Kendlay, executive director of CASB, Dale McAll,
24 executive director of Colorado's BOCES association and Lisa
25 -- Dr. Lisa (Indiscernible), executive director of CASE. And



1 there are, I believe, five comments of substance here that
2 we would like to review with you.

3 The first is a recommended addition to rule
4 2.072B and C, the first which as you'll see in a track
5 changes version to change the wording to include and or
6 omissions with which would I think clarify a bit further
7 around the background and facts that the complaint could be
8 included.

9 We agree with that change and would support
10 incorporating this into the rules, but this change is not
11 yet incorporated into the annotated rules. So, we would --
12 we would be supportive of this particular change.

13 The next subcomment is as part of the
14 complaint process that the individual would -- that the
15 rules would indicate that the process specify the
16 residential address against whom the alleged violation
17 occurred and whether the student has been identified as a
18 child with a disability. We believe that this is part of the
19 actual complaint form and we don't know that the rules
20 necessarily need to change to reflect that because the
21 process accounts for recollecting that particular
22 information.

23 The second substantial recommendation is with
24 respect to the delivery of other secure method for complaint
25 processes and in here, what you'll notice is that they are



1 recommending that we strike language related to delivery of
2 any of these complaints by a secure method. Secure -- in
3 this case, we would be assuming this could be an electronic
4 method.

5 We thought this is important to include in
6 the rules in the event that the department develops a secure
7 electronic submissions system so that we wouldn't have to
8 open up the rules again so that -- the -- we don't have to
9 just simply receive an em -- a mail form. The next comment
10 is a recommendation in Section 2.04 to add clarification
11 with respect to, instead of action, a dispute resolution
12 process.

13 We believe that that particular comment is
14 already addressed through the annotated rules that you have
15 before you. Section D or comment D on page three is that the
16 term Public Agency should be tweaked because we use public
17 agency and public education agency. This is -- we think this
18 is a technical fix and we would agree with that particular
19 change.

20 The next comment relates to -- you'll see the
21 -- the beginning of the- of the background for the comment
22 on page three but the actual change recommended on page
23 four. The rationale is that to the extent practicable, that
24 we adopt a restraint complaint process that is similar to
25 the process under IDEA. And there is a recommendation to



1 strike the term corrective actions and to make it very clear
2 -- that if a student without a disability goes through the
3 Restraint Complaint Officer that there is no explicit
4 authority to require corrective action by the Public
5 Education Agency. Included but not limited to compensatory
6 education for the child who is subject to the complaint or
7 monetary reimbursement or attorney's fees.

8 We believe that that is already implied or
9 directly in the rules and doesn't need that particular
10 clarification. So those are the comments from our first
11 letter. Our second letter was from Alison Butler, Director
12 of Legal Services at Disability Law Colorado. We appreciate
13 the first set of feedback because they had reviewed the
14 annotated version that you have and have shown their
15 agreement with all of the changes that are listed there. And
16 this -- we understand that the -- the change process to the
17 single point of contact actually addressed a number of their
18 initial concerns with the rules as noticed in August.

19 On page five, the -- there's a recommendation
20 to add an organization to the list of entities that can file
21 a complaint under the guidelines for the state complaint
22 process under IDEA. Third parties are allowed to file a
23 complaint but House Bill 12-17-1276 does not specify an
24 organization as an entity that can submit a complaint. So we
25 don't -- we don't believe that this should be added to the



1 rules.

2 The next proc -- or the next piece is a
3 recommendation that- that the new proposed rule -- that
4 there be a section added to clarify, the State Complaint
5 Officer having the authority to investigate the process --
6 sorry, to investigate and process the complaint in org -- in
7 accordance with the timelines and procedures in the rule.

8 We believe that this particular suggestion
9 exceeds the scope of the IDEA state complaint process and
10 would not support that change. And finally, complaints
11 involving children not receiving services under IDEA, as a -
12 - as an addition to the rules, this comment is actually
13 contingent upon the acceptance of the pre- this -- the
14 previous comments, so we would not support this particular
15 suggestion, as well.

16 We believe that this exceeds the scope under
17 the IDEA state complaint process. I know some of these
18 things are really technical in nature and I have Mr. King to
19 my side, who is trying hard not to cough. And so if there
20 are some specific questions around those points, we would be
21 happy to entertain those.

22 MADAM CHAIR: Thank you. Any further
23 questions? We have two individuals signed up to testify,
24 please. Kathy Shannon? Welcome again.

25 MS. SHANNON: Thank you. Madam Chair, Members



1 of the State Board, my name is Kathy Shannon and I'm the
2 legal and policy counsel for the Colorado Association of
3 School Boards. And as you know, CASB, CASE, The Rural
4 Schools Alliance, the Colorado BOCES Association and the
5 Consortium of Special Education Directors submitted written
6 comments last week.

7 These comments were based on a prior draft of
8 the rules. I agree with what Dr. Colesman stated and
9 disability laws, as well, that there's been some
10 improvements made to the complaint process, but we continue
11 to have some concerns. I agree with Ms. Clarke's testimony
12 that rule 2.074 requires further clarification.

13 It -- it seems to contradict itself. It says
14 that, that the State Complaints Officer will have the
15 jurisdiction and then it states that it will follow the
16 timelines under the restraint process. So I think the
17 easiest way to resolve that is to strike that second
18 sentence.

19 Another critical point that I'd like to
20 highlight from our letter is, while it may be implied from
21 the rules that the Restraint Compliance Officer doesn't have
22 authority, I think it would be far better and consistent
23 with the IDEA state complaint process, as well as the state
24 complaint process under the Elementary Secondary Education
25 Act.



1 Both of those sta -- state explicitly that
2 what the authority of the Compliance Officer is and also
3 states that the decision shall be final and not subject to
4 appeal. So that's -- we think, a critical piece that should
5 be included in the complaint process so that it's clear to
6 all parties involved about the scope of the Complaint
7 Officer's authority and also that it's a final decision.
8 Thank you for your consideration.

9 MADAM CHAIR: Thank you. Ashley Chase?

10 MS. CHASE: Thank you, Madam Chair and
11 Members of the Board. My name is Ashley Chase and I'm the
12 staff attorney from the Office of the Child's
13 Representative. I work with Linda Weirnerman, the Executive
14 Director, who sent the letter about guardian ad litem. I'd
15 like to talk to you today, a little bit about our request
16 for guardian ad litem and maybe explain further the need
17 for that.

18 First of all, guardian ad litem is specified
19 in statute, the one, I'm most familiar with would be in the
20 Children's Code, which is Title 19. That would be 19-1-103
21 subsection 59. Guardian ad litem in our state are in all
22 judicial districts, all school districts. We represent
23 children in dependency and neglect cases primarily. We also
24 represent children through truancy, juvenile delinquency,
25 sometimes the probate code.



1 If a child needs an advocate through the
2 domestic relations world or statutes, that's actually called
3 a child's legal representative and would not be the same
4 definition as guardian ad litem. As a guardian ad litem, the
5 vast majority of our clients are children that are in foster
6 care or kinship care.

7 And while it is true that often parental
8 rights are still intact, that doesn't necessarily mean that
9 the parent or legal guardian is looking out for the best
10 interests of the child, either that they're able or willing.
11 The children that we're dealing with often don't see their
12 parents on a daily basis or their legal guardians often,
13 they don't know what's happening in school or with the
14 child.

15 These are children that fall through the
16 cracks on a regular basis, who are very over-medicated in
17 our system, and guardian ad litem are tasked by the courts,
18 both the legislature and the chief justice to represent
19 these children's best interests. There are many times when
20 the guardian ad litem is the only advocate for the child and
21 the only one standing up for them, and maybe one of the only
22 people who knows what's going on with them.

23 We're not asking for a lot of additions or to
24 substitute our judgment. I think, our primary concern is
25 protecting the best interests of our clients, and that is



1 where the complaint process comes in. If a guardian ad litem
2 is tasked with representing the best interests of these
3 children, then they should be able to file a complaint to
4 ensure that those interests are being recognized.

5 The easiest way to do that, in our opinion,
6 would be to simply add some language to 2.07 subsection one,
7 to add that a court appointed guardian ad litem for the
8 student is one of the entities that's able to file a
9 complaint.

10 MS. CHASE: Can I answer any questions for
11 the board about a guardian on that item?

12 UNIDENTIFIED VOICE: We don't need to ask
13 them.

14 MS. CHASE: Thank you.

15 UNIDENTIFIED VOICE: How often do you make
16 comments?

17 MS. CHASE: Madam Chair. There's another
18 person that didn't get an opportunity to sign up.

19 UNIDENTIFIED VOICE: Please. There's anyone
20 else who wanted to comment for this hearing? Please state
21 your name, who you represent.

22 MS. BUTLER: Thank you very much. My name is
23 Alison Butler and I am the Director of Legal Services at
24 Disability Law Colorado, and I apologize I didn't see the
25 sign-up sheet but --



1 UNIDENTIFIED VOICE: Sure.

2 MS. BUTLER: If I may, I would love to
3 address Madam Chair and the state board, thank you. So
4 Disability Law Colorado is the federally designated state --
5 federally mandated and state designated protection advocacy
6 system. We exist, to protect and promote the rights of
7 people with disabilities including children in schools. The
8 reason this has been such an important issue to us is
9 because in Colorado about 78 percent of the restraints that
10 are performed are performed on children with disabilities.

11 So it's very near and dear to our hearts and
12 we have worked very hard with the CDE throughout this
13 legislative process on the bill and on the rules, and we are
14 -- we are happy with the changes that they have proposed.
15 But we think there are still two areas that need to be
16 further amended.

17 The first, is in regard to who can file. We
18 just heard from the Office of the Child Representative, we
19 actually think it should be slightly broader. We think it
20 should be exactly what it is for the state complaint
21 process. House Bill 1276 specifically said that the
22 restraint complaint process should be modeled on the state
23 complaint process.

24 The state complaint process specifically says
25 that any individual or organization can file a complaint.



1 That would be the language that we would be seeking, in
2 addition to allowing guardian ad litem that would also allow
3 organizations such as ours to file complaints on behalf of
4 children.

5 We have had to do this. We have monitoring
6 abilities, we can go into schools and find that an entire
7 classroom or school is acting inappropriately in regards to
8 something, and we are able to file complaints as the
9 protection and advocacy. We can do that in the state
10 complaint process but the way that it's written we are not
11 allowed to do that in the restraint complaint process.

12 Because the lawsuit that they're supposed to
13 be the same, we're asking that the same language be used.
14 The second thing is in regard to where complaints go. I
15 believe that it was described to you all just earlier today,
16 that it's sort of a two-pronged system. It starts out with
17 a single-entry point which we think is a great idea, and
18 then it goes to kids with disabilities going through the
19 state complaint process group, and then kids without
20 disabilities going through the restrain complaint process.

21 However, there's a group that's being left
22 out, in the way that the rules are written right now, it
23 says that if you have a disability and you receive special
24 education services and you allege a violation of the IDEA
25 then your restraint complaint can be heard through the state



1 complaint process. There are children who have disabilities
2 and are receiving services -- special education services and
3 have restrain complaints that may not have alleged a
4 violation of the IDEA, in the chart they don't fall
5 anywhere.

6 They don't fall into either category. So we
7 are asking that either, there will be a third category to
8 say, children with disabilities receiving special education
9 services having a complaint about restraints, shall go
10 through the state complaint office, the folks that deal with
11 children with disabilities or there could also be language
12 adding that children with disabilities who receive special
13 education services and have a restrained complaint that will
14 be considered alleging a violation of the IDEA. And I'd be
15 happy to answer any questions.

16 UNIDENTIFIED VOICE: Thank you very much.

17 MS. BUTLER: Thank you.

18 UNIDENTIFIED VOICE: Is there anyone else?
19 Who's here to speak to this staff?

20 UNIDENTIFIED VOICE: Thank you.

21 UNIDENTIFIED VOICE: Do you have comments?
22 Suggestions?

23 MS. COLSMAN: Yes, we do and thank you. So
24 with respect to the testimony regarding 2.074A with the
25 suggestion to strike, the sentence or the portion of the



1 sentence up in court in accordance with timelines and
2 procedures outlined in these rules, we would actually
3 support that particular strike in that rule and that was
4 part of the first testimony that also reflects the testimony
5 that you heard this morning.

6 So- and I believe he might actually have a
7 written comp -- written form of the public comment from this
8 morning. I think that was submitted to- submit it to --
9 submitted through busy -- just a few -- yeah. So we would
10 support that, that particular cleanup, we would also -- with
11 respect to the state complaint process for student
12 identified with a disability versus not, on what we just
13 heard a moment ago.

14 So if the rules say that if it alleged -- is
15 if -- it's a violation of the students, yes, free and
16 appropriate public education. Our process would include --
17 our process that we would use would actually catch that. So
18 if a student with a disability kind of goes through the
19 wrong process, we do have a procedure internally that would
20 send that complaint through to the state complaint process.

21 However, if that needs to be more clear in
22 rule that it certainly would be some language that we can
23 add, so that it's clear that a student with a disability who
24 doesn't allege a violation of free and appropriate public
25 education doesn't get caught in a no man's land. So it's



1 part of what we perceive as the process it may not be as
2 explicit in a rule, and we would be amenable to that change.

3 The last piece regarding who can file a
4 complaint, I think that would be something that we would
5 want to defer to counsel regarding whether or not a guardian
6 ad litem really ought to be specified and whether or not we
7 ought to include organization. So Julie, I think that might
8 be a good one for you.

9 UNIDENTIFIED VOICE: Thank you, Dr. Colman,
10 Members of the Board. I read the statutory authority is to
11 set of a floor than a ceiling here, I mean, the mechanism --
12 the design was freedom mechanisms of these families and
13 students can be heard and a formal complaint process at this
14 department, modeled on her IDEA complaint process, I don't
15 see that as excluding in terms of the statutory authority --
16 incorporation of other likely representatives for complaint
17 purposes.

18 So I think -- it's a policy judgment for the
19 order in terms of whether you want to specifically delineate
20 guardians ad litem and organizations -- advocacy
21 organizations.

22 UNIDENTIFIED VOICE: Do again, pickleball
23 when we start listening to many specifics thereby, by
24 definition unintentionally excluding as opposed to allowing
25 the definition to be more broad and thereby, open to



1 alternatives that we haven't thought about yet?

2 UNIDENTIFIED VOICE: So well, I suppose -- I
3 suppose that's possible but probably more of a conceptual
4 fear than a real one and the practical reality here is that,
5 both of those categories are fundamentally representatives
6 of the U.S. students and the parents, and I'd be hard
7 pressed to see this department turning away a complaint
8 filed on behalf of the student because it was filed by an
9 organization instead of by a parent. So functionally, I'm
10 not sure we're really talking about a difference.

11 UNIDENTIFIED VOICE: I think -- I believe the
12 final piece was with respect to -- I'm being very clear
13 about the restraint complaint officer having no authority to
14 require corrective actions. I think that is something that
15 we've heard while the rule does indicate, that it implies
16 that there's no specific remedy that can be required.

17 We would be amenable to adding that piece if
18 that were to make -- if that would be helpful for that to be
19 even more clear rather than implied.

20 UNIDENTIFIED VOICE: So correct me if I'm
21 wrong but I thought that you had hoped to have a unanimous
22 vote on these rules today. For some important reason.

23 UNIDENTIFIED VOICE: Right. So the -- this
24 law requires that the rules be adopted by November 1st. So
25 technically it would be you know, advantageous to have a



1 vote today. I would imagine that if the board needed time
2 to make sure that we incorporated any of the specific
3 recommendations that were brought forward.

4 I'll defer to Julie if whether or not, we
5 would find ourselves in any problem or any trouble with
6 perhaps exceeding that deadline by maybe what two weeks.

7 UNIDENTIFIED VOICE: That the statute doesn't
8 describe a, a penalty and certainly doesn't describe a
9 penalty to not completing the rulemaking process, which we
10 started with diligence immediately after the effective date
11 of the statute.

12 And you can't do this in less than 60 days,
13 so, you know, I would -- I would defend to my last breath
14 the process that spilled into November as statutorily
15 compliant and, and, you know, what's the penalty we
16 invalidate the rules and we're even further behind the eight
17 ball, I don't think that's a real --

18 UNIDENTIFIED VOICE: And no, cause this for
19 dessert.

20 MADAM CHAIR: Callie, Rebecca. Board member
21 McClellan.

22 MS. MCCLELLAN: Just a friendly suggestion
23 given that we reconvene tomorrow and as I was listening to
24 this suggested or some of the decision trees, some of the
25 choices, some of the forks in the road and some of the



1 suggestions, I was thinking if I were called upon to make a
2 motion.

3 I would need some technical assistance at
4 this juncture, but perhaps, if we were to take this up again
5 with tomorrow's business, I don't know whether that would
6 allow enough time for staff to sort through the changes
7 provided that we make our intentions as clear as possible
8 today verbally, so that we don't have you scrambling again
9 tomorrow. Maybe that would work, just a suggestion.

10 MADAM CHAIR: Dr. Anthes, Dr. Fulson?

11 DR. ANTHERS: Yes, we -- we can absolutely
12 take the recommended -- recommendations that we heard today
13 that we agree with and incorporate them into a document by
14 tomorrow, we wouldn't have any problem with that.

15 MADAM CHAIR: Could you remind me what you
16 did not agree with?

17 DR. ANTHERS: So, the pieces that we did not
18 agree with are in the, actually- luckily is not verbal, it's
19 all written here in your -- in your notes. So, there are
20 some specific changes to section- we believe some of these
21 are not needed, and so you'll see that we have a reason for
22 not agreeing with because we don't believe it's necessary.
23 I mean, I can go through each and -- each of those again.
24 However, what we -- you know, if, if that would be, you
25 know, acceptable to the board.



1 UNIDENTIFIED VOICE: So, I think, being all
2 clear. There was nothing else suggested today that you are
3 opposed to that wasn't in the materials that we've already
4 written.

5 DR. ANTHES: No.

6 UNIDENTIFIED VOICE: We would need some
7 direction though, I think from the board with respect to who
8 can file a complaint about whether or not you would like to
9 see the sticking with parent, guardian, and student or would
10 you like to see --

11 UNIDENTIFIED VOICE: Expand the list.

12 UNIDENTIFIED VOICE: (Indiscernible).

13 MADAM CHAIR: Board member Durham.

14 MR. DURHAM: Thank you, Madam Chair. To
15 extend anybody, if, if you're really interested getting this
16 done. If we had those others, I will be a no vote on them.
17 I -- I just -- we have a society that is entirely too
18 liturgist there is no reason to have the specifics.

19 It doesn't appear, then there's certainly no
20 evidence been presented that anybody's rights are being
21 trampled or anybody's being ignored by the current system.
22 So, I see no -- I see no reason to expand these
23 organizations using these inclusions for other reasons other
24 than protection of children and I'm -- I'll be a no vote.
25 Thank you.



1 MADAM CHAIR: So, just put -- just on that
2 specific piece?

3 MR. DURHAM: No, I've been over on the rule,
4 if it -- this rule contains them.

5 MADAM CHAIR: Right, on the definition of who
6 can file.

7 MR. DURHAM: That's correct.

8 MADAM CHAIR: But the other items.

9 MR. DURHAM: Otherwise, I'll be a yes vote.
10 Okay, thank you.

11 MADAM CHAIR: Colleagues. Board member
12 Mikhail.

13 MS. MCCLELLAN: Just a point of information,
14 are we -- do we have to have a unanimous vote?

15 MADAM CHAIR: In order for it to pass today.
16 Help me guess.

17 MS. MCCLELLAN: For tomorrow.

18 MADAM CHAIR: For tomorrow? Yes, that we
19 pass. So, if we would have a split decision, it would
20 merely spill over into November and our council thinks that
21 may not be a problem.

22 UNIDENTIFIED VOICE: Might not get cookies
23 for dessert, but to probably won't go to jail.

24 MADAM CHAIR: Well with, with that in mind
25 and all, I'll anticipate any comments that our council would



1 like to make, but with that in mind, I'm inclined to include
2 the guardian ad litem. And perhaps not organizations, but
3 the guardian ad litem, they stand the testimony that we
4 heard today. But what our council said was they are -- they
5 aren't clear. They don't need to be separately identified.

6 UNIDENTIFIED VOICE: Guardian ad litem would
7 fall under guardian, would not -- would it not?

8 MADAM CHAIR: It's technically a du- a
9 distinctive legal concept, but right now -- I mean, this --
10 I think we're having a little, little bit about how many
11 angels dance on the head of a pin and that the definition of
12 parents as is structured right now has a whole bunch of
13 different components to it. Includes educational surrogate
14 parents, for example, what has the definition of that- a
15 parent representative.

16 Let's say if a parent is using counsel,
17 whether or affiliated with an organization, not the sole
18 character, right? So, you know how that's going to
19 operationalize the department. I can't imagine we're
20 talking about rejecting complaints because they were filed
21 by a particular kind of representative, which is another --
22 so, I -- I -- I'm not sure we're talking about a functional
23 difference so much as a linguistic one.

24 UNIDENTIFIED VOICE: Sure, on this point.
25 Thank you, Madam Chair. Just to make sure I understand, so



1 we are on the record indicating that even if we do not
2 specifically call out guardian ad litem, that this
3 department is not rejecting complaints filed on behalf of a
4 child by a guardian ad litem with the current language that
5 we see.

6 MADAM CHAIR: That's correct.

7 UNIDENTIFIED VOICE: Okay, thank you.

8 MADAM CHAIR: Board member Goff, are you
9 praying or do you -- a little while ago you were like this,
10 and I didn't know whether you were --you're praying, too?

11 UNIDENTIFIED VOICE: Thank you.

12 MADAM CHAIR: No questions? Board member
13 Mazanec.

14 MS. MAZANEC: I think I'm done. I'd be ready
15 to go. I -- I also would not add the extra language.

16 MADAM CHAIR: All right, I'll take -- I'll
17 take a motion.

18 MS. MAZANEC: I move to approve -- I move to
19 approve the rules for the administration of the protection
20 of persons from restrain act 1CCR301- 45.

21 MADAM CHAIR: Thank you. Final motion.
22 You're supposed to repeat it.

23 MS. ANTHES: Can I make a point of
24 clarification?

25 MADAM CHAIR: Thank you. Yes, Dr. Anthes.



1 COMMISSIONER: Are you moving to approve the
2 rules with these additional changes that were just mentioned
3 minus the addition of the ad litem?

4 MADAM CHAIR: Yes.

5 UNIDENTIFIED VOICE: Okay. Thank you. So,
6 our staff will make those changes. Okay, our staff will
7 make those changes and those will be the approved rules
8 minus like an organization.

9 UNIDENTIFIED VOICE: Thank you.

10 MADAM CHAIR: All right. The motion was made
11 by board member Rankin to approve the rules for the
12 administration of the protection of persons from restrain
13 act 1CCR301-45 seconded by --

14 MS. CORDIAL: Board member Flores.

15 MADAM CHAIR: Board member Flores. Do you
16 wanna call the roll, please?

17 MS. CORDIAL: Board member Durham?

18 MR. DURHAM: Yes.

19 MS. CORDIAL: Board member Flores?

20 MS. FLORES: Yes.

21 MS. CORDIAL: 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 UNIDENTIFIED VOICE: Board member Rankin.

3 MS. RANKIN: Yes.

4 MS. CORDIAL: Board member Schroeder?

5 MADAM CHAIR: Yes.

6 MS. CORDIAL: That's it for now.

7 MADAM CHAIR: Thank you.

8 UNIDENTIFIED VOICE: Thank you.

9 MADAM CHAIR: So, you remember everything
10 that we talked about this?

11 UNIDENTIFIED VOICE: I remember ab --
12 absolutely everything.

13 MS. RANKIN: There's, there's a recording and
14 there's three people sitting here in the live audience.

15 UNIDENTIFIED VOICE: We're only 40 minutes to
16 nine now.

17 UNIDENTIFIED VOICE: The next item is item
18 1504. Consideration of Douglas County only one school
19 district request for additional non-automatic waivers. We
20 did approve their automatic waivers, on the consent agenda,
21 but there is a list of not automatic waivers that we are to
22 look at. We can approve one, or all or none. Am I correct?

23 UNIDENTIFIED VOICE: Yes. So, with -- with
24 charter waiver requests, you have the authority to either
25 approve all waivers requested, individual waivers or no --



1 no -- none of the waivers.

2 UNIDENTIFIED VOICE: And board members
3 Mazanec just asked why this was not on the consent agenda.
4 And the reason is we you know -- Mr. Cotton Stead is new and
5 we went back to the history as we're all kind of new in
6 these leadership roles. Going back to the history of non-
7 automatic waivers and previous ones we've done like this,
8 and they came before you. So, we just decided to bring them
9 before you and this was -- we just looked at some previous
10 history and so.

11 UNIDENTIFIED VOICE: Yeah.

12 UNIDENTIFIED VOICE: Okay. Board member
13 Flores.

14 MS. FLORES: I have a concern, and that
15 concern is where and how -- how and where parents are going
16 to find these waivers; How you're going to make it acc --
17 make the process accountable?

18 UNIDENTIFIED VOICE: Okay.

19 MS. FLORES: So, that parents understand.
20 And I know that it's difficult- it's difficult for me to go
21 sometimes to a site and then find you know that particular
22 item. I don't know. I -- I thought about this quite at
23 length and I know that some districts put those up in
24 community newspapers, that could be a process where people
25 would be- would- the particular information would be



1 available.

2 I know that sometimes that -- that costs
3 money, not everybody has -- well not ev -- there may not be
4 a community paper. But sometimes, there's Friday folders
5 that are sent to parents, where information that the
6 district wants the parents to know and this is made
7 available through Friday folders for kids.

8 Now, I think -- I think charter schools and
9 schools in general have the -- should make it available in
10 every possible way, so that the public is aware of what's
11 going on.

12 UNIDENTIFIED VOICE: Okay.

13 MS. FLORES: And so, even if it's in a site,
14 it is definitely bold and upfront, where or these are the
15 changes. But I -- I don't think you can just put it in
16 there and hide it, where people won't know. I think you
17 have to really make -- share with districts that it's very
18 important that the public be made aware of these particular
19 changes. And that it might even be up to opening it up in a
20 board meeting.

21 You know, and I'm sure it happened because
22 before it comes to us it probably goes to the board before
23 we see it. But somehow, that the public is really made
24 aware of these -- of these changes.

25 UNIDENTIFIED VOICE: And -- and --



1 MS. FLORES: Or -- or at least --

2 UNIDENTIFIED VOICE: -- I -- I can speak to
3 the current process. Essentially there's three times that
4 there's notice on the waivers. The first is when they- the
5 school would apply to their authorizer. And so, in this
6 situation the school applied to Douglas County. When a
7 charter applies to the authorizer, the plan is shared with
8 the district accountability committee for review.

9 And then it would be reviewed, discussed and
10 adopted in a public hearing of the board. So however, that
11 board does notice there will be information included in that
12 notice as well. When it comes to the State Board of
13 Education, there's notice given on the board docs site. And
14 then after waivers are approved, the new House Bill 1375 has
15 a requirement that charters are required to post their
16 waivers on their website.

17 And it's very specific that the waivers have
18 to be posted on the financial transparency part of the -- of
19 the website. And so, the standardization that exists right
20 now, is that for any school you should be able to look on
21 the main page of their site and search for financial
22 transparency. And that should be on the f -- on the front
23 page of the school site, and then the waivers would be
24 available on the final --

25 MS. FLORES: But that's -- that's on the



1 school side --

2 UNIDENTIFIED VOICE: Correct.

3 MS. FLORES: -- what about the district side?

4 UNIDENTIFIED VOICE: So, the district does
5 not have a responsibility to post the Charter School
6 waivers. But they have a responsi -- responsibility to post
7 on their site district waivers, that -- that they've
8 requested of the state board and Innovation School waivers.

9 MS. FLORES: So, in -- indeed charters are
10 private; So, they don't have to?

11 UNIDENTIFIED VOICE: No, Charters are public
12 Schools.

13 MS. FLORES: Well --

14 UNIDENTIFIED VOICE: As I say every time we
15 have --

16 MS. FLORES: -- they're not gonna go --

17 UNIDENTIFIED VOICE: -- this discussion --

18 MS. FLORES: -- they're not going to be on
19 top work.

20 UNIDENTIFIED VOICE: -- every time Charters
21 come up, I remind you charter schools are public schools.
22 Charter schools --

23 MS. FLORES: Well, just because we pay for
24 them doesn't make them --

25 UNIDENTIFIED VOICE: -- charter schools are



1 public schools, charter schools are public schools, repeat
2 three times.

3 MS. FLORES: No, they're not. I mean, this-
4 you just said it-

5 UNIDENTIFIED VOICE: I have been for 25
6 years.

7 MS. FLORES: It's private.

8 UNIDENTIFIED VOICE: Other questions folks?
9 Board member Goff do you have questions?

10 MS. GOFF: No.

11 UNIDENTIFIED VOICE: Board member-

12 MS. FLORES: I think you should make it

13 UNIDENTIFIED VOICE: -Mazanec-

14 MS. FLORES: Public.

15 UNIDENTIFIED VOICE: -do you have any
16 questions?

17 MS. MAZANEC: No, but charter schools are
18 public schools.

19 UNIDENTIFIED VOICE: Thank you.

20 MS. MAZANEC: It has been for 25 years by
21 law.

22 UNIDENTIFIED VOICE: Board member Mikel?

23 MS. FLORES: Doesn't make them so.

24 UNIDENTIFIED VOICE: Board member Rankin?

25 MS. RANKIN: Yeah. And 22-9-106, the very



1 first one that's non-automatically waiver local board duties
2 concerning performance evaluations. I- I just don't
3 understand that. I- I don't know what the board- are they
4 trying to waive evaluations?

5 UNIDENTIFIED VOICE: And I think nine the-
6 the one that you're talking about in performance
7 evaluations, I believe that was the one that was adopted on
8 consent.

9 UNIDENTIFIED VOICE: That's the automatics.

10 UNIDENTIFIED VOICE: And so, that- that one
11 was adopted earlier today on consent.

12 UNIDENTIFIED VOICE: There are two different
13 statute.

14 UNIDENTIFIED VOICE: If this is non-
15 automatic.

16 UNIDENTIFIED VOICE: But we adopted them.

17 UNIDENTIFIED VOICE: So, we are on agenda
18 item 15.04.

19 MS. FLORES: This one was a little difficult-

20 UNIDENTIFIED VOICE: And there was a corre-
21 yeah because there were two items 1503 and 1504.

22 UNIDENTIFIED VOICE: I see, so this
23 particular item should be 1503?

24 UNIDENTIFIED VOICE: What you're asking about
25 is on 1503, which was adopted on consent.



1 UNIDENTIFIED VOICE: But- but we're talking
2 about-

3 UNIDENTIFIED VOICE: And we talked this part
4 is on 1504.

5 MS. FLORES: We are on 1504.

6 UNIDENTIFIED VOICE: Okay.

7 UNIDENTIFIED VOICE: Yeah.

8 MS. FLORES: Next time would you help us a
9 little more by breaking them out, so we know. I did the same
10 thing, I trust them.

11 UNIDENTIFIED VOICE: I have- I have a
12 question. In looking at the comments regarding the waiver
13 request. Am I correct and the response from staff that none
14 of these optional waivers are actually necessary for the
15 school to do- to have the curriculum that it wants to have?

16 I get little confused because there don't
17 have much of a replacement plan. I don't have any
18 replacement plan other than to say that they're going to
19 meet current standards, which is what I would wanna see
20 minimum. But that doesn't tell me anything about the
21 curriculum but is there anything that they can't do that
22 they have to have these waivers?

23 UNIDENTIFIED VOICE: So, there's a couple of
24 waivers. The first one on- I wanna just make sure am
25 referencing them in the proper order. So, like on the



1 exclusion of materials from schools and libraries, the
2 analysis of the -- of the state is that -- essentially what
3 they're saying is they want to adopt a policy for what books
4 and everything materials would be in the library.

5 And the opinion of the state is because you
6 already have flexibility and selection of educational
7 materials, we don't feel that this is necessarily necessary.

8 UNIDENTIFIED VOICE: Exactly, and so when I
9 went through there, I didn't find anything that they
10 couldn't do, even if we turned these waivers down. Can you
11 identify which waiver they're requesting.

12 UNIDENTIFIED VOICE: So, in- in what district
13 or the school proposed in their replacement plans, I didn't
14 see anything specific in terms of what they're intending to
15 do that would say that necessitates this policy or this
16 labor.

17 MS. ANTHES: So, that's what makes me
18 uncomfortable. We keep granting waivers just to grant
19 waivers?

20 MS. FLORES: Well-

21 MS. ANTHES: We're te-

22 MS. FLORES: I'm sorry.

23 MS. ANTHES: We're telling the legislature,
24 quit passing laws because we're just gonna waive them. And
25 ultimately, I'm fearful that the legislature can start



1 passing laws that we can't grant waivers for even though
2 there are districts and there are situations where it's very
3 appropriate but it's just not appropriate for that district.

4 So, if none of these waivers are necessary
5 for this school to engage in the educational program, they
6 wanna offer kids, I don't get why they've come to us other
7 than to say, "Here, stick it." Keep us away from everything
8 because we don't like rules. I mean, there- it seems to me
9 there have to be some kind of a reason for this.

10 UNIDENTIFIED VOICE: Okay. I do have a member
11 of the school here available if you'd wanna talk to them.

12 MS. ANTHERS: Please ask him. Please invite
13 him.

14 UNIDENTIFIED VOICE: Okay.

15 MS. ANTHERS: Welcome.

16 UNIDENTIFIED VOICE: Good afternoon,
17 director.

18 MS. ANTHERS: You are principal of the school?

19 UNIDENTIFIED VOICE: I'm one of the leaders
20 and founders of the school.

21 MS. ANTHERS: Perfect. Okay.

22 UNIDENTIFIED VOICE: Yes, ma'am. So, the
23 context of all these waivers is that we- this is a set of
24 waivers that this board is granted several times in the
25 past. We actually brought these waivers to you guys for



1 Golden View Classical, which is an affiliate school of ours,
2 and we're glad that the board adopted, approved those 70.
3 Part of the- I guess what necessitates some of this,
4 especially if we ICAP in here, which is our state board rule
5 specifying how those works- on how those work.

6 As an example, we have a- our graduation
7 requirements in Douglas County exceed the districts and we
8 do things a little differently. We have different courses
9 that we offer at our school. So, for that specific request,
10 we're asking for the autonomy to do our own ICAP process
11 that is more in line with the autonomy of a school like
12 ours.

13 MS. ANTHES: Well, tell me how it's
14 different.

15 UNIDENTIFIED VOICE: I don't have the ICAP
16 state rule here, but it's very prescriptive as far as what a
17 school offer. It's several pages. We do try to put back
18 where we are.

19 UNIDENTIFIED VOICE: I will add on that one.
20 In our analysis of ICAP, that there was some aspects of rule
21 that when we discussed at the state level is that these are
22 the essential components of an ICAP that we feel are part of
23 the graduation requirements. So, that was specified in the
24 placement plan where you could say that that provides some
25 additional assurance to the school that as long as they're



1 meeting these elements, then they would be meeting the state
2 expectation.

3 MS. ANTHERS: The intent of the law?

4 UNIDENTIFIED VOICE: Yes.

5 MS. ANTHERS: Sure. And I think that's what
6 we're looking for, so are you meeting the intent of the law?

7 UNIDENTIFIED VOICE: Right. So, all- all of
8 these waivers meet the intent of the law, and we had this
9 discussion last time we were here, about just some questions
10 on or some of them needed as an example on some of the
11 nutrition waivers.

12 MS. ANTHERS: Well, the food services once,
13 yeah. And you're gonna be-

14 UNIDENTIFIED VOICE: So, those are- those are
15 in state statute, and the legislature put those in there
16 because they're- they were required too to comply with the
17 National School Lunch Program.

18 MS. ANTHERS: Federal. All right.

19 UNIDENTIFIED VOICE: They'll be able to get
20 federal funding from the state. We- we have private
21 contractors, so we don't participate in the program. So,
22 these- these statutes aren't things that apply to us, and
23 that's not really the intent of the legislature on- on some
24 of these interesting nutrition waivers or statutes.

25 MS. ANTHERS: But you need to have the waiver



1 in order to have your own program, that's what you're saying
2 to me.

3 UNIDENTIFIED VOICE: Yes, ma'am. So, we have
4 a third party that we work with and we- we don't monitor
5 them for that level of information. And again, it's- since
6 we don't participate in the National School Lunch Program,
7 it's not a federal requirement on us.

8 MS. ANTHES: Okay. Board member Durham.

9 MR. DURHAM: Thank you, Madam Chair. How long
10 has the school been operating?

11 UNIDENTIFIED VOICE: So, this school open
12 next fall.

13 MR. DURHAM: So, this is- this is one that's
14 coming?

15 UNIDENTIFIED VOICE: Correct.

16 MR. DURHAM: How about your affiliate school?

17 UNIDENTIFIED VOICE: It's been operating
18 three years now. And at that time, again, we had some of
19 these questions.

20 MR. DURHAM: What- what's been the
21 performance of the school that is in operation, what's its
22 level?

23 UNIDENTIFIED VOICE: So, the performance
24 school and in the current year's framework, the high school,
25 is exceptional. So, again, we're still three years or two



1 years in collecting data. PSAT scores last year, we were
2 16th in the state.

3 MR. DURHAM: So, at least the- the evidence
4 would indicate that you're getting the job done to the
5 extent it can be measured to this point.

6 UNIDENTIFIED VOICE: To the extent it can be
7 to this point.

8 MR. DURHAM: Thank you, sir.

9 MS. ANTHERS: Any questions or comments? Any
10 motion?

11 MS. RANKIN: I move to approve the additional
12 non-automatic waivers requested by Douglas County RE-1
13 School District on behalf of the Classical Academy.

14 MS. MAZANEC: Second.

15 MS. ANTHERS: Motion has been made to approve
16 the additional non-automatic waivers requested by Douglas
17 County RE-1 School District on behalf of Classical Academy
18 by Board member Rankin, seconded by Board member Mazanec.
19 We'll call a vote.

20 MS. CORDIAL: Board member Durham?

21 MR. DURHAM: Yes.

22 MS. CORDIAL: Board member Flores?

23 MS. FUERTH: Yes.

24 MS. CORDIAL: Board member Goff?

25 MS. GOFF: Yes.



1 MS. CORDIAL: Board member Mazanec?

2 MS. MAZANEC: Yes.

3 MS. CORDIAL: Board member McClellan?

4 MS. MCCLELLAN: Yes.

5 MS. CORDIAL: Board member Rankin?

6 MS. RANKIN: Yes.

7 MS. CORDIAL: Board member Schroeder?

8 MADAM CHAIR: Sure.

9 MS. CORDIAL: Passes, 7-0. Just so it counts.

10 MADAM CHAIR: Yeah. Don't come back. Just go

11 away for a second. Sorry.

12 UNIDENTIFIED VOICE: Thank you.

13 UNIDENTIFIED VOICE: Thank you.

14 MADAM CHAIR: Next, we have a notice.

15 MS. RANKIN: Of rulemaking?

16 MADAM CHAIR: What?

17 MS. RANKIN: I believe we're gonna take items

18 16.02 that was pulled from the content agenda really quickly

19 before the notice.

20 MR DURHAM: Madam Chair.

21 MADAM CHAIR: Also, we need a break pretty

22 soon. Sir?

23 MR. DURHAM: I move the item 16. 02. I move

24 that we incur with the staff recommendation and that we

25 reject or we- the application was denied, and we deny the



1 application. Is that a correct motion?

2 MS. RANKIN: I don't know.

3 MADAM CHAIR: I think you wanna say-

4 MR. DURHAM: Am I pretty close?

5 MADAM CHAIR: I think you wanna say regarding
6 disciplinary proceedings concerning an application charge
7 number 2015 EC-668 direct department staff and to issue a
8 notice of denial and appeal rights to the applicant pursuant
9 to 24-4-104 CRS.

10 MR. DURHAM: Could have said it better
11 myself. I'm so moved.

12 MADAM CHAIR: I'm not repeating that. Would
13 you like to repeat that on my behalf?

14 MS. RANKIN: Don't repeat it.

15 MADAM CHAIR: If I really have to repeat it.

16 MS. RANKIN: Regarding disciplinary
17 proceedings concerning an application charge number of 2015
18 EC-668 direct department staff to issue a notice of denial
19 and appeal rights to the applicant pursuant to 24-4-104 CRS.

20 MADAM CHAIR: Motion made by Board member
21 Durham, seconded by Board member Rankin?

22 MS. RANKIN: Yeah.

23 MADAM CHAIR: Right? Please call the roll.

24 MS. CORDIAL: Board member Durham?

25 MR DURHAM: Yes.



1 MS. CORDIAL: Board member Flores?
2 MS. FLORES: Yes.
3 MS. CORDIAL: Board member Goff?
4 MS. GOFF: Yes.
5 MS. CORDIAL: Board member of Mazanec?
6 MS. MAZANEC: Yes.
7 MS. CORDIAL: Board member McClellan?
8 MS. MCCLELLAN: Yes.
9 MS. CORDIAL: Board member Rankin?
10 MS. RANKIN: Yes.
11 MS. CORDIAL: Board member Schroeder?
12 MADAM CHAIR: Yes.
13 MS. CORDIAL: Passes, 7-0.
14 MS. ANTHES: I think we better take a quick
15 break.
16 MS. MAZANEC: Yes.
17 MADAM CHAIR: This- I can't even see the
18 clock for some reason, so let's make it 5:00.
19 MS. RANKIN: It's quarter to 4:00.
20 MS. MAZANEC: Just two minutes.
21 MADAM CHAIR: It's what?
22 MS. RANKIN: Almost quarter to 4:00.
23 MS. MAZANEC: Quarter to 4:00. Yeah, almost.
24 MADAM CHAIR: That's way with the- there's
25 some reflections here. Let's see. Supposed to be our next



1 item is at three o'clock, so we're only 45 minutes off. A
2 Quick break, no time for more.

3 UNIDENTIFIED VOICE: Discussion, is there a
4 motion on the floor?

5 COMMISSIONER: Board member McClellan?

6 MS. MCCLELLAN: I move to approve the notice
7 of rule-making for the rules of the administration of the
8 Educator Licensing Act 1 CCR 301-37.

9 COMMISSIONER: That's a proper motion. Is
10 there a second?

11 MR. DURHAM: Second.

12 COMMISSIONER: The motion is to app- by Board
13 member McClellan to approve the notice of rulemaking for the
14 rules for the administration of the Educator Licensing Act 1
15 CCR 301-37 Commissioner and staff prepare to make an
16 overview.

17 MS. MCCLELLAN: Yes. Thank you. And just a
18 little bit of introduction to these. This we know we talk
19 about the Educator licensing rules a lot and so just for
20 some context, what we- what this is, is LLLS, technical
21 requirement fixes. So we have just kept these at the OLLS
22 technical requirements and Dr. O'Neill will go through
23 those.

24 I do want to say that many of you have
25 brought up other things with the Educator Licensing Rules,



1 and just- since those are bigger ticket items, shall we say,
2 we're going to be bringing to- you those later. First, we
3 just thought, in order to meet the OLLS rules and timeline,
4 we would get the technical fixes that they wanted done done,
5 and then we will be categorizing those other discussion
6 points for you at a later time.

7 So I'm just really warning or preparing you
8 that the Educator Licensing Rules will be before you
9 multiple times. But this is- this should be, we hope, the
10 simple one. And so with that, I'll turn it over to Dr.
11 O'Neill to talk us through the changes.

12 COMMISSIONER: Dr. O'Neill, could you please
13 tell us what OLLS stands for?

14 DR. O'NEILL: I would love to. I would love
15 to-

16 MR. DURHAM: Office of Legislative Legal
17 Services?

18 DR. O'NEILL: Well, and Mr. Durham took care
19 of it, so- OLLS is the Office of Legislative and Legal
20 Services.

21 MR. DURHAM: It's the only one I know.

22 UNIDENTIFIED VOICE: Okay.

23 COMMISSIONER: Thank you.

24 DR. O'NEILL: So thank you. So good
25 afternoon, members of the Board. I am here- I'm Colleen



1 O'Neill. I'm the Director of Educator Talent. I think I'm
2 the Executive Director of Educator Talent. I'm not sure who
3 I am today but I'll try that on for size. And I am here to
4 present to you a Notice of Rulemaking for the rules for the
5 administration of the Educator Licensing Act.

6 These- these rules really only reflect, as
7 Dr. Anthes noted, the Office of Legislative Legal Services,
8 or OLLS technical changes as well as some changes to align
9 with legislation that was approved and implemented in the
10 2017 legislative session.

11 The changes proposed in this rulemaking
12 really are technical in nature. Minor changes have been made
13 to Sections 12.02 and 15.00 (4), based on recommendations
14 from the Office of Legislative Legal Services to more
15 accurately match statute.

16 In addition, there are references to
17 accredited non-public school and accredited independent
18 school that have been removed to conform to legislation
19 Senate Bill 17 052 from this spring. And finally, Section
20 18.00 (1)(c) contains a new reference to childcare and pre-
21 school facilities in order to align with legis- legislation
22 from House Bill 17 1332 in order to allow pre-schools to
23 employ alternative educators in their systems.

24 There are detailed pieces of information for
25 you. There are three documents that are presented for your



1 review. The first document is a redline and I think I heard
2 earlier today, maybe it's not red, maybe it's blue. I'm not
3 sure, but a redlined version, where you can see very clearly
4 where the edits have been made in each of those sections I
5 previously noted.

6 The second document that you will actually
7 see is a crosswalk of the rules and the statutes, so you can
8 see where the statute has changed, and the rulemaking
9 authority comes from. And then the last document is actually
10 just a clean version of those edited sections, so you can
11 see that in a comprehensive way. I am absolutely prepared to
12 be able to go through all of those changes for you.

13 We have approximately 17 actual edited number
14 changes in the document. Of that 17, nine of those changes
15 have to do with the accredited public schools and the
16 striking of that term and I'm happy to go through the rest
17 of them if you would like me to, in a detailed response so
18 you can understand what those technical changes were, and
19 whether they were related to statute or OLLS recommendation.
20 I will go at your will. Or entertain questions, depending on
21 what you would like.

22 MR. DURHAM: We'll call a vote.

23 DR. O'NEILL: Or we will call a vote and I
24 will just- yes.

25 COMMISSIONER: Is there anything that may



1 have stood out in your mind as something that we should pay
2 more attention to? I-I see that some of them are technical,
3 but is there anything specific that you can bring to our
4 attention?

5 DR. O'NEILL: I-I actually don't. I think
6 that the most specific things are the removal of accredited
7 public schools, which was r- an accredited independent
8 schools, which caused a significant amount of confusion in
9 the field and- and the really proactive educator shortage
10 addition of being able to hire alternative educators in the
11 early childhood centers. I think those are, you know, the
12 two largest pieces in there and- and probably the most
13 important aspects.

14 COMMISSIONER: Do we have any further
15 questions for Board members? The motion on the floor has
16 been made and seconded in this courtroom. Please call the
17 roll.

18 MS. CORDIAL: Board member Durham?

19 MR. DURHAM: Yes.

20 MS. CORDIAL: Board member Flores?

21 MS. FLORES: Yes.

22 MS. CORDIAL: Board member Goff?

23 MS. GOFF: Yes.

24 MS. CORDIAL: Board member Mazanec?

25 MS. MAZANEC: Yes.



1 MS. CORDIAL: Board member McClellan?

2 MS. MCLELLAN: Yes.

3 MS. CORDIAL: Board member Rankin?

4 MS. RANKIN: Yes.

5 MS. CORDIAL: And Board member Schroeder is-

6 MS. MCCLELLAN: Excused.

7 MS. CORDIAL: -excused. And that passes 6.0.

8 DR. O'NEILL: Okay. Thank you all very much.

9 COMMISSIONER: The last item on our agenda is
10 the consideration of options to be reflected in Colorado's
11 revised Every Student Succeeds Act, ESSA, State Plan and
12 request for resubmission of the plan. Staff are asking for
13 two votes from us today.

14 The first consideration is on the achievement
15 and participation calculation decision point. We'll vote on
16 that consideration after that portion of their presentation.
17 The second vote will be on the resubmission of the ESSA
18 State Plan. We will vote on that request at the end of their
19 presentation. Before we begin discussion, is there a motion
20 on the floor? Board member McClellan?

21 MS. MCLELLAN: I move that CDE update the
22 previously submitted ESSA plan to note that, when
23 calculating achievement ratings for identifying schools
24 under ESSA, for comprehensive or targeted support, the state
25 will count any non-participants in excess of 5 percent as



1 non-proficient records in accordance with the federal
2 requests.

3 COMMISSIONER: Is that a- Is that a-

4 MR. DURHAM: Excuse me.

5 COMMISSIONER: -a repeat of the motion?

6 MR. DURHAM: Thank you, Madam Chair. Are
7 you going to repeat the motion? Sorry.

8 COMMISSIONER: No. I-I just- on my paper it's
9 repeated. I don't know if we have to repeat it or-

10 MR. DURHAM: Usually right before the vote, I
11 think, would be most appropriate.

12 COMMISSIONER: Okay. How about- how about
13 that's a proper motion? Is there a second?

14 MS. GOFF: To start the discussion.

15 MS. FLORES: Yes.

16 MS. RANKIN: Yes.

17 COMMISSIONER: Board- Oh. Yes. Board member
18 Goff?

19 UNIDENTIFIED VOICE: Yes, we have a
20 presentation.

21 UNIDENTIFIED VOICE: Yes.

22 UNIDENTIFIED VOICE: And we will give you the
23 feedback from the stakeholders over the-

24 MR. DURHAM: Before we start start the
25 presentation may I ask --



1 MADAM CHAIR: Just wondering what the -- what
2 the --

3 MR. DURHAM: a questions that you might be
4 able to focus on this person.

5 Putting a motion out there before we really
6 have the-

7 MR. DURHAM: It sounded, the motion certainly
8 did not commence on losing end of the vote, I think the last
9 meaning but it certainly, I don't believe this board
10 acquiesced to- at least the content of that motion without
11 having it clear that in our own ratings and what we- what we
12 do in the state.

13 We are not going to- we are not going to
14 report those federal- under the federal requirements within
15 the state and I don't think that motion reflects the full on
16 what was necessary to get the majority of the people on
17 board to vote for it. I don't think. So, could you hone in
18 on what- what we're going to do?

19 MADAM CHAIR: Commissioner Anthes.

20 MS. ANTHES: Mr. Durham and members of the
21 board, I think- I think we're just getting a little caught
22 up because we made the motion first because there's actually
23 three motions here depending on the three different options,
24 and the first one was the one that was just read, but you
25 may choose to make the other two motions.



1 So I would recommend maybe in this instant,
2 as we go through the presentation and then that will
3 highlight the three options you have, then you could take
4 the vote. We could get a little guidance.

5 MR. DURHAM: I was under the impression that
6 there was not- that there were not four votes to adopt that
7 federal requirement they're putting- for putting all of our
8 schools in the position of trying to having to violate state
9 law in order to beat the tar out of parents who don't want
10 their kids tested. And so I don't know why that motion is
11 even on- why that motion was made, if I'm not mistaken.

12 MS. ANTHERS: I think we have about- we have
13 different motions, we have three different motions that we
14 can choose.

15 MR. DURHAM: Well in that- well, then I
16 think, I would like to have make it- make sure that it's
17 clear that you distinguish between these approaches because
18 I hope there is no more support for that carte blanc
19 acquiescence to the federal standard than there was before.
20 It just seems- seems to me we've ploughed that particular
21 ground already. So they- okay, just- so make sure we get
22 delineated in the presentation.

23 MADAM CHAIR: We got that.

24 UNIDENTIFIED VOICE: Can we step back, board
25 member McClellan read the wrong motion.



1 MS. MCCLELLAN: Right.

2 UNIDENTIFIED VOICE: That she wanted to-

3 MS. MCCLELLAN: Yes.

4 UNIDENTIFIED VOICE: She wanted to withdraw
5 your motion.

6 MS. MCCLELLAN: Yes, I would like to withdraw
7 my motion as I reconsidered the second motion that looked
8 like both Ms. Rankin and I were looking at these two top
9 motions and they looked identical until I realized that in
10 fact that second motion does incorporate the concept that Mr
11 Durham was referring to, where we have a bifurcation in our
12 reporting to the state versus the federal authorities with
13 respect to how we count those non-participants and that
14 would have been my preference.

15 So, with respect, I would like to withdraw
16 this motion and then we'll proceed with the conversation and
17 that may inform us better to make the next motion.

18 MADAM CHAIR: I believe- I- I believe we have
19 to make a motion before the discussion, is that correct?

20 UNIDENTIFIED VOICE: It just leads the
21 conversation of the- it helps lead the conversation.

22 MADAM CHAIR: Board member McClellan-

23 UNIDENTIFIED VOICE: But it's not required.

24 MADAM CHAIR: -can you sh-

25 MS. MCCLELLAN: With that in mind, if there



1 is no objection from my withdrawing my initial motion, I
2 will make the following motion. I move that CDE update the
3 previously submitted ESSA plan to note that when calculating
4 achievement ratings for identifying schools under ESSA for
5 comprehensive or targeted support of the states schools,
6 school and district performance frameworks, the state will
7 count any non-participants in excess of 5 percent as non-
8 proficient records in accordance with the federal requests.
9 I want to make sure that I'm understanding.

10 MADAM CHAIR: Yeah, I wouldn't love it if we
11 could get into the presentations so I think it will clarify
12 this a little bit, because that- and we may need to work on
13 the motion as you have all had your discussion because the
14 first one was intended to be, as Mr Durham said, only for
15 the federal, not for the state.

16 But we may need to add a sentence to that to
17 say this is only like, say that this is not what we're doing
18 for the state system. The second one was intended to be the
19 option of a mining state and federal to be what the fe- the
20 Feds want. So- so if we can go in first and then we'll
21 discuss it, we would appreciate that.

22 UNIDENTIFIED VOICE: Did they provide an
23 overview?

24 MS. MCCLELLAN: Yes. And let me turn it so
25 before any motions are made, let's do the presentation.



1 We'll get you back w- we'll give you guys a chance to
2 discuss it and then we will know which motion we want to
3 start with. So with that, I will turn that over to Mr.
4 Pearson, sometimes the best laid plans on the motion just
5 backfire but- so Mr. Pearson.

6 UNIDENTIFIED VOICE: Yeah actually, I'm just
7 gonna kinda- so it might be helpful to recap how we've found
8 ourselves here today. As you recall in May, we submitted our
9 ESSA state plan. In August, we received feedback regarding
10 that state plan. We shared a little of that with you in- in-
11 at the August meeting and determined that it would be good
12 to ask for an extension on submitting our revised plans so
13 that you guys have an opportunity to consider the feedback
14 that's been provided by the US Department of Education an
15 opportunity to share some of that feedback with our
16 stakeholder groups, and then come back to you in October
17 with- with the feedback that we receive from the
18 stakeholders so that you would be in a position to provide
19 direction to us. So our goals for today- for today are to
20 provide the feedback with- to you and to home in on the
21 substantive revisions that will be required of our plan and
22 to give you an opportunity to provide direction to us on- on
23 three and possibly four- four issues.

24 You don't necessarily need to address the
25 other indicator as part of this and we won't- we don't need



1 to necessarily address it as part of our revised plan. So
2 with that, I'm going to quickly turn it over to Alyssa and
3 then we'll dive into the presentation.

4 MS. PEARSON: Thank you all. Thanks for
5 bearing with us at the end of the day, a long day we
6 appreciate it. So, bear with us, we will try and make this
7 as clear as possible.

8 UNIDENTIFIED VOICE: Very clear.

9 MS. PEARSON: Okay. So last month we left you
10 with some options kind of the- we clarified what was going
11 on with the US Department of Education and the feedback that
12 they provided us. We left you with some options, we talked
13 about some options for some of the different decision
14 points. And then told you we were meeting with our
15 stakeholders with the accountability work group and we
16 invited hub members to that meeting as well to get feedback
17 from them before we brought it back to you this month. So,
18 we met with the joint accountability work group hub meeting
19 on September 21st.

20 There were 15 members of the accountability
21 work group that were there and eight hub members. We also
22 had public audience, both in person and on the phone. At
23 that meeting, we had a good mix of district staff and
24 advocacy groups. It led to a pretty rich conversation.
25 People did not necessarily see eye to eye on the path



1 forward. There was some consensus on what not to do, but
2 there was a good reached conversation about- about different
3 perspectives and why people supported different things. So
4 there was a lot of understanding or learning that went on
5 that day back and forth.

6 The way we structured that day is that we had
7 six small groups set up, that were mixed groups sort of kind
8 of district and advocacy groups mixed together. We asked,
9 after we kind of give an overview of the issues, we gave the
10 groups time to talk in their groups and write down some
11 written feedback. I was very negligent, I had the written
12 feedback already for you and completely spaced and sending
13 it to the board last week, so we have a hand out for you
14 today.

15 The summary in high level is all in the
16 PowerPoint and you saw it in there, but I'm really sorry we-
17 I've totally forgot to just send that off. So we've got that
18 for you today and its up on Board Docs now too. We then,
19 after the small groups talked, we had the whole group
20 conversation. We kind of got to some- maybe bigger themes
21 came out of the whole group conversation than what you'll
22 see on that one pager as well.

23 So, we're gonna talk about one of the big
24 ideas of where we landed today. Just a reminder, I wanna do
25 a little bit of framing about state and federal



1 accountability. Even in the plan that you all ap- approved
2 for us to submit back in May, we had different- we have
3 different criteria for identifying schools under the state
4 system and the federal system.

5 That's what happened when the ESSA was
6 passed, and our waiver was no longer in place. We were gonna
7 have different identifications of schools. So, we've talked
8 about this a lot. I won't go into a lot of details, but you
9 know the ESSA identifications for comprehensive lowest 5
10 percent, comprehensive low graduation, targeted and
11 additional targeted schools are what we have to do under the
12 federal law.

13 The state- we identify schools and districts
14 to the priority improvement and turnaround. You know very
15 well kind of that- what happens with those. We wrote that as
16 a plan to- to align the underlying data for those
17 identifications as we best we possibly could. But again,
18 there were some criteria on top that separated the systems
19 out.

20 We've talked before about kind of when we
21 simulated the data to see what those overlaps would be and
22 would not be. We actually have those numbers for you now.
23 So, this tells you based on what we submitted in our ESSA
24 plan, schools that are identified under both ESSA and on the
25 initial school performance framework as priority improvement



1 and turnaround, there's 78 of those schools, okay.

2 But then we have an initial 101 schools that
3 are identified. Again preliminary, this will probably change
4 when you all do request to reconsider and approve the school
5 plan types in December. But right, now we've got 101 schools
6 that are state only and 152 that are federal only. So, this
7 is a long-term conversation we wanna have. But right now, we
8 just wanna make sure everybody knows.

9 This is- this is what was submitted to the
10 USDE. So anything we do today like we already kind of have
11 this Venn diagram of the schools pulled apart. So the- and
12 the reason why that this- we're having these different
13 identification are really that the laws look at different
14 needs and different reasons why we wanna identify schools
15 for support.

16 So, some of the biggest differences between
17 it is that the federal law really calls out looking at
18 individual disaggregated groups of students. So, if overall
19 a school is doing okay but really struggling, and there are
20 students with disabilities, ESSA wants us to provide support
21 and have attention placed at schools like that and support
22 given to them.

23 Okay. So, the ESSA identification. I think
24 that's another really important point we had on before we
25 get into it. Is what does it mean for a school to be



1 identified in the comprehensive retargeted labels. There's
2 requirements for improvement planning like our state
3 improvement planning and those are getting- integrated into
4 the Unified Improvement Plan.

5 So, again, it's the unified plan, schools
6 aren't doing multiple plans just to serve different masters.
7 Schools that are identified under ESSA are eligible for
8 School Improvement funds and support. And that's really the
9 key areas. We wanna make sure we can direct those resources.

10 We have about \$10 million of federal money to
11 actually support our schools, which is a great gift to be
12 able to have and we wanna make sure we can use that to
13 schools that need it the most. And then there's requirements
14 for reporting the identified schools and some of the
15 underlying data for that.

16 So, that's what it means, there's no
17 accountability clock like we have in our state system. Under
18 ESSA, it's really around improvement planning, School
19 Improvement funds identification. There are some timelines
20 as time goes on for some comprehensive schools but it's not
21 like what we have in our state statute. Is there are any
22 questions on that before we go into details?

23 Okay. So, to talk about the achievement and
24 participation calculation. I'm going to start off with this.
25 This is probably the most complicated today. So, then you



1 can- you can know the rest of the presentation will get a
2 little bit easier. We want to remind you of the context Mr.
3 Durham asked this when- at the September meeting, kind of
4 where do our schools fall.

5 So, we have about 19 percent of schools that
6 are below 85 percent participation, either don't have data,
7 those with insufficient data, there are 57 schools there or
8 have participation rates below 85 percent. We've got about
9 60 percent of schools that are at above 90 percent. And this
10 is just looking at English language arts for 2017. I believe
11 Ms. Cordial sent you a data file that we had put together
12 that has the participation rates for the state, all of our
13 districts and all of our schools from 2015, 2016 and 2017.

14 That's also posted on our website now, so
15 it's a resource we're starting to dig into it more and we're
16 working on some visualizations that'll be available in the
17 future to really better understand what those patterns are
18 across the state. Okay.

19 So, the issue in front of you today, that we
20 need to resolve for our resubmission for US is- are for the
21 U.S. Department of Ed, is really how we calculate academic
22 achievement when we identify schools for comprehensive
23 lowest 5 percent targeted in additional target ed. What ESSA
24 says in the law is that nonparticipants, once you exceed the
25 5 percent for whatever reason the non-participant need to be



1 counted as non-proficient when we calculate achievement,
2 okay?

3 So, that's what- that's what we need to
4 decide about today. We have flexibility in how we report our
5 data and we have flexibility for state accountability
6 system. But what the US Department of Ed has said to us in
7 our plan is that we need to change that calculation for
8 identification of comprehensive targeted and additional
9 targeted schools. Okay?

10 Now, I'm gonna go through all of this again,
11 you all have heard this a few months now in a row but it's
12 really this yellow orange color that we need to make a
13 decision about today. You'll see in some of the feedback and
14 you'll hear in some of the notes in the PowerPoint, there
15 were suggestions and comments around things that are in the
16 green area, where the board has flexibility and can think
17 about in the future if you all so choose to do so.

18 But it's really in the yellow, about how are
19 we calculating that achievement indicator for federal
20 identification purposes that is a decision point that we
21 need today. So, here are the options that we talked about
22 last month and that we got feedback on. The first option is
23 that we only adjust the achievement calculation for
24 identifying schools under the ESSA.

25 We do not touch, we do not change how we're



1 doing our- the calculations for the school and district
2 performance frameworks but we make that change for the
3 federal identifications and we do the calculations that way.
4 That's what- tha- that first motion was supposed to align
5 with.

6 So we'll make sure we get some suggestions on
7 how to make that a little bit more clear and make sure that
8 it's just about the federal identifications. Option two is
9 that you could align the achievement calculations for both
10 the state frameworks and for the federal frameworks or the
11 federal requirements.

12 Option three is that we don't make changes
13 anywhere and we send our state plan back as it was
14 submitted. So, let me go through the options a little bit.
15 The green font is areas of additional input that we heard
16 from our stakeholder groups on the 21st. So, again, the
17 first one is around, if we only make the change for the
18 federal calculations, the federal identification and not for
19 the state.

20 Some pros of that, again, are that we can
21 have an approvable yes, they say plan, at least that's
22 what's been community kids to us from the US Department of
23 Ed. It keeps our state system intact the way it is now. It
24 also allows for a future waiver opportunities, because once
25 you have an- an approved plan, then waivers with the US



1 Department of Ed are kind of on the table and we can have
2 those conversations.

3 There's some concerns about this, about the
4 misrepresentation of schools with low par- participation
5 using the federal calculations. We also heard from
6 stakeholders, some stakeholders at that meeting that the way
7 the data is now, they feel is mis-representive. Because it
8 doesn't include all students and for some schools
9 participating.

10 So, that was just the feedback we got there.
11 There's a misalignment with the state calculations. We have
12 a different dataset underlying it. The federal system would
13 not align with how you all have approached parent excusals
14 in the past. And then, the other feedback we heard from some
15 committee members that day was that, to do this, we wouldn't
16 be transparent with our federal calculations.

17 So, they felt like if we kept our state
18 system and the data, we were reporting on the state
19 frameworks as it is and then we had to have a different
20 calculation for federal, that wasn't on the state framework
21 and that wasn't being transparent about the federal
22 frameworks. We still have to- or the federal data and
23 calculations, we still have to report that somewhere. It
24 doesn't need to be on the state performance frameworks but
25 that was just feedback we got that day.



1 Again, we can do some mitigation with this.
2 The US Department of Ed was clear that we can, you know,
3 when we've got the Venn diagram, we could really separate
4 out those federal ones from the group that are identified
5 federally because of lack of participation in the
6 calculations there from the ones that are identified based
7 on actual- the low per- performance of students that tested.

8 So, we can kind of separate that way and then
9 we can also do the same thing when we separate that we also
10 do that in prior decision of funding. So, we can make sure
11 that the funding is going to the schools that we know have
12 performance challenges as opposed to the ones that we're not
13 sure about because of participations. So that's option one.

14 Option two is if we make changed to the
15 federal calculations with the kind of the students as non-
16 profession and then also made the change to the state's
17 system. So that when we calculated the school and district
18 performance frameworks, students would be counted and non-
19 proficient there as well.

20 Some people at accountability work group had
21 meeting thought that there's a potential for this to
22 increase participation rates. There is a lot of discussion
23 and we'll see it in the notes and we'll talk about it a
24 little bit later about, is that a punitive way to do it. And
25 punitive versus non-punitive, there was concerns about that



1 in the room.

2 And again, that it would allow for future
3 waiver opportunities. Otherwise, the pros and cons are very
4 similar on that medication you could do the same thing with
5 the state system and the federal system. And then, finally,
6 the third option would be the State firm, to what we submit
7 did not change anything in our submissions to the US
8 Department of Ed.

9 We got some additional pros for that when we
10 were having the conversation, people talked about that that
11 would support local control and parent choice, that would
12 pushing it on the US Department of Ed on this issue. There
13 were a lot of cons that were mentioned in that conversation
14 as well, that it would potentially stop funding to those
15 schools that need it the most.

16 They were concerned that if this gets tied up
17 in funding and it's, and it's if, that- holding up title
18 funds is holding up money to students that really need the
19 support the most. So, people who are understood it was an F,
20 but they wanted to make sure that clear. Thank you.

21 UNIDENTIFIED VOICE: On the con for
22 potentially stalling funds for schools that needed them
23 most, is that my understanding that what we could
24 potentially be putting in jeopardy are Title I Funds? Is
25 that correct? And if so, roughly how much are we talking



1 about for the State of Colorado?

2 UNIDENTIFIED VOICE: It's about 152 million
3 that we received the state, and then about 10 million
4 available for schools identified for improvement. And that
5 10 million comes from the 152 million.

6 UNIDENTIFIED VOICE: Thank you very much. So,
7 then-

8 UNIDENTIFIED VOICE: What percentage of the
9 share is that of total spending on education in Colorado?

10 UNIDENTIFIED VOICE: I think it's around
11 between eight, eight- around 8 percent or 9 percent.

12 UNIDENTIFIED VOICE: A hundred and fifty-two
13 million is 8 percent or 9 percent of 3.8 billion?

14 UNIDENTIFIED VOICE: Oh, I was talking- I was
15 talking all federal funds.

16 UNIDENTIFIED VOICE: No, no. I wanna talk
17 about total funding in Colorado. What's total funding in
18 Colorado for state, local and federal?

19 UNIDENTIFIED VOICE: Well, I'm not gonna be
20 able to answer that.

21 UNIDENTIFIED VOICE: How many billion is it?

22 UNIDENTIFIED VOICE: It's like four or five-

23 UNIDENTIFIED VOICE: No, it's six. So-

24 UNIDENTIFIED VOICE: Six billion?

25 UNIDENTIFIED VOICE: I- I did the math on



1 this one, I had the numbers in front of me, and it's some-
2 something less than 3 percent, not 8 percent.

3 UNIDENTIFIED VOICE: Still a lot.

4 UNIDENTIFIED VOICE: Well, 3 percent. I mean-

5 UNIDENTIFIED VOICE: Okay, okay forward hope.

6 UNIDENTIFIED VOICE: Thank you.

7 UNIDENTIFIED VOICE: What's your clarifying
8 question?

9 UNIDENTIFIED VOICE: So, here-

10 UNIDENTIFIED VOICE: It was a clarifying
11 question.

12 UNIDENTIFIED VOICE: Overall things from what
13 we heard on the 21st, we just wanted to bring this back to
14 you as you heard it. Most of the room was concerned about
15 going with option three. I think people had a lot- there was
16 a desire there to have a long-term pathway or a long term
17 waiver conversation, about revisiting this with them.

18 But the- the sense was, it would make sense
19 to get approval first and then let's go back for a waiver.
20 That was the majority of what we heard in the room that day.
21 There was a lot of other conversation too about kind of the
22 root causes behind this and all that, and that is nothing
23 new you'll have to address today at all. But I just wanted
24 to bring it back to you because that's our job is to, bring
25 this information back and forth.



1 There was a desire in the room to find ways
2 to increase participation in state assessments across the
3 state. I think there were- that really stemmed out of the
4 fact that there's concerns about the data that we now have
5 available for accountability and reporting purposes. So,
6 that came from lots of different people. It wasn't saying
7 where we are is wrong or anything like that.

8 It was just that, what we have in front of us
9 is incomplete, and so there was a desire to think about how
10 to do that differently. There was conversations about how to
11 make the system more meaningful for students and parents and
12 I think you all did a lot of that with your motion last year
13 and your direction on the RFP for the state assessment, and
14 legislatures and a lot of that too.

15 It's a high school assessments too, and
16 there's a lot of questions about just trying to understand
17 why families aren't participating. So, that was just- that
18 was going on in the room during the day. There was
19 conversation about, which options would increase
20 participation. There was a lot of conversation around puni-
21 punitive versus non-punitive approaches.

22 It wasn't a consensus about it, it was just a
23 topic of conversation. And then, there were conversations
24 about other pathways besides just this federal o- federal
25 requirement to address high levels of non-participation. So,



1 people who were thinking creatively about are there tiered
2 approaches to look at, you know, participation rates between
3 85 percent and 95 percent differently than participation
4 rates of 50 percent, to think about improvement planning
5 requirements when participation isn't there.

6 People thought ideas around having an
7 accountability clock for participation rates. These are some
8 things that other states are doing as well, so it is just
9 good conversation in the room. It's nothing you want to need
10 to do today or at all if you choose not to, but we just
11 wanted to share that with you as feedback that we heard
12 while we were having this conversation.

13 So, what we're looking for you- for today,
14 and this is where we're asking for a vote just, so we can
15 make sure we're- are clear on your direction. As option one,
16 again, just to make the adjustments to how we calculate to
17 identify schools under ESSA and not change how we're doing
18 things for the state system.

19 State system would stay how it is,
20 nonparticipants are not and those achievement calculations
21 or growth calculations at all, they are not impacted. Option
22 two would be to change both the state and the federal
23 identification to account students after the 5 percent is
24 not proficient, or option three is not to change anything
25 and a re-submission to the U.S. Department of Ed. So,



1 hopefully, that clarified, but we can work- If you all would
2 like the- the motion language to look different, can
3 absolutely

4 UNIDENTIFIED VOICE: You'll take a couple of
5 questions right now?

6 UNIDENTIFIED VOICE: Of course.

7 UNIDENTIFIED VOICE: Board member Mazanec?

8 MS. MAZANEC: What does the participation
9 level look like this year, Park and semesters compared to
10 last year, across the state?

11 UNIDENTIFIED VOICE: Across the state, it's
12 slightly better than it was the year before.

13 MS. MAZANEC: That's what I thought.

14 UNIDENTIFIED VOICE: Board member McClellan?

15 MS. MCCLELLAN: If there's clarifying
16 language that helps to make clear what option one really
17 means? That was my intent when I- when I made my attempts on
18 motion.

19 UNIDENTIFIED VOICE: So, you did mean motion
20 two?

21 MS. MCCLELLAN: No. I think we need a better
22 worded motion one, and it sounds like Bizy may have that for
23 us. And so, I might be able to put that on the floor for us.

24 UNIDENTIFIED VOICE: So, this is just a
25 pause, right? Because you have more to talk about?



1 UNIDENTIFIED VOICE: Yes, but we wanna pause
2 here. With- we're done talking about the achievement and
3 participation calculation. So, we would love your direction
4 on the there before we move on to the other issues.

5 UNIDENTIFIED VOICE: Yes. Board member
6 Rankin.

7 MS. MCCLELLAN: You know, I'm going back to
8 Page 9, where you have the number of schools and the percent
9 of schools below 85 percent. Some of the schools have very
10 few students, some have a lot.

11 UNIDENTIFIED VOICE: Yes.

12 MS. MCCLELLAN: So, when the money is
13 allocated, like if there's 10 students, I mean, in- in fact
14 that you have fe- and you have 50 percent, do they get more
15 money, or is it per pupil that are in that category and that
16 it would be the same for a very large school district
17 compared to smaller ones?

18 UNIDENTIFIED VOICE: In terms of the support-

19 MS. MCCLELLAN: Yes.

20 UNIDENTIFIED VOICE: -funds available?

21 MS. MCCLELLAN: Yes.

22 UNIDENTIFIED VOICE: I think that's something
23 we're working on right now and taking into consideration
24 both the size of the school and the support needed. Like, is
25 it an intensive support that takes a lot more funding to do,



1 is that a less intensive if they wanna just focus on a
2 smaller area of school improvement. So, I think it's a
3 combination of school size.

4 MS. MCCLELLAN: Have we been doing that all
5 along?

6 UNIDENTIFIED VOICE: I think that's been part
7 of what we're trying to get more explicit about that now
8 probably.

9 MS. MCCLELLAN: Have we added up all of the
10 students and figured out the same percentage numbers-

11 UNIDENTIFIED VOICE: For the students?

12 MS. MCCLELLAN: -about 85 to 95 percent
13 participation, you know, within this whole state. I mean,
14 maybe not. Maybe we're just supposed to look at the schools.

15 UNIDENTIFIED VOICE: How many students are in
16 the schools identified?

17 MS. MCCLELLAN: Yeah.

18 UNIDENTIFIED VOICE: Yeah.

19 MS. MCCLELLAN: How many identified students
20 are in the schools that are identified?

21 UNIDENTIFIED VOICE: In the schools- yes. So-
22 I think I understand-

23 UNIDENTIFIED VOICE: Madam Chair, is the
24 question- If we- if you were just to say of the- how many of
25 the 100,000 students should have taken the test. What



1 percentage of those actually took it? Do you have that
2 number? Regardless of where they are, or which districts
3 they're in, or any of that?

4 UNIDENTIFIED VOICE: It tends to vary
5 significantly by level.

6 UNIDENTIFIED VOICE: I'm sure but, I mean,
7 you could start with total, and then you could break it down
8 by grade --

9 UNIDENTIFIED VOICE: Yeah.

10 UNIDENTIFIED VOICE: -- for that matter.

11 UNIDENTIFIED VOICE: Which I think --

12 UNIDENTIFIED VOICE: And if we have, I think
13 I've seen that, haven't we?

14 UNIDENTIFIED VOICE: Yeah.

15 UNIDENTIFIED VOICE: The data file we think
16 has the number of students in there along with the
17 percentage of the students.

18 UNIDENTIFIED VOICE: Okay. And haven't I seen
19 that someplace or? Yeah.

20 UNIDENTIFIED VOICE: Yeah.

21 UNIDENTIFIED VOICE: Yeah.

22 UNIDENTIFIED VOICE: Yeah.

23 UNIDENTIFIED VOICE: No.

24 UNIDENTIFIED VOICE: Do you- do you have it
25 handy or is it?



1 UNIDENTIFIED VOICE: Yes. Just a second. I
2 haven't even opened it yet.

3 UNIDENTIFIED VOICE: Is that the information?

4 MS. MCCLELLAN: I- I'm just wondering if- if
5 the support that we're able to give is equal a- a-among
6 students that need the support, I guess. On the turnaround
7 or the, you know, the priority improvement.

8 UNIDENTIFIED VOICE: So are you- are you
9 wondering at the schools, how many students are-

10 MS. MCCLELLAN: Yeah.

11 UNIDENTIFIED VOICE: -enrolled in the schools
12 identified for improvement or?

13 MS. MCCLELLAN: I guess. But even if you go
14 into the school, I would think you'd be working with the
15 lower performing students, maybe I'm wrong.

16 UNIDENTIFIED VOICE: Well, yeah. So, then we-
17 in the schools identified under ESSA there are about 105,000
18 or hundred- 103,000, 105,000 students enrolled in the 230
19 schools identified for improvement. I think that's right,
20 isn't it?

21 MS. MCCLELLAN: I think 150,000 students.

22 UNIDENTIFIED VOICE: A hundred and fifty-

23 MS. MCCLELLAN: Total and all the different
24 identification.

25 UNIDENTIFIED VOICE: Give or take fifty.



1 UNIDENTIFIED VOICE: Well, 105,000 in the
2 comprehensive- comprehensive low grad, targeted an
3 additional- targeted schools identified for additional-
4 additional targeted improvement. So, those schools- some of
5 those schools are- are s- have small enrollments some have
6 much larger enrollments. The idea is to get them support
7 based on the reasons that they've been identified for
8 improvement.

9 So, if they're struggling with students with
10 disabilities or English learners or low-income students, we
11 would wanna match their support to the reasons that they've
12 been identified. Does that help?

13 MS. MCCLELLAN: So, it has nothing to do with
14 the size of the school or anything. It's just the support-
15 needs specifically to that school?

16 UNIDENTIFIED VOICE: Well, I do you think
17 that in some cases, I think we have one school identified
18 for comprehensive support that I think has like 10 students
19 enrolled. So, yes, we would wanna tailor the amount of funds
20 that are awarded to the number of students in that- enrolled
21 in that school.

22 UNIDENTIFIED VOICE: But only \$10 million are
23 provided by ESSA?

24 UNIDENTIFIED VOICE: For school improvement.
25 So, we- we receive around 150- around \$150,000 dollars in



1 Title I Funds, and 10- and 10 percent- of th- or 7 percent
2 of those funds are reserved for school improvement.

3 UNIDENTIFIED VOICE: About 150 million. About
4 150 million for 150,000.

5 UNIDENTIFIED VOICE: A hundred and fifty
6 million, I'm sorry.

7 MS. MCCLELLAN: A hundred and fifty million
8 but then you, you- you get 10 million. Begin to give its
9 grants or?

10 UNIDENTIFIED VOICE: Yeah. So the majority of
11 the funds- the majority of the \$150 million are awarded on a
12 formula basis and once- once when Colorado receives its
13 Title 1 Award, we reserve 7 percent of that total amount we
14 re- we receive to award to schools that have been identified
15 for improvement under ESSA.

16 UNIDENTIFIED VOICE: And then Mr. Durham to
17 your question about the numbers tested- I know that- I don't
18 know- did Commissioner Anthes just provide that?

19 MR. DURHAM: Thank you. Doctor Anthes did-
20 did have it and so-

21 UNIDENTIFIED VOICE: Okay.

22 MR. DURHAM: It looks like almost 89 percent
23 of all of the students in the state took the English-Math
24 test.

25 UNIDENTIFIED VOICE: Yeah. And we are like



1 90.5 percent for English Language Arts and for Math last
2 year in 2017.

3 MR. DURHAM: So that's up-

4 UNIDENTIFIED VOICE: That's up a little bit.

5 MR. DURHAM: Just a little bit for the
6 numbers.

7 UNIDENTIFIED VOICE: Exactly. Yeah.

8 MR. DURHAM: So- so right now, the opt out-
9 the parental opt out rate is right at 10 percent.

10 UNIDENTIFIED VOICE: It's about- there's
11 reasons why students don't participate other than parents.

12 MR. DURHAM: Right.

13 UNIDENTIFIED VOICE: It's also the- the
14 number of coded parent with excusals last year was 8
15 percent.

16 MR. DURHAM: Okay.

17 UNIDENTIFIED VOICE: So there are some other
18 reasons why.

19 MR. DURHAM: So it's- it's really not- it's
20 not the gigantic problem. I mean, we're spending as a state
21 an enormous amount of energy. Again, we're majoring on the
22 minors- we got, I mean, relatively small number.

23 UNIDENTIFIED VOICE: Well, it's- it's the
24 ones that are really significant that are-

25 MR. DURHAM: Well, I mean, the statistics



1 show that it tends to be high performing students that opt
2 out, tend to be.

3 UNIDENTIFIED VOICE: Both.

4 MR. DURHAM: No, the evidence shows.

5 UNIDENTIFIED VOICE: And- and on that- and on
6 that line, in that line. So what are the top five schools-
7 school districts with the largest numbers of students that
8 have the largest number of opt outs. Could you name them? I
9 mean, we're just talking but let's name them. I mean-

10 UNIDENTIFIED VOICE: So that's all in the
11 data file that we sent you.

12 UNIDENTIFIED VOICE: I know it's on the data
13 file.

14 UNIDENTIFIED VOICE: Yeah. And we can pull it
15 out all for you.

16 UNIDENTIFIED VOICE: But I think- I think we
17 could make it public by saying- would I be wrong by saying
18 that one of the school districts with- is Douglas County.

19 UNIDENTIFIED VOICE: So if you're asking- do
20 you want the number or the percentage- parent?

21 UNIDENTIFIED VOICE: The top five. The top
22 five-

23 MR. DURHAM: Percent.

24 UNIDENTIFIED VOICE: School districts.

25 UNIDENTIFIED VOICE: Percent, right?



1 MR. DURHAM: Percentage or number?

2 UNIDENTIFIED VOICE: Number like is- is- is
3 Douglas County number one?

4 UNIDENTIFIED VOICE: No.

5 UNIDENTIFIED VOICE: Hold on. Just a second.

6 UNIDENTIFIED VOICE: Here it is.

7 UNIDENTIFIED VOICE: I've got it here.

8 UNIDENTIFIED VOICE: And then your district.

9 UNIDENTIFIED VOICE: So and remember- and
10 size is an issue, so a small district is more heavily
11 impacted with one or two kids. So in 2017, on English
12 Language Arts grades three through- hold on, let me make
13 sure I'm looking at- yeah, all grades three through to nine
14 that tested last year.

15 When I sort by the percent of students coded
16 with parent refusals. So that's coded, we know there is
17 still some coding issues.

18 UNIDENTIFIED VOICE: Right.

19 UNIDENTIFIED VOICE: Pritchett, Lone star,
20 Mancos, Revere and Kit Carson are the top five. So they are
21 small districts because just the numbers are. We also, whe-
22 when we have the map ready, we'll get that to you because
23 you'll see there's pockets around the state.

24 UNIDENTIFIED VOICE: No, but I'm talking
25 about large districts with- and I would say that probably



1 Boulder, that county.

2 UNIDENTIFIED VOICE: So Boulder had, and
3 again, this is three- grades three through nine the whole
4 district. Boulder had 22.1 percent of records coded as
5 parent excusals last year.

6 UNIDENTIFIED VOICE: 22 percent?

7 UNIDENTIFIED VOICE: 22 percent.

8 UNIDENTIFIED VOICE: That's large. What
9 about-

10 UNIDENTIFIED VOICE: Douglas County was at-

11 UNIDENTIFIED VOICE: Douglas County?

12 UNIDENTIFIED VOICE: Douglas County was at
13 19.9 percent.

14 UNIDENTIFIED VOICE: What about Cherry Creek?

15 UNIDENTIFIED VOICE: Cherry Creek was at 15
16 percent.

17 UNIDENTIFIED VOICE: What about Jefferson
18 County?

19 UNIDENTIFIED VOICE: There's some really
20 good.

21 UNIDENTIFIED VOICE: Jefferson County?

22 UNIDENTIFIED VOICE: Hold on. I got to scroll
23 way down to find them.

24 UNIDENTIFIED VOICE: Well, they did because-

25 UNIDENTIFIED VOICE: Jefferson was at 3.8



1 percent parent- coded parent excusals.

2 UNIDENTIFIED VOICE: Jeffco above 95 percent.
3 Denver is above 95 percent.

4 UNIDENTIFIED VOICE: Yeah.

5 UNIDENTIFIED VOICE: Adams as well, yeah.

6 UNIDENTIFIED VOICE: Right. So we have these
7 high performing districts- that also have the money.

8 UNIDENTIFIED VOICE: Some of which have opt
9 outs. Some of which do not have opt outs.

10 UNIDENTIFIED VOICE: That was grades three
11 through nine, right?

12 UNIDENTIFIED VOICE: So-

13 UNIDENTIFIED VOICE: That's grades three
14 through nine. So it looks different. You know, we all know
15 the pattern in high school is much higher have the schools
16 in term-

17 UNIDENTIFIED VOICE: Generally, in high
18 schools you don't have class participation as they age.

19 UNIDENTIFIED VOICE: Yeah, exactly.

20 UNIDENTIFIED VOICE: But then we've seen
21 increases in participation with PSAT.

22 UNIDENTIFIED VOICE: But 19 percent of
23 100,000 is a lot more.

24 UNIDENTIFIED VOICE: Most students don't see
25 any benefits taking those tests as opposed to PSAT or SAT.



1 UNIDENTIFIED VOICE: Yeah, exactly. And when
2 the Legislature made that change for the 10th grade to go
3 from the park assessment to the PSAT. We saw a good increase
4 in the participation there. So I think we'll see that- I
5 think you are hitting on exactly what we were hearing at
6 that stakeholder group around wanting to know more about why
7 and what's happening and where it's happening and why
8 parents are, so I think there's just a lot of questions out
9 there about what are the patterns and what are we seeing and
10 why. Why is it one way in Boulder and a different way in
11 JeffCo and there's just a lot of questions about that. So-

12 UNIDENTIFIED VOICE: Board Member Rankin.

13 MS. RANKIN: Do we have- I believe just
14 because of what I hear all the time on this board that we
15 have a big problem with opt out and getting students to take
16 test. Do we have other states that have the same problem or
17 are we very unique?

18 UNIDENTIFIED VOICE: Based on the most recent
19 federal data that's been released. We are- which was 2015,
20 so you know, we've had some changes. We were the fourth
21 lowest participating state in 2015. So Montana, New York,
22 New Jersey and then Colorado. In reading, so in terms-

23 UNIDENTIFIED VOICE: New York and New Jersey?

24 UNIDENTIFIED VOICE: New York and New Jersey
25 and Montana were worse than- had lower participation rates



1 than us in Reading in 2015.

2 UNIDENTIFIED VOICE: Did they also have the
3 opt out option like we do- is that-

4 UNIDENTIFIED VOICE: Yeah. It's- I mean
5 people are choosing to not take the test.

6 UNIDENTIFIED VOICE: Okay.

7 UNIDENTIFIED VOICE: So there are only about
8 10 states where it was-

9 UNIDENTIFIED VOICE: Where it was below 95
10 percent?

11 UNIDENTIFIED VOICE: So Board Member Rankin
12 asked for that. There's no-

13 UNIDENTIFIED VOICE: Yes. Yeah. We sent you
14 all that data file.

15 UNIDENTIFIED VOICE: Which was interesting.
16 There's no surprise that-

17 UNIDENTIFIED VOICE: Yeah.

18 UNIDENTIFIED VOICE: There was that strong
19 participation around the country.

20 UNIDENTIFIED VOICE: Yes. We are in a more
21 unique place than most other states.

22 UNIDENTIFIED VOICE: We're special.

23 UNIDENTIFIED VOICE: Yeah, we're Colorado.

24 UNIDENTIFIED VOICE: Was their- did they
25 favor the group- did they favor one or two? I know, they



1 didn't favor three but did-

2 UNIDENTIFIED VOICE: Yeah.

3 UNIDENTIFIED VOICE: How was it weighted for
4 options one and option two? Do you have a feel for that?

5 UNIDENTIFIED VOICE: I don't know. I would
6 say- I would say one was probably the preference but there
7 were some people that thought or wanted to consider two
8 because- and that generally came from the people that were
9 more committed to making sure that we had a higher
10 participation rate in the state. So it was a wondering about
11 with option two increase that participation rate.

12 UNIDENTIFIED VOICE: Questions?

13 UNIDENTIFIED VOICE: Yeah. I mean- I think
14 that has come up before the picture of having a high non-
15 participation school, that is overall high performing and
16 just because of numbers and graphs and charts, they end up
17 being a high level recipient of support comprehensive or
18 targeted, that I find that very disturbing because you know
19 if we're gonna run the risk of not being able to serve
20 schools that legitimately where the majority of the
21 population participates- the majority of perhaps that
22 population are groups.

23 One of our ethnic or minority groups or
24 another group and there is a record of high participation in
25 those types of schools and somehow they're skipped over



1 because of the amount of money or how the formula works or
2 falls into places- that just, I'm having a hard time coming
3 over that hump and so if we've got a district like Boulder
4 or any of them, where they participate the non-participation
5 rate is that high and we end up being in a place where we
6 have no option other than to award them something.

7 What I- I- how can we get a- Yeah. How do we-
8 how did we- how do we embellish that in a sane way- a
9 reasonable way, I'm just- I'm having a very hard time with
10 that.

11 UNIDENTIFIED VOICE: If I remember the
12 statements of staff correctly from the last several meetings
13 that there is really nothing to fear and that those who are
14 not deserving of support will receive support because of
15 the election of option B that staff knows which- which
16 schools low perform because of participation questions and
17 which schools low perform because they're in fact low
18 performing, they don't have any problem ferrying that out
19 and there- and if I remember correctly, you're not going to
20 be required to give money to people who don't need it. Is
21 that a fair characterization?

22 UNIDENTIFIED VOICE: That is a fair
23 characterization. We can differentiate the schools that are-

24 UNIDENTIFIED VOICE: Your concern is not
25 legitimate.



1 UNIDENTIFIED VOICE: Do you all have a
2 picture of how the US Department will respond to that? Think
3 they're gonna do- Will be any stepping in or?

4 UNIDENTIFIED VOICE: No, they- they actually
5 said that to us- is that this is what you can do. You can
6 differentiate these schools and you can put the schools that
7 are identified because of participation over here and you
8 can put the ones that are identified based on the actual
9 performance over here and you can prioritize who you
10 support.

11 UNIDENTIFIED VOICE: And this, this is
12 strictly related to- well, the bulk of it is title one
13 money.

14 UNIDENTIFIED VOICE: It's the title one
15 school improvement dollar. So, this has nothing to do with
16 the actual Title One allocations that schools get for their
17 general Title One programming. It's that \$10 million that's
18 for school improvement purposes for the schools that are
19 identified under ESSA.

20 UNIDENTIFIED VOICE: Is- is there a chance-
21 an- and tell me if I'm getting too offside one way or the
22 other. Is there a chance that some of this work can be tied
23 in with the discretionary grants, packs?

24 UNIDENTIFIED VOICE: Then this is a-

25 UNIDENTIFIED VOICE: Because-



1 UNIDENTIFIED VOICE: Yeah. I think this is
2 if- if I understand what you're saying, this is the
3 discretionary and this is the school improvement money that
4 we've been awarding as part of like multiple RFP processes.
5 We're taking- we're putting it in to a one single
6 comprehensive approach.

7 UNIDENTIFIED VOICE: Okay. Yes, I think so.

8 UNIDENTIFIED VOICE: I have a question about
9 the disaggregation. Do we disaggregate participation?

10 UNIDENTIFIED VOICE: We report disaggregated
11 participation. It's on the performance frameworks within.
12 Wherever you see achievement data, we have trying out the
13 participation right- right there. The accountability that we
14 use in our state accountability right now is that the
15 overall participation made for the school level.

16 But when you go in and then look at a
17 school's performance framework, you'll be able to see. Okay.
18 Here is the English learners, here's their participation
19 rate, here's what their achievement was.

20 UNIDENTIFIED VOICE: So, when we're looking
21 at targeting resources and we know, and we have a subgroup
22 that has high participation and low performance. We can, I
23 think, believe that this is a place to be. No matter what
24 the overall accountability rating is for the district. That
25 this is a place that we should focus our attention.



1 So, I think that's how we can get to some
2 satisfaction that we're doing it right. When we have low
3 participation in all kids, it gets a li- a little more
4 confused.

5 UNIDENTIFIED VOICE: It does. And so, I think
6 in those situations where we have a whole school where
7 almost no one is taking the test, or no one is taking the
8 test. I think what we've been saying there is we just don't
9 know whether there's willing to support or not. We can't do
10 that.

11 So, we can say we're- we're gonna put the
12 school over there. And then, put our attention to where we
13 know that, based on the data that we have, we know that
14 there's challenges.

15 UNIDENTIFIED VOICE: Are we ready to have
16 people, or you want us to have a motion now?

17 UNIDENTIFIED VOICE: This would be a great
18 time.

19 UNIDENTIFIED VOICE: Board Member, McClellan,
20 do you have a motion?

21 MS. MCCLELLAN: Yes. Given that my
22 replacement motion, which also was not exactly what we meant
23 to say, was not seconded mercifully. I'll start afresh with
24 a better worded option one motion. And the intent here, for
25 those who are wondering, is to bifurcate the reporting



1 styles for lack of a better word, so that we're meeting the
2 fede- the federal requirements while still having our
3 current reporting system to the State of Colorado.

4 I move that CDE update the previously
5 submitted ESSA plan to note that when calculating
6 achievement ratings for identifying schools under ESSA for
7 comprehensive or targeted support, but not for state
8 performance frameworks the state will count any non-
9 participants in excess of five percent as non-proficient
10 records in accordance with the federal requests.

11 UNIDENTIFIED VOICE: I'll have a second.

12 UNIDENTIFIED VOICE: So-.

13 UNIDENTIFIED VOICE: Discussion.

14 UNIDENTIFIED VOICE: Sure. Discuss

15 UNIDENTIFIED VOICE: I think this- this
16 entire room where we've gone through four to protect
17 relatively small amounts of money 'cause we may really on
18 only within 10 million as opposed to 150 million. It- it is
19 an example of how federal government significantly
20 exaggerates the mind of people, the amount support it- it
21 provides, and effectively minimizes the amount of people and
22 the minds of people. The amount of control would exercise
23 this.

24 And where this- where the rubber meets the
25 road in this one is we have a number of parents. I think a



1 small shrinking number of parents, but certainly not to
2 exceed, at the present time, 10 percent. For whatever set of
3 reasons, and there's reasons of their own, elect not to have
4 their children test.

5 So, which I believe is their absolute right
6 now to be able to go peacefully on their way. What- what's
7 brought this to a head is that- is that before -before we
8 went down, before we- this board stopped the- the- the
9 penalty associated with non-participation, the school
10 districts used Vair and the legislature and also stepped in
11 the past legislation. But they were using very punitive
12 methods on students. If you don't take the test, you can't
13 extracurricular activities, we're just- that was the start.

14 And- and then, they went further and I- I
15 dealt with, it seemed like at the time on a daily basis
16 where every time I turned around, I had a parent calling
17 saying, 'Well, our- our school just told us that if we
18 don't take the test, they're going to be penalized, and
19 they're gonna lose this, that, and the other thing. And we
20 don't want it, but we don't want to unnecessarily hurt the
21 school. So, what are we supposed to do?''.

22 And you'd go through the explanation once the
23 board adopts its position towards no penalty. And- and then,
24 parents were free to choose and make up their own mind. What
25 I don't want to go back to, because the state was still in



1 place, I do not believe it's going to be repealed. I- I
2 don't want to go back to where- where a school district
3 personnel and administration feel that it somehow benefits
4 them, to threaten browbeat and punish people who, for
5 whatever set of reasons they have, wish to elect not just
6 paid in the federally mandated testing and make no mistake
7 that, yes, there's a state law about this. It came about as
8 a result of a federal mandate.

9 So, I'm not sure. I'm- I'm gonna- I probably
10 will vote for this motion although I would hope there are
11 some assurances from CDE that the federal data will be- not
12 be posted where it's easily found. Because even that will be
13 used to strike in school districts that, "Oh, my God,
14 there's a penalty here for non-participation." That the data
15 obviously has to be posted someplace, but it should not be
16 given equal weight with the data that- that we find to be
17 appropriate because the- I just don't want to go back and
18 have my phone ring from parents who feel threatened and
19 whose children are being punished because of some- some
20 administrator who somehow thinks it's in their interest.

21 And- and the people that generally came to me
22 and were threatened with punishment were parents who had
23 extremely high performing kids. And those districts, one of
24 those schools, so they look better. And that's just wrong.
25 So, I just want to make sure that we're not doing anything



1 to- to encourage the violation of state law which- which is
2 you cannot penalize a student for parent refusal and that I
3 further don't want these- these administrators to be
4 threatening.

5 Perhaps not threatening the student
6 individually but saying things that simply are not true to
7 parents. That school will suffer, lose funding whatever
8 because there is- because they don't participate. I really
9 don't want to go back to that and have to- have to deal with
10 it the way we dealt with it two years ago.

11 It was very unpleasant. It was no fun. I
12 think- I think we got away from it at least not completely
13 last year, but it was certainly better. So, there has to be
14 an understanding. And I think, the- the board has to accept
15 if we vote for this motion at face value, that staff will
16 discourage districts from doing this. And that staff will
17 not do anything to highlight a change in performance
18 downward as a result of non-participation.

19 So, I hope that's where we're gonna be a year
20 from now. That and we'll know in May either, or in April and
21 May, our phone will start to ring about here, the horror
22 stories again. And it's, I think, it's everybody's job on
23 the staff to try and make sure that doesn't happen again.

24 That districts fully understand parents have
25 a right to opt their children out. There is no penalty for



1 opting their children out. And if they take action against
2 parents and children, they are violating the law. Like you
3 know, I'll vote yes on the motions on- motion on that basis.

4 UNIDENTIFIED VOICE: Enough. Board member,
5 Rankin.

6 MS. RANKIN: I have a question. If- if we do
7 vote on this motion, it says identifying schools under ESSA
8 were comprehensive, so we're going to their standards. But
9 we also have our state framework. Now, do you put that
10 information together to se- send it to the Department of
11 Education, the U.S. Department of Education?

12 Is this gonna cause additional work for the
13 teachers and the districts? I think they're overburdened now
14 with mandated paperwork. And I- I'm concerned about this
15 particular motion having two different paths that schools
16 and- and teachers have to follow.

17 UNIDENTIFIED VOICE: I don't believe that
18 there's anything that would impact a teacher or a school in
19 this motion because all the data is on our side. So, we're
20 using all the data that we get the- whether a student
21 participates or not already. So, there's nothing new on that
22 it's just-

23 MS. RANKIN: How about impacting what you
24 send?

25 UNIDENTIFIED VOICE: What we send. We will



1 need to adjust the way we calculate for federal reporting to
2 the feds for the federal piece. They do not- we don't send
3 our state system to them. Right now, we, you know, when we
4 were under a waiver, it was a little different because we
5 had approval to use our state system then. But right now,
6 the way I said as we don't. So, we're just gonna give them
7 what they're asking for.

8 MS. RANKIN: So-

9 UNIDENTIFIED VOICE: That's what they will
10 get. They won't get our state data.

11 MS. RANKIN: So, it's not gonna overburden
12 you either with-

13 UNIDENTIFIED VOICE: We will make it work.

14 MS. RANKIN: -if- if we choose this
15 particular, yeah.

16 UNIDENTIFIED VOICE: Thank you.

17 UNIDENTIFIED VOICE: It's- it's- wa- was
18 another set of calculations. We can make it work.

19 MS. RANKIN: Okay.

20 UNIDENTIFIED VOICE: And I'd like to say one
21 more thing. I think i- if there's a- a staff that is- has
22 really earned its keeper with past it's this group has had a
23 very difficult time, and they work a lot of hours. This
24 doesn't make it easier on them by any stretch, but hopefully
25 doesn't make it impossibly harder either.



1 And I think the benefit to trying to- to let
2 parents raise children the way they see fit is worth the-
3 the extra. So- so I, you know, I frankly very much
4 appreciate what you guys have done. And I think this is,
5 well, it's not my preferred solution. It's certainly better
6 than the alternatives.

7 UNIDENTIFIED VOICE: Yeah. Thank you. Board
8 Member, Mazanec.

9 MS. MAZANEC: I don't really have a question.
10 I have a comment. I would just say that this- this entire
11 issue with opt out. I hope we're- we're going to look
12 thoughtfully at what we are replacing Park with because
13 we're just going to have the same- we're going to have the
14 same issue if it- if it looks like Park, but it's not called
15 Park, so that's my- that's my only comment. We're changing
16 from the Park's- Park test, it's now- it's now a test that
17 Pearson, right?

18 UNIDENTIFIED VOICE: What we asked for was
19 for a shorter test.

20 UNIDENTIFIED VOICE: Right. Definitely. That-
21 .

22 UNIDENTIFIED VOICE: We didn't specify that
23 it- that it change in substance, it's considered-

24 UNIDENTIFIED VOICE: Well, yes, we did. It
25 was going to be by teachers, the test-.



1 UNIDENTIFIED VOICE: Right. And so was Park.
2 But they are going to be Colorado teachers.

3 UNIDENTIFIED VOICE: Yes.

4 UNIDENTIFIED VOICE: The difference between
5 that and the Park is that, while Park may have had 40
6 Colorado teachers, it also had teachers from other parts of
7 the country that will not be the case here. This will be
8 Colorado teachers developing a test, it will be shorter, the
9 results will come back sooner. I believe that's what we
10 heard folks wanted, and I hope that it helps overall. So now
11 I get to repeat the motio- Are we ready to vote? - to repeat
12 the motion?

13 Board member, McClellan, made a motion that
14 CDE update the previously submitted ESSA plan to note that
15 when calculating achievement ratings for identifying schools
16 under ESSA for comprehensive or targeted support, but not
17 for the state accountability frameworks. The state will
18 count any nonparticipants in excess of five percent as non-
19 proficient records in accordance with federal requests. I
20 believe the second was from Ms. Goff, am I right?

21 UNIDENTIFIED VOICE: Would you call the vote,
22 please?

23 UNIDENTIFIED VOICE: Board member, Durham.

24 MR. DURHAM: Yes.

25 UNIDENTIFIED VOICE: Board member, Flores.



1 MS. FLORES: Yes.

2 UNIDENTIFIED VOICE: Board member, Goff.

3 MS. GOFF: Yes.

4 UNIDENTIFIED VOICE: Board member, Mazanec.

5 MS. MAZANEC: Yes.

6 UNIDENTIFIED VOICE: Board member, McClellan.

7 UNIDENTIFIED VOICE: Yes.

8 UNIDENTIFIED VOICE: Board member, Rankin.

9 UNIDENTIFIED VOICE: Yes.

10 UNIDENTIFIED VOICE: And board member,

11 Schroeder.

12 UNIDENTIFIED VOICE: Yes.

13 UNIDENTIFIED VOICE: That passes, seven-0.

14 Okay, you all, I know it's five o'clock, or just about. We

15 have a few more things to talk through with you. If you can

16 bear with us-.

17 UNIDENTIFIED VOICE: You know what five

18 o'clock means.

19 UNIDENTIFIED VOICE: I know. Should we move

20 the meeting somewhere else? I'm sorry.

21 MR. GREINER: Just kidding, just kidding,

22 just kidding.

23 UNIDENTIFIED VOICE: I should probably take

24 that back. We get punchy when we get to this time of the

25 day. The next item we were going to talk with you all about



1 is about K-2 schools. Murry's going to walk that through. We
2 received feedback from the U.S. Department of Ed that they
3 did not like our solution for- how we were going to identify
4 and basically not identify K2 schools.

5 So we've done some work, we got some input,
6 and we have some paths forwards that- paths forward that
7 shouldn't be too complicated, so Murry will talk through
8 that with you.

9 UNIDENTIFIED VOICE: No pressure, Murry.

10 UNIDENTIFIED VOICE: I know. We'll try to
11 make it as quick and painless as possible. So, just kind of
12 to, you know, recap some of the information that we told you
13 at the September board meeting and as Alyssa had said the
14 USD clarified that, I'm sorry, we needed a methodology for
15 identifying our K-2 schools for comprehensive and targeted
16 support and improvement, and we needed to come up with some
17 methodology for that identification.

18 So, we looked into the data that CDE has
19 available for K-2 schools that is currently being collected.
20 So we have the percent of students identified with
21 significant reading deficiencies on the redact assessments.
22 We could also come up with a metric that shows the change in
23 the percent of students identified as having a significant
24 reading deficiency on redact assessments.

25 We have chronic absenteeism or some other



1 kind of attendance information that we could create into a
2 measure starting with the 2017-18 school year and then we
3 also collect English learner proficiency growth for K-2
4 students. So, we brought together the hub and accountability
5 working group as Alyssa had said on September 21st and
6 talked to them about all of these possibilities and sort of-
7 you know, the pros and the cons of each of these different
8 data metrics and asked them for some, you know, some
9 additional guidance for us.

10 So, you know, just to sort of recap this, you
11 know, we can't use the traditional state or federal
12 performance, you know, metrics that we have because K-2
13 students don't take the assessments that we administer for
14 students starting in grade three. Just to give you an idea
15 of how many students we're actually looking at and how many
16 schools, there's a total of 15 K-2 schools in the state with
17 a total enrollment of 4205 students.

18 So it is a small proportion of schools, but
19 it does serve you know almost 5000 students, so we need to
20 figure out a solution that is appropriate, and you know we
21 have some data to- that was already reported and so we're
22 really trying to look within the data that we're currently
23 collecting. So, I'm putting forward three options. The first
24 one is to have two measures.

25 The first one will be for an achievement



1 measure. We would include the percent of students identified
2 with a significant reading deficiency on redact assessments,
3 and then as a growth measure, we would include the change in
4 the percent of students identified with significant reading
5 deficiency on redact assessments. So that would just have a
6 single, you know, growth and a single status component to
7 it.

8 UNIDENTIFIED VOICE: But that's not student
9 growth.

10 UNIDENTIFIED VOICE: It's not what?

11 UNIDENTIFIED VOICE: It's not individual
12 student growth.

13 UNIDENTIFIED VOICE: It's not- it's not in
14 growth calculated in like we do for CMAT, but it's looking
15 at of the kids that were identified in 2016, what percent of
16 them are still identified in 2017 or what percent are not
17 identified anymore in 2017.

18 UNIDENTIFIED VOICE: Oh, it is the same
19 students?

20 UNIDENTIFIED VOICE: So it is the same
21 students. It's not looking at just the percentage overall,
22 but-.

23 FEMALE_1: Oh, okay. I misread that then.

24 UNIDENTIFIED VOICE: Sorry, and I didn't
25 realize we could make that more clear on what we're saying.



1 So it's really looking at of those kids, so it's a change
2 for those students not based on who- who's at the school, of
3 the kids in a school in 2016 that were identified as with a
4 significant reading deficiency, what percentage of them are
5 no longer identified in 2017 to- because you know as the
6 goal of redact is to get these kids off, so-

7 UNIDENTIFIED VOICE: Yes, so it is the
8 students who had been identified who have- who are no longer
9 identified as having a reading deficiency because they have
10 shown progress, and so that is something that the hub and
11 the accountability working group felt was something that we
12 wanted to recognize was that students were making progress.

13 So, another option that we had was to and
14 have those same two- you know SRD measures, sorry,
15 significant reading deficiency measures and then also
16 include English language proficiency growth, and then the
17 final option would be to include the achievement growth and
18 English and proficiency growth as well as an attendance
19 measure.

20 So then, the relative weights of these
21 metrics in the next three slides are purely sort of for
22 explanatory purposes. We're not weighted- wedded to them,
23 they were sort of based on the ratios that we had in the
24 ESSA plan for elementary schools, and there is certainly
25 opportunity for moder- modification, but just to sort of



1 help you picture what each option, you know, could look
2 like, we wanted to present you some graphs for that.

3 So, this option one shows that 60 percent of
4 the pie here could be made up of the, you know, change in
5 percent of students with a significant reading deficiency
6 identified and then the- the remaining 40 percent of the pie
7 would be the students who are just identified as having-
8 having a significant reading deficiency.

9 So that kind of parallels our 60 percent
10 growth, 40 percent status that we currently have for
11 elementary schools. Then option two just sort of takes some
12 of that growth piece of the pie and shifts it over to
13 English language proficiency growth as again, so, similar to
14 what we have in the traditional frameworks. Then finally, we
15 have option three which takes a little bit of the- the
16 status, you know, so the percent of students identified as
17 having significant reading deficiency measure and moves it
18 over to including an attendance or being represented by an
19 attendance measure.

20 What exactly that attendance measure will be
21 like, we have some work to do in- in looking towards what
22 that could look like, but I'm just sort of to give you an
23 idea of what we could be proposing to the feds right now.
24 So, the feedback that we got from the stakeholders is that
25 they were generally in favor of including that change in



1 percent of students identified as having a significant
2 reading deficiency.

3 There was moderate support for including the
4 percent of students identified with a significant reading
5 deficiency, so that status measure, and there were concerns
6 around using the redact assessments for high stakes
7 accountability decisions, and there were also sort of
8 concerns with the number of redact assessments that are
9 available and for- that districts are allowed to choose
10 from, their comparability between those assessments and
11 their results.

12 There was also a recommendation, and I
13 apologize for the way this sentence was worded, I real- I'm-
14 as somebody pointed out to me, that's a little bit
15 misleading, but there was a recommendation that people
16 wanted to use multiple measures for identifying K-2 schools.
17 They didn't specify which multiple measures, they just said
18 multiple measures, and then the ones that we said sort of
19 talk through were English language proficiency growth and
20 then attendance and/or some sort of chronic absenteeism
21 measure. They were not specific or- or did not seem to be
22 aligned in their support of either of those measures.

23 UNIDENTIFIED VOICE: So these recommendations
24 are from stakeholder groups?

25 UNIDENTIFIED VOICE: It's the accountability



1 working group and the hub group that met on the 21st. Yes.
2 So we're really just looking for your direction on this
3 today. You know, in what we are submitting to the feds for
4 our revised ESSA plan on the 23rd, you know, if we should be
5 looking sort of, you know, more of that option one that is
6 a- a strict status in growth, you know, simplified measure.

7 You know, option two including English
8 language proficiency growth, or option three including, you
9 know, the attendance measure that is still to be sort of
10 worked out, but just the general direction from the board on
11 where you would like us to go with this.

12 UNIDENTIFIED VOICE: So, here's why I'm
13 struggling with this. I don't know that I know enough about
14 reading deficiency. For example, if a student is identified
15 as being dyslexic and they get services. Are they not gonna-
16 and the services are effective, are they not dyslexic the
17 next year still?

18 MADAM CHAIR: So, the way that the
19 significant reading deficiency, and- and unfortunately, we
20 don't have any in here from the- the literacy office try to
21 explain this a little bit better than I can, but there has
22 been, on the different assessments that are available under
23 the read act, they have set a cut point that they have
24 identified as showing a level of skill that indicates a
25 student has a significant reading deficiency. If a student,



1 you know, was dyslexic but had- so, I don't think- like
2 learned the- the coping mechanisms-

3 UNIDENTIFIED VOICE: The strategies.

4 UNIDENTIFIED VOICE: -the strategies, there
5 we go, to be able to, you know, successfully read, they
6 would not be identified as having a significant reading
7 deficiency i- if they scored high enough on the assessments.

8 UNIDENTIFIED VOICE: So, if the appropriate
9 interventions occur, then we would expect to see growth?

10 UNIDENTIFIED VOICE: Yes.

11 UNIDENTIFIED VOICE: Or sufficiently
12 effective interventions.

13 COMMISSIONER: I do believe so, but I'm not
14 the expert on that.

15 UNIDENTIFIED VOICE: I'm not either. I'm not
16 either So, I don't have-

17 UNIDENTIFIED VOICE: Really challenging.

18 UNIDENTIFIED VOICE: I guess what I'm
19 suggesting is that we don't wanna use a measure that by
20 definition, there, you- you can't have growth just because
21 of the different kinds of deficiencies that we have.

22 UNIDENTIFIED VOICE: We didn't in- we didn't
23 investigate the students who make progress over time and who
24 are no longer identified as having a significant reading
25 deficiency as they move through sort of the supports and



1 interventions that they receive and there is change. You do
2 see students making progress.

3 UNIDENTIFIED VOICE: Okay.

4 UNIDENTIFIED VOICE: And so, we did make sure
5 that was a measure that was actually meaningful and did
6 differentiate potentially at am- among the schools and- and
7 the supports that they're providing to their students.

8 UNIDENTIFIED VOICE: So, that's the coding. I
9 mean you- you wanted to measure that.

10 UNIDENTIFIED VOICE: Okay. Comments?

11 UNIDENTIFIED VOICE: Well, I had given our
12 discussion earlier. I- I am interested in the- in English
13 language acquisition. I mean, I don't know if it's a board
14 priority, but it certainly is my priority to the extent that
15 that provides an incentive.

16 UNIDENTIFIED VOICE: Right.

17 UNIDENTIFIED VOICE: Board member Flores?

18 MS. FLORES: Right, but I think option one is
19 very important for all students-

20 UNIDENTIFIED VOICE: Yeah, I'm not just- I'm
21 not saying that one-

22 MS. FLORES: -in general. And then I think
23 English language proficiency is important too because that's
24 a large portion of our minority population that you can just
25 identify. So, if-



1 UNIDENTIFIED VOICE: If you go back to the
2 pie.

3 MS. FLORES: I know. I know. If we had-

4 UNIDENTIFIED VOICE: Which one.

5 UNIDENTIFIED VOICE: That one.

6 UNIDENTIFIED VOICE: Here?

7 UNIDENTIFIED VOICE: No, the next one. The
8 first one. That- sorry. The one that 15, 40 45.

9 MS. FLORES: Yeah, but I think the ro- I
10 think one of the things-

11 UNIDENTIFIED VOICE: Yeah, that one- is that
12 one reasonable to you?

13 MS. FLORES: Yeah. And I think-

14 UNIDENTIFIED VOICE: It's pretty heavily on
15 literacy.

16 MS. FLORES: I think if we have both of them,
17 I think the Feds are really concerned that we don't care
18 about minority kids, and especially English language
19 learners. That's a big concern of theirs. And I think we
20 need to show that we do care and that we do want to show
21 progress.

22 We wanna do it for, not only for the Feds, we
23 wanna do it for ourselves, for our kids. So, I think that
24 indeed, the ESL One for growth in that area, would need to
25 be included and so are the others too. So, option one-



1 UNIDENTIFIED VOICE: So, cap two.

2 UNIDENTIFIED VOICE: Colleagues, what do you
3 think of roughly that? Do you agree with that, having those
4 three measures number one and number two are the weights?
5 What we would like to see?

6 UNIDENTIFIED VOICE: Well, I have a question.
7 We seem to be adding more with every option.

8 UNIDENTIFIED VOICE: Yes.

9 UNIDENTIFIED VOICE: Why?

10 UNIDENTIFIED VOICE: We tear them that way
11 intentionally. Sort of starting with the simplest option,
12 based upon what we've heard from the hub and AWE stakeholder
13 groups, but they also had recommended that we include more
14 measures.

15 I think the theory behind it is that sort of,
16 you know, more measures- measuring more information will
17 have- I don't actually know. I shouldn't speak for them, but
18 it will give a better- sort of overall picture because we
19 are pretty limited in what data we have for K-2 students.

20 UNIDENTIFIED VOICE: So, you think that's the
21 motivation between adding more?

22 UNIDENTIFIED VOICE: I think so.

23 UNIDENTIFIED VOICE: Because what I'm trying
24 to figure out is do- do we need to? Are we- are we somehow
25 making their acceptance of our idea more likely by more



1 data? I mean, I'm just wondering.

2 UNIDENTIFIED VOICE: I don't think in terms
3 of the U.S. Department of Education necessarily. I think if-
4 if we step back and look at the purpose of this again a
5 little bit, we want to look at our 15 K-2 schools in the
6 state and see if any of them have students struggling enough
7 that we want to prioritize them with that 10 million dollars
8 towards their support. That's what we're trying to do here.

9 So, how- what are the data points that we
10 wanna use to figure out which schools, if any of those 15,
11 and there might be none of them, would want some additional
12 support?

13 UNIDENTIFIED VOICE: Okay.

14 UNIDENTIFIED VOICE: Does that help?

15 UNIDENTIFIED VOICE: Yeah. So, I like that.

16 UNIDENTIFIED VOICE: Okay.

17 UNIDENTIFIED VOICE: Good. Enough with that.

18 UNIDENTIFIED VOICE: Yeah. Option two?

19 UNIDENTIFIED VOICE: Okay.

20 UNIDENTIFIED VOICE: Sounds great.

21 UNIDENTIFIED VOICE: Thank you all very much.

22 Thank you very much guys.

23 UNIDENTIFIED VOICE: You're welcome.

24 UNIDENTIFIED VOICE: This one. This one's a
25 little- it can get- it could get really weedy. We will try



1 and just keep it a high level and conceptual for you all. If
2 you all wanna get into the weeds, we can get into the weeds.
3 I think the hard thing about whenever you talk about targets
4 is that we get into this conflict between ambitious and
5 attainable.

6 And we're gonna have this conversation some
7 more tomorrow and we'll talk about the targets for the
8 frameworks, because we are where we're at in terms of
9 performance for- in our state, especially for some of our
10 disaggregated groups compared to where we wanna be. There's
11 a big gap there.

12 And so, whenever you start talking about
13 targets, we could easily be very ambitious because we have a
14 long way to go, but then there's that attainable piece to
15 it. So, it's trying to balance those two things and that's
16 the tension that I think the boards face, the hubs face in
17 the previous targets and what we're facing here.

18 And so it's gonna get down to that, and we
19 could spend a lot of time on that conversation if you all
20 want, but it- it's- it comes back to that same theme of
21 we're struggling between ambitious and attainable and I
22 think we've got some ideas based on what we heard from
23 stakeholders that kind of do a balance of that but they're
24 not gonna be as ambitious as some people want and they're
25 not to be as attainable as other people want. So, maybe if



1 everybody doesn't feel like-

2 UNIDENTIFIED VOICE: Rem- Remind-.

3 UNIDENTIFIED VOICE: -then neither we're in
4 the right place. I don't know.

5 UNIDENTIFIED VOICE: Remind us what the Feds
6 said.

7 UNIDENTIFIED VOICE: Yes. I'm gonna jump in.
8 I'll stop talking over- over her, and I'm gonna jump into
9 it.

10 UNIDENTIFIED VOICE: Yep. So, I can get into
11 that. So, just to kind of clarify just as a refresher. So,
12 as far as what we're required to do is set ambitious, long-
13 term goals as well as measures of interim progress for
14 academic achievement and we must ensure that the timeline
15 that we set for those, our goals is the same for all
16 students and all student groups and that those goals take
17 into account any improvement that's necessary for- to close
18 achievement gaps with that.

19 So, before I talk a little bit about our
20 feedback, I just want to kind of go over what exactly these
21 targets are used for. So, the progress that we have towards
22 our long-term goals and interim targets will be publicly
23 reported at the state district and school level for all
24 students and for each of those student groups. In addition,
25 schools that are identified under ESSA in those



1 comprehensive and targeted support and improvement
2 categories that we've already talked about, need to consider
3 their performance against these goals to inform their school
4 improvement planning.

5 However, these actual targets do not need to
6 be used to identify schools based on their actual progress
7 towards the long-term goals or interim measures. In
8 addition, these targets do not need to be used on our own
9 school and district performance frameworks. So, initially
10 what we had submitted in our state plan, when we had
11 gathered feedback on this process, we had held our
12 accountability spok meetings, when we still had some
13 regulatory guidance in place which required that we apply
14 the same high standards of academic achievement.

15 So, the way that was interpreted when we had
16 first submitted our state plan was that we were required to
17 set the same end goal for all students. As as a result, our
18 initial submission for our state plan included normative
19 long-term goals where all students and all student groups
20 were expected to reach. We had set a baseline 50-third
21 percentile within six years for that.

22 The Department of Education however clarified
23 that our long-term goals do not actually need to be the same
24 for all groups, only that our timeline and methodology for
25 creating those goals and measures of interim targets must be



1 the same. So, in, in regards to the feedback that we
2 received from the US Department of Education, they indicated
3 that our proposed targets resulted in some of our
4 disaggregated groups showing our starting performance that
5 was already above what we had set our long term goal,
6 whereas, other disaggregated groups they felt needed to make
7 substantial progress in order to achieve those targets.

8 So, we're kind of using this as Alyssa talked
9 about, to really kind of revisit this process and rethink
10 that balance between setting targets and long-term goals
11 that are ambitious yet attainable. So, here's kind of what
12 that diagram looks like based on what we initially
13 submitted. So, we had use percentile ranks. We looked at
14 what the starting performance was for all of our
15 disaggregated groups and based on the old student
16 performance, which our baseline would be at the 50th
17 percentile since it is a normative system, we were expecting
18 all student groups within six years to get to that 50-third
19 percentile.

20 That was using interim targets that were over
21 two years increasing by one percentile. So, here's where you
22 can kind of see that we do have some disaggregated groups
23 that are already starting above that long-term goal. So, you
24 can see that we have- I think it's our Asian students, our
25 White students who are already above that and the feedback



1 that we received was that those- the target that we set,
2 therefore, was not ambitious enough for those particular
3 groups.

4 Conversely, we do have some other groups so
5 if we look at students with disabilities, for example, who
6 are starting at the first percentile, that would need to
7 make substantial progress in order to reach the 53rd. So,
8 we- that- we were given feedback that that is a highly
9 ambitious but need to consider whether that is attainable
10 for those students or for that group as a whole I should
11 say, in the given time frame that we're looking at for these
12 long-term goals.

13 So, some options therefore that we propose in
14 revising our long-term goals and our measurements of interim
15 target, we wanted to make sure that we took into
16 consideration the feedback that we receive from the US
17 Department of education and also kind of consider some of
18 the additional flexibility that we have to set different
19 targets for different groups.

20 So, we are considering two different options
21 here. Option 1 is kind of- it's to revise our targets that
22 we initially proposed to our state plan only for those
23 groups that were already performing above our long-term
24 goal. So, it would be only those groups that were already
25 exceeding the 53rd percentile.



1 That was based on some feedback we had
2 received from the US Department of Education that we could
3 set targets for those groups just to essentially maintain or
4 improve their performance. Option 2 is to kind of rethink
5 our methodology for this and to rework considering a gap
6 closure approach instead. So, I'm gonna kind of describe
7 those two processes then.

8 So, here is option one. So, as I mentioned,
9 essentially, we'd be keeping that same ever and getting to
10 the third percentile. Except for those groups that were
11 already performing above that and then they would just have
12 to maintain their performance. From the AWG and hub on the
13 September 21st meeting, we strongly heard concerns that we
14 didn't want to communicate essentially stagnant performance
15 for those groups that are already above that target, that
16 they didn't want to just set long term goal that was the
17 same as what they're currently at, and we wanna make sure
18 that we're really communicating high expectations for all of
19 our students.

20 And there was also still some of those same
21 concerns that we have with our initial submission, around
22 maintaining that balance between targets that are ambitious
23 yet also attainable because we still don't address some of
24 our student groups that are gonna need to make substantial
25 progress with this model.



1 Okay. So, the second option which was
2 definitely, I would say, received close to consensus if not
3 a consensus on that, that the stakeholders from that meeting
4 felt very strongly that we should consider option 2 which is
5 used more of a gap closure approach for that. So, they felt
6 it was preferable because it is sensitive to the starting
7 point of all of our student groups and also creates at the
8 same time high expectations for all of our students.

9 UNIDENTIFIED VOICE: How it- sorry.

10 UNIDENTIFIED VOICE: Yes, we will get into
11 some, some graphs of how that looks like.

12 UNIDENTIFIED VOICE: Okay. I'll wait.

13 UNIDENTIFIED VOICE: So, before we actually
14 kind of- so before we walk through what that's actually
15 going to look like, I wanted to give some additional
16 recommendations that we heard from the AWG and hub on, on
17 that- during that September 21st meeting, because we really
18 use that to kind of help inform how we laid out this option
19 2.

20 So, in addition to the feedback that they
21 really felt strongly about option 2, we received a number of
22 other recommendations that they wanted us to consider in
23 establishing our long-term goals. So, in particular, they
24 felt strongly that our long-term goals should reflect a
25 shorter timeline.



1 So, we've seen some states doing a variety of
2 things. So we do have some- a number of states that are
3 going for shorter timelines and then others that are
4 actually exceeding more than a decade, we're talking 10 to
5 15 years down. The stakeholders really felt strongly that we
6 needed to consider a shorter timeline.

7 Specifically, they were saying around five
8 years in order to provide a sense of urgency and really a
9 call to action for these goals and that actually kind of
10 alliance to when we had bef- initially submitted our plan
11 and put it out for public comment.

12 We did receive feedback on our long-term
13 goals then and in general the public also felt that between
14 five to seven years was ideal for that range. In addition to
15 feedback regarding the timeline, the AWG and hub members
16 also recommended that we consider the use of yearly interim
17 targets.

18 So, initially, we had proposed targets that
19 were- interim targets that would occur every two years, but
20 members actually suggested that more frequent targets would
21 allow schools and districts to make more frequent
22 adjustments in order to make improvements.

23 COMMISSIONER: Additional recommendations
24 that we also received, so they also felt strongly that our
25 long-term goals and interim targets should reflect a



1 criterion based approach. So kind of considering mean scale
2 scores directly rather than using a normative approach like
3 we were considering before with our percentile ranks.

4 They suggested that using an established
5 target could help to increase the likelihood that students
6 would be college and career ready and ensure again high
7 expectations for all of those groups. And they also felt
8 strongly that the long-term goals need to reflect all
9 disaggregated groups being expected to make progress.

10 So kind of taking those recommendations and
11 putting that into option too, they proposed methodology then
12 so as I mentioned would be a gap closure approach which
13 would establish long term goals and interim targets that
14 ensure progress towards the criterion-based expectation of a
15 mean scale score of 750. 750 was identified because it is
16 the equivalent to reaching level four on the park
17 assessments for both math and English language arts and
18 equates to meeting grade- grade level expectations.

19 In addition, for this proposed methodology
20 we've also heard that we should take into account historical
21 change that we've seen to really use that to guide what
22 we're doing moving forward. So we also looked at our
23 historical change in our parks scale scores, means scale
24 scores across the past three years in order to establish
25 ambitious yet attainable targets for student groups that are



1 already either exceeding that 750 or very close to it
2 because we so wanted to make sure that they were making
3 enough progress.

4 So, based on historical data we do see that
5 on average our mean scale scores on English Language Arts
6 increase about one point per year and for math it's a half a
7 point. So, now we're gonna kind of get into more of the
8 pictures so hopefully this will help because I know it's
9 kind of a lot to take in, so.

10 UNIDENTIFIED VOICE: I know. So, before we
11 kind of really look at some of the different directions that
12 we want you guys to give us as far as regarding thresholds
13 and some of those different pieces, we really kind of wanted
14 to show this graph here to demonstrate how this gap closure
15 model would establish long term goals that ensure progress
16 towards that mean scale score of 750.

17 So for this example, we're looking at a gap
18 closure of 25 percent, but we will be discussing some
19 different thresholds in a couple of minutes here. So you can
20 see on this graph it shows three years of historical data,
21 so we have 2015, 16 and 17 mean scale scores.

22 And then that's for all students and for each
23 disaggregated group. In addition, we have corresponding long
24 term goals, so, based on that five-year recommendation that
25 would be through the 2022 year, would be our long term goals



1 for each of the interim targets for each of those groups.

2 And then we extrapolated out those lines so
3 that you can see how they all ensure progress ultimately to
4 that towards the criterion-based expectation of 750. That
5 means scale score of 750. We put in the different color
6 bands here, so you can see right now we're all of our
7 student groups are falling based on their mean scales score,
8 what level perform- performance level on their park
9 assessments that corresponds to.

10 So we have our level one which are those mean
11 scale scores below 700. We have our level two which is 700
12 to 724, level three 725 to 749 and then our levels four and
13 five are at 750 and above and those are those students that
14 would be considered meeting expectations.

15 And I just want to kind of point out that
16 particular- particularly for arson groups that have been
17 lower performing that we do see that historical data
18 suggests that the mean scale scores for these groups has
19 remained relatively steady or in some cases actually
20 declined slightly.

21 So we really just want to kind of keep that
22 in mind as we're thinking through what targets we do want to
23 be setting for all of these groups and really just kind of
24 thinking through that are proposed long term goals need-
25 based on this gap closure approach should reflect progress



1 that is ambitious but yet attainable based on this
2 historical data.

3 So now we're going to kind of focus in on
4 what this would actually look like for our long-term goals.
5 So this is our five-year timeline. So we see 2017 would
6 essentially be our baseline data that we're looking at at
7 the moment because we're looking at three years historical
8 and then we would be pushing that out for five years.

9 And, and again I did include the historical
10 data from 15, 16, 17 to keep that in mind. So, this graph in
11 particular demonstrates a 25 percent gap closure threshold.
12 So, essentially reflects that the gap between each group's
13 current performance and their performance towards that 750,
14 that mean scales for 750 will be close by 25 percent within
15 five years.

16 So it's shrinking that gap by essentially one
17 quarter within the five years. So if we look at students
18 with disabilities for example, we see that they had a mean
19 scale score of about 702.5 for 2017. Using a gap closure
20 approach of 25 percent, the five year long term goal for
21 those students, for students with disabilities that group
22 would be a mean scale score of 714.3.

23 So that group represents an increase of
24 nearly 12 points within five years. And this is based on
25 math data. So again, keeping in mind that what we've



1 actually seen historically for all students in the state,
2 we've only seen a half a point increase, so it definitely is
3 what we would consider ambitious in that regard.

4 UNIDENTIFIED VOICE: Change.

5 UNIDENTIFIED VOICE: So.

6 UNIDENTIFIED VOICE: Not now, when?

7 UNIDENTIFIED VOICE: So we're actually just
8 gonna- these are gonna look very similar. We're just kind of
9 tweaking that threshold because that's one of the decisions
10 or some of the feedback we'd like from you in regard to
11 directions moving forward, regarding what threshold that
12 makes sense.

13 So one of the aspects of this that we can
14 change is that gap closure threshold that we're using. So
15 here if we consider a gap closure of 33 percent instead of
16 25, essentially, we'd be looking to close the gap to 750 by
17 a third instead of a quarter.

18 So as a result, that would result in a
19 slightly higher long term goals and interim targets for many
20 of our student groups. And so, if we just continue on with
21 this disabilities example. Now their five-year long-term
22 goal would actually increase to a little over 718. So, now
23 we're looking at an increase about 15 and a half points. So,
24 you can see that jumps up.

25 And I do wanna point out that all of these



1 models do take into account the requirement that we ensure
2 that our groups that are lower-performing do make more
3 progress than our groups that are already higher-performing.
4 So, as you can see, based on where the- the gaps are
5 starting and then kind of how those lines converge at the
6 end, we do see that our- our lower-performing groups would
7 get closer to reaching the performance of some of those
8 higher groups with all of these approaches.

9 And then, here, again, it's just same thing,
10 just looking at 50 percent. So e- setting targets that would
11 be even more ambitious. But again, we need to consider that
12 attainable piece because if we do use a 50 percent threshold
13 for our students with disabilities for example, we're now
14 talking, means scale score of 70- 726.2, which is an
15 increase of nearly 24 points now within those five years.
16 So, that's kind of all of them side by side.

17 Therefore, just to take a kind of a- a
18 picture of how those all may have. And one thing I do wanna
19 clarify. So, as I mentioned before about using the
20 historical data, because we heard strongly from our AWG and
21 hub stakeholders, that they wanted to ensure that even our
22 groups that were already performing higher still continue to
23 demonstrate progress.

24 One thing that we did is using that
25 historical trend of a one-point increase on English,



1 Language, Arts, and half a point increase on Math. That was
2 kind of the minimum threshold that we set. So, even those
3 groups that are already above a 750, we still want to ensure
4 that they're meeting that minimum expectation of one-point
5 increase on English Language, Art and half a point on Math,
6 so that those groups too are making progress and not that
7 we're just setting their targets towards the current
8 baseline performance.

9 UNIDENTIFIED VOICE: This would be targets
10 yearly or every two years or do we know that- yeah.

11 COMMISSIONER: So, that again, is kind of
12 directions that we'd like from you. What we heard from the
13 stakeholders is that they would like yearly. So, they would
14 like- our long-term goal, they wanted this to be set at
15 about five years, but they- they wanted us to measure our
16 progress, our interim targets every year.

17 So, it would be incremental, dividing up that
18 progress per year and they wanted us to be reporting on that
19 yearly, is what we just heard at the September 21st meeting.

20 UNIDENTIFIED VOICE: So, while you're
21 suggesting 1 percent increase in Language, Arts and half a
22 percent in- or half a point, that's only-

23 COMMISSIONER: Ha- yes.

24 UNIDENTIFIED VOICE: The high-achieving folks
25 and the rest of them are on a much steeper-



1 COMMISSIONER: Correct.

2 UNIDENTIFIED VOICE: Curve.

3 COMMISSIONER: So, we wanted to ensure that
4 we were e- setting high expectations for everyone. So that
5 was our minimum that we wanted to-

6 UNIDENTIFIED VOICE: That's the dilemma. If
7 you're doing the right thing for our kids, you don't tend to
8 close the gap. You just tend to- everybody move up, but the
9 gap remains the same, unfortunately.

10 FEMALE_2: Yeah.

11 COMMISSIONER: As you can see though the- the
12 slopes for our lower-performing groups are a lot steeper, so
13 yes, we would expect to shrink.

14 UNIDENTIFIED VOICE: So what I'm trying to
15 figure out though, I think we're supposed to decide is what
16 is realistic for each of those groups.

17 COMMISSIONER: So, I- as Alyssa pointed out
18 again is a balance between ambitious yet attainable. So
19 really kind of giving us direction on the threshold that
20 makes the most sense, kind of, feedback that you guys may
21 have regarding that 25, 33, 50.

22 Also, any direction that you may have on
23 using 750 as what we're setting our long-term goals to
24 ensure progress towards. And then, also, the time frame. So
25 the five years that we did here, as well as the interim



1 targets, whether they should be yearly.

2 UNIDENTIFIED VOICE: Yeah.

3 COMMISSIONER: Or a different frequency.

4 UNIDENTIFIED VOICE: Board Member Flores.

5 DR. FLORES: Well, I mean, don't we kinda
6 have just a test phenomenon, because, this has just been the
7 second year. I mean when- when you think about testing and
8 there are- it's a new test. You're going to get kids that

9 are more, well, they'll be more familiar with the test, so-
10 COMMISSIONER: But that's only a one or two-
11 year effect. And then after that, it's- it's real-.

12 DR. FLORES: No, it's much longer. It's- and
13 especially when we have kids that are on computers and as we
14 heard in, I'm trying to think of the city we were in.

15 COMMISSIONER: Burlington.

16 DR. FLORES: Burlington. This is the first
17 year that they're going to use computers and they are not
18 sure whether because-.

19 COMMISSIONER: There is- there is that-

20 DR. FLORES: Yeah.

21 COMMISSIONER: There is that piece. There is
22 that test.

23 DR. FLORES: So I don't think-

24 COMMISSIONER: But that's universal. That's
25 gonna go across all groups.



1 DR. FLORES: Right. So what I'm saying is
2 that yes, in the first five- in this first five years, we-
3 we should- we should expect kids to- to do well. I'm just
4 concerned about the, you know, after the five years, and-
5 and then we're really working hard because finding the next
6 five years are gonna be, yeah, I think we can do it.

7 But after that, and, as long as we keep on
8 working hard, I think- but I think they're right. I think we
9 have to follow on yearly at, just as teachers have to do it
10 every six weeks. I think we can't wait after two years or
11 three years. It's gotta be a yearly thing. So they're, I
12 think they're right in that- in their concern. I would agree
13 with the group. To the group's-

14 UNIDENTIFIED VOICE: For what it's worth, I
15 do think that any of these, the- the 25, 33, or 50 percent
16 level with that 750 would be approvable by the US Department
17 of Ed.

18 UNIDENTIFIED VOICE: Yeah.

19 DR. FLORES: I'm trying to figure out. I'm
20 trying to figure out.

21 COMMISSIONER: I think-.

22 DR. FLORES: Listening to our educators,
23 whether we are creating a situation that is not achievable,
24 that is overwhelming.

25 UNIDENTIFIED VOICE: So, does this go back



1 to-

2 UNKNOWN_1: No.

3 UNIDENTIFIED VOICE: Where we were at the
4 beginning of this presentation to- this has nothing to do
5 with- this is just for purposes of satisfying that doesn't
6 change anything else.

7 DR. FLORES: Well, we wanna do it for the
8 kids.

9 UNIDENTIFIED VOICE: I know, but what I'm
10 saying is this is only required to satisfy the feds.

11 UNIDENTIFIED VOICE: So we're setting target.
12 I think that's a really good point about what is the purpose
13 of these targets, and these targets-

14 UNIDENTIFIED VOICE: We can still set targets
15 for the state of Colorado that aren't these- for the kids.

16 UNIDENTIFIED VOICE: Yeah, these targets
17 really are around reporting data and looking against what we
18 set. It's not for the accountability, it's not for the
19 identification of the schools. We could choose to do it- use
20 it for those purposes, but right now, today, all you need to
21 think about is this is just for what we're gonna kinda put
22 out there publicly and report against.

23 Five years gives us, because I said, I mean,
24 you know, we can revisit our plan at any time, although I
25 think everybody needs a little time away from the plan a



1 little bit. We can revisit it, and we could see how we're
2 doing. And if we're seeing huge jumps and we wanna make our
3 targets more ambitious, we can do that and adjust as we go.

4 DR. FLORES: But don't we have to have
5 targets that are- for ours- for ourselves? We- I get the
6 part that we could do this now in order to get the plan
7 done. But it seems to me they probably need, ultimately,
8 whatever it is that we decide, that we want for the kids in
9 Colorado that ought to align with what we-

10 UNIDENTIFIED VOICE: I think so. I think
11 that's a really important conversation for us to have,
12 especially looking at where our performance is and where we
13 want them to be. But part of that conversation really needs
14 to be about what are we going to do to get there-.

15 DR. FLORES: Right.

16 UNIDENTIFIED VOICE: Because it's easy to put
17 these trajectories up and say look, we're gonna get this for
18 kids but we've gotta do s-

19 DR. FLORES: We've got to figure out how to
20 get-

21 UNIDENTIFIED VOICE: It doesn't- our
22 historical performance doesn't match those trajectories and
23 probably need to do something different to get to those
24 trajectories. So I think that's a bigger conversation for us
25 to really think about, and for you all to think about- about



1 what you wanna work for as a board for our state.

2 So for now, I think we just- we wanna figure
3 out what makes sense to put in a plan and to communicate. I
4 think staff are comfortable, the 750 seems like a good goal
5 to work for because that's, you know, a goal for now,
6 clearly, later on, we'll wanna hire. But right now, to work
7 for students on average being at- meets expectations,
8 looking at the change overtime, all those reductions are
9 more ambitious than what we're doing now.

10 Some of the stakeholders we feedback, we got
11 33 percent, so it's in the middle, might be a nice number,
12 and it's more ambitious than what we've had. Is more
13 attainable than 50 percent reduction. Let's put it that way.
14 And the five-year timeline I think was pretty good
15 consensus. So, clearly up to you all about how you wanna do
16 it and I think just from my perspective that might make
17 sense for this purpose now. So-

18 MR. GREINER: Folks.

19 UNIDENTIFIED VOICE: Sorry to have you all
20 doing this at 5:40.

21 UNIDENTIFIED VOICE: Yes.

22 UNIDENTIFIED VOICE: Yes. Thank you, Madam
23 Chair. My question is about the outlier groups at the very
24 top in the very bottom. On the very top, when there were
25 those stakeholder groups, was there any input to the effect



1 of we do wanna at least be cautious not to send the message
2 that nothing is ever good enough? With respect to growth
3 measures so where you may have certain elementary schools
4 that I'm thinking of Monterey and Creek District if we're
5 demanding growth and you're looking at incredibly high
6 numbers, that might send a message that it's okay to stress
7 kids out when in fact they're pretty darn high performing.

8 And then with respect to that bottom line for
9 children with disabilities, when we set ambitious goals for
10 that group, am I correct in understanding that part of the
11 reason that this group sees some challenged results is that
12 we may be including some children in this group that may
13 have some profound disabilities? So I want to make sure that
14 we're setting goals that don't frustrate schools and
15 districts in the event that that some of these outlier
16 performances may have some limitations.

17 UNIDENTIFIED VOICE: Yeah, I think your first
18 point we actually didn't hear in the room on that day
19 granted, you know, we had, you know, 30 some people there,
20 but we did hear from stakeholders that they did, they wanted
21 targets that were above where students were right now. So we
22 did hear that. I think we have a lot of challenges with
23 students with disability in our state both in how we are
24 serving them and what our performance is.

25 So there's a lot of work to be done there and



1 for yes for some students, we've got about 1 percent of the
2 total population of about 10 percent of the students with
3 disabilities and have real significant needs that take an
4 alternate assessment to measure their school, so we use the
5 alternate assessment results for them. But there's a wide
6 range, students with disabilities were very diverse, right?
7 And what their needs are, and what their challenges are.

8 UNIDENTIFIED VOICE: So some of these
9 ambitious schools may still be appropriate, you mean, for
10 that outlier population. Yeah, I mean they're, and, but
11 they're going to be ambitious for the students with
12 disabilities, these are definitely ambitious targets.

13 UNIDENTIFIED VOICE: Okay. Thank you.

14 UNIDENTIFIED VOICE: Do you want feedback
15 from us?

16 UNIDENTIFIED VOICE: We would love, we would
17 love just some sense from you all of, what you feel
18 comfortable with for us to put in a state plan. Because we
19 know that you all wanna, you know, have the ultimate say in
20 what goes in a state plan, so-

21 UNIDENTIFIED VOICE: Board member Goff, what
22 are you comfortable with?

23 MS. GOFF: I am comfortable with what they've
24 been talking about today. Can I just ask one question?

25 UNIDENTIFIED VOICE: Absolutely. Sure.



1 MS. GOFF: First of all, I want to thank Mazy
2 for that presentation for the Gifted Education Advisory
3 Group. I think that was something I know they've been
4 wanting to hear for a long time. I've been listening today
5 for where, where in this big picture do those, that range of
6 students fit, and how do we, how are we acknowledging that,
7 in addition to special needs kids in general. But I just
8 wanted to say thank you, I think it was so helpful.

9 UNIDENTIFIED VOICE: Thank you. It's my
10 pleasure.

11 MS. GOFF: I appreciate it very much. I think
12 those, those goals, those ranges-

13 UNIDENTIFIED VOICE: Option two.

14 MS. GOFF: Option two sounds-

15 UNIDENTIFIED VOICE: I don't know maybe 33
16 percent.

17 MS. GOFF: -workable and yeah, I think we've
18 got where we are, I think we're on a path that's just, it's
19 going to be a learning mix opportunity no matter what.

20 UNIDENTIFIED VOICE: Thirty-three percent in
21 five years.

22 MS. GOFF: So, well five years is.

23 UNIDENTIFIED VOICE: Right, but 33 percent-

24 MS. GOFF: It's reasonable.

25 UNIDENTIFIED VOICE: Board Member Mazanec,



1 feedback.

2 MS. MAZANEC: Yeah, I think it's between 25
3 and 33, I'm not quite sure. I guess I would be satisfied
4 with 25, 33, might be a little too ambitious.

5 UNIDENTIFIED VOICE: Board Member McClellan.

6 MS. MCCLELLAN: I'm, I'm leaning towards
7 saying somewhere between 25 and 33. I wanna make sure that
8 it's a, a reachable goal for us. So we're not setting a goal
9 that we know we're going to fail to achieve, so.

10 FEMELE SPEAKER: Where do I begin on this
11 one? Short and sweet. I received an email, can do that. I
12 received an email that we all received from a lady and I
13 can't remember her name, but the idea was if we get a
14 certain result for some tests from some tests that we've
15 been giving, yet the tests we gave before we had higher
16 results, why don't we go back to the higher results because
17 then that means the kids know more?

18 UNIDENTIFIED VOICE: That came out of
19 Boulder.

20 UNIDENTIFIED VOICE: That's not the way this
21 works.

22 UNIDENTIFIED VOICE: That's not the way this
23 --

24 UNIDENTIFIED VOICE: And when I look at these
25 charts and I see what kind of closing the gap we've done,



1 I'm sorry I just don't see it. I mean, it's -- it's -- Hope
2 is good. Hope is good, but it doesn't matter to me what
3 numbers you put. If we're just trying to satisfy the feds
4 and what they want, doesn't matter at all.

5 So, I will go along with, if these are the
6 only options we have, and this is where we're at, this,
7 whatever test is gonna satisfy whatever it is we have to do
8 is what it sounds like to me. So, enough said.

9 UNIDENTIFIED VOICE: I'm not sure what you
10 said. Did you say up to two was fine?

11 UNIDENTIFIED VOICE: Yes.

12 UNIDENTIFIED VOICE: Can you identify a 25,
13 33 or 50?

14 UNIDENTIFIED VOICE: Yes.

15 UNIDENTIFIED VOICE: All right. Board Member
16 Flores, quick and dirty.

17 MS. FLORES: I'll le -- I'll let-

18 UNIDENTIFIED VOICE: I'll pass, I'll pass.

19 UNIDENTIFIED VOICE: Quick and dirty.

20 MS. FLORES: Well, I think we're being very
21 ambitious if we say 25.

22 UNIDENTIFIED VOICE: That's actually done on
23 (indiscernible).

24 MS. FLORES: And so.

25 UNIDENTIFIED VOICE: At the risk of



1 embarrassing ourselves.

2 MS. FLORES: I was there with all these
3 teachers and these stakeholders and I heard them. I don't
4 remember the 25, 33 and-

5 UNIDENTIFIED VOICE: Didn't have the
6 specifics at the time.

7 MS. FLORES: Yeah. But I would say 25 is
8 ambitious.

9 UNIDENTIFIED VOICE: Okay.

10 UNIDENTIFIED VOICE: So does that give you
11 feedback folks?

12 UNIDENTIFIED VOICE: Yes.

13 UNIDENTIFIED VOICE: Go with 25.

14 UNIDENTIFIED VOICE: How, how badly offended
15 would you be if we do not go on both optional decision for
16 item for SBE? Because I think that's ought to be a thorough
17 thoughtful discussion.

18 UNIDENTIFIED VOICE: Sure. And just so, so
19 you all know there is nothing you all have to do on that.
20 Like, you know, we have, we have the de- you know, we can
21 use what we previously estimated and just clean that up,
22 it's just, if you all wanna revisit that decision.

23 UNIDENTIFIED VOICE: I'm looking forward to
24 the discussion, that is not the point. I'm looking at the
25 clock.



1 UNIDENTIFIED VOICE: Yeah, yes.

2 UNIDENTIFIED VOICE: Which discussion?

3 UNIDENTIFIED VOICE: Well this is, this last
4 one, the next pi- there's another piece coming forward.

5 UNIDENTIFIED VOICE: The other indicator?

6 UNIDENTIFIED VOICE: Discussion and it's
7 about, it's about what, what we've talked about in the past
8 having another measure.

9 UNIDENTIFIED VOICE: Oh, the last measure.

10 UNIDENTIFIED VOICE: Yeah. And I think we
11 ought to give that the time it deserves, and the energy it
12 deserves.

13 UNIDENTIFIED VOICE: Well.

14 UNIDENTIFIED VOICE: What was the one we su-
15 support and that's-

16 UNIDENTIFIED VOICE: It was absenteeism and-

17 UNIDENTIFIED VOICE: That you rejected?

18 UNIDENTIFIED VOICE: No, it's, it's all in
19 there we can continue with that.

20 UNIDENTIFIED VOICE: But we can give it
21 another option.

22 MS. FLORES: Right. But I think.

23 UNIDENTIFIED VOICE: So now we have two
24 options.

25 MS. FLORES: Alyssa, I think what I heard



1 from most of the tables was that they wanted science instead
2 of --

3 UNIDENTIFIED VOICE: So that's a discussion
4 that I think is really important. I don't disagree with you
5 at all. But could we postpone it for our next month's agenda
6 please?

7 UNIDENTIFIED VOICE: Next, so, okay week for
8 next month it's fine. Let me just make sure I get clarity
9 right now for what we submit to the US Department of Ed.

10 UNIDENTIFIED VOICE: Okay.

11 UNIDENTIFIED VOICE: Because we need to do
12 that before next month. So, if I can summarize what I heard
13 from you all today. You voted on the achievement and
14 participation options, so we are clear on that. For K2
15 schools, you're saying use kind of the percent of students
16 with a significant reading deficiency. The change in the
17 percent of those individual students with significant
18 reading deficiency and English language proficiency growth.

19 For targets, use that option to the gap
20 closure with a 25 percent target or kind of goal for closure
21 over five years. And then for the other indicator we're
22 going to leave the plan as it was written with chronic
23 absenteeism in there. We will put in, we're just moving
24 science in how it's written. Nothing will change in how
25 calculations are done, but it's just we're going to move



1 science around where it is organized in the, in the document
2 and that's what will we submit to the US Department of Ed.
3 Can we?

4 I think, we just had a request if you all
5 wanna make a motion or if you're all in agreement we don't
6 need a motion. We just wanna make sure we're clear that you
7 all are comfortable with us submitting the plan like that.

8 MS. GOFF: But we love science. We won't
9 teach science.

10 UNIDENTIFIED VOICE: It's more minor.

11 UNIDENTIFIED VOICE: Science is still in
12 there. Science is not taken out. It's just, it's just we
13 have to write it in a different section it will not change
14 anything about how schools are identified or not identified.

15 UNIDENTIFIED VOICE: Thank you so much guys.

16 UNIDENTIFIED VOICE: Okay. So we're good.

17 UNIDENTIFIED VOICE: We're good.

18 UNIDENTIFIED VOICE: And we'll start doing
19 the final redrafting and get that to US Department of Ed.

20 UNIDENTIFIED VOICE: What are you shaking
21 your head for?

22 UNIDENTIFIED VOICE: No, I, I kind of like
23 the absentee major, but I'm not going to raise any
24 objection.

25 UNIDENTIFIED VOICE: Yeah, let's give that



1 one time.

2 UNIDENTIFIED VOICE: Okay, that's great.

3 UNIDENTIFIED VOICE: Let's give that one more
4 time.

5 UNIDENTIFIED VOICE: That is absolutely.

6 UNIDENTIFIED VOICE: I mean I'm more than
7 happy to go with the flow.

8 UNIDENTIFIED VOICE: Yeah. Okay.

9 UNIDENTIFIED VOICE: All right. I'm weakened.

10 MS. GLENN: It worked putting this down here.
11 Don't do that again.

12 UNIDENTIFIED VOICE: So our sincere-

13 UNIDENTIFIED VOICE: Thank you for excusing
14 me from having to present.

15 UNIDENTIFIED VOICE: I won't do that for you
16 again.

17 UNIDENTIFIED VOICE: All right. Board
18 members.

19 UNIDENTIFIED VOICE: This is a little warmer.

20 UNIDENTIFIED VOICE: Do you have any. Yes. We
21 have a board member report.

22 UNIDENTIFIED VOICE: How about we report
23 tomorrow?

24 COMMISSIONER: Yeah.

25 UNIDENTIFIED VOICE: Let's report tomorrow.



1 UNIDENTIFIED VOICE: That is fine.

2 UNIDENTIFIED VOICE: Thank you.

3 UNIDENTIFIED VOICE: Are we done with, we
4 have public participation?

5 MS. GOFF: No.

6 UNIDENTIFIED VOICE: I'm done with public
7 participation.

8 UNIDENTIFIED VOICE: I have some drug one at
9 school.

10 MS. FLORES: Thank you.

11 UNIDENTIFIED VOICE: All right, we are
12 adjourned until tomorrow morning. Thank you very much.

13 (Meeting adjourned)

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C E R T I F I C A T E

I, Kimberly C. McCright, Certified Vendor and Notary, do hereby certify that the above -- mentioned matter occurred as hereinbefore set out.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of October, 2018.

/s/ Kimberly C. McCright

Kimberly C. McCright

Certified Vendor and Notary Public

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