



COLORADO
Department of Education

Colorado State Board of Education

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

October 11, 2017 Meeting Transcript - Prt. 1

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: -- call the State Board meeting
2 to order. Ms. Cordial, would you please call the roll.

3 MS. CORDIAL: Board Member Durham.

4 MR. DURHAM: Here.

5 MS. CORDIAL: Board Member Flores.

6 MS. FLORES: Here.

7 MS. CORDIAL: Board Member Goff.

8 MS. GOFF: Here.

9 MS. CORDIAL: Board Member Mazanec.

10 MS. MAZANEC: Here.

11 MS. CORDIAL: Board Member McClellan.

12 MS. McCLELLAN: Here.

13 MS. CORDIAL: Board Member Rankin.

14 MS. RANKIN: Here.

15 MS. CORDIAL: And Board Member Schroeder.

16 MADAM CHAIR: Here. Please stand for the
17 Pledge of Allegiance.

18 (Pledges)

19 MADAM CHAIR: Our first item is the approval
20 of the agenda. Is there a motion please? To approve -- thank
21 you. Second?

22 MS. McCLELLAN: Second.

23 MADAM CHAIR: Any opposition? Thank you. So
24 the agenda has been moved by Board Member Durham, seconded
25 by Board Member McClellan, final vote is unanimous. You were



1 supposed to say that.

2 MS. CORDIAL: I thought you were going to do
3 this.

4 MADAM CHAIR: I don't have any idea.

5 MS. CORDIAL: All right, I'll do it next
6 time.

7 MADAM CHAIR: We're learn -- we're trying to
8 remember everything that we learned about who does what at
9 what time. The only thing nobody's going to argue with is if
10 I call a break. Everything else we -- is just going to
11 totally be subject to discussion.

12 All right. Moving on to the consent agenda. Do I have a
13 motion to place items on the Consent Agenda? Board Member
14 Rankin.

15 MS. RANKIN: I move -- no -- yes. Yes. I move
16 to place the following matters on the Consent Agenda; 15.01,
17 approve the Charter School Institute's request for waivers on
18 behalf of Monart Classical School of the Arts as set forth
19 in the published agenda.

20 15.02, approve Douglas County RE1 School District's
21 request for waivers on behalf of Parker Performing Arts
22 School as set forth in the published agenda.

23 15.03, approve Douglas County RE1 School District's
24 request for waivers on behalf of Ascent Classical Academy as
25 set forth in the published agenda.



1 16.01, regarding disciplinary proceedings concerning a
2 license and an application, charge number 2012EC94; direct
3 department staff in the State Attorney General’s Office to
4 prepare the documents necessary to request a formal hearing
5 for the revocations of the license holder’s professional
6 principal license pursuant to section 24-4-104CRS, and
7 direct department staff to issue a notice of denial and
8 appeal rights to the applicant pursuant to section 24-4-104
9 Colorado Revised Statues.

10 16.02, regarding disciplinary proceedings concerning an
11 application charge number 2015EC668; direct department staff
12 to issue a notice of denial and appeal rights to the
13 applicant pursuant to section 24-4-104 Colorado Revised
14 Statues.

15 16.03, approve the six initial emergency authorization
16 requests as set forth in the published agenda.

17 16.04, approve the two renewal emergency authorization
18 requests as set forth in the published agenda. This is the
19 end of the consent agenda.

20 MADAM CHAIR: Thank you. That’s a proper
21 motion. Is there a second?

22 MR. DURHAM: Second.

23 MADAM CHAIR: Any changes?

24 MR. DURHAM: Madam Chair, I request the
25 removal of item 16.02 from the consent agenda. Having come



1 up in normal --

2 MADAM CHAIR: Yes, can we put that on the end
3 of the agenda tomorrow, or today, based on staffing?

4 MS. CORDIAL: We can -- we can do today.

5 MADAM CHAIR: Today?

6 MS. CORDIAL: Today would actually be better.

7 MADAM CHAIR: Be better?

8 MS. CORDIAL: Because it would fall right
9 before the Notice of Rulemaking for the licensure rules.

10 MADAM CHAIR: Okay, great, and then we'll
11 have the appropriate staff here. Perfect. Thank you very
12 much.

13 MS. CORDIAL: Uh-huh.

14 MADAM CHAIR: Anyone else? So item 16.02 has
15 been removed from the Consent Agenda by Board Member Durham.
16 Is there a second to that change?

17 MS. FLORES: I second that.

18 MADAM CHAIR: Dr. Flores. All in favor?

19 MR. DURHAM: Madam Chair, just for the
20 record, the Consent Agenda by definition requires unanimous
21 consent, so I don't think you need a second.

22 MADAM CHAIR: For the change?

23 MR. DURHAM: Yeah, correct.

24 MADAM CHAIR: This was only a second for the
25 change.



1 MS. CORDIAL: For the change.

2 MR. DURHAM: Yeah, I don't think you need a
3 second.

4 MADAM CHAIR: For the change?

5 MS. CORDIAL: Okay, that must be a new
6 (indiscernible)?

7 MR. DURHAM: The Consent Agenda, by
8 definition requires unanimous consent.

9 MADAM CHAIR: Right.

10 MR. DURHAM: So you don't need a second.

11 MS. CORDIAL: Okay.

12 MR. DURHAM: The objection of any member is
13 enough to have it removed from the agenda.

14 MADAM CHAIR: Moved, okay.

15 MS. CORDIAL: Okay.

16 MR. DURHAM: Thank you.

17 MADAM CHAIR: So all in favor of the Consent
18 Agenda as amended -- as changed?

19 (Chorus of "aye")

20 MADAM CHAIR: Okay, thank you. Final vote is
21 unanimous. We'll get this down in a couple years. The next
22 item on the agenda is a report from Director of Board
23 Relations, Ms. Cordial. What do you have for us today?

24 MS. CORDIAL: Thank you, Madam Chair. Good
25 morning Madam Chair, members of the board, Commissioner



1 Anthes. As always, please speak clearly into your
2 microphones, and if you turn them off when you're not
3 speaking just remember to please turn them back on. Those of
4 you needing to connect to CDE's guest wireless; locate CDE
5 Hotspot and the password is still Silver, capital "S".

6 In your -- in your board packets you have your quick-
7 glance expense report and events calendar. A couple of
8 events that are coming up that I'd like you -- like to
9 remind you of include the West Slope Superintendent
10 Conference, September 19th and 20th, and the NASBE Annual
11 Convention, November 1st through 4th.

12 Also, in your board packets and/or available on board
13 docs are the following materials for today; Item 7.01, a
14 memo regarding the standards and assessments for English
15 Learners and accompanying PowerPoint.

16 Item 8.01, memo regarding the Colorado Read Act rules,
17 accompanying PowerPoint. House Bill 17-1160, a red-line copy
18 of the rules, the rules-to-statute crosswalk, and response
19 to written comments that we've received up to this point.

20 For item 12.01 you have a memo regarding the 2017
21 Online and Blended Educator Recognition.

22 For item 13.01 you have a memo regarding the rules for
23 the administration of the Protection from Persons Restraint
24 Act, a red-line and clean copy of those rules, a red and
25 clean version of the rules with annotations, the rules-to-



1 statute crosswalk, state level compliant procedures, state
2 complaint form, the flow-chart of the complaint procedures,
3 and a response to written comments document with comments
4 that we've received up to this point.

5 For items 14.01 and 14.02 you have memos regarding the
6 2017 Culturally and Linguistically Diverse Education
7 Recognitions, the distinguished administrators and the
8 student art winners.

9 For items 15.01 through 15.04 you have memos for --
10 supporting the materials pertaining to charter school waiver
11 requests.

12 For item 16.03 you have a memo regarding the six
13 initial emergency authorization requests.

14 Item 16.04, a memo regarding the two renewal emergency
15 authorization requests.

16 Item 16.05, a memo regarding the notice of rulemaking
17 for the Educator Licensing Act rules. A red-line and clean
18 copy of the amended section of those rules, and the rules-
19 to-statute crosswalk.

20 For item 17.01 you have a memo regarding the ESSA State
21 Plan and accompanying PowerPoint. The materials you have for
22 Thursday are the following:

23 Item 3.01, a memo regarding the 2018 School and
24 District Performance Framework Targets, accompanying
25 PowerPoint and proposed scoring guide.



1 For item 4.01, you have the draft State Board of
2 Education operating procedures.

3 For item 5.01 you have a memo regarding the rules for
4 the administration of the School Health Professional Grant
5 program, as well as a red-line and clean copy of those
6 rules.

7 For item 6.01 you have a memo regarding the graduation
8 guidelines and accompanying PowerPoint.

9 For item 8.01 you have a memo regarding the Safe
10 Community - Safe Schools research request, accompanying
11 PowerPoint, and background information on Safe Community -
12 Safe Schools project. And that concludes my -- my -- the
13 materials I have for you, for the October meeting.

14 In addition to my report I'd just like to share with
15 you all, and the public, that in the near future we will be
16 implementing video streaming of our regular State Board
17 meetings. This was after our discussion about video
18 streaming at our Board Retreat. We got the thumbs up to go
19 forward, so we will be working on that in the next few
20 months, and then we will post signs to notify the public
21 that the meeting is being streamed and recorded, and
22 additionally we will have the link to the video streaming on
23 our website, similar to how we have the audio recording
24 right now for the public to access while the meeting is
25 running.



1 We anticipate to start this, giving ourselves a little
2 bit of wiggle room, at the end of this year, beginning of
3 next year, and then we will let you know in advance when we
4 are going to start video streaming. So do you have any
5 questions about this?

6 MADAM CHAIR: I have a question, which is
7 will this equipment be changed out as a result?

8 MS. CORDIAL: I don't believe so.

9 MADAM CHAIR: So I've been told by a
10 colleague who has been listening to past meetings that some
11 of us are doing a really good job of coming through on the
12 microphones and some of us, myself included, are doing a
13 really poor job. And I'm wondering what it is that -- I
14 think some of us maybe have stronger voices, so that it
15 picks up better, but we probably ought to be thinking about
16 to what extent we need to make some improvements.

17 MS. CORDIAL: Okay.

18 MADAM CHAIR: And I don't know -- I would
19 encourage you to go back and listen.

20 MS. CORDIAL: Uh-huh.

21 MADAM CHAIR: And I know sometimes we forget
22 to turn it on, but other times I have a feeling we're just
23 back far enough that we're not picking up. I don't know how
24 to solve that, but I know you'd know how so --

25 MS. CORDIAL: Okay, we'll look into that.



1 MADAM CHAIR: Okay. Okay, thank you. Any
2 other?

3 MR. DURHAM: Madam Chair.

4 MADAM CHAIR: Just a second. Ms. Goff.

5 MS. GOFF: Oh, Ms. Cordial you said the
6 beginning of this year -- of next year -- calendar year, or
7 school?

8 MS. CORDIAL: Calendar year, so December,
9 January is what I'm thinking by.

10 MS. GOFF: Thanks.

11 MADAM CHAIR: Board Member Durham.

12 MR. DURHAM: Thank you, Madam Chair. I just
13 want to apologize to the board and to the staff and audience
14 for not silencing my cellphone again, second meeting in a
15 row, so I'm working on it. I'll try and do better. Thank
16 you.

17 MADAM CHAIR: Shall we forgive him, folks?

18 ?: No.

19 (Chorus of laughter)

20 MADAM CHAIR: Thank you, Mr. Durham. So the
21 next item, information item, on standards and assessments
22 for English language learners. Commissioner.

23 MS. ANTHES: Yes, thank you, Madam Chair.

24 Good morning, everyone. This is a slot -- this is a
25 presentation that you all have been requesting over the past



1 several months on sort of a study session on -- on English
2 Language Learners. And it's -- we're calling it sort of a
3 mini-series, because either we would have made you have
4 another meeting where we would do an all-day study session
5 about it, or we decided to break up the presentation into
6 multiple parts. So this is actually part 2 of the mini-
7 series, and if you like it and you give us good ratings
8 we'll bring you a part 3.

9 But part 1 was last month when you got a state of the
10 state in terms of a data presentation on English Language
11 Learners and now the team is going to give you some more
12 information about what this looks like from a student
13 perspective, so we have recognized that over the months you
14 all have been asking really good questions about standards,
15 assessments, how we support English Language Learners
16 teacher requirements, and so we decided to try to bring that
17 all together so that you could understand the bigger
18 picture.

19 I will apologize just I know that you got this
20 PowerPoint incredibly late, and I'm sorry. That's not our
21 normal practice, and we always strive to not do that. This
22 was -- it was actually challenging for us as well, because
23 we were working across units and we will always work really
24 hard not to do that, but since this is an information time
25 and there will be a future time to present about this we



1 hope that that's okay, but I do apologize.

2 MS. RANKIN: Excuse me. Is this -- is the
3 PowerPoint not on board docs yet?

4 MADAM CHAIR: It is.

5 MS. CORDIAL: It is on board docs.

6 MADAM CHAIR: And there's one in front of
7 you, I think.

8 MS. RANKIN: Oh, I see it now. My board docs
9 looks different.

10 MS. CORDIAL: It does, yes, it had a face
11 lift.

12 MS. RANKIN: I was like -- I thought it was
13 my -- I thought I had a problem with my computer, so I'm
14 glad to hear that it's not me.

15 MS. CORDIAL: It's not you.

16 MS. ANTHES: Yes, so -- and the only other
17 thing is this is a 90-minute presentation. There's a lot of
18 information. I would recommend -- but I won't, I'll leave it
19 to the chair to decide. I would recommend you write your
20 questions down, because most likely they will be answered in
21 the rest of the presentation. But if there's something that
22 you're just dying that is really unclear, we used an acronym
23 or something that you -- you need to get clarified right
24 then, then please let us know.

25 And just to also let you know, we will be -- I'm



1 probably stealing all of Melissa's thunder. We will have --
2 we will have a part 3, even if you don't give us good
3 ratings. And that will be on the accountability section of
4 it and the teacher preparation section of this. So with that
5 I'm going to turn it over to Dr. Colesman, who will
6 introduce the team and the presentation. Thank you.

7 DR. COLESMAN: Thank you, Dr. Anthes. I will
8 ask my colleagues to introduce themselves and we'll have
9 colleague to my right first.

10 DR. COBB: Dr. Floyd Cobb, Executive Director
11 of Teaching and Learning.

12 MS. VILLALOBOS: Heather Villalobos, English
13 Language Learner Assessment Specialist within the Assessment
14 Unit.

15 MR. CHAPMAN: Pat Chapman, Executive Director
16 of the Federal Programs Unit.

17 DR. COLESMAN: Okay, so as you can see, we
18 have colleagues from across the department today presenting,
19 and we'll recognize that the content experts for a lot of
20 this work provided a lot of -- of the content that you see
21 here, but -- but we are not necessarily the content depth
22 experts on everything, and we think that that actually gives
23 you an opportunity to kinda shift your role during this
24 presentation different than what you typically need to do.

25 Typically, we bring information items before you



1 because you need to make a decision, and we typically go
2 very, very deep on one particular piece of an issue. What
3 you have today is actually the luxury of not having to make
4 a decision based on what you hear today, but instead take a
5 look at across multiple initiatives in the department that
6 touch on English Learners, get a sense of the big picture
7 about how all of these work together.

8 And so before moving forward I do want to just
9 acknowledge all of the staff in our Culturally and
10 Linguistically Diverse Education Office who provided so much
11 support here. Also, our Assessment Office through Heather
12 Villalobos, and also our Office of Standards Instruction
13 Support of Federal Programs. A lot of folks kind of came
14 together to bring this forward to you today.

15 So, as Dr. Anthes noted, at our last meeting you got a
16 sense of the demographics of English Learners in the state,
17 and you could get a good picture that there's not one single
18 experience of English Learners. We have a -- dozens of
19 languages in the state. We have students who enter at
20 different points in their educational career, and so to try
21 to say, "What is the experience of an English Learner?" It's
22 not possible to do so. But what we'll endeavor to do today
23 is to put in context what our topics are, our standards and
24 assessments, through the experience of three sample students
25 to get a sense of how these work through the eyes of a



1 student.

2 But what we're first going to do is start out with an
3 overview of the laws that support English Learners. We are
4 then going to look at the distinction between social and
5 academic English. We'll spend a little bit of time looking
6 at the academic versus English Language Proficiency
7 Standards. We're going to look at issues around how to
8 identify English Learners. We'll look at assessments as they
9 relate to English Learners. We'll look at instruction as it
10 relates to English Learners. And that's where we're going to
11 pull all of these things together through the experience of
12 a student.

13 So at first it's going to feel like we're talking about
14 some isolated pieces, but our goal is to weave them together
15 through the experience of three, kind of, sample students
16 with different, kind of, demographic backgrounds.

17 Now as -- as you are participating in this today a
18 couple things to keep in mind. Keep in the back of your mind
19 what you learned at the September meeting about the
20 different demographics of our English Learners, and then you
21 might want to be considering looking forward to what we're
22 going to be doing in November, which is thinking about
23 accountability and what -- how are schools and districts
24 held accountable for meeting the needs of English Learners.
25 And another thing to keep in the back of your mind is what



1 are the educator preparation needs in order for a teacher to
2 be instructing these students. We're not addressing that
3 today, but that's just something to help kind of as a
4 preview for you.

5 So again, while there's no singular experience for
6 English Learners we thought it would be useful to -- at the,
7 you know, second part of our presentation, is to talk about
8 how all of these things tie together through three sample
9 students. So I'm going to introduce you to them today, right
10 now.

11 Our first sample student, Student A, is a six-year-old
12 student who is in first grade. The student's home language
13 is in Spanish, and this student is not literate in their
14 home language, and this student is classified as a NEP, Non-
15 English Proficient, and we're going to look at later how the
16 -- the district develops and meets the need -- develops a
17 plan to meet the needs of that student.

18 Student B is going to be kind of a different
19 experience. This is an 11-year-old entering a Colorado
20 school for the first time. And this is a student in sixth
21 grade whose home language is Vietnamese, and this student
22 has limited literacy in their home language and has limited
23 English proficiency.

24 And then the final student that we'll look at is a
25 student whose home language is Somali and is entering a U.S.



1 school for the first time as a 15-year-old in high school.
2 And this student has -- is not literate in their home
3 language and has had interrupted schooling. And this student
4 is also a Non-English Proficient student.

5 So we've chosen these particular scenarios to kind of
6 illustrate some particular things. For the Student A what
7 we've done is we've -- we've deliberately picked a first-
8 grader, because this student would be assessed through using
9 a READ Act assessment for the reading, and the WIDA
10 assessment, or ACCESS assessment for their English language
11 development, so give you a sense of kind of how those work
12 together.

13 And then we also chose especially for the 16-year-old -
14 - or 15-year-old student highlighting some particular needs
15 of students who've -- who come through these types of
16 experiences.

17 So from here I'm going to hand off to my colleague Pat
18 Chapman to talk a bit about the progression of English
19 Learners going from identification to full English
20 proficiency.

21 MR. CHAPMAN: First I -- I'm going to knock
22 out the acronym slide. Because I think we've already started
23 using them. It's a little bit difficult, because this stuff
24 is also interconnected to know how to order the slides, but
25 you will see in the slides a number of acronyms: EL for



1 English Learner, NEP for Non-English Proficient, LEP for
2 Limited English Proficient, FEP for Fluent English
3 Proficient, and ELD for English Language Development,
4 usually within the context of English language development
5 programs.

6 One of the things that I think the intent of this
7 presentation is to give you guys a good sense of the
8 continuum of -- from identification to -- to proficiency,
9 English language proficiency and academic proficiency and
10 exiting of English language development programs. So this is
11 -- we're thinking this is a helpful slide to help you get
12 that -- that comprehensive view.

13 You see along the top that five to eight years to move from
14 identification to English language proficiency and academic
15 proficiency, with the first part of that being the
16 identification process. Which is a pretty fundamental part
17 of it, where incoming students are assessed. Those students
18 with a home language other than English are assessed to
19 identify whether or not that student is in need of academic
20 and linguistic supports.

21 If they area identified as EL they will get support for
22 English language development and access to grade-level
23 content to academic standards for a couple of years. At that
24 point that they are -- become fluent English proficient --
25 proficient, they will need minimal support for English



1 language development and access to grade-level academic
2 standards.

3 And they go -- enter the monitoring period where
4 they're monitored for up to two years where that -- those
5 supports are -- are -- begin to be taken away, and then
6 after they are formally exited from English language
7 development programs and basically that really means up to
8 two years they can be counted as English Learners for the
9 purposes of accountability and so forth. And we'll talk more
10 about that.

11 So that sorta gives you that -- that sense of from
12 identification to fluency; what happens for students. And
13 we'll go -- dive much deeper into that during the
14 presentation.

15 A little bit about the laws supporting English
16 Learners, both state and federal law. Won't go into detail
17 about each of the individual laws, but really, I think it's
18 safe to say that they all go back to the Title VI of the
19 Civil Rights Act of 1964. There's subsequent case law and
20 Supreme Court rulings and additional federal law, and indeed
21 state law that gat at the -- what this -- what civil rights
22 mean within the context of education. So things related to
23 language barriers, immigration status and, and those --
24 there are a number of rulings throughout the last several
25 decades that -- that begin to define what it means -- what



1 civil rights are within the context of education.

2 So with that, and if you do have any specific questions
3 about case law during the presentation we can go deeper, but
4 just kinda wanted to give you that -- that grounding. And I
5 will turn it back over to Melissa.

6 DR. COLESMAN: Thank you, Pat. So we thought
7 it would be important that as -- as we are thinking about
8 English language acquisition to distinguish between social
9 English and academic English. This is a really important
10 distinction to make, because it impacts really what students
11 have access to in the classroom. So social language is just
12 the everyday language that students use either in oral, or
13 written form, with their friends, or their teachers, and the
14 student's ability to use language, English language, in a
15 social setting is not necessarily a predictor of their
16 academic language capacity, and it's not necessarily
17 related.

18 Academic language is the language needed to be
19 successful in school. It's directly to -- related to the
20 language needed to understand standards and be able to read
21 a text book, write an essay, complete assignments, and
22 understand the specific language of disciplines.

23 And academic -- academic language is used in all grade
24 levels, whether or not it's a kindergarten student, or a
25 senior. And the frequency and complexity of that academic



1 language increases at higher grade levels. I'm going to give
2 you an example of a student that I had -- like, my first
3 English Learner that entered my classroom as a math teacher.
4 His name -- I'm going -- going to mask his name, but I'll
5 call him "Randy".

6 So Randy came into my seventh-grade math class and he
7 just came right in, and he was -- introduced himself, and he
8 could speak to me and talk very easily about, "Oh, I'm going
9 to go sit over there." "Oh, here -- you know, go pick up the
10 pencil." Or "We're going to -- here's your book. I'm going
11 to sign this out to you." And he could speak to me and "How
12 are you doing?" "Oh, I'm doing well." "How are you
13 adjusting?" "Great, I feel great about..." You know, "Do you
14 have someone to eat lunch with?"

15 I assumed that because he could do that, that he would
16 seamlessly integrate right into my math classroom and I
17 would have to really not worry so much about him. But what
18 happened is as soon as I handed out a sheet with an
19 assignment on it he kept coming up to me over and over
20 again. "Well what about this? What do you mean a table?
21 Like, what does a table have to do with this?" and I was
22 thinking in a math class I wanted them to write a table that
23 would show the x coordinates on one column and the y
24 coordinates on the other. He had no idea what a table was.
25 The word "coordinate" is not part of social language, that's



1 part of academic language.

2 So I had to be thinking about things such as general
3 things like compare and contrast two functions. "Compare"
4 we're saying how are they alike. "Contrast", how are they
5 different? So very much an academic piece, but that one is
6 an example that doesn't relate only to math. That translates
7 across content areas.

8 So when we're thinking about English Learners, we
9 really have to be thinking about how are we supporting them
10 with the academic language that they won't encounter in
11 their day-to-day life, and distinguish between how a -- a
12 term would be used, such as "law". We just said that here,
13 in a social studies class a law means something, because
14 laws are passed by particular elected bodies, whereas a law
15 in mathematics is not passed by anybody; it's something that
16 exists in the natural world.

17 So being aware of that is really important, and because
18 of that it is -- there are many factors that would lead to
19 whether or not a student can acquire that full English
20 proficiency academic and social language in that five to
21 eight-year span.

22 So, for instance, if a student comes with some academic
23 language in their native language and all they're doing is
24 translating their native language to English and finding the
25 English word for that, that is simpler than having to build



1 the academic language and English at the same time. So when
2 we think about that five to eight-year span we want to think
3 about the age of the child, we want to think about their
4 academic and schooling background; whether or not they've
5 had interrupted schooling or not. We want to be thinking
6 about whether they're literate in their home language. And
7 this is why what we've done is with our three student
8 examples is we're giving you three different student
9 experiences to help you understand why or why not they might
10 be struggling with academic language.

11 So because we have our English Learners are coming in
12 and need to have access to grade-level content, our academic
13 standards spell out the academic expectations for students
14 in the 10 content areas that are listed on the -- on the
15 left. And each of those content areas has their own academic
16 language.

17 And so thinking about what is the specific language a
18 student needs to understand in order to access the science
19 curriculum in terms of understanding what photosynthesis is,
20 for instance, versus how that differs from let's say, oh,
21 another great subject like maybe math. You guys are supposed
22 to laugh there, because that's the best subject there is.

23 Yes, so ratio -- so ratio would be a specific term
24 there. So because of that the English Language Proficiency
25 Standards provides support for students to access that



1 language of those grade levels. So the English Language
2 Proficiency Standards have standards related to the language
3 of math, the language of language arts, the language of
4 science, the language of social studies. It's not teaching
5 the content, it's helping them teach the language of the
6 content.

7 And the -- so the English Language Proficiency
8 Standards really are those standards that help students
9 access the academic content. So just as a reminder it's
10 important to keep in mind how state standards work in
11 relation to instruction. Because whereas the academic
12 standards need to be met by all students, and the English
13 Language Proficiency Standards help give access to those,
14 how districts go about implementing those and using those
15 varies across the states. In a local control state, we know
16 that standards are set at the state, but curriculum
17 instruction as it pertains to student is really set at the
18 local level, or district level, which is why there's a
19 number of different types of programs across the state.

20 So to say that there's one experience for students,
21 again, really is -- is kind of made more complex by, kind
22 of, our -- our -- the way our system works. However, that
23 also makes it easier for locals to be able to meet the needs
24 of their particular students. So I'm going to hand off now
25 to Heather Villalobos to talk more about the identification



1 process for students, as well as assessments.

2 MS. VILLALOBOS: Thank you. So when we are
3 looking at how we would identify English Learners every
4 student who enrolls to a school is given a home language
5 survey -- a home language survey, or a home-language
6 questionnaire. You'll hear us refer to it as HLS throughout
7 the rest of the presentation. And it is a document that is
8 required by law, and it is given to all new-to-district
9 students and some districts have the questions within the
10 HLS incorporated into the mainstream registration packet,
11 some districts have it as a separate form, but they all give
12 it to every student.

13 It is a tool to be used with all students to identify
14 possible language influences other than English, so you'll
15 hear us refer to students who may have a primary, or home
16 language, other than English so that -- to help us identify
17 students who maybe speak another language, or are influenced
18 by hearing another language, and may not be hearing English
19 as often as a student from an English only home.

20 There are three required questions included in the
21 district-developed form. The questions all address the same
22 concept, but districts get to phrase them in a way that is
23 best for them, and it must be filled out when a student
24 enrolls. So it's -- it's not optional should a family skip
25 it the registrar will often find them to make sure it does



1 get filled out.

2 What the home language survey is not: It is not
3 optional, it is not just for students who are -- who are
4 believed to be ELs, so there is no profiling of students who
5 look like they may be English Learners, it is administered
6 to everybody, because English Learners come in all ages, and
7 colors, and ethnicities. It is not an assessment, it is just
8 a survey, or a questionnaire for the parents to fill out,
9 and it is not a CDE form. Districts do get to fill it out to
10 best meet the needs of their population.

11 So according to federal law the three questions that
12 must be asked -- and it's any variants of these three
13 questions. As I mentioned earlier; they may phrase them in a
14 way that they feel is friendliest for their community, but
15 the first question must address what is, or was, the
16 student's first language, or what is the native language of
17 the student. The second question needs to collect
18 information related to does the student speak a language
19 other than English, and it's to be sure to not include
20 languages learned in school, but influenced from the home.
21 And, yes, we ask them to list the language. And what
22 languages are spoken most often by the student. And the
23 third question needs to collect information related to what
24 languages are spoken in the home.

25 So now that we have possibly identified an English



1 Learner we'll look at continued assessments on identifying
2 and assessments they participate in as English Learners.

3 So assessments used in Colorado Public Schools; the two
4 assessments that are only for English Learners are the WAPT,
5 those letters of WAPT stand for WIDA ACCESS Placement Test,
6 so it is part of the WIDA tests. It is used -- it identifies
7 students who qualify for English language development
8 programing. It's administered once to all new students who
9 have a primary or a home language other than English, and so
10 if the home language survey has given indication that the
11 student may need to have the WAPT, they'd administer it.

12 Districts will then provide the WAPT, ACCESS 2.0. The
13 ACCESS 2.0 for ELLs measures English language proficiency.
14 ACCESS is administered annually to all students identified
15 as English Learners and it is administered until their
16 school district redesignates them as fully English
17 proficient.

18 Assessments used for all students, including English
19 Learners, the READ, Reading to Ensure Academic Development,
20 Act assessment. It identifies significant reading
21 deficiencies. It is required twice a year.

22 CMAS -- and READ is for students in grades K through
23 three. CMAS, the Colorado Measures of Academic Success,
24 measures mastery of standards in English language arts,
25 math, science, and social studies administered at the end of



1 the school year, and it is for students in grades three
2 through eight.

3 PSAT and SAT measure math and evidence-based reading
4 and writing. SAT includes an opportunity for students to
5 take an additional optional essay administered at the end of
6 the school year. The PSAT is in grade nine and ten, and the
7 SAT is in grade 11.

8 Specific information on the WAPT. Again, the WAPT is
9 the common screener used with a body of evidence to identify
10 English Learners. It is given to students who have a primary
11 or home language other than English indicated on their home
12 language survey. So while the home language survey is
13 administer -- is given to every student who's newly enrolled
14 in the district, the WAPT is only administered if the family
15 has then indicated that there is a language other than
16 English.

17 There is no official test window for the WAPT, because
18 it must be administered once upon district enrollment, so if
19 district enrollment is in October they would administer it
20 in October. If district enrollment is in March they would
21 administer it in March. And again, the WAPT screens for
22 language proficiency to help schools and districts identify
23 English Learners.

24 ACCESS 2.0 is the annual English language proficiency
25 assessment. It addresses social and academic language and



1 the language of instruction. ACCESS is administered
2 annually. It is a five-week testing window. It goes January,
3 February. It opens on the second Monday of January. All
4 students who are identified as NEP and LEP are required to
5 participate in ACCESS. If a student has a parent who has
6 choiced them out of EL services, but the student would still
7 participate in the ACCESS for ELLs assessment, because they
8 are identified as a NEP or LEP.

9 The exception to students who would take ACCESS 2.0 are
10 students with the most significant cognitive disabilities
11 who take alternate ACCESS for ELLs. So it is the English
12 language proficiency version of the alternate assessments,
13 and ACCESS measures progress towards English proficiency.

14 After we just spoke about ACCESS here's a moment to
15 look at the instructional information that a teacher would
16 receive on a student's Individual Student Report. As you can
17 see the student is -- the teacher is given information on
18 how the student's language skills are. It is not giving them
19 content specific information, but particular if we wanted to
20 look at reading; this student is a proficiency level 1, and
21 you can see that the resources that -- or ideas that it's
22 giving to teachers to guide instruction are "Understand
23 written text that include visuals, and may contain a few
24 words or phrases in English. For example; interpret
25 information from graphs, charts, and other visual



1 information, comprehend short texts with illustration, in
2 simple and familiar language, identify steps and processes
3 presented in graphs, or short text with illustrations, and
4 identify words and phrases that express opinions and
5 claims." I highlighted reading specifically because we'll
6 look at READ Act information in a moment.

7 So looking at READ Act, and again, I am within the
8 assessment unit, and READ Act is supported by the Office of
9 Literacy, but I will speak to it within this assessment
10 section.

11 The READ Act requires teachers to assess the literacy
12 development of K through three students in the areas of
13 phonemic awareness, phonics, vocabulary development, reading
14 fluency including oral skills, and reading comprehension
15 using a State Board approved interim reading assessment.
16 Possible exception to the READ Act are students in their
17 first year in the U.S. who are identified as NEP may be
18 exempted based on a body of evidence.

19 So here is a test result -- a test and result of a sub-
20 test within a state approved READ Act assessment. And you
21 can see here that they're really working on the phonemic
22 awareness of a student. So the teacher would say the word
23 "hall", and then the student would -- would say which
24 phonemic sounds they heard. So they'd say what -- "Tell me
25 what sounds you hear when I say the word 'hall'." And we'd



1 have the student go "H-ah-ul". So here you can see in the
2 word "count" the student missed some sounds, and in the word
3 "bird" the student missed a sound and added a "z" at the end
4 -- "e-r" Three out of four there.

5 But you -- not that the information provided to the
6 teacher here is much more reading and phonemic focused. It's
7 not a general language proficiency development, but skills
8 on "Consistently segmenting all phonemes in words, but did
9 not segment enough phonemes to meet the benchmark.
10 Reinforcement activities --" and then it gives instructional
11 ideas. "Reinforcement activities that focus on segmenting
12 and blending phonemes to build automaticity may be
13 beneficial." So it gives that specific reading information,
14 and that is the difference between information provided by
15 ACCESS and a READ Act assessment. And again, this is just
16 information from one sub-test within a READ Act assessment.
17 So the Read Act test would provide much more reading
18 specific information.

19 Continuing with the content assessments; the CMAS
20 assessment is the end of your standards-based content
21 assessment, assessing English language arts, math, science
22 and social studies. All students, including English learners
23 in the corresponding grades are required to participate in
24 the CMAS administration annually. There are two exemptions
25 to students who participate in CMAS, and that could be



1 student -- students first year in U.S. identified as NEP,
2 are exempt only from the English language arts assessment,
3 and students with the most significant cognitive
4 disabilities who take CoAlt, and CMAS measures mastery of
5 the grade-level Colorado academic standards, skills, and
6 concepts.

7 Our final content assessment is the PSAT/SAT. It's the
8 end-of-year suite of assessments in high school. They assess
9 evidence-based reading and writing, and math. All students,
10 including English learners and the corresponding grades, are
11 required to participate in the annual administration of the
12 SAT suite of assessments. There are also exceptions to the
13 SAT suite of assessments in that student's first year in the
14 U.S., identified as NEP, are exempt from taking the
15 evidence-based reading and writing assessment, and, again,
16 students with the most significant cognitive disabilities
17 who take CoAlt.

18 PSAT and SAT measure achievement and growth in relation
19 to essential college and career readiness success outcomes.
20 And with that I will pass the presentation to Dr. Cobb.

21 DR. COBB: Good morning. My aim to you is to
22 be able to discuss a little bit about what's required in
23 terms of instructing English learners. The goal really is to
24 provide a little bit of context to all of the information
25 that was provided before in terms of the experiences of a



1 couple of students.

2 And so prior to doing that what'd I'd like to do is to
3 be able to explain a little bit more about the English
4 language development models that do exist in the state of
5 Colorado. As Dr. Colesman mentioned, in looking at the --
6 the difference between standards, curriculum, and
7 instruction, specifically focusing on the instructional
8 side, that that is a decision that gets made at the local
9 level. And so in providing a little bit of context to a
10 couple of the models that you see on the screen, the first I
11 want to bring up is the newcomer program.

12 The newcomer program is one that is really intensive
13 and specific to helping students accelerate their language
14 acquisition in English, but really more importantly, to make
15 sure that the students have an opportunity to get
16 acculturated to the United States of America. That is a -- a
17 very intensive type of a program for -- for students.

18 The next would be content classes with integrated
19 support, really focusing on English language support in
20 general and in looking at a content classes with integrated
21 support. Two of those models would be a push in English
22 language development program. And in those programs the
23 instruction really is kind of focused in a simultaneous vein
24 in terms of both English language development, as well as
25 content. And so really making sure that the English language



1 development component of it is not separated and distinct. A
2 sheltered class would be a class that would be specific for
3 English learners, specifically related to content, and given
4 in a slightly different vein.

5 In terms of an English language development program, or
6 a traditional ESL pull-out program and looking at those:
7 Those programs specifically are designed to -- to teach
8 English Learners explicitly about English language, and so
9 in that type of a model the English Language Learners are --
10 are removed from the content class specifically.

11 On co-teaching, co-teaching is actually a -- a version
12 of a content class with integrated English language support,
13 however where co-teaching is a little bit different than the
14 aforementioned models is that in the co-teaching model the -
15 - the English language development teacher along with the
16 content teacher share in the actual instruction of the
17 content itself.

18 The next model that I'll explain to you is a dual
19 language, or a two-way immersion model. That is a form of a
20 bi-lingual model, and in looking at the dual language model
21 the focus with that is to actually have a bilingual program
22 which really promotes the student's ability to maintain
23 language proficiency in two languages; receiving instruction
24 in English as well as another language in the classroom. And
25 so in looking at that model, that model is a little bit



1 different than the trend -- traditional or transitional bi-
2 lingual education program in the sense that it would have
3 native English speakers along with speakers of another
4 language who are part of that class. And the -- the
5 opportunity here is it will be given for students to learn
6 both a foreign language, or a different language, with other
7 students who are native to that -- to that language.

8 Then, finally, transitional and traditional bi-lingual
9 early -- or bi-lingual program is that maintains and
10 develops skills in the primary language while introducing
11 and maintaining developing skills in English. And really the
12 primary purpose of the traditional bi-lingual program is to
13 facilitate English learner's transition out of the program
14 into an all English program.

15 And so what I'll do again is just revisit very quickly
16 our -- our three students. Our students A, B and C, and what
17 my goal is, is really to be able to provide you with a
18 little bit of more context in terms of how all of the
19 information that was provided previously will apply.

20 So just as a refresher; our Students A is a six-year-
21 old student who would be in first grade. His or her home
22 language would be in Spanish. This student is -- would not
23 be literate in his or her home language and would be Non-
24 English Proficient.

25 Student B is a student who is 11 years old, would be in



1 sixth grade. His or her home language would be Vietnamese
2 and has a limited literacy in the home language and -- and
3 as a result we've made the student Limited English
4 Proficient.

5 And then, finally, Student C, is a 15-year-old student
6 who would be in high school whose home language is Somali.
7 And this is the student that Dr. Colesman referenced was not
8 literate in the home language due to interrupted schooling
9 and would be Non-English Proficient. And so in all of these
10 the district would develop a plan.

11 And so in -- providing a little context; this is just a
12 -- a brief refresher. If a student were in first grade and
13 were new to the U.S., as Heather revealed, the student would
14 take a home -- or the parents would be given a home language
15 survey, which would reveal that the student would speak a
16 language other than English. And the student would then sit
17 for the WAPT and show that the student is Non-English
18 Proficient, and in this particular example the district
19 would offer a co-teaching program.

20 And so for students who are Non-English Proficient what
21 we typically find as representative of their abilities would
22 be that a Non-English Proficient student would be able to
23 use pictorial and graphic representations of the language in
24 the content areas, and the student would be able to respond
25 to words and phrases, or chunks of language when presented



1 with one-step commands, directions, choice, or "yes", "no"
2 questions, or statements with interactive support. The
3 student would also be able to use oral language with a few
4 errors that sometimes impede meaning when presented in basic
5 oral commands and provide directions or simple statements
6 with some interactive support.

7 So in looking at this as it applies back to the content
8 standards and the -- the English Language Proficiency
9 Standards, on the Colorado Academic Standards, as an
10 example, and Heather gave an example of this previously,
11 that a student would need to know and be able to apply
12 grade-level phonics and word analysis skills in decoding
13 words and accurately decode unknown words that follow a
14 predictable letters and sound pattern relationship.

15 And so in the example that she gave, I'll give kind of
16 a separate example. Making sure that if a student were
17 trying to explain, or spell, or sound out the word "bug",
18 they all have very hard and specific sounds, the "buh", the
19 "uh" and the "guh" sound, and so as someone who is learning
20 English as a language, understanding how those letters
21 actually correspond to those sounds, and so while there may
22 be an understanding of how that might work in the native
23 language, making that transition to English is a skill that
24 has to be developed.

25 On the language support side, how this blends together;



1 the student would use pointing gestures to demonstrate
2 awareness to those unique sounds, and support access to text
3 through using similar language and features. And so these
4 are some simple examples, family, enfamilia, insect and
5 insectos and problem and problema.

6 And so in looking at the broad scope of the student's
7 assessment experience over the course of the student's
8 entirety in the public educational system what you'll see
9 overall is the -- the slide above is really showing how the
10 student would experience schooling in context with the
11 assessment.

12 So in looking at first grade, as you can see, the
13 student would take the WAPT and take the ACCESS for the
14 language development components, and the student is eligible
15 to take the READ assessment, however, as you may know, that
16 the students in -- in their first year in the U.S. may be
17 exempt from that exam. And so in moving forward to the
18 subsequent years; you can see that the student would
19 continue to take the READ exam to continue to develop
20 reading proficiency in concert with the ACCESS exams. And as
21 the student continues to progress moving -- move forward to
22 the CMAS exams in grades three through eight while
23 progressing to the PSAT in grades nine and ten, as well as
24 taking both the CMAS and the SAT in grade 11.

25 And in this particular example what you've seen -- what



1 you see is that the student would reach English proficiency
2 in four years and then would move from a Non-English -- I
3 mean, a Non-English Proficient student initially to a
4 Limited English Proficient student, likely in grade two
5 through four, to a fully English proficient student in
6 grades five and six just resting in the monitor status.

7 So this is our example of a first-grade student who
8 would start -- or a student who is -- a Spanish-speaking
9 student who would start in first grade.

10 Now moving forward to our Student B. Student B is in
11 sixth grade. His or her home language survey once again
12 reveals that the student speaks a language other than
13 English. In this particular example we've noted that the
14 student speaks Vietnamese, and so as a result of the student
15 having some experience in schooling in the past the WAPT may
16 show that the student is Limited English Proficient. And in
17 looking at this example for Student B, as you move up in the
18 academic strata, as Dr. Colesman mentioned, the distinction
19 between understanding social language and academic language
20 begins -- begins to get increasingly complex.

21 So obviously what a -- what a student would need to
22 know from an academic sense as a first-grader is
23 substantially less sophisticated than what a student would
24 need to know as they progress into -- into grade six. And so
25 in this example what a student who is limited English



1 proficient is capable of doing in general is that this
2 student is -- is able to use some general and some specific
3 language in the content area. So -- and this is a
4 mathematics example, "mean", "median", "mode", measures of
5 central tendency would be able to be used. And using
6 expanded sentences in oral interaction, or in written
7 paragraphs can -- can speak and write solutions to problems.
8 And then, finally, using oral and written language with some
9 errors that may impede the communication, but retain a great
10 deal of the meaning when presented with oral and written
11 descriptions and occasional visual and graphic support.

12 So this student would be a little bit easier to
13 understand, as they have a different ability to be able to
14 transfer information based upon a historical understanding.

15 So as we look at the content standards as well as the
16 Colorado English Language Proficiency Standards in this
17 example a student would relate the choice of measures of
18 central and variability to shape the data distribution in
19 the context which the data were gathered, which is a math
20 standard. And then on the English Language Proficiency
21 Standards they -- the student would select measures of
22 (indiscernible) based on the visual and graphic displays,
23 and oral descriptions of real-life situations. So you can
24 see how those two standards relate closely together.

25 And so the example that you'll see on the screen



1 provides an application of actually how that would play
2 itself out in -- in a -- in a testing situation. And so as
3 you see on this particular example, it shows a frequency
4 table with the number of hours that each student in Ms.
5 Clayboard's (ph) class spent volunteering in one week. And,
6 you know, the two-part question really focuses on the total
7 number of hours that students volunteered, as well as the
8 mean number of hours volunteered for that week.

9 And so this, again, gets back into the example of
10 understanding the complexity of academic language for what
11 an 11-year-old, or a sixth-grader, would be required to do.
12 This is an ability to be able to provide some context, so
13 obviously the example that we're using right now, for this
14 particular student, is one that is Limited English
15 Proficient, but obviously when placing that in the context
16 of a -- of a student who is Non-English Proficient the
17 content standards continue to remain the same. And so this
18 is a kind of a part of the experience for our English
19 learners as they begin to progress through the academic --
20 their academic careers.

21 And so in looking at this student's example, once again
22 this is an example of this student's academic experience all
23 the way through from sixth grade until the student's senior
24 year in high school. And for this particular example we
25 noted that the student was able to reach English proficiency



1 in six years, so not dissimilar to the student prior. What
2 you see is that the student would take the WAPT when -- when
3 he or she first arrived to the -- to the school, and -- and
4 would continue the ACCESS exam for -- until, you know, his
5 or her junior year.

6 Along with that the student would continue to take the
7 CMAS in grades six, seven and eight. As I mentioned
8 previously, the PSAT in grades nine and ten, as well as the
9 CMAS/SAT in grade 11. And so in this case the student would
10 reach fully English proficient by the time that he or she is
11 a senior in high school, and during that year that student
12 would be on monitor status.

13 And now getting into our final example. Which is a bit
14 more complex. This is our 15-year-old student whose home
15 language and -- is Somali, and as Dr. Colesman mentioned,
16 this would be a student who had some -- an experience with
17 interrupted schooling. And in -- in any of those examples,
18 or any of those situations, we find there -- there becomes a
19 different level of intensity that is required in order to
20 make sure that support is needed for students who fall into
21 that situation.

22 So just like the others; home language survey would
23 reveal that the student speaks a language other than
24 English. And in this case the WAPT would be Non-English
25 Proficient. And so going back, looking at what an NEP can



1 do, back to explaining again; those using pictorial and
2 graphic representation of the language in the content areas,
3 responding to words and phrases, or chunks of language when
4 presented with one-step commands, directions, or choice
5 "yes", "no" questions and statements with interactive
6 support. Using oral language with errors that often impede
7 meaning when presented with basic oral commands and
8 directions, questions, simple statements, and interactive
9 support.

10 When thinking about that as it relates to a student is
11 in the situation; whenever a student has interrupted
12 schooling, as I mentioned previously, the content standards
13 for a student in that grade are the content standards for a
14 student in that grade. And so really trying to make sure
15 that there is clarity in terms of how those students in that
16 situation continue to get support.

17 So in looking at the content standards, we want to make
18 sure that in this example -- this would be an example of
19 what a content standard would be for a student in
20 mathematics. And this is a little bit more complicated to
21 see, because the -- the text is a little bit small on the
22 example, but I will read the standards in terms of
23 representing data on two variables -- two quantitative
24 variables to show the scatter plot and describe the
25 relationships and then on this organizing graphically



1 displayed data from written directions and models in small
2 groups.

3 And really in looking at this question you can see just
4 in terms of what I explained in the standard, just the
5 complexity of the language that is required to -- to
6 understand the meanings. And so again, for a student who is
7 Non-English Proficient, who is new to the country, and who
8 may have interrupted schooling; this student may not be able
9 to transfer the information that they've learned from
10 mathematics throughout the course of their academic career.
11 And so in this particular example, you know, you can see
12 students who may attend school until they would be what we
13 refer to as third grade, and then they have some experience
14 that interrupts that schooling, and then move to the United
15 States and then come and begin to start up schooling. That
16 gap in an academic experience makes it very difficult for
17 that student to be able to transfer any knowledge that is
18 gained over time while a student whose -- whose age group
19 peers would be continuing schooling throughout that time as
20 well.

21 So when you begin to talk about the totality of -- of
22 our English learners, this is where it can begin to get very
23 complicated in terms of trying to explain how these groups,
24 or students who fall into this category, are not necessarily
25 monolithic, but come with them sort of a hopes -- a whole



1 host of, you know, complexities in terms of what their
2 experiences might have been in their native countries.

3 And so in looking at this particular example of a
4 student who has some interrupted experiences, really trying
5 to make sure that on the assessment side paying attention to
6 a unique feature that the State of Colorado offers in terms
7 of optional years of high school. And so in this example,
8 you know, the student is trying to continue to develop the
9 academic language and the social language at the same time,
10 and so continuing to take the -- the ACCESS for four years,
11 from the first year of high school all the way to age 18,
12 while taking the PSAT in grades nine and 10, as well as the
13 -- the CMAS and SAT in grade 11. But, again, the high
14 schools could, if the -- the districts have chose, provide
15 an opportunity for students to continue to develop
16 additional academic experiences and academic language beyond
17 the traditional senior year of high school.

18 And so that opportunity does exist and is available for
19 students, but really trying to find a way to make sure that
20 the academic experience can be supported so that the
21 students can -- can continue to move forward and live
22 productive and successful lives.

23 And so at this point what I will do is toss this back
24 over to Dr. Colesman to begin to wrap up the presentation,
25 and talk to you a little bit more about what to look ahead.



1 DR. COLESMAN: Okay. So what we attempted to
2 do today I -- again, you typically have to make a decision
3 based on a small sliver of all of this information, and it
4 usually is a pretty high-stakes kind of decision that you're
5 making. What we wanted to do today is hopefully provide you
6 with this bigger context grounded within the experience of
7 different students to understand some certain things around
8 how social language and academic language are inter-related,
9 but not necessarily predictors of one another. How our
10 academic standards are held for all students, and we want to
11 make sure that all students have access to grade-level
12 content and are English Language Proficiency Standards are
13 there to help teach the language skills to access that
14 academic content.

15 We talked a bit about the -- the different assessments
16 and how they are used to assess either ra content knowledge
17 or language development, and how those work with respect to
18 identifying an English Learner and identifying their
19 language development such that we can see their progression
20 and when they're moving from Non-English Proficient to
21 Limited English Proficiency over to fully -- Full English
22 Proficiency. Such that we can see how all of those work
23 together to support kids to develop that language that they
24 need to be successful in school.

25 What we're going to be doing in our November



1 presentation is to be thinking about, you know, as -- you
2 know, I gave you the example of Randy, and I had to be
3 thinking about all of these things with respect to Randy's
4 English language development and his understanding of
5 academic language. So we're going to talk a little bit about
6 what about educator preparation, and what are those things
7 that educators need to know and understand and be able to do
8 in order to support English Learners. And then thinking
9 about the accountability system, and about how our
10 accountability system holds schools and districts
11 accountable for ensuring that continued growth in both areas
12 of -- of English and academics.

13 The one thing that I'll -- before we open for some
14 questions, is just give you, again, some more personal
15 experience. As I started to learn more about supporting the
16 language development of -- the increasing number of Language
17 Learners that I was getting in my math class; what I started
18 to realize was that I wasn't paying attention to the
19 academic language that was used in my content area for any
20 of my students. I wasn't spending the time to make sure that
21 my students understood the difference between "table" and
22 "table" as used within the math class. I wasn't clear about
23 understanding that my students may have -- when we talk
24 about the word "mean, median and mode", well what does
25 "mean" mean? Because "mean" means different things in



1 different content areas. And I wasn't paying attention to
2 how that could be confusing for my students.

3 So as I learned to better support my English learners
4 and their academic language development, I actually got
5 better about supporting all of my students and understanding
6 the language of math, and that actually gave all of my
7 students better access to the content that I wanted them to
8 learn.

9 So I think that, you know, as -- as we think about all
10 of the things that our English Learners bring to the
11 classroom, we can also think about how our -- the -- the
12 skill base of our teachers can also expand as we learn how
13 to better serve those students.

14 So we do have a few minutes. We didn't talk for a full
15 90 minutes. I'm sure you're incredibly grateful for that.
16 But we wanted to just make sure that if you have some
17 questions that we can answer we'll do our best to answer,
18 but also remember that all of our content experts aren't
19 here at this particular table. So some of us will need to --
20 we might need to copy a couple questions down and get back
21 to you. All right?

22 MADAM CHAIR: All right. Board Member Flores.

23 MS. FLORES: I have lots of questions. But,
24 first of all, I have to make the statement. I want to ask
25 Dr. Cobb, were you at Cherry Creek for several years?



1 DR. COBB: Yes, I was.

2 MS. FLORES: Were you the Director of
3 Curriculum?

4 DR. COBB: Yes, I was.

5 MS. FLORES: And so you worked with teachers
6 and directors and other people who -- who worked in English
7 language, and they had -- they didn't have a -- a dual
8 language. What kind of program would you consider that you
9 had in -- in Cherry Creek?

10 DR. COBB: Sure. So the program in Cherry
11 Creek focused primarily on co-teaching. That program was
12 actually led by Dr. Holly Porter, who's the Director of
13 English Language Acquisition at district, but there's --
14 there was a tremendous amount of effort and support that
15 really kind of focused on trying to make sure that the --
16 that the English Language Development Teacher along with the
17 content teacher taught collaboratively in order to make --

18 MS. FLORES: In the classroom. It wasn't a
19 pull out.

20 DR. COBB: Correct.

21 MS. FLORES: Okay, so one of the things that
22 I -- I just couldn't help but -- although you said there's a
23 difference between the social and the academic, I -- I agree
24 with you. I don't think most teachers understand that, and
25 just like for you, some of them don't get to that point



1 where they understand that they have to deal with the --
2 with the academic, and that parents -- parents really take
3 their kids to school and want their kids to attend school so
4 that they can get the academic, and that's very important.

5 I think that we have --

6 MADAM CHAIR: We need some questions, because
7 we're going to be short on time.

8 MS. FLORES: Well, yes and I'm getting there.
9 I'm getting there. And so I think that if we give the -- the
10 children, the students, as you mentioned, at the very
11 beginning that you called it a -- a newcomers program, just
12 like I -- I think years ago we used to give Head Start, or
13 kids going into kindergarten a Head Start, and especially I
14 think that's a -- a good way for English language learners
15 to get that special language that they're going to -- to
16 need at the very beginning, so if we give them that I think
17 it's not -- I don't think it's very difficult to teach the
18 sounds and the letters. And for English, I think that's
19 simple --

20 MADAM CHAIR: Board Member Flores, let's --
21 let's get some more questions, because you haven't asked a
22 question --

23 MS. FLORES: You know, you -- you really --

24 MADAM CHAIR: I'm sorry, we just going to
25 need to take turn --



1 MS. FLORES: No. You're cutting -- you're
2 just --

3 MADAM CHAIR: I'm going to give you another
4 turn, so please organize your questions.

5 MS. FLORES: I am organizing my questions.
6 I'm explaining something that I don't think you understand.

7 MADAM CHAIR: We'll get back to you. We'll
8 get right back to you. Board Member Rankin.

9 MS. FLORES: This is -- this is -- this is
10 absurd.

11 MADAM CHAIR: Please.

12 MS. FLORES: I was trying to explain
13 something.

14 MADAM CHAIR: Please, question time, I will
15 get back to you.

16 MADAM CHAIR: Board Member Rankin, do you
17 have questions?

18 MS. RANKIN: I do. Page -- page 19 --

19 MS. FLORES: Very rude.

20 MS. RANKIN: They have -- let's see. On the
21 second -- ACCESS 2.0 measures the English language
22 proficiency, and the districts identify them as English
23 Learners until they are fully proficient. Do the districts
24 use the same, for lack of a better word, cut scores, so that
25 if a student was in one district, transferred to another,



1 would he be able to start at the point where he left off
2 with the other one, or is this totally subjective to the
3 district?

4 MS. VILLALOBOS: Madam?

5 MADAM CHAIR: Please.

6 MS. VILLALOBOS: So the -- the Office of
7 Culturally and Linguistically Diverse Education does set re-
8 designation criteria and it is with a cut score from the
9 ACCESS 2.0 results along with a body of evidence. So most of
10 my answer to you is, yes, there's one cut score, but each
11 district gets to use their body of evidence, so it is
12 possible that District A would have a more stringent body of
13 evidence than District B, but the state sets the minimum cut
14 score.

15 MS. RANKIN: So it is subjective according to
16 the districts. I don't mean that in a negative -- yeah.

17 MS. VILLALOBOS: It is subjective according
18 to the districts.

19 MS. RANKIN: And on page 22 you have listed
20 one, two and three. I don't know what that means. Is it a
21 20-point scale, or...?

22 MS. VILLALOBOS: On the -- oh, yes, thank
23 you. It is a 6-point scale, and the CLDE office has set re-
24 designation criteria at a level 4.

25 MS. RANKIN: Okay, that helps, and then on



1 page 28, I mean, I have a bunch of questions, but I'm --
2 this is going to be my last on, because these are the most
3 important.

4 MADAM CHAIR: We'll go back through after
5 we've all had a chance.

6 MS. RANKIN: I really -- this is to me the
7 key of the whole presentation; the models that we use in
8 Colorado. What I'd like to know is in our office, in the
9 department, we have a list, I'm sure, of all the different
10 models that do exist in Colorado. Do we know which ones are
11 more effective or more frequently used? I know those could
12 be two different numbers. Do we do some kind of an
13 evaluation of that throughout the state, so we can say,
14 "Here, best practices." If a district doesn't know what to
15 use, here's what --

16 MS. VILLALOBOS: Would you like me to address
17 that portion?

18 DR. COLESMAN: Right. I think -- I think what
19 Heather can do is talk about, like, what data we do collect.
20 I -- we can find out if we've done some analysis according
21 to the -- the outcomes of those different programs, but --
22 but Heather will know a little bit more about the types of
23 information that we collect.

24 MS. RANKIN: Did you say "if" you have done
25 some analysis, or --?



1 DR. COLESMAN: Right. I'm -- I'm just not
2 aware of that, because we don't have all of the content
3 people up at the table.

4 MADAM CHAIR: And -- but we do have a list of
5 the models so that a district that might not know quite
6 what's out there would have access to -- and you could help
7 them choose?

8 MS. VILLALOBOS: Yes. We have a better list
9 of models now with the new ESA, so I can tell you what data's
10 collected that we collect through the ACCESS for ELL student
11 demographic file. And previously we only collected if they
12 were in an English language development program that only
13 utilized English, or if they were in an English language
14 development program that utilized a native language, or
15 parent choice. So really it didn't provide us with much
16 information.

17 But now with the new ESA collection we will be
18 collecting the specific programs that you see there, so the
19 collection from this year will be our first foundation in --
20 in having that information to truly be able to do an
21 analysis on the -- the strength of programs. But previously
22 we didn't have enough information collected.

23 MS. RANKIN: That's going to be very
24 valuable.

25 MS. VILLALOBOS: Yes.



1 DR. COLESMAN: Madam Chair I'm going to ask -
2 - Dr. Cobb has a point that I think would be really helpful
3 to understand about when we think about different models,
4 program models, that districts might choose from.

5 DR. COBB: So one of the things that I think
6 is important to understand, also, is the -- the reason why
7 we showed the different Students A, B, and C, how those
8 students interact with those models I think is also an
9 important thing to understand. So, for instance, if -- if a
10 -- if a school district, or a location in Colorado, happens
11 to have a greater percentage of students who would fall into
12 Category C, or is the Student C example. That would then
13 also have an impact in terms of how those models wind up
14 creating an interpretation, because certainly the ACCESS
15 scores would be one place of -- an opportunity to be able to
16 give an example of how students are doing, but the content
17 to which the students are being exposed and when they're
18 being exposed to that content is also going to be a factor.
19 And so you know, I -- I just -- I want to always make sure
20 that we offer a little bit of interpretive caution with
21 that, because that was one of the reasons why we wanted to
22 make sure that we talked about those three specific
23 examples, because who attends, when they attend, how much
24 background knowledge they have will also impact that as
25 well.



1 MS. RANKIN: Thank you.

2 MADAM CHAIR: Board Member McClellan.

3 MS. McCLELLAN: Thank you, Madam Chair. I so
4 appreciate the inclusion, particularly, of the model for
5 Student C, because when I toured Aurora Central prior to my
6 election with Superintendent Munn, he mentioned that in some
7 cases these students have had these interruptions to their
8 studies before even coming here, in some cases with no
9 English language skills, and because there are so many
10 languages spoken there, they're having to sometimes do
11 interpretation services over the telephone, which must be
12 tremendously challenging when you may have one classroom
13 with many different languages spoken.

14 And then when you add to that the challenge of a
15 transient population where, as he put it, "I'll start the
16 year with x number of students and I'll end the year with
17 roughly x number of students, and they won't be the same
18 students." It's a tremendous challenge. So it's less of a
19 question and more of a request, that as we go into any
20 future rounds of accountability clock hearings when we're
21 looking at these results for schools that fit that profile
22 with lots of students like Student C, it's helpful for me to
23 have guidance in how to layer that consideration of those
24 challenges onto the result that we see. Because as I -- as I
25 left that tour I -- I just felt a tremendous sympathy for



1 the challenges that they faced there in trying to help make
2 sure that those students are achieving as much progress as
3 they can throughout the year. So less a question and a -- a
4 thanks for including that example, and a plea for all the
5 guidance that you can offer as we face the job of
6 interpreting that data in -- in rounds to come. Thank you.

7 MADAM CHAIR: Thank you. Board Member
8 Mazanec.

9 MS. MAZANEC: One of my questions is all
10 students identified as NEP and LEP have to participate in
11 ACCESS regardless. Is that by law?

12 MS. VILLALOBOS: Madam -- go ahead.

13 DR. COLESMAN: Yes, the opt-out law did not
14 include ACCESS for ELLs, but we understand and work with
15 districts and tell them the highest priority is to have a
16 relationship with the families and the students, and that
17 they need to take into account parent request and do what
18 they need to do.

19 MS. MAZANEC: My other question is we have
20 these programs, which you say you will be able to provide us
21 some data on how effective they are. What I'm interested in
22 is how many districts are using these programs? I mean, how
23 many -- how many students in Colorado are actually affected
24 by these programs?

25 DR. COLESMAN: Right, so that's actually some



1 information that we can follow up with you on. So definitely
2 we can give you numbers on the program participation in
3 those different models. There's always caution with that
4 data, because it's self-reported, and -- and so it -- it's
5 not as clean as we would probably want it. But then we can
6 also follow up with you in terms of -- of outcomes if
7 whether or not we've done any analysis on that, so those
8 would be two follow up items that we'll do.

9 MADAM CHAIR: Board Member Goff, do you have
10 any questions?

11 MS. GOFF: I don't know.

12 MADAM CHAIR: Go.

13 MS. GOFF: I'll try -- I'll be quick. I -- I
14 think they're fairly simple. I wonder if -- if you have a
15 succinct, short definition of literacy. I -- I'm asking this
16 on behalf of -- of the public and people who don't spend
17 their -- majority of their time in this realm of discussion.
18 I -- I will say, first of all, thank you for today. I think
19 it was very helpful in moving us for -- all of us forward on
20 understanding acquisition versus the reading issue and --
21 and the speaking, and the listening components that are
22 involved in this. But any of you -- if there's a -- two or
23 three-word key thing that can really delineate the word
24 "literacy" from English proficiency, what part of it is
25 that?



1 DR. COLESMAN: Well, I'll do a little piece,
2 and then I'll just see if -- if Heather wants to add to
3 this. But -- but literacy really pertains to the four
4 domains of reading, writing, speaking and listening. Pardon?
5 Literacy, right. But literacy also is composed of those
6 things; reading, writing, speaking, listening. Those
7 actually are the four areas of our literacy standards in the
8 academic standards areas. Those also happen to be parts of
9 language development, because language and literacy are --
10 are very closely related, obviously.

11 MS. GOFF: Thank you. The other one is I got
12 a -- two or three -- I'm going to try condense them. How --
13 how are the other content areas, in addition to math,
14 language arts, science and social studies; how are they
15 addressed in this, as far as developing academic language
16 skills; if you've got these kids that are involved in art,
17 or music, there is a -- there is a body of language,
18 vocabulary, sorry, that applies to those courses. So how --
19 how are teachers and such being brought into that -- that
20 scope of development?

21 MS. VILLALOBOS: Okay. So the -- the CELP
22 standards, which were adopt -- adopted from WIDA have
23 language of language arts, language of math, language of
24 science, and language of social studies, and they focus on
25 those four cores, but they do have resources to support



1 educators in "How would you use language supports in the
2 other contents?" But we don't have any specific assessment
3 materials of language -- language of music, or language of
4 art.

5 MS. GOFF: Do you happen to know if there's
6 work going on to develop some of that? I'm -- right today on
7 my mind first I said art and whatever else I said, but
8 really on my mind today is physical education, perhaps, and,
9 gosh, any other content area -- this would pertain, I
10 assume, particularly to our 15-year-old and -- and what
11 other -- what other menu options are available to that
12 student. So -- just rhetorical, take it at that, that's
13 fine.

14 MS. VILLALOBOS: Okay.

15 MS. GOFF: And then one other -- any idea
16 what the percentage is of kids who are not in a language
17 instruction program by parent choice? Is -- is there -- are
18 there some, or, you know --

19 DR. COLESMAN: That's something that we can
20 follow up --

21 MS. VILLALOBOS: We -- we could find that
22 out.

23 MS. GOFF: Yeah. I guess I'm thinking about
24 the rationale such -- yep. And then kind of related to that.
25 Is -- what -- what do we know now about why would a parent -



1 - why would a district deny a parent request to,
2 (indiscernible) think of something else, but there's been
3 reference made to -- actually I'll save it for later. I
4 think it applies to something else.

5 MS. RANKIN: It applies to the next
6 discussion.

7 MS. GOFF: Thank you. As I said that.

8 MS. RANKIN: But now you own it. You get to
9 ask it first.

10 MS. GOFF: I will, I will. I'm happy to. I'm
11 (crosstalk).

12 MS. RANKIN: We were all going to ask it, but
13 now Jane gets to ask it.

14 MS. GOFF: Thank you. Backing me up.

15 MADAM CHAIR: Okay, I just have a couple
16 questions. I hope they're short. The WAPT; does it vary
17 depending upon the age of the child?

18 MS. VILLALOBOS: Yeah.

19 MADAM CHAIR: Or is it a test that's
20 identical for all kids?

21 MS. VILLALOBOS: No, it is grade level. It is
22 -- there is a kindergarten assessment, there's a grade-level
23 cluster of one, two; grade level cluster of three through
24 five; and grade level cluster of six through eight; and then
25 a cluster for nine through 12, and then there are -- there's



1 guidance on how to score it for the grade that the student
2 is in.

3 MADAM CHAIR: Okay, and if you have a student
4 who is identified as illiterate, I believe that was the word
5 that was used, is then the assessment given only orally? I
6 mean I'm -- I'm trying to visualize is a youngster, no
7 matter what age, whose -- who is not reading; how do we
8 assess the level of English limitation. Okay.

9 MS. VILLALOBOS: That's the -- the
10 assessment is still presented for the four language domains
11 of speaking, listening, reading and writing, and it is
12 adaptive, so if the student couldn't read they would still
13 have the opportunity to engage with -- so at a lower level
14 the student could have something read to them, that then
15 they would read to them, would read back.

16 MADAM CHAIR: Okay.

17 MS. VILLALOBOS: And so it's still presented,
18 but there's guidance on how to stop if it's not appropriate
19 for the student.

20 MADAM CHAIR: Okay. The other -- the
21 assessment 2.0; when is that administered? Same time every
22 year?

23 MS. FLORES: ACCESS.

24 MS. VILLALOBOS: Yes, ACCESS 2 point --

25 MADAM CHAIR: ACCESS.



1 MS. VILLALOBOS: Yep. ACCESS 2.0 is a five-
2 week window, and it opens on the second Monday of January.
3 So this year would be --

4 MADAM CHAIR: Okay so it's prior to -- it's
5 prior to the other assessments that are annual assessments.

6 MS. VILLALOBOS: Yes.

7 MADAM CHAIR: That come from the state, okay.
8 And then in the -- in the research that relates to the
9 length of time that it takes a student to acquire English
10 are there difference depending on the age at which
11 youngsters enter the limited English programs?

12 MS. VILLALOBOS: I do not know the answer to
13 that. I know a lot of research has been done that -- on that
14 -- within CDE, within the Accountability Office, and I would
15 defer to letting them be the experts on that.

16 MADAM CHAIR: Okay. Okay, because in your
17 examples you have all different time spans, et cetera.

18 Okay, questions. Dr. Flores.

19 MS. FLORES: It doesn't have to be -- this is
20 a discussion. It can be a discussion, too. And I was going -
21 -

22 MADAM CHAIR: Two minutes. Two minutes,
23 please.

24 MS. FLORES: I -- two minutes, please. I
25 don't think I could say anything in two minutes, but --



1 MADAM CHAIR: Board Member Flores, we are out
2 of time, and so I -- we'd appreciate if you'd help us.

3 MS. FLORES: I -- I know. I know, but I'm
4 trying to get to the -- to the crux of this, and for your --
5 for understanding this, and I think there's a major fallacy,
6 and the major fallacy is that school is about literacy,
7 decoding. And in this case, it's the same thing with second
8 language learners. They're going to have to be proficient in
9 decoding the English language, so that's where the emphasis
10 should be in decoding English. And it's much easier for an
11 older kid to decode than a younger kid. And just as we have
12 these programs for kids in kindergarten to be able to decode
13 so that they can read by first grade, that should be the
14 object of, I think, any second language program. And because
15 there are two different things; being able to assess whether
16 they speak is different, and actually you should forget
17 that. It -- the teacher should really home in on the
18 cognitive part of it, the academic part of it, and that is
19 literacy and the acquisition of knowledge, and that is
20 through reading. That is how -- that is what we really
21 should think about. And if we think about and do that, I
22 think we will be successful. And one of the problems that we
23 have here in Colorado is that we haven't done that. We
24 haven't homed in on the literacy, and decoding, for -- we do
25 it for English language learners, but we don't do it for



1 second language learners, and it's the same thing. They're
2 going in there to be literate, to decode, so that they will
3 be able to then consume knowledge and acquire all those
4 standards and all that information that they need.

5 So we need to think about that. And when I think most
6 teachers, as you said, Dr. Colesman, they do. Many of them
7 who have not had the training look -- listen to what a kid
8 says and really bases almost all their judgement on that,
9 and not on cognitive and reading. And you can have a two and
10 a third year old who will be doing fantastic and on time
11 will be reading by third grade if you keep with the literacy
12 and the decoding and do much better.

13 MADAM CHAIR: Thank you, Dr. Flores.

14 MADAM CHAIR: And maybe -- maybe excel then
15 the English-speaking people, because that's what we did in
16 Texas.

17 MADAM CHAIR: Board Member Rankin. Thank you.

18 MS. RANKIN: I have a question about the PSAT
19 9, 10 and SAT on 11. No -- if -- if they -- within the
20 district if they are literate enough to take those tests,
21 are those tests just factored in to what the -- the school
22 tests are, or is that a separate category?

23 MS. VILLALOBOS: Madam. Are you asking me if
24 those results are factored into the school accountability?

25 MS. RANKIN: Uh-huh.



1 MS. VILLALOBOS: Yes, they are.

2 MS. RANKIN: Along with everybody else, as if
3 they're -- okay. That -- that was my first question. The
4 last one is I would really appreciate, since I know you're
5 going to come back at us again, the acronyms -- Mr. Chapman,
6 I appreciate the ones you have, but there have been many,
7 many more in this presentation that are not described, and
8 it would like it for this presentation and also the one in
9 November, if you could have -- and if there are any in the
10 previous one. Because I think these apply more to this
11 particular group of students, and sometimes I'm lost.

12 MS. VILLALOBOS: Thank you.

13 DR. COLESMAN: Thank you for that suggestion.

14 MADAM CHAIR: Board Member Flores.

15 MS. FLORES: And the state and federal laws
16 pertaining to English Language Learners, I think it if you
17 did a description of what these laws are, and what they mean
18 for English Language Learners and share it not only with the
19 board, but with everybody in the state, superintendents and
20 teachers, I think that would be very -- very, very valuable.

21 MS. VILLALOBOS: Thank you.

22 MS. FLORES: And we should also have the
23 McKinney-Vento Act in there, which has been re-enacted in
24 2015.

25 DR. COLESMAN: Thank you.



1 MADAM CHAIR: Any other questions, comments?
2 Thank you very much. It was a great presentation.

3 DR. COLESMAN: Thank you. We have a parting
4 gift for you. Just so that you know, we have a -- each of
5 you get your own -- it's not framed, but overview of --

6 MADAM CHAIR: But we may frame them, if we
7 wish?

8 DR. COLESMAN: Yes, you may. Yes.

9 MADAM CHAIR: Thank you.

10 DR. COLESMAN: They get -- they make great
11 holiday gifts too, so -- so this is an overview of the
12 assessments as well, just so that you kind of have it all in
13 one place.

14 MADAM CHAIR: Thank you.

15 MS. GOFF: That's great.

16 MADAM CHAIR: So we are behind schedule,
17 however, I'm going to call a five-minute break, and then
18 we'll begin the hearing. My apologies to those folks who
19 expected us to be on time.

20 (Break in Audio)

21 MADAM CHAIR: -- State Board of Education
22 will now conduct a public rulemaking hearing for the rules
23 for the administration of the Colorado Reading to Ensure
24 Academic Development, READ Act.

25 State Board voted to approve the notice of rulemaking



1 on August 16, 2017 board meeting. A hearing to promulgate
2 these rules was made known through publication, public
3 notice, on September 10, 2017 through the Colorado register,
4 and by State Board notice on October 4, 2017. The State
5 Board is authorized to promulgate these rules pursuant to 20
6 dash -- 22-2-1071CCRS.

7 Commissioner, is staff prepared to provide an overview?

8 MS. CORDIAL: Yes, thank you. I'm going to
9 turn this over to Dr. Colesman, Dr. Cobb, and Alex Frazier
10 (ph).

11 DR. COLESMAN: Thank you Commissioner, Madam
12 Chair, members of the board. Up at the table with me today
13 are Dr. Floyd Cobb, who you just had the pleasure of having
14 some time with, and then also a new staff member I want to
15 introduce -- new to you, but not new to us. Alex Frazier,
16 who is in our Office of Literacy. As you recall, Alisa
17 Dorman, our Executive Director of Literacy has moved, and so
18 we're -- we're working on getting that position posted and
19 filled, and so Alex is here to ensure that if we have a
20 specific literacy related question we have that content
21 knowledge.

22 So today our -- our purpose is to conduct a rulemaking
23 hearing. I want to quickly orient you to your materials. You
24 have a memo for this agenda item. You also have an annotated
25 version of the rules. We call that "The Bubble Version",



1 because there's some bubbles off to the side with some
2 comments and we'll be using -- referring to that version.
3 You also have a copy of the authorizing statute, House Bill
4 17-1160, which passed in this recent legislative session,
5 and you have a side-by-side comparison of rule-to-statute.

6 Just also so that you're aware, I'll be taking the
7 majority of what we do today, but I have my two phone-a-
8 friends on either side of me. So just so that you're aware.

9 What we'll do today is just a very, very brief
10 presentation. We're already a quarter of the way through,
11 because we're on slide 2 of 4. We're going to walk through
12 the rules and make sure that you're aware of the different
13 pieces of the rules and provide some context for you. We'll
14 present the written public comments, and then following that
15 will be a time for the oral public comments, followed by Q&A
16 from board members, and followed by a vote.

17 Just very briefly, on the background information, House
18 Bill 1160, which passed in this last -- latest legislative
19 session, authorized local education providers to determine
20 the language in which a student who is an English learner
21 takes reading assessments in kindergarten through third
22 grade. So, again, this is with respect to the READ Act.

23 Currently districts can opt through our -- through
24 rule, opt to assess students in Spanish for students
25 receiving their literacy instruction in English and Spanish.



1 If an English Learner is -- is assessed in their native
2 language the LEP must notify the parents in writing, at
3 which point the child's English language development that
4 the -- the district will assess the student in English.

5 As you recall, there were the six levels of language
6 development that Heather Villalobos indicated. Parents need
7 to identify -- parents in writing -- at which language level
8 they will start to transition the student into assessing in
9 reading and English. Currently right now there is no statute
10 that pertains to this parent notification.

11 The third aspect of 1160 was that when English Learner
12 is determined to be partially proficient in English by the
13 LEP the district shall ensure that the student is assessed
14 at least once in English. So this leaves the level of
15 English on that scale of 1 to 6 up to the district to
16 determine at which point they transition into assessing in
17 English, so keep in mind that that is entirely at the
18 district level within statute. Currently State Board rules
19 require that at least one assessment occur in English
20 throughout the year -- at one point throughout the year.

21 And, finally, 1160 indicated the LEPs may also assess
22 an English learner in English at the request of a parent.
23 Currently there's no specific rule or law that pertains to
24 that, and right now what I'd like to be able to do is walk
25 you through the annotated version of the rules. The reason I



1 wanted to do this is there are -- there are some minor
2 technical changes that occurred between the August meeting
3 and right now, and wanted to make sure you were really clear
4 about where those are. There is one change related to a
5 content issue that I want to explain why that change is
6 being recommended. And, finally, there is one change in
7 response to board member discussion at the August Notice of
8 Rulemaking.

9 So what I'll do is sequentially go through the rules
10 through our bubbles. So that was bubble one. The Second
11 bubble.

12 MS. RANKIN: Chair -- Chairwoman?

13 MADAM CHAIR: Yes.

14 MS. RANKIN: So are we going to be able to
15 ask questions as she's talking?

16 MADAM CHAIR: If need be, yes.

17 MS. RANKIN: Okay.

18 MADAM CHAIR: If -- if need -- in order to
19 clarify it, sure.

20 DR. COLESMAN: Absolutely, yeah.

21 MS. RANKIN: Because this gets...

22 DR. COLESMAN: Yes, it does. Is there
23 anything that I need to clarify right now? Because I know I
24 went through 1160 pretty quickly.

25 MS. RANKIN: Probably, but...



1 DR. COLESMAN: Okay. As -- as those questions
2 come up I'll be happy to clarify. So as we look at in --
3 within the rural section 1.0 you'll notice that there is a
4 section that's being added through this rulemaking process
5 that is the text that is underlined and in blue. You'll
6 notice that we have a -- a technical piece here. We just
7 needed to clean up the language. We had the language, "are
8 required by", we didn't need that particular phrase, so
9 we're just seeking to remove that for clarity. We were
10 considering that a technical fix, or a technical change. The
11 rest of the revisions to the rules pertaining to alignment
12 with 1160 all occur in section 3.0 of existing rule, and
13 then adds another section to rule, which is section 13. So
14 we're going to transition and look at section 3.0.

15 MADAM CHAIR: I think we're lost.

16 DR. COLESMAN: Okay, so we're looking at the
17 annotated version of the rules. So it -- it's a -- a red-
18 line, or a blue-line, or --?

19 MS. RANKIN: Yours looks different than mine.

20 MADAM CHAIR: Depends on your computer.

21 MS. RANKIN: What?

22 DR. COLESMAN: Yeah. So if you look at a -- a
23 track changes version of the rules, and off to the right
24 there's a column with some comment bubbles. I have one more
25 set of bubbles than you that's guiding me.



1 MS. RANKIN: So that's why yours looks
2 different.

3 DR. COLESMAN: Yes, it looks slightly
4 different.

5 MR. DURHAM: (indiscernible)

6 DR. COLESMAN: Page one.

7 MS. RANKIN: Okay.

8 MR. DURHAM: My page 1 doesn't look at all
9 like that.

10 MR. DURHAM: Yeah. Excuse me, I'm so sorry.

11 MADAM CHAIR: This is what we have, right?

12 MR. DURHAM: I have this much red-line, you
13 have substantially less.

14 MADAM CHAIR: What?

15 DR. COLESMAN: Yeah, yours is red versus mine
16 is blue.

17 MR. DURHAM: Oh, yours is -- oh!

18 DR. COLESMAN: Yeah, yeah.

19 F: My computer --

20 DR. COLESMAN: If -- if we could make
21 Microsoft Word, like, always do the same color, or maybe if
22 we learned how to do that, that would even be better, so I
23 apologize for that confusion. So I think everyone has the
24 same document right now. Is that right?

25 MADAM CHAIR: We hope so.



1 DR. COLESMAN: Okay. We'll -- we'll find out
2 in a moment. So -- so we're going to switch over to page 2
3 of the draft rule document, and we're in section 3.00, which
4 is the section pertaining to assessments with respect to the
5 READ Act.

6 MADAM CHAIR: Right.

7 DR. COLESMAN: So we're going to --
8 unfortunately if we're -- as we go sequentially we're going
9 to dive into probably an -- a more substantial piece that
10 I'll need to explain, and so I'm hoping -- my goal is to be
11 really clear. Section 3.04, which exists right now in rule -
12 -

13 MR. DURHAM: Did you make any modifications
14 to the rules based on comments?

15 DR. COLESMAN: No, we did not make any based
16 on public comments. We have made -- we've made one change at
17 the board comments from the August meeting.

18 MR. DURHAM: Right, but so nothing -- did we
19 receive significant public comment, and what was the
20 timeframe of that?

21 DR. COLESMAN: Uh-huh. So we did receive
22 comments, and you should have them as part of your packet,
23 and we have a summary document of those.

24 MR. DURHAM: That I don't --

25 MS. CORDIAL: We handed them out this



1 morning.

2 MR. DURHAM: Oh, okay, well -- alright. I'm
3 behind, okay.

4 DR. COLESMAN: So we'll spend -- I'll --
5 allotted some time to go through those as well, because they
6 do address some of the areas that State Board members have
7 requested be included in rule, so we'll go over that as --
8 after we kind of go over the rules. Does that feel right?

9 MR. DURHAM: Thank you. Okay, you bet.

10 DR. COLESMAN: Okay. So in -- in section
11 3.04, which currently exists in rule, this indicates that
12 when students receive their literacy instruction in both
13 English and Spanish that the local education provider may
14 opt to use a reading assessment in Spanish to determine
15 whether a student has a significant reading deficiency. But
16 it indicates that in these instances students shall also be
17 assessed once annually using a State Board approved reading
18 assessment in English for the purposes of informing reading
19 instruction and intervention services. So right now, current
20 rule indicates that regardless of district choice, districts
21 must assess at least once in English.

22 MS. MAZANEC: Is that -- are those results
23 reported at all?

24 DR. COLESMAN: No, not -- not necessarily,
25 they may be.



1 MR. DURHAM: Could you repeat that, I'm
2 sorry.

3 DR. COLESMAN: The -- Ms. Mazanec asked
4 whether or not those results are reported, and currently it
5 -- it would depend. Because if a -- if a district uses the -
6 - an English assessment to determine a significant reading
7 deficiency then they would submit that score. If they just
8 use it to monitor their reading ability in English they
9 don't necessarily do so, so this is current practice.

10 MS. MAZANEC: To clarify, if -- if a school
11 or district decides to use the native language assessment to
12 determine whether they have a deficiency that, of course, is
13 reported. If they go ahead and also assess them in English
14 that's not reported.

15 DR. COLESMAN: Current practice you are
16 correct. That doesn't mean that that practice cannot change.

17 MS. FLORES: But if we require it, if we
18 require them to test in English, shouldn't that be reported?

19 DR. COLESMAN: Currently the rules don't
20 require that.

21 MS. FLORES: And if a parent asks, shouldn't
22 that be reported?

23 DR. COLESMAN: So actually through this
24 rulemaking process there were some question of -- exactly
25 the questions that you have here were some of the additions



1 to the proposed rules, or the revisions to the rules that
2 came from board members, which is actually in section 13, as
3 well as section -- actually it's all in section 13.00, so
4 those are some things that board members have expressed a
5 desire to change, and those are -- those changes are
6 included in the draft rules.

7 MR. DURHAM: Okay, thank you.

8 DR. COLESMAN: You're -- you're very welcome.
9 The -- the one piece is, as we read through this, is at face
10 appears at odds with 1160, because this 3.04 rule indicates
11 that districts shall at least assess once in English,
12 whereas 1160 authorizes the district to determine the
13 language of assessment period. So we had -- we had wondered
14 whether or not that section should be stricken or not, but
15 as further, closer examination we determined that that
16 section actually does pertain to -- if you think back to
17 when Dr. Cobb explained a dual language program. If you have
18 a two-way immersion program you may have -- I'll give an
19 example that's a Chinese immersion program that has native
20 Chinese speakers who are learning English and are being
21 taught in both English and Chinese, and you might have --
22 you'll have native English speakers in there who are
23 learning Chinese and English.

24 So there are some dual, two-way immersion programs
25 which have native speakers of different languages. What this



1 does by keep -- by -- this allows that if I'm in a Chinese
2 immersion program as a native English speaker it requires
3 that districts at least assess me in English once in a
4 while, at least once a year. Imagine I'm a native English
5 speaker, I'm a second-grader, my parents have placed me in a
6 dual language program. This rule requires that school to at
7 least assess me once in English.

8 MS. MAZANEC: But, again, that's not
9 reported.

10 DR. COLESMAN: In this case --

11 MS. MAZANEC: That's just internal.

12 DR. COLESMAN: In this case it still would be
13 reported.

14 MS. MAZANEC: It would?

15 DR. COLESMAN: Because we don't have a
16 Chinese assessment, so that would be the only score worth a
17 report.

18 MS. MAZANEC: Ah, because there is no...

19 DR. COLESMAN: Yeah. So I specifically chose
20 that example for -- for that reason

21 MS. MAZANEC: Okay.

22 DR. COLESMAN: And for that reason we're --
23 we're saying that it seems important to ensure that students
24 in a dual language program still are assessed at least once
25 in English, and so we are recommending the addition that



1 this section shall not apply to a student who is English --
2 and English learner. And the reason is because 1160
3 indicates that that English assessment is left at the
4 discretion of the district. Is that clear? Okay.

5 So the next section is a little bit easier. So that was
6 the hardest one. You feel good moving on? Okay, good.
7 Section 3.05; All of the beginning language in rule 3.05
8 come directly or almost directly from statute, and this
9 pertains to authorizing LEPs to determine the language in
10 which a student who is an English learner takes a reading
11 assessment in kindergarten through third grade, and it also
12 pertains to the point that LEPs may -- may assess an English
13 Learner in English at the request of a parent.

14 I want to draw your attention to the very last two
15 sentences in 3.05(A). The last two sentences in 3.05(A) were
16 added at the request of board members, and this is what the
17 -- the addition indicates, "If the local education provider
18 denies the parent request to administer an assessment in
19 English, the local education provider will provide an
20 opportunity for the parent to appeal that decision to an
21 individual or committee designated by the LEP. If the appeal
22 is denied, the local education provider shall explain the
23 rationale for the decision verbally and in writing."

24 So the law indicates that districts may respond to a
25 parent request, and board members have asked that we put



1 into rule a -- an appeal process for a parent who is denied
2 that request, and that if a parent's appeal is denied that
3 there's a rationale given. So those -- that's a section that
4 was added at the request of board members.

5 MS. RANKIN: There's no timelines. There's
6 no...

7 DR. COLESMAN: There isn't a timeline here,
8 however in the -- in the -- in the reporting section,
9 section 13.00, is all of district reporting requirements,
10 and so we put in there that annual reporting of that
11 information.

12 MS. RANKIN: And those have -- that's right.
13 Those have to be put in.

14 DR. COLESMAN: Yep, that's correct. So
15 section 3.05(B), which begins on page 2 and goes on to page
16 3, indicates that -- relates to the second and third bullet
17 points on the slide, which is that, "If an English Learner
18 is assessed in their native language the LEP must notify the
19 parent in writing, at which point the English -- in the
20 English language development of the child, the district will
21 assess in English. And when the English Learner is
22 determined to be partially proficient in English by the LEP
23 the district shall ensure that the student is assessed at
24 least once in English."

25 This section is -- is almost entirely from statute, and



1 there are no additions with respect to board member
2 requests, so this is almost verbatim from statute.

3 So the final section is the district reporting
4 requirements, and you'll see what is in black font is what
5 originally existed in section 13.00, and the either blue or
6 red font additions are what are being changed at -- result
7 of this rulemaking process. The first piece that I'll draw
8 your attention to is there is one technical piece in the
9 introductory statement for 13.01 that we have made one more
10 edit to since what you saw in August.

11 During this process we were able to remove the
12 "beginning in the 2012, 2013 school year" because it was no
13 longer relevant, thought it was a great time to clean that
14 piece up, because it was no longer needed. But one piece
15 that we didn't recognize at that point is that technical
16 piece, it said, "During the collection window established by
17 the education data advisory committee." Technically that's
18 not who establishes the data-collection window, so we also
19 thought it was a good opportunity to delete that piece and
20 that's -- that was not part of the August Rulemaking Notice.

21 The next rule change is 13.01(D), and this was part of
22 the August Rulemaking Notice, which was added at the request
23 of a board -- of board members. Here's the interim
24 assessment score that must be submitted to the department.
25 Board members requested that if the LEP is required to



1 administer at least one assessment in English, either
2 because the student has demonstrated at least partially
3 proficient in English, or because the student's parent has
4 requested the student to be assessed in English. The LEP
5 must submit the students score on the English assessment, so
6 that was added at board member request. That was in the
7 August rulemaking notice, so that has not changed.

8 MADAM CHAIR: Board Member Rankin.

9 MS. RANKIN: I have a question about that,
10 and it's a similar question that I asked earlier. Is this
11 uniform, or is this subjective district to district?

12 DR. COLESMAN: That -- that's a good
13 question. So -- so you'll recall that the ACCESS test
14 provides a level of reading, or at least their understanding
15 of the language of reading, from one to six. What the -- so
16 that part is not subjective, that's provided by the
17 assessment tool.

18 What does become suggest -- subjective is what's in
19 House Bill 1160. Because the -- if you notice the third
20 bullet point that summarizes 1160 on the slide says, "When
21 an English Learner is determined to be partially proficient
22 in English by the LEP," so the LEP by statute is allowed to
23 determine which level would be considered partially
24 proficient. And typically, as well, districts would use a
25 body of evidence. Okay?



1 MS. RANKIN: And do we currently have any of
2 that information? Do we know what -- what districts are
3 doing to determine proficiency -- partial proficiency?

4 DR. COLESMAN: So the -- the challenge with
5 the statute is it uses a term "partially proficient," which
6 is not actually eve one of the -- the indicators of -- of
7 the -- within the ACCESS assessment. So the descriptors --
8 none of the descriptors are "partially proficient". So
9 that's one piece. The second piece is because this hasn't
10 been implemented yet we don't know which level they will
11 choose. However, that does not preclude the department from
12 providing districts guidance on that it might be -- whatever
13 -- whatever language level that -- that from our
14 professional opinion would be the best level to start
15 transitioning into English we can absolutely do that, but of
16 course we couldn't require that. We know that districts
17 typically appreciate having some guidance on pieces like
18 that, but they wouldn't be held to it.

19 So the -- the very last section in 13.0 -- in the
20 district reporting requirements is 13.02, and this section
21 was added entirely at the request of board members, and
22 13.02(A) and 13.02(B) were part of the August Notice of
23 Rulemaking. 13.02(C) was added as a result of discussion at
24 the August board meeting, so I'll explain each of them.

25 13.02(A) indicates that "If an LEP administers an



1 assessment in a student's native language a copy of the
2 communication sent to students parents described in 3.05(B)
3 of these rules." So we're asking districts to actually
4 submit a copy of the communication that's sent to parents
5 around which language of assessment that they're doing. Now
6 it would not be our intent that we would get each,
7 individual one, especially typically parent -- districts
8 send out a -- a blanket communication.

9 13.02(B) "If the LEP administers an assessment in the
10 student's native language, and the student is assessed only
11 in the student's native language, the LEP must submit the
12 number of years that the student has been assessed only in
13 the student's native language." So this is the notion of how
14 long has the student been assessed in -- in perhaps only
15 Spanish, I think, was the request. Right now that's the only
16 native language that we have assessments for assessing.

17 And finally, at the result of the August rulemaking
18 hearing 13.02(C) was added to respond to board member
19 comments. "If an LEP administers an assessment in a
20 student's native language and the parent's request to
21 administer an assessment in English is denied, the LEP must
22 submit the number of years that such a parent request for
23 that student has been denied." With the notion of if a
24 parent is continually denied that request board members
25 requested a desire to -- to know about that. So that gives



1 you a sense of what's in proposed rule. We can go over some
2 answers to that, then we'll go over some public feedback.

3 MADAM CHAIR: So if I may interject first. I
4 would appreciate if Counselor Tolleson would tell us whether
5 this is going to come back to us if we include -- I mean, I
6 think our general -- our general wish has been not to put
7 things in rules that aren't in legislation. I believe that
8 was the direction to staff some time ago. In this particular
9 case it -- it's been the feeling that there's not enough in
10 the legislation. For the benefit of kids, we need more. This
11 is the "Groundhog Day" bill that just keeps coming back and
12 coming back, so I guess I'd like to have a guess whether
13 that's what's going to happen here, or whether we are within
14 our discretion to be adding these things.

15 COUNSELOR TOLLESON: Thank you, Madam Chair,
16 members of the board. I -- I appreciate use of the term
17 "guess," because certainly nobody's crystal ball is perfect,
18 particularly as it relates to OLLS. But one thing we do know
19 with this particular piece of legislation; it was a product
20 a little bit of a -- of a tug of war, perhaps the "Groundhog
21 Day" that you -- you mentioned, coming back with a focus on
22 discretion being left at the LEP level and that READ Act
23 assessments be tied to -- more to literacy than to language
24 acquisition, so we sort of know that that's the framework in
25 which this is back in our laps.



1 There are a couple of areas that I think are the -- the
2 most vulnerable in terms of review at the general assembly.
3 One, is the appeal process requirement, only because it
4 isn't anywhere within the statute, and so it becomes one of
5 those mandates to local government, which can be subject to
6 some level of additional scrutiny, and because there isn't
7 an aspect in terms of the outcome of that, that relates to
8 the board's general oversight authority regarding READ Act
9 implementation, which is primarily about setting, you know,
10 selecting assessments and setting proficiency standards and
11 some of those things that are set out in the statute.

12 The other area that probably would be subject to some
13 of that same scrutiny and push back is that additional
14 reporting requirement in 13.02. When you look at the statute
15 that outlines the board's rulemaking authority regarding
16 READ Act reporting requirements in particular it talks about
17 making rules around the "timeframes and procedures for
18 reporting the information required by statute" and it
19 doesn't really discuss (indiscernible) deciding to have some
20 other things reported.

21 You know, the reporting requirements as set forth in
22 statute are tied to a specific getting a snapshot of student
23 proficiency and making reports to the general assembly. This
24 is a -- a bit of a square peg in a round hole against that
25 backdrop.



1 I -- I do think the one other edit that's in there
2 which is about whether or not a district that tests in both
3 languages, which one they report. I think that's within the
4 discretion of the board, and, you know, it -- it just may --
5 as a policy matter, if the board decides as a policy matter
6 we want to encourage districts to accommodate testing in --
7 in English it -- it may produce the opposite result, because
8 it would require that the English results be factored in for
9 accountability purposes, and that's certainly not a grand
10 incentive, but that's a policy judgement for you all to
11 make. I hope that helps.

12 MADAM CHAIR: So assuming that we pass this
13 as written, odds are, somewhat, that we'll see it again.

14 COUNSELOR TOLLESON: If I were in Las Vegas
15 and putting money down that would be where my wager would
16 be, yes.

17 MADAM CHAIR: Okay. And then I have one other
18 question then we'll go around the table, because it might be
19 helpful for everybody, and that is having served on a board
20 and looking at budgets there are additional funds that are
21 allocated to English Language Learners. I don't remember
22 there're federal funds, or state funds, or both. Is there an
23 incentive, a financial incentive, for districts to possibly
24 overstate in this discretionary piece that my colleague
25 mentions that it's not really cut and dry by a score, but



1 it's plus other evidence -- is there a financial incentive
2 for districts to have more Non-English Proficient students?
3 Financial?

4 DR. COLESMAN: I do not know the answer to
5 that question. I don't know if -- if we have anyone in the
6 audience who knows.

7 MADAM CHAIR: Okay that's -- we can save that
8 for later, but I --

9 DR. COLESMAN: A CDE staff member, perhaps.

10 MADAM CHAIR: It's something that sort of
11 comes to me as a potential.

12 DR. COLESMAN: Okay.

13 MADAM CHAIR: Especially since it's not black
14 and white. So let me go down the line. Ms. Goff, do you have
15 some questions?

16 MS. GOFF: No, thank --

17 MADAM CHAIR: You can pass.

18 MS. GOFF: I'm going to pass -- pass along,
19 because I --

20 MADAM CHAIR: It's alright. We'll go down the
21 -- we'll go down the line again.

22 MS. GOFF: I'm trying to get re-grounded
23 where we are now with what I asked earlier today.

24 MADAM CHAIR: Okay. Board Member Mazanec?

25 MS. MAZANEC: I don't have any questions



1 right now, either.

2 MADAM CHAIR: No? Sorry, you next.

3 MS. RANKIN: Okay. On -- well there's no page
4 numbers, it's page 2, though. Can we have a do-over on what
5 we might have done in August, because if it says the parents
6 have a right to appeal, where it says on 13.05 "local
7 education provider denies the parent request to administer
8 an assess -- assessment in English." I would like to strike
9 the appeal part, because it's not in the law, and just go
10 down to the part where it continues "The local education
11 providers shall explain the rationale for the decision
12 verbally and in writing."

13 Now let me tell you why I'm thinking this. Because when
14 I finished reading this on this go around, I thought, now
15 we're looking for a number of students that repeatedly were
16 denied -- or parents that were repeatedly denied having
17 English being tested of their student. Then we have another
18 set maybe the parent got denied and they don't know they can
19 appeal, or don't understand it, so they left that alone.
20 Then we have another group that goes to appeal if it's
21 denied and it goes back to a committee selected within the
22 local education -- I -- I kind of feel that the option of
23 them getting tested in English is not going to work even
24 that second time around, so I would like to see that out of
25 the law, and then we can have a real clear-cut picture of



1 how many are denied if, in fact, there are, and maybe
2 they're all coming from one district, but maybe it's because
3 they have more English Language Learners I don't -- I don't
4 know the reasoning, but as long as the law doesn't require
5 it, do we have the opportunity to strike that now? Less
6 state-down mandates on our schools.

7 DR. COLESMAN: So it's -- so my understanding
8 through the rulemaking process is that now is actually the
9 open time when you can make some motions to strike portions
10 of the draft rules as -- as presented. I think we're still
11 in discussion phase right now, though.

12 MADAM CHAIR: Did you want to make a comment?

13 COUNSELOR TOLLESON: I did not. Dr.
14 Colesman's got that right, yes.

15 MADAM CHAIR: Okay, Dr. Flores.

16 MS. FLORES: I think parents have the right
17 to request that their -- that their children learn the
18 language of the school, the language of this country.

19 MADAM CHAIR: (indiscernible) they already
20 can.

21 MS. FLORES: And I think that sometimes they
22 will be fought by the district, and I think that language is
23 so much a part of us, and when parents want their kids to
24 learn the language of this country, and they will be
25 responsible for the language at home, I think we need to



1 give them that right. And districts shouldn't fight them on
2 this. It's -- I know we're talking about which the district.
3 I don't even think the district should have a say in this.
4 If the parents want their kids to go to school and learn the
5 language of this country and they will help them at home, I
6 mean, it's the same thing. An English Learner comes to
7 school to be literate and to -- to learn. A Second Language
8 Learner comes for the same reason, and we should not deny
9 the parent's wish if the parent wants their kid to be in an
10 English classroom. We should not deny that, and we should
11 provide them with the necessary help that the they need to -
12 - to be -- to be successful. Including being able to provide
13 teachers that are able to do that; to teach English as a
14 second language.

15 And I think that's the big problem that we're seeing
16 from the feds coming to us and saying that, and, I mean, we
17 have a court that many of our districts are under court
18 order just for that reason, that we're not providing kids
19 that opportunity. And I hear it all the time. I hear it from
20 kids in my district in Denver, that they want their kids to
21 learn English. When they go to school they want their kids
22 to be placed in an English language classroom, because they
23 will be responsible for learning -- teaching their language.
24 It's -- it's kind of almost an inviable rule that we should
25 give parents. Parents have the right to decide.



1 And I think it's too easy for -- for a district like
2 Denver to get teachers that are -- that they pay half as
3 much who teach only the student's native language and
4 preclude the -- the student from learning the language of
5 the -- of this country, which is so important to them. You
6 know, financially, and to get ahead, and to give them an
7 equal opportunity to -- to everything that's good in this
8 country.

9 MADAM CHAIR: Thank you.

10 MS. FLORES: Thank you.

11 MADAM CHAIR: Board Member Durham.

12 MR. DURHAM: Thank you, Madam Chair. I think
13 perhaps to help Ms. Tolleson when it comes time to defend
14 this, is we have an obligation under the statute to report
15 to the legislature progress and the status of -- of students
16 under the READ Act. We can't meet that -- we cannot meet our
17 statutory responsibility to report without adequate
18 information. And I think particularly, and I think we should
19 state on the record, that 13.02(B), that -- that the LEC --
20 The LEP, the local education provider, must submit the
21 number of years the student's been assessed only in -- in
22 the student's native language.

23 That number provides this board with information that
24 identifies the failure of a local education provider to
25 adequately move a student forward and make them, even by the



1 district's definition, partially proficient in English. And
2 I think while this statute allows the district to define
3 "partially proficient" any way they want, if they define it
4 in such a way to game the system, and I do believe there is
5 extra funding for gaming the system, that should be called
6 to the attention of the general assembly, and I think we
7 have an obligation to collect this information so that we
8 can -- can properly report to the general assembly on -- on
9 the -- on if we have a -- if there was a student, or a large
10 number of students, that have three, four, five years of
11 failure to become partially proficient in English someone
12 needs to know that. And certainly, this board should know
13 that, and I think absolutely the legislature should be
14 informed.

15 So I think we have adequate rationale under our
16 reporting requirements to request this one -- to request
17 this information. If it's -- if it's turned down, at least
18 then it will give us the opportunity to inform the
19 legislatures about what information they will not receive.

20 MADAM CHAIR: So here's what -- I'm -- I'm
21 not disagreeing with you, but I am wondering whether we are
22 using, again, the READ Act to assess acquisition of English
23 proficiency, which is tested by the ACCESS point 2. Again, I
24 learned one thing (indiscernible).

25 MS. FLORES: But school's about literacy.



1 MS. MAZANEC: What do you mean?

2 MADAM CHAIR: My point is that the READ Act
3 is designed to identify a reading deficiency. Board Member
4 Durham's concern, which I share, is how fast are kids
5 acquiring knowledge of English, and that's what is assessed
6 by --

7 MS. MAZANEC: But that would include reading.

8 MS. FLORES: Yeah.

9 MS. MAZANEC: Not just language.

10 MADAM CHAIR: Well, reading -- this could be
11 dyslexia. This could may not even --

12 MS. MAZANEC: Right.

13 MADAM CHAIR: In other words, they're two
14 very different assessments in the way it's been explained to
15 me they measure different things. So my next question, and
16 we're not on the accountability piece of the second-language
17 project, but I'm wondering if that isn't where we, as a
18 board, should be looking very, very carefully at our school
19 districts data, and I'm assuming that they are required to
20 share that data, so that we don't have kids who are for four
21 years not proficient on the ACCESS 2. Thank you, go ahead.

22 MR. DURHAM: If I might respond, Madam Chair,
23 it's -- as -- as I think you're aware, we had at least one
24 sponsor of the -- of this bill, Senator Johnson, state that
25 -- that he -- that this wasn't about language -- English



1 language acquisition. I've talked to a number of people who
2 were involved intimately with the bill and they believe it
3 was about that.

4 MADAM CHAIR: Okay.

5 MR. DURHAM: Now I understand it's
6 politically correct not to care whether people can speak
7 English or not, and that some districts in this state
8 apparently think that's a positive that their students can't
9 speak English and continue to refuse to report those
10 statistics. That's entirely up to them. But I don't think
11 it's -- I don't think this board should sit idly by and
12 accept that interpretation that the READ Act has nothing to
13 do with English, because there is significant controversy
14 about whether or not that's the case, and I think we can
15 legitimately express our opinion as to whether it is about
16 the acquisition of English to at least some extent. And --
17 and to your specific point, if a child is dyslexic, a child
18 is just as dyslexic in Spanish as they are in English, so
19 you -- you will get the same result that they can't read if
20 that's the cause.

21 MADAM CHAIR: Well that's -- that's exactly
22 my point.

23 MR. DURHAM: Yeah.

24 MADAM CHAIR: That's exactly my --

25 MR. DURHAM: So it doesn't make a difference



1 which language they're not reading in.

2 MS. FLORES: But -- but statistics are
3 statistics and knowing how many years -- you can give all
4 kinds of meaning to that.

5 MADAM CHAIR: I totally -- I totally agree
6 with you guys. I'm just suggesting that where we're looking
7 might be the wrong assessment, and maybe we have not been
8 paying enough attention to the results of the -- of the
9 ACCESS 2, in terms of single students; how many years they
10 end up with the same NEP status based on the assessments.
11 It's just a different piece.

12 MS. FLORES: But literacy. They learn through
13 literacy after third grade. If you don't -- if you're not
14 reading in English you're not going to do very well in
15 school in -- in life.

16 MADAM CHAIR: No. I -- no argue -- no -- I'm
17 not arguing that.

18 MS. MAZANEC: Can I ask a question?

19 MADAM CHAIR: Sure, Board Member Mazanec.

20 MS. MAZANEC: So, I -- I understand the --
21 the ongoing debate over English language proficiency and
22 significant reading deficiency, but we're dealing with READ
23 Act, which is about are they able to read at a proficient
24 level. And they may be being tested in their native language
25 initially, but is it not the goal, whether you want your



1 child to be bi-lingual or not, you still -- it, it's still a
2 -- a measure of success that they're able to read in
3 English.

4 MS. FLORES: Yeah.

5 MS. MAZANEC: So I don't understand why
6 that's controversial that it -- I think that the public and
7 parents want to know how many years a child has been tested
8 in their native language as opposed to English; are they
9 making any progress on learning English? Whether they're
10 reading well in their own language or not.

11 MADAM CHAIR: Right.

12 MS. MAZANEC: So I don't see why that's
13 controversial. And I -- and I'm also, you know, maybe this
14 is a legislative problem, and I'm not sure it will be solved
15 over there, because I'm not sure what people's motivations
16 are, but I -- I just find it a bit outrageous that there's a
17 lot of funding tied to the READ Act. And I find it
18 outrageous that there's any suggestion that wanting these
19 children -- wanting to know about how they're progressing in
20 learning to read in English; that that's somehow a bridge
21 too far for the public, or parents to know. That's
22 outrageous! Of course they deserve to know! A lot of money
23 is going to this! Is it working? Are we producing English
24 readers?

25 That's it. I mean, like I said, it may not happen over



1 at the legislature for reasons I don't understand, but I
2 would like this board to do what it can.

3 MADAM CHAIR: Board Member Goff, you had
4 another question.

5 MS. GOFF: Excuse me.

6 MS. RANKIN: Her iPad is ringing. She needs
7 to apologize.

8 MS. RANKIN: Better than your phone ringing.

9 MS. GOFF: I'm so sorry I didn't silence my
10 iPad.

11 (Chorus of laughter)

12 MS. RANKIN: At least three times in
13 (indiscernible) years.

14 MS. GOFF: For what it's worth the original
15 READ Act wasn't that 1338? Wasn't that the name of the bill?
16 The original --

17 DR. COLESMAN: 1238, very close.

18 MS. GOFF: The Original READ Act bill --
19 well, you know, hindsight is so clear, but it seemed at the
20 time it was a lot clearer. There was not so much discussion
21 about -- around the reading versus acquisition needed to
22 read. That -- that's -- that gets into real muddy water.

23 I know that this board had at least informal opinions
24 from the Attorney General's Office at the time about some
25 guidance, some advice, on what the law actually said, and



1 also what the board's authority was around the original
2 talks we -- we were having at that time around the
3 assessment issue of it, and the measurement, and so forth.

4 So I would -- I would draw us back to that -- that fact
5 that thank you for your assistance, and we've been there,
6 done that, so in -- in my retrospective. The -- the other
7 thing is I -- I guess it does bring to bear the question I
8 asked probably out of place earlier today, but if we're --
9 if we're talking READ Act, which applies only to K-3,
10 correct?

11 DR. COLESMAN: That's correct.

12 MS. GOFF: That age range, and you have --
13 and we have a -- an English Learner population that is
14 filled with newcomer students. All right so you've got --
15 you've got kids coming in, brand new, first year, they --
16 where is the record of how many years they might have been
17 denied taking the test in English? I mean how -- you can
18 only accumulate -- in my way of thinking you can only
19 accumulate four years where that might be a possibility. If
20 someone's denied that opportunity. I don't feel that right
21 now as being anywhere near related to what the law says. So
22 I'm -- I'm hesitant to go outside the statute this far, and
23 particularly because it does put another burden, so to
24 speak, on districts and, or the department, and, or
25 families, perhaps, about keeping track of how many years



1 that may have happened, and then you add on an appeal
2 process, which is not spelled out in the statutory language,
3 and just we're not thinking ahead about -- we're thinking
4 too far beyond what the actual READ Act is doing. And I'm
5 not going to talk about the controversy between what's --
6 what is it dealing with; whether it's reading or whether
7 it's language acquisition.

8 It's the idea of what is the tie -- the technicalities.
9 What's the timeframe of this, what's the process for this,
10 how would a district know, for example, how would a -- how
11 would anybody know? If you've got brand-new kids at the
12 elementary level, how would you know if some -- some places
13 deny them the chance to give a test in English? Where does
14 that come from if they're brand new to your district? I -- I
15 just see that as kind of muddying the waters, and I'm -- I
16 would be -- I'm in a balance, I'll take the balance between
17 what Ms. Rankin said earlier about there's got to be a happy
18 medium in here about how you adjust this.

19 But to -- to add in an appeal to the law, to the
20 statutory language, I'm not -- I'm not a fan of that in any
21 way. So it won't be today.

22 MADAM CHAIR: Yeah. Yes.

23 MS. FLORES: Well, I think in the literature
24 of reading and languages you don't have dyslexia in Spanish,
25 your really don't. I mean, there's a -- a correlation



1 between the letter and the sound that it's -- it's
2 equivalent. I mean, it is just -- and I think in French. You
3 probably know this. If there --

4 MS. GOFF: Yeah, some stuff.

5 MS. FLORES: There are some studies, but
6 really not. We -- in English -- English is completely
7 different. I mean it is a mixture of all -- so many
8 languages, and we have so many rules for this, how you
9 pronounce "F", is it "eff", P-H, I mean, there are so many
10 different exceptions to letters and symbols that we have,
11 that it -- it's easy -- we have -- English has the most
12 dyslexia in all, so if we don't get to English -- to English
13 reading, we won't know -- Spanish is not going to give you,
14 you know, it's not going to give you information about a
15 child having problems, and it's English that we want to get
16 the child to, because of the sake of literacy, and literacy
17 so that the child can learn in the language that he can, you
18 know, be successful in life; get a job, and read, and have
19 harmony, enjoy, you know, the language.

20 And parents do teach their kids in their native
21 language. I know that where I came from that was just a
22 given. I mean, that that's why people are still -- in, in
23 New Mexico, in Arizona, in Texas, you -- you have -- it's a
24 bi-lingual country, and so that is just done normally. I was
25 -- well, not giving you any examples but I went to school



1 already literate in -- in my language, so English is what my
2 parents wanted me to -- to get in school. Thank you.

3 MS. GOFF: May I --?

4 MADAM CHAIR: Board Member Goff.

5 MS. GOFF: Thank you. No, I agree. I -- I
6 probably was not clear enough in expressing that I'm keeping
7 -- I'm trying to keep the academic, the content, the
8 teaching, separate from this process right now, as laid out
9 in the law. I totally agree that I -- I can't help but come
10 back to the original question, which consider it rhetorical
11 at your will, it's fine. I want to know why would any local
12 education provider deny a request of a parent who wants to
13 have the test taken in English. I don't -- I don't
14 understand that --

15 MS. RANKIN: Are you suggesting they don't,
16 or just really want to know?

17 MS. GOFF: No. I don't know. I'm saying why
18 did that come up at some point in our conversation? Why has
19 that become an issue? Because the whole thing -- excuse me.

20 ?: (indiscernible) finally.

21 (Chorus of laughter)

22 MS. FLORES: May -- may I just respond to --
23 to that after you -- after you follow -- after you finish
24 speaking?

25 MS. GOFF: I'm finished, thank you.



1 MS. FLORES: Okay. I think one of the things
2 that happen in Colorado is that they were denied -- these --
3 these are Hispanics who lived in -- in this country for ever
4 and ever, and I learned this from university people who, you
5 know, teach Spanish and such, and it was so bad here, bad,
6 that they were struck in school, they were denied speaking
7 their own language, that indeed they don't speak it. They
8 may have -- parents just changed over, and the school was so
9 -- if anybody spoke Spanish, or kept it, they didn't learn
10 it. In fact, they forgot it, because they were so badly hurt
11 at school, and they were shunned, and so they didn't learn
12 it.

13 And now they want everybody to -- to learn it. And
14 that's fine. I mean, I think you should have -- fact I think
15 these kids who should have something in culture in every
16 class in -- I'm sorry. During the week, I mean, I -- I know
17 that I went to -- and I learned Saturday. I went to school
18 on Saturday to learn Spanish, and that was at church, and so
19 I think that's so important to -- to have that. We should
20 not eradicate a language, and I think that's what happened
21 in Colorado, that people tried so hard to eradicate Spanish
22 that people had terrible feelings about it, and now they're
23 older, they're aware that, you know, this is their language
24 and they want -- they want to have it be part. And not
25 completely, you know, dismissed at all, and they want young



1 kids to have an opportunity to -- to learn that second
2 language that's been their history. And I think they have
3 that right.

4 But -- not "but", and they should also have the
5 opportunity to learn English. And parents have the right,
6 again I say it, parents have the right to decide which
7 language they want their kids to -- to learn. And usually in
8 -- in -- what's been happening here is they don't have the
9 right to learn English in the school early enough when it is
10 most efficacious. Thank you.

11 MADAM CHAIR: Dr. Colesman, you were going to
12 also include some feedback on the comments that we've
13 received?

14 DR. COLESMAN: That's correct.

15 MADAM CHAIR: Please, I think that was our
16 next step.

17 DR. COLESMAN: You're right. So within your -
18 - your packet of materials you'll see a response to written
19 comments on READ Act rule revisions document, and that
20 document includes on the -- the left-hand side, kind of the
21 specific comments. Now this might be confused with the --
22 the -- we do have a side-by-side document of -- of rule to
23 law, so make sure you're looking at the -- the document with
24 the header of "Responses to Written Comments".

25 We received two letters; one was from Trish Krajniak,



1 from the Charter School Institute. There are a few points
2 that -- that Ms. Krajniak makes. Couple of them we've
3 clarified here, but I just -- I'll just summarize that the -
4 - the two comments that she had with respect to 13 --
5 section 13.00, around reporting are relevant to the
6 discussion that you have today. She gives you a perspective
7 about the -- the impact of that additional collection at the
8 local level.

9 The other letter that we received was a letter -- a
10 combined letter from CASB, CASE and the Rural Alliance, and
11 you'll see the -- the four -- pardon me, the three main
12 points that they make, and each of those also relate to that
13 data collection piece in section 13.02 regarding the impact
14 at the -- at the local level. So I would just draw your
15 attention to those comments, because they relate to the
16 discussion that you've been having.

17 MADAM CHAIR: Yeah, thank you. And now we'll
18 have some comments please, is Cathy Shannon here? You are so
19 patient, thank you, Cathy.

20 (Talking in background)

21 MADAM CHAIR: I will -- that's fine.

22 ?: Thank you.

23 MADAM CHAIR: Sure.

24 MS. SHANNON: Thank you, Madam Chair, and
25 members of the State Board. My name's Cathy Shannon, I'm the



1 legal and policy counsel for the Colorado Association of
2 School Boards, and I'm here testifying on behalf of a number
3 of educational organizations; CASB, where -- where I work.
4 The Colorado Association of School Executives, called CASE,
5 and also the Colorado Rural Schools Alliance.

6 As Dr. Colesman mentioned, we did submit written
7 comments last week, and I think that letter speaks for
8 itself, but I just wanted to highlight a few of the points
9 that were made in that letter. Of course, since it supports
10 our position I would certainly agree with the assertion that
11 some of these rules exceed the scope of the State Board's
12 rulemaking authority under the READ Act, this bill, and also
13 just your general rulemaking authority.

14 I also wanted to point out that one of the reasons why
15 we chose not to object to proposed rule 3.05(B) about the
16 parent appeal, is like Ms. Goff, we also struggled to think
17 of instances where the school would deny a parent's request
18 to have his or her child tested in -- in English. So while
19 we think it's outside the scope of the board's authority, we
20 -- we specifically declined not to object to that rule, and
21 to focus our attention on rule 13.02, which includes the
22 additional reporting requirements.

23 As we state in our letter, and as the State Board is
24 well aware, there's been an increasing number of unfunded
25 mandates and excessive reporting requirements imposed on



1 school districts in the past several years, and this has
2 been particularly troublesome and challenging for rural
3 school districts.

4 Unfortunately, proposed rule 13.02 is an example of
5 both; it's an unfunded mandate and it's excessive and
6 unnecessary reporting requirements. I'm struggling, as I
7 listened intently to the discussion, as to how this isn't
8 already required. Schools are required to report the
9 assessment that's administered to each student, so to the
10 extent that the State Board is unwilling to eliminate rule
11 13.02 we would encourage the State Board to consider
12 imposing this burden on CDE instead, because we -- the
13 schools are reporting all this information and they would be
14 in a better position to analyze the data and report to the
15 State Board to the extent they find that necessary. Thank
16 you for your consideration of our letter, and for my
17 testimony.

18 MADAM CHAIR: Thank you.

19 MS. CORDIAL: Sorry.

20 MADAM CHAIR: Thank you very much. Ms. -- Dr.
21 Colesman, could you respond to her suggestion that you all
22 do all this work, since the data is already -- apparently
23 the data is already being reported, and if there were a way
24 to pull it out?

25 MR. DURHAM: Madam Chair, I think -- could



1 you phrase the --

2 MADAM CHAIR: Help me.

3 MR. DURHAM: For understanding purposes. Do
4 you, in fact, currently have the data reported by the
5 districts in some format to answer the two questions that
6 appear in 13.02(B) and (C)?

7 DR. COLESMAN: So what the department
8 collects on an annual basis, is the interim assessment score
9 and the name of the assessment that the student has been
10 assessed with.

11 MADAM CHAIR: Under the READ Act, right?

12 DR. COLESMAN: Yes.

13 MADAM CHAIR: We're in the READ Act, okay.

14 DR. COLESMAN: We're in the READ Act, so Mr.
15 Durham, are you asking -- can -- tell me which two -- two
16 pieces (A) and (B)?

17 MR. DURHAM: Well you would -- you would have
18 --

19 DR. COLESMAN: Actually, (B) and (C).

20 MR. DURHAM: In other words, you would know
21 if student x, as a first grader, was deemed to be not
22 English proficient, which is the only excuse I think in the
23 law, for failure to test in English. Partially proficient,
24 I'm sorry.

25 You could then identify that same student in grade 2



1 who was again not rated as partially proficient, and --
2 who's then not rated as partially proficient, so you would
3 be able to report -- if this board requested you would be
4 able to include in the report to the legislature that
5 picking a district at random, say Denver Public Schools, had
6 3000 students that failed to become partially proficient
7 after a full year of instruction. Would you be able to do
8 that? Even though recognizing it's some work to do it.

9 DR. COLESMAN: I'm going to do my -- my best
10 to answer that. What we could do is pull from the ACCESS
11 assessment the student's ACCESS score. We wouldn't know at
12 what level a district consider the student to be partially
13 proficient --

14 MR. DURHAM: But if they took the same -- if
15 -- if they failed a test in English, they -- their excuse
16 has to be, under the law, that the student is not partially
17 proficient, because the law says if they're partially
18 proficient they're to be tested in English. So you can --
19 you can conclude if you know -- if you know you have two
20 years of testing in -- in Spanish, you know that the student
21 did not become partially proficient in English.

22 DR. COLESMAN: Uh-huh, so yep --

23 MR. DURHAM: Otherwise they would have to
24 test in English.

25 ? : Once.



1 MR. DURHAM: Once, yeah.

2 DR. COLESMAN: So, Mr. Durham, I -- I do
3 believe that -- I do believe that technically that you are
4 correct; that we can use the data sources that we have to
5 perhaps answer that question, or actually to answer that
6 question. I think it would be pulling together some
7 different data sets in -- in parts that don't currently
8 speak to one another, but I believe we can make them speak
9 to one another.

10 MR. DURHAM: So it's kind of difficult to us.
11 It'd be easy for the district. I completely reject the idea
12 that this is some sort of difficult mandate. It's -- I
13 learned a long time ago serving in the legislature, if -- if
14 a department or a district wants to do something it's free,
15 if they don't want to do with it -- do with it -- do
16 whatever it is, God hasn't made that much money yet. So --
17 so they don't want to do it, it's not a question of burden
18 in this case.

19 As long as this can be done then -- and I think, and
20 the board insists that it's done, and we include this in
21 part on our report, it might discourage failure.

22 And then how about number two here, where the -- the --
23 I wouldn't guess we would have any way to determine if a
24 parent -- let's see -- if a parent's request had been
25 denied. We wouldn't have that data, so -- and I'm -- I'm



1 sure that's a tremendous burden to keep track of the number
2 of times you deny a request, since according to the
3 testimony they couldn't think of a reason why anybody would
4 deny a request. But -- so this is essentially no burden at
5 all. So I completely reject the -- the testimony as
6 disingenuous.

7 MADAM CHAIR: Thank you. So to the citizen
8 who wanted to speak. Did you want to speak tot his topic, or
9 public participation? Because that's coming. Okay. That may
10 still be out there, in fact, to sign up. Is it?

11 MS. CORDIAL: That is. That'll -- that
12 happens after this hearing.

13 MADAM CHAIR: Okay so there's the sign-up
14 sheet is still out there for you to sign up. Just to make
15 sure that we have a record of everyone who wants to speak.
16 Are we ready for -- I'm sorry, Ms. Mazanec?

17 MS. MAZANEC: Well, I think I -- think I
18 mentioned this is the -- during the last discussion, last
19 topic, on the ELL. Again, I'm really curious how many
20 districts are we talking about that are administering the
21 READ Act in Spanish? Because that's effectively the only
22 second language assessment we have, right? There are no
23 second --

24 DR. COLESMAN: That's correct.

25 MS. MAZANEC: Even though we have a variety



1 of languages, and remind me, what do those -- what do those
2 students take? Nothing at all if there is no alternative
3 language, State Board approved, assessment?

4 DR. COLESMAN: Uh-huh, so I will answer -- I
5 think you're asking two questions there. So currently the
6 majority of districts That would want to take advantage of
7 this opportunity would be those -- those districts that --
8 that are providing a bilingual program.

9 MS. MAZANEC: Right, but how many are there? I
10 mean we're not talking about every district in the state.

11 DR. COLESMAN: We -- we have -- right. You
12 know, we -- we have -- no. I think we -- yeah.

13 MS. MAZANEC: We're probably talking about very
14 few.

15 DR. COLESMAN: We -- when we've looked at some
16 original kind of numbers around this it's probably around a
17 dozen districts, and we're probably thinking this applies to
18 around 5000 students per grade-level, I believe. So we can get
19 those exact numbers for you, so I think it's just helpful to
20 just have that perspective, so that's a good question.

21 The -- the other question you asked was in relation to
22 other languages. So right now the only language other than
23 English on a State Board approved assessment is Spanish.

24 MS. MAZANEC: Right.

25 DR. COLESMAN: So right now unless the board



1 would -- were to adopt assessments in other languages for that
2 K-2 reading grade-level span this would not apply to any other
3 type of dual-language program. So my Chinese example wouldn't
4 apply here unless the board were to adopt a Chinese assessment,
5 or a -- a dual-language Fresh program, or something.

6 MS. MAZANEC: But what do those students who -
7 - native Chinese speaker, native Somali speaker, native --

8 DR. COLESMAN: Right.

9 MS. MAZANEC: What -- are they taking any Read
10 Act assessment at all?

11 DR. COLESMAN: They are required to, and --

12 MS. MAZANEC: So they take it in English.

13 DR. COLESMAN: That is correct, and what we've
14 provided in our guidance is an opportunity for -- for a teacher
15 to use a body of evidence to determine whether or not that
16 student's READ assessment score is really reflective of their
17 reading skill. They couple that with their ACCESS score to get
18 a sense of whether or not they believe that the reading score
19 is because of their language development.

20 So if they're an NEP, or on that scale of 1 to 6, if
21 they're maybe a 2, they might determine, "This is probably
22 because the student doesn't yet have all of the language of
23 English in order to be able to perform on the READ Act
24 assessment.

25 MS. MAZANEC: Well I -- I just find this very



1 interesting that we have -- you know, we -- we hear about that
2 a lot. We have a variety of different languages, you know,
3 particularly with the refugee population that we're serving.

4 DR. COLESMAN: Uh-huh.

5 MS. MAZANEC: They're taking the assessment,
6 or they're being excused for -- and it's being explained --
7 it just seems like we're carving out quite an exception for
8 Spanish -- native Spanish readers. And I'm just wondering just
9 how important it is, you know, we could have that same
10 explanation for the native Spanish speakers. They're not
11 proficient in -- in reading and English yet, but that's because
12 their native language is Spanish, and they're not there yet.
13 Seems like we're creating an awful lot of rules for a small
14 subset.

15 DR. COLESMAN: So I'm not -- I would like to -
16 - yeah.

17 MS. MAZANEC: Maybe not a small subset, but a
18 subset.

19 DR. COLESMAN: Right. One thing I think it's
20 important to note is the majority of districts who want to
21 assess their students in Spanish are because they're offering
22 a dual-language program, especially a transitional dual-
23 language program, where they start off with the majority of
24 instruction in their native language, and then slowly
25 transition them to English over a series of years.



1 MS. MAZANEC: And that's why I'm asking. I
2 think it's important for the board to know just how many
3 districts we're talking about here, and how many students --
4 to put this into perspective, so --

5 DR. COLESMAN: Yep, so -- by the way, we were
6 able to get that four districts are assessing in Spanish
7 currently.

8 MS. MAZANEC: And -- and also my next question
9 is how many -- how many districts that have English Language
10 Learners don't test their students in their native language
11 at all, and still test in English and report in English, report
12 their results in English. I'm trying to understand.

13 DR. COLESMAN: Uh-huh, yep, those are good --
14 good questions.

15 MS. MAZANEC: It's a matter of policy. Well,
16 unfortunately it's a matter of law now.

17 MADAM CHAIR: Yeah. Board Member Flores.

18 MS. FLORES: Yeah, and just one last thing. If
19 you look at the scores of kids who speak another language,
20 aside from English speakers, who speak another language other
21 than Spanish, you find that those kids are at grade level.
22 Most of them are at grade level, whereas Spanish kids are just
23 behind and behind and behind, and the gap gets greater, because
24 they're not taught in English. They don't get the number of
25 hours that they need in English.



1 When many of these districts are trying out curricula
2 which is, you know, in -- in another language, in Spanish, so
3 we're -- we're kind of having -- experimenting, in a way, with
4 Spanish speakers and it's not fair. If their parents want
5 their kids, Spanish speakers, to learn English and to be in
6 an English classroom they should be able to have that ability
7 to -- to do so. It's just -- to me it's just -- and when I get
8 all these questions, "Why can't I just get my child in an
9 English classroom?" Out there when I'm, you know, just out in
10 a meeting, or out at a restaurant or whatever. It -- it really
11 kind of goes back to why can't these kids go to the class that
12 their parents and in a language that the parents want them to.
13 It's usually English. I hardly hear anybody that, "You know,
14 I want my class -- my child in a Japanese class." Or -- that's...

15 MADAM CHAIR: So I believe that concludes our
16 rulemaking hearing. If there's no further discussion I would
17 entertain a motion. Yes, you may ask a question.

18 MS. McCLELLAN: Thank you, Madam Chair, I just
19 want to make sure that I'm understanding the implications of
20 item 13.01(D). "If the LEP is required to administer to a
21 student at least one assessment in English either because the
22 student has demonstrated at least partial proficiency in
23 English, or because the student's parent has requested the
24 student be assessed in English" and it's my understanding
25 that's actually not a requirement since the district retains



1 the ability to deny that parent at their discretion, then the
2 LEP must submit the student's score on that English assessment.
3 Does this represent a change in the interpretation of the READ
4 Act to require an assessment in English when a student has
5 demonstrated at last partial proficiency? Does that represent
6 a change?

7 DR. COLESMAN: That's a good question, and that
8 particular piece was added at -- because of 1160, which is
9 that districts determine at which point when they consider a
10 student to be partially proficient in English, that that's
11 when they're going to switch over to assessing in English.

12 This addition to that particular submission of assessment
13 scores to ensure then that that's the score that's submitted.
14 Because feasibly a district may also continue to assess, in
15 this case their -- the student's ability to read in Spanish
16 for instructional purposes, and this doesn't give an -- this
17 says you get to choose which you submit. This says if you're
18 assessing in English you submit in English.

19 MS. McCLELLAN: So it's important for us to
20 pass this section to -- in tandem with the -- the new
21 legislation because this clarifies the reporting requirement
22 with that new clarification provided by the new legislation.
23 Am I correct?

24 DR. COLESMAN: So I believe that without
25 changing that particular rule the current opportunity of



1 choosing either, or would stay in place. Choosing to submit
2 in Spanish or English would stay What this does is says that
3 if you are assessing in English you need to submit the English
4 score.

5 MS. McCLELLAN: But they retain the ability to
6 test in the student's native tongue at their discretion.

7 DR. COLESMAN: That's correct.

8 MS. McCLELLAN: And report that score. Okay,
9 thank -- thank you very much.

10 DR. COLESMAN: Actually, what this would do is
11 say that if you're assessing -- if you're still choosing to
12 assess in the native language that is -- that's permissible,
13 but you're not going to submit that score, you're submitting
14 the English score.

15 MS. McCLELLAN: Right, if and only if they
16 chose to test the child in English.

17 DR. COLESMAN: That's correct.

18 MS. McCLELLAN: Okay, thank you. I think I
19 understand.

20 MADAM CHAIR: Go.

21 MS. RANKIN: I move to approve the rules for
22 the administration of the Colorado Reading to Ensure Academic
23 Development, READ Act 1CCR301-92 amended as follows:

24 On part 3.05 paren A, close paren, I would like to strike
25 the part that says, "If the local education provider denies



1 the parent request to administer an assessment in English, the
2 education -- local education provider will provide an
3 opportunity for the parent to appeal that decision to an
4 individual or committee designated by the local education
5 provider." Period. That part would be stricken. Oh, I'm sorry.
6 "If the appeal is" -- okay. "If the appeal is denied..." include
7 that in it.

8 So as it will read, "Will administer a State-Board
9 approved interim reading assessment in English to the student
10 at the request of the student's parent. The local education
11 provider shall explain the rationale for the decision verbally
12 and in writing." I hope that made sense. And then I would --

13 MS. MAZANEC: I think I need to read that --

14 MADAM CHAIR: Remember I have to repeat this.

15 MS. MAZANEC: No, what I mean is I'd like to
16 see that on paper.

17 MS. RANKIN: And then -- can I finish what I
18 would like to do?

19 MADAM CHAIR: Yeah, please, you're making a
20 motion.

21 MS. RANKIN: I -- I would like to strike 13.02
22 in its entirety, only because that goes along with what I had
23 just said.

24 I could read the whole one of 3.05, but it's huge, and
25 all I'm doing is striking the appeal part, but I want it to



1 include the part --

2 MS. MAZANEC: Your (indiscernible)

3 MS. RANKIN: No, it -- the last part where it
4 says, "The LEP shall explain the rationale." In other words,
5 there's two options. The district can just say "no" to the
6 parent, which I believe the parent deserves an explanation in
7 writing, so they have to explain to the parent why they said
8 no.

9 MS. FLORES: But then would they right it by -
10 - by placing the student in an English classroom?

11 MS. McCLELLAN: Seconded. I'll second that
12 motion.

13 MADAM CHAIR: Okay, now I'm supposed to repeat
14 that motion. So a motion's been made by Board Member Rankin,
15 and seconded by Board Member McClellan. To approve the rules
16 for the administration of the Colorado Reading to Ensure
17 Academic Development, READ Act 1CCR301-92 amended as follows,
18 one, striking the sentence in 3.05(A) that reads -- where'd
19 it go? Here we go. "If the local education provider denies
20 parent request to administer an assessment in English, the
21 local education provider will provide an opportunity for the
22 parent to appeal that decision to an individual or committee
23 designated by the local education provider." Period. Strike
24 that sentence and strike proposed rule 13.02 in it's entirety.

25 ? : (indiscernible) a few more words after that



1 period that would then be hanging out if the appeal is denied.

2 ? : (Indiscernible)

3 MADAM CHAIR: No, I didn't.

4 MS. RANKIN: No.

5 MADAM CHAIR: The beginning of that next
6 sentence?

7 DR. COLESMAN: Yes.

8 MADAM CHAIR: So the next sentence is truncated
9 by the elimination of "If the appeal is denied" and then
10 there's a capital "T", "The local education provider shall
11 explain the rationale..."

12 ? : We need a copy, please.

13 MS. CORDIAL: I have asked some staff to try
14 to track this and then print it, it just might take a minute
15 or two to make sure we get it right.

16 MS. MAZANEC: I got it.

17 MS. CORDIAL: Okay, unless you guys are
18 comfortable, I just heard the request.

19 MS. MAZANEC: No. I -- I got. I'm sorry. I got
20 it now, because I thought that there was an -- another insert,
21 but --

22 MADAM CHAIR: Okay, are we ready to call the
23 roll, or the -- still some questions on the motion?

24 MR. DURHAM: A point of order.

25 MADAM CHAIR: Sure.



1 MR. DURHAM: I'd like to request the division
2 of the question and vote on each part separately; the amendment
3 to 3.05 (A) and the amendment to 13.02 (B) separately.

4 MADAM CHAIR: So we got three motions?

5 MR. DURHAM: No, you just have a division of
6 the question. You have one motion.

7 MADAM CHAIR: I don't know what that is, so
8 explain that to me.

9 MADAM CHAIR: In other words, we vote on the
10 first part --

11 MADAM CHAIR: So it's like --

12 MS. FLORES: I agree, second.

13 MADAM CHAIR: Three, or two? Are the -- are the
14 --?

15 MR. DURHAM: No. You vote -- you just treat
16 them as if they were second -- separate motions without making
17 them a separate motions; they're divided. Nobody -- motion
18 doesn't have to be repeated, so --

19 MADAM CHAIR: So -- so we start with the first
20 one before the words "amended".

21 MR. DURHAM: 3.05, start with -- start with
22 3.05. The -- all 3.05. The amendment to 3.05's taken separately
23 from the amendment -- from the striking of 13.02.

24 MADAM CHAIR: Okay. Are you fine with that, Ms.
25 Cordial? All right, would you call the roll for the first --



1 MS. CORDIAL: For just 3.05 (A), striking the
2 sentence and a couple of words that both Board Member Rankin
3 and Schroeder read.

4 MADAM CHAIR: Correct.

5 MS. CORDIAL: Board Member Durham.

6 MR. DURHAM: No.

7 MS. CORDIAL: Board Member Flores.

8 MS. FLORES: No.

9 MS. CORDIAL: Board Member Goff.

10 MS. FLORES: Yes.

11 MS. CORDIAL: Board Member Mazanec.

12 MS. MAZANEC: No.

13 MS. CORDIAL: Board Member McClellan.

14 MS. McCLELLAN: Yes.

15 MS. CORDIAL: Board Member Rankin.

16 MS. McCLELLAN: Yes.

17 (Talking in background)

18 MS. CORDIAL: It's 3.05 (A)

19 MADAM CHAIR: But it was your amendment.

20 MS. McCLELLAN: Yes.

21 ?: Yes.

22 MS. CORDIAL: Board Member Schroeder.

23 MADAM CHAIR: Yes.

24 MS. CORDIAL: So one piece I'd like to clarify
25 is because it is not a unanimous vote at this point the board



1 will have to vote on these rules at the following meeting.

2 MADAM CHAIR: Correct.

3 MR. DURHAM: I think, point of order, Madam
4 Chair, until we see where there's a unanimous vote on the rule
5 as amended you won't know whether or not the vote's unanimous.

6 MS. CORDIAL: Okay, thank you for that
7 clarification.

8 MR. DURHAM: Thank you.

9 MS. CORDIAL: Okay --

10 MS. McCLELLAN: It's already not unanimous.

11 MS. FLORES: It's true.

12 MR. DURHAM: No, taken as a whole the
13 question is -- yeah.

14 MS. McCLELLAN: Okay, okay.

15 MS. CORDIAL: So that portion of the motion
16 passes to -- by a 4-3 vote.

17 MADAM CHAIR: Go with the end.

18 MS. CORDIAL: Moving on to striking 13.02 in
19 it's entirety.

20 MR. DURHAM: Madam Chair, I'd like to speak
21 to this, if I might.

22 MADAM CHAIR: Sir.

23 MR. DURHAM: Thank you. I intend to vote for
24 this motion with the understanding that the staff will
25 accumulate this information, and we will include it in our



1 report to the general assembly, thereby relieving the school
2 districts of the horrific burden of having to count to --
3 how many ever they have to count to. And I would just like
4 to say I -- as I remember initially, and I think in some of
5 the testimony in general assembly, and I might be -- I might
6 be mistaken on this, but I think there were five districts
7 who were actually creating the problem and -- and actively
8 supporting 1160, so there may be 12 districts that actually
9 have the -- the dual-language programs.

10 But, you know, if the only -- the only -- there're only
11 two possible explanations for opposing this concept that's
12 contained in 13.02, and for supporting 1160. One is you
13 don't value teaching kids to speak English.

14 MS. FLORES: Right.

15 MR. DURHAM: Or, two, you don't want to admit
16 failure in getting kids to speak English. Those are the only
17 two possible explanations, otherwise everybody should be
18 proud to report their READ Act results.

19 And I would say that to both CASE and CASB where you
20 have 12 school districts apparently wagging the dog here, of
21 179 school districts, perhaps they ought to re-assess some
22 of their own -- their own decision-making abilities. And I
23 want to ask Ms. Colesman before any further, did any
24 districts individually comment on these rules, or did they
25 leave it to their trade associations?



1 DR. COLESMAN: So Mr. Durham, we only
2 received the two letters from the individual, from CSI, and
3 from the joint letter from the three organizations.

4 MR. DURHAM: So none of the organizations had
5 the -- or no -- no school district had the courage to put
6 it's name on either defending failure, or not desiring to
7 teach kids to speak in English. So I'm going to vote for
8 this, since we can do it anyway, and we are now going to do
9 it. Because I think the general assembly and the public
10 deserve to know the answer.

11 MADAM CHAIR: Thank you.

12 MS. CORDIAL: Okay, Board Member --

13 MADAM CHAIR: Ready to call the vote.

14 MS. CORDIAL: Board Member Durham.

15 MR. DURHAM: Yes.

16 MS. CORDIAL: Board Member Flores.

17 MS. FLORES: Yes.

18 MS. CORDIAL: Board Member Goff.

19 MS. GOFF: Yes.

20 MS. CORDIAL: Board Member Mazanec.

21 MS. MAZANEC: Yes.

22 MS. CORDIAL: Board Member McClellan.

23 MS. McCLELLAN: Yes.

24 MS. CORDIAL: Board Member Rankin.

25 MS. RANKIN: Yes.



1 MS. CORDIAL: Board Member Schroeder.

2 MADAM CHAIR: Yes.

3 MS. CORDIAL: That motion passes -- that
4 portion passes 7-0.

5 MADAM CHAIR: So what have we?

6 DR. COLESMAN: So now we're on to --

7 MR. DURHAM: I'll move the rules as amended.

8 MS. FLORES: I second that.

9 MADAM CHAIR: What?

10 MS. GOFF: Move the rules as amended, he got
11 a second.

12 MADAM CHAIR: With your -- with both
13 amendments. Isn't that what you guys voted against just a
14 little while ago?

15 MR. DURHAM: Yes, but sometimes the whole
16 exceeds the value of the sum of the parts.

17 MS. CORDIAL: This is a wonderful learning
18 lesson.

19 (Chorus of laughter)

20 (Talking in background)

21 MADAM CHAIR: I think we need the motion read
22 again. How would you like to do that this time?

23 MS. CORDIAL: Okay -- okay. I'll quickly go
24 through it.

25 MADAM CHAIR: Well there could be somebody in



1 the audience who's as confused as I am.

2 DR. COLESMAN: Might not want to do it
3 quickly. Take your time.

4 MADAM CHAIR: So we didn't get -- we didn't
5 get the --

6 MS. CORDIAL: Slow and fast. Okay, so what we
7 are approving is the amended version, so to approve the
8 rules for the administration of the Colorado Reading to
9 Ensure Academic Development, READ Act 1CCR3019, as amended,
10 where Board Member Rankin said to strike section 3.05(A) and
11 the part that is -- she would like stricken is, "If the
12 local education provider denies the parent request to admin
13 -- to administer an assessment in English the local
14 education provider will provide an opportunity for -- for
15 the parent to appeal the decision to an individual, or a
16 committee, designated by the local education provider."
17 Period. If the appeal is denied, period.

18 MADAM CHAIR: Yeah, that's fair.

19 (Chorus of "Yep")

20 MS. CORDIAL: And would like to -- and --
21 let's see, and strike the proposed rule 13.02 in it's
22 entirety.

23 MADAM CHAIR: Thank you. Please call the
24 roll.

25 MS. CORDIAL: Board Member Durham.



1 MR. DURHAM: Yes.

2 MS. CORDIAL: Board Member Flores.

3 MS. FLORES: Yes.

4 MS. CORDIAL: Board Member Goff.

5 MS. GOFF: Yes.

6 MS. CORDIAL: Board Member Mazanec.

7 MS. MAZANEC: Yes.

8 MS. CORDIAL: Board Member McClellan.

9 MS. McCLELLAN: Yes.

10 MS. CORDIAL: Board Member Rankin.

11 MS. RANKIN: Yes.

12 MS. CORDIAL: Board Member Schroeder.

13 MADAM CHAIR: Yes. Yay!

14 MS. CORDIAL: That motion passes 7-0.

15 MS. FLORES: Okay, great.

16 MADAM CHAIR: Thank you.

17 (Talking in background)

18 MADAM CHAIR: So at this time public comment.

19 (Talking in background)

20 MADAM CHAIR: So I want to remind folks who

21 are going to speak that board members do not engage in

22 public comment, and we also cannot accept public comment on

23 quasi-judicial matters which I don't think we have any.

24 Right? We don't have any?

25 MS. FLORES: (Indiscernible)



1 MADAM CHAIR: By the way, thank you, Dr.
2 Colesman, and company, for your patience and... All right,
3 three minutes each. Dr. George Walker.

4 There must be another sign-up there (indiscernible).

5 MS. CORDIAL: There -- yeah, there's another.

6 MADAM CHAIR: Okay.

7 DR. GEORGE WALKER: Good afternoon.

8 MADAM CHAIR: Do you want me to read what you
9 wrote on here, or do you have comments to make, sir?

10 DR. GEORGE WALKER: De-Ja-Vu all over again,
11 Steve, listening to you. I was reminded in '70s over at the
12 State House of State Senator Hugh Fowler, Chair of the --
13 the Education Committee, and then regent, in the '80s, and
14 the discussions about English as a second language, and it
15 has not changed a lot in the last 30-35 years. And it's
16 still an important issue.

17 It's still an issue that is public. Part of what's
18 going on with DACA, immigration, all those issues that we're
19 reading about currently in Washington, a large part of it is
20 English language as a second language, or language of your
21 original country. It's there; the language part of it is a
22 large part of the immigration issue.

23 I came here to speak about the four-day, five-day
24 school week. Jenny Brundin and Ryan Warner (ph) of Colorado
25 Public Radio have done a pretty good job of interviewing the



1 superintendent in Sterling about an election they're having
2 November about whether they're going to stay on the four-day
3 or five-days, the implication to staff, the implication to
4 learning.

5 Department of Education was kind enough to -- to get
6 some information to me in 2011, a report prepared by Ann --
7 Diane Lefly, PhD, and John Penn, Executive Director of CDE
8 Field Services about this issue.

9 And it would seem that the issues is a six-hour day,
10 lot of six-hour day or a seven-hour day and basically the
11 days are longer with four days and the contact hours are
12 about the same. The test -- I've called Deans of several
13 schools of education; the test results are -- test learning
14 are about the same. Course there's -- most of the four days
15 are in rural area, half the state is on four days. I don't
16 know the name -- well, I know the name of the school -- I
17 think it's a charter school in Denver that's on four days.
18 I'll find that out.

19 I think this issue deserves re-visitation since 2011,
20 and obviously as a member of the public I can't put
21 something on the agenda, but you are, the CCHE and this
22 board, is coming forth with a major report in December about
23 teacher salaries, education and education issues and gender
24 (ph). I think this report needs to be updated and revisited
25 by the board.



1 I personally really think, and I sound traditional, we
2 need to stay at a five-day week. Thanks for listening. I
3 guess my time is up. Thank you all, and it was a heated
4 discussion today about learning. We're lucky to have
5 experts, including Dr. Flores, a nationally known expert on
6 English language as a second language. We're lucky to have
7 her and all members of this distinguished board discussing
8 this issue. Thank you for your time.

9 MADAM CHAIR: Thank you, Dr. Walker. Callen
10 Clark (ph).

11 CALLEN CLARK: Good afternoon. Thank you,
12 Chairperson Schroeder, State Board members, and commissioner
13 Anthes for the opportunity today to provide testimony. I am
14 using the public comment time to give you feedback regarding
15 the proposed rules for the Administration of the Protection
16 of Persons from Restraint Act as I'm unable to be here this
17 afternoon when you're going to be looking at the rules.

18 My name is Callen Clark. I'm the Executive Director of
19 Student Services for Englewood Schools, and I'm here today
20 on behalf of the Consortium of Special Education Directors
21 formed in 2004 to help policy makers understand issues
22 related to children with disabilities. Our membership
23 consists of 100 percent of the districts and administrative
24 units in Colorado. This testimony also represents CASB,
25 CASE, the Colorado BOCES Association, and the Colorado Rural



1 Schools Alliance.

2 The Consortium appreciates the productive meeting we
3 had with CDE and Melissa Colesman in July regarding draft --
4 early draft of the proposed rules. In addition, each of our
5 organizations appreciates the opportunity to give feedback
6 to CDE staff for consideration of our input on October 4th.
7 Each of our organizations was actively involved in the
8 legislation leading to these proposed rules. House Bill 17-
9 1276.

10 We support clarity of state rules for protection of
11 students from restraint, and for clarity of a complaint
12 process for a student or a student's parents. We have two
13 areas that we want to call to your attention and request
14 revisions to currently proposed language. Our first concern
15 relates to the required content of the complaint as
16 specified in section 2.07, paragraph 2. What we believe is
17 missing is the need to state if the child has been
18 identified as a student with a disability under the
19 Individuals with Disabilities Act, or IDEA.

20 This would provide critical additional information to
21 facilitate accessing the appropriate complaint process, as
22 well as to support an efficient and complete response by the
23 district or school identified in the complaint. We urge that
24 this information be added as a component of the required
25 contents of the complaint.



1 Our second area of concern is in section 2.07, sub-
2 paragraph 4, which details the complaint process involving
3 children with disabilities in what we believe is unintended
4 and confusing language. In paragraph 2.07, sub-paragraph
5 4(A) it clearly states that if, and I quote, "The complaint
6 alleges a violation of IDEA or it's impending regulations,
7 the complaint will be processed through the CDE's IDEA
8 dispute resolution process." However, in this same paragraph
9 it continues with language that, and I quote, "In these
10 cases the State Complaint Officer shall also have the
11 authority to investigate and process a complaining alleging
12 improper use of seclusion and restraints."

13 We believe that it's important for the process to be
14 clear, straight-forward, and coordinated, and that the
15 intent of the proposed rules is that the IDEA complaint
16 process will be followed if the complaint alleges a
17 violation of IDEA for a child with disabilities, including
18 improper use of seclusion or restraints.

19 However, we are concerned that the language in section
20 2.07, sub-paragraph 4(A) as currently written, could be
21 interpreted as allowing for different, independent -- sorry
22 -- and making it very confusing, so we hope that you can
23 look at that for us today.

24 MADAM CHAIR: Thank you very much.

25 CALLEN CLARK: Thank you.



1 MADAM CHAIR: Cathy Shannon.

2 CATHY SHANNON: I apologize, Madam Chair,
3 I'll just wait until the -- until the rulemaking hearing in
4 (indiscernible).

5 MADAM CHAIR: Great. Alan Kennedy-Shaffer.

6 ALAN KENNEDY-SHAFFER: Good afternoon. My
7 name is Alan Kennedy-Shaffer. Some of you know I'm a
8 candidate for Senate District 34, but I'm here today as a
9 teacher. I'm currently teaching through the See You Succeed
10 program at Abraham Lincoln High School in southwest Denver.

11 We talked a lot about public policy -- I'm in the PhD
12 program that Dr. Anthes graduated from -- but sometimes we
13 forget the -- the real-world implications.

14 This semester we didn't get textbooks until week five.
15 A week earlier 10 textbooks showed up for my 40 students,
16 and the -- and the students said, "Mr., what are we supposed
17 to do with 10 textbooks?" I think this is abysmal. I think
18 it is failing our students. Something we need to note is
19 that -- that Abraham Lincoln was on a list of schools
20 targeted for closure and morale is exceedingly low. The --
21 the teachers and the counselors work very hard, I can attest
22 to that, but the resources just aren't there.

23 And I'm concerned that we're -- that this is -- that
24 this reflects larger inequities in our school system. We
25 know state wide that we're underfunding our public schools,



1 both at the K-12 level as well as in the higher education
2 level, and I think we need to -- to look -- to look very
3 seriously at whether we're providing the resources to these
4 schools that they need.

5 That -- when -- when it's a matter of do we have
6 textbooks in our schools, I think that is fundamental to the
7 issue of whether we are providing an adequate public
8 education to all students in Colorado. Everyone deserves to
9 have high-quality education, whether they do that through
10 public education, or whether they choose to do it elsewhere,
11 and we can't leave students behind simply because they don't
12 have transportation, or -- or the parental involvement to go
13 to some of the better schools in Denver.

14 Student -- my students in my class, almost all of them,
15 take public transportation to get to school. Half of them
16 are late to the first period class, and yet -- and yet the
17 school district does not even pay -- does not even provide a
18 pass for everyone in our schools to get on RTD. I mean,
19 that's something that the -- that the -- the state and the
20 district should work together on in providing, at the very
21 least, passes so that all of the students can get to school
22 without having to worry about how they're going to get
23 there.

24 These are just a few issues that I've noticed teaching
25 criminal justice at Abraham Lincoln High School. Thank you



1 very much for your time.

2 MADAM CHAIR: Thank you. Nice timing. Mariana
3 Pacova (ph).

4 MARIANA PACOVA: Good afternoon. I'm Mariana
5 Pacova. I finally made it to be here today. I'm sorry. Okay
6 -- okay. I'm sure you know my case. As of March, I have been
7 trying to obtain a GPA recovery approval for my daughter,
8 Anna Karina Pacova, because the STEM school breached it's
9 contract with the -- the DCSD district, and did not
10 implement any actions for my daughter when her GPA fell
11 below 2.0.

12 I have tried to talk to the school and the DCSD board
13 and no one is taking any action. Because of this I'm here to
14 say what I would want to do in order to further this case. I
15 will make -- later today or tomorrow I'll make a complaint
16 about DCSD to you, because they have not taken act on my
17 case. I have asked many times for the DCSD counselor to give
18 feedback for my case and to specifically state if he sent a
19 notice to the STEM school for breach with the opportunity to
20 cure. I have passed through all of the steps in the school's
21 contract except the mediation, because I have been going in
22 front of the district board on a monthly base and no one has
23 taken -- taken any action. Therefore, I do not know how to
24 conduct the mediation portion.

25 Is written in the contract either party may appeal to



1 the State Board, so please take action in this case, because
2 no one is doing anything, and you are the highest power, and
3 there has been a clear misconduct to severe extent. This is
4 not a simple case of GPA or grades, this is a severe case of
5 misconduct.

6 (Indiscernible) to pass unless you should be more
7 frustrated with the -- with this state's education than that
8 on my own, because if people were doing their jobs properly
9 I would have no frustrations at all. As a State Board you
10 have a duty to the children in the education system, and
11 should take action to help supervise and oversee situation
12 where there is clear struggle. Could you please tell me how
13 and why my daughter got two "F"s, but she was almost to have
14 five "F"s in the first semester of the last school year. So
15 please ask the DCSD members to make an amendment with the
16 GPA recovery at schools' fault for such risky school. Thank
17 you, and -- and please help me to put my daughter's grades
18 back on her transcript, because it wasn't her fault.

19 I'm here. I came from a communist country. I took
20 classes with all classes -- all levels of students,
21 including gypsy kids, and I'm sure that the teachers over
22 there, there were teachers for everyone in those classes. So
23 you have to take a student and you have to say, "Okay, I
24 want to go through all steps, all means in education, to see
25 -- to check if this student is dumb or not." But my daughter



1 was like -- having, like, almost five "F"s. This is
2 something weird, and I'm a teacher. Thank you.

3 MADAM CHAIR: Thank you very much. I believe
4 that's the end of public comment. We've already done that
5 one. Update from Commissioner Anthes. And not that you're
6 hungry.

7 MS. ANTHES: No. Thank you, Madam Chair. I
8 will try to keep this quick, because I'm between you and
9 lunch. So just a few things that I've been up to. I did go
10 on a literacy tour, which was co-sponsored with our Library
11 Office, our Literacy Office, and then Colorado SERVE. I went
12 to Brighton Elementary, went to library, Anythink Library,
13 in Aurora/Thornton, and I got to read to little kiddos and
14 that was really fun. So -- but it was a really good event to
15 sort of, you know, accentuate the importance of literacy and
16 families in literacy.

17 Just a quick update on the request to reconsider
18 process. We have had 11 districts that have submitted drafts
19 to us, just to get the scope of what we're working on for a
20 request to reconsider, and about 57 specific schools, to
21 submit a request to reconsider. They have until -- that's
22 the draft process, which we just offer them feedback on
23 that, so they can refine it, and so we don't know for sure
24 what we'll get finally, but they have until October 16th to
25 submit that. We're sort of guessing that all told between



1 districts and schools we'll have around 100, so that's a
2 dramatic decrease from what we had last year, so just to
3 give you guys a scope of that.

4 Just letting you know I will -- I will promise to give
5 you updates on the Education Leadership Counsel as I get
6 them, as -- as I'm the co-chair and Board Member Schroeder
7 is also on that counsel. We have our second meeting on
8 October 23rd in Pueblo. At that meeting we're scheduled to
9 get a presentation of the Colorado education landscape
10 really done by an external partner, by the -- that by CU
11 Denver.

12 And then we're going to be talking about more clarity
13 on kind of what the ELC will do, by when, and with who, so -
14 -

15 MADAM CHAIR: Excuse me. Is this your -- your
16 recent, new (indiscernible)...?

17 MS. ANTHES: Yes, this is --

18 MS. MAZANEC: (indiscernible) Commission
19 Committee?

20 MS. ANTHES: It's a counsel. Education
21 Leadership Counsel, created by executive order.
22 Representative Rankin and I co-chaired that. Not to be
23 confused with Board Member Rankin. Representative Rankin and
24 I co-chaired that.

25 MS. MAZANEC: I was thinking of your



1 teacher's cabinet, I'm sorry.

2 MS. ANTHES: Right, that's a different thing.

3 MS. MAZANEC: That's different, yeah, got it.

4 MS. ANTHES: Yes. So we will give you an
5 update at the November meeting around how that goes, and
6 what we talk about and any materials -- I will collect any
7 materials for you all there.

8 I did want to just let you know it's Family and School
9 Partnership Month this month, and so I have a few brochures.
10 We have been working to really increase parental and family
11 engagement in schools, and so we have a bunch of materials
12 and promising practices that we're sharing with districts.
13 We have a kick-off -- where are my notes on the kick-off? We
14 had a kick-off on that. We had about 75 folks in attendance,
15 about 20 districts represented, and several community
16 organizations. We had 33 poster displays of promising
17 partnership practices to engage more parents and families in
18 schools, and the -- the event was a real success and had a
19 real celebratory, exciting perspective.

20 I did think because you all are very interested in the
21 -- the family and parental engagement I just thought I would
22 pass out some of the brochures that we've created to, you
23 know, to -- to share some of those good practices and
24 encourage some of those. So I know Board Member Goff is
25 always encouraging us to get really clear communications,



1 and -- and materials and resources out to districts, and so
2 just wanted to share some of that.

3 But the whole month of October is Family and School
4 Partnership Month, and so we're doing a series of activities
5 throughout this month.

6 I will be key noting the first -- the first ever
7 Alternative Education Campus Conference, I believe Friday,
8 and that will be -- that's really a whole series of
9 alternative education campuses wanting to come together to
10 share their practices and support one another, and so we
11 will be sharing a little bit of the landscape of that
12 conference. That is hosted by the Colorado Coalition for
13 Alternative Education Campuses and New America Schools, so
14 I'll be at that.

15 And then I did just want --

16 MS. MAZANEC: Sorry, when did you say that
17 was?

18 MS. ANTHERS: The -- sorry, let me get that.

19 MS. MAZANEC: MADAM CHAIR: This Friday?

20 MS. ANTHERS: This Friday, yes. And if you
21 guys would -- I don't -- I don't manage the invitations, but
22 I can send you information on it. I believe it's going to be
23 somewhere in the Denver Metro Area, so I can send out some
24 information on that. And then, lastly, we're -- we haven't
25 given a standards update, but you wanted us to hand out from



1 Burlington, the fliers that we've been providing. By October
2 16th we will have all the proposed standards changes input
3 into our online system. That will be on the front page of
4 our website. I have some fliers here for you. We can send it
5 to you electronically as well. I think we did last week, but
6 we'll do it again.

7 This is really the time to get public parent educator
8 feedback on any of those proposed changes, so I have some
9 fliers here for you, and you can pick up some more later if
10 you want, but this -- our next big push is to get these --

11 MS. GOFF: Thank you.

12 MS. ANTHERS: The standards -- the
13 recommendations that will be coming to you, get feedback on
14 those, so we can share with you what the public feels about
15 what the committees did. So with that, I believe I'll let
16 you eat lunch. Thank you.

17 MADAM CHAIR: Questions. I have a -- I have a
18 question.

19 MS. ANTHERS: Yeah.

20 MADAM CHAIR: For the feedback on the
21 standards that will begin mid-month, are we reaching out to
22 the higher ed. institutions to make sure that the faculty
23 are looking at those? Because they're not necessarily
24 represented on all the committees, and my recollection from
25 the standards development process there was a lot of higher



1 ed. engagement, and I'm not sure whether they're paying
2 attention at this point to the changes, but it -- I think
3 it'll be helpful if we heard from them.

4 MS. ANTHES: Good, good recommendation. We'll
5 make sure we do that. And I also -- you reminded me that we
6 actually -- because of your recommendation to get more just
7 parents involved in this our team has scheduled several
8 parent outreach efforts around this, and -- and they're
9 scheduling a series of feedback meetings, including up in
10 Grand Junction, here, other places, to really -- because
11 parents can get overwhelmed by the system, and so finding
12 ways to really help build a bridge for how they can give
13 feedback onto the standards. So we're -- we're also doing
14 that work.

15 MADAM CHAIR: All right. Thank you. Any other
16 questions? Ms. Cordial, would you please announce an
17 executive session.

18 MS. CORDIAL: An executive session has been
19 noticed for today's State Board meeting in conformance with
20 24-6-402(3)(a), Roman -- CRS to receive legal advice on
21 specific legal questions pursuant to 24-6-402(3(a)(ii), CRS,
22 in matters required to be kept confidential by federal law,
23 rules, or state statutes pursuant to 24-6-402(3(a)(iii),
24 CRS.

25 MADAM CHAIR: Thank you. Can I have a motion



1 to convene an executive session?

2 MS. FLORES: Please?

3 MADAM CHAIR: All right, we'll --

4 (Executive Session)

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

2 I, Kimberly C. McCright, Certified Electronic
3 Transcriber, for the State of Colorado, do hereby certify
4 that the above-mentioned matter occurred as hereinbefore set
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6 I FURTHER CERTIFY THAT the proceedings of such
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8 to typewritten form under my supervision and control and
9 that the foregoing pages are a full, true and correct
10 transcription of the original notes.

11 IN WITNESS WHEREOF, I have hereunto set my hand
12 and seal this 30th day of October, 2018.

13

14 /s/ Kimberly C. McCright

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19 1322 Space Park Drive, Suite C165

20 Houston, Texas 77058

21 281.724.8600

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