



Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
October 8, 2014, Part 5

BE IT REMEMBERED THAT on October 8, 2014,  
the above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board  
Members:

Paul Lundeen (R), Chairman  
Marcia Neal (R), Vice Chairman  
Elaine Gantz Berman (D)  
Jane Goff (D)  
Pam Mazanec (R)  
Debora Scheffel (R)  
Angelika Schroeder (D)



1                   CHAIRMAN LUNDEEN: So, let's come back to  
2 order. Next item on the agenda is continuation of the  
3 discussion around state assessments, options and next  
4 steps. Mr. Commissioner.

5                   COMM. HAMMOND: Thank you, Mr. Chair. One  
6 of your favorite topics.

7                   CHAIRMAN LUNDEEN: Yes, it is.

8                   COMM. HAMMOND: We're continuing -- we just  
9 won't let it go, will we?

10                  CHAIRMAN LUNDEEN: No. I will not.

11                  COMM. HAMMOND: Least you would. But that's  
12 all right. But we have some more information to share  
13 with you, and especially around us working with the  
14 Department of Education and some other information we  
15 want to share with you today. So, with that, we have  
16 staff here and I'm going to turn it over this time to  
17 Keith Owen, who will walk you through kind of what we  
18 want to present to you.

19                  And just so you know, some of this  
20 information, once we present it, we'll have some  
21 correspondence going to the field. If all, everything,  
22 works out well on Thursday, letting know some of this  
23 guidance. Because we've received lots of, you know,  
24 what-ifs questions from the field and they were seeking  
25 guidance, so I've prepared that around three different



1 subjects that I'll be sending out on Thursday for if all  
2 goes well. So, Keith.

3 MR. OWEN: Yeah. Thank you, Commissioner  
4 Hammond, Mr. Chair, board members.

5 CHAIRMAN LUNDEEN: Please proceed.

6 MR. OWEN: As you know from our previous  
7 discussions around assessment impact, we've been having  
8 an ongoing conversation with senior staff in the United  
9 States Department of Education concerning a series of  
10 questions that Commissioner Hammond submitted to them  
11 roughly six weeks ago.

12 The questions focused in on the federal  
13 requirements with regard to state assessments and what  
14 pathways might exist for the use of local assessments in  
15 a state assessment system. So CDE asked the U.S.  
16 Department of Education to respond to the following  
17 questions to determine how much flexibility exists in  
18 federal statute. And we did provide a hard copy, I  
19 think, of this. Bizzy passed that out, so it should be  
20 in front of you. That's --

21 CHAIRMAN LUNDEEN: We have it digitally as  
22 well.

23 MR. OWEN: That is the official response.  
24 And then, we also emailed this to the state board.  
25 Carrie Markel emailed it on Monday afternoon as well.



1 CHAIRMAN LUNDEEN: Okay.

2 MR. OWEN: So, the first question is: What  
3 are the federal requirements regarding the frequency,  
4 grade levels, and content areas of state assessments?  
5 The second question is: Do states have to administer the  
6 same general assessment to all students? If so, are  
7 there exceptions to this requirement? If there are  
8 exceptions, what thresholds must be met?

9 COMM. HAMMOND: You sound like you're in a  
10 tunnel.

11 MR. OWEN: Do I sound like I'm in a tunnel?  
12 Sorry.

13 COMM. HAMMOND: That's okay.

14 MR. OWEN: It is a -- it's a  
15 (indiscernible).

16 UNKNOWN SPEAKER: It's like in the  
17 auditorium of a theater.

18 COMM. HAMMOND: Yeah. It's like  
19 (indiscernible) a movie theater. Which may be all right  
20 on this topic, but -- okay.

21 MR. OWEN: It is a federal document, ominous  
22 might sound good. So I'll keep pushing forward with it.  
23 This is -- second question was really about the  
24 thresholds that they'd have to meet in order to do if we  
25 have to use the same assessment. Has any state been



1 successful in meeting that threshold?

2 The third is: Can a combination of state and  
3 local measures be used within a state assessment system  
4 and, or accountability system? If so, under what  
5 conditions can that occur? Also, can local measures  
6 supplant state measures?

7 The fourth question: What are the  
8 consequences if a state or districts fails to adhere to  
9 the federal assessment requirements? In addition to  
10 Title 1 funds, what other funds are at risk? Has any  
11 other state ever had its federal funds withheld in part,  
12 or whole, due to failure to adhere to federal  
13 requirements?

14 And a fifth question that was inserted was:  
15 A June 2011 document suggests that the secretary has the  
16 authority to waive provisions of the assessment portion  
17 of the Title 1 statute under certain circumstances. Does  
18 the Department of Education agree with this  
19 interpretation? If so, please let us know under what  
20 conditions the secretary would entertain a waiver of the  
21 state assessment provisions.

22 So, those are the five main questions that  
23 were posed to U.S. Department of Education on October 3,  
24 2014 last Friday. The department provided a detailed  
25 letter to the department that responds to each of these



1 questions. The letter was shared again with the State  
2 Board of Education on Monday, electronically for you to  
3 review in advance of today's meeting.

4 Mr. Chair, I'd like to go through each  
5 question and then summarize the response from US DOE and  
6 then when finished we have our team gathered here today  
7 to help answer any additional questions that the board  
8 may have.

9 Also, I think it's important to note, if you  
10 haven't read the letter, at the very beginning of the  
11 letter, the department places a very significant emphasis  
12 on high-quality annual assessment systems, as they  
13 believe that it provides information on all students so  
14 that educators can improve educational outcomes, close  
15 achievement gaps among sub-groups of historically under-  
16 served students, increase equity and improve instruction.

17 And so, with that emphasis that kind of  
18 gives you the context of where USDOE is coming from when  
19 they answer these questions.

20 So, with that let's begin, and I will kind  
21 of warn you in advance that this is the intersection of  
22 two government agencies working on a collaborative  
23 document. There are lots of acronyms, there's lots of  
24 federal citations, and so I will do my best to try to  
25 interpret those for you, but at the same time, it is a



1       weighty document, and it is difficult to navigate  
2       through. So, it's -- it took staff a little bit of time  
3       to work through it as well. So, don't feel like when  
4       we're finished, if you have questions, that we're going  
5       to wait to look at it -- them in any kind of negative  
6       light.

7                       There are some very detailed responses here,  
8       and it does take some time to work your way through them.  
9       Okay?

10                      COMM. HAMMOND: They weren't willing to  
11       change Angelika and make it more easily readable, sorry.

12                      MS. SCHROEDER: I'm not in charge.

13                      MR. OWEN: All right. MR. Chair?

14                      CHAIRMAN LUNDEEN: Please.

15                      MR. OWEN: So, question one, what are the  
16       federal requirements regarding frequency, grade levels,  
17       content areas of state assessments? And can Ed provide -  
18       - Department of Education provide an outline of these  
19       requirements. And any -- and all of these things we ask  
20       questions about any differences under NCLB and under ESEA  
21       flexibility, which we're kind of working under now.

22                      So, we've been talking with you over the  
23       last several months about the federal minimums. And this  
24       is a reinforcement of that. Under Section 1111(b), and  
25       I'm not going to read every specific citation, but it



1 requires a State Educational Agency, the SEA, that  
2 receives funds under Title 1, part A, to implement in  
3 each local education agency in a state a set of high  
4 quality yearly academic assessments that includes, at a  
5 minimum, assessments in mathematics, reading, language  
6 arts and science.

7                   With respect to reading, language arts, and  
8 mathematics, assessments must be administered in grade --  
9 each of grades 3 through 8, and not less than once in  
10 grades 10 through 12.

11                   With respect to science, the assessments  
12 must be administered not less than once during grades 3  
13 through 5, 6 through 9, and grades 10 through 12. This  
14 is pretty consistent with everything that we've been  
15 telling you over the last several months, and so it's  
16 just a reiteration, I think, of the information we've  
17 been giving you before. But these are the -- these are  
18 the specific requirements as we move through it, that  
19 each SEA state assessments must include.

20                   So, the number one -- these are kind of  
21 bulleted here so I'm going to go through the major  
22 points, each of them -- be the same academic assessments  
23 used to measure the achievement of all children.

24                   Be designed to be valid and accessible for  
25 use by the widest range -- possible range of students;



1 including students with disabilities and English  
2 Learners.

3 Be aligned with the state's challenging  
4 academic content and achievement standards and provide  
5 coherent information about student attainment of those  
6 standards.

7 Be used for purposes for which they are  
8 valid and reliable, and be consistent with relevant,  
9 nationally recognized, professional and technical  
10 standards.

11 Be supported by evidence from the test  
12 publisher or other relevant sources that the assessment  
13 system is of adequate technical quality for each required  
14 purpose.

15 Involve multiple up-to-date measures of  
16 student academic achievement, including measures that  
17 assess higher-order thinking skills and understanding,  
18 which may include single or multiple question formats  
19 that range in cognitive complexity within a single  
20 assessment and multiple assessments within a subject  
21 area.

22 Provide for the participation of all  
23 students in tested grades, including students with  
24 disabilities who must be provided reasonable  
25 accommodations, and English Learners who must be assessed



1 in valid and reliable manner and provide a reasonable  
2 accommodations, including to the extent -- assessments in  
3 the language and four most likely to yield accurate data  
4 on those -- on that -- those students know and can do in  
5 academic content areas until they have achieved  
6 proficiency in English.

7 Assess English Learners who have been in  
8 schools in the United States for more than -- for three  
9 years or more consecutive, on English, on reading,  
10 language arts assessments, except that on a case-by-case  
11 basis an LEA may assess those students in their native  
12 language for not more than two additional -- two  
13 additional years.

14 Produce individual student interpretive,  
15 descriptive and diagnostic reports that allow parents,  
16 teachers and principals to understand and address the  
17 specific academic needs of students. Enable results to  
18 be disaggregated within each state, LEA and school by  
19 gender, by each major racial and ethnic group, by English  
20 proficiency status, by migrant status, by students with  
21 disabilities, as compared to nondisabled students, and by  
22 economically disadvantaged students compared to students  
23 who are not economically disadvantaged.

24 CHAIRMAN LUNDEEN: Let me stop you.

25 MR. OWEN: Sure.



1                   CHAIRMAN LUNDEEN: Question on -- because  
2 this is something I've been following and trying to get  
3 data on previously and was told was not legally  
4 allowable, but here they're wanted disaggregated data  
5 which includes migrant status. Define that or explain  
6 that to me. What does that mean?

7                   MR. OWEN: So, districts do keep migrant  
8 information as a -- as a part of their federal reporting.  
9 And so that information is also aggregated on the state  
10 assessments.

11                   CHAIRMAN LUNDEEN: In terms of identifying  
12 the student.

13                   MR. OWEN: Migrant students.

14                   CHAIRMAN LUNDEEN: Okay.

15                   MR. OWEN: Yep.

16                   CHAIRMAN LUNDEEN: Okay, so what does  
17 "migrant" mean?

18                   MR. OWEN: Yeah. Which Jill just mentioned  
19 as well, which is not the same thing as immigration  
20 status.

21                   CHAIRMAN LUNDEEN: Okay.

22                   MR. OWEN: Okay.

23                   CHAIRMAN LUNDEEN: So, what does migrant  
24 mean, in this case?

25                   MR. OWEN: Does somebody -- do you want to



1 specifically talk to that? It's a specific check off, so  
2 that's why I'm going to let Joyce.

3 MS. RICOWSKI: I can look and get you the  
4 exact definition, but these are for our students who  
5 move. Typically, they are following agricultural  
6 patterns, so they spend time in specific areas during  
7 harvest time.

8 CHAIRMAN LUNDEEN: Okay, so --

9 MS. NEAL: So, they wouldn't necessarily  
10 have been in that school all year. They've just been  
11 there for six weeks, or whatever, because their families  
12 are there.

13 CHAIRMAN LUNDEEN: Okay. Thank you, and  
14 that does answer my question. Thank you.

15 MR. OWEN: Okay. And then, let's see, it  
16 looks like be consistent with widely accepted  
17 professional testing standards, objectively measure  
18 academic achievement, knowledge, and skills, but do not  
19 measure personal or family beliefs or attitudes, and  
20 enable the production of itemized score analysis.

21 And then it goes on to talk about how for  
22 each grade and subject assessed a state's academic  
23 assessment system must -- and this is a little bit of a  
24 repeat, so I'm not going to go through each of those  
25 specific pieces, but this covers the requirements -- this



1 question covers the requirements of the grades and the  
2 types of assessment, the quality of those assessments  
3 that must be used by a state.

4 CHAIRMAN LUNDEEN: Okay. And the hammer  
5 that hangs over this is Title 1 money, correct?

6 MR. OWEN: Mr. Chair.

7 CHAIRMAN LUNDEEN: The hammer that I said  
8 that is hanging over this is Title 1 money.

9 MR. OWEN: Partly. And we'll get to --  
10 we'll get to the consequences and the full range of  
11 hammer. But that is a part of the hammer.

12 MS. NEAL: (indiscernible) the hammer  
13 (indiscernible).

14 COMM. HAMMOND: Which -- and we'll -- and  
15 I'll have Keith go into that, because we've had  
16 discussions with the Federal Office of Civil Rights as  
17 well, and they play a role in this as well.

18 CHAIRMAN LUNDEEN: Okay.

19 MR. OWEN: Okay. So, again, we'll come back  
20 to these, and we can go through specific questions on  
21 each of these when we're finished.

22 Number two: Do states have to administer the  
23 same general assessment to all students? If so, are  
24 there exceptions to this requirement? If there are  
25 exceptions, what thresholds must be met to be in



1 compliance with federal law and regulations? Has any  
2 state been successful in meeting these thresholds, and  
3 can the Department of Education provide an outline of the  
4 requirements and any differences, again, under ESEA  
5 flexibility?

6 So, ESEA requires state assessments to be  
7 the same academic assessments used to measure the  
8 achievement of all students, and they really made sure to  
9 -- emphasize added there.

10 So, with certain limited exceptions  
11 described below, the assessments an SEA develops must be  
12 the same for all students in the state. An SEA may not  
13 assess only a sample of students, even if that sample is  
14 representative of students at each LEA or the state as a  
15 whole.

16 That's a big question that we get asked a  
17 lot about, so I wanted to make sure I paused there, make  
18 sure I get that clear. Sampling is not allowed. Okay?  
19 And so, that's clearly defined here by USDOE.

20 One exception to the general requirement  
21 that a state's assessment must be the same for all  
22 students, is the authority in Title 1 regulations for an  
23 SEA to adopt alternate academic achievement standards and  
24 alternate assessments aligned with those standards for  
25 students with the most significant cognitive



1 disabilities.

2                   These standards and assessments apply to a  
3 very small number of students with disabilities who, even  
4 with the very best instruction, are not likely to meet  
5 the grade-level academic achievement standards that apply  
6 to all students. So, that's a very impacted students.  
7 There are -- there is an alternative assessment.  
8 Colorado's developed one, we've had one with TCAP, we'll  
9 also have one with any additional assessments in the  
10 future. But it's for a very narrow, narrowly defined,  
11 group of students in the state. I think Joyce can  
12 correct me if I'm wrong, but it's usually less than 1  
13 percent of the state's population, Joyce?

14                   MS. RICOWSKI: Correct.

15                   MR. OWEN: Okay. ESEA exception -- there's  
16 another exception, and I'll talk you through the second  
17 one. It applies only in a state that provides evidence  
18 satisfactory to the secretary that neither the state  
19 education agency, nor any other state government entity,  
20 has sufficient authority under state law to adopt  
21 standards and assessments that would be applicable to all  
22 students enrolled in public schools in the state.

23                   In this case, the SEA may meet the  
24 requirements of ESEA section 111 by adopt -- by adopting  
25 academic standards and assessments on a statewide basis



1 and limiting their applicability to students served under  
2 Title 1, or adopting and implementing policies that  
3 ensure that each Title 1 LEA in the state adopts academic  
4 content and achievement standards and aligned assessments  
5 that meet the -- all of their requirements in section  
6 1111, and corresponding regulations that apply to all  
7 students in the LEA.

8 So, as they describe this, there's only two  
9 states, only Iowa and Nebraska, that have qualified for  
10 this exception. And it's their understanding that Iowa  
11 met the requirements because each of it's LEAs  
12 administered the Iowa Test of Basic Skills and adopt the  
13 standards on which it was based, thereby effectively  
14 giving Iowa a statewide assessment system.

15 Nebraska tried for a number of years to  
16 implement a system of standards and assessments developed  
17 by individual LEAs but was never able to demonstrate  
18 comparable technical quality and equivalents across LEAs.  
19 Nebraska's legislature now requires statewide  
20 assessments. So there were two examples here, one -- two  
21 kind of very different examples; Iowa, which does the  
22 ITBS, which is essentially a state-wide test, and then  
23 you had Nebraska that tried to do this, but found it  
24 incredibly difficult to try to let each LEA develop their  
25 own assessment.



1 CHAIRMAN LUNDEEN: Sir.

2 MR. OWEN: Again, that's only allowable  
3 under a state that does not have the authority to test.  
4 And what I'm going to clarify right now, and then maybe,  
5 Mr. Chair, this'll answer your question.

6 CHAIRMAN LUNDEEN: Go ahead.

7 MR. OWEN: ESEA has no counter -- ESEA  
8 section 1111 has no counterpart under ESEA flexibility.  
9 No SEA that has received flexibility is prohibited under  
10 state law from adopting a single, statewide assessment  
11 system that applies to all students in the state.

12 In other words, each SEA that has received  
13 ESEA flexibility or, for example, a waiver. That's the  
14 big waiver we talked about, has indicated it has  
15 authority under state law to adopt a single statewide  
16 assessment system that applies to all students in the  
17 state, and so all states that are currently getting  
18 waivers have that statewide testing authority.

19 CHAIRMAN LUNDEEN: Go ahead.

20 MR. OWEN: All right. So, the department  
21 goes on to also acknowledge that they -- at -- the  
22 departments only had one other state, Utah, that has  
23 administered multiple assessments. Specifically, Utah  
24 was approved to permit its LEAs to administer either Utah  
25 Statewide Assessment, or what's called the Utah Local



1 Adaptive Assessments.

2 Through a rigorous, peer-review process  
3 spanning more than three years, Utah was able to  
4 demonstrate that the -- that their ULAA, which is their  
5 Utah Local Adaptive Assessment, met all of the ESEA  
6 requirements, including those that the standards were  
7 valid, reliable, and of high technical quality and  
8 produce comparable results with those -- with -- to  
9 Utah's statewide assessments. Significantly by double-  
10 testing students in select ELEAs, Utah was able to  
11 provide evidence demonstrating that the Utah Local  
12 Adaptive Assessments were comparable to its statewide  
13 assessments in their content coverage, difficulty and  
14 quality.

15 Using a test (indiscernible) percentile  
16 methodology: Utah was able to demonstrate through the  
17 peer-review process, that the achievement levels on the  
18 Utah, again, Local Adaptive Assessment sufficiently match  
19 those to the statewide assessments. So, they -- Utah was  
20 able to do this, but according to U.S. Department of  
21 Education, Utah went away from it. They're no longer  
22 administering both of these assessments. But I want to  
23 make a note here, too, and we'll come back to it if  
24 there's any questions on it. This was part of a  
25 statewide solution for assessment.



1                   This was not an individual LEA saying they  
2                   wanted to do a specific test and they wanted to have a  
3                   menu of tests. Utah, as a state, chose to have multiple  
4                   assessments available to school districts.

5                   MS. NEAL: And you said -- because I did  
6                   talk to Utah at great lengths when, you know, about this  
7                   assessment. You say they're -- they will no longer be  
8                   able to use it, or are they still -- ?

9                   MR. OWEN: That's the department's  
10                  understanding, is that Utah is no longer doing it.  
11                  They've just gone to the one statewide --

12                  MS. NEAL: Because I think last year it was.  
13                  But they -- but they are still using the one they  
14                  adopted. Or they're not?

15                  MR. OWEN: Mr. Chair. My understanding is  
16                  that they're still using the Utah statewide assessment,  
17                  and then I think Utah is developing a next generation of  
18                  that as well right now.

19                  COMM. HAMMOND: I think the interesting part  
20                  in this is, we caught it where, over a period of three  
21                  years, they had to run parallel test to prove that it was  
22                  in parallel. And that proved to be an, what we have  
23                  learned, an incredible burden, both cost wise and time  
24                  wise in the district, just to prove the point.

25                  MR. OWEN: Mr. Chair.



1                   CHAIRMAN LUNDEEN: I was curious about their  
2 menu of tests. Were those developed by independent  
3 vendors, or were those all developed within Utah? Do we  
4 know?

5                   MR. OWEN: The two --

6                   MS. NEAL: They used a vendor to do the  
7 work. Right?

8                   MR. OWEN: Mr. Chair, I'll let Joyce  
9 Ricowski (ph). I think she has a little bit better  
10 understanding of Utah. She's talked to the Utah  
11 Department of Education, so I think she has a little bit  
12 better background to answer that question, if that's okay  
13 with you.

14                  CHAIRMAN LUNDEEN: Please, thanks.

15                  MS. RICOWSKI: Mr. Chair. The assessment  
16 that they used was a modified assessment developed by  
17 NWEA, NorthWestern Educational Association -- Evaluation,  
18 sorry.

19                  MS. NEAL: Yeah.

20                  MS. RICOWSKI: That is MAP testing. You may  
21 have heard of that. They did a lot of the work in terms  
22 of some of the alignment work, A\again, doing some  
23 shifting of the testing. Students were double test for,  
24 sorry, double tested for one year and then the department  
25 did some (indiscernible) percentile matching with that.



1 So, these were vendor-produced assessments that were  
2 being used.

3 MS. NEAL: So, they (indiscernible).

4 MS. RICOWSKI: So -- right. And at this  
5 point in time they -- my understanding is they are no  
6 longer being used. It was intended as a pilot, really,  
7 to help the state transition to a new type of assessment  
8 looking at some adaptive capabilities. So, it was never  
9 intended to be a long-term solution.

10 CHAIRMAN LUNDEEN: Please Proceed.

11 MR. OWEN: Okay, and Mr. Chair, number  
12 three, question three: Can a combination of state and  
13 local measures be used within a state's assessment and,  
14 or accountability system? If so, under what conditions  
15 can that occur? Also, can local measures supplant state  
16 measures? And so, here's the response to that question.

17 To receive Title 1, part A funds, and SEA  
18 must develop and implement a set of high quality yearly  
19 academic assessments that included a minimum; assessments  
20 in reading arts, language math -- language arts and math,  
21 science, talked about that. That are up against the  
22 state's academic achievement standards.

23 As described below, the regulations that  
24 implement this require -- that implement this  
25 requirement, afford an SEA some flexibility in using a



1 combination of state and local assessments in its  
2 statewide system.

3           Importantly, it is the SEA that must  
4 articulate whether -- how it will include such  
5 flexibility in its statewide system. An LEA may not  
6 adopt alternative assessments on its own without those  
7 assessments being authorized under the statewide system.  
8 The Department of Education will submit the SEA's system  
9 for peer review to ensure that it meets the regulatory  
10 requirements.

11           And so, 34 CFR permits a SEA to include the  
12 combination of state and local assessments in its state  
13 assessment system. In doing so, the SEA must demonstrate  
14 that the system has a rational and coherent design.  
15 Identifies the assessments to be used, indicates the  
16 relative contribution of each assessment towards ensuring  
17 alignment with the state's academic content standards.  
18 Provides information regarding the progress of students  
19 relative to the state's academic standards in order to  
20 inform instruction.

21           Under 34 CFR, a SEA that includes local  
22 assessments in its state system: Must establish technical  
23 criteria to ensure that each local assessment meets the  
24 requirements that we talked about earlier in the  
25 presentation. Demonstrate that all local assessments are



1 equivalent to one another and to the state assessments in  
2 their content coverage, difficulty and quality. Have  
3 comparable validity and reliability with respect to  
4 student sub-groups, and provide unbiased, rational and  
5 consistent determinations of the annual progress of  
6 schools and LEAs in the state. They also have to review  
7 and approve each local assessment to ensure that it meets  
8 or exceeds the state's technical criteria, and we have to  
9 be able to aggregate with confidence data from local  
10 assessments to determine whether states made AYP or its  
11 replacement of AYP under a waiver.

12 In developing its statewide system, an SEA  
13 may rely exclusively on local assessments only if the SEA  
14 meets the requirements of ESEA section 1111. Which,  
15 again, this is -- the state does not have the authority  
16 to administer statewide assessments. That's the only way  
17 a state could potentially rely exclusively on local  
18 assessments.

19 CHAIRMAN LUNDEEN: And where does that  
20 exist? Where does that exist, that a state does not have  
21 authority to require all students to take the same  
22 statewide assessment.

23 MR. OWEN: My understanding is out of all  
24 the states that have a waiver, all of those states have  
25 the authority to test. I don't think they -- I don't



1 think there is a state now that does not have, according  
2 to US DOE, that does not have testing authority.

3 COMM. HAMMOND: You wouldn't happen to have  
4 another statute?

5 MR. OWEN: There were some examples  
6 beforehand, Iowa and Nebraska, but they've moved away  
7 from that. Nebraska now does have it. I don't know if  
8 they -- she -- they never did clarify if Iowa still uses  
9 ITBS, but they didn't -- they didn't specify whether they  
10 had testing authority or not.

11 CHAIRMAN LUNDEEN: So, the -- so this first  
12 part of the sentence, in developing statewide assessment  
13 system, SEA may rely exclusively on local assessments  
14 only if the state meets the requirements. There is no  
15 one who meets that requirement. Why did they even  
16 respond in that way?

17 UNKNOWN SPEAKER: This is an old act.

18 CHAIRMAN LUNDEEN: I understand that.

19 UNKNOWN SPEAKER: So --

20 CHAIRMAN LUNDEEN: But in terms of a current  
21 day answer to a current day question, no. Nobody  
22 qualifies.

23 UNKNOWN SPEAKER: Right.

24 CHAIRMAN LUNDEEN: Am I understanding that  
25 to -- when you cut right through to the core issue?



1 MR. OWEN: For that specific provision that  
2 would allow a state to let locals develop assessments,  
3 that's correct. That no -- the states have chosen to  
4 require and have the authority to administer the test.

5 CHAIRMAN LUNDEEN: If the state has  
6 authority, which Colorado does.

7 MR. OWEN: Right.

8 CHAIRMAN LUNDEEN: Therefore, you do --  
9 okay. Please proceed.

10 MR. OWEN: Okay. The next sections -- the  
11 next section --

12 CHAIRMAN LUNDEEN: I'm looking for a  
13 loophole here, guys. You're not helping me.

14 MR. OWEN: All right. So, the next, I  
15 think, section is an important one, too.

16 COMM. HAMMOND: I have to tell you, we've  
17 had multiple conversations back and forth with the  
18 department on that.

19 MR. OWEN: Oh, yeah. This has been a round  
20 and round process.

21 CHAIRMAN LUNDEEN: I understand.

22 MR. OWEN: So, however an SEA -- this is an  
23 important one I want to make sure to note it as well. A  
24 SEA designs it's statewide assessment system. The  
25 assessments that comprise the system must include all



1 students within the state or LEA as applicable, including  
2 students with disabilities and English learners.

3 An SEA may not have one set of assessments  
4 for most students and a separate set, for example, for  
5 students with disabilities with the exception of  
6 alternative assessments authorize those most  
7 significantly impact to kids, or English Learners with  
8 that exception. And so, again, it's -- the emphasis  
9 there is that they have to have an assessment for all  
10 students in the state.

11 Number four, so this gets to, I think, your  
12 earlier question about consequences. What are the  
13 consequences if a state or district fails to adhere to  
14 the federal assessment requirements? In addition to  
15 Title I funds, what additional funds are at risk? Has  
16 any state ever had its federal funds withheld in part or  
17 whole due to failure to adhere to federal requirements?

18 So, if an SEA fails to comply with  
19 assessment requirements, in the ESEA or flexibility, the  
20 department has a range of enforcement actions it can  
21 take. These include; sending a letter to the SEA  
22 requesting it come into compliance, increasing  
23 monitoring, placing a condition of -- on the SEA's Title  
24 1, part A grant, or its ESEA flexibility request, placing  
25 the SEA on high risk status, issuing a cease and desist



1 order, entering into a compliance agreement with the SEA,  
2 withholding all or a portion of the SEA's Title 1  
3 administrative funds, and suspending and then withholding  
4 all or a portion of the state's Title 1, part A,  
5 programmatic funds.

6 An SEA has similar enforcement actions  
7 available to it, with respect to non-compliance by an  
8 LEA. Including withholding LEA's Title 1, part A funds.

9 The specific enforcement action the  
10 department would take would depend on the severity of  
11 noncompliance. For example, if an SEA has developed a  
12 statewide assessment system, but that system is not  
13 approvable because it fails to meet all statutory and  
14 regulatory requirements, the department might condition  
15 the SEA's Title 1, part A grant, place the SEA on high  
16 risk status and enter into a compliance agreement.  
17 Again, or withhold state administrative funds.

18 The department has, in fact, withheld Title  
19 1, part A funds under ESEA from a number of states for  
20 failure to comply with assessment requirements.

21 On the other hand, if an SEA or LEA refuses  
22 to implement an assessment system that meets the  
23 statutory and regulatory requirements, the department  
24 might seek to withhold programmatic funds from the state  
25 and expect the SEA to withhold from the LEA.



1                   So, clearly, if an SEA or LEA fails to  
2                   comply with the assessment requirements, then either the  
3                   ESEA or ESEA flexibility, it would -- it could place its  
4                   Title 1, part A funds in jeopardy. But it goes on to  
5                   explain that it's more than just that.

6                   In addition, the SEA or LEA could find  
7                   itself out of compliance with a wide range of additional  
8                   federal programs that rely on statewide assessment  
9                   results, and this would put additional funds at risk.  
10                  These additional programs include those targeting  
11                  students most at risk, including the School Improvement  
12                  Grants, which are also known as SIG, ESEA Title 3, part B  
13                  of the Individuals with Disabilities Act, IDEA, programs  
14                  for rural schools under ESEA Title 6, migrant education  
15                  under ESEA Title 1, part C, and programs focused on  
16                  professional development and supports for teachers under  
17                  ESEA Title 2.

18                  This next piece -- so there's a wide range  
19                  there. But the next piece is even --

20                  CHAIRMAN LUNDEEN: Do we have an estimated  
21                  dollar amount what that would look like here?

22                  MR. OWEN: For --

23                  CHAIRMAN LUNDEEN: Just wag.

24                  MR. OWEN: Statewide?

25                  CHAIRMAN LUNDEEN: Yeah.



1 MR. OWEN: Oh, over 300-million.

2 CHAIRMAN LUNDEEN: 300-million, okay.

3 MR. OWEN: Just for -- yeah. I mean, we  
4 could --

5 UNKNOWN SPEAKER: Is that IDEA?

6 UNKNOWN SPEAKER: That doesn't include  
7 (indiscernible).

8 MR. OWEN: That's just Title. And then, you  
9 know, if you were to get into IDEA and migrant -- the  
10 number grows exponentially.

11 CHAIRMAN LUNDEEN: Oh, it does grow  
12 exponentially.

13 MR. OWEN: Yeah.

14 CHAIRMAN LUNDEEN: It's not marginal growth.

15 MR. OWEN: No. Not with IDEA. It's a  
16 pretty substantial growth. We could get you the exact  
17 numbers.

18 CHAIRMAN LUNDEEN: Yeah. But it's just --  
19 the point it it's significant. It's approaching half a  
20 billion dollars at least.

21 MR. OWEN: I would say easily, yep. Again,  
22 I'll get you the -- I can get the exacts on that.

23 CHAIRMAN LUNDEEN: Okay.

24 MR. OWEN: Okay? The next piece is an  
25 important one. It's a lot of misinformation with



1 districts around this, too, and I want to make sure we  
2 clarify this for everybody. It says, "Please note that  
3 an LEA may not avoid administering the state assessments  
4 required under ESEA section 1111 by declining to accept  
5 Title 1, part A funds."

6 So, if some district said, "I just won't  
7 take Title 1 funds. Then I don't have to take the test."  
8 Right? And the answer to that is no. As noted above,  
9 the assessment requirements are state-level requirements  
10 that apply to any SEA that accepts Title 1, part A funds.  
11 As long as the state takes the funds, the districts are  
12 required to take the state-wide assessments, even if they  
13 do not take Title 1 funds from the state.

14 That, "The SEA must then administer it's  
15 assessment statewide, including to students in LEAs that  
16 do not participate in Title 1." So that is another  
17 clarification that I've heard misinformation and  
18 questions about. Wanted to just make sure I highlight  
19 that as well.

20 So, the last question, number --

21 CHAIRMAN LUNDEEN: So, we're all in it  
22 together.

23 MR. OWEN: We're all in it together. Yep.

24 Number five, on page 7 of a document, this  
25 is a document dealing with the secretary's waiver



1 authority. Because, as the commissioner said earlier,  
2 Mr. Chair, we reached far and wide to try to find any  
3 loophole, any ability, to try to look at something from a  
4 different angle.

5 We were -- we found a document that did  
6 detail that made it seem like the secretary did have  
7 discretion to wave the assessment portion of the Title 1  
8 statutes under certain circumstances. So, we asked the  
9 department, "Do you agree with this interpretation? And  
10 if so, please let us know under what conditions the  
11 secretary would entertain a waiver of the state  
12 assessment provisions."

13 So, with that, ESEA authorizes the secretary  
14 to waive most statutory and regulatory requirements of  
15 the ESEA with certain exceptions listed in statute. The  
16 exceptions do not include the standards and assessment  
17 requirements in ESA section 1111. Accordingly, the  
18 secretary does have the authority to grant an SEA waiver  
19 of one or more of those requirements. The secretary may  
20 not grant such a waiver to an LEA, however, because the  
21 standards in assessment requirements are state-level  
22 requirements. In deciding whether to grant a waiver, the  
23 secretary must determine that the waiver would increase  
24 the quality of instruction students and improve their  
25 academic achievement. Because of standards and



1 assessment requirements are so very essential to  
2 accountability under Title 1 of the ESEA and ESEA  
3 flexibility, the secretary would likely not lightly wave  
4 such core requirements absent some compelling reasons  
5 that their waiver would benefit students.

6 And so, this was submitted to us by  
7 Assistant Secretary U.S. Department of Education, Deb  
8 Delisle. And with that, Mr. Chair, we're happy to take  
9 any questions.

10 Again, we've got a group of us on the team  
11 here that have been working specifically on these  
12 questions with the department and with Commissioner  
13 Hammond, and it did take quite a bit, I think, pushing by  
14 Commissioner Hammond to get the department to commit to  
15 getting this done as quickly as they did.

16 And, in my experience in working with the  
17 department, and they were great help to us, but they  
18 don't usually work quickly. And Commissioner Hammond  
19 really did emphasize and push to make this happen  
20 quickly. So, we're glad to have -- be able to have this  
21 here today.

22 COMM. HAMMOND: I will say, I honestly,  
23 didn't think we'd be able to get this (indiscernible),  
24 and so that was very helpful. We finally nailed down our  
25 questions that I never thought we would get. Because we



1 needed to know these answers, and we did go back and  
2 forth several times.

3 This will go out to districts, as I said, on  
4 Thursday, along with a letter from me that makes it a  
5 little bit easier to understand.

6 But, in addition to this, should a district  
7 not do the assessments, should a district not comply with  
8 this, we had a discussion with the Federal Office of  
9 Civil Rights, because we've been telling, "Where do you  
10 really stand on all this?" Okay. Well, they're -- they  
11 consider that, basically, a civil rights violation of --  
12 but it all depends on the circumstances.

13 MS. NEAL: Not testing the children?

14 COMM. HAMMOND: Yeah. Testing all children.

15 MS. NEAL: Oh.

16 COMM. HAMMOND: And they -- if a district  
17 chose -- because some districts would ask us, "What  
18 happens if I just don't do the test?" Okay. Well, it  
19 kicks in these, but it also involves the office of --

20 CHAIRMAN LUNDEEN: Potentially brings in the  
21 Office of Civil Rights.

22 COMM. HAMMOND: Oh, it will. And so, we  
23 have an obligation to report it to them as well. So,  
24 we're explaining that to superintendents. In other  
25 words, you can't take this lightly should you decide just



1 not to do the assessments under the current conditions.

2 Okay?

3 CHAIRMAN LUNDEEN: Sure.

4 MS. NEAL: Question.

5 CHAIRMAN LUNDEEN: Please, go ahead.

6 MS. NEAL: If individual parents within that  
7 district choose to opt out, did you address that? If  
8 there are people -- parents who chose to opt their  
9 children out of the testing, what happens?

10 MR. OWEN: Mr. Chair, and I think I'll let  
11 Jill talk to this. She's been working closely with some  
12 districts on that opt-out question, and actually has been  
13 putting some resources together to help them understand  
14 that there really is no opt-out provision in state law  
15 and helping districts understand that with their parents  
16 and their communities.

17 So, Mr. Chair, if I could, I'd -- yep.

18 COMM. HAMMOND: I'll just say one thing.

19 And we work with districts on this, because we know that  
20 some parents, you know, that may happen. And if it  
21 adversely affects the district, depending on what that  
22 district has done. If it's encouraged opt-out, then  
23 that's a different story. But, you know, when they -- if  
24 it has lowered their rating, which has not happened this  
25 year, then we will look at that on a reconsideration



1 request. But for the federal guidance and from most of  
2 our discussion with the Office of Civil Rights, they will  
3 watch that. And if they believe a district is  
4 encouraging opt-out that, from their standpoint, who are  
5 you encouraging to opt out? And is that a -- does that --  
6 -- are you starting to opt -- or encouraging certain kids  
7 to opt out?

8 I was kind of surprised. They take that  
9 very seriously. So, once they see a lot of opting out  
10 going on they will monitor that. In fact, it was  
11 interesting in our discussions, they -- I was kind of  
12 surprised -- they brought up a district in Colorado that  
13 they're monitoring, because they're hearing some of the  
14 stuff that they might not give the test. That was  
15 already on the radar screen. So that kind of blew me  
16 away.

17 MS. NEAL: Well, and I ask that question  
18 because we've always had a lot of parents that opted  
19 their kids out of CSAT and TCAP and all of that, haven't  
20 we?

21 COMM. HAMMOND: No. Not as much as -- go  
22 ahead, Jill.

23 JILL ?: So, Mr. Chair.

24 CHAIRMAN LUNDEEN: Please.

25 JILL ?: It's less than 1 percent that



1 actually opt out, so it's been a pretty small amount and  
2 it's been pretty steady, pretty even.

3 COMM. HAMMOND: And what was it this year?  
4 We thought we would see an increase.

5 JILL ?: Yeah, still less than 1 percent.

6 COMM. HAMMOND: One percent.

7 MS. NEAL: Okay, so are you guessing that if  
8 it stays small like that 1 percent that it would not have  
9 a big impact?

10 JILL ?: Well there are two -- there are two  
11 pieces that kind of come into play on this particular  
12 question. One is state law and the other is federal law.  
13 So, on state law, the state statute is very clear that it  
14 is the responsibility of the school or district to ensure  
15 that all students are assessed on the state assessment.  
16 They're obligated by law that if a student shows up  
17 during the assessment window it is their obligation in  
18 withholding the law to ensure that student is assessed.

19 If a parent wishes -- and then the federal  
20 government holds us to 95 percent participation rate.  
21 So, when it goes below 95 percent that's what  
22 Commissioner Hammond was referring to, then it can impact  
23 accreditation ratings.

24 So, in terms of a district then having a  
25 parent come and ask to opt out, the district really, what



1 we've been doing, is providing them with some resources  
2 of, "Okay, here are the -- here are the pieces. I'm  
3 obligated, if your child comes to school, I'm obligated  
4 to fulfill the law and ensure they're tested." So that  
5 means that the parent is -- and they're not obligated to  
6 do alternative activities, or provide other supervision,  
7 any of those kinds of things.

8           So, they share that with the parent, and  
9 also explain that this is the window, and so if you're  
10 willing to essentially have your student stay home during  
11 that window, that's the kind of conversation that they're  
12 having. And we've put together some of the relevant  
13 statutes, because it kicks in not only that state statute  
14 around the obligation to test, but also federal  
15 participation rates, and then attendance law that all go  
16 into effect. And it really becomes, then, a district  
17 decision as to how they managed that opt out  
18 conversation.

19           And then, as Commissioner Hammond stated, if  
20 it does get to a situation where a significant portion of  
21 parents may opt out, and the school or district can show  
22 that they've done all that they can from their duties to  
23 follow the law; that information would be shared with us  
24 during a request to reconsider process to say, "We did do  
25 all that we could. Our rating dropped only because of



1 participation. Would you reconsider our rating? Because  
2 here's the steps that we took."

3 So, that kind of coaching and guidance we're  
4 providing to schools right now.

5 MS. NEAL: Okay. Thank you.

6 CHAIRMAN LUNDEEN: Okay. Other questions?  
7 Wow. You've stunned them. So, let me say to the staff  
8 that worked so hard on this, and the commissioner for  
9 pushing this through, and I would acknowledge Ed, big  
10 brother Ed, for their quick response as well. Really do  
11 appreciate -- because this is a burning issue, a  
12 significant issue, this is an issue present in the minds  
13 of every educator in Colorado today. And getting clarity  
14 around this and trying to get an understanding of where  
15 we might be able to go is important. So, we were  
16 grateful for the effort to turn this around as quickly as  
17 you did. Thank you.

18 MS. NEAL: Thank you.

19 COMM. HAMMOND: I might say it was becoming  
20 very obvious to us. I mean, the key to this is the re-  
21 authorization of ESEA. Is that going to happen tomorrow  
22 or in a year? I doubt it. That is the only way we're  
23 going to be able to get into -- as we talk about  
24 alternative testing, random testing, other things that  
25 we're talking about right now to do things differently



1 that I suspect (indiscernible) will too. We'll come up  
2 with a lot of suggestions, but for the way the  
3 administration is right now and the law that is still on  
4 the book, and the discussion with the secretary himself,  
5 they're very strong about this. So, thank you.

6 CHAIRMAN LUNDEEN: Oh, now we have  
7 questions, comments.

8 MS. SCHROEDER: No. It's a response to --

9 CHAIRMAN LUNDEEN: Okay. Please. Angelika  
10 first. One --

11 MS. SCHROEDER: The commissioner just said  
12 we're not prevented from looking at statewide assessments  
13 that we believe are better, that test more of what's  
14 important to us. Right? As long as we follow the rules,  
15 it does not have to be the same test we've always given.  
16 Clearly there's going to be a new test. We'll be able to  
17 evaluate that new test at some point and say, "What does  
18 it hit? What does it miss? What do we want to do  
19 differently?" As long as it's for all kids in our state.  
20 Right?

21 COMM. HAMMOND: Right. And it meets the  
22 requirements.

23 MS. SCHROEDER: I mean this is -- this is  
24 about the moral imperative of an equal education for all  
25 children. It's not about other issues, and so we can get



1 the best test possible, which is probably where we ought  
2 to be focusing instead of --

3 COMM. HAMMOND: You stated a word that was  
4 just recently released by the Department of the  
5 Secretary. Was it -- it wasn't moral imperative, what  
6 was the word you used, Keith?

7 MR. OWEN: Just access -- equity and access  
8 to resources and I think that -- and access to, you know,  
9 instructional --

10 COMM. HAMMOND: Moral imperative --

11 UNKNOWN SPEAKER: Equal access to --

12 MR. OWEN: Equal access.

13 COMM. HAMMOND: (indiscernible) and that --  
14 it spoke to this whole issue that

15 MS. SCHROEDER: It's the civil rights issue  
16 of the century.

17 COMM. HAMMOND: Yeah, it -- and that's where  
18 they're going with some of this stuff.

19 MS. SCHROEDER: Exactly.

20 CHAIRMAN LUNDEEN: Well let me just --

21 MS. SCHROEDER: So, we can't just -- it  
22 doesn't mean that we can't keep doing a better and better  
23 job.

24 COMM. HAMMOND: Or do something different,  
25 as long as it meets their criteria.



1 MS. SCHROEDER: Right, exactly.

2 CHAIRMAN LUNDEEN: So, to follow on with  
3 that question, would it be possible for us in pursuit of  
4 a better test for students, teachers, districts and so  
5 forth to begin to understand what alternatives might be  
6 available? Does it make sense for us, because it would  
7 potentially remain compliant, if we looked at considering  
8 ACT Aspire acuity. We went out as a department and  
9 pulled together an understanding of what alternatives  
10 might be available.

11 COMM. HAMMOND: Right now, the way we are  
12 right -- with the legislation that we have, and the law,  
13 we're stuck. That's certainly a role that you can talk  
14 about, and then from the -- I would really encourage you  
15 at this point, that is what the purpose of 1202 committee  
16 is doing and what they will bring back to you.

17 But right now, we're at a point in time you  
18 don't have any other alternatives.

19 MS. SCHROEDER: And there's a real problem  
20 with going to ACT or those assessments because they are  
21 so proprietary that you can assure yourself -- we can't  
22 assure ourselves that the expectations are actually met.

23 COMM. HAMMOND: Or you -- yeah.

24 MS. SCHROEDER: That's the rub with some of  
25 the things that seem like a simple solution, they're not



1 because we can't get in there and look at it and assure  
2 ourselves that we're assessing what we want to assess.

3 CHAIRMAN LUNDEEN: Okay so here -- and just  
4 work with me on this conversation.

5 COMM. HAMMOND: Sure.

6 CHAIRMAN LUNDEEN: We're eating an elephant,  
7 and I perceive that the next small bite of eating the  
8 elephant would be to do the spadework. To understand  
9 what alternatives might be available. To bring back so  
10 the board can consider what of these other assessments  
11 that are available may be appropriate.

12 UNKNOWN SPEAKER: Right.

13 CHAIRMAN LUNDEEN: Many of which are being  
14 used in schools today. I mean, many of the  
15 superintendents I've talked to have said they're sold  
16 down to ACT and Aspire. It's very useful to them right  
17 now.

18 COMM. HAMMOND: You're -- be very honest  
19 with you, you're out of options now.

20 MR. OWEN: Mr. Chair, you might -- are you  
21 thinking, like, more long-term discussion versus short-  
22 term?

23 CHAIRMAN LUNDEEN: Yeah. Yes.

24 MR. OWEN: I think where the commissioner is  
25 at is short-term. It's just limited on what --



1                   COMM. HAMMOND: And I would (indiscernible)  
2 hear from 1202.

3                   MR. OWEN: But long-term, yeah, I think what  
4 you're saying is, yes, there's --

5                   COMM. HAMMOND: Yeah.

6                   CHAIRMAN LUNDEEN: Well I think it's, as I  
7 understand it, it's forced into the box of a long-term  
8 discussion.

9                   COMM. HAMMOND: Yeah.

10                  CHAIRMAN LUNDEEN: But, to eat this  
11 elephant, which we're not going to get consumed this  
12 month, obviously, and we're not going to get consumed  
13 this school cycle.

14                  COMM. HAMMOND: Right.

15                  CHAIRMAN LUNDEEN: Can we do the spadework,  
16 the research, reaching out to identify options that may  
17 be useful in the future?

18                  UNKNOWN SPEAKER: It'd have to meet our  
19 stand -- all our standards, and a national test is  
20 unlikely to meet Colorado standards.

21                  COMM. HAMMOND: I would --

22                  UNKNOWN SPEAKER: We have our own standards

23                  COMM. HAMMOND: My recommendation to you  
24 right now, given the fact we are in October, we're  
25 implementing PARCC. I mean, we're bringing that



1 assessment up --

2 CHAIRMAN LUNDEEN: PARCC's one of the  
3 options.

4 COMM. HAMMOND: Right. Well, it's not an  
5 option.

6 MS. NEAL: The option.

7 COMM. HAMMOND: It's not an --

8 UNKNOWN SPEAKER: It's not an option.

9 COMM. HAMMOND: Like it or not --

10 CHAIRMAN LUNDEEN: In this long-term  
11 solution.

12 COMM. HAMMOND: Right.

13 CHAIRMAN LUNDEEN: PARCC can be defined as  
14 one of our current options.

15 MS. NEAL: Long-term.

16 UNKNOWN SPEAKER: Long-term.

17 COMM. HAMMOND: You really -- right now  
18 we're at this unique juncture that everything that you've  
19 talked about, all that's being discussed at 1202. And I  
20 think that is a legislative-driven task force that given  
21 the lateness of everything that's happening right now,  
22 you really -- because they're factoring in all this stuff  
23 right now. That's the appropriate thing. What advice do  
24 they give the legislature? And it will (indiscernible)  
25 to us too.



1                   And then I think based upon that we can have  
2                   a much more intelligent discussion. But, right now,  
3                   we're in this awkward role of trying to bring up a test  
4                   and we have basically ran out of options right now for  
5                   the next year. Doesn't mean, like he said, that we can't  
6                   talk about something for the future here, but we need to  
7                   get through this year right now. See where the  
8                   legislature wants to go, where 1202 wants to go. Quite  
9                   frankly with you being over there next year, that's part  
10                  of it, too.

11                  UNKNOWN SPEAKER: Expectations.

12                  COMM. HAMMOND: Yeah. I mean it's just  
13                  because it's October we're just in that -- we're in a  
14                  terrible spot right now.

15                  CHAIRMAN LUNDEEN: Elaine.

16                  MS. BERMAN: Well, several people said  
17                  different pieces of what I was going to say, so --

18                  CHAIRMAN LUNDEEN: Make it coherent for us.

19                  MS. BERMAN: I'm going to try to pull it  
20                  together. First of all, ESEA hasn't been reauthorized in  
21                  anybody know how many years?

22                  UNKNOWN SPEAKER: 2001.

23                  UNKNOWN SPEAKER: Eight.

24                  MS. BERMAN: Yeah. So -- and this is a  
25                  fault of a congress that is not working very well



1 together these days. I mean, this has been a --

2 COMM. HAMMOND: Yeah, (indiscernible) a  
3 seven years late.

4 UNKNOWN SPEAKER: Seven years late.

5 MS. BERMAN: Seven years late from needing  
6 to be reauthorized.

7 UNKNOWN SPEAKER: It's (indiscernible) 2001.

8 MS. BERMAN: This has been a priority for  
9 NASB every single year, every education national group  
10 has been crying for re-authorization for reasons such as  
11 this. That's number one.

12 Number two, let's remember why we have these  
13 tests, and it is because we were failing the low-income  
14 kids in poverty throughout the United States, and it was  
15 a reason for equity and for civil rights to make sure we  
16 were assessing all kids equally, and not leaving any kid  
17 out. So that, I think, we would all agree is a -- is a  
18 mission that we can --

19 UNKNOWN SPEAKER: (indiscernible).

20 MS. BERMAN: (indiscernible) is written.

21 Thank you. Thank you very much. Paul, I know you're  
22 going back to local control and who should be deciding  
23 which tests and so forth, I think it would be great if we  
24 could even decide that we agree as a board that having a  
25 state test, no matter what that state test is, is



1 important for the reasons that I've just articulated,  
2 which is the civil rights for every, single student in  
3 the State of Colorado. Because I don't think that this  
4 board has agreement on that.

5 And I also want to remind everybody that  
6 remember we had CSAP? There wasn't quite as much angst  
7 about CSAP as there seems to be now, even though --

8 MS. GOFF: There was in the first year.

9 MS. BERMAN: The first year, but that's been  
10 underway now -- we've had State standards for 20 years,  
11 we've had CSAPs for how many years? George, do you know  
12 how many years? Pretty close to 20 years? So, this is  
13 not a new concept to have a state test. All we're doing  
14 now is revising that state test.

15 So, I guess I bring this to put it into  
16 context, you're almost, like, opening up a conversation  
17 that was had and dealt with 20 years ago and for some  
18 reason it doesn't make sense to you 20 years later.

19 CHAIRMAN LUNDEEN: And the distinction for  
20 me is, it's no longer a state test, it's a beyond the  
21 state test. It's, you know, I hesitate to use the word  
22 national test, because it's not exclusively or completely  
23 national.

24 MS. BERMAN: Well let's talk about the 8 --  
25 the 8 standards. We have 10 standards, put those two



1       aside, what about the other 8, you okay with those?

2                   CHAIRMAN LUNDEEN:    Yes.

3                   MS. BERMAN:    You're okay with the 8 of the  
4       10, and the only two you're not -- you're not pleased  
5       with is our consortium participation because we are  
6       participating with other states, so that we have the  
7       benefit of other state expertise on those 2 tests.

8                   CHAIRMAN LUNDEEN:    And we could debate this  
9       for hours.

10                  MS. BERMAN:    Yes, we could, and we do.

11                  CHAIRMAN LUNDEEN:    The positive side is we  
12       have the benefit.   The negative side is we have the loss  
13       of control, we're dragging other states with it, et  
14       cetera, et cetera.   The future of the children of  
15       Colorado for -- with whom, you know, my interest is  
16       changed, are further removed from my authority, et  
17       cetera.   So, but let's not (indiscernible) --

18                  MS. BERMAN:    No.   I think you've made a  
19       very, very important statement by staying that you were  
20       fine with 8 out of the 10 tests, and the only 2 you're  
21       not fine with --

22                  UNKNOWN SPEAKER:    We don't test those other  
23       areas.

24                  MS. BERMAN:    Well, yes we do.   We test  
25       science, and we test social studies so far, and that's



1 all.

2 MS. NEAL: Not right now, but  
3 (indiscernible) twice. Twice in their career, whatever,  
4 you know.

5 MS. BERMAN: Okay. That's all. I mean, I  
6 guess to your final point about should we be looking at  
7 other tests, you and I won't be around for that.

8 UNKNOWN SPEAKER: ACT is a national test.  
9 The ACT's a national test. I don't get the different  
10 other than the fact that (indiscernible) don't know.

11 MS. NEAL: I have a point I need to make,  
12 because when you say major reason we're doing this is  
13 because we need to assess all kids equally, what about  
14 the fact that in assessing all kids equally we may well  
15 be bringing the standard down.

16 UNKNOWN SPEAKER: Well, let's take the test  
17 and see if we bring the standard down.

18 MS. BERMAN: On those two.

19 MS. NEAL: Well, we've just heard from Jill,  
20 we haven't raised it in eight years. What makes you  
21 think we're going to raise it now?

22 UNKNOWN SPEAKER: It's a different measure.

23 MS. NEAL: No. But I mean, yeah. It is --  
24 it is a different measure, but you -- I will be, you  
25 know, we're going to go ahead for five years and then



1 say, "Gee, we're going downhill?" I'm just saying that's  
2 not a good reason to me to say we're assessing all kids  
3 equally. We should be teach, you know, they should be  
4 learning equally, but I think that sends the trend down.  
5 And I think you see it in the schools where, you know,  
6 gee, if we all had to be at the same standard, and these  
7 kids are not going to be able to be then we'll -- and  
8 it's not anything they do deliberately, or anything, but  
9 there is a tendency when we have to have all kids  
10 assessed equally to pick a low -- to accept a lower  
11 standard.

12 And I -- we can't prove either one of those  
13 right now, so --

14 MS. BERMAN: Okay. I won't debate on this,  
15 but Jane wants to say something.

16 MS. GOFF: Well, it's relative.

17 CHAIRMAN LUNDEEN: Ms. Goff, you have the  
18 floor.

19 MS. GOFF: It's not a matter of testing  
20 equally, it's that the same tool, the same measurement,  
21 is lined up with all kids having the same access to the  
22 same standard, and what's required to meet those  
23 standards. So, you've got -- what you've got is a  
24 measuring tool to ensure that all children, all students,  
25 have had a chance to learn the content of the standards.



1 Then, if your tool's lined up like it ought to be, that  
2 means they are assessed on equal ground rather -- I'm not  
3 sure -- you know you (indiscernible) --

4 MS. NEAL: It's not a deliberate thing I'm  
5 talking about, but I'm just saying --

6 MS. GOFF: I know.

7 MS. NEAL: There's a tendency then, if this  
8 is the standard that we need to meet it's, you know, I  
9 just -- I don't -- I want everybody to be able to meet  
10 their own standard, whatever it may be. And I know  
11 that's too idealistic (indiscernible).

12 MS. GOFF: Well I think you -- I personally  
13 think you can and still have --

14 MS. NEAL: You can, but are we?

15 MS. GOFF: You can (indiscernible) standards  
16 and still meet a high standard for -- on a wider scale.

17 CHAIRMAN LUNDEEN: Okay. So, having now  
18 properly warmed up the board for a discussion of our  
19 legislative priorities we'll say thank you to this panel.

20 MS. NEAL: Thank you, guys. You did a lot  
21 of work. Really appreciate it.

22 UNKNOWN SPEAKER: Is this posted online? Is  
23 this letter post -- because I was asked by someone --

24 UNKNOWN SPEAKER: (indiscernible) on the  
25 (indiscernible).



1                   COMM. HAMMOND: It's going to go up  
2 (indiscernible).

3                   UNKNOWN SPEAKER: Oh, I'm sorry.

4                   UNKNOWN SPEAKER: It was said -- I don't  
5 know.

6                   COMM. HAMMOND: This will be posted. We  
7 will also be sending this to 1202 task force, because  
8 this is information that we've been asked for, and  
9 superintendents will get this.

10                  UNKNOWN SPEAKER: Didn't you send this to --

11                  CHAIRMAN LUNDEEN: And it is posted  
12 currently.

13                  COMM. HAMMOND: Yes.

14                  CHAIRMAN LUNDEEN: To the state board  
15 website?

16                  UNKNOWN SPEAKER: It is posted?

17                  UNKNOWN SPEAKER: Yes.

18                  CHAIRMAN LUNDEEN: Okay.

19                  UNKNOWN SPEAKER: It's posted on board docs  
20 now.

21                  UNKNOWN SPEAKER: Okay, thanks.

22                  CHAIRMAN LUNDEEN: On board docs. Available  
23 on board docs. Yeah. I've got it right here.

24                  Okay. So, shall we move immediately on into  
25 legislative priorities?



1 MS. NEAL: Yep.

2 UNKNOWN SPEAKER: Sure.

3 CHAIRMAN LUNDEEN: Okay.

4 MS. NEAL: Absolutely.

5 CHAIRMAN LUNDEEN: The discussion of the  
6 legislative priorities.

7 MS. NEAL: We've really warmed it up for  
8 you.

9 CHAIRMAN LUNDEEN: Well, you did. We  
10 suspended this from earlier this afternoon, or maybe it  
11 was actually this morning.

12 MS. GOFF: It was last week.

13 CHAIRMAN LUNDEEN: Mr. Commissioner -- or, I  
14 guess I'll pass -- pitch it to the commissioner who can  
15 pitch it to Ms. Mill (ph).

16 COMM. HAMMOND: We're pitching today. Okay.

17 CHAIRMAN LUNDEEN: We are, in tribute to the  
18 Rockies.

19 COMM. HAMMOND: Another favorite topic of  
20 yours and mine is your legislative priorities.

21 CHAIRMAN LUNDEEN: Yes.

22 COMM. HAMMOND: So, we've sent this out to  
23 you, Jennifer has, for any comments. I think we've had  
24 just a few that came back. I'm not sure. I thought a  
25 couple comments were received.



1                   But we want to talk about it, any suggested  
2 changes, then we'll bring it back to the next meeting in  
3 hopes that we can get some consensus. If not, it would  
4 be the December meeting, but what we try to do is have  
5 your legislative priorities finalized so you can agree  
6 upon, because we include that as part of the packet for  
7 presenting to the Joint Budget cCommittee. They receive  
8 that as well, but we've talked about that. So, with that  
9 I'll turn it over to you, Jill.

10                   JILL ? : Thank you, Mr. Commissioner. And  
11 to keep the baseball metaphors out, to keep going, I'm  
12 essentially going to pitch this right back to you all.  
13 These are your legislative priorities. What you have  
14 before you, is what you agreed to last year, and if you  
15 all want to make changes to them that's obviously your  
16 prerogative, and something for you all to discuss amongst  
17 yourself. I'm happy to answer questions, or if there're  
18 specific things you want to talk about and you want my  
19 input, I'm happy to offer that. But, fundamentally, I  
20 think this is a discussion for you all and I will write  
21 down what you say.

22                   CHAIRMAN LUNDEEN: Sounds good. So, here's  
23 what I'd propose we do. Instead of wordsmithing the  
24 document today, if we could identify principles that we  
25 are in agreement with, alignment with, or principles that



1 we would like to include, or existing principles that are  
2 based in the document that we would like to change in  
3 some way, I'd like to discuss it at that level of  
4 possible. We'll walk through the document starting wit  
5 the first item, and we'll just kind of round robin the  
6 items as we cover them or cross them.

7 So, the first item, is school finance.  
8 You're all familiar with what we agreed upon last year,  
9 and I would ask if there are adjustments, tweaks, changes  
10 in principle that you'd like to add.

11 MS. NEAL: I have a general question for  
12 Jennifer before we -- does -- do the legislative  
13 committees get copies of this? Do they know what our  
14 other (indiscernible) priorities are? Or is this just  
15 something that you work with?

16 MS. MELLOW: Mr. Chair, Madam Vice Chair, we  
17 do distribute this to the legislators. I think some of  
18 them --

19 MS. NEAL: Whether they read it or not.

20 MS. MELLOW: You know, pay more attention  
21 than others, to be quite candid, but I won't name names.

22 MS. NEAL: All right. Thank you.

23 CHAIRMAN LUNDEEN: Okay, so principles  
24 regarding finance that you'd like to build into what's  
25 here?



1 Well, before I had settle on the principle  
2 idea, I had actually started wordsmithing, and so there's  
3 some principles embedded in what I'm going to offer here.  
4 I would -- with regard to the first section, I would like  
5 to create a system of funding which eliminates a single  
6 count day and places emphasis on student mastery of  
7 Colorado Academic Standards, comma, is portable from  
8 school to school. So, the principles embedded in that  
9 would be an increased liquidity and the direction toward  
10 mastery of standards.

11 MS. NEAL: So, you -- when you say from  
12 school to school, does that mean that if a student moves  
13 in the middle of the year that the money follows them to  
14 the new school?

15 CHAIRMAN LUNDEEN: Yeah, as a principle,  
16 and, you know, you could really get into the details of  
17 exactly how would you administrate something like that.  
18 But the idea is; make it as portable as possible.  
19 Liquidity is the key to quality in a marketplace.

20 MS. NEAL: That is something -- and I --  
21 while I agree with you, that's one more thing that the  
22 schools are going to have to keep track of but, you know,  
23 it's not going to be easy for them to do that.

24 CHAIRMAN LUNDEEN: Elaine?

25 MS. BERMAN: So, my understanding, that the



1 single count day comes up every year. I believe that the  
2 reason it didn't --

3 MS. NEAL: October 1st.

4 MS. BERMAN: I believe the reason that it  
5 didn't -- there weren't changes made to average daily  
6 membership, was for cost reasons. Is that correct?

7 COMM. HAMMOND: Correct.

8 MS. BERMAN: And that it was going to cost  
9 the districts too much in a year where --

10 COMM. HAMMOND: It's districts had to take  
11 the statewide system to do that. It was a funding issue,  
12 (indiscernible) about (indiscernible).

13 MS. BERMAN: Would take a statewide data  
14 collection system. Let's remember that statewide data  
15 collection system and see if we want to put that  
16 somewhere in here. I don't know where that would go.

17 COMM. HAMMOND: Again, that's' the tail  
18 wagging the dog. I mean, if we want to do that, then the  
19 legislature should appropriate funding for it.

20 MS. BERMAN: Right.

21 CHAIRMAN LUNDEEN: Yeah. And you all know  
22 me, I start these conversations at the outer edge of  
23 aspirational.

24 COMM. HAMMOND: Yes. We do.

25 MS. BERMAN: No, no, no. That's good.



1 MS. MELLOW: I'm going to use that one.

2 MS. BERMAN: But where I was going with that  
3 is if we do change the way we count, then that impacts  
4 the way schools are funded. If we go to average daily --  
5 and this is going to get into the weeds, but I guess you  
6 have to if you're coming up with new --

7 CHAIRMAN LUNDEEN: At some point we will.

8 MS. BERMAN: So, if we move to average daily  
9 membership, you're counting attendance differently, and  
10 therefore, it affects the funding. So then, I'm  
11 wondering if Paul's comment about portability still is  
12 relevant if you change the funding model because of ADM.  
13 Did that make sense? Can anybody respond to it?

14 COMM. HAMMOND: Trying to think that  
15 through.

16 CHAIRMAN LUNDEEN: Well, my response would  
17 be that would move in the direction that I'm seeking to  
18 move. It's not the complete ask that I've got, but --

19 COMM. HAMMOND: That's right. I think it's  
20 not total portability, but it -- you are measuring  
21 students based upon periodic counts. Okay?

22 MS. BERMAN: And then how do school  
23 districts get funded based on those periodic counts?  
24 We'd probably need Leanne for that.

25 COMM. HAMMOND: I'd have to get Leanne to



1 ask that question.

2 MS. MELLOW: Yeah.

3 COMM. HAMMOND: I mean, but the issue is do  
4 you support something like that or not.

5 MS. BERMAN: Well, we've always supported  
6 ADM, and we haven't here. Moving away -- this what  
7 you're talking about, which moves away from a single  
8 count day to more of a funding emphasis on student and --

9 CHAIRMAN LUNDEEN: Right.

10 MS. BERMAN: So, you're just fine-tuning  
11 that. We haven't said to ADM, we've said moved away  
12 from.

13 CHAIRMAN LUNDEEN: You're right, and I'm  
14 pushing beyond. I'm pushing for increased portability  
15 beyond just what we had stated previously.

16 MS. GOFF: So, you're taking away the  
17 discretion of the school district and the school board to  
18 allocate it's funds by saying it's got to go  
19 (indiscernible) with the kids. So, you're taking --

20 COMM. HAMMOND: Naturally.

21 MS. GOFF: You're taking away the control of  
22 the community elected officials --

23 CHAIRMAN LUNDEEN: You're absolutely -- this  
24 is one of those things where --

25 MS. GOFF: All the way back -- all the way



1 down to the parents.

2 CHAIRMAN LUNDEEN: My theme, as you know,  
3 has always been distributed authority. Distributed  
4 authority is a beautiful and wonderful thing as a  
5 principle and concept, and that's what we're talking  
6 about. And I'm a big advocate of local control, but I've  
7 always said the bestest, localest control, is parent  
8 control. And so that would be the direction in which I'm  
9 pushing.

10 MS. GOFF: Well, some parents.

11 CHAIRMAN LUNDEEN: All parents.

12 MS. GOFF: That's the sad reality here. So,  
13 well, going along with that the -- but I think it's the  
14 schedule. How does the timing -- how does the cycle --  
15 how does the timing -- how does the cycle -- funding  
16 cycle change, if it does, that way? But I think some of  
17 the questions that needs a lot more discussion is what,  
18 you know, fine, mobility based on mastery of standards,  
19 this whole idea of portability, mobility, concern that  
20 would need to be discussed (indiscernible) in our -- is  
21 their assurance that those decisions at the local person  
22 level, do they meet -- do they address kids who are --  
23 come under Title 1, for example, and other at risk  
24 groups, and where does -- how does the whole  
25 accountability thing balance out when you've got all



1 these separate systems?

2 CHAIRMAN LUNDEEN: So, other comments on  
3 this finance piece? Because on that specific set of  
4 principles I would accept something that moves us in the  
5 direction of increased portability. And you can -- you  
6 can smith how you would choose to wordsmith that.

7 MS. BERMAN: Right. I don't think we're  
8 there yet.

9 MS. GOFF: We're not there.

10 MS. BERMAN: I mean, my understand is we  
11 should reach consensus on this stuff. That this is not a  
12 voting document?

13 COMM. HAMMOND: Right.

14 MS. BERMAN: Right, so we -- okay. So, I  
15 would put that maybe we are more specific and say move  
16 away from a single count day to average daily membership.  
17 That we are specific as opposed to just to more of a  
18 funding emphasis on students. Because I don't know what  
19 that says, a funding emphasis on students.

20 UNKNOWN SPEAKER: This is not nearly as  
21 specific as what we've just been talking about. The way  
22 it was last year. What we're talking about now is much  
23 more specific proposals than what this is.

24 MS. BERMAN: Right.

25 UNKNOWN SPEAKER: That's what



1 (indiscernible).

2 UNKNOWN SPEAKER: So it needs some  
3 conversation.

4 MS. BERMAN: I agree.

5 CHAIRMAN LUNDEEN: Well and what I'm trying  
6 to get to is, I'm willing to -- because at the end of the  
7 day it's not like they're going to -- we're going to be  
8 writing rules around these any time soon. So, the  
9 specificity of this doesn't need to be that high. I'm  
10 just simply saying, and I would completely buy off on  
11 something that says move away from single count day  
12 towards average daily membership, and then give me --  
13 throw me a bone. Give me some comment that really says  
14 what we're caring about here is increased portability.

15 MS. BERMAN: Well I think if we can get an  
16 answer from Leanne about what that would mean in terms of  
17 funding, that would help me. Because that maybe is more  
18 portability, but maybe it's not. But I think we need to  
19 keep in there a mastery of Colorado Academic Standards,  
20 because that's a whole -- that's important, too.

21 COMM. HAMMOND: (indiscernible) a  
22 discussion. I think she's here, I'll just have her pop  
23 down.

24 MS. BERMAN: Oh, that'd be great.

25 MS. MELLOW: Well, and if you don't mind,



1 Mr. Chair, can I just ask will you just restate how you  
2 started so I can write that down, and then I may be able  
3 to help.

4 CHAIRMAN LUNDEEN: I'll be glad to give you  
5 my language. Keep in mind, it was, you know --

6 MS. MELLOW: (indiscernible).

7 CHAIRMAN LUNDEEN: Yeah, exactly. This is  
8 not board consensus.

9 MS. MELLOW: Right. I just want to  
10 understand -- I want to understand what you're saying  
11 better, because I need to --

12 CHAIRMAN LUNDEEN: I simply said which  
13 eliminates single count day and emphasizes student  
14 mastery of the Colorado Academic Standards, comma, is  
15 portable from school to school.

16 MS. MELLOW: Okay.

17 CHAIRMAN LUNDEEN: That was my starting  
18 point.

19 MS. MELLOW: Okay, thank you.

20 CHAIRMAN LUNDEEN: Thank you. So further  
21 comments? You want to push on into the finance? The  
22 other -- the additional items? I think we have unanimous  
23 consensus on the document at this point.

24 MS. NEAL: (indiscernible) school finance  
25 part.



1 CHAIRMAN LUNDEEN: Dr. Scheffel, please.

2 MS. SCHEFFEL: We're moving to point two  
3 now, is that what you're suggesting?

4 CHAIRMAN LUNDEEN: I -- yeah.

5 MS. SCHEFFEL: Okay.

6 CHAIRMAN LUNDEEN: And I would let people  
7 kind of surface things as we move down the document as  
8 they have concern or would like to add principles or  
9 adjust principles that they find in the document.

10 MS. SCHEFFEL: So, I was wondering about  
11 2(d), ensure that ed prep programs are accountable for  
12 effectiveness of their graduates. I guess I wonder about  
13 the word "ensure". Because that research paradigm to  
14 link performance in classes and field experiences to K-12  
15 student achievement is very complex research protocol,  
16 and to ensure it would be --

17 MS. NEAL: Did you say 2(b), or (d)?

18 CHAIRMAN LUNDEEN: D, delta.

19 UNKNOWN SPEAKER: D, d as in Don.

20 MS. SCHEFFEL: 2(d), like David. And I  
21 guess that language seems too prescriptive for me. I  
22 think and "support" ed prep programs that are accountable  
23 or, I don't know, something. But "ensure" is, like I  
24 said, it's a very complex research design that would make  
25 that approachable. I'm not sure anyone really knows how



1 to do it.

2 MS. GOFF: Well, we do that through  
3 accreditation of our programs, right?

4 CHAIRMAN LUNDEEN: I don't know if we  
5 ensure. We try.

6 MS. SCHEFFEL: We try. I mean, we don't say  
7 you're not going to be credited because you can't show  
8 that you're, you know, a --

9 CHAIRMAN LUNDEEN: The verb, I agree, the  
10 verb is challenged.

11 UNKNOWN SPEAKER: I think that -- I think  
12 that makes sense. Support.

13 CHAIRMAN LUNDEEN: Support, promote? I don't  
14 know. I mean, yeah. I think you're right. We, I mean,  
15 I know you're right. We -- technically we accredited  
16 them, but we don't have a lot -- we don't know that much  
17 about how well they're performing.

18 UNKNOWN SPEAKER: We will.

19 CHAIRMAN LUNDEEN: We figured it out,  
20 Leanne. You can go back to your room.

21 MS. SCHEFFEL: No, no, no, no, no.

22 MS. EMM: Sorry.

23 COMM. HAMMOND: We got a lot of  
24 (indiscernible) when you get to a chance, if that'd be  
25 all right to ask the question. That way you can ponder



1 it whenever you're ready (indiscernible).

2 MS. SCHEFFEL: Should I go for it now, or we  
3 in the middle of some --?

4 CHAIRMAN LUNDEEN: Please, dive in. Well I  
5 -- did -- I think we -- you -- we substituted ensure,  
6 promote -- what was the verb you used?

7 MS. BERMAN: Well, I was going to say, this  
8 is -- this is our legislative action recommendations. So  
9 I don't disagree with talking about more, but I think  
10 just saying support educator programs, it's not --

11 CHAIRMAN LUNDEEN: Promote work for you?

12 MS. NEAL: Yeah. Whatever -- ensure is  
13 pretty difficult.

14 MS. BERMAN: Yeah, because that's a little  
15 more action oriented. Where if we're recommending to  
16 what actionable (indiscernible).

17 CHAIRMAN LUNDEEN: Promote.

18 MS. NEAL: (indiscernible).

19 MS. EMM: Support educator preparation  
20 programs that are accountable for the effectiveness of  
21 their graduates. Something like that.

22 UNKNOWN SPEAKER: No.

23 UNKNOWN SPEAKER: Or that models of teacher  
24 preparation.

25 MS. EMM: Or that are effective?



1 UNKNOWN SPEAKER: Are linked to, you know,  
2 something like that.

3 MS. MELLOW: Mr. Chair, board members, I  
4 think I understand what you're trying to get at. I think  
5 there might be some -- the way the rest of these bullets  
6 are worded.

7 COMM. HAMMOND: Yeah.

8 MS. MELLOW: We talk about supporting  
9 policies, so if it's all right with you all, and  
10 absolutely your prerogative, maybe I could try to, in a -  
11 - in a quiet place with not lots of people talking, do  
12 something that I hope will encapsulate what you're trying  
13 to do. And if I get it wrong you'll let me know. Is  
14 that --?

15 CHAIRMAN LUNDEEN: I think we might.

16 MS. MELLOW: I don't think you're very shy.

17 CHAIRMAN LUNDEEN: Okay. Elaine had a  
18 question for Leanne.

19 MS. BERMAN: So, Leanne, we were talking  
20 about moving away from the October 1st count date, the  
21 same discussion we have every year. And actually maybe -  
22 -

23 CHAIRMAN LUNDEEN: Or about October 1st.

24 MS. BERMAN: About October 1st, and maybe  
25 actually putting in our legislative priorities and



1 adopting the ADM model. So, one question I would have is  
2 I think the field is pretty much okay, pretty much okay  
3 with ADM as the next best model, so that's my first  
4 question.

5 MS. EMM: Mr. Chair.

6 CHAIRMAN LUNDEEN: Fire away.

7 MS. EMM: I don't -- I would not make the  
8 presumption that districts would think maybe that's the  
9 next best model at this point in time. Only from the  
10 standpoint that for districts it will create additional  
11 work for them. So, knowing that they're feeling somewhat  
12 resistant to additional work, I don't know if they would  
13 say that it's the next best thing.

14 I have heard comments that there would  
15 potentially be some interest in maybe looking at another  
16 count date later in the year that, for instance, a number  
17 of years ago, prior to 1995, we had -- we had two count  
18 dates; one in October and then one in February, that then  
19 attempted to equalize students over those two dates. And  
20 then we got away from the February count date for some  
21 reason.

22 So, but I think there's always interest in  
23 looking at ADM and better methods of counting students to  
24 be able to get the money to where the students are being  
25 served --



1 MS. BERMAN: Okay. That was the second part  
2 of the question. So, if we went with a two count day,  
3 how would the -- how would the disbursement of dollars  
4 work?

5 MS. EMM: Mr. chair, I think at that  
6 point there would -- there would probably have to be some  
7 kind of mechanism that the legislature would put in  
8 place, be it a separate fund of money, or something like  
9 that, that's set aside to fund any kind of additional  
10 growth in students that might occur between October and  
11 February. Right now, as you're aware, once we have the  
12 October count finalized we are required to do a  
13 supplemental appropriation request that seeks any kind of  
14 change in funding that is above and beyond what the  
15 original projection was.

16 So the legislature appropriates based on a  
17 projection, and then in January we come in and we have to  
18 do a supplemental appropriation that trues up that  
19 estimate to the actual, and then I would assume, just  
20 thinking off the top of my head, that some kind of  
21 mechanism would be in place in order to do another  
22 (indiscernible) for a dual -- for another count.

23 MS. BERMAN: So, but the way you've  
24 explained it, it's truing up on the positive side. What  
25 about on the negative side? In other words, would the



1 district only get a half a year's worth of money, and  
2 then at the February count they'd get the other half  
3 year?

4 MS. EMM: Mr. Chair. I think that would be  
5 good discussion to actually figure out how that would  
6 actually work at this point. What occurs now is that we  
7 based the allocations we --

8 COMM. HAMMOND: A projection.

9 MS. EMM: A district receives 7/12s of their  
10 annual payment by January, and then we go in and we true  
11 it up. And there are some districts who their -- whose  
12 projections have exceeded what they would have been  
13 getting, and so we actually have to go in and pull money  
14 away and true it up. So, the -- so we do have that both  
15 the positive and the negatives in those situations.

16 MS. BERMAN: You mean you take it away from  
17 them?

18 MS. EMM: Well it's -- so it becomes a zero-  
19 sum game, so they --

20 COMM. HAMMOND: It's reconciled by district,  
21 and it loses -- it loses the money.

22 MS. BERMAN: So, you do go back to find out  
23 which district has lost students?

24 COMM. HAMMOND: Yeah, and we reconcile.

25 Yeah.



1 MS. EMM: Oh yes. Oh yes. Yes. And we do  
2 that --

3 COMM. HAMMOND: And that's been standard  
4 practice.

5 MS. EMM: Yep. We compare -- we compare  
6 what the actual projection was to what the account -- the  
7 actual account is, and then we have to stay within the  
8 appropriations.

9 MS. BERMAN: So it is another count -- so  
10 there is a second count?

11 UNKNOWN SPEAKER: No. The first money is  
12 based on the projection.

13 MS. BERMAN: Oh, the first one's on a  
14 projection.

15 UNKNOWN SPEAKER: Yes.

16 MS. BERMAN: Second one is on -- is still  
17 (indiscernible).

18 COMM. HAMMOND: The legislative council --  
19 it's the legislative council that sets what they estimate  
20 to be the enrollment for every district, and that's what  
21 we fund by, and then it's trued up, or reconciled, if you  
22 will. And there's always a little bit of differences  
23 from what they project, but that's what we have to go on.  
24 So.

25 MS. BERMAN: Is there anything that



1 precludes a district now from -- because even within  
2 districts you've got individual schools that will lose  
3 students and gain students. And can individual districts  
4 adjust their own funding formula to schools based on that  
5 kind of fluency?

6 MS. EMM: Thank you. Mr. Chair.

7 CHAIRMAN LUNDEEN: Please.

8 MS. EMM: I'll speak to what we did in Jeff  
9 Co when I was there. And we would do exactly what we're  
10 doing at the state. We would fund schools based on a  
11 projection. At the beginning of the year we would staff  
12 the schools based on projections and give them their  
13 discretionary allocations, and then when the October  
14 count was finalized, we would look at what the actual was  
15 and determine how much -- how much needed to be,  
16 potentially, combed back, or re-distributed to them. So  
17 --

18 MS. BERMAN: Okay. I'm going deeper than we  
19 need to go.

20 MS. NEAL: Yes, you are. Can we move on?

21 MS. BERMAN: But for the purposes of the  
22 legislation -- legislative -- so it wasn't --

23 CHAIRMAN LUNDEEN: Principles, Elaine,  
24 principles. So, the principle, you have a sense of what  
25 we're trying to get at with this. You comfortable with



1 that? Yes?

2 MS. MELLOW: Actually, with all due  
3 respect, Mr. Chair, no. I'm not quite sure I do have a  
4 sense of where you're trying to go collectively. I mean,  
5 I think, perhaps this would be helpful. Do -- something  
6 to think about is do you want to specify the mechanism  
7 like ADM or statewide enrollment system, or do you simply  
8 want to stick with a more general statement of  
9 eliminating a single count date to a system that  
10 accomplishes --

11 MS. BERMAN: Yes. I think the latter is  
12 better.

13 CHAIRMAN LUNDEEN: (indiscernible)  
14 supportability and liquidity.

15 MS. NEAL: Yeah.

16 MS. MELLOW: Right. Okay, so I -- so I can  
17 put this together for you so you can at least look at it  
18 and consider it for your next meeting. I think I  
19 understand now, thank you.

20 CHAIRMAN LUNDEEN: Excellent.

21 MS. BERMAN: But I think use, I mean, I  
22 think to get consensus, to be perfectly honest, those  
23 words may or may not work. I mean, I think the goal is  
24 that we want to make sure that if students are moving in  
25 and out of schools that perhaps the dollars reflect those



1 students moving in and out of schools, which they do not  
2 now. Is that a fair statement, Leanne?

3 CHAIRMAN LUNDEEN: Well that's a good way to  
4 state the principle. I'll back you up completely on  
5 that.

6 UNKNOWN SPEAKER: Well that does -- yeah,  
7 that does happen in the school -- one school year.

8 COMM. HAMMOND: It's true. System  
9 (indiscernible).

10 MS. NEAL: Oh.

11 UNKNOWN SPEAKER: If a child leaves  
12 (indiscernible) the school year the money doesn't follow  
13 them to the new school.

14 MS. BERMAN: Yeah. Yeah. (indiscernible)  
15 right. Right.

16 MS. NEAL: If this is sentence one and we've  
17 taken 20 minutes, we're going to be here all night.  
18 Sorry about that.

19 MS. EMM: Mr. Chair. At the district level  
20 they would have the discretion to move money to follow  
21 the student. They have that discretion now. At the  
22 state level we don't have a mechanism in place in order  
23 to do --

24 CHAIRMAN LUNDEEN: Do that.

25 MS. EMM: Have the money to follow the



1 student other than based on that one day count.

2 UNKNOWN SPEAKER: So currently when a child  
3 leaves one school to another during the course of the  
4 school year money does not follow that child to the  
5 school. The first school keeps it.

6 UNKNOWN SPEAKER: Oh, but the teacher stays  
7 there.

8 MS. NEAL: This is crazy.

9 UNKNOWN SPEAKER: This is, like, strange  
10 conversation because you've got a teacher, and one  
11 student leaves the class so you going to take \$6000 away  
12 from the school?

13 UNKNOWN SPEAKER: Yeah, but the new school  
14 isn't getting the funds for that child.

15 UNKNOWN SPEAKER: That's true, because the  
16 new school is going to have one more child in the  
17 classroom as opposed to being able to somehow -- I mean,  
18 we can't take a teacher and cut them into 30 pieces.

19 MS. NEAL: Oh, really?

20 CHAIRMAN LUNDEEN: So --

21 UNKNOWN SPEAKER: Or are you going to take  
22 the salary away from the teacher, because her or she has  
23 one less student? I mean, this is --

24 CHAIRMAN LUNDEEN: Yeah.

25 UNKNOWN SPEAKER: This is not as simple --



1                   CHAIRMAN LUNDEEN: So, what's going on is  
2 we've got this cognitive dissonance that we live with  
3 constantly between the system that we aspire to that  
4 acknowledges the individuality and the pursuit of mastery  
5 for an individual student, and we keep trying to plug  
6 back in the language and the processes that have existed  
7 for years and years and years in the way the system runs.

8                   I'm just saying if we want to look forward -  
9 - if we truly believe in competency-based diplomas, in  
10 individual thresholds through which students move, we  
11 need to create dynamism within the system as well to  
12 support that effort at the individual student level.

13                   How you get there? Not easy. I get that.  
14 But if we don't set the marker -- and I think that's a  
15 portion of what this board is about, is setting the  
16 marker, casting the vision, looking forward saying, "We  
17 believe in a competency-based diploma." And we think  
18 that creating flexibility within the mechanisms that get  
19 students to that is what needs to happen.

20                   It is a challenge figuring that out. It's -  
21 - the devil is always in the details, there's no  
22 question, especially when you're trying to move from an  
23 ossified system to something that's dynamic. But so the  
24 question is, as a matter of principle, do we want to  
25 state as a principle that we pursue, or we seek, this



1 increased flexibility and (indiscernible)?

2 UNKNOWN SPEAKER: I don't think our  
3 statement that we have --

4 CHAIRMAN LUNDEEN: Is bad?

5 UNKNOWN SPEAKER: Is bad, because it does  
6 support --. We can get more specific if we really want  
7 to get to a particular measurement system, but I think it  
8 clearly says that we want --

9 MS. NEAL: Move away from a single count do  
10 -- isn't that still the question?

11 CHAIRMAN LUNDEEN: Okay. So, somebody want  
12 to summarize what the consensus of the board is so I can  
13 say, "Gee, that sounds good to me?"

14 MS. BERMAN: Well, I think somebody had  
15 something. I don't remember who it was.

16 CHAIRMAN LUNDEEN: You can take mine and run  
17 with it if you want.

18 UNKNOWN SPEAKER: Well you did, Elaine,  
19 because you said you wanted -- you wanted to change it to  
20 -- from a single count day to, was it ADM, average daily  
21 measure?

22 MS. BERMAN: No. But I've moved away from  
23 that.

24 UNKNOWN SPEAKER: Okay.

25 MS. BERMAN: So, I think maybe you had some



1 language.

2 MS. MELLOW: If, Mr. Chair, perhaps -- I  
3 don't have any language off the top of my head, quite  
4 honestly, to address. Which I'm not -- what I'm not  
5 sure, actually, of the same opinions. So what I would  
6 propose is why don't I try to articulate the things --  
7 the question you all are struggling with, and, you know,  
8 put that really clearly along with this language, to give  
9 you each time to process that before the next meeting,  
10 and then maybe we can move towards that -- towards  
11 hopefully generating some consensus around that, and then  
12 we can come up with it.

13 CHAIRMAN LUNDEEN: I think we can have  
14 consensus on that process. Do we have consensus on that  
15 process?

16 MS. NEAL: Yes.

17 UNKNOWN SPEAKER: We do.

18 CHAIRMAN LUNDEEN: Almost.

19 MS. BERMAN: So, language that's coming to  
20 my mind is something like, we want a fair student, so  
21 that the money that goes to schools really accurately  
22 reflects where the student is for the entire year.  
23 Because right now the system's not -- it's not fair.  
24 They just base it on October count, and one school might  
25 lose 30 kids and another school might gain 30 kids and



1 that's not reflected in their -- in the way they receive  
2 money. So, that is a very general thing, but that's the  
3 direction -- I think we could all agree with that.

4 MS. MELLOW: Okay.

5 CHAIRMAN LUNDEEN: Absolutely. We're moving  
6 the same direction.

7 MS. MELLOW: Yeah. Actually, I think that  
8 maybe that is -- you are moving towards consensus.

9 UNKNOWN SPEAKER: It's pretty close to what  
10 Paul said.

11 MS. MELLOW: So let me -- let me --

12 MS. BERMAN: Well he's using portability and  
13 I'm just fleshing it out a little bit more.

14 UNKNOWN SPEAKER: Right.

15 MS. MELLOW: I will work with that language  
16 and try to give you something that will be my best effort  
17 to reflect what you said. Again, of course, I welcome  
18 your honest feedback about whether I accomplish that goal  
19 or not.

20 CHAIRMAN LUNDEEN: Okay. So, then we, one  
21 and two, great teachers and leaders, other comments on  
22 great teachers and leaders and we move on toward three,  
23 statewide system accountability and support?

24 Because you're all going to be excited to  
25 see that number four is standards and assessments.



1 UNKNOWN SPEAKER: Can we have comments on  
2 three?

3 CHAIRMAN LUNDEEN: Please.

4 UNKNOWN SPEAKER: So for 3(a), what would  
5 (a) look like? Fully fund the states accountability  
6 improvement system. I mean, is there -- do we have a  
7 metric that says we're only funding it at 80 percent, or  
8 50 percent, and do we want to get to 100 percent, or --?  
9 I'm reluctant to embrace language that there's no way to  
10 ever know if we ever get there. Just more, more, more,  
11 more. I mean, I guess I don't know to what extent are  
12 people feeling like we don't fund it?

13 MS. NEAL: Is that directed directly at the  
14 negative factor?

15 UNKNOWN SPEAKER: Yeah. I don't know what  
16 it refers to.

17 CHAIRMAN LUNDEEN: I remember being very  
18 uncomfortable with it last year. I was just going to let  
19 that dog lie this year, but --

20 UNKNOWN SPEAKER: Well it says  
21 accountability and improvement system, not --

22 UNKNOWN SPEAKER: What is that referencing,  
23 I guess, (indiscernible).

24 CHAIRMAN LUNDEEN: I didn't say it. I --

25 MS. MELLOW: Mr. Chair, so I would interpret



1 that in a legislative context in two ways, if this is  
2 helpful. And -- there's kind of two components of it.  
3 One, is the work that the department does around the  
4 accountability system. Right? So, it takes people to  
5 run those performance frameworks and do all of that work  
6 here, so that's a component of supporting the  
7 accountability system.

8 The other part to look at is how are we  
9 supporting schools and districts through that process.  
10 Right? So, if you're on year four of turnaround, are we  
11 supporting you at the level we should? I mean, this is  
12 pretty general. I'm not sure, but I would think about it  
13 in those two ways, if that's helpful.

14 CHAIRMAN LUNDEEN: Angelika.

15 MS. SCHROEDER: In terms of the discussions  
16 about supporting schools that are at turnaround or  
17 priority improvement, there certainly have been  
18 discussions about -- for districts that have moved up and  
19 have made significant improvements, but they were granted  
20 seed grants, and that's -- it was those investments that  
21 brought them much higher. And then they stop and there  
22 isn't a really good system, or they feel like they're  
23 going to lose out.

24 I mean, this goes back to what we talked  
25 about earlier. When you have special programs for needy



1 kids and you take that money away, whether it's the  
2 budget limitations we've had or if it's been seed grants  
3 and there've been programs that now have to be  
4 eliminated, so that could also be a part of when we're  
5 talking about the funding. What kind of funding do we  
6 have for schools that have -- continue to have high  
7 needs? And that the shock of dropping after three years  
8 to nothing.

9 And I, as I understand it, even the  
10 Department of Education, the feds, have had that  
11 discussion about how do we give less grants, but continue  
12 with grants.

13 So that's another whole area that's an area  
14 of concern.

15 CHAIRMAN LUNDEEN: Okay. Pam.

16 MS. MAZANEC: Well, going back to 3(a),  
17 though, I think that this -- the phrase "fully fund"  
18 implies that we have a deficit in how much money we have  
19 put into the state's accountability and improvement  
20 system. So that's my problem with it. I don't know what  
21 that means.

22 MS. NEAL: Well, that's what I said I  
23 thought it meant, that restore the negative factor. If  
24 we're not fully funding in their mind, because we haven't  
25 fully funded the negative factor. Now I don't know, I



1 just kind of thought that's what they probably -- that's  
2 why we put that in there.

3 CHAIRMAN LUNDEEN: Deb and then Jane.

4 MS. SCHEFFEL: It just seems to me that  
5 under the main category, if we're providing targeted  
6 support for identifying and rewarding districts that are  
7 decreasing (indiscernible) if we provide (indiscernible)  
8 great policies that impact. You would also have to say  
9 that we would fully fund, I mean, as I think --

10 CHAIRMAN LUNDEEN: Isn't that apparent?

11 MS. SCHEFFEL: As I think about the  
12 districts presenting to us, they would talk about all the  
13 things they're doing, it's not like they were saying,  
14 "Well, we'll never be able to get out of priority  
15 improvement unless we do these six things and we don't  
16 have money." I mean, I -- it seems like an odd  
17 connection to me, because I don't know how we'd ever  
18 measure that we were fully funding. You know, we add FTE  
19 based on statute. We -- our grant programs, a host of  
20 things going on, and I -- maybe a better word instead of  
21 fully fund, since there's no way to figure out when we  
22 would ever be doing that, is support, or having your  
23 support resources for it, or something.

24 UNKNOWN SPEAKER: Mr. Chair I, you know,  
25 I've reached a unique moment in my career here when I



1 have historical context, and I think I can add to the  
2 conversation. So, I think this actual language was  
3 introduced several years back when we had a budget  
4 request specific around accountability, and because  
5 Senate Bill 163 was passed without any funding, we  
6 included -- the board included some of this language, I  
7 think, to support the request at the time.

8 COMM. HAMMOND: Yeah. Yeah.

9 MR. OWEN: And so that's why, if my memory  
10 holds up, why that "fully fund" was a part of it, because  
11 there was no actual funding attached to really 163 when  
12 it was passed.

13 CHAIRMAN LUNDEEN: You've jogged my memory,  
14 because when you look at standards and assessments, we  
15 get fully funded development implementation of et cetera,  
16 et cetera, and it's the same thing. Where we were  
17 fighting to maintain authority over.

18 COMM. HAMMOND: And we carried over that  
19 language that --

20 CHAIRMAN LUNDEEN: That's exactly what  
21 happened.

22 UNKNOWN SPEAKER: That's my counselor.

23 UNKNOWN SPEAKER: Well, did we fund -- do we  
24 have the funding now?

25 UNKNOWN SPEAKER: Where were you 10 minutes



1 ago?

2 UNKNOWN SPEAKER: Do we have the funding now  
3 that we thought we needed? That's the important part.

4 UNKNOWN SPEAKER: Mr. Chair.

5 CHAIRMAN LUNDEEN: Please.

6 UNKNOWN SPEAKER: So I -- we were able -- we  
7 were successful with the request. We were able to get  
8 some funding to support state review panel, you know,  
9 unified (indiscernible) planning. We talked last spring  
10 about some additional pieces with on site reviews and  
11 continuing to work through that budget process.

12 Is it -- is it what we would ultimately feel  
13 like we would need to be able to provide everything that  
14 a school district would want? I'm not going to say that.  
15 It's substantially better than what it was three years  
16 ago. We do have staff and some support now to run school  
17 performance frameworks, some stats people that help  
18 support that office, so things are much better than they  
19 were three years ago when we really didn't even have an  
20 office around accountability.

21 So, it's much better. I don't know that  
22 school district would feel like they get everything they  
23 need from the state. We rely heavily on federal funds to  
24 provide, I think, you were maybe talking about the school  
25 improvement grants, and that's absolutely true that



1 there's a cliff, and when the cliff hits, it's difficult  
2 for the schools and districts that have been involved  
3 with that additional funding. So, there's still that  
4 challenge, but I would -- I would say it's markedly  
5 better.

6 MS. GOFF: There is that challenge, but we  
7 have not articulated what it would take. I think -- I  
8 think to Deb's question, what is "fully"? We've not been  
9 able to articulate what it -- what we believe -- what you  
10 all believe, would adequately fund -- yeah.

11 CHAIRMAN LUNDEEN: So, here's what I'd  
12 propose. I think (b), (c) and (d) speak to our support  
13 of encouragement in defense of this accountability, and  
14 support system. I think you strike (a), because it's an  
15 historical anachronism at this point.

16 UNKNOWN SPEAKER: Well, especially with part  
17 1. School finance.

18 CHAIRMAN LUNDEEN: you cool with that?

19 UNKNOWN SPEAKER: I mean, I think that (b),  
20 (c) and (d) head to the pieces that we're trying to  
21 (indiscernible).

22 CHAIRMAN LUNDEEN: Deb, does that make sense  
23 to you? Let's do that, strike (a) and move on.

24 MS. MELLOW: Now that's what I call  
25 consensus.



1                   CHAIRMAN LUNDEEN: Absolutely. So, four,  
2 standards and assessments. And I'll speak immediately to  
3 the (b), which says fully fund, I would say replace the  
4 words "fully fund" with "bring home".

5                   UNKNOWN SPEAKER: What?

6                   UNKNOWN SPEAKER: Bring home? Bring -- oh,  
7 bring home.

8                   COMM. HAMMOND: Too many metaphors.

9                   CHAIRMAN LUNDEEN: I've got one person  
10 tracking with me in the room here.

11                   MS. MELLOW: I understood, I just have a  
12 better poker face than she does.

13                   CHAIRMAN LUNDEEN: And I'm always grateful.  
14 Everybody else --

15                   UNKNOWN SPEAKER: That's exactly what we  
16 wanted.

17                   MS. BERMAN: I think it's very well worded  
18 the way it is right now.

19                   UNKNOWN SPEAKER: Darn it they should --

20                   MS. BERMAN: Do you want to put your address  
21 down there, bring home?

22                   UNKNOWN SPEAKER: Paul.

23                   CHAIRMAN LUNDEEN: Bring home the  
24 development and implementation of a comprehensive system  
25 of statewide assessments.



1 MS. BERMAN: Put your own address in there,  
2 Paul.

3 CHAIRMAN LUNDEEN: 19-2-10-6, Penny.

4 UNKNOWN SPEAKER: As the song goes, let it  
5 be.

6 CHAIRMAN LUNDEEN: Let it be.

7 UNKNOWN SPEAKER: How about just say  
8 "support" why do we -- what we've (indiscernible) again,  
9 is that -- that's another throwback? Or, I mean, another  
10 carryover?

11 UNKNOWN SPEAKER: It's (indiscernible).  
12 This is the kind of thing that ought to be state funded  
13 (indiscernible) resources. Right? (indiscernible)  
14 support a statewide system of some kind. Especially if  
15 we want better.

16 CHAIRMAN LUNDEEN: So, answer me a couple  
17 questions. I mean, the sit -- the assessments systems  
18 we're relying on now have been funded in large part with  
19 federal dollars, that's going to go away, and what are we  
20 speak --?

21 UNKNOWN SPEAKER: Well, the federal dollars  
22 developed it. That's not the same as the cost of the  
23 assessment.

24 CHAIRMAN LUNDEEN: Administering I --

25 COMM. HAMMOND: Yeah. The (indiscernible)



1 we fund. Primarily the state.

2 UNKNOWN SPEAKER: The two different pieces.

3 So, the grants were part of the development of those  
4 assessments? Just as many years ago CSAP, the state  
5 funded in a big lumpy way, or a couple years ago what was  
6 it 8-million, or however much it cost to develop our  
7 science and social studies? This is about implementation  
8 of that system. And I don't know whether development's  
9 the right word or updating, or whatever, but I believe it  
10 shouldn't be a stagnant test, either. I mean, there  
11 should be some refreshing, whatever that --  
12 (indiscernible), but there's a better word for that.

13 CHAIRMAN LUNDEEN: And -- okay, so I'm an  
14 old saw on this. You all know what I've said, I've said  
15 it many, many times. I think that we should, on a  
16 perpetual basis, recurring basis, more frequently than  
17 doing it once every 10 years, look at standards, you  
18 know, within the state. We should control that within  
19 the state, and we should have, you know, assessments to  
20 deal with that as well. So that's why my words bring  
21 home -- it makes sense to me what it -- so that's where  
22 I'm going with that.

23 And I realize not everybody agrees with  
24 that, but that's, I mean, you know, I'm rolling the ball  
25 here.



1 UNKNOWN SPEAKER: So, are you talking about  
2 a (c) which talks about an ongoing rotating review of our  
3 Colorado standards?

4 CHAIRMAN LUNDEEN: Yeah. Take two of them  
5 every -- and this is a conversation would need to be had,  
6 but my theory is take two of them every year, or every  
7 two years, every other year you take two standards, and  
8 you're alternating on a perpetual basis, but --

9 UNKNOWN SPEAKER: We -- but we don't need  
10 that authority. We don't need that, do we? I mean, we  
11 can do that.

12 CHAIRMAN LUNDEEN: We could, but it's  
13 actually in statue, it's coming up in '16. Jane.

14 MS. GOFF: Thank you. That's exactly what I  
15 was going to say. This would be -- this is an ideal time  
16 to clarify one way or the other that -- how 212 overlaps  
17 with all of this. And I will say how does it -- how does  
18 it -- does anything change with respect to the fact that  
19 we now have -- we made one other change, but we have  
20 Colorado Standards. 212 says we're supposed to be doing  
21 that anyway every six years. That includes a review of  
22 the assessment, everything about it, that is the review  
23 process as required in the law.

24 I think what's different now, and a bit of a  
25 different conversation, is that -- is all -- are the



1 dynamics around the funding discussion and the different  
2 kind of context with the state -- we've had to go through  
3 with funding over the last few years.

4 So that, I would really appreciate it. I  
5 keep forgetting to bring it up, and that was a perfect  
6 lead in. Are we still under the same obligation to  
7 review on a regular basis, period? And does that have  
8 anything to do with the state providing funding for our  
9 standards implementation and our standards implementation  
10 in our statewide comprehensive system testing.

11 CHAIRMAN LUNDEEN: And I'll answer your  
12 question, and I say constitutionally, yes, I think we  
13 have a responsibility and it's an ongoing responsibility,  
14 and that authority has been stolen from us.

15 MS. GOFF: It's in statute. I -- my  
16 question is, it's in statute right now. Right? So, I  
17 don't -- I personally don't think we need any more words  
18 here about that. It's in there. The question is, who  
19 should be -- who should be paying for our assessment  
20 system? That's the question. And what are we going to --  
21 -- how -- what are we going to try to -- what do we  
22 believe in? What do we promote in the way of supporting  
23 the funding of our system, testing system?

24 CHAIRMAN LUNDEEN: Okay. So, you like the  
25 language as is, is that what you're saying?



1 MS. GOFF: I think it's fine.

2 MS. BERMAN: I think Jane's saying that  
3 you're actually saying different things. That no matter  
4 what the assessment system is, it needs to be paid for.  
5 Right?

6 MS. GOFF: Exactly.

7 CHAIRMAN LUNDEEN: We are saying different  
8 things, yes.

9 MS. BERMAN: So, can check that one off, and  
10 then you can make your other point. I think -- but I  
11 also heard you say something else -- Robert, were you  
12 going to say something?

13 COMM. HAMMOND: Uh-uh.

14 MS. BERMAN: Oh, you're just making signs.

15 COMM. HAMMOND: No. I'm doing three things  
16 and talking to him in sign language (indiscernible).

17 MS. BERMAN: Jane, I thought you were saying  
18 something else. Were you saying that what's not in here  
19 is our periodic review of standards? I thought I heard  
20 you say that.

21 MS. GOFF: I -- let me -- two seconds to  
22 sort this out. I heard some reference being said that  
23 the -- and I could have misheard you, right? Totally.

24 MS. BERMAN: Correct.

25 MS. GOFF: There is a desire on the part of



1 our chair to talk about a regular cycle of standards  
2 review, whether it's one content area, or more, whatever.  
3 It's -- that's already in the law. It doesn't belong  
4 here. Unless we want to push for, or promote, the idea  
5 of changing statute around that obligation.

6 CHAIRMAN LUNDEEN: Which -- yeah.

7 MS. GOFF: If we do, I don't know, but it's  
8 already -- it's in the constitution (indiscernible).

9 CHAIRMAN LUNDEEN: Okay. So I'm going to  
10 sign off on -- I'm not going to sign off, but I'll move  
11 on beyond (b) at this point and say, okay, we probably  
12 are talking about (c) with regard to my idea has been  
13 instead of -- as the statute calls for, to modify the  
14 process by which standards are dealt with so that they're  
15 taken in smaller chunks on a more regular basis.

16 And that's, you know, I don't know that that  
17 is a widely supported or encouraged idea, but that has  
18 been something I've thought would be useful.

19 MS. GOFF: I don't disagree with it at all.  
20 I just don't see it as legislative priorities, because  
21 it's already in statute that what -- that we have the  
22 prerogative to do it however we want to.

23 CHAIRMAN LUNDEEN: Well, I think it's even  
24 more prescriptive than that. I think it says the  
25 calendar upon which standards are to be reviewed. Is



1 that not correct?

2 MS. GOFF: Well, it --

3 CHAIRMAN LUNDEEN: The statute is.

4 MS. GOFF: In my view it's in there. It  
5 says the next one is every (indiscernible)?

6 CHAIRMAN LUNDEEN: Okay. Well, it's not --  
7 this is not a hill I'm going to die on. I'm -- the  
8 finance is the one that I care the most about. So --

9 MS. GOFF: It already says 2018.

10 CHAIRMAN LUNDEEN: '16.

11 MS. GOFF: Actually, I think it's '18.

12 CHAIRMAN LUNDEEN: All right, '18.

13 MS. GOFF: Because the implementation date  
14 was 2012, right?

15 COMM. HAMMOND: I think it was 2018.

16 CHAIRMAN LUNDEEN: Okay. I stand corrected.

17 MS. GOFF: Something like that.

18 UNKNOWN SPEAKER: That's fine.

19 MS. MELLOW: Yes, 2018.

20 CHAIRMAN LUNDEEN: '18, thank you. Dr.  
21 Scheffel?

22 MS. SCHEFFEL: So, with respect to 4(b) is  
23 there a legislative priorities, so is it appropriate to  
24 say something like support state funding for development  
25 and implementation of -- and then it doesn't seem that we



1 need a (C), only in the sense that legislatively we're  
2 required to review the standards every x number of years,  
3 and we can't shorten that up based on our own desire to  
4 do so. So, we don't need legislative action to be able  
5 to review standards more frequently than what the statute  
6 says.

7 UNKNOWN SPEAKER: I second that.

8 MS. SCHEFFEL: So, the question on (B), as  
9 it exists, do we want to say instead of "bring home",  
10 "support state funding for development and implementation  
11 of?" I mean, is that --

12 CHAIRMAN LUNDEEN: Yes. I would go with  
13 that.

14 MS. SCHEFFEL: And, does anyone have the  
15 stomach for changing the word "comprehensive" to  
16 "effective"? The word "comprehensive" seems to weigh  
17 into the sense that the public feels that we have so much  
18 testing. What we really want is an effective system.  
19 Course we'd have to define that, but "comprehensive" sort  
20 of implies pervasive continual, I mean, you know --

21 CHAIRMAN LUNDEEN: Sounds like a good word,  
22 but it's a big one.

23 UNKNOWN SPEAKER: I'm trying to remember  
24 (indiscernible), but maybe that word is in statute,  
25 "comprehensive".



1 UNKNOWN SPEAKER: It probably is.

2 MS. SCHEFFEL: You know, it's possible. I'm  
3 not sure what we were thinking when we did this, but when  
4 it comes to the assessments of our Colorado Standards,  
5 districts end up being responsible for the assessments of  
6 most of them. And so, this might actually be talking  
7 about helping districts in developing and implementing  
8 their assessments with their -- that they're expected to  
9 -- and that would mean comprehensive as opposed to --  
10 Because I think what we talk -- we talk about the  
11 statewide system at the state level, but it's also --  
12 there's also the requirement on districts to have their  
13 own assessments in a lot of areas.

14 CHAIRMAN LUNDEEN: So "comprehensive" stays.

15 MS. MARKEL: Mr. Chair can -- I just want to  
16 make sure I have this written down correctly. So, (b)  
17 would now read, "Support state funding for the  
18 development and implementation of a comprehensive,  
19 potentially effective, system of statewide assessments."  
20 Is that what you said, Dr. Scheffel? I just want to make  
21 sure I had that. Thank you.

22 CHAIRMAN LUNDEEN: There're a lot of nodding  
23 heads. We're good to go.

24 MS. SCHEFFEL: Well, measuring it effective  
25 would be, no. I wouldn't put that in there.



1 CHAIRMAN LUNDEEN: Flexibility?

2 MS. SCHEFFEL: I'm fine with flexibility.

3 UNKNOWN SPEAKER: I like it.

4 CHAIRMAN LUNDEEN: Flexibility is liked.

5 We're going to leave it as is. Innovation and choice?

6 Anything last longer than seven seconds without comment

7 we move on.

8 Okay, early childhood education.

9 UNKNOWN SPEAKER: That's good.

10 UNKNOWN SPEAKER: I don't know that I

11 (indiscernible) to change.

12 UNKNOWN SPEAKER: You don't love it?

13 UNKNOWN SPEAKER: On 7, I don't know about

14 the participating in programs. Do we need that?

15 Opportunities for children to --

16 UNKNOWN SPEAKER: Increase their ability to

17 be ready to learn in kindergarten.

18 UNKNOWN SPEAKER: Increase their ability --

19 in kindergarten, yes. (indiscernible) more open-ended.

20 UNKNOWN SPEAKER: We're talking about the

21 CPP aren't we?

22 UNKNOWN SPEAKER: What?

23 UNKNOWN SPEAKER: We're talking about the --

24 Colorado Preschool Program.

25 UNKNOWN SPEAKER: The Colorado Preschool



1 Program.

2 UNKNOWN SPEAKER: You know, and there's  
3 other things kids can do to be ready to learn in  
4 kindergarten, is what I'm saying.

5 MS. NEAL: Which doesn't say they can't.

6 UNKNOWN SPEAKER: And when we get to  
7 programs it just seems a little bit in the box, is all  
8 I'm saying. I can live with it. I just,  
9 (indiscernible).

10 CHAIRMAN LUNDEEN: Advocates for it? And  
11 we're good?

12 UNKNOWN SPEAKER: Yes.

13 CHAIRMAN LUNDEEN: Okay. Data collection  
14 and access?

15 UNKNOWN SPEAKER: What's happening -- what  
16 happened in our legislation that would change this?

17 COMM. HAMMOND: I think it's still valid.

18 UNKNOWN SPEAKER: What? It's still pretty  
19 much the same.

20 MS. BERMAN: The 8(a), continue -- this is  
21 the statewide data collection system, right Robert? (a)?  
22 So, continue and increase support, we don't have any  
23 statewide data collection system, so it's not continue.

24 COMM. HAMMOND: (indiscernible) we do.

25 UNKNOWN SPEAKER: Yes, we do.



1 MS. BERMAN: Don't we want to establish a  
2 statewide --?

3 UNKNOWN SPEAKER: And we have --

4 MS. BERMAN: Oh, that's longitudinal data.  
5 I'm sorry, I'm sorry, I'm sorry.

6 COMM. HAMMOND: That's the data  
7 (indiscernible).

8 MS. BERMAN: I'm on another -- I'm on  
9 another one. So forget that one.

10 COMM. HAMMOND: What you really could do is  
11 take out (a), because that is -- that has been brought up  
12 now.

13 MS. MELLOW: Mr. Chair. Jill just whispered  
14 to me that this is related to the budget ask from last  
15 year, potentially, or this language could be read that  
16 way.

17 COMM. HAMMOND: Right. That's' why I say --

18 MS. MELLOW: So, something to think about as  
19 you consider (a). Remember, last year there was a fairly  
20 --

21 CHAIRMAN LUNDEEN: Yeah. We, you know, I  
22 think that 3-million, or whatever it was.

23 MS. MARKEL: Okay.

24 MS. BERMAN: So, you're saying it should  
25 stay in there because we want more money?



1 MS. MARKEL: No. I'm saying last year it  
2 was in there, because we wanted more money last year, we  
3 got the money.

4 MS. BERMAN: And we got the money, so we  
5 should take it out.

6 UNKNOWN SPEAKER: Or we don't need it.

7 UNKNOWN SPEAKER: We don't need --

8 MS. MELLOW: I don't make recommendations to  
9 you all about it, but I don't (indiscernible) is  
10 (indiscernible).

11 UNKNOWN SPEAKER: But that's what we were  
12 saying here, too.

13 MS. MELLOW: Great, all right.

14 COMM. HAMMOND: I would say -- I would  
15 recommend you take out

16 COMM. HAMMOND: (a), it's no longer --

17 CHAIRMAN LUNDEEN: Big deal. (a) comes in -  
18 - and on (d), which we put in last year an  
19 acknowledgement of this rising concern over data privacy.  
20 You know, I'd like to, you know, instead of supporting  
21 (indiscernible) measurement data security, I'd like to  
22 really find that we move ourselves into a leadership role  
23 on this, where other states are looking to us somehow.

24 I really think this is something we want to  
25 work hard to get ahead of the curve on, so --



1 MS. BERMAN: Maybe, Carrie, you can come up  
2 with a phrase that's stronger?

3 CHAIRMAN LUNDEEN: Yeah. Give us something  
4 that moves us into a leadership role on that.

5 MS. BERMAN: Our data security officer.  
6 But, Robert, where I was going is, do we want to put  
7 something in our legislative priorities about funding or  
8 developing or establishing a statewide data collection  
9 system. That would release so much burden from school  
10 districts, and I know it needs to be funded, but that  
11 means the data gets pulled up and we're not -- we're just  
12 taking all that away from the school districts, and they  
13 seem to be begging for it.

14 COMM. HAMMOND: If you -- from my  
15 perspective, if you really wanted to take the lead, and  
16 this has been talked about with some districts, and this,  
17 you know, with providing the state would fund it, it  
18 would be a statewide student information system. Because  
19 every district has their own, about 75 percent of the  
20 districts are with one particular vendor, but if you  
21 offered a statewide solution where a district could still  
22 modify that, then it would take away the burden of cost  
23 of districts and, quite frankly, you know, you've got to  
24 work around the security, everything like that, but  
25 several states have that, and it takes a tremendous



1       burden away from local districts to maintain their own  
2       student information system.

3                       Then the information's automatically  
4       available for what is required in the report.

5                       MS. BERMAN: But, is that a legislative  
6       issue, or is that something we could do if we had the  
7       money?

8                       COMM. HAMMOND: If we could -- well. If --  
9       that's both, okay. I think that takes the legislative  
10      support and the funding, because you're talking probably  
11      about a \$16-million project. It was --

12                      MS. BERMAN: Sixteen?

13                      UNKNOWN SPEAKER: Sixteen, or sixty?

14                      COMM. HAMMOND: I believe we talked about --  
15      I'm just guessing right now, but I think it was probably  
16      \$16-million --

17                      UNKNOWN SPEAKER: Sixteen?

18                      UNKNOWN SPEAKER: One-six, or six-oh?

19                      UNKNOWN SPEAKER: Sixteen.

20                      COMM. HAMMOND: One-six.

21                      UNKNOWN SPEAKER: Okay.

22                      COMM. HAMMOND: My mumbling is  
23      (indiscernible).

24                      UNKNOWN SPEAKER: It is (indiscernible),  
25      yeah.



1 MS. MELLOW: And I would just add it -- I  
2 think it really would require legislation.

3 COMM. HAMMOND: I do too.

4 MS. MELLOW: Particularly in light of the  
5 bill that was passed last year around statewide data  
6 security in the department.

7 COMM. HAMMOND: Yeah. I think you'd want  
8 that support.

9 MS. MELLOW: Yeah. You'd want that.

10 UNKNOWN SPEAKER: Well, I would suggest that  
11 we put it in. It would be a new one, and it would  
12 really, if we're talking about decreasing burden of  
13 school district, this would make a (indiscernible) step  
14 (indiscernible).

15 COMM. HAMMOND: And I'd probably  
16 (indiscernible) challenge from -- that's debatable, from  
17 a data security side. If you had one collection  
18 (indiscernible) could assure the security around that,  
19 you could control that a lot better. But then that's  
20 something you -- if you --

21 CHAIRMAN LUNDEEN: If you can make the case  
22 you can improve personal privacy by doing something of  
23 this nature, I think you might have something that would  
24 --

25 COMM. HAMMOND: It'd probably be around



1 privacy and burden. Okay?

2 CHAIRMAN LUNDEEN: Well that would be -- to  
3 my mind that would be secondary. The burden on district,  
4 but I acknowledge that that potentially could relieve a  
5 burden, but I think the primary thing to get that one,  
6 this idea, across the finish line. I think you need to  
7 demonstrate you can improve personal privacy security  
8 issues.

9 COMM. HAMMOND: My guess I'll  
10 (indiscernible) probably we could give them how some  
11 districts reflected data right now. Okay, and the  
12 point's well taken.

13 We can work on something and talk about it  
14 further and get some guidance.

15 CHAIRMAN LUNDEEN: Well, okay. And so, the  
16 final one is state board authority. Just an  
17 acknowledgment to -- with a, you know --

18 UNKNOWN SPEAKER: That we need to work on  
19 that, okay.

20 CHAIRMAN LUNDEEN: No. I think --

21 COMM. HAMMOND: People are just  
22 (indiscernible).

23 CHAIRMAN LUNDEEN: Yeah. Keep those  
24 knuckleheads from across the street from causing us  
25 trouble. Right?



1 UNKNOWN SPEAKER: Yeah, Paul.

2 CHAIRMAN LUNDEEN: We get it. Which  
3 (indiscernible).

4 MS. NEAL: You're going to be one of those  
5 knuckleheads.

6 CHAIRMAN LUNDEEN: I've got a foot in each  
7 bucket right now. This is dangerous.

8 MS. NEAL: Okay.

9 CHAIRMAN LUNDEEN: So, are we there?

10 UNKNOWN SPEAKER: Yeah, I think we're there.  
11 I'm there.

12 CHAIRMAN LUNDEEN: Okay. Next item then.  
13 Thank you very much, Ms. Mellow. Next item is board  
14 reports.

15 MS. NEAL: Thank you, Jennifer.

16 UNKNOWN SPEAKER: Oh, good. Oh, good.

17 CHAIRMAN LUNDEEN: Thank you very much for  
18 making two stops by today.

19 MS. MAZANEC: Oh, I got to find it, board  
20 report.

21 CHAIRMAN LUNDEEN: Board reports. Who would  
22 like to go?

23 MS. MAZANEC: I'll go.

24 CHAIRMAN LUNDEEN: Pam's going to go first.

25 MS. MAZANEC: I was able to go to Larkspur



1 Elementary School in the -- when they did the green  
2 schools tour, and that was so fun. The school, as you  
3 know, it was where my kids went to school, and haven't  
4 been there in a long time, and there's been a lot of  
5 changes. And the kids did such a great job of  
6 presenting. They were the sixth graders, you know, and I  
7 was there early because everybody else was late because  
8 of traffic, so they practiced on me.

9 It was -- it was really quite impressive.  
10 And I just had a great time. It was really fun. And I  
11 find it interesting we have a sort of swampy pond in the  
12 back of Larkspur Elementary School that when my kids went  
13 there, we tried our best to keep them out of it, and now  
14 they study it. So, you know, they're a great school.  
15 So, they're just -- it was fun. So, I really enjoyed it.

16 CHAIRMAN LUNDEEN: Excellent. Angelika?

17 MS. SCHROEDER: So, I'm actually going to  
18 have a hard time reporting on the program I went to that  
19 was sponsored by CDE and the Colorado Workforce  
20 Development Council.

21 COMM. HAMMOND: Angelika, we did send that  
22 to all the board.

23 MS. SCHROEDER: Did you?

24 CHAIRMAN LUNDEEN: Yeah.

25 MS. SCHROEDER: It was really very well



1 received. I thought that the student out -- the  
2 definition of student outcomes is very, very helpful. It  
3 was such a mixed group of individuals, and then we had  
4 opportunities to provide input, including -- given that  
5 there's so much more that we want students to learn other  
6 than just the academics, how do we support that on  
7 account -- how do we make the accountability reports much  
8 more meaningful in terms of all the things that we want  
9 students to accomplish while they're in our schools, at  
10 least. We're kind of creative. There are people who had  
11 all sorts of ideas. I'm not -- I'm looking forward to  
12 the final -- or the next step on this. But it was a  
13 different way of looking at accountability, and it was  
14 also emphasizing what we want from our schools that's --  
15 you would love it, Paul, yeah.

16 UNKNOWN SPEAKER: I heard -- I hear from  
17 others it was excellent, too. Really a lot of kudos  
18 (indiscernible) the CDE staff.

19 MS. SCHROEDER: Yeah. It was -- It was --  
20 It was very well done. Yes, kudos to staff. Kudos to  
21 the other folks that came and presented and dissipated,  
22 because it was such a mixed group and it was dynamic and  
23 it sort of took us to the 2.5, 3.0 notions of what we  
24 want education to be.

25 And then I attended the, I think it was, the



1 A plus program from Denver, that's now renamed itself to  
2 Catapult?

3 UNKNOWN SPEAKER: No, that's Get Smart  
4 Schools.

5 MS. SCHROEDER: Get Smart Schools, sorry.  
6 So, it was a Get Smart Schools program --

7 UNKNOWN SPEAKER: It's now catapult?

8 UNKNOWN SPEAKER: Yeah. It is now catapult.

9 MS. SCHROEDER: That was somewhat similar in  
10 terms of the discussions about it's not just about -- it  
11 is the academics, but it's so much more heard from  
12 industry leaders of what we really need.

13 Heard a presentation from a gentleman from,  
14 let's see, the CDE program was the IBM guy, right? So,  
15 this one was -- oh, I've lost it. This one was from Kent  
16 Theory (ph) from -- a CEO from Devita (ph) emphasizing  
17 that it is -- that the academic portion is necessary, but  
18 not sufficient, and the five C's and what they're -- what  
19 they were looking for, but also ways that we can teach  
20 these things in our schools if we sort of reinvigorate  
21 and restructure them.

22 And to Marcia's point, have students assume  
23 responsibility for their learning. The notion of  
24 personalization does bring around that sense of  
25 responsibility that will change how they perform on



1 assessments where they demonstrate their proficiency and  
2 it becomes something that they want to do.

3 It's, you know, you kind of hear it over and  
4 over and over again, which I find very helpful. I'm not  
5 sure we're having the discussion yet with our parents in  
6 a real, meaningful way, that's what I think probably our  
7 next step is. But I enjoyed both the programs very much.  
8 I thought them very inspiring.

9 CHAIRMAN LUNDEEN: Down here.

10 MS. NEAL: Elaine.

11 UNKNOWN SPEAKER: (indiscernible) Elaine go  
12 --?

13 CHAIRMAN LUNDEEN: Elaine?

14 MS. BERMAN: Okay. First, I also did the  
15 green schools. I did the one in Denver, which was  
16 terrific, so that's a nice little award program that DOE  
17 does. But what I really want to talk about is my school  
18 tours to Southwest Colorado. I kept Marcia very  
19 appraised of where I was going, and what time, and I was  
20 hoping maybe we can meet up in Ouray, but I didn't get  
21 there in time.

22 So, we scratched that.

23 So, the first thing I want to talk about is  
24 that Bizzy put together the most amazing briefing book  
25 that I will pass around to all of you. It is the most



1 comprehensive -- I don't know if the staff should see it,  
2 because maybe you might want one of your very own, but  
3 it's got the name of every school district, the data on  
4 the school districts, how to get there, contact  
5 information. I mean, it is -- it is really, really -- it  
6 was nothing missing. Nothing. So, Bizzy, very, very,  
7 very good work.

8 I went first to Huerfano School District,  
9 then I went to Alamosa, then I went to Center. I spent  
10 the night in Durango. Poor Keith, oh he's gone. Too  
11 bad. I kept texting him saying, "Where should --?" You  
12 know, the, "I can't find a hotel? Where should I stay?"  
13 Then I finally found a hotel.

14 CHAIRMAN LUNDEEN: Where's the best fishing  
15 hole?

16 MS. BERMAN: Then I said, "Okay, where do I  
17 go to dinner?" and then he'd tell me where to go to  
18 dinner. So, all his recommendations were excellent, so  
19 that was day one. Day two, I went to Silverton, which  
20 was really interesting for me. They have a total of 67  
21 students in their school building, and in their school  
22 district, so they have, and, you know, they're pretty  
23 separated by two significant mountain passes on either --  
24 on either side.

25 And I also spent a lot of time -- oh, before



1 I went to Silverton I went to Ignacio, which was also  
2 fascinating, because it's an Indian reservation, but it's  
3 kind of what they call checkerboard, so it's like an  
4 Indian reservation in a -- in a -- interspersed with a  
5 non-Indian reservation.

6 CHAIRMAN LUNDEEN: Sections.

7 MS. BERMAN: The evidence of Best was  
8 amazing. I mean, every, single place either had a  
9 remodeled school, or brand-new school buildings, and  
10 really became the pride of the community. The only one  
11 that didn't -- that really was hurting pretty bad, was  
12 Huerfano. That was a pretty poor location.

13 So, the second I went to Ignacio and I went  
14 to Silverton I did not -- I didn't make it to Durango,  
15 which was probably okay, because very unfortunately the  
16 day I was supposed to go one of their school counselors  
17 committed suicide, which was a very sad event.

18 And by the time I got to Ouray school had  
19 closed. But I did spend the weekend in Ouray, I went  
20 Jeeping, which is -- not done that before. But when  
21 Jeeping and went hiking and it was -- and then I spent my  
22 last night, Marcia --

23 MS. NEAL: Gateway, huh?

24 MS. BERMAN: In Gateway. Jeeping.

25 CHAIRMAN LUNDEEN: Driving -- and four-



1 wheeling.

2 UNKNOWN SPEAKER: Oh, I thought you said  
3 sheeping.

4 MS. BERMAN: Sounds like cheeping, I know.  
5 What would that be, Robert, sheeping?

6 Spent the last night at Gateway, which was -  
7 - that was pretty interesting, too.

8 MS. NEAL: And I think that that's great. I  
9 felt a little guilty, Elaine was visiting my schools and  
10 I wasn't. But I would comment that the building in  
11 Silverton was the one I was most impressed with, because  
12 they didn't build a new one. The other ones got -- and  
13 they took this old, stone building and just redid the  
14 inside of it, and it was wonderful.

15 And when we were there the kids would show  
16 you around and they had a lot of up-to-date technology,  
17 though they just now, Keith left, just -- she emailed me  
18 not, like, finally got there broadband.

19 UNKNOWN SPEAKER: That's what I heard.

20 MS. NEAL: Yeah. And they (indiscernible)  
21 without broad -- that was always my best example of no  
22 broadband with Silverton, so they got it just last week,  
23 so --

24 MS. BERMAN: Oh, that's good news.

25 MS. NEAL: Yeah. I want -- and I kind of



1 wanted to go -- I think it might have been right now,  
2 because I couldn't go because of this. So, but anyway, I  
3 thought that was great that you did that.

4 MS. BERMAN: Well, it was fun, and it was  
5 absolutely beautiful, and we could not have picked a  
6 better two or three or four days to go. And I did have  
7 some fun as well, but I did learn a lot about the  
8 challenges of the school districts, and I did hear a  
9 common theme from everybody, and I think the commissioner  
10 knows what that common thing is. Too much, too much, too  
11 much reporting, too much -- and we, the CDE, kind of gets  
12 the brunt of it when it's really the state --

13 UNKNOWN SPEAKER: They're not hearing you.

14 UNKNOWN SPEAKER: We can't hear you

15 UNKNOWN SPEAKER: Sorry, she's turned this  
16 way, so --

17 MS. BERMAN: Oh, I'm just blabbing, so don't  
18 worry about it. But I do have it on. Too much  
19 bureaucracy, too much reporting, and -- but that's mostly  
20 from legislative requirements versus what we're asking.

21 I -- he's going to take care of it, but I  
22 was so glad I did it. It was just -- and Steve kept me  
23 company and he wasn't looking forward to it, and he  
24 really -- he will tell you it was fantastic. So, I urge  
25 everybody, go out, visit schools, you'll get a whole



1 different sense of what's going on out there.

2 COMM. HAMMOND: And they really appreciate  
3 that.

4 MS. NEAL: Yeah, and they do. They do.  
5 Well --

6 CHAIRMAN LUNDEEN: Elaine, you done?

7 MS. NEAL: Well, I -- and kind of, on a more  
8 negative point, sort of fills in with what you -- I  
9 attended a rural schools counsel last week in Glenwood  
10 Springs. It was a small group, and -- but was very well  
11 done, and I always enjoyed my rural schools a lot.

12 But I need to say, I think, you know, they  
13 echoed that same feeling and we all have to remember that  
14 rural schools don't have curriculum directors and  
15 assessment directors and all of those things. And they  
16 feel very overwhelmed, and I think we need to be prepared  
17 for that as we move forward. Some of them are  
18 practically ready to march on the capital.

19 And there is some confusion, and I never  
20 know, but, you know, blame the legislature, because I  
21 have -- I've talked about that a lot. We need to stop  
22 doing so much, because we're always doing something, and  
23 that means another thing for them to do, another -- but  
24 they also can blame us a little bit, because they think  
25 our rulemaking is more than it needed to be, and so, you



1 know, it's a real concern, because they -- it's real  
2 difficult for the rural schools. And I don't know -- I,  
3 you know, I know they're very unhappy, and I don't know  
4 how that will all play out, but they're really -- they're  
5 good people, and I enjoy them a lot. So --

6 CHAIRMAN LUNDEEN: Down this way. Jane?

7 MS. GOFF: Well, appreciate all of that. I  
8 have been interspersing couple of other sets of activity  
9 with spending great time with NASB and in preparation for  
10 the first gather -- national gathering of the National  
11 Association of State Boards of Ed in Denver next week.  
12 So, we're looking forward to welcoming all the state  
13 board members to our wonderful place of business and life  
14 and learning.

15 The -- couple of highlights for you. Both  
16 our chair and I will be opening conveners at the first  
17 session on Thursday morning, October 16th, I believe it  
18 is?

19 CHAIRMAN LUNDEEN: Yes, it is. The  
20 sixteenth.

21 MS. GOFF: And we will be -- our  
22 commissioner will be there with us. He gets off easy,  
23 though. He doesn't have any -- he doesn't have any  
24 duties at breakfast at 7:30 in the morning. So, we will  
25 start it off. There's a whole series of great breakout



1 sessions if you've all seen the agenda and, with  
2 registration, you'll get all the information about the  
3 local area.

4           When you live in a place that's hosting a  
5 big meeting, it's a -- it's a good reminder to have  
6 someone who's coming give you a call and say, "We need  
7 suggestions and --?" Or "Suggestions and destination  
8 ideas for this day and this day and --" so it's been a --  
9 I've had a little bit about that.

10           Everyone will get all kinds of good  
11 information about the area, restaurants, our visit to the  
12 Colorado History Museum on Friday evening, and other such  
13 information. But we have timely topics this year. There  
14 is -- there is a special session for state education  
15 attorneys and there's also our state executive affiliate  
16 is also doing this meeting jointly with us. And I think  
17 Carrie will be, at least part of the time, is -- will be  
18 on site in that -- in her -- in her membership of that  
19 organization there is one called "We got this." State  
20 boards and local school boards working together. And  
21 this has been planned for, gosh, over a month. So, it's  
22 a -- coincidental, if nothing else, that we're having  
23 this kind of opportunity to talk again.

24           And there is a special kind of session, it's  
25 geared toward the attorney group, but we're working



1 flexibility so that others can drop in on the data  
2 privacy and security privacy issues. Some of the updates  
3 and policy thinking at the national level, among other  
4 states and such as that. But we've got the leadership  
5 building, we have a couple of panels that are dealing  
6 with some of our hot issues these days, and what we're  
7 interested in policy-making about.

8           There is a panel discussion on a tiered  
9 model for teacher certification. So, the entire general  
10 area of teacher licensure, teacher accreditation, and so  
11 forth, is always a present conversation. So, we talk  
12 about (indiscernible) and you tell it (indiscernible).

13           New -- alternative, not necessarily new, but  
14 an alternative approach to thinking more, always, about  
15 teacher certification. And some good things for state  
16 boards. We're also recognizing various award winners,  
17 created the first ever -- it's called the David Casilco  
18 (ph) Award. David is NASB's recent, very recent,  
19 retiree, but who had been with the organization since  
20 it's beginning in the '50s and since -- since -- but he's  
21 not that old, but he's been through the entire history  
22 and the transition to various things.

23           Editor, writer, researcher, publicist,  
24 qualifications, so we're honoring him. And then -- and  
25 former state board members and a couple of current state



1 board members for contributions. So, really looking  
2 forward to it. One of the things that we need -- part of  
3 that meeting is the actual business meeting, and it is on  
4 Thursday afternoon, beginning at 5:00, it's not a  
5 complicated meeting. We -- basically that's when we do  
6 our business. The business this particular year  
7 involves, as always, an approval, a support, for what are  
8 -- what are known as recently added public education  
9 policy positions.

10 There is a committee of appointed state  
11 board members across the country that gather every year  
12 to look at -- they look at what research the organization  
13 may have been doing for the previous year. A lot of new  
14 position policy statements are based on the prior year's  
15 study group work now.

16 Dr. Schroeder has been on numerous  
17 consecutive study groups for NASB, and the most recent  
18 one. What is on -- going on now is the whole student  
19 engagement concept. Last year, then, our new -- or  
20 additions to the positions will be based on last year's  
21 study groups. So, those were -- some of the areas around  
22 technology, kind of a next-step level technology study,  
23 that's it.

24 UNKNOWN SPEAKER: Educator effectiveness on  
25 --?



1 MS. GOFF: Educator effectiveness, living in  
2 another -- or being born in another time was -- part of  
3 that, as far as the technology advances for young  
4 students. But, as a board, we are asked as a board to  
5 support a recommendation to support and to approve the  
6 new additions to the policies -- I can't keep my internet  
7 connected. I had every intention of sending these to you  
8 all today. But I will do that very quickly. And, to --  
9 we have to designate a voting delegate for purposes of  
10 supporting new business. And we also elect the NASB  
11 President Elect at this meeting, which is the president  
12 for the following year, and we need to have a vote -- a  
13 voter of record for that as well.

14 CHAIRMAN LUNDEEN: And you can't be that,  
15 because of your chairing --

16 MS. GOFF: I cannot be either of those.

17 CHAIRMAN LUNDEEN: So --

18 MS. GOFF: Either voting delegate, or  
19 alternate, because I have to chair that meeting. So --

20 CHAIRMAN LUNDEEN: Elaine, are you going to  
21 be there at 5:00? Do you want to fight Angelika for the  
22 opportunity to be the voting delegate?

23 MS. BERMAN: No. I don't want to fight with  
24 Angelika.

25 CHAIRMAN LUNDEEN: Okay. So, then it looks



1 by consensus as if Angelika will be that voting member.

2 MS. GOFF: And we need an alternate, just --

3 CHAIRMAN LUNDEEN: And an alternate. Which  
4 will be Elaine, who was going to fight with Angelika, but  
5 she's going to be alternate instead.

6 MS. BERMAN: I'll be the alternate knowing  
7 that I won't be needed unless Pam will be there.

8 MS. MAZANEC: No, I can't --

9 CHAIRMAN LUNDEEN: I'll be there in the  
10 morning. But I won't be there at -- later in the day.

11 MS. NEAL: Is it just for that day, or for  
12 the evening?

13 MS. GOFF: The delegate is just for the  
14 annual -- the meeting, the business --

15 CHAIRMAN LUNDEEN: Might (indiscernible) on  
16 Thursday.

17 UNKNOWN SPEAKER: Are you there, Marcia?

18 MS. NEAL: I'm coming in the morning. I'll  
19 be there just that one day. Yeah.

20 CHAIRMAN LUNDEEN: Thursday, the 16th.

21 UNKNOWN SPEAKER: But, on Thursday?

22 MS. NEAL: Yeah.

23 COMM. HAMMOND: I'll be there, too.

24 MS. NEAL: Thursday.

25 UNKNOWN SPEAKER: But you're only going to



1 be there in the morning, or you're going to stay  
2 (indiscernible)?

3 MS. NEAL: No. I'm coming the night before  
4 to stay overnight, and then I'll be there --

5 UNKNOWN SPEAKER: Okay.

6 MS. NEAL: And then I'll be there, because I  
7 wanted to hear Paul and Jane. I wanted to be there at  
8 8:00. So, then I'll spend the day and I'll fly home that  
9 evening.

10 MS. GOFF: And don't have your feelings hurt  
11 if Elaine doesn't quite make it for that opening 8:00  
12 session.

13 CHAIRMAN LUNDEEN: Okay, report?

14 UNKNOWN SPEAKER: So we're all consensed  
15 about everything?

16 CHAIRMAN LUNDEEN: Yeah. I think we're good  
17 to go. And does that finish your report?

18 MS. GOFF: Just until next week and --

19 CHAIRMAN LUNDEEN: Sounds good. Well, I'll  
20 see you bright and early on Thursday morning. Okay, so I  
21 have just a few brief items. More back toward the  
22 business side. You are probably all today tired of  
23 hearing me talk about flexibility , especially  
24 flexibility in the provision for rural schools, but I  
25 understand there is in the conversation out there right



1 now, an effort underway to look for means for rural  
2 school district to have a greater flexibility in their  
3 operations.

4 I understand that some people believe that  
5 this is necessary for those districts to use charter  
6 schools to achieve that level of flexibility, and I'm  
7 curious, so I'd like to get into this. I'd like to have  
8 some staff feedback and explanation, and perhaps from the  
9 thousands and tens of thousands of people that listen to  
10 us, perhaps someone would be glad to reach back to me and  
11 explain what specific issues demand this increased  
12 flexibility for the rural school districts and wanted to  
13 understand what's going on.

14 This -- I understand this effort is flying  
15 under the banner of the Rural Agility Project, and so I'd  
16 like to know specifically why charter schools are the  
17 answer to this, if there is an innovation solution that  
18 might be available, you know, perhaps we should look at  
19 that first. So, I'd like to know what other flexibility  
20 measures may be available.

21 So, that was my first item. Second item --  
22 UNKNOWN SPEAKER: I want to make a comment  
23 on that, but you can --

24 CHAIRMAN LUNDEEN: Please go ahead. No, go  
25 ahead, because I'm going to change gears.



1 UNKNOWN SPEAKER: Yeah. I've heard a little  
2 bit about this agility task force that CASB has  
3 assembled, so I think we'd all like to hear a little bit  
4 more about that. You know, it seems to me we're putting  
5 the Band-Aid on and not really curing the patient, so to  
6 speak. I mean, everybody wants more flexibility, so  
7 rather than looking at, you know, innovation status, or  
8 charter school status, or whatever, let's figure out what  
9 kind of flexibility they're looking at, and then it would  
10 most likely be legislative solutions rather than our own,  
11 but I think we need to go deeper than figuring out how  
12 they get around the statute, and figure out what are the  
13 key statutes they're -- they have the most opposition to.  
14 Is it all around assessment? Is it around reporting?  
15 And, Robert, you probably have a lot of --

16 COMM. HAMMOND: Let me just kind of -- we --  
17 it is a CASB project. Couldn't agree with you more.  
18 We've reached out to them. We have yet to get a  
19 proposal. We've yet to get any ideas. We've had several  
20 meetings with them. We're anxious to help them find the  
21 flexibility with whatever they want. That's what started  
22 the whole READ Act. Whether that's (indiscernible) or  
23 not. And that did tie into what you read about I sent  
24 you on Douglas County. But that was one of the reasons  
25 can we wave out the READ Act under innovation status, or



1 under a charter school?

2 And it was very clear to the legal opinion  
3 from the attorney general; no. But is anything else out  
4 there waivable? So, we're -- we've made the offer to  
5 CASB, and may not answer all your question, but we're  
6 willing to look at anything to help those districts, but  
7 we haven't bene approached any further to know exactly  
8 what they want.

9 I mean, we'll put anything on the table.

10 CHAIRMAN LUNDEEN: Yeah. And my question  
11 is, what is the root issue, or the root set of issues,  
12 that are being grasped at through this process?

13 COMM. HAMMOND: It's the burden of  
14 assessments. It's the burden of educator -- it's every  
15 one of the measures that are impacting them, because a  
16 lot of them -- especially in the northeast part of the  
17 state. They've lost enrollment in some of the districts.  
18 They're spending down the reserves. They don't have the  
19 staff, in their opinion, to meet many of the reform  
20 measures.

21 So, I mean, it's multiple, but I'd be glad  
22 to talk to you further.

23 CHAIRMAN LUNDEEN: Okay. And perhaps we'll  
24 hear back from CASB as well.

25 UNKNOWN SPEAKER: Paul.



1 CHAIRMAN LUNDEEN: Yes.

2 UNKNOWN SPEAKER: I was included in the  
3 letter that a CASB member sent to the entire CASB Board  
4 about the delegate assembly that CASB had, I think last  
5 weekend. And her concern was that -- two things. One,  
6 she felt that so much of the pushback right now is just  
7 fear, because we don't -- there are so many things that  
8 are changing, and they don't really know how it's going  
9 to affect them. And, clearly, a misunderstanding, at  
10 least on the part of school boards, what all this really  
11 is.

12 So, they're thinking that every school,  
13 every small school district, is going to be on turnaround  
14 based don't he expectation that the PARCC assessments are  
15 going to generate different results than the TCAPs have.

16 I mean, there's just so much missing in  
17 terms of information. My observation is that CDE  
18 communicates with school districts and superintendents  
19 and gets the information out there, but beyond that  
20 school board members have no idea. They just get the  
21 rumors. And that was, essentially, what this board  
22 member said she was so shocked, and she actually had  
23 questions about what is -- what's going to happen here,  
24 here and here.

25 And I shared that with Robert thinking that,



1 one, CASB has got an obligation to inform their  
2 membership a whole lot better than they already do. And,  
3 two, what can we do to help? Because that was surprising  
4 to her, because she's been keeping up with stuff, and it  
5 was a really -- a big worry.

6 CHAIRMAN LUNDEEN: Right.

7 COMM. HAMMOND: What I've said to staff  
8 here, very honest with you, whatever we can do to help  
9 our rurals, or whoever is bringing up (indiscernible)  
10 anything if it's possible. I mean, my bottom line is  
11 whatever is legal, whether we disagree or not, we'll help  
12 (indiscernible). And so, I just haven't got anything.

13 MS. NEAL: And see, what I was hearing from  
14 them, which, again, they should -- was more on the small  
15 staff and the -- frequently they are the only one  
16 computer lab, and they say whether it's going to be  
17 closed down, shut down for a month while the kids are  
18 doing tests, and those kind of things that the -- not  
19 having the staff to facilitate this.

20 CHAIRMAN LUNDEEN: And none of these -- I'm  
21 not hearing things that charter -- turning it into a  
22 charter results in a decision. So, getting at the root,  
23 what are we dealing with here is really the question.

24 COMM. HAMMOND: Yeah. And part of it is,  
25 the charter provides -- charter and innovation status



1 provides an avenue that -- to waive out of certain  
2 statutes that you can't, as a regular district, and  
3 that's a part of the problem, which can be addressed  
4 possibly legislatively.

5 One thing I kind of just do a side note on?

6 CHAIRMAN LUNDEEN: Sure. Absolutely.

7 COMM. HAMMOND: On your legislative  
8 platform.

9 CHAIRMAN LUNDEEN: We're staying till 7:00  
10 tonight anyway, so --

11 COMM. HAMMOND: You may want to clean your  
12 legislative platform. Is that when legislation is  
13 passed, I don't know how to word it, but some  
14 acknowledgement as to the size of the school district and  
15 its applicability, you would support anything that would  
16 differentiate a district. For example, 105 districts are  
17 less than 1000. When you pass laws on transparency and  
18 other thing, do you want to make it 1000 or 500 that  
19 would exempt some districts from certain people as a  
20 legislation. I think -- I think that would go a long  
21 ways, too, if you put that in your platform, if you would  
22 support something like that.

23 CHAIRMAN LUNDEEN: Okay.

24 COMM. HAMMOND: Thanks, Paul. I --

25 UNKNOWN SPEAKER: Can I ask Robert a



1 question that as on this topic, because I know you -- I  
2 know that you care about this one, too. So, I mean, the  
3 state board is very generous about granting waivers, and  
4 I don't think we have ever denied a waiver request.

5 Are the waivers -- I should know this after  
6 all these years. Are the waivers that we get requests  
7 for different than waivers that charter schools are able  
8 to utilize? In other words, if these districts had a  
9 help in applying for waivers that we have the authority  
10 to grant, would that help?

11 COMM. HAMMOND: Yeah. We'll help them with  
12 it. Is that what you're asking?

13 UNKNOWN SPEAKER: No.

14 COMM. HAMMOND: Okay.

15 UNKNOWN SPEAKER: I'm asking whether the  
16 waivers that the state board has the authority to grant;  
17 are those more limited and chartered than the waivers  
18 that come with the charter school status.

19 COMM. HAMMOND: Yes. Charters and  
20 innovation will act -- and I would probably have to bring  
21 Rebecca in here to talk about it more. But you can waive  
22 out of certain requirements if you're a charter or under  
23 innovation status more than you can as a regular school  
24 district.

25 UNKNOWN SPEAKER: Because, I haven't paid



1 that much attention to all the waiver requests we get,  
2 and what we get them for.

3 COMM. HAMMOND: Right.

4 CHAIRMAN LUNDEEN: And I would bring back  
5 the focus of my comment as root, root, root.

6 UNKNOWN SPEAKER: sure.

7 CHAIRMAN LUNDEEN: Since we're talking  
8 rural, let's talk about the roots.

9 UNKNOWN SPEAKER: Sure.

10 CHAIRMAN LUNDEEN: What are the root issues  
11 here that we're trying to get at, and what is the  
12 appropriate pathway for addressing those issues? So  
13 that's just what I was reaching out and asking for some  
14 engagement on.

15 COMM. HAMMOND: That's a good point.

16 CHAIRMAN LUNDEEN: So that wraps that  
17 particular item? Fair enough.

18 The next item I wanted to talk about is I  
19 just wanted to be really clear. This is something where  
20 I've always been very -- personally, I've always been  
21 very sensitive to the fact that the State Board of  
22 Education has a specific voice and CDE has a specific  
23 voice.

24 And there are certain things that the state  
25 board does, in fact, have authority over innovation



1 status granting waivers as Elaine just mentioned as well  
2 are, in fact, a couple of those areas where specifically  
3 it is the board's authority.

4 A media report came out here this last week,  
5 I got it, that basically left me with the impression that  
6 the CDE was kind of acting and drawing conclusions based  
7 on things that ultimately, when they come to their full  
8 bloom, an innovation request would come before the board.  
9 And so, I just wanted to call out and make sure that all  
10 innovation requests, when they are complete and  
11 submitted, do come to the board.

12 In a sense, I looked at the statute and the  
13 statute is in my mind very clear that, in fact, it is  
14 this board, not the double voice of SBE and CDE, but  
15 specifically the state board that has the authority to  
16 grant or not grant innovation status.

17 So, that was just something I personally  
18 wanted to call out. And since we talked about it  
19 earlier, I wanted to get it in the record. And --

20 MS. BERMAN: But Paul, I have a comment.

21 CHAIRMAN LUNDEEN: Well, of course Elaine  
22 has a comment.

23 MS. BERMAN: Of course.

24 CHAIRMAN LUNDEEN: This is -- I've learned  
25 that I can generate a comment from Elaine by opening my



1 mouth.

2 MS. BERMAN: And you did it once again. The  
3 way I see it the role of the staff is to bring forward  
4 proposals after they've reviewed the legality of those  
5 proposals with the requesting district or school. So,  
6 I'm assuming that you're referring to Douglas county, and  
7 I'm --

8 CHAIRMAN LUNDEEN: Absolutely. And I -- and  
9 I'm not trying to deny the counselor effect that the --  
10 that CDE and the staff play to the state board. I'm just  
11 drawing the line in the sand that says CDE doesn't have  
12 the authority to reject or approve, simply to counsel, on  
13 here's how we're seeing things. Ultimately, a completed  
14 application for innovation status of any nature comes to  
15 the state board. And I just want to make sure that's  
16 clear in statute and in the minds of all of us and all of  
17 the folks at CDE. That's where I'm going.

18 COMM. HAMMOND: And as commissioner I'd say  
19 absolutely.

20 CHAIRMAN LUNDEEN: Absolutely I'll --

21 COMM. HAMMOND: Absolutely.

22 CHAIRMAN LUNDEEN: I'm glad to hear that.  
23 So, you're in agreement then?

24 COMM. HAMMOND: With the -- a fully  
25 completed application, once accepted, review with our



1 recommendation will always come to you. And I -- quite  
2 frankly, by statute, I think when somebody submits an  
3 innovation request it would probably come to both of us,  
4 okay? And then we have up to 60 days to review it, work  
5 with them if it's not complete, and then bring it to you.

6 CHAIRMAN LUNDEEN: That is a correct  
7 representation. Applications come to both the  
8 commissioner and the board. The CDE would obviously  
9 provide counsel, which is I think the point you were  
10 trying to get to, and the board would take action.

11 COMM. HAMMOND: but that doesn't stop me  
12 from giving guidance to a district, which I do.

13 CHAIRMAN LUNDEEN: Elaine's point this way.  
14 Jane has a comment.

15 MS. GOFF: Well, that ties in. There have  
16 been some interesting decision-making points on our part  
17 through some of -- a couple of those processes. Because  
18 one thing that I would have probably gotten around to, I  
19 would have -- the legislative platform or priorities, the  
20 authority of the state board to do just about anything in  
21 that act is so limited. We basically have only two  
22 grounds on which to deny or to -- in fact, it's really  
23 taken care of at the local board first. So, when it  
24 comes to us it's pretty much just a formal pass on, and  
25 there are only two things that we can -- we only have two



1 criteria.

2 If an innovation school or district  
3 application cannot be shown to be financially  
4 irresponsible or impractical, and the other one is if we  
5 -- if there is strong enough evidence that it will not  
6 improve student achievement. So, when you -- that's it.  
7 That's the only thing we can say, "Wait a minute" about.

8 CHAIRMAN LUNDEEN: Yeah. Specifically,  
9 technically there is likely to result in a decrease of  
10 academic achievement in the innovation school or  
11 innovation school zones or, two, is not fiscally  
12 feasible.

13 MS. GOFF: Right. And it -- there have been  
14 a couple of times when that's been a little, I think,  
15 awkward on both the state board and the department  
16 working through the application formality with it.

17 I don't know, there are some other factors  
18 in the act that -- some of the requirements in the act  
19 that are interesting and, at some point, would deserve  
20 some conversation. It's not always -- it's not always  
21 evident in every one of those applications that there has  
22 been the required percentage of the groups voting, the  
23 groups support votes. It's not always evident that  
24 that's in there.

25 COMM. HAMMOND: Against (indiscernible).



1 MS. GOFF: It has gotten better over the  
2 years. I will say that. And a couple of other little  
3 things. So, when any of us tries to talk to parents or  
4 explain to them, and I'm sure I'm not the only one that's  
5 gotten a lot of inquiries about this Douglas County vote,  
6 or innovation talk. I just try to be really simple and  
7 short, which I know you won't believe right now. And  
8 bring out those two points where our limitations are and  
9 yet, how the -- how the processes actually culminated in  
10 the end. So --

11 CHAIRMAN LUNDEEN: Fair enough. I beg your  
12 forbearance for two more brief points. I'd like to take  
13 the opportunity to acknowledge and thank District 11 and  
14 Colorado Springs for sharing their resolution concerning  
15 statewide assessments.

16 I read it, and I know that many on the board  
17 recognize the burdensome nature of assessments as a real  
18 issue facing our districts, because the 1202 task force  
19 has been charged with dealing with this, studying  
20 assessments in our state. We've forwarded on over the  
21 District 11 resolution to the task force for its  
22 consideration and inclusion in the report. So that it  
23 will prepare for the general assembly, so I wanted to  
24 publicly acknowledge them.

25 I know that was -- that is a board that is



1 not typically unanimous, and they were unanimous in this  
2 particular item, so it is worth calling out the  
3 seriousness of that in their minds, and I think also in  
4 our minds.

5 The second is like the first. And I know  
6 I'm beginning to sound, or have been now for months,  
7 sounding like a broken record, but I really want to come  
8 back to this idea of the state board as a leader  
9 concerning issues like standards and assessments. I  
10 think that really is in our wheelhouse. There are things  
11 that are very important to us.

12 I'd like to raise, also, the concerns and  
13 recognition that over the course of development of the  
14 new assessments in Colorado, the state board, we have  
15 been a consistent voice, and its desire to drive the  
16 discussion and development of Colorado assessments. What  
17 I would describe as, in Colorado, by Colorado, for  
18 Colorado.

19 As early as 2011 the board sought control  
20 over the development of Colorado statewide assessments to  
21 be developed in Colorado. In 2011 the state board  
22 requested the funding that be dedicated towards the  
23 development of Colorado assessments, and that request was  
24 turned down by the general assembly, and instead Colorado  
25 was in effect, directed to join the PARCC consortium as a



1 governing member and to implement assessments developed  
2 through the consortium.

3 As the conversation and dialogue around  
4 assessments has continued, the state board has remained  
5 active and involved in this conversation.

6 In December of 2012 the state board convened  
7 an issues hearing regarding the impact of federal and  
8 multi-state initiatives on Colorado's public education  
9 system inviting local experts such as state legislator,  
10 superintendents, and representatives from the Department  
11 of Higher Education, along with national experts, to  
12 participate and take part in that discussion.

13 And while Colorado has participated actively  
14 as a governing member of PARCC the concerns around the  
15 multi-state testing initiative have continued among a  
16 vocal constituency leading the board to revisit PARCC and  
17 convene a study session this past April and -- concerning  
18 PARCC, and we took action following that.

19 At the conclusion of the April study session  
20 concerning PARCC the board voted, and this is, I guess,  
21 the genesis of this comment that I'm giving you right  
22 now, is a follow-up to the fact that we did take action  
23 and request that the second regular session of the 69th  
24 General Assembly restore the authority to the State  
25 Board of Education over the statewide assessments by



1     repealing 22710061.5, and in so doing, allow Colorado to  
2     withdraw as a governing member of PARCC.

3                     And yet, Colorado continues to be a  
4     governing member of the consortium, so as I reflect on  
5     where we began this conversation in 2011, and where we  
6     are today, one thing remains constant in my mind, and  
7     that is Colorado State Board has been a consistent  
8     advocate for the development in use of a Colorado  
9     developed set of assessments. And we, I would argue will  
10    continue to do so as we move forward.

11                    So, no comment. That is the --

12                    MS. NEAL: Thank you, Mr. President. I  
13    agree and concur with your conclusions. It's funny that  
14    we talk so much about local control and yet we're not --  
15    we're losing it, you know. We're just losing it. That's  
16    all there is to it.

17                    CHAIRMAN LUNDEEN: It's being rolled up and  
18    up and up.

19                    MS. BERMAN: I would say your comment is --  
20    one thing that you need to add, is that it was not a  
21    unanimous vote in the state board.

22                    CHAIRMAN LUNDEEN: It was not. I do  
23    acknowledge that.

24                    MS. BERMAN: It was a very split board, 4:3,  
25    completely down partisan lines. So, you are speaking on



1 the -- with -- you are representing 4 of the 7 members of  
2 the board when you read that statement.

3 CHAIRMAN LUNDEEN: For the record, the board  
4 did take action, and it was not on a unanimous, as so  
5 much of what this board does vote.

6 So, with that we will move on to public  
7 comment. Since we have been in our seats for such an  
8 extended period of time, I will give my colleagues a  
9 minute to stretch.

10 MS. BERMAN: Seventh inning stretch?

11 CHAIRMAN LUNDEEN: Relieve. Do we have  
12 people signed up for public comment? I would assume so.  
13 So, let's take a one-minute break, be specific to the 60  
14 seconds, and we'll reconvene for public comment. Thank  
15 you.

16 (Meeting adjourned)

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C E R T I F I C A T E

I, Kimberly C. McCright, Certified Vendor and Notary, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of May, 2019.

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

Verbatim Reporting & Transcription, LLC  
1322 Space Park Drive, Suite C165  
Houston, Texas 77058  
281.724.8600