



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
December 10, 2014, Part 1

BE IT REMEMBERED THAT on December 10, 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: The State Board will come
2 back to order. Staff, please call the roll.

3 MS. MARKEL: Elaine Gantz Berman.

4 MS. BERMAN: Here.

5 MS. MARKEL: Jane Goff.

6 MS. GOFF: Here.

7 MS. MARKEL: Paul Lundeen.

8 CHAIRMAN LUNDEEN: Good morning.

9 MS. MARKEL: Pam Mazanec.

10 MS. MAZANEC: Here.

11 MS. MARKEL: Marcia Neal.

12 MS. NEAL: Here.

13 MS. MARKEL: Dr. Scheffel.

14 MS. SCHEFFEL: Here.

15 MS. MARKEL: Dr. Schroeder.

16 MS. SCHROEDER: Here.

17 CHAIRMAN LUNDEEN: Ms. Berman, given that
18 this is your last day on this board, as well as mine.

19 Yes. Would you like to lead us in the Pledge of
20 Allegiance?

21 MS. BERMAN: It would be an honor.

22 IN UNISON: I pledge allegiance to the flag
23 of the United States of American, and to the republic for
24 which it stands, one nation under God, indivisible, with
25 liberty and justice for all.



1 CHAIRMAN LUNDEEN: Thank you.

2 MS. NEAL: You're awfully quiet. You were
3 kind of like whispering.

4 MS. BERMAN: It is sleepy time.

5 CHAIRMAN LUNDEEN: Deed it is. Is there a
6 motion to approve the agenda?

7 MS. NEAL: I so move.

8 CHAIRMAN LUNDEEN: It is seconded. No
9 objection? The agenda is approved. Is there a motion to
10 place items in the consent agenda?

11 MS. NEAL: I'd move to place the following
12 matters on the consent agenda, Mr. Chairman.

13 13.01, regarding -- oops. Thank you, dear.
14 Regarding disciplinary proceedings concerning an
15 application charge to number 20138c2695, instruct
16 department and staff to issue a notice of denial and
17 appeal rights to the applicant pursuant to 24-4-104 CRS.

18 13.03, regarding disciplinary proceedings
19 concerning a license charge number 2013EC314o, instruct
20 department staff and the attorney generals to prepare the
21 documents necessary to request a formal hearing for the
22 revocation of the holder's license.

23 13.04, regarding disciplinary proceedings
24 concerning an application charge number 2014c492.
25 Instruct department staff to issue a notice of denial and



1 appeal rights to the applicant pursuant to 24-4-104.

2 13.05, approve six initial emergency
3 authorizations as set forth in the published agenda.

4 14.01, approve Douglas County School
5 District's waver request on behalf of North Star Academy
6 as set forth in the published agenda.

7 14.02, approve Moctezuma-Cortez RE-1's waver
8 request on behalf of Montessori Charter School as set
9 forth in the published agenda.

10 16.01, approve the special education
11 advisory committee annual legislative report of high-cost
12 students in out-of-district placements, and in
13 administrative unit placements in the State of Colorado,
14 as set forth in the published agenda.

15 16.02, approve 2014-15 list of special
16 education tuition cost rates as set forth in the
17 published agenda.

18 16.03, approve the 2014-15 tuition rates for
19 the Rocky Mountain Deaf School as set forth in the
20 published agenda.

21 16.04, approve the 2014-15 School Health
22 Professional Grantees round two, as set forth in the
23 published agenda.

24 16.05, approve the 2014-15 Adult Education
25 and Literacy Grantees, as set forth in the published



1 agenda. This is the end of the consent agenda.

2 CHAIRMAN LUNDEEN: That is a proper motion.

3 Is there a second? Seconded Dr. Scheffel. Without
4 objection the motion carries.

5 Ms. Markel, do you have a report?

6 MS. MARKEL: Good morning Mr. Chair, members
7 of the board, Mr. commissioner. In your December packets
8 you have the updated edits calendar along with your
9 updated budget report.

10 In Section 8.01 you have a copy of the Rules
11 for the Administration of Adult Education and Literacy
12 Grant Program along with a crosswalk which was prepared
13 by staff at your request.

14 In Section 10 you have a copy of proposed
15 2015 legislative priorities which will be before you for
16 action later today.

17 In Section 11 you have a copy of the
18 Educator Effectiveness 191 Pilot Update PowerPoint, a
19 fact sheet entitled Colorado State Model Evaluation
20 System for Teachers.

21 In Section 15 you have a copy of the rules
22 governing the Renewable Energy and Energy Efficiency for
23 Schools Learning Program. And you will note in those
24 rules, particularly the clean copy, that is a much
25 streamlined -- much more streamlined copy than what you



1 reviewed in November. You also have a copy of the
2 crosswalk between statute and rule.

3 In 16 you have a copy of the Instructional
4 Education (indiscernible) Advisory Committee Report.

5 In 16.02 you have a copy of the tuition cost
6 rates, and facilities rules in the Fiscal Year 2014-15.

7 In section 16.06 you have a copy of the
8 rules for the administration of the English Language
9 Proficiency Act, a copy of the crosswalk between statute
10 and rule, the historical funding fact sheet, and letters
11 that was provided in support of the rules prior to the
12 rule-making period which occurred in November, at the
13 November meeting.

14 In Section 16.07 you have a copy of the
15 PowerPoint School Plan Type Assignments and department
16 recommendations to the CDE, to the SBE, which will be
17 before you for action later today. And you also have a
18 copy with request for reconsiderations, which is a
19 summary, and the 2010-2014 student populations by
20 district grading results.

21 In Section 17 you have a copy of a
22 PowerPoint entitled Presentations to the State Board of
23 Education Regarding Priority Improvement or Turn-around
24 Districts. And there will be additional hand -- one-page
25 handouts that will be provided to you at the time of that



1 presentation.

2 In Section 17.02 you have a copy of the
3 2013-14 Annual Report of the Colorado Special Education
4 Advisory Committee along with their PowerPoint, which
5 they will be presenting to you this afternoon.

6 In Section 18 you have a copy of the
7 resolutions for Board Member Elaine Berman and Chair Paul
8 Lundeen. And that's the end of my report unless you have
9 questions.

10 CHAIRMAN LUNDEEN: Questions? Angelika?

11 MS. SCHROEDER: I don't have a question, but
12 I have a comment. Which is that with the rules that
13 we're looking at today staff included a crosswalk between
14 the rules and the legislation, and I want to give out a
15 shout that that is wonderful. I think it'll really help
16 us in our discussions if we can look back and forth. I
17 think it's also helpful to the members of the education
18 community and the public who often weigh in, for which
19 I'm grateful. But it helps to understand when the board
20 says, yes, we conclude your recommendation. Or, No, it's
21 not in the law and we're simply not authorized to go
22 beyond the law. So I want to give a shout-out. It's
23 brilliant. I don't know why we haven't done this in the
24 six years that I've been here, but I found it extremely
25 helpful. And the very few places where I looked and I



1 thought, hmm, and then saw that it was very clearly
2 stated in the legislation. So thank you very, very much.

3 MS. MARKEL: We'll put that into more
4 practice going forward.

5 MS. SCHROEDER: Yeah. Please pass on my
6 personal appreciation.

7 CHAIRMAN LUNDEEN: Oh. And let me -- let me
8 put a finer point on that. Is I had made a note to do
9 exactly that. I think it is a very useful tool, and I
10 want to acknowledge Ms. Markel in her role in making that
11 happen. So thank you very much for getting the ball
12 rolling on that. And it does clarify a lot, because the
13 conversation frequently for us revolves around rules and
14 their interaction with the law and why are we doing this
15 sort of thing. So thank you very much for that.

16 MS. MARKEL: Very welcome.

17 MR. LUNDEEN: All right, the next item on
18 the agenda is under the strategic priorities portion of
19 our purview. Legislative Preview. Mr. Commissioner.

20 COMM. HAMMOND: Thank you, Mr. Chair. On
21 the next item I've asked Jennifer Mello, our legislative
22 liaison, to come forward and make a report for you. We
23 have -- as Ms. Markel said, a very polar agenda today.
24 Try and get you out within your various timeframes. So,
25 we've asked Jennifer to be brief as possible, but as



1 formative and answer as many questions as you desire.

2 Jennifer.

3 MS. MELLO: Thank you, Mr. Commissioner, Mr.
4 Chair. Point noted. I'll try to be short. You know, as
5 we look ahead to the next legislative session, I think
6 there's a couple of kind of main factors I would point
7 to. One, and we talked about this briefly last time, is
8 having divided control. So, we have republicans in
9 charge of the Senate, democrats in charge of the House, a
10 democratic governor, and that does change the dynamic
11 relative to what we've had for the last several years,
12 which has been one-party control of all three chambers.

13 I think the other thing is I really -- I
14 believe this legislative session will be a continuation
15 of many of these very substantive and important
16 conversations that you all, the legislature, the
17 community, has been engaged in over the last, you know,
18 18 to 24 months around testing, standards, funding, you
19 know, all of these very significant, big picture,
20 important, legitimate topics of public policy
21 conversation. And I think in many ways you will see
22 just, you know, a continuing evolution of those
23 dialogues.

24 Obviously, in particular on the testing
25 issue, everyone is waiting anxiously for the 1202 Task



1 Force to come out with its recommendations. Again, those
2 are due at the end of January. Due to the House and
3 Senate Education Committees.

4 The Commission is meeting again on Monday.
5 At their last meeting, which is approximately a month
6 ago, they started to dive in, in a public way and in a
7 substantive way as a group about what they were going to
8 recommend. They did that for just a couple of hours. It
9 was the very beginning of that conversation. Monday's
10 meeting will be the continuation of that, and so I think
11 will be quite illustrative as to what direction they may
12 be heading.

13 You know, the funding conversation is a very
14 real one, it's a very -- one we hear a lot about. You
15 know, the governor's budget, in addition to funding
16 inflation enrollment, puts about \$200-million in one-time
17 negative factor reduction. I think the thing that might
18 be different about the funding conversation this year
19 relative to prior years is it's going to take place
20 within the context of a state budget that absent any
21 change is nearing its TABOR limit.

22 Right, so the state budget as a whole, our
23 state revenue as a whole, is nearing the point most
24 analysts predict will hit that point in the next fiscal
25 year, where absent to any other action there would be



1 refunds to tax payers.

2 So that changes the dynamic a little bit.
3 It's no longer just a conversation about -- it's never
4 just been a conversation, of course, about the schools
5 and how we fund schools. But I think even more so than
6 last year, that will have to take place within this
7 bigger picture of, okay, overall as a state, what are our
8 resources? Where are we putting them? Why? How is that
9 sustainable?

10 Let me just pause there, because I really
11 just think those are kind of the big thousand-pound
12 gorillas. Or, I don't know how much gorillas weigh, but
13 the big gorillas in the room, and just see if you have
14 any questions about those particular topics. And then I
15 can talk about some other issues I think will come up,
16 but that are, perhaps, less broad.

17 CHAIRMAN LUNDEEN: Questions? Angelika?

18 MS. SCHROEDER: Can you explain in a
19 paragraph the issue around the hospital something or
20 another that might change the financial picture, and
21 whether you are aware of any legal opinions one way or
22 the other. Whether the legislature can backtrack and
23 change something. Do you know what I'm talk --?

24 MS. MELLO: I do. I do, yes.

25 MS. SCHROEDER: You know, please. I don't



1 know -- I don't remember the terminology. Thank you.

2 MS. MELLO: Dr. Schroeder, Mr. Chair. Yes,
3 so Ref C took place in the early 2000s. Right? That was
4 the last time that we went to the voters and asked
5 permission to kind of keep refunds and do some stuff.
6 What that had the effect of doing was kind of resetting -
7 - and I'm using very, you know, but resetting the clock,
8 if you will, on the TABOR revenue limit and how that
9 grows over time.

10 At the time that was passed we didn't have a
11 hospital provider fee. The hospital provider fee came
12 along later. And so -- and currently it is being counted
13 as part of the revenues that count towards whether or not
14 we meet our TABOR limit. There is a legal question about
15 whether that is appropriate or not. I'm not aware that
16 that has been resolved at this point in time. I spoke
17 with someone just last night who I think would have
18 known, and she didn't tell me that it had been resolved,
19 so I think there's -- the legislature, or the governor's
20 office, are trying to figure that out from a legal
21 perspective.

22 If the law, the constitution, does allow the
23 legislature some flexibility, if you could kind of take
24 that amount of money, it's about \$600-and-some-million, I
25 mean, it's a lot of money, and have it not count towards



1 the TABOR revenue limit, you free up a fair amount of
2 space. Right?

3 Now it's not a permanent solution,
4 necessarily, depending on your definition of problem and
5 solution, of course, which may be different for different
6 folks. But it would at least provide, in many people's
7 opinions, some breathing room in the current fiscal year
8 and maybe the next fiscal year as there's this
9 conversation between republicans and democrats at the
10 capital about how do we want to move forward. What's our
11 plan for the bigger picture?

12 MS. SCHROEDER: Okay. I ask this because I
13 keep hearing about it, but I've seen nothing in the
14 public press, and I can't figure out whether it's so
15 complicated that they don't want to write about it, or if
16 it just isn't on anyone's radar. But it seems that it
17 would be a pretty significant decision one way or the
18 other whether it's legal or not legal to make a change.

19 MS. MELLO: Absolutely. Very significant.

20 MS. SCHROEDER: Thank you.

21 MS. MELLO: I mean, I think there's two
22 significant decisions. One, what's the law, and then if
23 the law allows flexibility, do -- is there a consensus to
24 use that flexibility and do something about it or not?
25 And I think both of those are unanswered questions right



1 now.

2 MS. SCHROEDER: Thank you.

3 CHAIRMAN LUNDEEN: Elaine.

4 MS. BERMAN: Can you review with us the
5 process about returning the TABOR surplus? I mean,
6 what's the legislative role? Does it go to the vote of
7 the people? Et cetera.

8 MS. MELLO: Mr. Chair, Ms. Gantz Berman, I -
9 - so I'm not an expert in all of this. Just, you know,
10 I'll give you my understanding. If you do nothing, I
11 mean, if just if there's no bills passed, nothing
12 happened, nothing changes to the status quo, once we
13 exceed that revenue limit, those dollars come back
14 through tax credits on the income tax forms. Right? So,
15 I don't know if you all remember, I actually do, getting
16 a check in the mail one year. They don't do that
17 anymore, because it costs a lot of money to mail checks
18 out.

19 MS. NEAL: (indiscernible)

20 MS. MELLO: Yes. So, they have figured out
21 a way to kind of do it through the income tax filing
22 system. Now, and I'd be happy to get you more
23 information about this, and I don't want to say too much,
24 because I don't want to say something incorrect. But
25 there was some legislation passed a year or two ago, that



1 said if we do get to a point of having TABOR refunds,
2 they will first go towards funding a state-level earned
3 income tax credit.

4 So, my understanding of current law, is that
5 it's not that all of us would, you know, you take the
6 total amount, you divide it up by the number of tax
7 filing households, and we each get that credit. It
8 wouldn't work that way under current law. The
9 legislature, of course, can always change the law, so
10 that's my understanding of it.

11 And the legislature -- if the legislature
12 wants to -- or anybody, frankly. It doesn't have to be
13 the legislature, I don't think, but the legislature has
14 to go to the people to say: Can we keep this money.
15 That's essentially what Referendum C was. It did some
16 other things as well. You may remember the ratchet down
17 affect, and lots and lots of conversations about
18 ratchets.

19 I had a flashback the other day when I was
20 at a presentation with Henry Stoben (ph). I'm like, oh
21 my god. Are we going to talk about the ratchet affect
22 again? I haven't talked about that for five years. But
23 that's what we did with Ref C. Is -- and, you know, we
24 went to the people and said: Here's what we want to use
25 the money for. Can we keep it? And they said yes.



1 That's what many local communities have done
2 under the provisions of TABOR in the constitution.

3 CHAIRMAN LUNDEEN: Okay, so other questions
4 as Jennifer's framed this on the two big issues, testing
5 and funding, before she moves on? Okay, please go ahead.

6 MS. MELLO: Thank you. So, I'm just going
7 to kinda go through. This is a little bit of the laundry
8 list part of it. And right now, the way the process
9 works, bill drafts, bill titles, are confidential. So, I
10 don't -- it's not like I have a report from legislative
11 legal services about all the bill titles that have been
12 pulled on education. Right? None of that information is
13 public unless the legislature -- legislator wants to
14 share it, or once the bill is introduced. So, this is my
15 laundry list of kind of what I've heard, you know, this
16 is rumor, inuendo, in some cases. Other times it's a
17 little bit more confirmed, but don't hold me to this
18 last.

19 MS. NEAL: Don't count on it.

20 MS. MELLO: So, I think that we will
21 continue the conversation about data privacy. As you
22 remember last year the board supported legislation that
23 put some restrictions and statute around the department
24 and how we deal with data privacy issues.

25 I think there's a real desire on the part of



1 a lot of folks to have that type of framework extended to
2 school districts. So, I think that we will see that. I
3 think there's many people working on that, so I don't
4 know exactly what -- I don't know all the details, but
5 I'm confident there will be at least one, if not more
6 than one bill about data privacy.

7 I think we will see some legislation around
8 flexibility and, or support for small rural school
9 districts. That's not necessarily the same piece of
10 legislation. Right? So, you may see, if you recall,
11 last year Representative Jim Wilson introduced a bill
12 around rural flexibility. We may see another version of
13 that. Representative Rankin, and he said this publicly,
14 so I -- that's why I can say this publicly to you all,
15 has been working on some legislation to empower the BOCES
16 to do more kind of back office service functions to small
17 and rural school districts. Kind of a pilot program to
18 test how we might do that in a more uniform manner.

19 You know, coming out of the -- remember we -
20 - for a while I kept coming to you and talking to you
21 about all these interim committees and stuff. Just to
22 refresh your minds, the early childhood interim committee
23 has recommended that move forward with legislation to
24 expand the number of the Colorado preschool program
25 slots. As well the other bill that the committee did not



1 actually vote on and recommend, but kind of came out of
2 that process that I believe will be introduced, has to do
3 with scholarships for early childhood educators as they
4 work to increase their educational preparation. And they
5 don't get paid a lot, so it can be hard to afford to go
6 to get a bachelor's degree, or master's degree, or
7 whatever it is. I don't know a lot of details about
8 that, but again, I think we'll see a bill around the
9 scholarship proposal.

10 I think we'll see stuff -- I mean, turnaround
11 schools is going to be an issue. Right? I mean, we're
12 getting closer and closer to the end of that clock in the
13 case of some districts and schools. That's getting
14 people's attention. And in many ways you could argue
15 that's what it's supposed to do. Right? Is get people's
16 attention.

17 I've heard legislators talk about wanting to
18 give more support to turnaround and priority improvement
19 schools, more financial support. I've also heard --
20 there is some -- I think there's -- and I believe your
21 staff is working hard to kind of resolve some of these
22 questions, but one of the actions available to you all as
23 a board is to -- I know disaccredit isn't the right word.
24 Keith, help me. How am I supposed to say this?

25 MR. OWEN: Loss of accreditation.



1 MS. MELLO: We're -- So you can have a
2 district who lose their accreditation. There's -- I'm
3 going to work on that. That sentence doesn't come out
4 right. And there's some concerns about what impact that
5 might have on students, right? So, if -- now if I'm a
6 student and I graduate from high school in that district,
7 does that mean that my district is from -- that my --
8 that I can't get federal financial aid, for example? Or
9 is my entrance into college impacted? And so, I think a
10 lot of people are trying to figure out the answer to that
11 question, and then depending on what the answer is you
12 may see some legislation around that.

13 Because it's--I have to say I'm impressed
14 with the thoughtfulness of the conversation, and on the
15 one hand we want to maintain the integrity of the
16 accountability system, the folks that are talking about
17 this. Right? They're saying -- they're not saying we
18 just want to say oh, never mind, we didn't mean it. Go
19 do what you want. But, at the same time, how do you
20 maintain that integrity that there are consequences while
21 not impacting in a really negative way individual
22 students who, you know, it's not their fault. So.

23 I also think there will be -- I don't know
24 for sure there'll be legislation, but there's been a lot
25 of talk. I'm sure you all have heard as much as I have



1 around graduation guidelines. You know, we -- Colorado
2 is a very -- we're different in how we handle these
3 issues of setting a standard for graduating from high
4 school. Graduation guidelines is different -- our way of
5 doing it is different than many other states. We don't
6 just -- it's not just like x, y, z, eight hours of social
7 studies, or whatever. That's not how we do it here.
8 Nonetheless, I mean, I think districts have some
9 concerns, and so I think it's very possible we will see
10 some legislation coming out of, again, that kind of small
11 rural school district primarily, although not
12 exclusively, to somehow deal with graduation guidelines.

13 I haven't seen the bill, so I don't know --
14 I can't give you more detail than that, but --

15 CHAIRMAN LUNDEEN: And let me interrupt you
16 and just seek a factual update. I'm trying to remember
17 exactly when the new graduation guidelines go into
18 effect. They're slated for when? And am I being a --
19 (indiscernible) question.

20 MS. MELLO: I'm going to have to defer to...

21 MS. MARKEL: (Indiscernible) graduating
22 class of 2021, so current sixth-graders.

23 CHAIRMAN LUNDEEN: Okay.

24 MS. MELLO: So that -- trying to be
25 sensitive to your time constraints, is where I will



1 conclude. If you all are hearing about stuff perhaps I
2 haven't heard, and I'd love to get your information. Or
3 I'm happy to answer questions about other things you may
4 have heard of and I just didn't highlight here.

5 CHAIRMAN LUNDEEN: Angelika.

6 MS. SCHROEDER: This is a painfully basic
7 question, but it tells me what I don't understand. To
8 the extent that the legislature this year passes
9 education legislation that uses dollars, probably from
10 the education fund, does that then reduce the amount of
11 money they can go back to schools to make up for the
12 negative factor? I mean, I'm trying to understand the
13 dynamics and what the discussions ought to be, and I'm
14 not sure I'm clear on how that works.

15 MS. MELLO: Dr. Schroder, Mr. Chair,
16 that's a really good question. It's actually a very
17 sophisticated one, and there's a lot of layers of answers
18 to it. At its most basic level, certainly, if there's a
19 bill going forward to, whatever, a pilot program. I
20 mean, I'll just take some of the bills that went forward
21 last year. Right?

22 MS. NEAL: Scholarship (indiscernible).

23 MS. MELLO: The scholarship. That's a great
24 example. And I, again, I don't know how they're planning
25 to fund that, but if they decided they wanted to put in



1 the bill to fund it out of the State Education Fund then,
2 yes, that reduces the amount of money that's in the State
3 Education Fund that would be available for things like
4 reducing the negative factor.

5 If you talk with -- if you listen to Henry
6 Sobanet's (ph) public presentations, you know, Henry
7 talks about the State Education Fund and the General
8 Fund. There's actually not as much of a distinction
9 there as we might think. Because K-12 is such a big part
10 of our budget it's -- it would be all of the state ed
11 fund plus some. Right? So, the two are connected more
12 tightly.

13 I think it's interesting to me. One of my
14 observations of doing education policy for the last two
15 years, is that there's a tendency to view it as a closed
16 loop. Right? So, a dollar for the department is a
17 dollar that's not going to a school. I mean, that is
18 how, I think, some people see it. Or a dollar going to
19 this bill, this scholarship bill, is a dollar that's not
20 going to reduce the negative factor.

21 I think it's a little more complicated than
22 that. I mean, I don't think -- these dollars are -- the
23 dollar that could have gone to the department, or the kid
24 in the school, or the scholarship bill, also could have
25 gone towards Medicaid or Corrections or -- so, I mean,



1 that's just my personal kind of approach on it. I
2 actually think there is a bigger context that we operate
3 in, and we should be -- we should understand that. But
4 people definitely see it many times, and much of the
5 conversation in the capital is, like -- has the kind of
6 perspective of: If you put it here, we're not putting it
7 in the classroom.

8 CHAIRMAN LUNDEEN: Vice Chair.

9 MS. NEAL: Thank you. And I would just add
10 to that discussion, I think many of the -- last year I
11 remember having the discussion about whether we should be
12 reducing the negative factor or passing new bills. And I
13 think that's always there. I think it's something we
14 really need to consider, and I know local districts above
15 all, probably, are talking about reducing the negative
16 factors. And so, I just -- I appreciate the question, I
17 appreciate your answer. Just wanted to add to that, that
18 I think that's an ongoing consideration that we need to
19 be thinking about all the time. And that the legislators
20 need to be thinking about.

21 UNIDENTIFIED SPEAKER: Yes, they do.

22 MS. NEAL: Thank you.

23 CHAIRMAN LUNDEEN: Elaine?

24 MS. BERMAN: I'm just wondering whether
25 Chair Lundeen would like to share any titles of his bills



1 that he's thinking about, but that pertain to public
2 education.

3 CHAIRMAN LUNDEEN: Yeah. We've got a
4 deadline coming up next Monday the 15th, when the first
5 three bills are required to be disclosed. Well, we'll let
6 that lie as the point of which they'll be disclosed.
7 We're working on several things. Obviously, I have a
8 deep love of the students of Colorado, and education is a
9 place where I have spent four years learning more and
10 more and more about education policy. So, you can
11 anticipate there may be education bills in my portfolio
12 of offerings. Let me leave it at that.

13 MS. BERMAN: And should I anticipate that I
14 will love the bills that you're going to be sponsoring?

15 CHAIRMAN LUNDEEN: Oh. You and I are going
16 to go on the stump together and pitch them, Elaine, I
17 promise you.

18 MS. BERMAN: Thank you.

19 CHAIRMAN LUNDEEN: Other questions? Thank
20 you very much, Mr. Commissioner, Ms. Mello.

21 MS. NEAL: Thank you.

22 COMM. HAMMOND: Thank you, Chairman.

23 CHAIRMAN LUNDEEN: So now we move ever
24 swiftly on.

25 MS. NEAL: Yeah, sure.



1 CHAIRMAN LUNDEEN: Yeah.

2 MS. NEAL: Right here.

3 CHAIRMAN LUNDEEN: Colorado State Board of
4 Education will now conduct a public rule-making hearing
5 for the rules of the administration of the Adult
6 Education and Literacy Grant Program. Or actually we did
7 at our November Board Meeting. Those rules are back
8 before the board for action at this time. Mr.
9 Commissioner.

10 COMM HAMMOND: Exactly, Mr. Chairman. These
11 are brought back to you for final action today. Ms.
12 Margaret Kirkpatrick (ph) and Rebecca Holmes will be
13 addressing any last-minute changes or anything that's
14 been made to the rules to give you information so that
15 you could hopefully vote on them now, or approve them.

16 MS. HOLMES: Okay, thank you, Mr. Chair.

17 CHAIRMAN LUNDEEN: Please.

18 MS. HOLMES: Members of the board. You'll
19 recall this, I think is the third time we have discussed
20 these rules in the last few meetings, starting with the
21 emergency rules. As -- and you'll recall that this is
22 the first time that the State of Colorado has passed
23 ongoing funding for adult education at the state level.
24 That was passed in 2014, so creating a new grant program.
25 Margaret Kirkpatrick is here again as Director of Adult



1 Education to walk you through the changes that you all
2 requested in the last meeting.

3 CHAIRMAN LUNDEEN: Margaret, please, go
4 ahead.

5 MS. KIRKPATRICK: Thank you, Mr. Chair. The
6 Adult Education and Literacy Grant Program funds local
7 workforce development partnerships who will be focused on
8 providing employment opportunities for those hardest to
9 serve Colorado students ages 17 and above. During the
10 September board meeting, the board approved emergency
11 rules to allow the request for proposal process for the
12 grant to go forward.

13 Presentation of the draft, permanent rules
14 at the November meeting resulted in a request by the
15 board for clarifications pertaining to privacy of student
16 records and additional long-term measures for reporting
17 student employment outcomes. These changes were
18 incorporated into Rule 5.0, which describes data
19 collection and reporting processes for the grants.

20 The changes include language that ensures
21 that data will be collected and reported in the aggregate
22 and shall not disclose personal in -- personally
23 identifiable information.

24 Additionally, the new language requires
25 local education provider Adult Education and Literacy



1 grantees to submit information of the number of students
2 who remain employed one year after the completion of
3 their -- of their program. Excuse me. The board also
4 requested a crosswalk of the rules to the statute, and
5 that has been provided to you. Thank you, and do you
6 have any questions, please?

7 CHAIRMAN LUNDEEN: Angelika? Excuse me.

8 MS. SCHROEDER: So, I have two, and it is
9 about 5.0. How would --

10 CHAIRMAN LUNDEEN: You say it's about 5.0?

11 MS. SCHROEDER: 5.0, what we added, the data
12 piece. How will these entities know if their former
13 students are employed after one year?

14 MS. KIRKPATRICK: The data will be collected
15 through a data match for the Department of Labor based on
16 aggregate data.

17 MS. SCHROEDER: Okay.

18 MS. KIRKPATRICK: We presently collect that
19 data for the adult education, the federal grant reporting
20 process, so that is a process that is presently in place.

21 MS. SCHROEDER: So, are we doing it, or are
22 the districts doing it? Because I'm a little flummoxed
23 about sharing data and then being able to get some facts.
24 I mean, I think one year is fine, but I think if I were a
25 legislature and I had passed this I'd also want to know



1 how many folks are still employed a few years later to
2 see what is really the value of this program.

3 And I don't know whether 5.01 makes it
4 impossible to do that, or not. I'm kind of confused.

5 CHAIRMAN LUNDEEN: Please.

6 MS. KIRKPATRICK: Mr. Chair, thank you. It
7 does not preclude us from following up at longer than one
8 year. We have the -- we do it from the state level.

9 MS. SCHROEDER: But this says all data
10 collected shall be in the aggregate and not disclosed
11 personally identifiable -- does that mean -- I mean, what
12 -- how's -- I guess it'd help me if I knew all data
13 collected in the aggregate to whom. Is it in the
14 aggregate and to whom is that data still in its raw form?

15 MS. KIRKPATRICK: The data from the local
16 programs comes to the adult education -- or will come to
17 the Adult Education Office in an -- in an aggregate
18 package, but there has to be enough identifiable to make
19 a data match, which is a present process that has been
20 approved by the department to ensure student privacy, and
21 it is not kept in any identifiably discernable -- or that
22 it can be disseminated.

23 MS. SCHROEDER: Does that mean it's numbers?
24 There's no name, address, birthdate, but there are
25 student numbers, or...? Help me understand the specifics,



1 because I just don't --

2 MS. KIRKPATRICK: There would be student
3 social security numbers.

4 MS. SCHROEDER: OKAY.

5 MS. MARKEL: Mr. Chair, if I may.

6 CHAIRMAN LUNDEEN: (indiscernible)

7 MS. MARKEL: I think that -- not to
8 contradict Ms. Kirkpatrick, but I would suggest that
9 social security numbers would not be the means of
10 reporting, and that we will work out the details. This
11 language was added, of course, to preserve the
12 confidentiality of the participants in this program.

13 And in doing that the policies and
14 procedures of the department has adopted preclude the use
15 of sensitive information which social security numbers
16 are the most -- one of the most sensitive pieces that we
17 have about ourselves.

18 COMM. HAMMOND: Right. We won't be
19 collecting them.

20 CHAIRMAN LUNDEEN: Yeah. So, let's be clear
21 on that. Because when you say it's not personally
22 identifiable and you say well, so we're going to use
23 social. That's the -- that is a self-contradictory
24 comment. So, I'm --

25 MS. MARKEL: I think what I would suggest



1 is that the rules make clear that there's a value
2 associated with protecting the personally identifiable
3 information of the participants in this program, while at
4 the same time needing to have the reporting reflecting
5 the success or lack thereof, of the program. And that
6 the details will be in accordance with those two values.
7 And the details have not been -- not been finalized.

8 MS. SCHROEDER: The details have not been
9 (indiscernible)

10 MS HOLMES: They haven't been finalized.

11 COMM. HAMMOND: Not yet.

12 MS. HOLMES: Mr. Chair. I'll just add that
13 the collection of social security numbers by the
14 Department of Labor is a common practice.

15 UNIDENTIFIED SPEAKER: Right.

16 MS. HOLMES: Obviously one we don't choose
17 to use because we're traditionally working with students
18 in the K-12 system. So what we need to sort out in terms
19 of just one finer level of detail is because the programs
20 traditionally collect data and follow evaluation trends
21 based on SSNs, then once we collect that data, how do we
22 decouple those probably very similar to the way that we
23 decouple student identifying numbers when we look at
24 assessment data.

25 MS. MARKEL: And all data is transferred



1 through a secure file transfer protocol. So, there's not
2 --

3 MS. SCHROEDER: Right. And I think that's
4 what's covered. What I just would like an assurance for,
5 is that when I'm in the legislature I can come back and
6 say --

7 MS. NEAL: Well, when is that?

8 MS. SCHROEDER: Not soon. Not any time
9 soon. You know, let's look at our programs and see some
10 -- in some cases which programs, and in some cases which
11 -- whether we should even be doing it, whether it's worth
12 the pretty significant funding that we're looking at.
13 And we have to find that balance, I think, between being
14 able to evaluate and also ensuring that we're --

15 COMM. HAMMOND: Mr. Chair. I'd --

16 CHAIRMAN LUNDEEN: Commissioner, go ahead.

17 COMM. HAMMOND: Yeah. I'd recommend we go
18 ahead and make the modification for clarity purposes.
19 Because, see, where the confusion comes in, they collect
20 social security numbers. We don't.

21 UNIDENTIFIED SPEAKER: Right.

22 COMM. HAMMOND: But how do you get the
23 information? That process has to be worked out in this
24 program? So, we want to protect ourselves in the
25 language of this. We do anyway by our policies and



1 procedures, but let's make sure there is no doubt in the
2 policy. So, in the recommendations that the Director of
3 State Board Relations made, we would be in full
4 concurrence with that.

5 MS. SCHROEDER: Okay, thank you.

6 CHAIRMAN LUNDEEN: Jane?

7 MS. GOFF: Yeah. I'm -- it might be
8 important to just clarify that local education provider
9 in this context is not a school -- a K-12 school
10 district.

11 MS. HOLMES: Correct.

12 MS. GOFF: So, we're really looking at two
13 set -- two sets of different procedures about data
14 anyway. But up here at the -- up here at this point of
15 the triangle is the state. So, our purview around adult
16 education anyway says that that data will be coming
17 through here as well. So, I'm think -- I think that's
18 important for people to understand this is not connected
19 to a K-12 school district as a local data --

20 MS. HOLMES: Provider.

21 MS. GOFF: Yeah.

22 MS. HOLMES: Correct.

23 CHAIRMAN LUNDEEN: Yes, you may. Let's let
24 Pam ask hers first, though.

25 MS. MAZANEC: Remind me. We might have



1 talked about this before. What are the measurable
2 student outcomes that -- and is that left up -- did I
3 read that it's left up locally? It can be a local
4 provider's standard? How do we work with -- how are we
5 working with that?

6 I mean, assuming that each provider might
7 have different ideas, and we're three-year grants, but
8 you're evaluating them yearly. Just talk to me a little
9 bit about the accountability and how you're looking at
10 that.

11 MS. HOLMES: Mr. Chair, I'll let Margaret
12 add a bit of detail, but we really narrowed based on the
13 rules, not the statute, the measure of student outcome to
14 employment, and that's -- that is a change, necessarily,
15 from the way adult education centers are used to working.
16 Where there are a handful of possible measures of
17 success.

18 This grant really has narrowed that measure
19 of success to employment, and not just employment
20 immediately after training, but employment fully one year
21 out, which is considered a Department of Labor sort of
22 long-term measure.

23 MS. KIRPATRICK: Thank you, Mr. Chair. We
24 will look at interim goals also so that a provider has
25 the ability, especially if they're working with lower-



1 level students, to show interim success leading to
2 employment so that there will be educational goals that
3 will be collected, as well as any certificates or
4 diplomas that they might receive on their way to
5 employment. But the ultimate goal, which is clearly
6 stated in the outcomes, is employment out of the program
7 and then one year following.

8 MS. MAZANEC: Thank you.

9 CHAIRMAN LUNDEEN: Angelika, your follow up
10 question (indiscernible) this way.

11 MS. SCHROEDER: Sorry, I forgot. This is a
12 little bit different. In looking at the grants that have
13 been granted, it seemed -- it seemed to be rather Front
14 Range centric. And I wondered how well it -- is it our
15 job to publicize -- is it CE's job to publicize these
16 opportunities? Our communication tends to be with school
17 districts, and that's not what the -- those are not the
18 folks that are going to be applying for the grants. But
19 it just seemed like an awful lot of the funding was just
20 going to the front range between, what, Four Columns
21 (ph)and Pueblo and it really wasn't going out to the
22 extremes of the state.

23 MS HOLMES: Sure.

24 MS. SCHROEDER: And so, I wondered what's
25 the process for letting these many different institutions



1 know about this opportunity.

2 MS. HOLMES: Mr. Chair. You're absolutely
3 correct that the bulk of the department is familiar with
4 having school districts as their primary point of
5 contact. However, we've administered the federal adult
6 education, the AEFLA Grant for, I think, over 20 years
7 out of this office.

8 And so, for this office, all of their points
9 of contact have always been the adult workforce and adult
10 education centers across the state. So, we held multiple
11 webinars aimed at all of those current federally-funded
12 providers, which covers every region of the state.

13 Margaret can share with you, if you're
14 interested, in terms of regions that had applicants that
15 weren't covered. But I think because the grant is a
16 fairly innovative program, asking partners who've never
17 been funded together to come together. We not only saw a
18 heavier focus on the front range, but really just saw a
19 fairly small number of applicants across the state.
20 Because I think it's asking for a very new way of
21 working.

22 CHAIRMAN LUNDEEN: Okay. Do you have
23 follow-on comment?

24 MS. KIRPATRICK: Yeah.

25 CHAIRMAN LUNDEEN: Go ahead.



1 MS. KIRKPATRICK: Thank you, Mr. Chair.
2 Just that we've made an effort. We have an advisory
3 committee for this grant fund process that involves
4 workforce providers, community college, and adult
5 education. And so, we use their resources to also
6 publicize throughout the state throughout these multiple
7 entities, to encourage partnerships being formed and
8 programs being developed.

9 We will continue to work with that, but we
10 are trying to ensure as widespread a geographical
11 distribution of the funds as possible so that all of the
12 Colorado adults can benefit from it.

13 MS. HOLMES: And just to be specific there
14 were 10 programs that applied who did not meet funding
15 criteria, and 8 of those were also Front Range. So, it's
16 not that the grant program necessarily selected for front
17 range it's that the applicant pool was, unfortunately,
18 largely Front Range this time around.

19 Obviously we have full faith that this will
20 remain a funded program, and so we can continue to work
21 with rural districts to increase their capacity to do
22 this new kind of work.

23 MS. SCHROEDER: Thank you. Were --

24 CHAIRMAN LUNDEEN: Dr. Scheffel? Oh.

25 MS. SCHROEDER: One more. No, one -- I



1 just, again, remind me. What's the success of this
2 program been? You said it's been going on for, like, the
3 adult education and literacy. What kind of success have
4 we seen?

5 MS. HOLMES: This is an entire -- Mr. Chair,
6 I'm sorry. This is an entirely new program. So, it
7 funds programs who have out -- or participants who've
8 been in communities, but often have not been funded.
9 And, in fact, in Colorado have never been funded to work
10 together before.

11 The program that we've run for several years
12 is the Federal Adult Education and Family Literacy Act
13 Grant, which goes simply to providers of adult basic
14 education and family literacy, so that we don't yet have
15 a track record on this particular grant program.

16 MS. SCHROEDER: What's the success of the
17 federal program?

18 MS. KIRKPATRICK: We have multiple measures
19 that are captured. Literacy gains, GED, people who
20 achieve their GED, and people who achieve employment. We
21 haven't yet collected our data for FY '14. I don't have
22 the FY '13 numbers at my fingertips, but I can certainly
23 get that data to you if you wish. I'm sorry I don't have
24 that with me.

25 MS. SCHROEDER: But no general sense of



1 whether it's --?

2 MS. KIRKPATRICK: The general sense is that
3 our programs struggle with making the literacy gains.
4 They are -- because their resources are small, they
5 struggle to achieve the federal goals that are set for
6 them, where we are hoping that increased professional
7 development can help our programs have a bigger literacy
8 gain. But I certainly would be glad to share that data
9 from the last years report with you.

10 MS. SCHROEDER: I'd appreciate that.

11 MS. KIRKPATRICK: Yes.

12 CHAIRMAN LUNDEEN: Dr. Scheffel?

13 MS. SCHEFFEL: Thank you. Can you remind me
14 what the budget is for this program annually? For this
15 grant?

16 MS. HOLMES: Go ahead.

17 MS. KIRKPATRICK: The budget is \$960,000 for
18 the entire grant. That's the bill award amount.

19 MS. SCHEFFEL: So that's yearly, right?

20 MS. KIRKPATRICK: Yes.

21 MS. SCHEFFEL: Okay, great. And then on
22 1.12 it says: Measurable student outcomes, or student
23 employment, education gains and locally set goals. You
24 were saying that the grant was limited to employment.
25 Can you contextualize that for me?



1 MS. KIRKPATRICK: The interim goals that can
2 be set for the programs are -- and we would hope that
3 they would achieve those educational goals. Employment
4 is, in fact, the final goal that we are looking for. The
5 anticipation is that every student who enters the program
6 has employment as a goal. But because the students may
7 be at a lower level, it may take more than one year,
8 program year, for them to enter employment.

9 So, they have -- the programs have a way to
10 capture gains for the students while they are continuing
11 their path to employment. And locally set goals could be
12 such things as certificates that they achieve through
13 their skill training in addition to their educational
14 gains. But the ultimate goal is employment.

15 MS. SCHEFFEL: But does it say that
16 somewhere here, that the end goal is employment, but the
17 en route objective of benchmark is literacy gains? I
18 mean, it seems like this is a literacy grant. We talk
19 about why we should shift to employment as the ultimate
20 outcome?

21 CHAIRMAN LUNDEEN: Go ahead.

22 MS. KIRKPATRICK: Thank you, Mr. Chairman.
23 The bill was proposed as a middle skills employment bill,
24 the goal being employment in middle skills occupations as
25 an economic benefit for the -- for the student, for the



1 participant, as well as for the community benefit. It
2 was called a literacy bill because the funding would come
3 through the adult education provider, the partner in the
4 bill. And the reason that I was told that the people who
5 structured the bill did it that way, was to ensure that
6 the lowest level of adult learners were in fact included
7 in the pool of potential participants.

8 If the bill had gone -- if the bill funding
9 had gone through the skills training, perhaps the
10 community college or whoever was offering the skills
11 training, the thought was that they would take students
12 who were already in that program, or who needed very
13 little basic skills instruction in order to go through to
14 employment. And the hope with this bill was that lower
15 skills, lower achieving adults, lower literacy adults,
16 would be included. Because the anchor of the focus would
17 be on that first level, the basic skills part. And then
18 the support for the student from there.

19 And that's the reason, as I understand, the
20 bill writers chose to call it a literacy grant, because
21 literacy skills are included in preparation for
22 employment.

23 MS. SCHEFFEL: I guess I just question --
24 does anyone else see kind of disconnect with -- I guess I
25 don't see that in the statute, that this is something



1 that doesn't focus on literacy as a major focus. It
2 seems like we're kind of drifting from that. But I -- I
3 mean, it sounds like it's an en route benchmark to
4 getting people employed, which makes all the sense in the
5 world, but by saying that the outcome is employment,
6 there're a lot of jobs that (indiscernible).

7 That somebody can get without literacy, so I
8 just wonder how the monies really get spent if the goal
9 is employment and not really literacy except as an en
10 route objective along with locally set goals. I just
11 want to make sure that we're not drifting from the intent
12 of the law.

13 MS. HOLMES: Mr. Chair.

14 CHAIRMAN LUNDEEN: Please.

15 MS. HOLMES: You know, there's an advisory
16 board that was put together that includes several of the
17 bill sponsors, advocates who came and testified and have
18 participated in the rule-making process. They point
19 significantly to the point in the statute that's 1.11
20 that defines these as workforce development partnerships
21 with a very heavy focus on workforce development.

22 So, I think Margaret's description about the
23 role literacy plays in the way that the grants are
24 structured explains that, but the stakeholder community
25 and the bill writers have really been very vocal in that



1 community and in their testimony, and their input to the
2 rules around the workforce development partnerships being
3 key to their vision of this grant program.

4 MS. SCHEFFEL: Does the board like to see
5 minutes from those meetings, or we just believe that this
6 is more of a workforce type bill?

7 CHAIRMAN LUNDEEN: Pam?

8 MS. MAZANEC: Well, I would agree that -- I
9 had a little bit of concern about that as well. Because
10 I -- it seems to me that adult literacy is a good thing
11 and a -- and a laudable goal, whether it leads to
12 employment or not. And I do take Dr. Scheffel's point
13 that a person could become employed without being
14 literate. And we need to make sure that these funds are
15 being used to actually produce literacy.

16 So, I don't know if that's some -- are you
17 saying that that's something -- is there any way to make
18 sure that we are actually looking at that as progress
19 rather than just employment? You know, we have the
20 degrees, or the program graduations that -- we have that.

21 UNIDENTIFIED SPEAKER: Right.

22 MS. MAZANEC: Is there any measurement of
23 actual literacy going on, you know, other than those end
24 outcomes?

25 CHAIRMAN LUNDEEN: Go ahead.



1 MS. KIRKPATRICK: Thank you, Mr. Chairman.
2 There are required standardized tests, literacy tests,
3 which will be a part of the reporting that each program
4 must do, and that's part of the interim standards that we
5 -- for achievement that will be reported. So, students
6 will demonstrate literacy growth and credential
7 attainment as on their way to full employment at a
8 sustainable wage.

9 MS. MAZANEC: Okay.

10 MS. KIRKPATRICK: That's also part of the
11 workforce partners contribution in terms of having the
12 standards high enough so that we know that we are
13 benefiting those students that are really being focused
14 on that they won't be offered, or they won't be placed in
15 jobs that don't actually lead to a sustainable wage or a
16 career pathway.

17 MS. MAZANEC: And so, we'll see those
18 standardized tests results?

19 MS. KIRKPATRICK: Yes. That is part --
20 excuse me.

21 CHAIRMAN LUNDEEN: Go ahead.

22 MS. KIRKPATRICK: That's part of the
23 reporting that will be done at the end of each year by
24 the -- by the programs that will be funded.

25 MS. MAZANEC: Thank you.



1 CHAIRMAN LUNDEEN: Dr. Scheffel.

2 MS. SCHEFFEL: I guess my question is can we
3 have an outcome that's both literacy and employment in
4 the rules? I mean, is there anything in there anything
5 in the statute that would suggest we can't do that?

6 MS. KIRKPATRICK: No. The literacy
7 standards are part of the interim goals that we will be
8 collecting and that will be through standardized tests,
9 which is required, and then employment at the end. One
10 of the --

11 MS. SCHEFFEL: It has nothing to do with
12 funding, though. So, I'm just saying as you evaluate the
13 grants each year can we have as an outcome measure that
14 determines continued funding not only employment, but
15 literacy gains? I guess, as I read the law it seems to
16 me that that's hugely in the intent there.
17 (indiscernible).

18 CHAIRMAN LUNDEEN: Well, and let me kind of
19 join in the conversation here, as well. I think you
20 called out the fact that the federal program does
21 struggle with literacy, that that is challenge. And so I
22 think that rising to that challenge is certainly
23 acknowledging that pre-existing challenge. And what
24 we're trying to do here, or help have done here, is
25 important.



1 In addition to that comment, and releasing
2 you to answer that, I'd ask for a context awareness data
3 point also. Is there an estimate of how many adults are
4 anticipated to participate in this program? I -- just so
5 I've got the million dollars in funding lined up in my
6 mind with people that might be served by it.

7 MS. KIRKPATRICK: Well, yeah. Just to talk
8 to your point about what data we will be collecting and
9 reporting --

10 MS. SCHEFFEL: As an end point to influence
11 funding. I hear that you'll be collecting literacy data.

12 MS. KIRKPATRICK: Right.

13 MS. SCHEFFEL: But it's kind of moot if it's
14 just here's some literacy data that may help us. But
15 really as an end point to determine continued funding, I
16 would like to see literacy and employment, not or. And
17 I'm wondering if that's antithetical to some discussions
18 or some intent of the (indiscernible). I didn't see it
19 that way.

20 MS. HOLMES: Mr. Chair, just to discuss the
21 intent of the statute, to your question, Dr. Scheffel, you
22 all certainly could request the meetings of those -- I'm
23 sorry. The minutes of those meetings, but I just would --
24 - thought it might be helpful to read the first opening
25 comments of the legislative declaration.



1 It's: The general assembly finds that
2 increased educational attainment is a proven pathway out
3 of poverty. In general research shows that average
4 annual earnings increase, and unemployment rates decrease
5 with each successful level of education or training that
6 a person achieves.

7 Post-secondary education and credential
8 attainment are increasingly central to a person's ability
9 to earn family-sustaining wages, participate more fully
10 in Colorado's 21st century workforce, and contribute to
11 the state's economic health and vitality both nationally
12 and in Colorado. Projections indicate that by 2025 two-
13 thirds of all jobs will require some level of post-
14 secondary education, or training and skills training.
15 Colorado has a substantial middle skills gap in its
16 workforce -- and goes on to discuss that gap.

17 And so, I think what you see there is the
18 recognition that what adult education programs have
19 historically done is focus on literacy, the federal
20 grant, which has been reauthorized for the first time in
21 14 years as WIOA, will certainly continue to have a focus
22 on literacy.

23 But as our understanding over the several
24 meetings that we've had and the legislative intent was
25 really to deepen a bigger focus inside those programs on



1 actually moving people not just to literacy, but to
2 employment. And so the intent through those meetings has
3 been that having literacy as an interim measure, but
4 having employment as the ultimate measure, really does, I
5 think, do as close as we felt we could in honoring the
6 intent of the legislation.

7 MS. SCHEFFEL: And I would just interpret
8 that by saying educational attainment is kind of the
9 language that's in that initial declaration. And I think
10 literacy's right in the center of that. Excuse me.

11 CHAIRMAN LUNDEEN: No, go ahead. Jane had a
12 question and then we will come -- swing this way as well.

13 MS. GOFF: Well, I think you might have -- I
14 think you might have answered it there.

15 CHAIRMAN LUNDEEN: And I didn't get an
16 answer to my anticipated participant's question.

17 MS. GOFF: Really quickly, does this -- and
18 I know you mentioned GED earlier, and I forget the new
19 term for that, frankly, but we'll go with GED for our
20 common context. Do these programs run concurrently?
21 Could they? By satisfying -- by completing and
22 accomplishing and achieving it on the GED routine,
23 regimen would this not apply as well to satisfying
24 whatever the criteria may be for the content of the
25 program.



1 And the other part of the question is when
2 the grants applications come in, is there -- is part of
3 the expectation of the application to provide the
4 syllabus or the set of the -- what's going to happen in
5 this program, and what are the -- where are the
6 benchmarks made and noticed, and where does assessment
7 occur, et cetera.

8 So, I would think we would know if we could
9 -- as those applications come in, and if that's an
10 expectation of the application process to provide the
11 course syllabus at least. I don't know. So --.

12 MR. KIRKPATRICK: Thank you, Mr. Chairman.
13 The GED -- many of those services can be provided
14 concurrently. Basic skills instruction, skills training,
15 and employment job search. One of the model programs
16 that we encouraged programs to look at, is it's called
17 Ibest (ph), or integrated instruction where basic skills
18 instruction happens in the skills training at the same
19 time as skills training.

20 So, a basic skills instructor works with a
21 skilled training instructor, and so the students move
22 very quickly through a skills training program.

23 The model for that is in Washington State,
24 through the Washington State Community College District.
25 Very well researched model. It's hopefully one that some



1 of our programs are going to be able to take elements
2 from and then move our students through basic skills
3 instruction onto their ultimate goal of employment.

4 GED is one of those basic skills landmarks
5 or benchmarks, and so they would be able to do that.

6 Yes.

7 MS. GOFF: Okay.

8 MS. KIRKPATRICK: Your second question, I'm
9 sorry, I --

10 MS. GOFF: Course --

11 MS. KIRKPATRICK: Oh, the syllabus, yes.

12 MS. GOFF: Program.

13 MS. KIRKPATRICK: The program's what we --
14 because this is a very new and an innovative program for
15 Colorado, the applications asked the partnerships that
16 were formed to tell -- to describe their programs, but we
17 anticipate that some of them are still in the development
18 stage.

19 And so, we will be asking them for more
20 finite examples and products as they actually have their
21 programs more polished and ready to offer to students.
22 We gave them some flexibility for the spring for the
23 partnerships to continue their development and offer
24 their programs perhaps later in the spring.

25 So, we will have products that we can show



1 you later in the year if you would like us to do that.

2 MS. HOLMES: Mr. Chair. We have twice now
3 avoided your question about numbers, I think. Because we
4 had just -- you all just in the consent agenda approved
5 the grantees, we'd have to look across those newly-
6 approved grantees and look at the total impact that's
7 intended, which we can certainly do.

8 CHAIRMAN LUNDEEN: And you'll work on this.
9 Give me a ballpark, a band, if you could.

10 MS. KIRKPATRICK: Of the nine, we have -- we
11 are asking -- or we ask for approval for nine, and I
12 would anticipate maybe 200 to 300 students, but I could
13 certainly --

14 CHAIRMAN LUNDEEN: All in. Not per --

15 MS. KIRKPATRICK: All in -- no. I'm sorry.
16 That's trying to do it on the fly. 100 to 150 per
17 program, so that would make both.

18 CHAIRMAN LUNDEEN: Okay, so give or take
19 1000.

20 MS. KIRKPATRICK: Yes. I'm sorry. We could
21 give you --

22 CHAIRMAN LUNDEEN: Okay, thank you, and
23 that's the kind of context I'm looking for.

24 MS. KIRKPATRICK: Yes.

25 CHAIRMAN LUNDEEN: All right, and let's come



1 this way. I'll come back to you, Dr. Sheffel. We had
2 questions (indiscernible) on the end.

3 MS. GOFF: So I see the issue now, because
4 it sounds like the grantees have already been chosen. Is
5 that right? Based on their current applications and
6 they've already done it, submitted their grants based on
7 an outcome of employment.

8 MS. HOLMES: Mr. Chair.

9 CHAIRMAN LUNDEEN: Based on the emergency
10 rules we passed back in the day. Yeah.

11 MS. GOFF: Based on the rules. Well, I
12 would just say this, just contextually, I think the
13 federal program has really struggled with the literacy
14 area. And in my mind if you give somebody the gift of
15 literacy, you give them the tool to move up in the job
16 market.

17 I think just getting a job as a local can
18 get somebody in the door for a job much easier than you
19 can give them the tool to move up and move within various
20 opportunities in the job market. And I guess I missed it
21 in the emergency rules, that that was the outcome
22 measure, and that literacy was not an outcome measure.

23 So I think it's unusual that we have a
24 million dollars in Colorado as a State Initiative. A lot
25 of states don't have state monies, it's all federal. The



1 fact that we have money earmarked for it in Colorado is
2 great. I feel disappointed that we missed -- that the
3 outcome measure shouldn't just be getting a job. I think
4 that's a low bar for these funds on behalf of the public.

5 So I would hope that as we relook at this in
6 the future that we can earmark that and make that an
7 outcome measure. I see the logic of making it an interim
8 goal, but I think it gets lost in the shuffle when you do
9 that, and it doesn't -- we can't -- we continue to fund
10 it, too, when it's not on the back end, so I would hope
11 we could correct that, and I don't know if this is the
12 place to do it.

13 Not saying that we go back and pull money
14 from somebody who's already been granted money,
15 obviously, because we're basing it on emergency rules.
16 But I guess I would see an outcome measure as literacy,
17 because it's a tool for forward momentum in the job
18 market.

19 MS. HOLMES: Mr. Chair, if I may, I don't
20 want to be perceived as advocating, but just for the sake
21 of the record being correct in a community that I've come
22 to know quite well in this grant, I think we would be
23 remiss in not just making sure the record is correct,
24 that this grant program does make Colorado the 50th and
25 last state to contribute any state dollars to adult



1 education.

2 CHAIRMAN LUNDEEN: All right, swing it this
3 way, and we've got public comment which start in two
4 minutes, so go ahead.

5 MS. NEAL: Look at the clock, ladies.

6 I'm looking at the clock, but I'm not
7 understanding. I'd like to know, is it in 4.0 that you
8 want something about lit -- in 5.0 pretty clearly we
9 collect information about the literacy through those
10 standardized tests. But I'm trying to understand, Deb,
11 exactly what you would like to see inserted, so that we
12 can figure out --

13 MS. GOFF: Where are the outcome measures
14 delineated in these rules? Is it --

15 MS. SCHEFFEL: Well --

16 MS. GOFF: Where does it say --

17 MS. SCHEFFEL: Well, you were talking about
18 in order to grant money you wanted assurances that this
19 particular program provides literacy programs. So, are
20 you in 4.0? Because in 5.0 pretty clearly it is reported
21 as to the literacy gains.

22 MS. GOFF: I guess conceptually I thought
23 what we were looking at is three-year grants evaluated
24 yearly, one of the outcomes measures is employment. I'd
25 like literacy to be the one of the outcomes measures,



1 too, that is gained. I don't know where they are.

2 MS. SCHEFFEL: Are you saying that within
3 the three years there's re-evaluation? I'm -- truly, I'm
4 trying to understand -- and I need more specifics than
5 sort of the general thing. Where would you be putting
6 what in the rules to help us --?

7 MS. GOFF: Well, where are the outcome
8 measures delineated in the rules that say grants will be
9 evaluated yearly to see if there's continuing funding?

10 MS. SCHEFFEL: 5.0.

11 MS. GOFF: Is it 4.0? It -- that doesn't
12 seem really clear to me.

13 MS. HOLMES: It's in 5.01.5. That's the
14 addition that you all asked for at the last meeting when
15 you all asked for a labor and workforce outcome as part
16 of the final outcomes. It's also in 2.01 that discusses
17 the grant recipients' annual demonstrations of adequate
18 progress, so a three-year grant with an annual checkpoint
19 for adequate progress. Those adequate progress measures
20 are where those interim measures can take place.

21 MS. GOFF: in 5 -- are in 5.0.

22 MS. HOLMES: Correct.

23 MS. GOFF: So I don't know, what is it that
24 you want to add, Deb? Because in 5.0 there is the
25 educational progress made by participating students as



1 measured by standardized tests and training in literacy.

2 UNIDENTIFIED SPEAKER: 5.01.3?

3 MS. GOFF: Yeah. That's one of the
4 standardized tests, is what I've heard.

5 MS. SCHEFFEL: Yeah, but don't say literacy.

6 MS. GOFF: Would that help?

7 MS. SCHEFFEL: It would help.

8 MS. GOFF: Because it's not just literacy.

9 Mean, one of the big pieces here --

10 MS. MAZANEC: Including in literacy?

11 MS. GOFF: I think is numeracy.

12 MS. MAZANEC: Literacy and numeracy. I
13 mean, what are the standardized tests that will help
14 determine funding? Will there be literacy and numeracy?

15 MS. HOLMES: (indiscernible) talk about
16 nutritional measures.

17 MS. KIRKPATRICK: Yes. The adult education
18 standardized tests do test -- there're three that are
19 generally accepted. They're CASES, TABE, and BEST Plus,
20 but they test literacy, numeracy, oral production of
21 language for its basic skills from pre-literacy to grades
22 12.8 in terms of reading skills and numeracy skills.

23 MS. BERMAN: We probably don't want to put
24 actual tests (indiscernible). Am I right?

25 UNIDENTIFIED SPEAKER: Right.



1 CHAIRMAN LUNDEEN: So, let me be clear,
2 because now I get your question, Elaine. Dr. Scheffel's
3 concern that the legislature -- the legislature enacted a
4 law seeking a -- and kind of the value add that we bring,
5 is, you know, expertise in education, if you will. And
6 so, we've identified, or the conversation certainly is
7 calling out, that literacy is something we don't want to
8 make -- we don't want to miss.

9 In fact, we're putting a finer point on the
10 desire for literacy. Is it your argument then that in
11 5.01.3 that to add the language, the standardized tests,
12 regarding literacy and numeracy would be gratuitous? Is
13 that -- is that the point you're making? Or would adding
14 that, in fact, be of value?

15 MS. KIRKPATRICK: Thank you, Mr. Chairman.
16 By the language that I understand, educational progress
17 as demonstrate -- I mean, as really interpreted for basic
18 skill students, it is literacy, reading, understanding
19 language production, and numeracy. Especially as
20 preparation for specific employment goals, so that
21 numeracy would be more important in some basic skills
22 preparations if the focus, for example, was a welding
23 certificate, or a construction certificate.

24 Then numeracy would be emphasized along with
25 reading and oral production if a person were going into,



1 perhaps, a more text-based employment, then numeracy
2 would still be -- would be part of the instruction, but
3 would not be the primary part that reading and oral
4 production would be the primary part.

5 But educational progress for basic skills is
6 literacy and numeracy. That's -- those are the two
7 elements that are tested and reported.

8 CHAIRMAN LUNDEEN: Okay.

9 MS. SCHEFFEL: (indiscernible) can we add
10 that language then?

11 MS. HOLMES: So just -- Mr. Chair, can we
12 just defer to Ms. Markel if it's possible, to add
13 language to rules at this point. Carrie?

14 MS. MARKEL: Yeah. I was -- I'm sorry, Mr.
15 Chair and members of the board. I was just reviewing 22
16 -- 22-10-105(2)(a), which states: The office shall
17 prepare an annual report concerning the grant program
18 that, at a minimum, addresses the use allocation and
19 outcomes of the grant monies included in -- including the
20 effectiveness of each program that receives a grant.

21 The report must include and evaluate program
22 outcomes. The office may consider, but may not be
23 limited to, considering student participation completion,
24 educational attainment, employment and poverty reduction
25 data and analysis. The report must also include an



1 overview of the collaboration efforts of the office,
2 Department of Higher Education, Department of Labor and
3 Employment, the community college system, and student
4 participation.

5 Woops, I'm sorry. But my point being is I'm
6 not sure that you need this by rule. It's set forth in
7 statute. And if the board -- You know, I've heard the
8 board repeatedly say, why are we putting into rule things
9 that are already in statute. The statute's very clear
10 about what should be included in the annual report in
11 reviewing it.

12 So, of course that is up to you all if you
13 want to add additional things. But the -- but 22-10-
14 105(1) and (2)(a), set forth what the annual report
15 should include.

16 CHAIRMAN LUNDEEN: Okay. So, then I
17 appreciate that. So, the technical question. Can we, at
18 this point, add language to rules as published previously
19 and heard previously.

20 MS. MARKEL: Yes. The board in its
21 discretion may add language --

22 CHAIRMAN LUNDEEN: We could add --

23 MS. MARKEL: But in doing so I think that it
24 would be wise to say in addition to the criteria outlined
25 in statute, the board also would ask that the annual



1 report include the following criteria.

2 CHAIRMAN LUNDEEN: Okay, so what --

3 MS. MARKEL: And what we can do to move this
4 forward is work with staff over a break, bring it back to
5 you before the end of the day today with the language
6 that Dr. Scheffel has suggested, and then present it to
7 you for a vote at that time rather than lingering on this
8 point.

9 CHAIRMAN LUNDEEN: Yeah. We may need to do
10 that. Because we're going to run off of timed items at
11 this point.

12 MS. SCHROEDER: So, my only --

13 CHAIRMAN LUNDEEN: Go ahead,
14 (indiscernible).

15 MS. SCHROEDER: So, listening to this whole
16 conversation, I guess my only question is if we are -- if
17 the board decides they want to add this additional
18 language in addition to what's already in statute in
19 terms of the final report, are we going to be exceeding
20 our authority?

21 MS. MARKEL: I think Julie Pelegrin (ph), at
22 the Office of Legislative Legal Services will tell us
23 that in a...

24 UNIDENTIFIED SPEAKER: She always does.

25 CHAIRMAN LUNDEEN: She potentially could.



1 MS. SCHROEDER: I mean, I think what I'm
2 hearing my --

3 MS. MARKEL: Because these rules do, as you
4 all know, these rules go -- once you all adopt the rules,
5 the attorney general issues a rule opinion. And then
6 what those rules are effective they get into the queue at
7 the Office of Legislative Legal Services, and their
8 talented attorneys review these by -- line-by-line, word-
9 by-word, checking for -- to -- statutory authority of the
10 board to enact these rules. So if they determine that it
11 exceeds this board's statutory authority, it goes before
12 a legislative legal committee for hearing.

13 And at that point we either agree with them,
14 or disagree, and go before them for hearing. And if --
15 if it's excessive then they are not renewed.

16 MS. SCHROEDER: So, I guess where I come out
17 on this is that I completely hear, Deb, what you're
18 saying, that the focus on literacy. I also, and you
19 acknowledge this, that this particular program has
20 suffered in the past in terms of achieving literacy goal.

21 And my understanding from your, Rebecca,
22 reading the purpose of the statute is that literacy is
23 important, but the ultimate goal is employment, which is
24 a much stronger concrete outcome than just the literacy
25 alone. And what I also hear you saying, is that the



1 literacy piece is built into educational progress.

2 So, I think if we'd be adding language, we'd
3 be doing it to make some board members feel better. But
4 what my understanding is, it's already in statute. So, I
5 am -- I'm perfectly happy to vote for the rules the way
6 they are right now.

7 CHAIRMAN LUNDEEN: Ok. And then we --
8 honestly, I think we've moved into a conversation about -
9 - because we have talked of trying to be minimalist on
10 rules where possible, so I think that would -- if we
11 continued in the conversation that would be the next
12 place I would probably go, is trying to find what --
13 where we can remain minimalist, and at the same time,
14 achieve the value add that I think we've spoken at length
15 about that I care about usually as well.

16 So, with that, I'll ask if a motion is in
17 order?

18 MS. SCHROEDER: I so move.

19 CHAIRMAN LUNDEEN: Okay, well we've got them
20 right here.

21 MS. SCHROEDER: Or Marcia. Let Marcia do
22 it.

23 MS. NEAL: I move to approve the rules for
24 the administration of the Adult Education and Literacy
25 Grant Program.



1 CHAIRMAN LUNDEEN: Okay, is there a second?

2 MS. SCHROEDER: Second.

3 CHAIRMAN LUNDEEN: Okay, we have a second.

4 Is there any objection? Do we want to roll call on this?

5 No. Without objection the motion will carry. Thank you.

6 Thank you.

7 Yeah. We'll take a two-minute break. We'll

8 come back to public comment. To the members of the

9 public who came here for a 10:00 session, we thank you

10 for your forbearance. We'll be right back to you.

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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 5th day of March, 2019.

/s/ Kimberly C. McCright
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Certified Vendor and Notary Public

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