



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
January 7, 2015, Part 4

BE IT REMEMBERED THAT on January 7, 2015,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

Marcia Neal, (R), Chairman
Angelika Schroeder (D), Vice Chairman
Steven Durham (R)
Valentina (Val) Flores (D)
Jane Goff (D)
Pam Mazanec (R)
Debora Scheffel (R)



1 MADAM CHAIR: Board, the next item on the
2 agenda is item 12.01, considering the disciplinary
3 proceedings concerning an application charge number 2012 EC
4 3248. Is there discussion? Is there a motion?

5 UNIDENTIFIED VOICE: I'd like to make a
6 motion please. Concerning the disciplinary proceedings
7 concerning an application charge number 2012 EC 3248, I
8 moved to dismiss the charge.

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

11 UNIDENTIFIED VOICE: Second.

12 MADAM CHAIR: Jane?

13 MS. GOFF: Second.

14 MADAM CHAIR: Jane seconds. Staff, please
15 call the roll.

16 MS. BURDSALL: Steve Durham?

17 MR. DURHAM: Aye.

18 MS. BURDSALL: Val Flores?

19 MS. FLORES: No.

20 MS. BURDSALL: Jane Goff?

21 MS. GOFF: Aye.

22 MS. BURDSALL: Marcia Neal?

23 MS. NEAL: Aye.

24 MS. BURDSALL: Pam Mazanec?

25 MS. MAZANEC: Aye.



1 MS. BURDSALL: Debora Scheffel?

2 MS. SCHEFFEL: Aye.

3 MS. BURDSALL: Angelika Schroeder?

4 MS. SCHROEDER: Aye.

5 MADAM CHAIR: The next item on the agenda is
6 item 12.03, consideration of disciplinary proceedings
7 concerning a license charge number 2014 EC 1021. Is there
8 a discussion? Is there a motion?

9 UNIDENTIFIED VOICE: Yes. I'd like to move
10 concerning the disciplinary proceedings concerning a
11 license charge number 12.14 EC 1021 I move to direct staff
12 and the Attorney General's Office to prepare the documents
13 necessary to request a formal hearing for the annulment of
14 the holder's initial license.

15 MADAM CHAIR: Proper motion. Is there a
16 second?

17 MR. DURHAM: I second.

18 MADAM CHAIR: Pam, seconds?

19 MS. MAZANEC: I second.

20 MADAM CHAIR: Staff, call the roll.

21 MS. BURDSALL: Steve Durham?

22 MR. DURHAM: Aye.

23 MS. BURDSALL: Val Flores?

24 MS. FLORES: Aye.

25 MS. BURDSALL: Jane Goff?



1 MS. GOFF: Aye.

2 MS. BURDSALL: Marcia Neal?

3 MS. NEAL: Aye.

4 MS. BURDSALL: Pam Mazanec?

5 MS. MAZANEC: Aye.

6 MS. BURDSALL: Debora Scheffel?

7 MS. SCHEFFEL: Yes.

8 MS. BURDSALL: Angelika Schroeder?

9 MS. SCHROEDER: Yes.

10 MADAM CHAIR: Oh, very good. Get one that
11 way. All right. The next item on the agenda 14.01, Notice
12 of Rulemaking for the Administration of the Exceptional
13 Children's Act.

14 UNIDENTIFIED VOICE: (Inaudible).

15 MADAM CHAIR: Hmm?

16 UNIDENTIFIED VOICE: (Inaudible).

17 MADAM CHAIR: I can go at (inaudible).

18 UNIDENTIFIED VOICE: Are we introducing
19 (inaudible)?

20 MADAM CHAIR: Okay. Well, I will do it, and
21 then you do it.

22 UNIDENTIFIED VOICE: Yeah.

23 MADAM CHAIR: Okay. Item 14.01 is the next
24 item on the agenda. It is a request to issue a Notice of
25 Rulemaking concerning rules for the administration of the



1 Exceptional Children's Educational Act. Commissioner, is
2 staff prepared to provide an overview?

3 UNIDENTIFIED VOICE: Yes, thank you Madam
4 Chair. And for the new Board Members, this is a notice of
5 rulemaking. We'll skip a month, and we'll have a formal
6 rulemaking process start. This is January, it will be
7 March. As in always in our rules, we try to solicit
8 tremendous amount of feedback before we even get to the
9 notice stage.

10 Our practice has been when we is to just not
11 issue a notice, but also to talk to you this time to be
12 fully aware of what's happening, in -- in the rules. These
13 two rules are brought about by statute changes as well as
14 having some cleanup, because of the changes in statute. So
15 with that I'll turn it over to Keith Owen.

16 UNIDENTIFIED VOICE: Madam Chair.

17 MADAM CHAIR: Dr. Owen.

18 MR. OWEN: So good afternoon. And I've got
19 Dr. Medina here who is our director of gifted programming
20 for the state, and also Randy Boyer (ph), who's assistant
21 commissioner for exceptional student services. And we're
22 going to briefly go through the Notice of Rulemaking for
23 the Exceptional Children's Education Act. So for special
24 education, as the commissioner said, to incorporate new
25 statutory provisions related to multidistrict



1 administrative units, which was placed in the statute last
2 year, this is an opportunity for it to replace those
3 expired rules. We also are going to be doing some cleanup
4 for temporary educator eligibility authorizations.

5 And then for gifted education, House Bill
6 14.1102 incorporated statutory provisions that required us
7 to look at implementing the way that we write rules to
8 implement gifted education concerning the identification,
9 data collection, advanced learning plan content procedures,
10 portability procedures, accountability for gifted student
11 achievement, and program evaluation, budget accountability
12 procedures for family engagement, procedures for resolving
13 disagreements, and a grant program to offset the costs of
14 universal screening, and employment of qualified personnel,
15 and gifted education. House Bill 14.1102 also introduced
16 new definitions which were incorporated into the rulemaking
17 process as well.

18 Some of you might remember that we did
19 emergency rules related to gifted education in November,
20 2014. The emergency rules were approved by the State Board
21 of Education for our grant program that's part of House
22 Bill 14.1102. Approval of the emergency rules allowed us
23 to get administrative units the funding for this school
24 year. The emergency rules that are in section 12.09, and
25 now proposed as permanent rules with no change are included



1 today.

2 So let me briefly describe the process that
3 we use to develop the rules. So staff detailed the review
4 of the new statute in comparison with current CD guidelines
5 of practice and gifted education. Focus groups were
6 conducted around the state. Over a hundred people
7 participated in small group discussions, and one of five to
8 five -- five face-to-face meetings or one of three
9 webinars.

10 Focus groups were comprised of gifted
11 education directors, and coordinators from districts, and
12 BOCES, other district administrators. Parents were also
13 involved with some of these focus groups. Parental
14 involvement was also gained through representatives of the
15 State Advisory Committee, and representatives of the
16 Colorado Association of Gifted Children.

17 Participants of focus groups were asked to
18 comment in terms of strengths of the statements, questions
19 and, concerns specific to the rules across to how it would
20 apply it in their local settings.

21 After synthesizing focus group input, and
22 also looking at the participants, those rules were
23 developed for consistency of meeting and implementation of
24 the Gifted Education Program throughout the state. A draft
25 of these proposed rules was also shared with the Gifted



1 Education State Advisory Committee, the Special Education
2 Consortium, the Colorado BOCES Association, Colorado
3 Association for School Executives Case, and Colorado
4 Association for School Boards CASB.

5 In addition, in your packet you find a
6 crosswalk of the statute in House Bill 14.1102, and then
7 the rules, which I think at the -- at the direction of the
8 Board are being included with rules as they come forward.

9 So with that, Madam Chair, we're happy to
10 take any additional questions, but this is the formal
11 process to notice these rules. There will be an
12 opportunity for staff to take input on these rules, and
13 we'll be back for a hearing in March.

14 MADAM CHAIR: Okay, thank you Dr. Owen. I
15 would just mention again to the new Board Members that so
16 much of what we do here is driven by legislation, and this
17 is a response to a -- a bill that was passed by the
18 legislators. So we frequently don't have a great deal. We
19 -- we have choice in -- in the rules, and I mean, we have a
20 point we can make decisions, but a lot of it is driven by
21 the legislature.

22 So are there any questions? Angelika.

23 MS. SCHROEDER: I would just like to be
24 reminded when we hear from the organizations, I think I
25 just heard you say that -- that the proposed rules have



1 already been distributed to them? Do they usually wait
2 until we set it for hearing or do you think everybody's
3 happy?

4 UNIDENTIFIED VOICE: (Inaudible) informally
5 the interested parties, and -- and all of that Dr. Owen
6 described, that's an informal process, but in (inaudible)
7 in the draft rules. What you're being asked today is to --
8 to commence formal ruling process that's --

9 MS. SCHROEDER: And --

10 UNIDENTIFIED VOICE: -- decided by the
11 (inaudible).

12 UNIDENTIFIED VOICE: Right. And we may hear
13 them from --

14 UNIDENTIFIED VOICE: (Inaudible).

15 MS. SCHROEDER: I'm trying to remember how
16 this (inaudible).

17 UNIDENTIFIED VOICE: (Inaudible).

18 MADAM CHAIR: (Inaudible) get close.

19 UNIDENTIFIED VOICE: Ma'am --

20 UNIDENTIFIED VOICE: At that rulemaking
21 hearing.

22 UNIDENTIFIED VOICE: Madam -- Madam Chair.

23 MADAM CHAIR: Commissioner.

24 UNIDENTIFIED VOICE: This has been something
25 we've started at the department. Instead of just develop



1 rules where we think they are, get a notice of rulemaking.
2 It's been our desire that anybody who wants to have a
3 voice, we try to get their input before that ever comes to
4 a notice of rulemaking.

5 I mean, that by no means, means that once
6 you start the formal stage, people can make changes and
7 formal comments, but it's part of trying to be as broad
8 based as we can of getting input into the rules, so that we
9 don't end up with a lot of controversy, quite frankly.
10 (Inaudible) if we listened to people beforehand that they
11 have a -- included on record chance once we notice it.
12 Thank you.

13 MADAM CHAIR: Thank you. Ms. Scheffel.

14 MS. SCHEFFEL: Have you shared these with
15 the Colorado Special Ed Advisory Committee or did they see
16 these later? Do you know? (Inaudible).

17 UNIDENTIFIED VOICE: Madam Chair?

18 MADAM CHAIR: Yes.

19 UNIDENTIFIED VOICE: Dr. Scheffel, these --
20 these have been not necessarily shared with the Colorado
21 Special Education Advisory Committee. They went before the
22 Colorado Gifted -- Gifted Education Advisory Committee.

23 MS. SCHEFFEL: Would it be appropriate to
24 share with both entities?

25 UNIDENTIFIED VOICE: It -- it would, it



1 would, and I don't believe they were, you know, formally
2 shared with them.

3 MS. SCHEFFEL: Thank you.

4 UNIDENTIFIED VOICE: They are -- they do
5 watch our rulemaking process.

6 MADAM CHAIR: Mr. Durham.

7 MR. DURHAM: Thank you, Madam Chair. Do you
8 make an attempt to do a cost benefit analysis on these
9 rules?

10 UNIDENTIFIED VOICE: Madam Chair?

11 UNIDENTIFIED VOICE: Yes.

12 UNIDENTIFIED VOICE: Mr. (inaudible), when -
13 - what's the (inaudible) rulemaking process commences, that
14 is one of the things that's requested, whether there's an
15 analysis done at the state level, whether they're costs
16 analysis is required. And so that is -- that while we
17 cannot do it at the -- at the department level at this
18 point, it is done for every set of rules that are filed
19 with the Secretary of State's office. And I will get an
20 email notification back saying "no cost benefit analysis is
21 required." If that -- that answers your question in part.

22 MADAM CHAIR: Thank you.

23 MR. DURHAM: Who makes that --

24 UNIDENTIFIED VOICE: Go ahead.

25 MR. DURHAM: -- who makes that



1 determination?

2 UNIDENTIFIED VOICE: It's made by the -- I
3 believe it's made by the Department of Regulatory Agencies.
4 The process of filing with the Secretary of State's Office
5 requires this office to file a copy of the draft rules,
6 setting the hearing date, contact information, where the
7 hearing will take place, and then the statutory (inaudible)
8 for the rules along with a filing with the Colorado
9 Register.

10 And what I receive back in a few days is
11 whether or not a cost benefit analysis is required.
12 There's an email generated from, I believe it's DORA that
13 will generate that and tell me whether a cost benefit
14 analysis is required for the rules.

15 MADAM CHAIR: Is it not true that whenever a
16 piece of legislations pass, there's a financial note
17 attached to it? That --

18 UNIDENTIFIED VOICE: There's a fiscal review
19 --

20 MADAM CHAIR: Fiscal note.

21 UNIDENTIFIED VOICE: -- to determine whether
22 (inaudible) --

23 MADAM CHAIR: I was thinking that.

24 UNIDENTIFIED VOICE: -- would be required.

25 MR. DURHAM: And I think the -- the fiscal



1 note doesn't have anything to do with the cost of the
2 rules. The fiscal note has to do with the cost to the
3 agency to promulgate the rules.

4 MADAM CHAIR: Well, (inaudible).

5 MR. DURHAM: So there's no -- so there's no
6 -- there's no cost estimate other than apparently what DORA
7 does to the end user. The -- the complaint I've heard in
8 my short time involved in these issues comes from charter
9 schools, and rural school districts that have complained
10 rather vociferously that while Jefferson County, and Denver
11 County may have, you know, whole departments to analyze
12 these sorts of things, and gauge difficulty of compliance,
13 oftentimes they don't even have anybody in the -- in the
14 school or in the small district to even read the -the
15 proposal.

16 So I guess the question is, what are we
17 doing to reach out, and perhaps sit down sessions, and
18 explain the impact of these rules to charters, and to
19 smaller districts. Is there an active program to do that?
20 And do you then quantify their feedback in a way that it
21 can be presented to the Board?

22 UNIDENTIFIED VOICE: Madam Chair?

23 MADAM CHAIR: Yes.

24 UNIDENTIFIED VOICE: One of the things that
25 -- thank you, Mr. Durham for that question, and because we



1 have heard that. And I'm sure you're aware of we've heard
2 it from more than just one person --

3 MR. DURHAM: Yeah.

4 UNIDENTIFIED VOICE: -- that there is this
5 concern in the field regarding getting the information out
6 to the field about (inaudible), and it's not simply enough
7 for us to say that this is opposed by statute.

8 We have heard that message, and one of the
9 things that we're implementing as of (inaudible) if you all
10 approve Notice of Rulemaking (inaudible) agreed is an
11 appropriate process is to send out all -- send out the
12 rules to all the superintendents, BOCES, charters. We have
13 a list serve, so that we're reaching out to the public
14 letting them know having a copy of the rules attached,
15 (inaudible) providing them with a summary of what the rules
16 comprise, telling them when the rulemaking (inaudible) will
17 take place, inviting them to submit written comments to the
18 State Board Office, so that we have a more open dialogue.

19 Under state law all that we're quote,
20 unquote required to do is file it with the Secretary of
21 State's Office in the Colorado Register, and they
22 promulgate notice. Well, that notice is probably not
23 meaningful for the folks that you're referring to. So what
24 we've decided to do is -- is in addition to the statutorily
25 required notice is to give the main point of contact we



1 just made, and give them copies of the rules, information
2 about the hearing, information about how they get
3 information back to the department, and to you all
4 ultimately, so that they can participate more meaningfully
5 in the rulemaking process.

6 That is one thing that we've done in
7 response to that concern.

8 MADAM CHAIR: And -- and I would just say
9 Mr. Durham, as the sort of informal representative to this
10 rural schools, rural net, that -- that is a continual
11 concern. It's something we hear about all the time. Anna
12 and I share their concerns. However, when you look at the
13 makeup of the legislature, in -- in most of the -- what 87
14 percent or whatever are in the I-25 corridor, and only,
15 like, 12, 13 percent. And -- and most of our legislators
16 are from big districts. We don't have a whole lot of
17 rural.

18 Now, we -- we have some, and we -- it's a
19 problem. It's not something new with something we've
20 worked with, and/or worked at. We haven't come to any, but
21 the whole issue of rural schools, and being held to the
22 same standard as the bigger schools, it's a -- it's a big
23 problem. And both, you know, Mr. Hammond, Dr. Owen, you've
24 heard that story a few times. Yes. All right. Yes, you
25 had another comment?



1 MR. DURHAM: Well, yes. If I could
2 followup. I mean, this -- this document is probably
3 helpful, and would need to be reviewed prior to vote on the
4 final rules, but as I was just -- is it possible to produce
5 a list to go along with these rules before they're finally
6 approved, the things that are required that are new
7 requirements?

8 For example, I noticed in here someplace
9 that there's an annual plan that have to be provided
10 administrative units. So I'll submit to the department an
11 annual plan that is a gifted education UIP addendum. Do
12 they have to do that now?

13 If they don't have to do that now, then I
14 think we ought to -- we ought to estimate the cost of what
15 that is, because I presume those reports are not generated
16 without some effort. So I think it would be helpful if
17 we're going to really get a handle on rulemaking, and the
18 impact is to -- is while this may be helpful in terms of
19 statutory requirement, I think it would be more helpful to
20 say currently they don't have to do this, but now they're
21 going to be required to do it.

22 And -- and maybe even see that that's
23 submitted to the district, so that they have a clear
24 understanding of what their obligations are going to be.
25 And -- and also I think it's incumbent on those that are



1 producing the rules to try and minimize that impact,
2 because any increased paperwork reporting, any of those
3 kinds of burdens, if the legislature intended those to be
4 foisted on the districts, that's fine. But, perhaps the
5 legislators should be -- it should be made clear to them
6 what they did. And --

7 MADAM CHAIR: Give it a try.

8 MR. DURHAM: Well, I'm -- I'm more than
9 happy to give it a try, actually.

10 UNIDENTIFIED VOICE: Where's Todd, and why
11 didn't he get a picture of James face after that?

12 MR. DURHAM: But --

13 UNIDENTIFIED VOICE: I know.

14 MR. DURHAM: -- but these kinds of -- I mean
15 it -- this could be perfectly okay. It may be very
16 mundane. I have no idea. I'm not an expert in Exceptional
17 Children's Act, but, you know, the transportation, which I
18 guess is where we're going next, I know those can be
19 expensive. And what -- what the new requirements are, I
20 think we need to have a pretty good idea.

21 UNIDENTIFIED VOICE: Madam Chair?

22 MADAM CHAIR: Yes.

23 UNIDENTIFIED VOICE: Can I just respond very
24 briefly. Thank you, Mr. Durham for your insightful
25 comments. And I think that with regard to sitting out, one



1 -- one of the things that I see that we could easily
2 incorporate into this new process that we're going to do as
3 far as reaching out directly to districts, and BOCES, and
4 see if -- and giving them the -- the rules is in the cover
5 email highlighted for them. Here are the new things
6 required by statute. Here are the things.

7 I think the difficulty or challenge we may
8 have is being able to quantify the costs that --

9 MR. DURHAM: Got it.

10 UNIDENTIFIED VOICE: -- you impose on
11 districts because of size issues. But at least
12 highlighting for them --

13 MR. DURHAM: Right.

14 UNIDENTIFIED VOICE: -- these are the new
15 things. These are the things that are -- that are being
16 required of you that are new. I think that's -- that's
17 something that is very, very much part of what we were
18 trying to do when we were thinking of how can we at least
19 begin to address this issue that -- and I don't want to
20 steal (inaudible) thunder, but I will give you a highlight
21 that you'll be pleased to know that part of the reason that
22 the minimum transportation standards are coming before you
23 are to reduce costs and provide flexibility to the rules.
24 But I'll let her give you the full scale on that.

25 MADAM CHAIR: When that comes.



1 MR. DURHAM:: Madam Chair, yeah, I'm -- the
2 -- yeah, I've seen more than one set of rules designed to -
3 - to reduce costs that haven't do anything but. So, you
4 know, there -- there needs to be a --

5 UNIDENTIFIED VOICE: Sexist comment, but
6 I'll let you hear from her, and ask the question.

7 MR. DURHAM: Okay. All right. Good. I'll
8 look forward to that.

9 MADAM CHAIR: Any other questions --

10 UNIDENTIFIED VOICE: Yes.

11 MADAM CHAIR: -- over there?

12 UNIDENTIFIED VOICE: Yeah.

13 MADAM CHAIR: Pam, have anything? Deb?

14 UNIDENTIFIED VOICE: Jane.

15 MADAM CHAIR: Jane?

16 UNIDENTIFIED VOICE: Are you on the list?

17 UNIDENTIFIED VOICE: No, no.

18 MADAM CHAIR: Jane?

19 MS. GOFF: Thank you, Madam Chair. Kind of
20 to a -- a little bit of a rejoinder. Whenever the --
21 there are comments made, and the charts are filled out, and
22 the updates are made, we regularly get a copy of the
23 updates as they go along. I have found that very helpful.

24 And that maybe even from the beginning, the
25 list or a version thereof depending on where it is in



1 development or at the time of the process, it could be part
2 of that as well, just to have a sort of standing box that
3 would be a bit of a reminder.

4 My question actually is around, I guess I
5 need some clarification now. If I'm right, I understand
6 this is purely the gifted Ed highlight parts of the change,
7 is why you guys are here, as it is part of the large
8 education --

9 UNIDENTIFIED VOICE: Question.

10 MS. GOFF: Lost my brain.

11 MADAM CHAIR: We all have.

12 MS. GOFF: Exceptional Children's Education
13 Act. But the -- I think it was -- Randy, you talked about
14 complaints or distress calls, basically. When people have
15 a problem, either they want to file a complaint. I guess
16 just ran through my mind. What are -- what are complaints,
17 quote, unquote in gifted Ed?

18 Are they -- do they fall under a lot of the
19 same types as what we have? We know our, perhaps our
20 consumer -- consumer complaints calls come here to CDE
21 around special education. And are the -- do the complaints
22 that come in around gifted Ed fall into the same types of
23 categories, placement, or decision-making power, or
24 discrepancies, or issues around the development of a ALP,
25 ILP, and in any case I guess that's what I would ask if --



1 as we --

2 UNIDENTIFIED VOICE: Yep.

3 MS. GOFF: -- as we -- as we talk to folks
4 about, you know, and the people get snippets of words, and
5 they hear just complaints, and process structures, and all
6 of that. Are we focusing on any one academic -- the
7 content the classification, the category of students or are
8 we just being general?

9 UNIDENTIFIED VOICE: Madam Chair?

10 MS. GOFF: And I'm sorry, my voice is bad
11 today. So --

12 UNIDENTIFIED VOICE: Madam Chair?

13 MADAM CHAIR: Yes.

14 UNIDENTIFIED VOICE: In regard to gifted
15 education, the resolving of disagreements is about
16 identification, process, procedures, programming, and
17 advanced learning plans.

18 UNIDENTIFIED VOICE: Okay.

19 UNIDENTIFIED VOICE: Those are the main
20 topics. And then it's -- it is not under the same
21 guidelines as due process, for instance as special
22 education.

23 UNIDENTIFIED VOICE: Right.

24 UNIDENTIFIED VOICE: But it is a process, a
25 system that the district has to resolve conflicts.



1 UNIDENTIFIED VOICE: Okay.

2 UNIDENTIFIED VOICE: Madam Chair?

3 MADAM CHAIR: Yes.

4 UNIDENTIFIED VOICE: In -- in addition your
5 earlier question, there are two pieces of legislation. One
6 specifically around the BOCES, and a multidistrict AU that
7 is included in this as well, outside of the gifted. So --

8 UNIDENTIFIED VOICE: Okay.

9 UNIDENTIFIED VOICE: -- but there -- there
10 are a couple of minor pieces that were a result of
11 legislation and cleanup.

12 MS. GOFF: Okay. But -- but they -- was
13 that -- and I can -- my memory's just flaky today. Was all
14 of that part of -- included in 11.02. I -- I've been
15 operating under the thinking that 11.02 the highlight or
16 the main part of that was the gifted issue. But --

17 UNIDENTIFIED VOICE: Madam Chair?

18 MS. GOFF: Tell me otherwise. Yes.

19 MADAM CHAIR: Yes.

20 UNIDENTIFIED VOICE: 11 -- House Bill
21 14.1102 was gifted -- for gifted education. The rules
22 incorporate these -- these cleanup items for special
23 education, because both special Ed and gifted Ed are under
24 ECEA.

25 UNIDENTIFIED VOICE: That's -- that's what I



1 just chatted about --

2 UNIDENTIFIED VOICE: Okay.

3 UNIDENTIFIED VOICE: -- with my colleague.

4 UNIDENTIFIED VOICE: (Inaudible).

5 UNIDENTIFIED VOICE: Thank you. I was
6 right. Thank you.

7 UNIDENTIFIED VOICE: (Inaudible).

8 MADAM CHAIR:: Okay. Schroeder.

9 MS. SCHROEDER: So now I have a question.

10 Can the services plans, et cetera for our smaller districts
11 be run by the BOCES, or must those be district by district
12 by district by district by district?

13 UNIDENTIFIED VOICE: Madam Chair?

14 MADAM CHAIR: Yes.

15 UNIDENTIFIED VOICE: Currently we have the
16 annual plan and the program plan that are submitted through
17 the administrative unit, which is the BOCES.

18 MS. SCHROEDER: Okay.

19 UNIDENTIFIED VOICE: They are administrators
20 of gifted Ed, like they are for special --

21 MS. SCHROEDER: Special ed, okay.

22 UNIDENTIFIED VOICE: -- education.

23 MS. SCHROEDER: Okay.

24 UNIDENTIFIED VOICE: Okay. And so

25 throughout the state we have a support system, a network



1 system that works with each of our AUs to provide the
2 technical assistance, and really personalized service to
3 implement those.

4 MS. SCHROEDER: So this isn't 178 plans.

5 UNIDENTIFIED VOICE: We have 58
6 comprehensive program plans. And then the annual plan,
7 which is actually a consolidation of two plans that
8 districts used to have to submit to CDE. And that's a
9 consolidation that we implemented about three years ago.
10 And that is submitted annually a summary report by the
11 administrative unit and a proposed budget.

12 MS. SCHROEDER: Okay.

13 UNIDENTIFIED VOICE: The IU -- the UIP
14 Program addendum that's referred to in the rules is
15 integrated into the district UIP plan. So it's
16 transparent, and right there with it.

17 MS. SCHROEDER: Okay. Thank you.

18 MADAM CHAIR: Scheffel.

19 MS. SCHEFFEL: One of the questions I have
20 in followup to some of the other comments is terms of cost
21 and burden on the districts. Like, for example, on page 13
22 under annual plan, they have to do an addendum using the
23 UIP format, right? And question, do we -- I see the
24 reference to the statute as far as the buy annual UIP for
25 rural districts. So by statute do we have to require let's



1 do a UIP or can they do some other plan where -- which is
2 more abbreviated?

3 I mean, if you talk to the districts about
4 the burden of writing a UIP, and how much it helps them or
5 doesn't, it's not -- a lot of the districts don't, at least
6 that I talked to, don't feel like it's a particularly
7 helpful document in driving their performance.

8 So do we have discretion within the rules in
9 terms of an annual plan or is it specified that they have
10 to use the UIP, which is a pretty extensive document? And
11 that's where I think we talked a minute ago about saying
12 here's what the law requires. Here's the districts are
13 required to do, are we writing rules that are minimally
14 imposing additional regulations or are we going beyond?
15 And that's just a question.

16 UNIDENTIFIED VOICE: Madam Chair?

17 MADAM CHAIR: Yes.

18 UNIDENTIFIED VOICE: The annual plan content
19 and format is specified through rule.

20 MS. SCHEFFEL: We have to --

21 UNIDENTIFIED VOICE: First of all.

22 MS. SCHEFFEL: -- so we --

23 UNIDENTIFIED VOICE: Yes.

24 MS. SCHEFFEL: -- we indicate that it's a

25 UIP?



1 UNIDENTIFIED VOICE: Correct. And the --
2 however, the law does say that we must monitor, and be
3 accountable for the student achievement of gifted students.
4 So prior to this particular annual plan, administrative
5 units did on an annual basis submit the whole comprehensive
6 program plan, and a piece of that was student achievement.
7 It was -- it's been in there for probably 20 years.

8 However, when the state went to UIP
9 planning, it seemed to make most sense, and especially with
10 our -- and with consultation with our Gifted Education
11 State Advisory Committee, and -- and our directors, and
12 other people to integrate the student achievement piece
13 into what the district is doing for improvement. Ideally,
14 the gifted student improvement efforts are imbedded in the
15 district plan. They can do that, or they have a choice to
16 use the addendum, which is a short version.

17 It's, like, what are your targets? Like
18 they were in the old plan? And then how are you going to
19 do it? You know, what's your action plan to get there? So
20 they have a choice. It can be embedded in the district
21 plan, which some districts are doing, and others are
22 choosing to use the addendum. And that has taken the place
23 of our -- to be in compliance with the statute around
24 student achievement.

25 It also has helped us to embed the end of



1 the year report that formally was also due -- another
2 report due in September 30th, because at the beginning of
3 that chart, the addendum it says, "how'd you do last year?"
4 That's their report. Okay. And then, so it's one
5 submission, and it's integrated with the district. It's
6 not the separate little report sitting in the office of
7 gifted education. It's there with the district embedded.

8 UNIDENTIFIED VOICE: Madam Chair?

9 MADAM CHAIR: Yes.

10 UNIDENTIFIED VOICE: I might had -- have one
11 other comment to the Dr. Scheffel's question about burden,
12 especially for rural school districts.

13 You might remember that last year there was
14 legislation that was passed that allowed small rural
15 districts that are at the performance level or higher to do
16 biannual, and so that's also reflected here. They would
17 update that biannually instead of annually.

18 UNIDENTIFIED VOICE: Thank you.

19 MADAM CHAIR: Any other questions? If not,
20 I will entertain a motion to --

21 UNIDENTIFIED VOICE: Over here.

22 MADAM CHAIR: Well, you don't have to do
23 this one anyway. You can do this one.

24 UNIDENTIFIED VOICE: (Inaudible).

25 MADAM CHAIR: Okay. I move --



1 UNIDENTIFIED VOICE: I move to approve the
2 notice of rulemaking hearing for the rules for the
3 administration of Exceptional Children's Education Act.

4 MADAM CHAIR: Second? Do we always need a
5 second or --

6 UNIDENTIFIED VOICE: Yes.

7 UNIDENTIFIED VOICE: That's good.

8 MADAM CHAIR: Yeah, we always use a second.
9 Okay.

10 MS. GOFF: Second.

11 MADAM CHAIR: You seconded it, Val? Who
12 seconded it, Val?

13 UNIDENTIFIED VOICE: I think Jane just did.

14 UNIDENTIFIED VOICE: Yeah.

15 MADAM CHAIR: Jane did. Okay. Well,
16 somebody seconded it. Okay. Is there any objection? If
17 not, we have approved the rules. Thank you.

18 UNIDENTIFIED VOICE: Okay.

19 UNIDENTIFIED VOICE: We approve on notice.

20 UNIDENTIFIED VOICE: Notice.

21 UNIDENTIFIED VOICE: To notice the
22 rulemaking.

23 MADAM CHAIR: Notice the rulemaking.

24 UNIDENTIFIED VOICE: I (inaudible) approve
25 it.



1 UNIDENTIFIED VOICE: Yes. I haven't
2 approved it.

3 MADAM CHAIR: We didn't approve.

4 UNIDENTIFIED VOICE: No, (inaudible).

5 MADAM CHAIR: We (inaudible). We don't
6 approve much of it.

7 UNIDENTIFIED VOICE: (Inaudible).

8 MADAM CHAIR: Oh, where are we now?

9 UNIDENTIFIED VOICE: (Inaudible).

10 MR. DURHAM: 15.02.

11 MADAM CHAIR: 15.02?

12 MR. DURHAM: I believe.

13 MADAM CHAIR: School transportation
14 Building, oh good.

15 UNIDENTIFIED VOICE: (Inaudible).

16 MADAM CHAIR: Who's coming, oh -- 15.02,
17 notice the rulemaking for the Colorado minimum standards
18 governing school transportation vehicles, 1 CCR 301.25.
19 And, Commissioner, are your staff prepared to provide an
20 overview?

21 UNIDENTIFIED VOICE: Yes. Thank you, Madam
22 Chair. One of the things that we've heard, and this --
23 this probably will have some comments on both sides, trust
24 me. But especially from our rurals of how can we take the
25 existing rules and make them less burdensome, if anything



1 go down to the federal minimums.

2 We've looked -- this is a part of that. And
3 in addition to that, when it comes to activity buses, there
4 are certain requirements that it's a very difficult for
5 rural districts to meet from a cost standpoint along with
6 everything else.

7 This is where probably you may get some
8 feedback from probably the urban districts that probably
9 wouldn't like some of this stuff, and we'll see how we go
10 through the process on that. But we feel that in trying to
11 come up with a pretty unique way to, I think not only
12 modify these rules, but also come up with (inaudible) more
13 local control and discretion at the district level, while
14 still protecting student safety.

15 So a little bit nebulous there, but I --
16 Leanne will explain what the specifics of what we're trying
17 to do. And again, this is a Notice of Rulemaking. We'll
18 go through the whole process, just as Ms. Markel described.
19 I noticed there's a representative from the Rural Alliance
20 here, and the northern superintendents. Although he's not
21 talking at this point, but he wanted to be here. So
22 anyway, Leanne.

23 MS. EMM: Thank you.

24 MADAM CHAIR: Yes.

25 MS. EMM: Madam Chair, today, Jennifer Okes,



1 our director of school finance and I will provide
2 information to you all regarding the rules on the minimum
3 standards governing school transportation vehicles. And
4 Jennifer, and the transportation staff engaged in an
5 extensive process to gather feedback, and input into the
6 review, and rewrite of these minimum standards.

7 These rules have been in place since 1972.
8 However, they are updated and reviewed on a periodic basis,
9 and that's where we're at on this current cycle. So again,
10 this has a course a Notice of Rulemaking, and then we will
11 go into the formal rulemaking --

12 UNIDENTIFIED VOICE: Is periodic 30 years at
13 this point. Okay. Sorry.

14 MADAM CHAIR: More than that. It's been
15 three years.

16 UNIDENTIFIED VOICE: That's all right.

17 UNIDENTIFIED VOICE: I think it's 40.

18 MS. EMM: And, but, and during that period
19 of time they have been modified, and updated, and so we are
20 here to do the notice to go through that process again,
21 update, modify. And I'm going to let Jennifer speak to
22 what -- what they have been working on and the process that
23 they've been using to go through this.

24 MADAM CHAIR: Thank you. Go ahead.

25 MS. OKES: Thank you, Madam Chair. Again,



1 this is Notice of Rulemaking to request the Board issue a
2 notice of rulemaking for the Colorado minimum standards.
3 And the authority for that rulemaking comes from two
4 different sets of statutes, Section 2252 108, and Section
5 424 1904. And it's been seven years since these were last
6 updated, so it's been a while. And again, this was just
7 part of our normal review to make sure that they're kept up
8 to date and current with the changing industry standards,
9 and so forth. And again, these are to ensure the safety of
10 the students being transported in school buses.

11 So several months ago we began working with
12 representatives of the school districts, the transportation
13 directors, the fleet managers. We also reached out to the
14 school bus manufacturers to -- to see, get their
15 perspective on what rules have changed and -- and things in
16 the industry. We've held regional meetings.

17 Additionally, we have a Transportation
18 Advisory Council that was created. We've put the state
19 into nine separate regions, and we have two representatives
20 from each region. And part of that reason behind that is
21 to get that rural input, because they do face so many
22 different things than the urban corridor school district.

23 So that Transportation Advisory Council of
24 transportation directors, has been very involved in these
25 rules as well. And it's -- it's been a great



1 collaborative, iterative process with really engaged
2 people, because the -- the transportation personnel and the
3 district's really care about the -- of what they do. And
4 so, they're passionate about it, and gave us a lot of time,
5 and energy in looking at these.

6 One of the things in discussing with them,
7 we wanted to make sure is number one, do the rules, are
8 they required for the safety of the students being
9 transported? Is this something that should be in a rule
10 and a regulation or should be given up to the flexibility
11 of the districts to determine? Is it a choice or should
12 this be because it's a safety need? So that's something
13 that we continually asked ourselves in our discussions.

14 The second question was similar to what was
15 discussed just a minute ago, is what about the cost, and
16 what's the cost of these rules? And because we did have
17 representatives who are trying to make those budgets work,
18 and trying to keep their buses running with a limited
19 budget. So we were always very mindful of those two things
20 every time each rule was looked, whether it's a current
21 rule or a new proposal.

22 And so the proposed changes that we came up
23 to, we did find several important, and they're fairly
24 technical changes. One of the things that was also very
25 good in this process is that we really found that the rules



1 over the past 40 years are solid. Most of the rules should
2 stay as they are currently written, because of the train in
3 Colorado, the weather in Colorado, but some of them needed
4 to be tweaked. And so we felt like there was some
5 important rural changes that were necessary, but it was
6 also a good confirmation that -- that the group felt like
7 the rules that are in place are generally good.

8 So there's four different types of changes,
9 streamlining the rules, updating the rules, clarifying, and
10 then reducing that regulatory burden. So in terms of
11 streamlining and consolidating the rules, right now,
12 there's 256 rules, and we're proposing eliminating over a
13 hundred of those rules to get down to just under --

14 MADAM CHAIR: Good for you.

15 MS. OKES: -- 150 rules.

16 MADAM CHAIR: We're for that.

17 MS. OKES: Part of that is we took out
18 things that were redundant of federal requirements, and if
19 it's in the federal requirements we didn't feel like we
20 should reiterate it in our state requirements, because if
21 they change, then we could get out of sync, and then you'd
22 have contradictory. So we've eliminated --

23 UNIDENTIFIED VOICE: Excuse me, Madam Chair.

24 MADAM CHAIR: Yes.

25 UNIDENTIFIED VOICE: Can we ask you to



1 repeat. What did you say your four goals were?

2 MS. OKES: So --

3 UNIDENTIFIED VOICE: Streamlining.

4 MS. OKES: -- to streamline, update,
5 clarify, and reduce the regulatory burden.

6 UNIDENTIFIED VOICE: And you went from 150
7 rules to 100?

8 MS. OKES: 256 --

9 UNIDENTIFIED VOICE: Oh.

10 MS. OKES: -- to 149. So we eliminated over
11 a hundred.

12 MADAM CHAIR: I think that's pretty good
13 goal. Pretty --

14 MS. OKES: And that translates. So
15 currently there are about 32 pages, and it translates there
16 -- they've come down to 21 pages. And so a lot of that is
17 getting rid of those redundant, duplicative types of rules.

18 We also combined two major sections of the
19 rules. There was a separate section on the school bus
20 body, and the school chassis, and we've combined those
21 twos, because we thought it was easier.

22 UNIDENTIFIED VOICE: It's helpful if they're
23 together when they're --

24 MS. OKES: Yeah.

25 MADAM CHAIR: On the same vehicle.



1 MS. OKES: And -- and so because of that
2 there's a lot of renumbering, and move a lot of moves of
3 the current rules. And so, because of all of that
4 restructuring we thought it was easier to repeal --

5 UNIDENTIFIED VOICE: To start over.

6 MS. OKES: -- and replace instead of doing
7 the tracking changes with the numbering. That was just
8 much too complex. We do on our website have that detailed
9 word by word track changes out there, cause we thought that
10 was important as part of the iterative process, so that
11 they could review that. But in the rulemaking, we are
12 proposing the repeal, and replacement of the rules.

13 In terms of updating the rules, they're --
14 they're several examples, but I wanted to give you a couple
15 of them. We're updating the school bus definitions
16 slightly, and what we're trying to do there is align those
17 with this national conference on school transportation
18 guidelines. The 50 states get together every five years,
19 and there's guidelines for these types of minimum standards
20 in different states. And so we wanted ours to reflect
21 those national ones just to keep up with, you know, the new
22 changes in technology.

23 Another update is to keep up with industry
24 practices. So right now our rules say, "stop on flashing
25 red." It needs to be painted in black letters, eight



1 inches. New technologies out there where you can have an
2 LED panel that says "stop on flashing red, warning." And
3 that's a really great advancement that could even be more
4 safe.

5 And so we wanted to allow districts, if they
6 chose, to be able to take advantage of that new technology,
7 so we've allowed that too. That's an allowance. It's not
8 an -- it's not mandatory, so we're still keeping that stop
9 on flashing red, but then we're also allowing, if you'd
10 rather you can do that LED panel. So that's an example of
11 what we're doing to update the rules.

12 Clarifying the rules. There are several
13 types of rules that we wanted to clarify. And one example
14 of that is related to the use of air brakes versus
15 hydraulic brakes. And it's basically the big buses need
16 the air brakes. And previously the rules referred to the
17 number of passengers, the seating capacity. And that got a
18 little confusing, because, well, what if I remove the seats
19 in my buses if I have those seats? Well then, do I need
20 air brakes or not? So we thought, well, it's easier to do
21 it based upon the type of bus. A type C, and a type D
22 instead of the passenger. So we thought that's a more
23 clear way of making that same requirement.

24 And then reducing the regulatory burden on
25 school districts. Again, we continually ask that question



1 working with our contacts in the districts about that. And
2 the primary change in this area is rule 4.01, and that is
3 to allow the purchase of used coach buses or the short term
4 rental of coach buses upon passage of a local Board of
5 Education resolution.

6 UNIDENTIFIED VOICE: And (inaudible), Madam
7 Chair, if I may. That when I talk about that if we get any
8 pushback on that, it could be on this one. And I -- I want
9 particularly to pay attention to what we're talking about
10 here, because it -- it is a chain.

11 UNIDENTIFIED VOICE: Yeah.

12 UNIDENTIFIED VOICE: Go ahead. I'm sorry.

13 UNIDENTIFIED VOICE: Madam Chair?

14 MADAM CHAIR: Yes.

15 UNIDENTIFIED VOICE: Did you -- I'm sorry,
16 did you say purchase or just rental?

17 MADAM CHAIR: Yes.

18 MS. OKES: Madam Chair? Thank you. Either
19 the purchase of a used motor coach bus, or the short term
20 rental. And -- and we want them to also have the local
21 Board when they do pass that resolution to ensure that
22 they've considered the safety recommendations of some
23 national organizations.

24 And so again, as Commissioner Hammonds
25 mentioned this, this is one area that could be



1 controversial, because --

2 UNIDENTIFIED VOICE: Yeah, you can, yeah.

3 UNIDENTIFIED VOICE: Yeah.

4 UNIDENTIFIED VOICE: Somebody explain that.

5 UNIDENTIFIED VOICE: Yeah. Could you

6 explain why?

7 UNIDENTIFIED VOICE: Yeah.

8 UNIDENTIFIED VOICE: Some of us are not --

9 MADAM CHAIR: We're not very --

10 UNIDENTIFIED VOICE: I've heard about it,
11 and I -- it's not -- I'm not clear right now what that was.

12 UNIDENTIFIED VOICE: Yes.

13 MS. OKES: Madam Chair?

14 MADAM CHAIR: Yes, go ahead.

15 MS. OKES: Thank you. Yeah. So I wanted to
16 start with some historical background. So school buses
17 have to meet 36 federal motor vehicle safety standards. So
18 the federal requirements, and those federal requirements
19 are based upon new vehicles being sold.

20 The National Highway Transportation Safety
21 Administration has authority over new vehicles being sold.
22 They don't have authority over how the vehicles are used
23 afterwards or the purchase of used. And so, there is
24 recommendations, so that's where the state agencies come
25 into play. And so therefore our minimum standards would



1 come into play about, well, how are school buses used after
2 their purchased new? Or the purchase of used buses. So
3 that's where our regulations come into play.

4 And so, there are a number of safety
5 standards for school buses that are different than other
6 types of buses, like, the coach buses. And those they have
7 roof rollover protection that's enhanced over and above
8 what's for normal buses. Also the seating, there's the
9 energy absorbing seating that's in school buses in lieu of
10 the safety belts or seat belts. And then the pedestrian
11 safety, the stop arms that come out of the side of the bus.
12 So those are much more stringent than regular buses.

13 And back in 2003 there was federal
14 regulations were changed that outlawed or prohibited school
15 bus or school districts purchasing new motor coach buses.
16 So the federal regulations prohibit school districts from
17 buying new motor coach buses. And instead there was this
18 new multifunction activity bus that meets all of those
19 same, you know, structural integrity of the school bus.
20 They just don't have the stop arms, and that's what's used
21 to go for activities or field trips, and those types of
22 things.

23 But again, those federal regulations don't
24 apply to the purchase of used buses. And so, following
25 that change in 2003, several of the national organizations



1 came out and said, "but we recommend that states look at
2 making the same prohibition on the used buses." And so,
3 that was the rulemaking that we undertook in 2007, and one
4 of the changes was to also prohibit the purchase of used
5 motor coach buses at that time.

6 The rules did allow a school district to do
7 a periodic rental of a motor coach bus. So if my school
8 district goes to state basketball, and so I choose to rent
9 a motor coach bus to take the team to the state finals,
10 then our rules would allow that. So that's been in place
11 since 2007.

12 UNIDENTIFIED VOICE: Excuse me, Madam Chair.

13 MADAM CHAIR: Yes.

14 UNIDENTIFIED VOICE: So is it that currently
15 they cannot buy used coach buses?

16 UNIDENTIFIED VOICE: If they have them, they
17 can use them, if they still run.

18 UNIDENTIFIED VOICE: Yes.

19 MADAM CHAIR: Yeah. Yeah.

20 UNIDENTIFIED VOICE: But they are not
21 allowed to purchase used.

22 MADAM CHAIR: Of course, (inaudible).

23 UNIDENTIFIED VOICE: The current rules are
24 there, not allowed to purchase them.

25 UNIDENTIFIED VOICE: And what do you



1 supposed the rent price is for coach buses now for school
2 districts? Just wondering.

3 MS. OKES: They're in -- Madam Chair, at the
4 time there was discussion about grandfathering in any coach
5 buses that were currently owned, and so that was allowed.
6 And so, during our rulemaking process, over the past
7 several months, we had heard that some -- some of the
8 districts are interested in replacing those grandfathered
9 motor coach buses.

10 They're getting older now, they're getting
11 more expensive. I think in some cases the buses have just
12 died, and so they've been retired, and districts are
13 interested in replacing their coach buses with coach buses
14 again, but that's currently prohibited by the rulemaking.

15 We took that issue to the Transportation
16 Advisory Council, and they had -- so we have some rural
17 school districts who have very strong feelings that they
18 want to buy this -- this. It's important because they can
19 get more equipment on those buses, because there's more
20 storage capacity.

21 The comfort levels, you know, the -- the
22 seats are bigger, they recline, it's more comfortable,
23 especially if you're on a long road trip that some of these
24 rural districts go on, so those are some of the reasons.

25 If you didn't have that storage capacity,



1 you might have to send two buses, which would drive up the
2 costs, because then you'd have to have the two buses, and
3 it's hard to get drivers. It's not easy, especially in
4 some of these rurals. So those are some of their reasons
5 for wanting them.

6 The Transportation Advisory Committee
7 members, they felt strongly that, no, these are not as safe
8 as school buses, and that we should keep the rules as they
9 stand. And, in fact, they believed that we should close
10 what they see is a double standard or a loophole with the
11 allowance of the short term rental.

12 So we had two divergent views, and we looked
13 at a lot of different options to say, well, what -- what's
14 the best way to -- to balance these two differing opinions.
15 One of the things that we did is in addition to looking at
16 the national organizations, we looked at what -- what are
17 other states doing?

18 And so we did a survey of other states, and
19 we had 19 responses to those, and found that the majority
20 of those 19 states do allow for the purchase of used motor
21 coach buses and also allow for the short term rental. And
22 so, that -- that played into it.

23 So that's how we came up with what we
24 thought was a -- a good alternative between these two
25 divergent views. A balanced approach that would address



1 the safety issues, so -- but also allow the districts to
2 look and evaluate their needs. It also honors that local
3 control environment in the state that we have.

4 And so, that's how we came up with a
5 recommendation to allow both the short term rental, and the
6 purchase of used coach buses, if the local Board of
7 Education passes a resolution, and that they have
8 considered all of those safety regulations. So we want to
9 make sure that the Boards, the local Board Members as well
10 as the -- the constituents in that area are aware of the
11 safety concerns.

12 MADAM CHAIR: Angelika.

13 MS. SCHROEDER: Do we have -- do we have
14 assurances that the local board will check their insurance
15 coverage? I don't -- I have no idea what the insurance
16 companies say and don't say about this, but I would predict
17 they say something.

18 MADAM CHAIR: Yes.

19 MS. OKES: Madam Chair, thank you. Yes.
20 We've -- I know that at least one district who's interested
21 in this has contacted their insurance, and it's one of the
22 ones with the grandfathered buses, and they were told we're
23 insuring you now. We don't have concerns with that.

24 I have had discussions with CASB, and part
25 of our, you know, outreach and discussions about that. We



1 wanted to have their input on that. So preliminary
2 discussions, and that's one of the things that we have
3 scheduled upcoming to also bring in the self-insured pool.

4 UNIDENTIFIED VOICE: Thank you.

5 MS. OKES: And so, I've not yet --

6 UNIDENTIFIED VOICE: Okay.

7 MS. OKES: -- had that --

8 UNIDENTIFIED VOICE: Okay.

9 MS. OKES: -- meeting, but we're having
10 those discussions, have started.

11 UNIDENTIFIED VOICE: Okay. Thank you.

12 UNIDENTIFIED VOICE: And one final question.

13 You said that you -- we -- you have removed the federal
14 rules from our -- from our rules. So does that mean a
15 school district must be cognizant of both? I mean they've
16 got two booklets of umpteen pages instead of one. Is that
17 how that works then?

18 UNIDENTIFIED VOICE: Go ahead.

19 MS. OKES: Madam Chair. No, we -- we did
20 have discussions about, well it is nice to have it all in
21 one place, and not have to look in different places. So
22 what we've done is we've made sure that we've kept the
23 reference to its FMVSS Federal Motor Carrier Safety
24 Standards, and so we give this -- the different numbers.
25 So FMVSS 222 or 219, and so we are giving them the



1 reference on that. And then it's on our website, but we
2 also have plans to expand, and make our website easier, so
3 that it's right there.

4 And if you look on our rules online, we
5 intend to have that, so when you see it on the website view
6 that you can click on it, and go straight to the
7 hyperlinks, because we did want to be cognizant of that
8 issue.

9 MADAM CHAIR: Question. What is your
10 website?

11 MS. OKES: It is -- I'm going to have to --

12 MADAM CHAIR: I have to go home and look up
13 the website.

14 MS. OKES: Look. But it is -- if you go to
15 CDE offices, then there's transportation --

16 MADAM CHAIR: Oh, transportation.

17 MS. OKES: -- and then that's --

18 UNIDENTIFIED VOICE: Just (inaudible) still
19 (inaudible), and you can send it (inaudible).

20 MADAM CHAIR: I never have thought to look
21 at the transportation.

22 UNIDENTIFIED VOICE: (Inaudible).

23 MADAM CHAIR: Okay. Does that take care of
24 her? Any other questions from the Board Members?

25 UNIDENTIFIED VOICE: Madam Chair, I just --



1 I just have to compliment Jennifer. She's learned more
2 about school buses --

3 MADAM CHAIR: Than she ever thought she'd
4 know.

5 UNIDENTIFIED VOICE: -- that she ever wanted
6 to know. And -- and I -- I appreciate the -- the effort
7 that she's done. And this has been a tremendous outreach,
8 knowing that there's parts of this that people do disagree,
9 but try to find a comparable solution. We believe at this
10 time you may not that support it with the rules.

11 MS. OKES: Okay. Thank you.

12 MADAM CHAIR: I would agree. I, you know,
13 with a cumbersome system that we have I think you've done a
14 great job of combining and -- and making it as simple, and
15 yet fulfilling the obligations that you have.

16 MS. OKES: Great.

17 MADAM CHAIR: I think you've done a good job
18 with it.

19 MS. OKES: Thank you.

20 MADAM CHAIR: Yeah.

21 UNIDENTIFIED VOICE: Can I ask a question?
22 So why do people disagree?

23 UNIDENTIFIED VOICE: Yeah.

24 UNIDENTIFIED VOICE: A district that doesn't
25 want to do it, doesn't do it? A district that the Board



1 approves it does. I'm -- I'm trying to figure out the
2 controversy -- controversial part.

3 UNIDENTIFIED VOICE: Well, it's just that
4 the -- primarily the urban superintendents of the Advisory
5 Board believes that, you know -- you know, and -- and --
6 and I can't disagree with them for their protection of
7 (inaudible) safety. They -- they feel they should go to
8 the max. Okay. But they're not out in the rurals that are
9 trying to make things work or don't have the funding.

10 And how can we create a system where the
11 Board can make a decision, they pass a resolution being
12 very conscious of what they're doing. Okay. Like, talking
13 to insurance, making sure everything's covered, but being
14 allowable. You know, when you look at 19 other states that
15 are allowing this, we just felt it was important to bring
16 this -- this change too, along with some of the other
17 changes we've been working on trying to carve down these
18 rules.

19 So, I mean, it -- this is just one of those
20 things where, and I being, you know, with my prior
21 experience as part having a fleet too, there is
22 differences, and some suburban districts and how they
23 believe.

24 UNIDENTIFIED VOICE: Are there differences
25 in data? I mean, it's always sad when we see in the news



1 of a bus -- a --

2 UNIDENTIFIED VOICE: Sorry.

3 UNIDENTIFIED VOICE: -- school bus accident.

4 Is there any data out there that shows any kind of
5 differences in accidents? Because we know students,
6 certainly in other states at least, are transported by
7 coach, and certainly college students --

8 UNIDENTIFIED VOICE: Yeah.

9 UNIDENTIFIED VOICE: -- I believe are almost
10 universally --

11 UNIDENTIFIED VOICE: Yeah.

12 UNIDENTIFIED VOICE: -- transferred by
13 coach. Thanks.

14 UNIDENTIFIED VOICE: Yes. So there is
15 safety, and we -- we looked at that. One of the -- we
16 participate, and do, you know, accident data compiling that
17 similar to the federal standards. And they're I think
18 partly transportation directors, and -- and fleet managers
19 out there, they're very proud of the safety record of the
20 buses in Colorado.

21 And so they're very -- that's one of the
22 reasons why some of them are against it, because they've
23 are so proud of how safe it is. That's school buses in
24 Colorado as well as across the country are very safe. And
25 so there isn't a lot of detail on the number of school bus



1 coach -- coach buses used in a school transportation
2 environment, because it's not done very frequently, because
3 the majority those are not used on routes, so they cannot
4 be used from school to home or school to school. It's just
5 for those activities. It's just for field trips or
6 athletic type things.

7 So, and then a lot of districts are using
8 the school buses or the route buses or the activity buses
9 that do meet those standards, so it's a very small number
10 of the total population of trips. So it's hard to -- to
11 get that -- that specific data.

12 And if I could, Madam Chair, I -- I forgot
13 to bring up a question in response to the discussion
14 earlier about the costs. So we work very cognizant of the
15 cost in all of these. In looking through the details prior
16 to coming up here, I think that there is one rule change or
17 at least one that I identified that is a new requirement on
18 districts, and it is for the body fluid cleanup kit and a
19 web cutter, a seat belt cutter in the event of an accident
20 that we -- they're required now in every school bus, and
21 we're adding the requirement to also put them in small
22 vehicles.

23 And so, that is a new cost in the rules.
24 And that was discussed in actually as Commissioner Hammond
25 mentioned, we have a rural superintendent here, so I asked



1 him his thoughts on that, since he was not involved in
2 those discussions. And -- and his comment was confirmed
3 what I gathered from our discussions with the other
4 transportation directors is most districts already have
5 these in many of their small vehicles anyway. So it's not
6 a new cost to them, even though it's a new requirement.

7 But even so, if you don't have those, it's a
8 minimal cost. And we had an estimate that the web cutter
9 costs \$8 per web cutter. And I did a quick Google, and my
10 first -- it was between \$9, and \$20 for that body fluid
11 cleanup kit. So there's a slight additional costs for
12 those districts that don't have those, but --

13 UNIDENTIFIED VOICE: (Inaudible).

14 UNIDENTIFIED VOICE: -- in case a student
15 vomits in a car that you could clean it up.

16 MADAM CHAIR: Thank you, Angelika.

17 UNIDENTIFIED VOICE: Too much information.

18 UNIDENTIFIED VOICE: Yes.

19 UNIDENTIFIED VOICE: I used to go --

20 MADAM CHAIR: But she asked for it.

21 UNIDENTIFIED VOICE: -- I used to go
22 (inaudible) the elementary kids on Saturday to the ski
23 thing, so --

24 MADAM CHAIR: You understand that.

25 UNIDENTIFIED VOICE: -- I get it. I



1 completely understand it.

2 UNIDENTIFIED VOICE: Yeah, so --

3 MADAM CHAIR: Good.

4 UNIDENTIFIED VOICE: (Inaudible).

5 UNIDENTIFIED VOICE: Sorry.

6 MADAM CHAIR: That complete? And -- and --
7 and thank you to Mr. Durban who came clear up here to hear
8 about. I'm sure you could tell us all about buses, if you,
9 but --

10 UNIDENTIFIED VOICE: (Inaudible).

11 MADAM CHAIR: -- I appreciate you coming.

12 And thank you ladies.

13 UNIDENTIFIED VOICE: Are there days like
14 this?

15 MADAM CHAIR: Wait a minute. We need to
16 tend to business here.

17 UNIDENTIFIED VOICE: Okay.

18 MADAM CHAIR: Any other questions? If not
19 I'll attain -- entertain a motion.

20 UNIDENTIFIED VOICE: I move to approve the
21 Notice of Rulemaking hearing for the rules for the minimum
22 standards governing school transportation vehicles, 1 CCR
23 301-25.

24 MADAM CHAIR: Second.

25 UNIDENTIFIED VOICE: Aye.



1 MADAM CHAIR: Second? Any objection? If
2 not, they stand approved. Thank you.

3 UNIDENTIFIED VOICE: Thank you.

4 UNIDENTIFIED VOICE: She should give it to
5 (inaudible).

6 UNIDENTIFIED VOICE: Hmm?

7 UNIDENTIFIED VOICE: She should give it to
8 (inaudible).

9 MADAM CHAIR: No, this isn't really where it
10 starts. I'm really excited about that one.

11 UNIDENTIFIED VOICE: (Inaudible)
12 transportation vehicle.

13 UNIDENTIFIED VOICE: No (inaudible).

14 MADAM CHAIR: Are you leaving, Lyndon?

15 UNIDENTIFIED VOICE: No, he's coming up.

16 MADAM CHAIR: Oh, you're coming -- you're
17 coming up to talk about marijuana? Oh, good. I can't
18 wait.

19 UNIDENTIFIED VOICE: That's right.

20 UNIDENTIFIED VOICE: I don't know how to
21 respond to that.

22 MADAM CHAIR: What, I got it here. What?

23 UNIDENTIFIED VOICE: (Inaudible).

24 MADAM CHAIR: Oh, that -- it needs to be
25 (inaudible).



1 UNIDENTIFIED VOICE: (Inaudible)

2 MADAM CHAIR: All right. Board, the next
3 item on the agenda --

4 UNIDENTIFIED VOICE: (Inaudible).

5 MADAM CHAIR: -- is a presentation from
6 Lyndon Barnett (ph) concerning a proposed resolution that
7 the (inaudible) Board would like to consider. Lyndon,
8 welcome.

9 MR. BARNETT: Thank you, Madam Chair. Thank
10 you commissioners. We have no commissioners, but still
11 (inaudible) members, okay.

12 So those of you that have been here for a
13 while are glad to see me, cause you know your meeting is
14 just about over, and to the two new ones, welcome.

15 UNIDENTIFIED VOICE: Thank you.

16 MR. BARNETT: So our Board the Capital
17 Construction System, Board (inaudible) and (inaudible)
18 Lyndon Barnett, the chair of that Board has asked me to
19 come here and ask for your support today for this
20 resolution. When we passed the legislation a few years
21 ago, some of you remember a few advertisements about \$40
22 million going to the public school construction in this
23 state, if we pass this marijuana initiative.

24 And, in fact, it did pass, but I think the
25 first year of this, our excess tax income was somewhere



1 around 3.65 million. And I think on this year, and if the
2 Commissioner -- Commissioner (inaudible) still in the room,
3 she can -- she may change these figures a little on me, but
4 it's about \$12 million this year and projected to be about
5 that next year.

6 And so what we found out is in the process
7 of making the rules to implement this excise tax, the
8 Department of Revenue made a rule that just says that
9 they're not going to enforce the excise tax to these
10 marijuana companies on the first time they take marijuana
11 from medical to retail. So we're missing a lot of income
12 that we would have had had that not happen.

13 So we've had our attorney general look into
14 what it would take to correct this, and they suggested
15 either a rulemaking change, an/or a piece of legislation to
16 perhaps go back, and clean that up, and -- and get the
17 money coming into these schools for the kids that I think
18 it was intended to, and so to the voters for.

19 So we're asking for your support. We've
20 gone to (inaudible) and CASB, and ask them, and they're on
21 board with us here, but we think it would carry some weight
22 to have State Board of Education behind us as we approach
23 the legislators to try to get this corrected, and hopefully
24 get more funding into the best program.

25 MADAM CHAIR: Thank you. And then can you



1 restate that in real legal exactly what is it we want --
2 you want us to do. You want us to approve what?

3 MR. BARNETT: So we want you to approve our
4 resolution as it's submitted, so just us --

5 MADAM CHAIR: Oh, I haven't looked at the
6 resolution.

7 MR. BARNETT: Oh, okay. I'm sorry.

8 UNIDENTIFIED VOICE: Don't you have a
9 question?

10 MADAM CHAIR: Yes. Pam.

11 MS. MAZANEC: I think there might be a
12 little mistake, a little typo in here. The second,
13 whereas, it says the, "whereas per statute does not
14 preclude medical transfers of marijuana." Should it be
15 transfers of medical marijuana into a retail facility? Is
16 that what you were talking about that there were medical
17 marijuana shops, and if they -- if they now decided to
18 become a retail marijuana, then we're missing out on that
19 income?

20 MR. BARNETT: Madam Chair?

21 UNIDENTIFIED VOICE: Yes.

22 MR. BARNETT: Yes. That's -- that's the
23 process as I understand it. It is --

24 MS. MAZANEC: Is it written in writing?

25 MR. BARNETT: -- only the existing medical



1 marijuana who transfer into the medical. So is it -- do we
2 get rid of the word (inaudible)?

3 UNIDENTIFIED VOICE: Because it looks like
4 transfers of marijuana.

5 MADAM CHAIR: I see what you're saying
6 there.

7 MR. BARNETT: Oh, yes.

8 MADAM CHAIR: Did you -- it should be --

9 MR. BARNETT: Well, it should be the excise
10 tax.

11 MADAM CHAIR: -- transfers of medical
12 marijuana is what --

13 UNIDENTIFIED VOICE: Including medical
14 marijuana facilities and now --

15 MADAM CHAIR: What?

16 UNIDENTIFIED VOICE: that they've decided to
17 change.

18 UNIDENTIFIED VOICE: (Inaudible).

19 MADAM CHAIR: Oh, Leanne has something, yes,
20 thank you --

21 UNIDENTIFIED VOICE: (Inaudible).

22 MADAM CHAIR: -- for joining the group.

23 UNIDENTIFIED VOICE: Please.

24 UNIDENTIFIED VOICE: (Inaudible).

25 UNIDENTIFIED VOICE: You did include me.



1 UNIDENTIFIED VOICE: Thank you, Madam Chair.

2 MADAM CHAIR: But we can --

3 UNIDENTIFIED VOICE: (Inaudible).

4 MADAM CHAIR: Well, let's -- let's
5 (inaudible) and then we'll back it up. Okay. Thank you.

6 UNIDENTIFIED VOICE: Thank you. In addition
7 to learning so much about school buses, I've learned a lot
8 about marijuana industry lately. So --

9 MADAM CHAIR: You're an expert, huh?

10 UNIDENTIFIED VOICE: You haven't been
11 hanging out in those places, have you?

12 UNIDENTIFIED VOICE: No, no. So when the --
13 when the statute was passed, what it said is in order for
14 retail shops to get inventory, they could receive a
15 transfer from a medical shop into the retail shop tax free.
16 And that made sense at the time. When you're just building
17 up your industry, you need some kind of inventory, and
18 medical marijuana can be grown, and sold excise tax free.
19 Okay.

20 So then there's this one time transfer from
21 a medical license over into a retail license that can void
22 those excise taxes. So you would think that once you have
23 your inventory established, and the industry is going, that
24 new shops that are open, new retail shops that are open
25 don't necessarily need to get medical marijuana on a tax



1 free basis to open up and have their inventory, because now
2 they have the ability to get their inventory from anywhere.
3 It's not just from an integrated grower.

4 So what -- what is occurring is that a new
5 shop, a new retail shop that opens can still obtain on a
6 one time basis, a tax free, excise tax free transfer of
7 medical marijuana into these retail shops. And that's
8 where -- that's where the best Board believes that there's
9 a benefit to the program, if that was not allowed anymore.

10 MADAM CHAIR: All right. So it was a --

11 UNIDENTIFIED VOICE: In the beginning --

12 MADAM CHAIR: -- a beginning procedure, but
13 it's now that they are so well established --

14 UNIDENTIFIED VOICE: Yes.

15 MADAM CHAIR: -- no longer necessary?

16 UNIDENTIFIED VOICE: Yes.

17 MADAM CHAIR: I understand. Yeah.

18 Question.

19 UNIDENTIFIED VOICE: So when -- aren't the
20 taxes at the time of sale?

21 UNIDENTIFIED VOICE: Madam Chair?

22 MADAM CHAIR: Yes.

23 UNIDENTIFIED VOICE: They are, but that's a
24 retail tax, and it's not the excise tax part of it.

25 UNIDENTIFIED VOICE: Oh, we're talking about



1 two different kinds of taxes.

2 UNIDENTIFIED VOICE: The excise tax is a
3 different tax that's on the wholesale portion of it. And
4 we weren't aware of this until we were like, well, where's
5 all this money we're supposed to be getting in the bill's
6 (inaudible) is not coming. And then we started looking
7 into it, and discovered that -- that this is how they're
8 doing it.

9 And thank you, Leanne. I could have never
10 explained it as well as you just did.

11 MADAM CHAIR: Yeah, yeah.

12 UNIDENTIFIED VOICE: So is there an excise
13 tax on a grower of marijuana for resale?

14 UNIDENTIFIED VOICE: I'm trying to get this.

15 MADAM CHAIR: Yes.

16 UNIDENTIFIED VOICE: Madam Chair? Yes.
17 When -- when the grower transfers the plants, and the --
18 the product over to the retail, that's when that excise tax
19 is imposed.

20 UNIDENTIFIED VOICE: Unless it's going to a
21 medical marijuana shop.

22 UNIDENTIFIED VOICE: Unless it's going from
23 a medical grower to a retail shop. One -- it's only on a
24 one time basis though.

25 UNIDENTIFIED VOICE: They can only



1 (inaudible).

2 UNIDENTIFIED VOICE: So we should be making a
3 lot of money.

4 MADAM CHAIR: So the second -- if they send
5 a second, third shipments, then you would collect that
6 excess --

7 UNIDENTIFIED VOICE: Yes.

8 MADAM CHAIR: -- but you're just not
9 collecting it on that first time --

10 UNIDENTIFIED VOICE: Correct.

11 MADAM CHAIR: -- exchange?

12 UNIDENTIFIED VOICE: Right.

13 UNIDENTIFIED VOICE: That can't be
14 (inaudible).

15 UNIDENTIFIED VOICE: So if I was a grow --
16 if I was a retailer, what I would be doing is I would be
17 opening multiple retail shops, and I'd be also having a
18 business that I can grow it, and then I'd continually make
19 my tax free transfers --

20 MADAM CHAIR: Yeah.

21 UNIDENTIFIED VOICE: -- over into these new
22 retail shops that I would just continually open.

23 UNIDENTIFIED VOICE: And that's what they're
24 doing, isn't it?

25 MADAM CHAIR: So the basic argument is now



1 that it's a pretty well established industry, there's no
2 longer -- that was maybe necessary for that first beginning
3 industry, but it's no longer necessary is what you're
4 saying.

5 UNIDENTIFIED VOICE: (Inaudible).

6 MADAM CHAIR: Makes sense.

7 UNIDENTIFIED VOICE: And the estimated
8 revenue that we've projected so far on this would be what?

9 UNIDENTIFIED VOICE: (Inaudible) city,
10 (inaudible).

11 MADAM CHAIR: Estimated revenue?

12 UNIDENTIFIED VOICE: That they bring into
13 the program if we did that?

14 UNIDENTIFIED VOICE: Advertised 40 million.
15 We sure haven't seen --

16 UNIDENTIFIED VOICE: No.

17 UNIDENTIFIED VOICE: -- on -- on this
18 particular change.

19 UNIDENTIFIED VOICE: Madam Chair?

20 MADAM CHAIR: Yes.

21 UNIDENTIFIED VOICE: It -- there has been
22 some nebulous estimates that maybe there's been about \$5
23 million that maybe hasn't come into the program, because of
24 these additional one time transfers into new
25 establishments.



1 MADAM CHAIR: But with this -- with this
2 piece of legislation that you're -- then it, even if it's
3 five million now, I would assume you would expect it to
4 grow and be more? Yeah.

5 UNIDENTIFIED VOICE: Madam Chair?

6 MADAM CHAIR: Yes.

7 UNIDENTIFIED VOICE: Yes, ma'am, I think so.
8 And this won't be a special piece of legislation, as I
9 understand it, there is a cleanup bill around the marijuana
10 industry that's circulating around the -- across the
11 street, I should say.

12 MADAM CHAIR: So you'll just be able to
13 attach it to that?

14 UNIDENTIFIED VOICE: And so, what we're
15 hoping to do is insert some language into that to -- to
16 stop this practice and so that we can collect (inaudible).

17 MADAM CHAIR: Any other questions here?

18 UNIDENTIFIED VOICE: Well, I do have one.

19 MADAM CHAIR: Yes, sir.

20 UNIDENTIFIED VOICE: I mean, this -- this
21 has to be a declining revenue stream over time. It seems
22 like just majoring on the minors. Fewer of these kinda --
23 kinda new stores are going to open over time. You know,
24 the one time they would have to be associated or opened by
25 someone who has an existing medical marijuana business in



1 order to make that one time transfer. I -- and I just
2 don't think it's worth our time to, you know, the five
3 million that you've already lost is gone. And from here on
4 out it's gotta be very minor. So I -- I just don't think
5 it's worth the time.

6 MADAM CHAIR: But it is such a -- I mean, I
7 don't like it, but it's such a growing industry. I don't -
8 - I don't know that we could just say it we're not gonna,
9 you know, it's not going to throw it out --

10 UNIDENTIFIED VOICE: We want the money.

11 MADAM CHAIR: -- worthwhile. Yeah.

12 UNIDENTIFIED VOICE: Okay Leanne, and this
13 is for you, because I'm not that well versed about
14 marijuana.

15 MADAM CHAIR: We don't know much about
16 marijuana.

17 UNIDENTIFIED VOICE: Has the medical
18 marijuana industry gone away or is it still --

19 UNIDENTIFIED VOICE: Thank you. Thank you.

20 UNIDENTIFIED VOICE: -- has it been replaced
21 by retail marijuana?

22 MS. EMM: Madam Chair?

23 MADAM CHAIR: Yes.

24 MS. EMM: Yeah. Thank you. The medical
25 industry still is in existence, and so you have your



1 medical areas, and then you have your medical shops, and
2 you have your retail shops. One of the things that is
3 somewhat interesting too is that you can have a medical
4 shop alongside a retail shop, but to go into two separate
5 places in the building.

6 And then one of the other things too is that
7 going back to Mr. Durham's question about or statement
8 about diminishing resources, and things like that. One of
9 the things also that will be occurring over time is that
10 there was a time period for cities, and counties to either
11 approve or deny the existence of -- of retail shops in
12 their areas.

13 And so, now we're seeing that some of the
14 new -- some counties and cities are now just allowing --
15 starting to allow retail shops in their area. They -- and
16 --

17 UNIDENTIFIED VOICE: Moratoriums.

18 MS. EMM: Yes, there are some moratoriums,
19 so -- so it is likely that for a period of time it will --
20 shops will continue to open. I know Colorado Springs I
21 think in some of the areas down south have been looking at
22 that, and I'm not sure where, where that landed or
23 anything, but there's pockets of areas where retail may be
24 opening up here in the future. And they would have the
25 ability to get those transfers tax free unless this were -



1 unless there were legislation or rule changes that stop
2 that.

3 UNIDENTIFIED VOICE: So this is a
4 resolution?

5 MADAM CHAIR: And it's -- it's an action
6 item. We don't have to take any action on it.

7 UNIDENTIFIED VOICE: Is there a resolution?

8 MADAM CHAIR: Is there a resolution, which
9 they're going to have passed or have or already have. This
10 is just an information item for us.

11 UNIDENTIFIED VOICE: Oh, okay. So all
12 right.

13 UNIDENTIFIED VOICE: Thank you.

14 UNIDENTIFIED VOICE: Go for it.

15 UNIDENTIFIED VOICE: I'll just have to call
16 Leanne later about more marijuana questions.

17 MADAM CHAIR: We want to know what's going
18 on here.

19 UNIDENTIFIED VOICE: No, I'm just kind of
20 intrigued by all of this. I'm trying to (inaudible).

21 MADAM CHAIR: Yeah, it is, you know, nobody
22 approves, but -- but if it will make money, I want my
23 share. Right?

24 UNIDENTIFIED VOICE: I guess we need to do
25 that.



1 UNIDENTIFIED VOICE: So you're going to send
2 this resolution to the committee or to the folks who are
3 hearing the bill, and you're asking for us -- you're asking
4 to be able to say that the State Board approves of this?

5 UNIDENTIFIED VOICE: Madam Chair?

6 MADAM CHAIR: Yes.

7 UNIDENTIFIED VOICE: Yes. We would like
8 your support on that.

9 UNIDENTIFIED VOICE: But we're not signing
10 anything?

11 UNIDENTIFIED VOICE: Well, we've signed
12 (inaudible) resolution, but we would just like it, you
13 know,, if you could take a vote, and say, yes, we would
14 support your Board in doing that. And then we --

15 UNIDENTIFIED VOICE: (Inaudible).

16 UNIDENTIFIED VOICE: -- would go to the
17 legislature and say, well, the State Board would also like
18 to see this marijuana income coming in, and see this
19 loophole taken out of the statute --

20 UNIDENTIFIED VOICE: Yes.

21 UNIDENTIFIED VOICE: -- clarified.

22 UNIDENTIFIED VOICE: Yes. Carrie.

23 UNIDENTIFIED VOICE: Madam Chair. This
24 month it is an information item. (Inaudible).

25 MADAM CHAIR: It will come back to us.



1 UNIDENTIFIED VOICE: (Inaudible) and it will
2 be placed back on your agenda for (inaudible).

3 MADAM CHAIR: Okay. Good. Debora.

4 MS. SCHEFFEL: Do charters have access to
5 that capital construction money or -- or not?

6 UNIDENTIFIED VOICE: Madam Chair?

7 MADAM CHAIR: Yes.

8 UNIDENTIFIED VOICE: Yes, ma'am. We built a
9 lot of new charter schools, and done a lot of construction
10 project in charter schools in this (inaudible).

11 MADAM CHAIR: Yes, they do, I can you that.

12 UNIDENTIFIED VOICE: So, and I would also
13 add that, so the marijuana, we don't know where this is
14 going to be, and how long this will go. The voters of this
15 state may come back in two or three years and go, this
16 isn't working, and that we're going to make it illegal
17 again. So we've not used any of the marijuana income money
18 that we're getting. It's all going into cash projects at
19 this point. We've not leveraged it with bonds --

20 MADAM CHAIR: Yeah.

21 UNIDENTIFIED VOICE: -- to this point --

22 MADAM CHAIR: Absolutely.

23 UNIDENTIFIED VOICE: -- and all that. So
24 we'll just have to see how that goes for a few years. But,
25 I don't know. You hear one place that this is going to



1 keep growing.

2 To Leanne's point I did see in the paper I
3 was going through when I got back in town Monday night that
4 one of the counties around here, was reconsidering opening
5 that, because they're starting to look at the tax revenue
6 that some of their neighbors are getting from marijuana
7 sales, and now they're relooking at -- at may be opening
8 that discussion up again in some of these county, and
9 little -- littler towns outside of the front range. So I
10 don't know where all this will go --

11 MADAM CHAIR: I don't either.

12 UNIDENTIFIED VOICE: -- but it's just a
13 loophole that we would like to see closed. The dollars
14 aren't coming, and the capital construction part because of
15 this. We think it's something that we might can get
16 changed relatively easily.

17 MADAM CHAIR: I know as an aside, I was very
18 disappointed that De Beque, Colorado, who lost so much
19 money because of the lack of the energy industry moved out
20 that they used to be, you know, fully -- they funded their
21 own education. They were one of those that did, and you
22 remember two years ago they dropped so dramatically they
23 had to go on school funding. They are now seeking to
24 become a marijuana center. And it just, it's sad. It's
25 really sad.



1 UNIDENTIFIED VOICE: It's really sad.

2 MADAM CHAIR: Yeah. That --

3 UNIDENTIFIED VOICE: Where is that?

4 MADAM CHAIR: De Beque, it's just about 20
5 miles out of Grand Junction.

6 UNIDENTIFIED VOICE: Aha, there you go.

7 MADAM CHAIR: You know, on the way to -- to
8 (inaudible) --

9 UNIDENTIFIED VOICE: The retreat.

10 MADAM CHAIR: -- on I-70. Yeah. So any --

11 UNIDENTIFIED VOICE: (Inaudible). Just
12 kidding.

13 MADAM CHAIR: -- other comments about
14 marijuana?

15 UNIDENTIFIED VOICE: No.

16 MADAM CHAIR: Thank you Linda for
17 (inaudible).

18 UNIDENTIFIED VOICE: Thank you very much.

19 UNIDENTIFIED VOICE: Nice to see you. Okay.

20 MADAM CHAIR: Okay. Do we have -- we got
21 any people, and I know we're not there yet, but do we have
22 any people signed up?

23 UNIDENTIFIED VOICE: Board report?

24 MADAM CHAIR: No, we -- we actually we got
25 Board reports, but I just asked her to look and see if



1 there was anybody signed up.

2 UNIDENTIFIED VOICE: Signed up about what
3 happened in retreat.

4 UNIDENTIFIED VOICE: We said (inaudible).

5 UNIDENTIFIED VOICE: Maybe -- maybe you'll
6 get it one day.

7 UNIDENTIFIED VOICE: I don't think
8 (inaudible) --

9 UNIDENTIFIED VOICE: How long is it?

10 MADAM CHAIR: There's nobody in the room.
11 You can't be committed. Okay. All right. The State Board
12 of Education member reports, individual Board Members may
13 report on upcoming activities.

14 UNIDENTIFIED VOICE: (Inaudible).

15 MADAM CHAIR: Okay. She's the only one? Is
16 she the lady that's sitting in the back there?

17 UNIDENTIFIED VOICE: (Inaudible).

18 MADAM CHAIR: Oh, no, okay. So after we've
19 done this, and if there's -- we'll see if she's here. If
20 somebody's here. Yeah. Thank you. Amazing. Okay.

21 Individual Board Members, anybody have anything individual
22 to report?

23 UNIDENTIFIED VOICE: Yes.

24 MADAM CHAIR: Yes.

25 UNIDENTIFIED VOICE: Excuse me. It's ups.



1 UNIDENTIFIED VOICE: Well, I think so.
2 Wasn't it last month when we didn't do Board reports,
3 because --

4 MADAM CHAIR: We didn't because it was so
5 late. We --

6 UNIDENTIFIED VOICE: -- our schedule was --
7 it was so late?

8 MADAM CHAIR: -- went away.

9 UNIDENTIFIED VOICE: So it's going to be
10 hard for me to remember, but we -- many of us did attend
11 the CASB Conference. I guess I just wanted to mention that
12 there's some really great speakers, and that my favorite
13 session was actually the very last one on Sunday morning.

14 Man, I forgot the guy's name. He used to be
15 a superintendent in your district, and he's now with CASB.

16 UNIDENTIFIED VOICE: Oh, Mark Davote (ph).

17 MADAM CHAIR: Oh --

18 UNIDENTIFIED VOICE: Mark Davote --

19 MADAM CHAIR: -- Mark Davote.

20 UNIDENTIFIED VOICE: -- hosted a session
21 with folks from a number of districts. Many -- some of
22 them rural, some of them front range about how they've been
23 using technology in their districts. And I was really
24 impressed, because this is something that's --

25 MADAM CHAIR: That's a group (inaudible) --



1 UNIDENTIFIED VOICE: -- been on my radar,
2 but --

3 MADAM CHAIR: -- worked with a lot
4 (inaudible).

5 UNIDENTIFIED VOICE: -- it, I mean, it --
6 it's -- it's all so organic in Colorado, but the fact that
7 there's just so much progress going on, and teachers are so
8 psyched about the opportunities to use technology that I
9 find that to be a great, very helpful session. As well as
10 the others, but that was definitely my favorite.

11 MADAM CHAIR: Yeah, Mark's doing a good job.
12 Anybody else who have board reports? Pardon?

13 UNIDENTIFIED VOICE: I do.

14 MADAM CHAIR: I can't hear you. (Inaudible).

15 UNIDENTIFIED VOICE: Yeah.

16 MADAM CHAIR: Okay, well that's fine. Jane,
17 did you have something?

18 MS. GOFF: Yeah, really quick?

19 MADAM CHAIR: Okay.

20 MS. GOFF: Really quick.

21 MADAM CHAIR: We're moving something not --
22 it was on -- several of you had asked about the on loan --
23 on loan employees, and we had it on the agenda for
24 tomorrow, but since we have extra time tonight, Robert has
25 agreed, if no one else has a board report, that he would



1 tell you about the on loan.

2 MS. GOFF: I do. I have really -- I have
3 three very quick things.

4 MADAM CHAIR: Oh, okay.

5 MS. GOFF: That I think it'd be better than
6 tomorrow, so --

7 MADAM CHAIR: Go ahead.

8 MS. GOFF: Okay. And some of this, Carrie,
9 and I will need to talk, but I thought you might want to
10 know the NASBE Annual Meeting has been moved back later,
11 what, by one week this year. I'll let -- I'll let you know
12 what that is. You know, normally we have that in about the
13 third week of October, just the week after we have our
14 meetings typically, but we're moving it back another week
15 in order to accommodate a major city event that's taking
16 place in Baltimore where the annual meeting will be held.
17 So just to let you know --

18 MADAM CHAIR: (Inaudible) in Baltimore.
19 We'll keep it opened.

20 MS. GOFF: -- you'll get, you'll get the
21 notice of that. You may have seen it already. Nine --

22 MADAM CHAIR: I've never been there.

23 MS. GOFF: -- September or October later in
24 the month. The other thing is the New State Board Member
25 Institute every summer. Every summer this year it's



1 expected that because that this past year was a more
2 general election year, and more appointments were made as a
3 result of election, and of governors. So the new State
4 Board crew is being refurbished, and -- and increased this
5 year.

6 So I just like to give heads up to anybody
7 who has not ever been able to take part, and it's going to
8 be in July. And it's -- will be in Arlington, Virginia
9 again. That's unless things change, and I doubt that it
10 will. So the New Member Institute, three days of
11 professional development, grounding in what it means to be
12 a State Board Member. Some of the -- the policy, not
13 policies of NASBE, although certainly that will be part of
14 it.

15 I possibly will be involved this year as a -
16 - as -- as past president I've got some other duties coming
17 on. One of them maybe taking over a little bit of the
18 history -- history. We'll see. I'll make myself look
19 historical. The storytelling part of NASBE, very short,
20 fun, interactive type thing.

21 And the only other last thing, two things
22 real quick. I'll pass out while I talk. The Senate Help -
23 - Help at labor -- help labor, what is it? Health, Labor
24 Education Committee and Pension Committee. The Help
25 Committee in the U.S. Senate, gosh, what's his name?



1 That's terrible. I know it. Lamar Alexander, who's the
2 new chair, and -- and the other, the ranking member on --
3 of the committee have said that early this year, 2015 the
4 intention is to get something rolling on ESEA.

5 UNIDENTIFIED VOICE: On what?

6 UNIDENTIFIED VOICE: ESEA.

7 MADAM CHAIR: Reauthorization (inaudible).

8 MS. GOFF: Reauthorization of ESEA. So it's
9 probably the clearest indication yet that they're actually
10 talking, doing, looking to move something. There are a lot
11 of short lists of what might be included. If you know, or
12 not, not too awfully long ago, but time flies. Maybe a
13 year ago the Senate actually proposed a series of sort of a
14 piecemeal package, I guess. I don't know. It's a set of
15 certain concepts, and they presented it, because he told us
16 a little bit about that before.

17 But now the indication is now that the house
18 is also perking up his ears, and that the hope is that
19 maybe we would -- we would actually have a chance to do two
20 things, and that is perhaps within a reasonable amount of
21 time come out with a reauthorization that we can all deal
22 with, hopefully.

23 And the other thing is that the hope that
24 holds out that education may be a bridge topic for some --
25 for some bipartisan opportunities, so that if that's true



1 on both parts. NASBE in the meantime, and I will email you
2 all a copy when it's -- when it's a cleaned up copy.

3 We have put forth a position statement.
4 It's about eight pages long of principles, and
5 recommendations, suggestions for the reauthorization. Very
6 quick summary of that experience. That was done by -- by
7 the state associations, State Board Associations Government
8 Affairs Committee, which as we know here was chaired by our
9 own Elaine Vance Berman (ph). And Elaine, together with
10 State Board Legislative Committee Members from their own
11 states, their own Boards, and the help of NASBE's
12 legislative contact, which -- which are is (inaudible) Reg
13 Lighty (ph) who has his own firm. He's been with NASBE for
14 quite a while, but they have developed this statement, and
15 it is -- it's actually a pretty remarkable.

16 You know, when I read it I see everything
17 we've talked about. There's a reflection of everything
18 that we have found to be of concern that we know our
19 constituents are concerned about.

20 UNIDENTIFIED VOICE: Summary.

21 MS. GOFF: But I will send you the link to
22 it. I'll call it something, so that you can recognize it
23 right away. Make sure Carrie gets a copy in her box of --
24 of where NASBE looks to be going at this point with that.

25 Reminder to all of us, NASBE is not a



1 lobbying organization. We do not lobby. We develop
2 policy, we work our positions, represents State Board
3 Members, but we ourselves are not lobbyists, so.

4 And then I have the thing on attendance
5 matters. So if you're ever in a school and you or you want
6 to just read good stuff about how to help kids understand
7 how importance attendance is, and those come from my
8 friends in Adams County. And you should share these with
9 your Board Members. So, that's it. Sorry.

10 Thank you for waiting. I mean, I'm not
11 sorry about anything, but thank you for letting me finish
12 my piece.

13 UNIDENTIFIED VOICE: Thank you.

14 MADAM CHAIR: Did you want to tell us about
15 that, Robert?

16 UNIDENTIFIED VOICE: Madam Chair, and
17 Members of the Board, I -- I just wanted to bring up I sent
18 you a correspondence on Monday talking about the issue that
19 the Joint Budget Committee, and those that -- that you were
20 there who heard that expressed --

21 MADAM CHAIR: They were kind of raising a
22 fit about.

23 UNIDENTIFIED VOICE: -- expressed concerning
24 on loan employees that we had at CDE.

25 Let me just tell you the -- we started the



1 practice, I think one time we had five, we're down to
2 three. But we started that practice back in 2012 thinking
3 that -- that was appropriate, and things -- a lot of things
4 changed from 2012 to 2015 on how people view things. But
5 it was an honest attempt to meet legislation, to accept
6 gifts, grants or donations, and really try to do everything
7 we can to carry out the -- the legislation, which we felt,
8 and were told that that's permissible to do.

9 When that was questioned by JVC, and for
10 those new Board Members, you have to understand the
11 integrity of this department means everything to me, they
12 should mean to you at this Board. And if there's any
13 questions, I take that very seriously. That's why, you
14 know, gosh, did we do something wrong? I didn't think we
15 did. That's why we asked for an informal opinion.

16 According to Tony Dyl, we did not, but,
17 okay, it does raise issues about workers' compensation.
18 Some of the things that the JVC members raised at the
19 meeting. What we've decided to do is stop the practice.
20 We're -- were three employees, where one ends in March, and
21 we'll go away anyway, so we were only down to two.

22 What we'll go back to the practice of when
23 we get (inaudible) for specific purposes we fund them. We
24 put them in the CD, and they become CD employees. But in
25 addition to that, and -- and I think you saw some of the



1 correspondence, and Steve had a very good point. It raises
2 an issue of who's controlling CDE. Okay. And for what?
3 And -- and I don't -- none of us want that.

4 And I want to be very transparent of that,
5 so we're working on our agreements that every time we
6 accept a gift's grants or donation there will be an
7 agreement. There'll be an MOU. It's going to be posted on
8 our website. It'll be very clear that they can't dictate,
9 (inaudible) what they do.

10 I mean, people give you grants for specific
11 purposes, but it has to be aligned with what we're doing,
12 and legislation, and -- and it -- the statute that says
13 that we can do that. But I want to be very transparent in
14 how it looks, what it's for, where the money comes from.
15 Okay. Very clear about that, and very clear about our
16 stipulations.

17 There is no influence. There's no this, you
18 can't do that. You can't do this. If we're -- we're -- so
19 then what it's requiring us to do is rewrite our grant
20 award letter at our -- and memorandum of your standing, and
21 then we'll all get that. Once we get the template done,
22 and the memorandum of understanding I will share that with
23 you. I -- I promise that. But I just wanted to let you
24 know I -- that -- how we do the department. We take it
25 very seriously, and we don't want anything to reflect. We



1 probably could have continued on with that, but, yeah, when
2 people question things like that, that's just -- that's not
3 appropriate.

4 So we know we put you in kind of a spot, and
5 I think there are two Board Members that we regret that.
6 But, anyway, I just wanted to bring that up to you. I
7 explained that to you, and if you have any further guidance
8 of me on that, please let me know. Steve.

9 MADAM CHAIR: Thank you.

10 MR. DURHAM: Madam Chairman?

11 MADAM CHAIR: Yes.

12 MR. DURHAM: Thank you, Madam Chairman. I
13 hadn't really given a lot of thought to this issue until
14 that hearing. I'd seen a lot of bills passed with the
15 gifts -- gifts, grants and donations whines, and they
16 didn't particularly bother me until we -- and without
17 casting aspersions here, but the question is, who's driving
18 policy? Is it the nonprofit foundation that is, you know,
19 may appear to be well intentioned, but certainly I presume
20 they're not parting with millions of dollars if they don't
21 have some agenda.

22 And -- and I'm just not -- I'm not even
23 certain looking at it now that I would support accepting
24 gifts, grants, and donations, and we're the government, and
25 we ought to live within the funding available. And if the



1 legislature thinks it's important for us to do something,
2 they'll fund it. And if they don't think it's important,
3 they won't fund it.

4 And I don't know that we ought to be
5 substituting our fiscal judgment for theirs. So I think we
6 need to look pretty carefully. I've always viewed gifts --
7 I've always viewed a grant as something we gave, let alone
8 not something we've received. And so I think, you know,
9 the -- personally, if we're offered a gift, I want to
10 personally see who's offering it, and I wouldn't be above
11 having them in here, and now I want to know why that they
12 think it's important to give us money. And what it is they
13 expect to accomplish if -- that they wouldn't accomplish,
14 that we wouldn't accomplish, if they didn't give us the
15 money.

16 So I think the bottom line is this whole
17 thing, and it's something I wish I'd thought about a long
18 time ago, and just simply didn't. It makes it look like
19 governments for sale. Whether it is or not is different
20 issue. It makes it look at it as if it's for sale. It
21 makes it look as if policy is for sale, and given some of
22 the pressures that we're under where we hear continually
23 about the evils of data collection, the evils of -- of
24 curricular direction, all those things, I don't know that -
25 - that I would take a grant from the Independence Institute



1 at this point, let alone from somebody else that --

2 MADAM CHAIR: Good point.

3 MR. DURHAM: -- that -- that might be, you
4 know, that might be funded by the Gates Foundation. So I
5 think we need to probably have a broad discussion of that
6 policy as to whether we accept any gifts or grants given
7 the scrutiny we're under, and -- and until I think some of
8 these broader issues that are creating all the controversy
9 out there are resolved, I would certainly want to be very
10 involved in reviewing what comes in. And -- and at least
11 having an opportunity question the grantor, see what
12 exactly it is they want to try and accomplish.

13 MADAM CHAIR: Thank you, Steve. Good point.
14 A couple of few things that I would --

15 UNIDENTIFIED VOICE: (Inaudible) respond?

16 MADAM CHAIR: Oh, go ahead, respond.

17 UNIDENTIFIED VOICE: I understand your
18 concerns. Let -- let us think about that, okay, because
19 that does pose certain challenges on us. I understand
20 where you're coming from. Don't mind having the discussion
21 with you on a broad base, but let us -- let us -- let me
22 think about this some more, and then we'll get back to you.

23 MR. DURHAM: Let me just go ahead and put in
24 the request now. I'd like to have a list of the grants
25 that we currently are receiving, and from whom.



1 MADAM CHAIR: And, of course if you, you
2 know, whenever we make a request it goes to everybody.

3 UNIDENTIFIED VOICE: Which is what --

4 MADAM CHAIR: No, no, that's fine. I want
5 you to (inaudible).

6 UNIDENTIFIED VOICE: Not opposed to sharing.

7 MADAM CHAIR: A few things I'd like to add,
8 yeah, before we have our -- our public comment. I want to
9 thank you all for electing me as your chair. I hope to do
10 a good job. Today was a kind of beginning day. I'm a
11 little shaky here, but I think I am confident I can do a
12 good job for you.

13 I'm also, Steve mentioned this morning, and
14 I -- I think one of the things we really need to do is do a
15 retreat, and if we can do that retreat and talk about, not
16 only those kinds of ideas, but I think we all maybe have,
17 you know, ideas about things we'd like to see.

18 Personally, I would like to see, and it kind
19 of goes along with yours, a period -- we have these Board
20 reports, and -- and sometimes we, you know, end up just,
21 well I went here, and I did this and that. And then we
22 moved them. They used to be earlier, and now they're at
23 the end of the day, and sometimes we're all tired, and we
24 don't do anything. So I would like to put aside some short
25 section of time where we -- where we could identify a



1 discussion that we all wanted to talk about.

2 I would love to have a discussion about
3 modern math versus traditional math, you know. And we
4 can't do anything about it, but just talk about it in here,
5 you know, have people. So that's one of the thing. I --
6 and -- and anybody else, you ought to be thinking about
7 things that we might be able to do.

8 UNIDENTIFIED VOICE: Reform.

9 MADAM CHAIR: What?

10 UNIDENTIFIED VOICE: Reform.

11 MADAM CHAIR: But, I mean, in a -- in a
12 retreat.

13 UNIDENTIFIED VOICE: Yes. Reform.

14 MADAM CHAIR: Yeah. Okay. Anyway, that's -
15 - we'll -- we'll, Robert, and Carrie will take care of
16 that, and hopefully we can do that, and have a chance to
17 talk about it all. You know, because there's always room
18 for change. Everybody gets ready to change.

19 I wanted to explain a little bit about my --
20 Robert's rules of order. I -- I know you think I'm a
21 little obsessive about it, but one time when Bob Shaffer
22 was president, and -- and he had to leave early, and he
23 left. And I -- I, I mean, within five minutes everybody
24 was ignoring Robert's rules.

25 And I -- I have to think it, you know, we've



1 had six years of male presidents, and so sometimes as --

2 UNIDENTIFIED VOICE: Exactly.

3 MADAM CHAIR: -- the female, we don't know.

4 So I really am, you know, and I just -- it isn't -- it
5 isn't me. It's just that that is such a good way to
6 control the agenda of a Board, and not we're wandering off
7 into, you know, get carried away. So I will ask you to
8 continue to use Robert's rules of order.

9 Just a little comment. I -- I know all -- I
10 think all of you got that lovely, beautiful calendar
11 yesterday from the Japanese, the Counsel at General of
12 Japan. Gorgeous, gorgeous.

13 UNIDENTIFIED VOICE: Absolutely.

14 MADAM CHAIR: And I was wondering if Janell,
15 if you might send them off of a -- a thank you note, and
16 tell them how much we appreciated that. Could you --

17 UNIDENTIFIED VOICE: (Inaudible) or Carrie.

18 MADAM CHAIR: Or Carrie or somebody send
19 them a note. And but on -- but on the other side, if
20 there's anybody who wants my copy, let me know, cause it's
21 way too big for me to carry home in an airplane. And I
22 have calendars all over this place, so if anybody would --
23 it's a lovely calendar. If anybody would like it, let me
24 know, and I'll bring it tomorrow.

25 I think that's pretty much all I had written



1 down here. So we will end the day with public comments.

2 And give me a minute to get to here.

3 Members of the public have the opportunity
4 to address the State Board. We have two people who have
5 signed up. And Carrie gave me this stuff, and I managed to
6 lose it by this -- oh, here we go.

7 Public reports are limited to three minutes.
8 We ask that you finish. If you're in the middle of a
9 sentence, you don't have to stop in the middle of the
10 sentence, but when, Ms. Markel will hold up a sign with the
11 three minutes.

12 Paul had a little alarm clock timer thing
13 that he used, but I don't happen to have one of those, but
14 we only have two people tonight. This is really very
15 different. We've been doing this, sometimes it's lasted
16 for a whole hour, so we should be able to do that.

17 So we will begin. Terry Lee Neilson.

18 UNIDENTIFIED VOICE: Did you see this?

19 MADAM CHAIR: She not here? Oh, Terry Lee
20 Neilson, okay.

21 UNIDENTIFIED VOICE: No, that's -- that's
22 not Terry Lee Neilson.

23 MADAM CHAIR: Gee, she (inaudible). Well,
24 our second one is Lily Tang Williams (ph). Lily. Welcome,
25 Lily.



1 MS. WILLIAMS: Happy New Year, Board
2 Members.

3 MADAM CHAIR: Thank you.

4 MS. WILLIAMS: Well, I have to tell you,
5 Anita is trying to find a place to park. So she -- oh,
6 it's terrible out there. I -- I got dropped off here
7 first.

8 Well, and I hope you all received my open
9 letter, because I sent to the School Board of Education,
10 and the staff did response, say that she forwarded it to
11 everybody. And I got the one Board Member wrote to me and
12 thanked me for my letter.

13 It's called a Chinese Immigrant Mother
14 Against Common Core. It's three-and-a-half pages, and it
15 was my older childhood picture there. So if you have
16 questions, tell me or email me or call me later, got
17 everything attached.

18 I'm here to ask you really consider a push
19 again the AP test that is coming up, and we are okay to
20 have to take this test in May. And I would like to ask
21 each of you consider to write a strong Board opposition
22 letter to the new college in framework opposed to it.

23 I have (inaudible) done some rating to it,
24 and there are lots of founding fathers. Historical events
25 are the emphasize. It's not a balanced approach. It



1 really bothers me as a Chinese immigrant from mainland
2 China I know how government controlled education can have a
3 nationalized curriculum and can alter history.

4 The graduates -- the graduates of today's
5 China's colleges students in their 20s, they don't know
6 what happened in 1989, Tiananmen Square when the government
7 shoot at their own students cause massacre, so many
8 students died.

9 And also they don't remember what
10 (inaudible) do in (inaudible) when 50 million people
11 starved to death. Do you really want our high school
12 graduates in America when they graduate they don't know
13 what constitution says? They don't know what the founding
14 fathers addressed. All those famous historical events are
15 gone.

16 Tom Jefferson, George Washington, not
17 mentioned much at all. MLK, he's addressed. I have a
18 dream, which is leader of civilized movement, not
19 mentioned. What kind of framework is that? I'm really
20 worried about they're going to rewrite U.S. history. And
21 you are our elected officials in Colorado. I'm asking you
22 to look at my letter, and then look at a new framework and
23 compared is the old one to say, really how many points, how
24 many important patriotic education, how many real
25 historical events, like, D-Days, holocaust, those are not



1 emphasized at all.

2 So you, our students will be directed to
3 this standardized test by college board to learn something
4 that really it's not really true to Americans who passed
5 the framework. And then you don't want them to be
6 indoctrinate like this way. And the nationalized tests are
7 like this. We need to nationalized curriculum. That's my
8 point.

9 And (inaudible) curriculum will indoctrinate
10 our children for years and generations to come. It is your
11 moral duty to really do some research, and to really look
12 at your heart, and look at American's history. Why are we
13 pushing this in Colorado? And we need to improve this
14 entire country.

15 Education is a (inaudible). It's a parent
16 to control, it's local Board control. We're not going to
17 give up in Colorado. We will hold each of you accountable,
18 and we will -- I will go to committees to testify, but I
19 need your support now. I need your support to put this
20 off, not to push this down our kids in May to (inaudible).
21 And we are going to collect data too.

22 I have another session to talk about the
23 data. So please consider this, and look at the open letter
24 and contact me if you have questions.

25 MADAM CHAIR: Thank you, Mrs. Williams, who



1 --

2 MS. WILLIAMS: Thank you.

3 MADAM CHAIR: I -- we appreciate what you
4 had to say. Ms. Stapleton, we thought you were going to be
5 missing.

6 MS. STAPLETON: I was finding a place to
7 park. Welcome to session, huh?

8 MADAM CHAIR: Yeah

9 UNIDENTIFIED VOICE: Thank you.

10 MS. STAPLETON: Happy New Year to all State
11 Board of Ed Members, and Commissioner Hammond. I am Anita
12 Stapleton, concerned parent, voter, taxpayer, and most
13 importantly American.

14 Today I am presenting 69 letters of
15 opposition to the Common Core Education Reform, which
16 represents the real voice of Coloradoans. This brings the
17 total letters to 3,455.

18 Today I am here to state my new year's
19 resolution to the Board. I resolve to continue coming
20 monthly to the State Board meetings to bring the true voice
21 of Colorado in opposition to the Common Core. I vow to
22 bring signed letters, whether I have one or 500 until
23 Colorado repeals Common Core. I resolve to continue to
24 bring factual and beneficial information from subject
25 matter experts to share with this Board.



1 Business to inform and support all of you as
2 you do the work the people of Colorado has elected you to
3 do. I resolve to continue to be -- be part of the solution
4 to the problems that we have in education.

5 I finally resolve to continue to hold all
6 elected representatives accountable to what is best for
7 Colorado's education system, not only academically, but
8 fiscally.

9 With this being said, today, I am giving you
10 a very good white paper written on the Common Core math
11 standards. The author is Zev Gorman (ph) with the Pioneer
12 Institute. He points out what math standards have shown to
13 be very effective in improving students' performance in
14 California. Particularly, he demonstrates the positive
15 outcomes for poor and disadvantaged students.

16 In addition, I have enclosed a copy of
17 Dr. Zander Stoskey's (ph) outline on how states can replace
18 Common Core with improved standards. Remember Dr. Stoskey
19 was handpicked by this administration to serve on the
20 Common Core Validation Committee, and put her stamp of
21 approval on them, but she could not. She recognize the
22 flaws in the standards and refused.

23 This legislative session promises to bring
24 proposed legislation that will make positive changes to the
25 detrimental consequences of race to the top, unfunded



1 mandates, and the Common Core state standards initiative.

2 First, Colorado must recognize the problems
3 with this reform, and then have the solutions ready to be
4 put into place. Dr. Stoskey is more than experienced
5 enough to help us. She was instrumental in bringing
6 Massachusetts to number one in the nation for 13 years.

7 Last month, I handed you all a copy of both
8 her and Dr. Milgram's (ph) outline of the flaws with the
9 Common Core ELA in math. I hope you made the effort to
10 review the material.

11 I will close with two final requests. I
12 continue to urge -- no, I demand that this State Board send
13 another letter with strong content to the College Board
14 rejecting the rewrite of American history under the AP
15 history (inaudible) framework. This needs to be done now
16 before the new test is given in May.

17 Taking a strong public stand is imperative
18 to the students and parents of Colorado. Don't wait until
19 these students take the test and fail to achieve the high
20 scores they anticipate. The community will not accept that
21 this board did not have an opportunity or knowledge of the
22 problems that are aligned to the new framework.

23 Finally, again, I continued to beg this
24 Board not to entertain a motion to vote yes on the next
25 generation sciences. Next month I will address this issue



1 in more detail. Thank you.

2 MADAM CHAIR: Thank you, Mrs. Stapleton.

3 And I gather there's no one else who wants to speak? If
4 so, if there's anything else anybody else to add to the
5 agenda, then we will -- oh, we will not it -- what is it
6 that Paul did?

7 UNIDENTIFIED VOICE: Recess.

8 MADAM CHAIR: We'll just go away and come
9 back tomorrow.

10 UNIDENTIFIED VOICE: Recess.

11 UNIDENTIFIED VOICE: Recess.

12 UNIDENTIFIED VOICE: Recess until tomorrow.

13 MADAM CHAIR: Recess. That's the word I was
14 looking for. Thank you. We will recess this meeting until
15 tomorrow morning at 9:00 a.m. Thank you all.

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 14th day of January, 2019.

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

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